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Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, March 1, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Remind, always, O gracious God, of the needs of those people who face the pain of loss or tragedy in their lives or in the lives of those near to them. We admit, O God, that we do not comprehend fully the depths of anguish or hurt or why the righteous suffer, yet we lay claim to Your promises and the everlasting hopes that rise within the human heart. May Your good spirit, O loving God, bless all those who turn to You for light and strength and may Your peace that passes all human understanding be with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California [Mr. MINETA] please come forward and lead the House in the Pledge of Allegiance.

Mr. MINETA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

AMERICANS WANT CLEAN AIR

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, the United States is choking—and this is one time the Heimlich maneuver cannot save us.

We are choking from smog.

We are choking from contaminated ground water.

We are choking from White House doubletalk on the environment.

Mr. Speaker, last Sunday, San Jose Mercury News writer Phil Yost warned that unless we repair our environment and soon, "The danger is not to life on Earth. The danger is of wrenching social disruption."

Mr. Speaker, as this graphic by Kevin Boyd of the Mercury News indicates, global warming does not slack off at a national border. And unless we act to stop global warming, we risk doing damage to ourselves and to our neighbors around the world.

That is not what Americans want.

Americans want clean air and clean water.

Americans do not want acid rain or toxic fumes to become one of our leading exports.

The President may say he wants to be the environmental President. But it is no sale when he says he favors a new Department of Environment only to slash funding in his latest budget for the Environmental Protection Agency.

Mr. Speaker, you cannot fool the American people when it comes to the environment. But unfortunately, there are no pollution laws covering hot air from the White House.

TRIBUTE TO LYNDA AND JERRY CABELA

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SMITH of Nebraska. Mr. Speaker, I rise today to share with my colleagues the story of a remarkable woman. Lynda Cabela, of my hometown of Chappell, NE, was, in her own words, "riding the crest of a perfect wave," when she was diagnosed as having amyotrophic lateral sclerosis, ALS, more commonly known as Lou Gehrig's disease. ALS is a degenerative disorder for which there is no cure.

With the diagnosis, Lynda Cabela says she was torn from the crest and thrown to the rocks below.

But for Lynda and her husband Jerry, they have chosen not to dwell on the inevitable. Together they continue to face the many challenges of the disease.

With the exception of her physical therapists, Jerry provides all of Lynda's care. And his love and devotion to his wife is obvious each time he drives her in their specially equipped van, or when he called all over the country, and the world, to find a computer sophisticated enough to allow Lynda to maintain communications as the disease progresses. Day by day they focus on the time they have together—with their sons, family, and friends.

At the present time, Lynda Cabela cannot move her arms or hands, cannot walk or talk, and is fed through a feeding tube. Control of her body has been completely lost—except for her fine mind, eyes, ears and one big toe, with which she operates her computer.

Yet Lynda has just published a book, "Pot Holders and Love Handles," a book of inspiration and gourmet recipes, which she compiled and typed herself using a specially designed computer system that allows her to operate the keyboard with her big toe.

Having completed that project, Lynda is busy promoting sales for her book and drumming up support for ALS research, to which she is donating the proceeds from the book.

Lynda uses her computer to correspond with other ALS victims and has written a chapter for a book compiled about the disease.

Lynda Cabela says in this chapter what is necessary for her and others like her is to deal with their innermost feelings and to get on with life, not dwelling on what might have been.

Lynda and Jerry have looked death directly in the eye and found life. And through their insatiable desire to live life to the fullest, they have ridden the crest of a wave the heights of which few of us will ever reach.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I would like to submit for the RECORD a recent article from the North Platte Telegraph about this very special and dear couple, Lynda and Jerry Cabela.

It's a Death Sentence—But Woman With ALS Focuses Instead On Life

(By Sharron Hollen)

CHAPPELL.—There was no judge and no jury—there wasn't even a crime—when Lynda Cabela's death sentence was pronounced.

Amyotrophic Lateral Sclerosis. ALS. Lou Gehrig's Disease.

The cause is unknown. There is no cure. And the disease is terminal, on the average within four years of onset. Its progression is also merciless as nerves that feed the muscles die and in turn the muscles starve to death.

Cabela, 44, no longer can walk or talk, she is unable to use her hands or arms and, because she can no longer swallow, receives nutrition through a surgically implanted feeding tube. Her only mobility is in her big toe, which she uses to operate a computer that provides her communication link with the world.

"Go home and put your priorities in order. If there's anything you want to do, do it in the next six months," the doctor had said in October 1986 as he pronounced Cabela's death sentence and then left the room.

Cabela recalls that in the next five minutes she careened through anger, denial and on into some form of acceptance as she prepared to drive the several hundred miles home to Chappell.

"My time had instantly become priceless and what I did with it was all-important," Cabela recalls through her writing via the computer.

"I thought about how it would be when I had to come face-to-face with my family, friends and business associates. I knew it would be difficult for me but that I would also be setting the tone for the way people would treat me for the rest of my life. I knew there would be some tears, but I also knew I wanted them to be few," her writing continues.

Cabela is a 1963 graduate of North Platte High School. Her mother is Elaine Richman.

Until the moment Cabela was advised she suffered from ALS, she saw herself as "riding the crest of a perfect wave."

At age 40, she and her husband, Jerry, were working together in a successful family business. They were justifiably proud of their two sons, Mike, then 17, and Pat, then 15.

Lynda Cabela was president of the Chappell Board of Education, was soon to become president of the Chappell Chamber of Commerce. She was chairman of the work and family committee for the Nebraska Commission on the Status of Women; had just been appointed to the state's Energy Bank and was on the Republican party's State Central Committee. As second vice president of the Nebraska Business and Professional Women, she was in line to become that group's state president.

She also was known for her expertise as a gourmet cook and gracious dinner hostess. She did elaborate catered dinners as a sideline business.

In the early part of 1986, the only burble on that perfect wave was really more of an irritation. Cabela's left hand seemed too weak to carry her briefcase, she had trouble moving her hand. Unknown to her, the disease was in its onset stage.

Following her diagnosis, Cabela resigned almost everything, "salvaging an immense amount of time."

"I had literally been drunk with my own imagined power. ALS brought me back to reality and to the people and things most important. I had my priorities in perspective and was ready for the fight of and for my life," Cabela's writing reflects.

Within months, Cabela's speech was gone.

"Her physical deterioration was so rapid it was almost frightening," her husband recounts. With the exception of the physical therapists who come in daily to exercise Cabela's limbs to keep the muscles and joints from pulling up, Jerry Cabela provides all of his wife's care.

ALS destroys the body. It does not affect the mind.

"I'm still the same person on the inside," Cabela taps out.

Although she no longer is able to eat or swallow, Lynda Cabela has just completed writing a cookbook, "Pot Holders and Love Handles." It is a gathering of 150 of her finest receipes, along with cooking and entertaining tips and suggestions.

"The old toe is smoking but the gathering of these recipes has been a labor of love . . . and something I could still pretty much do on my own," Cabela says in the introduction of her book that was written one toe tap at a time.

Proceeds from the cookbook, which is $6 and available from Lynda Cabela, Box 759, Chappell, Neb. 69129, will be donated to ALS research.

Lynda Cabela's disease carries with it a death sentence.

But it is life, rather than death, that Cabela remains deepy involved with. That is abundantly clear in the message that's there on the computer's screen.

"I knew at the onset that I could be just as miserable as I chose to be. That I could make those around me miserable, too. Life, any life, is far too short to be spent like that."

Option Is to Get on With Life

(By Bob Moore)

CHAPPELL.—In May, 1987, Lynda Cabela gave the commencement address at her son's high school graduation in Chappell. A year later her attempts at speech were mostly unintelligible. Lynda suffers from Amyotrophic Lateral Sclerosis (ALS), also known as Lou Gehrig's disease. ALS is a particularly nasty degenerative disorder for which there is no cure. The nerves that feed the muscles die, and in turn, the muscles starve to death. The lifespan of an ALS victim averages four years from the onset.

At the present time Lynda cannot move her arms or hands, cannot walk or talk, and is fed with a feeding tube. Yet she has just published a cookbook, *Potholders and Love Handles*, which she compiled and typed herself. Now, having completed that project, she is busy promoting sales for her book and drumming up support for ALS research, to which she is donating the proceeds from the book.

Lynda uses her computer to correspond with other ALS victims, and has written a chapter for a book being compiled about ALS. "What is necessary for me, and others like me," she says in this chapter, "is to deal with our innermost feelings and to get on with life, not dwelling on what might have been."

Lynda is a communicator. Her living room "office" resembles a communications command post. A computer that talks, an emergency telephone line, a TV, and a VCR are near at hand—or for Lynda, near to toe. Her right big toe operates all these machines with which she communicates with the world.

Two faithful friends share the room with her—Heiney, a German shorthair, and Chin, an aging Chow on the verge of deafness. Lynda uses the audio amplifier of the computer "voice" to talk to her canine friends. "Heiney, who's outside?" she asks by pressing a voice command phrase on her computer terminal, and Heiney runs to the window to check for visitors.

A good part of her working day is spent without human companionship. If an emergency should arise, she need only press a button on her computer toe pad and a beeper is activated at Sidney Memorial Hospital, who immediately telephones her husband, Jerry, at the family owned furniture store. Jerry is her only nurse, but he is away several hours each day managing the family business in downtown Chappell. A physical therapist visits daily for about 45 minutes. The rest of the day she in on her own. And that' the way she wants it.

Having ALS, she believes, doesn't mean throwing in the towel. She quotes Abraham Lincoln: "Most people are about as happy as they make up their minds to be." Lynda has made up her mind to be happy. "I knew at the onset," she says, "that I could be just as miserable as I chose to be; that I could make those around me miserable too. Life, any life, is far too short to spend like that."

In her chapter of the upcoming book about ALS, Lynda describes how she learned she had the disease in 1986: "I began to experience a weakness in my left hand. I had trouble carrying my briefcase, which by now was voluminous (Lynda was president of the Chappell Board of Education, president of the Chamber of Commerce, chairman of the Nebraska Work and Family Committee, and on the board of the Nebraska Energy Bank), and I would kind of hook that hand on the steering wheel as I sped east and west across the state."

Her local doctor referred her to a neurologist in Denver, and then to the Mayo clinic in Minnesota. "The doctor told me I had Amyotrophic Lateral Sclerosis. 'Do you know what that is? he asked, 'No,' I replied, thinking how bad could something be I had never heard of? He asked, 'Do you know what Lou Gehrig's disease is?' I could feel my skin getting clammy as I replied. 'Yes, and I don't think that's a very good thing to have. How long do I have?' 'Probably three or four years,' he said. I braced myself and asked, 'And how will I die?' More than likely you'll starve to death,' he responded and left the room. So much for bedside manner and new medical procedures; the age of full disclosure is upon us.

"I went through denial, anger, and acceptance in the first five minutes, and then got on to the more important things—my options."

The options included learning how to cope with everyday problems her doctors didn't warn her about. There was, for instance, the "gobs of goob," copious amounts of sticky saliva "that literally make me feel as though I were drowning in spit." Finally, a specialist was found in San Francisco who prescribed a medication that controlled the problem.

Then there was the problem of communication. Within a year of her diagnosis she had lost the ability to speak. Insurance companies didn't feel that communication was a necessity to health and refused to help cover the cost of aids. "Never have I had something so frustrating or terrifying to deal with. I assure you, the lack of the ability to communicate causes the ultimate in stress."

The search for a communication device began. There were no lists of what was available. A doctor would recommend one kind, a speech therapist another, a relative would discover yet a third kind of device. Descriptive literature came on still more kinds. None were satisfactory. "Most were too slow, were for a child's use, didn't fit my capabilities, or weren't expandable," Lynda explained.

Then one day a friend sent her an article on Stephen Hawking, a longtime ALS victim and physicist from England. The article pictured him with what appeared to be a more sophisticated communication device than Lynda had yet seen. Jerry made several phone calls, talked to Hawking, and finally Lynda had found the kind of machine she needed. "I tell people that not only does it allow me to talk, write, and entertain myself, it lets me lecture, boss, argue, and swear, which is much more like my personality."

The computer has a 2700-word vocabulary. Lynda demonstrated a few of its speech capabilities. She can program a phrase she is likely to use often, and then "hot key" the program into a single key command. "Jerry, you need to go to the grocery store." "Heiney feels like he's being ignored." And there is still a "mother's phrase" left in the machine for her two boys, Mike and Pat, now students at Chadron State: "Where are you going and who with?"

Do the majority of ALS victims have these computers? No, says Lynda. "A lot of people don't know about them, and many of those who do know just don't care to do as much as I do, so they don't use them."

As the interview nears its conclusion, Lynda types a message on her computer screen: "I would like to sell the cookbook." Copies are $6 each, including shipping and handling, from P.O. Box 759, Chappell, NE 69129. Profits go to ALS research.

"Thank you for coming," Lynda says with her toe on the computer pad.

AMERICANS CAN EXPECT CLEANER AIR

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, in the 13 years since the Clean Air Act was last amended, much has changed. Eastern Europe has grown from a stronghold of communism to a laboratory for developing democracy. Nelson Mandela has gone from being jailed as a terrorist to being released as a leader. And Daniel Ortega has gone from leader of Nicaragua to loser of an election.

But, during that time, the quality of our Nation's air has not improved.

The prior administration's opposition to improvements in the Clean Air Act have allowed toxic chemical releases to threaten many regions, urban smog to affect the health of millions, and the precursors of acid rain to acidify dozens of lakes and streams.

This must change. I came to Congress committed to passing a clean air bill and getting it signed into law. No group can expect 100 percent of what it wants as we deliberate on this legislation. But the American people can expect cleaner air.

While several stumbling blocks remain prior to passage of this bill, the good news is that it is finally clear that Congress will pass amendments to the Clean Air Act. And the President will sign those amendments.

The people of this country demand no less. Nor should they expect any less from the Congress and the President.

DO NOT LOWER GUARD

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, let Members not lower our guard. No person wants peace and freedom more than the Members here today. No person wants it more than I. However, there are three major stumbling blocks between now and 1990 when we can see a world full of freedom.

One is that the Soviet Union and the United States will probably be the remaining superpowers of the world militarily, no matter what else happens by the year 2000, yet they have proceeded in the Soviet Union with strategic modernization of missile capability to destroy the world at an unabated rate. We must negotiate this downward, and as a source of great concern, while they are really abandoning the airtight position on CFR conventional forces. They are not moving toward peace or freedom in missilery. Second, they support dictatorships throughout the world at a yet unparalleled rate of rubles in Cuba, Angola, Ethiopia, Afghanistan, Libya, they still support out-of-date dictatorships.

Third, terrorists, terrorism throughout the world, we know is now huddled in a few remaining outdated dictatorships in terrorist countries like Libya, Syria, and a few others. If the Soviet Union continues to support both morally and with money those leaders in those countries that provide terrorists throughout the world. Let Americans not lower our guard.

THE 25TH ANNIVERSARY OF THE OLDER AMERICANS ACT

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DOWNEY. Mr. Speaker, today, it gives me great pleasure to introduce, with 39 of my colleagues on a bipartisan basis, a concurrent resolution celebrating the 25th anniversary of the Older Americans Act.

As the chairman of the House Select Committee on Aging's Subcommittee on Human Services, it is an honor to pay tribute to the act and its successful implementation over the past 25 years. Millions of senior citizens throughout America benefit greatly from services provided by the Older Americans Act.

A principal feature of this resolution is its recognition of the critical work performed on a daily basis by the aging network which was established by the act almost two decades ago. This network consists of thousands of individuals in the Administration on Aging, State agencies on aging, area agencies on aging, congregate and home delivered meals program providers, and other supportive services.

Those individuals and organizations, including colleges and universities who participate in title IV's research, training and demonstration programs and individuals and organizations who make up the title V, Senior Community Service Employment Program are responsible for the many accomplishments of the act thus far.

It is appropriate to note that the distinguished chairman of the Senate Special Committee on Aging, Senator DAVID PRYOR, will be introducing an identical resolution today commemorating this important achievement. Later this year, the Administration on Aging will be sponsoring a celebration of the silver anniversary of the act, which was signed into law on July 14, 1965 by President Lyndon Baines Johnson.

I urge my colleagues to join me in cosponsoring this resolution which will set the stage for the celebration, and reaffirm Congress' commitment to the goals of the Older Americans Act.

As we prepare to take on the problem of long-term care, it is important that the strongest efforts be made to provide alternatives to institutionalization and allow the senior citizens of our Nation to live active and independent lives within their communities. The Older Americans Act is essential to accomplishing those goals.

At this point in the RECORD, I wish to insert the text of the resolution for the review of my colleagues. In addition, I feel it is appropriate to place in the RECORD a summary of the history and objectives of the Older Americans Act as printed in a report issued by the Subcommittee on Human Services in 1988 entitled, "Older Americans Act: A Staff Summary."

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Whereas 1990 marks the 25th anniversary of the enactment of the Older Americans Act of 1965;

Whereas during the past 25 years, implementation of the Act has contributed to the economic well-being, and has improved the quality of life, for millions of older Americans;

Whereas one of the key elements contributing to the successful implementation of the Act has been the establishment of the aging network composed of State and local agencies on aging, congregate and home-delivered nutrition providers and many other community service providers;

Whereas the Administration on Aging, created by the Act, has been empowered to act as an effective advocate for the concerns and needs of older individuals;

Whereas many elderly citizens and those who serve their needs have benefited greatly from research, training and education provided through programs under the Act;

Whereas services under the Act has provided important part-time community service employment opportunities for low-income older individuals, many of whom work to provide services to older individuals;

Whereas some of the programs under the Act were designed to address the special needs of older Native Americans;

Whereas some of the programs under the Act were created to address the specific concerns of those in the greatest social and economic need, particularly minorities;

Whereas many services under the Act, including the long-term care ombudsman and legal services providers, have acted as powerful advocates for elderly persons;

Whereas the Act has periodically been amended by Congress in recognition of the changing needs of the rapidly aging society;

Whereas the Act has inspired and brought together thousands of dedicated professionals and volunteers;

Whereas the Act serves as a model for the development of community based services including those that provide alternatives to institutionalization of older individuals;

Whereas the Act serves as the foundation for an effective human service policy for millions of Americans as we enter the next century: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the 25th anniversary of the enactment of the Older Americans Act of 1965 and the successful implementation of such Act should be recognized;

(2) the many and varied contributions at all levels of the aging network should be acknowledged and commended; and

(3) support for the Older Americans Act of 1965, and its primary goal of providing services to maintain the dignity and promote the independence of older individuals in the United States, should be reaffirmed.

OLDER AMERICANS ACT: A STAFF SUMMARY

PAST ACCOMPLISHMENTS AND ISSUES FOR THE FUTURE

Over the past 23 years, the Older Americans Act has created the framework for a comprehensive State and local network of services and activities for the elderly which did not exist before 1965. While it is recognized that resources provided under the Act were not intended to respond to all the needs of the elderly, the program is the major source of Federal support for planning of, and advocacy for, services and activities to benefit older persons. It is also the chief categorical program of social and nutrition services for older persons, and has major responsibilities for training, research and job creation for this group. Although the program's total funding does not represent a significant proportion of the total Federal budget devoted to the elderly, certain aspects of the program heighten its importance for older persons. Because program emphasis has been placed on designating State and community focal points for planning and coordinating services for older persons, and on requiring that State and area agencies on aging garner resources in addition to the direct funding provided under the Older Americans Act, the program has the potential to improve services for all older persons.

While the various service programs authorized under the Act cannot fully meet the needs of all other persons in certain areas, they have the ability to provide services to some persons who would not otherwise receive them. For example, in the area of employment, the community service employment program authorized under title V is the only direct job creation program for older persons. It represents not only a source of income for low-income older persons who may not otherwise be employed, but also has the potential to provide job experience which enrollees may translate into unsubsidized employment opportunities. Another example is the role State and area agencies on aging have played in developing community-based long-term care systems. Although the title III program supports only a limited amount of long-term care services due to its relatively small level of funding, many State and area agencies on aging made strides to improve the overall long-term care service delivery system. They have done this through coordination activities with health and other social services agencies and through actions to reorganize community-based systems to more effectively serve those in need of long-term care services. In addition, because State agencies on aging have major responsibilities to act as ombudsmen to resolve complaints on behalf of residents of long-term care facilities, they fill a role that other social service or health agencies do not.

Another facet of the title III programs which differentiates it from some other social service programs is its prohibition on means testing as a condition for receipt of services. Because the program does not carry income restrictions for participation, it may act as a source of support for certain older persons who would not otherwise receive services under income-tested programs. However, because resources are limited, the law requires that service funds be targeted on those who have the greatest social or economic need for assistance.

Over the last 2 decades, a substantial level of effort by the Administration on Aging, and State and area agencies on aging has been devoted to expanding aging services programs sponsored under the Act as well as to draw non-Older Americans Act resources to support aging service activities. During the late 1960s and early 1970s, much effort was spent on establishing the infrastructure on aging. While the mandate of the title III program to plan and advocate on behalf of the elderly constituency has not changed with various amendments enacted over the last two decades, Congress has made various incremental changes designed not only to clarify the mission of the program and to provide greater flexibility in its administration, but also to require that State and area agencies be responsible for an increasing range of services. For example, various amendments since 1978 have sharpened the responsibilities of State and area agencies in targeting services to those in greatest need of assistance, allowed State agencies to transfer funds between their separate allotments for nutrition and supportive services, and given them more discretion in certain aspects of the planning process. Other amendments have extended State and area agencies' scope of operations to many specific areas, including elder abuse prevention, legal services, in-home services for the frail, and long-term care ombudsman services, in addition to their major responsibilities to administer the nutrition services program.

While observers have indicated that the objectives to be accomplished by State and area agencies are broad, given the resources available, nonetheless, these agencies have been responsible for the creation of a highly developed social services system which has benefitted many older persons. One observer has described the achievements of the title III program as follows:

(1) continuous and dynamic identification of needs of older persons; (2) creation and exemplification of strategies, programs, and services for meeting those needs; (3) provision of tangible and intangible help to innumerable older Americans; (4) development of a nationwide infrastructure of . . . (State and area agencies aging) and about 10,000 associated service-providing agencies, that is in place for helping older persons and (5) recruitment and socialization of thousands of career professionals to the field of aging.[1]

A number of characteristics of the current and future elderly population may have significant impact on policy initiatives for the Older Americans Act and the programs it supports in coming years. These include projected growth of the elderly population, economic status, family relationships and living arrangements, and length of time spent in retirement, among others.

As is well documented in every discussion of aging programs to elderly population is growing, as well as getting older. The population aged 85 years and over is one of the fastest growing age groups in the country and is expected to quadruple by 2030.[2] The growth rate in this segment of the population is expected to have major implications on the demand for many services, especially for community-based services such as supported under the Older Americans Act. In addition to the growth in the number of the eldest of the elderly, the sheer numbers of the total elderly population will affect many social and economic institutions in society. While the total U.S. population is expected to increase by about a third between 1980 and 2030, the population aged 65 and over is expected to more than double.

Projections about the future economic status of the elderly may also be considered by those reviewing policy directions for Older Americans Act programs. It is predicted by some that future generations of elderly may have higher income and asset levels than their earlier counterparts. In one measure of income—poverty status—the elderly have shown marked improvement over the last several decades. The decline in the poverty rates for the elderly since 1959 has been dramatic, from 35.2 percent to 12.2 percent in 1987. Despite this decline in measures of poverty, however, there are still disproportionately high levels of poverty among certain groups of elderly, such as members of minority and ethnic groups, the very old, and older women. In addition, there are many elderly whose incomes are marginally above the official poverty level. While the financial condition of the future elderly population as a whole may be better than past and current groups of elderly, there may also continue to be disparity among certain subgroups of the elderly population. And, even if poverty rates decline to a lower level than they are currently, there may be more poor elderly in the future simply because of increases in the number of elderly. These economic factors may continue to have implications for planning and targeting of many social service and health care programs in the future.

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[1] Binstock, Robert H. Title III of the Older Americans Act: An Analysis and Proposal for the 1987 Reauthorization. The Gerontologist, v. 27, no. 3, 1987, p. 261.

[2] U.S. Congress Special Committee on Aging. American Association of Retired Persons. Aging America, Trends and Projections. 1987-88 Edition. p. 13.

With respect to the Older Americans Act, Congress and others may continue to review the extent to which targeting of services on the most needy elderly is being accomplished, and how targeting should be improved. In view of the growing numbers of elderly over the next several decades, there may be a search for additional strategies to assure that resources are being appropriately targeted. An issue raised during consideration of the 1987 reauthorization of the Act was whether service programs authorized under title II should contain cost-sharing requirements for elderly participants. While Congress rejected proposals to establish mandatory cost-sharing during the most recent reauthorization, and has reiterated general opposition to making the title III program a means-tested program during the course of previous amendments, the issue may again be raised by some observers in the future.

Other factors which may affect the demand for, and utilization of, Older Americans Act programs are family relationships and living arrangements of future generations of the elderly. One analysis indicated that the baby boom generation may reach old age with fewer children and with more persons living alone than prior generations. It also indicated that because those persons in the baby boom generation have tended to delay marriage, have not married, or have had smaller families and higher divorce rates, they are more likely to become older with less recourse to family social and economic support, possibly leading to greater dependence on social services in the future.[3]

As the elderly population grows, a greater number of persons will enter the preretirement and retirement years. Because of increased longevity, persons will live longer in retirement assuming the average age of retirement remains about the same. The extended time spent in retirement will lead to a larger demand for goods and services consumed during that period.[4] The increasing numbers of retirees may place greater demands on certain programs sponsored by the Older Americans Act, such as the nutrition services program, activities sponsored by multipurpose senior centers, and preretirement counseling services. One recent national survey on the use of community services by persons aged 65 and older by the National Center for Health Statistics (NCHS) found that senior center and congregate nutrition services were by far the services most frequently used by older persons. About 22 percent of the respondents, representing 5.7 million persons aged 65 years or older, reported using one or more community services. Senior centers were used by about 15 percent of the respondents, or 4 million older persons, followed by congregate nutrition services which were used by about 8 percent of the respondents, or 2.1 million persons.[5] Other frequently used services were special transportation services. Given the projected growth in the older population, a higher level of demand for these services may be expected in the future.

When reviewing the Older Americans Act in preparing for its next reauthorization, Congress may reemphasize certain requirements of the title III program, namely, responsibilities of State and area agencies to conduct planning and coordination activities to improve services for the elderly, as well as to act as advocates on their behalf. The chief programs authorized and funded under the program, such as the nutrition services program and the community service employment program, are likely to continue to receive the strong support of Congress. However, certain services programs may gain increased visibility. As long-term care issues gain in importance because of demographic changes occurring in the elderly population, community-based long-term care services sponsored under the title III program may receive heightened attention in the future. The role that State and area agencies play in long-term care may depend upon what actions Congress takes with respect to changing the financing and delivery of community-based long-term care under the Medicare and Medicaid programs. One service component of title III which may receive more attention is the long-term care ombudsman program. Because the number of nursing home residents is projected to increase dramatically in the future, the workload of ombudsmen who answer complaints of residents may increase.

Another area which may receive attention is the demand for increased numbers of professional and paraprofessional staff to care for an aging population. While other Federal programs are responsible for training a wide variety of personnel to serve the elderly, the title IV program is the major source of training opportunities for social services personnel.

AUTHORIZATION AND APPROPRIATION LEVELS FOR OLDER AMERICANS ACT PROGRAMS

Authorization levels and funding for Older Americans Act programs have grown considerably over the past 22 years, from $6.5 million in FY 1966 to over $1 billion in FY 1988.

□ 1110

CONGRATULATIONS TO NICARAGUA'S NEW ADMINISTRATION

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. LAGOMARSINO. Mr. Speaker, I am pleased to join my colleagues in congratulating Violeta Chamorro and her Vice-Presidential running mate Virgilio Godoy for their stunning victory in Sunday's Presidential elections in Nicaragua.

Although some critics of U.S. policy in Nicaragua will resist giving credit where it is due, there is no question that free, democratic elections would not have taken place in Nicaragua if the Sandinistas had not been pressured to do so. The commitment and perseverance of President Reagan and President Bush to democracy and development in Central America enabled the result we saw Sunday in Nicaragua.

It is a remarkable accomplishment having a Marxist-Leninist regime being ousted by popular vote. The trend started in Eastern Europe and is being followed in Central America. Now, we just need it to spread to the Caribbean.

Fidel, you've held on this long, but I wouldn't get too confident if I were you. Time is not on your side.

[From the Washington Post]

END OF THE PROGRESSIVE PILGRIMAGE

(By George F. Will)

The pilgrimage is over. The long march of the West's "progressive" intellectuals has come to a bedraggled end in Nicaragua, a peasant nation about as far, socially, as a nation can be from the conditions where the revolt against modernity was supposed to take root.

Marxism has been just that revolt for those who look upon it sympathetically (usually from a safe distance, in modern "bourgeois societies"). The revolt—romanticism in drag, dressed up as science—was against the supposed cold rationality and soulless banality of a capitalist, industrial, commercial world.

The revolt was supposed to succeed first where the industrial revolution came first, in Europe, probably in Germany, with its large proletariat. But the supposed engine of history, the industrial workers of the world, would have none of it, preferring material progress and freedom, and understanding the connection of the two.

So intellectuals in fatigues (Castro, Ortega) foisted Marxism on peasants who were perceived (from the safe distance of faculty clubs) as "unspoiled" by the "false consciousness" of capitalism. But given a chance, the peasants say, "Please, spoil us, as quickly as possible."

To the non-Marxist left, including many church groups, the charm of the Sandinista regime was its anti-Americanism. How galling for those people that the regime has been toppled by a candidate known in Nicaragua to be backed by the United States. Where now can the glazed gaze of the last political pilgrims turn? To North Korea? Meanwhile, so high have been the stakes of American politics, and so mistaken have been the stances of one faction, that in victory we have a surfeit of what normally accompanies defeat—recriminations.

The collapse of the Soviet system under the pressure of Western military preparedness has elicited, from those who fought that preparedness, the preposterous thought that the collapse proves that the preparedness was disproportionate to the task. Now the alibi industry on the left, which did not quite kill aid to the contras soon enough to save the Sandinistas, must deal with this truth: without Reagan, there would have been no contras to put pressure on the regime, pressure that eventually led to elections. The contras were not sufficient to cause that outcome, but they were necessary.

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[3] U.S. Congress. House. Committee on Ways and Means. Retirement Income for an Aging Population. A Report Prepared by the Congressional Research Service with Analytic Support from the Congressional Budget Office. WMCP 100-22, Aug. 25, 1987. p. 16.

[4] Ibid., p. 17.

[5] National Center for Health Statistics. Aging in the Eighties, Age 65 years and Over—Use of Community Services. Advance Data no. 124, Sept. 30, 1986. p. 2.

The continuing attempt to make Reagan a figure of fun, an attempt now entering its second quarter-century, founders on a huge fact: the world is going his way, in no small measure because it was his way. From Eastern Europe to Central America, "the evil empire" has collapsed because Moscow lost its nerve and capacities. The collapse of other Communist regimes then resulted because the Soviet Union was "the focus of evil in the modern world." The next result of this unraveling may be among Soviet clients in the Middle East.

The reputations of many people and the interpretations of many events are undergoing revision. The U.S. effort in Vietnam looks more worthwhile in light of the subsequent bloodbaths and waves of boat people. They discredit those who, in their zeal to see America defeated, professed to see humanitarianism on the other side.

One can now see why the overthrow of Allende's incipient Leninism in Chile, coming just as Vietnam was being conquered, was such an unnerving event in Moscow and throughout the international left. It shattered the myth of inevitability. The leftward ratchet of history was broken: all movement in that direction was not irreversible.

Another crack in the left's confidence (confidence was everything, material accomplishments being paltry) came when communism crested short of power in post-Salazar Portugal. Can it be just 15 years since "Eurocommunism" was "the wave of the future"?

If the last three U.S. presidential elections had turned out differently, today there would be a thugocracy in Grenada, Panama would be Noriega's plaything and Sandinistas would be screwing down the lid of Stalinism on Nicaragua. That said, this too must be: the contribution of the winner of the 1988 election could be, to say no more, better.

The vast majority of people who a year ago were suffering under communism's cruel stupidities are today suffering even more. They are Chinese—and, lest we forget, Tibetans, who are under China's grinding heel. We know that all the nations of the world are now porous to news. (Turn up these American transmitters!) Our friends—if such they still are—in China, the democratic forces, knew what happened in Nicaragua as soon as it happened. Now is the time for the Bush administration to acknowledge the futility of its gentle policy toward China and turn up the pressure, including those transmitters.

The change of regimes is cause for joy in two communities in Miami. Many Nicaraguans can now go home. And the Cuban-Americans, for whom America is home and Cuba is an imprisoned family member, know that Castro is next. Moscow should be told that all cooperation with the United States is now contingent on the ending of all aid to Cuba.

One of the creations of "progressive" political pilgrams was the pro-Castro "Fair Play for Cuba Committee" (which attracted Lee Harvey Oswald). Now, this instant, we need a fair-play-for-Cubans policy.

Dictators, Beware Those Good Polls

(By Jim Hoagland)

The defeat of the Sandinistas is conclusive evidence that opinion polls are even greater threats to totalitarian states than to democracies. The misleading public-opinion poll has turned out to be democracy's secret weapons against dictators.

Why would the rulers of Poland, Hungary and Nicaragua agree to hold elections and then not bother to fix them? It was not a matter of efficiency or of morality. These rulers were convinced they were going to win free elections. Their polls told them so.

The Polish Communists went up against Solidarity last year in a free ballot after seeing Interior Ministry polls showing the party winning enough votes in an honest count to still dominate the political system. Wrong. The Communists were skunked at the ballot box and then told by an embarrassed Mikhail Gorbachev to step aside for Solidarity.

Daniel Ortega Saavedra has just replayed the Polish fiasco. Macho man that he is, Ortega went into Sunday's balloting refusing to believe that he could be beaten by that mere girl, Violeta Barrios de Chamorro. His numbers showed him 20 points ahead in Nicaraguan public opinion in the final days of the campaign. "I cannot explain it, I cannot explain," a weeping Ortega supporter said to a disbelieving crowd at Ortega's headquarters in Managua early Monday. "And I say this as a social scientist."

Well, that helps explain it. What is surprising is that not only the Sandinistas were surprised. One news story called the result "an astonishing repudiation of a decade of Marxist ideology." But to be astonished by Nicaragua's election, you had to ignore the experience of the past year in Eastern Europe and the Soviet Union: each time a population was given a chance to vote freely for or against the Marxists in power, the people threw the bums out.

Poles did it; Hungarians have done it in five consecutive parliamentary by-elections. Soviet citizens voted against Communists even when nobody was running against them, disproving in many districts John Kennedy's thesis that you cannot beat somebody with nobody.

That background seems not to have been taken into account in Sandinistaland. Once outside observers declared convincingly last week that the voting was going to be conducted freely and fairly, Ortega should have been loading his office books and papers into cardboard boxes, and reporters should have been braced not be astonished.

Nicaragua may be the Waterloo of decision-making by polls taken by social scientists in authoritarian regimes. How they expected to register accurate results in police states, or in Third World countries where there is little or no tradition of independent inquiry, is one of the century's great mysteries.

The pitfall of such polling was epitiomized a few years ago by a news item about a political poll in South Africa: "The Transkei (region) had to be excluded because police seized the polling results," the item stated without further explanation. Results the police are unhappy with are results that don't get counted. Ortega's police would have done him a favor by seizing his polls and keeping them away from him.

The same dynamic was at work in the polls taken in Chile for the October 1988 referendum that told Gen. Augusto Pinochet to hang it up. Pinochets polls showed him winning while the opposition polls showed him losing—each by the same margin. All these polls proved was that the voters clearly knew who the general's pollsters were and who was working for the other side.

In Poland or Chile, the ruled understood that the rulers wanted to be lied to for a little while longer. The rulers thought that the lie would extend into the voting booth. Fear conditioned the poll responses, and so did a certain sophistication about these cynical exercises. Even in America, a polling expert tells me, subjects routinely say they favor one candidate over another and then ask the poll taker, "That's the right answer, isn't it?'

Self-delusion alone does not explain why elections have suddenly begun toppling governments that ruled in the name of the proletariat and of history, not "bourgeois" liberties. The truth is that it is getting harder to make fixed elections stick. Pervasive media coverage and outside monitoring make it necessary to tell enormous lies now instead of merely big ones. Ferdinand Marcos of the Philippines and Erich Honecker of East Germany rigged their last elections but lost power anyway as disgusted citizens turned against their regimes.

Or could this be some fiendishly clever and now wildly successful plot by Gorbachev to dump in graceful fashion onto American taxpayers the problems and expense of being friends with Nicaragua, Poland, Hungary and other ex-satellites? That scenario is unlikely. But think how happy Sunday's loss of Nicaragua, by democratic means yet, will make the preemptive capitulators in the Kremlin.

THE AFTERMATH OF HURRICANE OFA ON AMERICAN SAMOA

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. FALEOMAVAEGA. Mr. Speaker, yesterday I shared with my colleagues the recent aftermath of Hurricane Ofa's power of destruction and damages caused by high winds and tidal waves which left thousands homeless, both in American and western Samoa.

I also want to pay special recognition to Paramount Chief Mauga Ioane Sagaiga who currently serves as Secretary of Samoan Affairs, and all the county and village chiefs for their tremendous support and assistance given to FEMA officials throughout the territory. We should also recognize our District Governors: Paramount Chief Tuitele K. Leoso of the western district, Paramount Chief Lei'ato Tupua of the eastern district, and Paramount Chief Tufele Liamatua of the Manu'a district.

Mr. Speaker, again I thank my colleagues for this support and I know the people of American Samoa, and even the citizens of western Samoa—are grateful for our generosity and all the material goods and food items that have been donated both through the activities of our Federal agencies and volunteer organizations.

And above all, on behalf of the Samoan people—again I express my gratitude and appreciation for the tremendous support we have received from the good people of the State of Hawaii and Gov. John Waihee; also the residents of California; the management and staff of Hawaiian Airlines—and to all our fellow Americans.

[From the Pacific Business News, Feb. 19, 1990]

AMERICAN SAMOA BUSINESSES HIT HARD BY OFA

(By James Gonser)

As relief continues to reach the victims of Hurricane Ofa in American Samoa, business and government there have begun the process of rebuilding roofless shops, flattened aircraft hangars and the empty shells that were schools.

President Bush declared American Samoa a disaster area, making the U.S. territory, located 2,000 miles south of Hawaii, eligible for Federal Emergency Management Agency disaster aid. Meanwhile businesses and community groups from Hawaii continue to send donations to the area.

David Buehler, manager of Bank of Hawaii's American Samoa branch, said businesses located near the airport on the island of Tafuna were hit the hardest.

"Anything near the airport was badly hit," Buehler said. "Several metal buildings came down and the Daniel Inouye Industrial Park was hit hard. A majority of the businesses in the area are small retail and wholesale operations and at this point it is hard to tell what the long-term effect on those businesses will be."

Buehler said the Star Kist Samoa, Inc. tuna cannery, American Samoa's second largest employer after the government, was virtually untouched by the hurricane. He said other businesses located near Pago Pago Harbor, including his own bank branch, escaped with only minor damage.

Hawaiian Airlines president J. Thomas Talbot said Tafuna Airport, Hawaiian's South Pacific hub, was heavily damaged by the hurricane.

"Our facilities and hangars were beaten up badly by the storm," Talbot said. "The runway is able to withstand the weight of planes, but all our navigational aids were blown away and will have to be replaced. Some ground-support equipment was damaged and our people are working around the clock to restore the basic necessities."

American Samoa's Gov. Peter Tali Coleman said 4,000 homes were destroyed by Ofa, most of the territory's agriculture was wiped out and damage totals should reach $100 million.

In December, Coleman signed a controversial $400,000 insurance policy that insured government buildings for $45 million, which will now help rebuild the local economy.

The hurricane battered the area Feb. 2–4 with winds of up to 145 mph that almost entirely eliminated local breadfruit and banana production, staples of the Samoan diet.

An American Samoa Power Authority spokesman said 25 percent of the main power lines were damaged and several poles have been lost.

Buehler said it will take a long time before the territory gets back on its feet.

"Before the hurricane, businesses were doing well facing the normal day-to-day challenges but it is not business as usual anymore," he said. "Many people will be diverting funds to furnishing their homes and buying food rather than paying their loans or rebuilding businesses. If the government is responsive enough to help replace people's homes, we will be on the road to recovery."

[From the Maui News]

HURRICANE HAVOC LEAVES SAMOA REELING

PAGO PAGO, American Samoa.—The government of this U.S. territory asked President Bush to declare it a federal disaster area after Hurricane Ofa devastated the Pacific island chain.

Meanwhile, the governments of Australia and New Zealand pitched in with military transport emergency airlifts today to Western Samoa, another of the South Pacific island chains hit by the hurricane over three days.

Australia dispatched a C–130 Hercules laden with tents, plastic sheets and tarpaulins ahead of several more relief flights expected from Australia and New Zealand.

In a letter yesterday, Gov. Peter Tali Coleman asked for money to help the American territory rebuild and recover from the hurricane, which passed near the six islands. Ofa battered independent Western Samoa with 115 mph winds before blowing out into open water yesterday.

Crops, roads, utilities, businesses and residences in American Samoa were damaged, Coleman said. Damage could be as high as $100 million, officials said.

The territory is under an austerity plan to reduce its $12 million deficit.

"I have determined that this disaster is of such severity and magnitude that effective response is beyond the capabilities of the territorial government," Coleman wrote.

The worst damage was reported in Western Samoa and Niue, about 450 miles south of Pago Pago. The Australian Associated Press said three people were killed in Western Samoa, declared a disaster area Sunday.

Power and water have been restored to some parts of Pago Pago, but about two-thirds of the 38,000 residents still were without power and water yesterday, said Joyita Viena of Lt. Gov. Galeia Poumele's office.

Fewer than 20 people in American Samoa received minor injuries in the storm.

"We were very, very lucky the hurricane wasn't any closer," said Bob Blauvelt, chief engineer for government TV station KVZK.

[From the Honolulu Star Bulletin, Feb. 20, 1990]

WESTERN SAMOA STILL IN NEED OF FOOD DONATIONS

[By Mary Adamski]

Food staples are being rationed in Western Samoa, and officials there have told Hawaii relief workers that they estimate there is only a two weeks' supply on hand.

American aid is being sought by the independent island nation, which had almost 100 percent of its basic food crops, breadfruit and banana, destroyed when Hurricane Ofa hit Feb. 1.

"We talked to the information minister and the minister of justice Saturday and they have specifically asked for rice, flour, sugar and tinned fish and meat," said Vita Tanielu of Hawaii Samoan Community Hurricane Relief.

Government information officer Tunumafona Apelu told Tanielu that it will take more than seven months before some new crops mature, and until then their country will be wholely dependent on imported food.

The relief effort here is collecting food donations at 12 Honolulu fire stations and packaging them for shipment at Kaumakapili Church in Palama, Tanielu said.

Local committee members have talked several times to Samoan officials through the University of Hawaii's PEACESAT satellite radio network although electricity has not yet been restored in Western Samoa, Tanielu said. The connection can be made because the University of the South Pacific on Savaii island is using a generator.

The country's ambassador to the United States, Tuaopepe Felix Wendt, has requested that the United States provide military aircraft to carry food collected by the Samoans on the West Coast and in Hawaii, Tanielu said.

He said American Samoa, destination of three Hawaiian Airlines flights and as many military flights each week, has been receiving adequate aid for its 38,000 population. Its residents are eligible for Federal Emergency management Agency disaster aid.

Non-perishable food donations may be left from 8 a.m. to 8 p.m. daily at the Aiea, Hauula, Hawaii Kai, Kalihi, Kalihi Kai, Kalihi Uka, Kaneohe, Manoa, Mililani-Waipio, Nanakuli, Waikiki and Waipahu fire stations.

APPOINTMENT OF CONFEREES ON S. 1096, PROVIDING FOR USE AND DISTRIBUTIONS OF FUNDS AWARDED TO SEMINOLE INDIAN TRIBE

The SPEAKER. With respect to the conference agreement to go to conference on the Senate bill (S. 1096) to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73–A of the Indian Claims Commission, the Chair appoints the following conferees, and, without objection, reserves the right to appoint additional conferees: Messrs. UDALL, MILLER of California, DARDEN, LEVINE of California, FALEOMAVAEGA, YOUNG of Alaska, LAGOMARSINO, and RHODES.

There was no objection.

NOBODY WINS, INCLUDING AGRICULTURE, IN A TRADE WAR

(Mr. GEKAS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, very soon now the President of the United States will be meeting with the newly elected leaders of Japan, and the conversation, I am sure, will quickly turn to trade relations.

The imbalance of trade between our two countries is of great importance to all Americans, but yet we must be very careful to encourage the President to make certain points clear, because there are some dangers lurking behind the tough attitude we want to assume

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in these talks. For instance, if indeed we retaliate against some of the practices of Japan, they will quickly retaliate against the No. 1 import in Japan, the No. 1 export that Americans have, namely, food products. So our agricultural community would be the first to suffer in a trade war that would escalate if indeed we do not measure our way toward good trade relations with Japan.

Mr. Speaker, we need productivity, we need competitiveness on our side, but we ought to be careful in expounding a theme to bash the Japanese automatically. It can hurt us in an overall trade war. Nobody wins from that.

INTRODUCTION OF ORGANIC FOODS PRODUCTION ACT OF 1990

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, millions of Americans want to buy food produced without the use of chemical fertilizers or pesticides, and many of the farmers want to sell it to them. Consumers and growers in this expanding market ought to be able to come together on terms they both understand. Right now, the lack of a national definition for the term "organically produced" stands like a wall between buyer and seller.

I'm proud that the State of Oregon has taken a lead in organic farming, enacting the Nation's first definition of the term "organically grown" in 1973, and adoting a landmark approach to organic certification just last year. Twenty-two other States have set various rules for organic farming. While this is commendable, it has made it extremely difficult to market products across State lines. The time has come for a national standard for organic farming.

Mr. Speaker, today I am introducing the Organic Foods Production Act of 1990, the companion to a bill introduced by Senator LEAHY. This will set national standards for the use of the word "organic" on foods. In just a few short years, organic agriculture has grown from a backyard enterprise to a multimillion dollar industry and found space on the shelves of some of the largest grocery chains. It's time growers and consumers got a clear picture of just what organically grown really means.

THE CONSUMER RIPOFF IN PROFESSIONAL BASEBALL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, when I was a small boy, I served for 5½ seasons as batboy for the Knoxville Smokies, a professional baseball team. In other seasons, I was a clubhouse boy, ball chaser, or scoreboard operator. I grew up around the ballpark. I love baseball.

But when I hear players who are making $2 million or $3 million a year talk about holding out or going on strike, it makes me sick.

A headline in the Atlanta paper a few days ago said this: "Baseball sinks further into the muck and greed of egos." A fan in California put it best, saying: "The owners have the mine, the players the gold, and the fans get the shaft."

One thing pays these exorbitant salaries: TV advertising. Even mediocre players today are getting million-dollar contracts, and salaries will continue to escalate unless the American consumer stops paying for it.

We should all realize that every company which advertises on TV baseball games now is ripping us off. Their prices will have to include the cost of ridiculous advertising rates.

Major league baseball players have become modern-day robber barons, taking cruel advantage of the average working American.

Mr. Speaker, it is time for the fans to stand up this time and say, "You've gone too far."

BILLY THE KID—A PIKER COMPARED TO DREXEL BURNHAM LAMBERT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, tonight on ABC's Prime Time, apparently Sam and Diane are going to go out and look for the real grave of Billy the Kid. It has been a great controversy in the West as to where he was really buried.

I have a tip for them. I think they will know how to find the real grave. It is going to be very simple. It can be found by merely putting a microphone on the ground to see if they hear Billy the Kid turning over in his grave. He must be turning over in his grave after he sees this Drexel Burnham Lambert debacle.

Billy the Kid was able to operate in the lawless West, but he was a real piker compared to these guys. They were able to really operate in the lawless Reagan-Bush administration. You used to have to wear a blindfold if you were an outlaw. Now they put the blindfolds on the regulators while these guys steal them blind.

So, Sam and Diane, that is how you do it. Get your microphone and put it on the grave. If you hear a rumbling, you have found the right one.

CAUTION URGED ON DEALING WITH SOCIAL SECURITY

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to urge my colleagues not to play around with the Social Security system for political and financial reasons. Social Security is a trust and the people of this country are trusting us to do the right thing.

Senator MOYNIHAN has done us a favor by bringing out his proposal at this time. He has placed an issue on the table that needs to be discussed in an open and forthright manner.

As I see this issue, it is a two-tiered problem. The first issue that needs to be addressed is the Social Security trust fund—how does it currently operate and why.

The surplus that currently exists, roughly $90 billion in fiscal 1991, and the trillions of surplus dollars expected in the system in the next century, were created by the 1983 Greenspan Commission for a reason. Simple math tells us that fewer individuals are paying into the system as more folks are receiving benefits. Social Security is pay as you go, but if we did not make that change in 1983, the system would have failed.

The surplus, which was attained through the increase in FICA taxes, is designed to guarantee the benefits not only of current recipients, but of the so-called baby-boomers who will start collecting in the year 2010. These surplus funds are invested in the same manner as every other pension fund in this country. They are required to be invested in U.S. Treasury notes; the safest investment in this country.

The second, of the two problems, is why we are facing this issue at this time. We are doing so because for too long Congress and the Executive branch have acted in an irresponsible manner when it comes to the budget of the United States.

I understand why we score these surplus trust funds against the deficit to mask the true size of this irresponsibility. I also understand that to make a sudden change would mean that we would not make the Gramm-Rudman targets. Senator MOYNIHAN has placed this proposal on the table as a "stalking horse" of sorts for higher taxes on individuals and businesses.

Knowing and understanding all these points does not make the current situation right. It is about time this Congress and the administration started getting to work to produce an honest, forthright budget that actually reduces the deficit.

The people of Wyoming and this country understand the issue. Let's not waste time by playing games with the Social Security system.

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A NEW WORLD'S RECORD FOR RAILGUN PERFORMANCE

(Mr. PICKLE asked and was given permission to address the House for 1 minute.)

Mr. PICKLE. Mr. Speaker, I want to call my colleagues' attention to a major achievement for electromagnetic railgun technology. Last week, the University of Texas' Center for Electromechanics fired a shot which will truly be heard around the world when it established a new world's record for railgun performance.

Six homopolar generators powered a large bore railgun to launch a 5.3-pound aluminum projectile at a velocity of almost 6,000 miles per hour. At 8 million joules of kinetic energy, this is the highest energy ever achieved by an electric gun.

The magnitude of this achievement boggles the mind—the discharge of the generators at a peak power of 22,000 megawatts equaled about 1 percent of the entire world's installed electrical generating capability.

Since 1972 engineers at the University of Texas at Austin have been working to develop pulsed electrical generators capable of delivering brief, intense pulses of electrical power. The industrial applications of this pulsed power technology range from exciting new methods of manufacturing and processing materials, such as welding pipelines in a fraction of a second, to launching payloads into space.

For the last 10 years, the University of Texas has been a major player in a national program, sponsored by the U.S. Army Armament Research, Development and Engineering Center and the Defense Advanced Research Projects Agency, to apply pulsed electrical power to launch projectiles at extremely high velocities. Conventional guns, limited by the speed of sound in the propelling gases, cannot exceed velocities of more than about 1.5 to 2 kilometers per second. Small caliber electromagnetic guns at the University of Texas have achieved velocities of up to 6.2 kilometers per second, and last week's shot pushed a much larger mass to 2.6 kilometers per second.

Hypervelocity electromagnetic guns of this type have the potential to be used in a variety of tactical and strategic weapons. Last week's breakthrough represents a significant step in demonstrating the ability of pulsed power technology. All systems worked flawlessly, and preparations are now underway for an even higher energy shot.

I want to recognize Bill Weldon, the director of the Center for Electromechanics, and the officials at the U.S. Army Armament Research, Development and Engineering Center and DARPA for their contributions to this remarkable achievement, and I hope my colleagues will view their success as ample reason to maintain our support for Federal funding for electromagnetic railgun research.

THE WORLD LOOKS TO AMERICA FOR LEADERSHIP

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, in Nicaragua, in Eastern Europe, all over the world, democracy is on the march. We in America should seize the moment.

The United States should launch a bold initiative to do for newly democratic nations what the Marshall plan did for Western Europe.

I am not talking about another item in the foreign aid budget. I am talking about a major new program, free of earmarks, and administered directly by the Secretary of State.

The program should have clear goals: namely, the promotion of free and open elections and true economic development.

Nations all over the world are demanding political and economic freedoms. They are looking to America for leadership. This is no time for caution.

We should boldly assert our democratic philosophy, and we should back it up with our support. And we should do it now.

WASTEWATER CONSTRUCTION GRANTS UNDER THE CLEAN WATER ACT

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, much of our attention in the 101st Congress has been focused on the reauthorization of the Clean Air Act. While a strong reauthorization is absolutely necessary, we must not forget the many other areas where environmental action is required.

Our President wants to be known as the Environmental President and we hear much of his plans and commitment—but what is behind his many words? In reviewing the President's fiscal year 1991 budget proposals many contradictions can be found between the President's words and actions.

I would like to draw particular attention to the budget proposal for wastewater construction grants under the Clean Water Act. For fiscal year 1990 the Congress appropriated $1.9 billion for the program—for fiscal year 1991 the President requested a $300 million cut to $1.6 billion.

We all know that the Federal commitment to wastewater treatment plant construction is insufficient to meet the needs—even at the higher level of funding approved by Congress. In Maryland, where State and local commitments to cleaning up the Chesapeake Bay are growing, the needs are growing too as our population increases. Cuts in this fundamental environmental program directly conflict with the President's supposed goals.

There are 52 days left until the 20th anniversary of Earth Day and I am happy to join with my colleagues in noting the many continuing environmental needs in this Nation.

COLUMBUS IN THE CAPITOL

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, in just 2 years, this country will celebrate the 500th anniversary of the discovery of America by Christopher Columbus. The next Congress will play a major part in that celebration. This Congress can help prepare for it.

As a small part of the celebration, I am today introducing, for myself and 25 other Members, House Concurrent Resolution 275, to authorize the preparation of an official publication that would be a part of the 1992 observance.

The publication, to be entitled "Columbus in the Capitol," will be a written and pictorial description of the paintings, statues, and other works of art that reflect the man and his achievements displayed in the Capitol and the Capitol Grounds.

This volume will be an appropriate congressional tribute to the "Admiral of the Ocean Seas" who opened up the New world. It will be part of the special programs planned both here and aboard to honor Columbus.

I am especially pleased that so many Members have joined me in cosponsoring this resolution. I urge others to do so now.

WE MUST PASS A CLEAN AIR BILL

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUSTAMANTE. Mr. Speaker, I come before the House of Representatives to talk about an issue of global importance—the environment. There are many serious environmental problems in the world today, and it is time we do something about them. It is time we pass a clean air bill.

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It is time we take positive steps to protect the Nation's water supply. It is time we recognize that protecting the environment is cost effective. Preservation of the environment is a national issue, an issue on which we need stronger leadership from the White House. Mr. President, I support and encourage your efforts thus far, but we need more. We need an international conference on the environment. We need to keep our parkland and wilderness areas safe from destruction. Perhaps most important of all, we need a comprehensive energy policy—so that we can work toward energy independence and so that we can gauge the energy demands we will have to balance with environmental concerns in the future. I urge the President to come forth on these issues—soon. With Earth Day 1990 just around the corner, it is a very appropriate time for all of us to reinvigorate our environmental efforts.

DEVELOPING AN EFFECTIVE AMERICANS WITH DISABILITIES [ADA] BILL

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I will never disparage sentiments such as concern, charity and sympathy.

But, I do not support the Americans with Disabilities Act [ADA] for sentimental reasons. I support it for hard-headed, unsentimental reasons. Let me explain.

ADA will help provide for the United States a talented work force which we will need to compete in the new global economy—particularly in the new Europe which was described so eloquently by President Vaclav Havel of Czechoslovakia last week in this Chamber.

Workforce 2000, the study done by the U.S. Department of Labor, projects that the United States will not have enough workers as it nears the year 2000 to be productive and competitive in world markets and to provide the goods and services needed by our own citizens here at home.

Since there are not enough American children who will mature to fill these slots, we must move aggressively to open the work place to persons—including some 40 million disabled Americans—who have historically been excluded from normal work situations.

That's where the ADA bill comes in. It will facilitate the hiring and the employment of talented, productive men and women who happen to be impaired or handicapped in some fashion.

Incidentally, I don't like to use the term "handicapped." I prefer—and we use the term a lot back home in Louisville—I perfer the term "handi-capable" because these persons are first and foremost "capable" workers and only, and secondarily, handicapped.

I salute the chairman of our Small Business Committee, representative JOHN LAFALCE, for holding early hearings on the ADA bill, and, I look forward to helping him and the panel develop an effective and equitable and workable Americans with disabilities bill.

LEGISLATION WOULD GIVE AMTRAK 3 YEARS TO STOP POLLUTION

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NIELSON of Utah. Mr. Speaker, I do not know about you, but I find the fact Amtrak is dumping untreated human wastes across Utah and most of the rest of the United States to be repulsive and unacceptable.

To be honest, when I was first told about this practice, I did not think it could possibly be true. Not in this country. Not in this day and age. And certainly not be "America's passenger railroad."

Unfortunately, I was wrong, and became determined to do something about it.

Late last year, I was joined by 13 of my colleagues in introducing H.R. 3772. Since then, 12 more have signed on as cosponsors. This bill requires Amtrak to stop discharging all polluting materials within 3 years after it becomes law. It also requires Amtrak to collect a service charge on every ticket it sells to pay for whatever equipment changes will be necessary, thereby avoiding adding to the budget deficit and cutting into Amtrak's already shrinking appropriations.

Amtrak is given flexibility to determine how much the service charge should be. According to cost estimates provided by the railroad, the extra assessment will be minimal and should in no way hinder its ability to compete with other modes of transportation.

I am confident this legislation will achieve the ultimate goals of protecting the workers, our communities and the environment.

I hope you agree, and will join us as a cosponsor of H.R. 3772.

□1130

INTRODUCTION OF RESOLUTION REGARDING CONFERENCE ON GERMAN UNIFICATION

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, today I am introducing a resolution that will be a concurrent resolution, also introduced in the other body, expressing the sense of Congress that Poland, Czechoslovakia, and the other nations bordering Germany should be consulted regarding the upcoming conference on German unification.

We know that the uniting of the two Germanys into one entity appears likely in the near future. Likewise, we know that the people of Germany and all of Europe who have experienced the painful consequences of military aggression in the past desire to live in peace and freedom in a Europe free of military aggression.

We also know that France, Poland and Czechoslovakia, have special reasons for making sure that great care is exercised as preparations are made for a united Germany in the upcoming conference, and the upcoming conference on German unification includes only one of these three nations, France.

This resolution expresses the sense of Congress that the Government of the United States, the Government of the U.S.S.R., the Government of the United Kingdom and the Government of France should consult with Prime Minister Tadeusz Mazowiecki of Poland and President Vaclav Havel of Czechoslovakia and other designated leaders of the governments of those nations, and should also consult with the leaders of other nations bordering Germany, both prior to the upcoming conference on German unification and during its sessions.

We urge this resolution and ask for cosignatories and cosigners here in the House in the interest of building a 21st century in Europe based on mutual respect and mutual understanding.

INTRODUCTION OF LEGISLATION PROVIDING FOR DISTRIBUTION OF PEACE DIVIDEND

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I have today introduced a bill which would seek to provide part of a peace dividend resulting from the dramatic changes that we have seen in Eastern and Central Europe and the Soviet Union and in Central America. Under my bill, we would for each of the next 5 years reduce defense spending by $20 billion below what the President has already recommended for those 5 years.

We would use the resulting $100 billion savings for three purposes. We would use it for reducing the Federal deficit and debt. We would use it for property tax relief, for homeowners, and we would use it for measures to increase the competitiveness of the

United States in the global marketplace.

Mr. Speaker, I would urge my colleagues to look at this bill and to cosponsor it if they approve of it.

FEDERAL WETLANDS POLICY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, we are witnessing a disturbing trend in the way the administration's environmental policy is formulated. President Bush and his EPA Administrator both say they are committed to a cleaner, greener America. But the standard wisdom now has it that the President's Chief of Staff, Mr. Sununu is working to undercut any major progress on the environmental front—and succeeding.

The latest example of administration back-pedaling on the environment was the weakening of a landmark agreement between the EPA and the Army Corps of Engineers that would have improved protection of our Nation's wetlands. The weakened agreement represents a clear reversal from the President's stated goal of ensuring no net loss of wetlands. The short-sighted interests of those less concerned about the environment have won out. The loopholes in the agreement will have implications across the country and will be taken as a green light for environmentally unsound development to proceed.

Mr. Speaker, wetlands protection is vitally important for the continued survival of a variety of endangered plant and animal species, as well as the recharging and filtering of groundwater supplies. Building and paving over wetlands greatly increases the flooding hazards in the surrounding areas. We really cannot afford to lose another acre of these vital resources. The President had previously acknowledged as much in calling for no net loss. It is now up to us in Congress to accomplish legislatively what the administration failed to do through the regulatory process. Indeed, I would like to see us go beyond the no net loss goal, which should merely be the starting point in our wetlands conservation efforts, to a policy of net gain.

DEMOCRATS FIGHT FOR THE ENVIRONMENT

(Mr. MFUME asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MFUME. Mr. Speaker, until recent years, I never envisioned that I would have to actually fight for something as basic and God-given as clean air, plentiful trees, and fresh water for my family and for millions of others in this country. But it has become increasingly clear that that's what it has come down to—a fight with the battle lines clearly drawn right down the center of the aisle.

So far, the score is noticeably lopsided. The administration has not lived up to it's rhetoric of a kinder, gentler nation. In fact, President Bush has fared poorly in everything from toxic waste disposal to clean air to endangered species with our Republican colleagues also failing in that regard. The continual parade of lackluster proposals speaks volumes to the lack of sincerity dedicated to sound policy for the environment.

Those of us in the House truly concerned about our environment must be prepared to fight; to fight for clean air, for wildlife, for trees and fresh water. And contrary to what our colleagues on the other side of the aisle would have you believe, our fight does not mean that someone has to loose—that a balanced environment comes at the price of economic security. Rather, we Democrats are fighting so that America's working families can have a decent environment and economic security.

The Democratic record on these issues speaks for itself. We've outvoted Republicans almost 2-to-1 on environmental issues and we'll continue that unified effort for America's sake.

INTRODUCTION OF COMPREHENSIVE NATIONAL HEALTH PLAN

(Ms. OAKAR asked and was given permission to address the House for 1 minutes and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, today I am going to introduce a comprehensive national health plan that will cover every single American from the cradle to the grave. This plan in addition to having a very high standard of coverage will also include long-term care. It will include something that most policies do not include. It will include prevention, which will save an awful lot of money.

I am going to speak a little further about the bill in detail in a few minutes during the special orders, but I am going to dedicate this bill to the late great Claude Pepper, who served the American people in public service for more than 50 years, and last year when he died he had one unfulfilled dream. That was that each and every American would be covered by some form of health insurance.

Mr. Speaker, there are 37 million Americans with no health insurance, most of whom work, by the way; 40 million Americans have inadequate coverage, and the cost keeps going up and up and up.

So we as a country ought to be ashamed of ourselves that we have not addressed what is a crisis. How are we going to be globally competitive when our own people do not even have adequate health coverage?

So I will be speaking a little bit more about my bill and the Pepper Commission which is about to give its report tomorrow in a few minutes, but I wanted my colleagues to know in case anybody wants to cosponsor the bill, which already is cosponsored by my colleague, the gentleman from Ohio [Mr. STOKES], that I am going to be introducing the bill in a few minutes.

□ 1140

LOWERING BARRIERS TO HEALTH CARE FOR THE DISABLED BY REDUCING THE WAITING PERIOD UNDER MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, today I am introducing a bill that would reduce the waiting period for disabled persons to become eligible for Medicare coverage.

Medicare currently covers individuals over the age of 65 and the disabled. Medicare defines the disabled as those under the age of 65 who have been on disability insurance for at least 24 months. An additional waiting period of 5 months is required as a condition for eligibility for disability insurance. This means that a total waiting period of 29 months is required for Medicare coverage.

The number of uninsured persons is increasing. Data indicate that many individuals waiting for Medicare eligibility lack medical coverage during this period. In many cases, when individuals finally reach the 29-month threshold, their condition has worsened because they postponed necessary medical attention. As a result, when these individuals eventually receive health services under Medicare, it is usually more expensive because the need care has been delayed for so long. Thus, an unnecessary financial obligation is placed on an already burdened system.

The disabled are a far more diverse population than many people realize. In 1988, 76 percent of those disabled beneficiaries were under the age of 59. The conditions that disable these individuals range from diseases of the circulatory, respiratory and digestive systems to allergic, mental and nervous disorders. There are over 2.8 million disabled worker beneficiaries. An estimated 21 percent of these individuals are in the 24-month waiting period.

Last fall, a 49-year-old disabled woman in my district contacted me. She needs immediate medical care, and receives a small disability check. She is financially destitute by the time she pays her bills. Further in order to obtain some relief, she must spend down her assets to meet Medicaid standards or wait the required time before she will be eligible for Medicare.

The bill I am introducing would provide some relief for women and men in similar predicaments. According to the Congressional Budget Office, close to 350,000 disabled persons would be able to use the Medicare benefits in the first year.

The total 29-month waiting period is a barrier to medical care. My legislation will cut the waiting period 1 month a year for 5 years, thereby reducing the Medicare waiting period to 19 months. However, the 5-month eligibility waiting period for disability insurance will remain intact. Thus, this bill will help reduce the large number of uninsured individuals and still adhere to the original congressional intent to provide Medicare benefits to those who have long-term disabilities for 24 months. I have proposed that the Medicare secondary payer provision for Social Security disabled beneficiaries be extended for 5 more years so that it sunsets in December 31, 1997.

In a statement to the U.S. Bipartisian Commission on Comprehensive Health Care last November, the Consortium for Citizens with Disabilities Task Force on Health wrote that they would like to see the 2-year waiting period phased out incrementally within 10 years.

Recent estimates from CBO indicate that after the third year this bill saves money by extending the secondary payer provision. Overall, the CBO estimates the total 5-year savings to add up to $190 million.

The large number of medically uninsured individuals is disturbing and this legislation would go far to protect them from the threat of destitution. Clearly, the solution to the larger problem will be complex and costly. However, I believe that small but significant steps like reducing the Medicare waiting period is a realistic and plausible start for helping this population.

THE NATIONAL LAW ENFORCEMENT OFFICERS MEMORIAL: A LONG OVERDUE TRIBUTE TO AMERICA'S FINEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, between 1979 and 1988, 52 law enforcement officers from Illinois were killed in the line of duty—exactly half of these officers were from the city of Chicago. I am honored and pleased that a richly deserved and much needed national tribute is being built in Washington, DC, to honor these and thousands of other brave officers throughout the United States who have been killed in our Nation's history. The names of these 52 courageous officers follow:

LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY IN ILLINOIS, 1979–88

Bensyl, Virgil Lee, Illinois State Police, 1/15/88.

Blank, Randall A., Rockford Police Department, 12/31/80.

Blunt, Kenneth, Illinois Sec. of State Police, 1/31/83.

Bosak, William P., Chicago Police Department, 3/03/79.

Brandon, Dorelle C., Chicago Police Department, 1/25/84.

Brunkella, Jay F., Chicago Police Department, 10/04/86.

Caisse, William O., Paxton Police Department, 12/02/79.

Cardwell, Helen P., Chicago Police Department, 5/19/88.

Caulfield, Michael T., Forest Park Police Department, 9/30/82.

Clark, Richard W., Chicago Police Department, 04/03/86.

Clarke, Martin P., Chicago Police Department, 8/26/84.

Collins, John J., Chicago Police Department, 2/07/84.

Conners, Robert W., Federal Bureau of Investigation, 12/16/82.

Creed, Anthony L., Chicago Police Department, 8/30/83.

Darcy, Martin E. Jr., Chicago Police Department, 9/27/82.

Darnell, George V., Warren County Sheriff's Dept., 12/07/81.

Dawson, Kenneth R., Wheeling Police Department, 11/05/85.

Doering, David T., North Chicago Police Department, 5/04/80.

Doyle, James E., Chicago Police Department, 2/05/82.

Eckles, Fred Jr., Chicago Police Department, 1/17/84.

Edwards, Gregory R., Chicago Police Department, 9/29/87.

Ellington, Charles L., Federal Bureau of Investigation, 12/16/82.

Fahey, William P., Chicago Police Department, 2/10/82.

Foley, Dennis P., Will County Sheriff's Department, 8/17/83.

Harris, Elmer M., St. Clair County Sheriff's Dept., 12/05/86.

Hereford, Terry B., Federal Bureau of Investigation, 12/16/82.

Holder, Larry A., Algonquin Police Department, 7/22/82.

Jarema, Daniel A., Lockport Police Department, 4/01/88.

Jobe, James E., Des Plaines Police Department, 12/13/80.

King, Wayne G., Chicago Police Department, 7/12/85.

Klacza, Wayne J., Chicago Police Department, 6/28/83.

Kugelman, John H., Illinois State Police, 11/10/86.

Lynch, Michael J., Federal Bureau of Investigation, 12/16/82.

Mathews, John W., Chicago Police Department, 5/21/88.

Mayer, Steven W., Will County Sheriff's Department, 7/16/83.

McCarter, Michael K., Illinois State Police, 4/07/79.

McMikel, Hamp T. Jr., Chicago Police Department, 11/20/82.

Morrison, William Jr., Chicago Police Department, 9/04/87.

Murrin, Martin S., Joliet Police Department, 9/12/84.

O'Brien, Richard J., Chicago Police Department, 2/09/82.

Osborn, Billy P., Bloomington Police Department, 2/19/86.

Reimann, Robert C. Jr., Highland Police Department, 1/06/84.

Ridges, Michael W., Cook County Sheriff's Dept., 10/17/85.

Ruiz, Irma, Chicago Police Department, 9/22/88.

Sack, John M., Peoria Sheriff's Office, 10/01/87.

Seward, Lee R., Chicago Police Department, 12/30/87.

Skeeters, Bernard D., Illinois Dept. of Law Enforcement, 5/20/82.

Tapscott, David R., Springfield Police Department, 12/26/79.

Topolewski, Raymond H., Will County Sheriff's Dept., 1/22/85.

Torres, Jose M., Chicago Police Department, 8/21/79.

Van Schaik, Roger W., Chicago Police Department, 3/03/79.

Vincint, Larry J., Chicago Police Department, 1/14/83.

On October 30, 1989, President Bush broke ground on the National Law Enforcement Officers Memorial at a moving ceremony in the Nation's capital. Joining President Bush that historic day were 2,000 law enforcement officials and survivors of fallen officers from across the United States. The President's stirring words of support served as yet another reminder of how important this memorial is—not just to law enforcement but to the entire Nation.

I was especially honored and proud that joining the President in breaking ground on the memorial was Chicago police officer Gregory Jaglowski. On September 22, 1988, Officer Jaglowski and his partner Irma Ruiz confronted a drug-crazed gunman just outside an elementary school. Officer Jaglowski was shot in the leg—his partner was killed immediately. Despite his painful wound, Jaglowski followed the gunman into the school and in a hail of gunfire killed the assailant while taking another severe wound in his other leg. Before being stopped by Jaglowski, the gunman had killed four persons, including Officer Ruiz.

For his heroic action, Officer Jaglowski was named Police Officer of the Year by Parade Magazine and the International Association of Chiefs of Police.

The memorial groundbreaking was a memorable and special event, with the highlights being seen on television by more than 8 million people nationwide. Mr. Speaker, I am moved by the fact that this important national memorial is being built solely with private contributions. America has answered the call in an impressive fashion. Some 500,000 individual Americans, 200 U.S. corporations, and countless police groups from across the country who have given to the memorial. Because of this outpouring of support, nearly $5 million has been raised for construction of the memorial.

Construction is now underway and the memorial is scheduled for completion no later than the spring of 1991. Approximately $1 million is still needed to finish and maintain the memorial. That money will also be used to add the names of officers killed in future years.

Mr. Speaker, like so many of my colleagues and so many parents in my district, I am deeply concerned over the drug problem afflicting our Nation. The drug war continues to rage across America and violent crime continues to ravage community after community. Every 20 seconds a violent crime is committed in America. An average of 56 murders a day were committed in 1988—one every 26 minutes. Every 6 mintues a woman is raped in this country. Between 1980 and 1987, Federal prosecution of drug cases increased 153 percent.

Police officers are in the front lines of this undeclared war and they have paid a high price. In the last 10 years alone, more than 1,500 officers were killed, nearly 600,000 assaulted, and some 200,000 injured. On average, one police office is killed in America

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every 57 hours. Preliminary figures from the FBI indicate that at least 151 law officers were killed in 1989.

With no end in sight to the drug crisis, our police officers need our support, now more than ever. With good reason, this country has erected impressive memorials to Americans who died in foreign wars, but it has yet to honor the brave men and women who have died—and will continue to die—protecting our neighborhoods and answering our calls for help.

The National Law Enforcement Officers Memorial will serve as a constant source of inspiration for active officers—reminding them that the people they serve support and care about them.

It is because of these compelling reasons that in 1984, I enthusiastically joined with my colleagues in unanimously approving legislation authorizing the memorial project. I was pleased when President Reagan signed this legislation into law. That same year, the 15 national law enforcement organizations that led the memorial lobbying effort, formed the nonprofit National Law Enforcement Officers Memorial Fund [NLEOMF].

The memorial will honor the estimated 30,000 Federal, State, and local law enforcement officers who have been killed in our Nation's history. Every community in America will be represented on the memorial. The names of brave law officers such as Chicago's Irma Ruiz will be forever remembered and properly honored. The memorial will also stand as a vivid expression of our Nation's appreciation and support for officers like Gregory Jaglowski who continue to risk their lives and answer our calls for help.

The memorial is being built in Judiciary Square, a prominent federally owned park in Washington, DC. It will feature an oval, tree-lined "pathway of remembrance" which will display the names of fallen officers on a polished granite wall. New names will be added annually.

Memorial architect Davis Buckley has created a magnificent design that will be a poignant tribute to America's finest—our law enforcement officers. Soon this long-awaited national monument will become a reality and our brave officers will receive the national recognition they have so long deserved. The National Law Enforcement Officers Memorial—a very special gift from a caring Nation.

ECHOES OF MY GRANDFATHERS' VOICE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. Brooks] is recognized for 5 minutes.

Mr. **BROOKS**. Mr. Speaker, upon my return from 2 weeks in Texas on Saturday, February 24, I was catching up on my newspaper reading and came across an op-ed piece "Echoes of My Grandfather's Voice" by our colleague, Bob Mrazek, which appeared in the Washington Post of February 22, 1990. I found it to be a moving tribute to the events occurring in Czechoslovakia, to his own ancestry, and to the new President of his native land Vaclav Havel.

While I deeply regret I was unable to personally listen to President Havel's remarkable address, I am grateful to Bob Mrazek for his moving, and, at times, humorous tribute. At least, through his statement in the paper, I was able to share, to some degree, his own pride in his mother country.

Bob Mrazek, the sole member of the Czechoslovakian-American caucus in the House of Representatives, is a perfect example of the strength, intelligence, and integrity which the Czechoslovakian people have displayed and I am taking this opportunity to share his remarks just in case, like I, others may have missed them.

The text of the article follows:

[From the Washington Post, Feb. 22, 1990]

Echoes of My Grandfather's Voice

(By Robert J. Mrazek)

As the chairman (and sole member) of the Czechoslovakian-American Caucus in the House of Representatives, I can truthfully say that my name has never provided me with any great political value.

Primarily, this is because my "ethnic base" consists of about 100 voters scattered among my 520,000 constituents. That isn't to say I'm not proud of my Czech heritage. And I've never felt more proud of it than when I stood amid my colleagues, wildly cheering Vaclav Harvel after he concluded his remarkable address to Congress yesterday.

Certainly I have never heard a more powerful tribute to the noble ideas upon which our nation is founded than the one he delivered. As he spoke, I heard the echoes of my grandfather's voice as well. He was a decorated hero of the first Czechoslovakian independence movement and the First World War, and he died when I was 14 years old. My home is filled with pictures of him as a young man, standing with his friend and mentor, Tomas Masaryk, the founding father of Czechoslovakia. My grandfather was an artist, Masaryk, a university professor. Both were intellectuals and proud of the fact.

On Saturday mornings in his studio, my grandfather would talk about the little "beacon of democracy" that once existed between the two world wars. A nation founded, just as our has been, on the simple proposition that all of us have equal value as human beings, a democracy founded in the heart of the Austro-Hungarian Empire, where no man would ever again be forced to bow to a king or be impressed to fight in one of Central Europe's petty and meaningless wars.

He would talk about the need for each citizen in a democracy to understand the gift it represents in terms of individual freedom—and the responsibility each citizen bears to ennoble it. I think that part of President Havel's greatness lies in his ability to express these views in ways that challenge all of us to seek a higher standard for the goals we aspire to as a democracy.

During his speech he seemed oblivious to the impact he was having on us. It probably won't come as a shock if I reveal that many of us in Congress have an attention span that barely exceeds a minute or two. That's one reason I was amazed to look up at the clock in the chamber and realize he had held us spellbound for more than an hour. At least a half-dozen times during the speech, I heard Dante Fascell in the seat next to mine murmur the word "magnificent" in response to a Havel line.

As Havel was leaving the floor, a Senate friend turned to me and said, almost awestruck, "If I could string together words like that, I could run for God."

Even my conservative friends admired the speech. Certainly few of us have ever heard a more harshly eloquent denunciation of the nightmarish capacity of a totalitarian state to crush the human spirit of those it subjugated.

At one point in his speech Havel actually made so bold as to deliver the line, "Consciousness precedes being, and not the other way around . . ." As God is my witness, I actually saw colleagues nodding sagely all over the floor. Congress must be full of eggheads these days, or maybe it was just that none of us wanted to appear dumber than we are.

When I was in Prague last month, I met President Havel for the first time. Like most of the other new leaders I met that week, he was wearing about $10 worth of clothes on his back and badly needed a haircut.

Perhaps out of pity, one of my colleagues said to him, "We are here to offer our help. The U.S. Congress is prepared to offer grant assistance to ease the difficult transition that lies ahead for you."

Havel shook his head and said, "No. The best assistance we can have is through our own people. We know what we have to do, and we have the energy and freedom to do it."

How, then, could we help? we asked.

"I would ask for your moral support," he replied.

Boy, we concluded, is this guy diferent.

When I saw him after his speech yesterday, President Havel looked resplendent in a navy-blue "congressman suit," although the effect was spoiled a little by the fact that his unruly hair was sticking straight out on one side. All I wanted to do was tell him how moved I was by his message—to express my admiration for the power of his words. Before I could get anything out, however, he said, "You are the only Czechoslovakian in Congress. Do you speak Czech?"

Well, it just so happens that I do. Basically, I remember one six-word sentence. I nodded affirmatively.

"Say something," he suggested politely.

In Czech I responded, "Please pass the bread and butter." He looked at me strangely. Before I could explain, he was hustled away to see Speaker Tom Foley.

I'm sure he thinks Czechoslovakia is well-represented in the U.S. Congress.

THE GROWING TRAGEDY OF LTRYPTOPHAN

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. **BENTLEY**. Mr. Speaker, there is a growing tragedy in this country of countless Americans becoming ill from taking L-tryptophan, a nutritional supplement sold over-the-counter and found in many health food stores. The FDA requested an urgent recall of L-tryptophan products on November 17, 1989; 334 manufacturers, repackers and distributors complied.

However, two manufacturers refused to comply and FDA researchers, themselves, found L-tryptophan on market

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shelves long after the recall was issued.

The supply of L-tryptophan is suspect because of 12 contaminated lots sent in from a Japanese pharmaceutical house linked to over 1,300 cases of Eosinophilia-Myalgia Syndrome [EMS]. There have been 8 suspected deaths and one proven. But, the hundreds of sick Americans who are suffering from this rare blood disease—which cannot be treated and has no known cure and may be fatal—wonder why the FDA recall has been handled in such a slipshod manner.

In Maryland, where we have 24 cases, our medial officers learned about L-tryptophan from reading about it in a newspaper. Within the last month, there have been an addition 180 cases nationally, and the product is still on the market.

I have asked the Secretary of HHS, Dr. Louis Sullivan to investigate this whole matter with great urgency. I wish I could do more.

CREATING JOBS AND AVOIDING A RECESSION BY CUTTING THE CAPITAL GAINS TAX

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH], is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, my special order is entitled "Creating Jobs and Avoiding a Recession by Cutting the Capital Gains Tax."

Mr. Speaker, I want to draw to the House's attention the very real concern which is evident if we look at this weeks' durable-good orders numbers that we could be in danger of a recession, that after the longest period of successful economic growth in American history, after month after month of adding new jobs, that there is a danger that we could slide into a recession. We do not need to have a recession.

The fact is that by intelligently applying supply-side economics, by having the right kind of tax cuts, by encouraging investment and saving and initiative, by encouraging entrepreneurship, we have proven that it is possible to have a long period of economic growth.

The Japanese had already proved that when they had 11 years without a recession after World War II during part of their economic growth. The old model that says every 2 or 3 years we have to have a recession is simply wrong, and the fact is that if we look at the current debate on Social Security, one of the fascinating footnotes is that we have missed two recessions that were projected by the standard economists of 1983, that is, they projected that by 1990 there would have been two periods of economic slump which have not occurred. So there is more money in the Social Security account because we have had economic growth instead of recession.

President Bush, campaigning in 1988 and then as President in 1989, called for a capital gains tax cut specifically to encourage investment, to encourage job creation, to avoid a recession. President Bush understands that a capital gains tax cut is necessary if the United States is to compete with Japan and to compete with Germany, to compete with the international market and to create more jobs.

Once again, in his State of the Union this year, President Bush has called for a capital gains tax cut.

We could afford to spend 1989 debating, because the economy was so healthy. President Reagan had left us in such good shape that even through the Democrats in the Senate failed to pass the capital gains tax cut and blocked it, we, nonetheless, were still growing, but we run the risk in 1990 of sliding into a recession, of having Americans become unemployed, and I think the Democratic leadership of the Congress should understand that if we slide into a recession in 1990, it will be known as the Democratic Congress' recession. It will be an unncessary recession with unnecessary unemployment caused by the Democratic leadership's unwillingness to pass a capital gains cut.

Let me walk through some of the key arguments. The National Association of Manufacturers, in analyzing the Jenkins-Archer capital gains proposal last year, found that it would, in fact, increase the total number of jobs. A study which was done by Garry Robbins for the National Center for Policy Analysis indicated that it would increase the total number of jobs. The Washington University macro model was used to analyze a 15-percent capital gains tax rate, which was President Bush's original projection. The original Bush capital gains tax cut, according to the Washington University macromodel, would increase the gross national product by $15 billion, would have a 2.4-percent increase in nonresidential fixed investment, that is, building factories and building buildings other than houses, would increase jobs by 390,000, would lower the unemployment rate by one-quarter percentage point, or a 4-percent reduction in unemployment. That is a simulation on a computer model which does not have a supply-side characteristic.

Even a non-supply-side computer model projects that the Bush capital gains cut would create 390,000 jobs. Gary Robbins, president of Fiscal Associates and a senior fellow at the National Center for Policy Analysis, developed a general equilibrium model of the U.S. economy. He has a lot of background in this. He was chief of the applied econometrics staff at the U.S. Treasury Department from 1982 to 1985, Assistant to the Under Secretary for Tax and Economic Affairs from 1981 to 1982, and the Assistant to the Director of the Office of Tax Analysis from 1976 to 1981. So this is a man who has had a lot of experience doing tax analysis.

In his study of taxing capital gains, he indicates clearly that we would, in fact, increase dramatically the total number of jobs. In his analysis, he suggests, for example, that the Jenkins-Archer proposal would have increased, at its peak, 750,000 jobs. It would increase the real gross national product in constant dollars by $30 billion a year at its peak.

That is very important. Let me explain why. A capital gains tax cut is a conservative jobs bill. It is the way we would create new jobs, and people say, "Well, does that not help the rich?" Let me ask this question: If the smallest computer model, the Washington model, which is the most static that we are citing today, if that projects 390,000 new jobs and those jobs go to people who are currently unemployed, are not 390,000 new jobs a substantial benefit to the poor?

If those 390,000 people are earning on an average of let us say $20,000 in their new job, so they are earning $7,800,000,000 in private salary at permanent jobs, isn't that an extraordinary impact on the poor?

☐ 1150

And if one believes Gary Robbins' analysis at the National Center for Policy Analysis, and we were to get 750,000 new jobs, wouldn't that be a remarkably positive thing for poor people? And shouldn't Americans normally be in favor of creating that many new jobs?

The fact is, our friends on the left love the concept of jobs, but they envy and hate job creators. They are unwilling to go out and reward the creator of the job. They are unwilling to create the environment in which the job exists.

This was indicated in terms of the impact of capital gains cuts in a General Accounting Office report which was dated August 12, 1982.

The U.S. General Accounting Office said the following about the capital gains cuts of 1978:

> The experience of the 1,332 companies that were started with venture backing during the 1970's demonstrates benefits to the nation's economy and productivity that were disproportionately large when compared with the amounts of capital invested.
>
> For example, with $209 million invested to create 72 of these firms, their combined sales in 1979 alone totaled $6 billion. The General Accounting Office conducted a detailed analysis of 72 firms. Growth in annual sales averaged 33 percent a year. In the process these firms created an estimated 130,000 jobs, over $100 million in corporate tax revenue, $350 million in employee tax revenues, and $900 million in export sales. Moroever, most products were productivity

> enhancing, such as computer-related equipment, fiber-optics, industrial contols, lasers, robots, word processors, and numerous others. Productivity gains resulted from the diffusion of such products into the design and manufacturing operations of a wide variety of industries.

In other words, the General Accounting Office study indicated that for $209 million in investment in 72 firms we created 130,000 jobs, $6 billion in sales in 1 year alone, $900 million in export sales, $350 million in tax revenue from employees, and $100 million in corporate tax and revenues. And that is from a $209 million investment.

The purpose of cutting capital gains is to create the incentive to invest and create new jobs, to create the incentive to have the kind of future we want.

Now, a number of my liberal friends complained about the Japanese buying Rockefeller Center. They said it was terrible that the Japanese were buying things in America. But I would suggest to them that if they would look at a paper entitled "Explaining International Differences in the Cost of Capital," from the Federal Reserve Bank of New York Quarterly Review, summer of 1989, and I realize this is an academic and abstract and complicated paper by Robert McCauley and Steve Zimmer, but it makes a very important point about the cost of capital as it relates to the United States and as it relates to Britain and as it relates to Germany and as it relates to Japan.

Its point is that we face the reality that over the long run, the longer the period of time we are looking at, the more expensive it is to invest in America and the cheaper it is to invest in foreign countries; that the Japanese have a tremendous advantage in long-term investment and the United States has a substantial disadvantage in long-term investment.

That has a direct impact at two levels. It has a direct impact, first of all, on real estate investments, such as Rockefeller Center, and it has a direct impact on research and development.

Let me quote from pages 15 and 16 of the Federal Reserve Bank of New York Quarterly Review article on explaining the differences in the cost of capital.

> The difference that inflation and investment tax policy make can be seen over time. Observe that the U.S. cost of funds rises over the sample period, while the cost of capital for a 20-year machine falls. High inflation in the early part of the period not only increased the interest tax deductions, as reflected in the cost of funds, but also eroded depreciation and imposed the "inventory tax," as reflected only in the cost of capital. In addition, accelerated depreciation for machinery over most of the latter half of the sample period lowered the hurdle rate for machinery.
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> The cost of capital captures differences in the relative cost of projects. The low cost of funds offers Japanese and German firms a greater advantage in long-term projects. U.S. firms actually had the lowest cost of capital for a 3-year expensed project in 1984–86. The shorter the project life, the less important are funding costs, so the low U.S. tax rate dominated. The German and Japanese cost of capital advantage emerges and widens as the project life extends from 3 years to 20 years to 40 years to infinity, the life-span of investment in land.

Notice that. Let me quote that.

> The German and Japanese cost of capital advantage emerges and widens as the project life extends from 3 years to 20 years to 40 years to infinity, the life-span of investment in land.
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> The required rates of return for a research and development [R&D] project illustrate how a relatively high cost of funds erects a high hurdle for investments with delayed payoff and how a tax credit can lower the hurdle. The archetypal R&D project analyzed here bears fruit after 10 years and its yield falls off geometrically thereafter. The contrast between United States and Japanese required rates shows how delayed revenues magnify cost of funds differences. The contrast is equally stark for United Kingdom and German required returns. Cutting across these funding advantages, the tax credits of 20 percent to 25 percent for R&D enjoyed by United States and Japanese firms over these years lower their hurdle rates as compared to United Kingdom and German firms, respectively. In the absence of the credits, the United States cost of capital for such projects would approximate the British cost.

Now, the point here is very specific. If you want a research and development oriented high technology kind of country, where people have good jobs, earning good incomes, producing good products, you have to encourage investment.

As the study makes clear, the shorter the time span, the less cost of capital matters. The longer the investment, the more capital cost matters.

So when you talk about Rockefeller Center, the Japanese currently have a lower cost of capital. They can afford to buy a long-term project.

When you talk about building high density television, the Japanese have a lower cost of capital. They can afford 10 years of research and development.

When you talk about the next generation of automobiles, Toyota and Mazda and Nissan have an advantage, and Ford and General Motors and Chrysler are at a huge disadvantage.

If you are a worker you might say, "Why does that matter to me?"

Cost of capital defines what kind of job you are going to get. If we cannot afford to buy the best computers and the best factories and the best tools, we cannot pay the best salaries.

If you are a consumer, say you are retired and ask, "What does that matter to me?"

If your country is not investing in the new technology, if we are not building the new factories, if we are not creating the new machine tools, if we are not investing and producing the new computers, you are not going to have the products to buy.

Instead, Japanese and German consumers are going to buy more modern products at less cost. So if you want cheaper products, you want a lower cost of capital. If you want more jobs paying higher salaries, you want a lower cost of capital.

Now let me carry you back to the question of cutting capital gains. There is a bill in the Senate today which we sent over from the House. It passed by a big margin. It is a capital gains tax cut. It will encourage people to invest in savings, to invest in new jobs, to create the jobs of the future.

As I said earlier, the study done at the National Center for Policy Analysis is very, very clear. It outlines the creation of 750,000 new jobs, of $30 billion a year in increased gross national product, and that is a tremendous improvement.

What does it cost? It is actually increasing revenue to the Federal Government, because it actually creates an environment in which more people are working, paying more taxes, doing more of the right thing.

In fact, the net revenue effect is to increase revenues by half a billion dollars the first year, by $3.6 billion the second year, and so on out until over the period of the next 10 years it would add $61 billion in additional revenue.

Notice the difference here. Our friends on the left believe you have to raise tax rates to raise revenues. We believe you have to create more jobs, you have to increase incomes in order to raise revenues.

Now, if we end up, because the Democratic leadership will not pass the capital gains tax cut, and if we end up because of their obstinance having a recession, our liberal Democratic friends will rush in and say, in the tradition of the bureaucratic welfare state, the time has come to create public works jobs. We are going to need some public works jobs. That would be expensive and counterproductive.

☐ 1200

Let me read into the RECORD an article by Warren Brookes from the Washington Times of February 19, 1987, which I think states devastatingly the case against bureaucratic welfare state jobs, and the case in favor of cutting the capital gains rate to create jobs.

Warren Brookes said:

> Every day it becomes more apparent that the Democrats have learned absolutely nothing since they last controlled the Senate in 1980—and are still wallowing in economic absurdity.
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> Take, for example, Sen. Paul Simon, the Illinois liberal who now wants to reinvent the old Works Progress Administration, or worse, the more recent Comprehensive Em-

ployment and Training Act, to "create jobs."

Aside from the fact that this nation is now employing the highest percentage of its adult population not only in our history but in the history of all Western democracies (including Japan), every study ever done shows that government "job creation" is a disastrous hoax—both on the taxpayer and the unemployed.

The latest evidence of this comes from Congress's own watchdog, the General Accounting Office. The GAO analyzed the "Emergency Jobs Act of 1893" and discovered it cost nearly $4.5 billion to add (at the peak) only 35,000 net jobs to the economy between June 1983 and June 1985.

That's a total cost per peak job "created" of more than $128,000, nearly four times the roughly $33,000 it costs the private sector to create a full-time job. And by 1985 the new job level had fallen back to 10,000. Worse, less than 40 percent of those jobs went to people who were previosuly unemployed.

This means the $4.5 billion was spent to cut U.S. unemployment by less than 14,000—or an effective cost per unemployed person actually aided by this program of about $325,000.

Since the whole purpose of the ridiculous EJA program was to relieve the nation's then (March '83) very high unemployment rate of 10.2 percent, it makes $650 toilet seats seem a bargain.

Last month, the nation's private sector created 448,000 jobs—without any congressional jobs program. That's 13 times as many as were created in the first two full years of the 1983 Emergency Jobs Act.

To put it another way, between March 1983 and June 1984, the economy created 6,930,000 civilian jobs, while the EJA created 35,000. So the private sector generated about 99.5 percent of all the new jobs—and as far as the unemployed were concerned, the EJA might just as well never have been enacted.

Sadly, the GAO, being a creature of Congress, and therefore increasingly political in its orientation, refused to say that Congress ought never again to pass such a ludicrous jobs act.

But that was the correct conclusion drawn by the Office of Management and Budget. OMB told the GAO that "the report's findings—that most of the Jobs Act funds were spent after the worst of the 1981-82 recession had passed and that few jobs were created relative to the total number of unemployed—are in line with the findings of [all] previous studies of countercyclical job-creation programs."

OMB went on to say, "a logical outcome of such findings is to recommend against funding countercyclical job-creation programs. We hope the final report makes such a recommendation."

Unfortunately, it didn't. Instead GAO blames all the failures of this EJA debacle on the failure to spend the original $9.029 billion fast enough. It moans about the fact that by June 1984 "only $3.1 billion or about 34 percent of the funds made available had been spent. . . . By June 1985, 2¼ years after the act's passage (in March 1983), about $4.5 billion had been spent, and about half the funds remained to be spent."

In other words, if we had just spent the full $9 billion in a big hurry, we might have generated 70,000 temporary new jobs instead of only 35,000, at a cost of $120,000 per job instead of $128,000. How absurd can you get?

To refresh your memory, by June 1983, when EJA started being implemented, the rapidly recovering U.S. economy had already created 1,764,000 new jobs in the six months since December—or nearly 300,000 new jobs a month. That's nearly 10 times as many every month as it took the EJA nearly two years to generate.

And by June 1985, when $4.5 billion had been spent and the net level of EJA jobs had fallen back to 10,000, the U.S. economy had created 7,411,000 jobs since EJA's March '83 passage.

Sadly, this awful boondoggle was the direct result of the Democrats' congressional victories in November 1982, when the party took 27 House seats and two new Senate seats. Immediately after that big victory, then-House Speaker Thomas P. "Tip" O'Neill Jr., predicted "the administration will soon be coming to us for jobs, and we'll give them to them."

Yeah, at $128,000 each. We should never have asked.

Warren Brookes' point is that the simple standard liberal Democratic Party line is: First, if you rely on the economy to keep going, even while you raise taxes, you fail to do the things necessary to keep the economy growing. Then when there is a recession, you decide we need a government-created bureaucratic welfare state jobs program. It takes 6 months to 1 year to pass the program. Then as the recession ends, we start to set up the bureaucracy to manage the program. Then at an extraordinarily expensive amount per job, we temporarily create bureaucratic welfare state, government jobs.

We are suggesting something that is a lot smarter. We are suggesting that it is time the Democrats learn from all of the changes in Eastern Europe. We are suggesting that what the Poles, and the Czechs, and the Hungarians are teaching us is that a bureaucracy does not work, the bureaucratic welfare state does not work, government-created economics does not work, that instead we ought to do what has been working for the last 7 years. We are suggesting that if the Democratic leadership in the House and Senate would simply pass the capital gains tax cut we could create these 750,000 new jobs that Gary Robbins projects in his National Center for Policy Analysis study. We could establish enough new jobs to increase revenues. We could then be in a position to avoid a recession, and we could compete better with the Germans and the Japanese.

We are going to talk a great deal more about this on May 19 in an American Opportunities Workshop which I am working with GOPAC to develop across the entire country, and that will be available to satellite television to anyone who has a down link, and we think in the American Opportunities Workshop on May 19 it will become even clearer that we could create jobs and avoid a recession by the right kind of public policy.

But for today I want to call upon the Democratic leadership to help us avoid a recession, to help us avoid unemployment, to help us avoid putting people out of work. We have a chance now to pass the capital gains tax cut. We have a chance now to do what is right for America, and I hope that the bill which is in the Senate will be brought up and passed, and that we will avoid the recession of 1990, which is avoidable, and which would be a Democrat congressional recession, by going ahead and passing the right kind of tax policy so that we are in a position as a Nation to compete with foreigners, to be active in the world market, to create new jobs, to create better savings, to create better investment, and to have more high technology consumer goods at a lower cost.

RECENT EVENTS IN NICARAGUA

The SPEAKER pro tempore (Mr. Carper). Under a previous order of the House, the gentleman from Wisconsin [Mr. Obey], is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I very seldom use the device of special orders to discuss a matter, because as people should understand, special orders occur after that period during which the House has done its legislative business, and under normal circumstances, virtually nobody is here to listen anyway, and that is certainly the case here today. I speak not so much to a nonexistent audience in the House, but I speak simply for the record, because I think it is useful to have a discussion about recent events in Nicaragua.

I think the forces of democracy and freedom experienced a great victory in Nicaragua. I think that in many ways America and other regional countries got lucky, and we now have a second chance to build conditions in that part of the world which are in the interest of the United States as well as in the interests of people who live in that part of the world.

□ 1210

I also think it is useful to examine how it happened because it can perhaps be instructive when we face future dilemma of a similar nature.

Mr. Speaker, last year I was going over a book which was published on the 50th anniversary of the creation of the Rural Electrification Administration. Among the many featured stories in that book was a biography of Senator George Norris, who was one of the founding fathers of the REA. That biography listed a State-by-State history of his career in the U.S. Senate. For 1927, the entry of that biography read "Norris Leads Effort To Withdraw U.S. Troops From Nicaragua." Upon seeing that I asked my staff to get me copies of some of the news stories surrounding the debate in 1927, when this country for the second time, decided to follow a policy of trying to use military force in Nicaragua.

I have a number of those old news stories here. One is headlined "Coolidge Explains Forces in Nicaragua." Given the fact that former President Reagan indicated many times that Calvin Coolidge was his favorite President, perhaps it is more than just coincidence that President Reagan also favored a military approach in Nicaragua.

I invite Members to examine these stories, some of which I will insert in the RECORD. I point to them to simply make the point that in the 60 years since that episode, the arguments about Nicaragua really did not change very much. In fact, the only things that have changed are the names. That history has been that when Nicaragua has a government we like, we propped it up with money or with the Marines, and often when they had a government we did not like we appropriated money either to send in our troops or to send in somebody else's troops. The result has really been that after 60 years of following that policy, up until very recently, we still had no policy to promote stability, and no effective long-term policy in the region. As a result, we had a great deal of anti-American sentiment which did neither America nor that region of the world very much good.

In fact, in many ways, over the past 60 years, we had gone backward, because governments that we were opposing 60 years ago may not have been to our liking, but at least they were not followers of an ideology which was foreign to our own interests and our own values. However, 60 years of relying primarily upon military action or military servants to keep Nicaragua tame, rather than tackling the underlying economic and social problems which led to the rise of potential revolutions, simply produced the kinds of hatred which made it possible for Marxists to exploit.

Therefore, until very recently there was still a war going on, and bloodshed finding its way into the headlines of our newspapers, virtually every day in that area. Our own country, until very recently, had been divided because our allies were not being matched by our actions, and we had not learned that we could intensely dislike a country's policies without making war against it.

Since military aid to the Contras began, the political right wing in this country has been telling the country that only they understood how to protect America's interests and America's values. However, the fact is that if we take a look at history, if we have an institutional memory, the fact is that many, many of the political right in this country were the very people who helped bring the Sandinistas to power in the first place. I remember in the 1970's, serving as a Member of this body at that time, I remember when the Carter administration was considering ending U.S. support for Somoza, who was then the reigning dictator in Nicaragua, because it was clear that Mr. Somoza had followed a policy which would deprive many of the citizens of his country of economic progress. He had jailed a number of very respectable Nicaraguan citizens, including some who later became leaders of the Contras. It was clear that he was going to fall. The question was, whether or not the plug would be pulled in time so that a constructive alternative to Somoza would wind up taking his place. However, the right wing in Congress said, "No." I remember having many conversations with some of those Members at the time. They told the Carter administration, "If you pull the plug on Somoza, we will block your Central American budget. We will block other Central American initiatives," and so the Carter administration did not have the votes for that kind of a policy. Eight crucial months went by. During that time the Nicaraguan Marxist alternative to Somoza left Nicaragua, moved elsewhere, took much of their capital with them. That resulted, in the end, in the Sandinistas being the only organized effective political force in Nicaragua as an alternative to Somoza. Somoza eventually went down.

Now, after that happened, at the request of people like Adolfo Calero, who later became one of the leaders of the Contras, American policy was to provide some forms of economic assistance, largely through the private sector. Eventually, Sandinista conduct became so unacceptable that the administration and the Congress felt that that was no longer productive, and that assistance was continued. Shortly thereafter, the Reagan administration began its covert war against the Sandinistas. It mined harbors, it secretly trained and overtly financed the Contras and covertly financed the Contras. In June 1986, the Reagan administration finally obtained the support in Congress for overturning the Boland amendment. They won the vote, and began to supply military assistance directly.

Most of the Democrats in this House at that time supported the Hamilton amendment. The Hamilton amendment called for a policy of working through regional allies to pressure Nicaragua into demonstrating conduct which was consistent with its original promises, conduct which was consistent with the needs of the entire region, in conduct which was consistent with the national interests of all the parties in the Western Hemisphere, including the United States .

I remember visiting Central America about 8 months later, and we had conversations with a number of leaders in Central America. I remember having an especially insightful conversation with a man who was the principal adviser to President Arias on foreign policy matters. President Arias of Costa Rica, and what he said to Members at that time was essentially this. He said:

> Look, the trouble with you Americans is that you often follow politics which cannot be sustained over a long period of time because they are only narrowly supported politically. They are not broadly supported on a bipartisan basis because they have too many elements within them that are divisive, and that means that we cannot rely on American policy to be consistent. We cannot rely on it to be clear. It changes every time administrations change.

And he advised Members to go home and eliminate the elements of American policy with respect to Nicaragua, which were dividing our country, so that we could reach a bipartisan agreement on a policy which could be sustained over a long period of time, a policy which would be worked in conjunction with our Central American allies.

☐ 1220

In August 1987 it appeared that that was going to happen. The Reagan administration and the Democratic leadership in Congress worked out the rough outlines of a bipartisan approach to peace and announced it on August 5. But disagreements soon emerged afterward over a number of issues, deadlines, for instance, and other issues.

On August 7, 1987, the Central American Presidents signed a peace agreement based on the plan presented by President Arias of Costa Rica, a plan that called for internal dialog, an end to insurgencies, and for democratization, including free elections. The Democratic leadership in the Congress at that time strongly praised that agreement and urged that the United States support it. The White House walked away from that agreement.

On September 23, 1987, President Arias said the following:

> I think the military support for the Contras has been the main excuse for the Sandinistas to do all they have done in the past to abolish individual freedoms, to abolish pluralism, to make Nicaragua a more dictatorial society.

On November 9, 1987, President Reagan demanded that Congress approve $270 million in military and nonmilitary aid for the Contras. Later that request was scaled back, and the President threatened to veto any continuing resolution that did not provide military aid for the Contras, and that position was supported by a majority of the Republicans in this House.

On December 17, Vice President Bush said in regard to the Arias Peace Plan: "I have always had reservations about it."

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Then on December 27, in what I believe to be a key turning point, Democratic negotiators on the continuing resolution, Members, including now Speaker FOLEY, Mr. Coelho, the deputy Democratic whip, Mr. BONIOR, myself, and a number of others, hammered out a compromise with the administration which enabled us to obtain a separate vote scheduled for February 13, 1988, to end military aid to the Contras. That compromise included a new suspension of military aid deliveries to the Contras between January 12 and January 19, 1988, so that the Sandinistas would come to the bargaining table with the Central American Presidents. That, in my view, is the event that gave us an opportunity to finally turn American policy around and turn the situation in Nicaragua around. And on February 3, indeed, after many, many meetings in this place, meetings organized by the gentleman sitting right here, the gentleman from Michigan [Mr. BONIOR], to hash out differences, to count votes, and to discuss ways to build coalitions that could hold over a long period, the House finally rejected President Reagan's request for $36 million in continued military aid. And I am proud to say that more than 80 percent of House Democrats opposed that aid request on the part of the President, and it failed.

Shortly thereafter, we began the policy which led to the successful culmination of events just a few days ago in Nicargua.

Now, in that debate on February 3, that key debate which ended all practical possibility of military aid to the Contras, I said some things which I want to quote today. What I said at that time was this:

> Now we have a different option. For the first time in modern history Central America has produced a combination of leaders who are saying to the United States, "Try something different. Use us," they say, "to put pressure on the Sandinistas to stablize the area regionally rather than trying to impose your own will through techniques that are not working."

And I said at that time:

> I say to my colleagues it is easy for the Sandinistas to explain why the gringos are against them. All they have to do is cite history. What would be much harder for them to explain is why their own Central American neighbors are against them. The Arias Peace Plan puts Mr. Ortega and the Sandinistas in a position where they will have to answer that question to their own society, and I think that that answer will be very convincing. The Arias Peace Plan requires much of the Sandinistas, it requires much of their neighbors, and it requires much of us. It asks us to cut off military aid to the Contras.

I then went on to say:

> Let us by our vote today make it clear that this administration's—
>
> Meaning the Reagan administration—
>
> habit of relying upon the military option while giving short shrift to their other options is a deadend, and let us substitute in these coming months a policy of hemispheric pressure to try to bring both sides to the table in a search for arrangements which would assure the security of other countries in the region.

Then I went on to note:

> Some of our colleagues are saying we don't want to vote because it puts the Contras out there, and since we supported them in the first place, we simply cannot leave them in the jungle to rot.

Then I simply mentioned that in my view there were many kinds of Contras just as there were many kinds of Sandinistas, that some of them were merciless mercenaries, brutal and corrupt, while other were simply 17- and 18-year-old kids, like some of them I had met in hospitals who had had their hands blown away or their faces blown away and faced a very bleak future.

Then I went on to say:

> The fact is that regardless of how many of our colleagues want to describe it, further military aid at this point kills the peace process. Rejecting military escalation will keep it alive.

Then I said:

> I urge my colleagues to support the peace process in Central America and vote no on the administration's request for Contra aid now before us, so that we can begin after 60 long years a new chapter based on a bipartisan coalition that will utilize the strength of our allies in the region to pressure Nicaragua for peace, that will assure the security of Nicaragua's neighbors, which will attack the root problems which led people to get sucked in by ideologies such as Marxism in the first place, namely, poverty, disease, concentration of land, education and opportunity in the hands of an elite few, and through an intelligent application of our resources, try to bring about a policy that can be sustained, not just through this administration but through a succession of administrations. We need continuity of policy. No policy is any good, regardless of how it may be viewed by policy planners here in Washington, if it cannot be sustained by the American people for a long period of time. President Reagan's policy cannot; the other policy we seek today can. I urge my colleagues to vote that way today.

That is what this House did. They voted to end the military aid to the Contras, and subsequent to that they voted a humanitarian package of aid to the Contras and they supported the cease-fire agreement. The Democratic leadership of this House also insisted on funding for verification to monitor the cease-fire accord.

Then on March 24, 1989, the congressional leadership and the Bush administration reached a bipartisan agreement on an approach which moved U.S. policy away from unilateral militarism to a policy of regional cooperation and regionally applied pressures for elections. Congress, on April 13, officially adopted that new bipartisan approach, although I would note at the time that some conservatives in the House strongly objected to it. One Member, for instance, on the Republican side of the aisle said at that time, "Nicaragua is lost. The hope of freedom is gone."

Well, the election of February 25 which Mrs. Chamorro won indicated that that was not the correct view of the future, and I guess all I would say is, thank God, that in the end, instead of the proxy war in Nicaragua that President Reagan wanted us to fight, the United States worked with our allies in this region to bring about the victory for peace and democracy that occurred this week. That occurred on a bipartisan basis because the Bush administration was willing to work with the Congress on a policy with a new direction which bore fruit.

□ 1230

To me, Mr. Speaker, the election in Nicaragua this week demonstrates what can be done when the United States works cooperatively with its regional allies in this hemisphere rather than inisisting on a policy which has no support but ourselves. The Sandinistas were able to withstand the pressure from the discredited Contras, but they were not able to withstand the full force of world opinion when that force was effectively applied through regional cooperation led by Costa Rican President Arias and in the end thankfully supported by the United States as well. In my view this vote is a vindication of the insistence of those in Congress and elsewhere who fought for so long for a policy of regional cooperative pressure rather than unilateral military confrontation, and I think that people such as the gentleman from Indiana [Mr. HAMILTON], Speaker Wright, the gentleman from Washington [Mr. FOLEY], our Speaker, the gentleman from Missouri [Mr. GEPHARDT], the majority leader, the gentleman from Michigan [Mr. BONIOR], the majority deputy whip, the gentleman from New York [Mr. McHUGH] and many others on this side of the aisle, as well as many others on the Republican side of the aisle who supported that new constructive approach, can feel very good about what happened in Nicaragua this week.

Mr. Speaker, I just have two other points to make.

I noticed a statement by President Ortega on television last night which I think was exactly correct. He said this, and I congratulate him for the statement. He said, "The important thing is not who won the election, but that the election did take place," and I think that is absolutely the correct view, and I congratulate President Ortega for indicating that he will comply with the results of that election. I hope that he intends to comply fully with it.

I would also hope, Mr. Speaker, that the American policy from here on out would be the immediate, total disbandment of the Contras, the reintegration into Nicaragua of those who want to return, and I would certainly expect that they ought to be immediately disarmed so that they cannot in any way provide an impediment to the transfer of power in Nicaragua.

The Nicaraguan people are to be congratulated because they participated in and conducted an election under difficult circumstances. They have a right to have their judgment carried out, and I am sure that we all fully expect it will be.

I think this has been a very tough chapter in the life of the American political dialog, but I think in the end it has come out the way it needed to come out, and I think it is important to understand why, which is why I have taken the time that I have taken today.

Mr. Speaker, at this point I would simply yield the remainder of my time to the gentleman from Michigan [Mr. Bonior] who has played an incredibly key role, in my view, in slowly, but surely, bringing around American policy to one which in the words of a newspaper headline that I saw today represents American fundamentals of fair play, and I congratulate the gentleman for the very key role that he played in the entire chapter.

Mr. BONIOR. Mr. Speaker, I appreciate the gentleman from Wisconsin [Mr. Obey] yielding to me, and I also appreciate his kind remarks and his, I think, superb analysis of what has transpired over lo these many years that we have engaged in this very, as he correctly labels it, difficult dialog in the United States over this issue, this contentious issue.

Mr. Speaker, I had the honor of being in Nicaragua this past weekend. I was asked by President Bush to be part of the Presidential team to monitor the elections, and, after that fell apart, President Carter was gracious enough to ask me to go down and be part of his monitoring team, and I want to share with my colleague and with my other colleagues who may in fact be listening the wonderful experience we had, those of us who monitored the elections this last weekend.

My colleagues, it was just amazingly gratifying to watch 90 percent of the Nicaraguan people come to the polls, stand in the Sun for up to 2 and 3 hours to cast their ballots in secret and to watch almost a flawless election being held where there were in small little village libraries and huts tables the size of the one I am speaking from with members of the FMLN, the Sandinista front, members of UNO, members of the Christian Democratic Party cooperating, counting ballots, processing people through, and then, of course, having it all turn out to be a free and fair election, and having the losers yield and those responsible for assuming power in the next couple of months providing the proper segue to a peaceful transition.

Two years ago, after the Congress finally cut off all United States support for the Contra war in Nicaragua, President Reagan declared, and I quote:

> Those who led the fight against our package of assistance to the democratic resistance cannot escape responsibility for what followed.

Well, Mr. Speaker, what followed was I think culminated last Sunday, but more than the elections, an election process followed. What followed was release of all political prisoners. What followed was a rapprochment with the Catholic Church and the government. What followed was the opening up of radio stations, television stations. What followed was the creation of an electoral commission that conducted one of the fairest elections that I have ever seen. What followed was a whole series of openings within Nicaraguan society for free speech, for reconciliation. What followed was the putting together of the Catholic Church, the government and the opposition and the reconciliation commission. What followed was probably one of the most important assemblages of Presidents in Latin American history that was put together by Oscar Arias, an assemblage of Presidents who will go on and deal with other problems that are outstanding.

Mr. Speaker, Nicaragua certainly is not completely settled, and we have got, of course, the El Salvador question yet that we will be discussing. I am sure, in heated debate here on this floor over the next 8 or 9 months.

What followed though ultimately was free and fair elections, and what followed was something that I think very few of my colleagues, let alone my Republican colleagues, but I think a lot of my Democratic colleagues thought would happen, and that would be the Government of Nicaragua yielding power at this point in a very gracious way.

The gentleman from Wisconsin [Mr. Obey] quoted Mr. Ortega when he said, "What was important was that we had elections, not who won." They are prepared to be the opposition, and they will be a formidable opposition. They will have about 40 percent of the seats in the national assembly. They have a well organized political structure, and I suspect that they will play an important role in the life of Nicaragua for many, many years. They have also, I think, undoubtedly provided themselves with the credibility that they need to be a viable player, not only in their own country, but within the hemisphere, by their peaceful transition, which is to date going reasonably well.

What is really so startling about all this I suspect is that this has basically been the first free, decent, fair election they have had in Nicaragua in this century, and we can take, as my colleague said, great pride in the fact that those of us on both sides of the aisle, we had many people oppose the policy that David and I have advocated on the Republican side of the aisle, but recently, with this new administration, we were able to come together and embrace the regional approach, embrace the diplomatic approach, embrace the idea that working together we could resolve this thing without killing an additional 30,000 Nicaraguans, the toll which this very sad war has taken on those very fine people.

□ 1240

We did it, and it worked. We resolved it at the table. We resolved it talking to each other and we ought to take great pride in that.

I want to take this opportunity to commend not only my colleague, the gentleman from Wisconsin [Mr. Obey] for the constructive role that he has played, lo, these many years in the face of some very partisan and some very difficult attacks that we both have taken, but Speaker Wright, who I had the pleasure of flying down to Central America with last week and the role that he played and the difficulty that he confronted over this issue in the 2 years that he engaged not only the Reagan administration, but virtually the whole political opinion of the American press on this issue, aside from a few exceptions.

I want to praise President Carter for the constructive role that he and President Baena Soares of the OAS played not only in monitoring the election, but in going to the Government of Nicaragua at crucial times, three and four times during the electoral campaign over the last 6 months, and getting the press open, getting more access for television coverage for the opposition, making sure that the rallies that were held were peaceful. After that one incident they had in Masaya, there were something like 60 peaceful rallies held right up until the end of the election without incident. President Carter played a tremendous role in arranging that.

I want to commend the United Nations for the role that they played, the OAS for the role they played in monitoring and the role they both will continue to play as we demobilize the Contra forces.

I want to commend President Carter in providing the leadership on the evening of the election in bringing together Mrs. Chamorro and Mr. Ortega and trying to set the tone, the tenor of the atmosphere for a peaceful transition. He was shuttling all night without sleep for 2 days between the campaign headquarters of both parties, working out the details so that we would have indeed a peaceful transition. So he has served this country very well, and I was very proud to be a part of his team.

Let me also say a good word about President Bush, Assistant Secretary of State Aronson, and Secretary of State Baker. President Bush was very supportive of President Carter's efforts in playing the role that he did in Central America, and that is not an easy thing to do when you are President, to say to someone who has served in that office before you and who is of the other party that they indeed did play an important role, but President Bush did it and I commend him for it.

I commend the flexibility that Secretary Aronson has had on this issue since he assumed his responsibilities a year ago and, of course, that of Secretary Baker. We will be meeting with them as we have in the past on this bipartisan accord we have put together, and I am hopeful that they, this administration, will yield to the advice not only of President Carter, but Mrs. Chamorro and Mr. Ortega, that the Contras demobilize and demobilize now.

The reality, Mr. Speaker, is that they really never had much support in Nicaragua. Even the Uno people that I have talked to over the last several months, talked to in Nicaragua, all the surveys and the polls indicate that not only were the Sandinista people discouraged and disgusted with the Contra forces, but indeed the opposition felt that they were not helping, that they were a hindrance to the process; so they ought to go home. They ought to take up the opportunities that will be available to them to integrate back into the Nicaragua society and play a useful role in the new development of their country.

I hope in that connection that the remaining aid in the pipeline that we have provided will be funneled through the CIAV, which is the bicameral group of United Nations and OAS people who are trying to provide for the transition and the demobilization of the Contra forces. That has been the recommendation, I believe, of President Carter and I think accepted already by Mrs. Chamorro and, of course, it has been accepted by the Ortega government.

Finally, I do not know if this is the right time, but since I have my colleague here on the floor, I will venture some observations about the future in terms of aid. This is one challenge I do not envy. The gentleman in the well [Mr. OBEY] has one of the most difficult challenges, it seems to me, that any legislator in postcold war politics, if I could use that phrase, could ever have, and that is looking at our foreign aid needs and our resources and trying to match them with the reality of where we are. The world has changed in a tremendous way, as everyone recognizes. Who would have thought a year ago that the events of Central and Eastern Europe, the events in the Soviet Union, the events in South Africa, of course, would have transpired, and in Central America, but they have, and they have altered indeed the political equation.

Very recently President Havel of Czechoslovakia spoke to us from just above the well where my colleague, the gentleman from Wisconsin stands, and said that we are moving away from a bipolar world. Indeed, we are moving away. I do not know where we are moving to and I do not think anybody knows where we are moving to, and it is a little unsettling to have everything in flux and really not knowing exactly where we stand vis-a-vis each other; but nonetheless, the sense is that it is in a positive direction, that it is away from communism, that it is moving toward democracy and freedom, that it is moving toward open markets and the sense is very optimistic and hopeful.

The scourge of the nuclear age is sort of being lifted very slowly and very gently from the shoulders of all of us who have grown up with it, and it is a very wonderful thing. Speaking for myself, I cannot say that I felt as good about mankind as I have in the last several months, recognizing still the dangers that are potentially out there and the problems ahead; but nonetheless, we have to decide, all of us, and particularly the gentleman in the well, how we are going to deal with the needs of the Third World, the needs of the central European nations, and how we are going to divide up that pie.

I would just make several recommendations right now, for whatever they are worth. I have tried to give this some thought over the last couple days. I think we ought to go very, very slowly on aid to the Central American countries, particularly Nicaragua. We ought to wait and see who is in place, who has responsible positions within the new government, but I think that does not mean we ought to isolate ourselves and move away from the problems of Central America or Europe or the rest of the world. We are a major power. We have to be engaged. There are things we can do immediately in Central America and I think we ought to do them.

I think, No. 1, we ought to lift the embargo. I think that is necessary and I think in fact that will have a very important impact on the economy of Nicaragua, perhaps as much as any aid package we will provide them.

The second thing I think we ought to do is work as hard as we can within the international lending institutions to make sure that indeed the funds that are available reach that country. There will be much demand on those funds, as my colleague knows, but it seems to me that the Nicaraguans ought to be able to share in that funding and share in it soon.

The other thing I would recommend, of course, is that we give them most-favored-nation trading status.

I think the fourth thing is that we allow them to participate in the CBI, the Caribbean Basin Initiative.

Let those free market forces go to work without any massive aid package happening over the next week or 10 days or a month or 2 months, and let things settle down and let us see where we are. If indeed we have to fashion a package, as I suspect we will, let us be careful in how we allocate the dollars. We have had a long and unfortunately sorry history of providing aid to Nicaragua and having those dollars disappear in Swiss bank accounts and other accounts around the world. We ought to be very slow and very careful and very pointed at where we want the dollars to go.

□ 1250

My colleague, the gentleman from North Dakota [Mr. DORGAN], was a very integral part of putting together, during this debate over aid to Nicaragua over the last couple of years, a children's aid package, and that is the type of thing that I think we ought to focus on, what are the needs of the people of Nicaragua, medical needs, nutritional needs, what segment of the population needs them the most, and children's aid packages, things of that type, things of that nature, things that are targeted, I think, we ought to be looking at instead of just granting massive amounts of United States dollars into the country, because as my colleague knows, the line is very long. There are the Panamanians, the Salvadorans, and about a million, 3 or 4 a day, and we are going to have the Poles, the Hungarians to whom we will be giving, and we are going to have, of course, the Romanians and everybody is in line.

Mr. Speaker, I am concerned, quite frankly, about us playing a role in world affairs and financially, but I am also concerned about us as Americans getting our own act together. We really have borne the brunt, it seems to me, of vigilance, of being watchful for 45 years, 50,000 troops in Japan, 40,000 troops in Korea, hundreds of thousands of troops in Europe with a tremendous, tremendous price tag. We have provided an exorbitant amount of money, from my perspective, for defense, and we have done that at a cost. The cost has been the taking care of the basic human resource needs of our own people, education needs, and I am not going to recite all of the educational needs that are yearning for attention in this country or the needs in terms of retraining or the whole reinvestment question that is clearly before us, but we have got to start looking inward somewhat.

That does not mean we have to divorce ourselves completely from our important position as a world leader, but it seems to me that it is going to be difficult for many of our colleagues here to tell our workers and our students to get in the back of the line while we usher into the front of the line the Salvadorans and the Nicaraguans and the Romanians and others. We can do this fairly and equitably, but let us keep in mind that our resources are, indeed, limited, and let us keep in mind the needs of our own people as well.

Mr. Speaker, I just, in conclusion, want to commend my colleague from Wisconsin for taking this special order and for his splendid leadership on this issue. This issue is not going to just disappear. It will hopefully fade quietly into a situation where we can devote more of our energies working together, both sides of the aisle, and on other foreign policy matters.

The most immediate, of course, it seems to me regionally, is how to deal with the question of Salvador and, of course, we will be discussing that many, many hours on this floor in the coming weeks and months ahead.

But the beauty of what has happened over the last 2 years, the beauty of the Arias-Wright proposals is that we have created a forum in which we can move on to Salvador, and what is so gratifying is that we have potentially created a situation in which we can move to Salvador and hopefully with the good work and good offices and the international pressure that was applied to the Nicaraguan Government, that that can be applied to the FMLN as well as to the Salvadoran Government so that we can reach some type of a resolution to that bloody conflict that has claimed over 70,000 lives over these past 10 years.

It seems to me that these countries are exhausted, and I think that one of the lessons of Nicaragua is just pure exhaustion. There is only so long, there is only so much grief a family and a nation can withstand, and people were willing to put their difficult period behind them, and they did it honestly and fairly and freely. For that, we can all be thankful.

With one last word, I welcome the cooperation of this administration and my colleagues on the Republican side of the aisle in moving forward to try to complete the peaceful resettlement of Central America by coming to some conclusion on the demobilization question of the Contras and then moving on to the more difficult question of Salvador.

Mr. Speaker, I thank my colleague.

Mr. OBEY. Mr. Speaker, I thank the gentleman very much for his comments.

I would simply like to say that I agree with his observations about the very constructive difference in tone and approach between the previous administration, which engaged in institutional confrontation with the Congress on this issue, and the Bush administration, with Mr. Aronson and Mr. Baker and others, who recognized that we had to move to a system of both institutional cooperation and regional pressure rather than unilateral militarism.

I would also say that with respect to his comments about the need to deal with our own problems, I think I agree fully with what the gentleman said. I think I would only phrase one thing differently. It is not that I want us to look inward. I want us to, in fact, play the largest possible role on the world stage, because I think we need to do that if our values are going to be projected and protected, if our economic interests are going to be protected, and if the interests of American working families are going to be protected on everything from trade to you name it.

The problem is that we are not going to be able to do that unless we do attend to some of our own problems. The Soviets have learned the hard way that they cannot project power over a sustained period of time if the economic base is weakening, and whereas after World War I and World War II we emerged from both of those wars in a stronger position relative to the rest of the world economically than we went into those wars with, at the end of this post-cold-war period, we are emerging, in fact, in a relatively weaker position than we were going in. That ought to tell us that we have a serious problem rooted, I believe, in the fact that the domestic investment we have made, especially the last 10 years as a share of our Federal spending, has been reduced by almost 40 percent. I am talking about investments in education. I am talking about investments in infrastructure, investments in science, investments in research, all of the investments that make us competitive and enable us to play a political, economic, and military role in the world wherever it is appropriate and wherever it is needed.

We have to make America No. 1 economically if we are going to keep America No. 1 in the world on the other range of issues that we face. I fully agree with the gentleman.

With respect to the question of financial assistance, I agree that we have to be very careful, because while we certainly need to recognize that investments in educational development and economic development can help avoid the creation of a situation in which investments in military expenditures to deal with the results of our neglect become palatable in the eyes of some people, while we have to recognize that, we have to also make certain that the dollars do what they are supposed to do, that they do not, in fact, wind up being siphoned off as so many others in the past have been.

I congratulate the gentleman and agree with him.

Mr. SLATTERY. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Kansas.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman for yielding, and I would first like to really commend him and my friend, the gentleman from Michigan, for their leadership on this.

As I stand here today, I have to confess that I have not been in the past a vigorous supporter of foreign aid, and I have often been very critical of it.

As I look into the future though, I have to confess that I think it is going to be important for us to play a stronger role in the future of Europe and also in our own hemisphere.

One of the things that I think would be important for all Americans to understand is that when we look at our total Federal budget, we spend a very, very small part of it on foreign aid. I do not know how many times I have been approached by constituents in Kansas, and they tell me, "All we need to do to deal with the deficit is to get rid of all of this foreign aid, all these giveaways that we have, and we will solve our deficit problem."

□ 1300

I tried to point out to them that out of that $1.2 trillion Federal budget that we work with, somewhere in the neighborhood of $18 billion is in foreign aid. So it is a very, very small part of our overall Federal budget. I think we need to keep that in mind.

One of the things that I would further observe is that President Harry Truman following World War II in putting together the Marshall Plan challenged this country to make the kind of investment in the Marshall Plan and the reconstruction of Europe that today would be equal to somewhere in the neighborhood of $50 billion.

Now, this was in 1946, 1948, after the Nation had just gone through an incredible war where thousands of our troops had died. Yet President Truman had the vision to challenge the American public to make that commitment to rebuild Europe.

I would just hope that as we approach Central America following the events of the last few days, that our leadership in this country would have some of that Truman-type vision.

I would point out that it would be a terrible shame in light of the role that this Government has played in the changes in Central America, and particularly in Nicaragua over the last 10

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years, if we at this time failed to fill any vacuum in terms of economic assistance that is created by the Soviet Union and the Eastern Bloc pulling out. I think that we as a country have a fundamental moral obligation in light of what role we played in the demise of the Sandinista Government to make sure that we do not leave them in the lurch. I think it is important for us to make a commitment to at least help that new government to a level equal to what they had previously received from the Soviet Union and the Eastern Bloc if they pull their aid out.

Mr. OBEY. I would simply respond to the gentleman by saying that I certainly agree. We do not want to leave anybody in the lurch. I would, however, draw attention to several important considerations with respect to President Truman.

No. 1, when President Truman proposed the Marshall Plan, he proposed it within the context of a balanced budget. The difference between President Truman and the situation in the last 10 years is President Truman paid his bills.

Second, President Truman proposed the Marshall Plan within the context of a domestic economic policy which was providing an expanding economic horizon for America's working people.

The Government in those days was seen as being on the side of working people, because it was providing assistance for new housing and for people just back from the war. It was providing assistance to educate people through the GI bill. So it was seen as the people's helper.

Today Government is wearing a Gramm-Rudman green eye shade. The accountants rule the world. Unfortunately, computer runs seem to be more important that Washington policy.

It seems to me if we want to provide the kind of assistance that may very well be needed around the world, the way to assure we can do that is to build the strength and staying power and the expansive power of our own domestic economy, something which has sorely been neglected over the past decade.

Mr. SLATTERY. If the gentleman would further yield for one brief observation, President Truman left office with a very low public approval rating. I think he saw the Presidency as a power to be used to advance the overall common good of this country and was willing to really spend his political popularity to achieve that end.

Unfortunately, today I have to conclude that political popularity among some is seen as an end in itself. We sorely lack that kind of visionary leadership that will help this country make the tough choices it needs on the budget and other areas to advance the common good.

Mr. OBEY. I agree with the gentleman. I noted this morning in discussions with Secretary Baker that one of the frustrating comparisions to me is that at a time when politics has been ennobled by the actions of so many in Eastern Europe who risked virtually everything for the sake of real progress for their countries, at the very same time all too often in this country politics is being trivialized by an inclination not to take risks, an inclination not to present people with challenges, as opposed to palliatives.

I think in the end the American people would pay the highest price of all if that is not changed.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under previous order of the House, the gentlewoman from Ohio [Ms. OAKAR] is recognized for 60 minutes.

Ms. OAKAR. Thank you very much, Mr. Speaker. I was intrigued with the last discussion because my colleague, the gentleman from Wisconsin [Mr. OBEY], talked about challenges and not being afraid to accept challenges in public life and so forth.

Today Mr. Speaker, I want to talk about a challenge that I think our country has that is really unfulfilled, and that in many ways we ought to be somewhat ashamed of ourselves as a nation, and that is that we have this crisis in health care, one of the anchor issues for American people that we have today.

Mr. Speaker, today we have 37 million Americans who have absolutely positively no health insurance. Most of these people work. We have about 40 million Americans that have extremely inadequate health coverage. In other words, those who are lucky enough to get any kind of a policy have inadequate coverage.

We were talking about our friends from other countries such as Western Europe. This problem is virtually nonexistent in all other leading nations, except South Africa. So of all the countries in the world who consider themselves industrialized, we and South Africa are the only ones that do not have comprehensive health insurance for every citizen.

We know that almost 88 percent of the uninsured Americans are either workers or live in families of workers. One-third of the children in this country have absolutely no access to health insurance.

We also know something else that is very interesting to me, and that is that with all of these gaps, with all of the people not covered or covered inadequately, we also know that we spend more than any of these industrial countries on health care; 12 percent of our gross national product is spent on health care. Canada spends about 8.5 percent, and they have comprehensive coverage, our northern neighbor. West Germany spends 8.1 percent of their GNP on health care. Japan spends 6.7 percent of the GNP on health care.

We have to ask ourselves why this takes place. Why do we pay more? Why are the American people paying more for health delivery and why do we have so many without it and why do we have such inadequate coverage?

As an example, in 1986 the United States spent 43 percent more in per capita health costs than Canada. The United States spent 87 percent more per capita than West Germany. The United States spent 132 percent more on health care per capita than Japan. And we do not have comprehensive coverage for all of our citizens.

In addition, the United States has one of the highest infant mortality rates among the industrialized nations, at 10.6 deaths per 1,000 births. This is 28 percent higher than West Germany, 32 percent higher than Canada, and 93 percent higher than Japan.

You can count the number of Americans on one hand who have coverage for long-term health care, that is home and community based care benefits and nursing home benefits. The fact is we have 8 million Americans of all ages who are in need of what we call long-term care, and yet we have no policies essentially to cover that.

Most people who are middle-income people, moderate-income people, even wealthy people, can hardly afford the cost of nursing home care.

If you have a loved one that has to be in a nursing home for a period of time, you are likely to lose everything, because the average quality nursing home care costs about $25,000 a year. So what has happened is in terms of long-term care, we have our families that try very hard to take care of that loved one, and have a very difficult time doing it.

□ 1310

We have so many people, for example, in this country who have diseases like Alzheimer's disease, and trying to get an Alzheimer's patient even in a nursing home, if you can afford it, is very difficult to do.

We have many families with children who have chronic problems. If they had some home health care services, they would have the ability and access to take care of that child.

Today, we have 70-year-old children taking care of 90-year-old parents because the fastest growing population, which is the good news in this country, is people over 85. On the other hand, it is very, very difficult to take care of that frail and elderly parent. So what is happening is we are having an increase, a dramatic increase in the area of child abuse and elder abuse and so on because for one reason, families just simply cannot cope with the problems of taking care of their loved ones, and unintentionally, unmaliciously sometimes engage in abuse because of the stress involved.

We have in this country very little prevention in our health policies. For example, we do not have well child care programs or child vaccination programs covered in the policies. We have very little cancer screening, if any, covered in our policies in this country, whether they are public or private policies.

Take, for example, the mammogram coverage which I have tried to get folded into Medicare for a number of years. It was folded in and then we took it out, in our great wisdom, which is absolutely, in my judgment, reprehensible. If we take that and say gee, why do we not do that when we could save lives and save a lot of money. If we give an individual, mostly females, a mammogram and catch the breast cancer at an early stage, we are bound to save that person's life, and that person has access usually to complete recovery, and it costs less than $10,000. We know, for example, that the cost in 1985, the economic cost to the United States for breast cancer was $128,000 per death, and yet we do very little in terms of cancer screening and mammogram coverage or prostate screening for men, which is a very common disease for men in this country.

So we are in a state of crisis. In my own home State of Ohio, for example, we have a million people without any access to health coverage. The insurance rates, however, went up about 130 percent in the last year. People cannot afford to pay for health care coverage, and yet we refuse, we absolutely refuse to deal with this problem comprehensively.

I have been very, very privileged in this body to serve with an individual who I consider one of my mentors, who I think was one of the absolute greatest public figures our country has ever known, the late, great Senator Claude Pepper, who dedicated 50 years or more of his life to public service. He just died last year at the age of 88. He had, among other things, one unfulfilled dream, and that was that each and every American, like their Canadian brothers and sisters, and the English, and the French, and the Italians, and the West Germans, and the Japanese, and other industrial countries, like them, he had a dream that every American ought to have a right to comprehensive, not just substandard, but comprehensive health insurance. We have what we call the Pepper Commission, and there are 15 members who were appointed by the leadership of the Senate and the House and the President of the United States last year. Claude Pepper was our chairman of this Pepper Commission, which is what we call it today. This is a bipartisan commission of 15 members with 6 from the House of Representatives, 6 from the Senate, and 3 from the private sector. I happen to be the only female on that commission, and maybe I bring, who knows, a slightly different perspective to the commission. I hope it is a positive perspective. But as a member of that commission, which Claude Pepper chaired before he passed away, I am charged and we are charged to look at the problems, the crisis of health care in this country. What do we do about the people who have none? What do we do about the substandard quality of coverage that we have today, and what do we do about the fact that we have absolutely no long-term care policy?

I think it is time, Mr. Speaker, to toss in the towel. I think we ought to acknowledge that we are having a tremendous crisis, and that we have not compared to the other industrialized countries. I think for the sake of our national security and the quality of life of our people, for the sake of competitiveness, how can we expect our people to be competitive in a global economy if they cannot even take care of their health needs? For the sake of all of those areas, I am introducing today a comprehensive health care bill that will cover each and every American from the cradle to the grave. The structural centerpiece of this comprehensive national health insurance bill is the Canadian model. We allow the administration of the bill to be administered, which by the way helps eliminate a lot of costs when we do it this way, administered by the Federal Government, but allows the States, and this is the difference, allows the States to have the leverage of having the private insurance companies bid on the plan, with the high standards that are in my bill, because I am convinced that most health coverage is extremely inadequate and extremely biased. But the States could then deal with the private insurance companies. They could bid on the plan, and we would keep the insurance companies alive in this country and have that private sector involved.

What does the bill do? It offers all kinds of usual services such as hospital care, surgery. It offers inpatient and outpatient care that we have come to know. It offfers diagnostic and screening tests. It offers prenatal and well baby care for infants. It offers something that I think is the root cause of a lot of problems, a lot of physical and mental problems in this country, it offers treatment for alcohol and other drugs. If a person is not treated for alcoholism, they are bound to have a liver problem or bound to need some kind of surgical or other types of relief for the problems they have. We ought to treat that. We ought to have that covered in health insurance. It offers mental health treatment. It offers treatment for hospice care. It offers preventative care services, including basic immunization and well child care, and postnatal care and physical exams, and hearing and vision screening, and developmental screening.

It offers something that we have not done enough of in this country. I heard my friend, the gentleman from Wisconsin [Mr. OBEY] talk a little bit about this. We do not offer to any great degree research for trying to find a cure for some of these diseases. Alzheimer's disease is a good example. The scientists and the individuals who understand cell formation are on the verge of understanding why an individual's cells trigger in the wrong direction, and yet we have very little money for that research for Alzheimer's. We do not even have a nickel, and listen to this, because to me it is unbelievable that we have every year 42,000 women who die of breast cancer. During the cause of the Vietnam war, which lasted about 10 years, we had very tragically 53,000 men and women who died in that war, and in that same period we had 342,000 women who died of breast cancer.

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And we do not think that is an epidemic in this country. Twenty years ago, 1 out of 20 women died of breast cancer; today 1 out of 9 dies of breast cancer.

Again, 42,000 this year are going to die of breast cancer.

Do you know there is not a single nickel of research on a case-by-case basis that is done in NIH for this dreaded disease? There is very little done about prostate cancer that men very often get, and so on.

Would it not be wonderful in this country if we had a vaccine against cancer? Should that not be our goal? Yet there is very little money in the budget for those areas.

So my bill triples the amount of research for these dreaded diseases. Let us find a cure for these diseases, and then we will not have all the costs that we have relative to these terrible health needs of our American population.

So people will, of course, inevitably ask, "How are we going to pay for this? All right, Mary Rose, you want to deal with comprehensive coverage and long-term care"—which I want to mention very briefly because I did not say too much about that, before I get into the cost.

Long-term care is a critical need that people have. The bill that I am introducing would also cover home health care, home nursing care, homemaker services, heavy-chore services.

The average family is the one that takes care of the person for a long period of time. Yet we do not have

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congregate services for our people to deal with that.

Respite care, mental health care, medical equipment that families need, therapy, drugs, biological supplies for use at home. We do not have a policy for skilled nursing home care coverage in this country. My bill would allow up to 6 months of nursing home benefits because the average person has to give up and lose their home and everything else when they want to see a loved one who needs nursing home care in this country. How are we going to pay for this? We pay right now about $193 billion for health needs in this country; the average person or their employer pays $193 billion for health care. Yet we do not have it for 37 million people and we sure do not have it for prevention. We do not have a high standard of coverage either. We sure do not have long-term care.

To cover comprehensive health care, allowing the private insurance industry to participate and long-term care and prevention and research in my bill—and there is no smoke and mirrors about this—will cost, admittedly, $258 billion. So there is a gap of $60 billion in terms of what we could recapture and what we still need to go.

Let me just give you a couple of ideas on how we do this.

First of all, when you have one source administering the program, you immediately, with the single-payer system, you immediately save $24 billion. Believe it or not, the U.S. Government is more thrifty and does a better job of administering.

You have a simplified claims process. Medicare patients, interestingly enough, 98 percent of the patients who file a claim get something back. That is not true of the private insurance industry, by the way. Yet the average insurance claim, 60 percent of the time you get your claim back and you get reimbursed. That is on an average.

Some policies have only a 9-percent claim return.

We would not have to pay for all the perks and the advertising and the buildings that these insurance companies build, the gifts that they give out and charge the consumer for and so on, because they would be confined strictly to health-care delivery, which is what they should be doing.

So we save billions of dollars by that route. We also save a lot of money by having prevention mandated in the coverage because, as I mentioned, for example, breast cancer, when you deal and give a cancer screening program for breast cancer such as a mammogram, and you catch cancer in the early stage, it costs us less than $10,000. If you do not catch it in the early stages, it costs up to $125,000. The average is about $65,000.

So we are going to save money relative to prevention.

The other area is, let's say, that once we cover people comprehensively, the other industrialized countries have learned something we have failed to learn, and that is that you reduce the costs, the percentage of the GNP for health care expenditures.

So here we are, we pay 12 percent of our GNP and have all of these inadequacies. Canada, for example, is about 8 percent. If we reduced our GNP percentage down to 8 percent over the course of a couple of years, in 1 year you would save $208 billion. If you went 4 percent down, which is what the Canadians have, their gross national product percentage for health-care delivery, and they cover their people comprehensively, then you would save $208 billion in 1 year.

I guarantee, my colleagues, I guarantee that if you deal with people comprehensively and you pay the high standard of coverage which includes long-term care, which includes prevention, which includes a standard that we can be proud of, not substandard care, but where you include everyone, including high-risk people who are now discriminated against very often by the industry, I guarantee you that if we do it this way, the way that we have it in the bill, we will save the American people a lot of money.

If that is the bottom line interest, I guarantee that the cost will be less for offering it to everyone comprehensively, with the avenues that I have in my bill.

I guarantee another thing; that is, we will finally be proud of ourselves, that we will not have people turned away from hospitals, that we will not have people such as the senior citizen from a middle-class suburb in my district who testified before our Committee on Aging that her husband committed suicide because he did not want to be a burden to her, because he knew she did not have the health coverage that covered long-term care and she would not be able to take care of him and afford to take care of him.

I guarantee we will have a moral high ground about how we treat our people. We ought to do that. We are the greatest country in the world. But we are painfully inadequate when it comes to health-care delivery, health-care coverage for our people.

So I am pleased to say that one of my fellow Pepper Commission members is going to be an original cosponsor of my bill. This is my proposition to the Pepper Commission. That cosponsor is also my colleague from my hometown of Cleveland, OH, Congressman LOUIS STOKES, who is the only black member, by the way, on that commission. He has done such a fabulous job for more than 20 years in this distinguished body.

Mr. Speaker, let us have a national goal for comprehensive, complete health-care coverage for every American and our country will not have to worry about whether we can be competitive. We will be on the road and we will have a healthy environment for all of our people.

THE WORST CITY GOVERNMENT IN AMERICA

The SPEAKER pro tempore (Mr. CARPER). Under a previous order of the House, the gentleman from Ohio [Mr. MCEWEN] is recognized for 30 minutes.

Mr. McEWEN. I thank the Speaker.

Mr. Speaker, I appreciate the chance to follow up on some observations that I made earlier in the week concerning the difficulties that the capital city of Washington, DC, has in dealing with the local government.

Many of us have been very reluctant to be critical of the difficulties the city faces, such as drug control and other problems. In fact, many of us have volunteered at local agencies to try to do what we can to light a candle rather than curse the darkness, and have tried to be fair about what seems to be an increasingly deteriorating government establishment in the city.

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However, in the brief little statement that I made on Tuesday concerning the capacity of the law enforcement officials to even maintain traffic flow, the response was more than I had anticipated. I, indeed, felt that with the range and unlimited extent that the leaders of this city had been willing to hurl not only at the Congress but the White House, pointing out that abandoned automobile under the interstate highway under the complete observation of two police officers in two separate cruisers and two towing trucks and the collective wisdom of everybody involved in that endeavor was not sufficient to move that automobile out of the interstate during rush hour, that somehow or another my pointing it out was not overly offensive. Yet local talk show hosts and city officials felt obligated to contact my office.

I came across an article written by the editor of the Washington Monthly, and he observed that traffic flow is not the only problem this city has endured in sometime. Jason DeParle points out in a recent article:

THE WORST CITY GOVERNMENT IN AMERICA

(By Jason DeParle)

If you came anywhere close to Washington, D.C. last year, chances are you heard about the ambulance crews. Poor fellas, they were just a bit disoriented. They kept racing out of the fire stations and losing their way, while their patients choked and bled to death. After driving to the wrong address twice, a rescue unit never did catch up with Victim Number Nine. He lay hemorrhaging for 40 minutes until his family quit waiting for help and whisked him to the hospital, where he died. As reports of the lost ambulances increased, the fire chief got serious: he rushed out and bought his crews some $8.85 maps. And the department didn't exactly score a public relations coup when a 911 dispatcher told a distraught caller to "grow up."

Everyone knows that big-city governments are bad. But the real story in this: they're worse than you think. And they're worst of all for the poor, for whom city services such as public housing and public health care are supposed to offer a last defense against pure misery. In D.C., misery has won. The government's mismanagement is so complete that the passive sins of its inept bureaucracy surely rival any active ones of business exploitation as an oppressor of the poor.

In D.C., as in most big cities, the usual case against the government focuses on old-style sin and scandal: rumors of the mayor's drug use and mistresses, or the parole prospects of his former aides. But plain corruption, of which there's been plenty, is finally just a footnote compared to the quiet cruelty of the District's everyday bureaucratic incompetence.

A small sampler from recent months:

A murder victim died with 22 pieces of identification in his wallet. The city classified him as "unidentified" and sent his body off to be cremated. His family found out six months later.

And 88-year-old boarding home resident collapsed and died while covered with maggots and lice. Three different city agencies knew about the condition of the home but did nothing about it.

A drug dealer suspected of murder walked out of the courthouse after two clerical errors combined to set him free. When the police caught up a month later, he was wanted for four more killings.

The District may be pushing incompetence to its limits, but other big-city governments aren't far behind; remember the 61 Philadelphia rowhouses destroyed during the city's standoff with MOVE? The befuddlements of big-city government are not only tragic but ironic, given the zest for local government across the political spectrum. The right, seeking to get the feds "off the people's back," nurtures a vision of bolstered local powers. Mainstream Democrats, attacking the Reagan-era cutbacks, have presented big-city mayors as a more compassionate example of executive leadership. And for some liberal intellectuals, city government serves as the repository of hope for those activists who wanted to "empower" the people through "community development." But whatever the doctrinal allures, bureaucratic inanities block the empowerment of anyone besides the bureaucrats.

And money isn't the issue. Unlike the people it purports to serve, one thing the D.C. government can't cry is "poor." Attempts to say just how well-funded it is get complicated, since the District has responsibilities that elsewhere get divided between cities, counties, and states. But even studies that adjust for the District's unique status find plenty of money heading towards the till. Only oil-rich Alaska collects more tax revenue per capita. In crucial areas like public housing, the District has even been caught returning federal money it failed to spend. "We have enough money," says John Wilson, chairman of the city council's finance and revenue committee. "I think [the government's] just inefficient and incompetent."

As for what the city does with the $4 billion in taxes and federal grants it manages to retain, there are clues. They don't, shall we say, make us wonder how city managers can make ends meet. Anecdotally, there are stories like the one about the city paying $2.5 million to rent a building it couldn't occupy because it failed to give the builder the plans to finish the interior. Or Car GT897, a city vehicle parked downtown and forgotten for nine months, while transients slept inside it. (Who says the city doesn't care about the homeless?)

Any number of hypotheses arise to account for the lost car and empty building, but a lack of clerical and administrative staff is not among them. The District has the only child support collection agency in the country that consistently has spent more than it has collected. The city historically has spent about twice the national average to deliver a welfare check. Only one state hires more administrators per teacher. And the rival governments aren't exactly portraits of efficiency. To waste more money than the competition takes work.

If bad local government were simply a matter of waste, we could just rub our sore wallets and hold a legitimate grudge. Sure, the bureaucracy functions first as a jobs program for its employees and only secondarily as a government. Sure, civil service rules keep incompetent workers in, and strict residency requirements have kept lots of talented people out. But the point isn't that city workers get more than they deserve; it's that city residents get less, particularly those most in need.

There's no small amount of irony in this since the the leaders of most big-city governments sell themselves as friends of the poor.

"The ones everybody's saying all along they're doing for—they're the ones suffering the worst," says Wilson, who, like a certain Washington, D.C. mayor, has civil rights roots in the Student Nonviolent Coordinating Committee. "The elderly. The poor."

Somewhere inside Washington's public housing authority, she's #247-56-2910. But her real number is eight. That's how many years have passed since 59-year-old Lilian Wade first applied for a place in public housing.

Back then Wade held occasional jobs as a maid or nurse's aide; now, after a heart attack, she gets by on a $359 monthly disability check. This, as you might gather, does not make her a majority player in the Washington real estate market. Wade has fashioned a solution: she splits a $427, two-bedroom apartment three ways, with two other disabled women. Wade sleeps on a fold-out cot in the dining room. But even with this variation of breakfast in bed, she spends more than half her income on utilities and rent. "We go to churches and get some canned goods," she said. "We get pork and beans. We don't beg."

But not far from Wade's home there's a familiar Washington sight: empty public housing, and lots of it. In some cases, entire courtyards of shuttered, silent brick. Some of the city's vacant apartments are scattered throughout occupied projects; others are part of whole buildings emptied for "modernization" projects and often forgotten for years. Together they account for 19 percent of the city's public housing—more than 2,400 empty, waiting homes. And it's not as though the District lacks the money to fix them up: In the past three years, the city has allocated about $100 million to modernize the apartments—so much that the housing authority can't figure out how to spend it all. A few years ago, the federal government got so tired of the District's decade-long failure to spend modernization funds, it finally stopped forwarding the money. At least Wade has shelter. Others aren't so lucky.

The District's mismanagement of public housing has a long and proud history. In 1971 auditors from the U.S. Department of Housing and Urban Development voiced their dismay over the "apathy" of the D.C. housing employees and the "despair" of the tenants. Those were the good old days. By 1987 the mayor's blue-ribbon commission on public housing argued that "the picture had changed . . . but not for the better." And those are the mayor's own emissaries speaking.

It's no easy feat to keep so many apartments vacant and vandalized when pesky budget officials start shoveling $100 million your way. A lesser agency surely would have fixed something, even if by mistake. It took teamwork—bad maintenance, bad inventory control, bad security, bad rent collection. One feeds on another, but the lion's share of the credit goes to maintenance officials and their staffs. Not only have they taken up to eight years to fix vacated apartments but auditors have found they ignore more than half the maintenance requests from those that are still occupied. These delays help guarantee that the apartments will continue to deteriorate, sometimes so extensively that the tenants flee. And there you go—another vacant apartment!

This perfection of service nondelivery is worth a closer look, for it illuminates not only the housing crisis but a force that animates the city bureaucracy more generally: a higher regard for employees' needs than for the needs of those they serve.

In 1986, just about the time the maintenance workers got this system really humming, Otis Troupe, the D.C. auditor, decided to have a look. Troupe works for the city council. Housing authority officials work for the mayor. Housing authority officials more or less told Troupe to stuff it. A barbed preface to his report says that they lied about data, failed to return his phone calls, and withheld documents. In an italics-in-the-original statement, Troupe called their behvaior "entirely unacceptable," which is what auditors say when they get really mad.

Troupe's audit is just one in a series of reports that tell better horror stories than Stephen King: Example: One way to handle bellyaching tenants is just to ignore them. The authority failed to produce work orders on 56 percent of the maintenance requests that the property managers wrote down, Troupe said. No telling how many never get that far. And Troupe had doubts about whether the work orders that were completed produced any work. And we're not talking burned-out light bulbs. In 1987 a federal judge found the complaints included such frills as a lack of heat and hot water. Housing officials, he ruled, "ignored and walked away from their responsibilities to public housing tenants."

After losing hot water for three weeks in 1985, the residents of one project lost cold water too. They carted back buckets from a private apartment building in order to cook and wash. The next year, The Washington Post told Eva George's story: In 1980 maintenance workers removed a radiator from her home, promising to bring a new one in a few days. Three years and no radiator later, a grievance officer ruled that the 13 code violations in George's home threatened her "life, health, and safety." When the Post

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checked on the radiator three years after that, George was still waiting.

Well, as they say, if you don't like it, sue. But tenants have tried that too—Troupe reported that the authority hadn't fixed the faulty wiring in one apartment nine months after a court-imposed deadline. And who knows how long it took to get the case to court.

Unoccupied apartments: Housing authority guidelines say that minor repairs to vacated apartments, such as changing locks or painting the walls, should take no more than seven days; but Troupe reported that maintenance workers in fact took an average of seven-and-a-half months. Repairs involving more substantial work, like fixing broken floors, frequently took two years. Troupe said some apartments went unfixed for as long as eight years. The maintenance department, he said, was in a state of "complete breakdown."

Inventory control: In 1987, the housing authority hired a city policeman to check security in the warehouse. He spent an hour walking around it without security guards noticing and wrote a report concluding he "could have taken just about any property that [he] could carry out of the building." Apparently others have had the same idea. From 1981 to 1983, HUD reported, the city lost track of more than $300,000 worth of appliances. Closed circuit security cameras were installed in the warehouse—and stolen. In 1986, The Washington Post quoted comments leaked from a closed housing authority meeting in which the director said she couldn't fully account for $1 million worth of refrigerators and ranges.

Follow-up: So what happens after an epic struggle finally ends in a renovation? Often, nothing. The city spent $128,000 to fix up one long-abandoned rowhouse, Troupe reported, but eight months later, it was still empty. He cited "numerous instances" where renovated homes" remain vacant for months after completion," which subjected them "to vandalism and further deterioration."

For a look of our own, The Washington Monthly recently picked a random project for a visit. We met Wanda Wilson, who lives with her son at the Greenleaf apartments in southwest Washington. Her large kitchen sink has no legs, a two-by-four keeps it from taking down the kitchen wall. One pipe drips into a waiting bucket, and another simply falls out from time to time. When the woman upstairs does her laundry, she says, water leaks into Wilson's kitchen, so she listens for the machine and makes sure there's no food on the counter.

That's just her kitchen. Part of the bathroom ceiling is corroded, and part is simply missing. Wilson says she hadn't had heat for three years and uses her oven instead. After maintenance workers failed to fix her son's broken window for two years, she says, she broke into the vacant apartment next door, took one, and fixed it herself. "I think it's a lost cause," she says. "To the city, it's like I'm not even here."

With a record like that, you'd think the District had but a single Mr. Fixit, working his weary way through the city's 2,700 backlogged maintenance requests. But in fact it has plenty of hired help—more, literally, than it knows what to do with. HUD recommends one maintenance man for every 40 apartments; the District has one for every 26. "[T]he number of maintenance workers is more than adequate," stressed the blue ribbon commission report.

So what, then, is the problem? One thing this army of carpenters, plumbers, and custodians needs is a decent general. Instead they've seen more changes of government than postwar Italy, with too many administrative posts being filled by a leader named "Vacant." From 1983 to 1985, the housing authority went through four different administrators, including a six-month period with none at all; two deputy administrators, with the slot empty for 22 months; and four chiefs of management, including a year under an acting manager's direction. During that time, Vacant served as chief of maintenance for 23 straight months.

That's just the beginning of the bureaucratic bafflements. Troupe reported that the authority frequently dispatches its most skilled workers, such as electricians or refrigerator repairmen, to perform its least-skilled repairs—like setting circuit breakers, or pouring Drano into clogged sinks. "You have the wrong people in the wrong places doing the wrong things," says Glenda Sloane, who served as the blue ribbon commission's staff director. "You have skilled people doing yardwork."

Meanwhile, some maintenance workers report to the managers of individual apartment complexes and others report back to central headquarters. This leads both to confusion and "a clash of egos," says Calvin Gurely, the staff assistant for the blue-ribbon subcommittee on maintenance. Typical are fights between the foremen, who are mostly male, and the project managers, who are mostly women.

For all the broken toilets, missing sinks, or unheated apartments, there's one building that gets worked on rather often—the housing authority headquarters at 1133 North Capitol Street. Troupe's review of time sheets revealed that in 1984 and 1985, at least 15 percent of all maintenance workers' time had been spent fixing administrators' offices. And he noted that the authority's work records are so screwed up that many workers' days were unaccounted for, so the actual touch-up of H.Q. may have been more extensive. This demonstration of the bureaucrats' willingess to share the tenants' burdens comes with an ironic footnote: the housing authority doesn't own its administration buildings, another city agency does, and therefore its maintenance staff isn't supposed to work on it at all. But what are friends for?

Not that bringing the troops downtown didn't serve a function. Administrators got to see what it was that the maintenance staff was trying to maintain. "We have a very serious problem with some of our property staff with alcohol and substance abuse histories," said Madeline Petty, the authority's former director, in prepared remarks to her staff in 1985 obtained by the Washington Post. "It is widely reported that on some properties many of the maintenance staff drink or get high on the job. . . . There are instances of maintenance staff being personally involved with residents and showering those residents with extra maintenance services while other residents go lacking. And, some of these maintenance staff are spending time in these women's units when they should be working."

Drugs are one problem; illiteracy is another. One reason so many tenant complaints get ignored, the mayor's commission reported, is that many maintenance workers can't read the complaint forms. And a lack of handyman skills, which tend to be a good thing for handymen to have, is a third: "Much of the staff," the commissioners delicately put it, "lacks requisite skills or training." Alphonso Jackson, the authority's director, put it less delicately. After taking over two years ago, he told the city council that the agency was full of employees "who are not capable of doing their jobs," including boiler room mechanics "creating havoc in our boiler rooms" and a plumber "who knows nothing about plumbing, and he's been here 15 years." Jackson's now applying for a job in Dallas.

At least these shortcomings haven't held anyone back. The 1984 HUD audit found that about 80 percent of the housing authority's 337 maintenance men were "overgraded"—getting an electrician's salary, say, for taking out the trash. One foreman drawing top pay for supervising 27 people actually supervised two. The agency's two exterminators, HUD found, did no pest-control work.

While housing officials issue lots of vows to clean things up, the two words you're least likely to hear are "you're fired." Given union and civil service protections, "it is almost impossible to fire anyone regardless of how incompetent or nonproductive," the mayor's report concluded. Charles Goggins, then the housing authority's chief of maintenance, told the commissioners about a maintenance worker who went AWOL for 1,000 hours. He kept his job. "It was a lack of discipline from the top all the way down," said Sloane, the commission staff director. "It was an environment where people felt, 'You can't fire me, you can't do anything to me.' "

That's not to say that all city maintenance men are drugged-out dodos. Buried in the commission's report, there's a nice story about some of them. Daunted by the difficulty of scheduling a truck from the city motor pool, some maintenance workers used their own cars to move heavy equipment. And they did it without reimbursement for gas or wear-'n'-tear. A few years of toting refrigerators around in their car trunks must leave these people awfully demoralized. But not as demoralized as the residents of the city's cold, crumbling apartments, and the 7,000 people lined up to get in.

While the crisis in D.C. public housing has consigned Lilian Wade to a waiting list, it dumps others into the street. This, in turn, gives the city government the chance to add to the misery of another class of people: the homeless.

Exhibits A and B in this regard are two city-run shelters, Pierce and Blair. Just when it seemed that the wretchedness of the homeless had lost all shock value, Jack Cloherty, a local television reporter, showed that things can always get worse. Rats, scabies, lice, and urine-soaked mattresses are abundant at the shelters. Showers, sheets, towels, toilet seats and toilet paper are not. Pierce offers four showers for 170 men. Sister Ronnie Daniel, who works at Blair, says that that shelter offers none. But when Cloherty went to have a look, city workers threw him out. Daniel says the staff responded to one shower request by handing a homeless man a hose.

Well, well, money's tight, and in an age of government cutbacks you can't have everything. But the city spends $1.2 million a year to run the two shelters. This, as it turns out, may not buy much soap, but it buys a lot of employees—52 of them, in fact. Cloherty reported that Washington's church-run shelters provide a real night's sleep for about half the cost of the city-run squalor. Sheets and towels included. No rats allowed.

Cloherty presented the appropriate officials with the evidence and managed to flush out a bureaucratic response priceless for its adherence to classic lines: "We've been trying as best we can with minor repairs to keep [shelters] up to a minimum standard of safety and comfort," said Virginia Fleming, deputy director for administration at the Department of Human Services.

Not that the city doesn't have standards where private shelters are concerned. Luther Place Church helps run nine different facilities for the homeless, including a medical clinic, emergency shelters, and group homes. The church pastor, John Steinbruck, chaired the D.C. Commission on Homelessness. Last year, city inspectors visited his church shelters and wrote up six pages of violations—citing such dangers to the dispossessed as "walkway has cracks" and 'rooming unit not numbered." Steinbruck says it cost the church $10,000 to comply. Perhaps this Clouseau-like application of magnifying glass to church sidewalk is what has delayed city inspectors from arriving at the city-run shelters.

The spending money pocketed by the 52 shelter workers—about $23,000 each if you divide it out—is nothing by the standards of homelessness magnates like Cornelius Pitts. Beginning in 1982, a series of, shall we say, generous city contracts to house homeless families pulled the Pitts Motor Hotel out of deep red and plunged it into abundant, lucrative black. By 1986 annual payments ranging between $1.3 million and $1.5 million had allowed Pitts and his wife to eke out an annual income of $245,000 in salary, benefits, and profits, reported Marianne Szegedy-Maszak in *The Washington Monthly* ["How the Homeless Bought a Rolls for Cornelius Pitts," July/August 1987]. The Pitts contract had a number of marvelous provisions, such as charging the city $97.07 per square foot for office space in a neighborhood of junkies and prostitutes while the city way paying only $15 for prime office space downtown. No wonder Szegedy-Maszak found Pitts tooling around in a $117,000 Rolls Royce and a $61,000 Mercedes-Benz.

The Pitts was less kind to its homeless families, who, city inspectors reported, hunkered down six-to-a-room in the midst of loose plaster, leaks, poor ventilation, holes in the walls and floors, no fire alarms, broken lights, bedbugs, roaches, and other insects. Given this bargain, DHS officials renewed Pitts's contract from 1982 to 1986 without even bothering to seek other bidders. A church organization down the street from Pitts offered the city better services for about 20 percent of the cost—$500 a month as opposed to $2,748. But DHS wasn't interested.

Pitts's cross-town rival, the Capitol City Inn, does things on a slightly larger scale, picking up $4.3 million a year without even a contract. In 1988 Otis Troupe reported that the motel's food service contractor, in just eight months, had overcharged the city between $500,000 and $750,000.

Given, among other factors, the mismangement of D.C. public housing, even these two motels can't accommodate all the homeless families in need of city help. So the city spreads the wealth around, paying landlords in D.C.'s poorest neighborhoods prices that would raise eyebrows in Georgetown. In the winter of 1987, the city rented 12 furnished one- and two-bedroom apartments in southeast Washington for $3,078 each a month; unfurnished one-bedrooms in the same neighborhood were renting for about $350. But the landlord did throw in some counseling services (including, one might hope, the counsel to go into business renting apartments to the city). Shopping around, the city managed to whittle down a nearby competitor to the bargain basement price of $2,661. But this time the city's apartment hunters had connections: the building was partly owned by the city's deputy mayor for economic development—a man, it seems, who practices what he preaches.

Given its size alone, there's probably no better sample of the D.C. government than the Department of Human Services. With 9,800 employees and a $1 billion budget, DHS accounts for about 25 percent of city spending. It accounts for a good share of city turmoil, too—with four directors in two years, DHS makes the New York Yankees look like a paragon of stable management.

Director Number One, David Rivers, resigned during a federal investigation into contracting irregularities. Director Number two, Byron Marshall, served in an acting capacity for six months. In the meantime, Marion Barry, a mayor whose passion for efficient government knows no bounds, cast his net wide for someone to put the department back on course. Instead, he got M. Jerome Woods, a California consultant whose earlier stewardship of the California social services department had provoked a legislative investigation into—that's right—contracting irregularities. Woods lasted nine months in the District, until the reporters discovered that he was using city money to buy groceries and pay rent for himself and his top aides. In the wake of the Rivers investigation, that was too much even for Barry and the mayor fired him.

The condition of the Blair and Pierce shelters gives one hint of the quality of DHS work. D.C. Village, the city's largest nursing home, offers another.

In January 1985, 88-year-old Wilhelmina Franklin froze to death at D.C. Village after getting locked outside on a 25-degree night. Two months later, 71-year-old George Spells was burned to death by scalding water in the shower. Just as revealing as the deaths was the city's reaction: the bureaucracy circled the wagons—insuring its own survival if not that of its patients. The city brought in a consultant to quiet the uproar, then bagged her when her recommendations proved too tough. DHS announced an investigation of the deaths that dragged on for almost a year and a half and then exonerated the nursing home staff. Plus the city sued the victims' families for hundreds of thousands of dollars to recover the cost of the "care."

Among the various adjectives that come to mind concerning the care of Franklin and Spells, "vigilant" does not arise. On the night she died, Franklin was missing from the 9 p.m. bedcheck. No one bothered to look for her. She was still missing at the 11 p.m. bedcheck. Well, let's see, where could she be? Franklin had a habit of wandering outside, especially in the cold, but no one bothered to check there. ("Hey, man, it's freezing out—you go.") By and by, they called the cops, who found Franklin's frozen corpse beside her wheelchair, 50 feet from the building. Ahh, so that's where she was!

The staff didn't have to go outside to check on Spells; he traveled right past the nursing station to a shower that nurses knew was spewing out scalding water. A month earlier, a maintenance foreman had told them that he couldn't get the part he needed to fix the boiler. They posted warning notices and began giving sponge baths. But Spells, who was confused, incontinent, and senile, continued to try to bathe himself. A measure of the nurses' lookout skills might be found in the fact thay they initialed the safe-and-sound box on his medical chart for hours after he'd been rushed to a nearby burn ward, where he died ten days later.

After two negligent deaths in three months, Spells wasn't the only one in hot water. Under fire, DHS officials stalled for time. Promising to discipline those responsible, they began an investigation that ended 17 months later with the conclusion that no one should be punished. Officials explained that sufficiently clear "policy and procedures were not in place."

At the suggestion of an advisory commission impaneled after the deaths, the city hired Sandra Casper, a Wisconsin nursing home consultant, to help set things straight. Casper poked around for a few months and delivered a stinging report. She attacked the facility's hygiene ("dry, caked residue on lips and chins * * * bloody drainage seeping through her knee sock over the top of her left foot * * *"). She faulted its supervision ("nurses were vague about who was in charge"). She found sanitation lacking ("pest and roach problems are persistent * * * pesticides * * * are often unavailable for months * * * fecal matter found on the floor * * * a strong smell of urine prevailed throughout the facility * * *"). She suggested that "TV was on for the staff's benefit, not the residents." And she found continued problems with, of all things, the boiler.

When Casper issued a follow-up report a few months later stating that little had changed, city officials had heard enough. Thank you, they said, and welcome back to Wisconsin. "She was a real embarrassment to them," says Anne Hart, the city's long-term care ombudsman. "They didn't like what she told them, so they got rid of her."

While the city decided it had no beef with the nursing home staff, it was less forgiving of the victims' families. Facing two negligent-death suits, the city sued back for $340,000—its view of what the nursing home care had been worth. City law allows officials to recoup the cost of indigent care if the indigents somehow leave estates—from insurance policies, say. To use the law to recoup damages the city pays for killing its patients was certainly a novel legal twist. City attorneys finally abandoned this approach and settled out of court, paying $85,000 to the Franklins and $98,000 to the Spellses.

That was two years ago. How are things now? In 1987 and 1988, inspectors found unchanged wound dressings, poorly kept records, peeling paint, a leaking ceiling, poorly labeled drugs, roaches, water bugs, and asbestos.

Well, these things take time.

Not every public facility can match the one-two, hot cold whammy of D.C. Village. But given the way city inspectors enforce the law, they're certainly free to try.

How's this for a year's work? In March, three children died in a rooming house fire; city inspectors had long known of serious fire-code violations, but let the house stay open. In July, a 65-year-old woman in a home for the mentally retarded died after setting a fire in her room; city inspectors had a long list of violations at the home, but let it stay open. Later in the year, police announced they were investigating reports that the owner of a day-care center had raped the pre-schoolers. Guess what? City inspectors had received repeated charges of

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sexual abuse. And they let the day care center stay open.

There's more.

In the spring, police charged Weldon Ferguson, the operator of a home for the mentally retarded, with sodomizing a client. As you might have guessed, despite complaints of abuse from the patients themselves, the city let the home stay open. But this story comes with a twist: Among the patients was Wayne Smith, whose complaint of sexual abuse was taken so seriously by the city inspectors that they dashed off a letter telling him to call and arrange an interview. "Failure to respond to this letter will result in closure of the complaint," an administrator warned. Smith, who is mentally retarded, doesn't read. The result was "closure of the complaint." And another 22 months passed until a doctor discovered that another patient had been sodomized. Ferguson pled guilty in September to sexual assault. At least six residents of the home say they were sexually abused while city inspectors kept Ferguson in business.

Ready for one more?

In August, an 88-year-old resident of a D.C. boarding house collapsed and died after arriving in an emergency room while covered with maggots and lice; D.C. inspectors had documented the filth at the home but let it stay open. In fact, three different city agencies knew about the conditions there, documented them, and then did nothing. A social worker at George Washington University offered reporters this description of Doris Giovannoni's body when it arrived at the emergency room: "She was absolutely filthy, and her body odor was beyond description. . . . She was covered with lice, and her knee-high stockings appeared to be bonded to her skin. When the stockings were removed, in fact, the skin came off with them, and her ankles and feet were infested and covered with large and small maggots eating well into the tissue."

A record like that—five dead and many sodomized—ought to win someone an award. Our nominee is Frances A. Bowie, head of the Service Facility Regulation Administration, which licenses the city's nursing homes, day care centers, dialysis centers, homes for the mentally retarded, abortion clinics, and lots of other places to which vulnerable people turn. The agency's name makes it sound like it runs gas stations. If it did, they'd stress self-service, with a motto telling patients to "help yourself."

This may have been the record-setting year, but city inspectors have been training for a long time. Consider the early-eighties tune-up match against the Yugoslavian abortionist Milan Vuitch. City files bulged with violations dating back at least to 1980. A sampler: instruments "in need of cleaning" and "lab specimens * * * refrigerated with food" (1980); patients illegally taken home overnight, use of expired drugs (1981); unlicensed drug distribution and surgical instruments mixed with clean ones (1982); a patient sent home with red urine and a catheter inside her (1982); anesthesia "not freshly prepared and yellowish in color" (1983). Until 1982, the city kept renewing the clinic's license. After that, with inspectors' reports growing ever more vocal, the agency just let Vuitch operate without one.

Only when Mark Feldstein of Channel 9 aired a graphic series on the clinic in 1984 did the city bureaucracy stir. And even then it didn't stir much. Feldstein, who's building a career on the inanities of the SFRA, presented some of the doctor's handiwork. This included the stories of two women who died in Vuitch's table, and another who said Vuitch operated without anesthesia. Vuitch admitted he sent yet another home after half an abortion and told her to return the next day with an additional $400. She collapsed. Though Vuitch insisted she stay away from a hospital, she finally made it to an emergency room and gave birth to a dying fetus. She was 17 years old and six months pregnant. As a nice touch, Feldstein sent a woman co-worker into the clinic with a vial of his urine. The clinic told her she was pregnant and suggested and abortion.

Any lingering doubts about Vuitch's talents were erased when the doctor himself went on camera. "This is not the only lacerated uterus in 15 years," he said. "I lacerated uteruses and other surgeons lacerated. And perforated. And this and that." Asked about the woman who said Vuitch had denied her anesthesia, he answered, "German-origin girl. Very pushy * * * in the old country * * * we never used general anesthesia for abortion. But American woman is sensitive * * * doesn't want to have memories of the surgery."

In response to Feldstein's questions, Bowie's office finally issued a statement. They said they wouldn't renew the clinic's lapsed license for 1983—a nice gesture except that it was November, 1984. Vuitch was still operating at the time of the broadcast, and it took the subsequent public clamor to close him down.

In 1985, Margaret Engel of The Washington Post reviewed hundreds of SFRA inspections and found that the city had frequently ignored citizen complaints, waived mandatory federal rules, and failed to follow up on documented violations. In 1986, David Clarke, the city council chairman, charged that Bowie had taken six years to rewrite drug regulations—abandoning their enforcement in the meantime. "I don't want to be crass," Clarke said, "but what took six years?" Perhaps part of the answer can be found in events such as a 1986 seminar for the employees of the Department of Consumer and Regulatory Affairs, of which the SFRA is a part. The department shut down dozens of its offices so that 140 of DCRA's 840-member staff could attend a seminar called "The Customer and You—Partners in Service."

But if the inspectors are a little hard for the public to reach, they've been perfectly accommodating toward the nursing homes—offering advance notice of inspections and a chance to do some sprucing up.

A 1985 Mark Feldstein series on three troubled homes owned by self-described multimillionaire Joan Sutton explained how this works. Inspection Day brought new food: "They fix 'em deviled eggs * * *," said one former employee. "You don't see no deviled eggs unless inspectors come through." It brought new furniture: "Things would be brought right at inspection time, and they would be collected right up after the inspectors left," said another. It even brought new patients: "Residents were removed * * * because they didn't look good," said a third employee. "They might be fat, sloppy, kind of ugly, unkempt, had a big mouth, liked to talk, liked to complain."

"That's all our people," said Sutton, denying this was anything special.

Sutton places were back in the news this summer after 65-year-old Sylvia Singer died in a fire. The home she died in, Sutton's Caldwell House, became a target of attack by neighborhood groups, who said the patients walked the streets half-naked, begging for money. Ever-vigilant, the city inspection office decided to have a look.

A good place to begin would have been the inspectors' own files, which contained documented complaints about the home dating back to 1980. A former Caldwell House supervisor wrote inspectors in 1986 that he had "observed some residents urinating and defecating on themselves, * * * residents eating cigarette butts, trash out of the trash can, eating their own feces." In 1985, Feldstein reported that city inspectors had documented 397 violations at Sutton homes in five years. Feldstein's hidden camera filmed patients smoking dope in their rooms and unlicensed workers giving out powerful psychotropic drugs.

Bowie conceded the homes had had a few problems but argued they "were not serious enough to pose immediate danger to the health and safety of residents there." Feldstein pressed on, quoting from a report from a different city agency that Sutton patients were losing weight from bad food and that two had died mysteriously. The report had sat in Bowie's office for nearly a year.

The subsequent on-camera exchange belongs in an archive of bureaucratic indifference:

"I'll have to read that report in detail," Bowie said.

"Don't you think allegations of that serious nature should be investigated thoroughly at the time they're turned over?" Feldstein asked.

"I'll have to read that report in detail," Bowie said.

"Are you concerned that your department had this information nearly a year and didn't act on it?" Feldstein asked.

Bowie laughed. "I am concerned about a number of things," she said.

"What did your people do about this when they got the report?" Feldstein asked.

"I will address that issue at another time," Bowie said.

"Why were you not informed what was going on with this 21-page investigative report?" Feldstein asked.

"I will have to address this with the appropriate individuals," Bowie explained.

Though my attempts to speak to Bowie were unsuccessful, I did get to talk to two other DCRA officials, and I asked them if the recent deaths and sexual molestations indicated a pattern of lax enforcement. No way, said Lucenia Dunn, a public information officer. She stressed that DCRA is "an innovative, action-oriented department." Its motto is "People Working With People for People," she said. "We take that very seriously."

Bowie's bureaucratic survivor. She's managed to hang on as inspection chief for seven years, which must make her one of the city's most enduring officials. But her former boss, Carol Thompson, who headed DCRA for three years until 1986, did her one better. Her years as the city's top inspector earned her a promotion, first to deputy mayor and now to city administrator, a $77,500 job as the District's top bureaucrat.

"Her energy level is legendary," the Post recently enthused. Why, she even gave city inspectors copies of In Search of Excellence! "Thompson, "the Post concluded, "wants to change the widely held view that the District government is inefficient."

Thompson's expanded responsibilities include supervising the city's ambulances and public housing—suitable places to search for more excellence.

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TRADING WEAPONS FOR CONSUMER GOODS IN NICARAGUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. McCURDY] is recognized for 5 minutes.

Mr. McCURDY. Mr. Speaker, I rise today to offer my congratulations to Mrs. Violeta Chamorro on her victory last Sunday in the Nicaraguan elections. Her victory hopefully represents a turning point not only for Nicaragua, but for the entire region of Central America as well.

While we certainly should rejoice at the promise of democracy in Nicaragua, it is important to note that a number of difficulties will face President-elect Chamorro when she assumes office on April 25. In addition to the large amount of money she will need to revive the Nicaraguan economy, there is also some question about how she can safely assume command of the Nicaraguan military and the police. Mrs. Chamorro suggested in her campaign that she hopes to reduce the size of the army and the police.

But under the command of the Sandinista Party and Humberto Ortega, the army has grown to 65,000 members, while Tomas Borge has at least 10,000 under his control at the Ministry of Interior. And most importantly, the Sandinistas have accumulated an enormous stockpile of advanced weapons over the last 10 years.

The ability of Mrs. Chamorro to control these institutions will be critical to her ability to govern the country. Furthermore, the large numbers of weapons sitting in Nicaragua represent a threat to the potential stability we hope to see in Central America. There is the very real possibility that some of these weapons will make their way to the guerrillas in El Salvador or to other destabilizing movements in Central and Latin America.

The situation for Mrs. Chamorro is further complicated by questions of how much financial assistance the United States will be able to provide her government. Nicaragua will now be in competition with all of Eastern Europe as well as Panama for our limited foreign aid budget.

Therefore, I suggest that instead of sending huge sums of money to Nicaragua at the outset, the United States should consider submitting a proposal to Mrs. Chamorro in which we will offer to purchase as much of these dangerous weapons as she is willing to part with. This type of exchange could involve several mechanisms. Some of the weapons could be purchased with dollars which would then be used only for reconstruction of the country and to create new employment opportunities.

But we could also offer to trade weapons for those goods that Nicaragua needs most. These would include seeds and fertilizer for crops, farming equipment, tractors, medicine, school books. In other words, we could trade tractors for tanks.

Although the details would have to be worked in cooperation with the Chamorro government, by pursuing such a proposal the United States could address a number of serious problems at one time. We could assist in the process of demilitarizing Central America, provide the Chamorro government with desperately needed goods, and assist the new President in reducing the size of the Nicaraguan military, which is likely to be the greatest challenge to her authority in the near term. By offering butter for guns we could also relieve some of the strains on our own foreign aid budget.

Although its economy is in a state of collapse, Nicaragua has great potential to provide for its people. This suggestion is one way in which the United States can make a positive contribution to the reconstruction of Nicaragua and to the prospects for stability in Central America.

BASEBALL—AMERICA'S NATIONAL PASTIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. CAMPBELL] is recognized for 10 minutes.

Mr. CAMPBELL of California. Mr. Speaker, the football season has ended. Cherry blossoms are beginning to bloom. America is focusing on something really important, the great game of baseball. Baseball is America's national pastime.

I do not know what it is so special about going to a baseball game. Maybe it is the smell of the hot roasted peanuts. Maybe it is the chance of taking part with an exuberant crowd. Maybe it is the possibility of seeing another great, like Koufax or Mantle or Gehrig or Cepeda or Mays, doing some sort of superhuman feat, never to be replicated.

This game is America's game, but on April 2 we may not have baseball. April 2 is the scheduled date for opening day, and as it quickly approaches Americans are being denied a game of which they are a part.

Now, baseball enjoys a very special position as a matter of law in the United States. Not widely known, but the Supreme Court actually ruled that baseball was exempt from antitrust, not because of anything Congress said, but because it was baseball.

Baseball may not be a public utility, but I think it owes us something. I think it owes us the opportunity to watch it and take part in it.

Now, I am proud to represent the silicon valley and part of San Jose, which is uniquely positioned between Oakland and San Francisco, the two champions of the American League and the National League this year.

I am not here today urging that we pass any law to compel that the strike end. I am engaged in good old-fashioned jawboning. I am trying to say let us stop this ridiculous battle of egos between the players and the owners and let America have baseball. I am tired of hearing about arbitration and salary caps. The only caps I want to see right now are baseball caps like these on baseball players, on baseball fields.

I do not care what National League Rookie of the Year Jerome Walton gets next year, but I sure do care that Jerome Walton plays baseball next year.

To the players, to the owners, I say, "Don't forget the fans. Let's play ball."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PAXON) to revise and extend his remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on March 5, 6, 7, and 8.

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Ms. OAKAR, for 60 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

(The following Members (at the request of Mr. GINGRICH) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 30 minutes, today.

Mr. CAMPBELL, for 10 minutes, today.

(The following Member (at the request of Mr. OBEY) to revise and extend his remarks and include extraneous material:)

Mr. SKELTON, for 30 minutes, on March 12.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCCURDY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PAXON) and to include extraneous matter:)

Mr. TAUKE.

Ms. ROS-LEHTINEN in two instances.

Mr. MICHEL.

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Mr. Gilman.
Mr. Goodling in two instances.
Mrs. Smith of Nebraska.
Mr. Crane.
Mr. Smith of New Hampshire.
Mr. Marlenee.

(The following Members (at the request of Mr. Pallone) and to include extraneous matter:)

Mr. Roe.
Mr. Bonior.
Mr. Brooks.
Mr. Lipinski.
Mr. Hochbrueckner.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1016. An act to change the name of "Marion Lake," located northwest of Marion, KS, to "Marion Reservoir."

ADJOURNMENT

Mr. CAMPBELL of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, March 5, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2606. A letter from the Secretary, Interstate Commerce Commission, transmitting notice that the Commission in Finance Docket No. 31469, "South Carolina Central Railroad Company, Inc.—Purchase—CSX Transportation, Inc., Line between East Greenville and Laurens, SC" has extended the time period for issuing a final decision by 30 days, pursuant to 49 U.S.C. 11345(e); to the Committee on Energy and Commerce.

2607. A letter from the Assistant Secretary of State for International Narcotics Matters, transmitting the 1990 International Narcotics Strategy Report, pursuant to 22 U.S.C. 2291(e)(6); to the Committee on Foreign Affairs.

2608. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on economic conditions prevailing in Egypt that may affect its ability to meet international debt obligations and stabilize its economy, pursuant to 22 U.S.C. 2346 nt.; to the Committee on Foreign Affairs.

2609. A letter from the Assistant Administrator for Legislative Affairs, International Development Cooperation Agency, transmitting a summary of activities proposed for funding in Peru during fiscal year 1990 by the Latin America and Caribbean Bureau, pursuant to 22 U.S.C. 2151u(e); to the Committee on Foreign Affairs.

2610. A letter from the Executive Director, Japan-United States Friendship Commission, transmitting a review of the administrative procedures of the Commission; to the Committee on Government Operations.

2611. A letter from the President, National Endowment for Democracy, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2612. A letter from the Director, Office of Personnel Management, transmitting recommendations for comprehensive reform of the Federal Employee Health Benefits Program, pursuant to Public Law 101-76 (103 Stat. 557); to the Committee on Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Science, Space, and Technology. H.R. 1243. A bill to require the Secretary of Energy to establish three centers for metal casting competitiveness research; with an amendment (Rept. 101-410). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of the rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STAGGERS:

H.R. 4149. A bill to provide law enforcement authority for criminal investigators of Offices of Inspectors General, and for other purposes; jointly, to the Committees on Government Operations and the Judiciary.

By Mr. KILDEE (for himself, Mr. Hawkins, Mr. Sawyer, Mrs. Unsoeld, Mrs. Lowey of New York, Mr. Poshard, Mr. Scheuer, and Mr. Hoagland):

H.R. 4150. A bill to amend the Head Start Act to authorize appropriations for fiscal years 1991 through 1994, and for other purposes; to the Committee on Education and Labor.

By Mr. KILDEE (for himself, Mr. Tauke, Mr. Hawkins, Mr. Goodling, Mr. Sawyer, Mr. Grandy, Mrs. Unsoeld, Mrs. Lowey of New York, Mr. Poshard, and Mr. Hoagland):

H.R. 4151. A bill to authorize appropriations for fiscal years 1991 through 1994 to carry out the Head Start Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes; to the Committee on Education and Labor.

By Mr. WHITTEN:

H.R. 4152. A bill making dire emergency supplemental appropriations to meet needs resulting from severe floods in the Southeast, including Alabama, Georgia, Mississippi, Tennessee, and Louisiana, and other natural disasters for the fiscal year ending September 30, 1990, and for other purposes; to the Committee on Appropriations.

By Mr. DOUGLAS:

H.R. 4153. A bill to amend the Atomic Energy Act of 1954 to provide for the consideration of off-site emergency planning and preparedness issues prior to the construction of nuclear powerplants, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. COYNE:

H.R. 4154. A bill to amend titles II and XVIII of the Social Security Act to reduce, by 1 month in each of the next 5 years, the waiting period for disabled individuals to become eligible for Medicare coverage and to extend for 5 years the Medicare secondary payor provisions as they apply to disabled beneficiaries; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. DAVIS:

H.R. 4155. A bill to prohibit the siting of low-level radioactive waste disposal facilities near the habitats of endangered or threatened species or wetlands, and for other purposes; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. DeFAZIO (for himself, Mr. Brown of California, Mr. Staggers, Mr. Morrison of Washington, Mr. Nagle, Mr. Jontz, Mr. Johnson of South Dakota, and Mr. Condit):

H.R. 4156. A bill to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of organically produced products, and for other purposes; to the Committee on Agriculture.

By Mr. ERDREICH:

H.R. 4157. A bill to establish the Modular Construction Commission and provide for national regulation of modular home construction, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUGHES:

H.R. 4158. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants for State and local governments to provide alternatives to traditional modes of incarceration; to the Committee on the Judiciary.

By Mr. McCLOSKEY:

H.R. 4159. A bill to amend title 39, United States Code, to provide clarification relating to the factors which are to be considered by the Postal Rate Commission whenever it receives a request from the Postal Service to change postal rates or fees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. McCLOSKEY (for himself and Mr. Rahall):

H.R. 4160. A bill to amend the Black Lung Benefits Act to provide that when benefits are paid for at least 2 years after an initial determination of eligibility for such benefits the benefits will not be required to be repaid upon a final determination of ineligibility for benefits, and for other purposes; to the Committee on Education and Labor.

By Mr. MARLENEE (for himself, Mr. Robert F. Smith, Mr. Craig, and Mr. Stangeland):

H.R. 4161. A bill directing the Secretary of Agriculture to recalculate the amount of refunds a producer of feed barley must make by reducing the total amount of refund owed by a producer in an amount which reflects the impact of including sales of malting barley in the calculations used to originally determine the level of refund, and for other purposes; to the Committee on Agriculture.

By Ms. OAKAR (for herself and Mr. Stokes):

H.R. 4162. A bill to provide for an equitable and universal national health plan administered by the States, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. OWENS of New York (for himself, Mr. Gunderson, Mr. Bonior, Mr. Berman, Mrs. Lloyd, Mr. Slattery, Mr. Synar, Mr. Bilirakis, and Mr. Chandler):

H.R. 4163. A bill to require new televisions to have built in decoder circuitry; to the Committee on Energy and Commerce.

By Mr. RUSSO (for himself, Mr. Downey, and Mr. Miller of California):

H.R. 4164. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to reform the budget process, and for other purposes; jointly, to the Committees on Government Operations, Ways and Means, and Rules.

By Mr. SCHUMER (for himself, Mr. Chapman, Mr. Frank, Mr. Rangel, and Mr. Rinaldo):

H.R. 4166. A bill to merge the Office of Thrift Supervision into the Office of the Comptroller of the Currency; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHARP (for himself and Mr. Moorhead):

H.R. 4167. A bill to provide for a short-term extension of the strategic petroleum reserve, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STARK:

H.R. 4168. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for expenses in connection with the cutting of old-growth redwood timber which is a nonrenewable resource and to impose an excise tax on the cutting of such timber; to the Committee on Ways and Means.

By Mr. TAUKE:

H.R. 4169. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct contraceptive research; to the Committee on Energy and Commerce.

By Mr. TAUKE (for himself and Mr. Goodling):

H.R. 4170. A bill to extend and amend programs under the Head Start Act, and for other purposes; to the Committee on Education and Labor.

By Mr. VISCLOSKY:

H.R. 4171. A bill to limit the authority of the Secretary of Transportation to obligate Federal funds in connection with studying, planning, engineering, design, and construction of a new airport to relieve congestion at O'Hare International and Midway Airports in Chicago, IL; to the Committee on Public Works and Transportation.

H.R. 4172. A bill to amend the Internal Revenue Code of 1986 to restore the exclusion from gross income for contributions in aid of construction where the construction of water mains is necessitated by contamination of well water; to the Committee on Ways and Means.

By Mr. WALGREN (for himself and Mr. Waxman):

H.R. 4173. A bill to amend title XVIII of the Social Security Act to provide for coverage of in-home care under part B of the Medicare Program; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ANNUNZIO (for himself, Mr. Conte, Mr. Oberstar, Mr. Moakley, Mr. Gallo, Ms. Pelosi, Mr. Foglietta, Mr. Fascell, Mr. Mazzoli, Mr. Downey, Mr. LaFalce, Mr. Rinaldo, Mr. Guarini, Mr. Panetta, Mr. Torricelli, Mr. Pallone, Mr. Vento, Mr. Miller of California, Mr. Fazio, Mr. Lagomarsino, Mr. DeFazio, Mr. Bosco, Mrs. Morella, Mrs. Roukema, Mr. Russo, and Mr. Traficant):

H. Con. Res. 275. Concurrent resolution providing for preparation of a volume entitled "Columbus in the Capitol", and for other purposes; to the Committee on House Administration.

By Mr. DOWNEY (for himself, Mr. Roybal, Mr. Rinaldo, Mr. Hughes, Mr. Tauke, Mrs. Lloyd, Mr. Courter, Ms. Snowe, Mr. Kildee, Mr. Wyden, Mr. DeFazio, Mr. Crockett, Mr. Schuette, Mr. Volkmer, Mr. Bilbray, Mr. James, Mr. Waxman, Mr. Costello, Mr. Clarke, Mr. Jontz, Mr. Pallone, Mrs. Morella, Mr. Kennedy, Mr. Ford of Tennessee, Mrs. Unsoeld, Mr. Borski, Mr. Porter, Mr. Staggers, Mrs. Byron, Mr. Gordon, Ms. Slaughter of New York, Mr. Richardson, Mr. Synar, Mr. Clinger, Mr. Lewis of Georgia, Mr. Erdreich, Mrs. Saiki, Mr. Shumway, Mr. Spence, and Mr. Duncan):

H. Con. Res. 276. Concurrent resolution expressing the sense of the Congress in celebration of the 25th anniversary of the Older Americans Act of 1965; to the Committee on Education and Labor.

By Ms. KAPTUR:

H. Con. Res. 277. Concurrent resolution expressing the sense of the Congress that Poland, Czechoslovakia, and the other nations bordering Germany should be consulted regarding the upcoming conference on German unification; to the Committee on Foreign Affairs.

By Mr. PEASE (for himself and Mr. Obey):

H. Con. Res. 278. Concurrent resolution expressing a sense of the Congress that substantial savings should be realized from cuts in programs under the Department of Defense and applied to deficit reduction, enhanced U.S. competitiveness in the international economy, and improvements in U.S. public education; jointly, to the Committees on Armed Services, Ways and Means, and Education and Labor.

By Mr. RANGEL (for himself, Mr. Lipinski, Mr. Conyers, Mr. Fauntroy, Mr. Mazzoli, Mr. Kleczka, Mr. Guarini, Mrs. Lowey of New York, Mr. Towns, Mr. Mineta, Mr. Brennan, Mr. Bates, and Mr. Sensenbrenner):

H. Con. Res. 279. Concurrent resolution expressing the sense of the Congress regarding funding for local drug enforcement programs; to the Committee on the Judiciary.

By Mr. DOUGLAS:

H. Res. 350. Resolution providing for the consideration of the joint resolution (H.J. Res. 350) proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 83: Mr. LaFalce.

H.R. 84: Mrs. Kennelly.

H.R. 747: Mr. Bruce and Mr. Ford of Tennesse.

H.R. 872: Mr. Faleomavaega, Mr. Hayes of Illinois, Mr. Gonzalez, and Mr. Dixon.

H.R. 930: Mr. Mineta and Mr. Jontz.

H.R. 1090: Mr. Craig.

H.R. 1287: Mr. Gallo, Mr. Lent, Mr. Counter, Mr. Hansen, Mr. Hiler, Mr. Hayes of Louisiana, Mr. Nielson of Utah, Mr. Thomas of California, Mr. Bunning, Mr. Stump, Mr. Smith of New Hampshire, Mrs. Vucanovich, and Mr. Wolf.

H.R. 1317: Mrs. Johnson of Connecticut, Mr. Roe, Mr. Kolbe, Mrs. Kennelly, and Mr. Fazio.

H.R. 1351: Mr. Stallings.

H.R. 1875: Mr. Lightfoot, Mrs. Bentley, Ms. Pelosi, Mr. Bateman, Mr. Crane, Mr. Saxton, Mr. Rowland of Connecticut, Mr. Carper, Mr. Frank, Mr. Wolf, Mr. Payne of Virginia, Mr. Myers of Indiana, Mrs. Collins, and Mrs. Morella.

H.R. 2186: Mr. Eckart and Mr. Glickman.

H.R. 2202: Mrs. Boggs, Mr. Hatcher, Mr. Bryant, and Ms. Pelosi.

H.R. 2380: Mr. Dreier of California.

H.R. 2585: Mr. Walsh, Mr. Dellums, Mr. Frank, Mr. Dwyer of New Jersey, Mr. Panetta, Mr. McNulty, Mr. Engel, Mr. Hochbrueckner, Mr. Levine of California, Mr. Mavroules, Mr. Dixon, Mr. Fish, Mr. Rangel, and Mrs. Lowey of New York.

H.R. 2690: Mr. Hughes.

H.R. 2700: Mr. Walsh.

H.R. 2807: Mr. Carper, Mr. Johnston of Florida, Mr. Inhofe, Mrs. Johnson of Connecticut, Mr. Thomas A. Luken, Mrs. Boggs, Mr. Miller of California, Mr. Nagle, Mr. Wolf, Mr. Lent, Mr. Scheuer, Mr. Olin, Mr. Chapman, Mr. Machtley, Mr. Bryant, Mr. Rangel, Mr. Wheat, Mrs. Lloyd, Mr. AuCoin, Mr. Gejdenson, Mr. Bates, Mrs. Lowey of New York, Mr. Denny Smith, Mr. Douglas, Mr. DeWine, and Mr. Upton.

H.R. 2813: Mr. Lagomarsino, Mr. Eckart, Mr. Glickman, and Mrs. Collins.

H.R. 2870: Mr. Traficant, Mr. Yatron, Mr. Gonzalez, Mr. Hiler, Mr. Smith of Iowa, Mr. Foglietta, Mrs. Lloyd, Mr. Dornan of California, and Mr. Blaz.

H.R. 3004: Mr. Annunzio, Mr. Bilbray, Mr. Carper, Mr. Fuster, and Ms. Ros-Lehtinen.

H.R. 3053: Mr. Waxman.

H.R. 3120: Mr. Pallone.

H.R. 3360: Mr. Browder.

H.R. 3405: Mr. Sawyer and Mr. Condit.

H.R. 3406: Mr. Hughes.

H.R. 3412: Mr. Kildee, Mr. Tallon, Mr. Markey, Ms. Pelosi, and Mr. Schiff.

H.R. 3501: Mr. Grant and Mr. Porter.

H.R. 3603: Mr. Mollohan, Mrs. Martin of Illinois, Mr. McNulty, Mr. McCollum, Mr. Herger, Mr. Borski, Mr. Ireland, Mrs. Unsoeld, Mr. Upton, Mr. Bunning, Ms. Pelosi, Mr. James, Mr. Madigan, Mr. Burton of Indiana, Mr. AuCoin, Mr. Frost, Mr. Sensenbrenner, Mr. Staggers, Mrs. Meyers of Kansas, Mr. Natcher, Mr. Buechner, Mr. Swift, and Mr. McGrath.

H.R. 3654: Mr. Lewis of California, Mr. Bonior, and Mr. Smith of Vermont.

H.R. 3732: Mr. Frank, Mr. Ravenel, Mr. Davis, Mr. McEwen, Mr. Lagomarsino, Mr. Vander Jagt, Mr. Stump, Mr. Brown of Colorado, Mr. Shumway, and Mr. Darden.

H.R. 3766: Mr. Craig, Mr. Eckart, Mr. Johnson of South Dakota, Mr. Manton, Mr. Miller of Washington, and Ms. Slaughter of New York.

H.R. 3821: Mr. Weldon, Mrs. Bentley, Ms. Long, Mr. Fuster, Mr. Lewis of Georgia, Mr. Lipinski, and Mr. Horton.

H.R. 3834: Mr. de Lugo, Mr. Mfume, Mr. Henry, Mr. Feighan, Mr. Edwards of California, Ms. Ros-Lehtinen, Mr. Gordon, Mr. Bilbray, Mr. Jacobs, Mr. Rangel, Mr. Roe, Mr. McNulty, Mr. Walsh, Mr. McDermott, Mr. Towns, Mr. Fazio, Mr. Kleczka, Mr.

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Fauntroy, Mr. Harris, Mr. Levine of California, Mr. Crockett, Mr. Miller of California, Mr. Foglietta, Mr. Neal of North Carolina, Mr. Torres, Mr. Jenkins, Mr. Wolpe, Mr. Ackerman, Mrs. Martin of Illinois, Mr. Walgren, Mrs. Boxer, Mr. Waxman, Mr. Evans, Mr. Berman, Mr. Brown of California, Mr. Wheat, Mr. Kennedy, Mr. Rahall, Mr. Stallings, Mr. Green, Mr. Ford of Michigan, Mr. Payne of New Jersey, Mr. Bonior, Mr. Hatcher, Mr. Lehman of California, Mr. Frost, and Mr. Jones of Georgia.

H.R. 3859: Mr. Bosco and Mrs. Bentley.

H.R. 3918: Mr. Sundquist, Mr. Ritter, and Mr. Dornan of California.

H.R. 3934: Mr. Fazio, Mr. Kastenmeier, Mr. Dwyer of New Jersey, Mr. Roybal, and Mr. Kildee.

H.R. 3942: Mr. Kennedy and Mr. Foglietta.

H.R. 3943: Mr. Kennedy and Mr. Foglietta.

H.R. 4036: Mr. Bliley.

H.R. 4038: Mr. Hunter, Mr. Rohrabacher, Mr. Baker, Mr. Beilenson, and Mr. Roybal.

H.R. 4079: Mr. Lewis of California and Mr. Buechner.

H.R. 4080: Mr. Fazio.

H.R. 4097: Mr. Nielson of Utah.

H.R. 4118: Mr. DeFazio and Mr. Williams.

H.J. Res. 413: Mr. Anderson, Mr. AuCoin, Mrs. Bentley, Mr. Boehlert, Mr. Carper, Mr. Clement, Mr. Coble, Mr. Cooper, Mr. Craig, Mr. de Lugo, Mr. Donnelly, Mr. Evans, Mr. Faleomavaega, Mr. Feighan, Mr. Frenzel, Mr. Gordon, Mr. Guarini, Mr. Hefner, Mr. Hubbard, Mr. Hutto, Mr. Hyde, Mr. Inhofe, Mr. Jenkins, Ms. Kaptur, Mr. Lent, Mr. Donald E. Lukens, Mr. McGrath, Mr. Mfume, Mr. Moakley, Mr. Moorhead, Mr. Natcher, Mr. Nelson of Florida, Mr. Nowak, Mr. Pickett, Mr. Porter, Mr. Price, Mr. Ravenel, Mr. Richardson, Mr. Rose, Mr. Savage, Mr. Saxton, Mr. Schaefer, Mr. Sisisky, Mr. Spratt, Mr. Staggers, Mr. Sundquist, Mr. Synar, Mr. Tanner, Mr. Towns, Mr. Traficant, Mr. Upton, Mr. Volkmer, Mr. Weldon, Mr. Young of Florida, Mr. Hamilton, and Mr. Bliley.

H.J. Res. 417: Mrs. Boxer and Mr. Walgren.

H.J. Res. 446: Mr. Lehman of Florida and Mr. Hutto.

H.J. Res. 459: Mr. Fascell, Mr. Towns, Mr. Fuster, Mr. Walsh, Mr. Bates, Mr. Roybal, and Mr. Lagomarsino.

H.J. Res. 479: Mr. Ackerman, Mr. Akaka, Mr. Atkins, Mr. Anderson, Mrs. Bentley, Mr. Bilirakis, Mr. Blaz, Mr. Bosco, Mr. Boucher, Mrs. Boxer, Mr. Bustamante, Mr. Cardin, Mr. Carr, Mr. Clarke, Mr. Clay, Mr. Coble, Mr. Coyne, Mr. Crockett, Mr. Dellums, Mr. Dornan of California, Mr. de Lugo, Mr. Dicks, Mr. Durbin, Mr. Dymally, Mr. Erdreich, Mr. Espy, Mr. Evans, Mr. Fauntroy, Mr. Foglietta, Mr. Frenzel, Mr. Fuster, Mr. Geren, Mr. Gonzalez, Mr. Gray, Mr. Guarini, Mr. Hansen, Mr. Hawkins, Mr. Hayes of Louisiana, Mr. Hertel, Mr. Hochbrueckner, Mr. Jacobs, Mr. Kasich, Mr. Herger, Mr. Hoagland, Mr. Hutto, Ms. Kaptur, Mr. Horton, Mrs. Kennelly, Mr. Kennedy, Mr. Kleczka, Mr. Kostmayer, Mr. Lagomarsino, Mr. Lancaster, Mr. Lantos, Ms. Long, Mr. Leath of Texas, Mr. Lightfoot, Mr. Manton, Mr. Mavroules, Mr. Mazzoli, Mr. McCollum, Mr. McDade, Mr. McDermott, Mr. McGrath, Mr. McMillen of Maryland, Mr. Ortiz, Mr. Panetta, Mrs. Patterson, Ms. Pelosi, Mr. Poshard, Mr. Price, Mr. Pursell, Mr. Rangel, Mr. Roberts, Mr. Roe, Mr. Mineta, Mr. Ros-Lehtinen, Mr. Sabo, Mr. Savage, Mr. Schumer, Mr. Shuster, Ms. Slaughter of New York, Mr. Skelton, Mr. Solarz, Mr. Spratt, Mr. Stallings, Mr. Stokes, Mr. Studds, Mr. Tallon, Mr. Towns, Mr. Torres, Mr. Traxler, Mrs. Unsoeld, Mr. Vento, Mr. Walgren, Mr. Walsh, Mr. Waxman, Mr. Weber, Mr. Wise, Mr. Yates, Mr. Gingrich, Mr. Nielson of Utah, Mr. Paxon, Mr. Pickle, Ms. Oakar, Mr. Broomfield, Mr. Bonior, Mr. Weldon, Mr. Livingston, Mr. McEwen, and Mr. Slattery.

H. Con. Res. 253: Mr. Fish.

H. Con. Res. 264: Mr. Jontz, Mr. Jones of Georgia, Mr. Wise, Mr. Saxton, Mr. Courter, Mr. Dwyer of New Jersey, Mrs. Boxer, Mr. Scheuer, Mr. Walsh, Mr. Bryant, Mr. Nelson of Florida, Mr. Coughlin, Mr. Lightfoot, and Mr. Lagomarsino.

H. Res. 297: Mr. Bartlett, Mr. Bliley, Mr. Hefley, Mr. Quillen, and Mr. Ritter.

SENATE—*Thursday, March 1, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable Kent Conrad, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In the beginning was the Word * * *.—John 1:1.

Death and life are in the power of the tongue: and they that love it shall eat the fruit thereof.—Proverbs 18:21.

* * * *If any man offend not in word, the same is a perfect man, and able also to bridle the whole body.*—James 3:2.

Almighty God who spoke the universe into existence, thank Thee for words. Thank Thee for the words of the Constitution that hold us together as a nation, that guarantee our rights, that show us our responsibilities, that guide us in Government. Keep us mindful, loving Lord, of the power of words, power to bless, power to curse, power to edify, power to humiliate; power to inform, power to deceive; power to lead, power to mislead; power to inspire, power to discourage; power to build, power to destroy; power to sustain, power to kill.

Mighty God whose Word is truth, in this Chamber where words are the stock in trade, help us to guard our tongues against that which demeans and hurts and confuses. Grant us the grace to use words that clarify and convince. Help our speech to benefit people and glorify God. In the name of Jesus who is the living Word. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Byrd].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, March 1, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Kent Conrad, a Senator from the State of North Dakota, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. CONRAD thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders this morning, there will be a period for morning business until 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 o'clock, the Senate will resume consideration of S. 1430, the national and community service bill.

It is my intention to complete action on that bill today. This morning we will get a definite list of amendments remaining on the bill. And, once these amendments have been identified, I will seek a unanimous-consent agreement for time limitation on those remaining amendments and vote on final passage. In this way, Senators can be aware of what votes are likely to occur and when, so that they may adjust their schedules accordingly.

Mr. President, we will recess from 10:30 to 11 a.m. to permit the two parties to conduct caucuses for a briefing on the status of the clean air bill.

ORDER FOR RECESS FROM 10:30 A.M. UNTIL 11 A.M.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate recess from 10:30 to 11 a.m., to permit the party caucuses to occur for briefings on the clean air bill.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I urge my colleagues to attend their respective caucuses to be briefed on the status of the clean air bill.

Mr. President, I am pleased now to yield to the distinguished Republican leader.

Mr. DOLE. If the majority leader will yield, I know a number of committees probably have scheduled meetings and have scheduled witnesses, but I hope there will be a recess of the committee hearings for an hour, otherwise many of our Members who ought to be at the caucus will not be able to leave their meetings. So I hope the chairmen of the committees will cooperate where they can so we will have a full attendance at each caucus.

Mr. MITCHELL. I agree, Mr. President, with my colleague, and suggest that where possible the committees permit the Members to attend the conference to receive the briefing on the status of that legislation.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

COMMENDING BETTY MEYER

Mr. DOLE. Mr. President, I have cleared this resolution with the distinguished majority leader.

I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

A resolution (S. Res. 254) to commend Betty Meyer.

Whereas Betty Meyer became an employee of the Senate of the United States on May 4, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included ten Congresses;

Whereas Betty Meyer has proudly served as executive assistant and personal secretary to the Republican leader; enduring long hours, short weekends and unending changes in the daily schedule;

Whereas Betty Meyer, despite the barrage of requests, and untold thousands of calls, complaints, requests, and demands from visitors, lobbyists and staffers, faithfully discharged the difficult duties and responsibilities of her position on the staff of the Senate of the United States with great efficiency, devotion, and dedication;

Whereas Betty Meyer, in the line of duty spent more time on the telephone than any other known person, and

Whereas Betty Meyer retires from the Senate of the United States on June 30, 1990: Now, therefore, be it

Resolved, That the Senate of the United States commends Betty Meyer for her exemplary service to the Senate and the Nation, and wishes to express its deep ap-

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preciation and gratitude for her long, faithful, and outstanding service.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Betty Meyer.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 254) was agreed to.

The preamble was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RESERVATION OF LEADERS' TIME

Mr. DOLE. Mr. President, I reserve the remainder of my leader time.

Mr. MITCHELL. I reserve the remainder of my time, Mr. President.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Delaware.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent that Marvin Doyal be accorded the privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2212 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESOLUTION TRUST CORPORATION

Mr. KERREY. Mr. President, I rise to make two points today. The first is to reinforce the urgency of corrected deficiencies to the Resolution Trust Corporation. Last week I introduced a bill that I believe will correct those deficiencies, and I believe each day that we wait before acting causes the taxpayer to lose additional money. I simply cite a few additional details.

We read that Frederick Wolf, former GAO second in command, withdrew from consideration as the head of the Office of Thrift Supervision, saying that either the administration does not share his view that quick decisive action is necessary to address the thrift crisis; or, he said, they cannot reach a decision that he is the right person for the job.

Danny Wall resigned on the 4th of December, and the administration has been unable to find an acceptable replacement. With Wolf out of the running, Mr. President, my concern is, when will they make a choice?

In addition, the head of the OTC and RTC Oversight Board's president have not been selected. There are two independent positions in the RTC Oversight Board that have not been selected. There is one seat on the FDIC board that has not been selected, as well as many other minor board positions that are mandated by the S&L legislation.

Mr. President, I just urge the administration, that has given this their top domestic priority consideration, in terms of spending $167 million we gave them last year to solve this domestic problem, to give it the requisite consideration that this money would indicate it deserves.

I urge my colleagues as well to take a look at the legislation I proposed, or some alternative legislation, to address what I think is going to be a mounting American problem.

NBC'S "A DAY IN THE LIFE OF THE WHITE HOUSE"

Mr. KERREY. Mr. President, last night NBC televised a program entitled "A Day in the Life of the White House."

The day in question was this past Monday, February 26.

The program was a good one as such documentaries go, but one segment of the program in particular caught my attention.

The segment featured the Secretary of Agriculture apparently briefing President Bush on the details of the administration's 1990 farm bill proposals. As the camera showed the President leafing through his own farm bill, the Secretary explained that the administration's bill was not a dramatic departure from the 1985 farm bill, but instead a series of needed but modest changes in current law.

In what I thought was a rather gratuitous jab at the Senator from Iowa, the Secretary apparently was compelled to point out that the administration's bill did not take the Tom Harkin approach to farm policy. The President even agreed that Harkin was the wrong way to go.

Mr. President, I would have found all this only mildly amusing except for two important facts: One is that Senator HARKIN, amongst others—many good Republicans, as well, strongly oppose the Reagan administration's proposal for the 1985 farm bill. Had they not done that, with the alternatives Senator HARKIN and others had, had they not stood on this floor and other places to resist the proposal that the Reagan-Bush administration had, we would still have a recession going on in American agriculture.

The second fact that occurred to me, Mr. President, was that the Secretary of Agriculture had unveiled the details of the administration's farm bill proposal nearly 3 weeks ago, on February 6.

Are we to believe, as the White House attempted to convey, that the President was reviewing his farm bill proposals for the first time? If so, I must ask, because the proposals were actually unveiled 20 days before, who had approved them? Had the President even seen them?

Perhaps the meeting between the President and the Secretary was scheduled merely for the benefit of the NBC camera crew. I can almost picture the White House media advisers, determined to show that a busy President must deal with a range of issues—even agriculture—in the course of a day, deciding that a session on farm matters must be scheduled in there somewhere.

But perhaps there was some other reason for the meeting not readily apparently to the viewers, in which case I am happy to give the President the benefit of the doubt.

But I thought it made for interesting television, but unfortunately, I was concerned and continue to be concerned, regarding the agriculture policy, that it does not lead us to a satisfactory conclusion.

Mr. SYMMS. Mr. President, I ask unanimous consent that I might speak as in morning business, not to exceed 8 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLEAN AIR ACT

Mr. SYMMS. Mr. President, as the notification has gone out now to all Senators that both party caucuses will be meeting this morning to discuss the Clean Air Act, I think it is important that we briefly review the process that has brought us to where we are today, that now, finally, after a month of secret meetings, the sunshine committee, the so-called Clean Air Committee is going to come back out in the open with a process that they could not do publicly in the Environment and Public Works Committee.

I want to just review what happened so Senators are aware of what actually happened with respect to this clean air proposition.

The current predicament started with the fact that the Environment and Public Works Committee decided late last year that it would not mark up on the President's comprehensive clean air proposal. Once that decision had been made, the question was: What will we mark up? There was no comprehensive clean air proposal pending before the committee, only bits and pieces of legislation addressing different issues here and there—a nonattainment bill, an air toxics bill, a municipal waste incinerator bill, and so on.

Supposedly, these pieces of legislation were to be the markup vehicles. Unfortunately, as introduced, these original bills were repleat with errors, both in policy and in structure, and required a substantial degree of rewriting, not a comprehensive package, that could try to address the problem that the American people want to address, just bits and pieces that run on the noble slogan of cleaner air.

The Environmental Protection Subcommittee held three markup sessions, some lasting for as little as a half-hour each. The fact is I think it is notable for the RECORD that in one half-hour session the Subcommittee on Environmental Protection passed out legislation that after the fact, after the people found out what they had done, both the steel industry and the pharmaceutical industry admitted and realized they would have to move offshore to produce the goods that the American people would still want, steel and pharmaceuticals. They would have to go offshore to produce it because they could not comply with what the subcommittee could set up for them.

If there has ever been a good argument, Mr. President, for the proposition that my colleague, the senior Senator from New Hampshire, made yesterday for the limitation of terms to 12 years for people in the U.S. Senate, that they had their national press conference yesterday to kick off, I think it is the process from which the Environmental and Public Works Committee and the failure of the process to produce legislation which would meet the demands of the American people that we pay attention to the environment and cleaner air but do not run everybody out of the country in the process and cost this country somewhere between 1.7 and 2.7 million jobs now that come out as a result of what S. 1630 is.

In each of these sessions the subcommittee met and usually accepted reams of staff-drafted amendments to a vague assortment of separate markup vehicles and voted them out en bloc.

In fact, it was not until the day of the full committee mark up that a draft of the supposed markup vehicle was finally prepared and ready for review. And even that draft was repleat with drafting and typographical errors, incorrect references, and, in some copies, even a number of pages missing as it was passed out.

And yet, the committee, especially at the constant proding of the chairman, our colleague, the senior Senator from Montana, pressed forward to complete full committee consideration that day.

This Senator tried to slow the process down, warned the committee over and over again: Do not take that bill to the floor, the committee will be embarrassed by bringing that bill to the floor because it will be literally the laughing stock of the U.S. Senate if that bill comes to the floor.

I can assure my colleagues I did my best, but I was at a considerable disadvantage, having received a complete copy of the bill only the morning that we started the markup, and it was impossible to build any kind of political support for the needed changes in the bill.

I might note, however, that in the dark rooms, which I have not participated too much in, but I have kept track of what they have been doing, and been there, many of the amendments this Senator was trying to raise in the subcommittee have now been accepted in the dark rooms of secrecy where they do not have the public knowing exactly what the Senate is doing.

In the end, after nearly 8 hours of heated debate, a new ream of amendments was adopted, which included several wholly new and never before debated titles of the bill, voted out of the committee by a vote of 15 to 1.

In my opinion that is a disgrace to the U.S. Senate that a bill like that is sent to the floor. It is no wonder the Congress has a low esteem in the eyes of the public when they bring legislation out, when we find out 2½ million Americans would lose their jobs because we want to be sure—we are so afraid of the news media that somebody might say that the Senator from Idaho or the Senator from Montana or the Senator from Colorado or somebody is not in favor of the cleanest most pristine air that there are Senators promoting dirty air.

It is no wonder the media cannot report accurately what is happening. You should see the television report I saw this morning in my State, a complete distortion of what happened with respect to the clean air process. But I cannot blame them for it when the Senate demands to do the committee work that should have been done in public, they do it in the back room; it is no wonder the media has a hard time figuring out what is happening.

Then, Mr. President, every Member of the Senate who was following the bill will tell you that it disappeared. As I said, it went into hiding, after it came out of committee, because when it got to the floor, the majority leader found out he did not have the votes for the bill, and then people started talking about how bad it would affect the economy, and we got in the situation we are in now. In fact, after it went in hiding there was quite a process that took place. Everyone was trying to prepare for the recess, after the session ended, after this forced pressure in the committee to push the bill out, push the bill out, do not wait, push the bill out, and the final text was really not made available to the public until nearly a month after the reporting of the bill.

Then all heck broke loose around America when people realized what in the heck the Senate Public Works Committee was doing and what the Senate was up to. As people around the country took a hard look at the bill they were appalled at the massive new burdens imposed on them. Continuous, massive retooling mandates, onerous fees—the working men and women of America who looked at this bill were horrified at the extravagant abuse of their lives and livelihoods.

It did not take the authors of the bill long to find out that they could not pass this "stinking bag of fish" as I referred to it in committee and on the U.S. Senate floor.

What astounds me is that a bill that is this onerous could pass a committee of the U.S. Senate by a 15-to-1 vote. I am still astounded at that.

Mr. President, in my opinion the problem with the entire process so far is it has not seen enough light. It has not had enough exposure. We have not had enough input from America on how it will affect different segments of the U.S. economy, the jobs of the very people we claim we are here to represent.

For a month, the authors of the bill have been trying to fix it by more hidden debate, secret negotiations, and more stuff that produced the terrible bill in the first place.

Mr. President, the majority leader and the Senator from Montana and other of the bill's sponsors are now accepting the very amendments that I had offered in committee, in the broad daylight of the committee.

I cannot speak for my colleagues, but I believe when as many people's livelihoods are at stake as we have with respect to this bill that it is vital that our legislation be well reviewed, we make it available to the people whose lives are affected, we allow them to voice their concerns, and we

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do not through these party caucuses come out with some kind of idea that we are going to pass this bill in a week or 2 weeks in a rapid passage of the bill before the American people can find out what is in the bill.

I think the American people deserve to have plenty of time to study this measure, to reflect on it, to see how it will affect industries, and then maybe we can pass some good, positive clean air legislation which will, yes, pay attention to the environment, yes, use the best technical knowledge available to have clean air; but, no, not close down America in the name of somehow that we in the Congress are afraid of being branded that we are not for the cleanest possible air.

The PRESIDING OFFICER (Mr. KERREY). The Senator's time has expired.

Mr. SYMMS. I yield the floor. I appreciate the indulgence of the majority leader.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, unanimous consent to proceed in morning business for not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. I thank the Chair.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 2213 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE S&L BAILOUT

Mr. CONRAD. Mr. President, the distinguished occupant of the chair mentioned moments ago the disarray that surrounds the bailout of the savings and loan institutions of this country. I want to add my voice to the concern he voiced, because what we are seeking I believe is a fiasco in the making.

I met 2 weeks ago with some of the most knowledgeable people in this country who have examined in close detail what is occurring with respect to the S&L bailout.

What they told me—respected leaders of major financial organizations in this country—is that the S&L bailout is going to cost between $300 billion and $500 billion. These people who informed me of their view have had literally hundreds of employees out in the affected areas of the country looking at properties that they might pick up.

Mr. President, these financial leaders told me there is not the kind of effort being made to straighten out this mess that will led us to success. In fact, they tell me that the delay, the indecisiveness, the inability to make decisions is creating a monster.

Mr. President, I urge that we put together a special investigatory panel to look at the procedures that are being pursued with respect to the S&L bailout. This administration apparently cannot put a team together or keep a team together to do the work. We ought to be watching these developments very closely and providing the oversight necessary to prevent a complete financial fiasco.

With that, I thank the Chair and yield the floor.

A SISTER'S STEADFAST CAMPAIGN TO FREE TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,811th day that Terry Anderson has been held in captivity in Beirut.

I would also like to note that today's Washington Post contains a feature article on Peggy Say's campaign to free her brother and aptly bestows upon her the title of "The Captives' Crusader." I ask unanimous consent that the article be reprinted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 1990]

THE CAPTIVES CRUSADER: PEGGY SAY'S FIVE-YEAR FIGHT FOR THE HOSTAGES

(By Caryle Murphy)

DAMASCUS, SYRIA.—For Peggy Say, the road to Damascus is now a well-beaten path.

On her first journey to this ancient city of narrow, twisting streets and even more serpentine politics, the 49-year-old Kentucky resident mostly sat in her hotel room and cried. But this time, she was interviewed on Syrian television and spoke with the foreign minister.

En route, she zigzagged through European and Arab capitals, had a private audience with Pope John Paul II, an impromptu lunch of roast lamb with PLO leader Yasser Arafat and a least a dozen meetings with various government and human rights officials.

The reason for this sits in a well-guarded room somewhere in Lebanon, his life an enforced hiatus of boredom, loneliness and fear.

On March 16, Say's brother, 42-year-old Terry Anderson, will mark his fifth year of captivity at the hands of Iranian-backed Shiite fundamentalists, the longest held of eight American hostages there. During that time, Anderson's father died and his second daughter was born.

His sister's travels are part of a quest to keep the public spotlight on the plight of Anderson, who was the Associated Press's Middle East correspondent at the time of his capture, and the seven others still held hostage.

"When Terry used to talk about places like this, I never dreamed I'd ever be here," said Say, hugging her raincoat close against the night chill as she strolled around the ancient walls of Damascus's Omayad Mosque, which stores a relic said to be St. John the Baptist's head. And back then, if you'd suggested that the former social worker who is "paranoid" about flying and who had never been out of the United States would be here, her response would have been succinct: "Have another drink."

But after Anderson's capture, Say said she made a commitment: "If Terry died in captivity, it wouldn't be because he'd been forgotten by the American people."

Say, who bears a strong resemblance to her brother, is probably the most widely known member of the hostages' families. This is partly because of her outspokenness, a tactic that has at times been criticized by others who feel quiet diplomacy is the better way to the hostages' release. She has also had at her disposal the resources of the Associated Press, which has paid for her journeys and which mentions Anderson in every story about the hostages sent over its wires.

All this has had an unintended byproduct: The kidnappers are said to regard Anderson as their most crucial hostage, according to Syrian and U.S. sources who follow the situation.

In her public role, Say has called on her strong will, sense of humor and what husband David, who was among those on this trip, calls a knack for verbal "pole vaulting" when pushed into a corner. These traits served her well when she was invited to talk about the hostages on a political talk show called "Focus" on Syria's English-language TV channel.

During the taping, interviewer Yahya Al-Aridi, who was a graduate student at Georgetown University when Anderson was captured, gently suggested to Say that hostage-taking is inhuman, but so is "occupying other peoples' land by force, killing other peoples' children and demolishing homes." This was a clear, if indirect, reference to Israeli actions against the Palestinian uprising in the occupied territories.

Say, who wants to steer clear of the Middle East's emotion-laden political disputes and keep her appeals where she believes they belong—on a humanitarian level—replied: "I think Americans are noted for protesting human rights abuses all over the world. And if human rights abuses exist in the Middle East, I'm sure they would protest. But they are not going to be addressed in an atmosphere in which hostages are being held.

"If you go to the United States for a visit and you are mugged in New York or Los Angeles, you are not going to blame the person who did that to you. You are going to say, 'Americans are violent.' And I'm afraid it's that same kind of generalizations which exist now."

On her first trip to Damascus in 1985, Say said she was "a basket case." The Syrians were correct, but not overly welcoming.

This time, in addition to Say's TV interview, the group met Syrian Foreign Minister Farouk Charaa. He told them he would soon be going to Tehran where he would "work intensely with the top Iranian leaders" to push for freeing the captives. Charaa said his government had already told Iran "that it is in their interest to work with us in gaining the hostages' release."

The TV interview and Charaa's remarks, as well as an editorial last week in an Iranian newspaper that for the first time urged the hostages' release, were seen as good omens by Western diplomats and Syrians here.

Syria is the major warlord in the Lebanese jungle, with 40,000 troops stationed there. And its diligent intelligence agencies undoubtedly know, probably down to the very room, where the hostages are held. Syria also has relations with Iran, which has financed the groups holding the Americans.

Though all this adds up to a considerable amount of influence over the fundamentalist groups, Syrian officials contend they cannot physically deliver the American prisoners. The Syrians want credit for gaining the hostages' release—not an American outcry for getting them killed, which is what might happen if there were a raid to rescue them. Syrian officials put it like this when they talk to Say: "You don't want to receive bodies, and we don't want to give you bodies."

Say said she now believes the Syrians are sincere about working for the hostages' freedom. "Nobody believes anymore that Syria is playing games here. Nobody wants it over more than they do."

In any event, things are much better than right after Iran-contra affair, when the hostage families, according to Say, "suffered a terrible backlash. I thought I would never recover." The way she sees it, "a very popular president" got into a very embarassing mess and the public thought "somebody had to be blamed. So it was the hostage families who'd driven them to it, and the hostages who were [in Lebanon] in the first place."

In Rome, Say and AP Deputy Director of World Services Larry Heinzerling were granted a private audience with the pope in which she told the Roman Catholic leader how Anderson had pulled fibers from his straw sleeping mat and crocheted them into two pairs of rosary beads, one for himself and one for his then-hostage roommate, the Rev. Lawrence M. Jenco, who was released in July 1986. She also told the pope how Jenco had said Mass every day using bread that he and Anderson saved from their meals and water instead of wine.

Say's group, which included other AP executives and AP photographer Don Mell who was with Anderson when he was kidnapped, flew to Tunis to seek a meeting with Palestine Liberation Organization Chairman Yasser Arafat. Arafat was eating lunch when they were brought to his house, so he shooed away his fellow diners and made room for them at the table. "I sat on his left and he ripped off a leg of lamb and put it on my plate," Say recounted. "I'd just eaten lunch, so it was difficult."

The PLO leader "was friendly, he was not intimidating," she said. He told her he'd like to help, but that the problem was "fanatics" in Iran.

Afterward, Say began thinking how she'd told her brother, two months before his capture, that he should leave Lebanon because "the abnormal has become normal to you.

"And now, I think that's what has happened to me. I'm in a huge villa surrounded by probably 30 PLO gunmen and I was not nervous. We had our conversation and then people with guns are waving you into the car, and somehow it feels normal."

TIME TO RECONSIDER UNESCO

Mr. MOYNIHAN. Mr. President, 5 years ago the United States decided to withdraw from Unesco, the United Nations Educational, Scientific, and Cultural Organization. The reasons for this decision were several, including financial mismanagement, a campaign against the free flow of information and the politicization of Unesco.

A great deal has changed at Unesco since the United States decided to withdraw and today many friends and allies of the United States are urging that the United States rejoin the Organization. They argue that Unesco is a very large institution in which change comes slowly and with great effort. They maintain that the decision by the United States to withdraw has had a salutary effect and has caused Unesco to begin to reverse its course, but that the positive effects of the U.S. decision are now over. Additional progress requires that the United States get back into harness and join its allies in continuing to pull Unesco in a positive direction.

There is some recent precedent for the United States withdrawing from an international organization and then returning when improvements were made. In 1977 the United States withdrew from the International Labor Organization. But by 1980 we were ready to return, and today the United States is as actively engaged in the work of the ILO as ever in our history. After a 35-year hiatus the U.S. Senate has ratified—at the strong urging of the Reagan and now Bush administrations—three ILO labor conventions in the last 2 years.

Mr. President, last November the Unesco general conference met and wrestled with many of the issues which were of concern to the United States. The results are still being digested. But clearly we need to take a close look at what happened in Paris and to reevaluate our decision to withdraw from the Organization. Our distinguished former colleague, Robert Stafford, has just led a review of this issue for the United Nations Association of the USA. He was assisted by Leonard R. Sussman who has written an extremely informative editorial on this issue. I ask unanimous consent that this article be printed in the RECORD at this point, and I urge my colleagues to read it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 26, 1990]

IT'S TIME TO REJOIN UNESCO

(By Leonard R. Sussman)

Five years ago the United States walked out of the U.N. agency known as UNESCO, complaining that it was badly run, spent money recklessly and—perhaps most important—that it posed a threat to freedom of the press in the world because of its promotion of a "new world information and communication order."

Since then, a lot of things have changed, both in UNESCO and the world. I believe it is time for this country to rejoin the U.N. Educational, Scientific and Cultural Organization. Not only does UNESCO no longer qualify as a threat to freedom of the press, it may even be a very useful agency for *promoting* it in an area in which it is just emerging: Eastern Europe.

Last November UNESCO's general conference dealt with a number of matters that had concerned the United States. It budgeted zero-growth on expenditures that were lower than when the United States was paying dues, worked toward a dramatic reorganization of its management process and laid out a new communications program that promotes press freedom more explicitly than any in UNESCO's 44-year history.

The communication program is based on the "free flow of information," an objective repeated 23 times in the 23-page plan. This emphasis reflects the "new strategy" of Dr. Federico Mayor, the Spanish biochemist who succeeded Amadou Mahtar M'Bow two years ago as director-general of UNESCO. The plan commits UNESCO to facilitate and guarantee for journalists "the freedom to report and the fullest possible access to information." UNESCO would also facilitate "access by the public to information in all its forms," hardly a sop to authoritarians. Indeed, the plan provides a linguistic clue to the dramatic change of course. For the first time, the media are described as "in" a country, not "of" if, which implies ownership or control by the government. And for the first time there are repeated references to private news media, private enterprise, the private sector—they too to be supported and protected.

This week, journalists from the Soviet Union and Eastern Europe will confer with Western media leaders to find ways to develop "a free, independent and pluralistic press" in Eastern Europe. The emergence of nongovernmental news systems in the East is an "encouraging development which UNESCO welcomes," says Mayor, who organized the two-day work session in Paris. It is the first practical step taken by UNESCO to help advance press freedom under its new mandate, and it is a signficant one.

The commitment to "free flow" is repeated almost to the point of boredom in its statement. Wherever it is related to "balanced dissemination of information" a new phrase appears: "without any obstacle to the freedom of expression." This reflects Mayor's pledge to increase support for new communication facilities in the Third World and encourage balanced coverage—but not by violating freedom.

The UNESCO plan acknowledges that the "new world information order" created great problems for the organization, because "too much attention was given to standard-setting and quasi-normative action." This refers to Western perceptions that the program would have had governments set criteria for independent journalists. This acknowledgment is about as close as an intergovernmental agency comes to admitting failure.

The "new strategy" in UNESCO comunications reflects the two-year leadership of Mayor. He struggled against some on the executive board who sought several times to restore the "world information order" in one form or another. These sessions were described by one delegate as "psychodrama." Significantly, however, no one even suggested restoring some of the old bugaboos associated with that order: licensing of journalists, imposition of governmental press codes, or monitoring of independent journalists.

The present mandate clearly opens a new era at UNESCO. Its programs include high-level international science links, a global literacy campaign (UNESCO's "absolute priority for the decade"), saving worldwide cultural legacies, managing the world copyright convention, providing the only global forum for charging governments with violations of individual human rights, and scores of projects to improve education in developing countries.

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The U.S. administration should now appoint a high-level group, one reflecting interagency and broad nongovernmental concerns, to examine and report promptly on UNESCO's new programs and on the budgetary and management changes demanded for so long by U.S. critics.

American interests in science, education and other fields are ill-served by the continuing absence of the United States from UNESCO in these crucial, fast-changing times.

GOVERNORS TAKE BUDGETS SERIOUSLY

Mr. SANFORD. Mr. President, I am pleased today to add as cosponsors to S. 101, the Honest Budget/Balanced Budget Act, my friends and colleagues and former Governors, Senators, BRYAN, FORD, and HOLLINGS.

I don't think it is a fluke that five former Governors, including Senator ROBB and me, associate themselves with this budget reform legislation. Governors take budgets seriously. The Governors of this country balance their budgets year after year, using an honest approach based on honest figures.

Unlike the Federal Government, States don't print money. Unlike the Federal Government, States cannot pull their retirement funds—their pension funds—down to their bottom line and pretend to balance their budgets. Unlike the Federal Government, States cannot spend money and cover it up by not counting it in their deficit. States cannot play the games with their budgets that we in Washington play with the Federal budget. Governors must balance their budgets for real.

So, as former Governor ROBB knows, and as former Governors BRYAN, and FORD and HOLLINGS know, and as I know, Governors take budgets seriously. This is precisely what S. 101 does.

Under S. 101, the operating budget must be in balance, beginning with the first year. And the operating budget, exclusive of interest, must be in balance without the use of Social Security and other Federal retirement accounts.

Under S. 101, we can—this year—have a balanced operating budget. Under S. 101, we could—this year—have a surplus in the operating budget. I am not talking about the year 2000. We can have a balanced operating budget this year if S. 101 was law.

Governors understand balanced budgets. They understand honest budgets.

Some would argue that most Governors must balance their budgets because their constitutions require it. And many of those who would argue this believe we must have a constitutional amendment at the Federal level requiring a balanced Federal budget in order to achieve a balanced Federal budget. We can also balance the budget without a constitutional amendment.

The President and Congress can balance the Federal budget if there is a willingness to do so. President Reagan was always quick to call for a constitutional amendment to require a balanced budget, yet in the 8 years that he occupied the White House, not once did he submit a balanced budget. It was more convenient for President Reagan to call for a constitutional amendment to balance the budget than it was for him to develop a plan to balance the Federal budget.

Mr. President, we don't need a constitutional amendment, we need action now. S. 101 requires action now.

Mr. President, I ask unanimous consent that the following statement be printed in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE HONEST BUDGET/BALANCED BUDGET ACT

THE BALANCED BUDGET AND DEBT REDUCTION ACT OF 1989, S. 101

Requires honest budgeting

Unlike GRH, which has permitted budget accounting gimmicks, S. 101 has been created to prevent deceptive budgeting practices. S. 101 alone will not guarantee success, but it will lay the right foundation, prompting badly needed action to eliminate our annual deficits, and facilitating substantial reductions in the "botton line" of the Federal debt.

Defines deficit as annual increase in the Federal debt

S. 101 defines deficit to mean the amount by which the debt is increased, which is government's bottom line. The Fiscal Year 1990 Budget Resolution claims a deficit of about $100 billion while acknowledging a $264 billion increase in the federal debt. S. 101 designates this increase in debt as the deficit.

Divides the unified Federal budget into three categories

1. Retirement Funds Budget
2. Operating Budget
3. Debt and Interest Budget

Retirement funds budget

This budget includes receipts and expenditures for Social Security and other Federal retirement programs, including transfers of employer (U.S.) contributions from the Operating Budget to the Retirement Funds, and including interest received from the U.S. Treasury for securities held in trust. Retirement Funds surpluses would be contained in this category and not used to mask the true size of the annual deficits. Also, interest paid by Treasury to these trust funds, must be counted, for deficit purposes, as an outgo just like interest paid on bonds held by a private bank and trust company.

Operating budget

The Operating Budget includes all receipts and expenditures of Federal entities other than those in the two other component budgets, reflecting current receipts and current demands on the Government. S. 101 requires that the Operating Budget must be balanced, or subject to a point of order and sequestration.

Debt and interest budget

This budget includes changes in the public debt, interest on the public debt, and transfer of surpluses from the Operating Budget. Interest displayed here includes payments to the retirement trust funds, and cannot be treated as income to maks the total amount of gross interest paid.

It mandates the reduction of the public debt by establishing annual maximum deficit targets.

It establishes a trust fund for the reduction of the public debt, and allows for enactment of taxes solely dedicated to the reduction of the public debt.

ACTION OF THE NRC

Mr. KENNEDY. Mr. President, the action by the NRC today is the culmination of a long line of irresponsible public-be-damned decisions by the NRC. This is a rogue agency that lives by its own set of proindustry rules.

When the safety regulations do not fit into the licensing scheme, change them. When local officials say the communities around the plant cannot be safely evacuated, ignore them. When workers at the plant say there are serious safety problems, dismiss them.

The NRC is more concerned with the economic interests of the nuclear utilities than the health and safety of the public. I hope the communities endangered by this reckless decision can obtain the relief that they deserve in court.

TRIBUTE TO WILLIAM M. BECK, SR., FORMER ALABAMA HOUSE SPEAKER

Mr. SHELBY. Mr. President, I rise today to ask my colleagues in the Senate to join me in recognizing the accomplishments and achievements of an outstanding Alabamian—William M. Beck, Sr., of Fort Payne, who passed away February 26. William Beck will always be remembered by his family, friends, and colleagues as a man who contributed significantly to his State and community. He will be missed by all.

William M. Beck leaves behind a distinguished legacy of service for future generations of Alabamians to follow. He began his career of service at an early age, having heard the call to arms, and joined the U.S. Army in 1919 to defend democracy in World War I. Upon returning to his home following the war, Beck became an attorney in 1932 and was elected to the Alabama Legislature in 1939. He was then appointed a judge for the DeKalb County Court. Following his appointment, World War II broke out and William Beck resigned his judgeship to enlist in the Marine Corps and once again defended democracy. Defending the principles that this country was founded on was of great importance to this man, and he was proud to sacrifice his career for his country.

Having served his country as a soldier in World War II, Beck returned to Alabama determined to serve his State. He was elected once again to the Alabama State Legislature and had the unique distinction of serving as speaker of the house from 1947 to 1951. He was a formidable force during his tenure as speaker of the house, pushing through legislation to improve State roads. Beck was a man of foresight. He realized that in order to improve the economic climate in Alabama, the State would have to support modernizing and maintaining its infrastructure.

It was during his tenure as speaker of the house that Beck's vision for a better Alabama was noticed by George Wallace, a freshman representative who would later become one of Alabama's most noted Governors. Governor Wallace appointed Beck to the State Board of Education in 1962. As a member of the State Board of Education, Beck found his true calling. Beck was a strong advocate of higher learning. Education had been an important part of his life. Beck was educated in the public schools of Calhoun and Talladega Counties as a young boy. Later he attended Newberry College, Newberry, SC; Jacksonville State University; and Birmingham Southern College. His educational honors included an honorary LLD, Judson College.

Having pursued higher learning himself, Beck realized the value and benefits of a good education. His vision included providing every Alabamian with the opportunity to have a quality education. During his 10-year service on the State Board of Education, Beck devoted himself to improving Alabama's educational system. He was a leader in the movement to establish and locate junior colleges throughout the State. William Beck made a difference in Alabama. With the establishment of junior colleges, Beck was able to improve the lives of the children of his State and provide them with the environment to prepare them to be productive members of society.

William Beck's legacy of service is a gift to us all. As Longfellow has written: "Lives of great men all remind us we can make our lives sublime, and departing, leave behind us footprints on the sands of time." His path was a noble and rewarding one—a path that we should all hope to walk down.

Mr. President, this is a tribute to William and his three children, William, Jr., Robert Daniel, and Frances Jo Jagoe—theirs is a loss shared by all Alabamians. William's family should be proud of the contributions he made to his State and country, and he will always be remembered as an outstanding individual who worked diligently in his pursuits to make Alabama better.

TRIBUTE TO JUNIOR DAVISON

Mr. REID. Mr. President, on Saturday, March 3, 1990, 300 people will gather in Las Vegas to pay tribute to Junior Davison. Unfortunately, my duties as a legislator will keep me from attending. For this reason, I wish to express my respect and admiration for my friend Junior here on the Senate floor.

Junior Davison has been a Las Vegas resident for 55 years. While he was still a teenager, Junior installed powerlines on Hoover Dam.

Junior has seven children, and the Davison offspring have been known to claim themselves as their fathers' greatest contribution to Nevada. Not that I would beg to differ—each child has grown to be an admirable person; however, Junior Davison has clearly contributed to our State beyond increasing its population. Moreover, I believe his children learned the art of personhood from their father. Junior Davison has always served as a fine example of father, friend, coworker and boss.

After 35 years of service, Junior Davison retired on February 28, 1990, from the Nevada Power Co. He rose to the position of supervisor, and there are many in southern Nevada facing the upcoming weeks with some trepidation. Can they provide power without Junior?

His wife, Arlene, retired from the same company on the same day, which was also their 15th wedding anniversary.

As great as his contribution to the Nevada Power Co. has been, Junior is best known as a pitcher for the Las Vegas Fast Pitch Softball League. I first met Junior when he pitched against my brother Dale. He pitched for 25 years, and he is legendary for his enduring athletic prowess. Playing with his sons, Willie and Chuck, he led his team to the State Zone Fast Pitch Championship in 1968.

Mr. President, I am truly saddened I will not be able to participate in the retirement festivities in person. But for the record let me say: Junior, it's always been a privilege to know you, and may you have every happiness in retirement.

A VICTORY FOR DEMOCRACY

Mr. BENTSEN. Mr. President, as we in this body know, elections are strange and wondrous things. They focus into a few hours of 1 day all of the energies and passions of months of campaigning. They serve simultaneously as a referendum on the past and a choice for the future.

Free elections are what distinguish genuine democracies from those fake substitutes where regimented populations rubberstamp an unchallengeable leadership.

Free elections are often unpredictable, surprising both the winners and the losers.

Today we celebrate one of those landmarks of freedom, last Sunday's elections in Nicaragua which produced a landslide victory for Mrs. Violeta Chamorro.

February 25 marked the culmination of a long struggle by the democratic opposition to the Sandinista regime, which came to power by revolution and then abandoned many of its most important promises. The elections permitted the long-suffering people of Nicaragua to express their will.

International observers, especially former President Jimmy Carter, played a crucial role in deterring significant fraud and in making the results acceptable to all sides as a fair test of public sentiment.

The Nicaraguan elections have transformed the politics of Central America and given peace a chance to heal the wounds of war.

President Kennedy once said that victory has a thousand fathers, while defeat is an orphan. In this case, in truth, there are many heroes who can take pride in the results.

Foremost are the Nicaraguan people, who saw through Sandinista propaganda and voted in overwhelming numbers for the democratic opposition.

Mrs. Chamorro deserves our special admiration for uniting so many factions and inspiring such widespread support. I know from my own conversations with her that she has the strength of character to persevere and prevail even against incredible odds. We all join in wishing her success in what is a difficult task of rebuilding the Nicaraguan economy and rekindling democratic government.

Mr. President, it may seem unusual coming from me, a strong and persistent critic of Daniel Ortega, but I believe that he also deserves our appreciation for accepting the election results peacefully and with grace. We tend to judge people by their actions more than their motives, and by that standard he did well by permitting the elections and admitting the international observers who helped to insure their fairness. Unless and until contrary evidence emerges, I trust that his pledge to turn over power will be implemented as required by the Nicaraguan constitution in 2 months.

If so, it will mark the first occasion in history that I am aware of when a revolutionary Marxist regime voluntarily surrendered its power solely on the basis of an election.

But, of course, recent months have been full of historymaking precedents.

The Nicaraguan elections also are a victory for American principles and foreign policy. We supported the 1978 revolution and then, when the Sandi-

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nistas shrank to a Marxist-Leninist core and abandoned many of their promises, worked to support the democratic resistance.

The American consensus fragmented during the 1980's, however, as the executive branch took actions without the needed congressional knowledge and support, and thus created a gap of mistrust that made cooperation difficult. Finally, the White House and the Congress began closer consultations, and we built a bipartisan foreign policy in support of both peace talks and pressure.

We need to continue bipartisan cooperation in the months ahead, as Mrs. Chamorro assumes power and confronts the many problems which weaken her country. We need to turn our attention from the often contentious past to the difficult future.

As we applaud the return of democracy to Nicaragua, we need to rededicate ourselves to helping that fragile institution to take root in those many nations where it now seems ready to grow.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1430, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1430) to enhance national and community service, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Armstrong amendment No. 1279, to allow organizations in the Nation's Capital to exclude adult homosexuals from certain programs and activities that involve minors.

AMENDMENT NO. 1282 TO AMENDMENT NO. 1279

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1282 to the Armstrong amendment No. 1279.

In lieu of the matter proposed to be inserted, insert the following:

SEC. . Section 1-2503 of the District of Columbia Code (1981 edition) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

(c)(1) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates, coaches or trains any minor, or holds out an adult as a role model, mentor, or companion to any minor, of any adult homosexual, bisexual or heterosexual person who has been convicted of or is charged with a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor; and

(2) nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual, bisexual or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation of such person based on the person's sexual orientation.

Mr. KENNEDY. Mr. President, I do not believe that it is an appropriate endeavor for Congress to dictate to the District of Columbia the terms of its human rights laws. It is particularly inappropriate for us to do so on this important legislation.

But if we are to amend the D.C. human rights law at all, we should make it clear that the law does not bar any organization or entity from denying or restricting participation in youth activities to any adult—regardless of his or her sexual preference—who has been convicted of, or is charged with, a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor.

That is what the first provision of my second-degree amendment would do. Futher, the second provision of my amendment would amend the D.C. law to allow a parent or guardian to exclude any person from involvement in youth programs with their child if they object to that person's sexual orientation.

This second-degree amendment, with its two provisions, is far more protective of the interests of children—and their parents—than the Armstrong amendment. Any person, homosexual or heterosexual, who has been charged with a sex offense with a minor, or who otherwise poses a threat of engaging in sex with a minor—may be excluded by an organization from a program involving education or training of children.

That is fair and that is appropriate. The law should not assume that any class of persons is a threat to children. But any person who does pose a threat clearly could be excluded under my amendment.

We all agree that parents ought to be able to decide who is or who is not an appropriate role model for their children. My amendment would protect and preserve for parents their right to object to a person participating with their child in a youth program, if they object to the person's sexual orientation.

Let there be no doubt about it. My amendment would permit the Big Brothers or any other organization in D.C. to exclude any person who has been convicted of a sex offense with a child or who based on his conduct otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor. It would also make it clear that a Big Brother program may exclude a person in a program from working with a child if the parent or guardian of that child objects to that person's sexual orientation.

Senators who really oppose minor abuse and want to protect the interests of children and their parents should vote for this second degree amendment.

RECESS UNTIL 11 A.M.

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 having arrived, the Senate stands in recess until the hour of 11 o'clock.

Thereupon, at 10:30 a.m., the Senate recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBB].

RECESS UNTIL 11:30 A.M.

The PRESIDING OFFICER (Mr. ROBB). Without objection the Senate will stand in recess until the hour of 11:30 a.m.

There being no objection, the Senate, at 10:59 a.m., recessed until 11:31 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBB].

RECESS UNTIL 11:45 A.M.

The PRESIDING OFFICER. Without objection, the Senate will stand in recess until the hour of 11:45 a.m.

There being no objection, the Senate, at 11:31 a.m., recessed until 11:45 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBB].

The PRESIDING OFFICER. In the Chair's capacity as a Senator from Virginia, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

(The remarks of Mr. HARKIN pertaining to the introduction of S. 2215 are located in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

Mr. HARKIN. Mr. President, I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

The Senate continued with consideration of the bill.

Mr. KENNEDY. Mr. President, we are back on the debate on the voluntary service legislation. Our situation is there has been an amendment submitted by the Senator from Colorado. I have offered an amendment in the second degree which I quite frankly think addresses the concerns which he has expressed during our exchange last evening.

I yield the floor.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I thank the Chair.

Mr. President, homosexuality has long been scorned by mainstream people as antisocial behavior. That is not something that just happened in the last few years. That has been basically the point of view of traditional thinkers for many centuries. In fact, until quite recently homosexual behavior was unlawful in most jurisdictions, and in my view properly so.

Recently, I guess maybe in the last 15 years or so, there has been an attempt by homosexual persons to improve their standing in society, to gain a degree of legitimacy, to in some way upgrade their public image, and in a number of different ways, some related to public opinion and some related to their legal status, to gain an improved position over that which has ordinarily and regularly been the status of homosexuals throughout I guess all of recorded history.

To the extent that this effort is aimed at eliminating the persecution of homosexuals I think many of us in this room would be supportive of it. To the extent that the effort which homosexuals have undertaken on a very broad and diverse front in this country is aimed at eliminating the abuse—including on some occasions regrettably physical abuse, that has been directed toward homosexual persons—I think many in this room would agree with.

Regrettably, however, the effort which what might be called the homosexual lobby has undertaken has gone far beyond that.

And there are at least two other thresholds which homosexual persons are increasingly trying to cross, which I—and I judge the vast majority of Senators and the vast majority of those we represent—would not agree with. While, in fact, I think most of us do agree that homosexuals should not be persecuted, that they should not be physically or verbally abused, the reality is that they are asking for much more than that. They are asking, first, for the status of what they euphemistically term a "legitimate alternative lifestyle," that being homosexual is not an evil thing, not as regarded over a long period of time as seriously destructive behavior that undermines the values and traditions and morals of families and individuals and communities and nations, all of which have been the mainstream belief for many centuries, but that somehow it is OK, it is all right to be a homosexual person.

I do not agree with that. I am even more troubled when homosexuals who have, in some political circles and in certain jurisdictions, gained a quite surprising degree of political influence and have used that influence, as they have in the District of Columbia, to seek a preferred legal status, not to protect them from physical abuse, not to protect them from criticism, but in fact to require under the force of law that they be accorded a protected status, and that those who earnestly believe, as most people have I guess forever, as far back as I am aware, that the issue has been addressed by historians, the people who believe over that long period of time that homosexual behavior is antisocial, a form of abhorrent behavior, it is destructive of individuals, families and communities, that they are going to be required to somehow admit homosexuals into their businesses, their organizations, even into their voluntary community activities.

This seems to me to be quite farfetched, and I judge that very few Senators would agree with those efforts.

This came to my attention first in the Georgetown case which was discussed briefly yesterday. The facts of that circumstance were that the D.C. City Council passed a so-called human rights act, and then the city administration sought to vigorously enforce it against Georgetown University, a Catholic institution, which was founded under the motivation of the teachings of the Catholic Church, which has been led by a Catholic clergyman throughout its history and which maintains itself as a religious institution.

The facts of the case I think are well-known to the Senators, and I do not want to recount them in detail, but the essence is this: the city council passed an ordinance, and the D.C. city administration tried to vigorously force this religious institution to do something which is an anathema to giving encouragement and financial support to an organization of homosexuals.

To its credit, the university was not engaging in homosexual bashing, nor do I think any thoughtful person would wish to do so. The university was not seeking to exclude homosexuals from enrolling in the university. The university was not seeking to in any way prevent homosexuals from taking an active part in the life of the campus. The university was not seeking to ridicule homosexuals. All they were saying was, when a group whose organizing principle was the affirmation of homosexual behavior came to ask for university status and funding, they said no. The city said, "You have to give them funding." In the face of that, Congress acted, and properly so, not once but on two occasions, to adopt and to perfect a statute which simply amended the relevant section of the D.C. Code.

Now we have a very similar situation here today, more or less, the same section of the code has now been used by the D.C. city government to insist that the Big Brothers organization admit to its fellowship homosexual persons. Big Brothers, as you all know, is a volunteer organization in which adult volunteers are matched up with boys who need role models. Literally, they are what the name implies, big brothers.

Until last fall, they had a policy of rejecting any applicant who sought to become a member of the Big Brothers organization if the applicant was a homosexual. Under pressure of the D.C. department that enforces this human rights act, Big Brothers of the National Capital Area changed its policy and began accepting homosexuals. In my view, this kind of coercion is reprehensible under any circumstances, but particularly, when it involves a volunteer organization that works with young people.

So, Mr. President, I offered on yesterday an amendment which was very narrowly drawn, which does not seek to make any sweeping policy judgment, which does not seek to solve all the problems of the world, does not seek to put Senators on the spot about any broad-gauged philosophical outlook on homosexuality or life in general. All it says is this: Given a specific instance of abuse involving a volunteer organization that puts adults in the position of being role models with minors, that we are not going to let the District of Columbia force them to accept people who are homosexuals if it is their desire not to do so.

My amendment does not say they cannot accept homosexuals or they cannot accept bisexuals or other persons if that is their wish and desire. What it says is that we are not going to let the D.C. City Council and D.C. government force their hands.

Frankly, in the unlikely event I would ever become a resident of the District of Columbia, I would say more about it and advocate a much broader and deeper social policy change. I do not think it is likely that I shall ever become a resident, because I believe it to be one of the most corrupt places on the face of this Earth, and I do not want to live here.

I say that, recognizing that it may well give some offense to people who do live here—and many fine people live here. There are many fine organizations which work from this locale. But in essence, I think there is the stench of corruption about this place, and I regret it, for it is our Capital, and I love it for that reason.

However, that is not the point of this amendment. The point of this amendment is not to correct a lot of problems, or a broad-gauged problem. It is addressed to a single, very specific, well-identified, concrete problem. It is not hypothetical or speculative. It is specific. I did it that way, even though my heart tells me it would be well to go beyond the scope of this amendment, because my head tells me only deal, when you are touching on controversial issues, with what is specific and concrete; do not get into the abstract. That is what my amendment did.

Mr. President, I am not taken completely by surprise that the Senator from Massachusetts disagrees with me. He told me he disagreed with me. He made it clear he disagrees on the substance of my amendment and made it clear that he disagrees with the process. He does not think we ought to overrule the D.C. City Council. We do it all the time. We do it sometimes four, five times in a single piece of legislation. It is clearly our legal right to do so, although some argue the home rule principle. The U.S. Constitution very clearly reserves to the Congress the legislative prerogative for the District of Columbia.

Moreover, in establishing the home rule form of government, Congress itself reaffirmed that it retained to itself the power to legislate for the District of Columbia. We are conceptually in the same status with respect to the District of Columbia that a State legislature would be with respect to a city or subordinate unit of government within a State. The District of Columbia, of course, is not a State. We have, therefore, the legislative power that would ordinarily be exercised by a Commonwealth or State government.

So, Mr. President, feeling that way, I think it would have been appropriate if the Senator from Massachusetts had urged Members of the Senate to just vote against my amendment. That would have been straightforward, and clearcut, perfectly appropriate, and well within his rights if he moved to table my amendment. That would also have been clearcut, but he did not do that.

Instead he brought in an amendment, the effect of which—I cannot judge its intent and purpose, but the effect of which is somehow to confuse the issue. I guess that it is not too surprising either, because I suppose that this is going to be a difficult matter for some to vote on. For a lot of us it is not very complicated. But I do understand that in certain circles persons have gained a degree of political influence, and how we vote on this amendment does in fact force each Senator to choose whether he wishes to stand up and be counted for traditional values or whether or not one wishes to stand up and be counted on behalf of this growing movement which seeks to provide legitimacy and even a protected legal status for homosexual persons.

Literally, the issue involved here is whether or not we are going to force volunteer organizations like Big Brothers—they are not the only ones, but like Big Brothers—to accept persons against better judgment, maybe even against their moral convictions. I do not think that is going to work. We do that all the time in this Chamber when we have a tough issue. Somebody who does not agree with the proposal but nonetheless does not want to meet it head-on sends over a perfecting amendment. We saw it yesterday, as a matter of fact; the Senator from Texas offered an amendment and somebody, maybe the Senator from Massachusetts, offered a perfecting amendment, and the Senator from Texas moved to recommit the bill with instructions. There could have been parliamentary maneuvers that could have been employed, and on analysis everybody knew what the issues were. Some decided to vote on the issues separately and some voted for both proposed amendments and some for one of them, and some did not vote for either, but I am not sure.

But in this case, Mr. President, it does not matter how many perfecting amendments or second-degree amendments we offer, or substitute amendments we offer, or motions to recommit. We all know what the issue is. All I want to make clear is what the issue is and let Senators vote how they wish to do so.

I could get a direct vote on my amendment in any number of ways. I was not surprised when Senator KENNEDY offered a second-degree amendment. In fact, it crossed my mind to offer a second-degree amendment to my own amendment—some advised me to do so—that would preclude somehow an amendment to confuse the issue, fuzz it over or mix it up or provide political cover for somebody desirous of political cover. I did not choose to do that. I do not think Senators are deceived by such tactics.

The fact of the matter is if you vote for the Kennedy amendment, you are voting against my amendment. If you vote for the Kennedy amendment you are saying the D.C. city government should have the right to force Big Brothers, among others, to admit to counseling and work in volunteer activities homosexual persons. If you vote against the Kennedy amendment you are voting for my amendment which has the opposite point of view.

Mr. President, with that brief explanation I want to analyze for those who are interested in following the debate on the Kennedy amendment. The first part of it, first section says:

> Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates, coaches, or trains any minor, or holds out an adult as a role model, mentor, or companion to any minor, or any adult homosexual, bisexual, or heterosexual person, who has been convicted of or is charged with a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abuses a minor.

That is a sentiment with which I believe every Member of the Senate can agree. It is in fact a sentiment which we can applaud. But it addresses a problem that does not exist, because there is no threat as far as I know in this legislation or anyplace else in the D.C. Code or in the statutes of National Government or any place which has such a requirement. There is not any such requirement. At least I never heard of it. I never heard of anybody advocating a requirement that an organization be required to admit to the counseling of minors a sex offender. If somebody knows of that maybe I will concede maybe this language was helpful. I never heard such a thing. I bet the Senator from Massachusetts cannot name anybody advocating that or point to a section in this bill that vague on that subject. If so, I have no problem with this language.

I do not think it adds a thing. I think it is just kind of political cover.

The second half of this proposed amendment reads as follows:

> Nothing in this chapter shall be construed to bar any organizations or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual, bisexual, or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a role model, mentor, or companion to a minor, if the parent or guardian of said minor objectes to the participation

of such person based on the person's sexual orientation.

Again, I do think there is a Senator who would object to that. What we object to is the fact that the adoption of the Kennedy amendment with these innocuous and frankly meaningless declarations preempts my amendment because it is a substitute. That is the real purpose of it, to preempt my amendment which says that section of the D.C. Code is not going to apply, we are not going to force these volunteer organizations to admit homosexuals.

Is the problem nothing more than suggested by subsection 2, if an organization wants to let homosexuals in or if a homosexual person wants to be a member of that organization and participate in the counseling and guidance work, it should be permitted do so until some parent complains?

Mr. President, if you think about that for just a minute, it is obvious what a preposterous notion this amendment really suggests. It suggests that if a homosexual person presents himself to the Big Brother organizations—that is exactly what happened, according to the published accounts—and seeks to be assigned as a coach or mentor or volunteer teacher or role model for one of these kids, then if that child's parent or guardian objects then that person cannot be a mentor or role model for that child. As far as I can tell he can still go back to the organizations and say "OK, that parent or guardian wouldn't permit me to be a role model for that child, so put me with another child."

When you think about it, that is a pretty farfetched notion. First, how would the parent know it? How many of us, by the way, know who are the leaders of the Cub Scout troop or the Boy Scout troop or the Campfire Girls or other organizations that have contacts with our own youngsters? I would judge that many of us are more involved with our children then are the parents and/or guardians of those who need Big Brothers. There are often tragic circumstances which make it impossible for parents to be involved with their kids and that is the very reason why these youngsters need Big Brothers.

Even if we had alert parents who were monitoring the quality of leadership provided by these big brothers and other leaders, how in the world would anybody know that, if they did know it, and protest it?

Then do we put these organizations to the task of reassigning that person to somebody else? And, in any case, even if this were a workable scheme, and it clearly is not, where is the justice that says a volunteer organization, a not-for-profit organization that seeks to do nothing but good, seeks to harm no one but just to hold out a helping hand to young people, should be forced to compromise their reputations, their standing in the community, their principles, if these are their principles, by taking into the organization a person who they do not approve of?

Why should we force them to do it? Why should we force any volunteers—although not addressed in my amendment—why should we force any organizations to do so?

I said I do not believe in homosexual bashing. I do not believe in persecuting homosexuals. I do not believe in holding them up to ridicule. I do believe, and I think it is the opinion of most Senators and the vast majority of people we represent, that homosexuality is destructive, aberrant behavior we should not encourage and not validate and, for heaven's sake it should not be a protected legal status.

The effect of this amendment, let me say one more time—then I am ready to go to vote, unless others want to expand on the matter—the effect of this amendment by Senator Kennedy is simply to preempt my amendment. I do not think he is going to be successful in doing that. If he is, there is another way to get my amendment up some other way on some other occasion. I do not expect that is going to be the case. My judgment is that he will not prevail. I hope that is true.

But I do not want anybody to come down and vote on this and think that the amendment is something other than what it is. The question is: Are we going to let the Campfire Girls, Girl Scouts and Boy Scouts, Big Brothers, and similar organizations, including church groups, but not limited to them, make that decision for themselves.

My final point, Mr. President. I am not erring on the opposite side in the way the city council did with my amendment. The city council said you have no choice, you just admit homosexual persons. I am not taking the opposite point of view and saying you may not, we forbid it. As I said earlier, what the heart tells me, my head tells me that is not the right approach, that these organizations can make that decision and rise or fall on the quality of their decisions, and it is not up to us to make it.

Under my amendment, Big Brothers and other organizations can admit homosexual persons, deny homosexual persons, do so on some kind of conditional basis, such as suggested by the Kennedy amendment. They can keep the policy they used to have, they can keep the policy they have now, or they can change to some new kind of policy. We are just saying they ought to make that decision. They should not be coerced by the D.C. City Council or the Congress or anybody else.

Mr. President, it appears to me we should defeat the Kennedy amendment and move to the passage of my amendment.

The PRESIDING OFFICER (Mr. Daschle). Is there further debate on the amendment?

Mr. KENNEDY. Mr. President, just briefly, in response to the Senator from Colorado, if we are seriously concerned about the protection of children in the District of Columbia, the amendment in the second degree which I offer deals with it much more effectively than does the amendment of the Senator from Colorado.

My amendment would permit a voluntary organization to take a look at the behavior of an individual and determine whether that behavior indicates that the individual poses a danger of engaging in sex with a minor or sexually abusing a minor. If an individual's behavior indicates that such a threat is posed, the organization may bar such a person from youth programs. My amendment would also allow a parent to stop an individual from participating in a voluntary program with that parent's child if that parent objects to the individual's sexual orientation. That protects children, it protects parents, and it protects the people of the District of Columbia.

I am not going to get into a long debate about what poses the greatest threat to the well-being of children, but the American Psychological Association, says the most authoritative organization that has reviewed and studied these kinds of activities and these kinds of tragedies, points out:

> The most authoritative studies to date indicate that while molestation of a male child by an adult male may be a common form of sexual abuse, the individuals who commit such acts are rarely homosexually identified persons. More typically the man who commits such an act is heterosexually identified and is either a married man or has no adult sexual relationships with other men.

The fact is, Mr. President, we do not have to make a judgment about those particular issues. What we ought to do is take action that is going to protect children, and that is what this particular amendment does. It permits any organization to exclude any individuals who have a record in terms of child abuse, or are charged with it, or that the organization itself reasonably believes, from the behavior of that individual, that those children are threatened. It also permits, if a parent so desires, to exclude that particular individual from working with their child.

Mr. President, the amendment that I offered in the second degree is completely consistent with the Big Brothers and Big Sisters of America policy statement on volunteer selection. I will include the whole statement in the Record, but I will read one paragraph that is relevant to this whole issue.

I quote from the Big Brothers and Big Sisters of America:

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It is the historical practice of Big Brothers/Big Sisters agencies to consider and communicate (to the parent about the volunteer candidate and to the candidate about the parent and/or child) before a match is made, any past or present pertinent factors in the health, personality and behavior of the other, which in the professional judgment of the agency staff may have a significant effect upoon the prospective relationship (between volunteer and child) and which, if revealed at a later date, might affect it adversely. This practice covers such issues as religious and cultural background, marital status, affectional preference, physical and mental health, drug or alcohol use, criminal convictions and other such matters. It is the agency's responsibility to inform the parent about the person with whom their child will be associating. The agency, through its professional staff, is best equipped to deal with such sensitive matters on behalf of the parent and to inform the parent, who is the final authority, regarding the appropriateness of a match of their minor child with a particular individual.

Mr. President, I ask unanimous consent that the text of the policy statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIG BROTHERS/
BIG SISTERS OF AMERICA,
Philadelphia, PA, June 1988.

POLICY STATEMENT ON VOLUNTEER SELECTION AND ASSIGNMENT*

The basic position of Big Brothers/Big Sisters of America regarding any person who wishes to apply to be a Big Sister or Big Brother derives from the Standards and Required Procedures for Affiliated Agencies, adopted October 17, 1986 by the BB/BSA Board of Directors and amended February 20, 1987 (the "Standards and Procedures"), which every local agency subscribes to and agrees to follow. The Standards and Procedures speak to the issues of volunteer intake (Standards 17, 18 and 19) including the development of criteria for program participation, written application, written references, arrest and conviction records, an in-person interview, home assessment, and other possible sources of information about the applicant; and volunteer matching (Standard 20). In this latter regard, the Standards and Procedures provide that "[t]he professional staff shall make a preliminary determination of a specific match based upon the recommendations for matching established in intake." (Standard 20, Procedure a). Further, the agency "shall provide an opportunity to the volunteer and parent/guardian to accept or reject the match[,]" (Standard 20, Procedure c) in a manner consistent with an established "process for sharing information about the proposed match with the volunteer, parent/guardian and child." (Standard 20, Procedure b). The sharing of this information in the context of the matching process must be circumscribed by "a written board approved policy on managing confidential information." (Standard 11, Procedure d).

It is the historical practice of BB/BS agencies to consider and communicate (to the parent about the volunteer candidate and to the candidate about the parent and/or child) before a match is made, any past or present pertinent factors in the health, personality and behavior of the other, which in the professional judgment of the agency staff may have a significant effect upon the prospective relationship (between volunteer and child) and which, if revealed at a later date, might affect it adversely. This practice covers such issues as religious and cultural background, marital status, affectional preference, physical and mental health, drug or alcohol use, criminal convictions and other such matters. It is the agency's responsibility to inform the parent about the person with whom their child will be associating. The agency, through its professional staff, is best equipped to deal with such sensitive matters on behalf of the parent and to inform the parent, who is the final authority, regarding the appropriateness of a match of their minor child with a particular individual.

*Adapted from statement affirmed by BB/BSA Board of Directors in October 1977 to reflect current Standards and Required Procedures.

Mr. KENNEDY. Mr. President, our amendment is completely consistent with that. Our amendment ensures that there is a greater degree of protection for both parents and children, the way that that is drafted. I hope, Mr. President, that the Senate will go on record in supporting this amendment.

Mr. ARMSTRONG. Will the Senator yield for a question?

Mr. KENNEDY. Yes.

Mr. ARMSTRONG. Mr. President, just so there will not be any confusion, I would like to ask the Senator if he would be willing to vote on my amendment separately. I would certainly be willing to accept the language he suggested. I think it is meaningless, but I do not find it offensive in any way. My question is, would he be willing to simply vote on his language and then vote on mine as separate issues?

Mr. KENNEDY. Well, quite frankly, Mr. President, my reading and understanding—we will not get into the Constitution now—about what the Founding Fathers meant in terms of the District of Columbia and the disenfranchisement of 760,000 people, who have no representation in the Congress and the Senate is indeed unfortunate, we do not have to get into that particular issue. Those people fought in Vietnam, they fought in Korea, they lost their lives, and they have no representation in this body. We do not have to get into that. But, nonetheless, I think they ought to be able to make decisions with regard to the drafting of various requirements themselves.

Now, this issue is raised and the Senator wants to address it. The best way that we can address it and provide protection for individuals is the language which we have proposed. And that is why I believe that we should move ahead. We are going to follow the procedures of this body and, hopefully, the way that this body has functioned for 200 years, and that is to permit a second-degree amendment to be voted on.

Mr. ARMSTRONG. The Senator is correct. But my inquiry was whether his desire was simply to preempt my amendment by offering a substitute, or whether he would like to have his amendment voted on and then vote on mine. That is the process the Senate followed yesterday, for example, with the Gramm amendment.'

Mr. KENNEDY. The fact is we have consulted with the Senator from Colorado for hours last evening. We tried to consult with him earlier today in trying to accommodate both his concerns and ours. We were unable to do so. I think we ought to follow the regular order of this body and follow its usual procedures. That is what I hope we will be able to do.

Mr. CRANSTON. Mr. President, I urge support of the Kennedy second-degree amendment and defeat of the Armstrong amendment.

The Kennedy amendment deals with a real issue—the Armstrong amendment plays with unfounded prejudices.

The Kennedy amendment makes it clear that any program which involves children can exclude any person likely to engage in the sexual abuse or exploitation of a minor. It covers any person, hetrosexual, homosexual, or bisexual.

The Armstrong amendment does nothing, absolutely nothing, to protect children from the vast majority of sexual abusers. It is a simply a concession to unsubstantiated fears. It diverts us from dealing with real life problems.

Mr. President, the proponent of the amendment seems concerned that the Kennedy amendment deals only with the sexual abuse of minors and not with the issue of role models.

If role modeling is the concern of the sponsors of this amendment, then they have a long way to go. This amendment isn't limited to volunteer organizations, it covers any organization or entity that holds out an adult as a role model to any minor.

Our society is full of role models for young people.

I could rattle off a long list of business leaders, social leaders, people in law enforcement, people in every field that we can think of.

What about athletes and entertainers? Shall we ban gay and lesbian performers from the stages of the Kennedy Center and RFK Stadium?

What about movie stars? Shall we set up a board of censors to prevent distribution of films that have gay or lesbian stars?

What about our public officials? Elected officials surely are role models for millions of young Americans. Should we ban gays and lesbians from public office? Of course, that would not be constitutional. Besides, how would we ascertain who is gay or lesbian?

Do we want to drive them back into the closet? That is the path the proponents of this amendment are driving toward.

How are they going to enforce this policy? Hitler began his persecutions and genocide policies by attacking homosexuals. He made them wear a pink star so that no young person could mistake a gay German for a role model. Next he went to yellow stars for Jews, and the Holocaust followed. Catholics and Austrians and Czechoslovakians and Poles were next. Soon, the Nazis were killing Americans.

This is an ugly amendment and it should be defeated. If we really want to protect young children from sexual abuse we should adopt the Kennedy amendment. Sexual abuse and exploitation of children is a real problem and we ought to deal with it in a meaningful way.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I want to speak just a few moments on behalf of the Armstrong amendment. I speak as someone who has had a little bit of experience with the Big Brother Organization. Back in 1972 I was the fourth Big Brother matched with a little brother in the Greater Fort Wayne Big Brother, now Big Brother-Big Sister Program.

Subsequently, after having served a number of years as Big Brother to a number of children, I became active on the board of Big Brothers, and then succeeded to the presidency of the local board for a 2-year period of time. I have been active in the national conventions, regional conventions, and various programs throughout the country with Big Brothers. So I have had some personal involvement with the program, what they are attempting to do and the philosophy and theory behind the program.

Our experience in the Fort Wayne program, and it is very similar to experience that other agencies have had, is that there are far more young children—at the time when I was involved boys, and now boys and girls—who are waiting for matches, than there are adults able to provide the kind of support and mentoring that the program seeks to foster and encourage.

So at any one time in Fort Wayne there are up to 200, 300, 400 young boys and young girls waiting for a match. That, obviously, has put pressure on the agency to try to go out and recruit adults to take on a match and take on the responsibility of being a Big Brother or Big Sister to these young people.

Because these young people come from single-parent homes, many of them homes that are disadvantaged in one way or another in terms of economic functioning and social functioning and so forth, there is enormous pressure, generally on the mother, to get her child placed and placed as quickly as possible.

So we run into situations where the temptation exists to reach out and expand the available pool of Big Brother/Big Sister volunteers. The agency in Fort Wayne and Big Brother agencies across the Nation have wrestled with the question of what to do about the known applicant who has expressed a sexual preference for homosexuality, and what impact that might have on the life of the little brother or little sister.

My understanding is that the Washington, DC, Big Brother/Big Sister Agency has had a policy which did not allow the matching of admitted homosexual adult volunteers with young children, premised on the fairly well documented belief that these children are at very impressionable ages, in terms of their decisions relative to their sexual identity, and that the influence of a homosexual adult on a 10-, 11-, 12-year-old young boy or young girl could have enormous consequences.

Because the child is originally, by the very nature of the program, from a home where the father has, in most cases, left, because there is great stress relative to the functioning of the family and the influence of a male on the life of this child, the Big Brother Organization is very sensitive as to the kind of influence and modeling that is offered to the young children when they enter the program. Therefore, the selection criteria has to be very carefully defined and determined before a match is made. Because once that match is made, that Big Brother or Big Sister becomes the most important person in that child's life in many, many instances. Suddenly there is someone who, on a volunteer basis, is going to take the time and make the effort to spend time with that child, to influence that child, to help that child, to mentor that child.

Because that child is at such a critical age in terms of his own or her own personal development, the sexual orientation and sexual preference of that adult male or female volunteer becomes of critical importance. For that reason, Big Brother and Big Sister agencies across the country have adopted policies relative to how they address the question of matching young children, impressionable children at impressionable ages, with adults who have expressed a homosexual sexual preference.

If the Armstrong amendment is not adopted, we are forcing an organization which provides a valuable service to fatherless young boys and young girls across this Nation—although this amendment specifically applies only to the District of Columbia and those children who live in the District of Columbia—we are forcing the board of directors and the Big Brother Organization here in Washington, DC, to make a difficult if not impossible choice.

They will be forced to accept adults into the program to mentor these children where they know it is going to result in potentially dangerous consequences for the child, with possible lawsuits back from the parents—parent or parents or relatives. This is a situation where we may require the organization to literally modify or close down its program unless it agrees to go along with the current law that exists in the Washington, DC area.

We are not, here, even talking about the impact on religious organizations that are reaching out in a number of ways to provide programs for children, those organizations whose very base, whose very tenets of faith dictate against involvement of homosexuals in programs that they are providing.

I think the Armstrong amendment solves for us a whole host of problems, in terms of our ability to provide meaningful services to young people, in terms of avoiding litigation that is going to be embarrassing to all of us and has potential disastrous consequences for young people. To not adopt this, I think, sends a very confused and mixed message to a whole host of charitable organizations that are attempting to serve young children in the best interests of those children.

So I strongly support the efforts of the Senator from Colorado to clarify this matter and to impose what I think are very reasonable restrictions, relative to providing services for young people.

Again, whether it is a religious organization, whether it is a Little League organization or Big Brothers or Big Sisters or some other charitable organization that is reaching out to children, I do not believe that Members of the U.S. Senate want to condone or approve of a policy that says that those organizations cannot make a determination as to the impact of the adult on the life of that child, and that if the organization concludes that that impact could have a negative effect, could potentially impact the child in a way that I do not think any of us want that child to be influenced, that that organization does not have the right to impose in its bylaws or impose in its operating policies, some prohibitions, sanctions, restrictions, rules by which it will evaluate and select individuals to participate in the program.

So, I hope my colleagues will pay close attention to the language of the Armstrong amendment, which I think is very reasonable, and to the underlying problem that it seeks to address.

I trust we will be able to have a clear vote on the matter so that we can express our opinion as to what I think is the disastrous consequences of the D.C. law. I thank the Chair. I yield back my time.

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Mr. KENNEDY. Mr. President, I hope we can move to a vote. I just find it, quite frankly, troublesome while some Members of the Senate are apparently concerned about the potential abuse of a child in one area but not so worried about it in another area.

Our amendment protects children, and the amendment is consistent with the Big Brother policy. The Big Brother policy is to tell the parents of that child the sexual orientation of the mentor, and let the parent make the decision. But it would seem to me that we ought to be concerned about the potential abuse of a child by a heterosexual as well. Our amendment does it. Nonetheless, we come back in terms of trying to demonstrate what I think is an unworthy attitude about just selecting one particular group.

I think it is beneath the dignity of the Senate. I think those who are serious about protection for children will gain it through this amendment. Our amendment, as I mentioned earlier, is completely consistent with the Big Brother policy.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER (Mr. KERRY). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Indiana.

Mr. COATS. Mr. President, if I can add one more point to the discussion. Perhaps I did not make the point very well when I was speaking.

Because so many children are on waiting lists, mothers are being presented what with what I think is a very difficult choice. The agency comes to the mother and says: "I know you have been waiting a year or two for a match. I know you desperately want to find a male role model or female role model for your child. We do not have enough people for those on the waiting list, but if you are willing to accept someone who has expressed a gay preference, or homosexual lifestyle preference, we can give you a match right away. We do not think we should make that choice. You should make that choice."

So we will leave it to the mother, and, therefore, if we leave it to the mother, then the responsibility and, I will say, liability then shifts to the mother. But she is presented with a choice that I do not think is a reasonable thing to ask of a mother.

Here she desperately wants to provide someone to model and counsel and assist and help her young child who has been abandoned, in most cases, by his or her father. She has been on a waiting list for 2 or 3 years, waiting for some match to come along, and someone from the agency comes and says we have what appears to be a fine upstanding person, so forth, but you need to understand that this person is a homosexual; but the only way we can give you the match is if you are willing to accept it.

That is the situation we faced in Fort Wayne. That is the situation that most agencies face around the country. I think it puts the mother in a position of having to make a choice that she should not have to make. It is just unfortunate that in many cases I think mothers without full understanding of what the implication of that choice is, in many cases mothers who have not had education or life experience necessary to understand what the potential consequences or implications of that particular match might be, are put in that position to have to make that kind of a choice.

Of course, we run the risk of any match, whether it is homosexual or heterosexual, of having an adverse consequence on the child. Hopefully, the policies the agencies adopt in terms of screening people, in terms of FBI checks, police checks, background interviews, psychological tests and interviews with psychologists will screen out anyone who might have the potential for abuse. We are not just talking about abusive situations; we are talking about situations where a modeling or a role modeling or a lifestyle can influence a child at its most impressionable age. Everyone knows most children are at an extremely impressionable age in the ages between 11, 12 and 13, somewhere preadolescence. The influence of an adult on that child during that time is of critical importance.

Here is a situation that is just ready made for disaster if we have a policy which forces or allows individuals to match up someone with a declared homosexual preference with a child at an age where they are trying to sort all this out in their own mind. I think the upshot of the amendment is to address this very critical problem.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, it is not my desire to foreclose debate, but I am, at the right time going to move to table the Kennedy amendment. Before I do so, I want to express my very special appreciation to the Senator from Indiana for an extremely thoughtful statement. I hope that many Senators have heard and have weighed carefully his discussion on this because he has experience in this program. It seems to me what he has said really emphasizes the issues that are at stake here. I thank him for his statement.

Mr. President, I want to go back for a moment to something the Senator from Massachusetts said, and I hope he will think better of it. He suggested that there might be some Senators who are concerned about some problems that affect young people and not so concerned about others. I do not know to whom that was directed.

I want to recall for all my colleagues that while I think the amendment he has suggested addresses a nonexistent problem, I have offered to accept it. Even though I think there is no way you can really point to a credible problem which is solved by his amendment, if there is even 1 chance in 1,000, 1 chance in 1 million, or 1 chance in 100 million that the issue that he is presenting in his amendment may be an actual issue rather than a theoretical one, I am willing to take his amendment.

I note that he is not willing to do the same for my amendment. In fact, he is not willing to have a vote on my amendment. Indeed, it appears to me the very purpose of his substitute is to prevent a vote on my amendment. I have to stop just short of authoritatively saying what his intention is because he knows that; I do not. But that is the effect of it. I think he knows that that is the effect of it.

I want to state my offer again: If he wants his language in the bill—it is his bill; he could have put that language in yesterday or the day before, in committee or any time—if he wants this language in the bill, I am glad to have it in there. I do not think it really solves the problem, and I will explain why again in just a moment, but I am willing to have his language in the bill.

What I am unwilling to agree to is to preempt the language of my amendment, which the simple effect of is to leave with the volunteer organizations the decision whether or not they want to attract and admit into their work, including that of counseling and coaching and role modeling for youngsters, homosexual persons. I am coming down on the side of choice. I am saying that is up to the organizations to decide. The Senator from Massachusetts, by preempting my amendment, denies these organizations that choice, in fact, says the D.C. Code shall prevail, and the D.C. Code in this respect is coercive, not for choice.

Even though I am willing to accept it just against some far-fetched theoretical possibility, why do I think the amendment which the Senator offers particularly in the part which he has emphasized in section (c)(1), really is useless? For the very simple reason that it says the following: "Nothing in this chapter shall be construed to bar any organization" from a series of actions. But there is not anything in that chapter that refers to the matters that he is saying. There is no danger; there is no threat; there is no hint; there is no suggestion that anything in the D.C. Code would, in any way, require a voluntary organization or anybody else to admit to their work as a counselor or role model somebody who had been convicted or charged with a sex offense with a minor or anybody else.

The D.C. Code does not say that. The D.C. Code says lots of things that I do not agree with, but it does not happen to say that. Nonetheless, to whatever extent somebody might infer that or somebody might think that was a big problem, I do not have any problem about putting it in. What I object to is simply preempting my amendment.

Mr. President, I think we know what the issues are. I do not want to deny any other Senators who wish to speak a chance to do so. If anyone else wishes to speak, they should rise now. Otherwise, I am ready to table.

Mr. President, I see no Senator seeking recognition. Therefore, I do move to table the Kennedy amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the Senator from North Carolina [Mr. HELMS] be added as a cosponsor.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Georgia [Mr. FOWLER], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 23 Leg.]

YEAS—47

Armstrong
Baucus
Bond
Boschwitz
Breaux
Burns
Coats
Cochran
D'Amato
Danforth
Dole
Domenici
Durenberger
Exon
Ford
Garn
Gorton
Gramm
Grassley
Hatch
Hatfield
Heflin
Helms
Humphrey
Johnston
Kassebaum
Kasten
Levin
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Rudman
Shelby
Simpson
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—50

Adams
Bentsen
Biden
Bingaman
Boren
Bradley
Bryan
Bumpers
Burdick
Byrd
Chafee
Cohen
Conrad
Cranston
Daschle
DeConcini
Dixon
Dodd
Glenn
Gore
Graham
Harkin
Heinz
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Simon
Specter
Wilson
Wirth

NOT VOTING—3

Fowler
Matsunaga
Nunn

So the motion to table the amendment (No. 1282) was rejected.

Mr. PACKWOOD. Mr. President, I would like to take a moment of my colleagues' time to explain my reasons for voting to table Senator KENNEDY's second-degree amendment. I believe Senator KENNEDY's amendment is a sound and reasonable approach to addressing the language in the amendment introduced by Senator ARMSTRONG. Senator ARMSTRONG's amendment would amend the District of Columbia code to allow voluntary organizations who work with minors to exclude homosexuals from participating in programs on the basis of sexual orientation. The second-degree amendment introduced by Senator KENNEDY stipulates that this exclusion may only occur if the volunteer has been convicted or charged in a sexual offense against a minor or if the parent or guardian of a minor disapproves of that volunteer working with their child.

Mr. President, let me be very clear that if we must pass an amendment of this nature, I prefer the language in Senator KENNEDY's amendment. However, I do not believe that any amendment excluding homosexuals from participating as volunteers is an appropriate or necessary part of this underlying legislation. I voted to table the Kennedy amendment to avoid any language weakening the District of Columbia's protection of civil rights based on sexual orientation.

Mr. ARMSTRONG. Mr. President, needless to say I am disappointed. We fell a couple votes short of tabling the Kennedy amendment. My expectation is we will now adopt the Kennedy amendment. I am sure we are going to vote to do so. In fact my suggestion to the Senator would be do it by voice vote.

Since there are now a great many Senators in the Chamber and there were not too many when debating the issue, I restate the proposition. By adopting the Kennedy amendment we do two or three things:

First, preempt my amendment. My amendment provided an exception to the D.C. Code which now requires not a theoretical concern but present real abuse, which now requires that organizations like Big Brothers, and the Campfire Girls and the Boy Scouts admit homosexuals and send them out as role models, coaches, and counselors, and friends of minors.

That is the requirement of the D.C. city government, not only with respect to these organizations but many others. I did not attempt to address a broad range of issues but just the specific abuse that has arisen where the D.C. government is requiring these volunteer organizations who are not trying to hurt anybody but only to help some young people to admit persons that they may not think are suitable and which in fact I think are not suitable.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. ARMSTRONG. Let me finish the point and I am happy to yield.

If my amendment were adopted the discretion would remain where it should with the local organizations. Under my amendment Big Brothers and the others could admit homosexuals, deny homosexuals, admit them on some conditional sort of basis.

The effect of the Kennedy amendment is first to preempt my amendment, just strikes it out of there. To be sure there was no misunderstanding of that, I offered to the Senator from Massachusetts to accept his language and just add it on to mine, or to accept his language and have a separate vote on mine.

The reason that is important is that I hope no Senator has voted not to table the Kennedy amendment thinking that it was some other kind of issue. Really what we just had was a straight up or down issue or whether or not you think groups like the ones we are talking about, Big Brothers and Boy Scouts, ought to be forced to admit homosexual persons.

As I listen today, the chatter down in the well, and discussions as Senators came in who had not heard all the debate, I am not sure everybody understood that. They may wish to reconsider. I wonder if they may move to do so. I could not. I did not vote on the prevailing side.

If anybody is confused and wants to air the issue again that is their right to reopen it. A close vote, if reopened, might well be changed.

I am happy to yield to the Senator for a question.

Mr. HATCH. Mr. President, I am concerned that this amendment may cause some people to be discriminated against. I do not want anybody mischaracterized or mistreated because of their particular lifestyles. I personally do not endorse the homosexual life style and everybody knows that.

But I am really concerned, and maybe I should have spoken up before the vote, what happens here, because of the Kennedy amendment. Let me read the clause I am concerned about, clause (2):

> (2) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or con-

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ditioning the participation of any adult homosexual, bisexual or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor or holds out an adult as a role model, mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation of such person based on the person's sexual orientation.

Currently, voluntary organizations are barred from asking an applicants sexual orientation. Therefore, under clause (2) the only way that a parent or a guardian could object to an individual in an organization is through a whispering campaign. That is, through rumor, parents may find that a volunteer is a homosexual or bisexual. That mere rumor alone could expel a person from being a volunteer regardless of whether or not the rumor is true.

I can see that being very detrimental to a lot of people, because whispering campaigns invariably turn out to be wrong in many cases.

I am really concerned that maybe that is what we are doing here. And, I thought we had some good suggestions last evening that would have resolved this in a straight up and down way so everybody knows where we stand.

I think the way of the Senator from Colorado is preferable.

Under Senator ARMSTRONG's proposal, an organization may or may not ask a person what a potential volunteer's sexual orientation is. If a person makes a self-declaration that he or she is a homosexual or a bisexual, then the organization may make a quiet and confidential determination, based on the facts, to exclude or include that person as a volunteer in their organization.

If we encourage this, there may be a way where people can be assimilated into the community without being discriminated against.

My personal feeling is we ought to be more concerned about the children than anybody else. But more importantly, even if you disagree with Senator ARMSTRONG's position, what you have done by adopting this amendment, if we adopt it, is you have provided for the right for anybody to start a whispering campaign about anybody, right or wrong. And even if the information is true, I think whispering campaigns are the wrong way to face these issues. I think homosexuals have had enough of that through the years. I think others have had enough of that through the years. But, that is what this would inevitably lead to.

I have to say to those who disagree with the distinguished Senator from Colorado, and I am not one of them, but those who do, at least in his straight up or down approach, he does not bar the organizations from trying to find some active middle ground if they wanted to. He leaves it up to the organizations. I think that is far preferable to what the District of Columbia has done.

I would have felt badly if I had not expressed my concern. But, Senator KENNEDY has won on this amendment, and I presume we can voice vote it and adopt it. But, I think I have a legitimate concern, and I hope all of us would share that concern. We have to come up with some way of resolving these issues so that we are not denigrating people in our society but yet still working legitimately with legitimate concerns.

I think all of us who have been parents have legitimate concerns.

So having said that, and I would feel remiss if I did not stand up and say that, I think there are arguments for both sides here. But I am not sure that this amendment is the way to resolve it.

Mr. ADAMS. Mr. President, will the Senator from Colorado yield?

Mr. ARMSTRONG. I am happy to yield, but first I would like to say a word back to the Senator from Utah.

Mr. ADAMS. I would like to comment on the question. I think the Senator is laboring under a misapprehension of facts here.

Mr. ARMSTRONG. Before I yield, I wish to make a comment and explanation.

It may well be I have the same concern that the Senator has. I am grateful the Senator from Utah has pointed out that he does not want to see people persecuted. I think the Senator was not on the floor earlier when I made the observation myself.

Mr. HATCH. I know that.

Mr. ARMSTRONG. I do not like homosexual bashing. I do not think that a thoughtful person wants to see anybody, whatever his failing, sins or wrongdoing or behavior may be, be persecuted, ridiculed, or abused. I pointed that out earlier. There have been regrettable episodes of even physical abuse.

I think Senators and thoughtful people, least of all any of us, want to be abused, ridiculed or persecuted by our failings, shortcomings or misbehavior. I do not think that is the issue here.

In my opinion the question is whether or not the D.C. government ought to be permitted to impose on these voluntary organizations a requirement that they admit into their work with sensitive, impressionable young people, a certain group of people who historically and traditionally have been regarded as unsuitable for that kind of work. I mean that is, I think, an undisputed fact. Whether you agree with it or not by longstanding tradition, not just for 20 years or 100 years but practically as far back as history records, homosexual persons have been regarded as out of the mainstream, as persons whose behavior is destructive and unsuitable as role models for impressionable young people.

For the D.C. government to require that Big Brothers, Campfire Girls, Boy Scouts, and whoever, admit these people to that kind of a role, it seems to me is intolerable.

The thing I feel badly about on the vote we just had is I do not think every Senator completely followed what the issue was. My hope is one of them who may have entered the room late will now be disposed to move to reconsider. If they do not, that is fine; we can revisit the issue on another occasion.

I particularly thank the Senator for raising the question of homosexual bashing. On every occasion I addressed the subject in the Senate, I do not think any of us ought to be the ones to cast stones. None of our lives are perfect and above reproach. I do not want to be bashed or be a basher.

Mr. ADAMS. Mr. President, will the Senator from Colorado yield?

Mr. ARMSTRONG. I yield.

Mr. ADAMS. Mr. President, one concern I had, and I address the Senator from Utah, who is here, is what is not being done in the District. This is a problem interfering with District local affairs.

What happened, according to the information available to me, is the Office of Human Rights here called the Big Brothers and they agreed this has been a national policy with the National Big Brothers on the issue of whether or not homosexuals will be allowed to be Big Brothers.

On the application forms, so that there should not be a whispering campaign of any kind, is listed whether or not the person is a homosexual. This information is then given to the mother. The mother is allowed to choose the type of role model best suited for the child. This is what I mean by this has been an accommodation. This has been worked out in the District, and it has been worked out in other local jurisdictions.

I just feel it is better, if we are going to do things with the District government, that people contact them first, find out what happened before going forward with this kind of a program. Because it is not being done. There is no whispering campaign. There is no requirement that a homosexual serve. There is also no requirement that they have on their national organization on it, and here at the local level it is not only revealed but the mothers are asked.

Mr. President, once again the Senator from Colorado has found a perceived flaw in the laws of the District of Columbia and rather than show respect for the legal process and elected legislature of the Nation's Capital he has chosen to offer an amendment to an unrelated piece of legislation to amend the D.C. Code.

Mr. President, according to information available to me, the District Office of Human Rights and the Big Brothers of the National Capital Area have come to an agreement on the issue of whether or not homosexuals will be allowed to be Big Brothers. The agreement allows the decision to be made by the child's mother.

The application that each prospective Big Brother fills out asks for his age, race, family status, and now whether or not he is a homosexual. From this information the mother is allowed to choose the type of role model best suited to her child. I do not think the Senator from Colorado, or the Congress, know better than his mother what is best for a child.

Mr. President, if the Senator from Colorado believes that his proposal has merit, why does he not contact the appropriate District officials and discuss their policy or contact the elected representatives of District citizens and ask them to consider changes to the D.C. statute, it is their responsibility?

Or as an alternative why does he not introduce legislation that would apply to all jurisdictions, and not just the District, in the Senate have it referred to the proper committee and allow those who support him and who oppose him to come and explain their positions without the emotion, and let Senators make an informed judgment rather than present it when facts on the other side cannot be mustered?

Mr. President, I do not know the answers to those questions, that seems like the fair and prudent way to proceed. As you look around this Chamber you will notice that there is no one to speak for the citizens of the Nation's Capital. They are an easy target. We should reject this proposal and follow the normal and accepted procedures if action is to be taken.

I support Senator KENNEDY. I think we had a good solution to the problem. I hope we do not have to bring it up again. If there is a problem, I think we ought to go over with the officials what they have because they have already solved this problem.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SARBANES). The Presiding Officers have just changed. The Chair understands that at the moment no one has the floor, and the Chair asks who seeks recognition?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I would be happy to have my colleague speak before me, but let me just make one other comment. In this particular case, Big Brothers was forced to do what they did.

I want to make it clear that I think of all people in this body that the distinguished Senator from Colorado would be the last to participate in what I would call gay bashing. So I do not want any of my comments to be misconstrued. But there has been some of that around here from time to time and I do not like it. Even with the comments of the distinguished Senator from Washington, I am still very concerned that the amendment we adopted will promote a whispering campaign in certain circumstances.

Big Brothers merely asks if an individual made a self-declaration that he or she was a homosexual or a bisexual. If the self-declaration is made, then Big Brothers makes a quiet determination whether or not to deny an applicant. That is all they want to do. To me, that is far preferable than what we are about to do here.

However, through a whisper campaign or a witch hunt, this amendment allows an individual to proclaim that another individual is a homosexual or bisexual, whether it is right or wrong. That is what I am concerned about. Hopefully it will not happen. And if it does happen, then I would be the first to want to vote against this amendment in the future.

I am sorry to take that time from my colleague from Massachusetts. He certainly has a right to the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. WILSON. Will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. I would like to make just a brief comment if I might, please.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. Then I would be glad to yield.

But I want, Mr. President, just to point out to the Members that sometimes around here, and it has just happened, when someone who is opposed to the prevailing side—as has been indicated now as to the outcome of this particular rollcall vote—he misrepresents what is the issue before the Senate and then differs with it. I mean that is an old debating tactic. And we have just seen evidence of it now by the Senator from Colorado's misrepresentation, gross misrepresentation, of what the Senate has just concluded.

Mr. President, I will read into the RECORD one more time exactly what the provisions are.

"Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting"—then it goes on—"any adult homosexual, bisexual or heterosexual person who has been convicted or is charged or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor."

That is No. 1. That is what this covers in point number one. What those of us who supported this particular amendment said was that children and parents ought to be protected whether the potential abuser is a homosexual or heterosexual. Protect the children. And there is no provision in the amendment of the Senator from Colorado that provides protection from the potential abuse from a heterosexual child abuser. Our amendment does.

Second, Mr. President, "Nothing in the chapter shall be construed to bar an organization or entity from denying, restricting"—again—"the participation of any adult homosexual, bisexual or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a role model, mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation."

We are not talking about a whispering campaign. This is explicit. And where did we get that particular proposal? We got it from the Big Brothers own requirements. We have complied. We have complied, Mr. President.

If we are talking about the protection of children, protection for parents, this amendment does it, in spite of the misrepresentations of it that the Senator from Colorado made.

You cannot get much clearer than the language that has been included in it. You can try and misrepresent it. You can try and distort it or provide emphasis on one side, but the language is there, Mr. President. And that has been stated by the originator of that amendment. The language is clear on what this amendment does.

So, Mr. President, I am quite prepared to vote. We have talked around this last evening for a couple of hours, trying to work out the language. We tried to accommodate the Senator from Colorado. We tried to debate this this morning and offered different language. So we were compelled to come in and offer an alternative, and the Senate has spoken on this issue.

Mr. President, I just feel that an accurate presentation and explanation is certainly due.

I have heard of misrepresentations, Mr. President, but I do not remember an instance where my position has been misrepresented on the floor of this body both in the public explanation and in the private explanation right down here like it has been on this particular issue. We know what is underlying these various kinds of murmurs and actions, Mr. President. People talk about various stereotypes.

People talk about various stereotypes—this body, this membership un-

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derstands. And so do the American people.

I will be happy to yield to the Senator for a question.

The PRESIDING OFFICER. The Senator from Massachusetts yields for a question of the Senator from California.

Mr. ARMSTRONG. Mr. President, will the Senator from California yield to me?

Mr. KENNEDY. I yielded to the Senator from California for a question. He asked a question of me earlier, and I will be happy to yield to him if he has a question.

Mr. WILSON. I do have a question. I have no objection if the Senator from Colorado speaks first.

The PRESIDING OFFICER. The floor is held by the Senator from Massachusetts. The Senator from Massachusetts has yielded to the Senator from California for the purpose of asking a question.

Does the Senator from California wish to address a question to the Senator from Massachusetts?

Mr. WILSON. Mr. President, I do. But I will be happy to allow——

Mr. KENNEDY. Mr. President, I am prepared to yield the floor. The Senator from California indicated he had an inquiry. If he does not wish to state one, I am prepared to yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. The Senator from California withheld his question at my request. Because of the extremely personal nature of the remarks of the Senator from Massachusetts, I asked him to do so, so I could respond briefly.

I am not going to respond in kind, and I hope upon reflection the Senator from Massachusetts will think better of his personal remarks. We do not agree about this issue. That is a routine thing. But I think his observations and the personal character and nature of them are unfortunate. And I do not think there is anything to be gained by my responding in kind and I do not choose to do so.

However, Mr. President, I do not want to let the issue be confused and I certainly do not want, by failing to respond, to leave any doubt—not one iota, not one scintilla of doubt—about the underlying question. I want to remind my colleagues that on two occasions—this being the third occasion—I offered to accept the language proposed by the Senator from Massachusetts. I did so, not because I thought it addressed a substantial, real concern, but because I did not want, for the benefit of anyone who thought there might be a concern of the kind that his amendment addresses itself to, that this concern would be left unanswered or unfulfilled.

I have tried to do this as dispassionately and thoughtfully as possible, and I want to conclude as I have begun. I want to explain, first, exactly why in my view the Kennedy amendment does not address a real problem.

I am referring to section (c)(1). The chapter referred to in this amendment is a chapter of the D.C. Code. Then it sets forth a series of things which will not be required as a result of this chapter. That is that chapter of the D.C. Code.

One of those things is a restriction which, if we just read the Kennedy amendment, might lead someone to think that a volunteer organization would be required to admit a person who was guilty or charged with a sexual offense against a minor. I do not think there is any such provision in the D.C. Code. Certainly, if there is, I applaud any effort to overturn it. I do not think there is such a provision in this chapter or any other chapter of the D.C. Code. So for that reason, it appears to me that the Kennedy amendment is not addressed to a real problem but a problem which, at best, is theoretical.

Nonetheless, so no one would be ill at ease about voting against such an exemption, I offered to accept that language. So that is not an issue.

The only issue is whether or not we should accept my amendment, the effect of which would be to open an exemption in the D.C. Code which at present requires organizations like Big Brothers, Campfire Girls, the Boy Scouts, and the others to admit homosexual persons as counselors and role models and coaches and so on in their work.

The Senate has spoken on this issue and I think for the most part Senators understood what the issue was, though there may have been some who did not. If that is the case, they may wish to think about it again. The issue is undoubtedly going to arise again on some subsequent occasion.

It seems to me the pattern on matters of this kind is that sometimes amendments are presented and debated, sometimes with some heat as in this case, but then maybe fail a vote or two short and are passed on a subsequent occasion. I expect that is what is going to happen now.

Mr. President, I thank all Senators. I regret my colleague from Massachusetts feels called upon to engage in personalities. I hope on another occasion, he will think better of that. But in the meantime my advice to him, my suggestion would be we simply adopt his amendment by a voice vote. I am going to vote for it. I do not think it addresses a particularly pertinent concern but I do not think it is hurtful, either. In a sense, it is an expression of opinion.

I do not know if he wishes to vitiate the yeas and nays. If he does, that would be good. Otherwise, I am prepared to vote for it either way.

Mr. KENNEDY. Mr. President, I thank the Senator from Colorado. I think Members indicated to me they would like to get a rollcall vote on this.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. Yeas and nays have been ordered on the amendment.

Mr. KENNEDY. Mr. President, I am prepared at this time to move ahead on this. I see the Senator from Arizona, and we have a McCain amendment to go to.

The PRESIDING OFFICER. Is there further debate?

There being no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts, amendment No. 1282, to the Armstrong amendment No. 1279.

The yeas and nays on the amendment of the Senator from Massachusetts have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER (Mr. GORE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 24 Leg.]

YEAS—97

*Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—1

McClure

NOT VOTING—2

Matsunaga
Packwood

So the amendment (No. 1282) was agreed to.

The PRESIDING OFFICER. The question now occurs on amendment

No. 1279, as amended. The yeas and nays have been ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the yeas and nays on the Armstrong amendment be vitiated. If for some reason the Senator wants to deal with this issue and have a vote on it, I will be glad to support a motion later on to reinstate it. Otherwise, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The yeas and nays are vitiated.

The question is on agreeing to the Armstrong amendment, as amended.

The amendment (No. 1279), as amended, was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1283

(Purpose: To encourage the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States to enact a model Good Samaritan Food Donation Act to encourage the donation of apparently wholesome food or grocery products to nonprofit organizations for distribution to needy individuals)

Mr. NICKLES. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. Nickles], for himself, Mr. Hatch, Mr. Gorton, Mr. Lott, Mr. Mack, Mr. Gramm, Mr. Kasten, Mr. Coats, Mr. Armstrong, Mr. Inouye, and Mr. Boschwitz, proposes an amendment numbered 1283.

Mr. NICKLES. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING ENACTMENT OF GOOD SAMARITAN FOOD DONATION ACT.

(a) In General.—It is the sense of Congress that each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States should—

(1) encourage the donation of apparently wholesome food or grocery products to nonprofit organizations for distribution to needy individuals; and

(2) consider the model Good Samaritan Food Donation Act (provided in subsection (c)) as a means of encouraging the donation of the food and products.

(b) Distribution of Copies.—The Archivist of the United States shall distribute a copy of this section to the chief executive officer of each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(c) Model Good Samaritan Food Donation Act.—

(1) Short title.—This subsection may be cited as the "Good Samaritan Food Donation Act".

(2) Definitions.—As used in this section:

(a) Apparently fit grocery product.—The term "apparently fit grocery product" means a grocery product that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(B) Apparently wholesome food.—The term "apparently wholesome food" means food that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(C) Donate.—The term "donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(D) Food.—The term "food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(E) Gleaner.—The term "gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(F) Grocery product.—The term "grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(G) Gross negligence.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(H) Intentional misconduct.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(I) Nonprofit organization.—The term "nonprofit organization" means an incorporated or unincorporated entity that—

(i) is operating for religious, charitable, or educational purposes; and

(ii) does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(J) Person.—The term "person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.

(3) Liability for damages from donated food and grocery products.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(4) Collection or gleaning of donations.—A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners or unpaid representatives of a nonprofit organization for ultimate distribution to needy individuals shall not be subject to civil or criminal liability that arises due to the injury of the gleaner or representative, except that this paragraph shall not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) Partial compliance.—If some or all of the donated food and the grocery products do not meet all quality and labeling standards imposed by Federal, State, and local laws and regulations, the person or gleaner who donates the food and products shall not be subject to civil or criminal liability in accordance with this section if the nonprofit organization that receives the donated food or products—

(A) is informed by the donor of the distressed or defective condition of the donated food or products;

(B) agrees to recondition the donated food or products to comply with all the quality and labeling standards prior to distribution; and

(C) is knowledgeable of the standards to properly recondition the donated food or product.

(6) Construction.—This subsection shall not be construed to create any liability.

(d) Effect of Section.—The model Good Samaritan Food Donation Act (provided in subsection (c)) is intended only to serve as a model law for enactment by the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. The enactment of subsection (c) shall have no force or effect in law.

Mr. NICKLES. Mr. President, this amendment is entitled "the Good Samaritan Food Donation Act." It is cosponsored by Senators Hatch, Gorton, Lott, Mack, Gramm, Kasten, Coats, Armstrong, Inouye, and Boschwitz.

Mr. President, the Good Samaritan Food Donor Act is something I have been working on now for a little over a year. Its purpose is to solve a problem in our country. It is an unfortunate problem. The problem is hunger. We have a lot of people, in the United States, the richest nation in the world, with the highest standard of living of any country in the world, who are hungry. Mr. President, we have a solution to this problem. We have an abundance of food in this country.

We have the solution to this problem in the fact that we waste a lot of

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food. It is estimated we possibly waste as much as 20 percent of the food in the United States if you look at restaurants, if you look at grocery stores—you name it.

Unfortunately we waste too much food. So the Good Samaritan Food Donation Act is an amendment which I am introducing that will try to encourage people to donate surplus food. It is an act that I have been working on with Second Harvest, which is a national food bank network, the largest in the country. They have been very helpful in trying to assist me and others in trying to put together an act that will be nationwide in scope, and that will help solve our national problem of hunger.

This legislation serves as a comprehensive model which will be sent to all 50 States, and also to the District of Columbia, Puerto Rico, and the territories which we hope they will adopt. However, we do not preempt State statutes. We hope they will adopt it.

To date the fear of potential liability is causing American companies to waste hundreds of thousands of pounds of food a year that could have been donated to the hungry. Often conservative legal counsel may recommend to company leaders that they do not donate food because of the threat of liability. It has been estimated that as much as 20 percent of wholesome and nutritious restaurant food is needlessly discarded each year.

Good Samaritan laws which provide limitation on liability have been enacted in all 50 States. Unfortunately the statutes vary significantly in the degree of coverage which they provide.

Since many companies that are potential food and grocery store donors are national in scope, standardized liability protection would result in greater confidence on the part of industry and more donations at both the State and local levels.

If my model statute is adopted by the States, the largest food bank network in the country, Second Harvest, estimates approximately 41 million pounds of food will become available for the needy each year. This means over 27 million more individuals could be served a meal.

Best of all, aside from the cost of distributing the copy of the model statute to the States, the Good Samaritan Food Donation Act requires no Government expenditures. It serves as a private sector alternative that will be an important resource to food banks trying to solicit donations of food to distribute to the needy.

Many States already have adequate food banks. In fact, the State of Oklahoma has one of the best food distribution systems in the country. The Oklahoma City food bank distributes food to 344 charities which, in turn, feed 15,000 people with 200,000 meals a week. In 1989, the Oklahoma City food bank distributed over 3.9 million pounds of food.

We can help other States to feed their hungry by providing the model statute which limits liability of a donor of food, except for cases of gross negligence or willful misconduct. It makes no sense to me to promulgate a situation which from a legal standpoint makes it more attractive to dump perfectly usable food and grocery products when these products could be used to assist those in need.

I think this bill is a bill whose time has come. I hope all 50 States will adopt it. I know from researching the State Good Samaritan statutes that many have laws that are very comparable, very close. If we are able to enact this model and the States enact it across the country, this will help get more food to those people who are less fortunate, those people who are hungry.

Mr. President, I ask unanimous consent that a statement of support by the Senate Restaurant Association and also by Second Harvest, the national food bank network, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL RESTAURANT ASSOCIATION,
Washington, DC, February 21, 1990.

Hon. DON NICKLES,
U.S. Senate, Washington, DC.

DEAR SENATOR NICKLES: On behalf of the National Restaurant Association and the 626,000 units the food service industry represents, I would like to take this opportunity to commend your efforts in trying to help feed the Nation's homeless and hungry and to let you know of our Association's support for the Good Faith Food Donor Act scheduled for introduction tomorrow.

As long as there are people who can benefit from the abundance of food produced in this country, it only makes sense that restaurant operators who wish to donate food should be able to do so in good faith without fear of liability. Your legislation will be welcomed by all "good samaritans".

We look forward to working with you on this measure in the future and hope you will feel free to contact us if we can be of further assistance.

Sincerely,

MARK GORMAN,
Senior Director, Government Affairs.

Second Harvest,
Chicago, IL, February 21, 1990.

Hon. DON NICKLES,
Senate Hart Office Building, Washington, DC.

DEAR SENATOR NICKLES: On behalf of the entire network of almost 200 Second Harvest Food Banks, I want to take this opportunity to express our appreciation for the drafting of the Model Good Faith Donor Act. We highly endorse your efforts in this area. In addition, we applaud the Model approach you have chosen, as it provides a method for states to adopt the document for their own use "copy ready", as it were. I feel the Model Good Faith Donor Act as drafted will be able to meet the needs of all the states and their constituents in regard to clear, consistent charitable food, grocery, and restaurant donation liability coverage.

Thank you and the best of luck in this endeavor. If we can be of any assistance please let us know.

Sincerely,

PHILIP R. WARTH, Jr.,
President and Chief Executive Officer.

Mr. NICKLES. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to thank the Senator from Oklahoma for working with us over the period of the last few days to try to work out an accommodation to his interests. I believe that we have worked one out with the leadership of the Senator from Alabama [Mr. HEFLIN], who has been very much involved in this issue during consideration of this amendment, as well as the other discussions on similar kinds of issues yesterday.

This amendment would express the sense of the Senate encouraging the States to consider model legislation concerning the liability of those who donate food. There is no requirement that States enact this or any other legislation on the issue, only that the States are encouraged to consider it.

The Senator has brought to the attention of the Chair some of the States that have taken action and the results of that action which he finds encouraging. We are glad to, on that basis, accept the amendment and hope the Senate will support that particular measure.

I want to commend him for his interest in this particular issue. He spent a good deal of time on it. There are some broad policy issues and questions in that, and precedents that the Senator from Alabama and the Senator from Oklahoma have debated and discussed. The objective which the Senator wants to achieve certainly is commendable. I hope the Senate will accept the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, this is a sense-of-the-Senate resolution to encourage the States to adopt laws to release grocery chains and other food distributors from being liable for the food that they donate to charitable organizations. It is really a Good Samaritan role. I commend the Senator from Oklahoma for it.

Mr. President, I support this approach which will break down one of the barriers that has kept many from donating food products. Currently, the food distributor is liable for food donated despite the fact that once it is given away they no longer handle it.

If it is not taken care of properly by the food banks or an untrained volunteer, then the food distributor by law is responsible and can be held legally responsible. This obviously has kept it difficult as well as unwise for some organizations to donate food that usually ends up going to waste rather than donating it and helping people in our country.

It is estimated that this legislation may allow for over 41 million pounds of food to be donated. This would feed millions more of our Nation's hungry.

So I support this amendment which encourages the States to do exactly this. I want to commend my dear friend from Oklahoma, Senator NICKLES also, for his work on this amendment. Private sector programs like this will significantly help to feed the Nation's homeless and hungry.

So we have no objection on this side. We would like to see the amendment adopted.

Mr. NICKLES. Mr. President, I wish to thank Senators HATCH and KENNEDY for their gracious remarks, and I ask unanimous consent Senator BRADLEY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, as one who has been very eager to get this moving along, I would like to ask for a very brief quorum call to see whether the Senator from Alabama desires to speak on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, with the indulgence of the Senator from Oklahoma, maybe we can temporarily set this aside, consider the McCain amendment, and either dispose of it, if the Senator from Alabama does not want to call it back just for permitting him a chance to speak on it.

Mr. President, I ask unanimous consent that the Nickles amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

AMENDMENT NO. 1284

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Arizona [Mr. MCCAIN], for himself, Mr. LOTT, Mr. GORTON, and Mr. MACK, proposes an amendment No. 1284.
>
> At the appropriate place in the substitute amendment insert the following:
>
> "The provisions of this Act shall terminate September 30, 1992.".

Mr. McCAIN. Mr. President, before I describe the amendment, which simply states that this act will require reauthorization after the completion of fiscal year 1992, I wish to say a few words.

First of all, I thank my colleague from Massachusetts, who has shown a great deal of patience during the consideration of this legislation while numerous other amendments have been considered. I understand his desire to dispense with this legislation, as we have had several days of debate and discussion of the issue.

I also wish to express my appreciation to my colleague from Maryland [Ms. MIKULSKI] who has devoted thousands of hours in an effort to see that all Americans are able to provide service to our Nation. I do not believe anyone has been more involved in the issue of voluntarism and its necessity in our society. I appreciate her efforts.

Mr. President, my amendment states that we will require this legislation to be reviewed, after a reasonable length of time. Let me point out that on February 27, during the course of this debate, my colleague from Maryland stated that:

> One of the things that I think our bill, the current Kennedy-Mikulski-Nunn bill, does is actually do a demonstration project, which I know the Senator from Arizona would like. We are talking about a bill that, by the way, will only be authorized for 2 years. We are talking about a bill which the Senator from Arizona perhaps does not realize is only authorized for 2 years, and we have to authorize it. If in the course of that 2-year period we see a drastic reduction in military recruitment, we can jettison the bill.

My colleague from Georgia said:

> The purpose of this program is to find out some things. One of the things we want to find out is the attractiveness of these positions, the attractiveness of normal work, versus the attractiveness of the military. We have to test this to be able to know what to do on a national basis. That is the test program.

Mr. President, the point here is that I am in agreement with my colleague from Georgia and my colleague from Maryland. This is a very unusual program, one which we would have to go back to the days of the Great Depression before we can find something similar in nature. Clearly it would require some careful reevaluation at the appropriate time.

I believe that the authority committee should play a role in this, as well as the appropriating committees. Perhaps I say that with some bias, being a member of an authorizing committee, rather than an appropriating committee. But the fact is that this is literally a groundkeeping piece of legislation, I believe, and it deserves to be reevaluated at the proper time. In my view, that would be at the end of September 30, 1992.

The types of questions that are going to need to be asked are: what the actual costs of the program are: the impact of legislation on military manpower requirements; what will the success of the programs be from a local and community aspect and from a national aspect? If the types of community service being funded are appropriate and if they are being adequately funded and supervised; if they are meeting the needs of the community as expected by the commission.

I do not wish to get back into the issue of recruitment. I think that was very thoroughly discussed before. Let me point out one aspect of the recruitment issue that was not mentioned before. I am not sure many Members of this body know this. Last year, before we ever had a program like this, the military Reserves of each branch of the military service failed to meet their recruiting goals. I am not saying that this program will have an additional impact, but I am saying that there is certainly a clear and present danger that this could be the case.

There will be a need to evaluate the direct and indirect cost benefits of the programs, and what the likely results of the establishment of a comprehensive national service program would be from the variety of social services being provided under this legislation. We should evaluate closely the future military manpower requirements in the United States and to what extent might those be effected by expansion of this program. We should review the benefits of a national service program against the estimated costs of the program. The implications of this legislation are wide ranging. The impact of this legislation deserves a close and thorough review by the Congress and by the President.

We need to see if this program will affect military recruiting in an environment where there already exists intense competition among civilian employers, educational institutions, nonprofit organizations, and other Government agencies in a time of very low unemployment.

One of my concerns is that there is no requirement that the study of the program meet the rigorous field test design criteria that the Congress has expected of the Department of Defense to satisfy for tests of similar recruiting incentives, such as the educational benefits, enlistment bonuses, or the Army College Fund 2+2+4 option test program. Appropriate control cells must be established; sample sizes must be determined, and data collection must be managed to be sure results are statistically supportable. Without such controls, Mr. President, test evaluators will be left with essentially subjective assessment measures.

There has been much made of what the results of this bill will be. My amendment will give us an opportunity to evaluate the success of the programs we are going to be funding. My amendment will address the pressing

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questions that have been posed over the past few days. If the measures that this bill calls for perform at the success level they are supposed to perform, the reenactment of this bill will be simply a matter of reviewing the study, reviewing the programs and applauding the successes. More important, Mr. President, we will have the opportunity to review the impact of this bill on the military, remembering that the defense of the Nation is the principal responsibility of the Federal Government. This amendment will give us over 2 years of experience to review the impact of the program in a variety of ways, including military recruiting.

Mr. President, national service is a tremendous idea. It is an idea whose time has come. If this bill does what it is designed to do, there should be no objection to this amendment. If, however, there are concerns and doubts by the architects and supporters of this legislation that it might fail and should not be reviewed by us, then vote against the amendment. If you feel the implications of this legislation are far-ranging and need congressional review, join me in being responsible and prudent and calling for this sunset provision.

This amendment will not kill this legislation. In fact, it will make it a stronger bill. It will show that the sponsors are dedicated to a program they truly believe in. There should be no fear in this amendment. If there is, the fear about the veracity of this legislation will surface in arguments against it. If this bill does everything it claims, there should be no concern over bringing the results out into the open for public view.

Let me stress again, Mr. President, as I have in the past, that I am a believer in national service. I have introduced legislation on national service. In S. 781, I called for a thorough study of the impacts of a demonstration program and part-time community service. In the last Department of Defense authorization bill, the Senate version called for a study of national service and its impact on our defense, as well as other national needs. Mr. President, my bill recognized the need to conduct a thorough and comprehensive review of the program and then have study along with recommendations, be presented to Congress by the President.

Let me repeat two points. This is potentially a big new spending program. It deserves periodic review by the authorizing committee, which in its infancy. If the program is working as well as its proponents hope, reauthorization is not a problem. Those who argue that the States need to know that this program will continue cannot seriously mean that we are obliged to retain inefficient or ill-conceived programs, merely because of the expectation of future funding by a program's future recipients.

Mr. President, I might add that we have the Department of Defense and the administration's support on this amendment. I hope that we would have an agreement on it and a minimum of debate.

I yield the floor.

Mr. KENNEDY. Mr. President, I will not take a great deal of time, but, first of all, I want to give the assurance to the Senator from Arizona, and others, the importance that those of us who are supporting this measure have put on evaluations.

I think the Senator has raised a very good point about whether these programs are going to be evaluated. I think any fair review of work of our committee and its review of the senior citizen voluntary program, the VISTA Program which is being demonstrated here, will demonstrate that we have followed those programs with considerable scrutiny over the years and certainly will do so with this.

In the legislation itself, page 77, under the section of evaluation, we point out what we hope would be the criteria for the evaluation. The evaluation goes into effect in 18 months, completed in 24 months. The commission shall provide through grants and contracts a continuing evaluation under this title that measures the impact of programs, first, the effectiveness of programs in achieving stated goals and costs, for the purposes required by the impact of such programs in each State in which a program is conducted, on the ability of the impact on VISTA, on the regular Armed Forces, on the Reserve components, on the Peace Corps.

And then it also and I think rather uniquely talks about reviewing to the extent possible comparisons of participants in these programs with individuals not participating in such programs, a controlled group.

This is one of the most extensive, I think, and important provisions of the legislation.

So I give the assurance to the Senator from Arizona that we have and will provide very careful oversight, No. 1.

No. 2, if we accept the McCain amendment, it just sends a very powerful message and perhaps this is the most important aspect for the reason I hope the Members will not support it.

If there is a termination date, what kind of message does that send to Governors who will be supportive of this kind of range of alternatives for their States? In some particular States, they have legislatures that meet every other year. We want them to get started. We are not asking anyone to sign a blank check. We will have careful oversight and review. There will not be the expenditures of moneys outside of which we are authorized unless there is going to be an extension of authorization, No. 1. But it does seem to me to undermine both the spirit and the potential effectiveness of this program if we are to write rather uniquely so that this program will be terminated at that specific time.

I think we will miss the kind of opportunity to do the overall kind of evaluation to try and find which programs are most effective by including such an amendment.

Finally, on the issue about the military, Mr. President, I thought the chairman of the Armed Services Committee addressed that issue in the debate the other evening.

Just to bring it into some focus again, Mr. President, there are 700,000 annually who wanted to join the military. We take 300,000 who actually join the military. Our bill focuses on only 7,200 Americans who will be in the part-time program and 1,400 in the full-time program; 700,000 wanted to go in, 300,000 were admitted. We are talking about 7,200 in the part time and only 1,400 in the full time.

So it is difficult for me to believe that this will have any adverse impact in that recruiting capability, and I believe for those reasons and really the superb reasons that were outlined the other evening by the chairman of the Armed Services Committee in reviewing the range of different kind of questions that we have really nothing to fear.

So, Mr. President, I welcome the Senator's amendment in the sense that it gives us an opportunity to clarify the kinds of evaluations that we are committed to and to also express opposition to the amendment because I do believe that we will not really be able to have the kind of review if we take the rather unique and extraordinary step of just terminating that program. We know, of course, it could then be reauthorized but we would not recommend any reauthorization after 1992 unless it is going to be demonstrated and proven that this program is effective in achieving the goals which its supporters hope will be achieved.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I agree with the distinguished Senator from Massachusetts. I also agree with the distinguished Senator from Arizona, and in his own characteristic way, he is trying to practice good legislative policy. I admire him for doing it.

Let me say over the next 3 years as this evolves through 1992 I will be watching this program with a great deal of care. I will be examining every aspect of the program to see which parts of it work, which parts work better, and which parts work best. If the program proves to not be the success that all of us think it will be, then

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I will be the first to allow the authorization to expire.

In other words, all we are talking about here is whether this authorizaton bill will expire of its own, because it is only authorized through 1992, or whether we sunset it so that it gives the message that there will not be a chance for it to be reauthorized even if the programs prove to be a tremendous success. We all work with programs that are 2 or 3 years long that we intend to reauthorize at the end of that time. But when we sunset programs, that basically sends a message that we are probably not going to continue the program.

Now there is on particular part of this program I would especially like to see become a tremendous success and that is the President's "thousand points of light" program. We have not only put that in here intact, but we put it in here with the exact language that I think the White House would like to have in their Points of Light Foundation.

The Foundation takes a modest amount of the total amounts of money we are putting in here. When I say it is a modest part, it is a modest sum of money for that type of program; it is a major part of the program. But, it is one-fifth of the total moneys we are putting into this bill. But if that program really does work, if it creates volunteers all over America, I think all of us would want to see it continued. Here we have the President, who has 3 more years guaranteed, who can help to make this work and help encourage volunteers from all over America. I think it is a wonderful thing to support it. I, personally, want to do so.

But having said that, I like a number of the other programs in this bill, too, that our committee has come up with.

I commend the Senator from Massachusetts and above all my good friend, the Senator from Maryland, Senator MIKULSKI. They have come up with some very good programs here that could save the American taxpayers, over the long run, billions of dollars. If they work, we ought to be fostering those programs and causing them to grow. If we can foster volunteers through this bill, I do not think anybody would want it to elapse at the end of 1992.

So it is just a matter of what you want to do. Those who do not like anything about this program really ought to vote for the amendment of the Senator from Arizona. But those who want to give it a chance, who want to see what happens over these next couple years, 3 years, they really ought to vote against that amendment because we then will have a full right to reauthorize. We will have the optimism to go forward here and show that these series of programs embody that which the single program ought to have.

So I am going to vote against the amendment of the distinguished Senator from Arizona, not because I disagree with his intent and not because I want to vote against anything he brings up at this time, because I would normally vote with him, but because I think it sends the wrong message on this type of legislation. I think it especially sends a wrong message with regard to the President's part of this legislation.

Ms. MIKULSKI. Mr. President, I rise in opposition to the McCain amendment. At the same time, I want to thank the Senator from Arizona for his very kind comments about my contribution on this legislation. I would like to just make two important points.

Really, I think one needs to acknowledge the role that Senator MCCAIN has played in the United States in continually restating over and over again those kinds of comments meant to instill and reinstill and reinvigorate a sense of patriotism within this country. I think certainly we need to acknowledge his role in that. He was one of the early positive commenters on the role that national service could play. Certainly any man that has given to his country the way Senator MCCAIN has should certainly be listened to when one listens to what one can expect of young people.

Also, in addition to the issue related to military recruitment, he really has my very firm commitment to continue to pay careful attention to this because it was never the intention of the sponsors of this bill to in any way harm our ability to recruit men and women not only for our full-time military but for our National Guard and our very important Reserve units as well. He has our pledge to continue to do that.

When we look at his amendment, however, I would like to make just a few points. First, it is really not needed. The bill as currently constituted does expire in fiscal year 1992, and it is right under that standard boilerplate language that extends for 1 year—usually so things do not get lost in the shuffle of an election year—would continue for another year.

To that extend, he is right. But the bill cannot only be killed because of the authorization; it can also be killed in the appropriation. The Senator from Arizona talked about the Appropriations Committee.

Every year, unlike tax breaks or tax credits, this bill will be subject to an appropriation. When we are funding fiscal year 1993, which really begins September 30, 1992, if this bill is not working, we can kill it through the appropriations even though it has this automatic kicker for 1 year. So killing it in appropriations means you can kill it in the White House budget, you can kill it in the Budget Committee, and then when it comes to the Appropriations Committee, there is the opportunity to move to kill it in either the House or the Senate. So to really turn off this program, there will be several other appropriate mechanisms to do that.

I want to talk about the spirit of the Senator's amendment and his talk about a demonstration program. We really meant it to be a demonstration program. First, we did have a regular program. It was going to be $2 billion—$2 billion that we thought—well, we really compromised on both sides of the aisle. We did not want to do two things. We did not want to create a big bloated bureaucracy that would exist for the bureaucracy's sake and not for the people's sake. So we wanted to have a program where it would be operated by a quasi-public corporation, that the voluntarism would occur in primarily nonprofit organizations and also phase it in over a 5-year period.

In the course of that conversation, the Senator from Utah said, when I was in his office on Monday, "Well, we know we are talking about a 5-year demonstration project, but 5 years is too long." We really arm wrestled on that and we agreed then to the authorization that would expire in fiscal year 1991. So we have been compromising and conceding, and I mean it in the best spirit of conciliation, on making sure this bill does not get out of hand unless its worthiness, its worthwhileness, its effectiveness, has been demonstrated. And that is really what we are talking about.

As Senator KENNEDY and Senator HATCH said, what the amendment of the Senator from Arizona does is have the presumption of ending. No Governor is going to want to get into it and also no nonprofit organization is going to get in it. We are going to have to set up requirements to be able to document that where a voucher is given that there is really volunteer work going on. So we are going to ask our Scout troops, our Meals on Wheels people, our Habitat for Humanity people, all of those nonprofits that we hope to reinfuse with new volunteers, to set up requirements. They are going to take one look at this and say, "Oh, why do I want to get into that if the bill is going to be sunsetted in 1992? I will wait to see if they extend it. But then we might not have the very groups that we want involved, which are the main line, traditional, voluntary nonprofit groups."

I am concerned we are going to kill the bill by discouraging the nonprofits we are getting in.

The other part is that this bill is more than a voucher program for part-time and full-time volunteers. It is a program to encourage local governments to establish public-private partnerships on moving volunteers into the schools. We are talking about bringing business into schools.

I read in this morning's Washington Post where an accounting firm has worked with a Montgomery County high school to teach the kids the tax system, help them fill out their taxes for this year. The boys and girls learn a whole lot about personal finance, about paying taxes, when they are 17 years old or 18 years old. The accounting firm loved getting into the classroom. The kids loved talking to real, live grown-ups with real-life business experience who taught them real-life skills.

Part of our program is that there are going to be a clearinghouse on programs that work, that we do not have to be reinventing the wheel around the country. So that somewhere in another part of the country they are going to read about that Montgomery County program, and they are going to read about Senator GRAHAM in Florida where they have got over 6 million volunteer efforts going from the business communities and ideas on how to do that.

So, Mr. President, I would hope that we would not support the McCain amendment. I am acting as the floor leader of the bill and will move to table, but I do know that the Senator from Arizona wishes to comment. Then, if there is no other Senator seeking recognition, I will move to table, but I know he wants to do that.

So I acknowledge the point of the Senator's amendment. We think we have taken care of it. I hope that we could move on with really encouraging people to get out there not only to do a thousand points of light, but I would like to triple that by the 4th of July.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I thank the Senator from Maryland for her kind remarks. I would submit that an argument can be made that the example she set in her life certainly has served as a role model to many, many more people than has mine, especially in her commitment to those in our society who are less fortunate then we.

Mr. President, I will try to be brief. The only way this program, this legislation, this groundbreaking, innovative, National Service Program can be terminated is if the Congress decides to do so. The Congress has every ability to reauthorize this program at the appropriate time.

From a philosophical point of view, should we not, as a body, want to review, on a mandatory basis, any new program, especially one that is as innovative as this and as significant a departure from other programs as we have seen in this country for many, many years?

I believe a strong case can be made that the majority of the Members of this body should want to have any new program sunsetted so we can be absolutely sure that that program receives the scrutiny that it deserves, especially when we are talking about an expenditure of roughly $2 billion.

I hasten to add, there is no program that this Senator can remember that ever undercosted, in actuality, the estimates of its cost when it passed as a piece of legislation.

Some I have talked to have said the cost of this program could be as much as $3 or $4 or $5 billion, with as much likelihood as the projected $2 billion. So it seems to me entirely appropriate that with any new program there be a sunset clause, so that we can give it the kind of examination that it deserves before we continue to fund it.

Mr. President, as regards to the administration and Points of Light Program that the President has espoused in such eloquent fashion for so long, I will state the obvious. The President has not been able to present his program yet. This program is, in some respects, is preemption of the administration's Points of Light Program.

If we want the administration to work in partnership with us, I think at least we should give the administration an opportunity to present their proposal.

I know my friend from Utah will make the very legitimate point, and perhaps my friend from Maryland, that the administration should have come over by now with a comprehensive proposal. And I agree with that. I hope that what we are seeing here will encourage the administration to do so. I do not believe a program of this nature can succeed, or have very good chances of succeeding, unless we have everybody on board.

At the present time, however, the Department of Defense and the administration opposes this legislation. I hope we can work out some agreement so that will not be the case. But I do believe we need to assure the American people, who are going to expend many billions of dollars on this program, that this program will not be an open-ended one and that the Congress of the United States will come back and revisit it at the appropriate time.

Again, I want to point out that there is no way this program will terminate unless the Congress of the United States decides that it should.

Mr. President, if the Senator from Maryland is prepared for a vote, I have no further remarks. At this time, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Mr. President, it was my stated intention to move to table. What is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Maryland is advised such a motion is very much in order.

Ms. MIKULSKI. Mr. President, on behalf of myself and Senator KENNEDY, I move to table the McCain amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland [Ms. MIKULSKI] to lay on the table the amendment of the Senator from Arizona.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER [Mr. BRYAN]. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 25 Leg.]

YEAS—58

Adams
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Cohen
Conrad
Cranston
Danforth
Daschle
DeConcini
Dixon
Dodd
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Harkin
Hatch
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Wirth

NAYS—40

Armstrong
Baucus
Bond
Boschwitz
Burns
Chafee
Coats
Cochran
D'Amato
Dole
Domenici
Garn
Gorton
Gramm
Grassley
Hatfield
Heinz
Helms
Humphrey
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Pressler
Roth
Rudman
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson

NOT VOTING—2

Matsunaga
Packwood

So the motion to lay on the table amendment No. 1284 was agreed to.

Mr. KENNEDY. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1283

Mr. KENNEDY. Mr. President, we temporarily set aside the Nickles amendment, and I would like to call up the Nickles amendment at this time.

The PRESIDING OFFICER. The Senator is correct. It is amendment No. 1283.

Mr. KENNEDY. I thank the chair.

The PRESIDING OFFICER. Is there further debate on amendment No. 1283?

If not, the question is on agreeing to the amendment.

The amendment (No. 1283) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. KENNEDY. Mr. President, there are no further amendments that have been submitted either to the desk or to the floor managers that I know about.

There are several amendments that I did not know about.

Mr. DOLE. I understand some may be taken by the managers. Senator Kasten has an amendment, Senator Hatch, and Senator Boschwitz.

Mr. KENNEDY. Mr. President, I am familiar with the Kasten amendment. It is about treatment of rural areas equitably. I believe we will accept that amendment. If others have amendments, perhaps they would be good enough to make them available so that we could be able to discuss them intelligently, perhaps.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1285

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. Hatch], for Mr. Kasten, (for himself, Mr. Cochran, and Mr. Domenici) proposes an amendment numbered 1285.

Mr. HATCH. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, add the following:

Any entity, including the Foundation, administering a program or project under this act shall take appropriate action to ensure that:

(1) Rural Areas receive equitable treatment in the allocation and distribution of assistance; and

(2) Prospective grantees or fund recipients located in Rural Areas are treated equitably under the eligibility criteria.

Mr. HATCH. Mr. President, this is an amendment by Senator Kasten. I send it to the desk on his behalf, and of course Senators Cochran and Domenici, as well.

This amendment is very simple. It will provide volunteers in rural areas with the same opportunities as those provided in urban areas.

I believe the amendment is acceptable to both sides. I urge its adoption.

Mr. KENNEDY. Mr. President, this issue was brought up earlier by the Senator from Georgia [Mr. Fowler]. We reviewed in considerable detail at that time how this legislation would impact rural areas.

We are glad to give the same kinds of assurances to the Senator from Wisconsin, and certainly welcome his amendment giving further assurance to it.

I hope the Senate will support it.

Mr. KASTEN. Mr. President, my amendment is very simple. It will provide volunteers in rural areas with the same opportunities as those provided in urban areas.

Rural America is rugged, beautiful and unique—in the hearts of its people as well as in its physical landscape. Many rural communities in Wisconsin and throughout this great Nation have unselfishly given their time, energy, and expertise to those in need.

The vigor of volunteer services in both rural and urban America is yet another indication that the "me" generation is dead—and the age of altruism is alive and well.

Mr. President, many volunteer organizations in rural Wisconsin, such as the Center for Environmental Intern Programs [CEIP]; the Citizens for Greater Galesville; and the Sparta Citizens for Coordinating Local Growth, have time after time given to others in their own special way.

I believe it is essential for us to make our legislative intent clear this issue. This bill does not intend that rural areas be treated inequitably—and all my amendment would do would be to spell this out in the clearest possible terms.

It is my understanding that this amendment has been cleared by the managers on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from Wisconsin.

The amendment (No. 1285) was agreed to.

Mr. HATCH. I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, again we reiterate our desire to consider any other additional amendments.

Mr. BOSCHWITZ. Mr. President, if the Senator will yield, I will be ready in a couple of minutes.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I will ask for a unanimous-consent agreement to permit the recognition of the Senator from Arizona for a special resolution. We are awaiting here any of the amendments on this particular measure. I know of no amendments that have either been submitted to the floor managers, my colleague, the Senator from Utah, Senator Hatch or myself. We are into the fourth day on this bill, and we want to try to accommodate Members, but I think there are other important items on the Senate calendar, and we want to ask other Senators to come over. Otherwise, we are going to try and move forward to try and get the final disposition of the legislation.

We will now propound a unanimous-consent request that will take some 30 minutes time and very hopefully at the termination of that time if there are Senators who have other amendments we hope they will notify us. If not, we are going to make an effort to move to final resolution.

TIME LIMITATION AGREEMENT—SENATE RESOLUTION 255

Mr. KENNEDY. Mr. President, I ask unanimous consent the Senate now proceed to a resolution by Senator McCain, that there be 30 minutes equally divided, that there be no amendments or motion in order and that the vote on adoption on the resolution occur immediately after the vote and final passage of S. 1430.

The PRESIDING OFFICER. Without objection, it is so ordered.

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CALLING FOR A SETTLEMENT IN THE MAJOR LEAGUE BASEBALL NEGOTIATIONS—SENATE RESOLUTION 255

Mr. McCAIN. Mr. President, I have a resolution at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 255) calling on baseball owners, players, and their negotiators to settle their differences promptly and begin a complete spring training and regular season as soon as possible.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The Senator from Arizona [Mr. McCAIN] is recognized.

Mr. McCAIN. Mr. Speaker, on behalf of myself, Mr. DECONCINI, Mr. GRAHAM, Mr. LEVIN, and Mr. BOSCHWITZ, I divert the attention of the Senate from the usual objects of its attention so that we may address what is of the utmost and critical importance to the American people, and that is the failure of baseball to begin its annual spring training followed by the season which, in the view of this Member and I am sure the overwhelming majority of Americans, is unacceptable to the American public.

Mr. President, I yield to my colleague from Idaho for him to make few comments since he has some other obligations.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS] is recognized.

Mr. SYMMS. Mr. President, I thank you very much.

I thank my colleague for offering this resolution and say as a baseball fan I find it remarkable that those of us in America who buy tickets that make billionaires out of the owners and millionaires out of the players, as the Senator from Arizona has been talking about, that these people cannot have enough common sense, enough pragmatism, if you will, to sit down and settle their disputes and get on with the season. I think they run the risk of having some national movement of people saying if that is the way we are going to play and miss part of the season, maybe we should stop going to baseball games a few years and see how many billionaires and millionaires we have out of it.

I compliment my colleague for bringing this to the attention of the Senate. I think the American people find this kind of activity where we cannot seem to get a resolution for very high-paid people on both sides of the equation, both sides of the table, is really outrageous, that they cannot get this settled.

So I hope that they do get it settled. They have my best wishes that they get it settled. I am a baseball ticket purchaser. We have some semipro and some smaller minor league professional teams in my State. We do not have a major league franchise but we have a lot of interest in baseball that produced even Hall of Fame baseball players, like Walter Johnson, Harmon Killebrew, and others. We would like to get this resolved.

I compliment the Senator from Arizona. I say if they do not get it settled, there will be a group of people leading a boycott of baseball and then the owners and players will find out how the cow eats the cabbage.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, with this resolution, I hope to divert the Senate from the usual objects of its attention. Inside this Chamber, we are expected to consider weighty matters of State. But I think it represents no dereliction of duty to briefly address a developing problem of considerable magnitude in my State and throughout the country. Because for many people, Mr. President, the subject I want to address represents, as Sinclair Lewis wrote, something of "eternal importance": baseball.

Normally, one would think that Members of Congress have more important things to do than concern themselves with the condition of our national pastime. But, Mr. President, I believe that it is perfectly appropriate for Congress to express our concern over the misery occasioned by this current baseball lockout and urge the parties involved to resolve their differences. If for no other reason, baseball's extraordinary treatment under Federal law, its exemption from antitrust laws, should entitle public servants to take a few minutes to express our hope that the dispute will be settled immediately. And while we elected officials must attend to a variety of important subjects, we need not ignore the Nation's plaintive cry: play ball.

I have further cause, Mr. President, to demand the resolution of this interruption in spring training. While players and owners fight over maximized profits, much of the rest of the country suffers a legitimate economic disaster. The absence of major league teams from spring training in Arizona, means an economic loss to my State well in excess of $150 million. Charity events are canceled, hotels and restaurants are empty, sourvenir venders sit on unopened cartons, hotdogs are not hawked, cars are not parked and tourists do not visit. The real victims of this misfortune are not interested in how TV revenues are divided or salaries are arbitrated. They have but one appeal: play ball.

Most people who make a living from baseball do not receive national attention for their suffering; only those that earn the most from the game can command a worldwide audience for their cries of economic deprivation. Those that will suffer real hardship would not and could not deprive the Nation of the sport they love. But those who must endure the inconvenience of hero worship or the complexities of managing vast wealth, believe that their suffering will exceed the pain caused by an absence of baseball. But the real devotees of the game, Mr. President, the fans, cannot comprehend of suffering greater than a summer without baseball. To the groans and complaints of owner and player, they have but one response: play ball.

Over the past couple of weeks, we have been subjected to repeated accusations, denials, protestations and petitions from baseball owners and baseball players. Both sides claim to be interested only in simple justice. With complex arguments and impassioned appeals, both sides beg our understanding. But to most fans, by which I mean most Americans, Mr. President, this is a dispute between billionaires and millionaries who in their pursuit of personal advantage have deprived the country of its summertime diversion. Most fans, Mr. President, do not understand why they must endure this attack on the quality of American life, so that those who profit from the game can profit even more. To those few who want to convince us that the game is just a business, the rest of the country: play ball.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized and the Chair understands the Senator controls his time.

Mr. GRAHAM. Mr. President, today is an important day in the calendar of America. Today, March 1, is the day upon which spring training games were to have commenced in Arizona and in Florida. Many people mark the calendar of the year with the beginning of American Major League professional baseball play in the spring.

As eloquent an American as the columnist George Will says that the year does not really begin until the pitchers and catchers report for spring training and America again begins to live by the daily cycle of major league baseball at play.

Major league baseball, Mr. President, is not just a commercial venture where its concerns are restricted to those who have a direct financial stake either as employer or employee. As has been mentioned by the Senator from Arizona and the Senator from Idaho, there are significant public issues involved.

This Congress has provided an antitrust exemption to major league baseball, to all of professional baseball, which is unknown not only in other areas of American business but unknown in other areas of American professional sports. Many communities have made substantial commitments to baseball. The communities that host teams as their home and those which host teams as their spring training host.

On Monday, I will be in Plant City, FL, a community which is known as the strawberry capital of the world, a title well deserved. It also is now the spring training home of the Cincinnati Reds. That community, typical of many others, has made significant financial obligations to build appropriate facilities for this major league franchise, facilities which now stand vacant. Not only are the facilities vacant, not only are the stands vacant, but hotels, restaurants, and other people who have depended upon this as an important part of the economy of their community are being adversely affected. And every day that this lockout continues, the ripple effect of the adverse economic effect is even more severe.

Mr. President, some might ask why should the U.S. Senate be involved in this issue. Not only should we be involved because of the legitimate public commitments that are being affected by this current lockout, but also we should be involved because there has been the suggestion that the difference now between the two parties is a minuscule one, and that what is really preventing settlement is a matter of saving face. There needs to be some means by which the parties can say, "Circumstances now warrant us putting behind our past differences and let us move forward with the spring training and the regular season."

I hope, Mr. President, that the kind of resolution that has been introduced, and I hope will be passed by an overwhelming vote of this Senate, will contribute to that saving of face. This resolution is a strong indication of the national interest in our national pastime and a call for those who are in a position to see that spring training begins and that the regular season will open as scheduled in April, that those events will occur and occur as expeditiously as possible. If we have made that contribution toward creating a climate in which this unfortunate impasse can be resolved, I believe that we will have done good work for America and good work for America's pastime.

Ms. MIKULSKI. Will the Senator from Florida yield?

Mr. GRAHAM. The Senator from Florida yields to the Senator from Maryland who represents the city that contains the Baltimore Orioles, who at this very moment should be playing in my hometown of Miami, FL, which has been the longtime spring training headquarters of the Baltimore Orioles.

Ms. MIKULSKI. The Senator is correct, and I thank him for yielding. That is exactly why I asked for a few minutes to speak.

First of all, I ask unaminous consent to be added as a cosponsor of the resolution offered by the Senator from Arizona and the Senator from Florida.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Ms. MIKULSKI. Mr. President, this Senator enthusiastically represents the State of Maryland and with a great deal of pride represents the Baltimore Orioles, or at least has the pleasure of knowing that the Baltimore Orioles are in her home State. We not only want them back in spring training, we want them back in the World Series. We are the great comeback team.

Last year, people snickered at the Orioles. We were kind of viewed as the rookies who could not play straight, but then the Orioles came out and showed them exactly what we could do.

Right now, we are building a new stadium in Baltimore which we would hope any and all would be able to come and see the games. It is actually being built on the site of where Babe Ruth's home was, where Babe Ruth's dad actually ran a little tavern, a little saloon, maybe less delicate company would say, and right there center field is going to be over the Babe's house. I think that is something. And we want to make sure that stadium is filled with enthusiatic fans. Good times or bad, the Orioles fans stick together.

Mr. President, that is why I hope, as management and the players are going over the last points of their negotiations, that they would remember the fans. Because what is baseball? Wherein lies, who comes to watch the field of dreams but the fans? Certainly the players get an enormous amount of pleasure, hopefully the owners get profit. But it is the fans that support baseball at the ticket gate, in the stadium, and so on.

I talked to my little nephew last night. I have a 13-year-old nephew Mike. He is a devoted baseball fan. He goes to the games. He knows the statistics. I hope he does as well one day on his SAT scores as he does knowing about baseball because he will be a national merit scholar. He collects those little baseball cards and trades them, and I am sure he will be as good at negotiation as the Senators are.

But you know, he is very upset about this game. He says maybe the fans ought to start speaking up. When you talk to his dad and talk to other dads and others moms, they say right now to go to a baseball game can cost you 50 bucks a pop. Sometimes that $50 can seem like a foul ball to a family.

So I would hope that as we negotiate contracts and so on, we keep our prices reasonable, that we keep our hot dogs at a reasonable price, and do not charge extra for mustard, and we remember that there are Mikes, and Michelles and Aunt Barbs, and Uncle Willies, and so on all around this country who want to come to the game and sing the national anthem, feel that pride and just really know what the good life is all about.

So I am happy today to support this resolution. And I will be happy to arrange buses for the Oriole's World Series.

The **PRESIDING OFFICER.** Who yields time?

Mr. McCAIN. Mr. President, I thank the Senator from Maryland whose colorful and descriptive and graphic language is always so important to any debate. I think she really says it all with the way she described the situation. I certainly hope that her nephew is not deprived of the benefit of observing the Baltimore Orioles again this year.

Mr. President, I would like to add a few more important comments. We are not talking about, as I said earlier, players making millions and owners making billions. We are talking about in my State some very important charities. We are talking about organizations such as the Mesa HoHoKams, Tempe Diablos, Scarsdale Charros, Caballeros de Yuma, and the Chandler Compadres who make their money for the year from spring training sales. They donate their profits, totaling several hundred thousand dollars last season, to community programs, such as scholarships, park improvement, youth sports leagues and antidrug campaigns.

Mr. President, as we speak today, there was supposed to be a game that was going to take place between the Oakland A's and their 1989 World Series foes, the San Francisco Giants, to raise money for the earthquake fund. The advanced demand for tickets indicated that the game would have been a sellout which would have netted about $50,000 to help earthquake victims.

Mr. President, Mr. Jamey Helmers, who is a secretary of Tempe Diablos, said, "In the last couple of years, we've netted about $120,000 each year. We'll lose the revenue if there's a lockout."

The Uptown Optimists in Tucson make $19,000 last year selling programs and souvenirs at Cleveland Indians' games and spent it on scholarships, youth sports, antidrug programs, and a Christmas party for disadvantaged children.

The list goes on and on, Mr. President, but we are now depriving young men and women from the charities that had become, frankly, an integral part of our communities.

The estimated economic impact in Arizona from the Cactus League in 1988 were as follows:

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Chicago Cubs, $38.6 million; Oakland Athletics, $22.5 million; Milwaukee Brewers, $22.0 million; Cleveland Indians, $17.3 million; California Angels, $16.3 million; San Diego Padres, $15.7 million; San Francisco Giants, $15.1 million; and the Seattle Mariners, $14.7 million.

Mr. President, that is a great, great and significant impact and one that I think is totally and absolutely unnecessary.

Let me remind my colleagues again that major league baseball enjoys a unique and privileged status under the law. As my colleague from Florida stated, there is no other professional sport that enjoys the protections of organized baseball. I think they would recognize that the American people do not understand why the baseball season has not begun. Their anger will rise in the days and weeks ahead. I hope that baseball fans throughout America will not be deprived in the same fashion that fans in Florida and Arizona are being deprived today.

Madam President, I ask unanimous consent that Senator BURNS name be added as a cosponsor of this resolution.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection it is so ordered.

Mr. McCAIN. Madam President, I have no further requests for time. I yield back the remainder of my time and I suggest the absence of a quorum.

The PRESIDING OFFICER. All time on the resolution has been yielded back.

Mr. McCAIN. I believe under the unanimous consent the yeas and nays have been ordered.

The PRESIDING OFFICER. The Senator is correct. I have been advised that the yeas and nays have not been ordered.

Mr. McCAIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

All time on this resolution having been yielded back, under the previous order, the vote on the adoption of the resolution will occur immediately after the final passage of Senate bill 1430, the National and Community Service Act.

The Senator from Nevada is recognized.

Mr. BRYAN. Madam President, I ask unanimous consent to proceed as in morning business for a period of time not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada is recognized.

THE UNITED STATES-JAPAN SUMMIT

Mr. BRYAN. Madam President, I read with absolute astonishment this morning that the Prime Minister of Japan, Toshiki Kaifu, who is coming this weekend to meet with President Bush, does not think this weekend summit meeting should solve specific trade issues.

Frankly, and with all due respect, the Prime Minister shouldn't even pack his bags if these two leaders are not willing to come to grips with the trade issue. Can anyone doubt that the most important issues facing United States-Japan relations are trade issues? Yet, what are we to think about the value of this summit, when the Prime Minister says at a news conference that if trade issues are raised at these talks, that Mr. Kaifu will suggest "further discussions on the experts level." Is that code for sweeping the problem under the rug?

What are we to think when Foreign Minister Nakayama says that this is not the time to make specific commitments? On this side of the Pacific we may ask, when will the time come?

If our President and the Japanese Prime Minister cannot resolve specific trade disputes they will only be attempting to paper over the most critical issue facing our two countries.

And we in the Congress are deeply worried about another joint statement or so-called understanding that gives the illusion on the evening news that progress has been made on this issue, when in fact no progress has been made at all.

We know today, that in large part the Japanese market is closed to many of our products. Last year, a report prepared for the trade talks, and commissioned by both nations, demonstrated that American consumer products were priced out of the Japanese market by an intricate distribution system which, in effect, imposes a tariff on our goods. We know that on important contracts there is collusion and bid rigging among Japanese firms that keep American firms out. We know that the Japanese are targeting the American aerospace industry as their next conquest.

In short, Madam President, we now know too much to sit idly by and watch a summit take place that produces little but communiques and joint statements. We do not need any more wallpaper or soothing words, but results, Tangible results which can be measured in contracts awarded to American firms, to American products being purchased, when American industries do not become the target of the Japanese corporate-government alliance. We need progress that American businesses and workers can take to the bank.

In today's Washington Post, a Japanese Government official is quoted as saying that the media will judge this Palm Springs summit "a failure if the structural talks are not solved." I agree, and so do the American people—the summit will be a failure if we do not make more progress on trade issues.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distringuished chairman of the Appropriations Committee is recognized.

LITHUANIAN ELECTION

Mr. BYRD. Madam President, I am afraid that in all the excitement surrounding the elections in Nicaragua this past weekend, we may have overlooked another important triumph of democracy. In the Baltic Republic of Lithuania, voters took to the polls in the first multiparty election held anywhere in the Soviet Union in 72 years. In that election, candidates supported by the grassroots independence party, Sajudis claimed 72 out of the 90 seats decided. This victory gives them a majority of the 141-seat legislature. They are also expected to win most of the run-off elections for the remaining seats.

This overwhelming victory for Sajudis, and crushing defeat for the Communist Party, could well be the precursor of a season of electoral change. Lithuania's neighbors, Lativa and Estonia, both have elections scheduled for March 18. The Soviet Republics of Byelorussia and the Ukraine are holding elections on March 4 and many of the other republics will elect legislators this spring as well. Additionally, every country in Eastern Europe will take to the polls in contested elections between now and the end of June. I hope that the Lithuanian examples will serve as an inspiration throughout the region.

What the Lithuanians have accomplished is truly remarkable. Since 1918, when Lenin overturned the results of the last competitive election, the Communists have been the one and only party in every corner of the Soviet Union. The Lithuanian Communist Party recently severed ties with its parent party in Moscow in an attempt to salvage the election, but that was not enough. They won only 29 seats, and 13 of these were Communist candidates supported by Sajudis.

Madam President, the peoples of the Baltic States in the recent past were commonly referred to as "captive nations." They are still politically captive, despite the Lithuanian election, and despite the rejection of the Communist parties in those nations. But this first gigantic step in Lithuania, out of captivity, that occurred this weekend was greeted by a curious silence in official Washington. Freedom for those nations, which was traded like so much feed grain between Hitler and Stalin during the Second World War, is not yet secured, not yet won, and we don't have to tip-toe around our desire and our hope, and our support for the early restoration of full international sovereignty for those nations.

The people of Lithuania have made their choice known. Mr. Gorbachev personally traveled to Lithuania to plead his case. Stay in the political fold of the Soviet Union, he said. He accepted the right of republics to secede and offered more autonomy. He was listened to and politely rebuffed. He was rebuffed because the people of Lithuania understood that these compromises are, for them, only delaying tactics. Mr. Gorbachev's proposition would require a 75-percent approval vote, followed by a 5-year waiting period, before any independence proposal could be implemented. On the surface this may appear to be a positive step, but the people of the Baltic States sense a trap. They know that immigration patterns over the past 45 years, including the influx of ethnic Russians, have changed the demographics of their countries, and that these changes would make it difficult to reach the 75 percent hurdle. More important, they remember that their countries were forcibly incorporated into the Soviet Union and and have been illegally occupied since the Second World War. So why should they agree to more obstacles and delaying tactics? They want their freedom now, and they deserve it.

With full knowledge of what was at stake, the people of Lithuania voted. The result was overwhelming. So let us not be so concerned that we might offend the sensitivities of the Soviet Politburo. We should not be embarrassed by the result. It is not inconvenient at this time. Should there ever be a time when it is inconvenient, or embarrassing, or offensive for a people to declare their sovereignty, a sovereignty that was stolen from them and that they want back? The captivity of Lithuanians, of Latvians, and of Estonians should end as soon as the necessary arrangements can be effected, and it should end soon. The Senate of the United States, the Congress, and the White House should stand clearly, unequivocally, and visibly for that process to move foward, and we should celebrate the freedom of those valiant, courageous peoples.

Lithuania's drive for self-determination will be difficult, but they have taken an important first step. The democratic aspirations of the peoples of the Baltic republics are part of their heritage. Multiparty systems existed in these countries prior to their forced annexation by the Soviet Union and it is only natural that those tendencies should surface again. We must commend the people of Lithuania for their courage, and offer our continued support for their cause.

THE DEATH OF A FAITHFUL SENATE DOORKEEPER

Mr. BYRD. Madam President, on another matter, if I may impose on the Senate for a couple of additional minutes while speaking out of order, on February 15, following a period of illness, Mr. William H. Dietrich passed away.

Mr. Dietrich's death came at the end of nearly 7 years here in the U.S. Senate as a doorkeeper.

I know that I speak for all of our colleagues in extending to Mr. Deitrich's widow and family our deepest and sincerest sympathies on their and our loss.

Bill Dietrich was born and reared in Philadelphia.

As a young man during World War II, he enlisted in the U.S. Army Air Corps and became a pilot with the 91st Bomber Group stationed in England.

After 35 successful missions over Nazi-held Europe, Bill Dietrich was sent back to the United Sates, where he remained active with the Air Force Reserve. He retired from Air Force service with the rank of major at Rickenbacher Air Force Base at Columbus, OH.

In 1952, Bill Dietrich joined the Prudential Insurance Co. in Columbus, retiring after 29 years with that corporation in 1981.

In 1982, accompanied by his wife, Ruth, Bill Dietrich moved to Silver Spring, MD, and in 1982, he became one of our Senate doorkeepers.

In addition to his wife, Bill Dietrich is survived by his four daughters and his 95-year-old mother, Mrs. Margaret Tobin.

In the decades that I have served in the Senate and the House of Representatives, I have learned how vital to our work here are those who serve us on the doors, in the Cloakrooms, and in so many other usually unheralded positions here on Capitol Hill. We do indeed appreciate the loyalty, sacrifices, and dedication of these men and women who allow the Senate more smoothly to carry out its responsibilities and to work its legislative will.

We take notice of the loss of someone as capable and devoted as was Bill Dietrich. We remember him for his years of service here—to us and to our country—and for the other many contributions that he made to our country throughout his life—both as a heroic airman in World War II and as a citizen and a patriot in peacetime.

With his family, we mourn Bill Dietrich's passing, but we shall take continuing inspiration from his citizenship, his character, and his example.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AND COMMUNITY SERVICE ACT OF 1989

The Senate continued with the consideration of the bill.

Mr. WALLOP. Madam President, I am about to send to the desk an amendment to be proposed to this bill as a sense of the Senate. It is my understanding that Senator KENNEDY, on behalf of Senator DODD, will offer a substitute. If the Senator is now willing, I would like to try to enter into a time agreement with him on both, so that we might give the Senate some understanding. It is my understanding that we have generally agreed that 45 minutes on a side would take care of the debate necessary for both my amendment and the Senator's substitute.

Mr. KENNEDY. That is satisfactory. I think that would give ample time to those who are interested. If the Senator will yield, I believe I might propound a unanimous-consent request that might incorporate what I understand was agreed to by the two leaders in the Senate.

Does the Senator want to proceed for 2 minutes until I get this finalized?

Mr. WALLOP. That is fine.

AMENDMENT NO. 1287

Mr. WALLOP. Madam President, I sent an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP], for himself, Mr. HATCH, Mr. DOLE, Mr. SYMMS, and Mr. SIMPSON, proposes an amendment numbered 1287.

Mr. WALLOP. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert the following:

SEC. . FINDINGS.—The Congress of the United States finds:

(1) On February 25, 1990, Violeta Chamorro was elected President of Nicaragua.

(2) Mrs. Chamorro's victory followed a courageous and effective campaign by the United Nicaraguan Opposition—U.N.O.—a

coalition of 14 parties which selected Mrs. Chamorro as its candidate.

(3) The citizens of Nicaragua responded to the opportunity to participate in the electoral process by going to the polls in record numbers.

(4) Immediately following the election, Daniel Ortega pledged to respect the results of the election and turn over power to Mrs. Chamorro on April 25, as prescribed in Nicaraguan law.

(5) Subsequently, Ortega made disturbing comments, indicating that the Sandinistas intended to seek to retain power by "governing from below;" and specifically suggesting that the Sandinistas would seek to retain control of the army and internal security apparatus.

(6) International observers, including observers from the Congress, have generally concluded that the balloting on February 25 was conducted freely and fairly.

(7) The President has welcomed the results of the Nicaraguan election, and has indicated his intention to consider ways to help the people of Nicaragua consolidate a democratic system and rebuild their society and economy.

SEC. . It is the sense of the Congress of the United States that:

(1) Violeta Chamorro should be congratulated on her great election victory, and on her courageous and effective electoral campaign.

(2) The people of Nicaragua displayed great determination and commitment to the democratic process by turning out at the polls in record numbers.

(3) Daniel Ortega and the Sandinistas should turn over all power, military and civilian, to Mrs. Chamorro and her government on April 25.

(4) Recent comments by Ortega that the Sandinistas would seek to maintain power by "governing from below" are deplorable, a violation of Ortega's commitment to respect the results of the election, an affront to the effort supported by the other Presidents of the region and the United States to foster peace and democracy in Nicaragua, and an insult to the people of Nicaragua who voted overwhelmingly for Mrs. Chamorro.

(5) As the process of the transfer of all power to Mrs. Chamorro and her government unfolds and is completed, the United States should consider and implement the lifting of all economic sanctions, the normalization of political and economic relations, and the provision of appropriate aid.

Mr. KENNEDY. Madam President, I ask unanimous consent that there be 1½ hours of debate on the Wallop amendment, now currently being considered, and a perfecting amendment to be offered by Senator KENNEDY, and Senator DODD, and that no other amendments be in order, that the time be equally divided between Senators WALLOP, and KENNEDY and DODD or their designees, that no motions be in order except a motion to reconsider and table.

Mr. WALLOP. Madam President, reserving the right to object, and I shall not object, I just want to clarify that the time agreement applies to the time spent on both my amendment and the perfecting amendment.

Mr. KENNEDY. The Senator is correct. It will be the understanding that at some time, probably after the Senator has made his presentation, and those who are speaking in favor of it, that the other amendment would be introduced.

I think the Senator has a copy of that amendment, but at some time during the debate, the other would be at least——

Mr. WALLOP. The Senator is correct; while it need not be part of the unanimous-consent agreement——

Mr. KENNEDY. It will be part of the understanding.

Mr. WALLOP. There need not be any constraint as to when that would be, because the two of them together are the cause of the debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. WALLOP. Madam President, I yield myself such time as I may need for this presentation.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WALLOP. Madam President, this amendment, to which a perfecting amendment will be offered, is basically a statement on behalf of the Congress of the United States which makes certain findings: that on February 5, Violeta Chamorro was elected to be President of Nicaragua, that her victory followed a most courageous and effective campaign by the United Nicaraguan Opposition, UNO, as it came to be known, and the coalition of 14 parties which had selected Mrs. Chamorro as its candidate.

Madam President, citizens of Nicaragua responded to that election opportunity by going to the polls in record numbers.

Immediately following the election, Sandinista President Daniel Ortega pledged to respect the results of the election and turn over power to Mrs. Chamorro on April 5, as prescribed by Nicaraguan law.

Subsequent to that time, Madam President, Mr. Ortega has made disturbing comments indicating that the Sandinistas intend to seek to retain their power by "governing from below," specifically suggesting that the Sandinistas would seek to retain control both of the army and the internal security apparatus.

International observers, including observers from the Congress, have concluded, Madam President, solely that the balloting on February 25 was conducted freely and fairly. There will be an attempt to say later that the election was not free and fair, and there is a great deal of argument as to how that judgment could be made. President Bush has welcomed the result of the Nicaraguan election.

And so the sense of the Senate would be one, to congratulate Violeta Chamorro; to acknowledge that the people of Nicaragua displayed their great determination and commitment to the democratic process by turning out at the polls in record numbers; that Daniel Ortega and the Sandinistas should turn over all power, military and civilian, to Mrs. Chamorro and her government on April 25; and that recent comments by President Daniel Ortega that the Sandinistas would seek to maintain power by governing from below are deplorable, indeed a violation of his commitment to respect the results of the election and an affront to the effort supported by other presidents of the region and the United States to foster peace and democracy in Nicaragua, and in fact are an insult to the people of Nicaragua who voted overwhelmingly for Mrs. Chamorro.

Finally, as the process of the transfer of all power to Mrs. Chamorro and her government unfolds, the United States should consider and implement the lifting of all economic sanctions, normalization of political and economic relations, and the provision of appropriate aid.

Madam President, that is the gist, indeed the guts, of the amendment that I offered. I should say that I offer it on behalf of myself, Senator DOLE, Senator HATCH, and Senator SYMMS.

I want to examine for a minute this concept of governing from below. Madam President, that is not respecting the results of the election that took place down there. That is typical of what we have seen of Communist governments all around the world. One of the reasons why none of them have ever subjected themselves to elections is because they were unwilling to cede the choice to the people they governed as to whether or not they were fit to continue to govern.

Having said that, the people of Nicaragua spoke and they asked that Ortega and the Sandinistas no longer govern. They did not ask them to "govern from below." I would quote from today's paper. It says:

> In a speech Tuesday, Ortega indicated that almost every important national institution in Nicaragua, including the army, would remain under the control of the Sandinistas Party, a remark widely seen as the opening salvo in a complex transition process.
>
> Mrs. Chamorro's response to that was, "They didn't think they were going to lose, so they were a little sad. But we won through a secret vote and they have to accept it. They have to turn over power. The Berlin Wall has fallen, and ours did also."

Madam President, it is of extreme importance that this Congress and this Government, which was so instrumental in bringing the electoral process to Nicaragua, make a statement to Ortega and the Sandinistas that the results of that election were the voice of the people of Nicaragua and not the voice of the commandantes, not the

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voice of the people who surround Ortega and who held Nicaraguans captive for the past decade of the eighties.

Now, Wednesday, Mr. Ortega said, "The day will come when we will return to governing this country."

Fair enough, should they win.

That is not the statement that he made. He is not talking about new elections at some other time. He is talking about returning to the government, as we can see from his speech to more than 100 top Sandinista leaders and the national resistance front: "In the meantime, we will continue to govern from below."

Daniel Ortega, you lost the election. The Senate of the United States must say that he lost the election no matter what the sensibilities of people in this body were that they might have hoped that he continued to be the President. He is not. The vote of the people of Nicaragua carried that message. It has been characterized in the press as "because they were hungry," "because of the fault of the United States," or because of a lot of things. Nonsense. It was because a big preponderance of the people of Nicaragua, given the opportunity to vote, said "no more" to the Sandinistas. They are now in a democratic process in which the contest of ideas is the only legitimate contest. The contest of arms is gone. This Senate, this Congress, this country, must speak to that right.

The amendment that is to come and follow on here in a few moments will ignore that right. It is an immoral act on the part of the Senate of the United States to ignore the threat to overturn by force, by connivance, by unwillingness to abide by the judgment of the people, by whatever means to overturn the results and the effects of that election.

Ortega told the Sandinista front that its new incarnation will resist any rollback of policies that were the centerpiece of the revolution. Fair enough. They are entitled to do that so long as it takes place within the parliamentary body that governs Nicaragua, and were he to be able to persuade someone that there is a group that constitutes UNO to join him against rolling back some of those—some Republicans join Democrats, some Democrats join Republicans in this body—fair enough. That is the process. But that is not the promise, and that is not the threat that Ortega has made. He has said in so many words that he intends to subvert the extraordinary expression of the Nicaraguan people.

While congratulating Mr. Ortega, and we should, for allowing the voting process to take place, we must acknowledge how unfair it was until the pressures from international groups forced them to allow access to the press, access through the television, through the media, and forced them to resist and protect with police the rights of people peaceably to assemble and state their political posture.

But my point is really a very simple one—congratulate them for permitting the electoral process to be established, and congratulate them for the balloting, which was free and fair.

Madam President, I now yield 10 minutes to Senator DOLE.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. DOLE. Madam President, first of all, let me say it was our hope we could work out some bipartisan approach. We really are not that far apart except in a couple of areas that are very significant, as has already been mentioned by the distinguished Senator from Wyoming.

We believe ours is a straightforward statement of fact. It is not inflammatory. It does not pick on anyone. It says Chamorro won the election. She won it all. She is going to be President of the army, the police, and all the people. That is all. You cannot "govern from below." That is what Ortega is now saying. He is having second thoughts. Here is a man who was so confident of victory. But the people of Nicaragua have spoken, just as the people of the Philippines, Poland, and Panama did when they were faced with the choice between tyranny and freedom. Every time they picked freedom by a wide, wide margin.

They took a good look at Ortega in civies, and decided they liked what they saw. So he can mothball his fatigues for good now, and enjoy his retirement.

Meanwhile, a tough and courageous lady, Mrs. Violeta Chamorro, has been elected as President of Nicaragua. She won in the face of a Sandinista stacked-deck. She won, fair and square.

She won. Ortega lost.

Ortega, and all his apologists in this city, have run out of excuses. The people of Nicaragua blew the whistle on those excuses.

They rejected Ortega. They chose Mrs. Chamorro.

She and UNO have the right to take over all the reins of power. Civilian, military—the whole ball of wax.

She was given that right by the people of Nicaragua. She does not have to negotiate with Ortega on taking over power. On that score, there's nothing to negotiate.

Ortega and the Sandinistas have no right to govern from below, from on top, from the sidelines, or from anywhere else. They have no right to govern, period. It is over in April. It is all over for them.

They probably never did have the right, and they certainly do not now, after being overwhelmingly rejected in an election they did everything they could to rig.

Violeta Chamorro won. Daniel Ortega lost.

End of negotiation.

She won, and she richly deserves the congratulations that this resolution offers.

She won, and she deserves a strong, clear, unequivocal signal that the Senate, and the United States, will not tolerate any attempts by Ortega, or anyone else, to trash the will of the Nicaraguan people.

She won, and—as she assumes power—she deserves, and will need, our material support, too. The first step should be removal of existing sanctions. I hope that can be accomplished immediately after she is sworn in.

She will also need aid. There's no ducking the question of how to pay for that aid.

I am very pleased that Secretary Baker this morning pretty much endorsed the plan I have advanced for an across-the-board cut in aid earmarks, to give the President more flexibility in managing foreign aid. The President will need that flexibility—and those resources—to respond to the needs of Nicaragua, and the other emerging democracies.

And what about the Contras? I deeply regret that former President Carter—who deserves credit for his efforts to ensure a fair election—has suggested that the fact that the Contras are still there, encamped on the Honduran border, somehow makes it understandable that Ortega is threatening to keep control of the army.

That is hogwash.

If the Sandinistas truly give up all power, there will be no need for the Contras. Until they do, it is unrealistic—and wrong—to force the Contras to return to Nicaragua.

The fact of the matter is, this is a totally phony issue.

I know the conditions in the camps. Once Ortega and the Sandinistas are out, and there is real democracy in Nicaragua, the Contras will take care of themselves. You wouldn't be able to keep the Contras in those camps if you wanted to. If you have been there, you will understand what I mean.

Madam President, the people of Nicaragua have spoken. If Daniel Ortega and the Sandinistas really heed their voice, then finally peace can come to that troubled land.

That is the real, bottom-line message of this resolution. I urge all Senators to support it.

I urge my colleagues on the other side just to give a fair reading of this resolution. It states facts, congratulates the people, congratulates Chamorro, indicates the elections were free and fair according to the observers. It says Daniel Ortega should turn over all the power, military, and civilian. Does anybody oppose that? I do not think so.

It talks about recent comments of governing from below. We indicate that would violate Ortega's commitment to respect the elections. He said he respected the results. It also indicates we ought to lift all economic sanctions and have normal relations, and also provide appropriate aid. I do not believe anybody is opposed to anything in this resolution.

I know there will be a substitute offered by the Senator from Massachusetts on behalf of himself and the Senator from Connecticut [Mr. DODD]. The Senator wants me to reserve some of our time to respond to the substitute. I yield back any time I have.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1288 TO AMENDMENT NO. 1287

Mr. KENNEDY. Madam President, I send an amendment to the desk on behalf of myself and the Senator from Connecticut [Mr. DODD], Senator PELL, Senator LEAHY, and others and ask that it be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] (for himself, Mr. DODD, Mr. PELL, Mr. LEAHY, and Mr. KERRY), proposes an amendment numtered 1288 to the Wallop amendment numbered 1287.

Mr. KENNEDY. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the first word in the pending amendment and in lieu thereof insert the following:

(A) Congress finds that—

(1) on February 25, 1990, Violeta Barrios de Chamorro was elected President of Nicaragua;

(2) the Esquipulas Peace Accords, initiated by President Arias of Costa Rica, for which he was awarded the Nobel Peace Prize in 1987, served to lay the groundwork for national elections in Nicaragua by emphasizing the need for improved democratic processes and procedures throughout the region;

(3) the Government of Nicaragua signed the Esquipulas Accords and agreed to conduct free and fair national elections on February 25, 1990;

(4) the congressional leadership and President Bush reached a bipartisan accord on March 24, 1989, which served to endorse the Esquipulas Agreements, and expressed strong support for democratic electoral reform in Nicaragua;

(5) the elections were freely and fairly conducted and that President Daniel Ortega has accepted the results of that election, and he has pledged full support for a peaceful transition process;

(6) the citizens of Nicaragua responded to the opportunity to participate in free and fair elections by going to the polls in record numbers;

(7) hundreds of international observers from the United Nations, the Organization of American States, the Council of Freely-Elected Heads of States, the European Parliament, and other independent groups have declared that the elections were fairly and freely conducted; and

(8) President Bush has welcomed the election results, has expressed his hope that an immediate ceasefire will be declared, and has indicated his intention to consider ways to help the people of Nicaragua to rebuild their country;

(B) In recognition of the above findings, The Congress hereby—

Underscores the achievements of the Esquipulas Peace Accords, particularly with respect to improved democratic processes and procedures in Nicaragua;

Congratulates Violeta Barrios de Chamorro for conducting a courageous and successful election campaign leading to her election as President of Nicaragua;

Applauds the people of Nicaragua for their strong participation in the democratic process and their determination to support political pluralism in Nicaragua;

Commends the Government of Nicaragua for the fulfillment of the commitment to conduct free and fair elections;

Calls upon the Government of Nicaragua to proceed, as quickly as possible, with the transition process, including the transfer of all civil and military power to the duly-elected government of Violeta Barrios de Chamorro;

Urges the incoming Chamorro government and the outgoing Ortega government to give the highest priority to the need for national reconciliation and political stability; and

Recommends that the Government of the United States proceed to full normalization of relations with the Government of Nicaragua, including the removal of all economic sanctions, including the trade embargo; and to do all that it can to assist national reconciliation efforts, such as the reintegration of resistance forces into the civil and political life of Nicaragua.

Mr. KENNEDY. Madam President, there are some important similarities in the two resolutions. One can read the resolutions quickly and find that there is commendation to the people of Nicaragua for the courage that they demonstrated in pressing for free elections and for the exemplary way they participated in the recent election.

Both amendments also commend the extraordinary campaign by a very courageous woman whose family has been touched by violence, brutality and assassination, someone who has demonstrated her patriotism and personal courage in a most extraordinary way—Violeta Chamorro.

Madam President, there is however, a very basic and fundamental difference between these two amendments, a difference which underscores the fundamental difference in policy towards Nicaragua. The underlying amendment gives no recognition whatsoever to the principle causes of peace in Nicaragua—the Arias peace process and an end to the United States military aid to the Contras.

A decade of war in Nicaragua, a decade of confrontation between our two governments and a decade of emphasis on a military solution did not bring peace to the people of Nicaragua. CIA mining of Nicaraguan harbors, United States thumbing its nose at the World Court, hundreds of millions in military aid to the Contras, circumventing the will of Congress and secret deals to divert funds illegally to the Contras—all failed to bring peace to Nicaragua. And they all failed to unseat the Sandinistas.

Rather than promote democracy in Nicaragua, those policies pushed Nicaragua away from that important goal. Our support for the Contras, an open effort to overthrow the Sandinistas, simply provided a convenient excuse for all the Sandinistas failures and increased the hard elements of repression. Repression of civil and human rights escalated, the rights and activities of the church, press, and labor unions were curtailed. Nicaragua became more of a security threat than ever before.

Yet, in 1987, Oscar Arias and the other Central American leaders stepped in and provided a new opportunity for peace in the region. Their peace plan recognized the failure of the Contra policy and emphasized the need to negotiate an end to the conflict in the region. And finally, in February, 1988, the Congress recognized the wisdom of that approach and suspended military aid to the Contras. Since that historic decision was taken, peace in Nicaragua became a real possibility.

The refutation of the Reagan-Contra policy is beyond dispute. Even President Bush recognized it as an utter failure—one of his first steps as President was to send Secretary Baker to Congress to negotiate a bipartisan accord. That accord—which confirmed the ban on military aid to the Contras—gave Nicaragua the breathing room it needed to ensure peaceful, free, and fair elections were possible in their troubled country.

Now that the elections have successfully taken place, we must work together to ensure the transition in power is peaceful. We must ensure the intelligence and defense organizations in Nicaragua yield power to the new civilian authorities; we must ensure the Sandinistas hold true to their pledge to respect the will of their fellow citizens. And the best way to ensure a peaceful transition is to disband immediately the Contras clinging to a failed policy in Honduras. Their raison d'etre does not exist—if it ever did—and it is long past time for them simply to go home.

The amendment of the Senator from Wyoming demonstrates really no rec-

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ognition whatsoever of the principal causes of peace in the region, the Arias peace process, the end of the U.S. military aid to the Contras and the efforts to work with the nations in the region to achieve peace. Quite frankly, that is why peace is now the real hope. I urge my colleagues to vote for the substitute I propose and the vote for a lasting peace in Nicaragua.

Madam President, I see the Senator from Connecticut here on the floor, who has been advancing those causes for reconciliation in Central America and who has believed that peace should have been given a chance a long time ago.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, I yield such time as the Senator from Connecticut desires.

Mr. DODD. I thank my colleague from Massachusetts for submitting the resolution. I was tied up over in the Labor Committee. We are reauthorizing the Head Start Program, and for that reason, I was unable to be over here on the floor.

Madam President, I wish to, for a moment here, with the permission of the chairman of the committee, ask for a quorum call so I can familiarize myself with the proposition which has been introduced by the Senator from Wyoming, to have that time run against both sides here.

Mr. WALLOP. I did not hear.

Mr. DODD. I will call for a quorum call so I can get a chance to read over what has been submitted.

Mr. KENNEDY. I suggest the absence of a quorum, to be charged to our time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I have had a chance to review the resolution as submitted by our colleague from Wyoming. Let me first of all commend him. There is much he includes in his resolution with which I would have no quarrel. My objection to the resolution that he has submitted is based on two or three factors.

First, overall it does not really go far enough in recognizing the full implications of what has occurred over the last several years which led up to the events on Sunday.

Second, it fails to recognize the efforts of others within that region, that created the environment, and in fact the procedures and system, which permitted the election to go forward last Sunday.

Third, and I say this with all due respect, and it may not have been his intent, but there is in his resolution, a rather negative tone. What is vitally important at this hour in Nicaragua, given the results of the election on Sunday, is a spirit of reconciliation.

To Mrs. Chamorro's great credit, at about 3:30 Monday morning, when they accepted the results of the Nicaraguan people, her remarks were not ones of recrimination. She did not point out the long list of things that she had complained about over the many years, many with full justification. She did not take the hour or the time to talk about the shortcomings of the campaign, such as her feeling that she and her party were not given as much access to media as they should have been allowed, and other such complaints. Rather than do that, she took the hour and time to talk about the need to build a new Nicaragua. She talked about no winners or losers except the Nicaraguan people.

That tone was then embraced by Daniel Ortega about 6 a.m. in the morning, 6 hours later, when he addressed a large gathering. To his credit he did not talk about the sour grapes of a loser, he talked about what ought to be done in Nicaragua and about building a reconciliation between the various aspects of that society. Contrary to what many felt would be the case, he did not demand that the election be null and void. He talked about accepting the results of that election.

To the great credit of President Bush, when he held a press conference Monday morning, and was asked about the elections, he not only commended Mrs. Chamorro, he commended Daniel Ortega and his government for conducting a free and fair election.

That is what our resolution ought to reflect. It ought to be one that talks about reconciliation, that commends not only Mrs. Chamorro for her great victory, but also recognizes the other participants who made it possible.

President Arias won the Nobel Peace Prize. He won it because he fashioned together a plan that opened up the democratic processes of Central America, including Nicaragua. That is why he received the highest award given to a citizen in the world for their efforts to achieve peace in their respective countries or for human rights. The Esquipulas accords initiated by President Arias need to be recognized.

Third, we ought to recognize the fact that the Government of Nicaragua did what it said it would do. But instead of recognizing and commending the Government of Nicaragua for the election, in the resolution we seem to suggest that we are sorry that they did it. Our resolution which we offered as a substitute takes note of that.

Fourth, we recognize the great contribution of President Bush and the Congressional leadership, both Republican and Democratic, who last March fashioned an accord that made it possible for this environment to be improved. It provided humanitarian assistance for the resistance and no military aid, and embraced the Esquipulas accord. So they deserve credit.

We also of course commend the people of Nicaragua themselves. I have already shared with my colleagues and others, the moving experience that Senators DANFORTH, PELL, PRESSLER, LEAHY, and I, among others, had: the privilege of witnessing last Saturday and Sunday as the Nicaraguan people, many for the first time, exercised their right to vote and choose their political leadership. It was a lesson for all of us who were there, that too often we take our own process for granted. Some 90 to 94 percent of the Nicaraguan people voted that day, and they deserve great credit for voting their conscience, and making a choice. Many of them stood long hours in the hot sun that day and stayed up until the wee hours of the morning participating in the vote counting of their respective polling places.

Lastly, this resolution we have proposed tries to look forward. Great events have occurred in the world over the last several months, in Czechoslovakia, Hungary, Poland, Romania, Bulgaria, the Soviet Union, in Panama, and now in Nicaragua. The expectation of U.S. economic assistance by all of these emerging democracies is a burden that is going to be difficult for us to meet around the globe.

It seems to me that in Nicaragua, given the polarization that has occurred there, given the great difficulties that have existed in terms of their economy and the like, we also need to express in a resolution that we want a procedure to fully normalize relations with the new government including removal of the economic sanctions and the trade embargo. That is what Mrs. Chamorro has talked about.

We ought to join in that effort in order to make the election results fulfill what I think were the hopes of the Nicaraguan people. Not only will they be able to choose a new government, but that new government will have the opportunity to be able to heal the wounds of that country politically, socially, and economically. This resolution, which we have offered as a substitute, does that.

Despite the fact that I think our colleague from Wyoming has many points in his resolution with which I have no disagreement, in my view it does not go far enough. It fails to recognize those in the region who have made the contributions to set up a system that allows them to go forward, and it does not talk at all about the positive things that need to be

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done to reconcile the various elements within that society.

Let me lastly point out something that I think is important to stress. Everyone in this Chamber better be interested in the subject of Latin America. In the past we have talked about the unwillingness of Latin Amerians to step forward and begin to engage in solving problems in the region. President Bush, to his credit, went to the OAS on two occasions and asked them to get serious about the problem in Panama. They did not do it. We were all disappointed that they did not try and take some political risks to resolve the problem in their own region.

Back in 1986, 1987, and 1988 and 1989, five leaders decided to take a chance with the Arias plan or the Esquipulas plan. All five of them today with the exception of President Cerezo, who is about to leave office, took a great risk and went forward and fashioned a plan under the leadership of President Arias, which made the very events that occurred Sunday possible.

Had it not been for President Arias, President Duarte, President Cerezo, President Azcona, and President Ortega there would have been no election in Nicaragua last Sunday. President Duarte, with a great tragic irony was buried on the very day in Nicaragua that there was an election. To disregard any mention of these five Presidents in a resolution and then to turn around, as I suppose we will at some point in the not too distant future, and ask Latin leaders to step forward and try and resolve their own problems, is something that has not been lost on the Latin leadership in the last 48 to 72 hours. To not even recognize their significant contributions without which we would not have had the results or even the event of Sunday, to suggest somehow that just a Contra-aid program, as some have suggested, would have produced the results on Sunday, is ludicrous to anyone who has spent 5 minutes analyzing the events in Latin America in the last 2 or 3 months.

I feel very strongly that a resolution ought to include the recognition of that particular effort as well. The efforts of Mrs. Chamorro certainly ought to be mentioned first and foremost along with the people who supported that effort as well as the congressional leadership, President Bush in the agreement of March of last year, and the fact that we look forward to a better day when we can participate in helping the people of Nicaragua achieve a healed society both economically and politically and socially.

Madam President, I reserve the remainder of my time.

Mr. PELL. Mr. President, it is with a deep sense of satisfaction that I support, as a cosponsor, this substitute amendment which views the election in Nicaragua with the proper perspective. Among other things, it congratulates President-elect Violeta Barrios de Chamorro on the electoral victory this past Sunday, commends the Nicaraguan Government for conducting a free, fair, and democratic electoral process, applauds the Nicaraguan people for their strong participation in the process, supports the desire for national reconciliation in Nicaragua, and urges the United States Government to lift the economic sanctions and restore full diplomatic relations with Nicaragua.

As a member of the international observer team headed by former President Jimmy Carter, I was witness to the process which saw the people of Nicaragua freely and fairly, in the confidence of the secret ballot, choose their government for the next 6 years. Sunday's election, under the watchful eye of international observers from the United Nations, the Organization of American States, the Carter group, and hundreds of others from around the world, was not only a victory for Violeta Chamorro but was also a victory for the Central American peace process and bipartisanship in the United States Congress and the administration.

President Oscar Arias deserves much credit for the process which culminated in the free and fair election that took place. It was his perseverance and determination that moved the process from the first meeting of the Central American Presidents in San Jose in 1987, through Esquipulas I and II, through the other meetings at Tesoro Beach, Tela, and San Isidro. Right from the beginning President Arias' plan for peace in Central America focused on instituting democratic procedures in Nicaragua leading to free and fair elections.

Credit also must go the bipartisan accord carefully hammered out last spring after a series of meetings between Secretary of State Baker and Senate and House leaders of both parties. Through the accord, military assistance to the Contras was finally ended and an emphasis was placed on peaceful resolution of the situation in Nicaragua. It was the first time since the early 1980's that the Congress and the administration were speaking with one voice on Central America.

Finally, huge credit goes to former President Jimmy Carter for his constant effort and skillful handling of the various problems that arose within the electoral process in Nicaragua. He truly did a magnificent job. Along with the U.N. and OAS observer teams, the Carter group established a presence in Nicaragua last April, and was very close to the process all the way through and beyond the final vote count on Sunday.

I believe that this resolution congratulating the various actors that have permitted the Nicaraguan people to freely and democratically choose their next government can be supported by the majority of the U.S. Senate.

Mr. ADAMS. Mr. President, the recent elections in Nicaragua provided us with stunning reaffirmation of the wisdom of Costa Rican President Oscar Arias in pursuing a Central American peace plan. President Arias was personally rewarded for those efforts when he was selected to receive the Nobel Peace Prize, and the free and open electoral process that culminated in the election of Mrs. Chamorro is a benefit that was conferred on every citizen of Nicaragua by the efforts of President Arias.

In what has been recognized as a fair and honest election, the Nicaraguan people voted for change, and the ruling Sandinista party has pledged to honor the results. For too many years, our official policy toward Nicaragua has followed the defective premise that civil war was the only way to remove the Sandinistas from power. Now that the process of free and fair elections has once again demonstrated that ballots can prevail over bullets, it would serve our own best interests to congratulate both the winning and losing political parties in Nicaragua, and to express our support for national reconciliation and a brighter future for all Nicaraguans.

Former President Jimmy Carter, together with former Gov. Dan Evans of my home State of Washington, deserve to be congratulated for leading observers in viewing the electoral process, and in testifying as to its fairness. I was pleased to note the presence of other citizens from my State representing the Seattle-Managua Sister City Committee and the Northwest Nicaragua Electoral Watch, all of whom worked with the Nicaraguan people to assure that this election was conducted in a fair manner.

Mr. President, many years were wasted along with millions of dollars in supporting the Contra movement. The corrupting influence of that deeply flawed policy, and the criminal violations of U.S. law that accompanied that effort did not advance our national interests. All Americans can take pride in viewing yet another example of the triumph of democracy. From this date forward, I hope our relations with Nicaragua are based on a policy of mutual respect and friendship.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Madam President, what is the circumstance on time?

The PRESIDING OFFICER. The Senator from Wyoming has 28 minutes and 51 seconds remaining; the Senator from Massachusetts [Mr.

KENNEDY] has 23 minutes and 12 seconds remaining under the consent agreement.

Mr. WALLOP. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona may proceed for 5 minutes.

Mr. McCAIN. First, I would like to make two points concerning this debate.

First, I had hoped that since the elections have just taken place, we could have taken a break from this debate. I believe that almost all of us who have been involved in this issue, in my own case for the last 8 years, have grown a little weary of the arguments that have always attended our discussions. So it is with some reluctance that I come over and join in this debate.

Second, I cannot help but be reminded of the words of the late President Kennedy who, after the Bay of Pigs, said that victory has a thousand parents and defeat is one poor, illegitimate, unwanted child. We are now trying to decide who the victorious parents are for the victory that has taken place recently in Nicaragua.

Frankly, Madam President, I am disappointed by this continued, misguided fondness for Daniel Ortega and the Sandinistas. They should have allowed a free election in 1979 when they came to power. Also my friend from Connecticut has failed to mention or appreciate the fact that it was not exactly a free and fair election. It was marked by Sandinista intimidation of opposition supporters. In a variety of ways it was a very flawed process. UNO was denied equal access to media facilities, they were denied access to their own resources, people were macheted to death at opposition rallies, et cetera.

This great victory was achieved in spite of the best efforts of Mr. Ortega and his Sandinista hard-line Communist friends. This great victory is a testament to the courage of the Nicaraguan people. Also, I think it is well to mention that just yesterday, Ortega stated in unequivocal terms that he is going to "govern from below." That threat is directed specifically against the will of a vast majority of Nicaraguans.

There are people in the Sandinista government who have sworn never to turn over power. I hope that is not the case. I hope and pray that is not the case because that poor unfortunate country has enough problems and it deserves a peaceful and orderly transition.

Also, I will not let this debate pass or any other without recognition of the brave people that we called freedom fighters—others called them Contras. They had far more impact on the peace process than any proposal of Mr. Arias. It was the presence of those freedom fighters that forced the Sandinistas to finally agree to a free and fair election.

It was not President Arias' delicate treading on both sides of the street. It was brute power that brought the Sandinistas to power with the acquiescence of the United States and President Jimmy Carter. It was United States aid and assistance that propped up the Sandinista government until 1981 when we discovered that the Sandinistas had betrayed the revolution.

The Sandinistas came to power in 1979 with a commitment to free and fair elections. It took until 1990 for them to take place. Why? Because the Sandinistas did everything they could to avoid it. And it took U.S. support for the resistance to compel the Sandinistas to honor their promises.

Madam President, I applaud what has taken place in Nicaragua. And we should offer our assistance in every possible way, so that the people of Nicaragua can recover from the economic and political cruelties they have endured for over 10 years of Sandinista misrule.

I regret that we continue this debate. It is, in fact, a rewriting of history. Perhaps this rewriting of history is only a small part of an attempt by the left to rewrite the entire history of the events that have taken place in Eastern Europe.

In my view, Madam President, those events are the result of the same condition that helped create this glorious event in Nicaragua last Sunday.

It was not the presence of President Carter after the election that the Sandinistas respected. It was the presence of the Soviet Ambassador who informed the Sandinistas that, like the fallen regimes of Eastern European tyrants, they could not count on support from the Soviet Union if they chose to resist the will of the Nicaraguan people. It is a result of the events in Eastern Europe and in the Soviet Union which have caused the Soviet Union and their clients, who were formally large suppliers of arms and munitions to the Sandinistas and through them, the FMLN in El Salvador, to withdraw that support. It was the recognition by the Sandinistas that they would not receive support from the Soviet Union and Eastern Europe that was a major factor in making them respect this election and adhere to its results.

Madam President, I, as always, respect the opinion and views of my friend from Connecticut. He has played a major role in the events that have taken place in Central America. I have oftentimes of course disagreed, but I appreciate his dedication to the issue and his fundamental belief in and desire for freedom for the people of Central America.

Madam President, I yield back any time I may have remaining.

(Mr. LAUTENBERG assumed the chair.)

The PRESIDING OFFICER. Who yields time?

The Senator from Connecticut is recognized.

Mr. DODD. Just for a minute, Mr. President. I want to suggest we had hoped for a resolution which would incorporate this. It appears that is not going to be the case. It appears nothing is going to be introduced and the reason nothing was offered is as a result of the motion of my friend from Wyoming.

I yield 3 minutes to my colleague from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is yielding 3 minutes.

Mr. SANFORD. Mr. President, I think what we have heard about the events of Nicaragua indicate more than anything else that we simply are incapable of learning very much. If there is one thing that marks our relationship with Central American countries for the last 100 years it is that we have attempted to tell them how to run their business, we have interfered. For a long time we exploited those nations and their resources. We never have taken the view that they know what they are doing and they can do it by themselves better without our help than by our paternalistic direction.

Here we are. There is not any question that this was a self-help project in Central America. There is not any question that President Arias was recognized internationally for coming up with a creative solution that had the force within it to get the kind of cooperation from all five Presidents. There is no question that they engineered the situation so all the Presidents agreed to nonaggression, to free elections, to moving toward the democratic process. But we cannot let them have credit for it.

We want to find out how we can take credit. How did we engineer it? How did we promote it?

This is one great example of how they promoted something for themselves with their own initiatives, with their own sense of values, with their own understanding of not only their history but of their destiny.

The lesson is that they can accomplish for themselves more effectively the ambition that they have than we can accomplish those ambitions for them.

Their ambitions are prosperity, fuller life, proper health care, education, proper economy, all of those things that we would like to make a part of our own national goals, and they can accomplish those things far better than we can accomplish them for them.

Look back at the history. We have tried numerous ways. We started, in

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my own memory, with Franklin Roosevelt's good neighbor approach; John Kennedy's alliance for progress; the more recent Kissinger plan; with Harry Truman's point four. All of those were plans that we designed and laid down and said here is how we are going to help you achieve your destiny. None of them worked. None of them worked because we did not call on them to use their initiative and their resources and get their job done according to their understanding. And now we have a chance of turning history, when we can change all of that.

We have to get away from this business of claiming everything down there is good because we made it good and that nothing good can happen if we do not step in, when that simply is the backward way to go about it.

Right now there are five democratically elected governments in Central America, due primarily to their initiatives. Sure, we have encouraged it. But we also have done a lot to retard it.

Right now there are five free nations. And they need just two things, and they have the plan and they have the resources to get it done.

The PRESIDING OFFICER. The Senator from North Carolina has used the time allotted.

Mr. DODD. I will yield 2 additional minutes to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 2 additional minutes.

Mr. SANFORD. They have two plans. Instead of standing here and arguing about who needs credit for the victory in Nicaragua, we ought to be looking at how we can help them do their thing.

They have the accords that came out of the Arias peace plan and the various discussions that followed that, providing for human rights, for democratic government, for nonaggression. They have that as the goal and they have that as the commitment of all five nations and the self-enforcing provisions of one nation insisting that the other neighbor nation does what it said it would do; far better than any control and direction that we can give them.

Then they have the first development plan ever in the history of that region of the world that they have put together. They have the International Commission for the Development and Recovery of Central America that is truly, authentically, a Central American-grown plan.

They need our help but they do not need our direction. They need our help to get their plan going. They do not need our plan. And it is so easy, now, to assure that Nicaragua will follow through, that Ortega will play the game, if we simply leave to Central Americans the right to do their thing, their human rights, the democratic approach and their development plan.

It is all in place. We do not have to direct anything. We simply have to help.

I hope we quit this business of who needs credit or who claims credit. Those Central Americans have demonstrated they can do what needs to be done and our job is to support them.

The PRESIDING OFFICER. Who yields time? The Senator from Wyoming.

Mr. WALLOP. Mr. President, what is the circumstance on time?

The PRESIDING OFFICER. The Senator from Wyoming has 22 minutes. The Senator from Connecticut has 16½ minutes.

Mr. WALLOP. Mr. President, I yield myself 5 minutes.

I would say to the Senator from North Carolina, this does not seek to tell them to do anything. This resolution of the Senator from Wyoming and his cosponsors seeks to commend the Nicaraguan people on the success of their election.

We spent some considerable time trying to put this into neutral. I will say to my friend from Connecticut that their terms of negotiation were, you take ours and we will have a bipartisan accord. There was no effort over there to move into several parts of it.

But I would say that the resolution of the Senator from Wyoming purposely ignores the partners. I would say Arias had a role. I would say the Presidents of Central America had a role. I would say, too, with my friend from Arizona, the Contras had a role. There is no peace process without a challenge to the tyranny that had been established by Ortega and the Sandinistas.

I also say, Mr. President, as I view the substitute amendment, it is wet enough to take a shower in. It praises Ortega as much as it does Chamorro.

My friend from Connecticut pointed to the spirit of reconciliation that existed on the morning and the night of the election. It did, indeed, exist on the morning of the election when victory became apparent.

But the headline in the Washington Post this morning, and the headlines in the papers today, is a cry from Mrs. Chamorro for the world to understand that Daniel Ortega is threatening to seize this election.

The election was not held with the condition that Ortega could contain the results until his requirements had been met. The election was held to provide that Nicaraguans with a choice of whom they wished to lead, not whom they wished to lead after Ortega had maintained control over the police.

I say to my friend from Connecticut and others who support his position, how would they feel had Dukakis won the election and President Reagan agreed to turn over power except he wished to continue his military buildup in the way in which he had established it and he wished to continue to maintain the controls over certain elements of the Government. That is not an election. That is not the way democracy functions, and that is certainly not the way it ought to function here. And this Senate ought to recognize the threat to Mrs. Chamorro when she asks us to recognize it.

I say, again, we did, in fact, ignore the partners on purpose. There was not Esquipulas. My friend from Connecticut knows better than anybody, there were two Esquipulases and after that there were three other peace conferences, all of which changed these things. And finally which, following the directions and leadership of the Secretary of State, James Baker, Ortega agreed to elections.

Having agreed to elections, he must abide by the will of the people to whom he put the vote. He cannot choose now to abide by just a portion of it. And it is not when he views the conditions in Nicaragua to be right for the transfer of power. Those were all laid down when he assumed that no one but he could win the election. He, having lost it, must abide by the results. That is what Mrs. Chamorro said today:

"They didn't think they were going to lose, so they're a little sad. But we won through a secret vote [and] they have to accept it. * * * He has to turn over power." And we must not turn over power leaving Umberto Ortega in charge of the military.

He must not turn over power waiting to see what takes place with the Contras. That is not his privilege. For this Senate to ignore Mrs. Chamorro's cry for help at this moment in time is a mistake. The similarities in the two proposals are as they should be. They praise the Nicaraguan people; they praise the balloting; they praise the fact choices were made; they praise the early expression of reconciliation.

But ours, unlike theirs, recognizes a danger signal. This is not contrary to the third reconciliation, but it is indeed a statement on the part of the Senate of the United States that reconciliation is part of our concept of what constitutes free and fair elections.

The PRESIDING OFFICER. Five minutes remains.

Mr. SARBANES. Will the Senator yield me 3 minutes?

Mr. DODD. I will be glad to yield to the Senator from Maryland.

The PRESIDING OFFICER. Three minutes for the Senator from Maryland.

Mr. SARBANES. First of all, I would like to ask the Senator from Connecticut whether this substitute, which he has offered, would have been offered in any event if the Senator from Wyoming had not offered a proposed amendment here?

Mr. DODD. Mr. President, I say to my colleague from Maryland that we hoped in the last couple days, I would have thought it possible, to draft a resolution that would have underscored the Esquipulas accords and commended Mrs. Chamorro. That was impossible.

My view is we cannot reach some consensus like that on a resolution if you are going to battle over them, and my answer is no. Regretfully, I think it is appalling this place cannot find it possible to commend our Latin American neighbors for their accomplishments.

My answer is I would not have offered it except for the fact there was an amendment proposed. Those are the facts.

Mr. SARBANES. In other words, it was the Senator's view—I take it, in the absence of having reached a general consensus—that we should not offer anything, that was the wiser course; is that correct?

Mr. DODD. That was my view.

Mr. SARBANES. You were prepared to concede that.

Mr. DODD. That is correct.

Mr. SARBANES. I think it is incredible, I say to my friend from Wyoming, what is happening here. By any standard, we just had a tremendous success in Nicaragua, and we should be gratified by what has taken place there and what it offers for the future.

If you are going to offer an amendment, you have to cover appropriate matters, including, it seems to me, recognizing the enormous contribution and the great risk that was taken by the democratically elected leaders in Central America. I heard speeches on the floor of this Senate about why do not the leaders of the region asume their responsibilities? Why do they not step up and try to do something? It is right in their own neighborhood.

They did that. A Nobel Peace Prize was awarded to one of the leaders. They managed to work together. I find it incredible that we not recognize that contribution.

There are other contributions which, in my view, ought to be recognized. I am not going to press it, but I think, frankly, it is a display of modesty that the Senator from Connecticut is not in a finding here for his contribution. If there is any Member of this body who has tried with a great commitment of energy and intellect and concern and understanding to try to bring that situation to a peaceful resolution, it has been the very able and distinguished Senator from Connecticut.

I, for one, want to recognize that contribution. I know he has done it under tremendous pressure. He is not in this amendment. I am not trying to put him into it now, because I do not want to complicate the matter any further. But I do think that the proposal he has come up with is an effort to look to the future.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Will the Senator yield me 2 additional minutes?

Mr. DODD. I will be glad to.

Mr. SARBANES. When you look to the future, one of the things you have to do, it seems to me, in this situation is recognize what the leaders in the region have done. Time and time again, there has been a call here: Why do not the people in the area assume responsibilities? And they did it in this instance. There are many other factors that helped. I do not deny that, but that was a very important consideration.

Second, this amendment looks to the future. It has tried to address all of the issues; it has tried to apportion some recognition and acclamation to those who have managed to bring it this far; and it has also, in effect, set out what is expected now to happen. We have this open; it is an opportunity.

I had some sympathy with the Senator from Arizona who got up and spoke and said he had some doubts about whether we should be having this debate, but it was, in effect, forced upon us. If we are going to have it, we have to do the right thing, and I think that is contained in this substitute amendment offered by the very able and distinguished Senator from Connecticut.

So I hope the Senate will adopt this proposal. If we have to speak, I think this is the language in which we should speak. I think it is positive, constructive and forward looking. It recognizes, in particular, those elements that are going to be indispensable to a continuing positive and constructive development in Nicaragua and, indeed, broader in the region.

I commend the Senator from Connecticut for offering it, and I thank him again for the enormous contributions he has made over the years to try to bring about a peaceful settlement of this deeply troubling and tragic situation.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE addressed the Chair.

Mr. WALLOP. I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. Five minutes to the Republican leader, the Senator from Kansas.

Mr. DOLE. Mr. President, let me repeat, in the amendment we offered, we did not try to go back and thank anyone. We did not thank President Reagan; we did not thank the Congress. We thanked the people of Nicaragua and Mrs. Chamorro and congratulated her for winning the election.

I think if the substitute had been offered on Monday, it might have made a little more sense. But since Monday, Ortega has been saying things that have been disturbing. He says he is going to govern from below. There are all kinds of reports that he might not give up control of the Sandinista army. There are all kinds of reports from the Minister of the Interior.

On Monday, this amendment made much more sense than it does on Thursday, and there was an effort. I asked the majority leader on Monday, maybe we can just work out a bipartisan amendment, just congratulate the winners, period.

But when you start saying we are going to thank this person, but not thank President Reagan, I think he had a little something to do with it. There would not have been an election if President Reagan had not been around here keeping everybody's feet to the fire for 8 years.

The Organization of American States and the five in the Esquipulas accords, might not have been meeting had it not been for President Reagan.

I called President Reagan the day after the election and said, "Mr. President, there has been a lot of rhetoric about who deserves credit. Maybe a lot of people do, but certainly one is Ronald Reagan." So we tried to avoid all that.

We did not put in the role the Contras played, though I agree with the Senator from Arizona, they should not have been forgotten. There would not have been any election without the sacrifices made by those young men in Nicaragua who wanted freedom and democracy.

So it was the intent on this side, since we could not come together on a resolution, to try to state the facts. That is all we did. In fact, I think the Senator from Connecticut said he did not have any problem with this resolution except it did not go far enough, it did not praise Oscar Arias. If you want to put in something on Oscar Arias, Ronald Reagan, President Bush, everyone else who has played a role for or against military and economic aid, it would be a fairly lengthy resolution.

I do not know how we can quarrel with the sense of the Congress that we congratulate Violeta Chamorro. Who is against that? That we congratulate the people of Nicaragua. Who is against that? That Daniel Ortega should turn over all powers, military and civilian. Who is against that? We say in paragraph 4 that recent comments by Ortega that the Sandinistas would seek to maintain power by governing from below are deplorable, a violation of Ortega's commitment to respect the results of the election. Does anybody say that is not true?

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And, finally, we say we ought to lift sanctions and help with aid.

I cannot see anything offensive about our resolution. To me it seemed to be rather positive.

There are similarities in both, so do not misunderstand me. I think for the most part they are similar. I think there are two fundamental problems with the substitute. One, it commends Ortega for holding free and fair elections. That is just wrong. There was violence, intimidation, denial of equal access to Government facilities, Government intimidation against UNO. That is what I saw on television. The second is that it is totally silent on Ortega's recent comments saying the Sandinistas will continue to "govern from below."

The Sandinistas lost. The transfer of power is not a matter of negotiation, particularly when Ortega said he would respect the election results. Now he is saying he has some reservations; he is to going to govern from below.

Well, having said all that, I also talked to the distinguished Senator from Missouri, who was there, who was an observer, who did an outstanding job and should be commended for it. It still may be possible for the two sides to come together, if we leave out all these people we are going to congratulate and leave it up to the people of Nicaragua and urge Ortega to repeat what he said the night of the election, the day after the election, that he was going to abide by the results and not have second thoughts about the election. So if there is some way to resolve the differences, they are significant in two respects; in other respects they are pretty much the same, although I think there are a lot of things in the substitute that can be left out. We can pass other resolutions commending all the people who might have been responsible if we can find out who they were. Some we know, some we do not know.

It was our purpose to have a straightforward, simple resolution leaving out all the plaudits for all those who might have been deserving, including the Senator from Connecticut, the Senator from Arizona, and a lot of Senators on both sides who I think played a very major role, as did, as I said, President Reagan and President Bush and others. So if there is a disposition to try to resolve any differences, one thing we might do is, after we finish the debate, set it aside, sit down and see if we can come up with some language. If not, we would still vote about 7 or 8 o'clock.

Mr. DANFORTH addressed the Chair.

Mr. DODD. Mr. President, I yield myself——

Mr. DANFORTH. Mr. President, may I make a unanimous-consent request.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. We are under a unanimous-consent agreement now.

Mr. DANFORTH. Mr. President, will the Senator yield me 10 seconds so that I might make a unanimous-consent request?

Mr. DODD. I will yield to my colleague in a minute. Of all the talk I must share with my colleagues, because this is what is needed, let me just quote to you this text. This is February 6, 1990, the day after the elections, Yamales, Honduras. Here is the leadership of the Contras describing Mrs. Chamorro, their words, these people we now want to claim are so responsible for all this:

> Commander Franklin, current chief of the general staff of Nicaraguan resistance, stated that former contra leaders were always "desk militants" with clean tennis shoes and dirty hands.

This is the kind of crowd we want to commend, denouncing in effect the very people that won the election because they decided to go that route. And to compare five Central American presidents in the Esquipulas plan with these other events that are being talked about I think is tragic and a total disregard for history. The facts are there would not have been a process Sunday, there just would not have been an election if the only foreign policy of the United States would be a war in Central America. I do not know anyone who could have concluded that you would have had an election in Nicaragua. It just would not have happened. Mrs. Chamorro called for the total disbandment of the Contras, as has President Ortega. In my view that is what we ought to be doing.

I yield to my colleague 10 seconds.

Mr. DANFORTH. Mr. President, because I am against both sides in this debate, I ask unanimous consent that I might proceed for 5 minutes and that that not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DANFORTH. Mr. President, I thank the Chair.

I had the great privilege of being one of the observers at the election. It was one of the most exciting days of my life, one of the most rewarding days of my life, to have been in Nicaragua and to have seen what happened last Sunday. One of the reasons for my personal exhilaration at the end of this day was that I said to myself that this terribly divisive issue in the United States, perhaps the most divisive issue we have had in recent years, perhaps the most divisive issue since the war in Vietnam, is behind us; it is over. The battle is over, and it should be over in the United States.

Now I come to the floor of the Senate and I cannot believe my ears. The best conceivable outcome has taken place in Nicaragua, and we are keeping the battle alive on the floor of the Senate. I think that this should be put behind us. I think that we should be thankful that we have reason to put it behind us, and that we should not be bickering on the floor of the Senate because we cannot even agree on sense-of-the-Senate language relating to Nicaragua. It is inconceivable to me that we cannot agree on this.

Mr. President, early Monday morning, after 3 o'clock Nicaragua time, I happened to be present when former President Carter was on the phone with our Secretary of State, Jim Baker, and the basic message to which they agreed on the phone was that the best thing we could do in the United States was to cool it. Cool it. Cool the rhetoric. Why cannot we do that in the Senate? Why cannot we just shut up for a change? Why must we wade in all the time after the victory is won in this partisan confrontation? Why do we have to rub it in with Ortega? I have always voted for Contra aide. Why now do we have to reach over there and tweak his nose? What good does it do? What does it accomplish for the United States or for anybody else, much less the people of Nicaragua? And if we are speaking at all, why should we not be speaking with one voice in innocuous language with which everybody can agree?

So, Mr. President, I have one suggestion, and if the suggestion fails, I am going to tell the Senate what I propose to do. My suggestion is we lay this aside. My suggestion is we go to some back room and agree on something that is innocuous, that congratulates the people of Nicaragua for the election that they held, period, that we all come out and agree with that and vote on it 100 to 0.

And if we cannot do that, if we cannot agree on that, then I propose when all time is up to move to table the underlying resolution carrying both of them with it so that we end up saying nothing at all.

Mr. DODD. If my colleague will yield, as I explained—I thank him for yielding—I happen to agree that frankly if we could not come to an agreement, my argument was forget it. Let us not take time out here debating resolutions of this kind. Let us just be silent.

I would go a step further. I think being innocuous is almost worse than being silent. We are innocuous enough around here. Let us not add to it. My view was if we could not come to an agreement, let us forget it. Let us move on talking about things we can do to help that country and help its future.

I agree with the Senator. This substitute would never have been offered but in good conscience I could not accept a resolution that did not say thank you—if we are going to say "thank you," in my view, to the people who deserve the thanks for what occurred on Sunday. But if we cannot reach a consensus, if it is a 51 to 49 vote, one way or another on a sense-of-the-Senate resolution commending the people of Nicaragua and those responsible in Central America for an election that occurred, I agree. I think it is a sad day if we do not have the guts and the courage to say "thank you" to five or four democratically elected presidents who contributed to a process. I think that is tragic.

If they are saying the reason you ought to not disagree is because we mentioned Oscar Arias, the fact he received the Nobel Peace Prize, and we were told that is unacceptable language in the resolution. Think of that. It is unacceptable to mention Oscar Arias and a Nobel Peace Prize. I agree. Let us drop it. Let us withdraw both resolutions. I will withdraw mine, if my colleague from Wyoming will withdraw his. Let us forget it. If we cannot reach a consensus on a simple thing that occurred on Sunday, I agree.

I spent 15 years in this body and the other. There has never been a more important day or a significant day in my 15 years in public service. If we cannot develop consensus on that, my view is we ought to withdraw both of them.

Mr. DANFORTH. Mr. President, do I have any remaining time?

The PRESIDING OFFICER. The Senator from Missouri has 1 minute.

Mr. DANFORTH. Mr. President, I would simply renew my offer to the Senator from Wyoming, and the Senator from Connecticut. I would be happy to join them in trying to put together some mutually agreeable language basically commending the people of Nicaragua. I think from these two resolutions it would be easy to put together something that everybody could agree to. I offer them that possibility. If the answer to that is no, then it is my intention at the appropriate time to move to table the underlying resolution.

Mr. SARBANES. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Missouri has expired. Who yields time?

Mr. DODD. I yield a minute to the Senator.

Mr. SARBANES. I say to my friend from Missouri, because I listened very carefully to him at the outset, I asked the distinguished Senator from Connecticut whether he would have offered a resolution that was not a consensus resolution if someone else had not offered something that he thought omitted a very important matter. He indicated he would not have done so.

So this body in those circumstances would have taken the Senators advice and remained silent. But sometimes it may be the best course of action. The problem now is having brought the language here, if you go down a path of still trying to come up with language, then you are going to recede from something by the very negative.

I mean if you now cannot responsibly thank some of these people who did such a terrific job, if you drop that, that sends a different message. I agree with the Senator. If this has been a great achievement, we ought to take it and accept it. Why does anyone feel necessary, without a consensus, to force the issue?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SARBANES. That is what happened.

The PRESIDING OFFICER. Who yields time?

Several Senators addressed the Chair.

Mr. DODD. How much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 5 minutes 48 seconds.

Mr. DODD. I yield 1 minute to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, oftentimes the Senator from Missouri puts things in perspective when we have lost sight of what we are doing here. If we do not withdraw these two amendments, I intend to support the motion of the Senator from Missouri to table this.

We do not have any business even trying to negotiate something we can all agree on. Just as he said, leave it alone. I came over here intending to offer a substitute to the amendment of the Senator from Wyoming because I was incensed about us taking this up. I came over here to find that the Senator from Connecticut had already done that, and in a very good manner, I might say. But I am telling you, we have a terrible time in this country accepting yes for an answer. The answer in Nicaragua was yes. Everybody won.

The PRESIDING OFFICER. The Senator's 1 minutes has expired.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The time is controlled by the Senators from Connecticut and Wyoming. Who yields time?

Mr. WALLOP. Mr. President, I yield 3 minutes to the Senator from Florida?

Mr. GRAHAM. Mr. President, I was seeking recognition to make a request similar to that of the Senator from Missouri, because I am speaking as did he in opposition to both of these resolutions.

I believe that sense and sensibility would say that this ought to be a time of national celebration just as Sunday was a day of national celebration in Nicaragua. For the U.S. Senate to be bickering today over the precise words as we attempt to encapsulate in our own resolution our view of history and hope that by so doing we will submit it to the minds of the future Americans is absurd, and below the dignity of this body.

Also, Mr. President, I would like to suggest that the most important debate on Nicaragua is not taking place at 5:47 in the afternoon. The most important debate on Nicaragua has already taken place in this Capitol today, and Nicaragua lost. That was the debate on the Caribbean Basin Initiative. If we want to do something constructive for Nicaragua and for its neighbors in Central America and the Caribbean, we have to extend a meaningful hand of economic support.

The future of the government in Nicaragua that will take off in April will depend on the ability to provide to the people some sense of hope, economic prosperity, of an opportunity for a better life for the people of that ravaged country.

We had an opportunity earlier today when the Senate Finance Committee considered the Caribbean Basin Initiatie to take some very minor steps in that direction to provide the opportunity for expanded economic means of those people to work, to earn by the sweat of their brow and the skill of their hands some resources, which will be applied toward a rebuilding of that nation. We decided it was more important to build the sand wall of protection for the minuscule degree of economic competition that countries like the Dominican Republic, Costa Rica, Jamaica, Antigua, Barbados, Nicaragua, and Panama are going to have for the United States.

I believe we should accept the wisdom of the Senator from Missouri. We should discharge both of these resolutions and, frankly, we should concentrate our attention on things that are really going to make a difference for this region.

I would suggest we ought to start when this Senate has an opportunity on the full floor to debate this matter, doing so by putting some real economic substance behind the expansion of the Caribbean Basin Initiative in the hope that it provides for a better future for the people of Nicaragua and the Caribbean region.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the March 1 Washington Post.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Thursday Mar. 1, 1990]

THINK CARIBBEAN

What, other than holding press conferences, is Congress prepared to do to support democracy in the Caribbean? There's not going to be much foreign aid. For years the United States has been saying that economic growth—the kind that supports stable self-government—has to come mainly from trade, not aid. That's a reasonable proposition. But whenever anyone in Congress suggests even small trade concessions to help the Caribbean islands and Central America, there are loud shrieks from all of the usual protectionist lobbies.

The Senate Finance Committee is going to be pulled both ways when it meets today to write legislation extending and, let's hope, improving the Caribbean Basin Initiative. First enacted seven years ago, it provides limited but useful trade benefits to two dozen Caribbean countries. All are too small to prosper without reliable access to larger markets. Most have been hurt by the tremendous cuts in their sugar quotas, engineered by protectionists here. Most are being pressed by the United States to cooperate in difficult and expensive efforts to combat the traffic in illegal drugs.

The CBI is designed to encourage investment in these countries by allowing them to ship to American customers under more flexible quotas and lower tariffs than most other countries can. The first thing that the new bill needs to do is to make the CBI permanent. It was originally established only for 12 years, too short a period for serious investment. Beyond that, the new bill would serve American interests by raising those import quotas further and abolishing more of those tariffs.

The counter-argument is that jobs are at stake here in the United States, and competition from low-wage Caribbean countries will destroy them. But senators who worry about economic growth in this country will want to think twice about that one. Economies grow by moving into work with high productivity and high wages. Protecting jobs at the low end of the scale won't make the United States more competitive.

The countries that have taken the greatest advantage of the CBI have been the Dominican Republic, Costa Rica and Jamaica—all democracies, all working hard to raise their standards of living. Nicaragua will be eligible for the CBI when its new government takes over. The Nicaraguans can't expect much foreign aid from this country. But investment and trade can offer them a lot, if Congress is willing to resist the temptations of protectionism and open the door a little wider to small countries trying to earn a better future for their people.

The PRESIDING OFFICER. Who yields time?

Mr. DANFORTH. Mr. President, will the Senator from Wyoming yield me 30 seconds?

Mr. WALLOP. I yield the Senator 30 seconds.

Mr. DANFORTH. Mr. President, I am told that under the previous unanimous-consent request a tabling motion would not be in order.

The PRESIDING OFFICER. That is correct.

Mr. DANFORTH. Therefore, I cannot followthrough on my plan, so my hope would be that in lieu of a tabling motion, we could get the parties together and try to work something out that is mutually satisfactory, without putting in all of the things that everybody would like to put in.

Mr. DODD. I say to my colleague, that we have tried over 2 days to come to some agreement. As I said, I would never have offered the substitute. My intention was to drop the matter. When you cannot reach a consensus on a Senate resolution—those are not normally debated.

I was conducting a hearing when I got notice that a resolution was being put in on a national service bill. This is a piece of legislation that has nothing to do with Nicaragua. I had to drop a hearing and, frankly, the resolution was designed in a partisan fashion. I will withdraw my substitute, if my colleague from Wyoming withdraws his, and maybe we can reach a consensus.

We waste enough money and time around here on innocuous resolutions. Let us forget it and go about the business of doing other things. Let us not get in a silly vote of the Senate maybe endorsing the election or maybe not, or picking on Ortega or maybe commending Mrs. Chamorro. I am prepared to withdraw our substitute if my colleague withdraws his.

Mr. WALLOP. Mr. President, I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. I do not know what is innocuous about commending Mrs. Chamorro. It happened. If you do not want to congratulate Mrs. Chamorro, you can vote against the resolution. She won the election. We are prepared to sit down with the Senators from Missouri, Wyoming, Florida, and Connecticut, the four Senators and the staff, to see if they can come together on some language, if they are willing to do it, and set aside the resolution. I think we ought to speak out. She won the election. I know it broke a lot of hearts around here, but she won the election. Is it innocuous to commend her for winning the election? I do not think so. We do it all the time around here.

The fact is that she won decisively. Ortega said yesterday that he was going to govern from below. I do not see anything wrong with mentioning that in the resolution. If that is going to offend somebody on that side or this side, maybe we will figure out something else.

Mr. SARBANES. Will the Senator yield? The amendment applauds the people of Nicaragua and congratulates Mrs. Chamorro for conducting a courageous and successful election campaign leading to her election as President of Nicaragua. That is out of the resolution of the Senator from Connecticut. It is his first point. Applauds the people of Nicaragua. The Senator is saying exactly that. He does not find anything wrong with that. In fact, he is all in favor.

Mr. DOLE. The Senator does a lot more. Our view is that we did not have enough room to commend everybody, starting with President Reagan and others who were responsible for this final outcome. Just to pick Oscar Arias out of the blue because of something he did in 1987 seemed to sort of forget about a lot of history that happened prior to that time. But I am just suggesting—and I think it is all right with the author—that if there is a willingness to sit down and work it out, as suggested by the Senator from Missouri, we ought to try it.

Mr. SARBANES. I can say to the Senator, if you rewrite it now and leave Arias out, that——

Mr. DOLE. We are writing a letter.

Mr. SARBANES. You may think that takes care of it. I think that is saying a very negative thing. You do not have that problem if you do nothing——

The PRESIDING OFFICER. The Senator's time has expired. The minority leader's time has expired. Who yields time?

Mr. DODD. How much time remains?

The PRESIDING OFFICER. The Senator from Connecticut has 3 minutes 40 seconds, and the Senator from Wyoming has 4 minutes 39 seconds.

Mr. BIDEN. Will the Senator yield 40 seconds?

Mr. DODD. Yes.

Mr. BIDEN. Why do we not just have a resolution congratulating Mrs. Chamorro? Nobody here is ever willing to give anybody credit for anything. Everybody has to take credit. This is the most credit-prone place in the world. Why do we not just give the new President credit and say congratulations, Mrs. Chamorro, happy birthday next year, instead of going back and trying to rewrite history. Let the historians decide whether or not President Reagan was an impediment or a spur to this new-found democracy. Will the Senator be willing to say let us congratulate Mrs. Chamorro?

Mr. DOLE. Let us sit down and talk about it?

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President, I am prepared to sit and talk with the Senator from Connecticut and others in a moment. Let me just set a few things right. One, this was not designed in a purely partisan fashion, and I bitterly resent the concept or statement that it was.

You have to ask yourself if Ortega can do no wrong. Why is it that this Senate, in celebrating the victory of Mrs. Chamorro, the democratic process, and all these people, cannot find it in its heart to say, gee, it is wrong for Mr. Ortega to say that he will only seek power under certain circum-

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stances which he prescribes, not the voters of Nicaragua?

The Senator from Maryland says, look to the future. That is looking to the future, the future of securing the process that we all celebrate here today and tonight and have rejoiced in from the beginning. It is not a democratic process, Senator, if the world watches while Ortega says he refuses to give up power, yield the military, yield the police. Mrs. Chamorro, on the front page of the Washington Post and New York Times and other papers in this country, issued a cry, a bitter denunciation of Ortega on that, and was quoted as saying that they lost, we won, he must understand that. It is a great victory that they had, and all of us celebrate that.

Our resolution closes no door. Let me say one other thing, Mr. President, before yielding back the remainder of my time. I do not know who it was that forced this debate upon us. They have the same view of democracy as Ortega has.

Is there something wrong with the opportunity for this body, in expressing its excitement at the results of the election, to express its dismay at the leadership of the Sandinistas, who says he is not going to abide, unless terms which he now concocts are met?

This Senate, this country, has an interest in the survival of that democracy. All of us agree to that—right, left, center, Democrat or Republican. But we will not be able to express ourselves very forcefully if we cannot even debate the fact that Ortega has threatened to abandon the results of this election and govern from below. We may not want to put it in the resolution, and I am willing to say that to my friend, but if we cannot bring it up, or if Ortega cannot be called to account for these threats, then this election will have counted for nothing, and all the celebration that everybody on both sides is willing to express tonight is of absolutely zero consequence.

We better be willing to debate it, we better be willing to watch and see what Ortega does. We better be willing to come to grips with the fact that here is a man, who having agreed to elections, now finds that they do not suit him because of the result and because of the concerns that he may possess about who is to succeed him. He should have thought of that before he agreed to the election.

I say to my friend from Connecticut, is he willing to temporarily set this aside? There are no yeas and nays ordered. So could we look and see if perhaps the one simple statement might be a conclusion? Otherwise, we can go to a vote.

Mr. KENNEDY. Mr. President, I yield myself 1 minute.

I understand that there was willingness to withdraw this amendment if the Senator would withdraw his. I hope that we would not hold this current legislation hostage until the outcome of some future negotiations. We have been trying to wind this legislation up.

I preferred, as I indicated to the Senator from Connecticut and others, since this matter is not directly related to this, that there be another opportunity to consider it as a freestanding measure. But I hope that the offer of the Senator from Wyoming would be accepted and that we would be able to consider the proposal as a separate item.

Would that be the intention?

Mr. WALLOP. Mr. President, I would say that I am not willing to do that. We have clean air coming. We have, practically speaking, nothing tomorrow and no votes Monday and Tuesday. It seems a simple enough thing that we proceed as I suggest.

Mr. DODD. My view would be to withdraw the two or vote. There is no point in tying up your legislation. I opted for withdrawing. We tried 3 days to work something out. I think colleagues know we will probably not reach accommodation. My view is forget it. Why sit around and take time of the Senate on this resolution? End it. The Senate will be sitting around negotiating back and forth. I do not want to spend the time to do that, quite frankly. Let us vote or withdraw, one or other. I am for withdrawing. Unfortunately, we cannot reach consensus. Why spend time meeting in rooms? That is my choice—withdraw it or vote. Do one or the other. Get on with it.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The total time remaining to the Senators from Massachusetts and Connecticut are 29 seconds; for the Senator from Wyoming, 33 seconds.

Mr. KENNEDY. I yield to the Senator from Missouri.

Mr. DANFORTH. I thank the Senator from Massachusetts.

My proposal is that we review this and that we prepare a resolution which does the following: Commends Mrs. Chamorro, commends the people of Nicaragua, calls for a peaceful transfer of power and calls for a spirit of reconciliation by all parties. That would be my proposal. I think that that is constructive. I think that that serves to cool the whole issue. I think it serves to put the issue behind us here.

Mr. DODD. I think that may be fine. We may work something out. In 49 seconds we do not have time to draft it. I am delighted to hear something. The only thing I did was offer a substitute. I was put in a position of offering a substitute.

Mr. DANFORTH. I propose we set this aside until the last item in the bill before us, which would give us, who knows, a half hour or an hour.

The PRESIDING OFFICER. The time has expired.

Mr. KENNEDY. I ask unanimous consent that the Senator be able to proceed for 3 more minutes, the time to be evenly divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DANFORTH. I cannot understand——

Mr. WALLOP. Mr. President, I would like to say the Senator from Wyoming has 1½ minutes of the 3 minutes.

The PRESIDING OFFICER. The Senator from Wyoming has 3 seconds.

The time of the Senator from Connecticut has expired. There has been a unanimous consent proposed.

Mr. KENNEDY. I ask unanimous consent for 4 minutes, evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are 4 minutes evenly divided between the Senator from Missouri and the Senator from Wyoming.

Mr. WALLOP. Mr. President, I assume the time control is the same. I yield myself 1 minute.

I would say the Senator from Missouri has proposed something which the Senator from Wyoming would agree to. I would also say that statements of the Senator from Connecticut are precisely why we are in this impasse right now and his unwillingness, at least expressed by sign language to agree to this, is precisely the same reason. I think these three things would work. The Senator from Wyoming is willing to do that if the Senator from Connecticut will agree to it.

I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, I understand that both these resolutions would be withdrawn for a period of time, and that when they would be resubmitted, if they should be submitted and if an agreement is not reached, we would be back to where we are at the present time. We will permit a vote on the amendment of the Senator from Connecticut.

Mr. WALLOP. I say to my friend not to be withdrawn, but rather set aside.

Mr. KENNEDY. That is correct, temporarily set aside.

Mr. DODD. Why do we not do this: If we are able to reach agreement, then we will come back. If not, at the expiration of business today, that is the end of it.

Mr. DOLE. No, no.

Mr. WALLOP. No.

Mr. KENNEDY. We vote on it.

Mr. DODD. We do not want to vote now.

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Mr. WALLOP. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator has 1 minute and 33 seconds remaining.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, the Senator from Wyoming has no intention of begging but I think the Senator from Missouri expressed something which the Senate ought to do and which the Senator himself said the Senate ought to do: One, praise Chamorro; two, praise the Nicaraguan people, or commend them; and as I understand it, three, to call for peaceful reconciliation and transfer of power.

Mr. SARBANES. I ask the Senator from Wyoming what is the problem with President Arias?

Mr. DOLE. What is your problem with President Arias?

Mr. SARBANES. He is not out here in the resolution. I am not trying to rewrite a resolution and take him out. That is the very simple answer to the Senator from Kansas.

The PRESIDING OFFICER. Who yields time?

The time is divided equally between the Senator from Wyoming and the Senator from Missouri and the Senator from Wyoming.

Mr. KENNEDY. Mr. President, I ask for yeas and nays.

I yield back the remainder of my time and ask for the yeas and nays on both resolutions.

Mr. DANFORTH. Mr. President, do I have time on this agreement?

The PRESIDING OFFICER. The Senator from Missouri has 2 minutes, I am sorry.

Mr. KENNEDY. Yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri has 1 minute remaining.

Mr. DANFORTH. Mr. President, I honestly do not understand why we are debating whether President Arias is somehow included in a resolution. I do not understand why we have to be tweaking the nose of President Ortega in this resolution. It seems to me that the purpose of the resolution if we are going to have one should be to commend Mrs. Chamorro, commend the people of Nicaragua, call for a peaceful transfer of power, and call for a spirit of reconciliation.

I am against both of the proposals that are before us. I do not think that it would serve the purpose of anybody to have a divided vote. I do not see why the divisiveness on the issue. It seems to me that everybody has won.

Mr. President, I would like to ask unanimous consent that this issue be laid aside for a period of a half hour so that the interested parties can go to some back room and try to negotiate a compromise resolution. I put that unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Reserving the right to object, what was it?

Mr. DANFORTH. The request was that we lay this aside for a half hour so that the interested parties can attempt to reach some compromise agreement.

Mr. SARBANES. Mr. President, reserving the right to object, I want to observe to the Senator from Missouri, I think there is a lot of sense to what he said earlier. But the fact of the matter is the cat has been let out of the bag.

Arias was thanked in one of the proposals. I think he ought to be thanked. I gather some people think he ought not to be. If you rewrite this thing now and drop him out of there, you in fact have slapped him in the face. It is different if he has never been put in there in the first place, and it is different if you drop the resolutions altogether which, as I take it from what the Senator said, is his preferred position, and it seems to me to make some sense.

You just say, look, first of all, this is the wrong bill to put it on. It ought not even be on this bill and maybe you could start over on something else. To go now and drop him out of there once he is in because apparently, for the life of me, I do not understand why offend the sensibilities of some, that he should get some thank you here is now the problem in the matter.

He need not have been put in in the first place, that would have been different. Here he is. This substitute was offered because the other proposal was made. It would not even have been offered. I think the Senator's proposal to take them both out and pull this issue off of this bill is the one that makes the most sense. I do not think you solve the problem by the notion you can recede and rework the resolution. Then it becomes relevant what you did drop out. Obviously, apparently one of the problem is to express the thanks to Arias and other Esquipulas people and I cannot understand why that is the problem. It seems to me to abandon is in effect to send a very bad message.

The PRESIDING OFFICER. All time has expired. Is there objection to the unanimous-consent request that both amendments be withdrawn?

Mr. DOLE. Mr. President, I object to that.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the unanimous-consent request of the Senator from Missouri that this pending matter be laid aside for one-half hour?

Mr. DODD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Mr. President, I suggest the absence of a quorum. That will take 30 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask the pending matters be temporarily set aside.

Mr. DOLE. We are just trying to write up the agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

AMENDMENT NO. 1290

(Purpose: To condemn continued human rights repression in China)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY], for himself, Mr. PELL, Mr. KENNEDY, Mr. SIMON, and Mr. ARMSTRONG, proposes an amendment numbered 1290.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC.   . (a) The Senate finds that:

(1) On June 4, 1989, the Government of the People's Republic of China brutally massacred thousands of innocent Chinese nationals demonstrating in Tiananmen Square for greater personal freedom and political expression, and subsequently executed at least forty Chinese nationals for activities in support of the Tiananmen Square pro-democracy movement;

(2) Since June 4, 1989, the Government of the People's Republic of China has brutally imprisoned 10,000 to 30,000 Chinese citizens for their participation in or allegiance to the pro-democracy movement in China;

(3) Consular officials, and other official and unofficial representatives of the Government of the People's Republic of China, in direct violation of United States law, are reported to have instituted systematic intimidation and harassment of Chinese nationals in the U.S. for supporting the pro-democracy movement in China;

(4) The Government of the People's Republic of China continues to enforce coercive population policies, including the use of forced abortions and forced sterilizations;

(5) Numerous international human rights organizations, including Amnesty International, Asia Watch, and the International League for Human Rights, report continued and even increased human rights and reli-

gious freedom violations by the Government of the People's Republic of China, including the recent arrest of four Chinese Catholic priests, and the November 30, 1989, detention of ten Tibetan monks;

(b) It is therefore the sense of the Senate that—

(1) The Senate strongly reiterates its condemnation of the Government of the People's Republic of China for its brutal military repression of the peaceful pro-democracy demonstration in Tiananmen Square on June 4, 1989, and further expresses its abhorrence of the continued political and human rights repression in the People's Republic of China;

(2) The Senate notes that the harassment of Chinese nationals residing in the United States is governed by 22 U.S.C. 2756, Public Law 97-113, and that any continuation of these harassment activities in the United States will further adversely affect Sino-American relations;

(3) The Senate expresses condemnation of the Government of the People's Republic of China for its inhumane policy of forced abortion and sterilization;

(4) The Senate urges the President of the United States to instruct the United States representatives to international financial institutions, and specifically the World Bank, to oppose loans or other financial assistance to the People's Republic of China which are not purely natural disaster relief or basic human needs, until it is clear that the human rights practices of the Government of the People's Republic of China have dramatically improved.

The **PRESIDING OFFICER.** The Senator from New Hampshire is recognized.

Mr. **HATCH.** Will the Senator yield? I wonder if there is a chance to have a time agreement on the amendment of the Senator?

Mr. **HUMPHREY.** I prefer not. This shall not take very much time at all, but I do not like racing the clock, and I prefer not.

Mr. **HATCH.** All right.

Mr. **HUMPHREY.** Mr. President, first of all, this is a sense-of-the Senate resolution condemning the Government of the People's Republic of China for the crushing of the peaceful democracy demonstration in Tiananmen Square.

Back a few weeks ago, when we last addressed this issue, it was on the occasion of the attempt to override the President's veto of the Pelosi bill.

Many of us on this side helped to sustain the President's veto, not because we were at all comfortable or even happy with the President's policy toward the People's Republic of China, but rather we felt there was at that juncture a large element of partisanship, given that vote was the very first vote of this second session of Congress, and further it would have preceded by only a few days the President's address to the joint session of Congress.

I was one who helped sustain the President's veto. But I looked forward at that time for an opportunity to express my true sentiments, by true revulsion over the conduct of the Government of the People's Republic of China, and I think many other Senators, particularly on this side of the aisle, felt the same way.

So we have created this new opportunity, unencumbered by partisanship, we think, where Senators can express their sentiments once and for all in careful but strong language.

The amendment is short and to the point. It expresses condemnation and abhorrence of the continued political and human rights repression in China. It further warns the People's Republic of China that its harassment of Chinese students in the United States will further serve to deteriorate Sino-American relations.

The resolution further urges the President of the United States to instruct the United States representatives to the international financial institutions to oppose any loans to the PRC that are not of a humanitarian nature.

It is a very serious concern on the part of this Senator that we have failed to take a tough and consistent moral stand against the repressive leadership in China, while at the same time alienating and abandoning the younger generations of Chinese leaders, a generation which, without doubt, will soon come to power and which obviously favors democratic reform.

This new generation of Chinese leaders will long remember with bitterness that when the chips were down for those supporting change in China, the United States was not there to help.

The administration seems by its actions, aparts from its words, by its actions, to forgive and forget the atrocities committed against the people of China.

The Government of the People's Republic of China killed thousands of innocent Chinese civilians during the June 4, 1989, massacre. They have since imprisoned anywhere from 10,000 to 30,000 of their own people for the supposed crime of wanting more personal freeom.

That government has placed outrageous restrictions on both domestic and foreign journalists in China and has publicly executed some 40 Chinese workers for daring to support the demonstrations in Tiananmen Square.

Indeed, Mr. President, even within the last few weeks, the Chinese Government in Peking has further restricted the ability of Chinese students to study abroad.

Mr. President, these accidents demand on outspoken and consistent vote of condemnation by the people and the Government of the United States. This amendment is intended to afford our colleagues just such an opportunity to express their feelings about the atrocities committed in China and the human rights violations which have flowed since.

On February 7 of this year, the human rights monitoring organization, Asia Watch, released a comprehensive report on human rights abuses in China since the massacre. I ask unanimous consent, Mr. President, that portions of the Asia Watch Report, Punishment Season: Human Rights in China After Martial Law, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

PUNISHMENT SEASON: HUMAN RIGHTS IN CHINA AFTER MARTIAL LAW

1. Arrests and Executions.—What are human rights? As understood by Western scholars, they are the innate rights of human beings, or the basic rights and freedoms enjoyed by a person as a human. They primarily consist of the rights to life, freedom, equality, property, self-defense and happiness, and the right to oppose persecution. These rights are innate, permanent, universal, and nontransferrable. They cannot be taken away.

In the context of Marxism, [however,] such an interpretation of human rights is unscientific, incorrect, contrived, biased and idealistically metaphysical . . . Human rights, like democracy and freedom, are concrete and class-oriented. (Guangming Daily, 17 November 1989.)

Since June 1989, the Chinese authorities have again been waging a war against the so-called "class enemy"—an elastic term that has been used to stigmatize countless different groups of people in China over the past forty years, but which currently denotes the students, workers and intellectuals who actively promoted or took part in last year's pro-democracy movement. Several hundred and perhaps as many as a thousand of these "counterrevolutionaries" were killed on the streets of Beijing by the Chinese army as it converged from all directions on Tiananmen Square on the nights of June 3-4, and many thousands more have been hunted down and placed in incommunicado detention by the security forces since then. There have been at least 40 officially announced executions of pro-democracy demonstrators, and secret executions may also have occurred.[10] On November 4, 1989, Reuters quoted William Webster, head of the CIA, as saying that "probably thousands of people have been killed" since the crackdown first began.

In late June or early July, following the international outcry over the scale and severity of the crackdown, the authorities issued a confidential directive sharply curtailing the open reporting of arrests and executions in the Chinese media, in an effort to convey the impression that it had somehow diminished. But the arrests have continued, largely in secret, right through to the present, and reports of further executions having recently been carried out continue to appear in the provincial press, to which foreign observers have only restricted access.

According to Asia Watch's information, most of those detained have neither been charged nor brought to trial, and often their families have not even been informed as to their place of detention. Those people who have been brought to trial have been subjected to expedited and summary trial proceedings, under a system of justice which specifically rejects the principle of

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the presumption of innocence and in which (according to the Chinese authorities themselves) verdicts are usually decided upon before the trial even begins.

The majority of those brought to trial have been convicted on charges of "counter-revolution," a blatantly political category of criminal offense, and the sentences handed down in such cases have generally ranged from 10 years to life imprisonment. Others have simply been sentenced without any trial at all—usually to three year terms of "re-education through labor," a form of incarceration that is dispensed solely on the authority of the police, and in which no appeal to the courts is possible. In addition, many of the detainees paraded on Chinese television last summer showed signs of severe physical abuse. As the Chinese authorities themselves have admitted in recent years, the use of beatings and torture to extract confessions is a common practice in Chinese jails.

In most cases, the prison sentences handed down by the courts have been entirely disproportionate to the alleged crimes. In July 1989 for example, three men accused of throwing ink and paint-filled egg-shells at Mao's portrait in Tiananmen Square in May were sentenced to prison terms ranging from 16 years to life. And on December 7, 1989, a worker in Changsha was sentenced to 13 years imprisonment for making pro-democracy speeches and engaging in independent labor union activity.[11]

Evidence that the Chinese authorities are specifically trying to conceal from the outside world the fact that the political trials still continue was provided by the Washington Post in December 1989:

> Two trial notices were posted outside the People's Intermediate Court in Beijing this week. One of the defendants was charged with 'counterrevolutionary sabotage'; the other with espionage and 'counterrevolutionary propaganda and agitation.' Court officials, reached by telephone, declined to comment on the two cases. One of them told a foreign reporter, 'You know that it's not permitted to ask questions like that.' When the reporter went to the court to photograph the posted trial notices, a court official ripped them down.[12]

The question of how many people have been arrested or detained since last June is—like the question of how many died in the military crackdown—extremely difficult to answer with any precision, and estimates vary greatly. By adding up various scattered figures put out by the Chinese authorities themselves, Western journalists last summer arrived at a total official arrest figure of at least 6,000. In early December, *Beijing Youth News* disclosed that 2,578 people had been arrested in connection with the pro-democracy movement in Beijing in the 24-day period following June 4, and that only 190 have since been released; moreover, this total referred only to so-called "ruffians" (or "thugs"), and it excludes all workers or students detained on non-violent and purely political charges.[13]

Other sources (cited by *UPI*), indicated that 6,000 people had been arrested in Beijing alone by the end of July, and the *Washington Post* last October cited "sources with access to internal government documents" as putting the figure at more than 10,000 nationwide. Western diplomats interviewed in Beijing last November estimated that anywhere between 10,000 and 30,000 people had probably been arrested in China since the commencement of the crackdown. Citing "well-placed Communist Party sources," a recent article in the *Washington Post* (January 17, 1990) reported that more than 800 of those involved in last year's movement had already been tried and sentenced to prison terms in recent months, many for ten years on charges of divulging "state secrets" or disseminating" "counter-revolutionary propaganda."

Even those injured by government troops on the nights of June 3–4 reportedly continue to be persecuted by the authorities. According to an interview conducted in China in October 1989 by the *Star Tribune*:

> Wang was on a Beijing street, a curious bystander, when a solider's bullet shattered his bones and marked him with a label he may never shed. As China continues its crackdown on the democracy movement that erupted in June, Wang and the other wounded are in great danger. The dead are beyond reach, the unmarked cannot be found, and so official wrath is focussed on the inured. Investigators have endless questions. Why was he out in the streets? What slogans did he shout? What banner did he wave? Who else was around him? [14]

In addition, large numbers of students and workers are currently under active investigation by the authorities, on campuses and in the workplace, for their alleged activities during the events of last summer; to facilitate the purge, people are being cajoled by the authorities to inform upon one another. At one of Beijing's elite universities recently, a teacher interviewed by the *New York Times*" described a faculty meeting with the Party secretary, who complained that while some students had informed on others, no teachers had done so, behavior that set a bad example. . . . We felt he had no sense of shame." [15] In at least two recent reported cases, students have committed suicide as a result of this intense official harassment and pressure.[16]

As for China's long-suffering intellectuals, who have been the target of repeated campaigns of persecution and intimidation since 1949, there are signs that their present plight may worsen still further. In December 1989, the Hong Kong journal *Bai Xing* reported that Wang Zhen, Vice-President of the PRC, had "proposed at a recent Party meeting that 4,000 intellectuals in Beijing who stand opposed to the Party be sent into exile in Xinjiang," the north-west frontier province where China's vast Gulag lies, "so that they could be transformed there." [17]

Despite the crude severity of the government repression, China's pro-democracy movement has not been silenced completely. In a remarkable act of courage, 30 students from the Beijing Institute of Aeronautics on December 9, 1989 defied martial law by staging a protest march along central Chang'an Avenue and carrying banners saying "Freedom and Democracy" and "Why is China poor?" They were promptly set upon and beaten by the police, and eight of them were taken into custody, though one later escaped. Onlookers, who had begged them to disperse, reportedly wept openly as the students were hauled away.[18] Revealing a striking—but characteristic—presumption of guilt, an Education Ministry spokesman later told *Reuters*: "These students' illegal assembly and speeches . . . break martial law. They are detained and waiting their sentences."

(i) Arrests.—The Chinese authorities' relentless hunt for scapegoats to blame for their drastic recent loss of popular support and legitimacy continues. Asia Watch has documented several dozen further arrests and trials of pro-democracy individuals that took place between October 1989 and January 1990, and has received reliable reports that many others (though names are not yet known) were arrested or tried over the same period. The following examples convey the general flavor of the continuing repression in China.

Wang Juntao and Chen Ziming, two intellectuals who headed one of the Chinese authorities 'most wanted lists,' together with Chen's pregnant wife, Wang Zhihong, were arrested near Canton last October while reportedly trying to escape to Hong Kong. Three Hong Kong residents, Luo Haixing, Li Peicheng and Li Longqing, alleged to have been active in the underground rescue network, were also, between October and December, arrested in China in connection with the case. Wang Juntao and Chen Ziming are largely unknown in the West, but they were key figures in the 1989 pro-democracy movement. Indeed, both have played a major role in China's dissident movement ever since 1976, when they were arrested and jailed for helping to organize the popular mass demonstrations in Tiananmen Square against the regime of the "Gang of Four." During the "Democracy Wall" movement of 1978–80 (the forerunner of last year's movement), Wang Juntao founded and edited an unofficial pro-democracy magazine called *Beijing Spring*. And in 1980 he stood as an independent candidate for the local Beijing legislature, in the first openly-contested elections ever to be held in the People's Republic.

Prior to last year's crackdown, Wang, 31, was a leading member of the Beijing Institute of Social and Economic Sciencies and associate chief editor of the influential (and now banned) *Economic Studies Weekly*. Chen Ziming, 37 years old and from Zhejiang Province, is also a leading veteran of the Democracy Wall movement. Until June 4, he was director of the Beijing Institute of Social and Economic Sciencies, a pioneering private research organization and think-tank that worked closely with the Party's reform faction headed by Zhao Ziyang.

On November 5, 1989, a man named Zhao Sujian was arrested in Henan Province for having allegedly spread "counter-revolutionary slogans." According to the *Henan Daily* of December 3:

> On 20 May this year, more than 30 slogan posters with extremely reactionary contents were discovered on some main streets, the downtown district, and at the gates of some institutions, schools and factories in Kaifeng City. . . . The Kaifeng Public Security Bureau organized nearly 100 cadres and policemen to handle this case. Through nearly five months' hard work, they eventually ferreted out the hidden criminal.
>
> Criminal Zhao Sujian, male, 33 years of age, is a cadre in the Kaifeng Housing Construction Company. He began to write and put up counterrevolutionary slogans with extremely reactionary contents in 1987. In the spring and summer of this year, when turmoil and a counterrevolutionary rebellion occurred in Beijing, Criminal Zhao took advantage of the opportunity and twice wrote and put up 36 counterrevolutionary posters on 25 April and 20 May [i.e., the day on which martial law was declared in Beijing], thus adding fuel to the flames in the counterrevolutionary rebellion.
>
> In the interrogation, Criminal Zhao confessed his crimes of writing counterrevolutionary slogans three times, organizing illegal demonstrations, giving counterrevolutionary speeches at Henan University, openly spreading what *Voice of America*

broadcast in his own company, together with other illegal and criminal activities.[19]

Two points stand out clearly from this classic piece of demagoguery: first, that Zhao Sujian is being persecuted and charged with "counterrevolution"—the most serious crime possible in China, and potentially a capital offense—purely on account of his exercise of the right to free expression; and second, that the release of such prejudicial pre-trial commentary on the case by authorities, with its manifest presumption of guilt, erases all possibility of Zhao ever receiving a fair trial. Such strongly prejudicial commentary by the authorities is found in virtually all of the Chinese press reports on pro-democracy arrests seen by Asian Watch since last June.

On December 7, the Changsha Intermediate Court in Hunan Province tried and convicted two workers, Zhang Jingsheng, 35, and Wang Chunhuai, 38, on charges relating to their non-violent activities during last year's pro-democracy movement. According to the *Hunan Daily* of December 9, Zhang Jingsheng, a casual laborer in Shaoguan, was sentenced to 13 years imprisonment for making pro-democracy speeches at Hunan University, joining an illegal workers union, writing anti-government leaflets and inciting workers to strike and students to boycott classes.

A *Hunan Radio* broadcast added that Zhang, on May 4 last year, had given a speech at the Changsha Martyr's Memorial calling for the release and rehabilitation of Wei Jingsheng, who was sentenced to 15 years imprisonment in 1979 and is China's best known jailed dissident. A veteran of the Democracy Wall movement himself, Zhang has already spent four years in prison, during the early 1980s, after his conviction on charges of "counter-revolutionary propaganda" for founding and editing a dissident magazine. In true Orwellian vein, the *Hunan Daily* pointed out that Zhang had "continued to have a hostile attitude towards the people after his release."

Wang Chunhuai, formerly a workers at the Changsha Automobile Factory, on May 22 joined the recently-set-up Autonomous Workers Federation, quickly becoming head of its organization and propaganda sections. "Awed by the power of policy and law, Wang surrendered to the public security organs on 15 June," according to *Hunan Radio*, and he was given a sentence of three years imprisonment at his trial last December.

In a significant new development, the authorities recently held secret trials of students detained in the aftermath of the pro-democracy movement. Previously, the great majority of those brought to trial and sentenced since June 4 for their activities during the movement had been either workers or unemployed. According to *Reuters* (December 11, 1989), however, six students from Beijing's College of Foreign Affairs, a prestigious institute for the training of future diplomats, went on trial in November. Requesting anonymity, sources told *Reuters* that four of the students were convicted of "counterrevolution," and the other two on charges of theft; the court imposed punishment ranging from seven to ten years imprisonment. Reportedly, the trials were closed even to the accused's families, and the names of the students are not yet known.

Earlier this month, Politburo member Li Ruihuan assured a foreign journalist that only "about a dozen to 20" intellectuals would eventually be tried and sentenced in connection with the events of last year. Similar official statements have often been made concerning the students. If true, then there can be no justification whatever for the authorities' continued detention of large numbers of students and intellectuals throughout the country, who are not facing trial. They should be freed forthwith. More likely, however, given that secret trials are already known to be underway, is that the great majority of currently detained students and intellectuals are also destined for secret trials, and that only the trials of a very select few will be offered up for public consumption.

Asia Watch has established the identities and documented the circumstances (where known) of more than 500 of those arrested by the Chinese authorities since last June on account of their involvement in the pro-democracy movement. According to all independent estimates, this total represents only a small fraction of the true number of arrests, most of which have never been publicly announced by the authorities. People from virtually all walks of life—students, professors, journalists, artists, engineers, government officials, businessmen and, above all, ordinary workers—have been arrested for their involvement in last year's pro-democracy movement. Many have been accused of committing acts of violence during and after the government's June 3-4 assault on Tiananmen Square. Many others, however, have been accused solely of non-violent activities relating to their free expression of political and other beliefs and on account of their involvement in peaceful protest demonstrations. The majority of those still held have, as far as is known, never been charged at all. The most recent reported arrests were of eight student activists in Lanzhou, north-west China, in early January 1990.[20]

The detainees fall into four broad categories:

First, workers who organized or participated in independent labor organizations that were set up in Beijing and elsewhere in May and early June last year. The most prominent of these groups was the Beijing Autonomous Workers Federation, whose headquarters were sited in the north-west corner of Tiananmen Square. Similar workers' groups, sometimes with very sizable memberships, appeared in most other major cities in China around the same time. The air of these independent labor organizations was to provide authentic representation of workers' interests, both economically and politically.

Second, students who played key roles in the formation of such groups as the Beijing Students Autonomous Federation, the Autonomous Federation of Students from Outside Beijing and numerous other independent campus organizations; students who participated in the mass occupation of Tiananmen Square and the week-long hunger strike there; those who organized and ran independent printing presses and published pro-democracy literature of various kinds; and those who acted as liaison links between students in Beijing and in the provinces. Towards the end of the pro-democracy movement, there were at least as many students from the provinces in Tiananmen Square as from Beijing itself; however, because of the present difficulty in obtaining information, the fate of most of those students who made it back to their home town after June 4 is not known.

Third, leading intellectual figures, journalists, Party theoreticians and college professors, all so-called "black hands" of the movement, whose public statements and writings prior to last spring are said by the authorities to have embodied "bourgeois liberal" thought and hence to have laid the ideological basis for the "counterrevolutionary rebellion" of June 3-4; those who openly sided with the students and workers' cause and who played key roles by organizing large protest demonstrations in Beijing and elsewhere; those who organized such influential groups as the Association for Liaison between All Circles in the Capital; and those who helped coordinate funding for the pro-democracy movement and supplied various kinds of material assistance.

Fourth, the huge numbers of ordinary workers and urban residents, both men and women, who physically confronted the army troops and security forces on the streets of Beijing on the night of the massacre, in a desperate attempt to protect the students in Tiananmen Square; those who helped to shelter fugitive students and workers who had been placed on government wanted lists after June 4; those who took part in demonstrations all over China to protest the crackdown in Beijing;[21] and those who continued to offer even the slightest resistance to the martial law regime—including such things as shouting slogans at troops and holding aloft banners (many of these people were simply shot on the spot)—in the immediate aftermath of the military crackdown.

As can be seen, the scope of the repression is immense. Asia Watch and other organizations have published details of many of those arrested from each of these groups since last June, and some of the more prominent of them are already fairly well known outside of China. They include such people as Wang Dan, the student leader from Beijing University who helped originate the protest movement, and several other student leaders who were placed on the government's "most wanted list," including Liu Gang and Zheng Xuguang; leading establishment intellectuals and theoreticians, such as Li Honglin, a prominent Party historian, and Bao Tong, the senior advisor to ousted Party leader Zhao Ziyang; outspoken pro-democracy journalists such as Dai Qing, who has preversely been accused by the authorities of inciting the students when in reality she tried to persuade them to quit while they were still ahead, and Wang Ruowang, a 71-year-old writer who was expelled from the Party along with Fang Lizhi in 1987 following the student demonstrations of the previous winter; and the organizers of China's first independent labor movement since 1949, including Han Dongfang and Liu Qiang, both leaders of the Beijing Autonomous Workers Federation.

None of the above persons has yet been brought to trial or even, so far as is known, formally charged, and all have been held incommunicado since their initial detention. In both these respects, their continued detention—like that apparently of the vast majority of those held by the authorities since the crackdown began—is in violation of the Criminal Procedure Law of China, 1979, and hence unlawful.

The Chinese authorities's arrest and incarceration without trial of these and unknown thousands of other pro-democracy activities and demonstrators constitutes an egregious violation of internationally recognized human rights. The U.S. government should not allow its attention to be diverted from the central fact of these continued mass detentions by such possible impending

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move by the Chinese authorities as the selective release of certain of the better-known detainees—or by the granting of permission to Fang Lizhi and his wife, Li Shuxian, to leave China (highly welcome though such measures would be).

Only the granting of a government amnesty to all of those now detained for non-violent expression or association, together with fair and open trials attended by impartial outside observers for all those against whom valid criminal charges can be laid, will suffice as an indication of genuine good faith on the part of the Chinese government. This is what the Reagan administration demanded from the government of Poland as the price of lifting the sanctions imposed by the United States following the imposition of martial law in December 1981, the repression of Solidarity and the arrest of thousands. Indeed, in the case of Poland, the sanctions were not lifted until *all* the counterparts of China's pro-democracy prisoners were amnested. In the absence of such an amnesty, selective releases of well-known pro-democracy figures in China can be regarded as no more than a carefully calculated ploy, aimed at fostering an improvement in China's international image and its diplomatic relations with the West.

(ii) Executions.—Under Chinese law more than 40 different criminal offenses, notably that of "counterrevolution," may be punished by imposition of the death penalty, and executions are extremely common in China.[22] In 1983, the National People's Congress enacted legislative measures designed to speed up the adjudication of internal security cases and cases involving capitol offenses, thereby reducing still further the already woefully inadequate procedural safeguards in Chinese law against the occurrence of wrongful execution. While not actually admitting to the latter, the Chinese legal press has in recent years (that is, the period of relative openness that preceded last June's crackdown) publicized a number of cases in which death sentences has been wrongfully imposed on people solely on the basis of confessions extorted through torture, and where the victims were spared execution only as a result of the fortuitous emergence of the truth or because of frantic last-minute efforts by defense lawyers. According to the official *China Law Daily* of September 5, 1988:

> A particularly serious case occurred [recently] in Anhui Province in which Xie Bingjin, chief of police and former deputy secretary of the Huanggang district Party Committee in Funan County, together with Zhu Gui, the deputy chief of police, used torture to extract confessions from suspects. As a result, two people were subsequently given wrongful sentences of death at the trial of first instance, and one person received a suspended death sentence; another was given life imprisonment and ended up being unjustly jailed.

It is likely that many of those executed for alleged violent offenses since June 1989 were in fact innocent, and had given confessions under duress or been convicted on the basis of grossly insufficient evidence. In addition, one man executed in Shanghai in late June, 1989 on charges on setting fire to a train was said to be mentally retarded, and in the widely televised 'trial' proceedings he appeared not to understand what was going on. (Shanghai TV, June 21, 1989; *Wenhui Bao*, Shanghai, June 21, 1989)

The peremptory, almost sly casualness with which the Chinese legal system often seems to regard the question of judicial execution may be seen from the following statement, which is taken from a discussion in an official legal textbook of 1986 regarding the provision in Chinese law that pregnant women are to be exempted from capital punishment.[23] Reveals the author:

> In the view of some [Chinese jurists], if the accused woman is given an abortion prior to the court hearing, then since she will no longer be pregnant by the time the trial began, she can be given the death penalty. And similarly, if the court (*sic*) performs an abortion on the accused at the time of the trial, then she will likewise become eligible for the death penalty.[24]

In Chinese criminal law, which is held by the authorities to be a mere "tool of the dictatorship of the proletariat," loopholes are always available when needed.

As mentioned, at least 40 people have already been executed in connection with the events of last June. Many of them had been convicted of crimes involving no use of violence against the person, but only of crimes against property—typically, such things as "burning vehicles," "setting fire to trains" and "obstructing traffic." Others were executed for having allegedly killed martial law troops and armed policemen on the night of June 3–4. Some soldiers and police were certainly killed (the government has so far identified only a dozen or so of them, though claiming much higher fatalities) but in at least some of those cases eye-witnesses report that the killings by crowds took place only after the soldiers and policemen had shot and killed unarmed civilians.

In addition, troubling allegations of large-scale extrajudicial executions having been carried out in China continue to surface occasionally. A Granada Television documentary screened in Britain late last October contained interviews, filmed secretly inside China, in which Chinese citizens claimed (according to the Hong Kong *South China Morning Post*, October 23, 1989) "that since the imposition of martial law thousands have been killed in police raids and executions." Those interviewed also stated: "Students travelling to Fujian and Hebei to spread the news of the massacre [in Beijing] have been unceremoniously killed by local police." In addition: "One family was said to have been offered 4,000 pounds sterling (HK$50,000) and access to a new apartment, modern appliances and cheap televisions to keep silent after their son was killed by mistake by the secret police."

Reports of new death sentences and of judicial executions of pro-democracy activists recently carried out still continue to appear in the Chinese press. In view of China's past reporting practices on such matters, moreover, it is likely that those announced in the official press only represent a small portion of the total number of recent executions. The following are some of the cases that have been documented by Asia Watch from Chinese press and radio sources:

A man named Sun Baohe was executed in Jinan, Shandong Province on October 14, 1989 according to the *Jinan Masses Daily* of the following day. He had been charged only with the crime of having set fire to and burned a "Shanghai-brand" vehicle in the course of a demonstration on June 6.

Three men—Zhou Qi, He Ziaokang and Chen Guangping—were executed on November 7, 1989, in Chengdu, Sichuan Province, following their conviction on charges of "beating, smashing, looting and burning" during the period June 4–6. According to Chengdu Radio, the three had attacked the police, engaged in robbery, set fire to a movie theatre and destroyed shops. An official of the Chengdu External Affairs Department stated that they had been publicly paraded at a mass rally and then immediately executed.

An execution that was carried out in Beijing on November 30, 1989, that of a man named Liu Baode, gives strong cause for concern that pro-democracy activists may have been tried and executed without the true reasons for their execution (namely their involvement in the protest demonstrations of last May and June) actually being made public. An article in the *Beijing Daily* of December 1, 1989 provided a detailed account of several cases of violent crime that had recently been brought to trial, giving the names of those charged, listing their precise criminal activities and stating what the court's sentences on the men had been. All these sentences were of various terms of imprisonment—there were no death sentences imposed.

The same report, however, stated that Liu Baode, whom it referred to merely as "a hooligan," had been executed by shooting after his sentencing on November 30 by the Beijing Intermediate People's Court. No further details, nor any indication of what the charges might have been, were given. Similarly, the report stated that Su Peng, also "a hooligan," had been sentenced to death with a two-year stay of execution, but again the charges were simply not mentioned. This is unique in Asia Watch's experience of monitoring the Chinese press, and given the particular context of this striking omission, one can only assume that the authorities had something to hide—or rather, that their aim was to 'inform' (the Chinese people) without 'revealing' (to the outside world).

To sum up: the continuing arrests and executions in China form the cutting edge of a protracted, government-led campaign of punitive repression, and they serve a purely political purpose. As Anthony Dicks, an eminent Hong Kong barrister and professor of law at London University, noted recently in *The China Quarterly*:

> On the afternoon of 4 June 1989 . . . the Supreme People's Court roundly endorsed the counter-revolutionary character of the demonstrations, foreclosing any real possibility of contesting this designation in criminal proceedings in the lower courts. . . . The subsequent arrests and trials of alleged counter-revolutionaries have shown once again how easily the procedural safeguards of the criminal law can be swept aside for the convenience of those in power.[25]

* * * * *

5. Suppression of Freedom of Expression—The Monument to the People's Heroes is surrounded with chains, and tourists are not allowed to set foot on the steps. On the four sides of the monument stand wooden notices about one square meter in size, on which are inscribed the regulations to be observed in paying respects to the monument. One of the regulations forbids any painting, drawing, inscribing, posting, hanging and placing of any slogans, big- or small-character posters, or any other propaganda materials in any form. Anybody who wishes to lay wreaths at the monument must seek approval from the duty personnel, and the wreaths must be laid at designated spots. (Report of the official *China News Service*, on January 11, the day of the lifting of martial law.)[33]

The enchainment of the monument in the centre of Tiananmen Square, where the students made their last stand in the early hours of June 4, 1989 aptly symbolizes the state of freedom of expression in China as a whole as the country enters the new decade. The domestic press, which has shown signs of supporting the pro-democracy cause last spring was comprehensively muzzled at the outset of the crackdown, and it still remains so; fresh restrictions upon foreign journalists, deftly replacing those imposed under Martial Law Order No. 3, have just been issued by the authorities; stringent censorship regulations are being passed in various cities, simultaneously banning "anti-socialist writings" and "obscene literature"; and a nationwide purge of publishing houses is fast getting under way. Regulations restricting the formation of "social organizations" have been rushed into force, and (showing a previously unsuspected sense of humor) the authorities have even chosen recently to promuglate China's first-ever law on "freedom of assembly and demonstrations."

The continued maintenance by the Chinese authorities of their false version of what actually happened last May and June has required strenuous efforts in the realm of press control. Jiang Zemin, the Party's general secretary, last November summed up the regime's main charge against the news media as follows:

> We must be soberly aware that the ideological trend of bourgeois liberalization has run unchecked in the past few years and led to the turmoil and counterrevolutionary rebellion at the turn of spring and summer this year. This has exposed many problems, some very serious, in media circles. Instead of exposing and criticizing bourgeois liberalization and stopping the turmoil, certain media units provided a forum for the instigators and supporters of the turmoil and rebellion, thus stirring up the turmoil and adding fuel to the flame of the rebellion. This has caused great ideological confusion among the masses.

In a generous mood, Jiang then went on to spell out—though quite unintentionally—the true meaning and content of the Party's concept of press freedom in China:

> Certainly, requiring propaganda and mass media to maintain political unity with the Party Central Committee propaganda does not mean mechanical parroting of political slogans. Rather, it requires them to keep to the stand of the Party and people and, by way of diverse forms, to accurately and vividly reflect and instill the Party's political standpoint, principles and policies into news stories, newsletters, commentaries, photos, headlines and layout.[34]

After the June 4 crackdown, propaganda officers of the PLA took over control of all the main newspapers in Beijing, and editorial departments were thoroughly overhauled. Qin Benli, chief editor of *Shijie Jingji Daobao* (World Economic Herald), the outspokenly pro-reform Shanghai newspaper, had been sacked even before the crackdown, and his Beijing deputy editor, Ruan Jianyun, was arrested last October. Yu Haocheng, former director of the Masses Publishing House (the organ of the public security authorities) and a leading advocate of legal reform, was arrested sometime last summer; and Dia Qing, China's most famous woman journalist, has been in prison since last July. Eleven other journalists or editors are known to have been arrested, but the true figure is probably much higher.

Many editors in China have been making strenuous efforts to shield and protect their journalists from the authorities' continuing purge of "unreliable media elements." Latest reports indicate, however, that a high-level decision has now been made to remove these editors themselves, so that the purge may proceed more smoothly. On January 13, 1990 *Reuters* reported the recent sacking of Guan Zhiahao, director of *Law Daily* (and prime architect of the post-1985 period of "judicial glasnost" referred to earlier), and also that of Xie Yongwang, liberal-minded editor of the Shanghai journal *Literature and Arts*. According to *Reuters*, the two have been sacked for seeking to protect their journalists from government retribution and for publishing articles last summer supportive of the students' demands.

On January 20, the Hong Kong newspaper *Ming Bao* reported that the CPC Propaganda Department had issued an order sometime after New Year calling for a renewed and intensified purge of the news media, so the editors who had failed to fall into line after June 4 could be replaced and the "cleaning out" of journalistic ranks could begin properly. Mu Qing, director of the *New China News Agency*, and Zhou Bingde, deputy director of *Voice of China* and the niece of Premier Zhou Enlai, head the list of senior press officials about to be sacked, according to the report.

Next in line for official "cleansing" is the publishing world as a whole. On December 6, 1989, the *New China News Agency* reported that the Press and Publications Administration of China had decided to abolish or suspend the licenses of 10 percent of all existing publishing houses: "Newspaper and magazine offices which publish pornographic stories or articles which run counter to the Party's line will be deprived of their licenses." On January 11, 1990, the agency revealed that the Press and Publication Administration had issued a circular requiring all publishing houses to register anew between January 15 and the end of the month. "The circular points out that in recent years publications with serious political errors and obscene and violent content have appeared despite repeated prohibitions."[35]

The precise meaning of the terms "anti-socialist" and "reactionary," as applied to writing and literature in China, have been formally codified by the authorities in recent weeks. According to Article 4 of the *Temporary Provisions of the Shanghai Municipality on the Banning of Harmful Publications*, enacted on November 26, 1989:

> Reactionary publications refer to those opposing the people's democratic dictatorship and the socialist system, and include publications containing one of the following contents:
>
> 1. Opposing the Communist Part of China and its leadership.
> 2. Attacking the People's Republic of China and opposing taking the socialist road.
> 3. Attacking and vilifying the people's democratic dictatorship.
> 4. Denying the guiding position of Marxism-Leninism and Mao Zedong Thought.
> 5. Seriously distorting historical facts, advocating division of the state and people, and vilifying the Chinese people.[36]

The penalties for infringing these regulations range from a maximum fine of 30,000 *yuan* to criminal prosecution and unspecified terms of imprisonment.

Finally, on December 22, 1989 senior legislators meeting in Beijing to discuss a new draft law on authors' rights stated that henceforth "any anti-socialist and anti-communist works should be banned in China." According to the *New China News Agency*: "The basic principle of anti-bourgeois liberalization should be spelled out in the draft . . . and the rights of authors who produce anti-socialist and anti-communist works should never be protected."[37]

The vitriolic outpourings of criticism against the Western media, and especially that of the United States continue as before for domestic audiences, although they are now less prominent in the externally-directed media. In a sustained diatribe against the evils of Western-style "news authenticity," for example, an article of last December declared:

> The "Voice of America," which has always claimed to be "objective and just," has been condemned by the people of the world and regarded as a "rumormongerer." The "news authenticity" which the bourgeoisie has bragged about has been seen through by more and more people.

To drive home its main thesis—the essential duplicity of the Western press—the article cited (inappropriately enough) the Watergate Affair:

> For example, the world-shaking "Watergate Scandal" revealed by the Washington Post and other newspapers and journals was a farce which reflected the open strife and veiled struggle between the financial groups in the eastern and western parts of the United States.[38]

In light of this essentially conspiratorial view of the foreign press, it is perhaps small wonder that only nine days after the lifting of martial law in Beijing the authorities should have seen fit to impose a fresh set of regulations on the news-reporting activities of foreign journalists, to replace those imposed as part of the post-June 4, 1989 clampdown. The new regulations ban all articles by foreigners that in the authorities' view "distort facts" or "violate the public interest," and journalists may be expelled if faulted on these counts. As was the case under the martial law rules, foreign journalists are prohibited from conducting interviews with any "work unit" unless prior approval has been obtained from the authorities, and they may not deviate from the agreed program.[39] As one Western diplomat commented, regarding the new press regulations for foreigners: "If they feel like it, they can get you on whatever they want." Noted another: "In real terms, nothing has changed."[40]

In addition, restrictions on access by Chinese people to foreign television broadcasts have also been imposed recently. According to the Hong Kong Standard, a municipal directive was issued by the authorities in Canton on January 1, 1990 banning the installation in the city of aerials capable of receiving television signals from outside of China. This ends a 10-year period during which the residents of Canton have been able to watch Hong Kong television programs freely. As a local cadre commented in the report: "The authorities obviously want to stop people from being influenced by overseas reports on important issues, including the dramatic upheavals in Eastern Europe."[41]

News censorship has been heavily evident in China throughout the recent events in Eastern Europe. Mandarin-language broadcasts of both the Voice of America and the British Broadcasting Corporation have been jammed by the authorities, and China's own press coverage of the major political turnarounds in the Eastern Bloc has been tightly controlled. Radical political change and moves towards democracy in the Eastern Bloc countries have been presented as being mainly the result of elite leadership decisions, rather than public pressure, and as constituting steps "to perfect socialism" and ensure "stability and unity." [42] More generally, the upheavals in Eastern Europe have been presented by the Chinese authorities as merely proving their claim that the West is applying a "capitalist strategy of peaceful evolution" against the socialist world.[43]

As mentioned above, a series of laws and regulations governing Chinese citizens' rights of assembly, demonstration and association have been enacted in recent months and weeks. The net effect of these is to restrict still further the almost negligible prospects for free assembly, demonstration and association in China, by formalizing the role and prerogatives of the state authorities in the regulation of these various types of civil activity. In the case of the *Regulations on the Registration of Social Organizations*, issued by the State Council in October, 1989 for example, it is clear that a primary purpose of the document is to render unlawful any future formation of the kinds of student and worker organizations which sprang up all around the country last May and June. Commenting in November on the issuance of the new regulations, Fan Baojun, the Vice-Minister of Civil Affairs, in effect compared these pro-democracy organizations to the Chinese Triads:

There are an estimated 100,000 local community groups in the country. But there are some problems with these . . . Moreover, some secret societies or underworld gangs that existed before 1949 have been revived in some backward and coastal areas. Some illegal organizations have already caused severe damage to the State and the Party, such as the "Autonomous Student Union of Beijing Universities," which stirred up counterrevolutionary rebellion in Beijing last spring.[44]

The *Law of the PRC on Assemblies, Parades and Demonstrations*, adopted on October 31, 1989, is also clearly aimed at preventing the re-emergence of any sign or inkling of the kinds of mass public activity seen last summer in Beijing. Among other things, the law prohibits citizens from "starting or organizing assemblies, parades or demonstrations in cities where they are not residents, nor shall they participate in activities held by the local people"; and it forbids foreigners from taking part in all such activities without prior permission from the authorities. The police are granted sweeping powers to determine all aspects of any assemblies and demonstrations. In addition, the law pointedly bans all unauthorized parades and demonstrations within a 300-meter radius of a series of government institutions in central Beijing, the effect of which is to make it unlawful for any future protest demonstrations to be held in Tiananmen Square. Penalties of up to five years imprisonment are laid down for those who violate the law.[45] On January 9, the Shanghai municipal authorities adopted a set of regulations for the law's specific enforcement, and the Beijing authorities did likewise on January 12, the day after martial law was lifted.[46]

One would think that such comprehensively restrictive measure, when viewed in the light of the current repression as a whole, would surely suffice to deter most potential "counter-revolutionaries" from even trying to demonstrate openly. Astonishingly, however, it seems that Chinese workers and students have in fact been flocking to the authorities in the hundreds of thousands in recent months, in order to test the value of the new laws' promises regarding freedom of association and the right to demonstrate.

According to the *New York Times* of January 8, 1990 for example:

Party sources said groups representing thousands of workers across the country who have been suffering under the government's economic austerity program, which has reduced inflation but brought the country to the brink of recession, have sought permission to air their grievances.

Moreover:

The *South China Morning Post* . . . reported last week that workers in more than 30 Chinese cities had applied to carry out legal demonstrations involving a total of more than 500,000 workers. Party sources could not confirm the figure of 500,000, but said worker discontent was widespread and involved most of the country's provinces.

Clearly, the "Polish disease" has already gone well past the merely incubatory stage in China today. The response of the Chinese authorities to these polite requests for the observance of their rights by workers was, however, predictably churlish:

According to the sources, the leadership issued an order to security forces that they use "whatever force is necessary" to crush any demonstrations staged by workers.

The full shock-waves of the recent events in Eastern Europe are, of course, still to come.

FOOTNOTES

[10] The Beijing correspondent of *UPI* reported on July 27, 1989 that more than 40 people had been secretly executed during the previous two weeks at Lugouqiao ('Marco Polo Bridge') in the suburbs of Beijing.

[11] See *Appendix* for details.

[12] *Washington Post*, December 3, 1989.

[13] *Agence France Press*, December 5, 1989; in *FBIS*, January 3, 1990.

[14] *Star Tribune* (Minneapolis, Minn.), December 24, 1989.

[15] *New York Times*, January 2, 1990. Reportedly: "The Party secretary was particularly outraged because he had received anonymous letters purporting to inform on him." According to another, slightly earlier interview: "A professor, heaving a sigh, said: 'My students become cynical, suffer agonies, fall into despair, and are at a loss, and the school and students are changed beyond recognition.'" (*FBIS*, December 27, 1989.)

[16] Both were from Qinghua University, Beijing. According to the *Hong Kong Standard* of December 1, 1989, a postgraduate student named Tang Zujie, 23, jumped from a sixth-floor window on campus on October 1, China's National Day. An economics postgraduate named Guo Wei, 24, killed himself on November 2.

[17] *Bai Xing*, December 16, 1989; in *FBIS*, December 19.

[18] *Washington Post*, December 14, 1989.

[19] In *FBIS*, December 15, 1989.

[20] *Agence France Presse*, January 8, 1990. In *FBIS*, same day.

[21] The largest of these protests took place in Chengdu, Sichuan Province, on June 5-6, 1989. Dozens of people (some accounts claim as many as 300) were killed by the security forces in the ensuing clashes in the city center.

[22] For example, *Hunan Radio* announced on December 27, 1989 that 18 criminals had been executed the previous day (*FBIS* January 8, 1989); and on January 11, 1990 the *China News Service* announced the execution the same day of no less than 31 criminals in Canton (*Ming Bao* January 12, 1990).

[23] *Criminal Law of the PRC*, Article 154.

[24] *Xin Zhongguo Xingfaxue Yanjiu Zongshu, 1949-1985* (A General Study of Criminological Research in New China), Gao Mingxuan (ed.), Henan People's Publishing House, p. 422.

[25] "The Chinese Legal System: Reforms in the Balance," *The China Quarterly* No. 119, September 1989, p. 573.

[33] In *FBIS*, January 12, 1990.

[34] "Jiang Zemin gives speech on mass media work," *New China News Agency*, November 29, 1989; in *FBIS*, December 7.

[35] *New China News Agency*, January 11, 1990; in *FBIS*.

[36] *Jiefang Ribao*, December 5, 1989; in *FBIS*, January 10, 1990.

[37] New China News Agency, December 22, 1989; in *FBIS*, December 27.

[38] *FBIS*, December 19, 1989.

[39] There are even signs that the English language itself is now considered to be subversive. Beijing's highly popular "English Corner", where Chinese of all ages used to come to practise their conversation, was just recently closed down by the authorities. According to the *New York Times* of December 19, 1989: "In mid-November, the area was cordoned off and notices went up, saying, 'English Corner has been withdrawn'. The university teachers, the notices said, no longer had the time."

[40] *Reuters*, January 20, 1990; *New York Times*, January 21; and *Shijie Ribao*, January 22.

[41] *Hong Kong Standad*, January 6, 1990.

[42] *New York Times*, December 24, 1989.

[43] *New York Times*, December 22, 1989. The charge that the West is trying to make China "peacefully evolve into a bourgeois republic" was first made by Deng Xiaoping, directly after the June 4 massacre. As the *People's Daily* explained on December 1, 1989: "The international reactionary forces . . . will work in coordination with the turmoil created in socialist countries in an attempt to force them to make concessions to them so that socialist countries may 'peacefully evolve' into capitalist countries, thus turning those socialist countries into their vassal states. Imperialists have openly declared that their principle is to implement political pluralism and market economy in socialist countries; in other words, they want to implement the bourgeois multiparty system and rotatory term of office, while driving the Communist Party out of office and eventually restoring capitalism."

[44] *China Daily*, November 1, 1989; in *FBIS*, same day.

[45] Text of the law is in *FBIS*, November 1, 1989.

[46] *FBIS*, January 10, 1989; *Shijie Ribao*, January 13.

Mr. HUMPHREY. That is all I have to say. That is all that needs to be said.

Mr. KENNEDY. I understand the Senator desires a vote.

Mr. HUMPHREY. Yes.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, I have joined as a cosponsor of this amendment. I think it is a sound proposal. It reiterates the position which both Senator HUMPHREY and I spoke to some time ago and other Members have spoken to in regard to the continuation of oppression in China. I think it is a powerful message and one that, hopefully, will be adopted overwhelmingly by this body.

Mr. President, with every passing day, we learn of yet another step which the Chinese Government has taken to tighten the noose around the necks of those who strive for democracy.

Thirty thousand prodemocracy demonstrators remain in prison. Chinese Embassy officials persist in their harassment of Chinese students on American campuses. And Fang Lizhi—the Andrei Sakharov of China—remains a refugee in his own country, protected only by the four walls of the American Embassy.

Mr. President, these developments all occurred before the President's National Security Adviser, General Scowcroft, toasted the Chinese leadership—the very butchers who conducted the massacre on Tiananmen Square.

But instead of progress for democracy in China, repression continues for those who yearn for freedom in China.

In just the past few weeks, China has tightened its hold on students wishing to study abroad. It now requires that students must first work in China for 5 years after their graduation from a university in China before being permitted to study abroad.

And the Government is cracking down on dissident faculty. Just last week, the President of China's leading law school was ousted for this support of students' demands for democracy.

And this week, the foreign press in China reported that their activities in China were being severely restricted, and their ability to report events from China was being significantly curtailed.

But most troubling of all, Mr. President, is that even in the face of these repressive events, the administration continues to kowtow to the Chinese rulers, rather than siding with the Chinese people in their struggle for freedom.

This week, the World Bank, in which the United States is a leading partner, announced a $40 million loan to China. While this loan is intended to meet basic human needs, which I believe all in this Chamber support, it is deeply troubling that the World Bank went on to announce it is now back to regular lending to China.

And what do we hear from the administration in protest?

Silence. Silence, Mr. President. For the administration, it is business as usual in China. Tiananmen Square seems never to have happened. Are the 30,000 jailed dissidents just figments of our imaginations? Is Fang Lizhi mere fiction? Is the growing repression in China—the new crackdowns on students, faculty and the press—just not occurring?

Of course not. Things may be business as usual for the administration, but we cannot let it become repression as usual for China.

So, I believe the resolution of the Senator from New Hampshire is right on the mark.

It notes the extensive record of oppression in China over the past 9 months. It expresses what I believe is the sense of the Senate to condemn the continuing repression, and to express our abhorrence for the massacre on Tiananmen Square and the brutal events which have followed. It notes the harassment of the students here in the United States—a matter on which we conducted hearings in January in the Immigration Subcommittee—and states that such harassment is a clear violation of our laws.

And, importantly, it urges the President at last to get tough on China—to stop the emerging trend toward business as usual in the World Bank and elsewhere in the international community, and to oppose all loans and economic assistance which do more than respond to basic human needs.

Mr. President, we have given the administration 9 months to show that its kowtow to China would stem the repression. I believe these 9 months have shown that the President's actions have, in fact, encouraged the rulers in Beijing to tighten their grip. It is high time we reversed this trend by adopting this amendment.

Mr. President, we are prepared to vote.

Mr. HUMPHREY. Mr. President, I neglected to state at the outset that I offered the amendment on behalf of Senator PELL, Senator KENNEDY, Senator SIMON, Senator ARMSTRONG, and on my own behalf.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1290, offered by the Senator from New Hampshire. The yeas and nays have been ordered, and the clerk will call the call.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The result was announced—yeas 79, nays 18, as follows:

[Rollcall Vote No. 26 Leg.]

YEAS—79

Adams
Baucus
Bentsen
Biden
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Coats
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Specter
Symms
Wilson
Wirth

NAYS—18

Bingaman
Bond
Boschwitz
Byrd
Chafee
Cochran
Dole
Durenberger
Hatch
Hatfield
Kassebaum
Lugar
McClure
Simpson
Stevens
Thurmond
Wallop
Warner

NOT VOTING—3

Armstrong
Matsunaga
Packwood

So the amendment (No. 1290) was agreed to.

Mr. KENNEDY. Mr. President, can we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. KENNEDY. Can we get the Senate's attention now, please?

The PRESIDING OFFICER. The Chair would like to inform the Senator and the Senators present that we are now in a nondebatable posture on the floor of the Senate. All time has expired. The question occurs on the amendment No. 1288, offered by the Senator from Massachusetts, to amendment No. 1287 offered by the Senator from Wyoming.

Mr. WALLOP. Parliamentary inquiry. All time has not been yielded back or expired. Did I have 1 minute left when we set that? A minute under my control was remaining.

The PRESIDING OFFICER. The Chair is informed the Senator's time has expired.

Mr. KENNEDY. I ask unanimous consent that the Senator from Wyoming be entitled to 1 minute and we be entitled, Senator DODD, to 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President——

Mr. KENNEDY. Can we have attention, Mr. President? We still are not in order. We want to try to resolve this issue.

The PRESIDING OFFICER. If the Senator will withhold for a moment, until the Senate comes to order.

The Senator from Wyoming.

Mr. WALLOP. Mr. President, before I begin, let me just state for the record that I stated to the Chair that the Senator from Wyoming had not used 1 minute, and I stand on that statement. And nobody used it in my behalf because it was not yielded.

Mr. President, I will shortly issue a unanimous-consent request that I might be permitted to withdraw the underlying amendment. I do so in the hope and anticipation that there will be some negotiations in good faith over the weekend.

I put the Senate on notice that I have the right and will exercise it to revisit this issue next week at some moment in time with or without negotiations that lead to some satisfactory resolution of it. That would be the Senator's right under any circumstances. I intend to exercise it.

I also say that we have seen why we have gotten to this impasse. It was not that our side was unwilling to negotiate. It was that the other side had a determined path and was unwilling to yield on it.

Mr. President, I will revisit this issue. I put Ortega on notice that I will watch what he is doing, and any

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more threats will bring an even more carefully stated amendment.

Mr. President, until that time, I ask unanimous consent that I might be permitted to withdraw the underlying amendment and thereby take with it the Kennedy amendment to it.

The **PRESIDING OFFICER**. Is there objection? Hearing none, the underlying amendment No. 1287, and the amendment thereto, No. 1288, is withdrawn.

Mr. **KENNEDY**. Mr. President, I'd like to say to my colleagues that I am grateful for the cooperation that we have received.

We have an amendment of the Senator from Minnesota that has been pending. I do not want to represent the Senator. I believe that the amendment, as modified, is acceptable to Senator Hatch and myself, if he wants to offer it at this time. We would be glad to dispose of that, and urge the Senate to accept it.

Then if the final amendment is the minority leader's amendment we would accept that on a voice vote, and then hopefully go to final passage. That is where we are at 7 o'clock.

Mr. **BOSCHWITZ**. I advise the Senator from Massachusetts that I also have an amendment, and I want to talk about the bill as well.

Mr. **KENNEDY**. Mr. President, we stand ready to dispose of any amendments. We are in our fourth day of this. We have tried to move toward the third reading. I suggest the absence of a quorum.

The **PRESIDING OFFICER**. (Mr. Kohl). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the only amendments to the pending bill remaining in order be a Boschwitz amendment on a private right of action, a possible Kennedy second-degree amendment to the Boschwitz amendment on the same subject, and a Dole amendment on emerging democracies; that upon the disposition of these amendments, the Senate, without any intervening action, proceed to vote on the committee substitute, as amended, and immediately thereafter, without any intervening action, vote on final passage of the bill.

The **PRESIDING OFFICER**. Is there objection?

Mr. **BOSCHWITZ**. There is no time agreement on the amendment.

Mr. **DOLE**. Does the Senator wish to speak near the end, too?

Mr. **BOSCHWITZ**. I would like to speak, yes. I will do so in conjunction with my amendment.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

Mr. **MITCHELL**. I thank my colleagues, and I thank the distinguished Republican leader.

Mr. **BOSCHWITZ** addressed the Chair.

The **PRESIDING OFFICER**. The Chair recognizes Senator Boschwitz.

Mr. **BOSCHWITZ**. Mr. President, I have participated in the debate on this bill, and in connection with one of the amendments, I pointed out to the Senator from Massachusetts some of the wording in the report on the bill and the fact that it talks about the spirit of volunteering, the fact that young people are going to be given the incentive to serve others and so forth.

The difficulty I have with this bill is that they are going to be paid, that while the word "volunteer" is sprinkled very liberally throughout this report, the volunteers are going to be paid. While many may consider that volunteering is a wonderful thing, it is a wonderful thing they are going to feel, if they get paid.

What troubles me is that for the millions of people who really do volunteer, the millions of people who do seek to help others, it is not a matter of their getting paid. I do not think they want to particularly be paid. What kind of precedent are we establishing? This is not a VISTA or a Peace Corps, where people are sent away from their homes. This is a bill that calls for volunteering in and around people's places of residence. Yet, there is payment. There is not very high payment, to be sure, though there is forgiveness of debt, and that could amount to a great deal.

In addition to compensation, there is also a provision in the bill for a living allowance of not less than 100 percent of the poverty line for a single individual and, in addition, to the minimum wage, a living allowance reflecting the cost of living, to include transportation, food, housing, utilities in the area in which the program operates, and so forth.

This is a bill that, according to the report—and I understand some of the numbers have been changed—over a 5-year period would require an estimated budget authority of $2.4 billion, and outlays of $1.7 billion. I understand that some of these numbers have been changed and that the initial years are made to look more appealing from the standpoint of budgetary constraint. Nevertheless, there is no question in my mind that, over a period of years, this is going to get a new program, a very broad program, that is going to cost many millions, perhaps billions, each year.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BOSCHWITZ**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 1291

(Purpose: To prohibit funds appropriated under the act from being used to engage in certain boycotts)

Mr. **BOSCHWITZ**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report the amendment.

The Senator from Minnesota [Mr. Boschwitz] proposes an amendment numbered 1291.

Mr. **BOSCHWITZ**. I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

(d) Right of Action.—

(1) Sense of the Senate.—It is the sense of the Senate—

(A) to deplore the practice of boycotting businesses on the basis of the race, religion, national origin, gender, age, or disability of the owner, operator, employees, or patrons of such entities,

(B) that the programs assisted under this Act should not be used to fund such boycotts,

(C) and that the right of all parties to engage in the special protection by the constitution should be protected.

(20 Limitation.—None of the amounts appropriated under this Act shall be used to engage in a boycott of any entity on the basis of race, religion, national origin, gender, age or disability, of the owner, operator, employees, or patrons of such entity.

(3) Attorney General.—Notwithstanding any other provision of law, the Attorney General may file an action under this subsection, in the appropriate district court of the United States, against any organization or entity to recover the amount of assistance provided to such organization or entity under this Act that is used in violation of this subsection.

Mr. **KENNEDY**. Is that the revised amendment?

Mr. **BOSCHWITZ**. Yes. I will describe the amendment.

Mr. President, imagine being a Korean immigrant shopkeeper. For many years, you struggle in a foreign country learning a new language and working long hours in menial jobs. After much hard work and careful saving, you have earned enough money to start your own business in the hope that some day your children will be able to enjoy the good life in America.

Mr. President, this is the American dream, and no people symbolize the American dream better than the Asian-Americans who have recently come to our shores, fleeing communism in countries which have not yet heard of perestroika or glasnost. They have succeeded because of hard work, strong family values and the entrepreneurial spirit that has made America great. As a fellow immigrant and businessman, I hold a special place in my heart for these people.

This is why I am deeply concerned about the stories that I have heard about some community groups that have organized boycotts of businesses owned by Korean-Americans. These boycotts are based on allegations that certain Korean-American merchants have been rude to customers or have conducted business without established exchange or refund policies. The leaders of these boycotts often use the problems in one store to justify boycotts in all stores owned by Korean-Americans.

This is clearly a national problem. In addition to boycotts organized by OMNI [Organization of Mutual Neighborhood Enterprise] in Los Angeles and the Flatbush Coalition for Economic Empowerment in New York, there have been newspaper accounts of such actions in Chicago, Atlanta, and Washington, DC. I would hate to think that Federal funds under this act would be given to groups that organize these boycotts.

Certainly there have been some instances in which individual merchants or their employees—like all people—act in ways that are offensive to their customers or to others. However, it is unfair and bigoted to boycott all merchants of a certain racial or ethnic group because one member of that group offended someone.

In many of these cases, the tension between Korean-American merchants and their customers results from the language barrier that these merchants face. Mr. President, it is unfortunate that language barriers have caused these problems. But problems of language or cultural differences can only be solved through patience, tolerance and understanding, not through boycotts or picket lines.

These boycotts are the result of the myths and petty jealousies created by misunderstandings between different racial and ethnic groups, and this cannot be tolerated. Where there are faults in the behavior of individuals these faults should be corrected. But to make these individuals or group of individuals scapegoats, or worse, to stereotype them on the basis of race, ethnic background, religion, sex, or political affiliation, is wrong.

My amendment would address this problem by first, expressing the sense of the Senate deploring boycotts on the basis of race, religion, national origin, gender, age, disability or political affiliation; and, second, prohibiting the use of funds appropriated under S. 1430 to assist organizations engaged in such boycotts.

Finally, it would authorize the Attorney General to intervene in recovering the Federal contribution to such programs.

Mr. President, I believe that this amendment will go a long way to redressing the injustice of racist and bigoted boycotts and I urge my colleagues to support it.

Mr. KENNEDY. Mr. President, first of all, I want to thank the Senator for working out the particular language. The way that the amendment had been initially drafted raised some question about various charitable groups being able to participate in first amendment issues in question. Just to be sure that I am commenting correctly, as I understand it, the amendment submitted is the revised language.

Mr. BOSCHWITZ. The revised language that was worked out.

Mr. KENNEDY. Without any other changes?

Mr. BOSCHWITZ. Without any other changes, that is correct.

Mr. KENNEDY, Mr. President, initially, there were important first amendment questions, some Supreme Court precedents that would have to be addressed, in the initial language as drafted. I think we have met those particular objections and, Mr. President, we would be glad to accept the amendment as redrafted.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. I support this amendment by Senator BOSCHWITZ. He is doing the Senate and our bill a favor. This prohibits the use of funds to engage in certain boycotts. These are boycotts against an organization because they are for race, religion, ethnicity, or other irrelevant characteristic of the owner, operator, employee, or patron of an organization.

This is an important amendment. I thank Senator BOSCHWITZ for bringing this amendment to the floor, and we are prepared to accept it as well.

Mr. KENNEDY. I just want to state my understanding that the provision of the amendment of the Senator from Minnesota which prohibits the use of funds appropriated under this act in "a boycott of any entity on the basis of race, religion, national origin, gender, age or disability of the owner, operator, employees, or patrons of the entity" does not restrict or limit in any way the rights and opportunities of any person associated with or employed by a recipient of these funds to engage in constitutionally protected protests of racial or other invidious discrimination. The Supreme Court only 5 weeks ago reaffirmed the constitutional rights of persons to boycott businesses for the purpose of vindicating constitutional rights and seeking to end racially discriminatory practices engaged in by such businesses. *FTC* v. *Superior Court Trial Lawyers Association* (Jan. 22, 1990). *NAACP* v. *Claiborne Hardware Co.*, 458 U.S. 886 (1982).

This act, which provides sorely needed funds to organizations throughout the country, does not condition the granting of such funds on the abandonment of long recognized rights of victims of discrimination to seek equal respect and equal treatment in their communities.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 1291) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOSCHWITZ. Mr. President, I would say to the managers of the bill that I have no objection to the idea of including the idea of service into the curriculum of schools. I have no objection to making organizations more viable by including them in public service and providing greater funds to enable them to do so.

However, we are talking about voluntarism: This bill is supposed to enhance voluntarism, it is supposed to make young people, through innovative curriculums, become engaged in a lifetime of service to the community.

What I must say I have problems with, and I would ask my friend from Massachusetts, why it is proper that the payment is made for volunteering. What is the purpose? Throughout this entire report we talk about volunteering. We talk about volunteer service programs that will involve young people, particularly, in the life of service, and then we pay them. Why would a young person who wants to become involved in some kind of voluntary activity not become involved unless he gets paid?

Mr. KENNEDY. Does the Senator support the Peace Corps?

Mr. BOSCHWITZ. Certainly.

Mr. KENNEDY. Does the Senator understand there is a stipend given to Peace Corps members?

Mr. BOSCHWITZ. Absolutely.

Mr. KENNEDY. Does the Senator understand all stipends are given to full-time participants and there is no stipend provided for in the school-based program? And does the Senator support the VISTA volunteers?

Mr. BOSCHWITZ. I certainly do.

Mr. KENNEDY. That also has a stipend which is effectively the same as the stipend in our bill.

I would be glad to give a more elaborate explanation on exactly how this program works but, as I mentioned, the bill does not provide for paying volunteers. The school-based programs do not authorize any payment to indi-

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vidual participants. Only participants in the full-time programs receive the poverty-level stipend and modest education and housing vouchers.

That is primarily a recognition that not only well-to-do individuals want to volunteer. The spirit of voluntarism is alive among needy people, among poor young people.

In many instances a stipend is just a living stipend which is essential for those individuals to be able to participate. We have worked out effectively the stipend to be the poverty line. Only full-time participants receive a stipend. Part-time participants do not. There is benefit for part-time participants for tuition at the rate of a public or land grant college, which are attended by about 80 percent of the young people in this country. It goes to tuition and room and board for full-time service.

So there are those educational benefits as part of our effort to try and ensure that individuals would be able after service to receive an education.

The one thing I would mention, in fairness to the Senator, is that the report that the Senator is reading is the bill as it came out of the committee and does not accurately describe the amount of the vouchers which we have reduced those significantly, or the cost to the bill, which has also been reduced. The only amount that is authorized now is $125 million, not the $2.4 billion that the Senator had outlined, and it is for the 2-year authorization.

The bill permits the continuation of an authorization as in the same way that Federal education programs also have a contingent extension of authorizations, but I think that it is only fair to make that observation. I accept that the Senator is reading from the report in good faith. But in order to win support from Senator HATCH, who has been such a valued ally, and the support of a number of other Members, to ensure its bipartisanship, we made substantial adjustments to the bill that was reported out of committee.

Mr. BOSCHWITZ. I say to my friend from Massachusetts that I did not see in this report that part-time volunteers would some way be precluded from receiving compensation.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BOSCHWITZ. The $125 million is essentially for 1 year.

Mr. HATCH. Mr. President, will the Senator yield again?

Mr. BOSCHWITZ. I yield.

Mr. HATCH. I think I can give assistance, too, in answering the Senator's question. The $125 million is really for 2 years, but we have $50 million for 1990, and by the time we get it through, whatever is left over will be in 1991.

Mr. BOSCHWITZ. Most of it.

Mr. HATCH. Probably a fair amount.

Let me say this. The Senator from Massachusetts I think made a very good point. My colleague from Minnesota is referring to the committee report on the original bill. This bill on the floor has been drastically changed. The substitute amendment which we found provides flexibility. States may set living subsistence levels up to the poverty index for a family of two. This does not mandate that the States pay a salary for either the Youth Corps or for the National Service Corps provision. In fact, my own home State of Utah has provided a program that does not pay stipends and that fits within this program.

It is strictly up to the States; if they want to, they can, within the framework of this bill. With regard to benefits, the Youth Service Corps are allowed postservice benefits up to $100 per week for up to $5,000 per year, whichever is less.

This is, again, not a mandatory payment. Under the national service full- and part-time programs, benefits for part-time volunteers are $2,000 and full-time volunteers are $5,000; however, a State may apply for waiver to reduce this benefit.

What we are saying is there is much flexibility. It is up to the States. We have provided for these means and we have a lot of basis for doing so through VISTA and some others.

Mr. BOSCHWITZ. I like the elements of the bill, I state to the Senator from Utah, that provide funding so that schools and other organizations can include the idea of voluntarism. I would answer my friend from Massachusetts VISTA and the Peace Corps are very much different than the voluntarism under this bill.

In the Domestic Volunteer Services Act amendments of 1989 it points out that a VISTA volunteer has to be at least 18 years of age, serve for 1 year, serve on a full-time basis, generally live among those they serve, to receive a monthly subsistence allowance; they remain available to the community 24 hours a day, 7 days a week; they serve principally in urban areas, rural areas, Indian reservations; they principally serve away from home.

Mr. HATCH. Mr. President, will the Senator yield on that?

Mr. KENNEDY. Sure. That is not the voluntarism we are talking about here.

Mr. HATCH. Under this bill, it is quite similar. In the national service, full and part-time program, the State offers full- or part-time civil national service programs for Americans age 17 years and up. It is very similar already. It is 1 year younger, but it does include senior citizens in this particular program.

Mr. BOSCHWITZ. This is far, far broader than VISTA. This bill compensates voluntarism in all forms and shapes.

Mr. HATCH. That is not quite true.

Mr. BOSCHWITZ. It certainly does, unless this report that was left on our desks has no substance whatsoever. The report is dated October 27.

Perhaps the bill was so thoroughly changed that a new report should have been issued. But Senators who read the report have a right to rely upon it.

Mr. HATCH. I agree. If we had not made so many substantial changes in the substitute, the report would be more accurate. Many of the ACTION programs provide benefits like the Senior Companion Program and the Foster Grandparent Program. The people who serve in those programs get $2.40 per hour and payment for transportation costs. They are, in both of those programs, older American volunteers. They serve in homes. They serve in school community functions. They, in those two programs, serve all over the State in various functions.

So it is not that much different in this bill from those two programs. And they work, by the way.

Mr. BOSCHWITZ. I would say that VISTA and the Peace Corps are different from what is contemplated here. The Peace Corps, of course, could be thousands of miles from home and certainly is greatly different from this bill. This bill is supposed to encourage students to develop habits of the heart when they are young, and upon learning the benefits of helping others young people will volunteer their time throughout their lives.

I should add, if they are paid. A young person, if he is not paid, has got to feel like a chump under this act. You are establishing an entirely new type of voluntarism for money, which is an oxymoron, in reality.

I would point out to my friend from Utah if it is $125 million and most of it is going to be rolled into next year, then really the money is not too much different than the $108 million that is shown in the report. Page 72 of the report shows $215 million the second year; $400 million the third year; and then it levels off at $500 million a year.

Of course, from our experience, we know that efforts will be made, once the program has begun, to expand it, and to expand it further later on.

Mr. HATCH. If the Senator would yield on that point.

Mr. BOSCHWITZ. I will yield.

Mr. HATCH. If the Senator would yield, there are new programs here. There is no question.

Mr. BOSCHWITZ. Absolutely.

Mr. HATCH. The Points of Light Program is a significant part of this bill, and that is a new program. It is the President's program, and it is in every respect his. But there are also programs that are quite similar to VISTA and to ACTION.

But what we have in title I is the States may apply to fund one or more of the following programs. And so we have the School and Community-Based Program, Community Service Corps, Civil Conservation Corps, National Service Part-Time Program, and the Innovative Service Program.

The Senate can opt to do whatever they want to. They can have stipends or not. The purpose of having stipends is not to pay people for doing the work, but to help people who may be poor so that they can volunteer as well, and pay some basic expenses for them, like we do with the senior volunteers or the Foster Grandparent Program.

Mr. BOSCHWITZ. There are many ways to volunteer, as the Senator knows—and I have been quite an active volunteer in my day—that really even the poor can involve themselves in. It need not require a stipend.

Mr. KENNEDY. Will the Senator yield?

Mr. BOSCHWITZ. Yes. In the Senator's absence, I say to my friend from Massachusetts, I tried to make the distinction between VISTA, which he brought up, where you have to go out and live among those you serve; you have to be 18 years of age; you have to serve for at least 1 year on a full-time basis; you have to be available to the community 24 hours a days, 7 days a week. Very often, as you know, they are away from home. That is not anticipated in this bill.

It is not even anticipated in this bill where there are living allowances given, I might say, at least as I see it from the report. And certainly the Peace Corps volunteers are to be distinguished from those under this bill in any number of ways.

I yield to the Senator.

Mr. KENNEDY. Mr. President, I want to point out on the school-based systems, it is an attempt to try and bring the 40-million students of this country into the spirit of voluntarism, and there are no stipends. That is one of the programs.

I outlined this program in very considerable detail on both Monday and Tuesday, and gave illustrations as well.

This bill has a number of different ways to cast a net out to try and bring people into service in the community. The criteria with regard to school-based programs are that they are to be developed by the student; that they are going to have an educational component; and third, that they must serve the community in a meaningful way.

I illustrated what had happened with SerVermont, for example, but this is a school-based program. There are other part-time and full-time programs, as well.

What we have tried to do, is to incorporate a number of different programs, including some full-time programs which have a small stipend plus education benefits, and try and bring those together with careful evaluation so that in 2 years, we can come back to this body and report back what has been the result of these programs.

That is what I think is one of the real advantages of this program. We are effectively setting in motion a number of different ways to tap into voluntarism. I think most people would say today that the Peace Corps has been an extraordinary example. They get a small stipend and education benefits. They serve overseas. It is a remarkable organization. So is VISTA.

And the President himself, I would remind the Senator, when he was campaigning, proposed a new program called Youth Engaged in Service, or YES. A forerunner to the Points of Light Initiative.

At that time, the President did not seem to have a problem with the stipend program.

> Here's the kind of effort YES would become involved in and help: A program like California's Conservation Corps. It's a big success, it does great work, it is voluntary, it involves students—and YES could help it be duplicated.

The California Conservation Corps does provide a basic minimum wage stipend plus educational benefits. The President has also talked about the part of his tree-planting package. President Bush is behind an Earth corps that offers participants benefits, even more than those we are considering in this. So this is consistent, certainly, with what the President has supported in the past.

Finally, let me just say on the stipends, at page 26, regarding the school-based program.

> Assistance provided under this subtitle shall not be used to pay any stipend, allowance, or other financial support to any participant.

Mr. BOSCHWITZ. Will the Senator read that again, please?

Mr. KENNEDY. These are the school-based programs, line 13(c):

> STIPENDS.—Assistance provided under this subtitle shall not be used to pay any stipend, allowance, or other financial support to any participant.

Mr. BOSCHWITZ. Is the Senator from Massachusetts therefore saying that no part-time volunteer can be paid under this bill?

Mr. KENNEDY. There is another section dealing with the part-time national service participants. They serve about 9 hours a week.

They are permitted in that situation to get no stipend, only an education voucher.

As I indicated, there are a series of different programs that are included in here. There is the school-based program. There is a part-time national service program. There is the conservation corps program.

Mr. BOSCHWITZ. Yes. Conservation program. Will part-time volunteers be paid?

Mr. KENNEDY. I am sorry, what was the question?

Mr. BOSCHWITZ. Is it correct to say that part-time volunteers will not be paid under this bill?

Mr. KENNEDY. Yes. The part-time national service participants will receive only educational vouchers and only if they serve part time for the equivalent of 9 hours a week. For the 9 hours a week, they will be eligible only for the tuition level educational voucher that will be equivalent or a public or land grant college which 80 percent of American students go to. For the part time, they get the tuition. For full time, they get tuition and room and board.

On the part time there is no stipend for part-time participants of any age and no vouchers for those under 17 years of age.

No participant will get both the minimum wage plus a living allowance, and there will be no living allowance for part time.

Even in those that are over 17, no living allowance is provided to part-time participants, if there is a need, States may, at their own option, provide additional resources to participants out of non-Federal sources.

Mr. BOSCHWITZ. The report makes no mention whatsoever of there being a need to be associated——

Mr. KENNEDY. It is discretionary.

Mr. BOSCHWITZ. It does not state "discretionary" either, I must say, under section 215. Maybe it has been renumbered.

I would say to the Senator from Massachusetts, that the entire underpinning of the bill, the idea that we are now going to pay volunteers in a manner quite different, in my judgment, than VISTA, where somebody is on call, where you have to sign up for a year, similarly, in the Peace Corps, you have to sign up for a period and they ship you overseas. That is an entirely different matter.

I think what we are doing here is opening up a whole new area where we are going to probably see this program grow rapidly, as many programs that we have seen around here that have been undertaken. They grow, and as more people find their way to a Government stipend, less and less people will find it rewarding to volunteer.

As a matter of fact, in a way this bill penalizes volunteers. Those who volunteer, as hundreds of thousands of people that I have been associated with in the Cancer Society and in the Kidney Foundation and in other groups that I have served with and

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led, are going to feel that they, too, should somehow be compensated.

Young people who find they are going to volunteer will think of themselves as chumps in the event they volunteer and those about them do not volunteer but yet receive moneys and housing and other things even though they may remain at home.

Is it my understanding, I ask the Senator from Massachusetts, that housing allowances would not be available to people who volunteer under this bill and live at home?

Mr. KENNEDY. There is no housing allowance for part——

Mr. BOSCHWITZ. For what?

Mr. HATCH. Yes, there is.

Mr. KENNEDY. There is no housing allowance for part-time, and there is no housing allowance, even for full time, although the full time do get the stipend.

Mr. BOSCHWITZ. In the event a full-time volunteer lived at home, would that full-time *volunteer be entitled to housing allowances?*

Mr. KENNEDY. They get compensated effectively at the poverty level full time.

Mr. BOSCHWITZ. Well, in addition to the minimum wage——

Mr. KENNEDY. They get the educational vouchers.

Mr. BOSCHWITZ. In addition to minimum wage, educational voucher and forgiveness of debt there is a living allowance of not less than 100 percent of the poverty line for a single individual. That should reflect the cost of living, transportation, food, housing, utilities.

Does that apply to somebody who is a full-time volunteer and lives at home?

Ms. MIKULSKI. The Senator has anticipated that the full-time volunteer will be going away from home in what has been the tradition. The Peace Corps, for example, they would be living in Bangladesh, the Philippines——

Mr. BOSCHWITZ. I say my friend from Maryland is a late arrival.

Ms. MIKULSKI. In all probability, they will be going away.

Mr. BOSCHWITZ. I ask that my colleague answer the question. This is not the Peace Corps. This is not VISTA. People do not sign up for a year or 2 years under this bill. People in VISTA have to be 18 years old, they have to live among those they serve. They have to remain available to the community 24 hours a day, 7 days a week, and they have to sign up for 1 year on a full-time basis.

That is certainly a lot different than this bill.

Mr. HATCH. Will the Senator yield?

Mr. BOSCHWITZ. Yes.

Mr. HATCH. Again, the substitute has been changed from the report. Let me see if I can help here.

In the substitute bill which we are going to vote on in a few minutes—VISTA does not mandate that the States pay salary for either the youth corps or national service corps provision.

One other thing that has to be made clear because we have some misunderstandings here. States can apply for a waiver to reduce the level of the vouchers. But, with regard to stipends, they cannot be more than 100 percent of the poverty line subsistence for a family of two.

So, it should not be characterized as a minimum wage payment. It really can be up to but not more than 100 percent of the poverty line at subsistence for a family of two under the substitute. So that is a considerable change from what the report says.

Mr. BOSCHWITZ. The full-time volunteer cannot receive the minimum wage plus the various living allowances and health insurance and also the forgiveness of loans educational stipends or the accumulations of money for a down payment on a new home?

One cannot receive that? Is that what my colleague is saying, that if one is a full-time volunteer, he cannot receive a wage plus allowance?

Mr. HATCH. Under title I, they cannot.

Under title III, part-time participants can get a voucher for $2,000 a year for education benefits or toward purchase of a home. Full-time participants can get a voucher for $5,000 a year for educational benefits or for purchase of a home.

States, then, if they want to, they can apply for a waiver to reduce the level of the vouchers if they want to do that. It is up to the States.

But with regard to stipends, under the substitute that we will be voting on, different from the report, they will not be allowed more than 100 percent of the poverty line subsistence for a family of two.

So this is no reference to a minimum wage. It is that particular stipend.

Mr. KENNEDY. Could I ask the Senator from Minnesota——

Mr. BOSCHWITZ. Pardon me, there is no reference to the minimum wage in this bill any longer?

Mr. HATCH. That is right. They can get from zero up to that poverty level stipend subsistence for a family of two.

Mr. BOSCHWITZ. If they get the poverty level stipend for a family of two, then they cannot in addition receive living allowances, health insurance, transportation, and so forth? Is that correct?

Mr. HATCH. That is all optional.

Mr. BOSCHWITZ. Optional.

Mr. HATCH. Optional.

Mr. BOSCHWITZ. So they can receive all those things plus they can receive the stipend that you outlined plus they can receive $2,000 in the case of a part-time volunteer?

Mr. HATCH. They can get the benefits of the $2,000 or the $5,000. They can get the living assistance.

With regard to the medical benefit that is optional. It is encouraged, but it is, basically, optional under the substitute.

Mr. BOSCHWITZ. To clarify it once again, they can get the $5,000 as a full-time volunteer, they can get subsistence as a family of two——

Mr. HATCH. Yes. From zero——

Mr. BOSCHWITZ. From 0 to 100 percent.

Mr. HATCH. To 100 percent of the poverty line subsistence for a family of two.

Mr. BOSCHWITZ. But cannot get beyond the various living allowances and so forth, or is that also optional?

Mr. HATCH. That is it. Not more than.

Mr. BOSCHWITZ. Pardon me?

Mr. HATCH. That is as far as I can go.

Mr. BOSCHWITZ. Not to include living allowances in addition to the subsistence.

Mr. HATCH. Other than what I have said here, that is it.

Mr. KENNEDY. Can I ask the Senator, does the Senator support the Minnesota Conservation Corps?

Mr. BOSCHWITZ. Sure.

Mr. KENNEDY. Does the Senator understand they have a stipend?

Mr. BOSCHWITZ. The Minnesota Conservation Corps is somewhat different. It would be closer to VISTA where you are away from home, or the Peace Corps. I read the additional views of my colleagues, Senator DURENBERGER.

Mr. KENNEDY. I am just trying to find out, because the Minnesota Conservation Corps does have a stipend, and they do have educational benefits. The are eligible for those whether or not they live at home. Most of the features that we have in this are virtually identical to what the Senator has in Minnesota, so I am just wondering whether you support that program.

Mr. BOSCHWITZ. The Minnesota Conservation Corps is mainly summer jobs: Cleaning up rivers and cutting trails.

Mr. KENNEDY. The Senator supports it.

Mr. BOSCHWITZ. Certainly.

Mr. KENNEDY. And the Senator supports the stipends for the corps and the allowances and the education benefits for the corps; do I understand the Senator correctly?

Mr. BOSCHWITZ. This is a program for which our legislature appropriated $400,000. This is not a program of $125 million——

Mr. KENNEDY. I have an annual budget of $1.3 million, which nationwide would probably be, when you take out the Points of Light Foundation, more per capita than ours.

Mr. BOSCHWITZ. No, it would not, I say to the Senator. We have 2 percent of the population and 1.3 million would be the equivalent of 65 million, not 125. The Minnesota Conservation Corps is a good operating program. Most of the people certainly do not live at home. Most of them do it in the summer, in work camps.

I say to my colleagues that voluntarism is something that I have always been very proud of in my life and that I have never been compensated for, and I imagine most other volunteers are similarly proud of their work.

I think that if you want to instill the idea of community service into people at a young age for the entirety of their lives, the idea of doing so with compensation is not the way to begin.

As I mentioned to the Senator from Massachusetts when we saw one another briefly recently, I am very much in favor of the idea of funding schools and other institutions and programs which can develop innovative community service programs. That part of the bill I find very appealing. But I have difficulty with providing a variety of payments and other kinds of remuneration that include not only forgiveness of loans, but also payment for living allowances, health insurance, and so on—this bill is full of things that I think will not further inspire people to become involved in voluntary activities. That is why I find the bill objectionable.

I yield the floor.

AMENDMENT NO. 1292

(Purpose: To authorize an exchange program with countries in transition from totalitarianism to democracy)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1292.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. . AUTHORIZATION OF ACTIVITIES; GRANTS OR CONTRACTS FOR EXCHANGES WITH FOREIGN COUNTRIES.

(a) The President is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) exchanges with countries in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania.

(i) by financing studies, research, instruction, and related activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, State, and Federal Government agencies, located in or outside the United States; and

(ii) by financing visits and interchanges between United States and countries in transition from totalitarianism to democracy; which program shall be coordinated by a White House Office, which the President is hereby authorized to establish.

(2) Transfer of Funds—

(i) The President is authorized to transfer to the appropriations account of the agency (agencies) administering this program such sums as he shall determine to be necessary out of the travel accounts of departments and agencies of the United States as he shall designate, which transfers shall be subject to approval of the House and Senate Committees on appropriations and in addition he is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program, and to place such gifts into an endowment fund.

Mr. DOLE. Mr. President, after discussion with the distinguished President pro tempore, Senator BYRD, I made three changes, if anybody is looking at the original amendment. In paragraph (a)(i), "by financing studies, research, instruction, and related activities." Delete the word "other" and put in the word "related."

In subparagraph (B), delete "political parties."

In the last paragraph on line 5, instead of the word "funds"—"which funds shall be subject"—it will be "which 'transfers' will be subject." Delete the word "funds" and insert the word "transfers."

Mr. President, let me explain the amendment because I think the amendment belongs in this bill. I am very serious about the amendment. I think it is an amendment that can be used extensively in all the emerging democracies. It is modeled on the existing Fulbright exchange program. In fact, most of the wording came from that program. These programs, which have allowed over 170,000 scholars to travel abroad, exchanging much needed information, need to build on with a new exchange program emphasizing those persons in fields other than education.

So we are talking about education in the Fulbright program. Under this amendment we are talking about those from private business—we eliminate political parties—trade associations, unions, chambers of commerce, as well as those in local, State and Federal Governments; they need to be involved in my new exchanges. We are getting many demands from emerging democracies all over the world for technical help from different kinds of groups. This will provide that.

Recent events, triggered by the extraordinary developments in Eastern Europe, must be taken into account in the near future if America is to play any significant role in the democratization of the formerly totalitarian world.

Coming in an epochal year in postwar history, the exchanges will not only concentrate attention on how much the world has changed in recent years but will also allow for a reassertion of some fundamental assumptions about America's national character.

Shear inertia of the establishment may make major changes difficult. But the time has come to put things in motion, emphasizing three major points.

First, the needs of the Europeans and others entering the democratic world for the first time are great but so are the opportunities to deal with those needs.

Second, if the efforts to aid those emerging democracies are unsuccessful, the real costs to the Free World will also be great.

Third, and finally, it is important that the efforts to aid the emerging democracies be coordinated at the highest level to avoid bureaucratic infighting.

During the first few months of 1990, it is instructive to look at what the experts were saying about the Soviet bloc only a year ago. Predictions were out of date before they could see print. Analyses were overtaken by events. I suspect that this was as true for Senators as for the ordinary citizen. In any case, it is time to consider new ways, new approaches, in how we deal with some of the democracies.

A new system of international relations that would reject the use of force and reduce the rule of ideology is in the process of being created.

Clearly things have changed, and I think it is fair to say that this amendment will help those changes along. It addresses some of the problems that are of great and proper concern. In fact, we passed the Demenici bill. It has now been used. We have had a delegation go to Poland, for example, to sit down with Polish parliamentarians and members of the staffs of the parliamentarians and talk about how you run a parliamentary system because very few in Poland have had such experience, I think only three out of all the Solidarity members. I hope this amendment will be accepted.

We need to build on our experience with the Fulbright program and it seems to me this would indeed build on this foundation as we reach out to the new democracies.

Keep in mind, instead of dealing with scholars and students, we are dealing with union members, members of the chambers of commerce, people with expertise in the private sector, not only from Poland and the United States. From Bulgaria to the United States, from the United States to Bulgaria, the United States to Poland, it would be an exchange program, and I

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believe it would meet the approval of the White House. I hope that it might help the White House when they look at this particular proposal to view it favorably.

Mr. KENNEDY. Mr. President, we are prepared to accept the amendment.

Mr. HATCH. Mr. President, I would like to be added as a cosponsor and we are prepared to accept the amendment on this side. I ask unanimous consent to be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. Is there further debate? There being no further debate, the question is on an agreeing to the amendment of the Senator from Kansas [Mr. Dole].

The amendment (No. 1292) was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROTH. Mr. President, I do not think anyone would dispute the notion of the value of voluntarism and civic responsibility to our communities engendered by the selfless consideration and compassion of those who seek not only to leave the world a better place but to enrich the lives of individuals and services in their own communities with their efforts. The depth of the American spirit of generosity and compassion is moving beyond words. On how many occasions have we seen our people respond to cataclysmic events with not only money, goods, and services but with contributions of time, labor, and care. And how do we count the day-to-day efforts of our people working in their communities providing services to the homeless, food for the needy, care for the indigent, and education and training opportunities—the millions of volunteers and hours and the imputed monetary value of their services.

President Bush is to be commended for his focus on the value of voluntarism to our way of life. Community service is a noble enterprise and is to be encouraged. However, I am not convinced that the creation of additional Federal programs and the use of Federal funds to pay people for participation in community service activities is a necessary or appropriate response to further this ideal. Prior experience with Federal involvement in public service employment—most notably the recent experience with CETA, the Comprehensive Employment and Training Act, which grew to unwieldly proportions while providing what many grew to feel were tenuous benefits, makes me question the usefulness of the additional programs embodied in S. 1430, the National Community Service Act of 1989. In addition, this Congress is facing very difficult decisions ahead in ordering our priorities to meet the deficit targets under Gramm-Rudman while seeking to meet the important domestic concerns in education, drugs, the environment, child care, savings, and investment. Finding the appropriations to fund the programs embodied in this legislation could adversely affect the ability to fund our already pressing domestic agenda. I, therefore, will not support the adoption of the bill before us today.

Mr. CHAFEE. Mr. President, I am pleased to support S. 1430, the National and Community Service Act of 1990. This legislation is a synthesis of more than a dozen service-related Senate bills, and the President's Points of Light proposal, that have been introduced during this session of Congress. It promotes the best in American voluntarism and public service.

First, I wish to commend President Bush for his leadership on the issue of community service. The President has made it clear that voluntarism and public service are integral parts of what it means to be an American citizen. His Points of Light initiative has focused the Nation's attention on the need for individuals to come together in solving our most critical social problems: drug abuse, illiteracy, AIDS, homelessness, and environmental troubles. I thank the President for his vision and leadership in this area.

The United States has a long and proud tradition of public service; this legislation, the National and Community Service Act, aims to usher in a new era in American voluntarism. S. 1430 expands successful organizations like VISTA and the Older American Volunteer Program. It also creates several new national volunteer programs like title I of this legislation, Service America. Service America aims to involve students and disadvantaged school aged youth, senior citizens and others to meet educational and environmental community needs.

This legislation will authorize $125 million through 1991 to encourage volunteers to get involved in community service. Under title I of this legislation individual States will be able to apply for block grants to fund a variety of volunteer programs.

For example, the Governor of my State of Rhode Island may apply for federally funded school-based and community-based programs through the State's Department of Education. The Department of Education could then utilize the school-based program to develop student outreach volunteer programs allowing high schoolers to tutor first graders in reading, for instance, or allowing once a week student visits to local hospitals. The community-based program could utilize this funding to design programs to enlist the knowledge and skills of our senior citizens who would enjoy participating in volunteer activity but lack an appropriate program to best utilize their life skills.

This legislation encourages the true spirit of voluntarism—people freely giving their time and energy to help others in need.

The national service section of this legislation will also be administered on the State level, and will encourage Americans 17 years of age and older—including senior citizens—to become national service volunteers. Like Peace Corps volunteers who have been serving in the developing world for 26 years, the national service full-time volunteer program will pay volunteers a modest living stipend, and will assume health and living expenses if necessary in exchange for domestic service. Moreover, in order to provide some additional incentive as a reward for serving as full-time service volunteers, this act will provide vouchers for up to $5,000 per year for participation in the program. This certificate could be used to pay for education benefits, or toward the purchase of a first home.

This act will encourage volunteer activity on the national level, and will tap new sources that will allow us to accomplish three important goals.

First, domestic volunteer service can direct millions of hours of human resources to combat the Nation's social, educational, and environmental problems. As the Nation enters a new decade and prepares for the year 2000, we need to address the genuine needs of those who are victims of poverty, and illiteracy. We need to provide a service opportunity for those Americans who are committed to teaching a young child to read. Or who want to devote time to the elderly and infirm. In short, the volunteer programs established and contained within S. 1430 can unleash an army of goodwill volunteers that will make long-lasting contributions to their communities.

Second, this act will provide opportunity for many of our Nation's at risk young people who need job training and work skills. Drug- and crime-plagued neighborhoods are increasingly common in many of this Nation's urban areas. The youth corps section of this legislation, for example, will allow young Americans to find meaningful employment while learning important skills training at the same time. Although the programs in S. 1430 are open to Americans of every economic background, it does incorporate—indeed reach out to—those Americans who desperately need to escape the cycle of generation-to-generation poverty.

Years from now, when we look back on the accomplishments of these volunteer programs, the greatest legacy of this legislation may well be its success in providing opportunity to talented, yet somehow disadvantaged, youth.

And finally, this legislation targets those many Americans who do not understand the fulfillment, joy, and satisfaction of volunteer service. When VISTA volunteers help migrant workers in Florida, or when an older man agrees to act as a Big Brother to an underprivileged inner city boy—that is when reward of voluntarism means its most.

Voluntarism promotes community. Voluntarism promotes civic responsibility, and voluntarism promotes an appreciation for those individuals and causes that need the help of human hands. For these reasons and so many more, volunteer work needs to be supported.

The act calls for a $125 million authorization—$50 million for fiscal year 1990 and $75 million for fiscal year 1991. This may well be an appropriate level for such a deserving set of programs. In a time of rising deficits and overall Federal belt-tightening, however, we all need to be sensitive to budget realities. I would hope that this legislation can be approved as it now stands. In the event that the President deems this level of funding to be excessive, we must be prepared to make the appropriate changes. It is my hope that a national service bill can emerge this year that is acceptable to the President.

Thousands of trained, well-organized, and hardworking volunteers can make an enormous contribution to the health and welfare of this Nation. I look forward to seeing national service legislation enacted during this Congress.

Thank you, Mr. President.

Mr. DOMENICI. Mr. President, we will soon complete action on S. 1430, the National and Community Service Act. This legislation would establish and create a few new progams intended to encourage, and create opportunities for, community service. Though we have spent much of our time on this bill discussing a number of issues that do not relate directly to this bill, the underlying issue addressed in this legislation is, I believe, a highly important one.

We have been greatly blessed in our country with a system of government that frees the tremendous human potential of our people. Every day we see how the energy and drive of individual Americans, free to pursue their particular interests, produce wonders—in science, art, business, and many other matters.

Much of our energy is needed to attend to the basic economic security needs we all have—to ensure our families can live comfortably, be healthy, and have all the opportunities available to succeed throughout life. Our society enables and encourages us to do that.

While I believe we are blessed in that way, unfortunately, our society does not go far to facilitate the desire of our people to use our energies simply to serve our communities and our fellow citizens. A few days ago I mentioned my experiences with my children, and the tremendous interest they have shown in serving their communities and those around them who, maybe, have not been as fortunate.

We ought to find ways to give our people—and especially our young people—the opportunity to make a contribution to their communities that is something beyond the simple pursuits of everyday life.

The legislation before us today attempts to provide a few of these opportunities. This bill would create three new community service programs. The first would focus on school and community-based service activities.

The second program would create a youth service corps or conservation corps, providing full-time service opportunities for youth aged 16-27. The third program would be a national service program for adults. Provisions are also included to help enable States to design innovative programs of their own, and to enable college students to participate in community service.

Finally, this bill would include President Bush's proposal to establish a Thousand Points of Light Initiative. A foundation would be created to help bring national attention, and to find ways to facilitate voluntarism in America.

There has been some debate here over the appropriateness of creating programs that spend several hundreds of millions of dollars each year to promote community service and voluntarism. Let me say I do not believe we need to pay people to get them to want to serve their communities. However, I do believe we should take some steps to help give Americans greater opportunities for serving their communities.

It was with this thought in mind that I introduced S. 689, the Kids Helping Kids Act. That bill would have helped create school-based programs providing community service opportunities for students, particularly programs that got high school students helping their fellow students, and programs that worked service opportunities into school curriculums.

I am pleased that many of the ideas in that small bill were included, and developed on, in the bill we will soon complete. I commend those who helped create the bill before us today for their hard work and concern for improving service opportunities in this country.

Let me say that I do not believe we need to spend a great deal of money to help establish the kinds of opportunities I have been discussing. What we need is a way to tap into, and focus, the great interest our people have in serving their communities.

On this last point I commend President Bush for his efforts to recognize the tremendous volunteer spirit of our Nation. For quite some time the President has been pointing out that the human service needs of our country need not always have a government solution—that all over our country, people work selflessly, day in and day out, to serve their fellow citizens.

I believe a good effort has been made to compromise on the various concerns expressed about this bill, and I am pleased I was able to contribute in a few ways to this legislation. I believe this bill will create some positive opportunities for community service, and I intend to support it.

Mr. CONRAD. Mr. President, I am pleased today to rise as a cosponsor of the National and Community Service Act of 1990.

Last year I joined Senator BUMPERS in introducing three relatively modest, but extremely important community service-related bills. Those bills proposed eliminating one of the major barriers to participation by our kids in community service—student indebtedness.

I am pleased that these proposals have been incorporated into S. 1430.

Young people today are frequently criticized—I believe unfairly—as disinterested in serving their communities and country. When someone just out of college is burdened with student loan debts, when the creditors are calling, and when the Government is cracking down on those who default, is it any wonder that kids do not feel they can volunteer?

But the National and Community Service Act can help change that. The provisions on student loan deferrals and cancellation will lift that burden from the backs of those who volunteer. It will reward participants by acknowledging their sense of community and their wish to contribute to and learn about society and government.

I would like to associate myself with the remarks made yesterday by Senator FOWLER about the importance programs like this can have in rural America. The more connected the young are to their communities, the less likely they are to leave. Volunteer service opportunities can provide experiences that make those connections. They instill in those who participate a taste of the rewards of public service as well as pride in their communities and country.

S. 1430 creates meaningful service opportunities for both students and out-of-school youth, tailored to community needs such as education, environment and poverty. The bill also provides for the creation or expansion of full-time or summer youth service and conservation corps programs. The work may include service in government agencies, nursing homes, hospitals, libraries, parks, day care centers, schools, law enforcement agencies, private nonprofit social service organizations, on public lands, improving parks, wetlands, forests, or urban revitalization.

Another strength of S. 1430 is its provision for civilian service programs for people of all ages. Through the years we have seen the value of programs like RSVP, ACTION, VISTA, the Peace Corps, and more. The profound effect of these programs is evident even on the floor of the Senate. During this week's debate, several of our colleagues have shared with us how their volunteer experiences led them to public service as a career.

Another area where S. 1430 can make a real difference is Indian reservations. I would like to take this opportunity to thank the managers of the bill, Senators KENNEDY and HATCH, for their willingness to accommodate my concerns regarding the eligibility of Indian tribes to participate in community service programs.

Yesterday, my amendment was added to the bill, thus ensuring that Indian tribes will be eligible to receive grants regardless of whether their state applies for and receives funding.

Like rural areas generally, Indian reservations stand to benefit substantially from volunteer service. Those who live on Indian reservations in North Dakota and elsewhere often live in extreme poverty. Unemployment may exceed 80 percent. Reservations have substantial needs in areas relating to jobs, housing, sanitation, natural resources, and education. Without question, these are places where the efforts and dedication of volunteers can make a difference.

Community service will help Indian youth and others on reservations gain leadership abilities and a better understanding of how they can affect their communities and lives. It will help them shape a better future.

Again, Mr. President, I am pleased to be able to support this important piece of legislation. We all stand to benefit from the effects that volunteer service have on our communities, children, elders, and ourselves.

Mr. KOHL. Mr. President, I rise today to extend my support for S. 1430, the National and Community Service Act of 1990. I commend the leadership of Senator KENNEDY, and the work of the Labor and Human Resources Committee, along with the leadership of Senator HATCH in developing a compromise that we all should be able to support. I also want to thank my colleague from North Dakota [Mr. CONRAD] for adding language to S. 1430 which will make it clear that Indian tribes are eligible to receive grants for community service programs directly from the Federal Government, whether or not their States are participating in the program.

We are witness to a movement in Eastern Europe unprecedented in our lifetimes—a movement characterized by the fact that citizens have taken charge of their nation's future. That sense of involvement in directing the future of one's community and nation is what we hope to rekindle with the national and community service bill. When we encourage our Nation's youth to serve in programs that will help rebuild this Nation's human and social infrastructure—working to solve the problems of poverty, illiteracy, homelessness, and drug abuse—we are building a lasting foundation that can carry this Nation forward into the 21st century with a citizenry committed to and involved in their nation.

With regard to title I, I appreciate the cooperation of my good friend, the distinguished chairman of the Labor and Human Resources Committee, for including language that encourages program agencies to provide health insurance to participants while enabling more young people to benefit from the conservation and youth corps. We both share a deep commitment to universal access to health care and I have great personal respect for his leadership in this area. We would like to see all agencies providing insurance for these young people.

I became aware of the extent of the problem of health insurance for youth corps members in conversation with Topf Wells, executive director of the Wisconsin Conservation Corps [WCC]. The WCC has been described as a model youth corps program. According to Mr. Wells:

> A rough estimate from Wisconsin's Department of Employee Trust Funds is that it would cost the WCC between $850,000 to $1,060,000 per year to provide the health insurance available to other State employees to corps members. It would cost an additional $220,000 to provide similar coverage to crew leaders. Based on a total cost of $1,100,000 to do both, the WCC would annually field 15 crews fewer than it does now. Currently, the WCC has 49 crews in the field; therefore 15 crews represent approximately 30 percent of our operations or services.

WCC investigated the possibility of a self-insurance program. The advantage of this approach would be a greatly reduced cost, possibly in the range of about $150,000. Since this can be a complex undertaking, program agencies could benefit from the expertise of State policymakers. With the escalating cost of health insurance, I hope that States will work with program agencies to provide access to health insurance, through direct purchase of coverage, State risk pools, or possibly self-insurance plans.

Wisconsin is fortunate to have an outstanding youth corps program, the Wisconsin Conservation Corps. An article by Catherine Foster in the Christian Science Monitor, identifies the Wisconsin Conservation Corps as a "model program." The corps "typifies labor projects that benefit workers and community." The WCC is an example of the types of programs that will expand under this act. The WCC will also serve as a model for other States to follow in setting up youth corps programs. This article does an excellent job in explaining the activities of the WCC, and in illustrating why these programs are an essential component of the National Service Act. I ask that an excerpt from the article, "Youths Serve Society and Selves," by Catherine Foster in the June 21, 1989 edition of the Christian Science Monitor be printed in the RECORD.

And I urge my colleagues to support S. 1430.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor, June 21, 1989]

YOUTHS SERVE SOCIETY AND SELVES

(By Catherine Foster)

Five burly guys in green T-shirts are up to their knees in mud, picking up boulders as if they were papier-mache fakes from Universal Studios. They're riprapping a slope: placing rocks on the side of a stream bed to stabilize the eroding bank.

The team is a part of the Wisconsin Conservation Corps (WCC), a four-year-old organization based on the Civilian Conservation Corps (CCC) that put young men to work rebuilding and replanting America during the Depression. Started by some CCC alumni, the Wisconsin corps is trying to do the kinds of things the parent group did, but adapted to life in the '80s. It's the kind of program, duplicated around the country, that many proponents of national service cite as a good example.

In the '30s, CCC laborers in Wisconsin planted trees, cleared trails, and built picnic tables and gazebos in state parks. They lived in remote camps, earned $5 a month (another $25 was sent home to the families), and were given education leading to a high school equivalency degree, according to Emil Muelver. Now the chairman of the board of directors for the WCC, Mr. Muelver worked for the CCC for 3½ years during the Depression. "It shaped my life," he says. As a result of the speaking ability he developed in his work with the CCC, Muelver became a union representative.

Muelver helped organize the WCC in 1984. Following the CCC model, it has crew leaders and assistant crew leaders. But this version is updated: Almost a third of the members are young women: there are minorities and people with disabilities.

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These 535 members and 89 crew leaders live at home, not in camps. It is open to all unemployed youths 18 to 25; and according to state statute, half have to be on public assistance. Paid minimum wage, they're eligible for a $500 cash bonus or a $1,500 tuition voucher if they complete the 12-month stint. Volunteers also receive 12 to 20 hours of educational assistance, including help with writing cover letters and resumes.

A federal, state, or local agency with a project needing labor can apply for a team to come for a year. The volunteers build stone walls, restore prairies, maintain trails, and construct viewing platforms and structures for disabled people. A special unit in Milwaukee works on energy conservation projects installing weatherstripping and insulation.

The first follow-up survey of 800 alumni brought only 120 responses. But of those, 93 percent are now either working at higher than minimum wage or enrolled in school and 94 percent rated it a positive experience, according to Topf Wells, executive of the WCC.

"The most important thing they come away with is tremendously enhanced self-respect," says Mr. Wells. "These are the kinds of work results that are immediately apparent. When you make a lake accessible to disabled people there's no doubt that that is good work. And they learn to work with one another on a team. They've tackled a tough job for 12 months and found they can do it well."

Ron Grasshoff, the lean and driven crew leader who gets his men on site at 6 a.m. for four strenuous, 10-hour days, says. "I see development of work habits." Mr. Grasshoff does more than teach skills. He teaches them about prescribed burning, fish management, and flood plains; giving these young people a different sense of the outdoors that some of them hunt and fish in.

"It's been an education for me," says crew member Brian O'Neill. "A lot of us have learned a lot about conservation. Before I couldn't tell an elm from a walnut tree."

A lot of the backbreaking work they've done on this project—like riprapping or yanking out brush to prepare a hillside for praire restoration—which was sponsored by the state historical society, is "good work that would never have gotten done" if there hadn't been this pool of inexpensive labor, says Grasshoff.

Hard work. New skills. Meeting society's needs at low cost. Educational incentives. All these elements in Wisconsin's program make it a microcosm of the kind of national science program proponents would like to see established by law. Many go beyond strictly conservation work to including care for the elderly and AIDs patients, as well as working in schools.

National service is seen by some as a way to solve two pressing societal problems: young people who lack goals or skills or money for college: and the pressuring needs of the elderly, the military, and environment. A 1988 Gallup poll found it was favored by 83 percent of the total population and 87 percent of 18-to-24-year-olds.

Mr. WILSON. Mr. President, one of the greatest attributes of the American people is their willingness to give so generously of themselves, of their time, of their resources in times of need.

Beginning back in 1787 when 55 statesmen volunteered to draft the U.S. Constitution to recent herculean volunteer efforts in the aftermath of the Loma Prieta quake in California; from the El Virita Lewis Foundation's program which brings senior citizen volunteers into our day care centers to the thousands of parents nationwide who volunteer in our Nation's schools.

All represent one of America's oldest and finest traditions—voluntarism.

Today, the Senate is considering legislation which carries this tradition forward. It sends a basic message across the land: reach out and help each other. The rewards both in terms of personal satisfaction and experience gained rarely will be exceeded by any other activities one might undertake in one's lifetime.

President Bush rightfully has focused the Nation's attention on the Thousand Points of Light—an army of volunteers standing ready, willing, and able to help America. The President's words and leadership on this critical issue have served as an impetus to developing a national youth and community service policy.

S. 1430, the National and Communtiy Service Act, builds upon the President's initiatives. Indeed, the committee substitute amendment incorporates several of the Bush administration's proposals.

It would establish the Points of Light Initiative Foundation to administer our Nation's community service programs but more important, to encourage every American and every American institution to volunteer their time, energy, and services through community service programs.

The committee substitute also includes the President's innovative State grant program to encourage States to develop new volunteer programs designed to meet unique needs within State boundaries.

In addition, several important amendments which I had intended to offer have been included in the committee substitute.

First, although not the intention of the committee, displacement language within the original legislation would have had the effect of barring Federal support for school volunteer and tutor programs.

In California we have had considerable success in bringing promising honors students into the classroom to tutor younger children. Not only do these volunteers gain experience in teaching and serve as role models to their younger counterparts, they also greatly assist our Nation's teachers in providing the individual attention, caring, and guidance which can positively influence young attitudes and young lives.

Mr. President, I am pleased to report that the committee has accepted language to ensure that school volunteer programs such as Project Hermanos in Los Angeles unified school district, which place tutors in the classroom to assist teachers would be eligible for Federal support.

The second concern I had which the committee has addressed is to ensure that programs which seek to bring parents into the classroom receive a funding priority under the school and community based volunteer program authorized under title I of the committee substitute.

Without the support of our Nation's parents to provide children with sufficient motiviation and self-esteem to learn, the level of education funding or the number of national education goals we set will become increasingly less important.

There is no better stimulant to good learning than parental interest. Every study to date demonstrates that parents can make the real difference.

Therefore, it would seem to me that we should take every action to encourage parental involvement. The committee substitute incorporates language I had intended to offer which will add to the list of funding priorities those school volunteer programs which utilize parents in the classroom.

Finally, I am pleased that the committee has included language that I recommended regarding U.S. Border Patrol voluntary services. As my colleagues know, the Border Patrol faces the great burden but important task of intercepting illegal aliens and the illegal flow of drugs across our borders.

All too often, however, the Border Patrol is called into service for search and rescue, interpreter, and other tasks which could be performed by volunteers.

The provision within the committee substitute will allow Federal, State, and local agencies to accept volunteers for Border Patrol activities under the youth and community service programs established under S. 1430.

I want to make clear that this proposal will not allow volunteers to engage in law enforcement or other critical Border Patrol activities nor will it displace any Federal Border Patrol personnel.

Mr. President, every individual who volunteers to serve our country—whether in the schools, at youth shelters, in the armed services, at child care centers, in nursing homes—deserves our applause. A national community and youth service policy will turn that applause into a standing ovation across the land.

Mr. BRADLEY. Mr. President, I rise today as a cosponsor of the National and Community Service Act. I feel that this legislation will foster a commitment from our youth helping serve America's needs through community service.

I believe the Congress should find ways of encouraging citizens to give time and assistance to their communities and to our country. We are all

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aware of the benefits of programs such as the Peace Corps, VISTA, and the Retired Senior Volunteer Program which encourage Americans to participate through volunteer activities. These programs have touched the lives of millions of people, in addition to enhancing the community spirit of the volunteer corps.

This bill introduces three new programs to asssit our local communities. It provides grants for school and community based programs for students and out-of-school youth. The bill makes competitive grants available for youth service corps, and also a national service program which includes senior service volunteers.

Another feature of the bill is that it incorporates the President's "Points of Light Foundation" in title III. The Foundation's purpose is to encourage every American to volunteer their time and energy by participating in community service. I am pleased that the Foundation's advisory committee was headed by the former Governor of New Jersey, Tom Kean, and I know this is an issue important to him.

Communities across the Nation clearly benefit from the volunteer services of our citizens. Service fosters the sense of community which has characterized our country from its earliest stages of development. Participation in a service program benefits the youth of our country by showing them that they are an important and valuable national resource. In addition, service provides invaluable assistance at the local level, and strenghtens our Nation by instilling a sense of civic responsibility in America's youth.

So Mr. President, I rise today to affirm the commitment to our communtiies and to our Nation in the spirit of helping our fellow neighbor. This Nation was built upon that commitment of caring for our fellow man, and our society needs its youth to provide the lifeblood of this vital effort. I believe that S. 1430 would foster a renewed sense of community service from our youth, and it has my support in doing so.

Mr. RIEGLE. Mr. President, I rise as a cosponsor of the National and Community Service Act. The authors of the bill have done an excellent job in bringing the best national service proposals together into one piece of legislation.

The strength of our democratic society arises from the active involvement and the commitment of all of our citizens in addressing the challenges facing our Nation. The National and Community Service Act builds upon those celebrated American qualities, and the authors of the bill estimate that this legislation could generate over 1 billion hours of service to communities across the country. Volunteers working in education, in health care, and in the outdoors will contribute to make our society smarter, healthier, and cleaner.

I would like to highlight a couple of particularly exciting aspects of the legislation. I am very pleased that this bill works to encourage service opportunities that pair seniors with young people. Seniors are, in so many ways, our Nation's greatest resource. They possess a lifetime of experience and wisdom that can make a real difference to the development of our young people. This is especially promising for young people who need mentors to help guide them in making their important decisions. At the same time, seniors will benefit from the energy and enthusiasm that young people can contribute.

I am also pleased that the bill actively seeks to enable citizens of all economic backgrounds to participate in community service. By providing modest stipends and benefits to those who participate full time in the Youth Service Corps and the National Service Demonstration Program, individuals of low and middle income backgrounds will be able to make a sustained contribution to national or community service.

Finally, I would like to address a concern expressed by many of my constituents regarding the provisions of the bill involving student loans. This proposal in no way requires any student to participate in community or national service in order to receive Federal financial aid for higher education. Instead, the bill allows for deferment or partial cancellation of student loans for individuals who voluntarily participate in community service.

In closing, Mr. President, I am proud to have cosponsored this legislation, and I urge my colleagues to offer their full support.

Mr. SIMON. I support this bill and its intent to expand service opportunities to persons of all ages and all walks of life. It is needed and will benefit both communities and the volunteers themselves. I do have concern, however, over what I believe is an unintended inequity for the VISTA and Peace Corps programs as a result of the differences between postservice benefits available to these volunteers and to volunteers who serve under the national service demonstration programs in this bill.

Even taking into consideration the new loan forgiveness provisions available to VISTA and Peace Corps volunteers, there is a substantial difference between the postservice benefits they are likely to receive and those that national service volunteers are likely to receive. Since a large percentage of VISTA volunteers are economically disadvantaged, the national service voucher may be of far more usefulness to these volunteers than is the loan forgiveness provision. There is also a real possibility that this disparity in regard to VISTA volunteers, who may work side by side with national service volunteers, may negatively affect recruitment for this specifically antipoverty directed program.

Mr. President, Senator KENNEDY, the chairman of the committee, has been a strong champion of both VISTA and the Peace Corps, and I believe he shares my concern that we not take any action that indicates they are less valued by those of us who design these programs, or that could in any way negatively affect them.

I would like to ask the chairman for an assurance that he will work with me and with Members of the House in an effort to make sure that the conference agreement on this bill includes provisions that are fair and equitable to the volunteers in VISTA and, to the extent we can do so given the jurisdictional issue, for the Peace Corps.

Mr. KENNEDY. The Senator is correct in his description of my support for these long effective volunteer programs, and correct that I want to ensure that we treat them fairly and consistently with national service volunteers. I understand the Senator's concern and believe it is one we need to take further time to address seriously. I assure the Senator that I will make every effort to see that the final outcome is fair and equitable to the dedicated volunteers who serve in VISTA. To the extent we can address the issue for Peace Corps volunteers without violating committee jurisdiction, I will do all I can to see that we treat them fairly in regard to postservice benefits.

Mr. SIMON. I thank the Senator for his commitment, and I will work with him to carry out that objective.

Mr. BREAUX. Mr. President, thank you for the opportunity to speak in support of the National and Community Service Act of 1990. I am a cosponsor of this legislation and am very pleased that we will be voting on its final passage in the Senate today.

I strongly believe that everyone should have the opportunity to serve as a volunteer in community service at some time during their life. Young people who become involved in volunteer service will find it a rewarding and valuable experience. From an early age, they will learn the responsibilities and the benefits of serving others through a set of programs that integrates the concept of volunteer service into the education of students from kindergarten through college. At the same time, volunteers will have a chance to make the lives of less fortunate Americans a little bit better.

The United States is faced with a variety of unmet needs which community service volunteers will fulfill. This legislation will bring volunteers into hospitals, where they can help care for newborn babies, the elderly, and the disabled. Volunteers will also be invaluable workers in drug abuse prevention and rehabilitation programs, education, and literacy training programs, and the protection and maintenance of our national parks and natural resources. These are all national priorities as well as valuable service opportunities for our Nation's youth.

Unfortunately, most people in the United States cannot afford to take a year of their life and work as a volunteer for no pay. People have to eat. The minimal benefits that will be made available to volunteers under this legislation will allow them to pursue community service while receiving enough of a stipend to provide for themselves. Additional benefits that will be made available to volunteers after the completion of their service will help young people to pay for education, job training, or housing. These are important needs which are becoming harder and harder for many young Americans to pay for.

Before closing, Mr. President, I would like to specifically thank Senator NUNN and Senator ROBB for the work they have done on this issue. Based on the work of the Democratic Leadership Council, my two colleagues introduced the Citizenship and National Service Act [S. 3] in January 1989, of which I was proud to be an original cosponsor. Senators NUNN and ROBB deserve a fair amount of the credit for bringing national attention to the whole concept of stronger Federal support for national and community service. Further credit for the success of this legislation goes to the Labor and Human Resources Committee for putting together a package that has considerable bipartisan support. I yield the floor.

Mrs. KASSEBAUM. Mr. President, the National and Community Service Act reflects the feeling that service addresses not only many pressing needs in our society but also enhances the sense of purpose and self worth of those who offer their time and talents. Although I heartily concur with this sentiment, I am not convinced that this new Federal legislation is the most practical or effective means of achieving these goals.

In fact, I do not believe that any Federal legislation can really capture what service and volunteerism are all about. Service activities should be based in the community, and financial reward should not be seen as the incentive for offering service. True service is that which is freely given because one wants to make a real difference in improving the quality of community life. It should not be regarded as an obligation to be met for a year or two and then abandoned.

I believe it is possible to foster this spirit of service without resorting to the creation of new programs which are in many ways duplicative of those already in existence. We in Washington have the power to pass costly programs and launch national initiatives, but we are totally powerless in creating those caring, committed individuals upon whom every success depends.

The diversity of American life has been reflected in the variety of service opportunities which are available. In addition to the activities sponsored by community-based organizations, there are options for service in organizations such as the Peace Corps, VISTA, and the military for those who wish to make a full-time commitment. It seems to me that a more sensible approach, if we wish to expand our presence in this area, would be to beef up the Federal programs already in operation.

A renewed focus on service is a welcome development, but the vitality of the effort will rely not on new Federal programs but rather on the development of a sense of individual responsibility to be of service to others.

Mr. KERRY. Mr. President, I rise today in support of the National and Community Service Act of which I am a cosponsor. This important legislation represents a lot of hard and creative work by a many people who share my commitment to an idea and a principle begun in President Kennedy's administration; that of serving your community through national service.

First off, I must commend my colleague Senator KENNEDY for his hard work and patience in incorporating a variety of ideas and proposals about national service into one comprehensive bill. His leadership and his willingness to work with others on this issue are the reason we are here today, about to pass this historic legislation. I must admit, as I look at the changes that have occurred in this legislation in just the last few days of debate, I am impressed with my colleague's willingness to incorporate such a diverse multitude of opinions on the issue of national service.

The National and Community Service Act is an idea who's time has come. It is of course not a new idea. For years federal programs such as the Peace Corps, VISA, and Older American Volunteer Programs have provided Americans with the opportunity to serve. In addition, tens of thousands of our citizens, young and old alike, volunteer full and part time to serve others in their communities. This legislation is based on that element of community involvement that has historically been such an important part of the American spirit. However, as the need for volunteers has increased the willingness and the ability of many Americans to do so has sadly declined.

Some people point a finger and attribute the decline in community service volunteers to changing values, yuppie greed if you will. There may be some truth to this interpretation but finger pointing is quite unproductive. More directly linked to the decline in the willingness of Americans, particularly young Americans, to volunteer is a general lack of encouragement, support, and opportunity to do so.

First off, changing economic factors have increased the financial pressure on young Americans who wish to finance an education and then a first home purchase. These young people graduate from college with large debts and must devote their energies to financial pursuits if they are to pay that debt and then accumulate the ever increasing moneys needed for the down payment on a first home. Such considerations do not reflect greed, they reflect financial reality. Second, the Federal Government has been slow to structure national service programs in ways that reflect this new reality and which provide opportunities for Americans to offer their services without necessarily foregoing financial stability or experiencing a serious long-term financial burden as a consequence.

The National and Community Service Act recognizes both the critical need for community service in America and the increasing financial pressures on our young people. S. 1430 says: "If you give some of your time and energy to help those in need, your Government will help you." This bill authorizes a demonstration program to help volunteers finance either an education or a first home purchase. So by helping your community, you can to some degree help yourself.

In addition, this legislation assures that there will be a wide range of opportunities for people of all ages to devote themselves full or part time to community service. By expanding on existing programs and implementing new ones, the National and Community Service Act is expected to generate over a billion hours of service in the areas of education, the environment health care, social services, and public safety.

Mr. President, there is a critical need for this initiative at this time. The demand for community volunteers has for too long exceeded the supply, and the Government certainly does not have the resources to provide all the needed services. Enactment of this legislation will allow the Government to underwrite, if you will, the administration of such services by insuring a wider availability of volunteers. In addition, it will serve to better this country by encouraging Americans to work together, help each other, and improve our country.

As most Peace Corps and other volunteers will tell you, the biggest beneficiary of an act of volunteer service is often the volunteer him or her self.

Most volunteers experience ways of life, human problems, and community issues that effect them profoundly. They carry this broadening experience, the rewards of serving others, and a deeper sense of community with them in whatever walk of life they ultimately pursue.

S. 1430 is endorsed by educational associations, labor groups, and business organizations too numerous to name. The point is, there is a loud cry in this country for national service. We can answer that call by passing this legislation. I urge my colleagues to support the National and Community Service Act and help America help itself.

Mr. MITCHELL. Mr. President, last January, I set forth what I hoped would be the Senate's legislative agenda on both domestic and foreign policy.

On domestic policy, I said that Senate Democrats sought a national community whose members shared fairly in prosperity and freedom and who in return did their part to help build prosperity and preserve freedom.

I said the Senate would consider legislation to re-establish national service on a voluntary basis—to ask citizens to help shape this country's future by reactivating our national idealism and the traditional American commitment to giving a helping hand.

That effort reaches another stage of fulfillment today as S. 1430, the National and Community Service Act is approved by the Members of the Senate.

Mr. President, although many Democrats support national service and have spoken about its virtues, support for voluntary service to one's community is not a Democratic idea.

In his words and deeds, as a presidential candidate and since his election, George Bush has made clear his commitment to the concept and has spoken often about the value of community service.

Just last month, during his 1990 State of the Union address, the President once again spoke of the value and need for fostering an improved sense of citizenship,

> . . . the state of the Union depends on whether we help our neighbor—claim the problems of our community as our own. We've got to step forward when there's trouble—lend a hand, be what I call a point of light to a stranger.

In his fiscal year 1991 budget, the President said he would propose legislation to establish the Points of Light Initiative Foundation and included $25 million for its operation.

I am pleased that we have been able to work with a number of interested Republican Senators, in particular Senator HATCH. Without his efforts at working out a bipartisan package, it's unlikely we would be at this juncture today.

It is unfortunate that despite a number of efforts by Senator HATCH, Senator KENNEDY and the other cosponsors of S. 1430 to reach agreement with the White House it is still unclear if the White House supports the final work product.

Nonetheless, I commend my colleagues for their dedication and hard work in putting this legislation together. Particularly I want to commend Senator KENNEDY, Senator NUNN, Senator PELL, Senator MIKULSKI, and Senator DODD for their efforts. Without their personal involvement we would not have a national service bill before us today.

The issues fundamental to creating a program that calls upon Americans to take an active role in making their communities, this Nation, a better place for us all have been debated in this Chamber for 4 days.

Several Senators have asked, "Should we pay people to volunteer?"

The question on its face seemed simple for them. They said that the rewards of volunteer service, an hour or a couple of hours a week, is and should be of itself enough inducement.

According to a recent national survey, the average volunteer contributes about 4.7 hours per week. In demographic terms, the typical volunteer could be described as: female, Caucasian, between the ages of 35–44, married with no children, some college education and employed with an annual income of between $25,000 and $40,000.

But this bill doesn't just propose a program for the typical volunteer. We are asking young people to make a commitment much greater than an hour or two once or twice a week.

It is service we are asking of them, a consistent, dependable, rigorous commitment over a sustained period. Full-time participants in the youth service corps and pilot national service programs authorized in S. 1430 would be engaged in service for 40 hours per week. Part-time service is a commitment for between 3 and 6 years.

Several Senators have asked if the Government has any role to play in designing a national service effort. Is the proper role of Government to encourage? Or is it rather to enable?

The fact of the matter is that this Nation has been encouraging volunteer service for decades. But to enable a broad array of young people to participate in service in their communities, we need to do more than simply encourage them. We need to recognize the constraints that keep young people from community service.

Many moderate-income and low-income young people today need to work so that they may attend college. Some need to work to help their families pay bills. Others are on their own and need to work simply to survive.

S. 4130 is designed to enable all young people to participate in community service, not merely young people from wealthy families.

Mr. President, support for voluntary service to one's community is not a new idea. Throughout our history, Americans have volunteered their labors and energy to meet the civic needs of the day. Citizen militias marched on nearly every village green in colonial times.

Unfortunately, in the past decade, what has often been described as the "me" decade, a generation of young Americans seemed to have lost the historical American tradition and instead focus only on how they can financially better themselves.

A recent study issued by the People for the American Way examining the attitudes and values of America's young people made this point in a dramatic fashion. The study found:

First, that young people cherish America's freedoms without understanding what it takes to preserve them;

Second, this generation is—by its own admission and in the eyes of teachers—markedly less involved and less interested in public life than previous generations;

Third, the institutions with the best opportunity to teach young people citizenship—family, school, and government—have let them down; and

Fourth, young people themselves point the way out of our citizenship crisis by asking for more ways to get involved.

Surveyed teenagers were asked to rank each of a series of potential life goals on a scale of 1 to 10, of which a rating of 10 represented the most important goal.

Seventy-two percent of the teenagers assigned a 10 to being successful in a job or career. Sixty-eight percent of the teenagers assigned a 10 to having a close-knit family life. Fifty-seven percent assigned a 10 to enjoying themselves and having a good time. Fifty-one percent of the surveyed teenagers assigned a 10 to doing well financially and making a lot of money.

Yet only 24 percent of the teenagers assigned a 10 to being involved in helping their community be a better place. And 72 percent of the teenagers agreed to the statement that "young people seem less involved these days than they were in the past."

At the same time, the study by the People for the American Way found that young people would like to be active in the community and would like to be engaged in service.

They are willing to commit their time, their energy, their enthusiasm. What they've been waiting for is for someone to ask them and to set out a mechanism for them to participate.

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I believe this legislation, the National and Community Service Act, will enable today's youth to give something back to the society that has given them so much in a multitude of options.

The voluntary national service program envisioned in S. 1430 is a good way to channel the idealism of American citizens, especially young people, while providing a broader opportunity for upward mobility to more of our citizens.

The homeless, the elderly, the poor, and the mentally handicapped are only a few of those who are waiting for service volunteers. Communities across the country face shortages of tutors, counselors, and health care assistants. Conservation work in our Nation's forests, parks, recreation areas, and farmlands goes undone.

I believe the broad-ranging, robust debate held over the past several days has been constructive in laying out for the American public what goals the Senate believes a national service program must have, what elements a national service program must contain, what level of support national service has among our citizens, and what this Nation is willing to commit for such a program.

I recommend to my colleagues for their support, S. 1430, the National and Community Service Act, legislation that is crafted to meet the needs of this country, offers Americans from all walks of life and all ages a worthwhile and challenging opportunity to serve, and which passes the test of fiscal responsibility.

Mr. KENNEDY. Mr. President, I commend the Senate for enacting the National and Community Service Act of 1990.

This bill provides funding for States and localities to establish a wide array of national and community service programs.

Some of the resources under title I will be used to support part-time community service programs for young persons through their schools or through community organizations like the "Y" or the United Way.

Other provisions will be used to support youth service and conservation corps programs.

Finally, title I also provides opportunities for young Americans to earn college scholarships and for young workers to make a down payment on a home by serving in their communities full time or part time.

Title II of the bill provides increased funding for another program, the Innovative Projects for Community Service at the Department of Education, to encourage colleges and universities to make community service programs available on their campuses.

The legislation also increases incentives for colleges to use their College Work Study funds for community service jobs.

Finally, the bill includes President Bush's Points of Light Initiative Foundation to encourage community service programs in the private sector.

This legislation has many purposes: it will enable our Nation to respond to unmet needs by encouraging more citizens to become more involved in serving and thus in their communities.

It will remind all Americans of the responsibilities of citizenship, and it will teach young people about the needs of the community.

The most important purpose of the bill is to encourage all Americans to roll up their sleeves and do what they can to serve their communities and the Nation. It will help us make the 1990's the decade of helping others.

America lost sight of that goal in the 1980's. With this measure, we renew the call to service. Community service is an idea as old as America, and it reflects America at its best.

We face serious challenges in the years ahead to rebuild our country and invest in the future. Americans helping others is what America is all about.

It was the spirit of the old frontier. It was the spirit of the new frontier. And it can be the spirit of the next frontier.

Mr. President, as we come to the conclusion of this debate, I would like to recognize the many Senators whose interest in and commitment to this issue have brought us to this point.

This issue has been a priority for Senator Pell for many years. His proposal has been incorporated in the national service demonstration portion of this bill, and he should receive great credit for bringing the issue of national service to the national agenda.

Senator Mikulski has put many hours of work into this legislation. I am grateful for her support as we debated the legislation, and I am pleased that the final bill includes her part-time national service program.

Senator Nunn, with his provocative proposal for a nationwide service program, focused national attention on civilian service. He has been extremely helpful and openminded as we put this legislation together, and I am very appreciative of his willingness to work with us to bring a bill before the Senate that I am hopeful will pass by a strong margin.

I am also grateful for the work of Senator Dodd, whose proposal for a full-time youth service corps has been incorporated in title I of our bill.

Senator Bumper's loan forgiveness proposals are an important part of our overall program. Senator Graham contributed an excellent proposal regarding adult volunteers in school. Senator Kohl contributed useful suggestions regarding the health care language. Senator Durenberger proposed provisions regarding the clearinghouses in the bill. I appreciate all of these proposals.

Senator Hatch deserves special thanks for his willingness to work out a reasonable compromise. He has always had an open mind about our programs and is a strong supporter of volunteer service.

Finally, I am very grateful to the majority leader, Senator Mitchell, for placing national service high on the Democratic agenda. He has worked with us for many months and was an original sponsor of S. 1430. We thank him for his leadership.

Many staff members contributed a great deal to this legislation: On my own staff, Shirley Sagawa, Terry Hartle, Nick Littlefield, Rusty Barbour, Michael Epp, Melissa Soza, Jeff Blackburn, Jeff Blattner, and Goody Marshall; from Senator Hatch's staff, Nancy Taylor and Carrie Hillyard; from Senator Mikulski's staff, Leslie Miles and Glenn Roberts; from Senator Pell's staff, Sarah Flanagan and David Evans; from Senator Nunn's staff, Julie Abbot Murphy and Jenny Jones; from Senator Dodd's staff, Joan Hogan-Gillman; from Senator Mitchell's staff, Steve Hart and Grace Reef; from Senator Bumper's staff, Chuck Ludlum; and from legislative counsel, Bill Baird, who worked many late nights and weekends to prepare the legislation for floor action. I am grateful to all of these staff members for their hard work and assistance.

The National and Community Service Act of 1990 also reflects the ideas and inspiration of many organizations and individuals in the field of service. Many of these individuals have worked tirelessly over many years to pass national and community service legislation. I cannot offer a complete list, but several merit special mention: Don Mathis and Peg Rosenberry, and the staff at the National Association of Service and Conservation Corps; Frank Slobig and the staff at Youth Service America; John Buchanan, Melanne Verveer, and Marsha Adler and the staff at People for the American Way. Chuck Loveless at AFSCME; Elaine Shocus at the American Federation of Teachers; Gary Timmons at the National Education Association; Joyce Black at the State of New York Governor's Office for Voluntary Service; Jeff Coolidge, Jay Davis, and others at the Thomas Jefferson Forum and Massachusetts Youth Service Alliance; Kathleen Curry at the National Association of Independent College and Universities; Susan Stroud, Lain Warsavage, and others at Campus Compact; Barbara Gomez and Michael Klusaw at the Council of Chief State School Officers; Sam Halperin, at the W.T. Grant Foundation; Alan Khazei and Mike Brown at City Year; Robert MacFarlane and Louise

McKnew at the Center for Independent Living Assistance; Jane Ward Robinson and others at COOL; Dick Kruse at the National Association of Secondary School Principals; Bob Canavan at the United Way; Tom Corl, Maria Smith, and Susan Walter and others at the Red Cross; Debbie Murdock and others at the YMCA; Jennifer Wingard at NASULGC: Fran Butler on behalf of the Older American Volunteer Program Directors Association; Harris Wofford and John Briscoe with Penn Serve; Carol Kinsley at Resources for Educational Partnerships; Mark Johnson at AARP, and many others too numerous to mention. To all of these individuals, my deepest thanks. If we succeed in enacting the National and Community Service Act of 1990, all of you deserve the credit.

Mr. HATCH. Mr. President, I do not want to keep our colleagues very long but I would like to say just a few words about this legislation. They will be very few.

I agree with the distinguished Senator from Massachusetts. I compliment him for being so willing to accommodate various people who have tried to improve this bill and to make it better.

We have debated the bill 4 days. That is a significant amount of time to consider legislation on the floor of the Senate. We have discussed many amendments on this specific legislation. Many of them I supported and many of them make improvements in the committee substitute.

But in the 4 days of debate, Mr. President, not one Senator has taken the floor in direct opposition to this bill, not one. Why is this? Reticence to engage in controversy, or to create controversy, is not a trait common to those of us who serve in this body.

I believe the reason, Mr. President, is because every Senator agrees with President Bush that voluntarism is an inherent part of the American character that needs nourishment and encouragement. We have a bill before us that gives national definition to this objective.

This legislation provides national leadership. It does not preempt private sector or personal initiatives. It provides options for States. It does not micromanage State programs. The legislation is itself an acknowledgment that government cannot address every human or community need. The sponsors readily accept this bill's limitations as well. The National And Community Service Act provides needed resources and seed money.

It does not make budgetary commitments that are exorbitant or ongoing.

In short, this legislation is a shot of adrenalin for hundreds of volunteer organizations around the Nation. This bill can help get things moving. It can expand the services and scope of private sector initiatives that have been widely hailed as effective programs for children and youth, for the environment, for health care, for literacy, disaster relief, and other key areas. This bill can finance the mobile health van. It can finance the books and materials for volunteer tutors. It can finance the landscaping of parks and recreational areas. It can support an inestimable number of innovative volunteer projects in every part of our country. It can encourage volunteers themselves by offering stipends and vouchers for certain kinds of national service. This approach—recruiting greater numbers of volunteers and giving those volunteers a sense of accomplishment and self-esteem—may appeal to some States.

I am very confident about this bill and the goodness of this bill.

Mr. President, the authorization level of this measure is modest. On the surface, $50 million in the first year and $75 million in the second seems like a great deal of money—and it is. But, let us look at this authorization level in context.

Let me ask my colleagues: If a worthy organization in your State came to you and said they had volunteers who could teach 100 illiterate adults how to read if only they had a few thousand dollars for books and materials, would not you want to give it to them if you could? If your son or daughter's class at school came to you and said they would like to help the homeless by collecting food and clothing, would not you want to help out? When the local hospital wants to operate a mobile health care van in your State's rural areas, even if that van is staffed with volunteers, it takes money to keep it on the road.

The funds provided in this bill, Mr. President, can fertilize some of these worthy and necessary projects. We know without a doubt that volunteers contribute an incalculable level of service to their fellow Americans. We know that the Government could never offset these services if they were to disappear. We know that our budget will never permit expansion of government services to anything even close to that which would compare to the needs now being addressed by volunteer organizations.

I am very confident, Mr. President, that the funds we are authorizing for this legislation will have a multiplier effect within every State and community. We may be authorizing $50 million and $75 million, but we are going to get back millions more as citizens address their own needs.

I will conclude, Mr. President, by once again commending the Senator from Massachusetts and the Senator from Maryland for their good faith negotiations on this bill. They have incorporated ideas from this side of the aisle and from the White House. They have made every effort to ensure that the spirit of voluntarism and community goodwill does not become political gimmickery. I appreciate that.

President Bush has called on all Americans to reawaken our Nation's spirit of voluntarism. He has offered his pulpit to acknowledge and to thank those who devote themselves to volunteer service. The compromise today allows each one of our State leaders to accept President Bush's challenge to invigorate our State and local communities to the call of national service.

We cannot pass this legislation and expect that every American will automatically be inspired to be a volunteer. Rather, we need help from Americans and government to end suffering and provide relief.

This legislation, Mr. President, will not by itself make America a better place to live. The Points of Light Foundation will not by itself beam light around the country. But, Mr. President, we can, by enacting this bill, take a position in support of volunteers. And, that, Mr. President, we ought to do. A vote for passage of this bill sends a supportive message to American volunteers—you matter, you are important, and you make a difference in the lives of all Americans.

It is time now to enact this legislation. It is a good bill. It will not solve every problem faced by our constituents, but it will help. We in the Congress should not fail to help our citizens help themselves and their neighbors where there is clearly the will and dedication to do so.

Mr. President, I want to thank all those Members and their staffs who worked on this issue. In particular, I would like to thank my colleague, Senator KENNEDY and his staff, Terry Hartle, Shirley Sagawa, and Nick Littlefield. In addition, I would like to thank Thurgood Marshall, Jr., and Jeff Blattner. I also appreciate the hard work of Senator MIKULSKI and her staff, Glen Roberts and Leslie Miles. The work of Senators DODD, DURENBERGER, NUNN, and BUMPERS, and their staffs, is also appreciated.

And, I would like to thank Nancy Taylor and Carrie Hillyard of my staff for their fine work and long hours. I personally appreciate them both very much.

Mr. President, we are prepared to vote. I think it is time to vote. I hope our colleagues will support this bill.

Remember, it has the President's program in it exactly as he has asked it to be formed, exactly with the words that they have asked us to put in, and, basically, it is a tremendous program. I hope we will give the impetus to that through the passage of this bill.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays were ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. The Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER (Mr. LIEBERMAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 78, nays 19, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—78

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Heflin
Heinz
Hollings
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Warner
Wilson
Wirth

NAYS—19

Boschwitz
Burns
Garn
Gramm
Hatfield
Helms
Humphrey
Kassebaum
Kerrey
Mack
McCain
McClure
Murkowski
Nickles
Roth
Rudman
Symms
Thurmond
Wallop

NOT VOTING—3

Armstrong
Matsunaga
Packwood

So, the bill (S. 1430), as amended, was passed, as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National and Community Service Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2 Findings.
Sec. 3. Purposes.

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Subtitle A—General Provisions

Sec. 101. Definitions.
Sec. 102. Authority to make State grants.

Subtitle B—School and Community Based Service

Sec. 110. Short title.
Sec. 111. General authority.
Sec. 112. Locality application.
Sec. 113. State application.
Sec. 114. Local application.
Sec. 115. Limitations on use.
Sec. 116. Use of funds.
Sec. 117. Treatment of Indian tribes.

Subtitle C—American Conservation and Youth Corps

Sec. 120. Short title.
Sec. 121 General authority.
Sec. 122. Allocation of funds.
Sec. 123. State application.
Sec. 124. Focus of programs.
Sec. 125. Related programs.
Sec. 126. Public lands or Indian lands.
Sec. 127. Training and education services.
Sec. 128. Amount of award.
Sec. 129. Preference for certain projects.
Sec. 130. Age and citizenship criteria for enrollment.
Sec. 131. Post-service benefits.
Sec. 132. Living allowance.
Sec. 133. Joint programs.
Sec. 134. Federal and State employee status.

SUBTITLE D—NATIONAL AND COMMUNITY SERVICE

Sec. 140. Short title.
Sec. 141. General authority.
Sec. 142. Grants.
Sec. 143. Types of national service.
Sec. 144. Terms of service.
Sec. 145. Eligibility.
Sec. 146. Vouchers.
Sec. 147. Living allowance.
Sec. 148. Training.
Sec. 149. Public-private partnership.
Sec. 150. In-service education benefits.

Subtitle E—Innovative Service Programs

Sec. 160. General authority.
Sec. 161. Grants.

Subtitle F—Administrative Provisions

Sec. 170. Limitation on number of grants.
Sec. 171. Reports.
Sec. 172. Supplementation.
Sec. 173. Prohibition on use of funds.
Sec. 174. Nondiscrimination.
Sec. 175. Notice, hearing, and grievance procedures.
Sec. 176. Nonduplication and nondisplacement.
Sec. 177. State advisory board.
Sec. 178. Evaluation.
Sec. 179. Engagement of participants.
Sec. 180. National Service Demonstration Program amendments.
Sec. 181. Partnerships with schools.
Sec. 182. Service as tutors.
Sec. 183. Conforming amendments.

Subtitle G—Commission on National and Community Service

Sec. 190. Commission on National and Community Service.

TITLE II—MODIFICATIONS OF EXISTING EDUCATION PROGRAMS

Sec. 201. References.

Subtitle A—Higher Education

Sec. 210. Innovative projects for community service.

Subtitle B—State Student Incentive Grant and Work Study Programs

Sec. 220. Additional reservation for campus-based community work learning study jobs.
Sec. 221. Work study programs.
Sec. 222. Public Health Amendment.

Subtitle C—Publication

Sec. 230. Information for students.
Sec. 231. Exit counseling for borrowers.
Sec. 232. Department information on deferments and cancellations.
Sec. 233. Data on deferments and cancellations.

Subtitle D—Direct Loans to Students in Institutions of Higher Education

Sec. 240. Loan cancellation authorized.
Sec. 241. Effective date.

Subtitle E—Loan Forgiveness

Sec. 250. Loan forgiveness.
Sec. 251. Effective date.

TITLE III—POINTS OF LIGHT INITIATIVE FOUNDATION

Sec. 301. Short title.
Sec. 302. Findings and purposes.
Sec. 303. Authority.
Sec. 304. Grants to the Foundation.
Sec. 305. Eligibility of the Foundation for grants.
Sec. 306. Powers and functions.
Sec. 307. Principal and branch offices.
Sec. 308. Nonprofit nature of the Foundation.
Sec. 309. Exemption from tax.
Sec. 310. Oversight.
Sec. 311. Annual budget.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

TITLE V—GENERAL PROVISIONS

Sec. 501. Emergency medical services for children.
Sec. 502. Physician's comparability allowance.
Sec. 503. Policy regarding "Peace Dividend".
Sec. 504. Drug free workplace requirements.
Sec. 505. Amend section 1-2503 of District of Columbia Code.
Sec. 506. Sense of Congress concerning enactment of Good Samaritan Food Donation Act.
Sec. 507. Condemning human rights repression in China.
Sec. 508. Exchange program with countries in transition from totalitarianism to democracy.
Sec. 509. Enhance national and community services.

SEC. 2 FINDINGS.

Congress finds that—

(1) service to the community and the Nation is a responsibility of all citizens of the United States, regardless of the economic level or age of such citizens;

(2) citizens of the United States who become engaged in service at a young age will better understand the responsibilities of citizenship and continue to serve the community into adulthood;

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(3) serving others builds self-esteem and teaches teamwork, decision making, and problem-solving;

(4) the 70,000,000 youth of the United States who are between the ages of 5 and 25 offer a powerful and largely untapped resource for community service;

(5) conservation corps and human service corps provide important benefits to participants and to the community;

(6) the Volunteers in Service to America Program (hereinafter in this Act referred to as "VISTA"), as established by title I of the Domestic Volunteer Act of 1973 (42 U.S.C. 4951 et seq.), is one of the most cost effective means of fighting poverty in the United States;

(7) the cost of higher education, loan indebtedness, and the high price of housing deter many young adults from volunteering for service programs that involve a substantial time commitment;

(8) older Americans, through the Older American Volunteer Programs (as established by title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.)), provide 500,000,000 hours of service each year and are a vital force in addressing national problems;

(9) the VISTA and Older American Volunteer Programs have recently been expanded and are an important part of the national and community service effort of the United States;

(10) many Americans cannot participate in a full-time service program, but should have the option of part-time service; and

(11) a range of full-time and part-time national and community service opportunities should be made available to all citizens, particularly youth and older Americans.

SEC. 3. PURPOSES.

It is the purpose of this Act to—

(1) renew the ethic of civic responsibility in the United States;

(2) ask citizens of the United States, regardless of age or income, to engage in full-time or part-time service to the Nation;

(3) begin to call young people to serve in national service programs;

(4) enable young Americans to make a sustained commitment to national service by removing barriers to such service that have been created by high education costs, loan indebtedness, and the cost of housing;

(5) build on the existing organizational framework of Federal, State, and local programs and agencies to expand full-time and part-time service opportunities for all citizens, particularly youth and older Americans;

(6) involve participants in activities that would not otherwise be performed by employed workers; and

(7) generate 100,000,000 additional service hours each year to help meet human, educational, environmental, and public safety needs, particularly those needs relating to poverty.

TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

Subtitle A—General Provisions

SEC. 101. DEFINITIONS.

As used in this title:

(1) Adult volunteer.—The term "adult volunteer" means—

(A) an individual who is beyond the age of compulsory schooling, including an older American, an individual with a disability, and a parent;

(B) an employee of a private business;

(C) an employee of a public or nonprofit agency; or

(D) any other individual working without financial renumeration in an education institution to assist students or out of school youth.

(2) Commission.—The term "Commission" means the Commission on National and Community Service established under section 190.

(3) Community-based agency.—The term "community-based agency" means a private nonprofit organization that is representative of a community or a significant segment of a community and that is engaged in meeting human, educational, or environmental community needs, including, but not limited to, churches and other religious entities.

(4) Crew supervisor.—The term "crew supervisor" means the adult staff individual who is responsible for supervising a crew of participants, including the crew leader.

(5) Education institution.—The term "education institution" means a local educational agency, elementary or secondary school, including, but not limited to, private sectarian and nonsectarian schools, library or a community-based agency that provides educational services.

(6) Elementary school.—The term "elementary school" has the same meaning given such term in section 1471(8) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(8)).

(7) Indian lands.—The term "Indian lands" means any real property owned by an Indian tribe, any real property held in trust by the United States for Indian tribes, and any real property held by Indian tribes that is subject to restrictions on alienation imposed by the United States.

(8) Indian tribe.—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(9) Institution of higher education.—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(10) Local educational agency.—The term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

(11) Local government agency.—The term "local government agency" means a public agency that is engaged in meeting human, social, educational, or environmental needs.

(12) Out-of-school youth.—The term "out-of-school youth" means an individual who—

(A) has not attained the age of 27;

(B) has not completed college or the equivalent thereof; and

(C) is not enrolled in an elementary or secondary school or institution of higher education.

(13) Participant.—The term "participant" means an individual enrolled in a program that receives assistance under this title.

(14) Partnership program.—The term "partnership program" means a program through which adult volunteers, public or private agencies, including, but not limited to, churches and other religious entities, institutions of higher education, community organizations, or businesses assist an education institution.

(15) Placement.—The term "placement" means the matching of a participant with a specific project.

(16) Program.—The term "program" means an activity carried out with assistance provided under this title.

(17) Program agency.—The term "program agency" means—

(A) a Federal or State agency designated to manage a youth service corps program;

(B) the governing body of an Indian tribe that administers a youth service corps programs; or

(C) a local applicant administering a youth service corps program.

(18) Project.—The term "project" means an activity that results in a specific identifiable service or product that otherwise would not be done with existing funds, and that does not duplicate the routine services or functions of the employer to whom participants are assigned.

(19) Public lands.—The term "public lands" means any lands or waters (or interest therein) owned or administered by the United States or by an agency or instrumentality of a State or local government.

(20) Secondary school.—The term "secondary school" has the same meaning given such term in section 1471(21) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(21)).

(21) Service opportunity.—The term "service opportunity" means a program or project that enables students or out-of-school youth to perform meaningful and constructive service in agencies, institutions, and situations where the application of human talent and dedication may help to meet human, educational, linguistic, and environmental community needs, especially those relating to poverty.

(22) Special senior service member.—The term "special senior service member" means an individual who is age 60 or over and willing to work full-time or part-time in conjunction with a full-time national service program.

(23) Sponsoring organization.—The term "sponsoring organization" means an organization, eligible to receive assistance under this title, that has been selected to provide a placement for a participant.

(24) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau.

(25) State educational agency.—The term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(23)).

(26) Student.—The term "student" means an individual who is enrolled in an elementary or secondary school or institution of higher education on a full- or part-time basis.

(27) Summer program.—The term "summer program" means a youth service corps program authorized under this title that is limited to the months of June, July, and August.

(28) Youth service corps program.—The term "youth service corps program" means a program, such as a conservation corps or human services corps program, that offers full-time, productive work (to be financed through stipends) with visible community benefits in a natural resource or human service setting and that gives participants a

mix of work experience, basic and life skills, education, training, and support services.

(29) Youth community service program.—The term "youth community service program" means a program in which students or out-of-school youths are offered service opportunities in the community or an educational institution.

SEC. 102. AUTHORITY TO MAKE STATE GRANTS.

The Commission may, in accordance with the provisions of this title, make grants to States, or to local applicants, to enable such States or applicants to carry out national or community service programs under subtitles B, C, D, or E.

Subtitle B—School and Community Based Service

SEC. 110. SHORT TITLE.

This subtitle may be cited as the "Service America, the Service to America Act of 1990".

SEC. 111. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States or local applicants for the creation or expansion of service opportunities for students and out-of-school youth and to increase the number of community members, particularly senior citizens, who are volunteering in schools.

SEC. 112. LOCALITY APPLICATION.

If a State does not apply for assistance under this subtitle or if a State does not have an application approved under section 113, the Commission may make grants directly to local applicants. The Commission shall apply the criteria described in section 114 in evaluating such local applications.

SEC. 113. STATE APPLICATION.

To be eligible to receive a grant under this subtitle a State, acting through the State educational agency, shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission shall reasonably require, including a description of the manner in which—

(1) local applications will be ranked by the State according to the criteria described in section 114, and in a manner that ensures the equitable treatment of local applications submitted by both educational and non-educational institutions;

(2) service programs within the State will be coordinated;

(3) cooperative efforts among education institutions, local government agencies, community-based agencies, businesses, and State agencies to provide service opportunities, including those that involve the participation of urban, suburban, and rural youth working together, will be encouraged;

(4) economically and educationally disadvantaged youths, including individuals with disabilities, youth with limited basic skills or learning disabilities, and youth who are in foster care, are assured of service opportunities;

(5) service programs that receive assistance under this subtitle will be evaluated;

(6) programs that receive assistance under this subtitle will serve urban and rural areas and any tribal areas that exist within such State;

(7) technical assistance and training will be provided to service programs within the State;

(8) non-Federal and other types of Federal assistance will be used to expand service opportunities for students and out-of-school youth; and

(9) information and outreach services will be disseminated and utilized to ensure the involvement of a broad range of organizations, particularly community-based organizations.

SEC. 114. LOCAL APPLICATIONS.

(a) Application Required.—

(1) Partnership.—

(A) In general.—Any education institution, local government agency, community-based agency, or consortia thereof that desires to receive a grant—

(i) from a State that has received assistance under this subtitle; or

(ii) in the case of a State that does not apply for assistance under this subtitle or have an application approved under section 113, directly from the Commission;

shall form a partnership consisting of one or more education institutions and one or more local government or community-based agencies.

(B) Exception.—The provisions of subparagraph (A) shall not apply if the applicant is—

(i) an education institution that intends to provide service opportunities solely within such education institution; or

(ii) an education institution that has formed a partnership with one or more private businesses to conduct a partnership program.

(2) Content of application.—To be eligible to receive a grant under this subtitle, a partnership under paragraph (1) shall prepare and submit, to the State educational agency (or the Commission if paragraph (1)(A)(ii) applies), an application at such time, in such manner, and containing such information as the State educational agency (or the Commission) shall reasonably require. Each such application shall—

(A) contain a written agreement, between the institution with which participants are affiliated and one or more representatives of the community or education institution where service opportunities will be provided, stating that the program was jointly developed by the parties and that the program will be jointly executed by the parties;

(B) establish and specify the membership and role of an advisory committee that shall consist of representatives of community agencies, service recipients, youth serving agencies, youth, parents, teachers, administrators, school board members, labor, and business, one-half of which shall be selected by the community partner and one-half of which shall be selected by the education institution;

(C) describe the goals of the program which shall include goals that are quantifiable, measurable, and demonstrate any benefits that flow from the program to the participants and the community;

(D) describe the service opportunities to be provided under the program;

(E) describe the manner in which the participants in the program will be recruited, including any special efforts that will be utilized to recruit out-of-school youth with the assistance of community-based agencies;

(F) describe the manner in which participants in the program were or will be involved in the design and operation of the program;

(G) state the name, if available, qualifications, and responsibilities of the coordinator of the program assisted under this subtitle;

(H) describe the preservice and inservice training to be provided to supervisors and participants in the program;

(I) describe the manner in which exemplary service will be recognized;

(J) describe any potential resources that will permit continuation of the program, if needed, after the assistance received under this subtitle has ended;

(K) disclose whether the program plans include addressing basic skill needs and reducing illiteracy;

(L) disclose whether the program plans include preventing and treating school-age drug and alcohol abuse and dependency; and

(M) contain assurances that, prior to the placement of a participant, the program will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program.

(3) Youth community service program.—If an applicant under this section intends to operate a youth community service program, such applicant, in addition to providing the information described in paragraph (2), shall include in the application required under such paragraph—

(A) a description of an age-appropriate learning component for participants in the program that shall include a chance for participants to reflect on service experiences and expected learning outcomes;

(B) a description of whether or not the participants will receive academic credit for participation in the program;

(C) a description of the target levels of students and out-of-school youth who will participate in the program and the target levels for the hours of service that such participants will provide individually and as a group;

(D) a description of the proportion of expected participants in the program who are educationally or economically disadvantaged, including participants with disabilities;

(E) a description of the ages or grade levels of expected participants in the program;

(F) other relevant demographic information concerning such expected participants; and

(G) assurances that participants in the program will be provided with information concerning VISTA, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), chapter 30 of title 38, United States Code, chapter 106 of title 10, United States Code, full-time Youth Service Corps and National Service programs receiving assistance under this title, and other service options and their benefits (such as student loan deferment and forgiveness) as appropriate.

(4) Partnership program.—If an applicant under this section intends to operate a partnership program, in addition to the information required to be included in the application under paragraph (2), such applicant shall describe the students who are to be assisted through such program, including the ages and grade levels of such students.

(b) Approval.—

(1) Youth community service programs.—The State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall approve applications submitted by entities under this section that intend to operate youth community service programs, only if such applications meet the applicable requirements of subsection (a) and describe programs that provide—

(A) an age-appropriate learning component to enable participants to reflect on service experiences;

(B) preservice and inservice training for both supervisors and participants involving representatives of the community where service opportunities will be provided; and

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(C) evidence that participants in the program will make a sustained commitment to the service project.

(2) Adult volunteer and partnership programs.—The State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall approve applications submitted by entities under this section that intend to operate adult volunteer and partnership programs, only if such applications meet the applicable requirements of subsection (a) and describe programs that provide—

(A) preservice and inservice training for both supervisors and adult volunteers in the program; and

(B) opportunities for adult volunteers in the program to work with at-risk children or their teachers.

(c) Priority.—

(1) In general.—In providing assistance under to this subtitle, the State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall give priority to applications that contain a description—

(A) of programs that involve participants in the design and operation of the program;

(B) of programs that are in the greatest need of assistance, such as programs targeting low-income areas;

(C) of programs that involve individuals of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds serving together; and

(D) in the case of applicants that are educational institutions, of programs that are integrated into the academic program.

(2) Adult volunteer and partnership program.—In the case of an adult volunteer and partnership program, the State educational agency, or the Commission if subsection (a)(1)(A)(ii) applies, shall give priority to applications that contain a description of programs—

(A) that involve older Americans or parents as adult volunteers;

(B) that involve a partnership between an educational institution and a private business in the community;

(C) that include a focus on drug and alcohol abuse prevention, school drop-out prevention, or nutrition; or

(D) that will improve basic skills and reduce illiteracy.

SEC. 115. LIMITATIONS ON USE.

(a) Requirement for Local Applicants.—Assistance provided under this subtitle shall not be used by a local applicant to pay in excess of—

(1) 80 percent of the costs of programs that receive assistance under this subtitle for the first year in which the applicant receives assistance under this subtitle; and

(2) 70 percent of the costs of programs that receive assistance under this subtitle for the second year in which the applicant receives assistance under this subtitle.

(b) Payment by Local Applicant.—

(1) Non-federal sources.—That portion of the costs of programs that receive assistance under this subtitle that are to be paid by a local applicant from sources other than Federal funds may be paid in cash or in kind (fairly evaluated).

(2) Private profitmaking organizations.—If that portion of the costs of programs that receive assistance under this subtitle to be paid by a local applicant from sources other than Federal funds are paid by private profitmaking organizations, subsection (a) shall be applied by substituting—

(A) "85 percent" for "80 percent"; and

(B) "75 percent" for "70 percent".

SEC. 116. USE OF FUNDS.

(a) States.—

(1) Administration.—A State shall use not to exceed 20 percent of the amounts provided under this subtitle in each fiscal year for costs associated with administration, including training, technical assistance, curriculum development, and coordination activities.

(2) Adult volunteer and partnership programs.—A State shall use not to exceed 10 percent of the amounts provided under this subtitle in each fiscal year to carry out adult volunteer and partnership programs.

(b) Local Applicants.—Local applicants may use assistance provided under this subtitle for supervision of participants, program administration, training, reasonable transportation costs, insurance, and other reasonable expenses.

(c) Stipends.—Assistance provided under this subtitle shall not be used to pay any stipend, allowance, or other financial support to any participant except to reimburse such participant for costs associated with transportation, meals, and other reasonable out-of-pocket expenses incident to participation in a program assisted under this subtitle.

SEC. 117. TREATMENT OF INDIAN TRIBES.

An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

Subtitle C—American Conservation and Youth Corps

SEC. 120. SHORT TITLE.

This subtitle may be cited as the "American Conservation and Youth Service Corps Act of 1990".

SEC. 121. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States or local applicants, to the Secretary of Agriculture, to the Secretary of the Interior, or to the Director of ACTION for the creation or expansion of full-time or summer youth service corps programs.

SEC. 122. ALLOCATION OF FUNDS.

(a) Competitive Grant.—The Commission shall award grants under this subtitle on a competitive basis to States or Indian tribes that have submitted applications under section 123.

(b) Direct Grants.—

(1) In general.—In the case of a State that does not apply for a grant under this subtitle or have an application approved under section 123, the Commission may award grants directly to public or private nonprofit agencies within such State.

(2) Evaluation.—The Commission shall apply the criteria described in section 123 in determining whether to award a grant to such local applicants.

(3) Indian tribes.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

(c) Limitation.—

(1) Capital equipment.—Not to exceed 10 percent of the amount of assistance made available to a program agency under this subtitle shall be used for the purchase of major capital equipment.

(2) Administrative expenses.—Not to exceed 15 percent of the amount of assistance made available to a program agency under this subtitle shall be used for administrative expenses.

SEC. 123. STATE APPLICATION.

(a) Submission.—To be eligible to receive a grant under this subtitle, a State or Indian tribe (or a local applicant if section 122(b) applies) shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including the information required under subsection (b).

(b) General Content.—An application submitted under subsection (a) shall describe—

(1) any youth service corps program proposed to be conducted directly by such applicant with assistance provided under this subtitle; and

(2) any grant program proposed to be conducted by such State with assistance provided under this subtitle for the benefit of entities within such State.

(c) Specific Content.—To receive a grant under this subtitle to directly conduct a youth service corps program, each applicant shall include in the application submitted under subsection (a)—

(1) a comprehensive description of the objectives and performance goals for the program to be conducted, a plan for managing and funding the program, and a description of the types of projects to be carried out, including a description of the types and duration of training and work experience to be provided by such program;

(2) a plan for the certification of the training skills acquired by participants and the awarding of academic credit to participants for competencies developed through training programs or work experience obtained under this subtitle;

(3) an age appropriate learning component for participants that includes procedures that permit participants to reflect on service experiences;

(4) an estimate of the number of participants and crew leaders necessary for the proposed program, the length of time that the services of such participants and crew leaders will be required, the support services that will be required for such participants and crew leaders, and a plan for recruiting such participants, including educationally and economically disadvantaged youth, youth with limited basic skills or learning disabilities, youth with disabilities, and youth who are in foster care;

(5) a list of requirements to be imposed on the sponsoring organizations of participants in the program, including a requirement that a sponsoring organization that invests in a program that receives assistance under this subtitle, by making a cash contribution or by providing free training to participants, shall be given preference over a sponsoring organization that does not make such an investment;

(6) a description of the manner of appointment and training of sufficient supervisory staff (including participants who have displayed exceptional leadership qualities), who shall provide for other central elements of a youth corps, such as crew structure and a youth development component;

(7) a description of a plan to ensure the on-site presence of knowledgeable and competent supervisory personnel at program facilities;

(8) a description of the facilities, quarters and board (in the case of residential facilities), limited and emergency medical care, transportation from administrative facilities to work sites, accommodations for individuals with disabilities, and other appropriate services, supplies, and equipment that will be provided by such applicant;

(9) a description of the basic standards of work requirements, health, nutrition, sanitation, and safety, and the manner that such standards shall be enforced;

(10) a description of the plan to assign participants to facilities as near to the homes of such participants as is reasonable and practicable;

(11) an assurance that, prior to the placement of a participant under this subtitle, the program agency will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program; and

(12) such other information as the Commission shall require.

(d) Grant Program.—To be eligible to receive a grant under this subtitle, a State shall establish and implement a program to make grants to applicants within the State pursuant to subsection (b)(2) and, in the application submitted under subsection (a), such State shall describe the manner in which—

(1) local applicants will be evaluated;

(2) service programs within the State will be coordinated;

(3) economically and educationally disadvantaged youth, including youth with disabilities, youth with limited basic skills or learning disabilities, and youth in foster care, will be recruited;

(4) programs that receive assistance under this subtitle will be evaluated;

(5) the State will encourage cooperation among programs that receive assistance under this subtitle and the appropriate State job training coordinating council established under the Job Training and Partnership Act (29 U.S.C. 1501 et seq.);

(6) such State will certify the training skills acquired by each participant and the credit provided to each participant for competencies developed through training programs or work experience obtained under programs that receive assistance under this subtitle; and

(7) prior to the placement of a participant under this subtitle, the State will ensure that program agencies consult with each local labor organization representing employees in the area who are engaged in the same or similar work as the work that is proposed to be carried out by such program.

SEC. 124. FOCUS OF PROGRAMS.

(a) In General.—Programs that receive assistance under this subtitle may carry out activities that—

(1) in the case of conservation corps programs, focus on—

(A) conservation, rehabilitation, and the improvement of wildlife habitat, rangelands, parks, and recreational areas;

(B) urban revitalization, historical and cultural site preservation, rural revitalization, and reforestation of both urban and rural areas;

(C) fish culture, wildlife habitat maintenance and improvement, and other fishery assistance;

(D) road and trail maintenance and improvement;

(E) erosion, flood, drought, and storm damage assistance and controls;

(F) stream, lake, waterfront harbor, and port improvement;

(G) wetlands protection and pollution control;

(H) insect, disease, rodent, and fire prevention and control;

(I) the improvement of abandoned railroad beds and rights-of-way;

(J) energy conservation projects, renewable resource enhancement, and recovery of biomass;

(K) reclamation and improvement of strip-mined land;

(L) forestry, nursery, and cultural operations; and

(M) making public facilities accessible to individuals with disabilities.

(2) in the case of human services corps programs, include participant service in—

(A) State, local, and regional governmental agencies;

(B) nursing homes, hospices, senior centers, hospitals, local libraries, parks, recreational facilities, day care centers, programs serving individuals with disabilities, and schools;

(C) law enforcement agencies, and penal and probation systems;

(D) private nonprofit organizations that primarily focus on social service;

(E) activities that focus on the rehabilitation or improvement of public facilities, neighborhood improvements, literacy training that benefits educationally disadvantaged individuals, weatherization of and basic repairs to low-income housing, energy conservation (including solar energy techniques), removal of architectural barriers to access by individual with disabilities to public facilities, activities that focus on drug and alcohol abuse education, prevention and treatment, and conservation, maintenance, or restoration of natural resources on publicly held lands; and

(F) any other nonpartisan civic activities and services that the Commission determines to be of a substantial social benefit in meeting unmet human, educational, or environmental needs (particularly needs related to poverty) or in the community where volunteer service is to be performed; or

(3) encompass the focuses and services described in both paragraphs (1) and (2).

(b) Ineligible Service Categories.—To be eligible to receive assistance under this subtitle, the activities conducted through programs referred to in subsection (a) shall not be conducted by any—

(1) business organized for profit;

(2) labor union;

(3) partisan political organization;

(4) organization engaged in religious activities, unless such activities do not involve the use of funds provided under this title by program participants and program staff to give religious instruction, conduct worship services, or engage in any form of proselytization; or

(5) domestic or personal service company or organization.

(c) Limitation on Service.—No participant shall perform services in any project for more than a 1-year period.

SEC. 125. RELATED PROGRAMS.

An activity administered under the authority of the Secretary of Health and Human Services, that is operated for the same purpose as a program eligible to be carried out under this subtitle, is encouraged to use services available under this subtitle.

SEC. 126. PUBLIC LANDS OR INDIAN LANDS.

(a) Limitation.—To be eligible to receive assistance through a grant provided under this subtitle, a program shall carry out activities on public lands or Indian lands, or result in a public benefit.

(b) Review of Applications.—In reviewing applications submitted under section 123 that propose programs or projects to be carried out on public lands or Indian lands, the Commission shall consult with the Secretary of the Interior.

(c) Consistency.—A program carried out with assistance provided under this subtitle for conservation, rehabilitation, or improvement of any public lands or Indian lands shall be consistent with—

(1) the provisions of law and policies relating to the management and administration of such lands, and all other applicable provisions of law; and

(2) all management, operational, and other plans and documents that govern the administration of such lands.

(d) Reservation.—The Commission shall reserve not to exceed 5 percent of the amounts appropriated in each fiscal year under section 401(a)(2) to make grants under this subtitle for Federal disaster relief programs.

SEC. 127. TRAINING AND EDUCATION SERVICES.

(a) Assessment of Skills.—Each program agency shall assess the educational level of participants at the time of their entrance into the program, using any available records or simplified assessment means or methodology and shall, where appropriate, refer such participants for testing for specific learning disabilities.

(b) Enhancement of Skills.—Each program agency shall, through the programs and activities administered under this subtitle, enhance the educational skills of participants.

(c) Provision of Pre-Service and In-Service Training and Education.—

(1) Requirement.—Each program agency shall use not less than 10 percent of the assistance made available to such agency under this subtitle in each fiscal year to provide pre-service and in-service training and educational materials and services for participants in such a program. Program participants shall be provided with information concerning the benefits to the community that result from the activities undertaken by such participants.

(2) Agreements for academic study.—A program agency may enter into arrangements with academic institutions or education providers, including—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area vocational-technical schools; and

(E) community based organizations;

to evaluate the basic skills of participants and to make academic study available to participants to enable such participants to upgrade literacy skills, to obtain high school diplomas or the equivalent of such diplomas, to obtain college degrees, or to enhance employable skills.

(3) Counseling.—Career and educational guidance and counseling shall be provided to a participant during a period of in-service training as described in this subsection.

(4) Priority for participants without high school diplomas.—A program agency shall give priority to participants who have not obtained a high school diploma or the equivalent of such diploma, in providing services under this subsection.

(d) Post-Service Education and Training Assistance.—

(1) Use of funds.—A program that receives assistance under this subtitle shall use not less than 10 percent of such assistance to comply with the requirements of section 131 for post-service education and training assistance.

(2) Activities.—The activities conducted under this section may include activities available to an eligible participant under in-service education and training assistance programs, career and vocational counseling, assistance in entering a program under the Job Training Partnership Act (29 U.S.C.

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1501 et seq.), and assistance for other activities considered appropriate for such participant by the appropriate program agency and the Commission.

(e) Standards and Procedures.—

(1) Consistency with State and local requirements.—Appropriate State and local officials shall certify that standards and procedures with respect to the awarding of academic credit and the certification of educational attainment in programs conducted under subsection (c) are consistent with the requirements of applicable State and local law and regulations.

(2) Academic standards.—The standards and procedures described in paragraph (1) shall provide that an individual serving in a program that receives assistance under this subtitle—

(A) who is not a high school graduate, participate in an educational curriculum so that such individual can earn a high school diploma or the equivalent of such diploma; and

(B) may arrange to receive academic credit in recognition of the education and skills obtained from service satisfactorily completed.

SEC. 128. AMOUNT OF AWARD.

In determining the amount of a grant to be awarded to an applicant under this subtitle, the Commission shall consider—

(1) the number of the unemployed youth population of the area to be served; and

(2) the type of project or service proposed to be carried out with the amounts appropriated under section 401(a)(2).

SEC. 129. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications submitted under section 123, the Commission shall give preference to programs that—

(1) will provide long-term benefits to the public;

(2) will instill a work ethic and a sense of public service in the participants;

(3) will be labor intensive, and involve youth operating in crews;

(4) can be planned and initiated promptly; and

(5) will enhance skills development and educational level and opportunities for the participants.

SEC. 130. AGE AND CITIZENSHIP CRITERIA FOR ENROLLMENT.

Enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are—

(1) not less than 16 years nor more than 25 years of age, except that summer programs may include individuals not less than 15 years nor more than 21 years of age at the time of the enrollment of such individuals; and

(2) citizens or nationals of the United States (including those citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau) or lawful permanent resident aliens of the United States.

SEC. 131. POST-SERVICE BENEFITS.

The program agency shall provide post-service education and training benefits (such as scholarships and grants) for each participant in an amount that is not in excess of $100 per week, or in excess of $5,000 per year, whichever is less.

SEC. 132. LIVING ALLOWANCE.

(a) Full-Time Service.—

(1) In general.—From assistance provided under this subtitle, each participant in a full-time youth service corps program that receives assistance under this subtitle shall receive a living allowance of not more than an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(2) Non-federal sources.—Notwithstanding paragraph (1), a program agency may provide participants with additional amounts that are made available from non-Federal sources.

(b) Reduction in Existing Program Benefits.—Nothing in this section shall be construed to require a program in existence on the date of enactment of this Act to decrease any stipends, salaries, or living allowances provided to participants under such program.

(c) Health Insurance.—In addition to the living allowance provided under subsection (a), program agencies are encouraged to provide health insurance to each participant in a full-time youth service corps program who does not otherwise have access to health insurance.

(d) Facilities, Services, and Supplies.—

(1) In general.—The program agency may deduct, from amounts provided under subsections (a) and (c) to a participant, a reasonable portion of the costs of the rates for any room and board that is provided for such participant at a residential facility.

(2) Evaluation.—The program agency shall establish the amount of the deductions and rates under paragraph (1) after evaluating the costs of providing such room and board to the participant.

(3) Duties of program agency.—A program agency may provide facilities, quarters, and board and shall provide limited and emergency medical care, transportation from administrative facilities to work sites, accommodations for individuals with disabilities, and other appropriate services, supplies, and equipment to each participant.

(e) Guidance and Placement.—

(1) In general.—Each program agency shall provide such job and educational guidance and placement information and assistance for each participant as may be necessary, including referrals of such participants to organizations where such participants may receive basic skills training or be tested and receive services for specific learning disabilities.

(2) Coordination with other entities.—Assistance under paragraph (1) shall be provided in coordination with appropriate State, local, and private agencies and organizations.

SEC. 133. JOINT PROGRAMS.

(a) Development.—The Commission may develop, in cooperation with the heads of other Federal agencies, regulations designed to permit, where appropriate, joint programs in which activities supported with assistance made available under this subtitle are coordinated with activities supported with assistance made available under programs administered by the heads of such agencies (including the Job Training Partnership Act (29 U.S.C. 1501 et seq.)).

(b) Standards.—Regulations promulgated under subsection (a) shall establish standards for the approval of joint programs that meet both the purposes of this title and the purposes of such statutes under which assistance is made available to support such projects.

SEC. 134. FEDERAL AND STATE EMPLOYEE STATUS.

(a) In General.—Participants and crew leaders shall be responsible to, or be the responsibility of, the program agency administering the program on which such participants, crew leaders, and volunteers work.

(b) Non-Federal Employees.—

(1) In general.—Except as otherwise provided in this subsection, a participant or crew leader in a program that receives assistance under this subtitle shall not be considered a Federal employee and shall not be subject to the provisions of law relating to Federal employment.

(2) Work-related injury.—For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to the compensation of Federal employees for work injuries, a participant or crew leader serving in a program that receives assistance under this subtitle shall be considered an employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provision of that subchapter shall apply, except—

(A) the term "performance of duty", as used in such subchapter, shall not include an act of a participant or crew leader while absent from the assigned post of duty of such participant or crew leader, except while participating in an activity authorized by or under the direction and supervision of a program agency (including an activity while on pass or during travel to or from such post of duty); and

(B) compensation for disability shall not begin to accrue until the day following the date that the employment of the injured participant or crew leader is terminated.

(3) Tort claims procedure.—For purposes of chapter 171 of title 28, United States Code, relating to tort claims procedure, a participant or crew leaders assigned to a youth service corps program for which a grant has been made to the Secretary of Agriculture, Secretary of Interior, or the Director of ACTION, shall be considered an employee of the United States within the meaning of the term "employee of the government" as defined in section 2671 of such title.

(4) Allowance for quarters.—For purposes of section 5911 of title 5, United States Code, relating to allowances for quarters, a participant or crew leader shall be considered an employee of the United States within the meaning of the term "employee" as defined in paragraph (3) of subsection (a) of such section.

Subtitle D—National and Community Service

SEC. 140. SHORT TITLE.

This subtitle may be cited as the "National and Community Service Act".

SEC. 141. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States for the creation of full- and part-time national and community service programs.

SEC. 142. GRANTS.

(a) Term of Grant.—The term of a grant awarded under section 141 shall not extend beyond September 30, 1991.

(b) Criteria for Receiving Applications.—In determining whether to award a grant to a State under section 141, the Commission shall consider—

(1) the ability of the proposed program of such State to serve as an effective model for a large-scale national service program;

(2) the quality of the application of such State, including the plan of such State for training, recruitment, placement, and data collection;

(3) the extent that the proposed program builds on existing programs; and

(4) the expediency with which the State proposes to make the program operational.

(c) Diversity.—The Commission shall ensure that programs receiving assistance under this subtitle are geographically diverse and include programs in both urban and rural States.

(d) Alternative Voucher Option Limited.—The Commission shall ensure that not to exceed 25 percent of States receiving a grant under section 141 are authorized to exercise the alternative voucher authorized under section 146(e)(3).

(e) Composition of Programs.—The Commission shall ensure that not less than 25 percent of the programs that receive assistance under this subtitle include full-time, part-time and special senior service participants.

(f) State Application for Grant.—To receive a grant under section 141, a State shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including—

(1) a description of the State administrative plan for the implementation of a program with assistance provided under this subtitle, including such functions, if any, that will be carried out by public and private nonprofit organizations pursuant to a grant or contract;

(2) a description of the manner in which an ethnically and economically diverse group of participants, including economically and educationally disadvantaged individuals, college-bound youth, individuals with disabilities, youth in foster care, and employed individuals, shall be recruited and selected for participation in a program receiving assistance under this subtitle;

(3) a description of the procedures for training supervisors and participants and for supervising and organizing participants in such program;

(4) a description of the procedures to ensure that the program provides participants with an opportunity to reflect on their service experience;

(5) a description of the geographical areas within such State in which the program would be operated to provide the optimum match between the need for services and the anticipated supply of participants;

(6) a description of the plan for placing such participants in teams or making individual placements in such program;

(7) assurances that, prior to such placement, the State will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program;

(8) assurances that, prior to such placement, such State will consult with employees at the proposed project site who are engaged in the same or similar work as that proposed to be carried out by such program;

(9) a description of the anticipated number of full- and part-time participants and special senior service members in such program;

(10) a plan for the recruitment and selection of sponsoring organizations that will receive participants under programs that receive assistance under this subtitle;

(11) a description of the procedures for matching such participants with such sponsoring organizations;

(12) a description of the procedures to be used to assure that sponsoring organizations that are not matched with participants shall be provided with information concerning the VISTA program and the programs established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.);

(13) the State budget for the program;

(14) a description of whether the State desires to exercise the voucher alternative option authorized under section 146(e)(3);

(15) a plan for evaluating the program and assurances that such State will fully cooperate with any evaluation undertaken by the Commission pursuant to section 178; and

(16) any other information as the Commission may reasonably require.

(g) Number of States.—

(1) In general.—The Commission shall ensure that not more than five States are authorized to operate full-time programs and not more than five States are authorized to operate part-time programs in fiscal year 1991 under this subtitle.

(2) Single program.—For purposes of this paragraph (1), a State operating a single national service program with both full- and part-time options shall be counted as a State operating a full-time program and a State operating a part-time program.

(3) Cooperative arrangement.—For purposes of this paragraph (1), a State operating a national service program involving a cooperative arrangement with a multi-State organization or with sites in more than one State shall be counted as a single State.

(h) Indian Tribes.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

SEC. 143. TYPES OF NATIONAL SERVICE.

(a) In General.—A participant in a program that receives assistance under this subtitle shall perform national service to meet unmet educational, human, environmental, and public safety needs, especially those needs relating to poverty.

(b) Types of National Service.—National service performed under subsection (a) may include—

(1) educational service, such as service in literacy programs, the Head Start program (as established under the Head Start Act (42 U.S.C. 9831)) and other early childhood education programs, tutorial assistance, and service in schools, libraries, and adult education centers;

(2) human service, such as—

(A) service in hospitals, hospices, clinics, community health centers, public health organizations, facilities serving individuals with acquired immune deficiency syndrome, homes for elderly individuals, programs serving individuals with disabilities, and child-care programs;

(B) service in programs to assist elderly, disabled, poor, and homeless individuals, including programs to build, restore, and maintain housing for poor or homeless individuals and self-help programs;

(C) service in programs engaged in the education, prevention, and treatment of drug and alcohol abuse, including care programs for cocaine-addicted babies; and

(D) service in programs to assist elderly, disabled, poor, and homeless individuals obtain meaningful employment;

(3) environmental service, such as service in programs to conserve, recycle, maintain, and restore natural resources in urban and rural environments, to provide recreational opportunities, and to encourage community betterment or beautification;

(4) public safety service, including placement with police and fire departments, courts, the border patrol, and prisons; and

(5) in the case of special senior service members, service to assist a State in administering a program, including mentoring, supervision, and other functions.

SEC. 144. TERMS OF SERVICE.

(a) Length of Service.—

(1) Part-time.—An individual performing part-time national service under this subtitle shall agree to perform community service for not less than 2 years.

(2) Full-time.—An individual performing full-time national service under this subtitle shall agree to perform community service for not less than 1 year nor more than 2 years, at the discretion of such individual.

(3) Special senior service.—A special senior service participant performing national service under this subtitle shall serve for a period of time as determined by the Commission.

(b) Partial Completion of Service.—If the State releases a participant from completing a term of service in a program receiving assistance under this subtitle for compelling personal circumstances as demonstrated by such participant, the Commission may provide such participant with that portion of the financial assistance described in section 146 that corresponds to the quantity of the service obligation completed by such individual.

(c) Terms of Service.—

(1) Part-time.—A participant performing part-time national service under this subtitle shall serve for—

(A) 2 weekends each month and 2 weeks during the year; or

(B) an average of 9 hours per week each year of service.

(2) Full-time.—A participant performing full-time national service under this subtitle shall serve for not less than 40 hours per week each year of service.

(3) Special senior service.—A special senior service participant performing national service under this subtitle shall serve either part- or full-time as permitted by the Commission.

SEC. 145. ELIGIBILITY.

(a) Part-time.—

(1) Requirements.—An individual may serve in a part-time national service program under this subtitle if such individual—

(A) is 17 years of age or older; and

(B) is a citizen of the United States or lawfully admitted for permanent residence.

(2) Priority.—In selecting applicants for a part-time program, States shall give priority to applicants who are currently employed.

(b) Full-time.—An individual may serve in a full-time national service program under this subtitle if such individual—

(1) is 17 years of age or older;

(2) has received a high school diploma or the equivalent of such diploma, or agrees to achieve a high school diploma or the equivalent of such diploma while participating in the program; and

(3) is a citizen of the United States or lawfully admitted for permanent residence.

(c) Special Senior Service.—An individual may serve as a special senior service member under this subtitle if such individual—

(1) is 60 years of age or older; and

(2) meets the eligibility criteria for special senior service membership established by the Commission.

SEC. 146. VOUCHERS.

(a) Part-time.—

(1) In general.—Subject to subsection (d), the Commission shall annually provide to each part-time participant a non-transferrable voucher that is equal in value to $2,000

for each year of service that such participant provides to the program.

(2) Waiver.—A State may apply for a waiver to reduce the amount of a voucher provided under paragraph (1) to an amount that is equal in value to not less than the average annual tuition and required fees at 4-year public institutions of higher education within such State.

(3) Construction.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of a voucher provided under paragraph (1) to an amount in excess of that described in such paragraph.

(b) Full-time.—

(1) In general.—Subject to subsection (d), the Commission shall annually provide to each full-time participant a non-transferrable voucher that is equal in value to $5,000 for each year of service that such participant provides to the program.

(2) Waiver.—A State may apply for a waiver to reduce the amount of a voucher provided under paragraph (1) to an amount that is equal in value to not less than the average annual tuition, required fees, and room and board costs at 4-year public institutions of higher education within such State.

(3) Construction.—Nothing in this subsection shall be construed to prevent a State from using funds made available from non-Federal sources to increase the amount of a voucher provided under paragraph (1) to an amount in excess of that described in such paragraph.

(c) Special Senior Service Participant.—A special senior service participant shall be ineligible to receive a voucher under this section.

(d) Indexing.—The Commission shall increase the value of vouchers provided under this section in each fiscal year based on the increase in the costs associated with attending a 4-year institution of higher education during that fiscal year. The Commission shall determine such increases in costs based on information made available by the Bureau of Labor Statistics and the National Center for Education Statistics.

(e) Use of Voucher.—

(1) Part-time.—A voucher provided under subsection (a) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs associated with purchasing a first home;

(C) downpayment, closing costs, or other costs associated with purchasing a small business concern; or

(D) tuition at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(2) Full-time.—A voucher provided under subsection (b) shall only be used for—

(A) payment of a student loan from Federal or non-Federal sources;

(B) downpayment or closing costs associated with purchasing a first home;

(C) downpayment, closing costs, or other costs associated with purchasing a small business concern; or

(D) tuition, room and board, books and fees, and other costs associated with attendance (pursuant to section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)) at an institution of higher education on a full-time basis, or to pay the expenses incurred in the full-time participation in an apprenticeship program approved by the appropriate State agency.

(3) Alternative voucher option.—A State administering a full-time national service program under this subtitle may apply to the Commission for authorization to offer an alternative voucher option limiting the use of vouchers for education, housing, or costs associated with the purchase of a small business concern, including downpayment or closing costs.

(4) Definition.—As used in this subsection, the term "small business concern" shall have the same meaning given such term in section 3(a)(1) of the Small Business Act (15 U.S.C. 632(a)(1)).

SEC. 147. LIVING ALLOWANCE.

(a) Full-Time Service.—

(1) In general.—From assistance provided under this subtitle, each participant in a full-time national service program receiving assistance under this subtitle shall receive a living allowance of not more than an amount equal to 100 percent of the poverty line for a family of two (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))).

(2) Non-Federal sources.—Notwithstanding paragraph (1), a program agency may provide participants with additional amounts that are made available from non-Federal sources.

(b) Reduction in Existing Program Benefits.—Nothing in this section shall be construed to require a program in existence on the date of enactment of this Act to decrease any stipends, salaries, or living allowances provided to participants under such program.

(c) Health Insurance.—In addition to the living allowance provided under subsection (a), grantees are encouraged to provide health insurance to each participant in a full-time national service program who does not otherwise have access to health insurance.

(d) Special Senior Service Participant.—

(1) Full-time.—Each full-time special senior service participant shall receive a living allowance equal to the living allowance provided to full-time participants under subsection (a), and such other assistance as the Commission considers necessary and appropriate for a special senior service participant to carry out the service obligation of such participant.

(2) Part-time.—Each part-time special senior service participant shall receive a living allowance equal to a share of such allowance offered to a full-time special senior service participant under paragraph (1), that has been prorated according to the number of hours such part-time participant serves in the program, and such other assistance that the Commission considers necessary and appropriate for a special senior service participant to carry out the service obligation of such participant.

SEC. 148. TRAINING.

(a) Program Training.—

(1) In general.—Each participant shall receive 3 weeks of training provided by the Commission in cooperation with the State.

(2) Contents of training session.—Each training session described in paragraph (1) shall—

(A) orient each participant in the nature, philosophy, and purpose of the program;

(B) build an ethic community service; and

(C) train each participant to effectively perform the assigned program task of such participant by providing—

(i) general training in citizenship and civic and community service; and

(ii) if feasible, specialized training for the type of national service that each participant will perform.

(b) Additional Training.—Each State may provide additional training for participants as such State determines necessary.

(c) Agency or Organization Training.—Each participant shall receive training from the sponsoring organization in skills relevant to the work to be conducted.

(d) Accommodations for Individuals With Disabilities.—In accordance with the nondiscrimination provisions of section 174, each training program shall provide reasonable accommodations for individuals with disabilities.

SEC. 149. PUBLIC-PRIVATE PARTNERSHIP.

The Commission shall consider and develop opportunities for cooperation between public and private entities in the funding and implementation of a program receiving assistance under this subtitle, including cost-sharing arrangements with sponsoring organizations.

SEC. 150. IN-SERVICE EDUCATION BENEFITS.

Each State that receives assistance under this subtitle shall provide to each participant enrolled in a full-time program in-service educational services and materials to enable such participant to obtain a high school diploma or the equivalent of such diploma.

Subtitle E—Innovative Service Programs

SEC. 160. GENERAL AUTHORITY.

The Commission may make grants under section 102 to States for the creation of innovative national and community service programs.

SEC. 161. GRANTS.

(a) Criteria for Receiving Applications.—In determining whether to award a grant to a State under section 160, the Commission shall consider—

(1) the ability of the proposed program of such State to serve as an effective model for other States;

(2) the quality of the application of such State, including the plan of such State for training, recruitment, placement, and data collection;

(3) the extent that the proposed program builds on existing programs; and

(4) the degree to which the program responds to State and community human, educational, environmental and public safety needs in an innovative manner.

(c) State Application for Grant.—To receive a grant under this subtitle, a State shall prepare and submit, to the Commission, an application at such time, in such manner, and containing such information as the Commission may reasonably require, including—

(1) a description of the proposed program to be established with assistance provided under the grant;

(2) a description of the human, educational, environmental or public safety service that participants will perform and the State or community need that will be addressed under such proposed program;

(3) a description of the target population of participants and how they will be recruited;

(4) a description of the procedure for training supervisors and participants and for supervising and organizing participants in such proposed program;

(5) a description of the procedures to ensure that the proposed program provides participants with an opportunity to reflect on their service experiences;

(6) a description of any stipend or benefit that participants will receive, if any;

(7) an estimate of the anticipated number of participants and the anticipated number of hours of service such participants will perform;

(8) a description of the State budget for the program;

(9) assurances that, prior to the placement of a participant in a project, the State will consult with any local labor organization representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such project; and

(10) assurances that, prior to the placement of a participant in a project, the State will consult with employees at the proposed project site who are engaged in the same or similar work as that proposed to be carried out by such project.

(d) Indian Tribes.—An Indian tribe shall be treated the same as a State for purposes of making grants under this subtitle.

Subtitle F—Administrative Provisions

SEC. 170. LIMITATION ON NUMBER OF GRANTS.

(a) In General.—The Commission shall not award more than one grant during each fiscal year to each State under section 102.

(b) Number of Applications.—In submitting applications for a grant under section 102, a State shall consolidate all of the applications of such State for the conduct of programs under subtitles B through E, into a single application that meets the requirements of such subtitles.

(c) Multiple Use.—A grant awarded under section 102 to a State may be used by the State in accordance with the applications consolidated, submitted, and approved under subtitles (B) through (E).

SEC. 171. REPORTS.

(a) State Reports.—

(1) In general.—Each State receiving assistance under this title shall prepare and submit, to the Commission, an annual report concerning the status of the national and community service programs that receive assistance under such title in such State.

(2) Local grantees.—Each State may require local grantees that receive assistance under this title to supply such information to the State as is necessary to enable the State to complete the report required under paragraph (1), including a comparison of actual accomplishments with the goals established for the program, the number of participants in the program, the number of service hours generated, and the existence of any problems, delays or adverse conditions that have affected or will affect the attainment of program goals.

(3) Report demonstrating compliance.—

(A) In general.—Each State receiving assistance under this title shall include information in the report required under paragraph (1) that demonstrates the compliance of the State with the provisions of section 176 and 113(9).

(B) Local grantees.—Each State may require local grantees to supply such information to the State as is necessary to enable the State to comply with the requirement of paragraph (1).

(4) Availability of report.—Reports submitted under paragraph (1) shall be made available to the public on request.

(b) Report to Congress.—

(1) In general.—Not later than 120 days after the end of each fiscal year, the Commission shall prepare and submit, to the appropriate authorizing and appropriation Committees of Congress, a report concerning the programs that receive assistance under this title.

(2) Content.—Reports submitted under paragraph (1) shall contain a summary of the information contained in the State reports submitted under subsection (a), and shall reflect the findings and actions taken as a result of any evaluation conducted by the Commission.

SEC. 172. SUPPLEMENTATION.

(a) In General.—Assistance provided under this title shall be used to supplement the level of State and local public funds expended for services of the type assisted under this title in the previous fiscal year.

(b) Aggregate Expenditure.—Subsection (a) shall be satisfied, with respect to a particular program, if the aggregate expenditure for such program for the fiscal year in which services are to be provided will not be less than the aggregate expenditure for such program in the previous fiscal year, excluding the amount of Federal assistance provided and any other amounts used to pay the remainder of the costs of programs assisted under this title.

SEC. 173. PROHIBITION ON USE OF FUNDS.

(a) In General.—Assistance provided under this title shall not be used by program participants and program staff to—

(1) provide religious instruction, conduct worship services, or engage in any form of proselytization, but nothing in this Act shall be construed to prevent any church or other religious entity from—

(A) displaying religious symbols or decorations;

(B) allowing persons to pray voluntarily, whether silently or vocally;

(C) allowing persons to sing religious hymns; or

(D) affirming or promoting any moral tenet that may be based on religious precepts;

So long as no funds provided under this Act are used by program participants and program staff for such activities and so long as these activities are conducted in a manner consistent with the Constitution.

(2) assist, promote, or deter union organizing; and

(3) finance, directly or indirectly, any activity designed to influence the outcome of an election to Federal office or the outcome of an election to a State or local public office.

(b) Contracts or Collective Bargaining Agreements.—A program that receives assist under this title shall not impair existing contracts for services or collective bargaining agreements.

SEC. 174. NONDISCRIMINATION.

(a) In General.—Any assistance provided under this title shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the regulations issued under such Acts.

(b) Nondiscrimination.—Any individual with responsibility for the administration of a program that receives assistance under this title shall not discriminate in the selection of participants to such program on the basis of race, religion, color, national origin, sex, age, disability, or political affiliation, except that nothing in this Act shall prohibit a church or other religious entity from requiring that participants adhere to the religious tenets and teachings of such organization and further, such organization may require that participants adhere to rules forbidding the use of drugs or alcohol.

(c) Qualified Applicants.—If two or more prospective participants are qualified for any position with a church or other religious entity that is funded under part A of title I or titles II or III, nothing in this Act shall prohibit such organization from accepting a prospective participant for such position who is already participating on a regular basis in other activities of the church or other religious entity.

(d) Rules and Regulations.—The Commission shall promulgate rules and regulations to provide for the enforcement of this section that shall include provisions for summary suspension of assistance for not more than 30 days, on an emergency basis, until notice and an opportunity to be heard can be provided.

(e) Right of Action.—

(1) Sense of the senate.—It is the sense of the Senate—

(A) to deplore the practice of boycotting businesses on the basis of the race, religion, national origin, gender, age, or disability of the owner, operator, employees, or patrons of such entities;

(B) that the programs assisted under this Act should not be used to fund such boycotts;

and that the rights of all persons to engage in free speech protected by the Constitution should be protected.

(2) Limitation.—None of the amounts appropriated under this Act shall be used to engage in a boycott of any entity on the basis of the race, religion, national origin, gender, age, or disability, of the owner, operator, employees or patrons of such entity.

(3) Attorney General.—Notwithstanding any other provision of law, the Attorney General may file an action under this subsection, in the appropriate district court of the United States, against any organization or entity to recover the amount of assistance provided to such organization or entity under this Act that is used in violation of this subsection.

SEC. 175. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

(a) In General.—

(1) Suspension of payments.—The Commission may in accordance with the provisions of this title, suspend or terminate payments under a contract or grant providing assistance under this title whenever the Commission determines there is a material failure to comply with this title or the applicable terms and conditions of any such grant or contract issued pursuant to this title.

(2) Procedures to ensure assistance.—The Commission shall prescribe procedures to ensure that—

(A) assistance provided under this title shall not be suspended for failure to comply with the applicable terms and conditions of this title except, in emergency situations, a suspension may be granted for 30 days; and

(B) assistance provided under this title shall not be terminated for failure to comply with applicable terms and conditions of this title unless the recipient of such assistance has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) Hearings.—Hearings or other meetings that may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient of assistance under this title.

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(c) **Transcript or Recording.**—A transcript or recording shall be made of a hearing conducted under this section and shall be available for inspection by any individual.

(d) **State Legislation.**—Nothing in this title shall be construed to preclude the enactment of State legislation providing for the implementation, consistent with this title, of the programs administered under this title.

(e) **Grievance Procedure**—

(1) **In general.**—State and local applicants that receive assistance under this title shall establish and maintain a procedure to adjudicate grievances from participants, labor organizations, and other interested individuals concerning programs that receive assistance under this title, including grievances regarding proposed placements of such participants in such projects.

(2) **Deadline for grievances.**—Except for a grievance that alleges fraud or criminal activity, a grievance shall be made not later than 1 year after the date of the alleged occurrence.

(3) **Deadline for hearing and decision.**—

(A) **Hearing.**—A hearing on any grievance conducted under this subsection shall be conducted not later than 30 days of filing such grievance.

(B) **Decision.**—A decision on any grievance shall be made not later than 60 days after the filing of such grievance.

(4) **Arbitration.**—

(A) **In general.**—On the occurrence of an adverse grievance decision, or 60 days after the filing of such grievance if no decision has been reached, the party filing the grievance shall be permitted to submit such grievance to binding arbitration before a qualified arbitrator who is jointly selected and independent of the interested parties.

(B) **Deadline for proceeding.**—An arbitration proceeding shall be held not later than 45 days after the request for such arbitration.

(C) **Deadline for decision.**—A decision concerning such grievance shall be made not later than 30 days after the date of such arbitration proceeding.

(D) **Cost.**—The cost of such arbitration proceeding shall be divided evenly between the parties to the arbitration.

(5) **Proposed placement.**—If a grievance is filed regarding a proposed placement of a participant in a program that receives assistance under this title, such placement shall not be made unless it is consistent with the resolution of the grievance pursuant to this subsection.

(6) **Remedies.**—Remedies for a grievance filed under this subsection include—

(A) suspension of payments for assistance under this title;

(B) termination of such payments; and

(C) prohibition of such placement described in paragraph (5).

SEC. 176. NONDUPLICATION AND NONDISPLACEMENT.

(a) **Nonduplication.**—

(1) **In general.**—Assistance provided under this title shall be used only for a program that does not duplicate, and is in addition to, an activity otherwise available in the locality of such program.

(2) **Private nonprofit entity.**—Assistance made available under this title shall not be provided to a private nonprofit entity to conduct activities that are the same or substantially equivalent to activities provided by a State or local government agency that such entity resides in, unless the requirements of subsection (b) are met.

(b) **Nondisplacement.**—

(1) **In general.**—An employer shall not displace an employee or position, including partial displacement such as reduction in hours, wages, or employment benefits, as a result of the use by such employer of a participant in a program receiving assistance under this title.

(2) **Service opportunities.**—A service opportunity shall not be created under this title that will infringe in any manner on the promotional opportunity of an employed individual.

(3) **Limitation on services.**—

(A) **Duplication of services.**—A participant in a program receiving assistance under this title shall not perform any services or duties or engage in activities that would otherwise be performed by an employee as part of the assigned duties of such employee.

(B) **Supplantation of hiring.**—A participant in any program receiving assistance under this title shall not perform any services or duties or engage in activities that will supplant the hiring of employed workers.

(C) **Duties formerly performed by another employee.**—A participant in any program receiving assistance under this title shall not perform services or duties that have been performed by or were assigned to any—

(i) presently employed worker;

(ii) employee who recently resigned or was discharged;

(iii) employee who is subject to a reduction in force;

(iv) employee who is on leave (terminal, temporary, vacation, emergency, or sick); or

(v) employee who is on strike or who is being locked out.

SEC. 177. STATE ADVISORY BOARD.

(a) **Formation of Board.**—Each State that applies for assistance under this title is encouraged to establish a State Advisory Board for National and Community Service.

(b) **Members.**—

(1) **In general.**—The chief executive officer of a State referred to in subsection (a) shall appoint members to such Advisory Board from among—

(A) representatives of State agencies administering community service, youth service, education, social service, and job training programs; and

(B) representatives of labor, business, agencies working with youth, community-based organizations such as community action agencies, students, teachers, Older American Volunteer Programs as established under title II of the Domestic Volunteer Act of 1973 (42 U.S.C. 5001 et seq.), full-time youth service corps programs, school-based community service programs, higher education institutions, local educational agencies, volunteer public safety organizations, educational partnership programs, and other organizations working with volunteers.

(2) **Balance of membership.**—To the extent practicable, the chief executive officer of a State referred to in subsection (a) shall ensure that the membership of the Advisory Board is balanced according to race, ethnicity, and gender.

(c) **Duties of Board.**—A State Advisory Board for National and Community Service established under subsection (a) shall assist the State agency administering a program receiving assistance under this title in—

(1) coordinating programs that receive assistance under this title and related programs within the State;

(2) disseminating information concerning service programs that receive assistance under this title;

(3) recruiting participants for programs that receive assistance under this title; and

(4) developing programs, training methods, curriculum materials, and other materials and activities related to programs that receive assistance under this title.

SEC. 178. EVALUATION.

(a) **In General.**—The Commission shall provide, through grants or contracts, for the continuing evaluation of programs that receive assistance under this title, including evaluations that measure the impact of such programs, to determine—

(1) the effectiveness of such programs in achieving stated goals and the costs associated with such;

(2) for purposes of the reports required by subsection (h), the impact of such programs, in each State in which a program is conducted, on the ability of—

(A) the VISTA and older American volunteer programs (established under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 4950 et seq.));

(B) each regular component of the armed forces (as defined in section 101(4) of title 10, United States Code);

(C) each of the reserve components of the armed forces (as described in section 216(a) of title 5, United States Code); and

(D) the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.));

to recruit individuals residing in such State to serve in such program; and

(3) the structure and mechanisms for delivery of services for such programs.

(b) **Comparisons.**—The Commission shall provide for inclusion in the evaluations required under subsection (a), where appropriate, comparisons of participants in such programs with individuals who have not participated in such programs.

(c) **Conducting Evaluations.**—Evaluations of programs under subsection (a) shall be conducted by individuals who are not directly involved in the administration of such program.

(d) **Program Objectives.**—The Commission shall ensure that programs that receive assistance under subtitle D are evaluated to determine their effectiveness in—

(1) recruiting and enrolling diverse participants in such programs, consistent with the requirements of section 145, based on economic background, race, ethnicity, age, marital status, education levels, and disability;

(2) promoting the educational achievement of each participant in such programs, based on earning a high school diploma or the equivalent of such diploma and the future enrollment and completion of increasingly higher levels of education;

(3) encouraging each participant to engage in public and community service after completion of the program based on career choices and service in other service programs such as the Volunteers in Service to America Program and older American volunteer programs established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.), the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), the military, and part-time volunteer service;

(4) promoting of positive attitudes among each participant regarding the role of such participant in solving community problems based on the view of such participant regarding the personal capacity of such participant to improve the lives of others, the

responsibilities of such participant as a citizen and community member, and other factors;

(5) enabling each participant to finance a lesser portion of the higher education of such participant through student loans;

(6) providing services and projects that benefit the community;

(7) supplying additional volunteer assistance to community agencies without overloading such agencies with more volunteers than can effectively be utilized;

(8) providing services and activities that could not otherwise be performed by employed workers and that will not supplant the hiring of, or result in the displacement of, employed workers or impair the existing contracts of such workers; and

(9) attracting a greater number of citizens to public service, including service in the active and reserve components of the Armed Forces, the National Guard, the Peace Corps (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)), and the VISTA and older American volunteer programs established under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

(e) Comparison of Program Models.—The Commission shall evaluate and compare the effectiveness of different program models in meeting the program objectives described in subsection (d) including full- and part-time programs, programs involving different types of national service, programs using different recruitment methods, programs offering alternative voucher options, and programs utilizing individual placements and teams.

(f) Obtaining Information.—

(1) In general.—In conducting the evaluations required under subsection (d), the Commission may require each program participant and State or local applicant to provide such information as may be necessary to carry out the requirements of this section.

(2) Confidentiality.—The Commission shall keep information acquired under this section confidential.

(g) Deadline.—The Commission shall complete the evaluations required under subsection (d) not later than 2 years after the date of enactment of this Act.

(h) Reports.—

(1) Initial report.—Not later than 24 months after the date on which the first program is initiated under this title, the Commission shall prepare and submit, to the appropriate Committees of Congress, a report containing the results of the evaluations conducted under subsection (a)(2) with respect to the first 18 months after such initiation date.

SEC. 179. ENGAGEMENT OF PARTICIPANTS.

A State shall not engage a participant to serve in any program that receives assistance under this title unless and until amounts have been appropriated under section 401 for the provision of vouchers and for the payment of other necessary expenses and costs associated with such participant.

SEC. 180. NATIONAL SERVICE DEMONSTRATION PROGRAM AMENDMENTS.

(a) Treatment of Education and Housing Voucher.—For purposes of determining eligibility for programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) (hereafter in this section referred to as the "Act"), vouchers received under this Act shall be considered as estimated financial assistance as defined in section 428(a)(2)(C)(i) of title IV of the Act (20 U.S.C. 1078(a)(2)(C)(i)), except that in no case shall such a voucher be considered as—

(1) annual adjusted family income as defined in section 411F(1) of subpart 1 of part A of title IV of such Act (20 U.S.C. 1070a-6); or

(2) total income as defined in section 480(a) of part F of title IV of such Act (20 U.S.C. 1087vv(a)).

(b) Treatment of Stipend for Living Expenses.—In no case shall stipends received under this Act be considered in the determination of expected family contribution or independent student status under—

(1) subpart 1 of part A of title IV of such Act (20 U.S.C. 1070a et seq.); or

(2) part F of title IV of such Act (20 U.S.C. 1087kk et seq.).

(c) Contingent extension.—Section 414 of the General Education Provisions Act (20 U.S.C. 1226a) shall apply to this Act.

SEC. 181. PARTNERSHIPS WITH SCHOOLS.

(a) Definitions.—As used in this section:

(1) Partnership program.—The term "partnership program" means a cooperative effort between an agency or department of the Federal government and an educational institution to enhance the education of students.

(2) School volunteer.—The term "school volunteer" means an individual, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(b) Design of Programs.—The head of each Federal agency and department shall design an implement a comprehensive strategy to involve employees of such agencies and departments in partnership programs with elementary schools and secondary schools. Such strategy shall include—

(1) a review of existing programs to identify and expand the opportunities for such employees to be school volunteers;

(2) the designation of a senior official in each such agency and department who will be responsible for establishing school volunteer and partnership programs in each such agency and department and for developing school volunteer and partnership programs; and

(3) the encouragement of employees of such agencies and departments to participate in school volunteer and partnership programs.

(c) Report.—Not later than 180 days after the date of enactment of this Act, and on a regular basis thereafter, the head of each Federal agency and department shall prepare and submit, to the appropriate Committees of Congress, a report concerning the implementation of this section.

SEC. 182. SERVICE AS TUTORS.

Notwithstanding any other provision of this Act, a service opportunity through which a part-time participant serves as a classroom tutor under the supervision of a certified professional shall be considered an acceptable placement if the requirements of section 176(b) (1) and (2) and section 173 are met.

SEC. 183. CONFORMING AMENDMENTS.

The Higher Education Act of 1965 is amended—

(1) in section 411F(9) (20 U.S.C. 1070a-6(9)), by adding at the end thereof the following new subparagraph:

"(F) Annual adjusted family income does not include any stipend received by a participant a programs established under the National and Community Service Act of 1990.";

(2) in section 411F(12)(B)(vi) (20 U.S.C. 1070a-6(12)(B)(vi)), by striking "(including all sources of resources other than parents)" and inserting "(including all sources of resources other than parents and stipends received as a result of participation in a program established under the National and Community Service Act of 1990.)";

(3) in section 480(f) (20 U.S.C. 1087vv(f)), by—

(A) striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting a semicolon and "and"; and

(C) adding at the end thereof the following new paragraph:

"(3) any stipend received by a participant in a program established under the National and Community Service Act of 1990."; and

(4) in section 480(d)(2)(F) (20 U.S.C. 1087vv(d)(2)(F)), by inserting after "other than parents" "and stipends received as a result of participation in a program established under the National and Community Service Act of 1990)".

Subtitle G—Commission on National and Community Service

SEC. 190. COMMISSION ON NATIONAL AND COMMUNITY SERVICE.

(a) Establishment.—There is established a Commission on National and Community Service that shall administer the programs established under this title.

(b) Board of Directors.—

(1) Composition.—The Commission shall be administered by a Board of Directors (hereinafter referred to in this section as the "Board") that shall be composed of 21 members, to be appointed by the President with the advice and consent of the Senate, who shall be individuals who have extensive experience in volunteer and service opportunity programs and who represent a broad range of viewpoints. The membership of the Board shall be balanced according to the race, ethnicity and gender of its members.

(2) Political parties.—Not more than 11 members of the Board shall belong to the same political party.

(3) Terms.—Each member of the Board shall serve for a term of 2 years, except that, subject to the provisions of paragraph (4), eleven of the initial members of the Board shall serve for a term of 1 year.

(4) Vacancies.—

(A) In general.—As vacancies occur on the Board, new members shall be appointed by the President with the advice and consent of the Senate and serve for the remainder of the term for which the predecessor of such member was appointed.

(5) Chairperson.—The Board shall elect a chairperson and vice-chairperson from among its membership.

(6) Meetings.—The Board shall meet not less than three times each year. The Board shall hold additional meetings if seven members of the Board request such meetings in writing. A majority of the Board shall constitute a quorum.

(7) Expenses.—While away from their homes or regular places of business on the business of the Board, members of such Board may be allowed travel expenses, including per diem in lieu of subsistence, as is authorized under section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

(c) Duties.—The Board shall—

(1) advise the President and the Congress concerning developments in national and community service that merit the attention of the President and the Congress;

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(2) design and administer the programs or initiatives established under this title;

(3) shall consult with appropriate Federal agencies in administering programs that receive assistance under title I;

(4) may delegate authority to administer the programs established under this title to any other agency or entity of the Federal government, on the agreement of such agency or entity, as the Board determines appropriate;

(5) shall provide, directly or through contract with public or private nonprofit organizations with extensive experience in service programs, training and technical assistance to States, school and community-based service programs, full-time youth service corps, and national service demonstration programs;

(6) shall arrange for the evaluation of programs established under this title, in accordance with section 178;

(7) coordinate with the Secretary of Defense in evaluating the effect of the national service demonstration program on the recruitment efforts of the active and reserve components of the Armed Forces; and

(8) carry out any other activities determined appropriate by the Secretary.

(d) Executive Director of the Board.—

(1) In general.—The Board shall appoint an individual to serve as Executive Director of the Board (hereinafter referred to in this section as the "Director").

(2) Duties.—The Director shall advise the Board concerning developments in volunteer or national service that the Director determines merits the attention of the Board, identify promising service initiatives, and coordinate the work of the Board with the work of other Federal agencies involved in service activities and in the design of a competitive grant to provide assistance as authorized under this title.

(e) Technical Employees.—The Director may, at the discretion of the Board, appoint not more than 10 technical employees to administer the Committee. Such employees shall be appointed for terms that shall not exceed 2 years, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(f) Clearinghouses.—

(1) In general.—The Board shall provide assistance to not less than three national or regional service clearinghouses.

(2) Public and private nonprofit agencies.—Public and private nonprofit agencies that have extensive experience in community service, adult volunteer and partnership programs, youth service, and other volunteer programs shall be eligible to receive funds under paragraph (1).

(3) Function of clearinghouses.—National and regional clearinghouses that receive assistance under paragraph (1) shall—

(A) assist State and local community service programs with needs assessments and planning;

(B) conduct research and evaluations concerning community service;

(C) provide leadership development and training to State and local community service program administrators, supervisors, and participants;

(D) administer award and recognition programs for outstanding community service programs and participants; and

(E) facilitate communication amongst community service programs and participants.

(4) Grants.—

(A) In general.—The Board may make grants to national model service programs.

(B) Eligibility.—States, education institutions, local government agencies, community-based agencies, nonprofit organizations, or consortia composed thereof shall be eligible to receive grants under subparagraph (A).

(C) Dissemination of information.—The Board shall widely disseminate information concerning national model service programs that receive assistance under subparagraph (A).

(5) Innovative curriculum materials.—The Board may make grants for the development of innovative curriculum materials for use in youth community service and adult volunteer partnership programs.

(g) Presidential Awards for Services.—

(1) Presidential awards.—

(A) In general.—The President, acting through the Commission, is authorized to make Presidential Awards for service to individuals demonstrating outstanding community service and to outstanding service programs.

(B) Number of awards.—The President is authorized to make one individual and one program award in each Congressional district, and one Statewide program award in each State.

(C) Consultation.—The President shall consult with the Governor of each State, and with the Board, in the selection of individuals and programs for Presidential Awards.

(D) Participants in programs.—An individual receiving an award under this subsection need not be a participant in a program assisted under this title.

(2) Information.—The President shall ensure that information concerning individuals and programs receiving awards under this subsection is widely disseminated.

(h) Detail of Employees.—Any Federal government employee may be detailed to the Commission without payment of reimbursement to the detailing agency. Such detail of a Federal employee shall not result in the interruption or loss of civil service status or privilege of such employee.

(i) Limitation.—In each fiscal year the Commission shall limit the value of any benefits conferred under this Act, to an amount that is not in excess of the appropriations for such fiscal year to carry out this Act, and if the fulfillment of the requirements of this Act requires amounts in excess of the limitation described in this subsection, such benefits shall be reduced to the extent necessary to comply with the requirements of this subsection.

TITLE II—MODIFICATIONS OF EXISTING EDUCATION PROGRAMS

SEC. 201. REFERENCES.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Higher Education Act of 1965.

Subtitle A—Higher Education

SEC. 210. INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

(a) Purpose.—Section 1061 of the Act (20 U.S.C. 1135e) is amended by striking out "projects in exchange" and all that follows through the end thereof, and inserting in lieu thereof "activities before, during, or after the completion of such student's higher education.".

(b) Use of Grants.—Section 1062 of the Act (20 U.S.C. 1135e-1) is amended to read as follows:

"SEC. 1062. INNOVATIVE PROJECTS FOR COMMUNITY SERVICE.

"(a) General Authority.—The Secretary is authorized, in accordance with the provisions of this part, to make grants to, and enter into contracts with, institutions of higher education (including combinations of such institutions), and other public agencies and nonprofit organizations working in partnership with institutions of higher education, for purposes including—

"(1) encouraging students to participate in community service activities that will engender a sense of social responsibility and commitment to the community;

"(2) encouraging students to assist in the teaching of individuals with limited basic skills or an inability to read and write;

"(3) creating opportunities for students to engage in community service activities in exchange for financial assistance that reduces the debt acquired by students in the course of completing postsecondary education;

"(4) encouraging student-initiated and student designated community service projects; and

"(5) encouraging the integration of community service into academic curricula.

"(b) Administrative Provisions.—

"(1) Application.—No grant may be made, and no contract may be entered into, under this section unless an application is made to the Director of the Fund for Improvement of Postsecondary Education (hereinafter referred to as the 'Director') at such time, in such manner, and contained or accompanied by such information as the Director may reasonably require. Such applications shall include plans that describe the manner in which appropriate training is to be provided to participants and supervisors.

"(2) Advise.—Consistent with the provisions of section 1003(c), the National Board of the Fund for the Improvement of Postsecondary Education shall advise the Director on programs, priorities, and the selection of projects developed under the authority of this section.

"(3) Technical employees.—

"(A) In general.—The Secretary may appoint, for terms of not to exceed 2 years, without regard to the provisions of title 5, United States Code governing appointments in the competitive service, technical employees to administer this part who may be paid without regard to the provisions of chapter 51, and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(B) Limitation.—The Secretary may appoint not more than 1 technical employee for each $2,000,000 appropriated under section 1063.

"(4) Application of other section.—The provisions of section 1004(b) shall apply to grants made under this section.

"(5) Construction.—Nothing in this part shall be construed as requiring an institution of higher education to offer academic credit as a requirement of receiving assistance under this part.".

Subtitle B—State Student Incentive Grant and Work Study Programs

SEC. 220. ADDITIONAL RESERVATION FOR CAMPUS-BASED COMMUNITY WORK LEARNING STUDY JOBS.

Section 415B(a) of such Act (20 U.S.C. 1070c-1(a)) is amended by inserting the following new paragraph at the end thereof:

"(3)(A) If the amount appropriated to carry out this subpart exceeds $75,000,000, the Secretary shall, notwithstanding the provisions of section 415(C)(b)(3)(A), allot 50 percent of such excess to the States for the purpose described in section 415(C)(b)(3)(B).

"(B) The Secretary shall make the allotment required under subparagraph (A) based on the number of students participating in campus-based community work learning study jobs assisted under this subpart in each State as compared to the total number of students participating in such jobs in all States.

SEC. 221. WORK STUDY PROGRAMS.

(a) Work Study Programs.—Section 443(b)(5) of such Act (42 U.S.C. 2753(b)(5)) is amended by striking "and 70 percent for academic year 1990-1991" and inserting "70 percent for academic years 1990-1991 and 1991-1992, and 60 percent for academic year 1992-1993".

(b) Community Service Learning Programs.—Section 443(b)(5)(B) of such Act is amended by striking "90" and inserting "100".

SEC. 222. PUBLIC HEALTH AMENDMENT.

Section 361(a) of the Public Health Service Act (42 U.S.C. 264(a)) is amended by striking out "The" and inserting in lieu thereof "Notwithstanding any other provision of Federal law, the".

Subtitle C—Publication

SEC. 230. INFORMATION FOR STUDENTS.

(a) Institutional and Financial.—Section 485(a)(1) of such Act (20 U.S.C. 1092(a)(1)) is amended—

(1) by striking out "and" at the end of subparagraph (J);

(2) by striking out the period at the end of subparagraph (K) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(L) the terms and conditions under which students receiving guaranteed student loans under part B of this title or direct student loans under part E of this title, or both, may—

"(i) obtain deferral of the repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness, and

"(ii) obtain partial cancellation of the student loan for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.).".

(b) Participation Agreements.—Section 487(a)(7) of such Act (20 U.S.C. 1094(a)(7)) is amended by inserting before the period a comma and the following: "particularly the requirements of subsection (a)(1)(L) of such section".

SEC. 231. EXIT COUNSELING FOR BORROWERS.

Section 485(b) of such Act (20 U.S.C. 1092(b)) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof a semicolon and "and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the terms and conditions under which the student may obtain partial cancellation or defer repayment of the principal and interest for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness.".

SEC. 232. DEPARTMENT INFORMATION ON DEFERMENTS AND CANCELLATIONS.

Section 485(d) of such Act (20 U.S.C. 1092(d)) is amended by inserting before the last sentence the following new sentence: "The Secretary shall provide information concerning the specific terms and conditions under which students may obtain partial cancellation or defer repayment of loans for service under the Peace Corps Act (as established by the Peace Corps Act (22 U.S.C. 2501 et seq.)) and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness, shall indicate (in terms of the Federal minimum wage) the maximum level of compensation and allowances that a student borrower may receive from a tax-exempt organization to qualify for a deferment, and shall explicitly state that students may qualify for such partial cancellations or deferments when they serve as a paid employee of a tax-exempt organization.".

SEC. 233. DATA ON DEFERMENTS AND CANCELLATIONS.

Section 485B(a) of such Act (20 U.S.C. 1092b(a)) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding the following new paragraph after paragraph (4):

"(5) the exact amount of loans partially canceled or in deferment for service under the Peace Corps Act (22 U.S.C. 2501 et seq.)), for service under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), and for comparable full-time service as a volunteer for a tax-exempt organization of demonstrated effectiveness.".

Subtitle D—Direct Loans to Students in Institutions of Higher Education

SEC. 240. LOAN CANCELLATION AUTHORIZED.

(a) Cancellation for Certain Service.—Section 465(a)(2) of such Act (20 U.S.C. 1087ee(a)(2)) is amended—

(1) by striking out "or" at the end of subparagraph (D);

(2) by striking out the period at the end of subparagraph (E) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new subparagraph:

"(F) as a full-time volunteer in service comparable to service referred to in subparagraph (E) for an organization of demonstrated effectiveness which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code 1986.".

(b) Cancellation Percentage.—Section 465(a)(3)(A) of such Act (20 U.S.C. 1087ee(a)(3)(A)) is amended—

(1) by striking out "or" at the end of clause (iii);

(2) by striking out the period at the end of clause (iv) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding at the end thereof the following new clause:

"(v) in the case of service described in subparagraph (F) of paragraph (2) at the rate of 15 percent for the first or second year of such service and 20 percent of the third or fourth year of such service.".

SEC. 241. EFFECTIVE DATE.

The amendments made by section 240 shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this subtitle.

Subtitle E—Loan Forgiveness

SEC. 250. LOAN FORGIVENESS.

(a) In General.—Part B of title IV of such Act is amended by inserting after section 432 (20 U.S.C. 1082) the following new section:

"SEC. 432A. TREATMENT OF STUDENT VOLUNTEERS.

"(a) In General.—Notwithstanding any other provision of law except subsection (c), a loan insurable under section 427, or the student loan insurance program of a State, institution, or organization under section 428, shall provide that, in the case of any student borrower who, prior to the beginning of the repayment period, agrees in writing to volunteer for service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax exempt organization of demonstrative effectiveness, for the payment by the United States of the percent of the amount of loans specified in subsection (b).

"(b) Partial Cancellation Authority.—

"(1) Agreement.—The Secretary shall enter into an agreement with any student borrower described in section 427(a)(2)(H) or 428(b)(1)(V) under which the borrower shall agree to serve as a volunteer under the Peace Corps Act (22 U.S.C. 2501 et seq.) or under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.) or for comparable full-time service as a volunteer with a tax-exempt organization of demonstrated effectiveness.

"(2) Assurances.—The agreement entered into under paragraph (1) shall contain provisions designed to assure that—

"(A) the Secretary will assume the obligation of paying the percent of any loan made, insured, or guaranteed under this part, except those described in sections 428A, 428B and 428C, pursuant to the schedule described in paragraph (5); and

"(B) the student borrower who fails to volunteer for service in accordance with the agreement will assume the obligation of paying the amount of any such loan attributable to the period for which the student borrower failed to comply with the agreement.

"(3) Payment.—The Secretary shall in each fiscal year pay to the holder of each loan for which the Secretary assumes responsibility under this subsection the amount specified in paragraph (5).

"(4) Waiver or suspension.—The Secretary shall waive or suspend any obligation of service or payment of any loan, or any part thereof, to which the United States is entitled under paragraph (2)(A) whenever the Secretary determines that compliance by an individual with the agreement is impossible or would involve extreme hardship to the individual.

"(5) Amount of payment.—

"(A) In general.—The percentage of a loan that shall be paid by the United States under paragraph (2)(A) shall be 15 percent for the first or second year of service and 20

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percent for the third or fourth year of service as described in paragraph (1).

"(B) Interest.—If a portion of the loan is paid by the Secretary under this subsection for any year, the entire amount of interest on such loan which accrues for such year shall be paid by the Secretary.

"(C) Construction.—Nothing in this subsection shall be construed to authorize the refunding of any repayment on the loan.

"(c) Limitation.—In each fiscal year, the Secretary shall limit the value of any benefits conferred under this section to an amount that is not in excess of the appropriation for such fiscal year to carry out this section, and if the fulfillment of the requirements of this section requires amounts in excess of this limitation described in this subsection, such benefits shall be reduced to the extent necessary to comply with the requirements of this subsection.".

(c) Technical Amendments.—

(1) Student Volunteer.—

(A) Note.—Section 427(a)(2)(B)(ii) of such Act (20 U.S.C. 1077(a)(2)(B)(ii)) is amended by inserting after "that" a comma and the following: "subject to the provisions of subparagraph (H),".

(B) Payment by federal government.—Section 427(a)(2) of such Act (20 U.S.C. 1077(a)(2)(B)(ii)) is amended by—

(i) striking out "and" at the end of subparagraph (G);

(ii) redesignating subparagraph (H) as subparagraph (I); and

(iii) inserting after subparagraph (G) the following new subparagraph:

"(H) complies with section 432A.".

(2) Federal payment to reduce interest.—

(A) Insurance program requirement.—Section 428(b)(1)(D) of such Act (20 U.S.C. 1078(b)(1)(D)) is amended by inserting after "paragraph" the following: "and subject to subparagraph (V)".

(B) Payment by federal government.—Section 428(b)(1) of such Act (20 U.S.C. 1078(b)(1)(D)) is amended by—

(i) striking out "and" at the end of subparagraph (T);

(ii) striking out the period at the end of subparagraph (U) and by inserting in lieu thereof a semicolon and "and"; and

(iii) adding at the end thereof the following new subparagraph:

"(V) complies with section 432A.".

SEC. 251. EFFECTIVE DATE.

The amendments made by section 250 shall apply only to loans made to cover the costs of instruction for periods of enrollment beginning on or after 30 days after the date of enactment of this Act.

TITLE III—POINTS OF LIGHT INITIATIVE FOUNDATION

SEC 301. SHORT TITLE.

This title may be cited as the "Points of Light Initiative Foundation Act".

SEC. 302. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) community service and service to others is an integral part of American tradition;

(2) existing volunteers and volunteer programs should be praised for their efforts in helping and serving others;

(3) the definition of a successful life includes service to others;

(4) individuals should be encouraged to volunteer their time and energies in community service efforts;

(5) if asked to volunteer or participate in community service, most Americans will do so;

(6) institutions should be encouraged to volunteer their resources and energies and should encourage volunteer and community service among their members, employees, affiliates; and

(7) volunteer and community service programs are intended to complement and not replace governmental responsibilities.

(b) Purpose.—It is the purpose of this title—

(1) to encourage every American and every American institution to help solve our most critical social problems by volunteering their time, energies and services through community service projects and initiatives;

(2) to identify successful and promising community service projects and initiatives, and to disseminate information concerning such projects and initiatives to other communities in order to promote their adoption nationwide; and

(3) to discover and encourage new leaders and develop individuals and institutions that serve as strong examples of a commitment to serving others and to convince all Americans that a successful life includes serving others.

SEC 303. AUTHORITY.

(a) The President is authorized to designate a private, nonprofit organization (hereafter referred to as the Foundation) to receive funds pursuant to section 401(a)(7), upon his determination that such organization is capable of carrying out the undertakings described in section 302. Any such designation by the President shall be revocable.

(b) Nothing in this Act shall be construed either (i) to cause the Foundation to be deemed an agency, establishment, or instrumentality of the United States Government, or (ii) to cause the directors, officers or employees of the Foundation to be deemed officers or employees of the United States.

SEC. 304. GRANTS TO THE FOUNDATION.

(a) Funds made available pursuant to sections 303 and 401(a)(7) shall be granted to the Foundation by a department or agency in the executive branch of the United States Government designated by the President—

(1) to assist the Foundation in carrying out the undertakings described in section 302; and

(2) for administrative expenses of the Foundation.

(b) Notwithstanding any other provision of law, the Foundation may hold funds granted to it pursuant to this Act in interest-bearing accounts, prior to the disbursement of such funds for purposes specified in subsection (a) of this section, and may retain for such purposes any interest earned on such deposits without returning such interest to the Treasury of the United States and without further appropriation by the Congress.

SEC. 305. ELIGIBILITY OF THE FOUNDATION FOR GRANTS.

(a) Grants may be made to the Foundation pursuants to this Act only if the Foundation agrees to comply with the requirements specified in this Act. If the Foundation fails to comply with the requirements specified in this Act, additional funds shall not be released until the Foundation brings itself into compliance with these requirements.

(b) The Foundation may use funds provided by this Act only for activities and programs consistent with the purposes set forth in sections 302 and 304.

(c) The Foundation shall not issue any shares of stock or declare or pay any dividends.

(d) No part of the funds available to the Foundation shall inure to the benefit of any board member, officer, or employee of the Foundation, except as salary or reasonable compensation for services or expenses. Compensation for board members shall be limited to reimbursement for reasonable costs of travel and expenses.

(e) No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation that affects his or her financial interests or the financial interests of any corporation, partnership, entity, or organization in which he or she has a direct or indirect financial interest.

(f) The Foundation shall not engage in lobbying or propaganda for the purpose of influencing legislation, and shall not participate or intervene in any political campaign on behalf of any candidate for public office.

(g) During the second fiscal year in which funds are granted to the Foundation pursuant to this Act, the Foundation shall raise from private sector donations an amount equal to at least one-fourth of any funds granted to the Foundation pursuant to this Act in that fiscal year. Funds shall be released to the Foundation during this fiscal year only to the extent that this matching requirement has been met.

(h) The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of each such independent audit shall be included in the annual report required by subsection (l) of this section.

(i) So long as the Foundation is receiving grants pursuant to this Act, the accounts of the Foundation may be audited at any time by any agency designated by the President. The Foundation shall keep such records as will facilitate effective audits.

(j) So long as it is receiving grants pursuant to this Act, the Foundation shall be subject to appropriate oversight procedures of the Congress.

(k) The Foundation shall ensure—

(1) that any recipient of financial assistance provided by the Foundation from funds granted pursuant to this Act keeps separate accounts with respect to such assistance and such records as may be reasonably necessary to disclose fully (i) the amount and the disposition by such recipient of the assistance received from the Foundation, (ii) the total cost of the project or undertaking in connection with which such assistance is given or used, (iii) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and (iv) such other records as will facilitate effective audits; and

(2) that the Foundation, or any of its duly authorized representatives (including any agency designated by the President pursuant to subsection (i) of this section), shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of the recipient that are pertinent to assistance provided from funds granted pursuant to this title.

(l) The Foundation shall submit to the President and to the Congress an annual report, which shall include a comprehensive and detailed description of the Foundation's operations, activities, financial condition, and accomplishments for the preceding fiscal year. This report shall be submitted not later than three months after the conclusion of any fiscal year in which the Foundation receives grants pursuant to this Act.

SEC. 306. POWERS AND FUNCTIONS.

The Foundation, in addition to the other powers and functions provided for in this title—

(1) shall have perpetual succession, except that such Foundation may be dissolved by an Act of Congress;

(2) may adopt, alter, and use a corporate seal;

(3) may make and perform contracts and other agreements with any individual, corporation, or other entity and with any government agency;

(4) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as the Board finds to be necessary to achieve the purposes of the Foundation;

(5) may accept money, funds, property, and services of every kind of gift, devise, bequest, grant, or otherwise;

(6) may establish and operate such programs, adopt such policies, and pursue such activities as may be determined appropriate by the Board to further the purposes of the Foundation; and

(7) shall have such other powers as may be necessary and appropriate to carrying out its powers and duties under this Act.

SEC. 307. PRINCIPAL AND BRANCH OFFICES.

The Foundation shall establish a principal office in the District of Columbia and may establish such branch offices or other offices in any place within the United States or elsewhere where the Foundation may carry out its operations.

SEC. 308. NONPROFIT NATURE OF THE FOUNDATION.

(a) In General.—The Foundation shall be a nonprofit corporation and shall have no capital stock.

(b) Revenue and Earnings.—No part of the revenue, earnings, or other income or property of the Foundation shall inure to the benefit of the members of the Board, the officers, or the employees of the Foundation, and such revenue, earnings or other income, or property shall be used for carrying out the purposes of this title.

(c) Conflict of Interest.—No member of the Board, officer or employee of the Foundation shall in any manner, directly or indirectly, participate in the deliberation or the determination of any question affecting the personal interests of such members, officer or employee or the interests of any corporation, partnership or organization in which such members, officer or employee is directly or indirectly interested.

(d) Contributions.—The Foundation shall not contribute to or otherwise support any political party or candidate for elective public office.

SEC. 309. EXEMPTION FROM TAX.

The Foundation, including its income, shall be exempt from taxation imposed by the United States or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

SEC. 310. OVERSIGHT.

The Board shall use amounts appropriated under section 401(a)(7) to—

(1) prepare and submit, to the appropriate Committees of Congress and the President, an annual report concerning the activities of the Foundation and the expenditure of funds by such;

(2) procure audits of its activities by the Comptroller General; and

(3) participate in the Office of Management and Budget budget review process.

SEC. 311. ANNUAL BUDGET.

The Foundation shall establish an annual budget for use in allocating amounts available to the Foundation under section 401(a)(7). The Foundation may, in each fiscal year, supplement the appropriation for such fiscal year under such section (a) with private resources.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this Act, $50,000,000 for fiscal year 1990 and $75,000,000 for fiscal year 1991, of which the Secretary shall make available—

(1) to carry out subtitle B of title I, $10,000,000 for fiscal year 1990 and $15,000,000 for fiscal year 1991;

(2) to carry out subtitle C of title I, $14,000,000 for fiscal year 1990 and $21,000,000 for fiscal year 1991;

(3) to carry out subtitle D of title I, $14,000,000 for fiscal year 1990 and $21,000,000 for fiscal year 1991;

(4) to carry out subtitle E of title I, $400,000 for fiscal year 1990 and $600,000 for fiscal year 1991;

(5) to carry out subtitle G of title I, $800,000 for fiscal year 1990 and $1,200,000 for fiscal year 1991;

(6) to establish clearinghouses under section 190(f), $800,000 for fiscal year 1990 and $1,200,000 for fiscal year 1991; and

(7) to carry out title III, $10,000,000 for fiscal year 1990 and $15,000,000 for fiscal year 1991.

(b) Points of Light Foundation.—If any amounts made available under subsection (a)(7) are not used by the Points of Light Foundation, such amounts shall be made available to carry out subtitles B, C, and D of title I on a pro rata basis.

(c) Unused Appropriations.—If an amount authorized to be appropriated in any fiscal year is not appropriated, or is appropriated but not expended in such fiscal year, such amount shall remain available to be appropriated, or expended, in the following fiscal year.

SEC. 501. EMERGENCY MEDICAL SERVICES FOR CHILDREN.

Section 1910(a) of the Public Health Service Act (42 U.S.C. 300w-9(a)) is amended in the first sentence—

(1) by striking out "not more than four";

(2) by striking out "in any fiscal year"; and

(3) by striking out "in such States".

SEC. 502. PHYSICIAN'S COMPARABILITY ALLOWANCE.

The positions of the Assistant Secretary for Health, the Deputy Assistant Secretary for Health, the heads of the Public Health Services agencies, and other positions that are compensated under subchapter II of chapter 53, ot title 5, United States Code, relating to the Executive Schedule, when employed as physicians shall be defined as "government physicians" for purposes of eligibility for physicians comparability allowance as defined in section 5948 of title 5, United States Code.

SEC. 503. POLICY REGARDING PEACE DIVIDEND.

(a) Findings.—The Senate finds that—

(1) in recent months, dramatic movements toward greater political and economic freedom have occurred in Eastern Europe and the Soviet Union, and

(2) these democratic reforms will permit the preservation of our Nation's security at a cost less than current budget levels.

(b) Sense of the Senate.—It is the sense of the Senate that funds saved as a result of reductions in military expenditures shall be used for—

(1) balancing the budget, without resorting to use of the Social Security surpluses, in order to stop the ongoing "thievery" and "embezzlement" from the Social Security Trust Funds;

(2) urgent national priorities, including investing in America's future, anti-drug and anti-crime efforts, education, health care, the environment, rebuilding the infrastructure, assisting emerging democracies, and other critical needs;

(3) tax reductions for working men and women.

SEC. 504. DRUG FREE WORKPLACE REQUIREMENTS.

All programs receiving grants provided under this Act shall be subject to the Drug-Free Workplace Requirements for Federal Grant Recipients under Section 5153 through 5158 of the Anti-Drug Abuse Act of 1988 (41 U.S.C. 702-707).

SEC. 505. AMEND SECTION 1-2503 OF DISTRICT OF COLUMBIA CODE.

Section 1-2503 of the District of Columbia Code (1981 edition) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) (1) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates coaches or trains any minor, or holds out an adult as a role model, mentor, or companion to any minor, of any adult homosexual, bisexual or heterosexual person who has been convicted of or is charged with a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor; and

"(2) nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual, bisexual or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation of such person based on the person's sexual orientation.".

SEC. 506. SENSE OF CONGRESS CONCERNING ENACTMENT OF GOOD SAMARITAN FOOD DONATION ACT.

(a) In General.—It is the sense of Congress that each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rice, and the territories and possessions of the United States should—

(1) encourage the donation of apparently wholesome food or grocery products to nonprofit organizations for distribution to needy individuals; and

(2) consider the model Good Samaritan Food Donation Act (provided in subsection (c)) as a means of encouraging the donation of the food and products.

(b) Distribution of Copies.—The Archivist of the United States shall distribute a copy of this section to the chief executive officer of each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

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(c) Model Good Samaritan Food Donation Act.—

(1) Short Title.—This subsection may be cited as the "Good Samaritan Food Donation Act".

(2) Definitions.—As used in this section:

(A) Apparently fit grocery product.—The term "apparently fit grocery product" means a grocery product that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the product may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(B) Apparently wholesome food.—The term "apparently wholesome food" means food that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(C) Donate.—The term "donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(D) Food.—The term "food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(E) Gleaner.—The term "gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(F) Grocery product.—The term "grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(G) Gross negligence.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) that the conduct is likely to be harmful to the health or well-being of another person.

(H) Intentional misconduct.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(I) Nonprofit organization.—The term "nonprofit organization" means an incorporated or unincorporated entity that—

(i) is operating for religious, charitable, or educational purposes; and

(ii) does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(J) Person.—The term "person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.

(3) Liability for damages from donated food and grocery products.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

(4) Collection or gleaning of donations.—A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners or unpaid representatives of a nonprofit organization for ultimate distribution to needy individuals shall not be subject to civil or criminal liability that arises due to the injury of the gleaner or representative, except that this paragraph shall not apply to an injury or death that results from an act or omission of the person constituting gross negligence or intentional misconduct.

(5) Partial compliance.—If some or all of the donated food and grocery products do not meet all quality and labeling standards imposed by Federal, State, and local laws and regulations, the person or gleaner who donates the food and products shall not be subject to civil or criminal liability in accordance with this section if the nonprofit organization that receives the donated food or products—

(A) is informed by the donor of the distressed or defective condition of the donated food or products;

(B) agrees to recondition the donated food or products to comply with all the quality and labeling standards prior to distribution; and

(C) is knowledgeable of the standards to properly recondition the donated food or product.

(6) Construction.—This subsection shall not be construed to create any liability.

(d) Effect of Section.—The model Good Samaritan Food Donation Act (provided in subsection (c)) is intended only to serve as a model law for enactment by the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. The enactment of subsection (c) shall have no force or effect in law.

SEC. 507. CONDEMNING HUMAN RIGHTS REPRESSION IN CHINA.

(a) The Senate Finds That—

(1) On June 4, 1989, the Government of the People's Republic of China brutally massacred thousands of innocent Chinese nationals demonstrating in Tiananmen Square for greater personal freedom and political expression, and subsequently executed at least 40 Chinese nationals for activities in support of the Tiananmen Square pro-democracy movement;

(2) Since June 4, 1989, the Government of the People's Republic of China has brutally imprisoned 10,000 to 30,000 Chinese citizens for their participation in or allegiance to the pro-democracy movement in China;

(3) Consular officials, and other official and unofficial representatives of the Government of the People's Republic of China, in direct violation of United States law, are reported to have instituted systematic intimidation and harassment of Chinese nationals in the United States for supporting the pro-democracy movement in China;

(4) The Government of the People's Republic of China continues to enforce coercive population policies, including the use of forced abortions and forced sterilizations;

(5) Numerous international human rights organizations, including Amnesty International, Asia Watch, and the International League for Human Rights, report continued and even increased human rights and religious freedom violations by the Government of the People's Republic of China, including the recent arrest of four Chinese Catholic priests, and the November 30, 1989, detention of ten Tibeten monks;

(b) It is Therefore the Sense of the Senate That—

(1) The Senate strongly reiterates its condemnation of the Government of the People's Republic of China for its brutal military repression of the peaceful pro-democracy demonstration in Tiananmen Square on June 4, 1989, and further expresses its abhorrence of the continued political and human rights repression in the People's Republic of China;

(2) The Senate notes that the harrassment of Chinese nationals residing in the United States is governed by 22 U.S.C. 2756, Public Law 97-113, and that any continuation of these harassment activities in the United States will further adversely affect Sino-American relations;

(3) The Senate expresses condemnation of the Government of the People's Republic of China for its inhumane policy of forced abortion and sterilization;

(4) The Senate urges the President of the United States to instruct the United States representatives to international financial institutions, and specifically the World Bank, to oppose loans or other financial assistance to the People's Republic of China which are not purely natural disaster relief or basic human needs, until it is clear that the human rights practices of the Government of the People's Republic of China have dramatically improved.

SEC. 508. EXCHANGE PROGRAM WITH COUNTRIES IN TRANSITION FROM TOTALITARIANISM TO DEMOCRACY.

Authorization of Activities; Grants or Contracts for Exchanges With Foreign Countries.—The President is authorized, when he considers that it would strength international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) exchanges with countries in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania.

(i) by financing studies, research, instruction, and related activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, state, and federal government agencies, located in or outside the United States; and

(ii) by financing visits and interchanges between the United States and countries in transition from totalitarianism to democracy; which program shall be coordinated by a White House Office, which the President is hereby authorized to establish.

(2) Transfer of funds.—The President is authorized to transfer to the appropriations account of the agency (agencies) administering this program such sums as he shall determine to be necessary out of the travel accounts of departments and agencies of the United States as he shall designate, which transfers shall be subject to approval of the House and Senate Committees on appro-

priations and in addition he is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program, and to place such gifts into an endowment fund.

SEC. 509. ENHANCE NATIONAL AND COMMUNITY SERVICES.

Any entity, including the Foundation, administering a program or project under this act shall take appropriate action to ensure that:

(1) Rural Areas receive equitable treatment in the allocation and distribution of assistance; and

(2) Prospective grantees or fund recipients located in Rural Areas are treated equitably under the eligibility criteria.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for information of Senators, following the rollcall vote that is about to occur, there will be no further rollcall votes this evening.

The Senate will not be in session tomorrow. The Senate will be in session on Monday, at which time I expect to present a committee substitute on the clean air bill. There will be no rollcall votes on Monday.

However, amendments will be offered then and on Tuesday, and it is expected that rollcall votes will occur on Tuesday.

So I thank Senators for their patience and cooperation.

CALLING FOR A SETTLEMENT IN THE MAJOR LEAGUE NEGOTIATIONS—SENATE RESOLUTION 255

The Senate continued with the consideration of the resolution.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I understand that the Senator from New Hampshire wishes to be recognized to address the Senate for 30 seconds.

Mr. RUDMAN. Mr. President, I will not be long. I wish to say on the record why I am voting "no" on this resolution.

Quite frankly, I think we have so many of these irrelevant—with all due respect to my colleagues—frivolous resolutions, as if the owners and the baseball players really give a damn as to what the U.S. Senate wants to do with the strike.

Quite frankly, we are wasting everybody's time and we look like fools.

Thank you, Mr. President.

[Applause.]

The PRESIDING OFFICER. The question is on agreeing to the resolution.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. Matsunaga], is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. Armstrong], and the Senator from Oregon [Mr. Packwood], are necessarily absent.

The result was announced—yeas 82, nays 15, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—82

Adams
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Burdick
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Glenn
Gore
Gorton
Graham
Gramm
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Pell
Pressler
Reid
Riegle
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wilson
Wirth

NAYS—15

Bumpers
Byrd
Domenici
Fowler
Garn
Grassley
Helms
Humphrey
Leahy
McClure
Murkowski
Nunn
Pryor
Rudman
Wallop

NOT VOTING—3

Armstrong
Matsunaga
Packwood

So the resolution (S. Res. 255) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 255

Whereas, the American public is now witnessing the end of the second week of the spring training lockout in baseball;

Whereas the economics of those communities that host spring training are suffering major economic losses as a result of baseball owners and players inability to agree and begin the season;

Whereas cities with major league baseball franchises now risk similar serious economic losses if the disagreement continues;

Whereas major league baseball enjoys a unique and privileged treatment under Federal law;

Whereas the American people do not believe the inability to resolve these disputes should deny the American people the opportunity to see a complete spring training and regular session of the national pastime;

Whereas, in addition to representing the interests of owners and players, the negotiators in this dispute have an obligation to baseball fans, who through their enthusiasm, attendance, and willingness to pay to view the game, provide benefits both owners, players and the host communities: Now it be

Resolved, That the baseball owners, players, and their negotiators settle their differences promptly and begin a complete spring training and regular season as soon as possible.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DANFORTH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators—I hope their staffs will advise them of this—I earlier described the schedule until next Monday when we will proceed to return to consideration of the clean air bill.

It is my expectation that there will be lengthy sessions on that next week, so Senators should be prepared for sessions throughout the evening all next week and make their plans accordingly.

Mr. President, with respect to the clean air bill, I ask unanimous consent that a summary of the bipartisan Senate Clean Air Act agreement be printed in the Record at this point for the information of all Senators and others interested in the legislation.

There being no objection, the materila was ordered to be printed in the Record, as follows:

SUMMARY OF BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT

NONATTAINMENT OF HEALTH STANDARDS FOR OZONE

For the past month, representatives of the Administration and members of the Senate from both parties have been meeting to discuss proposed revisions to the Clean Air Act. Today, the Senators and the Administration reached an agreement to support on the Senate floor a series of provisions encompassing virtually all of the major areas by the Act. A summary of those provisions follows.

PROVISIONS FOR ATTAINING HEALTHY AIR STANDARDS

Currently over 100 areas in the United States do not meet health standards under the Clean Air Act for ozone (smog); more than 40 areas are failing to attain the carbon monoxide standards; and an estimated 58 areas exceed the health standard for particular matter (PM-10). State and local governments have a major responsibility for implementing measures that will reduce pollution to levels that do not threaten health; the Federal government sets certain minimum requirements and assures that States carry out their responsibilities.

Title I of the agreement divides areas that fail to meet any one of the pollutant standards listed above into categories, depending on the severity of the pollution problem, and sets out requirements of different levels of stringency for each category. Following is a summary of the provisions of title I:

Depending on the severity of the pollution problem, nonattainment areas for any of the pollutants must attain the health standard within five, ten, or fifteen years (twenty years for Los Angeles) for ozone.

Nonattainment areas for each of the pollutants must achieve specified increments of progress from the present until the health standard is achieved. This new requirement will ensure early ozone reductions and, for the first time, steady progress toward meeting the standard. In the case of ozone, areas must reduce emissions of volatile organic compounds (VOCs), a precursor of ozone, by 4% per year for the first six years after the amendments are enacted, and 3% per year (with waivers for certain specified conditions) thereafter until the standard is attained.

In areas exceeding the standard for ozone, service stations dispensing more than 20,000 gallons per month are required to install equipment on gasoline pumps to reduce emissions of VOCs.

Vehicle inspection and maintenance programs must be upgraded in ozone and carbon monoxide areas that already have such programs and must be instituted in most other areas that do not already have them.

The Administrator of the Environmental Protection Agency is required to impose one of the following sanctions in an area that fails to prepare or implement a plan that achieves a health-based air quality standard: a ban on construction of new sources of a pollutant, limited use of Federal highway funds, a ban on provision of new drinking water hookups, or withholding of Federal air pollution funds.

The definition of major sources in current law is retained, but any construction ban imposed in an area will apply to sources that emit more than 25 tons of VOCs.

Sources will continue to be allowed to "net out" increases and decreases of emissions when a plant is modified.

When a State fails to develop a plan that meets the requirements of the law, the Environmental Protection Agency is required to impose one new Federal Implementation Plan control measure each year the failure continues.

The Environmental Protection Agency is required to issue control requirements for a number of sources of pollution, including commercial and consumer products.

Polluters are required to pay fees to cover the cost of a State or local air pollution control agency's permitting program and a fee to pay the costs reasonably incurred by EPA in regulating the pollution.

TITLE II: MOTOR VEHICLE-RELATED PROVISIONS

Cars and trucks currently account for almost 50% of the smog (ozone) pollution and 90% of the carbon monoxide pollution in urban areas in the United States. They are also responsible for significant emissions of toxic pollutants. It is not only the vehicles but the fuel they use that cause pollution.

The agreement contains the following measures to reduce these pollutants:

Tailpipe standards for cars and trucks

Auto manufacturers are required to reduce tailpipe emissions of hydrocarbons and oxides of nitrogen, which form smog, by 22% and 60%, respectively, beginning with 4.0% of the vehicles sold in 1993 and increasing to 100% of vehicles sold in 1955. Comparable reductions are required for vehicle classified as light trucks such as vans and pickups.

If more than 11 of 27 cities currently seriously polluted do not attain the health standard by the end of 2001, a second round of reduction emissions from cars—equal to an additional 50% reduction in CO, hydrocarbon and NO_x—will be required beginning with all cars sold after October 1, 2003.

In addition, if pollution is greater than 25% above the health based standard in the year 2000 in any area currently severely polluted by ozone, beginning in 2004 cars sold in that area must meet more stringent emission standards for NO_x, CO, and hydrocarbons.

EPA will study and recommend to Congress alternative methods to achieve the tailpipe emission reductions provided for in model year 2004. Congress will consider adopting alternative methods under expedited procedures.

Other requirements

Vehicle manufacturers must install systems to alert drivers when an emission control system is malfunctioning.

Auto manufacturers are required to install canisters on vehicles to capture hydrocarbons that would otherwise be emitted into the atmosphere refueling, but the Administrator of EPA is authorized to suspend for two years the requirement if a study to be carried out by the Department of Transportation determines that the refueling systems are not safe. Based on the study, Congress will vote under expedited procedures on whether to rescind the requirement.

Fuels sold in areas with unhealthy levels of carbon monoxide will be required to contain a specified oxygen content, which reduces emissions of carbon monoxide from vehicles. The oxygen content can be increased through additives such as ethanol, which is made from corn or other agricultural products, or derivatives of natural gas.

Requires new transit buses, beginning in 1991, to use cleaner fuel such as natural gas or methanol.

Clean fuels standards

Phase I Program

The program begins with Model Year 1995 vehicles sold in the nine cities with the most severe ozone nonattainment problem. All new vehicles sold in those cities will achieve an overall reduction in emissions to a level not more than .75 grams per mile ozone-forming emissions. The current fleet of passenger cars emit approximately 2.8 gpm. The Phase I vehicles are also to achieve a 12% reduction in air toxic emissions.

The emissions reductions will be met primarily through the use of cleaner fuels. By January 1992, EPA is to issue specifications for various alternative fuels, including ethanol, methanol, CNG, electricity, and LPG, as well as reformulated gasoline that will achieve the emissions reductions required used in conventional vehicles. The performance standard will be fuel neutral.

Phase II Program

The standards are tightened beginning in MY 1999. The ozone-forming emissions must not exceed .66 gpm in-use and the toxics emissions reduction is to be 27% below emissions from conventional vehicles. EPA has the authority to reduce the toxics emissions reduction requirement to 18% if 27% is not achievable.

As with Phase I, the emissions reductions can be achieved primarily through use of alternative fuels.

Role of the States

Implementation of the alternative fuels program will be undertaken as part of State Implementation Plans.

States can "opt-up" requiring that cleaner cars (like the fleet car described below) be sold in larger quantities.

States can "opt-in" allowing cities other than the 9 specified in the bill with nonattainment problems to join the program.

California may develop its own alternative fuels program (and one has been proposed). Other states may adopt the California model, provided that their implementation plans contain incentives to encourage vehicle sales and use.

Fuel suppliers will make available for sale alternative fuels at conveniently located service stations.

Fleets

A program for fleet vehicles is included in the agreement. Fleet vehicles covered by the program would be substantially cleaner than conventional vehicles achieving ozone-forming emission reductions of approximately 80% (an in-use emissions rate of .25 gpm HC) and toxics reductions of 75%.

The alternative fuels program would apply first to fleets owned by Federal agencies and used in ozone nonattainment areas. The program would be phased in beginning in 1995.

Beginning in 1997 the fleet program would apply to fleet vehicles operated in the private sector. Fleets of more than 20 vehicles (which are centrally fueled and maintained) operating in the 9 cities with the most severe ozone nonattainment problems would be covered and 30% of new vehicle purchases must meet the alternative fuels standards.

Auto manufacturers who sell cleaner vehicles which operate above the standards will receive credits under a banking trading program.

TITLE III. AIR TOXICS PROVISIONS

Air Toxics Provisions—Routine Emissions from Major Sources

List of Pollutants and Source Categories

The agreement contains a list of approximately 200 hazardous air pollutants taken from the Administration's bill.

EPA is to establish a list of source categories (chemical plants, oil refineries, coke ovens, cotton gins, smelters, etc). for the purpose of promulgating standards. Any source emitting any one of the listed pollutants in quantities greater than 10 tons or any combination greater than 25 tons is classified as a major source and subject to regulation under the bill.

EPA is to revise the list of pollutants from time to time and act upon petititons to add or delete substances from the list.

MACT Standard

For each category of sources, EPA will promulgate a standard which requires the installation of maximum achievable control technology (MACT).

Standards are to be promulgated within 2, 3, 5, and 10 years of date of enactment, depending upon the source category. The standards for approximately a dozen organic solvents are required within 2 years.

Existing sources must comply with MACT standards not later than 3 years after promulgation.

MACT standards are not required for source categories that pose less than a 1-in-1,000,000 risk of cancer.

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With respect to electric utility boilers, only particulate and mercury emissions are to be regulated with a MACT standard. EPA is not authorized to require flue gas scrubbers to control emissions of hazardous air pollutants from utility boilers.

Voluntary Pollution Prevention Reduction

Any source making an early reduction of 90% below 1985 emissions levels shall be exempt from the MACT standards.

Residual Risk

The agreement contains provisions to reduce any significant risk to public health which may remain after the application of MACT.

If, after installation of MACT, a significant risk remains, EPA must promulgate health-based standards 5 years after initial promulgation of the MACT standard.

The National Academy of Sciences is to conduct a study of the risk assessment methods currently used by EPA and alternative methods in setting health standards. EPA is to revise its Guidelines for Carcinogenic Risk Assessment based on the NAS study.

A commission to study the use of risk assessment methods in controlling hazardous air pollutants is to be established. The commission is to report to the Congress on residual risk policy questions. Expedited legislative procedures are provided to assure a vote in the Congress on legislation with respect to any recommendations made by the commission.

If Congress does not choose a residual risk standard after the Commission reports, two residual risk standards for carcinogens are automatically adopted. The goal is a cancer risk not greater tha 1-in-1,000,000 for those persons most exposed to emissions from a source. The upper limit on cancer risk is 1-in-10,000.

The owner or operator of a source may provide a site-specific health assessment of pollutants released from the source to show the actual impact of those pollutants on public health within the vicinity of the source. Sources which impose actual cancer risks exceeding 1-in-10,000 must take mitigation measures or shutdown. Sources must use available technology to reduce actual cancer risks striving to reach the goal of cancer risk not exceeding 1-in-1,000,000 to the most exposed actual person.

Steel plants installing the most stringent level of control on emissions from coke ovens before 1995 are given an extension to 2020 before the residual risk health standards apply.

Routine Emissions from Area Sources

Area sources are small industrial or commercial operations such as dry cleaners, service stations, wood stoves which emit air toxics.

Based on the list of hazardous air pollutants, EPA can list an area source category just as the Agency would list a major source category and require MACT. EPA also is authorized to require generally achievable control technology for area sources, which is less stringent than MACT.

The agreement establishes an area source control program to reduce the risks from area sources. Under the program EPA is to conduct research on area sources of air toxics, which is to include a monitoring program, and an inventory of the sources of those toxics.

Five years after enactment, EPA is to propose a national urban air toxics strategy to significantly reduce risks associated with urban air toxics from areas sources. The goal of the strategy is to reduce cancer cases attributable to air toxics by 75%. EPA is to report on reductions achieved in 8 and 10 year intervals.

Sudden, Accidental Releases

The agreement contains a program to reduce the likelihood of catastrophic, chemical accidents.

A general duty to operate a safe facility is imposed on the owner or operator of each facility handling extremely hazardous substances.

The agreement establishes a Chemical Safety Board to investigate chemical accidents, similar to the National Transportation Safety Board. The Board would make recommendations to EPA on measures which can be taken to reduce the likelihood of accidents in particular industries.

EPA is authorized to promulgate accident prevention regulations.

TITLE IV: ACID RAIN PROVISION

Acid rain continues to pose a grave threat to the environment. The agreement incorporates a system of SO_2 emissions trading and a cap on SO_2 emissions at 10 million tons below 1980 levels so as to allow SO_2 emission reductions to be achieved in the least costly way, and to ensure the permanence of these reductions.

Reduction requirements for sulfur dioxide

The agreement achieves the same total of sulfur dioxide reductions as originally proposed by President Bush, ultimately reducing SO_2 by 10 million tons below 1980 levels each year.

Both Phase I and Phase II begin one year earlier than originally proposed by President Bush.

Annual sulfur dioxide emissions are capped beginning in the year 2000.

In Phase I, which begins January 1, 1995, utility power plants emitting at a rate above 2.5 pounds of sulfur dioxide per million Btu (about 111 plants) will have to reduce their emissions to a level equal to 2.5 lbs./mmBtu multiplied by their average 1985-87 fuel consumption measured in Btu.

Plants that use certain control technologies to meet their Phase I reduction requirements may either postpone compliance until 1997 or receive early-reduction bonus allowances for reductions they achieve between 1995 and 1997. In addition, Phase I plants that use certain control technologies will also receive two allowances for every ton of reduction they achieve below a 1.2 lbs./mmBtu level during Phase I.

In Phase II, which begins January 1, 2000, all utility power plants emitting at a rate above 1.2 lbs./mmBtu will have to reduce emissions to a level equal to 102 lbs./mmBut multiplied by their average 1985–87 fuel consumption measured in Btu.

Nationwide, plants that emit SO_2 at a rate below 1.2 will be able to increase their emissions between now and the year 2000 by roughly 20% and will then be limited to that level in order to maintain the nationwide cap on SO_2 emissions.

Bonus allowances are distributed to accommodate growth by units in States with emissions below 0.8 and by units that have experienced substantially increased utilization in the last five years.

The 1977 "percentage reduction" requirement for coal is repealed once the emissions cap goes into effect.

Marketable Allowances

In addition to its pollution control permit, each source will receive allowances equal to the tons of pollution it is permitted to emit.

If a source reduces its pollution more than required, it will have left-over allowances it can sell to another source—which would permit the second source to emit more than required while remaining in compliance. This ensures that total reductions will be achieved in the most cost-effective way and that reduction costs will be allocated in a fair way.

Utility NO_x Emissions

The agreement achieves the same NO_x reductions as S. 1630 in the year 2005, and by providing for earlier NO_x reductions provides greater NO_x reductions in the year 2000.

There is no NO_x/SO_2 trading and no allowance system established for NO_x.

Not later than 1993, EPA is required to establish performance standards under which utilities, required to reduce sulfur dioxide emissions in Phase I are also required to control their NO_x emissions in Phase I based on the performance standards for certain boiler types. The emission standards will be based on low NO_x burner technology.

Not later than 1997, EPA is required to establish performance standards for all remaining types of utility boilers: Remaining affected sources under the acid rain title must meet those standards by the Phase II deadline. This standard will also be set based on low NO_x burners, and will be updated as new technologies are developed.

EPA is required to promulgate a revised NO_x New Source Performance Standard for utility boilers.

Clean coal technology

Temporary clean coal technology demonstration projects (those operating for 5 years or less) are exempt from the requirements of Title I of the Clean Air Act.

Permanent demonstration projects that are retrofits are presumed not to be major modifications.

Permanent demonstration repowering projects are exempt from Part C. and section 111 requirements if their potential emissions for any criteria pollutant do not increase over the potential emissions before the project.

Non-demonstration repowering clean coal technologies are exempt from New Source Review if actual emissions for any criteria pollutant do not increase over previous emissions. If there is an increase in emissions, States are encouraged to give such projects expedited review.

Permits and Enforcement

There remain significant disagreement between the Administration and the Senate on permits and enforcement. Senate and Administration staff have been meeting, but have not yet concluded work on changes to those titles. In the event that agreement on outstanding differences cannot be reached before floor consideration of the clean air bill resumes, the parties to the agreement would not be bound to support changes to the permit and enforcement titles.

OTHER ISSUES

Chlorofluorocarbons

S. 1630 contained a title, as amended, to phase out the use and production of chloroflorocarbons. The title was not covered by the agreement and the parties reserve the right to consider changes to its provisions.

Incinerators

S. 1630 contained provisions to regulate emissions and ash from waste incinerators. These provisions were not covered by the

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agreement and the parties reserve the right to consider changes to them.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEABROOK NUCLEAR POWERPLANT

Mr. KERRY. Mr. President, today the Nuclear Regulatory Commission issued full power operating license for the Seabrook nuclear powerplant. This decision is a slap in the face of the concerned citizens who have worked for years to try to wake up the NRC to our legitimate safety concerns about the evacuation plan imposed by the agency.

We have endured a long fight on the issue of the licensing the Seabrook nuclear powerplant, and I do not think the fight is over yet, despite the NRC's action today and, frankly, neither do the people who live in Seabrook's shadow.

Too many issues are yet to be resolved. Most important is the issue of safety for the citizens who live within the reaches of a nuclear disaster. The independent inspector general of the NRC is undertaking an investigation on the safety issue. Congress is still involved, too. I am pleased that Chairman **Kostmayer** has agreed to hold hearings in the House on the issue of safety. In the Senate, at my urging, the chairman of the Governmental Affairs Committee, Senator **Glenn**, has agreed to closely follow the inspector general's investigation.

Furthermore, we know that these issues will soon be in the U.S. court system instead of the pronuclear NRC.

The process at the Commission has been outrageous. When the rules got in the way, the NRC changed them. When the appeals process threatened licensing, the NRC commissioners overrode it. Now we have the opportunity to get our day in court. I am hopeful that fairness and common sense regarding the safety issues will prevail.

Since the day I arrived in Washington, and when I was Lieutenant Governor of Massachusetts, I have worked to convince regulators, industry and Congress to live up to their principle responsibility to all of us as citizen's and public officials. It is a responsibility to protect the safety of families, the elderly in nursing homes, the disabled, and every person who could possibly be affected by any calamity, large or small, at Seabrook.

Symptomatic of the apparent inability to get a fair and thorough hearing of all of the facts regarding Seabrook, is the nature of NRC appointees in recent years. I blocked the appointment of the last two NRC members from voting on Seabrook evacuation and safety issues, because of their proven pro-Seabrook bias, until they agreed not to participate in voting on these issues.

Despite the odds, I worked hard to try to persuade Congress to face the facts that evacuation plans must be developed early in the process before construction and must be approved by the governors of the States within a reasonable evacuation planning area. This proposal was vehemently opposed by the White House and still is.

The vote today simply renews the intensity of my feelings that we must continue to fight to protect our people from the risks entailed in today's NRC decision. I feel confident that the issue of safety will not die today with this vote. I, for one, intend to prevent that from occurring.

TRIBUTE TO BEN HILL GRIFFIN

Mr. GRAHAM. Mr. President, today, I rise to honor the memory of a great Floridian, a legend for much of this century: Ben Hill Griffin.

Mr. Griffin passed away this morning. His life was full, his contributions were many and his generosity was vast. Florida is a better place because of Ben Hill Griffin's public service, his pioneering progress in agriculture and his support for the University of Florida.

A family man, he was a constructive and respected leader in our State in a time of transition. Ben Hill Griffin understood the traditions of Florida, and the potential of the future. He combined a great entrepreneurial spirit with philanthropy that will live on through the next century.

Mr. President, an author named John McPhee wrote a book entitled "Oranges." Chapter 7 of McPhee's book, published in 1967, is about Ben Hill Griffin.

Author McPhee set out to find any remaining orange barons in Florida. There was one. I respectfully submit selected passages from this book:

> Wherever I went, I asked people if they could think of a remaining example (of an orange baron). In every instance, they immediately said, "Ben Hill Griffin." Griffin, I gathered, is a universal man of citrus, a fresh-fruit shipper and a concentrate maker—one foot in the past and the other in the future.
>
> He is both a cattle baron and a state senator, whose anti-segregationist convictions have been applied effectively in Tallahassee.
>
> Ben Hill was in the Class of 1930 at Frostproof High School. "Football was my life," he said. He only weighed a hundred and forty-five pounds, but he played football in the middle of the line, and during his three years on the team, almost no one scored on Frostproof. The score he seems to remember with the most relish was Frostproof 22, Sebring 0.

Mr. President, this tough 145-pounder who played in the middle of the line in the Great Depression went on to greatness. We will miss our friend from Frostproof. We will honor his memory by saluting his high standards for excellence on the playing field, in the Florida Legislature and on the job.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1016. An act to change the name of "Marion Lake", located northwest of Marion, Kansas, to "Marion Reservoir".

The enrolled bill was subsequently signed by the President pro tempore [Mr. **Byrd**].

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. **Bentsen**, from the Committee on Finance:

Peter K. Nunez, of California, to be an Assistant Secretary of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MOYNIHAN:

S. 2211. A bill to suspend the duty on diphenyldichlorosilane and phenyltrichlorosilane; to the Committee on Finance.

By Mr. ROTH:

S. 2212. A bill to minimize the adverse effects on local communities caused by the closure of military installations; to the Committee on Armed Services.

By Mr. CONRAD (for himself, Mr. **Inouye**, Mr. **McCain**, Mr. **Burdick**, Mr. **DeConcini**, and Mr. **Daschle**):

S. 2213. A bill to increase the Federal contribution to the Tribally Controlled Community College Endowment Program; to the Select Committee on Indian Affairs.

By Mr. PACKWOOD (for himself, Mr. Hatfield, Mr. McCain, Mr. Boschwitz, Mr. Wallop, Mr. Symms, Mr. McClure, and Mr. Grassley):

S. 2214. A bill to provide incentives to health care providers serving rural areas, to eliminate the medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. Packwood, Mr. Hatfield, Ms. Mikulski, Mr. Cohen, Mr. Simon, Mr. Cranston, and Mr. Lieberman):

S. 2215. A bill to amend the Public Health Service Act to provide for the development and operation of center to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COATS (for himself, Mr. Nickles, Mr. Reid, Mr. Lugar, Mr. Humphrey, Mr. Heflin, Mr. Burns, Mr. Thurmond, Mr. Exon, Mr. Lott, Mr. Armstrong, Mr. D'Amato, Mr. Hatch, Mr. Murkowski, and Mr. Wallop):

S. 2216. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses; to the Committee on the Judiciary.

By Mr. COATS:

S. 2217. A bill to establish a School-Based Management Program; to the Committee on Labor and Human Resources.

By Mr. BRADLEY:

S. 2218. A bill to suspend for a 5-year period the duty on Dimethoate; to the Committee on Finance.

S. 2219. A bill to amend the Harmonized Tariff Schedule of the United States to eliminate the duty on 2,2,'-azobisisobutytonitrile; to the Committee on Finance.

S. 2220. A bill to extend the existing suspension of duty on graphite; to the Committee on Finance.

S. 2221. A bill to temporarily suspend the duty on methyl and ethyl parathion; to the Committee on Finance.

By Mr. BRADLEY (for himself, Mr. Lieberman, Mr. Dodd, Mr. Lautenberg, Mr. Gorton, Mr. Symms, Mr. McCain, Mr. Wallop, and Mr. Roth):

S. 2222. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals; to the Committee on Finance.

By Mr. BUMPERS:

S. 2223. A bill to provide a national program for improving the quality of instruction in the humanities in public and private elementary and secondary schools; to the Committee on Labor and Human Resources.

By Mr. BIDEN:

S. 2224. A bill to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994, and for other purposes; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. Hatch):

S. 2225. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Bill of Rights; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENTSEN (for himself, Mr. Simpson, Mr. Johnston, Mr. Boren, Mr. Cochran, Mr. Dole, Mr. Domenici, Mrs. Kassebaum, and Mr. Wallop):

S. 2226. A bill to amend title II of the United States Code to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. Gore, and Mr. Fowler):

S. 2227. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to reform the provisions of such Act governing exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS (for himself, Mr. Kerry, Mr. Stevens,and Mr. Mitchell):

S. 2228. A bill to develop a comprehensive program to ensure the wholesomeness of fish products intended for human consumption and sold in interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD (for himself, Mr. Kennedy, Mr. Pell, Mr. Riegle, Mr. Adams, Mr. Sarbanes, Mr. Daschle, Mr. DeConcini, Mr. Kohl, and Mr. Matsunaga):

S. 2229. A bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. Coats):

S. 2230. A bill to extend and amend programs under the Head Start Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HELMS:

S.J. Res. 263. Joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day"; to the Committee on the Judiciary.

By Mr. BIDEN (for himself, Mr. Thurmond, Mr. Lautenberg, Mr. Adams, Mr. Dixon, Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Heflin, Mr. Kohl, Mr. Hollings, Mr. Ford, Mr. Inouye, Mr. Coats, Mr. Shelby, Mr. Dodd, Mr. Levin, Mr. Rockefeller, Mr. Hatch, Mr. Lugar, Mr. Wilson, Mr. Symms, Mr. Pressler, Mr. Byrd, and Mr. Daschle):

S.J. Res. 264. Joint resolution to commemorate the 50th anniversary of the National Sheriffs' Association; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. Kennedy, Mr. Pell, Mr. Harkin, Mr. Riegle, Mr. Adams, Mr. Sarbanes, Mr. Daschle, Mr. DeConcini, Mr. Kohl, and Mr. Matsunga):

S.J. Res. 265. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 254. Resolution to commend Betty Meyer; considered and agreed to.

By Mr. McCAIN (for himself, Mr. DeConcini, Mr. Graham, Mr. Levin, Mr. Gorton Mr. Boschwitz, Mr. Robb, Ms. Mikulski, and Mr. Burns):

S. Res. 255. Resolution calling on baseball owners, players, and their negotiators to settle their differences promptly and begin a complete spring training and regular season as soon as possible; considered and agreed to.

By Mr. MITCHELL (for Mr. Danforth (for himself, Mr. Dodd, Mr. Wallop, Mr. Pell, Mr. Dole, and Mr. Mitchell)):

S. Res. 256. Resolution commending the people of Nicaragua; considered and agreed to.

By Mr. PRYOR (for himself, Mr. Heinz, Mr. Conrad, Mr. Cochran, Mr. Glenn, Mr. Exon, Mr. Ford, Mr. Hatfield, Mr. Matsunaga, Mr. Kohl, Mr. Domenici, Mr. Pell, Mr. Bradley, Mr. Wilson, and Mr. Chafee):

S. Con. Res. 99. Concurrent resolution expressing the sense of the Congress concerning the 25th anniversary of the Older Americans Act of 1965; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 2212. A bill to minimize the adverse effects on local communities caused by the closure of military installations; to the Committee on Armed Services.

BASE CONVERSION, COMMUNITY DEVELOPMENT, AND WORKER OPPORTUNITY ACT

Mr. ROTH. Mr. President, two very exciting developments are being felt on the floor of this distinguished Chamber. One development, the dramatic opening of the Eastern bloc, gives us reason to take heart. The words of Lech Walesa and Vaclav Havel still echo on this Hill, and we all look forward to an era of peace, progress, and human rights.

The second development, however, the emergency of the global economic community, frankly gives us reason for concern. Japan and West Germany—the momentum of the European Community—challenge the economic leadership of America. Repercussions are being felt among our constituents and all eyes are upon us as we develop a viable program to keep our country on the leading edge.

Clearly, each of these developments influences the other—especially as we determine how our economic resources are to be used. Reduced threat from the Eastern bloc will allow for a carefully planned and executed reduction in the size and cost of our defense. It will allow us to redirect a responsible portion of our precious and finite resources to areas critical for our continued growth as an economic superpower—areas like the deficit, education, research and development, and the environment. These necessities for future growth demand sound present policies.

And the first among these policies is the need to cut waste. This is not a new theme for me. I've long advocated the scissors before the cash register—

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that is to cut away old and needless programs before we charge the American people for more. Consequently, I've supported programs like closing unnecessary military bases—but always with the painful awareness that closing any base adversely influences the economic livelihoods of the individuals and communities that support it.

These people, as well as these communities, have every right to be concerned about the loss of jobs and economic activity from a closing. And we have an obligation to assist them by adopting policies that turn base closings into economic opportunities—opportunities for the individual, opportunities for the community, and opportunities for the country as it competes in the global marketplace.

To this end, I'm proud to introduce the Base Conversion, Community Development, and Worker Opportunity Act of 1990—legislation that will allow Congress to trim away the useless bases and cut fat from our defense bills without trimming away the good people and communities that have diligently supported these bases.

It is important to note that this legislation is not a base closing bill. It has nothing to do with the process of selecting which bases are to be closed or the mechanism used to close them. Rather, it is a base conversion bill. It will facilitate the closing process—once a base on Secretary Cheney's list is determined to be closed—by giving the community the maximum opportunity to acquire and convert the base as it sees fit. It also provides a package of benefits for Federation civilian emloyees who lose their jobs as a result of the closing.

Quite simply, the benefit to the community is that once a base is closed, outright ownership would be offered first to the local community, along with the freedom to use or develop the base and the land as it chooses. If the community accepts that offer, it would absorb the cost of the base closing, which means it would provide job retraining, severance pay, and adjustment assistance. In addition, for the first 25 years, the Federal Government would receive 25 percent of the proceeds of any sale or lease of the land.

If the local communities do not accept the offer, the base would then be offered to the counties, the States, and finally to other Federal agencies. This reverses the current order in which surplus Federal land is offered for disposal. And this reversal should facilitate base closings as the people closest to the bases will have the greatest influence as to their future use and how they can best serve the respective communities.

The benefit to the Federal Government is equally as simple. By allowing these communities the freedom to choose how their bases will be used after they're closed, we will minimize the opposition to their closing. And we will be able to make much needed and significant cuts in our defense budget. At the same time, in exchange for giving this valuable land to the communities, they will assume the costs of base closure. This, too, will represent real savings for the Federal Government. And finally, for the next 25 years the Federal Government will profit from any sale or lease of the land.

Mr. President, this is a brief synopsis of the Base Conversion, Community Development, and Worker Opportunity Act of 1990. I believe most who study this issue out will agree that is a very attractive and responsible way to trim needed waste from the Pentagon's budget. It's a realistic step we must take to put our Nation's financial house in order—to remain viable and competitive in the global community. It is also a very attractive and responsible way to keep job opportunities and economic growth in the communities that are affected by base closings.

I ask unanimous consent that an in-depth analysis of the bill as well as the bill itself be printed in their entirety in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Base Conversion, Community Development, and Worker Opportunity Act of 1990"

SEC. 2. PURPOSES.

It is the purpose of this Act—

(1) to benefit local communities when military installations located in or near such communities are closed by the Department of Defense by authorizing the real property on which the military installations are located to be conveyed to the local communities concerned;

(2) to facilitate the orderly transition into the civilian economy of workers who are adversely impacted by the closing of military installations;

(3) to provide workers whose employment is terminated as the result of the closing of military installations with a broad range of benefits, including job retraining, adjustment allowances, and severance benefits;

(4) to provide to the local communities concerned the opportunity to convert military installations that are closed by the Department of Defense to industrial, commercial, residential, recreational, and other uses, by granting those communities the authority to determine the proper utilization of the real property occupied by those installations;

(5) to minimize the cost to the United States of closing military installations by recovering in certain cases a fair and reasonable amount from the disposal and development of the real property constituting the installations.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Secretary of a military department.

(2) The term "Administrator" means the Administrator of General Services.

(3) The term "local community" means the incorporated town, village, city, or similar entity of the State in which a military installation is located or, if the military installation is not located in an incorporated entity, the incorporated entity of the State that has authority under State law to annex the property on which the military installation is located.

SEC. 4. DISPOSITION OF PROPERTY.

(a) IN GENERAL.—The real property constituting each military installation identified by the Secretary of Defense on January 29, 1990, as a military installation in the United States proposed to be closed by the Department of Defense shall, if such installation is closed, be disposed of as provided in this Act.

(b) TRANSFER OF PROPERTY TO THE ADMINISTRATOR.—Thirty days after the date on which a military installation referred to in subsection (a) is officially closed by the Department of Defense, the Administrator shall have jurisdiction over the real property constituting the military installation.

(c) PRIORITY FOR DISPOSITION.—(1) Within six months after a military installation referred to in subsection (a) has been closed, the Administrator shall offer title to the real property constituting the military installation to the local community concerned. Title to the property shall be offered subject to the conditions prescribed in this Act.

(2) If the local community concerned refuses the property, or fails to notify the Administrator of the community's acceptance of the property within six months after the date on which the Administrator notifies the community in writing of the availability of the property (and the conditions under which the property will be granted to the community), the Administrator shall offer the property to the county in which the military installation is located.

(3) If the county refuses the property, or fails to notify the Administrator of the county's acceptance of the property within three months after the date on which the Administrator notifies the county in writing of the availability of the property (and the conditions under which the property will be granted to the county), the Administrator shall offer the property to the State in which the military installation is located.

(4) If the State refuses the property, or fails to notify the Administrator of the State's acceptance of the property within 60 days after the date on which the Administrator notifies the State in writing of the availability of the property (and the conditions under which the property will be granted to the State), the Administrator shall offer the property to other departments and agencies of the Federal Government.

(5) If no department or agency of the Federal Government requests the property within 30 days after the date on which the notice of the availability of the property is published in the Federal Register, the Administrator shall dispose of the property to the highest responsible bidder.

(d) PROPERTY LOCATED IN MORE THAN ONE LOCAL COMMUNITY.—In any case in which a military installation referred to in subsection (a) is located in more than one local community, the property shall be offered to each of the communities and, if accepted by more than one community, shall be divided among the communities in such manner as may be specified by the laws of the State concerned.

(e) PROPERTY LOCATED IN MORE THAN ONE COUNTY.—In any case in which a military installation referred to in subsection (a) is located in more than one county of a State and the real property constituting the installation is not accepted by the local community concerned, that portion of the installation within each county shall be offered to that county.

SEC. 5. CONDITIONS.

(a) IN GENERAL.—Title to the real property constituting a military installation referred to in section 4(a) may not be conveyed to a local community, county, or State unless the local community, county, or State, as the case may be, submits to the Administrator, in such manner as the Administrator may prescribe, a plan under which the local community agrees—

(1) to pay for the training or retraining of all Federal civilian employees whose employment is terminated as a direct result of the closing of the military installation concerned;

(2) to reimburse the United States for all severance payments made by the United States to employees described in paragraph (1) as a result of the closing of the military installation;

(3) to pay to employees described in paragraph (1), in addition to any other payments to which they may be entitled, an adjustment allowance equal to one weeks' pay for each year employed, but not more than an amount equal to 10 weeks' pay;

(4) that if the property is sold by the local community, county, or State, as the case may be, within 25 years after the date of the conveyance of the property to the local community, county, or State, to pay to the United States an amount equal to 25 percent of the proceeds from the sale of the property after deducting the costs incurred in carrying out paragraphs (1), (2), and (3) (to the extent the costs have not been deducted from any proceeds referred to in paragraph (5));

(5) to pay to the United States 25 percent of any income realized by the local community, county, or State, as the case may be, from the rental or lease of the property during the first 25 years following the date of the conveyance of the property to the local community, county, or State, after deducting the costs incurred in carrying out paragraphs (1), (2), and (3) (to the extent that the costs have not been deducted from any proceeds referred to in paragraph (4));

(6) to make available to the Comptroller General of the United States such information as may be necessary for the Comptroller General to carry out his duties under section 7; and

(7) to such other terms and conditions as the Administrator determines necessary to prevent the local community, county, or State from entering into an arrangement that would postpone payment of part or all of the sale price of the property or postpone payment of part or all of the rental payments so as to avoid any payment to the United States required under paragraph (4) or (5).

(b) REQUIREMENTS REGARDING PLAN.—(1) Property referred to in section 4(a) may not be conveyed under this Act to a local community, county, or State unless the plan submitted by the community, county, or State, as the case may be, is approved by the Administrator, in consultation with the heads of other appropriate departments and agencies.

(2) The Administrator may not approve a plan submitted by a local community, county, or State unless—

(A) the plan describes, in such manner as the Administrator may provide, the manner in which the benefits referred to in subsection (a) will be provided and the manner in which the other conditions prescribed in such subsection will be met by the local community, county, or State; and

(B) the Administrator determines on the basis of the information contained in the plan that there is a reasonable likelihood that the plan will be successful.

(c) APPROVAL OR DISAPPROVAL OF PLAN.—The Administrator shall review each plan submitted pursuant to subsection (b) and shall notify the local community, county, or State concerned of the approval or disapproval of the plan within 30 days after receipt of the plan. If the plan is disapproved, the Administrator shall specify the reasons for the disapproval and the changes necessary to obtain approval of the plan.

SEC. 6. FAILURE TO COMPLY WITH CONDITIONS.

If a local community, county, or State to which real property is conveyed pursuant to this Act fails to comply with any condition provided for in this Act, the Administrator, after providing written notice to the community, county, or State, as appropriate, may withhold from any payments otherwise payable to the community, county, or State under any Federal program, such amounts as may be necessary for the United States to meet the expenses of complying with the conditions provided for in section 5(a). The Administrator may provide any benefit described in section 5(a) to any employee referred to in paragraph (1) of that section in any case in which a local community, county, or State, as the case may be, fails to provide that benefit.

SEC. 7. REVIEW BY COMPTROLLER GENERAL.

The Comptroller General of the United States shall conduct such reviews of the transactions carried out pursuant to this Act as may be necessary to determine whether the transactions are in compliance with this Act.

SEC. 8. REGULATIONS.

The Administrator shall prescribe such regulations as may be appropriate to carry out this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SECTION-BY-SECTION ANALYSIS OF THE BASE CONVERSION, COMMUNITY DEVELOPMENT, AND WORKER OPPORTUNITY ACT

Section 1—Provides that the short title for the legislation shall be the "Base Conversion, Community Development, and Worker Opportunity Act of 1990."

Section 2—States that the purposes of the legislation are to benefit local communities when nearby military installations are closed; to facilitate the transition of impacted workers into the civilian economy; to provide job training and financial benefits for persons whose jobs are terminated as a result of such closings; to transfer the real property to the local community for use as it wishes; and to minimize the cost to the federal government of such closings.

Section 3—Defines the terms "military installation," "Administrator," and "local community."

Section 4—Provides that the legislation applies to any military installation that was identified by the Secretary of Defense on January 29, 1990 as being a candidate for closure. Those such installations which are eventually closed would be offered first to the local community (or communities), then to the county, then to the state, then to other federal agencies, and then offered to the highest responsible bidder.

Section 5—Requires that before the local community, county, or state can take title to the property, it must submit a plan to provide job training, severance payments, and an adjustment allowance to terminated civilian employees. That plan must meet certain requirement and be approved by the Administrator of G.S.A. The Plan must also provide for payment to the federal government of 25 percent of the proceeds of any sale or lease of the property during the first 25 years after conveyance of title.

Section 6—Provides that if, after conveyance, the local community, county, or state fails to provide any of the benefits or payments required, the Administrator of G.S.A. may do so and deduct the cost from any federal payments otherwise payable to that entity under any federal program.

Section 7—Requires the Comptroller General to conduct necessary compliance reviews of transactions carried out under this legislation.

Section 8—Authorizes the Administrator of G.S.A. to issue appropriate regulations.

Section 9—Authorizes necessary appropriations.

PURPOSE

This proposal is designed:

To benefit local communities that are impacted when bases are closed;

To provide retraining, adjustment allowances, and severance benefits for civilian federal employees whose jobs are lost because a base is closed;

To empower local communities to determine how to use former bases without outside interference; and,

To provide for a lowering of the national defense budget and the deficit by ending the operation and maintenance cost of unneeded bases.

The proposed legislation does three things:

First, it provides retraining, severance pay and an adjustment allowance for the workers who are impacted by the closing of military base.

Second, it supersedes existing regulations that deal with disposal of surplus federal property and permits the transfer of property to local communities that wish to own and develop it.

Third, the bill contains provisions to reduce radically or eliminate base closing costs which would accrue to the federal government under existing law.

AN EXAMPLE

One of the federal properties that may become surplus is Bergstrom Air Force Base located near the city of Austin, Texas. Austin's City Council is considering construction of a major new commercial airport to be located some 15 miles north of Austin near Manor, Texas. One City Council member has urged the city to conduct a feasibility study of using Bergstrom rather than build the new airport. According to news reports, Austin community leaders concede it may be cheaper to convert Berg-

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strom rather than buy the land for a new airport but that Austin will probably fight to keep Bergstrom open.

The key to breaking this and similar logjams of local resistance is to devise a method that turns base closing into attractive economic opportunities for these communities. A base closure process that is slow, painful, and politically agonizing benefits no one. It means that the financial savings remain largely theoretical, while the process is dragged out in legal and political arenas. A system is needed that begins to change base closings into real opportunities to enhance local communities. What is needed is a way to create "win-win" situations.

If there is local opposition, the Department of Defense will have a difficult time in closing the base. Because the base is not closed, the cost of operating it will continue. Additionally, the Austin taxpayer could also face the cost of a new airport. The federal government would continue to operate a facility which, according to the Secretary of Defense it does not need. Austin might buy land and build an expensive new airport that it does need but at a price greater than was necessary. In such a case, nobody wins and everybody loses a little each year so long as the unneeded facility remains open.

CONDITIONS

Some of the facilities that the Department of Defense wants to close are extremely valuable to the community. Clearly the example of Bergstrom Air Force Base near Austin, Texas is an example. There is not any reason, however, why the people in Austin should receive a windfall at the expense of all the rest of the taxpayers.

Under current law, it is the federal government's responsibility to sever and retrain the civilian federal employees who work on the facilities to be closed. It would also be the federal government's responsibility to make the facility safe for civilian use.

Under this legislation, in exchange for the title to the land and building, the community will pick up the federal government's burden to pay for severance pay and retraining. It also provides for adjustment allowance. One of the few federal government roles in the bill would be the responsibility for the Department of Labor to approve the plan for protecting the impacted worker.

The community would be expected to pay for the costs it assumes and to the extent deemed appropriate by the community, the sale or lease of the property to others. If in the community's view, the value of the closed facility is not sufficient to cover the costs associated with the closure, then the community need do nothing. The property would be offered to the county, then to the state, then to federal agencies and then to the highest bidder. If there are no takers, the regular federal property disposal procedures would take over.

To put it as simply as possible, if it does not make business sense for the community to develop the surplus property, it can choose not to do so.

In addition to the string that will require the community to assume the cost of protecting the federal workers on the surplus property there is another string.

If the community is able to make a profit on the development and use of the surplus property, the federal government will recover 25 percent of the amount of the profit. In this case, profit generally will mean income or proceeds in excess of the cost to develop the property including the cost of providing required benefits to the workers. This simply means that in those cases where the property value of the land greatly exceeds the cost of development, all of the federal taxpayers will receive some benefit. Again though, the greatest benefit—75 percent—is to remain with the community.

The fewer the strings on the property the better. This means property returned to the communities could be used as the community sees fit. The land would be subject to the community's planning and zoning standards and the use made of the property would be that thought best by the local community. In short the federal government would not tell the local community how to do what is best for it.

CAPITAL FORMATION

There are a number of ways that land might be transferred to the community. But this legislation seeks to adopt the simplest method.

The Department of Defense, in those cases where there is community interest, through the General Services Administration will transfer the property to the local community subject to the requirements or "strings" set out earlier. In considering this opportunity, the community must realize this is the only contribution by the federal government. The federal government would have no responsibility to make any other investment or to pay any cost of operation.

The Administrator of the General Services Administration will administer the program for the federal government. It will be the GSA Administrator's responsibility to assure that the community executes its portion of the bargain

PROFIT SHARING

The bill is drafted to enable the federal government to transfer the surplus property at little or no cost. One of the problems encountered last year with the Base Closing Commission was the tremendous amount of "upfront" money required to close the bases on that list. The purpose here however, is not to make a profit but should there be a windfall, it should be shared with all the taxpayers. For this reason, the legislation contains a provision for extracting 25 percent of the profit.

COST OF THE PLAN

As pointed out above, a primary goal of this legislation is to faciliate the transfer of these surplus properties to the community without notable cost to the federal government. The savings that can accrue from this bill are:

The federal government will give up title to the land and building associated with the surplus property. While this is an asset, giving the property to the community will not increase the deficit.

The federal government will be able to discontinue operation and maintenance of the surplus property. This is an immediate benefit which over time is probably the greatest savings that will arise from this legislation. This will reduce the annual deficit.

The cost of severance benefits paid to a federal worker impacted by the closure of a facility would, under current law, accrue to the federal government. Under this proposed legislation, these costs will be paid by the local community. This would represent a reduction of future annual budgets.

In those cases where the community makes a profit from the development and disposal of the land, 25 percent of the profits will accrue to the federal government. This too is a way to reduce future deficits.

ACCEPTABLE USES OF CLOSED BASES

This legislation permits any valid community use including open land, parks, prisons, commercial development, residential development. One of the goals of the legislation is to let the community decide what is the best use of the property based on the community's plan, zoning requirements and desires.

SUMMARY

This bill represents a new constructive alternative for the communities undergoing the transition brought about by closing a defense facility. It is a proposal true to basic federalist principles in that it gives the communities that are impacted by the closure of a federal facility the opportunity to control their fate with regard to the closed facility. It is a voluntary program that is triggered when the community decides it is in its best interest. The community decides the best use of the property, not the federal government. At the same time, it is not a simple give away of the property. The community must shoulder the burden of protecting the impacted federal civilian workers in return for the property. It must also share profits with all of the taxpayers. Even with these strings attached, the bill provides the incentive for aggressive community leaders to turn what in the past has been viewed as a negative experience into a positive development experience under the community's control.

By Mr. CONRAD (for himself, Mr. Inouye, Mr. McCain, Mr. Burdick, Mr. Daschle, and Mr. DeConcini):

S. 2213. A bill to increase the Federal contribution to the Tribally Controlled Community College Endowment Program; to the Select Committee on Indian Affairs.

INCREASE IN FEDERAL CONTRIBUTION TO THE TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

Mr. CONRAD. Mr. President, several months ago I spoke on the Senate floor about a report by the Carnegie Foundation for the Advancement of Teaching entitled, "Tribal Colleges: Shaping the Future of Native America." That study was an important testimonial to the essential role that tribal colleges play on many Indian reservations.

Today I rise to introduce a bill for myself, Senator Inouye, Senator McCain, Senator Burdick, Senator Daschle, and Senator DeConcini that builds on the findings of the Carnegie report. The bill strengthens the existing endowment provisions under the Tribally Controlled Community College Assistance Act of 1978.

The impact of tribal colleges on the social and educational fabric of Indian reservations is undeniable. They provide indispensable educational services to many people who would otherwise likely not receive comparable educational opportunities. They contribute to the fabric of reservations by aiding economic development, promoting Indian culture and boosting the self-esteem of many who would not otherwise receive a substantial education.

There are four tribal community colleges in North Dakota—Standing Rock, Fort Berthold, Little Hoop, and Turtle Mountain—as well as 18 others throughout the country. I have seldom seen private or public entities do more with fewer resources than these fine institutions.

In 1981 per-pupil funding for tribal colleges was $3,100. However, by 1989 it had dropped to $1,964—less than 50 percent of what a small State institution would receive in equivalent appropriations, and less than 1/6 the funding per student provided, for example, to Howard University here in Washington.

Last year with the help of Senator Byrd and others we were able to increase per pupil funding by about $400. But much more is clearly needed.

Tribal college facilities need to purchase lab equipment, fill their libraries with books, pay teacher salaries and pay the bills just like any other educational institution. Yet they have had to do so with less than half the funds of comparable institutions.

Yet, despite these difficult conditions, the commitment of the educators at these institutions as well as others on the reservation has helped tribal colleges have a real impact.

The Carnegie report cites their contributions and achievements. It cites the success of institutions like Turtle Mountain Community College and Standing Rock College in North Dakota, Sinte Gleska in South Dakota and others in creating feeder systems to larger universities. It highlights the success of their students in finding jobs upon graduation.

As the Carnegie report states, "graduates who remain on their reservations after graduation offer the seeds of social stability, economic growth, and future leadership." But tribal colleges will not continue to produce those graduates if faced with a continual financial drought. That is why a substantial endowment is so essential.

The Carnegie report makes several recommendations. The first is to increase per pupil funding to $5,820. And the final recommendation urges a major expansion of the tribal college endowment fund "to increase the fiscal base and bring long-term stability to these institutions."

My bill expands the tribal college endowment in three ways. First, it doubles the authorization from $5 million to $10 million. Second, it increases the maximum allowable Federal endowment contribution from the Federal Government to $750,000 from $350,000. And finally, it doubles the Federal match from $1 for each dollar raised by a tribal college to $2 for each dollar raised.

I look forward to debating the bill in conjunction with this year's reauthorization of the Tribally Controlled Community College Assistance Act. And I look forward to receiving recommendations on how the endowment might be improved even more.

Mr. President, I ask unanimous consent that a factsheet issued by the American Indian Higher Education Consortium and the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1831, et seq.) is amended—

(1) by inserting "half of" after "equal to" in section 302(b)(2)(B),

(2) by striking out "an equal amount of Federal capital contribution" in section 302(b)(4) and inserting in lieu thereof "an amount of Federal capital contribution equal to twice the amount of such withdrawl",

(3) by inserting "twice" after "equal to" in section 305 each place it appears,

(4) by striking out "$350,000" in section 305(a) and inserting in lieu thereof "$750,000", and

(5) by striking out "$5,000,000 for each of the fiscal years 1987, 1988, 1989, and 1990" in section 306(a) and inserting in lieu thereof "$10,000,000 for each of the fiscal years 1990, 1991, 1992, 1993, and 1994".

Financial Requirements of Tribal Colleges

The report on tribal colleges by the Carnegie Foundation for the Advancement of Teaching recommends that the colleges receive congressional funding at the full authorized level of $5820 per ISC (Indian Student Count). As the report indicates, this amount is more than justified by the real costs of operation in remote, isolated and economically underserved tribal communities.

Most tribal colleges came into existence during a buyer's market for faculty; they were often able to recruit excellent instructors, directly from graduate school, who valued opportunities for service above monetary compensation. Further, faculty salaries in the northern Great Plains were notoriously low. Many of the dedicated individuals recruited in the 1970s continue to be intellectual mainstays in their institutions. But recruiting their successors is a more expensive undertaking. Academic salary levels in the regions containing most of the tribal colleges have risen considerably in the past five years. Changes in values in mainstream American society have likewise reduced the availability of committed, adventurous, and credentialed young people who seek the kinds of opportunities which the tribal colleges provide.

Salary levels are particularly high in those fields which the tribal colleges are now beginning to address—the biological and physical sciences, mathematics, economics, business and public administration. If the tribal colleges are to address the most serious educational needs of their communities, they must have the financial resources to hire, and support, faculty well-trained in the appropriate disciplines.

Costs of laboratory equipment, reference materials, computer software or maintenance have likewise increased significantly since 1970. As well, deregulation of transportation has led to sharply increased costs of shipping and travel to and from rural areas. This trend has been compounded by changes in non-Indian demographic patterns around reservations; as farm, ranch, and small-town residents move to cities, regional economies in rural areas decline. Essential services—repairs for furnaces, photocopiers, or computers—become harder to obtain, more expensive, and longer in the delivery. Basic operating costs for tribal colleges increase as their regions become, in effect, more isolated from mainstream economic life.

Finally, the successes of tribal colleges raise educational standards, expectations, and costs within their own communities. Library users, over time, increase in numbers and in sophistication; graduates trained in computer usage requests updates on new software and applications. College faculty receive more requests for help from tribal governments and local businesses—requests which, in urban areas, might be directed to local universities or research institutions.

Tribal colleges have proven their capacities to use scant resources effectively. Now, more money is essential.

By Mr. PACKWOOD (for himself, Mr. Hatfield, Mr. McCain, Mr. Boschwitz, Mr. Wallop, Mr. Symms, Mr. McClure, and Mr. Grassley):

S. 2214. A bill to provide incentives to health care providers serving rural areas, to eliminate the Medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes; to the Committee on Finance.

RURAL HEALTH IMPROVEMENT ACT

● Mr. PACKWOOD. Mr. President, today I am introducing legislation, the Rural Health Improvement Act of 1990, to provide incentives for health care practitioners to serve rural areas and to provide relief for rural hospitals struggling to provide access to needed medical care.

Mr. President, last month I chaired 11 field hearings in Oregon and I am now more convinced than ever that the health care delivery system in our rural towns and communities is in need of a transfusion.

There are more than 70 hospitals in Oregon. More than half are located in rural areas and two-thirds of those are in the isolated eastern portions of the State. Many of us in Congress come from States with large, sparsely populated areas. We have watched rural hospitals struggle to keep their doors open, fighting an uphill battle to provide care to rural residents.

Two hospitals in small Oregon communities closed their doors last year. Another is on the brink of closure now. Unless immediate relief is granted, more Oregonians will be without basic health services. Residents of these small towns cannot simply or easily find care in the neighboring town. The neighboring town in Oregon might be 2 hours away by car. For

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many of our elderly rural residents that is just not a viable alternative.

In 1983, Congress changed the way hospitals are paid under Medicare. At that time, it was believed hospitals located in rural areas had lower costs and should, therefore, receive a lower reimbursement than urban hospitals when treating Medicare patients. Over the years, this has not proven to be the case.

Many rural hospitals must compete in the same labor pool for doctors, nurses, and other health care practitioners as their urban counterparts. Because of their size, rural hospitals cannot purchase supplies in sufficient quantities to obtain discounts enjoyed by urban hospitals. In reality, the cost of providing health care in small, rural communities is not much different than urban areas.

Congress has taken steps to correct some of the inequities facing rural communities. The 1989 Budget Reconciliation Act directs the Health and Human Services Secretary to develop a proposal to eliminate the urban-rural differential. The legislation also changes the way physicians are paid. However, these changes will not be fully implemented until 1995. Quite frankly, some of the hospitals in my State simply won't be around in 1995 if immediate relief is not forthcoming.

Many doctors in small communities are general practitioners, providing primary care services. A physician practicing in rural areas today may deliver a baby, treat a heart attack patient, and then provide emergency care to the victim of an automobile accident, all within the span of a few hours.

Because of the current reimbursement system under Medicare, primary care physicians receive a lower rate than specialists. This system will change when the resource-based relative value scale is fully implemented in 1995. But many primary care physicians can't wait that long. I am concerned these critical health care providers will continue to leave rural areas. If there are no doctors in these communities, hospitals will not be able to keep their doors open.

During the course of my 11 field hearings I became convinced that health care must be available in rural towns and communities. To ensure that care will be provided my bill will:

First, eliminate the Medicare urban-rural differential between hospitals by January 1, 1991, rather than 1995. There will be one rate for all hospitals regardless of location;

Second, fully implement the resource based relative value scale [RBRVS] by January 1, 1992. Physicians providing primary care services will receive higher Medicare reimbursement in 1992 rather than 1995;

Third, extend Medicare reimbursement to nurse practitioners who work in rural areas when the service would otherwise be furnished by a physician;

Fourth, establish a national payment rate for certified registered nurse anesthetists, the only provider of anesthesia services in many rural areas;

Fifth, revitalize the National Health Service Corps and increase funding for the NHSC Loan Repayment Program. NHSC provides scholarships to and repays loans to health practitioners willing to practice in rural areas;

Sixth, increase funding for area health education centers. AHEC's provide continuing education and clinical instruction in or near underserved areas for physicians, nurse practitioners, and other health care professionals;

Seventh, target Public Health Service funds to county health departments for preventive and health education services;

Eighth, provide tax incentives to physicians, nurse practitioners, and physician assistants for the first 5 years of practice in a rural area. This will encourage these health practitioners to live in and serve rural areas;

Ninth, permit physicians to expend up to $25,000 annually for the purchase of basic equipment used in providing primary care services;

Tenth, permit groups of rural hospitals to engage in joint purchasing, contract for needed services and share personnel; and

Eleventh, require the HHS Secretary to review and recommend the elimination of overly burdensome and unnecessary Medicare regulations affecting rural hospitals.

Mr. President, I hope many of my colleagues will embrace the concepts outlined in my statement and join with me today to cosponsor this legislation.●

● Mr. McCAIN. Mr. President, I rise to join my colleagues, Senators PACKWOOD, WALLOP, BOSCHWITZ, HATFIELD, and others, in introducing an omnibus legislative package to stabilize and improve access to health care in rural areas.

I spend a lot of time in the rural areas of my State, visiting with both those who serve the health care needs of these communities as well as with the people who rely on the rural health care delivery system for their care. I am sure that what I have found is similar to the findings of many of my colleagues—the rural health care delivery system is fighting for its very survival.

About 3 years ago, I started to get involved in helping to address this critical issue. I was led to get involved, largely because it struck me that Federal Government policies were actually exacerbating, rather than alleviating, difficulties facing the rural health care delivery system.

The last 3 years have seen my involvement in helping to narrow the disparity in Medicare payments to rural versus urban hospitals, increase payments to rural health care providers, provide direct Medicare reimbursement to allied and midlevel health professionals who provide services in rural areas, assist rural hospitals in exploring what types of changes they need to make to the services they offer in order to stay competitive, and bolstering the Area Health Education Center Program. I have also been honored to serve on the steering committee of the Senate's rural health caucus—a caucus which now enjoys membership of more than 60 Members of the Senate.

While Congress has taken some positive steps forward in addressing the problems facing the rural health care delivery system, it has largely been a disjointed effort. What we are introducing today is another step in the process of addressing these issues. But, unlike measures introduced in the past, it is fairly comprehensive. As such, the ranking minority member of the Finance Committee, Senator PACKWOOD, deserves much credit for the leadership he provided in fashioning this comprehensive package.

There are a number of important components to this omnibus legislation.

First, it proposes the elimination of the differential in Medicare payments to urban and rural hospitals by January 1, 1991.

Second, it requires the full implementation of the rural portions of the physician payment reform package by January 1, 1992.

Third, it extends Medicare reimbursement to nurse practitioners practicing in rural areas, and permits physician assistants to provide services in rural areas regardless of the site of services.

Fourth, it establishes a national payment rate for certified registered nurse anesthetists.

Fifth, it would revitalize the National Health Service Corps.

Sixth, it increases funding for the Area Health Education Center Program.

And, seventh, it provides tax incentives to health practitioners to encourage them to locate in rural areas.

This comprehensive package, if adopted, will do much to address the critical needs facing our Nation's rural health care delivery system. While it is certainly not the be-all or end-all in our efforts to address rural health needs, its modification of Federal policies will contribute to, rather than hinder, the attempt to stabilize and improve access to health care in rural areas.

I look forward to continuing to work with my colleagues to address the critical problems facing our Nation's rural health care delivery system. And, I hope that all of our colleagues will take a serious look at this proposal we are introducing today with an eye toward joining us in this effort.●

● Mr. SYMMS. Mr. President, I am pleased to join my colleague, the Senator from Oregon, in sponsoring this important piece of legislation, the rural health care initiative.

We have all been aware for some time that our rural areas are facing tremendous hardships with regard to health care. Without some assistance we will see a definite decline in access and the quality of care in these areas. As my State of Idaho is almost entirely rural, this would have a devastating impact.

I am especially pleased that this package includes two provisions that I have long been working on to make the Medicare system more equitable. The first is the elimination of the urban-rural reimbursement differential for hospitals. Rural hospitals depend on Medicare payments; they tend to have a greater proportion of Medicare patients than urban hospitals. Because their case mix is more diverse, urban hospitals may compensate for low payments from Medicare. Rural hospitals do not have this advantage and, therefore, have been continuously losing funds.

It does not take less money to perform an appendectomy or a bypass in a rural hospital. The procedure is not any different; however, the current system implies that it costs much less by reimbursing the hospital much less than if it were located in an urban area. Clearly, this inequity needs to be addressed.

The second provision that I have emphasized is the establishment of a national reimbursement rate for certified registered nurse anesthetists [CRNA's]. The language in this package is identical to a bill I introduced earlier.

Currently, CRNA's are reimbursed under a fee schedule which sets a different rate for each State. The variation from State to State is extreme; there is a 70-percent difference from the lowest rate to the highest. This is because the data which HCFA used to calculate the schedule was from 1986 salaries, using a 6-percent annual inflation adjustment when actually the increase was 12 percent. The overhead costs were also underestimated, resulting in a clearly inequitable fee schedule.

The provision in this bill will establish a national rate for all CRNA's. For medically directed CRNA services the rate will be set at $14 per unit; for nonmedically directed services the rate will be $21 per unit.

Mr. President, this package contains many other provisions that will greatly assist our rural areas in maintaining quality health care. The Senator from Oregon has worked hard on this bill and I am happy to lend my support and would ask for my colleagues' support as well.●

● Mr. WALLOP. Mr. President, 2 weeks ago, I joined my congressional colleagues, Al Simpson and Craig Thomas, and Dr. Louis Sullivan, Secretary of Health and Human Services in attending a conference on rural health issues in Cheyenne, WY. The conference was organized by the Wyoming Medical Society. It was an opportunity to discuss the rather unique challenges confronting health care providers in what is described as a "frontier" setting. This frontier is not some glamorous trendy 21st century concept—it refers to our traditional frontier of the high plains and mountain regions of the West with sparse populations and long distances. Providing modern medicine in such a setting is becoming more and more difficult, as was discussed at the Cheyenne conference.

After listening to the various panels, speakers, and participants, it was evident that four issues stand out as causes of the health care crisis in rural areas. First, rural communities are experiencing incredible difficulties in recruiting and retaining health professionals, doctors, and nurses. Second, hospitals in rural areas are confronted with a financing crisis, in part brought about by low Medicare reimbrusement rates. Third, many individuals in rural areas have great difficulty in obtaining affordable health insurance. Last, there is the dispute over the cost of insurance coverage for medical malpractice.

It is quite clear that one factor contributing to several of these four problems is the level of Medicare reimbursement for hospital and physician services in rural areas. It is a well-known fact that doctors practicing in rural areas are reimbursed at lower levels than in urban areas. This partly reflects the difference in the cost of practice. But, a significant portion of the differential in rates is unexplained. In other words, those practicing in urban areas receive an unjustified bonus for their location. As a result of this differential, my communities are having a rough time keeping and attracting doctors. And, we face even greater obstacles in finding nurses to staff our medical facilities. Currently, there are regions in 15 of Wyoming's 23 counties which have been designated as health manpower shortage areas by the Department of Health and Human Services.

Our community hospitals, unlike physicians, cannot simply move to Denver or Salt Lake. But, they could close their doors. Since most hospitals in my State are sole community providers, and extraordinary effort has been made to keep the hospitals operating, if any hospital closes, we will have a health crisis in their service area.

Many urban hospitals have done quite well under the Medicare prospective payment system. This is not true for rural hospitals. Many costs for services are similar between urban and rural hospitals. We do not receive a special discount for high-technology equipment merely because our hospitals are in rural areas. Nurses expect, and do, receive the same wages in Rawlins, WY, as are paid in Denver. Yet, the system provides for a lower reimbursement level to reflect the mythical "lower cost of living" in rural areas. The result is much anguish in our rural communities as they struggle to keep their hospitals solvent.

Today, I join with my colleague from Oregon [Mr. Packwood] in introducing a rural health care initiative. This package begins the process for revising both the part A and the part B Medicare rural reimbursement rates. It improves Medicare reimbursement for nonphysician health professionals. The bill would strengthen the National Health Service Corps which provides health professionals to health shortage areas. Last, it establishes a tax credit to health professionals providing primary care in rural areas.

Our proposal is a major step in response to the health crisis in rural areas. It does not solve all the problems I have described today. But, our bill does provide a greater sense of fairness in the treatment of the rural health system. My State does not want to be on the frontier of health care—the frontier where we are struggling for survival. We have had our pioneer experience, and as we enjoy celebrating our centennial this year, we prefer to revere the past not relive it. I would hope that we can act quickly on this legislation.●

By Mr. HARKIN (for himself, Mr. Packwood, Mr. Hatfield, Ms. Mikulski, Mr. Cohen, Mr. Simon, Mr. Cranston, and Mr. Lieberman):

S. 2215. A bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes; to the Committee on Labor and Human Resources.

CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS ACT OF 1990

Mr. HARKIN. Mr. President, I rise today on behalf of myself and Senators Packwood, Hatfield, Mikulski, Cohen, Simon, Cranston, and Lieberman to introduce the Contraceptive and Infertility Research Centers Act of 1990. This bill is a companion measure to H.R. 2956, introduced by Congresswomen SCHROEDER and SNOWE last year.

Mr. President, the United States is without question the world leader in biomedical research. Yet when it comes to research and development in the areas of contraception and infertility, we have lagged behind a number of industrialized nations and even some in the developing world.

Infertility and contraception are central concerns of millions of Americans of child-bearing age. Nearly 2½ million couples desiring to have children struggle with the frustration and heartbreak of infertility. And each year about 3 million women become pregnant who do not wish to do so.

Their anguish is great. All of these individuals can benefit from intensified research on these basic family planning issues.

We can all agree that abortion is no one's first choice for avoiding unintended births. Yet, of the 3 million women who become pregnant unintentionally each year, about half will terminate their pregnancies. And, nearly half of the abortions that occur each year are among women who have become pregnant because the contraceptive method they were using failed.

The fact is, that there are only a limited mumber of safe and effective methods for preventing pregnancy. More research is needed into improved contraceptive methods that will reduce unintended pregnancies, and the less often such pregnancies occur, the fewer the number of abortions. That is a result we can all embrace—regardless of our political or religious beliefs.

And just as those who are not prepared to bear children should have access to safe and effective contraceptive methods, those who want to become parents should have access to safe and effective methods to help them conceive and bear children.

The causes of infertility are not always easy to diagnose, nor are they uniformly treatable. Treatments are expensive, and cost Americans approximately $1 billion in 1987. Yet even which such a large expenditure of funds, today only about 60 percent of infertility cases are treated successfully. Clearly, more research is needed into the causes of, and treatment for, infertility in both men and women.

The need for enhanced contraceptive research was highlighted just 2 weeks ago by the report "Developing New Contraceptives: Obstacles and Opportunities" issued by the Institute of Medicine and the National Research Council. After reminding us that "since the introduction of the pill and the IUD in the early 1960's, no fundamentally new contraceptive methods have been approved for use in the United States," the report goes on to note a number of facts I believe are important for all of us to keep in mind. These points are well summarized in the conclusion of the chapter on contraceptive research, and I quote:

> People in the United States currently have limited options for fertility control and fewer contraceptive choices than people in several other industrialized countries and in some developing countries as well. Some improvements in existing methods will be made in the next decade, and some highly effective new methods may become available in other countries. Some of these new methods will probably be safer, easier to use, less expensive, and more acceptable than existing methods * * * The prospects for having one or more fundamentally new methods available in the United States by the year 2000 are negligible. Contraceptive methods that are fundamentally different from existing technology, such as a contraceptive vaccine, are likely to have a greater positive impact on the consumer and society as a whole but will take considerable time to develop.
>
> Some promising new methods, such as the contraceptive vaccine, for which most of the basic research has been completed, are not being developed at a rate that scientific knowledge would allow. Other methods have been approved by one or more European countries, but additional clinical trials in the United States are needed to qualify for FDA approval. Moreover, there are continuing opportunities for basic research in reproductive biology, which may yield significant contraceptive leads.
>
> Accelerated efforts to develop and introduce new contraceptive products to the market would lead to a wider variety of contraceptive options for women and men in the United States and would result in safer, more effective, and more acceptable contraception for a much broader population than is being served by existing methods.

The need is clear. We simply must do more to encourage research in this country on contraception, and that is what this bill does. This bill provides for the establishment of five research centers. Three will focus on improved methods of contraception and two on better diagnosis and treatment of infertility, under the authority of the National Institute for Child Health and Human Development.

The centers authorized in this bill will conduct clinical and applied research, train physicians, scientists, and other allied health professionals; develop model continuing education programs for such professionals; and disseminate information to them. The bill also provides for a loan repayment program for individuals involved in contraceptive or infertility research, in order to encourage more researchers to enter these fields.

This is not a proabortion bill. Whatever positions we take on the question of a woman's right to choose if we are committed to helping couples have children who want children, and to reducing the incidence of abortion in the case of those who do not, this bill is a step in the right direction. I urge my colleagues to examine and to support it.

I ask unanimous consent that the bill be printed in the RECORD and that a list of the organizations supporting the legislation also be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Contraceptive and Infertility Research Centers Act of 1990".

SEC. 2. GRANTS AND CONTRACTS FOR RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND RESEARCH CENTERS WITH RESPECT TO INFERTILITY.

Subpart 7 of part C of title IV of the Public Health Service Act (42 U.S.C. 285g et seq.) is amended by adding at the end the following new section:

"SEC. 452. RESEARCH CENTERS WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) IN GENERAL.—The Director of the Institute, after consultation with the advisory council for the institute, shall make grants to, or enter into contracts with, public or nonprofit private entities for the development and operation of centers to conduct activities for the purpose of improving methods of contraception and centers to conduct activities for the purpose of diagnosing and treating infertility.

"(b) NUMBER OF CENTERS.—In carrying out subsection (a), the Director of the Institute shall, subject to the extent of amounts made available in appropriations Acts, provide for the establishment of three centers with respect to contraception and for two centers with respect to infertility.

"(c) DUTIES.—

"(1) IN GENERAL.—Each center assisted under this section shall, in carrying out the purpose of the center involved—

"(A) conduct clinical and other applied research, including—

"(i) for centers with respect to contraception, clinical trials of new or improved drugs and devices for use by males and by females (including barrier methods); and

"(ii) for centers with respect to infertility, clinical trials of new or improved drugs and devices for the diagnosis and treatment of infertility in both males and females;

"(B) develop protocols for training physicians, scientists, nurses, and other health and allied health professionals

"(C) conduct training programs for such individuals;

"(D) develop model continuing education programs for such professionals; and

"(E) disseminate information to such professionals.

"(2) STIPENDS AND FEES.—A center may use funds provided under subsection (a) to provide stipends for health and allied health professionals enrolled in programs described in subparagraph (C) of paragraph (1), and to provide fees to individuals serving as subjects in clinical trials conducted under such paragraph.

"(d) COORDINATION OF INFORMATION.—The Director of the Institute shall, as appropriate, provide for the coordination of information among the centers assisted under this section.

"(e) CONSORTIUM.—Each center assisted under this section shall use the facilities of a single institution, or be formed from a consortium of cooperating institutions, meeting such requirements as may be pre-

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scribed by the Secretary, after consultation with the Director of the Institute.

"(f) TERM OF SUPPORT AND PEER REVIEW.—Support of a center under subsection (a) may be for a period of not to exceed 5 years. Such period may be extended for one or more additional periods of not to exceed 5 years if the operations of such center have been reviewed by an appropriate technical and scientific peer review group established by the Director and if such group has recommended to the Director that such period should be extended.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1991, $20,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, $12,250,000 for fiscal year 1994, and $13,000,000 for fiscal year 1995.".

SEC. 3. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

Part F of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended by inserting after section 487A the following new section:

"SEC. 487B. LOAN REPAYMENT PROGRAM FOR RESEARCH WITH RESPECT TO CONTRACEPTION AND INFERTILITY.

"(a) ESTABLISHMENT.—The Secretary, after consultation with the Director of the National Institute of Child Health and Human Development, shall establish a program to enter into agreements with appropriately qualified health professionals (including graduate students) under which such health professionals shall agree to conduct research with respect to contraception, or with respect to infertility, in consideration of the Secretary agreeing to repay, for each year of such service, not to exceed $20,000 of the principal and interest of the educational loans incurred by such health professionals.

"(b) ADMINISTRATIVE PROVISIONS.—With respect to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III, the provisions of such subpart shall, except as inconsistent with subsection (a), apply to the program established in such subsection to the same extent and in the same manner as such provisions apply to the National Health Service Loan Repayment Program.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal year 1991 through 1993.

"(2) AVAILABILITY OF FUNDS.—Amounts appropriated under paragraph (1) for a fiscal year shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which the amounts were appropriated.".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall become effective on October 1, 1990, or on the date of the enactment of this Act, whichever occurs later.

ORGANIZATIONS ENDORSING THE CONTRACEPTIVE AND INFERTILITY RESEARCH CENTERS ACT OF 1990

American College of Nurse Midwives.
American Fertility Society.
American Public Health Association.
American Psychiatric Association.
Americans for Democratic Action.
American Youth Work Center.
Catholics for a Free Choice.
Endocrine Society.
Girls Clubs of America, Inc.
National Family Planning and Reproductive Health Association.
National Abortion Federation.
National Abortion Rights Action League.
National Institute for Women of Color.
National Organization for Women.
National Women's Health Network.
National Women's Law Center.
Planned Parenthood Federation of America.
Sierra Club.
The Alan Guttmatcher Institute.
Union of American Hebrew Congregations.
Zero Population Growth.

Mr. LIEBERMAN. Mr. President, I am pleased to be an original cosponsor of the Contraceptive and Infertility Research Act. Today, this country is faced with two critical concerns in the area of reproductive health, too many unwanted pregnancies and too many couples who are suffering from infertility and may need medical assistance in order to have a child. In both of these areas we must conduct more research to ensure that safe methods of contraception are available and to ensure that we can provide safe, knowledgeable assistance to all infertile couples.

One out of every six couples in America experiences infertility problems or fails to conceive within 1 year of trying to have a child. The mental, physical, and economic costs of infertility are very high. Couples who are trying and failing to conceive are subject to enormous emotional stress, and the tests, doctor's visits and medical procedures can cause numerous absences from work and disruptions to daily life. Currently 60 percent of infertility cases can be successfully treated, yet the Federal Government has not participated in the critical research efforts being attempted by medical schools and hospitals around the country. A concerted research effort, with Federal Government participation, will enable us to help more people and, perhaps, make the treatment procedures less complex and time consuming.

Despite the fact that there is a clear need in this country for new, safer methods of contraception and for medical assistance to infertile couples, the Federal Government has not focused its attention on clinical and applied birth control and infertility research. This legislation, establishing three regional contraception research centers and two infertility research centers, is a critical contribution to improving our research capabilities in this area.

Mr. PACKWOOD. Mr. President, I rise today along with Senators HARKIN and HATFIELD and several of our colleagues, both Republican and Democrat, to introduce the Contraceptive and Fertility Research Centers Act. Companion legislation was introduced in the House of Representatives in 1989.

As the Members of this distinguished body know, my support of the individual's right to make reproductive choices is longstanding. That support has often been associated with the right of a woman to choose an abortion. As important as I believe that right is, and I will continue to advocate for it, I deeply deplore that our inability to reach a consensus on abortion has been a factor in our seeming stagnation in the area of family planning. By the term "family planning" I include not only birth control, but the overall ability of American couples to decide whether and when to have children. Unfortunately family planning has been linked to abortion in a way that confuses people. There is a connection, and it is this: The ability of people to control their reproductive lives through family planning cuts down on the incidence of abortion. It's that simple.

Recently the National Research Council Institute of Medicine released an excellent report called "Developing New Contraceptives—Obstacles and Opportunities." The report states that the contraceptive methods currently available in the United States "leave major gaps in the ability of people to control fertility safely, effectively, and in culturally acceptable ways." The report notes that no significant new methods of birth control have entered the U.S. market since the development of the pill and the IUD nearly 30 years ago. Although at one time at least a dozen U.S. pharmaceutical companies were conducting contraceptive research, that number has dwindled to only one.

In addition to the "spillover" effects of the abortion controversy, other factors have played a role in creating this state of affairs. Lack of funding for research, cumbersome Food and Drug Administration requirements, and our inability to resolve the liability issue in a way that is acceptable to both the consumer and manufacturer of contraceptive drugs and devices, are all cited in the National Research Council report.

Whatever the causes of the crisis, women and their families in the United States are paying dearly for our failure to address this situation. The National Research Council study estimates that up to 3 million unplanned pregnancies occur each year to women in this country, about half of which are terminated in abortion. At least one-fourth of those 3 million women were using contraceptive methods which failed. A report by the National Family Planning and Reproductive Health Association entitled "the 1980's: Decade of Disaster for Family Planning," reveals that the United States has the highest teen pregnancy rate among seven industrialized nations. It also states that women in

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every other country in the world have access to more methods of contraception than do U.S. women.

Contraceptive methods do more than just prevent pregnancy. Some can also prevent sexually transmitted diseases. The National Family Planning and Reproductive Health Association reports that over the past decade there has been a signficiant increase in such diseases, and the United States now ranks first in the world on our number of reported AIDS cases. New and better methods of barrier contraceptives could help prevent this enormous public health problem.

Ironically, at the same time millions of Americans are affected by unintended pregnancy, the American Fertility Society reports that 2.4 million, or 15 percent of American couples, who want to have a child are unable to conceive. This results in serious effects on mental and physical health and on relationships and careers for many of these couples. Infertility treatment can be very expensive, costing between $2,000 and $10,000 to treat on average, and is usually not covered by health insurance.

On December 1, 1989, the House Committee on Government Operations issued a report titled, "Infertility in America: Why is the Federal Government Ignoring a Major Health Problem?" The report concluded that infertile American couples often pay a high cost for what may be ineffective medical treatment because of the lack of federally funded research.

The United States is being surpassed in progress on contraceptive and fertility research by most of the other industrialized nations, and even some undeveloped nations. For the most powerful and technologically advanced country in the world to allow this situation, with its adverse consequences for millions of Americans families, to continue to happen is simply unacceptable. The legislation which we introduce begin the 1990's.

The bill which we introduce provides funding for five national research centers to do focused, intensive research and development of methods of contraception and fertility treatment. These centers would also develop training programs for scientists and health professionals and National Institute of Child Health and Human Development would oversee the program. To attract qualified researchers, our bill would authorize an Educational Loan Repayment Program modeled after the National Health Services Corps Loan Repayment Program.

This legislation would cost $77.5 million over the next 5 years. As a fiscal conservative, I'm not easily persuaded to spend money on new programs. However, I'm convinced that this legislation would be enormously cost effective in terms of public health savings. As an example, by making contraception more effective, we could lower our costs for medical treatment and public assistance for low-income women with unplanned pregnancies. Additionally, the incidence of sexually transmitted diseases could be impacted by the development of improved barrier methods of contraception.

Mr. President, it is time that we acknowledge the importance of these issues and take steps to make the United States a world leader in contraceptive and fertility research and development, as it should be. I am proud and pleased to be a sponsor of this legislation.

Mr. CRANSTON. Mr. President, I am very pleased to join the distinguished Senator from Iowa [Mr. HARKIN], the Senator from Oregon [Mr. PACKWOOD], as well as many others in introducing the Contraceptive and Infertility Research Centers Act. This legislation would greatly elevate the Federal Government's role and commitment to research in reproductive biology.

Every year the Government spends more than $7 billion to study the causes of and develop therapies to treat every imaginable illness and condition—some common and some rare. Yet, the Government's investment in contraceptive and infertility research—which affects nearly every American at some time during his or her life—has been miniscule, relative to the number of individuals who could benefit. This legislation would begin to reverse that situation by establishing five centers of research—three for contraceptive research and two for infertility research—so that a core of researchers would be trained and expertise developed in these vitally important research fields.

CONTRACEPTIVE RESEARCH

Mr. President, the 1960's saw the development of the pill and IUD—two breakthrough methods of birth control. However, essentially no new contraceptives have been developed or introduced since that time. In a recent report entitled, "Developing new Contraceptives—Obstacles and Opportunities," the Institute of Medicine [IOM] predicted that no dramatic changes in the availability of birth control will likely take place this decade. In fact, even if the research centers proposed by this legislation began work immediately, it is unlikely that new methods of birth control would be available before the 21st century. This legislation is an investment in the future—so that our daughters and sons will have greater options in choosing a safe, effective, and acceptable contraceptive method, depending on their particular situations and needs.

As a staunch supporter of family planning programs, I have long believed that the best way to reduce the number of unwanted pregnancies and, consequently, the number of abortions, is to expand and enhance family planning and birth control. The success of family planning, however, is dependent on the availability, safety, and usability of the method of contraception. This legislation, which would result in more research and development, is absolutely essential for that reason—to make contraceptives more accessible, easier to use, and less expensive.

INFERTILITY RESEARCH

Mr. President, Federal funding for infertility research is practically nonexistent. Yet, every year, more and more Americans spend thousands of dollars in order to become pregnant. Because very little funding has been provided for infertility research—primarily because of politics—Americans are receiving treatments that may not be completely scientifically supported.

This is particularly true for in vitro fertilization. Since the birth of Louise Brown in England in 1978, in vitro fertilization with embryo transfer [IVFET] has become an established method of treatment for certain types of infertility. However, the success rate is relatively low. The reason, according to a 1989 IOM study entitled, "Medically Assisted Conception—An Agenda for Research" is that the "state of clinical practice of IVFET today is limited by lack of knowledge of some of the basic reproductive biology involved."

Mr. President, I was first made aware of the low success rates of in vitro fertilization through my efforts as chairman of the Veterans' Affairs Committee to pass legislation to require VA to cover procreative services when the infertility is the result of a service-connected disability. We have not yet succeeded in enacting the legislation because the House has insisted on excluding in vitro fertilization. One of the criticisms raised against this procedure is its low success rate, although I do not believe this criticism justifies excluding the procedure because I believe any valid medical procedure should be available to ameliorate a service-connected condition. Nevertheless, research on in vitro fertilization is essential to improve the success rate of the procedure and, consequently, to improve efforts to have it covered by third-party payers.

The 1989 IOM report recommended a vigorous program for funding basic sciences research in reproductive biology as w[illegible]s funding for applied research into [illegible]hnologies for medically assisted conception in order to provide a solid foundation for offering safe and effective in vitro fertilization services.

CONCLUSION

Mr. President, this legislation is greatly needed. It would implement the recommendations of two recent IOM reports.

We should all be able to agree—regardless of one's position on abortion—on the goal of reducing unwanted pregnancies. As the IOM report states: "The stronger the desire to reduce abortion, the greater should be the investment to develop new methods of contraception."

We can make significant progress toward that goal by making contraceptives more accessible, easier to use, safer, and less expensive, and research is the primary means of achieving that goal. I urge all my colleagues to support this legislation.

Mr. HATFIELD. Mr. President, today I am joining several of my colleagues in introducing legislation which, if adopted, could offer the benefits of good health to millions of women who seek safe and reliable contraceptives and medical treatment to the millions of families who currently are experiencing infertility. This bill, the Contraceptive and Infertility Research Centers Act of 1990, recognizes the fertility-related issues are public health issues which deserve attention and aggressive investigation by our Federal research institutions.

I am aware that human reproductive issues often prove controversial, but I am hopeful that my colleagues will recognize the dearth of resources our country has in the area of medical research on contraception and infertility. Despite the incidence in this country of 3 million unplanned pregnancies each year there exists an erosion of available family planning. Family planning education is vitally important, as is the provision of contraception services to lower income women and men, but they are not enough to meet the need. As the National Research Council and the Institute of Medicine recently stated in their joint report, "Currently available contraceptive methods are not well suited to the religious, social, economic or health circumstances of many Americans and, therefore, a wider array of safe and effective contraceptives is highly desirable."

Yet the foreseeable future does not hold any prospects for adequate contraceptive development. Two decades ago there were over a dozen private pharmaceutical companies involved in research on contraceptives. Now there is only one. The past decade's efforts of private companies, coordinated research by foundations and universities, and the involvement of the Federal Government only have yielded one additional contraceptive product made available for use. And, as the NAC/IOM study points out, "Most of the contraceptive methods that will be available in the United States between now and the turn of the century will constitute modest improvements to existing methods." This outlook is particularly bleak if one agrees with the NAC/IOM's statement that "The stronger the desire to reduce abortion, the greater should be the investment to develop new methods of contraception."

Our investment in safe and effective contraception also should be complemented by medical research in the field of infertility. As many as 2.4 million American couples have difficulty in conceiving. Yet little infertility research is conducted at the Federal level. Current efforts are limited and uncoordinated, without the express mission of preventing and treating infertility.

The Contraceptive and Infertility Research Centers Act of 1990 would target research into infertility and contraceptive technology. Five centers, two for infertility research and three for contraceptive research, would be created over the next 5 years. Clinical research and development, training programs for scientists and health professionals, and continuing education programs also would exist at the centers. These centers would build upon the basic research already being conducted at the Federal level, offering hope that new information and medical methods will be soon made available.

Any elected official who is willing to become involved in reproductive issues knows that he or she will at some point have to discuss abortion. That is enough to scare many Members away from public debate and action. And thus the issues of contraception and infertility are treated as pariahs—avoided at any cost. The very research which may ultimately lead to a resolution of the abortion debate is stunted because we seem to be accepting the notion that the best thing to do with reproductive issues is to take them out of the Government's hands. But this is an issue which belongs in the public's realm and policymakers must be willing to consider these programs whatever the political climate.

This legislation has been described as an attempt to find some middle ground in the abortion debate. I do not believe that abortion should be available unless the life of the mother is endangered. Many of my colleagues disagree with me on that point. For those of us who are prolife, family planning offers a compassionate alternative to abortion which also meets a woman's very real need to avoid an unwanted pregnancy. I view contraceptives as components to a prolife philosophy which embraces all life and works to enhance the well-being of each individual through the support of adequate social programs, the prevention of war, and the abolition of the death penalty. And for those who disagree with me on the issue of abortion, family planning represents a way to dramatically reduce the need for a procedure which is the least desired of any option. In short, family planning bridges the gap between the two sides of the abortion debate and gives hope that some day the abortion debate may become moot.

Yet, I urge my colleagues to consider this bill as something more than just an attempt to find middle ground. It is not just a way out of the abortion debate. The research funded by this bill will provide medical information and treatment to promote healthy lives for millions of women and children and could give the gift of life to families who otherwise would remain childless. To only view this legislation from the point of reference of the abortion issue is to ignore those benefits and trivialize our own needs and the needs of the people we care about. I encourage my colleagues to work with me and the other sponsors to bring about passage of this legislation.

By Mr. COATS (for himself, Mr. Nickles, Mr. Reid, Mr. Lugar, Mr. Humphrey, Mr. Heflin, Mr. Burns, Mr. Thurmond, Mr. Exon, Mr. Lott, Mr. Armstrong, Mr. D'Amato, Mr. Hatch, Mr. Murkowski, and Mr. Wallop):

S. 2216. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses; to the Committee on the Judiciary.

INNOVATIVE BOOT CAMP PRISON ACT

Mr. COATS. Mr. President, prisons are essential for isolating violent and dangerous criminals. Bars and walls, in these cases, are a type of societal self-defense. They mark the boundaries which the predatory must not cross.

But we cannot fool ourselves that barbed wire and wasted hours are a recipe for rehabilitation. It makes no sense to strip prisoners of their privacy and possessions, expose them to constant threats, warehouse them will hardened criminals, deprive them of meaningful work, and then expect a rejuvenation of morals and manners. Prisons protect society. They don't reform lives.

Prisons have, in fact, been called graduate schools of crime. They leave young offenders instructed in the finer points of lawlessness. They transform the misguided into the hardened, the confused into the violent.

It is clear that is no substitute for the punishment of prison where the violent are concerned. It is equally clear that some other punishment must be found for young, nonviolent offenders. And I mean real punishment—harsh enough to deter, harsh enough, perhaps, to quicken the conscience.

There must be some middle ground between a prison's gradual destruction of the soul, and a half-hearted slap of the wrist.

Mr. President, this is the reason I am introducing the Innovative Boot Camp Prison Act of 1990. It is essentially an updated and revised version of S. 1365, the innovative alternatives to Incarceration Act which I introduced last year. I am pleased that the cosponsors of my earlier bill—Senators HUMPHREY, REID, MURKOWSKI, LOTT, THURMOND, NICKLES, WALLOP, D'AMATO, BURNS, LUGAR, HATCH, ARMSTRONG, EXON, and HEFLIN—have agreed to cosponsor this new legislation.

Boot camp prisons have developed throughout this country as an alternative to imprisonment for primarily young, nonviolent criminals. They are used by State correctional officials as a means of relieving severe prison overcrowding, at a much lower cost than prison, so that prison space is available to house more violent criminals. Boot camps provide to States and local communities an affordable means of promoting public safety, a respect for law and order, and better citizenship.

Boot camp prisons—or shock incarceration programs, as they are sometimes called—offer a combination of punishment with rehabilitation more appropriate to people convicted of nonviolent crimes, usually drug offenders, white collar criminals, petty thieves, and first-time offenders in their late teens and twenties serving short parole eligible sentences. Local officials hope that young offenders will gain positive lessons from the experience, including the value of a work ethic and individual responsibility, a sense of self-worth, self-discipline, an understanding of the consequences of criminal activity. They are also provided education, skills and other tools they will need to return to their families and communities.

Traditionally boot camp inmates are selected from among volunteer prisoners—male and female—who are physically able to undergo the program. They enter boot camp prisons, usually minimum security facilities, for short periods of up to 6 months. Participants undergo a rigorous regimen, often 16 hours a day. The program includes military-style discipline, physical training, hard labor, drill and ceremonial exercise, accompanied by drug testing and treatment, counseling, remedial and life skills education. If the recruit successfully completes this boot camp program, he is released for a transitional period to closely supervised community service projects and continued programs of drug treatment, education and job training. If he successfully completes both the boot camp and supervised release program, the remainder of his sentence is reduced or suspended altogether and he is discharged for total time served. If the inmate drops out or otherwise fails to graduate from the program, he is usually returned to prison to complete his original sentence.

The concept of using boot camp prisons as alternatives to imprisonment is gaining wide support. It represents the majority view of State corrections officials, law enforcement personnel, criminologists, social workers, community leaders and parents. It has been endorsed by President Bush in his national drug strategy and by William Bennett, the Nation's drug czar.

Boot camps have been funded by the Justice Department. Last year the Bureau of Justice assistance awarded $500,000 in discretionary grants to two boot camp projects in New York and Louisiana.

The Boot Camp Program has been approved by the U.S. Senate. Last year this body unanimously adopted my amendment to a drug bill directing the Bureau of Justice assistance to provide funding for State-run boot camp programs for first-time offenders who have committed nonviolent crimes, including drug-related offenses. Unfortunately the House failed to act on the Senate-passed bill.

Boot camp projects are operational in 14 States: New York—which has five camps throughout the State, Mississippi, Texas, Louisiana, South Carolina, Georgia, Oklahoma, Florida, Alabama, Arizona, Michigan, Idaho, North Carolina and Tennessee. Eight other States—Arkansas, Kansas, Missouri, New Hampshire, New Mexico, Pennsylvania, Utah, and Wyoming—are in the process of setting up programs. Legislation authorizing a Boot Camp Program in Indiana passed the State House of Representatives by a vote of 97 to 1 and is now in the State Senate.

My boot camp prison bill would amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the Director of the Bureau of Justice assistance to make grants to the States to set up and operate boot camp projects for those young adults convicted of nonviolent crimes, including drug offenses. The legislation authorizes $200,000,000 for fiscal year 1991 to establish the demonstration grant program.

The bill sets forth criteria for State applications to receive a grant. For instance, grant funds cannot be used for more than 70 percent of the cost of the project. In other words, to qualify a State must provide 30 percent in matching funds, of which at least 15 percent must derive from funds provided by private entities.

The major changes I have made in this bill are based on the opinions and comments of Federal and State corrections, judicial and legislative officials. These changes include:

First, the definition of boot camp prisons has been slightly amended to ensure that inmates are offenders with sentences that require imprisonment, that is, terms of at least 1 year, so that boot camps will be effective diversionary programs and not be used merely to add to prison overcrowding. Most States do not restrict participants to first-time offenders only, so I have omitted that requirement.

Second, under section 1401, it is made clear that drug offenders confined to boot camp prisons will receive periodic drug testing as well as drug treatment, if needed. All offenders confined to boot camp prisons will also be offered counseling, literacy education, vocational education, and job training, both during confinement and during supervised release.

Third, upon graduation from boot camp, all offenders will continue to be closely supervised, under community confinement or home detention, and will continue to receive drug testing and treatment, counseling, education, and job training. They must also provide restitution, if requested, and participate in community service programs.

This provision for supervised release and rehabilitative programs during the transitional period between boot camp confinement and unsupervised release to society was not included in the original bill. It was added because of the predominant view that the success or failure of boot camp projects will depend largely on post-release conditions facing the graduate. The environment of boot camps is so completely different from regular living conditions that some continuous supervision and assistance are needed to enable the offender to adjust to society. The offender should not be allowed to return immediately to the same unsupervised, value-free, drug-prone and crime-ridden home and neighborhood that may have led to his criminal activity.

My bill will ensure that boot camp graduates will receive community confinement and home detention while serving their term of supervised release, so that they continue to receive the attention and assistance they will require. Moreover, they will be required to provide restitution to their victims, if a condition of their release, and participate in community service. Taken together, these federally assisted programs will benefit the offenders, their victims, and their communities.

Fourth, because the States will need additional funds to operate these treatment, educational and job programs during boot camp and during the post-boot camp transitional period, the percentage of Federal funding to be made available for such purposes was doubled, from 10 percent under S. 1365 to 20 percent under this bill.

Fifth, while the proposed authorization remains at $200,000,000, should that amount not be appropriated for boot camp prisons under part N, it is clear that the Bureau of Justice assistance may continue to provide assistance to the States for boot camp projects through the Director's discretionary funds.

I am indebted to David Coolidge, Senior Regional Director of Justice fellowship advocates for his suggestions and encouragement. My thanks also go to Indiana State Representative Ralph Ayres of Chesterton and State Senator William Soards of Indianapolis, who sponsored boot camp legislation in the Indiana legislature, and to State Senator Edward Pease of Brazil, chairman of the Judiciary Committee, and others, who are working to make boot camps a reality in my home State.

At a time when we are urgently fighting a national war on crime and drugs, I believe that boot camp prisons can be an effective weapon in our Federal and State arsenals. By providing an alternative to imprisonment for certain criminals, boot camp prisons will benefit the criminal justice system: they will relieve prison overcrowding and save millions in the costs of incarceration. Prison diversion will benefit the community by promoting public safety and civic responsibility. The boot camp experience will benefit individual offenders: the programs are designed to require punishment with rehabilitation, instill positive values and provide useful skills. Boot camp prisons can deter future crimes and curb the demand for illegal drugs.

I hope that the Congress will soon adopt the boot camp concept contained in this legislation which has already gained wide acceptance in the States. I urge my colleague to support this bill and to act quickly to provide the funding necessary to permit the States to continue this bold experiment in law enforcement.

Mr. President, I ask unanimous consent that the complete text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Innovative Boot Camp Prison Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds the following:

(1) By 1987, over half a million adults were incarcerated in the United States.

(2) At the current rate of increase, it is estimated that in less than a decade more than a million adults will be incarcerated in the United States.

(3) It has been estimated that prison costs have risen 1,720 percent, adjusting for inflation (about 180 percent), since 1970.

(4) Using boot camp prisons for nonviolent offenders may alleviate overcrowding and reduce the per capita expenditures.

(5) Federal support is needed to assist States to implement innovative alternatives to imprisonment in order to meet the crisis of prison overcrowding and the escalating costs of incarceration.

(6) Military-style boot camp programs are being operated or developed by more and more States as an alternative to imprisonment.

(7) Many first-time nonviolent offenders, particular drug offenders, are in need of sanctions more serious than simple release back into the community on probation and education programs.

(8) Drug treatment has been most effective in the criminal population when combined with sanctions and a regimen of drug testing.

(9) The breakdown of families and communities has often left youthful offenders without self-discipline, self-esteem, job skills, or an understanding of the consequences of criminal activity.

(10) Boot camp prisons show great promise in instilling discipline and accountability, while promoting the positive values of a work ethic and individual responsibility.

(11) Boot camp prisons can provide to youthful, nonviolent offenders the kind of role models and the regimen of punishment combined with rehabilitation they need to return to society.

(12) Boot camp prisons can provide to States and communities an affordable means of promoting public safety and better citizenship.

(13) Great opportunities exist for involving State and local governments and private entities in providing innovative programs of education, labor, and health services within boot camp prisons.

(14) Corrections officials, probation and parole staff, parents, and community leaders are optimistic about the success of boot camp prisons and the benefits to graduates who complete boot camp punishment and rehabilitation programs.

(b) Purpose.—It is the purpose of the amendments made by this Act to provide financial assistance to States—

(1) to carry out projects that demonstrate innovative alternatives to incarcerating individuals convicted of nonviolent offenses and nonviolent drug offenses,

(2) to encourage States to maximize the capacity of their correctional facilities to confine individuals convicted of violent offenses, and

(3) to stimulate private sector participation in providing drug training, literacy education, vocational education, and job training programs, as well as other programs, as assistance to States offering alternatives to the imprisonment of individuals convicted of nonviolent offenses and nonviolent drug offenses.

SEC. 3. DEMONSTRATION GRANTS.

(a) Establishment of Program.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(1) in section 901—

(A) in paragraph (20) by striking "and" at the end;

(B) in paragraph (21) by striking the period at the end and inserting a semicolon and "and"; and

(C) by adding at the end the following:

"(22) 'boot camp prison' means a correctional facility in which offenders who have committed nonviolent offenses or nonviolent drug offenses for which the authorized sentence is one year or longer in prison are required to participate in a highly regimented program that provides the strict discipline, physical training, hard labor, drill, and ceremony characteristic of military basic training.",

(2) by striking the heading for part N and inserting the following:

"Part O—Transition",

(3) by redesignating section 1401 as section 1501, and

(4) by inserting after part M the following:

"Part N—Grants for Projects Demonstrating Alternatives to Imprisonment

"DESCRIPTION OF DEMONSTRATION GRANT PROGRAMS

"Sec. 1401. (a)(1) Of the total amount appropriated for this part in any fiscal year, 80 percent shall be reserved and set aside in a special discretionary fund for use by the Director to make grants under this subsection. The Director is authorized to make grants to States to carry out projects that demonstrate innovative alternatives to the imprisonment of individuals who are convicted of nonviolent offenses and nonviolent drug offenses. The funds made available under this part shall be used for establishing and operating these projects.

"(2) The alternatives to imprisonment authorized under paragraph (1) are boot camp prisons.

"(3) In carrying out a project pursuant to this subsection, a State shall provide that—

"(A) drug offenders confined to boot camp prisons shall be tested periodically for illegal drug use and shall receive compulsory drug treatment, if needed, as determined by a qualified physician;

"(B) all individuals convicted of nonviolent offenses and nonviolent drug offenses who are selected for confinement to boot camp prisons shall also be offered drug treatment as required, and counseling, literacy education, vocational education, and job training programs, both during confinement and during supervised release, offered by the State or jointly by the State and private entities, as authorized under this section, and upon release, shall serve a form of community confinement or home detention during which they shall provide restitution, where required, participate in community service programs and continue to receive periodic drug testing and treatment, if required, and counseling, literacy education, vocational education, and job training programs, as authorized under this section; and

"(C) drug treatment, literacy education, vocational education, and job training programs, exclusive of boot camp programs, are not available as alternatives or as substitutes to boot camp programs authorized under this part.

"(b)(1) Of the total amount appropriated for this part in any fiscal year, 20 percent shall be set aside in a special discretionary fund for use by the Director to make grants under this subsection. The Director is authorized to make grants to States to carry out jointly with private entities drug treatment, literacy education, vocational education, and job programs which shall be made available to individuals who are convicted of nonviolent offenses and nonviolent drug offenses and are confined to boot camp prisons.

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"(2) A grant made under this subsection may not be expended for more than 70 percent of the cost of the project for which such grant is made. Not less than 15 percent of the cost of such project shall be paid with contributions made in cash or in kind by private entities, including entities receiving State funds.

"APPLICATIONS TO RECEIVE GRANTS

"Sec. 1402. To request a grant under subsection (a) or (b) of section 1401, the chief executive officer of a State shall submit to the Director an application at such time and in such form as the Director may require. Such application shall include—

"(1) a certification that Federal funds made available under section 1401 to the State will not be used to supplant State or local funds that would, in the absence of Federal funds, be made available to carry out such project;

"(2) a description of the method the State will use to carry out the evaluation required by paragraph (3), and

"(3) an assurance that after each fiscal year for which a grant is made under section 1401, the State shall submit to the Director an evaluation of the impact and the effectiveness of the project for which such grant is made.

"REVIEW OF APPLICATIONS

"Sec. 1403. For purposes of determining whether to make a grant under section 1401 to a State, the Director shall—

"(1) except as provided in paragraph (2), give priority to States that clearly demonstrate that the capacity of their correctional facilities is inadequate to accommodate the number of individuals who are convicted of offenses punishable by a term of imprisonment exceeding 1 year; and

"(2) not approve an application submitted by a State if—

"(A) the amount of the grant requested by the State for the fiscal year involved exceeds 5 percent of the aggregate amount appropriated for such fiscal year to carry out this part; or

"(B) in any 3 preceding fiscal years the State received a grant under this part for the project for which a grant is requested in such application.".

(b) Authorization of Appropriations.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended—

(1) in paragraph (3) by striking "and M" and inserting "M, and N", and

(2) by inserting after paragraph (6) the following:

"(7)(A) There are authorized to be appropriated $200,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994, to carry out part N of this title.

"(B) Notwithstanding the amount of any funds appropriated under this paragraph, the Director may grant discretionary funding for boot camp projects under part N.".

(c) Technical Amendment.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the items relating to part N and inserting the following:

"Part N—Grants for Projects Demonstrating Alternatives to Imprisonment

"Sec. 1401. Description of demonstration grant programs.
"Sec. 1402. Applications to receive grants.
"Sec. 1403. Review of applications.

"Part O—Transition

"Sec. 1501. Continuation of rules, authorities, and proceedings.".

By Mr. COATS:

S. 2217. A bill to establish a School-Based Management Project Program; to the Committee on Labor and Human Resources.

SCHOOL-BASED MANAGEMENT PROJECT PROGRAM

Mr. COATS. Mr. President, in many areas, it seems like the school systems have become somewhat like the structures that undermined the Nation's railroads. Inflexible rules and regulations have resulted in a dinosaur type structure at the same time America is going through dramatic changes. Most experts have come to the agreement that present structures cannot respond to the demands being placed upon public education today.

John Chubb and Prof. Terry Moe of Stanford University suggest from their research that:

> While real school expenditures increased, the educational achievement of teachers, class sizes, and other assumed influences on the student achievement improved substantially, test scores steadily declined. Student performance could not be tied closely to anything in particular that the schools did. The nation must understand how tightly school performance may be bound up with school organization and control, for those ties bear directly on the promise of school reform, however it is pursued.

School systems around the country are utilizing the concept of local decisionmaking often times as a last chance resort. These schools are finding positive results and the idea is catching on.

In my home State of Indiana, the city of Hammond embarked on a bold plan restructuring in 1982 known as [SIP] School Improvement Program. It was initially started as a pilot project in a few schools but the programs' success lead to the implementation of SIP in the rest of the schools in the district. Other Indiana school districts are now looking to follow the Hammond model, the newest being in the city of Anderson. Legislators in Indiana are catching on as well. Recently, a bill sailed through the Indiana House of Representatives allowing more school districts to implement a school-based management program.

Watching the reform in these schools is exciting. I am especially encouraged talking with school administrators and teachers and witnessing their sense of challenge and thrill in playing a more direct part in school and classroom planning.

Further proof of school-based management's success is the endorsement by the two leading teachers' unions: Al Shanker, president of the American Federation of Teachers and National Education Association president Keith Geiger both have endorsed the concept of school restructuring and I sincerely believe that this idea is one whose time has come.

The bill I am introducing provides department of education with funds to allow 10 schools to receive 5-year grants to implement school-based management/shared decisionmaking initiatives. This is not a lot of money and will not reach a lot of kids, at first. I am convinced however that allowing a small number of schools to experiment with such programs will encourage neighboring schools and communities to find ways to improve their schools as well, through their own form of school restructuring. Further, I believe that a 5-year grant will ensure that models coming from the funds will be well researched and contain vital information on what worked as well as what didn't work.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SCHOOL-BASED MANAGEMENT PROJECT PROGRAM.

(a) Establishment of Program.—The Secretary of Education (referred to in this Act as the "Secretary") shall make 5-year grants to not more than 10 State educational agencies for purposes of conducting school-based management projects in 1 or more local educational agencies in the State. A school-based management project conducted with assistance received under this Act shall be designed to result in the strengthening of opportunity and capacity for management of schools at the school level.

(b) Amount of Grants.—A grant recipient selected under subsection (a) shall receive $1,000,000 in each year of the grant period.

SEC. 2. PROGRAM REQUIREMENTS.

(a) Application.—A State educational agency that desires to receive a grant under this Act shall submit to the Secretary an application containing such information and assurances as the Secretary may require. An application shall be for a 5-year period and shall describe—

(A) each activity or initiative that will be part of the school-based management project conducted under the grant;

(B) the level of State resources (including funding and personnel) committed to the project; and

(C) how the grant will be used to expand or strengthen the project.

(b) Selection of Grant Recipients.—The Secretary shall select State educational agencies to receive grants under this Act based on the demonstrated willingness of the State and local governments concerned to waive State and local requirements as necessary to develop and implement new accountability mechanisms based upon outcomes and goals reached by the schools involved, including requirements relating to student performance.

(c) Required Activities.—A school-based management project conducted under a grant received under subsection (a) shall include—

(A) increased responsibility of and decisionmaking by teachers;

(B) increased staff support for teachers;

(C) greater differentiation of teachers' roles and responsibilities;

(D) variation in school leadership structures;

(E) greater autonomy at the school level with respect to budgeting and resource allocation; and

(F) greater accountability for teachers and schools with respect to student performance, as compared with the norm.

SEC. 3. USES OF GRANT FUNDS.

Amounts received under a grant pursuant to this Act may be used—

(A) for the first 2 years of the school-based management project conducted under the grant, to support increased operating costs of the schools involved;

(B) to underwrite development and technical assistance efforts;

(C) to document and describe the process of transition to school-based management;

(D) to evaluate the results of the transition to school-based management; and

(E) to disseminate nationally information concerning new models in school management.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for purposes of carrying out this Act $10,000,000 for each of the fiscal years 1991 through 1995.

By Mr. BRADLEY (for himself, Mr. Lieberman, Mr. Dodd, Mr. Lautenberg, Mr. Gorton, Mr. Symms, Mr. McCain, Mr. Wallop, and Mr. Roth):

S. 2222. A bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals; to the Committee on Finance.

EASING THE FINANCIAL BURDEN ON TERMINALLY ILL PERSONS

● Mr. BRADLEY. Mr. President, together with my colleagues, Senators Lautenberg, Lieberman, Dodd, Symms, Gorton, McCain, Wallop, and Roth, I am introducing legislation which has the potential of easing the financial burden on terminally ill persons without forcing them to draw on State of Federal aid.

The Nation's largest life insurance company, the Prudential, recently announced a new plan that would let terminally ill policyholders with a life expectancy of less than 12 months receive virtually the full death benefit before they die.

While this new program has been widely praised, accelerated death benefits may still pose a tax problem. Section 101 of the Tax Code provides an exclusion for benefits "paid by reason of the death of the insured." Although proceeds paid at death are clearly tax free, the Internal Revenue Service has not yet ruled on whether accelerated benefits get the same treatment.

The legislation we are introducing would allow individuals who are certified by a physician to have a terminal illness or injury, which can reasonably be expected to result in death within 12 months, to receive the proceeds of their contracts on a tax-free basis.

Since life insurance proceeds payable on death are generally tax free, I believe that there will be minimal, if any, revenue loss associated with this provision. It merely permits the tax-free receipt of life insurance proceeds earlier than would otherwise be the case. I believe that access to these assets will make the lives of such individuals significantly easier without any significant cost to the Federal Government.

The legislation also contains an amendment to the Social Security Act, dealing with eligibility for Federal means-tested programs, such as Medicaid. The purpose of the Social Security amendment is to make sure that the mere availability of accelerated death benefits on a particular insurance policy, even though the insured does not elect to receive the accelerated benefit, will not automatically disqualify an individual from being eligible for Medicaid benefits. In some cases, full preservation of the death benefit is absolutely necessary to provide for the surviving spouse and dependent children. So it would not be fair to force terminally ill individuals to choose between their own welfare and that of their survivors.

In summary, the legislation I have introduced today will clarify the tax treatment of accelerated death benefits to Americans who need financial help at a most critical time. Having access to these funds before death could mean the difference between dignity and despair for many terminally ill people.●

● Mr. DODD. Mr. President, today I am joining Senators Bradley, Lieberman, Lautenberg, Gorton, Wallop, Symms Roth, and McCain in introducing legislation to permit insurance companies to repay death benefits to the terminally ill. The legislation is narrowly targeted to people who have been certified by a licensed physician as having an illness which can reasonably be expected to result in death in 12 months or less. It is designed to permit people who have life insurance benefits to have access to those benefits so that they can die with dignity.

At a time when our country is strapped for resources, it behooves us to develop creative ways to address our Nation's unmet needs. This program, pioneered by Prudential and Connecticut Mutual, and similar to programs introduced by Aetna and others, is just the kind of program we need to be looking at. Americans have some $8.5 trillion of life insurance in effect. This bill would enable insureds to tap that money to pay for their needs during the last year of their lives.

While I am very enthusiastic about the program, I think we need to proceed cautiously. While the bill can afford significant help to the terminally ill, it is important to remember that life insurance is primarily a vehicle for the insured's heirs and we must make sure that a fair amount is left for them. This is the kind of issue that I anticipate the hearings will address, although I suspect that a good way to address this problem would be to put a limit on how much the insured can use, based on some percentage of the difference between the cash value—the amount the insured can withdraw on his or her own, and the face value—the value at death. One might place this sort of limitation where the beneficiaries are dependents.

Enactment of his legislation will also help us get a better handle on the actual cost to the Government in lost revenues. While I have not seen a definitive study, I have seen a preliminary estimate of some $10 million annually—surely a small price tag for making the last year of one's life more tolerable.

While this is a discrete, carefully targeted piece of legislation, I think that, if it is successful, it may well prove to be part of the solution to the long-term care problem facing this country. Demographics and advances in modern medicine have combined to assure that the United States will have an ever-increasing elderly population whose needs must be addressed. In light of our enormous fiscal problems, it is hard to see how the Federal Government will be able to play a significant direct role in meeting these needs for the foreseeable future.

Therefore, it is essential to find ways to permit people to utilize the resources they do have, perhaps in different ways than they had originally anticipated. The elderly have two major sources of money to which they should have greater access. The first is the equity in their homes, and we are finally beginning to enable the elderly to tap that equity through the use of reverse annuity mortgages. This new product enables banks to pay their mortgagors a monthly sum, based on the value of their houses, so that people can afford to continue to live in their houses and in their communities.

The other large source of untapped funds is people's life insurance. If the legislation we are introducing today works to develop a fair balance between the insured and their dependents and the costs are not undue, then expansion of the program to long-term care could well help solve one of our largest problems.

It is important to caution here that accelerated death benefits and a government program are not our only alternatives to solving the long-term care problem. Insurers have, and are developing new, health insurance policies to provide long-term care. As we seek solutions to this problem, we must encourage all reasonable alternatives. In this regard, I think it is important to clarify that long-term care benefits are health benefits and should be accorded appropriate tax

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treatment. With such treatment assured, then both health insurance and accelerated death benefits can contribute to fill this need.

Mr. President, I urge prompt consideration of this bill to permit the development of a highly creative and necessary new insurance product.●

● Mr. LIEBERMAN. Mr. President, life insurance represents a significant portion of American savings. For many Americans it is their primary savings vehicle. The American Council of Life Insurance estimates that in 1989 Americans had $5 trillion in life insurance, insuring 104 million individuals and $3.4 trillion in group life insurance, insuring 138 million people. Many Americans have insured the lives not only of themselves and their spouses, but their children as well. With the rising cost of health care and with limited resources available to care for the terminally ill, the prepayment of death benefits could provide much needed funds should any insured member of a family become terminally ill.

Enabling the terminally ill to receive prepaid death benefits will provide them with the funds necessary to pay for their care, enable them to stay off public welfare, and ensure that they can live their remaining days in comfort and with dignity. I believe that those who are terminally ill should be able to live as normally as possible, staying in their own homes if they wish or being cared for in a hospice, receiving the care they need. They should not be deprived of quality care because the funds they have saved in life insurance will not be available until after they die.

Prepayment of death benefits legislation does not solve the long-term care crisis currently facing this country. We still must focus our attention on developing a policy to ensure that all Americans have access to quality long-term care. This legislation does, however, present a unique opportunity to put existing resources to work to ease the burdens on the terminally ill. This bill will ensure that terminally ill individuals who have group or individual life insurance will have access to funds which will allow them to receive the kind of care they need and will ensure that their dignity and privacy can be protected until the end.

The prepayment provision does not require the terminally ill individual to opt for prepayment. The individual may, of course, decide not to opt for prepayment, upon a determination that his or her beneficiaries will need the funds after his or her death.

Death benefits which are prepaid to the terminally ill will receive the same tax treatment as benefits which are paid out upon the death of the insured. While prepayment of death benefits can make a substantial difference in the final year of the individual's life, it should have a negligible impact on the Federal budget because the benefits are merely being paid out 1 year early.

By ensuring that the prepayment of life insurance benefits can occur, this bill will give the many Americans with life insurance policies the option to use their savings at the time when they need them most. I look forward to working with Senator BRADLEY and with Senators DODD and LAUTENBERG and the other cosponsors to make prepayment of death benefits a option for all insurance owners. I also note that Representative KENNELLY has already introduced a prepayment bill in the House and I am delighted to be working with her on this legislation.●

● Mr. LAUTENBERG. Mr. President, I'm pleased to be an original cosponsor of this legislation.

This is a bill based on compassion and common sense. It's a bill that will make a real difference for the most tragically fated of our citizens.

Any compassionate, civilized society must take care of its dying. But the need in our Nation is particularly acute. All too often, terminally ill people have to deal with more than their own trauma, more than their own pain. They also must deal with enormous financial burdens.

The costs of caring for the terminally ill can be enormous. Lengthy hospital stays and expensive medications can bankrupt not only the dying themselves, but their families as well.

It's tough enough to deal with one's own impending death or the death of a loved one. It can be unbearable if a family's financial stability is also being destroyed in the process.

This legislation reflects the compassion we all feel for those who suffer from terminal illnesses, and their families. But the bill is based on more than compassion. It's also based on common sense.

Providing access to life insurance benefits does more than help the dying and their families. It helps the Nation as a whole.

After all, to the extent that private insurance funds substitute for Medicaid and other public assistance, the financial burden on the Government is reduced. So taxpayers also benefit. It's a win-win situation all around.

I look forward to working with Senator BRADLEY and the other cosponsors to see this legislation enacted.●

By Mr. BIDEN:

S. 2224. A bill to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994, and for other purposes; to the Committee on the Judiciary.

AUTHORIZATION OF APPROPRIATIONS FOR THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

● Mr. BIDEN. Mr. President, I rise today to introduce legislation to authorize appropriations for the Administrative Conference of the United States for fiscal years 1991, 1992, 1993, and 1994.

The Administrative Conference has been in existence since 1968. It was established to study the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies and to make recommendations to the agencies, the President, and Congress for the improvement of those procedures. In addition, the Administrative Conference serves as a clearinghouse for information that can be used to improve administrative procedures employed throughout the Government. It has performed these functions extremely well over the course of its lifetime.

The Conference works with Congress by applying its expertise to difficult questions of administrative law. In the last two Congresses, eight pieces of legislation have been modified—and improved—as a result of recommendations made by the Administrative Conference.

The Conference also works with the administrative agencies on an ongoing basis, offering advice on ways to improve and simplify procedures now being used. During the last authorization cycle, the Conference issued 38 formal recommendations addressing issues including the payment of Social Security and Medicare benefits, and the procedural rules governing the regulation of financial institutions.

Because it is a unique repository of expertise in the field of administrative law, the work of the Conference does a great deal to prevent the waste of resources that would occur if individual agencies separately attempted to address their administrative problems.

These valuable benefits are provided by one of our smallest Federal agencies. The amounts authorized in this bill are no more than $2.15 million for fiscal year 1991, $2.3 million for fiscal year 1992, $2.5 million for fiscal year 1993, and $2.7 million for fiscal year 1994.

The American Bar Association, the Federal Bar Association, and the American Association of Retired Persons all have expressed their support for the Conference.

The Administrative Conference's record of achievement clearly justifies its reauthorization, and I encourage my colleagues to support this legislation. An identical bill has been introduced in the House by the distinguished chairman of the Judiciary Committee, Mr. BROOKS.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2224

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

The text of section 576 of title 5, United States Code, is amended to read as follows:

"There are authorized to be appropriated to carry out the purposes of this subchapter not more than $2,000,000 for fiscal year 1990, $2,150,000 for fiscal year 1991, $2,300,000 for fiscal year 1992, $2,500,000 for fiscal year 1993, and $2,700,000 for fiscal year 1994. Of any amounts appropriated under this section, not more than $1,500 may be made available in each fiscal year for official representation and entertainment expenses for foreign dignitaries.".

SEC. 2. POWERS OF THE CONFERENCE.

Section 574 of title 5, United States Code, is amended—

(1) in paragraph (2) by striking "and" after the semicolon;

(2) in paragraph (3) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(4) enter into arrangements with any administrative agency or major organizational unit within an administrative agency pursuant to which the Conference performs any of the functions described in paragraphs (1), (2), and (3).

Payment for services provided by the Conference pursuant to paragraph (4) shall be credited to the operating account for the Conference and shall remain available until expended.".

SEC. 3. ORGANIZATION OF THE CONFERENCE.

Section 575 of title 5, United States Code, is amended—

(1) in paragraph (14) by striking "and" after the semicolon;

(2) in paragraph (15) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(16) request any administrative agency to notify the Chairman of its intent to enter into any contract with any person outside the agency to study the efficiency, adequacy, or fairness of an agency proceeding (as defined in section 551(12) of this title).". ●

By Mr. KENNEDY (for himself and Mr. Hatch):

S. 2225. A bill to require the Secretary of the Treasury to mint coins in commemoration of the Bill of Rights; to the Committee on Banking, Housing, and Urban Affairs.

BILL OF RIGHTS COMMEMORATIVE COIN ACT

● Mr. KENNEDY. Mr. President, I am pleased to join my colleague Senator Hatch in introducing the Bill of Rights Commemorative Coin Act. This legislation directs the Secretary of the Treasury to mint coins to commemorate the Bill of Rights. The bill provides for $5 gold coins, to be issued between January 1, 1991, and June 30, 1992. The coin program shall be operated at no net cost to the Federal Government, and the sales prices of the coins shall include a surcharge to be paid to the James Madison Memorial Fellowship Program. The Madison Fellowship Program was established by Congress as part of the Constitution bicentennial commemoration in 1986 to award fellowships to outstanding graduate students who are preparing to become secondary school teachers of history and American Government. There is no more worthwhile commemoration of our Bill of Rights than a program which fosters greater awareness and understanding of our rights and responsibilities under the Constitution, particularly among our educators and students.

I look forward to favorable consideration of this measure by the Senate, and I ask unanimous consent that the full text of the bill be printed in the Congressional Record following my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bill of Rights Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) Five Dollar Gold Coins.—

(1) Issuance.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 500,000 five dollar coins each of which shall—

(A) weigh 8.359 grams;

(B) have a diameter of .850 inches; and

(C) be composed of 90 percent gold and 10 percent alloy.

(2) Design.—The design of the five dollar coins shall, in accordance with section 4, be emblematic of one or more of the first ten Amendments to the Constitution of the United States, known as the Bill of Rights. Each five dollar coin shall bear a designation of the value of the coin, an inscription of the year 1991, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) One Dollar Silver Coins.—

(1) Issuance.—The Secretary shall mint and issue not more than 2,000,000 one dollar coins each of which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) be composed of 90 percent silver and 10 percent copper.

(2) Design.—The design of the one dollar coins shall, in accordance with section 4, be emblematic of one or more of the first ten Amendments to the Constitution of the United States, known as the Bill of Rights. Each one dollar coin shall bear a designation of the value of the coin, an inscription of the year of issue and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) Half Dollar Clad Coins.—

(1) Issuance.—The Secretary shall issue not more than 3,000,000 half dollar coins each of which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half dollar coins contained in section 5112(b) of title 31, United States Code.

(2) Design.—The design of the half dollar coins shall, in accordance with section 4, be emblematic of one or more of the first ten Amendments to the Constitution of the United States, known as the Bill of Rights. Each half dollar coin shall bear a designation of the value of the coin, and inscription of the year of issue, and inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(d) Legal Tender.—The coins minted under this Act shall be legal tender as provided in section 5103 of title 31, United States Code.

(e) Numismatic Items.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. SOURCES OF BULLION.

(a) Gold.—The Secretary shall obtain gold for minting coins under this Act pursuant to the authority of the Secretary under existing law.

(b) Silver.—The Secretary shall obtain silver for minting coins under this Act only from stockpiles established under the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

The design for each coin authorized by this Act shall be selected by the Secretary after consultation with the Trustees of the James Madison Memorial Fellowship Foundation and the Commission of Fine Arts.

SEC. 5. ISSUANCE OF COINS.

(a) Five Dollar Coins.—The five dollar coins minted under this Act may be issued in uncirculated and proof qualities.

(b) One Dollar and Half Dollar Coins.—The one dollar and half dollar coins minted under this Act may be issued in uncirculated and proof qualities, except that not more than one facility of the United States Mint may be used to strike any particular combination of denomination and quality.

(c) Commencement of Issuance.—The coins authorized and minted under this Act may be issued beginning January 1, 1991.

(d) Termination of Authority.—Coins may not be minted under this Act after June 30, 1992.

SEC. 6. SALE OF COINS.

(a) In General.—Notwithstanding any other provision of law, the Secretary shall sell the coins minted under this Act at a price at least equal to the face value, plus the cost of minting and issuing the coins (including labor, materials, overhead, distribution, and promotional expenses).

(b) Bulk Sales.—The Secretary shall make any bulk sales of the coins minted under this Act at a reasonable discount.

(c) Prepaid Orders.—The Secretary shall accept prepaid orders for the coins minted under this Act prior to the issuance of such coins. Sale prices with respect to such prepaid orders shall be at a reasonable discount.

(d) Surcharges.—All sales of coins minted under this Act shall include a surcharge of $35 per coin for the five dollar coins, $7 per coin for the one dollar coins, and $1 per coin for the half dollar coins.

SEC. 7. FINANCIAL ASSURANCES.

(a) No Net Cost to the Government.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration Board.

SEC. 8. DISTRIBUTION OF SURCHARGES.

The surcharges received by the Secretary shall be paid promptly upon receipt to the James Madison Fellowship Program established in 1986 by the James Madison Memorial Fellowship Act (20 U.S.C. 4501 et seq.). Such transmitted amounts shall qualify under section 811(a)(2) of that Act as funds contributed from private sources. In accordance with the purposes of the James Madison Fellowship Program, the funds transmitted to the Program shall be used to encourage teaching and graduate study of the American Constitution, its roots, its formation, its principles, and its development.

SEC. 9. AUDITS.

The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data as may be related to the expenditure of amounts paid under section 8 of this Act. The expenditures and audit of surcharge funds deposited to the Madison Trust Fund under section 8 of this Act shall be done in accordance with section 812 of the James Madison Memorial Fellowship Act (20 U.S.C. 4511). Annual reports shall be submitted to both Houses of Congress on all expenditures of surcharge funds.

SEC. 10. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.●

By Mr. BENTSEN (for himself, Mr. SIMPSON, Mr. JOHNSTON, Mr. BOREN, Mr. COCHRAN, Mr. DOLE, Mrs. KASSEBAUM, Mr. DOMENICI, and Mr. WALLOP):

S. 2226. A bill to amend title 11 of the United States Code, to exclude from the estate of the debtor certain interests in liquid and gaseous hydrocarbons; to the Committee on the Judiciary.

EXCLUSION OF CERTAIN INTERESTS UNDER BANKRUPTCY PROCEEDINGS

Mr. BENTSEN. Mr. President, the financial crisis in this Nation's oil and gas industry has forced a number of oil-related businesses and oilmen to seek protection under the Bankruptcy Code. That situation itself is unfortunate, and this misfortune is compounded by the failure of the code to recognize longstanding oil industry practices under farmout agreements. There is an inherent conflict between the code and real-world oil industry practices, a conflict that the legislation Senator SIMPSON and I are introducing today will eliminate.

It is common practice in the oil and gas industry to leave full legal title to oil and gas leases in one individual or entity, even though interests in those leases are held by others through a number of unrecorded agreements related to development of the leases. Many of these transfers are contingent upon successful drilling, and this standard practice avoids unnecessary filings and confusion in the real estate records.

The use of farmout and related agreements greatly enhances the generation of capital needed to develop oil and gas reserves; however, our bankruptcy laws are now working in the opposite direction. As a legislator who has consistently taken steps to reduce our dependence on foreign oil and increase our domestic production, I know that the last thing we want to do is allow a condition to persist that inhibits the generation of capital for domestic oil and gas development.

Clearly, we will inhibit the generation of capital if we do not take steps to reassert the viability of farmout agreements. Under farmout agreements, an operator will agree to drill wells on leased property in exchange for an interest in the underlying oil and gas lease. Typically, this agreement does not call for an actual transfer of record title until the requirements of the farmout have been satisfied. Farmout agreements are also the basis upon which the operator will provide percentage interests to the geologists, landmen, engineers, and others whose services he retains to assist in the development of the lease.

Due to the uncertainty of oil and gas development, the allocation from the leasehold owner to the operator and his subcontractors is unknown until the drilling is complete, and the depth of the well is established. At that point, the interests of the operator and his subcontractor are determinable, and only then can formal assignments actually be executed and recorded.

Frequently, an oil and gas operator that has conducted substantial drilling activity under a farmout will not receive a recorded assignment because the precise percentages and depths are not determinable; his ultimate interest may change through subsequent successful drilling activity. We simply do not know the full extent of the interest until all further development activity has ceased, and the entire focus is shifted to production.

A serious problem arises when any of the parties to a farmout or similar agreement files for protection under the code prior to the time the interests are made of record. Because of the manner in which the courts have interpreted sections 365 and 544 of the Bankruptcy Code, the interests of an operator are in jeopardy if the leasehold owner files for protection, even though the operator has performed valuable services under the farmout agreement that led to production of oil and gas. Under the terms of the farmout agreement, the operator has delivered his consideration and earned an interest in the reserves but the formalities of recordation have not occurred since the ultimate extent of his interest has not been fixed. Similarly, the interests earned by geologists, landmen, and so forth, are in jeopardy if the leasehold owner or the operator files for protection.

Our courts are treating these operators and their subcontractors as simple creditors, leaving them among the class of general unsecured creditors. This is unfair treatment. The transaction is complete in all meaningful respects and the code should recognize the ownership interests of the operator and his derivatives rather than putting them on a plane with persons who have general claims against the debtor totally unrelated to the developed mineral interest.

This bill would remedy this situation in a straightforward manner. It creates a new section 541(b)(3) of the Bankruptcy Code. Section 541 defines the estate or property of the debtor in bankruptcy, and a new section 541(b)(3) would expressly provide that the estate of the debtor does not include oil and gas interests that have been earned and the debtor has obligated itself to transfer under a farmout or related agreement.

The current bankruptcy treatment of oil and gas development agreements threatens the development of energy resources in this country. It makes little sense to undertake the costs and risks associated with oil and gas development if there is no assurance that the interests earned will be protected against the claims of creditors arising in wholly unrelated transactions.

Senator SIMPSON and I are pleased to be joined in this effort by Senators BOREN, COCHRAN, DOMENICI, DOLE, JOHNSTON, KASSEBAUM, and WALLOP as cosponsors. We believe that this legislation constitutes a simple, straightforward solution to a real problem in our domestic oil and gas industry. I urge my colleagues to join us in support of this measure and eliminate the inequitable treatment of oil and gas interests that currently exists under our Bankruptcy Code.

Mr. SIMPSON. Mr. President, today I am very pleased to introduce this legislation along with my colleagues Senators BENTSEN, WALLOP, DOMENICI, COCHRAN, BOREN, DOLE, KASSEBAUM, and JOHNSTON. This bill would amend the Bankruptcy Code in order to cor-

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rect a serious problem which has arisen in the oil and gas business. It is a traditional and standard practice in the oil and gas industry for an owner of mineral rights to exchange a portion of his rights for various development or drilling activities. An oil and gas leaseowner often chooses to transfer a portion of his rights in that lease to a geologist, engineer, or to another oil company in order to compensate them for their services in the subsequent development of that lease. The contracts for this sort of exchange are referred to as farmout agreements. Because of their length, and the confidential nature of these agreements, they are seldom recorded in the county courthouses.

Under current application of the Bankruptcy Code, unrecorded farmout agreements are not recognized as legal documents which have transferred interests from the original owner. Consequently, if bankruptcy is eventually entered into, these previously conveyed interests are subject to the bankruptcy proceeding—even though they have already been legally transferred and sold. This is resulting in obvious uncertainty in the industry that is unnecessary—especially in light of the other even more severe problems they face.

The legislation we are introducing today is a narrow and specific response to this critical problem. It would amend section 541(b) of the Bankruptcy Code by providing that these unrecorded farmout agreements will not be included in the debtor's estate in the case of any future bankruptcy proceeding. That's it—a simple solution to a very technical problem.

This amendment will go a long way toward fostering the continued development of our Nation's rich oil and gas resources. The Senate Judiciary Committee held hearings on this legislation in the last Congress. An identical bill introduced by JACK BROOKS, passed the House last October. I earnestly urge my colleagues' support.

By Mr. LEAHY (for himself, Mr. GORE, and Mr. FOWLER):

S. 2227. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to reform the provisions of such act governing exported pesticides, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE EXPORT REFORM ACT

Mr. LEAHY. Mr. President, every day, millions of Americans are exposed to needless risk.

In neighborhood supermarkets, they unknowingly buy food grown overseas that has been sprayed with pesticides the Environmental Protection Agency refuses to let our farmers use in the United States.

A loophole in current law allows U.S. chemical companies to manufacture here and ship overseas many pesticides that ERA considers probable carcinogens. Food and Drug Administration testing has discovered these banned and unregistered pesticides in many imported foods, completing what many call the circle of poison.

Americans are one of the safest food suppliers in the world. But we are constantly seeking ways to make the best better. We are toughening our food safety standards. Under FIFRA [1], we are requiring EPA to subject pesticides to stricter scrutiny.

At a time when we are toughening standards at home, it makes no sense, to allow American companies to dump unsafe chemicals abroad—only to have them show up back here in imported foods.

This is the circle of poison. It must be broken.

If EPA says it is too hazardous for a pesticide to be used on American-grown food, then it is too hazardous to be used on foreign-grown food. We must stop companies from dumping banned pesticides overseas.

To break the circle of poison, I am today introducing the Pesticide Export Reform Act of 1990. Senators GORE and FOWLER are cosponsoring the legislation and the Honorable MIKE SYNAR of Oklahoma, LEON PANETTA of California, and DAN GLICKMAN of Kansas are introducing a companion measure in the House. The legislation will:

1. STOP U.S. COMPANIES FROM EXPORTING BANNED AND UNREGISTERED PESTICIDES OVERSEAS

Currently, nothing prevents chemical companies from exporting banned or unregistered pesticides overseas, and not enough is done to prevent food sprayed with these chemicals from being imported back into the United States.

For example, in 1978, the EPA halted nearly all agricultural uses of chlordane and heptachlor because industry and independent studies showed both to be carcinogenic.[2] The few remaining domestic uses were prohibited 9 years later when EPA pressured the manufacturer, Velsicol, to stop all U.S. sales.[3] Despite the domestic sales ban, Velsicol still makes the chemicals at its Memphis, Tennessee plant and, between 1987 and mid-1989, exported nearly 5 million pounds, formulated and unformulated, of chlordane and heptachlor to 25 countries.[4]

These powerful products are used on a host of fruits and vegetables grown overseas, including pineapples in the Philippines, beans and carrots in Latin America, potatoes and sorghum in Argentina and sugar cane in Brazil.[5]

Many of these products are imported to the United States, completing the "Circle of Poison." In February and April 1988, USDA found chlordane in beef imported from Honduras at levels three to eight times the allowable levels.[6] In 1988, the Food and Drug Administration detected heptachlor on carrots, pineapples, garbanzo beans, coffee, and Edam cheese.[7]

Other dangerous pesticides—not registered in the United States and largely undetectable by EPA, FDA, or U.S. Department of Agriculture tests—are used on foreign-grown crops imported here. For example, Chile is the No. 1 exporter of pears to the United States and the No. 3 exporter of apples.[8] Pears and apples are treated in Chile with haloxyfop-methyl—trade name: Gallant.[9] Since 1983, Dow Chemical U.S.A. has applied to EPA for registrations for food and nonfood uses. EPA has listed haloxyfop-methyl as a class C—possible human carcinogen—chemical, and have not approved any registrations or tolerances based on their concerns about oncogenicity.[10]

2. SAFEGUARD THE PUBLIC HEALTH—PROTECT THE SAFETY OF OUR FOOD

If EPA finds it unsafe to eat American-grown food sprayed with chlordane and heptachlor, then it is not safe to eat foreign food grown with these chemicals. There is not a single reason to allow chemical companies to continue making banned pesticides in the United States only to export them to foreign markets. The Pesticide Export Reform Act of 1990 would stop this practice.

Pesticides exported abroad come back to the United States on treated fruits and vegetables. Each year Americans consume 134 billion pounds of fruits and vegetables, 25 percent of which is imported. Of that total, we import: 100 percent of bananas consumed—6 billion pounds; 100 percent of palm products—845 million pounds; nearly 40 percent of pineapples; 10 to 20 percent of apples; and 10 to 20 percent of pears.[11]

FDA, the agency responsible for inspecting almost all imported foods, samples only about 1 to 2 percent of all food entering the United States.[12] Although the sampled food is tested for the presence of bacteria, an even smaller amount is tested for pesticide residues. In 1988, FDA inspected only about 10,000 samples of the 40 billion pounds of imported food in their pesticide monitoring program.[13]

Of that group, FDA found that 5 percent of imported food sampled had residues of pesticides for which there is no tolerance and are illegal to use.[14] This violation rate is twice that of domestic producers. In addition, General Accounting Office found that 28 percent—more than one out of every four—sampled pineapple imports tested by the FDA contained illegal pesticide residues.[15]

This legislation will make it illegal to import into the United States any food that has been treated with a pes-

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ticide that cannot be legally used in this country. If EPA bans domestic use for a chemical in the future, it will automatically become illegal to import foreign food treated with that chemical.

For some dangerous pesticides, there is no practical method to detect if they have been used on food. Tests most commonly used by FDA cannot detect half of the pesticides routinely used by exporting countries, or the alternative method for testing is so time-consuming and expensive that FDA cannot use it. For these pesticides, the manufacturer will either have to make the chemical detectable in a practical way or have it banned for use on imported food. At a minimum, FDA should be able to protect the public health by finding out what pesticides have been used on food imported into American supermarkets.

3. TAKE THE WORLD LEADERSHIP IN CONTROLLING DANGEROUS CHEMICALS

Nearly a decade ago, the United States took a bold step to control pesticide exports and to foster international change under an Executive order issued by President Carter. The policy strengthened notification procedures and halted the export of extremely hazardous substances. One month after Ronald Reagan entered the White House, he rescinded the Executive order. After that, the United States neglected and at times actively tried to block international agreements on the export of dangerous substances.

The posture of past administrations is now haunting us. The Foreign Agricultural Organization reported in 1986 that nearly two-thirds of developing countries lacked a system to process data on pesticides prior to importation.

Present U.S. policies contain serious loopholes and fail to provide needed information to foreign countries. Currently, exported unregistered pesticides must be labeled: "Not for Use in the United States of America." "Me toos"—pesticides claimed, often falsely, to be significantly similar in composition—are exempted.

Despite the loopholes, current policy is often ignored, a fact which EPA is attempting to remedy. Last summer, EPA charged five U.S. companies with 200 counts—$600,000 in fines—for violating pesticide export laws. The counts included falsely claiming "me too" exemptions and failure to obtain consent forms from the foreign purchasers of unregistered pesticides being exported by the companies.

Although EPA has made some efforts to enforce regulations, the present law is simply inadequate to give American consumers and foreign producers the safety assurances they need. For example, consent forms are often received long after the pesticide has already entered the foreign country—too late for the foreign government to monitor the chemicals' usage.

The "Pesticide Export Reform Act of 1990" would give foreign agencies a powerful new weapon to protect the health of their citizens and of the American people. Prior informed consent [PIC] would replace the current haphazard system. Countries with advanced regulatory agencies would sign the PIC before pesticides could be exported, giving them advanced notice before dangerous chemicals could be imported and used.

Under the legislation, EPA is required to host an international meeting to better coordinate the export/import of unregistered chemicals.

4. PUT U.S. FARMERS ON A LEVEL PLAYING FIELD WITH FOREIGN PRODUCERS

Because of lax controls in other countries and spotty FDA import enforcement, the current policy is unfair to American farmers and growers.

If a chemical is banned here but used by competing producers in a foreign country, then we are in effect penalizing U.S. farmers and growers for using safe pesticides and complying with the law.

This is unfair to American producers who must compete with foreign growers that can use a pesticide the American producer cannot. The "Pesticide Export Reform Act of 1990" gives U.S. farmers equal footing with foreign producers—and a level playing field.

5. FOOD SECURITY AND PESTICIDE SAFETY FOR DEVELOPING COUNTRIES

The indiscriminate use of pesticide can destroy beneficial, natural pest enemies, and spur pest resistance. As a result, more and more pesticides are needed—the "pesticide treadmill" —and poorer countries become more dependent on dangerous and expensive chemicals. Reckless pesticide use also threatens human health and the environment in developing countries. Unintentional acute pesticide poisonings around the world are estimated at 1 million annually resulting in 20,000 deaths.[16] In some countries as many as half of small farmers suffer symptoms of pesticide exposure after improperly using pesticides.

Food security, workers health, and environmental quality depend on sustainable agriculture, not the spiraling use of pesticides. We cannot ignore these concerns, particularly when foreign governments not only want to cooperate, but need U.S. support.

In closing, let me remind you of our moral obligations as a responsible world citizen.

We cannot pretend the circle of poison will end by itself.

We cannot ignore the welfare of workers and the environment in developing countries.

Some may say that the export of pesticides is the business of foreign countries, and none of our concern—that other countries can make their own judgment on whether risks are reasonable.

The value of life in poorer countries is no less than the value of life in rich countries.

When countries need our help to restrict pesticides they often do not want, it is not patronizing to honor that need. How can we justify the export of chemicals to countries where they are illegal for use? What do we want "Made in the USA" to mean?

While moral responsibility is a compelling reason for this bill, we must not forget our obligation to ourselves—the protection of our own citizens from unsafe food. We can ignore this obligation or we can take the lead—attack the problem at its root—and provide real solutions.

As we discuss this bill, I wish to work cooperatively with the administration, as well as leaders in the international community, industry, and environmentalists. We must work together to regain the lost ground of the past administration, and move forward with a renewed sense of responsibility for our own safety and the welfare of others.

FOOTNOTES

[1] Federal Insecticide, Fungicide and Rodenticide Act.

[2] EPA continued to allow chlordane and heptachlor to be used for termite control.

[3] Use on underground cables was still allowed at that time.

[4] Journal of Commerce Port Import/Export Reporting Service (PIERS) database, January 1987-June 1989.

[5] Hearing report, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, U.S. House of Representatives, "Pesticides in Food;" Serial No. 100-17; April 30, 1987.

[6] U.S. Department of Agriculture, Food Safety and Inspection Service, interviews with William Havlik (October 28, 1988) and Mark Manis (March 29, 1989); and correspondence from Patricia Stolfa, Deputy Administrator, International Programs, June 26, 1989.

[7] FDA, "Listing of Pesticides, Industrial Chemicals and Metals Data by Fiscal Year, Origin, Sample Flag, and Industry-Product Code", 1988.

[8] Foreign Agricultural Trade of the U.S. (FATUS), U.S. Department of Agriculture, Economic Research Service, Calendar Year 1988 Supplement.

[9] Dow Chemical U.S.A., information provided on international registrations and uses for Gallant* (haloxyfop methyl).

[10] Experimental Use Permit was issued for crop destruct purposes for soybeans in 1983, but renewal was not granted in 1984. Dow has registrations pending for soybeans, apple orchards and industrial vegetation control, but EPA has not approved any of these applications. Source: EPA, Office of Pesticide Programs Registration Division, New Chemicals Received by Agency 10/01/83 to 1/25/1990; and information provided by Dow Chemical U.S.A. on registrations.

[11] Fruit and Tree Nut Situation and Outlook Yearbook, August 1989, USDA, Economic Research Service.

[12] FDA inspects 95 percent of imported food. USDA inspects the remaining 5 percent which is meat and poultry.

[13] FDA, "Residues in Food—1988", August 1989.

[14] This means: (1) it is illegal to use the pesticide in the United States on that food; and (2) it is illegal to import that food with the pesticide into this country.

[15] General Accounting Office, Report to the Honorable Frank Horton, U.S. House of Representatives, "Pesticides: Better Sampling Needed on Imported Food;" September 1986, p. 50.

[16] World Health Organization, United Nations Environmental Programs, 1989.

Mr. President, I ask unanimous consent that a section-by-section anaylsis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF THE PESTICIDE EXPORT REFORM ACT OF 1990

TITLE I—EXPORTED PESTICIDES

Section 101. Definitions

Section 2 of FIFRA, *Definitions*, is amended by adding definitions for the terms "country of use" and "exporter." The definition of "misbranded" is amended to reflect the labeling requirements of this Act (see Subsection 105, below), which are: (1) pesticide labels must be written in the language of the country where the pesticide will be used; and (2) labels on exported pesticides must contain the information required for the use of a pesticide in the United States. Labels not meeting these requirements would be considered "misbranded" under Section 2 of FIFRA.

Under FIFRA, it is unlawful to sell or distribute misbranded pesticides. The current definition of "misbranded" makes reference to export label requirements only for unregistered pesticides. This amendment expands the definition of "misbranded" to reflect the new Section 17 labeling requirements of this Act.

Section 102. Registration of Establishments

Section 7 of FIFRA, *Registration of Establishments*, is amended to require pesticide producing establishments to provide an annual report to the administrator containing the types and quantities of pesticides produced for export markets, and the date and quantity of exports to each foreign country.

Current law requires producers of pesticides to provide to EPA information on pesticides that are produced and distributed each year. However, the information currently collected on exported pesticides is not sufficient to permit cross-checking of establishment records with the export notices required under Section 17 (as amended by Section 105 of this Act). Cross-checking is necessary for compliance purposes.

Section 103. Protection of Trade Secrets and Other Information

Information required to obtain prior informed consent (Section 17(a)(5)(C)), production and destination information related to exported pesticides (Section 7(c)(1)(B)(ii)), and information supplied for obtaining permission to export experimental pesticides (Section 17(a)(7)(C)) will not be considered confidential business information. This information will be available to the general public.

Under current policy, much of the information submitted to EPA on exported pesticides is treated as confidential business information. EPA has proposed to change this policy for some of the innformation submitted for unregistered pesticides. This subsection would make public additional information related to the export of pesticides.

Section 104. Unlawful Acts

Section 12(a)(2) of FIFRA is amended by adding as an unlawful act, "to knowingly or recklessly export a pesticide, device, or active ingredient in violation of Section 17." This provision permits the imposition of civil penalties and criminal prosecution for knowing violations of Section 17.

Section 105. Imports and Exports

Section 17(a)—Pesticides and Devices Intended for Export Requirements for the Export of Pesticides

Section 17(a) of FIFRA is amended to require that pesticides for export meet the specifications of the foreign purchaser and the legal requirements of the country of use. Three specific requirements are added for the export of pesticides: (1) exported pesticides must be registered for use in the United States (i.e., the export of unregistered pesticides is prohibited); (2) prior informed consent from the country of use is required for the export of particularly hazardous pesticides (e.g., restricted use pesticides); and (3) labels must be written in the language of the country of use and must contain all the information required by FIFRA for use of a pesticide in the United States. These requirements are explained in more detail below.

Exporters must also meet the requirements of Section 2(p) (*Labeling*) and Section 2(q) (*Misbranded*), additional reporting requirements under Section 7 (*Registration of Establishments*) and the requirements of current law under Section 8 (*Books and Records*).

Export of Unregistered Pesticides

Section 17(a) of FIFRA is amended to prohibit the export of pesticides that are not registered for use in the United States. Even if registered, a pesticide could not be exported for use on food crops unless it is registered for use on food crops in the United States.

Current law allows the export of any unregistered pesticide, provided the label clearly states that the pesticide is not registered for use in the United States. In addition, the purchaser (not the foreign government) must sign a statement acknowledging that the pesticide is not registered for use in the United States. EPA has proposed new regulations to strengthen the requirements for labeling of unregistered pesticides and to facilitate notification of foreign governments. However, the export of unregistered pesticides is permitted under current law.

Additional Requirements for the Export of Certain Pesticides

Section 17(a) is amended to require consent from foreign governments to accept certain pesticides. Certain "hazardous" pesticides, although registered, are considered to present special risks and to require special regulatory oversight.[1] The export of these pesticides is permitted only to countries which, having been apprised of the nature of these pesticides, have consented to their importation. Only countries which have an effective pesticide regulatory apparatus may consent to the importation of a "hazardous" pesticide.

The act provides a preliminary list of countries which are presumed to have an effective regulatory apparatus, and are therefore eligible to receive "hazardous" pesticides. The list contains: Australia, Austria, Belgium, Canada, Denmark, the Federal Republic of Germany, Finland, France, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. The Administrator is provided criteria for adding and deleting from the list.

As part of the prior informed consent process, the Administrator must provide information to the foreign government on the regulatory status of the pesticide and alternatives to the pesticide, including nonchemical alternatives. Prior informed consent is required for the first shipment of "hazardous" pesticides within a 24-month period.

Additional requirements for "hazardous" pesticides include: the pesticide must be manufactured, processed, packaged, and stored in conformity with FAO standards; labels must contain information required under Section 3 for use of a pesticide in the United States.

Current law does not contain special provisions for "hazardous" pesticides. Consent is required only from the purchaser of the pesticide (not the foreign government where it will be used) for unregistered pesticides. Current law does not place restrictions on the countries to which any pesticides can be exported.

Labels

The label of any pesticide intended for export from the United States must be written in the language of the country of use and must contain all the information required by FIFRA for use of a pesticide in the United States.

Current law requires that pesticides meet the specifications of the foreign *purchaser*, not the foreign *government*. Labels are not required to be written in the language of the country where the pesticide is to be used. (EPA has proposed regulations that call for multilingual labels, similar to the labeling requirements of this Act.) This amendment to Section 17 is designed to provide more useful and complete information to foreign regulators and pesticide users.

Waiver for Control of Communicable Disease; and Special Exemption for Experimental Pesticides

There are two limited, special purpose exemptions to the requirements of the Act. First, the Administrator may waive the requirements of the Act to allow the export of a pesticide that is the only practical means of stopping the spread of a communicable disease in humans that poses a serious threat to public health. Such a waiver may be granted only if the country of use consents to the importation of the pesticide. The waiver will allow the export of the amount of the pesticide required to meet the serious public health threat.

Second, experimental pesticides may be exported to acquire the information necessary for registration under Section 3, and are subject to conditions of the use permit issued by the Administrator under Section 5(a). Exporters must receive, prior to export, consent of the foreign government to accept an experimental use pesticide.

Section 17(b) Notices of Regulatory Events Furnished to Foreign Governments

Section 17(b) is amended to require that the Administrator transmit a notice of significant changes in the registration status of pesticides to the appropriate officials in the appropriate agencies of foreign governments. Certain specific regulatory actions requiring these notices are listed in the

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[1] Hazardous pesticides subject to these additional export regulations are those that are: the subject of a restricted use registration; subject of an order of suspension (Section 6(c)); subject of a suspension or cancellation proceeding (Section 6(b)); subject of conditional registration (Section 3(c)(7)(C)); subject of an interim administrative review (Section 3(c)(8)); included on the WHO's list of Class 1A, 'extremely hazardous,' or Class 1B, 'highly hazardous' pesticides; cancelled or had a use cancelled under section 3.

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Act.[3] The Act also requires that notice be sent when the administrator takes an action because of the health effects of a pesticide. The notice shall explain the reasons for the action; information on chemical and nonchemical alternatives; names and addresses of the producer, and the name and address of the EPA office to contact for additional information.

Under current law, EPA sends notices of cancellation or suspensions it deems of "national or international significance." The notices are sent through the State Department to foreign governments. However, the EPA does not have any regulation or formal policy statement on what is considered "significant." EPA has proposed new regulations to clarify what regulatory actions require notices and the type of information that notices will contain. EPA has also proposed sending the notices directly to foreign government regulatory agencies, as required in this subsection. EPA's proposal for notification is similar to requirements of this subsection.

Section 17(c) Importation of Pesticides and Devices

There are no changes from current law for Section 17(c).

Section 17(d) Cooperation in International Efforts

Section 17 is amended to require the Administrator to convene a meeting of representatives of foreign governments and other interested parties to promote improved research, regulatory programs, and sustainable agriculture (including integrated pest management). The Administrator must also convene a meeting to encourage multilateral agreements on export notices and control measures for pesticides.

The Administrator is directed to provide foreign countries with technical assistance to develop comprehensive pesticide regulatory programs.

Every three years the Administrator must provide a report to Congress on the regulatory capabilities of foreign countries to ensure safe use of pesticides and control residues on foods imported to the United States.

Current law provides very limited guidance on the EPA's international role. EPA is directed to participate and cooperate in any international effort to develop improved pesticide research and regulation. No specific mention is made of promoting sustainable agriculture or the development of multilateral agreements on export policies.

TITLE II—TOLERANCES FOR AGRICULTURE COMMODITIES

Section 201. Tolerances for Agricultural Commodities

Revocations

Section 408 of the FFDCA is amended to require that the tolerance for a pesticide chemical on a specific commodity be revoked if all of the registrations of the pesticide have been canceled, or voluntarily withdrawn for use on the commodity.

A temporary waiver of 12 months may be granted to allow the distribution of commodities that may contain residues from pesticide use before the cancellation, or from residual environmental contamination. The temporary waiver may be granted if there is no substantial evidence that the waiver poses a dietary health risk to humans, and would not cause significant economic hardship for domestic producers of a raw agricultural commodity.

If any of the registration of a pesticide for use on an agricultural commodity is the subject of an order of suspension or the subject of an emergency suspension, the Administrator shall suspend any tolerance for such use. A temporary waiver may be granted under the same conditions described above.

The revocation of tolerances for unregistered pesticides will dissuade the use of unregistered pesticides on food imported into the U.S.

Current law does not require the EPA to revoke tolerances for pesticide registrations which have been canceled, withdrawn or suspended. The Administrator has discretion under current law to take these actions, but procedures are cumbersome and revocation is subject to delay. As a result, some revocations occur many years after certain pesticide uses are canceled or withdrawn.

Section 202. Testing Methods

Practical Testing Methods for Tolerances

Section 408 of the FFDCA is amended to require that the Administrator not establish tolerances or leave in effect tolerances for pesticide chemicals in food or feed use unless a practical method exists for detecting and measuring pesticide residues on a raw agricultural commodity or processed food at the tolerance level. A method may be determined to be practical "only if the Secretary is able to perform such method on a routine basis as part of Surveillance and compliance sampling of raw agricultural commodities and processed foods for pesticide chemicals with the personnel, equipment, and other resources available to the Secretary." FDA is directed to consider the ability of a method to test for a plurality of pesticides.

If the only practical method of residue monitoring cannot detect a plurality of pesticide chemicals on the raw agricultural commodity or processed food to which a tolerance applies, the Administrator may establish a tolerance that shall terminate in two years. This tolerance can be reviewed and reauthorized in two-year intervals.

Current law does not require that a practical testing method exist in order to establish a tolerance.

Criteria for Consideration of Tolerances

Section 408 of the FFDCA is amended to include as criteria for setting tolerances for pesticides: (1) the level of raw commodity or processed food consumed by the population segment that is at the greatest risk of exposure to a pesticide on a raw agricultural commodity or processed food; and (2) the cumulative effect of such pesticides in the human diet, taking into account related substances in the diet, and all other ways in which a consumer may be exposed to the pesticide.

Under current law, EPA is directed to establish tolerances to "protect the public health." EPA is required to consider the need for the production of an economical food supply and the other ways in which the consumer may be affected by the same pesticide chemical or by other related substances. EPA often implements this mandate without considering the level of pesticide exposure for the population group likely to have the greatest exposure through their diet.

Section 2203. Imports and Exports

No food may be admitted into the U.S. unless the importer of the food files an import document with the Secretary and the Secretary of the Treasury. The import document must identify the pesticide chemicals customarily used on specific agricultural commodities. The Secretary shall transmit a copy of the report to the Administrator of the Environmental Protection Agency.

If residues of an unreported pesticide are detected on food samples, the Secretary shall require the importer to submit the results of additional residue tests for subsequent shipments. The Secretary may waive these requirements after the importer has demonstrated a clear pattern of consistent compliance with reporting requirements. These requirements may not apply if the Secretary determines that the residues are the result of long term environmental persistence and the level of residues do not pose a risk to human health.

Section 17 of the Poultry Products Inspection Act, Section 17 of the Egg Products Inspection Act, and Section 20 of the Federal Meat Inspection Act, are amended to require the same testing and documentation as food products subject to Section 801(a) of the FFDCA, as amended. However, the Secretary of Agriculture is made responsible for implementing these provisions.

Current law does not require the importer to list pesticides used on the product in import documentation to FDA. Nor is the FDA required, under current law, to place an importer on automatic detention (i.e., to require residue testing results in import documentation). As a consequence, FDA frequently lacks specific information on pesticide use in countries from which the U.S. imports food.

Mr. GORE. Mr. President, I am pleased today to join Senator LEAHY in introducing this extremely important legislation to stop the export of pesticides already banned here in the United States. This issue is really quite simple. If we decide to ban a life-threatening pesticide from use on food in this country, then it makes absolutely no sense to allow the export of that pesticide to another country where it can be applied to crops and place the citizens of that country at risk or end it up back in this country, as residues on foods we import.

We are in the middle of an extraordinary movement toward global cooperation. I have joined others in pushing the United States to be the world's leader in solving environmental problems. It is essential, if we are to have any credibility at all in that role, that we stop the export of banned pesticides. If not, each shipment will carry a message of ill-will threatening progress on many environmental fronts.

In 1947, Congress identified a need to protect people in this country from dangerous, and sometimes deadly, agricultural chemicals. The Federal Insecticide, Fungicide, and Rodenticide Act bans certain chemicals from being used in the United States. Forty-three years later, in a seemingly shrinking world, it is time we pay more attention to the unique hazards these chemicals can pose.

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[3] These actions include: a pesticide registration, the cancellation or suspension of the registration of a pesticide; a pesticide is classified for restricted use; a registration is subject to conditions under section 3(c)(7)(c); or a pesticide is subject to administrative review under section 3(c)(8).

This legislation will expand FIFRA to ensure that companies exporting chemicals produced in the United States cannot just dump on other countries harmful substances that are unacceptable here. The bill will grant greater control to importing countries over what pesticides are entering their borders and impacting the lives of their people. And it will make legal what is already logical and sound: insecticides and other chemicals that are not registered in this country for food uses cannot be exported to other countries for food uses.

It is absolutely unacceptable that the United States, a leader in environmentally sound practices, allows its companies to produce and export pesticides that have been identified as causing horrible health complications to people who have been exposed to the products. Furthermore, countries using U.S. pesticides could easily be using the chemicals to treat food that may eventually be imported to the United States. For example, although most agricultural uses of chlordane in the United States were halted more than a decade ago by EPA, just 2 years ago chlordane levels as high as eight times the allowable level were found in beef imported to the United States from Honduras.

At the center of this debate unfortunately is a Tennessee company, Velsicol Chemical Corp. in Memphis. Velsicol Chemical is the only producer in the world of chlordane and heptachlor, two of the most highly toxic and persistent insecticides ever made. These two chemicals have been banned or severely restricted in this country for more than a decade because of the risks usage causes to public health and the environment. But between 1987 and mid-1989, Velsicol shipped approximately 5 million pounds of chlordane and heptachlor that ended up in as many as 60 countries, many lacking the most basic regulatory systems to protect their citizens.

Not only are the use of these products harmful, but disposal of wastes from their production have damaged the health of many residents in my home State of Tennessee. Disposal grounds that Velsicol have used for chemical dumping have resulted in three Superfund sites in the United States requiring Federal funds for cleanup.

Everyday, we are pressing countries throughout the world to make sacrifices to assure the preservation of our environment. It is crucial that the United States exert leadership in this arena. While pesticides are useful to food producers in protecting their crops, we have wisely chosen to make certain these uses are compatible with maintaining good human health and protection of the environment. We have a responsibility to see to it that these standards are upheld not just within our borders but around the world.

I look forward to the enactment of this long overdue change in our pesticide laws and urge the support of all Senators for this measure.

By Mr. HOLLINGS (for himself, Mr. Kerry, Mr. Stevens, and Mr. Mitchell):

S. 2228. A bill to develop a comprehensive program to ensure the wholesomeness of fish and fish products intended for human consumption and sold in interstate commerce, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CONSUMER SEAFOOD SAFETY AND QUALITY ASSURANCE ACT

Mr. HOLLINGS. Mr. President, today, I am introducing legislation on a topic which has been an issue in this body in the past, but has been discussed very little for more than two decades—the need for a comprehensive Federal program to ensure seafood safety.

Since the 89th Congress, over 50 bills to require Federal inspection of seafood have been introduced. Though we have addressed the issue a number of times in earlier years, only once have we even come close to passing legislation on the issue. In the early seventies, after several months of discussion, the Commerce Committee reported the Wholesome Fish and Fishery Products Act of 1971. The bill proposed to establish a comprehensive Federal seafood safety program, including a mandatory inspection system. It was never enacted, however, and we are now faced with the same concerns that spurred the committee to take action almost 20 years ago. Now, as then, we seek to ensure that consumers are protected from unwholesome and unsafe fish products, and thereby, to restore their confidence in the safety of those products.

Fish are one of the primary sources of protein in the diet of the American consumer—and are beneficial to health as well. Researchers have found that the oils in fish may have therapeutic or preventive effects on illnesses as diverse as heart disease, stroke, arthritis, and even some forms of cancer. In 1988, Americans consumed about 10.5 billion pounds of edible fishery products. As impressive as this figure sounds, however, it represents a decrease of about 56 million pounds from the year before. Overall, U.S. seafood consumption hit a record high in 1987 of 15.4 pounds per person, but since then it has dropped almost half a pound to 15 pounds per person.

Why would people cut down on the amount of seafood they eat in the face of clear evidence about its health benefits? I think the answer can be found in the trash and oil fouling our coastlines, in the unexplained die-off of dolphins and other marine life, and in the growing number of "closed" signs on our public beaches. If it's not safe to swim in the water, is it safe to eat the fish and shellfish taken from it?

As million of Americans move to coastal areas, contamination of our estuaries and near-shore waters from runoff and sewage will continue to be a greater and greater concern. And, as a least one consumer advocate has pointed out—"shellfish is grown where garbage is thrown." While the States and the Federal Government have established programs to monitor the quality of seafood, the current legal and enforcement tools at their disposal clearly are not adequate to guarantee public safety.

The newspapers in recent years have been filled with disturbing examples of individuals who have paid the price for our failure to provide that guarantee. In Panama City, FL, for example, 61 people became ill after eating oysters taken illegally from a sewage-polluted bayou. I have been told that oysters and clams bootlegged from closed areas may be a health threat in coastal areas from Texas to Massachusetts.

Another concern is the flood of foreign products into our markets in recent years, increasing by 50 percent from 1980 to 1987. Fish imports now account for 65 percent of the seafood eaten by U.S. consumers. We need to ensure that imports meet the same high standards that we expect of our domestic products.

Just how serious is the overall health threat from contaminated seafood? I think we all agree that a seafood safety problem exists. For example, according to Public Voice, a consumer advocacy group, fish and shellfish products are seven times more likely to cause illness than are poultry products. In looking for answers, however, statistics on seafood safety are inconclusive as to where the problems lie. Clearly, the first step in trying to ensure seafood safety is to get a better handle on the nature and extend of the problem. The bill I am introducing takes just that step.

The second step is to determine the type and scope of the program needed. Developing an effective program to ensure seafood safety and quality is not merely a question of imitating Federal meat and poultry inspection programs. Unlike meat and poultry, seafood is harvested mainly in the wild, and often by sport anglers whose catch is seldom commercially marketed. Similar to recreational fisheries, the commerical seafood industry is diverse and seasonal, harvesting and processing over 250 species in a number of different ways. In commercial fisheries alone, there are an esti-

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mated 128,000 U.S. vessels and more than 4,000 onshore processing and wholesale plants.

Further complicating the issue, safety and quality problems vary among fisheries, and reflect the seasonal and regional diversity of the commercial industry. For example, most shellfish problems are eliminated by monitoring the water quality of coastal growing areas and preventing harvests from polluted waters. Further, adequate cooling equipment onboard harvesting vessels will prevent problems like scombrotoxins in tuna. And many problems of seafood deterioration occur as a result of inadequate refrigeration during commercial transport. Obviously, the full range of user groups and all factors affecting marine fisheries—from coastal water quality to product standards—must be taken into consideration in developing and implementing a seafood safety program.

These considerations should also determine the Federal agency or department tasked to run the program. Under the Federal Food, Drug, and Cosmetic Act, FDA presently conducts some seafood inspection activities. In addition, the industry participates in voluntary inspection programs developed by the Department of Commerce's National Oceanic and Atmospheric Administration [NOAA] under the Agricultural Marketing Act. In recent weeks, we have heard considerable discussion of providing new authority to the Department of Agriculture and pattering a seafood program on their existing comprehensive meat and poultry inspection programs. While I understand the arguments in support of that new authority, clearly the Secretary of Commerce, and in particular the National Oceanic and Atmospheric Administration, has significant expertise with marine fisheries. The bill I am introducing today gives the Secretary of Commerce the authority over seafood safety.

Why NOAA? NOAA is the recognized Federal expert in dealing with the full range of fish and seafood issues, from management of coastal resources to seafood marketing and promotion. That expertise will be essential for successfully tackling the complexities of the seafood safety issue. In addition, the agency has a core of programs dealing with marine research, inspection services, marine fishery management and industry development that would provide a strong core for a larger program.

At the same time, it is important to recognize that NOAA would not face the challenges alone. Many coastal States have well established seafood safety programs which must be linked into a strong national partnership. Such a partnership has proven its effectiveness in dealing with other marine problems such as coastal zone management and fishery conservation and management. In addition, we have an excellent model for a cooperative program in the National Shellfish Sanitation Program [NSSP]. Through the NSSP, the States and the Federal Government have worked to establish systems for monitoring the environmental quality of shellfish beds and to place polluted and unsanitary growing areas off limits to harvesters. Such collaborative efforts have led to substantial improvements in State seafood programs around the country. And we must now work to strengthen and build on the State initiatives.

At this point, I ask unanimous consent that a summary of the bill I am introducing today be included in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of the Consumer Seafood Safety and Quality Assurance Act

The bill calls for the Secretary of Commerce to establish a comprehensive safety and quality assurance program for fish and fish products sold in interstate commerce. The purpose of the legislation is to ensure public safety, to minimize problems associated with eating seafood, and to encourage the acceptance of high quality U.S. products in foreign and domestic markets. Key elements of the program are as follows:

1. *Federal standards.*—The Secretary would be required to establish and implement federal standards in four critical areas: (a) procedures for sanitation and quality control of seafood processing; (b) maximum allowable levels of contaminants such as heavy metals, bacteria, parasites, and toxins; (c) product standards of identity and composition, minimum quality, and labeling and packaging; and (d) requirements for the water quality of seafood growing and harvesting areas.

2. *National inspection system.*—The Secretary would develop a system for inspecting seafood to minimize public health hazards and other problems. The approach (Hazard Analysis Critical Control Point system) called for by the legislation consists of: (a) identification and assessment of hazards associated with harvesting, processing, and marketing each seafood commodity; (b) determination of critical points for controlling any identifiable hazards; and (c) establishment of procedures to monitor those critical control points. The frequency of inspection would be tailored to the seriousness of potential problems associated with each seafood commodity and the processor's history of compliance. Participation and registration of all processing facilities would be required, with a one-year study to assess fishing vessel requirements. Seafood importers would be expected to meet requirements at least equal to those required for domestic producers.

3. *Monitoring growing waters.*—The Secretary would establish a monitoring program to identify the growing and harvesting locations in which contaminated fish are likely to be caught. Sale or other disposition of seafood from such polluted areas would then be prohibited or restricted. In addition, the bill calls for an intensive research program to determine the relationship between polluted waters and seafood contamination, and for other related research.

4. *State inspection and monitoring programs.*—A majority of coastal states have ongoing seafood safety programs. The legislation recognizes that federal-state cooperation will be essential to implementation of an effective national program and provides for technical and financial assistance to the states to strengthen their programs. Inspection, enforcement, and monitoring activities would be delegated to states with a program that met national requirements, and grants of up to 60% of the cost of operating the program would be provided by the federal government.

5. *Consumer education and information system.*—The bill calls for design and implementation of a national consumer information and education program which would provide for improved collection, analysis, and dissemination of information related to problems associated with seafood consumption.

6. *Authorization of appropriations.*—The bill authorizes an initial appropriation of $35 million in fiscal year 1991, which would increase to $90 million over the next two years.

I know that many of my colleagues share my interest in this issue. In particular, the majority leader has introduced S. 1245, which I am pleased to cosponsor. I look forward to working with the majority leader and other colleagues to pass legislation to promote our common goal of ensuring that consumers have available the safest seafood.

Mr. KERRY. Mr. President, I rise today in strong support of the Consumer Seafood Safety Act of 1990. This legislation will benefit consumers and the fishing industry by restoring confidence in seafood safety and quality.

Coming from a seafood-producing State, I was pleased to see the popularity of seafood grow so rapidly in recent years. As health conscious consumers found that fish are a good source of low-fat protein, per capita consumption reached 20 percent domestically and exports exceeded $2 billion annually. But after years of increased demand, recent declines in seafood consumption may in part be attributed to the growing concern over safety. Overall, seafood continues to be a safe and healthy food source. However, improper handling or fishing in polluted waters may cause diseases, particularly due to fish taken from warm tropical waters and raw shellfish.

If the United States is to maintain its position as a leading seafood producer both at home and abroad, minimum standards of quality and safety must be assured. There are some existing programs to protect the public against seafood-borne illnesses, but there is a need to expand and coordinate these into a unified Federal seafood inspection effort.

This legislation would build on existing expertise to provide such an effort. For example, the National Marine Fisheries Service has spent the last 3 years developing a model seafood surveillance project that is tailored to the unique needs and problems associated with seafood. The model program includes an improved seafood inspection system, hazard analysis critical control point, that ensures quality at every step in the path from waters to the consumer.

I also believe that an effective seafood inspection program must utilize the expertise and resources that lie within the States. Coastal States already have active programs for monitoring waters and enforcing public health standards for seafood. A Federal-State cooperative program of inspection, enforcement, and monitoring is the best alternative for achieving quality seafood products.

Finally, this bill calls for the design and implementation of a national consumer information and education program which would provide for improved collection, analysis, and dissemination of information on problems associated with seafood consumption.

And most importantly, Mr. President, I want to assure that the fishing industry is not charged user fees for inspection. It would not be fair for the fishing industry to pay when inspections of beef and poultry, its major competitors, are completely paid for.

Mr. MITCHELL. Mr. President, on June 2, 1990, I joined with Senator Cochran of Mississippi in introducing S. 1245, legislation to establish a mandatory Federal fish inspection program. At that time, I pledged to work with all interests in the effort to achieve consensus legislation.

S. 1245 currently has 26 cosponsors, including Senator Leahy and Senator Lugar, the chairman and ranking member of the Senate Agriculture Committee. There also are four cosponsors each from the Senate Commerce Committee and the Labor and Human Resources Committee—which also have interests in the overall issue.

Three weeks ago, on February 7, 1990, I testified before the House Committee on Agriculture's Subcommittee on Department Operations, Research and Foreign Agriculture in order to express a spirit of cooperation.

In my testimony, I indicated that I would be working closely with the chairmen of the Agriculture, Commerce, and Labor Committees—and that Senators Leahy, Hollings, and Kennedy share my commitment to working together to achieve a sound, sensible bill.

I, therefore, am pleased that Senator Hollings is extending his commitment to this effort by introducing his own individual bill. In doing so, he joins Senator Leahy who introduced an additional bill, S. 1983, on November 21, 1989. Taken together, these bills help to identify and expand issues for discussion.

These bills represent a commitment to enact legislation based on at least two central premises: First, that any Federal fish inspection program must be mandatory, and that, second, it must first and foremost be funded as a public health program, and not supported through any system of industry user fees. We are in complete agreement on these fundamental points.

There are differences between S. 1245 and the other two bills. There also are issues that still need to be resolved, but as I testified before the House Agriculture Subcommittee, it is our job to resolve them. I also testified that as I have worked on this issue, I have come to believe that there is more agreement for a program than anyone might have initially suspected.

In the House of Representatives, a subcommittee of the House Energy and Commerce Committee last week reported fish inspection legislation that was amended to eliminate user fees and to eliminate application to fishing vessels—which moved it closer toward S. 1245. I view this as a positive development in the effort to achieve consensus.

Principal differences between S. 1245 and other bills largely reflect issues of executive branch agency roles and jurisdiction. In that regard:

S. 1245 would place responsibility in the Department of Agriculture. This position is supported by a majority of bills introduced in the House of Representatives, as well as over a quarter of the Members of the Senate.

Senator Hollings' bill would place responsibility in the Department of Commerce, specifically the National Marine Fisheries Services.

Representative Dingell's bill would place responsibility in the Department of Health and Human Services, specifically the Food and Drug Administration.

These differences should be reconcilable. In introducing S. 1245, for example, it was my own expectation and specific provision that any program under the Department of Agriculture should still involve interagency cooperation.

As an expression of our common commitment to the ultimate enactment of legislation, I am today joining Senator Hollings as an original cosponsor of his bill. Senator Hollings also is joining me as a cosponsor of S. 1245.

These actions are intended as a strong, unmistakable signal of our intention to work cooperatively to reach agreement—and to reach agreement on final legislation that will serve the interests of both the American consumer and the commercial fishing industry.

Senator Leahy's own bill, S. 1983, specifically provides for distinct roles in an overall inspection program by each of the three Departments. S. 1983 has been endorsed by Public Voice for Food & Health Policy. It also has been described by a coalition of organizations including the AFL-CIO, the Consumer Union, the National Consumers League, and the Consumer Federation of America as containg "most of the provisions * * * [that] are essential to a system that can offer substantial public confidence in the safety of fish."

In my own testimony before the Senate Agriculture Committee on October 24, 1989, I declared: "The choice of agency must not be decided on the basis of any Washington 'turf battles,' but rather, according to what best serves the public interest." I believe that S. 1983 would draw on the strengths of each agency, and provides an outline of common ground for all of us who are committed to this effort.

The Senate Labor Committee already has acknowledged the need for flexibility relative to FDA. In the committee report to S. 845, the Food and Drug Administration Revitalization Act, which is pending on the Senate Calendar, the committee has directed the agency to "determine which of the agency's responsibilities either can more efficiently be performed by the private sector, other Federal or State agencies, or because of changes in technology or science no longer need to be regulated by FDA."

In this regard, I very strongly support increased Federal assistance and cooperation with the States in a comprehensive fish inspection program. This is a central feature of S. 1245. It must be included in the final legislation.

I also believe that FDA and NMFS's approach to imports of fish products is inadequate. In the United States, 70 percent of fish products are imported. International trade is an important feature of our commercial fishing industry. Any Federal fish inspection program must include the capacity for inspection and certification of foreign producers.

My own support for the Department of Agriculture is based on a concern for equity and effectiveness. American consumers must be able to look directly to a single Federal authority for confidence in the inspection of meat, poultry, and fish. Federal fish inspection is too big to give to an agency that is too small; too important to be lost among shifting priorities; and too critical to be regulated to an agency with insufficient funds.

Both the FDA and NMFS currently are undergoing reconsideration, reorientation, or reaffirmation of many of their basic missions. It is my hope that we will avoid a situation where Federal fish inspection might interfere with those more fundamental, parallel ef-

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forts. At the same time, the shifting of priorities and resources within FDA and NMFS should not jeopardize establishment of a comprehensive, effective Federal fish inspection program.

Legislation along the lines of S. 1983 would allow Congress to reinforce fundamental strengths within each agency; to streamline and reorganize programs while improving upon them; and to insist on interagency cooperation in an era of scarce budget resources.

My cosponsorship of Senator Hollings' bill therefore comes with some qualifications. I have very strong reservations about the role of the Department of Commerce, specifically the National Marine Fisheries Service [NMFS].

The administration already has proposed a $30 million decrease in funding for NMFS. Among the programs proposed for termination in 1991 are those which include grants to States and various fisheries development programs. Decreases are slated for the Model Seafood Inspection Program and shellfish water standards research.

I question the commitment and ability of NMFS to perform a public health-oriented fish inspection program. NMFS already is failing to adequately perform its mission in fisheries science, management and enforcement. I would very much perfer to see NMFS devote its energy to greater fisheries research in areas such as stock assessment, fishery biology and ecology, and data analysis and management. However, I very strongly support NMFS's missions in many areas, and it is my hope that fish inspection legislation can be used as an opportunity to help strengthen the agency.

I also have reservations about the bill's water quality monitoring provisions. I do not support creating any new, independent water quality monitoring regime. As a member of the Senate Committee on the Environment and Public Works, I will insist that the committees consult closely relative to any provisions of this nature that are included in the final legislation.

From the perspective of all the bills that have been introduced, I also have reservations relative to the issue of vessel registrations, certifications, or inspections. Whatever legislation is enacted must be based on the hazards analysis critical control point [HACCP] concept, and therefore must be based on reasonable risk assessments. Inspection resources should be concentrated on those points where the public health risk is greatest. I am not persuaded that coverage of small fishing vessels is necessarily or immediately a wise use of scarce resources.

Although principles of equity and effectiveness clearly must apply for all food inspection, I also believe that final legislation must recognize the differences between the meat and poultry industries and the fishing industry. I will oppose any imposition of continuous inspection requirements on the fishing industry.

To the degree that less than continuous inspection is used, I also will insist that appropriate safeguards be included in order to adequately protect the public health. Once again, Senator Leahy's bill, S. 1983, provides substantial guidance in this regard.

My own preferences for final legislation are reflected in the broad outline in S. 1245. However, I clearly indicated at the time of introduction that S. 1245 was intended to help create consensus and to serve as an initial vehicle for discussion. With the introduction of additional bills, I believe that the momentum to achieve consensus has increased, and that we are ready to start discussing the details for a final legislative draft for consideration by the Senate later this session.

By Mr. DODD (for himself, Mr. Kennedy, Mr. Pell, Mr. Riegle, Mr. Adams, Mr. Sarbanes, Mr. Daschle, Mr. DeConcini, Mr. Kohl, and Mr. Matsunaga):

S. 2229. A bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself and Mr. Coats):

S. 2230. A bill to extend and amend programs under the Head Start Act, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself, Mr. Kennedy, Mr. Pell, Mr. Harkin, Mr. Riegle, Mr. Adams, Mr. Sarbanes, Mr. Daschle, Mr. DeConcini, Mr. Kohl, and Mr. Matsunaga):

S.J. Res. 265. Joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start; to the Committee on Labor and Human Resources.

REAUTHORIZATION OF HEAD START PROGRAM

● Mr. DODD. Mr. President, as chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I rise today to introduce three important initiatives related to the reauthorization of the Head Start Program.

Twenty-five years ago, one U.S. President stepped before a microphone before signing into law one of the most visionary and successful antipoverty programs in history. He said that Head Start services could "make certain that poverty's children would not be forevermore poverty's captives." This year, a different President, from a different political party, echoed this view. "Give any American kid an equal place at the starting line and just watch what that kid can do * * *. Head Start helps kids get that equal place."

As we celebrate the 25th anniversary of Head Start, these quotations—one from President Johnson, one from President Bush—underscore the widespread bipartisan support this program has enjoyed since its inception. Twenty-five years later, we in Government have a unique opportunity to make a good program better, to articulate an ambitious vision for the future and make it happen.

What makes Head Start so different? That's simple. We know that quality Head Start Programs can and do work. They work because they are based on some very simple principles that the expert tells us over and over can address the effects of poverty on families. Those principles include early intervention, at a critical time in the child's development; comprehensive services, taking into account the whole family's needs; quality staff and developmentally appropriate curricula; and parental and community involvement.

There is nothing magical in the words "Head Start" alone. If a Head Start Program is high quality—with well-trained and adequately paid staff, low staff-child ratios, good facilities, and a full range of services—it works. If these ingredients are not present, if we skimp on services, if we overburden and underpay our staff—then it won't. This is simple intuition, reinforced again and again by the experts who have looked at Head Start and a range of similar preschool programs.

One problem with Head Start is that too few children benefit from its vision. The program today serves only one-fifth of eligible children. Program funding, in real terms, has remained relatively flat over the past decade. What is worse, we are in danger of letting the vision slip away as program quality erodes. Head Start has made a low investment per child, spending less today in real dollars than 10 years ago. Low salaries produce high staff turnover, threatening the stability and continuity of care essential to early childhood programs. Many programs must choose between quality services and serving more children.

As we begin this reauthorization process, we must articulate a vision for Head Start that addresses today's challenges. The first challenge is funding to expand services to more children and families. To further promote bipartisan cooperation, I am introducing today with Senator Coats, President Bush's reauthorization proposal which includes an increase of $500 million for fiscal year 1991. The President has taken an important step, but we can and must do more. He proposes to target only 4-year-olds. I believe we must reach children earlier—by age 3 at the latest. We should not limit children to 1 year of services, but give them and their families time to fully benefit from Head Start's comprehensive approach.

The second challenge is to improve the quality of Head Start services. We need salaries that make Head Start competitive for the best teachers and support staff. We need to train staff so they can provide the highest quality services to children and families. We need to make transportation available, so no poor child is left out because he or she has no way to get to the program. We need to improve facilities, so children learn in a safe, attractive environment.

The final challenge is to improve social service coordination so that Head Start Programs are better able to work with today's more troubled families. Head Start is one of the few, if not the only, poverty programs that sees the family as a whole. We must increase its potential to weave a seamless garment of comprehensive services for Head Start families and children.

To meet these challenges, I am introducing today, along with Senators KENNEDY, PELL, RIEGLE, ADAMS, SARBANES, DASCHLE, DECONCINI, KOHL, and MATSUNAGA, the "Head Start Expansion and Quality Improvement Act of 1990." This bill sets out an ambitious blueprint to fully fund the program to serve all eligible 3 to 5 years old by 1995. Full funding is no pipedream we invented ourselves. Its an idea with widespread support among leaders in Government, business, and education. The Committee for Economic Development, the National Alliance of Business, and the National Governors' Association all support full funding of Head Start for all eligible children, not just those 4 years of age. To ensure that children receive high-quality services, the bill sets aside 12 percent of Head Start funds for activities such as increasing staff compensation training, and expanding the coordination of social services vital to disadvantaged families. To ensure that Head Start continues to serve more children, this set-aside would be triggered only if the annual Head Start appropriation exceeds the inflation adjusted level for the previous year.

Finally, to pay tribute to the visionary policymakers and early childhood experts who came together 25 years ago to create this program, I am introducing today a resolution commemorating May 18, 1990, as the 25th anniversary of Head Start. We must take our inspiration from these dedicated people and be as bold in our time as they were in theirs. I hope that 25 years from now, people will look back and say we did our job equally as well.

Mr. President, I ask unanimous consent that the text of these initiatives be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start Expansion and Quality Improvement Act of 1990".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) by striking "$1,198,000,000" and all that follows through "1989, and"; and

(2) by inserting after "1990" the following: ", $2,733,000,000 for fiscal year 1991, $4,273,000,000 for fiscal year 1992, $5,924,000,000 for fiscal year 1993, and $7,660,000,000 for fiscal year 1994".

SEC. 3. RESERVATION OF FUNDS.

Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (1) by striking "and (3)" and inserting "through (4)";

(2) in paragraph (2)—

(A) by striking "13" and inserting "12";

(B) by inserting "for each fiscal year" after "available" in subparagraph (A); and

(C) by striking "no less" and all that follows through "1985" in subparagraph (A), and inserting "not less than the amount that was obligated for use by Indian and migrant Head Start programs for fiscal year 1990";

(D) by striking "the amount expended" and all that follows through "1982" in subparagraph (C), and inserting "2 percent of the sums appropriated for any fiscal year";

(E) by striking the penultimate sentence; and

(F) by inserting "or paragraph (3)" in the last sentence, after "this paragraph";

(3) in paragraph (3) by striking "87 percent of the";

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (2) the following new paragraph:

"(3)(A) For any fiscal year for which the amount appropriated under section 639 exceeds the adjusted appropriation for fiscal year 1990, the Secretary shall reserve 10 percent of such amount appropriated, for one or more of the following quality improvement activities:

"(i) Not less than one-half of the amount reserved under this subparagraph, to improve the compensation (including benefits) of staff of Head Start agencies and thereby enhance recruitment and retention of such staff.

"(ii) To provide training necessary to improve the qualifications of the staff of Head Start agencies, including training in the multiple needs of families.

"(iii) To pay transportation costs incurred by Head Start agencies to enable eligible children to participate in a Head Start program.

"(iv) To employ additional Head Start staff, including staff necessary to reduce the child-staff ratio and staff necessary to coordinate a Head Start program with other services available to children participating in such program and to their families.

"(v) To pay expenses incurred by Head Start agencies to purchase insurance (other than employee benefits) and thereby maintain or expand Head Start services.

"(vi) To make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability, or enhance the quality, of Head Start programs.

"(B)(i) In each fiscal year for which funds are reserved under subparagraph (A), the Secretary shall publish in the Federal Register a notice requesting comments from the public regarding the amount (if any) of funds reserved under subparagraph (A) that the Secretary should obligate for each of the activities specified in clauses (ii) through (vi) of such subparagraph.

"(ii) The Secretary may not obligate such funds for any of such activities until the expiration of the 30-day period beginning on the date notice is published in accordance with clause (i).".

SEC. 4. POVERTY LINE.

(a) ISSUANCE OF POVERTY LINE.—Subsection (a) of section 652 of the Head Start Act (42 U.S.C. 9847) is amended to read as follows:

"(a) The Secretary shall issue annually (or at any shorter interval that the Secretary determines feasible and desirable) a poverty line that, except as provided in section 645, shall be used as a criterion of eligibility for participation in Head Start programs.".

(b) TECHNICAL AMENDMENTS.—Section 652 of the Head Start Act (42 U.S.C. 9847) is amended—

(1) by striking out subsection (b); and

(2) in subsection (c) by striking "(c) Revisions required by subsection (a) shall be made and issued" and inserting "(b) The poverty line shall be determined by the Secretary".

SEC. 5. PARTICIPATION IN HEAD START PROGRAMS.

The last sentence of section 645(a)(2) of the Head Start Act (42 U.S.C. 9840(a)(2)) is amended by striking "1990" and inserting "1994".

SEC. 6. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4);

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) The term 'adjusted appropriation for fiscal year 1990' means $1,511,000,000 adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by the Bureau of Labor Statistics, occurring in the period beginning on October 1, 1989, and ending on September 30 immediately preceding the fiscal year with respect to which a determination is made under section 640(a)(3)(A)."; and

(3) by adding at the end the following new paragraph:

"(5) The term 'poverty line' means—

"(A) the official poverty line (as defined by the Office of Mangement and Budget) adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by the Bureau of Labor Statistics, occurring in the 1-year period or other interval immediately preceding the date such adjustment is made; or

"(B) the poverty line (including any revision thereof) applicable to this subchapter for fiscal year 1990, adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by

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the Bureau of Labor Statistics, occurring in the period beginning October 1, 1989, and ending immediately before the start such adjustment is made;

whichever is greater.".

SEC. 7. EFFECTIVE DATES.

(a) General Effective Date.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on October 1, 1990.

(b) Special Effective Date.—The amendments made by section 2 shall take effect on October 1, 1990 or the date of the enactment of this Act, whichever occurs earlier.

S. 2230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start Amendments of 1990".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended by striking out "$1,198,000,000" and all that follows through the end thereof and inserting in lieu thereof "$1,886,315,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.".

SEC. 3. CONDITIONS ON RENEWED FUNDING OF GRANTEES.

(a) In General.—Subsection (c) of section 641 of the Head Start Act (42 U.S.C. 9836(c)) is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), in the administration of this section, the Secretary shall give priority in the designation of Head Start agencies to any local public or private nonprofit agency that is receiving funds under any Head Start program on the date of the enactment of this Act if the Secretary makes a finding, pursuant to a review conducted under paragraph (3), that the agency involved meets program and fiscal requirements established by the Secretary.

"(2) If there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, the Secretary shall give priority in the designation of Head Start agencies to any successor agency that is operating a Head Start program and that is operated in substantially the same manner as the predecessor agency that did receive funds in the fiscal year preceeding the fiscal year for which the determination is made.

"(3) The Secretary shall conduct a full review of each designated Head Start agency at least every 3 years, and shall determine whether each agency meets program and fiscal requirements established by the Secretary.".

(b) Effective Date.—The amendments made by subsection (a) shall become effective October 1, 1991.

SEC. 4. COORDINATION WITH OTHER AGENCIES AND PROGRAMS.

Section 642(c) of the Head Start Act (42 U.S.C. 9837(c)) is amended by striking out "with other State" and all that follows through the end thereof and inserting in lieu thereof "with public schools, the State agency responsible for administering section 402(g) of the Social Security Act, and other programs serving the children and families served by the Head Start agency to carry out the provisions of this subtitle.".

SEC. 5. CHILD DEVELOPMENT ASSOCIATE SCHOLARSHIPS.

Section 606 of the Child Development Associate Scholarship Assistance Act of 1985 (42 U.S.C. 10905) is amended to read as follows:

"SEC. 606. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $1,431,000 for fiscal year 1991, and such sums as necessary for each of the fiscal years 1992 and 1993, for carrying out this title.".

S.J. Res. 265

Whereas on May 18, 1965, President Lyndon B. Johnson announced the launching of the Head Start Program;

Whereas Head Start has provided comprehensive services, including health, education, and social services, and parent involvement opportunities to more than 11,000,000 children and their families since 1965;

Whereas Head Start has helped to ensure that children are prepared to succeed in school and become productive adults;

Whereas Head Start has been a pioneer in developing successful approaches for meeting the needs of young children and strengthening early childhood development programs;

Whereas Head Start has been a mode for involving handicapped children, and now more than 13 percent of Head Start participants are handicapped children;

Whereas Head Start now serves more than 450,000 children in every State, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, and the Pacific Territories, and in Native American and migrant programs throughout the country;

Whereas Head Start provides children with a learning environment and varied experiences that help them develop socially, intellectually, physically, and emotionally in a manner appropriate to their age and stage of development;

Whereas Head Start maximizes the strengths and unique experiences of each child;

Whereas Head Start guarantees that children receive medical and dental screening and follow-up treatment, including necessary immunizations;

Whereas Head Start helps children become physically capable of learning by providing adequate meals and snacks to help meet their daily nutritional needs;

Whereas Head Start directly includes parents in decisionmaking for the program's planning and operation;

Whereas for every five children enrolled, more than four Head Start parents are providing a volunteer service;

Whereas more the 30 percent of Head Start staff members are parents of current or former Head Start children;

Whereas members of the Head Start staff have shown a high degree of dedication to children and families across the country;

Whereas Head Start has been widely recognized by the business community, policymakers, and child development experts as an important investment in the future of our country, one that should be made for all eligible children; and

Whereas the Congress supports Head Start's goal of ensuring the availability of comprehensive services to all eligible children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 18, 1990, is commemorated as the 25th anniversary of Head Start, and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate ceremonies and activities.●

● Mr. COATS. Mr. President, since 1965, Head Start has been an innovator in the field of early childhood development and has been instrumental in developing new and creative ways of working with young children of differing ethnic and cultural backgrounds. In over 22,000 classrooms across the country, Head Start works to strengthen the ability of these children to cope with school and the world around them. But more than that, Head Start provides services for the entire family. And I think that's what makes this program work: the recognition that children are part of a family unit and that parents are the most important influence on a child's development.

For this reason, Head Start places strong emphasis on parental and community involvement in the development, conduct, and direction of the program at the local level. Head Start parents are directly involved in making decisions about their programs. They participate in the classroom and are involved in other administrative or program activities as paid employees or volunteers. Currently, almost one-third of Head Start's paid staff is composed of present and past Head Start parents.

Head Start is much more than an educational program. It is a program for the whole person. In addition to love, support, and encouragement, children in Head Start receive hot meals each day to help meet their daily nutritional needs; a comprehensive health care program—including physical and dental examinations, immunizations, and followup on identified health problems; mental health services to foster their emotional growth and help them deal with special problems; and social activities to help them learn to get along with others and gain self-confidence.

Mr. President, when we find a program that works, we need to emphasize it and preserve it. The President has recommended a significant $500 million increase for Head Start which is a major step toward the goal of affording every poor child "an equal place at the starting line." The President's proposal represents a 36-percent increase which would be the largest expansion in Head Start's history. With the President's leadership and strong support we have an opportunity to make substantial gains with our youth. I am pleased to be listed as an original sponsor of this legislation and look forward to its swift consideration.●

Mr. SARBANES. Mr. President, I am very pleased to join today in introducing legislation to reauthorize the Head Start Program. As you know, I have been a strong and consistent supporter of Head Start as well as other

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early childhood initiatives. I am especially pleased that this legislation has as one of its stated goals full funding for the Head Start Program which would enable all eligible 3- to 5-year-olds to be served by 1994.

It has long been my view that our Nation's highest priority must be the well-being and protection of our children. In this regard, the Head Start program is a proven commodity. Research and evaluation studies have documented that participation in Head Start produces immediate positive results in a child's cognitive abilities. Statistics indicate that Head Start children score higher than other children in preschool achievement tests and are less likely to repeat a grade or to be placed in remedial classes. Further, reports suggest that benefits experienced by Head Start students remain long after participation in the program. Children who have participated in Head Start are less likely than others to later drop out of school, be arrested, or receive welfare payments, and are much more likely to find employment or attend college.

The Head Start Program was established in 1965 to assist in preparing low-income preschool children for entrance into the school system. It is based on the principle that young children have certain needs which must be fulfilled in order to grow, learn, and develop successfully. Head Start was designed and intended to involve the child's entire family in the process of learning and development, and parents are encouraged to offer their ideas and participate in program activities. By bringing parents into the process, the program recognizes the family as the most important influence in the child's early years. By offering a comprehensive, interdisciplinary program providing educational, social, health, nutrition, and psychological services to disadvantaged children and their families, Head Start has proven that early attention to the needs of children can make a significant difference in their educational and social development.

The Head Start Program was established with the recognition that the most successful programs are those in which communities are allowed the necessary flexibility and latitude to shape the program to best suit their needs. I know that in my State of Maryland, Head Start has benefited from the strong support of community non-profit organizations, school boards, and religious institutions. Head Start staffs have also worked closely with local social service agencies to coordinate efforts on behalf of low-income families. Recognizing that many impoverished children have never received adequate medical attention, Head Start children are afforded medical and dental checkups and nutritious meals. The full range of Head Start's developmental services are also extended to handicapped children, who compromise 10 percent of the program's national enrollment.

Mr. President, it is estimated that every dollar invested in the Head Start Program will save $7 in the future by reducing school dropouts, drug abuse, crime, and teenage pregnancies. In spite of this, the previous administration consistently recommended funding levels that were completely inadequate to meet the needs of millions of our Nation's disadvantaged children. Reliable studies have shown consistently that the Head Start Program can help prevent a broad range of poverty-related problems that drain our resources and prevent millions of young people from living full and productive lives. I am pleased that the current administration has proposed an increase in funding for Head Start in fiscal year 1991. However, even with this increase, only one in five disadvantaged children will have access to the tremendous benefits available through participation in the Head Start Program.

Let me close by making this observation. Four years ago, as chairman of the Joint Economic Committee, I held a series of hearings on investments in the Nation's future. These hearings were an effort to try to look into the future and take a long view on investment needs in such diverse fields as health, the environment, transportation, research and development—in short, the entire range of things to be considered when talking about the future strength of our country. During the hearing devoted to preventive health care, the point was made effectively that the cost of providing adequate services during early childhood would be more than rapid in the future in terms of saved health care costs, improved productivity, and improved output. We cannot afford to continue to shortchange programs which have proven effective in ensuring a brighter future for our children. The Head Start Program has demonstrated conclusively that early childhood intervention can make a significant difference in a child's development, and I urge my colleagues to join me in strong support of legislation to reauthorize the Head Start Program.

Mr. President, I want to note that I am also joining in the introduction of a resolution to commemorate May 18, 1990, as the 25th anniversary of Head Start. Head Start now serves more than 450,000 children in every State, the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, the Pacific Territories, and in Native American and migrant programs throughout the country. Over 30 percent of Head Start staff members are parents of current or former Head Start children. It has been my privilege to meet and work closely with Marylanders who have been involved in my State's Head Start Program, and I want to take this opportunity to extend my congratulations to those individuals and to others throughout the country who have worked so hard to ensure the continued success of this critical program.

By Mr. HELMS:

S.J. Res. 263. Joint resolution to designate October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day"; to the Committee on the Judiciary.

NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION CENTENNIAL DAY

● Mr. HELMS. Mr. President, today I am pleased to introduce a joint resolution designating October 11, 1990, as "National Society of the Daughters of the American Revolution Centennial Day." I invite each of my colleagues to cosponsor this resolution.

If this is a "conflict of interest," I plead nolo contendere because Dot Helms and our two daughters have been active in the Daughters of the American Revolution for years.

Founded in October 11, 1890, the National Society of the Daughters of the American Revolution [NSDAR] is a service organization dedicated to educational, historical and patriotic purposes. It was incorporated by Congress in 1896. Today, there are chapters of NSDAR in all 50 States, the District of Columbia, and overseas in Australia, Canada, France, Mexico, and the United Kingdom.

Mr. President, there are many examples of the fine work of NSDAR. For years, the society has been helping children in remote mountain areas receive an education. Two schools in the Appalachian region that NSDAR supports are the Kate Duncan Smith DAR schools in Alabama, and the Tamassee DAR school in South Carolina. Both schools are accredited by the Southern Association of Colleges and Schools. The NSDAR also assists in the education of Indian youth by granting scholarships.

Mr. President, its name, Daughters of the American Revolution, suggests involvement in and emphasis on the history of the United States. NSDAR American history scholarships are given annually to one qualifying senior in a high school graduating class. Headquartered in Washington, DC, the NSDAR facility is a registered national historic landmark. The NSDAR Library, which occupies a part of the headquarters building, is one the finest genealogical libraries in the country, containing a vast amount of historical material, including more than 82,000 books, along with unpublished genealogy typescripts and genealogical periodicals.

Obviously, Mr. President, the NSDAR is constantly involved with patriotic events and endeavors. For ex-

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ample, the first and only resolution of the first NSDAR Continental Congress in 1892 was to honor and respect the flag of the United States of America. Also, the flags at the U.S. Naval Academy Dahlgren Hall were originally given by the NSDAR in 1937. These include the U.S. flag, the flags of the 48 States, and the territorial flags. In 1955, the NSDAR gave 52 flags to replace the earlier ones, and individual flags have been given since.

Mr. President, this resolution will officially commemorate the centennial of a fine organization that has contributed an immense amount of time and effort to the heritage and pride of this country. I urge my colleagues to join in this worthy commemorative.●

By Mr. BIDEN (for himself, Mr. Thurmond, Mr. Lautenberg, Mr. Adams, Mr. Dixon, Mr. Kennedy, Mr. Metzenbaum, Mr. DeConcini, Mr. Heflin, Mr. Kohl, Mr. Hollings, Mr. Ford, Mr. Inouye, Mr. Coats, Mr. Shelby, Mr. Dodd, Mr. Levin, Mr. Rockefeller, Mr. Hatch, Mr. Lugar, Mr. Wilson, Mr. Symms, Mr. Pressler, Mr. Byrd, and Mr. Daschle):

S.J. Res. 264. Joint resolution to commemorate the 50th anniversary of the National Sheriffs' Association; to the Committee on the Judiciary.

THE 50TH ANNIVERSARY OF THE NATIONAL SHERIFFS' ASSOCIATION

● Mr. BIDEN. Mr. President, on September 26, 1940, the National Sheriffs' Association [NSA] was founded by the Secretary of State in the State of Ohio. I rise today to introduce a joint resolution to commemorate the 50th anniversary of this association and to recognize the services rendered by the sheriffs of our Nation.

One of the NSA's longstanding goals has been to raise the level of professionalism of all sheriffs and their deputies. The association continues to help train professional law enforcement officers and serves as an outlet for information pertaining to the duties, methods, and official practices of its members.

The NSA works closely with all State associations of sheriffs, as well as with Federal, State, and municipal law enforcement agencies, to ensure that sufficient law enforcement services are provided in communities throughout our Nation. The NSA also works with Federal and State legislatures, promoting both the needs of the enforcement officials and the safety of the public.

The commitment and service of our Nation's sheriffs to the individual counties and communities throughout the United States is often administered without due recognition or acknowledgment. Mr. President, the sheriffs of this country are the chief law enforcement officers in each individual county. Every day, sheriffs throughout the United States engage in the war on drugs in our cities and in the rural areas of our counties. This legislation will honor not only the efforts of current sheriffs but also the sheriffs and deputies who have died in the service of others.

Although, the authority of the individual sheriff varies from State to State, all sheriffs possess the power to make arrests and conduct investigations within their jurisdiction. Some States extend this authority to adjacent counties or to the entire State. Sheriffs' departments also perform routine patrol functions, including traffic control, accident investigations, and transportation of prisoners. Larger departments perform criminal investigations and engage in other specialized law enforcement activities. In addition, some sheriffs' departments have air patrols, mounted patrols, and marine patrols.

Mr. President, the purpose of this joint resolution is to honor the efforts of our Nation's sheriffs. I invite my colleagues to join me in honoring our Nation's sheriffs and their commitment to the security of our counties and communities.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 264

Whereas the National Sheriff's Association, incorporated on September 26, 1940, by the Secretary of State of the State of Ohio, is commemorating 50 years of service this year;

Whereas the purposes of the National Sheriff's Association are to form and perpetuate an efficient organization of the sheriffs of the United States and to raise the level of professionalism in the office of sheriff and in sheriff's deputies and other law enforcement professionals charged with or interested in the execution and enforcement of State and Federal laws;

Whereas the National Sheriffs' Association continues to provide professional law enforcement leadership in the areas of training and exchange of information pertaining to the duties, methods, and official practices of the members and to inform the members of all such matters that pertain to violation of law or injury to persons or property;

Whereas the National Sheriffs' Association has continued to foster cooperation among State sheriffs' associations and Federal, State, and municipal law enforcement organizations; and

Whereas the National Sheriffs' Association has continued to advocate and preserve legislation in harmony with the needs of enforcement officials and the safety of the public: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 24, 1990, through June 30, 1990, is designated as "National Sheriffs' Week" in honor of the 50th anniversary of the National Sheriffs' Assocation, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to honor all sheriffs during the week for their outstanding efforts to preserve the peace and ensure domestic tranquility.●

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. Sanford, the names of the Senator from Nevada [Mr. Bryan], the Senator from Kentucky [Mr. Ford], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 980

At the request of Mr. Mitchell, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of S. 980, a bill to amend the Internal Revenue Code of 1986 to improve the effectiveness of the low-income housing credit.

S. 1430

At the request of Mr. Kennedy, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of S. 1430, a bill to enhance national and community service, and for other purposes.

S. 1511

At the request of Mr. Pryor, the names of the Senator from Connecticut [Mr. Dodd], the Senator from Washington [Mr. Adams], and the Senator from Illinois [Mr. Simon] were added as cosponsors of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1557

At the request of Mr. Roth, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 1557, a bill to amend title 17, United States Code, to permit the unlicensed viewing of videos under certain conditions.

S. 1579

At the request of Mr. Fowler, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 1579, a bill to amend the National Historic Preservation Act, the Historic Sites Act, the Archaeological Resources Protection Act, and the Abandoned Shipwreck Act, and certain related acts to strengthen the preservation of our historic heritage and resources, and for other purposes.

S. 1853

At the request of Mr. Chafee, the names of the Senator from Kansas [Mrs. Kassebaum], the Senator from Maine [Mr. Cohen], and the Senator from Utah [Mr. Hatch] were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

At the request of Mr. Roth, his name was added as a cosponsor of S. 1853, supra.

S. 1893

At the request of Mr. Reid, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 1893, a bill to reauthorize the Asbestos School Hazard Abatement Act of 1984.

S. 2003

At the request of Mr. Hollings, the name of the Senator from Virginia [Mr. Robb] was added as a cosponsor of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2012

At the request of Mrs. Kassebaum, the name of the Senator from Oregon [Mr. Hatfield] was added as a cosponsor of S. 2012, a bill to amend the Employee Income Security Act of 1974 to require an independent audit of statements prepared by certain financial institutions with respect to assets of employee benefit plans.

S. 2013

At the request of Mr. Bryan, the names of the Senator from Nebraska [Mr. Exon], the Senator from Nebraska [Mr. Kerrey], the Senator from Virginia [Mr. Robb], and the Senator from Iowa [Mr. Grassley] were added as cosponsors of S. 2013, a bill to require that the surplus in the Highway Trust Fund be expended for the Federal-Aid Highway System.

S. 2021

At the request of Mr. Dole, the name of the Senator from Indiana [Mr. Coats] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2069

At the request of Mrs. Kassebaum, the name of the Senator from Oregon [Mr. Hatfield] was added as a cosponsor of S. 2069, a bill to provide an 18-month moratorium on employer revisions upon termination of single--employer defined benefit pension plans.

S. 2114

At the requesof Mr. Kennedy, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 2114, a bill to promote excellence in American mathematics, science, and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; provide for education, training, and retraining of the Nation's technologists; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes.

S. 2158

At the request of Mr. Pryor, the name of the Senator from Louisiana [Mr. Breaux] was added as a cosponsor of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2184

At the request of Mr. Baucus, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 2184, a bill to assist small communities in construction of facilities for the protection of the environment and human health.

S. 2203

At the request of Mr. Domenici, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 2203, a bill to settle certain claims of the Zuni Indian Tribe, and for other purposes.

SENATE JOINT RESOLUTION 224

At the request of Mr. Byrd, the names of the Senator from North Carolina [Mr. Helms], the Senator from Washington [Mr. Adams], the Senator from Indiana [Mr. Lugar], the Senator from Missouri [Mr. Danforth], the Senator from California [Mr. Cranston], the Senator from Illinois [Mr. Dixon], the Senator from South Carolina [Mr. Hollings], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 227

At the request of Mr. Kasten, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week."

SENATE JOINT RESOLUTION 237

At the request of Mr. Dole, the names of the Senator from Idaho [Mr. Symms], the Senator from Utah [Mr. Garn], the Senator from Delaware [Mr. Roth], the Senator from California [Mr. Wilson], the Senator from California [Mr. Cranston], the Senator from Hawaii [Mr. Inouye], the Senator from Montana [Mr. Burns], the Senator from Mississippi [Mr. Lott], the Senator from New York [Mr. Moynihan], the Senator from Missouri [Mr. Danforth], the Senator from New Hampshire [Mr. Humphrey], the Senator from Alaska [Mr. Stevens], the Senator from Wyoming [Mr. Simpson], the Senator from Missouri [Mr. Bond], the Senator from Maine [Mr. Mitchell], the Senator from Arizona [Mr. McCain], the Senator from North Carolina [Mr. Helms], the Senator from Texas [Mr. Bentsen], the Senator from Florida [Mr. Mack], the Senator from Virginia [Mr. Warner], the Senator from New Jersey [Mr. Bradley], the Senator from New York [Mr. D'Amato], the Senator from Ohio [Mr. Metzenbaum], and the Senator from New Jersey [Mr. Lautenberg] were added as cosponsors of Senate Joint Resolution 237, a joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

SENATE JOINT RESOLUTION 241

At the request of Mr. D'Amato, the names of the Senator from Wisconsin [Mr. Kohl], and the Senator from Maryland [Mr. Sarbanes], were added as cosponsors of Senate Joint Resolution 241, a joint resolution to designate the week of April 29, 1990, through May 5, 1990, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. Boschwitz, the names of the Senator from Colorado [Mr. Wirth], the Senator from Michigan [Mr. Riegle], the Senator from Alaska [Mr. Murkowski], and the Senator from Wisconsin [Mr. Kasten], were added as cosponsors of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 252

At the request of Mr. Bentsen, the names of the Senator from Georgia [Mr. Fowler], the Senator from Alabama [Mr. Heflin], the Senator from Louisiana [Mr. Johnston], and the Senator from Pennsylvania [Mr. Specter] were added as cosponsors of Senate Joint Resolution 252, a joint resolution designating the week of April 15, 1990, through April 21, 1990, as "National Minority Cancer Awareness Week."

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. Wilson, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress relating to the human rights conditions of Jews in Ethiopia.

SENATE CONCURRENT RESOLUTION 92

At the request of Mr. Hatch, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of Senate Concurrent Resolution 92, a concurrent resolution to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

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SENATE CONCURRENT RESOLUTION 94

At the request of Mr. Simon, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. Simon, the names of the Senator from Rhode Island [Mr. Pell], and the Senator from New York [Mr. D'Amato] were added as cosponsors of Senate Concurrent Resolution 95, a concurrent resolution concerning the consultations of nations at the conference on the reunification of Germany.

AMENDMENT NO. 1279

At the request of Mr. Armstrong, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of Amendment No. 1279 proposed to S. 1430, a bill to enhance national and community service, and for other purposes.

AMENDMENT NO. 1280

At the request of Mr. Lugar, his name was added as a cosponsor of amendment No. 1280 intended to be proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

At the request of Mr. Specter, the names of the Senator from Ohio [Mr. Glenn], the Senator from Illinois [Mr. Dixon], and the Senator from Illinois [Mr. Simon] were added as cosponsors of amendment No. 1280 intended to be proposed to S. 1630, supra.

SENATE CONCURRENT RESOLUTION 99—25TH ANNIVERSARY OF THE OLDER AMERICANS ACT

Mr. PRYOR (for himself, Mr. Heinz, Mr. Conrad, Mr. Cochran, Mr. Glenn, Mr. Exon, Mr. Ford, Mr. Hatfield, Mr. Matsunaga, Mr. Kohl, Mr. Domenici, Mr. Pell, Mr. Bradley, Mr. Wilson, and Mr. Chafee) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. Con. Res. 99

Whereas 1990 marks the 25th anniversary of the enactment of the Older Americans Act of 1965;

Whereas during the past 25 years, the implementation of the Older Americans Act of 1965 has contributed to the economic well-being of millions of older Americans, and has improved the quality of life for such individuals;

Whereas one of the key elements contributing to the successful implementation of the Older Americans Act of 1965 has been the establishment of an aging network composed of State and local aging agencies providers of congregate and home-delivered nutrition and many other community service workers;

Whereas the Administration on Aging in the Department of Health and Human Services was created by the Older Americans Act of 1965, and has been empowered to act as an effective advocate for the concerns and needs of older individuals;

Whereas many older individuals, and the individuals who serve the needs of older individuals, have benefited greatly from the research, training, and education that programs established under the Older Americans Act of 1965 have provided;

Whereas services authorized under the Older Americans Act of 1965 have provided important part-time community service employment opportunities for low-income elderly individuals;

Whereas some of the programs under the Older Americans Act of 1965 were designed to address the special needs of older Native Americans;

Whereas some of the programs authorized under the Older Americans Act of 1965 were created to address the specific concerns of those older Americans with the greatest social and economic needs, especially minority older Americans;

Whereas many services under the Older Americans Act of 1965, including long-term care ombudsman and legal services providers, have acted as powerful advocates for elderly individuals;

Whereas in recognition to the changing needs of a rapidly aging society, the Older Americans Act of 1965 has been periodically amended;

Whereas the Older Americans Act of 1965 has brought together thousands of dedicated professionals and volunteers and has provided inspiration for such individuals;

Whereas the Older Americans Act of 1965 serves as a model for the development of community-based services, including services that provide alternatives to the institutionalization of older individuals; and

Whereas the Older Americans Act serves as the foundation for an effective human services policy for millions of Americans as this Nation enters the 21st century: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the 25th anniversary of the enactment of the Older Americans Act of 1965, and the successful implementation of such Act should be recognized;

(2) the many and varied contributions at all levels of the aging network fostered by the Older Americans Act of 1965 should be recognized; and

(3) the Congress and the citizens of this Nation should reaffirm support for the Older Americans Act of 1965, and the primary goals of such Act of providing services to maintain the dignity of older individuals in the United States, and promoting the independence of such individuals.

● Mr. PRYOR. Mr. President, this year marks the 25th anniversary of the enactment of the Older Americans Act, the principal Federal legislation providing social services to the elderly. As chairman of the Senate Special Committee on Aging, I join with Senator John Heinz, the committee's distinguished ranking minority member, Senator Spark Matsunaga, the chairman of the Aging Subcommittee of the Labor and Human Resources Committee, and Senator Thad Cochran, the subcommittee's ranking minority member, as well as Senators Conrad, Gleen, Exon, Kohl, Pell, Ford, Bradley, Hatfield, Domenici, and Wilson in introducing a resolution commemorating the act's 25th anniversary.

Today, Representative Thomas Downey, the distinguished chairman of the Human Services Subcommittee of the House Select Committee on Aging, will be introducing an identical resolution in the other Chamber. Mr. Downey, who drafted this resolution has been an unfailing advocate of the elderly for many years. I salute him for initiating this timely resolution, and I look forward to working with him in the years to come on issues of concern to older Americans.

Mr. President, the Older Americans Act was signed into law during my first term in the House of Representatives. In reflecting upon the past 25 years, it is safe to say that the act has been a tremendous success. The statute authorizes a broad array of services and programs for older persons, including congregate nutrition centers, home delivered meals programs, legal services, long-term care ombudsman-advocates, information and referral programs, homemaker services, and community service employment, among others.

The diversity of services is a remarkable feature of the Older Americans Act. Unlike many complex Federal programs, this act places trust in the creativity and resourcefulness of State and local agencies to address the disparate needs of their communities.

However, this diversity does not mean the act lacks clear purpose. On the contrary, I believe one theme ties together all elements of the Older Americans Act. In my view, the act serves as a helping hand enabling elderly persons to maintain their independence and dignity. Through its various services, the Older Americans Act remains a vital and needed force in the lives of elderly persons.

In order to coordinate these various services, the Older Americans Act established an aging network that advocates on behalf of older persons on the national, State, and local levels. Today, this vital network consists of State units on aging in each of the 50 States, 670 area agencies on aging, and more than 25,000 local service providers. The act also provides grants for Native American senior programs, as well as funding for training, research, and demonstration projects in the field of aging.

The Older Americans Act is scheduled for reauthorization next year. In anticipation, the Senate Special Committee on Aging is holding a series of legislative workshops to examine the act and its services and to propose possible changes. The first workshop was held on January 31, 1990. More than 100 persons, including congressional staff, advocates, and service providers, attended the workshop and actively participated in a broad review of the act and its purposes. The committee hopes to hold at least three more workshops this year, focusing upon particular services or specific issues affecting the act.

Mr. President, I believe that this resolution will help assure that the achievements of the Older Americans Act and of thousands of dedicated professionals and volunteers who provide services to the elderly receive proper recognition. I urge all my colleagues to support this resolution acknowledging the first quarter century of the Older Americans Act.●

SENATE RESOLUTION 254—COMMENDING BETTY MEYER

Mr. DOLE submitted the following resolution; which was considered and agreed to:

S. Res. 254

Whereas Betty Meyer became an employee of the Senate of the United States on May 4, 1970, and since that date has ably and faithfully upheld the high standards and traditions of the staff of the Senate of the United States for a period that included ten Congresses;

Whereas Betty Meyer has proudly served as executive assistant and personal secretary to the Republican Leader; enduring long hours, short weekends and unending changes in the daily schedule;

Whereas Betty Meyer, despite the barrage of requests, and untold thousands of calls, complaints, requests, and demands from visitors, lobbyists and staffers, faithfully discharged the difficult duties and responsibilities of her position on the staff of the Senate of the United States with great efficiency, devotion, and dedication;

Whereas Betty Meyer, in the line of duty spent more time on the telephone than any other known person, and

Whereas Betty Meyer retires from the Senate of the United States Senate on June 30, 1990: Now, therefore, be it

Resolved, That the Senate of the United States commends Betty Meyer for her exemplary service to the Senate and the Nation, and wishes to express its deep appreciation and gratitude for her long, faithful, and outstanding service.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Betty Meyer.

SENATE RESOLUTION 255—CALLING FOR A SETTLEMENT IN THE MAJOR LEAGUE BASEBALL NEGOTIATIONS

Mr. McCAIN (for himself, Mr. DeConcini, Mr. Graham, Mr. Levin, Mr. Gorton, Mr. Boschwitz, Ms. Mikulski, Mr. Robb, and Mr. Burns) submitted the following resolution; which was considered and agreed to:

S. Res. 255

Whereas the American public is now witnessing the end of the second week of the spring training lockout in baseball;

Whereas the economics of those communities that host spring training are suffering major economic losses as a result of baseball owners and players inability to agree and begin the season;

Whereas cities with major league baseball franchises now risk similar serious economic losses if the disagreement continues;

Whereas major league baseball enjoys a unique and privileged treatment under federal law;

Whereas the American people do not believe the inability to resolve these disputes should deny the American people the opportunity to see a complete spring training and regular season of the national pastime;

Whereas in addition to representing the interests of owners and players, the negotiators in this dispute have an obligation to baseball fans, who through their enthusiasm, attendance, and willingness to pay to view the game, provide benefits to both owners, players and the host communities: Now, be it

Resolved, That the baseball owners, players, and their negotiators settle their differences promptly and begin a complete spring training and regular season as soon as possible.

SENATE RESOLUTION 256—COMMENDING THE PEOPLE OF NICARAGUA

Mr. MITCHELL (for Mr. Danforth, for himself, Mr. Dodd, Mr. Wallop, Mr. Pell, Mr. Dole, and Mr. Mitchell) submitted the following resolution; which was considered and agreed to:

S. Res. 256

Resolved, That the Senate commends the people of Nicaragua for their recent successfully held election, and calls for a spiritual reconciliation by all parties and for a peaceful transition of power.

AMENDMENTS SUBMITTED

NATIONAL AND COMMUNITY SERVICE ACT

KENNEDY AMENDMENT NO. 1282

Mr. KENNEDY proposed an amendment to amendment No. 1279 proposed by Mr. Armstrong (and others) to the bill (S. 1430) to enhance national and community service, as follows:

In lieu of the matter proposed to be inserted, insert the following:

Sec. . Section 1-2503 of the District of Columbia Code (1981 edition) is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

(c)(1) Nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation in any program or activity that educates, coaches or trains any minor, or holds out an adult as a role model, mentor, or companion to any minor, of any adult homosexual, bisexual, or heterosexual person who has been convicted of or is charged with a sexual offense with a minor, or who otherwise poses a threat of engaging in sex with a minor or otherwise sexually abusing a minor; and

(2) nothing in this chapter shall be construed to bar any organization or entity from denying, restricting, abridging, or conditioning the participation of any adult homosexual, bisexual, or heterosexual person in any voluntary program or activity that educates, coaches, or trains any minor, or holds out an adult as a role model, mentor, or companion to a minor, if the parent or guardian of said minor objects to the participation of such person based on the person's sexual orientation.

NICKLES (AND BRADLEY) AMENDMENT NO. 1283

Mr. NICKLES (for himself and Mr. Bradley) proposed an amendment to the bill S. 1430, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF CONGRESS CONCERNING ENACTMENT OF GOOD SAMARITAN FOOD DONATION ACT.

(a) In General.—It is the sense of Congress that each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States should—

(1) encourage the donation of apparently wholesome food or grocery products to nonprofit orginizations for distribution to needy individuals; and

(2) consider the model Good Samaritan Food Donation Act (provided in subsection (c)) as a means of encouraging the donation of the food and products.

(b) Distribution of Copies.—The Archivist of the United States shall distribute a copy of this section to he chief executive officer of each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(c) Model Good Samaritan Food Donation Act.—

(1) Short Title.—This subsection may be cited as the "Good Samaritan Food Donation Act".

(2) Definitions.—As used in this section:

(A) Apparently fit grocery product.—The term "apparently fit grocery product" means a grocery product that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the product may not be readily marketable due to appearence, age, freshness, grade, size, surplus, or other condition.

(B) Apparently wholesome food.—The term "apparently wholesome food" means food that meets all quality and labeling standards imposed by Federal, State, and local laws and regulations even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition.

(C) Donate.—The term "donate" means to give without requiring anything of monetary value from the recipient, except that the term shall include giving by a nonprofit organization to another nonprofit organization, notwithstanding that the donor organization has charged a nominal fee to the donee organization, if the ultimate recipient or user is not required to give anything of monetary value.

(D) Food.—The term "food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(E) Gleaner.—The term "gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit

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organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(F) Grocery product.—The term "grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product, or miscellaneous household item.

(G) Gross negligence.—The term "gross negligence" means voluntary and conscious conduct by a person with knowledge (at the time of the conduct) is likely to be harmful to the health or well-being of another person.

(H) Intentional misconduct.—The term "intentional misconduct" means conduct by a person with knowledge (at the time of the conduct) that the conduct is harmful to the health or well-being of another person.

(1) Nonprofit organization.—The term "nonprofit organization" means an incorporated or unincorporated entity that—

(i) is operating for religious, charitable, or educational purposes; and

(ii) does not provide net earnings to, or operate in any other manner that inures to the benefit of, any officer, employee, or shareholder of the entity.

(J) Person.—The term "person" means an individual, corporation, partnership, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.

(3) Liability for damages from donated food and grocery products.—A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or international misconduct.

(4) Collection or gleaning of donations.—A person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners or unpaid representatives of a nonprofit organizations for ultimate distribution to needy individuals shall not be subject to civil or criminal liability that arises due to the injury of the gleaner or representative, except that this paragraph shall not apply to an injury or death that results from an act or omission of the person constituting gross negligence or international misconduct.

(5) Partial compliance.—If some or all of the donated food and grocery products do not meet all quality and labeling standards imposed by Federal, State, and local laws and regulations, the person or gleaner who donates the food and products shall not be subject to civil or criminal liability in accordance with this section if the nonprofit organization that receives the donated food or products—

(A) is informed by the donor of the distressed or defective condition of the donated food or products;

(B) agrees to recondition the donated food or products to comply with all the quality and labeling standards prior to distribution; and

(C) is knowledgeable of the standards to properly recondition the donated food or product.

(b) Construction.—This subsection shall not be construed to create any liability.

(d) Effect of Section.—The model Good Samaritan Food Donation Act (provided in subsection (c)) is intended only to serve as a model law for enactment by the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States. The enactment of subsection (c) shall have no force or effect in law.

McCAIN (AND OTHERS) AMENDMENT NO. 1284

Mr. McCAIN (for himself, Mr. Lott, Mr. Gorton, and Mr. Mack) proposed an amendment to the bill S. 1430, supra, as follows:

At the appropriate place in the substitute amendment insert the following:

"The provisions of this Act shall terminate September 30, 1992.".

KASTEN (AND OTHERS) AMENDMENT NO. 1285

Mr. HATCH (for Mr. Kasten, for himself, Mr. Cochran, Mr. Domenici, and Mr. Dole) proposed an amendment to the bill S. 1430, supra, as follows:

At the appropriate place in the bill, add the following:

Any entity, including the Foundation, administering a program or project under this act shall take appropriate action to ensure that:

(1) Rural Areas receive equitable treatment in the allocation and distribution of assistance; and

(2) Prospective grantees or fund recipients located in Rural Areas are treated equitably under the eligibility criteria.

CLEAN AIR ACT AMENDMENTS

GLENN (AND HEINZ) AMENDMENT NO. 1286

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. Heinz) submitted an amendment intended to be proposed by him to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

On page 381, beginning with line 10, strike out all through line 2 on page 382.

NATIONAL AND COMMUNITY SERVICE ACT

WALLOP (AND OTHERS) AMENDMENT NO. 1287

Mr. WALLOP (for himself, Mr. Hatch, Mr. Dole, Mr. Symms, and Mr. Simpson) proposed an amendment to the bill S. 1430, supra, as follows:

At the end of the bill insert the following:

Sec. . Findings.—The Congress of the United States finds:

(1) On February 25, 1990, Violeta Chamorro was elected President of Nicaragua.

(2) Mrs. Chamorro's victory followed a courageous and effective campaign by the United Nicaraguan Opposition—UNO—a coalition of 14 parties which selected Mrs. Chamorro as its candidate.

(3) The citizens of Nicaragua responded to the opportunity to participate in the electoral process by going to the polls in record numbers.

(4) Immediately following the election, Daniel Ortega pledged to respect the results of the election and turn over power to Mrs. Chamorro on April 25, as prescribed in Nicaraguan law.

(5) Subsequently, Ortega made disturbing comments, indicating that the Sandinistas intended to seek to retain power by "governing from below;" and specifically suggesting that the Sandinistas would seek to retain control of the army and internal security apparatus.

(6) International observers, including observers from the Congress, have generally concluded that the balloting on February 25 was conducted freely and fairly.

(7) The President has welcomed the results of the Nicaraguan election, and has indicated his intention to consider ways to help the people of Nicaragua consolidate a democratic system and rebuild their society and economy.

Sec. . It is the sense of the Congress of the United States that:

(1) Violeta Chamorro should be congratulated on her great election victory, and on her courageous and effective electoral campaign.

(2) The people of Nicaragua displayed great determination and commitment to the democratic process by turning out at the polls in record numbers.

(3) Daniel Ortega and the Sandinistas should turn over all power, military and civilian, to Mrs. Chamorro and her government on April 25.

(4) Recent comments by Ortega that the Sandinistas would seek to maintain power by "governing from below" are deplorable, a violation of Ortega's commitment to respect the results of the election, an afront to the effort supported by the other Presidents of the region and the United States to foster peace and democracy in Nicaragua, and an insult to the people of Nicaragua who voted overwhelmingly for Mrs. Chamorro.

(5) As the process of the transfer of all power to Mrs. Chamorro and her government unfolds and is completed, the United States should consider and implement the lifting of all economic sanctions, the normalization of political and economic relations, and the provision of appropriate aid.

KENNEDY (AND OTHERS) AMENDMENT NO. 1288

Mr. KENNEDY (for himself, Mr. Dodd, Mr. Pell, Mr. Leahy, and Mr. Kerry) proposed an amendment to amendment No. 1287 proposed by Mr. Wallop (and others) to the bill S. 1430, supra, as follows:

Strike all after the first word in the pending amendment and in lieu thereof insert the following:

(A) Congress finds that—

(1) on February 25, 1990 Violeta Barrios de Chamorro was elected President of Nicaragua;

(2) the Esquipulas Peace Accords, initiated by President Arias of Costa Rica, for which he was awarded the Nobel Peace Prize in 1987, served to lay the groundwork for national elections in Nicaragua by emphasizing the need for improved democratic processes and procedures throughout the region;

(3) the Government of Nicaragua signed the Esquipulas Accords and agreed to conduct free and fair national elections on February 25, 1990;

(4) the Congressional leadership and President Bush reached a bipartisan accord on March 24, 1989 which served to endorse the Esquipulas Agreements, and expressed strong support for democratic electoral reform in Nicaragua;

(5) the elections were freely and fairly conducted and that President Daniel Ortega has accepted the results of that election, and he has pledged full support for a peaceful transition process;

(6) the citizens of Nicaragua responded to the opportunity to participate in free and fair elections by going to the polls in record numbers;

(7) hundreds of international observers from the United Nations, the Organization of American States, the Council of Freely Elected Heads of States, the European Parliament and other independent groups have declared that the elections were fairly and freely conducted; and

(8) President Bush has welcomed the election results, has expressed his hope that an immediate cease-fire will be declared, and has indicated his intention to consider ways to help the people of Nicaragua to rebuild their country;

(B) In recognition of the above findings, the Congress hereby—

Underscores the achievements of the Esquipulas Peace Accords, particularly with respect to improved democratic processes and procedures in Nicaragua;

Congratulates Violeta Barrios de Chamorro for conducting a courageous and successful election campaign leading to her election as President of Nicaragua;

Applauds the people of Nicaragua for their strong participation in the democratic process and their determination to support political pluralism in Nicaragua;

Commends the Government of Nicaragua for the fulfillment of the commitment to conduct free and fair elections;

Calls upon the Government of Nicaragua to proceed, as quickly as possible, with the transition process, including the transfer of all civil and military power to the duly-elected government of Violeta Barrios de Chamorro;

Urges the incoming Chamorro government and the outgoing Ortega government to give the highest priority to the need for national reconciliation and political stability; and

Recommends that the Government of the United States proceed to full normalization of relations with the Government of Nicaragua, including the removal of all economic sanctions, including the trade embargo; and to do all that it can to assist national reconciliation efforts, such as the reintegration of resistance forces into the civil and political life of Nicaragua.

CLEAN AIR ACT AMENDMENTS

DeCONCINI AMENDMENT NO. 1289

(Ordered to lie on the table.)

Mr. DeCONCINI submitted an amendment intended to be proposed by him to the bill S. 1630, supra, as follows:

On page 180, line 17, strike "Act.". and insert "Act."

On page 180, between lines 17 and 18 insert the following:

"(h) Maintenance of Requirements.—

"(1) Notwithstanding any other provision of this Act, until a State demonstrates and the Administrator determines that the area to which an implementation plan applies has actually attained the applicable ambient air quality standards in effect for such area, any implementation plan or revision of such plan shall—

"(A) in addition to any other requirements of this Act, provide emission limitations, control measures, conditions and requirements at least as stringent and comprehensive as those included in the applicable implementation plan in effect on the date of enactment of the Clean Air Act Amendments of 1989 for the area to which the plan applies.

"(B) provide that schedules and timetables of compliance, as defined by section 302(p), a delayed compliance order under section 113, or an order of any court for any source located in, or that contributes to, air pollution in any nonattainment area that are included in the plan shall not be extended or relaxed, and

"(C) provide that a condition or requirement or schedule for implementation of any requirement or prohibition respecting a motor vehicle fuel or fuel additive, transportation control measures, air quality maintenance plans, vehicle inspection and maintenance programs, or vapor recovery requirement that is included in the implementation plan may not be extended or relaxed.

"(2) The provisions of subparagraphs (A) and (B) shall not be construed as requiring the continuation of any provisions of an implementation plan where the Administrator finds, after notice and opportunity for public comment that—

"(A) implementation of the provision would create a serious risk of adverse effect to human health that was unknown at the time the provision was adopted, and the risk significantly outweighs any actual or potential air quality benefit;

"(B) implementation of the provision offers no potential for any air quality benefit or for assisting in implementing other parts of the plan; or

"(C) the provision was included in the implementation plan as the result of typographical or clerical error.

"(2) If, prior to the enactment of the Clean Air Act Amendments of 1989, the Administrator or a court has directed that an implementation plan be revised, that attainment be achieved, that control strategies be implemented, or that emission reductions be achieved on schedules more expeditious than those required under this Act, then the schedules directed by the Administrator or the court shall remain in effect and enforceable.".

NATIONAL AND COMMUNITY SERVICE ACT

HUMPHREY (AND OTHERS) AMENDMENT NO. 1290

Mr. HUMPHREY (for himself, Mr. Armstrong, Mr. Simon, Mr. Pell, Mr. Kennedy, and Mr. Gorton) proposed an amendment to the bill S. 1430, supra, as follows:

At the end of the pending question, add the following:

SEC. □

(a) The Senate finds that—

(1) On June 4, 1989, the Government of the People's Republic of China brutally massacred thousands of innocent Chinese nationals demonstrating in Tiananmen Square for greater personal freedom and political expression, and subsequently executed at least forty Chinese nationals for activities in support of the Tiananmen Square pro-democracy movement;

(2) Since June 4, 1989, the Government of the People's Republic of China has brutally imprisoned 10,000 to 30,000 Chinese citizens for their participation in or allegiance to the pro-democracy movement in China;

(3) Consular officials, and other official and unofficial representatives of the Government of the People's Republic of China, in direct violation of United States law, are reported to have instituted systematic intimidation and harassment of Chinese nationals in the United States for supporting the pro-democracy movement in China;

(4) The Government of the People's Republic of China continues to enforce coercive population policies, including the use of forced abortions and forced sterilizations;

(5) Numerous international human rights organizations, including Amnesty International, Asia Watch, and the International League for Human Rights, report continued and even increased human rights and religious freedom violations by the Government of the People's Republic of China, including the recent arrest of four Chinese Catholic priests, and the November 30, 1989, detention of ten Tibeten monks;

(b) It is therefore the sense of the Senate that—

(1) The Senate strongly reiterates its condemnation of the Government of the People's Republic of China for its brutal military repression of the peaceful pro-democracy demonstration in Tiananmen Square on June 4, 1989, and further expresses its abhorrence of the continued political and human rights repression in the People's Republic of China;

(2) The Senate notes that the harassment of Chinese nationals residing in the United States is governed by 22 U.S.C. 2756, Public Law 97-113, and that any continuation of these harassment activities in the United States will further adversely affect Sino-American relations;

(3) The Senate expresses condemnation of the Government of the People's Republic of China for its inhumane policy of forced abortion and sterilization;

(4) The Senate urges the President of the United States to instruct the United States representatives to international financial institutions, and specifically the World Bank, to oppose loans or other financial assistance to the People's Republic of China which are not purely natural disaster relief or basic human needs, until it is clear that the

human rights practices of the Government of the People's Republic of China have dramatically improved.

BOSCHWITZ AMENDMENT NO. 1291

Mr. BOSCHWITZ proposed an amendment to the bill S. 1430, supra, as follows:

(d) RIGHT OF ACTION.—

(1) SENSE OF THE SENATE.—It is the sense of the Senate—

(A) to deplore the practice of boycotting businesses on the basis of race, religion, national origin, gender, age, or disability of the owner operator, employees, or patrons of such entities;

(B) that the programs assisted under this Act should not be used to fund such boycotts; and

(C) that the rights of all persons to engage in free speech protected by the Constitution should be protected.

(2) LIMITATION.—None of the amounts appropriated under this Act shall be used to engage in a boycott of any entity on the basis of the race, religion, national origin, gender, age, or disability of the owner, operator, employees, or patrons of such entity.

(3) RIGHT OF ACTION.—

ATTORNEY GENERAL.—Notwithstanding any other provision of law, the Attorney General may file an action under this subsection, in the appropriate district court of the United States, against any organization or entity to recover the amount of assistance provided to such organization or entity under this Act that is used in violation of this subsection.

DOLE AMENDMENT NO. 1292

Mr. DOLE proposed an amendment to the bill S. 1430, supra, as follows:

At the appropriate place add the following:

SEC. . AUTHORIZATION OF ACTIVITIES; GRANTS OR CONTRACTS FOR EXCHANGES WITH FOREIGN COUNTRIES.

(a) The President is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

(1) exchanges with countries in transition from totalitarianism to democracy, which include, but are not limited to Poland, Hungary, Czechoslovakia, Bulgaria, and Romania.

(i) by financing studies, research, instruction, and related activities—

(A) of or for American citizens and nationals in foreign countries, and

(B) of or for citizens and nationals of foreign countries in American private businesses, trade associations, unions, chambers of commerce, and local, state, and federal government agencies, located in or outside the United States; and

(ii) by financing visits and interchanges between the United States and countries in transition from totalitarianism to democracy; which program shall be coordinated by a White House Office, which the President is hereby authorized to establish.

(2) TRANSFER OF FUNDS—

(i) The President is authorized to transfer to the appropriations account of the agency (agencies) administering this program such sums as he shall determine to be necessary out of the travel accounts of departments and agencies of the United States as he shall designate, which transfers shall be subject to approval of the House and Senate Committees on Appropriations and in addition he is authorized to accept such gifts or cost-sharing arrangements as may be proffered to sustain the program, and to place such gifts into an endowment fund.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources.

The hearing is scheduled to take place on Tuesday, March 13, 1990, at 9 a.m. at the Shiprock High School Gymnasium on Frontage Road in Shiprock, NM.

The purpose of the hearing is to receive testimony concerning the impacts of past uranium mining practices.

Those wishing to submit written statements for the hearing record should deliver them to my Albuquerque office at 625 Silver Avenue, SW., Suite 130, Albuquerque, NM 87102. For further information, please contact Lisa Vehmas of the subcommittee staff at (202) 224-7555.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, March 1, beginning at 9 a.m., to hold a hearing on the Corps of Engineers water projects.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSUMER AND REGULATORY AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Consumer and Regulatory Affairs Subcommitee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, March 1, 1990, at 1:30 p.m. to hold hearings on expedited funds availability.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 9:30 a.m., to hold a hearing on the Federal role in promoting and using special alternative incarceration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 1, 1990, at 9:30 a.m., to hold a hearing on the nomination of Robert W. Sweet, Jr. to be Administrator of the Office of Juvenile Justice and Delinquency Prevention.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 2:30 p.m., to hold a markup on S. 590, a bill to prohibit injunctive relief, or an award of damages against a judicial officer for action taken in a judicial capacity; S. 591, a bill to amend the Federal rules of criminal procedure with respect to the examination of prospective jurors; S. 592, a bill to amend the Federal rules of civil procedure with respect to the examination of prospective jurors; and S. 982, a bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, at 10 a.m., March 1, 1990, to conduct a business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 1, at 2 p.m. to hold a hearing on the economic transformation in Eastern Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on

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Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 2 p.m. for a hearing on Head Start reauthorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 9 a.m. for a hearing on the Civil Rights Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 11:30 a.m., to continue its hearing on campaign finance legislation—S. 1655, the Federal Election Enforcement Act and S. 1727, the Comprehensive Campaign Finance Reform Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Thursday, March 1, 1990, at 3 p.m. to discuss the issue of unauthorized appropriations for fiscal year 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Surface Transportation Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 1, 1990, at 9:30 a.m. to hold a hearing on S. 1751 and S. 1904, legislation on safeguarding the integrity of food shipments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in open session on Thursday, March 1, 1990, at 10 a.m. to receive testimony on the fiscal year 1991 budget, the 5-year defense plan and recommendations to improve the efficiency of Defense Department operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address cotton issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Conservation and Forestry of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 9:30 a.m. to hold a hearing to address the forestry title of the 1990 farm bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 1, 1990, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Thursday, March 1, 1990, at 10 a.m. to hold hearings on legislative proposals to reauthorize the Defense Production Act of 1950. Including S. 1379, the Defense Production Act Amendments of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 1, 1990, at 10:30 a.m. to consider miscellaneous trade and tariff matters; proposals for U.S. International Trade Commission studies, pursuant to section 332 of the Trade Act of 1974; and to consider the nomination of Peter K. Nunez to be Assistant Secretary of the Treasury for Enforcement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BICENTENARY OF THE ARRIVAL OF THE FIRST INDIAN-AMERICANS

● Ms. MIKULSKI. Mr. President, I would like to take time today to recognize the achievements of an important element of our proud and diverse population: Americans of East Indian descent. I believe it is important to take note of the bicentenary of the first Indian-American's arrival in this country, which will be celebrated on December 29 of this year.

Two hundred years ago in Salem, MA, the first Indian-Americans came to the United States, mainly as indentured servants. Unfortunately, many of the Indian-Americans who followed faced discrimination because of the color of their skin.

Despite such discrimination, Indian-Americans for two centuries have shown courage and perseverence and have continued to succeed in their chosen professions. They have successfully overcome obstacles to obtaining citizenship and have become proud members of American society. Indian-Americans can today celebrate great achievements, including two Nobel Prizes for science, awarded to Drs. Chandrasekhar and Khorana.

Americans of East Indian ancestry should take a special pride in their bicentennial year, and we take pride in acknowledging their many contributions to this country.

It is my great pleasure and honor to join with the Indian-American Forum for Political Education, the forum's 1990 bicentennial committee, which is headquartered in the State of Maryland, with all Indian-Americans and with this Congress in acknowledging the 200th anniversary of the arrival of the first person of East Indian heritage to America.●

CONCURRENT RESOLUTION EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO ANTI-SEMITISM IN THE SOVIET UNION

● Mr. D'AMATO. Mr. President, I rise today, in association with my esteemed colleagues Senators Pell, Pressler, and Gore, as an original cosponsor of a concurrent resolution expressing the sense of Congress with respect to anti-Semitism in the Soviet Union.

Anti-Semitism. Hardly new to the Soviet Union, but, with the rise of nationalism that has accompanied glasnost, more virulent than ever. PAMYAT, a Russian nationalist organization, has the Jewish community up in arms with its threats of spring pogroms. As yet, the Soviet Government has not seen fit to publicly chastise these hooligans.

For that reason, we are submitting a concurrent resolution calling upon President Bush to use every means in his power to convince President Gorbachev that it is in his best interest to condemn anti-Semitic activities in his country.

In closing, Mr. President, I would like to salute Congressman Hank Brown of Colorado, a true friend of

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the Soviet Jewish Community, who was the impetus behind the companion measure in the House, House Concurrent Resolution 264.●

ESTONIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, on February 24, Estonian Americans in Illinois and throughout the United States commemorated the 72d anniversary of Estonian Independence Day. I am proud to join them in honoring this important occasion.

The Republic of Estonia declared its independence from the Russians on February 22, 1918, and for 22 years the people of Estonia enjoyed political sovereignty and freedom. But, in July 1940, the Red army demolished this freedom by illegally invading and occupying the Baltic Republics of Estonia, Lithuania, and Latvia.

Nevertheless, in spite of Estonia's forced annexation to the Soviet Union, and against efforts by the Soviet authorities to suppress the culture, religion, and language of the Estonian people, their commitment to liberty prevailed. Now, as the wave of democracy is sweeping Eastern Europe and the world, the citizens of Estonia and the other Baltic States are boldly displaying their desire for justice, human rights, and self-determination.

On March 18, the people of Estonia will hold elections. They will have a chance to vote this dream of freedom with a free vote. The United States has never recognized the illegal annexation of the Baltic Republics by the Soviet Union, and our commitment to an independent and free Estonia remains strong. The 72d anniversary of Estonian Independence Day comes at a tremendously exciting moment in the history of Estonia. I am pleased to honor it here.●

SETTING THE RECORD STRAIGHT

● Mr. LUGAR. Mr. President, the financial and business press have provided significant coverage to statements made by various administration officials regarding the regulations and regulators responsible for governing stock index futures. As many of my colleagues are aware, the stock market decline of October 13, 1989, is being used as the support rationale for making arguments to modify the jurisdictional structure and authority of financial regulatory agencies. These arguments purport that trading in stock index futures increase volatility in the underlying equities traded on the stock market and encourage an unstable market structure.

Through these arguments, two courses of action are suggested: First, shift responsibility for regulating stock index futures from the Commodity Futures Trading Commission [CFTC] to the Securities Exchange Commission [SEC]; and second, raise the initial and maintenance margin requirements for stock index futures trading.

Mr. President, I submit for the RECORD and review of my colleagues an enlightening speech presented by CFTC Chairman Wendy Gramm last week at a conference hosted by Virginia Polytechnic Institute addressing some of these very important issues.

The speech follows:

SETTING THE RECORD STRAIGHT

HOLDING AND TRADING STOCK INDEX RISK: MARKET INNOVATIONS, VOLATILITY AND PUBLIC POLICY, FEBRUARY 15, 1990

(By Wendy L. Gramm, Chairman, Commodity Futures Trading Commission)

I. Introduction

A false premise underlies much of the public policy debate regarding market reform. This premise is that the individual investor has been driven out of the stock market by stock index futures and related trading strategies such as index arbitrage and program trading, which, in turn, have created excessive speculation and excessive volatility. Those who accept this false premise offer a range of solutions to cure the problem such as:

Getting rid of stock index futures or shifting jurisdiction to SEC.

Raising margins on stock index futures.

Banning index arbitrage—for example, making this trading strategy off-limits to pension managers.

Restricting program trading.

The outcome of the policy debate is important for the future of our financial markets. So let's set the record straight—direct participation in the stock market by individuals is declining but not because of stock index futures. This decline has been going on for decades and is transforming the financial services industry around the world. How policy makers respond to these changes will determine the future role and importance of the U.S. financial industry in the world economy.

II. Setting the record straight on the individual investor

The so-called "retreat" of the individual investor from the stock market began in the late 1960s and for the most part culminated in the mid-1970s. The retreat was all but over well before stock index futures, program trading and index arbitrage appeared on the scene and had a chance to frighten individual investors out of their positions. Frankly, I wonder why some seem to be working so hard to scare the remaining investors out of the markets.

It was in the 1960s and 1970s that households shifted their asset holdings away from direct equity investments. For example, in 1968 households held 33 percent of their assets directly in stocks; by 1974 they held only 15 percent of their assets directly in stocks, and that fraction has been roughly constant for the last 15 years. If you're looking for what else motivates the extent of investors' direct participation in the stock market, look at the major market declines of 1973, 1978, and 1987, not financial and technological innovation.

The flip-side of the trend away from direct household investment in the stock market is, of course, the long-term increase in equity holdings by pension funds and other institutional investors.

From 1950 to 1987, pension fund assets grew almost six times faster than did assets for the whole economy, and now stand at about 2 trillion dollars. As a result, pension assets now account for roughly 18 percent of U.S. financial assets compared to only 3 percent in 1950. And more and more, this massive pool of funds has been invested in U.S. equity markets: whereas 6 percent of pension fund assets were held in equity in 1950, fully 35 percent of their assets were held in equity in 1988.

Institutional investors—pension funds, mutual funds and insurance companies—are dominant players in today's equity markets. The simple fact is that institutional holdings account for 35 percent of all U.S. equity holdings, up from 13 percent in 1965, while household holdings represent 57 percent of all U.S. equity holdings down from 85 percent in 1965.

The inevitable consequence of this shift in holdings from households to institutions is a corresponding change in trading methods: retail trading has declined dramatically just as block trading and program trading have become more prevalent.

The truth, then, is that the individual investor decided long ago to shift his equity investments towards indirect holdings through pension funds and mutual funds and away from direct holdings. But remember the individual investor is still in the market, although he now participates through institutions, funds, pools, etc.

III. Setting the record straight on scapegoating and witch hunting

The rise of the institutional investor has had—and will continue to have—profound implications for the financial services industries—especially for the securities and the futures industries.

These trends have brought—and will continue to bring—a fundamental transformation of the securities industry. The implications of this transformation are being felt deeply and broadly by the people and firms in the industry.

The response of the financial services industry to these trends had its pluses and minuses. On the plus side, the institutionalization of U.S. capital markets has spawned an unprecedented wave of financial innovation. Old products have been repackaged and securitized. New products and trading techniques have been developed.

The futures exchanges, for their part, have responded to the risk management needs of these institutions by conceiving, developing, and trading a new generation of futures and options products—interest rate and stock index futures and options. They did this despite the skepticism and even opposition of some of the agencies represented in this room today.

More recently the futures exchanges have responded to the institutionalization and globalization of the financial markets by developing computerized trade execution systems for around-the-clock and around-the-world trading of futures and options.

The securities industry, for its part, has responded to the demands of institutions to trade portfolios by developing program trading systems, portfolio trading systems, and, more recently, a new generation of basket products.

The securities exchanges have responded to the tremendous growth in share volume and the likelihood of surges by modernizing and greatly expanding their trade processing capacity.

During the last hour of trading on the NYSE on Friday, October 13, 110.5 million shares were traded. This represents more than the average daily volume of 1985; more than 3 times the average daily volume of 10 years ago; and almost double the average monthly volume of 30 years ago.

On the negative side, there has been an incessant search for scapegoats to explain the latest decline in prices or reduction in trading volume. This search might be described more accurately as a witch hunt.

Many have blamed new trading investments (stock index futures and options), and new trading techniques (program trading, index arbitrage) for causing October the '87 and '89 market volatility.

Let's set the record straight; evidence doesn't support the premise that futures cause volatility. Futures don't cause volatility, it's volatility in the cash markets that causes futures to be traded. Financial engineers and other large firms are learning what farmers learned long ago—that price risk can be managed through futures and options.

IV. Setting the record straight on margins

Others blame margins on stock index futures for excess volatility. The Working Group on Financial Markets, however, got it right. Margins for prudential purposes ensure contract performance by limiting credit exposures of FCMs, brokers, banks, and, most importantly, clearinghouses. Margins were adequate for prudential purposes in '87.

On the issue of harmonizing prudential margins on futures and stocks the Working Group also got it right. Because of the greater volatility of individual stocks and the much longer settlement periods in the stock market than the futures markets, stock margins must be significantly higher than futures margins to provide the same level of protection. In fact, stock margins should generally be at three to five times greater than futures margins for consistency.

Some have gone further and called for using margin regulation to equalize leverage across instruments and markets for other purposes or to control volatility. There are serious problems with this suggestion. First, as I mentioned before, existing studies of stock price behavior provide no persuasive evidence of a significant relationship between the availability of leverage and the volatility of stock prices. Besides, institutions generally don't use instruments to gain exposure, or leverage. They use them to hedge a cash market exposure.

The shift toward indirect holding of assets through greater reliance on institutions is an important trend in financial markets over the last four decades. We should celebrate the fact that our markets can make this adjustment.

The difficulty is that whenever you have change—there are those who adjust, or who otherwise act to benefit from the change, and there are those who fail to adjust. There are winners and losers. Small investors, whose actual participation in U.S. financial markets has been growing for over four decades, and who now have access to sophisticated trading and risk shifting methods, are winners. The other winners are those who offer financial innovation, which serves those investors. But suppliers of traditional retail financial services, who have profited from the large and frequent trading of retail customers, have seen their profits eroded by this change. And, facing the loss of business, they do what many have done in the past—find scapegoats, look to government and Congress for protection—to raise rival's cost of doing business or to find other ways of turning back the clock.

But we know that if we protect the inefficient, it will only lead to long-term damage to that sector of the market.

It's important to realize that the changing structure of these markets will continue to challenge regulators and market participants in ways that will not make everyone happy. New instruments will continue to be developed—instruments that cross jurisdictional lines and continue to challenge regulators as to what these instruments are and how they should be regulated. We would really regret it if such innovation stopped.

So let's spend a few minutes to set the record straight on one more item—innovation.

IV. Setting the record straight on innovation

The CFTC has a record of encouraging market innovation that has been spawned by the institutionalization and internalization of the U.S. financial markets.

In 1975 the CFTC approved GNMAs to trade on the Chicago Board of Trade, the first financial future. This was followed by futures contracts on commercial paper loans, Eurodollar rates, Treasury Bills, Treasury Notes, Treasury Bonds, Treasury Strips, Zero Coupon Treasury Bonds and long-term Japanese Government Bonds—to name just a few of the new interest rate contracts. Options on many of these interest rate contracts were also approved.

In the off-exchange area, we've worked long and hard to accommodate the recent innovations in the area of hybrid debt instruments and commodity swaps. Our goal was to allow innovation while carrying out our statutory mandate. We worked long and hard with other agencies to avoid litigation and reduce regulatory uncertainties that existed in these markets—uncertainties that stood as an impediment to further innovation.

Most recently, index participations (IPs)—have been called by some a market innovation. Let me set the record straight. These instruments were futures contracts that had to be approved by the CFTC in order to trade and the issue is not that innovation has now been stifled. I cannot improve on Frank Easterbrook when he wrote in the opinion that:

"We doubt the premise of the SEC's argument as well as its conclusion, for if IPs are useful to investors, then someone will offer them—if not the CBOT and CME, then a market in New York or Kansas City, or Tokyo. The CBOT and CME will be compelled to follow or they will lose business. There are too many futures exchanges to suppose that a conspiracy could suppress a beneficial financial instrument."

As you are all aware, index participations are no longer trading after the Court of Appeals agreed with the futures exchanges that IPs were futures contracts. What you may not be aware of is the effort the CFTC made to see these products trade. Staff from the CFTC and SEC met on numerous occasions to try to resolve the regulatory and jurisdictional issues. During these meetings, the CFTC offered to address concerns about the loss of the securities retail network if IPs were designated as futures contracts by taking up a proposal for cross registration of account executives (AEs) and associated persons (APs). In response to concerns about futures style trading systems, the CFTC offered to take up proposed rules for a specialist or board broker style trading system along with rules for large order execution of IPs. These overtures were rejected.

After the Seventh Circuit Court stopped the trading of IPs on securities exchanges, the CFTC contacted counsel for the Philadelphia Stock Exchange and the AMEX and offered to designate the IPs contracts—on an expedited basis—on their futures subsidiaries. Once again, the CFTC offered to take up cross-registration of AEs and APs along with proposed rules for different trading systems. The securities exchanges chose to pursue their case in court and, as a result, index participations are not now trading. The CFTC, however, did support the NYSE basket product—that's innovation.

In my view, CIP's are not the model of how to deal with intergovernmental regulatory issues. A better model is to work to see if the desires of an exchange to trade a product, as well as the law and regulatory concerns, can be accommodated.

VII. Conclusion

The challenge for the future is this: change will continue to occur—and the change will be more painful for some than others. We need financial innovation and competition in the marketplace. Rather than seeking to protect old trading instruments and trading strategies, rather than constantly finding fault and criticizing the competition or trying to turn back the clock, let's look to the future. Let's make sure that the financial marketplace remains open for new entry, new ideas, and yes, to competition. Rather than imposing restrictions on new products, let's remove inflexible regulations which impede our securities and financial products in the world marketplace.

Finally, let us not just bicker and complain, but sit down to find solutions to the most important issue—keeping U.S. financial markets on top in the global marketplace.●

THE ACADEMY OF THE SACRED HEART AT NEW ORLEANS, LA

● Mr. BREAUX. Mr. President, a secondary school curriculum that emphasizes knowledge of government, together with traditional academic subjects, provides an excellent learning experience for our high school students. It is a sterling investment that yields young citizens who are versed in the workings of government and knowledgeable of other educational disciplines and skills.

Today, we recognize the Academy of the Sacred Heart in New Orleans, LA, which emphasizes government as part of its studies. This year marks the third time this all-girls school has won Louisiana's State competition for the Bicentennial of the Constitution and Bill of Rights.

The competition is sponsored by the Center for Civic Education and is chaired by the Honorable Warren Burger, former Chief Justice of the U.S. Supreme Court. The competition, to be held in May this year, consists of a question and answer session based on the Constitution.

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Representing the Academy of the Sacred Heart in the 1990 competition are the students in Martha de la Houssay's government honors class. Last year, the Academy of the Sacred Heart achieved a fourth place ranking overall and a first place finish in the medium-size State category.

We, in the Louisiana Delegation, wish Martha de la Houssay and her students every success this year. We are proud of their achievement, as are their families, school, community, and State.

All schools in Louisiana that emphasize government in their curricula and that participate in government-oriented programs to expand students' knowledge are to be commended. Students who are well educated about government, especially those who use their knowledge to participate in it, reinforce society's civic fabric. As a nation, as States, and as communities, we are all stronger for it.●

LEADERSHIP IN POLAND

● Mr. SIMON. Mr. President, clearly, one of the most impressive leaders to emerge in Poland out of the dramatic changes that have occurred there in the past year is Bronislaw Geremek, now the parliamentary leader for the Solidarity forces.

Because of its comments on the current Polish situation and its insights into what is happening, I ask that an article by Mr. Geremek be placed in the RECORD at this point.

I urge my colleagues to read the article.

The article follows:

GEREMEK VIEWS POLISH DEMOCRATIZATION

The events that took place during the closing months of 1989, the eruption of freedom in Czechoslovakia, the GDR, and Romania, have caused a certain distortion in our perspective. It would appear that Poland has suddenly found itself behind in Central Europe's march to freedom, and that our neighbors are ahead of us. Yet it is Poland that began this historic march, owing to the 1980 events in Gdansk and "Solidarity's" election victory in 1989. The entire world today acknowledges this particular role we have played. However, today the point is not so much historic services as the present reality, and in the process of authentic democratization, Poland is still ahead of all the other countries of Central Europe. In 1989 we achieved freedom and stabilization. Today there are doubts: Is there perhaps too much stabilization and not enough freedom? This question poses major political significance, and I do not think it is a rhetorical one, or that only demagogues ask it.

A STATE GEARED TO THE PEOPLE

We headed for the June elections with pledges to abolish the party's monoply and gear the state to the people. The election results, parliament's new role in public life, and the appointment of the first non-communist government in Poland's postwar history translated into a fulfillment of these pledges sooner than expected. Although the Communist Party has survived and we have not issued it a bill for the past, the party's monopoly over the state has been effectively and definitely neutralized. The PZPR [Polish United Workers Party] is now facing a choice that will determine its future—either to adapt itself to the democratic rules of public life and alter its political modus vivendi, or disappear.

We now have the legal conditions necessary for political pluralism and a democratic multiparty system. Any obstacles to this are the result of society's distrust of political parties in general, rather than political restrictions. The freedom of speech and of conscience has also been safeguarded, although this will not be formally manifested until censorship is abolished in the immediate future.

However, the personnel composition of the main bodies of authority has not changed much. However, these bodies are now functioning according to different principles, and their attitudes have changed. The new texts of the oaths that are taken by employees show that the state has been de-ideologized. The judiciary has been reformed, and we have begun the process of depoliticizing the Army. True, personnel changes do require more time because new people have to be trained, but professional competence and integrity should already be the ruling criteria, and that means promoting the best people at the expense of the worst. Preserving the nomenklatura would have disastrous consequences for the implementation of economic and state reforms.

However, the party's dismemberment also involves dangerous short-term effects. Threatened with the end of its old working style, the old apparatus of authority is plundering public assets or permitting the waste and destruction thereof. In view of the passionate defense of existing posts and job relationships that have been made (one remembers the cases of the mayors and voivodes of Lodz, Gdansk, and Krakow), the above phenomenon is highly disturbing and requires immediate steps, even if they have to be extraordinary.

A UNIQUE OPPORTUNITY

Economic reform processes have gained momentum in recent weeks. A package of economic laws was passed by the Parliament without the introduction of extraordinary powers for the government, but with the use of extraordinary parliamentary procedures. We have created a legal framework for commencing work on overhauling the economy and introducing institutional changes. Tadeusz Mazowiecki's government has obtained important credits and economic support from the West. There is a real possibility that Western capital can be secured for Polish investment projects. It is obvious that the success of the Government program will primarily depend on the emergence of Polish initiatives and making the economy buoyant from within, but we must also be aware that a great deal also depends on the extent to which we manage to tap the great fund of interest and sympathy that exists in the West. In this respect, our privileged position is exceptional and probably unique, although Polish internal structures have yet to assume a form that would attract Western investment.

Poland will not be able to attract foreign capital by being able to offer a high profit margin. However, it can and should attract capital by virtue of the ease with which capital can be invested, which is a factor providing the greatest inducement to foreign capital. We must also abolish the routine procedures employed by the Polish economic bureaucracy, which continue to make what has become possible impossible. It is imperative that we rapidly create a modern banking system, replace the antiquated telephone network, and introduce the extensive application of the economic norms, principles, and standards that are recognized by the EEC.

We must create the best possible conditions for operating in Poland for those people who are important for Poland. Measures facilitating such matters should be introduced in an appropriate fashion, and that requires a suitable state policy, which is one of the rights and duties of a government. An excessive faith in the capacity of market mechanisms for self-regulation may prove to have dire consequences.

THE FRAGILE FUND OF CONFIDENCE

The enormous public support that the present government commands is a key but also a fragile fundamental component of economic policy. This is because the support stems more from political trust and the force of the hopes that the public has invested than from acceptance of the economic program. Public confidence undoubtedly provides an opportunity, but whether there continues to be that confidence depends on the extent to which society understands the strategic and operational provisions of the government program and the extent to which it considers those provisions to be its own. This, in turn, depends on ascertaining the psychological mood of society correctly and on appropriate social and technical measures. However, that will be primarily determined by the effectiveness of state intervention in two fundamental areas: creating a social safety net that will protect the weakest and offset the social effects of introducing a market economy and the priority treatment of agriculture.

It is true that "priorities" have been effectively discredited by the arbitrary conduct of previous governments and that someone who is planning the restoration of natural economic mechanisms, that is, the market, cannot, first and foremost, introduce privileges that will upset the function of market mechanisms. However, it is also true that many privileges inherited from the old system will continue to exist within the transitional setup, and it is worth thinking about them before they disappear. A policy supportive of agriculture can be accommodated within the framework of the planned introduction of measures facilitating business. This would provide both the government and the country with an opportunity to achieve rapid and tangible results and, in addition, it would represent a positive response to what is deemed a sensitive issue by a large part of society.

A SELF-GOVERNING REPUBLIC

The year 1990 is of key importance for Poland's future, and not just because it involves the first and most risky stage of restructuring the Polish economy. Life itself is about to put the successes of 1989 to the test. It will now be necessary to use the stability of the Polish changes in order to accelerate political reform. It is important to see in this perspective the key tasks which life is presenting before us or which we are trying a present before life.

We have decided to apply for the elections to the self-government bodies to take place sooner than planned, before the end of June 1990. This is a risky decision because the elections will thus take place during a period of accumulated material difficulties, and the positive results of the economic changes may still not be clearly visible. Nevertheless, we cannot avoid this risk, because the elections to the self-government bodies may be a powerful weapon in breaking up the nomenklatura at every level of authority, breaking up local cliques, and reviving the civic energy of large groups of society. The significance of this frequently goes unnoticed. Because of the routine of the old system of people's councils, people fail to realize that these elections are supposed to be an integral part of a powerful political reform, in other words the reshaping of local self-government. The Senate's announced legislation in this sphere paves the way to one of the greatest political transformations.

Political centralization has been a development trend in modern European states. In the postwar Central European system, this formed the basis of the Communist Party's monopoly. The self-government reform is supposed to pave the way to broad economic and administrative autonomy; in other words, it will permit the development of local democracy. Here we perceive the philosophy of the "Self-Governing Public" program which "Solidarity" adopted at its 1981 congress, for the main thesis of this program was to restore to individuals and milieus the right to decide on matters concerning the state, society, the factory, and the local community. It is important that the election campaign should contain as little political demagogy as possible, and as much local programs and practical ideas as possible. But it would be bad if the momentous nature of the political transformation involved in the new system of local government were to be erased.

TOWARD A NEW CONSTITUTION

In the last days of 1989 we made far-reaching changes to basic constitutional principles concerning the political and socioeconomic system. It is difficult to overestimate the value of these changes. We have removed ideological clauses from the Constitution, including the ones introduced to it by the infamous amendment of 1976 (which not only made the "leading role" of a single party a constitutional principle, but also turned international alliances and "friendship" into such principles). We have placed the office of the prosecutor general under the control of the minister of justice, we have made the respect of private property a clear political principle, and by restoring the country's historic name and emblem we have lent expression to our program of continuing the traditions of the independent republic. In this way, the political changes have received essential constitutional guarantees. The fact that the Sejm, and even the president, have approved of such far-reaching changes shows that the Polish political model is still functional and that it encourages democratic transformations.

The work which our parliament has already begun should result in a new Constitution this year. This will define the principles of our state's system, create the guarantees of national sovereignty and independence, and contain the rights and obligations of our citizens; in a nutshell, the Constitution will be the great charter of a reborn Polish republic. In this way there can be no compromises that reflect the present arrangement of forces in the Sejm. The process of creation and adoption of a new Constitution will therefore be a successive test of the adaptability of the Polish political system. It seems that it will also be necessary to have a referendum on the Constitution, so that the general public can have its say. On the threshold of the 20th century's last decade, Poland would thus gain a fundamental law that would meet the challenge of the changes which we are implementing.

POLAND BETWEEN EAST AND WEST

After years of limited sovereignty, Poland has at last the possibility of newly defining its independent role in international life. Even today one can state that fundamental changes have taken place in Polish foreign policy. Its main principles have been emphatically sketched out. We have rejected the principle of imperial subordination. The sovereignty of the state and the defense of the Polish right to exist in secure conditions have shaped the new philosophy in our foreign policy. The role that Poland has played in the democratic transformation of Central Europe can serve as the basis of an active policy, especially in our part of the world.

The particular position of Poland "between East and West" poses certain dangers. Our history has never ceased to teach us this fact. However, our position also lends us great advantages. An independent and sovereign Poland is without doubt interested in pursuing an open policy of cooperation with the Soviet Union. That country now finds itself at a historic crossroads, and the way the Soviet Union will proceed must be of particular interest to us. Our economic interests in this cooperation are quite obvious, although Polish public opinion tends to undervalue this point. Our political interest does not only stem from the fact that we are neighbors. Poland can strengthen its international position if for no other better reason than by the fact that Polish experiences will act to either strengthen or weaken the transformations in the Soviet Union.

However, the fundamental arena for Policy activity can and should be Central Europe. The post-communist democratic process has created the visible convergence of the Polish, Czechoslovak, and Hungarian situation. All three countries are in the process of returning to Europe—to the European civilizational, economic, and political model. Each one of these countries is striving to forge closer links with the EEC, to obtain approval of its democratic reforms by joining the Council of Europe, and to develop bilateral cooperation with the countries of the West. Why not try to do this together? This would strengthen our joint opportunity and create a real strength, which on an individual basis none of us has. The Hungarians are now leaning toward Austria. Czechoslovakia is looking to the two Germanys. Poland could activate its interests in the direction of Scandinavia. These separate tendencies do not reduce the opportunity for closer cooperation between our three countries, but on the contrary, it increased these opportunities, because it widens the nature of their complementary character.

Jean Monnet's European idea germinated for decades in the process of advancing federative structures. The creation of Benelux has served the process of European integration very well. It is worth studying that example. The chances of a similar union and the continuing friendship of our three states is further strengthened by the significant fact that there was clandestine cooperation between those people who now hold state posts in their respective countries. This also teaches us a lesson of a more general nature, namely, one sould not treat the matter of support of democratic aspirations beyond one's own boundaries as something to be ashamed of, or something which conflicts with the raison d'etat of one's own country. On the contrary, the reverse is true.

THE NEED TO QUICKEN THE HISTORICAL PROCESS

The Polish political order, which came about as a result of the elections and the creation of a non-communist government, is a response to the demands of a transitional period. Its ability to function is assessed according to its ability to meet the challenges of this period, namely, the dismantling of the values and structures of the old system, and the support, the expansion of, and the strengthening of a citizen's society. The time is ripe and it appears necessary to quicken the tempo of the changes and the successive historical process. The efficiency of the Polish model of evolutionary democratization now faces another challenge. This model will continue to serve Polish state interests only when it adapts itself to the demands of the time.●

LETTER FROM EIGHTH GRADE STUDENT CONCERNING SOUTH AFRICA

● Mr. GORE. Mr. President, I would like to add a letter to the RECORD from an eighth grade student who is a constituent of mine concerning the situation in South Africa:

> DEAR SOUTH AFRICA: This is to the government. My name is Ashley Pearse. I am 8 years old. I don't like what you are doing to black people. They should have their own rights as much as the white people should. If you selected a black president would you treat him the same way that you treat black people? Think. If the blacks took over South Africa how would you feel? You would not be able to vote, to use the same restrooms, eat in the same restaurants, drink the same water and live in the same building areas. Why would the Lord make people if they would not have the same rights? There's nothing different about the blacks and the whites. What if everyone was the same, would this be going on? It doesn't matter about their colors. What if everyone was different colors, would it matter? How would you feel if someone tried to kill your family almost every day? It would hurt very bad. That's how the black people feel. What if you killed everyone in South Africa. I guess you would have no one to kill anymore and it would not be fun would it? I live in the U.S.A. and I am brown. I was adopted. But if I move to South Africa I would probably be separated. I am happy in the U.S.A. We have president that understands. Tell your president that life is never easy and that you can never get your way in life. I have white friends—they never say I can't play with you because you are brown. I never expect them to say that to me. You know that the U.S.A. has changed and that no one is different. Please stop hurting the black children in South Africa. It sounds like the Lord does not like what you are doing to his creations that he has formed. This world is made for everyone. Please write me back—1104 Ridgeway Dr., Franklin, TN 37064. 794-5301. Please understand what I am trying to tell you! Thank you. I love you. Black people keep on fighting for freedom. That's what we did. I am not lying.
>
> Sincerely,
>
> ASHLEY PEARSE,
>
> *Harpeth Academy, 3d grade, 8 years old.*●

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OFFSHORE DRILLING RISKS

● Mr. **GRAHAM**. Mr. President, more than a month has passed since President Bush has received a report from a Presidential task force on offshore drilling risks.

In one of his first acts, the new President in early 1989 created a task force to explore the environmental concerns raised by potential drilling near the Florida and California coastline. This task force held four well-attended hearings in Florida June 12-16, Tallahassee, Fort Myers, Miami, and Key West. Testimony was virtually unanimous for restrictions on offshore drilling in environmentally sensitive areas, such as the Florida Keys and near Everglades National Park.

We are entering the fifth month of the Federal fiscal year. As the legislative cycle moves toward the mid-point of the year, we need to determine if we must again rely on the appropriations process to achieve the goal of protecting our coastline. In the past, we have relied on temporary moratoria to protect the Florida shoreline south of Naples into the Keys. Permanent proteciton is preferable to temporarily measures, and, therefore, we urge the President to support a policy that would preclude drilling in environmentally fragile areas where the risks are too great.

The recent oil spill at Huntington Beach, CA, brings these issues into focus, underscoring the need for policy changes to move tanker traffic away from Florida's coral reef and to enact permanent restrictions on offshore drilling in environmentally sensitive areas. In Florida, we don't want to wait for a disaster to prompt action. We're ready now.

I ask that a sampling of editorial comment from Bradenton, Tallahassee, Miami, Tampa, and Orlando be published in the RECORD following this statement.

The editorials follow:

[From the Bradenton (FL) Herald, Jan. 7, 1990]

OIL-RISK SECRECY SUSPICIOUS

A report that could shape the future of oil drilling off the Florida Keys and the Everglades is on President Bush's desk. But the people of Florida, who would face environmental and economic ruin from any oil spill that such drilling could produce, aren't allowed to know its recommendations.

Why should such a report, affecting the very lifeblood of this state, be cloaked in secrecy? Perhaps so powerful oil interests can lobby Bush to alter or soft-pedal its findings to justify the rape of the waters offshore of the Keys. That's the obvious conclusion a reasonable observer would reach after a presidential task force from federal agencies has spent eight months and countless hours trying to shed light on this sensitive issue. The secrecy makes a mockery of the federal investigatory process.

One member of the Florida congressional delegation that has called for a permanent ban on drilling off the Keys, Senator Bob Graham, last week made public results of an audit by the Inspector General's Office of the agency that oversees land-based oil and gas leases, the Interior Department. The audit found widespread evidence of noncompliance with rules that resulted in environmental damage, lost or unpaid royalties and a potential liability to the government for plugging abandoned wells and cleaning up well sites that could cost in excess of $300 million. 0

Senator Graham properly asks: "If the on-land oil and gas drilling program is a mess, how can we be confident in the offshore drilling operation?" which is also supervised by the Department of the Interior.

Well, of course we can't—not with the memory of last year's Exxon Valdez disaster still fresh in our minds and news of a major oil spill off Morocco in the headlines today. It does not take an eight-month study to realize what a spill such as this would do to the coral reef off the Keys.

Accidents will happen—that we know for certain. But they are less likely to happen if rules are strictly enforced. Enforcement is the weak link in the Interior Department's supervision of the federal leasing program. The IG audit of land leases showed that for 1,317 incidents of non-compliance found in fiscal 1988, the agency assessed just $11,500 in fines. Yet that was a tough stance compared to the record of the off-shore leasing program, in which Interior found more than 16,000 drilling violations over the last four years but assessed not a single penalty.

This is the atmosphere in which the White House proposes to announce a drilling decision without releasing the basis on which it was reached. Floridans should flood the president with complaints and appeals for drilling off southwest Florida to be permanently banned. Address: President George Bush, The White House, Washington, DC 20500.

[From the Tallahassee (FL) Democrat, Nov. 16, 1989]

OIL DRILLING LUJAN IGNORES OWN REPORT

Republicans and Democrats. Liberals and Conservatives. In Florida they all agree offshore oil drilling poses huge risks.

With so much potential for harm—to seagrasses, sea life, reefs, beaches and tourism—no drilling should be allowed until questions are adequately answered.

In fact, a panel of scientists convened to study the matter for the National Academy of Sciences concluded the government lacks ample information to assess economic and environmental risks.

His agency requested the National Academy of Sciences report, but Interior Secretary Manuel Lujan must have discarded it out of hand. Lujan has already given three gung-ho-for-drilling speeches in recent months. Others are reported to be planned.

It is more than inappropriate for the U.S. Cabinet official charged with stewardship of U.S. lands to be the front man for the oil industry on oil drilling. It is a perversion of public duty.

Lujan's unseemly promotion of oil drilling surely comes with White House approval. It offers further evidence that President Bush has reneged on campaign promises to address urgent environmental issues during his first year in office.

Said Lujan to a group of independent oil drillers in Midland, TX:

"We must reverse the growing trend toward summarily dismissing the possibility of leasing in areas which offer great potential for supplying our whole nation with energy resources.

"When we move in the direction of shutting down American development, when we base policy on limiting our potential rather than expanding it, when we turn to foreign lands to supply our energy needs—then I can't help but feeling that somewhere along the way we've surrendered something of our freedom and relinquished our independence."

This from the Interior secretary?

U.S. energy policy should point away from reliance on foreign oil. But there are many constructive ways to pursue such a policy without sacrificing the coastlines of California and Florida. For starters the Bush administration could:

Raise the miles-per-gallon requirements of new cars. The Reagan administration shamefully foot-dragged on making manufacturers meet standards in a timely fashion. Increase the standard; reduce reliance on foreign oil.

Increase appliance efficiency standards. Although Reagan first pocket-vetoed the law setting standards for energy-gobbling household appliances, a national appliance efficiency standard law was passed. Requiring refrigerators, water heaters, air conditioners and other appliances to meet even higher energy efficiency standards would further reduce reliance on foreign oil.

Back solar research and manufacturing. The solar industry doesn't have the political pull of the oil business. But if Lujan and Bush really want to free America from reliance on foreign oil, solar is a good and reliable option to pursue to decrease U.S. dependence on foreign oil.

Tax imports Earmarking part of the money to make public transportation systems usable and attractive to more travelers would reduce the need for foreign oil imports.

Hot on the hot campaign trail in the Greenhouse Summer of 1988, candidate Bush said: "In the past few years we have not done enough to protect the environment. I will do more."

There is no evidence of that more.

In fact, 11 environmental groups criticized the president at a press conference in late October. Not only had the president failed to address global warming in the first year of his presidency as promised, the administration could not even decide, at that point, whether to send a representative to a Netherlands meeting of environmental ministers on global warming.

"We have great rhetoric but no leadership," said Dan Becker of the Sierra Club. "There are no plans, no action, no one in charge."

Becker misses the mark about no plans. The plan is to continue the damn-the-environment path brutally cleared by the Reagan administration.

Lujan is heading an Interior Department study group looking at granting oil leases off Florida's southwest coast and along the California coast as well. What confidence can the public have in the Lujan report, when the leader is avowedly in favor of oil drilling?

And how cynical must the president be to have not one Energy secretary—but two?

[From the Miami (FL) Herald, Feb. 13, 1990]

PREVENTING OIL SPILLS

Florida's flat, sandy coasts and its living coral reef, unique in North America, would suffer even more from a major oil spill than the rugged shorelines of Alaska and California. Thus, much more must be done to prevent major spills and be ready if they do occur.

The 1989 Legislature established a spill-response task force, which published its recommendations this month. Many are identical to those proposed to the Legislature by Gov. Bob Martinez.

The governor wants to establish tanker-free zones to keep ships away from the reefs, or else get approval from the International Maritime Organization to move shipping lanes. Approximately 5,000 tankers pass through the Florida Straits each year. Three groundings on reefs in 30 days last fall emphasize the need to get vessels out of the shallows for good.

Recommendations include more regulation of shipping traffic in Florida's ports. No one really keeps track of ships carrying potentially polluting cargo. Ships that draw less than seven feet don't need a state-licensed pilot to enter and leave ports. Both the governor and the task force recommend that these shallower-draft vessels be required to use a pilot, with commercial fishing and recreational boats excepted.

The task force also would require alcohol and drug testing of state-licensed harbor pilots. Federal policy now promotes such testing of employees in high-risk positions, such as train engineers, but no great evidence suggests that Florida's pilots drink or take drugs on the job. The Legislature ought to give this proposal more study. The groundings on Keys reefs occurred well outside of the pilots' control.

Other recommendations include designating one agency, the state Department of Natural Resources, to oversee clean-up readiness in coordination with the Coast Guard. Right now, responsibility is scattered. One agency should be in charge, but with funding to do the job.

A state fund, financed by an excise tax on hazardous cargo, is supposed to maintain clean-up equipment and response crews. Yet clean-up plans are lacking. This should be remedied by single-agency supervision and a halt to borrowing from the fund. Other recommendations would tighten rules on reporting small spills, increasing the liability of spillers, and identifying environmental damage and finding violators.

The get-tough approach is welcome, but it must be implemented via legislative action, funding, and conscientious vigilance in every port—every day.

[From the Tampa (FL) Tribune, Jan. 6, 1990]

Interior Chief's Contempt for Florida's Fragile Coast

Interior Secretary Manuel Lujan wants oil wells drilled off Florida's coast. To those worried that the wells would pollute, Lujan pleads: Trust us.

He chides critics for their "can't do attitude," and accuses them of not knowing the facts.

Here are the facts. A recent audit revealed widespread federal mismanagement of oil and gas leases. Regulations were unenforced, environmental damage occurred, and the government lost revenue it should have received in lease royalties.

Yet Lujan asks Floridians to trust Interior to police oil wells that would be located within sight of the Florida Keys and within a few miles of pristine beaches. As Senator Bob Graham asks, "If the on-land oil and gas drilling program is a mess, how can we be confident in the offshore drilling?"

Consider some of the findings of Interior's inspector general:

Interior's Bureau of Land Management did not levy a single civil penalty in the past six years, even though it found more than 16,000 offshore drilling violations in the past four years.

The Federal Royalty Management System, which oversees land leases, did not inspect and supervise leases sufficiently to prevent environmental damage.

The agency did not determine the amount of oil and gas pumped from the leases so it had no way to determine whether the government was being cheated.

The government allowed producers to abandon 22,520 nonproducing wells, essentially leaving the federal government responsible for plugging those wells. Graham says the cost to taxpayers may be more than $300 million.

The need for reforms is clear. Also clear is the thinness of Lujan's pledge to safeguard Florida.

Congress passed a one-year moratorium on oil exploration in Florida waters last summer. A presidential task force recommends no leases of the Keys anytime soon. But Lujan doesn't try to hide his bias.

In a recent speech before Texas oil drillers, he lambasted opponents of lease plans. When Lujan visited the Florida Keys, Gov. Bob Martinez sought to impress him with the coral reefs, which sustain permanent damage from oil spills and are threatened by the slightest change in water clarity. Lujan's enthusiasm for the delicate wonders was muted.

Offshore drilling is appropriate only in areas where it poses small danger to important resources. The Interior Department's own studies indicate drilling at the proposed sites would almost surely result in premanent environmental damage. Other studies show that if a spill occurred in Southwest Florida, currents would soon carry oil ashore. Once it hits the shoreline, oil devastates mangroves, sea grasses, mussels, oysters, even algae—virtually every link in the coastal food chain. Not to mention what tar does to white sand and bare feet.

Lujan possesses hard evidence his agency cannot supervise land-based wells, much less offshore operations. Is it likely to make him more cautious about Florida's ecology? Don't bet on it. But perhaps it will spark Congress to adopt an offshore policy that protects states from reckless zealots like Lujan.

[From the Orlando Sentinel, Feb. 16, 1990]

Foil Oil Drillers, Mr. Bush

People out to drill for oil in the Everglades and near the Keys have been asking too much of Floridians who love what's left of their state's beauty.

Let's hope President Bush thinks they're also asking too much of him.

He's about to decide whom to side with, the drillers or the vast numbers of people whose interest is in protecting nature.

The ecology of the Everglades and offshore South Florida is delicate and precious. It's almost inconceivable that Mr. Bush would put it at risk by allowing oil exploration to proceed when the present ban on drilling ends late this year.

Almost inconceivable but—sadly—not entirely so. Some time ago, the president set up a federal task force to recommend options in the Florida controversy.

He put a pro-drilling man in charge—Secretary of the Interior Manuel Lujan. That offered no assurance at all that the task force would be fair.

Nobody in an official position will talk about the task force recommendations, which have been delivered to the White House. But rumor has it they don't even include a permanent ban on drilling.

Why not? The only possible conclusion is that Mr. Lujan and his fellow task force members want to see that oil brought to the surface. Hang the ecological dangers!

Remember, only 34 days' worth of oil lies under the entire South Florida area. That's right. Only about a month's national supply at our present consumption rate.

Yet drilling for the oil would set up the possibility of rig disasters and tanker accidents like those off Alaska and California. Imagine, if you will, what that would mean for Florida.

It would:

Endanger swimmers' beaches, so essential to citizens' recreation and the tourism industry, and sensitive mangrove coasts off the Keys and the Everglades. The mangroves help keep the waters clean.

Put at risk 11,000-year-old coral reefs, the only ones off the continental United States. Some sections of shallow coral are still recovering from the effects of just 500 gallons of oil spilled 25 years ago.

Threaten the fishing trade. Those reefs, together with sea grass patches, are home to many varieties of fish, 80 percent of the nation's spiny lobsters and half the stone crabs.

Monroe County, home of the Keys, produces more seafood than 33 states. In 1985, its $40 million fishing industry put 25 million pounds of fish and shellfish on home and restaurant tables.

The most absurd argument used by supporters of drilling is that Floridians consume much more oil than the state's few existing wells produce.

Well, so what. Many states produce no oil at all. And those that do drill face no obligation—legal or moral—to come up with as much as they use.

The danger is that the task force will persuade the president to offer Florida a token victory, like delays on further oil leasing in the offshore areas.

That's unacceptable. Mr. Bush is not bound by the task force options. Let him choose is own option: extending the ban on drilling indefinitely.

Surely, when you balance all the interests, a paltry 34-day supply of oil comes out dead last.●

ESTONIAN INDEPENDENCE DAY

● Mr. RIEGLE. Mr. President, I would like to take this opportunity to commemorate the 72d anniversary of the establishment of Estonia as a free and independent nation.

In 1918, the Estonian people ended nearly 700 years of oppression and fulfilled their dreams of freedom in their own land. With a proclamation known as the "Manifest to All the Peoples of Estonia," the Estonian people declared their independence from external subjugation. On February 2, 1920, a peace treaty, signed by Soviet Russia and Estonia, declared the Government of the Republic of Estonia to be the sovereign governing entity in the country.

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At the same time, Russia renounced any claims on Estonian lands.

As one of the free nations of the world, Estonia rapidly took its place as a democratic member of the post-war European Community of nations. Soon after the founding of the League of Nations, Estonia's sovereignty was recognized by the member states of that body, reaffirming Estonia's position as a free and independent land.

Tragically, Estonian independence was short-lived. In 1940, the Molotov-Ribbentrop Pact between the Soviet Union and Nazi Germany ended 22 years of Estonia's existence as a free nation. This period of Soviet dominance is ending only today. Still, during its brief period of democracy, the nation experienced rapid economic growth and social development. Furthermore, due to a history of oppression, the independent government of Estonia took great care to protect the human rights and civil liberties of minorities living in Estonia.

The past year has witnessed many remarkable developments in Soviet-occupied Estonia. In 1989, the Estonian parliament reinstated Estonian as the nation's official language and Estonian Popular Front candidates swept elections for the Congress of People's Deputies in Moscow. In addition, the first Estonian independent political parties were founded (including the Green Party and the Democratic Labor Party) and the first Baltic Assembly was held as representatives of Estonian, Latvian and Lithuanian independence movements gather in Tallinn for discussions on the future of the Baltic States. On August 23, in perhaps one of the most moving demonstrations the world has ever witnessed, 300,000 Estonians joined hands with over a million of their neighbors in Latvia and Lithuania in a 430-mile human chain to protest Soviet domination.

Also during the past year, due to unremitting pressure from Estonians, Latvians and Lithuanians, Moscow acknowledged the existence and illegality of the secret protocols to the 1939 Molotov-Ribbentrop Pact which led to the 1940 Soviet invasion of the Baltic States. In addition, the Soviet central government agreed to grant limited economic autonomy to the Baltic States, officially endorsed the right of republics to secede from the U.S.S.R., and sanctioned the formation of a multi-party system in the Soviet Union. In light of 50 years of Soviet domination in the Baltics, these developments are truly remarkable.

Because of the courageous, persistent and peaceful efforts of the Estonian people, the ability of Estonia to determine its own future is now an immediate possibility for the first time in five decades of Soviet occupation. Now more than ever, Americans must stand with the Estonian people in their struggle for freedom and self-determination. I urge my colleagues to join in expressing our solidarity with the Estonian people, as well as our hope that the end to their struggle may finally be in sight.●

TO COMMEMORATE THE 100TH ANNIVERSARY OF THE BIRTH OF DWIGHT DAVID EISENHOWER

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 237, commemorating the 100th anniversary of the birth of Dwight David Eisenhower, and I ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joing resolution (S.J. Res. 237) to commemorate the 100th anniversary of the birth of Dwight David Eisenhower.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joing resolution.

Mr. DOLE. Mr. President, the Eisenhower legacy continues to be equated with courage, vision, and leadership. I think all of my colleagues would agree, his mark was clearly that of a true leader, reaching a climax with the two terms of outstanding service he gave this country.

Ike has long been a hero to me, and has had significant influence on me, though I was elected to Congress in 1960, the last year of Eisenhower's Presidency. It is most appropriate that this great man is honored throughout 1990, his centennial year. This joint resolution is just one of literally hundreds of ways in which Dwight Eisenhower will be honored.

The combination of Ike's military accomplishments and his remarkable devotion to public service has made him a hero across our Nation and around the globe. There are centennial commissions from here to London, all working diligently to prepare for events to commemorate one of history's greatest. The degree of effort and contributions that so many individuals are making is tremendous. It's pretty clear, there are a lot of us that still like Ike.

The 1990 centennial gives us a new opportunity to reflect on Eisenhower's contributions. Moreover, this reflection should actually give us a new perspective on the future. In this century we have marked the centennials of only three other U.S. Presidents—Herbert Hoover, Franklin Delano Roosevelt, and Harry S Truman.

I would like to thank all of my distinguished colleagues who have cosponsored this joint resolution, and who share the admiration and respect, I have for a man who has given so much, in terms of leadership, service and vision, to all of us.

The PRESIDING OFFICER. The joint resolution is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution (S.J. Res. 237) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution with its preamble is as follows:

S.J. Res. 237

Whereas October 14, 1990, marks the 100th annivesary of the birth of Dwight David Eisenhower;

Whereas Eisenhower was born on October 14, 1890, in Denison, Texas, and soon thereafter moved with his family to Abilene, Kansas;

Whereas Eisenhower developed an interest in military history early in childhood, and attended the United States Military Academy at West Point, New York, from 1911 through 1915;

Whereas in 1915, upon graduation from the United States Military Academy, Eisenhower was commissioned as a second lieutenant and assigned to the 19th Infantry at Fort Sam Houston, Texas;

Whereas at the conclusion of World War I, Eisenhower assumed the rank of captain, and was promoted to the rank of major shortly thereafter;

Whereas in 1935, Eisenhower accompanied General Douglas MacArthur to the Philippines, where he served as a senior military assistant to General MacArthur.

Whereas Eisenhower was promoted to the rank of lieutenant colonel during his service in the Philippines;

Whereas Eisenhower was subsequently assigned to Fort Lewis, Washington, where he served as executive officer of the 15th Regiment of the 3d Infantry Division from January through November, 1940, and as chief of staff to General Kenyon A. Joyce of the 9th Corps from March through June of 1941;

Whereas in March 1942, Eisenhower was promoted to the rank of General and named Chief of the Operations Division for the General Staff of the United States Army;

Whereas in June 1942, Eisenhower achieved the rank of Lieutenant General, and in December 1944, he became a General of the Armies;

Whereas Eisenhower served as President of Columbia University from 1948 through 1950;

Whereas Eisenhower was appointed by President Harry S Truman as Supreme Commander of the North Atlantic Treaty Organization forces in Europe, and served in that position from 1951 through 1952;

Whereas Eisenhower was elected the 34th President of the United States on November 4, 1952, and was reelected to serve a second term on November 6, 1956;

Whereas President Eisenhower hosted 115 foreign chiefs of state and heads of government on visits to the United States, traveled to 28 foreign countries, and participated in 20 summit talks with foreign government leaders;

Whereas Eisenhower strongly supported education and promoted international understanding through education;

Whereas Eisenhower had a long and productive association with Gettysburg College, serving as a member of the College's Board of Trustees, using a campus office to write his memoirs and to fulfill the numerous duties of a former President, and receiving an honorary doctorate from the College;

Whereas after leaving office on January 20, 1961, Eisenhower retired with his wife to their farm and home in Gettysburg, Pennsylvania;

Whereas Eisenhower died on March 28, 1969, and was buried in military uniform in the place of mediation on the grounds of the Eisenhower Center in Abilene, Kansas; and

Whereas throughout 1990, various public and private organizations, including the Eisenhower Society, the Eisenhower Foundation, the Eisenhower World Affairs Institute, the Eisenhower Exchange Fellowship Program, Inc., the Eisenhower Centennial Commission, and others, will be sponsoring and conducting events across the Nation to commemorate the centennial of the birth of Dwight David Eisenhower: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 14, 1990, the 100th anniversary of the birth of Dwight David Eisenhower, is designated as "Dwight D. Eisenhower Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

Sec. 2. The members of the Senate and the House of Representatives who are members of the Dwight David Eisenhower Centennial Commission, with the assistance of the other members of that commission (referred to hereinafter as the "Commission"), shall—

(1) make arrangements for a joint meeting of the Congress to be held on Tuesday, March 27, 1990, or such other day as may be designated by the Speaker of the House of Representatives, in the Hall of the House of Representatives in commemoration of the centennial of the birth of Dwight David Eisenhower;

(2) Plan the proceedings of and issue appropriate invitations to the joint meeting; and

(3) coordinate the foregoing arrangements with the activities of the Dwight David Eisenhower Centennial Commission.

Sec. 3. The expenses of carrying out this joint resolution shall not exceed $25,000 and shall be paid from the contingent fund of the House of Representatives upon vouchers approved by Speaker of the House of Representatives.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 462 and 463 en bloc, that the resolutions be agreed to en bloc, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF ADDITIONAL COPIES OF A SENATE DOCUMENT

The resolution (S. Res. 246) authorizing printing additional copies of Senate report titled "Developments in Aging: 1989," was considered, and agreed to, as follows:

S. Res. 246

Resolved, That there shall be printed for the use of the Special Committee on Aging the maximum number of copies of volumes 1 and 2 of its annual report to the Senate, entitled "Developments in Aging: 1989", which may be printed at a cost not to exceed $1,200.

PRINTING OF RULES OF SENATE COMMITTEES

The resolution (S. Res. 250) to amend the Standing Rules of the Senate to require each committee to publish the rules of such committee only during the first year of a Congress unless such rules are amended and to provide that an amendment to committee rules shall not take effect until published in the Congressional Record, was considered, and agreed to, as follows:

S. Res. 250

Resolved, That paragraph 2 of rule XXVI of the Standing Rules of the Senate is amended—

(1) in the second sentence by striking "March 1 of each year" and inserting "March 1 of the first year of each Congress"; and

(2) by striking the last 2 sentences and inserting "Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.".

AUTHORIZING USE OF THE ROTUNDA OF THE CAPITOL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 251, regarding use of the Capitol rotunda for a ceremony to dedicate a bust of Lajos Kossuth.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 251), authorizing use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Lajos Kossuth in the Capitol and authorizing the printing of a transcript of the proceedings of the ceremony.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The concurrent resolution (H. Con. Res. 251) was considered and agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 90

Mr. MITCHELL. Mr. President, I ask unanimous consent that Calendar No. 461, Senate Concurrent Resolution 90, the Senate companion resolution, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIBRARY SERVICES AND CONSTRUCTION ACT AMENDMENTS

Mr. MITCHELL. Mr. President, I submit a report of the committee of conference on H.R. 2742 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2742) to extend and amend the Library Services and Construction Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the Record of February 27, 1990.)

Mr. PELL. Mr. President, it is a pleasure to rise today on behalf of the conference agreement on H.R. 2742, the Library Services and Construction Act Amendments of 1990. I am pleased to report to my colleagues that a final agreement has been reached on this important legislation, and I want to convey my thanks to my fellow conferees for their diligence and thoughtfulness in concluding their work on this important legislation.

The Library Services and Construction Act, which was first signed into law in 1956 by President Eisenhower, continues to be the single most significant source of Federal funds for our Nation's public libraries. The importance of libraries to an educated American citizenry is undeniable and it is crucial that these institutions—be they urban or rural, large or small—be kept strong, viable and growing. The provisions contained in H.R. 2742 extend this act and thereby reinforce the Federal commitment which we have made to these institutions.

The LSCA has successfully provided much-needed Federal support to the States through a system of formula grants. While the total amount is only a small percentage of all assistance to libraries, these monies have been targeted toward particularly critical areas. These areas include services to the physically handicapped and the elderly, and to communities with little or no access to a public library.

In more recent years, the LSCA has been expanded to provide a set-aside to support library services to American Indians and native Hawaiians and to address the specific needs of illiterate and multilingual populations. In addition, the problems in providing adequate library services to urban populations have been acknowledged to be just as profound as those of providing services to rural populations, and LSCA funds are now assisting with these needs.

It is the intent of H.R. 2742 to ensure the continuity of these library services by reauthorizing the LSCA for another 5 years or through fiscal year 1994. As the Committee on Labor and Human Resources began its review of LSCA in anticipation of this reauthorization, it was generally agreed that significant changes to the act should await the recommendations of the White House conference on library and information services. The advisory committee of the White House conference is now meeting to plan this event which is to be held not later than September 1991. The findings of the conference will be a primary focus of future congressional activity in regard to the LSCA.

Nonetheless, there are modifications in this reauthorization bill that strengthen the act in certain key areas. The two areas of technology and preservation receive increased emphasis because the projected needs in these areas are not adequately provided for in current law. The States are given greater latitude in using LSCA funds for purchasing and maintaining technological equipment and they are given the option of using title III funds for developing programs to address preservation needs. The added emphasis on preservation programs will hopefully encourage libraries to establish programs to protect endangered materials and ensure their preservation for future generations.

In addition, title I purposes have been expanded to include literacy and child care activities, a new title VII has been added for the evaluation and assessment of LSCA by the Department of Education, and various technical amendments have been included to increase flexibility and efficiency of current LSCA programs. Title V, which supports the acquisition of foreign language materials by public libraries, has also been amended by raising the grant size from $15,000 to $35,000 and by setting aside thirty percent of available funds for grants up to $125,000. This action recognizes the increasing demand on these libraries for such materials as well as their escalating cost.

I commend the Library Services and Construction Act Amendments of 1989 to my colleagues and ask that they join me in supporting this conference report which will reaffirm our commitment to our Nation's public libraries.

Mr. SIMON. Mr. President, I am pleased to support the conference report for the Library Services and Construction Act Amendments of 1990.

I have been and will continue to be supportive of the goals and important services provided by the Library Services and Construction Act [LSCA]. LSCA assists States in the extension and improvement of public library services to geographic areas or groups of persons for whom current services are inadequate.

Mr. President, 57 percent of all adults, or over 79 million people are using our Nation's public libraries every year. The services provided by these libraries not only enrich the communities they serve, but they also provide educational tools and resources for citizens of all ages. Public libraries are fundamental institutions in our society. They are social centers and resource centers, in addition to being quiet places to read.

Unfortunately, the current administration doesn't share my support for LSCA. I am very disturbed that it's fiscal year 1991 budget request includes dramatic cuts in funding for the LSCA. Throughout our country, LSCA funds have been key to the development and growth of library systems and services. In fiscal year 1988, more than 75 projects were funded by LSCA and approximately $4 million in LSCA projects were funded by LSCA and approximately $4 million in LSCA funds were used to promote library development in Illinois. Model projects funded such as the "Lift Up Your Hearts, Open Your Doors" project enhanced a statewide public awareness program and improved library access and collection for people with disabilities, and the Atwood-Hammond Public Library program expanded library services to rural areas. Because of important programs such as these, I oppose the administration's budget request of LSCA.

Mr. President, libraries also provide assistance to some of the estimated 23 million adults who are functionally illiterate in the United States. Libraries are logical focal points for combating the illiteracy problem. They provide literacy materials, training, and volunteers, Often, literacy programs sponsored by libraries are less intimidating to adults than those sponsored by schools.

LSCA, particularly, helps to contribute to the fight against illiteracy through its title VI, Library Literacy Program, and title VIII, Family Literacy and Library Literacy Centers. Title VI authorizes grants for adult literacy programs in public libraries. I am pleased that Congress agrees with me that literacy is an important and demanding problem that can in part be addressed through the help of libraries, and that we have increased the authorization levels for title VI.

An excellent example of effective literacy program in Illinois, which was made possible through title VI funds, is the "Bond Out or Book Out" program conducted in the Darrow Branch of the Cook County Library System. The Darrow Branch is located in the heart of the Cook County Jail complex. An estimated 60 percent of the inmates are functionally illiterate. The program recognizes the link between illiteracy and crime and has developed several innovative programs to assist inmates in learning to read. In the words of one inmate: "Although you're locked up and you may be facing time, this is no reason to incarcerate the mind."

The Bond Out Program is a model literacy program, but these types of programs are far and few between. Public and private literacy programs are estimated to serve only 19 percent of those in need. I believe we need to expand programs like title VI to reach more of the population in need.

In addition, I would like to extend my thanks to Senator COCHRAN and his staff for their work in creating a new title VIII under LSCA. Our amendment to title VIII would establish model literacy resource centers for the dissemination of literacy materials and equipment to local public libraries and provide innovative approaches to improving library literacy services to adults.

Finally, I am pleased to announce that we were able to increase the maximum grant amount for foreign language material acquisitions under title V for major urban resource libraries. I have written extensively about the need for America to grow out of its cultural isolationism, especially as we move into a more global economy. We need to improve foreign studies on all levels.

Promoting literacy and providing access to foreign language materials are just two of the many services provided under LSCA. As the largest Federal program of assistance specifically to libraries, LSCA is essential to the vitality of our public library system.

Mr. COCHRAN. Mr. President, I am pleased to join my colleagues in support of the conference agreement on the Library Services and Construction Act Reauthorization. I would like to thank the conferees for their good work in reaching this agreement.

When the Senate adopted this bill last October, I emphasized the value of our local public libraries in combating illiteracy. The bill we adopted made significant improvements in this area by increasing the authorization level for the title VI, library literacy programs, to $10 million and increasing the amount of individual grants to libraries up to $35,000. Moreover, during the negotiation process, House and Senate conferees further strengthened the role of libraries in fighting illiteracy by adopting a new title VIII, which includes a House provision to establish family literacy centers, and at my request, a modest but important new program to help overcome the high incidence of adult illiteracy in the United States, entitled "Library Literacy Centers."

The Library Literacy Center Program will provide funds to establish statewide networks for the distribution of instructive videotapes and other materials specifically designed to enable adults with limited literacy skills to learn to read and write and develop basic employment skills. Local public libraries will make these materials available for use by individuals with limited literacy skills or to volunteers assisting them. The materials may be used either in the confines of the library or checked out for use in their own home or other nonthreatening environment. In addition, States receiving these grants will train library personnel to work with individuals having limited reading and writing skills. The local libraries will also provide information on adult education and employment programs available in the community.

The bill authorizes the Secretary of Education to make grants to States on a competitive basis to carry out these activities. States will be eligible for grants up to $350,000 to purchase equipment and materials, establish the statewide network, and to train library personnel. In selecting States to participate, the Secretary will give priority to States having the highest incidence of adult illiteracy and poverty. States will be eligible for 2 years of funding to establish the program, and a third year of funding, at a maximum of $100,000, to phase out reliance on Federal funding.

The Library Literacy Center Program will result in the establishment of model library literacy centers throughout the country to serve as resource centers for the dissemination of literacy materials. It is my hope that these centers will assist adults with limited literacy skills to reach full employment through nonthreatening learning experiences in their local public library or in their own home and will identify innovative approaches to improving library literacy services.

Mrs. KASSEBAUM. Mr. President, I am pleased that the Senate is considering the conference report to the Library Services and Construction Act Amendments of 1990.

The original Library Services and Construction Act was signed into law in 1956 for the primary purpose of assisting States in extending library services to rural America. For Kansas, this was a very important step. At that time, only one in six Americans had access to a public library. Today, all 50 States enjoy the services that public libraries provide.

Being an avid reader, I find it difficult to imagine a life without books and libraries. The initial purpose of LSCA was to give everyone the opportunity to open their minds with books. Gilbert Highet once noted that "(t)these are not books, lumps of lifeless paper, but minds alive on the shelves. From each of them goes out its own voice * * * and just as the touch of a button on our set will fill the room with music, so by taking down one of these volumes and opening it, one can call into range the voice of a man far distant in time and space, and hear him speaking to us, mind to mind, heart to heart".

The conference report before us extends and slightly modifies the existing law. These amendments will help libraries across our Nation meet the needs of our ever-changing society. They build upon the initial purpose of the act and attempt to continue a tradition of providing services while encouraging innovation and preservation of resources.

The Library Services and Construction Act Amendments is composed of eight titles. The first title strengthens State library administrative agencies and major urban resource libraries. The second title, public library construction, is a popular program which provides funds for the construction of public libraries. Title III provides funds for the development of interlibrary cooperation and resource sharing programs which will permit individuals even greater access to resources currently available to them.

Title IV strengthens the programs available to native Americans and title V provides funds for libraries to purchase materials in foreign languages. Title VI addresses the problem of illiteracy now facing our Nation for designating funds for the development of library literacy programs.

Title VII allows for the evaluation and assessment of library programs. The purpose of these funds is to provide a review of programs supported under the authority of the LSCA and the degree to which they are reaching their intended populations. Title VIII is a new title that was added by the House. It provides funding for the establishment of family library learning centers.

I would also like to thank the following staff for their hard work on this legislation: Susan Hattan, Becky Rogers Voslow, and Lydia Spencer of my staff, Laurie Chivers with Senator HATCH; Sandy Crary with Senator PELL; Pam Kruse with Senator JEFFORDS; and Pat Fahy, Bob Shireman, and Christina Zahorik of Senator SIMON's staff.

I hope the Senate will adopt this conference agreement promptly.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to:

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. DOLE. I move the lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations:

Calendar No. 618, Edwin G. Foulke, Jr., to be a member of the Occupational Safety and Health Review Commission;

Calendar No. 619, Bernard E. DeLury to be Federal Mediation and Conciliation Director;

Calendar No. 620, John T. MacDonald to be Assistant Secretary for Elementary and Secondary Education, Department of Education;

Calendar No. 621, Tony E. Gallegos to be a member of the Equal Employment Opportunity Commission;

Calendar No. 622, Antonia C. Novello to be Surgeon General of the Public Health Service;

Calendar No. 623, Wanda L. Forbes to be a member of the National Commission on Libraries and Information Science;

Calendar No. 624, Charles E. Reid to be a member of the National Commission on Libraries and Information Science;

Calendar No. 625, Daniel W. Casey to be a member of the National Commission on Libraries and Information Science;

Calendar No. 626, Elinor H. Swaim to be a member of the National Commission on Libraries and Information Science;

Calendar No. 627, Joyce T. Berry to be Commissioner on Aging;

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Calendar No. 628, Frederick M. Bernthal to be Deputy Director of the National Science Foundation;

Calendar No. 629, William H. Graves III to be Director of the National Institute on Disability and Rehabilitation Research;

Calendar No. 630, Allan V. Burman to be Administrator of Federal Procurement Policy; and all nominations placed on the Secretary's desk in the Public Health Service.

I further ask unanimous consent that the nominees be confirmed en bloc, that any statements appear in the Record as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

Occupational Safety and Health Review Commission

Edwin G. Foulke, Jr., of South Carolina, to be a member of the Occupational Safety and Health Review Commission for the term expiring April 27, 1995.

Federal Mediation and Conciliation Service

Bernard E. DeLury, of New Jersey, to be Federal Mediation and Conciliation Director.

Department of Education

John T. MacDonald, of New Hampshire, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

Equal Employment Opportunity Commission

Tony E. Gallegos, of California, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1994. (Reappointment.)

Department of Health and Human Services

Antonia Coello Novello, of the District of Columbia, to be Surgeon General of the Public Health Service for a term of four years.

National Commission on Libraries and Information Science

The following-named person to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1993:

Wanda L. Forbes, of South Carolina. (Reappointment.)

The following-named person to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1993:

Charles E. Reid, of New Jersey. (Reappointment.)

The following-named person to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1994:

Daniel W. Casey, of New York. (Reappointment.)

The following-named person to be a member of the National Commission on Libraries and Information Science for a term expiring July 19, 1994:

Elinor H. Swaim, of North Carolina. (Reappointment.)

Department of Health and Human Services

Joyce T. Berry, of the District of Columbia, to be Commissioner on Aging.

National Science Foundation

Frederick M. Bernthal, of Tennessee, to be Deputy Director of the National Science Foundation.

National Institute on Disability and Rehabilitation Research

William Hughes Graves III, of Mississippi, to be Director of the National Institute on Disability and Rehabilitation Research.

Executive Office of the President

Allan V. Burman, of Virginia, to be Administrator for Federal Procurement Policy.

Nominations Placed on the Secretary's Desk in the Public Health Service

Public Health Service nominations beginning Kenneth J. Bart, and ending Henry A. Walden, Jr., which nominations were received by the Senate and appeared in the Congressional Record of January 23, 1990.

STATEMENT ON THE NOMINATION OF DR. ANTONIA COELLO NOVELLO

Mr. HATCH. Mr. President, today, I am pleased to support the nomination of a noted scholar, an excellent physician, a leader in public health, and a friend, Dr. Antonia Novello, as the Surgeon General of the United States.

Dr. Novello will become what many have characterized as "our Nation's doctor." In this capacity, she must lead us to understand deadly epidemics, work to prevent disease and promote healthy lifestyles, and advocate the important role of public health in our society.

We face many challenges in health care. Children are dying needlessly from disease as we watch illicit drugs kill our families and as we watch new and frightening illnesses capture the minds and souls of people in our society.

Dr. Novello is well qualified to carry on the fine tradition of those before her. Because of her work on my staff in the early 1980's, I know and appreciate her knowledge of our health care system.

She served me well as a health adviser, the Nation well in the important positions she has held within the Commissioned Corps, and as Deputy Director of the National Institute of Child Health and Development. In addition to this experience, she brings to the job of Surgeon General other qualities: humor, compassion, and a great capacity for hard work.

I strongly endorse this nomination. I believe that she will carry on the legacy of those Surgeons General before her. I know that as the future leader of the Public Health Services Commissioned Corps, she accepts its proud heritage of protecting and advancing the health of the American people and others throughout the world since 1798. I wish her well in this new assignment.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

COMMENDING THE PEOPLE OF NICARAGUA

Mr. MITCHELL. Mr. President, in behalf of Senators Danforth, Dodd, Wallop, and Pell, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 256) commending the people of Nicaragua.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. I believe this accomplishes in a few words what we were trying to do a couple of hours ago. I think the important thing is we commend the people of Nicaragua. We believe in the spirit of reconciliation and there should be a transfer of power. This says it all. The only thing missing is congratulating Violeta Chamorro. I do not know why we cannot include that. There was objection to that. This at least conveys our best wishes to the people of Nicaragua for making the right choice. I ask unanimous consent that I be made a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I believe on behalf of all Americans, Senator Dole and I can send our congratulations to Mrs. Chamorro.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to as follows:

S. Res. 256

Resolved, That the Senate commends the people of Nicaragua for their recent successfully held election, and calls for a spirit of reconcilation by all parties and for a peaceful transition of power.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTION TO PROCEED TO SENATE JOINT RESOLUTION 212 WITHDRAWN

Mr. MITCHELL. Mr. President, I ask unanimous consent that the motion to proceed to Senate Joint Resolution 212 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, I ask unanimous consent that Senator BIDEN be recognized to address the Senate for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Delaware, Mr. BIDEN.

CONVENTIONAL FORCES IN EUROPE

Mr. BIDEN. Mr. President, I thank the leadership and I thank the Chair for allowing me at this hour tonight to take an additional 12 or 15 minutes of his time and the Senator's time. I refrained from making these comments earlier because I did not want to interfere with the business that was underway. I think the matter to which I am about to speak is of some importance, and I believe it is important that at least the views, slightly differing views, of one Democrat be placed on the record.

Mr. President, over the last several days, the administration has come under considerable criticism for its position in the talks on conventional forces in Europe, so-called CFE. Some of my colleagues have expressed serious concern about the ramifications about the agreement reached between Secretary of State Baker and Soviet Foreign Minister Shevardnadze to cap U.S. and Soviet troops at 195,000 in central Europe while permitting the United States the right to keep an additional 30,000 troops in the southern and northern flank areas.

It was just 2 weeks ago, Mr. President, that the Bush administration received widespread, and I might add, uniform praise for achieving this agreement at the foreign minister's meeting in Ottawa. Now it seems the administration negotiators have gone from heroes to goats.

This episode is a classic example of conventional wisdom in Washington run wild. The old conventional wisdom, Mr. President, was that the Soviet Union had caved in to the United States and made a major unprecedented concession.

That was last week. This week the new conventional wisdom is that President Bush's negotiators were somehow tricked by the Soviet Union into limiting U.S. flexibility. Not surprisingly, Mr. President, the truth lies somewhere in between. While President Bush first made the new troop proposal during his State of the Union address and received immediate instantaneous overwhelming applause, he was rightly praised for recognizing that events had rendered the previous U.S. offer, that is 275,000 troops on each side, obsolete. So he proposed a ceiling of 195,000 United States and 195,000 Soviet troops in central Europe; that is, Central, the region encompassing Belgium, the Netherlands, Luxembourg, Denmark, the Federal Republic of Germany for the West, and the German Democratic Republic, Hungary, Czechoslovakia, and Poland for the East. That is the so-called central to which we refer.

He also indicated a U.S. intention to retain an additional 30,000 troops in the United Kingdom, Spain, Portugal, Italy, Greece, and Turkey, as compensation for the geographical asymmetries favoring the Soviet Union. No similar rights were to be given to the Soviet Union in Eastern Europe. The Soviet side immediately came forward and praised the President's offer to lower overall numbers, but the Soviets raised questions about the inequity that would exist, that is, that we would be allowed to have an additional 30,000 troops outside the central region which I have described above.

Now, the Soviets, although, as I said, they immediately praised the proposal, raised questions about this inequity. Indeed, when Secretary Baker went to Moscow, Soviet leader Mikhail Gorbachev stated that he could not accept the United States proposal. Instead, he urged that the United States and Soviet troops be capped at equal levels, either 195,000 or 225,000 troops in all of Europe. The next day, President Bush announced that this was unacceptable, leaving an apparent impasse.

Over the next several days, Mr. President, further negotiations took place culminating in the Baker-Shevardnadze agreement in Ottawa, Canada, and it was a negotiation. Both sides—the Soviets and the United States—compromised. While the Soviet side explicitly accepted the asymmetrical United States right to retain 30,000 more troops in Europe than the Soviet Union, we made an important concession as well. We agreed that the right to keep additional troops in the flanks would be made legally binding and that the asymmetry would be limited to no more than 30,000 troops.

With top administration officials touting Secretary Baker's negotiating prowess to the press, the conventional wisdom developed that President Bush had won a major victory. Supposedly, he had extracted an astonishing concession from the Soviets because they were so desperate for a deal they would accept almost anything. At least that was the story line. Top United States arms negotiators bragged that by forcing the Soviets to accept an asymmetry, they had demonstrated, as if it needed demonstrating at this late date, that Soviet forces are an army of occupation whereas American forces are in Europe by invitation.

Now the pendulum has swung, Mr. President. The new conventional wisdom is that the administration made a major blunder and that we should instead have accepted Gorbachev's offer for equal ceiling throughout all of Europe. According to the logic of the critics, if German unity leads to a desire to remove most or all of United States and Soviet forces, then our troop presence might be limited to a small number in Germany, a small number in the Netherlands and Belgium and a maximum of only 30,000 troops on our flanks.

Let us examine the scenario. Would a unified Germany really equate United States forces in West Germany with Soviet forces in East Germany and expel most or all of them as part of a unification settlement? Is it probable that such a development would occur?

Mr. President, as chairman of the Subcommittee on European Affairs of the Foreign Relations Committee, I have been conducting hearings to examine the political, economic, and military questions affecting U.S. policy in Europe. Last Thursday, I raised this very scenario with Assistant Secretary of State Richard Clarke, and he gave what I considered to be an emphatically reasonable answer.

He labeled the scenario farfetched on the premise that as far into the future as we can see the Germans and their NATO allies—not to mention the Poles and perhaps even the Soviet Union—will want us to remain in Europe. If that were to change, he argued, so much would have changed that the entire structure of the western security system has to be reviewed.

But equally important is the military reality if the United States did withdraw from Central Europe. What would it be? Our forces have been in Europe precisely to defend that region; that is, Central Europe. If we retain 195,000, it will be for that purpose. And if we withdraw from Central Europe, there is no way we will be able to defend that region—regardless of any limitations imposed by a CFE agreement, we would be unable to with even 195,000 troops on the flanks defend Central Europe—whether we placed those troops in England, Italy, or Turkey. The bizarre premise of the critics is that we would somehow want—much less be permitted—to redeploy tens of thousands of United States forces to England, Italy, or Turkey.

In my view, the administration has it about right, having at worst committed a minor tactical error. Perhaps the

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Soviets would have agreed to a United States ceiling of 225,000 in Europe with a common superpower ceiling of 195,000 in Central Europe, thus allowing the United States to transfer forces from Central Europe to the flanks. But this would have served only to obviate what to me is a highly implausible scenario.

By this, I do not suggest that I find it inconceivable that we will eventually make large-scale reductions in United States force deployments in Germany. But if and when that occurs, it will almost certainly occur in the context of a complete Soviet withdrawal from Eastern Europe. And that in turn will mean that the world has changed and there would be no requirement for a large United States presence in Europe. It is simply fanciful to suggest that other countries—whether Greece, Spain, Portugal, Italy, or Turkey—would welcome massive numbers of United States troops in that geopolitical environment of the Soviets having withdrawn from all of Eastern Europe. And it would be equally fanciful to imagine that the American taxpayer would be prepared in that context to spend tens of billions of dollars that would continue to be required to station U.S. forces in those numbers in the countries that I mentioned.

Therefore, I think it is important that we should recognize the new conventional wisdom of the Bush-Baker blunder is as ill-conceived as the initial conventional wisdom of a stunning Bush-Baker triumph.

The administration is doing its work on arms control, and in this regard, at least one should not fault their judgment or their competence. This episode, I am sad to say, reminds me of the so-called window of vulnerability debate with which you and I and others are so familiar in this body, a debate that has been going on for 20 years with regard to strategic weapons, a debate that, in fact, still threatens to undermine the arms control process.

If we look at the question of vulnerability of our ICBM's in unreal isolation, this vulnerability can be portrayed as worrisome, or even downright scary.

Yes, the Soviet Union, if its leaders were crazy enough to start a global thermonuclear war, could, perhaps, destroy most of our land-based missiles. But that scenario should not, if we are rational ourselves, concern us very much, because we retain thousands of warheads, thousands of warheads and submarines that are invulnerable to Soviet attack, and we maintain thousands of warheads on bombers which the Air Force believes can escape potential Soviet barrages.

Thus, when you examine the totality of the strategic triad, the supposed vulnerability of land-based missiles simply does not matter. When you examine the context in which United States forces would be asked to leave Central Europe, the fact that we can only keep 30,000 troops on the periphery of Europe simply does not matter.

Some, of course, believe that 225,000 United States troops are needed in Europe under any circumstance. I might add that I am not one of them. I can understand why they would be troubled by recent developments.

But the fact is that this number is considerably higher than we even need today. The long-exaggerated threat of invasion from a united Warsaw Pact—that so-called threat for all to see—has been eliminated. This juggernaut of a Warsaw Pact raging across the Western border, in fact, is as I suggest, for all to see, nonexistent.

Our security interests can be preserved with a much lower number of U.S. forces, and as we negotiate that draw-down, we should hardly fear that we have lost some hypothetical flexibility that we never needed in the first place.

Mr. President, currently, we stationed approximately 6,000 troops in Belgium and the Netherlands, and there is no reason to expect that all of these will be expelled any time soon.

With the limited troop presence of some 20,000 to 30,000 combat troops in Germany, and some 5,000 troops in Belgium and Holland and some 30,000 troops on the flanks, we would be able to retain what we may wish to retain over the long term, which is a force large enough to demonstrate an American commitment to the stability of Europe in a context where few, if any, Soviet forces remain anywhere in Eastern Europe.

In summary, Mr. President, let me say emphatically that I do not believe our flexibility to respond to the process of demilitarization in Central Europe has been or would be seriously impaired by the Baker-Shevardnadze agreement in Ottawa.

One question, I would note, does arise: Why did the President choose to give greater priority to achieving an asymmetry than to providing U.S. military forces maximum flexibility, albeit one that they do not particularly need?

The answer, I think, lies in the politics of Washington, and its continuing internecine battles. Recently, the administration had come under strong criticism from the right, political right, which it seems to fear somewhat excessively. Skeptics of arms control were arguing very recently that the CFE Treaty process itself had become a dangerous exercise, because it allegedly equates United States and Soviet forces in Europe, and because a negotiated ceiling on those forces could conceivably be taken as legitimizing a Soviet present in Eastern Europe. So the argument went.

"Why don't we stop negotiating and simply watch as the Eastern Europeans kick Soviet forces out?" some prominent conservatives were asking.

Some in the administration were, I suspect, made anxious by this conservative criticism. Accordingly, to defend the arms control process and to demonstrate its value, the President may have made a political decision to trade off some minor degree of flexibility in order to achieve asymmetrical rights in Europe. What is apparent upon reflection—as the old conventional wisdom has given way to the new—is that the Soviet Union did not make such a drastic concession. Instead, Soviet leaders reached a rational conclusion that allowing the United States 30,000 more troops in Europe than they were allowed was acceptable and reasonable for precisely the reason the President made his proposal: because the Soviets, even with their forces withdrawn to their own territory, are still in Europe while the United States forces are an ocean away. The Soviets can accept leaving us with more conventional power because, in extremis, they can move forces into Europe more quickly than we can.

I would point out that there were other ways for the President to respond to concerns—which we all share—that diplomacy must, on no account, explicity or implicitly enshrime a Soviet right to remain in Eastern Europe. We must be clear on the difference between NATO, a voluntary collaboration, and the Warsaw Pact as an instrument of Soviet coercion. But this goal can be accomplished at the 35-nation all-European summit planned for later this year. There, as I suggested in an opinion piece in the New York Times last month, the United States could and should propose the formal adoption of a principle whereby any member nation can determine autonomously whether any foreign troops will remain on its soil. We should enter into such an agreement.

This would be a very difficult principle for the Soviets to oppose. And yet, once accepted, this simple expression of the right of self-determination would be a much more straightforward means to achieve the objective of seeing the Red army leave Eastern Europe.

In practice such a Helsinki-sanctioned mechanism could lock in the Soviet promise to withdraw their forces and convert the Warsaw Pact to no more than a political role. Meanwhile, NATO countries would have full liberty to retain an American presence for as long as our joint security structure requires it. In my view, adopting this principle would be the best way to underscore, in practical terms with practical consequences, the inherent difference between NATO and the Warsaw Pact.

Mr. President, perhaps we would do well to try to escape from the prison of our current political propensities, in which the forces of partisan recrimination are forever trying to erect a new conventional wisdom at someone else's expense.

Certainly I have no qualms about disagreeing with the President's foreign policy from time to time when I judge it necessary. And certainly those in the current administration have had no qualms about tarring my party as craven and weak-kneed. That is, they have not been above that. But it is a tough game we have created here. One week the swing of the pendulum can make you a hero, the next week a goat.

The President of the United States and Secretary Baker were neither heroes in the compromise they arrived at nor goats. We should put it in perspective, and we should, in fact, let them move about the business of seeking what I predict will occur and that we need even further negotiated reduction over time in Europe.

I thank the Chair for allowing me to trespass on the time at this late hour, and I thank the leadership for giving me the opportunity.

I yield the floor.

ORDERS FOR MONDAY, MARCH 5, 1990

RECESS UNTIL 2 P.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 2 p.m. on Monday, March 5, and that following the time for the two leaders, there be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, it was our hope that we could act on the nomination of Clarence Thomas. I understand there was objection to that. It is now hoped we can do that early next week or sometime next week before the next recess.

Mr. MITCHELL. I will be pleased to discuss that with the interested Senators and hope we will be able to move that nomination as soon as possible.

RECESS UNTIL MONDAY, MARCH 5, 1990, AT 2 P.M.

The **PRESIDING OFFICER.** Under the previous order, the Senate stands in recess until 2 p.m., Monday, March 5.

Whereupon, at 9:12 p.m., the Senate recessed until Monday, March 5, 1990, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1, 1990:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

EDWIN G. FOULKE, JR., OF SOUTH CAROLINA, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR THE TERM EXPIRING APRIL 27, 1995.

FEDERAL MEDIATION AND CONCILIATION SERVICE

BERNARD E. DELURY, OF NEW JERSEY, TO BE FEDERAL MEDIATION AND CONCILIATION DIRECTOR.

EXECUTIVE OFFICE OF THE PRESIDENT

ALLAN V. BURMAN, OF VIRGINIA, TO BE ADMINISTRATOR FOR FEDERAL PROCUREMENT POLICY.

DEPARTMENT OF EDUCATION

JOHN T. MACDONALD, OF NEW HAMPSHIRE, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

TONY E. GALLEGOS, OF CALIFORNIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE TERM EXPIRING JULY 1, 1994.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ANTONIA COELLO NOVELLO, OF THE DISTRICT OF COLUMBIA, TO BE SURGEON GENERAL OF THE PUBLIC HEALTH SERVICE FOR A TERM OF 4 YEARS.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1993:

WANDA L. FORBES, OF SOUTH CAROLINA.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1993:

CHARLES E. REID, OF NEW JERSEY.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1994:

DANIEL W. CASEY, OF NEW YORK.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

THE FOLLOWING-NAMED PERSON TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 1994:

ELINOR H. SWAIM, OF NORTH CAROLINA.

DEPARTMENT ON HEALTH AND HUMAN SERVICES

JOYCE T. BERRY, OF THE DISTRICT OF COLUMBIA, TO BE COMMISSIONER ON AGING.

NATIONAL SCIENCE FOUNDATION

FREDERICK M. BERNTHAL, OF TENNESSEE, TO BE DEPUTY DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION.

NATIONAL INSTITUTE ON DISABILITY AND REHABILIATION RESEARCH

WILLIAM HUGHES GRAVES III, OF MISSISSIPPI, TO BE DIRECTOR OF THE NATIONAL INSTITUTE ON DISABILITY AND REHABILIATION RESEARCH.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING KENNETH J. BART, AND ENDING HENRY A. WALDEN, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 1990.

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EXTENSIONS OF REMARKS

MPLA MILITARY OFFENSIVE IN ANGOLA

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SMITH of Florida. Mr. Speaker, I want to speak today about the escalation of the war in Angola and the destruction such military actions are creating. Deciding to reject the peace process, the MPLA regime has engaged in an increasing number of military offensives that have reached alarmingly unprecedented levels.

On June 22, 1989, in Zaire, MPLA President Jóse Eduardo dos Santo and UNITA President Jonas Savimbi, before 18 African heads-of state, agreed to a formal cease-fire and promised to open talks on a government of national reconciliation. However, in December the MPLA continued its bloody combats against UNITA, causing heavy casualties on both sides. With Soviet and Cuban support, as well as massive heavy artillery, tanks and military warplanes, the MPLA's military offensive has escalated into one of the largest offensives of the 15-year civil war.

As a means to retain their power and dominance in Angola, the MPLA's continued warfare against UNITA has only caused the loss of hundreds of innocent lives, the destruction of cities, and a suffering economy in a country rich with resources. Whether you are supportive of or against the MPLA, we all can agree that the fighting must stop and peace must be established.

It is not until the people are given the freedom to choose their own government that true democracy can begin in Angola. If the South Africans and the ANC can negotiate after years of bitter struggle, why can't the MPLA negotiate with UNITA to end the civil war? From South Africa to Poland, from Nicaragua to even the Soviet Union, opposing parties are compromising and agreeing that democracy is their only option. Sooner or later, the MPLA will realize that free multiparty elections are their only option.

The Bush administration has asserted its support of UNITA's goals of direct negotiations and a cease-fire in Angola, and I urge you to join me in agreeing with and supporting this as the only possible solution. We must condemn the MPLA for their military actions and the Soviet Union for supporting them, especially with the dramatic changes that are occuring throughout the world.

The only way for this dangerous crisis to end is to put an end to the misery and destruction of this 15-year civil war. The war will only finally end at the negotiating table, not the battlefield.

I would like to submit for the RECORD a recent article from Inform Africa that accurately depicts what is currently happening in Angola.

[From Inform Africa, Feb. 10, 1990]

ANGOLA: WOLVES AMONG SHEEP

The hard line wing of the MPLA, made up mostly of historical members who want to preserve the party's power at all costs, has regained the upper hand in internal politics in Luanda. The moderates, who are open to political compromise with UNITA and favour a rehaul of the system, are finding themselves increasingly isolated and powerless to intervene. President José Eduardo dos Santos has begun to align himself with the radicals. He is now known in political circles in Luanda as the "balancer".

Until October and November last year, dos Santos generally supported the moderate wing of the MPLA, although this was not always consistent or apparent. The ambiguities which have generally characterized his leadership spared him from having to break openly with the hardliners. The president is also more ideologically compatible with some of the radicals and shares with them all the strong desire to preserve MPLA hegemony.

The impasse in the peace process, which was largely engineered by the hardliners, allowed them to reap political and psychological dividends. After a phase of great internal tension (see no. 10, p. 1), in which a real showdown seemed imminent and the scales ready to tip in the moderates favour (and thus lead to renewed peace efforts), it was the orthodox wing which emerged with the upper hand.

This development reversed the logical evolution of the orthodox ideologue, Kito Rodrigues believes for exemple that rebel leader Jonas Savimbi should be neutralized. His political rehabilitation was so complete that at the last Central committee meeting in mid-January, an agenda item to discuss a report on alleged illegalities which led to his sacking as interior minister was ignored.

Kito Rodrigues' political rise has been accompanied by the apparent decline of his most direct rival and one of the leading moderates of the regime, Foreign Minister Pedro Van Dunem (Loy). Dos Santos has added his voice to the criticism of Loy, reprehending the minister publically for declarations he made in Portugal which were considered out of line.

The president himself also approved ultimately the decision to launch the latest offensive against UNITA, although he apparently had reservations about such a massive military thrust. Dos Santos even went so far as to request Cuban and Soviet help in the offensive. Rumours suggest the president sincerely believed in the effectiveness of the operation, which also explains his air of confidence and control.

When he travelled to Havana in November to attend a memorial service for Cuban soliders killed in Angola, dos Santos made political statements which surprised observers in Luanda. Dos Santos seemed to align himself with the Cuban view on world politics, which caused irritation in Washington and embarrassment to the pro-MPLA lobbies in the United States.

In addition, the Angolan leader said recently that "a multi-party system is unacceptable" and that "perestroika does not apply to Angola." In a interview he gave to Cape Verdian television on his return from Cuba, dos Santos affirmed: "It is not the principles of socialism which are in question but the methods of applying these principles." His recent statements in Luanda have carried the same overtones.

While in Cuba, dos Santos met with 6000 Angolan students who clearly looked to him for help in resolving some of the problems they face living in Cuba. But dos Santos disappointed them by saying merely they must make sacrifices just as the Cuban internationalists made sacrifices in Angola.

Feelings of discontent and frustration have begun to become apparent among officials in Luanda, mainly due to the lack of peace prospects and the timid attempts at reform. Some were also uneasy over the so-called "television trials" of Transport and Communications Minister Carlos António Fernandes and Construction Minister Joao Garcia Cabelo Branco. Cabelo Branco, for example, was publicly humiliated when dos Santos said on Angola television that he was not a dynamic minister. Cabelo Branco retorted by saying later that Angola itself could use "a more dynamic boss."

Given dos Santos present position and his difference to the radical wing, the committee preparing the next MPLA congress has been dominated by the hardliners. The choice of issues for internal situation. It also coincided with the hardline "declaration of faith" in a military defeat of UNITA which came out of the Cafundo meeting (see no. 11, p. 4). At this meeting, where the military thrust on Mavinga and ultimately Jamba was agreed, the moderates suggestion that the war be ended by political means was shot down.

Turnaround—While euphoria reigned over the perceived infallibility of a military option to weaken UNITA and deny the rebel movement political status in any solution to the war, dos Santos political line shifted. Some of the signs of this were the following:

Dos Santos drew closer to some of the most emblematic hardliners, such as Roberto de Almeida and Afonso Van Dunem (Mbinda). In Almeida's case, however, this realignment was offset by the announcement of the creation of a Ministry of Information, apparently to check Almeida's powers in this sector given his role as the MPLA's ideology chief.

Veteran MPLA figures such as Joào Louis Neto (Xietu), marked by their categorical rejection of dealings with UNITA were rehabilitated. A member of the Presidential staff, Aldermiro Vaz da Conceiçao, who was a target of attack by the radicals, was withdrawn and replaced by five men who are more ideologically rigorous

Dos Santos' year-long dispute with Manuel Alexandre Rodrigues (Kito) began to subside. Although he is not strictly the congress shows the purely cosmetic nature of proposed political reforms. For exemple, removal of the letters PT in the acronym MPLA-PT (originally meaning MPLA-Workers' Party but more popularly known as

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"Peta Comunista". or "Communist Lies") is a continual source of discussion. Despite the scorn the acronym has attracted, the hardliners insist it must remain and that the people would misunderstand or misinterpret its removal.

In his opening speech at January's Central Committee meeting, which coincided with one of the most intense phases of the military offensive against UNITA, dos Santos encouraged some, although limited, political reforms. But during the actual debate on changes, the president's comments got little attention, and he failed to defend his ideas actively. The final communique contained no reference to reforms.

The hardliners's attempts to thwart more moderate members of the regime were evident in a report presented by the Control Commission (chaired by Kito Rodrigues), which states textually that the president is "surrounded by the wrong people". They also vehemently opposed Dos Santos' planned trip to the United States on the grounds that the MPLA "has no business begging from imperialists." The trip was postponed.

In his comments to the Central Committee on the peace process, dos Santos took up the old theme of amnesty for UNITA members. He also insisted on exile for Savimbi, although now with the nuance that the exile could be internal.

Paulo Jorge, one of the older orthodox members of the MPLA, was also promoted to active member of the Central Committee.

Cease-fire—Final convincing proof of dos Santos' new alignment with the radicals was his total opposition to the cease-fire proposal of Zairean President Mobutu Sese Seku, the mediator in the Angolan conflict.

Mobutu's proposal is based on the principle that both belligerents should be treated equally. Dos Santos' counterproposal, however, puts the MPLA clearly in a position of superiority. In general, it allows only "social integration of UNITA members, and insists that UNITA suspend its military activities and dismantle its bases.

While Mobutu's plan would place monitoring and control of a cease-fire in the hands of five countries (Congo, Egypt, Gabon, Morocco and Nigeria), Luanda's plan would entrust this mission to the government with three African countries acting as observers, Dos Santos's plan means effectively the surrender of UNITA.

Mobutu, already the target of mistrust among the Angolan radicals (who describe him as an enemy of Angola), appears to begin to be rejected by dos Santos himself. Mobutu lamented privately that the Angolan leader had "allowed the peace process to sink into such an impasse".

Dos Santos has fallen into some discredit among international observers given his new alliance with the hardliners. Whether this approximation is merely a tactic, only time will tell. Despite his past political cleverness and manoeuverability, opinion is growing that dos Santos may have irreparably jeopardised his role in bringing peace to Angola.

ANGOLAN MEDIATION IN THE ANGOLAN CONFLICT?

One of the highlights of UNITA leader Jonas Savimbi's visit last month to Portugal was a meeting with a group of highly respected Angolans, who have put themselves forward as possible mediators in the civil war and who appear to enjoy a favourable reception on both sides.

Savimbi met Mário Pinto de Andrade, a former president of the MPLA, Gentil Viana and Adolfo Maria, who were both former MPLA members with leading roles in party structure and political activities, in Lisbon. Another member of this group, Maria do Céu Reis, who lives in Maputo, was unable to attend.

Their common link is that all broke off from the MPLA under Agostinho Neto's leadership in 1974 and formed along with about 20 others (mostly intellectuals) the "Active Revolt" faction. Most have lived abroad since the split, mainly in Portugal.

Aims at the new group, whose nucleus is made up of the four people mentioned above, are to think hard about the Angolan problem and present positive, concrete ideas for a solution. Other Angolans, including some who have remained in the country, have been involved.

MEDIATION

Three months ago, "Informáfrica" gained access to information, at that time incomplete, that Andrade, Viana and Maria had begun low-key initiatives to present new ideas to resolve the Angolan conflict.

Further investigations revealed that the fundamental proposal of the group is that mediation in the conflict must be ensured by Angolans, who would intervene within certain limits, have moral credibility and promote national reconciliation and reconstruction.

It was this essential idea that the group presented to Savimbi, as it had done earlier with President José Eduardo dos Santos and other leading MPLA figures such as Lopo do Nascimento. In the case of dos Santos, the group's proposals were delivered through the Cape Verdian president. Their message was apparently well-received, although dos Santos' expressions of willingness to meet the group have not yet borne fruit.

The group's proposals also enjoyed a favourable reception from Savimbi, who even pledged to set up a contact group to work towards concretising the plan. The meeting with Savimbi was in accordance with the group's commitment to talk with both sides equally yet remain equally-distant from the parties.

One important detail is that the would-be mediators have said they would renounce all political aspirations in Angola, both in the present and the future, thus making a clear distinction between their stated aims and any political ambitions they might be accused of having.

In elaborating their ideas, particularly on the urgency of finding a balanced solution to the Angolan war, the members maintained that a continuation of the civil war could lead to a Balkanisation of the country or even a "Lebanonisation". Two years ago, when circumstances were critical, they issued a document warning of the dangers of splitting the country.

They also believe that the changes in Eastern Europe and the West's response to these changes show that Angolans must stop destroying themselves and their country before the damage is irreversible and reconciliation and recovery are impossible.

The potential mediators distributed a note explaining their ideas to the presidents of the five Portuguese-speaking African countries at the summit in December in Cabo Verde. Already after the Gbadolite summit last summer, they sent a memorandum to both dos Santos and Savimbi defending the advantages of purely Angolan intermediaries.

The group has also made contacts outside Angola, such as with Portuguese President Mário Soares and Portugal's Socialist Party. It would like to expand links to all parties in Lisbon, including the Communists.

The group feels one of the first steps in ending the war is to bring together the disputing parties, MPLA and UNITA, in a context which is genuinely Angolan. The idea is to allow both sides to voice all their concerns without inhibitions in an atmosphere of openness.

FOREIGN INTERESTS

In formulating its basic tenents, the group recognises that the Angolan question is riddled with complex international angles. It advocates setting up a mechanism to address foreign interests, but feels this should come only after, and be conditional on, agreement among Angolans themselves.

It argues that outsiders will eventually understand that Angolans can best resolve their problems among themselves (and not through alliances with some force or another) and defend better their legitimate interests themselves, notably economic. Contacts are envisaged with the United States, the Soviet Union, South Africa, and Cuba.

TRIBUTE TO DR. HOWARD GARBER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. DANNEMEYER. Mr. Speaker, 1990 represents the 30th anniversary of an article published in Popular Mechanics by an Anaheim, CA, optometrist Dr. Howard Garber.

The subject had a little to do with eyes and sight. Although, it had more to do with automobiles. Dr. Garber helped pioneer what we consumers now know as a third tail light on most models of cars made after 1986.

On May 20, 1987, the Los Angeles Times ran an editorial commending the idea and reported a finding of the National Highway Traffic Safety Administration that if a consumer owns a car with a third tail light mounted in the rear window, that consumer will be 22 percent less likely to be in an auto accident.

Many modern American pioneers get lost in the shuffle of social trends and current fads. Dr. Howard Garber is one pioneer who deserves recognition for pursuing an idea that touches nearly all of our lives and probably has served many as well.

BLACK HISTORY MONTH—REMEMBERING FREDERICK DOUGLASS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the history of African Americans in our country dates back to 1619, with the arrival of the first shipload of slaves arriving in Virginia. Beginning with this event, and the other acts of oppression to follow, a racist scar has been left on our Nation's history. One of the first campaigner against slavery and its racist foundation in the United States was Frederick Douglass. Mr. Douglass will be remembered forever as the foremost black abolitionist in antebellum America, who took the initial steps in ending this hypocrisy.

Frederick Douglass was born in February 1817 on the Eastern Shore of Maryland. His mother, from whom he was separated at an early age, was a slave named Harriet Bailey. Douglass, who never knew or saw his father, had a childhood which was extraordinarily deprived of personal warmth. On the main plantation of Col. Edward Lloyd, the text of his early remembrances were filled with lack of familial attachments, hard work, and sights of incredible inhumanity. With his younger years spent in oppression, Douglass rose above those who enslaved him through self-education, which enabled him to become a passionate campaigner for the abolitionist movement.

In 1838, he escaped to New York and married a free black woman from the South and settled in New Bedford, MA. From there, Douglass quickly became involved in the antislavery movement which was gaining impetus in the North. After delivering a moving speech in Nantucket, MA, about his experiences as a slave, Douglass was hired as a lecturer by the Massachusetts Antislavery Society. Douglass was a forceful and eloquent speaker; his self-taught prose and manner of speaking so inspired some Harvard students that they persuaded him to write his autobiography.

With the Civil War beginning in 1861, several issues were raised, not the least of which was what role the black man would play in his own liberation—since one of the main objectives of the war was emancipation of the slaves. As a result of his continued insistence, President Abraham Lincoln asked him to recruit black soldiers for the Union Army. As the war proceeded, Douglass had two meetings with Lincoln to discuss the use and treatment of black soldiers by the Union forces. In consequence, the role of black soldiers was upgraded each time and their military effectiveness increased also.

Douglass was delegated many responsibilities, among these was to settle disputes among politicians who differed on the question of race and its corresponding problems, as well as giving advice during the legislative battles which were waged to establish the constitutional integrity of the slave's emancipation.

As we look back at the important contributions made by Frederick Douglass in the abolitionist movement, we can clearly say that men such as himself have enabled our Nation to overcome seemingly insurmountable odds to establish themselves at the leading edge of change and progress in American society. Black Americans have clearly played a vital role in our Nation's development—socially, politically, economically, and religiously. Black History Month allows all Americans to learn from past injustices to further ourselves as a Nation; through this valuable history lesson, we can look confidently into the future with a commitment to perpetual harmony between races.

TWENTY-FIRST CENTURY TEACHERS ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. GOODLING. Mr. Speaker, yesterday I joined with several of my colleagues in introducing a bill, H.R. 4130, the Twenty-First Century Teachers Act. This bill recognizes that we are facing a serious shortage of teachers, especially if we look at the number of teachers retiring and the increases in students that we have had due to the baby boomlet. We could be seeing a situation regarding our need for teachers similar to that which we had after World War II.

These shortages become even more critical when we examine the numbers of teachers we will need in certain discipline areas such as mathematics and the sciences. The data indicate that this scenario will get worse before it gets better. As a result, our students, and ultimately this Nation, will suffer the consequences. The seriousness of this overall teacher shortage, coupled with the need to attract high achieving and minority students into teaching, led to my introducing H.R. 3909, the Augustus F. Hawkins' Early Childhood and Elementary Teacher Preparation and Retraining Act.

Despite my agreement with the chairman as to the general goals and purposes of the Twenty-First Century Teachers Act, I have some reservations about a few provisions in the bill. Whatever we accomplish in a bill such as this one, we must first assure that the incentives we provide encourage students to enter teaching. We should not place such rigid requirements on the loan incentives, that instead of encouraging students, we actually discourage students from taking advantage of them. I cannot deny that I believe that we must look for ways to encourage teachers to work in economically disadvantaged and rural areas, and that we must give priority to minority and high achieving students, but I do not want to do this to the detriment of attracting as many individuals as possible into teaching.

Additionally, as in my bill, H.R. 3909, I think that we must find a way to emphasize professional development and inservice activities for those who are teaching in preschool and elementary grades. I believe that much of what forms the basis of our students ability to read, write, and compute occurs early in the educational process. If we do not provide the means to revitalize and upgrade the skills of those teachers in the early grades, we will miss an important opportunity.

I hope to be able to work with the chairman to resolve these concerns as the bill is considered in committee. I commend the chairman's efforts in the introduction of this bill, a bill that can ultimately make a real difference in the education our children receive.

INTRODUCTION OF THE HUMAN SERVICES REAUTHORIZATION ACT OF 1990

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. KILDEE. Mr. Speaker, I am pleased to introduce today with several of my colleagues, the Human Services Reauthorization Act of 1990. This legislation will reauthorize the Head Start Act, the Child Development Associate Scholarship Assistance Act, the State Dependent Care Development Grants Act, the Follow Through Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981.

Project Head Start was launched in 1965 as part of the war on poverty to help ensure that economcially disadvantaged children begin school on an equal basis with their more advantaged peers. At the time, Head Start was a pioneer in a unique approach to helping children, emphasizing strong parental involvement, and comprehensive service delivery. This approach is reflected in the program's broad set of objectives. These include working to improve children's health; aiding their emotional, social, and motivational development; improving and expanding their ability to think, reason, and speak clearly; and helping both children and their families to gain greater confidence, self-respect, and dignity.

The Follow Through Act authorizes grants to public schools to provide children from low-income families, coming from Head Start, with the extra support they need to succeed in primary school. These grants support high quality, comprehensive programs in kindergarten through third grade which include: A full-day classroom program covering basic skills, social studies, arts, and sciences; access to social health, nutritional, and psychological services; and activities that encourage and enable parents to take part in their child's education as well as decisions about the local program. Follow Through is distinctive among Federal education programs because it is preventive and its students are subsequently less likely to need remedial services.

The Child Development Associate Scholarship Assistance Act was created in 1986 to provide needed financial assistance to low-income individuals who otherwise would be unable to afford the cost of the child development associate credential [CDA] application and assessment. The CDA is a performance-based, professional credential awarded to people with demonstrated ability to work with young children. The credential serves not only as a recognition of an individual's skills in working with children, but often is the first step to further educational achievement.

The State Dependent Care Development Grants Act authorizes funds to States for the planning, establishment, expansion, or improvement of resource and referral programs and before and after school child care services for school-aged children. It enjoyed bipartisan support at the time of its enactment in 1984 and continues to play an important role in expanding the availability of resource and

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referral services and school-aged child care programs.

The Community Services Block Grant [CSBG] is designed to provide funding to States for a range of services and activities having measurable and potentially major impact on the causes of poverty. CSBG supports the operation of nearly 900 community action agencies [CAA's] which serve low-income families in 98 percent of the Nation's counties. The CAA's, based upon assessments of local needs, provide short-term direct assistance such as emergency food and shelter, job banks and counseling, and services leading to economic self-sufficiency, from literacy training and budget counseling to the creation of new jobs.

The Low-Income Home Energy Assistance Program [LIHEAP] provides block grants to States, territories, and Indian tribes to help low-income families meet their energy costs. Formula grants are made to States and to Indian tribes to provide low-income households with financial assistance for heating and cooling costs, energy-related crisis intervention aid, and low-cost weatherization. The critical need for LIHEAP assistance was made even more evident late last year when the cost of home heating fuels rose dramatically as a result of the severe cold weather experienced by most of the country in December.

There are a number of important issues which need to be addressed in the Head Start reauthorization concerning the expansion and quality of the Head Start Program. For this reason, I am also introducing the Head Start Expansion and Quality Improvements Act of 1990 today with Congressman HAWKINS and Senators DODD and KENNEDY which addresses these critical issues.

The National Governors' Association, a bipartisan report by former Presidents Carter and Ford, the Committee for Economic Development, the American Academy of Pediatrics, as well as other child advocate and educational organizations, have all called upon Congress to fully fund Head Start. The Head Start Expansion and Quality Improvements Act of 1990 proposes to fully fund Head Start within 4 years.

As noted in the February 12, 1990, issue of Time magazine, there is a critical need to look at building upon the current effective system to enhance the quality of the Head Start Program. Without addressing quality, a Head Start spokesman said:

> We could end up like the Savings and Loans. By functioning on the cheap, we will eventually so severely underfund Head Start's ability to deliver quality care that we will be forced to spend even more to fix the problems shortsightedness created.

The Head Start Expansion and Quality Improvements Act of 1990 addresses this issue by targeting funds to quality improvement activities such as teacher salaries and training. We must make an investment both in the expansion and the quality of the Head Start Program.

I urge my colleagues to support the Human Services Reauthorization Act of 1990 and the Head Start Expansion and Quality Improvement Act of 1990.

THE FAIR SITE SELECTION ACT

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. VISCLOSKY. Mr. Speaker, approximately 5 years ago, a process was begun to choose a site in the Midwest for the location of an airport to relieve the ever-increasing congestion experienced at the area's major airports and to meet the future needs of the Nation's air travelers. Thousands of hours have gone into evaluative studies and millions of taxpayer dollars have been expended. Over time, different phases of the site selection study have been completed and the number of potential locations to be examined has now been narrowed to four—three in Illinois and one in northwest Indiana. A final recommendation is expected by September 1991.

While I wish the study had proceeded in a more timely manner and a final decision had been rendered by now, I have been confident that, for the most part, the study was being conducted in a fair and unbiased manner by all those concerned. Regretfully, recent events have caused me to revise my assessment. Through actions and words, key national decisonmakers have tainted the process. Efforts to address this situation directly have been rebuffed and I now believe that the work of all those who have participated in the process and the millions of tax dollars spent may have been wasted. Therefore, today I am introducting legislation whose purpose is to ensure that the study proceeds in a proper manner and that outside influences are minimized.

My bill, the Fair Site Selection Act simply precludes the Secretary of Transportation from funding any new airport development study for the third major airport in the region. The legislation would also preclude the addition of any new sites for consideration in the ongoing study.

In conclusion, I must stress that this legislation is not intended to promote any parochial interest. Of the four sites being reviewed by the site selection committee, three are in Illinois and only one is in Indiana. Indeed, the Fair Site Selection Act is meant to protect all the sites and ensure the impartiality of the process.

THE NEED FOR OUR BATTLESHIPS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. ANDERSON. Mr. Speaker, the Navy recently announced its intention to mothball two battleships, the U.S.S. *Missouri* and the U.S.S. *New Jersey*. I have made my position known on the need for "reasonable" cuts in our armed services. As much as anyone, I would like to see this nation prudently trim our military expenditures, as long as that trimming process is done with our strategic needs in mind and adequately accounts for present and future military threats. I question whether mothballing battleships adheres to that necessary logic.

I was heartened to see that the Navy was least impacted in Secretary Cheney's proposed 1991 defense budget. As our Nation's historical defender, the Navy has consistently sailed in harm's way, resisting unjust aggression and promoting democracy around the world. We are a maritime power, do not forget. Our future lies in freedom of the seas, and control of those same seas if the need should arise. As world trade becomes a greater and greater share of our Gross National Product, our reliance on the Navy to protect this country's economic integrity will grow. We also primarily rely upon the Navy to project power onshore. Between the years 1945 and 1990 we used our naval power 187 times. The question for the future is then one of how do we maintain those forces that are most capable and most likely to successfully fulfill our worldwide commitments, responsibilities and needs. I point to our battleships as uniquely qualified for that mission.

As evidence I would like to quote from Senator MCCAIN'S insightful article entitled, "The Need for Strategy in the New Postwar Era," as appeared in the January 1990 Armed Forces International Journal. He writes, "We must be cautious, however, about cutting our four battleships. They cannot simply be dismissed as outdated weapons. They can deliver far more firepower with far more security along most of the world's coast than an air wing. In fact, one battleship can deliver 40,500 pounds of ordnance at ranges up to 23 miles in one minute. Each battleship also has eight quadruple launchers for Tomahawk cruise missiles. This gives it the ability to hit fixed targets with incredible precision at ranges of up to 700 miles. The battleshp has an almost ideal surgical strike capability for low-intensity war and is the natural partner of fixed-wing air power because it can use its cruise missiles and guns to suppress air defense sites. It is also important to note that a battleship costs only $45 million a year in operating and maintenance funds. This is less than the $48 million per year for a nuclear cruiser and about one-third of the $124 million cost of a conventional carrier." I would further add that our battleships represent a very large percentage of the Navy's gunnery support and also carry Harpoon anti-ship missiles.

I found this article, written by a highly decorated Navy veteran and a distinguished member of the Senate Armed Services Committee, to be greatly informative. I think it puts to rest many questions concerning the cost, capability, and strategic mission of our battleships. I would just like to add that there is no other type of ship in our fleet so ideally suited to playing the crucial deterrent role of "showing the flag." Speaking softly and carrying a big stick is easily demonstrated with a fleet of battleships on your side. Finally, when many have called into question the survivability of our carriers, I would like to remind all that there is no ship harder to sink than a battleship.

With these facts in mind, I hope that we will all think long and hard before we decide to mothball these two fine and proud ships.

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AMERICANS SKATING ON ECONOMIC THIN ICE

HON. HARRY A. JOHNSTON II

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. JOHNSTON of Florida. Mr. Speaker, what follows is an article written by one of my constituents, Mr. Arthur Burck. This article is entitled "Americans Skating on Economic Thin Ice." It was published in the Palm Beach Post last October. I believe that Mr. Burck raises many interesting points, and his article certainly deserves widespread reading.

[From the Palm Beach Post, Oct. 22, 1989]

AMERICANS SKATING ON ECONOMIC THIN ICE

(By Arthur Burck)

ROME.—It takes a stock-market collapse to remind one of how small and interrelated today's world is.

The bleak news of Friday the 13th quickly reached me at the Giulio Romano festival amid the medieval castles of Mantua in northern Italy, where it took more than four centuries for the message to arrive that Romano (1497-1543) should be included among the world's all-time greats in the art world.

Then, on the following Monday, the stock markets of Italy and other major countries plummeted even more—7 percent to 11 percent—than did ours on Friday, just as after Black Monday two years ago when many foreign markets sank 30 percent to 40 percent. The grave lesson is that when America sneezes, the rest of the world catches a cold.

In Rome, businessmen are not very happy about such disruptive consequences. For example, Count Eolo Poli Sandri, a noted financier, lamented: "By hard work, since the ruins of World War II, we have pulled up our economy to become second in Europe and fifth in the world. Now, because of some takeover problems about which we know nothing, we see our economy threatened just as it was two years ago."

Mergers, of course, are indispensable to an effective free economy. But for decades we have grossly abused what is a basic necessity. The entire world is now suffering, but the hard reality is that our economy is in danger of foundering unless corrective action is soon taken.

We often lament the decline of our industry, and especially the quality of our products. In large part these are among the victims of mergermania. During the early postwar years—especially the 1950s and '60s—there was a great fluorescence of small entrepreneurial businesses, thousands of which eventually became sizable enterprises that made advanced, high-quality products—usually because of a motivated management and worker force.

By the 1960s many of our big old-line companies were stagnating; for many, the early postwar years were one-way streets because foreign competition had been destroyed or minimized by the war. Softened due to a lack of competition, they were ineffective when new foreign competition arrived. So many of these dinosaurs acquired the entrepreneurial new companies that were thriving. These deals were rarely successful.

I know this personally. I negotiated acquisitions with a dozen Fortune 100 companies, and most became disasters for the acquired companies. I estimate that since 1955 there were at least 60,000 acquisitions, and that at least 75 percent of the acquired companies were damaged or destroyed.

Why? A very basic and simple reason. Businesses are people. Businesses that become successful invariably have a vital intangible asset: People who are dedicated and hard-working. That fragile asset is usually lost or damaged because of inability to mesh with the bureaucracy or corporate culture of the acquirer, especially when a big company is the buyer. We know it is hard enough for two people to stay married; just imagine when two huge corporate families are involved.

We must remember that the giants for several decades have been beating the bushes to find the most tempting takeover targets, the cream of the crop of emerging growth companies and leading indepdendents. In other words, we have undermined a generation of our most promising companies, the industrial future of America.

Nobody has said it better than Japan's Akio Morita, chairman of Sony Corp.: "Unfortunately, America's brightest managerial talent is engaged in takeover moves and empire-building, in which profits are made not by manufacturing and selling goods."

Few today realize how extensive were the abuses and excesses that have endured for decades.

The success of the grand acquisitors has created a fad atmosphere that encourages normally sound businessmen to join the crowd bent on fast-moving growth.

Apart from the erosion of our business structure, we are imperiled by the many worst-case scenarios that lurk in the risky practices that have infiltrated our financial community. Wall Street was never a place where the public or the national welfare received priority consideration, indeed, there has always been a tendency to ignore the supplication of the Lord's Prayer: "And lead us not unto temptation."

The excesses of mergermania and today's casinolike atmosphere are reminiscent of the free and easy 1920s.

The business casualties of the Great Depression were often caused by speculative practices of the 1920s that nowadays are again rife in, our financial community excessive debt, "junk bonds" (in the '20s they were more politely called second-, third- and fourth- mortgage bonds) and leveraged buyouts. The 1920s also had its share of speculative new stock issues and helter-skelter mergers that enriched opportunists, such as the empire-builders who then ravaged our public utility industry.

Also, it should not be forgotten that the main reason for the 1929 collapse was that stocks became overpriced during the euphoria of the '20s. Speculators overleveraged stock purchases—stocks could be bought with little of the buyer's money, often with as much as 90 percent borrowed. Since these practices were outlawed by the margin requirements of the 1930s reforms, most people assume that there is protection against this ever again happening.

But LBOs are not subject to margin requirements; most LBOs are structured on minimal equity—10 percent or less—piled atop a pyramid of different classes of debt including junk bonds.

In many other ways, takeovers influence the upward trend of the market:

The shrinkage of the supply of equities—3 percent to 4 percent in the first half of this year alone—places upward pressure.

The juicy premium on prices paid for takeover stocks also has an upward impact on the market.

Target companies reduce their liquidity by various devices: purchase of their own stock with borrowed money, exchanging stock for debt instruments, or leveraged buyouts by management.

Moreover, the ever-increasing concentration—more 20 percent of the companies in *Fortune's* 500 have disappeared in the past five years—has dangerous consequences. With lax antitrust enforcement, monopoly tendencies are emerging in some industries, such as airlines.

All of this could easily be stopped by Congress withdrawing the tax breaks that fuel the giant mergers. But it will not happen. I say this from having for several decades repeatedly explored the subject with government leaders and legislators, including four appearances before Senate and House groups in 1977-78.

Indeed, an apt description for today's economic scene is "skating on thin ice." At the national level, our foreign trade balance remains at troubling levels; our commercial real estate industry is in recession; our banking system is burdened with bad foreign and domestic loans, ominous in view of the current patchwork in the savings-and-loans sector; and a recession lurks at a time when inflation is also a prospect.

To be sure, there are counter-balancing reasons for optimism. We should never forget the tremendous strength of our nation, especially at a time when our communist rivals already face an economic twilight. But couldn't we do with less skating on thin ice?

HOUSE CONCURRENT RESOLUTION 87: PERSECUTION OF THE BAHA'I

SPEECH OF

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1990

Mr. BEREUTER. Mr. Speaker, according to the State Department Human Rights Report that was released last week, Iran continues to be a major violator of human rights. The report notes that the Islamic government's hold on power is achieved through "arrests, summary trials and executions, and other forms of intimidation implemented by an extensive internal security system."

It is hard to draw an accurate picture because Iran has no procedural safeguards to guarantee basic human rights, and because the fundamentalist regime has very tight control on the flow of information. It is clear, however, that tens of thousands have suffered at the hands of Iran's revolutionary tribunals.

Earlier this month, Mr. Speaker, an investigating team from the U.N. Human Rights Commission conducted a brief investigation of conditions in Iran. It is altogether fitting, therefore, that this body choose this time to consider House Concurrent Resolution 87, concerning Iran's systematic persecution of the Baha'i religious sect.

The Baha'i religion is an offshoot of Islam, and is not officially recognized by the Iranian Government. Instead, they consider the Baha'is to be a misguided and heretical sect—something to be stamped out. And over the years, the fundamentalist regime in Iran has done its very best to do just that.

Since the 1979 revolution when Khomeini came to power, hundreds of Baha'is have been executed or imprisoned because of their faith. Baha'is have systematically been denied the normal benefits of society, such as access to education, the right to travel, the ability to inherit property, and even on occasion the right to purchase food.

This resolution demonstrates the continuing commitment of the U.S. Congress to press for respect of religious minorities in Iran. Resolutions concerning the Baha'is have been passed by both Houses of the Congress in 1982, 1986, and again in 1988. The resolution we are considering today has 139 cosponsors, demonstrating the overwhelming support of this resolution.

Mr. Speaker, this member would bring to your attention the gentleman from Pennsylvania [Mr. YATRON] whose tireless efforts on the behalf of the Baha'i have made this resolution possible. I also would like to voice my appreciation to Chairman LEE HAMILTON of the Subcommittee on Europe and the Middle East, and ranking member GILMAN of that subcommittee, for acting in a timely and expeditious manner on this important resolution, and for the distinguished chairman and ranking member of the Foreign Affairs Committee, Mr. FASCELL and Mr. BROOMFIELD. Truly, Mr. Speaker, this is a bipartisan effort that enjoys overwhelming support.

As an original cosponsor of this resolution, along with the gentleman from Pennsylvania Chairman YATRON, this Member would urge adoption of this resolution.

THE SIMON WIESENTHAL CENTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on Thursday, March 15, 1990, the Simon Wiesenthal Center, in its Southern Regional Tribute Dinner, will honor Sol A. Shenk and Ted Turner. The evening will feature a tribute to Holocaust remembrance through the performing arts organized by honorary chairmen, Harry Gampel and Robert Marlin and cochairmen, Sol Taplin and Rita Schwartz. I bring this activity to your attention because it represents the day to day seeking of justice that the Simon Wiesenthal Center is committed to. The Simon Wiesenthal Center was established in 1977 as an institution dedicated to the study of the Holocaust and other human rights issues.

The Wiesenthal Center was founded to preserve the memory of the Holocaust such that, no other people shall ever fall victim to genocide—the crime of hate. The center is sponsoring innovative education and awareness programs in the areas of Holocaust studies, and educational outreach to schools and the media. The center maintains many dynamic relationships with public and private agencies. It corresponds with officials informing them of contemporary situations of intolerance and bigotry, terrorism and genocide. I stand to recognize their commitment to justice and tolerance both at home and worldwide.

HEALTHCARE EMPOWERMENT AND ACCESS LEGISLATION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. GOODLING. Mr. Speaker, since I became the ranking Republican member on the Education and Labor Committee, the question unrelated to education which is most often asked of me is, what is Congress going to do about the 31 million uninsured Americans?

While I, too, have many questions about our health insurance system, I do not have all of the answers. I do, however, feel strongly that we must do something and that we must proceed in a deliberative fashion—studying all the problems, and looking at the Canadian system to fully understand why it cannot be transplanted wholesale as a solution to the problems being experienced in the United States. Let us not rush into adopting legislation that could cost billions of tax dollars yet fail to help those we intend to serve, the Nation's uninsured.

I was pleased to learn that my colleague FRED GRANDY was working on legislation. In fact, I cosponsored his bill, H.R. 4070, entitled "Healthcare Empowerment and Access Legislation." I did so not because I believe that it contains all of the answers or the only answers to solve the problems of our Nation's uninsured but because I strongly believe that, in a matter as important as this, it would be beneficial to have several alternatives for discussion purposes.

H.R. 4070 provides incentives for private and public-private partnership arrangements to be established to simultaneously address the issues of access to health-care coverage and the affordability of such coverage, with an emphasis on improving the quality of health care. The ERISA preemption of State health benefit mandates will encourage insurers to offer more affordable group plans to uninsured employers. The preemption of State barriers to managed care options will encourage competition and initiatives in approaches to cost control and quality review.

This issue is a priority. This year we can expect reports from the U.S. Bipartisan Commission on Health Care—the Pepper Commission—the Advisory Council on Social Security, and an independent task force on the health-care system led by the Undersecretary of the Department of Health and Human Services, Constance Horner. President Bush in his State of the Union Address has weighed into this debate by directing the Secretary of Health and Human Services, Dr. Louis Sullivan, to lead the White House Domestic Policy Council review of health care in America.

I would hope that, when legislation in this area is considered, the committees of jurisdiction will give serious consideration to the Grandy proposal, H.R. 4070, in addition to the recommendations contained in the various reports that I just mentioned.

HUMAN SERVICES REAUTHORIZATION ACT OF 1990

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SCHEUER. Mr. Speaker, I rise in strong support of the bill introduced today by my distinguished colleague from Michigan, Mr. KILDEE, together with myself and several other colleagues, to provide for full funding of the Head Start early-education program by 1994.

Mr. Speaker, the proposed budget recently submitted to Congress by the President would increase Head Start funding by $500 million in fiscal year 1991 to a level just under $1.9 billion. This 35-percent increase in Head Start is commendable, but it is only a small step in the right direction.

Under current funding levels, only one in every six poor children in America who need a Head Start education is able to get one. The President's proposal would increase that figure to one in five needy children. That still leaves almost 2 million disadvantaged 3- to 5-year-olds deprived of a vitally important Head Start experience. In other words, the administration proposal ignores the needs of 80 percent of our kids at greatest risk of education failure. That is not nearly good enough.

At last September's education summit, the participants—who included numerous State Governors—issued a list of national education goals. The No. 1 educational priority identified at the education summit was to improve "the readiness of children to start school." Additional priorities included:

Reducing the dropout rate and increasing academic performance, particularly for at-risk students;

Improving the functional literacy of adult Americans;

Achieving a level of training necessary to guarantee a competitive work force; and

Establishing safe, disciplined and drug-free schools.

All of these goals need the help of Head Start. The Head Start Program works. It was the pearl of the 1960's antipoverty program, with perhaps the greatest return on investment of any U.S. social program. It has made a critical difference in the educational success of a generation of disadvantaged children.

The President knows this. He stated clearly in the text of his recent budget submission: "Research shows that Head Start children experience substantial immediate gains in cognitive growth, school readiness and achievement."

And in the 1990 Economic Report of the President, the President praised the program's virtues, stating that Head Start "significantly improves children's subsequent school performance."

But when it came time for the President to translate his words into action in this year's budget, the proposed funding did not match the rhetoric. An additional $500 million for Head Start is welcome, but it is nowhere near the "full funding" that is needed so desperately. Indeed, according to the analysis of the Joint Economic Committee, even with the pro-

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posed funding increase, only 20 percent of needy 3-, 4- and 5-year-olds in America will be able to find an opening in a Head Start Program.

Just this week, at a hearing of the Education and Health Subcommittee of the Joint Economic Committee, a panel of two highly-respected American business leaders—Frank Doyle, vice president of General Electric, and William Kolberg, president of the National Alliance of Business—testified strongly in favor of full funding of Head Start. Their statements were testament to the fact that Head Start is not only important for reasons of justice, equality, and compassion, but also for bottom-line economic reasons: American industry urgently needs an educated work force. Indeed, Head Start is a front-side investment that actually will save money in the long run.

And the truth of the matter is that we can afford to fund fully the Head Start Program. The United States has a $5 trillion economy—by far the largest in the world. It is a matter of choosing more intelligently our national priorities:

> It is time we started facing our real choices. We have to stop saying that we cannot afford to do this or that, when all we mean is that we cannot afford it within the rules of the game we have arbitrarily established and agreed to play. What we should mean when we say that we cannot afford to spend a certain amount of money for drug control, or for education or for assistance to poor people or for national security is that we prefer to spend the money on something else.

Mr. Speaker, these are not my words. They are those of Herb Stein—a conservative, Republican economist, who headed President Nixon's Council of Economic Advisers—in recent congressional testimony. As Stein brilliantly argues, it is ludicrous to say that this great Nation cannot afford to provide an early education to every disadvantaged child who needs it. Of course we can * * * If only we have the political will, the foresight, the courage, and the enlightened self-interest.

On May 1 of last year, the Education and Health Subcommittee, which I chair, conducted a hearing in New York City that documented the economic and social benefits of early pre-school education. When former Head Start participants were compared to a control group that had not had the benefits of pre-school education, the Head Start group had fewer dropouts from high school, fewer who were ever arrested, fewer on welfare, and many more who were fully literate, employed, and in college.

In light of these numerous, documented, cost-effective benefits from Head Start, one is perforce moved to ask a very simple question: "Why hasn't the administration requested full funding for Head Start, to allow every American child who needs it to have access to this invaluable and enriching pre-school experience?"

The only possible answer is that the administation views Head Start funding as an expenditure and not an investment. That is shortsighted, both in economic and national security terms.

In national-security terms, the President's budget priorities indicate the administration is still mired in a Cold War mindset. Full funding of Head Start is estimated to cost between $5 and $10 billion annually. The administration, rather than make this investment in future economic security, instead plans to continue spending our tax dollars on budget-busting strategic nuclear programs, despite the virtual withering away of the Soviet threat. In reality, in the 1990's, the threat to our national security from an emerging underclass and an illiterate workforce is far greater than any Soviet threat.

Yet, the President's budget spends $5.5 billion for the B-2 bomber; $4.7 billion for Star Wars. And $2.2 billion for putting MX missiles on trains, despite the fact that, unanimously this month, the three past chairmen of the Joint Chiefs of Staff testified that the mobile MX program is a dinosaur. These programs are relics of a bygone era, yet the administration insists on throwing good money after bad.

Cutting just these three Pentagon budget busters would free up more than enough funds to provide a Head Start experience to every 3-, 4-, and 5-year-old, underprivileged child in America. The administration clearly needs to revise its definition of "national security" for the 1990's and the next century.

In economic terms, Head Start is one of the best investments we can make in the future of this country. According to the Bureau of Labor Statistics, the fastest growth in jobs between now and the year 2000 will be in highly skilled white-collar occupations, where 97 percent of workers have high school diplomas and 57 percent have college degrees.

At the very same time, however, there is projected to be a scarcity of young people entering the labor force. And among those who do, there will be a growing percentage of minorities—including African-Americans and Hispanics—who currently have higher-than-average drop-out rates and lower-than-average educational attainment. Unless we invest in our children now, they will enter the workforce in 15 years with very little hope of qualifying for the jobs that then will be available, and which our society will need urgently to be filled.

The U.S. simply cannot be competitive in the world economy in the century ahead if a large chunk of our work force is grossly undereducated. It is beyond belief that this Nation is willing to borrow over $100 billion a year to buy consumer electronics and cars from abroad and yet refuses to invest a fraction of that amount in a proven program to rescue children at desperate risk of educational failure, with all of its attendant costs to society.

The economic cost of denying a Head Start experience to 80 percent of needy children—as we would do under the President's proposal—is enormous. Two recent studies shed light on the long-term damage we are inflicting on our society.

One, a study at Stanford University, found that the loss to the U.S. economy from the dropouts in a single year's high school class nationally—just in terms of lost economic output—is $228 billion over their lifetimes. This study did not even examine the billions of dollars in additional costs that result from increased law enforcement, incarceration, welfare payments, unemployment compensation, public housing, health care, and teenage pregnancy.

Another recent study by Bill Beuchner, senior economist of the Joint Economic Committee, demonstrates that an earlier U.S. program—the World War II GI bill of rights—realized an enormous payback from its investment in education. According to the study, every $1 of U.S. investment in the GI bill returned between $5 and $12 in increased economic output by World War II veterans, over the course of their lives.

It is abundantly clear that, for the very same reasons, a small investment in Head Start now will return many times that investment in the future.

I congratulate my colleague from Michigan on his leadership on this vitally important initiative, and I look forward to working closely with him toward its successful passage and enactment.

CORPORATE PENSIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. CRANE. Mr. Speaker, as we enter the second session of the 101st Congress, I want to urge my colleagues to resist efforts that may be made to forbid pension asset reversions on over-funded pension plans.

James R. Stover, who is chairman of the Board of Eaton Corp. which is one of the larger corporations in my district, recently delivered a speech to the American Society of Corporate Executives. In his address, Mr. Stover makes some very insightful comments with respect to a number of pension-related issues and the ill-advised proposals that are being considered by some in Congress. I believe we can all benefit from Mr. Stover's remarks, and I highly recommend his address to my colleagues.

REMARKS BY JAMES R. STOVER

One of our topics for this session was in the employee benefits area . . . health care. It's an interesting topic and more needs to be heard on it. I'm going to talk about an area that's closely related.

My subject is pensions. What I see coming out of Washington these days just doesn't smell right. When that happens, it's time to start making noise & yelling!

Where am I coming from? Let me say that it suddenly seems appropriate to note that yesterday was the 97th anniversary of the day that the Dalton Gang simultaneously robbed two banks. . . . The federal government is not, of course, literally robbing the pension system. But the trend of pension laws and regulations is downright scary. So much of what is going on has a pious and sanctimonious ring to it. Every change, of course, is designed to "help" the retirees. But if it continues, the pensioners will be "helped" the same way depositors of those two banks were "helped" in Coffeyville, Kansas back in 1897. There may not be any "wanted" posters around of guys with bandanas, but maybe there ought to be.

The general idea of pensions is, of course, simple. But the specifics of pensions gets complicated in a hurry, so I'm going to oversimplify and take a few liberties in the interest of time and clarity . . . and besides, I'm no pension expert. It's the trends that bother me, and that's what I want to bring out.

Twenty or so years ago, it was big news when a few private pension plans failed. We all remember those sad stories back in the late 60's and early 70's. Studebaker was one case that got a lot of attention. The Studebaker pension plan was grossly underfunded when the company went belly up. A lot of employees who thought they had pensions learned they were out of luck.

Back in 1974, Congress stepped in to strengthen the private pension system with the law we know as ERISA. It stands for Employee Retirement Income Security Act, although people at the time said it stood for "Every Ridiculous Idea Since Adam." We complained about ERISA, but most of us yearn for those simpler days of yesteryear back in 1974. In the 15 years since, ERISA regulations have got a lot worse and great deal more costly.

Let's talk a little bit about the "kinds" of pension plans. Being a "lifer" with Eaton, all I ever knew was the "defined benefit" type that provides a specific amount of income after you retire. There is a formula based on years of service and salary, of course, but the focus is on how much you get. It's up to the company to do enough funding to see that happens. The company takes the risk. As we know, that's the kind of pension commitment that ERISA was primarily aimed at regulating.

But companies aren't required to make that type of benefit commitment, and today many companies provide another kind—a "defined contribution" plan. In a defined contribution plan, the company generally makes a contribution of up to 10% of an employees wages into an investment fund. Or, in many cases, the level of contribution is tied to profits of the company. No profits, no contribution—or perhaps a limited contribution. That provides a real profit incentive for the employees and the company. What is the advantage of the contribution type? The company simply agrees to the amount of money it will put IN to the fund. There is no promise of the earning rate on the money put into the fund, and no promise of how much money will be available at the end of the trail.

Also, the contribution plans are not subject to nearly as many onerous ERISA regulations. They are much simpler to report on and administer. The company in effect is saying to employees, "we'll put up to a given amount of money away for you each year. The money will be invested, and your pension at retirement will be based on your investment balance at that time." Clean. Simple. Like making repeated deposits in a bank account. A variation to this approach allows employees to kick in some of their own money, but not more than 10% of the pay according to ERISA rules, or the plan loses its tax advantages. Admittedly, some employees—particularly very young ones—prefer the defined contribution approach and the fact that contribution plans are "portable" after vesting.

Most pension experts agree that this first type—the defined benefit plan—is the most worry-free for the employee. But because of the burden of ERISA and the IRS code, and under the threat of still more negative legislation, no one is creating new defined benefit plans anymore. At one time three times as many Americans were in defined benefit plans as were in defined contribution plans. Today, the ratio is getting close to 50/50. Companies are cancelling or suspending traditional pension plans in record numbers.

From all quarters, the government seems to be taking aim at defined benefit pension plans. Like always, their motives are pure as Snow White. Most proposals are designed to achieve some quote, "good," quote, purpose. But the regulations are generally so awful that the patient is going to leave the hospital rather than swallow the medicine. It's time we stood back and looked at what's going on.

Since 1982, ERISA has been amended no less than seven times. Each change brought new and sweeping requirements on employers. The focus has been in such areas as funding, contributions, vesting and non-discrimination rules. One way or another, these changes forced employers to spend more money. Some regulations required employers to pour more soup into the pot. Others required employers to use a larger ladle in dishing out the soup. Still others said that more people should be in the soup line, or required that more empty bowls be given out.

Having done that, Congress also enlarged the size of its own ladle and its own soup bowl . . . a lot! Legislation in recent years has meant bigger tax bites. The "driver" has been the need for federal revenue, not the health of pensions. Tax law changes have dramatically reduced the tax incentives for retirement savings. This has made it unlikely that employers will fund their retirement programs at anything other than the minimum possible levels. That's the irony. These changes encourage only minimum funding.

Congress is setting all the rules for private pensions so they can minimize responsibilities under Social Security. It's a different way to spend other peoples' money without having to call it taxes.

The key issue these days is who owns the excess money in defined benefit plans—employers or employees?

Under both ERISA and earlier pension legislation there was no doubt. Excess funding for defined benefit plans belonged to employers. The surplus is defined as the amount left over after the employer meets ALL obligations to participants-current employees and retirees. Under new legislative proposals employers who generously funded defined benefit plans would be penalized for their conservative practices. Proposed legislation is now saying that the reward for over-funding will be that you can't get the excess money back!

Earlier this year Senator Howard Metzenbaum of Ohio and Representative William Clay of Missouri introduced the Employee Pension Protection Act of 1989. It was aimed at companies who wanted to recapture excess funding from defined benefit pension funds—a process known as "reversions." Since 1980, about 1,900 defined benefit pension plans have gone through this reversion process. After fully paying off the 2.1 million workers and retirees under the plans, the companies recovered about $20 billion in surplus assets they put in.

Metzenbaum's and Clay's legislation would require companies involved in reversions—that is, the cancelling of their existing defined benefit plan—to set up new, replacement pension plans. Employers who failed to do so would lose control of the surplus funds. The replacement pension plans would be required to provide a 125% or 135% cushion against projected liabilities. The employer also would have to provide a cost-of-living increase to retirees. If there is no replacement plan, all excess assets would simply be passed out to employees and retirees in a pension windfall. Oh, and by the way, the government takes a 15% cut of the excess assets in the form of an excise tax, so there isn't a tax holiday on reversionary excess.

Metzenbaum and Clay have confused this issue in the public's mind. They project the view that employers are raiding the employee-pension cookie jar, rather than taking a surplus that they put in there in the first place!

Just last week, another proposal was beaten back. This one was proposed by Representative Peter Visclosky of Indiana. Under the Visclosky proposal employers would have been required to share control of investment decisions for pension plan assets with employees . . . in the form of a board. The legislation envisioned a board of trustees made up of both employee and employer representatives.

In fact, no employer will accept a structure that gives investment control to others while it stays completely on the hook for any fund shortfalls. The employer still has to keep his promise even if the investment is a poor one.

Fortunately, the Visclosky proposal failed last week in a 250 to 173 vote in the House. But we shouldn't be too encouraged. The issue may be dead for this year, but it is likely we will see some variation of this theme in the future.

The Congress, under pressure from Gramm-Rudman, can no longer find the funds to continue its social agenda. So they are shifting gears. The focus to legislate to force the private sector to fund the social programs the Congress wants to accomplish, but which it lacks the tax revenues to achieve.

Pension funds are an attractive target. The nation's private pension plans have $1.7 trillion dollars. It is that huge pool of capital that is whetting the appetite of a Congress that thinks it is starved for funds.

All the do-gooder legislation is putting government hands on pension funds—particularly defined benefit pension funds-under the guise of "protecting the pensioner." But all these efforts will have the opposite effect—causing employers to minimize funding. Suffice it to say that we're in for more governmental pressure on private pension assets, not less.

In the interest of truth-in-labeling-which is always big with Congress—we should insist that the current body of legislative proposals on pensions be called, "The Living Tribute to the Dalton Gang!"

SOVIET-AMERICAN EFFORT TO CURB HARMFUL IMPACT OF WATER PROJECTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. MILLER of California. Mr. Speaker, glasnost has led to a number of remarkable changes in the Soviet Union. One of the most important has been the increased exchange of Soviet citizens to visit the United States.

In mid-February, a unique conference was held in Washington, DC, between activists from several major American environmental

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organizations and the Soviet Association for Ecology and Peace [Ekologie y Mir].

The focus of this conference was to share information on efforts by all the participants to save rivers and to stop environmentally destructive large dam and water diversion projects.

The conference has led to an important statement of cooperation between the organizations involved. In the joint statement, the Soviets have pledged to assist the Americans in efforts to protect the Platte River. The Platte provides essential habitat for sandhill cranes which nest in Canada and the Soviet Union.

The American organizations agreed to provide assistance in efforts to halt construction of large water projects on the Volga and Katun Rivers and to assist in forming an International Coalition to Save the Aral Sea.

Mr. Speaker, the Soviet and American environmental organizations are to be congratulated for undertaking this unique cooperative effort. Let us hope that it is the first of many such efforts.

Mr. Speaker, I insert a statement outlining the Soviet-American effort to save rivers at this point in the RECORD:

STATEMENT OF JOINT U.S.-SOVIET COOPERATION TO SAVE RIVERS

The undersigned U.S. and Soviet organizations announced that they will work to support each others' efforts to save rivers and to stop environmentally destructive large dam and water diversion projects and to modify existing projects which are causing environmental damage.

The organizations announced four specific actions being taken this week to implement this broad and ambitious objective.

First, the Soviet Association for Ecology and Peace (Ekologie y Mir) will support U.S. environmental organizations in their efforts to save the Platte River in Nebraska. The Platte River provides essential habitat for hundreds of thousands of migratory birds, including sandhill cranes which nest in Canada and in Siberia.

Second, the undersigned U.S. environmental organizations will assist the Soviet Association for Ecology and Peace and the Committee to Save the Volga and other Soviet organizations in their efforts to save the Volga River. Intensive damming and water diversions in the Volga River Basin, together with intensive industrialization (oil, chemical, and gas facilities), have brought catastrophic environmental conditions to the river, such as massive depletion of the sturgeon population.

Third, it is considered expedient and important to form an International Coalition to Save the Aral Sea. The Coalition will coordinate and assist Soviet organizations in the effort to restore and save this large body of water by publicizing the problem and providing information about possible solutions. The organization and activities of the Coalition will be coordinated by Friends of the Earth, the National Wildlife Federation, and the Soviet Association for Ecology and Peace.

Fourth, the undersigned U.S. environmental organizations will join Soviet efforts to save the magnificent Katun River (in Central Asia near the USSR-Mongolia border) and its majestic valley from a gigantic dam.

The organizations believe that the efficient use of water and energy should be the cornerstone of water policy for our nations and that large projects invariably involve great cost and environmental damage.

February 16, 1990

BRENT BLACKWELDER,
Vice President, Friends of the Earth.

ALEXANDER MISCHENKO,
Deputy Chairman, Ekologia y Mir (Ecology & Peace).

EDWARD OSANN,
Director, Water Resources Program, National Wildlife Federation.

SUPPORTING ORGANIZATIONS

Kevin Coyle, Acting President, American Rivers, Inc.

Bruce Rich, Director of International Programs, Environmental Defense Fund.

Philip Williams, President, International Rivers Network.

Ed Pembleton, Director, Water Resources, National Audubon Society.

Cathy Fogel, Associate International Representative, Sierra Club.

A CONGRESSIONAL SALUTE TO BETTY WHITEKER IN HONOR OF HER SELECTION AS DEMOCRATIC WOMAN OF THE YEAR

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. ANDERSON. Mr. Speaker, I rise to pay tribute to an outstanding individual who has devoted so many years of her life to the betterment of Long Beach and the surrounding community. Betty Whiteker will be honored by the Long Beach Democratic Women Study Club on March 2, 1990, as their "Democratic Woman of the Year." This occasion gives me the opportunity to express my sincere appreciation for her many years of hard work and unending commitment.

Betty was born on July 20, 1923, in Anaheim, CA. However, she received most of her formal education in Long Beach. During her earlier years, she attended Willard Elementary School, and St. Mathews Catholic School. Later, after graduating from Wilson High School, she attended Long Beach City College, and UCLA, where she received her nursing degree.

Throughout her life, Betty has been known for her participation in many activities. As an early teen she was active in the Junior Auxiliary, the Daughters of the American Revolution, and the Junior American Legion No. 27. During World War II, Betty offered her services to the Torrance Army Hospital attending to patients from the war hospital ships *Mercy* and *Hope*. After the war, she continued her involvement in Lakewood. True to her civic nature, she was active with her sons, George and Steve, in Scouts. Betty also gave her time to the Red Cross, Community Chest, the March of Dimes, and the Business Womens Club in Bellflower.

As an elected official from the southern California area, I can attest to Betty Whiteker's untiring political involvements. She first became active in the Democratic Party during Ted Kennedy's Presidential campaign, phoning, fund raising, and walking the precincts. Betty also worked on Bob Fronke's State senate campaign, and was local chair for the Gary Hart campaign for Congress. In addition, she is a member of the Democratic State Central Committee, the L.A. County Democratic Central Committee, the JFK Democratic Forum, a member and participant in California's 58th Assembly District, and of course, a member of the Long Beach Democratic Women Study Club, the organization that is honoring her as the "Democratic Woman of the Year."

My wife, Lee, joins me in extending our congratulations to Betty Whiteker. She is truly a remarkable individual who has devoted her talents and energies to enriching the lives of so many other people. We wish Betty, her sons, George and Steve, all the best in the years to come.

HONORING THE OLDER AMERICANS ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. KILDEE. Mr. Speaker, I rise in support of the resolution introduced by my colleague, Mr. DOWNEY, honoring the Older Americans Act on its 25th year of successful operation.

Long viewed as the major vehicle for the organization and delivery of social services to the elderly, the Older Americans Act and the programs it authorizes are among the most popular operating in the Federal Government today. Whether it be through a congregate or home-delivered meal, participating in senior center activities, receiving nonmedical in-home assistance, or finding a job through the Senior Community Service Employment Program, the Older Americans Act has been successful in helping elderly persons remain active and independent participants in their own communities.

This silver anniversary celebration not only marks the completion of 25 years of successful operation, but serves as a new beginning. Meeting the social service needs of a greatly increasing aging population is the challenge for the future and the Older Americans Act, through its wide array of authorized services, is poised to respond to those needs. The Older Americans Act currently has in place a sophisticated and complex aging network which has evolved and become more effective through the years. This network of State and area agencies on aging and service providers have demonstrated their effectiveness in carrying out the mandates of the Older Americans Act.

Through title III of the act, over 240 million meals were provided to elderly individuals in 1988 with almost 40 percent of those meals delivered in-home. At the same time, numerous elderly individuals were assisted with transportation needs, legal assistance, and nonmedical in-home services.

Title IV, through the awarding of research and demonstration grants, has not only served to greatly expand our base of knowledge on the aging process, but has provided detailed information on issues affecting the elderly such as employment, health, and housing issues. Many individuals have also received training in the field of aging through this title.

Title V supports almost 64,000 positions to provide low-income elderly with meaningful employment opportunities. These seniors, many working with other older individuals, are able to supplement their incomes while providing important services to the communities in which they live.

1991 will be an important year for the Older Americans Act. Scheduled for reauthorization, we will work diligently to tailor the act to the needs of a changing aging population.

THE RIGHT TO SAFE DRINKING WATER ACT OF 1990

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. VISCLOSKY. Mr. Speaker, there is something fundamentally wrong when a country's Tax Code is structured so as to force people to drink contaminated water when other options exist.

There is something fundamentally wrong when a country's Tax Code penalizes utilities for extending safe water services to areas threatened by ground water contamination.

There is something fundamentally wrong when a country's Tax Code forces Federal agencies to use Federal funds to pay Federal taxes.

Today I have introduced legislation to change this fundamental problem with our Tax Code. My legislation, the Right to Safe Drinking Water Act of 1990, will allow a utility to exclude from its gross income, for Federal income tax purposes, a contribution received to aid construction for water main extensions in cases where public health is threatened by ground water contamination. These contributions are now taxable under section 118 of the Internal Revenue Code.

The exemption will only apply in cases where the donation of dollars or property is received from a governmental entity. Under the current system, utilities pass the tax on to the public body which must use tax dollars to pay taxes. In addition, the legislation will only apply to circumstances where wells already in existence have become contaminated, thereby preventing developer abuse.

While this legislation addresses a growing nationwide problem, I am aware of a situation in northwest Indiana that painfully illustrates the effects section 118 can have on communities and their residents.

The Lake Sandy Jo Superfund site is located in the center of a small northwest Indiana neighborhood. The solid wastes that accumulated in this one-time landfill have seeped into the surrounding environs—contaminating nearby ground water and threatening the health of nearby residents.

The Environmental Protection Agency [EPA] determined that it was necessary to bring water mains to the neighborhood, however, problems with section 118 of the Tax Code have blocked progress for almost 3 years.

In June 1988, a widow who lives next to Lake Sandy Jo was quoted in a local newspaper:

I just feel it's taking too long to do this. I don't drink the water. I'm paying $14 a week for six gallons of bottled water. I wash in my well water, sometimes. I used to use it to water my flowers, but my African violets didn't bloom. So I started using the bottled water for that and they started to bloom again.

Mr. Speaker, it is now March 1990 and water main construction at Lake Sandy Jo has barely started. Various Federal agencies haggled for almost 3 years about who was going to pay this Federal tax. Ironically, most of it will be paid for by the Federal Government.

In conclusion, the problems experienced by those who live near Lake Sandy Jo and the countless others like them throughout the country deserve to be able to drink, bathe, and cook in water that is safe and clean.

TRIBUTE TO THE LATE DR. EDWARD J. BLOUSTEIN, DISTINGUISHED PRESIDENT OF RUTGERS UNIVERSITY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. ROE. Mr. Speaker, it is with the greatest solemnity and admiration that I rise today on behalf of the entire New Jersey Congressional Delegation to pay tribute to a truly great, an outstanding administrator and a true visionary of higher education who was taken from our midst late last year.

I am speaking of the late Dr. Edward J. Bloustein who served with the highest distinction as president of Rutgers, the State university of New Jersey, from 1971 until his death on December 9, 1989. During his long and outstanding tenure, Dr. Edward J. Bloustein helped make Rutgers one of our Nation's truly preeminent universities.

Recently, Mr. Speaker, we honored the memory and the lasting and profound accomplishments of this great man at a truly moving university memorial convocation in Dr. Bloustein's honor at Rutgers. For the RECORD, Mr. Speaker, I would like to insert the text of the Memorial Convocation Program, which gives a comprehensive overview of Dr. Bloustein's great accomplishments, and all that he has meant to Rutgers University, to the State of New Jersey, and to our Nation:

EDWARD J. BLOUSTEIN, 1925–89

Dr. Edward J. Bloustein, the seventeenth president of Rutgers, left an indelible mark upon New Jersey and its State University.

A philosopher and lawyer, he was president of Rutgers from 1971 until his death December 9. Under his guidance, Rutgers became one of the nation's leading state universities, and was recently selected to join the prestigious Association of American Universities.

Born of immigrant parents in New York City in 1925, Dr. Bloustein served in the United States Army from 1943 to 1946. He graduated Phi Beta Kappa from New York University in 1948 and later received a bachelor of philosophy degree from Oxford. He married Dr. Ruth Ellen Steinman in 1951. He attended Cornell, earning a doctorate in philosophy in 1954 and a law degree in 1959. He joined the faculty of the NYU School of Law in 1961 and became president of Bennington College in 1965, a post he held until coming to Rutgers.

The Bloustein years at Rutgers were a period of phenomenal growth. Enrollment increased from 36,869 to more than 47,000. More than 60 percent of all Rutgers degrees ever awarded bear Dr. Bloustein's signature. He took great pride in the significant increase in minority graduates and the growth of opportunities for women during his tenure.

One of Dr. Baloustein's highest priorities was to raise the national stature of both Rutgers and New Jersey. Under his guidance, the number of Rutgers faculty in the national academies soared from three to nineteen.

Colleges and schools established during his tenure include Cook College; the Mason Gross School of the Arts; the Schools of Business in Camden and New Brunswick; the Graduate School of Applied and Professional Psychology; the School of Communication, Information and Library Studies; the School of Criminal Justice in Newark; and the Graduate Schools in Newark and Camden.

With the opening of the Rutgers Athletic Center in 1977, Dr. Bloustein began efforts to develop Rutgers as a national competitor in intercollegiate athletics.

In 1979, he initiated the reorganization of the facilities of the New Brunswick liberal arts colleges. The resulting plan established a single Faculty of Arts and Sciences while preserving the undergraduate colleges.

A 1983 study of the future financing needs of Rutgers paved the way for creation of the Fund for Distinction, a financial strategy for implementing a development program that now includes more than $600 million in capital projects. Passage of the 1984 state bond issue provided funds for five advanced technology centers while the 1988 bond issue provided more than $100 million for a variety of educational projects. One of the most effective fund raisers in higher education, Dr. Bloustein announced in June 1989 that the $125 million Campaign for Rutgers had exceeded its financial goal a year ahead of schedule.

Despite the demands on his time, Dr. Bloustein continued to teach and do research. He wrote extensively on the law, and his article on privacy is often cited. He was the author of the books *The University and the Counterculture* and *Freedom of Expression*, and was writing a book on the First Amendment at the time of his death.

Throughout his tenure, Dr. Bloustein expressed his moral, ethical, and educational philosophies openly and clearly. He took part in the public protests against the Vietnam War and South African apartheid. More recently, he worked as a volunteer in a New Brunswick soup kitchen. His passion for the principles he believed in led him to call in 1988 for a community service requirement for all Rutgers undergraduates to "help educate our students to the world of the sick and the aged, the world of the deprived and dispossessed, a world which looms before us and which we can no longer continue to neglect except at our moral and political peril."

His beloved wife of thirty-seven years, Ruth Ellen, died in October 1988. He is survived by two daughters, Elise and Lori, three sisters, and a brother.

Mr. Speaker, on behalf of the entire New Jersey Congressional Delegation, I appreciate the opportunity to present this brief profile of a

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truly great man, and an outstanding educator, administrator, leader, and visionary whose work has made Rutgers University one of the great universities of our Nation, and whose work has made New Jersey, our Nation, and the world a better place to live.

BLACK HISTORY MONTH—HONORING WAYMON MORLEY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today, the final day of Black History Month, to pay tribute to a figure who is inspirational to the black community in Miami, Mr. Waymon Morley. Black history is full of inspirational stories of people who have made invaluable contributions to unite our racially divided society. People such as Frederick Douglass, Dr. Martin Luther King, Dr. Carter G. Woodson, Jackie Robinson, Dr. Charles Drew, and many others have been instrumental in making these contributions. Often, people fail to remember that history is not something always confined to the past, it is a continually evolving facet of our society; Mr. Morley is an example of history in the making in my home district of Miami. Because of the racial hatred and oppression in our country, black Americans had to struggle against the odds in order to achieve success. Ladies and gentlemen, Mr. Morley is a shining example of how success is no longer determined by the color of one's skin, and serves as an example of how unlimited success is available in our great nation through dedication and hard work.

Born in Miami, Morley graduated from North Miami Beach High School, then went to Howard University, receiving a degree in finance. At age 21, Mr. Morley had a booth in a flea market on Seventh Avenue in Miami; there, he sold magazines, clothing, and gift items. In 1987, he received his M.B.A. from the University of Miami, and then began working as a business development specialist with a Liberty City business development organization. Through his experience gained in the business world, Mr. Morley has assumed a new role, as the publisher of Miami's first black business magazine known as the Miami-South Florida Black Business Review.

With the first issue debuting in March, Morley is facing an uphill battle against the competitive magazine industry, but with his tremendous drive and insight, success is inevitable. Throughout the month of February, we have all developed a sense of the richness of black history—economic, political, religious and social. Mr. Morley's contribution through his new magazine will further all of these facets, especially in the Miami community.

Mr. Morley deserves commendation on his tremendous achievements for the black community which will add to the tremendously diverse community in Miami. For those who maintain racial prejudices, let the accomplishments of Mr. Morley illustrate how the color of one's skin does not limit the ability of individual's success. As Americans, we should all strive to learn from our past inequities, and end the ignorance of all racial prejudices which scar our Nation's past. I wish Mr. Morley the best of luck in his endeavors.

ANTI-SEMITISM IN THE SOVIET UNION

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SPRATT. Mr. Speaker, I am deeply concerned by reports about significant increases in the level of anti-Semitism in the Soviet Union and many parts of Eastern Europe. It is tragic and ironic that during this euphoric period of freedom which has swept the Soviet bloc, some people are exploiting their new found liberty to raise the old canard of anti-Semitism. This pattern is being witnessed in several Eastern European nations including Hungary and East Germany but it has taken on its most dfisturbing aspects in the Soviet Union. I would like to insert into the RECORD an article which appeared last week in the Washington Post and was written by Vitalii Goldanskii, a senior Soviet official. Mr. Goldanskii lays out in great detail the ways in which anti-Semitism is manifesting itself.

I find it incredible that only 45 years after Hitler's Holocaust, which wiped out most of Europe's Jews, some Europeans are still blaming the Jews for the world's problems. In the U.S.S.R., members of an anti-Semitic Soviet organization called Pamyat have stated it is time to "finish the job" which Hitler started by killing the world's surviving Jews. Scattered reports have reached the West of Jews who have been physically beaten on the streets of Soviet cities because of their religious background. Rumors abound throughout the Soviet Union about upcoming pogroms or mass attacks against Jewish homes, synagogues and Jewish cemeteries. A few weeks ago, in Leipzig, East Germany scores of so-called skinheads held a demonstration where they shouted anti-Jewish slogans and blamed Jews for Germany's economic problems. Anti-Semitism is among the world's most insidious forms of skapegoating, and tragically we are witnessing a resurgence of it today. As the events in Europe 45 years ago taught us most painfully, it would be dangerous as well as naive to ignore these signs of anti-Jewish activities.

The United States along with the rest of the civilized world must condemn this anti-Semitic wave in the most unequivocal terms. It is true that this most recent strain of anti-Jewish attacks is not being sponsored by any of the governments in the area. To the contrary, one of the reasons this prejudice is appearing now is that the Communist governments have relaxed restrictions on political activities thereby making it easier for right-wing racist groups to organize and speak out. But we must make clear to these governments that they have a profound responsibility to protect their Jewish communities against harassment and attack.

We are now in the midst of negotiations with the Soviet Union and other Eastern nations to lift trade restrictions and open up a new area of economic relations. We are now considering whether to grant most-favored-nation [MFN] trade status to the Soviets. The Congress will have the opportunity to decide whether to approve a waiver of the Jackson-Vanik amendment which bars MFN status for any Communist nation that restricts emigration of religious minorities. I welcome these trade initiatives because I believe they will promote economic and political stability for these new governments. At the same time, we must tell these governments that they must demonstrate a commitment and ability to safeguarding their Jewish minority in order for these barriers to be removed. We must also continue our pressure on the Soviet Government to permit direct flights between Moscow and Tel Aviv so that Soviet Jews who wish to emigrate will be able to leave the Soviet Union.

The small number of Eastern European Jews who survived Hitler's final solution and have remained in Eastern Europe have the right to live in dignity, free of persecution. We must make clear to the relevant European governments that we believe they have a solemn duty to protect their Jewish minority and we will consider their record in achieving that goal when we determine the future of our economc and political relations with them.

The article follows:

ANTI-SEMITISM: THE RETURN OF A RUSSIAN NIGHTMARE

(By Vitalii I. Goldanskii)

Supporters of President Gorbachev's *perestroika* are increasingly alarmed by the possibility that this program of restructuring and reforms may collapse. Should this occur—and it cannot be ruled out even in the near future—it would be a disaster not only for the Soviet Union but for all humankind.

Many of the difficulties being encountered by perestroika are well known outside the Soviet Union, as are some of the potential consequences if perestroika fails. But too little attention has been given, until now, to the special dangers posed by the growing aggressiveness in the Soviet Union of extreme right-wing, virulently anti-semitic groups that seek to subvert perestroika, to blame the country's past and present problems on the Jews, and (as some of their propaganda states explicitly) to "finish what Hitler started."

These extremists are flourishing in the climate of spite, envy, scapegoating and hatred associated with the increasingly severe difficulties in the Soviet economy and growing ethnic tensions. They are perhaps already the strongest, and certainly the fastest growing, of the divisive forces pushing the country toward bloodshed and civil war.

The extremist groups go by a variety of innocuous-sounding names, of which the best known outside the Soviet Union is the "National Patriotic Front *Pamyal*" (pamyat means "memory"). A number of them recently entered into a confederation under the title of "Bloc of Social-Patriotic Movements of Russia." I prefer to call them Russian monarcho-Nazis (or monarcho-fascists), to reflect their combination of deep reverence for the autocratic csarist Russian empire and ferocious hatred of Jews.

Incredibly, the Russian monarcho-Nazis openly and widely condemn the Jews as the main culprits in all of the troubles of Russia from the October Revolution of 1917 up until the present—including genocide against the Russian people in the form of the millions of Russian deaths in civil war, collectivization and various purges; destruction of tens of thousands of Russian churches and historical monuments; and spirtual poisoning of the people through the introduction of decadent and corrupt Western culture alien to Russian tradition. They even accuse the Jews of ritual murders and a worldwide conspiracy against humankind, making reference to the disgraceful hoax, "The Protocols of the Elders of Zion."

There is striking similarity, in fact, between the views, programs and intentions of the Russian monarcho-Nazis and the original Nazi platform as laid out in Hilter's "Mein Kampf" and other infamous documents of the German Nazi period. This similarity, and the resemblance of the general situation in the Soviet Union in 1988–90 to that in Germnay in 1931–33, have been publicized by progressive Soviet mass media. The newspaper Soviet Circus, for example, has printed a point-by-point comparison of Pamyat's manifesto with the program of the Nazi Party of the 1930s.

The main organization serving as a coordinator of the monarcho-Nazi forces is the Union of Writers of the Russian Federation (RSFSR). As outlets for their propaganda they have at their disposal such newspapers and journals as "Literaturnaya Rossiya" (Literary Russia), "Nash Sovremennik" (Our Contemporary), "Molodaya Gvardija" (Young Guards) and "Moscow." The leaders of this movement include many notorious writers, some scientists, some artists and others.

"The Nazi-type speeches and publications of these groups are becoming routine features of everyday life in the Soviet Union. Their form and content were analyzed by Prof. Herman Andreyev from Mainz University in West Germany in a recent issue of the weekly magazine Ogonyok. He concluded that in Western European countries such statements would be treated as unconstitutional, the persons propagating them would be called to account and the organizations supporting them would be disolved."

Yet the monarcho-Nazis seem to be meeting no serious opposition—indeed, more often sympathy and connivance—from important party and government leaders of the U.S.S.R. It is instructive, for example, that in the platform of the Soviet Communist Party on ethnic problems published in August 1989, not a single word was said about the anti-semitic campaign against so-called cosmopolites (1949), the shooting of leading Jewish writers and artists (1952), or the disgraceful "Doctor's plot." (1953), while many other Stalin-era crimes against various nationalities of the Soviet people were scrupulously mentioned.

Similarly, an appeal by more than 200 people's deputies of the U.S.S.R. to the Presidium of the First Session of the Congress of People's Deputies in June 1989, expressing concern about the "growing wave of anti-semitic activities, including open calls for violence that could lead to irretrievable consequences," went unanswered. That was also the fate of a letter written to Gorbachev on this subject by 10 distinguished scientists and writers in September 1989.

The explanation of such passivity on the part of the authorities seems quite simple. In addition to the evident sympathy of many authorities on different levels to the views of the monarcho-Nazis, others who do not sympathize nonetheless hesitate to act because of the way the growing aggressiveness of the monarcho-Nazis is linked to the bloody ethnic conflicts and intensifying separatist movements in nearly all of the outlying districts of the Soviet Union.

Specifically, this situation offers the monarcho-Nazis considerable opportunities for blackmail and intimidation of Gorbachev and his closest advisers, through the claim that, in conditions of the "decline of empire," the Russian heartland and her "genuine sons" constitute the only reliable basis for preservation of Gorbachev's power. Such arguments are being used to push Gorbachev toward the right and to divide him from his true supporters on the left—the liberal intelligentsia. The result could be a repetition of the circumstances that produced the downfall of Khrushchev in 1964.

In parallel with their attempts to intimidate Gorbachev, the monarcho-Nazis have been openly attacking his foreign policy. They even have accused Gorbachev of being an agent in the service of the CIA and the Israeli intelligence service, the Mossad. With this two-pronged strategy of intimidation and direct attack, the Russian monarcho-Nazis hope to attain either a decisive influence over Gorbachev's policies or his removal and replacement at the seat of power by supporters of their movement.

What would that mean for Soviet Jews? The answer is all too clear from the similarity of the monarcho-Nazis' program to that of Hitler. The Russian monarcho-Nazis already possess their equivalent to Hitler's SA and SS, in the form of the Pamyat movement. This movement does not disguise its intentions to carry out programs against the Jews, to whom it refers using the insulting word "shidy" (yids). In fact, members of Pamyat have been organizing well-attended meetings all over the country to call for pogroms—even in Moscow's Red Square on Nov. 12, 1989—and no one has stood in their way.

Hitler treated as Jews those who have more than one-quarter Jewish blood. Pamyat goes further. It has announced its intention to search for Jewish progenitors back to the 10th generation. New recruits to Pamyat are required to prove their "racial purity" and to provide to the organization the home addresses of five Jews—no doubt for the purposes of the pogroms to come. Opponents of the monarcho-Nazis movement who happen to be "racially pure" or "Aryan" are characterized, along with all liberal intelligentsia, as "masons" (or "*zhido-masons*," i.e., supporters of Jews); and these are also the targets of pogrom propaganda.

The brazenness of monarcho-Nazi threats against Soviet Jewry has been increasing. In addition to anti-semitic rallies and the desecration of Jewish cemeteries around the country, which have been going on for some time, it now seems that meetings of liberal intellectuals are no longer safe from disruption by Pamyat thugs.

On the evening of Jan. 18 of this year, for example, a meeting of the progressive "April" group of writers at the Central House of Writers in Moscow was invaded by some dozens of Pamyat monarcho-Nazis with megaphones. They roughed up some of the writers, forcibly ejected others from the hall, shouted anti-semitic slogans and announced that their next visit will be with automatic weapons. They also designated St. George's Day, at the beginning of May, for a pogrom. The police were called but took their time in arriving, and there were no arrests.

Further increases in anti-semitic activities (especially, of course, actual violence) surely will lead to a mass exodus of Jews, people of partly Jewish extraction and "racially pure" liberal intelligentsia. This new wave of emigrants—refugees from monarcho-Nazi power—could reach several millions and would represent a serious brain-drain from the U.S.S.R.

As for the possibility of another Holocaust, it certainly could not reach the scale of earlier Nazi crimes: The world has changed too drastically in the last half century for that. But a wave of pogroms more or less along the lines of the infamous "*Kristallnact*" cannot be ruled out—weaker if a government like the present one tries to oppose them, stronger if a successor government of the monarcho-Nazi stripe sympathizes with the pogrom lust.

What should be done? As a start, the world public should be informed of the activities and intentions of the new followers of Hitler in the Soviet Union and should be told their names. The famous "Brown Book" published by anti-fascists in 1933, after all, was the first important step in the exposure of the Nazi crimes of that era. Clearly, the publishers of newpapers, journals and books, and producers of electronic media, have an important role to play.

The stakes are high. If the monarcho-Nazis prevail and perestroika collapses in an orgy of chauvinism and racism, the results are likely to include not only a rapidly growing degree of anarchy in the Soviet Union but even the outbreak of civil war. In a country still laden with tremendous stockpiles of nuclear and chemical weapons, as well as a widespread network of nuclear power plants, such a chain of events could quickly become not just a national but an international catastrophe.

A RABBIS' RABBI SEEKS THE ESSENCE OF JUDAISM

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. MICHEL. Mr. Speaker, an interesting story appeared in yesterday's Washington Times, which profiled Rabbi Menachem Mendel Schneerson.

Rabbi Schneerson is the spiritual leader of the Chabad-Lubavitch movement, and as such has had a profound effect on all who have known him. Indeed, in recognition of his accomplishments, President Bush issued a proclamation, which was introduced by myself and the distinguished majority leader at that time, the Honorable TOM FOLEY, dedicating Education Day U.S.A. for 1989 and 1990 to Rabbi Schneerson.

I urge my colleagues to read this article to gain a better appreciation of a truly great and fascinating man.

A RABBIS' RABBI SEEKS THE ESSENCE OF JUDAISM

(By Richard Lipkin)

BROOKLYN.—He is old, but his energy amazes men of much younger years. He is soft-spoken, but when he speaks hundreds of thousands listen.

And from the renovated confines of a former private hospital in Brooklyn, his words and teachings drive a movement that challenges, inspires and routinely provokes Jews all over the world.

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They call him the rabbi of all rabbis. The faithful say he is preparing the way for the messiah. Many of his adherents insist he is the messiah.

He is Menachem Mendel Schneerson, an 87-year-old rabbi who since 1950 has been the spiritual leader of the controversial, zealous branch of Hasidic Jews known as the Chabad-Lubavitch.

Rabbi Schneerson is the rebbe, or rabbis' rabbi. And because rabbi means teacher in Hebrew, he is the teachers' teacher as well.

"In a world in which there are many self-proclaimed Jewish leaders and very few Jewish followers, I have to say that Rabbi Schneerson is an authentic leader," says Steven Bayme, a director of the American Jewish Committee.

This month, when Rabbi Schneerson marked his 40th anniversary as rebbe, more than 10,000 Orthodox Jews from around the world went to Brooklyn for a week of celebration and reflection. In Manhattan, a column of so-called Mitzvah-Mobiles rolled down Fifth Avenue. These "tanks" in the rebbe's war against Jewish assimilation into secular Western culture are recreational vehicles equipped with religious items—virtual learning centers on wheels to reclaim "wayward" Jews.

"He has mobilized a strong following and seems to have incredible capacities to motivate people to action," Mr. Bayme says. "When he says things people jump."

Some critics maintain that when the rebbe speaks, too many people jump. He has been criticized for, among other things, seeking to influence Israeli politics.

"People's reaction to Lubavitch are sort of a Rorschach test of their own feelings about Judaism," sayd Gary S. Rosenblatt, editor of the Baltimore Jewish Times. "Either they get all warm and fuzzy and nostalgic when they meet Lubavitchers or else they become very hostile."

"In the last couple of years, significant conflicts have erupted between Lubavitchers and the mainstream Jewish community," adds Mr. Bayme. "Some conflicts have been over issues of public policy, where Lubavitch has legally challenged the separation of church and state. However, that is not nearly as central as the conflict over who is a Jew—or more importantly, who is a rabbi. That is no small matter to members of the non-Orthodox community. Many people saw them as trying to delegitimatize non-Orthodox rabbis."

As a result, "there has been a spate of Lubavitch-bashing in the last few years that I think has been divisive among the Jewish community," Mr. Bayme says. "They've become a popular target for non-Orthodox Jews, as if the Lubavitchers typify the worst aspects of Jewish life."

The goal of the Chabad-Lubavitch movement, it seems, is to restore modern Judaism to its proper condition by reviving its "essence," or, as spokesman Rabbi Yehuda Krinsky says, "the authentic spirit and practice of Jewish life, as it is stated in the Torah and the Talmud."

FUELED BY MESSIANISM

The movement, named after the Russian town of Lubavitch, is a branch of the broader Hasidic tradition that originated in 18th-century Poland. Hasidim are Orthodox Jews known for their piety and distinctive appearance—black hats, black coats, long beards.

But at a time when other branches of the Jewish tradition appear to be losing adherents, Lubavitch appears to be prospering. Best estimates suggest a worldwide following of 500,000 to 700,000, with the largest population, about 25,000 in the Crown Heights section of Brooklyn.

In summer 1940, Lubavitch Hasidim purchased the building at the corner of Eastern Parkway and Kingston Avenue, once a private hospital run by wealthy doctors. Earlier that year the doctors had been jailed for performing illegal abortions and 770 Eastern Parkway went on the auction block.

The Lubavitchers converted it into a shul, a Yiddish word meaning school or synagogue. Adding kosher kitchens and refurbishing offices with bookshelves that brim with Talmudic scholarship, they turned the building into their world headquarters.

By 1970, the group had roughly 200 Chabad Houses, or places of worship and Lubavitcher activities, in 22 countries. Today, it has more than 1,000 houses in 30 countries, including 180 in the United States.

"There is an enormous amount of good work being done here," says Arthur Hertzberg, a historian and professor at Columbia University. "But let's understand the fuel that fires it. The fuel from within is messianism—the idea that this rebbe is preparing the way for the messiah. Many Lubavitchers believe Schneerson is himself the messiah. True, he never said he is. But he's never explicitly denied it either."

INTELLECTUAL TRADITION

Rabbi Schneerson is the seventh in a dynastic line of Lubavitcher leaders. Born in Nikolayev, Russia, in 1902, he studied religious law as a boy and then electrical engineering at the University of Berlin and the Sorbonne. After receiving degrees, he married in 1929 and emigrated 12 years later to the United States.

He rose as a Hasidic scholar and went on to head the Lubavitch educational program. He speaks six languages fluently and several others haltingly. Upon becoming rebbe, he turned his attention fully to biblical study. Rabbi Schneerson's writings and lectures since 1950 fill 125 volumes.

"He wields enormous influence," says Mr. Hertzberg. "In a sense, his own life is a metaphor for what he has done in the Lubavitch movement."

"The thing about Chabad—which means chochma bina daas, standing for wisdom, understanding and knowledge—is that their tradition is more intellectual than most other Hasidic sects," says Norman Podhoretz, editor of Commentary magazine, published by the American Jewish Committee. "I think that has a great bearing on the vitality of the movement."

Concerned about the inability of residents of the Soviet Union and Eastern Europe to express their religions, Lubavitch became active in an underground movement to help Jews practice theirs.

Among other activities, Lubavitch emigres from the East block founded an organization called FREE, Friends of the Refugees of Eastern Europe, more than a decade ago to help emigrating Jews and others to resettle in various countries, primarily the United States and Israel.

"About two or three years ago, the rebbe anticipated perestroika/glasnost and began to speak about it, suggesting that people make preparations for a mass exodus," says Rabbi Krinsky. "At the time, most other Jewish organizations thought he was crazy. . . . He suggested building facilities to care for these people when the Soviet Union began to collapse."

The Lubavitchers did, and went on to build Satec, a research facility in Jerusalem, where scientists and intellectuals from the East bloc, Jews and non-Jews alike, could continue their work.

President Bush issued a proclamation last April praising the rebbe and the movement for worldwide endeavors in promulgating ethical values and dedicating Education Day U.S.A. for 1989 and 1990 to Rabbi Schneerson.

MAKING ONESELF "NEW"

On a typical Friday afternoon in Crown Heights, a siren on a nearby apartment building sounds 18 minutes before sundown, signaling the start of the Sabbath. Under darkening skies, the shadows of frozen trees drag across the grates of closed kosher shops. Men hustle to get to shul before sundown. Women are indoors, lighting candles. And throughout the neighborhood, police cars roam to prevent trouble from outsiders.

"This is like an oasis in the middle of hell," says one patrol officer.

Inside the shul, hundreds of men stand shoulder to shoulder in a worship area that vaguely resembles an aging banquet hall.

Soon, they begin to chant in unison, "Ay yai yai yah yai-yai-yai-yai-yah." Smiles appear on the men's faces. The women watch from a gallery above.

A fissure forms in the crowd and Rabbi Schneerson walks through, stepping spryly to a podium beside a wooden ark that contains the Torah. He says his prayers, bowing to the east. For the next 24 hours, no one will work, use electrical appliances or operate machinery. They will put worldly matters aside and pray, talk, sing, eat and sleep.

On Saturday, praying commences at 10 a.m. and continues until noon. The Hasidim go home for a quick lunch, then return to the shul for the afternoon farbrengen, or gathering.

By 1 p.m. the room is packed and the singing begins again. The rebbe sits on a table above the crowd so he can be heard—a difficult task, since he speaks softly in Yiddish.

The silent crowd seems to breathe and sway gently in unison. From above, it looks like swells in a sea of black hats.

No tape recorders may run, no scribes may take notes. Several rabbis memorize the rebbe's talks. After sundown, they will go to word processors and type out the entire lecture verbatim.

On the farbrengen Feb. 5 commemorating his 40th anniversary, Rabbi Schneerson focuses on the injunction that the Almighty "has given you a heart to know, eyes to see and ears to hear." After explicating a lengthy biblical allegory, he interprets: "After a period of 40 years, one graduates to an entirely new state, attaining that which is above and beyond one's natural capabilities."

The renewal, he says, permeates a person's entire being, "so that this new elevated state is experienced in every aspect of his life."

In examining one's daily conduct, he adds, "everyone can find how to make of himself a 'new being.'"

HOSTING THE MULTITUDES

Though Saturday night marks a return to the secular world, by 10 a.m. Sunday, the rebbe is standing before the shul's eastern wall, cloaked, like everyone else, in a prayer shawl (called a tallis) and wearing, bound to his forehead and left upper arm, the tefillin, a pair of leather boxes containing four segments of the Torah.

"In Jewish scripture, it says that you shall bind the holy words against your hand, which refers to the heart, and between your eyes, which means against the head," explains Rabbi Krinsky.

The rebbe prays for 40 minutes, then moves out to a vestibule to greet visitors. Though they pass quickly, he says something to everyone, blessing them and presenting each with a crisp $1 bill "so that they may go out into the world and use it for tzedaka, or charity," says Rabbi Krinsky.

On his feet for six to eight hours straight, Rabbi Schneerson's stamina wears out his entourage. Each passerby exchanges words and a glance, transfixed by his electric blue eyes.

On a typical Sunday, as many as 5,000 people pass through between 11 a.m. and 3 p.m. On his 40th anniversary, the number exceeds 10,000, the queue lasting past dark and including New York Mayor David N. Dinkins and state Attorney General Robert Abrams.

The dignitaries gone, chaos resumes as thousands of men, women and children press forward to greet Rabbi Schneerson. "You are a doctor? Yeah? Good luck for you and all your patients."

DYNASTY'S FUTURE?

The rebbe will turn 88 in April. He has no children, though so far the dynasty has followed, primarily, patrilineal descent.

He has lived alone for the past two years, since the death of his wife of 60 years. This prompts varied reactions: For some, it is a source of concern; for others, curiosity or indifference or even relief.

A decision has not been made as to who will succeed Rabbi Schneerson. Some people believe the dynasty, and perhaps the movement, will end with him. Others argue that the situation will provide an opportunity to begin a new dynasty.

"They seem to be one of the few groups in the Jewish community that takes seriously the Jewish value that one soul is the equivalent of an entire world," Mr. Bayme says.

PERSONAL EXPLANATION

HON. ENI F.H. FALEOMAVAEGA

OF AM. SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. FALEOMAVAEGA. Mr. Speaker, I just want to inform my colleagues concerning certain names that were not included in yesterday's CONGRESSIONAL RECORD. I certainly do not fault the recorders and reporting staff, because some of these names are in the Samoan language, and as such they were just not able to correctly spell the names of those individuals whom I mentioned in my statement yesterday.

Mr. Speaker, for the record, I made reference to the honorable president of the senate who is Paramount Chief Letuli Toloa, and also our speaker of the house, High Chief Tuana'itau Tuia.

Additionally Mr. Speaker, I made reference to Lt. Gov. Galea'i Poumele, who is presently in charge of our overall territorial disaster task force to address the problems caused by Hurricane Ofa.

Mr. Speaker, I want to note the names of the above gentlemen as it should have been printed on page H 555 of the CONGRESSIONAL RECORD dated February 28, 1990.

I appreciate very much the patience and professionalism of our reporters and printers who work so diligently each day to provide what I consider the most comprehensive and accurate accounting of our proceedings each day we are in session.

Mr. Speaker, I also want to add for the RECORD a statement from my dear friend and colleague, the gentleman from Hawaii [Mr. AKAKA] for his support and willingness to assist me with whatever Samoa may need as a result of the devastation caused by Hurricane Ofa.

Mr. Speaker, thank you for your attention to this matter.

HURRICANE OFA

SPEECH OF

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 28, 1990

Mr. AKAKA. Mr. Speaker, I rise today to join my dear friend and colleague, Congressman ENI FALEOMAVAEGA of American Samoa, to call the attention of Congress to the devastating hurricane, Hurricane Ofa, which hit American Samoa and Western Samoa on February 2. I do so to ask the support of my colleagues to provide additional resources if that becomes necessary. I also wish to extend my deepest sympathy to the families of those who died in Western Samoa, and commiserate with my Pacific Island friends in the Samoas.

The immediate effects of Hurrican Ofa were devastating to say the least, and its continuing impact grave. Fortunately, though damage and destruction of property was extensive, there were no deaths in American Samoa. However, hundreds were injured, some seriously. Twelve died in Western Samoa. We in Hawaii, especially the Samoan community, have risen to the emergency with food and clothing drives. However, the devastation is so great that volunteer action alone will not meet the crisis of food, clothing and housing, and power shortages. Immediate congressional action may become necessary after a more complete posthurricane assessment is completed, and I urge my colleague to rise to the occasion.

Under the proven and forceful leadership of Congressman FALEOMAVAEGA, the administration acted with alacrity to come to the assistance of American Samoa. Once requested by Governor Coleman for a declaration of emergency on February 9, the President declared American Samoa to be a major disaster area within 3 days, thus setting the stage for immedate action by the Federal Emergency Management Agency which I'm advised is doing a splendid job with the resources available to it. I want to assure Congressman FALEOMAVAEGA that he and the people of Samoa have my full support.

TRIBUTE TO MARVIN ALTENBURG

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. HERTEL. Mr. Speaker, I rise today to honor an outstanding man, Mr. Marvin Altenburg, who has been named "Lutheran Layman of the Year" by the Lutheran Luncheon Club of Metropolitan Detroit. He is a member of St. Thomas Lutheran Church in east Detroit and will be honored at a special ceremony on March 6, 1990.

Marvin has displayed tremendous dedication to the Lutheran community all of his life. Marvin is currently a member of the St. Thomas Senior Choir and Men's Chorus. In the past he served as the president and vice president of the congregation and was the Sunday School superintendent for 15 years. He also took an interest in athletics; coaching and playing on the church baseball team and serving as treasurer for the bowling team.

Outside of the St. Thomas community Marvin has also displayed deep commitment to other activities in the area. He was past president of the Greater Detroit Sunday School Association, and was past president of the Lutheran Luncheon Club, and is currently a member of the Lutheran Layman's League and is involved in the Luthern East High School Booster Club.

Marvin has also been a man who is dedicated to his job. He worked at Michigan Bell for over 42 years as a staff manager and retired in 1983. He has continued to be involved with his former job through the Pioneers of America, an industrial volunteer organization which is sponsored by the Bell Co. He has been a member for 26 years and served as president of the Southfield Council and even served as president of the Wolverine Chapter for 1984-85.

Marvin is an individual who is dedicated to his religion and helping those in the Lutheran community in the Metropolitan Detroit area. My dear colleagues please join me in honoring Mr. Marvin Altenburg as he is honored as the "Lutheran Layman of the Year."

THE SHORT-TERM EXTENSION OF THE ENERGY POLICY AND CONSERVATION ACT

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SHARP. Mr. Speaker, today, Congressman MOORHEAD and I are introducing a bill to extend the Energy Policy and Conservation Act [EPCA] from April 1 through August 15, 1990. Unless EPCA is extended before April 1, 1990, the Department of Energy may not have sufficient authority to draw down the strategic petroleum reserve [SPR] in response to an oil shortage.

The bill is a 4½-month extension of title I and a 2½-month extension of title II. Title I

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contains authority to fill and use the SPR, title II contains an antitrust exemption for the major oil companies which would allow them to coordinate use of oil supplies during times of oil shortages. Part of the function of this bill is to put the expiration of title I and title II on the same schedule.

This short-term extension of title I is the second recent short-term extension. A previous extension had extended title I of EPCA from June 30, 1989 to April 1, 1990. An important feature of this extension was a requirement for the administration to complete a study of alternative financing mechanisms for the SPR.

This study was completed on February 1. It contained a recommendation that the Congress consider legislative language that allows, but does not require, the Department of Energy to lease oil for storage in the SPR. The legislative language is unusually complex and will require detailed review to assure it provides appropriate oversight safeguards as well as giving DOE sufficient latitude to credibly sit at a bargaining table with potential lessors of oil.

With their study, the Department submitted a recommendation not to expand the SPR beyond 750 million barrels. These two issues alone are of sufficient importance and complexity that it will be impossible to adequately consider them before the current expiration of EPCA.

In addition to these two issues, there are other unresolved issues related to the SPR. These include increased flexibility in Presidential authority to draw down the SPR; the desirability of some refined product storage in the SPR; authority to allow the SPR to be used to respond to domestic shortage; currently its use is restricted to shortage in oil imports, and authority to conduct test drawdowns of the SPR.

Therefore we are recommending this short-term extension to allow proper and deliberate consideration of the reports, the energy policy issues, and the implications they raise.

The Subcommittee on Energy and Power will move expeditiously to consider these issues and recommend a bill to improve the way we use the SPR, our first line of defense against an energy emergency.

H.R. 4167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended—

(1) sections 171 and 104(b)(1), by striking out "April 1, 1990" each place it appears and inserting in lieu thereof "August 15, 1990"; and

(2) in section 281, by striking out "June 30, 1990" each place it appears and inserting in lieu thereof "August 15, 1990".

SODOMY

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. DANNEMEYER. Mr. Speaker, ever since the Supreme Court decided the Hardwick case in 1986, questions have been raised about the crime known as sodomy. Indeed, particularly within the District of Columbia, there seems to be quite a bit of confusion regarding the crime and its enforcement—or lack thereof.

Although sodomy is a crime in 24 States as well as in the District of Columbia, the District is unique in that Congress rejected a recent attempt by the DC City Council to abolish the crime, see *United States* v. *Langley*, 112 WLR 801 (Sup. Ct.). For this reason, and because Congress has both a particular interest and specific constitutional responsibility with regard to crimes committed in the Nation's Capital, it seems appropriate to try to put some of the confusion to rest.

This memo, therefore, attempts to briefly address some of the most common questions and misconceptions related to the crime of sodomy in the District of Columbia.[1] The issue is addressed generally, and the memo does not expressly or by implication refer to any particular Member of Congress. As the attached article indicates, sodomy and solicitation for sodomy remain serious problems in the District, and interfere with education at the District's major universities, including Georgetown and George Washington.[2]

Is a law prohibiting sodomy in private between consenting adults constitutional, or does it violate fundamental rights?

In a case with the ironic name of "Hardwick," the U.S. Supreme Court made it clear in 1986 that there was no fundamental right for homosexuals to engage in sodomy, even in private, and that it was not constitutional for States to make homosexual sodomy a crime,[3] even when committed in private and between consenting adults. See *Bowers* v. *Hardwick*, 106 Sup. Ct. 2841 (1986).

The court based its decision on the fact that:

(1) sodomy had been a crime ever since the Nation began, and that it remained one in 24 States and the District of Columbia at the time of the decision;

(2) sodomy had been universally condemned throughout most of history; and

(3) a contrary holding with regard to sodomy would probably mean that other sexual acts committed in private—that is, incest between consenting adults—would probably also have to receive constitutional protection.

Not specifically mentioned, but certainly not far from the minds of the Justices, was the argument that making homosexual sodomy a fundamental constitutional right would make it very difficult if not impossible to adopt laws, regulations, and even enforcement policies aimed at controlling the spread of AIDS through anal intercourse.[4]

To justify actions closing down bath houses and other places where homosexuals frequently practice anonymous sodomy, restricting male-male escort services which often serve as a cover for prostitution, keeping homosexuals out of the Army and so forth would have required a showing that there was a compelling governmental interest, and that the Government had taken the narrowest, weakest possible action which could protect that interest.[5] In practice, this is a very difficult standard to meet.

Is it true that sodomy, like other so-called victimless crimes which occur in private, are rarely if every prosecuted?

Sodomy, like other crimes which occur strictly in private and do not have immediate identifiable victims, is usually not prosecuted in the absence of aggravating circumstances.[6] However, this is not always true, and such cases are frequently punished where one or more of a large number of aggravating circumstances are present. This section compares sodomy with other so-called victimless crimes.

(1) prostitution: Mistresses who are kept by men, and compensated for providing sex are usually not prosecuted—nor are the men—if the activity is done strictly in private and in a discreet manner. This is true even if someone else—for example, the man's jealous wife—finds out and seeks prosecution.

Indeed, even escort and outcall services are not often prosecuted because the sexual acts are kept secret. Notorious cases, in which the matter creates a public scandal like the "Mayflower Madam" case in New York City, are the exception which tends to prove the rule.

(2) illicit drug use: The use of illicit drugs in private between consenting adults is rarely the basis for prosecution by itself. Where drug-related prosecutions occur they are more likely to involve selling or attempts to sell, attempts to use or acquire the drugs in a public place, or where drug possession is uncovered as a result of an investigation into something more serious. However, vigorous prosecution efforts are frequently employed where the perpetrator is a politician, sports celebrity, or other public figure.

(3) gambling: Gambling which occurs in private is almost never prosecuted, even where it is illegal. However, where aggravating circumstances are present—such as where it occurs in public, involves cheating, result in fights, has connections to organized crime, and so forth—it may be.

(4) miscellaneous: Telling fortunes, even for money, incest when it occurs between two mature consenting adults, charging excessive rates of interest for noncommercial loans, and other so-called victimless crimes are also rarely prosecuted except where aggravating circumstances are present.

What types of aggravating circumstances are likely to result in a prosecution for sodomy or other victimless sex crimes?

It appears that while people are usually not charged with the crime of sodomy unless there are aggravating circumstances, prosecutions are frequently brought where there are aggravating circumstances. These aggravating circumstances for sodomy include:

(1) when it occurs during the course of robbery, rape, or some other crime involving violence;

(2) when one of the parties claims that violence or the threat of violence was used, even if the evidence is not strong enough to support a conviction;

(3) when minors are involved, as was apparently true in the Gobie case;

(4) when it occurs in public or in a public place, or where the solicitation is occurring in a public place. From time to time one reads

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Footnotes at end of article.

about situations where restrooms known to be used for casual homosexual sodomy are put under surveillance, and those engaged in the act are arrested;

(5) where it occurs as part of an act of prostitution, or in connection with other crimes such as drug dealing;

(6) when charging the perpetrator may help persuade him to confess to other crimes, or to otherwise assist the police by providing information, cooperating in a setup, and so forth;

(7) where it involves a prominent person and/or becomes known to the public in such a way that law enforcement authorities cannot ignore it.[7]

Does the public's knowledge of a crime constitute an aggravating circumstance justifying prosecution?

Indeed, there appear to be many circumstances where an action which would not ordinarily be prosecuted as a crime is treated in this way because of the need to make an example and to avoid giving the public the wrong impression that persons escape prosecution because of their station in life. The following are recent examples.

(1) It is not unusual for prosecutorial authorities to fail to prosecute for a variety of reasons, but to be forced to change their minds by public pressure which results from an exposure of the situation on television or in a newspaper article.

(2) Persons who violate the income tax law are generally dealt with in civil proceedings, However, in the case of prominent people such as Mrs. Helmsley, or tax protestors who publicly boast about their activities, prosecution may be seen as warranted so as to deter others from engaging in similar acts. Otherwise, prominent people seem to be getting away with it, and this harms public confidence in the fair enforcement of the law.

(3) Situations in which an innocent person uses deadly force to defend against a threat are usually not made the basis for prosecution. New York City subway shooter Bernhard Goetz appears to have been an exception because of the massive publicity and public outcry, even though persons involved in similar situations occurring at the same time were never even charged.

(4) Mayor Barry is of course a prime example of this general principle. Certainly the U.S. attorney would not have conducted a lengthy and very expensive investigation resulting in an elaborate sting operation if he had received information that an ordinary person such as a businessman was using cocaine at parties, and in private with close friends or business associates. However, when politicians, rock stars, and other prominent persons are involved, prosecution is more likely because of the significant deterrent effect it will have on nonprominent people, and to avoid any impression that "big shots" can get away with it.

Is sodomy a crime which is rarely if ever prosecuted, both in the District of Columbia and elsewhere?

Contrary to the view of many people who know little about the criminal justice system, sodomy is prosecuted with some frequency in the District as well as elsewhere.

For example, at least half a dozen convictions for sodomy were reviewed by the D.C. Court of Appeals, the District's highest court, during the year 1989, and were the subject of a written opinion. Most were affirmed, and where they were not it was on some technical or evidentiary basis having nothing to do with the nature of the crime. This number does not include those convictions for sodomy which were appealed and did not result in a written opinion. It also appears that during the 1980's, approximately 60 sodomy cases were decided by the same court.

It is also generally true that for every conviction of a crime which is reviewed by a jurisdiction's highest court, there are dozens if not hundreds of convictions which are not appealed, and a much larger number of situations in which the crime was charged, but the person was allowed to plead guilty to a lesser offense, or was found not guilty. Thus it would appear that sodomy is still prosecuted with some frequency in the District.

To see what the pattern was in other States, the WESTLAW service was asked to determine how many cases there were in other States decided during the year 1989 which had the word "sodomy" in them. The answer was over 500. While not all of these cases involve convictions of the crime, and may use the word only incidentally in connection with other matters, it does suggest that there are a significant number of sodomy prosecutions in other States also.

In addition, the NEXIS service was asked to see how many news and magazine stories in its database written during 1989 mentioned the word "sodomy," and also used in the same article any one or more of the following words: "convict," "conviction," "charge," "charged," or "appeal." The answer was that far more than 500 did.

When the same search was narrowed to the period of the last 3½ months—after October 1989—the number was still over 200. While some of these stories may likewise only mention sodomy in some other context, this research also indicates that the term is alive and well in the news media as well as the courts, and that prosecutions in other States with similar statutes occur frequently.

FOOTNOTES

[1] As it is most states where it is illegal, sodomy is a very serious crime in the District of Columbia. Prohibited by § 22-3502, it is a felony punishable by 10 years in jail. It has also been held in the District that consensual sodomy is a "crime of moral turpitude," *Valez-Lozano* v. *Immigration & Naturalization Serv.*, 462, F.2d 1305 (D.C. Cir. 1972), thereby providing the basis for deportation or disbarment of persons found guilty.

There are also several other criminal statutes which apply to sodomy: see, e.g., Inviting for purposes of prostitution, § 22-2701; making lewd, obscene, or indecent sexual proposals, § 22-1112; maintaining premises for lewdness or prostitution, § 22-2713; and keeping a bawdy or disorderly house, § 22-2722.

[2] "Book Directs Homosexuals to Local College 'Cruising' Spots," Brian Reilly; Washington Times, February 23, 1990:

Officials at Georgetown and George Washington universities have been forced to consider increasing security at campus buildings that became major homosexual "cruising" spots after being listed in a national homosexual guidebook.

"It is not conducive [to the functions] of the university to have people engaging in homosexual activities in the bathrooms," Capt. RoccoGrande [of GWU] said. "Officers enter the men's rooms and check for anything suspicious."

Ms. Gatta said most of the "cruisy areas" listed concern men's bathrooms, and said the homosexuals use restrooms in order to protect themselves.

"You can't be that blatant," she said. "You can't just get down and do it in the hallway."

"The problem needs to be handled on the societal level," said Marcel Prather, president of GW's Lesbian and Gay People's Alliance. "When there is less homophobia, there will be a decrease" in such incidents.

However, Mr. Prather said that because of the burgeoning problem in the GW student center, "I personally don't feel comfortable using the bathrooms."

Recent reports of homosexual activity and indecent exposure in Georgetown University's Lauinger Library included the drilling of holes in the partitions separating stalls in the men's rooms which, according to the university security director, could be used for peep holes or for anonymous sex.

"If there is a hole, it can be used for any purpose," said Georgetown security director William Tucker . . .

"They are seeking quick, anonymous, furtive sex," Whitman-Walker health educator Joe Izzo said. "It's been going on for centuries, and I don't believe it's going to stop."

[3] The U.S. Supreme Court specifically limited its decision to acts of sodomy between homosexuals. Most experts seem to agree that it would be unconstitutional to make heterosexual sodomy illegal, especially between married people, since it falls within the zone of privacy which applies to acts related to procreation and reproduction.

[4] According to the most recent report from the Center for Disease Control dated January 26, 1990, 115,786 cases of AIDS in adults and adolescents have been reported. Of these 70,093 (60.5%) were reported among homosexual or bisexual males, 24,212 (20.9) among intravenous drug abusers, and an additional 8,117 (07%) among homosexual males who were also drug abusers. In contrast, the total number of reported cases among both heterosexual men (2,308, 02%) and women (3,322, 2.9%) who are not drug abusers was less than 5% of the total. It is also relevant to note that Washington D.C. had more reported cases than all but five cities: New York, Los Angeles, San Francisco, Houston, and Newark, N.J.

[5] Within the past several days the U.S. Supreme Court rejected arguments that barring homosexuals from the armed forces violated either the First Amendment of Equal Protection rights of homosexuals. In doing so the Court held that the government need only show a rational basis, not a compelling state interest. See *Ben-Shaiom* v. *Marsh*, 58 U.S.L.W. 2118 (1990).

[6] In other words, homosexuals who engage in acts of sodomy in strictest privacy with lovers with whom they have a long-term commitment and a lasting and loving relationship probably have little worry about prosecution, see, e.g., Hardwick. However, they engage in random acts of sodomy with prostitutes, or with casual strangers in semi-public places, prosecution is much more likely, and also much more justified. See note 2.

[7] For example, several months ago the National Law Journal reported on a male state senator who apparently let a call girl perform oral sodomy on him at a party, and who was then charged and (to the best of my memory) pleaded guilty to a lesser offense.

[From the Washington Times, Feb. 23, 1990]

BOOK DIRECTS HOMOSEXUALS TO LOCAL COLLEGE "CRUISING" SPOTS

(By Brian Reilly)

Officials at Georgetown and George Washington universities have been forced to consider increasing security at campus buildings that became major homosexual "cruising" spots after being listed in a national homosexual guidebook.

"Bob Damron's 1989 Address Book," a North American guidebook for homosexuals, lists buildings at Georgetown, Catholic, Howard and George Washington Universities and the University of Maryland as so-called "cruisy areas" where homosexual men can seek out semi-public illicit sex.

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Capt. Anthony RoccoGrande of the GW security department said the university attempts to thwart such activities by "barring suspicious individuals" from campus buildings who are not affiliated with the university in any way.

"It is not conducive [to the functions] of the university to have people engaging in homosexual activites in the bathrooms," Capt. RoccoGrande said. "Officers enter the men's rooms and check for anything suspicious."

He said homosexual men seem to target the student center, or Marvin Center, and he is concerned with what he called the predisposition of off-campus men to frequent the building. "We don't want this to become a mecca of the homosexual community," he said.

Officials at GW and Georgetown have considered increasing ID checks at entrances to the buildings, all of which are now open to the public. But both Marvin Center Operations Director Donald Cotter and Georgetown Librarian Joseph Jeffs said such measures are often too costly and burdensome.

Gina Gatta, a sales representative for the San Francisco-based Damron Co. that publishes the address book, said they receive the information on the cruising areas from readers. She said the book is a resource for homosexuals across the continent, and the varying locations are listed and deleted depending on reader requests.

"We don't go looking for the spots. We keep them in the book until readers say, 'I don't want it there'" because of problems with law enforcement or outbreaks of violence.

Ms. Gatta said most of the "cruisy areas" listed concern men's bathrooms, and said the homosexuals use restrooms in order to protect themselves.

"You can't be that blatant," said. "You can't just get down and do it in the hallway."

The head of GW's student homosexual rights group said he does not condone the activities but sympathizes with the men who resort to such measures.

"The problem needs to be handled on the societal level," said Marcel Prather, president of GW's Lesbian and Gay People's Alliance. "When there is less homophobia, there will be a decrease" in such incidents.

However, Mr. Prather said that because of the burgeoning problem in the GW student center, "I personally don't feel comfortable using the bathrooms."

Recent reports of homosexual activity and indecent exposure in Georgetown University's Lauinger Library included the drilling of holes in the partitions separating stalls in the men's rooms which, according the university security director, could be used for peep holes or for anonymous sex.

"If there is a hole, it can be used for any purpose," said Georgetown security director William Tucker.

A number of "suspicious" sexual activities have been reported so far this year at the Marvin Center on 21st Street NW, prompting campus security to increase patrols in the building.

The director of the Marvin Center, LeNorman Strong, said the homosexual activities in the restrooms of the building "represent a significant nuisance to members of the university community using the bathrooms for necessary purposes."

On the Georgetown campus, the G.T. Walsh building, Nevils Hall and the McDonough Gym were included in the 1989 address book as well as the new 1990 edition.

Security officials at Georgetown and GW said the reported incidents, for the most part, do not involve university students, and campus security officials agreed that such sexual activities in campus buildings is a problem facing many urban colleges.

Mr. Tucker said he constantly reminds Georgetown security forces to "increase your security checks and, in the library, see who is frequenting the bathrooms."

The Georgetown student paper, The Hoya, last year quoted an anonymous library employee as saying homosexual activity in the restrooms increased over the summer months and library officials actively checked the men's rooms in order to erase messages that set up "meetings for anonymous sex."

A health educator at the Whitman-Walker Clinic, which provides legal and medical services to local homosexuals, said all metropolitan colleges suffer from this problem that arises when "closeted gay and bisexual men do not think they can have sex in an open relationship."

"They are seeking quick, anonymous, furtive sex," Whitman-Walker health educator Joe Izzo said. "It's been going on for centuries, and I don't believe it's going to stop."

Other area universities have had similar problems in the past. Buildings at Catholic University of America and Howard University were listed in Bob Damron's 1989 Address Book, but were omitted for the 1990 edition.

Clay Goldston, Catholic's director of public security, said there have been two reported cases of so-called "flashing" of private parts in the campus library, but he has not received reports of furtive sexual activities in the restrooms.

Howard's security director, Lawrence Dawson, said there were reports of such activities occurring in campus buildings in the past, but there were no reports in the last two years.

CRUISY AREAS

According to the 1990 edition of Bob Damron's Address Book, cruisy areas includes parks, beaches, highways, rest stops, university campuses and other public facilities. The book said these places "may or may not be active, depending on the season, weather and time of day. Some are extremely dangerous (AYOR)* for various reasons and all should be visited strictly at your own risk. Play safe."

"P Street Beach," 23rd and P streets NW (AYOR).

"Rest Stop," on I-95 South, between Baltimore and Washington.

"The Block," from 30th to 31st streets NW between O and Dumbarton streets (Late).

Ninth Street NW from E to H streets.

George Washington University student center.

Georgetown University—G.T. Walsh Building, Gym and Nevis Hall.

Park Avenue, bounded by New York Avenue, 12th, 11th and I streets NE.

The woods surrounding P Street (AYOR).

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* At your own risk.

THE INTRODUCTION OF THE BANK AND THRIFT REGULATORY AGENCY MERGER ACT OF 1990

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. SCHUMER. Mr. Speaker, today, along with my colleagues Mr. CHAPMAN of Texas, Mr. FRANK of Massachusetts, Mr. RANGEL of New York, and Mr. RINALDO of New Jersey, I am introducing the Bank and Thrift Agency Merger Act of 1990. This legislation would abolish the Office of Thrift Supervision [OTS], which supervises all savings and loans and their holding companies, and transfer its responsibilities to the banking regulators.

Throughout the last decade the predecessor to the OTS, the Federal Home Loan Bank Board, was in disarray, unable to properly regulate the industry which it was supposed to oversee. The result was paralysis and weak regulation, setting the stage for the savings and loan debacle, the most expensive financial crisis in history.

In 1989, Congress passed the Financial Institutions Reform, Recovery, and Enforcement Act [FIRREA]. In addition to providing the organization and at least some of the money necessary to clean up the mess, FIRREA was designed to address the disorder brought by the S&L crisis by forcing the industry to comply with the same accounting, capital, and other regulatory standards that the banking industry has always adhered to.

FIRREA sought to repair that ineffective thrift regulatory system by replacing the old Bank Board with a new agency, the OTS. The key to resolving this crisis, and to limiting the cost to the taxpayers, is to minimize the number of S&L's that fail. That critical task currently falls on the shoulders of the OTS. Unfortunately, the OTS does not seem to be up to the task.

FIRREA was an important first step in getting the thrift industry back on its feet. The time has come for Congress to complete the job it began and eliminate the last remnant of the S&L crisis, the Office of Thrift Supervision. The Bank and Thrift Regulatory Agency Merger Act accomplishes that goal by eliminating the OTS, which will:

Provide the thrift industry with a stable, proven and permanent regulatory that can properly guide it over the long road to recovery. The current chaos and paralysis at the OTS guarantees future problems if not immediately corrected.

Maintain consistency between the standards that apply to S&L's and the corresponding standards that apply to their competitors, the banks. At this time, the rules are being interpreted and promulgated differently, causing confusion, disorder, and competitive inequality.

Save money through the elimination of the current duplicative system. Maintaining a separate and redundant bureaucracy for a shrinking industry is expensive and wasteful.

Create an environment that will attract the quality people necessary to regulate complex financial institutions. Disorder, negative publicity, and a shrinking industry have made the OTS a less attractive place to work, causing key people to resign and discouraging prospective employees. The administration's inability to find someone willing to serve as the new director of the OTS has highlighted this critical problem.

Currently, the OTS supervises both Federal and State savings and loans as well as the savings and loans holding companies. Under this act, the OTS would be dissolved and its supervisory duties would be delegated to the Office of the Comptroller of the Currency [OCC] and the Federal Reserve Board. As a result, the OCC would be responsible for overseeing Federal and State S&L's as well as national banks, which it currently supervises. The Federal Reserve would assume responsibility for the S&L holding companies, consistent with its authority over bank holding companies.

It is important to note that this act would not eliminate the separate thrift industry, nor would it even change the laws, regulations or rules under which S&L's or their holding companies are currently operating. Indeed, all laws and regulations that affect S&L's, including those mandated by FIRREA, would remain intact and unchanged. All this legislation proposes to do is to eliminate an agency that is unable to fulfill its mandate and is not necessary in the long run.

The current situation at the OTS is abysmal. M. Danny Wall, Director of OTS, announced his resignation months ago. With no replacement forthcoming from the administration, the agency is rudderless. And the confidence among his subordinates necessary to make important and difficult decisions is nonexistent. The result is arbitrary regulation which damages healthy S&L's and pushes marginal S&L's needlessly toward insolvency. At this critical juncture, Congress must act to ensure that all S&L's are supervised by a strong regulator.

Mr. Speaker, the OTS is a redundant agency, and its removal will end needless and costly duplication and confusion. Moreover, eliminating this agency will save the taxpayers money. This act will finish what FIRREA started and help end the national embarrassment that has been the savings and loan scandal.

ACCESSIBLE TELEVISION FOR ALL AMERICANS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. BONIOR. Mr. Speaker, I am proud to support the Television Decoder Circuitry Act of 1990 introduced by my colleague Representative MAJOR OWENS today. Over the years, much progress has been made in expanding closed-captioned television programming. By requiring new television sets to be equipped with built-in decoder circuitry, this legislation represents the next step toward equal access to television for deaf and hard of hearing Americans and establishing a self-sustaining captioning service.

As Congressman OWENS has pointed out, television has become a central part of our society in gaining access to entertainment, news, and education. Unfortunately, many Americans with a hearing loss are denied full and equal access to this vital source of information, now taken for granted by the hearing population. Until the 1970's, deaf and hard of hearing persons had no access to television. The development of closed-captioned television programming has made it possible for deaf and hard of hearing persons to see what television has to say. Through the years, I have been proud to play a role in Federal funding initiatives to start and expand closed-captioning services. Currently, the Federal Government funds about 40 percent of closed-captioning services.

Since 1979, the amount of closed-captioned programming has dramatically increased. The Commission on the Education of the Deaf reported that by the end of 1987, there were more than 125 hours of closed-captioned programming per week. This year, 100 percent of prime-time shows will be captioned. In order to provide economic incentives for the continued growth of closed-captioning, more homes need to be provided with decoders.

The National Captioning Institute estimates that at least 1 million homes need to receive closed-captioning in order to make the captioned service economically viable and independent of Federal funding. However, since 1979, decoder sales have been far below that figure. Many senior citizens simply cannot afford to purchase a separate decoder and are reluctant to do so because of the stigma attached to it.

To many deaf and disabled people, purchase of a separate decoder is an economic hardship. A Lou Harris survey found that two-thirds of all disabled Americans between the age of 16 and 64 are not working. Those disabled people who are working are often in low-paying jobs with little opportunity for advancement.

Technological advances now make it possible for manufacturers to include built-in decoder circuitry at a nominal cost. By requiring the installation of decoder circuitry on new televisions with screens 13 inches or larger, closed-captioning will soon reach all 24 million deaf or hearing impaired Americans.

In addition, studies show that closed-captioned television facilitates the teaching of literacy skills. It is a national tragedy that an estimated 23 to 27 million American adults are functionally illiterate. Another 3 to 4 million Americans learning English as a second language will benefit from built-in decoders.

The Television Decoder Circuitry Act of 1990 is supported by a number of leading organizations representing deaf and hard of hearing people, including Gallaudet University, the National Association of the Deaf, the Alexander Graham Bell Association for the Deaf, the National Center for Law and the Deaf, the American Speech-Language-Hearing Association, the American Society for Deaf Children and Self-Help for the Hard of Hearing, the Conference of Educational Administrators Serving the Deaf, and the Conference of American Instructors of the Deaf.

Congressman OWEN'S statement notes the many other organizations representing educators, the television industry, and consumers who back this bill. Mr. Speaker, I urge my colleagues to support this legislation to provide decoder technology for the millions of Americans who can benefit from it.

WEIR FARM, CONNECTICUT'S FIRST NATIONAL PARK

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mrs. KENNELLY. Mr. Speaker, Connecticut may be a small State, but it certainly has many great treasures. Today I joined my Connecticut colleagues in introducing legislation which would make one of those treasures—the J. Alden Weir Farm of Wilton and Ridgefield, CT—my State's first national park.

Weir Farm is more than just a beautiful estate. Since its acquisition by artist J. Alden Weir in 1882, Weir Farm has served as both a retreat and inspiration for great American artists. With over 200 acres of meadows, woodlands and wetlands, the Farm's landscapes and pastoral setting have inspired many wonderful works, including those of its owner, J. Alden Weir, considered by many to be the leader of the American Impressionist Movement. At Weir Farm, every rock, tree field, barn and house on the land has been recorded and explored in paintings. They offer a glimpse of the beauty of the land at the turn of the century—and they remind us of the importance of preserving that land for the enjoyment of generations ahead.

Weir Farm has also became the gathering place for some of the best American artists of the era, including Childe Hassam, J.H. Twachtman, and Albert Pinkham Ryder. Following Weir's death in 1919, his son-in-law Mahonri Mackintosh Young—a grandson of Brigham Young and a gifted artist in his own right—sculpted many of his finest works at the farm, including monuments to the Mormon tradition now installed in Salt Lake City and throughout Utah. Many of Young's works have been left in the house at Weir Farm. Today, artists Sperry and Doris Andrews live and work at Weir Farm, making them the third consecutive American artists to have occupied and cared for Weir Farm since Mr. Weir first acquired this property.

Many have worked to preserve the farm. Trust for public land, cooperating with the Andrews family and descendants of Mr. Weir and Mr. Young, bought back what they could of the original property. Simultaneously, the Weir Farm Heritage trust was formed by local residents, selectmen, State legislators, conservationists, and art enthusiasts to raise money for the protection of the farm and to manage it until the Park Service could participate.

In 1984 Weir Farm was listed on the National Register of Historic Places. The Connecticut State Legislature voted just this past year to bond $4.25 million dollars to purchase the 60 acres of the original Weir Farm. In addition, last week a coalition of 20 national conservation groups issued a report calling on Congress to fund land acquisition at Weir Farm.

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For an amount not to exceed $1 million, the Park Service can acquire what is left—the 2-acre core parcel of land which includes the houses, barns, studios, with original furnishings intact—a seemingly small price to pay for an investment that will so greatly enrich the State of Connecticut, and add to the cumulative value of these United States.

As the first national park paying tribute to an American Painter, Weir Farm would enhance public awareness and appreciation of history, the arts and the environment.

TRIBUTE TO AN UNSELFISH COMMUNITY LEADER: BILL NELSON

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. BRYANT. Mr. Speaker, I take this opportunity to acknowledge and honor the unselfish dedication and caring contributions of a man who devoted the last few years to caring for AIDS patients, before the disease claimed his own life.

Bill Nelson, 40, was one of Dallas' most prominent and active leaders in the fight for human rights for all people. His compassion for people in humble circumstances, for people discriminated against regardless of the reason, for people felled by disease or ignored by insensitive bureaucrats, guided his public life.

He stood up for homeowners against the encroachment of commercial development and devastating traffic patterns. He stood up for the rights of all minority citizens. He stood up for the needs of AIDS victims with a strength that belied his own disease.

"Even in his death, he was a role model in fighting this disease," said William Waybourn, a successor of Bill Nelson as president of the Dallas Gay Alliance. "He didn't give up; his body did."

Bill Nelson cofounded Dallas' AIDS Resource Center to help those with the disease and educate those most at risk. Under his direction, the center became perhaps the most effective AIDS education and service provider in Texas.

After two Dallas residents with AIDS were discovered without food, he also started the AIDS Food Pantry, which now feeds more than 400 families each month.

Venturing into the elective political arena, Bill Nelson ran for the Dallas City Council in 1985 and 1987. Although he did not win, he captured more than 23,000 votes in his second citywide contest, and he succeeded in bringing a challenging new perspective to local political debate.

At the time, Bill Nelson was director of the Dallas Homeowners League and president of the Vickery Place Homeowners Association in East Dallas. He was a community activist in every sense of the term.

His work earned him a citation by the Texas State Senate last year. He was also a recipient of the Texas Human Rights Foundation's Robert Schwab Award for community service and the United Our Way Humanitarian Award.

Bill Nelson was born in Galveston, TX. He earned bachelor's and master's degrees from Southern Methodist University in Dallas. He taught literature and humanities courses at W.T. White High School for 10 years before opening the Crossroads Market antique store.

Bill Nelson leaves a legacy of compassion, dedication, and strength that transcends human boundaries. He and his valuable work will be missed.

RECOGNITION OF WALTER L. "MICKEY" CORBAN'S INDUCTION INTO "WHO'S WHO IN MISSISSIPPI"

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the people's Chamber, to speak in honor of a great citizen of my district, Walter L. "Mickey" Corban.

Mickey Corban has been selected for induction into the recognition publication, Who's Who in Mississippi. Only those Mississippians that are noteworthy of success in their fields of endeavor are chosen to appear in the publication annually.

Mickey Corban and his family are former Franklin County residents. He and wife Pauline now reside in Pearl, MS.

"The professional achievements and service in the fields of education and business have distinguished Mickey Corban as a predominant figure in Mississippi. The entire advisory board of Who's Who in Mississippi joins the family, friends, and associates of Mr. Corban in extending our heartfelt congratulations and thanks for his unselfish devotion to making Mississippi a wonderful place to live, work, and play," stated Chuck Lambert, chairman of the advisory board.

Mr. Speaker, I am glad to have Mickey Corban as my friend and to commend him on his noteworthy achievements and service in the fields of education and business in the State of Mississippi.

NATIONAL FFA/HERO WEEK

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr NATCHER. Mr. Speaker, the members of the Future Farmers of America celebrated National FFA Week with the theme "FFA—Leading the Challenge."

The Future Farmers of America is a vocational education organization for high school students who are enrolled in vocational agriculture classes in public high schools or area vocational education centers.

Each chapter is encouraged to participate in at least one community service activity during the school year. The Future Farmers of America gives recognition to members for achievements at the chapter, district or area, State, and national levels. This allows each vocational education-FAA member the opportunity to participate and receive recognition.

During the past year there were 11,917 FFA members in 147 chapters in my home State of Kentucky. Over 1,000 FFA members and teachers attended one week of FFA leadership development at the Kentucky FFA Leadership Training Center in Hardinsburg, KY last year.

The FFA Chapters, and individual members, in the Second Congressional District of Kentucky, which I have the privilege of representing in the Congress, received many awards at the State and national levels in 1989.

Timmy Herndon (Spencer County)—Agricultural Sales and/or Service; Greg Willoughby (Allen County)—Dairy Production; Daniel Fisher (Allen County)—Diversified Crop Production; Timmy Lee (LaRue County)—Floriculture; Tim Powell (Breckinridge County)—Forest Management; Scott Elliott (Daviess County)—Oil Crop Production; Mason Crawford (LaRue County)—Poultry Production; David Pace (Warren Central)—Extemporaneous Speaking; Jon Ragan (Warren Central)—Public Speaking; Jim O'Donoghue (Breckinridge County)—Impromptu Speaking—Beef; Mark Ballman (Breckinridge County)—Impromptu Speaking—Swine; and David Booher (Franklin-Simpson)—Impromptu Speaking—Horse, were recognized at the State level. Greg Willoughby also was recognized in the Computers in Agriculture category and represented Kentucky at the National Convention.

Eric Lawson (Franklin-Simpson), Eric Sweazy (Spencer County), Tommy Bartley (Barren County), Cindy Leachey (Washington County), and Debbie Winchell (Breckinridge County) were members of the Reporter Corps at the State Meeting.

The following chapters were also recognized at the State level: Barren—Treasurer's Book Award, Secretary's Book Award, and Chapter Safety (2d place); Breckinridge—Chapter Meeting Award, and Farm Business Management; Apollo—Record Keeping; Spencer—Treasurer's Book, and Farm Business Management; and East Hardin—Farm Business Management.

The Spencer County and Barren County Chapters placed first and second in the Chapter Safety Program at the State level and received gold and bronze awards at the national contest. The Apollo, Daviess County, Barren County, Breckinridge County, East Hardin, and Spencer County Chapters were recognized as Superior Chapters in the Chapter Safety Program at the State level.

The Spencer County Chapter participated in the Building Our American Communities Program at the State and national levels. At the national level the chapter received a bronze award and at the State level the chapter received a gold award. Also receiving awards at the State level were the Warren East (silver), Breckinridge (bronze), Franklin-Simpson (bronze), and Warren Central (bronze) Chapters.

National Chapter Awards were presented to chapters that had proven their excellence in carrying out a program of activities. Chapters were designated as gold, silver, or bronze winners. The following chapters from the Second Congressional District were recognized;

Apollo, Breckinridge County, and Spencer County—silver; Barren County, Daviess County High, and East Hardin—bronze.

Marty A. Chandler (Franklin), Timmy Herndon (Mt. Eden), Scott D. Jernigan (Franklin), Paul A. Miles (Owensboro), Shannon Morgan (Alvaton), and Kimberly L. Tooley (Utica) were recognized at the National Convention for attaining degree requirements and outstanding performance in the Future Farmers of America, and received American Farmer Degree.

Danny Oliver of Scottsville was a member of the National Band and Beth Henderson of Irvington was a member of the National Chorus.

The Apollo Chapter was 1 of 33 affiliates recognized as Outstanding FFA Alumni Affiliates at the National Convention.

I know of no group of young people who are accomplishing more in the area of agriculture than the members of the Future Farmers of America. At this time I would like to commend all of those associated with the FFA for their achievements, and I wish them continued success in all their future endeavors.

A MEDICARE RESPITE BENEFIT: KEEPING PEOPLE IN THE HOME

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. WALGREN. Mr. Speaker, today I am introducing a bill to add to the Medicare Program a respite benefit for in-home care of the chronically ill. I was able to incorporate a similar benefit in the Medicare Catastrophic Program in 1988, but it was eliminated when Congress repealed the Medicare Catastrophic Program last year.

Under my bill, a chronically dependent person could receive up to 120 hours of care—homemaker/home health, personal care, or nursing care services—during a year. Respite care is intended to give relief and assistance to the caregiver, usually a spouse or other family member. My bill is intended to provide a limited in-home benefit to supplement current Medicare home health benefits and to allow the individual to remain in the home and avoid institutionalization in a nursing home.

The majority of elders being cared for by family are 80 years of age or older and have multiple impairments—people needing a high level of care. Caring for a chronically ill or disabled elderly person is more than a full-time responsibility. Most families want to keep the person at home and provide a loving environment. Respite care gives the caregiver limited relief—under my bill, 10 hours a week. Even the most heroic caregivers become tired and overwhelmed. They are better caregivers when they get a little help.

Among the Nation's elderly, 3.6 million live in the community and are disabled in some activities of daily living, such as eating, toileting, and moving. Most of these people require help to remain at home and many cannot be left alone.

Eighty percent of the most chronically dependent elderly live in a community setting, an approach most of us wish to encourage. Seventy-five percent of these individuals can stay at home because they have a caregiver, usually a spouse or son or daughter, who provides virtually all of their care.

We should note that most of the elderly and disabled are institutionalized not because of a breakdown in health, but because of the breakdown of supports—illness or death of a spouse, change in living arrangement, the absence of anyone to take care of them. By preventing institutionalization, we can reduce costs to the Medicaid Program or other expensive institutional costs. More important, we can keep people at home where they want to be.

I hope the Congress can reexamine the gaps in Medicare coverage and find the resources and will to add a good respite and other benefits to the program.

IN SUPPORT OF H.R. 1141, FAMILY LEAVE BENEFITS ACT OF 1989

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. CRAIG. Mr. Speaker, once again Congress is hearing rumors that H.R. 770, the Family and Medical Leave Act, is coming to the floor. Proponents of the bill often misleadingly refer to it as a "parental leave" bill, or "family legislation." In fact, this bill is just another attempt by big government to interfere with families and private initiatives by imposing Federal mandates.

Yes, there have been great changes in the family structure, and many employers have responded on their own accord, without Government prompting. Unfortunately, H.R. 770 will only serve to disrupt this trend and create some unwanted side effects.

Women and men of childbearing years will be confronted with subtle discrimination. An employer faced with two equally qualified candidates—one likely to take leave and the other not likely to take it—probably will hire the one less likely to take leave because that person offers more stability and a lower price tag.

Mr. Speaker, this legislation is counterproductive to the interest of employees and employers alike. It is simply a fact of life that many small businesses have limited resources, which restricts the amount available for benefits. A Federal mandate dictating what type of benefits must be provided only reallocates portions of the benefit budget, disregarding the employee's choice of benefits. Some small businesses, unable to absorb the cost, would be forced to close their doors. This could have drastic effects on our economic growth, and unemployment. Let us not forget, Mr. Speaker, that small business has fueled the recent U.S. economic expansion.

Workers who typically would not use the mandated leave in H.R. 770, will also be discriminated against. They will see the scope of benefits available to them reduced, as businesses are forced to adjust their compensation packages to reflect federally mandated priorities.

Mr. Speaker, Congress can assist America's families without this sort of Federal intrusion, by voting against H.R. 770 and supporting H.R. 1141, the Family Leave Benefits Assistance Act of 1989. H.R. 1141 is a better alternative. It offers incentives, helping employers and private organizations to meet the needs of working men and women and their families.

THE TELEVISION DECODER CIRCUITRY ACT OF 1990

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. OWENS of New York. Mr. Speaker, today, along with Congressmen GUNDERSON, BONIOR, BERMAN, LLOYD, SLATTERY, SYNAR, WYDEN, BILIRAKIS, and CHANDLER, I am introducing the Television Decorder Circuitry Act of 1990 which promises to ensure full and equal access to television for all Americans, including 24 million Americans who are deaf or hard of hearing. This legislation will also help in the fight to combat illiteracy which can benefit 23 to 27 million American adults who are functionally illiterate, 3 million Americans learning English as a second language, and millions of deaf, learning disabled and hearing children. In a letter of support, the Bill Cosby Show stated that "it becomes clear that very few families in the United States will not be touched by this bill in a positive way."

Today, we all take television for granted. It has become much more than a medium of entertainment. It provides a crucial link to the world with news and has become the central way we share information in our society. However, the benefits of television are not fully accessible to all Americans. Millions of deaf and hard of hearing citizens are still denied full access to television. While the technology of closed-captioning has opened the door to television viewing, the cost of separate decoders and the lack of incentive to close caption all programs has denied many Americans the full view of what television offers.

In a letter to the Commission on the Education of the Deaf, ABC noted:

> . . . [if] decoders were more widely used and viewership to grow, the marketplace can be relied upon to increase captioning because more viewers would be reached at a decreased per capita cost. Increased decoder ownership—not just more captioning—is required for a strong, selfsustaining captioning service.

The National Captioning Institute [NCI] concurs that the future of closed captioned television service is:

> Inextricably tied to the number of households who access it. In order to eliminate the need for ongoing federal funds and to make the captioned service economically viable and self-sustaining, captioning must reach into at least 500,000 homes and ideally 1,000,000 by 1990.

The Commission on the Education of the Deaf [COED] cited that the low number of decoders purchased by consumers resulted in a lack of commerical incentives for private funding of captioning services and was one of the

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main impediments to a self-sustaining captioning service. Since 1979, only 170,000 decoders have been sold according to the COED report.

Technology offers an alternative solution to the survival of closed-captioned programming. Companies are currently working on this technology, and have indicated that by the end of 1991, a built-in decoder circuitry chip can be built right into new television sets at a nominal cost. This will greatly increase the audience that can be served by closed-captioned television. It will reach more than 24 million deaf and hard of hearing Americans, including 38 percent of senior citizens.

Closed-captioned programming has also been shown to have tremendous benefits for teaching literacy skills. Several studies have indicated that exposure to closed-captioned television improves students' word recognition, reading comprehension, and language retention skills and is a motivational tool for learning. The U.S. Department of Education, on the basis of a Census Bureau test, stated that 13 percent of the adult population are unable to read other tests have found 20 percent of them to be "functionally incompetent." Jonathan Kozol, in his book, "Illiterate America," indicates an even more deplorable situation. He states that 45 percent of the adult population do not read a daily newspaper—10 percent by choice; the remainder because they are functionally illiterate. A study by the National Assessment of Educational Progress estimates that 23 to 27 million American adults are functionally illiterate. Another 3 to 4 million are learning English as a second language according to the "Final Report on the Project of Adult Literacy" by Forest Chisman.

In order to reach this potential audience and ensure a strong, self-sustaining captioning service, we need to pass this legislation mandating built in decoder circuitry. This bill would require that all new televisions with screens 13 inches or larger, whether manufactured in the United States or imported for use in the United States, be equipped with built in decoder circuitry designed to display closed-captioned television transmissions. The bill would further require the FCC to promulgate rules providing performance and display standards for built in decoder circuitry. Such rules shall require that all built in circuitry receive and display closed-captioning by October 1, 1992.

Mr. Speaker, this bill is designed to support a strong, self-sustaining captioning service that will reach the millions of Americans who will benefit from this technology. I urge my colleagues to join me in supporting this legislation to provide full and equal access to television for all Americans.

ORGANIZATIONS ENDORSING THIS LEGISLATION

TELEVISION INDUSTRY

Sanyo Fisher Corporation.
The Corporation for Public Broadcasting.
The National Association of Public Television Stations.
The Cosby Show.
National Captioning Institute.
The Captioning Center.
Caption America.
KCNC-TV, Denver, Colorado (NBC).
WRKR, Rochester, New York.
KAET, Tempe, Arizona.
WRGB, Schenectady, New York (CBS).
WJLA, Washington, D.C. (ABC).
WGBH, Boston, Massachusetts (PBS).

EDUCATIONAL ORGANIZATIONS

National PTA.
National Education Association.
American Federation of Teachers.
Laubach Literacy International.
Literacy Volunteers of America—Barbara Bush, Honorary Chair.
Council for Exceptional Children.
Gallaudet University.
Gallaudet University Alumni Association.
Conference of Educational Administrators Serving the Deaf.
Convention of American Instructors of the Deaf.
International Reading Association.
National Association of State Directors of Special Education.

NATIONAL DISABILITY ORGANIZATIONS AND OTHER NATIONAL ORGANIZATIONS

Learning Disabilities Association of America.
Alexander Graham Bell Association for the Deaf.
American Association of Retired Persons.
American Association of the Deaf-Blind.
American Civil Liberties Union.
American Council of the Blind.
American Deafness and Rehabilitation Association.
American Foundation for the Blind.
American Society for Deaf Children.
American Speech-Language-Hearing Association.
Association for Education and Rehabilitation of the Blind and Visually Impaired.
Association for the Retarded Citizens of the United States.
Council of State Administrators of Vocational Rehabilitation.
Disability Rights Education and Defense Fund.
Disabled But Able to Vote.
Epilepsy Foundation of America.
Mental Health Law Project.
National Association of Developmental Disabilities Councils.
National Association of the Deaf.
National Association of Protection and Advocacy Systems.
National Center for Law and the Deaf.
National Council on Independent Living.
National Council on Rehabilitation Education.
National Council of Senior Citizens.
National Easter Seal Society.
National Fraternal Society of the Deaf.
National Head Injury Foundation.
National Network of Learning Disabled Adults.
National Rehabilitation Association.
National Shorthand Reporters Association.
Paralyzed Veterans of America.
Registry of Interpreters of the Deaf, Inc.
Self Help for Hard of Hearing People, Inc.
Spina Bifada Association of America.
Telecommunications for the Deaf, Inc.
United Cerebral Palsy Association.
World Institute on Disability.

LEGISLATION TO BENEFIT THE TAXPAYER AND LAW ENFORCEMENT COMMUNITY

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. STAGGERS. Mr. Speaker, I rise today to introduce legislation that will be of benefit to the taxpayer and the law enforcement community. This legislation will provide full law enforcement authority to all criminal investigators in the offices of inspectors general [OIG]. At the present time a system of confusion exists. This legislation would confer full law enforcement authority including making arrests, issuing search warrants, and carrying firearms.

Let me take a few moments to explain the present state of disconnection within the law enforcement component of the offices of inspectors general. By statute, OIG's are charged with the responsibility of conducting investigations of programs and operations in their agency. Although the statutory law enforcement responsibilities of all OIG's are identical, they do not have uniform authority to exercise law enforcement functions. At the present time there are more than 1,900 criminal investigators—GS-1811's. Less than half of these special agents exercise some limited form of enforcement powers through existing or delegated authority.

Like their traditional law enforcement brethren in the FBI, DEA, IRS, Customs, and Secret Service, these agents conduct investigations through the use of review of records, use of informants, surveillance, undercover operations, approved electronic monitoring, and interviews with witnesses and subjects of investigation who are hostile. Many of the witnesses these investigators come in contact with are involved in substantial criminal activity including numerous types of violent crimes.

However, unlike traditional law enforcement agents, OIG special agents must frequently enter high crime areas to gather information, or serve subpoenas without the protection of firearms. There are numerous examples where this lack of firearms have placed many of these agents in undue danger and have contributed to felons remaining unapprehended.

I will not use this time to detail many of the incidents that have come to my attention regarding the need for this legislation. It is sufficient to say that every agency that has criminal investigators can detail examples of agents being placed at risk or suspects or investigations that have been hampered by this lack of full law enforcement.

Special agents of the OIG's currently meet the same experience and training requirements as agents in other Federal agencies having full law enforcement authority. All OIG agents must pass the criminal investigators course at the Federal Law Enforcement Training Center [FLETCC] or similar training such as courses at the FBI Academy.

Two-thirds of OIG special agents have previously been employed by traditional law enforcement agencies. Information given to me shows that 84 percent hold college degrees, in comparison to 77 percent in the other law enforcement agencies. Of that 84 percent, 18 percent had advanced degrees in comparison to only 8 percent in other law enforcement agencies.

I am sure that some will tell you that these agents can go through a process in the Federal courts and be deputized, or call on the assistance of other law enforcement agencies to assist them. They already do both. The problem remains that at time and places where the assistance is needed it may not be available. Deputation is a complex process that may take months. No less than three different units within the Department of Justice must approve these requests for deputation.

Mr. Speaker, there is no additional cost to the taxpayers to provide full law enforcement powers to these agents. These agents are already trained to use firearms. In fact, it has been estimated that if this legislation would free up 100 FBI agents and/or deputy marshals from having to assist OIG criminal investigators over the course of a year, it is believed that a savings of more than $4 million could be achieved.

This legislation has the full support of the Association of Federal Investigators. I urge my colleagues to support this legislation.

BLACK HISTORY MONTH

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1990

Ms. PELOSI. Mr. Speaker, I thank my distinguished colleague from Ohio, Mr. STOKES, for calling this special order on Black History Month. It is especially fitting that this year's theme is "The Father of Black History, Carter G. Woodson: A Living Legacy" as we witnessed in 1989 the removal of long established racial barriers with the elections of David Dinkins, Norman Rice, and L. Douglas Wilder; and 1990 has already proven to be a watershed in black history throughout the world with the release of Nelson Mandela. I am proud to take part in this special order to celebrate the significant contributions of African-Americans to our society.

The work of Carter Woodson has enabled all of us as a nation to study the history of African-Americans. His work has opened new frontiers for scholars. Mr. Woodson's publications have been used as the standard text in the study of black history in this country. His life was dedicated to chronicling the achievements of the African-American community with the belief that if a race has no recorded history then its achievements will be forgotten.

As an accomplished historian, Carter Woodson recognized the need to celebrate the achievements and contributions of blacks worldwide. Most of the resources on black history available today can be traced back to Carter Woodson. His work serves as an inspiration to all of us.

I believe that Mr. Woodson's work serves a significant function in our society. It is critically important to educate our children to the 300 years of struggle of African-Americans. Black History Month and the work of Carter Woodson help us to focus on the past, present, and future of the fight for social justice in our society. We must recognize that the struggle is still far from being over. Yet this year we should be encouraged by the progress we have made. Not long ago freedom for Nelson Mandela seemed unlikely and an end to apartheid appeared impossible.

I am proud to represent an area where we enjoy an abundance of creativity and innovation within our African-American community. With the help of the Glide Memorial Church, St. Paul of the Shipwreck, the Third Baptist Church, the Washington Senators, and the Omega Boys Club, we will find solutions to the crises in education and drugs. I am encouraged by the work of these groups within our community and I commend them for their creativity and achievements.

I look forward to continuing my involvement as an associate member of the Black Caucus to ensure job opportunities, affordable housing, health care, and drug treatment and rehabilitation services for all Americans. Again I would like to thank the gentleman from Ohio for calling this important special order. Thank you.

THE TELEVISION DECODER CIRCUITRY ACT

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. GUNDERSON. Mr. Speaker, throughout my years in Congress I have often remarked that one of my most rewarding experiences has been to serve on the Gallaudet University Board of Trustees and encounter a silent culture of profound dimensions. This interaction, coupled with frequent interaction with deaf members of my staff, has opened my ears to their needs and inspired my action. I can honestly say, Mr. Speaker, spending time with my deaf and hearing-impaired friends is like going home. It is a challenging pursuit and I cherish it.

For these reasons and because of these experiences, I am happy to join several of my colleagues in sponsoring the Television Decoder Circuitry Act of 1990. This bill, like many others this body has considered in recent years, holds great potential benefit for millions of Americans. It will provide the 24 million deaf and hearing-impaired Americans universal access to television broadcast programming and it will provide our literacy organizations and volunteers with yet another source to which they can turn to help empower the 23 million functionally illiterate Americans.

Rarely, does a day go by, Mr. Speaker, when you or I or any other Member of this House does not watch TV. In fact, I would be hard pressed to imagine our world without it: Financial shows, news broadcasts, talk shows, sitcoms, sporting events, the list of television broadcast programming is endless. We watch because we hear. And while I applaud those in the industry who have made a conscientious attempt at closed captioning [CC] programs, many hours of television are still only accessible by the hearing world. Presently, low decoder ownership and a lack of incentive for captioning services serve to prohibit viable and independent captioning. This bill, however, provides an answer.

In essence, the TV Decoder Circuitry Act would require that televisions with screens 13 inches or larger be equipped with a decoder circuit chip which display CC television transmissions. The cost is nominal, estimated to be $5 to $10 dollars per TV and it has received broad industry support.

I strongly support this legislation and would urge my colleagues to consider its enormous potential and join with me to support the Television Decoder Circuitry Act.

RECOGNITION OF NAIA DIVISION II NATIONAL CHAMPIONS WESTMINSTER COLLEGE

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. RIDGE. Mr. Speaker, I rise today, as I did last March, to speak of a group of young men that deserve special recognition. In athletic competition, it is extremely difficult for individuals or teams to repeat as champions in consecutive years. As good as Notre Dame played in 1989, they could not duplicate their 1988 national championship. The student athletes at Westminster College, a prestigious liberal arts school of 1,300 students, in New Wilmington, PA, were asked to repeat as Division II champions and deserve special recognition for their incredible effort and untiring excellence.

Led by their coach, Joe Fusco, the Westminster Titans obtained their second consecutive and a record fifth overall NAIA—National Association of Intercollegiate Athletics—Division II football championship. The team also extended their Nation-high winning streak to 27 games, while posting the first ever back-to-back, unbeaten, untied seasons in Westminster history. The team won the championship game in competition with an outstanding team from the University of Wisconsin-LaCrosse by a score of 51 to 30. The Titans exemplified their championship spirit, when they fought to victory after being down by two touchdowns.

One hero, among the game's many stars, and most valuable offensive player, was quarterback Joe Micchia. Even though Micchia was playing with stretched ligaments on his throwing hand, he still completed 18-of-33 passes for 219 yards and 4 touchdowns. Another hero and most valuable defense player was corner Lou Berry, whose interception of a 2-point conversion and subsequent 100-yard return with 5 minutes left in the game gave Westminster a comfortable lead and confidence that victory was theirs.

Many players on this championship team also received individual honors. Joe Micchia was named Kodak College Division II All-America, second-team NAIA Division II All-America, and third-team quarterback on the Associated Press Little All-America Team. Brad Tokar was named second-team NAIA Division II All-America, while Kevin Blazer, Andre

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Borowicz, Jeff Catanzarite, Pat Shannon, and Dan Shorts received honorable mention to the NAIA Division II All-Americans. Not only were the players honored, but head coach Joe Fusco was voted the area coach of the year.

Jeff Catanzarite, Pat Shannon, Rob Kokor, Frank Mantinaos, Craig Schweiger, and Brad Tokar were all named Academic All-Americans. This particular honor attests to the fact that the Westminster Titans are not only strong competitors on the football field, but also in the classroom. The team began practice 2 weeks before the start of the semester and were taking finals the same week as the championship game. Even with the tremendous athletic demands placed on all members of this championship team, the 91-member squad was able to finish the semester with a 2.8 grade average, which was the highest in Westminster's history.

I would like to join the family of the players and the many loyal fans of the Westminster Titans to congratulate them on this spectacular season and historic accomplishment, both on and off the field.

HOME OF THE INFANTRY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. RICHARDSON. Mr. Speaker, I recently had the opportunity to visit Fort Benning, GA—the "Home of the Infantry." It is an outstanding training facility operated by the U.S. Army.

With the infantry school as its primary activity, Fort Benning is regarded by many as the world's most influential military center, having produced some of our country's most prominent leaders and innovative combat doctrine.

During my stay at Fort Benning I was impressed with not only the physical facilities at the military post and the school, but was most overwhelmed by the outstanding men and women who serve and work at Fort Benning.

Fort Benning has a proud heritage encompassing some 72 years. Its mission is the same today as it was back in 1918: "to produce the world's finest combat infantrymen." As evidenced during my visit, Fort Benning is not only living up to its mission, but the facility stands ready for the challenges of the 20th century and beyond.

I ask my colleagues to join me in honoring Fort Benning as the men and women there form a strong team, dedicated, able and willing to go the extra distance.

INTRODUCTION OF MAGLEV RIGHTS-OF-WAY BILL

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, few inventions in the world surpass the importance of the wheel in contributing to the progress of humanity. The wheel allowed the world's first travelers to move quicker, easier, and further than before. Today I would like to say a few words about H.R. 3714, legislation to make the wheel obsolete.

This legislation is the companion bill to S. 221, introduced in the first session of this Congress by Senator MOYNIHAN. It would authorize the use of rights-of-way along Federal-aid highways for the construction of transportation systems that will be part of the Federal-aid highway system. The main provision of this legislation would amend chapter 1 of title 23 of the United States Code by adding at the end of that chapter a new section. This section would direct the Secretary of Transportation to prescribe regulations under which States will be allowed to use rights-of-way along Federal-aid highways for the construction of magnetic levitation systems.

Magnetic Levitation [Maglev] trains are transportation systems which travel on a magnetic cushion generated between magnets located in the vehicles and metal guideways. Speed and direction of Maglev systems are controlled by the spacing of the magnets and the power of the electric current. The trains have no physical contact with the guideway. This allows the attainment of greater speeds with a much smaller expenditure of energy and virtually eliminates roadbed maintenance.

Maglev was invented at Brookhaven National Laboratory, in my district, over 20 years ago. Research on this technology was conducted in the United States until 1975. While research has since come to a halt in the United States, Japan and West Germany have moved full speed ahead in developing this technology. Each of these countries has spent over a billion dollars developing working Maglev systems.

Florida, Ohio, Nevada, Pennsylvania, and California are all currently considering the construction of Maglev systems. Unfortunately, the companies most likely to be awarded contracts for these projects are from West Germany or Japan, because the United States has not to date produced the economic environment necessary for the development of a domestic Maglev industry.

This legislation will help to produce a domestic Maglev industry without spending any Federal money. Land acquisition costs are, by a factor of 10, the most expensive component of the construction of this system of transportation. By using the rights-of-way along the Federal highway system, we can eliminate or greatly reduce the land acquisition costs and make the construction of Maglev systems economically possible.

Maglev is a technology that makes sense for the conditions we will face as we enter the 21st century. Maglev can travel at speeds up to 300 miles per hour. With this speed, Maglev is a competitive alternate to short-distance airline flights. It can reduce the problems of airport overcrowding, airport noise, air pollution, and the consumption of aviation fuel. As Maglev would parallel our highway system, it can reduce gasoline consumption and reduce the burden and deterioration of our roads and bridges. Because there is no friction involved, Maglev is quieter and easier to maintain than other forms of transportation. Because Maglev uses electricity generated from central power stations and does not burn fuel, it can make use of the cleanest available sources of energy and reduce U.S. consumption of oil. Finally, because it reduces the use of gasoline and aviation fuel, Maglev can contribute to efforts to clean the air.

All of these benefits make construction of Maglev systems attractive. Because the United States has already fallen 15 years behind in the development of Maglev systems, the first generation of systems both in the United States and abroad are likely to be constructed by foreign-owned firms. However, the United States has the ability and the resources to retake the lead in this technology. Once we have done this, Maglev systems can also play a role in reducing our foreign trade deficit.

Maglev is not a "sci-fi" technology beyond our reach. Maglev works using either electromagnets or superconducting magnets currently available. In fact, West Germany and Japan have each had operating prototypes for a number of years and are now beginning to construct commercial Maglev systems.

H.R. 3714 has been introduced to hasten the creation of a viable domestic Maglev industry. I hope that my colleagues will join me in supporting this legislation and the development of a U.S. industry.

NATIONAL QUARTER HORSE WEEK

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. RITTER. Mr. Speaker, yesterday morning, President Bush signed Senate Joint Resolution 186 into law. This resolution designates the week of March 1 through March 7, 1990 as National Quarter Horse Week.

There are 2.8 million registered quarter horses in every State of the Union and in 62 countries in the world. President Bush, upon signing the resolution said that "This horse is uniquely ours, having been developed in colonial America and bred for speed. No other horse is a greater part of Western folklore, and none has contributed more to our nation's development and cultural heritage."

The American Quarter Horse Association, founded on March 15, 1940, is celebrating its 50th anniversary this year. The American Quarter Horse Association has grown to more than 200,000 members; its registry which began with 556 horses is now the largest equine registry in the world.

Mr. Speaker, I am proud to say that my friend and constituent, Mr. C. Thomas Fuller, of Catasauqua, PA, is an honorary vice president of the American Quarter Horse Association. It gives me great personal pleasure not only to recognize the quarter horse for its unique place in our Nation's history but to recognize Tom Fuller and the American Quarter Horse Association on its 50th anniversary.

ST. PATRICK'S DAY 1990

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. GILMAN. Mr. Speaker, I am pleased to rise again this year to call the attention of our colleagues to the fact that St. Patrick's Day is again upon us. This feast is not only the national holiday of the Republic of Ireland; it is also a special day for the Irish, and the Irish at heart throughout the world.

Fifteen hundred years have gone by since St. Patrick drove the snakes from the Emerald Isle and converted that land to Christianity. It is altogether fitting and proper that St. Patrick be remembered on this day, for he has served as a constant inspiration to the Irish for the past 15 centuries.

With the light of democracy and freedom now shining forth from the darkest points, it is inspiration, faith, and perseverance that is needed in Northern Ireland. Tragically, the fundamental problems in Northern Ireland remain the same, despite the overwhelming worldwide changes.

Unemployment in Northern Ireland remains the highest in all of Western Europe. And, while changes have been made in the Fair Employment Act, we must make certain that the deep-rooted economic discrimination is ended.

For this reason, I continue to heartily support the MacBride principles for American firms doing business in Northern Ireland. These principles of fair employment and antidiscrimination serve as a model for a future generation of employment opportunities.

Further, since American companies provide for over 10 percent of employment in Northern Ireland, we have the opportunity and moral obligation to fight against the discrimination in Northern Ireland.

Mr. Speaker, I request that the full text of the MacBride principles be inserted at this point in the RECORD, and I invite my colleagues to join in support of H.R. 725, legislation espousing the MacBride principles.

On a positive note, I am encouraged by the recent interest in reviewing the Birmingham Six and Maguire Seven cases as indicated in the human rights report of the U.S. Department of State. Further, the U.N. Human Rights Commission in Geneva will soon hear a full outline of the Birmingham Six case.

With the recent revelations in the Guilford Four case, and the doubt surrounding the forensic tests which implicated the Birmingham Six, it has become increasingly apparent that an investigation into the Birmingham Six case is proper and would result in freedom for the six.

Regretfully, Joe Doherty must continue his struggle for freedom. On several occasions since his imprisonment in 1983, judgment has been rendered in favor of Joe Doherty in court hearings in the United States, yet he still remains at the metropolitan correction center in New York. His case is expected to go before the highest court in the land, our Supreme Court. It is hoped that the facts will triumph and after 7 years of imprisonment, Joe Doherty will finally be free.

Mr. Speaker, let us take advantage of this St. Patrick's Day to reflect on the marvelous events now taking place throughout the world, and to resolve to work toward a just and longlasting peace for the too long embattled island of Ireland so that they too may enjoy the fruits of liberty, justice and freedom:

THE MACBRIDE PRINCIPLES

1. Increasing the representation of individuals from under-represented religious groups in the workforce including managerial, supervisory, administrative, clerical and technical jobs.
2. Adequate security for the protection of minority employees both at the workplace and while travelling to and from work.
3. The banning of provocative sectarian or political emblems from the workplace.
4. All job openings should be publicly advertised; and special recruitment efforts should be made to attract applicants from underrepresented religious groups.
5. Layoff, recall, and termination procedures should not in practice favor particular religious groupings.
6. The abolition of job reservations, apprenticeship restrictions, and differential employment criteria, which discriminate on the basis of religion or ethnic origin.
7. The development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of all categories of minority employees.
8. The establishment of procedures to assess, identify, and actively recruit minority employees with potential for further advancement.
9. The appointment of a senior management staff member to oversee the Company's affirmative action efforts and the setting up of timetables to carry out affirmative action principles.

LEGISLATION FOR DISADVANTAGED FEED BARLEY GROWERS

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. MARLENEE. Mr. Speaker, today we are introducing legislation which will correct a small, yet serious problem which often happens when well-intentioned government programs encounter unforeseen circumstances. I am happy to have Mr. BOB SMITH of Oregon, and Mr. CRAIG join with me in this effort to rectify one remaining "glitch" resulting from the adverse weather conditions in 1988 and 1989 which so drastically and severely impacted agricultural producers throughout the country.

In this particular instance, one of the existing farm programs which seemed to work pretty well during ordinary times went haywire during that 2-year period of drought-induced short supply. The farm program for farmers who produce barley contains a feature which uses both the average price of feed barley and the average price of malting barley in a formula to determine the year-end price support payment. Unfortunately for producers of feed barley, when the drought created a shortage of malting barley in 1988 the price of that particular type of grain skyrocketed, with the result that the traditional method of computing the year-end payment was seriously skewed to the disadvantage of feed barley producers.

The final result showed that, because of the disproportionately high prices received by malting barley growers, all producers would be required to refund to the Commodity Credit Corporation their entire advance deficiency payment of 30.4 cents per bushel. This was grossly unfair to the feed barley folks who did not benefit from similar increases in the market price for their product.

Our legislation today simply directs the Secretary of Agriculture to recompute the refund owned by producers of feed barley for 1988 and 1989 using the average market prices received for feed barley sales only. This removes the distortion created by the extremely high malting barley sales, and allows a reduction in the amount of refund owed by feed barley growers down from 30.4 cents per bushel to about 6.4 cents per bushel. These growers are still required to refund a portion of the advance payments they received, but the amount is in keeping with the intent of the original formula Congress established in the 1985 farm bill legislation.

I hope many of our colleagues will see fit to help us correct this serious situation, and that we can expedite enactment of the bill we have introduced today.

TRIBUTE TO MARDI WORMHOUDT

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to an outstanding leader and tireless public servant of the people of California's 16th Congressional District, mayor of Santa Cruz Mardi Wormhoudt. I am pleased to have this opportunity to express my sincere appreciation to Mardi for her tireless work for the people of Santa Cruz, and especially for her efforts in the wake of the Loma Prieta earthquake.

Mardi Wormhoudt has served the Santa Cruz community for over a decade. She has been a member of the Santa Cruz City Council since 1981 and is an active member of the County Transportation Commission, the City Housing Task Force, the University of California at Santa Cruz Long-Range Planning Committee, and the Performing Arts Facility Task Force. These are but a few examples of the resolve Mardi has demonstrated for the betterment of the Santa Cruz community.

I have rarely encountered a public servant so selflessly devoted to the community which she serves. Through her efforts with the Federal Emergency Management Agency and the Santa Cruz community, the devastating effects of the earthquake were quelled and remedial action was swiftly undertaken. Mardi was there to consult with President Bush and Vice President QUAYLE as they examined the destruction resulting from the disaster and brought national attention to the area. She is

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continuing her leadership role by heading the planning group for the rebuilding of Santa Cruz following the tragedy of October 17, 1989. Mardi has been truly instrumental in the recovery of the community.

I am sure my colleagues are pleased to join me, and the people of Santa Cruz, in recognition of Mardi's public service and expression of gratitude for her continued efforts. It is with great respect and pride that I salute the achievements of Mardi Wormhoudt.

THE U.S.S. "SIMPSON"

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to the brave sailors of the U.S.S. *Simpson,* a guided missile frigate homeported in Newport, RI, in my congressional district. Last week, the *Simpson* rescued crewmen from the *Surf City,* a Persian Gulf petroleum tanker which had suffered an explosion and was burning out of control.

As part of her Persian Gulf duty, the *Simpson* had been monitoring the progress of the *Surf City,* a tanker carrying 25 million gallons of naptha and gasoline. The *Simpson's* response immediately after the explosion was swift, and, according to the U.S. Navy, actually saved lives. Commander James McTigue and his entire crew deserve our highest recognition for their bravery during a situation involving extreme danger.

I have visited and toured the U.S.S. *Simpson,* and am extremely proud that she was able to serve her country in this manner.

This latest incident reminds us just how diverse the missions of today's U.S. Navy are. Because we assign the Navy so many tasks, we must ensure that they are given proper resources to carry them out. As such, I urge my colleagues to recognize the diversity of the modern U.S. Navy as we consider this year's Defense budget.

OLD GROWTH REDWOODS—LET'S STOP THE MINING OF THEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. STARK. Mr. Speaker, many people would be surprised to know that ancient redwood trees are being chain sawed every working day. Even more disturbing is the fact that these trees are being cut as fast as possible on a junk-bond repayment schedule.

A common definition of old growth is 150 years. However, many of these trees have been around for an astounding 1,000 or more years.

The cutting of old-growth redwood is, in essence, tree mining. Old growth redwoods are not a renewable resource in a 100-year timespan. Anything that can take a millennium to regenerate should hardly be considered renewable. The cutting of old-growth redwood must be considered depleting a nonrenewable resource for current generations of Americans.

Mr. Speaker, I am introducing legislation which would impose a Federal severance tax on the cutting of old-growth redwood. The severance tax would be 35 percent of the value of the tree that is cut. This severance tax should change the economics of cutting these old giants and encourage the substitution of quicker growing, more traditional lumber sources.

Those who benefit from the mining of old growth redwoods should pay the societal costs for removing nonrenewable resources. A severence tax is a common way that the public benefits from the use of a nonrenewable resource. Redwoods should not be treated differently.

I do not believe that many of the old-growth redwoods that are being cut today should be cut. It is a true desecration of a symbol that is uniquely both Californian and American. The cutting down of old-growth redwood forests is a national issue. But if they are going to be cut down, society should benefit.

IN COMMEMORATION OF THE ROLL-OUT OF THE X-31

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. DENNY SMITH. Mr. Speaker, the rollout of a new airplane always makes us think about the possibilities for the future, and the latest entry in our long line of distinguished X-series aircraft, the X-31, is no exception. No aviation program in history has had more success leading us into the future than the X-series program. Today, the X-31 continues that proud tradition.

We build experimental aircraft like this to push the limits of aircraft technology, so that our pilots and our industry will have the best. Our X-series program has a long and illustrious history of breaking new ground in aviation development, and the X-31 promises to be no less revolutionary.

From my own days as a fighter pilot, I can say that getting in close and shooting has been and will remain the staple of aerial combat. The X-31 will teach us vital lessons about maneuverability we can apply to the design or modification of future aircraft. Testing our ideas in the air is the only way to ensure our future aircraft can out-turn and out-shoot anything thrown their way, just as our current aircraft do.

An additional benefit of the X-31 research program has been the unprecedented participation of our German allies. By sharing funding and expertise, we have been able to push back the frontiers of aircraft performance at a modest cost to both countries. We have also fostered international cooperation at a time when it is clear that foreign markets and opportunities are becoming increasingly important.

Let me take the occasion of this momentous roll-out to personally congratulate the managers, engineers, technicians, and assembly workers at Rockwell and Messerschmitt-Bolkow-Blohm on a job well done. The technology you are pioneering here will have a significant influence on aviation for years to come.

TRIBUTE TO BLACK HISTORY MONTH

SPEECH OF

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1990

Mr. DIXON. Mr. Speaker, well over a half-century ago, historian Carter G. Woodson posited that a people whose history and achievements go unrecorded "becomes a negligible factor in the thought of the world and stands the danger of being exterminated." Motivated by his own foreboding, Carter G. Woodson set out to document the experience of black women and men in Africa and the "New World," and to record the tremendous contributions of African-Americans to the Nation in which they toiled for three centuries as slaves.

Woodson's scholarship brought new integrity to the study of black history and culture and earned him the title, "Father of Black History." Woodson believed that "the achievements of the Negro properly set forth will crown him as a factor in early human progress and a maker of modern civilization." Africans, he wrote, "produced in ancient times a civilization [which] influenced the [Mediterranean] cultures * * * and taught the modern world trial by jury, music by stringed instruments, the domestication of sheep, goat, and cow and the use of iron by which science and invention have remade the universe. Must we let this generation continue ignorant of these eloquent facts?" Sadly, generations do, still, continue ignorant of these eloquent facts, despite the efforts of Dr. Woodson and his proteges.

Subsequent research has revealed volumes more about the centrality of black Africa in the spawning of modern civilization and about the central role of African-Americans in building, literally and figuratively, this great Nation. Yet, mournful are the voices which attest, in swelling choruses, to a dearth of positive black role models for today's African-American youth. I believe that there is, in fact, a wealth of positive African-American role models whose examples beg exposure and emulation.

I rise today to recognize a number of African-Americans from the Los Angeles area who have made noteworthy contributions to the advancement of their respective professions and from whose pioneering work the African-American community derives significant benefit.

Leroy Weekes, M.D., is a prominent Los Angeles obstetrician with an established record of community service and leadership in the medical profession which spans over 40 years. He continues to practice in my district at the Julian Ross Medical Center, which Dr. Weekes named for his mentor at Howard University Medical School where he trained. Throughout his career, Dr. Weekes has been active in community affairs. Dr. Weekes initiated efforts to establish a Martin Luther King, Jr. Medical Center to serve residents of the South-Central Los Angeles area.

L. Julian Haywood, M.D., is professor of medicine and director of the Coronary Care Unit at LAC/USC Medical Center. He is vice president, cofounder and former president of the Sickle Cell Disease Research Foundation and former president of the American Heart Association's Los Angeles affiliate. Dr. Haywood has published scores of articles in numerous scientific journals and serves on several medical review boards. He has conducted pioneering research in the areas of hypertension, sickle cell disease, and computer applications in cardiology, and has been committed to addressing the medical and health care needs of the African-American and disadvantaged communities.

My esteemed colleague and friend, U.S. Congressman AUGUSTUS "GUS" HAWKINS, whose district includes Watts, South Central Los Angeles and Huntington Park, will retire this year from over a half century in elected office. Representative HAWKINS served for 28 years in the California Assembly before being elected the first African American Representative from a Western State in 1962. In 28 years in Congress, GUS HAWKINS has compiled a distinguished record at the national level as a staunch advocate of the poor, minorities, and the disadvantaged, and he is responsible for important legislation in the areas of civil rights, employment, and education. He is responsible for the creation of the Equal Employment Opportunity Commission [EEOC] under title VII of the 1964 Civil Rights Act and is currently chairman of the House Committee on Education and Labor.

Rev. James Lawson has contributed to the human community as a spiritual leader, civil rights activist, and peacemaker. As president of the United Methodist Youth Fellowship, Reverend Lawson spent over a year in Federal prison as a conscientious objector. As a close associate of Rev. Martin Luther King, Jr., Lawson trained freedom riders and became one of the preeminent voices for nonviolent direct action. Today Reverend Lawson focuses his energies on the problems of the urban poor in Los Angeles, as president of the Southern Christian Leadership Conference/Greater Los Angeles and vice president of the SCLC national board. Additionally, he is pastor of Holman United Methodist Church and president of the Peace with Justice Leadership Conference, a coalition of 60 denominational and religious groups.

Herbert L. Carter is executive vice chancellor of California State University and the first black chairman of the board of the United Way of Greater Los Angeles. Carter earned his doctorate in education administration, and is responsible for guiding, coordinating, and integrating policy formulation and program planning for the entire California State University system. A longtime volunteer, Mr. Carter has held numerous positions with the United Way and is responsible for the creation of the United Way's Black Partnership Development Council.

For 20 years, Willie West has taught classes and coached the basketball team at Crenshaw High School. During that time, Crenshaw has maintained a virtual stranglehold on Los Angeles city's top high school basketball honors, garnering an incredible 11 city championships and 4 State championships. The Cougars have amassed a total of 433 victories against 48 losses overall for an amazing winning percentage of 90 percent against all opponents—giving West one of the highest winning percentages among high school basketball coaches in the Nation.

Astronaut Ron McNair was one of four African-Americans participating in the American space program at the time of his death. McNair was a trained physicist and a mission specialist on the ill-fated 1986 space shuttle *Challenger* mission. A graduate of North Carolina State A&T University, McNair received his Ph.D. in philosophy and physics from MIT. McNair was an enthusiastic individual whose love of science and discovery was an inspiration to the African-American youth whose interest he encouraged in the sciences.

Dr. Mae Jemison is the first black woman accepted to participate in NASA's Astronaut Corps Training Program. A graduate of Stanford University and Cornell University School of Medicine, Jemison worked as a Peace Corp medical officer in Sierra Leone and Liberia before applying to NASA in 1986. Dr. Jemison now awaits her opportunity to become America's first black woman in space, as a mission specialist on an upcoming space shuttle mission.

Beyond Los Angeles, African-Americans can take pride in the steady rise in the number of black officials elected and appointed to high office. Speaker of the California Assembly Hon. Willie Brown, majority whip of the U.S. House of Representatives, Hon. BILL GRAY , Virginia Governor Douglas Wilder, New York City Mayor David Dinkins, Commander in Chief of the Joint Chiefs of Staff General Colin Powell, and Secretary of Health Dr. Louis Sullivan have all attained positions of leadership never before occupied by blacks.

Clearly, the recent ascension of African-Americans to key posts in government and the professions has not and will not, by itself, eradicate the range of problems plaguing the African-American community. Nevertheless, it is important that African-American youth take note of the despite-the-odds accomplishments of the black men and women I have mentioned. Each one of them has overcome imposing obstacles to reach their respective position, and all have given generously to the African-American community that is their common base. Thus, it is in the spirit of Carter G. Woodson, and with the hope that the black youth of today will be inspired to heighten their own aspirations, that I recognize these contemporary African-American role models whose lives comprise a significant part of the ever-expanding body of eloquent African-American historical facts.

TRIBUTE TO GEORGE FURGALA ON HIS 105TH BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. LIPINSKI. Mr. Speaker, it gives me a great deal of pleasure to pay tribute to an exemplary member of my Fifth Congressional District in Illinois, Mr. George Furgala. On March 12, 1990, Mr. Furgala will turn 105 years old, an accomplishment worthy of special recognition.

A longtime resident of this great country, Mr. Furgala came to this great Nation in the early wave of immigrants in the 1900's. Arriving from what is now Poland, he later became an American citizen. Mr. Furgala spent 70 years of study and preaching the Good Word, the Bible. On top of the usual difficulties, he raised a family of four lovely children while working to overcome the difficulties of a language barrier.

George Furgala's commitment to his community and family is impressive and deserving of special recognition and honor. I am sure that my colleagues will join me in expressing congratulations to George Furgala for his many years of selfless dedication, loyalty, professionalism, and priceless contributions to his community. I wish him well on his 105th birthday and hope his life continues to be an adventure full of pleasant memories.

AFFORDABLE MODULAR HOUSING

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. ERDREICH. Mr. Speaker, today I am introducing legislation to increase the availability of affordable modular housing. Modular housing, which is produced in a factory and then assembled or installed on the building site, is constructed in compliance with State and local building codes, as is "stick-built" housing.

The major problem affecting modular housing is the lack of uniformity in administrative rules and regulations at the State level, and the enforcement process affecting housing shipped from State to State. Houses being shipped in this manner are subject to duplicative regulation, which adds to their cost and inhibits the use of new technologies and construction materials.

My bill is based on a proposal supported by the National Association of Home Builders, the Council of American Building Officials [CABO] and other model code organizations. It would preempt State and local building codes for those modular houses which are to be shipped from one State to another, and would establish a system for inspecting and certifying the safety of those houses. The National Evaluation Service [NES], part of CABO, would administer and enforce the program under the direction of the Modular Construction Commission established in the act. NES already performs this type of evaluation and certification in some areas. The Modular Construction Commission, a consensus body of 18 members will develop and oversee the program. The commission, representing Federal, State and local governments, consumers and modular home builders, would be appointed by the President. This means of regulating modular housing shipped in interstate commerce was suggested in a study mandated by the 1987 Housing Act and conducted by the National Institute of Building Sciences.

In my community and many others across the country, modular housing is part of the solution for providing quality, affordable housing for those of low and moderate incomes. By removing existing barriers to interstate commerce and retaining responsible regulation, we can increase the availability of this affordable housing for Americans.

HEAD START AMENDMENTS OF 1990

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 1, 1990

Mr. TAUKE. Mr. Speaker, I am pleased to introduce today the administration's Head Start Amendments of 1990. The President has demonstrated his support for this valuable program by calling for an increase of $500 million. This would bring the Head Start fiscal year 1991 authorization level to $1,886,315,000. This represents the largest funding increase in the history of the Head Start Program.

I wish to acknowledge and applaud the President for his commitment to providing this extra assistance to our Nation's disadvantaged children.

The President's bill calls for some thoughtful and needed changes to the Head Start Act. In the area of service delivery and program administration, the bill calls for renewal of funding for current Head Start grantees to be conditioned on a favorable finding by the Secretary. In order for this provision to be carried out, the President has requested that 30 percent of Head Start programs be monitored on a yearly basis. He hopes that funds will be targeted for this purpose.

The National Head Start Association has said that the only thing worse than being evaluated is not being evaluated. I believe this change in the law will be a great deal of help to providers in giving direction to them as they try to satisfy their performance objectives.

I am pleased that the President has sought specific language in the bill requiring Head Start programs to coordinate with public schools and other social service agencies providing services to Head Start children and their families. This coordination requirement will serve as a building block to a stronger bridge between Head Start and the school system, so that we can have a greater opportunity to ensure that developmental gains acquired by children at Head Start, are maintained throughout their academic careers.

HOUSE OF REPRESENTATIVES—*Monday, March 5, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your light shines as a beacon of hope for all the world to see, that it illumines the darkness of any despair and anxiety, that Your truth points the way to reconciliation among all people. Open our eyes, O loving God, to see the brightness of that hope, open our minds to be instructed by that truth, open our hearts to its warmth and its redeeming spirit. This we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oklahoma [Mr. INHOFE] please come forward and lead the House in the Pledge of Allegiance?

Mr. INHOFE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 251. Concurrent resolution authorizing use of the rotunda of the Capitol for a dedication ceremony incident to the placement of a bust of Lajos Kossuth in the Capitol and authorizing the printing of a transcript of the proceedings of the ceremony.

The message also announced that the Senate had passed joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S.J. Res. 10. Joint resolution to designate the month of May 1990 as "National Foster Care Month";

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week";

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating May 1990 as "Neurofibromatosis Awareness Month"; and

S. Con. Res. 98. Concurrent resolution authorizing a public event with music for Earth Day 1990 on the U.S. Capitol Grounds.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2742) "An act to extend and amend the Library Services and Construction Act, and for other purposes."

COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 1990.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, H-204,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: This is to inform you pursuant to Rule L(50) of the Rules of the U.S. House of Representatives that a subpoena has been served upon me, in my capacity as Sergeant at Arms, requiring the production of certain official documents in the United States District Court for the Western District of Tennessee. In consultation with the General Counsel to the Clerk I have determined that compliance with the subpoena would be appropriate and consistent with the privileges and rights of the House.

Very truly yours,

JACK RUSS,
Sergeant at Arms.

CONGRESSMAN ANNUNZIO CALLS FOR SECURE POLISH BORDERS

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today I am introducing in the House of Representatives a concurrent resolution expressing the sense of Congress that part of the process leading to the reunification of Germany must include acceptance and recognition of the current, existing borders between Germany and Poland.

At present, the 35 signatories of the Helsinki Final Act recognize the existing borders of Europe, including the borders between Germany and Poland, and any agreement for a reunified Germany must also include provisions ratifying these existing borders, and forcefully renouncing any claims to former territories not within these well-established borders. This recognition of existing borders will not only be important for protecting the security of Poland, but also for maintaining the peace and stability of Europe.

Mr. Speaker, I have also written to President Bush outlining my deep concern on this vital matter, and I urge all of my colleagues in the House of Representatives to join as cosponsors of this concurrent resolution so that Congress can demonstrate our commitment to the inviolability of existing borders as a cornerstone of any agreement concerning the reunification of Germany.

AN ALTERNATIVE TO STATEHOOD

(Mr. REGULA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REGULA. Mr. Speaker, I am introducing legislation to retrocede the District of Columbia back to Maryland, and I invite Members to cosponsor this legislation.

There are more residents in the District of Columbia than in the average congressional district, but these residents have no representation in the Senate and one nonvoting delegate in the House.

It is not necessary that we create a whole new State in order to give residents of the District of Columbia voting representation in Congress. The land that now comprises the District of Columbia once belonged to Maryland and it makes sense to turn the District back to Maryland, minus a reduced Federal enclave made up of the Federal buildings, just as the western portion of the District was returned to Virginia in 1846.

Current D.C. residents would become citizens of Maryland, with full voting representation. And retrocession would preserve Maryland's intent that the land it gave be the seat of government.

My legislation is a responsible alternative to statehood.

ANN LANDERS, A TRUE FRIEND TO VETERANS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, each year the Department of Veterans Affairs sets aside a special week in February for a salute to our veterans in VA hospitals nationwide.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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In conjunction with the salute, syndicated columnist Ann Landers for 2 years now has solicited Valentine messages from her millions of readers. The Valentines are sent to a central collection point at the Hines VA Hospital in Chicago and are distributed to all 172 veterans' hospitals across the country.

Thanks to Ann Landers' compassion and generosity—and certainly her popularity—nearly 5 million Valentine cards and letters were received by hospitalized veterans during this year's salute. But her involvement did not stop there. She visited patients at the Hines VA Hospital and presented her own personal valentine.

Mr. Speaker, I know my colleagues will join with me in commending Ann Landers for her kindness and patriotism. Thanks in large part to her willingness to promote this project, our hospitalized veterans received the message that they are not forgotten and that we still appreciate them.

Ann Landers, we salute you.

A TRIBUTE TO THE LATE HONORABLE JOSE NAPOLEAN DURATE, FORMER PRESIDENT OF EL SALVADOR

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise today to join my many colleagues who are expressing the sorrow of this House at the death of former President of El Salvador Jose Napoleon Duarte.

Those of us who knew President Duarte admired his courage and his perserverance in struggling with professional challenges and personal adversity.

President Duarte more than any other person was probably the single key to ensuring the advance of democracy for El Salvador. Caught between the right and the left in his nation, he struggled to bring peace to his people, but also to to give them justice and dignity.

His example inspired those of us in the Congress who supported his efforts to bring reform, democracy and economic growth to his nation. By the end of his Presidential term, when he had not accomplished all of his goals, he still achieved the distinction of being the first President in the history of his country to transfer power peacefully to the opposition party.

The personal challenges faced by President Duarte would have defeated lesser men, but his character enabled him to succeed and to inspire us all. To his nation and to his family, we offer our heartfelt sympathy and our sincere condolences.

A TRIBUTE TO THE LATE COL. RICH HIGGINS OF LOUISVILLE, KY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I was honored to have taken part in the dedication and unveiling of a monument in honor of Col. Rich Higgins, a brave patriot, a valiant marine, and a fellow Louisvillian, who, it is presumed, gave his life as a U.N. peacekeeper in the Mideast.

It was fitting that the granite monument—partly finished and partly unfinished to signify Rich's own life and work—is located at Southern High School, Rich's alma mater, and the focal point of his early years.

In attendance were Rich's wife, Marine Maj. Robin Higgins, a valiant marine in her own right, Rich's daughter, Chrissy, his sister, Mary Fisher, and friends, by the hundreds.

Also adding dignity to the ceremonies were, among others, Marine Commandant, Gen. Alfred Gray, Fort Knox, KY, commander, Maj. Gen. Thomas Foley, Kentucky adjutant general, Maj. Gen. Michael Davidson, and Jefferson County Commissioner Irv Maze.

Mr. Speaker, the ceremony was not somber or solemn as if it were a memorial to a lost comrade.

Rather, it was:

A tribute to a Louisville native who chose the military as his career in public service;

A recognition of a life well-lived in the cause of peace and freedom here at home and abroad;

A testimonial to the lofty proposition that we should not live self-centered lives but self-less lives dedicated to the betterment of our fellows; and

A reminder that, as in Col. Rich Higgins' case, each of us individually can make a difference and can make things better.

Mr. Speaker, whatever is Rich Higgins' fate and condition, he stands—in the form of the granite marker at Southern High School—as an inspiration to his loving family, to his proud hometown, and to a grateful nation.

EASTERN AIRLINES

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. CLINGER. Mr. Speaker, on Wednesday of this week the House is scheduled to consider a motion to override the President's veto of H.R. 1231 which would establish a commission to investigate and report on the labor dispute between Eastern Airlines and its unions. An aye vote on the veto override has disastrous implications for Eastern's 17,000 present and 12,000 retired employees as well as the traveling public.

The examiner in the bankruptcy case concerning Eastern Airlines has written a letter to the House leadership stating reasons why this legislation is ill-advised since it would jeopardize the ongoing negotiations to bring Eastern back as a viable carrier.

Mr. Speaker, the examiner in the bankruptcy case writes, and I quote:

> Having spent the last eleven months as the court-appointed Examiner in the Eastern Airlines' bankruptcy, I can only urge that you not create a blue ribbon panel. We are on the verge of resuscitating Eastern and, in my view, a blue ribbon panel will be disastrous to that effort, to say nothing of duplicating ongoing court efforts.

I urge my colleagues to give these words their full and complete consideration prior to the vote on the veto override.

Mr. Speaker, under permission to include extraneous matter, I include the full text of the letter, as follows:

DICKSTEIN, SHAPIRO & MORIN,
Washington, DC, March 5, 1990.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives, Washington, DC.

DEAR MR. MICHEL: You have before you the question of overriding President Bush's veto of H.R. 1231, the proposed blue ribbon investigation of Eastern Air Lines. Having spent the last eleven months as the court-appointed Examiner in the Eastern Airline's bankruptcy, I can only urge that you not create a blue ribbon panel. We are on the verge of resuscitating Eastern and, in my view, a blue ribbon panel will be disastrous to that effort, to say nothing of duplicating ongoing court efforts.

When I was appointed Examiner, I was given a broad mandate to protect the public with regard to the Eastern reorganization. I wish to emphasize that I do not represent Texas Air or Mr. Lorenzo any more than I represent Mr. Copeland or ALPA. I have one constituency and that is the many interests that intersect in Judge Lifland's Court: creditors, preferred shareholders, employees, retirees, and elderly folks from New York and Atlanta who can visit their children only by buying a low fare ticket on Eastern Air Lines.

There are a number of reasons why H.R. 1231 is bad legislation.

(1) As my report (Vol. 1, pp. 40-48) shows: the unions have been unwilling to face up to the reality of hard collective bargaining in the hope that some outside body would rescue them. First, it was Ueberroth, then it was Ritchie, then it was H.R. 1231. When the Examiner urged the pilots to go back to work to maintain their jobs and seniority and continue to negotiate from the inside, he was accused of a "sell-out" to Lorenzo. When Jack Bavis, Chairman of the Eastern Pilots' Master Executive Council came to the conclusion that the only way to save the pilots' jobs was to return to work, he was removed from office and brought up on charges. (The charges were later dropped). It was only after H.R. 1231 was vetoed that the pilots and management got back to the bargaining table. Based on reports currently available to me, the negotiations have been inching along toward agreement. H.R. 1231

would reverse this process, create a further straw for the unions to clutch at, and make it impossible for the parties to settle.

(2) The Examiner's team (15 lawyers and a large support staff) spent more than six months looking at the various asset transfers; no Commission can do this job in 45 days.

(3) H.R. 1231 undermines the doctrine of separation of powers. The transactions which the panel would examine are *sub judice* in every respect; the panel would cover precisely the same ground. The Bankruptcy Court and the Examiner are objectively and fairly discharging their statutory obligations. It would therefore be an unwarranted legislative interference with the judicial process for the panel envisioned by H.R. 1231 to proceed as proposed.

(4) The creation of a second forum outside the judicial process to resolve Eastern's future creates uncertainty for an enterprise that no longer has the ability to withstand such shocks; it could therefore so disrupt Eastern's business and its ability to sell tickets as to make its continued viability as an air carrier untenable. This would result in the loss of jobs held by Eastern's present employees, some 17,000 people; destroy the pensions and health and medical benefits of its retired employees, some 12,000 people (mostly union members); and deprive the travelling public of yet another air carrier.

I am equally concerned that my report to the Court of last week has been misinterpreted in the press. Lest this report be improperly referred to in the forthcoming debate, I want to make sure that certain facts are clear.

I did not find that Texas Air had improperly diverted assets from Eastern. Instead, I set forth the grounds on which such a claim could be asserted. I did not make a judgment as to the validity of such a claim or its likelihood of success. In fact, my report noted that Texas Air had substantial defenses to any such claim, and, in my opinion, Texas Air could very well prevail in any such litigation. My report stated that any legal action seeking recovery would have to plough new legal ground.

In short, as I stated in Court last Thursday, I did not find on the merits against Eastern, Continental or Texas Air. On the contrary, I issued the report contemporaneous with a settlement with Texas Air in an attempt to demonstrate that the settlement was fair, reasonable and adequate and in the best interests of Eastern. I further told the Court, "Maybe Texas Air and Continental would have won all twelve of the disputed issues, maybe six, maybe three, maybe none." Any legal judgment of wrongdoing by Eastern, Continental or Texas Air would have taken years of litigation with uncertain likelihood of success.

Another fact that should be firmly before the Congress involves the settlement with Texas Air. The settlement is not an admission of liability by Texas Air. Rather, it is an agreement between Texas Air and the Examiner as to what is needed to assure the economic viability of Eastern Air Lines. I frankly do not believe we could have gotten anywhere near the settlement, and its clear benefit to Eastern, unless Texas Air was committed to see Eastern through to a return to economic health. I therefore believe that that agreement demonstrates Texas Air's commitment to the future of Eastern.

Finally, whatever merit there is to the claims of "conflict of interest" and "self-dealing", the Examiner has proposed that Eastern's reorganization plan contain provisions (such as, for example, a special independent committee of outside directors) for monitoring all intercorporate transactions between Eastern and Texas Air and its affiliates which are outside the regular course of business and have a value in excess of $500,000. Accordingly, whatever concerns that continue to exist on this score will be dealt with in the Bankruptcy Court when it comes time for the Court to consider whether or not it should approve Eastern's plan of reorganization.

I do not believe that H.R. 1231 can do any good; it will, instead, do a great deal of harm. The bitterness between management and the unions should not be allowed to determine Eastern's fate. I therefore ask the Congress to permit the bankruptcy process to complete the remaining steps necessary to the successful reorganization of Eastern. I ask the Congress to act out of concern for the employees, retirees and members of the general public who depend on the future existence of Eastern. I ask the Congress not to enact H.R. 1231.

Sincerely,

David I. Shapiro,
Examiner.

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HURRICANE OFA

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, as you know, for the past several days I have shared with my colleagues my observations and related reports on the devastation of thousands of homes, and even lives, caused by Hurricane Ofa which passed the Samoan Island from February 2 through February 4 last month. Several other island countries were also affected by the severity of this hurricane, which incidentally, stretched for about 1,000 miles in diameter.

Mr. Speaker, I express my disappointment in our national media—newspapers and our major television networks—for not reporting the damages caused by this hurricane.

Mr. Speaker, I want to commend our director of public works, High Chief Tio Fuavai for the countless hours he and his working crews made to clear the debris and obstacles on the roads which are now accessible by car. Also Mr. John Al Sue and his staff of the Department of Human Resources for their efforts to distribute food items and other basic necessities to the local residents.

Mr. Speaker, I also want to note the outstanding contributions our Peace Corps volunteers who are working with the officials and villagers throughout the country of Western Samoa.

Again I want to commend our Ambassador to New Zealand, Mrs. Della Newman, for her sensitivity and tremendous effort she and her staff have provided to render assistance, for the Government of Western Samoa.

Mr. Speaker, I noted earlier my intention to examine our territorial weather reporting system, and I appreciate the cooperation and assistance the regional director of NOAA, Mr. Richard Hagemeyer and his staff has provided for me to hopefully resolve the problems that we encountered by the destruction caused by Hurricane Ofa.

Federal Emergency
Management Agency,
San Francisco, CA, February 16, 1990.

To: Congressman Eni F.H. Faleomavaega.

From: Steven Farrington, FEMA Congressional, Liaison.

Subject: Hurricane Ofa Background.

Fifty-eight percent of the 285 businesses on the Island of Tutuila were affected by the Hurricane Ofa. Thirty-eight businesses were destroyed: 47 had major damage; 81 had minor damage. One hundred homes were completely destroyed; 417 suffered major damage and 3,127 had minor damage.

Damage assessment teams who visited the Islands of Ofu and Ta'u found four completely destroyed homes and several others less severely damaged.

Thirty Sea Bees, working with territory crews, are making good headway in re-establishing the power network on Tutuila. FEMA arranged for bucket trucks, auger trucks, 10 generators, and other equipment to be flown in to be used in the power restoration effort. Power is especially important as it is needed to pump enough water to ensure an adequate supply.

The Army Reserve has been activated and, working under FEMA supervision, is responsible for distributing and installing plastic sheeting on houses which suffered roof damage. Residents of homes where plastic sheeting is being installed are signing receipts.

Five hundred tents are being brought in for families whose homes were complete destroyed. The Red Cross will be distributing the tents to families it determines to be in need of emergency shelter.

Federal aid needed for the public assistance program will be limited since the American Samoa Government has had a $45 million insurance policy in effect since last October. The policy, which has a $50,000 deductible provision, covers all tangible property owned by the Samoan Government.

Forty-four FEMA personnel are on the Island working in the recovery operations.

Attached are schedules for each DAC which we previously provided.

Also attached are facts sheets explaining the program which are being distributed to the media and the public.

Congress of the United States,
House of Representatives,
Washington, DC, February 15, 1990.

Dear Colleague: On Friday, February 2, 1990, Hurricane Ofa swept across American Samoa leaving a path of destruction behind it. Roads have been washed away by heavy rainfall and huge waves. Trees have been stripped bare. Ninety-five percent of the agricultural crops are destroyed, and hundreds of families are now homeless.

According to a preliminary report by the Federal Emergency Management Agency [FEMA], it is estimated that the roads have sustained in excess of $4 million in damages. Federal aid will be needed to repair the damages, as well as construct shore protections to prevent this tragedy from recurring to this extent in the future. Prior to this hurricane, the Army Corps of Engineers completed shore protection projects in several villages which protected schools from serious damage due to the high waves.

Most of the agricultural crops have been destroyed. This will have a detrimental impact upon many families in American Samoa which depend on locally-grown produce to supplement their diet. Following their most recent hurricane, they were able to obtain agricultural products from Western Samoa. Unfortunately, since there is even more damage in Western Samoa, there will be problems getting cuttings and seedlings.

Four thousand homes have been either severely damaged or destroyed, leaving hundreds of families homeless. In coastal villages, many homes were literally washed away. Many have lost all their possessions. A substantial number of businesses have suffered severe damages also. It is estimated that the public schools alone have sustained $7.4 million in damages.

At the time of writing, relief teams are in the process of restoring power to the territory. The majority of American Samoan families are still without electricity.

There are currently relief teams from FEMA, the Army Corps, and Red Cross, among others, in the territory, working to reconstruct buildings and offer other forms of assistance. We applaud their valued work and appreciate their efforts.

Despite all of the work being done, the road to recovery will be very difficult for many families who have to pick up what is left and start anew. With our collective efforts, we can help make this road easier for them. If you or your staff would like to contribute food, clothing or other type of assistance, please contact J.R. Scanlan at 5-8577 or Heidi Te'o at 4-3939.

Sincerely,

Daniel K. Inouye,
U.S. Senator.
Eni F.H. Faleomavaega,
Member of Congress.

American Embassy,
Apia, Western Samoa.

To: The Hon. Eni F.H. Faleomavaega.
From: Charge D'Affaires William P. Francisco.

Talofa Eni: I really appreciated your recent visit to Western Samoa following Cyclone Ofa. The team approach that we took in our private meeting with Tofilau is paying excellent dividends, and I believe it will significantly help the people of Western Samoa. They are fortunate to have such a friend as you.

Per your request, I have forwarded through our Embassy in Wellington several documents which should assist your presentation to Congress on the needs of Samoa following the devastation caused by Cyclone Ofa. The assessments which I forwarded are only preliminary and have not been shown to USCINCPAC. They may become upset that they arrived to you outside proper channels and for that reason it was necessary to send them through my official channels. Please take this in consideration when you use them. They contain no classified or sensitive information. You requested creditable information on the situation in Western Samoa, and we have worked quite hard to produce it. As the senior U.S. official in the country, I take full responsibility for the contents of those documents. They were prepared under my direction and close supervision. They represent my official views.

We are still operating the Embassy from my home, and I suspect it will be some time before we can return to normal. The military is scheduled to depart February 28, and I am in agreement that we will have completed the emergency phase of our support to Western Samoa by that date. The spirit of close cooperation continues to amongst the key donor nations providing relief, and Western Samoa now knows who its friends are.

The people of Western Samoa constantly express their gratitude for the quick and generous support provided by the United States, and it these expressions and such support which make me proud to come from a country such as ours. Since you were with me when I spoke to Tofilau, you know that I have clearly defined the limits of the support which they can expect to receive from us. I am enclosing a copy of a fax which I have sent to our Embassy in Wellington outlining what I believe are additional things we might do to help here given the tough funding situation which our Government finds itself in. As you can see the assistance provided by USCINCPAC has been tremendous. Since it was done out of their own hide, hopefully the Pentagon or Congress might be able to give them a little back at some point this fiscal year. I know that just the phone bills for this are going to severely impact on my tiny Embassy budget. Losing the center portion of the roof of the Embassy caused us significant damage, especially to our telecommunications equipment which was destroyed. I am very grateful for the outstanding support which we have received from the Embassy in Wellington. They worked until two in the morning taking cables which I had to dictate over the telephone after the destruction of our communications system. Please do not consider the above comments as a request for help, they are not. It is far better to work from within the system, and it is already responding well to this post's needs.

If you think we should do more than what I have proposed in my fax to Wellington, then I anticipate it will take Congressional action to accomplish it, given the meager resources available to us for operations in this area. I would recommend that we look to non-governmental sources for this support. For example, I simply see no way that we can respond positively to the Western Samoan Government's request for heavy road construction equipment. Please see what you might be able to do with getting a U.S. manufacturer to consult with them here to determine what they really need and to develop a package which they can afford to purchase. I have been most impressed with extraordinary efforts made by the Samoan people to recover from this disaster on their own. I have nothing but the highest praise for the Public Works and Electric Power Corporation workers. For the first two weeks following the storm, I believe that they have been working like me on no more than three hours sleep a night. The results of their work has been incredible but so much remains to be done. While I know that they will be very grateful for all that they receive, they clearly recognize that the damage is so extensive that they are going to have to suffer through some very rough times. It is a shame that situation has received so little press coverage in the United States, because the Western Samoans could very much use our normal generousity. I wish you much luck in geting the word out. Please pass my warm regards to Steve Solarz and Bob Dornan. I really enjoyed the visit by the three of you. Just think about the support Samoa would get if you could reach all the Americans who fill the gap between their constituencies both geographically and ideologically. Soifua.

Bill Francisco.

February 19, 1990.
To: American Embassy, Wellington.
From: American Embassy, Apia.
Subject: United States Disaster Assistance Following Cyclone Ofa.

1. The United States of America has assisted Western Samoa in its efforts to recover from the effects of Cyclone Ofa by:

A. Providing tools and shelter from relief stocks stored in Guam. Value USD 270,000.00.

B. Sending the USCINCPAC Joint Task Force Western Samoa (JTFWS) from Honolulu which did the following: Value USD 658,000.00:

1. Conducted helicopter search and rescue operations to locate missing American citizens and transport injured and sick Samoans to their national hospital after providing them with immediate emergency medical care.

2. Delivered emergency food, shelter, medical and other relief supplies to inaccessible areas by helicopter.

3. Provided a generator to keep the WSG Earth Satellite station in operation to permit communications with the outside world.

4. Prepared a detailed written assessment of damage from Cyclone Ofa.

5. Provided a team to restore quarry operations.

C. Purchasing food in New Zealand which was then shipped by New Zealand Navy ship. Value US$50,000.00.

2. Upon completion of the initial assessment, the Embassy will determine best way to use remaining US$35,000.00 from Office of Foreign Disaster Assistance.

3. Future efforts of the U.S. should focus in the following areas to achieve greatest impact considering the small amount of funds known to be possibly available. Recommend we provide the following support:

A. Engineering:

1. Send Mobile Training Team (MTT) to repair WS Public Works (FWD) Department heavy construction equipment, train FWD mechanics and assist with the development of an improved maintenance and parts supply system.

2. Send a 32 person Seabee unit to Western Samoa after it completes the damage repairs in American Samoa. This unit specializes in the repairs of electric lines.

3. Change the work plan of the 150 person Army Reserve Engineer Unit coming to Western Samoa this summer. New work plans should focus on repairs of Cyclone Ofa damage.

4. Increase significantly the number of Seabees on next ship visit to provide construction assistance. If possible, US Navy should advance timing of visit scheduled for this summer.

5. Leave the two man U.S. Army Quarry operations team for three to four weeks to continue restoration and recovery following departure of the USCINCPAC Joint Task Force Western Samoa (JTFWS).

B. Medical:

1. Provide material and personnel assistance to repair and rebuild damaged and destroyed health care facilities which are located outside of Apia.

2. Provide medical equipment repair technicians to fix readily repairable medical equipment and provide training to Samoans on maintenance.

3. Repair/replace furnishings in health care facilities damaged/destroyed by the cyclone, such as kerosene operated refrigerators, beds and beddings, and furniture such as tables, chairs, bedside stands, etc.

4. Provide medical personnel assistance such as Special Forces Aidmen (four to eight), preventive Medicine medical officer(s), registered nurses with public health training (two to four), preventive medicine technicians (two to four) and environmental science officer to conduct medical surveys of ongoing health care needs, medical training, infectious disease identification, water and sanitation inspections, and immunization at the local village level for a period of three to six weeks.

5. Provide basic essential medical supplies such as antibiotics (primarily oral antibiotics and mostly penicillin), bandages, dressings and tape, sutures and suture needles, tetanus toxiod and tenanus immune globulin, scissors and minor surgical instruments, and intravenous fluids.

6. Suggest the military provide the personnel and US Aid fund material, equipment, and supplies.

C. Management:

Provide a disaster assistance team consisting of Joe Chung from USAID and members of the 364th Civil Affairs Brigade to assist the Western Samoan Government with preparing lessons learned and developing a new plan based on this information.

D. Food and relief supplies:

Review carefully Western Samoan Government success in obtaining relief supplies from other aid donors before deciding to provide further support in these areas.

Peace Corps,
February 20, 1990.

To: Congressman Faleomavaega EM Hunkin.
From: Dan Mueller, Ph.D., Country Director W. Samoa/Cook Islands.

PEACE CORPS VOLUNTEERS' ROLES IN THE CYCLONE OFA RELIEF EFFORTS

All 53 PCVs are back on their work-sites assisting in the relief effort. They are reconstructing schools and homes, replanting trees in the forestry projects, as well as trying to save the economy by replanting cocoa, coconut, bananas and breadfruit trees which are the mainstay of the economy. These crops were destroyed by the recent Cyclone Ofa.

In one of the worst damaged areas, Asau, on the island of Savaii, PCV Mark Muckerheide was there right through the hurricane, helping villages save their houses. After the storm along with his Department of Forestry, he started replanting trees to replace those lost through the cyclone.

PCV Diana Audin De Paradis is preparing a plan for the recovery of the nursery at the National Park at Togitogiga. The new plants from this nursery will be used in replanting the hardwood rain forest.

PCVs William Woodbridge, and Helen Ogden are conducting surveys of the damage to the Forestry areas in the Community Forestry Projects, throughout Upolu Island.

Steven Walker is involved in mending fences and cutting down fallen banana trees giving them a chance to grow back again. Also, he is leading a replanting team to replace the trees that were destroyed.

While PCV Mike Pranzia and his Samoan Counterparts in the Ag. Extension Division are helping village planters with their replanting efforts. They hope in six months time the villagers should be able to harvest taros and banana crops.

Led by Susan Hjellen, a large group of Volunteers, are working with Red Cross and the Disaster Support Organization in helping and distributing medical supplies, and food to the village victims of the recent cyclone. Peace Corps Staff with PCVs assist the Army personnel from Hawaii and the Embassy Office in Apia, in their efforts to help Western Samoa recover from the cyclone.

Our Peace Corps Volunteers are helping Western Samoa recover from this devastating cyclone. Our Volunteers are making their contributions by setting up rain catchment system, providing general health information and helping with local relief efforts in the villages.

The Peace Corps is at work in Western Samoa.

Soifua,
Daniel K. Mueller, Ph.D.,
Peace Corps Country Director,
Western Samoa/Cook Islands.

THE DANGERS OF VOTING TO OVERRIDE THE PRESIDENT'S VETO ON EASTERN AIRLINES

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I simply wanted to rise in response to the gentleman from Pennsylvania [Mr. Clinger], my good friend, who earlier was pointing out the dangers of voting to override the President on the Eastern Airlines issue. As a Representative of the Atlanta airport area and somebody who studied the Eastern Airlines carefully now for 16 or 17 years, let me just urge all of my colleagues to read the articles from last Friday and Saturday about the decision by the examiner in the bankruptcy case, that Texas Air has in fact taken $280 million from Eastern Airlines and had to repay it because through a variety of devices Mr. Lorenzo was in effect taking money away and weakening the airline.

Mr. Speaker, I think this is a very difficult vote, and all I ask my colleagues to do is look at all the facts and consider carefully the situation and what the examiner discovered last Friday and announced last Friday before they vote on this difficult decision on Wednesday.

SQUEEZING EXORBITANT COSTS OUT OF OUR HEALTH CARE SYSTEM

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, the House and the Senate and the American people just received the Rockefeller report, a very thoughtful report that elaborated how we can provide health care for the 30 million Americans that do not have it now and provide long-term care for the elderly. The price tag was $86 billion.

Many Members of Congress reacted in horror. One Member was quoted in the New York Times as saying, "It is a nonstarter."

Well, Mr. Speaker, it can be a starter. I chaired 9 days of hearings last year in the Health Subcommittee of the Joint Economic Committee on how we can squeeze some of the exorbitant costs out of our present health care system. We know how to do this. We are spending 12 percent of GNP on health care, 50 percent more than the average for the developed countries of the world. In 1950 we were spending $1 billion a month on health care, and today we are spending $1½ billion a day.

Mr. Speaker, the health care system is larded with fat, with waste, with stupidities, with chaos in terms of its organization. We can squeeze all of that out of the health care system. According to experts who testified, like Joseph Califano, a former Secretary of HEW, and Ewe Reinhardt, one of the Nation's top health economists at Princeton, we can save upward to $125 billion a year if we simply squeeze the waste and the abuse out of the health care system.

Mr. Speaker, the American public also can make a contribution if they give up their craving for absolutely limitless health care choices, which cost us very dearly. The American people can have universal health care coverage, but they are going to have to give a little.

The suppliers of health care, and the insurers of health care also are going to have to compromise a little, by squeezing the waste and abuse out of the system. If they are willing to do that, then the American people can have a health care system that will do us proud.

Mr. Speaker, we already have the finest health care system in the world, but it is inordinately expensive and organized and structured extremely bad. If we remedy those defects, the American people can have every element of the health care system that the Rockefeller report recommended, without paying an extra dime.

Mr. Speaker, we can—and should—squeeze the cost of universal health care out of the present health care budget of the United States, so that at long last we can provide health insurance and long-term nursing care to every single American who needs them.

THE NEW PARADIGM

The SPEAKER. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to spend some time today describing what Jim Pinkerton, the Deputy Assistant for the President for Policy Planning, calls the new paradigm and discussing it within the context of the bureaucratic welfare state and the values of the left.

Mr. Speaker, on February 8 of this year Mr. Pinkerton gave a superb speech on the new paradigm to the World Future Society and tried to outline what in his opinion is the general framework of what President Bush talked about. I think the speech is so important that I want to share the concepts of the new paradigm and talk about that framework.

In addition, Mr. Speaker, I want to talk briefly today about the importance of a capital gains tax cut in order to avoid a recession, to strengthen investment, to create new jobs and about the role of the Joint Tax Committee in that issue, and then, if time permits, I want to talk about the development of the new paradigm as it relates to drugs and violent crime as it relates to education.

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I want to discuss the need to develop successful alternatives to the bureaucratic welfare state and to the values of the left and the approach that we are going to be taking in a bipartisan workshop on May 19, organized by GOPAC, which will develop what we are calling an "American Opportunities Workshop Common Sense Solution for the 1990's."

Let me start with Mr. Pinkerton's description of the new paradigm, because I think it helps put in place what we are faced with and where we have to go. He said:

> I'm here today to talk about George Bush, the first President to govern in the spirit of the New Paradigm, a concept I'll return to in a moment. But before I talk about the New Paradigm, we need to dispose of the superficial Beltway theories about the Bush Presidency. Some say that the President's success comes from atmospherics, such as his personality, or Mrs. Bush, or the puppies. I say that's wrong. The voters may be charmed, but they look to the bottom line: peace and prosperity; what works for them. President Bush is popular because his policies are working. And the reason things are going well for the Administration and the country is that George Bush is truly in tune with the global *Zeitgeist* of freedom, decentralization, and a new look at ways to solve old problems.
>
> In the face of the conventional wisdom, the President has kept his campaign promises: a Kinder, Gentler Nation, and No New Taxes. Add the unprecedented prospect of reduced troop levels in Europe and decreased military spending around the world and you have a President and a country perfectly positioned to benefit from the dawning of the New Paradigm around the world; the new forces that define how the world works, cracked the Berlin Wall, dismantled the Soviet Empire, and brought a new peaceful integration of the world economy, with the prospect of a better life for everyone.
>
> These forces go by different names. The President himself has spoken of the New Breeze of peace and freedom that is sweeping the globe. The New Breeze is a metaphor for the learning process that has led virtually all of us to conclude, as the President has said, "We know what works. Freedom works."
>
> Just as we now know what works, we have all come to know what doesn't work. After decades of collectivization and concentration camps, we have learned the truth about an ideology whose central premise is a war against human nature, including the human desire for voluntary exchange. Socialism doesn't work. It has obviously failed in Eastern Europe, but it has also failed when it goes by some other name. State socialism doesn't work in South Africa, where it goes by the name of apartheid, and it hasn't worked in the Third World.

Mr. Pinkerton went on to say:

> Forgive me for laboring the cliche of the failure of socialism, but it's important to establish the context of the international failure of collectivism before I bring my argument home, to make the point that the same dream of centralized socialized bureaucracies has failed here at home in its lesser manifestations. Here at home, as in the Third World, the biggest losers under the old system have been poor people. The Great Society, to pick one obvious example, has been a continuing, if well-intentioned failure because it too was based on the false assumption that experts, wise bureaucrats in league with university professors and politicians, could somehow administer prosperity and equality from an office building somewhere.
>
> Having said all that, am I about to launch into a critique of all social programs, and argue that we should do nothing to solve the problems that need solving? No. I'm here as a representative of the Bush White House—

Remember, this is Jim Pinkerton of the Office of Policy Planning speaking—

> and as a Republican to tell you that we have just as much desire to end homelessness, improve education, lift up the underclass and realize the goals of most liberals. However, as someone with some modest responsibility for governing, and with the benefit of what we have learned about what works and what doesn't work, I am also here to tell you that if we went to improve the lives of people, then we are going to have to go about solving them in a different way. In a phrase, we are going to have to be guided by the lessons of the New Paradigm.
>
> In addition to his general awareness that freedom works and socialism doesn't, out of the 80s come two areas of emerging national consensus.
>
> First, the public by and large agrees on the goals they want this country to achieve; whether Democract or Republican, black or white, male or female, virtually everyone wants an educated young generation, a roof over every head, and a clean environment. It's a cliche that Ronald Reagan, the most conservative President in our lifetime, nevertheless ratified the welfare state, uniting both parties in a common commitment to the safety net. So now the argument shifts away from goals—which we all agree upon—to means. That is, how do we do what we all agree needs to be done?
>
> Second, there are limits to the size of government. Like it or not, "read my lips" is national policy and will be, as long as people think that government, especially the federal government, is incompetent.
>
> Some think that these two consensuses that define the 90s are in conflict, that we are condemned to wander around on a darkling plain, existentially stumbling over the rubble of demolished policy, poking around for new solutions to old problems. The New Paradigm is an attempt to light a candle of hope and optimism amid the cynicism, fatalism, and opportunism that have come to characterize Washington.

Mr. Pinkerton went on to say:

> I believe that people of good will can seize this opportunity to significantly restructure the way government operates, to move away from monopolistic bureaucracies, and thus meet change in a way that contributes to decency and competitiveness in the 1990s.
>
> These two new consensuses, and the worldwide realization both that freedom works and socialism doesn't, spells the death of the Old Paradigm of centralized bureaucracy, where wise government officials preside over distribution and production, fine-tuning aggregate demand, etc.
>
> The use of the phrase New Paradigm is one I have adapted from Thomas S. Kuhn's classic work The Structure of Scientific Revolutions as a way of getting a handle on the nature of the social transformation that is taking place around us.

Mr. Pinkerton went on to say:

> Indulge me a moment to review Kuhn's argument.
>
> Kuhn argues that most scientists are problem solvers, proceeding in their activity on the basis of certain models or sets of assumptions about how the universe works. Kuhn calls those assumptions "paradigms." A great scientist will develop a paradigm to describe, for example, the nature of the solar system.
>
> In the third century A.D., the astronomer Ptolemy outlined the theory, or paradigm, that the sun revolved around the earth. This "geocentric" paradigm was accepted by the ancient scientific community because it "worked," in the sense that ordinary scientists were able to use Ptolemy's paradigm to make at least some correct calculations about the location of the planets and so on.
>
> Thus, until the 16th century, scientists labored under this paradigm, doing their best to solve scientific problems. Even though the Ptolemaic paradigm was clearly flawed, it was the best model they had. It did work, at least somewhat, to solve the problem of predicting the location of the planets.
>
> More than a thousand years after Ptolemy, Copernicus and Galileo revolutionized astronomy by propounding a completely different paradigm: that the earth revolves around the sun. Suddenly it became possible for ordinary scientists to advance the science of astronomy, because the assumptions they were now working on were so much closer to the truth. This heliocentric paradigm guides astronomy to this day. We all remember from school that the New Paradigm was not received with open arms by the Old Paradigm powers that were. Then the opposition was called the Inquisition. Today it's called . . . .

And here Mr. Pinkerton goes off in dots, making point that all too ofen we have a leftwing oppression. We see it on college campuses. We saw it with Andy Rooney recently, a willingness for the leftwing culturally to impose silence on those who would question their model.

Mr. Pinkerton goes on to say:

> Kuhn put his finger on a truth about the scientific process that applies to societies as well as scientists. Societies, too, form themselves on the basis of paradigms. These paradigms may be good or evil; they may or may not "work."
>
> If a paradigm does "work" it will continue to survive. But it still faces the challenge of adapting to challenges over time. Paradigms give way when people see a new, a different, a better approach. This process can happen by revolution, or by evolution.
>
> Thus, feudalism was a social paradigm, which "worked" in the same limited sense that the Ptolemaic astronomical paradigm "worked" during roughly the same period. For all their obvious shortcomings, the two paradigms were all that these cultures had to make sense of the world. Of course, both paradigms were swept aside when other ideas—new and more useful paradigms—emerged. From our contemporary vantage point, we believe that these paradigmatic shifts were changes for the better.

The point Pinkerton is making is that as the modern age came to replace the early Middle Ages, what we call progress was the replacement of one model, called a paradigm, for another model, that a new and better way of doing things emerged.

Mr. Pinkerton goes on to say:

> Kuhn's lesson is that people will not abandon a familiar paradigm, no matter how defective it is, until they can grasp a *new* paradigm that will replace the old. This is the essence of the psychological and political truism that "you can't beat something with nothing." This is the transition period we are going through—people around the world are coming to see that the Old Paradigm is failing. Leaders and thinkers have a duty to help learn and share the emerging lessons of the New Paradigm.
>
> I believe that centralized bureaucratic government is a manifestation of the Old Paradigm. Max Weber said in the last century that the alternative to bureaucracy was despotism, but he was describing a different world, where the main obstacle to progress was the dead hand of the aristocracy. For its time, bureaucracy may well have been the best available way to organize the transition from a farm to an industrial economy. Today, in the era of the Third Wave, Weber would agree that we have nothing to fear from residual aristocrats like Prince Charles and Fergie, and that today, Central Europeans and others see that the main obstacle to progress is reactionary statism.

Let me make the point about why I am citing Mr. Pinkerton's speech to the World Futurist Society. The fact is reactionary statism, to use Mr. Pinkerton's phrase, whether it is in Prague or Birmingham, AL; whether it is in Warsaw or Washington, DC; whether it is in Moscow or New York City; the reactionary statism, what I would call the bureaucratic welfare state, is the primary blockage of the kind of progress, the kind of technology, the kind of prosperity, and the kind of opportunity that is available for America, but is stopped by the bureaucratic welfare state, and then compounded by the cultural values of the left which are inherently destructive.

Let me go on to quote from Mr. Pinkerton:

> The great English Prime Minister Disraeli said that a successful politician must know two things: he must know himself—forgive the nineteenth century sexism—and he must know his times.
>
> The most important knowledge comes from confronting past mistakes: we must come to see our own institutional rigidities, in a way analogous to the way the Eastern Europeans have come to see theirs. The Eastern Europeans are worried about getting through the winter—we have to worry about the Japanese. But in both cases, thoughtful people see the need for change. The President's willingness to at least begin that process of reform is a key reason for his popularity.
>
> The New Paradigm has five main features:
>
> First, governments are now subject to market forces in a way they haven't been before. The policy-maker who tinkers with the economy in the wrong way, who pushes the wrong button, will see the flow of capital and investment re-route itself instantaneously across nations and continents and oceans.
>
> This aspect of the New Paradigm is a function of feedback and the increasing sensitivity of the economy and political system to feedback. Where the system is increasingly self-monitoring and self-correcting there is less room for the social and economic experiments that were the hallmarks of the 60s and 70s. As someone said, if you don't deal with reality, other people will! The President's dogged determination to see a cut in the tax rate on capital gains, for example, seems very compelling in view of the low capital gains taxes imposed by American's greatest economic competitors (most have no capital gains tax at all).
>
> Second, the New Paradigm is characterized by increasing individual choice. The President's education program offers a concrete example. Instead of pouring money into an existing structure—an education structure that already represents the world's highest expenditure per capita, yet the results of that spending have been disappointing, to put it mildly—the President offers a reform that promises to change that structure by letting parents choose the public school their children will attend.
>
> Parental choice in education is a means of letting the people with a stake in the process, the parents, not bureaucrats, decide what constitutes a successful school. Outputs not inputs. And the New Paradigm method of choice in education is sweeping the country, among state governments run by Democrats and Republicans alike. I might add that the trailblazer in the fight for choice in the public schools has been a liberal Democrat, Governor Rudy Perpich of Minnesota.
>
> Third, the New Paradigm is characterized by public policies which seek to empower people so that they are able to make choices for themselves. Take the Bush Administration's approach to child care: The President has offered a Child Care Tax Credit for low-income working parents that enables—empowers—those parents to care for their children in the way that best suits them: at home, or with a relative, or a neighbor, or at a church or synagogue-based child care program, or at a day care center.
>
> By contrast, the old paradigm method is to focus on one method of child care, usually day care centers, to fund or regulate that one alternative to the exclusion of other alternatives, have the money trickled down from Washington, and thereby constrict the range of choice. Again, the quantitative approach is to say, in effect, how much spending can we "input" into one method in the hope that that method is correct.
>
> The New Paradigm approach, on the other hand, says: how can we let those with a stake in a certain process, be it the process of caring for kids, or education or health care, whatever—how can we empower those with a stake in the process so that they and not bureaucrats can determine the outcome of that process. In a world where more and more people know better than to believe that wise bureaucrats can benevolently enact child care from Moscow or Washington, choice is increasingly the answer.
>
> Fourth, the New Paradigm is characterized by decentralization: the dispersal of the centers of authority and the break-up of bureaucracy—whether those bureaucracies be a Stalinist government in Eastern Europe, a stodgy corporation on Park Avenue, or a sclerotic city hall in Anytown, U.S.A.
>
> Decentralization means pushing decision-making downward and outward, to the lowest feasible level. No place, no culture is immune from the benefits of perestroika. The cultural anthropologists who said that one culture is backward as compared to another have missed the central insight of the great Peruvian economist Hernando de Soto: that people everywhere by and large want the same things. The President himself made this point in speaking of de Soto.

I am quoting from George Bush now:

> By walking the streets of Lima, not analyzing official statistics, [de Soto] found that the poor of Latin America—who have never read Jefferson or Adam Smith—ran their affairs democratically, outside the formal economy, organizing their private, parallel economy in a free and unregulated manner. . . . People everywhere want the same things. And when left alone by government, people everywhere organize their lives in remarkably similar ways.
>
> Those of you familiar with the great Nobel economist Friedrich Hayek will be reminded of the "spontaneous order" of the market that he described.
>
> But what about here? What about decentralization here at home? Here too, centralized bureaucracies have proven themselves unable to translate our wealth and compassion into opportunity and a better life for every American. Public and private bureaucracies have not been able to adjust to the change of this decade, not to mention the coming decade. Therefore, a new generation which still believes in social justice and the promise of the American Dream must look for new ideas and new approaches to achieve the old goals.
>
> Now that the people have learned that government doesn't know best, they will refuse to turn over decision-making power when they can decide better for themselves. Popular opinion now converges around the notion that instead of doing many things badly, the government should try to do a few things well. The public debate focuses on qualitative, as opposed to quantitative changes in government, to a restructuring that finally begins to put the government in tune with the society that has changed so much in the past decades.

As Bob Samuelson recently put it, the American people are not so much stingy as they are skeptical. This skepticism—this immunization against being fooled by the authorities that the Information Age allows is a healthy thing. The guiding principle is accountability and feedback. Rather than a rigid dedication to centralized government, the New Paradigm emphasizes results. Achieving those results will usually require the above-mentioned market orientation, choice, empowerment, and decentralization.

Fifth, the New Paradigm implies an emphasis on what works: Once we agree on the goals of a decent life for every American, then the debate shifts to actually achieving those goals, as opposed to talking about them and spending money. As far as public policy is concerned, that means changing the way we measure the success of those policies. Again, it's the difference between measuring input and measuring output.

Look at the President's education policy. The President, in an agreement with the governors at the Education Summit in Charlottesville last September, set out some national education goals based not on how much money we are going to pour into education, but just how well the students who come out of that education system perform—outputs, not inputs. One of the leaders in this effort, has been Governor Clinton of Arkansas, who has emerged, especially since Governor Kean's retirement as the most imaginative and energetic force for educational reform in the country.

□ 1240

Overnight, the debate on education in this country has changed. It is now a question of the quality of education, and less a question of the quantity of dollars that may or may not contribute to quality. Note that I am not saying that quantity is irrelevant, only that we have lost sight of why we focused on quantity and inputs in the first place. These factors may help determine the outcome, but they are not the same thing as the outcome.

I would refer all of you to David Osborne, whose Laboratories of Democracy is a wonderful overview of the individual states' respective efforts to actually make life better for their people. I don't agree with everything David says, but that's not the point. The New Paradigm does not rely on the wisdom of one individual, it relies on diversity and innovation spread out across the states like 50, or 1,000, points of light.

As I said, this President holds office at a time when there is an emerging national consensus: Everyone wants an educated young generation, a roof over every head, and a clean environment in which to live. And yet, everyone wants limits on the size of government—limits especially on the size of their taxes.

Are these two areas of consensus in conflict? Well, if you believe, for example, that the problems of America's schools can be solved by spending more money on them—if you believe that the best solution for the high cost of raising kids is to concentrate on subsidizing bureaucratized, monopolized day care—if you believe that the answer to housing our poor is only to build more public housing projects—then you must believe that, yes, our national aspirations are in conflict.

On the other hand, if you believe that we ought to judge our schools by how well they perform, not by how much money we spend on them—if you believe that those schools will improve if parents have a greater say in choosing the schools their children will attend—if you believe that the best child care is the one that responsible parents decide is best for themselves—if you believe in giving the poor a stake in their own futures, say through tenant management and ownership of public housing—if you believe, for that matter, that we should measure the success of our welfare programs by how many needy people pull themselves out of poverty—then, perhaps, you too see the outlines of the New Paradigm as it emerges from the dawn.

A world where the focus of public policy is on what works, where we judge the success of those policies qualitatively not quantitatively—emphasizing outputs over inputs, where we expand individual choice, empower the poor, and create decentralized, flexible and adaptable institutions and organizations, there is a world where there is no insurmountable conflict between our national aspirations of caring for our neighbors and enlarging the sphere of our freedoms by limiting our government.

But note: none of this is just my opinion of what should happen in the future. All of this is happening. Thanks to the Information Age, thanks to the worldwide span of the media, thanks to the global village, we are learning faster about what works and what doesn't work. That, incidentally, is why I have been so impressed with the World Future Society. You are looking forward, scanning the horizons of what works. I like to think that the President shares that farsightedness. He is a man whose biography, after all, is entitled Looking Forward.

But notwithstanding that similarity with the country's leading politician, this Society has of course not tied itself to the political, but to the practical. If, as I believe, we are witnessing the emergence of a New Paradigm, a new era marked by an emphasis on what works, then all the more worthwhile are the contributions of a practical, non-ideological organization like this Society—not least because the old cliches have suddenly taken on a new profundity: the future is today, as it never was before.

This speech by James Pinkerton, Deputy Assistant to the President for Policy Planning, to the World Future Society on February 8, I think marks a very serious intellectual effort to explain the new approach of President Bush and to explain the new paradigm that we are trying to develop.

It is part of a general movement which recognizes that the bureaucratic welfare state no longer works, that the bureaucratic welfare state doesn't work in New York City, nor in Warsaw, and that the same movement which is changing Eastern Europe and which is changing Nicaragua should change America.

In addition, I think it reflects a serious effort on our part to try in a bipartisan way to reach out to any Democrat who is prepared to give up on the values of the left, who is prepared to give up on the bureaucratic welfare state, and to join together in forming a nonpartisan effort to develop the positive, solid, commonsense approaches of the future.

Let me suggest that the new paradigm is in part explained, certainly in terms of what has not worked in the bureaucratic welfare state and the values of the left, both in Paul Johnson's "Modern Times," probably the best history of the 20th century that has been written, and in a book by Collier and Horowitz called "Destructive Generation."

Collier and Horowitz were the editors of Ramparts in the late sixties, and now that they have matured as adults, they look back and recognize just how destructive the cultural values of the left have been.

One good place to look at this argument, the debate between the two paradigms or the two viewpoints, is on the question of job creation, capital gains, and public works.

There are two clear choices. The bureaucratic welfare state and the values of the left would argue that job creation ought to be done by the Government. That somehow if we are going to have a soft period in the economy, if there is going to be a recession, that Government should create jobs.

Those of us who believe in a commonsense approach to where America is going, those of us who believe that an opportunity society will work better than the bureaucratic welfare state, we believe that we ought to avoid a recession by having a capital gains tax cut which will create new jobs, which will enable people to deal with the private economy and to create private incentives.

Now, it is fascinating, many of our friends on the left will tell you that they really want America to compete in the world market, but they are worried about the Japanese or Koreans or Germans. Many of our friends on the left make all sorts of protectionist speeches.

But let us look at why some of our competitors in the world market are more successful. Because one of the points that Mr. Pinkerton made in his speech is that we have no choice in the world market. If we raise our taxes, the fact is we drive businesses and investors out of the country. We lead them to build their next factory in Mexico or Canada, Japan or Germany.

So we are competing in a world market. A corporation trying to decide where to build its next factory, where to do its research, where to create its laboratory, where to build new jobs, that company looks at the whole world.

An investor who has $1,000 to invest by the action of a telephone or a computer communicates with Frankfurt, Germany, with London, England, with Tokyo. They are not trapped in the United States. So when we look at our taxes, we have to compare our tax situation with the rest of the world.

Now, the values of the left and the bureaucratic welfare state deny the reality of the world market. They try to talk about taxes and isolation, and then when that causes economic slowdowns in the United States, they try to deal with that slowdown either by protectionism that is stopping foreign countries from selling us imports, or by creating government jobs, which are very, very expensive.

Let us look at the capital gains tax rate. Remember, a lower capital gains is designed to encourage people to save, to invest, to create jobs.

This is what one recent study says: "The United States has one of the highest capital gains taxes in the world and that hurts United States competitiveness. Countries with lower capital gains taxes encourage more capital investment which aids economic growth and job creation. Cutting the capital gains tax rate will keep America competitive."

Here are the countries and their tax rates. These are the maximum individual capital gains tax on long-term stock investment. South Korea, 0 percent; Hong Kong, 0 percent; Germany, 0 percent; Netherlands, 0 percent, Taiwan, 0 percent; Italy, 0 percent; France, 16 percent.

The Japanese have two rates, a 1-percent rate and a 20-percent rate. The tax in Japan is the lesser of 1 percent of the sales price or 20 percent of the capital gains. For example, on a stock purchased for $100 and sold for $150, the investor has the option of paying 1 percent of the $150 sales price or 20 percent of the $50 capital gains. In this example it is preferable to pay 1 percent of the sales price.

This tax was enacted in 1989. Prior to this Japan had no capital gains tax on stock investments.

So what do we learn from this list? That virtually all of our major industrial competitors who are successful in the world market, they charge 0 percent capital gains on all of their sales of stock, thereby encouraging people to build factories, to buy machinery, to create better jobs. And that is the key. The reason you want a lower cost of capital is the lower your cost of capital, the better the machinery, the better the research and development, the better the job. So if you want an American worker to use a very modern machine, to have a very good job that pays a lot of income, you want to have to low cost of capital.

If you have a high cost of capital, we cannot afford then to buy the new machine, to do the research and development, to create the new jobs, and we either lay people off or we lower their wages. So there is a direct relationship. High cost of capital means low wages and few jobs. Low cost of capital means high wages and a lot of jobs.

□ 1250

In a situation where most of our competitors have a zero-percent capital gains rate, 16 percent in France or 1 percent of gross sale capital gains rate in Japan, what is the rate in the United States? The highest marginal rate in the United States is 33 percent. That is, if you make $3 you lose $2.

But that understates how badly we punish ourselves, because the current capital gain does not take into account inflation. Let me give an example. Again I quote from a study on capital gains.

> A typical stock investment of $1,000 made in 1970 would have sold for $4,250 in early 1990 based on the Standard & Poors 500 Index, a capital gain of $3,250. However, $2,180 of the gain was due to inflation. The real gain was only $1,070, yet the capital gains tax is assessed on the full $3,250. The tax owed is, therefore, $1,073, which consumes all of the real gain. It is easy to see how this level of taxation discourages capital investment. The capital gains tax rate must be cut to protect investors from the devastating effects of inflation.

In other words, what happens is simple. In the current situation the capital gains tax cut offsets the impact of inflation. If you are going to save $1,000, but 10 years later because of inflation you are going to have less real spending power, you are not going to save the money. What you are going to do is buy a car, buy a house, you are going to spend the money in some way in a real good or service. All of us know that when we see countries like Brazil and Argentina with high rates of inflation, but it is also true in the United States.

When we fail to index capital gains, something which the gentleman from Texas [Mr. ARCHER] has been working on for a number of years, when we fail to protect the saver and the investor against inflation, we decrease the desirability of saving and investing, and then American does not have enough money, then America does not build enough factories, and we do not invest enough in the future.

This is a bipartisan concern. Listen to President John F. Kennedy talking about capital gains.

> The tax on capital gains directly affects investment decisions, the mobility and flow of risk capital from static to more dynamic situations, the ease or difficulty experienced by new ventures in obtaining capital, and thereby the strength and potential for growth of the economy.

That is a Democrat, John F. Kennedy.

President George Bush said:

> I propose that we cut the maximum tax rate on capital gains to increase long term investment. History is clear. This will increase revenues, help savings and create new jobs.

Ironically, although Democrats and Republicans who believe in the private sector, who believe in the private economy, who want to see jobs created support a capital gains cut, our friends on the left oppose it. They still resemble those in Poland, or Hungary or the Soviet Union who somehow are opposed to encouraging incentives for the private sector, and in fact end up in a situation where only the Government can create jobs.

The fact is that a capital gains tax cut benefits all Americans. Again, let me quote from a recent study which used 1987 as the most recent year.

> Over 70 percent of those reporting a capital gain had ordinary income under $50,000 in 1987. The elderly represented 26 percent of all taxpayers reporting a capital gain in 1987. Over 14 million Americans reported a capital gain in 1987. A capital gains tax cut will encourage the purchase and sale of capital assets. These increased sales will provide the government with additional tax revenue to finance programs that help all Americans.

Notice that all of the talk we hear is about how capital gains is only for the rich, but the fact is that over 70 percent of those who reported a capital gain earned under $50,000 in ordinary income in 1987, senior citizens represented 1 out of every 4 people who reported a capital gain, and over 14 million Americans were reporting a capital gain. This is not just a change for those who are wealthy. This is a change for every American who has a small business or a family farm, for every American who saves and invests, for every American who may have a little timber or who is interested in real estate. It is an across-the-board incentive to encourage Americans to save.

But it has one additional impact that we tend to forget. A capital gains tax cut is the opportunity society version of a jobs bill, whereas the bureaucratic welfare state and the values of the left would create jobs through the Government at an average of about $128,000 per job, according to a General Accounting Office study. The fact is we would create jobs through a capital gains tax cut. I have seen studies that range from 300,000 new jobs to 750,000 new jobs as the effect of a capital gains tax cut.

That kind of change means that poor Americans who need work, Americans who are out here and want to do better, Americans who may have a job but want one that pays more, every one of those Americans would have a better future.

There is, in fact, bipartisan support for a capital gains cut. President Kennedy was a leading advocate of a low capital gains tax in the 1960's, and support for a capital gains cut in 1978 and 1981 was bipartisan. From 1922 to 1986, U.S. tax law provided capital gains tax relief. Only in 1987 did the United States begin taxing capital gains at full tax rates.

President Bush called for a capital gains tax cut in the 1988 election, and he has made enactment of this tax cut a top priority of this administration. In 1989, a bipartisan majority of both houses of Congress supported a capital

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gains tax cut. Only a procedural device allowed a minority to prevent the passage of a capital gains cut as a job creation mechanism, as a way of helping us to compete in the world market, and as a way of avoiding a recession, which represents perfectly the arguments between the new paradigm, which represents the old bureaucratic welfare state and the emphasis on government.

Interestingly, if we look at another study by the Joint Tax Committee, which is also described as nonpartisan, but whose thinking is obsolete and whose intellectual model is just plain wrong because it does not take into account the economic growth, the number of people employed in new jobs, the kind of reflow and growth government would get in a larger economy. Sadly, the intellectuals who have developed both the Congressional Budget Office and the Joint Tax Committee studies are all too representative of the old paradigm, representing a way of thinking about this process which simply does not make sense in a modern world.

But the new paradigm and the development of an opportunity society as a replacement for the bureaucratic welfare state is in fact occurring, not just with tax policy, it is occurring across the board, it is occurring in places which I think is changing America.

Some of my friends say to me what do you really mean by values of the left? Let me suggest to them that they go back and read the Lawrence Eagle Tribune series, which is a Pulitzer Prize winning series on political activities by criminals in Massachusetts. It was probably published in 1987, and it became an important issue in the Dukakis Presidential campaign. But, in fact, the series, which I put in the CONGRESSIONAL RECORD last year, illustrates perfectly what I mean by the values of the left.

In Massachusetts, convicted felons who are serving in prison are allowed to vote. In Massachusetts, life prisoners have what is called the lifers' PAC. That is, a political action committee that you have to be sentenced to jail for life in order to belong to.

In Massachusetts, politicians actually go to the prison on registration day to encourage the convicted felons to register and vote. There is a marvelous scene in both the Lawrence Eagle Tribune article and the Reader's Digest article about this activity in which a State senator goes to the local prison, and begins his speech by saying, "It's good to be back with my friends." We did not know whether he was about to be indicated, or exactly why he felt so good about it. But imagine what from a normal, commonsense American standpoint, what I would call basic American values, is, the bizarre nature of a system in which you can be convicted of rape or murder, you can be a convicted three-time drug dealer serving for a felony, and you still have the right to vote. In fact, in a small town if they build a big enough prison, the prisoners could elect the mayor. That is what I mean by the values of the left, and it is illustrated by the Massachusetts criminal system and the way the Massachusetts prisons operate.

But we see a real struggle going on as people who are liberals but have common sense find it harder and harder to accept the values of the left. Let me give an example of the transition as it appeared in the New York Times of January 12, 1990.

☐ 1300

This article is an editorial entitled "Their Drug War—And Ours," because it illustrates what I think is an intellectual struggle going on among Republicans and Democrats alike, among everybody who is not committed to the values of the left and the bureaucratic welfare state.

Now I am quoting from the New York Times editorial.

> As a woman starts across the street, a van roars up. Strong arms wrest her purse from her grasp. As the van lurches away, she falls beneath the wheels and is crushed to death . . . Members of a drug gang kidnap an enemy's 12-year-old brother, hack off the boy's finger and enclose it with a ransom request . . . A group of teen-age boys blame a 12-year-old girl for stealing $45. They take out their anger by raping her and torturing her with a heated knife and an ice pick.
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> Three sickening stories, all in a few days, that send the mind racing: can there be such depraved people in a civilized city? And where are the cries of horror, and anger, from those who govern in the name of civilized society?
>
> The photos, Polaroid prints seized by police in crack house raids, might have been snapped at any casual party, but for one thing. Nearly all of the young men are posing proudly with their firearms. In one large portrait, the subject flashes a debonair grin and a massive handgun.
>
> For the last few years, outlaw gangs have roamed northern Manhattan virtually at will. Heavily armed with weapons designed for war, they carry on homicidal feuds over territory, drug deals or bad blood. They willingly torture and murder their victims. Too often, their crimes go unpunished: fewer than half of more than 300 murders in northern Manhattan last year have been solved.
>
> The situation cries out for basic law enforcement: bring in some gang members and persuade them to inform on their colleagues. Build intelligence and make cases against the more powerful. Then unbalance the gangs by nailing the leaders. When gangs of violent young Chinese proliferated in the 1970's, just such labor-intensive pressure contained the threat.
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> But so far, the drug gangs remain beyond control. In 1983, Manhattan's District Attorney, Robert Morgenthau, created a Homicide Investigation Unit to pursue them, but it has funds for only three attorneys and 10 investigators. Mr. Morgenthau pleads for more, but with budgets tight, his requests have been turned down.
>
> Tight budgets are no excuse. Neither are assertions that violence arises from social pathologies. A government too impoverished and confused to defend the social contract is no government at all.
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> The entire city suffers from so profound a lapse. It takes a special depravity to crush a woman beneath a van for the sake of her purse, hack off a child's finger to extort ransom, rape and torture a young girl for $45, or any reason.
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> The depraved may or may not be involved with drug gangs, but they know what the drug gangs know. Society talks about cracking down on crime and making war on drugs. And talks. And talks.

First of all, notice this is the New York Times; this is not the New York Post, this is not some rightwing publication, this is not National Review, this is not the Washington Times or the Wall Street Journal, this is the New York Times.

Notice, second, that it raises the basic cultural values question: "A Government too impoverished or confused to defend the social contract is no Government at all."

I would argue that what we have is the end result of 25 years of leftwing values and the bureaucratic welfare state, leading to decay, of court decisions by people appointed by liberals like Jimmy Carter, who simply do not reflect the values of common sense and the basic American values, that understand that some people are too dangerous to put them back on the street; that the police have been too restricted and that we have spent our money in the wrong places.

Notice Mr. Morgenthau has, in a city that had 300 murders in northern Manhattan alone—that is only part of one borough and there are five boroughs in New York—Mr. Morgenthau has, for Manhattan, 3 attorneys and 10 investigators in a homicide investigation unit. Is this because there is not any money and therefore the Federal Government is to blame? Not at all.

The city of New York has a $27 billion budget. It employs 300,000 people, but it has made a conscious values decision, and this is what I mean by the values of the left, the conscious values decision that they would not have enough policemen, they would not have enough prosecutors, they would not have enough jails.

So the result is, while they hire more and more welfare workers and more and more caseworkers, you are more likely to get mugged, or you are more likely to have somebody who will sympathize with you after the mugging.

The fact is every citizen has the right to demand of their government both national security and personal security. Whether it is Washington, DC, which has become the murder capital of the United States, or New York City, every citizen has the right to demand that their home, whether it is a private home or a public housing project, that their home be safe and that the government interpose itself to block those who are truly evil.

How can you describe it? I realize that evil is a nonleftwing word. But how can you describe a group of teenage boys who would rape and torture a 12-year-old girl using a heated knife and an icepick, if that is not evil? How can you describe a drug gang which kidnaps a 12-year-old boy, cuts off his finger and sends it back for ransom, if that is not evil?

I do not blame the young people who get caught up in evil, because I think all of us have that potential. But I do blame a leftwing value system and a bureaucratic welfare state which has failed to send the signals that we will not tolerate this kind of behavior.

President Bush, last June, sent a drug and violent crime bill to the U.S. Congress, and today, 9 months later, the liberal Democratic leadership in the House and the Senate has not moved the bill. It is still sitting there.

Senator PHIL GRAMM and I have introduced a bill calling for an emergency effort on drugs and violent crime, saying that when you have 300 murders in northern Manhattan, when you have this kind of brutal activity across America, that it is a drug and crime emergency.

Some people say to us, "Well, why do you say it is an emergency?" And I would say to them, "Talk to the young boy whose finger was cut off. Talk to the young girl who, at 12, was raped and tortured with a heated knife and an icepick, talk to the family whose mother was killed so that they could steal her purse. Talk to the young girl who was gang-raped in Central Park." If that is not an emergency, what would it take to wake up our friends on the left?

It is not that New York City does not have the money. It is that Mayor Dinkins and the values on the left will not spend the money, will not be involved in looking at that kind of effort, because we know exactly how to crush crime. You flood the streets with police, you go out and you make sure that there is enough strength on the streets that criminals will be arrested, that when they are arrested they will stay in jail, and that when they stay in jail the message will go out across this country that this country is prepared to protect its citizens not just from the dangers abroad, but from the dangers at home.

The dangers are tragic. Again from the New York Times, February 23: "A Bronx 13-year-old is shot while going to buy cereal." How can we not be enraged in America when the following happened:

> A 13-year-old boy who had crossed a street near his home to buy cereal and milk was shot and seriously wounded Wednesday night when he walked into the crossfire between suspected drug dealers in the Bronx, the police said.
>
> The boy, Darryll McPherson, of 1458 Webster Avenue in the Morrisania section, was shot five times in the chest and abdomen as he walked by a grocery store opposite the 21-story apartment building where he lives, Sgt. E. Caloigaris of the 44th Precinct said. He was in critical condition yesterday at Jacobi Hospital.
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> Sergeant Caloigaris said the shootout, which began about 10:30 p.m., was the latest of several gunfights in the last two weeks near 1458 Webster, which is part of the Butler Houses, a New York City Housing Authority project.
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> The apartment building is on the east side of Webster Avenue. Opposite it is a deserted brick-strewn strip of land that separates two grocery stores and that the police and residents say is a favorite turf for drug dealers and buyers. The pop of gunfire can be heard in the area every night, they said.

The point is this: We owe it to every American to protect them physically. We owe it to them to provide enough police, to provide enough prosecutors to what is necessary, to use common sense to build enough jails; to make sure that those who are willing to brutalize and kill, to turn folks into drug addicts, are in fact locked up. And I think that the family of Darryl McPherson deserves to know that their country has heard their cry and that the country has earned their respect and the country wants to deal with their anguish.

If we are going to insist that it is important that a 9-year-old girl in a ghetto say the Pledge of Allegiance to the flag at the beginning of her school day, then we must insist that she and her family know that we care about her the rest of that day, the rest of that week, and the rest of her life because she is an American. We must insist she has a right to national security and to personal security and that we will do what is necessary to protect her.

On May 19, GOPAC is going to provide a 1-hour television program available by satellite television to anyone who wants to participate, to look at the new paradigm, to develop new approaches, to recognize that we must replace the bureaucratic welfare state and we must replace the values of the left, to develop commonsense solutions for the 1990's, to apply common sense focused on opportunity and successes so that every American can look forward to the time when they are physically safe, when they can live in a drug-free country, when they have schools that educate, and when they have a chance to find a good job, living in an area which is environmentally healthy.

Mr. Speaker, we encourage everyone, Democrat, Republican, or independent, who agrees that we need a new paradigm, who agrees that the bureaucratic welfare state and the values of the left no longer work, to join us in trying to think through newer and better approaches.

I appreciate very much, Mr. Speaker, this opportunity to lay out Mr. Pinkerton's speech, to lay this out as a framework of thinking about how we can have an America that is more successful in the 1900's and that is prepared for the 21st century.

AMERICA'S FUTURE IN THE WORLD ECONOMY

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Mr. Speaker, I would like to talk today about what I regard to be the mindless, systematic disinvestment in tools necessary to keep our country strong abroad and to keep our American families strong and secure at home.

The purpose of government in moral and practical terms is, I think, twofold. The first is that in the world it is supposed to fashion policy and apply resources to protect and promote our interests and our values. At home government is supposed to design policies and apply resources to give each person the greatest possible opportunity to develop his or her fullest potential as a human being, to expand opportunities for its people to earn a just share of the fruits and benefits of society, and to earn a decent living in order to provide security for each family and to provide a better life for our children than we have provided for ourselves. That is the American dream, and that is the American promise.

Now, events beyond our control can often limit government's ability to provide those things, but government owes its citizens its best possible effort to meet those goals.

What I would like to do today is to take a look for a moment at the place of America in the world and the place of the American working family in the world economy.

Since 1945 our military might have served as a guarantor of Western values. Over the past 40 years we were able to devote about $10 trillion to defend the West because we entered the postwar peace with a virtual monopoly on economic power. And we did more than just provide a huge military unbrella; we provided political leadership in rebuilding European and Asian economies, including our former military enemies.

We all know why we did it, but the question is: Why were we able to do it and to politically sustain it? We were able to do that without much economic strain; we were able to provide such incredible programs as the Marshall Plan, for instance, because we had our

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own fiscal house in good order. But remember, when Harry Truman proposed the Marshall plan, he proposed it within the context of a balanced budget. The difference between Harry Truman and the Presidents we have had in the past 10 years is that Harry Truman knew how to pay his bills.

We were also able to do it without much political objection because it was happening in the context of rapidly expanding opportunity for America's working families. In those days real income for the average American family was rising rapidly. Good economic prospects were seen as being widely shared among the general population. Government was seen as a friendly helper in promoting broad-scaled economic progress for average Americans through such devices as the GI bill and Federal housing programs, for instance. And in that economic and political climate, with our national and economic horizons unlimited and with government being seen as being on the side of American working families, military and foreign aid spending was accepted as a tolerable burden.

But 40 years of history has produced a quite different environment for the American economy and for American working families. And that has large consequences for American foreign policy, for America's foreign strength, and for our domestic strength. We all know the changes brought about by each decade. For our national economy, the 1950's and the 1960's saw a somewhat reduced American monopoly on economic success.

The energy price revolutions in the 1970's took a heavy toll on America's economy and its politics. Then, unfortunately in the 1980's we bought virtually every weapon on the Pentagon's wish list. We spent over $2 trillion and paid for about half of them, borrowing for the rest. That and other factors helped to provide the now legendary Reagan budget deficits of the 1980's. And they also helped to produce two other deficits just as real: One in trade and one in domestic investment—both fiscal and human.

For American families the picture is also quite different from the postwar potential of the late 1940's. Real family income for the lion's share of American families has stagnated, for many it has fallen. In my judgment, without a significant change in attitude and policy, Japan and Germany will emerge in the 1990's as the winners of the cold war, and all but very high income American families will be the losers in the economic trading world of the 1990's.

That is why changes in the Soviet Union and Eastern Europe are almost as important for us as they are for them. They give us a second chance to rebuild our American economic engine at home and to provide us with an opportunity to change our emphasis abroad.

I think it is obvious that the unilateral military reductions announced last year by Mr. Gorbachev, now half completed, make a surprise attack almost impossible. The collapse of Communist governments in Eastern Europe mean that over 1 million men and 15,000 tanks have been effectively removed from the Soviet military equation. The CIA tells us that that is irreversible.

In light of those numbers, does anyone really believe that the President's new budget that increases defense spending by another $5 billion makes any sense whatsoever? Do they really believe that that is in the interest of American families?

Now, I want America to play a large role in the world. I think everybody does. The question is, Will our economy be strong enough for us to play it?

The stark fact is that the United States emerged from both World War I and World War II in a stronger relative position economically than we entered it, but we are emerging from the cold war in a weaker relative economic position than we entered it. Before last year the talk was of the coming "Japanese decade" or the "Japanese century." Now, with events in Europe, people are talking about the "European decade" or the "European century." Those conversations are based on the assumption that the nations who will be the movers and shakers in the next decades will be those who have the economic strength to sustain and protect their power.

If we want the 1990's to produce an America that is prepared to play a leadership role in the new century, we need to pay at least as much attention to domestic investment needs, both public and private, as we do to defense and foreign aid budgets. To understand how critical that is, we must understand the extent to which our domestic budget has been savaged in the last decade. To do that, we have to compare the way we spent the taxpayers' dollar in the 1980's with the way we spend it today and the way the Bush administration wants to spend it tomorrow. The Democratic study group has prepared a very important analysis of that, which I want to share with you today.

Now, I know that there are those of our friends on the far right in this country who believe that the best way to promote investment is to simply provide a capital gains tax change as President Bush is trying to do. I think we ought to remember that over 80 percent of the benefits of that capital gains proposal would go to the wealthiest 1 percent of the people in this country, people with incomes of well above $100,000. I think one of the critical differences that divides the two parties is that the Democratic Party believes that we need investments that create opportunities directly for the vast majority of working families, while the Republican Party seems to favor investments that operate principally through the expansion of economic income of those at the very top of the economic ladder.

□ 1320

Mr. Speaker, the Democratic Party does not believe that the way to strengthen average families is to create public rationales and public justifications to provide more gifts to the wealthy financed out of the pockets of working families. Rather than "read my lips," we believe we ought to read results.

We do not believe that the private sector should be abandoned, not in the least. We believe the private sector needs to be strengthened. We think it needs to be strengthened by having a cooperative partnership between private investments and public investments, and that is what I would like to talk about today.

Mr. Speaker, most investment decisions in this economy are and should be made in the private sector by businessmen, by entrepreneurs and families. But governments can and do make decisions which determine the environment in which those private decisions are made. Government also makes investments collectively that cannot or are not being made individually in the areas ranging from basic research, to education, to transportation. And the document that reveals those national decisions more than any other is the Federal budget.

Mr. Speaker, from 1945 to 1981 America had a national consensus that certain public investments were crucial to the strength and stability and decency of our society. But in 1981 and 1982 that consensus was shattered. Crucial decisions were made that set us on the road to a massive transfer of income and wealth from almost all income groups in society to the very wealthiest among us. Those years also provided a massive increase in military spending. And at the same time they provided a massive and incredibly damaging disinvestment in some key building blocks of national strength and stability. Mr. Speaker, I am more proud of my opposition to those decisions in 1981 and 1982 than I am of any other actions I have ever taken in the 21 years I have served in this Congress.

What I do not think the public knows is that, if we pass President Bush's budget, we will be embarking upon another round of disinvestment that will threaten the economic strength of this country and the economic security of millions of American families.

My favorite philosopher is Archie the cockroach. Archie said once that "experience is the quality that enables you to recognize a mistake when you make it again." If we do not make major changes in the President's budget, in my view we will be repeating and continuing the very large mistakes that we made on investment policy over the last decade, and I would like to try to explain why.

To understand the investment threat in the President's budget, Mr. Speaker, it is first necessary to understand how much we have already disinvested. Let me compare where the budget puts taxpayers' dollars in 1980 with where it is putting those taxpayers' dollars today and where the President would put them tomorrow.

First let us look at the noninvestment portions of the budget. If we first take a look at spending for the elderly and disabled, if we take a look at the portion of the budget which goes for programs to support the elderly and the disabled, in 1980 we spent approximately 37 cents out of every taxpayer's dollar for programs like that. Even though we had a number of reductions in specific Social Security benefits in the 1980's, we are still spending somewhat more on those programs today because we have had a 20-percent increase in the size of the population over 65, and health care costs for the elderly have been doubled as with the cost of inflation as a whole in our economy.

Mr. Speaker, that means that the 37 cents of every dollar that we were providing for senior citizens in disabled programs in 1980 today has grown to not quite 39 cents on the dollar. For the nonelderly poor, we were providing about 7 cents out of every dollar in 1980; in plain language that is for welfare programs. Today we are providing roughly 6 cents out of every dollar instead of the 7 cents that we were providing out of every dollar in 1980.

For economic stabilization programs, such as unemployment compensation, such as the commodity credit program for agriculture, we were providing in 1980 about 5½ cents out of every dollar. Today we are providing about 5 cents on every dollar, so there has been a very small reduction.

The cost of general government, which means keeping the FBI running, keeping the Customs Department going, just the general day-to-day business of keeping government open, that has essentially dropped from about 4 cents out of every dollar in 1980 to about 2 cents out of every dollar today.

So that means so far, if we take a look at these portions of the budget, and I am not suggesting that programs in that category are not good programs, but they are not investment programs the noninvestment portion of the budget is spending about 52 cents out of every dollar today versus 53 cents in 1980, roughly the same.

But now the big changes. Interest, which accounted for not quite 9 cents out of every dollar in 1980 today accounts for almost 15 cents out of every budget dollar. That is an increase of about two-thirds over the decade, an increase of over 60 percent.

Now why have our interest costs grown so fast? Well, the No. 1 reason for that in my judgment is the huge cuts in tax revenue which were provided in the 1981 and 1982 tax package. Now the average family in this country did not feel those tax reductions because the lion's share of those tax reductions went to very high income people. In fact, when we factor in and account for inflation, and we factor in the increase in Social Security tax since that time, the fact is that only the richest 10 percent of families in this society have experienced a real tax reduction, only families making about $82,000 a year or more. The fact is that the Treasury has lost literally billions and billions of dollars, as Carl Sagan, the noted scientist, would say. They lost billions and billions of dollars because we have seen the income of the richest 1 percent of people in the society essentially double over that time, but we have not seen their tax payments keep up. So, that is the largest reason for the increase in interest payments that we have had between now and 1980.

The second has been that we have had a massive increase in military spending. Military spending was around 24 cents out of every dollar in 1980. Today it has grown to 27 cents on the dollar. It has grown now almost 15 percent. We have had a 50-percent increase in real dollar terms of military spending between 1980 and today. We are spending approximately $100 billion in real terms above what we were spending in 1980 for military expenditures.

However, Mr. Speaker, what I call the investment portion of the budget, what we invest in kids by the way of an education, what we invest in health research by way of research at NIH, what we invest in science, especially civilian scientists, what we invest in community infrastructure such as transportation, highways, roads, sewage treatment plants, the things necessary to make a community function; those investments have declined from not quite 17 cents on the dollar in 1980 to less than 9 cents today, roughly a 40-percent decline as a percentage of the Federal budget! Looked at in another way, in real dollar terms after inflation, military spending has increased by about 50 percent in this decade. In contrast, outlays for domestic investment have declined by about 30 percent in real dollar terms over the same period.

□ 1240

Now, if we compare the investment and the President's new budget with the investments being made in 1980 and adjust for inflation, what we see is that we have a $90 billion shortfall in the investment portion of the budget that would be needed in order to provide the same level of investment as a society that we were providing in 1980.

Let me give some specific examples. The President says he wants to be the education President, but this year he is presenting a status quo budget for education, and over the next 5 years the President's budget as a percentage of gross national income, the President's budget for education goes down another 25 percent, taking us down to a level 50 percent below the 1980 level.

In higher education, the President recommends reductions in the Guaranteed Student Loan Program, most of which to be fair to him are simply reductions in interest costs, but there are other reductions made in addition to that.

The President reduces Pell Grant purchasing power by 17 percent since 1987. Middle-income families continue to be squeezed out of Pell Grants which provide families with grant assistance to send their youngsters to school.

The President wants to eliminate the Federal contribution for the capital fund for the Perkins Loan Program. I think that is flat out wrong.

I remember the week that I went away to college, because that was the week that my father lost his job. I remember the uncertainty we felt at that time. I remember wondering whether or not I was going to be able to get any help at all from my father. That experience burned into me the belief that in this society young people are entitled to educational opportunity, or at least they ought to be, based on their determination, based on their intellectual ability to handle the course work, not based on how many dollars the old man has in his bank account. And yet we are today slowly but surely abandoning the obligation of the Federal Government to see to it that every young person in this country who has the talent and the determination to profit by higher education in fact has the opportunity to experience that higher education.

The Federal Government is continuing to walk away from its obligation to support elementary and secondary education, to the extent that today property taxes at the local level for education purposes are $9 billion higher than they would be if the Federal Government were meeting the same level of obligation to elementary and secondary education that we were in 1980.

I ask you, how do you produce the best educated kids in the world, which

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the President indicated he wanted to do, at the same time that we are substantially reducing the public investments that we are making in education?

The President claims that we are spending a whole lot of money on education, but the fact is that as a percentage of national income, if you take the 16 most industrialized societies in the world, we spend less than all but 14 of them, and that is a fact.

Now, if you turn to the environment and natural resources, the sewage treatment construction program in the President's budget is reduced 21 percent in real dollars terms.

Toxic waste cleanup, to the President's credit, goes up 9 percent, but that is clearly inadequate, given the need, and no further increases under the President's budget are planned for the next 4 years for that program.

Land acquisition funds, conservation and recreation funds, are down in real terms by 17 percent in the President's budget.

We have a 30-percent cut in the investments necessary to help our economy grow. For instance, real outlays for education have dropped by 11 percent in the President's budget. Costs have shifted back to the property tax and we see even further reductions that the President is planning in education budgets for the next 5 years.

Now, most of the slashes in these investment programs came in the early eighties. In job training and employment, for instance, we have a real reduction of about 70 percent in the funding for those programs. Most of these reduction came in the early eithties and we were slowly reducing the impact of those cuts over the past 3 years and in some areas we even tried to build back some tiny progress in meeting needs in those areas. But when the President produces his budget, we see that he has, in fact, resumed the reductions in domestic investments which President Reagan carried on with such a vengeance over the past decade.

Now, when he spoke to the country on his budget and when he spoke to the country on his State of the Union Message, the President seven times spoke of the need for new investments. In fact, the President's message accompanying his new budget said, "The budget's chief emphasis is on investments in the future," but if you make a close analysis of that budget, as I have indicated, in some areas so far he, in fact, continues reductions in real investments. In this portion of the budget, which has already been savaged, he reduces domestic investments by another 4 percent this year and by 1995 reduces them by another 11 percent. So as a percentage of national income, the domestic investment portion of our budget, which in 1980 was about 3½ percent of our total national income, by 1995 under the President's budget would take us down to 1.6 percent of total national income, more than a 50-percent reduction.

Now, it seems to me that is exactly the wrong way to go.

One area where the President does not disinvest is in space. He provides a very large investment to provide a safe habitat for people who will be living on a space station that circles the globe, at the very same time that we have seen disinvestments in housing of about 70 percent to provide a decent habitat for people here on Earth.

Or let us take the area of health care, for instance. In 7 of the last 8 years if you take a look at biomedical research, the Reagan administration and then the Bush administration asked for budgets which eroded the real purchasing power of biomedical research in the basic research area.

Between 1980 and 1990, defense research and development increased by about 98 percent. In the last 2 years, however, we have spent more on defense R&D than we spent in 100 years on biomedical research.

If you take a look at the President's budget for energy investment, we have already seen a 60-percent reduction in investments in energy since 1980, and the President's budget would take that down by another 20 percent over the next 5 years.

Energy conservation, which has been cut by 50 percent since 1980, would be cut by 85 percent below the 1980 levels if we followed the President's budget request for the next 5 years.

Solar and renewable energy, the investments are up somewhat, but they are still 80 percent below 1980 levels.

□ 1340

If we take a look at transportation, we will see that the President's budget is down 10 percent from last year in real terms for investment in transportation. He provides further cuts for the next 4 years, so that by 1995 we would be investing 22 percent below today's level and 30 percent below 1980 levels for transportation investment in areas such as highways and mass transit. As a percentage of GNP, we would be providing less than half the investment for transportation purposes that we provided in 1980.

Is it any wonder that the public today is unhappy with the condition of their highway and mass transit systems? I do not think so if we take a look at the budget trends which are continued by the President's budget this year. In fact, in the transportation area, net investments after we deduct for depreciation and wear and tear drop 20 percent in this year alone. Depending upon how we count a number of factors, we are between $3 billion and $6 billion short this year alone of meeting the investment level we would need just to stay even in the transportation area.

What are the consequences of this disinvestment, tax and deficit policy which we have seen the Presidents follow for the past 10 years? For wealthy families, we have seen a huge increase in after-tax benefits being provided to the wealthiest 1 percent of people in this country, but we have seen the Nation which protects us all, and we have seen the vast majority of working people, become considerably weaker in economic terms during the same period.

Over the last 12 years, for instance, college-educated families, high-income earners in our society, have held their own, but people with a high-school education, have seen their income decline in real-dollar terms by about 10 percent, and for high-school dropouts, we have seen their income decline from 1978 by about 20 percent in real-dollar terms.

That is not an accident. That is because this country is today much more active in world trading markets than we were 10 and 15 years ago. That means that when we have systematic disinvestment policies in this country, it is not the guy in the front office who is going to feel the economic brunt of those disinvestments as we become less and less able to compete in international markets. It is the guy out in the shop, it is the guy working in the front office at a middle-level job. Those are the people who are going to suffer economically over the next decade unless we begin to invest again in the things that make America strong.

We cannot afford to allow the younger generation to be the first generation in the 20th century to wind up being less well off than their parents, but that is what is going to happen if this systematic trend of disinvestment on the domestic side of the ledger is continued as President Bush's budget continues it.

The problem we face in changing what is being recommended by the President is that since 1946 no Congress has ever changed any President's budget by more than 2 percent. That means that unless we have a much more dramatic changing of budget priorities this year than we have had in virtually any year in the past 40, that means that we are going to continue to put the average working family in this country more and more at risk as we have systematic disinvestment in the things that give this country its growing power and its staying power.

The Soviet Union found out the hard way that they could not project military or political power over the world over a sustained period of time if they do not have the economic strength to sustain that. We have to learn that same lesson before it is too late. It seems to me that we are going to have a great deal of difficulty in making the kind of changes that are necessary to prevent this investment erosion in our own country unless the President himself understands the need to make those changes. Because, as I say, the ability of Congress, because of the power of the veto, is so limited. Anytime that an institution has been able to affect only about 2 percent of public expenditures over a 40-year period, we have to recognize that the capacity of the Congress to change these mistakes in policy is extremely limited. That is why we need a redoubled effort on the part of the House and Senate to change that policy and why we have to appeal to the White House to recognize what 12 years of systematic disinvestment will do to the average American working family.

I guess what bothers me the most is that I do not see that happening at the White House, because it seems to me that there is a more aggressive pursuit of popularity through public opinion polls than there is a pursuit of problems that must be attacked on a systematic basis if we are to reverse this disinvestment trend in our own country.

What I find ironic is that in Eastern Europe, at the very time that politics is ennobled by the action of leader after leader who has risked everything in order to do something great and important for their country, at that very same time, we seem to see politics trivialized here at home. We see it reduced to read-my-lips slogans rather than looking at the results and seeing what those results are going to mean to the average American working family.

It makes absolutely no sense, and it is a disservice to every working American, to provide a budget as the White House has done this year which, in the teeth of all of the changes in Eastern Europe and in the Soviet Union, asks us, for instance, to increase military spending by $5 billion and to increase military foreign aid by one-half of a billion dollars, and at the same time we are seeing these kinds of disinvestments here at home. That is simply not, in my judgment, the kind of budget policy which is going to meet the challenge of the 1990's and, indeed, the next century. Not just for the Nation as a whole, but for every single working family which has a right to expect that we will be making the kinds of investments, both public and private, which will give them an opportunity to affect their own lives in a way which produces a growing field of opportunity for their children.

That is really what is at stake. And I would hope in the coming weeks and months that the Congress will pay less attention to the propaganda coming out of the White House and its allies with respect to the kinder and gentler budget that has been provided and, instead, look at the numbers. Numbers can be very boring, but if we look at them honestly and accurately, they tell a story. They paint a picture, and they lay out a future for this society which will not be the kind of future that our society has a right to expect without substantial changes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Inhofe) to revise and extend their remarks and include extraneous material:)

Mr. Armey, for 30 minutes, today.

Mr. Burton of Indiana, for 60 minutes each day, on March 6 and 7.

Mr. Parris, for 5 minutes each day, on March 6 and 7.

Mr. Gingrich, for 60 minutes each day, on March 12, 13, 14, and 15.

(The following Members (at the request of Mr. Mazzoli) to revise and extend their remarks and include extraneous material:)

Mr. Glickman, for 5 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Annunzio, for 5 minutes today.

Mr. Obey, for 60 minutes today.

Mr. Gonzalez, for 60 minutes, today.

Mr. Obey, for 60 minutes, each day on March 6, 7, and 8.

Mr. Wise, for 60 minutes, each day on March 6, 7, and 8.

Mr. Gonzalez, for 60 minutes, on March 8.

Mr. Wolpe, for 60 minutes, on March 22.

Mr. Owens, of New York, for 60 minutes, each day on March 5, 6, 7, 8, 12, 13, 14, 15, and 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Inhofe) and to include extraneous matter:)

Mr. McDade in two instances.

Mr. Dannemeyer in two instances.

Mr. Lent.

Mr. Gradison.

Mr. Emerson in three instances.

(The following Members (at the request of Mr. Mazzoli) and to include extraneous matter:)

Mr. Roybal in 2 instances.

Mr. Kanjorski.

Mr. Torricelli.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mrs. Lloyd in five instances.

Mr. Hamilton in 10 instances.

Mr. de la Garza in 10 instances.

Mr. Vento.

Mr. Nelson of Florida.

Mr. Owens of New York.

Mr. Roe.

Mr. Stark in three instances.

Mr. Mazzoli in two instances.

SENATE JOINT RESOLUTIONS AND CONCURRENT RESOLUTION REFERRED

Joint resolutions and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 10. Joint resolution to designate the month of May 1990 as "National Foster Care Month"; to the Committee on Public Works and Transportation.

S.J. Res. 153. Joint resolution designating the third week in May 1990 as "National Tourism Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 223. Joint resolution to authorize and request the President to issue a proclamation designating May 1990 as "Neurofibromatosis Awareness Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 98. Concurrent resolution authorizing a public event with music for Earth Day 1990 on the United States Capitol Grounds; to the Committee on Public Works and Transportation.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 6, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2613. A letter from the Secretary of the Army, transmitting his determination that the family of medium tactical vehicles program has exceeded the program acquisition unit cost baseline by more than 25 percent, and that the Army tactical missile system has exceeded the current procurement unit cost baseline by more than 25 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

2614. A letter from the Under Secretary of Defense, transmitting a report on research, development, test and evaluation activities conducted under the Biological Defense Research Program [BDRP] during 1989; to the Committee on Armed Services.

2615. A letter from the Secretary of Housing and Urban Development, transmitting a report on activities concerning the prepayment of mortgages insured under the National Housing Act, pursuant to Public Law 101-242, section 232 (101 Stat. 1885); to the Committee on Banking, Finance and Urban Affairs.

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2616. A letter from the Secretary of State, transmitting a copy of Presidential Determination No. 90-12 regarding the certification of 19 major narcotics source and transit countries that have cooperated fully with the United States to control narcotics production; that certification of Lebanon is in the vital national interests of the United States; and that Afghanistan, Burma, Iran, and Syria do not meet the standards, pursuant 22 U.S.C. 2291-1; to the Committee on Foreign Affairs.

2617. A communication from the President of the United States, transmitting a report on international agreements transmitted to Congress after the deadline for their submission, with reasons, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

2618. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2619. A letter from the Assistant Secretary (Management), Department of the Treasury, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2620. A letter from the Acting Executive Secretary, Department of Defense, transmitting a report on activities under the Freedom of information Act during the calendar year 1989, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2621. A letter from the Administrator, Drug Enforcement Administration, transmitting notice of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(r); to the Committee on Government Operations.

2622. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2623. A letter from the Acting Director, Federal Emergency Management Agency, transmitting a report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2624. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report on activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2625. A letter from the Acting Chairman, Federal Maritime Commission, transmitting a report on activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2626. A letter from the Chairman, National Credit Union Administration, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2627. A letter from the Director of Legislative and Public Affairs, National Science Foundation, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2628. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2629. A letter from the Acting Vice President and General Counsel, Overseas Private Investment Corporation, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2630. A letter from the Acting President and Chief Executive Officer, Oversight Board—Resolution Trust Corporation, transmitting a report on activities under the Freedom of Information Act during 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2631. A letter from the Director, Peace Corps, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2632. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2633. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2634. A letter from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Interior and Insular Affairs.

2635. A letter from the Acting Comptroller General, General Accounting Office, transmitting a report and recommendations concerning the claim of Ms. Rebecca T. Zagraniski to be reimbursed full relocation expenses consistent with those benefits and entitlements provided for employees transferred in the interest of the Government, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

2636. A letter from the Secretaries of Defense and Veterans Affairs, Departments of Defense and Veterans Affairs, transmitting their joint report on the sharing of medical resources between the two agencies for fiscal year 1989, pursuant to 38 U.S.C. 5011(f); jointly, to the Committees on Armed Services and Veterans' Affairs.

2637. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1991 and 1992, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Interior and Insular Affairs and Science, Space, and Technology.

2638. A letter from the Acting Assistant Attorney General for Legislative Affairs, transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1991, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1109. A bill to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System; with an amendment (Rept. 101-411). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1159. A bill to amend the National Trails System Act to designate the Juan Bautista de Anza National Historic Trail, and for other purposes; with an amendment (Rept. 101-412). Referred to the Committee of the Whole House of the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

[Omitted from the Record of Mar. 1, 1990]

By Mr. SCHUMER:

H.R. 4165. A bill to amend the Immigration and Nationality Act with respect to employment-sponsored and independent immigration, and for other purposes; to the Committee on the Judiciary.

[Submitted Mar. 5, 1990]

By Mr. FORD of Michigan (by request):

H.R. 4174. A bill to establish a comprehensive personnel system for employees of the Administrative Office of the U.S. Court, and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. PARRIS:

H.R. 4175. A bill to recognize the organization known as the Korean War Veterans Association, Inc.; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4176. A bill to amend the Internal Revenue Code of 1986 to include Federal irrigation subsidies in gross income; to the Committee on Ways and Means.

By Mr. STARK (for himself and Mr. Downey):

H.R. 4177. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on sulfur dioxide and nitrogen oxide emissions from utility plants; to the Committee on Ways and Means.

By Mr. BONIOR (for himself and Mr. Lewis of California):

H.J. Res. 498. Joint resolution designating April 1990 as "Actors' Fund of America Appreciation Month"; to the Committee on Post Office and Civil Service.

By Mr. EMERSON (for himself, Mr. Skelton, Mr. Fuster, Mr. Horton, Mr. Traxler, Mr. Carper, Mr. Towns, Mr. Hansen, Mr. Bustamante, Mr. Jontz, Mr. Weber, Mrs.

Boxer, Mr. Faleomavaega, Mr. McNulty, Mr. Walsh, and Mr. Wilson):

H.J. Res. 499. Joint resolution designating April 15 through 21, 1990, as "National Young Writers Week"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL (for himself and Mr. Gephardt):

H.J. Res. 500. Joint resolution to designate April 6, 1990, as "Education Day, U.S.A."; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON (for himself, Mr. Hammerschmidt, Mr. Oberstar, and Mr. Clinger):

H. Con. Res. 280. Concurrent resolution to urge the President and the U.S. Trade Representative not to propose or support the inclusion of civil air transport services under the General Agreement on Trade in Services that is being negotiated under the auspices of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

By Mr. ANNUNZIO:

H. Con. Res. 281. Concurrent resolution calling for the reaffirmation of the present border between Germany and Poland as part of the process leading to the reunification of Germany; to the Committee on Foreign Affairs.

By Mr. WOLPE (for himself, Mrs. Morella, Mr. Payne of New Jersey, Mr. Houghton, Mr. Dymally, and Mr. Fauntroy):

H. Con. Res. 282. Concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

319. By the SPEAKER: Memorial of the Legislature of the State of Colorado, relative to health care; to the Committee on Energy and Commerce.

320. Also, memorial of the 20th Legislature of Guam, relative to self-determination; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 725: Mr. Machtley.

H.R. 930: Mr. Nagle and Mr. Courter.

H.R. 1620: Mr. Hughes.

H.R. 3037: Mr. Studds and Mr. Eckart.

H.R. 3088: Mr. Emerson.

H.R. 3155: Mr. Engel.

H.R. 3267: Mr. Murtha and Mr. Conte.

H.R. 3319: Mr. Markey.

H.R. 3475: Mr. Porter.

H.R. 3735: Mr. Annunzio, Mr. Rangel, and Mr. Oberstar.

H.R. 3758: Mr. Boehlert and Mr. Towns.

H.R. 3818: Mr. McDermott.

H.R. 3859: Mr. Faleomavaega.

H.R. 3880: Mr. Alexander, Mr. Clinger, Mr. Applegate, Mr. Panetta, and Mr. Yates.

H.R. 3885: Mr. Schiff, Ms. Long, Ms. Kaptur, Mr. Bonior, and Mr. Bunning.

H.R. 3934: Mr. Owens of New York.

H.R. 3949: Mr. Holloway and Mr. Neal of North Carolina.

H.R. 3978: Mr. Mineta, Mr. Smith of Florida, Mr. Traxler, Mr. Kanjorski, Mr. Savage, Mr. Levine of California, Mr. Pease, Mr. Conte, Mr. Shays, Mr. Atkins, Mr. McDermott, Mrs. Lowey of New York, Mr. Pallone, Mr. Payne of New Jersey, Mr. Walgren, Mr. Studds, and Mr. Kostmayer.

H.R. 3979: Mr. Rahall, Mr. Hughes, and Mr. Quillen.

H.R. 3980: Mr. Goss, Mr. Derrick, Mr. Fauntroy, Mr. Gordon, Mrs. Patterson, Mr. Bliley, and Mr. Smith of New Hampshire.

H.R. 4036: Mr. Walsh.

H.R. 4043: Mr. Courter, Mr. Conte, and Mr. Fauntroy.

H.R. 4048: Mr. Kanjorski, Mr. Dwyer of New Jersey, Mr. Scheuer, Mrs. Boxer, Mr. Bates, Mr. Wheat, Mr. Wolpe, Mr. Stark, Mr. Walgren, and Mr. Morrison of Connecticut.

H.R. 4080: Mr. Owens of New York.

H.J. Res. 236: Ms. Oakar, Mr. Green, Mr. Ackerman, Mr. Bosco, Mrs. Roukema, Mr. Dornan of California, Mr. Pallone, Mr. Evans, Mrs. Morella, Mr. Hawkins, Mr. Mineta, Ms. Pelosi, Mr. Dwyer of New Jersey, Mr. Savage, Mr. Miller of Washington, Mr. Grant, Mr. McMillan of North Carolina, Mr. Carr, Mr. Traficant, Mr. AuCoin, Mr. Bilirakis, Mr. Bilbray, Mr. Skelton, Mr. Lancaster, Mr. Towns, Mr. Thomas A. Luken, Mr. Schulze, Mr. Jenkins, Mr. Dymally, Mr. Lightfoot, Mr. Frost, Mr. Gingrich, Mr. Bonior, Mr. Stark, Mr. Bates, Mrs. Martin of Illinois, Mr. Torres, Mr. Michel, Mr. Roberts, Mr. Gejdenson, Mr. Bevill, Mr. Wyden, and Mr. McDermott.

H.J. Res. 441: Mr. Neal of Massachusetts, Mr. Callahan, Ms. Long, Mr. Geren of Texas, Mr. Gilman, Mr. Thomas A. Luken, Mr. Parris, Mr. Hutto, Mr. Jenkins, Mr. Foglietta, Mr. Smith of New Jersey, Mr. Lewis of Florida, Mrs. Boxer, Mr. Russo, Mr. Livingston, Mr. McCollum, Mr. Murphy, Mr. Owens of New York, Mr. Sarpalius, Mr. Burton of Indiana, Mr. Skeen, Mr. Savage, Mr. Erdreich, Mr. Clement, Mr. Miller of California, Mr. Fish, Mr. Pallone, Mr. Tauzin, Mr. Traficant, Mr. Weber, Mr. Bevill, Mr. Flake, Mr. DeLay, Mr. Smith of New Hampshire, Mr. Wyden, Mr. Clarke, Mr. Borski, Mr. Tauke, Mr. Yatron, Mr. Lewis of California, Mr. Anderson, Mr. Conyers, Mr. Shumway, Mr. Spence, Mr. Bates, Mr. Downey, Mr. Tanner, Mr. Anthony, Mr. Darden, Mr. Olin, and Mr. de Lugo.

H.J. Res. 464: Mr. Bartlett, Mr. Buechner, Mr. Geren, Mr. Machtley, Mr. Price, Mr. Robert F. Smith, and Mr. Weber.

H. Con. Res. 108: Ms. Ros-Lehtinen and Mrs. Morella.

H. Con. Res. 273: Mr. Neal of Massachusetts, Mr. Frank, Mr. Miller of California, Mr. Gejdenson, Mr. Borski, and Mr. Weiss.

H. Con. Res. 279: Mr. Traficant, Mr. Neal of Massachusetts, Ms. Pelosi, Mr. McNulty, Mrs. Collins, Mr. Mfume, and Mr. Machtley.

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SENATE—*Monday, March 5, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 2 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. BYRD].

The **PRESIDENT** pro tempore. The Senate will come to order. As we reverence our God and our Creator, the Senate will be led in prayer by the Senate Chaplain, Dr. Richard C. Halverson.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh.—Genesis 2:24.

God of Creation, thank Thee for this record of the first wedding when You ordained the first woman and the first man to be one flesh. Help us to remember that marriage is Your idea, not the invention of a clever sociologist who thought it would be a good way to organize human nature. And help us to realize that next to our relationship with Thee, relationship to our spouse is most important.

Father in Heaven, how much evil in our society is due to failure in marriage? What is the awful price paid in crime, alcoholism, drug abuse, vandalism, sexual promiscuity, child abuse, suicide? How much destruction is the direct result of failure to prioritize the marriage covenant? Help us to understand that no success, however great, compensates for failures as husbands and wives, fathers and mothers. Give us wisdom to make time for spouse and children, remembering that we are not Senators when home; we are husbands and wives, fathers and mothers.

We pray this in the name of Jesus who performed His first miracle at a wedding reception. Amen.

RECOGNITION OF THE MAJORITY LEADER

The **PRESIDENT** pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The **PRESIDENT** pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. **MITCHELL**. Mr. President, following the time for the two leaders today, there will be a period for morning business not to extend beyond 3 p.m., with Senators permitted to speak therein for up to 5 minutes each. It is my intention momentarily to seek unanimous consent to proceed to the nomination of Clarence Thomas to be a U.S. circuit judge for the District of Columbia Circuit at 2:30 p.m. And, if, as I expect, that consent will be given, we would be on that nomination for up to 2 hours of debate. Upon the completion of that debate the vote will be scheduled for tomorrow, Tuesday, at 12:15 p.m. We will then, this afternoon, proceed to consideration of the Clean Air Act, on which I expect we will remain throughout the week.

There will be no rollcall votes today. However, tomorrow I expect rollcall votes to occur and Senators should be prepared for lengthy sessions throughout the week, including votes into and during the evenings on all days of this week on the clean air bill.

At 11 on Wednesday morning, Prime Minister Andreotti of Italy will address a joint meeting of Congress, to which all Senators are invited and encouraged to attend.

UNANIMOUS-CONSENT AGREEMENT

Mr. **MITCHELL**. Mr. President, as in executive session I now ask unanimous consent that at 2:30 p.m. today, Monday, March 5, the Senate turn to consideration of the nomination of Clarence Thomas of Virginia, to be a U.S. circuit judge for the District of Columbia Circuit, that there be 2 hours of debate equally divided between the chairman and ranking member of the Judiciary Committee or their designees, that at the conclusion or yielding back of time, without any intervening action, the Senate return to legislative session.

I further ask unanimous consent that the vote on the nomination occur on Tuesday, March 6, at 12:15 p.m., that following the conclusion of the vote the motion to reconsider be tabled, the President be immediately notified, and the Senate return to legislative session and stand in recess until 2:15 p.m.

The **PRESIDENT** pro tempore. Is there objection? The Chair hears none. That will be the order of the Senate.

RESERVATION OF LEADERS' TIME

Mr. **MITCHELL**. Mr. President, I reserve the remainder of my leader time and I yield to the Republican leader.

The **PRESIDENT** pro tempore. Without objection, the remaining time of the majority leader is reserved.

The Republican leader is recognized.

Mr. **DOLE**. Mr. President, I reserve my time.

MORNING BUSINESS

The **PRESIDENT** pro tempore. Under the order there will now be a period for morning business to extend to the hour to 2:30 p.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. **MITCHELL**. Mr. President, I suggest the absence of a quorum.

The **PRESIDENT** pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **DIXON**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDENT** pro tempore. Without objection, it is so ordered. The Senator from Illinois [Mr. DIXON] is recognized for not to exceed 5 minutes.

CAMPAIGN FINANCE REFORM

Mr. **DIXON**. I thank the Chair. Mr. President, I rise today to express my sincere hope that this Congress will soon act on campaign finance reform legislation with bipartisan support. The drastically escalating cost of elections demonstrates that our campaign financing laws are in shambles and need substantial improvement.

We have come to the point where entirely too much money is being spent on political campaigns, and it is clearly time that we set limits on what candidates can spend for congressional office. Such soaring costs have forced Members of Congress to devote an enormous amount of time and attention to fundraising activities. I believe it is safe to say that our constituents would rather we spend our time on public business.

In the 1988 election cycle, the average amount spent to win a Senate seat was $3,745,455. This means that a successful Senate candidate must raise more than $12,500 every week for 6 years. Given that the bulk of campaign fundraising may occur in the

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last 2 years of a Senator's term, a successful candidate would have to raise more than $36,000 every week for those 2 years. Such intense campaign fundraising time obviously leaves that much less time for vital matters of concern to our constituents.

Mr. President since coming to the Senate in 1981, I have been a consistent advocate of campaign reform, and several times I have introduced my own legislation to deal with this problem. In prior public service, I was among the first statewide elected officials in Illinois to make available information regarding amounts and sources of my campaign contributions, and I also made available all personal income and net worth.

I am, therefore, proud to be a cosponsor of S. 137, the Senatorial Election Campaign Act. Senator BOREN and the distinguished majority leader have presented a bill that I believe is both responsible and equitable.

I congratulate the occupant of the Chair who, as the previous majority leader, contributed a great deal of his time and effort in attempting to pass this very worthwhile legislation.

One area of campaign finance reform that consistently evokes controversy has been the question of public financing. I can understand how there might be some reluctance on the part of some of my colleagues to support public financing. I think we all realize, however, that unless we retain some sort of public financing, as a triggering device, we cannot answer the first amendment concerns raised by the 1976 Supreme Court ruling in Buckley versus Valeo. Under the Court's ruling, Congress could not consistently impose spending limits unless they were adopted voluntarily; for example, as a condition for receiving public financing.

Under S. 137, there will be no public financing as long as both candidates accept modest campaign expenditure limitations. The only way public financing would come into play is if one candidate chooses not to be bound by these limitations. Therefore, only the most limited type of public financing is involved here as a means of complying with the Supreme Court ruling.

I believe that a substantial majority in the Senate, Mr. President, supports some kind of reasonable limitation on campaign expenditures. Yet we continue to hear opposition to the idea on the grounds that it is difficult for a challenger to beat an incumbent without outspending him. In response to that, let me point out a few facts about the two election cycles in the last 10 years that saw control of the Senate change hands:

In 1980, there were nine incumbents defeated. Of those nine, seven outspent their successful challengers during the campaign.

In 1986, 9 of the 34 Senators elected were outspent by the candidates they defeated. Of those nine, six were up against incumbents who outspent them during the campaign by as much as 2 to 1.

These election results and campaign spending statistics clearly demonstrate, regardless of allegations to the contrary, that reform of campaign finance laws is not a veiled effort to create an "incumbent protection society."

Another concern addressed by S. 137 is the ever-present issue of soft money—those contributions falling outside of Federal limitations, yet directly impacting Federal elections. S. 137 calls for disclosure of national and State party building funds, and requires that those funds must be raised and spent through regulated Federal accounts. The same requirements will also apply to political committees active in non-Federal elections, but engaging in activities that influence Federal elections.

In addition, bundled contributions from lobbyists and political parties would count toward both the intermediary's contribution limit as well as the original contributor's limit.

The enormous amounts of money flowing into campaign coffers through PAC's, special interests, and such questionable practices as soft money contributions cannot help but leave the impression that influence is being purchased.

Our elections must be a contest of ideas, ideas determined in the political marketplace and not in the financial marketplace. The only effective way to curb the rising cost of political campaigns is to impose a spending limit on the amount of money well-financed candidates can raise and spend, thus giving underfinanced candidates the chance to compete.

Let me say as forcefully as I can, Mr. President, that spending limits alone do not make a good bill, but spending limits are the essential foundation for any reform package we put together. To call a bill without spending limits reform is a joke.

Mr. President, S. 137 has evolved from several years of debate in connection with campaign finance reform. I implore my colleagues to support this measure so that we may begin as early as possible to influence the minds, and campaign treasuries, of candidates for Federal office. Our fellow citizens will be satisfied with nothing less.

The PRESIDENT pro tempore. The Senator from Connecticut [Mr. LIEBERMAN] is recognized for not to exceed 5 minutes.

Mr. LIEBERMAN. I thank the Chair.

ENVIRONMENTAL DEFENSE FUND REPORT ON CHILDHOOD LEAD POISONING

Today the Environmental Defense Fund has released a report which tells the story of a terrible epidemic harming millions of American children. This is not a new epidemic. It is one we have been warned of for years. The reality is that as a nation we have failed to take the concerted action necessary to deal with it. We have not protected our children from the lead that is quite literally harming and hurting them.

The Federal Government estimates that 3 to 4 million children in America who have dangerously elevated lead levels. We now know that even moderately elevated lead levels in children lead to dramatic increases in school dropout rates and reading disabilities, and to impairment of concentration, short-term memory, and reaction time. There is no cure for lead poisoning; we must prevent it before it occurs.

This country now faces two lead poisoning challenges. We must care for those children who have already been poisoned by lead, providing them with the special education and attention they may need; and we must prevent any further poisoning of our children by ensuring that the homes they live in, the yards they play in, the water they drink, and the air they breathe are safe.

I first became aware of the risks lead posed to children and adults, in whom it can cause hypertension and pregnancy complications, as attorney general of Connecticut. In that position I joined a petition to the FDA urging that warning labels be placed on all lead-soldered cans, and undertook an education campaign to warn the citizens of Connecticut not to refrigerate food in open cans because this speeds the migration of the lead into the food. One of the most disturbing things I discovered as attorney general was that lead paint was being sold in Connecticut stores for home use 10 years after lead had been banned from household paint. Some of the paint, sold in salvage stores, was produced before the ban. Other paint, manufactured with lead for industrial use, was being sold as household paint to unsuspecting consumers.

We sued the paint manufacturers and the retailers, and we launched a full scale effort to locate and remove the lead from those homes painted with the illegally sold paint. But that case is only the tip of the iceberg. All across America children are growing up in homes painted with lead paint, and before they even enter school their ability to learn has been significantly damaged.

As reported by EDF today, in a number of urban areas over 50 percent of the children have lead levels that can damage their health. In my own State of Connecticut, two cities, New Haven and Bridgeport, have 50 percent or more children with potentially damaging levels of lead in their sys-

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tems. In six other cities, including Hartford, Stamford, and Norwalk, more than 40 percent of the children between the ages of 6 months and 5 years may have unacceptable lead levels.

It is my hope that the recent medical study showing the long-term harm caused by lead poisoning and the release of the Environmental Defense Fund report which quantifies the epidemic among American children will mark the beginning of a new national commitment to prevent lead poisoning now and forever.

This Thursday, March 8, 1990, the Toxic Substances, Oversight, Research and Development Subcommittee of the Environment and Public Works Committee, of which I am a member, will be holding a hearing on lead poisoning in American children. Senator HARRY REID, of Nevada, will chair this important hearing. We will be reviewing the medical data, surveying the sources of lead poisoning, examining the efforts of the Federal Government to protect children, and discussing the development for an aggressive, effective Federal approach to this problem. I look forward to this opportunity to address this critical issue.

The PRESIDENT pro tempore. The Senator from Nevada [Mr. REID] is recognized for not to exceed 5 minutes.

CAMPAIGN FINANCE REFORM

Mr. REID. Mr. President, governments all over the world are changing, East Germany, Romania, Czechoslovakia, even the Soviet Union, and in most cases not through war or any type of armed struggle but through the force of reason and through the ballot box.

Most recently, Mr. President, we saw a great change in Central America. The Sandinistas were defeated in a free and open election. True, there has been a great deal of armed struggle in Nicaragua over the years, but it was not until regional leaders negotiated peacefully and an election was held that things really changed and changed dramatically. Mrs. Chamorro gave the credit to the Nicaraguan people, and that is where it belongs. After achieving the first truly democratic election in that country's history, she said, "We have shown the world an example of civic duty, demonstrating that we Nicaraguans want to live in democracy, want to live in peace and, above all, we want to live in liberty."

Mr. President, we owe a great deal to the observation groups that helped influence the freedom and fairness of the elections in Nicaragua, and all the observers say that the person who was most influential was President Jimmy Carter. His presence, everyone said, no matter which political party, no matter which country, made an enormous difference.

One of the members of President Carter's group was a former Governor of Nevada, Mike O'Callaghan. Upon returning to the United States, Governor O'Callaghan had breakfast with me, Senator BRYAN, and Congressman BILBRAY. Governor O'Callaghan described to us some of what he saw. He was assigned to cover the North Atlantic region of the country of Nicaragua along with Congressman BEN JONES of Georgia. He told us of seeing, for example, 170 Miskito Indians lined up to wait to vote, another 400 people lined up in a place called Wasba, some of whom had paddled their boats and walked for more than a day to reach that polling place so they could stand in line to vote. In a column that he writes for the Las Vegas Sun newspaper, he described it in these words:

> I have experienced many elections in my life, but never have I seen the enthusiasm demonstrated by the people of Nicaragua. They showed me an election day that I'll never forget. The Nicaraguans overcame almost impossible odds to let the world smell the fragrance of a free and fair election.

We all owe a great deal of gratitude to the Jimmy Carters and Mike O'Callaghans of the world for their selfless dedication to the democratic ideal. I am happy to see the spirit of American democracy infusing the governments of the world. But I am equally happy to see that the practice of the American electoral process is not.

We have a process here—as the Senator from Illinois spoke of—in the United States where elections are won in many instances by the highest bidder—whoever can raise the most money. People are elected to the U.S. Senate because they have more money than the other person, a system that we here in Washington have refused to do anything about.

When the person who is now chairing the Senate was majority leader, all records were broken for attempting to invoke cloture on a piece of legislation. As I recall it, it was seven or eight times that cloture was attempted and failed because we as a Senate could not agree that it was the time for campaign reform.

It is time for reform. The system is no different now than it was last year. In fact, it has gotten worse.

Mr. President, it is no wonder so few people in this country who are eligible to vote simply do not participate in the process. In Nicaragua, over 80 percent of those eligible to vote voted—not only registered but of those who were eligible over 80 percent voted. I think that is something that we should look to.

EXTENSION OF MORNING BUSINESS

Mr. REID. But part of the reason they do not vote—Mr. President, I ask unanimous consent that I be given an extra 3 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Without objection, the time for morning business will be extended accordingly.

The Senator is recognized for 3 additional minutes.

Mr. REID. Mr. President, when is the last time in this country that we saw 400 Americans lined up at a polling place? People simply do not participate because they think it is futile. They do not care because the guy with the most money is going to win anyway. Why should they get involved?

The Nicaraguans, as an example, are enthusiastic because they have never had a true democracy, and they have never had a say. But we in America cannot say that. We take our democracy, our freedom, our liberty for granted. We should not.

I do not want to blame the American public for this apathy. We here, as Members of the U.S. Congress, both Members of this body and the other body, bear the responsibility just as much as the people down on Pennsylvania Avenue in the White House. It is up to us, it is up to this Congress; it is up to us to do something about campaign reform.

Let us stop bickering over inserting commas and crossing t's; over which party has advantage. Let us reform the election process. Let us get to the real business of the Nation. Not only do we owe it to our constituents, but we owe it to the world as a model of democratic ideal.

There are many campaign reform proposals in the Rules Committee. Shortly, we will be able, I hope, to debate them here on the floor of the Senate. I urge all my colleagues to participate in this important debate, but most of all I urge them to join with me in passing a campaign reform bill, and to pass it this year.

I yield the floor, Mr. President.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,815th day that Terry Anderson has been held in captivity in Beirut.

I should also point out that promising news continues to come out of the Near East. Over the weekend, Syrian Foreign Minister Farouk Charaa and Iranian diplomat Mahmoud Hashemi reportedly met in Damascus to discuss prospects for freeing the 18 hostages being held in Lebanon.

I ask unanimous consent that the Washington Post article highlighting the report of the meeting be reprinted in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 5, 1990]

Iranian, Syrian Officials Meet on Hostages

Damascus, Syria, March 4.—A senior Iranian envoy met today with Syria's foreign minister and discussed efforts to free Western hostages held in Lebanon, an informed source said.

The Syrian source, who refused to be identified further, said the meeting between Iranian diplomat Mahmoud Hashemi and Syrian Foreign Minister Farouk Charaa "appears to be to coordinate efforts between the governments of Syria and Iran to gain the release of all the hostages" held by pro-Iranian Shiite Moslem militants in Lebanon.

Syria, Iran's main Arab ally, has been instrumental in helping release Western hostages in the past. It has 40,000 troops deployed in much of Lebanon.

The source said that Hashemi, the brother of Iranian President Ali Akbar Hashemi Rafsanjani, delivered "a very cordial message" to Charaa from Iranian Foreign Minister Ali Akbar Velayati, including an invitation for him to visit Tehran to meet with Rafsanjani and Iran's spiritual leader, Ayatollah Ali Khamenei.

The source said Hashemi arrived here after a visit to Beirut, where he met with senior Shiite Moslem figures on the hostage issue.

"Nobody can be precise about how long the process will take. There appears to be a genuine desire by the Iranian president to end this ordeal. But there are still difficulties," the source said.

Most of the 18 hostages in Lebanon, who include eight Americans, are believed held by Shiite Moslem groups loyal to Iran.

THERE'S ONLY ONE ALAN OTTEN

Mr. MOYNIHAN. Mr. President, on Friday, March 2, Alan Otten retired from the Wall Street Journal. This is no occasion for regret. He is not leaving us stranded, bereft of his wisdom, deprived of his guidance, he is only just easing up a bit. Al Hunt, Washington bureau chief of the Journal, gets it just right in an article that appeared in the Journal on Friday. This is an occasion to celebrate extraordinary professional achievement and a not less exemplary life. I ask unanimous consent that the Journal article may be printed in the Record, that history might know of the Senate's regard for this man of rare understanding and forgiveness, virtues of which we have had great need which he has showered upon us with selfless amplitude.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 2, 1990]

On His Retirement, Still Faster, Tougher, Smarter

(By Albert R. Hunt)

More than two decades ago, as a young Wall Street Journal reporter covering the broadcasting and pulp-and-paper industry, I was offered a job by a top editor at the Philadelphia Bulletin.

"What do you want to do eventually?" he asked, somehow sensing that I didn't view the pulp-and-paper beat as my crowning achievement. I said I wanted to cover politics in Washington.

"Well you can't do that at The Wall Street Journal," he shot back. "There's only one Alan Otten."

Indeed, for two generations Alan L. Otten has been synonymous with this newspaper and excellence in covering politics and, more recently, some of the vexing ethical dilemmas facing our society. Today, after more than 43 years with the Journal, he's retiring—sort of. To anyone who cares about this paper or American politics, the Otten legacy is awesome.

He's one of a few dozen extraordinary journalists who shaped the postwar Journal, changing it from a parochial paper with 60,000 subscribers into one of the premier papers of the world with a circulation of close to two million.

Alan Otten's slice was politics and governance; from the early '50s to the early '80s it was difficult to find an important congressional staffer, state legislator or local party chairman who didn't know and respect him. "He was the model of the political reporter who went beyond the superficial." recalls former colleague Robert Novak, now a syndicated columnist. "Alan Otten made The Wall Street Journal a serious paper for political coverage."

Other reporters also were heavily influenced. "Alan was may mentor," recalls the Washington Post's David Broder, now the dean of political reporters. "More than anybody else, he taught me how to do the job."

He has the best political instincts of any reporter I've ever known. My first Ohio political story was during the Republicans' 1974 Watergate nightmare, and the incumbent Democratic governor, John Gilligan, was heavily favored to defeat former GOP governor Jim Rhodes. But before I left for Ohio. Alan mapped out a route that Gov. Gilligan soon would travel to defeat. My coverage followed it perfectly, and I claimed all the credit when Jim Rhodes won an upset victory in November.

His grasp of policy was equally powerful. Recalls columnist Philp Geyelin, a former colleague: "He'd take the federal budget, tear it apart, find out what mattered and give the story to the relevant reporter. I covered foreign affairs, and he would hand me my story every year."

As a bureau chief, he was tough and demanding; he also was compassionate and magnanimous. Bob Novak remembers how Alan Otten, his senior colleague, gave him major assignments in the 1960 campaign. "He was enormously generous in a business where that wasn't commonplace."

To be sure, even Alan Otten has flaws. On May 3, 1960, he co-authored a piece boldly declaring that "anti-Catholic sentiment" likely would defeat John F. Kennedy in the crucial West Virginia primary, perhaps siphoning off as much as 60% of the Mountaineer State vote; a week later Kennedy won West Virginia with 60%.

He has personal foibles too. In 1978 he almost turned down the coveted assignment of London bureau chief because it would take him out of the presidency of Washington's Gridiron Club. He's perpetually grumpy; once, when he went several days without complaining about anything, his daughter and I worried he was ill.

Grumpy or not, he always has been a man of total integrity who brings a splendid sense of skepticism to reporting but who never falls into unearned cynicism; he truly cherishes institutions, whether this newspaper or American politics.

He also embodies the best of old-fashioned values; a day without the Ottens worrying about their kids—even as they reach their 30s and 40s—is unusual. Unlike some of us, he rejected the glitter of telvision as too superficial for his interests.

Whether covering Congress, the White House or national politics, Alan had this uncanny ability to discover the best and brightest, even in obscure positions. David Broder remembers going to dinner at the Ottens almost 30 years ago and meeting a fascinating young assistant secretary of labor. That was Daniel Patrick Moynihan.

This penchant was as apparent in his Politics and People column—which graced these pages from 1966 until he took over in London—as at his dinner table. In November 1971, less than a year after a relatively obscure former quarterback named Jack Kemp came to Congress, Alan Otten spotted him as one of the "clear comers" in the House. Likewise, his presence on issues ranging from abortion to crime to career couples has been striking.

And he's a man of enormous maturity. Upon returning from his stint in London in 1983, he decided he needed a new challenge, other than politics. So for the past seven years he has written about big ideas—bioethics and demographics and the like. His insights and perspective were never more in evidence—as is his series of penetrating pieces in 1985, for instance, on thorny bioethical issues, such as conflicts between women's rights and fetal rights, "living wills" and organ transplants.

But no story that year was more touching or profound than the account of his own semi-comatose mother. This man, who cares so passionately about family, described her pitiful existence in a nursing home and forcefully questioned a system that considers it more humane to keep people alive, in those circumstances, than to let them die.

Alan Otten had one extraordinary asset to guide him during these four decades: He married above himself. Jane Otten, a first-class journalist and author, has most of his strengths and none of his shortcomings.

So today one of the Journal's most distinguished reporters officially retires. But fortunately he'll still be around, writing his thoughtful People Patterns column every four weeks and coming to the bureau at least once a month to practice a favorite pastime: telling me how we're screwing up. That's good news for all of us. For that Philadelphia Bulletin editor was right: There is only one Alan Otten.

EULOGY FOR WARREN DEMIAN MANSHEL

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that my eulogy for Warren Demian Manshel, on February 28, 1990, be printed in the Record.

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There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY FOR WARREN DEMIAN MANSHEL

(By Daniel Patrick Moynihan)

It is common observation that free societies depend upon and derive their strength from a singular class of persons who lead neither wholly public nor yet wholly private lives, but rather combine in judicious measure elements of both. A common observation, but not a common sight. And rare indeed in the measure of harmony and symmytry to which Warren Manshel attained in his singularly accomplished public and private career.

Although I cannot be sure he would wholly approve, I am confident he would indulge his old friend here in a brief Ciceronian aside. A passage from *De Finibus:*

Iucundi acti labores. How pleasant is work accomplished. Pleasant then in the 45th year before the Christian era, pleasant in the not less demanding years toward the close of the second millenium.

I speak of pleasant things, yes. Warren Manshel's life was filled with hard tasks, often in hideous times. Born a Jew in soon-to-be Nazi Germany, life for him was problematic from the first, but in the most trying or demanding of circumstance he embraced life as a gift, as well as a responsibility.

His life alternated between the most public of tasks—an American soldier, an American Ambassador—and the most private of roles, husband and father and friend. In between, if you like, there was his life as scholar and financier, and most especially as creator of institutions. It is to these latter tasks accomplished that I would especially refer.

Just a quarter century ago this spring, Warren, as publisher, presided over the first meeting of the Publication Committee of a new journal entitled, naturally, as it now seems, *The Public Interest.* No such enterprise had ever been attempted, much less successfully. At the moment of a somewhat unexamined triumphalism in the liberal spectrum of American politics, the task of *The Public Interest* would be to examine both the tenets and the proposals of the time from the perspective of contemporary social science and traditional social and political values. A prodigious task calmly undertaken and wondrously performed. Five years later, in 1970, with Samuel P. Huntington he founded the journal, *Foreign Policy*, yet another institution which has helped define our age and which he left in flourishing vitality.

All this needs to be said by others, for it is the plain fact that Warren would never say such things for himself. For he was not simply self-effacing. He could contrive almost to be invisible. Helping, guiding, often indeed directing, but scarcely to be perceived, such was the lightness of his touch, *and* the sureness thereof. He enriched all who knew him, and countless others who only knew his name. He enriched the Republic, which is all he ever asked, and for which we shall be ever mindful and grateful.

PANAMA AND EL SALVADOR

Mr. LEAHY. Mr. President, from February 2-5, I visited Panama and El Salvador in my capacity as chairman of the Foreign Operations Subcommittee. My purpose was to discuss Panama's foreign assistance needs and to find out where matters stood in El Salvador concerning the investigation of the six Jesuit priests and their housekeepers. I ask unanimous consent to include in the RECORD at this point the report on my trip which I submitted to the distinguished chairman of the Appropriations Committee.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, February 28, 1990.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations.

DEAR BOB: From February 2-5, I visited Panama and El Salvador to discuss issues of interest to the Appropriations Committee. This trip was to help prepare for committee consideration of a supplemental appropriations request from the President for Panama. In addition, I fully expect U.S. assistance to El Salvador will be a major issue once again on the supplemental or the fiscal 1991 Foreign Operations Appropriation.

My visit was a timely one. Immediately upon my return, I held hearings in the Foreign Operations Subcommittee on the status of the Salvadoran investigation of the horrendous murder of the Jesuit priests and their housekeepers. This case will be central to the issue of assistance to El Salvador. Moreover, I anticipate that the Foreign Operations Subcommittee will soon schedule hearings on the Panama Supplemental, and the information gained in my discussions with President Guillermo Endara, Vice President Ford and Vice President Arias will be valuable as we consider assistance levels to Panama.

I have attached a report on my discussions for the use of other Members of the Committee. I also intend to place this report in the Record for the information of all senators.

With best regards.

Sincerely,

PATRICK LEAHY,
Chairman,
Foreign Operations Subcommittee.

PANAMA AND EL SALVADOR TRIP REPORT, SENATOR PATRICK LEAHY, CHAIRMAN, FOREIGN OPERATIONS SUBCOMMITTEE, APPROPRIATIONS COMMITTEE

INTRODUCTION

From February 2 to February 5, I visited Panama and El Salvador to discuss with host country and U.S. officials issues related to U.S. military and economic assistance. On this visit, I was supported by Foreign Operations subcommittee staffers Eric Newson and James Bond, subcommittee staff director and minority staffer, respectively.

As I departed, the Administration was drafting legislation for emergency short term assistance of more than half a billion dollars for Panama, as well as a Supplemental Appropriations request to provide an additional $500 million in direct assistance to Panama over a longer term. In addition, legislation had been introduced or was in preparation relating to U.S. military and other forms of aid to El Salvador. The Foreign Operations subcommittee will be directly involved in all this legislation affecting aid levels to Panama and El Salvador.

I wish to thank Mr. Newsom and Mr. Bond, as well as the many Panamanian, Salvadoran and U.S. military, diplomatic and aid officials, who contributed so much to making my visit productive and useful as the subcommittee prepares to address these major foreign aid issues.

Panama

In Panama, I was privileged to meet President Guillermo Endara and Vice Presidents Ricardo Arias Calderon and Guillermo Ford, as well as numerous Panamanian economic and security officials. In addition, I had several valuable meetings with Ambassador Deane Hinton and senior members of his staff. As well, I had important discussions with General Maxwell Thurman and his top advisers on the immediate security situation and the longer term role of the U.S. military in helping to create a civilian-controlled Panamanian security force.

President Endara and his administration clearly are enjoying a honeymoon of high popularity and great expectations after the years of the Noriega dictatorship. I witnessed moving scenes of popular support for President Endara when we attended church together on Sunday morning, as well as demonstrations of strong approval of the U.S. military action to remove General Noriega. What concerned me is how long this widespread support for President Endara and approval of the U.S. action will last if expectations for rapid material improvement in people's lives and the quick dismantling of the Noriega regime are not satisfied.

While I was in Panama President Endara strongly welcomed President Bush's announcement that American forces would return to the pre-invasion level before the end of February. He and his advisers expected this move would ease their problems of legitimacy and recognition by some Latin American governments.

THE ECONOMIC AND FOREIGN ASSISTANCE NEEDS

On the economic side, the new Government is giving top priority to reducing widespread unemployment (estimated at more than 25% in the urban areas), restarting commercial and business activity disrupted by looting and destruction on the fall of the Noriega regime, restoring the banking system, and instilling sufficient confidence in the economy that Panamanian capital which had fled would begin to return.

I was told that estimates of losses due to looting had been scaled back drastically. Business losses from looting may be as low as $500-$600 million, and insurance claims are more on the order of $250 million. Panamanian leaders assured me they did not intend to ask the United States Government to pay for rebuilding businesses that had been hurt by looting. They intend to set up a line of credit from Panamanian banks for loans to small and medium sized business. Panama will not expect the United States to shoulder this burden.

On unemployment, the Panamanian leaders seek a grant of $200 million from the United States for a public works program to soak up temporarily about 20,000 unemployed in the major cities. The government is deeply worried about the political consequences of failing quickly to provide jobs to these people, for the most part the poorest elements in the cities. Also, the government believes that creation of demand through this jobs program will stimulate the quick recovery of the retail and commercial sector.

The Endara government believes the banking system is already recovering well. It seems less concerned than the United States about reducing secrecy in the Panamanian banking system, which many believe was so conducive to drug money laundering. Instead, Panama's leaders argue that what is needed is better rules to prevent the misuse of secrecy. This may turn out to be a bone of contention with the United States.

In my view, the Committee should not move on the Panama Supplemental until it has received a report from the Administration on the Panamanian banking system and the money laundering problem. That report, mandated by the legislation containing the emergency aid authorization for Panama passed early in February, is due April 15. The Committee should carefully review that report to satisfy itself that adequate steps are being taken to clean up the Panamanian banking system, which was so thoroughly corrupted by drug money.

A central part of the Government's recovery program is to clear arrears to the multilateral development banks (MDBs), now totaling some $540 million. Unless action is taken before this summer, these arrears will exceed $600 million. Elimination of these arrears is supposed to open the way for major new lending by the World Bank, the Inter-American Development Bank and the IMF. Panama needs far more outside assistance than the United States can or is likely to provide, and the MDBs are seen as the only possible source of aid on this scale. To get access to new lending, the Government has asked the United States to lead in forming a "Support Group" of donor countries, including Japan, to help in pay off these arrears.

Under this plan, the United States would be asked to contribute about $130 million in cash. In addition, the U.S. Treasury would make a "bridge loan" of $150 million to help repay the World Bank arrears, which would be repaid. Panama would raise $130 million from its own resources, primarily from assets of the Noriega regime frozen by the United States under sanctions. Japan would contribute the remainder. However, some Panamanian leaders, evidently expecting that it could take some time to get the Support Group set up, would like to use its $130 million right now to meet urgent needs. The problem is that once Panama commits this money to other uses, it is probably going to have difficulty raising it again. It might have to turn to the United States to help make up the difference. I expressed the opinion that there would concern in Congress about the American taxpayer paying off Panama's debts to the World Bank, and this concern would be even greater if Panama itself were unable to pay anything.

Unfortunately, according to information given to me, clearing the MDB arrears of $540 million and keeping current on some $265 million in new payments owed this year may not actually open the door to much net new capital for at least a year and possibly even two years. I believe that only $350–$400 million or less in MDB loans will be available for 1990 once the arrears are cleared, and probably not much more than that for 1991. This means Panama and its friends, primarily the United States, will pay over $800 million in 1990 alone, so that Panama can receive less than half that in new loans. Payments to MDBs in 1991 will also probably significantly exceed new loans.

It is open to question whether, at least in the near term, the MDBs are going to be able to help Panama on the lavish scale which some Panamanians and American officials seem to believe. The Administration is allowing the impression to develop that clearing the MDB arrears will stimulate massive inflows of new assistance. This is contributing to unrealistic assumptions among some Panamanians about the levels of aid their country is likely to receive over the next two years. I am concerned that such impressions feed the already inflated expectations by the Panamanian people of rapid material improvement. There is a real danger of disillusionment with the Endara government and a sharp political reaction if these expectations are deflated abruptly when aid is not forthcoming on a scale being unwisely promised.

When I asked why the US should appropriate $130 million or more to help Panama pay its arrear to the MDBs while at the same time waiving payment of Panama's arrears to us, I was told it would send the "wrong signal" to other potential contributors to the Support Group for us to ask for payment to ourselves. The argument seems to go that somehow, for Panama to catch up on its back payments to the United States is harmful, while it is vital for us to pay part of Panama's debts to the international financial institutions so it can borrow more. This was not a logic I found convincing.

Whatever may happen through the Support Group to deal with the problem of MDB arrears, external debt will remain a massive problem for Panama. Total government debt exceeds $6 billion, of which over 80% is external. According to some economists I met, it would take about 15% of Panama's national income just to stay current in debt payments regardless of what is done about arrearages. Panama is not capable of meeting these payments, and will clearly seek a Paris Club rescheduling of official debt, including debt to the United States Government, as part of its overall debt management strategy.

I told Panamanian leaders that while Congress would want to provide significant help, I doubted that Panama would receive the full $500 million requested in the Supplemental, on top of the $530 million in direct and indirect assistance Congress was expected to approve shortly after my return. Many, including me, would question whether a nation of less than 3 million people could effectively absorb over $1 billion in assistance in the short time frame planned by Panama's leaders and the Bush Administration. I noted that the Supplemental request alone is nearly equal to the entire US development aid program for black Africa, with over 500 million people. There is also a need to set priorities. I pointed out that there are many demands on limited US foreign aid resources, including the need to help in Eastern Europe. I suggested Panama should be prepared for the possibility that they might receive less than $500 million the President was expected to request in a Supplemental Appropriation.

Panamanian leaders agreed that ultimately, only private enterprise could contribute the level of money needed to revive the Panamanian economy, but they insisted they needed large scale external assistance to bridge the period until private investment and expatriated capital began to flow into the country.

President Endara and Vice President Ford both argued strongly that the United States should negotiate a Free Trade Treaty with Panama. Panama does not want to become a permanent ward of the United States, and trade and private investment are the tools for a sustainable Panamanian economy.

One welcome promise both Panamanian leaders and US officials made was that US aid would be limited to a two to three year period. The Embassy is not planning to establish a traditional AID mission, and efforts are being made to prevent the entrenchment of a large, project-oriented assistance program. This is encouraging. Still, because I sensed an overly rosy view in Panama about how quickly things could be turned around, I retain a certain skepticism that Panama will avoid becoming a long term aid recipient.

I came away with a number of vivid impressions about Panama's leaders and their plans for the economy. First, President Endara and Vice President Ford, the two main shapers of economic policy, are committed to rebuilding a vibrant, free enterprise economy free from dependence on drug money and ultimately not dependent on aid from the United States. They are astonishingly courageous, and they represent the present best hope of their country for real democracy. They need and deserve our strong support.

Nevertheless, as noted earlier I could not escape the impression that the political leadership in Panama has too optimistic a picture of what is going to happen over the next two years in their economy. Rapid recovery from the depredations of Noriega and his cronies is certainly possible. A kind of hothouse economic growth over the next year is very likely. Yet, there are profound structural problems in the Panamanian economy that will not yield to quick infusions of money. Major, long term reforms requiring difficult and politically risky decisions are necessary. The underlying fiscal crisis of Panama arises from an enormous debt, a heavily service-oriented economy producing few goods for export, widespread and deeply rooted unemployment and underemployment, uncertain Canal revenues, and an unhealthy dependence on spending by United States military and other official personnel.

These are problems which a few hundred million dollars of aid from the United States and some new loans from the MDBs are not going to cure in a couple of years. Panama's leadership needs to give hope to its people, but it also needs to be honest and realistic. Otherwise, the vast expectations which now pervade the country will turn into disillusionment, anger and opposition.

THE PANAMA PUBLIC FORCE AND THE SECURITY SITUATION

Vice President Ricardo Arias Calderon is in charge of security policy, under the overall leadership of President Endara. The central task Vice President Arias faces is the formation of a new Panamanian Public Force (PPF) to replace the Noriega Panamanian Defense Force (PDF).

The new Panamanian leadership was faced with two options to provide for public order in the wake of the collapse of the PDF:

To build a new public security force entirely with new personnel; or

To constitute the new force largely with ex-members of the old PDF.

In full recognition that it was taking a calculated risk, but believing that it really had no choice, Panama's leaders decided to use former PDF personnel in the new security force. To dismiss all PDF members would have thrown 16,000 trained (and in many cases, armed) military men on the streets. The government was—and still is—concerned about the threat of banditry or urban guerrilla activity by elements of the ex-PDF, aided and abetted by remnants of the Dignity Battalions. In addition, a decision against using members of the old PDF

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would have required a longer US military presence to provide order in Panama while a totally new force was recruited, trained and equipped.

The decision to scrap the PDF as a military force was made during the US military action. In its place, Panama has decided to create a civilian-controlled police force—or, more accurately, a police force, customs service, an immigration service, an air transport service and a coast guard. All these functions were controlled by the PDF under Noriega. About 13,000 former PDF members have been incorporated into the PDF. Screening of these men is underway. Those found to have been close to Noriega, to have any involvement with torture or murder, or involvement in gross corruption, including drugs, will be removed. Only 3 of 17 PDF lieutenant colonels and half the PDF majors have been retained. All other senior PDF officers have been dismissed. Eventually, the PPF will number about 10,000 men uniformed as police and equipped with sidearms.

The PPF will be funded out of the central government budget under the control of the Comptroller General. In contrast to the PDF, the PPF will have no financial autonomy.

The US military action revealed that the so-called "Dignity Battalions," the Noriega-created paramilitary units, were better armed and better trained than originally believed. Elements of these units are still at large in Panama. Over 20,000 AK-47 assault rifles have been found in caches throughout the country. The government believes there may be thousands more weapons still outside government control. To be able to cope with any threat from these elements, or from organized crime or terrorists, the Government is considering equipping and training two or three special units of between 100-150 men with infantry weapons as a kind of "SWAT" team.

I am concerned about the decision to form the PPF almost entirely of ex-PDF members. This means the PPF, the only armed force in the country, will be constituted of military men, all having been exposed to the mentality and practices of the PDF under General Noriega and his predecessors. Many will resent, overtly or covertly, what they may see as a lowering of their status from soldiers running the country to police under civilian direction. Putting these men into police uniforms and giving them some police training is not going to erase the PDF mentality in many of them. The PPF could remain as a focus of potential opposition to democracy and civilian control, especially if the "Dignity Battalion" attempt to oppose the new government. The US and Panama's democratic leaders make a dangerous mistake if they believe the danger of a new "man on horseback" is gone from Panama. Moreover, even if it does not become a source of political instability, PPF may continue to abuse human rights and to engage in corruption.

El Salvador

The day before I left the United States for Panama, I had a lengthy meeting in Washington with President Adolfo Cristiani, and I also met Ambassador William Walker. In El Salvador, I met Colonel Rene Emilio Ponce, chief of staff of the Armed Forces, Colonel Manuel Rivas, head of the Special Investigative Unit, US Charge, Jeffras Dieterich, Colonel Milton Megivar, head of the US Military Group, and other members of the US Embassy. The focus of all these discussions was the investigation into the murders of the six Jesuit priests and the two housekeepers the morning of January 16.

President Cristiani assured me he intends to carry the investigation of the Jesuit murders any place it may lead. He also assured me he intends to subject to Salvadoran courts anyone against whom sufficient evidence exists.

There is no doubt that in arresting a Salvadoran Army Colonel, three lieutenants and five enlisted men from the elite Atlacatl Battalion, President Cristiani has taken a highly significant step toward making the Salvadoran security forces responsible for acts committed by its members. President Cristiani has shown courage in taking the investigation as far as he has.

The difficulty with President Cristiani's assurances, important as they are, is that no serious observer of political realities in El Salvador believes the President is fully in control of the military forces. Furthermore, the Salvadoran judicial system is notoriously weak and its members, understandably, frightened of the consequences of proceeding vigorously against members of the Armed Forces for any human rights abuses, especially a colonel who is a member of the *tandona*, the 1966 military academy class that presently dominates the Salvadoran military forces.

While President Cristiani deserves the support of the United States in his effort to bring the murderers of the Jesuits to justice, to reduce the power of the *tandona*, to reform the Salvadoran military, and to subject it to genuine civilian control, there is unfortunately strong reason to doubt that he will be successful in any of his objectives. I am convinced that the reason the Army tolerates President Cristiani's efforts, and has acquiesced in the arrest and detention of officers and enlisted men for the Jesuit murders is because it fears Congress will cut military aid. There is no doubt in my mind that it is pressure from Congress that has enabled President Cristiani to come as far as he has. Any relaxation of that pressure will immediately undermine his authority, strengthen the dominance of the *tandona*, and confirm the human rights abusers in the security forces that they can resume activities as usual.

The army leadership firmly denies that the murder of the Jesuits in any way indicts the armed forces as an institution. Army leaders see no need to subject themselves to further investigation or examination respecting this case. As far as the army is concerned, it will support President Cristiani and the civilian authorities in carrying out the investigation and trial of those accused.

I asked about reports I had received concerning a meeting of the High Command the night of November 15, during which, it is alleged, there was discussion of taking "actions" against the FMLN support structure in San Salvador during the FMLN offensive then underway. It was confirmed that a meeting of the High Command had indeed taken place that night, and that decisions were made to use bombing inside the city, artillery and tanks against the FMLN, even though it was recognized this would cause civilian casualties. It was categorically denied that there was any discussion of the killing of the Jesuits. Colonel Benavides was present at this meeting.

Shortly after this meeting at the High Command, Colonel Benavides, it is alleged, gave orders to the lieutenants to take a unit from the Atlacatl Battalion and go to the University of Central America and kill the Jesuits. I was informed that the lieutenants had confessed that Colonel Benavides had given them the order to kill the Jesuits, though he denies giving such an order in his own statements to investigators. Neither Colonel Benavides nor the lieutentants have been subjected to polygraph tests on these statements.

I asked what efforts had been made to investigate what transpired at the November 15 meeting of the High Command, which many believe to be the key to understanding whether Colonel Benavides was explicitly or implicitly ordered to kill the Jesuits. The response from all those I asked was, essentially, that nothing is being done. I was informed that no basis existed to interrogate those present at this meeting (in essence, the entire High Command of the Salvadoran Armed Forces), nor to subject them to polygraph examinations.

The position of the Salvadoran army is that the case is in the hands of the judicial authorities, and the army has no further responsibility to ensure that justice is done. Army leaders categorically deny any involvement of the High Command or of any officers above Colonel Benavides. I was informed that the first time the chief of staff of the Armed Forces learned of the possible involvement of Colonel Benavides was on January 2, when Colonel Milton Mengivar confronted Colonel Ponce with this information. Colonel Mengivar received information from a Major Buckland of his staff in the US Military Group, that he had been told that Colonel Benavides had admitted he was responsible for the Jesuit murders and that he believed Colonel Ponce knew this. Major Buckland said that he received this information from a friend, Colonel Aviles, of the Salvadoran Army, who had received it from a Colonel Lopez y Lopez, who was helping the SIU with the investigation. Colonel Lopez y Lopez, in turn, had received it from Colonel Rivas, chief of the Special Investigations Unit, who was told it directly by Colonel Benavides. I was informed that Major Buckland had received this information at least two weeks before he relayed it to Colonel Mengivar, that is, in mid-December.

Colonel Rivas denies that he was told by Colonel Benavides that he was responsible for the Jesuits muders, and insists that this is a fabrication. Colonel Aviles also denied that he had made any such statement to Major Buckland. I was informed that both Colonel Aviles and Major Buckland had been subjected to polygraph tests on this question. The results indicated that Colonel Aviles's denial was false. The test on Major Buckland was inconclusive.

This sequence of events suggests to me that knowledge of the involvement of Colonel Benavides was probably known to several Salvadoran Army officers and at least one American Army officer two weeks before Colonel Ponce states that he became aware of it. Such widespread knowledge of Colonel Benavides' involvement makes it extremely difficult to believe that other senior officers were not aware of the information. Yet, no investigative action was taken against Colonel Benavides until an American officer, Colonel Mengivar, confronted Colonel Ponce and other senior Salvadoran officers with the information, in writing. Obviously, this raises serious questions about whether the Salvadoran Army leadership, or the SIU itself, intended to subject Colonel Benavides to the investigation until his involvement became known directly to the American Embassy.

However, the Special Investigative Unit has no evidence of an attempted coverup by the Salvadoran military, and believes there was no other involvement beyond those now being detained.

The statements of the two lieutenants is considered sufficient evidence under Salvadoran law to detain Colonel Benavides, but not sufficient to take him to trial. The testimony of codefendants against each other is not admissible under Salvadoran law. Without other evidence, Salvadoran lawyers believe, Colonel Benavides cannot be tried for the Jesuit muerders, though the confessions of the lieutenants and the other accused, as well as ballistics and other physical evidence, is sufficient to try them for the murders. This raises the very real possibility that, unless other evidence is developed, Colonel Benavides may not even be tried, while the other defendants may be tried and perhaps convicted.

HONORING THE SISSETON, SD, OTTO QUANDE RENVILLE AMERICAN LEGION POST 50; AND THE ELK POINT, SD, BERT L. SMITH AMERICAN LEGION POST 134

Mr. PRESSLER. Mr. President, I recently received letters from Shirley Cameron of Sisseton, SD, and Doris Jean Hanson of Elk Point, SD, describing some of the activities conducted by their local American Legion Post and auxiliary units. The extensive community involvement by the members of the American Legion and auxiliary throughout South Dakota and the Nation is evident from the examples cited in these letters. These activities range from sponsoring government days in the local high schools, to providing medical equipment and care for shut-ins, and the more familiar Memorial Day and Veterans Day activities. The members of the American Legion and auxiliary deserve our heartfelt gratitude for their daily contributions to the betterment of our local communities. I ask unanimous consent that these two letters be printed in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SISSETON, SD.

Hon. LARRY PRESSLER,
Senate Office Building,
Washington, DC.

DEAR SENATOR PRESSLER: We of the Otto Quande Renville Unit #50, American Legion Auxiliary of Sisseton, South Dakota feel that a tribute to the American Legion Auxiliary, helpmates of the American Legion, who valiantly served their country during the wars and are still serving in so many ways; greatest being youth, elderly and aged, being made known. A large percentage of local help for the above named people is provided by the American Legion Auxiliary locally. Let us enumerate several activities of our unit, one member of the largest women's organization of its kind in the world, as follows:

1. For 50 years American Flags have been provided to elementary school children upon their learning the Pledge of Allegiance to the Flag, which has been a happy accomplishment for them, and planting the seed of respect for our flag for the future. Flags are also presented to Boy and Girl scouts to use in parades and other special events.

2. Our American Legion sponsors and finances a fine baseball team; the auxiliary helps by selling lunches at legion sponsored activities during the winter months as well as to the ball teams when needed.

3. An annual Government Day is sponsored by the American Legion in the spring, when students from surrounding towns gather in Sisseton and tour the Roberts County Courthouse, learning the duties of the officers, then electing officers for the various offices and, after lunch served by the auxiliary, taking a try at conducting the business of the office.

4. A loan closet is provided by the ALA and kept in the Roberts County Courthouse to provide wheel chairs, hospitals beds, walkers and various needs of the crippled at no cost to these needing the equipment.

5. The American Heritage and Firing Line are presented to the Sisseton Library each year. We also subscribe to the National Legislative Bulletin.

6. Each month during the winter the American Legion and the Auxiliary together conduct a fun Bingo party for the residents of the Tekakwitha Nursing Home and prizes of 25¢ provided by the American Legion. The ALA also remembers the resident on Valentine's with a simple gift, as Kleenex or a piece of fruit.

7. Education Week is recognized with a party for teachers or a surprise delivered to them at school, such as apples or some goody.

8. The Junior American Legion Auxiliary assists with Poppy Day and often makes favors for holidays to be used at the nursing home. Also they participate in Christmas caroling.

9. We contribute to the U.S.O.

10. Our unit has sent its quota of girls to Girl's State since its beginning, often with a girl qualifying for Journalism City. In 1988 our girl, Wendy Glynn, was Governor and went to Girl's Nation.

11. We have made donations to Freedoms Foundation near Valley Forge, Pennsylvania and sponsor an essay contest for interested 12th grade high school girls on selected topics, showing leadership qualities. In 1988 our local winner was selected to go to Valley Forge. She was Wendy Flynn of Sisseton High School. This year 1990, Missy Mackner won the contest and will be going to Valley Forge. Most unusual for one unit to win twice in such a short time, which is a real compliment to our school and the enthusiasm of the American Legion Auxiliary for the encouragement given to the girls.

12. For many years, probably 50, the American Legion Auxiliary has served a Washington Tea to the public for the purpose of raising money for financing the above mentioned activities and many other unexpected and regular expenses. The city and surrounding rural areas and towns attend in large numbers as they enjoy the food and fellowship and to show their appreciation of what we contribute to the community.

We just want the world to know that the veterans organizations and their auxiliaries love our country, our flag and our people and want to make the United States of America a better place for all.

Sincerely yours,
SHIRLEY CAMERON,
Otto Quande Renville Unit #50, American Legion Auxiliary.

(By Legislative Chairman, Unit President, Esther Carl).

ELK POINT, SD,
February 23, 1990.

DEAR SENATOR PRESSLER: Bert L. Smith #134, American Legion and Auxiliary of Elk Point, SD held an annual Government Day for the government classes of the county's four high schools (Jefferson, Alcester, Beresford, and Elk Point) the second Tuesday of February. Country officials presented their duties and responsibilities to the morning assembly. The Auxiliary served a noon lunch to about 200 students and adults. The local attorneys directed a "mock trial" during the afternoon session. This hands on experience builds a foundation for understanding our government.

At the February 12, 1990 meeting of Bert L. Smith #134, American Legion and Auxiliary of Elk Point, SD, Colonel Dennis Swanstrom Commander of the 185th Technical Fighters Group of the Iowa National Guard of Sioux City, Iowa presented Civil Preparedness, National Defense, and Disaster Planning information. Education and action combine to make our Unit and Post strong.

Bert L. Smith #134 American Legion and Auxiliary of Elk Point, SD prepared, decorated, and delivered 35 Christmas plates to the Elk Point and Jefferson elderly veterans, wives, and other shut-ins. The visits, caring, fruits, and cookies all warmed the hearts of the givers as well as the receivers of this seasonal generosity.

DORIS JEAN HANSON,
Auxiliary Historian.

TRIBUTE TO JAMES FLEMING GORDON

Mr. FORD. Mr. President, I rise today to pay tribute to James Fleming Gordon, a good friend from the heartland of western Kentucky who died on February 9 of this year.

To stand up here and imply that Jim Gordon's claim to fame was based solely on my friendship with him would do a great disservice to a great man. As a Federal judge appointed to the bench by President Lyndon B. Johnson in 1965, Jim is best remembered for his influential role in shaping the desegregation policies of the Jefferson County public school system.

Many of you may recall the tremendous uproar that ensued in 1975 when Louisville first began busing its students. This action generated enormous resistance, school boycotts, and violent demonstrations. But through it all, Judge Gordon received praise from leaders of civil rights groups and members of the Jefferson County Board of Education for the confidence and evenhandedness that he displayed during what could well be considered one of the Louisville area's most tempestuous periods, and his plan for desegregating the Jefferson County schools became a model for other systems to follow.

Jim came from a family rooted in Kentucky politics and in the law. His father was a circuit judge; his mother, one of the first women to be admitted to the Kentucky bar. And an uncle served in both the U.S. House and Senate. Jim, however, never sought an elective office himself although he was seriously considered as a candidate for Lieutenant Governor in 1963 and for the U.S. Senate in 1968. To Jim, the law came first, and it is through the law that he felt he could best serve others.

It is with great sadness that we say goodbye to Jim. His presence will be missed, but we will always have fond memories of his quick wit and sharp style. And his contributions to building a more harmonious, racially integrated society will be long remembered.

ON THE VACANCIES ON THE SOCIAL SECURITY BOARD OF TRUSTEES

Mr. MOYNIHAN. Mr. President, last Wednesday, by a 79 to 19 vote, the Senate adopted a sense-of-the-Senate amendment by the chairman of the Budget Committee, Senator SASSER, stipulating that savings from the defense budget would be used first to balance the Federal budget without: "resorting to the use of the Social Security surpluses, in order to stop the ongoing "thievery" and "embezzlement" from the Social Security trust funds.

In the 55-year history of the Social Security trust funds, no such statement by the Senate has ever been made. The very thought has never, until recently, even existed.

It now does. Only last week a Buffalo News editorial spoke of the "phony bookkeeping that makes the thievery so easy."

From the first, of course, the trust funds have had trustees. These moneys are held in trust. As President Roosevelt stated in 1941, the trust funds were designed "so as to give the contributors a legal, moral and political right to collect their pension benefits." The original trustees were all Government officials serving ex officio. In the Social Security Amendments of 1983, however, having in mind the huge build up in the trust funds that was to come, Congress provided for two additional public trustees. That is to say persons from private life. In the bipartisan manner of Social Security legislation, one trustee was to be a Democrat, one a Republican.

In September 1984, President Reagan nominated two such trustees, and they were promptly confirmed by the Senate.

At about this time, however, a most disturbing development took place. In September and October 1984, and again in September, October and November of 1985, the Treasury Department cashed in Social Security trust fund bonds—before their date of maturity—in order to lower the total amount of outstanding Federal debt, which in turn enabled it to sell Treasury bonds to the public and obtain needed cash.

This unprecedented action came about because the debt ceiling had been reached, and Congress, more specifically the Senate, had not acted in a timely fashion to raise the ceiling.

In the circumstances, the Secretary of the Treasury probably had no choice.

However, these actions were taken without informing Congress, and so far as can be determined, without informing the public trustees.

The public trustees, however, made no protest.

On March 31, 1986 the annual report of the board of trustees of the Federal old-age and survivors insurance and disability insurance trust funds was sent to the Speaker of the House of Representatives and President of the Senate. Deep inside there was this paragraph:

> The securities held by the OASI and DI Trust Funds are included in the Federal debt that is subject to a statutory limit on the total amount outstanding. In September 1985, the amount of outstanding Federal debt reached the applicable limit before legislation to raise the limit was enacted into law. Normal investment procedures therefore could not be followed in that month. As a result, $6,041 million in 10.375-percent bonds were redeemed in September 1985 so that benefits could be paid on time. Legislation enacted after September 1985 permitted the restoration of these bonds, as well as bonds redeemed after September due to continuation of the debt-limit problem.

This statement, at minimum, was incomplete. At one point $28 billion in bonds had been disinvested—as the jargon had it.

In these circumstances, this Senator lost confidence in the Democratic trustee. When, in September 1988, President Reagan proposed that the incumbent trustees be reappointed, no action was taken by the Senate. President Reagan thereupon made recess appointments, and renewed his request for full-term appointments in January 1989.

On June 13, 1989, Senator BENTSEN, as chairman of the Committee on Finance, and I, as chairman of the Subcommittee on Social Security and Family Policy, wrote President Bush recommending that he nominate Dr. Alicia Munnell, the senior vice president and director of research of the Federal Reserve Bank of Boston, and an expert on Social Security.

President Reagan's recess appointments, of course, expired at the end of the last session, on November 22, 1989. Since that time, we have had no members of the public serving on the Social Security Board of Trustees.

Mr. President, the statutory duty of the Board of Trustees is to hold the trust funds. But perhaps their most important specific task is to submit to the Congress an annual report on the status of the trust funds. Under the Social Security Act, the annual trustees report is to be submitted no later than April 1. It is now March 5. Obviously, the report is being prepared without the input and oversight of public trustees.

We might wonder why, Mr. President, especially those who heard Alan Greenspan, Chairman of the Federal Reserve, say to the Senate Finance Committee on February 27 that the Social Security trust funds are being squandered. Squandered because we have been using Social Security funds to finance the general expenses of Government, rather than saving the funds as we were supposed to do.

I ask, are there no public trustees because public trustees might go public?

The present situation is wholly unacceptable. I urge President Bush to respond directly to our recommendation of Dr. Munnell. Surely the wishes of the Democratic Senators ought to be heard on such a matter. Just as surely, Dr. Munnell is superbly qualified for the post.

Silence is equally unacceptable. We are prepared to discuss Dr. Munnell's nomination, or any alternative. But surely the administration must sense the anomoly of its position. A sense of the Senate resolution referring to thievery and embezzlement of the trust funds requires a response.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Under the order, morning business is closed.

EXECUTIVE SESSION

The PRESIDENT pro tempore. Also under the order, the Senate will proceed to the executive session, and to Calendar Order No. 603 on the Executive Calendar, which the clerk will report.

THE JUDICIARY

The legislative clerk read the nomination of Clarence Thomas, of Virgina, to be U.S. circuit judge for the District of Columbia Circuit.

The PRESIDENT pro tempore. Under the order, there will be 2 hours of debate, the time to be equally divided and controlled between the chairman and the ranking member of the Judiciary Committee or their designees.

The vote on the nomination will occur on tomorrow at the hour of 12:15 p.m.

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Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from South Carolina raises the point of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERREY. Mr. President, I ask unanimous consent to be able to proceed as in morning business for a period not to exceed 4 minutes, with no time charged to either side.

The PRESIDENT pro tempore. Is there objection? Hearing none, the Senator will be permitted to speak for not to exceed 4 minutes out of order and as in morning business.

SAVINGS AND LOAN BAILOUT LEGISLATION

Mr. KERREY. Mr. President, I rise again to speak about President Bush's No. 1 new spending priority: America's savings and loan institutions.

Ten days ago I introduced legislation designed to improve the decisionmaking and the public accountability of the Resolution Trust Corporation. I spoke about the hands-off approach the President has taken toward this effort since we gave him $167 billion of taxpayers' money and new regulatory powers to clean up this problem.

The response from the Treasury Department's Assistant Secretary for Public Affairs and Public Liaison, Roger Bolton, should be instructive to my colleagues who have looked at this problem. Mr. Bolton disputed my charge that the administration is not moving fast enough in filling key jobs. Mr. Bolton said:

> The administration is taking this issue and the need to make the appointments very, very seriously. We are moving as quickly as humanly possible.

Mr. President, their best is not good enough. Let me list again those positions which are not filled: President of the Oversight Board, two independent members of the RTC Oversight Board, one member of the FDIC Board, head of the Office of Thrift Supervision, and other minor positions mandated by the S&L bailout legislation.

Decisions are not being made. Good policy analysis is not occurring. Tax dollars are being wasted by the tens of millions. Sound financial institutions suffer while the weak ones are being supported.

Mr. President, this is not the first time that Treasury has dismissed as nonserious a problem which turned out to be deserving of attention. The U.S. League of Savings Institutions raised a question about the legality of decisions being made by an Acting Director of the Office of Thrift Supervision. Further, the American Heritage Bank Corp. has filed a lawsuit against the U.S. Government contending that such an appointment was unconstitutional since it was tantamount to the Congress taking over the Presidential appointment process. They claim the new capital regulations and other actions that Mr. Wall has taken since passage of the legislation last summer was void.

Now, upon closer examination, the Treasury is taking the lawsuit seriously. This is a wise move since a successful suit could void what Mr. Wall and his successor have done.

The changes I am recommending, Mr. President, begin with the assumption that we need better accountability and decisionmaking than we can possibly get under the current structure. Mr. Bolton and others at the Treasury Department may consider this as a threat to their authority. They should. I maintain they have enough to do without being in charge of the disposition of $400 billion worth of assets.

I must also call my colleagues attention to the remarks made by another who regards this legislation as unnecessary. A Banking Committee staff member—who asked to remain anonymous when talking about a Member of the Senate—said it is doubtful that the committee would schedule a hearing on my bill this year. This staffer—whose anonymity was a benefit to him and not me—said:

> We think the legislation that passed last year is working very well. We don't agree with Senator Kerrey.

I strongly disagree with this staffer's assessment. The legislation is not working well.

Mr. President, the delays in making decisions are costing our taxpayers millions of dollars. The lack of accountability is makint it difficult for Americans to trust that violators of the law are being brought to justice. The surrender of policy to unaccountable individuals is making it impossible for us to serve our people well. I urge the Banking Committee to look closely at my bill and other suggested changes in the bailout plan so that we can move quickly to make the needed changes.

I ask unanimous consent to have printed in the RECORD a copy of an article from the March 4 Omaha World Herald which discusses my bill and the response to it in greater detail.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR KERREY MOUNTS CAMPAIGN TO REVAMP S&L BAILOUT LAW

(By David C. Beeder)

WASHINGTON.—Sen. Bob Kerrey, D-Neb., has become one of the loudest congressional critics of Bush administration efforts to salvage failed financial institutions, urging his colleagues to rewrite a law that many of them considered their most significant action of last year.

Kerrey, who voted against the legislation last year, has repeatedly taken to the Senate floor to urge President Bush to fill vacancies on new agencies reponsible for closing hundreds of failed savings and loan institutions.

These same agencies also are responsible for selling off assets totaling nearly $400 billion, much of its commercial real estate in the Kerrey Southwest and California.

It is a national problem that Kerrey said will cost U.S. taxpayers more than the post-World War II Marshall Plan for the reconstruction of Europe.

"A year ago, President Bush asked us for $167 billion to save the nation's thrifts," Kerry said in one Senate speech. "He asked us to hurry, because we were losing $15 million a day."

NOT WORKING

Kerrey said Congress complied with Bush's urgent appeal, passing the complex legislation within the 45-day period the president requested.

Now, Kerrey said, "The president's solution is not working. Decisions are not being made. Taxpayer accountability is so cumbersome that it is fair to describe it as nonexistent."

Kerrey, who does not serve on any committee with responsibility for financial legislation, nevertheless has called for a major overhaul of the Financial Institutions Reform Recovery and Enforcement Act, known as FIRREA.

"I think my bill makes the Banking Committee nervous," Kerry said in an interview—"I think I may have lined up some influential co-sponsors, some of them members of the committee."

A top member of the Banking Committee staff said that while Kerry's bill has not caused any nervousness it is unusual for a senator who is not a member of the committee to offer a bill like the one framed by Kerrey.

QUICKLY AS POSSIBLE

The committee staff member, who asked to remain anonymous when talking about a member of the Senate, said it is doubtful that the committee would schedule a hearing on Kerrey's bill this year.

"We think the legislation that passed last year is working very well," the staff member said. "We don't agree with Senator Kerrey."

Kerrey's bill, and his criticisms of Bush, also have come to the attention of the Treasury Department.

Roger Bolton, assistant secretary for public affairs and public liaison, disputed Kerrey's charge that the administration is not moving fast enough in filling key jobs.

"The administration is taking this issue and the need to make the appointments very, very seriously," Bolton said. "We are moving as quickly as humanly possible."

Kerrey, in a Senate speech last week, said he had heard a key job had been rejected by Frederick Wolf, former deputy director of the General Accounting Office.

Wolf withdrew from consideration, Kerrey said, "saying that either the administration does not share his view that quick decisive action is necessary . . . or they cannot reach a decision that he is the right person for the job."

Bolton said Wolf withdrew from consideration before he could be told that "he was not the right person for the job."

Wolf's decision followed by about one week the resignation of Daniel P. Kearney as president of the Resoluton Trust Corp. Oversight Board, one of two agencies created to close the failed institutions and sell their assets.

The Washington Post reported that Kearney, "a seasoned Wall Street executive and a veteran Washington player," resigned when he discovered that his title as president "didn't mean he was in charge of anything."

TWO HEADS

Kerrey, in a letter seeking support from other members of the Senate, said his legislation would eliminate the Oversight Board and the board of directors for the Resolution Trust Corp.

"The problem is the RTC has two heads," Kerrey said. "One head is the RTC Oversight Board, made up of the secretaries of treasury and housing and urban development, the chairman of the Federal Reserve, and two private individuals."

He said the other head is the RTC board, which is also the board of the Federal Deposit Insurance Corp., an agency that monitors the operation of both banks and savings and loan associations.

Members of the RTC board include the chairman of the FDIC, the comptroller of the currency from the Treasury Department, two private individuals, and the head of the Office of Thrift Supervision, an agency that succeeded the now-defunct Federal Home Loan Bank Board and Federal Savings and Loan Insurance Corp.

In place of the two boards, Kerrey's bill would create "a single board of governors composed of five non-government members named by the president and confirmed by the Senate, and four government members: the treasury and HUD secretaries, the chairman of the Federal Reserve, and, as an important addition not currently on the Oversight Board, the chairman of the FDIC."

MAJOR PRIORITY

The chairman of the new board would be designated by the president from among the five non-government members, Kerrey said.

"This would make it more like the Federal Reserve Board," he said. "The chairman should be somebody who is well-connected to Bush."

Kerry said he intends to make the bill one of his major legislative priorities.

"The dilemma now is that we don't have anybody strong enough in that job who has the trust of the American people," he said. "We need a strong chairman, like Alan Greenspan at the Federal Reserve."

He said much of the current legislation was drafted last year in the lobbies of Congress by the S&L industry, with support from government regulators.

"They devised the much-too-clever plan which buries most of the critical decisions in the bowels of the bureaucracy . . . so that blame will now be directed at the people who run the new alphabet agencies.

"The sheer size of the bailout demands that the voters have the ability to punish or reward those overseeing its implementation," he said.

NOMINATION OF CLARENCE THOMAS TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA

The Senate continued with the consideration of the nomination.

The PRESIDENT pro tempore. Who yields time?

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, Mr. Clarence Thomas was nominated by President Bush on October 30, 1989, to be a U.S. circuit judge for the District of Columbia Circuit. The Judiciary Committee conducted a full investigation of Mr. Thomas' background and qualifications for this position. During this investigation, an extensive document request was made which resulted in Mr. Thomas supplying the committee with over 1,000 documents relating to his tenure with the Equal Employment Opportunity Commission. A confirmation hearing was held on February 6, 1990, at which time Mr. Thomas responded to questions regarding his background and qualifications to serve on one of the Nation's highest courts.

Mr. Thomas has an impressive background which has prepared him well for the position of U.S. circuit judge. He was born in Pinpoint, GA, on June 23, 1948. From 1967 to 1968, he attended the Immaculate Conception Seminary. Mr. Thomas then transferred to Holy Cross College where he was a member of the honors program, graduating in 1971. He graduated from Yale Law School in 1974. Today, he serves as a member of the board of trustees for the Holy Cross College.

In addition to an impressive academic background, Mr. Thomas has extensive practical experience which has prepared him for a position on the bench. Following law school, Mr. Thomas worked for the State of Missouri for almost 3 years as an assistant attorney general. He represented the State before the trial courts, appellate courts, and supreme court of Missouri on matters ranging from taxation to criminal law. From 1977 to 1979, he worked for the Monsanto Co. handling general corporate matters such as antitrust, contracts, and governmental regulation.

In 1979, he went to work for Senator DANFORTH as a legislative assistant, responsible for issues relating to energy, environment, Federal lands, and public works. President Reagan nominated Mr. Thomas in 1981, to the position of Assistant Secretary for Civil Rights for the Department of Education. In 1982, he was nominated by President Reagan to be the Chairman of the U.S. Equal Employment Opportunity Commission where he has served for almost 8 years.

During Mr. Thomas' confirmation hearing, he responded to numerous questions regarding his tenure with the EEOC. Also, several witnesses presented testimony in support of Mr. Thomas for this position. Mr. Arthur Green, Federal liasion for the International Association of Official Human Rights Agencies, stated at his hearing.

> Mr. Thomas has not only encouraged and demonstrated his commitment to us that he cares about the law being enforced, but Mr. Thomas has urged state and local commissioners, the policymakers, similar to EEOC, to carry out the law faithfully and thoroughly.

Mr. President, the Judiciary Committee on February 22, 1990, overwhelmingly endorsed Mr. Thomas' nomination when it voted 13 to 1 to report his nomination to the Senate with a favorable recommendation. Mr. Thomas has demonstrated personally and professionally that he is highly qualified for this important position. He possesses the attributes which I believe a judicial candidate should bring to the bench, that of wisdom, knowledge, judgment, integrity, and temperament.

I am very pleased that President Bush has nominated an individual of such high caliber to the D.C. Circuit, and I urge my colleagues to support his nomination.

The PRESIDENT pro tempore. Who yields time?

Mr. THURMOND. Mr. President, I yield the distinguished Senator from Utah is 5 minutes.

The PRESIDENT pro tempore. The Senator from Utah recognized for 5 minutes.

Mr. HATCH. Mr. President, I thank my colleague from South Carolina for yielding time to me. I also thank equally my friend from Ohio for allowing me to go next because of prior commitments. I know he has a certain right on that and I appreciate that.

Mr. President, I am proud to support the nomination of Clarence Thomas to be a U.S. circuit judge for the D.C. Circuit. As I stated at his confirmation hearing and during the Judiciary Committee vote, the President could not have chosen a better person for this important position.

I have had the pleasure of working with Mr. Thomas for several years—from his service as the Assistant Secretary of Education for Civil Rights and especially through his tenure as Chairman of the Equal Employment Opportunity Commission.

I have been very impressed with his abilities and the work that he has done in these positions. He is a truly remarkable young man. I think one of the finest people I have seen in government.

In 1981, when I became chairman of the Senate Committee on Labor and Human Resources, I learned of management and financial problems at the Commission. Unfortunately, because of the nature of the agency's mission, there had been great reluctance in the past number of years to conduct thorough and objective oversight. A General Accounting Office audit of the agency was devastating. The EEOC had no credible financial records. Millions of dollars were missing or mishandled, fund controls were inadequate, transactions were unrecorded, cases were lost, the agency was faced with a tremendous case backlog, and many complaints were inadequately handled. Furthermore, there was no adequate central tracking system by which the cases being handled by the district offices could be carefully monitored.

The EEOC Clarence Thomas inherited was, despite the myths surrounding it, a pure and simple disaster. It was incapable of fulfilling its mission, placing in jeopardy the rights of the very people it was charged with defending and taking care of.

Mr. Thomas personally accepted the challenge and succeeded beyond all expectations. He balanced the agency's books. He recovered lost money. He eliminated the case backlog. He instituted a computerized tracking system, so that the agency could monitor each and every complaint. Working with the other Commissioners, he transformed the EEOC into an aggressive enforcer of civil rights, an agency capable of achieving its mission.

But this is only one aspect of Mr. Thomas' background that has helped to prepare him for service on the bench. He was born and raised in a world of poverty and segregation. He learned first hand the meaning of the phrase separate but equal, and he learned first hand the meaning of hard work to overcome artificial barriers.

He attended Holy Cross College and Yale Law School. During college, he helped found the Black Student Union, worked in the free breakfast program, and tutored in the Worcester community. During law school, he worked for the New Haven Legal Assistance Program and then for a small integrated law firm in Savannah, financed, in part, by a grant from the Law Students Civil Rights Research Council.

After school, he joined the staff of our colleague, JOHN DANFORTH, who at the time was attorney general of Missouri, where he handled cases ranging from criminal law to taxation. He then worked for a short time in the private sector for the Monsanto Corp., handling corporate legal matters such as antitrust, contracts, and governmental regulations. He then rejoined Senator DANFORTH in Washington where he handled issues involving energy, environment, Federal lands, and public works. And in 1981, President Reagan tapped Mr. Thomas to be Assistant Secretary of Education for Civil Rights. The following year, he was nominated and confirmed as Chairman of the Equal Employment Opportunity Commission.

Clarence Thomas, in my opinion, embodies the soul of the American dream. He is proof that talent knows no color and success no race. He is the very kind of person we want to see in our judicial system—an excellent lawyer and an experienced administrator, and one who is attuned to the less fortunate. I am convinced that Clarence Thomas will be an outstanding judge.

MISHANDLING OF THE ADEA CASES

Mr. President, during the committee consideration of this nomination, it was alleged that Mr. Thomas mishandled some 13,000 ADEA cases. There was extensive questioning of the nominee, who spent a good deal of time explaining the issues, there was debate as to what the ADEA law required of the Commission, and there was additional testimony by other interested parties.

Mr. President, the allegation that EEOC mishandled 13,000 age discrimination cases is simply wrong. Some review of the history of the handling of these cases is in order to properly understand this stituation.

Before Clarence Thomas became Chairman of the EEOC, the Commission and the Department of Labor, the EEOC's predecessor in ADEA enforcement, did not investigate most age discrimination charges. These enforcement agencies would attempt an early settlement, but if that was unsuccessful, the cases were closed and returned to the complainants because they had a private right of action.

When Mr. Thomas became Chairman, the EEOC policy on these discrimination charges changed. All field offices were instructed to fully investigate these charges, and if a charge was about to expire because of the 2-year statute of limitations, the investigation was to be conducted on a priority basis. Unfortunately, given some deeply ingrained feelings by some district personnel that the EEOC should not be handling age cases, these instructions were not followed.

While the Chairman did learn of some instances where charges were allowed to expire prior to investigation, he believed they were isolated. The lack of a central data base, for which sufficient funds were never appropriated, made monitoring difficult from the central offices. While gathering information for fiscal year 1987 appraisals, the Commission discovered that approximately 900 of the 17,000 pending age charges had not been properly investigated and the charging parties had not filed suit prior to the expiration of the statute of limitations. This information was reported to Congress as soon as it was discovered.

I must point out at this juncture that in all of these expired cases, the charging parties had been instructed, as were all other ADEA charging parties, that they had a private right to file a suit and that there was a statute of limitations within which such a suit must be filed.

Nevertheless, Chairman Thomas, as head of the agency willingly acknowledged his responsibility for this management problem. Congress has since enacted a law which reinstated the statute of limitations for these and other cases and notices of this change in the law were mailed to the appropriate parties. While I agree that this is a serious matter, I want to point out that it was Mr. Thomas who uncovered the problem, took steps to see to that it would not recur, and worked with Congress to rectify the uncovered problem.

I should also note for my colleagues and those who are following these proceedings, that in spite of the continued lack of appropriations, the Chairman has now established a central data base that allows the central headquarters to track all of these cases to ensure that they are being processed and that proper and timely notices are being provided to the charging parties. The development and implementation of this system, without funding help from Congress, demonstrates a level of competence and resourcefulness not often found in the Federal bureaucracy.

FEPA CASES

Prior to Mr. Thomas' nomination hearing, as a part of its investigation of the ADEA lapsed case issue, the Judiciary Committee asked Mr. Thomas to supply information on the number of ADEA charges for which the statute of limitations had expired after April 7, 1988. In his response, the Chairman informed the committee that the number of EEOC charges which had lapsed were as follows: Two charges in fiscal year 1990, 42 charges in fiscal 1989 and 195 in 1988. In a followup letter, the EEOC notified the committee that 1,534 charges that were filed with the State fair employment practices agencies had also lapsed during that time. During the committee's hearings on the nomination, much was made about these State age charges.

During his testimony, Mr. Thomas pointed out that these were charges which were filed with the State agencies, who then notified EEOC. Under agreements between the State agencies and the EEOC, the State agencies have responsibility to investigate the charges. While the EEOC could duplicate this investigation, it is not required to do so by the age discrimination laws, and frankly, it would be a serious waste of Federal funds to carry out an identical investigation.

Mr. President, these are charges in which the EEOC has done all that it could do and everything that it is required to do under the law. Proper notices were provided to the complaining

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parties. There is nothing more that EEOC must do with respect to these charges. Although they were reported as lapsed charges, in response to the Judiciary Committee request, that does not mean that they were cases or charges in which the EEOC was required to do more.

Mr. President, for an understanding of the relationship between the EEOC and the State agencies with respect to these cases, I ask unanimous consent that the response from Chairman Thomas to a question I submitted for the hearing record be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FOLLOWUP QUESTIONS FROM SENATOR HATCH TO CHAIRMAN THOMAS

1. Please briefly describe the relationship between EEOC and state and local fair employment practices agencies.

At the time Congress enacted Title VII, there were a number of state statutes prohibiting various forms of employment discrimination and Congress did not want to diminish those efforts. Under section 706(c) of Title VII of the Civil Rights Act of 1964, where there is state or local law prohibiting unlawful employment practices and a state or local authority to grant or seek relief from such practices, a charge cannot be filed with the EEOC until 60 days after commencement of a proceeding with a state or local fair employment practices agency (FEPA).

A "706 agency" is a state or local FEPA that fits the definition appearing at Section 706(c) of Title VII and the Commission's regulations at 29 CFR 1601.70. Such agencies then qualify as organizations to which charges of discrimination are deferred. However, charges are not deferred to all 706 agencies. Where there are two 706 agencies with overlapping jurisdiction, as is the case when there is a city or county 706 agency as well as a state 706 agency, the Commission may choose to defer only to one. There are approximately 100 state and local FEPAs that have obtained deferral status under Section 706.

Section 709(b) of Title VII provides that the Commission "may cooperate" with state and local agencies by, among other things, contributing to the cost of services and projects performed by such agencies. Accordingly, each year Congress earmarks part of EEOC's appropriation ($20 million annually in the last four fiscal years) for EEOC to distribute to FEPAs for processing a certain number of deferred charges. The number of charges for which the 706 agency may be paid is considerably less than the total number of charges which it receives. EEOC follows specific guidelines to distribute the state funds through charge processing contracts, which set out payment schedules. EEOC pays state agencies a fixed rate of $400 for each properly completed charge.

EEOC also enters into annual worksharing agreements to maximize the efficiency of both state and federal efforts and to avoid wasteful delay and duplication of efforts. EEOC currently has worksharing agreements with 82 FEPAs across the country. These agreements often provide that each agency will be an agent of the other for the purpose of receiving charges. They also typically provide that the FEPA will initially process certain categories of charges and that the EEOC will initially process others, with the state waiving its right to the 60-day exclusive processing period in the latter instance.

EEOC is required by Section 706(b) of Title VII and its own regulations to give "substantial weight" to the findings of the 706 agencies with which EEOC has worksharing agreements. Findings and resolutions on all Title VII charges are individually reviewed by EEOC unless a 706 agency is certified. EEOC developed the "certification" process in 1978. FEPAs eligible for certification are those which have consistently done work of high quality and successfully completed the certification procedures set forth at 29 CFR 1601.75. Under this process, the Commission will accept as final, without an individual "substantial weight review," the action taken on many cases being processed by a certified 706 agency. However, individuals who file charges with certified agencies have the right to request that EEOC conduct a substantial weight review on their case.

Since the laws which the 706 agency enforces may be different, only charges which could have been brought under federal statutes are included in the worksharing agreement. The deferring agency normally reserves the right to review the initial processing agency's findings of fact and, if appropriate, also to investigate a charge further after the initial processing agency has completed its proceedings.

While EEOC originally contracted with 706 agencies regarding race, sex, national origin and religion discrimination charges only, it began including age discrimination charges in FY 1980, the first full fiscal year EEOC had jurisdiction over the ADEA. Section 14(b) of the ADEA requires that charges be filed with a state agency authorized to grant or seek relief for the alleged discrimination at least 60 days before suit is brought, but it does not provide a 60-day period of exclusive state jurisdiction as does Title VII. Of the 82 agencies with which EEOC has worksharing agreements, 46 also are approved to investigate age charges under their respective laws. Unlike the procedures under Title VII, EEOC reviews every age charge processed by a state or local agency to ensure that it was handled properly. EEOC only pays for completed age charges which EEOC receives within 18 months after the date of the alleged violation.

When an age charge is received first by a FEPA with which EEOC has a worksharing agreement, the FEPA files and processes the charge under its age discrimination law. Under the worksharing agreement, the state filing also constitutes a "technical" filing of a federal age discrimination charge under the ADEA, which EEOC enforces. The latter charge is not filed for the purposes of initiating a separate federal investigation but rather to preserve the charging party's right to file a private ADEA lawsuit in federal district court, and to preserve the charging party's option to have EEOC investigate the charge under federal law rather than have the state FEPA investigate it under state law. This is known as "dual filing".

The FEPA generally will end its processing of an age charge and allow EEOC to investigate the charge upon a request by EEOC or a charging party that EEOC process the charge; however, EEOC cannot force the FEPA to do so. The only control EEOC has is to withhold payment on a particular charge or refuse to enter into future charge processing contracts or worksharing agreements.

After the state FEPA notifies EEOC that an age charge has been filed with it, EEOC informs the charging party that it will not separately investigate the age discrimination charge, advises the charging party of his or her private federal ADEA rights and of the statute of limitations, and urges the charging party to contact EEOC if there are any questions. A copy of the notice is attached. Before the statute of limitations expires, charging parties again routinely receive notice of their right to file suit in federal district court when there has been no final disposition of the charge.

Mr. HATCH. Mr. President, in addition to the lengthy discussion of this issue during the hearings, members of the committee received two letters from our colleague from Ohio on this matter. The members of the committee considered these arguments and still the committee voted 13 to 1 in favor of this nomination.

Suffice it to say, from my review of the questioning and testimony on this issue, I am convinced that Mr. Thomas is handling these charges and cases in an appropriate manner. He accepted full responsibility for earlier problems with the Equal Employment Opportunity Commission's handling of these cases and charges and has done all that he could do to ensure that these problems have not recurred. I want to emphasize that Mr. Thomas knows and understands the laws governing these age cases. The Commission is currently doing all that it can do and all that it is required to do under these age discrimination laws.

I urge my colleagues to support this nomination.

Let me finish with a few final words.

I guess I have seen over the last 14 years, as have my other colleagues who have been here that long on the Judiciary Committee, literally hundreds and hundreds of Federal judicial nominees come through our committee. Most all of them were outstanding people. All of them who have been accepted have been qualified. Some have gone on to eminent distinction. Others have served loyally and in a dedicated fashion from both parties in our Federal judicial system.

I am proud of the Federal judiciary. I, for one, do not want to approve anybody regardless of party or politics who is not going to do the job. I, for one, have supported and will continue to support strong, noble, and good people for these judicial slots in our country regardless of party or politics. I think it is that important. I think it ought to be the least politicized area of government.

In that regard I cannot imagine a better appointment to the Circuit Court of Appeals for the District of Columbia than Clarence Thomas. He has my deepest respect and my highest support.

I thank the Chair and I thank my colleagues for allowing me to go forward.

The PRESIDENT pro tempore. Who yields time?

The Senator from Ohio, Mr. METZENBAUM.

Mr. METZENBAUM. Mr. President, I yield myself such time as I may need.

The PRESIDENT pro tempore. The Senator is recognized.

(Mr. KOHL assumed the chair.)

Mr. METZENBAUM. Mr. President, when Mr. Thomas' nomination came before the Judiciary Committee, I had not yet made a firm decision as to how I would vote. I thought that I would probably vote for his confirmation, in spite of the fact that I was one of two members of the Labor Committee who voted against Mr. Thomas in 1986 when he sought reconfirmation as Chairman of the Equal Employment Opportunity Commission.

But I thought that the issues regarding his suitability for the circuit court of appeals were different from the issues concerning his suitability to continue as Chairman of the EEOC. I knew I differed with Mr. Thomas' political philosophy, but I differed with the political philosophy of Justice Scalia, Justice Kennedy, and Justice O'Connor, and I voted for each of them. And I have not refused to vote for a nominee just because I differed with him or her with respect to political philosophy.

So I assumed that I would vote to confirm Mr. Thomas. Throughout most of his confirmation hearing, nothing in Mr. Thomas' testimony prompted me to change my mind. I asked him a number of questions about important issues. While I was concerned about some of his answers, I was not inclined to change my mind until we got to the topic of lapsed age discrimination cases processed by the EEOC and State fair employment practices agencies [FEPA's].

Let me explain what this issue is all about and let me make it clear that my vote concerning Mr. Thomas does not relate to a particular issue. It relates to the man's legal ability and legal comprehension. First, let me give you this background.

Older workers who believe they have been discriminated against on the basis of age are required by law to first file their age discrimination charges with the Equal Employment Opportunity Commission, the national agency, or with a State fair employment practices agency.

Individuals who file age discrimination charges with the EEOC or a State fair employment practice agency lose their Federal Age Discrimination in Employment Act rights if that State agency fails to process those charges within the Federal law's 2-year statute of limitations.

In late 1987, Congress learned that the Equal Employment Opportunity Commission and the State FEPA's had failed to process an extremely large volume of age discrimination charges prior to the expiration of the 2-year statute of limitations that was applicable.

As a matter of fact, in March of 1988, Congress passed the bill called the Age Discrimination Claims Assistance Act [ADCAA]. In essence, that act merely takes care of the problem of the statute of limitations with respect to the claims that had theretofore expired. The act became law on April 7, 1988. The act granted an 18-month extension of the statute of limitations to the thousands of older workers who lost the opportunity to pursue their age discrimination charges in Federal court because the Federal agency and the State agency had failed to act in a timely manner.

I am not here today to talk about the lapsed charges which were covered by ADCAA. As a matter of fact, documents provided to the Judiciary Committee in connection with Mr. Thomas' nomination show that since the special law was enacted in 1988 to take care of those old cases, another 1,700 age discrimination charges filed with the Federal agency and the State agencies—and not covered by that law we passed in 1988—have not been processed within the 2-year statute of limitations.

In other words, the old cases were taken care of by an act that we passed which became law in April of 1988. But since that time, another 1,500 individuals have had their rights lapse because the State agencies did not process them within the 2-year statute.

Senator PRYOR, chairman of the Aging Committee of the Senate, has spoken on the floor on the recurring problem of inaction by the Equal Employment Opportunity Commission and the State agencies. He has spoken about the serious consequences for individuals who have lost their Federal rights to sue for age discrimination. He will probably speak later in the day in connection with the same subject.

I was very concerned about those matters, so, when Mr. Thomas was before our committee, I questioned him closely in connection with those cases in which the statute of limitations had lapsed. I want to make it clear. This Senator is not standing on the floor because of those old cases. As a matter of fact, I am not even standing on the floor because of Mr. Thomas' failure to act in connection with the subsequent group of 1,500 cases.

But what bothers me and the reason I am here on the floor opposing Mr. Thomas' nomination is that I was astonished to discover that Mr. Thomas simply did not know critical and fundamental aspects of the law and of the Equal Employment Opportunity Commission's relationship with the State and local agencies which assist the EEOC in processing age discrimination charges.

I want to emphasize that I am not here saying that Mr. Thomas should not be confirmed because thousands of age discrimination charges lapsed between 1984 and 1988, which required Congress to enact legislation to restore the rights of older workers. And I am not here because he failed to act with respect to the 1,500 subsequent cases that lapsed after ADCAA became law.

I am here today because I believe that Mr. Thomas' answers to me in committee prove conclusively that he does not know the law he was responsible for administering for the last 8 years.

To me, that is incredible. It goes to the very heart of the question as to whether or not a man should be a member of the circuit court of appeals. It has nothing to do with his political philosophy, nor does it even have to do with his administrative ability as to whether or not he ran the Equal Employment Opportunity Commission well or did not run it well.

I am talking about the fact that this man, when he goes on the circuit court of appeals, will deal with nothing but the law. There are no witnesses in circuit court of appeals. You only get briefs. You only get arguments from lawyers. And you must deal with the law.

My concern is that a man who has had the responsibility of running a Federal agency and having a State agency assist in connection with the Federal agency's responsibilities did not and does not—maybe by this time he does but, at the time of the hearing, he did not—know what the law was and did not understand those State agencies' responsibilities as related to the Federal agency.

To me, it is incredible. How could he possibly be the head of a Federal agency which is assisted by a State agency, and fail to know the law regarding the relationship between the State and the Federal agency?

Let me explain. Mr. Thomas did not know that the State agencies are under contract to his agency to process Federal age discrimination claims. He did not understand that these State agencies were working for him. Let me read you what he said, his direct quote. "The charges filed in those agencies are filed under State statute."

He repeated this misstatement of law. But the fact is they are not filed under State statute alone. They are also filed under Federal statute. Some States do not have laws on the subject. But that does not mean that a State agency does not have a responsibility

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if, by contract, it has developed a relationship to handle the Federal cases at the State level.

Federal law provides that charges filed with the State agencies which have work-sharing agreements with EEOC are regarded as charges filed under both State and Federal law. That is the law. That is the regulations.

Charges filed with the State agencies are regarded as dual filed in order to preserve an older worker's opportunity to pursue his or her claim in Federal court.

But Mr. Thomas had told our committee that those charges are filed under State statute. That is just 100 percent inaccurate. They are filed under both State and Federal law.

Now my colleague on the committee, for whom I have the highest respect, the ranking member of the Judiciary Committee, asserted in a letter to the committee that State agencies process age discrimination charges under State statutes. I submit some do, some do not. That is only half the story.

The critical point is that State agencies also process the same charges for purposes of Federal law. That is why they are dual filed. That is why EEOC pays the State agencies. The Equal Employment Opportunity Commission pays State agencies $400 per charge to process Federal age discrimination charges.

But Mr. Thomas said that they are State cases, that they are State charges. That is just not so. Those State agencies are not paid by the Federal Government to process State age discrimination charges. They are paid to process Federal age discrimination charges.

It is critical to understand that these State agencies are processing Federal age discrimination charges. An older worker's right to sue in Federal court is lost, totally lost, if these State agencies do not process the charges within the Federal 2-year statute of limitations.

So, the first point was he did not understand for 8 years that these were Federal rights, not State rights; and that they were paying the State agencies to handle the claims of individuals under the Federal law.

Second, Mr. Thomas did not know that older workers lose their right to pursue Federal age discrimination claims because of inaction by State agencies. They lose their Federal rights if the State agency fails to process the claim in a timely manner. But Mr. Thomas stated as follows:

> The charges filed with the State agencies are filed under State law and, to our knowledge, none of these State laws have statutes of limitation. So there cannot, by definition, be lapses in those agencies.

That is 100 percent inaccurate. That is just not the fact. That is not the law. First, Federal law says that the ADEA charges filed with the State agencies are filed under Federal law. Second, older workers who file age discrimination charges with State agencies lose their right to pursue their Federal claim if the State agencies fail to act within 2 years. But Mr. Thomas said that by definition there cannot be lapses in those agencies.

That is as wrong as black is different from white; as the sky is different from the Earth. We only have to look at the special law passed by Congress in 1988 to see that Mr. Thomas is wrong in asserting that "There cannot be lapses in the State agencies." That law, the so-called Age Discrimination in Employment Act, extended the statute of limitations for over 2,000 individuals who lost their Federal cause of action due to delays in the State agencies. But Mr. Thomas says there cannot be lapses by those agencies.

Since the 1988 law, as I said previously, there are 1,500 more individuals who have lost their State claims due to inaction in State agencies.

I want to say I am not here saying Mr. Thomas should not be confirmed for the circuit court of appeals because of the thousands of cases that lapsed between 1984 and 1988. I am not saying Mr. Thomas should not be confirmed because of those 1,500 new cases that have been lost.

One can make out a good case and say he should not be confirmed for that reason. But that is not my point. My point is that this man for 8 years had a job and did not understand the law under which he was operating, under which his agency was operating, and under which he was subcontracting out work to the State agency.

If he did not understand that elementary idea, that concept, that law, that arrangement, what will he understand when he reads complicated briefs that come before him on the circuit court of appeals?

Third, Mr. Thomas did not know that the Equal Employment Opportunity Commission has the legal responsibility to ensure that these State agencies process Federal age discrimination charges in a timely manner.

Mr. Thomas stated that the EEOC does not supervise or regulate State agencies. The fact is that it does. Federal regulations provide that: "The Commission may enter into agreements with State agencies in processing age discrimination charges, assuring the safeguard of the Federal rights of aggrieved persons." But he said, no, that the EEOC does not supervise or regulate State agencies. And his own regulations state exactly to the contrary.

If the EEOC, the agency which he headed, does not ensure that State agencies safeguard Federal rights, it is violating its own regulations. And that is what concerns me, that a man should be charged with the responsibility of heading the agency, that agency charged with the regulation of the State agencies, and yet he says they had no responsibility. He said, "EEOC does not supervise or regulate State agencies."

The Equal Employment Opportunity Commission worksharing agreements—and that is what they are, they share the work at the Federal level and the State level—with State agencies stating:

> To ensure timely processing of charges which allege violations of the ADEA, EEOC is authorized to take over State agency investigations which are more than 1 year old.

In other words, they contract out to the State agency. The claim is filed with the State agency. It is processed there. But the EEOC reserves to itself the right to take back the State agency investigations which are more than 1 year old. Mr. Thomas did not know that.

The EEOC field office report states:

> If charging parties' Federal rights are to be protected in cases handled by State agencies, the committee must maintain some degree of direct oversight responsibility.

Mr. Thomas said there was none. He said there was no obligation and said we do not supervise or regulate the State agencies.

His agency's regulations, and the work-sharing agreements with the State agencies, and the EEOC's own internal documents, and the $400 a case that is being paid, show incontrovertibly that the Commission is responsible for ensuring that Federal ADEA charges filed at the State level are processed in a timely manner.

After the committee hearing on Mr. Thomas, and prior to the committee's vote on his nomination, I wrote two letters to my Judiciary Committee colleagues, detailing the erroneous statements in Mr. Thomas' testimony.

I ask unanimous consent, Mr. President, that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 9, 1990.

Hon. JOSEPH BIDEN,
Chairman, Senate Judiciary Committee,
Washington, DC.

DEAR JOE: I am extremely concerned by some of the answers the Committee received from Clarence Thomas at his nomination hearing on Tuesday, February 6, 1990. In particular, I am concerned by Mr. Thomas' responses to my questions regarding lapsed Age Discrimination in Employment Act (ADEA) charges filed with the state Fair Employment Practices Agencies (FEPAs).

Mr. Thomas' answers to my questions indicate that after serving for eight years as Chairman of the Equal Employment Opportunity Commission (EEOC), he does not understand several critical points about the work of the FEPAs or the EEOC's responsibility for their work. That is simply unbelievable to me. Allow me to explain.

The thrust of my inquiry on this matter centered on my concern that individuals who file age discrimination charges with a FEPA lose their federal ADEA rights if the FEPAs fail to process those charges within the ADEA's two-year statute of limitations. This problem first came to light in late 1987, when Congress learned that the EEOC and FEPAs had failed to process an extremely large volume of ADEA charges prior to the expiration of the statute of limitations. On April 7, 1988, the Age Discrimination Claims Assistance Act became law. The Act granted an 18 month extension of the statute of limitations to the thousands of older workers who had lost the opportunity to pursue their ADEA charges in federal court because the EEOC and FEPAs had failed to act in a timely manner.

Documents provided to the Committee by the EEOC for the hearing show that the problem of lapsed federal ADEA charges has not been corrected. The new problem involves older workers whose federal ADEA claims are not covered by ADCAA because the claims expired on or after April 7, 1988. EEOC data indicate that over 1700 ADEA charges filed with EEOC and FEPAs, and not covered by the ADCAA, have passed the two-year statute of limitations governing the ADEA. Over 1500 of these post-ADCAA lapsed charges were filed with the FEPAs.

Mr. Thomas' responses to my questions regarding the recurrence of the lapsed ADEA charge problem clearly indicate that he does not understand two critical points. First, he does not understand that the FEPAs are processing federal ADEA charges and that the EEOC has a responsibility to ensure that the FEPAs process ADEA charges in a timely manner.

Mr. Thomas stated that with respect to charges filed with the FEPAs: "The charges filed in those agencies are filed under state statute." (tr. 237) Mr. Thomas omitted the critical fact that all charges filed with the FEPAs with whom the EEOC has work-sharing agreements are considered to be charges filed with both the EEOC and the FEPAs. 29 C.F.R. 1626.9(a) and 1626.10(a).

Under questioning, Mr. Thomas repeatedly refused to acknowledge this elementary point.

Sen. **Metzenbaum.** What we have is these are federal claims, they are federal claims under the ADEA, and what occurs is that they are processed at the state level.

Mr. **Thomas.** They are filed under state statute, Senator.

Sen. **Metzenbaum.** Pardon?

Mr. **Thomas.** They are filed—we only have work-sharing agreements in states which have age statutes.

Sen. **Metzenbaum.** But these people have federal claims under the ADEA, they are filing them under the ADEA.

Mr. **Thomas.** Senator, they are filing them under the state statute.

Sen. **Metzenbaum.** I want you to know, Mr. Thomas, that that is not my understanding and I do not believe you are stating the facts. I believe that these are federal claims, they are processing federal claims under the ADEA. (tr. 239).

Mr. Thomas suggested at least four times that the EEOC does not have responsibility for the FEPAs. Regulations adopted by the EEOC pursuant to its duty to administer the ADEA state that:

> Pursuant to sections 6 and 7 of the ADEA . . ., the Commission may enter into agreements with state or local fair employment practices agencies . . . and may engage the services of such agencies in processing charges assuring the safeguard of the federal rights of aggrieved persons. 29 CFR 1626.10(a).

Thus, EEOC regulations invest the Commission with responsibility to assure that FEPAs processing ADEA charges do so in a manner which safeguards "the federal rights of aggrieved persons." If the EEOC is not taking steps to ensure that the FEPAs safeguard "the federal rights of aggrieved persons," that it is in violation of its own regulations.

The second critical point that Mr. Thomas does not understand is that individuals are losing their federal ADEA claims due to inaction by the FEPAs.

In his initial response to my questions on this matter, Mr. Thomas sought to deny that any claims were being lost as a result of inaction by the FEPAs.

Mr. **Thomas.** With respect to the fair employment agencies, those agencies do not have statutes of limitations. Unlike the two-year statute of limitations under ADEA, the charges filed with them are filed under State law and, to our knowledge, none of these State laws have statutes of limitations, so there cannot by definition be lapses in those agencies. (tr. 236).

This statement is flatly wrong. The EEOC contracts with the FEPAs to process federal ADEA charges. If the FEPAs fail to process those charges within two years, the federal ADEA claim is lost.

Mr. Thomas has been nominated to the Circuit Court of Appeals for the District of Columbia. For a nominee to that distinguished and important court not to understand the law which he has had the obligation to administer for eight years is incredible. It certainly raises serious questions about his ability to serve on the court.

Sincerely,

Howard M. Metzenbaum,
U.S. Senator.

U.S. Senate,
Committee on the Judiciary,
Washington, DC, February 21, 1990.

Hon. Joseph R. Biden,
Senate Judiciary Committee, Washington, DC.

Dear Joe: I am writing to you concerning the nomination of Clarence Thomas to the Circuit Court of Appeals for the District of Columbia. After reviewing Mr. Thomas' statements at the nomination hearing on February 6, 1990, and his February 16, 1990, written response to questions submitted by Committee members, I have concluded that Mr. Thomas is not qualified to serve on this important court.

I reached this conclusion without regard to Mr. Thomas' political philosophy or his record of public service. I base my conclusion solely on his knowledge of the law.

In his testimony before the Committee, Mr. Thomas displayed an alarming lack of knowledge concerning three legal matters which are fundamental to the operation of the Equal Employment Opportunity Commission (EEOC), which he has chaired for the last eight years, and to one of the laws which the EEOC administers.

He did not know that state agencies are under contract to the EEOC to process federal age discrimination claims.

He did not know that thousands of individuals are losing their right to pursue federal age discrimination claims because of the inaction of these state agencies.

He did not know that the EEOC has the legal responsibility to ensure that these state agencies process federal age discrimination claims in a timely manner.

As indicated by the February 16, 1990, letter to the Committee from the American Association of Retired Persons (AARP), these are not technical or trivial points. These matters involve nothing less than the availability of legal relief for older workers who have suffered age discrimination.

INFORMATION BEFORE THE COMMITTEE

As you know, I wrote to you on February 9, 1990, shortly after Mr. Thomas' nomination hearing, to express my concerns with his lack of knowledge of these same matters. Since then, the Committee has received Mr. Thomas' responses to written questions submitted by the Committee. In his responses, Mr. Thomas admitted some—but not all—of his inaccurate statement made at the hearing. Allow me to explain.

The thrust of my inquiry on this matter at the nomination hearing centered on my concern that individuals who file age discrimination charges with a state Fair Employment Practices Agency (FEPA) lose their federal Age Discrimination in Employment Act (ADEA) rights if the FEPAs fail to process those charges within the ADEA's two-year statute of limitations. This problem first came to light in late 1987, when Congress learned that the EEOC and FEPAs had failed to process an extremely large volume of ADEA charges prior to the expiration of the statute of limitations. On April 7, 1988, the Age Discrimination Claims Assistance Act (ADCAA) became law. The Act granted an 18 month extension of the statute of limitations to the thousands of older workers who had lost the opportunity to pursue their ADEA charges in federal court because the EEOC and FEPAs had failed to act in a timely manner.

Documents provided to the Committee by the EEOC show that the problem of lapsed federal ADEA charges has not been corrected, despite enactment of ADCAA. The new problem involves older workers whose federal ADEA claims expired on or after April 7, 1988, and thus, are not covered by ADCAA. The EEOC data indicate that over 1,700 ADEA charges filed with EEOC and the FEPAs—and not covered by the ADCAA—have passed the two-year statute of limitations governing the ADEA. Over 1,500 of these post-ADCAA lapsed charges were filed with the FEPAs.

FEPAS PROCESS FEDERAL AGE DISCRIMINATION CHARGES UNDER THE ADEA

At his nomination hearing on February 6, Mr. Thomas repeatedly refused to acknowledge that FEPAs process federal ADEA charges. Mr. Thomas insisted that ADEA charges filed with the FEPAs are state law claims.

Sen. **Metzenbaum.** What we have is these are Federal claims, they are Federal claims under the ADEA, and what occurs, is that they are processed at the State level.

Mr. **Thomas.** They are filed under State statute, Senator.

Sen. **Metzenbaum.** Pardon?

Mr. **Thomas.** They are filed—we only have work-sharing agreements in States which have age statutes.

Sen. **Metzenbaum.** But these people have Federal claims under the ADEA, they are filing them under the ADEA.

Mr. **Thomas.** Senator, they are filing them under the state statute.

Sen. **Metzenbaum.** I want you to know, Mr. Thomas, that that is not my understanding and I do not believe you are stating the facts. I believe that these are Federal claims, they are processing Federal claims under the ADEA. (tr 239).

In my letter to you on February 9, I pointed out that EEOC regulations state that all charges filed with the FEPAs with whom the EEOC has work-sharing agreements are considered to be charges filed with both the EEOC and the FEPAs. This practice of "dual-filing" is utilized to preserve the federal ADEA rights of older workers whose age claims are filed with FEPAs. Despite my repeated questioning on this matter, Mr. Thomas never acknowledged this fundamental point.

In his February 16 written responses to the Committee, Mr. Thomas did admit that the FEPAs are handling federal ADEA charges:

"When an age charge is received first by a FEPA with which the EEOC has a work-sharing agreement, the FEPA files and processes the charge under its age discrimination law. *Under the worksharing agreement, the state filing also constitutes a 'technical' filing of a federal age discrimination charge under the ADEA, which EEOC enforces.*" (emphasis added)

The fact that an age discrimination charge filed with a FEPA is considered to be a "federal age discrimination charge under the ADEA," is no mere "technical" matter. It means that older workers will not be able to pursue their claims in federal court if—as has happened—the FEPAs fail to process those claims within the statute of limitations.

Mr. Thomas' February 16 response goes on to state that the charges filed with the FEPAs are regarded as "dual-filed" in order 'to preserve the charging party's right to file a private ADEA lawsuit in federal district court, and to preserve the charging party's option to have EEOC investigate the charge under federal law rather than have the state FEPA investigate it under state law."

In short, after the hearing, Mr. Thomas did correct his erroneous assertion that FEPAs do not process federal ADEA charges.

INDIVIDUALS LOSE THEIR FEDERAL ADEA RIGHTS IF FEPA'S FAIL TO ACT IN A TIMELY MANNER

In his initial response on this matter at his nomination hearing, Mr. Thomas sought to deny that any federal ADEA claims were being lost as a result of inaction by the FEPAs.

Mr. THOMAS. With respect to the fair employment agencies, those agencies do not have statutes of limitations. Unlike the two-year statute of limitations under ADEA, the charges filed with them are filed under State law and, to our knowledge, none of these State laws have statutes of limitations, so there cannot by definition be lapses in those agencies. (tr. 236)

This is clearly incorrect. FEPAs are paid by EEOC to process federal ADEA charges. If the FEPAs fail to process those charges within the two year statute of limitations, the federal ADEA claim is lost.

In his February 16 response, Mr. Thomas did not correct this misstatement of law. He did, however, provide data which demonstrates that there have been lapes of federal ADEA claims at the FEPAs. The data provided by Mr. Thomas show that between January 1984 and April 1988, over 2000 individuals who filed federal age claims with FEPAs had lost their federal cause of action due to the state agencies failure to process the charges in a timely manner. These individuals were granted an extension of the ADEA statute of limitations by Congressional enactment of ADCAA in April, 1988. ADCAA only granted an extension to individuals whose federal ADEA claims had lapsed.

It is also clear that there continue to be lapses of federal ADEA charges filed with the FEPAs. Data provided to the Committee by the EEOC reveal that since April, 1988, an additional 1500 age charges filed with the FEPAs have not been processed within the two-year statute of limitations. Thus, individuals filing these charges have lost their federal cause of action, and will not have the benefit of the extension of the statute of limitations granted by ADCAA.

These figures were available to Mr. Thomas before the hearing. Inded, the lapsing of federal ADEA charges was perhaps the single most publicized event which occurred during his tenure at EEOC. For Mr. Thomas to assert at his nomination hearing that "there cannot by definition be lapses" at the FEPAs demonstrates an alarming lack of knowledge. And his refusal to correct this misstatement of law forthrightly and directly is equally disturbing.

EEOC HAS THE RESPONSIBILITY AND CAPABILITY TO ENSURE THAT FEPAS PROCESS ADEA CHARGES IN A TIMELY MANNER

At his nomination hearing, Mr. Thomas repeatedly refused to acknowledge that the EEOC has both the responsibility and the capability to ensure that all ADEA charges filed with the FEPAs are processed in a timely manner. He repeatedly insisted that the EEOC does not "supervise" or "regulate" FEPAs, thus leaving the impression that the EEOC cannot be held responsible for any ADEA charges which are not processed by FEPAs within the two-year statute of limitations.

Once again, his subsequent response of February 16 tells a different story. There, Mr. Thomas concedes that EEOC can sanction FEPAs which fail to timely process ADEA charges by "withhold[ing] payment on a particular charge or refus[ing] to enter into future charge processing contracts or worksharing agreements."

This response, however, is grossly inadequate because it fails to explain the full extent of the EEOC's responsibility and efforts to oversee the FEPAs processing of ADEA charges. EEOC's regulations, its worksharing agreements with the FEPAs, and its own internal documents clearly show that the agency has ultimate responsibility for ensuring that *all* ADEA charges filed with the FEPAs are processed in a timely manner. Indeed, these documents show that the agency has sought to oversee the FEPAs handling of ADEA charges.

Regulations adopted by the EEOC pursuant to its duty to administer the ADEA state that:

"Pursuant to sections 6 and 7 of the ADEA . . . , the Commission may enter into agreements with state or local fair employment practices agencies, . . . and may engage the services of such agencies in processing charges assuring the safeguard of the federal rights of aggrieved persons. 29 C.F.R. s1626.10(a)."

EEOC's worksharing agreements with state agencies grant the Commission the right to review ADEA charges handled by the FEPAs. These agreements also permit the EEOC to take over investigation of ADEA charges filed with FEPAs, when over one year has elapsed since the date of the alleged age discrimination violation. This contractual right enables EEOC to assume responsibility for ADEA charges which may be slipping due to FEPA inaction.

Finally, EEOC's own documents demonstrate that agency officials believe the Commission is directly responsible for ensuring that the FEPAs timely process ADEA charges. A number of EEOC field office reports written in 1988 express concern that EEOC district offices needed to do more to ensure that older workers did not lose their ADEA rights due to inaction by the FEPAs. One field office report stated:

"If charging parties' Federal rights are to be protected in these cases [handled by FEPAs], the Commission must maintain some degree of direct oversight responsibility. Without direct involvement of the [EEOC] District [Offices], it will become aware of the failures of FEPAs to fulfill their contractual obligations on a case by case basis, after the fact. Such a result places the Commission in an untenable position, should the two year statute of limitations expire in ADEA charges, and the District Office cannot demonstrate that it had taken reasonable actions."

A March 23, 1989, memo to FEPAs with lapsed ADEA charges from EEOC Program Operations Director, James Troy states that:

"In analyzing charge processing patterns, we were alarmed to discover the extent open ADEA charges with FEP Agencies have been allowed to extend beyond the Federal two year statute of limitation for filing a lawsuit. . . . The number of charges you report as having lapsed the statute of limitations suggests strongly, that your agency is not meeting its contractual obligation to complete the processing of ADEA charges within 18 months of the date of violation. If this problem is not corrected in the very near future, we will have to reconsider contracting with your agency for the production of age discrimination charges."

This memo demonstrates that EEOC not only regards itself as responsible for overseeing the processing of ADEA charges by FEPAs, but it also shows that the Commission recognizes that it can take steps to prod the FEPAs into processing age claims in a more timely manner.

In short, Mr. Thomas' hearing testimony provides no indication that he recognizes that the Commission has both the responsibility and the capability to ensure that FEPA's process ADEA charges in a timely manner. And neither his hearing testimony—nor his subsequent written responses—acknowledge that the Commission's own rules require it to "safeguard the federal rights" of older workers, regardless of whether their age discrimination claims are initially filed with the EEOC or with the FEPAs.

CONCLUSION

I do not expect Mr. Thomas to be able to recite chapter and verse every single provision of all the federal anti-discrimination statutes administered by the EEOC. Nor would I refuse to support his nomination because of a few technical misstatements of law. But that is not what we have here.

The issue that I have raised concerns Mr. Thomas' knowledge of several fundamental aspects of the EEOC's responsibility to protect older workers from age discrimination. Frankly, it is unbelievable to me that the Chairman of the EEOC for the past eight years would lack such knowledge.

As a federal appellate judge Mr. Thomas will be obliged to read the law and study the briefs of appellants. At the nomination hearing, elementary matters of federal age discrimination law were not known to Mr. Thomas. His failure to know laws he was responsible for administering indicates to me that he does not have the necessary legal ability to serve on the Circuit Court of Appeals.

I will not support Mr. Thomas' nomination.

Sincerely,

HOWARD M. METZENBAUM,
U.S. Senator.

Mr. METZENBAUM. Frankly, Mr. President, I was not the only one troubled by Mr. Thomas' statements. The American Association of Retired Persons was troubled as well. The AARP has never taken a formal position on a judicial nominee. They did not take a position in connection with Mr. Thomas confirmation. But they did take the time to write a long and detailed letter, I think it was 15 pages, outlining their serious concerns about the Thomas nomination.

The Judiciary Committee received that 15-page letter from the AARP, explaining inaccuracies in Mr. Thomas' statements at the hearing.

Mr. President, I ask unanimous consent that the entire letter from the AARP be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AARP,
Washington, DC, February 16, 1990.

Hon. JOSEPH BIDEN,
Chairman,
Hon. STROM THURMOND,
Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, SENATOR THURMOND, AND MEMBERS OF THE COMMITTEE: The American Association of Retired Persons (AARP) requests that this letter be made part of the record of the confirmation hearings on the nomination of Clarence Thomas to the U.S. Court of Appeals. The purpose of this letter is to correct inaccurate statements made by Mr. Thomas at his confirmation hearing on February 6, 1990, and to express AARP's serious concern about his commitment to enforcing the law without regard to his personal wishes.

Mr. Thomas's testimony reveals a fundamental lack of understanding of both the laws he has been charged with enforcing for the past eight years and the regulations and procedures of the agency he has chaired. Taken as a whole, Mr. Thomas's testimony exhibits the same disregard for the rights of older workers that we have seen during his tenure at the EEOC.

The areas of Mr. Thomas' testimony that evidence these problems include:

His incorrect assumption that the loss of federal civil rights due to agency inaction can be excused by the existence of a similar state law.

His refusal to accept responsibility for, and his misstatements regarding, the EEOC's continued failure to process on a timely basis charges under the Age Discrimination in Employment Act (ADEA). As a result, thousands of older workers have lost their rights under the law.

His misstatements of the case law to erroneously justify EEOC's rules on unsupervised ADEA waivers.

His misstatements regarding the EEOC's obligation to rescind admittedly illegal regulations that permitted employers to deny older workers full and fair pension benefits.

The inaccuracies in Mr. Thomas's testimony are discussed in more detail below.

1. Mr. Thomas's Testimony on Lapsed Federal ADEA Charges Processed by FEPAs.—

AARP was shocked to learn at the February 6, 1990, confirmation hearing that the EEOC has continued to forfeit the rights of thousands of older workers by failing to process charges brought under the ADEA within the required two year statute of limitations.

Even more disturbing is Mr. Thomas's assumption that the lapsing of federal ADEA claims is not a problem for victims of age discrimination because they retain similar state law claims. This is a remarkable—and incorrect—view of federal law for someone who has been charged with enforcing fundamental federal rights and who has been nominated to become a federal appeals court judge.

When the problem of lapsed charges was initially discovered in 1987 by the Senate Special Committee on Aging, Mr. Thomas personally committed himself to resolving, that he called "totally inexcusable." Apparently, he has made little effort to do so. Even more disturbing, Mr. Thomas now seeks to avoid responsibility for the EEOC's continued malfeasance by divorcing himself and the EEOC from the actions of the state and local agencies that processed these charges on behalf of the Commission.

In his testimony, Mr Thomas acknowledged that for the period from April 6, 1988 to July 27, 1989, more than 1500 charges of age discrimination were not processed by the agency within the ADEA's two year statute of limitations. It is unclear whether the charging parties received notice of this problem. The older workers who filed these charges have lost their right to pursue their claims in federal court under federal law.[1]

When asked to explain this situation, Mr. Thomas asserted that the overwhelming majority of the lapsed charges were handled by fair employment practice agencies (FEPAs), which are state and local agencies under contract with EEOC. He asserted that the lapsing of charges by FEPAs is not significant because the state and local agencies only handle claims filed under state law, not federal law, and the state claims are not subject to the two year statute of limitations. Mr. Thomas insisted repeatedly that these were "state claims," not federal claims. He stated that the EEOC is not involved or responsible for ADEA charges filed with FEPAs until and unless the FEPA investigates and reports the charge to the EEOC within 18 months of the discriminatary act.

Mr. Thomas is incorrect on every point. As he must—or should—know:

A state law claim in no way substitutes for federal rights, and in no way diminishes the EEOC's obligation to vigorously protect older workers under the ADEA.

The EEOC contracts with the FEPAs to receive and investigate federal ADEA charges as the EEOC's agent. These charges remain subject to the ADEA's two year statute of limitations for filing a lawsuit;

The EEOC is informed of every federal charge filed with a FEPA at the time the charge is filed;

The EEOC remains responsible for ensuring that the federal charges are investigated in a timely and thorough manner, and for monitoring the work of the FEPAs;

As discussed below, federal law, the EEOC's regulations, the terms of its work-sharing agreements with the FEPAs, and EEOC documents establish these basic principles. Mr. Thomas's testimony was not only misleading, but revealed an astonishing lack of understanding of, and concern for, the protection of older workers' rights under the law.

A. A state law claim in no way substitutes for federal rights, and in no way diminishes the EEOC's obligation to vigorously protect older workers under the ADEA.—

Perhaps the most astonishing aspect of Mr. Thomas's testimony is his assumption that state claims are an adequate substitute for the loss of federal rights. He belittled the problem of thousands of lapsed federal ADEA charges by noting that a complaining party retains a state law claim if the federal charge is lost.

The existence of a state law claim is no way excuses the EEOC's failure to protect older workers' rights under the ADEA. Congress enacted the ADEA in order to provide older workers with the federal cause of action in federal court. A state law claim—no matter how beneficial to the charging party—is no substitute for the federal rights.

It is also untrue that state laws provide comparable rights and relief to the federal law. In fact, state laws often provide more limited relief to older workers for age discrimination than the ADEA. For example, the ADEA permits a private right of action 60 days after a charge is filed, jury trials, liquidated damages, and attorney's fees to a prevailing plaintiff. In contrast, some state laws provide:

New York: If an older worker pursues an age discrimination charge with the New York FEPA, the older worker loses his or her private right of action to pursue the state claim in state court. The worker is limited solely to the state administrative process, which may take as many as seven years to complete and which is only subject to a deferential standard of judicial review. There is no right to a jury trial, no right to attorney's fees and no right to liquidated damages.

Maryland: Older workers have no private right of action to bring a claim of age discrimination in court, but are limited to the state administrative process, which is subject to deferential judicial review. Neither attorney's fees nor liquidated damages are awarded.

An older worker's rights under the ADEA should not and must not depend upon whether the charge was filed with the EEOC directly or with a FEPA designated as the EEOC's agent. Nonetheless, that is precisely what appears to have happened during Mr. Thomas's tenure as EEOC Chairman.

B. FEPAs handle federal claims as EEOC's agent.—

In his testimony, Mr. Thomas repeatedly asserted that, "The cases filed with the state agencies are filed under state law." Each time he was asked whether federal charges are filed with FEPAs, he responded by restating, "They are filing them under state statute." As Mr. Thomas must or should know, this is incorrect.

The EEOC certifies state and local agencies to become FEPAs after reviewing analogous state laws on age (as well as race, sex, national origin and religious) discrimination, and investigation, conciliation and prosecution procedures. The EEOC and FEPAs then enter into annual "worksharing" agreements, which designate state and local agencies as the EEOC's agent for the receipt and investigation of federal charges. (In most instances the complaining party has also filed a state law charge based on the same facts, which the FEPA will investigate in any event.) The sole purpose of the EEOC-FEPA relationship is to allow state and local agencies to receive and investigate federal claims.

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[1] Because these charges lapsed after April 6, 1988, they are not covered by the Age Discrimination Claims Assistance Act, passed by Congress to restore, for 18 months, the rights of certain older workers who had lost their claims due to the EEOC's previous failure to meet the two year statute of limitations.

Title 29 C.F.R. part 1626 of the EEOC's regulations on the ADEA defines the parameters of this relationship. Section 1626.10(a) explicitly provides that the EEOC may "engage the services of [FEPAs] in processing charges *assuring the safeguards of the Federal rights of aggrieved persons*," (emphasis supplies).

The worksharing agreements reiterate this point. For example, the current agreement between the EEOC and the Maryland Commission on Human Relations makes clear that the EEOC has jurisdiction over ADEA charges, and that the "EEOC by this Agreement designates and establishes the FEPA as a limited agent of EEOC for the purpose of receiving charges on behalf of EEOC * * *

The handling of federal claims by FEPAs in no way modifies or

tolls the ADEA two year statute of limitations, irrespective of a state law's more generous statute of limitations. Regardless of which agency initially receives and investigates the federal charge, an ADEA claim must be filed in court within two years of the discriminatory act or the federal cause of action is forever lost.[2]

C. EEOC is notified of every ADEA charge filed with a FEPA at the time the charge is filed.—

In his testimony, Mr. Thomas implied that the EEOC may not know about the charges handled by FEPAs and, therefore, cannot be held responsible for the lapsing of those claims. He stated that charges not reported to the EEOC within 18 months are outside the scope of the worksharing agreement and, therefore, are not the obligation or responsibility of the EEOC. ("[I]f a state agency receives a charge and that charge is not to us by 18 months from the date of violation, that charge is not under contract with EEOC. We have to have that charge in time to process under our statute.")

Mr. Thomas is again incorrect. The EEOC is notified of all ADEA charges at the time they are filed with the FEPA. The EEOC cannot claim ignorance about these charges, nor use this as an excuse for failing to exercise its responsibility to insure that the charges are processed in a timely manner.

The worksharing agreement permits an older worker to file his or her federal age discrimination charge with either the EEOC or a FEPA. If the latter course is followed, the FEPA notifies the EEOC by sending a copy of the charge to the relevant EEOC district office. In fact, the worksharing agreements expressly require the FEPA to advise the EEOC of the charge within ten days of its receipt. Furthermore, the FEPA may also enter the federal charge into the national computer data base—providing a second means of notification to the EEOC.

The EEOC, therefore, has the requsite knowledge for monitoring the FEPAs' processing of federal claims and for ensuring that the two year statute of limitations does not lapse. The 18-month period for processing by the FEPA is simply the baseline by which the FEPA's work is judged for purposes of payment.[3] It does not obviate the EEOC's responsibility to enforce the ADEA—and to insure that its agent, the FEPA, enforces the ADEA. Indeed, a FEPA that repeatedly exceeds the 18-month baseline can be reviewed for nonfeasance and possible decertification.

D. The EEOC is responsible for ensuring that federal charges handled by FEPAs are processed in a timely manner.—

Contrary to Mr. Thomas's testimony,[4] the EEOC retains jurisdiction over all federal charges filed with a FEPA. The EEOC retains the responsibility and obligation to ensure that all federal claims handled by FEPAs are processed within the two year statute of limitations.

The EEOC's regulations at 29 CFR parts 1626.10(a), (c) make clear that the worksharing agreements not only do not relieve the Commission of its responsibilities with regard to ADEA charges filed with a FEPA, but in fact obligate the Commission to monitor the FEPAs and "promptly process charges which the state agency does not pursue." Obviously, these regulations contradict Mr. Thomas's repeated statements that EEOC's responsibilities extend only to charges reported by FEPAs to the EEOC within 18 months.

The worksharing agreements also make clear the EEOC's continued responsibility with regard to the federal claims. *See e.g.*, Paragraph 1e: "It is understood that this Agreement does *not* in any way reduce the jurisdiction conferred upon either party to this agreement, or *limit the rights and obligations of the respective parties.*" (Emphasis supplied.) Even more explicit is the section entitled "Timely Processing of ADEA Charges." This section establishes the EEOC's right to review any ADEA charge handled by the FEPA, and to take over the investigation of that charge when over one year has passed from the date of the alleged violation.[5]

EEOC internal documents also reveal that, contrary to Mr. Thomas's repeated assertions that the EEOC does not "supervise" or "regulate' the FEPAs processing of federal claims, the Commission holds itself responsible for monitoring the FEPAs and ultimately for the federal charges they handle. For example, a "Field Trip Report," resulting from a review of EEOC headquarters of the Miami District Office, states that the EEOC district office must be able to monitor federal charges handled by FEPAs "to ensure that charging party rights are not eroded by the running of the statute of limitations."[6] Similarly, a March 14, 1988 memorandum from EEOC's Director of Field Management Programs (West) to the Director of the Office of Program Operations, expresses concern over the EEOC Chicago district office's monitoring of ADEA charges handled by the Illinois Civil Rights Commission (a FEPA).[7]

It is deeply troubling to us that after eight years as Chairman, and only two years since he pledged to solve the problem of unprocessed ADEA cases, Mr. Thomas is unaware of the most fundamental aspects of the EEOC's relationship with its agents, the FEPAs, and unwilling to accept responsibility for the repeated failure of the FEPAs—and hence the EEOC—to adequately protect the rights of older workers under the ADEA. His (incorrect) insistence that the EEOC does not "supervise" or "regulate" the FEPAs may in fact highlight the cause of this continuing problem: the EEOC under Mr. Thomas has made no effort to insure that the FEPAs are fulfilling the terms of their worksharing agreements by processing ADEA charges in a timely and thorough manner.

2. Mr. Thomas's Testimony Regarding Unsupervised Waivers.—

At the February 6, 1990 confirmation hearing, Mr. Thomas was asked to explain the legal basis for the EEOC's rule permitting unsupervised ADEA waivers, given Supreme Court case law that invalidates such waivers. Rather than answer this question, Mr. Thomas repeatedly stated that EEOC's General Counsel had recommended adopting the regulations. When pressed, Mr. Thomas cited a series of lower court decisions permitting unsupervised waivers in limited circumstances.[8]

The appellate court cases cited by Mr. Thomas provide little if any support for the rules issued by the EEOC and subsequently suspended by Congress. First, *none* of these cases had been decided when the EEOC first proposed its regulations in October 1985. Indeed, the only decision on point prohibited unsupervised waivers.[9] Second, only two of the cases had ben decided before the rules were issued in final form in July 1987 and, in both these cases, the courts relied at least in part upon the commission's proposed rules and/or an EEOC brief in reaching their decisions.[10]

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[2] The FEPAs sole function with respect to the federal charges is to receive the charge and conduct an administrative investigation. When it reaches a determination of cause or no cause, it reports its finding to the EEOC. The FEPA's finding is then subject to EEOC review, during which it receives "substantial weight." To pursue litigation, the EEOC uses the same procedures as when the charge was initially investigated by one of its district offices. For example, the Office of General Counsel must review the charge and determine whether or not to recommend litigation.

[3] FEPAs are paid by the EEOC for investigating federal charges only if the FEPA reports its findings within 18 months. This deadline is an acknowledgement, by the EEOC, that the federal charges must be handled in a timely fashion.

[4] In his testimony, Mr. Thomas repeatly said, "We do not supervise state and local FEPAs. * * * [I]f a state agency receives a charge and that charge is not to us by 18 months * * * that charge is not under contract with EEOC."

[5] In addition, paragraph 8 of the worksharing agreements establishes that if the FEPA determines it does not have the resources to pursue a federal charge, it must notify the Commission.

[6] Field Trip Report, Field Management Programs—East, EEOC Miami District Office (August 8–12, 1988).

[7] See Hearing before the Special Committee on Aging, 100th Cong., 2d Sess. (June 23, 24, 1988) at 966.

[8] In *Lorillard* v. *Pons*, 434 U.S. 575 (1978), the Supreme Court expressly held that the ADEA incorporates the enforcement provisions of the Fair Labor Standards Act, and the case law interpreting those provisions. The Supreme Court has held that section 16(c) of the Fair Labor Standards Act, which is incorporated into the ADEA, invalidates unsupervised waivers. See *Brooklyn Bridge* v. *O'Neill*, 324 U.S. 697 (1945). The rules published by the EEOC—and subsequently suspended by Congress—contradict these cases.

[9] *Runyan* v. *National Cash Register*, No. 83–3862 (6th Cir. April 22, 1985) (rev'd *en banc* 1986).

[10] *See Runyan* v. *National Cash Register*, 787 F.2d 1039, 1045 (6th Cir. 1986, en banc); *EEOC* v. *Cosmair, Inc.*, 821 F.2d 1085, 1091 (5th Cir. 1987).

Third, the two courts carefully and specifically limited their decisions to waiver obtained in settlement of a bona fide factual dispute.[11] The EEOC's rules are not similarly limited, but would permit waivers in all circumstances.

When asked to explain this discrepancy, Mr. Thomas twice misstated the case law by asserting "no court has limited unsupervised waivers to bona fide factual disputes that I know of." Mr. Thomas is wrong. In fact, in *Runyan* v. *National Cash Register*, 737 F.2d 1039 (6th Cir. 1986, en banc)—the case upon which the EEOC placed primary reliance when issuing its final rule—the Sixth Circuit explicitly stated that its holding was limited to waivers of bona fide factual disputes.[12] In *Borman* v. *AT&T Communications, Inc.*, 875 F.2d 399, 404 (2d Cir. 1989), the court also held that the case involved a bona fide factual dispute. The other appellate decisions cited by Mr. Thomas are similarly limited by their facts, their holdings, or are simply inapplicable to the issue.[13]

Mr. Thomas's refusal to be guided by Supreme Court case law and his misstatements of the facts and decisions in the lower court cases cast serious doubt upon his ability or commitment to enforcement of the law regardless of his own personal preferences and interpretations. As many of the Senators indicated in the questions to Mr. Thomas, it is imperative that a federal judge be willing to accept and enforce the law as passed by Congress, and interpreted by the Supreme Court, notwithstanding personal disagreement with the law or its interpretation.

3. Mr. Thomas's Testimony Regarding Pension Benefit Accrual.—

Mr. Thomas's testimony at his confirmation hearing paints an inaccurate picture of the EEOC's actions and authority with respect to the issue of nondiscriminatory pension benefit accruals and contributions for older workers. Specifically, Mr. Thomas mischaracterized the law and the EEOC's conduct with regard to its refusal to rescind an admittedly illegal Interpretive Bulletin (IB) that permitted employers to freeze the pension accounts of persons who worked past age 65.

Mr. Thomas's testified that in order to rescind the IB, the EEOC had to comply with the formal procedures of rulemaking, including inter-agency coordination, a regulatory impact analysis and OMB approval. According to Mr. Thomas, these rulemaking requirements and the actions of other agencies prevented the EEOC from either rescinding the IB or issuing new regulations requiring post-65 pension benefit accrual. ("In essence, what happened to the pension accrual rulemaking was it was bogged down in the coordination process * * * we had to engage in rulemaking * * *". Rescission "is a major rulemaking * * * we could not simply withdraw the IB.")

This is incorrect and, in our view, misleading. As noted by both Senator Metzenbaum and Mr. Thomas at the hearing, the EEOC's Acting Legal Counsel at the time advised Mr. Thomas that the EEOC could rescind the IB without running afoul of rulemaking requirements. Moreover, even if formal rulemaking were required, there were interim steps available to the Commission to alleviate the considerable harm caused to, and cost imposed upon, older workers by allowing the admittedly illegal IB to remain in effect.[14]

A. EEOC's Acting Legal Counsel advised Chairman Thomas that rescission of the IB did *not* require formal rulemaking.—

The Office of Legal Counsel is responsible for all rulemaking within the EEOC. As documented in a contemporaneous memorandum, the Acting Legal Counsel advised Mr. Thomas that the Commission did not need to engage in formal rulemaking procedures to rescind the IB. Under Executive Order 12291, only if the proposed agency action is estimated to have an annual effect on the economy of $100 million or more is it designated a major rule requiring a regulatory impact analysis and submission to OMB. The Acting Legal Counsel determined that rescission of the IB would not have the required economic impact and thus the formal requirements of Executive Order 12291 did not apply.[15]

In his testimony, Mr. Thomas stated that he believed his Acting Legal Counsel to be wrong. He stated that he obtained a "second opinion" which reached the opposite conclusion. Mr. Thomas failed however, to identify who gave the second opinion and when—or why—it was solicited.[16]

Mr. Thomas's willingness to follow or not follow the advice of counsel seems arbitrary, at best. For example, Mr. Thomas's rejection of his Legal Counsel's advice in this regard must be contrasted with his repeated reliance upon the advice of the (Acting) General Counsel and the Legal Counsel with regard to regulations on unsupervised ADEA waivers (see discussion above). At the confirmation hearing, when asked for the legal basis for the EEOC's regulations on unsupervised waivers, Mr. Thomas emphasized again and again that EEOC's General Counsel initiated the controversial regulations and that the regulations had the support of the Legal Counsel. There appears to be no reason for his reliance upon counsel's advice in one instance and his rejection of it in the other.

B. The EEOC could have taken action short of rulemaking to protect the rights of older workers to fair and nondiscriminatory pension benefits.—

Mr. Thomas also failed to acknowledge that even if full rulemaking procedures were required for the rescission of the illegal IB, the EEOC had the authority to provide interim relief to older workers. The EEOC had the authority to issue an opinion letter stating that it would no longer recognize the IB as a good faith defense available to an employer charged with discrimination in pension benefits. The EEOC, however, not only failed to do this, but also repeatedly dismissed charges filed by older workers who were denied post-65 pension benefit accrual even after the Commission determined that this practice was illegal.

The EEOC has previously issued opinion letters interpreting the requirements of the ADEA, thereby establishing agency policy prior to or outside the "informal" rulemaking process. For example, in December 1983, it approved for publication an opinion letter explaining an employer's obligation to rehire retired employees under the ADEA.[17]

C. The Inter-agency Coordination process was completed by the time the EEOC voted to rescind the old regulations and issue the new ones in March 1985.—

The EEOC had been examining the IB and the issue of pension benefit accrual since it first assumed jurisdiction over the ADEA in 1979. In 1983, it issued an Advanced Notice of Proposed Rulemaking and in June 1984 it voted to rescind the IB and instructed staff to prepare new rules. In March 1985, the EEOC voted again to issue the new rules. The issue had been discussed repeatedly with other agencies and departments during this entire period. The interagency coorporation process was certainly complete when the Commission was sued, in June 1986, to rescind the IB and issue the new regulations.

Mr. Thomas has once again attempted to evade responsibility for his failure to protect older workers' rights under the ADEA by imposing blame upon another party. In this instance, as in the case of the lapsed charges, the blame must rest squarely with the Commission and Mr. Thomas.

In any hearing, there will always be some unintentional misstatements of fact or law. Here, however, the misstatements throughout Mr. Thomas's testimony cannot be excused as uninformed. The issues discussed

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[11] *Runyan*, 787 F.2d at 1044; *Cosmair*, 821 F.2d at 1091 (specifically adopting the reasoning of *Runyan*).

[12] The Runyan court noted, "The dispute is not over legal issues such as the ADEA's coverage or its applicability. Rather, the parties contest factual issues concerning the motivation and intent behind National Cash Register's decision to discharge Runyan. Accordingly, we hold that an unsupervised release of a claim in a bona fide factual dispute of this type under these circumstances is not invalid." 787 F.2d at 1044.

[13] See *Shaheen* v. *B.F. Goodrich Co.*, 873 F.2d 105, 106 (6th Cir. 1989); *Cirillo* v. *ARCO Chemical Co.*, 862 F.2d 448, 450 (3d Cir. 1988). In addition, other appellate decisions permitting unsupervised waivers also are limited, by their facts, to a bona fide factual dispute. See e.g., *Cosmair, supra; Coventry* v. *U.S. Steel Corp.*, 856 F.2d 514, 516–17 (3rd Cir. 1988).

A fifth case cited by Mr. Thomas, *Nicholson* v. *CPC International Inc.*, 877 F.2d 221 (3d Cir. 1989), does not involve an unsupervised waiver of ADEA rights.

[14] In June 1984, the EEOC voted to rescind the IB, finding that it violated the ADEA. In March 1985, the EEOC reaffirmed its decision. However, at no time did the EEOC actually take the required steps to rescind the admittedly illegal IB or publish replacement regulations for notice and comment. It did not rescind the IB until subject to court order.

The EEOC's refusal to rescind the IB also prevent older workers from asserting their rights in court. Under the ADEA, an employer who relies upon a written agency action may have a "good faith" defense to a charge of discrimination if he demonstrates reliance upon the IB—even if the challenged conduct is discriminatory and the agency action is subsequently found invalid.

[15] The Acting Legal Counsel's position is supported by the fact that rescission of the IB would not require employers to take any action, nor would it release employers from any obligation.

Although studies showed that older workers suffered a loss of approximately $450 million in annual pension benefits due to the illegal practice of freezing pension accounts at age 65, regardless of whether the worker continued to work the cost to employers of continuing pension contributions and accruals beyond normal retirement age was minimal at most. Comm. Pub. No. 97-323, An Analysis of the Costs of Pension Accrual After Age 65 (A. Rappaport, W. Mercer), U.S. House of Representatives, Select Committee on Aging, 97th Cong., 2d Sess (May 1982).

[16] Indeed, Mr. Thomas stated that "we have gotten a second opinion after the document request," which would be January-February 1990. This, of course, means that the "second opinion" could not have formed the basis for this decision four and five years ago.

[17] EEOC Opinion Letter on Obligation to Rehire Retired Employees under Age Discrimination in Employment Act, (approved December 13, 1983), No. 60, published by the Bureau of National Affairs, Jan. 1984.

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above, and in our previous letter to Chairman Biden and Senator Thurmond (of January 26, 1990), have consistently and publicly been before the Congress and the EEOC and involve basic operating procedures of the Commission.

During Mr. Thomas's tenure as Chairman, Congress has repeatedly been forced to step in to overrule or substantially modify the EEOC's actions and conduct with regard to its enforcement of the ADEA. What is most disturbing to AARP, and we hope would be of greatest concern to the members of the Judiciary Committee, is that Mr. Thomas's testimony and record reveal not only a failure to enforce the law as passed by Congress, but, at best, a lack of concern for the working Americans protected by the Age Discrimination in Employment Act. The record of the hearing, and Mr. Thomas's record as EEOC Chairman bring into question whether he will act differently as a federal judge.

Very truly yours,

Horace B. Deets.

Mr. METZENBAUM. Mr. President, that letter states as follows:

Mr. Thomas' testimony reveals a fundamental lack of understanding of both the laws he has been charged with enforcing for the past 8 years and the regulations and procedures of the agency he has chaired.

Mr. President, that letter makes the same points, only far more extensively, maybe far more adequately, even, than my letter sent to members of this committee, a copy of my letter having been introduced at an earlier point.

The National Council on Aging does take a position with respect to Mr. Thomas' nomination. The council wrote the committee to say that, "There is no question that the EEOC retains ultimate responsibility for FEPA-processed ADEA charges."

Mr. President, I ask unanimous consent that letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The National Council
on the Aging, Inc.,
Washington, DC, February 15, 1990.

Hon. Joseph R. Biden, Jr.,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Dear Chairman Biden: We are appalled over misleading statements made by EEOC Chairman Clarence Thomas at his confirmation hearing regarding his agency's failure to enforce the federal Age Discrimination in Employment Act for thousands of older Americans.

The Committee confronted Chairman Thomas with evidence that close to 2,000 new age discrimination victims have lost their right to file suit in court because of the failure to process their claims within the two-year statute of limitations. We emphasize that these are new lapses, which have been discovered since the passage of the Age Discrimination Claims Assistance Act in April of 1988. That Act extended protection to thousands of complainants whose ADEA charges were mishandled and neglected by EEOC prior to 1988 and under Mr. Thomas' administration.

The bulk of these complaints were filed with state and local fair employment practices agencies which have contracts with the EEOC to investigate complaints filed under federal anti-discrimination laws. Chairman Thomas and the Commissioners approve every such contract.

Several times during the hearing, Mr. Thomas attempted to shift blame for both past and current lapsed ADEA charges away from him. He stated that an ADEA charge filed with a FEPA is actually filed under state law, which is false. According to the agency's own guidelines, an ADEA charge may be filed with a state-sponsored agency and may be accompanied by related claims under state law, but it remains a federal claim and invokes the protection of the federal law.

Mr. Thomas also implied that the EEOC's responsibility for an ADEA charge filed with a FEPA begins only when the FEPA returns the charge for contract credit within 18 months of the date of violation. That is also erroneous. As it rules make clear, the EEOC is required to docket, monitor and review every federal charge handled by the FEPAs. Upon the initial filing, the charges are entered into EEOC's national database, and the FEPA investigations are supposedly monitored by the EEOC's field offices.

It is simply amazing that Mr. Thomas proffers these excuses for failure to enforce the law. There is no question that the EEOC retains ultimate responsibility for FEPA-processed ADEA charges. Contrary to what Mr. Thomas may have the Committee believe, the EEOC cannot contract away the ADEA rights of older Americans. The FEPAs act directly as agents of the EEOC in processing federal charges.

We have witnessed Mr. Thomas's capacity for evasion before Congressional committees on other occasions, and we believe that he is being less than candid with the Judiciary Committee about the extent of his agency's responsibility for the newly lapsed ADEA charges. During the same hearings, he misrepresented the facts to Senator Heflin regarding the number of charges lapsing in prior years. He stated that only 900 had lapsed, when his own agency reported to the Senate Aging Committee that possibly 13,000 charges had lapsed. (The actual number is unknown because of the agency's prior policy of destroying files six months after closure.)

We believe that it would be a serious mistake to place on the federal bench an official who has repeatedly shown a disregard of the law and a willingness to mislead the Committee on important points of fact. On behalf of older workers and those who wish to preserve and advance their rights under law, we urge you not to confirm this nominee.

Sincerely,

Daniel J. Schulder,
Senior Public Policy Associate.

Mr. METZENBAUM. Upon learning of Mr. Thomas' testimony on the lapsed charge issue, the chairman of the Senate Aging Committee took to the floor of the Senate, stating that he was "dismayed to learn about several erroneous statements made by Chairman Thomas and his supporters regarding his role in enforcing the ADEA."

That is a quotation from an earlier statement made on the floor of the Senate by Senator Pryor, chairman of that committee. Senator Pryor stated:

There should be little dispute that thousands of ADEA claimants have unfairly and unacceptably lost their rights during Chairman Thomas' 8-year tenure.

He noted that the nominee and his supporters had sought to paint a "rose-color view" of Mr. Thomas' record as head of the EEOC. Senator Pryor stated that—

Several thousand age discrimination claimants who, during Chairman Thomas' watch, lost their rights largely due to EEOC neglect and mismanagement would differ with this rose-color view of the past 8 years.

The chairman of the Aging Committee went on to say that

"As the Federal entity charged with the enforcement of the ADEA, the EEOC has the inescapable duty to protect the rights of ADEA claimants," regardless of whether the ADEA charges are filed at the State or Federal level.

Finally, Senator Pryor declared that Mr. Thomas' statement on the EEOC-FEPA relationship "raised serious questions about the nominee's appropriateness for the Federal bench."

It is my understanding that if Senator Pryor can get away from a committee hearing which he is presently attending that he intends to address himself to this subject on the floor of the Senate later in the afternoon.

What do we have before us? We have the people who know the ADEA—the Age Discrimination Employment Act—and aging issues who are troubled by Mr. Thomas' statements, as I was. The chairman of the Aging Committee, the American Association of Retired Persons, and the National Council on Aging all felt compelled to issue formal responses to the statement made by Mr. Thomas during his confirmation hearing.

Let me talk about some of the other opposition that exists to Mr. Thomas' nomination, notwithstanding the fact I stand here before you and say I have no doubt in my mind that Mr. Thomas will be confirmed. There is a considerable bloc of opposition in addition to that which I previously mentioned; 19 of the 24 Members of the Congressional Black Caucus oppose Mr. Thomas.

Mr. President, I ask unanimous consent that each of their names be printed in the Record.

There being no objection, the names were ordered to be printed in the Record, as follows:

List of Members of the Congressional Black Caucus Opposed to the Nomination of Clarence Thomas for the D.C. Circuit Court of Appeals

Rep. William Clay (D-Missouri).
Rep. Cardiss Collins (D-Illinois).
Rep. John Conyers (D-Michigan).
Rep. George Crockett (D-Michigan).
Rep. Ron Dellums (D-California).
Rep. Julian Dixon (D-California).
Rep. Mervyn Dymally (D-California).
Rep. Mike Espy (D-Mississippi).
Rep. Harold Ford (D-Tennessee).
Rep. Augustus F. Hawkins (D-California).
Rep. Charles Hayes (D-Illinois).

Rep. Major Owens (D-New York).
Rep. Donald Payne (D-New Jersey).
Rep. Charles Rangel (D-New York).
Rep. Gus Savage (D-Illinois).
Rep. Louis Stokes (D-Ohio).
Rep. Craig Washington (D-Texas).
Rep. Alan Wheat (D-Missouri).
Rep. Kwesi Mfume (D-Maryland).

Mr. METZENBAUM. Of the remaining five, it is my understanding, I am informed, that none affirmatively support the nomination. Some have not been heard from and some take no position whatsoever.

Furthermore, 10 chairs of House committees and subcommittees with jurisdiction over EEOC issues, including the chairman of the House Aging and House Government Operations Committees, have written a letter opposing Mr. Thomas. The letter states that Mr. Thomas "developed policy directives and enforcement strategies which have undermined the effectiveness of the ADEA."

Mr. President, let me read the names of those who have signed this letter:

There being no objection, the names were ordered to be printed in the RECORD, as follows:

> Don Edwards, Chairman, Judiciary Subcommittee on Civil and Constitutional Rights; Cardiss Collins, Chairwoman, Government Operations Subcommittee on Government Activities and Transportation; Gerry Sikorski, Chairman, Post Office and Civil Service Subcommittee on Civil Service; Matthew G. Martinez, Chairman, Education and Labor Subcommittee on Employment Opportunities; Patricia Schroeder, Chairwoman, Armed Services Subcommittee on Military Installations and Facilities; Edward R. Roybal, Chairman, Select Committee on Aging; Charles A. Hayes, Member, Committee on Education and Labor; Tom Lantos, Chairman, Government Operations Subcommittee on Employment and Housing; William Clay, Education and Labor Subcommittee on Labor-Management Relations; Dale Kildee, Chairman, Education and Labor Subcommittee on Human Resources; John Conyers, Jr., Chairman, Committee on Government Operations.

Mr. METZENBAUM. Mr. President, I know that Mr. Thomas will be confirmed, and I questioned myself as to whether or not I ought to make a statement in opposition. I concluded that it would be irresponsible on my part not to come to this floor and point out the limitations of this man who is, unquestionably, well educated and, to the best of my knowledge, has a fine reputation. I have no fault to find with his integrity, nor do I question his political philosophy. But I do say that any person who has headed up a major agency, such as the Equal Employment Opportunity Commission, and does not understand the full scope of those responsibilities and the major factor concerning the relationship between his agency and the State agencies that are working for his agency, just does not understand the law well enough to be a member of the circuit court of appeals.

Having said that, I repeat again, I will vote no, but I expect that he will be confirmed. I hope that my judgment and conclusion is wrong, and I hope that he will make a superb member of the circuit court of appeals. I reserve the remainder of my time.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

Mr. President, I would like to address the comments made by the Senator from Ohio and concerns raised by certain House Members. Regarding lapsed charges, they are filed with the fair employment practices agencies in the States. The Equal Employment Opportunity Commission has worksharing agreements with local and State fair employment practices agencies. The agreements are to avoid duplication of efforts by the EEOC and the fair employment practices agencies.

When a person submits a charge of age discrimination to a State or local agency, although the Age Discrimination in Employment Act does not require the FEPA's to notify the EEOC of the age charges that are filed with them, they have agreed to do so in worksharing agreements. At that time, the EEOC notifies the charging party that the charge is also filed with the Equal Employment Opportunity Commission, and that he or she has the right to file a lawsuit alleging age discrimination in Federal district court. The charging party must sue no sooner than 60 days after the charge is filed with the Agency, and no later than 2 years after the date of the alleged act of discrimination.

Dual filing also affords the EEOC the opportunity to alert the charging parties of their Federal rights. The provision of dual filing insures that the rights of the charging parties to file suit under ADEA are maintained throughout the State agencies administrative process. Before the Federal 2-year statute of limitation expires, the charging party receives an additional notice of the fight to file a private suit in Federal district couret. Even if the charging party does not file a suit under the Federal ADEA or request that the EEOC investigate the charge under the Federal ADEA, the State and local agency continues to investigate the charge and provides relief under the applicable State age discrimination statute.

Mr. President, even though the age charges are usually filed under both the State statute and the Federal law, the fair employment practices agencies do not process Federal ADEA charges. These charges are processed under State age discrimination statutes.

I think there is some misunderstanding about this matter, and I wanted to make that statement.

There was a question about the American Association of Retired Persons being concerned and statements made that they were opposing this man. The American Association of Retired Persons had some concerns, and they contacted me. I wrote them a letter and explained the matter.

I ask unanimous consent that this letter appear in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 27, 1990.

Mr. HORACE DEETS,
Executive Director, American Association of Retired Persons, Washington, DC.

DEAR MR. DEETS: Thank you for your recent correspondence regarding Mr. Clarence Thomas and the Judicial nomination process. As you know, I support Mr. Thomas' nomination to be a United States Circuit Judge for the District of Columbia. However, I have looked into the concerns you expressed in your letter.

First, I will address the matter of lapsed charges which are filed with the Fair Employment Practices Agencies in the states. When a person submits a charge of age discrimination to a state or local agency, although the Age Discrimination in Employment Act does not require the F.E.P.A.s to notify the E.E.O.C. of the age charges that are filed with them, they have agreed to do so in worksharing agreements. At that time, the E.E.O.C. notifies the charging party that the charge is also filed with the E.E.O.C., and that he or she has the right to file a lawsuit alleging age discrimination in federal district court. The charging party must sue no sooner than 60 days after the charge is filed with the agency, and no later than two years after the date of the alleged act of discrimination.

Dual filing affords the E.E.O.C. the opportunity to alert the charging parties of their federal rights. The provision of dual filing insures that the rights of the charging parties to file suit under the Age Discrimination in Employment Act are maintained throughout the state agencies administrative process. Before the federal statute of limitation expires, the charging party receives an additional notice of the right to file a private suit in federal district court. Even if the charging party does not file a suit under the federal A.D.E.A. or request that the E.E.O.C. investigate the charge under the federal A.D.E.A., that state and local agency continues to investigate the charge and provides relief under the applicable state age discrimination statute. Even though the charges are usually filed under both the state statute and the federal law, the Fair Employment Practices Agencies do not process federal A.D.E.A. charges.

Also, I have examined the issue of unsupervised waivers and pension benefit accrual. I have been informed that several Circuits have ruled on the issue of unsupervised waivers and have agreed with the E.E.O.C. that knowing and voluntary waiv-

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ers may be permissible. The pension benefit accrual issue was a hotly contested one within the Executive Branch. My examination of this issue showed that Mr. Thomas made a good faith effort to revise the Interpretive Bulletin.

I appreciate your having taken the time to advise me of your concerns regarding Mr. Thomas' nomination. I hope the areas I addressed help to alleviate some of your concerns.

I believe that Mr. Thomas has demonstrated both personally and professionally that he is qualified for this important position. He possesses all the attributes which I feel a Judicial candidate should bring to the bench. For these reasons, I support his nomination.

With kindest regards and best wishes,

Sincerely,

STROM THURMOND.

Mr. THURMOND. On the morning of the hearing a newspaper came out and said that the AARP was opposed to this man. That was incorrect. The AARP telephoned us and stated that was incorrect. They did not oppose him. They had some concerns. I think we allayed those concerns; we explained that matter to them. When the paper carried erroneously that they were opposed to him, they went to the trouble to call and notify us they were not opposed to him.

RELATIONSHIP BETWEEN EEOC AND STATE AND LOCAL AGENCIES

Mr. President, in response to the statements made by Senator METZENBAUM, I want to briefly describe the relationship between EEOC and State and local fair employment practices agencies.

At the time Congress enacted title VII, there were a number of State statutes prohibiting various forms of employment discrimination and Congress did not want to diminish those efforts. Under section 706(c) of title VII of the Civil Rights Act of 1964, where there is State or local law prohibiting unlawful employment practices and a State or local authority to grant or seek relief from such practices, a charge cannot be filed with the EEOC until 60 days after commencement of a proceeding with a State or local fair employment practices agency.

Title VII provides that the Commission may cooperate with State and local agencies by, among other things, contributing to the cost of services and projects performed by such agencies. Accordingly, each year Congress earmarks part of EEOC's appropriation—$20 million annually in the last 4 fiscal years—for EEOC to distribute to FEPA's for processing a certain number of deferred charges. The number of charges for which the 706 agency may be paid is considerably less than the total number of charges which it receives. EEOC follows specific guidelines to distribute the State funds through charge processing contracts, which set out payment schedules. EEOC pays State agencies a fixed rate of $400 for each properly completed charge.

When an age charge is received first by a FEPA with which EEOC has a worksharing agreement, the FEPA files and processes the charge under its age discrimination law. Under the worksharing agreement, the State filing also constitutes a technical filing of a Federal age discrimination charge under the ADEA, which EEOC enforces. The latter charge is not filed for the purpose of initiating a separate Federal investigation but rather to preserve the charging party's right to file a private ADEA lawsuit in Federal district court, and to preserve the charging party's option to have EEOC investigate the charge under Federal law rather than have the State FEPA investigate it under State law. This is known as dual filing.

After the State FEPA notifies EEOC that an age charge has been filed with it, EEOC informs the charging party that it will not separately investigate the age discrimination charge, advises the charging party of his or her private Federal ADEA rights and of the statute of limitations, and urges the charging party to contact EEOC if there are any questions. A copy of the notice is attached. Before the statute of limitations expires, charging parties again routinely receive notice of their right to file suit in Federal district court when there has been no final disposition of the charge.

This should clarify the point.

Mr. President, I do not know of any reason to take more time. The committee has spent a substantial amount of time on this nomination.

The able Presiding Officer at this time is a member of the Judiciary Committee, and he knows how much time was taken by that committee. It investigated every facet of his nomination. It was put off with substantial investigation before we had the hearing.

We finally had the hearing, and what was the committee vote? The committee vote was 13 to 1. The distinguished Senator from Ohio was the only Senator on the committee who voted against him. All Democrats voted for him except the Senator from Ohio, and all Republicans voted for him.

We think the nominee has had a full hearing, and we think this individual should be confirmed. We think he is an able man.

Clarence Thomas came up the hard way. He rose by his own bootstraps. He rose up from one position to another. He worked his way through school. He worked his way through college, and he then went to Yale Law School. He worked with the State of Missouri.

He worked with the able and distinguished Senator from Missouri, who is here and I think will say a few words in his behalf in a few minutes. He will tell you about the man.

If anybody in the world deserves consideration, it is this particular individual. I hope the Senate will confirm him by a big majority.

At one time, I thought we were just going to have a voice vote, but I have been requested now to have a rollcall vote. So at the conclusion, Mr. President, I ask that we have a rollcall vote.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. Mr. President, just a couple things, and then I will yield to my colleague from Missouri.

First, I made it very clear in my statement that the AARP never takes a position with respect to judicial nominees and they did not take a position either in support of or in opposition to Mr. Thomas. I do not believe that their concerns as expressed in their 15-page letter have been allayed. But they have not taken a position. Their letter speaks for itself.

Second, Mr. President, I think I failed to include in the record the copy of the letter signed by the chairs of the various subcommittees in the House. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 28, 1990.

Hon. HOWARD M. METZENBAUM,
U.S. Senate, Committee on the Judiciary,
Washington, DC.

DEAR SENATOR METZENBAUM: Last year, we wrote to President Bush urging him not to nominate Clarence Thomas to the D.C. Circuit Court of Appeals. We are members of congressional committees with oversight responsibilities for the EEOC and believe Mr. Thomas' actions as chair of the Equal Employment Opportunity Commission raise serious questions about his judgment, respect for the law and general suitability to serve as a member of the Federal judiciary.

Mr. Thomas has developed policy directives and enforcement strategies which have undermined the effectiveness of the Age Discrimination in Employment Act (ADEA) and Title VII.

Both Democratic and Republican administrations have vigorously enforced the ADEA since enactment in 1967. However, during Mr. Thomas' administration, the Commission has adopted policies involving pension accrual, supervised waivers, apprenticeship exclusions and early retirement incentive plans inimical to ADEA's purpose—to encourage the employment of qualified, older workers. In addition, EEOC failed to process thousands of older workers' complaints in a timely manner which prevented them from pursuing their claims in court. This lead to congressional legislation extending the statute of limitations for these workers.

EEOC is the primary federal agency charged with enforcing Title VII of the 1964 Civil Rights Act which prohibits employment discrimination based on race, sex, color, national origin and religion. Mr. Thomas' questionable enforcement record frustrates the intent and purpose of that statute. For example, congressional hearings revealed that his public statements supporting equal employment opportunity conflicted with his directives to agency staff. And while employers, civil rights advocates, the judiciary and the EEOC's own Uniform Guidelines on Employment Selection Procedures generally agree on the legality of goals and timetables in affirmative action programs, Mr. Thomas has denounced their use. In fact, without consultation with the five sponsoring federal agencies, he has attempted several times to revise the Uniform Guidelines. Those efforts were blocked by Congress. He has also shifted EEOC enforcement from litigation with broad systemic effect to individual cases with limited impact.

Mr. Thomas has resisted congressional oversight and been less than candid with legislators about agency enforcement policies. For example, the Senate Special Committee on Aging took the unusual step of issuing a subpoena to compel production of the agency's records on enforcement of ADEA cases. Thomas first reported 78 claims had lapsed because of the statute of limitations and complained to the Committee chairman that the requested data was useless and consumed too much staff time. New legislation compelled the EEOC to notify complainants with lapsed claims; 8900 persons were notified. Contrary to statements made to former Government Operations Subcommittee Chair Barney Frank, an Education and Labor Committee Staff Report revealed, the EEOC had abandoned the use of goals and timetables as an enforcement tool in Title VII claims. This major shift in EEOC enforcement was in place for a number of months, and neither the Congress nor the public was notified of the change.

The Chairman reportedly retaliated against an employee critical of EEOC's enforcement of ADEA shortly after she presented testimony under subpoena from the Senate Committee (this is a violation of federal law and is currently under review).

Mr. Thomas has demonstrated an overall disdain for the rule of law. His record as EEOC Chair sends a clear message to those who have suffered job discrimination that he is insensitive to the injustice they have experienced.

For these reasons, we believe Mr. Thomas should not be confirmed.

Sincerely,

Don Edwards, Chairman, Judiciary Subcommittee on Civil and Constitutional Rights; Edward R. Roybal, Chairman, Select Committee on Aging; Cardiss Collins, Chairwoman, Government Operations Subcommittee on Government Activities and Transportation; Gerry Sikorski, Chairman, Post Office and Civil Service Subcommittee on Civil Service; Matthew G. Martinez, Chairman, Education and Labor Subcommittee on Employment Opportunities; Patricia Schroeder, Chairwoman, Armed Services Subcommittee on Military Installations and Facilities; Charles A. Hayes, Member; Committee on Education and Labor; Tom Lantos, Chairman, Government Operations Subcommittee on Employment and Housing; William Clay, Education and Labor Subcommittee on Labor-Management Relations; Dale Kildee, Chairman, Education and Labor Subcommittee on Human Resources; John Conyers, Jr., Chairman, Committee on Government Operations.

Mr. METZENBAUM. Third, I am not sure, with respect to the request for a rollcall, if there was a sufficient second; at least I did not hear it so determined. But I wanted to make it clear to my colleague that originally I had indicated I would ask for a rollcall. I am not asking for a rollcall.

Of course, he is certainly within his rights in requesting a rollcall, but I am not particularly asking for a rollcall. And I am prepared to concede the fact Mr. Thomas is going to be confirmed.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield to the able Senator from Missouri such time as he may require.

Mr. DANFORTH. I thank the Senator from South Carolina.

Mr. President, I am pleased to hear that the Senator from Ohio has conceded, as I understand it, the questions of character and intellectual ability, the usual matters that are brought before the Judiciary Committee or any other committee in matters of confirmation.

He has pinned his opposition entirely on a question of interpretation of the law, which I am not prepared to debate. I do not know what the law is in this area.

I do know this, that Clarence Thomas is a very able lawyer.

Mr. President, I do not speak from the standpoint of a member of the Senate Judiciary Committee. I did sit in the committee hearing room and hear a couple of hours, I suppose, of the Clarence Thomas nomination hearing, but I rise to address the Senate as a person who has known Clarence Thomas not for a few hours or for a day, but I have known him for 16 years.

I hired Clarence Thomas when he was a third-year student at Yale Law School. At that time, I was on a recruiting trip to various law schools, interviewing prospective people to come to work for me when I was the State attorney general of our State of Missouri.

I interviewed Clarence Thomas, and I offered Clarence Thomas a job. One of the good things that happened to me when I was State attorney general was that he accepted that job invitation, and he came to work for me in Jefferson City as assistant attorney general and served in that capacity for—I do not remember the exact length of time, but it was something like 2½ years until I left the attorney general's office.

So I know Clarence Thomas firsthand. I worked with him on a daily basis over a period of years. I know the quality of his legal work.

When I was State attorney general, we had a small office with a lot of work to do. We could not afford deadwood, and we could not afford high salaries.

The only way we could make that office work was for me to go around the State and around the country and spend a lot of time trying to recruit people out of law school, and then giving them an amazing amount of responsibility right off the bat, because we could not pay the salaries of people who had been in the practice of law for a long period of time. We had to depend on very able people, and we had to give them work well beyond what could be expected from people of their responsibilities.

I was told that when I was State attorney general—and I am not sure if this is right or not, but I was certainly told this—the first jury trial of a civil rights case was conducted by a person in my office 1 year out of law school. When I think about that, it makes me shudder at how much responsibility we gave these young men and women who came to work in the attorney general's office, being paid salaries of maybe $15,000 or $16,000, something like that.

But necessity was the mother of invention, and we had to have them do that work. We threw them into the fire. As a matter of fact, it was characteristic when I was State attorney general that we had to have people specially admitted to practice law in our State before their classmates out of law school were admitted because we could not wait around for the formalities. They had to argue cases before the State supreme court. We had the responsibility of arguing all of the felony appeals before the State supreme court.

And there were hundreds of them every year. So when Clarence Thomas came to work for me in, I think, 1984 right out of Yale Law School, he was immediately thrown into appellate advocacy, briefing and arguing appeals before the State supreme court right off the bat. There was no apprenticeship. He discharged that task with great ability.

Then, as happens in any office, the better you are, the more responsibility you assume. Well, Clarence Thomas was given responsibility for some of our most demanding State departments. The State tax commission was a plan of Clarence Thomas. The State department of revenue was a plan of Clarence Thomas. He was their lawyer in our office. He discharged that job very, very effectively, and very well as a very young lawyer.

One of the things that has interested me during the 4 months or so that the Thomas nomination has been

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before the Senate is the number of people who have known Clarence Thomas over the years, who have a measure of his ability and a measure of his character, who have taken the initiative of talking to me about Clarence Thomas, or who have expressed an interest in doing whatever it takes to support Clarence Thomas.

For example, the now Governor of our State was a young lawyer in the attorney general's office when I was attorney general. And he shared an office with Clarence. He was in my office a month or so ago and asked how the nomination was going. He remarked on how much Clarence Thomas had fought him, John Ashcroft, as a young lawyer. Then a couple of weeks ago I happened to be on the telephone on an entirely unrelated matter with the dean of Yale Law School, Guido Calabresi, and during that conversation about who knows what, Dean Calabresi said to me, "How is Clarence doing?" We talked about the nomination. He said, "Well, I had testimony all ready to go if you needed me. I was prepared to come down and testify before the Judiciary Committee on behalf of Clarence Thomas."

This is the dean of Yale Law School who was on the faculty of Yale Law School when I was a student there, and when Clarence Thomas was a student there. He knew him. One of the things that Dean Calabresi said on the telephone was to remark on the character of Clarence Thomas, the personal character of the man.

So I have no doubt about his ability. I have no doubt about his character. As a matter of fact, I not only hired Clarence Thomas once, but I hired him twice. He worked for me in Jefferson City when I was State attorney general as a lawyer. And then I left the attorney general's office, came to Washington, and he went to work in the legal department of Monsanto, the headquarters of which are in St. Louis County. Then I asked him to leave Monsanto, and come to work for me here in Washington as a legislative assistant. And he did, and he worked for me here, I guess, a couple of years or so.

Then when Ronald Reagan was elected, Clarence Thomas was recruited by the Reagan administration. He has worked for me twice. Some people might say, "Well, have you ever made a mistake?" Yes, but not twice. I asked him to come to work for me twice, and he did a great job twice. I know his ability. I know his ability as a lawyer. I know his ability as a legislative assistant. I have spent countless hours of my life talking to Clarence Thomas or reading the things he has written. I can tell the Senate on the basis of firsthand experience with the man he is an able lawyer and a fine human being.

We have been told already this afternoon about his personal history. It really is a remarkable history. Here is a person who was raised in poverty, a black kid in rural Georgia raised by his grandparents who were illiterate but who believed in education and its importance. So they put him in the Catholic school system in Savannah, GA. From there, after he graduated from high school, he went to a monastery. He went to Benedictine Monastery in northwest Missouri. He decided, after a year there, that he did not want to be a monk. So he went to Holy Cross College. He is now on the board of trustees of Holy Cross. Then he went from Holy Cross to Yale Law School. That was when I hired him, when he was a third-year law student. The rest of his history is well-known.

I would like to say a word about his character because Dean Calabresi mentioned it, and, of course, his personal history speaks of it. I was present in the Judiciary Committee when he was questioned about the lapse of the statute of limitations on the aging cases. I really do not know enough about it. I hope my friend from Ohio does not question me about it because my knowledge of this is zero. But I will just tell the Senate what I remember hearing. Clarence Thomas said that he takes full responsibility for what happened. As I understand, at least part of what happened was a result of a system that he inherited. In any event, he said, "This was on my watch." That was the nature of what he said. "It was on my watch. I assume responsibility for what happened in EEOC while I was chairman."

Mr. METZENBAUM. Will the Senator yield for just a moment? I made it quite clear that I am not standing here because some cases lapsed in the first instance. On the 1,800 cases, we then passed legislation. Mistakes happen. Nor am I here because 1,500 subsequent cases lapsed at the State level. Again, that is an issue to which Senator PRYOR has addressed himself. Nor am I here in connection with an interpretation of the law.

I am here because of the basic point, and that is, either a particular responsibility or a major responsibility, belonged to the national agency that he headed or it did not. I thought that was very basic. I still do. But I want to make it very clear—and I apologize for interrupting my colleague, but I do not do it in any sense of unfriendliness, but just to say I am not making an issue about some of those cases that lapsed. It was a mistake and he apologized for it. That is good enough for me.

Mr. DANFORTH. I thank the Senator. And he did. I simply pointed it out because I think it refers to the kind of person he is. He said, "Yes, it happened while I was chairman. I take responsibility for it."

Clarence Thomas was appointed by President Reagan to the chairmanship of the EEOC. It really was not a job that he sought.

Then after he served a term, the President asked him to serve for a second term. I can remember visiting with Clarence Thomas at that time and saying to him, "Why do you want do this again? This is the time that you move on to something that is maybe a little more career oriented."

Clarence Thomas said, "I have not finished the job yet." That is the Clarence Thomas that I know, a person who would say, "I have not finished the job yet," and there was no question about it, he had not finished the job.

Here is a person who knew discrimination when he was growing up, and I guess for the whole rest of his life, and he is committed and said, "I have not finished the job."

He wanted to make that agency competent and capable and effective. Insofar as Senator METZENBAUM's comments go to the question of ability, I have already stated my own experience. I can also tell the Senate that during these last 4 months, I had occasiont to speak on the telephone one day with a man who is now a Federal district judge in the Western District of Missouri, named Brook Bartlett. He was my first assistant part of the time while I was State attorney general, a very, very able person, a Stanford Law School product, a person who has experience in a major law firm in Kansas now. He is now, as I say, a Federal district judge. He was Clarence Thomas' immediate supervisor when Clarence Thomas served as an assistant attorney general.

He would be perfectly willing to come up and testify on behalf of Clarence Thomas and in strong support of him, a believer in the basic good sense of Clarence Thomas and in his ability as a lawyer. The American Bar Association's committee to review prospective judges unanimously found Clarence Thomas qualified. The difference between highly qualified and qualified being one of exactly how much experience he has had in the actual practice of law in a court. But they unanimously found him qualified to serve as a Federal appellate judge. I really do not have any doubt about it at all. Why would a law school want to come down here and testify on his behalf?

So, Mr. President, I simply say that this is a matter I know about. I cannot tell the Senate in all good conscience that I have always spoken only about matters I know about on the floor of the Senate. This one I do know about.

I have known about this person for 16 years. He has worked for me twice in two different capacities. I have kept up with him since. And the people who have known him and have worked with him, Judge Bartlett in Kansas City, and various people in my office, in both the attorney general's office and here in Washington, who feel so strongly about him, about his ability, about his personal qualifications, would be prepared to appear before any group of Senators who would like to visit with them.

I told the Judiciary Committee when I presented Clarence Thomas, that if the committee wanted, I could produce a list of witnesses as long as your arm to testify about this man. It was not necessary. The committee and Senator THURMOND voted to report it to the floor of the Senate favorably, by a vote of 13 to 1.

Senator THURMOND has asked for a rollcall vote. Senator METZENBAUM said he did not want one. I think it is fine to have one now that the question has been brought to the floor. This particular nomination has been a high-visibility nomination. A lot has appeared in the press. I know the Wall Street Journal particularly has had some editorials and ariticles about it, but there has been a lot of discussion about it.

There was a comprehensive hearing; I think it lasted most of a day in the Senate Judiciary Committee. We have all had an opportunity to think about it, to talk about it, hear about it, to hear from those who have known Clarence Thomas, to review the record.

Obviously, I feel strongly about this nomination. It is my very strong hope that tomorrow, when there is, I am told, a rollcall vote on this matter, that the vote will be overwhelming, and that it will be a real vote of approval and a real vote of support for a man who, as Senator HATCH pointed out, embodies the American dream, who embodies the hopes and aspirations of so many people, who really is a model and should be a model to black Americans, to all kinds of people who have not had the advantages of the kind of wealth and resources that many of us have had, who made the most of the talents that he was given. That is Clarence Thomas.

My hope is that if the vote is 100 to nothing, and I do not think it will be, that it is no worse than 99 to 1. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield the distinguished Senator from Wyoming such time as he may require.

The PRESIDING OFFICER. The Chair recognizes Senator SIMPSON.

Mr. SIMPSON. I will take a few minutes, if I may. I am very pleased to speak in support of Clarence Thomas to be judge of the U.S. Circuit Court of Appeals for the District of Columbia. I have listened carefully to this debate. The Senator from Ohio and I sit on the Judiciary Committee. We have had some spirited exchanges throughout the years, and I enjoy those opportunities for debate very much. He is a worthy advocate and a worthy adversary.

I have been through these hearings before, with regard to judgeships. Some of them are quite anguishing. I think, in regards to this nomination, we should put a great deal of credence in the statements of my colleague from Missouri, for whom I have a great deal of respect. He knows Clarence Thomas and in all my time here, I have never heard a more moving and extraordinary presentation about a man's record and philosophy and character than I did when Senator DANFORTH appeared before the Judiciary Committee that day when Clarence Thomas' name was presented.

He had a very fair hearing. To hear Senator DANFORTH speak about Mr. Thomas to know him as he does is ever more important, I think, to all of us.

We have heard of the man and now know of his early life, that he grew up with very few of the opportunities available to most of us in this body. I have heard probably our most respected colleague, the ranking member of the Senate Judiciary Committee, Senator THURMOND, describe this man. We know now of this man—what he has done since his earliest days. We know of the important qualities he represents which we all hope for in our own children: Hard work, a positive attitude, and never, ever saying "I cannot do this" or "I cannot make it."

Despite the absence of privilege and because of the attitudes that have been described by Senator THURMOND and Senator DANFORTH, Clarence Thomas has really created an astounding record of public service and legal experience.

His fine scholastic performance from elementary school through Yale Law School has been so well documented. Equally impressive is Clarence Thomas broad legal experience in both the private sector and in the public sector where he served on the Hill and his service in the administration.

So, Mr. President, we appraise Clarence Thomas on those traditional requirements for a judicial nominee: Education, experience, judgment, judicial temperament, and I always like to add the capacity for hard work. Let there be no doubt that all those attributes: Experience, education, and capacity for hard work, are there in this man in full measure, in every way.

When discussing judgment and judicial temperament, and unfortunately we sometimes stray from the primary importance of these qualities, in the Judiciary Committee, and when we do I think it tends to lessen ourselves and our work, let us remember that disagreement with Clarence Thomas' policy decisions and ideology is not grounds for opposing this nominee. As Senator DANFORTH has described, this man grew up with a firsthand knowledge of racism, discrimination, and poverty. He worked intensely and intently to overcome those disadvantages and in doing so came to the conclusion that goals and timetables in affirmative action programs are just not the answer. That is what Clarence Thomas found. That is what the Supreme Court found, too. But to say that this conclusion somehow or in some way demonstrates an insensitivity to injustice, I think, is truly a paternalistic kind of attitude and unbecoming.

He is a conservative. I know that sends a shiver through many people and a tremble through their spine, but that is the way it is. His views on quotas and affirmative action are the views, as I say, of the Supreme Court and of our President. And what is wrong with that? That is what you do in this particular form of government.

I guess the final conclusion is if one does not like the philosophy of people that are presented by this President there is another thing to be done within this remarkable constitutional system. You go elect a President that will put your kind of people on the bench. I know that is an unheard of kind of thing. I hate to bring it up. But nevertheless that is what you do. You elect a President and then that President, with his philosophy, puts his kind of people on the bench. I supported many of President Carter's people with very few exceptions. I think the Senator from Ohio has supported many people of President Reagan's persuasion with a few notable exceptions, which I have discussed with him in rich detail, but nevertheless he has.

So as we review this man and the arguments that might be presented to oppose him, we should remember that the problems the AARP had with Thomas were presented in some detail in committee. All that material appeared in the Senate Select Committee on Aging, where we went through that anguish. The chairman of that committee directed that activity. It almost obsessed the staff of that committee at that time. They could not seem to live or breathe or eat without trying to do something with Clarence Thomas. The chairman of that committee is no longer serving as chairman. Some of the staff have been replaced. And nothing was ever really proven in all that, except a huge waste of manhours trying to nail Clarence Thomas. That is what happened over there in the Senate Select Committee on Aging.

So those problems with the AARP have all been heard in detail. The vote

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out of the Judiciary Committee was 13 to 1 to favorably report the nomination.

I urge my colleagues to confirm this nominee. He meets and he exceeds all of the qualifications for this judicial office. I thank the Senator from South Carolina for his courtesy.

Mr. THURMOND. I thank the able Senator from Wyoming.

Mr. President, I ask unanimous consent that we have a rollcall vote at the conclusion of the debate of this nomination.

The PRESIDING OFFICER (Mr. Lieberman). Is there objection?

The Chair recognizes the Senator from Ohio.

Mr. METZENBAUM. Mr. President, I do not think the Senator wants to do that. We assured there would be no votes today. Does the Senator not want to have it tomorrow?

Mr. THURMOND. Mr. President, I modify that then to have the rollcall vote tomorrow.

The PRESIDING OFFICER. The Chair advises the Senator that under the previous unanimous-consent agreement the rollcall vote on this nomination will occur tomorrow at 12:15 p.m.

Who yields time?

Mr. THURMOND. Mr. President, if there is no other discussion or debate on this nomination, I am willing to yield back my time if the distinguished Senator from Ohio is willing to yield back his time.

Mr. METZENBAUM. I advise my colleague that Senator Pryor is on his way over and wishes to be heard. So I am not in position to do that.

Mr. THURMOND. How much time remains for each side?

The PRESIDING OFFICER. The Senator from South Carolina has 6 minutes and 44 seconds; the Senator from Ohio 28 minutes and 14 seconds remaining.

Who yields time?

Mr. THURMOND. Mr. President, since we have finished I think the entire time should be charged to the other side.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, perhaps I can resolve this. I do not think I quite agree with that. I suggest to the Senator from South Carolina that he and I yield back our further right to the floor and any other Senator's right to the floor with exception of Senator Pryor to whom we will allow up to 15 minutes. I have 28 minutes remaining.

Mr. THURMOND. That is satisfactory.

Mr. DANFORTH. Mr. President, before the Senator from South Carolina agrees to that, I would like very much to be on the floor during the entire debate and have the opportunity for at least some of the remaining minutes of the Senator from South Carolina to perhaps respond to whatever is said on the other side. So, I wonder if at least some of the Senator's time could be yielded to me?

Mr. THURMOND. I say to the able Senator from Ohio, will he reserve 15 minutes for him and the 6 minutes we have remaining on our side, is that agreeable? That will be 15 minutes for Senator Pryor and 6 minutes reserved on our side.

Mr. METZENBAUM. Mr. President, I would like to say I would like to ask 2 minutes for myself in the event my friend from Missouri says something so I can respond.

The PRESIDING OFFICER. The remainder of the time is divided 15 minutes to the Senator from Arkansas [Mr. Pryor], 6 minutes to the Senator from Missouri.

Mr. THURMOND. We have 6 minutes remaining on our side.

The PRESIDING OFFICER. And then 2 minutes for the Senator from Ohio [Mr. Metzenbaum].

Without objection, it is so ordered.

Mr. THURMOND. Mr. President, is Senator Pryor coming right way?

Mr. METZENBAUM. I think he is. Mr. President, I ask unanimous consent this there be a quorum call at this point and that the time not be charged against any of the parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arkansas, under a previous agreement, is now recognized for not to exceed 15 minutes.

Mr. PRYOR. Mr. President, those who are managing this particular nomination should be on notice that my speech should not take more than about 4 minutes maximum.

Mr. President, this nominee's fate, I believe has already been determined. There is no question about that. My vote against this nominee will not change the fact, and certainly I do not expect it to, that Clarence Thomas will be confirmed by this body as U.S. circuit judge for the D.C. Circuit. Frankly, I wish him nothing but the very best as he takes on this new challenge.

On February 22, I outlined to my colleagues in the Senate not only my admiration for, but also my doubts regarding, Mr. Thomas. I see no need to repeat them at great length today. Whether through mismanagement or through disdain for the Age Discrimination in Employment Act [ADEA] Clarence Thomas, as Chairman of the Equal Employment Opportunity Commission [EEOC] for the past 8 years, has been responsible for allowing thousands of age discrimination claims to lapse the statute of limitations.

From 1984 through 1988, as many as 13,000 ADEA claimants may have lost their rights to bring suit in Federal court. Since that time, over 1,500 additional age discrimination claims have been allowed to lapse. Throughout congressional investigation into these lapses, Mr. Thomas has vigorously resisted oversight, and he has consistently, whether he new it or not, misstated his record as chairman of the EEOC.

In 1988, Mr. Thomas was very, very uncooperative to the extent that former Senate Aging Committee Chairman John Melcher was forced to issue subpoenas to the EEOC in order to discover that Mr. Thomas had substantially understated the number of lapsed ADEA claims to the committee. But Chairman Melcher's experience with this nominee was not unique. On July 18, 1989, the chairperson of 12 separate House committees and subcommittees with jurisdiction over the EEOC wrote to the President expressing the same frustrations, and urging that Mr. Thomas not be nominated for this judgeship.

As I stated to my colleagues in the Senate on February 22, I feel that the nominee has once again been far less than candid with a congressional committee—in this instance the Senate Judiciary Committee—regarding his record as Chairman of the EEOC. I am also astonished by his apparent lack of knowledge regarding the EEOC's contractual relationships with State fair employment practices agencies [FEPA's]. Hundreds of ADEA charges contracted out by the EEOC to the FEPA's on the local level have lapsed since 1988, and Mr. Thomas flatly denies any responsibility for them. I hope that my colleagues will refer to my previous statement when I attempted to straighten out the record for a more thorough discussion of the FEPA issue.

After much careful consideration, Mr. President, I have determined that I have significant and unanswered concerns regarding this nominee's sensitivity to the rights of older individuals and his commitment to protecting those very particular and specific rights.

Mr. President, strong and fair enforcement of the ADEA is just as important as enforcement of any other law that protects our citizens from discrimination. As Senators, we must have confidence that the judges we confirm to fill what is often described as the second most important court in the land will uphold the laws that embody the rights of those most vulnerable in our country and in our society.

Based upon his record as the Chairman of the EEOC, I cannot say that Mr. Thomas has given me that degree of confidence that I need to vote for his confirmation. I am not trying to enlist support against his nomination. But, in my capacity as chairman of the Senate Special Committee on Aging, I cannot ignore my concerns about Mr. Thomas in this area and, as a result, I will not vote for his confirmation.

If my vote on the Thomas nomination can achieve only one outcome, Mr. President, it is my hope that it signals that enforcement of the ADEA must be a high priority. I am pleased to say that I believe that the new Chairman of the EEOC, Evan Kemp, shares my commitment in protecting the rights of older citizens. It is therefore with great hope and expectation that I look forward to an improved and productive relationship with the EEOC. It is also to my great sorrow that I cannot support the nomination of Clarence Thomas to this particular position.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized?

The Chair recognizes the Senator from Missouri [Mr. DANFORTH] for not more than 6 minutes.

Mr. DANFORTH. Mr. President, I agree with the Senator from Arkansas only insofar as he expresses regret for the position he has taken.

I have stated previously this afternoon that I do not know either the law or the facts relating to these cases dealing with the aging. I do know that I was present in the Judiciary Committee when Clarence Thomas assumed the responsibility personally for everything that happened on his watch, including these cases. I can say to the Senator from Arkansas that, having known Clarence Thomas for 16 years in a collegial capacity, both when I was State attorney general and as a Senator, Clarence Thomas is a totally candid person. What you see is what you get. He is not going to pull a fast one on anyone. As a matter of fact, one of the real characteristics of Clarence Thomas is that he will tell you or me or anybody else exactly what he thinks at any time. I have no doubt that there was no effort on his part to pull the wool over anybody's eyes.

It is well known, I think, that when Senator Melcher was chairman of the Aging Committee there was a very severe difference of opinion—it may have even been a difference of personality—between Senator Melcher and Clarence Thomas. I know on numerous occasions Clarence Thomas expressed concern about this to me because I consider myself to be his personal friend. But one thing he does not do, I am sure has not done, and I know will not do—I will be surprised if he does it as a Federal appellate judge—is to somehow twist or tailor the law in order to meet some personal agenda of his own. He would not do that.

If the statute of limitations ran, it was from some fault of the system. It was not some conniving trick designed to accomplish some weird personal agenda which was then covered up in some dastardly fashion by Clarence Thomas. That is just not the way the man works.

I think some people might say, well, if he is a judge he will not engage in new frontiers of social policymaking from the bench. Undoubtedly that is the case. He is a person who is a believer in the concept of restraint. But he is also a person who believes in enforcing the law. I am confident, knowing the person as well as I do, that that is exactly what he attempted to do as Chairman of the EEOC, and that is exactly what he would attempt to do on the court of appeals.

Mr. President, I yield back whatever remaining time I might have.

The PRESIDING OFFICER. Who wishes to be recognized?

Mr. PRYOR. Mr. President, I wonder if it might be permissible for me to respond to the distinguished Senator from Missouri for not to exceed 5 minutes?

The PRESIDING OFFICER. The Senator is recognized.

Mr. PRYOR. Mr. President, there is no one in this body that I have greater admiration for than the great Senator from Missouri, my friend, Mr. DANFORTH. And I know Senator DANFORTH has had an extremely personal relationship with the nominee for a number of years. I know he knows the nominee well; in fact, much better than I do.

Mr. President, I say this out of great respect to the Senator from Missouri and out of all respect to the distinguished career of the nominee in this case, Mr. Clarence Thomas. What I think happened at EEOC during the past 8 years is that rather than Clarence Thomas, the director, running the bureaucracy, the bureaucracy ran him. I think the bureaucracy ran him to a very dangerous extent, so that Clarence Thomas decided no longer to look at what was happening in that agency.

This is not the first time this has happened in a bureaucracy. It happens many times. All of us in this body have seen bureaucracies or agencies or entities of government being taken over by those who are not in command. We also see what we might call the tail wagging the dog.

Clarence Thomas is not a bad man. In fact, he is a good man. His intentions are not bad. In fact, his intentions are good. But he allowed this to happen, and it happened on his watch. As a result, for some 15,000 individual Americans who had age discrimination claims, appealing to the court of first resort, the EEOC, those claims might as well have been sent to Beijing. They might as well have been sent to Bulgaria or Romania. But they were filed in the court of first resort, EEOC.

What happened to them? The statute of limitations was allowed to run. Had it been 10 cases or 20 cases, that might have been something different. But there were 15,000 charges which may have lapsed, Mr. President. These 15,000 charges representing the rights of American citizens were denied and snuffed out, literally snuffed out, by a bureaucracy that was run by Clarence Thomas.

That is too much for me to overlook. I cannot say, well, he was a good man, but I am sorry he did not do better and I will vote for him.

In this case, the instances were too many, the warnings were too often, and the consequences were too great for me to have that degree of confidence to promote this fine man to the job for which he is being considered.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who wishes to be recognized? The Senator from Ohio has 2 minutes.

Mr. METZENBAUM. Mr. President, I commend the Senator from Arkansas for so succinctly stating the facts concerning the operation of EEOC under Chairman Thomas. I think his remarks very much indicate the reason that the National Council on Aging came out in opposition to Mr. Thomas' confirmation, and I think it is the reason that the AARP wrote a 15-page letter. They take no position, but make it very clear about their unhappiness with respect to his conduct as Chairman of the EEOC.

I think his remarks also support and make us understand better why 10 chairs of various House committees came out against confirmation of Mr. Thomas. I think his remarks help us to understand also why 19 members of the Congressional Black Caucus came out in opposition, and not one member of the Black Caucus came out in support of Mr. Thomas' confirmation.

So I think, Mr. President, although I said earlier I expect that Mr. Thomas will be confirmed, there are some strong and persuasive reasons why he should not be confirmed and seated as a member of the Circuit Court of Appeals.

Mr. KOHL. Mr. President, I will vote to confirm Mr. Clarence Thomas to the U.S. Court of Appeals for the D.C. Circuit. I am concerned about this nomination, however, for some of the reasons outlined by Senator METZENBAUM and organizations representing elderly Americans—namely, that Mr. Thomas did not zealously protect the rights of a vulnerable segment of our society when he was head of the EEOC. I also have some concerns that Mr. Thomas' strong ideology could

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interfere with his performance as a judge.

Still, Mr. Thomas has been nominated to the bench—not to the EEOC again—so any managerial mistakes are not a bar. Moreover, he repeatedly assured us during the Judiciary Committee hearing that he would put aside his own political beliefs and be an impartial judge. I take him at his word. He also very clearly vowed to follow Supreme Court precedent even if he disagrees with it. This, too, was reassuring.

Consequently, Mr. President, I am going to vote in favor of Mr. Thomas. For this position on the D.C. Circuit—where he must follow Supreme Court precedent—he is qualified and deserving of confirmation.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina would have to have unanimous consent to proceed.

Mr. THURMOND. This has all been hashed out in the committee anyway. It has all been decided there. The vote was 13 to 1.

The PRESIDING OFFICER. All time allocated to the confirmation of Clarence Thomas has been used up at this point. The Senate will return to legislative session.

LEGISLATIVE SESSION

The Senate resumed consideration of legislative business.

The PRESIDING OFFICER. Who wishes to be recognized?

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I ask unanimous consent to be allowed roughly 15 minutes to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, as I understand it, the majority leader is coming down to lay down the clean air bill, which we are waiting on to get started.

Could the Senator take such time as is available until the leaders get here with the amendments to get started?

Mr. GORTON. Under the circumstances of this request, I prefer to wait until later on in the evening, so I can give it uninterrupted.

Mr. CHAFEE. This was meant to start at 4:30. I hope it is imminent.

Mr. GORTON. Pardon?

Mr. CHAFEE. We hoped to start at 4:30. There is a little delay.

Mr. GORTON. I withdraw the request for a moment, and ask the Senator from Rhode Island if he will check and see if the amendments are available.

Mr. CHAFEE. I will be glad to do so.

Mr. GORTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

Mr. MITCHELL. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1630 which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Rockefeller). Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending committee-reported substitute be modified to reflect the following changes which I now send to the desk in behalf of Senators Mitchell, Dole, Baucus, Chafee, Burdick, Durenberger, Breaux, Simpson, Levin, Jeffords, Domenici, Warner, Riegle, Cohen, and Moynihan.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I reserved the right to object and I would just like to state in my opinion I think you are going to find that we have an amendment here that is probably about this high. I guess the recording clerk probably has it. Maybe he could hold it up so I could see how big it is.

I will not object to the second portion of the leader's request that it be printed in the Record so you have a copy of it, because I think all Members do need that.

But I have worked on this bill for 9 years in the committee. I am not convinced that this bill is needed for the health of the country at this point. We could not get a bill out of the committee that the Senate would discuss at all. They became absolutely apoplectic when they found out what was in S. 1630, so we go behind closed doors for 3 weeks.

Now we come out and want to change it so if this Senator offers an amendment—if the same thing happens as happened last week when Senator Armstrong and others offered an amendment, they got second degreed in every case. I have about 25 to 30 amendments that are serious amendments that I want to offer to this bill to improve it so that we will not have a depression in this country as a result of this bill, and I want to have the Senate vote on those things.

The only way that I can see that I will be able to be successful and defend my right as a Senator to try to save the Senate and the administration from themselves with respect to clean air legislation is to keep this in this degree so that when I offer an amendment it will either be tabled or voted up or down. So I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. MITCHELL. Mr. President, I regret the Senator's objection. He has for 9 years sought to prevent the clean air legislation from being enacted and has made clear that he will continue in his efforts in opposition to clean air legislation, a position which he has every right to hold but one with which I strongly disagree, one with which I believe the overwhelming majority of the American people disagree, and one with which I know the President disagrees.

In any event, the Senator has the right to object.

AMENDMENT NO. 1293 IN THE NATURE OF A SUBSTITUTE TO THE COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

Mr. MITCHELL. I, therefore, now send the amendment to the desk and I ask that it be printed, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine [Mr. Mitchell], for himself, Mr. Dole, Mr. Baucus, Mr. Chafee, Mr. Burdick, Mr. Durenberger, Mr. Breaux, Mr. Simpson, Mr. Levin, Mr. Jeffords, Mr. Domenici, Mr. Warner, Mr. Riegle, Mr. Cohen, and Mr. Moynihan, proposes an amendment numbered 1293.

Mr. MITCHELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment No. 1293 is as follows:

S. 1630 is amended by striking line 14, page 157 and all that follows through line 23, page 587 and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

This Act may be cited as the "Clean Air Act Amendments of 1989".

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Sec. 601. Section 113 enforcement.
Sec. 602. Compliance certification.
Sec. 603. Contractor inspections.
Sec. 604. Administrative enforcement subpoenas.
Sec. 605. Emergency orders.
Sec. 606. Contractor listings.
Sec. 607. Judicial review pending reconsideration of regulation.
Sec. 608. Citizen suits and petitions.
Sec. 609. Enhanced implementation and enforcement of new source review requirements.
Sec. 610. Movable stationary sources.
Sec. 611. Authorization.

TITLE VII—STRATOSPHERIC OZONE AND GLOBAL CLIMATE PROTECTION

Sec. 701. Subpart B repeal.
Sec. 702. Stratospheric Ozone and Global Climate Protection.

TITLE I—ATTAINMENT AND MAINTENANCE OF AMBIENT AIR QUALITY STANDARDS

DESIGNATION OF AREAS

SEC. 101. (a) DESIGNATIONS.—Section 107 of the Clean Air Act is amended by adding the following new subsection:

"(f)(1)(A) Upon promulgation of a new or revised national ambient air quality standard, the Governor of each State shall (and at any other time the Governor of a State deems appropriate the Governor may) submit to the Administrator a list of all areas (or portions thereof) in the State, designating as—

"(i) nonattainment, any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant,

"(ii) attainment, any area (other than an area identified in clause (i)) that meets the national primary or secondary ambient air quality standard for the pollutant, or

"(iii) unclassifiable, any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for the pollutant.

The Administrator may not require the Governor to submit the required list sooner than one hundred and twenty days, or later than three hundred and sixty-five days, after promulgating a new or revised national ambient air quality standard.

"(B)(i) Upon promulgation or revision of a national ambient air quality standard, the Administrator shall promulgate the designations of all areas (or portions thereof) submitted under subparagraph (A) as expeditiously as practicable, but in no case later than six months from the required date of submission of the State list required under subparagraph (A). Such period may be extended for specific areas for up to six additional months in the event the Administrator has insufficient information to promulgate the designations.

"(ii) In making the promulgations required under clause (i), the Administrator may make such modifications as the Administrator deems necessary to the designations of the areas (or portions thereof) submitted under subparagraph (A) (including to the boundaries of such areas or portions thereof). Whenever the Administrator intends to make a modification, the Administrator shall notify the State and provide such State with an opportunity to demonstrate why any proposed modification is inappropriate. The Administrator shall give such notification no later than one hundred and twenty days prior to the date the Administrator promulgates the designation, as may be modified. If the Governor fails to submit the list in whole or in part, as required under subparagraph (A), the Administrator shall promulgate the designation that the Administrator deems appropriate for any area (or portion thereof) not designated by the State.

"(iii) If the Governor of any State, on the Governor's own motion, under subparagraph (A), submits a list of areas (or portions thereof) in the State designated as nonattainment, attainment, or unclassifiable, the Administrator shall act on such designations in accordance with the relevant procedures under subsection (d)(5) (relating to redesignation).

"(2) A designation for an area (or portion thereof) made pursuant to this subsection shall remain in effect until the area (or portion) is redesignated pursuant to subsection (d)(5).

"(3)(A) Each area which, as of the last calendar year before the date of enactment of this subsection for which data are available, did not meet the national primary ambient air quality standard for ozone or such standard for carbon monoxide, as determined in accordance with the same methods as are used under regulations of the Administrator for determining attainment of the standard, is hereby designated by operation of law as nonattainment for the applicable pollutant.

"(B)(i) Within one hundred and twenty days of the date of enactment of the Clean Air Act Amendments of 1990, each Governor of each State shall submit to the Administrator a description of the boundaries, identified by the Governor, of the areas within such State that were designated nonattainment under subparagraph (A) of this paragraph or under paragraph (4).

"(ii) No later than one hundred and twenty days after the date the Governor is required to submit the description of boundaries required under clause (i), the Administrator shall promulgate such boundaries as supplements to the designations under subparagraph (A) of this paragraph and under paragraph (4), making such modifications to such boundaries as the Administrator may deem necessary, in the same manner, and under the same procedure, as is applicable under paragraph (1)(B)(ii), except that the phrase 'sixty days' shall be substituted for the phrase 'one hundred and twenty days' in the clause. If the Governor does not submit, in accordance with clause (i), the required identification of boundaries for an area (or portion thereof), the Administrator shall promulgate the boundaries that the Administrator deems appropriate for such area.

"(C) No nonattainment area may be redesignated as an attainment area under this paragraph.

"(D) No later than thirty days after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall issue guidance describing the criteria upon which the identification of boundaries required under subparagraph (A) shall be based.

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"(4) Until redesignation by the Administrator, each area which—

"(A) is identified in 52 Federal Register 29383 (August 7, 1987) as a Group I area (except to the extent that such information was modified by the Administrator prior to the date of enactment of the Clean Air Act Amendments of 1990), or

"(B) contains a site for which air quality monitoring data shows a violation of the national ambient air quality standard for PM-10 before the date of enactment of this subsection (as determined under part 50, appendix K of title 40 of the Code of Federal Regulations), is hereby designated by operation of law nonattainment for PM-10. All other areas of the country not described in subparagraph (A) or (B) are designated unclassifiable for PM-10, until such time as the Administrator redesignates any such area. Any designation for particulate matter (measured in terms of total suspended particulates) which the Administrator promulgated pursuant to section 107(d), as in effect before the date of enactment of this subsection, shall remain in effect for purposes of implementing the maximum allowable increases in concentrations of particulate matter (measured in terms of total suspended particulates) pursuant to section 163(d), until the Administrator determines that such designation is no longer necessary for such purpose.

"(5) PROCEDURE.—(A) The Administrator shall publish a notice in the Federal Register promulgating any designation under paragraph (1) or announcing any designation under paragraph (3) or (4), or promulgating any redesignation under subsection (d)(5).

"(B) Promulgation or announcement of a designation or boundaries under paragraph (1), (3) or (4) shall not be subject to the provisions of sections 553 through 557 of title 5 of the United States Code (relating to notice and comment), except nothing herein should be construed as precluding such public notice and comment whenever possible.

"(6)(A) Notwithstanding any other provision of this Act, any ozone nonattainment area that—

(i) did not violate the national ambient air quality standards for ozone for the thirty-six month period commencing on January 1, 1987, and ending on December 31, 1989, and

(ii) by the date of enactment of this paragraph, submitted to the Administrator all measures intended to satisfy the applicable requirement for reasonably available control measures, reasonably available control technology, and vehicle inspection and maintenance under section 172(b) (as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1989), as interpreted in guidance issued by the United States Environmental Protection Agency prior to the date of enactment of this paragraph,

shall, within thirty days of enacment of this paragraph, either be redesignated by the Administrator as an attainment area for ozone or be classified by the Administrator, in lieu of any classification that might otherwise apply under section 181, as a transitional ozone nonattainment area. For the period from the date of such classification as a transitional ozone nonattainment area until December 31, 1992, each such area shall not be subject to the requirements of the Clean Air Act Amendments of 1989 (other than the requirements of this paragraph), and shall be subject to the provisions of this Act (except the provisions requiring a demonstration of attainment of the national ambient air quality standards for ozone) which were in effect immediately prior to the date of enactment of such amendments.

"(B) Notwithstanding section 107(d)(5)(C), the Administrator may redesignate a transitional ozone nonattainment area to attainment if such area satisfies the requirements of section 107(d)(5) and part D as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1989 (except the requirements relating to attainment of the national ambient air quality standards for ozone, as such requirements were interpreted in guidance issued by the United States Environmental Protection Agency prior to the date of enactment of such amendments.

"(C) Whenever a location within a transitional ozone nonattainment area violates the national ambient air quality standards for ozone during a thirty-six month period that includes all or a part of the period commencing on January 1, 1990, and ending on December 31, 1992, such area shall promptly be classified by the Administrator pursuant to section 181 and be subject to the requirements applicable by virtue of such classification, except that any absolute, fixed date applicable in connection with any such requirement is extended for such area by operation of law by a period equal to the length of time between the date of enactment of this paragraph and the date the area is classified pursuant to section 181.

"(D) Any transitional ozone nonattainment area that, as of January 1, 1993, has not been either redesignated to attainment or classified under section 181 (pursuant to subparagraph (C) of this paragraph) shall on that date become subject to the requirements of the Clean Air Act Amendments of 1989 that would have applied to such area if this paragraph has not been enacted, except that any absolute, fixed date applicable in connection with any such requirement is extended for such area by operation of law by a period equal to the length of time between the date of enactment of such amendments and December 31, 1992.".

(b) REDESIGNATION.—Section 107(d)(5) of the Clean Air Act is amended to read as follows:

"(5)(A) Based on a request for area redesignation by the Governor of any State, or at any time on the Administrator's own motion, the Administrator may revise the designation of any area or portion of an area in accordance with this section. In the case of a complete request by the Governor of any State to revise the designation of any area or portion of an area from nonattainment to attainment, the Administrator shall approve or deny such request within eighteen months of the Administrator's receipt of the submittal.

"(B) Whenever the Administrator obtains evidence demonstrating that an area exceeds a national ambient air quality standard for any pollutant and is not designated as a nonattainment area for such pollutant pursuant to this section, the Administrator shall, within ninety days of receiving such evidence, propose, and within one hundred and eighty days promulgate by rule, a revised designation of such area as nonattainment for such pollutant, and where applicable, a classification of such area in accordance with part D.

"(C) Except as otherwise provided in subsection (f)(6), the Administrator may redesignate a nonattainment area to attainment only if—

"(i) the Administrator promulgates the redesignation by rule, after notice and opportunity for comment;

"(ii) the Administrator determines that the area has attained the national ambient air quality standard;

"(iii) the Administrator has fully approved the applicable implementation plan;

"(iv) the Administrator determines that the improvement in air quality is due to permanent reductions in emissions;

"(v) the Administrator has fully approved a maintenance plan for the area as meeting the applicable requirements of section 110 and part D; and

"(vi) the State containing such area has met all requirements applicable to the area under section 110 and part D.

"(D) The Administrator shall not redesignate any area from nonattainment to unclassifiable.".

ENHANCED MONITORING AND INVENTORIES

SEC. 102. Section 108 of the Clean Air Act is amended by adding the following at the end thereof:

"(g) GUIDELINES FOR ENHANCED MONITORING AND INVENTORIES.—Not later than six months after enactment of this subsection, the Administrator shall publish the following:

"(1) guidelines for enhanced monitoring by the State or local air pollution control agencies of emissions of pollutants (or precursors thereof) for which there is a national ambient air quality standard established under section 109, including guidelines governing the frequency, location, and maintenance of monitors; and

"(2) guidelines for improving the inventories of emissions from mobile and stationary sources (including, but not limited to, emissions factors for estimating emissions from stationary sources which emit less than twenty-five tons per year and other area sources) of pollutants (or precursors thereof) for which there is a national ambient air quality standard established under section 109.

Failure by the Administrator to publish guidelines required under paragraphs (1) and (2) shall not affect other applicable deadlines under this Act, including, but not limited to requirements under section 110 or part D.".

TRANSPORTATION GUIDANCE

SEC. 103. (a) TRANSPORTATION PLANNING GUIDANCE.—Section 108(e) of the Clean Air Act is amended by deleting the first sentence and inserting in lieu thereof the following: "The Administrator shall, after consultation with the Secretary of Transportation and with State and local officials, within nine months after enactment of the Clean Air Act Amendments of 1989 and periodically thereafter as necessary to maintain a continuous transportation-air quality planning process, update the June 1978 Transportation-Air Quality Planning Guidelines and publish guidance on the development and implementation of transportation and other measures necessary to demonstrate and maintain attainment of national ambient air quality standards.".

(b) TRANSPORTATION CONTROL MEASURES.—Section 108(f)(1) of the Clean Air Act is amended by deleting all after "(f)" through the end of subparagraph (A) and inserting in lieu thereof the following:

"(1) The Administrator shall publish and make available to appropriate Federal, State, and local environmental and transportation agencies not later than one year after enactment of the Clean Air Act

Amendments of 1989, and from time to time thereafter—

"(A) information prepared, as appropriate, in consultation with the Secretary of Transportation, regarding the formulation and emission reduction potential of transportation control measures related to carbon monoxide, ozone precursors, particulate matter and toxic air pollutants, including, but not limited to—

"(i) programs for improved public transit;

"(ii) restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high occupancy vehicles;

"(iii) employer-based transportation management plans;

"(iv) trip-reduction ordinances;

"(v) traffic flow improvement programs that achieve emission reductions;

"(vi) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit service;

"(vii) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;

"(viii) programs for the provision of all forms of high-occupancy, shared-ride services;

"(ix) transportation management plans for shopping centers;

"(x) programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;

"(xi) programs for secure bicycle storage facilities and other facilities, including bicycle lanes, for the convenience and protection of bicyclists, in both public and private areas;

"(xii) programs to control extended idling of vehicles;

"(xiii) programs for the conversion of fleet vehicles to cleaner engines or fuels, or to otherwise control fleet vehicle operations; and

"(xiv) programs to reduce motor vehicle emissions which are caused by extreme cold start conditions.".

GENERAL PLANNING REQUIREMENTS

SEC. 104. (a) SUBMISSION OF PLANS.—Section 110(a)(1) of the Clean Air Act is amended by striking "(1)" after "(a)" and by striking "nine" each time it appears and inserting in lieu thereof "twenty-four".

(b) STATE IMPLEMENTATION PLAN ELEMENTS.—Section 110 of the Clean Air Act is amended by striking subsection (a)(2) and subsection (a)(3)(A) and inserting the following:

"(b) MAINTENANCE PLANS.—

"(1) Whenever an area containing all or part of a metropolitan statistical area or consolidated metropolitan statistical area is designated attainment or unclassifiable with respect to a national ambient air quality standard, the Administrator shall, and in other cases may, require the State containing such area to submit an implementation plan (including such emissions inventories as the Administrator may prescribe) that provides for maintenance of such standard for at least twenty years from the date such plan is submitted. Every ten years after submission of the last twenty-year maintenance plan, the State shall submit an updated twenty-year maintenance plan.

"(2) Any plan required to be submitted pursuant to paragraph (1) shall meet the applicable requirements of subsection (c) (concerning general plan requirements).

"(3) Any plan required to be submitted pursuant to paragraph (1) shall be submitted by the State in accordance with such schedules as the Administrator may reasonably prescribe.

"(c) GENERAL REQUIREMENTS FOR IMPLEMENTATION PLAN SUBMITTALS.—Each implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. Each such plan shall—

"(1) include enforceable emission limitations and other control measures, means, or techniques as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this Act;

"(2) provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to—

"(A) monitor, compile, and analyze data on ambient air quality, and

"(B) upon request, make such data available to the Administrator;

"(3) include a program to provide for the enforcement of the measures described in paragraph (1), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved and maintained, including a permit program as required in parts C and D;

"(4) contain adequate provisions—

"(A) prohibiting any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—

"(i) contribute significantly to nonattainment in or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard,

"(ii) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air quality or to protect visibility, or

"(iii) contribute to atmospheric loadings of pollutants or their transformation products which may reasonably be anticipated to cause or contribute to an adverse effect on public health or welfare or the environment in any other State,

"(B) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);

"(5) provide—

"(A) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), including a statement from the attorney general (or the attorney for those relevant State (or, as appropriate, local) air pollution control agencies which have independent legal counsel) that the laws of such State (or locality) provide adequate authority to carry out such implementation plan,

"(B) requirements that the State comply with the requirements respecting State boards under section 128, and

"(C) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provisions;

"(6) require, as may be prescribed by the Administrator—

"(A) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

"(B) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and

"(C) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;

"(7) provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;

"(8) provide for revision of such plan—

"(A) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

"(B) except as provided in section 110(h)(2), whenever the Administrator finds on the basis of information available to him that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;

"(9) in the case of a plan or plan revision for an area designated as nonattainment under section 107, meet the applicable requirements of part D (relating to nonattainment areas);

"(10) meet the applicable requirements of section 121 (relating to consultation), section 127 (relating to public notification), and part C (relating to prevention of significant deterioration of air quality and visibility protection);

"(11) provide for—

"(A) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and

"(B) the submission, upon request, of data related to such air quality modeling to the Administrator;

"(12) require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover—

"(A) the reasonable costs of reviewing and acting upon any application for such a permit, and

"(B) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action).

"(d) ENVIRONMENTAL PROTECTION AGENCY ACTION ON PLAN SUBMISSIONS.—

"(1)(A) The Administrator shall promulgate minimum criteria that any plan submission must meet before the Administrator is required to act on such submission under this subsection.

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"(B) Within sixty days of the Administrator's receipt of a plan or plan revision, but no later than six months after the date by which a State is required to submit the plan or revision, the Administrator shall determine whether each part of the plan or revision meets the minimum criteria established pursuant to subparagraph (A). Any plan or plan revision that a State submits to the Administrator, and that has not been determined by the Administrator (by the date six calendar months after receipt of the submission) to have failed to meet the minimum criteria established pursuant to subparagraph (A), shall on that date be deemed by operation of law to meet such minimum criteria.

"(C) Where the Administrator determines that a plan submission (or part thereof) does not meet the minimum criteria established pursuant to subparagraph (A), the State shall be treated as not having made the submission (or, in the Administrator's discretion, part thereof).

"(2) Within twelve months of a determination by the Administrator (or a determination deemed by operation of law) under paragraph (1) that a State has submitted a plan or plan revision (or, in the Administrator's discretion, part thereof) that meets the minimum criteria established pursuant to paragraph (1), the Administrator shall act on the submission in accordance with paragraph (3).

"(3) In the case of any submittal on which the Administrator is required to act under paragraph (2), the Administrator shall—

"(A) approve such submittal as a whole if it meets all of the applicable requirements of this Act, or

"(B) disapprove the submittal in whole (or approve it in part, based on criteria established by the Administrator, and, simultaneously with such partial approval or subsequently within the twelve-month period under paragraph (2), disapprove it in part) if it does not meet all of the applicable requirements of this Act.

"(4) Whenever the Administrator finds that the applicable implementation plan for any area is substantially inadequate to attain or maintain the relevant national ambient air quality standard, or to otherwise comply with any requirement of this Act, the Administrator shall require the State to revise the plan as necessary to correct such inadequacies. The Administrator shall notify the State of the inadequacies, and may establish reasonable deadlines for the submission of such plan revisions. Such findings and notice shall be public. Any finding under this paragraph shall, to the extent the Administrator deems appropriate, subject the State to the requirements of this Act to which the State was subject when it developed and submitted the plan for which such finding was made, except that the Administrator may adjust any dates applicable under such requirements as appropriate (except that the Administrator may not adjust any attainment date except as prescribed under part D).

"(5) Whenever the Administrator determines that his action approving, disapproving, or promulgating any plan or plan revision (or part thereof), was in error, the Administrator may, in the same manner as the approval, disapproval, or promulgation, revise such action as appropriate without requiring any further submission from the State. Such determination and the basis thereof shall be provided to the State and be public.

"(e) Plan Revisions.—Each revision to an implementation plan submitted by a State under this Act shall be adopted by the State after reasonable notice and public hearing. The Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement of this Act.

"(f) Federal Implementation Plans.—

"(1) The Administrator may, after notice and opportunity for public comment, promulgate regulations setting forth an implementation plan, or portion thereof, for a State whenever the Administrator—

"(A) finds a State has failed to submit an implementation plan or revisions as required by this section or part C or D;

"(B) determines that a plan, or portion thereof, submitted by a State is not in accordance with the requirements of this section or part C or D.

"(2) With respect to each failure of a State described in section 176(a)(1) (A) or (B) as to a particular nonattainment area (but in no event, except as provided in paragraph (1), with respect to more than one such failure in any single year as to a particular area and pollutant), twelve months after the application under section 176(a)(1) or (3) of the first sanction applied with respect to such failure, and annually thereafter until such sanction is rescinded or the Administrator determines that the area has attained the relevant national ambient air quality standard (whichever is earlier), the Administrator shall promulgate, as a Federal measure to be included in the applicable implementation plan for the area—

"(A) in the case of an ozone nonattainment area—

"(i) a measure or combination of measures sufficient to achieve, within three years of such promulgation, volatile organic compound emission reductions from baseline emissions of at least three per centum of baseline emissions in such areas. Such baseline emissions and per centum emission reductions shall be calculated in accordance with the provisions of section 183(b)(3)(C)(i), (ii) and (iii). For purposes of meeting the requirements of this subparagraph, reductions in emissions of oxides of nitrogen, to the extent they will occur by the applicable deadline, may be substituted for all or part of the reductions of emissions of volatile organic compounds required by this clause at no less than one-to-one ratio (oxides of nitrogen to volatile organic compounds) if the Administrator determines that such reductions of emissions of oxides of nitrogen, together with whatever reductions of emissions of volatile organic compounds the Administrator is promulgating to meet the relevant requirements of this clause, would result in a reduction in ozone concentrations at least equivalent to that which would occur from the reductions in volatile organic compound emissions required under this clause. In the event a measure or combination of measures promulgated by the Administrator under this clause for a particular area in a particular year would achieve greater reductions in emissions of the relevant pollutant than the amount required under this clause, the Administrator may credit such excess emissions reductions toward meeting any emissions reductions requirement applicable for such area under this subparagraph in subsequent year;

"(ii) as one of the measure or measures promulgated under clause (i) for the first year such promulgation is required, the control measure from the following list that will achieve the greatest reductions in emissions of volatile organic compounds in the area (unless each measure described in subclauses (I) through (III) is already substantially included in the applicable implementation plan for the relevant area)—

"(I) the measure required under section 183(a)(1)(B) (relating to a system for vapor recovery of emissions from the refueling of motor vehicles);

"(II) the measure required under section 183(a)(1)(A) (relating to an enhanced vehicle inspection and maintenance program to reduce hydrocarbon emissions); or

"(III) a measure requiring the application of reasonably available control technology for all sources of volatile organic compounds in the area covered by a Control Techniques Guideline (CTG) document issued by the Administrator and all other stationary sources in the area that have the potential to emit at least one twenty-five tons per year of volatile organic compounds; and

"(B) in the case of a pollutant other than ozone, at least one control measure that will result in significant reductions in emissions of such pollutant.

"(3) In the event any court of the United States is presented with a request to modify an order or settlement agreement entered by the court implementing the requirements of section 110(c) of the Clean Air Act as in effect before the date of enactment of the Clean Air Act Amendments of 1990, such court shall, in considering and ruling on such request, consider the effect of such Amendments (including the changes made by such Amendments to the requirements for Federal implementation plans, the development of State implementation plans, and attainment dates) on such settlement agreement or order.

"(g) Savings Clause.—Any provision of any applicable implementation plan or any revision thereof that was approved or promulgated by the Administrator pursuant to this section as in effect prior to the date of enactment of the Clean Air Act Amendments of 1989 shall remain in effect as part of such applicable implementation plan, except to the extent that a revision to such provision is approved or promulgated by the Administrator pursuant to this Act.".

(c) Conforming Amendments.—Section 110 of the Clean Air Act is amended as follows:

(1) Redesignate subparagraph (B) of section 110(a)(3) as paragraph (1) of section 110(h) and, in this newly designated paragraph, strike the phrase "paragraph (2) of this subsection" and insert "subsection (c)".

(2) Redesignate subparagraph (C) of section 110(a)(3) as paragraph (2) of section 110(h) and, in this newly designated paragraph—

(i) strike the word "subsection" after the phrase "approved under this" and insert "section",

(ii) strike the reference to subsection (c) and insert "subsection (f)", and

(iii) strike "section 110 (f) or (g)" and insert "section 110(l) or (m)".

(3) Delete subparagraph (D) of section 110(a)(3).

(4) Delete paragraph (4) of section 110(a).

(5) Delete paragraph (5) of section 110(a).

(6) Redesignate paragraph (6) of subsection (a) as subsection (i).

(7) Delete subsection (b).

(8) Delete paragraph (1), (2), (4), and (5) of subsection (c) and redesignate paragraph (c)(3) as subsection (j).

(9) Strike subsection (d) and add the following new subsection after subsection (j):

"(k) Applicable Implementation Plan.—(1) For purposes of this Act, an applicable implementation plan is the portion (or portions) of the implementation plan, or most recent revision thereof, which has been approved under this section, promulgated under subsection (f) and which implements the requirements of the Act. Such term includes any portion of an implementation plan which has been submitted by a State and approved by the Administrator. Notwithstanding any other provision of this Act, each provision of such implementation plan (and each permit in effect under such plan) shall remain in effect, and shall be enforced under this Act, until a revision of such plan is approved by the Administrator or a plan is promulgated by the Administrator under subsection (f).".

(10) Delete subsection (e).

(11) Redesignate subsections (f) through (j) as subsections (l) through (p).

(12) In newly designated subsection (m), strike "the required four month period" and inserting "twelve months of submission of the proposed plan revision".

(13) In newly designated subsection (n)—

(i) strike "one year after the date of enactment of the Clean Air Act Amendments of 1977 and annually thereafter" and insert "five years after the date of enactment of the Clean Air Act Amendments of 1989, and every three years thereafter"; and

(ii) strike the second sentence of paragraph (1).

(14) In newly designated subsection (o)—

(i) strike "110(f) or (g)" and inserting "110(l) or (m)"; and

(ii) strike "110(a)(3) and insert (110(e)".

FEDERAL FACILITIES

SEC. 105. The second sentence of section 118(a) of the Clean Air Act is amended to read as follows: "The preceding sentence shall apply (A) to any requirement whether substantive or procedural (including any recordkeeping or reporting requirement, any requirement respecting permits and any other requirement whatsoever), (B) to any requirement to pay a fee or charge imposed by any State or local agency to defray the costs of its air pollution regulatory program, (C) to the exercise of any Federal, State, or local administrative authority, and (D) to any process and sanction, whether enforced in Federal, State, or local courts, or in any other manner.".

GENERAL PROVISIONS FOR NONATTAINMENT AREAS

SEC. 106. (a) HEADING.—Part D of the Clean Air Act is amended by inserting "SUBPART 1—NONATTAINMENT AREAS IN GENERAL" immediately after the heading "PART D—PLAN REQUIREMENTS FOR NONATTAINMENT AREAS."

(b) APPLICABILITY.—Subpart 1 of part D of the Clean Air Act is amended by adding a new section 170 as follows:

"APPLICABILITY

"SEC. 170. Each provision of this subpart applies as set forth herein, except to the extent it is inconsistent with a provision in another subpart, in which case the provision in such other subpart shall apply.".

(c) DEFINITIONS.—Section 171 of the Clean Air Act is amended—

(1) by amending paragraph (2) to read as follows:

"(2) The term 'nonattainment area' means, for any air pollutant, an area which is designated 'nonattainment' with respect to that pollutant pursuant to section 107."; and

(2) by adding the following sentence at the end of paragraph (4): "Where the applicable implementation plan for a nonattainment area defines 'major stationary source' as a combination of discrete operations, units or other pollutant emitting activities, the terms 'modification' and 'modified' include each change to such a source, as described in section 111(a)(4), that results in a net increase in emissions from such source, regardless of the amount of such increase."

(d) PERMITS.—

(1) Section 172 of the Clean Air Act is amended as follows:

(A) Subsection (a) is amended to read as follows:

"(a) ATTAINMENT DATES FOR NONATTAINMENT AREAS—"(1) The attainment date for an area designated nonattainment with respect to a primary national ambient air quality standard shall be the date by which attainment can be achieved as expeditiously as practicable, but no later than five years from the date such area was designated nonattainment under section 107, except that the Administrator may extend the attainment date to the extent the Administrator determines appropriate, for a period no greater than ten years from the date of designation as nonattainment, considering the severity of nonattainment and the availability and feasibility of pollution control measures.

"(2) The attainment date for an area designated nonattainment with respect to a secondary national ambient air quality standard shall be within a reasonable time after the date such area was designated nonattainment under section 107.";

(B) Subsection (c) is deleted, subsection (b) is redesignated as subsection (c), the heading "NONATTAINMENT PLAN PROVISIONS.—" is inserted after "(c)", the text following "The" through "subsection (a)" in the first sentence is deleted, and the following is inserted in lieu thereof: "provisions of an applicable implementation plan for a State relating to attainment and maintenance of national ambient air quality standards in any nonattainment area";

(C) Section 172(c)(6) (as redesignated by subparagraph (B) is amended to read as follows:

"(6)(A) require permits for the construction and operation of new or modified major stationary sources, and, beginning not later than three years after the date of enactment of the Clean Air Act Amendments of 1989, for the operation of all major stationary sources, in accordance with section 173 (relating to permit requirements); and

"(B) include provisions for permit fees that meet the requirements of section 351(b)(3) (except that for purposes of this subparagraph, the term 'regulated pollutant' in section 351(b)(3)(B) shall be defined as the pollutant or pollutants (or, in the case of ozone, the precursors of such pollutant) for which the area is designated nonattainment (except that carbon monoxide shall be excluded from this reference)). Provisions comparable to the provisions of section 351(b)(3)(C) (concerning fee collection by the Administrator) shall apply with respect to the permit fees required under this subparagraph (except that for purposes of this subparagraph, the references under section 351(b)(3)(C)(i) to 'section 351(d)', 'section 351(i)', and 'this title' shall be considered references to section 176(a)(1)(A)–(B), section 176(a)(1)(C), and title I of the Clean Air Act, respectively)."; and

(D) A new subsection (b) is added as follows:

"(b) SCHEDULE FOR PLAN SUBMISSIONS.—At the time the Administrator designates an area as nonattainment with respect to a national ambient air quality standard under section 107, the Administrator shall establish a schedule according to which the State containing such area shall submit a plan or plan revision (including the plan items) meeting the applicable requirements of subsection (c) and section 110(c). Such schedule must, at a minimum, include a date or dates, extending no later than two years from the date of the nonattainment designation, for the submission of a plan or plan revision (including the plan items) meeting the applicable requirements of subsection (c) and section 110(c).".

(2) Section 173 of the Clean Air Act is amended by inserting "(a) CONSTRUCTION PERMITS—" after "SEC. 173.", by deleting "and operate" in the first sentence, by substituting "172(c)" for "172(b)" each time it appears, and by adding the following at the end thereof:

"(b) OPERATING PERMITS.—

"(1) Each operating permit issued as required pursuant to this part for a new or existing stationary source shall—

"(A) be for a fixed term not to exceed five years and shall require compliance with applicable emission limitations and with such monitoring measures as are appropriate for adequately determining compliance with such limitations;

"(B) require the permittee to submit quarterly reports to the permitting authority containing the results of the monitoring required under subparagraph (A) and, no less often than every six months, certification to the permitting authority that demonstrates compliance with the permit. Any report or certification required to be submitted by a permittee under this title shall be signed by a responsible corporate official who shall certify its accuracy;

"(C) require that the permittee promptly report any violations of the permit or other requirements under this Act to the permitting authority and a program for correcting these violations including a schedule for implementation of the corrections; and

"(D) set forth inspection and entry requirements to assure compliance with the permit terms and conditions.

"(2) Applicants for, and recipients of, any permit issued pursuant to this part shall be subject to fee requirements sufficient to cover all reasonable costs of developing and administering the permit program in accordance with the provisions of section 172(c)(6)(B).

"(3) Before issuing any permit pursuant to the provisions of this part the State shall provide notice of the application and an opportunity for a public hearing on the conditions to be included in the permit.

"(4) No permit may be issued pursuant to this part if the Administrator within sixty days objects to its issuance as not meeting the goals and objectives of this Act.

"(5) A copy of each permit and certification shall be submitted by the permittee, or by the permitting authority (as determined by the permitting authority), to the Administrator and shall be available to the public in the same manner as is provided for records and reports under section 114(c). No such permit may be issued unless the permitting authority or its agent has conducted an on-site inspection of the source to which such permit is issued. Not later than six months after the enactment of this subsection the Administrator shall publish guidelines for permit programs under this part. Such guidelines may be revised from time to time as the Administrator deems appropriate.".

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(e) Offsets.—Section 173 is further amended by adding at the end thereof the following new subsection:

"(c) Offsets.—A new or modified major stationary source may comply with any offset requirement in effect under this part for increased emissions of any air pollutant by obtaining enforceable emissions reductions of such air pollutant from other sources in the same nonattainment area. Such enforceable emissions reductions shall be in effect by the time a new or modified source commences operation and shall assure that the total tonnage of increased emissions of the air pollutant from the new or modified source shall be offset by a greater reduction in the actual emissions of such air pollutant from other sources in the area. Emissions reductions otherwise required by law shall not be credited as an emissions reductions for purposes of any such offset requirement.

"(d) Fees.—(1) The owner or operator of any source subject to the requirement to obtain a permit under sections 172(c)(6)(A) and 173 shall be liable for the payment of a fee to the Administrator in an amount and on a schedule as the Administrator shall require. In establishing the amount of such fees, the Administrator shall take into account the reasonable costs incurred by the Agency in carrying out the provisions of this part with respect to the pollutants emitted by such source and the source's proportionate share of such costs to be allocated among those liable for payment of the fee.

"(2) The fee required under paragraph (1) shall be either, in the Administrator's discretion—

"(A) $15 per ton of volatile organic compound, oxides of nitrogen, carbon monoxide or PM-10 (to the extent the source is required to obtain a permit under sections 172(c)(6) and 173 with respect to such pollutant or pollutants) emitted by the source; or

"(B) an amount that is of the same ratio to the total amount required to be collected under this subsection as the amount required to be paid by that source to the permitting authority in implementing the provisions of the applicable implementation plan required under section 172(c)(6)(B) is to the total amount required to be paid to the permitting authority under such plan provisions in the nonattainment area, but only if the total fees required to be collected under this subsection from all sources in the nonattainment area are equivalent to $15 per ton of emissions of volatile organic compound, oxides of nitrogen, carbon monoxide and PM-10 (to the extent the sources in the nonattainment area are required to obtain a permit under section 172(c)(6) and 173 with respect to such emissions).

"(3) Notwithstanding the provisions of section 3302(b) of title 31, United States Code, revenues from fees imposed under this subsection shall be deposited into a special fund of the Treasury and shall thereafter be available for appropriation only to carry out the activities of the Agency under this Act.

"(4) In accordance with regulations promulgated by the Administrator, provisions comparable to the provisions of section 351(b)(3)(C)(iii) (relating to penalties and interest for failure to pay fees) and section 351(b)(3)(B)(v) (relating to inflation adjustment) shall apply with respect to fees required to be paid under this subsection.

"(e) Every five years, beginning in the fifth year after enactment of this subsection, the Administrator shall submit a report to Congress concerning the extent to which the fees required under this Act are adequate to meet State and local agency expenses associated with permitting and other implementation activities required under this Act.".

(f) Planning Procedures.—Section 174 of the Clean Air Act is amended to read as follows:

"PLANNING PROCEDURES

"Sec. 174. (a) For any ozone, carbon monoxide or PM-10 nonattainment area, the Governor of the State containing such areas and elected officials of affected local governments shall, prior to the date required for submittal of the inventories described under sections 182(a), 188(a), and 192(a), jointly review and update as necessary the planning procedures adopted pursuant to this subsection as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1989 or develop new planning procedures pursuant to this subsection, as appropriate. In preparing such procedures the State and local elected officials shall determine which elements of a revised implementation plan will be developed, adopted, and implemented (through means including enforcement) by the State and which by local governments or regional agencies, or any combination of local governments, regional agencies, or the State. The implementation plan required by this part shall be prepared by an organization certified by the State, in consultation with elected officials of local government in the affected area, and representatives of the State air quality planning agency, the State transportation planning agency, the metropolitan planning organization designated to conduct the continuing, cooperative and comprehensive transportation planning process for the area under section 134 of title 23, United States Code, the organization responsible for the air quality attainment and maintenance planning process under regulations implementing this Act, and any other organization with responsibilities for developing, submitting, or implementing the plan required by this part.

"(b) The preparation of implementation plan provisions and subsequent plan revisions under the continuing transportation-air quality planning process described in section 108(e) shall be coordinated with the continuing, cooperative and comprehensive transportation planning process required under section 134 of title 23, United States Code, and such planning processes shall take into account the requirements of this part. The Administrator shall consult with, and make recommendations to, the Secretary of Transportation within nine months from the date of enactment of the Clean Air Act Amendments of 1989 on changes to the Department of Transportation policies and planning and programming process that will assist the planning and implementation process of this part.

"(c) In the case of a nonattainment area that is included within more than one State, the affected States may jointly, through interstate compact or otherwise, undertake and implement all or part of the planning procedures described in this section.".

(g) Sanctions.—Section 176 of the Clean Air Act is amended by—

(1) inserting in the heading "SANCTIONS AND" before "LIMITATIONS";

(2) deleting subsection (b) and redesignating subsections (c) and (d) as (b) and (c), respectively; and

(3) amending subsection (a) to read as follows:

"(a) Sanctions—

"(1) For any implementation plan or plan revision required under this part (or required in response to a finding of substantial inadequacy as described in section 110(d)(4)), at such time as—

"(A) a State fails to make the required plan submission, or the plan or plan revision submitted by the State does not satisfy the minimum criteria established under section 110(d)(1)(A),

"(B) the Administrator disapproves the submission in whole or in part, or

"(C) the Administrator finds that any requirement of the approved plan (or approved part of the plan) is not being implemented, the Administrator shall publish in the Federal Register a determination of whether the State is making reasonable efforts to cure the relevant failure. If the Administrator determines that the State is not making reasonable efforts to cure the failure, the Administrator shall simultaneously apply, with respect to the relevant area within such State, at least one of the sanctions specified in paragraph (2). No sanction under paragraph (2) that is imposed because of a failure by a State may be applied, based on such failure, outside the borders of that State.

"(2) The following sanctions are available to the Administrator for the purpose of implementing paragraphs (1) and (3)—

"(A) a prohibition by the Administrator on the construction or modification of any major stationary source of the relevant pollutant or pollutants in a nonattainment area (or portion thereof, where the Administrator determines by rule that the State failure relates exclusively to such portion). Where the State failure relates to ozone, the moratorium is available with respect to both the nonattainment area and the area within twenty-five miles of the boundary of such area. For purposes of this subparagraph, the term "major stationary source" shall have the meaning provided in section 302(j), except that, where the State failure relates to ozone, "twenty-five" shall be substituted for "one hundred" in that section;

"(B)(i) a prohibition, applicable to a nonattainment area, on the approval by the Secretary of Transportation of any projects or the awarding by the Secretary of any grants, under title 23, United States Code, other than projects or grants specified under clause (ii). Such prohibition shall become effective upon the selection by the Administrator of this sanction.

"(ii) Projects or grants that may be approved, notwithstanding the prohibition in clause (i), are the following—

"(I) capital programs for improved public transit;

"(II) construction or restriction of certain roads or lanes solely for the use of passenger buses or high occupancy vehicles;

"(III) planning for and implementation of requirements for employers to reduce employee work-trip-related vehicle emissions;

"(IV) highway ramp metering, traffic signalization, and related programs that improve traffic flow and achieve a net emission reduction;

"(V) fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit operations;

"(VI) programs for inspection and maintenance of vehicle emission control systems;

"(VII) programs for the conversion of publicly-owned fleet vehicles to vehicles that use low-polluting fuels, or to otherwise control fleet vehicle operations and miles traveled;

"(VIII) programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use, through road use charges, tolls, parking surcharges, or other pricing mechanisms, vehicle restricted zones or periods, or vehicle registration programs;

"(IX) programs for breakdown and accident scene management, nonrecurring congestion, and vehicle information systems, to reduce congestion and emissions; and,

"(X) such other transportation-related programs as the Administrator, in consultation with the Secretary of Transportation, finds would improve air quality and would not encourage single occupancy vehicle capacity.

In considering such measures, the State should seek to ensure adequate access to downtown areas and avoid increasing or relocating emissions and congestion rather than reducing them. Notwithstanding the requirements of title 23, United States Code, or any other provision of law, any Federal funds made available to a State to carry out the provisions of such title shall be available without limitation to implement the programs and provisions of this subparagraph in nonattainment areas, and the State share shall not be required to exceed 10 per centum of the cost of such programs.

"(iii) Nothing in this paragraph shall preclude the Secretary of Transportation from approving projects or awarding grants under title 23, United States Code, for (I) elimination of highway safety hazards pursuant to sections 130, 152, and 402 of such title, or (II) rehabilitation or replacement of deteriorated highway bridges, provided that such projects or grants will add no significant additional right-of-way and are determined by the Administrator to be consistent with maintaining air quality;

"(C) a prohibition of any public water system regulated under title XIV of the Public Health Service Act from providing drinking water service in the nonattainment area (or portion thereof, where the State failure relates exclusively to such portion) to any structure to which such service was not provided before the Administrator's choice of this sanction. The Administrator may not prohibit any public water system from providing water service to any customer requiring such service to correct an existing public health hazard;

"(D) the withholding by the Administrator of all or part of the grants for support of air pollution planning and control programs that the Administrator is authorized to award under section 105.".

"(3) Not later than twelve months after the Administrator makes a determination under paragraph (1) that a State is making reasonable efforts to cure the relevant failure, the Administrator shall make a final determination, which shall be published in the Federal Register, of whether the State has cured such failure. If the Administrator determines that the State has not cured such failure, the Administrator shall immediately apply, with respect to the relevant area within such State, at least one of the sanctions specified in paragraph (2).

"(4) The Administrator may, in the Administrator's discretion, apply any sanction or sanctions listed in paragraph (2) to address any of the failures specified in subsection (1) relating to any plan required under this title.

"(5)(A) Within six months following the applicable attainment date for any nonattainment area, the Administrator shall determine, based on the area's air quality as of the attainment date, whether the area attained the standard by that date.

"(B) Upon making the determination under clause (A), the Administrator shall publish a notice in the Federal Register identifying each area that the Administrator has determined to have failed to attain. The Administrator may revise or supplement such determination at any time based on more complete information or analysis concerning the area's air quality as of the attainment date.

"(6) No major stationary source of any pollutant shall be constructed or modified in a nonattainment area for such pollutant after the date forty-two months from the date of enactment of the Clean Air Act Amendments of 1990 or the date forty-two months from the date such area was designated nonattainment for such pollutant, whichever is later, unless, as of the later of such dates, the Administrator has approved a plan submission for the area meeting the requirements of section 172(c)(6) with respect to such pollutant as those requirements relate to the construction and operation of new or modified major stationary sources. Before the later of the dates set forth in this subsection, no State shall issue a permit for construction or modification of a major stationary source unless such permit meets the requirements of section 173.

"(7) Whenever—

"(A) an ozone nonattainment area fails to achieve the emissions reductions required under section 183(b)(2) or (3),

"(B) a carbon monoxide nonattainment area fails to achieve the emissions reductions of a milestone required under section 188(g)(3), or

"(C) a PM-10 nonattainment area fails to achieve the emission reduction of a milestone required under section 192(e)(2),

but no later than twelve months after passage of the date for achieving such reductions, the Administrator shall notify the State containing such nonattainment area of such failure. No later than nine months after such notification, the State shall submit to the Administrator a revision to the applicable implementation plan adequate to achieve the emissions reductions that the area failed to achieve before such plan revision was due. Such revision shall provide that such emissions reductions shall be achieved by the end of the next complete three-year period (described in section 183(b)) or milestone period (described in section 188(g) or section 192(e)), as the case may be. Notwithstanding any other provision of this Act, the Administrator shall act on such revision under section 110(d)(3) no later than six months after the date on which the State submits such revision.".

(h) CONFORMITY REQUIREMENTS.—Section 176(b) of the Clean Air Act (as redesignated by subsection (g)) is amended by deleting the second sentence, by striking "(1)", "(2)", "(3)" and "(4)" where they appear, by inserting "(1)" after "(b)", and by adding the following at the end thereof: "Conformity to a plan means—

"(A) conformity to a plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and

"(B) that such activities will not, considering any growth likely to result from such activities—

"(i) cause or contribute to any new violation of any standard in any area;

"(ii) increase the frequency or severity of any existing violation of any standard in any area; or

"(iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area.

"(2) Any transportation plan or program developed pursuant to title 23, United States Code, or the Urban Mass Transportation Act shall implement all relevant transportation provisions of any implementation plan approved under this Act applicable to all or part of the area covered by such transportation plan or program. No Federal agency may approve, accept or fund any transportation plan, program or project unless such plan, program or project has been found to conform to this Act and any implementation plan in effect under this Act. In particular—

"(A) no transportation plan or transportation improvement program may be adopted by a metropolitan planning organization designated under title 23, United States Code, or the Urban Mass Transportation Act, or be found to be in conformity by an air quality planning agency, department or officer until a final determination has been made that emissions expected from implementation of such plans and programs are consistent with estimates of emissions from motor vehicles and necessary emissions reductions contained in the State's implementation plan, and that the plan or program will, considering any growth likely to result from such plan or program, conform to the requirements of paragraph (1)(B);

"(B) no metropolitan planning organization or other recipient of funds under title 23, United States Code, or the Urban Mass Transportation Act shall adopt or approve a transportation improvement program of projects until it determines that such program provides for timely implementation of transportation control measures consistent with schedules included in the applicable implementation plan;

"(C) no transportation project may be adopted or approved by a metropolitan planning organization or any recipient of funds designated under title 23, United States Code, or the Urban Mass Transportation Act, or found in conformity by an air quality planning agency, or approved, accepted, or funded by the Department of Transportation unless—

"(i) such a project comes from a conforming plan and program;

"(ii) the design, scope, and emissions from such project have not changed significantly since the conformity finding regarding the plan and program from which the project derived;

"(iii) emissions from such a project remain consistent with emissions reduction schedules in the applicable implementation plan; and

"(iv) it is demonstrated, in any case where such a demonstration was not made during the process to determine the conformity of the plan and program from which project derived, that the project is consistent with the provisions of paragraph (1)(B).

The determinations required by this subsection shall be made by Federal, State and local agencies as prescribed pursuant to criteria and procedures which shall be promulgated by the Administrator no later than one year after the date of enactment of the Clean Air Act Amendments of 1989. Such procedures shall include a requirement that

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each State containing an ozone or carbon monoxide nonattainment area shall submit to the Administrator within eighteen months of such date of enactment, a revision to its implementation plan that includes, for each such nonattainment area, criteria and procedures for assessing the conformity of any plan, program or project subject to the conformity requirements of this subsection.".

(i) MAINTENANCE PLANS.—Subpart 1 of part D of the Clean Air Act is amended by adding a new section 179 as follows:

"MAINTENANCE PLANS

"SEC. 179. (a) PLAN REQUIREMENTS.—The maintenance plan required under section 107(d)(5)(C) as a precondition for redesignation of an area shall—

"(1) comply with the provisions of section 110(a)(2);

"(2) provide for the maintenance of the national ambient air quality standard of the relevant air pollutant in such area for a period of twenty years after attainment; and

"(3) include the following provisions—

"(A) an identification of sources, including area and mobile sources, that are expected to contribute to increases in emissions of such pollutant after attainment of a national ambient air quality standard;

"(B) a quantitative estimate of emissions increases from such sources for each three-year period following attainment;

"(C) an identification of transportation control measures, emission control limitations or standards, or permit requirements as may be necessary to limit emissions or permissible emission increases; and

"(D) an identification of contingency measures to be implemented in the event of an exceedance of the air quality standard sufficient to correct any air pollution problem which may lead to redesignation as a nonattainment area.

"(b) PLAN REVISIONS.—Maintenance provisions required by this section shall be updated every ten years and submitted to the Administrator for approval pursuant to section 110 and this part as a revision to the implementation plan.".

ADDITIONAL REQUIREMENTS FOR OZONE NONATTAINMENT AREAS

SEC. 107. Part D of the Clean Air Act is amended by adding the following new subpart at the end thereof:

"SUBPART 2—ADDITIONAL PROVISIONS REGARDING OZONE NONATTAINMENT AREAS

"CLASSIFICATION OF OZONE NONATTAINMENT AREAS

"SEC. 181. (a) CLASSIFICATION BY OPERATION OF LAW.—Each area that did not meet the national primary ambient air quality standard for photochemical oxidants (hereinafter "ozone") as of the last calendar year ending before enactment of this subpart for which data are available is hereby classified by operation of law in one of the following categories based upon the percentage by which such standard is exceeded:

"Area classification	Amount by which standard exceeded
Moderate ozone nonattainment area.	Not greater than 20 per centum
Serious ozone nonattainment area.	More than 20 per centum but not more than 50 per centum
Severe ozone nonattainment area.	More than 50 per centum but not more than 120 per centum
Extreme ozone nonattainment area.	More than 120 per centum

"(b) DATA AND METHODS FOR CLASSIFICATION.—For purposes of determining the percentage by which the national primary ambient air quality standard for ozone is exceeded in any area—

"(1) the most recent monitoring data available shall be used; and

"(2) the same methods as are used under regulations of the Administrator for determining attainment of the standard shall be applicable (including the design value, reference methods, and guidelines for interpretation of ozone air quality standards).

Not later than thirty days after the enactment of this subpart, the Administrator shall publish a notice of the percentages by which the national primary ambient air quality standard for ozone was exceeded in each area referred to in subsection (a).

"(c) DEADLINES FOR ATTAINMENT.—The following deadlines apply to the ozone nonattainment areas classified in accordance with subsection (a):

"Area classification	Applicable Attainment Date (in years after enactment of the Clean Air Act Amendments of 1989)
Moderate Area	5 years
Serious Area	10 years
Severe Area	15 years
Extreme Area	20 years.

"(d) REFERENCES TO TERMS.—Any reference in this subpart to a 'moderate area', a 'serious area' a 'severe area', or an 'extreme area' shall be considered a reference to a moderate ozone nonattainment area, a serious ozone nonattainment area, a severe ozone nonattainment area, or an extreme ozone nonattainment area as classified under this section.

"REQUIREMENTS APPLICABLE TO ALL OZONE NONATTAINMENT AREAS

"SEC. 182. (a) INVENTORIES.—Not later than one year after the date of enactment of this subpart in the case of each State that contains a nonattainment area or portion thereof classified pursuant to section 181(a), or in the case of a State containing an area subsequently classified nonattainment pursuant to section 107 and this subpart, within eighteen months of such classification, such State shall submit to the Administrator—

"(1) for each such area, a comprehensive, accurate, current inventory of actual emissions of volatile organic compounds and oxides of nitrogen from all sources in such area. Such inventory shall be of emissions in the calendar year of enactment, or such other calendar year between 1987 and the year of enactment, inclusive, approved by the Administrator. Each such inventory shall be prepared in accordance with the guidance required to be published by the Administrator pursuant to section 108(g)(2), if such guidance is available. Revisions of each such inventory shall be submitted every three years thereafter until the area for which the inventory is prepared is redesignated attainment; and

"(2)(A) a revision to the State implementation plan that contains a requirement that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds within an ozone nonattainment area or portion thereof in such State provide the State with a statement in such form as the Administrator may prescribe (or the State may prescribe, if the Administrator does not) for classes or categories of sources, showing the actual emissions from that source during the previous calendar year of oxides of nitrogen and volatile organic compounds. The first such statement shall be submitted for the calendar year in which the revision referred to in the first sentence of this subparagraph was submitted to the Administrator. Subsequent statements shall be submitted at least annually thereafter.

"(B) The State may waive the application of subparagraph (A) to any class or category of stationary sources which emit less than twenty-five tons per year of oxides of nitrogen or volatile organic compounds if the State, in its submissions under paragraph (1), provides an inventory of emissions from such class or category of sources based on guidelines provided by the Administrator under section 108(g)(2) (relating to inventories).

"(b) IMPLEMENTATION OF CURRENT REQUIREMENTS.—Each State containing an ozone nonattainment area or portion thereof shall—

"(1) not later than eighteen months after the date of enactment of this subpart, fully implement all provisions of any implementation plan for the attainment of the ozone air quality standard for each such area or areas which have been approved by the Administrator prior to the date of enactment of this subpart, and

"(2) within six months after the date of enactment of this subpart, submit a revision or revisions to the applicable implementation plan to include provisions to correct requirements in (or add requirements to) the plan concerning reasonably available control technology as were required under section 172(b) (as in effect immediately before the date of enactment of this subpart), including a requirement to implement within one year after submission reasonably available control technology with respect to all sources of volatile organic compounds in such area or areas covered by a control technique guideline issued before the date of enactment of this subpart.

"(c) PERMIT REQUIREMENT.—Each State containing an area or portion thereof classified pursuant to section 181(a) or subsequently classified pursuant to section 107 and this subpart shall, not later than eighteen months after the date of such classification submit to the Administrator a revision to the implementation plan for each such area requiring an operating permit (including permit fees) as provided in sections 172(c)(6) and 173(b) for each new or existing major stationary source of volatile organic compounds or oxides of nitrogen located within any such nonattainment area. It shall be unlawful to operate any such major stationary source without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(d) Notwithstanding any other provision of this Act, any State implementation plan submittal required for any ozone nonattainment area (or portion thereof) not designated nonattainment prior to the date of enactment of the Clean Air Act Amendments of 1990, that is required to be submitted within six or twelve months from the date of enactment, classification, or designation of such area, shall be required to be submitted within six or twelve months, as the case may be, of the date the area (or portion thereof) is included within the boundaries of an area designated nonattainment under section 107(f)(3)(B).

"REQUIREMENTS FOR SPECIFIC CLASSES OF OZONE NONATTAINMENT AREAS

"SEC. 183. (a) REQUIREMENTS FOR MODERATE AREAS.—Each State containing an area classified as a moderate nonattainment area pursuant to section 181(a) or subsequently so classified pursuant to section 107 of this subpart, shall, with respect to the moderate area, submit to the Administrator, by the dates provided, the following revisions to the applicable implementation plan:

"(1) within one year of the date of classification, a revision that requires implementation, within one year of submission of such revision, of requirements in either paragraph (A) or (B)—

"(A) an enhanced vehicle emissions control inspection and maintenance program to reduce in-use emissions of volatile organic compounds and oxides of nitrogen from motor vehicles, which program shall include each of the following elements—

"(i) require coverage of all light-duty vehicles registered in, at a minimum, each metropolitan statistical area (as defined by the Office of Management and Budget) with a population of one hundred thousand or more according to the 1980 Census,

"(ii) direct inspection of components of vehicle emission control systems (including evidence of misfueling) and, where such components have been rendered inoperative, the repair or replacement of such components,

"(iii) computerized emission analyzers,

"(iv) if a provision waiving the requirements for repairing the emission control system in the event of failure is included, a provision that such waiver shall apply only when the costs of repair exceed $200,

"(v) enforcement through denial of vehicle registration (except for any program in operation prior to the effective date of this section whose enforcement mechanism is demonstrated to the Administrator to be more effective than the applicable vehicle registration program in assuring that noncomplying vehicles are not operated on public roads), and

"(vi) any requirements the Administrator may prescribe under section 202(j)(3) (pertaining to onboard emission diagnostic systems), or

"(B) a requirement that all persons within the area transferring gasoline to a motor vehicle fuel tank from a gasoline dispensing system use a fill nozzle designed to (i) prevent discharge of hydrocarbon vapors into the ambient air, (ii) direct vapor displaced from the automotive fuel system to a system where organic compounds in the displaced vapor are recovered, and (iii) prevent vehicle fuel tank overflows or spillage on fill nozzle disconnect. The requirement of this subparagraph shall apply only to facilities which sell more than twenty thousand gallons of gasoline per month. The Administrator may revise or waive the requirements of this subparagraph, as appropriate, after such time as the Administrator determines that onboard emissions control systems required under this Act are in widespread use throughout the motor vehicle fleet.

Each vehicle inspection and maintenance program required by this paragraph shall include such additional elements as are necessary to assure that the program would achieve a reduction in emissions of volatile organic compounds equivalent to a reduction of four thousand seven hundred tons of such emissions per million vehicles covered in the year of enactment of this subpart (if such program had been operating in such year). The Administrator may establish an alternative performance standard with respect to such programs for nonattainment areas located in California, if the Administrator finds that such alternative standard is necessary to reflect lower average emissions of volatile organic compounds from vehicles operating in such State. Any area which is already operating a vehicle emission control inspection and maintenance program or for which the implementation plan, as of the date of enactment of this subpart, includes a specific schedule for implementation of such a program shall comply with subparagraph (A);

"(2) an ozone nonattainment area for which the design value is less than .13 parts per million in the year immediately preceding enactment of this subpart shall not be required to comply with the requirements of subsection (a)(1) (pertaining to inspection and maintenance and refueling programs) unless such compliance is needed to bring the area into attainment with the primary ambient air quality standard for ozone by the date specified in section 181(c). The design value shall be calculated according to the interpretation methodology issued by the Environmental Protection Agency most recently before the date of enactment of this subpart;

"(3) within one year after the date of classification, a revision that contains a permit program which meets the requirements of section 172(a)(6), section 173, and title V.

"(b) REQUIREMENTS FOR SERIOUS AREAS.—Each State containing an area classified as a serious area pursuant to section 181(a) or subsequently so classified pursuant to section 107 and this subpart shall, with respect to the serious area, make the submissions described under subsection (a) and in addition submit to the Administrator the following revisions to the applicable implementation plan and other items:

"(1) an inventory that meets the requirements of section 182(a)(1) and, where all or part of such area is in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA), includes emissions from all sources within such MSA or CMSA, whichever is applicable, plus the twenty-five-mile radius around such area;

"(2) no later than one year after the date of classification, a revision to provide for, and a demonstration that the plan as revised will provide for, within three years after classification, emissions reductions of volatile organic compounds of 12 per centum from actual anthropogenic emissions in the calendar year of classification. Emissions reductions that will occur by the applicable deadline from measures required under either the applicable implementation plan or rules promulgated by the Administrator (other than rules promulgated under section 211(h)) may be credited toward the required 12 per centum reduction. The provisions of paragraph (3)(D)(ii) (relating to carryforward of excess reductions) shall apply with respect to reductions in excess of the required 12 per centum reduction;

"(3) no later than three years from the date of classification a revision which demonstrates, based on photochemical grid modeling or any other analytical method determined by the Administrator, in the Administrator's discretion, to be at least as effective, that the plan, as revised—

"(A) will provide for attainment by the applicable attainment date;

"(B) will result in volatile organic compound emission reductions from emissions reported in the initial inventory required under section 182(a)(1) equal to 12 per centum, averaged over the three-year period beginning with the fourth year after the date of classification. Emissions reductions may be credited towards the 12 per centum reduction requirement to the extent they will occur by the applicable deadline from measures required under either the applicable implementation plan or rules promulgated by the Administrator (other than rules promulgated under section 211(h)); and

"(C) will result in volatile organic compound emission reductions from baseline emissions equal to at least 3 per centum of baseline emissions each year, averaged over each consecutive three-year period beginning with the seventh year after the date of classification, and extending until the area attains the primary ambient air quality standard for ozone:

"(i) For purposes of this subparagraph, the term 'baseline emissions' means emissions reported in the initial inventory required under section 182(a)(1), excluding emissions that would be eliminated under the regulations described in clauses (iii)(I) and (II).

"(ii) Except as provided under clause (iii), emissions reductions are creditable toward the per centum reductions required under this subparagraph to the extent they will occur, by the applicable deadline, from measures required under either the applicable implementation plan or rules promulgated by the Administrator.

"(iii) Emission reductions from the following measures are not creditable toward the per centum reductions required under this subparagraph:

"(I) Any measure relating to motor vehicle tailpipe or evaporative emissions promulgated by the Administrator by the date of enactment of this section.

"(II) Regulations concerning Reid Vapor Pressure promulgated by the Administrator by the date of enactment of this section or required to be promulgated under section 211(h).

"(III) Measures required under section 182(b)(2) (concerning corrections to implementation plans).

"(iv) The demonstration referred to in this paragraph may, in order to meet the requirements of this subparagraph, provide for emission reductions in an amount less than 3 per centum of the baseline emissions if the State (following a public hearing, and by a statement signed by the Governor as a nondelegable action) demonstrates to the satisfaction of the Administrator that the plan reflecting such lessor amount includes all measures that can feasibly be implemented in the area (in light of technological achievability, costs, and any nonair quality and other air quality-related health and environmental impacts).

"(D)(i) The demonstration referred to in this paragraph shall explicitly quantify projections with respect to emissions and necessary emission reductions from motor vehicles, using estimates for growth in vehicle miles traveled, congestion levels, and other relevant parameters that are used by the agency or agencies responsible for transportation planning for the area.

(ii) Any area that achieves, or the demonstration for which projects, a reduction in emissions in excess of that required by this paragraph, as determined by the Administrator, may credit such excess emissions reductions toward the next three-year reduction requirement period.

(iii) The revision referred to in this paragraph may provide that reductions in emissions of oxides of nitrogen, to the extent they will occur by the applicable deadline from measures required under either the applicable implementation plan or fuels promulgated by the Administrator (calculated

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in accordance with the requirements of subclause (I) or (II)), may be substituted for the reductions of volatile organic compounds required by this subparagraph at no less than a one-for-one ratio (nitrogen oxides to volatile organic compounds) if a State demonstrates to the satisfaction of the Administrator that such reductions of oxides of nitrogen, together with remaining reductions of volatile organic compounds, would result in a reduction in ozone concentrations at least equivalent to that which would occur from the reductions in volatile organic compound emissions required under this subparagraph. A State may request, and the Administrator may provide, technical assistance in making this demonstration.

"(I) In the case of the per centum reductions required under subparagraph (B), the reductions in oxides of nitrogen shall not include reductions attributable to Federal motor vehicle standards.

"(II) In the case of the per centum reductions required under subparagraph (C), the reductions in oxides of nitrogen shall not include reductions identified in subparagraph (C)(iii).

"(4)(A) beginning one year after the date of classification, annual reports on measures adopted or implemented during the preceding calendar year and any failure to implement measures scheduled for implementation during such year;

"(B) beginning with the fourth such report and in each third such report thereafter, a demonstration by the State as to whether current vehicle miles traveled, congestion levels and other relevant parameters are consistent with those used for the demonstration required in paragraph (2) or for emissions projections pursuant to paragraph (3)(B)(i). Where such parameters and emissions levels exceed the levels projected for purposes of the area's three-year emissions reduction demonstration, the State shall, within one year, develop and submit a revision to the applicable implementation plan that includes a transportation control measures program consisting of measures from, but not limited to, section 108(f) that will reduce emissions to levels that are consistent with emission levels projected in such demonstration. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(e) and with the requirements of section 174(b) and shall include implementation and funding schedules that achieve expeditious emissions reductions in accordance with implementation plan projections;

"(5) within one year of the date of classification, a revision that satisfies the requirements of subparagraphs (A) (pertaining to vehicle inspection and maintenance) and (B) (pertaining to vapor recovery during vehicle fueling) of subsection (a)(1);

"(6) within twelve months of classification, a revision to require implementation of reasonably available control technology for all stationary sources of volatile organic compounds that are not covered by a control technique guideline or listed pursuant to section 185(a) and that have the potential to emit 100 tons or more per year of such compounds and for all stationary sources of oxides of nitrogen that have the potential to emit one hundred tons or more per year of such pollutant. Such revision shall require the implementation of such technology no later than two years after classification and, in the case of volatile organic compounds, shall provide that reductions of 80 per centum or more from uncontrolled levels be achieved unless the State determines for a category of sources that such level of reductions is not technologically or economically feasible, in which case the required reduction shall be the maximum that is technologically and economically feasible.

"(c) **REQUIREMENTS FOR SEVERE AREAS.**—Each State containing an area classified as a severe area pursuant to section 181(a) or subsequently so classified pursuant to section 107 and this subpart shall, with respect to the severe area, comply with the requirements of subsections (a) and (b) (except that the requirements of subsection (b)(6) concerning implementation of reasonably available control technology by stationary sources of volatile organic compounds shall apply with respect to such sources that have the potential to emit fifty tons or more per year of such compounds) and in addition submit to the Administrator the following revisions to the applicable implementation plan and other items:

"(1) within two years after the date of classification, a revision that identifies and adopts specific enforceable strategies and transportation control measures to offset any growth in emissions from growth in vehicle miles traveled or numbers of vehicle trips in such area and to attain reduction in motor vehicle emissions as necessary, in combination with other emission reduction requirements of this subpart, to comply with the requirements of subsection (b)(3)(B) (pertaining to periodic three-year emissions reduction requirements). The State shall consider, at a minimum, measures specified in section 108(f) and if the State fails to include any such measure, the implementation plan shall contain an explanation of why such measure was not adopted and what emissions reduction measure was adopted to provide a comparable reduction in emissions, or reasons why such reduction is not necessary to meet the requirements of subsection (b)(3)(B) or to attain a national ambient air quality standard;

"(2) within one year after the date of classification, a revision requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of one hundred or more persons in such area increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 per centum above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The guidance of the Administrator may specify average vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision shall provide that each employer subject to a vehicle occupancy requirement shall submit a compliance plan within two years after the date the revision is submitted which shall convincingly demonstrate compliance with the requirements of this paragraph not later than four years after such date. An employer may demonstrate in such plan compliance with a vehicle occupancy rate less than 25 per centum greater than the average in the area, if (A) expenditures by the employer in implementing the compliance plan are equal to or greater than the cost of providing each employee with a parking space at the location of the workplace; and (B) compliance with a vehicle occupancy rate 25 per centum above the areawide average is not feasible at such cost.

"(d) **REQUIREMENTS FOR EXTREME AREAS.**—

"(1) When all or part of an extreme area is in a metropolitan statistical area (MSA) or consolidated metropolitan statistical area (CMSA), the boundaries of the extreme area for the purposes of this subpart shall be defined, by operation of law, as the boundary of such MSA or CMSA, as applicable, plus twenty-five miles. If a State demonstrates to the satisfaction of the Administrator within sixty days of such designation that with respect to a portion of such area,

"(A) sources in that portion do not contribute to violations of the standards, and

"(B) there is a geographical basis for excluding that portion,

the Administrator may approve a State's request to exclude such portion from the nonattainment area. The Administrator shall determine whether or not to exclude such portion within sixty days of receiving the State's request.

"(2) Each State in which an extreme area or portion thereof is located shall, with respect to the extreme area, comply with the requirements of subsections (a), (b), and (c) and in addition submit to the Administrator revisions to the applicable implementation plan that comply with subsection (b) (2) and (3) (pertaining to initial and periodic per centum emission reduction requirements) except that in addition to the required reductions in emissions of volatile organic compounds, the State shall submit revisions providing for initial and triennial 12 per centum reductions in emissions of oxides of nitrogen.

"(e) **CERTAIN NON-SELF-GENERATING AREAS.**—

"(1) Notwithstanding any other provision of section 181 or this section, a State containing an ozone nonattainment area that does not include and is not adjacent to any part of a metropolitan statistical area or, where one exists, a consolidated metropolitan statistical area (as defined by the Office of Management and Budget), which area is determined by the Administrator to be non-self-generating within the meaning of paragraph (2), shall be treated by operation of law as satisfying the requirements of this section if it complies with regulations promulgated by the Administrator. Such regulations shall be promulgated no later than January 1, 1991, and shall, at a minimum, require compliance with the provisions of section 182 and such other measures as the Administrator determines appropriate to provide for the attainment and maintenance of the national ambient air quality standard for ozone.

"(2) The Administrator may determine an ozone nonattainment area to be non-self-generating if the Administrator finds that sources of volatile organic compounds and oxides of nitrogen emissions within the area do not make a significant contribution to the ozone concentrations measured in the area or in other areas.

"FAILURE TO ATTAIN

"SEC. 184. (a) **FAILURE TO ATTAIN.**—For any ozone nonattainment area that fails to attain the primary ozone air quality standard by the date applicable to such area pursuant to section 181, the Administrator shall—

"(1) in the case of a moderate area reclassify such area as a serious area, in the case of a serious area, reclassify such area as a severe area, and in the case of a severe area, reclassify such area as an extreme area. From the date of reclassification each such area shall be subject to the provisions of this subpart, including the attainment date, that are applicable to the classification to which the area has been reclassified; and

"(2) assure that the provisions of the implementation required by section 184(e) (pertaining to emissions for major stationary sources) are enforced.

"(b) Fee for Failure To Attain.—

"(1) The revision to the applicable implementation plan required under section 183(a)(1) (relating to the State implementation plan submittal required for all ozone nonattainment areas) shall provide that if the area has failed to attain by—

"(A) in the case of moderate, serious, and severe ozone nonattainment areas, the end of the fifteeth calendar year beginning after enactment of this section; and

"(B) in the case of extreme ozone nonattainment areas, the applicable attainment date;

each major stationary source of volatile organic compounds located in the area shall, except as otherwise provided under paragraph (4), pay a fee, computed in accordance with paragraph (2), for each calendar year beginning after the date identified in subparagraph (A) or (B), as applicable, until the area is redesignated as an attainment area.

"(2)(A) The fee shall equal $5,000, adjusted in accordance with subparagraph (B), per ton of VOC emitted during the calendar year in excess of 80 per centum of the amount of emissions allowed under the applicable implementation plan (in accordance with such guidance as the Administrator may provide), during the year identified under paragraph (1) (A) or (B), as applicable.

"(B) The fee amount under subparagraph (A) shall be adjusted annually, beginning in the year beginning after the year of enactment, by the percentage, if any, by the which the Producer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Producer Price Index for the calendar year 1989.

"(3) If the Administrator has determined under section 176(a)(1)(A)-(B) (related to disapproval of an implementation plan) that the fee provisions of the implementation plan submitted for the area do not meet the requirements of this section, or if the Administrator makes a determination, under section 176(a)(1)(C) (related to failure to implement an applicable implementation plan) that the State is not administering and enforcing the fee provisions approved for the area under this subsection, the Administrator shall, in addition to any other action authorized under this title, collect the fees required under paragraph (1). If the Administrator make such a determination under section 176(a)(1)(C), the Administrator may collect fees for periods prior to the determination, plus interest computed in accordance with section 6621(a)(2) of the Internal Revenue Code of 1986 (relating to computation of interest on underpayment of Federal taxes), to the extent the Administrator finds such fees have not been paid to the State. The provisions of section 351(b)(3)(ii)-(iv) (relating to penalties and use of the funds, respectively) shall apply with respect to fees collected under this subsection.

"(4) For areas with a total population under two hundred thousand which fail to attain the standard by the applicable attainment date, no sanction under this or any other section of the Act shall apply if the area can demonstrate, consistent with guidance issued by the Administrator, that attainment in the area is prevented because of ozone or ozone precursors transported from other areas. The prohibition applies only in cases in which the area has met all requirements and implemented all measures applicable to the area under this Act.

"ADDITIONAL FEDERAL MEASURES TO CONTROL OZONE POLLUTION

"Sec. 185. (a) Control Techniques Guidelines.—

"(1) Not later than six months after the date of enactment of this subpart, the Administrator shall publish a list of at least twelve categories of stationary sources for which control technique guidelines, in accordance with subsection 108(b), have not previously been published and which the Administrator considers to make the most significant contribution to the formation of ozone air pollution. The categories shall be divided into three groups (with an equal number of categories in each group) and the Administrator shall establish a schedule for publication of guidelines for each of such groups at the time of publication of the list of categories.

"(2) The Administrator shall publish control technique guidelines for sources within the categories listed under paragraph (1). The guidelines shall be published for the first group of such sources within the first eighteen months after publication of the list and for at least one additional group in each succeeding eighteen-month period until guidelines have been published for all listed categories.

"(3) Within thirty-six months after the date of enactment of this subpart, and every four years thereafter, the Administrator shall review and, if necessary, update control technology guidelines including those issued before the enactment of this subpart. The Administrator may publish such additional guidelines as the Administrator deems necessary.

"(b) Volatile Organic Compounds Emissions From Loading and Unloading of Certain Vessels.—Within two years after the enactment of this subpart, the Administrator shall publish a control technique guideline, in accordance with section 108(c), regarding control of volatile organic compound emissions from the loading or unloading of petroleum products on to or from vessels. Such emissions shall be considered to be direct emissions of the onshore terminal for all purposes under this Act.

"(c) Volatile Organic Compounds Emissions From Aerospace Coatings and Solvents.—Within two years after the enactment of this subpart, the Administrator shall publish a control techniques guideline for all aerospace coating and solvent applications (including military and commercial applications), after consultation with the Department of Defense, the Federal Aviation Administration, the National Air and Space Administration, and the affected industry. In evaluating VOC reduction strategies, the guidelines shall take into account the applicable requirements of section 112 and the need to protect stratospheric ozone."

"(d) Consumer or Commercial Products.—

"(1) Within two years after the date of enactment of this subpart, the Administrator shall submit to the Congress a final report on emissions of ozone precursors from consumer or commercial products which emit significant quantities of ozone precursors, and include recommendations for the control of such emissions. The report shall consider the costs and technological feasibility of controlling emissions of ozone precursors from consumer or commerical products, as well as the amount of emissions reductions from consumer or commercial products that would be necessary for areas designated nonattainment for ozone to attain and maintain the national ambient air quality standard for ozone. In addition, the report shall estimate the total amount of reductions of emissions of ozone precursors that is appropriate and achievable from regulation of consumer or commercial products.

"(2)(A) Within one year of submission of the report required under paragraph (1), the Administrator shall propose, and within two years of such submission shall promulgate, regulations to aid in the attainment of the ozone ambient air quality standard by decreasing emissions of ozone precursors from classes or categories of consumer or commercial products. Such regulations shall be designed to achieve reductions from the product categories selected by the Administrator to a level equal to the level that would be achieved by the application of reasonably available controls to each such class or category of consumer or commercial products and shall, at a minimum, achieve, within three years after promulgation, reductions in nationwide anthropogenic emissions of volatile organic compounds of at least one per centum below the level of such emissions in the calendar year of enactment of this subpart.

"(B) Such regulations may include any system or systems of implementation as the Administrator may deem appropriate, including but not limited to requirements for registration and labeling, self-monitoring and reporting, prohibitions, limitations, or fees concerning the manufacture, processing, distributions, use, consumption, or disposal of the product.

"(C) The regulations may exempt health-use products for which the Administrator determines there are not suitable substitutes.

"(D) Any fees collected under such regulations shall be deposited in a special fund in the United States Treasury which shall thereafter be available for appropriation, to remain available until expended, to carry out activities of the Environmental Protection Agency under this Act.

"(3) Any standard established under this subsection shall be treated, for purposes of sections 113, 114, 115, 120, and 304, as a standard under section 111.

"(4) The Administrator may, pursuant to regulations, delegate to any State that so requests, administration and enforcement of the regulations promulgated under paragraph (2).

"(5) For the purposes of this subsection—

"(A) the term 'reasonably available controls' means the degree of emissions reduction that the Administrator determines, on the basis of technological and economic feasibility, health, environmental, and energy impacts, is reasonably achievable through the application of any equipment, processes, systems or techniques, including, but not limited to, chemical reformulation, product or feedstock substitution, repackaging, or directions for use, consumption, storage, or disposal;

"(B) the term 'consumer or commercial products' means any substance, product, or article (including any container or packaging) held by any person, the use, consump-

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tion, storage, disposal, destruction, or decomposition of which may result in the release of ozone precursors. The term does not include fuels or fuel additives as defined under section 211; and

"(C) the term 'ozone precursors' means pollutants that contribute to the ambient air concentrations of ozone.

"(d) HAZARDOUS WASTE FACILITIES.—The Administrator shall, not later than March 31, 1991, and after notice and opportunity for public comment, promulgate regulations pursuant to section 3004(n) of the Solid Waste Disposal Act controlling emissions of volatile organic compounds and other pollutants from treatment, storage, and disposal facilities subject to such Act which shall, at a minimum, achieve within three years after promulgation, reductions in nationwide emissions of volatile organic compounds of 4 per centum below the level of such emissions in the calendar year of enactment of this subpart.

"CONTROL OF INTERSTATE OZONE AIR POLLUTION

"SEC. 186. (a) OZONE TRANSPORT REGIONS.—The area comprising the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, and the consolidated metropolitan statistical area including the District of Columbia is established as an ozone transport region. The Administrator may add any State or portion of a State to any region established under this subsection or establish other ozone transport regions, consisting of two or more States, when the Administrator determines that the interstate transport of air pollutants from such State or States significantly contributes to concentrations of ozone or ozone precursors in any nonattainment area in another State classified under section 181(a) as a serious, severe, or extreme area for ozone. The ozone transport commission established under subsection (b) for any ozone transport region may remove any State or portion of a State from the region if the commission determines that the control of emissions in that State or portion of a State pursuant to this section will not significantly contribute to the attainment of the primary ambient air quality standard for ozone in any nonattainment area.

"(b) OZONE TRANSPORT COMMISSIONS.—Not later than six months after enactment of this subpart, the Administrator shall establish an ozone transport commission for the ozone transport region established by the first sentence of subsection (a). Not later than three months after the establishment of any other ozone transport region, the Administrator shall establish an ozone transport commission for the region. Each ozone transport commission shall be comprised of the following members—

"(1) an air pollution control official representing each State in the region, appointed by the Governor or as provided under State law;

"(2) the Administrator (or an employee designated by the Administrator from the headquarters office of the Environmental Protection Agency); and

"(3) the Regional Administrator (or an employee designated by the Regional Administrator) for each Environmental Protection Agency regional office for each Environmental Protection Agency region affected by the ozone transport region concerned.

Decisions of each ozone transport commission may be made only by a majority vote of all members other than the Regional Administrators (or designees thereof).

"(c) PLAN PROVISIONS FOR STATES IN OZONE TRANSPORT REGIONS.—Not later than two years after the enactment of this subpart (or nine months after the subsequent inclusion of a State in an established ozone transport region), each State included within an ozone transport region shall submit a State implementation plan or revision thereof to the Administrator which requires the following—

"(1) that each area in such State that is in an ozone transport region, that is not a nonattainment area, and that is a metropolitan statistical area or part thereof with a population of 100,000 or more, comply with the provisions of section 183(a)(1)(A) (pertaining to vehicle inspection and maintenance programs);

"(2) implementation of reasonably available control technology with respect to—

"(A) all sources of volatile organic compounds in the State covered by a control techniques guideline issued before the date of enactment of this subpart.

"(B) all sources of volatile organic compounds or oxides of nitrogen in the State covered by a control techniques guideline issued by the Administrator after the date of enactment of this subpart, and

"(C) all stationary sources that have the potential to emit one hundred or more tons of volatile organic compounds and that are not covered by a control technique guideline or listed pursuant to section 185(a); and

"(3) a requirement that all owners or operators of gasoline dispensing systems within the area install and operate a system designed to (i) prevent discharge of hydrocarbon vapors into the ambient air, (ii) direct vapor displaced from the automotive fuel system to a system where organic compounds in the displaced vapor are recovered, and (iii) prevent vehicle fuel tank overflows or spillage on fill nozzle disconnect. The requirement of this subparagraph shall apply only to facilities which dispense more than fifty thousand gallons of gasoline per month. The Administrator may revise or waive the requirements of this subparagraph, as appropriate, after such time as the Administrator determines that onboard emissions control systems required under this Act are in widespread use throughout the motor vehicle fleet.

"(d) ADDITIONAL CONTROL MEASURES.—

"(1) Upon petition of any State within an ozone transport region, the commission may, after notice and opportunity for comment, develop a plan of additional control measures to be applied within all or a part of such transport region if the commission determines such measures are necessary to bring any area in such region into attainment by the dates provided by this subpart. The commission shall transmit such plan to the Administrator.

"(2) Whenever the Administrator receives a plan prepared by a commission pursuant to paragraph (1) (the date of receipt of which is hereinafter in this section referred to as the receipt date), the Administrator shall—

"(A) immediately publish in the Federal Register a notice stating that the plan is available and that written data, views, or comments on the plan may be submitted to the Administrator within ninety days beginning on the receipt date; and

"(B) commence a review of the plan to determine whether the control measures in the plan are necessary to bring any area in such region into attainment by the dates provided by this subpart and are otherwise consistent with this Act.

"(3) In undertaking the review required under paragraph (2)(B), the Administrator shall consult with members of the commission of the affected States and shall take into account the data, views and comments received pursuant to paragraph (2)(A).

"(4) Within one hundred and twenty days after the receipt date, the Administrator shall determine whether to approve, disapprove, or partially disapprove and partially approve the plan; shall notify the commission in writing of such approval, disapproval or partial disapproval; and shall publish such determination in the Federal Register. If the Administrator fails to act within one hundred and twenty days, the plan shall be deemed approved. If the Administrator disapproves or partially disapproves a plan, the Administrator shall specify—

"(A) why any disapproved additional control measures are not necessary to bring any area in such region into attainment by the dates provided by this subpart or are otherwise not consistent with the Act; and

"(B) recommendations concerning actions that could be taken by the commission to conform the disapproved portion of the plan to the requirements of this section.

"(5) Upon approval or partial approval of a plan submitted by a commission, the Administrator shall issue to each State which is included in the transport region and to which a requirement of the approved plan applies, a finding under section 110(d)(4) that the implementation plan for such State is inadequate to meet the requirements of section 110(c)(4). Such finding shall require each such State to revise its implementation plan to include the approved additional control measures within one year after the finding is issued.

"(e) EXEMPT AREAS.—(1) Upon petition of any State within an ozone transport region, the Administrator, after seeking written views of the commission and after publishing a written finding in the Federal Register, may exempt any area within such State from one or more of the requirements of subsection (c) if the State demonstrates to the satisfaction of the Administrator that stationary or mobile sources within the area do not contribute to nonattainment in any other area in such region. The Administrator shall make a determination under this paragraph within nine months following receipt of a petition.

"(2) The requirements of subsection (c)(3) shall not apply to any State that contains no ozone nonattainment area or portion thereof unless the Administrator determines that such requirements are necessary to achieve attainment in any area in an adjoining State or the Governor of the State containing no ozone nonattainment area determines, pursuant to State law, that such requirements should apply in such State.

"(f) PETITIONS.—Any State or political subdivision may petition the Administrator to make a determination that any other State or portion thereof should be included within an ozone transport region under this section. The petitioning State shall include with such petition such evidence as is available to it regarding the contribution made by sources located in (or operating in) the State (or portion thereof) which is the subject of the petition to ozone concentrations in the petitioning State. Within one hundred and twenty days after receipt of any petition under this subsection and after a public hearing, the Administrator shall include the State (or portion thereof) within an ozone transport region or deny the petition.

"(g) **Best Available Air Quality Monitoring and Modeling.**—For purposes of this section, not later than six months after the enactment of subpart, the Administrator shall promulgate criteria for purposes of determining the contribution of sources in one area to concentrations of ozone in another area which is a nonattainment area for ozone. Such criteria shall require that the best available air quality monitoring and modeling techniques be used for purposes of making such determinations.".

ADDITIONAL REQUIREMENTS FOR CARBON MONOXIDE NONATTAINMENT AREAS

Sec. 108. New Requirements for Carbon Monoxide Nonattainment Areas.—Part D of title I of the Clean Air Act is amended by adding the following new subpart after subpart 2:

"Subpart 3—Additional Provisions Regarding Carbon Monoxide Nonattainment Areas

"CLASSIFICATION OF CARBON MONOXIDE NONATTAINMENT AREAS

"**Sec. 187. (a) Classification by Operation of Law.**—Each area which did not meet the national primary ambient air quality standard for carbon monoxide averaged over an eight-hour period as of the last calendar year ending before enactment of this subpart for which data is available is hereby classified by operation of law in one of the following categories based upon the percentage by which the standard was exceeded in that area:

"Area classification	Percentage exceedance
Moderate	Not Greater than 55 per centum
Serious	Greater than 55 per centum.

Any reference in this subpart to a 'moderate nonattainment area' or a 'serious nonattainment area' shall be considered a reference to a moderate or serious carbon monoxide nonattainment area as classified under this subsection (or as subsequently reclassified under this subpart). Any reference in this subpart to the 'carbon monoxide air quality standard' shall be considered a reference to the national primary ambient air quality standard for carbon monoxide averaged over an eight-hour period.

"(b) **Data and Methods for Classification.**—For purposes of calculating the percentage by which the carbon monoxide air quality standard is exceeded in any area—

"(1) the most recent monitoring data available shall be used; and

"(2) the same methods as are used under regulations of the Administrator for purposes of determining attainment of the standard shall be applicable.

Not later than thirty days after the date of enactment of this subpart the Administrator shall publish a notice identifying the percentage by which each area referred to in subsection (a) exceeds the carbon monoxide air quality standard and the classification of each area as moderate or serious.

"(c) **Deadlines for Attainment.**—The following deadlines apply to the carbon monoxide nonattainment areas classified in accordance with subsection (a)—

"Area Classification	Applicable attainment date (in years after enactment of this subpart)
Moderate	5 years
Serious	10 years.

"(d) **New Standard.**—If the Administrator revises the carbon monoxide air quality standard after the enactment of this subpart, the Administrator shall, within six months after the revision, promulgate requirements applicable to all areas which have not attained the revised standard and shall require the submission of implementation plans or revisions to such plans for such areas within twenty-four months after the revision of the standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas classified under subsection (a) and shall provide for attainment of such revised standard according to a schedule which is comparable to that specified in subsection (c).

"REQUIREMENTS APPLICABLE TO ALL CARBON MONOXIDE NONATTAINMENT AREAS

"**Sec. 188. (a) Inventories.**—Each State containing a nonattainment area classified pursuant to section 187(a) shall, not later than one year after the date of enactment of this subpart and every three years thereafter, submit an inventory of carbon monoxide emissions from stationary and mobile sources located within each such area as provided in the guidelines issued by the Administrator pursuant to section 108(g). The initial inventory shall report emissions occurring in the calendar year immediately preceding enactment of this section or the subsequent year. Any area subsequently classified nonattainment pursuant to section 107 and this subpart shall submit (and update as provided in this subsection) carbon monoxide emissions inventories beginning eighteen months after the date of classification. Guidance for inventory preparation published by the Administrator pursuant to section 108(g) shall contain factors for estimating carbon monoxide emissions from wood stoves and other small combustion sources.

"(b) **Monitoring.**—The enhanced monitoring program required by section 108(g) shall include the use of mobile monitors for carbon monoxide to determine the geographic extent of any nonattainment problem for such pollutant within an area. Monitoring pursuant to such guidelines shall be commenced in all areas classified pursuant to section 187(a) or subsequently pursuant to section 107 and this subpart not later than eighteen months after such classification. The Administrator may require through guidance or by rule the use of mobile monitoring devices for carbon monoxide in areas designated as attainment areas.

"(c) **Existing Commitments.**—

"(1) Not later than eighteen months after the date of enactment of this section each State containing an area classified nonattainment pursuant to section 187(a) shall fully implement all provisions of any implementation plan for the attainment of the carbon monoxide air quality standard for such area or areas which have been submitted to the Administrator for approval (whether or not approved) prior to the date of enactment of this section.

"(2) Each State containing an area classified pursuant to section 187(a) shall promptly and fully implement any additional measures not previously proposed by the State but required by subpart 1.

"(d) **Permit Requirement.**—

"(1) Each State containing an area classified pursuant to section 187(a) or which contains an area subsequently classified pursuant to section 107 and this subpart shall not later than eighteen months after the date of such classification submit to the Administrator for approval a revision to the implementation plan for each such area requiring an operating permit (including permit fees) as provided in sections 172(a)(6) and 173(b) for each new or existing major stationary source of carbon monoxide emissions located within any such nonattainment areas. It shall be unlawful to operate a major source of carbon monoxide emissions without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) Each permit issued pursuant to this subsection shall require the installation of continuous emission monitoring for carbon monoxide emissions from the source.

"(e) **Attainment Demonstration and Milestones.**—

"(1) Each State containing a moderate or serious nonattainment area shall, after notice and opportunity for public comment but not later than twenty-four months after such area has been designated nonattainment, submit to the Administrator for approval revisions to the implementation plan for each such area which demonstrate, as provided in section 110 and this part, attainment of the carbon monoxide air quality standard by the deadline for attainment for such area or areas as provided in section 187(c).

"(2)(A) Notwithstanding the provisions of paragraph (1), revisions demonstrating attainment under this subsection shall not be required for any moderate nonattainment area for which the design value in the most recent calendar year immediately preceding enactment of this section did not exceed the carbon monoxide air quality standard by more than 10 per centum: *Provided*, That, within three months after the date of enactment of this subpart the Governor of such State submits to the Administrator a detailed statement of the measures to be undertaken in such area which will assure attainment of the carbon monoxide air quality standard by not later than thirty-six months after such date of enactment.

"(B) In the event that a moderate nonattainment area for which an attainment demonstration has not been submitted pursuant to subparagraph (A) does not attain the carbon monoxide air quality standard by the date thirty-six months after the date of enactment of this subpart, the State in which such area is located shall, after notice and opportunity for public comment, submit within an additional twelve-month period revisions to the implementation plan for the area making such demonstration and such area shall be subject to all of the requirements of this subpart applicable to moderate nonattainment areas including implementation of a vehicle inspection and maintenance program pursuant to subsection (i) and the deadlines for attainment established by section 187(c).

"(3) Revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain quantitative milestones to be achieved in each year in which an inventory is required under subsection (a) until the area is reclassified attainment and which demonstrate, as defined in section 171(1), reasonable further progress toward attainment by the date applicable to the area under section 187(c). Milestones proposed for inclusion in an implementation plan under this paragraph may be stated as—

"(A) reductions in vehicle miles traveled or vehicle trips in the nonattainment area, or both, during periods when the standard is likely to be violated;

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"(B) reductions in tons of emissions of carbon monoxide emitted annually in the nonattainment area;

"(C) reductions in the design value for carbon monoxide averaged over an eight-hour period for the area;

"(D) reductions in the number of exceedances of the national carbon monoxide air quality standard which would be expected to occur each year; or

"(E) any combination of the above.

"(4) Revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain one or more contingency measures sufficient to reduce (singly or in combination) carbon monoxide emissions in the nonattainment area as reported in the most recent inventory by not less than 5 per centum for moderate nonattainment areas and not less than 10 per centum for serious nonattainment areas. The revisions shall provide for automatic implementation of the measures in the event the area does not attain the carbon monoxide air quality standard by the date applicable to the area as provided in section 187(c). Contingency measures may be implemented only in part if all measures are not necessary to assure attainment of such standard as determined by the Administrator. Implementation of contingency measures shall not be delayed by any extension granted pursuant to section 190(d)(1).

"(5) The Administrator may not approve any revisions submitted pursuant to this subsection unless such revisions taken as a whole convincingly demonstrate attainment by not later than the dates specified in section 187(c). Notwithstanding the provisions of this paragraph, the Administrator may order that any or all requirements contained in such revisions be implemented and enforced pending submission of additional revisions of the implementation plan which can be approved as demonstrating attainment of the carbon monoxide air quality standard by the dates applicable under section 187(c).

"(f) Continuing Audits of Implementation Plans.—

"(1) The Administrator shall conduct an audit of each implementation plan for carbon monoxide for each area designated nonattainment for the carbon monoxide air quality standard to determine whether the State (or local air pollution control agency) is adequately implementing and enforcing each provision of the plan and achieving the milestones established pursuant to subsection (g). Audits shall be conducted not less frequently than every three years and shall be scheduled, to the extent practicable, in years immediately following the compilation of an inventory as provided by subsection (a).

"(2) If the Administrator finds that any provision required by section 110, section 172(a) (1) through (10), section 173 or this subpart is not being adequately implemented and enforced, the Administrator shall promptly notify the State in which the area is located and shall impose the sanctions required by section 190 until such time as full implementation is achieved.

"(3) If the Administrator finds that any milestone established pursuant to subsection (g) has not been achieved by the applicable date, the Administrator shall require the State in which the area is located to promptly submit revisions to its plan, including provisions which may be identified by the Administrator, assuring achievement of the milestone as expeditiously as practicable but not later than eighteen months after the date originally scheduled for achieving the milestone. The Administrator shall also impose the sanctions required by section 190 until such time as the milestone is achieved.

"(g) Vehicle Inspection and Maintenance Program.—Each State containing an area classified nonattainment pursuant to section 187(a) or which contains an area subsequently classified nonattainment and which is required to submit revisions to the implementation plan for such area demonstrating attainment pursuant to subsection (g) shall, not later than one year after the date of such classification, submit a revision to the applicable plan providing for implementation of a vehicle inspection and maintenance program which achieves carbon monoxide emissions reductions equivalent to a reduction of fifty-two thousand tons of such emissions per million vehicles covered in the year of enactment of this subpart (if the program had been operating in such year) and includes each of the elements in clauses (i) through (vi) of section 183(a)(1)(A).

"(h) Oxygenated Fuels.—Revisions demonstrating attainment submitted pursuant to subsection (g) shall contain provisions implementing and enforcing an oxygenated fuels program for each moderate or serious nonattainment area as provided in section 211(e).

"(i) Notwithstanding any other provision of this Act, any State implementation plan submittal required for any carbon monoxide nonattainment area (or portion thereof) not designated nonattainment prior to the date of enactment of the Clean Air Act Amendments of 1990, that is required to be submitted within twelve months from the date of enactment, classification, or designation of such area, shall be required to be submitted within twelve months of the date the area (or portion thereof) is included within the boundaries of an area designated nonattainment under section 107(f)(3)(B).

"REQUIREMENTS APPLICABLE TO SERIOUS CARBON MONOXIDE NONATTAINMENT AREAS

"Sec. 189. (a) Transportation Control Measures.—Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious nonattainment area shall contain a commitment to implement as expeditiously as practicable each of the transportation control measures specified in section 108(f) or a statement of the reasons for not including such measure in such revisions and an identification of other measures which will be taken in the area to obtain carbon monoxide emissions reductions equal to or greater than those which would have been achieved by implementation of such measure or measures, or reasons why such reduction is not necessary to meet the requirements of subsection 188(g)(3) or to attain a national ambient air quality standard.

"(b) Employer Ridership Program.—Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious nonattainment area shall contain provisions requiring employers in such area to implement programs to reduce work-related vehicle trips and miles traveled by employees. Such revision shall be developed in accordance with guidance issued by the Administrator pursuant to section 108(f) and shall, at a minimum, require that each employer of one hundred or more persons increase average passenger occupancy per vehicle in commuting trips between home and the workplace during peak travel periods by not less than 25 per centum above the average vehicle occupancy for all such trips in the area at the time the revision is submitted. The guidance of the Administrator may specify vehicle occupancy rates which vary for locations within a nonattainment area (suburban, center city, business district) or among nonattainment areas reflecting existing occupancy rates and the availability of high occupancy modes. The revision shall provide that each employer subject to a vehicle occupancy requirement shall submit a compliance plan within two years after the date the revision is submitted which shall convincingly demonstrate compliance with the requirements of this subsection not later than four years after the date the revision is submitted. An employer may demonstrate in such plan compliance with a vehicle occupancy rate less than 25 per centum greater than the average in the area, if (1) expenditures by the employer in implementing the compliance plan are equal to or greater than the cost of providing each employee with a parking space at the location of the workplace; and (2) compliance with a vehicle occupancy rate 25 per centum above the areawide average is not feasible at such cost.

"FAILURE TO ATTAIN STANDARD

"Sec. 190. (a) Failure To Attain.—The Administrator shall reclassify any moderate nonattainment area failing to attain, as provided in section 187(c), the carbon monoxide air quality standard by the date five years after the date of enactment of this subpart as a serious nonattainment area, and such area shall from the time of reclassification be subject to the provisions of this subpart applicable to serious nonattainment areas. The Administrator may grant a one-year extension of the attainment date established by section 187(c) for a moderate nonattainment area before reclassification provided that the State has fully implemented all provisions in the implementation plan for the area and the area has not exceeded the carbon monoxide air quality standard by more than 10 per centum in the two years prior to such date. Not more than two one-year extensions may be granted to any area under this subsection. Within twelve months of reclassification, the State shall submit to the Administrator for approval revisions to the implementation plan for such area as may be necessary to comply with the requirements for serious nonattainment areas.

"(b) In the case of an area classified as a serious nonattainment area in which the carbon monoxide air quality standard is not attained by the date provided in section 187(c), the State in which such area is located shall, after notice and opportunity for public comment, submit within twelve months after the applicable attainment deadline plan revisions which provide for attainment of the carbon monoxide air quality standard as provided in section 172(a), and, from the date of such submission until attainment, for an annual reduction in carbon monoxide emissions within the area of not less than 5 per centum of the amount of such emissions as reported in the most recent inventory prepared for such area.".

ADDITIONAL REQUIREMENTS FOR PM–10 NONATTAINMENT AREAS

Sec. 109. (a) New Requirements for PM-10 Nonattainment Areas.—Part D of title I of the Clean Air Act is amended by adding the following new subpart after subpart 3:

"Subpart 4—Additional Provisions for PM-10 Nonattainment Areas

"ATTAINMENT DEADLINES FOR PM-10 NONATTAINMENT AREAS

"SEC. 191. (a) DEADLINES FOR ATTAINMENT.—State implementation plans required for any PM-10 nonattainment area not meeting the national ambient air quality standard for particulate matter with an aero-dymanic diameter less than or equal to a nominal ten micrometers (as measured by such method as the Administrator may determine) under this subpart shall demonstrate attainment as expeditiously as practicable but not later than the date five years after the date on which such area was designated nonattainment for PM-10. The attainment deadline for areas designated nonattainment pursuant to subparagraphs (A) or (B) of section 107(f)(4) shall not extend beyond December 31, 1993. The Administrator may extend the deadline applicable to any area under this subsection upon a showing by the State that—

"(1) attainment within five years is impracticable because measures or technology to reduce PM-10 emissions are not available or secondary aerosols account for a significant portion of PM-10 levels in such area;

"(2) the State will implement all reasonably available control measures including all measures and control technology requirements described in any guidance issued by the Administrator pursuant to section 195; and

"(3) reasonable further progress toward attainment will be achieved and demonstrated at regular intervals until the attainment date, as provided in section 192(e).

No extension provided under authority of this subsection may extend for a period beyond the date ten years after the date on which an area has been designated nonattainment.

"(b) NEW STANDARD.—If the Administrator revises the particulate matter air quality standard after the date of enactment of this subpart, the Administrator shall, within six months after such revision, promulgate requirements applicable to all areas which have not attained the revised standard and shall require the submission of implementation plans or revisions to such plans for such areas within twenty-four months after the revision of the standard. Such requirements shall provide for controls which are not less stringent than the controls applicable to areas designated nonattainment for PM-10 and shall provide for attainment of such revised standard.

"REQUIREMENTS APPLICABLE TO PM-10 NONATTAINMENT

"SEC. 192. (a) INVENTORIES.—Each State containing an area designated nonattainment pursuant to section 107(f)(4) shall, not later than one year after the date of enactment of this subpart and every three years thereafter, submit an inventory of PM-10 (and PM-10 precursors) emissions from stationary and mobile sources located within each such area as provided in guidelines issued by the Administrator pursuant to section 108(g). Any area subsequently designated nonattainment pursuant to section 107 or this subpart shall submit (and update as provided in this subsection) such emissions inventories beginning eighteen months after the date of designation. Guidance for inventory preparation issued by the Administrator pursuant to section 108(g) shall contain factors for estimating PM-10 (and PM-10 precursors) emissions from area and natural sources.

"(b) APPROVED SIPs.—Nothing in this section shall be interpreted to require preparation and submission of plan revisions for areas for which the State has submitted and the Administrator has approved a plan revision pursuant to regulations promulgated on August 7, 1987 (52 Federal Register 29383) if such plan revisions otherwise meet the requirements of this subpart.

"(d) PERMIT REQUIREMENTS.—

"(1) Each State containing an area designated nonattainment for PM-10 pursuant to section 107(f)(4) or which contains an area subsequently designated nonattainment for PM-10 pursuant to section 107 or this subpart shall not later than eighteen months after the date of such designation submit to the Administrator for approval a revision to the implementation plan for each such area requiring an operating permit (including permit fees) as provided in sections 172(a)(6) and 173(b) for each new or existing major source of PM-10 or PM-10 precursor emissions located within such areas. It shall be unlawful to operate a major source of PM-10 or PM-10 precursor emissions without a permit issued pursuant to an approved implementation plan beginning thirty-six months after the date of enactment of this subpart.

"(2) Each permit issued pursuant to this subpart shall require monitoring of PM-10 or PM-10 precursor emissions from the permitted source not less frequently than monthly. The owner or operator shall periodically (but not later than twenty-four hours after any violation is detected) report the results of such monitoring to the State in which the source is located.

"(e) ATTAINMENT DEMONSTRATION AND MILESTONES.—

"(1) Each State containing an area designated nonattainment pursuant to section 107(f)(4) shall, after notice and opportunity for public comment but not later than twenty-four months after such designation, submit to the Administrator for approval revisions to the implementation plan for each such area which demonstrate attainment of the PM-10 air quality standard by the date provided in section 191(a).

"(2) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain quantitative milestones which are to be achieved in each year in which an inventory is required under subsection (a) until the area is redesignated attainment and which demonstrate, as defined in section 171(1), reasonable further progress toward attainment by the date applicable under section 191(a).

"(3) If a State includes in a plan revision an attainment date for an area which is after the date five years after the date of enactment of this subpart, the State shall commit to implementing each of the guidelines for control technology and measures which the Administrator promulgates pursuant to section 194 for each class or category of PM-10 or PM-10 precursor emission sources in the area. If the Administrator promulgates guidelines which are applicable to such classes and categories of sources after the date on which a plan revision is required by this subsection, the State shall further revise its plan within one year after the promulgation of such additional guidelines to provide for prompt implementation.

"(4) Plan revisions demonstrating attainment submitted to the Administrator for approval under this subsection shall contain one or more contingency measures sufficient to reduce (singly or in combination) PM-10 or PM-10 precursor emissions in the nonattainment area as reported in the most recent inventory by not less than 10 per centum. The plan revision shall provide for automatic implementation of the contingency measures in the event the area does not attain the PM-10 air quality standard by the date established pursuant to section 191(a). Implementation of contingency measures shall not be delayed by any extension granted pursuant to section 193(d).

"(5) The Administrator may not approve any revisions submitted pursuant to this subsection unless such revisions taken as a whole convincingly demonstrate attainment by not later than the dates applicable under section 191(a). Notwithstanding the provisions of this paragraph, the Administrator may order that any or all requirements contained in a plan revision be implemented and enforced pending submission of additional revisions of the implementation plan which can be approved as demonstrating attainment of the PM-10 air quality standard by the dates applicable under section 191(a).

"(f) CONTINUING AUDITS OF IMPLEMENTATION PLANS.—

"(1) The Administrator shall conduct an audit of each implementation plan for PM-10 for each area designated nonattainment pursuant to section 107(f)(4) to determine whether the State (or local pollution control agency) is adequately implementing and enforcing each provision of the plan and achieving the milestones established pursuant to subsection (e). Audits shall be conducted not less frequently than every three years and shall be scheduled, to the extent practicable, in years immediately following the compilation of an inventory as provided in subsection (a).

"(2) If the Administrator finds that any provision required by section 110, subpart 1 or this subpart is not being adequately implemented and enforced, the Administrator shall promptly notify the State in which the area is located and shall impose sanctions required by section 193 until such time as full implementation is achieved.

"(3) If the Administrator finds that any milestone established pursuant to subsection (e) has not been achieved by the applicable date, the Administrator shall require the State in which the area is located to promptly submit revisions to its plan, including provisions which may be identified by the Administrator, assuring achievement of the milestone as expeditiously as practicable but not later than eighteen months after the date originally scheduled. The Administrator shall also impose the sanctions required in section 194 until such time as the milestone is achieved.

"(g) WAIVERS FOR CERTAIN AREAS.—The Administrator may, on a case-by-case basis, waive a requirement applicable to an area granted an extension under subsection 191(a) where he determines that nonanthropogenic sources of PM-10 are the principal cause of the violation of the PM-10 standard in the area, except that no requirement for reasonably available control measures or best available control measures applicable to anthropogenic sources which make a significant contribution to PM-10 levels and which are required pursuant to an extension granted under subsection 191(a) shall be waived. The Administrator may also waive a specific date for attainment of the standard where he determines that nonanthropogenic sources of PM-10 in combination with extraordinary meterological conditions contribute significantly to the violation of the PM-10 standard in the area.

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"FAILURE TO COMPLY OR ATTAIN STANDARD

"Sec. 193. (a) The Administrator may, for any area, grant a one-year extension of the attainment date established pursuant to section 191(a) provided that—

"(A) the State has fully implemented all provisions in the implementation plan for the area;

"(B) the area does not exceed the PM-10 standard averaged annually; and

"(C) the area has not exceeded the PM-10 air quality standard averaged over twenty-four hours by more than 10 per centum in the two years prior to such date.

Not more than two one-year extensions may be granted pursuant to the authority of this subsection.

"(b) In the case of an area designated nonattainment pursuant to section 107(f)(4) in which the PM-10 standard is not attained by the date provided in section 191(a) (and considering any extension provided in paragraph (1)), the State in which such area is located shall, after notice and opportunity for public comment, submit within twelve months after the applicable attainment date, plan revisions which provide for attainment of the PM-10 air quality standard as provided in section 172(a), and, from the date of such submission until attainment, for an annual reduction in PM-10 or PM-10 precursor emissions within the area of not less than 5 per centum of the amount of such emissions as reported in the most recent inventory prepared for such area.

"GUIDELINES FOR PM-10 SOURCES

"Sec. 194. (a) Initial Guidelines.—Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate control technique guidelines with respect to reasonably available control technology and best available control technology for PM-10 (and PM-10 precursor) emissions from major stationary sources. At the same time, the Administrator shall publish guidelines with respect to reasonably available control measures and best available control measures for controlling PM-10 (and PM-10 precursor) emissions from area sources which cause or contribute to PM-10 nonattainment. At a minimum, guidelines published under this subsection shall include identification of technology and measures for combustion sources including wood smoke, prescribed burning for silviculture and agriculture, and urban fugitive dust.

"(b) Woodstove Curtailment.—In addition to the guidelines required by subsection (a), the Administrator shall, not later than twelve months after the date of enactment of this subpart, publish guidelines for the curtailment of residential wood burning as a reasonably available control measure under this subpart. Each State containing an area or areas which are designated nonattainment for PM-10 and for which residential wood burning contributes 20 per centum or more of PM-10 levels shall, not later than twenty-four months after the date of enactment of this subpart, submit a plan revision for each such area providing for the implementation of guidelines issued under this subsection. A State may elect to exempt wood heaters that have certified under the Environmental Protection Agency's Wood Heater Certification Program from any such curtailment.

"(c) Additional Guidelines.—Not later than six months after the date for submission of plans and plan revisions pursuant to section 192(e)(1), the Administrator shall publish a list of all other classes and categories of sources of PM-10 emissions which States have indicated will prevent attainment of the PM-10 air quality standard within five years after the date of enactment of this subpart because control technology is not available. Not later than forty-eight months after the date of enactment of this subpart, the Administrator shall publish control technique guidelines and guidelines for area sources (as provided in subsection (a)) for each such class or category.".

(b) PM-10 Increments in PSD Areas.—Section 166 of the Clean Air Act is amended by adding the following new subsection:

"(f) PM-10 Increments.—The Administrator is authorized to substitute, for the maximum allowable increases in particulate matter specified in section 163(b) and section 165(d)(2)(C)(iv), maximum allowable increases in particulate matter with an aerodynamic diameter smaller than or equal to ten micrometers. Such substituted maximum allowable increases shall be at least as stringent in effect as those specified in the provisions for which they are substituted. Until the Administrator promulgates regulations under the authority of this section, the current maximum allowable increases in concentrations of particulate matter shall remain in effect.".

INTERSTATE POLLUTION

Sec. 110. (a) Section 126 of the Clean Air Act is amended as follows:

(1) by adding a new subsection as follows:

"(d) Emissions of air pollutant which, by itself or in combination, reaction, or transformation, adversely affects the public health or welfare of another State, is a violation of this section.";

(2) in subparagraph (B) of subsection (a)(1), by striking "in excess of the national ambient air quality standards";

(3) in subsection (b)—

(A) in the first sentence, following "major source", by inserting "or group of sources"; and

(B) by striking "110(a)(2)(E)(i)" and inserting in lieu thereof "110(c)(4) or this section"; and

(4) in subsection (c)—

(A) in the first sentence, following the words "violation of", inserting "this section and"; and

(B) striking "110(a)(2)(E)(i)" wherever it appears and inserting in lieu thereof "110(c)(4) or this section".

(b) Section 302(h) of the Clean Air Act is amended by inserting before the period ", whether caused by transformation, conversion, or combination with other air pollutants".

(c) Section 304(a)(1) of the Clean Air Act is amended by—

(1) striking "or" after "Act" and inserting a comma in lieu thereof, and

(2) inserting at the end thereof the following: "or (C) section 126,".

OUTER CONTINENTAL SHELF ACTIVITIES

Sec. 111. Title III of the Clean Air Act is amended by adding the following new section after section 326:

"AIR POLLUTION FROM OUTER CONTINENTAL SHELF ACTIVITIES

"Sec. 327. (a).—

"(1) Due to severe and unique air quality problems in California, Congress finds that Outer Continental Shelf ("OCS") oil and gas activities (which, for the purposes of this section, shall include activities of vessels associated with OCS facilities, including in transit activities of vessels associated with the OCS facility they service and within twenty-five miles of such facility) offshore California significantly affect air districts in that state. Therefore, based on such finding, the Secretary of the Interior, pursuant to authorities granted under section 5(a)(8) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1334(a)(8) ("OCSLA")), shall promulgate regulations to reduce this significant effect by limiting emissions of air pollutants from OCS activities in the area adjacent to California. Such regulations shall be promulgated only after consultation with appropriate state and local agencies and after obtaining the written concurrence of the Administrator of the Environmental Protection Agency. In order to assist the Secretary in formulating these regulations, the Administrator shall provide the Secretary with a draft of proposed regulations that meet the requirements of this section. The regulations shall be as stringent, in terms of the level of pollution control technologies and the emission offset requirements, as those regulations applied onshore for onshore sources of air pollution in California air districts adjacent to the portion of the OCS in which the activities are occurring. Such regulations may incorporate by reference, as appropriate, the rules of the adjacent onshore air districts. However, the construction phase offset requirement may be averaged over a number of consecutive years such that the annual construction phase offset requirement is reduced down to the level of the peak annual development/production phase offset requirement. In such event, construction phase offsets shall continue at such level until all construction emissions are offset. In addition, the Secretary may substitute a pollution control technology with an alternative technology that achieves the same level of emission control. The OCS requirements shall not impose a greater burden of air pollution control on OCS sources than is imposed on onshore sources, and shall not require pollution control technology that is technically infeasible or that causes an unreasonable threat to health and safety. Based on the above criteria, and after obtaining the written concurrence of the Administrator and providing for public comment, the Secretary may waive an OCS requirement and impose another requirement in its place. The Administrator shall delineate OCS air districts on the basis of their location relative to adjacent onshore air districts. Such OCS air districts shall extend a distance of twenty-five miles from the shoreline, with such outer boundary subject to review and extension by the Administrator in the event that a new exploration plan or development and production plan involving OCS activities beyond that boundary is proposed pursuant to section 1340 or section 1351 of OCSLA. OCS equipment contained in a plan of exploration or development and production plan approved by the Secretary prior to enactment of this section shall be considered to be existing sources. The Secretary shall promulgate the regulations required by this section within one hundred and eighty days of enactment of this section and shall update those regulations as necessary to maintain consistency with onshore regulations in accordance with the provisions of this section. The authority of this section shall supersede any inconsistent authorities under this Act or the OCSLA, but in no case shall allow violation of national ambient air quality standards.

"(2) There is hereby established a Project Emission Reduction Fund ("Fund") to acquire or create emissions offsets to mitigate emissions of air pollutants from OCS activities. This Fund shall be a separate account in the Treasury into which the Secretary or his designee shall deposit fees collected pursuant to this section. Fees shall be payable, through the Secretary or his designee, to the Fund by the owner or operator of any facility that is subject to regulation under this section and for which such owner or operator seeks to obtain emissions offsets, as required by regulation pursuant to paragraph (1), through participation in the Fund. The Fund shall be available for acquisition or creation of emissions offsets directly or through cooperative agreements with State or local agencies. The regulation may provide that in lieu of deposit of fees in the Fund, the Secretary may approve the direct transfer of such fees from the owner or operator to the person or entity implementing the emission reduction project upon the approval of an emission reduction plan by the Secretary. All emissions offsets obtained through this Fund shall meet all offset requirements established by the Administrator pursuant to regulations. The Fund shall be used to acquire or create only those emissions offsets which are not already required by the applicable implementation plan or other laws or regulations. The Secretary may, with the consent of the Administrator, allow the Fund to be used to pay for an early implementation of emission control measures planned for the future under the applicable implementation plan or other relevant laws or regulations. In the event of such early implementation of emission control measures, the reductions shall be credited as offsets against OCS emissions only for the period for which the reductions are not otherwise required under the applicable implementation plan or other relevant law or regulation in effect at the time the emission control measures are approved. The Secretary, in consultation with appropriate State and local agencies and with the written concurrence of the Administrator, shall promulgate regulations necessary for the operation of this Fund within one hundred and eighty days of enactment of this section.

"(b) Requirements for Other Offshore Areas.—For portions of the OCS that are adjacent to States other than California, the Secretary shall consult with the Administrator to assure coordination of air pollution control regulation for OCS emissions and emissions in adjacent onshore areas. Concurrently with this obligation, the Secretary shall complete within three years of enactment of this section and submit to the relevant congressional committees a research study examining the impacts of current and future emissions from OCS activities in such areas on adjacent onshore areas that fail to meet the national ambient air quality standards for either ozone or nitrogen dioxide. Based on the results of this study, the Secretary shall, in consultation with the Administrator, determine if any additional actions are necessary and, if so, develop a plan to implement such actions. The Secretary shall make a periodic review of new OCS activities to determine if any additional actions are necessary. There are authorized to be appropriated such sums as may be necessary to provide funding for the study required under this section.".

INDIAN TRIBES

Sec. 112. Title III of the Clean Air Act is amended by adding the following at the end thereof:

"INDIAN TRIBES

"Sec. 328. (a) In General.—Subject to the provisions of subsection (b), the Administrator—

"(1) is authorized to treat Indian tribes as States under this Act,

"(2) may delegate to such tribes primary responsibility for assuring air quality and enforcement of air pollution control, and

"(3) may provide such tribes grant and contract assistance to carry out functions provided by this title.

"(b) EPA Regulations.—

"(1) The Administrator shall, within eighteen months after the enactment of this section, promulgate final regulations specifying those provisions of this Act for which it is appropriate to treat Indian tribes as States. Such treatment shall be authorized only if—

"(A) the Indian tribe is recognized by the Secretary of the Interior and has a governing body carrying out substantial governmental duties and powers;

"(B) the functions to be exercised by the Indian tribe are within the area of the tribal government's jurisdiction; and

"(C) the Indian tribe is reasonably expected to be capable, in the Administrator's judgment, of carrying out the functions to be exercised in a manner consistent with the terms and purposes of this title and of all applicable regulations.

"(2) Indian tribes shall not be treated as States for purposes of the last sentence of section 105(c). For any other provision of this Act where treatment of Indian tribes as identical to States is inappropriate, administratively infeasible or otherwise inconsistent with the purposes of this Act, the Administrator may include in the regulations promulgated under this section, other means for administering such provision in a manner that will achieve the purpose of this section and such other provision. Nothing in this section shall be construed to allow Indian tribes to assume or maintain primary responsibility for assuring air quality and enforcement of air pollution control in a manner less protective of public health or welfare than such responsibility may be assumed or maintained by a State. An Indian tribe shall not be required to exercise criminal jurisdiction for purposes of complying with the proceeding sentence.".

MISCELLANEOUS AND CONFORMING AMENDMENTS

Sec. 113. (a) Section 106 of the Clean Air Act is amended by inserting—

(1) after "section 107" the following: "or of implementing section 186 (relating to control of interstate ozone air pollution)";

(2) after "program costs of" the following: "any commission established under section 186 (relating to control of interstate ozone air pollution) or"; and

(3) in the last sentence after "such agency" in each place it appears the following: "or such commission".

(b)(1) Surface Coal Mine Fugitive Emissions.—Prior to any use of the Industrial Source Complex (ISC) Model using AP-42 Compilation of Air Pollutant Emission Factors to determine the effect on air quality of fugitive particulate emissions from surface coal mines, for purposes of new source review or for purposes of demonstrating compliance with national ambient air quality standards for particulate matter applicable to periods of twenty-four hours or less, under section 110 or parts C or D of title I of the Clean Air Act, the Administrator shall analyze the accuracy of such model and emission factors and make revisions as may be necessary to eliminate any significant over-prediction of air quality effect of fugitive particulate emissions from such sources. Such revisions shall be completed not later than four years after the date of enactment of this subpart.

(2) Until such time as the Administrator develops a revised model for surface mine fugitive emissions, the State may use alternative empirical based modeling approaches pursuant to guidelines issued by the Administrator.

ROLE OF SECONDARY STANDARDS

Sec. 114. (a) The Administrator shall request the National Academy of Sciences to prepare a report to the Congress on the role of national secondary ambient air quality standards in protecting welfare and the environment. The report shall:

(1) include information on the adverse effects on welfare and the environment which are caused by ambient concentrations of pollutants listed pursuant to section 108 and other pollutants which may be listed;

(2) estimate welfare and environmental costs incurred as a result of such effects;

(3) examine the role of secondary standards and the state implementation planning process in preventing such effects;

(4) determine ambient concentrations of each such pollutant which would be adequate to protect welfare and the environment from such effects;

(5) estimate the costs of meeting secondary standards which are protective of welfare and the environment; and

(6) consider other means consistent with the goals and objectives of the Clean Air Act which may be more effective than secondary standards in preventing or mitigating such effects.

(b) The report shall be transmitted to the Congress not later than three years after the date of enactment of this section. There are authorized to be appropriated such sums as are necessary to carry out this section.

TITLE II—MOBILE SOURCES

EMISSIONS STANDARDS FOR CERTAIN MOTOR VEHICLES

Sec. 201. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(g) Model Years After 1992.—(1) The regulations under subsection (a) applicable to emissions of nonmethane hydrocarbons (NMHC), total hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO) and particulates (PM) from the light duty motor vehicles and engines specified in tables 1a and 1b shall contain standards which provide that such emissions from 40 and 80 per centum of each manufacturer's 1993 and 1994 model year vehicles, respectively, and 100 per centum of 1995 through 2003 model year vehicles may not exceed the levels specified in the tables.

"Table 1a.—Emissions Standards for Gasoline-Fueled Light-Duty Vehicles

Pollutant	Standard—	
	Column A[1]	Column B[2]
NMHC	0.25 gpm	0.31 gpm.
HC	0.31 gpm	0.39 gpm.
NO_x	0.4 gpm	0.5 gpm.
CO	3.4 gpm	4.2 gpm.

“Table 1b.—Emissions Standards for Diesel-Fueled Light-Duty Vehicles

Pollutant	Standard—	
	Column A [1]	Column B [2]
NMHC	0.25 gpm	0.31 gpm.
HC	0.31 gpm	0.39 gpm.
NO_x	1.0 gpm	1.25 gpm.
PM	0.08 gpm	0.10 gpm.

[1] In the case of the standards under column A, the applicable useful life shall be 5 years or 50,000 miles, whichever first occurs.

[2] In the case of the standards under column B, the applicable useful life shall be 10 years or 100,000 miles, whichever first occurs.

“(2)(A) If more than eleven ozone nonattainment areas outside of the State of California classified as serious under section 181(a) each exceed an ozone level of 0.12 parts per million or four or more instances in the period from January 1, 1999, through December 31, 2001, then the regulations under subsection (a) applicable to emissions of total hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO), and particulates (PM) from the light-duty vehicles and engines specified in tables 1c and 1d below shall contain standards which provide that such emissions from 2004 and later model year vehicles may not exceed the levels specified in the tables.

“Table 1c.—Emissions Standards for Gasoline-Fueled Light-Duty Vehicles

Pollutant	Standard
HC	0.125 gpm.
NO_x	0.2 gpm.
CO	1.7 gpm.

“Table 1d.—Emissions Standards for Gasoline-Fueled Light-Duty Vehicles

Pollutant	Standard
HC	0.125 gpm.
NO_x	0.7 gpm.
CO	1.7 gpm.
PM	0.08 gpm.

“(B) If these standards do not go into effect pursuant to subparagraph (A), they shall go into effect with respect to vehicles from 2007 and later model years if more than eleven ozone nonattainment areas outside of the State of California classified as serious under section 181(a) each exceed an ozone level of 0.12 parts per million on four or more instances in the period from January 1, 2002, through December 31, 2004.

“(3) The regulations under subsection (a) applicable to all light-duty vehicles distributed for sale in model years 2004 and thereafter in ozone nonattainment areas that are classified as severe or extreme under section 181(a) and that have an ozone design value at or above 0.15 parts per million as of December 31, 2000, shall contain standards that provide that emissons from such vehicles may not exceed the levels specified in tables 1e and 1f.

“Table 1e.—Emission Standards for Gasoline-Fueled Light-Duty Vehicles

Pollutant	Standard
HC	0.6 gpm. total vehicle emissions [1]
NO_x	0.2 tailpipe certification
CO	1.7 tailpipe certification

“Table 1f.—Emissions Standards for Diesel-Fueled Light-Duty Vehicles

Pollutant	Standard
HC	0.6 gpm. total vehicle emissions [1]
NO_x	0.7 gpm.
CO	1.7 gpm.
PM	0.08 gpm.

[1] The 0.6 gpm total hydrocarbon emissions standard shall be revised as appropriate if the Administrator determines that the total hydrocarbon emissions standard that is equivalent to a 0.125 gpm exhaust hydrocarbon emissions standard vehicle when operating on model year 1990 certification gasoline (indolene) with a Reid vapor pressure of 9.0 pounds per square inch, is a standard other than 0.6 gpm.

When the provisions of this paragraph apply to an area to which the provisions of section 212(a)(2) also apply, the hydrocarbon in-use total vehicle emissions standard of this paragraph supersedes the 0.66 gpm or other hydrocarbon in-use standard established under section 212(a)(2). All other provisions of section 212(a) applicable to the hydrocarbon in-use standards apply to the hydrocarbon in-use standard of this paragraph.

“(4) The Administrator shall—

“(A) survey all available measures for the control of emissions of hydrocarbons, oxides of nitrogen and carbon monoxide from mobile sources or stationary sources, other than measures that are required to be implemented pursuant to this title (prior to the year 2003) or pursuant to title I; and

“(B) assess such measure in terms of

(i) the technological feasibility and cost effectiveness of such measures;

(ii) the ability of the Federal, State, or local governments to implement and enforce such measures;

(iii) the effect of such measures on emissions in nonattainment areas and ozone transport areas, including the effects on emissions associated with interregional travel; and

(iv) the degree to which such measures differ in their effectiveness in emissions reductions on an area-by-area basis.

“(5) If the Administrator determines that any available measures surveyed pursuant to paragraph (4)—

“(A) would result in actual reductions in emissions of hydrocarbons, oxides of nitrogen, and carbon monoxide, on a pollutant-by-pollutant basis, at least equal to the reductions attributable to the emissions standards specified in tables 1c and 1d for model years 2004 and after;

“(B) would achieve such reductions in the same time period as the standards specified in tables 1c and 1d for model years 2004 and after, which reductions would be equitably dispersed on a regional basis and at least as consistent and durable over time as the reductions attributable such standards; and

“(C) would be more cost effective in terms of cost per unit of emissions reduced than the emissions standards specified in tables 1c and 1d for model years 2004 and after, the President may submit to the Congress a proposal to adopt such other available measures in lieu of the standards specified in tables 1c and 1d for model years 2004 and after.

“(6) The survey and assessment required by paragraph (4) shall be submitted to the Congress not later than June 30, 1999, together with any proposal submitted pursuant to paragraph (5).

“(7) During the one-hundred-and-twenty-calendar-day period beginning on the date that the President submits a proposal to the Congress pursuant to paragraphs (5) and (6), it shall be in order as a matter of highest privilege in each House of Congress to consider a bill embodying such proposal.

“(8) Effective with respect to the model years specified in table 2 below, the regulations under subsection (a) applicable to emissions of nonmethane hydrocarbons (NMHC), total hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO) and particulates (PM) from motor vehicles and motor vehicle engines in the classes specified in table 2 shall contain standards which provide that such emissions may not exceed the levels specified in table 2.

“Table 2.—Emission Standards for Gasoline and Diesel-Fueled Trucks and Buses

Vehicle or engine type	Pollutant	Model years	Standard [1]
Trucks (3,750 lbs or more but less than 5,750 lbs, loaded vehicle weight)	NMHC	1995 and after.	0.32 gpm.
	HC	1995 and after.	0.38 gpm.
	NO_x	1995 and after.	0.7 gpm.
	CO	1995 and after.	4.4 gpm.
Trucks (5,750 lbs loaded vehicle weight or more but less than 8500 lbs GVW)	NMHC	1995 and after.	0.39 gpm.
	HC	1995 and after.	0.46 gpm.
	NO_x	1995 and after.	1.1 gpm.
	CO	1995 and after.	5.0 gpm.
	PM	1995 and after.	0.12 gpm.
Heavy duty trucks	NO_x	1991 through 1997.	5.0 gbh.
	NO_x	1998 and after.	4.0 gph.
	PM	1991-93	0.25 gbh.
	PM	1994 and after.	0.1 gbh.
Heavy duty buses.	PM	1991 and after.	0.1 gbh.

[1] Standards are expressed in grams per mile (gpm) or grams per brake horsepower hour (gbh).

"(2) Effective with respect to model years after 1992, any motor vehicle with a loaded vehicle weight of three thousand seven hundred and fifty pounds or less, as determined by the Administrator, shall be a light duty vehicle.".

CARBON MONOXIDE EMISSIONS AT COLD TEMPERATURES

SEC. 202. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(h) COLD CO STANDARD.—The Administrator shall promulgate regulations under subsection (a) applicable to emissions of carbon monoxide from light duty vehicles and light duty trucks when operated at twenty degrees Fahrenheit. Such regulations shall contain standards which provide that, with respect to model years 1993 through 1999, emissions of carbon monoxide in the case of light duty vehicles may not exceed ten grams per mile and, in the case of light duty trucks, thirteen grams per mile. Such regulation shall also contain standards that provide that with respect to model year 2000 and thereafter, emissions of carbon monoxide in the case of light duty vehicles may not exceed three and four-tenths grams per mile, and, in the case of light duty trucks, four and four-tenths grams per mile.".

CONTROL OF VEHICLE REFUELING EMISSIONS

SEC. 203. Section 202(a)(6) of the Clean Air Act is amended to read as follows:

"(6)(A) The Administrator shall promulgate regulations applicable to all motor vehicles requiring that such vehicles be equipped with vehicle-based ('onboard') systems for control of evaporative emissions during refueling. Except as provided in subparagraph (B), such regulations shall take effect, with respect to light duty vehicles, beginning in model year 1993, and, with respect to other vehicles, at the earliest date the Administrator determines is feasible, and shall require that such systems provide a minimum evaporative emission capture efficiency of 95 per centum.

"(B) No later than June 30, 1991, the Secretary of Transportation shall complete a study to assess the impacts on motor vehicle safety of the use of onboard systems for the control of evaporative emissions during refueling. If the Secretary of Transportation determines that such onboard systems will present an unreasonable motor vehicle safety risk, the Secretary shall report to the Administrator and Congress in accordance with subparagraph (C). If no legislation concerning the use of onboard systems has been enacted within twelve months after the receipt of the Secretary's report, the regulations requiring the use of onboard systems shall go into effect as of model year 1995.

"(C)(i) A determination by the Secretary pursuant to subparagraph (B) which includes proposed amendments to this paragraph shall be transmitted in legislative form as a special message to the Speaker of the House of Representatives and to the President of the Senate not later than July 15, 1991.

"(ii) any bill introduced with respect to a special message shall be referred to the Committee on Environment and Public Works in the Senate and the Committee on Energy and Commerce in the House of Representatives.

"(iii)(I) If the committee to which a bill with respect to a special message has been referred has not reported it at the end of sixty calendar days of continuous session of the Congress after its introduction, it is in order to move to discharge the committee from further consideration of the bill.

"(II) A motion to discharge may be made only by an individual favoring the bill, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill with respect to the special message); and debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(iv)(I) When the Energy and Commerce Committee of the House of Representatives has reported, or has been discharged from further consideration of, a bill with respect to the special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(II) Debate on any bill with respect to the special message shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable.

"(III) Motions to postpone, made with respect to the consideration of a bill with respect to a special message, and motions to proceed to the consideration of other business, shall be decided without debate.

"(IV) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill with respect to a special message shall be decided without debate.

"(V) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any bill with respect to a special message and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

"(v)(I) Debate in the Senate on any bill with respect to a special message, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than fifteen hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

"(II) Debate in the Senate on any amendment to a bill with respect to a special message shall be limited to two hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a bill with respect to a special message shall be received. Such leaders, or either of them, may, from the time under their control on the passage of a bill with respect to a special message or impoundment resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

"(III) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed three, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided beteween, and controlled by, the mover and the manager of the bill.

"(IV) The conference report on a bill with respect to a special message shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

"(V) During the consideration of the Senate of the conference report on any bill with respect to a special message, debate shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

"(VI) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to thirty minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to twenty minutes, to be equally divided between and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or his designee.

"(VII) In any case in which there are amendments in disagreement, time on each amendment shall be limited to thirty minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or his designee. No amendment that is not germane to the provisions of such amendments shall be received.".

EVAPORATIVE EMISSIONS

SEC. 204. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(i) EVAPORATIVE EMISSIONS.—Within eighteen months after the enactment of this subsection the Administrator shall promulgate regulations under subsection (a) applicable to evaporative emissions of hydrocarbons, including emissions during vehicle operation, from all gasoline-fueled motor vehicles. Such regulations shall take effect beginning in model year 1994 and shall require the greatest degree of emission reduction achievable by means expected to be available during any model year to which such regulations apply.".

ONBOARD EMISSION DIAGNOSTIC SYSTEMS

SEC. 205. Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(j) ONBOARD EMISSION DIAGNOSTIC SYSTEMS.—

"(1) Within eighteen months after enactment of this subsection, the Administrator shall promulgate regulations under subsection (a) requiring manufacturers to install on all new light duty vehicles and light duty trucks diagnostic systems capable of—

"(A) accurately identifying emission-related systems deterioration or malfunction including, at a minimum, the catalytic converter and oxygen sensor, which could cause or result in failure of the vehicles to comply with emission standards established under this section,

"(B) alerting the vehicle's owner or operator to the likely need for emission-related components or systems maintenance or repair, and

"(C) providing access to stored information in a manner specified by the Administrator.

The Administrator may, in the Administrator's discretion, promulgate regulations requiring manufacturers to install such onboard diagnostic systems on heavy-duty vehicles and engines.

"(2) The regulations required under paragraph (1) with respect to light duty vehicles and light duty trucks shall take effect no later than model year 1994.

"(3) The Administrator may by regulation require States that have implementation plans containing motor vehicle inspection and maintenance programs to amend their plans within two years of promulgation of such regulations to provide for inspection of onboard diagnostic systems (as prescribed by regulations under paragraph (1) of this subsection) and the maintenance or repair of malfunctions or system deterioration identified by or affecting such diagnostic system.".

CLEAN ALTERNATIVE FUELS PROGRAM

SEC. 206. (a) DEFINITIONS.—Section 216 of the Clean Air Act is amended by adding the following new paragraphs at the end:

"(7) The term 'clean alternative fuel' includes methanol or a mixture containing methanol and gasoline, ethanol or a mixture containing ethanol and gasoline, reformulated gasoline, natural gas, liquefied petroleum gas, electricity, or any other fuel or power source provided that such fuel or power source, when used in a motor vehicle, results in compliance with the emissions standards prescribed under section 212(a).

"(8) The term 'fleet vehicle' means any light-duty vehicle or light-duty truck that is centrally maintained and uses as its primary fuel source, a central refueling station.

"(9) The term 'covered fleet operator' means any person who, on or after January 1, 1990, controls the operation of 20 or more fleet vehicles registered in, or primarily operating in, any area which has a 1988 ozone design value of 0.18 parts per million or greater or area for which a Governor requests coverage pursuant to section 212(a)(7); and who, on or after such date, provides a facility or facilities for the central refueling and maintenance of such vehicles in the normal course of business. For purposes of this paragraph, each motor vehicle operated by a person controlling, controlled by or under common control with any other person shall be treated, under regulations of the Administrator, as operated by a single person.

"(10) The term 'baseline vehicle' as used in section 212 means a light-duty vehicle meeting tail pipe standards of 0.25 grams per mile NMHC for five years or 50,000 miles, meeting the evaporative emissions standard under section 202(i), operating on model year 1990 certification gasoline (indolene) with a Reid vapor pressure of 9.0 pounds per square inch which is presently calculated to produce total in-use emissions (exhaust, evaporative, and refueling) of ozone-forming of volatile organic compounds of 0.95 grams per vehicle mile.

"(11) the term 'carcinogenic air pollutants' as used in section 212 means benzene, 1,3-butadiene, gasoline refueling vapors, polycyclic organic material (POM), including POM in diesel particulates, and formaldehyde.

"(12) The term "ozone-forming volatile organic compound emissions' includes tail pipe, evaporative, refueling, and running loss emissions, adjusted for reactivity.".

"(b) CLEAN FUEL REQUIREMENTS.—Section 212 of the Clean Air Act is amended to read as follows:

"CLEAN FUEL REQUIREMENTS

"SEC. 212. (a) CLEAN ALTERNATIVE FUEL VEHICLE PROGRAM.—The Administrator shall promulgate, and may from time to time revise, regulations that provide for the following:

"(1) FLEET VEHICLE REQUIREMENTS.—

"(A) EMISSIONS STANDARDS.—Not later than October 1, 1992 the Administrator shall promulgate regulations under section 202(a) applicable to vehicles certified and made available for purchase or placement into use pursuant to subparagraphs (B) and (C) which shall contain, in addition to the standards otherwise applicable, standards that yield when the vehicle is operated exclusively on clean alternative fuels—

"(i) for light-duty vehicles, total in-use emissions (exhaust, evaporative, and refueling) of ozone-forming volatile organic compounds not in excess of 0.25 grams per vehicle mile,

"(ii) for light-duty vehicles, total in-use emissions of carcinogenic air pollutants not in excess of a level that, in the Administrator's judgment, may be reasonably anticipated to achieve a 75 per centum reduction in the annual incidence of human cancer reasonably attributable to such emissions from baseline vehicles, on a per vehicle basis,

"(iii) for light-duty vehicles, emissions of formaldehyde not in excess of 0.015 grams per mile, and

"(iv) for light-duty trucks reductions in emissions of ozone-forming volatile organic compounds, carcinogenic air pollutants and formaldehyde equivalent to the reductions for light-duty vehicles required by clauses (i)–(iii).

In-use compliance with the additional standards prescribed under this subparagraph shall be determined in accordance with paragraph (4).

"(B) FEDERAL GOVERNMENT PROGRAM.—

"(i) For model years 1995 and 1996, 30 per centum, for model years 1997 and 1998, 60 per centum, and for model years after model year 1998, 90 per centum, of all light-duty vehicles and light-duty trucks purchased for use or placed into service by the Federal Government including the Postal Service and registered in or primarily operated in areas classified as serious, severe or extreme ozone nonattainment areas under section 181(a), shall comply with the emissions standards prescribed under subparagraph (A).

"(ii) With respect to vehicle model years 1995 and 1996 only, the Administrator may include a lesser percentage of such vehicles under this paragraph if the Administrator determines that the required percentage cannot be feasibly achieved or would impose unreasonable costs. For model years after 1998 the Administrator may require a percentage less than 90 per centum, but in no event less than 60 per centum, if the Administrator determines that a higher percentage would impose unreasonable costs, including costs associated with vehicle acquisition, fueling facilities, operation, maintenance, safety, reliability and resale value.

"(iii) REQUIRED OPERATION.—The Administrator of the General Services Administration, the Post Master General, and the Secretary of Defense with the concurrence of the Administrator, after consultation with the Secretary of Energy, shall, before October 1, 1993, issue regulations to assure that a vehicle acquired pursuant to this subsection—

"(I) shall be supplied with appropriate clean alternative fuel in its primary area of operation, using commercially available fueling facilities to the maximum extent practicable; and

"(II) shall be operated exclusively on such fuel except when operated so as to make it impracticable to obtain such fuel.

"(iv) CONSIDERATION.—

"(I) Funds appropriated for carrying out this subsection shall be applied on a priority basis, for expenditure first in areas of the United States which the Administrator determines have the most severe air pollution problems.

"(II) A Federal officer or agency responsible for deciding which types of clean alternative fuel vehicles to acquire in order to comply with this subsection shall consider as a factor in such decision which types of vehicles and fuels yield the greatest reduction in pollutants emitted per dollar spent.

"(v) COST OF VEHICLES TO FEDERAL AGENCY.—Funds appropriated pursuant to the authorization under this subsection for the acquisition of vehicles under this subsection shall be applicable only—

"(I) to the portion of the cost of vehicles acquired under this subsection which exceeds the cost of comparable conventional fueled vehicles;

"(II) to the portion of the costs of fuel storage and dispensing equipment attributable to such vehicles which exceeds the cost for such purposes required for conventional fuel vehicles; and

"(III) to the portion of the costs of operating and maintaining such vehicles which exceed the cost of such purposes required for comparable conventional fueled vehicles.

"(vi) VEHICLE COSTS.—The incremental cost of vehicles acquired under this subsection over the cost of comparable conventional fueled vehicles shall not be applied to any calculation with respect to a limitation under law on the maximum cost of individual vehicles which may be acquired by the United States.

"(vii) EXEMPTIONS.—The requirement of this subsection shall not apply to vehicles—

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"(I) with respect to which the Secretary of Defense has certified to the Administrator that an exemption is needed based on national security consideration; or

"(II) used for law enforcement or emergency purposes.

"(viii) Authorization of appropriations.—There are authorized to be appropriated such sums as may be required to carry out the provisions of this paragraph.

"(C) Private Fleet Program.—For model years 1997 and therafter, 30 percent of all fleet vehicles purchased for use or placed into service in fleets of vehicles registered in or primarily operated in areas classified as severe or extreme ozone nonattainment areas pursuant to section 181(a) having a 1980 population of two hundred and fifty thousand or more, by a covered fleet operator shall comply with the emission standards prescribed under subparagraph (A). The Administrator shall by regulation establish a program under which any State may grant a covered fleet operator an appropriate amount of credits toward compliance with the requirements prescribed under this subparagraph only for purchasing or placing into service more vehicles meeting the emission standards prescribed under this subparagraph than the regulations prescribed under this subparagraph require or vehicles which achieve greater emissions reductions than those required by subparagraph (A). The Governor of any such State shall issue appropriate emission credits to each covered fleet operator for the use of covered fleet vehicles in excess of the percentage required under this subparagraph or which achieve greater emission reductions than those required under subparagraph (A). The Governor shall also issue appropriate reduction credit to owners and operators of clean alternative fuel vehicles who have been designated as covered fleet operators pursuant to subparagraph (L)(2) for vehicles meeting the requirements of subparagraph (A) and operating within the nonattainment areas but not subject to the requirements of this subsection. Any person granted such reduction credits may trade, sell, or otherwise transfer some or all of such credits to a covered fleet operator within such nonattainment area who may use such credits to demonstrate compliance with the requirements of this subparagraph.

"(D) Fuel use.—Vehicles purchased or placed into service pursuant to subparagraph (C) shall be exclusively operated on the clean alternative fuel needed by those vehicles to comply with the emissions standards prescribed under subparagraph (A), when operated by a covered fleet operator in the areas in which they are registered or primarily operated.

"(E) Exemption from requirements.—This paragraph shall not apply to law enforcement or emergency vehicles, retail rental fleets, automobile dealer demonstration vehicles, or motor vehicle manufacturer demonstration, test and evaluation vehicles, as defined by the Administrator.

"(F) Conversions.—

"(i) The Administrator shall by regulation set standards and requirements for the conversion of new (as determined by the Administrator) gasoline or diesel-powered vehicles into vehicles that satisfy the emissions standards prescribed under subparagraph (A). Such vehicles shall be subject to the certification requirements of section 206, the warranty requirements of section 207, and the enforcement provisions of paragraph (4). Any person who obtains such certification shall be considered a manufacturer for purposes of sections 206 and 207 and paragraph (4). A vehicle converted in accordance with these regulations shall be considered equivalent to a purchase of a vehicle for purposes of determining compliance with the requirements of subparagraph (C).

"(ii) Nothing in this paragraph shall be construed to require conversion of new or existing vehicles capable of operating on gasoline or diesel fuel only to a vehicle capable of operating on a clean alternative fuel in order to achieve compliance with subparagraph (C).

"(G) Emissions of oxides of nitrogen.—If the Administrator determines that it is not technically feasible for light-duty vehicles satisfying the emissions standards prescribed under subparagraph (A) to satisfy the applicable emissions standard for oxides of nitrogen prescribed under section 202(g), the Administrator may by regulation modify the emissions standard for oxides of nitrogen as it applies to such vehicles as follows: for model years 1995 through 1997, emissions of oxides of nitrogen may not exceed 1.0 gram per vehicle mile and, for model years 1998 through 2000, emissions of oxides of nitrogen may not exceed 0.7 grams per vehicle mile. The Administrator may grant equivalent waivers for the same two three-year periods for emissions standards for oxides of nitrogen prescribed under section 202(g) from light-duty trucks.

"(H) Vehicle availability.—The Administrator shall promulgate regulations as the Administrator finds necessary to assure that the vehicles needed to permit compliance with the requirements of subparagraphs (B) and (C) are certified under section 206 and made available for purchase or placement into use. Nothing in this subparagraph shall authorize the Administrator to mandate the production or sale of a specific quantity of vehicles by any motor vehicle manufacturer.

"(I) Incentives.—

"(i) Any State which obligates the operator of a clean alternative fuel vehicle controlled by a covered fleet operator in compliance with subparagraph (C) to comply with the transportation control measures specified in section 108(f)(1)(A)(iv) (relating to trip-reduction ordinances) or (vii) (relating to vehicle operational restrictions) may not credit toward the emission reduction requirement under section 183(b)(3)(B) any emission reduction pursuant to subparagraph (C).

"(ii) Notwithstanding the provisions of clause (i), a State may credit under section 183(b)(3)(B) any emission reductions pursuant to subparagraph (C) if the State demonstrates to the satisfaction of the Administrator that any increase in emissions which would result from traffic congestion caused by the operation of such fleet vehicles exceeds the emission reductions attributable (directly or indirectly) to the use of clean alternative fuel vehicles under subparagraph (C).

"(J) Fuel choice.—The choice of available clean alternative fuel vehicles and clean alternative fuels shall be made by covered fleet operators subject to the requirements of subparagraph (C).

"(K) Exemption.—

"(i) The Administrator shall establish by rule not later than twenty-four months after the date of enactment of this subsection standards to be used to determine the availability of suitable clean alternative fuels or clean alternative fuel vehicles, taking into consideration vehicle size and type, driving range, cargo area, unique requirements for vehicle use, and other factors which may create undue hardship for covered fleet operators.

"(ii) The Governor of any State under an approved implementation plan shall, upon a showing by a covered fleet operator that a suitable clean alternative fuel is not available or a suitable clean alternative fuel vehicle is not available from any vehicle manufacturer in accordance with the applicable standards established under clause (i), that excess credits are not available under the fleet program to offset the requirements of subparagraph (C) exempt such operator from the requirements of this subsection for a period of one year. A covered fleet operator may certify annually thereafter that such suitable clean alternative fuel vehicle or credits to offset the requirements of subparagraph (C) are not available, and the Governor shall provide further annual exemption from the requirements of this subsection upon such certification, unless the Governor finds that the requirements of this subparagraph have not been met.

"(L) Credits for other fleet operators.—

"(i) The Administrator may on the Administrator's own motion or in response to a petition from any person establish in-use emission standards under subparagraph (A) for vehicles or engine families, other than light-duty vehicles, which yield total emissions reductions (exhaust, evaporative and refueling) per vehicle of not less than 75 per centum in ozone-forming volatile organic compounds and not less than 75 per centum in the annual incidence of human cancer attributable to emissions of carcinogenic air pollutants from levels that would otherwise occur under the requirements of this title.

"(ii) The operator of any fleet of light-duty trucks or other vehicles meeting the emissions standards established pursuant to clause (i) or the operator of a fleet of light-duty vehicles meeting the standards established pursuant to subparagraph (A) who is not otherwise covered by the requirements of this paragraph, may elect to be designated a covered fleet operator under an approved State implementation plan and receive credits pursuant to subparagraph (C) for each new vehicle which such operator purchases and operates as authorized and granted by a State under its implementation plan.

"(2) General vehicle requirements.—

"(A) Emissions standards.—The regulations under section 202(a) applicable to light-duty vehicles that are certified and made available in areas classified as severe and extreme ozone nonattainment areas pursuant to section 181(a), having a 1980 population of two hundred and fifty thousand or more, shall contain in addition to the standards otherwise applicable, standards that yield—

"(i) effective with respect to the model years specified in table 1 below, total in-use emissions (exhaust, evaporative and refueling) of ozone-forming volatile organic compounds (VOCs) not in excess of the levels specified in the table (except that the Administrator shall adjust the calculation of the total in-use emissions (exhaust, evaporative, refueling) of ozone-forming volatile organic compound emissions from the baseline vehicle not sooner than one year or later than two years after the date enactment of the Clean Air Act Amendments of 1990 and shall at the same time adjust the standard in table 1 applicable to model years 1999 and after by an amount reflecting the proportion by which the baseline vehicle emis-

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sions are less than 0.95 grams per vehicle mile),

"TABLE 1

Pollutant	Model years	Standards
VOCs	1995 through 1988..................	0.75 gpm.
VOCs	1999 and after...	0.66 gpm.

"(ii) total in-use emissions of carcinogenic air pollutants from light-duty vehicles manufactured during the model years 1995 through 1998 and during and after the model year 1999 not in excess of a level that, in the Administrator's judgment, may be reasonably anticipated to achieve a 12 per centum reduction and a 27 per centum reduction, respectively, in the annual incidence of human cancer attributable to such emissions from baseline vehicles on a per vehicle basis (if the Administrator determines that it is not technically feasible to reduce emissions of carcinogenic air pollutants so as to attain a 27 per centum reduction in the annual incidence of human cancer, the Administrator may modify the carcinogenic air pollutant emissions standards by regulation six months prior to the start of each model year after 1998 to limit such emissions to a level that may be reasonably anticipated to achieve a reduction of no less than 18 per centum in the annual incidence of human cancer attributable to such emissions from baseline vehicles), and

"(iii) emissions of formaldehyde not in excess of 0.015 gpm.

In-use compliance with the standards prescribed under this subparagraph shall be determined in accordance with paragraph (4). The regulations containing standards applicable to model years 1995 through 1998 shall be promulgated no later than April 1, 1991, and the regulations containing standards applicable to model years beginning with the 1999 model year shall be promulgated no later than September 1, 1994;

"(iv) Light-duty vehicle manufacturers may apply for a two-year renewable waiver of the table 1 performance standards (and including any adjustment pursuant to clause (i)) for model years 1999 and thereafter. Any such waiver request must include a demonstration that the table 1 performance standards cannot be met with a vehicle that—

"(I) uses the reformulated gasoline specified in subparagraph (B)(2);

"(II) meets all standards under section 202(g) for model years after 1993 through 2003;

"(III) meets on-board refueling requirements as required by section 202(j) or achieves an equivalent additional emissions reduction from a system not otherwise required by section 202; and

"(IV) includes such minor technical modifications as are necessary to optimize vehicle emission performance on the reformulated gasoline specified in subparagraph (B)(2).

If such a waiver is requested and, if by rule, the Administrator determines that the demonstration required has been made, the Administrator shall grant the waiver request. If such waiver is granted, the Administrator must set an interim performance standard at a level that can be met with a vehicle meeting the above requirements.

"(B) SELECTION OF VEHICLES, FUEL SYSTEMS, AND FUELS.—

"(i) No later than January 1, 1992, the Administrator shall conclude a rulemaking to determine the clean alternative fuels that will be made available pursuant to the regulations prescribed under paragraph (5) for vehicles for model years 1995 through 1998 and to determine the certification specifications for such fuels. In determining the specifications for each fuel or fuels to be made available, the Administrator shall select the specifications resulting in the maximum level of emissions reductions that can be achieved to the extent that it is needed to meet the standards applicable to model years 1995 through 1998, provided that such specifications will result in the establishment of a cost effective combination of fuel or fuels and motor vehicle technology. Such specifications shall include at least one standard for a reformulated gasoline that can be utilized in gasoline-fueled vehicles satisfying the emissions standards prescribed under 202(g) for model years 1995 through 1998. Any manufacturer who opts to meet the requirements of this subparagraph using the reformulated gasoline specified by the Administrator is in compliance, if the vehicles produced by such manufacturer for sale in the covered areas comply with the standards established under sections 202 and 206 of this Act that are generally applicable to light-duty vehicles in the model year in which they are produced.

"(ii) No later than September 1, 1995, the Administrator shall conclude a rulemaking to determine the clean alternative fuels that will be made available pursuant to the regulations prescribed under paragraph (5) for vehicles for model years 1999 and thereafter and to determine the certification specifications for such fuels. In determining the specifications for each fuel or fuels to be made available, the Administrator shall select the specifications resulting in the maximum level of emissions reductions that can be achieved to the extent that it is needed to meet the standards applicable to model years 1999 and thereafter: *Provided*, That such specifications will result in the establishment of a cost effective combination of fuel or fuels and motor vehicle technology. Such specifications shall include at least one reformulated gasoline that will achieve the standards required in this subsection when utilized in gasoline-fueled vehicles satisfying the emissions standards prescribed under section 202(g) for model year 1999 and thereafter, unless the Administrator determines that it is not technologically or economically feasible to achieve such standards with fuel changes alone. In such case, the Administrator must specify a reformulated gasoline achieving the maximum emissions reductions that are economically and technologically feasible. The regulations promulgated pursuant to that proceeding shall be promulgated no later than September 1, 1996.

"(iii) Clean alternative fuels for which certification specifications have been established shall be made available pursuant to regulations prescribed under paragraph (5).

"(C) EMISSIONS CREDITS.—The Administrator shall by regulation grant a manufacturer an appropriate amount of credits toward compliance with the emission standards prescribed under this paragraph for selling vehicles that are certified to achieve emission reductions greater than those required by such standards. Such regulations shall also grant credits toward compliance with emissions standards prescribed under this paragraph for selling vehicles that are certified to meet the emissions standards prescribed by paragraph (1)(A) in quantities required by paragraph (1) (B) or (C). Implementation plan revisions submitted by States pursuant to paragraph (8) may also establish programs to grant manufacturers credits toward compliance with emissions standards prescribed under this paragraph for selling vehicles that are certified to achieve emissions reductions greater than those otherwise required by such plan (but not less than the emissions reductions required by this paragraph) or for selling vehicles meeting the emissions standards prescribed in paragraph (1)(A) in quantities greater than prescribed by subparagraph (1)(B) or (1)(C). A manufacturer may use such credits to demonstrate compliance with the standards established by this paragraph in the model year in which the credits were earned or in following model years, or may transfer some or all of the credits for use by one or more other manufacturers in demonstrating compliance with such emissions standards. Credits granted pursuant to this subparagraph shall not be used to modify in any way emissions standards or other requirements applicable to vehicles under any other section of this Act, nor shall credits granted under the Administrator's regulations or the plan of any State for exceeding requirements with respect to vehicles sold in a particular nonattainment area be used to modify the requirements including emissions standards established under this section applicable to vehicles sold in other areas. The Administrator (or a State pursuant to an implementation plan revision) may make the credits available for use after consideration of enforceability, environmental and economic factors and upon such terms and conditions as he finds appropriate.

"(3) CALIFORNIA VEHICLE PROGRAM.—The applicability of section 209 shall be deemed to be waived with respect to standards adopted by the State of California as part of a program to limit motor vehicle emissions through the use of clean alternative fuels. Such State standards may include standards requiring vehicles that operate on clean alternative fuels to meet emissions standards that differ from those prescribed under paragraphs (1) and (2).

"(4) COMPLIANCE WITH STANDARDS.—In determining compliance by vehicles and engines in actual use with the emission standards prescribed under this subsection by testing in-use vehicles on certification-type fuels, only vehicles that have been obviously abused or tampered with in a manner that would likely affect emissions performance may be excluded from the sample tested pursuant to section 207(c) (with appropriate adjustments to the above standards determined by the Administrator to be necessary to reflect the exclusion of such vehicles from the sample). When a vehicle that operates on two kinds of fuel is certified or tested, it shall be certified or tested on one fuel only after all traces of the other fuel that can practically be removed from the vehicle's fuel system have been removed.

The Administrator may require a manufacturer to remedy nonconforming engines or vehicles pursuant to section 207(c) either (A) when a substantial number of vehicles fails to comply with the applicable emissions standards prescribed under this subsection or (B) when the average emissions performance of the tested sample does not satisfy the applicable emissions standards prescribed under this subsection. Recall procedures established under this paragraph apply only to standards promulgated pursuant to this section. Any manufacturer who chooses to meet the standards established by paragraph (2)(A) for model years 1995 through 1998 by using reformulated gasoline specified by the Administrator and who complies with the standards established by sections 202 and 206 shall not be subject to recall under this paragraph.

"(5) FUEL AVAILABILITY.—The clean alternative fuels needed to operate vehicles so that they comply with the emissions standards prescribed under paragraphs (1), (2), or (3) shall be made available by fuel providers in areas subject to the clean alternative fuel vehicle program and, as the Administrator finds necessary, along major nationwide transportation corridors at such time as vehicle manufacturers project sales of dedicated clean alternative fuel vehicles other than reformulated gasoline, in a manner to be specified by the Administrator. Before requiring availability in such transportation corridors, the Administrator shall determine, in consultation with the Department of Energy and the Department of Transportation, that production and distribution of such clean alternative fuel vehicles to such corridors is feasible. For purposes of supplying vehicles with the clean alternative fuels needed to comply with the emission standards prescribed under paragraphs (2) and (3), at a minimum one such fuel (and at a maximum one fuel in addition to reformulated gasoline) shall be offered for retail sale at service stations dispensing at least fifty thousand gallons of motor vehicle fuel per month, on average, in the areas in which such vehicles are required to be made available. The Governor of any State in which the requirements of this paragraph apply, may modify such requirements exempting some service stations for a period not longer than four years after such requirements first apply, provided that information available to the Governor indicates that such fuels will be readily available throughout the area. If a service station would have to remove or replace one or more motor vehicle fuel underground storage tanks and accompanying piping in order to comply with the provisions of this section, and it had removed and replaced such tank or tanks and accompanying piping prior to the date on which this section is enacted, it shall not be required to comply with this subsection until a period of seven years has passed from the date of the removal and replacement of such tank or tanks:

"(A) The Administrator shall determine the types and amounts of clean alternative fuels necessary to operate vehicles so that they comply with the emissions standards prescribed under paragraphs (1), (2), or (3) based on motor vehicle manufacturers' projections of future sales of vehicles capable of complying with those emissions standards, and consultations with the affected State and local governments. The Administrator shall not require the availability of any fuel, other than reformulated gasoline, if vehicle manufacturers do not project sales of motor vehicles operating on fuels other than reformulated gasoline. Any information provided by a motor vehicle manufacturer pursuant to this subparagraph shall, at the request of the manufacturer, be protected as a trade secret pursuant to subsection (c)(2). Each motor vehicle manufacturer must submit its projections of sales to the Administrator in accordance with regulations to be promulgated by the Administrator. Not later than January 1, 1992, the Administrator shall provide notification of the types and amounts of clean alternative fuels that the Administrator determines are initially needed to supply such vehicles and that shall be distributed by persons who first introduce for sale motor vehicle fuel into the areas that are subject to the clean alternative fuels program, according to their relative market share. The required types and amounts shall be adjusted based on the information provided to the Administrator pursuant to this paragraph as needed to reflect changes in the number or nature of vehicles that the Administrator reasonably expects will occur and the Administrator shall periodically revise the notification required by this subparagraph.

"(B) The Administrator may by regulation grant a person subject to the requirements prescribed under this paragraph an appropriate amount of credits for exceeding such requirements, and any person granted credits may transfer some or all of the credits for use by one or more persons in demonstrating compliance with such requirements.

"(C) The Administrator may by regulation establish requirements for colorization, odorization, luminosity or other similar requirements for any fuel required under this paragraph, other than reformulated gasoline, as the Administrator finds necessary to reduce or eliminate an unreasonable risk to public health, welfare or safety associated with its use or to ensure acceptable vehicle maintenance and performance characteristics.

"(6) PROGRAM SCOPE.—In addition to the areas specified in paragraphs (1) and (2), the emissions standards prescribed under either of those paragraphs shall apply in any other area at the request of the Governor of the State in which the area is located, upon the approval of the Administrator. The Administrator shall approve any such request where the Governor of the State has made a determination that inclusion of the area in the clean alternative fuel vehicle program is appropriate and would result in progress toward attainment of any national ambient air quality standard and the Administrator finds that such request and such determination is not arbitrary or capricious. Any such additional requirements resulting from such approval shall become applicable after such period as the Administrator finds by rule necessary for the requisite vehicles and fuels to be made available, giving appropriate consideration to model availability and the cost of compliance within such period. The Administrator shall approve a revision to a State implementation plan proposed under this paragraph, if the Administrator determines that it is feasible to produce the quantities of clean alternative fuel vehicles and clean alternative fuels called for in the time frame established in the State implementation plan. In assessing State implementation plans and the availability of clean alternative fuels under this paragraph, the Administrator shall give priority to the sale of clean alternative fuel vehicles and clean alternative fuels in severe and extreme ozone nonattainment areas. (The Administrator shall publish the request submitted by a Governor of a State in the Federal Register upon receipt. Such notice shall constitute a notice of proposed rulemaking on the period of time that may be necessary for the requisite vehicles and fuels to be made available, and shall be deemed to comply with the requirements concerning notices of proposed rulemaking contained in sections 553 through 557 of title 5 of the United States Code (related to notice and comment).)

"(7) INCREASE PROGRAM REQUIREMENTS.—

"(A) REQUEST.—The Governor of any State containing an area included in the clean alternative fuel vehicle program may submit to the Administrator a request either—

"(i) to increase the percentage of new fleet vehicles that are required to meet the emission standards prescribed under paragraph (1);

"(ii) to require that all light-duty vehicles certified and made available in the area in 1995 or later model years meet the emissions standards prescribed under paragraphs (1) or (3); or

"(iii) both (i) and (ii).

"(B) PLAN REVISIONS.—The Administrator shall approve any such request where the Governor of the State has made a determination that the request is appropriate and would result in progress toward attainment of any national ambient air quality standard within the State, if the Administrator finds that such determination is not arbitrary or capricious. The Administrator shall approve a revision to a State implementation plan proposed under this paragraph, if the Administrator determines that it is feasible to produce the quantities of clean alternative fuel vehicles and clean alternative fuels called for in the time frame established in the State implementation plan. In assessing State implementation plans and the availability of clean alternative fuels under this paragraph, the Administrator shall give priority to the sale of clean alternative fuel vehicles and clean alternative fuels in severe and extreme ozone nonattainment areas.

"(C) MODIFICATION OF FEDERAL REQUIREMENTS.—If the Administrator approves one or more such requests, he shall by regulation and as appropriate—

"(i) increase the percentages of fleet vehicles required to meet the emission standards prescribed under paragraph (1) in the relevant area or areas by the amount requested,

"(ii) revise the regulations prescribed under section 202(a) so that the emission standards prescribed under paragraphs (1) or (3) apply to all vehicles certified and are made available in the relevant area or areas, and

"(iii) revise the requirements prescribed under paragraph (5) regarding the availability of the clean alternative fuels needed by vehicles to comply with the emission standards prescribed under paragraphs (1), (2), or (3), as appropriate.

"(D) OTHER PROGRAMS.—

"(i) The Governor of any State may request either that less than all of the vehicles certified and made available in the area meet the emissions standards prescribed under paragraph (1) or that less than all of the vehicles certified and made available in the area meet the emissions standards prescribed under paragraph (3): *Provided*, That the Governor also proposes specific incentives to encourage the purchase of such vehicles. The Administrator shall only approve the plan revision if the Administrator determines that in his judgment, the purchase incentives included in the State Implementation Plan will achieve a level of purchase of such vehicles in quantities proposed in the plan. The Administrator shall approve a revision to a State implementation plan proposed under this paragraph, if the Administrator determines that it is feasible to produce the quantities of clean alternative fuel vehicles and clean alternative fuels called for in the time frame established in the State implementation plan. In assessing State implementation plans and the availability of clean alternative fuels under this paragraph, the Administrator shall give priority to the sale of clean alternative fuel vehicles and clean alternative fuels in severe and extreme ozone nonattainment areas.

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"(ii) If the Administrator approves a revision to a State Implementation Plan pursuant to Paragraph (i), the Administrator shall require motor vehicle manufacturers selling vehicles in the State to—

"(I) Begin the production and distribution in the necessary quantities of vehicles certified to meet the applicable requirements to the State at a time and in a manner that accords with normal business practices; and

"(II) Make reasonable efforts to promote and sell the vehicles, at a price comparable to the price at which the vehicles are sold in other areas.

"(iii) The Administrator may on his own motion or in response to a petition review the implementation of the request to determine whether purchases of vehicles have achieved their expected levels. If such purchases have not achieved expected levels after a period of one year, the Administrator shall conduct such a review. If, pursuant to such review, the Administrator determines that motor vehicle manufacturers have complied with the requirements of subparagraph (ii) and expected purchase levels have not been met, then manufacturers shall be deemed to have satisfied their obligations under this paragraph, and the State shall be required to revise its implementation plan so as to increase incentives to purchase the vehicles or to reduce the expected levels of purchase of such vehicles.

"(iv) No sanction or penalty may be imposed on a motor vehicle manufacturer for failure to produce or sell specific quantities of vehicles, if the manufacturer has in good faith complied with the requirements of subparagraph (ii).

"(E) Implementation of additional requirements.—Any additional requirements prescribed under this paragraph shall become applicable after such period as the Administrator finds by rule is necessary for the requisite vehicles and fuels to be made available, giving appropriate consideration to model availability and the cost of compliance within such period. (The Administrator shall publish the request submitted by a State in the Federal Register upon receipt. Such notice shall constitute a notice of proposed rulemaking on the period of time that may be necessary for the requisite vehicles and fuels to be made available and shall be deemed to comply with the requirements concerning notices of proposed rulemaking contained in section 553 through 557 of title 5 of the United States Code (related to notice and comment).) Any regulations promulgated by the Administrator under paragraph (1) or (2) that provide for credits to be granted toward compliance with requirements prescribed under those paragraphs shall also be applicable to any requirements prescribed under this paragraph.

"(8) Revisions to state implementation plans.—

"(A) Required revisions.—Except to the extent that substitute provisions have been approved by the Administrator under subparagraph (B) the State shall submit to the Administrator, within forty-two months of enactment of this section, a revision to the applicable implementation plan for each area subject to requirements prescribed under paragraphs (1) and (2) to include such measures as may be necessary to promote and ensure the effectiveness of the clean alternative fuel vehicle program prescribed under this subsection. Such revisions shall include provisions establishing the private fleet program prescribed under paragraph (1)(C) and such vehicle registration provisions as may be necessary to ensure the effectiveness of the requirements prescribed under paragraph (2), which shall be based on guidance developed by the Administrator. Each State shall develop its implementation plan revision with respect to fleet programs after consultation with covered fleet operators, vehicle manufacturers, fuel producers and distributors, and other interested parties, taking into consideration vehicle operational range, specialty uses, vehicle fuel availability, costs, safety and resale value. Such a revision shall also be submitted for each area included in the clean alternative fuel vehicle program under paragraph (6) within twelve months of the inclusion of such area in the clean alternative fuel vehicle program. A revision to the applicable implementation plan shall also be submitted for each area for which a request to increase program requirements pursuant to subparagraph (7) is made at the time of such request. In the event the State of California adopts a program pursuant to paragraph (3) to limit motor vehicle emissions through the use of clean alternative fuels, it shall submit a revision to the applicable implementation plan or plans within twelve months of the adoption of such program.

"(B) Revisions to implement substitute program.—The Administrator shall approve, as a substitute for all or a portion of the clean alternative fuel vehicle program prescribed under this section, any revision to the relevant applicable implementation plan that in the Administrator's judgment will achieve long-term emissions reductions in ozone-forming volatile organic compounds and carcinogenic air pollutants equal to those reasonably expected to be achieved by the program, or the percentage thereof attributable to the portion of the clean alternative fuel vehicle program for which the revision is to substitute. Administrator as a clean alternative fuel pursuant to subparagraph (2)(B) be offered for sale and sold in such area or areas beginning on October 1, 1994. The Administrator may delay the date on which reformulated gasoline is to be offered for sale and sold in order to provide adequate lead time for such fuel to be made available in the necessary quantities. In assessing proposed implementation plan revisions pursuant to this subparagraph and the availability of reformulated gasoline, the Administrator shall give priority to the sale of reformulated gasoline in severe and extreme ozone nonattainment areas.

"(9) Revisions to fuel availability and other requirements.—If one or more areas are exempted from the clean alternative fuel vehicle program under paragraph (8)(b), are included in the program under paragraph (6), or increase program requirements under paragraph (7), the Administrator by regulation shall revise, as appropriate, the requirements prescribed under paragraph (5) regarding the availability of clean alternative fuels needed by vehicles to comply with the emissions standards prescribed under by paragraphs (1), (2) and (3) in such area or areas. Any additional requirements prescribed under this paragraph shall become applicable after such period as the Administrator finds by rule is necessary for the requisite vehicles and fuels to be made available, giving appropriate consideration to model availability and the cost of compliance within such period. The Administrator may approve such revision only if it consists exclusively of provisions other than those required under this Act for the area. Any State seeking approval of such revision with respect to the requirements established by paragraph (2) for model years 1995 through 1998 must submit the revision to the Administrator within twenty-four months of enactment of this paragraph. Any State seeking approval of such revision with respect to the requirements established by paragraph (2) for model years 1999 and thereafter must submit the revision to the Administrator within sixty months of enactment of this section. The Administrator must approve or disapprove any such revision within six months of receipt of such revision. (The Administrator shall publish the revision submitted by a State in the Federal Register upon receipt. Such notice shall constitute a notice of proposed rulemaking on whether or not to approve such revision and shall be deemed to comply with requirements concerning notices of proposed rulemaking contained in sections 553 through 557 of title 5 of the United States (related to notice and comment). However, no authority not expressly granted to the Administrator by law is conferred by this section.

"(C) Reformulated gasoline revisions.—Any State in which there is a serious, severe or extreme ozone nonattainment area may propose as a revision to the applicable implementation plan for such area or areas a requirements that the reformulated gasoline specified by the

"(10) Studies to be undertaken by the Administrator.—

"(A) Not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1990, the Health Effects Institute, after consultation with the Environmental Protection Agency, the National Institute of Health, the Department of Energy, the Department of Health and Human Services, the Department of Transportation, and the Office of Management and Budget, shall complete an analysis of the risk of carcinogenic effects, if any, associated with the use of methanol as a motor vehicle fuel and, if such a risk exists, of the need for and feasibility of controlling emissions of methanol.

"(B) The Administrator may also conduct an analysis of the risk of carcinogenic effects posed by any air pollutant associated with motor vehicles and motor vehicle fuels. After completing such an analysis, the Administrator shall by regulation include the air pollutant within the definition of the term "carcinogenic air pollutants" contained in section 216(11) if the Administrator determines that the pollutant poses such a risk.

"(C) The Secretary of Energy shall report to the Congress not later than July 1, 1993 on the relationship between electric vehicle use and electric generation capacity and the potential to meet additional electric energy demand which may be associated with use of electric vehicles using off-peak capacity.

"(11) Conventional gasoline.—Not later than July 1, 1992, the Administrator shall promulgate regulations ensuring that, beginning on January 1, 1993, gasoline sold on a nationwide basis does not result in emissions of volatile organic compounds, oxides of nitrogen, carbon monoxide, and carcinogenic air pollutants in excess of emissions of such pollutants attributable to gasoline sold in calendar year 1989.

"(b) Tank and Fuel System Safety.—The Secretary of Transportation shall, in accordance with the National Motor Vehicles Traffic Safety Act of 1966, promulgate applicable regulations regarding the safety and use of fuel storage cylinders and fuel systems in vehicles capable of operating on clean alternative fuels.

"(c) Information Collection.—

"(1) For purposes of enforcing regulations implementing this section, the Administrator may by regulation require manufacturers, distributors, and retailers of motor vehicles or motor vehicle fuels to establish and maintain records, make reports, and provide information concerning the sales of (A) motor vehicles capable of operating on clean alternative fuel, and (B) clean alternative fuels. Nothing in this subsection shall be construed to limit the Administrator's authority under sections 114, 206, or 208.

"(2) Any records, reports on information obtained under this section shall be available to the public, except that upon a showing satisfactory to the Administrator by any person that records, reports, or information, or particular portions thereof (other than emission data), to which the Administrator has access under this subsection would, if made public, divulge methods or processes entitled to protection as trade secrets of such person, the Administrator shall consider such record, report, or information or particular portion thereof confidential in accordance with the purposes of section 1905 of title 18 of the United States Code. Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) shall be considered an employee of the United States for purposes of section 1905 of title 18 of the United States Code. Nothing in this section shall prohibit the Administrator or authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports, or information to other officers, employees, or authorized representatives of the United States (including any authorized contractor acting as a representative of the Administrator) concerned with carrying out this Act or, when relevant, in any proceeding under this Act. Nothing in this section shall authorize the withholding of information by the Administrator or any officer or employee under his control (including any authorized contractor acting as a representative of the Administrator) from the duly authorized committees of the Congress.

"(d) Consultation With Department of Energy and Department of Transportation.—The Administrator shall consult with the Secretaries of the Department of Energy and the Department of Transportation in carrying out the Administrator's duties under this section.".

(c) Conforming Amendment.—Section 202(a)(4) of the Clean Air Act is amended by striking the phrase "standards prescribed under this subsection" every place it occurs and inserting the phrase "requirements prescribed under this title."

(d) Study of Ultra-Clean Vehicles.—

(1) Section 219 of the Clean Air Act (as redesignated by section 206) is amended by adding the following new subsection:

"(13) The term 'ultra-clean vehicle' means any light-duty vehicle powered by batteries, fuel cells, hydrogen, or any comparably low-polluting power source. In determining whether a power source is comparably low-polluting, the Administrator shall consider the level of emissions of air pollutants from vehicles using the power source, the level of emissions from plants and refineries generating or processing power for such vehicles and the contribution of such emissions to ambient levels of air pollutants. For purposes of this subsection, battery-powered vehicles include hybrid vehicles which are powered primarily by a battery and also have a secondary power source.".

(2) Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(m) Ultra-Clean Vehicles.—

"(1) The Administrator, in coordination with the Department of Energy and the Department of Transportation, and other appropriate Federal agencies, shall—

"(A) conduct a survey of available and forseeable technologies for the production of ultra-clean vehicles and the feasibility and cost effectiveness of using such technologies to reduce pollutant emissions from mobile sources;

"(B) develop a plan to foster joint public-private development of practical and economical ultra-clean vehicle technologies and encourage the gradual introduction of ultra-clean vehicles into use; and

"(C) take into consideration the conclusions and recommendations made by the Interagency Commission on Alternative Fuels.

"(2) The survey and plan required by this subsection shall be completed and submitted to the Congress by no later than December 31, 1992 of the Clean Air Act Amendments of 1990.".

LIGHT DUTY VEHICLE USEFUL LIFE

Sec. 207. Section 202(d)(1) of the Clean Air Act is amended to read as follows:

"(1)(A) in the case of light duty vehicles and light duty vehicle engines manufactured during or before the 1994 model year, be a period of use of five years or of fifty thousand miles (or the equivalent), whichever first occurs;

"(B) in the case of light duty vehicles and light duty engines manufactured in the model year 1995 and thereafter, be a period of use of ten years or one hundred thousand miles (or the equivalent), whichever first occurs;".

WARRANTIES

Sec. 208. Section 207 of the Clean Air Act is amended as follows:

(a) strike out "useful life (as determined under section 202(d))" in each place it appears in subsection (b) and insert in lieu thereof "warranty period (as determined under subsection (i))";

(b) strike so much of section 207(b) as follows the third sentence thereof;

(c) add the following new subsection at the end thereof:

"(i) Warranty Period.—

"(1) For purposes of subsection (a)(1) and subsection (b), the warranty period, in the case of light duty vehicles and light duty vehicle engines manufactured during or before the 1994 model year shall be the useful life (as determined under section 202(d)). For the purposes of such subsections, the warranty period, in the case of such vehicles and engines manufactured during model year 1995 and thereafter, shall be the first two years or twenty-four thousand miles of use (whichever first occurs), except as provided in paragraph (2).

"(2) In the case of a specified major emission control component, the warranty period for purposes of subsection (a)(1) and subsection (b) shall be eight years or eighty thousand miles of use (whichever first occurs). As used in this paragraph, the term 'specified major emission control component' means only a catalytic converter or electronic emissions control unit, except that the Administrator may designate any other pollution control device or component as a specified major emission control component if—

"(A) the device or component (except in the case of onboard emission control diagnostic equipment required by section 216) was not in general use on vehicles and engines manufactured prior to the model year 1990; and

"(B) the Administrator determines that the retail cost (exclusive of installation costs) of such device or component exceeds $200 (in 1989 dollars, adjusted for inflation or deflation as calculated by the Administrator at the time of such determination). Nothing in this Act shall be interpreted to mean that parts other than those specified by the Administrator as major emission control components shall be construed to be warranted under this Act for eight years or eighty thousand miles.

"(3) Subparagraph (A) of subsection (b)(2) shall apply only where the Administrator has made a determination that the instructions concerned conform to the requirements of subsection (c)(3)."; and

(d) amend subsection (a)(1) by adding the following at the end thereof: "In the case of vehicles and engines manufactured in the model year 1995 and thereafter such warranty shall require that the vehicle or engine is free from any such defects for the period of two years or twenty-four thousand miles of use (whichever first occurs), except that for a specified major emission control component (as defined in subsection (i)) such warranty shall require that such component is free from any such defects for the period of eight years or eighty thousand miles of use (whichever first occurs).".

NON-ROAD ENGINES

Sec. 209. (a) Definitions.—Section 216 of the Clean Air Act is amended by adding the following new subsections:

"(8) The term 'non-road engine' means an internal combustion engine (including the fuel system) that is not used in a motor vehicle or in a vehicle used solely for competition in vehicle racing or which is not subject to standards promulgated under section 111 (pertaining to new stationary sources) or section 202 (pertaining to motor vehicles) or to regulation under part B of this title (pertaining to aircraft emissions).

"(9) The term 'non-road vehicle' means a vehicle that is powered by a non-road engine and that is not a motor vehicle.".

(b) Subsection (1) of section 219 of the Clean Air Act (as redesignated by section 206) is amended by striking the phrase "new motor vehicles or new motor vehicle engines" every place it occurs and inserting in its place "new motor vehicles, new motor vehicle engines, new non-road vehicles or new non-road engines".

(c) The Clean Air Act is amended by adding a new section 217 as follows:

"EMISSION STANDARDS FOR NON-ROAD ENGINES AND VEHICLES

"Sec. 217. (a) List of Categories.—Not later than twenty-four months after the date of enactment of this section and after notice and opportunity for public comment the Administrator shall publish (and from time to time revise) a list of all categories of non-road engines and non-road vehicles together with estimates of the contribution of each category to ambient ozone and carbon monoxide levels in nonattainment areas and to oxides of nitrogen and total particulate levels.

"(b) Emission Standards.—Whenever the Administrator determines that emissions

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from categories of non-road engines or vehicles contribute significantly to concentrations of ozone, carbon monoxide or to oxides of nitrogen or particulate levels or otherwise contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, the Administrator shall promulgate regulations applicable to emissions from new vehicles or engines in such categories. Such standards shall achieve the greatest degree of emission reduction achievable through the application of technology which the Administrator determines will be available for the engines or vehicles to which such standards apply, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers and to noise, energy, and safety factors associated with the application of such technology. In determining what degree of reduction will be available, the Administrator shall first consider standards equivalent in stringency to standards for comparable motor vehicles or engines (if any) regulated under section 202, taking into account the technological feasibility, costs, safety, noise and energy factors associated with achieving standards of such stringency.

"(c) **Enforcement.**—The standards under this section shall be subject to the same provisions of title II as are applicable in the case of standards under section 202, and shall be enforced in the same manner as the standards under section 202, with such modifications as the Administrator deems appropriate.".

PROHIBITION ON PRODUCTION OF ENGINES REQUIRING LEADED GASOLINE

Sec. 210. The Clean Air Act is amended by adding a new section 218 as follows:

"PROHIBITION ON PRODUCTION OF ENGINES REQUIRING LEADED GASOLINE

"Sec. 218. The Administrator shall promulgate regulations applicable to motor vehicle engines and non-road engines manufactured after model year 1992 that prohibit the manufacture, sale, or introduction into commerce of any engine that requires leaded gasoline.".

MOTOR VEHICLE TESTING AND CERTIFICATION

Sec. 211. (a) **Idle Test.**—Section 206(a) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(4) Not later than one year after the enactment of this paragraph, the Administrator shall promulgate regulations adding an idle test and idle test mode to the Federal test procedure for light duty vehicles. Such modified test procedure shall be used for the certification of light duty vehicles and engines manufactured during or after model year 1992.".

(b) **Production Line Testing.**—Section 206(b) of the Clean Air Act is amended by adding the following at the end thereof:

"(3) The Administrator shall revise the regulations under this section regarding selective enforcement auditing of new light duty vehicles (as set forth in section 86.610 of subpart G of part 86 of title 40 of the Code of Federal Regulations) such that the maximum percentage of failing vehicles that, for purposes of sampling inspection, can be considered satisfactory as a process average for purposes of such selective enforcement audits shall be 10 per centum. Such revised regulations shall apply with respect to motor vehicles manufactured after the model year 1991.".

(c) **Revision of Certain Test Procedures.**—Section 206 of the Clean Air Act is amended by adding the following new subsection:

"(h) Within eighteen months after the enactment of this subsection and at least every four years thereafter, the Administrator shall review and revise as necessary the regulations under subsection (a) and (b) of this section regarding the testing of motor vehicles and motor vehicle engines to insure that vehicles are tested under circumstances which reflect the actual current driving conditions under which motor vehicles are used, including conditions relating to fuel, temperature, acceleration and altitude. Such revised test procedures shall include testing of evaporative emissions (including running losses) as well as tail-pipe emissions and shall provide for the testing of trucks with a gross vehicle weight rating of six thousand pounds or more in a loaded mode approximating such rating.".

(d) **Averaging.**—Section 202 of the Clean Air Act is amended by adding the following new subsection:

"(l) **Averaging.**—(1) Each emission standard under this section shall apply to, and be met by, each and every vehicle or engine sold, offered for sale, introduced into commerce, or imported, and may not be met or complied with by the average of the performance of various vehicles, engines, engine families, or models manufactured by the same manufacturer.

"(2) Paragraph (1) shall not apply to emission standards applicable to heavy duty vehicles. The Administrator may by regulation provide for manufacturers to demonstrate compliance with emission standards for heavy duty vehicles by averaging credits for emission reductions between engine families of the same manufacturers, by banking credits over time, and by traditional credits with other manufacturers.

"(3) By June 1, 1994, the Administrator shall complete and submit to Congress a study of the impacts on costs, economic efficiency, emission reductions and environmental impacts from any rule adopted by the Administrator under this subsection permitting trading, banking, and averaging.".

IN-USE COMPLIANCE—RECALL

Sec. 212. (a) **Use of Information From State Programs.**—Section 207(c) of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(4) In making determinations of nonconformity under this subsection, the Administrator shall take into account information collected under any State vehicle emission control inspection and maintenance program. Any State in which such a program is operating may petition the Administrator to make a determination of nonconformity under paragraph (1) on the basis of information collected in such program. The Administrator shall act upon such petition within sixty days of receipt of such petition.".

(b) **Recall Testing at Manufacturer's Expense.**—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(5) If the Administrator has reason to believe that in-use vehicles or engines may not conform to regulations prescribed under section 202, the Administrator may require the manufacturer of such vehicles or engines to pay the costs that the Administrator incurs in procuring and testing such vehicles or engines. Such reason to believe shall be based on data or information available to the Administrator, including but not limited to, field surveys, State inspection and maintenance programs and consumer complaints.".

FUEL VOLATILITY

Sec. 213. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(h) **Evaporative Emissions From Motor Vehicle Fuels.**—

"(1) The Administrator shall promulgate regulations to reduce evaporative emissions from motor vehicle fuels.

"(2) Regulations under this subsection shall include a standard for gasoline volatility. The standard shall apply to all gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles during the high ozone periods of each year. Effective with respect to gasoline sold in the second high ozone period which commences after the enactment of this subsection, the standard shall require that such gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles in class C areas (as defined by the American Society of Testing Materials as of the date of enactment of this subsection) shall not exceed a Reid vapor pressure of nine pounds per square inch unless the Administrator establishes a lower number which the Administrator determines to be achievable and appropriate for purposes of protecting public health and welfare. The regulations shall require a proportional reduction in areas other than such class C areas.

"(3) For purposes of regulations referred to in paragraph (2), the high ozone period shall be the period between May 16 and September 15 each year or such longer period as the Administrator establishes for any region to cover periods of potential ozone air pollution in excess of the standard for ozone for the region.

"(4) For fuel blends containing gasoline and 10 per centum denatured anhydrous ethanol, the Reid vapor pressure limitation pursuant to this subsection shall be one pound per square inch greater than the applicable Reid vapor pressure limitations established under paragraph (2): *Provided, however*, That a refiner, distributor, blender, marketer, reseller, carrier, retailer, or wholesale purchaser shall be deemed to be in full compliance with the provisions of this subsection and the regulations promulgated thereunder, if it can demonstrate (by showing receipt of a certification or other evidence acceptable to the Administrator) that (A) the gasoline portion of the blend complies with the Reid vapor pressure limitations promulgated pursuant to this subsection, and (B) the ethanol portion of the blend does not exceed its waiver condition under subsection (f)(4).".

DESULFURIZATION

Sec. 214. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(i) **Desulfurization of Diesel Fuel.**—

"(1) Effective October 1, 1993, no person shall manufacture, sell, offer for sale, dispense, transport or introduce into commerce motor vehicle diesel fuel which contains a concentration of sulfur in excess of 0.05 per centum (by weight) or which fails to meet a cetane index minimum of 40.

"(2) No later than twelve months after the enactment of this subsection, the Administrator shall promulgate regulations to implement and enforce the requirements of paragraph (1). The Administrator shall require manufacturers and importers of diesel fuel not intended for use in motor vehicles to dye such fuel in order to segregate it from motor vehicle diesel fuel.

"(3) The sulfur content of fuel required to be used in the certification of 1991 through 1993 model year heavy-duty diesel vehicles and engines shall not exceed 0.05 per centum (by weight). The sulfur content and cetane index minimum of fuel required to be used in certification of 1994 and later model year heavy-duty diesel vehicles and engines shall comply with the regulations promulgated under paragraph (2).".

LEAD PHASEDOWN

Sec. 215. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(j) Prohibition on Leaded Gasoline for Highway Use.—Effective January 1, 1991, it shall be unlawful for any person to sell, offer for sale, or introduce into commerce, for use as fuel in any motor vehicle (as defined in section 219(2)) any gasoline which contains lead or lead additives. The Administrator may extend the January 1, 1991, deadline for up to two years, if the Administrator determines that unavailability of gasoline containing lead or lead additives for such vehicles will reduce the availability of such gasoline for farm vehicles and that alternatives to gasoline containing lead or lead additives are unavailable for use in gasoline powered farm vehicles.".

FUEL QUALITY

Sec. 216. Section 211 of the Clean Air Act is amended by adding the following new subsection to the end thereof:

"(k) Fuel Quality.—

"(1) Not later than thirty-six months after the date of enactment of this subsection the Administrator shall, after notice and opportunity for public comment, promulgate regulations establishing specifications for fuel quality which will minimize, to the extent economically and technically achievable, emissions (including evaporative emissions) of hydrocarbons, carbon monoxide, oxides of nitrogen, particulate matter and hazardous air pollutants over the useful life of vehicles and engines certified for manufacture under this title. Such regulations may prohibit the presence of fuel impurities and other substances or mandate the use of specific additives to achieve the purposes of this subsection. The regulations shall be effective for fuels sold on and after January 1, 1994. In the event that the Administrator does not promulgate the regulations required by this paragraph, effective January 1, 1994, it shall be unlawful to sell, offer for sale or introduce into commerce any fuel for use in a gasoline-powered vehicle unless such fuel contains additives effective in preventing the accumulation of deposits in fuel-injected engines.

"(2) In order to achieve and maintain attainment of ambient air quality standards, the Administrator may promulgate regulations applicable to fuel refiners, distributors, marketers, or consumers establishing specifications for fuels (including regulations requiring the availability or sale of fuels meeting the specifications in a nonattainment area or areas) to reduce emissions of pollutants subject to a standard under this title or hazardous air pollutants from motor vehicles. In establishing such specifications and availability requirements the Administrator shall consider other environmental effects which would result from production and use of fuels meeting the specifications. The Administrator shall require as part of any specification under this paragraph that there be no increase in emissions of any other pollutant subject to a standard under this title or any hazardous air pollutant by vehicles using the specified fuel. Regulations under this paragraph shall be stated as performance standards and may be satisfied by any fuel which, as certified to the Administrator by the refiner or distributor, achieves comparable emissions reductions and otherwise satisfies the specification.".

OXYGENATED FUELS

Sec. 217. Section 211 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(l)(1) Except as provided in paragraph (2) and effective October 1, 1991, no person shall, during the period from October 1 to March 31 each year, sell, offer for sale, or introduce into commerce in any area classified as nonattainment for carbon monoxide any gasoline fuel for use in a motor vehicle unless the oxygen content of such fuel shall be 3.1 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: *Provided*, That such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 3.1 per centum or greater.

"(3) The Administrator may waive, in whole or in part, the requirements of this subsection in any area upon a demonstration by the State to the satisfaction of the Administrator that the use of oxygenated fuels would prevent or interfere with the attainment by such area of a national primary ambient air quality standard (or a State or local ambient air quality standard) for any air pollutant other than carbon monoxide.

"(4) Any person selling oxygenated fuel at retail pursuant to this subsection shall be required under regulations promulgated by the Administrator to label the fuel dispensing system with a notice that the fuel is oxygenated and will reduce carbon monoxide emissions from motor vehicles.".

MISFUELING

Sec. 218. Section 211 of the Clean Air Act is amended by deleting subsection (g) and inserting the following new subsection:

"(g)(1) No person shall introduce, or cause or allow the introduction of, leaded gasoline into any motor vehicle which is labeled 'unleaded gasoline only,' which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline, which is a 1990 or later model year motor vehicle, or which such person knows or should know is a vehicle designed solely for the use of unleaded gasoline.

"(2) Beginning October 1, 1993, no person shall introduce or cause or allow the introduction into any motor vehicle of diesel fuel which such person knows or should know contains a concentration of sulfur in excess of 0.05 per centum (by weight) or which fails to meet a cetane index minimum of 40.".

URBAN BUSES

Sec. 219. (a) Section 216 of the Clean Air Act is amended by adding the following new paragraph at the end thereof:

"(13) the term 'urban bus' has the meaning provided under regulations of the Administrator promulgated under section 202(a).".

(b) Section 212 of the Clean Air Act, as amended by section 206, is further amended by adding at the end thereof the following new subsection:

"(e) Not later than twelve months after the enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate regulations requiring the use of low polluting fuels in new urban buses operated primarily in a metropolitan statistical area or consolidated metropolitan statistical area (as defined by the United States Office of Management and Budget) with a 1980 population of one million persons or more. The regulations shall provide that all new urban buses beginning with the model year 1994 purchased or placed into service by owners or operators of urban buses in such areas must be capable of operating, and must be exclusively operated, on low polluting fuels. The Administrator shall prescribe a schedule phasing in the applicability of the requirements established by this paragraph over the 1991 through 1994 model years as follows: 10 per centum of new urban buses purchased or placed into service in model year 1991; 25 per centum of new urban buses purchased or placed into service in model year 1992; 60 per centum of new urban buses purchased or placed into service in model year 1993; and 100 per centum of new urban buses purchased or placed into service in 1994 and later model years. Emissions of particulate matter from buses purchased or placed into service as required by this paragraph shall not exceed 0.10 grams per brake horsepower-hour.".

ENFORCEMENT

Sec. 220. (a) Testing.—Section 203(a)(2) of the Clean Air Act is amended by inserting before the semicolon at the end thereof the following: ", or to refuse to pay for procurement or testing under section 207(c)".

(b) Tampering With Vehicle Emission Controls.—(1) Section 203(a)(3) of the Clean Air Act is amended to read as follows:

"(3)(A) for any person to remove or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title prior to its sale and delivery to the ultimate purchaser, or for any person knowingly to remove or render inoperative any such device or element of design after such sale and delivery to the ultimate purchaser; or

"(B) for any person to manufacture or sell, or offer to sell, any part or component intended for use with, or as part of, any motor vehicle or motor vehicle engine, where a principal effect of such part or component is to bypass, defeat, or render inoperative any device or element of design installed on or in a motor vehicle or motor vehicle engine in compliance with regulations under this title, and where such person knows or should know that such part or component is being offered for sale for such use or put to such use; or".

(2) At the end of section 203(a) of the Clean Air Act insert the following: "No action with respect to any device or element of design referred to in paragraph (3)(A) shall be treated as a prohibited act under that paragraph until the vehicle or engine on which such device or element of design had been installed (i) has been subsequently released from the custody and control of the person performing such action, if such person is a manufacturer, dealer, or person engaged in the business of repairing, servicing, selling, leasing or trading motor vehicles or motor vehicle engines (or an employ-

ee or agent of such a person), or (ii) has been subsequently operated on a street or highway, if the person performing such action is a person who operates a fleet of motor vehicles or any person other than a person listed in (i).".

(c) Civil and Administrative Penalties.—Section 205 of the Clean Air Act is amended to read as follows:

"Sec. 205. (a) Civil Penalties.—Any person who violates paragraph (1), (2), or (4) of section 203(a) or any manufacturer or dealer who violates paragraph (3)(A) of section 203(a) of this title shall be subject to a civil penalty of not more than $25,000. Any other person who violates paragraph (3)(A) or any person who violates paragraph (3)(B) of such section 203(a) shall be subject to a civil penalty of not more than $2,500. Any such violation with respect to paragraph (1), (3)(A), or (4) of section 203(a) of this title shall constitute a separate offense with respect to each motor vehicle or motor vehicle engine. Any such violation with respect to paragraph (3)(B) of such section shall constitute a separate offense with respect to each part or component. Any such violation with respect to paragraph (2) of such section shall constitute a separate offense with respect to each day of violation.

"(b) Civil Actions.—The Administrator may commence a civil action to assess and recover any civil penalty prescribed in subsection (a) of this section, subsection (d) of section 211 (pertaining to fuels and fuel additives), subsection (b) of section 216 (pertaining to emissions of carbon dioxide), or subsection (c) of section 217 (pertaining to nonroad engines and vehicles). Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred or in which the defendant resides or has his principal place of business, and such court shall have jurisdiction to assess such civil penalty. In determining the amount of any civil penalty to be assessed under this subsection, the court shall consider the seriousness of the violation, the economic benefit or savings (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require. In any such action, subpoenas for witnesses who are required to attend a district court in any district may run into any other district.

"(c)(1) The Administrator may assess a civil penalty prescribed in subsection (a) of this section, subsection (d) of section 211 (pertaining to fuels or fuel additives), subsection (b) of section 216 (pertaining to emissions of carbon dioxide) or subsection (c) of section 217 (pertaining to nonroad engines and vehicles), except that the maximum amount of any civil penalty assessed under this paragraph shall not exceed $200,000. Assessment of a civil penalty under this subsection shall be by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5, United States Code. The Administrator may issue rules for discovery procedures for hearings under this paragraph.

"(2) In determining the amount of any civil penalty assessed under this subsection, the Administrator shall consider the seriousness of the violation, the economic benefit (if any) resulting from the violation, the size of the violator's business, the violator's history of compliance with this title, any good-faith efforts to comply with the applicable requirements, the economic impact on the violator, and such other matters as justice may require.

"(3)(A) Action by the Administrator under this subsection shall not affect or limit the Administrator's authority to enforce any provision of this Act, except that any violation—(i) with respect to which the Administrator has commenced and is diligently prosecuting an action under this subsection, or (ii) for which the Administrator has issued a final order not subject to further judicial review and the violator has paid a penalty assessment under this subsection, shall not be the subject of civil penalty action under subsection (b).

"(B) No action by the Administrator under this subsection shall affect any person's obligation to comply with any section of this Act.

"(4) An order issued under this subsection shall become final thirty days after its issuance unless a petition for judicial review is filed under paragraph (5).

"(5) Any person against whom a civil penalty is assessed in accordance with this subsection may obtain review of such assessment in the United States Court of Appeals for the District of Columbia Circuit, or for any other circuit in which such person resides or transacts business, by filing a notice of appeal in such court within the thirty-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy of the record on which the order was issued. Such court shall not set aside or remand such order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's assessment of the penalty constitutes an abuse of discretion, and such court shall not impose additional civil penalties for the same violation unless the Administrator's assessment of the penalty constitutes an abuse of discretion.

"(6) If any person fails to pay an assessment of a civil penalty imposed by the Administrator as provided in this subsection—

"(A) after the order making the assessment has become final, or

"(B) after a court in an action brought under paragraph (5) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at rates established pursuant to 26 U.S.C. 6621(a)(2) from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 per centum of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

"(7) The Administrator may issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, books, or documents in connection with hearings under this subsection. In case of contumacy or refusal to obey a subpoena issued under this paragraph and served upon any person, the district court of the United States for any district in which such person is found, resides, or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator, or to appear and produce documents before the Administrator, or both. Any failure to obey such order of the court may be punished by such court as a contempt thereof.".

(c) Enforcement of Section 211.—Section 211(d) of the Clean Air Act is amended to read as follows:

"(d)(1) Any person who violates subsection (a), (f), (g), (j), or (l) or the regulations prescribed under subsection (c), (h), (i), or (k) or who fails to furnish any information or conduct any tests required by the Administrator under subsection (b) shall be liable to the United States for a civil penalty of not more than $25,000 per day of violation. Any violation with respect to a regulation prescribed under subsection (c) of this section which establishes a regulatory standard based upon a multiday averaging period shall constitute a separate day of violation for each and every day in the averaging period. Such civil penalties shall be assessed in accordance with the provisions of subsections (b) and (c) of section 205.

"(2) Injunctive Authority.—The district courts of the United States shall have jurisdiction to restrain violations of subsections (a), (f), (g), or (j) and of the regulations prescribed under subsection (c), (h), (i), or (k), to award other appropriate relief, and to compel the furnishing of information and the conduct of tests required by the Administrator under subsection (b). Actions to restrain such violations and compel such actions shall be brought by and in the name of the United States.".

COORDINATION OF FEDERAL TRANSPORTATION AND ENVIRONMENTAL POLICIES

Sec. 221. (a) Findings.—The Congress finds that—

(1) it is Federal policy, as reflected in the Clean Air Act, to require the use of new technologies and alternative fuels by public transportation vehicles to further improve air quality;

(2) the installation and use of new technologies and alternative fuels by public transportation vehicles will require substantial capital investment, and could significantly increase the costs of operating such vehicles;

(3) under existing Federal transportation policy, Federal funding for maintenance, improvement, and expansion of public transportation systems is very limited;

(4) it is in the public interest that such new technologies and alternative fuels be brought into use in the appropriate timeframe, and that public transportation systems become more available and efficient; and

(5) Federal surface transportation programs must be reauthorized by September 30, 1991.

(b) Sense of the Congress.—It is the sense of the Congress that—

(1) increased use of multipassenger and public transportation vehicles should be strongly encouraged by Federal, State, and local governments;

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(2) Federal transportation policy should reflect environmental policy and concerns; and

(3) the upcoming reauthorization of Federal surface transportation programs should—

(A) take into account and authorize appropriate Federal funding of additional costs imposed on State and local entities relating to environmental requirements contained in this Act;

(B) encourage increased State and local funding for public transportation systems; and

(C) provide various regions, States, and localities with the flexibility to best meet their transportation and environmental needs.

TITLE III—AIR TOXICS

HAZARDOUS AIR POLLUTANTS

SEC. 301. Section 112 of the Clean Air Act is amended to read as follows:

"HAZARDOUS AIR POLLUTANTS

"SEC. 112. (a) DEFINITIONS.—

"(1) The term 'major source' means any stationary source (including all emission points and units of such source located within a contiguous area and under common control) of air pollutants that emits, considering installed and operating controls, in the aggregate, ten tons per year or more of any hazardous air pollutant or twenty-five tons per year or more of any combination of hazardous air pollutants. The Administrator may establish a lesser quantity, or in the case of radionuclides different criteria, for a major source than that specified in the previous sentence, on the basis of the potency of the air pollutant, persistence, potential for bioaccumulation, other characteristics of the air pollutant, or other relevant factors. Notwithstanding the provisions of this paragraph, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such wells or stations are major sources.

"(2) The term 'area source' means any stationary source of hazardous air pollutants that is not a major source.

"(3) The term 'stationary source' means any facility or installation or unit of such facility or installation which emits or may emit any hazardous air pollutant.

"(4) The term 'new source' means a source the construction or reconstruction of which is commenced after the Administrator first proposes regulations under this section establishing emissions standards applicable to such source.

"(5) The term 'hazardous air pollutant' means any air pollutant listed pursuant to subsection (b).

"(6) For purposes of this section, the term 'adverse environmental effects' means any threat of significant adverse effects, which may reasonably be anticipated, to wildlife, aquatic life, or other natural resources including disruption of local ecosystems, impacts on populations of endangered or threatened species, significant degradation of environmental quality over broad areas, or other comparable effects.

"(7) The term 'electric utility steam generating unit' means any fossil fuel fired steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than twenty-five megawatts electrical output to any utility power distribution system.

"(8) The terms 'owner or operator' and 'existing source' shall have the same meaning as such terms have under section 111(a).

"(9) The term 'carcinogenic effect' shall have the meaning provided by the Administrator under Guidelines for Carcinogenic Risk Assessment.

"(b) LIST OF POLLUTANTS.—

"(1) The Congress establishes for purposes of this section a list of hazardous air pollutants as follows:

CAS number	Chemical name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorine
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
7664417	Ammonia
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam
133062	Captan
63252	Carbaryl
75150	Carbon disulfide
56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	Cresols/Cresylic acid (isomers and mixture)
108394	Cresols/Cresylic acid (isomers and mixture)
106445	Cresols/Cresylic acid (isomers and mixture)
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3′-Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro-o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene
123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
7783064	Hydrogen sulfide
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	Methyl ethyl ketone (2-Butanone)
60344	Methyl hydrazine
74884	Methyl iodide (Iodomethane)
108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-chloroaniline)
75092	Methylene chloride (Dichloromethane)
101688	Methylene diphenyl diisocyanate (MDI)
101779	4,4′-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-Dichloropropane)
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl aziridine)
91255	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-Dichloroethylene)
1330207	Xylenes (isomers and mixture)
95476	Xylenes (isomers and mixture)
108383	Xylenes (isomers and mixture)
106423	Xylenes (isomers and mixture)
0	Antimony Compounds

CAS number	Chemical name
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds [1]
0	Glycol ethers [2]
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Mineral fibers [3]
0	Nickel Compounds
0	Polycylic Organic Matter [4]
0	Radionuclides (including radon) [5]
0	Selenium Compounds

NOTE: For all listings above which contain the word "compounds" and for glycol ethers, the following applies: Unless otherwise specified, these listings are defined as including any unique chemical substance that contains the named chemical (i.e., antimony, arsenic, etc.) as part of that chemical's infrastructure.

[1] X'CN where X = H' or any other group where a formal dissociation may occur. For example KCN or $Ca(CN)_2$

[2] includes mono- and di- ethers of ethylene glycol, diethylene glycol, and triethylene glycol H-(OCH2CH2)$_n$-OR' where

n = 1, 2, or 3
R = alkyl or aryl groups
R' = R, H, or groups which, when removed, yield glycol ethers with the structure: H-(OCH2CH)$_n$-OH

Polymers are excluded from the glycol category

[3] includes glass microfibers, glass wool fibers, rock wool fibers, and slag wool fibers, each characterized as "respirable" (fiber diameter less than 3.5 micrometers) and possessing an aspect ratio (fiber length divided by fiber diameter) greater than 3.

[4] includes organic compounds with more than one benzene ring, and which have a boiling point greater than or equal to 100°C

[5] a type of atom which spontaneously undergoes radioactive decay.

"(2) The Administrator shall, from time to time, but not less often than every five years, review and revise the list established by paragraph (1) adding pollutants which present, or may present, through inhalation or other routes of exposure, a threat of adverse human health effects (including, but not limited to, substances which are known to be, or may reasonably be anticipated to be, carcinogenic, mutagenic, teratogenic, neurotoxic, which cause reproductive dysfunction, or which are acutely or chronically toxic but not including effects for which a pollutant has been listed pursuant to section 108 of this Act) or adverse environmental effects whether through ambient concentrations, bioaccumulation, deposition, or otherwise, but not including releases subject to regulation under section 129 as a result of emissions to the air. No substance, practice, process, or activity regulated under title V of this Act shall be subject to regulation under this section solely due to its adverse effects on the environment.

"(3)(A) Any person may petition the Administrator to modify the list established by paragraph (1) by adding or deleting a substance. Any such petition shall include a showing by the petitioner that there is adequate data on the health effects of the pollutant or other evidence adequate to support the petition. Within twelve months after receipt of a petition the Administrator shall either grant the petition or publish a statement of the reasons for not granting the petition. The Administrator may not deny a petition on the basis of inadequate resources or time for review.

"(B) The Administrator shall add a substance to the list upon a showing by the petitioner or on the Administrator's own determination that the substance is an air pollutant and that emissions, ambient concentrations, bioaccumulation or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or adverse environmental effects, or that the substance is an air pollutant that qualifies for addition to the list established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986.

"(C) The Administrator shall remove a substance from the list upon a showing by the petitioner or on the Administrator's own determination that there is adequate data on the health and environmental effects of the substance to determine that emissions, ambient concentrations, bioaccumulation or deposition of the substance may not reasonably be anticipated to cause any adverse effects to the human health or adverse environmental effects, or that the substance qualifies for deletion from the list established under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986. Action by the Administrator pursuant to section 313(d)(3) of such Act prior to the date of enactment of this paragraph shall constitute a deletion for the purposes of this section.

"(4) If the Administrator determines that information on the health or environmental effects of a substance is not sufficient to make a determination required by this subsection, the Administrator may use the authorities of section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act and other information-gathering authorities under such Act and other laws administered by the Agency to acquire such information.

"(5) The Administrator may establish test measures and other analytic procedures for monitoring and measuring emissions, ambient concentrations, deposition, and bioaccumulation of hazardous air pollutants.

"(c) LIST OF SOURCE CATEGORIES.—

"(1) Not later than twelve months after the date of enactment of this paragraph and after notice and opportunity for public comment, the Administrator shall publish (and from time to time revise) a list including all categories and subcategories of major sources of hazardous air pollutants which shall, to the extent practicable, be consistent with the list of source categories established pursuant to section 111 and part C of this Act.

"(2) The Administrator shall list under this subsection and designate for regulation under subsection (d) each category or subcategory of area sources which the Administrator finds presents a threat of adverse effects to human health or the environment (by such sources individually or in the aggregate) warranting regulation under this section.

"(3) In addition to those categories and subcategories of sources designated for regulation pursuant to paragraphs (1) and (2), the Administrator may at any time designate additional categories and subcategories of sources of hazardous air pollutants according to the same criteria for designation applicable under such paragraphs and at the time of designation shall establish a date for the promulgation of emissions standards under subsection (d).

"(4) At the time of setting a standard for any category or subcategory of sources pursuant to subsection (d), (f), or (g), the Administrator shall also establish a minimum emissions rate for each hazardous air pollutant emitted by sources in the category or subcategory reflecting the criteria for listing a hazardous air pollutant established by subsection (b)(2). All sources in the category or subcategory emitting more than the minimum emissions rate for any hazardous air pollutant shall be subject to standards promulgated under subsection (d), (f), or (g). In no event shall the minimum emissions rate be greater than ten tons per year for any one hazardous air pollutant or twenty-five tons per year for any combination of such pollutants.

"(5) Notwithstanding the provisions of pargaraph (4), the Administrator may establish a minimum emissions rate of more than ten tons for a category or subcategory and a pollutant for which a health effects threshold can be established, provided that, the minimum emissions rate assures, with an ample margin of safety, such threshold will not be exceeded within the vicinity of the sources in the category and that no adverse environmental effects will occur as the result of emissions from the sources individually or in combination with emissions from other similar sources.

"(6) With respect to alkylated lead compounds, polycyclic organic matter, hexachlorobenzene, mercury, polychlorinated biphenyls, 2,3,7,8-tetrachlorodibenzofurans and 2,3,7,8-tetrachlorodibenzo-p-dioxin, the Administrator shall establish minimum emissions rates for categories and subcategories of sources assuring that sources accounting for not less than 90 per centum of the aggregate emissions of each such pollutant are subject to standards under subsection (d)(1).

"(7) Notwithstanding the provisions of paragraph (1), the Administrator shall not be required to list any source category for which—

"(A) the hazardous air pollutants emitted by sources in the category (in quantities greater than ten tons per year for any pollutant or twenty-five tons per year for any combination of pollutants from a source) are all known, probable or possible human carcinogens with no other adverse health or environmental effect; and

"(B) no source in the category emits a hazardous air pollutant in quantities which may cause a lifetime risk of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of such pollutant from a source in the category.

"(d) EMISSIONS STANDARDS.—

"(1) The Administrator shall promulgate emissions standards for every category or subcategory of sources of hazardous air pollutants designated for regulation pursuant to subsection (c).

"(2) Emissions standards promulgated under this subsection and applicable to new or existing sources of hazardous air pollutants shall require the maximum degree of reduction in emissions of each air pollutant subject to this section (including a prohibition on such emissions, where achievable) that the Administrator, taking into consideration the cost of achieving such emissions reduction, and any non-air-quality health and environmental impacts and energy requirements, determines is achievable for new or existing sources in the category or subcategory to which such emissions standard applies, through application of measures, processes, methods, systems or techniques including, but not limited to, measures which—

"(A) reduce the volume of such pollutants through process changes, substitution of materials, or other modifications,

"(B) enclose systems or processes to eliminate emissions, "(C) collect, capture, or treat such pollutants when released from a process, stack, storage, or fugitive emissions point,

"(D) are design, equipment, work practice, or operational standards (including requirements for operator training or certification as provided in subsection (h)), or

"(E) are a combination of the above.

"(3) The degree of reduction in emissions that is deemed achievable for new sources in a category or subcategory shall not be less stringent than the most stringent emissions level that is achieved in practice by a source in the same category or subcategory, as determined by the Administrator, and may be more stringent where feasible. Emissions standards under this subsection for existing sources in a category or subcategory may be less stringent than standards for new sources in a similar category or subcategory: *Provided*, That, the emissions limitation for existing sources in the category or subcategory shall not be less stringent than—

"(A) the average emissions limitation achieved by the best performing 10 per centum of the existing sources (for which the Administrator has emissions information) in the category or subcategory for categories or subcategories with thirty more sources, or

"(B) the average emissions limitation achieved by the best performing three sources (for which the Administrator has emissions information, provided that the Administrator has made reasonable efforts to obtain such information) in the category or subcategory for categories or subcategories with fewer than thirty sources, and may be more stringent.

The Congress finds that an average reduction of 90 per centum (95 per centum in the case of particulates) from uncontrolled levels is an appropriate benchmark for emissions standards applicable to existing sources in the category or subcategory under this subsection.

"(4) With respect to pollutants for which a health threshold can be established, the Administrator may consider such threshold level, with an ample margin of safety, when establishing emissions standards under this subsection.

"(5) With respect only to categories and subcategories of area sources listed pursuant to subsection (c)(2), the Administrator is authorized, in addition to the authorities provided in paragraph (2) and subsections (f) and (g), to promulgate standards or requirements applicable to sources in such categories or subcategories which provide for the use of cost-effective and generally achievable control technologies or management practices by such sources to reduce emissions of hazardous air pollutants.

"(6) The Administrator shall review, and revise as necessary (taking into account developments in practices, processes, and control technologies), emissions standards promulgated under this section no less often than every seven years.

"(7) No emissions standard or other requirement promulgated under this section shall be interpreted, construed or applied to diminish or replace the requirements of a more stringent emission limitation or other applicable requirement established pursuant to section 111, part C, section 172(b) (3) or (6), or other authority of this Act or a standard issued under State authority.

"(8) Not later than two years after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall promulgate regulations establishing emission standards for coke oven facilities. Such regulations shall assure that such sources will not exceed—

"(i) 8 per centum leaking doors;

"(ii) 1 per centum leaking lids;

"(iii) 5 per centum leaking offtakes; and

"(iv) sixteen seconds visible emissions per charge, as modified by any necessary technical corrections.

"(9) Emissions standards promulgated under this subsection shall be effective upon promulgation.

"(e) SCHEDULE FOR STANDARDS AND REVIEW.—

"(1) The Administrator shall promulgate regulations establishing emissions standards for categories and subcategories of sources designated for regulation pursuant to subsection (c) as expeditiously as practicable, assuring that—

"(A) emissions standards for categories or subcategories of sources of acrylonitrile, benzene, 1,3-butadiene, cadmium, carbon tetrachloride, chloroform, chromium, ethylene dichloride, ethylene oxide, methylene chloride, perchloroethylene, trichloroethylene, and coke oven emissions are promulgated not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1989;

"(B) emissions standards for 25 per centum of the categories and subcategories designated pursuant to subsection (c) (1) and (2) shall be promulgated not later than three years after such date;

"(C) emissions standards for 50 per centum of the categories or subcategories designated pursuant to subsection (c) (1) and (2) shall be promulgated not later than five years after such date; and

"(D) emissions standards for all categories and subcategories designated for regulation pursuant to subsection (c) (1) and (2) shall be promulgated not later than ten years after such date.

"(2) In determining priorities for scheduling the promulgation of standards pursuant to subparagraphs (1) (B), (C), and (D), the Administrator shall consider—

"(A) the known or anticipated adverse effects of such pollutants on human health and the environment;

"(B) exposure to and the location of major sources of such pollutants including risks to individuals most exposed and the consequent urgency of a national standard;

"(C) the quantity of hazardous air pollutants that sources in each category or subcategory emit; and

"(D) the efficiency of grouping the categories or subcategories according to the pollutants emitted or the processes or technologies used.

"(3) Not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1989 and after opportunity for comment, the Administrator shall publish a schedule establishing a date for the promulgation of emissions standards for each category and subcategory of sources listed pursuant to subsection (c) (1) and (2) which shall be consistent with the requirements of paragraphs (1) and (2). The determination of priorities for the promulgation of standards pursuant to this paragraph is not a rulemaking and shall not be subject to judicial review, except that, failure to promulgate any standard pursuant to the schedule established by this paragraph shall be subject to review under section 304 of this Act.

"(4) If, under other provisions of this Act, the Administrator is proposing or promulgating requirements applicable to a class of sources similar to a category or subcategory listed pursuant to this section, the Administrator may simultaneously propose or promulgate emissions standards under this section for such category or subcategory notwithstanding the priorities established by paragraph (2). Nothing in this paragraph shall be construed or applied to stay a deadline for control requirements otherwise applicable under this or other law.

"(5)(A) The Administrator shall conduct, and transmit to the Congress not later than three years after the date of enactment of this paragraph, a study of emissions of hazardous air pollutants which are particulates from electric utility steam generating units.

"(B) The Administrator shall conduct, and transmit to the Congress not later than four years after the date of enactment of this paragraph, a study of mercury emissions from electric utility steam generating units considering the rate and mass of such emissions, the health and environmental effects of such emissions, technologies which are available to control such emissions, and the costs of such technologies.

"(C) Notwithstanding the requirements of subsection (e), standards under subsection (d) for the control of emissions of hazardous air pollutants which are particulates and mercury emissions from electric utility steam generation units shall be promulgated not sooner or later than five years after the date of enactment of this paragraph. Electric utility steam generating units shall be in compliance with such standards not later than eight years after the date of enactment of this paragraph.

"(D) Notwithstanding the provisions of this section, the Administrator shall not be required to promulgate standards to control emissions of organic or inorganic acid gases from electric utility steam generating units unless the Administrator finds that such standards are warranted to protect public health or the environment. Nothing in this section shall be construed to authorize the Administrator to promulgate standards requiring use of flue gas stream scrubbing technology by electric utility steam generating units for the control of hazardous air pollutants.

"(E) Notwithstanding the provisions of this section, the Administrator shall not promulgate standards to control emissions of any hazardous air pollutant, other than mercury, which is emitted in gaseous form from electric utility steam generating units, if the emissions of such pollutant are less than ten tons per year.

"(F) Emissions of organic and inorganic acid gases shall be included in determining whether an electric utility steam generating unit is a major source of hazardous air pollutants which are particulates or mercury under this section.

"(6) Notwithstanding the provisions of paragraph (1), the Administrator shall promulgate standards pursuant to subsection (d) applicable to publicly owned treatment works (as defined in title II of the Federal Water Pollution Control Act) not earlier or later than five years after the date of enactment of this paragraph.

"(7) Prior to the evaluation of remaining risks pursuant to paragraph (8), and after notice and opportunity for comment, the Administrator shall publish revised Guidelines for Carcinogenic Risk Assessment or a detailed explanation of the reasons that any recommendations contained in the report of the National Academy of Sciences will not be implemented. The Administrator shall consider, but need not adopt, the recommendations contained in the report of the

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National Academy of Sciences prepared pursuant to subsection (s) and the views of the Science Advisory Board. The publication of such revised Guidelines shall not be a final Agency action for purposes of section 307.

"(8)(A) If legislation recommended by the Risk Assessment and Management Commission in accordance with this section or alternative legislation providing for the regulation of risks to public health resulting from exposure to emissions of hazardous air pollutants after application of controls in accordance with subsection (d) is not enacted by a date five years after the date of enactment of the Clean Air Act Amendments of 1990, the provisions of this paragraph and subsections (f) and (i) (4)-(8) shall become effective on such date.

"(B) Not later than three years after the initial promulgation of emissions standards for a category or subcategory of sources pursuant to subsection (d), the Administrator shall commence an evaluation of the risks to human health and the environment resulting from emissions of hazardous air pollutants by sources in the category or subcategory remaining after application of such standards. If the Administrator finds as the result such evaluation, that emissions of hazardous air pollutants from sources in the category or subcategory (or portion thereof), individually or in the aggregate, after application of the prescribed standards, present a significant risk of adverse effects on public health or a threat of adverse environmental effects, the Administrator shall complete, within two years after the date of commencement, such evaluation and revise standards applicable to such category or subcategory (or portion thereof) using the authorities of subsection (f) or (g), as appropriate.

"(C) The Administrator shall take such steps as are necessary, including studies pursuant to section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, to assure that adequate data on the health and environmental effects of any hazardous air pollutant emitted by sources in a category or subcategory subject to review under this paragraph are available at the commencement of the evaluation.

"(D) To the extent that standards promulgated under subsection (d) do not eliminate lifetime risks of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory (as determined according to Guidelines for Carcinogenic Risk Assessment published by the Administrator), the Administrator shall use the authorities of subsection (f) to revise the standards applicable to such pollutant (or stream of pollutants) and categories or subcategories. To the extent that standards promulgated under subsection (d) do not reduce emissions to a level at or below the threshold for adverse health effects, with an ample margin of safety, for pollutants other than carcinogens, the Administrator shall use the authorities of subsection (g) to revise the standards applicable to such pollutants and categories or subcategories. With respect to any hazardous air pollutant which is both a carcinogen and causes adverse health effects for which a threshold exists, the Administrator shall establish standards pursuant to subsection (f) for sources of such pollutant, unless a more stringent standard than would be promulgated pursuant to subsection (f)(1)(A) is necessary to assure that such threshold, with an ample margin of safety, will not be exceeded. The Administrator shall in any such case establish a standard under subsection (g) in lieu of the standard which would be applicable under (f)(1)(A).

"(E)(i) Any recommendation of the Risk Assessment and Management Commission which includes proposed amendments to this section shall be transmitted in legislative form as a special message to the Speaker of the House of Representatives and to the President of the Senate not later than forty-two months after the date of enactment of this paragraph.

"(ii) Any bill introduced with respect to a special message shall be referred to the Committee on Environment and Public Works in the Senate and the Committee on Energy and Commerce in the House of Representatives.

"(iii)(I) If the committee to which a bill with respect to a special message has been referred has not reported it at the end of sixty calendar days of continuous session of the Congress after its introduction, it is in order to move to discharge the committee from further consideration of the bill.

"(II) A motion to discharge may be made only by an individual favoring the bill, may be made only if supported by one-fifth of the Members of the House involved (a quorum being present), and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a bill with respect to the special message); and debate thereon shall be limited to not more than one hour, the time to be divided in the House equally between those favoring and those opposing the bill or resolution, and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(iv)(I) When the Energy and Commerce Committee of the House of Representatives has reported, or has been discharged from further consideration of, a bill with respect to the special message, it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the bill. The motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(II) Debate on any bill with respect to the special message shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the bill. A motion further to limit debate shall not be debatable.

"(III) Motions to postpone, made with respect to the consideration of a bill with respect to a special message, and motions to proceed to the consideration of other business, shall be decided without debate.

"(IV) All appeals from the decisions of the Chair relating to the application of the Rules of the House of Representatives to the procedure relating to a bill with respect to a special message shall be decided without debate.

"(V) Except to the extent specifically provided in the preceding provisions of this subsection, consideration of any bill with respect to a special message and amendments thereto (or any conference report thereon) shall be governed by the Rules of the House of Representatives applicable to other bills and resolutions, amendments, and conference reports in similar circumstances.

"(v)(I) Debate in the Senate on any bill with respect to a special message, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than fifteen hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

"(II) Debate in the Senate on any amendment to a bill with respect to a special message shall be limited to two hours, to be equally divided between, and controlled by, the mover and the manager of the bill. Debate on any amendment to an amendment, to such a bill, and debate on any debatable motion or appeal in connection with such a bill shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such amendment, motion, or appeal, the time in opposition thereto, shall be controlled by the minority leader or his designee. No amendment that is not germane to the provisions of a bill with respect to a special message shall be received. Such leaders, or either of them, may, from the time under their control on the passage of a bill with respect to a special message, allot additional time to any Senator during the consideration of any amendment, debatable motion, or appeal.

"(III) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days, not to exceed three, not counting any day on which the Senate is not in session) is not in order. Debate on any such motion to recommit shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the bill.

"(IV) The conference report on a bill with respect to a special message shall be in order in the Senate at any time after the third day (excluding Saturdays, Sundays, and legal holidays) following the day on which such a conference report is reported and is available to Members of the Senate. A motion to proceed to the consideration of the conference report may be made even though a previous motion to the same effect has been disagreed to.

"(V) During the consideration of the Senate of the conference report on any bill with respect to a special message, debate shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and minority leader or their designees. Debate on any debatable motion or appeal related to the conference report shall be limited to one hour, to be equally divided between, and controlled by, the mover and the manager of the conference report.

"(VI) Should the conference report be defeated, debate on any request for a new conference and the appointment of conferees shall be limited to one hour, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or minority leader's designee, and should any motion be made to instruct the conferees before the conferees are named, debate on such motion shall be limited to thirty minutes, to be equally divided between, and controlled by, the mover and the manager of the conference report. Debate on any amendment to any such instructions shall be limited to twenty minutes, to be equally divided between and controlled by, the mover and the manager of the conference report. In all cases when the manager of the conference report is in favor of any motion, appeal, or amendment, the time in opposition shall be under the control of the minority leader or the minority leader's designee.

"(VII) In any case in which there are amendments in disagreement, time on each amendment shall be limited to thirty minutes, to be equally divided between, and controlled by, the manager of the conference report and the minority leader or the minority leader's designee. No amendment that is not germane to the provisions of such amendments shall be received.

"(vi) Beginning on the date one hundred and eighty calendar days following the submission of the report of the Risk Assessment and Management Commission, a bill consisting of any draft legislation accompanying the report shall be privileged in both the House of Representatives and the Senate. In the Senate, such legislation shall be subject to a limitation of debate of fifteen hours, equally divided between the majority leader and the minority leader. Relevant amendments to the legislation shall be in order. At the conclusion of the fifteen-hour period, no intervening action shall be in order, and the bill shall be read a third time followed by a vote on final passage. This subparagraph is enacted as an exercise of the rulemaking power of the House of Representatives and of the Senate.

"(f) Additional Regulation of Carcinogens.—

"(1) The Administrator is authorized to promulgate emissions standards under this subsection applicable to categories or subcategories of sources of any hazardous air pollutant which is a known, probable, or possible human carcinogen. For each such pollutant (or stream of pollutants containing carcinogens) the Administrator shall establish two simultaneously applicable standards including—

"(A) a standard which eliminates all lifetime risks of carcinogenic effects greater than one in ten thousand to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory; and

"(B) a standard which eliminates all lifetime risks of carcinogenic effects greater than one in one million to the individual in the population who is most exposed to emissions of a pollutant (or stream of pollutants) from a source in the category or subcategory.

No consideration of cost, cost effectiveness, economic, energy, or other factors or technological feasibility shall be included in the determination of the appropriate level of any emissions standard under this subsection.

"(2) Any standards promulgated under this subsection shall be effective upon the date of promulgation.

"(g) Standards To Protect Health and the Environment.—

"(1) The Administrator is authorized to promulgate emissions standards under this subsection applicable to categories or subcategories of sources of any hazardous air pollutant which is not a carcinogen. The Administrator shall establish any emission standard or standards under this subsection at the level which, in the judgment of the Administrator, provides an ample margin of safety to protect the public health, unless a more stringent standard is required to protect the environment. No consideration of costs, cost effectiveness, economic, energy, or other factors or technological feasibility shall be included in the determination of the appropriate level of any emission standard or the margin of safety to protect the public health under this subsection.

"(2) Any emission standard established pursuant to this subsection shall become effective upon promulgation.

"(h) Work Practice Standards and Other Requirements.—

"(1)(A) In addition to any numerical emissions limitation established under this section, the Administrator is authorized to promulgate a design, equipment, work practice, or operational standard (including requirements for operator training or certification), or combination thereof, applicable to sources in categories or subcategories listed pursuant to subsection (c) and consistent with the provisions of subsection (d), (f), or (g). The Administrator shall promulgate such standards whenever it is not feasible to prescribe or enforce an emission standard for a category or subcategory for control of hazardous air pollutants (or a stream of such pollutants). In the event the Administrator promulgates a design or equipment standard under this paragraph, the Administrator shall include as part of such standard such requirements as will assure the proper operation and maintenance of any such element of design or equipment.

"(B) For the purpose of this paragraph, the phrase 'not feasible to prescribe or enforce an emission standard' means any situation in which the Administrator determines that (i) a pollutant (or stream of pollutants) listed pursuant to subsection (b) cannot be emitted through a conveyance designed and constructed to emit or capture such pollutant, or that any requirement for, or use of, such a conveyance would be inconsistent with any Federal, State, or local law, or (ii) the application of measurement methodology to a particular category or subcategory of sources is not practicable due to technological and economic limitations.

"(C) If after notice and opportunity for public hearing, any person establishes to the satisfaction of the Administrator that an alternative means of emission limitation will achieve a reduction in emissions of any air pollutant (or stream of pollutants) at least equivalent to the reduction in emissions of such pollutant achieved under the requirements of subparagraph (A), the Administrator shall permit the use of such alternative by the source for purposes of compliance with this section with respect to such pollutant.

"(D) Any standard promulgated under subsections (d), (f), or (g) shall include a numerical emissions limitation whenever it is feasible to promulgate and enforce a standard in such terms.

"(2) For the purposes of developing or assisting in the development of any standard, requirement, or regulation, conducting any study, or enforcing the provisions of this section, the Administrator (or a State with an approved program under subsection (1)) may require the owner or operator of any facility which emits air pollutants subject to this section or stores any substance subject to section 129 of this act to monitor for the presence of such pollutant in the emissions (both point and nonpoint) from such source and in the ambient air within the vicinity of the facility, to install and maintain leak detection systems, and to keep records and make reports on the results of such monitoring and leak detection.

"(3)(A) Emissions standards promulgated pursuant to this section shall include, where appropriate, leak prevention, detection and correction requirements consistent with the provisions of subsection (d)(2) and may include monitoring, recordkeeping, reporting, vapor recovery, secondary containment, or other requirements, which shall be applicable to devices and systems (including pumps, compressors, valves, flanges, connectors, containers, and vessels) from which there may be emissions of any pollutant subject to this section.

"(B) Regulations under this paragraph may require the owner or operator of a source to carry out an annual audit and safety inspection to locate and correct all leaks and other preventable routine or episodic releases of any air pollutant subject to this section. The results of such inspection and the results of any other safety inspection, survey, or audit carried out with respect to the source shall be available to the Administrator, to the State in which the source is located, and to the public, consistent with the provisions of sections 322, 323, and 324 of the Emergency Planning and Community Right-to-Know Act of 1986.

"(4) Any design, equipment, work practice, or operational standard, audit or monitoring requirement or any combination thereof, described in this subsection shall be treated as an emission standard for purposes of the provisions of this Act (other than the provisions of this subsection).

"(i) Schedule for Compliance.—

"(1) After the effective date of any emission standard, limitation, or regulation under subsection (d), (f), (g), or (h), no person may construct any new major source or reconstruct any existing major source subject to such emission standard or limitation unless the Administrator (or a State with a permit program approved under subsection (j)) determines that such source, if properly constructed and operated, will comply with the standard or limitation except that a source otherwise subject to subsection (f) or (g), may in the alternative, seek approval of an emissions limitation under paragraph (3) or (4), as appropriate.

"(2) After the effective date of any emissions standard under this section, no air pollutant may be emitted from any source in violation of an emissions standard under this section or alternative emissions limitation established pursuant to paragraph (3) or (4), except in the case of an existing source, the Administrator shall establish a compliance date or dates for each category or subcategory of existing sources, which shall provide for compliance as expeditiously as practicable, but in no event later than three years after the effective date of such standard, except as provided in paragraphs (3) through (15).

"(3) With respect to standards established pursuant to subsection (g), the Administrator (or a State with an approved program) shall establish an alternative emissions limitation if the owner or operator of a source provides a site-specific health assessment, performed in accordance with regulations promulgated by the Administrator under paragraph (7). Such alternative emissions limitation shall be established to protect public health with an ample margin of safety, based on the results of the site-specific health assessment.

"(4)(A) With respect to standards established pursuant to subsection (f), the Administrator (or a State with an approved program) shall, after consultation with the State in which the source is located, grant a

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source an alternative emissions limitation, if the Administrator (or the State) determines, based on a site-specific health risk assessment provided by the owner or operator of the source and other information prepared in accordance with rules issued under paragraph (7), that such alternative emissions limitation provides that the actual person living within the vicinity of the source who is most exposed to emissions of any hazardous air pollutant from the source will not experience an individual lifetime risk of carcinogenic effects exceeding one in ten thousand as the result of such exposure. No alternative emissions limitation applicable to a source and authorized by this paragraph shall be less stringent than an emission standard established pursuant to subsection (d) applicable to such source. Any alternative emissions limitation shall be reviewed at the time the permit for the source is renewed to assure that such controls and mitigation measures as are being employed continue to be effective.

"(B) An alternative emissions limitation established under this paragraph shall, to the extent possible using available technology and operational controls, reduce the expected risk of carcinogenic effects to the actual person most exposed to emissions of any hazardous air pollutant from the source to a level not exceeding one in one million. To the extent that such level cannot be achieved, the Administrator (or a State with an approved program) shall assure that all available technology and operational controls are employed and that the alternative emissions limitation is reviewed at the time the permit for the source is renewed to determine whether further technology and operational controls are available. The Administrator (or the State) may require the owner or operator of the source to conduct research and development on improved or more effective control technologies or management practices as a condition for any alternative emissions limitation or permit renewal established pursuant to this paragraph.

"(5) The owner or operator of any source seeking an alternative emission limitation under paragraph (3) or (4) may employ mitigation measures to reduce expected risks of carcinogenic effects to actual persons living within the vicinity of the source, except that any stack height credit used in a modeling demonstration shall not exceed the credit permitted by the stack height regulations promulgated in accordance with section 123 of the Act. To the extent that mitigation measures include relocation of persons living within the vicinity of the source or a greenbelt around the source, the Administrator (or a State with an approved program) shall assure whenever the permit is renewed for such source that such measures continue to be effective.

"(6)(A) Any request for an alternative emissions limitation under paragraph (3) or (4) shall be submitted within one year of the date on which an emission standard applicable to an existing source is promulgated pursuant to subsection (f) or (g). Any request for an alternative emissions limitation for any source shall include all supporting information as required by rule which is necessary for the Administrator (or the State with an approved program) to make a determination with respect to the eligibility of the source for an alternative emissions limitation. The site-specific health assessment or health risk assessment submitted by the owner or operator of the source in support of a request for an alternative emission limitation shall comply with rules for preparing such health assessments and health risk assessments which have been promulgated by the Administrator pursuant to paragraph (7).

"(B) The Administrator (or the State with an approved program) shall make a determination upon any request one year before the date of compliance established for the emissions standard promulgated pursuant to subsection (f) or (g) and the alternative emissions limitation shall be effective upon the date of compliance, except that the Administrator (or the State with an approved program) can provide the owner or operator of the source one additional year to comply with the alternative emissions limitation upon a showing by the owner or operator of the source that additional time is necessary to comply.

"(C) If a State has an approved program and initial authority to grant an alternative emissions limitation and a complete application has been timely filed by the owner or operator of the source, but the State has failed to act on such application, the Administrator shall review and approve or disapprove such application by a date not later than three years after the relevant standard has been promulgated. The Administrator may provide the source up to two years from the date an alternative emission limitation is established to comply with such limitation, but in no event longer than five years after the relevant standard was originally promulgated under subsection (f) or (g).

"(D) A new source subject to an emissions standard under subsection (f) or (g) shall be in compliance with any applicable alternative emissions limitation before operation of the source commences.

"(E) The Administrator shall review and approve or disapprove, after an opportunity for public comment, each alternative emissions limitation granted by a State to a source under this subsection which is less stringent than an emissions standard promulgated under subsection (f)(1)(A) and which would otherwise be applicable to such source. The Administrator's decision to approve or disapprove an alternative emissions limitation pursuant to this subparagraph shall not be subject to judicial review. Nothing in this subparagraph shall restrict the right of any person to judicial review of a permit.

"(7)(A) Not later than five years after the date of enactment of this paragraph, the Administrator shall, after notice and opportunity for public comment, promulgate rules for site-specific health assessments and health risk assessments to be prepared in support of applications for alternative emissions limitations pursuant to paragraphs (3) and (4). In promulgating such regulations, the Administrator shall provide methods for submitting and including in the health assessment and health risk assessment information including, but not limited to, configuration of the facility, actual meteorology and terrain of the site, dispersion modeling reflecting actual rates of operation of the source, direct and indirect exposure pathways, and typical lifestyles (including length of residency within the vicinity of the source) and patterns of activity of the residents of the area. To the extent that actual information is not submitted or governed by the last sentence of this subparagraph, the model used to conduct the health assessment or health risk assessment shall include the default assumptions from the Agency's standard model. Regulations promulgated under this paragraph shall require use of unit risk factors for each hazardous air pollutant as determined by the Administrator, provide methods for estimating exposure for the actual person most exposed to emissions of any hazardous air pollutant from the source, specify dispersion modeling methodology and monitoring methods and require that all data collected in the assessment must be available for inspection by the Administrator (or the State with an approved program). For purposes of estimating exposure to any hazardous air pollutant from the source, exposure parameters with respect to lifestyles and activity patterns are to be based on information gathered by the Administrator concerning persons living under comparable socioeconomic conditions and reflecting expected exposure of one standard deviation above the mean level of exposure which would be expected for such persons.

"(B) The health assessments and health risk assessments supporting applications for alternative emissions limitations under paragraph (3) or (4) shall identify the actual person most exposed to emissions of any hazardous air pollutant from the source and shall determine risks of carcinogenic effects to such person. To the extent that mitigation strategies are used that relocate any such persons, the health assessment or health risk assessment shall determine the risk of carcinogenic effects to the actual person who would be most exposed after all mitigation measures are implemented and shall include a determination of the alternative emissions limitations which would be necessary to provide that no person living within the vicinity of the source would experience risks of carcinogenic effects exceeding one in ten thousand or one in one million resulting from exposure to emissions of any hazardous air pollutant from the source.

"(8) Each alternative emission limitation established pursuant to paragraph (3) or (4) shall be implemented through a permit under subsection (j). Prior to the issuance of any such permit, the Administrator (or the State with an approved program) shall publish a notice of the request for an alternative emissions limitation along with a brief analysis prepared by the Administrator (or the State) of the site-specific health assessment or site-specific health risk assessment provided by the owner or operator and make the analysis along with the health assessment of health risk assessment available to the public (prior to the public hearing). The Administrator (or the State with an approved program) shall provide an opportunity to comment on the site-specific health assessment or site-specific health risk assessment in writing and at a public hearing held within the vicinity of the source during the permit process. The notice of the hearing shall be published in a general circulation newspaper and include sufficient information as necessary to provide a reasonable explanation of the health assessment or health risk assessment. The health assessment or health risk assessment shall be made available to the public not less than 60 days before such hearing. The Administrator (or the State with an approved program) shall respond to any written comments received from the public on the health assessment or health risk assessment at the time of permit issuance incorporating any alternative emissions limitation.

"(9)(A) With respect to standards promulgated pursuant to subsection (f)(1)(B) the Administrator (or a State acting pursuant to a program approved under subsection (l)) may grant an existing source a temporary exception from the standard, if the Administrator (or the State) determines, based on specific information provided by the owner or operator of the source and other information, that the standard cannot be achieved by the source using all available technology and operational controls and that the source will implement a risk-reduction program employing all such technology and controls. For purposes of this section, consideration of cost is implicit in the term 'available'. Controls which are so expensive that they force closure of the source or would severely impair its continuation as an economic entity are not 'available'. For purposes of this subparagraph the phrase 'all available technology and operational controls' shall include all measures which are technically feasible including process modifications and materials substitution to reduce emissions of hazardous air pollutants from the source. The Administrator (or the State) may require the owner or operator of the source to conduct research and development on improved or more effective control technologies or management practices as a condition for any temporary exception or permit renewal pursuant to this paragraph.

"(B) Any request for an exception under this paragraph shall be submitted within six months of the date of promulgation of the applicable standard and shall include all information necessary for the Administrator (or the State) to make a determination with respect to the eligibility of a source for an exception. The Administrator (or the State) shall review and approve or disapprove any request within one year of submittal. Any request failing to meet the requirements of this subparagraph shall be deemed denied.

"(C) An exception may only be granted under this paragraph, if the Administrator (or the State) has provided notice of the proposed exception and has provided an opportunity for public comment and a public hearing on the conditions of the proposed exception. The Administrator may review, on appeal by any person or on the Administrator's own motion, and reverse any exception granted by a State under this paragraph. The Administrator shall make a determination with respect to any appeal within one hundred and eighty days.

"(D) An exception granted under this paragraph shall be reviewed upon renewal of the permit for the source, and may be extended after a further determination subject to the same terms and conditions as applicable in the first instance.

"(10) The President may exempt any source from compliance with paragraph (1) for a period of not more than two years if the President finds that the technology to implement such standards is not available and the operation of such source is required for reasons of national security. An exemption under this paragraph may be extended for one or more additional periods, each period not to exceed two years. The President shall make a report to Congress with respect to each exemption (or extension thereof) made under this paragraph.

"(11)(A) The Administrator (or a State acting pursuant to a program approved under subsection (l)) shall exempt any existing source from an emissions standard promulgated pursuant to subsection (d) upon a showing by the owner or operator of such source that it has achieved a voluntary reduction of 90 per centum or more in emissions of hazardous air pollutants (95 per centum or more in the case of a pollutant which is a particulate) from the source on or before December 31, 1992.

"(B) The reduction shall be determined with respect to verifiable and actual emissions in a base year not earlier than calendar year 1985, provided that, there is no evidence that emissions in the base year are artificially or substantially greater than emissions in other years prior to implementation of emissions reduction measures. Emissions data satisfying all requirements imposed pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 shall be considered 'verifiable and actual' for the purpose of establishing base year emissions.

"(C) For each source granted an exemption under this paragraph there shall be established by a permit issued pursuant to subsection (j) an enforceable emissions limitation for hazardous air pollutants reflecting the reduction which qualifies the source for an exemption under this paragraph. An exemption under this paragraph shall not include an exemption from standards or requirements promulgated pursuant to subsection (f) or (g) and the Administrator shall review emissions from sources granted exemptions under this paragraph according to the provisions of subsection (e)(7) at the same time that other sources in the category or subcategory are reviewed.

"(D) For purposes of this paragraph, the term 'voluntary' means not otherwise required by a Federal, State, or local air pollution control law or regulation.

"(E) The Administrator shall promulgate regulations to carry out the provisions of this paragraph as expeditiously as practicable, but not later than twelve months after the date of enactment of the Clean Air Act Amendments of 1989. Such regulations may include fees sufficient to offset the costs of reviewing applications for exemptions submitted under this paragraph. Revenues from such fees received by the Administrator shall, notwithstanding the provisions of the Miscellaneous Receipts Act, be used for the purpose of administering this section.

"(F) With respect to pollutants for which high risks of adverse human health effects may be associated with exposure to small quantities including, but not limited to, chlorinated dioxins and furans, the Administrator shall by regulation limit the use of offsetting reductions in emissions of other hazardous air pollutants from the source as counting toward the 90 per centum reduction in such high-risk pollutants qualifying for an exemption under this paragraph.

"(12) Notwithstanding the requirements of this section, no existing source that has installed—

"(A) reasonably available control technology (which achieves a reduction of 80 per centum or more from uncontrolled levels of hazardous air pollutants emitted by the source),

"(B) best available control technology (as defined in section 169(3)),

"(C) technology required to meet a lowest achievable emissions rate, or

"(D) has voluntarily achieved (as certified to the Administrator) on or after January 1, 1993, a reduction of 90 per centum in the emissions of the hazardous air pollutants emitted by the source,

prior to the promulgation of a standard under this section applicable to such source and the same pollutant (or stream of pollutants) controlled pursuant to an action described in subparagraph (A), (B), (C), or (D) shall be required to comply with such standard under this section until the date five years after the date on which such installation or reduction has been achieved, as determined by the Administrator. The Administrator may issue such rules and guidance as are necessary to implement this paragraph.

"(13)(A) If at any source a hazardous air pollutant is subject to regulation under this section because the source emits more than the minimum emissions rate of other pollutants, the Administrator (or a State acting pursuant to a program approved under subsection (l)) may, at the request of the owner or operator of the source, waive the requirements applicable to such pollutant where emissions of the pollutant are in de minimis amounts and do not present a significant risk of adverse effects to human health or adverse environmental effects and control of the pollutant would require installation of additional and separate control technologies for that pollutant only.

"(B) Applications for waivers under this paragraph shall be submitted not later than four months after the effective date of the relevant standard and the Administrator (or the State) shall make a determination on any application within six months of submission. Applications which are not complete shall be deemed denied without further opportunity for reapplication. An application for a waiver under this paragraph shall not stay the applicant's obligation to comply with emissions standards applicable to other pollutants. Applications shall be accompanied by fees adequate to offset all direct and indirect costs of reviewing such applications. Not later than eighteen months after the date of enactment of this paragraph, the administrator shall publish guidance on procedures for application and review.

"(14) A source for which construction or reconstruction is commenced after the date an emissions standard applicable to such source is proposed pursuant to subsection (d) but before the date an emissions standard applicable to such source is proposed pursuant to subsection (f) or (g) shall not be required to comply with the emissions standard under subsection (f) or (g) until the date ten years after the date construction or reconstruction is commenced.

"(15(A)(i) Any source of coke oven emissions which achieves the emissions limitation specified in clause (ii) beginning on or before January 1, 1995, and continues to achieve such limitation after such date, shall not be required to achieve emissions limitations promulgated under subsection (d), (f), or (g) until January 1, 2020.

"(ii) Sources of coke oven emissions qualifying for an extension under this subparagraph shall not exceed—

"(I) 3 per centum leaking doors (5 per centum leaking doors for six meter batteries)

"(II) 1 per centum leaking lids;

"(III) 4 per centum leaking offtakes; and

"(IV) Sixteen seconds visible emissions per charge.

"(B)(i) Any source of coke oven emissions which is not owned or operated by an integrated steel company may elect to meet the standards and schedule specified in this subparagraph in lieu of the requirements of subsections (d), (f), and (g).

"(ii) A source electing the regulatory schedule under this subparagraph shall meet the standards established in subsection (d)(8) not later than three years after date of enactment and the standards established under clause (B)(iii) not later than

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ten years after the date of enactment of the Clean Air Act Amendments of 1990.

"(iii) Not later than seven years after the date of enactment of this paragraph, the Administrator shall promulgate emissions standards for categories of coke oven emissions qualifying under this subparagraph with the presumption that such standards will include a standard for leaking doors as specified in subparagraph (A)(i)(I) unless determined otherwise by the Administrator. Standards under this clause shall be established pursuant to the authorities of subsection (d)(1).

"(iv) Any source of coke oven emissions which is not owned or operated by an integrated steel company and which meets emission standards pursuant to clause (ii) and (iii) shall not be required to meet emissions standards which would otherwise be applicable to the source under subsection (f) or (g) until January 1, 2020.

"(C) The Administrator shall promulgate monitoring, reporting and recordkeeping, and other requirements including national test methods, as necessary, to implement and enforce standards under this paragraph and subsections (d), (f), and (g).

"(j) **Permit Program.**—

"(1) Except as provided in paragraph (2) and after the date of enactment of this section, it shall be unlawful for any person to construct a new source, or for the owner or operator of any source to emit any air pollutant, subject to any emissions standard under this section, except in compliance with a permit issued by the Administrator (or a State acting pursuant to a program approved under subsection (l)) under this subsection. The Administrator shall promulgate within twelve months after the date of enactment of this subsection regulations establishing the minimum elements of a permit program. These elements shall include—

"(A) requirements for permit applications, including a standard application form and fees sufficient to offset the direct and indirect cost of processing applications;

"(B) requirements for monitoring (including continuous emissions monitoring, unless determined to be unavailable or inappropriate) the mass and rate of emissions for each hazardous air pollutant emitted by the source according to test procedures established by the Administrator, reporting of monitoring results not less frequently than annually and the maintenance of such records with respect to monitoring which the Administrator shall require;

"(C) a requirement that permittees pay an annual fee sufficient to offset all direct and indirect costs of administering the program (if such fees are paid to the Administrator, the Administrator may, notwithstanding any requirement of the Miscellaneous Receipts Act, expend such receipts for the purposes of administering the provisions of this section); and

"(D) a requirement that any State seeking approval of a program pursuant to subsection (l) have adequate personnel and funding to administer the program and adequate authority to—

"(i) issue permits that apply, and assure compliance by all sources within the State with, each applicable standard, regulation or requirement under this section;

"(ii) issue permits for a fixed term, not to exceed five years;

"(iii) terminate or modify permits for cause, including establishment of a new emissions standard applicable to the source;

"(iv) enforce permits and the requirement to obtain a permit, including adequate civil and criminal penalties;

"(v) provide public notice of each application for a permit and an opportunity for public hearing before a determination on each such application; and

"(vi) assure that no permit will be issued if the Administrator timely objects to its issuance.

No fee schedule established by the Administrator under this subsection shall be designed with the purpose of supporting other aspects of any State air pollution control program including elements for control of area sources or prevention of accidents. Nothing in this subsection shall prevent a State from imposing additional permit fees, except that, the Administrator shall not approve any program pursuant to subsection (l), if revenues from such fees are used for purposes other than the development and implementation of programs to control the emissions of hazardous air pollutants. When issuing permits in the absence of an approved State program, the Administrator shall comply with the guidelines issued to implement this paragraph.

"(2)(A) Notwithstanding the requirements of paragraph (1), an existing source in a category or subcategory subject to an emissions standard under this section may continue operations prior to the issuance of a permit, provided that, the owner or operator of the source certifies to the Administrator (or to the State) that the source will comply with all applicable standards and requirements under this section. Certification pursuant to this paragraph shall be provided not later than six months after the effective date of any applicable standard or revision of a standard under this section. The certification shall be accompanied by a compliance plan describing means by which the source intends to achieve the standard on and after the compliance date established by subsection (i) and shall be signed by a responsible official of the business concern owning or operating the source.

"(B) Upon receipt of any certification, the Administrator (or the State) shall issue a temporary operating permit for the source, unless within thirty days the Administrator (or the State) notifies the owner or operator of the source that the certification does not adequately demonstrate compliance with all applicable standards and requirements under this section. Any temporary permit issued under this paragraph shall be for a term not exceeding one year and shall be enforceable to the same extent as any standard or other requirement promulgated under this section.

"(C) Within six months of the issuance of any temporary operating permit for any source under this paragraph, the Administrator (or the State) shall complete a review of the operations of such source, including an inspection at the site of the source, to determine whether a full operating permit under this subsection should be issued. If upon conclusion of such review (including any right to administrative appeal, but not including pendency of any judicial proceeding), the Administrator (or the State) determines that a permit should not be issued, the temporary permit granted under this paragraph shall be suspended immediately.

"(D) The Administrator shall require that certifications under this paragraph be accompanied by a fee sufficient to offset the full administrative costs of reviewing certifications.

"(3)(A) In the event that the Administrator fails to promulgate a standard for a category or subcategory of sources by the date established pursuant to subsection (e) (1)(A) or (3), and beginning six months after such date, it shall be unlawful for the owner or operator of any source in such category or subcategory to emit any hazardous air pollutant except in compliance with a permit issued by the Administrator (or a State acting pursuant to a program approved under subsection (l)) under this paragraph.

"(B) The permit shall be issued pursuant to the provisions of paragraph (1) and such other provisions as are necessary to carry out the objectives of this Act. In preparing applications for permits under this paragraph, the owner or operator of the source shall commit to the installation and operation of technology and practices to control emissions of hazardous air pollutants which are the best technology and practices available for such source, as certified by an independent, registered professional engineer.

"(C) Each permit issued under this paragraph shall include an enforceable emission limitation for each hazardous air pollutant emitted by the source and no such pollutant may be emitted in amounts exceeding the applicable limitation immediately for new sources and, as expeditiously as practicable, but not later than the date three years after the permit is issued for existing sources.

"(D) If the Administrator subsequently promulgates a standard which would be applicable in lieu of the emissions limitations established by permit under this section, the Administrator (or the State) shall revise such permit upon the next renewal to reflect the standards promulgated by the Administrator.

"(E) Paragraph (2) shall not be available to any source requiring a permit under this paragraph.

"(4) The Administrator shall suspend the issuance of permits by the Agency in any State promptly upon approval of a program for that State under subsection (l).

"(5)(A) Each State shall transmit to the Administrator a copy of each permit application (but not including certifications for temporary permits) and including any application for an extension or modification submitted under this section, and shall provide for notice of each permit proposed to be issued by the State.

"(B) No permit shall be issued if the Administrator within sixty days objects in writing to its issuance as not in compliance with the requirements of this section. The Administrator shall provide with the objection a statement of the reasons for the objection and the terms and conditions that the Administrator would impose if the permit were issued by the Administrator.

"(C) If the State fails within ninety days after the date of the objection to submit a permit revised to meet the objection, the Administrator shall have authority to issue or deny the permit.

"(D) Nothing in this paragraph shall be interpreted, construed, or applied to require the Administrator to review each permit to be issued by a State, provided that the Administrator conducts an audit program which assures that State permitting activities are consistent with the goals and objectives of this section.

"(6) To the maximum extent practicable, permits issued under this section shall be consolidated with other permits required under this Act.

"(k) **Area Source Program.**—

"(1) The Congress finds that emissions of hazardous air pollutants from area sources may individually, or in the aggregate, present significant risks to public health in urban areas. Considering the large number of persons exposed and the risks of carcinogenic and other adverse health effects from hazardous air pollutants, ambient concentrations characteristic of large urban areas should be reduced to levels substantially below those currently experienced. It is the purpose of this subsection to achieve a substantial reduction in emissions of hazardous air pollutants from area sources and an equivalent reduction in the public health risks associated with such sources including a reduction of not less than 75 per centum in the incidence of cancer attributable to emissions from such sources.

"(2) The Administrator shall, after consultation with State and local air pollution control officials, conduct a program of research with respect to sources of hazardous air pollutants in urban areas and shall include within such program—

"(A) ambient monitoring for a broad range of hazardous air pollutants (including, but not limited to, volatile organic compounds, metals, pesticides and products of incomplete combustion) in a representative number of urban locations;

"(B) analysis to characterize the sources of such pollution with a focus on area sources and the contribution that such sources make to public health risks from hazardous air pollutants; and

"(C) consideration of atmospheric transformation and other factors which can elevate public health risks from such pollutants.

Health effects considered under this program shall include, but not be limited to, carcinogenicity, mutagenicity, teratogenicity, neurotoxicity, reproductive dysfunction, and other acute and chronic effects including the role of such pollutants as precursors of ozone or acid aerosol formation. The Administrator shall report the preliminary results of such research not later than three years after the date of enactment of this paragraph.

"(4)(A) Considering information collected pursuant to the monitoring program authorized by paragraphs (2) and (3), the Administrator shall, not later than five years after the date of enactment of this subsection and after notice and opportunity for public comment, prepare and transmit to the Congress a comprehensive strategy to control emissions of hazardous air pollutants from area sources in urban areas.

"(B) The strategy shall (i) identify not less than ten hazardous air pollutants which, as the result of emissions from area sources, present the greatest threat to public health in the largest number of urban areas and which are or will be listed pursuant to subsection (b) and (ii) identify the source categories or subcategories emitting such pollutants which are or will be listed pursuant to subsection (c). When identifying categories and subcategories of sources under this subparagraph, the Administrator shall assure that sources accounting for 90 per centum or more of the aggregate emissions of each of the ten identified hazardous air pollutants are subject to standards pursuant to subsection (d) or this subsection.

"(C) The strategy shall include a schedule of specific actions to substantially reduce the public health risks posed by the release of hazardous air pollutants from area sources which will be implemented by the Administrator under authority of this or other laws (including, but not limited to, the Toxic Substances Control Act, the Federal Insecticide Fungicide, and Rodenticide Act, and the Resource Conservation and Recovery Act) or by the States. Requirements applicable to mobile sources or to fuels shall be established pursuant to title II of this Act. The strategy shall have as a goal a reduction in the incidence of cancer attributable to exposure to hazardous air pollutants by 75 per centum, considering control of emissions of hazardous air pollutants from all stationary and mobile sources and resulting from measures implemented by the Administrator or by the States under this or other laws.

"(D) The strategy may also identify research needs in monitoring, analytical methodology, modeling or pollution control techniques and recommendations for changes in law that would further the goals and objectives of this subsection.

"(E) Nothing in this subsection shall be interpreted to preclude or delay implementation of actions with respect to area sources of hazardous air pollutants under consideration pursuant to this or any other law and which may be promulgated before the strategy is prepared.

"(F) The Administrator shall implement the strategy as expeditiously as practicable assuring that all sources are in compliance with all requirements not later than nine years after the date of enactment of this subsection.

"(G) As part of such strategy the Administrator shall provide for ambient monitoring and emissions modeling in urban areas as appropriate to demonstrate that the goals and objectives of the strategy are being met.

"(5) In addition to the national urban air toxics strategy authorized by paragraph (4), the Administrator shall also encourage and support areawide strategies developed by State or local air pollution control agencies which are intended to reduce risks from emissions by areas sources within a particular urban area. From the funds available for grants under this section, the Administrator shall set aside not less than 10 per centum to support areawide strategies addressing hazardous air pollutants emitted by area sources and shall award such funds on a demonstration basis to those States with innovative and effective strategies. At the request of State or local air pollution control officials, the Administrator shall prepare guidelines for control technologies or management practices which may be applicable to various categories or subcategories of area sources.

"(6) The Administrator shall report to the Congress at intervals not later than eight and ten years after the date of enactment of this subsection on actions taken under this subsection and other parts of this Act to reduce the risk to public health posed by the release of hazardous air pollutants from area sources. The reports shall also identify specific metropolitan areas which continue to experience high risk to public health as the result of emissions from area sources.

"(7) The Administrator shall prepare a report with recommendations on health impacts of mobile source benzene emissions considering both fuel and vehicle-based control strategies to be submitted to the Environment and Public Works Committee of the Senate and the Energy and Commerce Committee of the House of Representatives not later than twenty-four months after the date of the enactment of the Clean Air Act Amendments of 1989.

"(l) STATE PROGRAMS.—

"(1) Each State may develop and submit to the Administrator for approval a program for the implementation and enforcement (including a review of enforcement delegations previously granted) of emission standards and other requirements for air pollutants subject to this section or requirements for the prevention and mitigation of sudden, accidental releases pursuant to section 129. A program submitted by a State under this subsection may provide for partial or complete delegation of the Administrator's authorities and responsibilities to implement and enforce emissions standards and prevention requirements but shall not include authority to set standards less stringent than those promulgated by the Administrator under this Act.

"(2) Not later than twelve months after the date of enactment of this paragraph, the Administrator shall publish guidance which would be useful to the States in developing programs for submittal under this subsection. Guidance shall, at a minimum, include permitting requirements for new and existing sources of air pollutants subject to this section. The guidance shall also provide for the registration of all facilities producing, processing, handling, or storing any substance listed pursuant to section 129 in amounts greater than the threshold quantity. The Administrator shall include as an element in such guidance an optional program for the review of high-risk point sources of air pollutants including, but not limited to, hazardous air pollutants listed pursuant to subsection (b).

"(3) The Administrator shall establish and maintain an air toxics clearinghouse, control technology center and risk information center to provide technical assistance and information to the States and local agencies and, on a cost reimbursable basis, to others on—

"(A) measures, methods, practices and techniques effective in reducing emissions of air pollutants subject to this section or section 129;

"(B) risk assessment;

"(C) ambient monitoring and modeling and emissions measurement and modeling.

The Administrator may conduct research on methods for preventing, measuring and controlling emissions and evaluating associated health and ecological risks. All information collected under this paragraph shall be available to the public.

"(4) Upon application of a State, the Administrator may make grants, subject to such terms and conditions as the Administrator deems appropriate, to such State for the purpose of assisting the State in developing and implementing a program for submittal and approval under this subsection. Programs assisted under this paragraph may include program elements addressing air pollutants other than those specifically subject to this section or section 129. Grants under this paragraph may include support for high-risk point source review as provided in paragraph (2) and support for the development and implementation of areawide area source programs pursuant to subsection (k).

"(5) Not later than one hundred and eighty days after receiving a program submitted by a State, and after notice and opportunity for public comment, the Administrator shall either approve or disapprove such program. The Administrator shall disapprove any program submitted by a State, if the Administrator determines that—

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"(A) the authorities contained in the program (including conditions in permits) are not adequate to assure compliance by all sources within the State with each applicable standard, regulation, or requirement established by the Administrator under this section;

"(B) adequate authority does not exist, or adequate resources (including revenues from permit fees) are not available, to implement the program;

"(C) the schedule for implementing the program (including the schedule for issuing permits) and assuring compliance by affected sources is not sufficiently expeditious; or

"(D) the program is otherwise not in compliance with the guidance issued by the Administrator under paragraph (2) or is not likely to satisfy, in whole or in part, the objectives of this Act.

If the Administrator disapproves a State program, the Administrator shall notify the State of any revisions or modifications necessary to obtain approval. The State may revise and resubmit the proposed program for review and approval pursuant to the provisions of this subsection.

"(6) Whenever the Administrator determines, after public hearing, that a State is not administering and enforcing a program approved pursuant to this subsection in accordance with the guidance published pursuant to paragraph (2) or the requirements of paragraph (5), the Administrator shall so notify the State and, if action which will assure prompt compliance is not taken within ninety days, the Administrator shall withdraw approval of the program. The Administrator shall not withdraw approval of any program unless the State shall have been notified and the reasons for withdrawal shall have been stated in writing and made public.

"(7) Nothing in this subsection shall prohibit the Administrator from enforcing any applicable emission standard or requirement under this section or section 129.

"(8) The Administrator may after notice and opportunity for public comment approve programs developed and submitted by a local pollution control agency (after consultation with the State) pursuant to this subsection and any such agency implementing an approved program may take any action authorized to be taken by a State under this section.

"(m) Technical Assistance for Small Sources.—The Administrator (and each State with an approved permit program) shall establish means and measures to supply technical assistance and information to area sources and stationary sources that are not major sources to help carry out the requirements of this section, including meeting applicable standards and obtaining needed permits. The assistance shall include information availability and types of equipment, measures, methods, practices, processes and techniques in reducing emissions of air pollutants and preventing and detecting accidents. The Administrator shall establish and maintain a clearinghouse of such information.

"(n) State Authority.—Nothing in this section shall preclude, deny, or limit any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement or standard (including any procedural requirement) which is more stringent than a regulation, requirement, or standard in effect under this section or that applies to a substance not subject to this section. Nothing in this section shall authorize any State to impose any standard, limitation or requirement on the emissions of radionuclides from facilities licensed by the Nuclear Regulatory Commission where such standard, limitation or requirement would be barred by other Federal law including the Atomic Energy Act.

"(o) Atmospheric Deposition to Great Lakes and Coastal Waters.—

"(1) The Administrator shall conduct a program to identify and assess the extent of atmospheric deposition of hazardous air pollutants and other air pollutants to the Great Lakes, Lake Champlain and coastal waters. As part of such program, the Administrator shall—

"(A) monitor Great Lakes and coastal waters, including monitoring of Great Lakes waters through the monitoring network established pursuant to paragraph (2) of this subsection and designing and deploying an atmospheric monitoring network for coastal waters pursuant to paragraph (4);

"(B) investigate the sources and deposition rates of atmospheric deposition of air pollutants (and their atmospheric transformation precursors);

"(C) conduct research to develop and improve monitoring methods and to determine the relative contribution of atmospheric pollutants to total pollution loadings to Great Lakes and coastal waters;

"(D) evaluate any adverse effects to human health or the environment caused by such deposition (including effects resulting from indirect exposure pathways) and assess the contribution of such deposition to violations of water quality standards established pursuant to the Federal Water Pollution Control Act and drinking water standards established pursuant to the Safe Drinking Water Act; and

"(E) sample for such pollutants in biota, fish, and wildlife of Great Lakes, Lake Champlain and coastal waters and characterize the sources of such pollutants.

"(2) The Administrator shall oversee, in accordance with Annex 15 of the Great Lakes Water Quality Agreement, the establishment and operation of a Great Lakes atmospheric deposition network to monitor atmospheric deposition of hazardous air pollutants and other air pollutants to the Great Lakes.

"(A) As part of the network provided for in this paragraph, and not later than December 31, 1990, the Administrator shall establish in each of the five Great Lakes at least one facility capable of monitoring the atmospheric deposition of hazardous air pollutants in both dry and wet conditions.

"(B) The Administrator shall use the data provided by the network to identify and track the movement of hazardous air pollutants through the Great Lakes, to determine the portion of water pollution loadings attributable to atmospheric deposition of such pollutants, and to support development of remedial action plans and other management plans as required by the Great Lakes Water Quality Agreement.

"(C) The Administrator shall assure that the data collected by the Great Lakes atmospheric deposition monitoring network is in a format compatible with databases sponsored by the International Joint Commission, Canada, and the several States of the Great Lakes region.

"(3) The Administrator shall establish at Lake Champlain an atmospheric deposition station to monitor deposition of hazardous air pollutants and other pollutants within the Lake Champlain watershed. The Administrator shall determine the role of air deposition in the pollutant loadings of Lake Champlain, investigate the sources of air pollutants deposited in the watershed, evaluate the health and environmental effects of such pollutant loadings and shall sample such pollutants in biota, fish and wildlife within the watershed as necessary to characterize such effects.

"(4) The Administrator shall design and deploy atmospheric deposition monitoring networks for coastal waters and their watersheds and shall make any information collected through such networks available to the public. As part of this effort, the Administrator shall conduct research to develop and improve deposition monitoring methods, and to determine the relative contribution of atmospheric pollutants to pollutant loadings.

"(5) Within two years of the date of enactment of this Act and biennially thereafter, the Administrator shall submit to the Congress a report on the results of any monitoring, studies, and investigations conducted pursuant to this subsection. Such report shall include, at a minimum, an assessment of—

"(A) the contribution of atmospheric deposition to pollution loadings in the Great Lakes, Lake Champlain and coastal waters;

"(B) the environmental and human health effects of any pollution which is attributable to atmospheric deposition to the Great Lakes, Lake Champlain, and coastal waters;

"(C) the source or sources of any pollution to Great Lakes, Lake Champlain, and coastal waters which is attributable to atmospheric deposition;

"(D) whether pollution loadings in Great Lakes, Lake Champlain, or coastal waters cause or contribute to violations of drinking water standards pursuant to the Safe Drinking Water Act or water quality standards pursuant to the Federal Water Pollution Control Act; and

"(E) a description of any revisions of the requirements, standards, and limitations pursuant to this Act and other applicable Federal laws as are necessary to assure protection of human health and the environment.

"(p) Publicly Owned Treatment Works.—The Administrator may conduct, in cooperation with the owners and operators of publicly owned treatment works, studies to characterize emissions of hazardous air pollutants emitted by such facilities, to identify industrial, commercial and residential discharges which contribute to such emissions and to demonstrate control measures for such emissions. When promulgating any standard under this section applicable to publicly owned treatment works, the Administrator shall consider control measures which include pretreatment of discharges causing emissions of hazardous air pollutants and process or product substitutions or limitations which may be effective in reducing such emissions. The Administrator may prescribe uniform sampling, modeling and risk assessment methods for use in implementing this subsection.

"(q) Hydrogen Sulfide.—The Administrator is directed to assess the hazards to public health and the environment resulting from the emission of hydrogen sulfide associated with the extraction of oil and natural gas resources. To the extent practicable, the assessment shall build upon and not duplicate work conducted for an assessment pursuant to section 8002(m) of the Solid Waste Disposal Act and shall reflect consultation with the States. The assessment shall include a review of existing State and industry control standards, techniques, and enforcement. The Administrator shall report to the Congress within twenty-four months of the enactment of this subsection with the findings of such assessment, together with any recommendations, and shall develop and implement a control strategy for emissions of hydrogen sulfide as appropriate to protect human health and the environment, based on the findings of such assessment, using authorities under this Act including section 111 and this section.

"(r) Savings Clause.—No amendment to this section made by the Clean Air Act Amendments of 1989 shall affect any emission standard for a hazardous air pollutant which has been promulgated prior to the enactment of such Act. Emissions standards for categories and subcategories of sources of radionuclides for which standards were proposed at 54 Federal Register 9612 (March 7, 1989) except sources which are subject to licensing by the Nuclear Regulatory Commission and including any emission standards for a new subcategory of grate calcination elemental phosphorus plants, shall be established in accordance with section 112 of the Clean Air Act as in effect prior to the enactment of this subsection.

"(s) National Academy of Sciences Study of Risk Assessment.—

"(1) Within three months of enactment of this subsection, the Administrator shall enter into appropriate arrangements with the National Academy of Sciences to conduct a review of—

"(A) risk assessment methodology used by the Environmental Protection Agency to determine the carcinogenic risk associated with exposure to hazardous air pollutants from source categories and subcategories subject to the requirements of this section; and

"(B) improvements in such methodology.

"(2) In conducting such review, the National Academy of Sciences should consider, but not be limited to, the following:

"(A) the techniques used for estimating and describing the carcinogenic potency to humans of hazardous air pollutants; and

"(B) the techniques used for estimating exposure to hazardous air pollutants (for hypothetical and actual maximally exposed individuals as well as other exposed individuals).

"(3) To the extent practicable, the Academy shall evaluate and report on the methodology for assessing the risk of adverse human health effects other than cancer for which safe thresholds of exposure may not exist, including, but not limited to, inheritable genetic mutations, birth defects, and reproductive dysfunctions.

"(4) A report on the results of such review shall be submitted to the Senate Committee on Environment and Public Works, the House Committee on Energy and Commerce, the Risk Assessment and Management Commission established by subsection (w) and the Administrator not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1990.

"(5) The Administrator shall assist the Academy in gathering any information the Academy deems necessary to carry out this subsection. The Administrator may use any authority under this Act to obtain information from any person, and to require any person to conduct tests, keep and produce records, and make reports respecting research or other activities conducted by such person as necessary to carry out this subsection.

"(6) Of the funds authorized to be appropriated to the Administrator by this Act, such amounts as are required shall be available to carry out this subsection.

"(t) Annual Report.—Not later than January 15, 1991, and within one hundred five days of the close of the fiscal year for each fiscal year thereafter, the Administrator shall prepare and transmit to the Congress a comprehensive report on the measures taken by the Agency and by the States to implement the provisions of this section and section 129. The Administrator shall maintain a database on pollutants and sources subject to the provisions of this section and shall include aggregate information from the database, in each annual report. The report shall include, but not be limited to—

"(1) a status report on standard-setting under subsections (d), (f), and (g);

"(2) information with respect to compliance with such standards including the costs of compliance experienced by sources in various categories and subcategories;

"(3) development and implementation of the national urban air toxics program;

"(4) recommendations of the Chemical Safety and Hazard Investigation Board with respect to the prevention and mitigation of sudden, accidental releases; and

"(5) such recommendations for additional legislation to achieve the purposes of this section and section 129 as the Administrator may deem appropriate.

"(u) Authorization.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this section.

"(v) Coke Oven Production Technology Study.—

"(1) The Secretary of the Department of Energy and the Administrator of the Environmental Protection Agency shall jointly undertake a six-year research program to assess coke oven production emission control technologies and to assist in the development and commercialization of technically practicable and economically viable control technologies which have the potential for significant reduction in emissions of hazardous air pollutants from coke oven production facilities. In identifying control technologies, the Secretary and the Administrator shall consider the range of existing coke oven operations and battery design as well as alternatives to existing coke oven production design.

"(2) The Secretary and the Administrator is authorized to enter into agreements with persons who propose to develop, install, and operate coke production emission control technologies which have the potential for significant emissions reductions of hazardous air pollutants provided that Federal funds shall not exceed 50 per centum of the cost of any project assisted pursuant to this subsection.

"(3) The Secretary shall prepare annual reports to Congress on the status of the research program and at the completion of the study shall make recommendations to the Administrator as to the lowest achievable emissions rate for the coke oven emissions category or subcategories thereof.

"(4) There are authorized to be appropriated $5,000,000 for each of the fiscal years 1991 through 1996 to carry out the research program authorized by this subsection.

"(W) Risk Assessment and Management Commission.—

"(1) There is hereby established a Risk Assessment and Management Commission (hereafter referred to in this subsection as the 'Commission'), which shall commence proceedings not later than eighteen months after the date of enactment of this subsection and which shall make a full investigation of the policy implications and appropriate uses of risk assessment in the regulation under this section of hazardous air pollutants that present a risk of carcinogenic effects.

"(2) The Commission shall consider the report of the National Academy of Sciences pursuant to subsection (s) and based on that report and its own deliberations the Commission shall consider—

"(A) the use and limitations of risk assessment in establishing emission standards for hazardous air pollutants that present a risk of carcinogenic effects and the suitability of risk assessment for such purposes;

"(B) the most appropriate methods for measuring and describing cancer risks from exposure to hazardous air pollutants considering such alternative approaches as the lifetime risk of cancer or other effects to the individual or individuals most exposed to emissions from a source or sources on both an actual and worst case basis, the range of such risks, the total number of health effects avoided by emissions reductions, reductions in the number of persons exposed at various levels of risk, the incidence of cancer, and other public health factors;

"(C) methods to reflect uncertainties in measurement and estimation techniques, the existence of synergistic or antagonistic effects among pollutants, the accuracy of extrapolating human health risks from animal exposure data, and the existence of unquantified direct or indirect effects on human health in risk assessment studies;

"(D) risk management policy issues including the use of lifetime cancer risks to individuals most exposed, incidence of cancer, the cost and technical feasibility of emission reduction measures and the use of site-specific actual exposure information in setting emissions standards applicable to sources of hazardous air pollutants; and

"(E) and comment on the degree to which it is possible or desirable to have the risk assessment methodology relating to hazardous air pollutants conducted under this section be part of a consistent risk assessment methodology, or a consistent standard of acceptable risk, among various government programs.

"(3) Such Commission shall be composed of ten members who shall have knowledge or experience in fields of risk assessment or risk management, including three members to be appointed by the President, two members to be appointed by the Speaker of the House of Representatives, one member to be appointed by the minority leader of the House of Representatives, two members to be appointed by the majority leader of the Senate, one member to be appointed by the minority leader of the Senate, and one member to be appointed by the President of the National Academy of Sciences. Appointments shall be made not later than eighteen months after the date of enactment of this subsection.

"(4) The Administrator and the heads of all other departments, agencies, and instrumentalities of the executive branch of the Federal Government shall assist the Commission in gathering such information as the Commission deems necessary to carry out this subsection.

"(5)(A) In the conduct of the study required by this subsection, the Commission is authorized to contract with nongovernmental entities that are competent to perform research or investigations within the Commission's mandate, and to hold public hearings, forums, and workshops to enable full public participation.

"(B) The Commission may appoint and fix the pay of such staff as it deems necessary. The Commission may request the temporary assignment of personnel from the Environmental Protection Agency or other Federal agencies to assist it.

"(C) The members of the Commission who are not officers or employes of the United States, while attending conferences or meetings of the Commission or while otherwise serving at the request of the Chair, shall be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS-18, as provided in the General Schedule under section 5332 of title 5 of the United States Code, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence as authorized by law for persons in the Government service employed intermittently.

"(6) A report containing the results of all Commission studies and investigations under this subsection, together with any appropriate legislative recommendations (presented in the form of a bill proposing amendments to this section) or administrative recommendations, shall be submitted to the President and to the Congress not later than forty-two months after the date of enactment of this section. In such report, the Commission shall make recommendations with respect to the appropriate regulation of any risks of carcinogenic effects remaining after application of emissions standards under subsection (d) to a category or subcategory of hazardous air pollutants, including an assessment of the residual risk reduction approaches in subsection (f) and (i). The Commission shall cease to exist upon the date determined by the Commission, but not later than nine months after the submission of such report.

"(7) There are authorized to be appropriated such sums as are necessary to carry out the activities of the Commission established by this subsection.".

Sec. 302. (a) When establishing emissions standards for styrene under section 112 of the Clean Air Act, the Administrator shall list boat manufacturing as a separate subcategory unless the Administrator finds that such listing would be inconsistent with the goals and requirements of such Act.

(b) Not later than twenty-four months after the date of enactment of the Clean Air Act Amendments of 1990, the Administrator shall complete a review and, if appropriate, revise the unit risk estimate for the carcinogenic efforts of 1,3-butadiene.

NRC-LICENSED FACILITIES

Sec. 303. (a) Section 122(a) of the Clean Air Act is amended by revising the words "including source material, special nuclear material, and byproduct material" to read "excluding source material, special nuclear material, and byproduct material regulated by the Nuclear Regulatory Commission or by a State which has an agreement with the Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended".

(b) Section 122(c) of the Clean Air Act is deleted.

(c) Section 302(g) of the Clean Air Act is amended by revising the words "including source material, special nuclear material, and byproduct material" to read "excluding source material, special nuclear material, and byproduct material regulated by the Nuclear Regulatory Commission or by a State which has an agreement with the Commission pursuant to section 274 of the Atomic Energy Act of 1954, as amended".

ACCIDENT PREVENTION

Sec. 304. The Clean Air Act is amended by adding the following new section at the end of part A of title I:

"PREVENTION OF SUDDEN, ACCIDENTAL RELEASES

"Sec. 129. (a) Purpose and General Duty.—It shall be the objective of the regulations and programs authorized under this section to prevent the sudden, accidental release and to minimize the consequences of any such release of any substance listed pursuant to subsection (c) or any other extremely hazardous substance. The owners and operators of facilities producing, processing, handling, or storing such substances have a general duty to identify hazards resulting from such releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of sudden, accidental releases which do occur. Nothing in this subsection shall be interpreted, construed, or applied to create any liability for compensation for bodily injury or property damages to any person which may result from sudden, accidental releases of such substances.

"(b) Definitions.—

"(1) The term 'accidental release' means the direct or indirect introduction of an extremely hazardous substance into the air under circumstances which are not routine and which are not authorized pursuant to any permit or emission limitation or standard under any other provision of this Act or any other Federal law.

"(2) The term 'facility' means all buildings, structures, equipment, installations or substance emitting stationary activities or any other point or nonpoint source of a release. The term 'facility' does not include the right-of-way of a railroad outside of any railroad yard.

"(c) List of Substances.—The Administrator shall, not later than twelve months after the date of enactment of this section, propose and, not later than twenty-four months after such date, promulgate, a list of not less than fifty substances which may, as the result of sudden events, be released in concentrations that may reasonably be anticipated to cause acute adverse health effects in humans. The list shall be drawn from, but not be limited to, those substances on the list established by section 302 of the Emergency Planning and Community Right-to-Know Act of 1986 and shall include those substances with the greatest likelihood to cause death, injury, property damage, or evacuations as the result of sudden, accidental releases. The initial list shall include sulfuric acid, chlorine, anhydrous ammonia, hydrochloric acid, methyl chloride, ethylene oxide, toluene, vinyl chloride, methyl alcohol, nitric acid (94 per centum by weight or more HNO^3), styrene, tetrachloroethylene, ammonia, hydrogen sulfide, acetone, methylene chloride, benzene, methyl ethyl ketone, toluene diisocyanate, phosgene, sulfur dioxide (10 per centum or more by volume), formaldehyde (gas), butadiene, hydrofluoric acid, and acrylonitrile. The Administrator shall from time to time (but not less often than every five years) review and revise the list established by this subsection adding substances which, as a result of sudden events, may be released in concentrations that may reasonably be anticipated to cause acute adverse health effects in humans. At the time any substance is placed on such list, the Administrator shall establish a threshold quantity for such substance, taking into account the toxicity (including short- and long-term health effects), reactivity, volatility, dispersibility, combustibility, or flammability of the substance.

"(d) Hazard Assessments.—

"(1) Not later than twelve months after a substance is listed under subsection (c), the owner or operator of each facility at which such substance is present in amounts greater than the threshold quantity shall conduct and complete a hazard assessment for each such substance present at the facility. The purpose of such assessment shall be to anticipate the consequences of a range (including worst case events) of sudden, accidental releases of such substances from the facility and to provide information that may aid in the prevention, or mitigation, of or response to such releases.

"(2) Not later than twelve months after the date of enactment of this subsection the Administrator shall propose and not later than twenty-four months after such date publish guidance with respect to the preparation of hazard assessments. In preparing such guidance, the Administrator shall consider the extent to which each of the following elements should be required:

"(A) basic data on the facility, units at the facility which contain or process substances listed under subsection (c) (including the longitude and latitude of such units), facility operating procedures, population of the nearby communities, and the meteorology of the area where the facility is located;

"(B) an identification of the potential sources of sudden, accidental release from the facility of substances listed under subsection (c);

"(C) an identification of any previous such releases from the facility for which a report was required under this or other laws, including the amounts released, frequencies, and durations;

"(D) an identification of a range (including worst case events) of potential releases from the facility including an estimate of the size, concentration, and duration of such potential releases and a correlation of such factors with the distance from the source of release;

"(E) a determination of potential exposure (including the concentration and duration of exposure) for all persons who may be put at risk as the result of a sudden, accidental release from the facility;

"(F) a determination of the probability of exposure as the result of various release scenarios including consideration of meteorological factors;

"(G) information on the toxicity of the substances listed under subsection (c) present at the facility and;

"(H) a review of the efficacy of various release prevention and control measures.

The Administrator shall prepare and distribute information on the health effects and other hazards associated with each extremely hazardous substance listed pursuant to subsection (c) which shall be included, pursuant to subparagraph (G), in each hazard assessment prepared under this subsection.

"(3) Each hazard assessment prepared pursuant to this subsection shall be updated every five years, except that any hazard assessment for a facility shall be updated within six months of any facility alteration which may substantially increase (as determined under rules promulgated by the Administrator) the likelihood of an accidental release of an extremely hazardous substance from the facility or the severity of the consequences of such release. Hazard assessments shall not be required to include potential releases from rolling stock infrequently and temporarily located at the facility but may be required to consider hazards with respect to the substances contained in rolling stock which are regularly present.

"(4) To the maximum extent practicable, the Administrator shall coordinate requirements for hazard assessments under this section with any comparable requirements that may be imposed by the Occupational Safety and Health Administration including joint promulgation of regulations: *Provided*, That, impacts of potential releases on human health and property outside the boundary of the facility are fully considered in any such regulation, that hazard assessments are available to the public as provided in this subsection, and that nothing in such regulation is interpreted, construed, or applied to preclude or diminish the right of any State or a political subdivision thereof to impose requirements for hazard assessment or accident prevention and mitigation more stringent than those established under such regulations. In exercising any authority under this section, the Administrator shall not, for purposes of section 653(b)(1) of title 29, be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

"(5) To the extent practicable, and where there are a large number of small facilities with similar business and operating characteristics which are likely to present similar risks of sudden, accidental releases of extremely hazardous substances, the Administrator shall facilitate compliance with the requirements of this subsection by designing generic hazard identification and assessment tools including training manuals, checklists, and workbooks which would be useful to the owners and operators of such facilities. The Administrator is authorized to cooperate with trade associations and other organizations representing such facilities and other advisory groups to develop hazard identification and assessment materials and to conduct training programs in the use of such materials.

"(6) Hazard assessments prepared pursuant to the requirements of this subsection shall be available to the Administrator, to the Chemical Safety and Hazard Investigation Board, to the State in which the facility is located, to any local emergency planning entity or public safety agency having responsibility for planning or response with respect to sudden, accidental releases which may occur at such facility, and to the public subject to the conditions of sections 322, 323, and 324 of the Emergemcy Planning and Community Right-to-Know Act of 1986. The Administrator shall conduct compliance audits of hazard assessments prepared pursuant to this subsection reviewing not less than 1.4 per centum each year. The requirements of this subsection shall be enforced in the same manner as requirements of section 114. The Administrator is authorized to issue administrative orders pursuant to section 113 to assure compliance with the requirements of this subsection.

"(7) As a part of the guidance published pursuant to paragraph (2), the Administrator may collect and publish information on accident scenarios and consequences covering a range of possible events for substances listed under subsection (c). The Administrator shall establish a program of long-term research to develop and disseminate information on methods and techniques of hazard assessment which may be useful in improving and validating the procedures employed in the preparation of hazard assessments under this subsection.

"(e) CHEMICAL SAFETY BOARD.—

"(1) There is hereby established within the Environmental Protection Agency an independent safety board to be known as the Chemical Safety and Hazard Investigation Board.

"(2) The Board shall consist of three members, including a chairperson, who shall be appointed by the President, by and with the advice and consent of the Senate. Members of the Board shall be appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, chemical safety, toxicology, or chemical regulation.

"(3) The terms of office of members of the Board shall be five years. Any member of the Board, including the chairperson, as determined by the President, may be removed for inefficiency, neglect of duty, or malfeasance in office.

"(4) The chairperson shall be the chief executive officer of the Board and shall exercise the executive and administrative functions of the Board including the selection, appointment and compensation of such officers and employees as are necessary to carry out the functions of the Board.

"(5) The Board shall—

"(A) investigate (or cause to be investigated), determine and report to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any sudden, accidental release involving the production, processing, handling, or storage of chemical substances resulting in a fatality, serious injury, or substantial property damages;

"(B) issue periodic reports to the Congress, Federal, State, and local agencies, including the Environmental Protection Agency and the Occupational Safety and Health Administration, concerned with the safety of chemical production, processing, handling and storage, and other interested persons recommending measures to reduce the likelihood or the consequences of sudden, accidental releases and proposing corrective steps to make chemical production, processing, handling, and storage as safe and free from risk of injury as is possible and may include in such reports proposed rules or orders which should be issued by the Administrator under the authority of this section or the Secretary of Labor under the Occupational Safety and Health Act to prevent or minimize the consequences of any release of substances that may have an acute adverse effect on human health as a result of sudden events; and

"(C) establish by regulation requirements binding on persons for reporting accidental releases subject to the Board's investigatory jurisdiction under this paragraph: *Provided*, That, reporting releases to the National Response Center, in lieu of the Board directly, shall satisfy such regulations: *And provided further*, That, the Center shall promptly notify the Board of any releases which are within the Board's jurisdiction.

"(6) The Board shall coordinate its actions under paragraph (5) with investigations and studies conducted by other agencies of the United States having a responsibility to protect public health and safety, but in no event shall the Board forego an investigation where a sudden, accidental release involving the production, processing, handling, or storage of a chemical substance causes a fatality or serious injury among the general public. The Board shall enter into a memorandum of understanding with the National Transportation Safety Board to assure coordination of functions and to limit duplication of activities which shall designate the National Transportation Safety Board as the lead agency for the investigation of releases which are transportation related.

"(7) The Board is authorized to conduct research and studies with respect to the potential for the sudden, accidental release of substances subject to section 302 of the Emergency Planning and Community Right-to-Know Act of 1986 and other extremely hazardous substances, whether or not an accidental release has occurred, where there is evidence which indicates the presence of a potential hazard or hazards. To the extent practicable, the Board shall conduct such studies in cooperation with other Federal agencies having emergency response authorities, State and local governmental agencies and associations and organizations from the industrial, commercial, and nonprofit sectors.

"(8) No part of the conclusions, findings, or recommendations of any report of the Board relating to any accidental release or the investigation thereof shall be admitted as evidence or used in any action or suit for damages arising out of any matter mentioned in such report.

"(9) Not later than eighteen months after the date of enactment of this section, the Board shall publish a report accompanied by recommendations to the Administrator on the use of hazard assessments in preventing the occurrence and minimizing the consequences of sudden, accidental releases of extremely hazardous substances. The recommendations shall include a list of extremely hazardous substances (including threshold quantities for such substances) and categories of facilities for which hazard assessments would be an appropriate measure to aid in the prevention of accidental releases and to minimize the consequences of those releases that do occur. The recommendations shall also include a description of the information and analysis which would be appropriate to include in any hazard assessment. The Board shall also make recommendations with respect to the role of risk management plans as provided for in subsection (f)(2) in preventing accidental releases. The Board may from time to time review and revise its recommendations under this paragraph.

"(10) Whenever the Board submits a recommendation with respect to the safety of chemical production, processing, handling, and storage to the Administrator, the Administrator shall respond to such recommendation formally and in writing not later than one hundred and eighty days after receipt thereof. The response to the Board's recommendation by the Administrator shall indicate whether the Administrator will—

"(A) initiate a rulemaking or issue such orders as are necessary to implement the recommendation in full or in part, pursuant to any timetable contained in the recommendation;

"(B) decline to initiate a rulemaking or issue orders as recommended.

Any determination by the Administrator not to implement a recommendation of the Board or to implement a recommendation only in part, including any variation from the schedule contained in the recommendation, shall be accompanied by a statement from the Administrator setting forth the reasons for such determination.

"(11) The Board, or upon authority of the Board, any member thereof, any administrative law judge employed by or assigned to the Board, or any officer or employee duly designated by the Board, may for the purpose of carrying out duties authorized by paragraph (5)(A)—

"(A) hold such hearings, sit and act at such times and places, administer such oaths, and require by subpoena or otherwise attendance and testimony of such witnesses and the production of evidence and may require by order that any person engaged in the production, processing, handling, or storage of chemical substances submit written reports and responses to requests and questions within such time and in such form as the Board may require; and

"(B) upon presenting appropriate credentials and a written notice of inspection authority, enter any property where a sudden, accidental release causing a fatality, serious injury or substantial property damage has occurred and do all things therein necessary for a proper investigation pursuant to paragraph (5)(a) and inspect at reasonable times records, files, papers, processes, controls, and facilities and take such samples as are relevant to such investigation.

"(12) The Board is authorized to establish such procedural and administrative rules as are necessary to the exercise of its functions and duties. The Board is authorized without regard to section 5 of title 41 of the United States Code to enter into contracts, leases, cooperative agreements or other transactions as may be necessary in the conduct of the duties and functions of the Board with any other agency, institution, or person.

"(13) The Administrator shall provide to the Board such support and facilities as may be necessary for operation of the Board.

"(14) Any records, reports, or information obtained by the Board shall be available to the public, except that upon a showing satisfactory to the Board by any person that records, reports, or information, or particular part thereof (other than release or emissions data) to which the Board has access, if made public, is likely to cause substantial harm to the person's competitive position, the Board shall consider such record, report, or information or particular portion thereof confidential in accordance with section 1905 of title 18 of the United States Code, except that such record, report, or information may be disclosed to other officers, employees, and authorized representatives of the United States concerned with carrying out this Act or when relevant under any proceeding under this Act. This paragraph does not constitute authority to withhold records, reports, or information from the Congress.

"(15) Whenever the Board submits or transmits any budget estimate, budget request, supplemental budget request, or other budget information, legislative recommendation, prepared testimony for congressional hearings, recommendation or study to the President, the Administrator, or the Director of the Office of Management and Budget, it shall concurrently transmit a copy thereof to the Congress. No officer or agency of the United States shall have authority to require the Board to submit its budget requests or estimates, legislative recommendations, prepared testimony, comments, recommendations or reports to any officer or agency of the United States for approval or review prior to the submission of such recommendations, testimony, comments or reports to the Congress. In the performance of their functions as established by this Act, the members, officers and employees of the Board shall not be responsible to or subject to supervision or direction of any officer or employee or agent of any other part of the Environmental Protection Agency or any other agency of the United States except that the President may remove any member of the Board for inefficiency, neglect of duty or malfeasance in office.

"(16) The Board shall submit an annual report to the President and to the Congress which shall include, but not be limited to, information on sudden, accidental releases which have been investigated by or reported to the Board during the previous year, recommendations for legislative or administrative action which the Board has made, the actions which have been taken by the Administrator or the heads of other agencies to implement such recommendations, an identification of priorities for study and investigation in the succeeding year, progress in the development of risk-reduction technologies and the response to and implementation of significant research findings on chemical safety in the public and private sector.

"(17) There are authorized to be appropriated to carry out the provisions of this subsection not to exceed $12,000,000 in each of the fiscal years ending September 30, 1990, 1991, 1992, 1993, and 1994.

"(f) ACCIDENT PREVENTION.—(1) In order to prevent the release of substances listed pursuant to subsection (c) or other extremely hazardous substances (which may cause acute adverse effects on human health as the result of sudden events) from devices and systems (including, but not limited to, pumps, compressors, valves, flanges, connectors, containers, and vessels but not including rolling stock), the Administrator shall promulgate release prevention, detection, and correction requirements which shall include monitoring, recordkeeping, reporting, training, vapor recovery, secondary containment, and other design, equipment, work practice, and operational requirements. Regulations promulgated under this subsection may make distinctions between various types, classes, and kinds of facilities, devices, and systems taking into consideration factors including, but not limited to, the size, location, process, process controls, quantity of substances handled, potency of substances, and response capabilities present at any facility.

"(2) The regulations under this subsection may require the owner or operator of any facility handling an extremely hazardous substance to prepare and implement a risk management plan to detect and prevent or minimize the potential for an accidental release of extremely hazardous substances and to provide prompt emergency response in the event of a release. The Administrator may require that such plans be reviewed by an independent engineer and that any deficiencies identified be corrected.

"(3) In carrying out the authority of this subsection, the Administrator shall consult with the Secretary of Labor and seek to coordinate any requirements under this subsection with any requirements established for comparable purposes by the Occupational Safety and Health Administration. Nothing in this section shall be interpreted, construed, or applied to impose requirements affecting, or to grant the Administrator, the Chemical Safety and Hazard Investigation Board, or any other agency any authority to regulate (including requirements for hazard assessment), the accidental release of radionuclides arising from the construction and operation of facilities licensed by the Nuclear Regulatory Commission.

"(g) DETECTION.—Within thirty-six months of enactment, the Administrator shall conduct a study and report to Congress, assessing the best available technology to monitor devices and systems (including, but not limited to, pumps, compressors, valves, flanges, pipes, and pipelines, connectors, processes, containers and vessels), storage facilities, and transfer points adequate to detect immediately and report concurrently to the facility operator accidental release of such substances from facilities regulated under this section. Such study shall include an assessment of the cost effectiveness and feasibility of each technology. The study shall build upon and not duplicate work conducted pursuant to section 305(b) of the Emergency Planning and Community Right-to-Know Act of 1986. After reviewing the findings of the study, the Administrator shall, within twenty-four months after completion, promulgate regulations, taking cost effectiveness and technological feasibility into account, with respect to accidental leak detection monitoring requirements.

"(h) ORDER AUTHORITY.—

"(1) In addition to any other action taken, when the Administrator determines that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of an actual or threatened release of a substance listed pursuant to subsection (c) or other extremely hazardous substance from a facility, the Administrator may secure such relief as may be necessary to abate such danger or threat, and the district court of the United States in the district in which the threat occurs shall have jurisdiction to grant such relief as the public interest and the equities of the case may require. The Administrator may also, after notice to the State in which the facility is located, take other action under this subsection including, but not limited to, issuing such orders as may be necessary to protect human health, welfare, or the environment.

"(2) Any person who willfully violates, or fails or refuses to comply with, any order of the Administrator under paragraph (1) may, in an action brought in the appropriate United States district court to enforce such order, be fined not more than $25,000 for each day in which such violation occurs or failure to comply continues.

"(3) Within one hundred and eighty days after enactment of this section, the Administrator shall publish guidance for using the order authorities established by this subsection. Such guidance shall provide for the coordinated use of the authorities of this subsection with other emergency powers authorized by section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act, sections 311(c), 308, 309, and 504(a) of the Federal Water Pollution Control Act, sections 3007, 3008, 3013, and 7003 of the Solid Waste Disposal Act, sections 1445 and 1431 of the Safe Drinking Water Act, sections 5 and 7 of the Toxic Substances Control Act, and sections 113, 114, and 303 of this Act.

"(i) ENFORCEMENT.—Each requirement under this section shall, for purposes of section 113, 114, 116, 304 and 307, be treated as a standard in effect under section 112.

"(j) Presidential Review.—The President shall conduct a review of release prevention, mitigation, and response authorities of the various Federal agencies and shall clarify and coordinate agency responsibilities to assure the most effective and efficient implementation of such authorities and to identify any deficiencies in authority or resources which may exist. The President may utilize the resources and solicit the recommendations of the Board in conducting such review. At the conclusion of such review, but not later than twenty-four months after the date of enactment of this section, the President shall transmit a message to the Congress on the release prevention, mitigation, and response activities of the Federal Government making such recommendations for change in law as the President may deem appropriate. Nothing in this subsection shall be interpreted, construed, or applied to authorize the President to modify or reassign release prevention, mitigation, or response authorities otherwise established by law.

"(k) State Authority.—Nothing in this section shall preclude, deny, or limit any right of a State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard (including any procedural requirement) that is more stringent than a regulation, requirement, or standard in effect under this section or that applies to a substance not subject to this section.

"(l) Authorization.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out the provisions of this section.".

CONFORMING AMENDMENTS

Sec. 305. (a) Section 111(d)(1) of the Clean Air Act is amended by striking "112(b)(1)(A)" and inserting in lieu thereof "112(b)".

(b) Section 111 of the Clean Air Act is amended by striking paragraphs (g)(5) and (g)(6) and redesignating the succeeding paragraphs accordingly. Such section is further amended by striking "or section 112" in paragraph (g)(5) as redesignated in the preceding sentence.

(c) Section 114(a) of the Clean Air Act is amended by striking "or" after "section 111," and by inserting ", or any accident prevention regulation under section 129," after "section 112".

(d) Section 118(b) of the Clean Air Act is amended by striking "112(c)" and inserting in lieu thereof "112(i)(3)".

(e) Section 302(k) of the Clean Air Act is amended by adding before the period at the end thereof ", and any design, equipment, work practice, or operational standard authorized by this Act constitutes a violation of an 'emission standard' whether or not an air pollutant is emitted to the ambient air".

(f) Section 304(b)(1) of the Clean Air Act is amended by striking "112(c)(1)(B)" and inserting in lieu thereof "112".

(g) Section 307(b)(1) is amended by striking "112(c)" and inserting in lieu thereof "112".

MUNICIPAL WASTE COMBUSTION: AIR EMISSIONS

Sec. 306. (a) Part A of title I of the Clean Air Act is amended by adding the following new section at the end thereof:

"MUNICIPAL WASTE COMBUSTION

"Sec. 130. (a) Standards for New Units.—(1)(A) Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate standards of performance to control emissions of air pollutants into the ambient air from each—

"(i) new or modified municipal waste incineration unit; and

"(ii) municipal waste incineration unit which begins operation after July 1, 1989, except units which are substantially completed before such date.

"(B) The standards promulgated under this subsection shall reflect the greatest degree of emission limitation achievable through application of the best available control technologies and practices which the Administrator determines at the time of promulgation (or revision, in the case of a revision of a standard)—

"(i) has been achieved in practice by a municipal waste incineration unit, excluding periods of malfunction or misoperation, or

"(ii) is contained in a State or local regulation or any permit for municipal waste incineration units, and will be implemented at such units,

whichever is more stringent, unless the Administrator determines that such degree of emission limitation will not be achievable by units to which the standards apply or was adopted for reasons that are unique to the unit or jurisdiction in which the unit is located and are not applicable to other units or jurisdictions. In determining the emissions limitation to be required under this subsection, the Administrator shall take into account the performance of all units which achieve, in whole or in part, emissions limitations more stringent than current standards and may subsequently exclude units from consideration only to the extent provided in this subparagraph. In establishing standards under this section the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems.

"(C) In no event shall the standards promulgated under this subsection permit such municipal waste incineration units to emit any pollutant in excess of the amount allowable under any applicable new source standards of performance.

"(D) Standards under this subsection shall be based on methods and technologies for removal or destruction of pollutants before, during, or after combustion, and shall incorporate siting requirements that minimize, on a site specific basis, to the maximum extent practicable, any potential risk to human health or the environment. The following practices and control technologies, used individually, in combination with one another, or in combination with other available practices or control technologies not identified in this paragraph, shall be deemed available for purposes of this paragraph: electrostatic precipitators, fabric filtration, flue gas scrubbers, spray dry scrubbers, negative air flow, and good combustion practices, including availability of auxiliary fuel to maintain specific temperatures.

"(E) In adopting standards of performance, the Administrator may take into consideration other technologies and practices that, either by themselves or in combination with other technologies or practices, may achieve a greater degree of emission reduction for the pollutants specified in paragraph (2)(A), including the use of selective or non-selective catalytic reduction, wet flue gas denitrification, selective noncatalytic reduction, wet scrubbing, or catalytic oxidation.

"(2)(A) The standards promulgated under this subsection shall specify numerical emission limitations for the following substances or mixtures: particulate matter (total and fine), opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, halogenated organic compounds, dioxins, and dibenzofurans. In establishing such standards of performance under this subsection, the Administrator shall take into account the use of numerical standards or other methods to reduce the presence in air emissions or ash from a municipal waste incineration unit of each of the following additional substances: volatile organic compounds, beryllium, hydrogen fluoride, antimony, arsenic, barium, chromium, cobalt, copper, nickel, selenium, zinc, polychlorinated biphenyls, chlorobenzenes, chlorophenols, and polynuclear aromatic hydrocarbons.

"(B) Except as provided in subparagraph (C), any such standard shall not allow—

"(i) an outlet gas carbon monoxide concentration greater than fifty parts per million corrected to 7 per centum oxygen on an eight-hour average except that the Administrator is authorized to establish a standard for refuse derived fuel units allowing carbon monoxide concentrations not to exceed one hundred parts per million corrected to 7 per centum oxygen on an eight-hour average if such units commencing construction or modification after the date of enactment of this section control emissions with dry scrubbers and fabric filtration;

"(ii) an outlet gas particulate concentration greater than 0.015 grains per dry standard cubic foot corrected to 7 per centum oxygen;

"(iii) an outlet gas concentration of sulfur dioxide greater than forty parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by not less than 70 per centum;

"(iv) an outlet gas concentration of hydrogen chloride greater than thirty parts per million corrected to 7 per centum oxygen, unless uncontrolled hydrogen chloride emissions are reduced by not less than 90 per centum;

"(v) a retention temperature and time of less than 1800 degrees Fahrenheit or less than one second at fully mixed height (or the equivalent), except that the Administrator may establish standards for combustion parameters (including temperature) other than those stated in this paragraph for units employing atmospheric-fluidized bed boilers for the control of oxides of nitrogen, if such standards achieve a combustion efficiency equivalent to that required of other units; or

"(vi) a flue gas temperature of 450 degrees Fahrenheit or more averaged over four hours at the inlet of the particulate control device.

"(C) The Administrator shall by regulation establish periods of unit startup, unit shutdown and process upset to which the requirements of subparagraph (B)(i) do not apply and shall establish alternative standards during such period which shall include numerical limitations for carbon monoxide emissions and a requirement to use auxiliary fuels to minimize emissions of such pollutant.

"(3) Standards promulgated under this subsection shall be effective no later than six months after the date of promulgation. To the extent that installation of an acid gas scrubber at a municipal waste incineration unit is required to comply with a standard or standards under this subsection, such standard shall be effective for units at which a scrubber is to be installed not later than twenty-four months after the date of promulgation. Not later than five years following the initial promulgation of such standards and at five-year intervals thereafter, the Administrator shall review and, in accordance with this subsection, revise such standards. Such revised standards shall be effective as of the date six months after the date of promulgation with respect to facilities which begin construction or modification on or after the date on which such standards are first proposed.

"(4) After the effective date of any standard promulgated under this section, it shall be unlawful for any owner or operator of any municipal waste incineration unit to operate such unit in violation of such standard applicable to such unit.

"(5) When promulgating standards (or revised standards) under this subsection the Administrator shall consider the applicability of such standards (as the result of subsection (k)(2)(B)) to municipal waste incineration units already in operation and shall publish with such standards a schedule for compliance for each such unit providing adequate time for retrofit of necessary pollution control equipment, but in no event longer than four years after the date such standards are promulgated.

"(b) Recycling and Ash Management.—(1) In addition to any other applicable requirements, after the date thirty-six months after the enactment of this section, no permit may be issued under a State program approved under part C or part D of this Act for any new or modified municipal waste incineration unit unless (A) the applicant has fully complied with the application requirements for the permit (pursuant to 40 CFR 52.21) and any applicable State requirements before such date, or (B) each of the jurisdictions served by the municipal waste incineration unit (as designated by the State in accordance with section 4006 of the Solid Waste Disposal Act) has been certified by the director of the solid waste program for the State in which the unit is to be located as in compliance with all solid waste planning requirements under the Solid Waste Disposal Act and will achieve pursuant to an enforceable plan a solid waste recycling rate of 25 per centum or more before such unit begins operation, unless the director determines that recycling at such rate is economically infeasible and establishes an alternative rate. Yard waste shall not be credited for more than 10 per centum of the waste stream for purposes of the recycling requirement under this paragraph.

"(2)(A) Beginning twenty-four months after the date of enactment of this section, no permit may be issued under this Act to a municipal waste incineration unit unless an ash management plan has been submitted for the ash from such unit. The application for each permit to be issued to a new or modified municipal waste incineration unit or renewal or issuance of a permit for an existing unit, shall include a reasonable demonstration of adequate capacity to treat, manage, or dispose of the ash produced by the unit for a period of not less than five years in compliance with the requirements of section 4011 of the Solid Waste Disposal Act. Demonstrations required by this paragraph shall be updated every five years as required by subsection (f).

"(B) The Administrator may promulgate regulations or issue guidelines for the implementation of this paragraph which shall provide that, to the extent practicable, demonstrations are based on the characteristics of ash from the municipal waste incineration unit as determined by testing methods prescribed pursuant to section 4011 of the Solid Waste Disposal Act. The initial demonstration required for new or modified municipal waste incineration units under this paragraph shall be based on the characteristics of the ash from units of comparable design (including pollution control equipment and ash treatment systems) combusting similar waste streams.

"(C) Notwithstanding any other provision of this Act or the Solid Waste Disposal Act, no person may operate a municipal waste incineration unit unless adequate capacity is available to treat, manage or dispose of the ash produced by the unit in compliance with section 4011 of the Solid Waste Disposal Act.

"(c) Interim Standards.—If the Administrator fails to promulgate standards under subsection (a) of this section, beginning eighteen months after the date of enactment of this section and extending until such time as standards are promulgated no permit may be granted to the owner or operator of any municipal waste incineration unit which begins operation after July 1, 1989, and which is required to obtain a permit under a State program approved under part C or part D of this Act unless such permit requires compliance with emission standards that comply with subsection (a)(2)(B). Compliance with standards promulgated under subsection (a) shall be required six months after the date such standards are promulgated for all municipal waste incineration units subject to the provisions of this subsection, unless a unit is required to install an acid gas scrubber to comply with a standard in which case the standard shall be effective for such unit no later than twenty-four months after promulgation.

"(d) Standards for Existing Units.—(1) Not later than eighteen months after the enactment of this section, the Administrator shall promulgate regulations and standards of performance to control emissions of air pollutants into the ambient air from each municipal waste incineration unit which is in operation or which is substantially completed prior to January 1, 1989. Such standards of performance shall be established on the basis of the degree of emission limitation achievable through application of available control technologies and practices as determined under subsection (a)(1), and shall specify emission limitations for the substances required under subsection (a)(2). In establishing standards under this subsection the Administrator may distinguish between types and classes of municipal waste incineration units based on combustion technology or pollution control systems.

"(2) Except as provided in paragraph (3), any such standard shall not allow—

"(A) an outlet gas carbon monoxide concentration greater than one hundred parts per million corrected to 7 per centum oxygen on an eight-hour average except that the Administrator is authorized to establish a standard for units allowing carbon monoxide concentrations not to exceed two hundred parts per million corrected to 7 per centum oxygen on an eight-hour average provided that such units control emissions with acid gas scrubbers and fabric filtration;

"(B) an outlet gas particulate concentration greater than 0.020 grains per dry standard cubic foot corrected to 7 per centum oxygen;

"(C) an outlet gas concentration of sulfur dioxide greater than sixty parts per million corrected to 7 per centum oxygen on an eight-hour average, unless uncontrolled emissions of sulfur dioxide are reduced by 70 per centum;

"(D) an outlet gas concentration of hydrogen chloride of forty-five parts per million corrected to 7 per centum oxygen, unless uncontrolled emissions of hydrogen chloride are reduced by 90 per centum;

"(E) a retention temperature and time of less than 1800 degrees Fahrenheit or less than one second at fully mixed height (or the equivalent); or

"(F) a flue gas temperature of 450 degrees Fahrenheit or more averaged over four hours at the inlet of the particulate control device.

The Administrator shall promulgate a schedule for compliance with these standards. In no event shall such schedule provide for compliance with such standards later than the date six years after the enactment of this section.

"(3) The Administrator shall by regulation establish periods of unit startup, unit shutdown and process upset to which the requirements of paragraph (2)(A) do not apply and as part of such standards shall include a numerical limitation for carbon monoxide emissions and a requirement that auxiliary fuels be used during such periods to minimize emissions.

"(e) Monitoring.—(1) The Administrator shall promulgate regulations requiring the owner or operator of each municipal waste incineration unit—

"(A) to monitor emissions from the unit at the point at which such emissions are emitted into the ambient air (or within the stack, combustion chamber or pollution control equipment, as appropriate) and at such other points as necessary to protect human health and the environment;

"(B) to monitor such other parameters relating to the operation of the unit and its pollution control technology as the Administrator determines are appropriate; and

"(C) to report the results of such monitoring.

Such regulations shall contain provisions regarding the frequency of monitoring, test methods and procedures validated on municipal incineration units, and the form and frequency of reports containing the results of monitoring and shall require that any monitoring reports or test results indicating exceedance of standards under this section shall be reported separately and in a manner that facilitates review for purposes of enforcement actions. Such regulations shall require that copies of the results of such monitoring be maintained on file at the facility concerned and that copies shall be made available for inspection and copying by interested members of the public during business hours.

"(2) The Administrator shall promulgate the regulations required under this subsection within eighteen months after the enactment of this section. Such regulations may be revised from time to time in accordance with paragraph (1). Except as provided in paragraph (3), the requirements of this subsection shall take effect—

"(A) upon commencement of operation of any new or modified unit; and

"(B) twenty-four months after the enactment of this part in the case of any existing municipal waste incineration unit.

"(3)(A) The regulations promulgated under this subsection shall, at a minimum, require continuous monitoring for the following: opacity, hydrogen chloride (if such monitoring device or method is available), sulfur dioxide, oxides of nitrogen, carbon monoxide, carbon dioxide, oxygen, stack temperature, furnace temperature (or secondary combustion zone temperature, as appropriate) and stack gas temperature at the inlet to the particulate control device.

"(B) For all emissions subject to standards under this section that are not subject to continuous monitoring under subparagraph (A), the regulations promulgated under this subsection shall require periodic monitoring of such emissions at each municipal waste incineration unit not less frequently than—

"(i) every six months, or

"(ii) six months after commencement of operations, and every eighteen months thereafter if the owner or operator of such unit demonstrates that such unit has complied with all applicable emissions standards as of the commencement of operations and during the previous periods of monitoring and maintains compliance with all applicable emissions standards during each interval between monitoring.

Regulations promulgated under this section shall provide for prompt monitoring of emissions and parameters which are not monitored continuously whenever there is a violation of a related emission standard or parameter which is continuously monitored.

"(C) The initial monitoring under this subsection shall commence at the later of the following—

"(i) the date six months after the promulgation of regulations under this subsection; or

"(ii) the commencement of operation of the unit concerned.

"(4) Notwithstanding the provisions of paragraph (3), regulations promulgated under this subsection and applicable to municipal waste incineration units which are not major emitting facilities as defined in part C may provide for monitoring with other than EPA-certifiable monitoring methods and shall at a minimum require continuous monitoring of: oxygen; opacity; furnace temperature (or secondary combustion zone temperature, as appropriate); carbon monoxide; pH; and such other parameters as the Administrator shall require.

"(5)(A) The regulations required by this subsection may require the owner or operator of each municipal waste incineration unit to establish and operate, or to pay the costs of establishing and operating, a program to detect impacts of the unit, or any associated releases, on the environment or human health. Such program shall require periodic testing for and public reporting of the presence of waste constituents or contaminants (or indicators thereof) at statistically significant levels.

"(B) In any case in which exposure to municipal waste incineration unit emissions or ash may pose a potential risk to human health, the Administrator or the State may request the Administrator of the Agency for Toxic Substances and Disease Registry to conduct a health assessment in connection with the unit and such other health studies or surveillance as may be warranted, as authorized under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. Such studies may include programs to detect changes in the body burden of various pollutants including but not limited to lead, mercury, cadmium, halogenated hydrocarbons, and dioxins in any area affected by incineration unit emissions or ash.

"(f) Permits.—Notwithstanding any other provision of this Act, each permit for a municipal waste incineration unit issued under this Act may be issued for a period of up to twenty years and shall be reviewed every five years after date of issuance or reissuance. Each permit shall continue in effect after the date of issuance until the date of termination, unless the Administrator or State determines—

"(1) that the unit is not in compliance with all standards and conditions contained in the permit; or

"(2) capacity to treat or dispose of the ash from such unit in compliance with section 4011 of the Solid Waste Disposal Act for a five-year period after such determination has not been demonstrated.

Such determination shall be made at regular intervals during the term of the permit, such intervals not to exceed five years, and only after public comment and public hearing. No permit for a municipal waste incineration unit may be issued under this Act by an agency, instrumentality or person (other than a Governor) that is also responsible, in whole or part, for the design and construction or operation of the unit. Notwithstanding any other provision of this subsection, the Administrator or State may require the owner or operator of any unit to comply with emissions limitations or implement any other measures, if the Administrator or State determines that emissions in the absence of such limitations or measures may reasonably be anticipated to endanger public health or the environment.

"(g) Other Authority.—(1) Nothing in this section shall diminish or otherwise affect any authority to establish and enforce standards under section 111 or 112 or under any other authority of law for emissions from municipal waste incineration units of any air pollutant not referred to in subsection (a). With respect to emissions from municipal waste incineration units of any air pollutant referred to in subsection (a)—

"(A) nothing in this section shall diminish the authority of the Administrator to promulgate more stringent standards under section 112 or any other provision of this Act;

"(B) nothing in this section shall diminish the authority of the Administrator or a State to establish any other requirements under any other authority of law, including the authority to establish for any such air pollutant a national ambient air quality standard;

"(C) no requirement of an applicable implementation plan under section 165 (relating to construction of facilities in regions identified pursuant to section 107(d), relating to the designation of areas as nonattainment with respect to a national ambient air quality standard) or under section 172 (relating to permits for construction and operation in nonattainment areas) may be used to weaken the standards in effect under this section; and

"(D) nothing in this section shall be interpreted, construed or applied to limit the authority of the Administrator to impose more stringent requirements for the incineration of hospital or other infectious wastes under this Act or other authority including subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921, et seq.).

"(2) Nothing in this Act shall be construed, interpreted, or applied to preempt, supplant, or displace other State or Federal law, whether statutory or common.

"(h) State Programs.—Any State may submit to the Administrator a proposed State program for implementation and concurrent enforcement of the requirements of this section. After ninety days after submission to the Administrator, the State shall be treated as authorized to enforce the requirements of this section in such State unless the Administrator determines that the State program does not provide enforcement equivalent to Federal enforcement under this Act. Whenever the Administrator determines that a State is not enforcing the requirements of this section in a manner equivalent to Federal enforcement, the Administrator shall withdraw the authorization for such State. Each State program approved under this subsection shall, at a minimum, include permitting requirements for each new and existing municipal waste incineration unit located in the State. Any permit issued by a State may be reviewed and withdrawn by the Administrator on the Administrator's own motion or upon a showing by any person that the conditions contained in such permit are not in compliance with the requirements of this Act.

"(i) State Authority.—Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard relating to municipal waste incineration units that is more stringent than a regulation, requirement, or standard in effect under this section or under any other provision of this Act.

"(j) Enforcement.—For purposes of sections 111(e), 113, 114, 116, 120, 304, and 307 each standard and other requirement promulgated under this section shall be treated in the same manner as a standard of performance under section 111 which is an emission limitation and each requirement of a State plan authorized under this section shall be treated as a requirement of an applicable implementation plan. Any civil penalties imposed by a court against a unit of local government under this Act for violations of this section shall be paid into a trust fund or comparable mechanism established by a court or the State and shall be applied in support of public programs or activities, as authorized by the court (or a fund administrator appointed by the court), that serve to enhance the protection of human health and the environment of the residents of such unit of local government but shall not be used to come into compliance with requirements established under this section or section 4011 of the Solid Waste Disposal Act.

"(k) Definitions.—As used in this section—

"(1) The term 'municipal waste incineration unit' means a distinct operating unit of any facility which combusts any solid waste material from commercial or industrial establishments or the general public (including single and multiple residences, hotels, and motels). Such term does not include incinerators or other units required to have a permit under section 3005 of the Solid Waste Disposal Act. The Administrator may promulgate standards for hospital incineration units (or other units operated principally to handle infectious wastes) under other provisions of this Act or section 3005 of the Solid Waste Disposal Act in lieu of standards under this section, provided that such standards are no less stringent than the standards under this section which are applicable to municipal waste incineration units of a comparable class or type. Until such regulations are promulgated, hospital incineration units (or other units operated principally to handle infectious wastes) shall be subject to the requirements of this section. The term 'municipal waste incineration unit' does not include air curtain incinerators provided that such incinerators only burn wood wastes, yard wastes and clean lumber and that such incinerators comply with opacity limitations to be established by the Administrator by rule.

"(2) The term 'new municipal waste incineration unit' means a municipal waste incineration unit—

"(A) the construction or modification of which is commenced after the Administrator proposes requirements under this section establishing emissions standards or other requirements which would be applicable to such unit, or

"(B) effective January 1, 1992, which had commenced operation thirty years or more previously, except that any unit in compliance with the requirements of subsection (d) shall not be considered a new unit until thirty years after the date for compliance specified in such subsection.

"(3) The term 'substantially completed unit' means a unit not in operation before July 1, 1989 for which the addition of required pollution control equipment will cost more than twice what such equipment would have cost had it been constructed as part of the permitted design or for which 90 per centum of all construction has been completed before such date.

"(4) The term 'modified municipal waste incineration unit' means a municipal waste incineration unit at which modifications have occurred after the effective date of a standard under subsection (a) or (d) if (A) the cumulative cost of the modifications, over the life of the unit, exceed 50 per centum of the original cost of construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation), or (B) the modification is a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under this section.

"(5) The term 'existing municipal waste incineration unit' means a municipal waste incineration unit which is not a new or modified municipal waste incineration unit.

"(l) Source Separation.—(1) Not later than eighteen months after the enactment of this section, the Administrator shall publish guidelines identifying items or materials that should be removed from municipal waste prior to incineration, either through separation by the generator of such waste or at a central facility from the general waste stream or through limitations on the composition (including inks and pigments) of products or on the disposal of such items or materials in municipal waste.

"(2) Regulations under this section shall require the operator of any municipal waste incineration unit to establish contractual requirements or other appropriate notification and inspection procedures sufficient to assure that the unit does not receive any waste required to be placed in a facility permitted under section 3005 of the Solid Waste Disposal Act.

"(m) Product Composition.—If the Administrator finds that there is a reasonable basis to conclude that any product or article distributed in commerce presents, or may (to a reasonable degree of certainty) present, a threat to human health or the environment as the result of incineration of such product or article at municipal waste incineration units which are in compliance with standards promulgated under this section or as the result of the handling or disposal of ash from such units, the Administrator shall by rule apply one or more of the following requirements to the composition of such product or article, its distribution in commerce or methods of disposal as may be necessary to protect human health and the environment—

"(1) requirements prohibiting or limiting the manufacture, processing or distribution in commerce of such product or article;

"(2) requirements with respect to the concentration of any substances in the composition of the product or article, including a prohibition on the presence of such substances in the product, article or its residue;

"(3) requirements for the marking or labeling of such product or article, including instructions for the proper disposal of such product or article or its residues;

"(4) requirements for recovering or recycling such product or article, including the imposition of reimbursable fees on the sale of such product or article;

"(5) requirements that solid waste management plans for areas served by municipal waste incineration units as required by subsection (b) of this section provide for the separation, recovery or recycling of such products or articles or residues to prevent, to the maximum extent practicable, any threat to human health or the environment which may result from the incineration of such products, articles or their residues or the handling or disposal of ash from units which have incinerated such products, articles or their residues; or

"(6) requirements for the disposal of such product or article or its residues.

Not later than twenty-four months after the date of enactment of this section, the Administrator shall identify not less than five pollutants which present the greatest threat to public health or the environment as the result of municipal waste combustion or the disposal of ash from such combustion and for which health and environmental threats can be substantially diminished through rules issued pursuant to this subsection. The Administrator shall make a determination under this subsection with respect to the principal consumer or commercial products or residues of such products which contribute to the generation of the identified pollutants not later than thirty-six months after the date of enactment of this subsection.

"(n) Operator Training.—Not later than eighteen months after the enactment of this section, the Administrator shall develop and promote a model State program for the training and certification of municipal waste incinerator operators. The program shall include a requirement that all operators achieve a passing grade on an examination on (and participate in continuing education to stay informed about) current technology for the control of pollution from municipal waste incineration units. The Administrator may authorize any State to implement a State program for the training and certification of municipal waste incinerator operators if the State has adopted a program which is at least as stringent as the model program developed by the Administrator. Beginning on the date thirty months after the date of enactment of this section it shall be unlawful to operate a municipal waste incineration unit unless each person with control over processes affecting emissions from such unit has satisfactorily completed a training and certification program meeting the requirements established by the Administrator under this subsection.".

(b) Section 169(1) of the Clean Air Act is amended by striking "two hundred and" after "municipal incinerators capable of charging more than".

ASH MANAGEMENT AND DISPOSAL

Sec. 307. (a) Subtitle D of the Solid Waste Disposal Act is amended by adding the following new section:

"MUNICIPAL WASTE COMBUSTION ASH

"Sec. 4011. (a) In General.—(1) Not later than eighteen months after the date of enactment of this section, the Administrator shall promulgate regulations for the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units, as may be necessary to protect human health and the environment. Notwithstanding other provisions of this Act, the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units shall be subject to this section and subtitle and not subject to the provisions of subtitle C except that the Administrator may issue regulations under subtitle C in lieu of regulations under this section applicable to ash from units operated primarily to incinerate hospital or other infectious wastes. Until such time as regulations are promulgated for such units, ash from units operated primarily to incinerate hospital or other infectious wastes shall be subject to the requirements of this section. The provisions of sections 3007 and 3008 shall apply to ash from municipal waste incineration units and the requirements of this section to the same extent that such sections apply to hazardous wastes and the requirements of subtitle C.

"(2) For the purposes of this section, the term—

"(A) 'municipal waste incineration unit' shall have the meaning given in section 130(k)(1) of the Clean Air Act; and

"(B) 'treatment' means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any ash so as to remove or permanently fix in place any constituent of the ash which, in the event of mismanagement during transportation, storage, reuse or disposal, would pose a threat to human health or the environment and includes testing of such ash to assure that criteria promulgated under subsection (e) are satisfied.

"(3) Regulations promulgated under this section may establish requirements that apply to fly ash separately, to bottom ash separately, or to the combination of fly ash and bottom ash.

"(b) Disposal.—(1) Regulations promulgated under subsection (a) for the disposal of ash from municipal waste incineration units in landfills shall require—

"(A) the installation of a double liner consisting of one flexible membrane liner and a composite liner with a leachate collection system above and between such liners, in accordance with paragraph (2); and

"(B) ground water monitoring.

"(2) The requirement of paragraph (1)(A) may be satisfied by the installation of liners designed, operated, and constructed of materials to prevent the migration of any constituent into such liners during the period such facility remains in operation (including any post-closure monitoring period). For the purposes of this section the term 'composite liner' means a liner which consists of a flexible membrane liner and at least a three-foot thick layer of recompacted clay or other natural material with a hydraulic conductivity of no more than 1 x 10^{-7} centimeter per second. The provisions of this paragraph apply prior to and after the promulgation of regulations under paragraph (1).

"(3)(A) Notwithstanding the requirement of paragraph (1)(A), regulations promulgated under subsection (a) may provide for the placement of ash from municipal waste incineration units in a monofill (containing only ash from such units) with a composite liner designed, operated and constructed of materials to prevent the migration of any constituent into and through such liner during the period the monofill remains in operation (including any post-closure monitoring period), ground water monitoring and leachate collection.

"(B) For the purpose of paragraph (4), a monofill (containing only ash from municipal waste incineration units) with two or more flexible membrane liners, a leachate collection system above and between such liners and ground water monitoring is determined to be an alternative design which will prevent the migration of any hazardous constituent into ground water or surface water at least as effectively as the design requirements of subparagraph (A).

"(C) If fly ash is to be disposed in a monofill containing solely or substantially fly ash, such ash shall be treated pursuant to treatment standards established under this section before disposal or such monofill shall be constructed with an additional liner and a leachate detection and collection system between the liners.

"(D) Requirements under this paragraph are minimum requirements and the Administrator shall promulgate more stringent requirements applicable where necessary to assure that releases from a monofill will not contaminate ground water or surface water or otherwise pose a threat of adverse effects on human health or the environment.

"(4) The design requirements of paragraphs (1) and (3) shall not apply if the owner or operator of a solid waste management unit utilizing an alternative design demonstrates to the State, and the State finds, that the alternative design and operating practices will prevent the migration of any hazardous constituent into the ground water or surface water at least as effectively as the design requirements of paragraphs (1) or (3) of this subsection. The State shall not solely or substantially rely upon location characteristics to make any determination under this paragraph. The Administrator may review, on appeal by any person or on the Administrator's own motion, and reverse any determination made by a State under this subsection. The Administrator shall make a decision on any appeal within one hundred and eighty days.

"(5) Liner requirements imposed under paragraphs (1) or (3) of this subsection or subsection (c) shall include provisions for quality control and quality assurance with respect to the design and installation of the liners.

"(6) Nothing in this section shall be interpreted, construed or applied to require the routine testing of ash which is disposed in a landfill or monofill meeting the requirements of this subsection.

"(c) Disposal in Sanitary Landfills.—Regulations promulgated under subsection (a) may allow disposal of ash from municipal waste incineration units in sanitary landfills with, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meeting the requirements of revised criteria promulgated under section 4010(c), if (1) such ash is routinely tested and does not fail any criteria under subsection (e); and (2) any fly ash so disposed (including any fly ash combined with bottom ash) has undergone treatment (as defined in subsection (a)) in accordance with regulations for treatment promulgated under this section and such treated fly ash is separately tested and does not fail any criteria established under subsection (e). For the purposes of this section, the mixing of fly ash and bottom ash, or the mixing of such ash with other solid waste, without the introduction of chemical stabilization agents, does not constitute treatment. Ash may not be disposed of in units that are created as a result of vertical expansion of an existing waste disposal facility unless the owner or operator of such facility demonstrates, and the State finds, that there will be no settling (that would impair the integrity of any required liner) of the waste upon which the proposed unit is to be built.

"(d) Reuse.—(1) The regulations under this section shall include such requirements applicable to the reuse and recycling of the ash from municipal waste incineration units, including criteria and routine testing procedures, as may be necessary to protect human health and the environment. In developing such regulations, the Administrator shall consider, to the extent feasible and appropriate, all potential pathways of human and environmental exposure, including both short-term and long-term, to hazardous constituents of such ash from such recycling and reuse. The pathways to be considered shall include, but not be limited to, inhalation, ingestion as a consequence of incorporation of the ash or any hazardous constituents into the food chain, ingestion of potable water or aquatic organisms contaminated by surface runoff, leaching or percolation of such ash or its hazardous constituents into ground water or surface water, ingestion or inhalation of soil particles contaminated with such ash, and dermal contact with such ash. At a minimum the Administrator shall consider with respect to such recycling and reuse, appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity.

"(2) Such regulations shall require treatment of ash from municipal waste incineration units before any such ash is recycled or reused to protect human health and the environment. Such regulations shall specify those levels or methods of treatment that, taking into account the potential pathways of exposure identified in paragraph (1)—

"(A) substantially reduce the likelihood of migration of ash or its hazardous constituents so that short-term and long-term threats to human health and the environment are minimized;

"(B) satisfy any criteria and routine testing procedures included in the regulations under paragraph (1); and

"(C) assure that the recycling or reuse of such ash is protective of human health and the environment.

"(3) If the Administrator fails to promulgate regulations under this subsection, no person may reuse or recycle ash from a municipal waste incineration unit after the date thirty-six months after the date of enactment of this section unless such ash is treated and leachate from an extraction procedure toxicity test applied to such ash does not exceed standards established pursuant to section 1412 of the Safe Drinking Water Act for any pollutant or contaminant.

"(e) Criteria and Testing.—(1) For the purposes of developing regulations for the management, handling, storage, treatment, transportation, reuse, recycling, and disposal of ash from municipal waste incineration units under this section, the Administrator shall promulgate criteria and testing procedures for identifying the characteristics of ash from municipal waste incineration units that may pose a hazard to human health or the environment. In considering potential hazards to human health and the environment, the Administrator shall consider, to the extent appropriate and feasible, all potential pathways of human or environmental exposure to constituents of such ash, including, but not limited to, inhalation, ingestion as a consequence of incorporation of the ash or any constituent into the food chain, ingestion of potable water or aquatic organisms contaminated by surface runoff, leaching or percolation of such ash or its constituents into ground water or surface water, ingestion or inhalation of soil particles contaminated with such ash, and dermal contact with such ash (including, for all such pathways, situations of disposal or reuse). At a minimum, the Administrator shall consider appropriate methods to determine leaching, total chemical analysis, respirability, and toxicity. The criteria and accompanying testing procedures promulgated by the Administrator under this subsection shall reflect the heterogeneous characteristics of municipal solid waste and municipal incinerator ash, including seasonal variations in the constituents of such solid waste and ash. Leaching procedures established under this subsection shall include testing under acidic and native conditions. Test leachate from any ash containing a substance in concentrations exceeding the maximum contaminant level for such substance established pursuant to section 1412 of the Safe Drinking Water Act by a factor of one hundred or more shall, unless the Administrator establishes a more stringent requirement, constitute a failure of the test required by this section.

"(2) The Administrator shall, pursuant to subsection (c) or (d), require the owner or operator of any municipal waste incineration unit or any facility handling, transporting, storing, treating, reusing, recycling, or disposing of ash from such unit to test such ash in accordance with the criteria and testing procedures promulgated under this subsection. If fly ash and bottom ash are combined, such combined ash must also be tested in accordance with such criteria and testing procedures, including, as the Administrator determines necessary, the separate testing of bottom ash and fly ash.

"(3) Any ash which fails in any characteristic under the criteria and testing procedures promulgated by the Administrator under this subsection shall be disposed of in a facility in compliance with subsection (b)(1) or (3), or shall be treated (as defined in subsection (a)) in accordance with regulations promulgated under subsection (a) and shall be demonstrated to satisfy all applicable criteria promulgated under this subsection before disposal (pursuant to subsection (c)) or reuse (pursuant to subsection (d)).

"(4) The Administrator shall seek to validate the criteria and testing procedures established pursuant to this subsection by conducting a program of continuing analysis of leachate produced at facilities disposing or reusing ash from municipal waste incineration units.

"(f) Corrective Action.—(1) Whenever on the basis of any information the Administrator determines that there is or has been a release of any hazardous constituent from a facility regulated under this section, the Administrator may issue an order requiring corrective action or such other response measure as the Administrator deems necessary to protect human health or the environment or the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued under this subsection may include a suspension or revocation of authorization to operate, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If any person named in an order fails to comply with the order, the Administrator may assess, and such person shall be liable to the United States for, a civil penalty in an amount not to exceed $25,000 for each day of noncompliance with the order.

"(3) Regulations promulgated under subsection (a) shall require corrective action for all releases of hazardous constituents from any solid waste management unit at a facility seeking a permit under this section, regardless of the time at which waste was placed in such unit. Permits issued under this section shall contain schedules of compliance for such corrective action and assurances of financial responsibility for completing such corrective action.

"(g) Closure.—Regulations promulgated under subsection (a) shall establish requirements for the proper closure of facilities treating, storing, or disposing of ash from municipal waste incineration units, for the post-closure monitoring and care of such facilities for a period of not less than thirty years, and for assurances of financial responsibility for closure, post-closure care and corrective action.

"(h) State Programs.—(1) Beginning eighteen months after the date of enactment of this section, any State may submit to the Administrator a proposed program for implementation and concurrent enforcement of the requirements of this section which may be considered and approved by the Administrator in accordance with the procedures established in section 4007. State programs approved under this subsection shall contain provisions assuring that each facility receiving ash from a municipal waste incineration unit obtains a permit or other form of prior approval. Whenever the Administrator determines that a State is not enforcing the requirements of this section in a manner equivalent to Federal enforcement, the Administrator shall withdraw the authorization of such State program under this subsection.

"(2) Nothing in this section shall prohibit any State or political subdivision thereof from imposing any requirement with respect to the management, handling, storage, treatment, transportation, reuse, recycling or disposal of ash from municipal waste incineration units which is more stringent than any requirement established under this section.

"(i) Export.—(1) Export of ash from a municipal waste incineration unit to locations outside of the United States shall be unlawful except as provided in an international agreement between the United States and the country receiving the ash. Any such international agreement shall include at a minimum—

"(A) a provision for obtaining the consent of the receiving country prior to shipment of the ash;

"(B) a provision that requires tracking of the ash shipment from the site of generation to the receiving country;

"(C) a provision for cooperation between the United States and the receiving country on compliance and enforcement of the agreement.

"(2) No person shall export ash from a municipal waste incineration unit to locations outside of the United States without a permit or other prior approval from the Administrator to do so. Permits granted for export under this section shall have a term not to exceed five years, shall be accompanied by fees sufficient to offset the cost experienced by the Administrator in monitoring compliance with the conditions of the permit and shall contain such other requirements as the Administrator may deem appropriate.

"(j) Effective Dates.—(1) Regulations promulgated under this section shall be effective upon promulgation, except that requirements promulgated pursuant to subsection (b) or (c) with respect to the disposal of ash from municipal waste incineration units shall be effective on and after the date forty-eight months after the date of enactment of this section.

"(2) Beginning eighteen months after the date of enactment of this section and until the effective date of disposal requirements promulgated pursuant to subsection (b) or (c), ash from municipal waste incineration units shall not be disposed in landfills unless such landfills have, at a minimum, one liner, leachate collection and ground water monitoring and otherwise meet the criteria for sanitary landfills issued under this subtitle.

"(3) Notwithstanding the provisions of paragraph (2), the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from each municipal waste incineration unit be disposed in a facility with a liner, leachate collection and ground water monitoring beginning eighteen months after enactment of this section, on a showing by the owner or operator of any such unit that sufficient capacity to dispose of ash in compliance with such requirements is not available for the unit taking cost into consideration. No variance granted under this paragraph shall extend for a period longer than thirty months after the date of enactment of this section.

"(4) Notwithstanding the provisions of paragraph (1), the Administrator or a State may grant on a case-by-case basis a variance from the requirement that ash from municipal waste incineration units be disposed only in landfills meeting the requirements of subsection (b) or (c) beginning forty-eight months after the date of enactment of this section, on a showing by the owner or operator of any such unit that good faith efforts were made to satisfy such requirement but the unit will fail to do so for reasons not in control of the owner or operator of such unit. No variance granted under this paragraph shall extend for a period longer than seventy-two months after the date of enactment of this section.

"(5) If the Administrator fails to promulgate regulations under subsection (a) for the disposal of ash from municipal waste incineration units, no person may dispose of ash in a landfill after forty-eight months after the date of enactment of this section unless such landfill satisfies the requirements of subsections (b)(1) or (b)(3).

"(k) Prohibition.—(1) Beginning on the effective date of any regulation or requirement under this section it shall be unlawful to manage, handle, store, treat, transport, reuse, recycle, or dispose ash from a municipal waste incineration unit otherwise than in accordance with such regulation or requirement or a State program approved pursuant to subsection (h).

"(2) Prior to and after the effective date of regulations under this section, the Administrator may use the authorities of section 3008 to enforce the requirements of this section. In the case of a violation in a State which is authorized to implement and enforce a program under subsection (h), the Administrator shall give notice to the State in which a violation has occurred prior to issuing an order or commencing civil action under section 3009.".

(b) The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding the following new item at the end thereof:

"Sec. 4011. Municipal waste combustion ash.".

(c) Subsection (i) of section 3001 of the Solid Waste Disposal Act is repealed.

CONSULTATION

Sec. 308. Notwithstanding the provisions of the Federal Advisory Committee Act, prior to promulgation of any regulations, requirements, or guidelines pursuant to section 4011 of the Solid Waste Disposasl Act or section 130 of the Clean Air Act, the Administrator shall consult with elected officials of State and local governments, or their representatives or representatives of their organizations which may develop plans, administer programs, issue permits, promulgate regulations or take corrective action under such sections to receive their advice and recommendations on such regulations, requirements and guidelines.

TITLE IV—ACID DEPOSITION CONTROL

Sec. 401. The Clean Air Act is amended by adding the following new title:

"TITLE IV—ACID DEPOSITION CONTROL

"FINDINGS AND PURPOSES

"Sec. 401. (a) Findings.—The Congress finds that—

"(1) the presence of acidic compounds and their precursors in the atmosphere and in deposition from the atmosphere represents a threat to natural resources, ecosystems, materials, visibility, and public health;

"(2) the principal sources of the acidic compounds and their precursors in the atmosphere are emissions of sulfur and nitrogen oxides from the combustion of fossil fuels;

"(3) the problem of acid deposition is of national and international significance;

"(4) strategies and technologies for the control of precursors to acid deposition exist now that are economically feasible, and improved methods are expected to become increasingly available over the next decade;

"(5) current and future generations of Americans will be adversely affected by delaying measures to remedy the problem;

"(6) reduction of total atmospheric loading of sulfur dioxide and nitrogen oxides will enhance protection of the public health and welfare and the environment; and

"(7) control measures to reduce precursor emissions from steam-electric generating units should be initiated without delay.

"(b) Purposes.—The purpose of this title is to reduce the adverse effects of acid deposition through reductions in annual emissions of sulfur dioxide of ten million tons from 1980 emission levels, and, in combination with other provisions of this Act, of nitrogen oxides emissions of approximately two million tons from 1980 emission levels, in the forty-eight contiguous States and the District of Columbia. It is also the purpose of this title to encourage energy conservation, use of renewable and clean alternative technologies, and pollution prevention as a long-range strategy for reducing air pollution and other adverse impacts of energy production and use.

"DEFINITIONS

"SEC. 402. As used in this title—

"(a) The term 'affected source' means a source that includes one or more affected units.

"(b) The term 'affected unit' means a unit that is subject to emission reduction requirements or limitations under sections 404, 405, 406, 407, or 410 of this title.

"(c) The term 'allowance' means an authorization, issued to an affected source by the Administrator under this title, to emit, during or after a specified calendar year, one ton of sulfur dioxide or nitrogen oxides.

"(d) The term 'baseline' means the annual quantity of fossil fuel consumed, measured in millions of British Thermal Units ('mmBtu's'), by an affected unit, calculated as follows:

"(1) For each utility unit that was in commercial operation prior to January 1, 1985, the baseline shall be the annual average quantity of mmBtu's consumed in fuel during calendar years 1985, 1986, and 1987, as recorded by the Department of Energy pursuant to Form 767. For any unit for which such form was not filed, the baseline shall be the level specified for such unit in the 1985 National Acid Precipitation Assessment Program (NAPAP) Emissions Inventory, Version 2, National Utility Reference file (NURF). For other units, the baseline is the NAPAP Emissions Inventory, Version 2. The Administrator may exclude periods during which a unit is shutdown for a continuous period of four months or longer.

"(2) For each utility unit that entered operation on or after January 1, 1985, the baseline shall be an annual average quantity of mmBtu; as calculated pursuant to a method which the Administrator shall prescribe, by regulation to be promulgated not later than one year after the date of enactment of the Clean Air Act Amendments of 1989.

"(3) For any other unit, the baseline shall be the annual average quantity, in mmBtu consumed in fuel by that unit, as established by regulation to be promulgated by the Administrator not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"(e) The term 'capacity factor' means the ratio between the actual electric output from a unit and the potential electric output from that unit.

"(f) The term 'compliance plan' means a plan submitted pursuant to section 408 describing how the source will comply with all applicable requirements under this title, including a schedule for compliance and certification by the owner or operator that the facility is in compliance with the requirements of this title.

"(g) The term 'continuous emission monitor system' (CEMS) means the equipment used to sample, analyze, measure, and provide on a continuous basis a permanent record of emissions and flow (expressed in pounds per million British thermal units (lbs/mmBtu), pounds per hour (lbs/hr) or such other forms as the Administrator may prescribe by regulations under section 412 of this title).

"(h) The term 'existing unit' means a unit (including units subject to section 111) that commenced construction prior to January 1, 1990 and commenced operation on or before December 31, 1992. Any unit modified, reconstructed, or repowered after the date of enactment of the Clean Air Act Amendments of 1989 shall continue to be an existing unit for the purposes of this title. For the purposes of this title, existing units shall not include simple combustion turbines.

"(i) The term 'generating unit' means a turbine together with its generator reported pursuant to Department of Energy Form 860.

"(j) The term 'new unit' means a unit that commences operation on or after January 1, 1993.

"(k) The term 'permitting authority' means the Administrator or the air pollution control agency, as defined under section 302(b).

"(l) The term 'repowering' means replacement of an existing coalfired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or a derivative of one of these techniques, or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler generation efficiency and of achieving significantly greater solid waste reduction relative to the performance of technology in widespread commercial use as of the date of enactment of the Clean Air Act Amendments of 1989, as determined by the Administrator, in consultation with the Secretary of Energy.

"(m) The term 'State' means one of the forty-eight contiguous States and the District of Columbia.

"(n) The term 'unit' means a fossil fuel-fired combustion device.

"(o) The term 'actual 1985 emission rate', for electric utility units means the annual sulfur dioxide or nitrogen oxides emission rate in units of pounds per million Btu as reported in the NAPAP Emissions Inventory, Version 2, National Utility Reference File. For non-utility units, the term 'actual 1985 emission rate' means the annual average sulfur dioxide or nitrogen oxides emission rate in units of pounds per million Btu as reported in the NAPAP Emission Inventory, Version 2.

"(p) The term 'utility unit' means a unit that produces electricity for sale. For purposes of this title, a unit that cogenerates steam and electricity shall be considered a utility unit if the unit supplies more than one-third of its potential electric output capacity and more than twenty-five megawatts electrical output to any utility power distribution system for sale.

"(q) The term 'allowable 1985 emissions rate' means the emissions limitations for sulfur dioxide and oxides of nitrogen, expressed as a rate in units of pounds of emissions per million Btu, of a federally enforceable emissions limitation applicable to a unit in 1985. Where the emissions limitation for a unit is not expressed, or the averaging period of that emission rate is not expressed on an annual basis, the Administrator shall determine the annual equivalent of that emissions rate.

"(r) The term 'qualifying Phase I technology' means a technological system of continuous emission reduction which achieves a 90 per centum reduction in emissions of a pollutant from the emissions that would have resulted from the use of fuels which were not subject to treatment prior to combustion.

"ALLOWANCE PROGRAM FOR EXISTING AND NEW UNITS

"SEC. 403. (a) ALLOCATIONS OF ANNUAL ALLOWANCES FOR EXISTING AND NEW UNITS.—(1) For the emission limitation programs under this title, the Administrator shall allocate annual allowances to the owner or operator of the affected units at an affected source in an amount equal to the annual tonnage emission limits calculated under sections 404, 405, 406, and 410 except as otherwise specifically provided in section 405(h)(1) and elsewhere in this title. Except as provided in sections 405(a)(2) and 410, beginning January 1, 2000, the allocation of allowances for the emissions of sulfur dioxide pursuant to section 405 shall not result in total annual emissions of sulfur dioxide from utility units in excess of 8.9 million tons, except that the Administrator shall not take into account allowances carried forward by owners and operators of affected units or by other persons after issuance in previous years. If necessary to meeting the restrictions imposed in the preceding sentence, the Administrator shall reduce, pro rata, the annual allowances allocated to each unit subject to the requirements of section 405. Subject to the provisions of paragraphs (2) and (3) of this subsection, the Administrator shall issue allowances for each affected unit at an affected source annually, as provided in paragraphs (2) and (3) and section 408. If an existing unit subject to the requirements of sections 404, 405, or 406 is removed from operation, such removal from operation shall not affect the number of allowances allocated or issued for the unit annually as provided in section 408.

"(2)(A) Beginning January 1, 1993, and during each calendar year thereafter, the Administrator, pursuant to regulations promulgated not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, shall offer for purchase, at a price of $1,500 per ton (adjusted for inflation based on the Consumer Price Index beginning on the date of enactment of the Clean Air Act Amendments of 1989 and annually thereafter), allowances not to exceed an annual total of one hundred thousand. Allowances purchased pursuant to this paragraph shall be issued to the purchaser on January 1 of the calendar year seven years after the year in which the allowances are offered and reserved for the purchaser.

"(B) The regulations promulgated pursuant to subparagraph (A) shall specify that an applicant for such sales shall demonstrate that (i) it is, or will be, an owner or operator of a unit subject to subsection (e), (ii) the owner or operator has entered into binding agreements to construct the unit for which the allowances are being sought or that the public service commission with jurisdiction over the unit has given its approval for the construction and operation of the unit and (iii) the owner or operator has failed, after a good faith effort, to secure the necessary allowances from owners and operators eligible to receive allowances under paragraph (1) of this subsection. Applications may be submitted beginning ninety days after promulgation of such regulations and shall be approved or disapproved by the Administrator not later than

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ninety days after submission of each completed application. Applications shall be approved in the order of submission and each applicant shall be required to pay 5 per centum of the total purchase price within six months of approval of the application. Upon the receipt of such payment the Administrator shall issue to the owner or operator a letter certifying that the owner or operator is eligible to purchase allowances as specified in the approved application.

"(C) Not later than one year prior to the calendar year for which the allowances have been offered for sale and reserved in accordance with an approved application, the owner or operator who wishes to purchase such reserved allowances shall pay to the Administrator the balance of the purchase price. The Administrator shall issue the allowances to the applicant and deduct, from the allowances allocated pursuant to subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitations requirement of subparagraphs (4) and (5) of subsection (d) of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued.

"(3)(A) Beginning January 1, 1995, and during each calendar year thereafter, the Administrator, pursuant to regulations promulgated not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, shall auction, on a quarterly basis beginning January 1, 1995, and each calendar year thereafter, allowances in an amount not to exceed an annual total of one hundred thousand. Not later than thirty-six months after the enactment of the Clean Air Act Amendments of 1989, the Administrator, after consultation with the Secretary of the Treasury, shall promulgate regulations setting forth the method by which each auction shall be conducted. The regulations shall assure that the auction is open to any person who may hold allowances pursuant to this section and shall provide for quarterly sales of the allowances. The regulations shall not require that a minimum price be met for the purchase of allowances from the reserve. Allowances awarded at auction may be used for any purpose subject to the provisions of this title but in no calendar year earlier than five years after the calendar year in which the allowances have been awarded pursuant to auction. Persons awarded allowances pursuant to each auction shall be required to pay 5 per centum of the total purchase price within six months of award. Upon the receipt of such payment the Administrator shall issue to the person a letter certifying that the person is eligible to purchase allowances as specified according to the bid and award.

"(B) Not later than one year prior to the calendar year for which the allowances have been auctioned and awarded, the owner or operator who wishes to purchase such awarded allowances shall pay to the Administrator the balance of the purchase price. The Administrator shall issue the allowances to the applicant and deduct, from the allowances allocated pursuant to subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitation requirements of subparagraphs (4) and (5) of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued.

"(C) Within ninety days of receipt, all monies collected as a result of each auction shall be disbursed on a pro rata basis to the owners or operators of the affected units from whose allocation the allowances were withheld. The Administrator shall report the nature, price, and results of each auction including the prices of successful bids and shall record the transfers of allowances as a result of each auction and purchase in accordance with the requirements of subsection (b). Any holder of allowances may contribute to any auction allowances applicable for meeting compliance requirements in the year in which the auction is to be held and shall receive a pro rata share of monies collected. The holder of such allowances may specify a minimum sale price and time of payment provided that the Administrator finds that doing so would not interfere with the purposes and functioning of the auction.

"(D) The regulations promulgated pursuant to subparagraph (A) shall ensure that the operation of the auction is consistent with orderly functioning of a national market for allowances and with preservation of competition in the electric power industry. Pursuant to rulemaking after public notice and comment the Administrator may discontinue, or alter the frequency of, the auction if the Administrator finds that such auctions are not necessary to preserving the orderly functioning of a national market for allowances and competition in the electric power industry. Pursuant to the regulations promulgated pursuant to subparagraph (A), the Administrator may by delegation or contract provide for the conduct of auctions under the Administrator's supervision by other departments or agencies or by nongovernmental agencies.

"(b) ALLOWANCE SYSTEM.—Allowances issued under this title may be transferred among the owners or operators of affected sources under this title or any person who lawfully acquires such allowances, as provided by regulations to be promulgated by the Administrator not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989. The Administrator shall promulgate regulations, not later than eighteen months after enactment, to establish the allowance system prescribed under this section, including, but not limited to, requirements for the issuance, transfer, and use of allowances under this title. Such regulations shall prohibit the use of allowances prior to the calendar year for which the allowances were issued, and shall provide, consistent with the purposes of this title, for the identification of unused allowances, and for such unused allowances to be carried forward and added to allowances allocated in subsequent years. Such regulations shall permit transfers only within each of the two major geographic regions of the country as defined by such regulations. Nothing in the regulations shall relieve the Administrator of the Administrator's permitting, monitoring and enforcement obligations under this Act nor relieve sources of their requirements and liabilities under this Act. Transfers of allowances shall not be effective until written certification of the transfer, signed by a responsible official of each party to the transfer, is received and recorded by the Administrator. Such regulations shall permit the transfer of allowances prior to the issuance of such allowances. Upon the recordation by the Administrator of such transfers, the Administrator, in the calendar year in which the allowances are issued, shall deduct the transferred allowances from the number of allowances issued to the transferor and add such allowances to those issued to the transferee. Such transfers shall not affect the prohibition contained in this subsection against the use of allowances prior to the year for which they are issued.

"(c) INTERPOLLUTANT TRADING.—Not later than January 1, 1994, the Administrator shall furnish to the Congress a study evaluating the environmental and economic consequences of amending this title to permit trading sulfur dioxide allowances, for nitrogen oxides allowances.

"(d) ALLOWANCE TRACKING SYSTEM.—The Administrator shall promulgate, not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, a system for issuing, recording, and tracking allowances and shall specify procedures and requirements. All allowance allocations and transfers shall upon recordation by the Administrator be deemed a part of each unit's permit requirements pursuant to section 408, but shall not require permit review and revision.

"(e) NEW UTILITY UNITS.—The owner or operator of each new utility unit must hold allowances equal to the annual tonnage of sulfur dioxide emitted by such unit after January 1, 2000. Such new utility units shall not be eligible for an allocation of sulfur dioxide allowances under subsection (a). Notwithstanding the geographic limitations on transfers of allowances in subsection (b), new utility units may obtain allowances from any unit allocated allowances under this title. After January 1, 2000, it shall be unlawful for any new utility unit to emit sulfur dioxide in an amount exceeding the allowances the owner or operator of such unit holds for such unit. The owner or operator of any new utility unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title.

"(f) NATURE OF ALLOWANCES.—An allowance issued under this title is a limited authorization to emit sulfur dioxide or nitrogen oxides in accordance with the provisions of this title. Such allowances may be limited, revoked or otherwise modified in accordance with the provisions of this title or other authority of the Administrator. Such allowance does not constitute a property right.

"(g) PROHIBITION.—It shall be unlawful for any person to hold or transfer any allowance issued under this title, except in accordance with regulations issued by the Administrator.

"PHASE 1 SULFUR DIOXIDE REQUIREMENTS

"SEC. 404. (a) EMISSION LIMITATIONS.—(1) After January 1, 1995, each source that includes one or more affected units listed in Table A is an affected source under this section. After January 1, 1995, it shall be unlawful for any affected unit (other than an eligible phase I unit) to emit sulfur dioxide in excess of the tonnage limitation stated in table A for phase I unless the emissions reduction requirements applicable to such unit have been achieved pursuant to subsection (b) or (d) or the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions. The owner or operator of any unit in violation of this section shall be liable for fulfilling the obligations specified in section 411 of this title. The annual limitation for any unit totaled on Table A shall equal the product of each unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000.

"(2) Not later than December 31, 1991, the Administrator shall determine the total tonnage of reductions in the emissions of sulfur dioxide from all utility units in calendar year 1995 that will occur as a result of compliance with the emissions limitation requirements of this section, and shall establish a reserve of allowances equal in amount to the number of tons determined thereby not to exceed a total of 3.50 million tons. In making such a determination, the Administrator shall compute for each unit subject to the emissions limitation requirements of this section the difference between: (A) the product of its baseline multiplied by the lesser of each unit's allowable 1985 emissions rate and its actual 1985 emissions rate, divided by 2000, and (B) the product of each unit's baseline multiplied by 2.50 lbs/mmBtu divided by 2000, and sum the computations. The Administrator shall adjust the foregoing calculation to reflect projected calendar year 1995 utilization of the units subject to the emissions limitations of this section that the Administrator finds would have occurred in the absence of the imposition of such requirements. Not later than June 1, 1996, the Administrator shall adjust, if necessary, the allowances in the reserve to reflect the actual emissions reductions achieved by such units during calendar year 1995 as measured by continuous emissions monitoring pursuant to section 412. In making any such adjustment, the Administrator shall take into account, inter alia, whether emissions reductions achieved by any unit subject to the requirements of this section resulted from reduced utilization of the unit as compared with its baseline or from shutting the unit down and whether additional emissions of sulfur dioxide from units not subject to the emissions limitations of this section occurred as a result of those units' provision of electrical generation to compensate for the reduced output resulting from any affected unit's reduced utilization or shutdown. Pursuant to subsection (d), the Administrator shall issue allowances from the reserve established hereinunder until the earlier of such time as all such allowances in the reserve are issued or December 31, 1999.

"(b) SUBSTITUTIONS.—The owner or operator of an affected unit under subsection (a) may submit a proposal to the Administrator to reassign, in whole or in part, the sulfur dioxide reduction requirements to any other unit(s) under the control of such owner or operator. Such proposal shall specify—

"(1) the designation of the substitute affected units to which any part of the reduction obligations of subsection (a) shall apply, in addition to, or in lieu of, the original affected units designated under such subsection;

"(2) the baseline, the actual 1985 sulfur dioxide emissions rate, and the authorized annual tonnage limitation stated in Table A for the original affected unit;

"(3) calculation of the calendar year 1985 annual tonnage emitted by the substitute units, based on the baseline for each unit, as defined in section 402(d), multiplied by the unit's actual 1985 emission rate;

"(4) the emission rates and the actual tonnage limitations that would be applicable to the original and substitute affected units;

"(5) documentation, to the satisfaction of the Administrator, that the reassigned tonnage limits will, in total, achieve the same or greater emissions reduction than would have been achieved without such substitutions; and

"(6) such other information as the Administrator may require.

"(c) ADMINISTRATOR'S ACTION ON A PROPOSAL.—

"(1) The Administrator shall approve or disapprove such substitution not later than six months after receipt of a substitution proposal that fulfills the requirements of this subsection. If a proposal does not meet the requirements of subsection (d), the Administrator shall disapprove it. The owner or operator of a unit listed in Table A may not substitute another unit without the approval of the Administrator.

"(2) For an approved proposal, each substitute unit and source shall be deemed affected under this title, and the Administrator shall act on the submission in accordance with section 408. The Administrator shall allocate allowances for the affected units in accordance with the approved proposal pursuant to section 403. It shall be unlawful for any source or unit that receives allowances pursuant to this section to emit sulfur dioxide in an amount in excess of the allowances allocated to it. The owner or operator of any unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title. For a disapproved proposal, the Administrator shall issue allowances in accordance with subsection (a).

"(d) ELIGIBLE UNITS.—(1) Any unit subject to an emissions limitation requirement under this section may qualify for an extension of two years of the deadline for meeting such requirement. To qualify for such an extension a unit must employ a qualifying phase I technology, or transfer its phase I emissions reduction obligation to a unit employing a qualifying phase I technology. Such transfer shall be accomplished through submission of a compliance plan under section 408 that includes all units included in the transfer and satisfaction of the emissions reduction obligations imposed pursuant to an approved plan or permit.

(2) The owner or operator of an affected unit under subsection (a) or (c) may submit a proposal to the Administrator requesting that such unit be designated an eligible phase I unit. Such proposal shall—

(A) specify the unit proposed for designation as an eligible phase 1 unit;

(B) provide an executed contract, which may be contingent upon the Administrator approving the proposal, for the design of the qualifying technology for the unit, or for the unit to which the unit's emission reduction obligation is to be transferred;

(C) specify the unit's baseline, actual 1985 emission rate, allowable 1985 emission rate, and projected utilization for calendar years 1995 through 1999; and

(D) specify the emission rate and number of allowances expected to be necessary for annual operation after the qualifying technology has been installed.

(3) The Administrator shall review and approve or disapprove each proposal in order of receipt, and for an approved proposal designate the unit as as eligible phase I unit. Each eligible unit shall receive allowances determined under subsection (a)(1) or (c) of this section. In addition, the Administrator shall issue to each eligible unit, from the allowance reserve created pursuant to subsection (a)(2), allowances equal to the difference between its projected emissions tonnage for calendar years 1995 and 1996 and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu multiplied by a factor of 2, divided by 2000.

(4) The Administrator shall reduce the reserve by the number of allowances calculated according to subparagraph (A) and (B) until either the reserve is consumed or all approved proposals have been acted upon. If the reserve is consumed before all proposals have been acted upon by the Administrator, any pending proposals shall be disapproved. The Administrator shall calculate allowances equal to—

(A) the difference between the projected emissions tonnage for calendar years 1995 and 1996 of each eligible unit, as designated under paragraph (3), and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu; and

(B) the difference between the product of each unit's baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2000, and the tonnage level specified under subparagraph (D) of paragraph (2) of this subsection multiplied by a factor of 3.

(5) After January 1, 1997, in addition to the liabilities imposed under section 411, if any eligible phase I unit employing qualifying phase I technology emits sulfur dioxide in excess of the annual tonnage limitation specified under subparagraph (D) of paragraph (2) of this subsection, the Administrator shall, in the calendar year following such excess, deduct allowances equal to the amount of such excess from such unit's annual allowance allocation.

(6) In addition to allowances specified in paragraph (3), the Administrator shall issue to the owner or operator of each eligible unit employing qualifying phase I technology, for calendar years 1997, 1998, and 1999, additional allowances, from the allowance reserve created pursuant to subsection (a)(2), not to exceed the difference between (A) the product of each eligible unit's baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2000, and (B) the tonnage level specified under subparagraph (D) of paragraph (2) of this subsection. However, the number of allowances issued shall be reduced, on a pro rata basis, as the result of any adjustment by the Administrator's June 1, 1996 recalculation of the level of the reserve under subsection (a)(2) of this section.

Table A.—Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances

(Tons)

State and Plant Name	Unit	Allowances	
		Phase 1	Phase 2
Alabama:			
Colbert	1	13,570	6,520
	2	15,310	7,350
	3	15,400	7,390
	4	15,410	7,400
	5	37,180	17,850
E.C. Gaston	1	18,100	8,690
	2	18,540	8,900
	3	18,310	8,790
	4	19,280	9,250
	5	59,840	28,720
Florida:			
Big Bend	1	28,410	13,640
	2	27,100	13,010
	3	26,740	12,840
Crist	6	19,200	9,220
	7	31,680	15,210
Bartow	1	4,190	2,010
Georgia:			
Bowen	1	56,330	27,040
	2	54,770	26,290
	3	71,750	34,440
	4	71,740	34,430
Hammond	1	8,780	4,220
	2	9,220	4,420
	3	8,910	4,280
	4	37,640	18,070
J. McDonough	1	19,910	9,560
	2	20,600	9,890
Wansley	1	70,770	33,970
	2	65,430	31,400
Yates	1	7,210	3,460

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Table A.—Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances—Continued

(Tons)

State and Plant Name	Unit	Allowances	
		Phase 1	Phase 2
	2	7,040	3,380
	3	6,950	3,340
	4	8,910	4,280
	5	9,410	4,520
	6	24,760	11,890
	7	21,480	10,310
Illinois:			
Baldwin	1	42,010	20,170
	2	44,420	21,320
	3	42,550	20,430
Coffeen	1	11,790	5,660
	2	35,670	17,120
Grand Tower	4	5,910	2,840
Hennepin	2	18,410	8,840
Joppa Steam	1	12,590	6,040
	2	10,770	5,170
	3	12,270	5,890
	4	11,360	5,450
	5	11,420	5,480
	6	10,620	5,100
Kincaid	1	31,530	15,130
	2	33,810	16,230
Meredosia	3	13,890	6,670
	3	13,890	6,670
Vermilion	2	8,880	4,260
Indiana:			
Bailly	7	11,180	5,370
	8	15,630	7,500
Breed	1	18,500	8,880
Cayuga	1	33,370	16,020
	2	34,130	16,380
Clifty Creek	1	20,150	9,670
	2	19,810	9,510
	3	20,410	9,800
	4	20,080	9,640
	5	19,360	9,290
	6	20,380	9,780
E. W. Stout	5	3,880	1,860
	6	4,770	2,290
	7	23,610	11,330
F. B. Culley	2	4,290	2,060
	3	16,970	8,150
F. E. Ratts	1	8,330	4,000
	2	8,480	4,070
Gibson	1	40,400	19,390
	2	41,010	19,680
	3	41,080	19,720
	4	40,320	19,360
H. T. Pritchard	6	5,770	2,770
Michigan City	12	23,310	11,190
Petersburg	1	16,440	7,890
	2	32,380	15,540
R. Gallagher	1	6,490	3,120
	2	7,280	3,490
	3	6,530	3,130
	4	7,650	3,670
Tanners Creek	4	24,820	11,920
Wabash River	1	4,000	1,920
	2	2,860	1,370
	3	3,750	1,800
	5	3,670	1,760
	6	12,280	5,890
Warrick	4	26,980	12,950 ./
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Iowa:			
Burlington	1	10,710	5,140
Des Moines	7	2,320	1,110
George Neal	1	1,300	620
M.L. Kapp	2	13,800	6,620
Prairie Creek	4	8,180	3,920
Riverside	5	3,990	1,920
Kansas:			
Quindaro	2	4,220	2,020
Kentucky:			
Coleman	1	1,125	5,400
	2	12,840	6,160
	3	12,350	5,930
Cooper	1	7,450	3,570
	2	15,320	7,360
E.W. Brown	1	7,110	3,410
	2	10,910	5,240
	3	26,100	12,530
Elmer Smith	1	6,520	3,130
	2	14,410	6,920
Ghent	1	28,410	13,640
Green River	1	7,820	3,750
H.L. Spurlock	1	22,780	10,940
Henderson II	1	13,340	6,410
	2	12,310	5,910
Paradise	3	59,170	28,400
Shawnee	10	10,170	4,880
Maryland:			
Chalk Point	1	21,890	10,520
	2	24,330	11,680
C. P. Crane	1	10,330	4,960
	2	9,230	4,430
Morgantown	1	35,260	16,930
	2	38,480	18,470
Michigan:			
J. H. Campbell	1	19,280	9,250
	2	23,060	11,070
Minnesota:			
High Bridge	6	4,270	2,050
Mississippi:			
Jack Watson	4	17,910	8,600
	5	36,700	17,620
Missouri:			
Asbury	1	16,190	7,770
James River	5	4,850	2,330
Labadie	1	40,110	19,250
	2	37,710	18,100
	3	40,310	19,350
	4	35,940	17,250
Montrose	1	7,390	3,550
	2	8,200	3,940
	3	10,090	4,840
New Madrid	1	28,240	13,550
	2	32,490	15,590
Sibley	3	15,580	7,480
Sioux	1	22,570	10,840
	2	23,690	11,370
Thomas Hill	1	10,250	4,920
	2	19,390	9,310
New Hampshire:			
Merrimack	1	10,190	4,890
	2	22,000	10,560
New Jersey:			
B.L. England	1	9,060	4,350
	2	11,720	5,630
New York:			
Dunkirk	3	12,600	6,050
	4	14,060	6,750
Greenidge	4	7,540	3,620
Milliken	1	11,170	5,360
	2	12,410	5,960
Northport	1	19,810	9,510
	2	24,110	11,580
	3	26,480	12,710
Port Jefferson	3	10,470	5,030
	4	12,330	5,920
Ohio:			
Ashtabula	5	16,740	8,040
Avon Lake	8	11,650	5,590
	9	30,480	14,630
Cardinal	1	34,270	16,450
	2	38,320	18,400
Conesville	1	4,210	2,020
	2	4,890	2,350
	3	5,500	2,640
	4	48,770	23,410
Eastlake	1	7,800	3,750
	2	8,640	4,150
	3	10,020	4,810
	4	14,510	6,970
	5	34,070	16,350
Edgewater	4	5,050	2,430
Gen. J.M. Gavin	1	79,080	37,960
	2	80,560	38,670
Kyger Creek	1	19,280	9,260
	2	18,560	8,910
	3	17,910	8,600
	4	18,710	8,980
	5	18,740	9,000
Miami Fort	5	760	360
	6	11,380	5,460
	7	38,510	18,490
Muskingum River	1	14,880	7,140
	2	14,170	6,800
	3	13,950	6,700
	4	11,780	5,650
	5	40,470	19,420
Niles	1	6,940	3,330
	2	9,100	4,370
Picway	5	4,930	2,370
R.E. Burger	3	6,150	2,950
	4	10,780	5,170
	5	12,430	5,970
W.H. Sammis	5	24,170	11,600
	6	39,930	19,170
	7	43,220	20,750
W.C. Beckjord	5	8,950	4,290
	6	23,020	11,050
Pennsylvania:			
Armstrong	1	14,410	6,920
	2	15,430	7,410
Brunner Island	1	27,760	13,330
	2	31,100	14,930
	3	53,820	25,840
Cheswick	1	39,170	18,800
Conemaugh	1	59,790	28,700
	2	66,450	31,890
Hatfield's Ferry	1	37,830	18,160
	2	37,320	17,920
	3	40,270	19,330
Martins Creek	1	12,660	6,080
	2	12,820	6,150
Portland	1	5,940	2,850
	2	10,240	4,910
Shawville	1	10,320	4,960
	2	10,320	4,960
	3	14,220	6,830
	4	14,080	6,760
Sunbury	3	8,760	4,210
	4	11,450	5,500
Tennessee:			
Allen	1	15,320	7,360
	2	16,770	8,050
	3	15,670	7,520
Cumberland	1	86,700	41,620
	2	94,840	45,520
Gallatin	1	17,650	8,470
	2	17,310	8,310
	3	20,020	9,610
	4	21,260	10,200
Johnsonville	1	7,790	3,740
	2	8,040	3,860
	3	8,410	4,040
	4	7,990	3,830
	5	8,240	3,950
	6	7,890	3,790
	7	8,980	4,310
	8	8,700	4,180
	9	7,080	3,400
	10	7,550	3,630
West Virginia:			
Albright	3	12,000	5,760
Fort Martin	1	41,590	19,960
	2	41,200	19,780
Harrison	1	48,620	23,340
	2	46,150	22,150
	3	41,500	19,920
Kammer	1	18,740	9,000
	2	19,460	9,340
	3	17,390	8,350
Mitchell	1	43,980	21,110
	2	45,510	21,840
Mount Storm	1	43,720	20,990
	2	35,580	17,080
	3	42,430	20,370
Wisconsin:			
Edgewater	4	24,750	11,880
La Crosse/Genoa	3	19,090	9,160
Nelson Dewey	1	6,010	2,880
	2	6,680	3,210
N. Oak Creek	1	5,220	2,510
	2	5,140	2,470
	3	5,370	2,580
	4	6,320	3,030
Pulliam	8	7,510	3,600
S. Oak Creek	5	9,670	4,640
	6	12,040	5,780
	7	16,180	7,770
	8	15,790	7,580

"PHASE II SULFUR DIOXIDE REQUIREMENTS

"SEC. 405. (a). APPLICABILITY.—(1) After January 1, 2000, each steam-electric existing utility unit as provided below is subject to the limitations or requirements of this section. Each utility unit subject to an annual sulfur dioxide tonnage emission limitation under this section is an affected unit under this title. Each source that includes one or more affected units is an affected source. In the case of an existing unit that was not in operation during calendar year 1985, the emission rate for a calendar year after 1985, as determined by the Administrator, shall be used in lieu of the 1985 rate. The owner or operator of any unit in violation of this section shall be liable for fulfilling the obligations specified in section 411 of this title.

"(2) Following the issuance of permits pursuant to section 408 to the owners or operators of units subject to the emissions limitation requirements of this section the Administrator shall calculate the total tonnage of reductions in the emissions of sulfur dioxide from all utility units in calendar year 2000,achieved as result of compliance by units subject to this section with the emissions limitation requirements of subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitation requirements of subparagraphs (4) and

(5) of subsection (d). In calculating such reductions the Administrator shall compute for each unit subject to the emissions limitation requirements of section 404 and included on Table A the difference between: (A) the product of each unit's baseline multiplied by 2.50 lbs/mmBtu divided by 2000, and (B) the product of each unit's baseline multiplied by 1.20 lbs/mmBtu, divided by 2000. For each unit not included on Table A of section 404, but subject to the emissions limitation requirements of subsections (b) and (c), the Administrator shall compute the difference between: (A) the product of each unit's baseline multiplied by the lesser of its allowable 1985 emissions rate and its actual 1985 emissions rate, divided by 2000, and (B) the product of each unit's baseline multiplied by 1.20 lbs/mmBtu, divided by 2000, and sum the computations, except for those units granted an extension pursuant to section 409. The Administrator shall adjust the foregoing calculation to reflect the utilization of such plants that the Administrator finds would have occurred in the absence of the imposition of emissions limitation requirements. The Administrator shall establish a reserve of allowances equal in number to the tons so calculated and adjusted to reflect the actual emissions reductions achieved during calendar year 2000 as measured by continuous emissions monitoring pursuant to section 412 up to a limit of 5.30 million allowances. If the Administrator determines that the total of actual emissions reductions achieved in calendar year 2000 is less than 5.30 million tons, the Administrator shall deduct from each unit's annual allocation its pro rata share of 10 per centum of the difference between 5.30 million tons and actual emissions reductions achieved in calendar year 2000. Each unit's pro rata share shall be calculated on the basis of allowances that would be allocated pursuant to subsections (b)(1), (c)(1) and (2), (d)(4) and (5), (e), (f) and (g)(1) and (2). Pursuant to section 403 and subsections (b)(2), (c)(3), (d)(3)(A) and (B), (g)(3), (h)(2) and section 406(a), the Administrator shall issue annually 530,000 tons from the reserve established hereunder for calendar years 2000 through 2009.

"(b) Units Equal to, or Above, 75 MWe and 1.20 lbs/mmBtu.—(1) After January 1, 2000, it shall be unlawful for any steam-electric existing unit with nameplate capacity equal to, or greater, than 75 MWe and an actual 1985 emission rate equal to or greater than 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2000 unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions. In the case of a unit which has decreased its emissions rate as of the date of enactment by forty per centum or greater from 1980, and whose utility system's residential customer growth has increased by at least three per centum per year since 1980, such unit has the option of calculating its baseline, as defined in section 402(d)(1), using an average of any three consecutive years between 1980 and 1989.

"(2) Except for units subject to the second sentence of paragraph (1), after January 1, 2000, the Administrator shall allocate and issue annually to the owner or operator of a unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate greater than 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 per centum, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 per centum of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 per centum capacity factor.

"(c) Coal or Oil-fired Units Below 75 MWe and Above 1.20 lbs/mmBtu.—

"(1) After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is equal to, or greater than, 250 MWe to exceed an annual sulfur dioxide emissions limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is less than 250 MWe to exceed an annual sulfur dioxide emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(3) After January 1, 2000, the Administrator shall allocate and issue annually to the owner or operator of a unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 per centum, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 per centum of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 per centum capacity factor.

"(d) Coal-fired Units Below 1.20 lbs/mmBtu.—

"(1) After January 1, 2000, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate of less than 0.60 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(3)(A) At the election an operating company, after January 1, 2000, the Administrator shall allocate and issue annually for such unit subject to the emissions limitation requirements of paragraph (1) allowances, including allowances from the reserve created pursuant to subsection (a)(2), in an amount equal to either (i) the product of the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate multiplied by the difference, on a Btu basis, between the unit's baseline and its fuel consumption at a 60 per centum capacity factor, or (ii) 20 per centum of the allowances allocated for the unit pursuant to paragraph (1) and section 403.

"(B) At the election of the operating company, after January 1, 2000, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (2) allowances, including allowances from the reserve created pursuant to subsection (a)(2), in an amount equal to either (i) the product of the lesser of the unit's allowable 1985 emissions rate or its actual 1985 emissions rate multiplied by the difference, on a Btu basis, between the unit's baseline and its fuel consumption at a 60 per centum capacity factor, divided by 2000, or (ii) 20 per centum of the allowances allocated for the unit pursuant to paragraph (2) and section 403.

"(C) An operating company with units subject to the emissions limitation requirements of this subsection may elect only one formula for the allocation of allowances as provided under subparagraphs (A) and (B), which elected formula shall apply to the annual allowance allocation for each and every unit in the operating company subject to the emissions limitation requirements of this subsection. The Administrator shall issue allowances pursuant to subparagraphs (A) and (B) only in accordance with this subparagraph.

"(4) After January 1, 2010, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate of less than 0.60 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate and a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions."

"(5) After January 1, 2010, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate and a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(6) For the purposes of this section, in the case of an oil- and gas-fired unit which has been awarded a clean coal technology demonstration grant as of January 1, 1991, by the United States Department of Energy, such unit may use any three consecutive years between 1980 and 1989 in calculating its baseline, as defined in section 402(d)(1).

"(e) **Oil and Gas-fired Units Equal to or Greater Than 0.6 lbs/mmBtu and Less Than 1.20 lbs/mmBtu.**—After January 1, 2000, it shall be unlawful for any oil and gas-fired utility unit with an actual 1985 sulfur dioxide emission rate equal to, or greater than, 0.60 lbs/mmBtu, but less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's allowable 1985 emissions rate or its actual 1985 emissions rate and a numerical factor of 120 per centum divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(f) **Oil and Gas-fired Units Less Than 0.6 lbs/mmBtu.**—After January 1, 2000, it shall be unlawful for any oil and gas-fired utility unit with an actual 1985 emission rate of less than 0.60 lbs/mmBtu whose average annual fuel consumption during 1985, 1986 and 1987 on a Btu basis was 90 per centum or less in the form of natural gas to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate multiplied by a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(g) **Units That Commence Operation Between 1986 and December 31, 1995.**—After January 1, 2000, it shall be unlawful for any utility unit that has commenced operation on or after January 1, 1986, but not later than September 31, 1990 to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the unit's allowable sulfur dioxide emission rate, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, the Administrator shall issue to the owner or operator of any utility unit that commences operation, or has commenced operation, on or after October 1, 1990, but not later than December 31, 1992 allowances in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the federally enforceable emission limitation, in pounds per mmBtu, divided by 2000.

"(3) After January 1, 2000, the Administrator shall issue to the owner or operator of any utility unit that has commenced construction before December 31, 1990 and that commences operation between January 1, 1993 and December 31, 1995, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the federally enforceable emission limitation, in pounds per mmBtu, divided by 2000.

"(h) **Oil and Gas-fired Units Less Than 10 Per Centum Oil Consumed.**—(1) After January 1, 2000, it shall be unlawful for any oil- and gas-fired utility unit whose average annual fuel consumption during 1985, 1986 and 1987 on a Btu basis exceeded 90 per centum in the form of natural gas to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the unit's actual 1985 emissions rate unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) Beginning January 1, 2000, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the unit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2000.

"ALLOWANCES FOR STATES WITH EMISSIONS RATES AT OR BELOW 0.8 LBS/MMBTU

"Sec. 406. (a) **Election of Governor.**—In addition to allocations of allowances pursuant to subsections (b)(1), (c)(1) and (2), (d)(1), (2), (3)(A)(ii) and (3)(B)(ii), (e), (f), and (g)(1) and (2), upon the election of the Governor of any State, with a 1985 statewide annual sulfur dioxide emissions rate of 0.80 lbs/mmBtu, averaged over all fossil fuel-fired utility steam generating units, the Administrator, in lieu of allocations pursuant to subsections (b)(2), (c)(3), (d)(3)(A)(i) and (B)(i), (g)(3) and (h)(2) of section 405, shall allocate and issue allowances from the reserve created pursuant to section 405(a)(2) to all such units in the State in an amount equal to the unit's pro rata share of electricity generated at fossil fuel-fired utility steam units in all such States.

"(b) **Notification of Administrator.**—Not later than January 1, 1997, each Governor of a State eligible to make an election under paragraph (a) shall notify the Administrator of such election. In the event that the Governor of any such State fails to notify the Administrator of the Governor's elections, the Administrator shall allocate and issue allowances pursuant to section 405.

"(c) **Allowances After January 1, 2010.**—After January 1, 2010, the Administrator shall allocate and issue allowances to units subject to the provisions of this section pursuant to section 405.

"NITROGEN OXIDES EMISSION REDUCTION PROGRAM

"Sec. 407. (a) **Applicability.**—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 404, 405 and 409, or on the date a unit subject to the provisions of 404(d) and 409(b), must meet the SO_2 reduction requirements, such units also shall become an affected unit for the purposes of this section and shall be subject to the emission rate limits for nitrogen oxides set forth herein.

"(b) **Emission Limitations.**—(1) Not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, the Administrator shall by rule establish allowable emission rates for nitrogen oxides for the types of utility boilers listed below, which rates shall not exceed the rates listed below. The Administrator may, however, set a rate higher than that listed for cell burners if the Administrator finds that the maximum listed rate for that boiler type cannot be achieved using low NO_x burner technology for that type of utility boiler. The maximum allowable emission rates are as follows:

"(A) for tangentially-fired boilers, 0.450 lb/mmBtus;

"(B) for dry bottom wall-fired boilers and for cell burners, 0.50 lb/mmBtu. After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and that is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

"(2) Not later than January 1997, the Administrator shall, by rule, establish preliminary allowable emission rates, on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

"(A) wet bottom wall-fired boilers;

"(B) cyclones;

"(C) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account available technology, costs, the costs of nitrogen oxides controls on other boiler types, and the energy and environmental impacts. Such rates shall be subject to periodic review and revision by the Administrator. After January 1, 2000, it shall be unlawful for any affected unit to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph or paragraph (1).

"(c) **Revised Performance Standard.**—(1) Not later than January 1, 1993, the Administrator shall propose revised standards of performance pursuant to section 111 for nitrogen oxides emissions from fossil-fuel fired steam generating units, including both electric utility and nonutility units. Not later than January 1, 1994, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen.

"PERMITS AND COMPLIANCE PLANS

"Sec. 408. (a) **Permit Program.**—This title shall be implemented by permits issued in accordance with the provisions of this Act. Any permit issued by the Administrator, or a State with an approved permit program, shall prohibit each of the following:

"(1) annual emissions of sulfur dioxide or nitrogen oxides in excess of the total allowances held by the affected unit or source,

"(2) exceedances of applicable sulfur dioxide or nitrogen oxide emissions rates, and

"(3) contravention of any other provision of the permit.

"(b) **Compliance Plan.**—Each permit application shall be accompanied by a compliance plan for the source to comply with its requirements under this title. The compliance plan shall provide all necessary information on the schedule and means by which the source will obtain compliance with its annual tonnage limitation, or emission rate if applicable, including specification of the owner's or operator's intent to acquire any additional allowances beyond the initial allocation that will be used to achieve compliance and the owner or operator's certification that such owner or operator will comply with the requirements of this title in all circumstances, including, but not limited to, those in which such owner or operator fails to secure any such additional allowances necessary to achieve compliance. The Administrator may also require—

"(1) for a source, a demonstration of attainment of national ambient air quality standards, and

"(2) from the owner or operator of two or more affected sources, an integrated compliance plan providing an overall plan for achieving compliance at the affected sources.

"(c) First Phase Permits.—The Administrator shall issue permits to the affected sources under section 404—

"(1)(A) Not later than thirty months after the date of enactment of the Clean Air Act Amendments of 1989, the owner or operator of each affected source under section 404 shall submit a permit application and compliance plan for that source in accordance with regulations issued by the Administrator. The permit application and the compliance plan shall be binding on the owner or operator, and be enforceable for purposes of this Act, in lieu of a permit, until a permit is issued by the Administrator for the source pursuant to this section and title III of this Act. During pendency of the permit application and the compliance plan, the owners or operators may amend such applications or plans automatically provided that they notify the Administrator of such amendments.

"(B) In the case of a compliance plan for an affected source under section 404 for which the owner or operator proposes to meet the requirements of that section by reducing utilization of the unit by 20 per centum or more, as compared with the baseline prescribed in section 402(d), or by shutting down the unit, the owner or operator shall include in the compliance plan a specification of the units that will provide electrical generation to compensate for the reduced output of the affected source or a demonstration that such reduced utilization will be accomplished through energy conservation or improved unit efficiency. The source, and any unit to be used for such compensating generation, if not otherwise affected under section 404, shall be deemed affected under section 404, subject to the requirements of section 404 of this title, except that allowances shall be allocated to such unit in the amount of an annual limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's actual 1985 emission rate or its allowable 1985 emissions rate, divided by 2,000.

"(2) The Administrator shall review each proposed compliance plan to determine whether it satisfies the requirements of this title, and shall approve or disapprove such plan within six months after receipt of a complete submission.

"(3) Not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate regulations consistent with regulations required to be promulgated under title III of this Act to implement a Federal permit program to issue permits for affected sources under this title. Following promulgation, the Administrator shall issue a permit to implement the requirements of section 404 and the allowances provided under section 403 to the owner or operator of each affected source under that section. Such a permit shall supersede any permit application and compliance plan submitted under paragraph (1). The permitting authority shall issue a permit to the affected source in accordance with title III.

"(d) Second Phase Permits.—(1) To implement sections 405, 406, and 407, each State in which one or more sources subject to those sections are located, shall submit a permit program to the Administrator for approval. The Administrator shall approve any permit program meeting the requirements of section 351.

"(2) The owner or operator of each affected source under section 405 shall submit a permit application and compliance plan for that source to the permitting authority, not later than January 1, 1994.

"(3) Not later than July 1, 1995, each State with an approved permit program pursuant to title III of this Act shall issue permits to the owners or operators of existing affected sources under section 405 that satisfy the requirements of this Act. In the case of a State without an approved permit program, or a State that fails to issue permits to all of its existing affected sources by July 1, 1995, the Administrator shall, not later than July 1, 1996, issue a permit to the owner or operator of each such affected source that has not been issued a State permit.

"(4) Not later than July 1, 1996, the Administrator shall issue allowances to each affected source. These shall be deemed a part of the permit issued for that source, as provided in section 403. Allowances shall be issued each year by the Administrator to affected sources in accordance with sections 403 and 411.

"(5) The owner or operator of any unit subject to the requirements of section 407 shall submit a permit application for such unit to the permitting authority, not later than January 1, 1997. The Administrator shall, not later than July 1, 1998, issue a permit to the owner or operator of each such affected source that has not been issued a State permit. The permitting authority shall issue a permit to the owner or operator that satisfies the requirements of this title, including any appropriate monitoring and reporting requirements.

"(6) The owner or operators of any unit subject to the requirements of section 406 shall submit a permit application for such unit to the permitting authority not later than July 1, 1999. The permitting authority shall issue a permit to the owner or operator that satisfies the requirements of this title, including any appropriate monitoring and reporting requirements.

"(e) New Unit Permits.—(1) Each State shall submit a comprehensive and enforceable permit program for new units to the Administrator for approval, as provided under title III. The Administrator shall approve or disapprove complete submittals within one year of receipt.

"(2) The owner or operator of each source that includes a new unit or units shall submit a permit application and compliance plan to the permitting authority not later than twenty-four months prior to January 1, 2000, or to commencing operation of the unit, whichever is later. The permitting authority shall issue a permit to the owner or operator of the unit that satisfies the requirements of this title.

"(f) Amendment of Application and Compliance Plan.—At any time after the submission of an application and compliance plan under this section, the applicant may submit a revised application and compliance plan, in accordance with the requirements of this section.

"(g) Prohibition.—It shall be unlawful for an owner or operator (1) to fail to submit a permit application or compliance plan in accordance with the deadlines specified in this section or otherwise to fail to comply with regulations implementing this section, or (2) to operate any source subject to this title except in compliance with the terms and requirements of a permit application and compliance plan or permit issued by the Administrator or a State with an approved permit program.

"REPOWERED SOURCES

"Sec. 409. (a) Availability.—Not later than December 31, 1997, the owner or operator of an existing unit subject to the requirement of section 405 may demonstrate to the permitting authority that one or more units will be repowered with a qualifying clean coal technology to comply with the requirements under section 405. The owner or operator shall, as part of any such demonstration, provide, not later than January 1, 2000, satisfactory documentation of a preliminary design and engineering effort for such repowering and an executed contract for the majority of the equipment to repower such unit and such other information as the Administrator may require by regulation.

"(b) Extension.—(1) An owner or operator satisfying the requirements of subsection (a) shall be granted an extension of the emission limitation requirement compliance date for that unit from January 1, 2000, to December 31, 2003. The extension shall be specified in the permit issued to the source under section 408, together with any compliance schedule and other requirements necessary to meet second phase requirements by the extended date. Any unit that is granted an extension under this section shall not be eligible for a waiver under section 111(j) of this Act.

"(2) If (A) the owner or operator of an existing unit has been granted an extension under paragraph (1) in order to repower such unit with a clean coal unit, and (B) such owner or operator thereafter satisfies the Administrator (i) that the clean coal technology to be utilized by such unit is economically or technologically infeasible, (ii) that by January 1, 2000, the owner or operator has demonstrated to the Administrator a good faith effort to achieve compliance with the requirements of subsection (a), and (iii) that such existing unit will be retrofitted or repowered with equipment or facilities utilizing another clean coal technology or other available control technology, then such extension shall be available until no later than December 31, 2003.

"(c) Allowances.—(1) For the period of the extension under this section, the Administrator shall issue to the owner or operator of the affected unit, annual allowances for sulfur dioxide equal to the affected unit's baseline multiplied by the lesser of the unit's federally approved State Implementation Plan limitation or its actual emission rate for 1995. Such allowances may not be transferred or used by any other source to meet emission requirements under this title. The source owner or operator shall notify the Administrator sixty days in advance of the date on which the affected unit for which the extension has been granted is to be removed from operation to install the repowering technology.

"(2) Effective on that date, the source shall be subject to the requirements of section 405. Allowances for the year in which the source is removed from operation to install the repowering technology shall be calculated by multiplying 1.20 lbs/mmBtu by the existing utility unit, divided by 2,000, and prorated accordingly, and are transferable.

"(3) Allowances for such existing utility units for calendar years after the year the repowering is complete shall be calculated by multiplying 1.20 lb./mmBtu of sulfur dioxide by the existing utility unit's baseline divided by 2,000.

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"(d) Control Requirements.—Any source qualifying for an extension under this section that does not increase actual hourly emissions for any pollutant regulated under the Act shall not be subject to any standard of performance under section 111 of this Act.

"(e) Expedited Permitting.—State permitting authorities and, where applicable, the Administrator, are encouraged to give expedited consideration to permit applications under parts C and D for any source qualifying for an extension under this section.

"(f) Prohibition.—It shall be unlawful for the owner or operator of a repowered source to fail to comply with the requirement of this section, and any regulations to implement this section.

"ELECTION FOR ADDITIONAL SOURCES

"Sec. 410. (a) Applicability.—The owner or operator of any existing unit that is not an affected unit or that is subject to section 405 (c) or (h) or that is a process source under subsection (e), that emits sulfur dioxide, may elect to designate that unit, or source, to become an affected unit and receive allowances under this title. An election may be submitted to the Administrator for approval anytime after promulgation of regulations under subsection (g) of this section. The Administrator shall approve a designation that meets the requirements of this section and such designated unit, or source, shall receive allowances for purposes of this title, and be an affected unit or source.

"(b) Establishment of Baseline.—The baseline for a unit designated under this section shall be established by the Administrator by regulation, based on fuel consumption and operating data for the unit for calendar years 1985, 1986, and 1987, or if such data is not available, the Administrator may prescribe a baseline based on alternative representative data.

"(c) Emission Limitations.—Annual emission limitations for sulfur dioxide shall be equal to the product of the baseline multiplied by the lesser of the unit's 1985 actual or allowable emission rate in lbs/mmBtu, or, if the unit did not operate in 1985 the emission rate for a calendar year after 1985 (as determined by the Administrator), divided by 2,000. After January 1, 2000, the emission rate for calculating an emission limitation under this subsection shall be the rate prescribed under section 405 for any unit subject to those provisions. However, any such unit shall be subject only to an emission limitation under this section, and not also to an emission rate requirement under those provisions.

"(d) Allowances and Permits.—The Administrator shall issue allowances to an affected unit, or source, under this section in an amount equal to the limitation calculated under subsection (c) or (e), in accordance with section 403. Such allowances may be transferred to the owner or operator of any other affected source in accordance with section 403.

"(e) Process Sources.—The Administrator shall establish a program under which the owner or operator of a process source that emits sulfur dioxide may elect to designate that source to receive allowances under this title for designation of process sources as affected sources under this section. The Administrator shall define the sources that may be included (not including any unit as defined under this title), specify the operating, emission baseline, and other data requirements, prescribe CEMS or other monitoring requirements, and promulgate permit, reporting, and any other requirements necessary to implement such a program.

"(f) Limitation.—Any unit designated under this section shall not transfer or bank allowances produced as a result of reduced utilization or shutdown. In no case may the Administrator permit a source to receive allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act in effect prior to enactment of this title.

"(g) Implementation.—The Administrator shall issue regulations to implement this section not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"EXCESS EMISSIONS FEE

"Sec. 411. (a) Excess Emissions Fee.—The owner or operator of any unit or process source subject to the requirements of sections 403(e), 404, 405 or 406, or designated under section 410 that emits sulfur dioxide or nitrogen oxides for any calendar year in excess of the unit's or process source's emissions limitation requirement or of the allowances the owner or operator possesses for the unit or process source for that calendar year that are unclaimed or unused by any other source shall be liable for the payment of an excess emission fee. That fee shall be calculated on the basis of the number of tons emitted in excess of the unit's or process source's emissions limitation requirement or of the allowances the operator possesses for the unit or process source multiplied by $2,000. Any such fee shall be due and payable without demand to the Administrator as provided in regulations issued by the Administrator. Any such funds shall be deposited in the United States Treasury pursuant to the Miscellaneous Receipts Act. Any fee due and payable under this section shall not diminish any fine, penalty or fee imposed on the same source under any other section of this Act.

"(b) Excess Emissions Offset.—The owner or operator of any affected source liable for payment of a fee under subsection (a) is also liable to offset the excess emissions by an equal tonnage amount in the following calendar year, or such longer period as the Administrator may prescribe. The owner or operator of the source shall, within sixty days after the end of the year, submit to the Administrator, and the State, a plan to achieve the required offsets. The Administrator shall also deduct allowances equal to the excess tonnage from those issued for the source for the calendar year, or succeeding years, following the year in which the excess emissions occurred.

"(c) Fee Adjustment.—The Administrator shall, by regulation, adjust the fee specified in subsection (a) for inflation, based on the Consumer Price Index, on the date of enactment and annually thereafter.

"(d) Prohibition.—It shall be unlawful for the owner or operator of any source liable for a fee and offset under this section to fail to pay the fee under subsection (a) or to provide, and thereafter comply with, a compliance plan as required by subsection (b), or offset excess emissions as required by subsection (b).

"MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS

"Sec. 412. (a) Applicability.—All sources subject to this title shall be required to install and operate continuous emissions monitors and quality assure the data for sulfur dioxide, nitrogen oxides, opacity and volumetric flow for each unit subject to this title. The Administrator shall, by regulations issued not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, specify the requirements for continuous emissions monitors, for alternative methods that provide information with the same precision, reliability, accessibility, and timeliness as that provided by continuous emissions monitors, and for recordkeeping and reporting of information from such systems.

"(b) First Phase Requirements.—Not later than thirty-six months after enactment of the Clean Air Act Amendments of 1989, the owner or operator of each affected unit under section 404 shall install and operate continuous emissions monitors, quality assure the data, and keep records and reports in accordance with regulations issued under subsection (a).

"(c) Second Phase Requirements.—Not later than January 1, 1995, the owner or operator of each source subject to this title that has not previously met the requirements of subsection (a) shall comply with those requirements.

"(d) Unavailability of Continuing Emission Monitoring System.—If continuous emissions monitors data is not available for any affected unit during any period of a calendar year in which such data is required under this title, and the owner or operator cannot provide information, satisfactory to the Administrator, on emissions during that period, the Administrator shall deem the unit to be operating in an uncontrolled manner and, by regulation, prescribe means to calculate emissions for that period. The owner or operator shall be liable for excess emissions fees and offsets under section 411 in accordance with such regulations which shall be issued not later than eighteen months after enactment of the Clean Air Act Amendments of 1989.

"(e) Prohibition.—It shall be unlawful for the owner or operator of any source subject to this title to operate a source without complying with the requirements of this section, and any regulations implementing this section.

"GENERAL COMPLIANCE WITH OTHER PROVISIONS.

"Sec. 413. Except as expressly provided, compliance with the requirements of this title shall not exempt or exclude the owner or operator of any source subject to this title from compliance with any other applicable requirements of this Act.

"ENFORCEMENT

"Sec. 414. A violation by the owner or operator of a source subject to this title of the prohibitions of, requirements of, or regulations promulgated pursuant to this title shall be a violation of this Act. Operation of an affected source to emit sulfur dioxide or nitrogen oxides in excess of its allowances shall be deemed a violation, with each ton emitted in excess of allowances held constituting a separate violation.".

"CLEAN COAL TECHNOLOGY REGULATORY INCENTIVES.

"Sec. 415. (a) Definition.—For purposes of this section, 'clean coal technology' means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, process steam, or industrial products, which is not in widespread use as of the date of enactment of this title.

"(b) Federal Rate Incentives.—(1) Within twenty-four months after enactment of this section, the Federal Energy Regulatory Commission shall complete a rulemaking to establish a demonstration program for regulatory incentives to promote the development of clean coal technologies and other innovative control technologies that limit powerplant emissions. The regulatory incentives shall include—

"(A) establishment of an incentive rate of return for clean coal or other innovative emission control technologies that recognizes their inherent risk; and

"(B) allowance of a ten- to twenty-year amortization period to recover the capital costs of a clean coal or other innovative emission control technology.

"(2) The Federal Energy Regulatory Commission demonstration program is subject to the following—

"(A) the program initially will have a five-year life;

"(B) the program will cover no more than four units in each technology class; and

"(C) the technology classes eligible for the program should be reasonably likely to realize significant cost reductions when employed.

"(3) At the end of the five-year demonstration program, the Federal Energy Regulatory Commission shall review the merits of the program and determine whether it should be extended or made permanent.

"(c) FERC Preapproval of Prudence for Clean Coal Techology Costs.—The Federal Energy Regulatory Commission shall establish a process for negotiating with potential developers of clean coal technology or other innovative control technology projects to agree upon cost caps for future projects and preapproval of the prudency of expenses for those projects if the expenses fall within the agreed-upon cap.

"(d) Revised Regulations for Clean Coal Technology Demonstrations.—

"(1) Applicability.—This subsection applies to physical or operational changes to existing facilities for the sole purpose of installation, operation, cessation, or removal of a temporary or permanent clean coal technology demonstration project. For the purposes of this section, a clean coal technology demonstration project shall mean a project conducted under title II, section 101(d) of the Further Continuing Appropriations Act of 1985 (section 5903(d) of title 42 of the United States Code), or subsequent appropriations, up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at lest 20 per centum of the total cost of the demonstration project.

"(2) Temporary projects.—Installation, operation, cessation, or removal of a temporary clean coal technology demonstration project that is operated for a period of five years or less, and which complies with the State implementation plans for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during and after the project is terminated, shall not subject such facility to the requirements of section 111 or part C or D of title I.

"(3) Permanent projects.—(A) For permanent clean coal technology demonstration projects that constitute repowering as defined in section 402(l) of this title, any qualifying project shall not be subject to standards of performance under section 111 or to the review and permitting requirements of Part C for any pollutant the potential emissions of which will not increase on an hourly basis as a result of the demonstration project.

"(B) Any permanent clean coal technology demonstration project that constitutes a retrofit project and that complies with the State implementation plans for the State in which the project is located, and other requirements necessary to attain and maintain the national ambient air quality standards shall not be deemed to be a major modification subject to the review and permitting requirements of .part C or D of title I: *Provided*, That the project will not result in a significant net increase in actual emissions of any pollutant regulated under this Act. For purposes of this subsection, the Administrator shall presume that a retrofit project will not result in an increase in the capacity utilization of the source. This presumption may be overcome if the Administrator concludes, based on information submitted pursuant to regulations or interpretative rulings promulgated under this section, that there is a likelihood that hours of operation or rates of production will increase because of the retrofit project. For purposes of this subsection, 'retrofit project' is defined as the permanent installation or operation of an emissions control system or device designed primarily to improve the control or prevention of emissions of any air pollutant, other than a repowering as defined in section 402(l) of this title.

"(4) EPA regulations.—Not later than twelve months after the date of enactment, the Administrator shall promulgate regulations or interpretive rulings to revise requirements under section 111 and Parts C and D, as appropriate, to facilitate projects consistent in this subsection. With respect to Parts C and D, such regulations or rulings shall apply to all areas in which EPA is the permitting authority. In those instances in which the State is the permitting authority under Parts C or D, any State may adopt and submit to the Administrator for approval revisions to its implementation plan to apply the regulations or rulings promulgated under this subsection.

"(e) Encouragement of State Incentive Programs.—Because the use of clean coal technologies is in the national interest, States, including their agencies and political subdivisions which regulate public utility rates and charges, are encouraged to provide additional incentives for their implementation. Those incentives may include, but are not limited to—

"(1) Preapproval of recovery of capital costs and other expenses, within reasonable bounds agreed upon before project construction;

"(2) elimination of retroactive 'used and useful' reviews for clean coal technologies;

"(3) rapid amortization of clean coal technology expenditures; and

"(4) immediate recovery of a portion of clean coal technology expenses through a fuel adjustment clause or by some other method."

REPEAL OF PERCENT REDUCTION

Sec. 402. (a) Repeal.—Section 111(a)(1) of the Clean Air Act is amended to read as follows:

"(1) The term 'standard of performance' means a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated.".

(b) Revised Regulations.—Not later than three years after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate revised regulations for standards of performance for new fossil fuel fired stationary sources commencing construction after the date on which such regulations are proposed that, at a minimum, require any source subject to such revised standards to emit any pollutants for which a standard has been promulgated pursuant to section 109 at a rate not greater than would have resulted from compliance by such source with the applicable standards of performance under this section prior to such revision.

(c) Applicability.—The provisions of subsections (a) and (b) apply only so long as the provisions of section 403(e) of the Clean Air Act remain in effect.

(d) BACT Determinations.—Section 169(3) of the Clean Air Act is amended by inserting: ", clean fuels," after "including fuel cleaning,".

ACID DEPOSITION STANDARDS

Sec. 403. Not later than thirty-six months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the feasibility and effectiveness of an acid deposition standard or standards to protect sensitive and critically sensitive aquatic and terrestrial resources. The study required by this section shall include, but not be limited to, consideration of the following matters:

(a) identification of the sensitive and critically sensitive aquatic and terrestrial resources in the United States and Canada which may be affected by the deposition of acidic compounds;

(b) description of the nature and numerical value of a deposition standard or standards that would be sufficient to protect such resources;

(c) description of the use of such standard or standards in other Nations or by any of the several States in acid deposition control programs;

(d) description of the measures that would need to be taken to integrate such standard or standards with the control program required by title IV of the Clean Air Act;

(e) description of the state of knowledge with respect to source-receptor relationships necessary to develop a control program on such standard or standards and the additional research that is on-going or would be needed to make such a control program feasible; and

(f) description of the impediments to implementation of such control program and the cost-effectiveness of deposition standards compared to other control strategies including ambient air quality standards, new source performance standards and the requirements of title IV of the Clean Air Act.

NATIONAL ACID LAKES REGISTRY

Sec. 404. The Administrator of the Environmental Protection Agency shall create a National Acid Lakes Registry that shall list, to the extent practical, all lakes that are known to be acidified due to acid deposition, and shall publish such list within one year of the enactment of this Act. Lakes shall be added to the registry as they become acidic or as data become available to show they are acidic. Lakes shall be deleted from the registry as they become nonacidic.

INDUSTRIAL SO_2 EMISSIONS

SEC. 405. (a) Not later than January 1, 1995, the Administrator of the Environmental Protection Agency shall transmit to the Congress an inventory of sulfur dioxide emissions from industrial sources along with a report indicating likely trends in such emissions over the following twenty-year period. The Administrator shall update such inventory every five years.

(b) Whenever the inventory required by this section indicates that sulfur dioxide emissions from industrial sources may reasonably be expected to reach levels greater than one million five hundred thousand tons less than such emissions in 1980, the Administrator of the Environmental Protection Agency shall take such actions under the Clean Air Act as may be appropriate, including the promulgation of standards for existing sources of such emissions under section 111(d), to assure that sulfur dioxide emissions from industrial sources do not exceed such levels.

SENSE OF THE CONGRESS ON EMISSION REDUCTIONS COSTS

SEC. 406. It is the sense of the Congress that the Clean Air Act Amendments of 1989, through the allowance program, allocates the costs of achieving the required reductions in emissions of sulfur dioxide and oxides of nitrogen among sources in the United States. Broad based taxes and emissions fees that would provide for payment of the costs of achieving required emissions reductions by any party or parties other than the sources required to achieve the reductions are undesirable.

CONTINUATION OF THE NATIONAL ACID PRECIPITATION ASSESSMENT PROGRAM

SEC. 407. (a) The National Acid Precipitation Assessment Program created by Public Law 96-294 shall be continued pursuant to this section. The Chairman of the Joint Chairs of the National Acid Precipitation Task Force shall be the Administrator of the Environmental Protection Agency.

(b) The Task Force shall sponsor monitoring and research in the federal agencies and in the scientific community that is necessary to understand the effects of the emissions control program created by this title. The Task Force shall undertake cost-benefit analyses of the effects of the emissions control program created by this title.

(c) The Task Force shall provide for the collection of information regarding—

(1) natural and anthropogenic emissions of the precursors of acid deposition;

(2) actual levels of all types of acid deposition;

(3) the status of ecosystems (including forests and terrestrial waters), materials, and visibility affected by acid deposition; and

(4) the costs and benefits of the control program created by this title.

The Task Force shall assure that this data is interpreted in such a way as to allow interested persons to determine as accurately as possible the total effects of the emissions control program created by this title.

(d) The Task Force shall provide for the maintenance and updating of models that describe the interaction of emissions with the atmosphere such as the Regional Acid Deposition Model, and models that describe the response of ecosystems to acid deposition.

(e) The Task Force shall make a unified budget recommendation. Every two years beginning in 1992, the Task Force shall submit a report to the President and the Congress describing the results of its investigations and analysis of the effects of the emissions control program contained in this title.

(f) There are authorized to be appropriated the amount of $10,000,000 per year to carry out the purposes of this section, to remain available until expended.

TITLE V—PERMITS

SEC. 501. The Clean Air Act is amended—

(1) by inserting after the heading "TITLE III—GENERAL" the subheading "PART A—MISCELLANEOUS"; and

(2) by adding at the end of title III the following:

"PART B—PERMITS

"DEFINITIONS

"SEC. 350. As used in this part—

"(1) The term 'affected source' shall have the meaning given in title IV of this Act.

"(2) The term 'major source' means any stationary source (or any group of stationary sources located within a contiguous area and under common control) that—

"(A) is a major source as defined under section 112 or part D of this Act; or

"(B) is a major stationary source or major emitting facility as defined in section 302(j).

"(3) For sources subject to standards issued under section 112 of this Act, the terms 'new source', 'stationary source', and 'area source' shall have the meaning given in that section.

"(4) For sources subject to standards issued under section 111 of this Act, the terms 'new source', 'modification', 'existing source', 'stationary source', and 'owner or operator' shall have the meaning given in that section.

"(5) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an applicable implementation plan, emission standard, emission limitation, or emission prohibition.

"(6) The term 'permitting authority' means the Administrator, or the air pollution control agency authorized by the Administrator to carry out a permit program under this part.

"PERMIT PROGRAMS

"SEC. 351. (a) After the effective date of any permit program approved or promulgated under this part, it shall be unlawful for any person: (i) to violate any requirement of a permit issued under this part, or (ii) to operate a major source, any source subject to title IV of this Act, any other source (including an area source) subject to standards or regulations under section 111 or 112, any source required to have a permit under parts C or D of this Act, or any other source designated by regulations promulgated by the Administrator, except in compliance with a permit issued by a permitting authority under this title. Nothing in this subsection shall be construed to alter the requirements of sections 165, 172, and 173 regarding the requirement that a permit be obtained prior to construction. The Administrator may, in the Administrator's discretion, after notice and opportunity for public comment, promulgate regulations to exempt one or more source categories from a permit program and the requirement of this part to have a permit, if the Administrator finds that such an exemption is warranted and would be consistent with protection of the public health, welfare and the environment.

"(b) Not later than twelve months after the date of enactment of this part, the Administrator shall promulgate regulations establishing the minimum elements of a permit program to be administered under this Act by any air pollution control agency. These elements shall include:

"(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion when such applications are complete.

"(2) Monitoring and reporting requirements.

"(3)(A) A requirement under State or local law that the owner or operator of each source subject to the requirement to obtain a permit under this part pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable costs of developing and administering the permit program, including, but not limited to, the reasonable costs of—

"(i) reviewing and acting upon any application for such a permit,

"(ii) if the owner or operator receives a permit for such source, whether before or after the date of enactment of this section, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

"(iii) emissions and ambient monitoring,

"(iv) preparing generally applicable regulations or guidance,

"(v) modeling, analyses, and demonstrations, and

"(vi) preparing inventories and tracking emissions.

"(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

"(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the air pollution control agency demonstrates that, except as otherwise provided in clauses (ii) through (v) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than $25 per ton of each regulated pollutant, or such lesser amount that the Administrator determines, after notice and opportunity for public comment, adequately reflects the costs of the program.

"(ii) As used in this subparagraph, the term 'regulated pollutant' shall mean: (I) a volatile organic compound; (II) each pollutant regulated under section 111 or 112; and (III) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

"(iii) In calculating the amount to be collected on a per ton basis under clause (i), the permitting authority shall exclude emissions of regulated pollutants from any source that are in excess of four thousand tons per year.

"(iv) The requirements of clause (i) to collect the amount specified under such clause shall not apply if the permitting authority demonstrates that collecting an amount less than the amount specified under clause (i) will satisfy the requirements of subparagraph (A).

"(iv) The fee calculated under clause (i) shall be increased (consistent with the need to cover reasonable costs) in each year beginning after the year of enactment of this section by the percentage, if any, by which the Producer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Producer Price Index for the calendar year 1989.

"(C) Any fee required to be collected by an air pollution control agency under this subsection shall be utilized to support the air pollution control program of such agency.

"(D)(i) If the Administrator determines, under section 351(d) that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under section 351(i), that the permitting authority is not adequately administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this title, collect reasonable fees from the sources identified under subparagraph (A) without regard to the requirements of subparagraph (B).

"(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall be liable to the United States for payment of such fees plus a penalty in an amount equal to 50 per centum of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of title 26, of the United States Code (relating to computation of interest on underpayment of Federal taxes).

"(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected.

"(4) Requirements for adequate personnel and funding to administer the program.

"(5) A requirement that the permitting authority have adequate authority to—

"(A) issue permits that apply, and assure compliance by all sources required to have a permit under this part with each applicable standard, regulation or requirement under this Act;

"(B) issue permits for a fixed term, not to exceed five years;

"(C) assure that permits include emission limitations and other conditions required by section 353(a);

"(D) terminate, modify, or revoke and reissue permits for cause;

"(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in a maximum amount of not less than $10,000 per day for each violation, and to seek appropriate criminal penalties;

"(F) assure that no permit will be issued if the Administrator objects to its issuance in a timely manner under section 354; and

"(G) grant limited extensions of a permit's term upon a timely and complete application for renewal, pending final action upon the renewal application by the permitting authority.

"(6) A requirement that the permitting authority establish and implement adequate procedures for processing permit applications expeditiously, and for public notice, including offering an opportunity for public comment and a hearing, on any permit application. These procedures shall include a requirement that the permitting authority include in public notices of any application for a permit that would amend or alter an applicable implementation plan an explicit statement describing the ways in which the permit would amend or alter such plan.

"(7) A requirement that all permit applications, compliance plans, permits, and monitoring or compliance reports filed under section 352 shall be made available to the public, subject to section 114 of this Act.

"(c) Each permit issued under this part shall include conditions providing for review and revision prior to expiration of the permit term for purposes of—

"(A) incorporating requirements of this Act that become applicable to the permitted source prior to expiration of the permit term, where such review and revision may be necessary to protect the public health or welfare and the environment; and

"(B) correcting any material mistake or material error made in establishing the emission standards or limitations, or other requirements of the permit.

"(d) A single permit may be issued for a facility with multiple sources.

"(e)(1) Each permit application or request for permit modification or renewal shall be acted upon by the permitting authority as expeditiously as practicable, and, except as provided in paragraph (2), final action upon any such application or request for modification or renewal shall be required to be taken by the authority not later than twelve months after receipt of a complete application or request.

"(2) Notwithstanding the requirement of paragraph (1), a permitting authority may extend the twelve month deadline for final action on a permit application or request for modification or renewal if the authority determines that, as a result of technical complexity or insufficient administrative resources, it is not possible to take final action within twelve months as provided in paragraph (1). Such extension may be for a period not to exceed eighteen months and may not be further extended nor renewed.

"(f) Not later than three years after the enactment of this part, the Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this title. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality or the interstate compact provide adequate authority to carry out the program. Not later than one year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator shall approve a program to the extent that the program meets the requirements of this Act, including the regulations issued under subsection (b) of this section. If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within one hundred and eighty days after receiving notification. If the Governor fails within such period to resubmit an approvable program, the Administrator—

"(1) shall apply at least one of the sanctions specified in section 176(a) of this Act other than the sanction specified in section 176(a)(2); and

"(2) unless required to act pursuant to subsection (j) of this section, may in the Administrator's discretion promulgate, administer, and enforce a program, or partial program, under this part.

"(g) The Administrator shall suspend the issuance of Federal permits promptly upon approval and implementation of a permit program under this section, but may retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this part until they are replaced by a permit issued under an approved permitting program. Nothing in this provision shall be construed to limit the Administrator's ability to enforce permits issued by a State.

"(h) Interim Approval.—If a program (including a partial permit program) submitted under this part substantially meets the requirements of this part, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than two years after such approval, and may not be renewed.

"(i) Effective Date.—The effective date of a permit program, or interim program, approved under this part, shall be the effective date of approval by the Administrator.

"(j) Whenever the Administrator makes a preliminary determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this part, the Administrator shall notify the permitting authority of such determination and the reasons therefore. Such notice shall be made public. If the permitting authority fails to take action to assure adequate administration and enforcement, the Administrator may in the Administrator's discretion, but not before ninety days after issuing such notice, take one or more of the following actions:

"(1) withdraw approval of the program or portion by rule;

"(2) apply any of the sanctions specified in section 176(a) of this Act other than the sanction specified in section 176(a)(2); or

"(3) promulgate a program, or portion of a program, under this part.

"(k) In the event the Administrator determines that (1) a permitting authority is not adequately administering and enforcing a program, or a portion thereof, in accordance with the requirements of this part and (2) such permitting authority has failed to take action to assure adequate administration and enforcement of such a program within sixty months after enactment of this part, or two years after receiving notice from the Administrator under subsection (i) of this section, whichever is later, the Administrator shall promulgate, administer and enforce a program under this part to assure compliance with the requirements of this part.

"PERMIT APPLICATIONS

"Sec. 352. (a) Any source specified in section 351(a) shall become subject to a permit program and, except as provided in subsection (g), shall be required to have a permit, on the later of the following dates:

"(1) the effective date of a permit program or partial or interim permit program applicable to the source; or

"(2) the date such source becomes subject to section 351(a).

"(b) The regulations required by section 351(b) shall include a requirement that the owner or operator submit with the permit application a compliance plan describing (1) how the source will comply with all new requirements applicable to the source under this Act, including a schedule for achieving compliance with such new requirements, and (2) in the event the source is not in compliance with all existing applicable requirements of this Act at the time it submits the permit application, a description of how the source will comply with all such requirements, including a schedule for achieving compliance with such requirements. The compliance plan shall include a schedule under which the owner or operator will submit progress reports to the permitting authority no less frequently than every six months. The regulations shall further require any owner or operator submitting a compliance plan to certify periodically that the facility is in compliance with any applicable requirements under this Act, and to report promptly any violations of such requirements to the permitting authority.

"(c) The owner or operator of any source required to have a permit shall, not later than thirty months after the date on which the source becomes subject to a permit program approved or promulgated under this part, or such earlier date as the permitting authority shall establish by regulations, submit to the permitting authority a compliance plan in accordance with subsection (b) of this section and an application for a permit signed by a responsible official, who shall certify the accuracy of the information submitted.

"(d)(1) Each permitting authority shall, in consultation with the Administrator, establish by regulations a schedule for the submission of all or part of the application by sources or categories of sources (including any class, type, or size within such category) within the thirty-month period in a manner that minimizes administrative burdens. Such schedules shall be based on the nature and amount of emissions from the sources or categories of sources, similar air quality considerations, and such other factors as may be relevant.

"(2) The schedules established pursuant to paragraph (1) shall provide that, to the maximum extent practicable:

"(i) those sources that represent the most significant contributions or potential contributions to air pollution shall be required to submit permit applications not later than ten months after the date on which such sources become subject to a permit program approved or promulgated under this part;

"(ii) those sources that represent significant contributions or potential contributions to air pollution shall be required to submit permit applications not later than 20 months after the date on which such sources become subject to a permit program approved or promulgated under this part; and

"(iii) all other sources shall be required to submit permit applications not later than thirty months after the date on which such sources become subject to a permit program approved or promulgated under this part.

"(e)(1) To the maximum extent practicable, each of the three permit tiers established by the permitting authority under subsection (d) shall include not less than one-third of all sources estimated by the permitting authority to be subject to the permit program approved or promulgated under this part (other than sources subject to section 408 of this Act).

"(2) All sources subject to section 408 of this Act shall be subject to the provisions of this part, except that such sources shall submit their permit applications in accordance with the schedule established under section 408 in lieu of the schedules established under subsection (d) of this section.

"(3) The regulations required by this subsection and section 351(b) shall, with respect to sources subject to section 112 of this Act, incorporate the requirements of subsection 112(j).

"(f) No permit shall be issued to any source located in a nonattainment area unless (A) the permitting authority has made the determinations required under section 173 of this Act, and (B) the conditions of section 173 are satisfied.

"(g) Except for sources required to have a permit prior to construction under sections 165, 172, or 173, if an applicant has submitted a timely and complete application for a permit required by this part, but final action has not been taken on the application, the source's failure to have a permit shall not be a violation of this Act, unless the delay in final action was due to the failure of the applicant to timely submit information required or requested to process the application. No source required to have a permit under this part shall be in violation of section 351(a) before the date on which the source is required to submit an application under subsection (c) of this section.

"(h) A copy of each permit application, compliance plan, emissions or compliance monitoring report, certification, and each permit issued under this part, shall be available to the public. If an applicant or permittee is required to submit information entitled to protection from disclosure under section 114(c) of this Act, the applicant or permittee may submit such information separately. The requirements of section 114(c) shall apply to such information. The contents of a permit or of a compliance plan shall not be entitled to protection under section 114(c).

"PERMIT REQUIREMENTS AND CONDITIONS

"Sec. 353. (a) Each permit issued under this part shall include enforceable emission limitations and standards, a schedule of compliance in accordance with section 352(b), and such other conditions and measures as are necessary to assure prompt and continuing compliance with applicable requirements of this Act.

"(b) The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act.

"(c) Each permit issued under this part shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to any applicable regulations under subsection (b) of this section. Any report required to be submitted by a permit issued to a corporation under this part shall be signed by a responsible corporate official, who shall certify its accuracy.

"(d) A permit for a source that is an affected source under title IV shall prohibit the emission of sulfur dioxide in excess of the allowances acquired by the source through trading or otherwise under title IV. No permit modification shall be required for increases in emissions that are authorized by allowances acquired through trading or otherwise under title IV, provided that any such increase complies with other requirements of the Act.

"(e) The permitting authority may, after notice and opportunity for public hearing, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to permits under this part. No source covered by a general permit shall thereby to relieved from the obligation to file an application under section 352.

"(f) The permitting authority may issue a single permit to an owner or operator authorizing emissions from similar operations at multiple temporary locations. No such permit shall be issued unless it includes conditions that will assure compliance with all the requirements of this Act at all authorized locations, including, but not limited to, ambient standards and compliance with any applicable increment or visability requirements under part C of title I. Any such permit shall in addition require the owner or operator to notify the permitting authority in advance of each change in location. The permitting authority may require a separate permit fee for operations at each location.

"(g) Compliance with the terms and conditions of a permit issued in accordance with the requirements of this part shall be deemed compliance with all requirements of this Act that are explicitly addressed by such terms and conditions: *Provided, however*, That compliance with the terms and conditions of a permit issued in accordance with the requirements of this part shall not alter, modify, or otherwise affect the authority of the Administrator under section 303 (emergency powers) or the requirement to comply with any order issued under section 303.

"NOTIFICATION TO ADMINISTRATOR AND OTHER STATES

"Sec. 354. (a)(1)(A) Each permitting authority shall transmit to the Administrator a copy of each draft permit or draft permit modification release for public comment, including any compliance plan, and such other information as the Administrator may by rule require in order to carry out the Administrator's duties under the Act. Each permitting authority shall provide public notice, in accordance with regulations promulgated by the Administrator, of each permit or permit modification proposed to be issued or granted by the authority, and, except as provided under subparagraph (B), transmit a copy of each such proposed permit to the Administrator for review under subsection (b). Such notice shall include a concise description of the manner in which a proposed permit or permit modification does not implement or otherwise proposes to change the requirements of any applicable implementation plan.

"(B) A proposed permit shall not be required to be forwarded to the Administrator for review under subsection (b) if the permit only implements and does not change any material requirement of any applicable implementation plan (a 'codifying permit') and the permitting authority so states in the public notice, unless—

"(i) the Administrator notifies the permitting authority, not later than the close of the public comment period, that the permit does not so implement without change all such requirements or is otherwise not in compliance with the requirements of this Act; or

"(ii) the final permit modifies any provision that was included in the proposed permit submitted for public notice.

In any case in which a proposed permit contains a provision that changes any material

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requirement of an applicable implementation plan or is otherwise not in compliance with the requirements of this Act, failure by the Administrator to notify the permitting authority under clause (i) of this paragraph shall be subject to an action under section 304(a)(2) of this Act: *Provided*, That no person may commence such a civil action unless such person has, in accordance with procedures established under section 351(b)(6) of this part, participated in the public comment process relating to the permit. In any action brought under this provision, pending a final decision in such action, the court shall have jurisdiction to entertain an application to maintain in effect the provisions of the applicable implementation plan that affect the source seeking the permit or permit modification.

"(2) The permitting authority shall provide notice of each permit or permit modification proposed to be issued by the authority and forwarded to the Administrator under this section, to any State that is susceptible to adverse air quality effects resulting from emissions that would be allowed under the permit.

"(3) The permitting authority shall provide an opportunity for each State that satisfies the condition set out in paragraph (2) of this subsection to submit written recommendations respecting issuance of the permit, including proposed terms and conditions for the permit. If any part of those recommendations is not accepted by the permitting authority, such authority shall notify the State submitting the recommendations and the Administrator in writing of its failure to accept those recommendations and its reasons therefor.

"(4) For purposes of paragraph (2), any State that is within fifty miles of a source that applies for a permit under this Act shall be deemed susceptible to adverse air quality effects resulting from emissions that would be allowed under the permit. The Administrator shall promulgate guidelines with respect to application of paragraph (2) in cases involving the emission and transport of specific pollutants that have the potential to affect air quality adversely in areas located further than fifty miles from the source of such pollutants.

"(b) No permit shall be issued, and no permit modification shall be granted, if the Administrator (1) within ninety days after receipt of the proposed permit or permit modification under subsection (a)(1)(A) of this section, or (2) within ninety days after receiving notification under subsection (a)(2), objects in writing to its issuance. Such objection may be based on the Administrator's determination that the proposed permit or permit modification is not in compliance with the applicable implementation plan or other applicable emission limitations, standards, or other applicable requirements of this Act. The Administrator shall object to the issuance of any proposed permit or permit modification that contains provisions which are not in compliance with the requirements of this Act. The Administrator shall provide with each objection a statement of the reasons for the objection, along with the terms and conditions which such permit or permit modification would include if it were to be issued by the Administrator. A copy of any objection and statement shall be provided to the applicant.

"(c)(1) If the permitting authority fails within ninety days after the date of the objection under subsection (b) to submit a permit revised to meet the objection, the Administrator shall promptly issue or deny the permit in accordance with the requirements of this part. No objection shall be subject to judicial review until the Administrator takes final action to issue or deny a permit under this subsection.

"(2) A failure by the Administrator to object to the issuance of a permit containing provisions that are not in compliance with the requirements of this Act shall be subject to an action under section 304(a)(2) of this Act: *Provided*, That no person may commence such a civil action unless such person has, in accordance with procedures established under section 351(b)(6) of this part, participated in the public comment process relating to issuance of the permit. In any action brought under this provision, pending a final decision in such action, the court shall have jurisdiction to entertain an application to maintain in effect the applicable provisions of the implementation plan that affect the source seeking the permit or permit modification.

"(d) The Administrator may, by regulation, require that specified modifications to requirements of the applicable implementation plan with respect to specified categories of sources (including any class, type, or size within such category) be made only through a revision to the applicable implementation plan.

"(e)(1) The Administrator shall, by regulation, require that if a permit applicant identifies the composition of emissions under the reasonably anticipated operating conditions of the permitted facility, the permit shall set forth the emission limitations, standards, and other requirements that would apply under all such reasonably anticipated operating conditions.

"(2) The Administrator shall, by regulation, require that emission limitations contained in permits, as well as other permit terms, provide the owner or operator of a facility the flexibility to make changes in the operation of the facility that might shift permitted emissions from one source to another within the same facility, as authorized by a permit, without the necessity for a permit modification: *Provided* That the owner or operator provides the Administrator and the permitting authority with advance written notification specifying the proposed changes and the anticipated emissions effects of such changes not less than thirty days prior to making such changes: *Provided further*, That the permit includes such emission limitations, monitoring provisions, and other requirements as are necessary to assure that all permit requirements will continue to be enforceable. Changes in the operation of a facility that will cause an increase either in the rate at which emissions are allowed under a permit issued under this part, or in total emissions allowed by such permit shall not be authorized by the regulations promulgated to implement the preceding sentence.

"(f) If the Administrator finds that cause exists to terminate, modify, or revoke and reissue a State or local permit under this part, the Administrator shall notify the permitting authority of such finding. The permitting authority shall, within ninety days after receipt of such notification, forward to the Administrator under this section a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Administrator may extend such ninety-day period for an additional ninety days if the Administrator finds that a new or revised permit application is necessary, or that the permitting authority must require the permittee to submit additional information. The Administrator may review such proposed determination under the provisions of subsections (a) and (b) of this section. If the permitting authority fails to submit the required proposed determination, or if the Administrator objects and the permitting authority fails to resolve the objection within the period prescribed in subsection (c) of this section, the Administrator may, after notice and in accordance with duly promulgated procedures, terminate, modify, or revoke and reissue the permit.

"RELATION TO OTHER AUTHORITY

"SEC. 355. (a) Nothing in this part shall prevent an air pollution control agency from establishing additional permitting requirements not inconsistent with this Act.

"(b) Nothing in this part shall be construed to authorize the Administrator, or a State, or other permitting authority, to modify or revoke any allowance granted under title IV, or to alter or amend any provision of title IV or of sections 111 or 112.

"(c) Permits issued under this part shall, to the maximum extent practicable, be coordinated and consolidated with all other permits required under this Act, including permits required under sections 112, 172, 173, and 408.

"(d) In promulgating any standard under section 111 or 112, the Administrator shall identify which sources or categories of sources (including any class, type, or size within such category) subject to such standard shall be subject to this part.

"(e) For the purposes of this Act, any permit properly issued or revised under this part shall become part of, and supersede any inconsistent portion of, the applicable implementation plan, and shall have the effect specified in section 353(g).".

SEC. 502. Section 304(f)(1) of the Clean Air Act is amended to read as follows:

"(1) an emission limitation, standard of performance, or an emission standard, or a schedule or timetable of compliance that is currently legally enforceable;".

TITLE VI—ENFORCEMENT AND REAUTHORIZATION

SEC. 601. (a) The heading of section 113(a) of the Clean Air Act is amended by replacing the words "FINDING OF VIOLATION" with the words "NOTIFICATIONS AND COMPLIANCE ORDERS".

(b) Section 113(a)(1) of the Clean Air Act is amended as follows:

(1) In the first sentence, after "finds that any person", insert the words "has violated or"; and following the words "shall notify the person" replace "in violation of" with "who violated".

(2) In the second sentence,

(A) strike the words "If such violation extends beyond the thirtieth day after the date of the Administrator's notification," and insert in lieu thereof the words "At any time after the expiration of thirty days following the date on which such notice of a violation is issued," and;

(B) strike all after "of such plan" and insert in lieu thereof the following: ", may issue an administrative penalty order under subsection (d), or may bring a civil action under subsection (b), without regard to the period of the violation (subject to section 2462 of title 28 of the United States Code). Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(c) Section 113(a)(2) of the Clean Air Act is amended as follows:

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(1) Strike the "or" at the end of section 113(a)(2)(A), redesignate subparagraph "(B)" as "(C)", and insert the following new subparagraph (B):

"(B) by issuing an administrative penalty order under subsection (d) of this section, or".

(2) Insert the following new sentence at the end of section 113(a)(2): "Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(d) Section 113(a)(3) of the Clean Air Act is amended as follows:

(1) Insert the words "has violated or" before the words "is in violation of" in the first sentence.

(2) Strike the words "section 111(e)" and all that follows down through "(relating to inspections, etc.), he" and insert in lieu thereof the following new language: "any other requirement of this title, title III, or title IV, including, but not limited to, a requirement of any rule, plan, order, waiver or permit promulgated, issued or approved under those titles or for the payment of any fee owed the United States under this Act, the Administrator".

(3) Strike the words "or he" before the words "may bring a civil action" and insert in lieu thereof the following words: "may issue an administrative penalty order in accordance with subsection (d), may".

(4) Insert ", or may bring a criminal action in accordance with subsection (c)" immediately before the period at the end of the sentence.

(e) Section 113(a)(4) of the Clean Air Act is amended by inserting at the end thereof: "An order issued under this subsection shall require the person to whom it was issued to comply with the requirement as expeditiously as practicable, but in no event later than one year after the date the order was issued, and shall be nonrenewable. No order issued under this subsection shall prevent the State, the Administrator, or a court in an action brought under section 304, from assessing any penalties nor otherwise affect or limit the State or the United States' authority to enforce under other provisions of this Act, nor affect any person's obligations to comply with any section of this Act, or a term or condition of any permit or applicable implementation plan promulgated or approved under this Act. Any order issued under this subsection shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. Such hearing shall not be subject to section 554 or 556 of title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.".

(f) Section 113(a)(5) of the Clean Air Act is amended to read as follows:

"(5) Whenever, on the basis of any available information, the Administrator finds that a State is not acting in compliance with any requirement of the Act relating to the construction of new sources or the modification of existing sources, the Administrator may—

"(A) issue an order prohibiting the construction, modification or operation of any major stationary source in any area to which such provisions apply;

"(B) issue an administrative penalty order in accordance with subsection (d); or

"(C) bring a civil action under subsection (b)(5).

Nothing in this subsection shall preclude the Administrator from filing a criminal action under section 113(c) at any time for any such violation.".

(g) Section 113(b) of the Clean Air Act is amended to read as follows:

"(b) The Administrator shall, in the case of any person which is the owner or operator of a major emitting facility or a major stationary source, and may, in the case of any other person, commence a civil action for a permanent or temporary injunction, or to assess and recover a civil penalty of not more than $25,000 per day for each violation, or both, whenever such person—

"(1) has violated or is in violation of any requirement of an applicable implementation plan (such action shall be commenced (A) during any period of federally assumed enforcement, or (B) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of a finding that such person has violated or is in violation of such requirement); or

"(2) has violated or is in violation of any other requirement of this title, title III, or title IV, including, but not limited to, a requirement of any rule, order, waiver, plan or permit promulgated, issued or approved under this Act or for the payment of any fee owed the United States under this Act; or

"(3) attempts to construct, modify, or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made. Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred, or is occurring, or in which the defendant resides, or where the defendant's principal place of business is located, and such court shall have jurisdiction to restrain such violation, to require compliance, to assess such civil penalty, to collect any fees owed the United States under the Act and any noncompliance assessment and nonpayment penalty owed under section 120, and to award any other appropriate relief. Notice of the commencement of such action shall be given to the appropriate State air pollution control agency. In the case of any action brought by the Administrator under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party or parties against whom such action was brought if the court finds that such action by the Administrator was unreasonable.".

(h) Section 113(c) of the Clean Air Act is amended to read as follows:

"(c) CRIMINAL ENFORCEMENT.—

"(1) Any person who knowingly fails to pay any fee owed the United States under this Act shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code per day for each violation, or by imprisonment for not more than one year, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(2) Any person who negligently releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)(2) of title 42 of the United States Code, which release such person knows or reasonably should have known could place another person in imminent danger of death or serious bodily injury and who at the time negligently places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine under title 18 of the United States Code per day for each violation, or by imprisonment for not more than one year, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment. For any hazardous air pollutant listed pursuant to section 112 for which the Administrator has set an emission standard or limitation (by rule, in a permit that is in effect and was issued to the source under part B of title III, or in a temporary operating permit that is in effect and was issued to the source under section 112), a release of such pollutant from such source shall not constitute a violation of this paragraph unless it exceeds or is otherwise not in accordance with such standard or limitation.

"(3) Any person who knowingly violates any requirement or prohibition of this title, title III, or title IV, including but not limited to a requirement or prohibition of any rule, plan, order, waiver, or permit promulgated, issued, or approved under those titles shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code per day for each violation, or by imprisonment for not more than five years, or both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(4) Any person who knowingly—

"(A) makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals or fails to maintain or file, any notice, application, record, report, plan, or other document required pursuant to this Act to be either filed or maintained (whether with respect to the requirements imposed by the Administrator or by a State); or

"(B) fails to notify or report as required under this Act; or

"(C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under this Act;

shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code per day for each violation, or by imprisonment for not more than two years, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(5)(A) Any person who knowingly releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)92) of title 42 of the United States Code, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code per day for each violation, or by imprisonment of not more than fifteen years, or by both. Any person committing such violation who is an organization shall, upon conviction under this paragraph, be subject to a fine of not more than $1,000,000 per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment. For any hazardous air pollutant listed pursuant to section 112 for which the Administrator has set an emissions standard or limitation (by rule, in a permit that is in effect and was issued to the source under part B of title III, or in a temporary operating permit that is in effect and was issued to the source under section 112), a release of such pollutant from such source shall not constitute a violation of this paragraph unless it exceeds or is otherwise not in accordance with such standard or limitation.

"(B) In determining whether a defendant who is an individual knew that the violation placed another person in imminent danger of death or serious bodily injury—

"(i) the defendant is responsible only for actual awareness or actual belief possessed; and

"(ii) knowledge possessed by a person other than the defendant, but not by the defendant, may not be attributed to the defendant;

except that in proving a defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to be shielded from relevant information.

"(C) The term "organization" means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"(D) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(6) For the purposes of this subsection, the term 'person' includes, in addition to the entities referred to in section 302(e), any responsible corporate officer.".

(i) Section 113(d) of the Clean Air Act is amended to read as follows—

"(d) Administrative Assessment of Civil Penalties.—

"(1) The Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to $25,000, per day for each violation, whenever, on the basis of any available information, the Administrator finds that such person—

"(A) has violated or is violating any requirement of an applicable implementation plan (such order shall be issued (i) during any period of federally assumed enforcement, or (ii) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of this section of a finding that such person has violated or is violating such requirement); or

"(B) has violated or is violating any other requirement of this title, title III, or IV, including, but not limited to, a requirement of any rule, order, waiver, permit, or plan promulgated, issued or approved under this Act or for the payment of any fee owed the United States under this Act; or

"(C) attempts to construct, modify or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made. The Administrator's authority under this paragraph shall be limited to matters where the total penalty sought does not exceed $200,000 and the first alleged date of violation occurred no more than twelve months prior to the initiation of the administrative action.

"(2)(A) An administrative penalty order under paragraph (1) shall be issued by the Administrator after opportunity for a hearing in accordance with sections 554 and 556 of title 5 of the United States Code. The Administrator may issue rules for discovery and other procedures for hearings under this paragraph. Before issuing such an order, the Administrator shall give written notice to the person to whom the order is to be issued of the Administrator's proposal to issue such order and provide such person an opportunity to request such a hearing on the order, within thirty days of the date the notice is received by such person. An administrative penalty order issued under paragraph (1) shall become final if no hearing is requested within thirty days or upon issuance of the order following the hearing provided for in this paragraph.

"(B) The Administrator may compromise, modify, or remit, with or without conditions, any administrative penalty which may be imposed under paragraph (d)(1).

"(3) The Administrator may implement through regulation, after consultation with the Attorney General, a field citation program for appropriate minor violations, which authorizes the issuance of field citations assessing civil penalties not to exceed $5,000 per inspection. During any six month period, the total penalty assessed under this paragraph for any single facility shall not exceed $25,000. Any person to whom a field citation is assessed may, within a reasonable time as prescribed by the Administrator through regulation, elect to pay the penalty assessment or request a hearing on the field citation. If a request for a hearing is not made within the time specified in the regulation, the penalty assessment in the field citation shall be final. Such hearing shall not be subject to section 554 or 556 of title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. Payment of a civil penalty required by a field citation shall not be a defense to further enforcement by the United States or a State to correct a violation, nor shall it be a defense to liability for payment of the statutory maximum penalty pursuant to other authorities in the Act, if the violation continues.

"(4) Any person against whom a civil penalty is assessed under paragraph (3) of this subsection or to whom an administrative penalty order is issued under paragraph (1) of this subsection may seek review of such assessment or order in the United States District Court for the District of Columbia, or for the district in which the violation is alleged to have occurred, in which such person resides, or where such person's principal place of business is located, by filing in such court within thirty days following the date the administrative penalty order becomes final under paragraph (2), the assessment becomes final under paragraph (3), or a final decision following a hearing under paragraph (3) is rendered, and by simultaneously sending a copy of the filing by certified mail to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy, or certified index, as appropriate, of the record on which the administrative penalty order or assessment was issued within thirty days. Such court shall not set aside or remand such order or assessment unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the order or penalty assessment constitutes an abuse of discretion. Such order or penalty assessment shall not be subject to review by any court except as provided in this paragraph. In any such proceedings, the United States may seek to recover civil penalties assessed under this section.

"(5) If any person fails to pay an assessment of a civil penalty or fails to comply with an administrative penalty order—

"(A) after the order or assessment has become final, or

"(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to enforce the order or to recover the amount ordered or assessed (plus interest at rates established pursuant to section 6621(a)(2) of title 26, United States Code, from the date of the final order or decision or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such order or assessment shall not be subject to review. Any person who fails to pay on a timely basis a civil penalty ordered or assessed under this section shall be required to pay, in addition to such penalty and interest, the United States' enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 per centum of the aggregate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of such quarter.".

(i) Current section 113(e) of the Clean Air Act is deleted in its entirety and replaced with the following new sections 113(e) and 113(f):

"(e) Penalty Assessment Criteria.—(1) In determining the amount of any penalty to be assessed under this section or section 304(a), the court shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation. The court shall not assess penalties for noncompliance with administrative subpoenas under section 307(a), or actions under section 114 of this Act, where the violator had sufficient cause to violate or fail or refuse to comply with such subpoena or action.

"(2) A penalty may be assessed for each day of each violation. For purposes of determining the number of days of violation for which a penalty may be assessed under subsection (b) or (d)(1) of this section, or sec-

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tion 304(a), or an assessment may be made under section 120, where the Administrator or an air pollution control agency has notified the source of the violation, and the plaintiff makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violation shall be presumed to include the date of such notice and each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator proves by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.

"(f) MONETARY AWARDS.—The Administrator may pay an award, not to exceed $10,000, to any person who furnishes information or services which lead to a criminal conviction or a civil judicial or administrative judgment of liability for any violation of this Act enforced under this section. Any officer or employee of the United States or any State or local government who furnishes information or renders service in performance of an official duty is ineligible for payment under this subsection. An authorized contractor acting as a representative of the Administrator shall be considered an employee of the United States for purposes of this subsection. The Administrator may, by regulation, prescribe additional criteria for eligibility for such an award.".

COMPLIANCE CERTIFICATION

Sec. 602. (a) Section 114(a)(1) of the Clean Air Act is amended by—

(1) inserting ", on a one-time, periodic or continuous basis" immediately before "to (A) establish and maintain";

(2) inserting ", audit procedures," immediately before "or methods, (D)";

(3) inserting "procedures or" immediately before "methods, at such locations,";

(4) inserting "during such continuous periods" immediately before ", and in such manner as the Administrator";

(5) striking "and" immediately before subparagraph (E); and

(6) redesignating subparagraph (E) as (G) and inserting the following new subparagraphs: "(E) keep periodic or continuous records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical, (F) submit compliance certifications in accordance with section 114(a)(3); and".

(b) Section 114(a) is amended by adding the following new paragraph:

"(3) The Administrator shall in the case of any person which is the owner or operator of a major stationary source, and may, in the case of any other person, require enhanced monitoring and submission of compliance certifications. Compliance certifications shall include (i) identification of the applicable requirement that is the basis of the certification, (ii) the method used for determining the compliance status of the source, (iii) the compliance status, (iv) whether compliance is continuous or intermittent, (v) such other facts as the Administrator may require. Compliance certifications and monitoring data shall be public information. Submission of a compliance certification shall in no way limit the Administrator's authorities to investigate or otherwise implement the Act.".

(c) Section 307(b)(1) is amended by inserting "or revising regulations for enhanced monitoring and compliance certification programs under section 114(a)(3) of this Act," immediately before "or any other final action of the Administrator".

CONTRACTOR INSPECTIONS

SEC. 603. (a) Section 114(a)(2) of the Clean Air Act is amended by inserting "(including an authorized contractor acting as a representative of the Administrator)," immediately before "upon presentation of his credentials".

(b) Section 114(c) is amended by striking ", except that such record," and all that follows in the subsection and inserting ". Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) shall be considered an employee of the United States for purposes of the provisions of section 1905 of title 18. Nothing in this subsection shall prohibit the Administrator or an authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports or information to other officers, employees or authorized representatives of the United States (including any authorized contractor acting as a representative of the Administrator), or to any State concerned with carrying out this Act, or when relevant in any proceeding under this Act.".

ADMINISTRATIVE ENFORCEMENT SUBPOENAS

SEC. 604. Section 307 of the Clean Air Act is amended by redesignating subsection (a)(1) as subsection (a), and, in that newly designated subsection, striking "or" before "section 202(b)(5)" and inserting "any investigation, monitoring, reporting requirement, entry, compliance inspection, or administrative enforcement proceeding under the Act (including but not limited to section 113, section 114, section 120, section 129, section 167, section 205, section 206, section 208, section 303 or section 306)," immediately after "section 202(b)(4) or 211(c)(3)".

EMERGENCY ORDERS

SEC. 605. (a) Section 303(a) of the Clean Air Act is amended by—

(1) striking "the health of persons, and that appropriate State or local authorities have not acted to abate such sources" and inserting "public health or welfare, or the environment";

(2) revising the second sentence to read, "If it is not practicable to assure prompt protection of public health or welfare or the environment by commencement of such a civil action, the Administrator may issue such orders as may be necessary to protect public health or welfare or the environment.";

(3) striking the last three sentences in their entirety; and

(4) inserting the following at the end of the subsection: "Prior to taking action under this section, the Administrator shall consult with appropriate State and local authorities and attempt to confirm the accuracy of the information on which the action proposed to be taken is based. Any order issued by the Administrator under this section shall be effective upon issuance and shall remain in effect for a period of not more than sixty days, unless the Administrator brings an action pursuant to the first sentence of this section before the expiration of that period. Whenever the Administrator brings such an action within the sixty-day period, such order shall remain in effect for an additional fourteen days or for such longer period as may be authorized by the court in which such action is brought.".

(b) section 303(b) of the Clean Air Act is amended by—

(1) striking "willfully" immediately after "Any person who" and inserting in lieu thereof "without sufficient cause";

(2) striking "$5,000" and inserting in lieu thereof "$25,000"; and

(3) inserting immediately before the period at the end of the sentence the following: ", be subject to imprisonment for not more than one year, or both."

CONTRACTOR LISTINGS

SEC. 606. Section 306(a) of the Clean Air Act is amended by—

(a) striking "(1)" after "section 113(c)"; and

(b) inserting at the end thereof: "For convictions arising under section 113(c)(2), the condition giving rise to the conviction also shall be considered to include any substantive violation of this Act associated with the violation of 113(c)(2). The Administrator may extend this prohibition to other facilities owned or operated by the convicted person.".

JUDICIAL REVIEW PENDING RECONSIDERATION OF REGULATION

SEC. 607. Section 307(b)(1) of the Clean Air Act is amended by adding at the end thereof the following: "A petition for reconsideration by the Administrator of any otherwise final agency action shall not render the action nonfinal for purposes of judicial review nor extended the time within which a petition for review may be filed, and shall not postpone the effectiveness of the agency action.".

CITIZEN SUITS AND PETITIONS

SEC. 608. (a) CIVIL PENALTIES.—(1) Section 304(a) of the Clean Air Act is amended by inserting immediately before the period at the end thereof: ", and to apply any appropriate civil penalties (except for actions under paragraph (a)(2)), including those pursuant to a consent judgment, payable to the special fund as established in subsection (g), taking into account the factors listed in section 113(e))".

(2) Section 304(a) of the Clean Air Act is amended by adding the following new subsection:

"(g) PENALTY FUND.—Penalties received under subsection (a) shall be deposited in a special fund in the United States Treasury for licensing and other services, which shall be available for appropriation, and remain available until expended for use by the Environmental Protection Agency to finance air compliance and enforcement activities.".

(3) Paragraph (2) of subsection 304(c) of the Clean Air Act is amended to read as follows:

"(2) In any action under this section, the Administrator, if not a party, may intervene as a matter of right at any time in the proceeding. A judgment in an action under this section two which the United States is not a party shall not, however, have any binding effect upon the United States.".

(b) UNREASONABLE DELAY AND NATURE OF VIOLATION.—Section 304(a) of the Clean Air Act, as amended by subsection (a), is further amended by—

(1) inserting "to have violated or" immediately preceding "to be in violation of" in paragraph (1);

(2) amending paragraph (2) to read as follows:

"(2) against the Administrator where there is alleged a failure to perform any act or duty under this Act which is not discretionary with the Administrator, including failures to act that violate one or more of the standards set forth in section 307(d)(9), or that violate the duty to object to issuance of a permit as set forth in section 354(b), or that constitute unreasonable delay, provided however that a failure to act does not include a written decision not to take action which the Administrator designates, within such decision, as a final action within the meaning of section 307(b)(1); or";

(3) inserting immediately before the period at the end of paragraph (3) the following: ", or of any condition of a temporary operating permit issued under section 112 or other permit issued under part B of title III.";

(4) inserting after "to perform such act or duty," the following: "or to compel agency action unreasonably delayed,"; and

(5) adding at the end thereof the following: "Where a provision of the Act mandates that the Administrator shall take specified action when certain preconditions are met, the court's power to compel the specified action under paragraph (2) shall not depend in any manner upon whether the Administrator has published in the Federal Register a proposed final determination that the threshold preconditions are met.".

(c) Notice to the Government.—Section 304(c) is amended by adding the following new paragraph:

"(3) Whenever any action is brought under this section the plaintiff shall serve a copy of the complaint on the Attorney General of the United States and on the Administrator. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator, during which time the government may submit its comments on the proposed consent judgment to the court and parties or may intervene as a matter of right.".

(d) Deferred Actions.—Section 307(b) of the Clean Air Act is amended by adding the following at the end thereof:

"(3) Where a final decision by the Administrator undertakes to perform an action, but defers such performance to a later time, any interested person may bring an action at any time under section 304(a)(2) to compel such performance.".

(e) Petitions.—Section 307 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(h) Petitions.—(1) Any interested person shall have the right to petition the Administrator to issue, amend, reconsider, or repeal any regulation or order issued under the authority of this Act, unless such right is expressly limited by any other provision of this Act.

"(2) To the maximum extent practicable, within six months after receiving a petition, the Administrator shall publish in the Federal Register a finding as to whether the petition presents substantial information indicating that the petition has merit. In the event the petition is found not to present such information, the Administrator shall deny it and publish notice of such denial with notice of the finding required by the preceding sentence.

"(3) In the event the Administrator finds that the petition presents substantial information indicating that it has merit, the Administrator shall immediately undertake a review of the regulation or order that is the subject of the petition, and shall either grant or deny such petition within twelve months of the date of the Federal Register finding, except that in the case of a petition for reconsideration under section 307(d)(7)(B), the Administrator shall grant or deny the petition not later than twelve months after receiving such petition. In any case in which the Administrator grants a petition, the Administrator shall take final action in response to any such petition within a reasonable time.".

ENHANCED IMPLEMENTATION AND ENFORCEMENT OF NEW SOURCE REVIEW REQUIREMENTS

Sec. 609. Section 167 of the Clean Air Act is amended by—

(a) striking "the construction of a major emitting facility" and inserting in lieu thereof "the operation, construction, or modification of a major emitting facility"; and

(b) inserting at the end thereof the following: "Any order issued under this section shall be effective upon issuance and shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. Such hearing shall not be subject to section 554 or 556 of title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. In connection with any proceeding under this section, the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.".

MOVEABLE STATIONARY SOURCES

Sec. 610. Section 302 of the Clean Air Act is amended by adding the following subsection:

"(q) Stationary Source.—The term 'stationary source' means generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes.".

AUTHORIZATIONS

Sec. 611. Title III of the Clean Air Act is amended by adding at the end thereof the following new section:

"(c)(1) There are authorized to be appropriated $120,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to make grants to the States pursuant to section 105. In addition there are authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1991, 1992, and 1993 to make grants to the States to prepare implementation plans as required by subpart 2, 3, or 4 of part D.

"(2) There are authorized to be appropriated $90,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to carry out the research and development activities authorized by sections 103 and 104 and other sections of this Act.

"(3) In addition to the sums authorized by paragraphs (1) and (2) there are authorized to be appropriated $250,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to carry out the activities authorized under this Act.".

TITLE VII—STRATOSPHERIC OZONE AND GLOBAL CLIMATE PROTECTION

Sec. 701. Part B of the Clean Air Act entitled "Ozone Protection", sections 150 through 159, is hereby repealed.

Sec. 702. The Clean Air Act is amended by adding the following new title:

"TITLE V—STRATOSPHERIC OZONE AND GLOBAL CLIMATE PROTECTION

"FINDINGS

"Sec. 501. The Congress finds that—

"(1) the best available scientific evidence shows that manufactured substances, including chlorofluorocarbons and other substances covered by this title, are destroying stratospheric ozone, and significantly contributing to global climate change by enhancing the greenhouse effect and causing other atmospheric modifications;

"(2) no level of stratospheric ozone depletion or global climate change caused by human activities can be deemed safe;

"(3) stratospheric ozone depletion will lead to increased incidence of solar ultraviolet radiation in the troposphere and at the surface of the Earth;

"(4) increased incidence of solar ultraviolet radiation will cause increased rates of disease in humans (including increased rates of skin cancer, cataracts, and, potentially, suppression of the immune system), threaten food crops and marine resources, and otherwise damage the natural environment;

"(5) the Ozone Trends Report completed in March 1988 through the effort of over one hundred international scientists found undisputed observational evidence that the atmospheric concentrations of source gases important in controlling stratospheric ozone levels and aggravating the problem of uncontrolled global climate change (chlorofluorocarbons, halons, methane, nitrous oxide, and carbon dioxide) are increasing on a global scale as a result of human activities;

"(6) scientific expeditions and analyses have established that chlorine compounds derived from emissions of chlorofluorocarbons are responsible for destruction of the stratospheric ozone layer over the Antarctic and the surrounding oceans;

"(7) recent scientific reports indicate that a similar destruction of the ozone layer may occur over the Arctic region and that the same chlorine compounds found in the Antarctic region are present in areas of the Arctic ozone layer;

"(8) experimental laboratory studies and measurements of ozone depletion suggest that the chemical reactions responsible for destruction of ozone over Antarctica could operate in the aerosol layer of the stratosphere and would not be limited to the polar regions;

"(9) the Montreal Protocol on Substances that Deplete the Ozone Layer (the Montreal Protocol) provides a framework for all nations of the world to protect the Earth's ozone shield;

"(10) the control measures that are set forth in the Montreal Protocol (a freeze on the consumption of certain chlorofluorocarbons at 1986 levels in 1989 followed by a 20 per centum reduction in 1993 and an additional 30 per centum reduction in 1998, coupled with a freeze on the consumption of certain halons at 1986 levels in 1992) will allow atmospheric concentrations of chlorine to increase by at least a factor of two to three;

"(11) because of the worldwide recognition of the need to reduce significantly the use of ozone-depleting chemicals, United States chemical producers and chlorofluorocarbon and halon user industries should be encouraged to develop improved chemicals, products, and technologies that do not rely on chlorofluorocarbons and halons;

"(12) the Ozone Trends Report and other recent scientific studies have raised serious questions about the adequacy of the control measures that are set forth in the Montreal Protocol;

"(13) ozone depleting chlorofluorocarbons are also powerful greenhouse gases projected to be responsible for 15 to 25 per centum

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of global warming and, under the existing Montreal Protocol, 10 per centum of future warming;

"(14) stratospheric ozone depletion and global climate change from continued emissions of chlorofluorocarbons and other halogenated chlorine containing halocarbons with ozone depleting potential, and emissions of other gases, such as methane and carbon dioxide, imperil human health and the environment worldwide;

"(15) in order to stabilize and eventually reduce concentrations of chlorine and bromine in the stratosphere, to conserve the stratospheric ozone layer (an exhaustible natural resource), and to reduce the extent of global climate change—

"(A) emissions of chlorofluorocarbons and other substances covered by this title, including partially halogenated chlorine containing halocarbons with ozone depleting potential, should be terminated rapidly;

"(B) it is necessary to control international trade in substances covered by this title and products containing such substances; and

"(C) emissions of other gases, such as methane and carbon dioxide, should be controlled;

"(16) the highest priority must be given to developing and deploying safe and energy efficient products and technologies as substitutes for ozone depleting substances as rapidly as possible; and

"(17) the United States needs to develop and deploy safe, energy efficient substitutes to replace ozone depleting substances in order to demonstrate to the world its commitment to protect the stratosphere and to limit global climate change.

"OBJECTIVES AND NATIONAL GOAL

"SEC. 502. (a) The objectives of this title are to restore and maintain the chemical and physical integrity of the Earth's atmosphere, to protect human health and the global environment from all known and potential dangers due to atmospheric or climatic modification, including stratospheric ozone depletion, to provide for a smooth transition from the use of ozone-depleting chemicals to the use of safe chemicals, products, and technologies that do not threaten the ozone layer, and to reduce the generation of greenhouse gases in order to protect the Earth's ozone layer and to limit anthropogenically induced global climate changes by—

"(1) reducing significantly the production and emission into the atmosphere of pollutants caused by human activities,

"(2) promoting the rapid development and deployment of energy efficient alternatives to the use of chlorofluorocarbons and other substances covered by this title,

"(3) assuring that such alternatives reduce ozone depleting potential to the maximum extent possible and, at the same time, do not exacerbate the problem of human induced global climate change either directly as radiatively important trace gases or indirectly as substances that reduce the energy efficiency of products which incorporate or use such substances, and

"(4) promoting additional scientific research on atmospheric or climatic modification, including stratospheric ozone depletion, and on the known and potential adverse effects therefrom on human health and the global environment.

"(b) In order to achieve the objectives of this title, it is the national goal to eliminate atmospheric emissions of manufactured substances with ozone depleting potential as well as direct and indirect global warming potential, including chlorofluorocarbons and other halogenated chlorine or bromine containing halocarbons with ozone depleting and global warming potential, to reduce to the maximum extent possible emissions of other gases caused by human activities that are likely to affect adversely the global climate, and to provide for an orderly and equitable shift to alternative, safe chemicals, products, and technologies.

"DEFINITIONS

"SEC. 503. As used in this title, the term—

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency;

"(2) 'household appliances' means noncommercial personal effects, including airconditioners, refrigerators, and motor vehicles;

"(3) 'import' means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States;

"(4) 'manufactured substances' means any organic or inorganic chemical substances of a particular molecular identity, or any mixture, that has been manufactured for commercial purposes;

"(5) 'medical purposes' means medical devices and diagnostic products (including drugs, as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) and drug delivery systems (A) for which no safe and effective substitute has been developed and, where necessary, approved by the Commissioner of the Food and Drug Administration (the Commissioner) and (B) which, after notice and opportunity for public comment, has been approved and determined to be essential by the Commissioner in consultation with the Administrator;

"(6) 'person' means an individual, corporation (including a government corporation), partnership, firm, joint stock company, trust, association, or any other entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof (including any interstate body), or of any foreign government (including any international instrumentality);

"(7) 'to produce' means to manufacture a substance from any raw material or feedstock chemical but does not include the manufacture of substances that are used and entirely consumed in the manufacture of other chemicals; and

"(8) 'substances covered by this title' means those substances which are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion, and are listed under subsections (a) or (b) of section 504 of this title.

"PART A—CONTROL OF CHLOROFLUOROCARBONS AND OTHER MANUFACTURED SUBSTANCES

"LISTING OF REGULATED SUBSTANCES

"SEC. 504. (a) PRIORITY LIST AND INITIAL LISTS OF SUBSTANCES TO BE PHASED-OUT.—Within sixty days after enactment of this title, the Administrator shall publish a priority list of manufactured substances which are known or may reasonably be anticipated to cause or contribute significantly to atmospheric or climatic modification, including stratospheric ozone depletion. The initial list shall include all fully halogenated chlorine or bromine containing halocarbons, including chlorofluorocarbon-11, chlorofluorocarbon-12, chlorofluorocarbon-113, chlorofluorocarbon-114, chlorofluorocarbon-115, carbon tetrachloride, halon-1211, halon-1301, and halon-2402.

"(b) OTHER REGULATED SUBSTANCES.—Simultaneously with publication of the priority list, the Administrator shall create a list of other manufactured substances which, in the judgment of the Administrator, are known or may reasonably be anticipated to cause or contribute to atmospheric or climatic modification, including stratospheric ozone depletion. The list of other substances shall be subject to monitoring and the limitations on production and use under section 508 of this title and shall include all partially halogenated chlorine containing halocarbons not listed under subsection (a), including hydrochlorofluorocarbon-22, hydrochlorofluorocarbon-123, hydrochlorofluorocarbon-124, hydrochlorofluorocarbon-141(b), hydrochlorofluorocarbon-142(b), and methyl chloroform. At least annually thereafter, the Administrator shall publish a proposal to add to the priority list under subsection (a) or the list under this subsection other manufactured substances which, in the judgment of the Administrator, meet the criteria set forth in the first sentence of subsection (a) or this section and warrant listing under subsection (a) or under this subsection. Within one hundred and eighty days of any such proposal, after allowing an opportunity for public comment, the Administrator shall promulgate a regulation adding each such substance to the appropriate list, unless the Administrator determines that such substance clearly does not meet the criteria set forth in the first sentence of subsection (a) or this subsection.

"(c) OZONE DEPLETION POTENTIAL, GLOBAL WARMING POTENTIAL, AND ATMOSPHERIC LIFETIME.—Simultaneously with publication of the lists or additions thereto under this section, and at least annually thereafter, the Administrator shall assign to each listed substance numerical values representing the ozone depletion potential of such substance, on a mass (per kilogram) basis, as compared with chlorofluorocarbon-11, the chlorine or bromine contribution of such substance, the global warming potential of such substance, and the atmospheric lifetime of such substance. Unless the Administrator promulgates regulations under this subsection setting forth a different value, the following ozone depletion factors shall apply for the following listed substances:

"Substance	Ozone depletion factor
chlorofluorocarbon-11	1.0
chlorofluorocarbon-12	1.0
hydrochlorofluorocarbon-22	0.05
chlorofluorocarbon-113	0.8
chlorofluorocarbon-114	1.0
chlorofluorocarbon-115	0.6
hydrochlorofluorocarbon-123	0.02
hydrochlorofluorocarbon-124	0.02
hydrochlorofluorocarbon-141(b)	0.1
hydrochlorofluorocarbon-142(b)	0.06
carbon tetrachloride	1.06
methyl chloroform	0.15
halon-1211	3.0
halon-1301	10.0
halon-2402	6.0

"REPORTING REQUIREMENTS

"SEC. 505. (a) PRIORITY LIST.—Unless such information has previously been reported to the Administrator, within ninety days after enactment of this title, each person producing or importing a substance listed pursuant to subsection (a) of section 504 shall file a report with the Administrator setting forth the amount of the substance that was produced or imported by such person during calendar year 1986. Not less than annually thereafter, each such person shall file a report with the Administrator setting forth the production and importation levels of such substance in each successive twelve-month period until such person ceases production or importation of the substance. Each such report shall be signed by a responsible corporate officer.

"(b) OTHER REGULATED SUBSTANCES.—Within ninety days of the date on which a substance is placed on the list under subsection (b) of section 504, each person producing or importing such substance shall file a report with the Administrator setting forth the amount of the substance that was produced or imported by such person during the twelve months preceding the date of listing. Not less than annually thereafter, each such person shall file a report with the Administrator setting forth the production or importation levels of such substance in each successive twelve-month period until such person ceases production or importation of the substance. Each such report shall be signed by a responsible corporate officer.

"PRODUCTION PHASE-OUT OF SUBSTANCES ON THE PRIORITY LIST

"SEC. 506. (a) NATIONAL POLICY.—The Congress hereby declares it to be the national policy of the United States that the production and use of substances listed under subsection (a) of section 504 are to be reduced and eliminated as expeditiously as possible.

"(b) ACCELERATED SCHEDULE.—The Administrator shall promulgate regulations, after notice and opportunity for public comment, which control and reduce production of—

"(1) a substance listed under subsection (a) of section 504 more rapidly than the schedule provided under this title; or

"(2) a substance listed under subsection (b) of section 504 on a specific schedule not otherwise provided for in this title;

if (A) the Administrator determines that such revised or specific schedule (i) based on the latest assessments of information regarding the harmful effects on the stratosphere or climate which may be associated with a listed substance, may be necessary to protect human health and the environment or (ii) based on the availability of substitutes for a listed substance, is attainable, or (B) the Montreal Protocol is modified to include a schedule to control and reduce production or consumption of any such substance more rapidly than the schedule set forth in subsection (c) of this section or in regulations promulgated in accordance with this subsection. Any person may petition the Administrator to issue such regulations. The Administrator shall issue such regulations within one hundred and eighty days after receipt of any such petition, unless the Administrator determines that such regulations are not necessary and denies the petition. No less often than every eighteen months, the Administrator shall, in response to a petition or otherwise, either publish such regulations or a determination that such regulations are not necessary.

"(c) SCHEDULE.—In the absence of regulations promulgated in accordance with subsection (b) establishing earlier dates—

"(1) effective July 1, 1989, it shall be unlawful for any person to produce substances listed under subsection (a) of section 504 in annual quantities greater than the combined ozone depletion weighted amount of such substances produced by such person during calendar year 1986;

"(2) effective July 1, 1993, it shall be unlawful for any person to produce substances listed under subsection (a) of section 504 in annual quantities greater than 80 per centum of the combined ozone depletion weighted amount of such substances produced by such person during calendar year 1986;

"(3) effective July 1, 1998, it shall be unlawful for any person to produce substances listed under subsection (a) of section 504 in annual quantities greater than 50 per centum of the combined ozone depletion weighted amount of such substances produced by such person during calendar year 1986; and

"(4) effective July 1, 2000, it shall be unlawful for any person to produce any quantity of a substance listeed under subsection (a) of section 504 unless such person has, in accordance with subsection (d), received prior authoriziaton to produce such substance.

"(d)(1) EXCEPTION FOR MEDICAL PURPOSES.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment, shall authorize the production or importation of limited quantities of a substance listed under subsection (a) of section 504 solely for medical purposes if such authorization is determined by the Commissioner of the Food and Drug Administration, in consultaiton with the Administrator, to be necessary for medical purposes.

"(2) EXCEPTION FOR EXPORT TO DEVELOPING COUNTRIES.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment, may authorize the production of limited quantities of a substance listed under subsection (a) of section 504 solely for export to and use in developing countries that are parties to the Montreal Protocol on Substances that Deplete the Ozone Layer and are operating under Article 5 of such Protocol. Any production authorized under this paragraph shall be solely for purposes of satisfying the basic domestic needs of such countries.

"(3) CAP ON EXCEPTIONS.—Under no circumstances may the authority set forth in paragraphs (1) and (2) of this subsection be applied to authorize any person to produce a substance listed under subsection (a) of section 504 in annual quantities greater than 10 per centum of that produced by such person during calendar year 1986.

"(e) IMPORTATION.—Any person who imports a substance covered by this title shall, for the purposes of this section and section 508 (control of other regulated substances), be deemed to have produced an equivalent amount of such substance on the date of such importation.

"PRODUCTION PHASE-OUT EXCEPTION FOR NATIONAL SECURITY

"SEC. 507. The President may issue such orders regarding production and use of chlorofluorocarbon-114, halon-1211, halon-1301 and halon-2402, at any specified site or facility as may be necessary to protect the national security interests of the United States if the President finds that adequate substitutes are not available and that the production and use of such substance is necessary to protect such national security interests. Such orders may include, where necessary to protect such interests, an exemption from any requirement contained in this title. The President shall notify the Congress within thirty days of the issuance of an order under this paragraph providing for any such exemption. Such notification shall include a statement of the reasons for the granting of the exemption. An exemption under this paragraph shall be for a specified period which may not exceed one year. Additional exemptions may be granted, each upon the President's issuance of a new order under this paragraph. Each such additional exemption shall be for a specified period which may not exceed one year. No exemption shall be granted under this paragraph due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation.

"CONTROL OF OTHER REGULATED SUBSTANCES

"SEC. 508. (a) NATIONAL POLICY.—The Congress hereby declares it to be the policy of the United States that the production and use of ozone depleting substances listed under subsection (b) of section 504 are to be monitored closely and controlled in such a manner as to assure that the production and use of such substances will not—

"(1) increase the peak chlorine loading that is projected to occur with interim chloroflurocarbon emission controls followed by a year 2000 global phase-out of all halocarbon emissions (the base case);

"(2) reduce significantly the rate at which the atmospheric abundance of chlorine is projected to decrease under the base case; or

"(3) delay the date by which the average atmospheric concentration of chlorine is projected under the base case to return to a level of two parts per billion, the highest concentration at which repair of the Antarctic ozone hole may be possible.

"(b) MONITORING GROWTH IN PRODUCTION AND USE.—The Administrator shall monitor and not less often than every three years following enactment of this title submit a report to Congress on the production and use of substances listed under subsection (b) of section 504. Such report shall include data on domestic production compiled under section 505 and an estimate of worldwide production and use of such substances.

"(c) MONITORING ATMOSPHERIC CONCENTRATIONS OF CHLORINE.—The Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration shall monitor and not less often than every three years following enactment of this title submit a report to Congress on the current average tropospheric concentration of chlorine. Such reports shall include, under the base case as well as on the basis of current international and domestic controls on substances covered by this title, updated projections of—

"(1) peak chlorine loading;

"(2) the rate at which the atmospheric abundance of chlorine is projected to decrease after the year 2000; and

"(3) the date by which the atmospheric abundance of chlorine is projected to return to a level of two parts per billion.

"(d)(1) PHASE-OUT SCHEDULE FOR METHYL CHLOROFORM.—In the absence of regulations promulgated in accordance with subsection (b) of section 506 establishing earlier dates—

"(A) effective on the date of enactment of this title, it shall be unlawful for any person to produce methyl chloroform in annual quantities greater than that produced by such person during calendar year 1989;

"(B) effective January 1, 1996, it shall be unlawful for any person to produce methyl chloroform in annual quantities greater than 50 per centum of that produced by such person during calendar year 1989; and

"(C) effective January 1, 2000, it shall be unlawful for any person to produce any quantity of methyl chloroform.

"(2) Feasibility Report on Phase-out Schedule for Other Regulated Substances.—Not later than January 1, 1995, the Administrator shall submit a report to the Congress that includes recommendations concerning the development of a legislative or administrative regulatory program which provides that, except as provided in paragraph (1) of this subsection or in regulations promulgated to establish earlier—

"(A) effective January 1, 2015, it shall be unlawful for any person to introduce into interstate commerce or use any substance listed under subsection (b) of section 504 unless such substance—

"(i) has been used, recovered, and recycled;

"(ii) is used and entirely consumed in the production of other chemicals, or

"(iii) is used to maintain and service household appliances or commercial refrigeration and air-conditioning units manufactured prior to January 1, 2015;

"(B) effective January 1, 2015, it shall be unlawful for any person to produce any substance listed under subsection (b) of section 504 in annual quantities greater than that produced by such person during calendar year 2014; and

"(C) effective January 1, 2030, it shall be unlawful for any person to produce any substance listed under subsection (b) of section 504.

Such report shall include information on the need for controls on the production or use of any substance listed under subsection (b) of section 504 and other manufactured materials or human activities that may contribute to destruction of stratospheric ozone; an inventory of national and international programs or proposals to control the production or use of partially halogenated chlorine containing halocarbons; the status of international agreements and negotiations respecting the stratospheric ozone layer, including the Montreal Protocol; and the status of worldwide efforts to phase out fully halogenated chlorine or bromine containing halocarbons, including information concerning international compliance with the Montreal Protocol.

"(e) Technology Status Report in 2010.—The Administrator shall review, on a periodic basis, the progress being made in the development of alternative systems or products necessary to manufacture and operate household appliances and commercial refrigeration and air-conditioning units without substances listed under subsection (b) of section 504. If, in the Administrator's judgment, as a result of technological development problems, the development of such alternative systems or products will not occur within the time necessary to provide for the manufacture of such equipment without such substances prior to 2015, the Administrator shall, not later than January 1, 2010, so inform the Congress.

"(f) Emergency Report.—If, in consultation with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, the Administrator determines that the production and use of substances listed under subsection (b) of section 504 is projected to contribute to an atmospheric chlorine loading in excess of the base case projections by more than five-tenths parts per billion, the Administrator shall so inform the Congress immediately. The determination referred to in the preceding sentence shall be (A) based upon worldwide production and use levels extrapolated from domestic production and use levels and the domestic share of the worldwide market; and (B) in accordance with subsection (c) of this section, updated not less often than every three years.

"NATIONAL RECYCLING AND DISPOSAL PROGRAM

"Sec. 509. (a) The Administrator shall, not later than July 1, 1991, promulgate regulations establishing standards and requirements regarding the use of substances covered by this title. Such standards and requirements shall become effective not later than twelve months after promulgation of the regulations. Such regulations shall include requirements that (1) reduce the use and emission of such substances to the lowest achievable level and (2) maximize the recapture and recycling of such substances. Such regulations may include requirements to use alternative substances (including substances which are not covered by this title) or to minimize use of substances covered by this title.

"(b) The Administrator shall promulgate regulations establishing standards and requirements controlling the production or use of any manufactured substance that may, either directly as a radiatively important trace gas or indirectly as a substance that reduces the energy efficiency of products which incorporate or use such substance, exacerbate the problems of human induced global climate change.

"(c) The Administrator shall, before January 1, 1994, promulgate regulations establishing standards and requirements for the safe disposal of substances covered by this title. Such regulations shall include requirements that—

"(1) substances covered by this title that are contained in bulk in appliances, machines or other goods (including but not limited to refrigerators and air-conditioners) shall be removed from each such appliance, machine or other good prior to the disposal of such items;

"(2) any appliance, machine or other good containing a substance covered by this title in bulk shall not be manufactured or distributed in commerce unless it is equipped with a servicing aperture or an equally effective design feature which will facilitate the recapture of such substance during service and repair or disposal of such item; and

"(3) any product in which a substance covered by this title is incorporated so as to constitute an inherent element of such product shall be disposed of in a manner that reduces, to the maximum extent practicable, the release of such substance into the environment. If the Administrator determines that the disposal of any product covered by paragraph (3) would result in producing only marginal environmental benefits, the Administrator shall include in such regulations an exception for such product.

"(d) Effective January 1, 1992, it shall be unlawful for any person in the course of maintaining, servicing, repairing, or disposing a household appliance or a commercial refrigeration or air-conditioning unit to knowingly vent or otherwise knowingly release or dispose of any substance used as a refrigerant in such appliance or unit and covered by this title in a fashion which permits such substance to enter the environment. De minimis releases associated with good faith attempts to recapture and recycle or safely dispose of any substance covered by this title shall not be covered by the preceding sentence.

"MOTOR VEHICLE AIR-CONDITIONING

"Sec. 510. (a) Certification of Equipment.—Within one year after the date of enactment of this title, the Administrator shall issue regulations which provide that on or after January 1, 1992, no person shall perform service for consideration on a motor vehicle air-conditioning system, including maintenance and repair services, unless such person uses equipment which is certified as meeting the standards set by the Society of Automotive Engineers for the extraction and reclamation of a refrigerant from motor vehicle air-conditioning systems by—

"(A) the National Institute of Standards and Technology,

"(B) the Underwriters Laboratories, or

"(C) an entity which the Administrator determines to be comparable to the entities described in subparagraphs (A) or (B).

"(b) Schedule for Acquisition and Use of Equipment and Documentation of Such Use.—(1) Within one year after the date of enactment of this title, the Administrator shall issue regulations establishing a phased schedule of deadlines by which the equipment described in subsection (a) shall be acquired by entities that perform service for consideration on motor vehicle air-conditioning systems.

"(2) In establishing the schedule under paragraph (1), the Administrator shall—

"(A) set an earlier deadline for any entity that performs service on a high volume of motor vehicle air-conditioning systems, as determined by the Administrator, and

"(B) require all entities that perform service for consideration on motor vehicle air-conditioning systems to have such equipment operational and in use for any such service performed on or after January 1, 1992.

"(c) Documentation Requirements.—Within one year after the date of enactment of this title, the Administrator shall promulgate regulations which require entities described in subsection (b)(1) to document the following on a form provided by the Environmental Protection Agency—

"(A) the number of motor vehicle air-conditioning systems repaired or otherwise serviced by such entity;

"(B) the amount and type of substances covered by this title that are purchased by such entity; and

"(C) the amount and type of substances covered by this title that are sold by such entity.

"(d) Restrictions on the Sale of Listed Substances.—Effective January 1, 1992, it shall be unlawful for any person to sell or offer for sale to any person or entity (other than a person or entity performing service for consideration on motor vehicle air-conditioning systems in compliance with subsection (a) of this section) any substance covered by this title that is suitable for use as a refrigerant in a motor vehicle air-conditioning system and is in a container which contains less than twenty pounds of such refrigerant.

"(e) Restrictions on the Sale of Motor Vehicle Air-Conditioning Systems That Use Chlorofluorocarbons.—(1) Within two years after enactment of this title, the Administrator shall issue regulations establishing standards and requirements to assure that a minimum percentage of the motor vehicles manufactured in the United States and imported into the United States that are equipped with passenger compartment air-conditioning systems are equipped with systems that are not dependent on chlorofluorocarbon-12 as a refrigerant (or any substitute refrigerant with a comparable ozone depletion factor). Such regulations shall provide that, beginning with model year 1994, not less than 25 per centum of such motor vehicles are so equipped and, beginning with model year 1996, not less than 50 per centum of such motor vehicles are so equipped.

"(2) If the Administrator determines that, as a result of technological development problems, the development of alternative systems or products necessary to equip motor vehicle passenger compartments with air-conditioning systems that are not dependent on chlorofluorocarbon-12 as a refrigerant (or any substitute refrigerant with a comparable ozone depletion factor) will not occur within the time necessary to provide for compliance with paragraph (1) of this subsection, the Administrator shall so inform the Congress and propose alternative effective dates for this subsection.

"(f) Definition.—As used in this section, the term 'motor vehicle' has the meaning given for such term under section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391(3)).

"NONESSENTIAL CONSUMER PRODUCTS CONTAINING CHLOROFLUOROCARBONS

"Sec. 511. (a) Effective twelve months after the date of enactment of this title, it shall be unlawful for any person to sell or distribute, or offer for sale or distribution, nonessential products that release substances listed under subsection (a) of section 504 into the atmosphere during use, including chlorofluorocarbon-propelled plastic party streamers and noise horns, chlorofluorocarbon-containing cleaning fluids for noncommercial electronic and photographic equipment, and other consumer products determined by the Administrator to be nonessential. Nothing in this section shall apply to products used for medical purposes, as defined in section 503(5) of this Act.

"(b) Effective January 1, 1994, it shall be unlawful for any person to sell or distribute, or offer for sale or distribution—

"(1) any aerosol product or other pressurized dispenser (other than a medical device or diagnostic product, including drugs, as defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) or a drug delivery system) which contains a substance listed under subsection (b) of section 504; or

"(2) any plastic foam product (other than a foam insulation product) which contains or is manufactured with a substance listed under subsection (b) of section 504.

"CERTIFICATION OF EQUIVALENT PROGRAMS

"Sec. 512. (a) Imports.—(1) Effective twelve months after the date on which a substance is placed on the priority list under subsection (a) of section 504, it shall be unlawful for any person to import such substance or any product containing such substance unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported are parties to and in compliance with the Montreal Protocol on Substances that Deplete the Ozone Layer. Effective July 1, 2000, it shall be unlawful for any person to import a substance listed under subsection (a) of section 504 or any product containing such substance unless the Administrator, in consultation with the Secretary, has published a decision, after notice and opportunity for public comment, certifying that the nations in which such substance or product was manufactured and from which such substance or product is imported have established and are fully implementing programs that require reduced production of such listed substance, and limit production of other substances covered by this title, on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic production which apply under this title. The prohibition on the import of any product containing a substance listed under subsection (a) of section 504 shall include, after notice and opportunity for public comment, any product which the Administrator has reason to believe may contain or is designed to contain or use such substance. The Administrator's decision that a product contains or is designed to contain or use such substance shall constitute a rebuttable presumption.

"(2) The President may, after notice and opportunity for public comment, prohibit the importation of any product that has been (A) made with a subtance listed under subsection (a) of section 504 and (B) manufactured in or exported from a nation that has not been certified under this section. The authority to prohibit the importation of any product made with a subtance listed under subsection (a) of section 504 shall include the authority to prohibit the import of any product which the President has reason to believe may have been made with such a substance. The President's decision that a product was made with such a subtance shall constitute a rebuttable presumption.

"(b) Certification of National Program.—The Administrator shall not certify any national program under the second sentence of subsection (a) unless it is determined that—

"(1) the Nation has adopted legislation or regulations which give the reduction schedule for each listed substance the force of law; and

"(2) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in sections 505 and 515 of this title, and that the information contained in such reports is available to the Administrator and the Secretary.

"(c) Revocation.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of subsections (a) and (b) remain satisfied and that the reduction schedule for each listed substance is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

"(d) Investment and Export.—(1) Within one year after enactment of this section, the President shall prohibit—

"(A) the export of technologies used to produce a substance listed under subsection (a) of section 504; and

"(B) direct or indirect investments by any person in facilities designed for or capable of producing a substance listed under subsection (a) of section 504 in nations not certified under this section.

"(2) Not later than January 1, 1992, and every two years thereafter, the President shall, after notice and opportunity for public comment—

"(A) determine whether there exists, for each class of products containing a substance listed under subsection (a) of section 504 or manufactured with a process that uses such substance, substitute products or manufacturing processes that do not rely on the use of such substances; and

"(B) promulgate regulations for each class of products for which a positive determination has been made under subparagraph (A).

Such regulations shall prohibit direct or indirect investments by any person in facilities designed for or capable of—

"(i) using a substance listed under subsection (a) of section 504 in nations not certified under this section in quantities that will increase use of such substance in any such nation, or

"(ii) manufacturing products that require the use of a substance listed under subsection (a) of section 504 in nations not certified under this section in quantities that will increase use of such substance in any such nation.

"(e) Foreign Aid.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing any substance listed under subsection (a) of section 504.

"(f) Definition.—For purposes of this section, methyl chloroform shall be deemed to be a substance 'placed on the priority list under section 504' and a substance 'listed under subsection (a) of section 504'.

"LABELING

"Sec. 513. (a) Not later than January 1, 1992, and every two years thereafter, the Administrator shall, after notice and opportunity for public comment—

"(1) determine whether there exists, for each class of products containing a substance listed under subsection (a) of section 504 or manufactured with a process that uses such substance, substitute products or manufacturing processes that do not rely on the use of such substances; and

"(2) promulgate regulations for each class of products for which a positive determination has been made under paragraph (1). Such regulations shall prohibit the introduction or reintroduction into interstate commerce of any product containing such substance or manufactured with a process that uses such substance ninety days after promulgation of such regulations unless such product bears a label stating either of the following as appropriate:

"(A) 'Warning: This product contains (insert name of listed substance) a substance which harms public health and the environment by destroying ozone in the upper atmosphere and by disrupting the climate'.

"(B) 'Warning: This product is manufactured with (insert name of listed substance) a substance which harms public health and the environment by destroying ozone in the upper atmosphere and by disrupting the climate'.

"(b) The Administrator shall, after notice and opportunity for public comment, promulgate labeling requirements determined by the Administrator to be appropriate for products containing a substance listed under

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subsection (b) of section 504 or manufactured with a process that uses such substance.

"SAFE ALTERNATIVES POLICY

"SEC. 514. (a) POLICY.—To the maximum extent practicable, substances covered by this title shall be replaced by chemicals, product substitutes, or alternative manufacturing processes that reduce overall risks to human health and the environment.

"(b) REVIEWS AND REPORTS.—The Administrator shall—

"(1) recommend Federal research programs and other activities to assist in identifying alternatives to the use of substances covered by this title as refrigerants, solvents, fire retardants, foam blowing agents, and other commercial applications and in achieving a transition to such alternatives;

"(2) examine Federal procurement practices with respect to substances covered by this title and recommend measures to promote the transition by the Federal Government, as expeditiously as possible, to the use of safe substitutes; and

"(3) specify initiatives, including appropriate intergovernmental, international, and commercial information and technology transfers, to promote the development and use of safe substitutes for substances covered by this title, including alternative chemicals, product substitutes, and alternative manufacturing processes.

"(c) ADDITIONAL MEASURES.—Notwithstanding any other provision of law, the Administrator shall require that—

"(1) any person who produces a chemical substitute for substances covered by this title shall provide to the Administrator all published and unpublished health and safety studies on such chemical substitute; and

"(2) any person who produces a chemical substitute for substances covered by this title shall notify the Administrator of such person's intent to introduce such chemical substitute into commerce not less than sixty days prior to such introduction.

"FEDERAL ENFORCEMENT

"SEC. 515. (a) COMPLIANCE ORDERS.—(1) Whenever on the basis of any information the Administrator determines that any person has violated or is in violation of any requirement of this title, the Administrator may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both, or the Administrator may commence a civil action in the United States district court in the district in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued pursuant to this subsection may include a suspension or revocation of any permit issued by the Administrator under this title and shall state with reasonable specificity the nature of the violation. Any penalty assessed in the order shall not exceed $25,000 per day of noncompliance for each violation of a requirement of this title. In assessing such a penalty, the Administrator shall take into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

"(b) PUBLIC HEARING.—Any order issued under this section shall become final unless, no later than thirty days after the order is served, the person or persons named therein request a public hearing. Upon such request the Administrator shall promptly conduct a public hearing. In connection with any proceeding under this section the Administrator may issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and may promulgate rules for discovery procedures.

"(c) VIOLATION OF COMPLIANCE ORDERS.—If a violator fails to take corrective action within the time specified in a compliance order, the Administrator may assess a civil penalty of not more than $25,000 for each day of continued noncompliance with the order and the Administrator may suspend or revoke any permit issued to the violator.

"(d) CRIMINAL PENALTIES.—Any person who—

"(1) knowingly exceeds the production limits under section 506 (production phase-out for initial list) or section 508 (control of other regulated substances);

"(2) knowingly introduces into interstate commerce a substance that was produced in violation of section 506 or section 508;

"(3) knowingly imports a substance listed under subsection (a) of section 504, or a product containing such substance, in violation of section 512 (certification of equivalent programs);

"(4) knowingly exports technologies or invests in facilities in violation of section 512 (certification of equivalent programs);

"(5) knowingly vents or releases a substance into the environment in violation of section 509 (recycling and disposal program);

"(6) knowingly introduces into interstate commerce a substance or product in violation of section 508 (control of other regulated substances), section 509 (recycling and disposal program), section 510 (motor vehicle air-conditioning), section 511 (nonessential consumer products), or section 513 (labeling);

"(7) knowingly omits material information or makes any false material statement or representation in any application, record, report, permit, or other document filed, maintained, or used for purposes of compliance with this title; or

"(8) knowingly produces, transports, distributes or uses any substance listed under section 504, or a product containing such substance, and who knowingly destroys, alters, conceals, or fails to file any record, application, report, or other document required to be maintained or filed for purposes of compliance with this title

shall, upon conviction, be subject to a fine in accordance with title 18 of the United States Code for each day of a violation, or imprisonment not to exceed two years, or both. If conviction is for a violation committed after a first conviction of such person under this subsection, the maximum punishment shall be doubled with respect to both fine and imprisonment.

"(e) CIVIL PENALTY.—Any person who violates any requirement of this title shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation.

"(f) VIOLATIONS.—Each day of violation of any requirement of this title shall, for purposes of this section, constitute a separate violation. In addition, for purposes of section 506 (production phase-out for initial list) and section 508 (control of other regulated substances), the production, introduction into commerce, or importation of each one hundred pounds of a substance listed under section 504 that is in excess of the production limits under section 506 or section 508 shall constitute a separate violation.

"JUDICIAL REVIEW OF FINAL REGULATIONS AND CERTAIN PETITIONS

"SEC. 516. Any judicial review of any final action of the Administrator pursuant to this title shall be in accordance with sections 701 through 706 of title 5 of the United States Code, except that—

"(1) a petition for review of any final action of the Administrator may be filed by any interested person in the Circuit Court of Appeals of the United States for the Federal judicial district in which such person resides or transacts business, and such petition shall be filed within ninety days from the date of such action or after such date if such petition is for review based solely on grounds arising after such ninetieth day; action of the Administrator with respect to which review could have been obtained under this subsection shall not be subject to judicial review in civil or criminal proceedings for enforcement; and

"(2) if a party seeking review under this title applies to the court for leave to adduce additional evidence, and shows to the satisfaction of the court that the information is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Administrator, the court may order such additional evidence (and evidence in rebuttal thereof) to be taken before the Administrator, and to be adduced upon the hearing in such manner and upon such terms and conditions as the court may deem proper; the Administrator may modify administrative findings as to the facts, or make new findings, by reason of the additional evidence so taken, and shall file with the court such modified or new findings and the Administrator's recommendation, if any, for the modification or setting aside of the original administrative order, with the return of such additional evidence.

"CITIZEN SUITS

"SEC. 517. (a) IN GENERAL.—Except as provided in subsection (b) or (c) of this section, any person may commence a civil action on his own behalf—

"(1) against any person (including (a) the United States, and (b) any other governmental instrumentality or agency, to the extent permitted by the eleventh amendment to the Constitution) who is alleged to have violated or to be in violation of any permit, regulation, condition, requirement, prohibition, or order which has become effective pursuant to this title; or

"(2) against the Administrator where there is alleged a failure of the Administrator to perform any act or duty under this title which is not discretionary with the Administrator.

Any action under paragraph (1) of this subsection shall be brought in the district court for the district in which the alleged violation occurred. Any action brought under paragraph (2) of this subsection may be brought in the district court for the district in which the alleged violation occurred or the District Court of the District of Columbia. The district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce the permit, regulation, condition, requirement, prohibition, or order, referred to in paragraph (1), to order such person to take such other action as may be necessary, or both, or to order the Administrator to perform the act or duty referred to in paragraph (2), as the case may be, and to apply any appropriate civil penalties under section 515.

"(b) ACTIONS PROHIBITED.—No action may be commenced under subsection (a)(1) of this section—

"(1) prior to sixty days after the plaintiff has given notice of the violation to—

"(A) the Administrator; and

"(B) to any alleged violator of such permit, regulation, condition, requirement, prohibition, or order; or

"(2) if the Administrator has commenced and is diligently prosecuting a civil or criminal action in a court of the United States to require compliance with such permit, regulation, condition, requirement, prohibition, or order.

In any action under subsection (a)(1), any person may intervene as a matter of right. Any action respecting a violation under this title may be brought under this section only in the judicial district in which such alleged violation occurred or is occurring.

"(c) NOTICE.—No action may be commenced under subsection (a)(2) of this section prior to sixty days after the plaintiff has given notice to the Administrator that said plaintiff will commence such action. Notice under this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(d) INTERVENTION.—In any action under this section the Administrator, if not a party, may intervene as a matter of right.

"(e) COSTS.—The court, in issuing any final order in any action brought pursuant to this section or section 515, may award costs of litigation (including reasonable attorney and expert witness fees) to the prevailing or substantially prevailing party, whenever the court determines such an award is appropriate. The court may, if a temporary restraining order or preliminary injunction is sought, require the filing of a bond or equivalent security in accordance with the Federal Rules of Civil Procedure.

"(f) OTHER RIGHTS PRESERVED.—Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of any standard or requirement or to seek any other relief (including relief against the Administrator).

"SEPARABILITY

"SEC. 518. If any provision of this title, or the application of any provision of this title to any person or circumstance is held invalid, the application of such provision to other persons or circumstances and the remainder of this title shall not be affected thereby.

"RELATIONSHIP TO OTHER LAWS

"SEC. 519. (a) Nothing in this title shall be construed to alter or affect the authority of the Administrator under any other provision of this Act or the Toxic Substances Control Act or to affect the authority of any other department or agency, or instrumentality of the United States under any provision of law to promulgate or enforce any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratospheric ozone layer or reducing the extent of global climate change.

"(b) Nothing in this title shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substances, practice, process, or activity for purposes of protecting the stratospheric ozone layer or reducing the extent of global climate change except as otherwise provided in subsection (c).

"(c) If a regulation of any substance, practice, process, or activity is in effect under this title in order to prevent or abate any risk to the stratosphere, or ozone in the stratosphere, no State or political subdivision thereof may adopt or attempt to enforce any requirement respecting the control of any such substance, practice, process, or activity to prevent or abate such risk, unless the requirement of the State or political subdivision is identical to the requirement of such regulation. If upon application of any person, after notice and opportunity for public hearing, the Administrator determines that the requirement of a State or political subdivision does not impose a substantial and unreasonable burden on interstate commerce, the Administrator shall waive application of the preceding sentence. No such waiver shall be granted if the Administrator determines that—

"(1) the decision of the State or political subdivision is arbitrary and capricious, or

"(2) the requirements and accompanying enforcement procedures of such State or political subdivision are inconsistent with the requirements and procedures of this title.

"AUTHORITY OF ADMINISTRATOR

"SEC. 520. The Administrator is authorized to prescribe such regulations as may be necessary to carry out this title. If, in the Administrator's judgment, any substance, practice, process, or activity may reasonably be anticipated to affect the stratosphere and such effect may reasonably be anticipated to endanger public health or welfare, the Administrator shall promptly promulgate regulations respecting the control of such substance, practice, process, or activity.

"INTERNATIONAL COOPERATION

"SEC. 521. (a) The President shall undertake to enter into international agreements to foster cooperative research which complements studies and research authorized by this title, and to develop standards and regulations which protect the stratosphere consistent with regulations applicable within the United States. For these purposes, the President shall negotiate multilateral treaties, conventions, resolutions, or other agreements, and formulate, present, or support proposals at the United Nations and other appropriate international forums and shall report to the Congress periodically on efforts to arrive at such agreements.

"(b) The Administrator, in consultation with the Secretary of State, is authorized to support global participation in the Montreal Protocol on Substances that Deplete the Ozone Layer by contributing funds to developing countries that are parties to the Protocol and are operating under Article 5 of such Protocol. Such funding shall be contributed either directly to the recipient country or through appropriate channels established under the Protocol and the use of such funding shall be limited to the support of efforts to comply with the terms of the Protocol.

"(c) There are authorized to be appropriated to the Environmental Protection Agency $75,000,000 annually to carry out subsection (b).

"GRANTS

"SEC. 522. (a) The Administrator is authorized to establish and carry out a grant program through the Office of Air and Radiation for purposes of promoting the objectives of this title by: testing the basic properties of chemical substitutes; examining product redesign and technological innovations that would reduce, avoid, or eliminate chemical use in specific production processes; testing the applicability of possible substitutes in specific products; examining health, environmental, and safety issues related to the use of potential chemical substitutes; developing new technologies; improving the energy efficiency of new or modified technologies; monitoring environmental impacts; conservation; and other related purposes. Grants made under such program may be made to public and private entities, or combinations thereof, including consortia established expressly for the purpose of conducting research and related activities pursuant to this title.

"(b) Applications for grants under this title shall be submitted at such time and in such form and contain such information as the Administrator shall prescribe by regulation.

"(c) In making grants under this section, the Administrator shall consider, among other factors: the quantities of ozone-depleting chemicals or greenhouse gas emissions the proposed substitute, product or technology would replace; the timing of possible reductions with preference given to substitutes, products and technologies that will yield prompt reductions in demand for ozone-depleting chemicals covered by this title; the global climate implications of a proposed project; the likelihood of commercialization of the technology; the degree of public and private participation and support for a proposed project; the extent to which the results of the project will be accessible to the public; and the energy efficiency that would result from the project.

"(d) There are authorized to be appropriated to the Environmental Protection Agency such amounts as may be necessary to carry out the grant program pursuant to this section.

"PART B—METHANE ASSESSMENT

"OBJECTIVE AND NATIONAL GOAL

"SEC. 523. (a) The objective of this part is to identify and analyze options to reduce the risks of tropospheric ozone formation and global climate change by—

"(1) reducing global methane emissions sufficiently to assure that the atmospheric concentration of methane does not rise above current levels;

"(2) identifying and analyzing the relationships among methane and other atmospheric pollutants to determine the synergies that may be contributing to tropospheric ozone formation and global climate change;

"(3) promoting additional analyses of the factors causing methane concentrations to increase and of the sources of methane emissions and the opportunities for reducing such emissions; and

"(4) identifying emissions reductions options that are economically as well as environmentally advantageous.

"(b) In order to achieve the objective of this part, it is a national goal to—

"(1) reduce methane emissions associated with human activities in the United States;

"(2) stimulate international agencies to fund projects in developing countries that will reduce methane emissions;

"(3) stimulate other governments to implement measures to reduce methane emissions; and

"(4) in support of international efforts to reduce methane emissions, provide data regarding sources of methane emissions and options for reducing such emissions.

"INFORMATION COLLECTION

"SEC. 524. The Administrator is authorized to collect from persons responsible for the release of methane to the atmosphere during manufacturing, processing, resource

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recovery or distribution, waste management, or other economic activities information concerning such releases as may be necessary to complete the studies required by this part. Failure or refusal to provide such information in such form as the Administrator may reasonably require shall constitute a violation for purposes of section 515 of this title. To the extent information concerning methane releases is already being reported to a State or Federal agency and such information is available to the Administrator, the Administrator shall utilize such sources of information.

"ECONOMICALLY JUSTIFIED ACTIONS

"Sec. 525. Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit a report to the Congress that identifies activities, substances, processes, or combinations thereof that could reduce methane emissions and are economically justified with or without consideration of environmental benefit.

"DOMESTIC METHANE SOURCE INVENTORY AND CONTROL OPTIONS

"Sec. 526. (a) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress reports on:

"(1) Methane emissions associated with natural gas extraction, transportation, distribution, storage, and use. Such report shall include an inventory of methane emissions associated with such activities within the United States. Such emissions include, but are not limited to, accidental and intentional releases from natural gas and oil wells, pipelines, processing facilities, and gas burners.

"(2) Methane emissions associated with coal extraction, transportation, distribution, storage, and use. Such report shall include an inventory of methane emissions associated with such activities within the United States. Such emissions include, but are not limited to, accidental and intentional releases from mining shafts, degasification wells, gas recovery wells and equipment, and from the processing and use of coal.

"(3) Methane emissions associated with management of solid waste. Such report shall include an inventory of methane emissions associated with all forms of waste management in the United States, including storage, treatment, and disposal.

"(4) Methane emissions associated with agriculture. Such report shall include an inventory of methane emissions associated with rice production and animal production in the United States.

"(5) Methane emissions associated with biomass burning. Such report shall include an inventory of methane emissions associated with the intentional burning of agricultural wastes, wood, grasslands and forests.

"(6) Other methane emissions associated with human activities. Such report shall identify and inventory other domestic sources of methane emissions that are deemed by the Administrator to be significant.

"(b) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report that presents a plan outlining measures that could be implemented to stop the growth in atmospheric concentrations of methane from sources within the United States. This plan shall identify and evaluate the technical options for reducing methane emissions from each of the activities listed in subsection (a) as well as other activities or sources deemed by the Administrator to be significant and shall include an evaluation of costs. The plan shall identify the emissions reductions that must be achieved to prevent increasing atmospheric concentrations of methane. The plan shall also identify programs of the United States and international lending agencies that could be used to induce lesser developed countries to undertake measures that will reduce methane emissions and the resource needs of such programs.

"INTERNATIONAL STUDIES

"Sec. 527. (a) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrator of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report on methane emissions from countries other than the United States. Such report shall include inventories of methane emissions associated with the activities listed in subsection (a) of section 526.

"(b) Not later than September 30, 1990, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to the Congress a report that analyzes the potential for preventing an increase in atmospheric concentrations of methane from activities and sources in other countries. Such report shall identify and evaluate the technical options for reducing methane emissions from each of the activities listed in subsection (a) of section 526 as well as other activities or sources that are deemed by the Administrator to be significant and shall include an evaluation of costs. The report shall identify the emissions reductions that must be achieved to prevent increasing atmospheric concentrations of methane. The report shall also identify technology transfer programs that could promote methane emissions reductions in lesser developed countries.

"NATURAL SOURCES

"Sec. 528. Not later than September 30, 1992, the Administrator shall develop in consultation and coordination with the Administrators of the National Aeronautics and Space Administration and the National Oceanic and Atmospheric Administration, as well as the heads of other relevant Federal agencies and departments, and submit to Congress reports on—

"(1) methane emissions from biogenic sources such as (A) tropical, temperate and subarctic forests, (B) tundra and (C) freshwater and saltwater wetlands; and

"(2) the changes in methane emissions from biogenic sources that may occur as a result of predicted increases in temperatures and atmospheric concentrations of carbon dioxide.".

Mr. SYMMS. Mr. President, I regret, I say to the majority leader, that I feel constrained to object to the request he makes today. Maybe, in time, my opinion will change on that.

But I would just like to say, I would not object to or resist some changes and modifications to the Clean Air Act that we operate under in this country, but I think that is not the issue. The issue is, in this country, can this country afford to drive investment offshore, which is what I believe will happen.

I know my colleagues, Senators BAUCUS, MITCHELL, DOLE, DOMENICI, CHAFEE, and others, worked very hard behind closed doors, and I do not in any way criticize them for their efforts to try to improve this bill. I think they have made some improvement. But they moved it about 10 percent to where it needs to go.

There is a long, long way to go on this bill. I know other Senators are here to make their opening statements. I will probably make my opening statement tomorrow.

But I want to say to Senators who are not here today but who will be coming here and to their staffs who may be listening, the compromise that was worked out in the last 3 weeks in the majority leader's office—not in the committee process, where it should have been done, not on the floor where it should have been done, but in the majority leader's office—for the most part is basically the same bill that came over here from the Senate Environment and Public Works Committee that the rest of the Senate was so concerned about.

I know there have been some improvements, but the phase II programs, for example, the Senator mentioned, he worked so hard on, just to give my colleagues one example, in the air toxics position, the residual risk, we will use the best available technology. But if Congress does not choose—I read right from the information sheet that was put out by the working group. It says:

> If Congress does not choose a residual risk standard after the commission reports, two residual risk standards for carcinogens are automatically adopted. The goal is a cancer risk not greater than 1 in 1 million for those persons most exposed to emissions from a source. The upper limit on cancer risk is 1 in 10,000.

What that means is basically we have the same thing as we have in the bill now, Mr. President. That is what it means. It means Congress will have to act in the future to change and adopt some other standard.

If my colleagues think foreign investment or U.S. investment is going to invest in a pharmaceutical plant, in a steel plant, in a chemical plant, in a petroleum refinery process in this country, when they have the guillotine of these phase II things replete through this compromise, through this so-called compromise—I do not believe that will happen.

I think we are here prepared to pass a bill that may be signed by the President with all of these phase II sections in it, whether they be in the automobile emissions, whether they be in the air toxics section or other places in the bill. Basically, it is the same bad bill that came out of the committee, and it is going to be very costly to this country. It is going to drive away investment from more jobs and a better future for Americans who are making great strides with clean air in this country.

I know that is a debatable point. But I say again to my colleagues, we are living longer, we are healthier, we have much cleaner air than we had 40 or 50 years ago in this country. People are doing a lot better. The life expectancy is greater. There are all kinds of reasons why the sky is not falling in.

I believe we should take our time on this. I hope that Senators will carefully look at this legislation before they jump on the bandwagon and deny many amendments that still need to be made to correct and improve this piece of legislation.

Many Senators, as they take this bill home over the coming recess and have constituents in their States look at what the impact will be in those States, they will come back a week from Monday, 2 weeks from today, with a great many recommendations to the committees and to the Senate on what should be done to improve this legislation.

So, I say again I have the utmost respect for the majority leader and his efforts to move this bill, and for the minority leader, Senator CHAFEE, Senator BAUCUS, and others. But I believe it is just premature to ask the Senate to accept this in 4 days, when most of the people have not seen it at all.

I think also it is premature, from my point of view, that I should give up my rights to offer amendments I would like to get votes on until I am persuaded to believe I will be able to do that.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I want momentarily to yield to the distinguished managers, who deserve enormous credit for the effort they have made in bringing this legislation to this point.

The distinguished chairman of the full committee, Senator BURDICK, the distinguished chairman and ranking member of the subcommittee, Senators BAUCUS and CHAFEE, have done a great job in bringing this bill to this point.

I believe Senators BAUCUS and CHAFEE are principally responsible for what has occurred until now. Without Senator BAUCUS' steadiness and perseverance, chairing all of the committee's proceedings and all the negotiations that have recently occurred, we would not be at this point.

This is not the place for me to debate the issues raised by the Senator from Idaho. Indeed, I will just make the following points.

First, the Senator from Idaho is consistent. He has opposed every effort to improve the quality of American air in the past 10 years. He voted against this bill in committee. He was the only member of the committee to do so.

By a vote of 15 to 1, Democrats and Republicans voted for this bill to clean up the air. The Senator from Idaho voted against it, as he voted against the previous clean air bill 3 years ago, as he voted against the clean air bill before that.

So, while I disagree strongly with his position, I commend him for his consistency. He is against clean air legislation. He has made that very clear over and over again. And he has made it clear again here today.

On the second point, the discussions in which we reached agreement on this compromise, the Senator from Idaho was invited to participate, as were all Members of the Senate. He chose not to participate. That was his right.

But no one should be under any illusion that either the Senator from Idaho or any other Senator did not have the right to participate in those discussions. Indeed, over half of the Members of the Senate did so participate. And, as a result, the bill has been improved in some respects.

With respect to the Senator's allegation about not rushing to complete this bill, in the 10 years that I have been in the Senate, no bill has had a more thorough, painstaking, and lengthy process of consideration than has this bill. It has been before the committee for 9 years. It has been reported out three times. The third time was last November. I announced in November that I would bring the bill to the floor in January, 2 months after the bill was reported, before it was brought to the floor.

The bill has now been on the Senate floor for over 5 weeks, actively debated and considered for the first 2 weeks, and then the subject of negotiations for that last 3 weeks.

I challenge Members of the Senate to suggest to me comparable legislation that has been considered over a longer period of time, and with respect to which Senators had as much notice as they had on this one.

I can recall numerous important bills that were brought to this floor on a fraction of the notice that has occurred here. And I do not recall the Senator from Idaho protesting about the speed at which they were considered.

He has every right to make his points and I accept them, but the Members of the Senate—may I finish?

But the Members of the Senate and the American people ought to know that rarely has there been legislation so thoroughly considered, so long debated, so much discussed with as much notice given of consideration as this bill.

Mr. President, we are going to stay with this bill until we complete it sooner or later. I hope sooner, but the Senator from Idaho has a right, as he has indicated he will do, to offer 25 or 30 amendments. We welcome those. We urge him to do so. Let us get the amendments up, debate them, and vote on them, and then finally let us act to protect the health of the American people. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I have great admiration and respect for the majority leader. I must just say it is true the vote was 15 to 1 out of the committee. Maybe I should have voted for it, then we would have had 16 to nothing. And then when it got to the floor, people would have said, what in the world was the Environment and Public Works Committee doing sending a bill over here unanimously that the Senate was not ready to move on? That is why we had to take the bill back off the floor.

I did participate partially in those meetings early on, but my suggestions were not those that the power structure wanted to take. I respect that. I have a different point of view. I suggested we recommit the bill to the committee and go through it line by line, start the amendment process, and get a bill that we can bring to the floor that will stand on its own. But that was not the wishes of the majority leader and the minority leader and others.

As one Senator, I can see that, and I do not object to that. I just think as far as the 15-to-1 vote is concerned, I believe, Mr. President, that my vote was vindicated by the fact that the Senate would not move the bill that the committee passed by a 15-to-1 vote. In my opinion, my vote was vindicated. There are 15 Senators who have yet to get a bill through the Senate from the committee that they voted for. They can explain that. I do not mind that, and I do not like to be classified in a position that somehow, because I voted against that bill, I am totally opposed to clean air legislation.

I think it is safe to say that the clean air legislation that the United States operates under, which was based on the premise of maximizing local and State authorities, is moving

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the country in the right direction at a reasonable pace. We have improved the air quality. In my own State, we have reached attainment with the one area that was out of attainment using our own methodology to work it out with respect to the climate, the inversion layers, and things that we have in that area.

This bill, on the contrary, goes away from the very principle of our current Clean Air Act and reaches the long arm of intrusion of the Federal Government into many, many decisions. I urge my colleagues to get the Record tomorrow that has this bill printed in it and start reading from that Record. They will find out that in every chapter, in every paragraph, in every section, in every title it is a big, long arm of the Federal Government intruding into the lives of the American people, and it will be a great expense to the jobs and working men and women in this country.

I think with a little common sense, we have the most of clean air. We can clean up 90 percent of the problem and not have to have huge layoffs and transfers of the pharmaceutical industry, the steel industry or the chemical industry out of the United States.

As one Senator, I do not want the kind of an agrarian economy that would have a perfect, pristine air that might suit some people. I would like to see us have common sense where we can enjoy jobs and a good environment and have opportunity for Americans to continue to prosper as they have. But this legislation, I say to my colleagues, does not answer that yet. It still needs a great deal of work here on the floor. I will make my statement tomorrow and yield to the leadership of the committee to make their statements. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now on the substitute. This substitute was put together primarily by those Members of the Senate who are primarily interested in clean air legislation. Most credit, Mr. President, goes to the majority leader. The majority leader has greater mastery of the technical details of clean air legislation and has greater patience than any man I have ever known and has greater negotiator skills than any other man I have known as the majority leader. He has done a terrific job, Mr. President, and he is the primary reason we are here today with a substitute amendment that is now pending before us.

I also want to give highest praise to the ranking member of the committee, Senator Chafee, from Rhode Island. Senator Chafee has worked diligently, and his support, too, is a very integral part of this substitute, which is a compromise of the efforts of many Members of the Senate.

It is true that the Senator from Idaho did participate in these discussions, but, I must say, it was very brief. The Senator was there for about 5, 6, 7 minutes out of 3 weeks.

I would like to take my hat off to those Senators who for approximately 3 weeks virtually all day long worked laboriously to find a solution that they felt, we all felt, would be a good compromise and be worthy of the Senate's consideration.

I, too, Mr. President, take my hat off to the chairman of the full committee, Mr. Burdick, from North Dakota, who has been exceedingly patient with this whole process. He has been firm in his guidance. He has given us valuable help in giving us, I say, the willpower to proceed, giving us the moral support to proceed to find a solution, find a compromise that we should bring up before the full Senate.

At this time, Mr. President, I turn to the chairman of the committee, also, without whose help and support we would not be here. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, Senators Mitchell and Dole have proposed a comprehensive substitute to S. 1630, the Clean Air Restoration and Standards Attainment Act.

After over 3 weeks of grueling negotiations with the administration and colleagues of diverse interests, the majority leader has achieved consensus on one of the most complex and far-reaching pieces of legislation I have ever known.

Mr. Mitchell has once again demonstrated his commitment to the protection of public health and the environment, as he struggled to craft an equitable solution to a longstanding and deeply divisive national problem. Without his dedication and his sense of fairness, a reasonable and timely resolution of the clean air logjam would have been impossible.

Many Senators were directly involved. Nearly half the Members of the Senate participated in the negotiations with the administration. First, I would like to mention Senator Baucus, chairman of the Environmental Protection Subcommittee.

He chaired the negotiations and devoted many hours toward reaching this monumental compromise. The senior Senator from Montana piloted this comprehensive bill through subcommittee, full committee and these negotiations with equal portions of insight, mastery of the issues, and fairness. He deserves a great deal of credit for getting this vital bill to this point.

I also thank Senator Chafee, the ranking member of the Committee on Environment and Public Works. He labored to address the concerns of both the committee and the administration during the discussions of the past month.

This was no simple task, but with characteristic knowledge and good humor he helped achieve this compromise. No one has worked harder to amend the lax and largely unworkable air toxic provisions of the current Clean Air Act than Senator Durenberger.

Over the past 3 years, the senior Senator from Minnesota has also played a major role in developing a comprehensive municipal waste incineration package to address air emissions and ash disposal from municipal waste incinerators.

In addition, I want to thank Senators Breaux, Levin, and Domenici for their positive contributions to this process. I want to specifically thank Senators Byrd and Bond.

These Senators brought an acid rain proposal to the table that was imaginative and fair. Senator Bond demonstrated great personal interest and knowledge on this very complicated subject. Their commitment made this compromise possible.

Even though the acid rain title of this substitute will affect powerplants and lignite mining in my State, I have worked hard to make sure North Dakota does not bear any unfair burden under this legislation.

My State is one of only two clean air attainment States in the Nation, and 75 percent of the electricity generation in North Dakota is scrubbed.

The clean air compromise is a vast improvement over current law for protecting our health and our environment. This cost-effective and reasonable legislation achieves sulfur dioxide and nitrogen oxide reductions equal to or greater than either the committee bill or the administration's proposal.

The substitute does not include direct cost sharing, does not require scrubbing for sulfur dioxide removal, achieves nitrogen oxide reduction with existing and cost-effective retrofit technology.

It has as its centerpiece a market-based approach to pollution control instead of command and control. I am happy to see the Senate move to a consensus on this most difficult issue.

This comprehensive package is urgently needed to address nonattainment, mobile pollution control, air toxics, acid rain, and CFC phaseout. This is a fair and effective package, and it deserves the support of the Senate. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, today is an historic day. We are about to debate clean air legislation that has bipartisan Senate support, as well as the support of the President.

It is the result of nearly a month of intense but productive discussions with administration officials and with Senate members from both parties.

It is really the result of over 70 days of healings and 45 days of committee markups on clean air since 1980.

The bill before the Senate is strong and responsible and, I might add, long over due. It is one of which we should all be proud.

It contains strong provisions to reduce ozone, acid rain, and air toxics.

It lists 191 hazardous air pollutants, and establishes strong controls to stop sources from discharging these toxic pollutants.

It more tightly controls emissions from motor vehicles, and requires a second round of tailpipe controls starting in 2003, if necessary.

And it mandates a 10 million ton reduction in SO_2 from utilities by the year 2000.

Let me be honest. This bill is not the same bill we reported from committee.

It is not perfect.

It does not have everything that each Senator would like to see.

It does not have everything the administration wants, or everything the environmental community or various proponents of American industry would like to see.

We have all had to bend some, all of us.

But we never compromised the fundamental goal of the Clean Air Act, that is to protect public health and the environment. Whenever a proposal came up that might compromise this goal, it was flatly rejected.

Mr. President, as I see it, we have two choices.

We can wait for the perfect bill and let the American people continue to suffer because under that scenario a perfect bill can pass, or we can enact this legislation and ensure that all Americans will have clean, healthy air by early next century.

To me the choice is clear.

Every year millions of Americans suffer needlessly because they breathe dirty air. And every year we delay legislation—because the bill is not perfect—air quality gets worse, and millions more people get sick and die.

Mr. President, I do not know of any major legislation that everyone completely agrees with, and I cannot understand why some people are willing to gamble with the health of 150 million Americans that breathe dirty air so that they can get a bill a little more to their liking.

I do not like every single provision in this legislation. But that is true with just about every other bill that we consider. That is the legislative process.

But I can promise you one thing. Once enacted, this bill will provide the most comprehensive and dramatic clean air legislation in over a decade. It will get us on track to achieve our goal, of clean air for all, by early next century.

We have been stuck in political gridlock for 13 years. That was the last time we were willing to rise above our political differences. That was the last time we passed comprehensive clean air amendments.

But that was 13 years ago. And 13 years is too long.

It is time that we put aside our differences—for the benefit of individuals who work in or live near industrial plants emitting cancer causing toxics; for the benefit of our children, whose lungs are smaller and are especially vulnerable to dirty air; for our elderly and our disabled; for virtally all Americans who suffer in one way or another from contaminated air.

We must put aside our differences so that we can make good on a promise we made back in 1970. we then promised that the air in our cities would be clean—not just cleaner, but clean enough to be safe to breathe.

We have not lived up to that promise. Today, 20 years later, 150 million Americans live in cities with air that is not safe to breathe.

Today, 44 of our urban areas still do not meet the health standard for carbon monoxide. Three of those areas are in my home State of Montana.

One hundred and one cities do not meet the standard for smog.

And 54 cities do not meet the standard for airborne particulates. PM-10 is a significant public health problem in a number of Montana communities. Woodsmoke particulates are a major concern for example, in Lincoln County in northwestern Montana.

Today, 20 years after we promised clean, healthy air, our industries continue to discharge billions of pounds of hazardous air pollutants that cause cancer. These deadly pollutants cause thousands of unnecessary cancer-related deaths each year. That is right, thousands.

And our utilities continue to belch sulfur dioxide by the millions—of tons—roughly 23 million tons per year—forming acid rain, killing people, destroying our lakes and streams.

The cost of inaction—the cost of political gridlock—is chilling.

Every year that we delay legislation, between 5 and 10 million Americans get sick, or die prematurely, because of dirty air.

In the 13 years since we last passed comprehensive clean air amendments, perhaps 100 million or more Americans got sick and many died because of unhealthy air.

There is more! Every year we spend $100 billion to treat illnesses and diseases caused by dirty air.

Farmers lose $5.3 billion each year to crop damage from ozone.

And we spend over $2 billion each year to repair structures that have deteriorated because of acid rain.

Mr. President, we must set aside our differences. We must give the American people what we've promised them since 1970—clean, healthy air.

This substitute, supported by the president, and by many of my colleagues—from both sides of the aisle—offers us a way to make up for our broken promises.

It offers us a reasonable and responsible way to protect public health by making sure that all Americans have clean air to breathe.

It tightens up various provisions of the existing act that no longer work. And it will help us to achieve our goal, of clean air for all, by early next century.

Let me briefly describe how this bill helps us meet this goal.

For starters, it sets new requirements that cities in nonattainment must meet. For the first time cities in nonattainment must make steady measured progress toward meeting emissions standards.

Cities will no longer be allowed to wait until the final deadline to reach attainment and then simply get an extension because their air is still dirty.

That's because this new approach emphasizes not just the final deadline, but more importantly what happens before the deadline.

Ozone nonattainment areas, for example, must reduce VOC's—a precursor of ozone—by 4 percent per year for the first 6 years. Then 3 percent per year until the standard is met.

This approach will ensure steady progress and faster reductions.

What's more, to ensure progress, this bill requires some cities to put in place vehicle inspection and maintenance programs, stage II vapor controls and transportation control measures.

But we can't expect cities to clean up their air overnight. It has taken years for air quality to degrade to where it is today. That's why the bill provides a realistic schedule.

That is why we've given States and localities more time to meet our national standards whether it's 20 years in the case of Los Angeles or 5 years in the case of Minneapolis, Kansas City, or Charleston.

But if these areas fail to reach attainment on schedule—watch out! Sanctions will be imposed—sanctions ranging from a ban on construction of new sources of a pollutant, to limited use of Federal highway funds, to a ban on new drinking water hookups, to withholding Federal air pollution funds.

This is what cities will have to look forward to if they miss their deadlines.

We are serious about cleaning up our dirty air.

But these requirements along will not guarantee clean air. That is why

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the bill also includes tighter controls on motor vehicles and fuels.

That is why by 1995—only 5 years from now—all vehicles must reduce their hydrocarbon emissions by 22 percent, and their nitrogen oxide emissions by 60 percent.

And that is why beginning in the year 2004—over a decade from now—cars must further reduce tailpipe emissions another 50 percent, if ozone pollution is still a serious problem;

And why beginning in 1993, urban buses must use clean fuels—that reduce diesel particulates;

And why, for the first time, new vehicles in serious ozone nonattainment areas must use cleaner fuels after 1995.

This is significant. For the first time alternative fuels like—ethanol, methanol, compressed natural gas, reformulated gas, and electricity—are expected to play their part in reducing vehicle emissions.

And for the first time, beginning in 1997, fleets of more than 20 vehicles—in certain cities—must use alternative fuels that will reduce ozone emissions by 80 percent and toxics by 75 percent.

There is more. The bill also includes tough new requirements to control the billions of pounds of toxic chemicals that pollute the air every year. Many of these chemicals are deadly.

Unfortunately, in the 18 years that the EPA has been in the business of controlling toxic pollutants, it has regulated only seven chemicals. That is right only seven chemicals.

This bill lists 191 hazardous air pollutants. What is more it requires all major sources emitting these pollutants to use maximum achievable control technology [MACT] to control these emissions within 10 years. This will reduce toxic emissions by 90 percent, perhaps more.

But even with these controls we all know that some risk will still remain, and chemical accidents will still happen.

That is why the bill also requires sources to control significant residual risk or shut down, when the risk is greater than 1 in 10,000 to the most exposed actual person.

And that is why the bill establishes a Chemical Safety Board, similar to the National Transportation Safety Board. This board will investigate chemical accidents to minimize their reoccurrence.

There is still more.

The bill also includes requirements to significantly reduce sulfur dioxide and nitrogen oxides, precursors of acid rain.

When fully implemented, the acid rain provisions will reduce SO_2 emissions by 10 million tons below 1980 levels and cap it at these levels by the year 2000.

Acid rain has been one of the most heated debates for years. It has pitted region against region.

But I am confident that with this bill, we will at long last put an end to the ravages of acid rain.

After long discussions, the acid rain provisions will reduce SO_2 and NO_x in a way that balances—and treats fairly—competiting interests of all States and regions.

I have always said that any acid rain bill would have to accommodate regional interests. We have done that.

The bill reduces SO_2 and NO_x fairly—without cost sharing and without mandated scrubbers. It provides flexibility and freedom of choice so that utilities can find the cheapest and most effective way to reduce SO_2 emissions.

The bill recognizes that some utilities already have low SO_2 emissions which make it very difficult to find offsets for future growth.

That is why the bill provides for 125,000 tons per year, of bonus allowances to clean utilities, like the kind we have in Montana. This provides room for growth in clean States.

The bill also recognizes that dirty utilities will face costly expenditures. And some coal markets may be disrupted.

That is why the bill provides incentives that help dirty utilities reduce their emissions.

And that is why the bill provides bonus allowances to utilities that use technology to reduce their emissions ahead of schedule.

Before I conclude, Mr. President, I would like to acknowledge those responsible for this bill.

President Bush's leadership should be applauded. The value of his initiative cannot be overstated.

Rodger Porter and the other administration advisers worked tirelessly to reach this agreement.

Our chairman, Senator BURDICK, from North Dakota, continued to provide support for this legislation.

Senator CHAFEE, our ranking member, continued his long role as one of the Nation's true environmental leaders. He worked hard to keep the process moving—especially during the difficult times.

Senator SIMPSON worked constructively on all aspects of the bill, especially acid rain.

And many other Senators spent long and hours in these discussions so that we could agree to these amendments.

Finally, I want to acknowledge the majority leader.

Senator MITCHELL, has played a major role—in fact the major role—in this legislation and in keeping the process on track. It is because of his devotion, his persistence, and his patience that we are about to debate a bill that has Presidential support, and bipartisan support in the Senate.

Mr. President, now comes the hard part. The rubber meets the road.

Many amendments will be offered. Some will be relatively minor. Although important to individual Senators, they will not go to the heart of the bipartisan compromise. We will work to accommodate these amendments the very best we possibly can.

Others will be deal breakers, that do go to the heart of the compromise.

When these deal-breaking amendments are offered, I am going to oppose them. And I expect the administration, the Republican leadership, and other parties to the compromise to do the same.

This will be painful to do. I understand that. For my part, I do not look forward to standing here and opposing amendments that I strongly support on the merits—indeed, amendments that embody provisions of my own original bill.

But I intend to do just that. Our compromise constitutes a breakthrough, and we must push forward together.

And that applies to all sides. As our majority leader, Judge MITCHELL, noted during one tense point in the negotiations, "mutuality of obligation is the essence of a contract."

And in the words of Edmund Burke: "All government—indeed every human benefit and enjoyment, every virtue and every prudent act—is founded on compromise."

Mr. President, it has taken us 13 years to reach this compromise. For 13 years the public has had to watch one political stalemate after another. The American public has been very patient.

But in this Senators' opinion, the time for political sparing is over.

The bill before us today provides us with a glimmer of hope. It is the product of many hours—many days—of hard negotiations.

The Washington Post yesterday described this bill as a triumph of common sense.

I agree.

This bill is a victory for all Americans.

The American people want strong clean air laws. The American people want a clean environment. This bill represents a step toward that goal.

This bill with its bipartisan and Presidential support provides an opportunity to give the American people what they want—and what they have been asking us to give them for years—clean air once and for all.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, after 3 long weeks of negotiation and hard bargaining, the administration, the Senate leadership, and the Senate

Committee on Environment and Public Works reached agreement on a compromise to the committee's clean air bill, S. 1630. Parties on all sides to this extraordinary process proceeded in good faith through the negotiations.

Mr. President, I want to make it clear that we would not be where we are without the support and leadership of a whole series of individuals. First of all, the President of the United States, President Bush, put himself behind clean air legislation. And that gave it the push that made it acceptable, and helped it through the committee. He was assisted by Roger Porter and Bill Rosenberg, the Deputy Assistant Administrator of EPA, in the long negotiations that we had.

Senator DOLE was of tremendous help, likewise, in seeing that the leadership and the others participated in the gatherings that we held in the majority leader's room. I wish to pay tribute to the leader of our committee, Senator BURDICK. But, Mr. President, there are two individuals that particularly deserve tremendous credit for this. I first want to mention the majority leader. As has been said, he knows more about this bill than any other individual. I am confident of that.

Second, without his persistence, we would not be where we are today. He changed the formula. He changed the basis on which we are able to get this bill out of committee and take them up and to reach such progress as we have made today. So he has been really the leader of the forces.

Assisting him so ably throughout this was Senator BAUCUS, the senior Senator from Montana. It was his duty to chair the subcommittee and, indeed, most of the committee actions devolved upon him. He stayed the cause. He stayed on a steady, persistent effort to get this bill not only considered in the committee, reported out, dealt with all the amendments in the committee, but then presided over the majority of all the sessions that we held in the majority leader's office, where we considered this. He certainly added to his reputation as a stellar environmentalist by the actions that he took. We all owe him a deep debt of gratitude for what he did.

Assisted also, as has been mentioned—and I will list some of those that were from our side, without trying to be exclusive in any way because many came in: Senators DURENBERGER, JEFFORDS, SIMPSON, WILSON, DOMENICI, GRAMM, MCCLURE, NICKLES, all were actively then involved.

Of course, on the other side we had Senator BREAUX, and Senator LAUTENBERG and Senator LIEBERMAN were also actively involved, although regrettably we were not able to persuade them that this is the way to go. I believe they demurred from the final result.

In the coming days we will hear much about the substitute, and some are going to criticize it for being too proenvironment. Others will criticize it for selling the environment short. To those on either side, I say, "keep your powder dry"; this is a very good bill, and it strikes the balance between environmental protection and costly overregulation.

I want to say to the environmentalists with whom I have been associated for so many years, that their efforts were tremendously helpful, not only in the original bill, S. 1630, but we consulted with them as we went along; and they gave some good suggestions, although I do not want to imply that they are four square behind this substitute, because many of them believe it falls short.

It is accurate to say that those in the meetings that produced this bill all gave up something. The Senator from Montana gave up something. Certainly, I, representing my State, gave up something, particularly, in connection with carbon dioxide emissions and the first tier, tier I, so-called, of the tailpipe standards dealing with the useful life. These are technical terms and, frankly, the language we are concerned with dealt with how long automobiles should be required to meet these tailpipe emissions. I felt that the useful life should be 100,000 miles. That did not prevail. Nor did the second tier automatically come into effect that I would have liked.

Nonetheless, changes were made in other areas, likewise, but these were negotiations in good faith. And there is give and take. Although I and others did not get what we wanted, the result is a substantial improvement over the legislation that is currently on the books dealing with clean air. It is a compromise, and it is a good compromise. I think all sides should be pleased.

I wish to present a brief summary of some of the parts of this bipartisan agreement. I do so in order to alert our colleagues as to what was agreed upon. As has been mentioned, this is about a 3-inch thick bill, and it is hard to pick up quickly. But many of us who agreed on that, that is, the majority and minority leaders and the leadership of the Environment Committee and the administration and others, made pledges to oppose any amendments that would alter the basic principles that we agreed upon.

However, there are areas of the bill which were not covered by the agreement, and those Senators who signed on to the agreement are free to offer amendments or to support or oppose amendments that affect those particular sections that were not agreed upon. The areas that generally were not covered by the agreement are permits, enforcement provisions, and municipal waste incinerators, for example.

In considering this legislation, let us all remember that its principal purpose is to improve the health of the American people. That is what it is all about. It is a health bill. For the first time, we will have an air toxics control program that, in the short term, will remove 90 percent of the hazardous pollutant emissions from major sources. Additionally, further reductions will be made in later years.

We have developed a program that will tighten up control requirements and impose stiffer sanctions on factory emissions in cities that have unhealthy air. The key words we will be using throughout this debate is "attainment" or "nonattainment." Nonattainment means that a city or an area is not reaching the minimal health standards that the EPA believes are necessary. Attainment means that the city or community is in attainment with those standards.

Beginning with the model year of 1993, automobiles will be 25 percent cleaner in volatile organic compounds, VOC's; 60 percent cleaner in oxides of nitrogen emissions, which these, the VOC's and nitrous oxides, are the principal causes of urban ozone or smog. If a substantial number of cities do not reach the cleanup standards by the year 2000, an additional round of tailpipe standards, 50 percent cleaner than the 1993 cars, will kick into effect.

For the first time, we have developed a two-phase alternative fuels program which will result in automobiles being 15 percent cleaner in model year 1995 and 30 percent cleaner in model year 1998 for ozone producing emissions. That is as a result of the fuel that is put in, nothing to do with the tailpipe standards.

Finally, we have reached agreement on acid rain, a controversial area which many thought would be impossible to solve. Under the proposal, utilities that emit sulfur dioxide, which is the chief cause of acid rain, will be controlled at levels which will result in a 10 million ton reduction.

We have heard the distinguished senior Senator from Montana indicate earlier that the total emissions, about 23 million tons in the Nation, we are reducing that by 10 million tons a year, which is an incredible achievement. Further, we put a permanent cap on these emissions. Also, the emissions of oxides of nitrogen, which is another precursor of acid rain, will be reduced even more than the committee bill provided by the year 2000. First, I want to say this: The objective in both the President's bill and the committee bill was to assure that the nonattainment areas embark on, and stay on, a course of emission reductions that will bring them into attainment with the ambient air quality standards by the deadlines set. It re-

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quires annual percentage reductions in VOC's, or 4 percent a year, and this is for 6 years in these communities that are not in attainment.

Mr. President, this is a lengthy bill and I would ask that the remainder of my statement be included in the RECORD, but before doing that I just briefly would like to mention that we have provided in this legislation provisions dealing with chlorofluorocarbons or so-called CFC's. The report filed by the committee is applicable and remains relevant legislative history. Details of the most significant changes are included in a separate document which I ask by unanimous consent be printed in the RECORD following my statement.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. After the first 6 years, ozone nonattainment areas are required to reduce VOC's by 3 percent a year, as in the President's bill. In each case, the reductions are allowed to take place and be averaged over a 3-year period.

After the first 6 years, a State containing an ozone nonattainment area may seek a waiver from achieving the 3-percent reduction on the basis of "technological achievability, costs, and any nonair quality and other air quality-related health and environmental impacts." The inclusion of cost as a factor to be considered in the waiver was a much-discussed issue.

We know from information submitted to us from several States that the costs of VOC controls currently being required can exceed $10,000 per ton. State air pollution control agencies have, for example, estimated that controls on aerospace coating operations currently cost $10,000 per ton; on auto primer application processes, $14,000 per ton; and up to $24,000 per ton for petroleum fixed roof tanks.

If such costs are being incurred in some areas of the country, costs of similar magnitude should not be the basis for excusing another area from its percent emissions reductions requirements.

Many areas cannot come into attainment with the ozone standard on their own, no matter what level of controls they require, because ozone is transported in from other areas. Thus, allowing one area to slow down its emissions reductions before it has required controls at costs already being borne by emitters in other areas, may make attainment impossible for areas that are willing to impose tough requirements.

Also, residents of an area should not be denied healthy air at the earliest achievable date because polluters are permitted to delay expenditures that are being made by polluters in other areas of the country.

Another area of the agreement that reflects serious discussions is that relating to sanctions and Federal implementation plans—the so-called FIP's. The agreement requires the Administrator to impose at least one of a list of four sanctions when a State fails to develop or implement a State implementation plan. The expectation is that the Administrator will impose the sanction that will result in the greatest progress toward achieving the health standard for which the area is in nonattainment.

If vehicles are a major cause of pollution, then the highway funding limitations should be the sanction selected. If ozone pollution is related more to stationary source growth, the construction ban on major sources of NO_x and VOC's—for VOC's the ban would apply to sources emitting 25 tons per year—should apply.

The provision for FIP's assures that there is the continuing threat of EPA intervention where State or local officials fail to act. The requirement for annual EPA imposition of control measures at least as tough as the State would be required to undertake, should make it unlikely that State or local officials will abdicate their responsibilities.

Finally on the nonattainment issues, let me just note that several provisions were compromised to ally the worst fears of businesses, without stepping back from the requirements of the legislation that health standards are to be achieved by the deadlines prescribed. We eliminated specific references to offsets of greater than 1 to 1 for new sources coming into a nonattainment area, but retain the requirement in existing law for a new source to reduce pollution by more than the new pollution it will create.

We agreed to allow a new source to net out of new source review, but only so long as the transaction guarantees there is absolutely no increase in pollution. And we eliminated some fees on polluters while retaining significant new resources to State and local agencies through the permit fee provisions that are in both the President's and the committee's bills.

Undoubtedly there will be those who criticize this compromise as too strong or too weak. However, for those of us who are deeply interested in environmental protection, I think it is very important to recognize that this legislation represents a great leap forward in cleaning up the Nation's air.

As I mentioned earlier, the substitute also contains an alternative fuels section. This issue was not addressed in S. 1630, however our committee had a hearing on a proposal that I submitted earlier this year. The substitute embraces both my proposal as well as that of the proposal contained in the administration's bill. There are several key points I would like to touch with respect to alternative fuels later in the floor debate.

The substitute also contains the provisions on chlorofluorocarbons [CFC's] with several changes to the provisions originally contained in S. 1630. As such, the report filed by the committee is still applicable and remains the relevant legislative history. Detailed explanations of the most significant changes are included in a separate document and I ask unanimous consent that these be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CHAFEE. First, the amendment on methyl chloroform that was adopted on January 31 by a vote of 95 to 2 is included in this substitute. A conforming amendment to the trade sanctions portion of the bill is also included.

Second, an amendment is included to clarify the authority of the Administrator to allow limited production of CFC's and other regulated substances for export to developing countries in accordance with the Montreal protocol.

Third, a three-part amendment is added to restore language currently found in section 157 of the Clean Air Act regarding the authority and responsibility of the Administrator to promulgate regulations. This amendment simply moves a portion of the existing law from one place to another.

In a similar fashion, it moves that part of the existing law concerning international cooperation to the new title 5.

It also adds new authority for the Administrator to foster international participation in the Montreal protocol by, at the discretion of the Administrator and the Secretary of State, contributing funds to help developing countries comply with the protocol. The amendment authorizes not more than $75 million annually for such assistance and makes these funds subject to the appropriations process. Finally, there has been a fair amount of discussion in this Chamber about the need to regulate the so-called HCFC's. These are a class of ozone destroying chemicals that are less potent than CFC's but remain dangerous in their own right.

In place of the amendment I had prepared that would have forced the elimination of these chemicals by the year 2030, this substitute clarifies EPA's authority and responsibility to regulate HCFC's and directs EPA to submit a report to Congress by January 1995. The report is to examine the feasibility of implementing a control program similar to the one I had originally proposed.

Mr. President, enactment of this title will represent a significant strengthening of current law. It will help the United States regain its rightful position as a world leader in environmental matters and will help pave the way for restoration of Earth's fragile ozone layer.

One area that was not agreed upon are changes in the permitting and enforcement titles of S. 1630. The proposed changes in the substitute will assure prompt and continuous compliance with the requirements of the Clean Air Act.

I think it important to point out the permitting and enforcement titles of S. 1630 were virtually identical to those in the President's bill. Those provisions received much criticism and we have been working with the administration and affected groups to come up with an alternative approach.

Let me begin by addressing the permit system.

First, the permit system will assist everyone—from plant managers to government regulators to concerned citizens—in understanding exactly what is required of each permitted plant in order to satisfy the requirements of the Clean Air Act.

Second, the permit system will provide a convenient means for establishing and keeping track of emissions inventories—and this will prove invaluable to plants as they begin to operate under the acid rain restrictions imposed in the bill.

Third, the permit system will allow the States and EPA to tailor emission limitations to specific sources and to take into account special conditions that may affect any particular source.

Fourth, the permit system will ensure uniform Federal enforcement of the requirements of the Clean Air Act.

Mr. President, as I have said, there is very broad agreement among a wide range of affected groups that these goals are important. However, there remains some disagreement. The changes we have made in the substitute represent our best effort at resolving as many of the concerns of the various groups as we can, consistent with the goals I just mentioned.

Now let me turn to a brief summary of the permitting program established in S. 1630, and then to a summary of the pending substitute.

As we know, the current Clean Air Act has no provision of any kind requiring operators of plants that emit air pollutants to obtain operating permits under a uniform program administered by the Federal Government. Such permits are routinely required under the Clean Water Act, and they have proved of enormous assistance in the battle to clean up our Nation's waters.

Instead of a straightforward system under which these operators can apply for and be issued such permits under a uniform federally administered system, the current Clean Air Act relies upon a combination of requirements and controls imposed upon plants by State implementation plans, various State permit programs, and the like. Indeed, I understand that approximately 35 States have developed some sort of operating permit program, and that the requirements of these programs vary enormously from State to State and have resulted in confusion and inefficiency.

To remedy these problems we designed a permitting system that will resolve significant problems that currently exist under the Clean Air Act.

The substitute makes several changes in S. 1630.

First of all, it preserves the existing timetable for the implementation of the permit program, and I must say that this timetable is quite generous in allowing time for EPA, the States, and industry to put the program in place. Let me just walk through the timetable as it would apply for a specific source that is considered a significant contributor to air pollution.

EPA is granted 12 months from the date this act is passed to develop regulations implementing the permit program.

Next, the States are then given 2 years after EPA publishes those regulations within which to prepare and submit their own programs to implement the permit process.

Then, after the States submit their proposed programs to EPA, EPA is allowed another year to review those proposals. And if EPA asks a State to revise its proposal, we allow yet another 6 months for revisions.

Just in case you weren't counting all these periods of time as I went along, let me just note that they total a full 4½ years. Now remember, this is 4½ years just to get to the point where EPA-approved, federally enforceable, State-administered operating permit programs are in place and ready to process the first permit application.

Mr. President, we both know that sources subject to the permit requirements of the act will not spend those 4½ years with their heads in the sand. To the contrary, they will use that time to monitor the development of the EPA regulations and the State proposals, and they will be ready to submit applications when the time finally arrives.

In order to avoid a logjam of permit applications, we have added to S. 1630 a provision that would allow the permitting agencies to establish a phased priority system for the submission of permits over a period of 2½ years. This process would begin at the point roughly 4½ years after we enact this legislation.

And so, Mr. President, this amendment neatly resolves the concern that the permit process will result in regulatory gridlock. Agreeing to this amendment would ensure that gridlock can be avoided, and that the permitting process will work with a minimum of disruption and delay.

I would like now to proceed with discussion of the other major provisions contained in the permitting amendment.

In recent days we have heard a concern that S. 1630 as currently phrased would require the States to collect $10,000 per day in fines from sources that violate these new permit requirements. Let me just say that we certainly did not—and do not—intend that such a requirement be imposed.

Therefore, we have revised the language in S. 1630 in order to make clear that States are not going to be required to impose minimum fines of $10,000 per day for permit violations. Instead, the bill as amended makes clear that States shall ensure that they have authority to impose fines in that amount.

We have also heard concerns from industry that S. 1630 would burden sources unduly by requiring them to submit—along with their permit applications—plans explaining how they intend to comply with all requirements of the Clean Air Act that apply to them.

But, Mr. President, we emphatically do not intend to burden industry with preparation and submission of unnecessary compliance plans. The substitute clarifies that any compliance plans would address only those matters by which the sources would comply with new requirements imposed by this act as it is finally signed into law. These plans would not need to address compliance with any existing Clean Air Act requirements, unless the source is in violation of those requirements.

So, Mr. President, the amendment should calm the concerns of industry that S. 1630 will impose unnecessary filing burdens with respect to compliance plans.

The amendment resolves yet another concern. As initially drafted, S. 1630 would require that each State located next to a State, in which an air operating permit is sought, be given notice of that permit application. Concerns were raised that this contiguous State notification requirement, if it applied to each permit application, harbored the potential for delays in the program.

Thus, the amendment includes new wording in this section of S. 1630 to limit the requirement to notify States to those instances where the source of the emissions lies within 50 miles of the State affected by those emissions.

Mr. President, I would now like to touch on the process by which EPA would review permit applications approved by States. S. 1630 provides that EPA shall have 90 days to review the

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State determination to approve a permit, and that if EPA lodges no objection during that 90-day period, the permit can be granted.

If EPA does object to the issuance of a permit, an additional 90 days is provided for the State to make revisions in the proposed permit. If the State chooses to forego that opportunity, then EPA is empowered to issue or deny the permit, and the bill allows for judicial review of the final EPA decision.

If EPA does not object to the permit, the State would be free to issue the permit. However, any person who participated in the public review and comment period that disagreed with EPA's decision not to oppose the permit could have that decision reviewed in Federal district court.

In this fashion, Mr. President, our amendment preserves the ability that exists under current law to subject EPA decisions on matters affecting air pollution to judicial review at the behest of the affected public.

The substitute also addresses concerns to the so-called permit shield. As reported, S. 1630 contained not just one, but two permit shields. The first of those shields protects any source that has submitted its permit application in a complete and timely fashion from the allegation that it is operating without that permit.

It is the second permit shield that we have redesigned in the substitute. As reported, S. 1630 would have allowed any source of air emissions that was in compliance with its permit terms to use the permit as a shield, even if the source was out of compliance with any other requirement of the Clean Air Act. And here is the important point.

Mr. President, I do not think it good policy to create this second kind of permit shield. For example, we do not believe it sound policy to tell a plant that it can ignore monitoring or recordkeeping requirements that happen not to be included in its permit, or that it can avoid acid rain restrictions or MACT requirements that happen to be imposed after a permit has been issued to that plant, and that it can defeat allegations that it is thereby in violation of the act simply by showing that it is complying with the terms of the permit it holds.

Therefore, Mr. President, the substitute makes it clear that the permit shield will apply only to those terms and conditions actually included in the permit.

Finally the permit section contains the permit fees provisions agreed to the administration and the Senate leadership. A fee of $25 per ton, with cap at 4,000 tons, will be imposed on sources. The funds will go to the State air pollution control agencies.

Mr. President, I turn now to a brief discussion of the provisions of this bill that relate to enforcement.

As is the case with respect to the permit program established in this bill, there is broad agreement among the administration, industry, and the environmental community on the need to improve the process by which the Clean Air Act currently is enforced.

Let me begin my summary of the enforcement title by providing a snapshot of these enforcement improvements. After I complete this introduction to the key elements of this title, I will describe the particular points on which the committee substitute resolves the more controversial enforcement questions that have been the subject of negotiation over the past few weeks.

As an initial matter, Mr. President, the enforcement provisions of this title have been modeled upon the type of provisions already found in the Clean Water Act and in several other environmental statutes enacted since the Clean Air Act was last amended in 1977. So there is nothing particularly novel or startling about these provisions.

The bill expands the range of activities that can be the subject of either civil or criminal sanctions to conform to the scope of such sanctions provided under the Clean Water Act and the Resource Conservation and Recovery Act.

Additionally, the bill grants authority to the Environmental Protection Agency to impose administrative penalties for violations of the act. EPA already has similar authority under the Clean Water Act, and it has proved quite useful in enforcing compliance.

Except for emergency situations, the bill provides anyone who is served with an administrative compliance order an opportunity to have a public hearing before they must comply with the order. This provision addresses the isue of preenforcement review, and grants defendants new rights that they do not enjoy under current law.

The bill allows citizens to sue the Government to compel action in the event there has been an unreasonable delay in performing nondiscretionary duties under the act. This provision will help to ensure that our progress in cleaning up the Nation's air continues at a steady pace, and that statutory requirements and deadlines are satisfied.

Each of these provisions is marked improvement upon existing law. And it is very important for the Senate to know that in developing these provisions we have worked with the administration, and with the environmental community as well as industry.

For example, we have made sure in expanding the scope of potential criminal penalties that possible prison terms are kept in line with those set out in the Clean Water Act and RCRA. Prison terms are to be calculated on the number of violations, and not on a per day of each violation basis.

In addition, in authorizing EPA to impose civil penalties in administrative proceedings, we have placed a limit on the amount that can be assessed, and we have also limited the Agency's ability to use subpoenas to obtain documents and information.

Finally, by allowing those who recieve a nonemergency compliance order to seek a public hearing in which to present their case before being made to comply, we have responded directly to concerns that, under current law—which does not provide for a preenforcement hearing—these people are being put—as the saying goes, between a rock and a hard place. Under current law, they face the difficult choice of refusing to comply and risking significant penalties, or deciding to comply and spending significant sums that might not be needed in the final analysis to improve air quality. This bill addresses these fairness concerns while at the same time protecting the ability of the Government to enforce the provisions of the act.

In summary, Mr. President, the enforcement title of this bill contains much-needed and well-balanced provisions designed to assure that this act has the desired effect of protecting the quality of our country's air while at the same time allowing our economy to prosper.

Undoubtedly there will be those who criticize this compromise as too strong or too weak. However, for those of us who are deeply interested in environmental protection, I think it is very important to recognize that this legislation represents a great leap forward in cleaning up the Nation's air. I urge my colleagues to support the changes made in the bipartisan leadership package.

Mr. President, I would just like to conclude with the following summary.

For those who are deeply interested in environmental protection, I think it is important to recognize that this legislation represents a great leap forward in cleaning up the Nation's air. I urge my colleagues to support the changes made in the bipartisan leadership package.

I thank the Chair. I would like to say this. In my recognition, Mr. President, of those who were extremely helpful with this legislation, I failed to mention the distinguished junior Senator from Louisiana, who has such an important role and was so helpful, and who has been a supporter of this legislation. It is my understanding he is going to support it throughout the remainder of the efforts we have on the floor.

I thank the Chair.

Exhibit 1

Summary of Bi-Partisan Senate Clean Air Act Agreement Nonattainment of Health Standards for Ozone

For the past month, representatives of the Administration and Members of the Senate from both parties have been meeting to discuss proposed revisions to the Clean Air Act. Today, the Senators and the Administration reached an agreement to support on the Senate floor a series of provisions encompassing virtually all of the major areas by the Act. A summary of those provisions follows.

PROVISIONS FOR ATTAINING HEALTHY AIR STANDARDS

Currently over 100 areas in the United States do not meet health standards under the Clean Air Act for ozone (smog); more than 40 areas are failing to attain the carbon monoxide standard; and an estimated 58 areas exceed the health standard for particulate matter. (PM-10). State and local governments have a major responsibility for implementing measures that will reduce pollution to levels that do not threaten health; the Federal government sets certain minimum requirements and assures that States carry out their responsibilities.

Title I of the agreement divides areas that fail to meet any one of the pollutant standards listed above into categories, depending on the severity of the pollution problem, and sets out requirements of different levels of stringency for each category. Following is a summary of the provisions of title I:

Depending on the severity of the pollution problem, nonattainment areas for any of the pollutants must attain the health standard within five, ten, or fifteen years (twenty years for Los Angeles) for ozone.

Nonattainment areas for each of the pollutants must achieve specified increments of progress from the present until the health standard is achieved. This new requirement will ensure early ozone reductions and, for the first time, steady progress toward meeting the standard. In the case of ozone, areas must reduce emissions of volatile organic compounds (VOCs), a precursor of ozone, by 4 percent per year for the first six years after the amendments are enacted, and 3 percent per year (with waivers for certain specified conditions) thereafter until the standard is attained.

In areas exceeding the standard for ozone, service stations dispensing more than 20,000 gallons per month are required to install equipment on gasoline pumps to reduce emissions of VOCs.

Vehicle inspection and maintenance programs must be upgraded in ozone and carbon monoxide areas that already have such programs and must be instituted in most other areas that do not already have them.

The Administrator of the Environmental Protection Agency is required to impose one of the following sanctions in an area that fails to prepare or implement a plan that achieves a health-based air quality standard: a ban on construction of new sources of a pollutant, limited use of Federal highway funds, a ban on provision of new drinking water hookups, or withholding of Federal air pollution funds.

The definition of major sources in current law is retained, but any construction ban imposed in an area will apply to sources that emit more than 25 tons of VOCs.

Sources will continue to be allowed to "net out" increases and decreases of emissions when a plant is modified.

When a State fails to develop a plan that meets the requirements of the law, the Environmental Protection Agency is required to impose one new Federal Implementation Plan control measure each year the failure continues.

The Environmental Protection Agency is required to issue control requirements for a number of sources of pollution, including commercial and consumer products.

Polluters are required to pay fees to cover the cost of a State or local air pollution control agency's permitting program and a fee to pay the costs reasonably incurred by EPA in regulating the pollution.

TITLE II: MOTOR VEHICLE-RELATED PROVISIONS

Cars and trucks currently account for almost 50 percent of the smog (ozone) pollutant and 90 percent of the carbon monoxide pollution in urban areas in the United States. They are also responsible for significant emissions of toxic pollutants. It is not only the vehicles but the fuel they use that cause pollution.

The agreement contains the following measures to reduce these pollutants:

Tailpipe Standards for Cars and Trucks

Auto manufacturers are required to reduce tailpipe emissions of hydrocarbons and oxides of nitrogen, which form smog, by 22 and 60 percent, respectively, beginning with 40 percent of the vehicles sold in 1993 and increasing to 100% of vehicles sold in 1995. Comparable reductions are required for vehicle classified as light trucks such as vans and pickups.

If more than 11 of 27 cities currently seriously polluted do not attain the health standard by the end of 2001, a second round of reduction emissions from cars—equal to an additional 50% reduction in CO, hydrocarbon and NOx—will be required beginning with all cars sold after October 1, 2003.

In addition, if pollution is greater than 25% above the health based standard in the year 2000 in any area currently severely polluted by ozone, beginning in 2004 cars sold in that area must meet more stringent emission standards for NOx, CO, and hydrocarbons.

EPA will study and recommend to Congress alternative methods to achieve the tailpipe emission reductions provided for in model year 2004. Congress will consider adopting alternative methods under expedited procedures.

Other Requirements

Vehicle manufacturers must install systems to alert drivers when an emission control system is malfunctioning.

Auto manufacturers are required to install canisters on vehicles to capture hydrocarbons that would otherwise be emitted into the atmosphere during refueling, but the Administrator of EPA is authorized to suspend for two years the requirement if a study to be carried out by the Department of Transportation determines that the refueling systems are not safe. Based on the study, Congress will vote under expecited procedures on whether to rescind the requirement.

Fuels sold in areas with unhealthy leels of carbon monoxide will be required to contain a specified oxygen content, which reduces emissions of carbon monoxide from vehicles. The oxygen content can be increased through additives such as ethanol, which is made from corn or other agricultural products, or derivatives of natural gas.

Requires new transit buses, beginning in 1991, to use cleaner fuel such as natural gas or methanol.

CLEAN RULES STANDARDS

Phase I Program—The program begins with Model Year 1995 vehicles sold in the nine cities with the most severe ozone nonattainment problem. All new vehicles sold in those cities will achieve an overall reduction in emissions to a level not more than .75 grams per mile ozone-forming emissions. The current fleet of passenger cars emit approximately 2.8 gpm. The Phase I vehicles are also to achieve a 12% reduction in air toxic emissions.

The emissions reductions will be met primarily through the use of cleaner fuels. By January 1992, EPA is to issue specifications for various alternative fuels, including ethanol, methanol, CNG, electricity, and LPG, as well as reformulated gasoline that will achieve the emissions reductions required used in conventional vehicles. The performance standard will be fuel neutral.

Phase II Program—The standards are tightened beginning in MY 1999. The ozone-forming emissions must not exceed .66 gpm in-use and the toxics emissions reduction is to be 27% below emissions from conventional vehicles. EPA has the authority to reduce the toxics emissions reduction requirement to 18% if 27% is not achievable.

As with Phase I, the emissions reductions can be achieved primarily through use of alternative fuels.

Role of the States—Implementation of the alternative fuels program will be undertaken as part of State Implementation Plans.

States can "opt-up" requiring that cleaner cars (like the fleet car described below) be sold in larger quantities.

States can "opt-in" allowing cities other than the 9 specified in the bill with nonattainment problems to join the program.

California may develop its own alternative fuels program (and one has been proposed). Other states may adopt the California model, provided that their implementation plans contain incentives to encourage vehicle sales and use.

Fuel suppliers will make available for sale alternative fuels at conveniently located service stations.

Fleets—A program for fleet vehicles is included in the agreement. Fleet vehicles covered by the program would be substantially cleaner than conventional vehicles achieving ozone-forming emission reductions of approximately 80% (an in-use emissions rate of .25 gpm HC) and toxics reductions of 75%.

The alternative fuels program would apply first to fleets owned by Federal agencies and used in ozone nonattainment areas. The program would be phased in beginning in 1995.

Beginning in 1997 the fleet program would apply to fleet vehicles operated in the private sector. Fleets of more than 20 vehicles (which are centrally fueled and maintained) operating in the 9 cities with the most severe ozone nonattainment problems would be covered and 30% of new vehicle purchases must meet the alternative fuels standards.

Auto manufacturers who sell cleaner vehicles which operate above the standards will receive credits under a banking trading program.

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TITLE III. AIR TOXICS PROVISIONS

AIR TOXICS PROVISIONS—ROUTINE EMISSIONS FROM MAJOR SOURCES

List of Pollutants and Source Categories:

The agreement contains a list of approximately 200 hazardous air pollutants taken from the Administration's bill.

EPA is to establish a list of source categories (chemical plants, oil refineries, coke ovens, cotton gins, smelters, etc.) for the purpose of promulgating standards. Any source emitting any one of the listed pollutants in quantities greater than 10 tons or any combination greater than 25 tons is classified as a major source and subject to regulation under the bill.

EPA is to revise the list of pollutants from time to time and act upon petitions to add or delete substances from the list.

MACT Standard

For each category of sources, EPA will promulgate a standard which requires the installation of maximum achieveable control technology (MACT).

Standards are to be promulgated within 2, 3, 5, and 10 years of date of enactment, depending upon the source category. The standards for approximately a dozen organic solvents are required within 2 years.

Existing sources must comply with MACT standards not later than 3 years after promulgation.

MACT standards are not required for source categories that pose less than a 1-in-1,000,000 risk of cancer.

With respect to electric utility boilers, only particulate and mercury emissions are to be regulated with a MACT standard. EPA is not authorized to require flue gas scrubbers to control emissions of hazardous air pollutants from utility boilers.

Voluntary Pollution Prevention Reduction

Any source making an early reduction of 90 percent below 1985 emissions levels shall be exempt from the MACT standards.

Residual Risk

The agreement contains provisions to reduce any significant risk to public health which may remain after the application of MACT.

If, after installation of MACT, a significant risk remains, EPA must promulgate health-based standards 5 years after initial promulgation of the MACT standard.

The National Academy of Sciences is to conduct a study of the risk assessment methods currently used by EPA and alternative methods in setting health standards. EPA is to revise its Guidelines for Carcinogenic Risk Assessment based on the NAS study.

A commission to study the use of risk assessment methods in controlling hazardous air pollutants is to be established. The Commission is to report to the Congress on residual risk policy questions. Expedited legislative procedures are provided to assure a vote in the Congress on legislation with respect to any recommendations made by the commission.

If Congress does not choose a residual risk standard after the Commission reports, two residual risk standards for carcinogens are automatically adopted. The goal is a cancer risk not greater than 1-in-1,000,000 for those persons most exposed to emissions from a source. The upper limit on cancer risk is 1-in-10,000.

The owner or operator of a source may provide a site-specific health assessment of pollutants released from the source to show the actual impact of those pollutants on public health within the vicinity of the source. Sources which impose actual cancer risks exceeding 1-in-10,000 must take mitigation measures or shut down. Sources must use available technology to reduce actual cancer risks striving to reach the goal of cancer risk not exceeding 1-in-1,000,000 to the most exposed actual person.

Steel plants installing the most stringent level of control on emissions from coke ovens before 1995 are given an extension to 2020 before the residual risk health standards apply.

Routine Emissions From Area Sources—Area sources are small industrial or commercial operations such as dry cleaners, service stations, wood stoves which emit air toxics.

Based on the list of hazardous air pollutants, EPA can list an area source category just as the Agency would list a major source category and require MACT. EPA also is authorized to require generally achievable control technology for area sources, which is less stringent than MACT.

The agreement establishes an area source control program to reduce the risks from area sources. Under the program EPA is to conduct research on area sources of air toxics, which is to include a monitoring program, and an inventory of the sources of those toxics.

Five years after enactment, EPA is to propose a national urban air toxics strategy to significantly reduce risks associated with urban air toxics from areas sources. The goal of the strategy is to reduce cancer cases attributable to air toxics by 75 percent. EPA is to report on reductions achieved in 8 and 10 year intervals.

Sudden, Accidental Releases—The agreement contains a program to reduce the likelihood of catastrophic, chemical accidents.

A general duty to operate a safe facility is imposed on the owner or operator of each facility handling extremely hazardous substances.

The agreement establishes a Chemical Safety Board to investigate chemical accidents, similar to the National Transportation Safety Board. The Board would make recommendations to EPA on measures which can be taken to reduce the likelihood of accidents in particular industries.

EPA is authorized to promulgate accident prevention regulations.

TITLE IV: ACID RAIN PROVISION

Acid rain continues to pose a grave threat to the environment. The agreement incorporates a system of SO_2 emissions trading and a cap on SO_2 emissions at 10 million tons below 1980 levels so as to allow SO_2 emission reductions to be achieved in the least costly way, and to ensure the permanence of these reductions.

Reduction Requirements for Sulfur Dioxide

The agreement achieves the same total of sulfur dioxide reductions as originally proposed by President Bush, ultimately reducing SO_2 by 10 million tons below 1980 levels each year.

Both Phase I and Phase II begin one year earlier than originally proposed by President Bush.

Annual sulfur dioxide emissions are capped beginning in the year 2000.

In Phase I, which begins January 1, 1995, utility power plants emitting at a rate above 2.5 pounds of sulfur dioxide per million Btu (about 111 plants) will have to reduce their emissions to a level equal to 2.5 lbs./mmBtu multiplied by their average 1985-87 fuel consumption measured in Btu.

Plants that use certain control technologies to meet their Phase I reduction requirements may either postpone compliance until 1997 or receive early-reduction bonus allowances for reductions they achieve between 1995 and 1997. In addition, Phase I plants that use certain control technologies will also receive two allowances for every ton of reduction they achieve below a 1.2 lbs./mmBtu level during Phase I.

In Phase II, which begins January 1, 2000, all utility power plants emitting at a rate above 1.2 lbs./mmBtu will have to reduce emissions to a level equal to 1.2 lbs./mmBtu multiplied by their average 1985-87 fuel consumption measured in Btu.

Nationwide, plants that emit SO_2 at a rate below 1.2 will be able to increase their emissions between now and the year 2000 by roughly 20% and will then be limited to that level in order to maintain the nationwide cap on SO_2 emissions.

Bonus allowances are distributed to accommodate growth by units in States with emissions below 0.8 and by units that have experienced substantially increased utilization in the last five years.

The 1977 "percentage reduction" requirement for coal is repealed once the emissions cap goes into effect.

Marketable Allowances

In addition to its pollution control permit, each source will receive allowances equal to the tons of pollution it is permitted to emit.

If a source reduces its pollution more than required, it will have left-over allowances it can sell to another source—which would permit the second source to emit more than required while remaining in compliance. This ensures that total reductions will be achieved in the most cost-effective way and that reduction costs will be allocated in a fair way.

Utility NOx Emissions

The agreement achieves the same NOx reductions as S. 1630 in the year 2005, and by providing for earlier NOx reductions provides greater NOx reductions in the year 2000.

There is no NOx/SO_2 trading and no allowances system established for NOx.

Not later than 1993, EPA is required to establish performance standards under which utilities, required to reduce sulfur dioxide emissions in Phase I are also required to control their NOx emissions in Phase I based on the performance standards for certain boiler types. The emission standards will be based on low NOx burner technology.

No later than 1997, EPA is required to establish performance standards for all remaining types of utility boilers. Remaining affected sources under the acid rain title must meet these standards by the Phase II deadline. This standard will also be set based on low NOx burners, and will be updated as new technologies are developed.

EPA is required to promulgate a revised No New Source Performance Standard for utility boilers.

Clean Coal Technology

Temporary clean coal technology demonstration projects (those operating for 5 years or less) are exempt from the requirements of Title I of the Clean Air Act.

Permanent demonstration projects that are retrofits are presumed not to be major modifications.

Permanent demonstration repowering projects are exempt from Part C and section 111 requirements if their potential emissions for any criteria pollutant do not increase over the potential emissions before the project.

Non-demonstration repowering clean coal technologies are exempt from New Source Review of actual emissions for any criteria pollutant do not increase over previous emissions. If there is an increase in emissions, States are encouraged to give such projects expedited review.

PERMITS AND ENFORCEMENT

There remain significant disagreement between the Administration and the Senate on permits and enforcement. Senate and Administration staff have been meeting, but have not yet concluded work on changes to those titles. In the event that agreement on outstanding differences cannot be reached before floor consideration of the clean air bill resumes, the parties to the agreement would not be bound to support changes to the permit and enforcement titles.

OTHER ISSUES

Chloroflurocarbons

S. 1630 contained a title, as amended, to phase out the use and production of chloroflurocarbons. The title was not covered by the agreement and the parties reserve the right to consider changes to its provisions.

Incinerators

S. 1630 contained provisions to regulate emissions and ash from waste incinerators. These provisions were not covered by the agreement and the parties reserve the right to consider changes to them.

EXHIBIT 1

EXPLANATION OF CHANGES TO TITLE VII AS REPORTED BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS AND MODIFIED BY THE SUBSTITUTE BILL

Submitted for the Record by Senator John H. Chafee, chief sponsor of title VII

Explanation of modification to title VII to clarify the authority of the Administrator to allow limited production for export to developing countries

New section 506(d), as added by title 7, is modified by the substitute to include language modeled after the provisions of the Montreal Protocol authorizing limited production in excess of otherwise applicable controls in industrialized countries for purposes of assisting developing countries and promoting global participation and compliance with the Protocol.

Recognizing the special situation of developing countries that consume very small quantities of ozone depleting compounds, the Montreal Protocol provides for a delay in the application of international control measures in those countries for a period not to exceed ten years. The Protocol also authorizes industrialized countries, such as the United States, to continue to produce a limited amount of these compounds solely for export to qualified developing countries for purposes of satisfying the basic domestic needs of the developing countries. These provisions of the Protocol are designed to provide assurances of adequate supplies and to eliminate the need or incentive for developing countries to build or expand their own production capacity at a time when the international community is attempting to reduce production capacity.

Explanation of modification to title VII to clarify the authority of the Administrator and to foster international cooperation

New section 520, as added by title 7, is modified in three respects. First, language from section 157(a) of the current Clean Air Act is restored. This language sets forth the authority and the responsibility of the Administrator to promulgate regulations to protect public health and welfare from the risks associated with changes to the stratosphere, including but not limited to destruction of the stratospheric ozone layer. The restoration of this language clarifying the general authority and responsibility of the Administrator may not be used to avoid or undercut the more specific requirements that are contained in this Act. This language is intended to supplement the authorities set forth elsewhere in this title, not to supplant them.

The second part of this modification regarding "International Cooperation" begins by restoring to the Clean Air Act language currently found in section 156. It directs the President to foster international research and to negotiate multilateral agreements which protect the stratosphere "consistent with regulations applicable within the United States." For purposes of negotiating multilateral agreements, the phrase "regulations applicable in the United States" shall include statutory requirements and prohibitions as well as administratively promulgated regulations.

This provision provides the United States negotiating team with guidance and the latitude to seek an international accord that is more stringent than that set forth in this Act. International proposals that are less stringent than the program set forth in this Act are, by definition, not consistent with the United States' program. On the other hand, as indicated in new section 506, we are encouraging the development of a program, multilaterally or unilaterally, that goes beyond the requirements of this Act. As such, international proposals that are more stringent than this Act shall be deemed consistent with the United States' program.

The third part of this modification authorizes the Administrator to foster international participation in the Montreal Protocol by funding efforts by developing countries to comply with the Protocol. Funding may be offered only to those countries that, in addition to being parties to the Protocol, are operating under Article 5 of the Protocol. The authorized level of funding is $75 million annually, a small percentage of the hundreds of billions of dollars that will be collected by the United States as a result of the excise tax on ozone depleting chemicals that was enacted as part of the budget reconciliation process in the Fall of 1989.

Explanation of new section 508, as added by title VII, to control production of methyl chloroform and similar ozone destroying compounds

The first part of new section 508, as added by title 7 of this substitute, incorporates amendment number 1219 that was introduced on January 29, 1990 and adopted by a vote of 95 to 2 on January 31, 1990.

It provides that, effective on the date of enactment, production of methyl chloroform will be frozen at 1989 levels. Allowable production will then be reduced 50 percent by 1996 and completely eliminated by 2000.

The prohibition on production does not cover recycling or production for use as feedstocks. It does not include limits on the allowable uses of methyl chloroform. Recycled and existing stocks could continue to be used after 2000.

In August 1989, the international Science Assessment Panel established under the Montreal Protocol issued a United Nations Environment Programme (UNEP) report and presented several scenarios that highlighted the need to control the growth and use of all ozone depleting substances, including methyl chloroform and hydrochlorofluorocarbons (HCFCs).

The Panel established that:

(1) the current atmospheric concentration of chlorine is approximately 3 parts per billion (ppb), a record high level;

(2) peak chlorine loading is increasing and will continue to increase for several years;

(3) increases in cholorine loading will increase the risk of significant ozone depletion over the northern hemisphere, similar to that occurring over Antarctica and the southern hemisphere;

(4) an atmospheric chlorine concentration of 2 ppb is the maximum allowable level if the Antarctic ozone hole is to be repaired; and

(5) the production and use of methyl chloroform and other ozone depleting substances:

(a) may affect peak chlorine loading;

(b) will affect the rate at which atmospheric abundance of chlorine is projected to decrease; and

(c) may effect the date by which the average concentration of atmospheric chlorine is projected to return to 2 ppb.

The conclusion suggested by the recent UNEP presentation is that, in addition to eliminating the CFCs currently regulated under the Montreal Protocol as rapidly as possible, additional controls on methyl chloroform, carbon tetrachloride and the HCFCs are necessary to:

(1) limit increases in peak chlorine loading;

(2) assure that the production and use of these substances does not reduce significantly the rate at which atmospheric chlorine loading is projected to decrease; and

(3) assure that production and use of these substances does not delay the date by which the average atmospheric concentration of chlorine is projeced to return to a level of 2 ppb (currently projected, on the basis of a year 2000 global elimination of all halocarbon emissions (the base case), to be 2075).

Methyl chloroform

Because of its high production volume (approximately 1.5 billion lbs. worldwide in 1988 and 700 million lbs. in the U.S.) methyl chloroform currently represents a significant source of chlorine to the stratosphere (13 percent—approximately 4 times more than CFC-113 of HCFC-22). The short atmospheric lifetime of MCF allows its contribution to stratospheric ozone loss to be reduced significantly faster than the contribution from any of the CFCs.

Recent analyses by EPA suggest that a year 2000 phaseout of methyl chloroform would be the single most important source for near-term reductions in stratospheric chlorine levels.

Methyl chloroform differs from the fully halogenated CFCs in that it has a substantially shorter atmospheric lifetime. For example, the lifetime of methyl chloroform has been calculated to be on the order of 6-7 years compared to lifetimes of 60 and 120 years for CFC-11 and CFC-12, respectively.

The importance of a chemical's atmospheric lifetime is that the longer its lifetime, the higher the percentage of the compound that will survive to be transported to the stratosphere where its chlorine will be released and begin the process of destroying ozone.

However, the lifetime alone does not determine the risks from that chemical to the ozone layer. The total amount of stratospheric chlorine contributed from a particular chemical will be determined not only by its atmospheric lifetime, but also by the quantity of its emissions, and the amount of chlorine it contains.

Because methyl chloroform is currently produced and used in large quantities (e.g., roughly equivalent to the total of all the CFCs combined) and because it contains three chlorine atoms, its contribution to current stratospheric chlorine levels has been significant. Despite its short atmospheric lifetime, methyl chloroform contributes 13 percent of the chlorine in the atmosphere. This is about 4 times more than the contribution from CFC-113 or HCFC-22. See Figure 7-4 from page 390 of Senate Report 101-228.

Methly chloroform's short atmospheric lifetime (relative to the fully halogenated CFCs) allows its contribution to stratospheric chlorine concentrations to be reduced significantly faster than the contribution from any of the CFCs. Chlorine from methyl chloroform is almost entirely cleansed from the atmosphere in 15 to 20 years, whereas significant quantities of chlorine from the CFCs remain for well over 100 years. Thus, controls on methyl chloroform emissions will reduce stratospheric chlorine levels more rapidly than controls on any of the CFCs.

Any suggestion that delaying the phaseout of methyl chloroform from 2000 to 2030 will have little, if any, environmental impact is misguided and is not supported by the scientific evidence. Such a delay would significantly affect the increased risk of greater ozone depletion from higher chlorine concentrations. The difference between peak chlorine levels resulting from a year 2000 phaseout of methyl chloroform (3.5 ppb) and a year 2030 phaseout (3.9 ppb) represents a 45 percent increase in risks from today's level (3.0 ppb).

A year 2000 phaseout of methyl chloroform is the single most important sources for near-term reductions in stratospheric chlorine levels. The significant role played by this chemical can be attributed to two factors: it is already a significant contributor of chlorine to the stratosphere and, because it has a relatively short atmospheric lifetime, its chlorine contribution can be eliminated relatively rapidly following a phaseout.

A phaseout in 2000 of the CFCs and carbon tetrachloride will not have significant short-term results in reducing stratospheric chlorine concentrations, though it will be critical for achieving long-term reductions. In sharp contrast, the phaseout of methyl chloroform by 2000 will result in its full impact being experienced during this near-term period.

A prompt phaseout of methyl chloroform is the most effective means of limiting increases in peak chlorine concentrations and in achieving signficant near-term reductions in stratospheric chlorine concentrations. It is also achievable with current technologies.

A June 30, 1989, report of the Montreal Protocol's Technical Review Panel (an international panel of experts) concluded that "substances currently exist for 90 to 95 percent of the methyl chloroform uses." A draft report by EPA agrees that technically feasible technologies that reduce or eliminate the use of methyl chloroform are available for all end-users of methyl chloroform.

Data from EPA's November 3, 1989 draft report "Costs and Benefits of Phasing Out Production of CFCs and Halons in the United States" and EPA's October 5, 1989 draft report "Costs of Controlling Methyl Chloroform in the United States" show that the addition of methyl chloroform to the CFC and halon year 2000 phaseout will increase health benefits alone by $89 to $348 billion through 2075. These benefits exceed the long-term social costs of a methyl chloroform phaseout (estimated to be between $43 and $58 billion through 2075) by a substantial margin.

It has been estimated that, for example, the addition of methyl chloroform to the CFC and halon year 2000 phaseout will eliminate almost 4 million cases of nonmelanoma skin cancer in the U.S. and 65 thousand cancer deaths among people born before 2075. Similarly, 364 thousand cases of cataracts will be avoided.

The difference between a methyl chloroform production freeze and a production phaseout for people born before 2075 is estimated to be the avoidance of 875 thousand cases of nonmelanoma skin cancer, almost 16 thousand cancer deaths, and more than 86 thousand cases of cataracts.

The value of cases avoided in the U.S. among people born before 2075 as a result of a year 2000 phaseout of methyl chloroform is estimated to range from $89 to $350 billion. These health benefits exceed those associated with a methyl chloroform production freeze by between $25 and $96 billion.

EPA's estimates of social costs associated with a year 2000 phaseout of methyl chloroform production are based on projected annual growth rates of between 2.2% and 4.7%. By contrast, industry demand forecasts show a decline in U.S. demand between 1988 and 2000, suggesting that EPA cost estimates based on assumptions projecting growth rates of even 2.2% may overestimate actual costs.

Nevertheless, social costs of a year 2000 phaseout of methyl chloroform are estimated (on the basis of 2.2% annual growth prior to 2000) to be $1.2 billion over the short term (1989-2000) and $43 billion over the long term (1989-2075), far less than the $89 to $350 billion in health benefits alone.

Hydrochlorofluorocarbons (HCFCs)

The second part of new section 508 is concerned primarily with the control of hydrochlorofluorocarbons (HCFCs). It directs EPA to submit a report to Congress not later than January 1, 1995, that includes recommendations concerning the development of a legislative or administrative regulatory program controlling the production and use of HCFCs. EPA's authority and responsibility to promulgate such a control program is not limited by this provision. Submission of the report or prior Congressional approval are not necessary predicates to the exercise of EPA's existing authority.

To provide a model control program for consideration by EPA and the international community, the substitute includes an outline of a possible control program and directs EPA to report to Congress on the feasibility of this program. If adopted by EPA or included in subsequent legislation, the proposed control program would provide that:

Effective January 1, 2015, production of these substances will be frozen at year 2014 levels and allowable uses will be limited to (1) maintaining and servicing household appliances (defined as noncommercial personal effects), including air-conditioners, refrigerators, and motor vehicles, manufactured prior to January 1, 2015) or commercial (including military and industrial) refrigeration and air-conditioning units manufactured prior to January 1, 2015; (2) recycling; and (3) use as feedstocks for other chemicals; and

Effective January 1, 2030, new production of these substances will be prohibited. The prohibition on production does not cover recycling or production for use as feedstocks. Recycled and existing stocks could continue to be used after 2030 to maintain and service household appliances and commercial refrigeration and air-conditioning units manufactured prior to 2015.

In addition to reporting to Congress on the feasibility of the control program outlined above, the Administrator of EPA is directed to review technological progress on a regular basis. If, at any point, it is determined that the development of alternative systems or products necessary to manufacture and operate household appliances and commercial refrigeration and air-conditioning units without these substances will not occur within the time necessary to provide for the manufacture of such equipment beginning not later than 2015, the Administrator is to so inform Congress.

The need to control the production and use of hydrochlorofluorocarbons (HCFCs) and other ozone depleting substances was graphically demonstrated in testimony presented to the Committee on Environment and Public Works by EPA on May 19, 1989. One difficulty, however, is the fact that achieving the goal of eliminating the potent, long-lived CFCs as rapidly as possible is, to some extent, dependent on the continued availability of HCFCs as intermediate substitutes pending development of other, safe, non-ozone depleting substances or processes.

A control program that places limitations on use followed by prohibitions on production of these ozone depleting substances will assure that the production and use of these substances will not contribute to increases in peak chlorine loading, reduce significantly the rate at which atmospheric chlorine loading is projected to decrease, or delay the date by which the average atmospheric concentration of chlorine is projected to return to a level of 2 ppb. Scientific experts predict that a level of 2 ppb is the maximum allowable level if the Antarctic ozone hole is to be repaired.

Limitations on production and use that take effect around 2015 are necessary to control growth in demand and to force technological developments by both the producers and the users of these substances.

As a result of atmospheric lag time, to avoid delaying the date by which chlorine levels are projected to return to 2 ppb, the production and use of each of these chemicals must be eliminated no less than two and one-half lifetimes prior to such date. Using a year 2000 global elimination of all halocarbon emissions as the base case, current projections are that atmospheric chlorine concentrations will return to 2 ppb by the year 2075.

Therefore, unless the Administrator established earlier dates than those set out in the bill or updated projections under subsection (c) of new section 508 establish an earlier target date for chlorine concentrations of 2 ppb, production of ozone depleting substances covered by paragraph (2) of new subsection (d), some of which have atmospheric lifetimes of approximately 20 years, should be prohibited as of January 1, 2030.

Industry analysts project that 30% of the demand for CFCs in the year 2000 will be satisfied by HCFCs. The balance of the demand is projected to be satisifed as follows: 32% by not-in-kind substitution, such as product or process changes; 29% by conservation; and 9% by HFCs. Depending on the accuracy of these projections and the ozone depleting potency of the HCFCs that are chosen as substitutes, the production and use of these chemicals may or may not reduce significantly the rate at which the atmospheric abundance of chlorine is projected to decrease under the base case.

For example, if the projected 30% substitution rate proves to be correct and grows at a 3% annual rate, use of a HCFC with a relatively long atmospheric lifetime of 15 years and an ozone depletion potential (ODP) similar to HCFC-22 is projected to produce a year 2030 chlorine loading penalty of 0.6 ppb when compared to the base case. Use of a HCFC that has a relatively short atmospheric lifetime of 6 years and an ODP similar to that of HCFC-123 is projected to produce a year 2030 chlorine loading penalty of only 0.3 ppb. By way of contrast, if the long-lived HCFC is substituted at a rate of 50% and use is allowed to grow 3% until the year 2030, the chlorine loading penalty in the year 2030 will exceed 1.0 ppb, a significant amount.

By mandating immediate submission of an emergency report to Congress when and if the growth of HCFC production and use contributes to an atmospheric chlorine loading that exceeds the base case by more than 0.5 ppb, the substitute legislation creates an incentive to produce and use short-lived, less potent ozone depleting chemicals as substitutes for CFCs and assures that such production and use will not reduce significantly the rate at which the atmospheric abundance of chlorine is projected to decrease under base case.

Limiting the allowable chlorine loading penalty to 0.5 ppb over the base case is projected to accommodate a substitution rate of 88% for the short-lived HCFCs, a substitution rate that exceeds current industry expectations by a considerable amount. Thus, this statutory provision will allow significant growth in the HCFC market while building in a preference for short-lived, less potent ozone depleting chemicals (as opposed to longer-lived HCFCs, such as HCFC-22) and tempering the impetus to construct excessive HCFC production capacity.

The phased elimination of ozone depleting substances on the basis of atmospheric lifetimes or chlorine loading potential would create an additional bias in favor of producing short-lived, less potent ozone depleting chemicals and EPA should consider the feasibility of implementing such a phased regulatory program.

The fact that HCFCs are not benign substances is an important one. These chemicals may be less potent ozone depleters and greenhouse gases than the CFCs but they pose a serious threat just the same. Scientific experts have tetified that our focus should not be limited to five or six CFCs and halons. We need to consider the total chlorine loading of the atmosphere.

It makes little sense to eliminate one source of chlorine—such as CFCs—and allow another source—such as HCFCs—to expand to a point where we are right back where we started. The testimony presented to the Committee showed that unless there is some limit on HCFC production and use, atmospheric concentrations of chlorine will remain at unacceptably high levels for more than 100 years.

Industry representatives say that to justify investments in HCFC production facilities, they need 20 to 30 years of allowable production. Twenty years to provide a rate of return equal to a risk free investment and between 20 and 20 years to earn a reasonable premium.

There is a limited need for HCFCs in the short term. They can serve as a bridging chemical that will hasten the elimination of CFCs. The scientists predict that it is safe to use modest amounts of short-lived HCFCs, as long as we eliminate them by 2030. Industry tells us that they will not invest in new production facilities unless they have 20 to 30 years of allowable production. These two positions are not necessarily inconsistent. The model regulatory program included in this legislation accommodates both interests and includes operative dates that are 25 and 40 years in the future.

An important component of this provision is the requirement for ongoing monitoring and periodic reports to Congress. The proposed effective dates for the limitations on use and production of these chemicals are based on scientific projections of what is necessary to protect the environment. It is fortuitous that these projections have produced dates that are consistent with and will allow industry to make crucial investment decisions that will foster the elimination of the most harmful CFCs. The fact that our scientific understanding of atmospheric chemistry is changing so rapidly makes continual vigilance and frequent updating of scientific projections a necessity.

Many industry representatives argue that a control program such as that proposed in this legislation is not necessary. They cite recent scientific reports to support the notion that continued use of HCFCs will not affect peak chlorine loading and will not delay the date by which atmospheric levels of chlorine will return to a level of 2 parts per billion.

Such arguments, however, ignore the third important environmental factor, namely the rate of decline in atmospheric chlorine loading. The significance of this omission becomes clear when it is recognized that there is a clear, inverse relationship between growth in HCFC usage and the rate of decline in chlorine levels. Even with a year 2030 phaseout, if HCFC usage is allowed to grow unchecked, the rate of decline in chlorine levels will be slowed considerably.

The rate of decline is critical because, as stated in a recent paper by Dr. Watson of NASA, one of the world's leading authorities in this area, the rapid appearance of the "Hole" over Antarctica "demonstrates the extremely nonlinear response of polar ozone to increasing chlorine levels." As long as chlorine levels continue to rise above the current record high levels of 3 parts per billion, and the longer these levels remain elevated, the greater is the risk of accelerated ozone loss over the Arctic.

This is not a problem limited to remote, uninhabited portions of Antarctica. The threat is to the ozone layer over densely populated portions of the Northern Hemisphere.

The suggestion that the continued use of HCFCs will not affect peak chlorine levels or delay the date by which atmospheric chlorine levels will return to a level of 2 parts per billion is misleading because it ignores two important caveats found in the scientific reports.

First, the Watson and Prather paper cited by industry representatives concluded that "substitution of modest amounts of short-lived HCFCs for the CFCs will not increase the maximum chlorine levels," Compounds such as HCFC-123 with an atmospheric lifetime of 2 years can be characterized as "short-lived". Compounds such as HCFC-22 have a much longer lifetime of 18 years. Unlimited growth in the use of long-lived HCFCs such as HCFC-22 may cause a dangerous increase in peak chlorine loading and is unacceptable.

Second, the projection that continued use of HCFCs will not delay the date by which chlorine levels return to 2 parts per billion is based on the assumption that all production and use of these chemicals will be eliminated by the year 2030.

Between now and the year 2000, chlorine levels are expected to rise from the current record high levels of 3 parts per billion to around 4.5 parts per billion. Following a year 2000 phase-out of CFCs, there will be a slight dip in chlorine levels—to around 4 parts per billion, a level that is still dangerously and unacceptably high. Analyses circulated by industry's own analysts show that, if we fail to control growth in HCFCs and fail to eliminate them by 2030, chlorine levels will climb back and by 2075—the year we expect atmospheric levels of chlorine to be at 2 parts per billion—such levels will instead be in excess of 6 parts per billion. Such high levels present an unacceptable risk to public health and the environment.

The scientific evidence does not support those who oppose controls on the production and use of HCFCs. On the contrary, the evidence supports the need for such controls. Without such controls, we run the risk of runaway, elevated levels of chlorine in the atmosphere and an acceleration of life threatening destruction of the ozone layer.

The PRESIDING OFFICER.

The Senator from Idaho.

Mr. SYMMS. Mr. President, I will address and speak to the bill for the most part tomorrow, but just briefly I would like to say that when I first came to the Congress, about the time the distinguished Presiding Officer did, about a month or two behind him I believe, my dad told me when I left to go to Congress: "Son, if you just vote 'No' all the time, 90 percent of the time you will be right."

And the majority leader, casting some disparaging remark somehow earlier about the fact that the committee passed this bill 15 to 1, gives the implication that somehow the 1 vote was wrong and the 15 votes are right.

Mr. President, it just so happened that I did have an understanding of what was in this bill when it passed the committee and I did vote against it when it passed the committee. I say again that if we still had S. 1630 on the floor we would not be any further than we were after the last 3 weeks of off-the-floor negotiation.

I have to say to my colleagues that I compliment them on doing a few good things. They had a ridiculous $2 fee to impose on people; that was one of my amendments that I offered in committee—it failed by a vote or two—and I compliment the Senator from Montana who opposed my amendment in committee but agreed to accept it. So

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there have been a few things that have happened.

I point out to my colleagues that they still have a standard in this bill that if you have this person who lives on the plant gate and he stays there for 70 years and breathes that air for 24 hours a day for 70 years, never takes a bath or whatever, that is the most sensitive person, that they can close the plant based on that standard. And the way I figure it works out, 1 in 10,000 for 70 years, it is approximately 1 cancer in every 69,000 years or something that we are talking about passing a law here that we are going to turn over to the EPA the authority to close a plant.

AMENDMENT NO. 1295 TO AMENDMENT NO. 1293

(Purpose: To allow communities to decide whether or not to close a business because of emission limitations imposed by Section 112 of the Clean Air Act)

Mr. SYMMS. Mr. President, I send an amendment to the desk and then will go ahead and speak on the amendment.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Idaho.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1295 to amendment numbered 1293.

At the appropriate place in amendment No. 1293, insert the following:

COMMUNITY INVOLVEMENT IN CLOSING DECISIONS

Section 112 of the Clean Air Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. . COMMUNITY INVOLVEMENT IN CLOSING DECISIONS.—No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

"Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 or 1 in 1,000,000).

"Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community."

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. Mr. President, we can debate this amendment further tomorrow, and I will not hold all my colleagues here on this Monday.

The amendment, I think, is relatively self-explanatory, and I think it points out to the American people just what it is that is happening here. This debate gets clouded, it gets so that pretty soon we are talking about this as a health bill. We spend $2 billion through the National Institutes of Health to do research on cancer. This bill alone has a section in it, that is, the air toxic section, that the Business Roundtable thinks will cost $62 billion per year. There is a great disparity of whose price you want to view of how much it costs, but it is very expensive.

I think it is extremely questionable whether we are going to get our money's worth out of the money spent on this bill in terms of better health, that much better air, than, if you will, in a more moderate piece of legislation that would try to clean up many of the pollutants that get into the atmosphere but not try to clean up the last one at the expense of costing millions and millions of jobs.

Tomorrow I will have for my colleagues some graphs and pictures to show how employment will be affected in this country under certain parts of this bill. I think it will astound my colleagues to find out that the bill as it passed the committee was estimated that we would lose anywhere from 1.7 to 2.7 million jobs in the United States of America in order to impose these very stringent standards.

There have been some modifications and we are working on the graphs and charts to make them include this, but I think my colleagues will be shocked tomorrow when they find this out. I think they also will find out there is a great deal of support around the country for an amendment of this nature because, after all, this amendment that is pending now before the Senate has nothing to do with clean air. It is not going to do anything that states that air will be cleaner or be less clean. All it says is that before this ridiculous residual-risk standard is imposed by this legislation as it is now written, and the EPA will have the authority to go out and start closing plants, that the local people who are most affected by it in the community will have an opportunity to vote on it.

As a matter of fact, Mr. President, air disperses when it leaves the plant and it can go up and it can go out. The worst possible scenario, the worst case is what is used in the basis of the estimation of this bill. I know my colleagues say we do that with the Clean Water Act. That is a different matter because with water you can find the source; that is usually one source where it comes to a funnel where it comes out. We are talking about, with clean air, where dispersed in the atmosphere, if you move back two city blocks the risk is less than it is if you live at the plant gate. They make the assumption that this person will stay there for 70 years, 24 hours a day, and keep his head in the flume. That is what the legislation is talking about.

I think what the American people find out how ridiculous it is that we in the Congress are going to start trying to impose that kind of a standard in a regulation, at the expense of millions of Americans' opportunities for good jobs and an opportunity for happiness, if you will, they are going to wonder what is going on.

Mr. President, I will discuss this amendment tomorrow. I yield the floor.

The PRESIDING OFFICER. The Senator yields the floor.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, this is an interesting amendment. It is the first time we have heard of this amendment. The Senator has not informed us of the nature of this amendment in advance. This amendment may or may not be a deal-breaker amendment. I would have to examine the amendment more closely.

I did not know the Senator wished to offer an amendment of this kind at this time. We do not yet have a copy of the amendment. We have not seen the amendment. We will have to read the amendment to see more precisely what its implications are.

But I would ask the Senator from Idaho if he would consent to temporarily putting his amendment aside to be the first amendment to be voted on at an appropriate time. I would ask that he have his amendment temporarily laid aside so that other Senators may speak.

I see the Senator from Washington on the floor. He would like to speak.

Mr. President, I ask unanimous consent that the amendment offered by the Senator from Idaho be temporarily laid aside.

Mr. SYMMS. Reserving the right to object. Parliamentary inquiry: That would mean that all a Senator would have to do is demand regular order, and we would go back to the pending amendment?

The PRESIDING OFFICER. The Chair does not understand that to be the request of the Senator from Montana.

Mr. SYMMS. Is there any reason why the Senator from Washington cannot speak on the bill?

Mr. BAUCUS. Mr. President I ask unanimous consent that the pending amendment be temporarily laid aside, frankly, so that we can move on. There may be other amendments that would come up.

Mr. SYMMS. I object to that. If the Senator wanted to speak on the bill, I do not have any objection to that.

Mr. BAUCUS. Mr. President, I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The Chair recognizes the Senator from Washington.

Mr. GORTON. Mr. President I ask unanimous consent that I be allowed to speak as if in morning business on an entirely different subject.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN TROOPS IN EUROPE—SUPPORT OF THE PRESIDENT'S PROPOSAL

Mr. GORTON. Mr. President, on several occasions I have visited the graves, both here and abroad, of American soldiers who died in battle. All who served in the Armed Forces deserve respect, but none more than those who never made it home. As I pass by the rows of blinding white monuments that sometimes cover whole hillsides and fields as far as one can see, I think of the families that suffered the wounds that never heal, of the children who were young when their fathers died, and who now carry the memory quietly in the very center of their souls. I think of the parents, now very old, whose sons and daughters preceded them in drying by half a century, and who have not spent a day since without remembering the child they raised and lost, all while we were so busy with our own occupations and the vanities that kidnap time.

Though the dead of America's wars have long been laid to rest, I confess that I can move them neither from my heart nor from my mind, and that I report to them and for them almost as if they were a constituency, for they are, they are.

I realize that sentiments such as these are no longer the dominant piety, which is perhaps why I feel so comfortable expressing them, although I would have felt comfortable anyway, because the moral, the right, and the imperative are so clear.

So, at the risk of speaking for the silent in the time of the lost, I would like to tell you what it is I have been thinking of late, what it is I have been saying in my imagination to those American soldiers who have lain still in a field in France for half a century, and to those who preceded them, and to those who came after: at Lexington, Antietam, Chancellorsville, Chateau-Thierry, the Kasserine Pass, Utah Beach, the Chosan Reservoir, Khe Sanh, Panama.

They fought sometimes for ideals, sometimes for their families, or perhaps only because they could not escape the draft. I doubt that many of them fought or died to remake the world, but, in fighting and dying, they did remake the world.

Their values have triumphed, even if late. Part of the confusion surrounding the great changes in Europe arises from the fact that those changes cannot be understood outside the context of the Second World War, and the Second World War is almost half-a-century gone. The term cold war is apt and precise, for the victory of World War II was incomplete, and the outcome of the struggle was frozen for decades. Now it is unfreezing, and the world is changing rapidly.

The old order is dying. You can see the life running out of it. The death of a person is so fundamental and mysterious that it never fails, at least initially, to bring blindness and confusion to those who are left behind. As the survivors begin to make sense of what has caused them grief, however, they refashion their existence. So it is even with the international system. The order that follows the order which has collapsed is created not by fiat but in a slow process of recognition and understanding.

As these changes manifest themselves, opportunities arise for making the world anew. As in the terrible business of grief, a better new world cannot be built except by memory, thought, and action. In grief the memory is of love. In a world that is changing faster than perception can convey, the memory is of essential principles.

If I were reporting to the fallen, I would say to them not just that the cold war is over, as is almost certainly the case, but that this fact is secondary to something of far greater moment. Germany, I would tell them, is ascendant in Europe, our World War II allies are in disarray, and the Soviet Union is breaking apart. And not only is Germany on the rise, but also Japan, a country whose essential vigor simply cannot be contained.

I would take into account what they had seen and how they had died, and would reassure them that the ascendancy of both countries, now firm friends, is not military, that any signs of imperial ambition are either so faint or so eccentric as to be meaningless. And then I would think again of what they had seen, and in the midst of my reassurance I would be forced to think not in years but in decades, and that, I believe, would change the tone of what I said.

For then I would remember how fluid were the years before the First and Second World Wars, how quick were the realignments, how uncertain and how divided were opinions as the forces of history blossomed into events that completely outran human powers of prediction and control.

I am not saying that history is bound to repeat itself, for, even if history sometimes does so, that is an unimaginative argument. Nevertheless, some strains are hauntingly familiar. The leader of the Solidarity bloc in the Polish Parliament said recently that "The only way to change the border is war, and Germany knows it." He was responding not to his historical memory, but to the current official German refusal to assure the Poles that the borders between the two countries are permanent.

But I am not saying that World War III will start with the German invasion of Poland, for events tend not to repeat themselves with such precision. I am saying, rather, that the processes of history are bound to repeat themselves, for they do not ever do anything but repeat themselves. And I am saying that one of history's most certain and beguiling powers is its ability to elude prediction and control.

I believe that in regard to the great changes that are taking place in Europe, we have no choice but to respond with generosity and with optimism. Specifically, I believe that a carefully calculated drawdown of the order of battle, both strategic and conventional, will be justified by similar Soviet reductions, when they occur, and that we can plan, just as they do, in advance, with an eye to their progress and their stability.

I believe that we can give political support to Soviet reformers, including President Gorbachev himself, when it is merited and when it does not too obviously conflict with our own ideals. We may have a choice to make when it comes to throwing our support to the immediate assertion of freedom within the Soviet Union, or to a reformist Soviet Government that may fall if the demand for freedom is so militant that it results in anarchy. The proper course cannot be clear now, for this is not merely a case of realpolitik versus essential principles, it is a case of the two locked in interdependence, and when the time comes to choose we will have to rely on not only political morality and assessments and probabilities but also upon our sense of history and perhaps upon our ability to exercise a positive influence.

We should not despair of the latter, for it is not only in a reduction of armaments that we can reassure an agitated Soviet Union, but in continuing expressions of support and good will, in small gestures such as export controls and increased personal and cultural transactions, and in trade.

I am convinced that American history and the American national character oblige us to extend ourselves as much as we possibly can to the people of the East bloc, but I also believe that we should not lose sight of the fact that this noble obligation is also a noble risk. I am tremendously disturbed by the tendency of some of my colleagues, in this Chamber and in the

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House, to celebrate, as it were, before the aircraft has touched down. I am even more disturbed by their tendency to find in the revolution in Eastern Europe support for what has been for some simply the lifelong, inescapable, ineradicable desire to reduce American military capacity. In fact, the story has just begun and they are behaving as if it were finished. And, then, it just may be that an onward rush to diminish our military capacity is precisely what will encourage the kind of instability in Europe that will threaten the very changes some celebrate so prematurely.

These people have proceeded for years from the assumption that the existence of American military power is a threat, and that, unless our power is diminished the threat will remain, and even grow in relation to a lesser Soviet military establishment. The basis of their assumption is their long-proclaimed willingness to view American power with cynicism and Soviet power with a supposedly rational nonchalance. If events in the Soviet Union have proved anything, it is that even the Russians do not share this view and do not act upon it—which accounts for the views of some of my colleagues that a long string of Soviet concessions is either purely inexplicable or merely saintly.

They thought that the zero option was a cruel Reaganite hoax, and could not understand why the Soviets did not agree. For decades and decades they have expressed acute and pained embarrassment at the existence of Eastern European liberation movements in this country. What could have been less chic than a Czech, or a Pole, or an Estonian, pointing his finger at the U.S.S.R. and strongly supporting the very American power of which American liberals are so ashamed? Their puzzlement continues, of course. They were surprised, shocked, and deflected from their recent opposition to the President's insistence upon an edge of 30,000 troops on the European periphery only by the Soviet acceptance of a position that they had thought asked too much.

I will say it as simply as possible. The existence of American power is not in itself an element of instability, and the reduction of American power is not required to promote stability. The Soviets understand this. In fact, they have understood it since the beginning.

In fact, American power and resolve have been essential to the triumph of freedom that we witnessed during the course of the year that has just passed, a triumph which continues to grow even as we speak here today.

If the diminution of American military capacity is, then, not necessary for stability, might circumstances exist in which the diminution encourages instability? I say yes, and I say so with emphasis, for the answer brings me back to my starting point, which was to assert that the best way of dealing with a situation evolving too rapidly for the senses to convey is to turn to those acts and duties that are made essential not by the specifics of history but by the general direction in which history proceeds.

The probability of German unification is overwhelming, as is the likelihood of either more rapid change or deepening instability in the U.S.S.R., or both. Between two great continental powers locked in fundamental internal redefinition are the East European buffer states, both a cause of and hostage to the troubles and changes around them. This is as volatile a condition of the international system as I can imagine, and it is made even more so by the risks that Mikhail Gorbachev has assumed for the sake of reform.

Without going into the specifics of the Soviet economy, the dissolution of the Warsaw Pact, and the potential demise of the union, that is the Soviet Union itself, I have only one thought for those who are celebrating, and that is: Although nothing has yet been thrown off the rails, the process has just begun and no final verdict is in. I am an optimist—life is too short to be anything else—but I believe that even optimists should now, instead of popping champagne corks, be diligently working for policies that will secure the triumph of freedom, democracy, and peace.

And so, I return to the long rows of gravestones, for it is as if they are saying, with the full weight of their eternal patience, that even in victory we should make sure to take care, that we must make sure not to lengthen the rows, and not to be careless or remiss in such a way that our children will join these soldiers that we honor for their ultimate sacrifice. What of these soldiers, then, so many of whom were left behind in Flanders fields? Were their deaths in vain?

Certainly those who fell in the First War were betrayed by the slipshod statesmanship that made and then unmade the peace. They were betrayed by unwarranted assumptions about the power of treaties and the nature of man. They were betrayed by an insufficient understanding of the system of states and its tendency to convert political ferment into action that is seemingly independent of human influence. They were betrayed by those who thought that war was so terrible as to be no longer possible. They were betrayed by a British Government that failed to stop Hitler in half a hundred places, and by good men such as Neville Chamberlain, who wanted peace so much, so long, and so publicly, that it became for them not merely a goal but a delusion. They were betrayed because, two decades after they fell, their survivors had not taken good enough care, and war came again.

Half a century has passed since then, in peace. I believe unequivocally that this peace for 50 years and its continuation long into the future is the real peace dividend. The difference between a 20-year interlude between wars, on the one hand, and half a century of peace on the other, has not been that these last 50 years have been without incident. Indeed, I would match the Berlin crises to Munich, Guernica in 1937 to Budapest 1956, and so on, both for intensity and danger.

But where the peril of one era led to catastrophe, that of the subsequent era was contained. Why? The reason was the presence of a real alliance, with American power the guarantor and American troops on the ground the fundamental deterrent to the kind of risk-taking that propelled the world into war in 1939.

Now that Europe, and even, with the rise of Japan, Asia, are more volatile than they have been in generations, now that Germany may unify and become simultaneously stronger and less stable, now that Chancellor Kohl refuses to rule out reclaiming historical German territories presently in Poland, now that half a dozen Soviet Republics are either moving toward secession or in open rebellion, now that the Soviet economy is in collapse, now that Eastern Europe is just at the brink of real freedom, now? Now? Now should we rush to withdraw the control rods of this tremendous reactor, the element that for half a century has buffered the forces and taken the heat? Now, when the forces are in flux and the temperature is on the rise?

It makes no more sense than decrying the zero option or being embarrassed, until very recently, by those who spoke for the freedom of Eastern Europe.

The Second World War would not have taken place had we been present in Europe as we are present now. Let us not draw down American forces in Europe, more than the President proposes, not, at least, until they serve no longer to weight the keel, and until we and our friends agree. It would be foolish, for the sake of a percentage point of GNP, to risk the real peace dividend, which has been half a century of Europe without war—and the promise, if we are wise, of peace as far as we can see into the future.

These sentiments are old-fashioned, yes, but I submit that they are tested and they are true, and I address them less to the followers of the fashions and dictates of the moment than to those Americans who can no longer answer, and for whom far too few of us speak, to those Americans who lie under white crosses and stars, to whom an accounting is sometimes necessary, and to whom, again and again, I feel honor-bound to report.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

THE NEED FOR A CONSTITUTIONAL AMENDMENT TO PROTECT THE FLAG FROM PHYSICAL DESECRATION

Mr. DOLE. Mr. President, the score is now flag burners "two," the American people "zero."

Two weeks ago, the Federal district court in Seattle ruled that the so-called Flag Protection Act of 1989 did not work as advertised—that it failed to live up to its marquee billing—that it was unconstitutional. Earlier today, the Federal district court here in Washington followed suit, declaring that the flag statute completely flunks the constitutionality test.

During last year's debate, you didn't need to be a constitutional scholar to realize that the flag statute runs smack into the Texas versus Johnson decision. I said it. Senator GRASSLEY said it. Senator HATCH said it.

And you do not need to be a Supreme Court expert to realize that the flag statute's days are numbered—that its lifespan before the Supreme Court will be shorter than that of a fruitfly in a laboratory petri dish.

Mr. President, last year, I couldn't understand why Congress was so defensive about a constitutional amendment to protect Old Glory. I could not understand why Congress was so stubborn about conforming to a Supreme Court decision about which 97 Senators—97 Senators—expressed "profound disappointment." And I could not understand why Congress was so eager to pass a bill that is patently overboard and now—according to two district courts—most definitely unconstitutional.

But Congress insisted upon staging an elaborate magic show. It insisted upon waiving a magic wand over the flag desecration problem by crafting a statute that strived to be something called content-neutral—whatever that means.

I will make no bones about it: I do not want a content-neutral flag desecration statute. I want a statute that protects the cherished values that the flag symbolizes, not a statute that views the flag as if it were some lifeless rock. I want a statute that punishes people who "publicly cast contempt" upon the flag, not a statute that lumps the innocent with the likes of Gregory Johnson, and, most importantly, I want a flag desecration statute that works—one that is constitutional.

So, it will be no surprise when I say that the way to protect our flag is not with a hocus-pocus statute. The way to protect our flag is with an affirmative step—a constitutional amendment.

That is why I argued for a constitutional amendment last year. And that is why I stand ready to reintroduce the amendment once the Supreme Court finally passes judgment on the flag statute.

Mr. President, it is time that we stopped listening to the lawyers and the self-proclaimed constitutional law experts, and started listening to the American people.

Last year, the overwhelming majority of Americans urged Congress to pass the 27th amendment to the Constitution and Congress turned a deaf ear.

But the voice of the American people remains loud and clear today. And, I can assure you, that next time, this voice will be heard.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Seante messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House insists upon its amendments to the bill (S. 1096) to provide for the use and distribution of funds awarded the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission, disagreed to by the Senate; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. UDALL, Mr. MILLER of California, Mr. DARDEN, Mr. LEVINE of California, Mr. FALEOMAVAEGA, Mr. YOUNG of Alaska, Mr. LAGOMARSINO, and Mr. RHODES as managers of the conference on the part of the House.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2750. An act to provide for the designation of certain public lands as wilderness in the State of Arizona.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 2570. An act to provide for the designation of certain public lands as wilderness in the State of Arizona; to the Committee on Energy and Natural Resources.

MEASURE PLACED ON THE CALENDAR

The Committee on the Judiciary was discharged from the further consideration of the following bill, which was placed on the calendar:

S. 1757. A bill to amend title 28, United States Code, to provide special habeas corpus procedures in capital cases.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 5, 1990, he had presented to the President of the United States the following enrolled bill:

S. 1016. An act to change the name of "Marion Lake," located northwest of Marion, KS, to "Marion Reservoir."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2454. A communication from the Deputy Assistant Secretary of the Air Force (Logistics), transmitting, pursuant to law, a report on a study with respect to converting the commissary resale warehouse function at Langley Air Force Base, Virginia, to performance by contract; to the Committee on Armed Services.

EC-2455. A communication from the Chairman of the Board of Directors of the Panama Canal Commission, transmitting a draft of proposed legislation to authorize expenditures for fiscal years 1991 and 1992, for the Panama Canal Commission to operate and maintain the Panama Canal, and for other purposes; to the Committee on Armed Services.

EC-2456. A communication from the Comptroller General of the United States,

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transmitting pursuant to law, a report entitled "Financial Audit: Air Force Does Not Effectively Account for Billions of Dollars of Resources"; to the Committee on Armed Services.

EC-2457. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes; to the Committee on Armed Services.

EC-2458. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report on biological or infectious agents used in Department of Defense Biological Defense Research Program Research, Development, Test, and Evaluation; to the Committee on Armed Services.

EC-2459. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report with respect to a transaction involving U.S. Exports to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC-2460. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications; construction of facilities; and research and program management; and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2461. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report on all the National Transportation Safety Board's recommendations to the Secretary regarding transportation safety; to the Committee on Commerce, Science, and Transportation.

EC-2462. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1991 and 1992, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2463. A communication from the Secretary of the Interstate Commerce Commission, transmitting, pursuant to law, notification of the extension of time for issuing a final decision in Finance Docket No. 31469 South Carolina Central Railroad Company, Inc.—Purchase—CSX Transportation, Inc., Line Between East Greenville and Laurens, South Carolina; to the Committee on Commerce, Science, and Transportation.

EC-2464. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

EC-2465. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resurces.

EC-2466. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resurces.

EC-2467. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain overpayments of offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2468. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the United States Customs Service for fiscal years 1991 and 1992; to the Committee on Finance.

EC-2469. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for the recovery by the United States Customs Service of the cost of processing of imported articles, and for other purposes; to the Committee on Finance.

EC-2470. A communication from the President of the United States, transmitting, pursuant to law, the report on Soviet Noncompliance with Arms Control Agreements; to the Committee on Foreign Relations.

EC-2471. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the semiannual report of the Office of Inspector General, Department of Agriculture, for the period ending September 30, 1989; to the Committee on Governmental Affairs.

EC-2472. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Statistical Programs of the United States Government, Fiscal Year 1990"; to the Committee on Governmental Affairs.

EC-2476. A communication from the Secretary of Transportation, transmitting, pursuant to law, the annual report of the Department of Transportation on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2477. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report of the Department of Veterans Affairs on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2478. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, recommendations for comprehensive reform of the Federal Employees Health Benefits Program; to the Committee on Governmental Affairs.

EC-2479. A communication from the Acting Executive Secretary, Office of the Secretary of Defense, transmitting, pursuant to law, the annual report of the Department of Defense under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2480. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2481. A communication from the Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2482. A communication from the Acting Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1991, and for other purposes; to the Committee on the Judiciary.

EC-2483. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the National Credit Union Administration under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2484. A communication from the Director of the United States Peace Corps, transmitting, pursuant to law, the annual report of the Peace Corps under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2485. A communication from the Associate Director of the Office of Management and Budget, transmitting, pursuant to law, the annual report of the ACTION Agency under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2486. A communication from the Acting Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2487. A communication from the Chairman of the Commodity Futures Trading Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2488. A communication from the Executive Director of the United States Holocaust Memorial Council, transmitting, a draft of proposed legislation to authorize appropriations to carry out the programs of the United States Holocaust Memorial Council; to the Committee on the Judiciary.

EC-2489. A communication from the Assistant Secretary of Energy (Management and Administration), transmitting, pursuant to law, the annual report of the Department of Energy under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2490. A communication from the President of the National Endowment for Democracy, transmitting, pursuant to law, the annual report of the Endowment under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-410. A petition from citizens of N. Tonawanda, NY, favoring the adoption of an animal bill of rights; to the Committee on Agriculture, Nutrition, and Forestry.

POM-411. A joint resolution adopted by the Legislature of the State of Maine to the Committee on Armed Services.

"JOINT RESOLUTION

"Whereas, the Portsmouth Naval Shipyard, located in Kittery, Maine, has received news that the overhaul of the nuclear submarine Sea-Devil, which was to be conducted at the Portsmouth Naval Shipyard, may now be cancelled; and

"Whereas, this action may result in the loss of jobs for 1,000 to 3,000 workers, many of them Maine residents; and

"Whereas, the seacoast region of Maine and New Hampshire has already sustained a potentially severe economic dislocation with the announced closing of Pease Air Force Base; and

"Whereas, workers will have to be rehired for future overhauls at the Portsmouth Naval Shipyard that are already planned and scheduled; and

"Whereas, there was no advance warning that the United States Navy might take such action and no opportunity to plan for an orderly transition for the displaced workers; and

"Whereas, no concerted governmental action has been taken to alleviate the effects of defense budget cuts, or to work for conversion of defense industries to a peacetime economy; now, therefore, be it

"*Resolved*, That the 114th Legislature of the State of Maine requests that Maine's Congressional Delegation make all diligent efforts to defer the action of the United States Navy in this instance and institute measures that will lessen the impact of defense cuts on industries in the State through planning for alternative use and will provide governmental assistance to workers during periods of transition; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-412. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Banking, Housing, and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION No. 34

"Whereas, the State of Nevada is a leading producer of gold and silver in the United States; and

"Whereas, a United States mint was once located in Carson City, the capital city of the State of Nevada; and

"Whereas, a Mint Act would reestablish a branch of the mint of the United States in Carson City, Nevada; and

"Whereas, the passage of a Mint Act would result in a direct economic benefit to the State of Nevada; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the Nevada Legislature urges the Congress of the United States to support and pass a Mint Act to reestablish a branch of the mint in Carson City; and be it further

"*Resolved*, That a copy of this resolution be delivered by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-413. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Banking, Housing, and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION No. 33

"Whereas, in article 1 of the Constitution of the United States, the writers of the Constitution have given Congress the power "To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures" and have limited the powers of the states to "make any Thing but gold and silver Coin a Tender in Payments of Debts"; and

"Whereas, a Coinage Act could authorize the Secretary of the Treasury to mint and issue dollars, half dollars, quarter dollars and dimes in such quantity as he determines to be necessary to meet the needs of the United States; and

"Whereas, a Coinage Act could prohibit the minting of dimes, quarter dollars and half dollars with an alloy of 75 percent copper and 25 percent nickel; and

"Whereas, a Coinage Act could authorize the Secretary of the Treasury to mint and issue $50 gold coins, $20 gold coins, $10 gold coins and $5 gold coins in such quantity as he may determine to be necessary to meet the needs of the United States; and

"Whereas, the mining of gold and silver in Nevada was an important element in the development of the state and continues to be crucial to the economy of the State of Nevada; and

"Whereas, the passage of a Coinage Act by Congress will result in a direct economic benefit to the State of Nevada and the general public; now, therefore be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly,* That the Nevada Legislature urges the Congress of the United States to support and pass a Coinage Act in accordance with the provisions of this resolution; and be it further

"*Resolved*, That a copy of this resolution be delivered by the Chief Clerk of the Assembly to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegaton; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-414. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Finance:

"A CONCURRENT RESOLUTION

"Whereas, families with children bear a disproportionate share of the United States tax burden; and

"Whereas, in 1948 the income tax exemption for a dependent child equaled eighteen percent of the average American income while in 1988 it equaled four percent, demonstrating a devaluation of children in the United States Tax Code; and

"Whereas, the estimated cost of raising a child today is two hundred thousand dollars; and

"Whereas, mortgage and interst rates make it increasingly more difficult for the single-earner family to buy a home; and

"Whereas, a heavy tax burden and the high cost of living are causing mothers to seek employment outside the home, forcing them to leave their children in the care of strangers; and

"Whereas, child development experts are predicting serious problems with future generations who do not receive adequate mother love and nurturing; and

"Whereas, statistics show that eighty-four percent of employed mothers would rather be home taking care of their own children; and

"Whereas, current tax laws discriminate against single-earner families with a parent in the home: Now, therefore, be it

"*Resolved by the Senate, the House of Representatives concurring:* That the members of the General Assembly, by this resolution, memorialize the United States Congress to raise the income tax exemption for dependent children to three thousand dollars, phased to five thousand dollars by 1995, and that it give an income tax credit of one thousand dollars a child under the age of five to low-income, working families in which at least one parent is employed.

"*Be it further resolved,* That a copy of this resolution be forwarded to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of this state's congressional delegation."

POM-415. A resolution adopted by the Senate of the Commonwealth of Kentucky; to the Committee on the Judiciary:

"A resolution expressing the concern of the Senate for the preservation of the federalist system of government and urging Congress to propose specific amendments to the Constitution of the United States relative thereto.

"Whereas, the American federal system, by its very nature, requires a careful balance between the roles of the federal and state governments; and

"Whereas, through constitutional, judicial, and legislative change, the authority of the states has been severely eroded, thereby tipping the balance in favor of the national government and substantially reducing Tenth Amendment protection for state authority generally; and

"Whereas, the ability of the states to initiate constitutional change has been severely impeded; and

"Whereas, one or both houses of fourteen state legislatures have already given their approval to, and some twenty others are now considering resolutions reaffirming the substantive and operational effects of the Tenth Amendment to the Constitution of the United States, and enhancing the ability of the states to initiate constitutional change; and

"Whereas, it is the desire of the Senate to lend its support to this effort: Now, therefore, Be it

"*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

"Section 1. That the Senate expresses its concern for the preservation of federalism as envisioned by the framers of the Constitution of the United States.

"Section 2. That the Senate urges Congress to submit to the states an amendment proposing to add the following language to the Tenth Amendment to the Constitution of the United States:

" 'Whether a power is one reserved to the states, or to the people shall be a matter to be decided by the Courts.'

"Section 3. That, in order to enhance the ability of the states to initiate amendments to the Constitution of the United States, the Senate urges Congress to submit to the state legislatures an amendment proposing to add the following language to Article V of the Constitution of the United States:

"'Whenever three-fourths of the legislatures of the several states deem it necessary, they shall propose amendments to this Constitution that, after two years, shall be valid to all intents and purposes as part of this Constitution, unless disapproved by two-thirds of both Houses of Congress within two years of the date the amendments are submitted to Congress.'

"Section 4. That this resolution be sent to each member of the Kentucky Congressional Delegation, the Vice-President, and the President of the United States."

POM-416. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Labor and Human Resources:

"Senate Joint Resolution 90-6.

"By Senators Gallagher, Hopper, Bishop, Brandon, DeNier, Hume, Martinez, McCauley, McCormick, Meiklejohn, Pascoe, Rizzuto, Traylor, and Wham; also Representatives Philips, Arveschoug, Berry, Coffman, DeHerrera, Duke, Dyer, Epps, Faatz, Fagan, Fish, Foster, Grampsas, Grant, P. Hernandez, Irwin, Johnson, Kerns, Knox, Kopel, Mares, Martin, Mutzebaugh, Neale, Owen, Pankey, Paulson, Pierson, Prinster, Ratterree, Reeser, Reeves, Ruddick, Rupert, Schauer, Shoemaker, Tanner, Taylor-Little, Thiebaut, Tilger, Tucker, Ulvang, Webb, K. Williams, S. Williams, and Wright.

"Whereas, Older Americans are the largest users of health care, accounting for over $145 billion, about one-third of the nation's health bill in 1988; and the total cost to society from Alzheimer's Disease is now estimated to be $80 billion annually; and

"Whereas, Today, Alzheimer's Disease and related disorders affect more than 4 million Americans, 7 to 9 percent of persons over age 65 and about 25 percent of persons over age 85, and is the fourth leading cause of adult death in this country; at least 25 percent of Americans in their 20's and 30's will develop the disease before they die if a cure is not found; and as more people live to an older age, the incidence of Alzheimer's Disease will rise dramatically; and

"Whereas, The aging of the population from the year 1990 through the year 2000 will significantly increase the number of nursing home residents; and thereby add to the number of nursing home residents who have Alzheimer's Disease, which increase will have a serious impact on the health care system of the United States; and

"Whereas, Expenditures on nursing homes have increased dramatically over the past decade; and nearly one-half of these costs is now borne by the states and the federal government, almost entirely through Medicaid, at a current cost for Alzheimer's Disease alone estimated to exceed $12 billion per year; and

"Whereas, Alzheimer's Disease is widely recognized as placing an enormous financial, physical, and emotional burden on family caregivers; and

"Whereas, Current research expenditures for Alzheimer's Disease amount to less than $30 per patient compared to an average of $22,000 spent in 1988 to care for Alzheimer's patients; and if scientists do not find a way to cure or treat Alzheimer's Disease by the end of this century, the number of patients will double simply because of the demographic shift that is occurring; and

"Whereas, Medical research offers the only hope for understanding and eventually eliminating Alzheimer's Disease: Now, therefore, be it

"*Resolved by the Senate of the Fifty-seventh General Assembly of the State of Colorado, the House of Representatives concurring herein:*

That, although notable scientific advances have been made in recent years, the Congress of the United States is strongly urged to increase federal support to address some of the major issues still surrounding Alzheimer's Disease, including identifying the underlying cause or causes; developing a diagnostic screen that can identify the presence of this disorder prior to the presence of clinical signs; investigating the application of drugs or therapeutic agents that could aid in the treatment of the disease; and participate in international exchanges of information, research and development of services for those afflicted with Alzheimer's Disease.

"*Be it further resolved*, That each member of Congress from the State of Colorado give full support to any such legislation that may address the intent of this resolution.

"*Be it further resolved*, That copies of this resolution be sent to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, to the chairman of the Senate Committee on Finance and the chairman of the House Committee on Ways and Means, and to each member of Congress from the State of Colorado."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. Johnston, from the Committee on Energy and Natural Resources, without amendment:

S. 2231. An original bill to amend the Energy Policy and Conservation Act to extend the authority for Titles I and II (Rept. No. 101-247).

By Mr. Johnston, from the Committee on Energy and Natural Resources, with amendments:

H.R. 1472. A bill to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes (Rept. No. 101-248).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. Riegle, from the Committee on Banking, Housing, and Urban Affairs:

Frank B. Solloars, of Ohio, to be a member of the Board of Directors of the National Consumer Cooperative Bank for a term of 3 years;

Carol Mayer Marshall, of California, to be Superintendent of the Mint of the United States at San Francisco, CA;

Arthur J. Hill, of Florida, to be president, Government National Mortgage Association;

Philip R. Lochner, Jr., of Connecticut, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1991; and

John J. Adair, of Virginia, to be inspector general, Resolution Trust Corporation.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources:

S. 2231. An original bill to amend the Energy Policy and Conservation Act to extend the authority for titles I and II; placed on the calendar.

By Mr. FORD:

S. 2232. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from withholding tax requirements; to the Committee on Finance.

S. 2233. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from certain employment and withholding tax requirements; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. Baucus, Mr. Domenici, Mr. Kerrey, Mr. Boren, Mr. McConnell, Mr. Simpson, Mr. Burns, Mr. Gramm, Mr. Wallop, Mr. Harkin, Mr. Conrad, Mr. Wilson, Mr. Pryor, Mr. Fowler, Mr. Bentsen, Mr. Heflin, and Mr. Leahy):

S. 2234. A bill to extend the price support program for wool and mohair; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEFFORDS (for himself, Mr. Nunn, Mr. Wilson, Mr. Reid, Mr. Cochran, Mr. Roth, Mr. Chafee, Mr. Warner, Mr. Sarbanes, Mr. Gorton, Mr. Heflin, Mr. Gore, Mr. Thurmond, Mr. Hollings, Mr. Robb, Mr. Hatfield, Mr. Cohen, Mr. Matsunaga, Mr. Boren, Mr. Gramm, Mr. Danforth, Mr. D'Amato, Mr. DeConcini, Mr. Lieberman, Mr. Kohl, Mr. Coats, Mr. Burns, Mr. Bradley, Mr. Symms, Mr. Inouye, Mr. Hatch, Mr. Bond, Mr. Boschwitz, Mr. Stevens, Mr. Lugar, Mr. Specter, Mr. Lott, Mr. Glenn, Mr. Dole, Mr. Riegle, Mr. Kasten, Mr. Garn, Mr. Mack, Mr. McClure, Mr. Byrd, Mr. Armstrong, Mr. Rudmann, Mr. Durenberger, Mr. Kerry, Mr. McCain, and Mr. Exon):

S.J. Res. 266. Joint resolution designating March 1990, as "United States Naval Reserve Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for Mr. Pell) (for himself, Mr. Biden, Mr. Kasten, Mr. Simon, Mrs. Kassebaum, Mr. Hatfield, Mr. Murkowski, Mr. Dodd, Mr. Levin, Mr. Riegle, Mr. Cranston, Mr. Kerry, Mr. Kohl, and Mr. Dixon) by request:

S. Res. 257. Resolution expressing the advice of the Senate with regard to any treaty or other legal instrument entered into the United States affecting the status and boundaries of a united Germany; to the Committee on Foreign Relations.

By Mr. DURENBERGER (for himself and Mr. Boschwitz):

S. Res. 258. Resolution to recognize and congratulate the 1990 International Trans-Antarctica Expedition; to the Committee on Foreign Relations.

By Mr. INOUYE:

S. Con. Res. 100. Concurrent resolution in support of regional efforts to end driftnet fishing in the South Pacific; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FORD:

S. 2232. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from withholding tax requirements; to the Committee on Finance.

S. 2233. A bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from certain employment and withholding tax requirements; to the Committee on Finance.

PAPERWORK REDUCTION FOR SMALL FARMERS

● Mr. FORD. Mr. President, today I am introducing two pieces of legislation to end a paperwork nightmare for small farmers. The first bill will eliminate the burden of section 7631 of the Omnibus Budget Reconciliation Act of 1989 for small farmers. Under this provision of last year's deficit reduction bill, farmers are now required to withhold Federal income taxes from their workers' wages.

The legislation I am introducing today would add an exemption under the new Federal income tax withholding provisions for farmers who are already exempt from the Fair Labor Standards Act. Therefore, if a farmer is exempt from minimum wage, he is also exempt from the withholding requirements.

Prior to enactment of the Reconciliation Act last October, wages paid for agricultural labor were exempt from income tax withholding. However, section 7631 of that legislation now requires that Federal income taxes be withheld from certain agricultural wages paid after December 31, 1989. Farmers will now be required to provide W-4 forms for their farm workers and calculate the amount of Federal tax withholding for those workers. Small, family farmers are simply not prepared to become tax advisers for their seasonal and part-time employees.

Under current law, certain cash wages paid to agricultural workers are subject to FICA [Federal Insurance Contributions Act] taxes. Generally, farmers must withhold FICA taxes from agricultural workers' wages if the worker is paid cash wages of at least $150 annually, or if the farmer pays more than $2,500 in cash wages to all employees annually. There is an exemption from the FICA withholding provisions for certain agricultural workers who are hand harvest laborers and are paid on a piece-rate basis.

Section 7631 of the Reconciliation Act conforms the Federal income tax withholding requirements for agricultural worker's cash wages are subject to FICA withholding, they are now also subject to Federal income tax withholding. Many of my farmers only learned of this change after it had already gone into effect.

On December 27 of last year, the Internal Revenue Service first advised farm employers of this new liability. The Service sent informational Form 907 to over 400,000 farm employers, advising farmers to have each employee fill out a Form W-4 in order to know the amount of tax withholding for each paycheck. Farmers are just now discovering the paperwork burden associated with this new requirement. The first quarter reporting period is coming up in just 1 month, and apparently the Internal Revenue Service does not intend to issue any specific guidelines for farmers who face this new reporting requirement for the first time. My office is being flooded with complaints.

For small, family farmers, the new Federal income tax withholding require-ments are the final straw. While the law does not require farmers to advise their employes of how to fill out a Form W-4, it should be obvious that that is exactly what farmers will be required to do. Consider the case of the small farmer who hires seasonal farm workers. Those workers may have difficulty understanding the form, much less know how to determine how many exemptions to claim.

Congress historically exempted farmers from the Federal income tax withholding requirements because of the migratory nature of agricultural labor and because the relatively low wages earned by these workers did not give rise to any tax liability. While the labor force for large farms may have stabilized and their wages may now be sufficient to necessitate withholding, this is not the case for the small farmer, and he deserves some relief.

The new Federal income tax withholding requirement does not make sense for the small, family farm, particularly those which are exempt from minimum wage requirements. Agricultural workers who do not fall under minimum wage are unlikely to incur Federal tax liability. According to USDA figures, over half of all farm workers earn less than $5,500 annually, which means that they would have almost no tax liability at all. And an average family of four would have to earn more than twice that amount before incurring any Federal tax liability. To withhold Federal income tax from these workers' paychecks serves no purpose, and amounts to an interest-free loan to the Federal Treasury from those least able to give. And the paperwork required of farmers who must withhold and file these taxes is simply a wasteful burden.

The second piece of legislation I am introducing would add the same exemption to the current FICA withholding requirements. My farmers did not seek this legislation. However, to maintain the uniformity of the two provisions, a similar amendment is necessary.

The purpose of my legislation is to draw attention to the situation of the small family farmer and provide a starting point for debate on reform of these provisions. I encourage my colleagues to join in cosponsoring this legislation.●

By Mr. DASCHLE (for himself, Mr. Baucus, Mr. Domenici, Mr. Kerrey, Mr. Boren, Mr. McConnell, Mr. Simpson, Mr. Burns, Mr. Gramm, Mr. Wallop, Mr. Harkin, Mr. Conrad, Mr. Wilson, Mr. Pryor, Mr. Fowler, Mr. Bentsen, Mr. Heflin, and Mr. Leahy):

S. 2234. A bill to extend the price support program for wool and mohair; to the Committee on Agriculture, Nutrition, and Forestry.

EXTENSION OF PRICE SUPPORT PROGRAM FOR WOOL AND MOHAIR

● Mr. DASCHLE. Mr. President, I rise today on behalf of myself and my colleague Senator Baucus to introduce legislation to reauthorize through 1995 the National Wool Act. I am pleased that Senator Domenici, Senator Kerrey, Senator Boren, Senator McConnell, Senator Simpson, Senator Burns, Senator Gramm, Senator Wallop, Senator Harkin, Senator Conrad, Senator Wilson, Senator Pryor, Senator Fowler, Senator Bentsen, Senator Heflin, and Senator Leahy have joined us as original cosponsors of this legislation. It is my belief that this reauthorization should be one of the least controversial aspects of the farm bill debate because this program has had virtually universal support since its inception in 1954. The fact that a majority of the Senate Agriculture Committee's members are sponsors of this legislation is a true testament to the support for the program as it currently exists.

The program has been successful because of its ability to maintain the viability of domestic production of wool and mohair at no net cost to the taxpayer. Through a combination of support payments, quality incentives, and tariffs, the program has provided producers with income stability, consumers and the military with a reliable supply of ever-increasing quality, and

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has had a general positive contribution to our rural economy.

Wool production may not come immediately to mind when we think about this Nation's agriculture, but sheep and goats are raised in all 50 States. More than 125,000 farm families consider wool production to be an important part of their ranching operations. South Dakota ranked fifth in the Nation for sheep and lambs on hand at the beginning of 1989, and the 1989 wool crop was valued at over $7 million. From the conversations I have had as I travel around my home State, I cannot underestimate the importance of the wool industry to our State. Central to the continued success of this industry is the reauthorization of the National Wool Act.

Recently, considerable attention has been placed on the broader market effects of the farm programs. I am increasingly concerned about the adverse impact our crop programs have on the quality of the wheat, feedgrains, and oilseeds we produce. The wool program, on the other hand, can be held up as an example of how government and the market can operate together to enhance quality. The program encourages producers to place an emphasis on quality by providing higher payments for higher quality. The U.S. textiles industry generally attributes the increased quality they have witnessed over time in the U.S. wool clip to the National Wool Act.

For these reasons, it is with great pride that I introduce this legislation today. On behalf of our Nation's wool industry, I look forward to working with my colleagues to ensure the extension of this important program as part of the 1990 farm bill.●

● Mr. DOMENICI. Mr. President, I rise today in support of this bill to reauthorize the National Wool Act, an important part of the 1990 farm bill.

The production of lambs and wool is a very important industry in my home State of New Mexico. Commercial sheep production is generally concentrated in the southeast and central regions of the State and generated more than $22 million in cash receipts for ranchers in my State in 1988. Wool production contributes about one-third of gross income for sheep producers in our State.

In addition, the sheep and goat industry is vital for the people of the Navajo Nation, a portion of which is located in northwestern New Mexico. In 1988, the production of wool and mohair contributed about $850 to the average Navajo family income of $1,850.

After years of hard work, New Mexico flocks are characterized by superior breeding stock. In fact, the Debouillet breed was first developed in New Mexico and is now widely used in New Mexico, Texas, and other sheep-producing States.

Funds for this program are provided, in part, by the duties assessed on imported wool and wool products. The wool and mohair program will cost approximately $120 million in fiscal year 1991, only 1 percent of the overall cost of the Commodity Credit Corporation. Because this program is relatively small in the overall budget context and yet so important to the wool and mohair industries, I strongly support the reauthorization of the National Wool Act.

Another very important aspect of the National Wool Act is that it rewards production of high-quality wool. Higher incentive payments are made for wool of superior quality clipped in a professional manner.

The New Mexico sheep industry is widely known for its high-quality wool. Our dry climate and high-quality feed result in the production of a strong staple wool with excellent color.

New Mexico ranchers are consistent winners of prestigious awards recognizing outstanding wool quality. In 20 of the last 22 years, our wool producers have won the sweepstakes award at the National Western Stock Show in Denver, CO.

The Wool Act also authorizes the wool and mohair industries to engage in market development, research, and promotion activities. I strongly support the concept of producer promotion programs to increase market demand. The wool industry is actively developing overseas markets for its products, including West Germany and several East European countries. It is important that we enable producers to continue the use of this important tool to compete in a market where there is strong competition from Australia and New Zealand.

Mr. President, I look forward to working with my colleagues for successful passage of this bill.●

● Mr. BAUCUS. Mr. President, I am pleased today to join with Senator Daschle in introducing a bill to reauthorize the Wool Act through 1995.

This program is small relative to other farm programs but it means a great deal to many Western States like Montana.

It is critical that we maintain this program as it is currently structured so that producers can afford to continue to provide wool to consumers.

Congress passed the Wool Act in 1954 in response to fabric demands of World War II and the Korean conflict. U.S. leaders at the time decided to support a strong domestic wool industry as an item of national defense.

They, therefore, devised a program to stimulate production of a critical commodity.

The wool program works as follows. The USDA establishes a minimum support price for wool. The wool farmer sells his wool on the market. Then the USDA calculates the difference between the national average price and the support price, and puts it in terms of a percentage of the average price.

Producers receive a payment based on their market price multiplied by that percentage.

In other words, producers receive an incentive for producing high-quality wool. The higher the quality wool they produce, the higher the support payment.

As a result of these incentives, the quality of U.S. wool has steadily improved since the program's inception.

In addition, the wool program doesn't cost the taxpayer a dime. In fact, it puts money in the Treasury.

The program is paid for through a tariff imposed on imported wool.

This tariff nets about $300 million per year. In 1988, the cost of the wool program was only $80 million. In other words, the Treasury came out ahead by about $220 million.

I am concerned that the administration wants to completely dismantle the wool program by converting it to a target price system similar to some other program crops.

This change would eliminate the incentive for increasing production of high-quality wool. Instead, it would turn the wool program into one that is designed to control production.

I think this is the wrong approach and I strongly oppose it.

The current program achieves the objectives it was designed to achieve and puts money in the Treasury to boot. It should continue as is.

That is why Senator Daschle and I are introducing this legislation today. I urge my colleagues to support our efforts and reauthorize the Wool Act through 1995.●

By Mr. JEFFORDS (for himself, Mr. Nunn, Mr. Wilson, Mr. Reid, Mr. Cochran, Mr. Roth, Mr. Chafee, Mr. Warner, Mr. Sarbanes, Mr. Gorton, Mr. Heflin, Mr. Gore, Mr. Thurmond, Mr. Hollings, Mr. Robb, Mr. Hatfield, Mr. Cohen, Mr. Matsunaga, Mr. Boren, Mr. Gramm, Mr. Danforth, Mr. D'Amato, Mr. DeConcini, Mr. Lieberman, Mr. Kohl, Mr. Coats, Mr. Burns, Mr. Bradley, Mr. Symms, Mr. Inouye, Mr. Hatch, Mr. Bond, Mr. Boschwitz, Mr. Stevens, Mr. Lugar, Mr. Specter, Mr. Lott, Mr. Glenn, Mr. Dole, Mr. Riegle, Mr. Kasten, Mr. Garn, Mr. Mack, Mr. McClure, Mr. Byrd, Mr. Armstrong, Mr. Rudman, Mr. Durenberger, Mr. Kerry, Mr. McCain, and Mr. Exon):

S.J. Res. 266. Joint resolution designating March 1990, as "U.S. Naval Reserve Month"; to the Committee on the Judiciary.

U.S. NAVAL RESERVE MONTH

● Mr. JEFFORDS. Mr. President, I rise today to offer a joint resolution to designate March 1990 as U.S. Naval Reserve Month; 1990 is the 75th birthday of the U.S. Naval Reserve.

The tradition of a civilian reserve navy dates back to colonial days. Some of the States activated their own State navies during the Civil War. This prompted the Navy Department to create the Office of Naval Militia in 1881 and during the Spanish American War, some of these men joined with the regular Navy.

Over the past 75 years the Naval Reservists have been called to active duty during World Wars I and II, and the Korean and Vietnam conflicts.

By the end of this year we are expected to have over 153,000 men and women in our countries Naval Reserve, making it the 10th largest in the world.

Mr. President, as an active member of the Naval Reserve for the past 30 years, I appreciate the support that my colleagues have shown for this resolution and I look forward to its passage.

Mr. President, I ask unanimous consent that a "Dear Colleague" letter of mine on this subject be printed in the RECORD.

There be no objection, the letter was ordered to be printed in the RECORD, as follows:

DEAR COLLEAGUE: For the last 30 years I have been a drilling Naval Reservist. 1990 will be the 75th Anniversary of the Naval Reserve. I am asking your support in joining me as a cosponsor of a joint resolution I plan to introduced commemorating the 75th Anniversary of the Naval Reserve.

The tradition of a civilian reserve navy or "citizen sailors" stretches back to colonial days when States organized their own militia or State navies. These civilian navies were activated during the Civil War and then dissolved. However, not long after, several States formed their own naval militia which prompted the Navy Department to establish the Office of Naval Militia in 1881. Some of these officers and enlisted men joined with the regular Navy in the Spanish American War.

In 1915, the Congress passed legislation establishing a Federal Naval Reserve. Thus, the Naval Reserve was born. Over the past 75 years, Naval Reservists have been called to active duty frequently:

In World War I, more than 600,000 of the U.S. Navy were Naval Reservists;

In World War II, more than 3 million men and women, 80 percent of the total Navy force were Reservists;

In Korea, 250,000 Reservists fought;

In Vietnam, one out of three Navy service members was a Naval Reservist.

The Reserve is a critical component of our Naval force today. There are 149,000 Naval Reservists many of whom have seen service in areas like Lebanon. By 1990, our reserve force is expected to grow beyond 153,000—making the Naval Reserve the 10th largest in the world.

Five of the last seven Presidents, representing both parties, have been members of the Naval Reserve. In fact, many of our colleagues in Congress also served. We hope that you can join in honoring and remembering the dedicated service of our Nation's "civilian sailors." Please call Darcie Johnston on my staff at 224-5141 if you would like to become a cosponsor.

Sincerely,

JAMES M. JEFFORDS.●

ADDITIONAL COSPONSORS

At the request of Mr. DASCHLE, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1767

At the request of Mr. BURNS, the names of the Senator from Wyoming [Mr. SIMPSON] and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 1767, a bill to reimburse individuals for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison, and for other purposes.

S. 1791

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 tc assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1898

At the request of Mr. REID, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 1898, a bill to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities.

S. 1911

At the request of Mr. DODD, the name of the Senator from Hawaii [Mr. MATSUNAGA] was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 1913

At the request of Mr. BOND, the name of the Senator from Missouri [Mr. DANFORTH] was added as a cosponsor of S. 1913, a bill to require the use of child restraint systems on commercial aircraft.

S. 2021

At the request of Mr. DOLE, the name of the Senator from Utah [Mr. GARN] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2039

At the request of Mr. COCHRAN, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2071

At the request of Mr. PACKWOOD, the names of the Senator from Texas [Mr. GRAMM] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2119

At the request of Mr. KASTEN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 2119, a bill to amend the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to increase the total amount of commitments which may be made to finance projects for housing and infrastructure in Israel for Soviet refugees, and for other purposes.

S. 2187

At the request of Mr. COCHRAN, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 2187, a bill to amend the Public Health Service Act to make grants to encourage States to establish Offices of Rural Health to improve health care in rural areas.

S. 2188

At the request of Mr. COCHRAN, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 2188, a bill to amend the Rural Development Act of 1972 to provide for the establishment of rural health and safety education programs, and for other purposes.

S. 2229

At the request of Mr. DODD, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

SENATE JOINT RESOLUTION 227

At the request of Mr. Kasten, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of Senate Joint Resolution 227, a joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week".

SENATE JOINT RESOLUTION 261

At the request of Mr. Lieberman, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of Senate Joint Resolution 261, a joint resolution making dire emergency supplemental appropriations for low income home energy assistance.

SENATE RESOLUTION 231

At the request of Mr. Bradley, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Hawaii [Mr. Inouye], the Senator from Hawaii [Mr. Matsunaga], the Senator from Maryland [Mr. Sarbanes], the Senator from Massachusetts [Mr. Kerry], the Senator from Michigan [Mr. Riegle], the Senator from North Carolina [Mr. Sanford], the Senator from Washington [Mr. Adams], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 239

At the request of Mr. DeConcini, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate cease-fire.

SENATE RESOLUTION 247

At the request of Mr. Mack, the names of the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Boschwitz], the Senator from Oklahoma [Mr. Nickles], and the Senator from Mississippi [Mr. Lott] were added as cosponsors of Senate Resolution 247, a resolution expressing the sense of the Senate that the United Nations Human Rights Commission should continue to report on human rights in Cuba.

SENATE RESOLUTION 256

At the request of Mr. Danforth, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of Senate Resolution 256, a resolution commending the people of Nicaragua.

SENATE CONCURRENT RESOLUTION 100—RELATIVE TO ENDING DRIFTNET FISHING IN THE SOUTH PACIFIC

Mr. INOUYE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 100

Whereas Japan and Taiwan have significantly expanded the combined size of their driftnet fishing fleets in the South Pacific region in recent years, from 9 vessels in 1987 to at least 121 vessels in the 1988-89 fishing season;

Whereas there is considerable concern among the nations of the South Pacific region that the continued widespread use of driftnets poses a danger to the South Pacific's marine resources and particularly to the albacore tuna resources of the South Pacific;

Whereas according to the report of the Second South Pacific Albacore Research Workshop, which was conducted in June 1989 under the auspices of the South Pacific Commission and included scientists from Japan and Taiwan, the harvest of South Pacific albacore tuna by driftnet fishing has "rapidly increased to an alarming level";

Whereas according to some marine biologists the continued practice of driftnet fishing in the South Pacific at current levels could deplete harvestable albacore tuna fish stocks within 2 years;

Whereas the depletion of this marine resource would have severe economic consequences not only for many of the nations of the South Pacific but also for United States economic interests in American Samoa and California;

Whereas scientific research to assess accurately the impact of driftnet fishing in the South Pacific has been greatly impeded by the absence of statistically reliable scientific data concerning driftnet fishing operations in the region, particularly those of Taiwan;

Whereas current driftnet practices result in the indiscriminate slaughter of sea birds, sea turtles, nontarget fish, porpoises, whales, seals, and other marine mammals, lending credence to claims that they function as "walls of death" where they are used;

Whereas lost and abandoned driftnets, called "ghost nets", continue to entangle, maim, and aimlessly kill thousands of marine animals each year;

Whereas on June 28, 1989, at a meeting convened in Suva, Fiji, by the South Pacific Forum Fisheries Agency, to discuss the impact of driftnet fishing on albacore tuna stocks, the South Pacific nations, supported by the United States, called for a cessation of driftnet fishing in the South Pacific until a management regime can be established;

Whereas on July 11, 1989, the South Pacific Forum, a regional organization composed of 15 South Pacific countries, issued the Tarawa Declaration, which calls on the international community to support and cooperate in the negotiation of a regional convention to establish a driftnet free zone in the South Pacific region;

Whereas pending the negotiation of such a convention, the Tarawa Declaration calls for an immediate cessation of driftnet operations in the region by Japanese and Taiwanese vessels;

Whereas on October 11, 1989, at the 29th session of the South Pacific Conference, convened in Guam, the South Pacific Commission, including the United States, supported a resolution calling for an immediate ban on the practice of driftnet fishing in the South Pacific region to allow time for the development of a comprehensive fishery management program;

Whereas Japan has announced that it would not cease the practice of driftnet fishing but would reduce the number of its driftnet fishing vessels in the South Pacific region by two-thirds during the next fishing season; and

Whereas Taiwan has neither agreed to cease its driftnet operations in the South Pacific nor to reduce the size of its driftnet fleet; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. UNITED STATES SUPPORT FOR REGIONAL EFFORTS TO PROTECT MARINE RESOURCES IN THE SOUTH PACIFIC.

(a) Protection of Marine Resources.—The Congress declares that it is in the interests of the United States to support regional efforts to protect the marine resources of the South Pacific from the indiscriminate slaughter caused by driftnet fishing, not only albacore tuna but also porpoises, whales, seals, and other mammals, sea birds, sea turtles, and nontargeted fish.

(b) Support for Tarawa Declaration and South Pacific Commission Resolution.—(1) The Congress supports the Tarawa Declaration's call for an immediate cessation of driftnet fishing in the South Pacific.

(2) The United States supports the policy, as expressed in the resolution of the South Pacific Commission, calling for an immediate ban on driftnet fishing in the South Pacific in order to allow time for the development of comprehensive fishery management programs in the region.

(c) International Convention Banning Driftnet Fishing.—The Congress urges the Secretary of State to cooperate with regional organizations in the South Pacific in the formulation of an international convention banning driftnet fishing in that region.

(d) Actions by Japan and Taiwan.—It is the sense of the Congress that Japan and Taiwan—

(1) should immediately cease the use of driftnets in the international waters of the South Pacific; and

(2) should furnish immediately all available scientific data on their driftnet fishing catch in the South Pacific to both the South Pacific Forum and to other appropriate regional or international organizations such as the South Pacific Forum Fisheries Agency.

SEC. 2. TRANSMITTAL OF RESOLUTION.

The Secretary of the Senate shall transmit a copy of this resolution to the Secretary of State with a request that the Secretary transmit copies of the resolution to appropriate authorities in Taiwan, the Government of Japan, and the governments of the member countries of the South Pacific Forum.

● Mr. INOUYE. Mr. President, I come before this body to introduce a companion resolution to Delegate Eni Faleomavaega's resolution, House Congressional Resolution 214 that was introduced in the House on October 19, 1989. This resolution would effectively ban the destructive use of driftnets in the South Pacific.

The outrageous practice of driftnet fishing involves laying strings of nets 30 feet deep and 20 to 30 miles long. These small mesh nylon nets are walls of death that indiscriminately sweep and kill almost all marine mammals and birds that the nets come in contact with. Nothing escapes the driftnet slaughter. Thousands of seabirds, seals, sea lions and countless dolphins, porpoises and whales are entangled and killed in driftnets every year.

The destructive force of driftnets on our ocean's ecological system has received worldwide attention. On December 23, 1989, the U.N. General Assembly adopted a resolution to phase out driftnets in the South Pacific by July 1991 and for a global moratorium by June 1992. I fully support the United Nations efforts and complement Prime Minister Geoffrey Palmer of New Zealand for his leadership on that consensus.

Although driftnets plague the entire Pacific, including the North Pacific near the Hawaiian islands, problems in the South Pacific are in need of immediate attention. The nations of the South Pacific have been confronted by mushrooming, unchecked growth in the size of driftnet fleets from Taiwan and Japan. As a result, the driftnet catch has depleted the albacore tuna stocks in the region.

This issue is of great importance to the South Pacific region. The South Pacific Forum, composed of 15 island nations, put forth its Tarawa Declaration in July 1989, which called for Japan and Taiwan to abandon immediately their driftnet operations in the region.

Despite the international condemnation of this destructive practice, Taiwan and Japan continue to submerge their walls of death in the South Pacific. I hope by this resolution, Congress will send these nations a strong and urgent message to stop this outrageous stripmining of our oceans.●

SENATE RESOLUTION 257—RELATIVE TO UNITED STATES PARTICIPATION IN GERMAN UNIFICATION NEGOTIATIONS

Mr. MITCHELL (for Mr. Pell, for himself, Mr. Biden, Mr. Kasten, Mr. Simon, Mrs. Kassebaum, Mr. Hatfield, Mr. Murkowski, Mr. Dodd, Mr. Levin, Mr. Riegle, Mr. Cranston, Mr. Kerry, Mr. Kohl, and Mr. Dixon) submitted the following resolution (by request); which was referred to the Committee on Foreign Relations:

S. Res. 257

Whereas the four victorious Allied powers of World War II, the United States, the United Kingdom, France, and the Union of the Soviet Socialist Republics, continue to have certain legal responsibilities for the future of Germany and in particular continue to exercise full legal authority over Berlin;

Whereas, for the three Western powers, the retention of full occupation rights and responsibilities "relating to Berlin and to Germany as a whole, including the reunification of Germany and a peace settlement" is codified in a formal treaty between the Federal Republic of Germany and the United States, the United Kingdom, and France (The Convention on Relations Between the Three Powers and the Federal Republic of Germany, As Amended by Schedule I of the Protocol on Termination of the Occupation Regime in Germany; entry into force May 5, 1955);

Whereas the termination of Allied occupation rights in Germany and the end of the occupation of Berlin will require the assent of the four Allied powers;

Whereas the United States has consistently supported the right of the Federal Republic of Germany and the German Democratic Republic to unify if the people of both countries so choose;

Whereas the current western boundaries of Poland were established to compensate Poland for territory lost as a result of the cynical and illegal Nazi-Soviet Pact;

Whereas the German Democratic Republic (in 1950) and the Federal Republic of Germany (in 1970) have each, by separate treaty agreements with Poland, renounced any claims to Polish territory;

Whereas, in addition, the Federal Republic of Germany and the German Democratic Republic are both signatories to the Helsinki Final Act of 1975, which affirms the inviolability of existing European borders;

Whereas, however, the Federal Republic of Germany has adhered to the legal position that only the parliament of a unified Germany can bind the German nation permanently with regard to Germany's eastern border;

Whereas West German Chancellor Helmut Kohl has failed to provide unambiguous assurances that, in the event of German unification, he would act promptly to give official German recognition of the permanence of the present German-Polish border;

Whereas the failure to provide such assurance has caused considerable anxiety in Poland, a country which lost more than six million citizens at the hands of Nazi Germany during the Second World War; and

Whereas Germany's neighbors, including Poland, Czechoslovakia, Austria, France, Belgium, Luxembourg, the Netherlands, and Denmark, are entitled to know that a united Germany recognizes and accepts the existing boundaries: Now, therefore, be it

Resolved, That the Senate hereby states that United States adherence to any treaty or other legal instrument terminating Allied occupation rights in Germany and the occupation of Berlin should be contingent on Germany's unequivocal recognition that all its present borders are legal, permanent, and unalterable.

SENATE RESOLUTION 258—TO RECOGNIZE AND CONGRATULATE THE 1990 INTERNATIONAL TRANS-ANTARCTIC EXPEDITION

Mr. DURENBERGER (for himself and Mr. Boschwitz) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. Res. 258

Whereas Antarctica is a vast land of snow and ice, that is as big as the United States and Mexico combined and contains 70 percent of the world's fresh water and has the most extreme weather in the world with temperatures as low as minus 128 degrees Fahrenheit and 200 mile per hour winds;

Whereas the six men and 40 dogs of the 1990 International Trans-Antarctica Expedition are the first in history to traverse the 4,000 mile wide Antarctic continent on foot using only dogs and skis and overcoming tremendous physical odds and unimaginable weather conditions including temperatures to minus 54 degrees Fahrenheit and winds to 100 miles per hour;

Whereas the effort of the six men from six different countries—the United States, France, the Soviet Union, People's Republic of China, Great Britain, and Japan—show that people from diverse social, economic, and political backgrounds can cooperate to overcome even the most daunting obstacles;

Whereas the team has focused attention and educated millions of people around the world showing the magnificence of the continent, and has demonstrated that although the continent is hostile, forbidding, and barren, it is also a land of great beauty and vulnerable to man's intrusion, demanding careful consideration of its future by the Antarctic Treaty nations;

Whereas the team was led by author and adventurer Will Steger of Ely, Minnesota who, working with co-leader Jean-Louis Etienne of Paris, France overcame significant odds to make possible the dream they conceived in 1986 on the ice near the North Pole;

Whereas the team member from the Soviet Union, Victor Boyarsky, helped garner essential logistical support for the trek from his country and joined Qin Dahe of the People's Republic of China in collecting scientific data that has never been gathered before in Antarctica;

Whereas Geoff Somers of Great Britain provided essential navigation skills and worked with Keizo Funatsu of Japan in driving the sleds and handling the specially bred polar huskies, that pulled their supplies and equipment;

Whereas the 40 dogs including Sam, Yeager, Thule, and Gordy, not only pulled the sleds but provided the men with the spirit they needed to continue their trek, especially when times got tough;

Whereas without the commitment of people like Cathy de Moll and Jennifer Gasperini, along with the expedition staff and volunteers and the corporate and individual supporters from around the world, this historic trek would not have happened: Therefore, be it

Resolved, That the United States Senate recognizes and congratulates the six members of the 1990 International Trans-Antarctica Expedition for completing their historic trek and focusing attention on and educating the world to the beauty and vulnerability of the forbidding bottom of the Earth: the Antarctic continent.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

MITCHELL (AND OTHERS) AMENDMENT NO. 1293

Mr. MITCHELL (for himself, Mr. Dole, Mr. Baucus, Mr. Chafee, Mr. Burdick, Mr. Durenberger, Mr. Breaux, Mr. Simpson, Mr. Levin, Mr. Jeffords, Mr. Domenici, Mr. Warner, Mr. Riegle, Mr. Cohen, and Mr. Moynihan) proposed the following amendment to the bill reported amendment (in the nature of a substitute) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and

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maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

(The amendment appears in the body of the RECORD.)

KERREY (AND OTHERS) AMENDMENT NO. 1294

(Ordered to lie on the table.)

Mr. KERREY (for himself, Mr. EXON, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill S. 1630, supra, as follows:

On page 384, line 23, after facility, insert the following: The Administrator is authorized to establish a greater threshold quantity for, or to exempt entirely, any substance that is a nutrient used in agriculture when held by a farmer.

SYMMS AMENDMENT NO. 1295

Mr. SYMMS proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed to the reported amendment (in the nature of a substitute) to the bill S. 1630, supra, as follows:

At the appropriate place in amendment No. 1293, insert the following:

COMMUNITY INVOLVEMENT IN CLOSING DECISIONS

Section 112 of the Clean Air Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. . COMMUNITY INVOLVEMENT IN CLOSING DECISIONS.—No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk or greater than [1 in 10,000 or 1 in 1,000,000].

Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a field hearing on "Drugs and Violence: The Criminal Justice in Crisis."

The hearing will take place on Monday, March 19, 1990, in Detroit, MI. For further information, please contact Eleanore Hill of the subcommittee staff at 224-3721.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearing is to receive testimony on Senate bill S. 639, to establish a hydrogen research and development program.

The hearing will take place on Friday, March 30, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510, attention: Cheryl Moss.

For further information, please contact Cheryl Moss at (202) 224-7569.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Wednesday, March 21, 1990, at 9:30 a.m., to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks. The hearing will be held in room 428A of the Russell Senate Office Building. For further information, please call Marja Maddrie of the committee staff at 224-2130.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Monday, March 5, 1990, to hold a hearing in preparation for the 1990 farm bill as it relates to rice.

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government for a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 for Geryld B. Christianson, a member of the Senate Foreign Relations Committee, to participate in a program in the Netherlands sponsored by the Netherlands Atlantic Commission, from March 16 to 17, 1990.

The committee has determined that participation by Mr. Christianson in the program in the Netherlands, at the expense of the Netherlands Atlantic Commission, is in the interest of the Senate and the United States.●

RETIREMENT OF ELSA SCHUSTER FROM THE VA HOSPITAL IN KNOXVILLE, IA

● Mr. GRASSLEY. Mr. President, I want to just note the retirement of Mrs. Elsa Schuster, of Pleasantville, IA, from the Veterans Administration Hospital in Knoxville, IA on March 2, 1990. Mrs. Schuster worked for the VA for nearly 21 years as a nurse's aide. For over two decades she was a loyal and dedicated employee caring for the veterans who helped keep our land free. I wish to extend my best wishes to her and urge her to remain actively involved in her community.●

ISRAEL AND THE DOUBLE STANDARD

● Mr. BOSCHWITZ. Mr. President, I commend to my colleagues' attention an excellent essay by Charles Krauthammer that appeared in the February 26, 1990, issue of Time magazine. In this essay, entitled "Judging Israel," Mr. Krauthammer writes forthrightly and directly on an issue which is of concern to most supporters of Israel. That issue is the standard by which Israel's actions are judged by the other nations of the world.

Israel has been an independent state for almost 42 years, yet during that time it has hardly led what could be called a normal existence. Its history has been marked by a near-constant succession of wars and crises with its neighbors. Only one Arab State, Egypt, has concluded a peace treaty with it. Other nations in the region, such as Syria, Libya, and Iraq, have armed themselves with many of the most modern weapons in large part against Israel and continue to pour forth never-ending torrents of anti-Israel invective. And since 1987 Israel has contended with a popular Palestinian uprising, the intifadeh, whose most extreme elements call for Israel's destruction.

Mr. Krauthammer does not deny for a moment that judgment against Israel should be withheld, but he has eloquently expressed the need to have that judgment tempered by realistic standards, ones which are appropriate to its situation. I ask that his essay be printed in the RECORD at the conclusion of my remarks.

The essay follows:

JUDGING ISRAEL

(By Charles Krauthammer)

Jews are news. It is an axiom of journalism. An indispensable axiom, too, because it is otherwise impossible to explain why the deeds and misdeeds of dot-on-the-map Israel get an absurdly disproportionate amount of news coverage around the world. If you are trying to guess how much coverage any Middle East event received, and you are permitted but one question, the best question you can ask about the event is: Were there any Jews in the vicinity? The paradigmatic case is the page in the International Herald Tribune that devoted seven of its eight columns to the Palestinian uprising. Among the headlines: "Israeli Soldier Shot to Death; Palestinian Toll Rises to 96." The eighth column carried a report that 5,000 Kurds died in an Iraqi gas attack.

Whatever the reason, it is a fact that the world is far more interested in what happens to Jews than to Kurds. It is perfectly legitimate, therefore, for journalists to give the former more play. But that makes it all the more incumbent to be fair in deciding how to play it.

How should Israel be judged? Specifically: Should Israel be judged by the moral standards of its neighborhood or by the standards of the West?

The answer, unequivocally, is: the standards of the West. But the issue is far more complicated than it appears.

The first complication is that although the neighborhood standard ought not to be Israel's, it cannot be ignored when judging Israel. Why? It is plain that compared with the way its neighbors treat protest, prisoners and opposition in general, Israel is a beacon of human rights. The salient words are Hama, the town where Syria dealt with an Islamic uprising by killing perhaps 20,000 people in two weeks and then paving the dead over; and Black September (1970), during which enlightened Jordan dealt with its Palestinian intifadeh by killing at least 2,500 Palestinians in ten days, a toll that the Israeli intifadeh would need ten years to match.

Any moral judgment must take into account the alternative. Israel cannot stand alone, and if it is abandoned by its friends for not meeting Western standards of morality, it will die. What will replace it? the neighbors: Syria, Jordan, the P.L.O., Hamas, Islamic Jihad, Ahmed Jabril, Abu Nidal (if he is still around) or some combination of these—an outcome that will induce acute nostalgia for Israel's human-rights record.

Any moral judgment that refuses to consider the alternative is merely irresponsible. That is why Israel's moral neighborhood is important. It is not just the neighborhood, it is the alternative and, if Israel perishes, the future. It is morally absurd, therefore, to reject Israel for failing to meet Western standards of human rights when the consequences of that rejection it to consign the region to neighbors with considerably less regard for human rights.

Nevertheless, Israel cannot be judged by the moral standards of the neighborhood. It is part of the West. It bases much of its appeal to Western support on shared values, among which is a respect for human rights. The standard for Israel must be Western standards.

But what exactly does "Western standards" mean? Here we come to complication No. 2. There is not a single Western standard, there are two: what we demand of Western countries at peace and what we demand of Western countries at war. It strains not just fairness but also logic to ask Israel, which has known only war for its 40 years' existence, to act like a Western country at peace.

The only fair standard is this one: How have the Western democracies reacted in similar conditions of war, crisis and insurrection? the morally relevant comparison is not with an American police force reacting to violent riots, say, in downtown Detroit. (Though even by this standard—the standard of America's response to the urban riots of the '60s—Israel's handling of the intifadeh has been measured.) The relevant comparison is with Western democracies at war: to, say, the U.S. during the Civil War, the British in Mandatory Palestine, the French in Algeria.

Last fall Anthony Lewis excoriated Israel for putting down a tax revolt in the town of Beit Sahour. He wrote: "Suppose the people of some small American town decided to protest Federal Government policy by withholding their taxes. The Government responded by sending in the Army . . . Unthinkable? Of course it is in this country. But it is happening in another . . . Israel."

Middle East scholar Clinton Bailey tried to point out just how false this analogy is. Protesting Federal Government policy? The West Bank is not Selma. Palestinians are not demanding service at the lunch counter. They demand a flag and an army. This is insurrection for independence. They are part of a movement whose covenant explicitly declares its mission to be the abolition of the state of Israel.

Bailey tried manfully for the better analogy. It required him to posit 1) a pre-glasnost Soviet Union, 2) a communist Mexico demanding the return of "occupied Mexican" territory lost in the Mexican War (Texas, New Mexico, Arizona, Utah, Nevada and California) and 3) insurrection by former Mexicans living in these territories demanding secession from the Union. Then imagine, Baily continued, that the insurrectionists, supported and financed by Mexico and other communist states in Latin America, obstruct communications; attack civilians and police with stones and fire bombs; kill former Mexicans holding U.S. Government jobs ("collaborators"); and then begin a tax revolt. Now you have the correct analogy. Would the U.S., like Israel, then send in the Army? Of course.

But even this analogy falls flat because it is simply impossible to imagine an America in a position of conflict and vulnerability analogous to Israel's. Milan Kundera once defined a small nation as "one whose very existence may be put in question at any moment; a small nation can disappear and knows it." Czechoslovakia is a small nation. Judea was. Israel is. The U.S. is not.

It is quite impossible to draw an analogy between a small nation and a secure superpower. America's condition is so radically different, so far from the brink. Yet when Western countries have been in conditions approximating Israel's, when they have faced comparable rebellions, they have acted not very differently.

We do not even have to go back to Lincoln's Civil War suspension of habeas corpus, let alone Sherman's march through Georgia. Consider that during the last Palestinian intifadeh, the Arab Revolt of 1936-39, the British were in charge of Palestine. They put down the revolt "without mercy, without qualms," writes Middle East scholar Fouad Ajami. Entire villages were razed. More than 3,000 Palestinians were killed. In 1939 alone, the British hanged 109. (Israel has no death penalty.)

French conduct during the Algerian war was noted for its indiscriminate violence and systematic use of torture. In comparison, Israeli behavior has been positively restrained. And yet Israel faces a far greater threat. All the Algerians wanted, after all, was independence. They were not threatening the extinction of France. If Israel had the same assurance as France that its existence was in no way threatened by its enemies, the whole Arab-Israeli conflict could have been resolved decades ago.

Or consider more contemporary democracies. A year ago, when rioting broke out in Venezuela over government-imposed price increases, more than 300 were killed in less than one week. In 1984 the army of democratic India attacked rebellious Sikhs in the Golden Temple, killing 300 in one day. And yet these democracies were not remotely as threatened as Israel. Venezuela was threatened with disorder; India, at worst, with secession. The Sikhs have never pledged themselves to throw India into the sea.

"Israel," opined the Economist, "cannot in fairness test itself against a standard set by China and Algeria while still claiming to be part of the West." This argument, heard all the time, is a phony. Israel asks to be judged by the standard not of China and Algeria but of Britain and France, of Venezuela and India. By that standard, the standard of democracies facing similar disorders, Israel's behavior has been measured and restrained.

Yet Israel has been treated as if this were not true. The thrust of the reporting and, in particular, the commentary is that Israel has failed dismally to meet Western standards, that it has been particularly barbaric in its treatment of the Palestinian uprising. No other country is repeatedly subjected to Nazi analogies. In no other country is the death or deportation of a single rioter the subject (as it was for the first year of the intifadeh, before it became a media bore) of front-page news, of emergency Security Council meetings, of full-page ads in the New York Times, of pained editorials about Israel's lost soul, etc., etc.

Why is that so? Why is it that of Israel a standard of behavior is demanded that is not just higher than its neighbors', not just equal to that of the West, but in fact far higher than that of any Western country in similar circumstances? Why the double standard?

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For most, the double standard is unconscious. Critics simply assume it appropriate to compare Israel with a secure and peaceful America. They ignore the fact that there are two kinds of Western standards, and that fairness dictates subjecting Israel to the standard of a Western country at war.

But other critics openly demand higher behavior from the Jewish state than from other states. Why? Jews, it is said, have a long history of oppression. They thus have a special vocation to avoid oppressing others. This dictates a higher standard in dealing with others.

Note that this reasoning is applied only to Jews. When other people suffer—Vietnamese, Algerians, Palestinians, the French Maquis—they are usually allowed a grace period during which they are judged by a somewhat lower standard. The victims are, rightly or wrongly (in my view, wrongly), morally indulged. A kind of moral affirmative action applies. We are asked to understand the former victims' barbarities because of how they themselves suffered. There has, for example, been little attention to and less commentary on the 150 Palestinians lynched by other Palestinians during the intifadeh. How many know that this year as many Palestinians have died at the hands of Palestinians as at the hands of Israelis?

With Jews, that kind of reasoning is reversed: Jewish suffering does not entitle them to more leeway in trying to prevent a repetition of their tragedy, but to less. Their suffering requires them, uniquely among the world's sufferers, to bend over backward in dealing with their enemies.

Sometimes it seems as if Jews are entitled to protection and equal moral consideration only insofar as they remain victims. Oriana Fallaci once said plaintively to Ariel Sharon, "You are no more the nation of the great dream, the country for which we cried." Indeed not. In establishing a Jewish state, the Jewish people made a collective decision no longer to be cried for. They chose to become actors in history and not its objects. Historical actors commit misdeeds, and should be judged like all nation-states when they commit them. It is perverse to argue that because this particular nation-state is made up of people who have suffered the greatest crime in modern history, they more than any other people on earth, have a special obligation to be delicate with those who would bring down on them yet another national catastrophe.

That is a double standard. What does double standard mean? To call it a higher standard is simply a euphemism. That makes it sound like a compliment. In fact, it is a weapon. If I hold you to a higher standard of morality than others, I am saying that I am prepared to denounce you for things I would never denounce anyone else for.

If I were to make this kind of judgment about people of color—say, if I demanded that blacks meet a higher standard in their dealings with others—that would be called racism.

Let's invent an example. Imagine a journalistic series on cleaniness in neighborhoods. A city newspaper studies a white neighborhood and a black neighborhood and finds that while both are messy, the black neighborhood is cleaner. But week in, week out, the paper runs front-page stories comparing the garbage and graffiti in the black neighborhood to the pristine loveliness of Switzerland. Anthony Lewis chips in an op-ed piece deploring, more in sadness than in anger, the irony that blacks, who for so long had degradation imposed on them, should now impose degradation on themselves.

Something is wrong here. To denounce blacks for misdemeanors that we overlook in whites—that is a double standard. It is not a compliment. It is racism.

The conscious deployment of a double standard directed at the Jewish state and at no other state in the world, the willingness systematically to condemn the Jewish state for things others are not condemned for—this is not a higher standard. It is a discriminatory standard. And discrimination against Jews has a name too. The word for it is anti-Semitism.●

ADDITIONAL COSPONSORS—SENATE JOINT RESOLUTION 261

● Mr. LIEBERMAN. Mr. President, I ask that the following two cosponsors be added to Senate Joint Resolution 261, a joint resolution for dire emergency supplemental appropriations for low-income home energy assistance: Mr. LEVIN and Mr. SARBANES.

Mr. LEVIN has assisted me in my efforts following up on the home heating crisis. His help was instrumental in the three pieces of legislation I introduced on February 26, 1990. These bills were designed to solve some of the problems presented during the heating crisis. It was only through oversight that his name was left off the LIHEAP supplemental appropriation bill as an original cosponsor. I regret that this happened and apologize to Mr. LEVIN.

I am also pleased to welcome Mr. SARBANES.●

WELCOMING THE LEADERSHIP OF THE VETERANS OF FOREIGN WARS TO WASHINGTON

● Mr. MURKOWSKI. I rise today to welcome the leadership of the Veterans of Foreign Wars of the United States to Washington DC, and to the Capitol.

The VFW, through its local posts, is interwoven into the fabric of our Nation. Those posts are more than a meeting place or a building. They are the nucleus around which the men and women of the VFW demonstrate, in their local communities, their continuing commitment to our Nation. A commitment first manifested when they answered the Nation's call to arms.

VFW's impact extends far beyond the communities found at the grassroots of our Nation. Departmental leadership, national committees and national officers ensure that the Nation and the Congress also benefit from the commitment of the VFW.

This year, more than most, we see the legacy generated by America's veterans. This year we see the tide of freedom rising throughout the world. These events did not have to happen. They are the result of generations of action and commitment by individuals. In some countries, it was individuals pinned under the dead hand of democratic centralism who had the courage to recognize and act on the the knowledge that the human spirit can prevail. In the free world, individuals who donned the uniform of the Armed Forces of the United States and our allies played a major role in creating a climate in which liberty could bloom. These individuals, now veterans, ensured that the rulers of Marxist-Leninist governments could not look to a military solution for the inevitable internal contradictions of communism.

Mr. President, this week the Halls of the Capitol will be filled with men and women wearing the hats of the VFW. They served our country proudly in military uniform. They continue to serve our country, and their fellow veterans, proudly as leaders of the VFW. No one in the Congress need be reminded of the debt we owe these men and women, but I urge my colleagues to reflect upon their service, and the rewards we all enjoy as a result of it, when we greet these veterans in the Halls or in our offices.●

CONGRATULATING DR. FRED P. MEYER

● Mr. BOSCHWITZ. Mr. President, I rise today to congratulate Dr. Fred Meyer, this year's recipient of the Department of the Interior Distinguished Service Award.

Dr. Meyer is nationally recognized as a renowned fish parasitologist.

Dr. Meyer first gained recognition in the early 1960's when he developed the first warmwater fish disease diagnostic laboratory in the United States. In this laboratory he developed critical fish health assistance to fledgling catfish production, and he played an important role in the successful establishment of what is now a multimillion-dollar industry.

With this experience, Dr. Meyer became the director of the National Fisheries Research Center in La Crosse, WI, where he has been instrumental in identifying numerous fish diseases and developing many of the first disease control procedures and treatments.

Dr. Meyer's dedication and guidance have resulted in the approval of 28 compounds for use in cold and warm water fish culture management practices. He has also become a leading expert on the use of chemical techniques in fisheries.

In 1986 and 1987, Dr. Meyer led a task force to investigate the cause of lake trout mortality at a number of fish hatcheries in the Great Lakes lake trout restoration effort. The task force's findings resulted in significant changes in lake trout culture technology as well as technologies for improving salmonid culture nationwide.

Mr. President, I ask my colleagues to join me in saluting Dr. Fred Meyer for his outstanding contributions to the science of fish disease research.●

THE NATIONAL WRITING PROJECT

● Mr. CHAFEE. Mr. President, I am pleased to join as a sponsor of, S. 2039, the National Writing Project Act, and look forward to its passage during this session.

Everyone knows that the three R's—reading, writing, and arithmetic—are the foundation of the American educational system. American students need to master these skills, but recent studies indicate that many young people are not developing the tools they have to write effectively.

The Writing Report Card, an assessment of the writing skills of school-aged students conducted by the National Assessment of Educational Progress in 1988, revealed that fewer than 25 percent of high school juniors could write an adequate, persuasive letter—and most of those were filled with numerous grammatical and spelling errors. Twenty-five percent of high school juniors, many of whom will no doubt enter college and university programs woefully unprepared to achieve on that level. In the near future these students will become part of the work force and perhaps as many as 25 percent of that work force will be educationally handicapped.

This legislation, the national writing project, focuses the national effort to improve educational standards through the expansion of the Nation's most successful writing program. Seventeen years ago the national writing project was established and has since trained over 600,000 teachers nationwide, including nearly 150 in my home State of Rhode Island.

The national writing project advocates a simple message: teachers need to encourage students to write. Through a teachers-teaching-teachers approach, the project allows educators to share successful writing techniques and thus identify what works in the Nation's classrooms. Through the promotion of an interdisciplinary approach that taps the writing potential in all students, both teachers and students feel more comfortable about making writing an integral part of their curriculum.

The project has won numerous awards since 1972, and the demand for its services is outgrowing its ability to supply. In Rhode Island the writing project has quadrupled in size in the past 4 years. Teachers from 22 of the States's 38 school districts have participated in the program. This summer the Rhode Island consortium on writing expects to have 50 qualified teachers, but only 25 places.

As a nation that is serious about achievement and educational excellence, we must be willing to support legislation that for the relatively modest price of a $10 million authorization will allow the national writing project to expand, monitor, research, and assess its work.

The only reservation I have about S. 2039 is that I am reluctant to designate any one group, even such a fine enterprise as the national writing project, as the sole recipient of such a sum of Federal money without the benefit of a competitive bidding process. The Federal Government must be careful not to establish the precedent of designating deserving programs at the expense of open and fair competition.

In closing, I commend my colleague Senator COCHRAN for bringing this legislation to the Senate. I know he and his staff have worked hard to put together this package, and I applaud their work.●

CONGRATULATING LESLIE KOUBA

● Mr. BOSCHWITZ. Mr. President, I rise today to congratulate Mr. Leslie Kouba, the recipient of this year's Public Service Award of the Department of the Interior.

Mr. Leslie Kouba is Minnesota's master wildlife artist. His paintings, prints, and plates portray the natural beauty our country holds.

Mr. Kouba's artwork not only charms art lovers, but also benefits our wildlife resources. For many years he has donated his valuable artwork for wildlife fundraising efforts. Since 1976, Ducks Unlimited, Inc., has reportedly received more than $1.5 million for important waterfowl projects from the sale of his donated work. Recently a wildlife fundraiser was held in Minneapolis, MN, raising thousands of dollars to help finance the newly established North American waterfowl management plan.

Mr. Kouba's generosity and talent do not stop here. He has produced designs for 16 conservation stamps, including 2 Federal duck stamps. He was chosen to represent all duck stamp artists at a special Presidential reception honoring the 50th anniversary of the Federal Duck Soup Stamp Program.

Mr. Kouba's motto, "you can't just take, take, take—you must be willing to give something back to nature," reinforces his commitment and dedication to the conservation of wildlife.

Mr. President, the past years have seen numerous disasters that have destroyed some of our countries natural beauty. In a time where our wildlife is increasingly important, I ask my colleagues to join me in saluting Mr. Leslie Kouba for his dedication, and his generous and remarkable contributions to wildlife.●

NOMINATION REFERRED TO THE COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, as in executive session, I ask unanimous consent that when the nomination of John Adair to be inspector general of the Resolution Trust Corporation is reported by the Committee on Banking, Housing, and Urban Affairs, it be referred to the Committee on Governmental Affairs for a period not to exceed 20 days.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE CALENDAR

EXECUTIVE SESSION

Mr. BAUCUS. Mr. President I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 617 and Calendar No. 631.

I further ask unanimous consent that the nominees be confirmed en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table en bloc; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

GOVERNMENT PRINTING OFFICE

Robert William Houk, of Ohio, to be Public Printer.

DEPARTMENT OF THE TREASURY

Peter K. Nunez, of California to be an Assistant Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CONVEYANCE OF CERTAIN LAND

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 397, H.R. 2749, land conveyance in Whitney Lake, TX.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2749) to authorize the conveyance of a parcel of land in Whitney Lake, Texas.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

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There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2749) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REGARDING THE SALE OF STERILE SCREWWORMS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Agriculture Committee be discharged from further consideration of H.R. 4010, regarding the sale of sterile screwworms, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 4010) to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. LUGAR. Mr. President, the House has passed H.R. 4010, a bill to provide the Secretary of Agriculture with authority to produce and sell cochliomyia hominivorax or sterile screwworms to foreign governments or international organizations. The U.S. Department of Agriculture has requested this legislation.

There has been an outbreak of screwworm infestation in North Africa, particularly in Libya. USDA reports that the pest not only threatens indigenous animal herds but could spread to other North African countries, to Israel, the southern Mediterranean, the Nile Valley, and central Africa. If allowed to spread it could become the most devastating wildlife and livestock pest on the African Continent, according to USDA.

The screwworm is also a threat to human population as well, particularly to those weakened by famine and disease. If not stopped immediately, the pest can spread relatively easily through human migration or transport of animals to other geographic areas.

In the United States, the screwworm was eradicated in 1982 and our Government has cooperated with the governments of Mexico and in Central America to gradually eliminate the pest there. The United States and the Government of Mexico jointly operate a facility in Mexico that produces sterile screwworm flies. The flies are then distributed in infested areas and the pest is eventually eliminated.

H.R. 4010 gives authority to the Department of Agriculture to sell sterile screwworm flies produced at this facility to foreign governments or international organizations to control and eradicate the outbreak in North Africa and any other area where the problem occurs. In dealing with the current problem, the joint United States-Mexican facility would sell the flies to the Food and Agriculture Organization of the United Nations which would conduct the eradication program.

USDA advises that there is no cost to the United States Government for this program and that the United States share of proceeds from the sales will be deposited with the United States Treasury Department and credited to the appropriation account which pays for the facility in Mexico.

Mr. President, this is purely a humanitarian measure which provides the U.S. government an opportunity to help eliminate a dangerous threat that once jeopardized our own Southern and Western States. My distinguished colleagues, Senator HELMS, the senior Senator from North Carolina, and Senator DOMENICI, the senior Senator from New Mexico, join me in supporting this bill. I ask that the Senate proceed with this measure and pass it by unanimous consent.

Thank you, Mr. President.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4010) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TRANSFER OF OBSOLETE SUBMARINE U.S.S. "REQUIN"

The bill (S. 2151) to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, PA, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF WAITING PERIOD.

Clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, for use by the Carnegie Institute in connection with the Carnegie Institute Science Center in Pittsburgh.

PROVIDING FOR ACCEPTANCE OF A STATUE OF PHILO T. FARNSWORTH

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Rules Committee be discharged from further consideration of House Concurrent Resolution 226, regarding the acceptance of a statue of Philo T. Farnsworth, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 226) providing for acceptance of a statue of Philo T. Farnsworth, presented by the State of Utah, for placement in National Statuary Hall, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 226) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 93

Mr. BAUCUS. Mr. President, I ask unanimous consent that Calendar No. 465, Senate Concurrent Resolution 93, the Senate companion, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 9:30 A.M.; MORNING BUSINESS

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Tuesday, March 6; that following the time for the two leaders there be a period for morning business not to extend beyond 10 o'clock with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, on tomorrow the Senate will resume consideration of the clean air bill at 10 a.m. At 12:15 p.m., the Senate will vote on the nomination of Clarence Thomas, to be a U.S. circuit judge for the District of Columbia Circuit. Upon the conclusion of that vote, the Senate will stand in recess until 2 p.m.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if the distinguished Republican leader has no further business, and I see no other Senator seeking recognition, I ask unanimous consent that the Senate stand in recess until the previous order until Tuesday, March 6, at 9:30 a.m.

There being no objection, the Senate, at 6:56 p.m., recessed until Tuesday, March 6, 1990, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 5, 1990:

DEPARTMENT OF AGRICULTURE

JOHN C. FOLTZ, OF OHIO, TO BE ADMINISTRATOR OF THE FEDERAL GRAIN INSPECTION SERVICE, VICE W. KIRK MILLER, RESIGNED.

NATIONAL SCIENCE FOUNDATION

THE FOLLOWING-NAMED INDIVIDUALS TO BE MEMBERS OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR TERMS EXPIRING MAY 10, 1994:

PETER H. RAVEN, OF MISSOURI, VICE WILLIAM A. NIERENBERG, TERM EXPIRED.

BENJAMIN S. SHEN, OF PENNSYLVANIA, VICE NORMAN C. RASMUSSEN, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING RESERVE OFFICERS OF THE U.S. COAST GUARD TO BE PERMANENT COMMISSIONED OFFICERS IN THE GRADES INDICATED:

To be lieutenant

AUBREY W. BOGLE
JACK L. HIRSCH, JR.
REGINALD M. SEALEY
TIMOTHY M. O'LEARY
PETER A. JENSEN
JOSEPH E. WAHLIG
LYNN M. WOODS

To be lieutenant (junior grade)

FREDERICK A. SALISBURY
GREGORY S. OMERNIK
RONALD L. RODDAM
ARTHUR J. DININNO
JOSEPH P. STAFFORD
MICHAEL J. MENAH
DOUGLAS R. MCCRIMMON, JR.
ERIC J. FORDE
JAMES R. MANNING
DANIEL V. VENNE
LARRY A. GLICK
LINN M. CARPER
THOMAS A. SAINT, JR.
JOHN T. FOX
DOUGLAS W. STEPHAN
JOSEPH J. TUROSKY, III
TONY JOHNSON
ALBERTO L. PEREZ-VERGARA
MICHAEL C. RYAN
WILLIAM F. IMLE
CARL B. HANSEN
JOHN F. PERTGEN
DAVID L. RABITOR
HOWARD R. WHITE
GEORGE W. DUPREE
ADAM BAKER
JERRY R. HONEYCUTT, JR.
MARK R. DIX
BRIAN A. SANBORN
WESLEY S. TRULL
DAVID P. DANGELO

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5, 1990:

GOVERNMENT PRINTING OFFICE

Robert William Houk, of Ohio, to be Public Printer.

DEPARTMENT OF THE TREASURY

Peter K. Nunez, of California, to be an Assistant Secretary of the Treasury.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

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EXTENSIONS OF REMARKS

CLUB PED

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. DANNEMEYER. Mr. Speaker, child abuse is a national tragedy. As the following article points out, it is also an American export of homosexual pedophiles. The North American Man/Boy Love Association [NAMBLA] calls the molestation of young boys a "right." Hear the rhetoric,

We speak out against the oppression endured by men and boys who love one another and support the rights of all people to consensual intergenerational relationships. (**NAMBLA Bulletin**)

Mr. Speaker, to deem the molestation of children as "consensual intergenerational relationships," or as an act of love, is a perversion of the mind and the soul. To call it a "civil right" is an act of insanity. But, unfortunately, the American Psychiatric Association [APA] removed pedophilia from their list of mental disorders as long as the fantasizing pedophile does not manifest any "subjective guilt."

If you are keeping score, the removal of fantasized pedophilia from the APA's list of mental disorders came shortly after the removal of homosexuality from the list. Society can't wait to know what is next. Better keep Fido leashed.

[From the Sunday Punch, Feb. 18, 1990]

A SILENCE OF SHAME—SONS OF ASIAN REFUGEES ARE BEING SEXUALLY ABUSED BY "FRIENDS" AND "HELPERS"

(By Jeanie Kortum-Stermer)

On top of all the other problems Asian refugees have faced in recent years, child molesters, often introduced through organizations set up to help families assimilate into American society, have been preying on very young boys in the Bay Area, according to police and social workers.

"These children are easy prey. It's like a lion circling a herd, picking out the weakest member of the pack to attack," said Glenn Pamfiloff, inspector for the Juvenile Division of the San Francisco Police Department.

One reason pedophiles like Asian boys is that they fulfill their fantasties; they are small in stature and often look younger than they actually are. Another reason is that Asian families seldom report sexual abuse. Recently immigrated from countries devastated by war, with an instinctual distrust of the police, they are unwilling to entrust strange authorities with what they consider to be humiliating secrets.

Inspector Pamfiloff has been working on child-abuse cases involving sexual molestation for the past 10 years and has a caseload of 20 to 30 at present. He has seen a rapid rise in those involving children from Asia and elsewhere in the Third World, perpetrated by men who have ingratiated themselves with the entire family, teaching the children English and serving as a valuable link to American society and culture.

"Many become trusted and honored family helpers," Pamfiloff says. "The families don't know America, they feel uncomfortable in this society, and what do they get? They get this wonderful guy, sent to them through a refugee organization they trust, who will teach their children the American way of life, who treats the family with utmost respect, buys the kids gifts that the family could never afford and completely wins their hearts."

Such was the case in a recent arrest in the Tenderloin involving three Southeast Asian boys ages 5 to 9. The suspect, sent to the family through a refugee organization ostensibly to help the children learn English, had been molesting the two older boys for 1½ years. He was beginning to assault the 5-year-old when he was arrested.

"The family told my outreach worker that there was an American man who was teaching the children English and taking them out," said "Tim Brown," the social worker who first began to feel something was wrong and later reported the case to the police. "This was a very isolated family, and there was something about the situation which made me suspicious." (For the sake of the children who are still in trauma, any names linking this case to the actual family have been changed.)

Even after the parents had been warned not to permit the man to be alone with the children while care providers figured out what was going on, the family allowed him to take them on outings. "It's the culture," said Reena Cho, a Southeast Asian outreach worker who was working closely with the family at the time. "If we think someone is doing something good for the children and we knew each other for a long time, it's very difficult to say no. We don't want to hurt. We just think that way."

After many hours of questioning, the children finally admitted to being molested. According to Pamfiloff, this is typical. "These boys ar not going to talk about their sexual lives. They feel complexities in this terrible thing that they are involved with. They feel guilty about being used. There is a sexual response. They don't feel that they are victims, they feel like they are accomplices. They are too immature to understand all the implications."

It wasn't until Pamfiloff asked the 7-year-old boy if he wanted what had happened to him to happen to his 5-year-old brother that the boy finally broke down.

Reports Cho, the outreach worker: "The boy was crying. The man had been with the 9-year-old, but he was getting too big so he switched to the 7. Then, it turns out he was starting to take the 5-year-old. Sometimes right in their own home. The policeman asked, 'Did you play in bed?' The boy said yes. 'Did he touch your body?' The boy said yes, and then he pointed between his legs. 'Do you mean your penis?' the policeman said, and the boy said yes."

The reward would be taking the children out for cookies and video games.

One of the reasons Cho and Brown consented to interviews is that they believe it is only through education that the problem can be avoided. "We didn't have this kind of thing in our native country," said Cho. "Even though I am an outreach worker, I didn't know about it."

"Refugee families really are vulnerable for exploitation," says Margaret Brodkin, executive director of Coleman Advocates for Children and Youth. "As an advocate for children for the last 10 years, I am amazed how little this is spoken about. Few people know about it, care about it, speak out about it. It's just symptomatic of what a low priority kids are in this city."

According to Pamfiloff, refugee organizations, outreach workers, teachers and families are going to have to educate themselves quickly, for the problem is on the rise. Many of these men interested in boys become involved in activities—Nintendo, pets, aquariums, movies—that attract children of the age they're interested in.

"There was this one case in which this guy had tons of movies for kids," reports Pamfiloff. "He also had tons of child pornography. He videotaped the boy as he was molesting him. It was full molesting, about everything you can do with a kid. He brought him a lot of presents and also got him to bring his cousin around. They were around 8 or 9 years old. This was a refugee kid (the victim). He spoke English, but his parents didn't. And he shared the boys with his best friend.

"Another guy who just pleaded guilty of molestation recently focused on poor kids in the Tenderloin, which included a lot of Asian kids. He bought them skateboards. He wasn't making much money, but he would go out and buy them $150 to $200 skateboards. He liked the 12- to 13-year-old kids. He met the kids around the park."

Another molester was reported by a coworker. "This guy, the suspect," Pamfiloff said, "was observed to be parked in the Tenderloin in a van and there was a boy wedged between the suspect and the door. He continues to be seen in the community with young boys about the age of 10, mostly Southeast Asians, probably Vietnamese."

A number of child molesters try to pick up children in Boeddeker Park, in the heart of the Tenderloin. "We've got a lot of kids hanging around there," says Pamfiloff, "even though it's almost taken up by our street community. The suspects make friends with the kids to get them up to their apartments. A lot of these guys have computers, and what Tenderloin kid wouldn't want to play with Nintendo or on an Apple?"

Pamfiloff reports that many but not all child molesters belong to a group called NAMBLA, North American Man-Boy Love Association, which has about 125 members in California and 600 worldwide. The group was founded about 12 years ago, and men with close ties to the group have been arrested in Sacramento, San Francisco, Boston and the U.S. Military Academy at West Point.

NAMBLA says that sex between a boy, even an infant, and a man is completely natural—that it is merely misunderstood by a conservative society. "We speak out against the oppression endured by men and boys who love one another and support the rights of all people to consensual intergenerational relationships," the NAMBLA bulletin says.

"Over the years I have experienced some wonderful and meaningful relations with boys," writes one correspondent to the NAMBLA bulletin, "which in most instances never developed into a sexual relationship but to me, in many ways, were just as satisfying. Those that did go to full fruition in sexual contact did so out of mutual trust, love and appreciation. Most of those young men have now grown up, are happily married and we still are very good friends. Our past contacts are viewed as warm, friendly and exciting during the 'maturing' years . . . I am married and have a good wife and four wonderful children whom I love very much. There is still a very real part of me that needs these other intimate relationships to help me feel fulfilled and that I know, having been told, brings joy to my young partner."

As in the case with the three Southeast Asian boys, the "love" of which the pedophile speaks is a sexual attraction to a young boy. When the boy grows too big he is dropped.

"They say they are falling in love with the children," says Pamfiloff, "but as soon as the children pass the age limit they're attracted to, they're gone. When you love that kid, it locks them in at 9 years old; when he's 16, the interest is gone, you want that 9-year-old again. Few people really understand what these kids go through."

Says Kathy Baxter-Stern, director of the Child Abuse Council, "I've seen too many kids who have been victims of this sort of orientation and we're really talking about young kids. People say, well, you don't understand the lifestyle, but that's not what we're talking about. Kids who feel that they are gay and they come to San Francisco and get involved in the whole street stuff is not really what we're talking about. We're talking about much younger children being victimized."

There is a loosely organized international ring of pedophiles, according to Pamfiloff, many of whom belong to NAMBLA, who introduce men to young boys and exchange pornography.

This child-molester ring acts as a sort of underground railroad when one of them is believed to be under surveillance or near arrest. It even serves as a sort of international liasion between men and Third World boys, jokingly referred to by both the pedophiles and the police as "Club Ped."

"They prey on poor children in the Third World," said Pamfiloff. "Their trips go to Bangkok, Brazil, Manila and Sri Lanka, among others. They protect each other and even have a safe house in Sri Lanka in which they help to hide each other out."

Recently, he said, with the San Francisco police working closely with the Bangkok police, there was a big bust of some of these men who were running an orphanage in Bangkok. "Traditionally, it's one of the spots where you can get little kids," says Pamfiloff. "They had a safe house over there including a couple of our Bay Area pedophiles. A Massachusetts guy got arrested. Pedophiles went there on tours, and they had sex with the kids. It was all set up.

"They guy who is running the show was Steve Raymond. He was head of NAMBLA's steering committee and basically the leader for NAMBLA on the West Coast. He's in custody in Bangkok for child-molestation charges. Also the caretaker of the orphanage was arrested and found with child pornography.

"The word that we have about what was gong on there, and this is from federal authorities, is that they were running a junket where the child molesters would come to Bangkok and be assigned a boy as a guide to take them around to various places through the country. They would check into hotels together and do whatever they wanted with the boys."

"Protect yourself," NAMBLA urges its members in its bulletin. "As boy lovers, we can share much with each other—our feelings of love and attraction for boys, and our dream for justice . . . It is extremely dangerous to possess pictures that show you and a boy having sex . . . Sexual fascism marches on, but with caution you can avoid its death camps."

Pamfiloff has another warning, this one for parents. "If your kid is going off to visit some wonderful man all the time, someone who has all these puppies and kitties and is always down at Boeddeker Park, you should be a little bit suspicious."

For Asian families who have been through war and massive social disruption, it is a wrenching irony that their sons may be in danger from friendly men in a neighborhood park in their peaceful new homeland.

YOUNG WRITERS WEEK

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. EMERSON. Mr. Speaker, today, I am introducing a bill that will designate April 15 through April 21, 1990, as Young Writers Week. Since written communication is a vital element in our society, and schools in our country should strongly encourage the mastery of writing and improvement of the communications skills, I feel very strongly that we should designate such a week. Young writers should be honored for their diligence in the study and practice of writing and their contribution of stories, articles, novels, and essays to American literature.

I would encourage my colleagues to cosponsor this worthwhile endeavor to let the young writers in our country know we care and are serious about the art of writing.

CLOSING AN AGRIBUSINESS TAX LOOPHOLE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. STARK. Mr. Speaker, today I am introducing a bill to include Federal irrigation subsidies in gross income.

The President's budget for fiscal year 1991 makes a persuasive case for increasing the responsiveness of American agriculture to market mechanisms. The budget cites major improvements in the farm economy which bring into question the need for farm subsidies: net farm income is at an all time high of $48 billion in 1989; cropland used in 1989 is estimated at 330 million acres, up about 12 million from the year before; the farm sector is economically stronger, while debt-to-asset ratio on farm balance sheets is expected to continue to fall 17 percent in 1989.

The President's budget also expresses concerns about the distribution of subsidy payments. Since the 1930's, the number of farms has dropped by 50 percent and commercial farms are much larger. A significant portion of benefits go to larger, wealthy farmers and the President's budget concludes that "in an era of limited resources, this is hard to justify."

I couldn't agree more.

I suggest that Congress start by taxing the benefit that farmers receive when they get subsidized water. There is a long history of misuse and abuse of water subsidies. From 1902 to 1982 Federal reclamation law and policy allowed the Bureau of Reclamation to provide federally subsidized water to Western farmers on up to 160 acres in certain areas. The intent of the law to to help small farmers work land that had not been previously farmed.

The law was silent on leased acreage and the Bureau provided subsidized water to some large farms consisting of thousands of acres. Recognizing that this loophole needed to be closed and also that the acreage limit should be increased to reflect modern farming practices, the Reclamation Reform Act of 1982 increased the maximum acreage of subsidized water to 960 acres and attempted to close the loophole for larger farms by including language covering leased acreage.

However, according to the General Accounting Office, the loophole remains in place because the Bureau of Reclamation regulations do not preclude subsidized water for multiple landholdings—each within the 960 acre limit—that operate as one farm. The Bureau issued regulations which negated the intent of Congress as explicitly stated in the legislative history.

The General Accouting Office report on water subsidies of October, 1989—GAO/RCED-90-6—studied eight farms having enough acreage to be subject to the act's full cost provision. Six of the eight farms had reorganized through a combination of partnerships, corporations, and trusts to circumvent the 960-acre limit so that they could continue to receive the subsidized water. For example, a 12,345 acre cotton fam operating under a single partnership was reorganized into 15 separate landholdings through 18 partnerships, 24 corporations, and 11 trusts.

Why go to all this trouble? The water subsidy is liquid cash. It is a benefit which averages about $100 per acre. In just four of the cases reviewed by GAO, the value of the water subsidy was $1.3 million in 1987. And the benefit will flow year after year to agribusiness with thousands of acres in landholdings unless we change the law.

The operators of large farms found a way out of the Reclamation Reform Act of 1982 with the embarassing compliance of the Bureau of Reclamation. Maybe it's time to take a different approach. My bill treats the value of the subsidy as income to the farmers who receive it. This cuts the value of the subsidy by approximately one-third and will serve to decrease the reliance of all farmers on subsidized water. By moving toward full cost of water, I hope to promote water conservation and to provide a level playing field between farmers who receive the subsidized water and farmers who do not have this option.

The text of the bill follows:

H.R. –

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 90 of the Internal Revenue Code of 1986 (relating to illegal Federal irrigation subsides) is amended to read as follows:

"**SEC. 90. FEDERAL IRRIGATION SUBSIDIES.**

"(a) GENERAL RULE.—Gross income shall include an amount equal to the Federal irrigation subsidy received by the taxpayer during the taxable year.

"(b) FEDERAL IRRIGATION SUBSIDY.—For purposes of this section—

"(1) IN GENERAL.—The amount of the Federal irrigation subsidy received by any taxpayer during any taxable year is the excess (if any) of—

"(A) the full cost charge for Federal irrigation water delivered to the taxpayer during the taxable year; over

"(B) the amount required to be paid for such water.

"(2) FULL COST CHARGE.—The term 'full cost charge' means the full cost determined by the Secretary of the Interior under paragraph (3) of section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb(3)) plus any operation, maintenance, or replacement charges required in addition to any full cost charge.

"(3) FEDERAL IRRIGATION WATER.—The term 'Federal irrigation water' means any water made available for agricultural purposes from the operation of any reclamation or irrigation project referred to in paragaph (8) of section 202 of the Reclamation Reform Act of 1982.

"(c) DENIAL OF DEDUCTION.—No deduction shall be allowed under this subtitle by reason of any inclusion in gross income under subsection (a)."

(b) The table of sections for part II of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 90 and inserting the following:

"**Sec. 90. Federal irrigation subsidies.**"

"(c) The amendments made by this section shall apply to water delivered to the taxpayer in months beginning after the date of the enactment of this Act.

IN MEMORY OF WELLES BELIN

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. McDADE. Mr. Speaker, on February 15, 1990, I was saddened to learn of the death of longtime Scranton, PA, social and civic leader and my friend of many years, Charles Welles Belin.

I was fortunate to know Welles for about 30 years, and had worked with him in many social and civic capacities. He was an interested citizen of Scranton, of the Commonwealth of Pennsylvania, of the Nation, and the world.

I knew Welles Belin as a person who selflessly gave of his time and treasure to make the world a little better place in which to live and work and raise a family.

I knew Welles Belin as a successful businessman and defender of the American free enterprise system.

I knew Welles Belin as a devoted husband and proud and caring father and my deepest sympathies go out to his wife Connie, his two daughters, Lucie Belin Steele and Mary Belin Rhodes; and his two sons, Dorrance and Charles, Jr. In fact, some years ago, his son Dorrance served as an intern in my office; an experience which was as richly rewarding for me as I hope it was for him.

I knew Welles Belin as an active award-winning leader of the Boy's Club of Scranton for 34 years.

I knew Welles Belin as a successful general chairman of the fund drive of the Community Chest of Scranton and Dunmore, now the United Way of Lackawanna County.

I knew Welles Belin as a director of the Hahnemann Hospital and its successor, Community Medical Center, for 43 years, helping to build it into the fine medical institution that it is today.

I knew Welles Belin as governor and vice chairman of the Scranton Area Foundation for 20 years; as Abington Township supervisor for 10 years, and as a member of the Abington Independent School District board for 10 years.

I knew Welles Belin as the recipient of the Americanism Award in 1971 for distinguished service to the community from Amos Lodge 136, B'nai B'rith of Scranton.

In short, I was privileged to know Welles Belin for a long, long time; a friendship I shall always treasure. And the Scranton community was privileged to have Welles amongst its midst for a long, long time; benefiting from his tireless energies and devotion of the higher principle of service to others.

Welles and I often worked together to find solutions to problems and I could always count on him to keep me posted on these projects.

Mr. Speaker, the Nation has lost one of its premiere citizens. If there can be found any consolation in our sadness at his passing, it is to know that Welles is now at rest, now at peace, now at home with God.

DEMOCRACY HAS EMERGED VICTORIOUS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. MAZZOLI. Mr. Speaker, I rise today to congratulate Violetta Chamorro on her impressive victory in the recent Nicaraguan elections.

A host of international observers, led by the United Nations, the Organization of American States and former President Jimmy Carter, have determined that this was a fair and impartial election, and Mrs. Chamorro and democracy have emerged victorious.

President-elect Chamorro faces stern challenges to remake her beleaguered nation and to uplift her tormented people. I wish her well in these efforts.

TRIBUTE TO NEWARK COLLEGE STUDENTS FOR SUCCESS IN COMPUTER CONTEST

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, it is with great pride that I share with my colleagues in Congress the accomplishments of a group of students from the New Jersey Institute of Technology in Newark, NJ.

A four-member team from NJIT placed 18th out of 24 teams in the finals of the "International Computing Challenge," a contest between the Nation's top computer science students which tests their ability to solve problems using computers. The competition is held annually by the Association of Computing Machinery and sponsored by AT&T Computer Systems.

The students on the NJIT team are Nestor Voronka, a senior majoring in electrical engineering; Patrick Taylor, a senior majoring in computer science; Steven Muccione, a senior majoring in computer engineering; and David Charlap, a sophomore majoring in electrical engineering. Prof. Richard Coll is the team's adviser.

The NJIT team earned a right to compete in the contest by finishing first in a regional competition last fall. Nationwide, there were 12 regional contests involving 1,800 students on 459 teams from 354 universities. I am extremely proud of the team from NJIT and their success in this national competition.

Mr. Speaker, I know my colleagues join me in congratulating these four outstanding students and in wishing them continued success as they pursue careers in engineering and computer-related professions.

TRIBUTE TO JUDGE ANDREW J. PALMER

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr HUBBARD. Mr. Speaker, it is my privilege to pay tribute today to a longtime friend, Judge Andrew J. Palmer of Paducah, KY, who died last Saturday at Southgate Health Care Center in Metropolis, IL, after a long illness.

Judge Palmer, 64, was admired by many western Kentuckians. He served as McCracken County attorney from 1965–70 and McCracken County judge/executive from 1970 to 1974.

Judge Palmer, a native of Richmond, KY, graduated from Eastern Kentucky University and the University of Kentucky School of Law before moving to Paducah and practicing with the late Joe Grace.

As judge, he was instrumental in the development of the McCracken County landfill, and became known as an avid opponent to city annexation efforts.

After leaving public office he raised American saddlebred horses and developed property as he continued to practice law in Lone Oak.

A veteran of World War II, he also served as president of the McCracken County Jaycees—and was instrumental in construction of the Jaycee Civic Center—and the Lone Oak High School Parent-Teacher Association.

Judge Palmer was also a member of Masonic Lodge F&AM, the American Legion and the Lone Oak Lions Club. He also was a sponsor, manager and coach of Khoury League baseball, and was involved in the Lone Oak Park Board and Fire Department.

He helped organize the McCracken County Muscular Dystrophy Association, directed the mental health center and worked with the Paducah Association for Mentally Retarded Children, Red Cross, Boys' Club, and the USO.

Survivors include his wife, Joretta C. Palmer, three sons, Neville Palmer of Paducah, Andrew J. Palmer III of Lexington, and David W. Palmer of Alameda, CA; one daughter, Jennifer Richardson of Paducah; one stepson, Terry Trevathan of Paducah; one stepdaugher, Tara Eddy of Kuttawa; two sisters, Nancy Pratt of Lexington and Rosella Grubbs of Danville, 11 grandchildren and several nieces and nephews.

He was preceded in death by his parents, Andrew J. Palmer, Sr. and Fannie Woolums Palmer.

The funeral for Judge Palmer is today at 1 p.m. at Roth Funeral Home in Paducah.

My wife Carol and I visited with Joretta, Neville, Jennifer, and other members of the family yesterday at Roth Funeral Home. Today, we again express sympathy to the Andrew Palmer family.

THE PEPPER COMMISSION

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. GRADISON. Mr. Speaker, this past year I have had the privilege of serving as a vice chairman of the U.S. Bipartisan Commission on Comprehensive Health Care—the Pepper Commission. The purpose of the Commission was to examine the problems in the current health care system that limit access for over 31 million uninsured Americans and prevent adequate and affordable long-term care services for the elderly and disabled, and to make specific recommendations to the Congress as to solutions to these problems.

While I support the goals of the Commission, I cannot support the commission's final recommendations. I would like to share with my colleagues my views on the Commission's recommendations along with my own recommendations. These are expressed in a letter I sent to Senator JAY ROCKEFELLER, Chairman of the Pepper Commission.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 2, 1990.

HON. JAY ROCKEFELLER,
Chairman, The Pepper Commission, Cannon House Office Building, Washington, DC.

DEAR JAY: The Pepper Commission, you as our able chairman, and our energetic staff, have worked long and hard to meet the charge laid out by the Congress. I commend you for approaching the job with energy and a willingness for hard work. I am pleased that you kept the commission free of partisan bickering. It has been an honor for me to serve as a vice-chariman of the commission.

I am writing to offer you some further background on why I cannot support the thrust of the Commission's recommendations. These recommendations will be the first of a number of proposals on our health care system that will be issued this year; it will initiate, not end, public discussion about health care. I regret that unanimity eluded us. We share the same goals but differ on how to reach them.

That there are problems with the health care system in this country is not in question:

Far too many Americans lack health insurance; health care costs continue to increase at unacceptable rates; deteriorating financial conditions of essential health providers threaten to undermine their ability to serve the public.

At the same time the country faces these issues, there does not appear to be a constituency for pumping very large amounts of money into the present health care system. Certainly, there is no evidence that the public feels undertaxed. No wonder the Commission promises the moon but doesn't tell how to get there.

As you know, the federal government has failed to carry out the promises made to provide health care for the poor and other special populations. For example, only about 42% of the poor are now covered under Medicaid, where limitations on eligibility, the scope of benefits, and the level of reimbursement undermine its value to those it was intended to serve. To a lesser extent, Medicare is not fully meeting its promise, especially with regard to catastrophic levels of acute care costs. And, the one-size-fits-all design of the Medicare benefit package fails to meet the varied needs of the elderly.

Why Medicaid and Medicare aren't doing their jobs well is an important question, and one not much explored by the Pepper Commission. But whatever the reasons, it is simply bad public policy to make new health care promises to groups presently lacking adequate health insurance when existing programs aren't meeting their responsibilties. In fact, there is an unreal quality to the Pepper Commission's proposals for $65 billion of new spending by the Federal Government alone, when the Congress has just been advised (in the President's 1991 budget) that the present value of the deficit in the Hospital Insurance Trust Fund (Medicare Part A) could be $250 billion.

I am reminded of Milton Friedman's observation:

"Although the purveyors of health care may initially get additional resources by tapping the government till, that is a transitory phenomenon. When the government is taking over any activity, there is more money available . . . once the government has taken it over, the situation changes. Politicians have to move on to new fields and take over new areas in order to get votes. The result is that those areas already taken over get starved. Instead of there being more funds available, there are less."

Politicians as well as economists should know we live in a world of scarce resources. While the Pepper Commission's mandate is to recommend action, we cannot overlook the fact that if its proposals were adopted, much less money would be available for other worthy causes: education, housing, the homeless, child care, cleaning up the environment, or raising future living standards by cutting the deficit (i.e., raising national saving), to name just a few.

MANDATES

The Pepper Commission wisely emphasizes the employer's responsibilities for health care, and I support an employer-based approach. It is the distinctive feature of the U.S. system just as the provincial-based plans are in Canada, and the centralized, government-provider system is in Britain.

But the recommend *mandatory* employer payments for most employee health care costs—even if delayed by a "trigger"—merely assures that the Commission's recommendations will be political non-starters in Congress. Small businesses—already adjusting to the new mandate of a higher minimum wage, and legitimately concerned about cost-increasing mandates ranging from parental leave, to Social Security tax boosts, to various disabilities proposals—will object to the plan, and they will be right to do so.

An employer mandate for health insurance is based on a false premise, namely, that small businesses are able but unwilling to meet their social responsibilities. This may be true of some, but the overwhelming evidence is that health care is simply unavailable and/or unaffordable to many small businesses. Especially in a tight labor market, it is in the interest of small business to offer health benefits in order to be competitive in recruiting and retaining employees. But the fact is many cannot afford to do so. To make matters even worse for small businesses, the Commission's recommendations would result in a $10 billion shift of health care costs from larger to smaller businesses.

My own analysis is that the insurance reforms—which I support—will increase the availability of health insurance for small business, but they will also increase the cost. The cost increases will arise from prohibiting medical underwriting (e.g., consideration of pre-existing conditions) and from encouraging more businesses to self-insure basic benefits.

Philosophically, there are valid pros and cons to mandates. Over the years, mandates have been imposed for the minimum wage, workers compensation, Social Security, unemployment compensation, overtime pay, and so forth. But to pile mandate upon mandate without considering cost is to cause serious job losses, thereby harming the very individuals meant to be helped.

Few would object to a health care mandate if it cost, say, $100 a year for each worker; and few would support it if it cost $10,000 a year. Regrettably, it is somewhere in between: costs of $3000 or $4000 a year are neither uncommon nor trivial in amount. In my view, the Commission consistently understates the costs of health insurance today. In some cases, this increase in employers' payments for workers will cost jobs. Employers with many part-time workers will simply cut back rather than pay the extra tab. But even worse, many people who have jobs will simply see the purchasing power of their pay checks reduced over time as the mandate phases in. In some cases, as when these individuals have access to public hospitals or community health centers, they may be worse off with the coverage they are required to buy.

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Like it or not, mandate-induced job losses must be balanced against the socially desirable goal of assuring employees and their dependents access to health care. Employer mandates of this type should be opposed until costs are brought under control—at least until the per employee costs for small businesses are brought in line with those of larger, generally self-insured, businesses. To do otherwise would, in effect, mandate higher costs for smaller employees than for large, hardly an enlightened public policy.

COVERAGE

Universal access is a worthy goal, but the costs—not alone financial—of reaching this goal suggest a more limited, more attainable objective. The problem with the present system is not the fact that some lack health insurance; it is that so many lack health insurance. Were the number lower, the health needs of the uninsured could be met through public hospitals, philanthropy, community health centers, even cost shifting. Designing a system with, say, 95% coverage, hard as that is, will be infinitely easier and less intrusive than a system meant to cover 100%. Even the Pepper Commission fails to assure 100%. What about uninsured employees of small businesses if the "trigger" is not pulled? Medical expenses not covered under the Commission's mandated health package? Premiums and deductibles which must be paid by beneficiaries? Prescription drugs and dental care? Better to acknowledge that 100% is unattainable and act accordingly than to pretend otherwise.

The Commission's "play or pay" plan has a basic political failing. Under its recommendations, about 70 million persons will be covered under the public plan excluding 33 million Medicare beneficiaries. Over 100 million Americans would then look to the federal government for their health insurance. As a result, the political pressures to increase benefits would likely result in costs to taxpayers far above what even the Commission estimates.

LONG TERM CARE

Policy researchers have found that the Commission's assumptions about the problem of long term care don't hold up very well in the face of the facts. As an example, consider the widespread belief that only a small percentage of elderly people will ever be able to afford the premiums for private long-term care insurance, even among the baby boom generation as they start to retire. Yet, as we heard in testimony before this Commission, even the Brookings/ICF model, which is widely quoted to this effect, has provided estimates of over 50 percent coverage if people begin paying during their working years or use some of their assets in their later years.

Moreover, we simply don't know how many people with substantial assets could pay premiums for such insurance. Yet the Commission proceeds on the assumption that a new non-means tested entitlement program is the answer.

There are two basic issues today in the financing arrangements for long term care: (1) the emphasis on institutional (nursing home) care rather than community (home) care and (2) the spend-down requirements of Medicaid. Happily, insurance is now becoming available permitting those who can afford it and qualify for it to protect themselves through the private sector. Unhappily, the non-means tested (social insurance) proposals of the Pepper Commission, rather than encouraging a private sector response, may retard it. And even more ominous, the losers, if a major new social insurance program is adopted, may be the poor.

As Isabel Sawhill of the Urban Institute has pointed out, since 1962 all of the growth in federal spending as a percentage of GNP is accounted for by two non-means tested social insurance programs—Social Security and Medicare. That they have accomplished a great deal and are enormously popular is not at issue. The question is whether a large new non-means tested social insurance program can be adopted in the face of strong public opposition to higher taxes and major competing demands for the revenue resources.

My thinking about long-term care has been influenced by the University of Pennsylvania's Mark Pauly, who comments:

"In a world of unlimited resources, one would surely not want to ask people to reveal their wealth levels before they get public benefits, or to sacrifice some of the bequest they intended to leave. But in the real world of constrained resources, there has to be a cheaper way to deal with the feeling of 'stigma' ".

Fortunately, there is a cheaper way. Long-term care is an insurable event. Obviously, few families can afford a $25,000-a-year nursing home bill, but the evidence is that a large and growing number of Americans can afford long term care insurance. And the increasing affluence of many elderly, if not the elderly as a group, makes it possible to redesign the Medicare benefit package so that those who wish to have at least partial protection against long term care costs can have it, without increasing the costs of the Medicare program.

MY PROPOSALS

Unlike those who list the new health care expenditures they favor, and then explore how to pay, I start with the money, since that is the limiting factor.

To put the federal cost of the Commission's plan in perspective, consider this: $65 billion in annual new spending is itself larger than all but five of the budget's 18 spending functions. Only the National Defense, Health, Medicare, Income Security, Social Security, and Net Interest budget functions are larger in dollar amounts. It is more than 10 times the cost of the catastrophic health care program that was repealed primarily because of its financing. And this figure—$65 billion—which I believe is a low-ball estimate of the government's cost of the proposals, represents only the federal cost of the proposal. By the Commission's own (and likely low) estimate, an additional $20.5 billion would be imposed on businesses.

Let me put it another, more apparent way: The annual additional federal cost of $66 billion works out to over $870 per year for every household that pays federal income taxes. My congressional district may be atypical, but I am confident that my constituents are unwilling to fork over that much more of their incomes to Uncle Sam.

What, then, do I favor, and how would I finance it?

Before the first dime of new taxes is considered, we should seek revenue neutral means of paying for much needed improvements to existing programs. The present tax treatment of health care expenses of business is perverse and should be changed. Full deductibility for the employer, coupled with complete exclusion for the employee, has four undesirable results:

Tax subsidies for health insurance for those workers who have coverage, but not for those workers who do not;

Tax subsidies for workers covered by health insurance but not for non-workers;

Larger tax subsidies for higher-income taxpayers than for those in lower brackets; and,

Higher tax subsidies for more expensive benefit packages, regardless of income.

Capping the tax benefit could finance a refundable tax credit for those not covered by employer insurance, Medicare, or Medicaid. The refundable portion of the credit could be in the form of a voucher which could only be used to purchase health insurance either by buying into Medicaid, or by contributing to an employer-sponsored plan. The tax cap could be set at the level needed to finance an appropriate tax credit. The credit could "slide" depending on income and family size.

If employers were required to offer—but not to pay for—group health coverage, the availability of the vouchers may induce employers voluntarily to pick up all or a part of the costs in excess of the employee's voucher. Initially, the use of the voucher might be limited to maternal and child health benefits.

Further encouragement for small business would come from extending to the self-employed the same full deductibility of health insurance premiums provided corporations.

To illustrate how this could be revenue neutral, a cap of $350/140 per month for family/single employer-provided coverage would finance a tax credit of $200 per individual (up to $600 per household) for the purchase of health insurance by those unprotected by employer-provided or public health insurance.

Needed changes in long-term care can be financed by offering actuarially equivalent and revenue neutral packages to new Medicare beneficiaries and bringing the Medicare eligibility age in line with the normal retirement age for Social Security benefits. This would also produce substantial savings to the general fund under Part B. Such a change would reflect the increase in life expectancy over what it was when Medicare went into effect nearly 25 years ago.

Under these criteria, at least two long term care packages might be available under Medicare in addition to current benefits:

Current benefits with higher deductibles and/or premiums coupled with catastrophic acute care protection; or

Current benefits with higher deductibles and/or premiums coupled with long term care protection. For example, raising the Part B deductible to $400 from its current $75 would save approximately $172 per enrollee in 1991 which could be applied to a long term care benefit. Raising the deductible to $600 would save $249 per enrollee.

The Part B savings to the general fund means the change in the age for Medicare eligibility could finance:

Increasing the income and asset limits for sick spouses to the level set under the spousal impoverishment provisions of the Medicare Catastrophic Coverage Act; and

Broadening home health coverage under Medicaid.

At very little expense to the Treasury, taxpayers should be permitted, tax-free, to use part of their life insurance reserves, pensions, or IRAs to purchase long term care protection. The current tax treatment of employer-paid health insurance should be extended to employer-paid long term care insurance. States should be granted waivers under Medicaid to experiment with stimulating the development of affordable private long term health insurance.

In conclusion, I find the Commission's recommendations far too costly. They rely too much on coercion and too little on state and local initiatives and private efforts. I believe that in tackling the nation's health care problems, the American people will respond better to incentives and the removal of regulatory barriers than to a gun at their heads.

The track record of federal programs in dealing with all manner of human problems should give us pause in trying to lay out a strategy and a fixed time-table as the Commission has done. Best to take measured action now and evaluate our progress on a regular basis.

Regrettably, after much hard work by all, the Pepper Commission's report will only raise false hopes. Instead of focusing on the possible, the recommendations make promises which cannot be kept.

Sincerely,

Bill Gradison,
Vice Chairman.

SUPREME COURT DECISION ON SEARCH AND SEIZURE ABROAD

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. EDWARDS of California. Mr. Speaker, last week the Supreme Court handed down yet another opinion restricting individual liberties and extending the power of the executive branch. The Court held that the fourth amendment, embodying the right to be free from unreasonable searchs and seizures by the Government, does not protect foreigners living abroad from American law enforcement officials. The Court reached this result even though the individual will be tried in the United States under our laws.

Although the fourth amendment guarantees the rights of United States citizens living abroad and of aliens living in America, the Court's refusal to include foreigners within the amendment's scope failed to recognize that there are limits which American officials should honor wherever they act. As a matter of law, the decision is hardly defensible. As a matter of policy, the opinion disparages our role as a model for fledgling democracies who look to the United States for leadership in the area of individual liberties. Less and less can we rely on the judicial branch to enforce the principle that ours is a government of delegated powers.

This morning, the Washington Post and the New York Times carried editorials expressing concern about the decision, and I ask that they be made part of the Record.

[From the Washington Post, Mar. 5, 1990]

JUSTIFYING SEARCHES ABROAD

With increasing frequency in the past decade, the United States has sought to prosecute foreign nationals for violations of U.S. law abroad. Thus drug traffickers, securities manipulators, plane hijackers and others have been subjected to U.S. law and tried in U.S. courts for acts committed elsewhere. Last week the Supreme Court tackled a question that logically arises in these cases: Do the procedural guarantees of the U.S. Constitution, specifically the Fourth Amendment, apply to protect the defendant?

The case at issue involved the search, in Mexico, of the homes of a purported drug dealer, a Mexican national who was at the time in a U.S. prison. U.S. law inforcement personnel sought the permission and obtained the cooperation of Mexican police, but they did not obtain a search warrant from an American court.

A majority of the court found that while the Fourth Amendment applies to U.S. citizens here and abroad and to aliens resident in this country (whether legally or not) because the defendant in this case was not here voluntarily, the search of his property in Mexico was not governed by the amendment. The majority also pointed out the difficulty and the futility of obtaining a U.S. search warrant since that document carries no authority outside the United States.

But as he so often does, Justice Brennan has written a dissent of great clarity and force. Seeking a warrant, he argues, serves an important purpose even if it is not valid abroad. The procedure subjects the government to a neutral decision-maker, a magistrate who evaluates the claim of probable cause and sets limits on the search to be conducted. When the evidence obtained is going to be used at a criminal trial in the United States, why shouldn't the same standard be applied in the case of a foreigner as in that of a citizen, or even an illegal alien? Even more important, as Justice Brennan points out, "the behavior of our law enforcement agents abroad sends a powerful message about the rule of law to individuals everywhere. . . . For over 200 years, our country has considered itself the world's foremost protector of liberties. The privacy and sanctity of the home have been primary tenants of our moral, philosophical and judicial beliefs." Aside from the diplomatic problems involved in these searches—can you imagine the reaction if Mexican, French or Korean police were allowed to search American homes without demonstrating reasonable cause?—Justice Brennan points out the hypocrisy of the practice when it's carried out by representatives of this government.

Whether or not the Fourth Amendment applies abroad or search warrants are mandated, steps can still be taken to require a demonstration that proposed searches are reasonable and based on probable cause. Law enforcement agencies can take it upon themselves to make the case—the Army, for example, asks for U.S. warrants before wiretapping outside the United States—or Congress can require it. This country cannot continue to expand its criminal jurisdiction across international boundaries and maintain its reputation as a protector of civil liberties if a constitutional double standard is maintained.

[From the N.Y. Times, Mar. 5, 1990]

GUNBOAT LAW

According to the Supreme Court's peculiar reasoning last week, the Fourth Amendment does not protect a foreigner from a warrantless search by Americans of his home in his native country, and the use of seized evidence at his trial in this country. This 6-to-3 decision is to jurisprudence what gunboats are to diplomacy.

The Court says that the "right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches" does not embrace an alien who is brought to American justice for crimes against the United States. Chief Justice Rehnquist says America can use this extra power at a time of increased paramilitary ventures abroad. He would have served the nation better by promoting, instead of naked power, the rule of law.

Federal Drug Enforcement Administration agents obtained a U.S. arrest warrant for René Martin Verdugo Uriquidez, a Mexican citizen and one of a band of violent drug smugglers. Mexican authorities picked him up in Mexico and brought him to the United States, where he has been convicted of the torture-murder of a D.E.A. agent. To prosecute separate drug charges, agents searched two residences in Mexico, with Mexican cooperation but no search warrant. Lower courts barred the evidence under familiar constitutional principles, but not the Supreme Court.

The Chief Justice, long known for his literal, narrow constitutional interpretations, said "the people" protected in the Fourth Amendment are different from the people whose rights are safe-guarded elsewhere in the Constitution. This was such a flight of judicial imagination that the junior Justice, Anthony Kennedy, said "with respect" that he couldn't use it to support the result.

Justice William Brennan's dissent offers a worthier lesson to a world now studying the U.S. Constitution as a model. In his view, the people it protects, citizen or alien, include those accused in our courts of violating our laws.

Agents could have got a search warrant for this defendant's home or office as easily as the warrant for his arrest. In an emergency, agents behaving reasonably could have found innumerable court-allowed excuses for not obtaining a warrant. The power to skirt the Constitution altogether was unnecessary as well as illegitimate.

Any restrictions on searches and seizures that occur "incident to American action," Justice Rehnquist wrote, "must be imposed by the political branches through diplomatic understanding, treaty, or legislation." That's an invitation to politicians to study ways to maintain America's reputation for justice. It's unfortunate that the judicial branch has made such a study necessary.

COMMENTARY BY WILLIAM HERSHEY

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. McEWEN. Mr. Speaker, recently I received a letter from Mr. Clayton Horn, the retired publisher of the Beacon Journal.

Mr. Horn wrote to me concerning an article by William Hershey of Federal trust funds which was published in the Beacon Journal on February 26, 1990.

For the past 4 years, I have been fighting to use the transportation trust fund surpluses to maintain and upgrade our Nation's critical transportation infrastructure. I welcome Mr. Horn's support for this effort and would like to commend this letter and the article by Mr. Hershey to my colleagues.

February 28, 1990.

Dear Bob: I can't tell you how pleased I am that you are taking a whack at the damnable practice of using the trust funds to help hide the size of the national deficit.

Money that is desperately needed for highways, bridges and airports is used to make the gullible people of this country believe we are living up to the provisions of the Gramm-Rudman law.

It's good to see Pat Moynihan also trying to do something for the Social Security System.

Wish I were still writing editorials!

Warmest regards,

CLAYTON.

MISUSE OF TRUST FUNDS MAKES WARRIORS OF MOYNIHAN, McEWEN

(By William Hershey)

WASHINGTON.—Bob McEwen's not used to saying thanks to Democrats like Daniel Patrick Moynihan.

But the Ohio Republican from Hillsboro may make an exception.

By howling—and howling well—about the misuse of surplus money in the Social Security Trust Fund, Moynihan, a New York senator, may help McEwen in his four-year battle to pave highways, build and repair bridges and make airports safer.

What McEwen, a House member, and Moynihan have in common is disgust about how federal budget makers treat so-called trust funds. These funds are set up with taxes that are supposed to go for single purposes, rather than become part of the general budget.

(The "trust" part is ironic, because that's hardly what the funds inspire.)

Moynihans disgusted because the Bush administration, with a few nods and winks from willing Democrats, has been using a surplus of more than $50-billion in the Social Security Trust Fund to help "meet" the targets of the Gramm-Rudman deficit reduction law.

By counting the Social Security surplus in Gramm-Rudman calculations, Bush and his pals in Congress have been able to avoid making more spending cuts or—"read my lips" forbid—raising taxes.

Moynihan has called for a cut in the Social Security payroll tax and for setting up a "pay-as-you-go" Social Security system.

For a lot of reasons, some political, Moynihan's bill isn't expected to be enacted into law soon. It has inspired the Bush administration to begin talking seriously about eventually divorcing Social Security funds from the rest of the budget.

McEwen wants to do the same thing with trust funds set up to build highways and bridges and improve airports.

In McEwen's opinion, taxpayers have been hoodwinked about the taxes they pay into these funds. They may think the 9 cents a gallon federal gasoline tax they pay goes to build highways. Or that the 8 percent federal tax they pay for airplane tickets goes to improve airports.

Some of the money generated by these taxes does go for the intended purposes. Some doesn't, however. McEwen estimates that a $29-billion surplus has been built up in the transportation trust funds.

Like the surplus in the Social Security fund, this unspent money helps budget makers meet Gramm-Rudman deficit reduction targets.

"Americans are paying gasoline and airline taxes in good faith with the expectation that these funds are being used to keep roads and airports safe and in good repair," McEwen said.

"But that is not the case. Instead the federal government has held these funds hostage to mask the true deficit. . . . Let's end the lie and lower gasoline and airline ticket prices, if we are not going to spend these funds on our roads and airports."

McEwen would like to spend the money on roads and airports, and he has introduced a simple-sounding bill that would be a first step. It simply excludes the money in these funds from the totals in the budget. This way, there'd be no incentive to build up surpluses because the extra money couldn't be used to meet deficit-reduction targets.

The debate Moynihan has sparked over Social Security is beginning to spill over to the other trust funds. McEwen, ever the optimist, can hardly wait.

"We've already identified all the bridges and highways," he said. "We could spend those (surpluses) responsibly this summer."

Maybe he'll invite Moynihan to a ribbon-cutting or two.

STATEMENT IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 87

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 27, 1990

Mr FEIGHAN. Mr. Speaker, as a cosponsor of House Concurrent Resolution 87, I urge my colleagues to support his resolution. The resolution expresses the sense of Congress that the Government of Iran extend to the members of the Baha'i community, the largest religious minority within Iran, the human rights to which all human beings are entitled. The resolution also urges the President to support the plight of the Baha'is through cooperation with other governments and the United Nations. We must support this resolution and show that we will not stand and watch as a foreign government abuses its citizens.

The Baha'i vision is one in which no religion is preeminent; no one religion can call itself the one true faith, for each religion is a facet of what can be called the truth. This view has placed the Baha'is at odds with much of the Islamic community. This conflict has been exemplified by the persecution of Baha'is by the Government of Iran. There are 300,000 Baha'is in Iran, and since the fall of the Shah in 1979, they have borne the brunt of Iranian religious fervor. More than 200 Baha'is have been executed. By 1982 all Baha'i students had been expelled from Iranian universities. Some believers were even forced to repay salaries and pensions earned under the earlier regime. This pattern of persecution was endemic during the early years of the Khomeini government.

Recently, conditions for the Baha'is have improved slightly. No Baha'is have been executed since 1987, and fewer than 20 Baha'is remain in prison. The Baha'is can now also reapply for school. Although persecution has not been so consistent in recent years, the Baha'is still experience discrimination.

The internationally community has consistently addressed the plight of the Baha'is through the United Nations. Between 1985 and 1988 the United Nations adopted four resolutions specifically mentioning the Baha'is and condemning Iran's human rights record. For each of the last 8 years, the United Nations Commission on Human Rights and the United Nations Economic and Social Council have adopted resolutions concerning Iran's human rights record.

The Congress has also made a concerted effort to address Iranian abuse of the Baha'is. Congress adopted concurrent resolutions pertaining to Iranian human rights abuses and the Baha'is in 1982, 1984, and 1988. In addition, the Reagan administration repeatedly expressed support for the Baha'is, and I hope that the Bush administration will, upopn passage of this resolution, continue our historical support for the Baha'is.

We tend to forget that Iran is not a homogenous country, that there are minority populations within the country that are as dissatisfied with the current government as the international community. We rightly concentrate on the connection between Iran and international terrorism, for Iranian controlled terrorist organizations such as Hezbollah control the lives of America hostages. But we must also remember the Baha'is, for the Iranian Government's atrocious foreign policy is only an extension of its domestic policy, a domestic policy which justifies persecution of minority populations based on religious differences.

A recent report by Mr. Reynaldo Galindo-Pohl, the United Nations Special Rapporteur for Human Rights in Iran, supports the purpose of this resolution. All religious shrines and many properties remain confiscated. In addition, Baha'is are rarely admitted to universities. It is still illegal to practice the Baha'is faith, for the Zoroastrian, Christian, and Jewish faiths are the only constitutionally recognized religious minorities. In his report the special rapporteur did state that the situation for the Baha'is was approaching de facto tolerance; he added, however, that continued monitoring was necessary due to past and current discrimination against the Baha'is.

Again, I urge my colleagues to support this resolution. The Iranian Government must know that the Government of the United States has not forgotten the Baha'is. The commitment that this resolution demonstrates is simple and thorough; the United States is committed to human rights, and the status of the Baha'is is no exception.

TWO GERMANYS GOOD, ONE GERMANY BETTER

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. DANNEMEYER. Mr. Speaker, in his tale "Animal Farm," George Orwell described life on the farm after the animals chased out the farmer. The pigs, the leaders of the revolution, issued the slogan: "Four legs good, two legs bad," suggesting that the miseries of the four-legged race were due to the arrogance and tyranny of the two-legged creatures. Once set free, nothing would stand in the way of prosperity for all the animals.

Many years have passed and the animals have made great sacrifices in trying to build their future. But the more independent they became of the two-legged race, the more hopelessly they were falling behind. On the tenth anniversary of the revolution, Comrade Napoleon, the Secretary General of the Four-Legged Party, the leader of the pigs, announced new directives—we may guess, under the names of perestroika and glasnost. The new measures called for the adoption of a political and economic structure imitating those of the two-legged race. It was an astounding spectacle to watch the pigs as they marched on their wobbly hind legs, chanting the new slogan: "Four legs good, two legs better."

THE BUGLES OF JERICHO SILENT

Since the creation of the so-called German Democratic Republic in the Soviet zone of occupation 40 years ago, the rest of the world has been chanting the slogan: "Two Germanys good, one Germany bad." It is true that the Western governments, including the government in Bonn, paid lip service to the ideal of eventual German reunification. It is true that they denouced the erection of the Berlin Wall and the shooting of citizens who tried to scale it. But there was no conviction in the commitment to German unity. Willi Brandt called it the living lie as recently as in 1988. Deeds were a far cry from words. Bribery, blackmail and ransom were paid on a regular basis to keep East Germany's gauleiters in power. Diplomatic recognition and other privileges of sovereign states were unconditionally granted to the regime. Ample commercial credits were made available, enabling East Germany to become the showcase of communism. Nobody, no politician, no journalist had the courage to speak the truth, namely, that oppression under Honecker was hardly distinguishable from that under Hitler.

The slave-keepers hailed the Berlin Wall as a monument to their victory. In January, 1989, Honecker predicted that the Berlin Wall will still be standing in 50 or even 100 years, to protect our Republic from thieves, not to mention those who are prepared to disturb stability and peace in Europe.

No sooner were the fortieth anniversary celebrations of the regime over than the Wall started to crumble. But unlike the walls of Jericho, it did not come down to the sound of the bugles from the outside. It came down in response to the wailings and prayers of the slaves inside.

Perhaps one can justify the silence of the bugles, and the lack of heroic display outside, in the name of realpolitik. But it would be fitting and proper if the Western powers would belatedly identify themselves with the aspirations of the people of East Germany, and accept with good grace the new slogan: "Two Germanys good, one Germany better".

THE FAULT LINE OF EUROPE

As many authors have observed, the inner-German border is the fault line of Europe. Pressures that have been building up over decades could cause unexpected tremors and quakes elsewhere, sending tidal waves to our own shores.

But unlike the San Andreas fault in California, the line in Europe is man made. And what man has made, man can also undo. In the closing decade of the century and millennium, there is no unfinished business pressing with a greater sense of urgency than the prevention of a devastating earthquake emanating from the artificial and long-neglected fault line in Germany. The hour is late. Policy makers have fallen way behind events. They do not seem to understand what is happening in Eastern Europe. They do not see that East Germany, this monster that was created against the wishes of the people, and which carries the earmarks of the two most hideous ideologies ever known to man, Hitlerism and Stalinism, is on the verge of imminent disintegration. They have shown themselves reluctant to abandon the fantasy that the regime can be reformed, propped up, bolstered; that it has a mission to fulfill: the maintenance of the status-quo and pace in central Europe.

The introduction of free elections and free markets in East Germany could not revive this corpse in Europe any more than a new suit for Lenin's mummy could resurrect the dead dictator. The disintegration of the government in East Berlin is tantamount to the demise of East Germany, and the de facto reunification of Germany, whether the rest of the world is prepared for such a situation or not. Only union can bring order, stability and prosperity. The crumbling of the Berlin Wall under the incessant chipping of millions of chisels is the symbol of the obliteration of the partition of Germany, in answer to the wishes of 77 million Germans. There is little that politicians and governments can do, except quickly try to adapt their ways to the ways of history.

Nothing is more characteristic of the lack of leadership in the Western world than the fact Mr. Gorbachev was allowed to steal the show. He was the first to acknowledge that the two Germanys have embarked on an immutable drive toward unity, and to stand in their way was to risk losing any input in the process. By contrast, the pronouncements of Western leaders have been vague, evasive, and contradictory. Mr. Gorbachev has moved on the diplomatic chessboard against a weak Western position. Britain and France, for their own reasons, want German unity delayed indefinitely. The United States sees no harm in unity but would not volunteer to play the role of the honest broker, for fear of wounding British and French sensibilities. But nobody in the West, not even the West German political leadership, is prepared to contemplate a neutral Germany.

It is clear that German unity will not be a political contrivance, but a popular avalanche akin to the one that has brought down the Communist governments in the Soviet fiefdom during the unforgettable year 1989. What is not clear is that, when the hour comes, the leadership of the Western World will prove equal to the challenge of Mr. Gorbachev as he endears himself to the German people. The danger is that the Western governments will allow themselves to be set up as the stumbling block to German neutrality, not so much in opposition of the wishes of the Soviet leader as in opposition of the wishes of the German people.

DIVIDE ET IMPERA

The documents signed at Yalta and Potsdam in 1945 by the victorious allied powers speak of one Germany with several zones of occupation, making the ultimate reunification of Germany the charge of the occupying powers. The preamble of the Federal Republic of Germany calls upon all Germans to achieve in free self-determination the unity and freedom of Germany. The idea of perpetuating two German states, one on each side of the fault line, is an affront to the ideals of humanity and freedom. It has never been officially endorsed by any government that has been freely elected by the people, whether German or non-German.

Ye there is a last-minute rush trying to lend respectability to the proposition that the permanent division of Germany is in the interest of world peace and progress. The sacrifice of national unity is seen as the atonement of the German people for the horrors of two world wars for which they are held responsible. Some even go so far as questioning the validity of assumptions underlying the quest for a German nation-state. They point out that, since Germany was united only from 1870 to 1945, unification may well be the anomaly and partition the norm. In suggesting that the Germans can overcome and redeem their past only by supporting universal values—peace, environment, economic and social justice—to the exclusion of their national aspirations, they profess to promote the universalist ideal.

We need not take these exhortations seriously. History does not follow the neat, preconceived ideas of visionaries. Rather, it follows its own dynamics. Holding a people collectively responsible for the putative sins of its forefathers is notcompatible with the Western value system. It has been tried—notably, by Christianity, in the case of the Jewish people—and found reprehensible. The denial of unification in the name of opposing German nationalism does not make sense. Nothing would do more to awaken the dormant German xenophobia than such an unwarranted obstruction of this nation's just aspirations. When we peel off the rhetoric, the universalist ideal is exposed as a vain attempt to apply the age-old strategem of divide et impera.

WHO IS AFRAID OF A NEUTRAL GERMANY?

In failing to put German neutrality and the withdrawal of all foreign troops from German soil on the table, the Western powers missed an opportunity to show themselves magnanimous and trusting. The Soviets are now ready to exploit German sensibilities by asking the question: "Who is afraid of a neutral Germany?"

In the debate over Germany's destiny, the West should not assume that German public opinion will be unambiguously on NATO's side. Thomas Kielinger, editor of the conservative Bonn weekly Rheinischer Merkur, points out that foot-dragging by Western politicians can only make Germans question the value of their Western links. An opinion poll last year indicated that 71 percent of the West German population agreed with the idea of withdrawing all foreign troops from East and West Germany as a precondition for reunification. According to a poll by the daily newspaper Bild, 57 percent of the population of West Germany is prepared to accept neutrality. A public opinion poll by the Wickert Institute found that 9 out of 10 East Germans thought a reunified Germany should be neutral.

If there is one formula in Europe that in itself is a virtual guarantee of political and economic success for the benefit of the coun-

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try concerned as well as its neighbors, then it is neutrality. Switzerland, Sweden, Finland, Austria have been showcases of stability and prosperity after they embraced neutrality. Thousands of Hungarians fought and died for the right to declare their country independent and neutral in 1956. It should not be beyond the wits of NATO planners to redraw the defence arrangements of the alliance on the assumption of German neutrality. It is time for our European NATO partners to make up their mind. If they do not want to have on their soil the surplus American troops evacuated from Germany, then the presence of these troops in Europe is not needed, and they should be brought home.

It is possible that, in its present moment of political weakness, the Soviet Union will drop German neutrality as a precondition for German unity. It would be a mistake for the West to use this as an opportunity to enlarge NATO with the human and material resources of East Germany. Statesmanship calls for German involvement in the decisionmaking. If we want to earn the respect of the people of East Germany, then we must let them speak for themselves. To pontificate on their future without consulting them is a sure way to alienate them. If it is true that they have left one military alliance only to get entangled in another, then we should let them say so. But the message they are sending through the opinion polls do not support this theory. What these messages show is that the people of East Germany are thorougly fed up with the idea of living in a garrison state, having lived in one for 57 years.

DRANG NACH OSTEN IS BAD, DRANG NACH WESTEN IS GOOD

The most delicate question arising in the context of reunification is the status of Germany's eastern borders. As a signatory to the Helsinki agreement, West Germany has already renounced the use of force in solving territorial disputes. Yet the West German Chancellor has been repeatedly criticized for his failure to accept the existing borders——the Oder-Neisse line—as final. He is being exhorted by his Western allies that he should, in advance of the peace conference and without an argument, renounce any and all claims to the Eastern provinces that were taken from Germany in 1945 as war booty, after the native German population was uprooted and expelled.

Such a course of action would justify in retrospect the indiscriminate deportation of innocent civilians from their native land. The President of Czechoslovakia, Mr. Vaclav Havel, a man of uncommon moral courage, has shown the world the true road to reconciliation. In January, on his state visit to West Germany, he offered a public apology to the 3 million Sudeten Germans forcibly expelled from his country, for multiplying the horrors of World War II after hostilities have ceased.

No one has apologized to the East Prussians, Pomeranians, and Silesians; 13 million of them were condemned to suffer the fate of the Sudeten Germans in 1945, when Stalin pushed Poland westward on the map in pursuance of the reverse of Drang nach Osten—eastward thurst, as the policy of German expansionism was known.

The Allies were treating German civilians no better than Heinrich Himmler was treating the Jews—in the opinion of an eyewitness, British journalist Victor Gollancz, himself a Jew. The uprooting and deportation from their native land of 16 million Germans in Central Europe—ordered by Stalin and endorsed by President Truman and Prime Minister Churchill—was, in the words of another eyewitness, Anne O'Hare McCormick of the New York Times: "a crime against humanity for which history will exact a terrible retribution."

Moral retribution is now at hand. If the Western powers do not belatedly distance themselves from the 1945 land grab by the Soviets, if instead they try to pressurize Germany into obsequiousness, then they will lose the moral high ground they have been able to claim for themselves in their opposition to Hitlerism and Stalinism. They will appear as the willing accomplices of Stalinist tyranny, which to the Germans and other fair-minded people is every bit as reprehensible as Hitlerite tyranny was. The world will remember that the Western powers supported Stalin's expansionism of their free will—unlike most Germans, who had to support Hitler's expansionism on pain of death.

It is no use to argue that the aggressor must pay. In 1939, the Soviet Union was as much of an aggressor as Germany, against more countries, coveting more land. The Soviet Government practiced genocide at home and abroad on the same scale as the German. Soviet atrocities predated German atrocities. In the end, the Soviets could keep their share of the 1939 land grab, no questions asked. This is not making making the aggressor pay; this is making aggression pay. That, sorry to say, is still the last word on the subject of aggression.

The Germans would not be serving the cause of world peace if they accepted the 1945 Soviet land grab as non-negotiable in advance of a peace conference. They may never be able to recover any part of their lost territories east of the Oder and Neisse rivers, but they may be able to keep their dignity. They have a moral duty to register a protest against the practice of uprooting and expelling innocent civilians from their ancestral lands. The unpopular role has fallen upon them to speak out for the protection of the victims of past and future territorial aggrandizement.

It is to be regretted that Western politicians could not muster the courage of Vaclav Havel. They can only blame themselves if Germany pillories the hyocrisy of the allied position, and exposes the double standard involved in their condemnation of aggression. The Western powers will have no leg to stand on if the Germans denounce the peace conference as a farce, a mammoth Munich, designed to appease the Soviets who gobbled up far more land than they can ever digest.

The United States would be better off if it permitted the German people to tell the world their side of the story and to bargain freely for the return of the disputed territories at the peace conference.

LAND-LEASE, LAND-PURCHASE

The effort to find a peaceful resolution to border disputes presents the Western powers with a singular opportunity for high-minded and innovative statesmanship. Throughout the 18th and 19th century, the principle and practice of leasing or purchasing territories between sovereign governments was well-established. The United States was successful in negotiating several such deals: The Louisiana purchase—from France in 1803; 800,000 square miles for $27 million, the Alaska purchase—from Russia in 1867; 570,000 square miles for $7.2 million, the purchase of the Virgin Islands—from Denmark in 1917; 136 square miles for $25 million. With the advent of global wars, the practice went out of vogue. Or was it the other way around? Have wars become indispensable precisely because the practice of leasing or purchasing territories has fallen into disuse, and no alternative was available in settling disputes?

This is a serious question deserving a serious answer. But the League of Nations and the United Nations Organization ignored it, which may be the reason for the demise of one, and the decline of the other. War is still the only means of adjusting boundaries, as the examples of Korea, Vietnam, and Israel show. In the absence of an alternative, anachronistic border arrangements are perpetuated, only to become a festering wound on the face of the globe.

The alternative, to be championed by Western diplomacy, is the revival of land-lease, land-purchase agreements between sovereign governments. Consider that the Soviet government might be tempted to spin off the Southern Kuril Islands, fruits of another land grab in 1945, but for fear of losing face. These islands have no economic or strategic value to the Soviets, and have become a source of endless embarrassment in their dealings with the Japanese. The Soviet government needs an honest broker to help negotiate the sale of these islands to the Japanese government. The U.S. government should offer its good offices to consummate such a deal.

These would be delicate negotiations requiring a great deal of tact. The Soviet empire, shedding its ill-gotten gains, is trying to avoid the appearance of the sick man of the world, reminiscent of the Ottoman Empire, the sick man of Europe in the 19th century. In retrospect, the Ottoman Turks would have done better for themselves if they had offered their surplus real estate for sale, before it was too late.

Or consider the vast stretches of Siberia, mostly uninhabited, which are off-limits for settlement and economic development in the face of growing population pressure along its periphery. The Soviets do not have nor can they generate the capital needed for its development. Foreign capital will not do the work for them in the absence of a land-lease or land-purchase arrangement. How long can the Soviets keep the industrious people of Asia, looking for a place underneath the Sun, out of Siberia? Unless a formula is found whereby land once again is routinely leased or sold between sovereign states, there will be a war in Asia for Lebensraum in the next century. It is fortunate that this—possible nuclear—war will be fought on another continent where no American interests are at stake, and no American troops are deployed. But it is incumbent on the American Government to do everything possible to prevent the conflict.

The simple truth is that the world cannot much longer support its growing population without the land resources sequestered over the centuries by a succession of Russian Tsars, some white and some red. As successful as the Russians have been in amassing land, they have been just as unsuccessful in utilizing it. According to one estimate the unutilized or poorly utilized land resources under Soviet control could, under proper management, feed at least twice the world's present population. Yet the Soviets have shown themselves utterly incompetent in developing their idle economic resources for the benefit of their own people, let alone the community of nations. How long can they afford to play the role of the dog in the manger?

The signs are all around us that the Soviet leadership is very much aware of this problem, but is at a loss to find the solution. American diplomacy could help them, and thus contribute to the cause of lasting peace. There is one solution which the Soviets cannot fail but find acceptable and satisfactory. As a starter, the American and the British governments should invite the Soviet Government to lease the Kamchatka Peninsula for 99 years to those residents of Hong Kong who do not wish to live under Communist rule after the British lease on Hong Kong expires. The Soviets would find it hard to decline this invitation. The new settlers would bring with them the type of skills and resources the Soviets need most. The people of Hong Kong have a proven track record of economic success. They present a military threat to no one. From the proceeds of the lease, the Soviets could finance the development of other parts of Siberia.

An important side effect may also be mentioned here. The lease of Kamchatka to former residents of Hong Kong would take the wind out of the sails of the Chinese Communists, who have designs of their own on Siberia. It is not secret that in the opinion of Chinese military planners, a nuclear conflict involving a hundred million casualties is an acceptable risk in the struggle for the control of Siberia. The northward trek of millions of hungry Chinese settlers is a matter of strategic timing. These military planners, however, would have to scurry back to their drawing boards once the Kamchatka precedent was established. The world would know that Siberia was open and newcomers were welcome on the basis of competitive bidding. War or the threat of war, in a bid for the control of Siberia, would no longer be justified or tolerated in the eyes of the world.

With the ice broken, Germany could also offer to buy back the formerly German territories now under Soviet or Polish jurisdiction. The Soviets could, of course, refuse the offer—but the onus would be on them to create in the former German provinces economic and political conditions which compare favorably with those prevailing in other German lands. Honecker's ghost would be haunting the Soviets until they made good on Mr. Gorbachev's promise of a common European home extending all the way to the Urals.

WHAT IS TO BE DONE?

First, the Western governments should declare that the question and the timetable of German reunification is up to the German people, who should make the decision through an all-German referendum.

Second, the referendum should offer several alternatives, such as continued sovereignty for the two Germanys, a loose confederation, or a Federal Republic to be formed on the basis of a new constitution.

Third, in a separate referendum, the German people should decide whether they want their country to be part of a military alliance, or they prefer to live in a neutral state which, together with Austria, Switzerland, Sweden, and Finland could serve as a cordon sanitaire between the two existing military alliances in Europe.

Fourth, the Western governments should offer to conclude a peace treaty with Germany within 1 year after the referendum on reunification.

Fifth, the question of Germany's eastern borders must be left to Germany, Poland, and the Soviet Union to work out. If Germany wished to reserve the right to purchase the disputed territories from Poland and the Soviet Union, or to purchase former Polish territories from the Soviet Union and offer these to Poland in exchange for disputed territories presently under Polish jurisdiction, then this right must be respected.

Sixth, regardless of the outcome of these negotiations, the German Peace Treaty should go beyond condemning Germany for its aggression against Poland in 1939. It should also declare that the act of uprooting and expelling millions of innocent civilians from their ancestral lands by the Soviet Union after the cessation of hostilities in 1945 was a violation of basic human rights, and that such conduct could not be condoned by the community of civilized nations—any more than the act of armed aggression could.

Seventh, the United States should reexamine its policy of maintaining combat troops and nuclear weapons in Europe. The policy of perpetuating American garrisons on foreign soil is not compatible with the ideal of prosperity at home and peace abroad.

A strong, united, and free Germany will enable the United States to claim victory in the cold war, come home, and allow this generation of Americans to take to heart the admonition of their first President George Washington in warning them against foreign entanglements. With their mission overseas at long last completed, Americans want to devote their attention and resources on problems at home.

COMMON SENSE NEEDED IN UNDERSTANDING OF AGRICULTURAL CHEMICALS—WHAT THEY DO AND DON'T DO AND HOW BAD IT WOULD BE WITHOUT THEM

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday March 5, 1990

Mr. EMERSON. Mr. Speaker, Dr. Charles Knote of Cape Girardeau, MO, has spent a lifetime studying, understanding, formulating, applying, and teaching the practical effects and usages of pesticides, herbicides, rodenticides, fungicides, and other chemicals that are generally lumped in the category of agricultural chemicals.

He is a devoted husband, father, grandfather, uncle, friend to many, stranger to none, active churchman, solid citizen who has carried his share of the water for many progressive civic causes. He is a respected and trustworthy businessman and scientist. He believes in clean air, clean water, a healthy environment and, most notably, he doesn't want to poison anyone.

He has written a very enlightening article, "Before and After Pesticides," that appeared in the Southeast Missourian, the largest paper of daily circulation in southeast Missouri, as a guest column on February 22. Dr. Knotes' common sense, lay-term discussion of pesticides is essential reading as this body undertakes the consideration of many important environmental issues, most particularly those in the agricultural arena. I am pleased to share Dr. Knotes, thoughts with my colleagues:

BEFORE AND AFTER OF PESTICIDES

Before modern pesticides, Americans "knew" bed bugs intimately. These insects crawled out at night and sucked your blood while you slept. You got bit at home, or even at the good hotels. And you woke up with big whelps that itched for days.

Yes, people welcomed the beginning of the pesticide revolution back in 1945. Why? Back then, hundreds of different kinds of pests caused health problems, and many pests cost Americans many dollars in damage individually every day.

Thousands of small brown German cockroaches added their droppings and sputum to people's foods in homes, restaurants and grocery stores. Now we know that these cockroaches carried salmonella—the same as chickens did and still do. Some homes were so full of these German roaches that you'd need to flip them off the kitchen table in the daytime before eating. Many people slept with them in their beds. They didn't want to, but the peoples of the U.S. and the world had no effective controls at a reasonable cost.

2,500 RATS

Before modern pesticides, hundreds of rats and mice easily destroyed and contaminated many individuals foods and property because there were no effective, palatable

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controls. About 1979, Cape-Kil treated a 100,000-hen egg-laying farm for rats. Our initial treatment killed an estimated 2,500 big rats and hundreds of unborn rat pups. We examined three large female rats and found 8, 9, and 11 nearly mature embryos respectively. These estimated 2,500 rats ate 1,700 lbs. of multi-feeding pallatable anti-coagulant baits before we had them totally controlled. Obviously, old-time rat traps were useless in this kind of a problem; only pesticides were effective.

Before pesticides, people in the southern U.S. lived with mosquitoes that carried malaria fever. Typhus fever and bubonic plague were problems for the western people of the U.S. because both were carried by the fleas on rats. Both of these problems are no longer feared in the U.S. because of pesticides.

TERMITES AND TOMATOES

I remember treating a home where the new owner replaced much of the floor joist, studding and wood sheeting damaged by termites. The owner spent about $3,000 to rebuild the termite-damaged wood. This was back when a big, nice home cost only $25,000. In the "good ole days" clothes moths and carpet beetles damaged or destroyed woolen carpets, woolen clothing and furs for many individual home owners, costing hundreds of dollars.

Back then, everyone "knew" wormy, rotten tomatoes, apples, peaches, and oranges, etc. They cut away or threw away these spoiled products. In 1951, I bought a ½ bushel of ripening tomatoes from a Cape Girardeau commercial gardener. In five days they were all rotten. This rot had traveled from one tomato to another, just like brown rot destroyed peaches in a basket. We threw these tomatoes and peaches into the garbage . . . complete wastes. Now safe effective fungicides control these rots.

FARM WEED PROBLEMS

Back then, many farmers were forced to grow corn and weeds as one crop in many fields . . . not intentionally . . . the rains just came and thousands of dormant weed seeds lying in the soil finally germinated.

JOHNSON GRASS AND FOXTAIL

Both the old root grass and the young seedling Johnson grass, absolutely "took" corn reducing the yields to a very unprofitable six bushels per acre in Southern Illinois. The giant foxtail, a tall grassy weed, was so thick you couldn't see the young corn plants in some fields in Scott and Mississippi Counties. The rains came, the dormant grass seed germinated and they had no controls until the late 1960s. Also, I have seen the crab grass so thick in cotton it is impossible to "chop" the weeds out of the cotton without "chopping" out the cotton plants. Crab grass reduced yields and increased farmer's costs.

AGRICULTURAL INSECTS CYCLE

Many years insects are not a problem on farm crops and no pesticides are used! But insects do attack, such as: (1) In 1954, north of Perryville, the grasshoppers were so thick, they ate portions of this farmer's wooden fence posts; also, they ate his corn and clover hay fields and those of his neighbors until controlled. (2) The chinch bugs, a very small sucking insect, moved from a wheat field to a corn field at Bell City and sucked many rows of young corn to death before they were controlled. (3) The Army worms came by the thousands in Cape, Scott, Mississippi, Stoddard, Perry, Bollinger, St. Genevieve Counties, crawled the barley stalks, ate the leaves and cut off the heads and also damaged wheat leaves severely until they were controlled.

(4) The little green worms, from the alfalfa weevils, crawled up the stems of the alfalfa and ate the leaves off. Many alfalfa fields were stripped before controls came. (5) The cotton bollworms destroyed 35 percent of the young cotton bolls in hundreds of acres of cotton in the Missouri Bootheel before they were controlled. (6) Lice sucked the blood of beef cattle, dairy cattle, hogs, chickens, which reduced their productivity greatly. Weevils, bran bugs and grain moths destroy farm-stored wheat and corn and contaminate flour and cereal. Black cutworms caused farmers to replant corn, and I could go on and on about agricultural pests.

EXPERIENCE—A GREAT TEACHER

Why do I cite these local pest problems and their damage? We older folks forget what these pest problems were like, plus how much they cost . . . and the younger folks never have had these experiences to learn how costly and harmful these pests can be, because we've had effective, safe controls during their lifetimes.

Farm pesticides help keep the cost of American's food very low. We average spending only 18½ percent of our net income for food. People from other industrial countries in the world average spending 33 percent of their income for food. Some developing countries spend over 50 percent for food.

This past summer, I visited a large eastern U.S. city. While there, I "checked-out" the food stores because barbecuing and smoke-cooking are two of my hobbies. One supermarket sold "organically-grown" dressed frying chickens. They were white skinned, plump, fresh and good looking . . . until I spotted their price—$3.49/pound and they weighed about 3½ pounds each. One chicken would cost me $12.21.

In the next meat counter were the "standard-grown" white skinned, plump, fresh and good looking chickens priced at only $1.09/pound or $3.81 for 3½ pounds. I could buy nearly three "standard-grown" chickens for the same amount of money as one "organically-grown" chicken.

ORGANICALLY-GROWN

Were these "organically grown" chickens truly "organically grown?" You must ask yourself if the chicken grower could or even tried to trace every raw feed ingredient in his feed back to its "organically grown natural source"—the farmers' fields where each product was grown or raw material produced? Also you must ask yourself if "organically grown" chicken is truly any healthier to eat.

REASONABLY PRICED FOOD

American farmers cannot continue to grow adequate food at a reasonable price without many of the pesticides now used. America's health and property cannot be protected without the use of some pesticides. American consumers must not be dazzled and moonstruck by Hollywood's pseudo environmentalists and the national media's desire for sensationalism that they would permit the banning of all pesticides.

Americans cannot continue to afford these kinds of anti-pesticide hoaxes and stay healthy and well-fed. What can you do? Write your elected government official in Washington and Jefferson City, and ask them not to be harassed into legislation that will unnecessarily increase America's cost of health protection and food costs. Also, ask them to have an impartial adviser who understands scientific data.

RATIONAL APPROACH NEEDED ON FOOD, CHEMICAL ISSUES

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. EMERSON. Mr. Speaker, there is a significant debate under way in Congress, the national media, and among many concerned citizens about agricultural chemicals and certain food additives. As with all issues, this debate needs balance and I, for one, have been concerned that this debate has seen important facts and considerations sacrificed on the altar of sensationalism.

Mr. Peter Kinder, the associate publisher of the Southeast Missourian newspaper in my district, has written an editorial piece entitled "Hysteria on Food, Chemicals Blown Away by Good News" that gives some perspective on the subject that we have need of.

I am pleased to share this material with my colleagues and urge that it be a factor in our perspective of this important subject matter.

HYSTERIA ON FOOD, CHEMICALS BLOWN AWAY BY GOOD NEWS

"At the risk of seeming cavalier, we need to remember that every person dies, no matter how well-loved, meritorious, or rich."

Excerpted from a study entitled "How Safe is Safe Enough?—Setting Safety Goals", published by the Center for the Study of American Business at Washington University in St. Louis.

This has been a real bad week for the panic mongers. The news—very good news—is simply devastating to them. It seems fitting that a major announcement by leading scientists and government officials would arrive almost on the first anniversary of the launching of the phony Alar scare about apples on the CBS program "60 Minutes". The first anniversary of that grossly one-sided episode of the respected TV news magazine will be this weekend.

This week's announcement received major play in most news media, as well it should:

"Big Cancer Risk Said To Be Normal Food, Not Additives" screamed the headlines in an edition of this week's St. Louis Post-Dispatch. Some excerpts from that article and from other wire service accounts follow.

"Natural cancer-causing agents in meat, grain and other foods are a far greater danger than pesticides and additives, a government scientist said Monday.

"Even a minor reduction in these naturally occurring hazards, he said, would surpass the benefits of eliminating all traces of dangerous, man-made chemicals.

"Speaking was Dr. Robert J. Scheuplein, Director of the Office of Toxicological Sciences at the Food and Drug Administration. He commented at the annual meeting of the American Association for the Advancement of Science.

"Dr. Scheuplein estimated that, over all, about 7.7 percent of the 500,000 annual cancer deaths in the United States are linked to exposure to carcinogens (cancer-causing agents) found in food.

"Most of the cancer-causing dietary materials lies in 'traditional' food prepared in ordinary ways, not from additives, pesticide residues or fungal contamination that have worried many consumers, Scheuplein said.

". . . The FDA official estimated traditional food accounts for 98.8 percent of the food-related cancer risk, spices make up about 0.98 percent, other additives 0.2 percent, pesticides 0.01 percent, animal drugs 0.01 percent, food preparation such as boiling or pickling 0.01 percent, and mushroom and other fungal toxins 0.0001 percent.

"Scheuplein contended that people were worried about the wrong risks in their diet, in part because of what he called the exaggerated news accounts of such scares as Alar in apples, cyanide in grapes and dioxin in milk. (Emphasis added.)

". . . 'Even a modestly effective attempt to lessen the dietary risk of natural carcinogens would be enormously more useful to human health than regulatory efforts devoted to eliminating traces of pesticide residues or other specific trace-level chemicals,' Scheuplein said.

"Dr. Frank Young, a former Food and Drug Administration commissioner who is now deputy assistant secretary of health and human services, agreed with Scheuplein.

"Dr. Young said he thinks the reason so much attention has focused on artificial contaminants such as Alar on apples is that often 'outrageous claims drive out less flamboyant concerns,' like whether high-fat diets increase the risk of . . . cancer. (Emphasis added.)

". . . 'The good news is, let us not as a nation focus just on the technological food additive,' Young said. "We ought to focus on the big issues as well.'

". . . Scheuplein said the FDA should change its research focus to concentrate on the total diet and move away from 'the notion that you can ban one or two substances and have an effect.'

"He said he is puzzled why many Americans seem to demand 100 percent safety from their food while they are willing to accept risks in other areas, such as riding in cars without wearing seatbelts or smoking.

'Consumers need to learn 'that most cancer risk from food preparation probably have to do with our own dietary choices,' such as reducing fat intake or increasing consumption of cabbage-like vegetables they eat, he said.

"That's a hard lesson for most people to learn. They want to blame someone else,' he said."

This is a free country, where people may follow whatever fads they like. They can even take their toxicological advice and their hard science on chemicals from paid SpokesPersons Meryl Streep, Ed Asner and other such internationally renowned authorities that some cunning PR may trots out at the Chicken Little press conference of the week. If "60 Minutes" wants to corrupt its own standards and get taken in, I can't stop them.

The rest of us should go back to our mothers' advice on nutrition. Funny thing about Mom's advice, the wisdom of the ages. It keeps getting borne out by the careful untainted work of the real scientists in our midst.

A TRULY MARKET APPROACH TO CONTROLLING ACID RAIN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. STARK. Mr. Speaker, we must curb acid rain. It is destroying our lakes, seriously affecting human health, significantly damaging forests, and even melting the monuments at Gettysburg battlefield.

In the current debate over the Clean Air Act, there is considerable discussion over how to implement a complex package of regulations to control acid rain emissions. President Bush has proposed a pollution allowance scheme. It is a cumbersome and inefficient way of controlling pollution. In fact, it creates a whole new market for middlemen to broker these pollution allowances.

Mr. Speaker, I am introducing legislation today with my colleague, Mr. DOWNEY, which would impose an excise tax on the emissions that cause acid rain. This legislation simplifies President Bush's regulatory proposal into an excise tax.

We can advance two important goals with this bill. We can solve significant pollution problems by making it in the economic interest of utilities to reduce pollution. Second, we can use the money to help meet our deficit reduction goals.

The excise tax is very simple to implement. For every ton of sulfer dioxide or nitrogen oxide emitted over a floor amount, a tax would be paid. If you pollute you pay, with escalating penalties for polluting.

The intent of the tax is to change behavior not to allow people to pay to pollute. This is the opposite of what happens with the pollution allowances. Once someone purchases the right to pollute, they are going to want to get their money's worth.

Mr. Speaker, this legislation will add an important dimension to the debate over the Clean Air Act. I believe this legislation can meet the environmental goals put forward by the President and the environmental community. The bill can achieve those goals with true market forces and a minimum of Government intrusion.

Following is the text of the bill:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 38 of the Internal Revenue Code of 1986 (relating to environmental taxes) is amended by adding at the end thereof the following new subchapter:

"SUBCHAPTER E—TAX ON CERTAIN EMISSIONS OF ELECTRIC UTILITY GENERATING UNITS

"Sec. 4691. Imposition of tax.
"Sec. 4692. Taxable emissions defined.
"Sec. 4693. Definitions and special rules.

"SEC. 4691. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed a tax at the rate determined under subsection (b) on taxable emissions from an electric utility generating unit.

"(b) RATE OF TAX.—For purposes of this section—

"(1) IN GENERAL.—

"In the case of taxable emissions during calendar year:	To the extent the emissions consist of sulfur dioxide, the tax per pound is:	To the extent the emissions consist of nitrogen oxide, the tax per pound is:
1991	15 cents	10 cents
1992	20 cents	13 cents
1993	25 cents	17 cents
1994	30 cents	20 cents
1995	35 cents	23 cents
1996	40 cents	27 cents
1997 or thereafter	45 cents	30 cents

"(2) INFLATION ADJUSTMENTS FOR YEARS AFTER 1997.—

"(A) IN GENERAL.—In the case of taxable emissions during any calendar quarter beginning after 1997, the tax per pound shall be an amount equal to the product of—

"(i) the applicable rate specified in paragraph (1) without regard to this paragraph, multiplied by

"(ii) the inflation adjustment for such calendar quarter.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

"(B) INFLATION ADJUSTMENT.—For purposes of subparagraph (A), the inflation adjustment for any calendar quarter is the percentage by which—

"(i) the implicit price deflator for the gross national product for the second preceding calendar quarter, exceeds

"(ii) such deflator for the calendar quarter ending June 30, 1997.

"(C) FIRST REVISION USED.—For purposes of subparagraph (A)(i), the first revision of the price deflator shall be used. For purposes of subparagraph (A)(ii), the revision which is most consistent with the revision used for purposes of subparagraph (A)(i) shall be used.

"(c) LIABILITY FOR TAX.—The tax imposed by subsection (a) shall be paid by the operator of the electric utility generating unit.

"SEC. 4692. TAXABLE EMISSIONS DEFINED.

"(a) GENERAL RULE.—For purposes of this subchapter, the term 'taxable emissions' means—

"(1) emissions into the atmosphere of sulfur dioxide during any calendar quarter from any electric utility generating unit to the extent that the total amount of such emissions exceed the exemption level for sulfur dioxide, and

"(2) emissions into the atmosphere of nitrogen oxide during any calendar quarter from any electric utility generating unit to the extent that the total amount of such emissions exceed the exemption level for nitrogen oxide.

"(b) EXEMPTION LEVEL.—For purposes of subsection (a)—

"(1) IN GENERAL.—Except as provided in paragraph (2)—

"In the case of any calendar quarter	The exemption level for sulfur dioxide is the following amount per million Btu's of fuel burned in the unit:	The exemption level for nitrogen oxide is the following amount per million Btu's of fuel burned in the unit:
After 1990 and before 1996	1.2 pounds	0.7 pounds
After 1995 and before 1998	1.0 pounds	0.6 pounds
After 1997 and before 2000	0.8 pounds	0.5 pounds
After 1999	0.6 pounds	0.4 pounds

"(2) EXEMPTION LEVELS FOR NEW FACILITIES.—In the case of any electric utility generating unit the original use of which began after the date of the enactment of this subchapter—

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"(A) the exemption level for sulfur dioxide is 0.25 pounds per million Btu's of fuel burned in the unit, and

"(B) the exemption level for nitrogen oxide is 0.2 pounds per million Btu's of fuel burned in the unit.

"SEC. 4693. DEFINITIONS AND SPECIAL RULES.

"(a) EXEMPTION FOR SMALL UNITS.—No tax shall be imposed by section 4691 on taxable emissions from any electric utility generating unit if—

"(1) the rated capacity of such unit is less than 75 megawatts, and

"(2) such unit is not operated by a person whose units have a total rated capacity of more than 150 megawatts.

For purposes of paragraph (2), rules similar to the rules of subsections (a) and (b) of section 52 shall apply.

"(b) MEASUREMENT OF EMISSIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the amount of emissions shall be determined through the use of continuous emission monitoring devices meeting such performance and quality standards as the Secretary (after consultation with the Administrator of the Environmental Protection Agency) shall prescribe.

"(2) SPECIAL RULE FOR PERIODS BEFORE 1993.—The operator of any electric utility generating unit may elect to determine the amount of emissions from such unit during any period before January 1, 1993—

"(A) on the basis of the fuel consumption, characteristics of the fuel, and emissions rate of the unit, and

"(B) in accordance with procedures prescribed by the Secretary.

"(c) ELECTRIC UTILITY GENERATING UNIT.—For purposes of this chapter—

"(1) IN GENERAL.—The term 'electric utility generating unit' means any electric generating unit located in the United States if more than one-third of the electricity produced at such unit is provided to a utility power distribution system for sale.

"(2) ELECTRIC GENERATING UNIT.—The term 'electric generating unit' means any furnace, boiler, turbine, or other device used for purposes of burning fuel to produce electricity."

(b) The table of subchapters for chapter 38 of such Code is amended by adding at the end thereof the following new item:

"SUBCHAPTER E. TAX ON CERTAIN EMISSIONS OF ELECTRIC UTILITY GENERATING UNITS"

(c) The amendments made by this section shall take effect on January 1, 1991.

IN MEMORY OF JACK LEWIS

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr McDADE. Mr Speaker, on February 9, 1990, I was saddened to learn of the unexpected death of veteran Scrantonian Tribune editor and columnist and my friend of many years, Jack Lewis.

A native of Scranton, PA, Jack graduated from local schools before joining the U.S. Marine Corps and rose to the rank of sergeant during World War II. Upon his discharge, he joined the Scrantonian Tribune and rapidly moved up the ladder to become a correspondent, a staff reporter, copy editor, and Sunday editor.

He was a member and a past officer of the Newspaper Guild and a member of the Holy Cross Athletic Association, Fifth Marine Division Association, and Sloan Booster Association.

A fine athlete, Jack enjoyed tennis as a member of the Scranton Tennis Club and racquetball as a member of the Greater Scranton YMCA. He was active in both sports until earlier this year. He also coached Little League baseball teams.

Our thoughts go out to his wife, the former Dale Thomas; three sons, Jack, an attache of the State attorney general's office; Jeff, an educator who resides in Washington, DC and Glenn, of Atlanta, GA, a Marriott Hotel executive; a daughter, Mrs. Pamela Kane of Dunmore; a sister, Mrs. Jean Dowse of Scranton; five grandchildren; and several nieces and nephews.

HOLY FAMILY'S ROSANNE DILLON: 1990 PEACE AND JUSTICE AWARD WINNER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr MAZZOLI. Mr Speaker, it is a great pleasure for me to share the news with all of my colleagues of the grand distinction to be bestowed on Rosanne Dillon, principal of Holy Family Elementary School in Louisville, KY. Miss Dillon is to receive the 1990 Peace and Justice Award of the Roman Catholic Archdiocese of Louisville.

This award is in recognition of Rosanne Dillon's lifetime of devotion and service to furthering the principles of peace and justice in the Louisville community. Throughout her long and enriching career at Holy Family School, Rosanne has instilled these principles in the nearly three generations on boys and girls whom she has taught and administered.

A classroom teacher for 15 years before becoming Holy Family Principal in 1970, Rosanne's own life has been guided by her dedication to peace and justice. She has been a very active volunteer in numerous civic, charitable and educational organizations in Louisville and Jefferson Country, and she has encouraged similar outreach efforts from her students.

In her profession as an educator, she has adapted many innovative approaches to curriculum development that continue to thrive at Holy Family. She has been a bridge builder, involving parents, teachers, and students together in the task of setting goals—both for the individual student's success and the school's.

Rosanne has successfully worked to help create an atmosphere of trust and mutual respect where young students on the threshold of adulthood can excel and be assured of the kind of education and values they will need to confront real world problems. She has sown the bountiful seeds of peace and justice through each and every young student whose life she has touched.

It is undoubtedly one of the most important tasks anyone could undertake, that of teaching our children. Rosanne Dillon is one individual who has and continues to give full measure of herself, her wisdom, her talents, and energies to her school and community.

If I appear to be extremely enthusiastic and complimentary about Rosanne Dillon and appear to be her unabashed fan and devotee, then I plead guilty. I am all of these, Mr. Speaker.

For in addition to all my other reasons for applauding her work and her personal traits, Mr. Speaker, Rosie is my sister-in-law.

I married her sister, Helen, over 30 years ago, and I have seen Rosie "up close and personal," as they say, for all these years. I can testify unequivocally that Rosanne is both a thoroughgoing and extraordinarily conscientious educator and administrator as well as a thoroughly wonderful, thoughtful, decent and warm human being.

I am proud to spread the good news of Rosanne Dillon in the RECORD for my colleagues and for the Nation. At this moment in our history, we are desperately in need of good educators who are also good people devoted to the achievement of peace and justice in the world.

One such educator and peacemaker is Rosanne Dillon. I am proud to be her brother-in-law as well as her Representative in Congress.

TRIBUTE TO ADRIAN M. FOLEY, JR., AND BERNARD M. SHANLEY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues here in the House of Representatives to join me in offering congratulations to two outstanding men from New Jersey: Adrian M. Foley, Jr., and Bernard M. Shanley.

On February 22, 1990, these two distinguished alumni of St. Benedict's Preparatory School of Newark became that institution's first recipients of the Medal of St. Benedict. The two men were honored by St. Benedict's at a dinner in West Orange, NJ. Over 500 people, including many former and current top elected officials, gathered to pay tribute to these two prominent attorneys.

Shanley is a senior partner in the law firm of Shanley & Fisher in Morristown and Newark. Foley is a senior partner in the law firm of Connell, Foley & Geiser in Roseland and Newark.

Both men were recognized for their contributions to their community throughout their distinguished professional and public careers. St. Benedict's honored Shanley and Foley for their dedicated commitment to the ideals of St. Benedict's exemplified by their service, generosity, and integrity. Although the demographics of the school have changed, St. Benedict's remains in Newark to continue its legacy of quality education. Mr. Foley and Mr. Shanley have both supported the excellent work of this institution.

St. Benedict's Preparatory School has been operated since 1868 by the Benedictine

Monks of Newark Abbey to provide college prep education to youths from the Newark area.

Mr. Speaker, I know my colleagues join me in congratulating these outstanding community leaders and in wishing them all the best in the future.

BUDGET DEFICIT CONCERN

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. HUBBARD. Mr. Speaker, I have recently received dozens of letters and telephone calls expressing increased concern over the Federal budget deficit.

At this time, I would like to share with my colleagues a recent letter from my friend and constituent Hatler E. Morgan of Benton, Kentucky. In his letter Mr. Morgan, for many years the president and chairman of the board at Bank of Marshall County (Benton, KY), expresses his deep concern over the serious financial condition of this country. He suggests that all members of Congress read Gunther's Inside Europe and recall what happened to Germany in 1923.

I urge my colleagues to read the letter from Hatler E. Morgan. The letter follows in its entirety:

Morgan, Trevathan & Gunn, Inc.,
Benton, KY, February 14, 1990.

Congressman Carroll Hubbard,
Paducah, KY.

Dear Carroll: I know that you have been conservative in your approach to governmental affairs but I want to urge you again to make every effort to balance the federal budget. I do not believe that the members of Congress as a whole realize the seriousness of the financial condition of this country and that the time is rapidly approaching when the federal government may not be able to meet its financial obligations. It would be well if they could all read what happened to Germany in 1923. I recall that period and have reread Gunther's "Insider Europe" in recent years and would suggest that you do that also. Be assured of my regards and well wishes.

Very truly yours,

Hatler E. Morgan.

STEINFORT SHOWS COMMUNITY SPIRIT DURING CRISIS

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. de LUGO. Mr. Speaker, when disaster strikes, there are always some individuals who respond with the very best in community spirit and concern for their neighbors.

Deirdre Steinfort, a young woman from St. Croix, is one such individual who showed her concern and abilities after Hurricane Hugo left its trail of destruction in the U.S. Virgin Islands. Deirdre, who is just finishing high school at Good Hope School on St. Croix this year, showed maturity beyond her years by assuming a pivotal role in the recovery of St. Croix.

Three days after the storm, Deirdre volunteered with the Red Cross and worked on a damage assessment team that worked long hours traveling around the island to gather information on the extent of the destruction. Her talents were quickly recognized and, in a few days, she was made damage assessment coordinator at the Red Cross headquarters at Beacon Hill.

Deirdre is a shining example of the many people on St. Croix and the Virgin Islands, especially our young people, who provided tremendous service to our community after Hurricane Hugo. There is no minimum age for developing community spirit and it is not taught in the classroom. It takes a big heart and cool head, a willingness to step into the fray and provide help when people are in desperate need. Deirdre showed that she has these impressive qualities.

I want to express my personal appreciation to her. The Red Cross also showed its appreciation in a letter on her behalf, and I want to place that letter in the Congressional Record for everyone to see the outstanding service provided by this young woman.

American Red Cross,
October 6, 1989.

To Whom It May Concern:

I would like to take this opportunity to express my personal thanks to Deirdre Steinfort for her invaluable support of the damage assessment function during the Hurricane Hugo disaster relief operations here on the island of St. Croix. She has contributed significantly to the successful completion of a most difficult job under very trying conditions.

While my direct supervision of her activities extended over only a portion of the time she contributed to the Red Cross it has been obvious to me from her intelligent observations and easy rapport with members of the local staff that she has been a most effective volunteer worker in this extreme disaster.

On behalf of the American Red Cross, and personally, thanks for a job well done. I wish her luck in the future and I hope her island home recovers quickly.

——— ———,

Damage Assessment Officer, U.S.V.I.

SALUTE TO RETIRING HAWTHORNE, NJ, POLICE CHIEF VINCENT J. MANGIAFICO

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. ROE. Mr. Speaker, it is with great pride and admiration that I rise today to salute a truly outstanding man and a dedicated public servant who, for the past 37 years has devoted his life to protecting the people of his community of Hawthorne, NJ.

I am speaking of Hawthorne Police Chief Vincent J. Mangiafico who has served with the utmost distinction during nearly four decades and who is retiring from the Hawthorne Police Department. For all that he has done for his community, Chief Mangiafico will be honored with a dinner on March 10, 1990, at Macaluso's in Hawthorne.

I know this event will be a source of great pride, not only to Chief Mangiafico, but to his devoted family; his children, Jaime Lynne Detrick, Susan Vertolomo, and Paul Mangiafico, and his three grandchildren, as well as his many friends, colleagues, and the distinguished government officials I know will be a part of this great celebration.

Mr. Speaker, Vincent J. Mangiafico was born on August 26, 1926, in Seward, PA, to Paul and Josephine Mangiafico. He grew up in the Riverside section of Paterson, NJ, and attended local schools, graduating from school No. 10 and from Eastside High School. At Eastside he excelled in athletics, earning awards in football, basketball, and track. While attending high school Vince also worked as a life guard at the Preakness Pool and held the position of chief life guard.

He fought for his country during World War II, serving in the Navy and in Volunteer Armed Guard gun crews. Following his military service, Vincent J. Mangiafico was appointed to the Hawthorne Police Department in 1953 by Mayor Louis Bay II. Through his dedication and outstanding work, Vince worked his way up the ranks and was promoted to sergeant on September 29, 1962.

Two years later he was promoted to lieutenant, a position he held for 8 years filled with admirable achievement. On September 1, 1972, Vincent J. Mangiafico was made captain and, 4 years later he was promoted to chief of the Hawthorne Police Department, a position he has held with great distinction since that time.

Along with his great service to Hawthorne through his outstanding career with the police department, Chief Mangiafico has also served his community in numerous other ways. Among his most noteworthy achievements was his initiative that led to the construction of a new Boys Club in Hawthorne, which is now known as the Hawthorne Boys and Girls Club, of which he serves as president.

In addition, he is a member of the PBA Local 200, the Passaic County Chiefs Association, the International Police Chiefs Association, the International Identification Officers Association, the New Jersey Narcotics Officers Association, the AAA Traffic Safety Committee, the Disabled Veterans of America and American Legion Post 199 of Hawthorne.

Chief Mangiafico, for his countless contributions to his community, has received numerous citations from the mayor, civic groups, and private citizens who have appreciated his selfless efforts through the years.

Mr. Speaker, I appreciate this opportunity to present a brief profile of an outstanding public servant and a great community leader who has spent his life making his town, his State and our Nation a better place to live, Vincent J. Mangiafico, chief of the Hawthorne, NJ, Police Department.

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A 25TH ANNIVERSARY SALUTE TO BHRAGS INC.

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. OWENS of New York. Mr. Speaker, I rise to pay tribute to the Brooklyn Haitian Ralph And Good Shepherd, Inc., a community based organization located in the Brownsville section of my congressional district, which is celebrating its 25th anniversary.

BHRAGS' slogan is "Committed To Service," and in its 25-year existence it has indeed provided valuable services to the community. Its Homemaker Home Health Aide Training Program offers an opportunity for women in the community to be trained to provide vitally needed services to the homebound and disabled as homemaker home health aides. The 120-hour program along with its 24-hour internship extends over a 3-month period and is unique in that it reaches far beyond the requirements for New York State certification.

Its Good Shepherd employment agency serves clientele ranging in age from 9 months to 101 years. Under contract with the Visiting Nurse Association, the Metropolitan Jewish Geriatric Center, the Nursing Sisters Visiting Home Service, St. Mary's Hospital, the Brookdale Medical Center, and Maimonides Hospital, it has placed some 200 certified aides. The BHRAGS Home Care Program combines nursing assistance with several of the standard housekeeping services. Begun in 1981, the program is currently accommodating the needs of over 600 clients and employing some 700 certified home attendants.

The BHRAGS Housekeeping Vendor Program provides housekeeping services to 800 Medicaid-eligible clients in Brooklyn, including the elderly and infirm, and families facing physical and psychological problems. During a 12-month period, over 300 women are trained in domestic and culinary skills.

BHRAGS provides a 40-hour training regimen under its City-Wide Home Attendant Training Program.

The organization is presently training home attendants for New York City. It conducts rapid assessment and provides six module training. The program component trains an average of 1,000 referrals per month.

BHRAGS' Senior Citizens' Program provides standard home attendant services along with escort services, telephone reassurance, health screening, referrals to other service providers, advocacy through assistance in obtaining entitlements, recreational activities and general social services/outreach. Working together with Meals on Wheels, BHRAGS' Senior Citizens' Program is servicing approximately 50 homebound clients.

BHRAGS operates four senior citizens centers: Grant Square Senior Center, Thompkins Park Senior Center, Boulevard Senior Center, and Tete Ensemble. All of the centers provide a full complement of activities which include health screening and followup recreational and cultural activities, education, arts and crafts, nutrition and food services, counseling, information, and referral services. The program also provides meals for some 1,000 people, plus accommodations for about 30 blind clients who come to the centers.

In 1968 BHRAGS established its Haitian center as a result of a critical need for comprehensive services for refugees. Due to years of oppression in Haiti by the Duvalier family dictatorships and by subsequent military regimes following Jean-Claude Duvalier's ouster in 1986, my congressional district has the largest Haitian population in the United States. BHRAGS developed a variety of services under its Haitian center to provide assistance to Haitians, such as instructing them on immigration law and the legalization process; advocacy for public assistance; a literacy program to provide basic education; and information on Social Security and referral for health and other entitlement programs. The Haitian center also has a program designed to assist temporary residents and special agricultural workers in becoming permanent residents.

The Haitian center's intergenerational program offers students well-structured prework experience at local senior citizens programs as an incentive to remain in school and graduate, and to help obtain unsubsidized jobs in the future. All of the students in the program receive a stipend.

Sadly, in recent years, the 1,400 BHRAGS staff has had to carry out its good works in exceedingly dangerous streets in the Brownsville community. A surgeon on the BHRAGS board of directors was shot at 4 p.m. last month in broad daylight—the victim of crack-related crime. He survived, but the BHRAGS staffers should not have to literally place their lives in their hands when they walk the streets of Brownsville and go into community housing projects to care for the elderly.

BHRAGS is to be commended for its invaluable service to the Brownsville community. Numerous Brownsville elderly, infirm, young people, and Haitian refugees have been immeasurably helped by BHRAGS' home health aides, housekeepers and attendants, its immigration and legalization law counselors, and its job training and education programs. BHRAGS is a prime example of how a community-based group can encourage pride, self-help and empowerment through education, job training, and mutual assistance. I am proud to have BHRAGS in my congressional district, and I am heartened over its having continued its work for 25 years despite the recent dangers to it posed by drug-related violence in Brownsville. I congratulate BHRAGS on its silver anniversary and wish it many more years of service.

STATE OF THE ECONOMY AND ECONOMIC POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. HAMILTON. Mr. Speaker, on Thursday, March 1, I testified, in my capacity as chairman of the Joint Economic Committee, before the House Budget Committee on the fiscal 1991 budget. My statement follows:

STATEMENT OF LEE H. HAMILTON

I am pleased to appear before the House Budget Committee today to present my views, as Chairman of the Joint Economic Committee, on the current state of the economy and on economic policy.

I. THE OUTLOOK

The economy in 1989

During 1989, the U.S. economy grew more slowly than in 1987 and 1988. In the fourth quarter, real GNP expanded at less than a one percent annual rate. The weakness primarily reflected a few particular sectors, however, and factors such as the East Coast hurricane and West Coast earthquake. The current quarter's growth will be difficult to interpret as well; while new car output is slow, unusually favorable weather has boosted construction.

The short-term outlook

Probability of recession. Overall, the probability of recession in 1990 is no higher than 35 percent, and probably less, according to the panel of forecasters who appeared before the Joint Economic Committee. Chairman Greenspan indicated in his JEC testimony that he believes the probability of recession has declined since last summer, but that the situation will bear careful watching.

Growth. Despite the recent softness, the economy is nearer to full employment of its labor and other resources than it has been in a number of years. The unemployment rate has remained at 5.3 percent for almost one year, which many economists would characterize as full employment; and job creation in the past year ran well below the pace of the previous five years. For this reason, our witnesses expect the economy to grow even more slowly than last year. Chairman Greenspan noted in his JEC testimony that the economy has "stocked up" with automobiles, housing for middle- and upper-income homeowners, commercial buildings, and for the time being, computers. Other witnesses find the consumer a little more cautious. Meanwhile, international pressures have raised interest rates and constrained construction, business equipment investment, and exports.

The average of the forecasts of our private sector witnesses for GNP growth in 1990 was slightly less than 2 percent; the Blue Chip Consensus forecast is 1.8 percent. The Federal Open Market Committee's central tendency forecast is 1.75 to 2.0 percent real GNP growth over the four quarters of this year. Thus, the FOMC and virtually all private forecasters expect less growth in 1990 than the 2.6 percent forecast by the Administration.

Inflation and interest rates. The rest of the Administration's forecast is also optimistic, particularly on inflation, interest rates, and corporate profits. Those private sector forecasters who expect strong growth this year also expect higher inflation than the Administration, and upward pressure on interest rates. The prediction of simultaneous rapid growth and declines of inflation and interest rates sets the Administration's forecast off from the pack of private forecasters.

Profits. Meanwhile, corporate profits have been weak, as shown by the decline in corporate profits tax receipts from a year ago. Continued weak profits will reduce tax revenues and constrain business investment. The Administration forecasts a strong rebound in profits that will require faster growth, lower interest rates and declining labor costs, none of which seems likely at present.

Summary. The economy is likely to avoid recession. However, growth will be slower than in recent years, because we are at or near full employment; and inflation, interest rates, and corporate profits will all be less favorable than the Administration forecasts.

Recommendation. If estimates of first quarter GNP show growth below one percent, the Congress and the Administration will have the option of suspending deficit reduction under Gramm-Rudman for one year. Because growth is likely to resume, however, I do not recommend suspending deficit reduction targets—pending further developments on the economic outlook. Stability in financial markets and longer-term domestic savings and investment will be best served by steady and credible deficit reduction, while monetary policy will be the best tool to assure short-term expansion.

The long-term outlook

Growth. Of even greater importance is the longer-term growth potential of the economy; after all, we are budgeting for 1991, and should be planning well beyond that. For 1991, the Administration's forecast is exceptionally optimistic, with much faster expansion than private forecasters—3.3 percent compared with the 2.4 percent Blue Chip estimate. The Administration's projected growth rate would require nonfarm business productivity growth of more than twice last year's estimated 0.9 percent.

Interest rates. We were told by our witnesses that the fundamentals do not favor the downtrend in real interest rates that is projected by the Administration. If growth is as rapid as the Administration forecasts, credit demand will be strong. And with unemployment fairly low, industrial capacity fully utilized, and inflation a concern, the Federal Reserve is unlikely to ease monetary policy. Meanwhile, the credit demands of our major trading partners are expected to remain robust; and central banks of key developed nations, which have been raising rates, will remain concerned with inflation. Finally, credit needs of Eastern Europe and developing countries are likely to grow.

Higher interest rates bias business investment decisions, impose costs on sensitive sectors, and skew the income distribution toward those who already have substantial wealth. So the interest rate forecast is of considerable importance for the economy at large. It is crucial for the budget, in view of the $2.3 trillion of debt held by the public, on which debt service must be paid.

I believe that U.S. budgetary policy can make a significant contribution to lowering real interest rates; but this will require much more than the deficit reduction proposed in the President's Budget.

Before turning to more detailed comments on budget policy, let me set the issues in a broader perspective.

II. ECONOMIC PROBLEMS

In many respects the economy has performed well—with a prolonged expansion, low unemployment, and moderate inflation. It may be difficult to persuade ourselves, and the public, that we must make the tough choices to address the budget problem. We need to understand that the budget deficit is a source of important weaknesses in our economy.

Savings. We need more saving to finance investment to make us competitive in world markets and to provide the standard of living we want for ourselves and our children. National savings has fallen from an average of 17 percent of GNP in the 1960s and 1970s to 14 percent last year.

The major single source of the decline in domestic saving was the extraordinary federal budget deficit. Including the growing saving in the Social Security trust fund, the budget deficit syphoned off more than twice as much savings relative to our GNP last year than the average of the 1960–79 period.

Investment. The budget deficit has distorted our use of the savings pool. It has kept interest rates high, and thereby biased business decisions toward the short term. With business investment concentrated on short-lived assets that wear out or become obsolete quickly, we have needed to invest more just for replacement, and investment over and above what is needed for replacement has declined as a percentage of GNP. The deficit has also driven the dollar higher, made U.S. products less competitive, and discouraged investment in manufacturing.

The budget deficit has also restrained public investment. Last summer, 327 economists, including 6 Nobel Prize winners, presented a letter to the JEC which stated: "In addition to our trade and fiscal deficits, America faces a 'third deficit'—the deficiency of public investment in our people and our economic infrastructure. This deficit will have a crippling effect on America's future competitiveness."

Although economists may disagree about the precise cause of the slowing of productivity growth since the late 1960s and early 1970s, they do agree that productivity increases when we raise our investment, to equip our workers with more and better factories, machines, technology, and public infrastructure. And they do agree that the key to raising our standard of living and our children's is raising productivity.

Dependence. The deficit and its drain on domestic saving has made us dependent on foreign capital to finance our domestic investment. Private investment during the 1980s was largely financed by unprecedented inflows of capital from abroad; our economy is building on a foundation of borrowed money. These capital inflows have accumulated to an international debt projected to reach $2 trillion by the end of the century. This debt gives our foreign creditors a large influence over our exchange rates and interest rates. A decline in their confidence could raise interest rates and choke domestic investment.

World leadership. Twenty-five years ago, our position of leadership was secured by defense capabilities and sheer economic size. Today, we are unquestionably still the world leader. But there are signs that our position has begun to erode because our fiscal house is not in order. We cannot be the leader in setting the rules for the international economy when other nations are our creditors, and can point to our fiscal profligacy—with the support of international organizations like the International Monetary Fund and the Organization for Economic Cooperation and Development. Most recently, Japan has defended its trade barriers on the ground that our trade deficit is caused by our large budegt deficit. Meanwhile, we cannot find the resources to aid Romania and other East Bloc economies to make a smooth transition to a free market system. Wide fluctuations in the dollar illustrate our weakened international role. We must recognize the close relationship between our domestic policies and our position in the world.

Fairness. Economic mobility—where anyone willing to work hard could achieve a decent and rising standard of living—is much less evident for the average working American today. Wages have stagnated throughout the 1980s; family incomes have grown modestly only because more family members have worked more hours. Income inequality has now reached its highest level since we began collecting such statistics in 1947—a sharp reversal of the historic trend toward more equality during expansions. And the tax system has become less fair, with the tax burden on the lowest-income families increasing, and that on the highest-income families decreasing—in large part because of our growing reliance on payroll taxes.

The deficit has hindered our ability to tackle this problem. We must make room in the budget for effectivenly targeted human investment and a more humanitarian policy toward our least advantage, while also achieving the deficit reduction that will reduce real interest rates and encourage private investment, rising productivity, and wage growth.

III. THE ADMINISTRATION'S BUDGET

The Budget and the Annual Report of the Council of Economic Advisers lay out some commendable economic analysis. I point especially to the highlighting of the scarcity of domestic saving; the sharp decline of net investment; the roles of public infrastructive and R&D; the environmental challenge; the need for more effective education and training; and the importance of stable and credible fiscal policy.

But the President's policies do not follow through; they merely tinker around the edges of the problems.

Let me identify seven sources of inaccuracy and imprudence in the President's approach—what I would call "The Seven Deadly Sins of Budgeting."

1. Smoke—optimistic economic assumptions. I have already noted that the budget is deficient from its beginning: Its economic and technical assumptions are not prudent. They start the process on the wrong foot, distorting everything that follows.

The Reagan and Bush Administration's forecasting records are sometimes misunderstood. Their optimistic economic assumptions for current years have sometimes proven accurate; but the Administration's short-term optimism has been fulfilled by employment growth, rather than productivity growth, and with the economy now near full employment, that windfall has ended. Further, despite their accuracy in predicting economic growth, the Administration's other economic and technical assumptions have been unfailingly optimistic, and so their deficit forecasts have been consistently too low.

Even worse, their long-term forecasts invariably call for rapid real growth and falling interest rates, with the tantalizing result that the deficit melts away just over the horizon. If so, why not glide by this year, and let the problem solve itself later?

Of course, the Congress could use a more prudent forecast; but we always accept the Administration's assumptions, so that we can reach the deficit target with less pain. In our own defense, however, it is politically perilous to be the bearer of the bad news that the Administration so publicly denies.

Also often misunderstood is the administration's claim that its forecast is not optimistic because it assumes adoption of their program, which will improve the economy. However, the program offers very little deficit reduction; and the forecast is extraordi-

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narily buoyant. In other words, the Administration justifies a modest program by assuming a vigorous economy, and explains the vigor of the economy with its modest program. You need either a chicken or an egg to get the process rolling; the Administration has neither.

We do not need pessimistic economic and technical assumptions, merely realistic and prudent ones—of the character that any successful business would choose. We may fool ourselves by projecting, and accepting, unrealistically low future deficits, and then declaring victory—but in the end, we harm the country.

There are other failings in the Budget:

2. Mirrors—deficit reductions that appear bigger in the fun house mirrors than in technicians' cold calculations. The mirrors in the Budget include "management reforms" in defense.

3. Pennywise and pound foolish—policies whose ill effects outweigh the budget savings. Among the pennywise and pound foolish policies is the failure to provide the resources obviously needed for infrastructure investment, and for the indebted developing nations and Eastern Europe.

4. Pass the buck—policies that shift the burden to other levels of government. The Federal Government passes the buck to States and localities with mandated cost savings under Medicaid, and reductions such as those in grants for sewage treatment plants and for public housing modernization.

5. Cut now, pay later—policies that seem to reduce the deficit now but make it worse in future years. A major example is the capital gains tax cut proposal; the Joint Committee on Taxation estimates that this proposal would result in revenue losses in every year after the first.

6. Shell games—policies that claim to save money by moving activity from one shell to another. Eliminating indirect subsidies to the Postal Service would cut on-budget outlays but raise off-budget outlays in an equal amount.

7. "Nonstarters"—proposals that have been submitted before and failed to achieve political support. There are many proposals in the current Budget that have been proposed time and again, without achieving passage. Some of them may be good ideas, from my own perspective or that of a detached budget analyst; but their chance of passage is nil. Nonstarters in the Budget include Social Security payroll taxation of certain State and local government employees, elimination of Amtrak subsidies, and more fees related to recreational use of public park land.

Together, practices of these Seven Deadly Sins of Budgeting descredit the President's Budget document. As the Washington Post puts it, "The fooling around with numbers that used to be cosmetic has become fundamental. To those who produce as well as to those who read them, the numbers have become objects of contempt."

I believe that only $10 billion of the President's $36 billion of spending reduction and revenue increases for FY91 are likely to offer credible and lasting deficit reduction.

The revenue proposals in the Budget illustrate this weakness. Under the Administration's own estimates, the FY91 net revenue gain of $13.9 billion falls to $4.1 billion by FY93. However, if we substitute the Joint Committee on Taxation's estimate for the revenue effect of the capital gains tax cut, and assume that revenue raising retreads will be rejected again, the FY91 revenue gain is only $6.9 billion; the FY93 impact is a revenue loss of $5.3 billion. This revenue loss would be even greater if any of the Administration's tax reduction initiatives (like enterprise zones or family savings accounts) would cost more than projected, which is likely.

Because there is little meaningful deficit reduction, the Budget was left with some very unpleasant choices: between primary and secondary education, where funding is increased, and higher education, where funding does not fully keep up with current program costs; between AIDS research, and the other activities of Center for Disease Control and National Institutes of Health that were cut to make room; between air transportation, and ground transportation; between planting trees, and forest fire fighting; and between new special services for mothers, and general community services for States and localities; to name only a few. This reshuffling does not free enough resources to deal with our problems; the result is mere tinkering.

The efforts to stimulate private investment and saving—the capital gains tax cut and the Family Savings Plan—also amount to tinkering. The possible gains from these proposals are controversial at best, according to serious studies; as was pointed out at a recent Joint Economic Committee hearing, the investment stimulus from the capital gains tax cut would be no greater than a five basis point reduction of market interest rates—as from 8.00 percent, to 7.95 percent. And the revenue costs of these proposals will grow to sizable amounts.

This temporizing is required by the "no new taxes" pledge. But what does this pledge really mean? About $16 billion of gross revenue increases are proposed in the budget, as well as $2.3 billion of offsetting receipts. And last year the President signed a reconciliation bill that raised $5.7 billion of additional revenues for FY90. Slogans aside, we are raising taxes; but by requiring that it be done in hiding, we are insuring that it will be done badly.

IV. WHERE DO WE GO FROM HERE?

We cannot reduce the deficit and meet our responsibilities without a balanced package that includes both spending cuts and a moderate tax increase.

Past Efforts at Deficit Reduction

Grow out? We have not grown out of the deficit, despite the second-longest postwar economic expansion, and years of rosy scenarios. The current rosy scenario will fare no better.

Spending cuts alone? We have not eliminated the deficit through spending cuts in part because of a lack of political will. We accept economic and technical assumptions that minimize the problem. And we have refused to consider spending cuts that will be painful to our own States and districts. We have fooled ourselves, but we have harmed the country.

We must recognize how difficult it will be to achieve significant spending cuts that will not harm important National interests. Even if we eliminated the "social safety net" means-tested programs, we would still have fallen $60 billion short of wiping out the deficit in the fiscal year just ended. It would have taken a cut of more than 75 percent on all nondefense discretionary spending—which includes priorities such as science, technology, pollution control, transportation, education, health, and the administration of justice—to eliminate the deficit.

Other needs. We must also consider the National priorities that we have ignored over the last decade, and the need to accumulate a Social Security reserve against the retirement of the baby boom early in the next century.

In FY89, while we had a $152 billion total deficit, we accumulated a $54 billion Social Security surplus that should have been set aside against future benefits, and we ignored an absolute minimum of $20 billion needs in infrastructure, research, law enforcement, environmental protection, and education. It is inconceivable that we could find $225 billion in spending cuts to match those calls upon our Federal resources; $225 billion is about 65 percent of all spending other than Social Security, Medicare, defense, and net interest.

Frequent Misconceptions

Foreign aid. Many of the programs often thought of as targets to balance the budget are in fact quite small. Our deficit in 1990 is expected to be about $138 billion. Against that figure, total U.S. foreign development, humanitarian, and security aid outlays will be less than $15 billion; much of that assistance turns around in expenditures for U.S. farm products and manufactured goods, and contributes to international stability.

The Congress. The Congress' total budget (which includes maintenance of the buildings and grounds, the Capitol Police and Guide Service, the Government Printing Office, the Library of Congress, and other activities that are often forgotten) will be under $3 billion. Obviously, no cuts in these small programs, however desirable, could possibly eliminate the deficit.

The peace dividend. The expected "peace dividend" will help to reduce the deficit. However, there is no peace dividend in the President's budget this year; spending is increased. And we cannot leave our important National priorities, including deficit reduction, dependent upon continued favorable political developments in other nations. Further, witnesses before the Joint Economic Committee have cautioned that any significant peace dividend will be several years in coming. An emhasis on quick savings will leave us with a weakened defense establishment and will waste money in the long run.

The Grace Commission. A number of citizens have written to me advocating the recommendations of the Grace Commission. According to President Reagan's last budget, the Congress approved 90 percent of the Grace Commission recommendations that the President proposed. Of the recommendations he put forward that were not approved by the Congress, President Reagan found worthy of proposing again only about $7 billion in annual savings, most from user fees (i.e., taxes) and sales of assets. Less than $2 billion of the first-year savings came from reduced spending.

Procedural remedies. Likewise, procedures to reduce the deficit—budget process reforms and balanced budget amendments—are not the answer. You cannot solve a substantive problem with a procedure; hard choices must still be made, and in the absence of the will to make them, a way will be found to circumvent the procedure. Our experience with Gramm-Rudman proves this. A line-item veto would apply to only a small fraction of spending; it could not reduce Social Security benefits, Medicare payments, the interest on the debt, or defense or other costs involving long-term contractual obligations. Further, a president with a line-item veto would be likely to bargain for spending for a program he wants, like Star Wars, by offering not to veto a program that a Congressman wants, like a new dam or Federal building in his or her State or district. The result would most likely be more spending, not less.

Outlines of a Solution

Therefore, in my judgment, there is no formula and no procedure that will solve our deficit problem. We need to devise a substantive solution, and summon the political will to enact it. And that solution must be a balanced package of spending cuts for lower priority functions and moderate tax increases. In broad outline, here is what such a package would require.

1. We need a prudent and realistic economic forecast, so that we have an accurate measure of the size of the problem.

Budget estimates that command public respect are a part of the process. I would therefore urge consideration of my proposal for a commission to choose between Administration and CBO economic assumptions. And I urge continuing oversight by the Budget Committees to encourage OMB and CBO to minimize their technical differences, which have been about as important to recent deficit forecasts as have economic assumptions.

2. We need an ultimate deficit target that addresses our Nation's need for both savings and public investment.

The major cost of the deficit is its drain on our Nation's savings and investment. Therefore, we need to reduce the deficit enough to increase national savings and private investment, without starving the Federal sector of funds needed for public investment. At the same time, we must eliminate our current dependence on foreign savings.

As one illustration of a possible goal, we might aim to achieve the levels of national saving and public investment that prevailed in the 1960s and the 1970s—which were far above current levels—by no later than the middle of this decade, without relying on foreign capital.

If we seek to achieve those goals without assuming an increase in private saving, we will have to reduce the on-budget deficit (excluding Social Security) to one percent of GNP by 1995—from its current level of about four percent.

This target leaves room for a separate fund of about one-half of one percent of GNP, outside of the budget, for carefully defined public investments over and above current service levels. This approach might help to convince the taxpayers that the additional spending that they support with their tax dollars is focused on important National needs. It will be essential, however, that we provide the discipline to make that true. The target would also allow for a similar amount of money for payroll tax relief, to reduce the burden on working households.

This is just one possible target. But if our goal for the Nation is increased savings and investment, we will need to fix our numerical target in this fashion.

3. We need a schedule of annual deficit reduction that is neither too tight nor too loose.

A deficit reduction schedule that is too rigorous will lead to "smoke-and-mirrors" trickery, and those games increase spending and hurt our economy in the long run. But a schedule that asks too little will allow our debt to mount, and further erode our economic strength.

Recommendation. This standard has policy implications right now. If we start with the CBO assumptions—which, as a package, are more prudent than the Administration's—it is not realistic to achieve the required $74 billion of genuine deficit reduction for 1991 under the current deficit reduction law. It would be not only politically impossible but also economically risky to cut the deficit by well in excess of one percent of GNP in one year.

The target that I suggested would require, again using CBO's estimates about $35 billion of deficit reduction per year. Economists tell us that deficit reduction of up to one percent of GNP—about $50 billion—would be economically preferable. However, $30 billion of deficit reduction is the maximum that has been achieved in any single year under Gramm-Rudman. I suggest that we aim high, especially if we do realize a "peace dividend" through continued favorable political developments abroad. But we should not push so hard for big deficit reductions through defense savings in the short run that we make unsound cuts and waste even more defense dollars in the long run.

4. We need credibility with the public at large, and with the financial markets.

The deficit is fundamentally a long-term problem—eroding our savings and our investment for the future. Therefore, we need a long-term solution. This means actual deficit reduction, rather than revenues borrowed from future fiscal years and expenditures bunted backward and forward to achieve cosmetic success in one particular year.

Long-term policies require credibility. In my experience, the American people know instinctively that our economic course is wrong; they know that we must pay our bills as a society. Therefore, they are prepared to accept a deficit reduction program, provided that it is credible. Our problem is that we have played our budget games for so long—with all of the best intentions, to be sure—that we have no credibility left.

If we propose a long-term substantive program of deficit reduction, the people will be sure that we will back out of it. If we ask the taxpayers for the money to reduce the deficit and to finance needed public investment, they will be convinced that we will waste it.

This loss of credibility and public trust may be the most important cost of our decade of deficits.

We must somehow create an airtight package—one that we can't wiggle out of. We will have to put ourselves on record and on the spot with the public. We may have to buy credibility with some restrictions that we would not choose in the best of all possible worlds—like earmarked taxes, dedicated trust funds, or legislated long-term phase-outs of programs or phase-ins of taxes. And while we will not solve the deficit problem with a procedure, we will need a disciplinary mechanism to attain some minimum of credibility. We will need to craft that mechanism so that it does not reward accounting games as the current process does.

V. CONCLUSION

Even desirable adjustments to budgeting at the margin will only be effective when we restore equilibrium to the core. That is why procedures and formulas are not enough. We need a realistic economic outlook; we need a meaningful target that addresses our needs for national savings and both public and private investment; we need a deficit reduction schedule that wastes neither time nor money; and we need credibility with the American people and, like it or not, financiers around the world.

You on the Budget Committee are the first line of assault on these objectives, and it will be difficult to craft a program that meets all of our goals. But I believe that you owe it to the Nation to face this challenge, and that your best efforts will be rewarded with broad public support.

TRIBUTE TO SOLON B. COUSINS

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in honoring an outstanding leader, Mr. Solon B. Cousins, who is retiring after more than 35 years in human services, the last 10 of which he has served as the national executive director of the YMCA of the USA.

Mr. Cousins' work in leading the Nation's largest voluntary organization has made him a nationally known authority in the field of human service. His influence has gone beyond his work with the YMCA: he has set standards for the entire not-for-profit sector. The YMCA has indeed been fortunate for his guidance.

His association with the organization has a long and fruitful history. He began implementing important programs and policy for the YMCA when he assumed the role of personnel and planning director of the Chicago Metro YMCA from 1954 to 1966. He continued to advance the organization as general director of the greater Boston YMCA from 1966 to 1970. His leadership proved invaluable as head of the National Board of the YMCA's Urban Group, an association, at the time, of the 17 largest YMCA's in North America, from 1970 to 1973. Prior to assuming the position of national executive director with the YMCA, he served as executive director of the United Way of Metropolitan Chicago, the Nation's largest United Way organization, from 1974 to 1980.

In 1987, he received the United Way of America's National Professional Leadership Award, a top honor in the not-for-profit sector. He earned the award for implementing a service system within the YMCA that created a more decentralized and efficient organization. YMCA staff with special skills are now able to share them with everyone in the organization across the country.

In my own service as a national volunteer officer of both the YMCA of the USA and the National Assembly, I have worked closely with Solon Cousins over many years. My work with the YMCA focused on young people—in the United States as well as other nations—and the importance of developing programs which stress education and social responsibility. Under his guidance, the organization has moved forward with programs promoting strong families, youth leadership, healthy lifestyles, community development, and international understanding.

As president of the National Assembly of National Voluntary Health and Social Welfare Organizations from 1985 to 1989, he improved

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communications and cooperation among the member agencies and helped to advance their work. He also served as chairman of their affiliate organization, the National Collaboration for Youth, a coalition of 15 national youth serving organizations founded in 1973.

His commitment to important public policy issues is exemplified by his establishing high quality child care standards and encouraging new initiatives for affordable housing and the homeless through the Y-House and Y-Haven programs. During his tenure, the number of people served by the YMCA increased from 10.9 million to 13.5 million.

The YMCA has become the country's largest child care provider, as well as the Nation's largest non-governmental provider of single resident occupancy housing, and health and fitness services.

I know that Mr. Cousins is held in high esteem by staff, volunteers, and his peers within the not-for-profit sector. The YMCA has benefited from the intelligent, insightful, and energetic approach he has brought to the position of national executive director.

Mr. Speaker, Mr. Cousins has inspired many people through his devoted service. I ask my colleagues to join me today in paying tribute to this very special person.

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. NELSON of Florida. Mr. Speaker, had I been present on February 28, 1990, I would have voted "aye" on rollcall No. 18.

H.R. 4139, COMPETITIVE NORTHEAST RAIL FREIGHT SERVICE ACT OF 1990

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr LENT. Mr. Speaker, since Senator D'AMATO and I jointly introduced the Competitive Northeast Rail Freight Service Act on February 28, questions have been raised concerning the absence of explicit language providing for labor protection powers to be exercised by the Interstate Commerce Commission, in the event that the ICC must determine the terms and conditions of trackage rights for the Delaware & Hudson Railroad over Conrail's line into Hagerstown, MD, from Harrisburg, PA. The fear has been expressed that the agency or the courts might interpret the absence of such language as a prohibition on any ICC action to provide protection for displaced employees.

Tying the hands of the ICC was not our intention. This legislation is not intended to affect the normal labor-management balance in the railroad industry one way or another; neither is it intended to reduce or enlarge the ICC's usual powers to order labor protection in terminal-rights cases. To confirm this intent, and to make certain that unwarranted inferences are not drawn from the bill's original language, we intend to offer a clarifying amendment on this point when the bill is considered. Meanwhile, we will redouble our efforts to see that the vitally needed Hagerstown trackage rights are made available to the D&H, preferably by good-faith private-sector negotiation, but by ICC action if need be.

SUPPORT FOR NAMIBIAN DEMOCRACY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. TORRICELLI. Mr. Speaker, on February 9, the Constitution for an independent Namibia was adopted by its newly elected Constituent Assembly. On March 21, Namibia will become independent and will have a democratic constitution appropriate for a new democracy in this era of change.

This event may be taken for granted or even overlooked by a world which has been swept by startling political changes in Eastern Europe, Panama, South Africa, and the Soviet Union. The independence of Namibia is a success story for democracy, however, which should not be slighted. For decades Namibia was racked by a guerrilla war led by Sam Nujoma and the Southwest Africa Peoples' Organization [SWAPO] against the South African administration.

As recently as 2 years ago, it would have been hard to predict a peaceful solution to this war. South Africa, however, did agree to grant full independence to the territory in exchange for a full Cuban troop withdrawal from Angola. The United Nations monitored, administered, and declared free and fair, an election under U.N. Resolution 435 in which well over 90 percent of the people voted. The people gave SWAPO a 57-percent majority but elected a Constituent Assembly with diverse opposition parties. The new assembly adopted a constitution establishing separation of powers, checks and balances, a bill of rights, freedom of the press, and other measures to give Namibia a bright start to its future. Sam Nujoma of SWAPO has been unanimously elected by the Constituent Assembly as Namibia's first President.

The story of the process of independence in Namibia will be crucially important in the context of the future of South Africa and other countries, which are evolving toward democratic ideals.

Sanctions against Namibia will be lifted by the United States on March 21. We in the Congress should make clear our strong support for the move toward democracy in southern Africa, as well as in Eastern Europe and Central America. As this trend of democratization establishes itself, the Congress and the American people must be supportive of every new initiative, such as that which has led to Namibia's emergence as a democratic state.

A TRIBUTE TO OLIVER L. HOLMES

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. MILLER of California. Mr. Speaker, I would like to take a few moments to pay tribute to Oliver L. Holmes on the occasion of his retirement from the city council of Pleasant Hill, CA.

Oliver's 9 years of dedicated service to the city of Pleasant Hill began when he was first elected to the council in 1980 and continued through his reelection in 1985. His devotion to his work and the city did not go unappreciated. The residents of Pleasant Hill elected him to serve as mayor in 1982 and again in 1986. Oliver also served as the chair of the Redevelopment Agency in 1984–85.

Mr. Holmes' activity within the Pleasant Hill community began long before his membership on the city council. For 10 years he was a director for the Pleasant Hill Recreation and Park District; he chaired the East Bay Regional Advisory Committee; and was director of the statewide Association of Park Districts. He was also able to spend time as a teacher and consultant to West Valley College and as a member of the joint authority governing board, which administers the financing of the Pleasant Hill Community Center and the police services building. Oliver has been active and a long time supporter of his church. Friends Abroad, and the Pleasant Hill Foundation.

Oliver's keen interest in the recreation and park district and in the preservation of parklands and open spaces stems from his 30-year career as a professional forester. In his personal time, Oliver enjoys traveling with his wife, Rachel, and is an avid player and fan of golf and can often be found on the local golf course.

Mr. Speaker, I ask that my colleagues in the House of Representatives join with me in congratulating Oliver Holmes for his outstanding career with the city of Pleasant Hill and to wish him the very best in his retirement.

AMBASSADOR ADOLPH DUBS DIED AS HE HAD LIVED—IN THE SERVICE OF HIS COUNTRY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to and remember Ambassador Adolph Dubs, the U.S. Ambassador to Afghanistan, who lived and died in the service of his country. February 14, 1990, commemorated the 11th anniversary of the kidnaping and murder of Ambassador Dubs.

Ambassador Dubs was born in Chicago on August 4, 1920. After receiving a bachelor of arts degree from Beloit College, WI, in 1942, he joined the Navy and served aboard destroyers as a lieutenant in the Pacific theater.

Following his discharge, Mr. Dubs attended Georgetown University. In 1950, he joined the Foreign Service and served subsequently as resident officer in Kulmbach, Germany; at the Embassy in Monrovia, Liberia; and at the Embassy in Ottawa, Canada. Following his Canadian assignment, Mr. Dubs entered a 2-year course on Russian area and language training—first in Washington at the Foreign Service Institute and, later, at Harvard. He served on the Soviet desk in the Department from 1959 until 1961 and then at the Embassy in Moscow for 2 years as a political officer.

He returned to Washington in 1963 and was assigned for 1 year to the National War College. He served as a political counselor at the Embassy in Belgrade from 1964 until 1968, receiving the Department's Superior Honor Award. He returned to the Department as Director of the Office of Soviet Union Affairs in the Bureau of European Affairs and served in this position until 1971.

Later, Mr. Dubs attended the Senior Seminar in Foreign Policy at the Foreign Service Institute. Following his studies, he was named Deputy Chief of Mission in Moscow. In addition, he served as chargé d'Affaires there for about a year. Mr. Dubs returned to the United States in 1974 and became diplomat-in-residence at Southwestern University, in Memphis TN.

Ambassador Dubs was nominated by President Carter as envoy to Afghanistan on June 1, 1979, and was confirmed by the Senate on June 23, 1979. He served in Kabul for 7 months before he was seized from his car while en route from his home to work at the Embassy. He was taken hostage by unknown terrorists, brought to the Hotel Kabul downtown, held in a room by his captors, and later killed in a shootout between the captors and Afghan police.

Upon learning of Ambassador Dubs' death, President Carter paid tribute to the diplomat:

> I am shocked and saddened by the murder of Ambassador Dubs in Kabul this morning. The act of brutality which took his life has deprived our Nation of one of its most able public servants. Throughout his distinguished career in the Foreign Service, Ambassador Dubs took on difficult and challenging jobs, performing them with exemplary dedication and skill. He died as he lived—in the service of his country—and the manner of his death redoubles our dedication to the struggle against the kind of senseless violence which took his life. My thoughts and prayers are with the family of Ambassador Dubs.

Ambassador Adolph Dubs was laid to rest with full military honors at Arlington National Cemetery on February 20, 1979. Mrs. Mary Ann Dubs, the Ambassador's widow and originally from the 11th Congressional District of Pennsylvania, accepted the Secretary's Award, the State Department's highest award, posthumously for her husband. The inscription read, "For inspiring leadership, outstanding courage, and devotion to duty for which he gave his life, Kabul, February 14, 1979."

I invite my colleagues in the House of Representatives to pause and honor Ambassador Adolph "Spike" Dubs on the 11th anniversary of his death. The life of Ambassador Dubs exemplifies the greatest devotion to public service. We should all take his lead and learn from his self-sacrifice, bravery, and great sense of duty.

THANKS TO DALE CRANE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 5, 1990

Mr. VENTO. Mr. Speaker, I want to publicly thank and acknowledge the efforts of Dale Crane, who recently left as staff director of the Subcommittee on National Parks and Public Lands which I've had the privilege to chair the past three sessions of Congress. For over 14 years Dale Crane has been an integral part of the decisionmaking policy process on nearly every land issue and question that was considered by the U.S. Congress. With his guidance the subcommittee enacted more than 100 measures in the 100th Congress. Dale has been a leader, an innovator, a counselor, friend, and educator for me and other Members of Congress and to numerous staff in both House and Senate.

I have especially appreciated Dale's loyalty, his candor and his passion for both the work and the issues. Dale Crane truly cares for this nation's natural and cultural resources. Dale's efforts took on special meaning during recent years in the establishment of two magnificent new national parks, Great Basin National Park in Nevada, and our most recent national park in American Samoa, an ancient tropical rain forest, the 50th national park. He worked on legislation to help save Mono Lake, our Nation's first scenic area designation and toiled to protect Lake Tahoe. He was particularly active in the protection of wild and scenic rivers such as the Kern, the Kings and Merced recent designations in California. He worked hard on wilderness legislation, with the Nevada Wilderness Act passing at the end of the first session of this 101st Congress. And he worked on park bills including the establishment of Jimmy Carter National Historic Site and the numerous measures to expand Everglades National Park and Big Cypress Preserve. Throughout his service in natural resources roles, surely Dale Crane's vision of our Nation's natural resources has been forward looking to ensure that these resources would be conserved and preserved today for American generations tomorrow.

The Congress and this humble Congressman and subcommittee chairman give our sincere thanks and gratitude to Dale Crane for the role he played so well these past 14 years as staff, as chief of staff and confidant. Surely we will not soon forget the lessons and values, the mission and responsibilities Dale shared with us. Hopefully, we too will retain the reasoned passion for the conservation and care of our Nation's natural and cultural resources Dale Crane so ably personifies. Thank you, Dale.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest - designated by the Rules Committee - of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 6, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the dairy industry.
SR-332

Special on Aging
To hold hearings to examine marketing abuses in the medigap insurance industry.
SD-628

9:30 a.m.
*Armed Services
Readiness, Sustainability and Support Subcommittee
To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs including the impact of the Defense Management Report on logistics programs.
SR-222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
To hold hearings on proposed budget estimates for fiscal year 1991 for the Environmental Protection Agency.
SD-406

Labor and Human Resources
To resume hearings on S. 2104, to revise the Civil Rights Act of 1964 (P.L. 88-352) to restore and strengthen civil rights laws that ban discrimination in employment.
SD-430

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury and Departmental Offices.
SD-116

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Banking, Housing, and Urban Affairs

International Finance and Monetary Policy Subcommittee

To hold oversight hearings on proposed legislation authorizing funds for the Export Administration Act.

SD-538

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine NATO military strategy.

SD-419

2:00 p.m.

Armed Services

To hold hearings on operational requirements and military strategies for strategic forces.

SR-222

Foreign Relations

To hold hearings on the status of the arms control negotiations.

SD-419

2:30 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

Commission on Security and Cooperation in Europe

To hold hearings to examine the current domestic and international developments affecting Soviet Jews.

B318 Rayburn Building

MARCH 8

8:30 a.m.

Office of Technology Assessment

The Board, to meet to consider pending calendar business.

H-131, Capitol

9:00 a.m.

Appropriations

Defense Subcommittee

To resume closed hearings on proposed budget estimates for fiscal year 1991 for defense programs, focusing on the unified commands.

SD-124

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Environmental Protection Agency.

S-126, Capitol

Armed Services

To hold a closed meeting on the issue of unauthorized appropriations for fiscal year 1991, reprogramming requests, and to review those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1991 with a view towards making its recommendations to the Committee on the Budget.

SR-222

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Environment and Public Works

Toxic Substances, Environmental Oversight, Research and Development Subcommittee

To hold hearings to examine the effects of lead exposure on children's health and educational performance.

SD-406

Governmental Affairs

To hold hearings to examine the Departments of Labor's and Health and Human Services' high risk management problems.

SD-342

Rules and Administration

Business meeting, to consider pending legislation on campaign finance reform.

SR-301

Small Business

To hold hearings on implications of technology transfer on small business.

SR-428A

Veterans' Affairs

Business meeting, to consider budget recommendations for veterans programs and proposed legislation to reorganize the Veterans Health Service and Research Administration.

SR-418

10:00 a.m.

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Commerce.

S-146, Capitol

Banking, Housing, and Urban Affairs

To resume hearings on proposals authorizing funds for the Defense Production Act of 1950, including S. 1379, the Defense Production Act Amendments of 1989.

SD-538

Foreign Relations

To hold hearings to examine support for East European democracy.

SD-419

Judiciary

Business meeting, to consider pending calendar business.

SD-226

11:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.

SD-138

Commerce, Science, and Transportation

To hold hearings on the nomination of Donald R. Quartel, Jr., of Florida, to be a Federal Maritime Commissioner.

SR-253

1:30 p.m.

Environment and Public Works

To hold hearings on the President's proposed budget request for fiscal year 1991 for the U.S. Fish and Wildlife Service.

SD-406

2:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on the wheat industry.

SR-332

Energy and Natural Resources

To hold hearings on S.J. Res. 154, to consent to certain amendments enacted by the Hawaii State legislature to the Hawaii Homes Commission Act of 1920.

SD-366

Foreign Relations

To hold hearings on the nominations of Everett E. Briggs, of New Hampshire, to be Ambassador to the Republic of Portugal, Edward M. Rowell, of California, to be Ambassador to Luxembourg, Robert G. Joseph, of Virginia, for the rank of Ambassador during his tenure of service as U.S. Commissioner on the U.S.-USSR Standing Consultative Commission, and John J. Maresca, of Connecticut, for the rank of Ambassador during his tenure of service as Head of the U.S. Delegation to the Conference on Confidence and Security Building Measures (CSBM).

SD-419

Labor and Human Resources

Children, Family, Drugs, and Alcoholism Subcommittee

To hold hearings to examine the impact of drugs on the child welfare system.

SD-430

Small Business

To hold hearings on the President's proposed budget request for fiscal year 1991 for the Small Business Administration and on proposed legislation authorizing funds for the Small Business Administration.

SR-428A

MARCH 9

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.

SR-332

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to review the President's budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA).

SR-253

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on Federal participation in magnetic levitation transportation systems.

SD-406

Joint Economic

To hold hearings on the employment-unemployment situation for February.

Room to be announced

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Senate, the Office of the Sergeant at Arms, and the Congressional Budget Office.

SD-116

Foreign Relations

East Asian and Pacific Affairs Subcommittee

Terrorism, Narcotics and International Operations Subcommittee

To hold joint hearings on narcotics trafficking activities in South East Asia.

SD-419

Governmental Affairs

To hold joint hearings with the Committee on Labor and Human Resources to review the implementation of the Clinical Laboratory Improvement Act of 1988 (P.L. 100-578).

SD-430

Judiciary

To hold hearings on S. 640, to regulate interstate commerce by providing for

uniform standards of liability for harm resulting from general aviation accidents.
SD-226

Labor and Human Resources
To hold joint hearings with the Committee on Governmental Affairs to review the implementation of the Clinical Laboratory Improvement Act of 1988 (P.L. 100-578).
SD-430

1:00 p.m.
Energy and Natural Resources
Mineral Resources Development and Production Subcommittee
To hold hearings on S. 1908 and H.R. 737, bills to amend the Stock Raising Homestead Act to prescribe conditions under which U.S.-owned hardrock mineral deposits may be mined or removed from lands whose surfaces are privately owned.
SD-366

MARCH 15

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.
SH-216

MARCH 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.
SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.
S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for the Small Business Administration, and the U.S. Information Agency.
S-146, Capitol

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 2088, to extend authority for Titles I and II of the Energy Policy Conservation Act (P.L. 94-163), to expand the strategic petroleum reserve (SPR) to one billion barrels, and to provide for predrawdown diversion authority for SPR oil.
SD-366

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
RD-116

MARCH 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Governmental Affairs
To hold hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Small Business
To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.
SD-226

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.
SD-138

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Governmental Affairs
To continue hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
RD-106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

MARCH 23

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on

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the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

MARCH 26

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
RD-192

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
RD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

MARCH 28

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction Program.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
RD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol

APRIL 3

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

APRIL 15

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

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Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

CANCELLATIONS

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

POSTPONEMENTS

MARCH 6

2:00 p.m.
Select on Indian Affairs
Business meeting, to review those programs which fall within the committee's jurisdiction as contained in the President's proposed budget for fiscal year 1991 with a view toward making its recommendations to the Committee on the Budget.
SR-485

MARCH 7

9:30 a.m.
Governmental Affairs
To hold hearings on S. 1978, to promote

U.S. trade and technology interests by reorganizing the Department of Commerce into a Department of Industry and Technology.

SD-342

10:00 a.m.

Appropriations

To hold hearings on the President's proposed budget for fiscal year 1991.

SD-192

2:00 p.m.

Appropriations

To continue hearings on the President's proposed budget for fiscal year 1991.

SD-192

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HOUSE OF REPRESENTATIVES—*Tuesday, March 6, 1990*

The House met at noon.

The Reverend Michael B. Easterling, pastor, Madison Avenue Baptist Church, New York, NY, offered the following prayer:

Lord of life, we give You thanks for this day, for the gift of life and for all our blessings. We are such a blessed people. It is something we forget because we have been conditioned in prosperity and we bask in it every day of our lives.

Ours is a simple prayer today.

Help us to somehow understand that, while we have received the legacy of privilege and prosperity, others have received the legacy of poverty and pain.

Help us to somehow realize, that while most of us have always had open doors and open highways, so many, even in our Nation, have only had closed doors and dead ends.

We ask for two more things today, O Lord.

First, help us to understand more fully what it means to be our brothers and our sisters' keepers.

Second, may we as citizens have the courage and strength to stand by and with, any of our brothers and sisters, who are kept down or kept out.

This is our humble prayer today, which we pray in the name of truth, justice and love. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. UPTON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. UPTON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 101, not voting 46, as follows:

[Roll No. 19]

YEAS—284

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Brennan
Broomfield
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CA)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Clinger
Coleman (TX)
Combest
Condit
Conte
Conyers
Cooper
Costello
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dorgan (ND)
Dornan (CA)
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Flake
Flippo
Ford (MI)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Parker
Patterson
Payne (NJ)
Payne (VA)
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Quillen
Rahall
Ravenel
Ray
Richardson
Ritter
Roe
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schneider
Schulze
Schumer
Sharp
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vander Jagt
Vento
Volkmer
Walgren
Walsh
Washington
Waxman
Weldon
Wheat
Wilson
Wise
Wolpe
Wyden
Wylie
Yatron

NAYS—101

Armey
Baker
Ballenger
Barton
Bentley
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Coble
Coleman (MO)
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dreier
Feighan
Fields
Frenzel
Gallegly
Gallo
Gekas
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hawkins
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
McCandless
Michel
Miller (OH)
Miller (WA)
Moorhead
Murphy
Parris
Pashayan
Paxon
Regula
Rhodes
Ridge
Roberts
Rogers
Roukema
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stearns
Stump
Sundquist
Tauke
Thomas (CA)
Upton
Vucanovich
Walker
Weber
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—46

Aspin
Berman
Bilirakis
Boxer
Brooks
Campbell (CO)
Clay
Collins
Coyne
Dixon
Donnelly
Douglas
Downey
Engel
Foglietta
Ford (TN)
Kasich
Laughlin
Lent
Levine (CA)
Lightfoot
McGrath
Miller (CA)
Myers
Nelson
Packard
Panetta
Pease
Pursell
Rangel
Rinaldo
Robinson
Shaw
Shumway
Smith, Denny (OR)
Solarz
Swift
Synar
Udall
Valentine
Visclosky
Watkins
Weiss
Whitten
Williams
Yates

□ 1224

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall 19.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. Mazzoli). The Chair recognizes the gentleman from Missouri [Mr. Skelton] to deliver the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and concurrent resolution of the House of the following titles:

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, TX.;

H.R. 4010. An act to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms; and

H. Con. Res. 226. Concurrent resolution providing for acceptance of a statue of Philo T. Farnsworth, presented by the State of Utah, for placement in National Statuary Hall, and for other purposes.

The message also announced that the Senate had passed a bill and joint resolution of the following titles, in which the concurrence of the House is requested:

S. 1430. An act to enhance national and community service, and for other purposes; and

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

THE REVEREND MICHAEL B. EASTERLING

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I am pleased to introduce a distinguished religious leader from my congressional district, our guest chaplin today, the Reverend Michael B. Easterling. Reverend Easterling is pastor of the Madison Avenue Baptist Church in New York City.

A native of Texas, Reverend Easterling is a graduate of Wheaton College in Illinois, where he won all-American honors in soccer. He is also a graduate of Gordon Conwell Seminary in Hingham, MA.

Reverend Easterling and the congregation of the Madison Avenue Baptist Church are carrying on a vital ministry in the heart of New York City, with programs for the homeless and needy. The church is also well known for providing support and counseling to the people of this diverse community.

On behalf of all my colleagues I wish to extend a warm welcome to Reverend Easterling. I should also like to thank him for giving the prayer today, and to express our appreciation to Reverend Easterling and the members of the Madison Avenue Baptist Church for their outstanding work on behalf of all the residents of their community.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 436

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Arizona [Mr. Kyl] be removed as a cosponsor of House Joint Resolution 436.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

BUSH'S VENTRILOQUISM ON TAXES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, it is time the American people knew the truth about George Bush and taxes. It's simple: The President says one thing then does the opposite, time and time again.

He says "read my lips—no new taxes."

Then he practices ventriloquism, trying to make the American people play Charlie McCarthy to his Edgar Bergen. Because, Mr. Speaker, his budget does raise taxes. It raises taxes by $28 billion.

Who is paying these taxes? Not his rich friends. No, these taxes hit working Americans hardest.

Mr. Bush raises the payroll tax, taking money directly out of the pocket of every working man and woman in this country.

Mr. Bush raises Medicare taxes, hitting those on fixed incomes hardest.

Then, Mr. Speaker, the administration has the gall to make the only legislative initiative a tax cut for the rich.

The American people are tired of reading lips that say one thing and do another. Let me quote the Republican Governor of Illinois, Jim Thompson, on the Bush budget. It is a "Read My Lips, Raise Your Taxes Plan."

□ 1230

THE LOST DECADE FOR TAX FAIRNESS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, call it the lost decade for tax fairness in America. Ten years of conservative economics has stood the old-fashioned notion of tax fairness on its head.

Some in the administration swallow a philosophy that believes the janitor in Trump Plaza should pay the same tax rate as Trump himself pays. That is called flat rate taxes. Well, the folks who believe that should be happy now. New studies show that during the past decade the rich grew richer and their effective Federal tax rate declined—the poor grew poorer and their effective Federal tax rate increased.

The overall tax burden has ceased to be progressive so rich and poor now give about the same amount of their income to tax collectors.

Now the administration wants to compound this bad news with a capital gains tax cut that will go primarily to the rich.

With America choking on Federal deficits, the President is proposing an average $25,000 a year capital gains tax cut for Americans whose incomes are over $200,000 a year.

The final act of larceny in this parade of errors is the practice in the Gramm-Rudman budget act of misusing the $70 billion in Social Security taxes to offset other Federal spending. The administration says they will stop it, but not for a few years.

Oh, sure, we have heard that before. We will stop drinking in the morning, but pass the bottle tonight. We Democrats must start step by step to restore some fairness to the Tax Code and we must stop the administration's misuse of Social Security money.

TRIBUTE TO STATE POLICE OFFICER JOSEPH AVERSA

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform my colleagues that we have lost another brave crusader in our war against drugs. On the afternoon of March 5, 1990, New York State Police Officer Joseph T. Aversa was gunned down while engaged in an undercover narcotics operation in Manhattan's lower east side.

Officer Aversa, age 31, had been a member of the New York State Police since March 1984, proudly serving with Troop F in Middletown, NY. In

October 1989. Officer Aversa's outstanding service was recognized by a promotion to investigator. It was in that capacity that he began work as an undercover narcotics officer with the State's drug enforcement task force.

An apparent buy and bust operation went amiss when an undercover officer was led into an ambush in a New York City housing project. Joseph Aversa bravely ran to the aid of his fellow officer only to be met with deadly gunfire.

As we reflect on the tragic loss of Investigator Aversa, we cannot help being outraged by the ruthless acts of violence committed daily by the drug dealers of our cities. Each and every day, we are losing our children and young people—victims to drugs.

Yesterday, not only Officer Aversa's family and community, but the whole of our country suffered a tremendous loss. Officer Aversa was one of a select few, who cared so much for his fellow man that he made the ultimate sacrifice, his life.

The public outcry to these inhuman acts should be loud and resolute. As we remember Joseph Aversa, and the life he devoted to fighting crime, let us become more determined to do our part in the war against drugs. We should not have to lose proud, young men and women to corrupt, ruthless, murderous criminals.

I invite my colleagues and the American people to recognize the proud, distinguished and courageous manner in which Joseph Aversa served. As we express our condolences to the Aversa family. Let us hope and pray that his devotion to law and order will inspire an even greater effort to fight back against crime, lawlessness, and the scourge of illicit narcotics.

TAXES UNFAIR FOR MIDDLE AMERICANS

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, suppose an investment banker making $200,000 a year or even someone like Donald Trump making $200 million a year receives a salary increase of $1,000; at the same time, an auto mechanic with an annual salary of $27,000 also got a raise of $1,000.

Who would one think would pay more in Federal income and Social Security taxes? The auto mechanic. The Main Street working man's taxes would be $365 on that increase. Donald Trump's would be $280 on the increase.

Let us now take a self-employed plumber who fixes Donald Trump's pipes, and he has a wife who is a schoolteacher. The two have a joint income of $86,000 a year. The plumber gives himself a $1,000 raise. Question: How much in Federal taxes will he pay? Answer: $483, almost twice as much as Donald Trump will pay.

Is that fair? I do not think so, and neither do most of the American people. Unfortunately, the President wants to skew the Tax Code even further. He wants to give even more benefits to the Wall Street banker or to Donald Trump. He wants to hand that banker and give him a cut on his capital gains which will enable him to buy a new car. That same tax would allow our auto mechanic to buy 1 week of groceries.

This is kinder and gentler? This is a new breeze blowing in America?

COMPULSORY UNION DUES MUST BE SPENT FOR COLLECTIVE BARGAINING ONLY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, I wonder how many union members ever think about how much of their union dues are being spent properly? How much actually goes to support the union itself, and how much is being used to elect candidates to office, pay for travel or lobby Congress on a number of left-wing causes?

A gentleman by the name of Harry Beck did. He challenged the secrecy of union spending and found some little known facts. He discovered that 79 percent, that is 79 percent, of his union dues was being spent for political campaigning, lobbying, and underwriting protest marches for all sorts of groups. Harry Beck disagreed with how his money was being spent by the union. He sued, and he won his case.

On June 29, 1988, the Supreme Court ruled that compulsory union dues cannot be spent for anything but collective bargaining. All union members have the right to know what their dues are being spent for, and all union members have the right to refuse to pay for practices with which they do not agree.

But it will not just happen. Each and every union member, Mr. Speaker, owes it to himself or herself to ask for a fair assessment and a fair accounting of union dues. After all, it is their money, not the union's.

THE TRUTH ABOUT TAXES

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, millions of Americans have been told that during the 1980's their taxes were cut. But if you count payroll taxes, the fact is that for working Americans, overall taxes went up 5.5 percent.

The fact is that while everyone else was paying higher taxes, the richest fifth of our citizens were paying lower taxes—more than 5 percent less than the rest of us. Most Americans spent the decade struggling just to stay even. But the wealthiest Americans soared even further ahead financially.

Now we have a new President who says he won't raise our taxes either. But the fact is that the President's budget proposal includes not 1, not 2, but 15 new taxes or fees.

Mr. Speaker, there is an old saying—fool me once, shame on you, fool me twice, shame on me. The American people may have been fooled once with false promises of no new taxes. But I do not think they will be fooled this time.

INTRODUCTION OF LEGISLATION TO STOP POSTAL RATE HIKE

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, inflation is caused by paying more people more money for the same or less work. This principle has never been better illustrated than it is today by the current request of the Post Office to raise their rates by 20 percent.

This Government-run monopoly that is badly mismanaged with labor costs going through the roof wants to pass a $7 billion bill on to the American taxpayers without doing a thing to reform the way they operate this monopoly, and they are asking us to pay 20 percent more and put them 46 percent ahead of the current rate of inflation.

Mr. Speaker, this is outrageous. My constituents are angry about it, and I have introduced a resolution to stop this rate hike. I would encourage all the Members of Congress to work for sanity in postal delivery rather than inflation in postal rates for the American consumers.

SKELTON REMEMBERS STATE SENATOR RICHARD WEBSTER

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, Missouri lost one of her finest sons Sunday. The death of State Senator Richard Webster of Jasper County, the senior member of the Missouri Senate, ended an outstanding career of public service.

Mr. Speaker, he was speaker of the Missouri House in 1954, and he served in the Missouri State Senate from 1962 to the present time.

I became acquainted with Dick Webster when I entered the State senate in 1971. He was a good friend when I served there through the years, and he remained a good friend.

Dick Webster was as Lincolnesque as anyone I have ever known. He was wise, he was thoughtful, he was bright, and he was an extremely fine legislator. He lived for the Missouri Senate. It was his whole life, and those of us who worked with him knew him to be the master of his profession.

As a result of that, the people of the State of Missouri were the beneficiaries of his hard work. We will all miss him.

CONDEMNATION OF INCIDENTS OF HATRED AND PREJUDICE

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, perhaps no other passage from President Bush's State of the Union Address received as much universal praise and enthusiastic bipartisan support than his declaration that "We must maintain the democratic decency that makes a nation out of individuals * * * every one of us must confront and condemn racism, anti-Semitism, bigotry, and hate, not next week, not tomorrow, but right now—every single one of us."

Some of us mistakenly presume that incidents of hate violence are problems only in someone else's district. And we say to ourselves, "certainly such terrible hatred would not be found in our districts."

Wrong.

In my own district in Montgomery County, MD, one of the wealthiest and best-educated constituencies in the country, we have experienced a recurring hate compaign in the last few months. In December, the Yeshiva High School in Silver Spring was savagely vandalized by anti-Semites bent on senseless destruction. Shortly thereafter, the delivery vehicles of a catering firm contracted for a local NAACP event in my district were vandalized and spray painted with racist graffitti. Just this past week, Richard Montgomery High School was attacked by anti-Semitic vandals whose damage and destruction, believed to be unparalleled in recent local history, was so extensive and vicious that it brought tears to the eyes of students. Also recently, the gates of American University, minutes from my district, were painted with symbols equating the Star of David with, of all things, a Nazi swastika.

I join with the President, as I know my colleagues do, in condemning in the strongest possible terms these incidents of hatred and prejudice. I am pleased to report that in the case of the Yeshiva, several arrests have already been made, thanks to a little luck and the hard work of the Montgomery County Police Force. In my visit to the Yeshiva, the assistant principal, Rabbi Zev Katz, was effusive in his praise of the local police, and especially of the county's special investigative unit, which specializes in investigating hate crimes. I join with Rabbi Katz in thanking Capt. Douglas McFee, Lt. James Lee, Lt. Rick Swain, Det. Fred Dimisa, and Det. Linda Kreiger for their swift and compassionate response to this despicable act.

I also want to recognize the Richard Montgomery community for its determined and united response to the crimes committed against its school. I hope that all Members will join with me tonight in Rockville, MD, to participate in a vigil which the community is holding, the 7:30 march begins at the courthouse square and ends at the high school, where a community forum will be held. I am especially pleased to learn that the impetus for the rally came from the students, and was planned and coordinated with the help of the Richard Montgomery student government, Principal Tom Quelet, PTSA President Karen Baker, and Tony Deliberti, the Montgomery County public schools coordinator for community service.

We in Congress have taken some action in combating this scourge by passing the Hate Crime Statistics Act. But this is hardly enough. I urge my colleagues to demonstrate their personal commitment to opposing these sickening acts, for "every one of us must confront and condemn racism, anti-Semitism, bigotry, and hate * * * right now." But don't just speak out—visit the scene of the crime, comfort the victims, encourage the authorities and praise their accomplishments. Show a personal commitment.

I urge President Bush to further demonstrate his personal commitment and leadership in eradicating the scourge of hate violence by visiting the scenes of these crimes, especially when they take place so close to Washington. His presence will reemphasize our determination to build the harmonious society which is our ideal.

ADMINISTRATION TURNS WAR ON DRUGS INTO A PILLOW FIGHT

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, on Thursday, the Subcommittee on Financial Institutions Supervision, Regulation and Insurance, which I chair, will hold hearings on a series of legislation designed to stop money laundering, the practice of turning illegal drug profits into the mainstream economic system.

One of the bills is legislation that I introduced that would take away the charter of any financial institution convicted of money laundering. I want to stress the word "convicted." My bill does not cause problems for legitimate financial institutions or for those institutions that are not found guilty.

In short, my legislation would only punish convicted money laundering institutions—corporate criminals.

This is the type of bill that every American should support. But guess who is opposing the legislation. The Bush administration has indicated it does not want the loss of charter for financial institution money launderers, but rather wants the regulators to pick and choose those institutions that should be punished.

The administration talks about a war on drugs, when in reality it really wants to have a pillow fight.

NO REPRESENTATION WITHOUT TAXATION

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, a bill to permit D.C. residents to vote for Maryland Senators and Representatives is being introduced today.

There is no question that the vote is a fundamental right.

This country was founded on the idea that those who shoulder the burden should share the benefits—and the primary benefit has always been voting.

This idea led to the Boston Tea Party.

And this idea was written into the Constitution, and further guaranteed in the Bill of Rights and subsequent amendments.

D.C. residents have no real Federal representation. This is wrong. But they have chosen of their own accord to live in the District of Columbia—not to live in Maryland.

And now those who pay no Maryland taxes are to vote for Federal representatives of Maryland in Washington?

This is wrong.

Does Virginia—or even New York or California—want voters who do not pay their State taxes decide who its Congressmen should be? If so, there are a couple hundred thousand D.C. absentee voters who want to help choose your Members of Congress.

With the benefits should come a measure of responsibility. There should be no representation without taxation.

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THE SIDEWAY PUSH RIGHT IN THE KEISTER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1986 Japan was caught red-handed. They were dumping semiconductors below production costs in America to destroy American jobs and competition. When President Reagan put his foot down, Japan said, "We are sorry. We are guilty. We will not do it any more. We promise."

Ladies and gentlemen, they also gave us a sidebar agreement promising 20 percent of the Japanese market for semiconductors.

Guess what? The sidebar agreement is now the sideway push right in the keister. They said no way.

Ladies and gentleman, I do not blame Japan. I blame America for listening to think tank economists who have never stood in an unemployment line and whose policies on trade are so misdirected if they threw them at the ground they would probably miss.

It is time to tell Mr. Kaifu no more promises. The joy ride is over. The yen stops here. And we will take care of American workers with a real fair trade program.

Think about it.

THUMBS DOWN TO THE 30-CENT STAMP

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, Congress should give a big thumbs down to a proposal for a 30-cent stamp. Everybody complains about postal service, but nobody wants to do anything about it. There are those who will blame the postal workers for a jump in the price of stamps. That reaction is totally unfair. Congress itself has added greatly to the baggage hauled by our mail carriers. We have got them carrying junk mail and have provided special favors to special interests at their expense. We have got them lugging around our political baggage, including our newsletters.

I happen to have a high regard for our postal employees. What we need to do is provide them the incentives every private company has. Let us put the profit motive and competition to work in improving our mail.

Let us turn the Post Office over to the employees, lock, stock, and barrel, every building and piece of equipment, right down to the last postage meter. Let us make the Post Office the largest employee-owned corporation in the world. Instead of having higher prices and lower service, it will be the other way around, and everyone will be better off.

AMERICA NEEDS A SUGAR SUPPORT PROGRAM

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, twice in the past decade the administration has proposed reductions in the sugar program which would bankrupt America's beet and cane sugar farmers. Fortunately, in both instances Congress has had the foresight to reject these Draconian proposals.

Now we have a new administration and a new Secretary of Agriculture. Secretary Yeutter is a heavyweight when it comes to understanding the dynamics of agricultural trade, and this includes the machinery of the world sugar market.

He has rejected the appeals of the big fat cat industrial users of sugar who urge unilateral trade disarmament by virtually abandoning the current sugar program in advance of the Uruguay round of the trade negotiations. The Secretary has brought forth a farm bill which maintains the status quo for sugar because he understands that no rational purpose would be served by weakening our bargaining position while these negotiations are ongoing.

The real villian among the world sugar producing nations is not the United States, which supports sugar at a price equal to the cost of production, but the Common Market. As a consequence of Common Market policies which promote domestic production through exorbitant price supports at the same time that sugar imports are virtually prohibited, the European Community has moved from being a net importer of 1 million tons of sugar in 1970, to exporting nearly 5 million tons of sugar in 1988.

While there are some who believe that reform of the U.S. sugar program is in our best interests, I am certainly not one of them. Nor, might I add, are the large majority of our colleagues who overwhelmingly approved the sugar program on the House floor during the last farm bill.

Let us support sugar in the farm bill.

TOTALITARIAN REPRESSION STILL EXISTS IN AFGHANISTAN

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, the sources of two news stories this morning should serve to clarify a misconception many in the West have had. A year and 3 weeks ago the Soviets withdrew their last combat troops from Afghanistan. Many people in the West believed that this brought to an end the kind of totalitarian repression which had been imposed on the people of Afghanistan for the last decade.

Well, this morning the report came out that a coup attempt had been launched against Dr. Najibullah, the Soviet-installed dictator in Afghanistan. First the report came from Tass, the Soviet news agency, and the second report came from Kabul's government radio, clearly demonstrating that in fact there is not a free press in Afghanistan. The Soviets continue to impose their repression in many ways.

Now, I know that the attempt launched by the Defense Minister is one that comes from the right and not from the majaheddin, but it is very clear that while we are in the euphoric state about the changes which are taking place in the name of freedom around the world, we have got to recognize that the 1½ million people who have died in the past decade in Afghanistan cannot have died in vain. We want to see national reconciliation and the kind of pluralism which people around the world are beginning to enjoy and which Afghans deserve.

VOTING REPRESENTATION FOR CITIZENS OF THE DISTRICT OF COLUMBIA

(Mr. PARRIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, as has been suggested, I have introduced a bill in the House today to provide for voting representation of the citizens of the District of Columbia in Federal elections. They would elect their own Congressmen who would vote in this House. They would have the opportunity to support two Senators of their choice.

I understand from talking to my more conservative folks who support my general proposition that there ought to be no statehood for the District of Columbia and that this ought to remain, as the Constitution provides, the Nation's Capital forever. I also understand the desires of my more liberal colleagues who would like to have statehood and individual representation in the Federal Congress of Representatives from the District of Columbia.

But if Members want a reasonable compromise, if they want a middle ground that provides for the creation of a new Congressional District in the State of Maryland with a right of the residents of the District of Columbia to vote in Federal elections, if the agenda is truly to eliminate taxation without representation, then they ought to be widely enthusiastic about the bill I have just introduced. If, on the other hand, the purpose is not to provide representation, then perhaps they ought to continue to fight the unconstitutional provisions of statehood, which simply will not work, or they ought to maintain the status quo, which is undesirable.

PRESIDENT BUSH'S STAND AGAINST MOTHERHOOD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, something very startling has happened in politics. For all of the people who say no news is being made, new news is being made in the White House.

For years it has always assumed that no one would ever be against motherhood, but, by golly, President Bush has said that if any kind of maternity leave bill were to come out, he would veto. That is very clear coming out against motherhood.

I find it rather startling that in every other industrialized nation on the planet, except for South Africa, and we do not look to them for much leadership, they have said that women could have job-protected leave upon the birth or adoption of a baby. Our President has said no.

I certainly hope that this House tests him on that, and I certainly hope he changes his opinion, because I do not think in any other way are we going to get our children off to a good start, and get them going in the way we want to get going so that we can really be competitive in the next century with these new people that make up our future.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would advise the gallery that the gallery is not to demonstrate or to take any part in the activities of the House.

COMPETITION IN CABLE TELEVISION

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, in 1984 Congress made a decision to deregulate the cable industry. We did so in the hope, and with the belief that real and effective competition would develop so that cable consumers would realize both the benefit and the protection of a real free market competition.

Each year thereafter I have urged upon Congress measures to ensure that competition would in fact develop by providing a fair chance for satellite television to compete with cable. Each year I have tried to alert this body that the American public would one day demand to know why, why we deregulated a monopoly, and each year Congress took no action.

Now the time of reckoning is upon us. Americans at town and county meetings across this land are demanding some relief from the more egregious monopolistic cable practices, and local governments are correctly pointing those constituents back to Washington. "Write your Congressman," they say, and demand that they reregulate or that they provide real competition.

Congress will be hearing a lot more from these angry constituents, and our choice is still the same. Someone must compete with cable, perhaps the phone company, or reregulation will be on the table, and it will not go away.

LET US HAVE A VOTE ON MANPOWER REPROGRAMMING

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, ordinarily I do not seek to interfere with or second-guess the decisions of committee chairmen.

But I feel I should address a question that has arisen through the action of our esteemed and distinguished colleague from Wisconsin, our good friend, Chairman Les Aspin of the Armed Services Committee.

I do so only because his action has implications that go beyond the jurisdiction of his committee.

The chairman has sent letters to the heads of the armed services and others, informing them he does not intend to hold hearings on various reprogramming requests.

Secretary Cheney informs me this decision could seriously affect his ability to reduce and restructure the all-volunteer force.

The Pentagon won't feel the pain. People will—between 45,000 and 65,000 uniformed men and women—all volunteers—will get a pink slip before October 1 of this year.

Is this really what we want? I think not. I certainly hope not.

In the fiscal year 1990 Defense authorization conference report, we agreed to this language:

> The conferees further expect the Secretary of Defense to submit reprogramming requests for additional military personnel funds as he deems appropriate.

Secretary Cheney has fulfilled that obligation. Now we are told he is wrong although DOD has been programming money for military personnel since 1985, on a routine basis.

Mr. Speaker, let us at least get a vote of this House on these requests.

VIOLENT PEACE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, yesterday there was a thought-provoking front page story in my home district paper that told me we have a new kind of moron at the Pentagon, an oxymoron.

Admiral Trost was quoted raising the alarm about the coming era of "violent peace." That is a new low for the American language, and a new low for those at the Pentagon desperate to preserve the status quo infinitely increasing budgets for the Pentagon.

The new threat posed by Admiral Trost is to justify the 600-ship Navy, more carrier groups, and a new seaborne nuclear arms race with unlimited cruise missiles, and this to support tinpot dictator terrorists and oilspills.

Come on, Admiral, peace is breaking out all over. Do not stand in the way.

A great warrior, Dwight David Eisenhower, told the people of the world that people want peace so much that they will someday push their leaders aside to get it.

□ 1300

Admiral, you can stand with the last of the hardline cold warriors and demand ever more billions for gold-plated weapons that do not work and we do not need, or you can get pushed aside. Or you can plan and help us shape a navy for the 21st century, a scaled-back, money-saving, lean, mean navy and a peace dividend; a dividend we can spend to fight the major battle of the 21st century, an economic battle for world leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Before proceeding to the next speaker, the Chair would remind all Members of the House that remarks in debate should be addressed to the Chair, not to other people, but to other people through the Chair in an indirect way.

DON'T MESS WITH SOCIAL SECURITY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

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Mr. WALKER. Mr. Speaker, we heard a number of interesting speeches this morning from Members from the majority side about the question of taxation of the American people, and I think you need to listen very carefully to what those members of the majority were saying because the point that they were making surrounds the concept of Social Security taxes.

What they seem to be arguing in favor of is differentiating the amounts that people pay into the Social Security system, therefore, in their opinion, to even out the taxes.

Just understand that when Democrats talk that way, what they are doing is talking about changing the Social Security system from what it has always been, an insurance system, to a welfare system, because when you start talking about using general revenues or when you start differentiating the taxes, you are talking about a welfare program.

That is precisely what these Members are talking about doing, about moving us away from the idea of insurance toward the idea of welfare.

Let us remember it was a leading Democrat in the Senate who first gave us the idea we ought to destroy the Social Security system with his plan just a few weeks ago. Now we have got Democrats in his body saying we ought to turn the Social Security system into another welfare system.

President Bush was right: "Let's not mess with Social Security."

MODULAR HIGH-TEMPERATURE GAS-COOLED REACTOR PROGRAM

(Mrs. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LLOYD. Mr. Speaker, I rise to discuss the Department of Energy's new production reactor program, specifically some of the benefits associated with the modular high temperature gas-cooled reactor program.

One of the principal benefits of the MHTGR design is its reliance on inherent and passive safety features. The reactor design relies on laws of nature rather than complicated machinery or human actions to prevent major accidents. Core damage or a meltdown are not physically possible with the MHTGR. This and other safety features have been confirmed by the Nuclear Regulatory Commission in a recent safety evaluation report and by letters of the Advisory Committee on Reactor Safeguards.

Incidents at Three Mile Island and Chernobyl demonstrate the importance of safety to the design and operation of a nuclear reactor. With the MHTGR we have the opportunity to make a major jump forward in reactor technology. By aggressively pursuing the MHTGR option we can guarantee that our nuclear deterrent receives the tritium it requires in a safe manner. With the inherent and passive safety of the MHTGR, the future of reactor technology is here today.

THE UNITED STATES AND CANADA—QUID PRO QUO ON ACID RAIN

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the Canadians must be laughing up their sleeves at the stupidity of the Congress and the administration. They are leading the rush into costing the United States tens of thousands of jobs, excessive utility rates, adding hundreds of billions of dollars to those utility rates, and more importantly, the power companies will contract for the Canadians' cheaper electricity rather than to spend the cost to clean it up.

Canada, you see, does not bother with costly acid rain legislation because up there it is legal. So they do not have to worry about it. I think it is time for a quid pro quo. I think that if they want to tell us that we have to spend billions of dollars to clean up the acid rain, then they too are going to have to spend billions up in Canada. I think it only fair.

What is good for the goose is good for the gander.

UNIVERSAL HEALTH COVERAGE

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker and my colleagues, last Thursday, the day before the Pepper Commission put out its recommendation, I introduced a bill that would cover every single man, woman, and child in this country, universal health coverage. Many of my colleagues today have asked me what the bill number is, and I wanted them to know it is H.R. 4162. I hope many of them will cosponsor the bill.

Mr. Speaker, we are the only industrialized country besides South Africa that does not provide comprehensive access to health insurance for our citizens.

We have 37 million Americans without any health insurance. We have 40 million Americans with very substandard health insurance.

Is it going to cost the American people? Yes, sure it is. But the American people already pay $200 billion for health coverage, most of which is inadequate. Many people who want to get health insurance cannot even purchase it because they are considered high risk. They might have a chronic difficulty.

In addition, Mr. Speaker, we have absolutely no, with very few exceptions, long-term care for our people. We know that families have a very difficult time when they have children with chronic problems, we know that we have 70-year-old kids taking care of 90-year-old parents who cannot cope with the situation.

Is it not time that we say that health coverage is a national security issue, as much of an issue as anything in our budget?

Mr. Speaker, I urge my colleagues to cosponsor the legislation and send a signal that we are going to do something about what is a crisis in this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

REGARDING FARMERS HOME ADMINISTRATION DELINQUENT LOANS AND INVENTORY

Mr. de la GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4077) to amend the Consolidated Farm and Rural Development Act to require borrower good faith with respect to Farmers Home Administration loans; to improve the management of such delinquent loans, including limiting the write-down of such loans; and for other purposes, as amended.

The Clerk read as follows:

H.R. 4077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SALE OF INVENTORY PROPERTY.

(a) Offering Price; Use Restriction.—Section 335c) of the Consolidated Farm and Rural Development Act (hereinafter referred to in this Act as the "Act") (7 U.S.C. 1985(c)) is amended by amending paragraph (2)(B) to read as follows:

"(B) offer such land—

"(i) for sales pursuant to subsection (e)(1)(C), at a price not greater than that which reflects the appraised market value of such farmland; and

"(ii) for all other sales, at a price not greater than that which reflects the fair market value of such land as determined by bids after advertising or by negotiated sale;".

(b) Conforming Changes.—Section 335(e)(4) of the Act (7 U.S.C. 1985(e)(4)) is amended by—

(1) striking subparagraph (B); and

(2) redesignating subparagraph (C) as (B).

SEC. 2. GOOD FAITH REQUIREMENT FOR PRESERVATION RIGHTS.

Section 335(e)(1) of the Act (7 U.S.C. 1985(e)(1)) is amended—

(1) in subparagraph (A)(i) by striking the period at the end and inserting ", if such borrower-owner has acted in good faith with the Secretary, as defined in regulations issued by the Secretary, in connection with such loan."; and

(2) in subparagraph (C)(i) by striking the period at the end and inserting ", if such borrower-owner has acted in good faith with the Secretary, as defined in regulations issued by the Secretary, in connection with the loan of such borrower-owner for which such property served as security.".

SEC. 3. INCLUSION OF PROPERTY IN CALCULATING RECOVERY VALUE.

Section 353(c)(2) of the Act (7 U.S.C. 2001(c)(2)) is amended by—

(1) in subparagraph (B)(iv) striking "costs." and inserting "costs; plus"; and

(2) inserting a new subparagraph (C) as follows:

"(C) the value, as determined by the Secretary, of any property not included in subparagraph (A) if the property is specified in any security agreement with respect to such loan and the Secretary determines that the value of such property should be included for purposes of this section.".

SEC. 4. INCLUSION OF ASSETS IN CALCULATING THE VALUE OF THE RESTRUCTURED LOAN.

Section 353(c)(3) of the Act (7 U.S.C. 2001(c)(3)) is amended by adding at the end the following:

"(C) Assets Considered.—For the purpose of calculating the value of restructured loans under this subsection, the Secretary may consider all the assets of the borrower, other than the value of unencumbered assets determined by the Secretary to be essential for necessary family living expenses or essential to the operation of the farm."

SEC. 5. NET RECOVERY BUY-OUT; LIMITATION ON USE; RECAPTURE; APPLICATION DEADLINE; GOOD FAITH REQUIREMENT.

Section 353(c)(6) of th Act (7 U.S.C. 2001(c)(6)) is amended to read as follows:

"(6) Purchase at recovery value.—

"(A) Termination of loan obligations.—The obligations of the borrower to the Secretary under the loan shall terminate if—

"(i) the value of the restructured loan is less than the recovery value;

"(ii) the borrower has not previously been relieved of loan obligations by write-down or termination of loan obligations under this section;

"(iii) the borrower has acted in good faith with the Secretary in connection with the loan as defined in regulations issued by the Secretary; and

"(iv) within 90 days after receipt of the notification described in paragraph (4)(B), the borrower pays (or obtains third-party financing to pay) the Secretary an amount equal to the recovery value.

"(B) Recapture.—The Secretary may require, as a condition of the termination of loan obligations under this paragraph, that the borrower enter into an agreement with the Secretary providing that if the borrower—

"(i) sells or otherwise conveys the real property used to secure such loan within 10 years after the date of such agreement; and

"(ii) realizes a gain on such sale or conveyance over the amount of the recovery value of the loan,

then the Secretary may recapture part of all of the difference between the recovery value of the loan and the fair market value (on the date of such sale or conveyance) of the property securing the loan. In no event shall any such agreement provide for recapture of an amount that exceeds the difference between such recovery value and the outstanding balance of principal and interest owned on the loan immediately prior to the termination of any loan obligations under this paragraph.

"(C) Limitation on amount of terminated obligations.—The Secretary may not terminate loan obligations under this section in excess of $250,000 for any one borrower.".

SEC. 6. LIMITATION ON USE OF DEBT WRITE-DOWN.

"(a) Limitation on Use of Debt Write-Down.—Section 353(d) of the Act (7 U.S.C. 2001(d)) is amended by adding the following new paragraphs:

"(3) Limitation to single write-down.—The Secretary may not restructure a loan under this section by means of a write-down of principal or interest for any borrower who has received a previous write-down of principal or interest or a termination of loan obligations under this section.

"(4) Limitation on amount of write-down.—The Secretary may not write-down principal or interest under this section in excess of $250,000 for any one borrower.

"(5) Cut-off date.—No loan made or insured by the Secretary pursuant to this title on or after January 6, 1988 shall be eligible for write-down or termination of loan obligations under this section.".

"(b) Technical Amendment.—Section 353(e)(1) is amended by striking "written off" and inserting "written down".

SEC. 7. EXTENSION OF DEADLINES.

"(a) Application for Loan Service.—Section 331D(e) of the Act (7 U.S.C. 1981d(e)) is amended by striking "45 days" and inserting "60 days".

"(b) Processing of Applications.—Section 353(c)(4) of the Act (7 U.S.C. 2001(c)(4)) is amended by striking "60 days" and inserting "90 days".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. **COLEMAN** of Missouri. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Texas [Mr. de la Garza] will be recognized for 20 minutes and the gentleman from Missouri [Mr. Coleman] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. de la Garza].

Mr. **de la GARZA**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, this bill, as the title directs, will amend the Consolidated Farm and Rural Development Act to modify procedures and to insist that borrowers act in good faith and to improve the management of delinquent loans.

The problem, as with most legislation, Mr. Speaker, is that someone has gone and found loopholes. There are some perhaps inconsistencies in the application of the intent of Congress in relation to the law.

So basically that is what this legislation would do, allow the Farmers Home Administration to effectively administer these programs.

In order to do so, we must close the loopholes that were inadvertently created.

I would hope the Members would join us in supporting this legislation.

Mr. Speaker, this bill will amend the Consolidated Farm and Rural Development Act to modify the procedures for the sale of inventory land, require Farmers Home Administration borrowers to act in good faith, and improve the management of delinquent loans.

The Farmers Home Administration [FmHA] provides a unique service by operating as the Federal lender of last resort to farmers who are unable to obtain financing through the private sector. Direct loans are made to family farmers and ranchers to assist them in maintaining their operations at the least cost to the Federal Government. FmHA also provides guarantees for some loans by commercial lenders.

In its role as lender of last resort, FmHA provided an increasing amount of support for farmers and ranchers during the agriculture recession of the early seventies through the eighties. As indicated in a GAO report—January 1990—FmHA Financial Statements for 1988 and 1987—FmHA's farm loan portfolio increased from $5.1 billion in 1976 to $25.5 billion in 1988. With the continuing deterioration of the financial condition of agriculture, FmHA found itself dealing with increasing levels of loan losses and interest costs.

In an effort to alleviate the situation, Congress passed the Agriculture Credit Act of 1987 which was signed into law on January 6, 1988. Through such restructuring options as loan consolidation, rescheduling or reamortization; interest rate reduction, and write-downs of outstanding principal and accumulated interest, the act was a sincere effort to keep borrowers on the farm and shore up the agricultural economy.

The 1987 Agriculture Credit Act has been successful in alleviating some of the financial stress on the agricultural community. However, some problems have arisen which were not anticipated and the committee is concerned that the act is not being administered as originally intended. H.R. 4077 focuses on addressing those problems and clarifying congressional intent.

One area that has caused considerable concern is the "bad faith" borrower. There have been cases where borrowers sell or dispose of property secured by loans without FmHA approval or repay other lenders more than required. This bill requires borrowers to act in good faith to qualify for net recovery buyout and preference with regard to the repurchase of property acquired through foreclosure or otherwise.

A second provision of the bill requires the Secretary to sell inventory property at the appraised market value to purchasers with rights of first refusal under the act and at the fair

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market value, as determined by bids after advertising or by negotiated sale, to all others.

A third provision allows the Secretary to consider all assets of the borrower in determining the value of restructured loans and to consider all assets listed on the security agreements in determining the recovery value of the collateral.

The bill limits each borrower to one write-down and one net recovery buy-out. Write-downs would also be limited to $250,000 per borrower.

Other changes include extending the time period to 90 days for exercise by the borrower of the net recovery buy-out option and extending the recapture period with regard to net recovery buy-out to 10 years. The deadlines for application by the borrower for loan servicing and for processing of such applications would be extended to 60 days and 90 days respectively.

To allow FmHA to effectively administer these programs, we must close the loopholes that were inadvertently created. Please join me in supporting this bill as we attempt to clarify the intent of Congress when it passed the 1987 Agriculture Credit Act.

Mr. Speaker, I yield such time as he may consume to the distinguished chairman of the subcommittee, the gentleman from Oklahoma [Mr. ENGLISH], who might give us a little bit more detail in several areas relative to this legislation.

□ 1310

Mr. ENGLISH. Mr. Speaker, the purpose of H.R. 4077 is really to clarify the intent of the provisions of borrowers' rights in the 1987 Credit Act.

When the Committee on Agriculture passed that legislation, it did so to benefit both the taxpayer and the farmer. The objective of the provisions of the act state that if it is cheaper to write down a loan, even if it means forgiving the debt of the loan, restructuring of the loan, then that is the direction we should go if in fact that is the cheapest way for the taxpayer, the objective being at the same time, of course, to keep the farmer on the farm, to keep as many of our family farmers as possible in business. But certainly, as the chairman of the committee pointed out, there are some elements the committee certainly did not intend, and one of them is for multimillion dollar writedowns.

Neither the Agriculture Committee of the House nor the Senate had any intent that multimillion debts would be forgiven.

On the issue of multiple writedowns, certainly it was not intended that farmer would be entitled to have multiple forgiveness of debts over a period of years. On the issue of bad faith, in some cases we have heard of the U..S Government being defrauded and mortgaged property being sold. That action, through the interpretation now being made by the Farmers Home Administration, means that the farmer could still be eligible and could conceivably even benefit through the sale of such mortgaged property.

On the exclusion of assets, we have heard of cases, Mr. Speaker, in which assets in excess of the amount that is owed on the loan were not being counted. In fact, in one case I heard of a farmer who had money in the bank in the form of certificates of deposit that exceeded the amount of the loan. That was never the intent of the Committee on Agriculture.

So. Mr. Speaker, the Agriculture Committee has acted in this case, and we have dealt with these violations of the intent of the law. There are some questions as to whether or not the law does not provide for this already. I think many of us feel, and certainly the attorneys for the committee felt that the Department of Agriculture could have acted, that they had the authority to act. Their attorneys, however, felt otherwise. So regardless of which set of attorneys is right, we have dealt with it under the circumstances..

Mr. Speaker, we have dealt with the situation under these circumstances, and we are clarifying the intent of the law. We believe that removes any question that may remain.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, since the Agricultural Credit Act of 1987 became law more than 2 years ago, it has helped thousands of farmers, ranchers and producers.

Today we are considering amendments to this act which will allow it to continue assisting those who need help while eliminating loopholes that have been used by some to receive benefits they do not need and Congress did not intend to provide. These amendments will strengthen the act for the purposes intended by Congress while meeting the mandate of the American taxpayers that Federal dollars be spent as efficiently as possible.

Congress was right in passing this law to assist American farmers and producers during one of the worst agricultural crises in our Nation's history. I hope that Congress will always be responsive to the needs of those, who through no fault of their own, find themselves in difficulty. Yet, as often happens when we act quickly to help those who need it, we also create the opportunity for others to take advantage of assistance they do not need. During these times of huge budget deficits we cannot allow costly abuses of the system to continue.

Recently, Secretary of Agriculture Clayton Yeutter estimated that losses within Farmers Home Administration lending programs could reach $10 billion this year. More alarming still is the General Accounting Office's estimate of losses in the range of $40 billion. The Under Secretary of Agriculture recently identified 284 buyout transactions where bad faith action on the part of borrowers cost the taxpayers $88 million.

Borrowers who have failed to act in good faith by illegally converting secured property, falsifying documents, concealing assets or allowing them to dissipate, weaken the program and betray the taxpayers who are willing to help those who truly need it. While we should never assume that borrowers are acting in bad faith or make the program totally inflexible, we clearly must tighten it.

We are seeking to do this through the eight amendment we are offering today. Briefly, these provisions relate to the sale of inventory property; establishing good faith requirements for preservation rights; including other property when calculating the recovery value of the loan; including certain other assets when calculating the value of a restructured loan; establishing a good faith requirement in the net recovery buyout option and limiting the amount that may be written off to $250,000; extending certain deadlines for applying for rights under the act and FmHA's response time; and prohibiting the extension of borrower's rights on loans made after the date of enactment of the 1987 law.

Mr. Speaker, at this point I would take a moment only to speak directly to one of these provisions, the sale of inventory property.

I understand that the current method of property disposition has not worked particularly well. There are now about 5,000 farms in the FmHA inventory, and this number could increase fourfold in the next few months. It seems clear that we need to develop some procedure to get these farms back into the hands of the former owner or another family-size operator. Related to this will be some effort to alleviate the burden now imposed by countless appeals.

In closing, Mr. Speaker, I urge my colleagues to support our amendments to strengthen this important farm lending program.

Mr. DE LA GARZA. Mr. Speaker, I yield 5 minutes to our distinguished colleague, the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. Mr. Speaker, as an original cosponsor I am delighted to rise in support of H.R. 4077. I want to thank Chairmen ENGLISH, DE LA GARZA, and the Agriculture Committee for bringing it to the floor so quickly.

Mr. Speaker, I supported the Agricultural Credit Act of 1987. I felt then and feel now that we must provide a reliable and accessible source of farm credit in this country. I supported the debt restructuring plan as the best way to keep farmers who get into financial trouble through no fault of their own on the land producing food for America and the world.

However, since the law took effect we have discovered some flaws in the debt restructuring program that no one anticipated in 1987. In fact, a small number of farmers have found loopholes in the program big enough to drive their tractors through. The Farmers Home Administration estimates that the cost of debt restructuring under the 1987 act could eventually exceed $8 billion. I, for one, believe we simply cannot afford to leave these loopholes open for 1 more minute.

If I had to describe this bill in two words, they would be "good faith." This legislation imposes an additional requirement that to qualify for preservation servicing and loan restructuring with net recovery buyout a delinquent borrower must deal with the FmHA in good faith. In one example cited by FmHA of how borrowers can benefit from dealing in bad faith, a borrower disposed of FmHA-mortgaged property without FmHA's consent and received more than $500,000, while FmHA received nothing. Yet under the law the debtor could still qualify for restructuring with net recovery buyout, which would produce a write-off of $1.75 million. The total loss to FmHA and the taxpayer: $2.25 million.

In a case cited by the General Accounting Office, a borrower was behind more than $76,000 on FmHA loans even though he had $91,000 in his checking account. Despite his positive cash flow, he could still qualify for preservation servicing, which means he could end up buying back his farm, on which he owed FmHA loans of $348,000, for its market value of $151,000. The U.S. taxpayer would eat the $197,000 difference.

The bill addresses other problems with the 1987 act. For example, FmHA cannot consider borrowers' other assets in restructuring loans. This means solvent debtors who own vacation homes and other valuable assets, which could be liquidated to pay FmHA debts, can qualify for restructuring. FmHA cites an example of a farmer who owed $1.2 million and received a write down of $485,000 even though he had $800,000 worth of equity in other property. The 1987 act does not limit the number of write downs a borrower may receive; H.R. 4077 would limit each borrower to a single write down of up to $250,000. H.R. 4077 would fix all these problems and more.

Mr. Speaker, many of the abuses which have occurred under the debt restructuring provisions of the 1987 act are downright scandalous. It is unfair to the overwhelming number of FmHA borrowers, who make every honest effort to pay their debts, to let a few have a free ride at Government expense. And it is fundamentally unfair to the beleaguered taxpayer who winds up footing the bill to let borrowers who could repay escape their responsibility. I urge all Members to vote for H.R. 4077.

□ 1320

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. DERRICK. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Speaker, I simply want to commend the gentleman from South Carolina [Mr. DERRICK] for his statement and thank him for his strong support.

I also think it is important to lay out that this is a very, very small number of people that we are talking about that have brought about this abuse and made this legislation necessary.

In fact, Mr. Speaker, it has come to my attention. I know numerous other members on the Committee on Agriculture and from rural areas throughout the country. The farmers are the ones that brought it to our attention. The farmers are the ones that pointed out that it needed to be stopped, and not from some investigator, and I think it is the farmers in the agricultural community that are dealing with this problem and stopping this abuse right in its tracks.

Mr. DERRICK. Mr. Speaker, I appreciate the remarks of the gentleman from Oklahoma [Mr. ENGLISH].

Mr. Speaker, from my personal observation most farmers out there are working hard to repay their debts, but there are a few who are taking advantage of these loopholes. I know of instances where people have had two or three vacation homes, and getting writedowns and so forth, and what it does is it makes it hard on the rest of the honest farmers, and what it does is it holds programs like this that are basically good and designed to help the farmer who is in bad straits out of no fault of his own. It makes these programs ineffective and unable to work.

Mr. Speaker, I thank the gentleman from Oklahoma [Mr. ENGLISH] very much for his time and for the work that he has put into this.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield 4 minutes to the gentleman from Montana [Mr. MARLENEE], a member of the committee.

Mr. MARLENEE. Mr. Speaker, I rise to speak out against this measure which would undermine the basic concepts of the 1987 Agriculture Credit Act and which would retroactively, retroactively, deprive Farmers Home Administration borrowers of certain rights to loan servicing which existed at the time they entered into their loan contract with that agency.

Now, Mr. Speaker, we hear about the writedowns, and the giveaways and this particular restructuring that was given to them in the 1987 Agriculture Credit Act. However, those writedowns were given to those producers in an effort to save the U.S. taxpayers' dollars, whether those are a writedown of $50,000, whether a writedown of $5,000 or a writedown of $255,000.

We have no argument, any one of us on the Committee on Agriculture, against those borrowers who act in bad faith, who do not intend to service their loans. They should be gone after, and there are means by which the Farmers Home Administration can do that under existing law.

Nothing magical has happened since the passage of that legislation which warrants making significant changes which are contained in H.R. 477. Many agricultural producers will still face financial hardships and a crisis from meeting their credit obligations.

Yes, the picture is slowly getting better, but the need for the 1987 act and its mechanism still exists throughout the country.

Mr. Speaker, this measure is a perfect example, and I am talking about the one before us, of trying to fix something that is not particular broken, but which can be handled administratively, if the Farmers Home Administration wishes to handle the situation.

I would remind my colleagues that the most basic underlying philosophy of the 1987 Credit Act is this: That FmHA should use any one of a combination of loan servicing obligations in an effort to keep the producer in business provided, and I emphasize provided, that by restructuring the loan the taxpayer, we would eventually recover as much or more of the taxpayers' money as we could through a foreclosure on the loan. Now this is true whether we have a $5 loan, a $5,000 loan, or a $255,000 loan, as I have stated before. The idea was to save the taxpayers' money. There was no massive giveaway of taxpayers' dollars in the Credit Act, but merely a recognition of the fact that a portion of our FmHA loan portfolio was already lost by the foreclosure action and would never be recovered. This was an attempt to allow the farmer, the producer, to try to restructure and, further, to repay the Government because he had restructured and we could recognize some savings.

Mr. Speaker, I will enter into the RECORD the National Family Farm Coalition letter addressed to me.

The letter referred to is as follows:

NATIONAL FAMILY FARM COALITION,
Washington, DC.

Re. Concerns about H.R. 4077.
To: Members of Congress.
From: Benny Bunting, Chair—Credit Committee Kathy Ozer, Legislative Coordinator.
Date: March 5, 1990.

The National Family Farm Coalition (NFFC) representing over 40 rural advocacy organizations in 30 states opposes H.R. 4077. Despite being labeled as technical corrections, this legislation would make major changes to the Agricultural Credit Act of

1987. There should be adequate debate on the implications of these proposals, not a Full Agriculture Committee markup two legislative days after introduction, nor a House vote under suspension without even a budget estimate.

We strongly supported the passage of the Agricultural Credit Act of 1987, commented extensively on the regulations, and have been working through our member groups across the country to see that the law has been implemented as Congress intended. We have testified before the House and Senate Agriculture Committees' on concerns that farmers have raised about the implementation of the Act. The January 25th House Ag. Committee hearing raised many more questions than it answered. H.R. 4077 addresses none of these concerns and would dismantle key FmHA borrowers' rights provisions enacted on January 6, 1988.

The Agricultural Credit Act was enacted to reduce further losses by either the government or farmers across the country. The provisions were to provide a cost-effective alternative to bankruptcy. The one-time write-down limitation and the $250,000 limitation of debt write-downs will cost the government additional money since the options would have only been utilized if it was the least cost alternative. Changing the land in inventory price to fair market value will make it impossible for many farmers to compete to repurchase their own farms or for entry/re-entry farmers. The targetted provisions for socially disadvantaged farmers will become meaningless if farmers cannot afford the price.

We urge you to oppose H.R. 4077 on the floor today. There may be some problems in the Agricultural Credit Act of 1987 but it certainly doesn't need this kind of solution.

We thank you for your consideration of our concerns.

Mr. Speaker, I rise to speak out against this measure which today would undermine the basic concept of the 1987 Agricultural Credit Act, and which would retroactively deprive Farmers Home Administration borrowers of certain rights to loan servicing which existed at the time they entered into their loan contract with the agency.

In 1987, the farm economy was reeling under the crippling effects of events which were largely beyond the control of any individual producer. Farmers Home Administration was not alone among lenders who were, in turn, faced with thousands of loans which had turned sour as producers struggled against the tide of events. Those of us familiar with this critical problem finally devised what we thought to be the very best solution possible, and after months of debate Congress passed the Agricultural Credit Act of 1987.

Nothing magical has happened since passage of that legislation which warrants making the significant changes which are contained in H.R. 4077. Many agricultural producers still face financial hardship and a crisis in meeting their credit obligations. Yes, the picture is getting slowly brighter, but the need for the 1987 act and its mechanism still exists throughout the country. This measure is a perfect example of trying to fix something when it's not broken.

I would remind my Colleagues that the most basic, underlying philosophy of the 1987 Credit Act was this: That FmHA should use any one or a combination of loan servicing options in an effort to keep the farm producer in business, provided that by restructuring the loan we would eventually recover as much or more of the taxpayers' money as we could through a foreclosure on the loan. There was no massive "give-away" of taxpayers' dollars in the Credit Act, but merely a recognition of the fact that a portion of our FmHA loan portfolio was already lost, and would never be fully recovered.

Thus, we in Congress did the most sensible thing—we established a mechanism which would recover as much as possible, despite the existing losses. This formula still works for the best interests of American taxpayers and American farm producers today, and I urge my Colleagues to defeat H.R. 4077 which would result in only greater losses in FmHA loans than the losses already incurred.

Further, H.R. 4077 would take away these significant loan servicing options for farmers whose loan originated after January 1988, despite the fact that some of the most severe weather-related losses occurred in 1988 and 1989 causing many borrowers to be in difficulty with their FmHA loans at the present time.

Mr. COLEMAN of Missouri. Mr. Speaker, let me remind my colleagues that the administration supports the passage of this legislation, and we worked very closely with the administration in putting it together because the Farmers Home Administration is the obvious agency with the knowledge and information regarding these activities, and I want to just echo what the gentleman from Oklahoma [Mr. ENGLISH] was saying a while ago, that while we are pointing out the shortcomings of the 1987 act, the 1987 act is working.

In fact, Mr. Speaker, information which we were provided with in committee shows that out of 75,352 notices that were mailed by the Farmers Home to those farmers who were in some form of arrears or delinquencies, the vast number of them are being resolved in a positive fashion, not just to the farmer, but to the taxpayers, and just a few, a very few, are ending up being prosecuted for fraudulent efforts by those farmers by the Department of Justice, and yet some want to key onto the negative aspects of this and try to make the farmers kind of a scapegoat. The farmers are not the scapegoat.

There are going to be some people trying to take advantage of whatever law is passed. It may be in the corporate boardrooms, or it may be somebody who is pinned against the wall while trying to see how he can get out from under debt. We just want to make sure that those farmers who deserve to be taken care of, who deserve and why this bill was written in the first place, are not going to be taking advantage of it because of people trying to abuse and misuse the system. So, I want to be straight up front.

The other thing is I would ask the gentleman from Oklahoma [Mr. ENGLISH] to enter into a colloquy with me, if he would.

Mr. Speaker, H.R. 4077 contains a provision limiting the total amount of debt that can be written down to no more than $250,000 for any one borrower. Is it the understanding of the gentleman from Oklahoma that this debt forgiveness limitation applies to both debt restructuring with write down and the net recovery buy out?

Mr. ENGLISH. Mr. Speaker, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. That is correct. The total amount of debt that the Farmers Home Administration can forgive a delinquent borrower is no more than $250,000.

Mr. COLEMAN of Missouri. Mr. Speaker, I appreciate the clarification of the gentleman from Oklahoma [Mr. ENGLISH] on that, and, Mr. Speaker, I do not have any other requests for time and yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the chairman of the subcommittee, and the ranking minority member, and the members of the subcommittee and the full committee. Mr. Speaker, so that the world might know, our commitment to rural America has not changed. Our commitment to try and keep our farmers on the land has not changed. But we also must continue with our commitment realizing that these are taxpayers' dollars. This is the people's money that we are dealing with, and what this legislation is doing is to try and take the most flagrant abuses in this endeavor so that we might comply with the intent of the law. The 1987 act is in full force. It is working. Nothing has changed. We are still the best fed people in the world. If there is any subsidy, basically it is the American consumer as being subsidized by the American farmer.

Mr. Speaker, our commitment is still there. It will continue to be there. But this is the responsible thing to do when dealing with the people's money. There cannot be one who can use a loophole to take money that does not rightfully belong to them and in the end prejudice the Family Farm Coalition. Small farmers from across the United States would be prejudiced by those that abuse the program.

□ 1330

I still insist that if you do not feel the vibration, you are not a farmer. They are not going to vote for you.

This legislation is aimed at those who do not feel the vibration, that are not rightfully those who toil the soil and feed our families; so I would hope that the Members support this legislation, because it is to correct some deficiency that we see. Our commitment remains the same, to keep our farmers on the land.

Mr. BEREUTER. Mr. Speaker, I rise in support of H.R. 4077. The decade of the 1980's were filled with many changes, challenges and difficulties for American agriculture. Acute financial difficulty confronted many farm families as rising loan delinquencies forced increasing numbers of foreclosures and farm sales in our heartland. The Congress readily responded with the 1987 Agricultural Credit Act to address the concerns of family farmers and FmHA borrowers in particular. It has become apparent however, that opportunities were created by the act whereby the unscrupulous were able to take advantage of compassionate relief measures, designed to help the truly distressed family farmers improve their financial situation, for their own selfish benefit. H.R. 4077 will do much to correct these abuses and restore and enhance the integrity of FmHA loan programs to ensure that the program will continue to be a viable source of funding for family farmers throughout America.

Finally, one constituent expressed concern that this legislation nullifies the present priority system for disposing of FmHA inventory property, which gives first priority to the farm borrower, second to family members, and so forth. This Member has been assured by the House majority staff of the Agriculture Committee that the priority system remains unchanged and I am supporting this legislation on the basis of that assurance.

Mr. CRAIG. Mr. Speaker, I would like to speak today regarding H.R. 4077 which restructures the process by which Farmer's Home Administration [FmHA] deals with delinquent loans. While I understand this bill has the support of the Agriculture Committee, I have reservations about several provisions and hope that our Senate counterparts will take a serious look at them.

This bill is likely to require larger expenditures by the FmHA than presently mandated. The Agriculture Credit Act of 1987 required that the Government essentially make a profit on their debt write-down—net-recovery procedure. If it could save more money by writing a loan down $300,000 rather than foreclosing and selling at a sheriff's auction, FmHA was required to do so. Under these new provisions, the debt write-down would be set at $250,000. Even though FmHA could save money by writing down a larger amount, this bill would not allow them to do so. So much for fiscal responsibility.

I believe that FmHA should be given all the tools it needs to efficiently administer its delinquent loans, but I worry that by setting the arbitrary limits and cut-off dates, as this bill does, we will only add an unfair burden upon the farmers with little gain for FmHA. I hope that the Senate will carefully consider these measures and thoroughly question the effectiveness of such language. It is better that we do so now, rather than having to correct this legislation 2 or 3 years down the road.

The Agriculture Credit Act of 1987 was a landmark bill which was progressive in its approach toward farm credit. It hope that we do not enact legislation that cuts short the progress we have already made.

Mr. COLEMAN of Missouri. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 4077, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUSPENDING SECTION 332 OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938 FOR THE 1991 CROP OF WHEAT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4099) to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

The Clerk read as follows:

H.R. 4099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 332 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1332) shall not be applicable to the 1991 crop of wheat.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes, and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

Mr. Speaker, what section 332 of the Agricultural Adjustment Act of 1938 would do is require the Secretary to proclaim and determine a national marketing quota for wheat for the 1991 marketing year. The Secretary would have to undertake this massive exercise in quota calculation by April 15 of this year. Today is March 6. He would have to do all that massive calculation at a cost of time and money to the Department. This section has been suspended almost routinely through the years, and basically that is what we do once again.

Mr. Speaker, H.R. 4099 will suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

Section 332 of the Agricultural Adjustment Act of 1938 would require the Secretary of Agriculture to proclaim and determine a national marketing quota for wheat for the 1991 marketing year. The Secretary would have to undertake this massive exercise in quota calculation by April 15 of this year.

Mr. Speaker, the requirements of section 332 have routinely been suspended in past farm bills, including the Food Security Act of 1985 which applies to the 1986 through 1990 wheat crops.

However, the 1985 farm bill's suspension of section 332 does not apply to the 1991 wheat crop—which includes the winter wheat crop that will be sown this fall.

By passing this bill and suspending section 332, we avoid needless actions and expenses being incurred by the Department of Agriculture. More importantly, H.R. 4099 avoids unnecessary confusion among our wheat farmers about the operation of the Federal wheat price support program next year.

This Congress will set wheat program guidelines for the 1991 through 1995 crops in the 1990 farm bill. The Committee on Agriculture is currently working on the 1990 farm bill which will address the provisions contained in the 1938 act.

H.R. 4099 is a bipartisan measure, supported by my colleagues on both sides of the aisle and by the administration. By supporting passage of this legislation we can avert needless actions and expenses being taken by the Department of Agriculture this year and avoid confusing our wheat producers.

I urge my colleagues to support this timely measure.

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my chairman, the distinguished gentleman from Texas.

Mr. Speaker, what the gentleman from Texas is telling me and what I seem to be hearing is that this little piece of legislation would save a tremendous amount of time for the Department, valuable time that they could spend doing other tasks that they have that are in support of the farmer, rather than this needless paperwork. Is that correct?

Mr. DE LA GARZA. Mr. Speaker, if the gentleman will yield, the gentleman is correct.

Mr. MARLENEE. Mr. Speaker, I urge my colleagues to support this measure, and I do myself support this measure and would urge its quick passage.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman.

Mr. MARLENEE. Mr. Speaker, I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 4099.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

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A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4077 and H.R. 4099, the two bills previously passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1159) to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes as amended.

The Clerk read as follows:

H.R. 1159

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juan Bautista de Anza National Historic Trail Act".

SEC. 2. JUAN BAUTISTA DE ANZA NATIONAL HISTORIC TRAIL.

(a) DESIGNATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end thereof the following:

"(17) The Juan Bautista de Anza National Historic Trail, a trail comprising the overland route traveled by Captain Juan Bautista de Anza of Spain during the years 1775 and 1776 from Sonora, Mexico, to the vicinity of San Francisco, California, of approximately 1,200 miles through Arizona and California as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) entitled 'Juan Bautista de Anza National Trail Study, Feasibility Study and Environmental Assessment' and dated August 1986. A map generally depicting the trail shall be on file and available for public inspection in the Office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. In implementing this paragraph, the Secretary shall encourage volunteer trail groups to participate in the development and maintenance of the trail.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 10(c)(2) of the National Trails System Act (16 U.S.C. 1249(c)) is amended by striking the first sentence and inserting: "Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1159, the bill now under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1159, introduced by Representative GEORGE MILLER, would amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail.

This historic de Anza Expedition, which took place in 1775 and 1776, over 200 years ago, involved several hundred men, women, and children on a 1,200-mile journey from northern Mexico, through southern Arizona, up to the San Francisco Bay region of California. The expedition furthered Spanish settlement of the region by opening up the first land route to California.

The de Anza trail was studied pursuant to the provisions of the National Trails System Act, found to be nationally significant and eligible for designation as a national historic trail. Testimony provided the committee from the administration and public witnesses favored national designation of the de Anza trail.

We know there is a considerable history associated with the de Anza expedition. The expedition kept detailed records on the topography, flora, fauna, weather, and indigenous life of the areas it passed through. From that historical record we have gained further insights into the colonization of the region, the development and life of the Spanish missions, and the political/military spheres of influence that ruled that period. Commemoration and interpretation of the de Anza trail, as provided in H.R. 1159, will contribute to the preservation and understanding of this facet of our national identity.

Mr. Speaker, national historic trail designation for the de Anza trail enjoys widespread support. I wish to commend our colleague the gentleman from California [Mr. MILLER] for his initiative on this matter. I believe the bill as amended is a good proposal and one that merits our favorable consideration.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1159, designation of the Juan Bautista de Anza National Historic Trail. I am very pleased to see that designation of the de Anza trail, a trail for which I first introduced a bill to study its possible designation some 11 years ago, is finally on the verge of being passed. While there remains today virtually no physical remains of this trail, it was nonetheless very important in the exploration of both Arizona and California and the highly detailed diaries kept during the expedition allow us to pinpoint the route of travel with great accuracy.

As a cosponsor of this bill, along with the gentleman from Arizona [Mr. RHODES] and others from this subcommittee, I would like to express my appreciation for the high quality study of this trail completed by the National Park Service. Their study involved extensive dialog with the local citizens which is crucial to the success of a project such as this. As the de Anza trail passes through my district, I can say that there is indeed strong local support for this project. Since the trail crosses relatively little Federal land—especially for a trail in the West—this local support is critical to the success of the project. I note that the NPS report recognizes this strong local support and that the trail will become a reality through strong local volunteer efforts, such as that of Vi Oberen of Santa Barbara.

I would like to recognize the efforts of the committee chairman for moving this bill forward and of the gentleman from California [Mr. MILLER] for introducing this important measure.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was an oversight, but I want to commend my colleague, the gentleman from California [Mr. LAGOMARSINO], for his work in identifying the needed study that this legislation is based on. Frequently these studies really precipitate the designation legislation that occurs and the gentleman's insight in asking for that study and advocating it some time ago has brought the necessary information to the committee and to the Members of the House so that we can move ahead positively.

□ 1340

Mr. Speaker, I want to commend him for that and for his cosponsorship of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I am pleased to rise to express my strong support for this measure which commemorates an area of national and historical significance in my district. In this case, I support the designation of the Juan Bautista de Anza National Trail.

De Anza was a man of the frontier. He was born in northern Mexico at the far edge of Spanish settlement in the New World. At the age of 24 he commanded the Presidio of San Ignacio de Tubac. He was a soldier and explorer whose campaigns took him throughout Mexico and southern Arizona.

In 1775, when Jefferson and Franklin were busy contemplating independence from England, de Anza led an expedition from his base in northern Sonora all the way to northern California. His route covered 1,600 miles. The expedition included 30 families, 10 Tubac presidio soldiers, 115 children, 695 horses and mules, and 355 cattle. The goal was to establish a safe overland route to California to give the Spanish a reliable base of operations in California.

A diary entry by Franciscan Father Pedro Font, a member of the expedition, describes their passage through lands currently represented by the esteemed chairman of this committee, Mo UDALL:

> What is most abundant is the weed or shrub which they call the hediondilla * * * and another scrubby and useless plant which, if the horses eat, burns their mouths. In short, in all this land of the Papagueria which we passed I did not see a single thing worthy of praise.

It took the expedition just over 2 months to reach the Los Angeles area, and another 3 months to reach San Francisco. His was the first settlement of the San Francisco area. The only casualty of this 5-month trek through uncharted desert was a woman who died giving birth, at the site of the trip's commencement. Her child, however, did survive the trip.

It was through my district—Santa Cruz County—that de Anza entered what is now the United States. Because it marks the beginning of the de Anza Trail—and because it is the area de Anza called home, communities in my district have a keen interest in this legislation.

Commemoration of de Anza's life, and his expedition is an important element to preserving and passing on our national identity. In a then desolate corner of the world, he was a figure of tremendous stature, endurance, and intelligence. To my colleagues whose districts de Anza passed through, he was a celebrated tourist. To Santa Cruz County, where I was raised, he is a hometown boy who made good.

I urge a favorable vote on the de Anza addition to the National Trail System.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1159, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CALIFORNIA NATIONAL HISTORIC TRAIL AND PONY EXPRESS NATIONAL TRAIL

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1109) to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System as amended.

The Clerk read as follows:

H.R. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraphs at the end thereof:

"( ) The California National Historic Trail, a route of approximately five thousand seven hundred miles, including all routes and cutoffs, extending from Independence and Saint Joseph, Missouri, and Council Bluffs, Iowa, to various points in California and Oregon, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment' and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the California National Historic Trail except with the consent of the owner thereof.

"( ) The Pony Express National Historic Trail, a route of approximately one thousand nine hundred miles, including the original route and subsequent route changes, extending from Saint Joseph, Missouri, to Sacramento, California, as generally described in the report of the Department of the Interior prepared pursuant to subsection (b) of this section entitled 'California and Pony Express Trails, Eligibility/Feasibility Study/Environmental Assessment', and dated September 1987. A map generally depicting the route shall be on file and available for public inspection in the Office of the National Park Service, Department of the Interior. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the United States for the Pony Express National Historic Trail except with the consent of the owner thereof.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 10(c)(2) of the National Trails Systems Act (16 U.S.C. 1249(c)(2)) is amended by striking the first sentence and inserting: "Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).".

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1109, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1109 was introduced by Congressman NORMAN SHUMWAY along with numerous cosponsors. The legislation would amend the National Trails System Act to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System.

The California Trail covers over 5,600 miles from points along the Missouri River westward to numerous destinations in California. It was a major migration route used by settlers and prospectors alike to reach California in the mid-1800's. Likewise, the 1,833-mile Pony Express Trail was a major link between the East and California. Although the Pony Express system operated only 18 months, it was the Nation's most direct and practical means of East-West communications before the telegraph.

The California and Pony Express Trails were studied pursuant to the provisions of the National Trails System Act, found to be nationally significant and eligible for designation as national historic trails. Such designation enjoys widespread support. In testimony before the committee, the administration and public witnesses fa-

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vored national historic trail designation for the two trails.

Mr. Speaker, the California and Pony Express Trails are important elements in the Old West's history. Designation as national historic trails is a fitting recognition of their role in the westward expansion and will provide historical, cultural and educational benefits to all Americans interested in this element of our Nation's history. I support H.R. 1109 as amended and recommend its adoption.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of H.R. 1109, an act to designate the California and Pony Express National Historic Trails. This is a very important bill which has been drafted by my California colleague Mr. SHUMWAY. Mr. Speaker, I congratulate Mr. SHUMWAY on this legislation, but I am saddened by his decision to retire from the Congress. We will miss him. Mr. Speaker, these two trails personify the settlement of the West in the 19th century and represent the apotheosis of the National Historical Trail as envisioned when we created this concept.

The California trail has been called the route of the greatest mass migration in American history and was extensively used by variety of settlers to reach the west coast. Likewise the Pony Express Trail, while only in use for 18 months, evokes visions of the young riders and saddle horses crossing the 1,800 mile length of the trail in less than 10 days.

The strong support from the western cosponsors, including myself, attests to the importance of these trails. However, their strong support relates directly to the concept for management and interpretation as set forth in this bill. This concept relies on limiting land acquisition and interpretation to certain high value segments of the trail. In fact, Federal acquisition of lands outside the boundaries of previously designated areas would be precluded without the consent of the owners. The issue of viewshed protection as it relates to these trails has also been raised, but has been adequately addressed through report language.

I would like to express the appreciation of the western Members to the subcommittee chairman, Mr. VENTO, for working with us and expediting completion of these measures.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Kansas [Mr. SLATTERY], a cosponsor of this measure.

Mr. SLATTERY. Mr. Speaker, I thank the chairman for yielding me this time, and I would like to express my gratitude to him and the ranking minority member for their leadership in bringing this measure to the floor of the House here today.

I am pleased to speak today in support of legislation to include the original Pony Express trail in the National Historic Trails System.

As a young boy growing up in northeast Kansas, I can still vividly recall stories of the Pony Express riders who passed near our Atchison County farm as they raced west from nearby St. Joseph, MO, toward Sacramento, CA.

I am continually impressed when I read tales of these young Pony Express riders who traveled nearly 2,000 grueling miles across treacherous land, through inclement weather, as part of a revolutionary communications system connecting the two edges of the American frontier.

Fortunately, there still is abundant physical evidence of the original Pony Express trail and historic documentation of the young men who faced untold dangers carrying mail to communities beyond the reach of the modern technologies of the 1860's.

Passage of H.R. 1109 will help preserve, for future generations, the spirit of the Pony Express riders. I believe Congress has an obligation to protect these historic trails from becoming a dusty memory of our uniquely American Wild West history.

The spirit of the Pony Express represents America's pioneering spirit and dedication to the concept that a job can be done better and faster; and that the risks are worth the rewards.

For 16 months, the Pony Express thrilled Americans with its daring young riders and the speed of its unmatched service. I look forward to participating in the re-enactment of the Pony Express ride next summer and I encourage all my colleagues along the Pony Express trails to join me in participating in this historic ride.

In closing, I want to thank Ken and Arleta Martin, of Marysville, KS, for their dedication to the preservation of the Pony Express trail and for their ongoing efforts to enact H.R. 1109 into law. Their commitment to this cause represents the founding spirit of the Pony Express.

I urge my colleagues to support H.R. 1109.

□ 1350

Mr. LAGOMARSINO. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. SHUMWAY], the primary sponsor of this legislation.

Mr. SHUMWAY. Mr. Speaker, I would like to take this opportunity to express my deep appreciation to the Interior Subcommittee chairman, the gentleman from Minnesota, [Mr. VENTO] and my esteemed colleague from California [Mr. LAGOMARSINO] for their support and assistance in bringing this legislation to the House floor.

Mr. Speaker, H.R. 1109 amends the National Trails System Act to designate the California National Historic Trail and the Pony Express National Historic Trail as components of the National Trails System. H.R. 1109 reflects, pursuant to Public Law 98-405, enacted on August 28, 1984—48 Stat. 1483—the final recommendations of the eligibility study and environmental assessment for the California and Pony Express Trails prepared by the National Park Service at the Department of Interior which were formally submitted to Congress on January 30, 1989, by Acting Secretary of Interior Gjelde. These two trails closely parallel one another across the West, and at points in the Great Plains region, become a single pathway.

Mr. Speaker, I am particularly proud of the fact that this effort to preserve a portion of our 19th century heritage has been a product of a wide-ranging consensus. Six Federal agencies—Bureau of Land Management, U.S. Forest Service, Fish and Wildlife Service, Department of Defense, Bureau of Reclamation, and Department of Energy—48 State and local governmental entities, 69 private organizations, and approximately 615 individuals from a total of 35 States participated in the development of recommendations incorporated in H.R. 1109. Congressional support for this legislation has likewise been equally balanced—42 Members have cosponsored H.R. 1109, including every Member whose district includes a portion of the 7,498 miles of historic trail incorporated in this bill.

H.R. 1109 follows a good neighbor approach which saves the historical assets remaining on the respective trails without undue impact on private landowners or other land uses in the vicinity of the trail corridors. The National Park Service's management objectives are to provide reasonable access to all high-interest trail sections on both Federal and non-Federal lands. The National Park Service would establish overall management guidelines with other Federal agencies encouraged to incorporate those guidelines for the trail corridor segments on lands under their stewardship. Negotiated agreements would be used to secure access on non-Federal lands. Private landowners, State and local governments, and other private historical societies would be encouraged to provide access outside Federal lands and to develop and manage trail resources on non-Federal lands. Since large stretches of the trails follow the same geographical thoroughfare, visitor centers and other trail features can be combined so that funds can be saved.

The Pony Express trail ran between St. Joseph, MO, the western terminus of the railroads in 1860, and Sacramento, CA, for a total distance of 1,833 miles. Upon arrival in Sacramento, the letters and important dispatches were taken by steamer to anxious recipients in San Francisco. The route left Missouri and followed the well-traversed Oregon Trail through Kansas and along the Platte River in Nebraska. Before leaving Nebraska, the route dipped south into Julesburg, CO, then headed north into South Pass, WY. At Fort Bridger, WY, the Pony Express trail left the emigrant trail and swung south to Salt Lake City, UT, before running due west across the salt desert and badlands of Nevada, over the Sierra Nevada Mountains, and down into Sacramento.

For what was in its day an enormous investment, $500,000 dollars, William B. Waddell, Alexander Majors, and William H. Russell erected 190 Pony Express stations 10 to 15 miles apart and hired 80 to 120 young riders (average age: 18 years) to carry what were called mochilas between the stations. Pony Express service began on April 3, 1860, and continued until October 24, 1861, when the first transcontinental telegraph line was completed. During the Pony's 18 months of glory, 318 individual runs were made for a total of approximately 600,000 miles. The mail was lost only once.

Although the Pony Express was a financial disaster for its proponents, it proved that correspondence could be delivered in 8 to 12 days over the central route. Like the transcontinental telegraph and railroad which succeeded it, the Pony Express provided an improved communications link between the widely separated eastern and western segments of the country. It heightened the demand for expedient transcontinental linkage prior to the outbreak of Civil War. In fact, the fastest time recorded by the Pony Express occurred in November 1860 when news of President Lincoln's election victory was carried from Fort Kearny, NE, to Fort Churchill, NV, in 6 days. It is interesting to note that the Pony Express route is generally followed by the interstate highways and airplane flight paths today.

The historical significance of the California trail is no less impressive. The trail was one of the major thoroughfares used by settlers and prospectors in their movement to the West during the mid-1800's. The trail breaks from the Oregon Trail—already included in the National Trails System—at the Raft River, in Idaho and heads southwest toward Sacramento, CA. There were many branches and side trails which were all heavily utilized, particularly by prospectors. First and foremost, though, the California trail was the main emigration artery to California and eventually, the Gold Rush. In fact, more than 50,000 men, women, and children trod this trail to settle or prospect on the west coast in 1852 alone.

Mr. Speaker, my legislation is a simple, straightforward confirmation of the study provisions included in H.R. 3787 of the 98th Congress provided: that the acknowledgment of these two trails is a national priority in order to preserve our American heritage. I strongly urge my colleagues to support this legislation and see to its swift enactment. Again, I thank the Interior Committee chairman, Mr. Udall, and subcommittee chairman, Mr. Vento as well as the ranking Members, Mr. Young of Alaska, Mr. Lagomarsino, and Mr. Marlenee for their leadership in guiding this measure to the House floor for full consideration.

Mr. LAGOMARSINO. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. Coleman].

Mr. COLEMAN of Missouri. Mr. Speaker, I rise today as a cosponsor of H.R. 1109, a bill to designate the route followed by Pony Express riders as a National Historic Trail, and urge my colleagues to support of the bill.

Stretching 1833 miles, from St. Joseph, MO, to Sacramento, CA, the Pony Express Trail played a significant role in the developing and settling of the central and western United States. It served as a vital communications link between the widely separated eastern and western regions of the Nation, and it met the demand for fast transcontinental communications just before the outbreak of the Civil War.

Pony Express service began in April 1860 and continued through October 1861, when the first transcontinental telegraph line was completed. During this short heyday, Pony Express riders completed 318 runs each way, for a total of some 600,000 miles. In the process, Pony Express riders' exploits spawned legends of courage, strength, and dedication which endure today.

Mr. Speaker, as an aside, we heard a lot about the 30-cent postage stamp this morning. Perhaps we may take a look at the Pony Express as a way to reduce those postal outlays in the future.

This bill also provides historic designation for the California Trail, which served as a major artery for emigration to the West Coast. Thousands of people traveled the trail through Missouri, Iowa, Kansas, Nebraska, Wyoming, Idaho, Utah and Nevada on their way to settle or to prospect for gold in California and Oregon.

I am very pleased that this bill has made its way through the legislative process for floor consideration today.

I want to commend those involved, especially the gentleman from California [Mr. Shumway] for his dedication to seeing this through.

This bill has a special significance for St. Joseph, MO—the home of the Pony Express—and I believe Historic Trails Designation will give added impetus to efforts to locate an interpretive center in St. Joseph as well.

Mr. Speaker, I urge my colleagues to join me in voting to pass this important bill.

Mr. LAGOMARSINO. Mr. Speaker, I yield 2 minutes to the gentleman from Wyoming [Mr. Thomas].

Mr. THOMAS of Wyoming. Mr. Speaker, I rise in support of H.R. 1109. I rise particularly to comment on its impact in my home State of Wyoming. First, let me congratulate the gentlemen who have given leadership to this bill, and I am pleased to be a co-sponsor.

The proposed legislation designating the Pony Express National Historic Trail as part of the National Trails System will be an important addition to Wyoming's senior and historic attractions.

This legislation is a historic opportunity which will make Wyoming history even more vivid and alluring.

Wyoming was a key section of the Pony Express trail. The Nation was thrilled by the daring riders of the Pony Express and their efforts to connect the frontier. Now, our technology has advanced to a point that communications happen in the blink of an eye, a fax, a phone call, instead of several riders from St. Louis to Fort Bridger and on to California.

As cosponsor of this bill, I am enthusiastic about the legislation that will designate the trail from Missouri to California through Wyoming as part of the National Trails System, protecting what remains of the original Pony Express trail.

The bill will mark several sites along the trail—such as Fort Caspar and Fort Bridger in Wyoming.

I also applaud the fact that land will be acquired only on a willing buyer—willing seller basis.

We in Wyoming are very proud of our heritage. I am thrilled that this bill would protect that part of that history.

Mr. LAGOMARSINO. Mr. Speaker, I yield 30 seconds to the gentleman from Nebraska [Mr. Bereuter].

Mr. BEREUTER. Mr. Speaker, I would like to commend the gentleman from California [Mr. Shumway] and the Interior Committee leadership on both sides of the aisle for their efforts in bringing us this legislation, which among other things relates to the Pony Express National Trail. This legislation is a significant effort. In my own district we have Rock Creek Station, which is also famous as a Western shootout, it is the site of an original Pony Express station, now commemorated by a State interpretation center.

Additionally, we have an existing Pony Express building at Gothenburg, NE, to give you an example of the kind of sites and structures that ought to be preserved, enhanced, and interpreted along the Pony Express Trail.

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As an original cosponsor of H.R. 1109, I commend the gentleman from California [Mr. SHUMWAY] the sponsor of the bill, and my colleagues on the House Interior Committee for reporting the measure for floor consideration. My interest in this legislation primarily relates to the Pony Express Trail which extends almost 2,000 miles westward from St. Joseph, MO, to Sacramento, CA.

The Pony Express Trail has tremendous historical significance to the development of the Great Plains and West. Pony Express service began in April 1860, and continued until October 1861, when the first transcontinental telegraph line was completed. During the 18 months of its existence, 318 runs were made each way across the 2,000-mile route. The mail was lost only once. A part of our Nation's past can be preserved, enhanced and interpreted for all future generations by including the Pony Express Trail in the National Trails System.

As a Congressman from Nebraska, this Member is pleased to note that there are two recognized Pony Express station sites in our State. Two are worthy of special mention at this point. Rock Creek Station near Fairbury is now the site of a State historical park interpretation center. An existing building from the original Pony Express stop at Gothenburg has also been designated as an historic site.

The bill before us today is a relatively simple measure, but it carries with it important methods for recognizing this important element in our Nation's history of westward expansion. I am pleased to lend my support to the measure and urge my colleagues to vote for H.R. 1109.

I do support this legislation, and I thank the gentleman for yielding.

Mr. LAGOMARSINO. Mr. Speaker, I yield 3 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I rise today in support of H.R. 1109, an amendment to the National Trails System Act that would allow the California National Historic Trail and the Pony Express National Historic Trail to be added to our country's trails system.

The National Trails System was created to provide for the ever-increasing outdoor recreational needs of the American people and to promote the preservation, enjoyment, and appreciation of the great outdoors and our Nation's history and heritage. The addition of the California National Historic Trail and the Pony Express National Historic Trail to the National Trails System will certainly contribute to the fulfillment of these goals.

Both trails, as previously noted in this Chamber, are of great historical significance to our Nation. The California trail, with its many spurs and branches, was a major emigration artery not only to California and the gold rush, but also to the entire West Coast and all points in between. Several years saw well over 100,000 men, women, and children traveling through Missouri, Iowa, Kansas, Nebraska, Wyoming, Idaho, Utah, and Nevada on the trail to settle or prospect in California and Oregon.

The Pony Express Trail, running between St. Joseph, MO, and Sacramento, CA, and covering a distance of nearly 1,900 miles, is also of great importance to our national heritage. Pony Express service began on April 3, 1860, and continued until October 24, 1861, when the transcontinental telegraph line was completed. During the Pony Express' 18 months of service, over 300 runs were made. The mail, remarkably, was lost only once despite the rough and sometimes hostile frontier terrain. Although the Pony Express was a financial disaster for its investors, it proved to be a very reliable and extremely quick mode of communication between the East and West coasts. Mail was usually delivered within 10 days and sometimes made it within 6. If only our present day system were so efficient. It is also interesting to note that the Pony Express route is generally followed by the interstate highways and airplane flight paths of today.

Designation of these two trails as components of the National Trails System will contribute much to the preservation of our national heritage. At the same time, these trails will allow many to experience some of the most scenic, and in some cases, spectacular, sights that our country has to offer, opening the areas for the enjoyment and education of all. I urge my colleagues to support this legislation and see to its enactment.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1109, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

METAL CASTING COMPETITIVENESS RESEARCH

Mrs. LLOYD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1243) to require the Secretary of Energy to establish three Centers of Metal Casting Competitiveness Research, as amended.

The Clerk read as follows:

H.R. 1243

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) metal casting is an important process for manufacturing many items imported into or exported from the United States;

(2) the encouragement and maintenance of a technologically advanced United States metal casting industry is essential to the competitiveness of many American industries;

(3) maintaining a viable metal casting industry is vital to the national security and economic well being of the United States; and

(4) the promotion of technology competitiveness and energy conservation in the United States metal casting industry by the Federal Government is necessary to maintain a viable metal casting industry.

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term "metal casting and related industries" refers to the industries identified by codes numbered 3321, 3322, 3324, 3325, 3363, 3364, 3365, 3366, and 3369, in the Standard Industrial Classification manual published by the Office of Management and Budget in 1987;

(2) the term "region of the United States" means one of the nine groups of States which are designated as census geographic divisions by the Bureau of Census; and

(3) the term "Secretary" means the Secretary of Energy.

SEC. 3. ESTABLISHMENT OF CENTERS.

The Secretary shall, as part of the Department of Energy's energy conservation programs, establish three Centers for Metal Casting Competitiveness Research (hereafter in this Act referred to as the "Centers") for the purpose of performing or promoting the performance of research and development on issues related to the technology competitiveness and energy conservation of the United States metal casting industry.

SEC. 4. LOCATION OF CENTERS.

(a) CRITERIA.—The Centers shall be located in regions of the United States where the United States metal casting industry is concentrated. The criteria to be used in selecting sites for the Centers shall be as follows:

(1) Each Center shall be located in a different region of the United States.

(2) Each Center shall be located at a research facility of a major educational institution or consortia of educational institutions, which has the available space, supporting services, and technical capability to adequately house a Center and enable it to make use of existing research support and facilities in carrying out its research objective.

(3) Each prospective Center shall have in existence at the time of consideration a multidisciplinary research staff experienced in advanced metal casting or other directly related technologies.

(4) Each prospective Center shall have in existence at the time of consideration laboratory facilities and equipment capable of conducting laboratory scale testing or dem-

onstration of advanced metal casting or related processes.

(b) EXCEPTION.—If research facilities described in subsection (a)(2), and meeting the other criteria in subsection (a), are not available in three appropriate regions of the United States, Centers may be established at State or Federal research facilities.

SEC. 5. FUNDING FOR THE CENTERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Of the funds authorized to be appropriated by section 5 (1)(B), (2)(B), and (3)(B) of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12004 (1)(B), (2)(B), and (3)(B)), not more than $5,000,000 may be expended in each of fiscal years 1991, 1992, and 1993 for the purpose of carrying out this Act.

(b) MATCHING FUNDS.—Funds appropriated under this section shall be available only to the extent that matching funds are obtained from the United States metal casting industry, related industries, industry-related associations, individuals, organizations, or other non-Federal entities supporting the metal casting industry (hereafter in this Act collectively referred to as "industry contributions").

(c) NONCASH CONTRIBUTIONS.—For purposes of determining under subsection (b) the amount of matching funds received for carrying out this Act, the value of equipment, services, materials, and other assets useful to the research mission of the Centers shall be included. The Secretary shall determine the value of such noncash industry contributions.

SEC. 6. INDUSTRIAL ADVISORY BOARD.

(a) ESTABLISHMENT.—The Secretary, within six months after the date of enactment of this Act, shall establish an Industrial Advisory Board (hereafter in this Act referred to as the "Board") to provide guidance and oversight for the establishment and operation of the Centers. The Board shall be composed of at least nine members, a majority of whom shall be individuals from the metal casting industry or individuals affiliated with industry contributors.

(b) REVIEW AND RECOMMENDATIONS.—The Board shall meet at least once every two years to review the research and development activities and projects of the Centers. The Board shall identify research priorities and make recommendations for the use of funds in the next fiscal year. A report containing the recommendations of the Board shall be provided to the Secretary within one year after the establishment of the Board, and as necessary thereafter.

(c) FEDERAL ADVISORY COMMITTEE ACT.—Except as otherwise provided in this Act, the Board shall be subject to the Federal Advisory Committee Act.

SEC. 7. REPORTING AND OTHER REQUIREMENTS.

(a) SECRETARY'S REPORT.—The Secretary shall submit a report to the Congress by January 1 of each year reviewing the progress of the Centers and providing a research plan for the next fiscal year. Such report shall include a copy of the report of the Board provided under section 6(b).

(b) TECHNOLOGY TRANSFER.—The Secretary shall encourage the expeditious transfer of technology from the Centers to the United States metal casting industry pursuant to the Stevenson-Wydler Technology Innovation Act of 1980, or otherwise.

SEC. 8. BUY AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE SECRETARY.—If the Secretary, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Secretary is authorized to award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this section whether the public interest so requires, the Secretary shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act to be made available; and

(2) solicitation for bids are issued after the date of enactment of this Act.

(d) REPORT TO CONGRESS.—The Secretary shall report to the Congress on contracts covered under this section and entered into with foreign entities in fiscal years 1991, 1992, and 1993, and shall report to the Congress on the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party. The Secretary shall also report to the Congress on the number of contracts covered under this Act and awarded based upon the parameters of this section.

(e) DEFINITIONS.—For purposes of this section—

(1) the term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States; and

(2) the term "foreign firm" means a business entity not described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentlewoman from Tennessee [Mrs. LLOYD] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1243, calls for the establishment of the three centers for metal casting competitiveness research. The bill seeks to remedy an ever-worsening situation in our domestic metal casting industry—the loss of market share of casting products to foreign competition.

In putting forth this legislation we have proposed a new method for coming to grips with the difficult problem of technology development in a manufacturing industry composed of small companies. We are proposing a cooperative effort involving government, industry, and the university research community. This cooperation is essential for an industry such as metal casting, where the average company employs less than 100 people.

The proposed centers provide a focal point for these small manufacturers. Here they can present and discuss their problems, knowing that the scientists and engineers at the centers will be attentive. They can also be assured that the technological advances made by the centers will be quickly transferred to the companies.

Mr. Speaker, the bill as reported from our Committee on Science, Space, and Technology is a workable solution to needed technology innovations for our domestic metal casting industry. I believe that the 112 Members who have cosponsored the bill reflect the bipartisan recognition of the importance of the legislation. The legislative approach provided in H.R. 1243 is an exciting model for future collaborative government/industry research and development. Leveraging research dollars by cost sharing with industry will allow the most beneficial use of scarce resources.

The legislation before us today represents a bipartisan effort by our committee. I want to particularly thank Chairman ROE of New Jersey and the ranking Republican member, Mr. WALKER of Pennsylvania for their support in bringing this legislation through the committee.

Mr. Speaker, I reserve the balance of my time.

Mr. WALKER. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the metal casting industry is essential to the American economy. Thousands of foundries are small to medium-size businesses which employ over 250,000 people across the country. H.R. 1243 will help ensure that this industry remains competitive by giving them a research base off of which to operate in the future.

I am pleased to support this legislation, particularly since it is funded through the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 which was signed by the President last year.

While the metal castings program is important, fiscal realities demand that the funds come from already authorized programs. The President's request for the industrial conservation program is $40.1 million. The enacted authorization as of last year provided $53.5 million, which does leave plenty of room for the metal castings pro-

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grams to be fitted within the authorization.

I might say, however, that it is also going to have to meet the needs of both the appropriations and the budget strategy if we stick with the President's request, but the idea behind this particular piece of legislation is that we are not exceeding the authorization request. We require in the bill that it stay within the authorization which this House approved and which the Congress approved last year.

In addition, the bill mandates that the Federal funds are only available if matching funds are provided by the industry. This will ensure that the metal castings research undertaken by the centers that are put together is truly deemed important by the firms that are involved.

H.R. 1243 was approved by the Science, Space, and Technology Committee without dissent, and I urge its passage by the House.

I would also point out that the administration does not oppose passage. They are not entirely enthusiastic, but they do not oppose passage at this time.

Mrs. LLOYD. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. Valentine].

Mr. VALENTINE. Mr. Speaker, I rise in support of the bill, H.R. 1243. This bill introduced by my good friends from Alabama, Congressman Erdreich and Congressman Harris, along with more than 100 other cosponsors, is designed to address concerns of the metals casting industry, as well as to help in the development of technology for industrial competitiveness in this important area.

Last year I joined with the gentlewoman from Tennessee in holding joint hearings on the benefits of this legislation and the concerns it addresses. From the experience of the Subcommittee on Transportation, Aviation and Materials in looking at other materials-related technologies—materials such as ceramics, plastics, superconductors, and others—advances in processing have been singled out as key to the successful application of these materials. These advanced materials are in turn key to the success of many of our high-technology programs, including aeronautics, space, energy, and defense.

Our hearings underscored this idea with respect to metals casting and related technologies. This industry which produces such diverse products as candlestick holders and rocket combustion chambers, employs over 300,000 workers with over 4,000 producers dispersed throughout the country.

Like other materials industries, the metals casting industry is under strong competitive pressure from abroad. Since 1980, the number of foundries in the United States has declined by more than 13 percent. Much of this has occurred due to technology improvements introduced abroad, improvements developed and supported by national programs targeted to erode our domestic casting industry. In this country we have failed to focus our research efforts on this important field, in part due to the diverse nature of the industry. H.R. 1243 seeks to correct this problem by creating a new program within the Department of Energy.

Others have already described the details of this legislation and its merits. I wish to highlight only one aspect of the bill which I consider of particular note. This bill requires a strong cost-sharing component from the private sector in these research programs. The industry must match a dollar for every Federal dollar spent on the research up to a total of $5 million each year. Without such matching, no Federal moneys may be expended. The metals casting industry takes seriously its responsibilities in supporting this work by committing their hard-earned profits to the success of this program.

Among other advantages, such commitment better ensures that any technology derived from this research program will find its way to the factory floor and ultimately benefit the U.S. consumer. Obviously, without appropriate technology transfer of the results of this research we will fail to achieve the intended purpose of this bill.

Mr. Speaker, I strongly urge my colleagues to vote in favor of this legislation.

Mrs. LLOYD. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. Erdreich] the chief sponsor of this bill.

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Mr. ERDREICH. Mr. Speaker, I would like to thank the Committee on Science, Space, and Technology for expeditiously moving my legislation to the floor. In particular, I would like to thank Representatives Roe, Lloyd, Valentine, Walker, Morrison, and Lewis for all their assistance. In addition, I thank all the cosponsors of this legislation for their support and recognition of the importance to American industry of metal casting. This legislation will take an important step toward revitalizing a business which has been the backbone of U.S. industry for the past 150 years.

Historically, metal casting is one of the oldest and most profitable of American industries. Our Capital dome was cast and erected in the mid-19th century by an American company which has since succumbed to the same fate as many of the great U.S. foundries of the 19th and early 20th centuries. Foreign trade practices, coupled with our failure to maintain our technological advantage, have created a situation whereby U.S. foundries are, too often, fighting a losing battle to regain their share of an increasingly competitive market.

The total amount of metal casting in the United States has declined from 20.85 million tons in 1966 to 11.65 million tons today, and over half of U.S. foundries have closed since 1971, putting tens of thousands of Americans out of work.

There are approximately 3,700 surviving foundries in the United States today. Our metal casting industry produces over $21 billion worth of products annually and employs over 260,000 people. In the State of Alabama, foundries employ some 18,000, with over 10,000 in my own Jefferson County, and produce over $1 billion of casting annually.

The decline in our domestic metal casting industry has contributed to the dramatic rise in the U.S. trade deficit and created problems that will continue to plague all American industries unless we take the necessary steps to reverse this trend.

H.R. 1243 is designed to establish three regional metal casting technology centers for the purpose of advancing technology and research in this field and applying these advancements to basic industry functions. In the past, we have failed to keep up with many of our foreign competitors in education and technological advancements. Today, there remain very few American university-trained foundry engineers. We mistakenly view casting as a "low tech" field, whereas many of our competitors, including South Korea, West Germany, and many South American countries, fund national foundry centers for the purpose of furthering their advantages. Metal casting encompasses a large variety of products from the most basic items to space hardware and medical devices. Virtually all manufactured products imported into or exported out of the United States contain metal castings and it is high time we initiate a program that will regain our competitive position in this vital area.

The U.S. metal casting industry is made up generally of small and medium-sized businesses. This applied technology will dramatically help enhance their competitiveness.

I would like to note that these centers do not represent a new expenditure, but would come from a reallocation of existing Department of Energy funds. With direct industry match of these funds, this public-private partnership should help sharpen our competitive edge in this basic American industry. It is past time we got tough and got smart in international trade.

In closing, I would like to call your attention to an article which appeared in the November 19, 1989, issue of the New York Times, entitled "The Sign of America's Decline, Under Foot." In the piece, the writer concludes his examination of the shocking state of affairs of the U.S. metal casting industry by stating, "America's manhole covers are made in China, as our industries go down the drain." This bill seeks to reverse that trend.

I urge passage of H.R. 1243, sponsored by my colleague Claude Harris and myself. Increasing America's competitiveness is a priority for our economic future.

Mr. WALKER. Mr. Speaker, I think the gentleman from Minnesota [Mr. Frenzel], would like to add a dissenting voice, and for that purpose I yield 5 minutes to the gentleman from Minnesota [Mr. Frenzel].

Mr. FRENZEL. Mr. Speaker, H.R. 1243, which establishes three Metal Casting Competitiveness Research Centers, is on the Suspension Calendar today as noncontroversial. I believe the foundry business has at least some claim on the Federal Government's attention and its particular problems need the full attention of the Congress and full debate in this House. It is special, but legitimate needs have been ignored too long. I welcome government-industry cooperation that many feel is imperative to restore competitiveness.

However, I am not enthusiastic about financial commitments by the Government to sustain these efforts. Even though this bill would require matching funds from the industry, I do not like this bill's precedent. In fact, it is another example of tinkering with industrial policy. How does the Government decide which industries need this kind of support? As soon as we pin a rose on one group, all the others will soon line up behind.

The business of picking winners and losers should be determined in the market place. Many of the world's governments found this out the hard way, and are now switching to market systems. Meanwhile, this bill expands our own tinkering.

In his February economic report, the President stated, "Government can encourage economic growth but cannot manage it. I remain strongly opposed to any sort of industrial policy, in which the Government, not the market, would pick winners and losers. Second-guessing the market is the way to raise Government spending and taxes, not living standards."

I assume that supporters of the bill will point to the Sematech example, and possibly discuss the demise of U.S. Memories, which had not requested Government funding. The real question here is why should the Government finance projects for industries which do not finance them themselves?

The Government has an obligation to provide its expertise and to remove barriers, such as antitrust uncertainties, to joint research efforts. It also needs to provide a fair tax system and a reasonable set of environmental regulations, but, particularly in these times of severe budget pressures, we should not be providing funding for private ventures, even if there is evidence that other countries do so.

This bill is also encumbered with a Buy America provision that should be stricken, even though it does contain some discretion. We have new Buy America legislation on nearly every bill that passes this body which violates the spirit of the standstill agreement we signed at the beginning of the Uruguay Round of trade negotiations.

Mr. Speaker, I would be pleased to support a bill to feature cooperation without the Buy America section and the Federal funding. As it stands now under suspension, I shall oppose it.

Mrs. LLOYD. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. Harris].

Mr. HARRIS. Mr. Speaker, first, I would like to thank the gentlewoman from Tennessee [Mrs. Lloyd] for making it possible for us to be here today. With her personal attention and the support of Mr. Valentine, Mr. Morrison, Mr. Walker, Mr. Lewis, and of course, Chairman Roe, I believe that we have crafted a bill which will create a strong partnership between the U.S. Government and one of our essential industries, the American foundries.

The U.S. foundry industry is a basic industry which produces cast products for virtually all manufactured items and machinery used in manufacturing. American metalcasters supply foundry products to the energy, transportation, aerospace, defense, and manufacturing industries. Until recent years, U.S. foundries dominated the international market, but increased foreign competition aided by centralized government research efforts and a strong dollar have contributed to the steady erosion of this traditional American stronghold.

I believe that the metalcasting research centers created by H.R. 1243 are a necessary step toward restoring the vitality to this essential U.S. industry. Most metal castings in this country are produced in small- and medium-sized businesses with sales under $100 million a year. These businesses alone cannot bear the cost of a strong centralized research and development effort needed to help the industry regain its footing in this fiercely competitive international market. H.R. 1243 provides the link between industry, research facilities, and the Government. With some funding by the U.S. Government to be matched by industry moneys, new technology and information sharing will be available for application in American foundries.

The State of Alabama is one of the leading foundry states in this country producing about $1 billion in castings annually. The information and technology breakthroughs available from the metalcasting research centers will significantly benefit the economy of Alabama as well as restore the competitive edge to American foundries. Our goal is to recapture the international market once held by high-quality American metalcast products.

Again, I want to thank Madam Chairman the gentlewoman from Tennessee [Mrs. Lloyd] and to recognize the conscientious and quality work of a member of her staff, Nancy Jeffrey.

And I urge a favorable vote for this important piece of legislation.

Mr. HILER. Mr. Speaker, as one who has in-depth experience in the foundry business and a considerable understanding of the challenges the industry is facing today, I rise in strong support of H.R. 1243, the Metal Casting Competitiveness Research Act.

Those who are familiar with the cast metals industry or who rely on its products understand what a fundamental role it plays in the overall health of our economy. The metal casting industry not only sustains basic manufacturing in the United States, but also plays a critical role in the success of high technology advances which are so important to America's involvement in both the developing global economy and our growing presence in, and dependence on space.

In fact, metal castings are used in 90 percent of all manufactured items, and in 100 percent of all machinery used in manufacturing. Metal castings are necessary for something as simple as a frying pan, and something as complex as a human heart replacement valve.

Those of us who know the industry also know that it has suffered over the past decade as a result of shortfalls in American initiatives and competitiveness in research and development for new casting technologies. A number of foreign countries have wisely invested in R&D for their own metal casting industries and the impact of this action is evident here in the United States. The lack of profitability within our domestic industry resulting from outdated and inefficient technologies has contributed to the closure of over 800 American foundries in the past decade alone. The International Trade Commission has confirmed that unless U.S. foundries can keep up with a changing world, producers will continue to lose domestic markets to imports, and to lose out on market opportunities abroad.

H.R. 1243 recognizes the importance of protecting America's ability to support its own manufacturing sector and seeks—through competitive means—to improve the casting industry's standing in the international economic community by utilizing our research assets.

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The bill will do so both by providing Federal grants and requiring matching funds, goods, equipment, or services from private entities that sustain the metal casting industry.

Given adequate resources, our research institutions and the individuals who guide them can be the best in the world at finding solutions to problems or innovative approaches to changing needs. We have problems in the metal casting industry and we are facing important changes in casting technologies which could be overcome by a commitment on our part to move into the future and stay ahead of our global competitors. Let's allow our cast metals industry a fighting chance by utilizing our academic assets and give it the means to continue to produce top quality foundry products efficiently.

I can assure you that the approximately 2,000 metal casting workers in the Third District of Indiana, the 250,000 metal casting employees nationwide, and the U.S. manufacturing community and economy as a whole will all benefit from the passage of H.R. 1243. A failure on the part of Congress to acknowledge a changing world and to enable our foundries to keep up with improvements in casting technologies will almost certainly deny our domestic manufacturing industry the leadership position it deserves in the international economy. Thus I urge passage of this bill and yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. LLOYD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentlewoman from Tennessee [Mrs. LLOYD] that the House suspend the rules and pass the bill, H.R. 1243, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

ANNOUCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 1109 by the yeas and nays; and H.R. 1243 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

□ 1420

CALIFORNIA NATIONAL HISTORIC TRAIL AND PONY EXPRESS NATIONAL TRAIL

The SPEAKER pro tempore (Mr. MAZZOLI). The pending business is the question of suspending the rules and passing the bill, H.R. 1109, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1109, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 15, as follows:

[Roll No. 20]

YEAS—416

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—15

Brooks
Clay
Collins
Engel
Foglietta
Ford (TN)
Laughlin
Lent
Levine (CA)
McGrath
Nelson
Robinson
Smith, Denny (OR)
Unsoeld
Yates

□ 1440

Mr. SYNAR changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

UMI

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

METAL CASTING COMPETITIVENESS RESEARCH

The SPEAKER pro tempore (Mr. Mazzoli). The pending business is the question of suspending the rules and passing the bill, H.R. 1243, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Tennessee [Mrs. Lloyd] that the House suspend the rules and pass the bill, H.R. 1243, as amended, on which the yeas and nays are ordered.

The Chair will advise the members this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 382, nays 27, not voting 22, as follows:

[Roll No. 21]

YEAS—382

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Ford (MI)
Frank
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)

NAYS—27

Archer
Armey
Bunning
Burton
Carper
Cox
Craig
Crane
Dannemeyer
DeLay
Duncan
Frenzel
Gekas
Goss
Hancock
Hefley
Kyl
Livingston
McCandless
McCollum
Nielson
Skeen
Stearns
Stump
Thomas (WY)
Vucanovich
Young (FL)

NOT VOTING—22

AuCoin
Bates
Borski
Brooks
Clay
Collins
Engel
Foglietta
Ford (TN)
Gordon
Johnson (SD)
Laughlin
Lent
Levine (CA)
Marlenee
McGrath
Nelson
Robinson
Sharp
Smith, Denny (OR)
Unsoeld
Yates

☐ 1449

Mr. LEWIS of Florida changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall numbers 20 and 21.

☐ 1450

GENERAL LEAVE

Mrs. LLOYD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1243, the bill just passed.

The SPEAKER pro tempore (Mr. Mazzoli). Is there objection to the request of the gentlewoman from Tennessee?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 118

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the name of my colleague, the gentleman from New York [Mr. McHugh] be deleted from the list of cosponsors of House Concurrent Resolution 118, to which it was added in error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CLEAN AIR AMENDMENTS CRIPPLE OHIO

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, the proposed clean air legislation may be good for some States, but it is going to cripple our economy in Ohio. Last week the Clean Air Working Group [CAWG] released a job-impact analysis that is thoroughly frightening. The impact will be dramatic or even catastrophic.

At the very least, more than 200,000 U.S. jobs will be quickly eliminated * * * and the number could be as high as 750,000. If we throw in job displacements from proposed military cutbacks and base closings, we, here in Congress, may be heading our part of this country into a recession.

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The study claims at least 46,780 jobs would be lost from Ohio alone—that is over one-third more than any other State. And all because of the lack of flexibility for meeting mandatory deadlines. Yet Ohio electric utilities lead the Nation in clean air investments with over $2.1 billion in air pollution control facilities through 1987. This represents over 10 percent of the total spent in the United States.

Mr. Speaker, Ohioans want clean air as much as anyone, but they also want to keep their jobs and feed their families. We can achieve clean air, all we are asking for is some flexibility in the time needed to meet the standards.

Mr. Speaker, I include the following material from the Clean Air Working Group.

CLEAN AIR AMENDMENTS COULD AFFECT 3 TO 4 MILLION JOBS NATIONWIDE

WASHINGTON, February 27.—Between three and four million jobs in almost half of the nation's counties could be adversely affected by proposed clean air legislation, a study released today by the Clean Air Working Group (CAWG) reveals.

The study, An Analysis of Jobs-At-Risk and Job Losses Resulting from the Proposed Clean Air Act Amendments, was conducted by the CONSAD Research Corporation, Pittsburgh, Pa. The authors, Dr. Robert W. Hahn, associate professor of economics and public policy at Carnegie Mellon University, and Dr. Wilbur A. Steger, adjunct professor of public policy at Carnegie Mellon and president of CONSAD Research, defined adverse employment impacts as loss of jobs, prolonged layoffs and reductions in wages and/or hours.

The study focused on the job impacts of a variety of proposed amendments to the Clean Air Act in three principal categories—Title III—Hazardous Air Pollutants (Air Toxics), Title IV—Permits, especially as they impact on small business; and Title V—Acid Deposition Control.

Not all jobs potentially at risk were identified and included in the study. Drs. Hahn and Steger characterized the findings as "conservative," noting that "only a limited number of U.S. plants and workers were included in the study and only direct effects were quantified." Changes in other titles of the Act and trickle-down effects could increase the jobs impact, they said.

However, according to the study, there is "little doubt that a minimum of 200,000 jobs will be quickly lost, with plants closing in dozens of states. . . . Few industrial sectors would be totally immune from such adversity. Large and small businesses, including new and established enterprises, will all be seriously affected in dozens of industrial sectors in locations everywhere in the United States."

The researchers estimated that the total number of jobs that would be affected by the proposed legislation ranges from 1.8 million under the Administration bill to more than 3.7 million under the most severe pollution control scenario in S. 1630.

The study noted that under each of the scenarios they examined, the majority of jobs impacted by proposed air toxics provisions would be in transportation equipment, chemicals, primary metals, paper products, electronics, petroleum refining, industrial machinery, and electric and gas utilities.

With regard to the geographic impact, the study says that under the moderate scenario some 895 of the nation's 3,100 counties would be affected. Under the most severe scenario, almost half of U.S. counties—1,446—would be adversely impacted. These counties, the researches noted, contain between 157 million and 190 million Americans, or 67 to 84 percent of the total U.S. population.

Acid rain control provisions would have their greatest effect on jobs in 20 states, principally in the midwest where industrial consumers of electric power are likely to experience significant rate increases.

Small businesses, especially those in ozone non-attainment areas, are expected to incur significant costs, the study says, including an average of $15,000 for permits and $50,000—$250,000 for equipment to monitor pollution. The effect, the study says, will be lost jobs now and lower growth employment opportunities in the future.

The study also points out that the adverse effects of the proposed clean air amendments would be compounded in communities that are in a "difficult economic position." These communities have "already high levels of unemployment and underemployment; a significant underclass; troubled, perhaps fiscally failing municipalities; and other indicators of already adverse economic conditions."

The Clean Air Working Group (CAWG) is a national, broad-based coalition of nearly 2,000 small and large businesses and trade associations working together to ensure effective and responsible clean air policies.

Mr. Speaker, this situation is serious for Ohio and Ohioans. My State needs some options and flexibility in meeting these arbitrary deadlines. Science and technology do not adhere to a bureaucratic schedule. Give us some flexibility.

□ 1250

HUMAN RIGHTS VIOLATIONS IN KASHMIR

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FALEOMAVAEGA. Mr. Speaker, a number of American Kashmiris have met with me and expressed their concern about the current political crisis in Kashmir, and the human rights violations occurring there. I believe that such concern needs the attention of our Government. The American Kashmiri community is in constant contact with relatives and friends, and is deeply disturbed by the reports they are receiving of the atrocities being committed against innocent women and children.

Mr. Speaker, the Indian security forces are using brutal and lethal force on peaceful demonstrators. I have reviewed a report by Amnesty International and a letter by the New York-based Committee to Protect Journalists, and agree with the views expressed therein. The use of lethal force on children and women, and the expulsion of foreign reporters, are contrary to internationally recognized and democratic standards of freedom of expression. In a democracy, the freedom of press is especially important. India, as the world's largest democracy must allow, and itself undertake, a free and impartial inquiry into the brutality of its armed forces. It must also allow access to all journalists and permit them unhindered to receive and impart factual information.

Mr. Speaker, the principal concern of Kashmiris right now is that of the denial of a fundamental human right—the right of personal freedom—to them. The will of the people forms the basis of the authority of government. Hundreds of thousands of people are out on the streets in Kashmir reminding the Indian Government that they do not accept its authority. Since 1947, when India annexed Kashmir, it has more often than not denied the people of Kashmir the freedom to exercise their vote in a free and fair election. The current uprising, in fact, was triggered off by the mass rigging of elections in 1987. Moreover, this uprising is the culmination of the Kashmiris' half-century-old struggle for freedom, which began in 1931 and paralleled India's own fight for freedom.

I realize that sovereign nations must not interfere in the internal affairs of one another. I also know that India and Pakistan have fought several wars over Kashmir. As a friend of both nations, we must encourage them to resolve their differences through mutual consultations. However, after a review of historical facts and my meeting with a group of American Kashmiris, I am convinced that the Kashmir issue is not merely a territorial dispute between two countries, but an issue of the right to self-determination of some 10 million people. It cannot be settled without considering the will and wishes of these people.

Mr. Speaker, the Kashmir dispute was brought to the United Nations by India and Pakistan in 1948. Realizing that Kashmiris had not voluntarily acceded to India, the two countries, and the permanent members of the Security Council agreed to hold a U.N.-supervised plebiscite as soon as possible. This U.N.-mandated plebiscite never took place. As a member of the Security Council, the United States has always supported the principle of self-determination for Kashmir. However, the motion was repeatedly vetoed by the Soviet Union. With the Soviet leadership promoting an era of glasnost and perestroika, and the winds of democratic change sweeping across Eastern Europe and the Soviet Union itself, the impasse on the Kashmir issue in the United Nations can be ended.

Mr. Speaker, I am also convinced that the Kashmir uprising is not simply a secessionist movement. The accession of Kashmir to India was never final. In 1947, when India became independent, Kashmir had a feudal ruler. At that time the struggle for freedom and democratic rule in the region had been continuing for two decades. It was the Hindu king who invited India to send its armed forces to Kashmir. At the same time, however, India also made its commitment to the people of Kashmir that they would decide their own future. That is, whether to accede to India, to Pakistan, or remain independent. This commitment is an international agreement made by India, Pakistan, and the permanent members of the U.N. Security Council, all of whom have a moral obligation toward ensuring its fulfillment.

Mr. Speaker, until a free and fair plebiscite takes place in Kashmir there will be no peace in this strategic region. The people of Kashmir are currently in revolt against Indian occupation. They have waited for the last 40 years for a basic human right: the right to decide their own future. A new generation, painfully aware of the failure of peaceful means, sees violence as the only alternative. The brutality being used in Kashmir to curb such violence can only result in genocide, and catastrophic consequences for both India and Pakistan.

The Kashmir problem must be settled immediately. As people all over the world are being given a chance to express their will, so must Kashmiris be granted their right of self-determination. Such action would bring fulfillment to their half-century-old aspirations, and would also release tensions between India and Pakistan. Consequently, it would enhance a process of stability, growth, and development in the entire region.

Mr. Speaker, the United Nations could be the appropriate forum to settle this dispute. As a friend of both India and Pakistan, and as a member of the Security Council, our Government should take the lead in bringing the current Kashmir crisis to the attention of the world and seek, in cooperation with other permanent members, a meaningful solution for it.

[From the New York Times, Mar. 2, 1990]

INDIAN TROOPS KILL 29 PROTESTERS IN SECESSIONIST RALLY IN KASHMIR

(By Sanjoy Hazarika)

NEW DELHI, March 1.—At least 29 people were killed and about 25 wounded today in Srinagar, capital of the state of Jammu and Kashmir, when Indian troops fired on pro-independence crowds, news reports said.

The United News of India, quoting the Kashmiri radio, said 15 people were killed and 20 wounded when troops fired at crowds. In a separate episode, 14 people were killed and 15 wounded when army soldiers fired at a mob of people hurling rocks who had surrounded an army convoy.

The government-run All India Radio reported that seven people were killed when armed guards repulsed an attack by a mob on an army school bus in Srinagar but it was not clear whether this incident was a separate one or related to those already reported.

More than 120 people have died in six weeks of confrontation between the Kashmiri militants and troops sent to keep order. On Jan. 21, Indian Army soldiers opened fire in clashes with demonstrators defying a curfew in Srinagar, and at least 35 people were killed and 100 wounded. The violence that day was the worst in the nearly two years since a resurgence of secessionist sentiment began.

Since 1947 the militants of Jammu and Kashmir, the only Indian state with a Muslim majority, have sought either independence from largely Hindu India or union with Islamic Pakistan. Pakistan and India have fought two of their three wars over Kashmir, and parts of Kashmir are claimed by both nations.

After the latest surge of violence began this year, the national Government took control of Kashmir, a state with a population of about four million, under a constitutional arrangement known as governor's rule.

The killings today ended a shaky peace of several days during which Srinagar and other towns in the Kashmir Valley had seen large independence demonstrations. Although the violence between security forces and Kashmiri militants had eased, Srinagar and the other towns have continued to be tense because of the demonstrations. Most of the casualties have occurred in Srinagar, which is one of the major tourist attractions of the subcontinent.

OFFICIAL SHOT AND KILLED

There were no reports about a curfew being ordered to contain possible consequences of the shootings, which followed several days of largely peaceful protests by the agitators who have marched through Srinagar, waving the flags of militant groups, to press their demands.

The police said today that Pushkar Handoo, an assistant director of information in the state government, had been shot and killed outside his home in Srinagar, and that militants were suspected in the killing.

Mr. Handoo is one of several Hindu Government officials who have been assassinated in recent weeks, including the director of the government-run Srinagar Television Center, who was also killed near his home.

NO SUPPORT FROM OTHER MUSLIMS

Muslim leaders in other parts of India have not supported the agitation for independence in Kashmir. They have said that the state is an integral part of India and have opposed demands by Pakistan and the militants in Kashmir for United Nations-supervised plebiscites in the state. The goal of the plebiscites would be to enable Kashmiris to choose their political future.

A political scientist, Bashiruddin Ahmed, said Indian Muslims are distancing themselves from the Kashmir tangle because they are aware that they must survive in predominantly Hindu India. Mr. Ahmed, said Muslims outside of Kashmir did not see any need to endanger their existence. Muslims comprise India's biggest religious minority—they are about 100 million in a population of 800 million.

EASTERN EUROPEAN ECONOMIC COOPERATION AND POLITICAL FREEDOM ACT

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, today I rise to introduce the Eastern European Economic Cooperation and Political Freedom Act.

This bill is designed to help our exporters compete for the newly opened markets in Eastern Europe, protect our legitimate national security needs, and help promote pluralistic societies.

We have all watched with awe as the centralized governments and economies of Eastern Europe have fallen to popular movements. We've seen Czechoslovakia's velvet revolution and Poland's Solidarity take power. We applauded as the Berlin wall came down. We watched with horror as secret police in Romania fought house by house to hold onto power. And, we've wondered how the United States and our Western allies should respond.

This bill responds with hope tempered by a recognition the future is unknown. The Eastern European Economic Cooperation and Political Freedom Act is based on a recognition that we should, on a country-by-country basis, in response to changes toward democracy, remove the export restrictions that exist between western countries and Eastern Europe.

My bill would direct the United States to work with our Cocom allies to support identical general exceptions for exports to Eastern Europe. It would provide specific guidelines to American exporters through the publication of new regulations and advisory opinions. Exporters would be given prompt information on specific goods, sectors, and end users eligible for new general exceptions made in these times of new openness.

Mr. Speaker, in the past, U.S. exporters have suffered because our regulations have been more strict than those of our western allies. If we are to compete on a level playing field for new markets for our high technology goods, our rules and regulations must be consistent with those of France, West Germany, England, or other Cocom countries.

Our rules and regulations need to make sense. Today, for example, an American exporter may sell several MacIntosh Plus and IBM PCAT computers to Poland without having to procure an export license. But if the Polish end user wants to purchase the software needed to allow these decontrolled personal computers to share information off the same data base, then Mr. Speaker, the U.S. exporter must file for an individual license for the network software.

Another example, Mr. Speaker, are telephone systems. All but the most obsolete telephone systems require an export license. By obsolete, I mean at least 5 and probably 10 years old. If a Hungarian business wants to purchase a contemporary telephone system to operate a small business and provide

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for call forwarding, call transferring, and a simple operator switchboard, his U.S. supplier would need an export license.

Mr. Speaker, computers and telephone systems are needed if we are to help Poland, Hungary, and the other Eastern European countries move into the international marketplace. Telephone systems are also needed by our own businesses trying to succeed in Eastern Europe. Barriers like these not only prevent the sale of U.S. equipment, but they give our exporters a bad name. Our international competitors go to Poland, Czechoslovakia, Hungary or Indonesia, for that matter, and say "Don't buy American. Their licenses are too complicated, their bureaucracy is too slow. Buy from us." Well, Mr. Speaker, this bill gets at this complaint. It prevents our bureaucracy from unilaterally preventing sales to Eastern bloc countries which are making strides for freedom, democracy and open markets.

These technologies are not exotic. Our offices, Mr. Speaker, have networked computers to share a common data base and modern telephone systems to expedite communication among our staffs and with our constituents.

Moreover, Mr. Speaker, this bill uses the incentive of access to modern technology to encourage continued progress toward democracy. Under the Eastern European Economic Cooperation and Political Freedom Act, the President must certify that progress toward open governments, open societies, and open markets continues in each country. We have a powerful incentive, which we can use to help the people of Eastern Europe enjoy political and economic freedom.

Last month, Mr. Speaker, you gave me a chance to witness history by naming me to the observer team which was to monitor the Lithuanian elections. Unfortunately, we were denied visas until after the election. Under this bill, if Lithuania were to become independent from the Soviet Union and if Lithuania were to meet the conditions of this bill, we would be able to help her return to the European economy as a free country.

Mr. Speaker, events are changing so rapidly that we need to develop a flexible and responsive regulatory system. A system which can respond to advances in democracy, human rights, open markets. A system which can respond if progress is reversed. The changes we are witnessing, Mr. Speaker, are historic. This bill allows us to respond to those historic changes and promote the cause of democracy.

The Eastern European Economic Cooperation and Political Freedom Act also contains a voluntary set of principles to guide Western businesses in promoting these values. Americans doing business in Eastern Europe can and should be powerful advocates of the principles of human rights and human dignity.

Finally, Mr. Speaker, this bill would help those struggling for democracy in other lands. We are witnesses to a new era in international politics. Our children will remember this as the time democracy took hold around the world. Who would have believed 30 years ago an electrician from Gdansk would address a joint session of Congress, beginning his speech with the words, "We, the people?" Who would have believed 30 years ago some leaders of the Communist Party in the Union of Soviet Socialist Republics would announce other parties should be allowed to participate, and private property should be encouraged?

But while democracy's advance around the world is inspiring, we must back up our words with deeds. We must do more than congratulate those who are striving for open markets. We must welcome them, help them, teach them. We all remember when Lech Walesa spoke to Congress, the standing ovations we gave him. But after the speech was over, he spoke to a small group of us. He told us Poland doesn't need the world's compassion. He said Poland doesn't need the world's favors or hand outs. Poland needs much more than the world's emotional support. Lech Walesa said Poland and other new democracies want trade and investment. This bill will help those countries, and it will help our exporters.

PAPER RECYCLING STANDARDS ACT OF 1990

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, communities across America are attempting to deal with the landfill crisis. Some have turned to incineration. Others have opted to truck their trash to other communities with open landfills. The city of Los Angeles has found a novel way to lessen some of its waste paper burden. In Los Angeles they are considering shipping some of their trash to China. The Chinese need it, the Los Angeleans don't want it.

Those approaches might get the job done for the moment, but the long-term problems will not be dealt with so easily. Incineration has many health concerns associated with it. Landfills are running out of space and are a source of contamination in many communities. And a slow boat to China, Taiwan, or any other of the nations that need waste paper is not a cure-all for the solid waste problems of the United States.

I believe that the problem of solid waste in general and used paper in particular is largely a recycling matter. The unnecessary use of natural resources is never a good idea. We should be moving toward a system of paper use that protects the environment.

Each year the United States recycles about 22.6 million tons of paper. That's an impressive number until you realize that in that same year we use and discard 64 million tons of paper products. Most of this waste paper is dumped in landfills. The EPA estimates that over 80 percent of the landfills that were in operation in 1988 will close in 20 years.

The United States spends over $9 billion a year to dispose of its solid waste. Recycling is an option that can have economic as well as environmental benefits. Recycling can create 36 jobs per every 10,000 tons of material as opposed to 6 jobs per 10,000 tons brought to a landfill or an incinerator. Studies have concluded that, in some applications, as much as 23 percent less energy is needed to produce paper made with recycled stock.

Research on EPA data has pointed out that that while no type of paper manufacturing is totally safe for the environment, the pollution from tree cutting and timber transportation is often overlooked when comparisons are made between virgin and recycled paper production. Even if all statistics about the two types of production were the same, the fact is that unrecycled waste paper is just garbage choking our landfills or smoke filling our skies.

I am today introducing legislation to use the Tax Code to encourage the recycling of paper products by requiring paper manufacturers to use specific amounts of reclaimed/recycled paper material in their production. The bill provides that:

The guidelines for the percentages of recovered materials to be used in the production of paper are the same as the procurement guidelines set forth by the Environmental Protection Agency in June 1988 (Section 6002 of the Solid Waste Disposal Act, as amended by the Resource conservation and Recovery Act, subsection 250.4. Federal Register, June 22, 1988)

A manufacturer of paper is defined as one that produces over 200,000 tons of paper per year.

For the first year after this legislation takes effect, manufacturers will pay the following excise tax (per short ton) on printing, writing, tissue, packing, and paper board that does not meet the recovered material content guidelines of this legislation.

Paper type	Dollar amount (per ton)	Year (after implementation)
Writing/printing	7.00	1
	8.00	2
	9.00	3
	12.00	4
	15.00	5
	24.00	Thereafter
Tissue	.90	1
	1.10	2
	1.40	3
	1.70	4
	2.20	5
	3.60	Thereafter
Packing	3.90	1
	4.50	2
	5.50	3
	7.00	4
	8.00	5
	14.00	Thereafter
Paperboard	3.50	1
	4.00	2
	5.00	3
	6.00	4
	8.00	5
	13.00	Thereafter

The excise tax will not have to be paid by manufacturers that meet the percentage goals of the guidelines for that year.

The definition of paper includes all types of paper (as defined by section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, subsection 250.4. Federal Register, June 22, 1988).

The taxable years of the legislation will begin after January 1, 1992.

Newsprint is not covered in my bill since that sector of the paper industry is being addressed through other proposals. If, however, progress is not made in the newsprint segment of the industry, this legislation can be amended to encourage the recycling of newsprint.

I realize that there are some types of paper that need a near total content of virgin material to insure packing strength or proper sanitation. These products, as defined by the EPA's guidelines which interpret the Resource Conservation and Recovery Act, would be exempt from this legislation. All other types of paper would be expected to conform to the EPA guidelines.

To help ensure the continued international competitiveness of the American paper industry, the bill also increases the tax on imported paper for foreign paper producers that do not meet the suggested EPA guidelines for the minimum amounts of recycled materials in paper products. Exports of paper products are also excluded from this legislation.

By using the tax approach, we are really internalizing to the paper companies some of the external costs of their products: the costs of landfills, incinerators, pollution damage, garbage collection, et cetera. It is only fair that the companies which produce these products and which place such a burden on public services either pay a tax for those costs—or better yet, ensure a market for the recycling of their product.

I would like to work with the paper industry to find the most efficient and least bureaucratic way to speed the national move toward recycling. The bill I am introducing today is a draft bill and I would like to hear from the recycling and paper industries about ways to ensure that the bill uses economic forces efficiently to promote a cleaner, more environmentally sound America.

THE MEDICAID STATE SHARE PROTECTION AMENDMENTS OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. COOPER] is recognized for 5 minutes.

Mr. COOPER. Mr. Speaker, I am introducing this legislation to protect State Medicaid budgets from unwarranted Federal intrusion. This bill would stop efforts by the Health Care Finance Administration [HCFA] to place unprecedented restrictions on States' options for financing their Medicaid programs, restrictions that would cost states hundreds of millions of dollars. Countless poor people would be hurt as a result of this heartless policy.

On February 9, HCFA proposed rules which would restrict States from raising their share of Medicaid costs through a number of common financing strategies. They would bar voluntary donations, special fees or taxes, and even sales or excise taxes when they apply to medical assistance payments.

For many States, these are vital sources of revenue. The regulations would restrict for the first time the wide latitude States traditionally have had in financing their programs—even ones with Federal matching money.

In these times of skyrocketing health care costs, and increased Federal mandates and priorities, we should be improving States' options for raising revenue, not limiting them. Health care spending is swallowing up State budgets. What's more, we in Congress have passed broad expansions of Medicaid such as mandatory coverage of all poor seniors, and of poor and near-poor infants and children.

In my State of Tennessee, hospital donations and licensing fees are our only means of meeting the mandates and priorities passed by Congress while maintaining bare-bones Medicaid coverage. The new regulations would end these funding sources. And Tennessee is not alone. States immediately affected include Florida, Texas, California, New York, West Virginia, Alabama, Ohio, and Georgia. The regulations would disqualify hundreds of millions of dollars in State Medicaid budgets from Federal matching.

Currently, Federal laws prevent States from revoking even its optional expansions. If the Bush administration succeeds in restricting how States can raise their funds, States will have no choice but to cut still insufficient benefits and reimbursement, already below cost for many services.

The express reason HCFA gives for the new restrictions is that the donations, special taxes, and fees, even sales taxes on medical services are unfair. They say it's almost a kickback if facilities which put up Medicaid money—whether through taxes or donations—get State and Federal reimbursement for their services. But this is no more a kickback than when taxpaying citizens get subsidized health care or other benefits for their money. Also, strict rules already exist which prevent real kickbacks.

The real reason for the financing restrictions is simple: It's supposed to be a budget savings. If the Federal Government refuses to match a whole category of State money, it's that much less money spent. This is not just bad policy, it's not real savings. Whatever State money HCFA doesn't match—why, they could have said income taxes don't count—States have to find Medicaid money somewhere. It may take some time, but States have no choice. And when they do find the money, the Federal Government will have to match it just the same.

My bill will stop these damaging restrictions in two ways. First, it would leave States free to finance their share of health care funds through taxes of their choice without interference from HCFA. The bill does not endorse one tax or another. It simply leaves State tax matters to the States, as they should be.

In addition, the bill expressly allows donated funds to be used as part of a State's share of Medicaid spending, though with two limitations to prevent abuse: The donations cannot amount to more than 10 percent of the State's Medicaid spending, nor can a donation be more than 10 percent of the donating facility's gross revenues.

These provisions were passed by the House last year as part of budget reconciliation, but a moratorium against the regulations was substituted in conference. This moratorium expires at the end of this session.

So we must act now to prevent implementation of the proposed rules. The Federal Government has no business telling States how they can raise their funds. The HCFA policy is a recipe for shattering State Medicaid budgets in the name of phantom savings.

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IN SUPPORT OF LEGISLATION TO ADDRESS THE PROBLEMS OF DRUGS AND CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am introducing two bills with my colleague, Mr. MCCOLLUM. The first is the Mandatory Detention for Defendants Convicted of Serious Crimes Act, which would require the detention, in most cases, of a convicted criminal pending sentence or appeal. There is almost never a good reason for letting someone already convicted of a violent crime or serious drug trafficking offense back on the street. This bill would keep them in prison. The second is the Mandatory Prison Sentences for Armed Drug Traffickers Act, which ensures that drug traffickers and other violent criminals receive appropriately harsh penalties. This legislation will help remove dangerous criminals from our communities and send out the message that society will not tolerate violent drug crimes.

The 1984 Bail Reform Act strengthened the law to require that a defendant be held pending trial unless he posed no danger to the community. However, under current law, a judge has discretion to release a convicted criminal pending sentencing or appeal. This bill would tighten that loophole considerably, allowing release only under very narrow circumstances. There is no presumption of innocence once a defendant has been convicted, so the law should not allow a convicted criminal to enjoy the privileges of an innocent man.

This legislation would prohibit the release of a convicted criminal in the presentencing setting unless a judicial officer finds there is a substantial likelihood the defendant's motion for a new trial or aquittal will be granted and the defendant is not likely to flee or pose a danger to the community. In the appeals setting, the convicted criminal could only be released if the attorney for the government files a motion indicating that there are exceptional circumstances which warrant release and the defendant is not likely to flee or pose a danger to the community.

This legislation will close a loophole on the Federal level and serve as a model to States grappling with this problem. It is difficult enough to convict drug dealers and violent criminals, without allowing them back on the street to commit more crimes before sentencing.

The Mandatory Prison Sentences for Armed Drug Traffickers Act ensures that drug traffickers and other violent criminals receive appropriately harsh penalties.

Americans have identified the violent crime associated with drugs as the No. 1 problem facing our Nation. Our law enforcement agencies report that they face violent drug gangs equipped with machine guns, sawed-off shotguns, sawed-off rifles, grenades, firebombs, and other deadly weapons. Current law provides some enhanced punishment for armed drug traffickers and other violent criminals, including a 30-year mandatory minimum sentence for those who use a machine gun or silencer in connection with drug offense. But Federal law enforcement officials have called for legislation to provide stronger penalties against violent drug gangs with their modern arsenals.

This bill will respond to the call by extending the enhanced penalties to cover not only machine guns and silencers, but the other deadly weapons used by violent drug gangs. It imposes a 10-year mandatory prison sentence for the use of sawed-off shotguns or sawed-off rifles in connection with a drug trafficking offense, and a 30-year penalty for the use of destructive devices.

This bill will also help the States in their struggle against drugs by allowing the Federal Government to reach the worst offenders apprehended by State and local officers. If the underlying violent or drug trafficking crime is one that is prosecutable under Federal law, the offender will face a mandatory prison sentence in the Federal system. State and local prisons are sorely overcrowded. This bill lessens that burden by permitting the use of Federal courts and prisons for some of the worst cases.

Mandatory prison sentences for drug traffickers with machine guns or silencers have already proven valuable. While in terms of completed trials this is a relatively new law, the Bureau of Alcohol, Tobacco and Firearms [BATF] reports that, through August 25 of this year, 326 individuals have been sentenced under this statute and have received a cumulative 1,815 years of mandatory prison time. BATF indicates that from two to three times this number are pending trial at this time. Moreover, BATF has found that this statute has helped to crack the criminal codes of silense and fear. Faced with certain prison terms, suspects are willing to cooperate with law enforcement.

I hope my colleagues will join me in supporting this worthwhile legislation. Thank you.

CURRENT TAX LAW RIGS WORLD MARKETPLACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, a recent story in the business section of the Baltimore Sun reports that the IRS has been auditing U.S. subsidiaries of foreign-owned firms for possible underpayment of taxes. These audits have been triggered because in 1986, more than half of 36,800 foreign-owned companies reported that they had no taxable income.

On the cases now being audited by the IRS, underpayments could amount to as much as $12 billion.

These estimates and the auditing involve identifiable foreign-owned firms—foreign subsidiaries incorporated in the United States. I wonder, however, how much more tax is being lost to individual foreign ownership of commercial properties.

It has been impossible to get legislation passed to require foreign investors to register with this Government. So that when a foreign individual buys a farm or a shopping center or an apartment building, the Internal Revenue Service has no way of knowing that it has passed into foreign hands. The same is true for stocks and bonds or any of the other assets of this country.

And, if we were to have this list, not one of those investors would be required to pay one penny of tax on profits to the Government. Right now, every Treasury bill that is sold to a foreign investor is sold tax free. Currently these foreign purchases cost the Treasury in excess of over $1 billion per year.

We have no more right to collect taxes abroad on moneys earned inside the United States than we do to collect taxes in any foreign country from their citizens. That is why up until 1984 we collected upward of 30 percent of all money earned in this country before it was allowed to be repatriated. I use the phrase "upward of 30 percent" because we had tax treaties with every country and in each treaty the amount was different.

In the instance of Great Britain, we collected no taxes. In the matter of Japan, we collected 15 percent. The 1984 act was an effort to make all the treaties conform, so we have wound up collecting nothing. Of course, the countries reciprocated and collect no taxes from U.S. investors.

The IRS position on U.S. foreign investment is that if the investment is active, in a going business, the IRS won't collect any taxes either. It's heads they win, tails we lose.

Think about it, Mr. Speaker. We collect no tax money on foreign investments, not incorporated in this country, and on most foreign investments abroad by U.S. companies, we collect no taxes. The puzzle to me, thinking about it, is why any native American money is ever invested in this country. And, looking at GNP growth of around 2 percent, seemingly, less and less is invested here.

For a very long time I have been trying to understand the internationalization of our economy and every time I think I have come up with some understanding, the shells are moved again and the pea eludes me.

But, this time, looking at the tax picture, I believe I may have found the proper shell. Many of my constituents have been complaining that the multinational companies are doing the country in on taxes. Frankly, I haven't wanted to believe them and I haven't. But, the more I look at the tax laws, the more I am convinced that there are absolute bonuses—big-time tax benefits which have encouraged manufacturing flight.

And in the wake of American plants moving offshore, foreign plants—with our encouragement—have moved in to fill up the void.

The efforts of the internationalists and free traders to convince us that globalization is wonderful—the wave of the future—and all that happy baloney seem, in reality, nothing more or less than a massive public relations campaign to cloak avarice.

Isn't it wonderful to be able to have a set of books in three countries, better yet, 10 or 12 countries, with no one single taxing authority able to examine them all? Oh the infinite possibilities for showing losses wherever you are.

I would suggest to you, Mr. Speaker, that the only country in which any one of these companies will show a profit is the country where they sell the greatest amount to stock.

Now, freed of tax paying at the rates the rest of the citizens—in any country pay—what kind of citizens do these corporate giants become? Are they concerned about the wage and hour laws of their parent country? If they're manufacturing offshore, probably not. What about pollution in their native country? The cost of cleanup won't bother them. The majority of their operation is in other nations.

What about good, efficient government in their native country? God forbid. They might have to pay a fair share of taxes.

What is being created by this internationalization of corporations and economies are cartels—so multinational that they are above the law of any one nation, so large that the amounts of money they have to spend dwarf the budgets of many of the smaller nations, so powerful that the nation begins to exist for their benefit, rather than they being the servants.

Remember the president of General Motors—Charley Wilson's—famous quote, "What's good for General Motors is good for the country."

Every session of the Congress we increasingly see Mr. Wilson's maxim being implemented when U.S. corporations show up lobbying the Congress against any kind of restriction on foreign imports even when the foreign company has broken trade agreements.

In the matter of Toshiba selling technology through to the Soviets—technology which destroyed the edge this country had on silent submarine production—the heaviest and most productive lobbying against a ban on Toshiba's import was waged by American multinational corporations.

News reports focused on the huge sums of money expended by Toshiba and Japan, Inc., for powerful Washington lobbyists, but, in my opinion, the arguments which carried the day were those from the major U.S. microelectronics firms.

And interestingly, the ban on Toshiba was gutted. And this last year the company reported more profits from America than ever before.

Right now, as we are renegotiating GATT—the General Agreements on Trade and Tariffs—many of these same so-called U.S. companies have hired a Washington lobbyist to weigh in on the side of foreign interests to gut restrictions against such predatory trading practices as targeting markets and dumping products in the U.S. market at artificially low prices.

A Washington Post article on Sunday headlines "GATT Talks: Selling Ourselves Short." the subhead reads "America's Giving Away the Store in Geneva." Evidently, the efforts of some of the multinationals are already being effective.

A more chilling note, however, comes out of this story. Gilbert Kaplan, former acting Assistant Secretary of Commerce for Import Administration, who is the author of the article, states that the U.S. Trade Representative has already folded to the Europeans on section 337 which allows the President to prohibit the importantion of foreign goods that infringe U.S. patent, copyright, or other intellectual property rights.

This is the section that keeps pirated products from being sold profitably inside this country.

Incredible that we would be willing to give up that protection.

But, then, our multinational corportations can play it from inside the European Community or outside the European Community; they can always pick their trading bloc. And, as if to make my point, stories this week commenting on the EC's trading position report that for trade purposes, Texas Instruments is considered a Japanese company and IBM is considered a European company.

We are witnessing the destruction of the state by economic forces that are no more benevolent than the cartels of the 1920's and 1930's which controlled Germany and Japan and fed the nationalism that plunged the world into the Second World War.

And we have had our own dose of unchecked Adam Smith in the era of the robber barons—"those malefactors of great wealth," as Teddy Roosevelt called them—who turned the goons loose on the early organizers of the labor movement in this country.

This whole nostalgia for Adam Smith and the invisible hand of the market place—to make the choices of the companies who will live and who will die—is pure balderdash. The free market place is a jungle. The winner, the biggest tiger. The one who wounds the most and kills the most and terrorizes all. Mr. Smith's invisible hand takes the food out of the little animals' mouths starving them before they grow up to become competition.

Brutal? Shocking? Let's look at the effects of untrammeled free trade. Tour Lowell, MA, as the Wall Street Journal did. A town first impacted by the breaking wave of textile imports and job flight in the 1970's, now suffering a second reversal with the loss of a major microelectronics company—Wang.

With that, as this article points out, they not only lost the industry, but they lost all of their service industries with it. The hotels are hurting, the restaurants are hurting, all of that service economy that we have been told will replace the industrial base.

But, it is not only Lowell. The industrial rust belt stretches from Michigan through the North Central States into the Northeast. The trail of disrupted lives created by the loss of auto manufacturing and television production, machine tools and ball bearings, foundries and watch factories—is now spreading to the high technology centers of the Northeast and the Far West reflecting the current foreign assault on the microelectronics industry.

I would be doing a disservice to leave the impression that all of the losses of industry in this country are due to the operations of the marketplace or to foreign targeting of markets, we in this body share much of the blame.

The tax laws encouraging manufacturing flight were passed by the Congress. The high interest rates growing out of the undisciplined spending of the Government rest at our feet. And among all of the culprits that discourage startup companies and the development of new products, I can think of none more guilty than the high cost of capital. And nothing is moving U.S. companies into foreign joint ventures any faster than the shortage of reasonably priced long-term investment money.

For the leadership of this country to disclaim any industrial policy, considering the effects on industry of taxing policy and foreign trade policies, is ludicrous. While we are not operating as a planned socialist economy—as most of our trading partners operate—U.S. law certainly controls the operation of manufacturing inside this country.

And no matter how much we proclaim the existence of a level playing field on which U.S. companies can compete, statistics do not bear this out—unless you believe that every plant in every industry lost to foreign competition over the last 15 years was operated by totally incompetent managers.

Our companies, our managers have been pitted against closed markets in Southeast Asia and the value added tax in Europe which places on average a 20-percent tax on every product going into the Common Market.

In truth, much of the recent manufacturing flight into Europe has been an effort to deal with the value added tax on an equal footing with European products. When European companies export, their governments rebate that 20 percent which then acts as an export bonus.

We, in this body have not seen fit to rebate the 30 percent taxes on U.S. products to our companies; when a U.S. product competes in the European market it carries not only the burden of 30 percent U.S. taxes but it carries an additional burden of 20 percent value added taxes making it unprofitable for most companies to enter European markets.

Free Trade? For whom?

I have to be fair to the multinational corporations. Were I to be managing a profitable U.S. company facing European trade barriers, I would consider opening a new plant inside the Common Market. I could pay one of the taxes—either value added or U.S. income tax. Not both.

U.S. tax law would give me every writeoff for building abroad that I am allowed for building in Baltimore County. My profits kept abroad would not be subject to U.S. tax. I would be foolish not to consider corporate flight.

The choice of manufacturing in a Third World country is even more attractive. Wages are much lower than in the United States and Europe, and environmental restrictions less stringent. Tax benefits granted by the U.S. Government for offshore operations, the same.

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The grim picture I have painted of what is happening to this great country is an effort to dispel the notion that a free marketplace economy operates any place except inside the U.S. market. Current tax law rigs the world marketplace only for companies large enough and profitable enough to operate internationally.

I would also refute any notion that the conditions we see in this country just growed, like Topsey. We are a nation of laws and thereby a country working on policy stemming from those laws and we the Congress are responsible. As one of my favorite Presidents, Harry Truman said about his job, "The buck stops here." Ultimately, the American people will not blame either Adam Smith or the free traders for the loss of America's greatness in the world, they rightly will blame us.

□ 1520

INFRASTRUCTURE AND INVESTMENT

The **SPEAKER** pro tempore (Mr. CARR). Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I appreciate the opportunity to address the House during this special order. My subject today will be infrastructure and investment.

Mr. Speaker, my observation, to be quite frank, is that you mention infrastructure in any town meeting, and you can just watch everybody's eyeballs roll back in their heads. It may be a word that can put people to sleep quicker than any that I have run into in a long time. But let us talk about what infrastructure is and what the significance of investment in our Nation's infrastructure is and why we are falling down on the job.

Infrastructure. Did you drive to work today and feel frustration, Mr. Speaker, at the way the traffic was backed up, all those lanes of traffic funneling it seemed like, two or three lanes trying to get over a bridge maybe in some distant beltway, whether it was Washington or L.A. or New York or Houston or wherever. Or maybe there was a hazardous materials accident that happened, so they had to rope off that entire section of freeway, diverting traffic somewhere else. Why is it that one of the most popular shows nowadays during rush hour is the traffic report, where do you go, where do you not go in order to get to work? That is infrastructure, Mr. Speaker. It is the ability to get to work and get there on time.

What else is infrastructure? Infrastructure is coming up to a bridge, and as you go over that bridge, it might be a big bridge, but as you go over that bridge, which is the only artery into the city you are trying to get into to go to work, as you go over that bridge you see orange barrels stacked alongside, perhaps making it impossible to travel in a few lanes. You kind of think as you go over and as you inch over that bridge at a much slower rate than you did just a few months ago, you think why are those orange barrels there? They are there I guess because of construction, and does that mean this bridge is deficient, does that mean this bridge needs repair? Once again, that is infrastructure, Mr. Speaker.

Or you decide you want to fly somewhere, and you go to an airport. There has not been a new, modern airport built in this country since 1974. So you wait, and your plane is late, and it is clogged up, it is out there on the runway. Sometimes you can actually see it, but the problem is it cannot get into the gate. Why? Because there are not enough gates. Why? Because the air traffic control system is not operating properly. Why? Because perhaps the weather is such or the runway is not long enough. Whatever the reason, Mr. Speaker, or maybe there is just a tie-up overhead, or perhaps they are just late getting out of Chicago, whatever the reason, Mr. Speaker, that is infrastructure, and infrastructure is what drives this country and makes this country move.

Finally, perhaps maybe you want to grow in your community, like in West Virginia we want to build and we want to grow. There are certain prices you have to pay for growth, and one of them is cleaning up the environment. You cannot leave it now any worse than it was before, and indeed we want to leave it better. So you go down and you put in the plans for a shopping mall, or a factory or something where people can work in and create jobs, and the first person you run into is the health department who says I am sorry, but we do not have adequate sewage treatment and therefore you cannot build. There is a moratorium on this area because the river can no longer take anymore sewage being dumped into it. That is infrastructure.

Mr. Speaker, the failure to invest in infrastructure means less jobs. Indeed, it means a declining standard of living. So when we talk about investment, and there is a lot of talk about investment nowadays, the important thing is to recognize what investment is and what we are talking about.

That is my concern with the President's budget, Mr. Speaker, and my concern with the present President's policies concerning investment, because we are not investing in the future. We are not. We are eating our seed corn; we are not planting it. So we need to talk some about infrastructure and what it means, how we get those orange barrels off the bridges and off the roads, how we get the traffic moving more quickly to our workplace. Moreover, also importantly, getting goods transported from one workplace to another workplace. We need to talk about building some of those airports that are so vital if we are to maintain our international competitiveness. We need to talk about cleaning up through investment in sewage treatment, through creating water systems that did not exist before. So that is infrastructure, Mr. Speaker, and we need to be investing in it.

Are we investing in it? Far less than we ever did before. In 1960 this country was investing over 4 percent of its gross national product in infrastructure. Today it is less than half of that. In real dollars, in constant dollars, in 1980 this country was investing in transportation infrastructure alone $29.1 billion a year. Today it is down to somewhere around, in constant dollars, $20 billion a year, and shrinking.

So, Mr. Speaker, we can see that where we ought to be on the way up, we are headed on the way down. What does that mean for the future?

Ironically it means that we are celebrating this year almost the total completion of our Interstate Highway System, almost 43,000 miles; yet, the irony to that is that that highway system now, much of that highway system now needs to go through its first wave of maintenance; that is, the repaving that is so necessary to keep that highway up, or it will no longer be able to function as it was once envisioned. That is infrastructure, and we need to invest in it.

We need to be building a new round of highways, not simply concentrating on repairing the old, and yet we do not have the money to do that. Why? Because we are not investing. Why? Because they call it deficit reduction, but I have never seen a situation where you stop investing.

Tell me any company that figures that the key to success is to stop investing. Instead, what companies do is they try to invest. They know how important it is, whether it is in research and development, whether it is in capital equipment or whether it is training for the workplace, they know the importance of investment.

We have a lot of needs. The National Committee of Public Works, which reported to President Reagan just 2 years ago, estimated that our total infrastructure needs in this country are something like $90 billion, and that is just to maintain our present level. That is some building and also some maintenance, but that is to maintain our present level. Yet how much are we spending at the State and local and Federal levels; $45 billion, exactly 50 percent of what is needed. So that investment is not being made.

We have had it all right for the last few years, that is right. You can sort of coast along for a while. You can delay that maintenance schedule one more year. We will just hold off putting the concrete or the asphalt down on this 10 miles of highway, we will hold off building that bridge, we will hold off extending that runway, we will hold off on building that sewer system, and we will do it for another year, and it will look good on the books for that one year. But we know we are undercutting ourselves and undercutting not only ourselves but our children.

I guess the figure that gets me on transportation infrastructure, for instance, is that most nations understand the need to invest in infrastructure, so on a chart you will see the investment trend line going up. Not so in the United States. Our tend line is going down.

Look a sewage construction, for instance, and you will see that the Construction Grants Program which was authorized for $2.4 billion, the Bush budget requests $1.6 billion this year and it ends next year, so you can see what is happening there. Look at highways and look at the airports, look at the bridges, look at the mass transit, and you see all of those tend lines are down, heading downward.

It is interesting to note that on a per capita basis, 54 nations spend more per capita than the United States does. I do not know about you, Mr. Speaker, but I do not feel good knowing that Surinam probably spends more on infrastructure and investment than the United States of America.

How are we to continue being the economic power that we want to be, that the previous speaker was talking about, if we are not willing to make that kind of investment? I worry about what kind of country we are going to be in 4 or 5 years.

For instance, on the earthquake in San Francisco, look at all that had to be done for this great Nation to put together $2.5 billion to go to San Francisco and some for Hurricane Hugo. But we did not even have that much that we could spare it. It had to be taken from other accounts in order to respond to that emergency. There is so much that needs to be done.

Infrastructure is vital, Mr. Speaker, to our economy. I think it is important to look at exactly what some of the budget figures are. I have pulled some to compare.

The Bush budget, for instance, in the highway trust fund, and incidentally that highway trust fund is not the general fund, that is not the money that comes from our general tax revenues, whether it be an income tax, or corporate tax, or any other tax revenues, that is money that comes from every time you pull up to the pump and pump a gallon of gasoline, and that money goes into the highway trust fund. For what purpose, Mr. Speaker? For one purpose only. Not to reduce the deficit, not to pay old age benefits, not to pay any other kind of benefits, not to buy new missiles for the Defense Department, not to promote education. That money is there for one purpose, and that is to build highways, the highway trust fund. Let us remember that because I will be talking about it a lot.

In the highway trust fund this year, the President requested budget authority of $14.6 billion. That is down from last year. That is a 9-percent cut from last year. Does that mean he did that because the highway trust fund does not have any money in it?

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No, indeed there is a surplus in the highway trust fund, almost $18 billion a year, $18 billion over what was obligated.

Why is that surplus there? Because deficit reduction pressures, read that "Gramm-Rudman," say that the more money you save and you can store up in a surplus, you can then credit against the deficit.

So we mindlessly store up $18 billion in highway funds that should be spent on highways, simply to offset against the deficit.

Remember Senator MOYNIHAN and his statement about the "dirty little lie," the social security trust fund and how that money was being used to reduce the deficit? Well, that "dirty little lie" extends on over to the aviation trust funds and to the highway trust fund.

So that is one of the great concerns that we have to have. So instead of using the money that is available in the highway trust funds to build the highways so crucial to us, instead what the administration proposes to do is cut what could be expended.

Same thing in the aviation trust fund. There is an increase, there is a slight increase asked for in the budget for aviation. I might add there is also an increase in the aviation ticket tax from 6 percent to 8 percent. That is from the "no new taxes, read my lips" generation.

But there is an increase.

However much of the money still available for aviation, $7 billion surplus, will not be used for that purpose either.

So that becomes something that could be available to build airports that are so vital to this country and yet is not going to be.

Did you know that 9 percent of the highways are considered deficient and that 36 percent of the highways are considered only in fair condition? Nine percent of the highways are considered in need of some kind of structural repair.

Feel safe crossing that bridge? Did you know that the situation with bridges is even more significant, that nationally 28 percent of all bridges, roughly 80,000 bridges in this country, are considered structurally deficient?

That ought to make you feel real good crossing, driving home in rush hour traffic across the "orange barrel" bridge.

That is just on the federally assisted system of highways. In some States the figure goes far higher, ranging to 40 percent and some even to 50 percent.

So you can see there is a price to pay.

When you pick up the paper and see about that interstate bridge that collapsed in Connecticut a few years ago, when you see bridges that are falling down and suffering great problems in other areas of the country, that is the price we pay.

Not only is there danger to the people crossing it but also to the economic situation in those communities.

So there is a price, there is a devil of a price that we are paying for failure to invest.

How long can we continue to go on this way? Each year we are told we can go a little longer, we can go a little longer. Yet we are reaching a crisis stage. We are reaching a crisis stage when we see our competitive nations, our allies yet our competitors, rapidly increasing their infrastructure because they know its importance. They know the importance of the roads to get their products to market; they know the importance of the airports which speed products to market and speed people to distant locations; they know the importance of the inland waterway sytem which must be funded in order to permit rapid barge transit of some of our crucial goods, so many of our crucial goods; they know the importance of the water systems, they know the importance, yes, of prisons, yes, and we know how underfunded we are for that. They know the importance of so much of what makes modern life possible. So what are they doing? They are putting an increasing part of their gross national product into infrastructure.

What we are doing is we are undercutting ours.

What can be done? First of all, the first thing that has to be done is to recognize the vital role that the Federal Government plays in transportation, particularly.

I have been waiting with bated breath for the Department of Transportation to come out with its much vaunted, much announced, much heralded study on transportation with recommendations about what can be done to take us into the next century.

I think it started out, probably, as a pretty bold approach. Unfortunately, after the OMB bean-counters got a hold of it—and remember we have Gramm-Rudman and we cannot invest even if you get a better return for

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years to come—we still have to cut the budget at least to credit those assets against the deficit.

So after the OMB bean-counters got finished with it, apparently what we are down to is a basic call for self-initiative, which helps a lot, for entrepreneurship, for privatization—that is fine, but I do not know too many people that are up to building a massive six-lane tollroad, maybe in a few places but not a whole lot. We are up to requiring the States to pay a much greater share of any type of transportation initiative of the future. Present matching is often 80-20 Federal to State. This would increase it to 50-50 or perhaps even more than that. I suggest to you that what that does is to say that the Federal Government is running out on roads, that the Federal Government is not going to be a player anymore.

So the vital network of interstate highways that we are all so proud of, the 43,000 miles that were built starting in 1958 under Dwight Eisenhower, that is going to be the last significant involvement of the Federal Government, if the Department of Transportation's policies take effect.

I suggest to you that we can do better than that, that what we need is a true investment initiative in this country. Indeed, this poster that I have here reflects total funding for all investment. I have to stress this is not just infrastructure, but it also illustrates the problem with infrastructure. This is also education here, job training, community development block grants, those kinds of programs. It shows that what we need is an investment initiative. The President talked a lot about investment in his State of the Union message a couple of months ago in this hall. I was fascinated, I waited eagerly, I turned pages frantically to see what he was going to say about infrastructure. Show me how we are going to move, give me a sense of the vision of the miles of highway that we are going to roll out, the traffic jams that would be eliminated, the productivity that would be increased.

Do you know how he referred to infrastructure? He said we need infrastructure policy. That was it. Infrastructure policy.

No recognition of the problem, and more importantly, no statement of how we get there.

So I have to dismiss the President's approach. I found unfortunately with promises and statements like that, that infrastructure is probably too vital to be left to the administration because they do not understand.

I have also observed that if promises were asphalt, there would not be a pothole left in any road in West Virginia or any place else.

We have plenty of potholes, and unfortuantely we have had plenty of promises.

So it is time to talk about a definite program. What other impact on infrastructure? We are not talking just about the need to get from point A to point B quicker. That helps. We are talking about the fact that there is an already demonstrated link between infrastructure spending and productivity increase.

What is it that we are trying to do to become more competitive with Japan, with Germany, with the other nations that we compete with economically? We keep hearing "boost productivity, we compete better, we sell our goods cheaper, we have more people working, more tax revenues paid, productivity."

So it could be a panacea, this productivity. Yet the first studies that come out from the Federal Reserve System, Dr. David Aschauer, in Chicago, with the Federal Reserve System there, it clearly links increases in investment in infrastructure with increases in productivity. The first research shows an increase of 1 percent spending on infrastructure results in a 4/10ths of 1 percent increase in productivity.

Now that is real supply-side economics, as far as I am concerned. You supply the infrastructure and you do see this economy grow.

So that is what we need to be looking at in terms of investment. Yet what is the answer of this administration? It is to cut back on certain types of infrastructure investment.

Then by definition to further restrict the growth of productivity.

So investment initiative is what is called for, and investment initiative says, "Well, let us talk to the bean-counters a little bit and say, 'Listen, every other business we know invests in the future and they recognize that you can't just look at 1 year's bottom line, that you have to look and see what kind of return you are going to get.'"

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We have to look and see what kind of return we will get.

If I can demonstrate to Members, and I can clearly if I can demonstrate to Members that an increase in infrastructure investment, an increase in spending for highways, for airports, for bridges, for sewer systems, for all those things that are so important, will produce more return than we can get from simply a 1-year deficit reduction measure, we should be looking at that. Clearly the answer is we should.

Therefore, I would suggest there are several things to do. I understand that this Congress and this President are not going to agree to take the trust funds off budget—the aviation trust fund and the highway trust fund, particularly. It would be nice, but that is not going to happen. However, there are several things that could be done. One is, for instance, to increase the amount authorized for spending next year out of the highway trust fund, almost $3 billion. Because we are not spending all that at once, it is obligated over a several-year period, as we contract for that construction. That means we only have outlays of increased outlays of roughly $4 million next year. That is only $400 million more to be counted against Gramm-Rudman deficit reduction as opposed to a higher figure.

That, then, begins to give Members a start. That begins to roll out more miles of highway, to open up some of those clogged lanes to get this country moving. It is not what is necessary, but it is a start. By the same token, doing the same in aviation trust funds, there is a whole new era of aviation construction that has to take place. I am not wild about circling airports for an hour at a time while we wait to see if we can get in, and yet we see massive airport construction occurring in so many of our distant countries. I want Americans to be competitive, to have the very best. Therefore, it becomes important that we do that investment.

So it is also that this President and this Congress need to look at the sewage construction program. The construction grants program is set to expire. Are all the sewers built, that we need to clean up this country? At the rate of $2.4 billion a year which was authorized, $1.6 billion—this is what the President asked to spend this year. The EPA estimates that the figure alone, for the country, is something like $67 billion additional Federally shared construction that must be done. Yet the program terminates next year. That could go to doing that. So clearly, that need is not being met.

It is possible, for instance, to set up an infrastructure bank, to recognize that there are Gramm-Rudman deficit reduction targets that must be met, but by setting up an infrastructure bank, and indeed for many localities to borrow money, that would be in that bank, and they would be repaying it, we could leverage $3 of local and private money for roughly every dollar of Federal money that went in. That would go a long way to getting the country moving.

I want to see this country moving, but I am concerned what we are doing is, as I said earlier, eating our seed corn before we ever plant it. We built this country's economy, was built on a system of strong public works: the road system, the bridge system, the aviation system, the sewer system, the water system, the inland waterway system, all of it built, all of it designed to get this country moving. Some of the first construction projects, the

Erie Canal, for instance, back when our country was still a fledgling nation. Yet, we seem to be retreating from that.

As each person drives home tonight, as we all go to our different homes and to our States, and we think about it for a second, do I need to be sitting in this traffic jam? How much time am I losing? It is estimated, for instance, that the State of California alone loses $300 million a year in lost productivity simply because of rush hour. Translate that across the country. Think about when the Democratic Infrastructure Task Force and the Committee on Public Works went to New York a few weeks ago and stood on the Williamsburg Bridge, a roughly $300 million repair project. Think what the closing of that massive structure in New York City means to the economy of that area. Think what it means in our own communities when it is necessary to close a bridge because of declining infrastructure, or declining structural condition.

Therefore, I want Members to be that kind of a country that is building, not retreating; that is growing, not contracting; that is investing, not disinvesting. Yet the Bush budget is a disinvestment budget. These figures show it well. They show what happens to overall investment under the Bush proposals from fiscal year 1990 through 1995. I thought we wanted to be in a stronger position in 1995 than we are in 1990. We will not get there from here. As they say, the time to build some new roads is now, if we are going to get there from here.

Infrastructure and investment go hand in hand. Infrastructure, investment increases in productivity, increase in tax revenue, increases in competitiveness, go hand in hand. I want to invest in this country, Mr. Speaker. I think it is time to start with our Nation's infrastructure.

BAD LEGISLATION IN H.R. 1231

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DeLay] is recognized for 5 minutes.

Mr. DeLAY. Mr. Speaker, we are having probably tomorrow a vote to override the President's veto on the Eastern Airlines issue. Because my time is limited, and I do not have a lot of time to explain the issue, most of the Members here understand the issue. I just wanted to bring before the House a letter written by David Shapiro, who is the court-appointed examiner in the Eastern Airlines bankruptcy, a letter written to the Speaker, the gentleman from Washington [Mr. Foley], and to the minority leader, the gentleman from Illinois [Mr. Michel].

I think it is important that the Members understand the real issues from a man that has been dealing in this issue for the last year, and understands the issue, probably even better than Texas Air or Eastern or the employees involved.

Dickstein, Shapiro & Morin,
Washington, DC, March 5, 1990.

Hon. Thomas S. Foley,
Speaker of the House, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: You have before you the question of overriding President Bush's veto of H.R. 1231, the proposed blue ribbon investigation of Eastern Airlines. Having spent the last eleven months as the court-appointed Examiner in the Eastern Airlines' bankruptcy, I can only urge that you not create a blue ribbon panel. We are on the verge of resuscitating Eastern and, in my view, a blue ribbon panel will be disastrous to that effort, to say nothing of duplicating ongoing court efforts.

When I was appointed Examiner, I was given a broad mandate to protect the public with regard to the Eastern reorganization. I wish to emphasize that I do not represent Texas Air or Mr. Lorenza any more than I represent Mr. Copeland or ALPA. I have one constituency and that is the many interests that intersect in Judge Lifland's Court: creditors, preferred shareholders, employees, retirees, and elderly folks from New York and Atlanta who can visit their children only by buying a low fare ticket on Eastern Airlines.

There are a number of reasons why H.R. 1231 is bad legislation.

1. As my report (Vol. 1, pp. 40–48) shows: the unions have been unwilling to face up to the reality of hard collective bargaining in the hope that some outside body would rescue them. First, it was Ueberroth, then it was Ritchie, then it was H.R. 1231. When the examiner urged the pilots to go back to work to maintain their jobs and seniority and continue to negotiate from the inside, he was accused of a "sell-out" to Lorenzo. When Jack Bavis, Chairman of the Eastern Pilot's Master Executive Council came to the conclusion that the only way to save the pilots' jobs was to return to work, he was removed from office and brought up on charges. (The charges were later dropped). It was only after H.R. 1231 was vetoed that the pilots and management got back to the bargaining table. Based on reports currently available to me, the negotiations have been inching along toward agreement. H.R. 1231 would reverse this process, create a further straw for the unions to clutch at, and make it impossible for the parties to settle.

2. The Examiner's team (15 lawyers and a large support staff) spent more than six months looking at the various asset transfers; no Commission can do this job in 45 days.

3. H.R. 1231 undermines the doctrine of separation of powers. The transactions which the panel would examine are *sub judice* in every respect; the panel would cover precisely the same ground. The Bankruptcy Court and the Examiner are objectively and fairly discharging their statutory obligations. It would therefore be an unwarranted legislative interference with the judicial process for the panel envisioned by H.R. 1231 to proceed as proposed.

4. The creation of a second forum outside the judicial process to resolve Eastern's future creates uncertainty for an enterprise that no longer has the ability to withstand such shocks; it could therefore so disrupt Eastern's business and its ability to sell tickets as to make its continued viability as an air carrier untenable. This would result in the loss of jobs held by Eastern's present employees, some 17,000 people; destroy the pensions and health and medical benefits of its retired employees, some 12,000 people (mostly union members); and deprive the travelling public of yet another air carrier.

I am equally concerned that my report to the Court of last week has been misinterpreted in the press. Lest this report be improperly referred to in the forthcoming debate, I want to make sure that certain facts are clear.

I did not find that Texas Air had improperly diverted assets from Eastern. Instead, I set forth the grounds on which such a claim could be asserted. I did not make a judgment as to the validity of such a claim or its likelihood of success. In fact, my report noted that Texas Air had substantial defenses to any such claim, and, in my opinion, Texas Air could very well prevail in any such litigation. My report stated that any legal action seeking recovery would have to plough new legal ground.

In short, as I stated in Court last Thursday, I did not find on the merits against Eastern, Continental or Texas Air. On the contrary, I issued the report contemporaneous with a settlement with Texas Air in an attempt to demonstrate that the settlement was fair, reasonable and adequate and in the best interests of Eastern. I further told the Court, "Maybe Texas Air and Continental would have won all twelve of the disputed issues, maybe six, maybe three, maybe none." Any legal judgment of wrongdoing by Eastern, Continental or Texas Air would have taken years of litigation with uncertain likelihood of success.

Another fact that should be firmly before the Congress involves the settlement with Texas Air. The settlement is not an admission of liability by Texas Air. Rather, it is an agreement between Texas Air and the Examiner as to what is needed to assure the economic viability of Eastern Air Lines. I frankly do not believe we could have gotten anywhere near the settlement, and its clear benefit to Eastern, unless Texas Air was committed to see Eastern through to a return to economic health. I therefore believe that that agreement demonstrates Texas Air's commitment to the future of Eastern.

Finally, whatever merit there is to the claims of "conflict of interest" and "self-dealing", the Examiner has proposed that Eastern's reorganization plan contains provisions (such as, for example, a special independent committee of outside directors) for monitoring all intercorporate transactions between Eastern and Texas Air and its affiliates which are outside the regular course of business and have a value in excess of $500,000. Accordingly, whatever concerns that continue to exist on this score will be dealth with in the Bankruptcy Court when it comes time for the Court to consider whether or not it should approve Eastern's plan of reorganization.

I do not believe that H.R. 1231 can do any good; it will, instead, do a great deal of harm. The bitterness between management and the unions should not be allowed to determine Eastern's fate. I therefore ask the Congress to permit the bankruptcy process to complete the remaining steps necessary to the successful reorganization of Eastern. I ask the Congress to act out of concern for the employees, retirees and members of the general public who depend on the future ex-

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istence of Eastern. I ask the Congress not to enact H.R. 1231.

Sincerely,

David I. Shapiro,
Examiner.

☐ 1550

Mr. Speaker, Mr. David Shapiro, the examiner of the bankruptcy court, whose signature appears at the end of this letter, has been dealing with this issue for the last 6 months to a year and understands it to be an issue for the betterment of Eastern and its present employees. I ask this Congress to sustain the President's veto.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

SPECIAL ORDERS GRANTED

Mr. Engel (at the request of Mr. Gephardt) for today on account of personal business.

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Shaw) to revise their remarks and include extraneous material:)

Mr. Dreier of California, for 60 minutes, on March 7.

Mr. DeLay, for 5 minutes, today.

Mr. McEwen, for 60 minutes, today.

(The following Members (at the request of Mr. McDermott) to revise and extend their remarks and include extraneous material:)

Mr. Cooper, for 5 minutes, today.

Mr. Poshard, for 5 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Anderson, for 5 minutes, on March 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Shaw) and to include extraneous matter:)

Mr. Broomfield.
Mr. Lewis of Florida.
Mr. Burton of Indiana.
Mr. Solomon.
Mr. Smith of New Hampshire.
Mr. Hyde.
Mr. Conte.
Mr. Hunter.
Mr. Blaz.
Ms. Ros-Lehtinen.
Mr. Stangeland.
Mr. Frenzel.
Mr. Miller of Washington.

(The following Members (at the request of Mr. McDermott) and to include extraneous matter:)

Mr. Synar.
Mr. Lehman of Florida in two instances.
Mr. Eckart.
Mr. Kanjorski.
Mr. Montgomery.
Mr. Jones of North Carolina.
Mr. Schumer in two instances.
Mr. Traficant.
Mr. Kildee.
Mr. Richardson.
Mr. Crockett in four instances.
Mr. Vento.
Mr. Lancaster.
Mr. Wyden.
Mrs. Collins.
Mr. Roybal.
Mr. Guarini.
Mr. Barnard.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower; to the Committees on House Administration, Post Office and Civil Service, and Rules.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes.

ADJOURNMENT

Mr. DeLAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 54 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 7, 1990, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2639. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled "Review of Receipts and Disbursements of the Office of the People's Counsel Agency Fund for Fiscal Year 1989," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2640. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Review of Receipts and Disbursements of the Public Service Commission's Agency Fund for Fiscal Year 1989," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2641. A letter from the Secretary, Department of Health and Human Services, transmitting the third annual report of the Department's Council on Alzheimer's Disease delineating revisions to previous research plans and progress made in research sponsored by the Federal Government, pursuant to Public Law 99-660, section 912(2) (100 Stat. 3805); to the Committee on Energy and Commerce.

2642. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense equipment sold commercially to Denmark (Transmittal No. MC-3-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs.

2643. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting notification of a proposed license for the export of defense equipment sold commercially to Algeria (Transmittal No. MC-2-90), pursuant to 22 U.S.C. 2776(c); to the Committee on Foreign Affairs, March 6, 1990.

2644. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Spain for defense articles and services (Transmittal No. 90-25), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2645. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2646. A letter from the Executive Secretary, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting its first annual report in compliance with the Inspector General Act Amendments of 1988; to the Committee on Government Operations.

2647. A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2648. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2649. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2650. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting the Department's fourth annual report on the list of incomplete water resources studies authorized but unfunded during the 5 full fiscal years preceding the submission of the list (fiscal years 1985-89), pursuant to 33 U.S.C. 2264; to the Committee on Public Works and Transportation.

2651. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a report of a building project survey for the consolidation of the Internal Revenue Service National Office in suburban Maryland; to the Committee on Public Works and Transportation.

2652. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of a report of a building project survey for the Pioneer Valley Region of Massachusetts; to the Committee on Public Works and Transportation.

2653. A letter from the Secretary of Health and Human Services, transmitting the report of his initial estimate of applicable percentage increase for fiscal year 1991 that will be recommended for hospitals subject to the Medicare prospective payment system and for excluded hospitals, pursuant to Social Security Act SSA, section 1886(e)(3)(B); to the Committee on Ways and Means.

2654. A communication from the President of the United States, transmitting a report that reviews the relationships of the arms control objectives of the United States to the responsiveness of research and development of monitoring systems for verification, pursuant to Public Law 100-456, section 910(a) (102 Stat. 2037); jointly, to the Committees on Armed Services and Foreign Affairs.

2655. A letter from the Administrator, Environmental Protection Agency, transmitting the third annual report on the status of the Radon Mitigation Demonstration Program, pursuant to 42 U.S.C. 7401 nt.; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. de la GARZA: Committee on Agriculture. H.R. 4077. A bill to amend the Consolidated Farm and Rural Development Act to require borrower good faith with respect to Farmers Home Administration loans; to improve the management of such delinquent loans, including limiting the writedown of such loans; and for other purposes; with an amendment (Rept. 101-413). Referred to the Committee of the Whole House on the State of the Union.

Mr. de la GARZA: Committee on Agriculture. H.R. 4099. A bill to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat (Rept. 101-414). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BOSCO (for himself and Mr. Petri) (both by request):

H.R. 4178. A bill to facilitate the construction of U.S. courthouses, and for other purposes; to the Committee on Public Works and Transportation.

By Mrs. COLLINS:

H.R. 4179. A bill to establish a pilot program to improve the economy and efficiency of Federal procurement of construction services by increasing competition for Federal construction contracts, to improve participation of small and minority businesses in those contracts by encouraging Federal agencies to accept contract bids underwritten by individual sureties that are members of approved surety associations, and for other purposes; to the Committee on Government Operations.

By Mr. CONTE:

H.R. 4180. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 to allow individuals to use an income tax checkoff to provide for matching payments to primary and general election candidates for the office of Representative who receive at least $40,000 in contributions from individual residents of their congressional districts; jointly, to the Committees on Ways and Means and House Administration.

By Mr. COOPER:

H.R. 4181. A bill to amend title XIX of the Social Security Act to permit State matching payments through voluntary contributions and State taxes; to the Committee on Energy and Commerce.

By Mr. COURTER:

H.R. 4182. A bill to temporarily suspend the duty on isophorone diisocyanate and trimethyl hexamethylene diisocyanate; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. Stenholm, Mrs. Smith of Nebraska, Mr. Marlenee, Mr. Stallings, Mr. Campbell of Colorado, Mr. Weber, Mr. Roberts, Mr. Thomas of Wyoming, Mr. Morrison of Washington, Mr. Nielson of Utah, Mr. Craig, Mr. Sarpalius, and Mr. Richardson):

H.R. 4183. A bill to amend the Federal Noxious Weed Act of 1974 to implement a national comprehensive plant management program that will alleviate damage to the environment by controlling or containing undesirable plant species on Federal lands; to the Committee on Agriculture.

By Mr. FEIGHAN:

H.R. 4184. A bill to authorize the Assistant Attorney General of the Office of Justice Programs to enhance law enforcement by providing financial assistance to law enforcement personnel who seek to further their professional education; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. FRENZEL:

H.R. 4185. A bill to correct the tariff treatment of certain articles covered by the Narobi Protocol; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, and Mr. McCollum):

H.R. 4186. A bill to amend chapter 44 of title 18, United States Code, regarding penalties involving firearms; to the Committee on the Judiciary.

H.R. 4187. A bill to amend section 3143 of title 18, United States Code, to require the detention of any person found guilty of a violent offense or serious drug offense pending sentence or appeal, and for other purposes; to the Committee on the Judiciary.

By Mr. GUARINI:

H.R. 4188. A bill to extend until January 1, 1994, the existing suspension of duty on acet quinone base; to the Committee on Ways and Means.

By Mr. HUCKABY (for himself, Mr. Stangeland, Mr. Glickman, Mr. Marlenee, Mr. Combest, Mr. Emerson, Mr. Espy, Mr. Harris, Mr. Hatcher, Mr. Herger, Mr. Holloway, Mr. Stallings, and Mr. Tallon):

H.R. 4189. A bill to provide for a flexible system for establishing farm and crop acreage bases and program yields for the wheat, feed grain, upland cotton, and rice programs under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. HUTTO:

H.R. 4190. A bill to suspend temporarily the duty on copper acetate monohydrate; to the Committee on Ways and Means.

By Mr. LEVINE of California (for himself, Mr. Johnston of Florida, Mr. Wyden, and Mr. Feighan):

H.R. 4191. A bill to enhance exports by eliminating Government-imposed obstructions to freer trade; jointly, to the Committees on Foreign Affairs; Ways and Means; and Banking, Finance and Urban Affairs.

By Mr. MILLER of Washington:

H.R. 4192. A bill to amend the Export Administration Act of 1979 to allow for the export of certain nonmilitary items to Warsaw Pact countries, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PARRIS:

H.R. 4193. A bill to restore the right of the residents of the District of Columbia to be treated as residents of the State of Maryland for the purposes of participation in Federal elections, and for other purposes; jointly, to the Committees on the Judiciary and the District of Columbia.

By Mr. QUILLEN:

H.R. 4194. A bill to continue until the close of December 31, 1994, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material; to the Committee on Ways and Means.

By Mr. REGULA:

H.R. 4195. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; jointly, to the Committees on the Judiciary and the District of Columbia.

By Mr. ROE (for himself and Mr. Walker) (both by request):

H.R. 4196. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications construction of facilities, and research and program management, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. SCHEUER (for himself, Mr. Smith of New Hampshire, Mr. Roe, Mr. Waxman, Mrs. Morella, Mr. Walgren, Ms. Schneider, Mr. Brown of California, Mr. Boehlert, Mr. Sikorski, Mr. Wolpe, Mr. Bates, Mr. Skaggs, Mr. Tanner, Mr. Valentine, Mr. Hunter, Mr. Nowak, Mr. Price, Mr. Smith of Vermont, Mr. Smith of Texas, Mr. Goss, Mr. Shays, and Mr. Machtley):

H.R. 4197. A bill amending the Clean Air Act with respect to research and development activities; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

By Mr. SENSENBRENNER:

H.R. 4198. A bill to authorize the Attorney General of the United States to make grants for law enforcement associated with the exercise of Indian treaty rights in the State of Wisconsin; to the Committee on the Judiciary.

By Mr. SHAW:

H.R. 4199. A bill to make clerical and technical amendments to section 404 of the Controlled Substances Act; jointly, to the Committees on Energy and Commerce and the Judiciary.

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By Mr. SOLOMON:

H.R. 4200. A bill to extend the existing suspensions of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4201. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the manufacture and importation of paper products which do not contain specified amounts of recycled material; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4202. A bill to extend until January 1, 1994, the existing temporary suspension of duties on certain clock radios; to the Committee on Ways and Means.

By Mr. GILMAN (for himself and Mr. Scheuer):

H.J. Res. 501. Joint resolution to designate the week of May 6, 1990, through May 13, 1990, as "Jewish Heritage Week"; to the Committee on Post Office and Civil Service.

By Mr. HAMMERSCHMIDT:

H.J. Res. 502. Joint resolution to designate the week of July 22-29, 1990, as the "National Week of Recognition and Remembrance for Those Who Served in the Korean War"; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER:

H.J. Res. 503. Joint resolution concerning export controls and mulitlateral sanctions with respect to the People's Republic of China; jointly, to the Committee on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. PARRIS:

H.J. Res. 504. Joint resolution proposing an amendment to the Constitution of the United States to repeal the 23d article of amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. VENTO:

H.J. Res. 505. Joint resolution making emergency supplemental appropriations for the fiscal year ending September 30, 1990, for urgently needed assistance for the homeless as authorized in the Stewart B. McKinney Homeless Assistance Act; to the Committee on Appropriations.

By Mr. ARMEY:

H. Res. 351. Resolution expressing the sense of the House of Representatives with respect to the proposed increase in postal rates; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

321. The SPEAKER presented a memorial of the Senate of the State of California, relative to the Bureau of the Census; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 4203. A bill for the relief of Norma Tonizzo; to the Committee on the Judiciary.

By Mr. MILLER of Washington:

H.R. 4204. A bill to deem the S/V *Zodiac* to be less than 100 gross tons, so as to allow the Secretary of the department in which the Coast Guard is operating to inspect that vessel under regulations permitting wooden hulled ships to carry passengers; to the Committee on Merchant Marine and Fisheries.

PRIVATE RESOLUTION

By Mr. FORD of Tennessee:

H.J. Res. 506. Joint resolution for the relief of Randall Stewart; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. Douglas, Mr. Miller of Washington, Mr. Fish, Mr. Traficant, Mr. Flippo, Mr. McGrath, Mr. Goss, Mr. Chandler, Ms. Kaptur, Mr. Hunter, Mr. Horton, Mr. Richardson, Mr. Michel, Mr. Blaz, Mr. Smith of Vermont, Mr. Courter, Mr. Walker, Mr. Geren, Mr. Campbell of Colorado, Mr. Nowak, Mr. Darden, Mr. Holloway, Mr. Bruce, Mr. McMillen of Maryland, Mr. DeLay, Mr. Carper, Mr. Bosco, and Mr. Payne of Virginia.

H.R. 201: Mr. Rahall.

H.R. 214: Mr. Yatron, Mr. Solomon, Mr. McHugh, Mr. DeWine, Mr. Hammerschmidt, Mr. Sharp, Mr. AuCoin, Mr. Lewis of Georgia, Ms. Slaughter of New York, Mr. Perkins, Mr. Chapman, Mrs. Lowey of New York, and Mr. Combest.

H.R. 222: Mr. Schaefer.

H.R. 505: Mr. Geren.

H.R. 664: Mr. Packard.

H.R. 702: Mr. Clinger.

H.R. 720: Mr. Payne of New Jersey.

H.R. 742: Ms. Pelosi and Mr. Grant.

H.R. 745: Mr. Pallone.

H.R. 855: Mr. Madigan, Mr. Lightfoot, and Mr. Dymally.

H.R. 933: Mr. Hefner, Mr. AuCoin, and Mr. Pease.

H.R. 990: Mr. Boehlert, Mr. Bonior, Mr. Engel, and Mr. Costello.

H.R. 995: Mr. Hansen.

H.R. 1060: Mr. Neal of North Carolina.

H.R. 1083: Mr. Machtley, Mr. Coleman of Missouri, Mr. Bennett, Mr. Tanner, Mr. Kennedy, Mr. DeWine, Mr. Grandy, Mr. Madigan, Mr. Thomas A. Luken, Mr. Perkins, Mr. McCollum, Mr. Robinson, Mr. Carr, Mr. McHugh, Mr. Hoagland, and Mr. Livingston.

H.R. 1092: Mr. Fauntroy, Ms. Pelosi, and Mr. Lagomarsino.

H.R. 1163: Mr. Rangel, Mr. Fauntroy, Mr. Kostmayer, Mr. McNulty, Mr. Roe, Mr. Sabo, Mr. Kolter, Mr. Quillen, and Mr. Fazio.

H.R. 1185: Mr. Walsh, Mr. Scheuer, Mr. Machtley, and Mr. Pallone.

H.R. 1227: Mr. Ray, Mr. Slaughter of Virginia, Mr. Costello, Mr. Young of Alaska, Mr. Kanjorski, and Mr. Chandler.

H.R. 1249: Mr. Sangmeister.

H.R. 1307: Mr. Slaughter of Virginia and Mr. Oberstar.

H.R. 1400: Mr. Hayes of Illinois, Mr. Skeen, Mr. Bennett, Mr. Porter, Mr. Solomon, and Mr. Douglas.

H.R. 1409: Mrs. Collins and Mr. Ridge.

H.R. 1463: Mr. Gordon.

H.R. 1494: Mr. Boehlert.

H.R. 1582: Mr. Kennedy.

H.R. 1693: Mr. Smith of Vermont.

H.R. 2031: Mrs. Boggs and Mrs. Roukema.

H.R. 2044: Ms. Long.

H.R. 2373: Mr. Condit, Mr. Hatcher, Mr. Gilman, Ms. Slaughter of New York, and Mr. Fuster.

H.R. 2418: Mrs. Meyers of Kansas.

H.R. 2460: Mr. Courter, Mr. DeFazio, Mr. Chandler, Mr. Bereuter, Mr. Parker, Mr. Vander Jagt, Mr. Dreier of California, and Mr. Horton.

H.R. 2564: Mrs. Unsoeld, Mr. James, and Mr. Ireland.

H.R. 2588: Mr. Browder.

H.R. 2615: Mr. Courter.

H.R. 2819: Mr. Morrison of Washington.

H.R. 2826: Mr. Morrison of Washington.

H.R. 2857: Mr. Sawyer.

H.R. 2951: Mr. Waxman, Mr. Carper, Mr. Chapman, and Mr. Kolter.

H.R. 2952: Mr. Waxman, Mr. Carper, Mr. Chapman, Mr. Kolter, and Mr. Fish.

H.R. 2958: Mr. Saxton.

H.R. 3001: Mr. Slattery, Mr. Neal of North Carolina, Mr. Campbell of Colorado, Mr. Packard, Mr. Gilman, Mr. Geren, and Mr. McEwen.

H.R. 3004: Mr. Goss, Mr. Donald E. Lukens, Mr. Madigan, and Mr. McGrath.

H.R. 3087: Mr. Petri.

H.R. 3088: Mr. Petri.

H.R. 3089: Mr. Petri.

H.R. 3099: Mr. Engel, Mr. Walsh, and Mr. Scheuer.

H.R. 3239: Mr. Jones of Georgia, Mr. Waxman, Mr. Rhodes, and Mr. Donnelly.

H.R. 3251: Mr. Wise.

H.R. 3252: Mr. Geren.

H.R. 3285: Mrs. Martin of Illinois and Mr. Bustamante.

H.R. 3321: Mr. Armey, Mr. DeLay, and Mr. Obey.

H.R. 3343: Mr. Price, Mr. McGrath, Mrs. Kennelly, Mr. Sikorski, Mr. Kennedy, and Mr. Fish.

H.R. 3349: Mr. Fauntroy, Mr. Swift, and Mr. Derrick.

H.R. 3423: Mr. Crockett and Mr. Gejdenson.

H.R. 3475: Mr. McCurdy.

H.R. 3498: Mr. DeWine, Mr. Armey, Mr. Petri, Mr. Dornan of California, and Mr. Schiff.

H.R. 3501: Mr. Boucher.

H.R. 3512: Mr. Chapman, Mr. Wheat, Mr. Obey, Mr. Thomas A. Luken, and Mr. Bates.

H.R. 3546: Mr. Mrazek.

H.R. 3625: Mr. Lehman of Florida, Mr. Hochbrueckner, Ms. Pelosi, Mr. Sikorski, Mr. Kastenmeier, Mr. Wolf, Mr. Skelton, Mr. Traficant, Mrs. Saiki, Mr. Solarz, Mr. Wyden, Mr. Wolpe, Mr. Bruce, Mr. Payne of New Jersey, Mr. Madigan, Mr. Ray, Mr. Jacobs, Mr. Henry, Mr. Hayes of Louisiana, Mr. Hertel, Mr. Morrison of Connecticut, Mr. Morrison of Washington, Mr. Panetta, Mr. Fauntroy, Mr. Bevill, Mr. Walgren, Mr. Yates, Mr. DeFazio, Mr. Markey, Mr. Staggers, Mr. Hoagland, Mr. Wheat, Mr. Walsh, Mr. Bryant, Mr. Bereuter, Mr. Bennett, Mr. Ravenel, Mr. de Lugo, Mr. Clinger, Mr. Kolter, Mr. Clarke, Mr. Frenzel, Mr. Barnard, Mr. Hall of Ohio, Mr. Studds, Mr. Anderson, Mr. Gephardt, Mr. Campbell of California, Mr. Bilbray, Mr. McNulty, Mr. Obey, Mr. Bliley, Mr. Slattery, Mr. Hatcher, Mr. Hoyer, Mr. Cooper, Mr. Vento, Mrs. Unsoeld, Mr. Darden, Mr. Dymally, Mrs. Morella, Mr. Fawell, Mr. Bustamante, Mr. Gejdenson, Mr. Goss, Mr. Torricelli, Ms. Slaughter of New York, Mr. Manton, Mr. Jones of Georgia, Mr. Porter, Mr. Levin of Michigan, Mr. Lantos, Mr. Jontz, Mr. Whitten, Mr. McMillen of Maryland, Mr. Atkins, Mr. Dicks, Mr. Faleomavaega, Mr. Miller of Washington, and Mr. Stallings.

H.R. 3643: Mr. Rogers, Mr. Armey, Mr. Schaefer, Mr. Atkins, and Mr. Owens of New York.

H.R. 3675: Mr. Mrazek.

H.R. 3685: Mr. Jontz and Mr. Engel.

H.R. 3690: Mr. Campbell of California and Mr. James.

H.R. 3691: Mr. Campbell of California and Mr. James.

H.R. 3705: Ms. Slaughter of New York.

H.R. 3732: Mr. Goss, Mr. Fields, Mr. Courter, Mr. Jontz, Mr. Hancock, Mr. Schaefer, Mr. Sensenbrenner, Mr. Rhodes, Mr. Lancaster, Mr. DeLay, Mr. Schuette, Mr. Emerson, Mr. Porter, Mr. Hefner, Mr. Marlenee, Mrs. Morella, Mr. Livingston, and Mr. Lewis of Florida.

H.R. 3735: Mr. Moody.

H.R. 3817: Mr. Owens of New York.

H.R. 3831: Mr. Studds, Mr. Walsh, Mr. Gejdenson, Mr. Evans, Mr. Kennedy, Mr. Fish, Mr. Jontz, Mr. Rowland of Connecticut, Mr. Staggers, Mr. Fazio, Mr. Martin of New York, Mr. Machtley, and Mr. Geren.

H.R. 3854: Mr. Penny, Mr. Morrison of Connecticut, Mr. Weldon, Mr. Lipinski, Mr. Kolter, Mr. Walsh, Mr. Livingston, Mr. Fazio, Mr. Laughlin, Mr. Campbell of Colorado, Mr. Geren, Mr. Nelson of Florida, Mr. Frost, Mr. Bilbray, Mr. Dornan of California, and Mr. Holloway.

H.R. 3863: Mr. Coyne, Mr. Clinger, Mr. Murtha, Mr. Evans, Mr. Hansen, Mr. Studds, Mr. Jontz, Mr. AuCoin, Mr. Pallone, Mr. Neal of North Carolina, Mr. Stokes, Mr. Conyers, Mr. Borski, Mr. Owens of New York, Ms. Pelosi, Mr. Wolpe, Mr. Fauntroy, Mr. Hall of Ohio, Mr. Mfume, Mr. Owens of Utah, and Mr. Carper.

H.R. 3864: Mr. Hoagland, Mr. Hatcher, and Mr. Condit.

H.R. 3865: Mr. Borski.

H.R. 3880: Mr. Kleczka, Mr. McHugh, and Mr. Petri.

H.R. 3896: Mr. McCloskey and Mr. Jontz.

H.R. 3911: Mrs. Boxer, Mr. Kolter, and Mr. Walsh.

H.R. 3914: Mr. Bruce, Mr. Hatcher, Mr. McDade, Mrs. Lloyd, Mr. Rhodes, Mr. Slattery, Mr. Hyde, Mr. Jontz, Mr. Bevill, Mr. Smith of New Hampshire, Mrs. Unsoeld, Mr. Watkins, Mr. Gordon, Mr. Donnelly, Mr. Combest, Mr. Ravenel, Mr. Mfume, Mr. Browder, Mr. Bateman, Mr. Sangmeister, Mr. Hammerschmidt, Mr. Fish, Mr. Coleman of Texas, and Mr. Schiff.

H.R. 3935: Mr. Kastenmeier, Mr. Fazio, Mr. Yates, Mr. Dwyer of New Jersey, and Mr. Roybal.

H.R. 3972: Mr. Coughlin, Mr. Fish, Mr. Coble, Mr. Fields, Mr. Spence, Mr. Miller of Washington, Mr. Moorhead, Mr. Ireland, Mr. Lowery of California, Ms. Schneider, Mr. Stump, Mr. Young of Alaska, Mr. Schaefer, Mr. Skeen, Mr. Morrison of Washington, Mr. Coleman of Missouri, Mr. Inhofe, and Mr. McDade.

H.R. 3979: Mr. Crockett and Mr. Markey.

H.R. 3992: Mr. Morrison of Connecticut, Mr. Bustamante, Mr. Towns, Mr. Harris, and Mr. Brown of California.

H.R. 4014: Mr. Ridge.

H.R. 4036: Mr. Bilbray.

H.R. 4044: Mr. Annunzio, Mr. McMillen of Maryland, Ms. Kaptur, and Ms. Pelosi.

H.R. 4062: Mr. Denny Smith, Mr. Hyde, Mr. James, Mr. Dornan of California, Mr. Armey, and Mr. Campbell of California.

H.R. 4075: Mr. Stokes, Mr. Hayes of Illinois, and Mr. Hoyer.

H.R. 4083: Mr. Burton of Indiana, Mr. Henry, and Mr. Weber.

H.R. 4110: Mr. Lewis of Florida, Mr. Herger, Mr. Stangeland, Mr. Stokes, Mr. Bustamante, Mr. Dicks, Mr. Penny, Mr. Fauntroy, Mr. Boucher, Mr. Gordon, Mr. McNulty, Mr. Jontz, Mr. Rahall, Mr. Coyne, Mr. Towns, Mr. McDermott, Mr. AuCoin, Mr. Rangel, Mr. Sikorski, Mr. Kleczka.

H.R. 4168: Mr. Miller of California.

H.J. Res. 240: Mr. Dixon, Mr. Dyson, Mr. Mavroules, and Mr. Pashayan.

H.J. Res. 439: Mr. Dymally, Mr. Anderson, Mr. Bliley, Ms. Pelosi, and Mr. Manton.

H.J. Res. 457: Mr. Cardin, Mr. Kleczka, Mr. Frost, Mr. Foglietta, Mr. Martinez, Mrs. Lowey of New York, Mr. Lowery of California, Mr. Grant, Mr. Craig, Mr. Moorhead, Mr. Jones of Georgia, and Mr. Rhodes.

H.J. Res. 459: Mr. Horton, Mr. Fauntroy, Mr. Bustamante, Mr. Gradison, Mr. Brown of California, Mr. Gonzalez, and Mr. Roe.

H.J. Res. 467: Mr. Dingell, Mr. McEwen, Mr. McHugh, Mr. Akaka, Mr. Thomas of Georgia, Mr. Brown of California, Mr. Fuster, Mr. Lewis of California, Mr. Rinaldo, Mr. Porter, Mr. Moakley, Mr. Bliley, Mr. Michel, Mr. Gekas, Mr. Slattery, Mr. Dwyer of New Jersey, Mr. Fascell, Mr. DeWine, Mr. Frenzel, Mr. Lent, Mr. Quillen, Mr. Donnelly, Mr. Harris, and Mr. Horton.

H.J. Res. 481: Mr. Parker, Mr. Traxler, Mr. de Lugo, Mr. Dymally, Mr. Sharp, Mr. McCloskey, Mr. McGrath, Mr. Lipinski, Mr. Schuette, Mr. Savage, Mr. Sabo, Mr. Tallon, Mr. Wilson, Mr. Fauntroy, Mr. Carper, Mr. Skelton, Mr. Payne of New Jersey, Mr. Sangmeister, Mr. Walsh, Mr. Geren, Mr. AuCoin, Mr. Hochbrueckner, Mr. Neal of Massachusetts, Mr. Dannemeyer, Mr. Ravenel, Mr. Yatron, Mr. Bilbray, Mr. Sawyer, Mr. Neal of North Carolina, Mr. Mavroules, Mr. Rowland of Georgia, Mr. Anderson, Mr. Markey, Mr. Waxman, Mr. Hayes of Illinois, Mr. Espy, Mr. Bennett, and Mr. Owens of Utah.

H.J. Res. 492: Mr. Pallone, Mr. McDade, Mr. Dymally, Mr. Mazzoli, Mr. Skelton, Mr. Horton, Mr. Ray, Mr. McNulty, Mr. Fuster, Mr. Mollohan, and Mr. Tallon.

H.J. Res. 495: Mr. Hawkins, Mr. Conyers, Mr. Towns, Mr. Fauntroy, Mr. Savage, Mr. Clement, Mr. Stokes, Mr. Dellums, Mr. Hayes of Illinois, Mr. Owens of New York, Mr. Espy, Mr. Ford of Tennessee, Mr. Berman, Mr. Mfume, Mr. Mineta, Mr. Rangel, Mr. McDermott, and Mr. Tallon.

H. Con. Res. 172: Mr. Waxman, Mrs. Vucanovich, Mr. Carper, Mr. Chapman, and Mr. Kolter.

H. Con. Res. 186: Mr. Fish.

H. Con. Res. 197: Mrs. Martin of Illinois and Mr. Bustamante.

H. Con. Res. 252: Mr. Bruce, Mr. Hatcher, Mr. McDade, Mrs. Lloyd, Mr. Rhodes, Mr. Slattery, Mr. Hyde, Mr. Jontz, Mr. Bevill, Mr. Smith of New Hamsphire, Mrs. Unsoeld, Mr. Watkins, Mr. Gordon, Mr. Donnelly, Mr. Combest, Mr. Ravenel, and Mr. Mfume.

H. Con. Res. 263: Mr. Schiff, Mr. Armey, Mrs. Bentley, Mr. Machtley, Mr. Geren, Mr. Shays, Mr. Towns, Mr. Johnson of South Dakota, Ms. Long, Mrs. Johnson of Connecticut, Mr. Jontz, and Mr. Paxon.

H. Con. Res. 265: Mr. Fuster and Mr. Rangel.

H. Con. Res. 267: Mr. Wilson, Mrs. Boxer, Mr. Geren, and Mr. Leath of Texas.

H. Con. Res. 270: Mr. Hoyer, Mr. Kanjorski, Mr. Machtley, Mr. Bates, Mr. Bilbray, Mr. Synar, Mr. Morrison of Connecticut, Mr. Kastenmeier, Mr. Nelson of Florida, Mr. Bustamante, Mr. Kennedy, Mr. Wise, Mr. Hall of Ohio, Mr. Kildee, Mr. Gonzalez, Mr. Matsui, Mr. Jacobs, Mr. Akaka, Ms. Oakar, Mr. Wyden, Mr. Sikorski, and Mr. Nagle.

H. Con. Res. 271: Mr. Frank, Mr. McNulty, Mr. Stallings, Mr. Walgren, Mr. Bustamante, Mr. Fauntroy, Mr. Dellums, Mr. Moody, Mr. Owens of New York, Mr. Coleman of Texas, Mr. McCloskey, Mr. Faleomavaega, Mr. Owens of Utah, Mr. Towns, Mr. Fuster, Mr. Yatron, Mr. Chapman, and Mr. Engel.

H. Res. 239: Mrs. Lowey of New York.

H. Res. 306: Mr. Kolter.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 436: Mr. Kyl.

H. Con. Res. 118: Mr. McHugh.

PETITIONS, ETC.

Under clause 1 of rule XXII.

143. The SPEAKER presented a petition of the Joint Legislative Committee on Aging, Columbia, SC, relative to Medicare premiums; which was referred, jointly, to the Committees on Energy and Commerce and Ways and Means.

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SENATE—*Tuesday, March 6, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH R. BIDEN, JR., a Senator from the State of Delaware.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Out of the mouth of babes and sucklings hast Thou ordained strength.—Psalms 8:2.

* * * *Suffer the little children to come unto me, and forbid them not: for of such is the kingdom of God.*—Mark 10:14.

The prayer this morning, a reminder of the Biblical texts just quoted, was composed by Carley Stedman, Jr., 8-year-old son of a 19-year veteran of the Capitol Police Force, Carley Stedman, Sr.

Carley, Jr., prayed:

"Dear Lord, thank You, Lord, that I am not poor. Please help the sick, like my grandma. My grandma had 37 operations. Please bless my granddad. He died on January 6, 1990, at 4:30. Thank You for my friends. Thank You for making the world and the Moon. Thank You for the Sun, too. Thank You for Heaven. Thank You for the Holy Bible. Thank You for Mary and Joseph."

And so ends the profound prayer of a child. And, as it is, a child leads us. Thank You, Father in Heaven, for the simplicity and the profundity of a child's prayer, in Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH R. BIDEN, JR., a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BIDEN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10 a.m. this morning, the Senate will resume consideration of the clean air bill, with the Symms amendment No. 1295 pending.

Debate on the clean air bill will continue throughout the morning until 12:15 p.m. when the Senate will conduct a rollcall vote on the confirmation of the nomination of Clarence Thomas, to the U.S. Circuit Court for the District of Columbia circuit.

Upon the conclusion of that vote, the Senate will recess for the party conferences. When the Senate reconvenes at 2:15 p.m., we will resume consideration of the clean air bill. I urge Members who have expressed an interest in offering amendments to the bill to do so today.

As I indicated last week and again yesterday, and now repeat, I expect there to be votes throughout the day and well into the evening. There will be lengthy sessions throughout this week as we attempt to make progress on the clean air bill.

Again, I have been advised that a number of Senators are planning amendments. I hope that they have the amendments ready to proceed so that we can move forward on this legislation and deal with the several amendments that will be offered.

RESERVATION OF THE LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

OUR FLAG—A SPEECH GIVEN BY CHAPLAIN BILL E. WILLIAMS, DAV, DEPARTMENT OF NEBRASKA IN NOVEMBER 1989

Mr. EXON. Mr. President, I would ask that a copy of a speech entitled "Our Flag" given by Chaplain Bill E. Williams, a member of the Nebraska Disabled American Veterans, be printed in the CONGRESSIONAL RECORD. To me, Chaplain Williams' poignant words speak eloquently as to why we must maintain the integrity of the American flag, the symbol for which so many brave men and women have sacrificed their lives.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

OUR FLAG

To me our Flag is not just a symbol of our Country, but it is also a symbol of our way of life. Our way of life that was bought and paid for by the sacrifices of all of this Country's Veterans since the Revolutionary War.

The Veterans' Administration slogan, "The price of Freedom is visible here," does not just apply to the Veterans' Administration Medical Centers, but to this whole Country of ours from sea to shining sea. Our Flag should always be held in the highest esteem and respect due it. Not just as a symbol of this great Country of ours, but as a Memorial to all the Veterans that went before us. That their cause, which was a just cause, in the eyes of, and for the Glory of God, shall never be forgotten.

I am terribly upset and cannot understand, just how the Supreme Court could

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

rule that it's all right to burn the American Flag, Old Glory. I had an older brother that served in the U.S. Navy in Vietnam. He lived through that, and then was tragically killed in a car accident, at the age of 34 years old. He left behind a young widow and three small children.

I have many pleasant memories of my older brother, who I loved dearly, and who was always an inspiration to me. And the thing etched into my memory forever of his funeral, with the Burial Flag drapped over his casket, the same Flag that will be drapped over my casket at my funeral when Our Lord calls me home to walk by his side.

I'll never forget as the Veterans Service Officer, neatly folded the Flag into a "triangle of stars," and handed it to his young widow as Taps was played, the spirit of pride that was there in the cemetery along with the great sorrow and sadness, because my brother was proud to be an American War Veteran, and to have served his Flag honorably. As I am also.

I see the Flag as an extension of my brother, and it stands for all that he held dear to his heart.

That's why I cannot even stand the thought of someone burning our Flag in this Country. It's bad enough they do it overseas.

In Iran on this day as we meet here, they will be burning 160 American Flags in celebration of the 10th Anniversary of the takeover of the American Embassy there, thus they will be burning up my older brother, and they will be burning up me, and you, and every decent upright citizen and veteran that ever lived in this great land of ours under the American Flag. Our Flag!

I urge you each and everyone, the next time you're at a parade and Old Glory passes in front of you waving proudly in the breeze, as you stand and remove your hats, and place your hands over your hearts urge those around you that will tend to remain seated to stand also and show the Flag the proper respect. Teach your children and grandchildren why we respect the Flag, and how to show proper respect to the Flag.

Even in these days when Foreign Investors are buying our Country right out from under us, we have one thing no Country on the face of this earth will ever be able to buy or take from us, and that's "Our Flag."

(By Bill E. Williams, Chaplain, D.A.V., Department of Nebraska)

Written in memory of and honour of my older brother: Donald E. Williams, Jr., FN, U.S. Navy-Vietnam (January 28, 1950 to February 14, 1984) because he loved the American Flag!

THE SALE OF A NUCLEAR REACTOR TO PAKISTAN

Mr. EXON. Mr. President, a little over a week ago, a commercial agreement took place between nations which represents a backward step in controlling the proliferation of nuclear technology. I am referring to the decision by the Government of France to sell a nuclear reactor to Pakistan.

With the United States and the Soviet Union working toward a superpower accord to significantly reduce the burgeoning nuclear arsenals each possesses, the news of the French-Pakistani sale underscores the importance of restricting the spread of nuclear weapons more than ever. More destabilizing than the construction of a new Trident submarine or a new Soviet ICBM, I would argue, is another Third World nation obtaining the technology necessary to join the most exclusive of clubs—those nations capable of unleashing the horrors of nuclear war.

France and Pakistan are both strong allies to the United States. Still, the French decision flies in the face of an international approach to controlling the spread of such technology—control which is slowly and dangerously eroding. It should be stated for the record that the reactor that is to be sold to Pakistan is dedicated to peaceful purposes. Furthermore, the facility will be subject to international inspection so as to ensure that the fuel is not being used for military purposes. On initial review, such a sale might seem unobjectionable. Yet, the reactor agreement between France and Pakistan is unsound for three reasons.

First, the French reactor sale will increase the number of Pakistan engineers and technicians trained in nuclear technology, thereby furthering its capability to build a nuclear bomb. Second, France has established a precedent by becoming the first Western nation in many years to sell such sensitive technology to a country where adherence to international inspection of all of its nuclear facilities is in question. Third, and most important, nuclear competition between India and Pakistan coupled with the present bloodshed in Jammu and Kashmir makes the reactor sale destabilizing and all the more irresponsible.

In 1988, the Soviet Union sold two reactors to India which does not adhere to the open, full-inspection international guideline. To counter this sale, the People's Republic of China announced that it would sell a reactor to Pakistan. The French sale escalates this nuclear race one step further. The volatility of the border dispute between India and Pakistan in Kashmir shows little sign of diminishing. To the contrary, the conflict has resulted in scores of fatalities and gives every indication that it might be fanned by the respective sides into a regional war.

Mr. President, much attention is being given to negotiations between the United States and the Soviet Union to reduce nuclear weapons. As important as these talks and subsequent treaties are, we must not forget that such gains can be quickly negated by further proliferation of nuclear technology. As we proceed down the road to a world where the threat of nuclear weapons is scaled back, the French decision represents a step backward.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EXON). Without objection, it is so ordered.

I advise all Senators we are in morning business until 10 o'clock with a 5-minute limit on remarks by Senators.

The Senator from Montana is recognized.

Mr. BURNS. Thank you very much, Mr. President.

(The remarks by Mr. BURNS pertaining to the introduction of S. 2235 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURNS. Mr. President, I thank you for your time and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky is recognized.

Mr. McCONNELL. I thank the Chair.

(The remarks of Mr. McCONNELL pertaining to the introduction of S. 2236 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Minnesota is recognized.

THE 1990 INTERNATIONAL TRANS-ANTARCTICA EXPEDITION

Mr. DURENBERGER. Mr. President, I do not know where you were at 7 o'clock on Saturday evening. I have a general idea where I was. But at 7:06 eastern standard time, last Saturday evening, the 1990 International Trans-Antarctica Expedition, the 6 men and the 40 dogs that we have been following for the last 210 days, completed the first nonmechanized traverse of Antarctica, traveling the west to east axis.

Honoring this important accomplishment yesterday, Senator BOSCHWITZ and I submitted Senate Resolution 258 to recognize and to congratulate the men for their accomplishment. I urge my colleagues to join us in honoring these six people who made up the 1990 International Trans-Antarctica Expedition for their accomplishment.

As those of you who have been following this expedition with us know, there are 4,000 miles of the toughest part of the world between a July 28 start at one end of the tip of Antarcti-

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ca 4,000 miles across this incredible continent a little place called Mirnyy, which they reached on March 3, 1990.

This was accomplished by 6 human beings, not unlike us, but probably unlike us in a lot of very special respects, from 6 different countries of the world, and 40 polar husky dogs who have been both bred and trained for this experience over a long period of time. They traveled from the Antarctica Peninsula which we talked about in terms of its crevasses and its blinding storms and the danger of falling into 50-foot-deep crevasses, they traveled from the tip of Antarctica through this peninsula to the South Pole where we see pictures now in our media of members standing on their heads right at the South Pole. We actually get to see what the South Pole looks like for a change. Then across the Area of Inaccessibility, which is called the Area of Inaccessibility because no one travels that area, to a point at a Russian research station called Vostok which is about 10,000 feet in altitude, and then the last leg of their journey to the Russian station on the far coast.

Upon completing this trek on Saturday, the team was greeted by family and friends and journalists from all over the world, as well as messages of congratulations from President Bush and President Mitterrand of France.

Mr. President, I ask unanimous consent that President Bush's message to the team be printed in the RECORD at the end of my speech.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **DURENBERGER**. Although the men are now safe, they had a severe scare last Friday night. And I remember when I read about it in the papers, I wondered if this was hype or this was the real thing. By 7:06 on Saturday night, I knew it was the real thing.

On Friday night, they were within 11 miles of their destination. They were in their tents but they were in the middle of a blinding blizzard which had winds as high as 70 miles an hour. As part of their routine at night, the men have to go out and check the dogs just to make sure that the dogs are safe. That is particuarly true in adverse weather. Keizo Funatsu, who is the member from Japan, went out to check his dogs and did not return. After 2 hours, his tent partner, Qin Dahe, who is from China, risking getting lost himself in the white-out conditions, was able to make his way to the tent that had the radio in it and he called Mirnyy, the Russian port station, for help. Mirnyy was only 11 miles away. The team in their tents and the people at Mirnyy joined up, tied themselves together, and then began sort of a sweep of the whole area to try to find Keizo.

Luckily, he was found in good health after a 14 hours' absence. After realizing he was disoriented, rather than stumbling around blindly risking falling into a crevasse, Keizo did the smart thing: He dug a hole in the snow and curled up to wait for help to arrive.

Despite this near tragedy, Keizo was able to finish the trek without assistance.

The expedition has caught the imagination of the world. Their arrival at Mirnyy was televised live in the Soviet Union, France, Japan, Italy, and Australia. In the United States, many Senators may have caught the live interviews with the team on "ABC Wide World of Sports" on Saturday.

Yesterday, the team left Mirnyy by ship from New Zealand. From there they will begin a world tour starting with a meeting with President Mitterrand. The team will return to the United States on March 26 when they come to Washington, DC, that evening, I am hosting a reception which I hope all my colleagues will attend to honor these six men. Earlier that day, they will be the guests of the National Press Club. They will meet President Bush the following day, March 26.

By accomplishing something that has never been done before, the men have lit the immagination of the world. They have shown light on a continent that is little understood and served as beacon of international cooperation. This is why Senator BOSCHWITZ and I have submitted Senate Resolution 258. I hope that my colleagues will join me in honoring these six men who have accomplished so much.

To conclude, I ask unanimous consent to have printed in the RECORD the summary of the trek, which is not too long, produced by the team's support crew, and with that, to express my appreciation to all who have, in one way or another, encouraged these people in this very important endeavor, which is probably, in many ways, just beginning.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRANS-ANTARCTICA EXPEDITION MAKES HISTORY, COMPLETING SEVEN-MONTH DOGSLED JOURNEY DESPITE MAJOR OBSTACLES

ST. PAUL, MN, March 3, 1990.—At 6:06 a.m. CST, the 1990 International Trans-Antarctica Expedition completed the first unmechanised traverse of Antarctica, travelling the west-east axis. Logging nearly 4,000 miles in the harshest conditions on earth, the six men and 40 polar huskies travelled from the tip of the Antarctic Peninsula to the South Pole, across the Area of Inaccessibility to the coast of East Antarctica. The team skied into Mirnyy with Soviet Victor Boyarsky in the lead. Will Steger drove his sled in behind Victor, followed by Geoff Somers and his dogs, then Jean-Louis Etienne and Keizo Funatsu with the final team of huskies. Immediately upon crossing the "finish line", marked by a large banner made by the Soviet scientists working at Mirnyy, Steger and Etienne, co-leaders of the expedition, embraced and cried. Boyarsky was met by his wife Natasha, who had arrived moments before by Soviet plane which also ferried TV journalists from another point on the continent where they had been stranded for 24 hours. The team immediately celebrated with the entourage of Soviets with a Russian tradition of bread and salt and champagne. Jean-Louis Etienne commented, "It's a great relief to finish. It has been a very difficult seven months." As of this morning, congratulatory messages had been received for the team at the expedition's St. Paul office from President Bush and President Mitterand, in addition to the National Geographic Society, and Antarctic explorer Sir Vivian Fuchs, among others. In addition to meeting its goal to cross the continent on foot, without mechanised means, the team has also reached its goal to serve as a worldwide learning tool, bringing increased attention to the fragile, seventh continent and the successful Antarctic Treaty. Relying on satellite equipment provided by the Soviet Union, the expedition's finish was broadcast live today—an historic achievement in itself—into the Soviet Union, France, Japan, Italy and Australia. Interviews with the team members will be broadcast live from Mirnyy on ABC-TV's "Wide World of Sports" today. Just 16 miles from its final destination, the team was held up by a winter storm with winds blowing to 73 mph. Yesterday, Keizo Funatsu disappeared in the "white-out" conditions resulting from the high winds. After not being seen for two hours, the team formed a search party, roping themselves together, and searched for Funatsu until darkness. The search resumed in the morning and Funatsu was eventually found, 14 hours after he disappeared. Funatsu explained that just a few feet from his tent, he became disoriented by the lack of visibility and resorted to digging a hole in the snow to survive. He was found yelling, "I'm alive." "We ran up to him, like the Twins picture at the World Series, crying, and carried him back," Steger explained. Funatsu had no frostbite and was able to finish the trip on skis. The team is comprised of three teams of specially-bred sled dogs and six men representing six countries: Will Steger of the U.S., Jean-Louis Etienne of France, Victor Boyarksy of the USSR, Geoff Somers of Great Britain, Keizo Funatsu of Japan and Qin Dahe of the People's Republic of China. The expedition began on July 27, 1989 at Seal Nunataks on the Antarctic Peninsula in the middle of the austral winter. While travelling along the mountainous peninsula, never-before traversed in winter, the team experienced a 60-day storm with winds blowing to 100 mph and temperatures dropping to −45F. When not tentbound by these severe conditions, the team made slow progress through the deep snow, often travelling on hands and knees. Crevasses, giant fissures left as the glacial ice flows from the high Antarctic Plateau to sea level, threatened the lives of men and dogs for the first three months of the journey. Time and again, the team relied on their combined years of mountaineering experience to provide rescue from the crevasses using climbing techniques. Throughout this leg of the journey, the team was virtually without air support or emergency rescue. High sunspot activity prohibited radio contact with a base camp and support planes were grounded by both mechanical failures and bad weather. Steger explained the frustration at this time: "There were some pretty black moments for me when I could see the desparation of other explorers like (Antarctic explorer Robert Falcon) Scott, hopelessly dying. But I always hung onto that spark, that little flicker of hope in the black and that's what I zeroed on." (Scott and his team perished 11 miles from a food cache when returning from the South Pole in 1912.) Unusually heavy snowfall buried three of the team's food caches, placed every 150-400 miles apart, requiring the team at one point to feed the dogs man food. Weakened by the severe conditions, Will Steger's veteran dog Tim died unexpectedly on October 20th. "Tim was one of my favorite dogs. He had a special character," Steger wrote in his journal. "When we realized Tim was suffering, we tried to get a plane in to take Tim off the ice, but the plane was grounded by weather and never reached us." One of the oldest huskies on the trip, Tim was the only dog the team lost during the expedition. In November, as the team climbed on top the Antarctic Plateau, the team increased its mileage from an average of eight miles per day to 25 miles per day, making up for nearly one month of lost time. Despite the team's steady pace, however, a near crisis was averted on December 4th when the Soviet Union offered to supply the expedition with 12 tons of fuel from an existing deposit at the South Pole. This would be used by the expedition's logis-tical support company, Adventure Network, which had not been able to deposit fuel and food supplies nor provide sufficient fuel for emergency rescue due to mechanical problems and weather delays. On December 11, the expedition reached the South Pole, becoming the first to do so by dogsled since the pole was discovered by Norwegian Roald Amundsen in 1912. Two of Steger's polar huskies, Sam and Yeager, became the first to travel to both poles. Both dogs helped Steger complete his historic expedition to the North Pole in 1986. From the South Pole, the team sledded out into the Area of Inaccessibility, a 750-mile stretch named for its remoteness and unilateral distance from all coasts of the continent. Upon reaching the Soviet Vostok station, on January 18, after 11 weeks without radio contact with its crew, the team added another first to its accomplishments by completing the first on-foot crossing of the Area of Inaccessibility. Vostok, situated at 11,000 feet, holds the world's record low temperature at −129F. From Vostok, the team began its last leg of the journey, travelling 850 miles to its final destination, Mirnyy, a Soviet base on the coast of East Antarctica. For 41 days the team raced with winter, enduring temperatures of −54F and windchills of −113F, relying heavily on the outstanding strength and endurance of the dogs. "The dogs are the true heroes of the expedition," Steger says. "They are incredible. They have provided us with an indomitable spirit." Most of the dogs gained weight during the expedition, eating 5,700 calories in a specially-formulated high energy diet. Despite the strength of the dogs, however, many suffered abrasion to their paws during this final portion of the journey from the hard-packed ice surface. Through support from individuals around the world, classroom materials to follow the journey were produced and distributed in the U.S., France, Great Britain, Japan, the Soviet Union, Denmark and Australia. From Antarctica, British team member Geoff Somers relected on the commitment of educators and children: "The expedition belongs to the hundreds of people who have helped us and thousands more who have involved themselves by following it. For them the expedition is like watching a live movie, as it happens, like watching the first moon landing," Audio-visual materials, wall maps, study guides and articles in educational publications have helped teachers to use the expedition as an interdisciplinary theme. While following the excitement of the journey, people around the globe have learned about the successful Antarctic Treaty, the continent's history, its wildlife and the important scientific research being conducted at the bottom of the world. The international composition of the expedition purposefully reflects the Antarctic Treaty, signed in 1961, which sets aside Antarctica as an international scientific laboratory. Thirty-nine countries abide by the 30-year treaty, which is expected to continue after 1991. From Mirnyy, the team will be transported by Soviet icebreaker to Wellington, New Zealand. They will then travel to Paris, London and Minneapolis/St. Paul for welcome home ceremonies. On March 24th, the team will be honored at a public celebration in St. Paul, on the steps of the State Capitol at 12:00 noon. On March 25, ABC-TV will air a one-and-a-half-hour documentary on the expedition including live interviews with the team, from 3:30–5:00 p.m. CST. On March 26th, Will Steger will make a presentation at the National Press Club luncheon in Washington, DC. This will be followed by a Senate reception hosted by Minnesota Senator Dave Durenberger and will make a White House visit on March 27th. In May, the team will travel to Osaka, Japan for a 3-day festival hosted by the city, followed by a visit to Beijing at the request of the government of the People's Republic of China. In late May, they will visit the Soviet Union and Great Britain. The expedition was made possible through financial support from numerous corporations based in France and the U.S. and extensive logistical support from the Soviet Union. The major U.S. sponsors include: W.L. Gore & Associates, makers of "Gore-Tex" fabric; DuPont Fiberfill, makers of "Quallofil, "Thermoloft," and "Thermolite" insulations; Hill's Pet products, makers of Science Diet pet foods; Target Stores, based in Minneapolis; and The North Face, a leading rugged outerwear manufacturer.

Chronology of Events During Trans-Antarctica Expedition

July 27, 1989: Expedition begins at Seal Nunataks on the Antarctic Peninsula.

August 9: Two sleds crash into Sastrugi at the bottom of a steep slope and break apart, severely disabling the expedition. Team takes the next two days off to assess the damage and is able to improvise a solution, cutting off the 9' of damaged runners from each sled with a Swiss Army Knife, leaving two 5-ft. sleds, in addition to the third whole sled.

August 11: First experience with crevasses when surface gives way under Victor Boyarsky; he is able to rescue himself with outstretched arms and climb to safety.

August 21: After a long search, the food cache at Three Slice peninsula cannot be found; team moves on, relying on emergency of three caches (placed every 150–400 miles) that would never be found by the team due to unseasonably heavy snow fall.

Spinner falls into a crevasse and out of his harness, but lands on a ledge 20 feet down; below him the hole dropped into "black nothingness." Rescue procedure is established using climbing ropes.

August 25: Numerous dogs fall into crevasses and are rescued throughout the day as the team climbs up Wilson Pass towards the Wyerhaeuser Glacier.

August 26: Buffy falls into a crevasses and is rescued by Steger and Boyarsky.

September 1: Severe storms begin, lasting for the next 60 days. Winds blow to 100 mph and temperatures drop to −45F; windchills of −110. Team remains tentbound for 17 days over the 60-day period. During the raging wind storms, tent partners often cannot hear one another talk inside the tent. Walking from tent-to-tent is nearly impossible; any movement outside the tent can be life-threatening because of hidden crevasses and the risk of getting lost in the white-out conditions. Dahe and Victor tell of fellow Antarctic scientists who lost their lives several feet from their base buildings because of white-outs.

September 13: Team resumes travel, after two tentbound days, to progress towards food cache despite any break in the high winds. Progress is often made with eyes closed, using the feel of the wind as a guide or crawling on hands and knees to follow barely-distinguishable trail of advance team. Team must take cautions to stay as close together as possible not to get sparated from critical supplies packed among three sleds. Because the two shortened sleds can no longer carry full loads, one sled is no longer a self-supporting unit.

September 30: Fifteen dogs are airlifted from the team to Chile. The team has become increasingly concerned for the health of the dogs in the deep snow and high winds. With the dogs, the team unloads 1,000 pounds of dogfood and begins to travel more quickly to make up for nearly one-month delay.

October 20: Steger's dog Tim dies. One of Steger's favorites, an older dog, Tim's strength was severely weakened by the harsh conditions. Although under close watch by the team, an unexpected, overnight storm takes Tim's life. Tim travelled with Steger to the North Pole in 1986.

November 8–10: Team meets with journalists at Patriot Hill's field camp. Ten of the 15 dogs that had been evacuated to Chile rejoin the team.

November 24: Journalists rescued from Patriot Hill's camp after an unexpected stay of 17 days due to mechanical difficulties with the support plane and weather delays.

December 4: Soviet Union agrees to provide Trans-Antarctica with 12 tons of fuel at South Pole, preventing the expedition from aborting its mission. The same mechanical difficulties and weather delays which stranded the journalists in Antarctica prevented Adventure Network, the expedition's charter company, to lay out fuel depots, to fly food caches beyond the South Pole and assure emergency rescue in the Area of Inaccessibility without the Soviet fuel.

December 11: Team arrives at South Pole (1992 miles into the expedition) after completing the first-ever winter traverse of the Penninsula. Team becomes the first to reach the South Pole by dogsled since Roald Amundsen discovered the Pole in 1912.

December 15: Team departs Pole, heading into Area of Inaccessibility, an area named for its unilateral distance from all coasts and until recently, inaccessible to aircraft. To enable emergency rescue if necessary during the crossing of this vast, featureless landscape, the team built "cairns," 6-foot piles of ice blocks, every 40-minutes along the trail. These cairns would create a shadow to provide a marker to pilots trying to locate the team.

January 18: Team arrives Soviet Vostok station, completing first-ever on foot crossing of 750-mile Area of Inaccessibility. The area was crossed by Soviets using tractors in 1959. The team was received with a warm welcome from Soviet scientists stationed at the inland base, situated at nearly 11,000 feet. Vostok holds the world's record low temperature at −129°F.

January 23: Expedition record of 31 miles travelled in one day.

February 6: Coldest day of expedition, at −54°F.

February 15: Team experiences lowest windchills of expedition at −113°F.

February 26: Team sights first sign of wildlife since early September 1989: a skua, a common bird of the Antarctic coast.

March 2: Keizo Funatsu disappears in a blizzard with winds blowing to 73 mph and temperatures to −30°F. After a 14 hour search, he is found alive. To survive, he dug a hole in the snow and crawled in.

March 3: Team arrives Mirnyy, completing the first unmechanized traverse of the continent, across the west-east axis.

Exhibit 1

The White House,
Washington, February 28, 1990.

I am delighted to extend my greetings and heartiest congratulations to the members of the Trans-Antarctic International Expedition as you complete your historic trek.

During the past six months, you have braved deadly cold and 4,000 miles of perilous, icy land to conquer one of the last frontiers on earth. Your spirit of international friendship and cooperation not only helped make this fantastic journey possible but also set a wonderful example for the world community of nations. You have demonstrated how differences in language and culture can be overcome in the common pursuit of great and noble aspirations. I commend you for your outstanding achievement, and I salute you on a job well done.

Barbara and I send our best wishes for a restful and enjoyable trip home and for every future success and happiness. We look forward to meeting you on March 27th. Until then, God bless you.

George Bush.

THE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Item No. 460, S. 2151; that the bill be deemed read the third time and passed, and that the motion to reconsider the passage of the bill be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,816th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that a Washington Post article on the administration's view of recent reports regarding the hostage situation be reprinted at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 6, 1990]

United States Acknowledges Others' Efforts on Hostages

(By Ann Devroy)

The Bush administration acknowledged yesterday that a variety of private individuals, foreign diplomats and others are trying to gain the release of U.S. hostages in Lebanon, but said none of the efforts has led to any indication that a hostage release is imminent.

White House spokesman Marlin Fitzwater, responding to what he said were a half-dozen recent reports about hostage-related developments, said, "there is a lot happening behind the scenes independent of the U.S. government.

Repeating the denial that any U.S. official is directly involved in talks, Fitzwater said intermediaries such as businessmen in the region, diplomats of other nations, families of hostages and their employers and officials with Lebanese and Iranian contacts all have worked on the hostage problem. Some of these people, he said, "have had contacts with the U.S. government" and "have told us what they are doing; they have asked us for advice."

But those efforts are not being made on behalf of the U.S. government nor are they directed by it, Fitzwater said. He said all intermediaries who contact the administration are told the Bush policy that hostages must be released without conditions. "No deals. If you can be helpful, fine, but keep in mind—this is our policy: no deals," Fitzwater said.

Eight Americans and 10 other Westerners are being held hostage in Lebanon. Most are believed held by Shiite Moslem factions loyal to Iran. Fitzwater repeated President Bush's inaugural call to Iran to release the hostages for the promise of U.S. "good will" to follow, and said the administration wants direct talks with Iran on the hostages.

Asked about movement on the issue, Fitzwater said, "We cannot say there is any movement. We know of no imminent release."

Speculation about possible release of the hostages, some of whom have been held for five years, has been fueled by reports in Middle Eastern publications and by indications from Iranian leaders of a new willingness to discuss release.

The latest report quotes Syrian sources that Mahmoud Hashemi, a senior Iranian official, met Sunday in Damascus with Syria's foreign minister to "coordinate efforts" between Iran and Syria on release of the hostages. Hashemi, brother of Iranian President Hashemi Rafsanjani, arrived in Damascus from Beirut, where he reportedly met with Shiite Moslem groups on the hostage issue.

State Department spokesman Margaret Tutwiler said the administration is "not aware of any . . . discussions that may be taking place in Syria on hostages." She reiterated Bush's denial over the weekend that he called French officials on the hostage issue, and Vice President Quayle's denial on Sunday that former secretary of state Cyrus R. Vance was officially negotiating hostage releases.

RETIREMENT OF LT. GEN. HERBERT E. TEMPLE, CHIEF, NATIONAL GUARD BUREAU

Mr. WARNER. Mr. President, Lt. Gen. Herbert R. Temple, Jr., Chief of the National Guard Bureau, retired after 42 years of military service on January 31, 1990. He left with the respect and appreciation of all who had the honor of serving with him.

General Temple was a visionary leader whose unwavering commitment to professional excellence helped mold and shape the contemporary National Guard into the widely respected, credible military force it is today. No doubt, the decade of the eighties has meant unprecedented challenges and change for the Nation's reserve component forces, specifically, the National Guard.

As the total force policy of the seventies became a reality in the eighties, for the first time in peacetime history the National Guard was relied upon as a first line defense resource. As Chief of the National Guard Bureau, General Temple was at the forefront of seeing the Guard through one of the most dynamic and turbulent periods in its 353 year history.

General Temple began his military career as a private in the 160th Infantry Regiment, 40th Infantry Division, California National Guard on June 2, 1947. He was called to active duty in September 1950 and served in Korea as a noncommissioned officer with Company B, 5th Regimental Combat Team, 24th Infantry Division.

His experiences in Korea, coupled with an unwavering desire to improve upon the National Guard's peacetime readiness, guided General Temple through a series of impressive assignments in the California Military Academy, military assistant to the Governor of California, deputy commander of the 49th Infantry Brigade (separate) and commander of the 3d Brigade, 40th Infantry Division (mechanized).

After attending the Army War College, he reported to the National Guard Bureau in Washington, DC, where he served in a series of assignments, each successfully building upon his ability to effectively lead and manage an institution experiencing rapid growth and change. General Temple's demonstrated leadership abilities eventually led him to the National Guard's highest rank of lieutenant general and chief of the National Guard Bureau.

As chief, General Temple vigorously pursued the goal of professional excellence for all National Guard members. He envisioned a National Guard fully compatible with its active component counterparts—a Guard which could meet and even exceed active Army and Air Force standards.

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Stressing the three pillars of military professionalism—modernization, training, and education—General Temple set out to reshape the Guard institution by spearheading some of the most historic and ambitious initiatives in the history of the National Guard. As a direct result of improved resourcing, expanded training, and accelerated educational programs, today's National Guard enjoys unprecedented readiness as well as renewed credibility as a first line defense force.

One of General Temple's most vocal passions was his insistence on expanded overseas training for National Guard members. An ambitious overseas training deployment program conceived in the seventies came to fruition under General Temple's leadership. Taking Guard members to exciting and challenging training environments throughout Asia, Europe, and the Caribbean, as well as Central and South America, these were the very places where Guard members were most likely to be called upon to serve in the event of mobilization.

Here in the United States, Army and Air Guard members today train at some of the military's premier training sites, like the National Training Center at Fort Irwin, CA, and the Joint Readiness Training Center at Fort Chaffee, AR. The National Guard has also seen increased representation at some of the Nation's most prestigious senior service academies and academic institutions.

Throughout his career, General Temple strived to set a foundation for the Guard's long-term effectiveness as a full and reliable partner in national defense. He once likened the Guard's road to success to a quest—an ongoing journey that will continue over time. The Guard of the nineties will certainly proceed along this evolutionary path so that it may continue meeting our Nation's constantly changing defense needs. To best manage these changes, the future will call for leaders like Lieutenant General Temple—men and women with a quest, a vision, and the courage to follow their dreams.

We wish General Temple and his family a well-deserved long and happy retirement and a hearty "well done"—as we say in the Navy, General—for his dedicated and outstanding service to his country.

NORTHWEST INDIANA SYMPHONY ORCHESTRA CELEBRATES ITS JUBILEE

Mr. COATS. Mr. President, one of Indiana's foremost cultural organizations is celebrating its jubilee anniversary this month. On March 15 the Northwest Indiana Symphony Orchestra will kickoff its 50th season with a gala event, including a special concert followed by a dinner celebration.

The Northwest Indiana Symphony Orchestra was founded in 1941 as the Gary Civil Symphony. The ensemble's very first concert was presented on December 7, Pearl Harbor Day, under the baton of Arthur Zack. Until 1983, when the Star Plaza Theatre became the orchestra's permanent home, concerts were presented in various locations throughout Lake and Porter Counties, along with surrounding communities in Indiana and Illinois.

In addition to its regular season of classical and pops concert programs, the orchestra presents special concerts for area schoolchildren. The orchestra also brings good music to listeners in Gary, Crown Point, Hammond, Highland, Whiting, Dyer, and Munster.

Mr. Robert Vodnoy begins his 15th season as music director and conductor of the Northwest Indiana Symphony Orchestra. The 77-member orchestra, under Mr. Vodnoy's leadership, has won wide critical acclaim. For instance, in 1988, the NISO received a special award from the American Society of Composers, Authors, and Publishers [ASCAP] for adventuresome programming.

Maestro Vodnoy, a native of South Bend, attended Indiana University on a doctoral program in conducting. He also held a doctoral teaching assistantship in music theory and later a full university fellowship. He holds baccaleaurate and master degrees in composition.

As a guest conductor, Maestro Vodnoy has been active in the symphonic, operatic and ballet fields, in and out of Indiana, conducting orchestras in Chicago, Michigan, Wisconsin, Georgia, Mississippi, Venezuela, and elsewhere. He is the music director of the Southwest Michigan Symphony in Benton Harbor and St. Joseph, MI. Vodnoy is also the host and producer for "Backstage At the Symphony," a monthly television series, which in 1989 received a major grant from the Indiana Arts Commission. He has co-produced several musical TV programs for children. This fall the Voice of America will broadcast excerpts from recent performances of the Northwest Indiana Symphony Orchestra, under Maestro Vodnoy's baton.

The Northwest Indiana Symphony Society, the orchestra's parent organization, has a strong commitment to education. In addition to the annual Mary Elizabeth Hannah Children's Concerts, the society sponsors the Northwest Indiana Youth Orchestra, an ensemble designed to train area school musicians. Other educational programs supported by the society include the Edith Root Scholarship, presented annually by the Women's Association to outstanding graduates of the youth orchestra.

The society also sponsors the symphony chorus, under the direction of Joe Evan Burt, which appears each season with the orchestra in various classical and pops concerts.

The society, which employs an artistic staff and an administrative staff of four persons each, is governed by a board of directors drawn from the many communities in the region served by these programs. These dedicated volunteers provide overall direction to the society's activities and financial stability to its programs.

The Women's Association provides financial support through its many fund-raising projects, takes an active role in the society's educational programs and shares responsibility for the annual subscription campaign. It also sponsors a calendar of social events for its members.

On March 15, Maestro Vodnoy will lead the Northwest Indiana Symphony Orchestra in a special anniversary concert sponsored by Bank One of Merrillville. The orchestra will perform two major 20th-century works, Symphony No. 3 by French composer Albert Roussel and Carmina Burana, the great choral work—"Cantiones Profanae"—by German composer Carl Orff. Appearing with the orchestra of 90 musicians will be soprano Patrice Michaels Bedi, tenor William Watson, the 110 members of the Northwest Indiana Symphony Chorus, under Joe Evan Burt, and the Southlake Children's Choir, under Cynthia Bayt Bradford, director.

I am told that the total number of performers for this event will be the largest ever assembled on stage at the Star Plaza Theatre. It should be quite a musical evening. I am sorry that I shall have to miss it due to Senate business. However, I extend to the Northwestern Indiana Symphony Orchestra, Maestro Vodnoy, the musicians and singers, the Symphony Society and the friends and supporters of this great orchestra my sincerest congratulations for a successful 50th birthday. Best wishes for many more wonderful seasons of concerts.

At the close of its first half century the Northwestern Indiana Symphony Orchestra has demonstrated that it is more than what the Chicago Tribune called "the little orchestra that could." The NISO already has the appreciation of the people of Indiana and music lovers everywhere for bringing to hundreds of thousands of Hoosiers the joys of great music and hours of cultural fulfillment.

UNITED STATES SHOULD RESTORE DIPLOMATIC RELATIONS WITH COMMUNIST GOVERNMENTS

Mr. PELL. Mr. President, Mr. Strobe Talbott, the distinguished diplomatic correspondent for Time magazine, recently stated a convincing case for the United States to restore diplomatic re-

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lations with countries throughout the world that we have shunned because they are Communist regimes tied to the Soviet Union. Mr. Talbott writes:

> One way for the United States to signal a comprehensive approach (to these Marxist-Leninist regimes) would be to maintain full-fledged embassies in four far-flung corners of the Third World that have long been color-coded red on American maps: Afghanistan, Angola, Cuba and Vietnam. By snubbing those governments in various ways, Washington is doing more than just underscoring its disapproval of their leaders; it is also stubbornly reaffirming the implication that they are minions of Moscow.

There is much wisdom in Mr. Talbott's analysis. On February 28 our distinguished former collegue and former Secretary of State, Ed Muskie, appearing before the Foreign Relations Committee called for direct talks by United States officials with the Government of the State of Cambodia in Phnom Penh. In response to my question he also said the time had come to move to normalization of relations with Vietnam. He saw significant advantages for U.S. interests and policy in opening talks and diplomatic relations, not because we endorse or approve of the governments in those places, but as a way of engaging those governments in constructive dialog and exchange of information. For myself I find it difficult to understand how we expect to reach a peaceful solution in Cambodia—a ceasefire and a fair election—without talking to the government in Phnom Penh and restoring relations with Vietnam.

As Talbott, writes, our objection to various governments is no argument for a diplomatic boycott. "Quite the contrary," he writes, "the United States would have more clout with such miscreants if it dealt with them directly, through American ambassadors who could remonstrate with local officials and gather intelligence."

Talbott notes that the Communist world is changing fundamentally, but that there has been no systematic review by the administration of United States policy for dealing with the Communist regimes outside Europe. On the one hand, we have sent high-level envoys to China, despite the excesses of Tiananmen Square, and despite China's continued active support of the Khmer Rouge. On the other hand, we continue to try to isolate the regimes such as Afghanistan, Angola, Cuba, and Vietnam.

In a real sense we are isolating ourselves from these regimes. As a former foreign service officer, I have long called attention to the value of maintaining diplomatic relations even with our sharpest adversaries. It is precisely when relations are bad that it is most important to maintain embassies. When relations are good the business of foreign affairs can be conducted in many easy and informal ways, in addition to diplomatic relations. But when governments are hostile, that's when the channels provided by a working embassy with skilled diplomats are especially necessary.

I ask unanimous consent that the article by Strobe Talbott in the March 5, 1990, issue of Time magazine entitled "Influencing Moscow's Clones" be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INFLUENCING MOSCOW'S CLONES

The Bush Administration may be forgiven for reacting slowly to the phantasmagoria of 1989. No one saw the collapse of communism coming, and no one could be sure that it would continue, much less spread. The next stage, however, is more predictable: sooner or later what started in the Soviet Union will engulf Moscow's clones in the Third World. This time there will be no excuse for the U.S. to be caught flat-footed.

Yet the Bush Administration is not even thinking about the matter in a serious, coordinated way. Neither the National Security Council, which is the President's personal think tank, nor the State Department's Policy Planning Staff, which is supposed to look over the horizon of foreign policy, is engaged in a systematic review of U.S. strategy for dealing with Marxist-Leninist regimes outside Europe. Instead, the regional experts of the bureaucracy are nibbling away at their own pieces of what should be seen, and addressed, as a global challenge—and opportunity.

One way for the U.S. to signal a comprehensive approach would be to maintain full-fledged embassies in four far-flung corners of the Third World that have long been color-coded red on American maps: Afghanistan, Angola, Cuba and Viet Nam. By snubbing those governments in various ways, Washington is doing more than just underscoring its disapproval of their leaders; it is also stubbornly reaffirming the implication that they are minions of Moscow.

That bedrock contention of the cold war simply does not stand up these days. Insofar as the Kremlin still calls the tune, it is sounding retreat. In the past year the U.S.S.R. has removed its army from Afghanistan, prevailed on Viet Nam to withdraw its troops from Cambodia, and helped begin extricating the Cubans from Angola.

Some puppets, having had their strings loosened or even cut, can be expected, like Pinocchio, to misbehave as badly as ever. Fidel Castro, for example, is almost as much at odds with Moscow as he is with Washington. But that is no argument for a diplomatic boycott. Quite the contrary. The U.S. would have more clout with such miscreants if it dealt with them directly, through American ambassadors who could remonstrate with local officials and gather intelligence.

In other contexts, conservative American Presidents have argued that maintaining diplomatic relations need not constitute an endorsement of the powers that be or the political system of a country. The Reagan Administration justified its intensive diplomacy toward racist South Africa as "constructive engagement." Last year George Bush sent two high-level envoys to toast a Chinese leadership that had just slaughtered thousands of its citizens. The President explained that preserving U.S. leverage over future developments in that largest of Third World communist nations meant avoiding the temptation to "isolate" its government. Bush was proplerly criticized not for the principle he was enunciating but for the gratuitious, maladroit way he applied it. Simply keeping his ambassador in Beijing should have sufficed.

By the same token, Bush could send ambassadors extraordinary and plenipotentiary to Kabul, Luanda, Havana and Hanoi to engage the leaders there constructively rather than treating them like avatars of Moscowcentric world communism, a phenomenon that no longer exists. For the U.S. to stop withholding or hedging recognition of those regimes would be a big step toward recognizing how much the world is changing.

GENERAL KIELY STEPS DOWN

Mr. PELL. Mr. President, on Sunday afternoon, March 4, on the south lawn of the Rhode Island Statehouse, there was a public farewell review and change of command ceremony marking the retirement of Maj. Gen. John W. Kiely, adjutant general of the State of Rhode Island and commanding general of the Rhode Island National Guard.

General Kiely is an old friend and I have enjoyed working with him during his 6-year tour as adjutant general and his previous tour as assistant adjutant general. He has always been a vigorous and steadfast advocate for the National Guard and a thoughtful proponent of the role of the militia in the national defense.

General Kiely's distinguished military career spanned 47 years, beginning in World War II, when he was commissioned a second lieutenant and had the distinction of being the youngest officer in the 76th Division. After graduating from Providence College in 1950, he returned to service and held several commands in post-war Europe. He subsequently continued his education at the Army War College and at George Washington University where he was awarded a masters degree in political science in 1965. After serving in Vietnam, he held a number of responsible posts in the office of Comptroller of the Army before being confirmed by the Senate in 1977 as a brigadier general in the Army National Guard.

As adjutant general of Rhode Island, General Kiely has served with distinction under two Governors of different parties. In addition to the usual problems of funding and equipment allocations, he has had to cope with particular thorny issues like the question of military uniforms for civilian technicians and the larger issue of deployment of National Guard units in Central America.

General Kiely and I have maintained over the years a friendship and a good working relationship that I believe has yielded many positive benefits for the Rhode Island National Guard. Now he can step down with a sense of a job well done. I salute him and wish him well in his retirement years ahead.

ESTONIAN LEGISLATURE PASSES DECLARATION CONCERNING INDEPENDENCE

Mr. PELL. Mr. President, the swift pace of change in Eastern Europe and the Soviet Union is truly remarkable. Although few could have anticipated the gains made by freedom and democracy over the past year, nearly all look to the coming year with great hopes of consolidating these gains.

The extent and depth of the changes we are witnessing are perhaps best exemplified by the strong drives for independence among the Baltic States. As a former desk officer for the Baltic countries at the Department of State, I hold a particular interest in developments there. The recent election in Lithuania serves as a poignant reminder of the traditional affinity for freedom among the Baltic people. As a longtime cosponsor of legislation to commemorate Baltic Freedom Day, I am proud to be among those in the United States who have supported the hopes and aspirations of the Baltics over the years.

Mr. President, my Rhode Island constituency has been very supportive of the drives toward freedom in the Baltics. Recently I received from Professor Eric Suuberg of Brown University in Providence, RI, a copy of the Estonian Legislature's declaration concerning independence. In view of the importance and timeliness of this document, I believe that my colleagues would find it of interest. Accordingly, I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

DECLARATION: ABOUT THE NATIONAL INDEPENDENCE OF ESTONIA

Today, February 2nd 1990, at the 70th Anniversary of the Tartu Peace Treaty between the Republic of Estonia and the Russian Federation that established peace after the Estonian War for Freedom, the General Assembly of all represenatives elected in Estonia held a meeting at the Tallinn City Hall and discussed the Estonian statehood.

The General Assembly stresses—that in 1940 Estonia lost its independence that had endured for 20 years and had been recognized by all states. This action was the result of a criminal deal between Stalin and Hitler, Molotov and Ribbentrop and was carried out as an international deception maneuver under the cover of the Red Army military force and after occupation of the country on June 17th, 1940, the same week that Paris fell to the armies of Hitler and the democratic world was in a state of despair.

The General Assembly states—that as an annexed state Estonia has for half a century been formally a Soviet republic, in fact a province, but has retained in the hearts of the people a quest for independent statehood. Both the country and the people have been subjected during this era to all the horrors of stalinism and its aftermath, to lawlessness and the reign of terror, and have had enormous losses of moral, cultural, political, economic and ecological nature.

The General Assembly declares—that democratic statehood, based on the continuity of the Republic of Estonia, has survived as the undisputed political aspiration of the Estonian nation. The experience of the last half-century has confirmed anew our conviction that only national independence can guarantee further existence and future development of the Estonian nation.

The General Assembly decides—that it is a sacred duty of ours as elected representatives of the people to fight for the aspirations of the Estonian people. Our fight must be based—before the world public opinion—upon the right for self-determination of nations under the international law and the documents, regulating its application, and—especially in relation to the Soviet Union—upon the undisputed validity of the Tartu Peace Treaty. According to the Tartu Peace Treaty the Leninist Government of the Soviet Russia acknowledged the right of Estonia for independent statehood and abdicated for all times all pretences against Estonian people, country and estate.

The General Assembly acknowledges—that the fight for Estonian independent statehood can only be peaceful, using only democratic means and in collaboration with all groups representing diverse ideas, if only the actions of these groups are not in conflict with democratic principles and norms of international law. While propagating the idea of Estonian independence we are cognizant of the support given to independent Estonia by hundreds of thousands of non-Estonians. In the state, whose re-establishment we are working for, all human and ethnic rights are going to be honored according to traditions of the Estonian Republic and of ethnic tolerance. The rights of ethnic and ideological minorities for their ideas and feelings must be protected under Estonian law.

The General Assembly addresses—the United Nations Organization, the participants of the Helsinki Conference of European Security and Cooperation, the Governments of all states and the world public opinion with a call to support and to enforce our legal rights, our undeniable right to regain our palce in the community of independent nations, taken from us by force, thus separating us from those with whom we have belonged for 70 years both spiritually and de jure. The decisions and agreements between superpowers must never again determine the fates of smaller states and nations.

The General Assembly asks—the Supreme Soviet of the Union of Soviet Socialist Republics to begin consultations with the legally elected representatives of the Estonian nation for the re-establishment of the independence of the Estonian Republic.

The General Assembly states—that in order to re-establish the Republic of Estonia, based upon the continuity of the Tartu Peace Treaty, the Estonian side begins through her representatives contacts and consultations with all parties, involved in the de facto re-establishment of the Republic of Estonia.

THE CONGRESS OF ESTONIA

Mr. PELL. Mr. President, the largest grassroots movement in Estonia, the Congress of Estonia, is scheduled to convene March 11 in Tallinn. All citizens of the Republic of Estonia, regardless of ethnicity, place of residence or political opinion, are eligible to register and vote for 499 delegates to the Congress, 35 of whom will represent Estonians in exile. Estonians in the United States will have 9 delegates to the Congress.

Over 670,000 people have already registered with the Estonian Citizens' Committee to participate in the election of delegates to the Congress, which has been endorsed by all significant political movements and parties in Estonia, including the local Soviet authorities.

The concept of the Congress of Estonia is founded upon the principle of the lawful continuity of the Republic of Estonia, the nation which declared its independence on February 24, 1918. Under the terms of the 1920 Peace Treaty of Tartu, the Soviet Union recognized the Republic of Estonia and renounced forever all rights over Estonia.

Despite this treaty, Estonia, along with Latvia and Lithuania, were forcibly incorporated into the Soviet Union following the signing of the Molotov-Ribbentrop Nonaggression Pact in 1939.

The United States, as well as many other nations in the world, have never recognized the forcible incorporation of the Baltic States into the Soviet Union. It is altogether fitting therefore that my fellow Senators join me in supporting the Congress of Estonia as the true expression of the will of the Estonia people.

THE CHANGING FACE OF EUROPE: A BREAKING APART AND A COMING TOGETHER

Mr. PELL. Mr. President, this past weekend Lithuanians elected a legislature dominated by non-Communists—a legislature that probably will press for independence from Moscow. At the same time, in East Germany, the Social Democrats offered a unification platform and urged East and West German legislators to form a joint parliamentary commission on unification. These legislative events capture the essence of two phenomena occurring on the European Continent: A simultaneous breaking apart and a coming together of nations.

Both phenomena are fueled, in large part, by nationalism—a word that at once invokes hopes and fears. In the February 9, 1990, issue of Commonweal, David R. Carlin, Jr., the majority leader of the Rhode Island State Senate, offered an interesting perspective on the seemingly incompatible moves toward unification and toward independence, and the role that nationalism plays in those processes. I believe that his words warrant the attention of my colleagues as we witness the actions of our European counterparts. I ask unanimous consent that Mr. Carlin's article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONALISM'S SIREN CALL

(By David R. Carlin, Jr.)

Who would ever have imagined that the Soviet Union might be in danger of falling apart?

Well, Milovan Djilas, for one. Djilas, you remember, was Tito's friend and comrade-in-arms during the partisan struggle against the German occupation in World War II; in the postwar period he was vice-president of Communist Yugoslavia and one of the chief architects of Tito's successful revolt against Stalin in the late 1940's; he then became a critic of communism, even the Titoistic brand, and was rewarded for this insight with many years imprisonment, he was the author of, among other works, "Conversations with Stalin" and "The New Class," a critique of communism that caused a great sensation when it came out in the mid-1950s.

Years ago Djilas predicted that the centrifugal force of nationalism would eventually endanger the very existence of the Soviet Union. He made the same prediction for his own multinational Yugoslavia. I fear Djilas was correct. I don't see how Gorbachev can have glasnost along with the continued existence of the Soviet Union.

Gorbachev's hope, apparently, had been that a more liberal, more democratic Soviet Union would energize individuals, groups, and institutions so that they would become vastly more productive than they had been in recent decades. This increased productivity would eventually permit the Soviets to catch up with the Western nations, to become a fully modernized society. This is the lastest version of the dream of westernization that has fascinated Russian rulers since the time of Peter the Great, nearly three centuries ago. But every time the Russians make progress in this direction, the West, it turns out, makes further progress, and the goal of catching up remains almost as distant as ever.

It was not difficult to predict that once the conditions and instruments of liberal democracy were presented to the numerous non-Russian national groups in the Soviet Union, these groups would seize the gift, not in order to work harder in their farms, factories, and offices, but to assert national independence. Maybe they will work harder and more efficiently once they get independence. But nationalism is more attractive than hard work. When people are free to choose one or the other, they'll choose the former.

For at least 200 years, since the age of the French Revolution, nationalism has been an enormous force in the world, an intoxicating force. It has redrawn the map of the world time and time again; it created modern nation-states; during the nineteenth century it extended European dominion over much of the rest of the world; in the twentieth century, rebounding, it led the rest of the world to overthrow the same European dominion; it has presided over the industrialization of the earth; it has led to recognition of the rights of man and the citizen; it has also led to brutal totalitarianism. It has given us enormous prosperity; it has also given us World War I and World War II, not to mention the wars of the French Revolution and Napoleon, the bad angels that presided over its birth.

After two centuries of playing with this intoxicant, Western Europe shows signs at last of being able to handle it with moderation. Slowly, ever so slowly, the nations of Western Europe creep toward confederation. They have a popularly elected, though of course very weak, parliament the meets in Strasbourg; they have an economic union that will be significantly strengthened in 1992. Their long-term goal seems to be a nationalism in moderate doses: just enough to preserve a comfortable sense of pride and identity in Europe's constituent parts, but not so much as to disrupt the advantage of transnational order and cooperation.

But why can't Gorbachev do the same? If the Western European states can ascend from anarchy to confederation, why can't the Soviet Union descend from a unitary state to a confederation? Why can't the two process—increasing centralization in the West, increasing decentralization in the East—meet one another halfway? Why indeed, can't this double process eventually lead to a pan-European federation, embracing west, east, and center?

Something like this is what Gorbachev appears to have in mind. In his appeals for patience to the non-Russian nationalities, he promises that the Soviet Union will be transformed from what it has been, a de facto unitary state with a federal veneer, into a genuine confederation—though he is still short on specifics. And of course he speaks of "a common European house, from the Atlantic to the Urals."

But there is a crucial difference, I fear, between the nationalism of the West and that of the East. The Western Europeans have been free to have their fling with nationalism; they've sown their wild oats; they've come home drunk at three in the morning and been sick all the next day. You don't have to read them lectures on the dangers of excess; they know all about it; they've been there. Through pain they have learned wisdom. But the nations of the East, particularly the non-Russians of the USSR, are still young in nationalism; they haven't had their fling; they haven't been allowed to go out on the town and live riotously. Their more experienced brothers and sisters can tell them national independence isn't all it's cracked up to be. They can tell them that Gorbachev's offer of confederation, as opposed to outright independence, is generous and wise. They can tell them that when it comes to national independence, half a loaf is not only better than none at all—it's even better than a whole loaf.

Unfortunately, we grow too soon old and too late smart. It's not easy for young people to benefit from the wisdom their elders have gained in the college of hard knocks. The young want to have their own experience, commit their own follies, bang their own heads against the wall. The nationalism of Western Europe is now mature; it has grown ripe and mellow. The nationalism of the East, alas, is in its exuberant adolescene.

To date Gorbachev has been a great political miracle worker. If he can handle this problem, if he can hold the Soviet Union together within a federal framework while continuing to pursue his program of glasnost and perestroika, then he will be one of the great political miracle workers of all time.

A TRIBUTE TO MALCOLM FORBES

Mr. BRADLEY. Mr. President, with the death of Malcolm Forbes, we have lost one of the 20th century's great corporate leaders. I join my colleagues in paying tribute to a man who has left an indelible mark on our society.

Malcolm Forbes was an original. Editor, executive, philanthropist, collector, author, balloonist, motorcyclist—and even a politician. Incredibly, he pursued all of these interests with vigor and enthusiasm.

Malcolm Forbes was also a life-long New Jerseyan. Born in Englewood and educated at Princeton, Malcolm chose to live and raise his family in Far Hills. While his interests and concerns took him all over the world, he was also an active and involved member of his community and his state.

Malcolm Forbes was an unabashed capitalist. He believed fervently in our system, and used it to build a corporation and a magazine that make a real contribution to our business environment.

I join my colleagues in celebrating the life of Malcolm Forbes. He will be deeply missed.

A TRIBUTE TO MAYOR FRANK GRAVES

Mr. BRADLEY. Mr. President, with the death of Frank Graves, New Jersey has lost a great friend and a devoted public servant.

For over 25 years, Frank Graves has worked on behalf of the people of Passaic County. As Alderman and later as State senator, he worked to make New Jersey a safer and a better place to live.

But it was the people and the city of Paterson that benefited most directly from his years of service. Mayor Graves loved his city and spent every waking moment protecting it and advancing it. No problem was too small for his attention. Mayor Graves was a public servant who never passed the buck to someone else. He has left an indelible mark on his community, and his leadership will be greatly missed.

With the passing of Mayor Graves, we have lost a public servant whose dedication, hard work, and unbending pride in Paterson and in New Jersey has made our State a better place to live. I join his wife Ethel and his daughters in mourning his loss. He will be deeply missed.

JANUARY 1990 TRIP TO IRAQ AND MEETING WITH PRESIDENT SADDAM HUSSEIN

Mr. SPECTER. Mr. President, on Tuesday, January 23, the day that the U.S. Senate reconvened for the 2d session of the 101st Congress, I reported briefly on my recent trip abroad in-

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cluding visits to several nations in the volatile Mideast. On February 7, I made a floor statement presenting an overview with some additional detail on that trip. In this statement, I shall focus on one of those nations because of its special importance to Mideast security and the desirability of developing a closer relationship with the United States. I am referring to Iraq, which I visited on January 12 and 13, 1990. Today I am also making a statement as to my visit to Syria, which I visited on January 14 and 15, immediately following my visit to Iraq.

While Iraq has been an important nation historically, it has a special role in the world today as it has emerged from the Iraq-Iran war as a major regional power. With the well-known problems in the U.S.S.R. concerning the Soviet economy and political restructuring, nations like Iraq are looking more toward the United States. This presents an opportunity for us to suggest policies on human rights and to urge them to play a more constructive role in the Mideast peace process. Our visit last month, which supplemented an earlier trip in January 1989, provided an opportunity to meet with President Saddam Hussein and gain important insights on ways to strengthen United States-Iraq relations and draw that nation closer to our values and interests.

Up until the present time, Iraq has been a relatively closed society with few foreign publications. In general, unofficial contacts with foreigners seem to be discouraged. Iraqi use of poison gas against rebellious Kurds in 1987 and 1988 aroused world public opinion, as have allegations of human rights abuses.

For many years, the United States had no diplomatic relations with Iraq. It was not until November 1984 that the United States and Iraq restored full diplomatic relations. During the past 8 years of the Iran-Iraq War, very few congressional delegations visited Baghdad, and only one other congressional Member, Representative STEPHEN SOLARZ, to my knowledge, met with President Saddam Hussein in 1982 and 1987.

My distinguished colleague, Senator RICHARD SHELBY of Alabama, and I met with President Saddam Hussein in Baghdad on Saturday, January 13. President Hussein is an imposing figure who exudes strength and confidence, which would be expected from a leader whose nation has recently emerged with the upperhand from a bloody 8-year war. While President Saddam Hussein has been the subject of critical comment, he occupies a position of real power and has the potential to play a constructive role if properly motivated. Our discussions were cordial and candid, focusing on issues of regional security and United States-Iraq bilateral relations. When I suggested his participation in regional security and peace talks with Israel, President Hussein responded that he needed first to concentrate on peace between Iraq and Iran, but he did not rule out Iraqi participation in a regional conference.

President Hussein expressed concern and annoyance about the United States limiting the number of Soviet Jewish immigrants in order to force them to go to Israel. He appeared to be unaware that this limitation was a part of overall U.S. restrictions on immigrants from all nations. I discussed with him in some detail U.S. immigration practices including the necessity for a floor amendment in the Senate last year to secure even the admission of 30,000 technicians, scientists and other highly skilled immigrants into the United States. I also pointed out to President Saddam Hussein that, in fact, the number of Soviet Jews eligible for admission to the United States had been increased, and I commented on my own special interest in increasing such immigration because my parents were Jewish immigrants from Russia and Russo-Poland.

In the recent past, it appeared to be the position of Iraqi officials that the United States needed to prove that it wanted good relations, with Iraq. During my visit to Baghdad 1 year ago, I encountered hard liners, with only a few emerging younger officials espousing diplomatic solutions. While the United States and Iraq had common interests in opposing Iran's belligerency and terrorism, Iraqi officials appeared to remain angered by certain United States actions which appeared to tilt in favor of Iran. The Iran-Contra affair did little to assuage that Iraqi perception.

On my return to Baghdad in January, I found a more open and friendlier response. It may be that the intervening year provided Iraqi officials with an opportunity to focus on relations with other countries once the Iraq-Iran War had ended. It may be that the changes in the Soviet Union and Eastern Europe caused Iraq to focus on the United States as a nation which could provide more assistance, or at least beneficial reciprocal arrangements, for the future.

While I have already noted some of the factors which have discouraged closer relations between Iraq and the United States, there have been other actions by Iraqi officials which should promote closer relations between the two countries. President Saddam Hussein deserves credit for backing Egypt's return to the Arab League, for supporting the Palestine Liberation Organization's statements toward recognition to Israel, and for denying the Abu Nidal organization continued basing rights in Iraq. We should note that Iraq has been removed from the United States terrorism list. Iraqi officials also moved to resolve the question of compensation for the victims of the U.S.S *Stark*, mistakenly hit by an Iraqi missile.

In our recent meetings with Iraqi officials, we found a strong interest in improving relations with the United States. First Deputy Prime Minister Ramadan stated that "Iraq is ready to build good relations with the United States in all fields and without hesitation," and Foreign Minister Aziz reiterated that he would like the "best possible relations." At a dinner hosted by First Deputy Foreign Minister Hamdoon, former Ambassador to the United States, Mr. Hamdoon was outspoken in his interest in improving United States-Iraqi relations. The message from President Saddam Hussein was even more forceful. During our 1½-hour meeting he looked us straight in the eye and said that he looked forward to seeing relations with the United States "always in progress, always on the upswing."

Part of the answer for this apparent change in position may rest in the cost, devastation, and lessons learned from Iraq's war with Iran. Iraq is deeply in debt, and while it has vast oil reserves to generate hard currency, the road to recovery will be hard. Iraq has acted constructively by its immediate acceptance of U.N. Resolution 598 calling for a cease-fire and negotiated settlement with Iran. It also has agreed to a Soviet effort to mediate a settlement. We were informed that on January 5, 1990, President Hussein called for a gradual exchange of POW's and for an opening of borders for visits to Iraqi and Iranian religious centers. Iran has rejected these proposals outright. It is apparent that the Iraqis are expressing a strong preference for diplomatic rather than military solutions.

Another part of the answer may have been provided by President Saddam Hussein himself. He stated that only with stability and peace can Iraq and Iran build as nations, only with peace can they ensure a higher standard of living for their people. And with an increased standard of living there will be less of a taste for conflict. To emphasize the need for development, President Hussein noted that there is still a significant number of Iraqi farmers who do not have proper bathrooms and toilets, not because they cannot afford them, but because they do not see the need for them.

There are a number of difficult, unresolved issues which stand in the way of better relations, not only between the United States and Iraq, but also between Iraq and its Mideast neighbors. First and foremost is the need for a settlement in the conflict between Iraq and Iran; second is the broader issue of regional instability

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caused by adversarial relations among Iraq, Israel, Syria, Iran, and Lebanon. There is a history of misunderstanding and mistrust which only time and focused diplomacy can hope to resolve.

Some of the problem may be based on misperception. In my view, it is time to end the isolation which engenders distrust. The Iran-Iraq war and excessive attention to the Israeli-Palestinian situation has kept President Saddam Hussein and other Mideast leaders from addressing broader issues of regional security and peace. I believe that if Iraq, along with Syria, Jordan, and Saudi Arabia, could be persuaded to join Egypt in negotiations with Israel to discuss regional security and peace, the issues of the Palestinians and the intifada would more likely fall into place. There are no easy answers, but there will be no answers unless and until all parties commence a dialog.

The United States can help. I urge my colleagues to travel to the area and to visit with the leaders and officials of each of these nations, especially Iraq. Encourage them, correct their misperceptions, nurture mutual trust through face-to-face meetings, even without agendas, especially without agendas at first. Officials in each of the nations we visited in the Mideast were intensely interested in what we had learned from our visits to their neighbors, particularly the attitudes and perceptions of national leaders toward their neighbors. It was all too apparent there is no dialog, no personal atmosphere in which to develop the trust and respect that is essential for negotiations on critical issues as arms control and confidence building measures to promote regional stability.

Members of Congress and others can serve as very useful conduits in discussing with men like President Saddam Hussein what other men like President Asad and Prime Minister Shamir are saying. President Saddam Hussein does not maintain diplomatic relations with President Asad or Prime Minister Shamir so it may be something new for one of these men to hear what some of the others are saying on a given subject. Until those direct contacts are established, people from the United States, like Members of the U.S. Congress, can serve as useful informal transmitters of information, and we may have an ability over the course of time to persuade these parties to undertake direct contacts.

To pursue some of the issues from our January trip to Iraq, Senator SHELBY and I met with Iraq's Ambassador to the United States, Dr. Muhammad Al-Mashat, on February 22. We were pleased with his willingness to discuss reports on human rights abuses and use of chemical warfare by Iraq. He understood our deep concern on such matters and was prepared to meet those issues directly.

It is clear that we need to encourage more Iraqi officials to visit the United States. The Deputy Speaker and 12 Members of the Iraqi Parliament are scheduled to visit the United States soon. They wish to meet with Members of Congress and I urge my colleagues to find room on their busy schedules.

Shortly after my return, I briefed the President, Chief of Staff John Sununu, National Security Adviser Brent Scowcroft, and others at the White House on January 25. I commented that Foreign Minister Aziz had raised the possibility of some high-level Iraqi executive branch officials visiting the United States later this year.

If the United States developed closer bilateral relations, Iraq might listen more closely to United States interests in the region. While certain issues on human rights and the use of chemical warfare must be resolved in advance, it is not too early to consider an invitation for President Saddam Hussein to visit the United States. I raised this possibility in my January 25 meeting with President Bush. Such a meeting and closer bilateral relations could promote the interests of human rights and the Mideast peace process.

JANUARY 1990 TRIP TO SYRIA AND MEETING WITH PRESIDENT HAFIZ AL-ASAD

Mr. SPECTER. Mr. President, on Tuesday, January 23, the day that the U.S. Senate reconvened for the 2d session of the 101st Congress, I reported briefly on my recent trip abroad including visits to several nations in the volatile Mideast. On February 7, I made a floor statement presenting an overview with additional detail on that trip. In this statement, I shall focus on one of those nations because of its special importance to Mideast security and the desirability of developing a closer relationship with the United States. I am referring to Syria which I visited on January 14 and 15, 1989. Today I am also making a statement as to my visit to Iraq which I visited on Janury 12 and 13, immediately preceding my visit to Syria.

This visit to Syria was my fourth trip since 1984. In 1984, my visit to Syria, like United States relations generally with Syria, was cool. When I returned to Syria in January 1988, I had a cordial discussion with Foreign Minister Farouk al-Shara and then I had a lengthy meeting with President Hafiz al-Asad. On my next visit in January 1989, I again visited with President Asad and Vice President Abd al-Halim Khaddam, and this January I again met with Syria's President and Foreign Minister.

These three meetings with President Asad, totaling more than 10 hours, and my meetings with other Syrian officials produced for me substantial insight into Syria's key role in Mideast affairs and President Asad's approach to a variety of problems. In conjunction with substantial reading of President Asad's biographies and other materials, I believe that I have some sense on his approach to the current issues and some ideas on ways to approach matters of mutual concern.

For example, over the course of my four visits to Syria, I have found an increasing Syrian interest in a more extensive bilateral relationship with the United States. It was reported that President Asad met with President Gorbachev in Moscow in 1987 at which time President Gorbachev emphasized his interest in cooling the Mideast as a hot spot and limiting U.S.S.R. aid to Syria. In late 1989, the Soviet Ambassador to Syria, Mr. Alexander Zotov, made a public statement to the effect that the U.S.S.R. would not supply Syria with military parity with Israel. These events, in combination with retrenchment in the Soviet Union due to economic and political problems, may have caused nations like Syria to look more to the West and to the United States.

While almost imperceptible, I believe there has been some shift in President Asad's attitude toward Israel. In our earlier meetings, he talked at length about Israel's intent to control land from the Nile to the Euphrates. President Asad said that it was not only a biblical and historical position, but was also evidenced by modern statements by Golda Meier, Moshe Dayan, and Yitzhak Shamir. In reply, I ventured the opinion that Israel had no such intent since the State of Israel had difficulty even controlling the territory from the Mediterranean to the Jordan. I discussed the question with Prime Minister Shamir, heard his assurances to the contrary and then wrote to President Asad about the Prime Minister's denial of any such Israeli intent.

As I have come to know President Asad better, I have felt comfortable in pressing just a bit on certain issues. In our January 1989 meeting, I asked on three separate occasions, separated by respectable periods of time, what it would take for Syria and Israel to become friends. President Asad answered, after the third query, that it was not a question of friendship, but that "normalizing" a relationship between Syria and Israel might be possible under certain circumstances.

In my recent visit, President Asad stated a significant change in position when he advised that Syria would be willing to attend an international conference convened only by the United States and the U.S.S.R. When United

States Ambassador to Syria, Ed Derejian, and I talked in advance of meeting with President Asad, Ambassador Derejian advised me of that recent change in Syria's position.

I believe that change is highly significant because President Asad had previously taken the position that Syria would attend an international conference only if it was convened by the five permanent members of the United Nations, the United States, the Soviet Union, Britain, France, and China. Israel had consistently rejected that structure because it would pit four of the superpowers against Israel with the prospect that only the United States would be likely to support Israel's position.

When I informed Prime Minister Shamir of President Asad's change in position a few days later, the Prime Minister was surprised and he appeared pleased to hear the news.

Such a format in negotiations marks a very different approach than President Asad described when he categorically rejected joining with President Sadat of Egypt on his discussions with Prime Minister Begin. When President Asad discussed the meetings between President Sadat and Prime Minister Begin, he emphasized the inappropriateness of any Arab nation negotiation or making any concessions for the Arabs in what might constitute a concession of even an inch of ground or a grain of sand. Such shifts suggest President Asad's interest in participating in the Mideast peace process.

There are significant indications that President Asad is interested in altering Syria's reputation on terrorism. There is evidence that Syria played a key role in pressuring Nabih Barri, leader of the Amal, to bring about the safe, early, and unconditional release of the TWA 847 hostages. At President Asad's directive, the Abu Nidal organization was expelled from Syria. In addition, it appeared that Syria assisted in the freeing of ABC correspondent Charles Glass in August 1987.

At our January 1989 meeting, we discussed the sabotage against Pan Am 103 which had occurred in late December 1988. In that meeting, attended by Ambassador Ed Derejian, President Asad said for the first time that action would be taken against Ahmad Jibril and his PFLP-GC if adequate evidence was presented on complicity in the Pan Am 103 incident.

Our Ambassador Ed Derejian recently presented a demarche to the Syrian Government regarding PFLP-GC involvement in the attacks on United States military troop trains in Germany. The German incidents and Pan Am 103 were subjects of our conversations last month. Syria has rejected the data provided on the German incidents, and it is now up to the United States to decide on the next step on the presentation of evidence on Pan Am 103.

Syria has been helpful on the release of hostages in the past and, I believe is making additional efforts to be of further assistance. In all my meetings with President Asad, I urged renewed efforts by Syria to secure the release of United States hostages. In the most recent meeting, we discussed at length Mr. Joseph Cicippio, a Pennsylvania resident, who was targeted for assassination last July. Both President Asad and Foreign Minister Shara expressed an interest in helping obtain the release of Mr. Cicippio and other hostages.

In each of my meetings with President Asad, I discussed a variety of issues relating to Syrian Jews. I urged that Jews should be allowed to emigrate from Syria and that special consideration be given to divided families and Jewish women who could not marry in Syria because of the shortage of Jewish men. United States diplomatic efforts have produced positive results and more efforts should be undertaken on behalf of Syrian Jews.

Regarding the Lebanon situation, President Asad recounted the significant steps that have been taken and the need for further action. He cited the Taif agreement but also the setback brought on by the assassination of President Rene Mu'Awwad. He felt that there is now a legitimate government in place for exercising its duties, but it is facing a serious problem—an officer who remains in place monopolizing control over a large part of the Lebanese Armed Forces. President Asad expressed concern that the means the U.S. advocates to resolve the problems are neither clear nor effective.

He suggested that if the Lebanese Government decides to take decisive action against Aoun and wants Syrian assistance, Syria would be duty-bound to assist. He stated that the Lebanese Government and the Lebanese President have a right to seek Syrian assistance. He cited 1958 as the year in which the Government of Lebanon requested the United States to send in the marines. Responding to this request, the U.S. Government did just that. He further noted that the United States was not a neighbor or fraternal state and was far away geographically from Lebanon while Syria and Lebanon share one history, one language, and are neighbors. Therefore, he maintains Syrian forces are present in Lebanon legitimately. He also pointed out that the Taif accords, which were agreed to unanimously by all the Lebanese deputies, call on Syria to assist the new legitimate authority in Lebanon to impose its authority in all of Lebanon. That accord was ratified by all the Lebanese deputies in Taif.

In the past decade, United States relations with Syria have been—at best—uneven. Syria's adamant rejection of the Camp David accords and the United States view of its support for international terrorism led the Congress in 1983 to prohibit any new assistance. In November 1986, we withdrew our Ambassador to Syria and imposed a comprehensive set of sanctions.

In September 1987, we returned Ambassador Eagleton partially in response to Syria's positive actions against terrorism on expelling the Abu Nidal organization from Syria, and assisting in freeing of ABC correspondent Charles Glass in August 1987. In addition, since 1987, the United States Government has been working with the Syrian Government to establish a structure for national reconciliation and reform in Lebanon.

Syria is obviously an important regional power, not merely in terms of its ability to project power and influence in the Middle East, but also because of its strong perception by other countries in the region as a significant power. Israel recognizes this and is concerned by Syria's missile and chemical warfare capabilities as well as its conventional warfare potential. This suggests that if there is to be regional stability in the Middle East, Syria must be an important player.

With the U.S.S.R.'s preoccupation with other matters and the U.S.S.R.'s rejection of Syrian requests, there is now an opportunity for the United States to bring Syria closer to the West. There are many matters on which the United States could be appropriately helpful to Syria such as spare parts for commercial airliners, trade and the extension of commercial credit. If the United States developed closer bilateral relations, Syria might listen more closely to the United States concerns on human rights and the Mideast peace process. The matter of terrorism, including outstanding questions on Ahmad Jibril's involvement in Pan Am 103, remains a cloud over United States-Syrian relations, but Syria's continuing efforts on that subject and aid in releasing our hostages, in conjunction with what Syria has already done, may ameliorate that troublesome issue.

A stronger bilateral relationship with the United States could help bring Syria into active negotiations in the Mideast peace process which would promote United States interests in the region. Last June, in a meeting with executive branch officials and a group of Senators, I urged President Bush to consider an invitation for President Asad to visit the United States. Shortly after my return, I briefed the President, Chief of Staff John Sununu, National Security Adviser Brent Scowcroft and others at the White House on January 25 and renewed my suggestion that consider-

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ation be given to inviting President Asad to the United States.

The Mideast peace process is currently preoccupied with the Palestinian issue. If security for Israel and the region could be achieved by bringing Syria and Iraq to the bargaining table, I believe the Palestinian issue would fall into place.

My meeting with President Asad, Vice President Khaddam, and Foreign Minister Shara suggests to me significant Syrian receptivity to closer United States-Syrian relations; and with that, a likelihood of greater United States success on our Mideast and worldwide goals.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. DURENBERGER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1630.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell Amendment No. 1293, in the nature of a substitute.

(2) Symms Amendment No. 1295 (to Amendment No. 1293), to allow communities to decide whether or not to close a business because of emission limitations imposed by Section 112 of the Clean Air Act.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. DURENBERGER].

Mr. DURENBERGER. Mr. President, I understand the pending matter before us is an amendment by the Senator from Idaho [Mr. SYMMS.]. Am I correct in that assumption?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURENBERGER. Mr. President, I rise in opposition to the amendment offered by the Senator from Idaho and I do so because I believe it is contrary to the agreement which has been reached by the Senate leadership and the administration on this legislation.

I will speak only briefly to the agreement which we reached, but more importantly, to my colleagues, I will say that doing a clean air authorization is the next impossible thing to crossing Antarctica by skis and dogsled. We have not been able to do it since 1977. We only were able to do it once before that, in 1970. We have struggled in a variety of ways over time to bring a bill to the floor that might alter public policy in an appropriate way.

I think the only reason the bill is before us this week is because both the Bush administration and the Senate, I think the House as well, made a decision to take as much of the partisanship, and even as much of the regionalism, out of the clean air bill as possible.

We all know the history of the last 4 weeks and the negotiations that took place, to try, not just to accommodate the variety of philosophic views, regional views and so forth, but also to stay within the original intent of the national clean air policy, which was to make a workable piece of public policy which can be implemented.

S. 1630 includes a health standard for cancer-causing air toxics which may be released from industrial facilities. Those standards will begin to be effective for existing plants in the year 2000.

The bill also contained a 5-year extension for any plant that would face severe economic hardship as a result of those standards. So plants emitting carcinogens would have 15 years before they would have to come into compliance with health standards. It was the belief of the committee that this extension would allow time to install the pollution control technology necessary to reduce the risk and would avoid unreasonable costs.

Many Senators felt the requirements of the bill were too harsh. And as a result, the negotiations which have been conducted over the past 3 weeks have focused on other approaches to this problem. The agreement provides that the owner of a plant emitting a large quantity of cancer-causing substances need only show that no actual person within the vicinity of the source is exposed to a cancer risk greater than 1 in 10,000. But the agreement is based on the clear understanding that any plant exceeding this level will be required to cleanup or shutdown.

The Symms amendment would set aside that policy. It would override the agreement that took us almost 4 weeks to hammer out. The first subject we tackled on February 8 for 8½ hours was this section, air toxics. We came back to it again on February 22 and spent the better part of a day, and a second day dealing with this same issue. We came back to it again 2 or 3 successive days before this agreement was arrived at in order to reach this agreement. It was an agreement that everyone, including those who were not on the committee, those who were not part of the group of 15, but who were very involved on the part of the same community Senator SYMMS feels strongly about where a party to and hopefully were in agreement with.

So I say the Symms amendment would set aside that policy. It would override that agreement.

No action could be taken to force reductions in cancer pollution from a plant unless there was a referendum in the community surrounding the plant. The amendment clearly touches on issues which are within the scope of the agreement and establishes a different policy. I believe all of us who are party to the agreement must, therefore, oppose the Symms amendment.

Mr. President, I would also oppose the amendment even if it did not violate the agreement which has been reached between the Senate leadership on both sides of the aisle and the Bush administration. I would do so because it is an unworkable agreement. One can imagine a small town with a single plant voting to keep the plant open and accepting the cancer risks.

But how would this policy be implemented in metropolitan areas? Large sources of hazardous air pollutants may increase cancer risks over an area extending 30 miles from the fence line of a plant. In a metropolitan community, hundreds of thousands of people living in dozens of communities would have to be consulted by referendum under the Symms amendment. Can anyone imagine a vote in the District of Columbia metropolitan area on a plant that might be located in Alexandria, College Park, or Reston? The District, two States, and dozens of local communities would have to coordinate an election whenever a plant decided to claim that an air pollution standard caused an economic hardship.

My colleague from Idaho might say that the complexity facing the dozens of local governments trying to coordinate that kind of election is nothing compared with the burden faced by the plant owners and workers facing shutdown. But the amendment is not only about shutdowns. The amendment goes beyond the extreme case, and it requires an amendment for every fee, every permit that might be imposed under the air toxics section of this legislation.

I ask my colleagues to try to imagine a public referendum every time an air pollution permit is issued, every time a fee is collected on a permit application. We would be voting two or three times a day in this community on these kinds of referendums. Three-quarters of the people of America live in large metropolitan areas, and hundreds of permits will be issued to sources of pollutants in each area every year.

There are 30,000 plants and other facilities across the country that may be subject to these regulations. The Symms amendment would put those polluters in charge of the regulatory process. If they did not like their permit or they thought the fee imposed by the State air pollution control agency was too high or they did not want to include air pollution control equipment, they would just plead hardship, threaten the workers, the communities, and force a referendum. The State pollution control agencies would be stymied, which I suspect may be what the Senator from Idaho has in mind.

I will oppose this amendment because it violates the agreement we negotiated so carefully and because it is not workable.

Mr. President, I will say that if others have a different judgment about this agreement, I may offer an amendment in this area myself at a later point, but I urge the Senate to oppose the Symms amendment. It is in violation of the agreement. It is unworkable. It would make it impossible to implement the air toxics program in this bill, and it would require a public vote on every permit or fee issued by a State air pollution control agency. It is the largest possible step backward from the 1977 bill, to say nothing of what it does to the workability of the one we proposed to be the 1990 Clean Air Act.

Mr. President, I yield the floor.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana [Mr. BREAUX].

Mr. BREAUX. Thank you, Mr. President. I rise in support of the committee product that is now pending before the Senate, which is the result of a number of days, and I would also point out nights, of extended negotiations, negotiations that lasted until 3:30 in the morning, until 2 o'clock in the morning, until 1 o'clock in the morning; wherein all Senators who had an interest in trying to come up with a compromise package were invited to participate. There are a number of Senators, however, who stayed the whole route and indeed worked day and night to produce the legislation which is now before the Senate, of which I have signed on as a supporter and, indeed, do so with enthusiasm.

I would like to particularly commend the majority leader of the U.S. Senate, the Senator from Maine, without whose help this product would not be on the floor today. It has been 13 years since we have taken action to do something about the quality of air in this country. Environmental groups could never agree on how much we should do; industrial leaders could never agree on how much they would accept. Because of that impasse, we have continued to pump out untold amounts of toxics and pollutants into our Nation's atmosphere. Congress has had to sit idly by and watch the devastation, the sickness, the illness that that type of operation has continued to produce. We have been frozen in limbo with an inability to produce legislation that was going to address this very serious and substantial problem up until now.

The majority leader put together a group of Senators from widely different perspectives, some of us representing large concentrations of petrochemical and oil and gas refining industries, as well as those who represented areas that were being particularly impacted because of acid rain and because of other exposures as a recipient of the pollutants that were coming from other parts of the country. We were asked by Senator MITCHELL to sit in a room, to work to resolve differences, and stay there until we produced a product. That product is now on the floor of the U.S. Senate.

It is interesting to see the various comments outside of Washington about whether this is a good bill or bad. I predicted that those from industry would think that we have done too much, and we have seen their remarks indicating that that is in fact, their belief. We have seen environmentalists who have said we have done too little. We have seen press conferences now sprouting up throughout our respective States saying that we have retreated from what we had before.

Mr. President, I believe that the truth is certainly somewhere between the two extremes. I like the way it was phrased and characterized by the Washington Post in their recent editorial when they called this product a "triumph of common sense" that will go a long way toward cleaning up our Nation's air in a manner that allows our industries, our companies, producers of products to continue to operate with new rules and new standards. This bill says to polluters: "Clean up or close up." But it does so with a set of standards that are reasonable, practical, and balanced and will allow all of us to pass a piece of legislation that we can be proud of.

Air toxics is a section of the bill that directly affects my State of Louisiana because of the high concentration of petrochemical plants, oil and gas refineries, and chemical plants producing products for use throughout the world. Louisiana right now by estimates is emitting 134 million pounds of air toxics a year—air toxics being emitted into the Earth's atmosphere essentially unregulated under current law.

This section of this bill is expected to reduce that amount by about 90 percent in the first round—roughly 120 million pounds less of air toxics should be emitted within the State of Louisiana as a result of the first phase of this bill, a monumental step with regard to the cleaning up of the air we breathe.

What we do better that first round is, I think, settled in a manner which is agreeable to most thinking Members of this body. After we clean up 90 percent, we ask the Environmental Protection Agency to study the locations, the situation, and determine whether we must do even better than that. But we do not arbitrarily accept a mathematical computer model and put the computer model into play with regard to further requirements for these plants. We are not trying to clean up the air for hypothetical people. We are trying to stop people's exposure to health problems.

What we crafted in the compromise will allow the National Academy of Sciences to recommend the best way of assessing risk and to provide that recommendation to a commission, which is a balanced commission, which will make a recommendation to Congress on how we may best arrange risk.

If Congress does nothing, if we just sit back and refuse to accept what we should do in the second phase of cleanup operations, then a minimum standard of no greater than a 1 in 10,000 risk of cancer as a result of exposure to these air emissions would go into effect, with a further goal of reducing risk below 1 in 1,000,000. So we have a bottom line if Congress does nothing, but we give Congress the chances to receive expert advice and to come up with a real world, reasonable test, which I think makes a great deal of sense.

We want to clean up health problems in the real world, not hypothetical problems suggested by a computer model. This, I think, makes a major step in that particular direction.

What do we do about automobiles? No. 1, we are going to require that they use cleaner burning fuels. We can do that. Right now we have automobiles that average about 1.75 grams per mile of hydrocarbon belching into the atmosphere every day. That is a particular problem in some of the severe and extreme areas, like Los Angeles, that have incredibly high amounts of pollution, producing a very unsafe situation for the citizens of those cities because of the high number of automobiles.

We require that by phase 2, which begins in model year 1999, we will reduce that 1.75 grams per mile of hydrocarbons down to .66, a major reduction in emissions, because of burning cleaner gasoline or other fuels in improved automobiles, which this bill requires. In addition, we require a 27-percent reduction in air toxics.

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I am very pleased that we also had our group accept a section that I offered which requires ultra-clean vehicles, even cleaner than those that burn reformulated gasoline. We will require automobiles to burn especially clean fuels, like compressed natural gas, which emit virtually no pollutants. We phase in that requirement by ordering that Federal vehicles in some of our most serious, severe and extreme areas be operated on these alternate fuels like natural gas we require that the Federal Government set the stage and, indeed, become the leader in producing a cleaner vehicle.

What a great achievement it would be if every vehicle owned by every Federal agency in these dirty areas would be operated on a fuel such as natural gas—a tremendous effort at cleaning up the atmosphere and the quality of the air. So we require that Federal vehicles in these extremely dirty areas actually begin using especially clean fuels like natural gas.

We also require that beginning in 1997, at least 30 percent of new private vehicles which are owned by fleets with 20 or more cars and are fueled and maintained at central locations also begin using these especially clean fuels in the nine most polluted areas.

We are talking about a total of 69 major cities that will be required to have vehicles gradually phased in beginning in 1995, to begin using ultraclean fuels—a major achievement as far as cleaning up the atmosphere.

With regard to acid rain, very difficult compromises were reached. The President pro tempore of the Senate, the Senator from West Virginia [Mr. BYRD] was very active in fighting to try to protect the interests of his State, and at the same time I think a realistic compromise was reached with those States which want to see less acid rain produced by restricting the burning of high sulfur coal.

I personally feel that if we have a cleaner burning fuel, we should use it. I think this legislation goes a long way to requiring that the dirty utilities in this country which are burning high sulfur coal start converting to cleaner burning operations by switching fuels, by cofiring, burning the high sulfur coal with clean natural gas and producing fewer emissions, or they can use scrubbers or other technology which are more costly, to help additionally clean up emissions that they are producing.

This bill calls for a 10-million-ton reduction in the amount of emissions that are being produced by the utilities in this country—a 10-million-ton reduction—and cap it at that level, 10 million tons below what we were doing in 1980.

The emissions reductions are in two phases. We require them to go down to 2.5 pounds per million Btu's by 1995, and down to only 1.2 pounds per million Btu's by the year 2000. We allow the clean burning States like my State of Louisiana, which is one of the cleaner States because we use natural gas, to receive allowances which will permit us to grow so that we will not be penalized for having clean utilities. So we do have an opportunity to have some growth in our area.

For all cities that are in nonattainment areas, we have some very strict standards they have to meet. Annual progress is required in reducing their emissions 4 percent a year for 6 years, and 3 percent each year thereafter. We allow the States to come up with their plans to produce these results but certainly require that if the State fails to act, the Federal Government steps in. It gives the State the opportunity, but if it fails to produce a plan that meets these standards, the Federal Government will come in and begin to do it.

With regard to motor vehicles, in addition to the clean burning fuels we are going to require such as natural gas and reformulated gas, we also require that beginning in 1993 the tailpipes on the cars will meet a new standard, more strict than it is today. This would result in a reduction of 22 percent in hydrocarbons and 60 percent in emissions of oxides of nitrogen coming from the tailpipes of these cars, a major new effort at reducing pollution coming from vehicles, which is our largest source.

How do we get further reductions? The bill provides that if 11 of the 27 serious nonattainment areas are not clean by the end of 2001, then additional tailpipe standards will go into effect in the model year beginning 2004.

We hope these areas are in fact in attainment, that they have been successful in cleaning up the air. But if they are not, this legislation requires that a second round of tailpipe standards go into effect. I am hopeful and optimistic, as is EPA, that that will not be necessary. The legislation clearly provides that if the situation is not working as we think it will be, additional tailpipe standards will be required nationwide.

We also require in the severe areas, if they are still 25 percent above the health standards in the year 2004, additional tailpipe standards will go into effect in those areas, and these are the nine cities that are the most severely impacted, and severe and extreme areas.

So we have, I think, adequate protection to ensure that cars, No. 1, will burn cleaner fuels and, No. 2, that cars will have better exhaust systems that will produce less emissions from their tailpipes.

All in all, Mr. President, the bill is not perfect. No legislation product of a body such as ours will probably ever be perfect. But I think it goes a long way in addressing one of the most complex, complicated, and most severe problems with which we, as a nation, are going to be faced, and that is indeed saving the planet Earth and protecting the health and living conditions of its people.

The bill goes a long way toward doing that. I want to commend particularly the Senator from Montana and the Senator from Rhode Island who both, I think, made a major contribution toward compromising in areas in which there was reason for legitimate compromise to try to produce a new law that is 100 percent better than what we have now.

This compromise agreement is one I highly recommend to my colleagues. It merits their support so we can send the bill to the President and have it signed into law this year.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first of all I would like to thank the distinguished junior Senator from Louisiana for the kind comments that he made in connection with the work that we have done on this legislation.

I also would like to say that he has been a key player in all the conferences and meetings that we had in connection with it, and deserves a lot of praise, as does the senior Senator from Minnesota, for the work on the bill as a whole but particularly in connection with this section which they delved into, and indeed in fashioning the compromise that we came up with.

I oppose the amendment offered by the Senator from Idaho. The amendment would overturn the compromise on health standards for air toxics which is included in our agreement with the administration. I support the agreement, and hence oppose this amendment.

But beyond that, there are other reasons to oppose the amendment. First of all, I must say that the wording of the amendment is somewhat confusing, and indeed does not cite in its language the agreement that we finally reached, and the language that is included in the agreement. For example, the amendment by the distinguished Senator from Idaho sets forth the question that is posed to the people in the constituency that he is suggesting we vote upon in a referendum—whether a plant should be closed or not.

He sets forth the exact language. I shall read it. Question: Shall—name of plant or facility—remain in operation notwithstanding the fact that the U.S. Environmental Protection Agency has projected the possibility that an individual born or standing in the defense line of this plant for 70 years be subject to a lifetime cancer risk of greater than 1 in 10,000 or 1 in a million.

Mr. President, in the language that we provided under the compromise it does not deal with the risk of 1 in 1 million. It deals with the risk in 1 in 10,000. But beyond that, we do not know yet what exact standards will be provided because in the legislation that we have it provides for a study. It provides for the National Academy of Sciences to come up with a standard, and the standard may well not be that of an individual born and standing in the defense line of the plant for 70 years. That would not be the appropriate question to ask the citizens to vote upon.

Furthermore it seems to me that this is an entirely unworkable proposal. It says that any time a plant claims that an economic hardship is being imposed by an air pollution rule or permit, the whole community will go to vote pro or con on that permit or rule.

This cuts into the heart of the residual risk program which says that if a plant cannot reduce its emissions so that an active person living within the vicinity of the plant—these standards are going to be set up by the National Academy of Sciences and studies resulting therefrom as I said. If a person is exposed to cancer risks greater than in 1 in 10,000 it must shut down. This is a national standard.

The standards that we come up with will be a national standard, and will have to be applied equally and fairly amongst all sources in a particular industrial category. The amendment proposed by the Senator from Idaho would change that equation. The emitter of the cancer causing substances will be able to mount a large public relations campaign in local communities to convince the voters they cannot afford to install those controls.

The entire process it seems to me would be put in the hands of the polluter. The polluter would control the information on which the voters would decide. The Government does not have any funds to go out there and mount a counter campaign. The polluter with the high-powered public relations effort would present what it considered the facts, and indeed these might well be distorted or twisted in order to satisfy the polluter.

The polluter as I say would control the information on which the voters decide. They are the ones who can threaten the local citizens and the local elected officials with a shutdown unless their economic demands are met—"they" being the plant, its officials, and its public relations individuals are the ones who have thousands of dollars to spend on a slick advertising campaign which can confuse the issues or mislead the voters.

This concept undermines the premise of the Clean Air Act. Furthermore, it undermines the premise of further acts that we have on the books, particularly the Clean Water Act and other environmental laws. If we are going to make any progress in cleaning up the environment, we need strong national standards applied equally to polluters in the same industrial categories.

There is another hidden roadblock in this amendment. Assuming that the EPA Administrator somehow could figure out how to define what the "community" is, the legislation talks about the "community." "No plant or source shall be required to cease operations unless a question shall have been placed in referendum before the community exposed to the risks."

What is the community? Is it a city? Or is it a metropolitan statistical area? Is it a radius of 5 miles from the plant? Are those in that radius then entitled to vote? By the way, who is going to vote? Everybody, man, woman, and child? After all, everybody's health is affected. Or just those over 16 or just those over 18? Do you have to be a registered voter? Do you have to be an American citizen to vote for example? After all, you could be a legal alien living in the territory, legal with your green card. You are the one who is going to suffer. Are you going to be permitted to vote on this plant or do you have to be a U.S. citizen to vote even though your health may be adversely affected by the plant?

What about those who have not lived in the area very long, not long enough to qualify to vote under the normal voting standards? In our State, for example, you have to register 30 days before you vote. What would be required here? Would you have to have lived there a certain length of time? Who knows? That is not made clear.

But these are the problems that the EPA Administrator would have to satisfy. We are going to have the Administrator of the EPA tied up with a whole series of burdensome requirements that could cost all kinds of man-years to an agency that is already strapped for manpower.

Under our approach the permits for these facilities are going to be issued by responsible State and local governments. It is important to note that a program very similar to the one that is included in this air toxic legislation has already been implemented under the Clean Water Act in connection with the discharge of toxic pollutants into surface waters. It is suggested that some gigantic new burden is imposed by this legislation that is totally foreign to anything that American industry has been subjected to in the past. That just is not so.

Many of the facilities that will be regulated for air toxics are being regulated for water pollution discharges for water discharges. These same industries already pay fees to support the water program. They must meet under the existing laws stringent water quality standards which go beyond simple technology requirements. They include consideration of health and environmental effects. American industry has not been shut down by the Clean Water Program. It has not been necessary to have a public referendum on every permit or fee to run an equitable program.

None of this language exists, that is proposed in this amendment, under the Clean Water Act. The Pollution Control Program proposed for air toxics in this legislation that we have is a copy of the Clean Water Program, and undue burdens will not be imposed.

We have modified the original proposal that we came to the floor with, 1630, the committee bill. As a result, the program we have come up with does involve the community in the decisionmaking process. This is not something done by some faceless bureaucrats way off in Washington.

Plans which exceed the 1 in 10,000 risk level can get an alternative standard, as I mentioned previously, if the plant does a health assessment in the community showing that no actual person would experience a high cancer risk. These health assessments are available to the public. There will be public hearings and a chance for written comment before any final decision is made. All of that is provided under the bill that we are currently voting upon. So we have a workable process for public involvement.

But this amendment, in my judgment, would gut our program. It is explicitly contrary to provisions in the agreement. As I said before, I believe it is unworkable.

So I hope that the amendment will be rejected.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, I rise to talk about one thing.

First, I want to make a couple of comments to answer some of the criticism of what I consider to be a very fine amendment. I might say to my colleagues that the idea behind this amendment originally came from the environmental side of the argument.

I think the Environmental Defense Fund first started talking about it because they think that local people who would be affected, to answer the question of the Senator from Rhode Island, long before we ever got to a referendum. EPA will already have determined who the population that is exposed and at risk is.

For us in the Senate to say that we do not have confidence in those people that are the exposed population is a classic definition of what I call "banks of the Potomac mentality." My definition of that is when we think the people along the banks of the Potomac River know what is best for the people who live along the banks of the Snake River or the Columbia River or the Missouri River or the Mississippi River.

It is incredible to me that somehow, after a time in Washington, when all of the players here in this town talk to each other, that finally they come to the conclusion that the only way the people can survive is that we pass legislation, and we will not even give them a referendum. That is all this amendment says. It is very simple.

I will just read the text. It says:

> No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:
>
> Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 or 1 in 1,000,000).

I know my colleagues are saying that is not appropriate. That is exactly what is in the bill. Unless the National Science Foundation makes other recommendations and Congress enacts another residual risk standard, the way the bill is written, that is exactly appropriate.

Then I go on with the amendment. It says:

> Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

In other words, so they cannot pollute worse just because they won the vote. The people in Beaumont, TX, who stand to have a petroleum refinery plant closed because of this legislation, and the 2,000 people, and the other thousands of people who live in the community, who are the exposed population, choose to keep the plant open, that we are going to keep it open. That is basically what the amendment says.

Before I go further on the amendment, I want to talk to my colleagues about my general analysis of what we have with respect to this bill.

Mr. CHAFEE. Will the Senator yield for a minute?

Mr. SYMMS. Sure.

Mr. CHAFEE. I want to make clear that in the legislation we have, it provides for a study involving the actual person who lives there. In other words, the plant who is threatened with the shutdown, because it cannot meet certain standards, can then request a study involving the actual person.

So it is not quite accurate to say in your question that is being presented for the referendum that EPA has projected the possibility that an individual born and standing in the fenceline of this plant for 70 years may be subjected to a lifetime cancer risk of greater than 1 in 10,000.

That will not be the final situation, so the question you set forth in your legislation, in your amendment, is not an accurate question to pose to the people, because before they get to the situation where the plant will be closed, the plant will have requested this study that I mentioned, and that study will involve the actual person. In other words, you actually find where the nearest house is, who is living in it, how long they anticipate living there; you deal with actual facts, rather than somebody who has been standing in the fence line for 70 years.

Mr. SYMMS. I say to my colleague, Mr. President, if the Senator from Rhode Island has some suggestions, I would be willing to look at those suggestions for a possible modification, of a more accurate definition to the language of the amendment. But the way I understand the residual risk from the agreement, it is one of the most resolved of the so-called "rumored-to-be-resolved" issues. The 1 in 10,000 shutdown standard and the 1 in 1 million technology case standard still exists, unless amended by Congress sometime in the future; is that not correct?

Mr. CHAFEE. No, that is not correct.

Mr. SYMMS. That is the way I read it.

Mr. CHAFEE. The plant threatened with the shutdown can then appeal for the actual man, for the actual situation, and thus a study is based upon that actual situation, rather than the hypothetical situation that would otherwise be involved, absent the request for the on-site study.

Mr. SYMMS. Mr. President, the way I understand it, to go on from what I said, Congress will have to act between now and the time that this takes place, because the current language in the bill—it is true that they are asking for a study. But furthermore, the hypothetical maximum exposed individual continues to be the basis for the regulation, unless a company invests millions in a demographic study upon which to base a maximum real exposed individual standard.

Now, what that tells me is it will be cheaper to go out and buy up a few of the houses close to the plant, because this air does disseminate once it leaves the plant, and it spreads out, it goes up and it broadens, and it instantly becomes less toxic, or it has less air toxic in it as it is spread out in a wider area.

If the goal of perfecting the original S. 1630 provision was to provide some assurance for future capital formation in the United States, the compromise fails miserably since it clouds rather than clarifies what the future regulation is going to be. So I think this amendment is appropriate.

But I appreciate the concern that the Senator from Rhode Island brings up, and if someone thinks that they can come up with better language—I would say this with respect to the language in the bill, that first off EPA is going to determine who is the exposed population, what community is at risk. That is the first thing. The second thing, there will be a great deal of time to go through this, and the appropriate wording, it may well be that appropriate wording could be different, but the way the bill is written now, I think the Senator would have to say that this language is correct because it really basically is based on this MEI, most exposed individual, for 70 years, subjected to a lifetime cancer risk of greater than 1 in 10,000 or 1 in 1 million, which amounts to 170,000 years, or something like that.

It is very interesting to me that we are legislating that which will cost millions and millions of Americans their jobs that could be threatened when the average risk, the residual risk, if you will, of anybody, any person, is 50 in 1 million that you will be struck by lightning in your lifetime, and yet we are talking here on the Senate floor, along the banks of the Potomac, where all wisdom seems to be most valid, that we are going to go out and give the EPA the authority to start closing plants, costing millions of Americans their livelihood, driving these production facilities, pharmaceuticals, chemicals, the steel industry, and others, offshore, driving them to Canada, driving them to Mexico, driving them to Honduras and Nicaragua and other places that will hopefully by then, after the elections in the Communist country of Nicaragua they have seen the light, that they know that they do not want what it is that we keep pressing forward with here along the banks of the Potomac that we continue to try to force and mandate excessive regulation on people.

Mr. President, I want to go through very briefly a few points. After analyzing this bill in the late hours last night—and I would like to thank Trent Clark of my staff for the work he did to prepare this summary of the best we could analyze this bill. But some of the provisions are worse than when they went in from my point of view.

Stage II vapor recovery nozzles: The compromise contains the original Stage II mandates in S. 1630, but decreases the chances of waiving the mandate in the event it becomes unnecessary.

Fees: Generally speaking, while the initial amounts of several fees in the bill were reduced, a new provision indexing fees to the CPI was added to every fee in the bill.

So we do have the potential for higher fees into the future.

The automobile standards section:

The committee-reported S. 1630 contained a super-tight tailpipe standard for automobiles in the year 2003. The substitute does not entirely delete that requirement, but adds on top of it an additional "alternative fueled vehicles program" requiring private centrally-fueled fleets to be 30 percent "alternative fueled" beginning in 1997. The two provisions overlap, creating a situation wherein major nonattainment cities would have to make enormous infrastructure changes to accommodate methanol, CNG, or LPG, vehicles, only to have a nationwide emission standard imposed 5 years later that eliminates the need for such a program.

This is a very, very costly program, Mr. President. This is enormously costly to the American people. All I am trying to do, and if other Senators do not wish to be concerned about this maybe later on they can tell me and I will just vote against this bill and the Senators can go right ahead and pass it which they probably have the votes to do, but I think that the American people need to realize the cost this bill is going to impose on the working men and women of this country. It is going to be extremely costly.

Acid rain: Generally speaking, the new acid rain compromise does little to remedy the dilemma of clean-energy States whose growth is stifled by the cap on SO_2 emissions.

This is exactly the situation in the State of Idaho. We do not produce any SO_2.

To the extent that it further biases the granting of emission "allowances" to already high-SO_2 emitters, the compromise only makes the forced "clean State subsidy" to "dirty States" that much greater. Also, NO_x for SO_2 trading, allowed under S. 1630, is now prohibited. This eliminates a mechanism that would have allowed utilities to maximize cost-effective acid precursor control.

Mr. President, I think when Senators here begin to figure out and the American people begin to figure out the way this bill is written there will be 40 States paying to help cleanup 10 States that we are setting the stage for the second war between the States and there will be, I think, a great deal of controversy when people finally figure out down the road a few years what the Congress has done.

They are literally saying that the people in Idaho who have already cleaned up, the people in Wyoming who have already cleaned up, the people in Montana who have already cleaned up will end up getting to help pay for the cleanup of the power production in Ohio and through the Ohio Valley and in the States that burn high sulphur coal and have not spent the money on scrubbers as yet. So this still needs to be reviewed. People need to be aware this is what they are being asked to vote for.

Permits: Fee provisions have now been added into the permit section. [in S. 1630, they were attached to the criteria pollutant provisions]

PROVISIONS RUMORED AS "FIXED" THAT REMAIN SERIOUSLY FLAWED

Fees: $15 EPA budget booster: While the "per/ton" fees assessed on criteria pollutants is dropped from $75 to $25, that is only for the portion of fees that S. 1630 originally allocated for state air programs. The $15 dollar fee destined for federal coffers is still in the bill, and is still "dedicated to a special fund available only for appropriation to the EPA."

Fees $5,000 "Hammer" fee: While applied to a smaller slice of emissions, this enormous fee (still reaching as much as $100,000 per year for small businesses) remains in the bill in spite of the fact that it would be levied on even the best and the cleanest businesses through no fault of their own—possibly just because of a bad weather or high temperature year.

2003 tailpipe standards: This $8 billion dollar feature of S. 1630 is only cosmetically hidden by a caveat if 11 of the nation's furthest-from attainment cities are "in attainment" in the years 1999, 2000, and 2001.

If they are not in attainment then the $8 billion feature to this substitute will kick in as S. 1630. A mere replay of 1988's mean annual temperatures in any one of these years could produce nonattainment in all of these cities, even though such exceedance of the standards might not reoccur for 30 years after that.

So we are leaving ourselves exposed so no Senator should be misled to think that the $8 billion feature on the tailpipe on the phase 2 on tailpipes is not still in this bill.

Onboard canisters: This onboard vehicle bomb, as I call it, is still deemed safe by Congress, and is mandatory incorporation in vehicle design by 1995 can only be altered by an Act of Congress.

So it will requre a positive act if this becomes law so a handful of Senators who want to delay the progress will be in a position to stop the positive action that it would take to change this in the law.

Utility toxics emissions: The basic concern, that certain otherwise "clean" utilities might be forced to install scrubbers under title III, remains even for those plants that have very low SO_2 emissions.

Such "scrubbing" would increase power rates, while potentially providing little or no public health benefit. The provision also continues to include the vague terminology of "threats to * * * the environment" which could become a catch-all for any substance on the regulated list.

So we are just exposing ourselves with this to all kinds of mischief that could be played by a future Environmental Protection Agency.

Mr. President, I have already discussed the residual risk issue, but I think it is worth saying again. The biggest, most unresolved of the so-called resolved issues is the 1 in 10,000 shutdown standard and the 1 in 1 million technology chase standard which still exists unless amended by Congress at some time in the future.

Furthermore, the hypothetical MEI, the maximum exposed individual, continues to be the basis for the regulation unless a company invests millions in a demographic study upon which to base a maximum real exposed individual standard. If the goal of perfecting the original S. 1630 provision was to provide some assurance for future capital formation in the United States, which I thought was the reason for this, then this will not do the job because the compromise fails miserably, since it clouds the issue.

What I am talking about is if a group of investors were wanting to put a production facility that may emit some air toxics in any State in the Union, and had the potential to do it, they still would have to look at the future. Ten years down the road, if Congress does not act and they leave in this 1 in 10,000 or 1 in 1 million standard in the bill so that this person, maximum exposed individual, who as they say lives at the plant gate, keeps his head right in the fumes, stays there for 24 hours a day for 70 years, if his risk is increased, that 1 in 70,000 years that he might get a cancer over and above what he might have gotten otherwise, then they can have the authority to close the plant down. That is really what we are talking about, Mr. President. I think that that is still in the bill.

I know that a lot of Senators worked hard to resolve that issue, but I am not sure that investors—and I have no doubt that the intention of Senators here is to modify this residual risk part of the bill after the appropriate studies are completed. But I do not think that will do much for investors. I do not believe that will do much for investors, Mr. President. I say that again.

I believe what will happen is investors will say the United States is just simply too difficult a place. They are the country that set the pattern for those people around the world that are throwing off the yoke of oppressive government. The United States was the bastion, the example, the beaming, gleaming light of liberty, if you will, for people to know how to do things. But they are imposing, making it so difficult that we believe it would be safer to invest our capital in Mexico or in Canada or in some other country in the Caribbean basin if we are going to develop a steel plant, a pharmaceu-

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tical plant, a chemical plant, and we will drive them out of the United States and we will lose jobs and we will lose opportunities for people.

There are some other critical provisions that were totally unaddressed by the compromise package.

Design value: Billion dollar decisions based on determinations of attainment versus nonattainment will continue to be predicated on a mathematical game with air quality monitoring statistics that can throw an entire State into nonattainment merely because of one obscure monitor, or because of one abnormally hot or, for carbon monoxide, abnormally cold, year.

Mr. President, this is extremely esoteric to determine attainment versus nonattainment on this kind of a basis; that one monitor, because of a meteorological or a weather pattern or some phenomena that happens, could throw a major area out of attainment and have all kinds of fees levied on people, expensive costs imposed on the opportunity for people to be able to do business in an area and literally drive jobs and drive investment capital out of these areas.

Transportation controls: The bill still contains provisions requiring States to implement very costly and very intrusive transportation controls like forced HOV lanes, bus lanes, no-drive days, and so on.

Forced carpooling: In spite of objections from the administration, the bill still contains provisions that would force employers to increase the number of "persons per car" at the threat of stiff criminal and civil enforcement sanctions.

Useful vehicle life: On top of tighter tailpipe standards, tougher pass/fail criteria for recalls, etc., Detroit will be required to manufacture cars that meet emissions standards for an entire 10 years, or 100,000 miles. While this poses considerably higher costs for marginal benefit, it also will force United States dependence on South African strategic metals—like platinum, palladium, and rhodium—to increase by 260 percent.

So South Africa and the Soviet Union will be the large beneficiaries from this part of the bill.

Mr. President, if we want to do something to help on automotive standards, in my opinion what we should do is pass the Roth bill which would make an incentive for people to trade in the pre-1983 automobiles with a tax credit and spend some money in that respect. In many ways, you can compute it out so it would not even be costly because of the CAFE standards. We would greatly enhance the reduction of emissions in the automobile fleet in the United States by making it possible for working Americans who would like to have a newer automobile, give them an incentive to take their older automobile that is a polluter and allow it to be run through the recycling machine and have them be able to trade up to a new automobile with a tax credit that would amount to somewhere between $2,000 and $3,000.

Senator Roth has done a great deal of work on this. I cosponsored his bill. This would make a great deal more sense than imposing this 10-year, 100,000-mile standard.

Off-road vehicle standards by States: Farm and heavy-duty vehicle cost could escalate due to off-road vehicle provisions of the Senate bill that leave off-highway—but not on-highway—tailpipe regulation in the hands of States, in spite of the clear interstate commerce obstacles created by such regulation.

Gasoline volatility: The Senate bill continues to require a lowering of Reid vapor pressure to summertime levels that, in some areas, could result in vehicle start up difficulty.

In the high-level elevation areas when it gets cold at certain times of the year, with this Reid vapor pressure imposed at the Federal level, we will find that a lot of people will have difficulty getting their cars started.

Another area that needs to be resolved, and I have an amendment that would fix this and I hope to offer it before we complete action on this, but by requiring all "on-road diesel to go through the capital intensive process desulfurization, the bill forces small refineries and farm co-ops to redirect their diesel to off-road and home-heating markets, creating a nightmare of enforcement as you try to keep cheaper off-highway diesel from being used on highway. A simple SO_2 allowance crediting to small refiners could offset the capital cost of desulfurization, and reduce the incidence of duel fuels.

This was an amendment that I tried to pass in the committee, and I still will make another attempt to do that on the floor.

A simple credit to small refiners should offset the capital costs, I say again, Mr. President, so they could desulfurize and reduce the incidence of dual fuels in an area which is so confusing and so complicated and so difficult for enforcement and is not good for the environment.

Lead phaseout: The bill already requires lead-dependent engines to be phased out of production, thus guaranteeing the eventual phaseout of leaded fuel. A separate ban on leaded fuel itself serves no purpose other than to penalize farmers and owners of older vehicles—usually low-income households.

Mr. President, this will be great. All I can say to my colleagues who have a large number of farms in their States is be prepared as we drive leaded fuel off the market to answer to those people who will have their engines wearing out much faster, where there is really no evidence at all that anyone has suffered from lead poisoning from fuel used on farm vehicles that use leaded gasoline.

What we will have is more engines wearing out sooner, forcing rapid replacement. Also, if I am not incorrect on this, this has something to do with recycling, using up machines and equipment that otherwise would last longer, which is very negative to the overall environment of the country. It is beyond me how we think we are helping the environment to deny people technology that is known and proven to extend the life, the wear, and the fuel efficiency of gasoline engines.

Urban buses: The bill continues to require that 100 percent of new buses purchased on or after 1994 in cities of 1 million or more population, be "alternative fueled." The higher cost, initial capital plus maintenance, plus or minus the fuel costs, depending on the fuel, would create a distinct disincentive to modernize bus fleets.

I want to repeat that, Mr. President. The way this bill is written, there will be a distinct disincentive for people to modernize their bus fleets.

The air toxics list. A number of problems are associated with the list of pollutants in title III, including the following:

Ammonia: A substance that is neither carcinogenic, nor chronically toxic, [in fact, it is actually produced by the human body on a daily basis] ammonia is dangerous only when released under sudden and accidental circumstances, yet it is listed for both sudden and routine regulation, presenting the possibility of massive routine emission controls for no health benefit whatsoever.

Mr. President, I will have an amendment on that later on as we work on this bill. I hope we can get support for that, bipartisan support, and correct that to remove ammonia.

Mineral fiber: Even the Glass, Molders, Pottery & Allied Workers Union is on record opposing listing of mineral fibers. EPA's Health Hazard Assessment of mineral fibers states that "the casual relationship between fibrous glass exposure and the development of respiratory cancer is not considered credible at this time."

Compound categories: The list ends with a virtual kitchen sink of broad compound categories such as "cadmium compounds," "nickel compounds," etc., representing the addition of over a thousand additional chemicals to the initial list of 191 substances. Enormous resources could be invested in regulating this list of compounds when there are no known health affects associated with the vast majority of them.

Hazard assessments: The bill's costly redtape requirement forcing individuals to conduct hazard assessments is triggered by EPA's determination that the individual possesses a "threshold amount" of some substance "reasonably anticipated to cause acute adverse health effects * * * based on its * * * dispersibility." Water (H_2O) meets that criteria. The Small Business Administration estimates that these hazard assessments could cost between $2,000 and $10,000 each. Given the broad definition used in the bill, it is likely that farmers and other small businesses could be faced with such costs—all in the generation of paperwork, and not in protection of public health.

It is an enormously costly redtape requirement, which will force individuals to conduct these hazard assessments. And it creates an enormous amount of waste in time and effort on the part of small business people, where they are going to be required to hire more people to not help produce anything, but only to fill out more forms for Government. Maybe some bright young staffer who is listening to this should do a study on how much paper will be required and how many trees will have to be cut down to provide the paper to fill out all this redtape, these costly redtape requirements of hazard assessments.

The definition of a municipal waste incinerator in this bill, Mr. President, simply says that the bill is going to regulate a municipal waste incinerator which literally means anything that burns anything. So we are adding a whole new round of redtape for all of the waste incinerators in the country, with this.

> Product composition: The bill sets EPA in a position of prohibiting or limiting the manufacture, processing, or distribution in commerce of * * * or regulating the composition of any product it thinks should not be burned. Such sweeping power is only precedented in the context of this bill.

I hope there will be an amendment on the permitting section of this bill, because this massive overlay of permits on top of the existing State information plan regime continues in this bill. It will be enormously costly for permitting, for changing from one emission inside of a plant to another. It is going to be enormously costly to work out the permit system in this bill, and it will be a serious impediment in the way of the productivity of the American workers to be able to compete with the Japanese and compete with Western Europeans and compete with the Pacific rim and to maintain our competitive position in the world.

The enforcement part of the bill. "Serious flaws which penalize paperwork and good faith error remain uncorrected, threatening to drive many good professsionals away from the field of environmental engineering," where we need them.

On that point, Mr. President, what will do more good for the environment of this country than all the restrictive, punitive regulations that this Congress can dream up and pass, will be a development of better technology, better computer models. The solution to pollution, if you will, is design, to make things more simple. It is technology, and the way to have that is to have an entrepreneurial-based economy where people are unafraid to charge into the future, to try to make a better mousetrap, so to speak, so they can have a cleaner environment for all of us.

> Handling of CFC's. The provisions which would impose an enormous regulatory burden on any CFC handling, thus making recycling of cars and refrigerators nearly impossible, remain in the bill.

Mr. President, they are still in the bill. This so-called compromise still has this sticky thing. What we need to realize is that Freon, in this bill, will be outlawed. That is already in the process of being done in other aspects of legislation.

> The substitute, like S. 1630 as amended, bans methyl chloroform, one of the most readily available substitutes for the CFC's and constitutes, in the manufacture of HCFC's, the most efficacious substitute for CFC's. This only increases the difficulty of a total CFC phaseout.

This bill even continues to persist in the ludicrous exercise of requiring a nationwide inventory of methane emitted from stock. So, I think, Mr. President, there is still a lot of work to do on this bill. It is not the intention of this Senator to delay the Senate too far. But I do think Senators need to be aware of the fact that there is still a lot of work to do.

Mr. President, is the majority leader seeking recognition? I would be happy to yield to the majority leader without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. I thank my colleague for his courtesy. I am seeking recognition for an unrelated matter, just briefly to gain unanimous consent to vitiate the pending rollcall vote on the Thomas nomination.

I am advised that this has been cleared with the Republican leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as if in executive session, I ask unanimous consent that the rollcall vote on the Thomas nomination and the order be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Reserving the right to object, Mr. President, might I inquire of the majority leader what is his intention with respect to disposing of the Symms amendment? Would that be done after lunch, then?

Mr. MITCHELL. Disposal of which amendment?

Mr. SYMMS. The Symms amendment.

Mr. MITCHELL. It is my understanding the Senator from Idaho wished to have the vote on his amendment after the caucuses.

Mr. SYMMS. That is correct. As long as it did not interfere with that.

Mr. MITCHELL. That is perfectly agreeable to the managers, I understand, and to me.

Mr. SYMMS. That is fine with me.

The PRESIDING OFFICER. Hearing no objection, the request of the majority leader is agreed to.

Mr. MITCHELL. I thank my colleagues.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Will the Senator yield for a question?

Mr. SYMMS. Yes, I will be happy to.

Mr. BAUCUS. Since we have now vitiated the vote on the nomination and also now because the Senator from Idaho is agreeable to a vote after conference, I wonder at this point if the Senator from Idaho would be willing to agree to a unanimous-consent agreement that the vote on the Symms amendment occur at 2:30 today?

Mr. SYMMS. I would rather not enter into any agreement until after the lunch meeting with the Republican conference. I may be agreeable to enter into an agreemant at that point.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I want to carry on this discussion of title III of the air toxics title of the clean air bill pending before the Senate.

I think it is important for us to understand this title imposes regulations on the lives of millions of Americans. Unlike the criteria of air pollutants, like ozone, carbon monoxide, oxides of nitrogen, all of which are regulated under the ambient air quality standard or nonattainment provisions of the act, air toxics are not what we consider generic air pollution. Air toxics are emissions that are comparatively localized, such that you do not come into contact with them unless you pass fairly close to their source. Consequently, the definition of a major source of air toxics under the bill is much more stringent.

Mr. President, under this bill, a farmer, an automotive repair shop, a local dry cleaner, even the local newspaper, could be considered as a major source. So small businesses are going to be eligible for permits, for fees, technological controls and likely they will be impacted by what is in this legislation.

In the past, section 112 of the Clean Air Act has regulated air toxics under the health-based standards, standards that are promulgated by the Environmental Protection Agency and designed to protect the public from possible health risks. But because the health risks from these kind of pollutants are so vague and ill-defined, writing a standard that was soundly based in science has taken an extraordinary amount of time. The EPA has been able to issue standards only for a handful of substances—seven to be specific.

In an effort to expedite the Agency, the Environment Committee bill would promote a new approach to hazardous air pollutant regulation—technological standards imposed without regard to whether they are actually necessary in order to protect human health. However, mindful of the fact that such standards may, by their very

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arbitrary nature, not adequately protect human health, the bill adds to the additional round of regulation whose goal is to achieve a level of nationwide cancer risk no greater than one in a million for anyone born, and not moving while inhaling deeply their entire life on the fence line of an air toxics source.

That is really what is in this bill. It would probably surprise a lot of my colleagues to hear that the purpose of this section is not to save lives. It clearly is not the goal. It is to establish a national risk level, a goal quite different from saving lives. As an example, suppose there is an air toxic to which everyone in the United States is exposed and the risk posed by that toxic results in the deaths of 25,000 Americans? According to the bill before us, this is acceptable as long as the source of the toxic is making an effort to control emissions. But, if there is an air toxic to which only 10 people are exposed, resulting in one cancer case every 69,000 years, the bill deems that risk too high because it translates into an individual lifetime risk for those 10 individuals or greater than 1 in 10,000.

Mr. President, I think we need to get this down and understand it very well. Let me repeat that. The regulatory program under this bill would not focus on a toxic that would kill 25,000 Americans, but it would force a plant to shut down that poses a hypothetical risk of one cancer case every 69,000 years. That is what is in this legislation. The goal of this regulatory program is definitely not to save lives. It is to create a homogenous risk across America.

Such a goal has never been advanced overtly by the proponents of the committee bill. Almost all public arguments in favor of the bill talk about how we are going to avoid cancer cases—a goal that we all favor—lives saved or deaths avoided, and yet at the price tag that the Business Round Table comes up with, a $62 billion price tag per year attached to this title of the bill, you can save many, many more lives. In fact, a million more lives if you spent that $62 billion in another way.

Mr. President, I have a real concern about this. I have a real concern about the idea that it is the Government's job to establish the acceptable risk level for all Americans. Is a world where the Government keeps us from facing risks the kind of world we want to live in? Are we going to try to become a risk-free society? How would life be if we never had to take a risk?

In a world without risk, we never would have to worry about earning a living, eating the right food or maintaining our health. We would not have a farm or highway accident. We would not have to face a stroke of bad luck, let alone suffer the adverse consequences of a bad decision.

That would be a great life, but you would not believe the number of people, thousands, on the banks of the Potomac, eagerly working for a risk-free world. It just is not possible. It is not utopia. They start with the social planners who want to guarantee everyone an equal-paying job, comprehensive health care and automatic retirement. They are closely assisted by the tax-and-spenders who want to make sure once we are paid we do not spend our money foolishly.

Right behind them are the consumer advocates committed to protecting us from ourselves. They are working hard to ban guns, three-wheel motor bikes, and worm-probes, you name it, to protect Americans from themselves. Soon, they will have all the dangerous objects out of our lives if they have their way, and they are aided by their friends the workplace regulators, who shut down businesses for being too risky. These are the people who mandate placing latrines for farm workers every 500 yards, protecting us from all risks too awful to name.

Finally, we have our environmental friends who act as cleanup for any risks any others might have missed. For them, everything is too risky. Since anything, pesticides are too risky. They condemn farming with even the smallest potential for erosion as too risky. They find unbearable the risk in transportation of fertilizer. They cannot stand to see the risk posed when cow and sheep graze BLM land.

I think this risk-free-world campaign is a lot of bunk. Life is a risky business. Of course, we want to minimize the risk, but at what price and how far? When I think about the fact that the American people have the cleanest, the healthiest, the safest, the most abundant and convenient lowest priced supply of food of any other group of people on Earth, and yet there are people who will come out and tell you day after day that somehow the food supply of the United States is not good; there are too many chemicals used in it; it is unhealthy for you.

The reason we are living longer is because we are eating better. We have cleaner, healthier, safer food. We are able to eat more fresh fruit and vegetables because of technology and because of some risks that have been taken. Every day we have to make decisions, decisions that involve some risk or another. That is what freedom is all about, Mr. President. We have to take some risks.

That is what the Founding Fathers did; that is what the early settlers did who settled in this country on the eastern seaboard. They faced a lot of hostile problems, but they braved the American wilderness and they escaped the tyranny of the English monarch. It was not a price that was paid without a great deal of sacrifice, and a lot of them died in the process.

But they all agreed that the risk was worth taking, and somehow the idea that the Government must prevent us all from facing any risk greater than one in a million to me is absolutely ludicrous. If any Senators ever go out and play golf, they have a lot bigger risk of being struck by lightning on a golf course and yet we are going to pass a law that says if the risk is one in a million, we will have the power of the Federal Government to close down the plant.

This bill could make it criminal to operate any business where a substance is used that might pose this kind of risk regardless of who or how many people are actually exposed to the chemical. For some of these chemicals, we are talking about extremely minute amounts. Take one-three butadiene as an example. A mere film of this substance on the water of a half-full paper cup is enough to trigger this hypothetical one in a million risk level.

Think about it. The Federal Government would ban any substance that it projects through some highly questionable mathematical equation, voodoo mathematics maybe you could call it, which would pose more than a one-in-a-million risk.

I want to make some comparisons for my colleagues. Smoking two cigarettes in your entire life would give you a risk of cancer 50 percent greater than one in a million. Two cigarettes in a lifetime will increase your risk of cancer 50 percent greater than a one-in-a-million risk. One x ray at the doctor's office increases the risk of cancer by eight in a million. Living in a House as compared to sleeping on a sidewalk grate raises your risk of dying in a fire to 50 in a million. Living below a dam, like many people in my State do, increases your chances of drowning 50 in a million.

Before we pass this part of this bill, with this one-in-a-million risk, how many of my colleagues live in a House, have smoked more than two cigarettes in their life or had an x ray? That is what we are legislating.

If we were going to legislate that being exposed to this kind of water is too risky, if that is the way Senators are going to feel about it, we might as well get the burial committee out and we can start burying those who are afraid to drink the water because of the risks that may be deemed as unacceptable by this clean air bill. The simple fact is it would be impossible to live a risk-free life even if it were desirable, which I question.

Needless risks of course we would want to avoid, but it only comes through education and experience, through people becoming more conscious about their lifestyles, their work habits, by companies designing new and innovative processes that can serve to recycle their feedstocks so that air toxics are not emitted in the first place. The heavy hand of Government regulation is not going to solve this problem. Seeking to eliminate extremely small risks at extremely high costs is nothing but counterproductive in this process and there is far too much of that in this legislation.

Taking risks has been the hallmark of American success. We took a risk in the space program. We put a man on the Moon. In fact, we put several there. We risked American lives in Europe and the Pacific and we restored freedom to millions and millions of people. Pfc. James Markwell risked his life in Panama, and as President Bush said in his State of the Union Address, he did so gladly so we could be "free to do what we want and live our lives freely."

In fact, in the same speech the President even urged Congress to "encourage risk takers." If we as a Nation are to continue to succeed, it will be because we have met future risks head on and not retired to a risk-free society.

Several hundred years ago when the founding principles of the American society were first conceived, a number of men risked a traitor's death by signing a document we know as the Declaration of Independence. The author of that document, Thomas Jefferson, had this to say about the Government's role in regulating risks. I do not think Jefferson was that far off. In fact, I think he was right on target.

I think he would be right on target if he were here today and he would have something like this to say:

> Our legislators are not sufficiently apprised of their rightful limits of their power; that their true office is to declare and enforce only our natural rights and duties, and to take none of them from us * * * agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise.

This bill is going in exactly the opposite direction of individual enterprise. This bill is allowing the long arm of the Federal Government to intrude into the management and regulation of every business in America, and to dictate the lives of the people.

Mr. Jefferson and his compatriots fought, and some of them died, to secure this Nation for us where men and women could live free to earn their livings by industry and hard work. In my view, Mr. President, it was a risk worth taking.

I have offered an amendment which will allow the right of Americans to live and work and face those risks on their own decision, not have those people on the banks of the Potomac have the complete, dictatorial rights over whether or not they will have a job.

There may be those who doubt the Environmental Protection Agency's ability to accurately measure risks. There may be those who doubt that they are as exposed to certain risks as the "maximum exposed individual" upon whom this bill bases its regulation. And there may be those who, looking at the extremely small, theoretical risks, choose to face those risks rather than face unemployment, local economic depression, and a general quality of life decline that would be much greater, if the plant were closed, than if they continued to take the risk of one in a million for that one person who lives right on the fenceline of the plant. If you move two blocks away, your risk may be one in a billion, so it is much less.

But my amendment creates, in the terminology of none other than the Environmental Defense Fund, a "bright light," allowing communities to decide whether they want to face a theoretical risk from the supposed air toxics or to have the EPA close down what could be their only source for making a living.

Mr. President, I ask unanimous consent that my amendment be printed in the RECORD. I have already read from the amendment earlier.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At the appropriate place in amendment No. , insert the following:

COMMUNITY INVOLVEMENT IN CLOSING DECISIONS

Section 112 of the Clean Air Act, as amended by this Act, is further amended by adding at the end thereof the following new section:

"SEC. . COMMUNITY INVOLVEMENT IN CLOSING DECISIONS.—No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded as follows:

Question: Shall (name of plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 or 1 in 1,000,000).

Even should less than 50 percent respond in the negative, no plant, facility or source may increase its emission of the substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

Mr. SYMMS. Mr. President, I have a number of other specific concerns in the way in which this title of the bill is constructed. I want to list just a few of those.

The substances to be regulated under this section are supposed to be those which the EPA has at least some evidence that health risks are present, yet the committee' bill includes 174 specific compounds including 17 categories of substances such as cobalt compounds, magnesium compounds. Each of these categories represents an addition of many individual substances.

In most cases there is no evidence to suggest that every member of a category causes any human health effect. Instead of identifying which substances may cause human health effects, the bill unfairly shifts the burden of proof to manufacturers and users of these substances.

The last Superfund bill we enacted, title III, contains provisions for delisting substances similar to the process in this bill to the proposed section 112 criteria. To date the agency has processed only 18 delisting petitions. This is of particular concern since those 17 categories include at least 1,000 individual substances.

In addition to the problems with delisting individual substances, the inclusion of these categories will signficantly increase the difficulty of identifying which businesses will be regulated. Whether the agency could ever identify every business which uses each of these substances is questionable, Mr. President. But given the relatively tight schedule in the bill it would appear to me that it is impossible.

I mentioned ammonia earlier. It is a very important product in rural America. By including ammonia on its list of routine hazardous air pollutants, the committee places an unfair double regulatory burden on the fertilizer industry of this country. Ammonia, the basic nitrogen enhancer in nature as well as on the farm, is specifically listed under both the routine emissions and the sudden accidental release provisions of this bill, and yet the principal health concern with ammonia is strictly its sudden and accidental release in the atmosphere.

Mr. President, it is in the bill. It should be amended, and if no one else offers it, I will offer it. But ammonia is not carcinogenic, not mutagenic, not teratagenic or neurotoxic in either low or high volumes of exposure, nor does it present any significant public health hazard or environmental hazard through chronic exposure to routine emissions.

The imposition of this costly and burdensome regulation on routine am-

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monia emissions associated with the production of crop nutrients would place an undue economic burden on an already beleaguered farm economy. If air emissions of ammonia are hazardous at all, it is only in case of substantial sudden accidental release, the regulation of which is appropriately addressed under the accident prevention provision.

In fact, far greater quantities of ammonia are released into the ambient air by the natural decomposition or organic material including manure than by the fertilizer industry.

The World Health Organization in 1986 estimated that cattle manure alone in the United States released 370,000 tons of ammonia per year. According to EPA, in 1987 livestock waste management systems for beef cattle feed lots and cropland spreading resulted in a release of 540,000 tons of ammonia per year. This is far above the emissions associated with commercial fertilizers.

Mr. President, even we humans produce ammonia—almost 16 grams per day. Half of all the nitrogen fertilizer used by farmers is applied in the form of anhydrous ammonia or simply ammonia without water. Farmers prefer anhydrous ammonia because it is 82 percent nitrogen, while most other nitrogen enhancers are only 40 percent nitrogen, costing more to obtain the same amount of nutrients.

America's farmers have learned how to live with and handle ammonia safely. The agricultural sector's hazardous substance training and educational programs associated with ammonia are among the best in the Nation. It simply does not make any sense to impose additional costs, additional uncertainties and burden the Nation's food production sector by including ammonia fertilizer under both the routine and accidental section of the toxics title.

I would invite my colleagues if they are not in the habit of shopping in the grocery stores or someone else who in the family normally does it, to take a trip to the local supermarket of their choice here in the Washington area or in their home States and look at the marvelous, high-quality food that is available for Americans; think about what we have accomplished through the food chain in this country, through the food processing industry, through the food handling, through the development of cold storage plants and transportation systems to get fresh produce to the markets immediately. They are high-quality, clean, healthy, nutritious foods for the American people to eat at a conveniently packaged, low-priced, affordable price.

VOLUNTARY EMISSIONS REDUCTION

Mr. President, this is an extremely costly situation that is in this bill and totally unnecessary. On voluntary emissions reduction, the committee bill attempts to recognize the value of offering carrots as well as sticks to obtain emissions reductions which I think is very positive.

I am saying something good, I say to my good friend from Montana, about the bill. Do not let him think that I have not said something good about this bill. However, Mr. President, even in this well-intended provision the committee has introduced a number of inequities.

First, the voluntary emissions reductions given recognition in the bill are only those achieved before 1992, from a base emission level established as that emitted in a calendar year no earlier than 1985. If you examine this scenario, company A made a significant investment in major pollution control equipment in late 1984. Company A's competition, company B, thought they might get by without any pollution control. The committee bill is enacted. Company B, realizing their loafing days are over, sees they can get a 90-percent reduction by using the same technology that company A installed in 1984. Result: company A must now retool to meet a "maximum achievable control technology," MACT standard in 1992, while company B is exempted for having "voluntarily reduced."

This scenario is a direct result of applying the voluntary reductions credits to the reductions from a particular date. No matter what date you select, it will be inequitable for those who acted just previous to that date. This inequity can be avoided by calculating the reductions from an industry norm, or from "a generally available control technology" equivalent, and then crediting reductions that go beyond that level, regardless of the time period in which the reductions occurred.

The committee bill implies that voluntary emission reductions apply only to a single source category or subcategory within a major facility. Companies should have the option of aggregating the reductions of all listed pollutants at a given site to achieve an overall 90-percent emissions reduction. This would make a lot more sense. This would provide a realistic incentive for companies to make investment in early reductions because it would give them the flexibility to find a cost-effective emissions to reduce.

The definition of "voluntary" is also problematic, resulting in certain good-faith efforts not being eligible toward the 90-percent tally. For example, several States or local agencies confiscate reductions which have been made in the VOC's at the time they redo their inventories for the SIPs.

As written, the committee bill would preclude the use of such reductions obtained, since provisions to incorporate past reductions in the SIPs are part of the State and local agency's regulations. Many emission reductions in nonattainment areas would not be allowed. The same language would also complicate the process for counting emission reductions—the bill does not give any guidance on that matter. As a matter of consistency, since the goal of the voluntary emission reduction credit is to obtain emissions reductions early, how or why those reductions should not be a question on any bearing on whether the reductions have been credited. It is not fair.

Even though utility powerplants are the focus of significant regulation under other titles, and even though utility plant emissions have seldom been measured for quantification or for health effects, the bill before us does not fail to impose one more layer of potential costly regulation on these sources.

Utility plant emissions listed under the air toxics title fall into three categories: solids found in the fugitive fly-ash portion of the flue gas—like manganese and nickel—gases vaporized by the high temperature flue gases, like hydrochloric acid, and other compounds that are not certain to be found in flue gas, like polycyclic organics.

Because the utility powerplant is already under significant regulation, options for further reductions are limited. Particulates from powerplants are currently regulated on a measure of "opacity" performance—how light or how dark the smoke coming out of a stack is—and emission rates.

In order to achieve a nominal 20-percent opacity limit, an implied collection efficiency often exceeds 99 percent. Even with this efficient performance, fugitive emission may total over the threshold limits of this bill. The technology needed to improve upon this high level of performance is limited to one known method, one method: Fabric filtration or baghouses which would have to be retrofitted to the existing units at an enormous cost.

The President's proposal wisely incorporated a thorough scientific review of the possible health benefit from the utility powerplant regulation for air toxics prior to the imposition of any regulations. Such a provision would be prudent and a justified addition to this bill. Such a provision would be prudent and justify the addition of this bill.

Mr. President, I hope that my colleagues that are signed onto this agreement are not going to deny an opportunity for us to correct what I think is a real costly oversight in this bill and should be corrected, as was recommended by President Bush.

The committee bill, in additional regulation of carcinogens, would treat equally all known probable or possible carcinogens. Under the Agency's categorization scheme, this would include substances for which there is no evidence of human carcinogenicity. Those substances should not be treated the same as substances for which there is strong evidence of human carcinogenicity. Such substances trigger the "risk standards" of a 1-in-10,000 and a 1-in-1-million lifetime cancer risk. The EPA estimates that such standards are not currently technologically feasible for a number of major U.S. industries. Charts one and two list those industries most likely to "have difficulty" meeting such standards.

Mr. President, I ask unanimous consent to have printed charts numbers 10 and 11 in the RECORD at this point.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

CHART NO. 10.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-10,000 RISK STANDARD [1]

Category	Chemical(s) emitted
Butadiene production	Butadiene.
Neoprene production	Butadiene.
Polybutadiene production	Butadiene.
Styrene, butadiene resins	Butadiene.
Chlorinated hydrocarbon use	Chloroform, carbon tetrachloride, methylene chloride.
Chlorinated hydrocarbon production	Chloroform, carbon tetrachloride, methylene chloride.
Pharmaceuticals	Chloroform, methylene chloride.
Ethylene dichloride production	Ethylene dichloride.
Pesticide production	Ethylene dichloride, carbon tetrachloride, methylene chloride.
Ethylene oxide production	Ethylene oxide.
Primary copper smelters	Arsenic.
Primary lead smelters	Arsenic.
Zinc oxide production	Arsenic.
Chemicals production	Chromium.
Ferrochrome production	Chromium.
Vinylidiene chloride polymer	Vinylidiene chloride.
Coke ovens	Benzene soluble organics.

[1] Source categories listed were assumed to have a current risk greater than 1 in 1,000, thus requiring emissions reductions of more than 90 percent to achieve a 1-in-10,000 residual risk.

CHART NO. 11.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-1,000,000 RISK STANDARD [1]

Category	Chemical(s) Emitted
Chlorine production	Carbon tetrachloride.
Ethylene dichloride production	Chloroform, ethylene dichloride.
Arsenic chemical production	Arsenic.
Secondary lead smelters	Arsenic.
Specialty steel production	Arsenic.
Glass manufacturing	Arsenic.
Chromium production	Chromium.
Refractories	Chromium.
Coke byproducts processing	Benzene.
Mill tailings piles	Radionuclides (radon).
Elemental phosphorous plants	Radionuclides.
Underground uranium mines	Radionuclides.

[1] Source categories listed were assumed to have a current risk greater than 1 in 10,000, thus requiring emissions reductions of more than 99 percent to achieve a 1-in-1,000,000 risk.

Mr. SYMMS. Because the consequences of failure to meet standards applied under this section are so severe, that is, shutdown, it is unreasonable to ignore the consideration of technological feasibility in the development of standards. And, yet, such considerations are specifically prohibited in the bill.

This is the main reason I believe, Mr. President, that the community decision on plant closing amendment is so necessary. This is a necessary thing added to this bill. Mr. President, the accidential release provisions of the committee bill are intended to prevent the sudden accidental release of "extremely hazardous substances" in concentrations "that may reasonably be anticipated to cause acute short-term adverse health effects in humans," and to minimize the consequences of such releases.

Subsection (c) of this section directs the EPA Administrator to propose and, after public comment, promulgate a list of no less than 50 of such extremely hazardous substances within 2 years of enactment. The primary source for candidate substances is the list of more than 400 substances under the emergency planning provision, section 302 of the Emergency Planning and Community Right-To-Know Act of 1986, title III of the SARA. It further provides that this new list shall include substances "with the greatest likelihood to cause death, injury, property damage, or evacuation as a result of sudden, accidental release."

Despite the explicit instructions regarding the selection of substances, the committee then inserts on its own part an initial list of 25 substances to be subject to the accidental release provisions, 11 substances that are not included on the SARA section 302 "reference" list, and they do not appear to meet the specified criteria. Some of these chemicals—acetone, methyl ethyl keton, methylene chloride, tetrachlorethylene, and toluene—are widely used throughout American industry, and have not been implicated in the Bhopal-like incidents that the emergency release provisions are designed to address.

Mr. President, this is costly, and it is based on not sound scientific evidence, not sound science. It is based on the whims of Government, if you will, on the whims of Government to, along the banks of the Potomac, start listing things and sending them out to the people that work with them every day, the scientists, engineers that know what the risks are and work with them. They have done very well at them.

The permissible exposure limits or PEL's, as they are referred to by the Occupational Safety and Health Administration [OSHA] as acceptable workplace exposure limits, 8 hour and 15 minute averages, for these 11 substances, are considerably higher than the substances generally recommended for substances presenting significant acute health hazards. There is a similar distinction in the recommended threshold limits values developed by the American Conference of Governmental Industrial Hygienists for those substances. The 11 substances appeared to have been selected, not on the basis of their potential acute toxicity, but on the magnitude of atmospheric emissions of these substances reported under the provision of section 313 of SARA. Such emissions have no relation to the acute toxicity of a chemical, nor to its potential for sudden, accidental release.

Moreover, Mr. President, emissions of these substances will be substantially reduced through the imposition of technology-based and, if necessary, health-based emission controls specified under other provisions of this title. Listing of the individual substances in this section circumvents the procedures for EPA assessment and priorization, including the opportunity for public comment, established by the bill itself, and will not facilitate more rapid implementation of the accidental release provisions for substances so listed. Such a list should not be included in this title, and should, in any event, be limited to substances that fit the specified criteria for selection as "extremely hazardous."

Mr. President, I will conclude my remarks now with respect to title III, and I yield the floor.

Mr. BAUCUS. Mr. President, I first want to thank the Senator from Idaho for his contributions to this debate. The Senator is a member of the Environment and Public Works Committee. He is not a member of the subcommittee that first considered this bill at length. But as a member of the full committee, he has often indicated his views on the Clean Air Act, and certainly here on the floor he has also added his additional views on the act.

He was the one member of the full committee who did not support reporting out the bill. The bill was 15 to 1. Certainly, it was within his right to express his views why at that time he felt the bill should not be reported out of the committee, and now on the floor he is adding additional views, essentially, in disagreement with the main thrust of the substitute which is now before us.

Mr. President, as everyone concerned with this issue knows, the Clean Air Act has been the subject of very intense discussions by all Senators, discussions between the Senate and the administration, and certainly very intense discussions with a large number of interest groups and American citizens who were also concerned about the clean air legislation.

We, the Environment and Public Works Committee, reported out S. 1630 several weeks ago, and we also, for the last 3 weeks, have been negotiating with the administration on developing a substitute, which we think is a good compromise between those Senators who want the air to be so clean that other Senators will filibuster the bill, and the other Senators on the other side who want to weaken the bill so much that those Senators who support strong air legislation will

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probably filibuster and, therefore, prevent the bill from becoming law or at least passing the Senate.

We have worked very long and hard trying to come up with what we think is a good compromise, one which will enable us to pass clean air legislation, rather than finding ourselves at a stalemate which means the current law stays in effect and no clean air legislation is passed.

We worked long and hard on the residual risk section of the bill. The residual risk section was probably debated more, discussed more, in our discussions with the five or six Republican Senators and five or six Democratic Senators, and representatives from the administration, more than any other section of the bill. I would say 30 to 40 percent of our discussions were on this very title, the air toxics, particularly residual risk section of the air toxics portion of the bill.

Because of those discussions, we have greatly modified the provisions as they were reported out of the full committee.

The residual risk section of the air toxics title as reported out of the full committee essentially stated that after a plant enacted maximum achievable control technology, which by the way would account for at least 90 percent reduction of air toxics that would be emitted from plants, and after installation of that technology, if there was a residual risk of cancer, then a plant would have to begin to install technology which would reduce the risk down to 1 to 10 to the minus 6, or eventually if it could not do that, at least down to 1 to 10 to the minus 4, which is 1 out of 10,000.

That is, if after installing technology, a plant would still allow a theoretical person, the maximum exposed individual standing next to the plant, 1/10,000th chance of cancer, then the plant would have to shut down.

We in the committee bill provided that that could not occur at the earliest for at least 15 years, and many years beyond that, because of the schedule of categories of technologies to be put in place, depending upon the sources that would emit certain toxic chemicals. We felt that we were very fair, and not only that a plant could continually apply for extension that could not meet the 10 to the minus 6, that is 1 of 1 million and also get a 5-year extension if it could not meet the 1 in 10,000, the theoretical man standing next to the plant would be exposed. That was the committee bill.

When we started to discuss this section of the discussions, we realized that that was a little too theoretical. That is, it probably made more sense for us to apply that standard, 1 out of 10,000, to an actual person at the plant site; not the theoretical person, but the actual person. So we moved in our discussions away from the theoretical person to the actual person; that is, who is this actual person standing near the plant? How exposed would that actual person be?

In addition, we should probably make this site-specific. There are some plants where air currents are predominant in one direction; other plants where they are not predominant. There are some plants which are located in populous areas; there are other plants which are located in unpopulous areas. We should be more site-specific. That is, what as a practical matter would the cancer risk be to an actual person standing near an actual particular site? That seemed to make more sense. So we moved in that direction, and we adopted that change in our discussions.

We even went further than that and began to ask who is this person standing near the site? Is it a person who in fact lives there 70 years, which is the theoretical maximum exposed individual standard, or do most people not live 70 years in the same home; do people move sometimes? We tried to take account of that the best we can.

So we modified the standard so that EPA would determine what are the population trends in this community; do the people tend to stay, tend to move? Let us be more actual, as best we possibly can; nothing too theoretical about this. So we adopted that standard as well.

Mr. President, we went beyond that. Some Senators in these negotiations thought maybe this actual man residual risk standard is too theoretical still because in environmental law there are some areas where we pose residual risk methodology. We do it in Superfund cleanup and other areas where we do not have residual risk methodology.

It is not time tested enough to really know. So we further modify the committee report. We provided that once this law is enacted, the National Academy of Sciences, probably the best outfit around, good scientists, good men and women who are highly qualified, should study this standard. Does it make sense, and what recommendations, what changes would they suggest?

To make sure the scientists are not too theoretical, we also set up a commission, that is the National Academy, since I think in the bill after 18 months they must submit a report to the commission we set up so the commission can review this. So the commission then, I think it is up to 3 or 4 years finally—we have a deadline date in the substitute—would report back to the Congress if they thought that there was a better way to be doing this, a fairer way or a more practical way of doing this other than the actual man, site-specific provisions we have in the bill.

And by the way, we also provided that Congress must vote on this alternative that the commission may or may not recommend to the Congress; that is, we provided that for expedited procedural basis under which the Congress, the Senate in particular, would have to vote; that is, the motion to proceed could not be filibustered, and I frankly believe we went even further than that, but I have to check that point.

But the main point is this: We greatly modified the committee bill's provision with respect to residual risk in a way which I think is very practical and sensible. I think when Senators focus on the modifications, they will realize just how practical and what common sense we have enacted in this bill.

Why do I go to such lengths to explain this? Simply, it is this. The amendment by the Senator from Idaho does not contemplate these changes. The amendment of the Senator from Idaho as it is written seems not to take these changes into consideration. The amendment seems to apply that the theoretical man who would be exposed as the standard, not to the site-specific actual person as the standard. That is one major problem with this amendment.

In addition, the amendment seems to say that a referendum would be held when a plant is put in jeopardy because of permits or fees or fines that may result; just put in jeopardy, not an actual shutdown.

So what I am saying, Mr. President, is that this amendment is a deal-breaker. It goes against the very heart of the residual risk compromise that the Republican Senators and Democratic Senators and the administration agreed to in these last several weeks of negotiations and discussions.

It goes against the agreement, as I said, because, first, the amendment seems not to understand or take into consideration the changes that have been made; that is, the amendment is inaccurate on its face as to formulation.

Second, it adds additional hurdles, additional provisions, additional complications that were not part of the agreement.

So I must say, Mr. President, that I fully understand the concerns of the Senator from Idaho, but this is an amendment which must be opposed and opposed strenuously, and it is opposed by Republican and Democratic Senators, the leadership of the Senate, by the manager and ranking member of the committee, because it is contrary and against the agreement.

There will be other amendments, Mr. President, that other Senators will offer which will go in another direction, which will go toward trying to strengthen environmental controls.

This amendment goes in the opposite direction, tries to weaken the bill.

Mr. President, I stand here forthrightly to say that just as I am very strongly opposing this amendment which weakens the bill from an environmental point of view, I will also strongly oppose those amendments which are strengthening amendments from the environmental point of view which go against the thrust and basic heart of the agreement that we all agreed to.

I frankly would vote differently on some of these amendments if it were not for this agreement. Each Senator would vote differently on different amendments, that is, Senators who are not part of the agreement. If we are going to pass a bill here, pass a clean air act, enact clean air legislation that this country very much wants, we have to compromise and reach agreements.

This amendment is against the compromise, against the agreements, and therefore is an amendment which should not pass and it should be resoundedly defeated.

At the appropriate time, Mr. President——

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. BAUCUS. I am happy to yield for a question.

Mr. WARNER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WARNER. As to the pending nomination of a constituent of mine, Clarence Thomas, at this time I think perhaps the Senator from Missouri wishes to address the Senate.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BAUCUS. I am happy to yield the floor in a minute.

Mr. WARNER. I am just inquiring as to what the plans are.

Mr. BAUCUS. I inform the Senator from Virginia that the pending amendment is the Symms amendment. Senator Symms has indicated that he does not want a vote on his amendment until after the conferences, the Republican conference and the Democratic conference this noon.

After those conferences, then he will be in a position to indicate what time he would be agreeable to a vote on his amendment.

Mr. President, to repeat my basic point, the Symms amendment should be opposed because it is contrary to the compromise agreement the leadership and the chairman and ranking member of the Environment and Public Works Committee have worked out.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to join the distinguished senior Senator from Montana in opposing the amendment proposed by Senator Symms. He has referred to it as a bill breaker. I would add, it is a mischief maker. It is intended to upset and create mischief in the basic approach that this bill takes to regulating air toxics, chemicals that have been determined to be hazardous to our health, that are emitted into the air.

Mr. President, when we talk about this and other sections of the clean air bill, I think it is important to come back to the base and declare that what we are dealing with here is public health.

This Clean Air Act is not before the Senate today because somebody thought it would just be a good idea for the sake of having legislation before us. It responds to a proven objectively determined public health crisis in this country. People are getting sick and dying prematurely as a result of toxic material in the air.

Toxic air pollutants themselves take an annual toll in thousands of cases of cancer, acute illness, and chronic disease. EPA, in fact, has concluded that there are 200,000 people who are alive today who will get cancer because of air toxic emissions. And here I am talking just about the section of the bill the Senator from Idaho would deal with in this amendment, not ozone, not carbon monoxide, not acid rain, not any of a host of other air pollutants, but just the air toxics dealt with in this section of the bill.

The risk from these are particularly high for those living in urban areas, where one excess cancer death for every 1,000 people is not unusual.

Toxic emissions also can cause serious illness besides cancer, including birth defects, damage to the brain and nervous system, reproductive disorders, and genetic mutations.

Senator Symms is concerned about the so-called residual risk section of this part of the bill. Senator Baucus has quite ably and eloquently described the first phase of cleanup under this bill.

Then what happens if companies use the maximum available control technology and still cannot meet the safety, public health standard in the bill? There is a possibility, and it is a remote possibility, that some of them will be forced to consider closing.

I have two things to say about that, Mr. President. One is that we are talking about events that will not, under the terms of this bill, occur before 15 years from now and in some cases not before 23 years from now. This is a time during which we hope the technology in this area will have improved so not one, no firm will have to think about closing its plant to satisfy and meet the health needs of people who live near that plant.

The CRS recently did a review of the various cost estimates of implementing this bill. In considering the cost estimate that the administration and others have attached to the original air toxics section of Senate bill 1630, the original committee bill, the CRS warned that there was a substantial overestimate. They said approximately $6 billion, which resulted from the fact that the administration was concluding that any plant that had a problem meeting the so-called residual risk standard of the air toxic section of this bill would close. Whereas, CRS quite sensibly said that the probability is that in 15 or 23 years from now, technology will come along that will allow those plants to remain open and meet those standards.

Senator Symms wants to give the residents of the community in which these plants are located the opportunity to vote if we come to what I believe will be the extreme exception, a plant that actually has to think about closing.

The truth is the voices of those who live in the communities where toxic air pollutants take such an annual toll have actually already been heard. I was particularly struck by a description of life in an industrialized area of the Appalachian Mountains, which appeared in the Washington Post last spring. In a region surrounded by large chemical companies, the air is so polluted that screens rust out, paint peels off of cars, and gardens literally wilt. The lung cancer death rate is twice the national average.

One resident described the situation this way:

> With what we breathe, what would it hurt to smoke. You wake up with a headache. You get up and start in coughing and, hopefully, your sinuses will clear. You have laryngitis, and you just ache all over.

This next line, Mr. President, is one that sticks with me as we go through this debate. I hope it will go through others. The man in the Applachian Mountains said:

"The only thing free in this world, they ruined," and that is "the air."

That is what this bill and this particular section is all about, to protect people like this who, through no choice of their own, are affected by toxic emissions from plants.

Members of the Senate have also heard loudly and clearly from the unions who represent those people living in the community and working in these very factories. The International Chemical Workers Union, United Rubber, Cork, Linoleum and Plastic Workers of America, United Steelworkers of America, the Oil, Chemical, and Atomic Workers International Union, all have written to Members of the Senate in support of strong air toxic legislation.

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The reason is clear. As they say in their letter:

> The dangers from these pollutants fall hardest on the working men and women who are doubly exposed from working in major industrial facilities and living in the surrounding communities, and on their families and on those communities.
>
> As representatives of working men and women and their families, our unions. * * * ask you to reject any effort to eliminate, delay or cripple the vital health protection provisions of this bill.

The United Steelworkers, including the elected district directors of the steelworkers living and working in the areas producing the worst pollution, also sent their own letter to each Member of Congress in which they stated:

> As elected union representatives we do not view the air toxics section as a job loss or shutdown provision—

Contrary to what has been suggested here on the floor today.

> Actually, we are concerned about the continuing risk of life loss for workers and community residents.

These are the people who face the risks of cancer from air toxics. This one plant in Texas, where 3 out of every 10 people exposed to the emission may be expected to get cancer. A risk of 2 in 100 is not uncommon near other plants. One-quarter of all plants inspected by EPA have risks exceeding 1 in 10,000 for persons living nearest the plants.

That is the way in which those who live around these plants have already spoken.

It is unfair to ask the citizens of a community to choose between their jobs and their lives. It is not only unfair, it is not sensible, because we are dealing here with highly technical questions which ought not to be decided in a ballot box. I actually believe that any referendum that was held in a community around a toxic emitting plant would say, "If necessary to protect our health, close the plant." But why create the opportunity for that kind of politicking, expenditure of large sums of money, by a plant wanting to stay open when we are dealing with public health?

There is another problem that comes from this. Let us say in a certain situation the residents of a community voted to allow a plant to stay open, even though it was emitting toxic chemicals beyond the acceptable limit. What about communities outside of that community? It is not possible to put a bubble over a given community with a toxic emitting plant and limit the emissions to that community. The wind will take those emissions and carry them. We know that one of the reasons why some of the Great Lakes have been so seriously polluted is the result of chemical poisons that have come out of plants, not adjacent to the lakes, that have spilled into the lakes.

The amendment, as drafted, as Senator BAUCUS pointed out, finally, I say here, not only deals with the case of closing of the plants, but because it is so generally worded would suggest that in any case where the EPA chose to act against the plant by fees, by permits, by failure of the plant to act according to its permit and punishment that would follow, that decision—not just the decision to close the plant—might well have to be subjected to a referendum.

And that is why I say that this amendment is not only wrong as a matter of policy, but it is literally a mischief maker, and it ought to be rejected.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

EXECUTIVE SESSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 603, Clarence Thomas to be U.S. circuit judge for the District of Columbia. I further ask unanimous consent that any statements appear in the Record as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CLARENCE THOMAS OF VIRGINIA TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT

The PRESIDING OFFICER. The clerk will report the nomination.

The assistant legislative clerk read the nomination of Clarence Thomas of Virginia to be U.S. circuit judge for the District of Columbia Circuit.

STATEMENT ON NOMINATION OF CLARENCE THOMAS

Mr. DOLE. Mr. President, I rise today to express my strong support for the nomination of Clarence Thomas to fill the current vacancy on the D.C. Circuit Court of Appeals.

I must say that supporting the Thomas nomination is very easy for me. It is very easy to support someone whose background and experience represent a life rich with personal and professional accomplishment.

Born in rural Georgia, raised by his grandfather, victimized by racial discrimination and racial stereotyping, Clarence Thomas has managed to climb out of poverty, and rise to great heights at Holy Cross College, at Yale Law School, as an Assistant Attorney General in Missouri, as a legislative assistant to Senator JOHN DANFORTH and, most recently, as Chairman of the equal employment opportunity Commission—disproving the naysayers each step of the way, and proving to the world that skin color is irrelevant when it comes to uncommon intelligence and personal character.

Most importantly, Clarence Thomas has risen to the many challenges that life has offered him. And he has done so without complaint and with much distinction.

Mr. President, I have no doubt that Clarence Thomas will be an outstanding member of the federal bench. I have no doubt that he will rise to the challenges that accompany membership on the "second highest court in the land"—the D.C. Circuit Court of Appeals. And I have no doubt that Clarence Thomas will continue to be a great source of pride not just for black Americans, but for all Americans.

As a result, I commend President Bush for his nomination of Clarence Thomas. And I urge all of my colleagues in the Senate to vote for confirmation.

STATEMENT ON THE NOMINATION OF CLARENCE THOMAS

Mr. WARNER. Mr. President, today I am pleased to support the nomination of my fellow Virginian Clarence Thomas who has been nominated by President George Bush to be U.S. Circuit Judge for the District of Columbia Circuit.

Currently Mr. Thomas is the Chairman of the U.S. Equal Employment Opportunity Commission having been nominated to the post by President Ronald Regan.

Let me briefly describe the background of Clarence Thomas because it is a unique and interesting story indeed. Clarence Thomas was born on June 23, 1948 outside of Savannah, GA. He was raised in a very modest environment. The world of Clarence's youth was the world of segregation. In 1955 Clarence Thomas went to live with his maternal grandparents who were honest, hardworking, and deeply religious people. They instilled in Clarence the drive to work hard and never to give up in pursuit of certain goals in his life.

Through hard work and determination, Clarence Thomas was able to enroll in college and graduated from Holy Cross in Worcester, MA, with honors in 1971. From 1971-74 Clarence Thomas attended Yale Law School and after graduation went on to work in the State of Missouri. In fact one of our colleagues, Senator JOHN C. DANFORTH, offered Clarence a job as an assistant attorney general when he was the attorney general of Missouri. Clarence Thomas served as an assistant attorney general for 3 years before he moved on to work in the law department of Monsanto Co. from 1977 to 1979. By August 1979 Clarence Thomas moved to Washington, DC to work for Senator JOHN C. DANFORTH as a legislative assistant. In the spring of 1981 he was nominated by President

Reagan as the Assistant Secretary for Civil Rights in the U.S. Department of Education.

In 1982 Clarence Thomas was nominated by President Reagan to become Chairman of the Equal Employment Opportunity Commission. He was renominated and reconfirmed as Chairman again in 1986.

Having been Chairman of the Equal Employment Opportunity Commission for more than 7 years, he has served longer in that position than any of his predecessors. As the Chairman of the Equal Employment Opportunity Commission, Clarence Thomas implemented a qualitative shift in enforcement philosophy away from the quick settlement approach to a focus on full investigation and litigation of claims on the merits. He has emphasized obtaining the maximum remedies for the victim of discrimination, rather than the minimum remedies. His record at the Equal Employment Opportunity Commission has shown increases in enforcement actions, as well as the level of damages collected. The number of cases actually taken to court have also increased from the level under the previous administration.

Clarence Thomas is married to the former Virginia Bess Lamp, and he has one son Jamal who is a high school student.

Mr. President, Clarence Thomas has the education, experience, and temperament to be an outstanding Federal judge, and I am pleased to support his nomination to the U.S. Circuit Court for the District of Columbia.

Clarence Thomas met with me to discuss his appearance before the Senate Judiciary Committee. He receives my strongest support and I explained that I would not be able to introduce him as I would be traveling in Virginia on that day.

Mr. President, I am very hopeful that Mr. Thomas will have a most successful career as a member of the Federal Judiciary.

Mr. THURMOND. Mr. President, I would like to address the comments made yesterday during the floor debate on the nomination of Clarence Thomas for the position of U.S. appeals court judge for the District of Columbia Circuit. During the debate, the distinguished Senator from Arkansas stated that approximately 13,000 age discrimination charges lapsed during Mr. Thomas' tenure with the Equal Employment Opportunity Commission. I would like to briefly respond and correct the record on that point.

Mr. Thomas discovered in December 1987, and publicly announced that a certain number of age discrimination in employment act charges had exceeded the statute of limitations. Under the Age Discrimination Claims Assistance Act, which extended the statute of limitations to individuals who may have lost their rights, the EEOC was required to count and report the number of people covered under this act to the Senate labor and aging committees. The 1988 EEOC research found in 1989, that a total number of 4,377 individuals covered by ADCAA had their charges lapse. This number is not anywhere close to the 13,000 as reported yesterday. Of the 4,377 claimants, 2,292 individuals filed charges with the EEOC, and 2,085 filed charges with the State fair employment practices agencies between January 1, 1984, and April 7, 1988. When legislation was introduced to insure that those whose charges lapsed had their rights restored, Chairman Thomas strongly supported it and took steps to correct the situation.

Mr. President, I believe these numbers outline the lapsed charges which were filed with the EEOC and fair employment practices agencies, prior to the passage of ADCAA, and clarifies any misunderstanding concerning this issue.

Mr. BOND. Mr. President, it is my great pleasure to rise today in support of Clarence Thomas to be a judge on the U.S. Court of Appeal for the District of Columbia Circuit. Unfortunately, I was unable to be present during yesterday's debate on the nomination. I wish however, to add my voice to the ranks of those who will vote in support of this nomination today.

Clarence Thomas is an American success story. We all have been impressed by the stories of his tremendous rise from poverty and racism in the South through his years at Holy Cross College and Yale Law School and from there to a successful career as an attorney and Government official. It is truly an impressive success.

We also have heard many people talk of Mr. Thomas' outstanding qualifications for this position—his strength of character, his understanding of many of the issues before the court, and his skill as a lawyer.

Mr. President, we have heard my senior colleague from the State of Missouri talk of his support for Clarence Thomas, and particularly of the fine work that Mr. Thomas did in the Missouri Attorney General's office. I too had the honor to serve as an assistant attorney general under Jack Danforth, and I can say from personal experience that there was no better place to learn the law, and there was no better place quickly to gain a broad range of experience.

Clarence Thomas clearly deserves to be confirmed for this important position, and I have no doubt that he will be. I urge all of my colleagues to lend their support to his nomination, and I wish Mr. Thomas success as he takes on this new challenge.

I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Clarence Thomas of Virginia to be U.S. circuit judge for the District of Columbia circuit?

So the nomination was confirmed.

Mr. DANFORTH. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the RECORD reflect the Senator from Virginia [Mr. WARNER] was present at the voice vote and voted "aye."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent the RECORD reflect Senators METZENBAUM and PRYOR were here and voted in the negative.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I am about to ask unanimous consent that the Senate stand in recess until 2:15 p.m., unless there is any other Senator present wishing to address the Senate. I see the distinguished Senator from Montana, the manager of the clean air bill, wants to address the floor, so I will yield the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senators EXON, MCCAIN, and FOWLER be added as cosponsors to the Mitchell-Dole substitute.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

Mr. MITCHELL. Mr. President, if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess until 2:15 p.m.

There being no objection, at 12:32 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

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CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. HEINZ. Mr. President, what is the regular order at this time?

The PRESIDING OFFICER. The pending business is amendment 1295 to amendment 1293.

Mr. HEINZ. Mr. President, I ask unanimous consent I may be allowed to speak for no more than 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN AGENTS REGISTRATION ACT

Mr. HEINZ. Mr. President, I am pleased to note today the Senator from Michigan [Mr. Riegle], the Senator from Utah [Mr. Garn], and the Senator from North Carolina [Mr. Helms] have joined in sponsoring S. 176. Mr. President, S. 176 is my bill to update the Foreign Agents Registration Act. The Senator from South Carolina [Mr. Hollings] also joined as a cosponsor some time ago.

The growth in support for this bill reflects growing concern in our society over the nature and extent of foreign lobbying and the degree to which it influences the political process in ways which might not be in our interest. The growth of such lobbying—and we all know what I am talking about—which matches the growth of foreign economic activity in the United States, both in investment and in trade, has made it difficult to determine the true antecedent of Pogo's famous comment, which we all recollect, "We have met the enemy, and he is us." These days, it is hard to tell who "us" really is, a fact recently discussed in some detail from an economic perspective by Robert Reich in the Harvard Business Review.

Nevertheless, while it may be difficult to determine who "us" is, I remain convinced that there is an "us" and a "them," and that it is in the public interest to try to determine and disclose which is which.

That is not to say, and I do not want anyone to misunderstand me, that representatives of foreign companies are the enemy or that we should return to 1938 when the Foreign Agents Registration Act became law amongst widespread concern about Nazi activities here. That is not what I am saying.

S. 176 deals strictly with the disclosure of activities, the sun shining in on lobbying activities by people who are or are controlled by foreign nationals. It is not a regulatory bill, S. 176. It makes no attempt to constrain anyone's activities or freedom of speech on behalf of any party, foreign or domestic.

It is premised, however, on the belief that agents of foreign principals, whether they are American or not, are working for foreign interests which do not—indeed, they have no reason to—have our interests at the top of their lists of priorities. That does not mean foreign interests inevitably work against America. Far from it. I do not want anyone to take that implication away. Many of those interests are helpful, positive forces. But they have no obligation to be helpful or positive and cannot be faulted if at the end of the day they are not.

But they can be observed and their efforts noted and quantified. Doing so more effectively will give us a better picture of foreign activity in our economy and a better sense of foreign strategic priorities, both important results in what is, I think we would all admit, an increasingly contentious global trading environment.

Mr. President, that is why I introduced this bill some months ago. It is in one sense just a modest advance in the disclosure area, but modest or not it is why I do welcome these new sponsors and any additional new sponsors.

I hope my colleagues and their staffs who hear these brief remarks will express any interest they have either for more information or for cosponsorship. I do note that the Foreign Relations Committee plans a hearing on S. 176 later this month. I thank them for that hearing. I hope other Senators will examine the bill and indicate their support for it before that time.

I wish to add one thing. The heart of this legislation goes back to an experience that Senators Garn, Shelby, myself, and others had during Toshiba, where, as we all know, there was the misappropriation of very sophisticated machine tool equipment to the Soviet Union at a time when we were totally against that.

And it created a diversion of technology. What we found was that not only was Toshiba of Japan lobbying here in the United States, and that was under the Foreign Agents Registration Act disclosed, but their American-owned subsidiaries—and there are lots of them—were lobbying at least as hard, if not harder, and purchasing services from a variety of firms here in town.

That is not illegal, but it was not required to be reported. And the premise above all of this legislation, S. 176, is that if you are working for a foreign owner—and no doubt about it, Toshiba of the United States is owned by Toshiba, domiciled in Japan—you should be considered as if you were working directly for the parent company. You should not be able to use the fact that you are working for an American subsidiary that is owned 51 percent someplace else as an excuse not to report.

Those people who disagree with the proposition of this bill, I think, have only one other consistent position to go to; that is, to repeal the entire Foreign Agents Act because that is what the philosophy of the underlying act is.

Frankly, I have not noticed a lineup of people saying it is time to repeal the Foreign Agents Registration Act. Therefore, I hope people will think about this issue and in its proper terms. We are not out to get anybody. We just want to know what is going on and be consistent with the original act and its original intent.

THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. HELMS. Mr. President, I am pleased to join Senator Heinz as a cosponsor of S. 176, a bill intended to strengthen the Foreign Agents Registration Act.

Current law has several defects. First, those who act on behalf of a U.S. subsidiary of a foreign corporation do not have to register. Second, lawyers who act for foreign clients do not have to register if they are doing only legal work. Third, the schedule of registration is confusing and data is always out of date. Finally, while I would prefer criminal penalties, civil penalties are needed if there is to be any practical enforcement.

The bill is currently pending before the Senate Foreign Relations Committee, on which I serve. Hearings may be held this spring.

Under current law most of the people who represent foreign interests in Washington probably do not register. With the rash of foreign takeovers, it is very difficult to tell who is really speaking. Finally, it is particularly important that we know which of our formerly high officials now represent foreign interests.

COSPONSORSHIP OF S. 176 AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. GARN. Mr. President, I rise today to cosponsor S. 176, the legislation introduced by Senator Heinz to strengthen the Foreign Agents Registration Act of 1938. That law was first enacted to address concerns regarding undue foreign influence over U.S. policymaking in the years just prior to World War II. It requires that those representing foreign governments and foreign interests make known their affiliations in a timely and regular fashion. Its simple goal is to ensure that those who might be influenced know whose influence is being peddled.

While the history of the legislation demonstrates that foreign influence over U.S. policy has long been a concern in Washington, my attention to the problem was heightened by the massive lobbying effort directed at the so-called Toshiba sanctions amendment I proposed to the 1988 trade bill. This was the same event that triggered Senator Heinz' concern and development of this legislation.

The Toshiba case involved the knowing transfer of advanced computer-controlled milling machinery to the

Soviet military by Toshiba Machine Corp. of Japan and the government-owned Kongsberg Trading Co. of Norway. This breach of multilateral trade rules gave our chief strategic adversary a quantum increase in strategic capability, a serious blow to our national security. In response, I proposed tough trade sanctions against Toshiba Corp. and Kongsberg Vaapenfabrik, the parent corporations, and their affiliates.

As I said many times during the trade bill debate, I have never seen heavier lobbying on any issue during my 15 years in the Senate than I saw during the long consideration of the Toshiba amendment in conference. The governments involved, both our own and those of Norway and Japan, opposed the amendment and lobbied heavily against it. What was more troubling, however, was the array of U.S. legal, political, and business talent recruited to the lobbying effort.

Former government officials, all manner of high-priced lawyers, officials of Japanese firms in the United States, management and workers from United States subsidiaries of Toshiba affiliates, representatives of United States firms with supply relationships or joint ventures with Toshiba—all joined the effort. Everyone had an interest in protecting the wrongdoers. No one seemed to have an interest in taking a stand for U.S. national security.

When Senator HEINZ attempted to identify the players and money spent in this effort, he found a few prominent names and large dollar amounts—Mudge, Rose, Guthrie, Alexander & Ferdon first among them with millions in billings. However, it quickly became clear that the reporting rules were so limited and haphazard that relatively few of those involved in this campaign had to register or properly identify themselves with the effort, and the data was so diffused that it was simply impossible to put together.

He then took the very commendable step of proposing changes to the law that I warmly applaud and join today. These changes will make the Foreign Agents Registration Act a more useful law at a time when it is vitally needed. We are not at the moment facing the Nazi challenge of 1938 or a serious breach of security like the Toshiba diversion. However, we do face important policy challenges that affect foreign interests and that they will want to influence.

Recent world political and economic developments have triggered reconsideration of our future national security requirements, of our export control system, of foreign aid priorities, and of the national security and economic security implications of current approaches to trade and investment policies. The Banking Committee is in the midst of hearings on export controls, the health of our defense industrial base, and the broad issue of fair trade in services—all issues that intermingle national security and economic concerns and that are likely to form the policy framework for U.S. competitiveness during the 1990's.

These may be the critical policy challenges of the next decade. They have a prominent international dimension and we must, of course, be mindful of their impact on friendly countries and international obligations. This requires foreign input. But first and foremost, we must resolve them in our national interest. That requires that we know and understand those influences that are domestic and speak for our constituents and those that speak for foreign parties.

The proposed amendments would improve the working of the foreign agents law by more broadly defining entities controlled by foreign interests, expanding coverage of legal counsel in trade cases, standardizing filing dates, and adding civil penalties to encourage compliance. These changes will ensure that we are aware of foreign influence in our policy process.

I was elected to represent the people of Utah and the United States. The least I can do is ensure that their views are fully represented and their needs effectively balanced against international interests that are clearly identified. I therefore join today with my Banking colleague Senator RIEGLE, and with Senator HELMS, in cosponsoring the Heinz bill and in urging its speedy passage.

A BILL TO AMEND THE FOREIGN AGENTS REGISTRATION ACT OF 1938

Mr. RIEGLE. Mr. President, I rise to salute Senator HEINZ for introducing S. 176, a bill which is designed to amend and strengthen the Foreign Agents Registration Act of 1938, and to request that I be added as a cosponsor of the bill.

The Foreign Agents Registration Act was enacted by Congress in 1938 primarily to deal with propaganda spread by Nazi agents operating in the United States. Its purpose was to help make Government officials and the public aware of the source and financial backing behind information being given to Government, Congress, and the public in order to influence their opinions.

Today, the basic challenges facing our country are economic ones. Yesterday the Office of Technology Assessment presented a report to the Banking Committee entitled "Making Things Better: Competing in Manufacturing." This report was completed in response to a 1986 request from Senators GARN, HEINZ, and PACKWOOD who asked OTA, among other things, to "undertake a study evaluating how stiffening international competition affects the health of American manufacturing." OTA states on page 1 of its report that "American manufacturing has never been in more trouble than it is today. Its biggest challenge if from Japan * * *." While noting that other nations are responding to the challenge from Japan as nations, the report states that our country is not because the American "government is dozing at the switch."

The OTA report only confirms what John Young of Hewlett Packard, the Chairman of President Reagan's Commission on Industrial Competitiveness, told the President in a 1985 report in which he warned that "America's ability to compete in world markets is eroding" and that such erosion must be arrested because "a strong industrial base is vital to our national security."

It is clear that our country must undertake a very serious debate about how we can ready ourselves to compete and meet the economic challenges that now confront us as a nation. The increasingly integrated nature of the world economy, along with America's large trade deficits, open markets, and open investment policy, have given foreign companies and interests a very large stake in our economy. These companies and interests have lobbyists to advance their views in our current economic debate, and such views may not always accord with our country's larger national interests. Our internal debate on what we must do to meet the new challenges can thus become skewed.

Senator HEINZ' bill begins the process of ensuring a fair debate by updating the Foreign Agents Registration Act to reflect the realities of the 1990's. Under current law foreign principals, who lobby our Government and put out information to influence the public debate, are required to register as foreign agents. Foreign principals are presently defined as "a government, political party, corporation, partnership, association or organization, or person domiciled outside the United States." Senator HEINZ' bill amends that definition to include domestic entities that are controlled by foreign principals even if they are organized and incorporated under U.S. law. The bill also standardizes filing dates for registering so that information about who has filed as a foreign agent is more easily accessible. It also provides civil, not just criminal, penalties for failing to comply with the law in order to give the Justice Department greater flexibility in enforcing the foreign agents law.

Our country faces very serious economic challenges. While I am not opposed to foreign interests having a voice in the debate about policies to meet those challenges, I do think we must ensure that our people and governmental officials know which views are being advocated by foreign interests. I am pleased to cosponsor Senator HEINZ' bill.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senator continued with the consideration of the bill.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I believe I am correct that the pending business is the Symms amendment to the substitute offered by the majority leader.

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. There are no time restraints at this juncture?

The PRESIDING OFFICER. That is correct.

Mr. LAUTENBERG. Mr. President, I intend to speak to the underlying amendment and then specifically to the Symms amendment.

Mr. President, yesterday after a long and intense negotiation with the administration, we returned to the Clean Air Act. The majority leader filed a substitute that would amend the bill that we had approved by a vote of 15 to 1 in the Environment and Public Works Committee.

The substitute embodies the agreements reached in those talks with the administration.

I am a member of the Senate Environment Committee and was one of the authors of the Environment Committee clean air bill. I participated in those talks, and we faced the administration's opposition. We faced the threat of a filibuster.

The majority leader led us in good faith and with expert hands to get an agreement. No one worked harder or longer to get a new Clean Air Act to the floor of the Senate for over a decade than Senator GEORGE MITCHELL. He has done everything he could to see that the Congress address clean air issues. He has been the conscience of the Senate on acid rain. It is too bad that the administration did not share the same concern for clean air which GEORGE MITCHELL demonstrated.

The Senator from Montana [Mr. BAUCUS] has distinguished his effort by the vote for a cleaner environment. We have worked closely with him. He is a good friend. He has done, I would say, an outstanding job to fashion a bill that we discuss here today. Included, of course, were other members of the Environment Committee, like the Senator from Rhode Island, Mr. CHAFEE, and the Senator from Minnesota, Mr. DURENBERGER, who have all been committed allies in the fight for a tough bill. But I regret to say that after weeks of negotiation, weeks of sincere effort to compromise, I cannot support this substitute without trying to improve it.

The people of my State are choking on dirty air. They die from dirty air. They get sick from dirty air. This bill will not do enough to save them. It is as simple as that. For the health and safety of our people, the people of New Jersey and the people across the States and the Nation, we need a stronger bill. We face a public health crisis. Fifty thousand people die from dirty air. For the sake of our economy, yes, our economy, we need a stronger bill.

Opponents charge that a tough bill would be a burden on business but dirty air costs us $100 billion a year in health costs. Mr. President, who pays the $100 billion if not business? Business pays the taxes and the health insurance. Who pays for the lost productivity of sick workers? Who pays for the billions of dollars a year from crop losses?

During the 1988 Presidential campaign, President Bush came to my State, to New Jersey. He stood on our seashore and promised to clean up our environment. But during these negotiating sessions the President's people seem to focus on the costs of providing clean air, not the 100 billion dollars' worth of costs already burdening our Nation that we pay each year because of dirty air.

It takes more to be an environmental President than just to say that you are one. You cannot scrape by with a minimum effort. It takes strong resolve and resources to fulfill the commitment the President made to reduce cancer deaths by 75 percent.

Americans want cleaner air. They want us to pass a tough bill. They know that it is going to mean some changes in the way we do things. They know that it is going to mean adjustments. But they also know that we Americans have the capacity and the talent to meet the challenge.

We passed clean air bills before in 1970, in 1977. But the result is that today the air is still filthy. We have learned a lesson. And if we do not write into the Clean Air Act now the tools we need, the forecast is simple: our air will continue to get dirty.

Is a clean air compromise an improvement of current law? Of course. But does it give us all the tools we need? I do not think so. It fails to require the tightest controls on autos which account for 50 percent of the Nation's smog forming hydrocarbons. It fails to require EPA to comprehensively reduce air toxics, pollutants that are poisonous from cars, trucks, and buses which account for 56 percent of the cancer deaths from air toxics. And it does not require the control of smaller, stationary sources of smog-forming compounds which contribute 45 percent of the Nation's inventory of these pollutants.

This is a particular problem in New Jersey. My State controls most of these sources. But it receives ozone pollution from small sources in upwind States.

The entire State of New Jersey is an ozone nonattainment area. That means the air in the State threatens the health of our citizens.

In 1988 in New Jersey, the ozone health standard was violated 45 days, the highest number of violations in 5 years, with levels over 66 percent higher than the ozone standard.

New Jersey would be in noncompliance even if all emissions in the State were eliminated because of ozone transported from areas upwind of New Jersey.

Northern New Jersey has levels of carbon monoxide, which is poisonous to humans, exceeding the existing health standard by over 50 percent.

And New Jersey is second among the States in pounds of air toxics released per square mile. Many of these toxics cause cancer and other serious health effects.

New Jersey faces a tough task, to reduce air toxics, and to reach attainment of clean air standards. But, New Jersey is not alone. The problems of nonattainment and air toxics are duplicated across our Nation.

And despite strengthening the law in some respects, the substitute weakens it in others. It weakens the health standard in exiting law to protect our citizens from air toxics.

It abandons a key provision in the Clean Air Act that requires the Federal Government to act as the final guarantor of clean air. Under current law, when a State has not produced or implemented an acceptable air quality plan, the EPA steps in by issuing its own plan. While EPA has seldom had to issue these plans, the threat of EPA acting has prompted States to take actions on their own.

Finally, the agreement abandons current law requiring cities to continue to make annual pollution reductions to keep them on schedule toward attainment of standards. Under the agreement, areas could stop making pollution reductions if the cost of control is deemed too high.

Over the next few days, a number of Senators who agree that we can and must do better will be offering amendments to strengthen the agreement. The health of our citizens and the quality of our environment are at stake.

Mr. President, having noted where the compromise falls short, I do not want to ignore areas where the agreement improves existing law in some areas. In many important areas, the committee's work was preserved.

In particular, in the area of air toxics which I have been so involved in, the substitute makes significant improvements over existing law.

Yes, it establishes an ambitious schedule to require industrial facilities to install the maximum achievable control technology. EPA has failed to use existing law to require controls on most of these facilities.

And yes, it requires that emissions limitations protect the environment. And it would require EPA to establish a program to monitor atmospheric deposition of toxics into the Great Lakes and, of particular concern to my State, into coastal waters.

But, the agreement exempts mobile sources of air toxics—and that is the cause of more than half the problem. The agreement weakens the health standard we already have in the law. And it lets industry turn communities into no-man's-lands, by buying out homes, rather than reducing pollution.

The agreement encourages facilities to begin making those reductions now. Facilities which achieve 90 percent reduction in emissions would be exempt from the technology requirements. This provides an incentive for facilities to reduce their emissions now rather than wait for EPA to establish the technology standard before acting. I particularly want to commend Senator Kohl and Senator Sanford for raising with me a number of concerns and about the early reduction program. As a result of their efforts, we will have a more useful and fairer early reduction program.

Mr. President, during the committee consideration of the air toxics bill, I offered an amendment which was adopted to change the definition of "new source." As introduced, the legislation would have included in the definition of "new source" those existing sources that are modified subsequent to proposal of an applicable standard. My amendment deleted "modifications" from the definition, defining "new sources" to mean facilities that are "constructed" or "reconstructed" subsequent to proposal of an applicable regulation.

As defined for purposes of section 111 of the Clean Air Act, "modifications" include not only physical changes to an existing source, but also changes in the method of a source's operations. By limiting the definition of new sources in section 112 to those that are constructed or reconstructed, I intended that process changes in an existing source will not trigger the requirements applicable to "new sources," and that only actual physical changes will bring a source within the definition of "new" source.

With respect to what constitutes "reconstruction" under section 112, my amendment's intent was that only significant physical changes to a facility should satisfy the definition. In particular, the test for defining "reconstruction" under section 112 should be the same as that currently found in EPA's regulations implementing the new source performance standards program. In those regulations, EPA has adopted an economic analysis.

Defining reconstruction in this manner will assure that facility operators who make significant changes to existing sources will be treated as new sources, while at the same time allowing operators of existing sources the flexibility they need to make modest changes in a physical plant without having to undergo permit applications and review procedures.

The agreement largely preserves the program to reduce the threat of chemical accidents. It creates an independent chemical safety board, like the National Transportation Safety Board, to ensure that chemical accidents will be subject to thorough investigations.

Companies using more than threshold amounts of certain acutely hazardous substances would have to prepare hazard assessments. And EPA is given authority to promulgate accident prevention regulations.

The agreement preserves a program to achieve significant reductions in emissions of sulfur dioxide and nitrogen oxides.

While the agreement would preserve some measures designed to reduce levels of ozone and carbon monoxide pollution, it does not go far enough to protect the public health. Half of our population lives in areas in which the air is not safe to breathe.

Yes, the bill includes a program to regulate pollutants transported from upwind States. Attainment areas within the Northeast Transport Region would be required to adopt reasonably available and cost-effective controls. But, the bill then lets small polluters continue to pollute in other States, while they are controlled in my State. The bill takes away the threat of federally imposed clean air plans, if a State fails to act.

Mr. President, we need all the tools to fight clean air. The agreement gives us nails, but not the hammer.

In sum, Mr. President, the substitute is a step forward, but does not go far enough. The agreement fails to require all of the controls we need to provide clean air in the Nation and in New Jersey.

Twenty years ago when the Congress passed the National Environmental Policy Act, we declared that every citizen should have a right to a healthful environment.

I urge Members to join with us so that we can redeem that promise we made to the American people.

Mr. President, I ask unanimous consent that a letter from Governor Florio, and a letter from State and local air pollution regulators, and their recommendations for improvements in the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

State of New Jersey,
Office of the Governor,
Trenton, March 5, 1990.

Hon. George Mitchell,
Majority Leader, U.S. Senate,
Washington, DC.

Dear Senator Mitchell: The health of millions of Americans and the future of our environment hang in the balance as the Congress considers changes to the Clean Air Act. As a Congressman I had the pleasure of working with you to enact strong environmental laws to protect our health, environment, and natural resources. I admire your strength and perseverance and now that I am no longer in Congress, I rely even more on your efforts.

While I understand the difficulty of reconciling the various proposals to amend the Clean Air Act, I have several concerns about the Clean Air package that the Senate will consider. The package will hamper New Jersey's ability to improve our air quality. Without strict federal standards, the temptation could exist for some states to keep standards low in hopes of attracting business. This kind of competition between the states would penalize states with proper standards and would lead to dirtier air for all the states.

First, the package weakens the definition of a "major source"' to be regulated to one that emits 100 tons or more per year. New Jersey currently regulates sources that emit 25 tons or more per year and our state Right-to-Know law has demonstrated that emissions from smaller commercial and industrial operations are one of the largest source categories of pollution. This change in the federal definition will exempt facilities that are significant polluters and will put New Jersey and other states that regulate smaller sources at a serious economic disadvantage.

Second, a change in the definition of a non-attainment area to include only urban areas will make it very difficult to impose controls on suburbs and outlying areas. Suburbs and outlying areas make a significant contribution to the air quality problems of non-attainment areas and should be subject to controls.

Third, allowing industry to obtain a waiver of the percent-reduction agreement if the controls are considered "costly" would set back progress in emissions control. We need the latitude to impose controls that can have a significant impact on improving air quality.

Eight Northeastern states, including New Jersey, recently agreed to seek strict California emission controls for motor vehicles in our states. It is important that we have the flexibility to impose these strong controls. Since air pollution travels beyond state boundaries, the federal Clean Air Act should impose strong Phase II emission controls nationwide and clean fueled vehicles in severe and serious non-attainment areas.

And we can go even further to reduce car emissions. The bill no longer requires car manufacturers to produce alternative-fuel cars. Fuels like ethanol, methanol, and compressed natural gas burn much more cleanly than gasoline. We should encourage the development of the technology necessary for such fuels.

The package dilutes the provision of the current Clean Air Act which requires that Federal Implementation Plans be imposed on states that fail to comply with the requirements of the law. It is essential that the bill spell out clearly and definitively what the consequences of non-compliance will be. There must be an assurance that swift and certain federal action awaits areas that do not adequately address air problems.

The package seriously weakens the strong air toxics language in the original Senate bill. The package abandons the goal of regulating pollutants that pose a 1 in 1,000,000 risk and instead leaves the standard-setting process to future action by Congress, on the recommendations of a "Blue Ribbon" panel. Should there be no Congressional action, the standard would be set at 1 in 10,000. And I am troubled that risk would be determined on a lower basis than the traditional 70 year exposure standard.

New Jersey has made significant progress in addressing air pollution problems. We must be able to continue to move forward to improve our air quality. The states must be given effective tools to make necessary reductions, and all the states must bear the burden for reducing air pollution.

I am hopeful that the Senate will be able to address some of these concerns in its consideration of the Clean Air Act Amendments. I urge you to insist on tough, fair standards that will lead to cleaner air in New Jersey and throughout the nation.

Sincerely,

Jim Florio,
Governor.

STAPPA/ALAPCO,
Washington, DC, March 5, 1990.

Hon. **George Mitchell,**
Majority Leader, U.S. Senate,
Washington, DC.

Dear Senator Mitchell: We write to you today on behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO)—the two national associations representing the air pollution control agencies in the 54 states and territorties and over 165 major metropolitan areas across the country—to express our serious concerns with the Administration-Bipartisan Senate Clean Air Act Agreement announced on Thursday, March 1, 1990.

STAPPA and ALAPCO firmly believe that the compromises outlined in the agreement represent a significant weakening to the provisions contained in S. 1630 as reported by the Senate Committee on Environment and Public Works and, in some cases, represent a weakening to existing law. Moreover, as the state and local officials who hold primary responsibility for implementing our nation's air pollution control laws and regulations, we are troubled by the fact that this agreement will make it difficult for us to expenditiously attain and maintain the health-based air quality standards nationwide. If we are to be successful in providing our citizen's with healthful air, we must have strong regulatory tools with which to work; this agreement falls short in providing us with those tools.

The following issues are among those considered by STAPPA and ALAPCO to pose the most significant obstacles to efforts to ensure clean air.

With respect to nonattainment, we are concerned that the proposal does not mandate comprehensive Federal Implementation Plans that demonstrate attainment of the air quality standards in areas that inadequately address air pollution problems; allows new sources emitting less than 100 tons per year to escape control and offset requirements, in that these sources represent a significant portion of the stationary source volatile organic compound emissions inventory; and permits states to obtain a waiver of the percent-reduction requirement after six years if they can demonstrate that it is too costly to achieve reductions.

Emissions from mobile sources are responsible for approximately one-half of the volatile organic compound and nitrogen oxides inventories and 90 percent of the carbon monoxide inventory. Given that mobile source emissions are expected to increase later in this decade, it is imperative that Clean Air Act amendments include a stringent motor vehicle control program capable of achieving both short- and long-term emission reduction. Unfortunately, STAPPA and ALAPCO find the mobile source provisions of the agreement to be inadequate. First, the agreement not only postpones implementation of the first phase of tailpipe standards by phasing them in over a three-year period, but also relaxes the in-use performance requirements for motor vehicles by 25 percent after a vehicle has operated for 50,000 miles. Second, national implementation of a second phase of tailpipe standards—a key facet in a successful mobile source control program—is contingent upon an inappropriate set of circumstances and could likely never be required. As a result, millions of our citizens may never enjoy the benefits of cleaner cars and may be exposed unnecessarily to unhealthy air. Finally, carbon dioxide control standards that were appropriately included in S. 1630 have been eliminated by the agreement.

The clean fuels program established by the agreement is markedly weaker than the laudable program established in the President's original clean air proposal. Instead of establishing a standard that would encourage the development of substantially cleaner vehicles and fuels, the agreement sets an unambitious performance standard that, while applicable to all vehicles, will not result in the per-car emission reductions necessary for long-term air quality improvements.

The agreement's provisions related to the control of toxic air pollutants also raise several concerns. The assurance of an acceptable statutory "brightline" or benchmark (identified in S. 1630 as a goal of one-in-one-million) against which residual risk is to be evaluated has been seriously weakened; the agreement specifies no minimum standard for protecting public health other than a default provision, to take effect in the event that Congress fails to act. In addition, the agreement is weaker than current law in that it bases residual risk on the most exposed actual person, rather than on the risk that exists at the fenceline of a source's property, and calculates this risk based upon an exposure period of less than 24 hours a day for 70 years. The agreement also allows sources to escape requirements to reduce risk by purchasing the property of people living near a plant. Finally, in spite of the significant contribution of mobile sources to levels of air toxics, the provisions of the agreement addressing this issue have been seriously weakened.

STAPPA and ALAPCO have been consistently impressed by the dedication and commitment of those of you who have defended the Clean Air Act and authored progressive clean air legislation over the past few years and believe that many of the proposals offered viable strategies for addressing a pervasive and urgent problem. When S. 1630—the product of substantial debate and compromise—reached the floor of the Senate, we were most optimistic that a tough but fair law was on the horizon. However, we believe the Administration-Bipartisan Senate Clean Air Act Agreement will impede state and local efforts to realize the health-based air quality standards. Senator Mitchell, we encourage you to support amendments that will restore critical provisions of existing law and important features of S. 1630.

Sincerely,

Bradley J. Beckham,
STAPPA President.
James M. Lents,
ALAPCO President.

RECOMMENDATIONS OF THE STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS AND THE ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS ON THE ADMINISTRATION-BIPARTISAN SENATE CLEAN AIR ACT AGREEMENT, MARCH 5, 1990

FEDERAL IMPLEMENTATION PLANS

Administration-Senate Agreement

EPA is required to impose one additional control measure each year that a state fails to develop an approvable plan.

Recommendation

Retain the provision in Section 110(c) of the existing Clean Air Act, requiring the mandatory imposition of a Federal Implementation Plan (FIP) that demonstrates attainment of the air quality standards.

Justification

Mandatory FIPs are required by the current Clean Air Act. The agreement represents a relaxation of the existing law.

FIPs place pressure on states to implement their programs, often forcing legislatures or governors to adopt necessary controls.

Many areas have had successful experiences with Federal Implementation Plans (examples follow).

Examples of Successful Experiences with FIPs

Arizona.—Since neither Phoenix nor Tucson had reached attainment of the carbon monoxide standard by the 1982 deadline, Arizona prepared revisions to its State Implementation Plan (SIP). Following a 1985 lawsuit against EPA, the agency disapproved the SIP revisions and was ordered by the Court to either prepare a carbon monoxide FIP for Phoenix and Tucson or approve an adequate SIP.

After Arizona revised its SIP for Phoenix and Tucson, EPA announced its intention to impose highway funding sanctions because Phoenix still could not demonstrate attainment. In the spring of 1988, EPA formally announced its proposed approval of the plan for Tucson and a proposed FIP for the Phoenix area.

In June 1988, under the threat of a FIP, the Arizona legislature adopted a plan that was ultimately approved by the EPA in August 1988.

Arizona asserts that the FIP process was successful for at least two reasons. First, the threat of the FIP exerted sufficient pressure on the state to develop an adequate program. Second, it marshalled EPA resources, expertise, and effective technical assistance that was made available to the state. Although the proposed FIP relied heavily on control strategies in effect and under consideration in Arizona, it was EPA's concerted effort to develop the FIP that helped the state prepare an approvable plan.

South Coast Air Quality Management District, California (Southern California).—Since the Clean Air Act of 1970, there have been several instances in California, and specifically in the South Coast Air Quality Management District (SCAQMD), in which FIPs or the threat of FIPs have been responsible for encouraging the adoption and implementation of air quality measures.

The existence of mandatory sanctions were the key reason that California, after resisting for many years, finally implemented a motor vehicle inspection and maintenance program, as required by the Clean Air Act. The threat of sanctions placed sufficient pressure on the state legislature to enact the legislation.

After the SCAQMD submitted plans in 1979 and 1982 that failed to demonstrate attainment of the ozone standard, local environmental groups sued EPA to fulfill its obligation to prepare a FIP. The threat of air quality regulations promulgated by EPA was sufficient to allow the building of a consensus for a plan demonstrating attainment in the Los Angeles Basin; a strong coalition of business and industry, local governments and the public was brought together to urge adoption of the SCAQMD's 1989 Air Quality Management Plan. The public record of the workshops and hearings preceding the approval of the plan make it clear that the threat of the FIP was a decisive force in forging that coalition.

Wisconsin, Illinois, Indiana, Michigan.—Certain areas of Wisconsin had been classified as nonattainment for ozone, based in part on transported emissions from the Chicago area (Illinois and Indiana). The state brought a suit against EPA for the agency's failure to promulgate a FIP for Illinois and Indiana, which resulted in the District court ordering EPA to promulgate a FIP for those two states by March 1990.

After the FIP was mandated, Wisconsin, Illinois and EPA reached a settlement agreement, which the Court accepted in lieu of its original order. The agreement calls for each of the parties to undertake certain measures, including interim emissions reductions by Wisconsin and Illinois. Additionally, a study including more sophisticated modeling must be conducted and Illinois must submit an approvable SIP by 1993 based on the results of modeling. If Illinois does not meet its interim reductions or submit an adequate SIP, EPA must promulgate a FIP for Illinois.

The original Court-ordered FIP, although never promulgated, exerted pressure on all of the involved states to address their problems on a regional basis, rather than through a FIP. As a result of the settlement agreement, Wisconsin, Illinois, Indiana and Michigan have formed the Lake Michigan Air Directors Consortium (LADCO) to address regional transport problems and to conduct the study required by the agreement. It is expected that LADCO will assist the states in addressing future regional problems.

MAJOR SOURCE DEFINITION

Administration-Senate agreement

Major sources are defined as those emitting 100 tons per year (tpy) or more.

Recommendation

Expand the definition of major sources to include sources emitting less than 100 tpy.

Justification

Sources emitting less than 100 tons per year (tpy) contribute significantly to our nation's air quality problems. According to the Office of Technology Assessment (OTA), up to 34 percent of hydrocarbon emissions (ozone precursors) from stationary sources are from facilities that emit 25–100 tpy. Area-specific examples include California (39 percent), Cleveland, OH (30 percent), New York City (63 percent), Rhode Island (29 percent), and Vancouver, WA (56 percent).

Many types of sources and activities emit between 25–100 tpy, including: small-medium power plants, printing operations, painting and refinishing (automobiles and furniture), chemical plants, weather stripping, paint manufacturing, asphalt plants, and pharmaceutical operations.

The agreement will allow new sources emitting less than 100 tpy to construct without any air pollution controls and escape offset requirements.

Many states are precluded from adopting regulations more stringent than those of the federal government. Consequently, such states may be unable to regulate these facilities, even if such action is necessary to attain the health-based standards.

The provision may create economic inequities. Because some areas will regulate sources smaller than 100 tpy, while neighboring regions may not, industries may choose to locate facilities in the areas with less stringent controls.

Since not all states will control smaller than 100 tpy equally, the problem of transport may be exacerbated. Even if a downwind state controls smaller sources more stringently, it may not reach attainment because pollution from upwind areas, in which smaller sources are inadequately regulated, contributes to its problem.

WAIVER OF PROGRESS REQUIREMENTS BASED UPON COST

Administration-Senate agreement

States may obtain a waiver of the progress requirements after six years if they demonstrate that it is too costly to achieve reductions (based upon a determination by EPA).

Recommendation

Eliminate the waiver of progress requirements (i.e., percent reductions) based upon the cost of control.

Justification

The agreement, in effect, relaxes existing law by allowing for the establishment of an acceptable cost for controlling air pollution and protecting public health.

EPA (and the Office of Management and Budget) may set an extremely low threshold for obtaining waivers, possibly far lower than what most states are already requiring sources to spend for air pollution control.

Sources may exaggerate the cost of control in order to escape the more stringent measures that will result from percent reduction requirements.

The inequities that may result from the provision could aggravate the problem of pollution transport. Even if a downwind state does not limit controls to those below a specified cost, an upwind state may seek a waiver, thereby allowing sources to escape more expensive, but necessary, controls.

Administration-Senate agreement

Phase I: Postpones full implementation of the first phase of the tailpipe standards from 1933 to 1995.

Relaxes the in-use performance requirements for motor vehicles by 25 percent after a vehicle has operated for 50,000 miles.

Phase II: Requires nationwide implementation of a second phase of tailpipe standards *only if* 12 or more of the 27 non-California ozone nonattainment areas designated as "Serious" fail to attain the health-based standard by 2001.

CO_2: Does not include carbon dioxide controls.

Recommendations

Retain provisions of S. 1630 that would require full implementation of Phase I tailpipe standards by 1993.

Require that the same tailpipe standards remain in effect for the full useful life of the vehicle (i.e., 10 years/100,000 miles).

Retain language in S. 1630 that would require Phase II tailpipe standards to take effect automatically beginning in model year 2003.

Require controls for carbon dioxide.

Justification

Motor vehicles are responsible for approximately one-half of the volatile organic compound and nitrogen oxide inventories and 90 percent of the carbon monoxide inventory; they are the most dominant source of smog and carbon monoxide in our nation.

Motor vehicle emissions will increase later this decade due to increased vehicle travel and congestion.

Without substantial near- and long-term reductions in motor vehicle emissions, it will be impossible for states and localities to attain and maintain the health-based air quality standards.

Expeditious implementation of Phase I tailpipe standards (i.e., by 1993), is necessary for the achievement of air quality standards. Further, the same standards must remain in effect for the entire life of the vehicle (i.e., 10 years/100,000 miles), since vehicle emissions increase significantly after 50,000 miles.

To offset the long-term effects of increased vehicle travel and congestion, a second phase of tailpipe standards will be necessary. The additional emission reductions achieved through national implementation of a second phase of tailpipe standards will assist areas not only in attaining the health-based standards, but also in maintaining these standards.

Based upon the contingencies set forth in the agreement, it is likely that national implementation of a second phase of tailpipe standards will never occur. The agreement establishes a "trigger" that would be set off only if more than 40 percent of the non-California ozone nonattainment areas designated as "Serious" continue in nonattainment in 2001. Further, national implementation of Phase II is based solely upon the performance of "Serious" nonattainment areas, while "Severe" and "Extreme" nonattainment areas are ignored. Moreover, the process for determining whether or not Phase II will be implemented focuses entirely upon ozone nonattainment and does not take into consideration other important problems that could be addressed by Phase II standards, such as carbon monoxide and nitrogen oxides. For example, the outcome of the ozone nonattainment strategy will determine whether or not Phase II standards will be implemented in carbon monoxide nonattainment areas.

Without a second phase of tailpipe standards, states and localities will be required to achieve emission reductions by imposing extremely controversial and cost-ineffective controls on other sources, including small businesses. Below are some examples of the kinds of measures that states would have to impose in order to obtain emission reductions equivalent to those that would result from implementation of Phase II tailpipe standards.

Motor vehicles account for one-fourth of the carbon dioxide (CO_2) emitted in the United States. Because of the prominent role played by carbon dioxide in global warming, it is important that Congress establish a CO_2 emission standard for motor vehicles.

Emission reductions equivalent to phase II motor vehicle standards (2-percent reduction in hydrocarbons)

1. **Georgia.**—The state would need to eliminate all (hundreds) dry cleaners in the Atlanta area and adopt regulations on hundreds of autobody refinishing plants.

2. **Massachusetts.**—The state would have to decrease vehicle miles travelled (VMT) by 5 percent per year; upon reaching attainment, the state would need to reduce VMT by 8 percent annually to account for growth in the motor vehicle sector.

3. **North Carolina.**—In Wake County (Raleigh), the state would have to 1) require a 25-percent reduction (1.75 tons per day) in flight operations at Raleigh-Durham International Airport, 2) shut down Raleigh's largest newspaper, all small graphic arts operations and all of the county's dry cleaners, or 3) lower the threshold of RACT on all stationary sources.

4. **Illinois.**—The state would be required to eliminate all 1) iron and steel manufacturing in the Chicago area, 2) automobile and truck assembly plants, 3) dry cleaning operations, or 4) miscellaneous metal coating operations.

5. **Virginia.**—Virginia would need to reduce emissions by 3,000 tons/year to obtain a 2-percent reduction in its inventory. This would be equivalent to installing Stage II Vapor Recovery and onboard controls in the entire state, including all attainment areas.

6. **Delaware.**—To obtain a 2-percent reduction in emissions in New Castle County, the state would be required to 1) take 5,000 vehicles off the road each day, 2) shut down one-half of the organic chemical manufacturing operations, or 3) cut surface coating emissions by 35 percent in two large auto assembly plants.

7. **Maryland.**—The Baltimore region would need to 1) cut emissions from architectural coatings by 50 percent, 2) reduce emissions from consumer solvents by 40 percent, 3) install State II Vapor Recovery in two-thirds of the gas stations, 4) require alternative fuels on fleets and regulations on landfills, or 5) control pesticide applications by 50 percent and require can manufacturers to install incinerators.

8. **Wisconsin.**—The state would have to 1) reduce its VMT from "work-trips" by 6-10 percent annually, 2) eliminate surface coating emissions, 3) install Stage II Vapor Recovery in all nonattainment areas, 4) reduce area source solvent use (consumer/commercial solvents) by 50 percent, or 5) prohibit any treatment, storage and disposal facilities.

9. **Arizona.**—The state would have to 1) adopt an inspection/maintenance (I/M) program statewide, 2) reduce VMT by 3.1 percent, or 3) adopt a $1.00 increase in the gas tax and construct HOV lanes in the nonattainment area.

10. **California.**—Five of the nonattainment areas—in addition to Los Angeles—would have to implement the following measures to obtain a 2-percent reduction. These include requiring RACT on minor sources, reformulating pesticides and consumer products, controlling non-road engines, adopting transportation control measures, increasing vehicle occupancy to 1.5 persons per vehicle, lowering the volatility of gasoline to 8 psi, adopting a clean fuels program, etc. The state estimates that a 2-percent reduction in emissions is equivalent to the reductions obtained from the state's vehicle I/M program, which covers about 85 percent of the state.

11. Kentucky.—The state would have to regulate dry cleaners in nonattainment areas.

12. Maine.—The state may need to control consumer solvents, apply Best Available Control Technology to minor sources and adopt I/M and Stage II Vapor Recovery.

13. Washington.—To obtain a 2-percent reduction in VOC emissions, the state would have to 1) shut down their aluminum, lumber and paper mills, 2) close all the state's petroleum refineries, 3) eliminate all diesel vehicles—both on and off-road (including locomotives), or 4) ban all pleasure boats and commercial ships. In addition, the state must rely solely on regulating vehicle emissions to abate its carbon monoxide problem.

14. New York.—The state would have to require, among other things, a 20-percent reduction in VMT, institute a no-drive day program, close some industries, and require mandatory retirement of vehicles beyond warranty.

15. Ohio—The state would have to expand I/M to all nonattainment counties, require mass transit measures, impose parking fees, require car pooling, stagger employee work hours, and possibly more.

16. Rhode Island.—Since point sources now account for less than 10 percent of emissions, the state would have to regulate architectural coating sources (oil-based paints) and commercial/consumer solvents, or reduce VMT by 3-5 percent.

17. South Carolina.—Since no offsets are available for new source growth, the state would be required to apply LAER to existing sources, adopt an I/M program, regulate dry cleaners and/or adopt Stage II Vapor Recovery.

18. Michigan.—The state would need to 1) require incinerators on 15 paint spray booths ($8,000-$10,000/ton), 2) regulate consumer/commercial solvents, including many of the measures in the South Coast Air Quality Management District's plan, or 3) possibly reduce VMT.

19. Oklahoma.—The state would possibly 1) expand I/M to outlying areas, 2) impose more stringent controls on smaller stationary sources (e.g., dry cleaners), or 3) regulate consumer/commercial solvents.

20. Texas.—The state would 1) limit vehicle access to the Central Business District, 2) adopt regulations for consvmer/commercial solvents, 3) ban industrial growth, or 4) relocate certain industries.

CLEAN FUELS

Administration-Senate agreement

Phase I: Beginning in model year 1995, all new vehicles sold in the most severely polluted areas are required to achieve a reduction in hydrocarbon emissions of 0.75 grams per mile (gpm) and a 12-percent reduction in air toxics emissions.

Phase II: Beginning in model year 1999, the hydrocarbon emission standard must not exceed 0.66 gpm, and toxic emissions must be reduced by 27 percent (although EPA is provided with the authority to lower this requirement to 18 percent).

Recommendation

Strengthen the alternative fuels proposal by restoring it to a level at least as stringent as that recommended by the President's original proposal, STAPPA/ALAPCO and the states of California and New York.

Justification

The President original clean air proposal contained an innovative program that required one million clean fuel vehicles to be introduced each year in severely polluted areas. STAPPA and ALAPCO supported this proposal and recommended that it be expanded in certain areas.

California and New York have offered an alternative fuels program that also strengthens the President's original proposal. The California/New York program requires earlier introduction of clean fuel vehicles in California, establishes specific performance standards and assures that sufficient of clean fuels will be available.

The Administration-Senate agreement is significantly weaker than the proposals made by the President, STAPPA/ALAPCO or California and New York.

Emission reduction requirements are weakened so that only slightly cleaner gasoline would be required. The need for truly clean fuels, including substantially reformulated gasoline, is eliminated.

Areas with the most severely polluted air are prevented from obtaining the ultra-clean vehicles and fuels that will be needed to meet federally-imposed clean air deadlines, thus increasing the possibility of continued unhealthful air and federal sanctions.

A mobile source "bubble," that will undermine the stringency and enforceability of emission standards is included.

The requirements to reduce toxic emissions from motor vehicles are substantially weakened.

TOXICS

Administration-Senate agreement

The agreement contains no "brightline" or benchmark upon which to evaluate residual risk (i.e., the threat to public health remaining after the application of initial control measures). Rather, the agreement calls upon a commission to recommend to Congress an acceptable standard to address residual risk. If Congress does not choose a standard witin five years, a range of 1 cancer in 10,000 to 1 in 1,000,000 will be instituted to evaluate residual risk.

The calculation of residual risk will be based upon "the most exposed actual person," rather than upon pollution levels at the fenceline of the plant's property. Additionally, risk will be calculated upon an individual's exposure for a period of less than 24 hours per day over the course of 70 years.

Provisions to address emissions of air toxics from motor vehicles have been significantly weakened.

Recommendation

Require that sources meet a minimum risk level of 1 in 10,000, with a goal of 1 in 1,000,000, as specified in S. 1630.

Restore provisions in existing law requiring risk measurements to be based upon lifetime exposure at a plant's property line.

Include provisions contained in S. 1630 to address emissions of air toxics from motor vehicles.

Justification

The proposal specifies on minimum standard for protecting public health, other than a default provision, to take effect in the event that Congress fails to act. Consequently, the agreement has removed the assurance of an acceptable statutory "bright-

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line," against which residual risk is to be evaluated. Over half of the states have recognized the importance of a "brightline" in their air toxics programs and have incorporated a benchmark between 1 in 10,000 and 1 in 1,000,000 to evaluate residual risk.

The calculation of residual risk based upon the most exposed actual person, rather than upon exposure at the plant's property line, represents a weakening of existing law. Moreover, existing law will be further weakened by provisions in the agreement calculating risk based upon a period of less than 70 years and 24 hours per day. It is important to retain existing law in both respects in order to ensure adequate protection of all people potentially exposed to toxic air pollution and to address uncertainties in the data.

The agreement allows sources to purchase the homes of individuals near the plant in order to further reduce the exposure of the nearest "actual" person and avoid control requirements. As a result, emissions at levels otherwise deemed unacceptable could continue.

The President has established a goal of reducing cancers from exposure to toxic air pollution by 75 percent. EPA has concluded that emissions from motor vehicles account for over 50 percent of the cancers from air toxics. Clearly, without a strong program to regulate air toxics form motor vehicles, this goal will never be met. Accordingly, the Clean Air Act should contain a comprehensive program to reduce emissions of air toxics from motor vehicles, such as the provisions originally contained in S. 1630.

Mr. LAUTENBERG. Mr. President, now I would like to address the amendment offered by the Senator from Idaho. I oppose the amendment. I oppose it most strenuously.

Senator Baucus has already pointed out the technical problems with the amendment. It misreads the underlying substitute.

But, aside from the technical problems with the amendment, I oppose the Symms amendment because of what it stands for. It stands for retreat.

The amendment asks workers and neighbors to vote, to choose whether they want jobs or they want good health. The amendment gives industry the right to hold towns and jobs hostage.

Instead of taking the steps needed to clean up the air, a company could wait, and wait, and then put an economic gun to the head of workers and their families.

Mr. President, that is not the American way. Down through the years, there has been a minority of voices telling Americans that the cost of better health was too high and the cost of better lives was too high.

We heard it when we took children out of sweatshops. They said factories would close. We heard it when we gave workers a minimum wage.

It was said then: Jobs will be lost. We will not be able to compete. We are going to be in for hard times. We heard it when we passed the mine safety and factory safety laws. It was said the mines would close and the plants would close. We have seen the result, Mr. President. They were simply wrong.

We passed those laws and we still prospered as a nation. We did not ask our kids to vote on whether or not they wanted child labor laws; and we did not ask workers to vote, factory by factory, on whether they would take the kinds of wages they pay in the Third World or give up their jobs; and we did not ask miners and workers to accept dangerous conditions and ruin their health in mines and deadly factories.

Americans want us to pass a tough clean air bill because they do not want to choose between health and a job. They want both of them. That is a consistent dream of Americans. They have a right to both. They want us to pass a law that tells industry to give them both, to work hard, to use all the creativity they have, to produce and to build and to do it with respect for the individuals and the environment.

Mr. President, that is what the steelworkers, the chemical workers, the oilworkers, and the atomic workers are saying. They have written to us. They have asked us to pass a tough clean air bill. They want to continue to work. Of course they do. They like their jobs. They want those jobs. But they do not want to have to die to go to work.

I ask unanimous consent, Mr. President, that letters from these unions whose workers are so affected by air toxic pollution be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. Mr. President, the American people understand what is involved in this debate. In a poll conducted just this past December by Cambridge Emergy Research Associated and Opinion Dynamics Corp., 75 percent of those polled said they would be more likely to vote for someone who supported a law that all factories meet strict toxic waste and air pollution standards or be forced to close.

Mr. President, if we give industry the incentive to develop new technologies, they will develop them. If we give them the out that has been proposed by the Senator from Idaho, they will use that out.

When EPA projected job losses from the air toxics bill, it assumed that no new technology will be developed to control hazardous air pollutants. If EPA itself calls this an unreasonable assumption, then it is obviously something that has to be paid attention to.

The history of the Clean Air Act suggests that many new technologies will be developed. The catalytic converter for automobiles was available within 5 years after Congress required a 90-percent reduction in tailpipe emissions. Scrubbers for powerplants have only been used for 15 years, and industry is already looking to a new generation of clean coal technology opportunities. New technologies will reduce the cost of health standards.

According to information provided by the Congressional Research Service, 20,000 new jobs will be created for every $1 billion in pollution control capital expenditures.

Mr. President, we are going to create jobs. We are not going to destroy them, but we are going to create jobs in a healthful environment.

We are not the only Nation looking for ways to control pollution, Mr. President. We only have to look at the increasing awareness of pollution problems in Eastern Europe. When America develops pollution control technologies, it will develop products for export around the world, and that is going to mean more jobs.

In sum, Mr. President, the amendment by the Senator from Idaho in my view is a dangerous amendment. It would establish a dangerous principle in our law. It would force American workers to choose retreat, to choose a dirty environment.

I hope my colleagues will oppose the amendment, and I urge them to do so.

I yield the floor.

EXHIBIT 1

INTERNATIONAL CHEMICAL
WORKERS UNION,
Washington, DC, January 31, 1990.

DEAR SENATOR: Our unions strongly support the air toxics provisions of S. 1630, the clean air legislation now before the Senate. We urge you to reject amendments that would eliminate or undermine any of the bill's vital measures for protecting public health.

Toxic air pollutants impose a staggering toll of death, injury, and illness. Nearly 2.7 billion pounds of air toxics were reported released in the "routine" operations of large industrial facilities in 1987, causing cancer risks as high as 1-in-10 for the people most heavily exposed. In addition, more than 11,000 chemical accidents occurred in the 1980s, killing more than 300 people and injuring 11,000 others.

The dangers from these pollutants fall hardest on the working men and women who are doubly exposed from working in major industrial facilities and living in the surrounding communities, and on their families and communities.

To control so-called routine emissions, S. 1630 establishes a two-stage program for major industrial facilities: "Maximum available control technology" standards, followed by health-based standards to reduce cancer risks when they remain high. Both parts of this program, including the firm deadline for reducing cancer risks below 1-in-10,000, are vital. The health standards, coupled with the bill's more than adequate leadtime, will encourage the development of efficient new control measures where necessary.

We urge you to reject calls from some in industry to eliminate S. 1630's health standards in favor of an "unreasonable risk" approach. This is familiar code language for

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cost-benefit analysis. It would be totally unacceptable to working men and women for cost-benefit analyses to govern these life and death decisions.

S. 1630's chemical accident program is equally essential to protecting health and safety. We support the bill's "hazard assessment" process, requiring companies that handle extremely dangerous substances to analyze and disclose their potential for accidental releases. These hazard assessments will lead many companies to discover and correct dangerous conditions before they take lives or destroy productive facilities.

We also support the bill's creation of an independent Chemical Safety Board to investigate and report on the causes of serious accidents when they do occur. Too often, it is left up to companies themselves to investigate the causes of accidents. Like the National Transportation Safety Board on which it is modelled, the Chemical Safety Board will help prevent past tragedies from being needlessly repeated.

We favor S. 1630's provision for coordination between EPA and OSHA in accident safety rulemaking. We ask you to support provisions assuring that important rights under OSHA (such as "walk-around rights" during official inspections) are extended to EPA and the Chemical Safety Board as well.

In short, as representatives of working men and women and their families, our unions urge you to support S. 1630's air toxics amendments. We ask you to reject any effort to eliminate, delay, or cripple the vital health protection provisions of this bill.

Sincerely,

E. Robert Marlow, Vice President, International Chemical Workers Union; Milan Stone, President, United Rubber, Cork, Linoleum and Plastic Workers of America; Jack Sheehan, Assistant to the President, United Steel Workers of America; Nolan W. Hancock, Citizenship-Legislative Director, Oil, Chemical and Atomic Workers International Union.

United Steelworkers of America,
Washington, DC, February 27, 1990
Re Air Toxics, S 1630.

U.S. Senate,
Washington, DC.

Dear Senator: The USWA, which is a supporter of the air toxics provision of S 1630, has become aware of a steel-specific amendment which would put those exposed to coke ovens benzene and other cancer-causing emissions—both workers and residents of nearby communities—in a second class category with regard to the health risk protection being provided for the rest of the nation.

While we are aware that some opponents of a "technology-forcing" obligation have strongly expressed their views, a flat-out thirty-year (30) avoidance of a health-based standard just for steel communities denies protection for a particular endangered population. It is a special treatment which carries with it no special health benefits for the worker nor the communities in and around coking facilities.

Debate over the methodology for determining health risk evaluations, as applicable to all air toxics vulnerable communities, does not justify a special long-term exclusion of steel communities from any technology-forcing evaluations. Note that neither the Senate bill nor the Administration's bill describes the methodology or assumptions to be followed in determining the health risk. The Senate bill, however, does require that the methodology focus upon the "most exposed individual", but EPA is left with the discretion of formulating the actual measurement technique, subject to a review by Congress within two years which would include an examination of the "factors which may contribute to overestimating or underestimating such risks, including the exposure parameters used in establishing carcinogenic risk estimates for the most exposed individual."

The steel industry has declared the risk assessment in S 1630 to be "arbitrary and unscientific." Yet that methodology is precisely what EPA is presently applying even without S 1630. Actually what the industry is objecting to is any residual health risk obligation which is not conditioned upon a cost-benefit analysis. While methodologies can be fine-tuned and USWA supports that exercise, the union urges the Congress to maintain a health-based approach to air toxics rule-making even if it entails a technology-forcing burden.

Since there are coke facilities in your state you should be aware that these special arrangements will unduly deprive workers and their families in these communities of needed protection.

Many of our communities exposed to coke emissions are already experiencing very high health risks. Some of the risks are as high as one cancer per 55 persons. The air toxics section of S 1630 is designed to lower those risks. To denounce this objective as a "shutdown sentence" is to engage in an environmental blackmail threat to the coke oven communities on an unreasonable and irresponsible assumption that coke oven abatement technology will be frozen at its present level of effectiveness. Even current control practices according to EPA studies can bring 36% of coking facilities up to the 10-4 health protection level. It is reasonable therefore to expect and socially responsible to demand that over the next 15 years there should be a push to improve coke oven control strategies.

Statements which infer immediate shutdown and job loss are irresponsible. USWA urges that you not be swayed by that type of rhetoric and that you adhere to a pollution abatement strategy which will induce development of control technologies which will accomplish a specific health-protective objective.

Sincerely,

Lynn R. Williams,
President.

United Steelworkers of America,
Washington, DC, March 1, 1990.

U.S. Senate,
Washington, DC.

Dear Senator: On February 27, USWA President Lynn Williams communicated with you regarding the air toxics section of the Clean Air Act Amendments (S. 1630). Because carcinogenic emissions from coke ovens are causing health risks to workers and steel community residents alike, he urged that coke oven operators not be relieved of a year 2005 health-based regulations to control residual emissions; i.e., those toxic emissions still remaining after the installation of current abatement technology.

We, the undersigned, are the elected USWA District Directors of steelworkers working and/or living in coke-producing communities. We urge you—especially steel-state Senators—to reconsider the politically pragmatic-based decision to allow a special 30-year exclusion of these communities and their workers from the health-based protection of the Act. Steel communities which will be treated differently than the rest of the country will be placed in a second-class health status with regard to protection against carcinogens.

Well-financed lobbying efforts by industry representatives who do not live in, nor are responsive to, workers or residents of these communities should not be the compelling reason to justify a steel-specific exclusion to postpone a public health obligation. As elected union representatives, we do not view the air toxics section as a job loss or shutdown provison. Actually, we are concerned about the continued risk of life loss for workers and community residents.

The USWA has not resisted advances in steel production technology; e.g., pulverized coal injection to displace coke in the blast furnaces, which has reduced the number of jobs in the coke ovens. But we do reject the assertion that coke oven abatement technology will not advance over the next 15 years, thereby resulting in coke oven shutdowns. Presently, 36% of coking capacity can meet the health-based requirements of S. 1630. While further production technology will displace coke oven steelworkers, pollution abatement technology will not. But it will save lives.

Sincerely,

Thermon Phillips, USWA District 36, Alabama; Jack Parton, USWA District 31, Indiana; David Wilson, USWA District 8, Maryland; Harry Lester, USWA District 29, Michigan; Louis Thomas, USWA District 4, New York; Frank Valenta, USWA District 28, Ohio; Anthony Rainaldi, USWA District 20, Pennsylvania; Andrew Palm, USWA District 15, Pennsylvania; Paul McHale, USWA District 9, Pennsylvania; John Reck, USWA District 7, Pennsylvania; Robert Petris, USWA District 38, Utah.

Mr. BAUCUS. Mr. President, the pending amendment is the amendment offered by the Senator from Idaho [Mr. Symms]. I understand that the Senator from Idaho is on his way to the floor to speak on his amendment.

I very much hope the Senator from Idaho arrives quickly, so we can very quickly dispose of his amendment one way or the other. We have been on his amendment now for quite a number of hours. In fact, his amendment was laid before the Senate last night. It is my hope that we vote on it very quickly.

If the Senator from Idaho does not come to the floor fairly quickly to speak on his amendment, I would be constrained to ask for the regular order at the appropriate time, so the Senate does vote on the amendment.

But the pending amendment is the amendment offered by the Senator from Idaho [Mr. Symms]. It is the Symms amendment, an amendment which the leadership opposes, an amendment which the Senator from Montana opposes, as does the Senator from Rhode Island, the ranking member opposes. It is a deal-breaker amendment.

But, nevertheless, the Senator is certainly within his rights to offer the amendment. He is within his rights to offer any amendment under the standard procedure, though I believe it only appropriate that the Senate vote on the amendment, deal with that amendment fairly quickly since the Senate has been on that amendment for quite some time.

There will be many more amendments that will come before the Senate dealing with the Clean Air Act. I now urge all Senators who have amendments to quickly come to the floor to offer their amendments, so we can avoid very late night sessions.

The majority leader has indicated that he plans to stay in late each night in order to finally conclude action on the clean air bill this week. The Senators can come to the floor now, this afternoon, while no other amendments are pending. Then we can go home at an earlier hour each evening.

But the longer Senators wait with their amendments, the longer Senators delay in offering their amendments, the later the hour will be when the Senate recesses each night. So I strongly urge Senators for their own sakes to offer their amendments quickly. This is a good opportunity.

Once we dispose of the Symms amendment one way or another, it is a good opportunity for other Senators to come to the floor with their amendments. I strongly urge Senators to do so.

In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, a study was released on Tuesday that bears out some of the statements that I have made with respect to jobs, and that is really what this amendment is all about. I happened to be in my office and I saw my good friend from New Jersey, Senator Lautenberg, make the comment that this is a dangerous amendment.

This is only a dangerous amendment if we are afraid of having people who are going to lose their jobs have a chance to say that they would rather take the risk of breathing this air than let the EPA decide what is best for them. It is only a dangerous amendment if we are afraid of the common sense of the good people of the United States of America.

Mr. President, a study was released last Tuesday that bears out those statements. Two Ph.D. economists at Carnegie Mellon at Pittsburgh, Dr. Robert W. Hahn and Dr. Wilbur A. Steger, just released an extensive review of the various clean air regulatory proposals, and I would like to have my colleagues have a look at this.

They went through the bill, made conservative impact estimates—they built on the EPA methods wherever possible—only direct impacts, only direct jobs, no indirect effects. They limited the numbers to U.S. plants and workers, and they used EPA and census data bases, and they employed EPA technology assumptions.

Mr. President, these economists came up with this conclusion, that there would be somewhere between 2.3 and 3.7 million jobs that would be lost if this standard is applied.

I know there seems to be some discussion as to what the standard is. I discussed this with Senator Domenici, who was one of the authors, and worked out the agreement about the residual risk. But the way I read it, and I have not heard anyone on the floor dispute that this issue is still unresolved, we will, without a positive act of Congress, have a 1-in-10,000 shutdown standard; and 1 in 1 million technology standard still exists, unless amended by Congress at some time in the future.

So, Mr. President, when we look at this, we start seeing that in Ohio they will lose somewhere between 208,000 and 326,000 jobs. I do not think it is unfair for people from Ohio to have a chance, if they have a plant and the EPA comes in and applies the standard, I do not think it is too much to come in and ask the people, the ones affected. EPA will designate the area affected by this plant. They will have this person who lives for 70 years out here. When we look at that chart of the areas that could be affected by full compliance with the 98-percent MACT standard and 1 in 1 million residual risk requirement, we are talking about a lot people.

Every State is impacted by this, every State of the Union. Some of the States will get affected to a high degree. I will just go through the States. Mr. President, I ask unanimous consent to have printed in the Record those States, and I will highlight a few of them.

There being no objection, the material was ordered to be printed in the Record, as follows:

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
Alabama	31,778	37,775	34,670	56,412	9,438	4,890	46,106	70,740
Alaska	3,251	3,251	3,251	4,786			3,2,51	4,786
Arizona	8,326	8,326	8,326	12,059	14,520		22,846	26,579
Arkansas	9,098	9,286	9,098	14,141	156		9,254	14,297
California	29,659	29,659	30,194	132,991	210,243		239,902	343,234
Colorado	7,612	7,612	7,612	20,090			7,612	20,090
Connecticut	18,838	18,838	19,209	30,691	20,637		39,475	51,328
Delaware	2,637	2,637	2,637	14,872	4,580		7,217	19,452
District of Columbia	50	50	50	250			50	250
Florida	14,118	14,118	14,466	29,619	30,781	7,599	52,498	67,999
Georgia	18,289	18,422	18,481	51,433	22,019	6,329	46,637	79,781
Hawaii	3,055	3,055	3,055	5,254			3,055	5,254
Idaho	675	675	675	2,791			675	2,791
Illinois	54,668	55,917	58,219	109,660	79,707	6,250	140,625	195,617
Indiana	81,136	81,136	82,872	155,798	16,788	28,559	126,483	201,145
Iowa	14,949	14,949	14,949	26,373		6,932	21,881	33,305
Kansas	3,594	3,594	5,309	19,531	6,110	8,427	18,131	34,068
Kentucky	16,559	16,559	19,017	37,506	11,334	9,000	36,893	57,840
Louisiana	26,619	26,619	26,665	38,894	7,757		34,376	46,651
Maine	3,185	3,185	3,185	10,245	4,214		7,399	14,459
Maryland	8,002	8,002	8,042	27,169	29,526	10,502	48,030	67,197
Massachusetts	13,424	13,574	14,868	24,446	53,874		67,298	78,320
Michigan	46,992	46,992	47,734	181,083	36,272	3,464	86,728	220,819
Minnesota	17,890	17,890	17,890	27,599			17,890	27,599
Mississippi	13,813	13,813	13,813	27,082	685	272	14,770	28,039
Missouri	58,066	58,066	58,440	87,336	25,914	21,442	105,422	134,692
Montana	1,261	1,261	1,261	3,923			1,261	3,923
Nebraska	3,750	3,750	3,750	6,820			3,750	6,820
Nevada	0	0	0	2,316			0	2,316
New Hampshire	4,339	4,339	4,339	10,621	7,605	1,387	13,331	19,613
New Jersey	12,510	13,368	25,492	43,817	90,458	69	103,037	134,344
New Mexico	2,209	2,209	2,209	7,413			2,209	7,413
New York	70,083	79,280	81,415	140,458	98,652	8,570	177,305	247,680

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JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS—Continued

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
North Carolina	16,135	16,135	16,135	114,736	27,427		43,562	142,163
North Dakota	61	61	61	635			61	635
Ohio	92,346	93,145	94,322	210,170	69,351	46,780	208,477	326,301
Oklahoma	4,044	4,165	4,165	23,703	4,346		8,390	28,301
Oregon	4,651	4,651	4,651	11,591	8,703		13,354	20,294
Pennsylvania	54,246	55,370	55,430	135,015	71,533	24,714	150,493	231,262
Rhode Island	826	826	879	5,939	9,878		10,704	15,817
South Carolina	4,672	4,672	4,672	45,619	9,627		14,299	55,246
South Dakota	320	320	320	811			320	811
Tennessee	69,027	69,034	78,707	92,377	17,833	8,305	95,165	118,515
Texas	62,239	84,810	75,918	114,967	69,377		131,616	184,344
Utah	8,145	8,145	8,145	14,210	5,516		13,661	19,726
Vermont	1,573	1,573	1,573	2,038			1,573	2,038
Virginia	33,979	33,979	33,984	107,378	19,642		53,621	127,020
Washington	11,468	11,468	11,468	67,469			11,468	67,469
West Virginia	20,485	22,360	23,105	31,290	2,854	1,967	25,306	36,111
Wisconsin	41,823	41,823	42,206	74,949	16,731	26,437	84,991	118,117
Wyoming	1,341	1,341	1,351	3,425			1,341	3,425
United States	1,027,816	1,067,085	1,098,285	2,414,804	1,114,088	231,895	2,373,799	3,760,787

Mr. SYMMS. Alabama, between 46,000 and 70,000 jobs, depending on which scenario is used, which set of standards in this study, based on this study.

Alaska, 3,000 to 4,700 jobs. Arizona, 22,000 to 26,000 jobs. Arkansas, 9,000 to 14,000 jobs. California, 239,000 to 343,000 jobs.

There may be communities where there is a heavily affected population of people who would vote to close the plant, if this risk technology is there.

The point is the economic impacts be considered and the jobs, jobs gained, jobs lost, jobs at risk from large business, small business, plants closed, at risk, States and counties.

The 20,000 plus, 1 in 10,000 risk level; 200,000 1 in 1 million risk level.

Mr. President, I think just to tick these off, Colorado would lose somewhere between 7,600 and 20,000 jobs; Connecticut would loose somewhere between 39,000 and 51,000 jobs; Delaware would lose somewhere between 7,000 and 19,000 jobs; District of Columbia, 50 to 250; Florida 52,000 to 67,000; Georgia, 3,000 to 5,000. In my own State of Idaho, somewhere between 700 and 3,000 jobs; Illinois, 140,000 jobs to 195,000 jobs could be lost, Indiana, 21,000 to 33,000; Iowa, 18,000 to 34,000; Kansas, 36,000 to 57,000.

Mr. President, I could go on through this list, but this is, in my opinion, something that Senators should look at with great concern.

What this amendment says, and I will just reread the amendment, it is very simple:

> No plant, facility, or source shall be required to cease operations, nor shall be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a ressult of exceeding the standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard and at least 50 percent respond in the negative. Prior to the issuance of any standard pursuant to subsection (f), the Administrator shall, by rulemaking, determine the appropriate methodology for conducting such referenda. The question placed before the exposed population shall be worded—

If this is something my colleagues are afraid of, I find this to show the utmost confidence in the American people. The question on the ballot will be:

> Shall the, (name of the plant, facility, or source) remain in operation notwithstanding the fact that the United States Environmental Protection Agency has projected the possibility that an individual born and standing on the fenceline of this (plant, facility, or source) for 70 years may be subjected to a lifetime cancer risk of greater than (1 in 10,000 to 1 in 1,000,000).

Mr. President, I am told by my colleagues that they think they worked this out. So, if they are correct and this standard is not going to be applied, I see no reason for Senators to not accept this amendment and have it be a part of the bill so there will be some protection for the working men and women of this country, so they will be able to have an opportunity to vote on whether or not they want their plant closed if, in fact, they are going to be impacted by a loss of jobs because of the cloud that goes with this bill.

So I think it is a very simple amendment, very easily understood. I hope that this amendment will not be tabled; that it will just be accepted as part of this bill.

It seems to me that if we want to stand with the basic premise of the Clean Air Act, which this country operates on, it puts the utmost confidence in local and State authorities to come up with these SIP plans, to come up with the other standards in the bill, allow the people most affected by it—one has to understand, in residual risk assessments, Mr. President, that air disperses so the worst case we are talking about is the plant may be closed; in the worst case, that is the person who will stand there for 70 years, 24 hours a day and, as Senator SIMPSON said, keep their head right in the flume and breathe the worst possible air they can get and be the most sensitive individual. Not for the whole group.

Senator MITCHELL and others are trying to come up with a standard that would reach a wider basis, that would reach a public health standards, if you will, not this standard of this one person. But that still is in the bill. Nothing has been resolved here without Congress acting. So if any Senator thinks they are going to be voting for this bill and not voting for this standard, in my opinion, the way I read the bill, and I invite my colleagues to read this bill, that is the way it reads.

Mr. President, I suggest the absence of a quroum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I ask unanimous consent that I be permitted to proceed as in morning business for a period of 5 minutes.

The PRESIDING OFFICER. Hearing no objection, the Senator from Illinois will proceed as in morning business for 5 minutes.

U.S. DEFENSE POLICY IN A TIME OF PEACE

Mr. DIXON. Mr. President, the United States is witnessing a period of historic change in the Soviet Union and Eastern Europe. These developments require Congress, in conjunction with the President and his administration, to look hard at fundamental U.S. defense strategy.

Last week, the Senate expressed its sense of how we should use the anticipated peace dividend. Congress, the Bush administration, and the Nation must remember that we are at the beginning of a fundamental debate on the future of our country's defense policy, not the end. The major cuts that would produce the savings much talked about of late are nowhere near an accomplished fact. The freed-up funds do not now exist. Focusing on a dividend at this early juncture is to invite inevitable frustration created by high expectations that are not about to materialize immediately.

I believe that at this point Congress should instead focus more on the first word, "peace," and less on the second word, "dividend." The prospect of creating a more stable and secure world is the greatest opportunity afforded by the recent warming in United States-Soviet relations and the startling, but welcome and significant events in Eastern Europe. While I recognize the constraints imposed by Gramm-Rudman-Hollings on all budgetary decisions, I insist that any economic peace dividend should be the result of congressional thinking and rethinking, not the main force driving our actions.

Testimony received recently by the Armed Services Committee indicates clearly that the Warsaw Pact threat to NATO security has been drastically reduced. Yet the most difficult question remains unanswered. How should we act to protect our overall security interests in this world in transition? The bottom line is that I am uncertain—and I think I speak for many people in this regard—about what lies ahead for U.S. national security interests.

Faced with this unsettled situation, we in Congress must take a careful, balanced approach to reviewing the Bush administration's fiscal year 1991 budget request. There is no doubt in my mind that we can, will, and must make changes in our overall defense program now, and that some immediate savings will result. However, these cuts—at least for this year—should come from budget areas most directly and obviously related to the changing situation in the Soviet Union and Europe. To my mind, strategic nuclear weapons systems are the biggest example in this category.

Turning to the conventional side, common sense also requires that—on the one hand—the United States should not in most cases commit to big ticket new programs that future events could make unnecessary. We can safely skip the next generation of weapons in many areas, while continuing research and development efforts. On the other hand, and equally important, we should not eliminate existing capabilities that we need now or might need in the near future. In other words, when confronted with a choice between maintaining an existing program that we know works, or sacrificing it for a future program that we might not need, I say we stick with what we have and make gradual improvements as necessary. I am a firm believer in the "if-it-ain't broke, don't fix-it" theory. I am also a believer in the "save-a-dollar by getting the most-value-for-each-tax dollar" theory. These two theories combined mean we should stick with conventional weapons that work, and eliminate waste and reduce expenditures by not buying into new projects that are of questionable need or are not yet proven.

I am unconvinced that the Bush administration's defense budget now before Congress takes this sort of sensible, reasonable approach. As I review the President's budget, I once again see this administration emphasizing strategic over conventional programs—as did its predecessor. Strategic nuclear modernization programs, the requirements for which I believe are most obviously and directly related to the degree of overall Soviet threat, emerge from the President's request unscathed—and even receive substantial funding increases. In remarkable contrast, existing conventional capabilities that possess more broad-ranging immediate or potential applications, are eliminated, while expensive replacements are initiated.

Mr. President, as chairman of the Armed Services Readiness, sustainability and Support Subcommittee, I do not believe that this is a wise direction to take the defense budget in these times. The President's request reflects the wrong priorities. For example, the Army plans to terminate the AH-64 Apache helicopter, and then initiate a brand new program, the light helicopter or LHX, which is still only on the drawing board. This simply does not make sense. Why commit to a brand new capability when we do not know what the threat will be? At the same time, why eliminate the best helicopter in the world, which by the way has only been in production for 6 years, when—once again—we do not know what the threat will be? A similar situation exists with the M-1 tank. The Army plans to terminate the program because it wants to buy a new tank. This is not the time to devote scarce funds to an expensive new tank. We should simply keep and improve the one we have.

On the strategic side, the situation only gets worse—no cuts at all. How can this be? I have always understood that a major reason that we modernize our strategic nuclear forces, especially land-based forces, is to enhance the credibility of our guarantee of Western European Security. As I said earlier, the Warsaw Pact threat to NATO security has radically changed. While I am a vigorous supporter of a strong U.S. nuclear deterrent, I have difficulty swallowing a defense budget that refuses to recognize a changed world. After hearing three former chairmen of the Joint Chiefs of Staff testify before the Armed Services Committee that this country does not need two mobile missile systems, I certainly cannot support both the Rail Mobile MX and the Road Mobile Midgetman programs.

I have other general concerns with the Bush administration's budget request and overall approach to defense issues at this time. I have no quarrel with the ongoing negotiations to reduce conventional forces in Europe. However, I also believe that we can withdraw a significant number of troops from Europe now—perhaps 50,000—without waiting for an agreement. Upon concluding a treaty, our earlier reductions will simply have moved the United States closer to our agreed upon number sooner. I can think of no more tangible action that we can take immediately to demonstrate U.S. seriousness about re-examining the Nation's defense policy.

I envision the United States drawing down troops in Europe, while at the same time reducing the size of the overall Active Force. However, I strongly believe that in this uncertain environment we must preserve a high degree of readiness in this smaller Active Force. Moreover, as we reduce Active Forces, we should place greater emphasis on the reserve units and the National Guard. Similarly, I believe that we must have sufficient airlift and sealift capability in the event that we need to move these forces to meet some contingency unforseen at this time. The President's defense budget request again takes us in the wrong direction. It cuts funds for both the Reserves and the Guard, and reduces funds for the fast sealift and the C-17 programs. Mr. President this is unacceptable.

I also hear the Army talking about reshaping itself into a lighter outfit similar to the Marine Corps. While I understand that some degree of increased flexibility for the Army is a good thing, I think it is absurd to create two Marine Corps. We must retain strong conventional forces, and we must not find ourselves left with an Army that is too light to fight.

I am also very concerned about the military services approach to the issue of commonality in weapons systems. In the austere defense funding environment that now exists, commonality in weapons systems is more essential than ever. For example, the Air Force wants to build an advanced tactical fighter plane. Congress has called for a plane that both the Navy and the Air Force can use. I very much hope that the Pentagon is listening, because without a large amount of commonality, I do not see Congress approving two new fighter planes.

No one doubts that the United States continues to be a superpower concerned about maintaining peace and stability in the world by deterring aggression. We will continue to need sufficient active and reserve Armed

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Forces. Yet, of course, the key question is how we define sufficient.

Today I have outlined broadly my thinking on the general direction we should take the defense policy of the United States, and discuss some of my immediate concerns. As chairman of the Readiness Subcommittee, I—along with my armed services colleagues—will be spending considerable time in coming months working on more specific answers to these difficult questions.

However, Mr. President, I know that I am uncomfortable with the fact that U.S. defense spending traditionally runs in cycles. I believe the United States must avoid the inefficient feast-or-famine attitude it has exhibited toward funding defense in the past. Critics have charged correctly that the previous administration during the first half of the 1980's poured too much money too fast into defense, and without enough thought. However, that does not mean that we should now make the same mistake in the opposite direction.

We can and will reduce defense spending somewhat this year as we begin to alter our defense policy to reflect a changing world. However, we have a grave responsibility to provide for the security of the United States, and our challenge is to do so in a sensible, orderly fashion.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

AMENDMENT NO. 1295, AS MODIFIED

(Purpose: To exempt ammonia used in the production and manufacture of fertilizer from consideration as a hazardous air pollutant)

Mr. SYMMS. Mr. President, I send a modification to my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

Amendment No. 1295, as modified, is as follows:

At the appropriate place, insert the following new paragraph:

Notwithstanding any other provision of this section, ammonia in emissions resulting from the manufacture or production of fertilizer shall not constitute a hazardous air pollutant.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maine.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Robb). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SYMMS. Mr. President, there seems to have been some misunderstanding on the floor this afternoon. Just to catch up all Senators who may be wondering what is going on, my amendment calling for a vote on whether or not a plant should be closed—the community involvement in closing decisions—has been modified, and I am prepared to withdraw the modified amendment which now reads:

Notwithstanding any other provision of this section, ammonia and emissions resulting from the manufacture or production of fertilizer shall not constitute a hazardous air pollutant.

What I have agreed to do, Mr. President, is to cosponsor with the senior Senator from Montana an amendment which he will offer, which he had offered at one time in the committee. It is not the amendment I would like to have, but it is better than nothing. I think we all know that at some points in time in our political system, it is better to get half a loaf on a bill that is as complicated as this as nothing.

So I shall ask that I may withdraw my amendment.

The PRESIDING OFFICER. The Senator has a right to withdraw his amendment.

Mr. SYMMS. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 1295) as modified, was withdrawn.

Mr. SYMMS. Mr. President, I want to say again that I am sorry if there was a misunderstanding with the majority leader and Senators, the managers of the bill, Senator Chafee and the Senator from Montana [Mr. Baucus]. I do not believe there was ever a misunderstanding.

I might also let the Senate be on notice that they may not have heard the last of the community involvement in closing decision until it is clear to all Senators what exactly is in the compromise package with respect to the bright line. I am not resolved but what the community involvement section may not be needed as an amendment, and I still may ask the Senate to dispose of that later.

But it has been withdrawn. My original amendment on ammonia has been withdrawn, and I believe that the Senator from Montana is going to offer an amendment which I will cosponsor. It is not what I wanted, but it is part of what I wanted.

I yield the floor.

AMENDMENT NO. 1297 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Montana [Mr. Baucus], for himself, Mr. Symms and Mr. Dole, proposes an amendment numbered 1297 to amendment No. 1293.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment follows:

Insert on page 243, line 24, after (4), "(A)" and insert on page 244, line 3, at the end of the period the following:

"(B) Standards for sources of ammonia shall be established pursuant to this subsection within the time established by subsection (e)(1)(C). The Administrator shall establish a health threshold for ammonia before standards are required to be promulgated pursuant to subsection (e)(1)(C). Emission standards for sources of ammonia shall be established at levels which protect public health with an ample margin of safety."

Mr. BAUCUS. Mr. President, I would like to clarify the parliamentary situation for all Senators who may be interested.

We were considering the Symms amendment. Senator Symms then withdrew that amendment and offered another amendment dealing with ammonia. As a consequence, the earlier Symms amendment is no longer pending before the Senate. It has vanished. It is not at all before the Senate in any way whatsoever.

The Senator from Idaho [Mr. Symms] has also now withdrawn his ammonia amendment. Therefore, we are back on the committee amendment which is in the nature of a substitute. That is the pending business before the Senate.

I have not proposed an amendment dealing with ammonia to that substitute. I offer that amendment on behalf of myself and also on behalf of Senator Symms, from Idaho.

Mr. President, this amendment deals with ammonia. It is an amendment to the air toxics provision of the Clean Air Act regarding the treatment of ammonia. The amendment is within the scope and the spirit of the compromise.

Ammonia is historically one of the top chemicals produced nationally. Thirty-two billion pounds were produced in the United States in 1987, making ammonia the fourth highest chemical in production volume. Ammonia, especially in the form of anhydrous ammonia, used by farmers across the Nation as fertilizer, is very important to all of us.

Ammonia is released into the environment in large amounts. In fact, in 1987 the EPA reported in its toxic release inventory that over 318 million pounds of ammonia were released into the air, more than any other chemical reported in the inventory by about 60 million pounds. These releases occur on a routine basis according to plans and scheduled events, and they also occur when accidents occur. Both types of releases must therefore be controlled. Once ammonia is released it can cause serious injury and death. Ammonia releases have resulted in the second greatest number of injuries and deaths of all chemicals reported in EPA's acute hazards events data base.

Ammonia is also on the Superfund amendments and Reauthorization Act 302 list of extremely hazardous substances. Exposure to routine ammonia emissions may result in potentially adverse human health effects. Ammonia has been shown to cause irritation of the eyes, the skin, the mucous membranes, headaches, nausea, also possible eye damage; that is, cataracts.

These effects are not just based on laboratory tests. In my home State of Montana I received reports from constituents complaining of eye irritations, and impaired breathing due to emissions of anhydrous ammonia.

Mr. President, because ammonia is released in such large quantities and because of its known effects, it must be regulated. That is why the bill requires that ammonia be controlled.

But the bill before the Senate recognizes that some chemicals like ammonia can be regulated as a threshold pollutant, that is, a pollutant for which there are no health and environmental effects below a certain level of exposure. In other words, there is a safe level of exposure. For such threshold pollutants the bill allows EPA to establish a safe level and only regulate emissions above the safe level.

This amendment is intended to clarify that ammonia is to be regulated as a threshold pollutant. Under this amendment EPA would be required to establish a threshold level for routine ammonia emissions and within 5 years of enactment sources with routine emissions of ammonia above the threshold would be required to apply the maximum achievable control technology to control emissions. Routine emissions of ammonia must be controlled. This amendment requires the control of these emissions in a way that is safe and is fair.

Mr. President, I must say that this change also allows feedlots and agricultural users of fertilizer to continue to operate those feedlots, and to continue to use fertilizer. It, further, by changing from a technology-based standard to a health-based standard, particularly at the end of a 5-year period, will not cause the production of ammonia to be nearly as expensive as some have feared if we continue to do so in the bill S. 1630. This is a compromise amendment. It is an amendment which recognizes the very valuable uses of fertilizer. It also recognizes that ammonia has adverse health effects that also must be controlled. It is a good compromise and an amendment which I think the Senate would be well advised to adopt.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE. Mr. President, this amendment by the senior Senator from Montana has received support, although it does not go as far as the Senator from Idaho would wish. Nonetheless, the Senator from Idaho has been extremely effective and helpful in trying to reach this compromise. As he mentioned, and as we recognize, this does not totally satisfy him, but, nonetheless, it is a step forward as far as he is concerned, as far as those in the agricultural communities are concerned.

Just a couple of words about ammonia. In high concentrations it can burn the eyes, and lung tissue. Standards to protect worker health from acute exposure have been promulgated by OSHA. Some plants emit ammonia at high enough levels to cause health effects. Of the 351 chemicals covered by EPA's toxic emission inventory, ammonia had the largest quantity of emissions in 1987. It is emitted by sources in 30 different industrial categories. That is where ammonia is coming from.

The bill that we are discussing here today lists ammonia as a hazardous air pollutant. The bill would require maximum available control technology for any source of ammonia greater than 10 tons. However, the bill also includes a provision that allows EPA to forego these maximum available control technologies for a pollutant like ammonia where control to that level of stringency is not necessary in order to protect the public health.

Frankly, this provision is in there to save money. The bill allows EPA to use a health standard in the first phase instead of technology. All the rest of the toxic chemicals, the 351 that we have discussed, have to go with MACT [maximum available control technology] without question. It is done. It is required. But this bill allows an exception in the case of ammonia.

This amendment confirms that this procedure should be used to set the standard for ammonia; that is, do not use the technology, the MACT standards immediately; use the health standard to start with. EPA is to define the threshold and set the ammonia level standard at that level, at the health level.

This amendment does not list ammonia as one of the substances to be controlled. It does not change the level of regulation which would otherwise have been imposed under the bill. It just assures that EPA will use this specific provision in the health standard to set the standards for ammonia. This amendment is somewhat similar to the one that we accepted on electric utility boilers during the negotiations.

So I want to thank the distinguished junior Senator from Idaho for his work on this, again recognizing that it does not completely satisfy him. It does not satisfy everybody. In some instances it does not even satisfy totally the cosponsors. But nonetheless, I think we should get on with it.

I appreciate his support and of course the leadership of the senior Senator from Montana.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DOLE. Mr. President, I am glad to see the Senate making progress on this important piece of legislation, particularly with regard to this amendment that is so very important to farmers, farm cooperatives, and fertilizer producers.

This amendment, the so-called Symms-Baucus amendment, is an important improvement to this bill. The amendment will make it much easier for fertilizer producers to utilize anhydrous ammonia in their production process, yet maintain the high standard of environmental protection that this bill sets.

America's farmers are probably not paying too much attention to the debate on clean air. They are getting ready for this year's planting season, probably with fertilizer decisions yet to be made.

This amendment will make it possible for the American farmer to continue to use anhydrous ammonia fertilizer in a cost-effective way.

We still have a few related issues left to resolve with regard to fertilizer. The Senate still must address accidental release provisions that are a part of the fertilizer production process. I do not believe it is the intent of Congress to leave out this important safety issue.

We also must address the issue of fertilizer nurse tanks. Farmers all over America, and in my State of Kansas, have thousands of applicator tanks that will be affected by this bill. I am hopeful we will work something out on this as well.

Mr. DIXON. Mr. President, I encourage my colleagues to support the pending amendment on ammonia. This amendment assures that ammonia will be treated properly under the air toxics section of the pending clean air bill. Ammonia accounts for about one half of all the nitrogen fertilizer

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applied by American farmers. It is the lowest cost and most effective form of nitrogen fertilizer available to our farmers.

This amendment will assure that a health threshold will be established for ammonia sources. Any source of ammonia that achieves or surpasses this threshold will not be required to put on expensive controls that would not benefit the environment or public health. Ammonia is not carcinogenic, mutagenic, teratogenic, or a neurotoxic chemical; unlike the rest of the substances listed in the air toxics section of the pending bill. It is necessary, therefore, that we recognize that ammonia is different, and that it warrants the treatment this amendment will provide.

I have worked to inform my colleagues of the importance of ammonia to American agriculture. I am pleased to see that my friends, the Senators from Montana and Idaho, with whom I have worked on the ammonia issue, will soon call for a vote on this amendment. I am confident that our colleagues will agree with us that this amendment is both necessary and appropriate.

Mr. BAUCUS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the vote on the amendment occur at 5:15 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, parliamentary inquiry. During this interim, if other people want to come forward with their amendments, they would be entitled to do so?

The PRESIDING OFFICER. If the amendment can be offered under the precedents of the rules, it could occur.

Mr. CHAFEE. Mr. President, would it not be possible, if other people wanted to come over with their amendments, to set this aside, recognizing that the vote would occur at 5:15, proceed with the debate of the other amendments, and, if they extended beyond the vote, interrupt the discussion, the debate, have the vote, then go back to the amendment? Would it be possible?

The PRESIDING OFFICER. The Senator is correct in that understanding.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. The Senator from Rhode Island suggested a possible scenario under which Senators are urged now to come to the floor and offer their amendments. We have a little window here for an amendment, particularly one that might not be controversial, but even if it is controversial, we can then vote on that amendment at a later time.

So even though the pending amendment is the Baucus amendment, upon which there will be a vote at 5:15, if Senators have amendments to the bill they wish to bring to the floor, I urge them to come to the floor so that we can continue to dispose of amendments. In the meantime, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORE). The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the question is on agreeing to amendment No. 1297, offered by the Senator from Montana, to amendment No. 1293, offered by the Senator from Maine, to the committee substitute.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oklahoma [Mr. NICKLES] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 29 Leg.]

YEAS—97

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nunn
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—0

NOT VOTING—3

Matsunaga
Nickles
Packwood

So the amendment (No. 1297) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if I may have the attention of Senators, we are at a stage in the consideration of this bill with which Senators are all too familiar. I have been advised by a large number of Senators that they wish to offer amendments to the bill—estimates have run in the hundreds—and as of this moment the managers are here prepared to consider and debate and dispose of any amendment, but no Senator is prepared to offer it.

I encourage, indeed urge, any Senator who intends to offer an amendment to do so. Any time not spent tonight on this bill will be time spent tomorrow night, or Thursday night, or Friday night. Senators ought to take into account when making their calculations as to when is the opportune time to proceed with their amendment.

I recognize that the amendment in the nature of a substitute was not offered until yesterday, and that has handicapped some Senators who wished to address certain subjects in the compromise. However, there are many, many other amendments which were not even the subject matter of the discussions, of which Senators were aware weeks ago that they would be in a position to offer when we got the substitute on the floor. Notwithstanding that, Senators, each for individual reasons, perhaps each individually valid, are not prepared to go forward.

I simply say to Senators that it means a very long night tomorrow, a very long night Thursday, a very long night Friday, and perhaps well into Saturday. We are going to do the best we can to make progress on this bill and finish as soon as possible. Anyone who thinks they are saving themselves some inconvenience by delaying on their amendment is not only inconveniencing themselves but every other Member of the Senate.

It is still early in the legislative day at least, if not in the day by time in which ordinary citizens live and work. I simply will repeat what I have said many, many times before—that we are going to stay until we finish. I encourage those Senators who have amendments—and there are literally dozens of Senators who said "I have an amendment to offer. Do not do anything until I get to offer my amendment." To come forward and do so. This is the time to do so. The managers are here ready to proceed.

So I express again the hope and the encouragement that Senators will be prepared to do so and the managers are here ready to consider, perhaps accept, in any event dispose of amendments through the evening.

Mr. President, I thank the managers for their patience. I want to thank the Senator from Idaho for his earlier cooperation in withdrawing his previous amendment, and for working out an agreement with Senator BAUCUS on an amendment on ammonia that has just been approved.

Mr. FORD. If the leader will yield, when he introduced the substitute yesterday, I want to make the point that we made a telephone call, and the substitute was on our desk in a timely fashion this morning. The GPO gave us a supply. I want to compliment them. There was no delay in getting the information to the Senators as it related to the substitute.

Mr. MITCHELL. They did. I am glad that the Senator made that statement because it was a very good effort on their part for which they are to be commended, and for which we are very grateful.

Mr. WIRTH. Mr. President, will the leader yield?

Mr. MITCHELL. Yes.

Mr. WIRTH. I thank the leader for yielding.

I and others are deeply appreciative of the work the leader has done and really, what an incredible job this was to not only get this together conceptually but also to get it all printed. For purposes just to say to the leader, if I might, there is no intent on the part of many of us who are intending to offer amendments to delay.

It takes a bit of time, as Senators will recognize, to conform our amendments to something that we received only late last night, in paginated line form today, and to put together the kind of amendments with other Senators who are also curious to make sure that their interests and their concerns are not in the bill or how they are in the bill. It is just taking a period of time.

Senator ARMSTRONG and I intend to be offering a package of amendments familiar to the committee early tomorrow as soon as we can. We have been meeting as a group, as the leader knows. A number of us informally related to a variety of amendments on enforcement and radio nuclear mobile forces and so on, and attempting to schedule those out in a timely way. We are doing the best we can, but it takes a period of time to make sure that each Senator and each Senator's State's concerns are reflected as they should be in the amendments which are important in this very, very important legislation.

So we recognize the urgency which the leader has just expressed, but we are also doing our best to put together the most comprehensive and most thorough job that we can to reflect interests that we think may have been forgotten or neglected or not fully understood by other drafters of the compromise.

So we are doing the best we can. We really appreciate the work that the leader and Senator BAUCUS, Senator CHAFEE, and others have done.

I thank the leader for yielding.

Mr. SARBANES. Will the leader yield for a question?

Mr. MITCHELL. Yes, certainly.

Mr. SARBANES. I understand from what the leader said that the normal rules on scheduling for this week do not apply, that we are going to stay, I take it, with this bill in an effort to finish it before the recess.

Mr. MITCHELL. That is my hope and intention. I would like to try to finish this bill if it is at all possible.

Mr. SARBANES. The late evenings, early Fridays, all of that is not applicable now at this point. Is that correct?

Mr. MITCHELL. That is correct. Yes. As Members of the Senate know, for the past few weeks there has been a relatively light floor schedule with no votes on Mondays, no votes on Fridays, and no votes beyond an early hour in the evening. There comes a time, much as I would like to accommodate each Senator's individual schedule, that we have to get the business before us done. We are going to simply have to stay here until we finish this bill.

Mr. BREAUX. Will the leader yield?

Mr. MITCHELL. Yes.

Mr. BREAUX. I just pose a question. Do we know of any amendments that are being prepared for consideration tonight? Have we been notified of anybody ready to go this evening? Are there amendments that we expect to go to this evening, or generally are we just on the bill?

Mr. MITCHELL. The reason I made this statement is because we have not only not had anyone propose an amendment, but the managers have been actively contacting the Senators who said they intend to offer amendments to ask them to come forward with their amendments. But they have not done so.

So as I understand it, right now there is no amendment pending and there is no one prepared to offer an amendment. I simply say to Senators that might mean we will leave a little early tonight, but it means a lot later tomorrow night, a lot later Thursday night, a lot later Friday, and maybe Saturday. Senators have a choice of accommodating their schedule in this manner. We simply cannot permit legislation of this magnitude not to proceed because no Senator wants to come forward and offer an amendment.

There is nothing new on the legislative process. All of us are familiar with it. We encounter it repeatedly on major legislation. It usually results in enormous inconvenience to a large number of Senators at a later point in time, and I fear and expect that is what is going to happen here.

So the managers are here. We will remain now for some time in the hope, perhaps in vain, that this exhortation has aroused someone's conscience and concern, and will induce them to come forward with an amendment.

As I said, we have had Senators say that they have 10, 15, 20, 30 amendments that they want to offer. I have received numerous letters from Senators saying "I have a lot of amendments I want to offer. Please do not make any agreement on the bill until I have a chance to offer my amendment." I have had many Senators speak to me personally, as has the distinguished manager on our side, and I am sure on the other side. Yet here we are ready to go, and we do not have anyone with an amendment ready to go.

We will remain for awhile, and perhaps have a general debate if anyone wishes to address the bill. Then I will have an announcement soon about that.

But I just repeat again so there cannot be possibly any misunderstanding. We are going to stay here. I understand that there is a dinner tomorrow evening put on by the Senate wives. We will obviously have to accommodate that at least for a brief period of time. But Senators should plan on returning to the session following a brief period of time for that dinner remaining here very late tomorrow night, very late Thursday night, on Friday, and on Saturday if necessary. We just are going to proceed until we see some progress on this very important legislation.

Mr. SARBANES. Will the leader yield for a further question? Have the managers developed a list of the amendments that are going to be offered? Have they been able to do that yet?

Mr. MITCHELL. No. We do not even have that yet. As the previous colloquy disclosed, there are several Senators who are working together to coordinate a series of amendments. I had been under the impression that several of them would be offered today. But we are advised that is not the case, and that those will be offered tomorrow.

Mr. SARBANES. Perhaps, now that the leader has made it clear his intention to stay on this bill into and through the end of this week, it might be possible to develop such a list, and then structure an orderly consideration of those amendments over the next 3 days that will then lead to the disposing of them and conclusion of the work on this bill. I do not know whether that is possible. I just throw it out as a suggestion.

Mr. MITCHELL. I think it is a very good suggestion. I believe that is the intention of the managers of the bill.

Mr. President, I will ask Senator BAUCUS and Senator CHAFEE if they wish to add anything in this regard.

Mr. CHAFEE. Mr. President, the welcome sign is out. Everybody, olly olly in free; bring in the amendments. We are here. We have flung open the golden gates and invite everybody in. All we want is just a few amendments. They do not have to be big and complicated—just a few. It is 10 minutes to 6. What kind of a teaser can we put out there, Mr. Leader?

Maybe there should be bonuses for those——

Mr. MITCHELL. Early credits, it is called under the bill.

Mr. CHAFEE. They might get some credits under the acid rain provision; all those who bring in early amendments will get 2-for-1 credit. See if that starts an onslaught as a tantalizing suggestion.

Mr. MITCHELL. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 2240 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. I thank the Chair and I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX CHEATING BY FOREIGN FIRMS COSTING U.S. TAXPAYERS BILLIONS

Mr. HELMS. Mr. President, I have today filed a formal request with the U.S. Comptroller General, Charles A. Bowsher, asking that the General Accounting Office begin a thorough investigation of what clearly appears to be tax cheating by foreign firms operating in the United States. I have also written to President Bush urging that a maximum effort be made to collect what is owed by these foreign firms operating in the United States. As background that is essential.

More than 4 months ago, I received serious allegations that subsidiaries of foreign firms operating in the United States are cheating on their Federal taxes. The alleged cheating focused on foreign automobile companies and several billion dollars were involved.

Mr. President, I did two things with this information. First, I consulted the House Ways and Means Oversight Subcommittee quietly, and learning that the subcommittee did not have the information that had come to me, I shared the details with the subcommittee. Second, I wrote to Fred T. Goldberg, Commissioner of the Internal Revenue Service, and this was on November 6 as I recall, suggesting that the IRS expand its investigations of foreign automobile companies to include at least about but not limited to the foreign parts companies, if not foreign firms in general.

Then Christmas came and went and then the first of the year.

On February 22, the House Ways and Means Oversight Subcommittee announced that, according to the preliminary findings of the subcommittee's investigation, foreign firms' income tax payments are "unusually low" compared to their gross income.

In 1986 foreign firms operating in the United States had $540 billion in gross sales but showed a loss of $1.5 billion. Let me repeat for the purpose of emphasis, a loss for income tax purposes of $1.5 billion.

Mr. President, I confess that I find it difficult to believe that foreign firms operating in the United States could have gross incomes totaling more than half a trillion dollars and still lose money. If that were the case, you can bet your boots that foreign investors would be deserting our shores rather than flocking to them.

The House Ways and Means Oversight Subcommittee says that foreign firms are in effect "cooking their books" in a way that "inappropriately reduces U.S. taxation." That is a nice way to say tax cheating.

The Ways and Means Subcommittee also disclosed that it is looking at "improprieties by foreign-owned companies in the automobile manufacturing and electronics industries."

How much money is involved? Ways and Means says, "Billions of dollars in tax revenues may be at stake." The IRS meanwhile says that suspected tax cheating by foreign firms amounts to $12 billion, and that estimate may be low. It could be, according to other estimates perhaps a little more realistic, as high as 50 percent higher because during the decade of the 1980's, it might well exceed $50 billion, particularly if underpayment of State taxes is involved.

Mr. President, if present suspicions prove to be accurate, we are talking about $50 billion that U.S. taxpayers had to pay because foreign tax cheaters shifted the tax burden to our citizens. That is also $50 billion in extra money available to foreign firms to beat our companies in the marketplace—$50 billion more in research and development money, production plant and equipment, and all the other things that determine a winner or a loser in the marketplace.

Mr. President, I ask unanimous consent that my letters to the President and to Comptroller Bowsher, along with the February 22 statement of the House Ways and Means Subcommittee on Oversight, and the New York Times article of February 18 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, March 6, 1990.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: More than four months ago, I received serious and credible allegations of underpayment of taxes by foreign corporations operating in the United States. I immediately brought this information to the attention of the Ways and Means Subcommittee and the Internal Revenue Service.

The Ways and Means Oversight Subcommittee has now reported its preliminary conclusions: First, foreign parents are so arranging their transfer prices with their United States subsidiaries as to "inappropriately" reduce their Federal tax liability. Second, there are allegations of "improprieties" by foreign automobile and electronics manufacturers operating in the United States. Finally, the subcommittee said, "billions of dollars of tax receipts may be at stake."

Today I have asked the General Accounting Office to open a major investigation of the transfer pricing issue. By September 1 they are to report to the Congress what is owned and the efforts to collect it. The GAS is also asked to report to Congress on the competitive impact on American firms of underpayment of taxes by their foreign competitors.

The IRS estimates that at least $12 billion is owed by foreign firms. If state taxes also are owed, the final figure could be considerably higher.

It is time to bring tax cheating by foreign firms to a halt. Not only are American taxpayers bearing an additional burden, they are subsidizing foreign firms in the U.S.

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marketplace. The estimated billions of dollars owed but not paid by foreign firms were paid by American citizens. The billions of dollars which foreign firms did not pay in taxes made precisely that much more funds available for their research and development, product plant and equipment and finally, acquisition of American firms.

At the same time that foreign firms are not paying their fair share of taxes, the federal budget remains in deficit, Gramm-Rudman targets are not being met, and the operation of the government is being underwritten by foreign loans.

Given what is at stake, it is vital that a renewed effort be made to collect what is due from foreign firms operating in the United States. Please allocate whatever resources are necessary at the Internal Revenue Service and the Department of Justice to ensure that equity is restored to the tax collection process.

Sincerely,

Jesse Helms.

U.S. Senate,
Committee on Foreign Relations,
Washington, DC, March 6, 1990.
Hon. Charles A. Bowsher,
Comptroller General, General Accounting Office, Washington, DC.

Dear Mr. Bowsher: The Internal Revenue Service reports that in 1986 foreign companies operating in the United States had $540 billion in gross receipts but reported a negative tax liability of $1.5 billion. The House Ways and Means has made a preliminary investigation and found that foreign companies are setting transfer prices with their U.S.-based subsidiaries so that they are "inappropriately" reducing U.S. taxation. The Subcommittee has found "allegations of improprieties by foreign-owned companies in the automobile manufacturing and electronics industries."

I urgently request that a major investigation be conducted relating to the entire issue of transfer pricing practices by foreign firms operating in the United States. At a minimum, the following questions should be answered:

1. How much is owed?
2. Why has the IRS failed to collect it?
3. Have there been attempts by foreign governments, corporations or their agents to lobby or influence the Department of the Treasury or Internal Revenue Service regarding the transfer tax issue?
4. Do the "improprieties" extend beyond the automobile manufacturing and electronics industries?
5. Are foreign parent firms avoiding State taxes also?
6. What is the competitive impact on American firms as a result of underpayments of taxes by foreign competitors?

The Ways and Means Oversight Subcommittee reports that "billions of dollars of tax reveneus may be at stake." Because of the potential scope of this matter it is imperative that whatever resources that may be necessary be committed to this report and that a final draft be available on or before September 1, 1990.

Sincerely,

Jesse Helms.

[Press Release]

Hon. J.J. Pickle, Chairman, Subcommittee on Oversight, Committee on Ways and Means, Announces Subcommittee Investigation of Tax Underpayments

The Honorable J.J. Pickle (D., Texas), Chairman of the Subcommittee on Oversight, Committee on Ways and Means, U.S. House of Representatives, announced today that the Subcommittee on Oversight is continuing to investigate individual and corporate noncompliance with Federal tax laws, as part of its 1989–90 "tax gap" analysis. The Subcommittee is examining noncompliance by U.S. subsidiaries of foreign-owned companies to determine the extent to which these firms are underpaying corporate income taxes in the United States, and how it is being done.

Preliminary findings of the Subcommittee's investigation confirm that the level of tax payments of foreign-owned businesses in the United States is unusually low relative to the rise in their gross income. According to recent Internal Revenue Service (IRS) statistics, foreign-owned companies operating in this country are paying lower taxes overall than American-owned companies with a similar total sales. In 1986, foreign-owned companies reported more than $540 billion in gross receipts and a negative tax liability of $1.5 billion. The main issue in many cases relates to the fact that a significant number of foreign parent companies are setting transfer prices with their U.S. subsidiaries in a way which inappropriately reduces U.S. taxation.

Chairman Pickle stated: "The Subcommittee is looking at compliance with section 482 of the Internal Revenue Code, generally, and specific allegations of improprieties by foreign-owned companies in the automobile manufacturing and electronics industries. I expect the Subcommittee to hold a hearing on this matter in the near future.

"The Subcommittee understands that the IRS audits certain U.S. subsidiaries of foreign firms year after year, constantly raising the same transfer pricing issue. It appears from our preliminary investigation that some very large foreign firms are routinely shifting income from their U.S. subsidiaries, thus reducing U.S. tax obligations. Billions of dollars in tax revenues may be at stake.

"Last year we enacted Code section 6038A which strengthened the ability of the IRS to pursue these cases. We will continue to monitor closely the efforts and success of the IRS to enforce these laws and collect taxes owed to the U.S. Government."

[From the New York Times, Feb. 18, 1990]

I.R.S. Investigating Foreign Companies Over Units In U.S.: Low Tax Payments Cited

(By Robert Pear)

Washington.—Bolstered by new auditing powers, Federal tax officials are investigating many American subsidiaries of Japanese companies on the suspicion that they have underpaid corporate income taxes by billions of dollars.

As foreign-owned assets in the United States more than tripled in a decade to $1.8 trillion, the gross income foreign-owned companies made here more than doubled. But the total taxes they paid hardly changed, data compiled by the Internal Revenue Service show. Of the 36,800 foreign-owned companies filing returns in 1986, more than half reported no taxable income.

Tax officials assert that some subsidiaries understate income, thus minimizing tax liability, by manipulating transactions with parent companies. But the I.R.S. has been frustrated in efforts to audit these companies' returns because important financial records are often kept at headquarters abroad, in foreign languages, with much less detail than would be required in the United States.

NEW POWER FOR THE I.R.S.

To aid I.R.S. investigations, Congress has provided an important tool. Under a provision of a law signed by President Bush on Dec. 19, Congress gave the tax agency broad authority to assess taxes on foreign-owned companies that fail to comply promptly with demands for any records or testimony. Those that do not cooperate can be fined up to $10,000 a month, with no limits on the cumulative penalty.

"We don't target a particular country for enforcement," said Charles S. Triplett, deputy associate chief counsel of the tax agency. "Nonetheless, it's pretty clear that the Japanese do a lot of business here and have many U.S. subsidiaries acting as distributors of manufactured goods."

Multinational companies, including those based in the United States, face difficult tax questions all the time because they do business in countries with widely varying tax systems. Allocating income and deductions among national units of a multinational company is thus a complex area of tax law.

EXPORTERS FEEL TRAPPED

Tadashi Iwashita, a financial counselor at the Japanese Embassy here, said that Japanese companies conscientiously tried to comply with American tax laws. The Japan Tax Association, a group of tax experts from major Japanese companies, said the I.R.S. was partly to blame because it had not established "concrete guidelines" for determining the appropriate price in transactions between units of a multinational company.

One I.R.S. official said suspected underpayments amounted to at least $12 billion. Critics of the I.R.S. say the agency sometimes cites extreme cases or amounts to support its contention that the Government has been cheated. But tax experts, accountants and economists outside the Government say tens of billions of dollars are at issue in cases, involving Americans affiliates of foreign companies.

I.R.S. data show that in 1986 American subsidiaries of foreign companies took tax deductions of $544 billion against total receipts of $543 billion.

A recent study by the Congressional Joint Committee on Taxation expressed concern about the issue. "There is some indication that the level of tax payments of foreign-owned businesses in the United States is unusually low," the report said.

The law has important implications for American distributors of cars and electronic goods made in Japan. The law applies to all foreign-own businesses, but Japanese-owned companies have attracted I.R.S. attention because they are active in manufacturing industries where Federal investigators have found a potential for abuse.

Federal tax officials say American distributors of foreign-made goods can reduce their profits, and thus their tax liability, by paying high prices to the parent corporations for goods, services and technology. Under Federal law, a parent company is supposed to charge its subsidiary the same price as a buyer would pay an unrelated seller in the open market—the arms' length price.

The Internal Revenue Service, responding to a big increase in foreign investment in the United States, says that "the examination of transactions between foreign parents and their U.S. affiliates will become an increasingly important part" of this enforcement work.

"A CLEAR PATTEN"

Alexander Zakupowsky, Jr., a lawyer for the American subsidiary of the Yamaha Motor Company said, "There is a clear patten of the I.R.S. looking at the importation of Japanese products into the United States."

Yamaha makes motorcyles. Its American subsidiary imports and distributes them. In a case pending in the United States Tax Court, the I.R.S. asserts that Yamaha's American affiliate understated its income and overstated the amount it paid to the parent company for motorcycles and related products. It contends that the subsidiary underpaid income taxes by a total of $133 million from 1977 through 1984 and is trying to collect the amount, plus $13 million in penalties.

The taxation of foreign companies doing business in the United States, an esoteric area of tax law for many years, has suddenly attracted the attention of politicians concerned about foreign investment and trade.

Representative Richard A. Gephardt of Missouri, the leader of the Democratic majority in the House, and Senator Jesse Helms, Republican of North Carolina, have expressed concern that foreign-owned companies are paying lower taxes than American-owned companies with similar sales.

"That is wrong, and we've got to do something to turn it around," Mr. Gephardt said. Mr. Helms asserted that the disparities gave foreign-owned companies an unfair competitive edge.

James F. Wheeler, a professor of accounting at the University of Michigan in Ann Arbor, who worked for the I.R.S. on sabbatical leave in 1986–87, said: "On the average, foreign owned U.S. corporations pay substantially less tax to the U.S. Government than the American firms with which they compete."

They also report lower profits. "The extremely low rate of return on the assets of U.S. companies owned by foreign corporations is astonishing and unbelievable," Mr. Wheeler said. "In my view, they are just trying to avoid U.S. income tax."

TOLERATING LOW PROFITS

Japanese executives, lawyers and accountants say Japanese companies are often willing to accept low profits for a decade or more while they try to gain a foothold in the American market. But American officials say the subsidiaries of Japanese companies continue reporting low profits long after they have gained a secure position.

As part of its investigation, the I.R.S. has retained an economist to collect information in Japan on taxes paid by Japanese companies that do business in the United States. The economist, Kozo Yamamura, is a professor at the University of Washington in Seattle and has edited an important study of Japanese investment in this country.

In a typical case, the Federal Government asserted in the early 1980's that the Toyota Motor Corporation in Japan had records needed by the I.R.S.

Federal auditors issued a summons for huge amounts of confidential business data kept at Toyota's Japanese headquarters. They wanted to see if Toyota was charging American distributors more than it charged Japanese car dealers for the same cars.

MORE TAXES WERE PAID

Toyota fought the summons. The case ended in 1987, when Toyota's American sales unit was reported to have paid an undisclosed amount of additional taxes.

Michael F. Patton, an international tax lawyer who used to work at the International Revenue Service and now works at Ernst & Young, the accounting firm, said: "The new law puts a lot of power in the hands of I.R.S. agents. If they conclude that a foreign-owned company has not complied with a request for information, they can make an arbitrary assessment of taxes."

Under the law, if the tax agency requests records and a foreign-owned company fails to produce them, the Government can levy taxes solely on the basis of information available to the I.R.S., without regard to data that might later be supplied by the taxpayer.

"Foreign companies will not like this law in the least," said John E. Lanman, international tax partner at Ernst & Young. "They will see it as an intrusion on their business, a violation of natonal sovereignty. Many Japanese companies are very concerned about what they see as the Draconian powers given to I.R.S."

Mr. HELMS. Mr. President, I thank the Chair. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WIRTH). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. MITCHELL. Mr. President, I am advised by the managers that up to as many as four amendments will be offered this evening that can be worked out and will not require rollcall votes. So the proceedings on the bill will continue with respect to those four amendments. However, no controverted amendments that will require rollcall votes have been presented for consideration this evening. Accordingly, there will be no further rollcall votes this evening.

The Senate will come into session at 9 a.m. tomorrow and be back on the bill at 9:30. In view of the fact that so little progress was made today, Senators should be prepared for a very long day tomorrow, extending throughout the entire evening, with a brief window for the Senate wives' dinner but returning to session after the dinner tomorrow evening.

I think it almost certain that the same will be true of Thursday and Friday as well. Senators should be prepared to make their plans accordingly. I understand a large number of Senators, who had previously indicated that they have amendments to offer, have now indicated that they will be prepared to offer them tomorrow. So I anticipate if that is the case, there will be a number of votes tomorrow on this legislation.

I thank the managers again for their patience and cooperation, and I look forward to a productive day tomorrow on the bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1303 TO AMENDMENT NO. 1293

(Purpose: To monitor the acid rain program in Canada and to facilitate the flow of information between the United States and Canada regarding acid rain reduction techniques)

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 1303.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title IV of amendment 1293 add the following new section:

"SEC. .

"The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State, the Secretary of Energy, and other persons the Administrator deems appropriate, shall prepare and submit a report to Congress on January 1, 1994, January 1, 1999, and January 1, 2005.

"The report to Congress shall analyze the current emission levels of sulfur dioxide and nitrogen oxide in each of the provinces participating in Canada's acid rain control program, the amount of emission reductions of sulfur dioxide and oxides of nitrogen achieved by each province, the methods utilized by each province in making those reductions, the costs to each province and the employment impacts in each province of making and maintaining those reductions. Beginning on January 1, 1999, the reports shall also assess the degree to which each province is complying with its stated emissions cap."

Mr. McCONNELL. Mr. President, I rise to offer an amendment to amendment No. 1293 which is designed to accomplish two things. First, it will ensure that we know whether or not efforts by the United States to reduce acid rain will be reciprocated in Canada. Second, it will facilitate the flow of information on acid rain reduction techniques between the two countries.

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Experts tell us that acid rain is a global problem because it involves the transboundary flows of "acid rain precursors." Some of the acid rain produced in this country falls in Canada and some of the acid rain produced in Canada falls in the United States.

Partly at the request of our Canadian neighbors, we are about to impose upon ourselves a very strict acid-rain reduction program which, I fear, will cause extreme economic hardship on many regions of this country, particularly in the Midwest and in my State of Kentucky.

A major part of that program, as we all known, will be a cap on national emissions of sulfur dioxide and nitrogen oxides after the year 2000.

As a nation, we will pay a price to meet the standards of this program. Jobs will be lost, workers will be dislocated, utility rates will rise, and many businesses will be forced to shut down.

The absolute cap on emissions will hinder our ability to cost-effectively generate electric power and this, Mr. President, will certainly hinder economic growth and negatively impact our energy and national security.

Our Acid Rain Progam will be strictly enforced. The bill we are considering expands and strengthens the enforcement provisions of the current Clean Air Act by expanding the list of actions for which civil and criminal penalties can be applied. In other words, violators of the Acid Rain Program may go to jail.

Indeed, Mr. President, this country will pay a high price to reduce its contribution to the global acid rain problem. However, because the United States is only one of many countries contributing to this global problem, and because the price we will pay could be staggering, it seems to me only prudent that, as we embark on this program, we take steps to ensure that other nations which contribute to the problem are also doing their part to clean up.

Canada currently has an acid rain program in place. The goal of this program is a 50-percent reduction in national sulfur dioxide emissions by 1994. Also, each province participating in the program has agreed to cap its emissions in perpetuity at 1994 levels. The Canadians believe this is an important aspect of their program.

The Canadians also believe that for any United States acid rain program to be credible, it must also have an absolute cap on emissions. They have spent a great deal of time and money lobbying the U.S. Congress to ensure our program has such a cap and it appears that those efforts have paid off.

The point that troubles me, Mr. President, relates to the enforcement of the Canadian program. The fact is, there is no enforcement mechanism within the Canadian program. The post-1994 cap is based on an implicit agreement by the provinces not to exceed 1994 emissions levels.

The Federal Government of Canada is largely powerless to intervene if a province decides to cancel its program or to exceed its 1994 cap. Canadian law does allow the Federal Government to intervene if Provincial action affects transboundary flows of acid rain precursors—making it an international matter—or if there are national health effects associated with the Province's decision. In practice, though, the Federal Government can do very little.

This is in sharp contrast to the bill we are debating here today. Our bill sets a post-2000 emissions cap and clearly identifies criminal and civil penalties, to be imposed by the Federal Government, for violations of the cap.

The Canadians tell us their cap will not be exceeded because the Provincial governments have enforcement powers within their own borders. I would argue, though, that the elected officials of the Provincial governments are unlikely to enforce the standards if doing so would cause undue economic hardship on their constituents.

However, Mr. President, I am not here to criticize the Canadian program. I am simply asking for some assurance that we will know whether or not our efforts are being reciprocated by Canada.

Therefore, I propose that Congress required the Administrator of the EPA, in consultation with the Secretary of Energy, the Secretary of State, and other persons the administrator deems appropriate, to prepare and submit to Congress three reports on the progress of the Canadian Provinces in reducing acid rain and complying with their 1994 emissions cap.

The reports will detail the current emissions levels of acid rain precursors in each Province, the amount of emissions reductions achieved by each Province, the methods used to make those reductions, the cost involved, and the increase or decrease of transboundary flows of emissions between Canada and the United States.

Beginning in 1999, the reports will also assess the compliance of each Province in complying with its stated emissions cap.

These reports will serve two purposes. First, they will facilitate the exchange of information, allowing us to learn from Canada's experience and perhaps develop new cost-effective methods of acid rain control in this country.

Second, they will help us evaluate our efforts relative to Canada and ensure that both sides are doing their part to deal with this global problem.

Mr. President, I believe this is a good provision which will ensure equity on both sides of the border in dealing with this global problem. I understand there is no objective on either side of the aisle and I ask that the amendment be adopted.

Mr. BAUCUS. Mr. President, the Senator is correct. We have had opportunities to examine the amendment, and it is acceptable to this side. Essentially, it is an amendment which would direct the U.S. Government to conduct a study to determine the degree to which Canadians are meeting their SO_2 emission reductions, and whether they are meeting them on time. I think it is an appropriate amendment, and we are willing to accept it.

Mr. CHAFEE. Mr. President, I want to commend the Senator from Kentucky for this amendment. I think it is a thoughtful one.

He is quite correct in saying that a considerable thrust of this legislation has come legitimately from the Canadians, our neighbors to the north. They have felt very deeply that the amount of acid rain sulfur dioxide emissions from all powerplants have been blown by the westerlies across into Canada and have caused deleterious effects to their lakes, streams, forests, and believe that we should take affirmative action to reduce these sulfur dioxide emissions and nitrous oxides.

We are undertaking it in the course of this legislation.

Likewise, they have assured us that they are going to take steps, and I think the legislation that the Senator from Kentucky is suggesting is good, and it will be a form of report by the Administrator of EPA as to the progress that not only the Federal Government is making, but each of the individual Provinces are making. So I think that will be helpful to us.

I commend the Senator, and it is acceptable by this side.

Mr. McCONNELL. I thank my friend from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor to the McConnell amendment.

The PRESIDING OFFICER. Is there further discussion on the amendment of the Senator from Kentucky? If not, the question is on agreeing to the amendment.

The amendment (No. 1303) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1304 TO AMENDMENT NO. 1293

Mr. McCONNELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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The Senator from Kentucky [Mr. McConnell] proposes an amendment numbered 1304 to amendment No. 1293.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title IV of amendment 1293 add the following new section:

"SEC. .

"The Secretary of Energy in consultation with the Secretary of Commerce shall provide a report to the Congress within one year of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within United States Government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies."

Mr. McCONNELL. Mr. President, my second amendment will streamline and make more efficient the Federal Government's efforts to export clean coal technologies.

I, and many of my colleagues in this Chamber, support Federal, State, and industry efforts to expand the export of U.S. coal to overseas markets. We also would like to see the developing countries integrate coal more fully into their energy mix. Unfortunately, global environmental concerns have hindered efforts to do so.

However, there appears to be an answer to this dilemma. In its annual report to Congress on the Clean Coal Technology Demonstration Program, dated February 1989, the Department of Energy states that—

> These technologies will reduce and/or eliminate the economic and environmental impediments that limit the full consideration of coal as a future energy resource.

Mr. President, exporting clean coal technologies will open new overseas market opportunities for U.S. coal and help mitigate some of the job loss that will occur under this acid rain legislation.

Also, exporting clean coal technologies will help the United States renew its technological leadership in a growing world market for coal utilization techniques and will improve our balance of trade.

Mr. President, there are currently several clean coal technology export promotion programs operated by a variety of U.S. governmental and quasi-governmental agencies. Government officials operating these programs, as well as the industries involved in the development of clean coal technologies, agree that Federal export promotion programs serve a very useful purpose, but that room exists for better coordination of the programs and the agencies overseeing them.

My amendment simply asks that the President provide to Congress a report which will identify, inventory, and analyze clean coal technology export programs operated by U.S. Government and quasi-government agencies.

The purpose of the study is to improve the effectiveness and efficiency of interagency coordination of export promotion and to determine the feasibility of establishing an interagency commission to centralize the promotion of clean coal technology exports.

Mr. President, this amendment has the support and endorsement of the Federal official closely involved in the export promotion program. It was, in fact, approved by this body last session. However, at the request of the relevant conferees from the other body, the provision was dropped.

It is my understanding that the other body has now agreed to the amendment and it may, in fact, be included in their version of clean air legislation.

So Mr. President, bearing that in mind and understanding that there is no objection, I hope my amendment will be approved.

Mr. BAUCUS. Mr. President, we have examined this amendment as well. It is a good idea. It is helpful to export clean coal technologies overseas, and the study will be very helpful to reach that goal. We are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. CHAFEE. I commend the Senator again for this thoughtful amendment. It is an amendment he presented previously that was adopted. I think it is helpful for the coal technology to have a worldwide market, and this would encourage the sales of that type of equipment. It is a good suggestion, and this side supports it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (No. 1304) was agreed to.

Mr. BAUCUS. I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1305 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, on behalf of Senator Bentsen and Mr. Gramm, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. Baucus], for himself, Mr. Bentsen, and Mr. Gramm, proposes an amendment numbered 1305.

Mr. BAUCUS. Mr. President, I ask that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. Shelby). Without objection, it is so ordered.

The amendment is as follows:

Section of the bill is hereby amended to read as follows:

"( ) National Urban Air Toxics Research Center.—

"(1) The Administrator shall oversee the creation of a National Urban Air Toxics Research Center, to be located at a university, a hospital or other facility capable of undertaking and maintaining similar research capabilities in the areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology and biostatistics. The geographic site of the National Urban Air Toxics Research Center shculd be further directed to Harris County, Texas, in order to take full advantage of the well developed scientific community presence currently on-site at the Texas Medical Center as well as the extensive data previously compiled from the comprehensive monitoring system currently in place."

"(2) The National Urban Air Toxics Research Center shall be governed by a Board of Directors to be comprised of nine members, the appointment of which shall be allocated pro rata among the Speaker of the House, the majority leader of the Senate and the President. The members of the Board of Directors shall be selected based on their respective academic and professional backgrounds and expertise in matters relating to public health, environmental pollution, and the industrial hygiene. The duties of the Board of Directors shall be to determine policy and research guidelines, submit views from Center sponsors and the public and issue periodic reports of Center findings and activities."

"(3) The Board of Directors shall be advised by a Scientific Advisory Panel, the thirteen members of which shall be appointed by the Board, and to include eminent members of the scientific and medical communities. The Panel membership may include scientists with relevant experience from the National Institute of Environmental Health Sciences, the Center for Disease Control, the Environmental Protection Agency, the National Cancer Institute and others, and the Panel shall conduct peer review and evaluate reserach results. The Panel shall assist the Board in developing the research agenda, reviewing proposals and applications and advise on the awarding of research grants."

"(4) The Center shall be established and funded with both Federal and private source funds."

Mr. BAUCUS. This is an amendment offered on behalf of Senator Bentsen and Senator Gramm. Essentially, it would create the National Urban Air Toxics Research Center to be located in the Houston area of Texas. Essentially, it is to undertake various studies in areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology, and other related studies, particularly with respect to air toxics.

I think it is a very appropriate amendment, because the State of Texas is probably more heavily impacted compared to any other State by the air toxics provisions of this bill.

It is therefore altogether appropriate, first, that a research effort like this be undertaken and, second, that it be undertaken where the problems occur. They occur all over the country, but they particularly occur in industrialized portions of the country, and that is obviously in Texas.

Mr. President, I urge the Senate to adopt the amendment. I think it is a good idea.

The **PRESIDING OFFICER**. Is there further debate on the amendment?

The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 1305) was agreed to.

Mr. **BAUCUS**. I move to reconsider the vote.

Mr. **CHAFEE**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **BAUCUS**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BAUCUS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PRYOR, from the Special Committee on Aging:

Special Report entitled "Developments in Aging, 1989, Volumes 1 and 2" (Rept. No. 101-249).

By Mr. PELL, from the Committee on Foreign Relations, with an amendment and with a preamble:

H. Con. Res. 258. Concurrent resolution congratulating the President of Honduras, Rafael Callejas, on his election and offering good wishes for the success of his administration.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amended preamble:

S.J. Res. 75. Joint resolution relating to NASA and the International Space Year.

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S.J. Res. 246. Joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

S. Con. Res. 92. Concurrent resolution to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Robert William Farrand, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua, New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert William Farrand.

Post: U.S. Ambassador to Papua, New Guinea.

Contributions, amount, date, and donee:

1. Self: None
2. Spouse, $25, 1988, Democratic National Committee.
3. Children and spouses names: William Patrick, N/A. Michael Joseph, $100, October 10, 1985, Democratic Party. Carol Elaine, N/A.
4. Parents names: Both parents are deceased.
5. Grandparents names: Grandparents are deceased.
6. Brothers and spouses names: Frederick Joseph (unmarried) N/A. Thomas Walter (unmarried) N/A. John Michael N/A. Wife: Janet, N/A.
7. Sisters and spouses names: Miller, Therese, N/A. Husband, Kenneth, N/A. Flanagan, Elizabeth Ann, N/A. Husband, John J., N/A.

J. Steven Rhodes, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: J. Steven Rhodes.

Post: Ambassador to Zimbabwe.

Contributions, amount, date, and donee:

1. Self: $1,000, 1985, Fund for America's Future; $1,000, March 1986, Smith Barney Better Government Com.; $200, May 1986, Antonovich for Senate; $300, September 1986, Antonvich for Senate; $500, Ed Zschau for Senate; $300, Dixon for Congress; $1,000, 1987, Smith Barney Gov't Fund; $1,000, George Bush for President; $50, Republican National Committee; $50, 1988 Republican National Committee; $200, Lynne Martin.
2. Spouse: None.
3. Children and spouses names: Christian Rhodes.
4. Parents names: Jones Rhodes (deceased), Ethel Rhodes.
5. Grandparents names: Joseph and Alice Williams Claiborne (deceased), Georgiana Howard, Jones Rhodes.
6. Brothers and spouses names: None.
7. Sisters and spouses names: Joyce M. McGhee (divorced), none; Shirley and Ralph Clark, Eleanor C. Woods (divorced), none; Sheila and Milton Lebo, none.

David C. Fields, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: David C. Fields.

Post: Director, Office of Foreign Missions.

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: None.
3. Children and spouses names: None.
4. Parents names: Claudia Fields, none.
5. Grandparents names: N/A.
6. Brothers and spouses names: None.
7. Sisters and spouses names: Pat Groves, none.

Susan Jane Koch, of the District of Columbia, to be an Assistant Director of the Arms Control and Disarmament Agency;

Bradley Gordon, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Michael Lorne Moodie, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Larry K. Meilinger, of California, to be U.S. Executive Director of the Inter-American Development Bank for a term of 3 years;

Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada; and

Ronald William Roskens, of Nebraska, to be Administrator of the Agency for International Development.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably two nomination lists in the Foreign Service which were printed in full in the Congressional Records of January 23 and February 28, 1990, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURNS:

S. 2235. A bill to provide for the disposition of certain Federal lands created from the public domain in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL:

S. 2236. A bill to amend the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROTH (for himself, Mr. Kasten, and Mr. Symms):

S. 2237. A bill to amend the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) to authorize the Secretary of Transportation to take action to encourage the removal of certain model year vehicles from use; to the Committee on Commerce, Science, and Transportation.

By Mr. SHELBY:

S. 2238. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 2239. A bill to amend title 10, United States Code, to require sealed bids and competitive proposals for the procurement of professional services by the Department of Defense to be evaluated on the basis of a 40-hour work week; to the Committee on Armed Services.

By Mr. KENNEDY (for himself, Mr. Hatch, Mr. Cranston, Mr. Hatfield, Mr. Bentsen, Mr. Wilson, Mr. Moynihan, Mr. D'Amato, Mr. Adams, Mr. Chafee, Mr. Kerry, Mr. Simon, Mr. Sarbanes, Mr. Riegle, Mr. Inouye, Mr. Johnston, Mr. Dodd, Mr. Lautenberg, Mr. Metzenbaum, Mr. Glenn, Mr. Pell, Mr. Bradley, Mr. Gore, Ms. Mikulski, Mr. Lieberman, and Mr. Specter):

S. 2240. A bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAHAM (for himself and Mr. Moynihan):

S. 2241. A bill to provide scholarships to law enforcement personnel who seek further education; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 267. Joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. Durenberger):

S.J. Res. 268. Joint resolution to designate April 6, 1990, as "National Student-Athlete Day"; to the Committee on the Judiciary.

By Mr. D'AMATO:

S.J. Res. 269. Joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mrs. Kassebaum):

S. Res. 259. Resolution recognizing the contributions of the Hugoton Gas Field to the Nation; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURNS:

S. 2235. A bill to provide for the disposition of certain Federal lands created from the public domain in the State of Montana, and for other purposes; to the Committee on Energy and Natural Resources.

MONTANA FEDERAL LANDS MANAGEMENT ACT OF 1990

Mr. BURNS. Mr. President, I rise today to introduce the Montana Federal Lands Management Act of 1990. Since the passage of the Wilderness Act in 1964, 3,400,000 acres of land have been designated wilderness in Montana. Still today we have another 6,000,000 acres of roadless land in Montana that has to be dealt with. The debate has raged on for more than a dozen years over the fate of these roadless lands. Although we are closer to resolving the debate today than we were 12 years ago, we are still a way off from reaching the necessary compromise.

Folks on both sides of the issue have become severely polarized on this issue. This has made it even more difficult for Montana's congressional delegation to reach an acceptable compromise.

Several statewide wilderness bills for Montana have been introduced in Congress during the past dozen years. In fact we have had four different bills introduced since 1986. These bills all used the same approach, of a single statewide wilderness bill, to try to resolve the issue. Ultimately, all of these bills failed.

Montana is one of only two states that have not now passed statewide wilderness legislation. Frankly, the prospects for doing so in the near future aren't very rosy. After all of the debate and negotiations it seems that folks on all sides are still just too far apart. At various times the Montana delegation has worked on a strict consensus basis, wherein any one member could hold up any particular area if he had an objection to its inclusion in a bill. At other times individual members stepped out and introduced wilderness bills of their own. As I said before, none of these approaches succeeded. I believe it is now time for a fresh, news and innovative approach to resolving this debate.

The bill I am introducing today is a new approach to the issue. My bill does not completely resolve the issue; however, I believe my bill will serve to break this large and controversial issue into smaller more easily resolved issues. This bill will serve as a platform and be but one of a series of bills aimed at resolving not only the roadless debate but also the appeals problems and the timber supply crisis facing Montana. The problem our natural resource dependent industries in Montana face is multifaceted, and will require a multifaceted approach to be solved.

The timber industry is in a crisis. Data compiled by the Bureau of Business and Economic Research at the University of Montana shows that between 800 and 1,200 jobs per year will be lost over the next 2 years due to timber shortages in western Montana. That could be as much as a fifth of our timber jobs. Montanans cannot afford to lose these jobs.

My approach is logical and reasonable. It is a commonsense approach to break a contentious logjam. Western district Representative Pat Williams introduced a similar bill in 1981. What was a good approach then is even better now. We haven't gotten anywhere since 1981. Oil and gas development has nearly dried up and blown away. Future growth in tourism in Montana is in increasing motorized access. Ranchers rely on public grazing for their livestock. We cannot seem to agree on how to resolve the entire, complex question, so a simple first step is even more compelling today.

Resolving the question of wilderness designation versus management for other multiple uses is only a partial solution to the problems we face in Montana. However I believe it is a critical first step. The Forest Service will still be hampered on individual projects by seemingly endless appeals—appeals that have served to dry up the supply of timber from Federal lands. There is still the overall question of what level of commodities should be produced from our national forests. These questions will all have a bearing on a solution to the timber supply crisis we currently face in Montana. I am committed to continuing to work to resolve these other issues as well. As I said before, I believe this bill is a critical first step.

Montana has 6 million acres of roadless land. Every previous wilderness proposal including the wilderness advocates alernative W proposal, would have released nearly 3 million acres to multiple use other than wilderness. Within all of these proposals I have identified the same 2,800,000 acres that have never been seriously considered for wilderness. Despite the fact that these noncontroversial lands have never been proposed for wilderness, they have been, and continue to be, held hostage while the debate goes on over the controversial lands. I do not believe this is fair.

This bill releases those 2,800,000 acres of noncontroversial lands to the Forest Service, to be managed according to the Land and Resource Management Plans. This will allow the Forest Service to get on with some of the management of these lands. This will also help to more narrowly focus the debate on the remaining roadless land.

While releasing some land, I also believe it is fair to approach the issue from the other side, that is, to designate as wilderness the lands which are not controversial. These lands appear to total approximately 620,000 acres. These areas have all been recommended for wilderness designation by the Forest Service through the land and resource management plans, and also have been included in most recent Montana wilderness bills.

Eastern Montana College has taken polls in the State that show that clearly 70 percent or more of Montanans believe we have enough wilderness and do not want any more. In spite of this strong opposition to more wilderness, I am including in this bill the designation of some 620,000 acres of additional wilderness for Montana. I fully recognize that in order to get to a full and complete resolution of the wilderness debate, some amount of wilderness will have to be designated. This is the reality of the situation.

I am proposing this bill which releases approximately 2,800,000 acres to multiple use and designates 620,000 acres of wilderness to help move the process forward. It will solve part of the controversy and serve as a platform for building a larger, more comprehensive solution to the overall land management debate in Montana.

I have included within this bill provisions which, I believe, will provide adequate protection of existing water and grazing rights. The Wilderness Act of 1964 provided for the continuation of livestock grazing in wilderness areas, where that practice already existed. I want to make it abundantly clear that the ability to graze in wilderness must continue.

All of the areas being designated wilderness by this act are headwaters areas. However, this does not preclude the need to address the water rights question. The 1964 Wilderness Act did not address wilderness water rights. It is clear that Congress did not intend either express or implied Federal reserved water rights for wilderness. I have included in this bill language that clearly protects existing water rights and reaffirms that the State of Montana water laws are preeminent in relation to the reservation of water rights in Montana. This will be even more important as we begin to review downstream areas for possible inclusion in the National Wilderness Preservation System.

I have also included updated release and sufficiency language in this bill. We have final, completed forest plans for all 10 national forests in Montana. During the land management planning process, the Forest Service once again reviewed all roadless areas and evaluated them for their wilderness attributes. These forest plans have superseded the old Rare II evaluations. My changes to the language reflect this. I have also strengthened the language to ensure that when a decision is made to enter one of these released areas, it cannot be challenged simply on the basis of whether or not the area should remain roadless.

Contrary to what some critics will say, this bill does not remove a citizens right to administrative appeal or judicial review of decisions on the basis of a number of various environmental laws. It does, however, preclude judicial review on the basis of whether a released roadless area should remain roadless and on whether or not the area must continue to be protected to maintain its wilderness characteristics. The areas released by this bill have not been found to have any outstanding wilderness characteristics. It is wrong to allow these released lands to be tied up in the courts, stopping planned resource management. Please remember, one of the purposes of this bill is to ensure the management of some lands for nonwilderness multiple uses.

This bill is not a development bill. Fully 70 percent or more of the released land will be managed in its roadless state for recreation and wildlife habitat, according to the land and resource management plan for each national forest.

This release bill does not end the wilderness debate in Montana. By this bill we will leave approximately 2,400,000 acres of roadless land in Montana to have its management decided at a later time. I am confident this is a step forward.

I have been working with Senator BAUCUS and the other members of the Montana delegation to try to reach some point of compromise that will help to resolve the issue once and for all. I fully intend to continue working with Senator BAUCUS and Congressmen MARLENEE and WILLIAMS to reach that compromise. In the meantime I believe it is imperative to resolve any portion of this issue possible. We must get on with the management of the Federal lands so that our communities will be able to survive.

Although not a complete solution, this proposal has already received widespread support from throughout Montana. I expect this support to continue to grow as more Montanans have the opportunity to examine the bill.

Some critics have said this is just a political ploy. Frankly, I don't care what the politics of this proposal are. I just want it debated fairly on the merits. My motives are clear: release those lands not in dispute to try to save jobs that will certainly be lost if we don't act. Keep in mind, it is not just timber we are talking about here. We need to manage these lands for energy, mining, wildlife habitat, and recreation. The way the energy situation is going in this country, we as a Nation had better be looking at what we are doing. We are a Nation at risk at this very moment.

This is very important to Montana. I urge my colleagues to also recognize the importance of this legislation, and I ask for its quick passage. I will also be working with Senator JOHNSTON to move expeditiously toward committee hearings.

By Mr. McCONNELL:

S. 2236. A bill to amend the Housing Act of 1949; to the Committee on Banking, Housing, and Urban Affairs.

RURAL RENTAL HOUSING AFFORDABILITY ACT

Mr. McCONNELL. Mr. President, there are nearly 3,000 families and seniors in Kentucky and more than 127,000 nationwide who need our help. Actually, they have needed our help for some time. They live in Farmers Home Administration rental housing and are paying rent in excess of 30 percent of their incomes. They are overburdened with the amount of rent they pay.

The Farmers Home Administration [FmHA], an agency within USDA, finances rental apartment complexes in rural areas for low-income families and senior citizens. Many of the rents are subsidized by FmHA through rental assistance so tenants don't pay over 30 percent of their adjusted income. But, where rental assistance is not available, many tenants do pay more than 30 percent.

In Kentucky, FmHA has financed 317 rural rental housing complexes for senior citizens and families, including the handicapped and disabled. About 9,000 rural Kentucky households live in these Section 515 Program apartments. But, over one-third of these rural Kentucky households pay more than 30 percent of their adjusted income for rent. In two of Kentucky's

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eight FmHA districts, over 42 percent of the households are overburdened, which indicates a critical need for these families. Remember, Mr. President, these are lower income families and elderly; this is not an issue of disposable income and consumption, but paying for a necessity. Because they are overburdened by the rent, they are eligible for rental assistance; however, none is available from FmHA.

Mr. President, I have a proposal to assist them by lowering their monthly rent payments. Today I am introducing the Rural Rental Housing Affordability Act of 1990.

This legislation increases the affordability for renters in FmHA's 515 Rural Housing Program by lowering the rent for the overburdened families and elderly in our rural communities.

It increases the marketability of rental units for owner, with no impact on mortgage payments.

It does not cost the Government one nickel.

Let me explain how this legislation works.

The owner of an FmHA 515 project is required to make a monthly deposit of one-twelfth of 1 percent of the FmHA loan amount into an account for maintenance of the property. This account is called a reserve for replacement. This bill would use a portion of that reserve payment to lower the rent for each overburdened family. I call it affordability assistance.

Let me give you an example of how I expect this legislation to work.

A couple with two children have an adjusted monthly income of $631, 30 percent of which affords a monthly rent payment of $189. The rent, however, is $208. They are eligible for FmHA rental assistance, but because FmHA rental assistance is not available, they pay $208 which is 33 percent of their income. This bill provides affordability assistance for a reduction of their rent equal to the monthly reserve contribution for that unit. In this example, the reduction is $16, lowering their rent to $192 or 30.4 percent of their income.

My focus on the 515 Program is well founded. The program provides apartments in rural areas for low-income elderly and families. It provides an option to living in substandard housing such as exists in rural Kentucky and the other 49 States. It provides housing where people live so they can live there, and not have to leave their town in search of decent housing. Rural Kentucky is filled with small towns which are viable; there are jobs in these towns; it is always with great pride that I see another rural town which has added a new plant or facility because it provides support to the economic base. The people need someplace to live, and Farmers Home has a program to provide the rental apartments.

As Farmers Home has noted, most areas in rural America need more adequate rental housing. Some people live in substandard housing that is cold in the winter and hot in the summer because adequate housing at a reasonable rent is not available. Other people commute long distances to work because they cannot find decent housing in the rural community where they work.

The program delivers housing and housing assistance to rural America. According to a 1987 GAO report, over 90 percent of the complexes are located in rural areas with populations under 10,000; more than half of the complexes are in towns of 2,500 or less. Close to half of the renters reduced their rent burden when they moved into a Section 515 apartment. Over 40 percent of the households were headed by a senior citizen.

We can do more to make this much-needed housing affordable. We can provide affordability assistance to help the overburdened rural households living in the decent housing provided under the 515 Program.

I am hopeful that this proposal will receive all appropriate consideration; the Congress has funded the program to assist low-income rural households, and the Congress has provided rental assistance for a number of households, and this Congress should provide affordability assistance to close the gap for overburdened families and the elderly.

The FmHA 515 multifamily housing program has been heralded as the best working model for the delivery of rural multifamily housing in the United States. It operates with minimal Federal Government involvement. It has proven to be the least costly means to provide housing to the very poor, and yet the program has a default record of under 1 percent.

According to a 1987 GAO report, more than half of the apartments are in towns of 2,500 or less, 93 percent of the renters are low income, and 49 percent of the households paid lower rent after moving into 515 housing.

I am hopeful that this proposal will receive the consideration commensurate with the need in our country for rural housing assistance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2236

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Rental Housing Affordability Act of 1990".

SEC. 2. USE OF RESERVE FOR REPLACEMENT FUNDS.

(a) Section 515.—Section 515 of the Housing Act of 1949 is amended by adding at the end the following new subsection:

"(u) In order to increase and assure the affordability of units in projects which are financed under this section, and which are assisted with interest credits under section 521, the Secretary shall approve the use of monthly additions to the reserve for replacement funds to subsidize up to the difference between a low-income tenant's required rent and the basic rent, in an amount not to exceed the monthly amount allocable to the tenant's unit.".

(b) Section 514.—Section 514 of the Housing Act of 1949 is amended by adding at the end the following:

"(j) In order to increase and assure the affordability of units in projects which are financed under this section, the Secretary shall approve the use of monthly additions to the reserve for replacement funds to subsidize up to the difference between a low-income tenant's required rent and the basic rent, in an amount not to exceed the monthly amount allocable to the tenant's unit.".

SEC. 3. REGULATIONS.

(a) In General.—The Secretary of Agriculture may increase any administrative requirements for the reserve for replacement funds to implement the amendments made by this Act.

(b) Final Regulations.—The Secretary shall issue implementing regulations to carry out the amendments made by section 2 of this Act not later than 180 days after the date of enactment of this Act.

By Mr. SHELBY:

S. 2238. A bill to amend the Solid Waste Disposal Act to grant States the authority to regulate the interstate disposal of hazardous waste and solid waste; to the Committee on Environment and Public Works.

HAZARDOUS AND SOLID WASTE MANAGEMENT ACT

● Mr. SHELBY. Mr. President, I rise today to introduce legislation that would greatly enhance the State's ability to address substantively and responsibly its hazardous and solid waste problem. My bill is the companion bill to the Hazardous and Solid Waste Management Act, H.R. 3395, that was introduced by Congressman Erdreich in the House of Representatives on October 3, 1989. Both Mr. Erdreich and I believe that the management of this country's hazardous and solid wastes is one of the Nation's most pressing environmental issues of the 1990's

Mr. President, I have come before this body several times in the past 2 years to express my concerns regarding hazardous waste. Each year, the volume of hazardous waste grows as disposal capacity shrinks. The most recent figures kept by the Environmental Protection Agency [EPA] of the amount of hazardous waste generated in the United States are for the year 1985. The total estimate for that year is 245 million tons.

There are 17 sites across the country that are approved for the disposal of hazardous waste. The most recent statistics available from the EPA to determine the total hazardous waste disposed of in the removal program are through March 1, 1989.

Between 1984 and March 1, 1989, 94,868 tons of hazardous waste have been disposed of nationwide through the Superfund Removal Program. During this period, 38,163 tons of this hazardous waste have been sent to the Chem Waste Management Facility in Emelle, AL. That represents 40 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 when the program began, and March 1, 1989.

Another 17 percent of all hazardous waste that has been disposed of nationwide through the Superfund Removal Program between 1984 and March 1, 1989 has been sent to the GSX facility in Pinewood, SC. This means that 57 percent of all hazardous waste nationwide processed through the Superfund Removal Program during this period went to two facilities in region IV—Emelle in Alabama and GSX in South Carolina.

These two facilities are obviously receiving a disproportionate amount of the Nation's hazardous waste. For the record, EPA region IV is comprised of eight States—Alabama, Georgia, Florida, Mississippi, Kentucky, North Carolina, South Carolina, and Tennessee. Consequently, if only two facilities in region IV received 57 percent of all the hazardous waste nationwide processed through the Superfund Removal Program, it simply means that hazardous waste has been coming from great distances to be disposed of in region IV.

Mr. President, I say that it is not fair that two facilities in region IV should bear the brunt of actions of generations of consuming Americans. We have all benefited from various industrial processes—the byproducts of which are polluting our water, contaminating our soil, and poisoning our air. We never thought that we would have to pay for these industrial and chemical advances with our health or with the well-being of our children. However, we now realize that we have a hazardous waste disposal problem which may threaten the long-term health and safety of our citizens.

On November 20, 1989, the Senate passed a resolution which I introduced on hazardous waste. The resolution encourages each State to develop a comprehensive plan to handle the waste it generates, either individually or in interstate agreements. I believe that this sense of the Senate resolution is a step in the right direction toward providing an equitable solution to the hazardous waste disposal problem in this Nation. However, it is now more than 3 months since the passage of my resolution and there are no observable changes in the management of hazardous waste disposal. For this reason, I decided to introduce this bill, which if passed, will be the law of the land.

Although I have not been as vocal on solid waste issues; I am equally concerned. As landfills across the country fill to capacity, States must assume a responsible role in managing their garbage.

A recent Environmental Protection Agency [EPA] study indicates that there is a direct correlation between growth in population and growth in the amount of solid waste generated: 157.7 million tons of solid waste is produced annually; each individual in the United States produces 3.5 pounds of trash daily; and by the year 2000, it is estimated that the amount of solid waste generated will increase to 192.7 million tons a year.

While it is clear that the quantity of garbage is slowly increasing, it is even more evident that disposal capacity is decreasing.

Presently, the United States disposes of most of its solid waste in landfills—only about 11 percent is recycled and approximately 13 percent is incinerated. It is increasingly difficult to find new sites for landfills because of public opposition and unknown environmental risks. Due to this "not in my backyard" syndrome, the disposal of solid waste which was once thought to be only a local concern has become a national crisis.

Many States have sought to solve their solid waste problem by shipping their waste to other States. Recent Congressional Research Service [CRS] data indicate that the following States export their garbage to other States: New Jersey exports 5,250,000 tons; New York exports 2,000,000 tons; Pennsylvania exports 1,500,000 tons; Missouri exports 1,500,000 tons; District of Columbia exports 700,000 tons; Massachusetts exports 600,000 tons; and California exports 200,000 tons.

We all remember the 3-month journey of the New York barge during the spring of 1987 that could not find a haven for its garbage. I think that the New York garbage barge going from port to port seeking a disposal site vividly depicts the magnitude of the problem that we are addressing.

In addition to the "not in my backyard" syndrome causing problems in the disposal of solid waste, there is yet another, even greater dilemma. Pending EPA regulations in solid waste landfills will result in substantial increases in the construction and operation of such facilities and could result in the closing of many existing landfills. EPA expects almost half of the Nation's landfills operating in 1986 to close by 1991. The closing of these facilities obviously will make a bad situation worse when you consider, as I alluded to earlier, that approximately 70 percent of all solid waste is disposed in landfills.

The legislation that I am introducing today will be beneficial in solving the hazardous and solid waste disposal problem. The bill would require that States take responsibility for the solid and hazardous waste generated within their borders, either individually or in regional compacts by demonstrating the capacity to handle such waste for 20 years. In addition, when a State has developed a 20-year management plan to handle its hazardous and solid waste, the State would be able to place limitations on the amount of hazardous and solid waste transported into the State for disposal purposes.

I urge all of my colleagues to support this legislation. Each State must be responsible for the waste it generates. When a State has accepted its responsibility and developed a 20-year plan to handle its waste, the State's plan must not be rendered useless because of encroachment by out-of-State waste.

My bill focuses the attention needed for the safe and effective management of hazardous and solid waste. Congress must take the initiative in resolving the Nation's waste disposal problem realistically to prevent future threats to human health and the environment.●

By Mr. PELL:

S. 2339. A bill to amend title 10, United States Code, to require sealed bids and competitive proposals for the procurement of professional services by the Department of the Defense to be evaluated on the basis of a 40-hour workweek; to the Committee on Armed Services.

EVALUATION OF DEPARTMENT OF DEFENSE SERVICE CONTRACTS

● Mr. PELL. Mr. President, I am introducing a bill to correct an abuse in defense contracting practices which has caused undue hardship for many of my constituents, namely the problem of uncompensated overtime.

The problem has its roots in the unremitting pressure for competitiveness. Contractors pare their bids to the bone by allocating 48- or 50-hour workweeks—or longer—to professional and managerial employees who receive no overtime pay because they are exempt from the Fair Labor Standards Act.

In evaluating such bids, the Department of Defense seems to have suspended judgment about the wisdom or propriety of such practices, figuring that the Government is getting a cheaper product, regardless of the means.

But I believe it is a questionable practice. It is certainly questionable from the point of view of the people who get caught in the squeeze and have to give away their time. Dozens

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of them have written to me to complain about it. And it certainly must be nerve-wracking for the competing contractors who have to participate in the uncertain charade, never knowing how much giveaway time is being bid by their competitors, or how much overtime their own professional work force can tolerate.

The issue has been addressed by Congress but without apparent effect. The fiscal year 1989 Defense Authorization Act ordered the Pentagon to establish an advisory committee to study the problem and make recommendations to the Secretary of Defense. The panel was established and made its report last August, but it failed to solve the problem. It refused to call for new regulations barring the use of uncompensated overtime and recommended instead only general policy directives which would still leave room for the practice to continue.

My constituents advise me that not only has there been no improvement in the situation since the study was mandated, but that there has been an actual escalation in the number of uncompensated hours they are being asked to work. Since Pentagon policy is not yielding any positive results, they are asking for statutory relief.

Accordingly, the bill I am introducing today simply requires that bids and competitive proposals for the procurement of professional services by the Department of Defense be evaluated on the basis of a 40-hour workweek. Such a standard would provide a level playing field for all contractors, particularly at this time of increasing competitiveness for the defense dollar. And it would bring an end to a basically predatory practice which causes hardship for many.

Finally, I wish to acknowledge the work of my colleague in the House, Representative RON MACHTLEY, who introduced an identical bill last fall when the initial results of the DOD study became known. He and I share a mutual concern for our many constituents who argue persuasively that more conclusive steps must be taken.●

By Mr. KENNEDY (for himself, Mr. HATCH, Mr. CRANSTON, Mr. HATFIELD, Mr. BENTSEN, Mr. WILSON, Mr. MOYNIHAN, Mr. D'AMATO, Mr. ADAMS, Mr. CHAFEE, Mr. KERRY, Mr. SIMON, Mr. SARBANES, Mr. RIEGLE, Mr. INOUYE, Mr. JOHNSTON, Mr. DODD, Mr. LAUTENBERG, Mr. METZENBAUM, Mr. GLENN, Mr. PELL, Mr. BRADLEY, Mr. GORE, Ms. MIKULSKI, Mr. LIEBERMAN, and Mr. SPECTER):

S. 2240. A bill to amend the Public Health Service Act to provide grants to improve the quality and availability of care for individuals and families with HIV disease, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE AIDS RESOURCES EMERGENCY ACT

Mr. KENNEDY. Mr. President, for 9 years, America has been grappling with the devastating effects of AIDS. Up to a million of our fellow citizens are already infected with the AIDS virus and are almost certain to face serious health problems as a result of HIV disease.

Today, we are proposing emergency relief for the cities hit hardest by AIDS and funding for States to respond to the mounting need for AIDS care services.

The overwhelming majority of people who develop AIDS are young and unprepared to cope with this catastrophic disease. So is the Nation's health care system.

In terms of pain, suffering, and cost, AIDS is a disaster as severe as any earthquake, hurricane, or drought. Because this disaster continues to unfold, even now we cannot tally the full extent of devastation.

We must make clear to all Americans that the AIDS emergency is not behind us—HIV remains a grave threat to communities across the Nation. In fact, the rate of increase in new cases is now greatest in small cities and rural areas. By 1991, 80 percent of new AIDS cases will be diagnosed outside New York and California.

Right now, the health institutions in our major cities are in crisis—overcrowded emergency rooms and shortages of trained health care personnel. AIDS by itself is certainly not the only cause of these problems. But it is adding to the stress that is leading to a total breakdown of our health care systems.

If we do not respond with emergency financial aid, we can expect to see many more public and private hospitals facing insolvency. Nationally, an estimated 70 percent of persons living with AIDS either have no health insurance or rely on Medicaid—which frequently does not cover the service that are most needed.

Two successive, national commissions on AIDS—one created by the President, one by the Congress—have recommended that the Federal Government provide funds to help develop care networks for persons with HIV disease. Both commissions have stressed the urgent need for expansion of outpatient and home health services.

Until we take action to organize and integrate HIV health services, both costs and chaos will continue to increase—with devastating consequences for individuals and families throughout the United States.

This Nation can do better.

America responded within days to the California earthquake. We have pledged tens of billions to rescue the savings and loan industry. AIDS is a comparable disaster and we need to respond accordingly.

The bipartisan legislation we are introducing today calls for $600 million in emergency funds—$300 million for relief to hard-hit cities and $300 million for States to develop HIV care programs.

In addition to providing funds for home and community-based services to get people out of costly hospital beds, this measure will expand access to early intervention services. Early diagnosis of treatment does prolong life. By offering medical services, we provide a strong incentive for individuals to take advantage of counseling and testing services.

This bipartisan legislation incorporates the ideas and hard work of hundreds of organizations and individuals—many of whom are represented here this morning.

Our proposal is about more than money. It is about caring and the American tradition of reaching out to people who are suffering and in desperate need of help.

As a nation, we pride ourselves on our ability to rally in the face of adversity. AIDS is a disaster that demands a response by the American people. It is not a question of resources—because we can find the resources. What we need is the will.

Thank you Mr. President and I ask that letters of support for this critical legislation and other materials be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPREHENSIVE AIDS RESOURCES EMERGENCY (CARE) ACT OF 1990 SUPPORTING ORGANIZATIONS

AIDS Action Council.
AIDS National Interfaith Network.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College Health Association.
American Federation of State, County and Municipal Employees.
American Foundation for AIDS Research (AMFAR).
American Hospital Association.
American Medical Student Association.
American Nurses Association.
American Psychological Association.
American Public Health Association.
Americans for Democratic Action.
Association of Schools of Public Health.
Association of State and Territorial Health Officers (ASTHO).
Catholic Health Association of the United States.
Center for Population Options.
Church of the Brethren.
Citizens Commission on AIDS.
Coalition for the Homeless.
Committee for Children.

Consortium for Social Science Associations.
Episcopal Church.
Episcopal Health Services, Inc.
Friends Committee on National Legislation.
Hispanic AIDS Committee for Education and Resources.
Human Rights Campaign Fund.
Infectious Diseases Society of America
Legal Action Center.
National AIDS Network.
National Association for the Advancement of Colored People.
National Association for Home Care.
National Association of Commuinity Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hospitals.
National Association of Social Workers.
National Association of State Alcohol and Drug Abuse Directors.
National Council of Churches.
National Council of La Raza.
National Council on Alcoholism and Drug Dependence.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Medical Association.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Northwest AIDS Foundation.
Presbyterian Church USA.
Synagogue Council of America.
Unitarian Universalist Association.
United Church of Christ.
U.S. Conference of Mayors.

The U.S. Conference of Mayors,
Washington, DC, March 1, 1990.
Hon. Edward M. Kennedy,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Kennedy: On behalf of the nation's Mayors, I am pleased to inform you of the support of The United States Conference of Mayors for the legislation you will be introducing next week: the Comprehensive AIDS Resource Emergency Act of 1990.

As you are well aware, AIDS has had a disproportionate impact on our major cities. With the burdens of almost every conceivable crisis facing America today hitting cities the hardest—including drugs, declining stocks of affordable housing, and aging infrastructures—the financial hardships forced on cities by the AIDS epidemic cannot be borne by local government without federal assistance. The weight of the increased burden on our existing health care infrastructures caused by HIV disease is threatening to overwhelm our ability to respond to the health care needs of our citizenry.

We especially appreciate your recognition, in title I, of AIDS as a national epidemic that requires a national response directly where it is most needed: at the city level, where people with AIDS live and die. The relief available under Title I and the essential involvement of the chief elected local official in determining service priorities is crucial to the success of the legislation. We appreciate your close involvement with USCM in the development of this approach.

The Conference of Mayors is also supportive of the Title II provisions which help address the development of a broad array of health care planning and services needed by cities. The sound public health options offered to localities through states will greatly assist in the provision of essential early and efficient care for people with HIV infection.

The United States Conference of Mayors looks forward to working with you and your staff to further fine tune the bill to best meet local service needs as the bill proceeds through hearings, markup and eventual passage.

Sincerely,

J. Thomas Cochran,
Executive Director.

National Association of Counties,
Washington, DC, March 1, 1990.
Hon. Edward M. Kennedy,
U.S. Senate, Russell Senate Office Building, Washington, DC.

Dear Senator Kennedy: The National Association of Counties supports the legislation you are introducing, the Comprehensive AIDS Resources Emergency Act of 1990. We particularly appreciate your recognition of the health care service delivery and financing emergencies experienced by those urban counties and cities with a high incidence of AIDS cases. The relief available under Title I of the bill and the integral role of chief local elected officials in determining service priorities mark significant steps toward alleviating the crisis. We thank you for your close involvement with our organization in the drafting of those provisions.

As the bill progresses through the hearing and markup stages, we will work with you to further refine the bill so that it assists current systems in meeting the needs of persons with AIDS and encourages the development of more comprehensive, effective and appropriate care systems.

Sincerely,

John P. Thomas,
Executive Director.

Statement of Paul C. Rettig, Executive Vice President, American Hospital Association, Upon the Introduction of the Comprenhensive AIDS Resources Emergency Act of 1990

The American Hospital Association applauds Senators Kennedy and Hatch's efforts to provide financial assistance to localities hardest hit by the Human Immunodeficiency Virus epidemic.

AIDS has brought new challenges to health care and has dramatized the persistent gaps in the way we finance care. The growing demand for a complex array of services is testing the limits of our nation's health care system.

Since the onset of this epidemic, hospitals have been on the front lines, providing medical care for those with AIDS. For some hospitals the burden has been enormous.

This legislation is a well-conceived response to help communities deal with this epidemic. First, the bill will immediately assist communities in greatest need by shoring up existing resources. Second, because the AIDS epidemic recognizes no geographic boundaries, the legislation will provide all states with financial assistance as the epidemic spreads.

For those infected, the search for an effective treatment and cure is of utmost urgency. For the uninfected, adoption of effective means of preventing transmission is equally urgent. And for AIDS patients and facilities providing care, federal assistance is long overdue.

AHA supports the Comprehensive AIDS Resources Emergency Act.

National Association of
Community Health Centers, Inc.,
Washington, DC, March 6, 1990.
Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources, Hart Building, Washington, DC.

Dear Mr. Chairman: The National Association of Community Health Centers stroingly endorses the Comprehensive AIDS Resources Emergency (CARE) Bill which you are introducing today.

As the AIDS epidemic has progressed over the last few years, community Health Centers have seen our neighborhoods placed increasingly at risk. Even absent such onslaughts, maintaining healthy families under a severely limited federal grants program becomes a challenge to the most dedicated and innovative Center staff.

Until this Bill, our Centers were despairing of the great financial risk the additional costs of AIDS will pose, in the face of continued tight funding constraints as we have seen since 1980.

This Bill acknowledges the need for fortification of front-line community clinic providers, in its disaster relief, consortia and early intervention sections. Community Health Centers know what is needed, and stand ready to provide early care through the provisions of the programs you are making possible.

We thank you for your admirable leadership on this difficult issue. Please accept our offer of support in any way we can as you work for passage of this landmark legislation.

Sincerely,

Tom Van Coverden,
Executive Director.

Association of State and
Territorial Health Officials,
McLean, VA, March 5, 1990.
Hon. Edward Kennedy,
Chairman, Committee on Labor and Human Resources, Senate Hart Office Building, Washington, DC.

Dear Senator Kennedy: On behalf of the Association of State and Territorial Health Officials (ASTHO), I am writing in support of the concept of your legislative proposal the "Comprehensive AIDS Relief Emergency (CARE) Act of 1990."

ASTHO agrees with your assessment that definitive action must be taken immediately to assist states in dealing with the AIDS epidemic. We are in concurrence with your assessment in Title I of the bill that resources need to be directed to cities and areas hardest hit by AIDS. We also strongly support Title III of the bill which would develop the Agency for Health Care Policy and Research to evaluate the impact and cost effectiveness of various models of AIDS care. Much of the HIV related health care planning has been based on logical assumptions, but there is not a large foundation of research data for support.

We do have some concerns about Title II of the bill. While ASTHO wholeheartedly supports the provision for funds to develop and operate more effective and cost efficient systems for the delivery of care, treatment, early intervention and support services to individuals and families infected with HIV, we have some concerns about the distribution of the resources on the basis of AIDS case. While this may seem a fair distribution, it may represent a mal-distribution based upon need. Most areas with small number of AIDS cases are likely to have less well-developed integrated systems of care,

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and hence, need a proportionally greater share of funds to develop these systems of care than will high incidence areas which have been providing care to patients for a number of years. It is even feasible that states with the smallest number of AIDS cases will not receive adequate resources under this Title to sufficiently address any of the services within the Title. It is the recommendation of ASTHO that a two-tiered funding system be established where all states get a basic grant, with the balance based on the number of AIDS cases. ASTHO recommends that the sum of $150,000 be given as the base grant. In states with very small numbers of AIDS cases this amount will at least allow for coordination and core program support with some resources to purchase drugs.

ASTHO appreciates the opportunity to comment on this bill and strongly supports its concept.

Sincerely yours,

George K. Degnon, CAE,
Executive Director.

March 1, 1990.

Senator Edward M. Kennedy,
U.S. Senate, Washington, DC.

Dear Senator Kennedy: We, the undersigned, directors of Washington-based offices, representing the policy recommendations of our respective religious bodies, write to offer our support to you as you introduce the Comprehensive AIDS Resources Emergency (CARE) Act of 1990.

Our respective religious bodies have become increasingly involved in the provision of care services to People with AIDS, their friends and families as the pandemic continues to grow in size. The religious communities response to the epidemic include primary education and prevention, pastoral care, medical services through our various medical facilities, and thousands of hours personal services to PWAs to meet daily living needs. Religious based AIDS service programs continue to grow at an astounding rate to respond to the ever growing need.

Even this enormous outpouring of concern, care, and, in fact, from the private, voluntary, religious sector of our nation can not meet the overall needs of persons currently living with AIDS and especially those to be diagnosed in the near future. The federal government must increase its role in the provision of medical and social services, especially to those most in need.

This epidemic no longer primarily affects white, middle class males. Increasing cases of HIV infection and AIDS is now evident in poor, minority men and women. It is more critical than ever that the federal government realize it's responsibility to provide "for the common welfare" of all its citizens.

We are especially pleased to see that your proposed legislation will target the hardest hit top 13 cities in the United States where medical and social systems are in serious peril. As representatives of institutions that have experienced the efficacy of case management and comprehensive planning for health care, we also applaud your efforts at encouraging communities in need to provide for better planning and coordination. It is critical that as resources for this epidemic become harder to secure and numbers of persons to be served increase, that we find additional ways to provide the very best services on a prudent fiscal basis.

The religious bodies we represent will continue to do their part in response to our religious mandate to support people with AIDS. We will continue to respond to the message of the prophet Amos who said; "Seek good, and not evil, that you may live; and so the Lord, the God of hosts will be with you, as you have said. Hate evil, and love good, and establish justice in the gate."

The struggle against the AIDS epidemic calls us all to works of justice as well as compassion. We look forward to cooperating with your office to see the 1990 CARE bill become a reality.

Robert Z. Alpern, Director, Washington Office, Unitarian Universalist Association; Fr. Robert Brooks, Director, Washington Office, Episcopal Church; Rabbi Irwin M. Blank, Washington Representative, Synagogue Council of America; Jay Lintner, Director, Washington Office, United Church of Christ.

Melva B Jimerson, Acting Director, Washington Office, Church of the Brethren; Mary A. Cooper, Director, Washington Office, National Council of Churches; Ruth Flowers, Washington Office, Friends Committee on National Legislation; Rev. Elenora Giddings Ivory, Director, Washington Office, Presbyterian Church, USA.

National Urban Coalition,
Silver Spring, MD, March 1, 1990.

Hon. Edward Kennedy,
Chair, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

Dear Senator Kennedy: Thank you for sharing with us your plans for emergency legislation to provide critically needed federal funds for the care of people living with HIV and AIDS. As advocates for the nation's cities, and the people in them, we have seen the devastating toll the AIDS epidemic has taken on the lives of individuals and the strain it has put on already overburdened health care and social service agencies.

On behalf of the National Urban Coalition, I offer strong support to your effort to enact a Comprehensive AIDS Resource Emergency (CARE) Act. We are especially supportive of your effort to provide some immediate relief to caregiving institutions and community-based agencies in the cities of the nation that have borne the brunt of this health crisis to date through CARE's Title I. Theirs have been heroic efforts, and they deserve the financial support of the federal government to continue meeting this challenge.

We also support the effort to encourage a comprehensive approach to developing health and support services, early intervention and case management in lesser-impacted states. We do, however, have some concern that the state block approach envisioned in Title II does not contain enough assurance that harder-hit localities and communities within the lesser-impacted states will receive the funding needed. We hope that this aspect of the bill will be addressed in the legislative process.

Sincerely,

Ramona H. Edelin, Ph.D,
President.

National Council of La Raza,
National Office,
Washington, DC, March 1, 1990.

Hon. Edward M. Kennedy,
Senate Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.

Dear Senator Kennedy: I am writing to lend the voice of the Hispanic community in supporting the Comprehensive AIDS Resource Emergency (CARE) Act of 1990, which we understand you intend to introduce shortly in the Senate. The AIDS crisis is an overwhelming burden on our society, and its effects will be more far-reaching than we can presently estimate.

It is therefore urgent that government on every level, along with all sectors of our society, work together to make resolution of the AIDS crisis a top priority. We are pleased to see that the CARE bill focuses on the areas which we believe will need the most support. We consider Title I, which provides federal emergency funds to those geographic areas hardest hit by the AIDS epidemic, especially important to the Hispanic community. This will make possible money for cities with high rates of Hispanic AIDS cases. As you may know, while Hispanics comprise only 8% of the U.S. population, they account for 15% of all AIDS cases. For this reason alone, the AIDS epidemic is of prime concern to this organization and Hispanics throughout the country.

If there is anything that the National Council of La Raza or our national network can do to be of assistance in assuring the passage of this critical legislation, please do not hesitate to contact me at 289-1380.

Sincerely,

Raul Yzaguirre,
President.

National Minority AIDS Council,
Washington, DC, March 2, 1990.

Senator Edward M. Kennedy,
U.S. Senate, Committee on Labor and Human Resources, Washington, DC.

Dear Senator Kennedy: Along with other members of the National Organizations Responding to AIDS (NORA), the National Minority AIDS Council is pleased to endorse the Comprehensive AIDS Resources Emergency Act of 1990.

Since the beginning of AIDS epidemic, people of color have been disproportionately represented among U.S. AIDS cases. The National Minotiry AIDS Council (NMAC) was founded to examine the impact of AIDS on minority communities, and to provide information, technical assistance, and support to organizations offering HIV/AIDS related services to people of color.

The legislation that you and Senator Hatch introduce addresses the urgent needs of our hardest hit cities, plants the seed money for the development of cost effective community care, and seeks to study various health care service and financing options for the future. In our view, the enactment of this bill would greatly enhance the ability of minority communities to meet the short and long term challenges of the HIV epidemic. We support this legislation wholeheartedly.

Sincerely,

Paul Akio Kawata,
Executive Director.

National Organizations
Responding to AIDS,
Washington, DC, March 6, 1990.

Dear Senator: The undersigned members organizations of the National Organizations Responding to AIDS coalition (NORA) enthusiastically welcome and endorse the Comprehensive AIDS Resources Emergency (CARE) Act of 1990 and urge your support and co-sponsorship.

As you know AIDS is the number one public health issue facing our country today. With more than 120,000 Americans diagnosed with AIDS, this epidemic is reaping disaster and despair across the nation in an unprecedented manner. The latest CDC projections indicate that with more than 1 million citizens infected with the HIV virus, the impact on our health care system will likely be catastrophic. Senator Kennedy and Senator Hatch have crafted a three part proposal that addresses the urgent needs of our hardest hit cities and urban counties, begins to plant the seed money for the development of cost effective community care and responsibly seeks to study various health care services and financing options for the future.

Currently our nation's largest cities, urban counties, and many of it's smaller localities, are facing a crushing expansion of HIV patients seeking services on already over burdened systems of health care. Community health centers, AIDS service organizations, child welfare services, mental health centers, substance abuse prevention and treatment programs, and, most notably, public hospitals are unable to keep pace with the exploding caseload and maintain and meet other health care needs in affected communities. Title I of the Kennedy/Hatch bill provides for the emergency relief that is necessary for these service systems. Just last year the nation witnessed the decisive and compassionate actions of the Congress in response to Hurricane Hugo and the San Francisco earthquake, it is with that same spirit that the adoption of this proposal is urged. Sadly, the $250 million proposed under this title will merely sustain the existing structures of AIDS health care and support. However, without this assistance public hospitals face collapse and many community based service organizations will close their doors.

The proposed legislation goes further in Title II in addressing the development of a broad array of health care planning and services required by state and local areas. This proposal builds on the sound notion that new service systems are not necessary for AIDS but rather the adaptation of existing community services must commence. The models of care developed by the Health Resources and Services Administration and through the Robert Wood Johnson Foundation provide ample evidence that community based care consortia work to provide cost effective and compassionate care. The sound public health and cost effective program options offered to states under this title will provide early and efficient care for people with HIV. Our generous public investment in AIDS research is made real only in the provision of these services. The proposed $250 million for this title represents an investment now against a much larger price tag in the future if planning, coordination and early interventions are not implemented.

The research priorities outlined in Title III begin to put in place needed evaluation and planning data long neglected in our nation's response to a growing health care crisis. It is our hope that the findings of these studies will act as guideposts in the HIV policy deliberations of the Congress and communities in the coming years. We can all agree that AIDS will be with us for a long time to come and our ability to study and thereby competently respond is based on research today.

Senator, AIDS has killed more Americans than the Vietnam War. AIDS has already cost the nation more than $7 billion in lost economic contributions by those who have died. The epidemic is far from over and the burgeoning effect is likely to collapse not only the patchwork AIDS care system but also most of our low-income health and social service systems.

We, therefore, urge your co-sponsorship of this bill and a commitment to expeditious passage.

Signed by,

AIDS Action Council.
AIDS National Interfaith Network.
American Anthropological Association's Task Force on AIDS.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College Health Association.
American Federation of State County and Municipal Employees.
American Foundation for AIDS Research.
American Home Economics Association.
American Medical Student Association.
American Nurses' Association.
American Psychological Association.
American Public Health Association.
Association of Schools of Public Health.
Catholic Health Association of the United States.
Center for Population Options.
Chronic Fatigue Syndrome Information Institute Inc.
Citizens Commission on AIDS.
City of Chicago.
City of New York.
City of Philadelphia.
Coalition for the Homeless.
Committee for Children.
Consortium of Social Science Associations.
Federation of Parents and Friends of Lesbians and Gays.
Human Rights Campaign Fund.
Infectious Diseases Society of America.
Legal Action Center.
National AIDS Network.
National Assembly of State Arts Agencies.
National Association of State Alcohol and Drug Abuse Directors.
National Association for Home Care.
National Association of Community Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hospitals.
National Association of Social Workers.
National Council on Alcoholism and Drug Dependence.
National Council on La Raza.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Rainbow Lobby.
Service Employees International Union.
Sex Information and Education Council of the U.S.
The United States Conference of Mayors.
United States Conference of Local Health Officers.
UJA—Jewish Federation of New York.

State of Louisiana, Department of Health and Hospitals, Office of Public Health,
New Orleans, LA, March 2, 1990.

Senator Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources, Hart Senate Office Building, Washington, DC.

Dear Senator Kennedy: Last year in Louisiana we observed with great dismay a significant increase in the number of infants born with syphilis, a totally preventable condition. We attribute this abominable medical event to the scourge of drug addiction and similarly we have watched as the number of Human Immunodeficiency Virus (HIV) infected newborns increases steadily over the last few quarters. Both of these events have occurred against a back drop of hospital bed closings, up to 30% in the last year alone in our largest public hospital in the state-Charity Hospital of New Orleans. The bed closings do not reflect a decrease in need but rather a decrease in resources to meet the ever spiraling need. For us here at the State and city level, the necessity for improvements to the health care system is a non-debatable fact. We must have the resources to meet the needs of AIDS patients and individuals addicted to drugs. We must reinforce the tools that will help us prevent high risk behavior that leads to HIV infection and/or drug addiction.

I join you in support of the Comprehensive AIDS Resource Emergency (CARE) act of 1990 and will be happy to provide you and your staff with information based on our experiences here in Louisiana. I believe that this proposed act would provide the resources that we need in our State to create and maintain a just, humane system of health care for AIDS and HIV infected citizens.

Thank you for your tireless work in making this legislation a reality. If I can be of service in any way, please do not hesitate to contact me.

Sincerely,

Louise McFarland, DrPH,
State Epidemiologist and AIDS Project Director.

City of Saint Louis,
Department of Health and Hospitals,
St. Louis, MO, February 27, 1990.

Hon. Edward M. Kennedy,
Committee on Labor and Human Resources, Washington, DC.

Dear Mr. Kennedy: As the Health Officer for the city of St. Louis, my responsibility entails insuring the provision of quality health care services to every citizen in my jurisdiction.

All federally funded public health activity directed at the AIDS epidemic are under my purview.

Unfortunately, there is currently no funding available for direct services to persons with HIV seropositive status, ARC or AIDS. Funds are desperately needed to provide medical screening and treatment, and social and mental health support services to our citizens infected with HIV.

I applaud and strongly support your committee's efforts to provide these life sustaining essential services through the comprehensive AIDS Resources Emergency Act of 1990 (CARE).

Please let me know if there is anything additionally that I can do to further support this valiant effort.

Sincerely,

Dian Sharma, Ph.D.,
Health Commissioner.

Chattanooga Cares,
Chattanooga, February 23, 1990.

Senator Edward M. Kennedy,
Committee on Labor and Human Resources, Washington, DC.

Dear Senator: This is to inform you of the wholehearted support of Chattanooga CARES, its Board of Directors, and membership (500 members) in Tennessee and

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Georgia for the Comprehensive AIDS Resources Emergency (CARE) Act of 1990.

Chattanooga CARES is a Community Based AIDS Service Organization offering AIDS Education to people at risk for AIDS and services to People With AIDS and their families and loved ones. Considering the emotional and financial cost of AIDS to patients and their families along with that to hospitals and other medical facilities. We feel that legislation like this is desperately needed.

Sincerely,

Kenton Dickerson,
Executive Director.

AIDS Services of Dallas,
Dallas, TX, February 26, 1990.

Hon. Edward M. Kennedy,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

Dear Senator Kennedy: I am writing to provide my support for the Comprehensive AIDs Resources Emergency Act of 1990. For the past decade the tragedy of the AIDS epidemic has been faced primarily by community-based organizations that have struggled hard to keep afloat. I believe this is particularly true in states, such as Texas, where the epidemic has been largely ignored.

It is imperative that community-based organizations caring for people with AIDS survive. Community-based care alternatives provide the most cost-effective means to provide delivery of a full range of services to people living with AIDS.

You have my active support in helping make this legislation a reality. Please let me know the status of this bill and what can be done to assure its passage.

Sincerely yours,

Don Maison, Esq.
Executive Director.

CHCANYS,
New York, NY, February 23, 1990.

Hon. Edward M. Kennedy,
U.S. Senate, Committee on Labor and Human Resources, Washington, DC.

Dear Senator Kennedy: The Community Health Care Association of New York State represents the interests of community health centers (CHCs) throughout New York State. As you probably know, CHCs were started in the mid-60's as a "Great Society" program to provide comprehensive primary care and preventive health care services to the poor and uninsured. Now, 25 years later, there is a nationwide network of approximately 800 centers which are working hard to handle the primary health needs of this growing population.

The HIV epidemic has hit the neighborhoods hard in which our inner city centers are located. These Centers are faced with increasing demands for risk assessment, education, testing, counseling and medical intervention—often without adequate reimbursement—as the epidemic has grown. We fully support your proposal for immediate congressional action on the Comprehensive AIDs Relief Emergency Act of 1990. By providing additional funding to states and MSAs, our centers will be better able to take care of people with, or at risk for, HIV disease in neighborhoods where they live. And as the disease has become chronic rather than acute in nature, availability of ambulatory care has become even more important. Additional funding to CHCs for these services is overdue and we offer you our support in whatever way possible.

Please let us know what else we can do to assist in assuring that this legislation is enacted.

Sincerely,

Ina Labiner,
Executive Director.

NAPWA,
Washington, DC, February 21, 1990.

Senator Edward M. Kennedy,
Health Affairs Office, Committee on Labor and Human Resources, Washington, DC.

Dear Senator Kennedy: We are writing to you at this time to express our sincere interest and support of the Comprehensive AIDS Relief Emergency (CARE) Act of 1990.

The metropolitan cities of the United States which have been impacted hardest by the AIDS epidemic are currently facing a critical drain on their resources. This impact is further complicated by the inability of many of the people with HIV infection and AIDS in these areas to pay for their medical needs.

The health care system as we currently know it is at the brink of a complete collapse. The only hope of keeping the system working is the assistance you have proposed for high impact areas which will slow the drain on this country's resources and stabilize the health care system. We must all realize that preventive health care is much cheaper and therefore more cost efficient than curative care.

Any assistance we can be to you on this proposal, please contract us at home; Ms. Mason 502-298-4664 and Mr. Jerrell 502-926-1627.

Sincerely,

Belinda Mason,
President, the National Association of People With AIDS (NAPWA); the National Commission on AIDS.

Ronald L. Jerrell,
Secretary, the National Association of People With AIDS (NAPWA).

AmFAR,
New York, NY, March 6, 1990.

Senator Kennedy, and Senator Hatch,
The Senate,
Washington, DC.

Dear Senator Kennedy and Senator Hatch: On behalf of the American Foundation for AIDS Research, I wholeheartedly endorse The Comprehensive AIDS Resources Emergency (CARE) Act of 1990. The AIDS epidemic is wreaking havoc in our nation's cities. The number of AIDS cases is expected to double in the next year and a half, and there is an increasingly urgent need for early intervention for the over one million Americans infected with HIV. Unless we act now, the impact on our health care system will likely be disastrous.

The Comprehensive AIDS Resources Emergency Act will provide urgently needed relief. Our hardest hit cities will receive emergency assistance to care for persons with AIDS. The Act will also make available much needed seed money to each and every state for the development and evaluation of cost effective models to provide care for persons with AIDS.

We must act quickly and decisively on this Act. The American foundation for AIDS Research welcomes your initiative and urges that it receive the urgent attention of Congress.

Yours truly,

Joel Weisman, D.O.,
Chairman, The American Foundation for AIDS Research.

Harvard School of Public Health,
Boston, MA, February 23, 1990.

Hon. Edward M. Kennedy,
Chairman, Labor and Human Resources Committee, U.S. Senate, Washington, DC.

Dear Mr. Chairman: On behalf of my 23 colleagues, the deans of the U.S. schools of public health, I wish to go on record in support of your "emergency legislative initiative for increased federal AIDS care funding." The proposed "Comprehensive AIDS Resource Emergency (CARE) Act of 1990" will address a need not presently covered by federal AIDS programs—basic support for community based agencies caring for persons with AIDS and HIV infection. This has been a missing piece in the national effort to deal effectively with the epidemic.

Along with preventing the further spread of HIV infection, the needs in health care for persons with AIDS have been a major interest and involvement of faculty at many schools of public health. The Association of Schools of Public Health, therefore, stands ready to support the CARE bill and applauds you, once again, for your leadership in this critical area of need.

Sincerely,

Harvey V. Fineberg,
Chairman, ASPH Legislative Committee.

The Stewart B. McKinney
Foundation, Inc.,
Fairfield, CT, February 28, 1990.

Senator Edward Kennedy,
Committee on Labor and Human Resources, Washington, DC.

Dear Senator Kennedy: I am writing to you today to offer my whole hearted support to you in your efforts to make the Comprehensive AIDS Resource Emergency (Care) Act and the Homelessness Prevention and Community Revitalization Act of 1990 a reality.

I am confident if Stewart were here he would have voiced his support and lent all his energies to see that these bills were passed.

I am well aware of all the deficiencies present in our government's systems to care for those with H.I.V. disease and the homeless among us. Every opportunity I have to address these issues I do so, I might add to the consternation of many others.

Putting a face on the landscape of homelessness and AIDS is of vital importance. All to often, it becomes an endless stream of numbers that many of our legislators and private citizens find too easy to ignore. I find this attitude present all to often and quite inhumane. We are at war with an epidemic that is everyone's disease. Everyone is at risk, not only to the consequences of infection, but to the loss of our sons, daughters, husbands, wives, and friends. We have a moral obligation as private and public citizens to eradicate this horror from our midst.

The bills that you wish to enact are the types of legislation long overdue and in a compassionate way meet the needs. Homelessness and AIDS walk hand in hand. You cannot speak of drug abuse without the latter. Human suffering has no place in our society. A nation like ours, who fails to care for it's own has also failed the constitutional mandate of our Founding Fathers.

Senator, if I can be of assistance to you in any way, written or personal testimony, please feel free to call on me at any time.

Sincerely,

Lucie C. McKinney,
Chairman of the Board.

[From the U.S. Conference of Mayors, Mar. 6, 1990]

THE IMPACT OF AIDS ON CITIES: THE NEED FOR EMERGENCY RELIEF, A SURVEY OF CITIES HIT HARDEST BY THE AIDS EPIDEMIC

The national AIDS/HIV epidemic has taken a devastating toll on the public health systems in our nation's cities. The disease that has already claimed more American lives than the Vietnam War has swept like a hurricane through our major cities, leaving hospitals and health care systems damaged, teetering on the edge of disaster. In contrast to hurricanes or earthquakes, the full force of which are ususally felt in a day or an instant, the AIDS/HIV epidemic has been pelting our cities each day for nearly a decade. For close to ten years, we have seen the numbers of diagnosed cases steadily increasing, the cost in human lives steadily mounting, and the level of health care services provided by cities increasingly incapable of meeting the growing demand.

AIDS has had a disproportionate impact on cities, creating major disaster areas scattered throughout the nation. Linked with the burden of almost every conceivable crisis facing America today hitting cities the hardest—including drugs, declining stocks of affordable housing, and aging infrastructures—the financial hardships forced on cities by the AIDS/HIV epidemic cannot continue to be borne by local governments without increased federal assistance.

The time for federal disaster relief is now.

THE COMPREHENSIVE AIDS RESOURCE EMERGENCY (CARE) ACT OF 1990

The United States Conference of Mayors is pleased to support the Comprehensive AIDS Resource Emergency (CARE) Act of 1990 which calls for direct federal emergency assistance to 13 cities within metropolitan areas that currently have greater than 2000 reported diagnosed cases of AIDS. These cities are: Atlanta, Boston, Chicago, Dallas, Houston, Los Angeles, Miami, Newark, New York City, Philadelphia, San Francisco, San Juan, and Washington, DC.

Every city is unique. Their histories in responding to the epidemic vary; the characteristics of their populations and their needs are different. What they share in common is the undue burden their local health care systems have been forced to carry in responding to the needs of people living and dying in their cities, in the face of dwindling resources and scarce federal assistance.

Many cities are planning and implementing comprehensive responses to the needs of persons with AIDS and HIV infection; most of the cities that would be eligible for emergency federal assistance under the CARE bill have developed strategic plans for coordinating sytems of care. Yet cities face a critical shortage of resources that prevent them from making these plans a reality. The CARE legislation would provide needed assistance to help patch the holes as well as lay the groundwork for comprehensive care approaches to meet the complex needs of persons with AIDS and HIV infection in cities that have been hardest hit by the epidemic.

The CARE legislation would also help address the development of a broad array of health care planning and services needed by cities. The sound public health options offered to localities through state grants will greatly assist in the provision of essential early and efficient care for people with HIV infection. The CARE legislation would also provide for the development and enhancement of effective models of comprehensive care for persons with AIDS which includes case management, access to community based clinical drug trials, home health care, housing, legal services, and other supportive services.

AIDS DISASTER AREAS: CURRENT CAPACITY AND PROJECTED NEEDS

The United States Conference of Mayors recently conducted a survey of cities affected by the emergency assistance measures of the Comprehensive AIDS Resource Emergency (CARE) Act of 1990 in order to gather information on the health systems of the local governments in responding to AIDS.

The major public health areas that the CARE bill will support include inpatient hospital care, outpatient care, nursing homes/sub-acute care facilities, home health care and hospice care—areas where evidence of overburdened urban public health care systems, straining to care for the disproportionate share of the nation's AIDS cases, is staggering.

Inpatient hospital care

The financial depletion of many of the nation's urban public hospitals—due to the rise in indigent care, the lack of adequate Medicaid financing, and private insurance coverage—has been exacerbated by the AIDS/HIV epidemic. As few as five percent of the nation's urban public hospitals are treating more than 50 percent of persons with AIDS. The changing population of people increasingly affected by AIDS—IV drug users, minorities, the indigent—has resulted in bad debt, hospital shortfalls and rapidly growing uncompensated care leading to declining hospital conditions and ultimately poor health care.

The crisis, though recognized in many quarters for some time, continues unabated. Urban public hospitals, often the only resort for those without private insurance, and, increasingly, those ineligible for Medicaid, are struggling to bear the burden, according to the cities surveyed by The U.S. Conference of Mayors. For example:

New York City's public hospitals provide care to 35 percent of all patients with AIDS in New York City, a disproportionate share given that the percentage of medical/surgical beds provided by the city government is only 16 percent of the city's total private and public hospital beds. Nearly 90 percent of the patients with AIDS treated at New York City public hospitals are indigent which means much of the care is uncompensated.

In Los Angeles, 40 percent of patients with AIDS depend on the public sector for medical services. According to one health official, "The disease is increasingly becoming a disease of the poor and the disease makes poor people out of many of the affluent it infects."

In Miami, Jackson Memorial Medical Center is the only public hospital in Dade County, providing 60 percent of the inpatient acute care to persons with AIDS in the area.

In Chicago, the city health department estimates the projected need for beds during the next five years is at a minimum 600 and may go as high as 1,600.

In Dallas, Parkland Memorial Hospital is the only public hospital in the county. Like most public hospitals throughout the nation, the burden of caring for AIDS patients falls on Parkland, where the majority of all patients are indigent. Approximately 50 percent of all AIDS patients in Dallas County are treated by the hospital, in addition to increasing numbers of AIDS patients from outlying counties that do not have public hospitals.

In San Juan, according to the AIDS Instittute, over 70 percent of the AIDS patients cared for by the city's publicly supported hospital system are medically indigent, unemployed, and are IV drug users.

The AIDS/HIV epidemic has generated an enormous burden on all of the major urban public hospital systems, which, coupled with the increase in drug use, particularly crack cocaine, and homelessness, has placed many systems on the verge of collapse. But the worst of AIDS is yet to come; according to the CEO of Parkland Memorial Hospital in Dallas, "A sophisticated continuum of care must be in place now that the volume of HIV-infected individuals has not entered the health care pipeline. . . . When the impact of that patient caseload hits, the force will be similar to water erupting from a garden hose that has a knot in it."

Outpatient care

Outpatient care, provided either by a hospital or clinic, has long been recognized as often the most appropriate vehicle for persons with AIDS and HIV infection to obtain treatment. However, given resource limitations, cities responding to the Conference of Mayors survey are unable to meet the current and projected demands for services. For example:

In San Francisco, it is projected that 20,055 to 23,651 patients annually will require ambulatory care for their HIV infection between 1990 and 1993. Given the current capacity of 25,000 visits for HIV-related diseases per year at San Francisco General and 20,000 visits for HIV-related diseases per year at its District Health Centers, the capacity for an additional 42,000 patient visits per year will be required in the public sector by 1993.

In New York City, the estimated demand for outpatient care for persons with HIV-related medical conditions for the end of 1990 is 29,126 people.

In Houston, at the indigent care facility, there were 3,804 outpatient visits for persons with AIDS in 1989 with an average cost per visit of $669.

In Dallas, the Parkland AIDS Outpatient Clinic's current patient caseload of approximately 1,300 patient visits per month receives a disproportionately large share of hospital resources. The cost of treating AIDS patients on a outpatient basis at Parkland was more than $6 million in 1989—a cost equal to approximately three percent of the hospitals total operating budget.

In Philadelphia, according to the Department of Public Health, an ambulatory care clinic network, which currently does not exist in an organized fashion in the city, would greatly enhance the accessibility of medical care to people with AIDS and HIV infection, especially those who are uninsured or underinsured.

Nursing homes/sub-acute care facilities

Most cities responding to the USCM survey report there is currently a shortage of nursing home beds for persons with AIDS. Given this fact and the resulting waiting lists for admission, it is reported that nursing homes have been reluctant to admit PWAs. Barriers that have also been cited include:

The level of care PWAs require is typically more expensive and complicated in comparison with a traditional geriatric population;

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Medicaid and Medicare reimbursement amounts do not meet the additional costs of providing care;

The majority of PWAs who could benefit from this service in most cities are viewed as undesirable by many private nursing homes authorities;

Discrimination against PWAs, particularly on the part of local neighborhood residents who don't want PWAs "in their backyard," has blocked many residential care facilities.

Nursing homes provide institutionalized residential care for individuals who cannot care for themselves and/or unable to function outside an institution. Up to this point, while the need for nursing home care has been great, the accessibility for PWAs to nursing homes has been extremely limited in cities nationwide. For example:

In New York City, there are currently 66 nursing home beds for PWAs provided by Terrance Cardinal Cooke Center and an additional 93 beds provided by the Health and Hospitals Corporation out of a total estimated number of nursing home beds of 35,000. The average cost per day for skilled nursing facilities is $371.

In Miami, the Human Resource Health Center was the first nursing home in the nation to accept AIDS patients and currently has 17 beds available to PWAs. An organized system of residential care for adults with AIDS has not been fully developed due to complicated state licensure rules and procedures. There is also reported reluctance for long-term care facilities to actively accept clients with HIV.

In Chicago, based on the projections of the number of AIDS cases for 1989 through 1994, it is estimated that the following number of nursing home beds will be required for PWAs during the next five years: 1989: 85–100; 1992: 185–220; 1994: 270–335. To date, however, there are only four nursing home beds available for PWAs in Illinois. The waiting list at this facility is reported to be between 10–20 persons.

In Washington, DC, only two nursing homes have placed PWAs in their facilities. The Washington Commission of Public Health reports that there continues to be concern about private sector nursing homes' willingness to care for PWAs.

In Houston, of the sixty-two nursing homes in the city, only one (1) provides care to PWAs. The nursing home requires that prior to acceptance of a PWA, the hospital seeking admission must incur the cost for additional medication. Medicare coverage allows only for the cost of three medications and most patients average fifteen medications each.

In Philadelphia, the residential program for drug and alcohol abusers with AIDS requires a 300% increase in capacity to 60 beds to meet the demand for services. It is also anticipated that the residential program for homeless individuals with AIDS will need to double in size to 50 beds.

Home health care

The nature of HIV infection makes in-home services an appropriate health care service for PWAs. Because the disease is episodic, clients can be treated for and recover from an opportunistic infection, be well for a period of time, and then succumb again to the same or another infection. PWAs in recuperative periods can often be cared for at home after hospitalization with proper nursing and home care. Some areas reporting to The U.S. Conference of Mayors relate success stories; in San Francisco, the Visiting Nurses Association has 85 hospice care spaces available for PWAs with waiting lists of two to three days.

However, even in San Francisco, as in other cities with high numbers of AIDS cases, the availability of home health care cannot meet the demand for services.

In New York City, the Human Resources Administration provided home care to 444 clients in 1989. The projected demand for the end of 1990 is 2,080.

According to Washington, DC Commission of Public Health estimates, 25% of PWAs in the city will require some type of home care services.

In Houston, the large number of persons with HIV infection coupled with the limited number of home health care agencies serving this population results in considerable unmet need. The home health agencies providing services to the low income population are only able to serve 10%–15% of those in need of services. An average of 40 individuals requesting services are unserved on a monthly basis.

Hospice care

Hospice service comprise end-stage care for persons with terminal illness and are designed to provide palliative and supportive services for the terminally ill, either through hospice facilities or home-based care. Cities responding to the USCM survey report:

In New York City there are currently no providers of hospice care. Most terminally-ill PWAs are served based on a continuum of care basis through health-related facilities or skilled-nursing facilities, because of existing funding restrictions and reimbursement mechanisms pertaining to hospices.

In Washington, DC, the Washington Home facility has an inpatient hospice program for PWAs. The facility has a capacity of nine beds.

A survey of Chicago hospices, both hospital-based and home-based, indicated that 200 PWAs have been served by hospice programs, which is approximately 10% of all PWAs in Chicago. The average amount of service required per PWA is 77 days.

In Miami, one agency in the area provides hospice services for 478 PWAs. The projected demand for hospice services for PWAs in Miami for the end of 1990 is 717.

[From the National Organizations Responding to Aids, Washington, DC; Mar. 5, 1990]

OVER FIFTY NATIONAL ORGANIZATIONS CALL FOR AIDS CARE RESPONSE

WASHINGTON.—This morning Senator Edward Kennedy introduced a bill to provide $500 million in federal assistance to states and cities for AIDS care. Calling today's action by Senators Kennedy and Hatch and (20) other co-sponsors "the most urgently needed and responsive AIDS initiative yet" more than 50 national organizations called on Congress to press for expeditious passage. The coalition of professional, service and community organizations known as the National Organizations Responding to AIDS (NORA) joined the Senate co-sponsors, Elizabeth Taylor, Mayor David Dinkins, and The National AIDS Commission in a Capitol Hill press conference this morning.

The bill formally called the "Comprehensive AIDS Resources Emergency Act of 1990" (CARE), calls for $500 million in federal assistance to all states to assist in planning and coordinating services for people with HIV. A major component of the legislation provides for "disaster relief" for the thirteeen cities hardest hit by the epidemic. "The nation's ability to respond with generosity and support to disasters such as Hurricane Hugo and the San Francisco earthquake provides the spirit upon which this bill is based" said Jean McGuire, chair of the NORA coalition. With more Americans lost to AIDS than any natural disaster or war in the last 30 years "this bill is a great example of sound legislation; built upon compelling need, responsive in an unprecedented crisis and compassionate in an appropriate and cost-effective manner" continued McGuire.

Calling the nation's ability to respond to the care needs of children, women, adolescents and men with AIDS and HIV infection as 'burdened to the point of collapse", Donna Richardson of the American Nurses Association applauded the bill's ability to "empower communities to build upon existing systems and unite communities around the common decency of care". To date the federal response to AIDS has primarily focused on the prevention, education and research issues but not on the critical issue of assistance to people in accessing necessary care.

"This nation's billion dollar investment in AIDS research will only be profitable if access to the treatments is assured to people with HIV infection at the earliest opportunity" said Mike Merdian, of the National Association of People with AIDS. This bill gives both the necessary resources and the local flexibility to allow communities to begin the development of these service systems.

Noting that the President has recently sent $500 million to Panama for assistance and the same sum to US border cities to assist in the interdiction of illegal drugs, McGuire stated "we are hopeful that the President will endorse this bill as an equal partner in the priorities of our nation".

The National Organizations Responding to AIDS (NORA) is comprised of over 140 professional, religious, and AIDS service groups. The coalition was founded in 1987 and is currently the major political voice on AIDS and HIV on Capitol Hill.

Signed by—

AIDS Action Council.
AIDS National Interfaith Network.
American Anthropological Association's Task Force on AIDS.
American Association for Counseling and Development.
American Association for Marriage and Family Therapy.
American Association of University Affiliated Programs for Persons with Developmental Disabilities.
American College Health Association.
American Federation of State County and Municipal Employees.
American Foundation for AIDS Research.
American Home Economics Association.
American Medical Student Association.
American Nurses' Association.
American Psychological Association.
American Public Health Association.
Association of Schools of Public Health.
Catholic Health Association of the United States.
Center for Population Options.
Chronic Fatigue Syndrome Information Institute Inc.
Citizens Commission on AIDS.
City of Chicago.
City of New York.
City of Philadelphia.
Coalition for the Homeless.
Committee for Children.
Consortium of Social Science Associations.

Federation of Parents and Friends of Lesbians and Gays.
Human Rights Campaign Fund.
Infectious Diseases Society of America.
Legal Action Center.
National AIDS Network.
National Assembly of State Arts Agencies.
National Association of State Alcohol and Drug Abuse Directors.
National Association for Home Care.
National Association of Community Health Centers Inc.
National Association of Counties.
National Association of People with AIDS.
National Association of Protection and Advocacy Systems.
National Association of Public Hosptials.
National Association of Social Workers.
National Council on Alcoholism and Drug Dependence.
National Council on La Raza.
National Gay and Lesbian Task Force.
National Hemophilia Foundation.
National Hospice Organization.
National Minority AIDS Council.
National Puerto Rican Coalition.
National Urban Coalition.
Rainbow Lobby.
Service Employees International Union.
Sex Information and Education Council of the U.S.
The United States Conference of Mayors.
United States Conference of Local Health Officers.
UJA—Jewish Federation of New York.

[From the National Commission on Acquired Immune Deficiency Syndrome, Washington, DC, March 6, 1990]

Statement on the "CARE" Act of 1990

The National Commission on AIDS endorses the principles and objectives of the Comprehensive AIDS Resources Emergency (CARE) Act of 1990. This legislation is responsive to many of the recommendations in the report issued by the National Commission on AIDS in December 1989, as well as to recommendations of the Presidential Commission Report on the HIV Epidemic of June, 1988.

There must be frank recognition that a health care crisis exists in many of our cities that will require extraordinary measures to overcome. The HIV epidemic of the 1990's will be far worse than what we have seen thus far. Our Nation simply must be prepared to invest adequate resources now or pay dearly later.

The CARE Act of 1990 will provide emergency funds to those areas hardest hit by the epidemic. It will provide critical support for services in hospitals, clinics, other health facilities, and in the home. The CARE Act will prompt the development of more effective systems for the delivery of health and support services, including early intervention. It will develop and fund mechanisms to assure continuity of health insurance coverage for people with HIV disease and will also create community-based consortia capable of delivering a comprehensive continuum of care.

The Commission's recent hearings and site visits in the Los Angeles, New York City, and northern New Jersey areas impressed upon us the serious need for increased coordination between the various levels of government. Managing the HIV epidemic is a responsibility that must be shared by all. This legislation would stimulate further planning and coordination between all levels of government and the private sector.

The health care system in this country is not working well and nowhere is that more evident than for people with HIV infection and AIDS. While AIDS is not the cause of the health care system's disarray, its epidemic nature has accelerated the urgent need for responsible national action to correct the system's serious shortfalls.

The Commission is extremely pleased that a strong bipartisan commitment has been made to enact this bill and looks forward to the passage and funding of comprehensive AIDS care legislation by the 101st Congress.

[From the Washington Office of the Episcopal Church, Washington, DC, Mar. 5, 1990]

Statement in Support of Comprehensive AIDS Relief Expansion Act of 1990

(By Father Robert Brooks)

At the 69th General Convention of the Episcopal Church held in Detroit, Michigan in July, 1988, strong statements were adopted to help promote public policy to combat the AIDS crisis by advocating for long overdue funding to provide adequate public health care facilities for those suffering with AIDS.

Last year, The Most Reverend Edmond L. Browning, the Presiding Bishop of the Episcopal Church stated that the battle against AIDS is now a primary mission imperative of the Church. Since then, Bishop Browning has travelled across the country, committing a great deal of his time and energy as well as much of the resources of the National Church, advocating for the proper treatment and care for those suffering with AIDS.

Now, with this deadly disease having reached epidemic proportions, we must allocate emergency relief to those living in the metropolitan areas of the country that have been hardest hit by the AIDS public health disaster. It is a horrible fact that the 13 metropolitan target areas for disaster relief contain 55 percent of all the diagnosed AIDS cases in the United States.

However, it must also be understood that smaller cities, towns, and rural areas have not been immune from the ravages of AIDS. It is particularly in some of these areas, where care facilities don't exist or are largely inefficient and outdated, that the Church has also seen the need for action. It is in those communities where the National Church has worked in conjunction with local churches to expand the network of AIDS educators, caregivers and advocates for people with AIDS.

The Church is committed to combatting the AIDS crisis through education, anti-discrimination and comprehensive relief. Powerful legislation that will confront discrimination and the need for education passed by an overwhelming margin last fall. It is now time to put into motion a comprehensive plan to expand AIDS relief care and make it available to those in the most need of treatment.

It is said that one of the best tests of the greatness of a nation is to look at the way it treats those in need of assistance. As a great nation, we must strive to pass this test of our humanity by passing the Comprehensive AIDS Relief Expansion (CARE) Act of 1990.

[From the American Nurses' Association News, Washington, DC]

Nurses Support Emergency AIDS Relief Bill

Washington, DC, March 6.—The American Nurses' Association (ANA) announces its strong support of the emergency AIDS relief legislation introduced today by Senators Edward M. Kennedy and Orrin Hatch.

The legislation is designed to provide $600 million in emergency assistance. Half of this amount would go to hard-hit cities and the other half to states to develop comprehensive HIV care programs, including services for small cities and rural areas where the rate of increase in AIDS cases is now greatest.

"Nurses are on the front lines in addressing the wide variety of health care needs of persons infected with HIV," said Lucille A. Joel, Ed.D., R.N., F.A.A.N., ANA president. "We know firsthand how desperately the health care institutions of this country need this emergency relief."

The legislation builds on the sound notion that new service systems are not necessary, but rather the strengthening of existing community services is appropriately called for and long overdue. Without this assistance, many public hospitals are in danger of bankruptcy and closing and community-based service organizations will not be able to withstand the overflow. ANA officials believe the legislation is a very efficient way of beginning to address the inordinate burden this disease has placed on the nation's health care facilities.

ANA is the national professional organization representing the nation's two million registered nurses through its 53 state and territorial associations. The association has a long history of advocacy work for persons infected with HIV disease, and is a member of the National Organizations Responding to AIDS.

[From the National Association of Community Health Centers, Inc.]

Community Health Centers Laud Kennedy CARE Bill

The National Association of Community Health Centers, which represents the over 600 federally-funded Community and Migrant Health Centers and Health Care for the Homeless Projects nationwide, strongly endorses the Comprehensive AIDS Resource Emergency (CARE) Bill being introduced today by Senator Edward M. Kennedy (D-MA), Chairman of the Senate Committee on Labor and Human Resources.

As the AIDS epidemic has progressed over the last few years, Community Health Centers have seen our neighborhoods placed increasingly at risk. The six million patients we see every year at our Centers' 2000 health care facilities, the majority of whom are minority women of childbearing age and their children, are victims of epidemics of teenage pregnancy and alltime high infant mortality rates in our country already, much less the new triple threats of AIDS, crack cocaine, and sexually-transmitted diseases. Maintaining healthy families in the face of these public health disasters, under a severely limited federal grants program, becomes a challenge to the most dedicated and innovative Center staff.

Our primary outpatient health care services must now include substantial counseling and risk identification, to bring patients to an awareness of and commitment to handle their risk. This often requires longer visit times and additional staffing. Our Cen-

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ters must be able to offer AIDS-related screening as indicated, and care if necessary, even though these expensive drugs eat away the funds for drugs and services for all other patient care needs.

Centers must add these services if they are to be responsive, as their mandate dictates, to the community's health needs. After all, we see patients in most locations for whom our Centers are the only source of primary care other than emergency rooms.

Until this Bill, our Centers were despairing of the great financial risk these additional costs pose, in the face of level or unpredictably fluctuating grant funding under the Health Centers program in recent years.

This Bill acknowledges the need for fortification of frontline community clinic providers, immediately in its disaster relief provisions and for the future in its consortia and early intervention sections. Community Health Centers know what is needed, and stand ready to provide early care through the funding provided in this timely legislation.

[From the National Association of State Alcohol and Drug Abuse Directors, Washington, DC, Mar. 6, 1990]

NASADAD HAILS INTRODUCTION OF EMERGENCY AIDS LEGISLATION

The National Association of State Alcohol and Drug Abuse Directors, Inc. (NASADAD) joins with other members of the National Organizations Responding to AIDS (NORA) in strongly supporting emergency AIDS care legislation introduced today by Senators Edward Kennedy and Orrin Hatch and urges speedy consideration by the full Senate.

The Comprehensive AIDS Resource Emergency (CARE) Act of 1990 will assist States and local communities to more adequately respond to the health crisis related to AIDS/HIV and alcohol and other drug abuse. Additionally, the legislation will facilitate cooperative efforts between the primary health care system and the substance abuse treatment system to assure early intervention and continuity of care in the treatment of drug dependencies and other health problems.

"Alcohol and other drug abuse treatment programs throughout the United States are currently straining to meet two equally pressing demands: do more and do it better," stated NASADAD President John S. Gustafson, Deputy Director of the New York State Division of Substance Abuse Services. Mr. Gustafson added, "The urgency of these requirements has escalated as a result of several societal trends, including the spread of HIV/AIDS, the crack epidemic, and the increase in homeless persons, mentally ill chemical abusers and substance abusers who are parents."

AIDS has fundamentally changed the nature and scope of alcohol and other drug abuse treatment, and has introduced new areas of emphasis within treatment and service programs, ranging from the management of physically sick and dying clients to the provision of HIV testing services to the initiation of new outreach, counseling, and other services designed to prevent the spread of AIDS.

"The State Alcohol and Drug Abuse Directors appreciate the ongoing concern of Senators Kennedy and Hatch and others for persons with HIV/AIDS and those at risk for contracting the disease and laud their efforts to develop comprehensive AIDS policies supported by increased federal resources," stated NASADAD President Gustafson. "We stand ready to assist in the passage of legislation to effectively address the overwhelming drug treatment and primary health care needs of this growing population," he added.

The National Association of State Alcohol and Drug Abuse Directors, Inc. (NASADAD) is a not-for-profit organization comprised exclusively of the State and territorial Administrators of the publicly funded alcohol and other drug abuse prevention and treatment system. NASADAD's primary purpose is to foster and promote the development of effective alcohol and other drug prevention, intervention and treatment services throughout the Nation.

REMARKS BY AMFAR FOUNDING NATIONAL CHAIRMAN ELIZABETH TAYLOR AT NEWS CONFERENCE TO INTRODUCE THE COMPREHENSIVE AIDS EMERGENCY RESOURCE ACT OF 1990

I am so honored to be here with some of the most courageous political leaders in the fight against AIDS.

I want to offer my most heartfelt thanks to all of you who have joined this battle. Senator Kennedy and Senator Hatch, I applaud your ability to overcome partisan differences and join together to fight the disease. Mayor David Dinkins, your presence here testifies to the harrowing devastation AIDS is reaping on great cities such as New York.

AIDS is unmercifully killing people—people I know and love and, I suspect, people you know as well.

But sadly, the darkest days of the AIDS crisis still lie ahead of us. Hundreds of thousands of lives hang in the balance unless we begin to confront AIDS as a true national medical emergency.

And yet, there are those who would have us believe that this health crisis is no crisis at all, that the number of AIDS cases is levelling off, that heterosexuals are not at risk, and that AIDS has been overfunded.

Well, these people are wrong, dead wrong.

We cannot blind ourselves to the coming storm. We cannot fall victim to the dangerous trap of complacency and false security.

I have seen the horrible impact this disease has had on people from all walks of life. In my travels around the country, and to countries abroad, I have come face to face with the tragedy of AIDS. I have watched good friends wither away and die. I've seen newborn infants struggling to keep alive past their first birthday. I've seen the tragedy of women who became infected simply because no one bothered to warn them about the dangers of AIDS.

Quite frankly, I have seen enough. Isn't it time we stopped fooling ourselves about the threat of AIDS and launch an all-out assault on this heinous monster?

We need money—we need lots of money and we need it now. Our cities and States are being choked by the enormous cost of caring for AIDS patients. They can no longer cope, they need disaster relief now.

That's why I'm here. I am here to say that I will not stop fighting, I will not be silent until Congress passes this bill. Just think of it: a half a billion dollars. Think of what that money can do.

And please, I beg of you, think of the men, women and children who need our help. Think of their desperate struggle to survive in a world that until now has been indifferent to them, at best. We Americans are a generous people and we can't bear to witness undue suffering. Today, let us open our hearts and our pocketbooks. Common sense and human compassion tell us that we can do nothing less. Thousands and thousands of lives are depending on it.

Thank you very much.

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME,
Washington, DC, December 5, 1989.
President GEORGE BUSH,
The White House, Washington, DC.

DEAR PRESIDENT BUSH: The official charter for the National Commission on Acquired Immune Deficiency Syndrome (AIDS) was signed on August 2, 1989. Since that time the National Commission has convened a series of hearings to solicit information and recommendations from experts in the field of medicine and public health policy to assist the Commission in meeting its statutory mandate of "promoting the development of a national consensus on policy concerning acquired immune deficiency syndrome."

The testimony we recently heard on health care and financing was so compelling we felt it is vital to write you now, rather than wait until our statutorily required annual report next August. In fact, the Commission will continue to bring these urgent matters to your attention and to the attention of Congress as we hear from the experts about the Human Immunodeficiency Virus (HIV) epidemic and what is needed to respond to it.

The following represents the first of such reports which we hope will prompt appropriate action.

OVERVIEW

"We don't have time to sit around and have this Commission live out its life and issue another report and have another report, another Commission. . . . We have to act and we have to act swiftly."

This testimony was presented before the National Commission on Acquired Immune Deficiency Syndrome at a hearing held in Washington, DC., November 2nd and 3rd of this year. The Commission convened a meeting of experts to examine the global, national and local challenges confronting the United States in the HIV epidemic. The message from the experts was clear and alarming:

There is a dangerous, perhaps even growing, complacency in our country toward an epidemic that many people want to believe is over.

Far from over, the epidemic is reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's.

The link between drug use and HIV infection must be acknowledged and addressed in any national drug strategy.

There is no national plan for helping an already faltering health care system deal with the impact of the HIV epidemic.

Over the coming months, the Commission intends to bring the message of experts who have studied the problems and proposed the solutions to those who have the power to act. The Commission believes it is time to match rhetoric with action.

This letter is intended to outline the first of these messages from experts in the field of health care and financing: the public health care system in this country is not working well and nowhere is that more evident than for people with HIV infection and AIDS. While AIDS is not the cause of the health care system's disarray, it may well be the crisis that could pressure responsible national action to correct its serious shortfalls.

SCOPE OF THE PROBLEM

To date, AIDS has claimed more American lives than the Vietnam War. Over the course of the next four years in this country, AIDS will likely claim an additional 200,000 lives. It is estimated that by 1991 AIDS will be among the top ten leading causes of death in the United States. Nearly one-half of all AIDS cases reported to the Centers for Disease Control (CDC) through May 1989 were diagnosed in people 30 to 39 years old. By 1991, ten years after the first AIDS cases were reported, AIDS will far exceed all other causes of death for people between the ages of 25 and 44 years. In testimony before the Commission, it was stated that nine times more adults around the world may develop AIDS during the 1990's than have developed AIDS during the 1980's.

The proportion of AIDS cases with intravenous drug use as a risk behavior has risen from 25 percent prior to 1985, to 30 percent in 1988. In New York City, alone, as estimated 100,000 intravenous drug users are HIV-infected.

The HIV epidemic is not just a New York City or a San Francisco problem as some would like to believe. While it is true that before 1985, 44 percent of all cases of AIDS were diagnosed in the New York City or San Francisco areas, by 1988 this proportion had fallen to 25 percent. By 1991, it is expected that 80 percent of new AIDS cases will come from outside New York City and San Francisco.

In increasing numbers, these new cases will be women and children. As one prominent pediatrician from New Jersey told the Commission, "As a society, we claim to protect and cherish our children, but in fact, we have placed women and children squarely in front of an onrushing HIV epidemic."

The cumulative incidence of AIDS cases is disproportionately higher in Blacks and Hispanics than in whites. Fully 25 percent of all persons with AIDS in the United States are African-American and the number is growing. In fact, there has been, as one witness told the Commission, "a disproportionate impact of HIV on disenfranchised populations, gays, the poor, racial minorities, women, adolescents and drug users—populations having already less than optimal access to quality health care. . . . The development of a national care and treatment strategy will require a rethinking of our past effort."

ACCESS TO CARE

Recent years have seen considerable advances in the development of new HIV-related drugs, including the prospect of treating HIV infection before symptoms develop. But scientific breakthroughs mean little unless the health care system can incorporate them and make them accessible to people in need.

The belief that Medicaid will pay for the health care needs of the growing number of low income people with HIV infection and AIDS is, as one expert witness told the Commission, a "Medicaid fantasy." According to one quarter of all AIDS patients have no form of insurance, a 1987 U.S. Hospital AIDS Survey, almost private or public. Less than 20 percent of the persons with AIDS treated in southern hospitals were covered by Medicaid, compared with 55 percent in the Northeast and 44 percent nationwide.

For the medically disenfranchised, there is no access to a system of care. For those who have no doctor, no clinic, no means of payment, access to health care services is most often through the emergency room door of one of the few hospitals in the community that treats people with HIV infection and AIDS. Five percent of the nation's hospitals treat fifty percent of the people with AIDS.

For those who are covered by Medicaid, access to care is better than for those who have no insurance at all. However, the obstacles to care under Medicaid funding can be insurmountable for many. One obstacle is the wide variation among states in Medicaid eligibility and scope of benefits. The Food and Drug Administration (FDA), under considerable public pressure, has struggled with mechanisms to speed new drugs to the market. Yet there is no requirement that Medicaid make even life-prolonging drugs such as zidovudine (AZT) available.

Another obstacle to needed care for persons with HIV infection and AIDS who qualify for Medicaid is the low reimbursement rates. Stunning examples of Medicaid physician compensation rates far below those by private insurance or Medicare were illustrated during the Commission hearing. For example, a new patient intermediate office visit in New York City is compensated by Blue Cross at $78, by Medicare at $80, and by Medicaid at $7. One witness indicated that physicians in New York with large AIDS practices were reluctant to refer Medicaid patients for specialty consultations because of low levels of reimbursement—levels so low that several physicians said the few dollars at stake per office visit were not worth the time and paperwork to bill the Medicaid program.

In summary, a series of problems have resulted in a health care system singularly unresponsive to the needs of HIV infected people: the initial appearance of HIV infection and AIDS in groups often shunned by the larger society—gay men, the poor, minorities, and intravenous drug users encouraged a slow response, a gross lack of training support for primary care physicians to treat people with HIV infection and AIDS, and serious disincentives for physicians to take Medicaid patients and perhaps poor people in general.

WHAT IS NEEDED?

First, frank recognition that a crisis situation exists in many cities that will require extraordinary measures to overcome. Significant changes must be made not only in our health care system but in how we think about the system and the people it is designed to serve. As one witness told the Commission, it can no longer be "business as usual."

Second, the creation of a flexible, patient-oriented, comprehensive system of care, closely linking hospital, ambulatory, residential, and home care. Primary care physicians must be central to such a system. But if primary care doctors are to care for patients with HIV infection and AIDS, they need the financial, social and institutional support to assist them in managing complicated patients.

Third, consideration of the creation of regional centers or networks of care, perhaps using the already existing regionalized hempophilia treatment program as a model. These centers would not serve as a replacement for the care provided by primary care physicians but would provide backup and consultation to help strengthen community based primary care.

It is essential that everyone be afforded early intervention and access to care. In addition, the availability of backup and consultation from appropriate specialists is required to provide the assistance and encouragement primary care doctors need to see more people with HIV infection and AIDS. Regional centers should also provide the appropriate link with the hospital when hospital services are needed.

Fourth, create units which can treat patients who have both HIV infection and drug addiction. The availability of drug treatment on request is essential for responding to the combined HIV and drug epidemic that imperils not only drug users but also their sexual partners and children.

Given the massive link between drug use and HIV infection, and the fact that there is an alarming increase in the number of new infections among intravenous drug users, the Commission wishes to go on record in expressing its surprise and disappointment that the White House National Drug Control Strategy mentions AIDS only four times in its ninety pages of text and not at all in its recommendations or discussions of how to allocate resources. The President's drug strategy simply must acknowledge and include HIV infection and AIDS.

Fifth, provide comprehensive health care services under one roof. Fragmented services create additional barriers to needed health care. Often mothers will seek health care services needed for their babies but are not able to then gain access to care for themselves. Health care services for women and children need to be provided in one place. For the homeless, housing and health care need to go hand-in-hand. This is true not only for those who are homeless today but for those who will become homeless tomorrow because of the HIV epidemic.

WHAT WILL IT COST?

Estimates of the national costs of direct medical care for persons with AIDS in 1991 range from $2.5 to 15.1 billion (in 1988 dollars). These estimates represent a small fraction of the total health care costs for the nation—from less than one to slightly more than three percent. We simply must be prepared to make these expenditures.

WHO IS RESPONSIBLE FOR ACTION?

In carrying out its mandate, the National Commission on AIDS will attempt to delineate clearly the roles and responsibilities of various levels of government and the private sector in responding to and managing the HIV epidemic.

To date, there is no national policy or plan, and no national voice. Currently, as one witness testified, without the definition of roles each level of government points a finger at another and says it is their job. Clearly, managing the HIV epidemic is a responsibility which must be shared by all.

Without federal leadership the states have assumed various degrees of responsibility for planning, coordination and the provision of care. Likewise some local governments have played key roles in determining how patient services could be provided and in demonstrating important models for service delivery.

The role of the private sector voluntary and professional AIDS service organizations has been all important in managing the HIV epidemic to date. Foundations and corporations have also been important and their roles need better recognition and definition.

"We must," the Commission was told, "move swiftly to bring the missing players to the table . . . this includes a greater leadership, financing and service delivery. It includes the support and cooperation of the insurance industry, employers, physicians and other medical providers, and last but profit-wise not least, the pharmaceutical industry as well."

Responding to the challenge to bring the "missing players to the table," the National Commission on AIDS intends to do just that in hearings, working groups and other forums that can swiftly translate the facts into action and hold us all accountable for the national strategy that is long overdue. The time has come to define exactly what needs to be done, and measure how far we have come, and how much farther we still have to go.

On behalf of all of the members of the National Commission on AIDS, we look forward to being able to continue to bring important information to your attention.

Sincerely,

David E. Rogers, M.D.,
Vice Chairman,
June E. Osborn, M.D.,
Chairman.

[From the Los Angeles Times, Jan. 26, 1990]

AIDS: National Panel Calls for Emergency Relief

(By Kenneth J. Garcia)

The head of the National Commission on AIDS said Thursday the panel will seek emergency disaster relief money for the cities hardest hit by the AIDS epidemic because of inadequate federal, state and local funding.

Commission members meeting in Los Angeles said they would seek congressional support for a bill that would provide emergency funding—similar to relief provided for communities crippled by earthquakes, floods and hurricanes—for Los Angeles, New York, San Francisco, Newark and Miami.

Summary of the Comprehensive AIDS Resources Emergency (CARE) Act of 1990

TITLE I—EMERGENCY ASSISTANCE

It is the purpose of this title to provide emergency relief to those metropolitan statistical areas hardest hit by the AIDS public health disaster (see Attachment A). Funds are to be used by eligible individual MSAs to:

(a) support hospitals, clinics, community health centers, and nursing/sub-acute care facilities serving a disproportionate share of low-income individuals and families with HIV disease.

(b) provide case-managed community-based outpatient health and support services for the purpose of reducing hospitalization and expediting discharge.

No funds under this Title may be used for renovation or rehabilitation of physical facilities unless the MSA can demonstrate that a critical shortage of long-term, sub-acute or congregrate care facilities exists within the service area. Federal funds used for remodeling must be matched (50/50) by the locality-state—with allowance for in-kind contribution.

50 percent of funds appropriated under this program must be distributed to MSAs with greater than 2000 AIDS cases within 60 days and shall be allotted according to relative number of AIDS cases and per capita incidence within the MSA.

50 percent of funds shall be awarded by Secretary as supplemental grants to MSAs with greater than 2000 AIDS cases. Such supplemental grants must be distributed within 5 months after funds become available on the basis of need, local investment, potential for immediate utilization, and development of a comprehensive plan for organization and delivery of HIV care, treatment and support services.

In order to receive funds, political subdivisions within each eligible MSA must establish an intergovernmental agreement and advisory board to govern allocation of resources.

Funds must supplement NOT supplant existing state, country, or local funds provided for services to individuals with HIV disease. In addition, funds may not be utilized for any purpose not specifically delineated in statute.

Authorizes $250 million for 1991 and 1992 with such sums as may be necessary in 1993, 1994, and 1995.

TITLE II—COMPREHENSIVE CARE PROGRAMS

It is the purpose of this title to provide for the organization, development and operation of more effective and cost efficient systems for the delivery of essential care, treatment, early intervention and support services to individuals and families with HIV disease. Eligible uses of funds include:

(a) Creating and operating local consortia of public and private health and support service entities capable of delivering a comprehensive continuum of care to individuals with HIV disease including children and families; if practical, a funded consortium must demonstrate an ability to deliver services to and address the needs of the full range of populations and subpopulations with HIV disease within its service area and must include participation of community organizations with a history of service to such individuals.

(b) Delivering outpatient, home health and support services to low-income, medically eligible individuals with HIV disease;

(c) Developing and funding mechanisms to assure continuity of health insurance coverage for individuals with HIV disease;

(d) Providing therapeutics determined to prolong life or prevention of serious deterioration of health of individuals with HIV disease;

(e) Integrating early intervention services with care and support services in existing public health and medical care settings.

Up to 10% of the funds appropriated under this title may be reserved by the Secretary to directly fund Special Programs of a National Significance for the care of individuals and families with HIV disease and for technical assistance to states.

The remainder of funds appropriated shall be distributed to states based on the number of AIDS cases reported to CDC by the state in the preceeding 24 months as a percentage of all AIDS US cases reported in the same period.

All states receiving funds must develop a comprehensive plan for HIV health and support services.

In states with significant incidence of AIDS (1% or more of the US AIDS cases), not less than 50% of funds appropriated under this title shall be distributed directly to local entities in areas hardest hit by HIV (see Attachment B).

In states with less than 1% of US AIDS cases, the state must assure than not less than 5% of funds are utilized to develop a plan for coordinating the delivery of services to individuals and families with HIV disease.

Authorizes $250 million in 1991 and 1992 with such sums as may be necessary in 1993, 1994, and 1995.

TITLE III—HIV HEALTH SERVICES RESEARCH

Directs the Agency for Health Care Policy and Research to evaluate the impact and cost effectiveness of various models of AIDS care.

Attachment A

Disaster Relief Areas

Eligible Metropolitan Statistical Areas (MSAs)—those with more than 2,000 diagnosed AIDS cases.

As of February 1, 1990, the following cities were eligible for relief according to the Centers for Disease Control.

These 13 cities have 74,363 diagnosed AIDS cases or 61% of all cases diagnosed in the United States.

[Dollar amounts in millions]

	Adults	Children	1st round allocation [1]	2d round allocation [2]
Atlanta	2,365	21	$3.9	(2)
Boston	2,010	33	3.0	(2)
Chicago	2,932	36	4.4	(2)
Dallas	2,068	8	3.1	(2)
Houston	3,495	29	5.5	(2)
Los Angeles	8,295	73	13.5	(2)
Miami	2,919	124	5.7	(2)
New York	22,912	557	46.0	(2)
Newark	3,339	99	6.5	(2)
Philadelphia	2,505	36	3.6	(2)
San Francisco	7,545	15	19.9	(2)
San Juan	2,057	73	4.5	(2)
Washington	370	51	5.3	(2)
Total	73,119	1,245	[1]125.0	[2]$125.0

[1] 1st round allocations totaling $125 million are made by formula (# cases and incidence) within 60 days of appropriation of funds.

[2] 2d round allocations totaling $125 million are distributed on the basis of competitive applications submitted by eligible areas, within 150 days of appropriation of funds.

Attachment B

States With a Significant incidence of AIDS

Significant incidence—states with more tha 1% of the total number of AIDS cases reported in the last year. Ranked by the number of cases in each, these states area: New York, California, Florida, Texas, New Jersey, Illinois, Puerto Rico, Pennsylvania, Georgia, Massachusetts, Maryland, District of Columbia, Louisiana, Ohio, Washington, Connecticut, Michigan, Virginia, Missouri, and Colorado,

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[From the New England Journal of Medicine, New York, NY]

Editorial: Federal Spending on Aids—How Much Is Enough?

(By David E. Rogers, M.D.)

I believe that we are spending vastly too little on AIDS from the federal purse and are targeting some of it very poorly. Although the amount of scientific knowledge about HIV infection that has been generated in a very short time has been breathtaking and bodes well for the future, the degree of human misery and suffering associated with AIDS far exceeds anyting I have witnessed during my 40-year professional lifetime. What has happened to too many persons with AIDS is so heart-wrenching as to be almost unbelievable. It shames us as a nation. Not all this sorrow could have been prevented by increased expenditures on the disease, but some of the tragedies accompanying the AIDS epidemic could have been softened by better funding, coupled with aggressive but compassionate leadership at all levels.

Note:—David Rogers is President Bush's appointee to the National Commission on AIDS.

Need for Legislation and Recommendations from Presidential Commission on the HIV Epidemic—Final Report, June 1988

The Presidential Commission on the HIV Epidemic was a group of 15 individuals all of whom were appointed by President Reagan. The commission was chaired by Admiral James Watkins, now Secretary of Energy. Excerpts from their final report follow.

OBSTACLES TO PROGRESS

Witnesses before the Commission and other experts expressed concern that our health care delivery system currently is structurally and financially unprepared to deal with the diverse needs of people with HIV infection, as well as those with other chronic ilinessses.

Much of the newly emerging HIV patient population is dependent on already overburdened municipal hospital systems.

Health care service resources to date have primarily been directed toward meeting the acute care needs of persons diagnosed with AIDS and not been available to others in the HIV patient spectrum for diagnosis, early intervention, or support.

Currently, the vast array of services required for people with HIV infection are uncoordinated or may be available only in pieces. A person with HIV infection is confronted by a complex system of fragmented and expensive services. Out-of-hospital care is generally inadequate. Indeed, a large and growing number of HIV infected persons are poor and medically underserved, and are covered by Medicaid and other forms of public assistance. If a wider range of coordinated out-of-hospital services were available, hospitalizations could presumably be decreased.

The range of services is inadequate to meet the diverse and often complex needs of HIV infected families. Available services, such as day care, home care, respite care, and psychosocial services, would decrease the number of hospitalizations of children with AIDS and help to maintain the intactness of the natural family.

The private and public health care reimbursement systems emphasize institutional care and are unresponsive to alternative health services, which may be more desirable from the patient's perspective and more cost effective over the long term.

A pluralistic approach involving public and private financing of HIV related care is being jeopardized by inadequate insurance coverage of HIV infected individuals.

RECOMMENDATIONS

Municipal hospital systems in high prevalence cities should assess their current and five-year anticipated demand for HIV related services for incorporation into a plan for increased funding for patient care in community and long term care settings.

Health care facilities should provide or arrange for a case manager or some equivalent mechanism for assuring continuity of care for HIV infected persons who use their facilities.

Facilities which currently care for persons infected with HIV should be encouraged to make available psychosocial care as needed.

The Public Health Service through HRSA and in collaboration with the states should provide funding and technical assistance to communities in order to establish services to fill existing gaps and to develop coordinated networks of service. Systems created should include a continuum of services, emphasize alternatives to hospitalization, and utilize a case-management approach.

The Community Health Center Program should be increased in high incidence areas to allow for the provision of additional services to persons infected with HIV. Community Mental Health Centers should develop programs targeted for persons infected with HIV and their loved ones.

The federal government and the states should provide funds for home health care services for underinsured persons with HIV infection. Each state's federal allocation for home health care should be based on the ratio of the number of persons with AIDS in the state to the total number of persons with AIDS in the US.

In areas where availability of intermittent or chronic care services is encumbered by local restrictions or zoning requirements, local governments should provide reasonable variances to permit such care to be available.

Consideration should be given to providing federal assistance to help pay the private insurance premium, under the COBRA program, for persons unable to pay full premium.

The federal government should encourage all states to enact a qualified state pool for medically uninsurable individuals.

Excerpts From the National Commission on AIDS—Report No. 1, Dec. 1, 1989

ACCESS TO CARE

Recent years have seen considerable advances in the development of new HIV-related drugs. But scientific breakthroughs mean little unless the health care system can incorporate them and make them accessible to people in need.

The belief that Medicaid will pay for the health care needs of the growing number of low-income people with HIV infection and AIDS is, as one expert told the Commission, a Medicaid fantasy. According to a 1987 US Hospital AIDS Survey, almost one quarter of all AIDS patients have no form of insurance, private or public. Less than 20 percent of the persons with AIDS treated in southern hospitals were covered by Medicaid, compared with 55 percent in the Northeast, and 44 percent nationwide.

For the medically disenfranchised, there is no access to a system of care. For those who have no doctor, no clinic, no means of payment, access to health care services is most often through the emergency room door of one of the few hospitals in the community that treats people with HIV infection and AIDS; 5 percent of the nation's hospitals treat 50 percent of the people with AIDS.

In summary, a series of problems have resulted in a health care system singularly unresponsive to the needs of HIV infected people.

WHAT IS NEEDED

(1) Frank recognition that a crisis situation exists in many cities that will require extraordinary measures to overcome;

(2) The creation of a flexible, patient-oriented, comprehensive system of care, closely linking hospital, ambulatory, residential, and home care;

(3) Comprehensive health care services under one roof. Fragmented services create additional barriers to needed health care. Health care services for women and children need to be provided in one place.

WHO IS RESPONSIBLE FOR ACTION?

To date, there is no national policy or plan, and no national voice. Currently, as one witness testified, without the definition of roles each level of government points a finger at another and says it is their job. Clearly, managing the HIV epidemic is a responsibility which must be shared by all.

Comments on Urban AIDS Crisis

"The concentration of AIDS patients in a few hospitals is threatening to overwhelm these providers financially and limit their ability to treat other patients, bringing many to the brink of rationing. * * * Public hospitals average a loss slightly over $200 per AIDS inpatient day, with the average public hospital in the northeast losing over $600,000 per year in AIDS care."—Dennis Andrulis, President, National Public Health and Hospital Institute.

"The crisis in our emergency rooms is widespread and growing, limiting access to emergency care and potentially cutting the quality of care beyond the margin of safety. I cannot overemphasize the effect of poverty, AIDS, and drug abuse as adding substantially to increase the number of patients entering the health care system through the emergency department. AIDS may be the straw that breaks the camel's back."—Steven Lynn, M.D., Chairman, Task Force on Overcrowding, American College of Emergency Physicians, December 1989.

"The role of cities in financing the HIV epidemic is clearly limited, with the burdens of almost every conceivable crisis facing America today—drugs, declining stocks of affordable housing, aging infrastructures—evolving with a vastly decreased federal role. Since 1980, the federal government has reduced by 80% in real dollars its support of urban programs addressing these problems. There is no room for placing yet another burden, another role and responsibility, upon cities. Though those infected with HIV live primarily in cities, HIV is a national epidemic; we simply cannot place any further financial burden on localities where it cannot be borne."—The Honorable Donald Fraser, Mayor of Minneapolis, Chair, Task Force on Health Care, U.S. Conference of Mayors.

[From the Washington Post, Mar. 3, 1989]

N.Y. Hospitals Becoming Overextended

(By Howard Kurts)

New York, March 2—City hospitals are so crowded by AIDS patients that there is "a dire possibility" that they soon will be unable to care for other seriously ill people, a mayoral task force said today.

With many New York hospitals operating at 95 percent of capacity and some emergency rooms being used to house patients for several days, the city's health-care system "is on the verge of being overwhelmed," the panel said.

"The city has been doing the best it can, but that hasn't been anywhere near enough," Dr. David Rogers of the AIDS task force named by Mayor Edward I. Koch (D), told reporters.

New York City has one-fourth of the nation's acquired immune deficiency syndrome cases. About 10,000 residents have died of AIDS, and the city, in an estimate that is widely considered too cautious, says 200,000 people have been infected by the virus and that about half of them will become seriously ill in the next five to 10 years.

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The panel said this epidemic "threatens to become the city's social catastrophe of this century." It recommended, among other things, that the city add 300 to 500 hospital beds and 1,500 nursing-home beds, for AIDS patients and create two facilities to house another 400 patients with AIDS related illnesses."

The task force was vague about funding at a time when the city and state face budget deficits.

Koch sharply criticized federal officials for failing to provide special aid to New York. "If it were a natural disaster, they'd be all over us," he said. "What we should pray for is an earthquake * * *. We cannot do it by ourselves.

The report painted a bleak picture of "grossly overcrowed" hospitals with "markedly overstressed staffs." Hundreds of beds remain closed because of a shortage of nurses and technicians, and many hospitals are in "precarious finanical condition."

While 1,700 AIDS patients occupy about 5 percent of the city's medical beds, in many cases because there is no other place to move them, the panel predicted, that the number will double or triple by 1994. Some experts consider that estimate conservative by half.

Nor is the burden equally shared among the city's 76 hospitals. Ten hospitals, most of them in Manhattan, care for more than half of the AIDS patients. At King's County Hospital in Brooklyn, 80 percent of the beds are occupied by patients with AIDS-related illnesses.

The report noted that a growing portion of AIDS patients are "poor, black or Hispanic i.v. drug users," adding: "The opportunity, for unpleasant social conflicts with significant racial overtones is all too obvious."

Panel experts, said the influx of AIDS cases would add $1 billion to $2 billion annually to the city's $20 billion health-care bill by 1992.

Gov. Mario M. Cuomo (D), released a five-year AIDS plan last month, acknowledged that the state was not allotting enough money for hospitals, education and drug programs to meet the plan's goals. He has proposed cutting Medicaid payments to city hospitals to help close a $2 billion budget deficit.

[From the Atlanta Journal and Constitution, Aug. 2, 1989]

AIDS CASES CAUSING "GRIDLOCK" AT SOME HOSPITALS

(By Hal Straus)

Four percent of the nation's hospitals are caring for more than half of its AIDS patients, a new study shows.

The increasingly uneven burden is trapping the poor—even those who don't have AIDS—in a kind of health care "gridlock" and threatening to drive some hospitals into insolvency, health authorities say.

The National Public Health and Hospital Institute survey showed that the problem appeared to be particularly severe in the South, where public hospitals lost an average of $7,488 for every AIDS patient they treated in 1987.

"Finding the resources to deal with the AIDS problem is one of the hardest things we've ever done, and it's going to get worse," said Robert Parrish, director of ambulatory care at Grady Memorial Hospital, which currently treats more than half of Georgia's AIDS patients.

"You add AIDS patients, but no one is adding hospital beds," he said. "What about the folks that used to be in those beds?"

Nationwide, the number of AIDS cases, now nearing the 100,000 mark, is expected to reach 300,000 by 1992. The latest study estimated that in 1987, hospital costs for AIDS care, not including doctors' fees, totaled $486 million.

The latest survey—scheduled for publication in next week's Journal of the American Medical Association—looked at AIDS patients admitted to 332 of the nation's 6,800 hospitals in 1987 and the cost of caring for them.

Two hundred seventy-six of the hospitals cared for 14,145 AIDS patients—52 percent of the people that year who had the deadly disease. Nearly 17 percent of the AIDS victims were treated at only 10 of the hospitals.

The study found that AIDS patients placed a finanical burden on the hospitals because most of them had no private insurance.

Nationwide, participating hospitals spent an average of $17,910 on each AIDS patient, but were able to collect only $14,334.

The red ink was more evident at public hospitals in the South—which spent $11,989 for each AIDS patient but collected just $4,501. The discrepancy may reflect lower Medicaid payments for the treatment of indigent patients in many Southern states.

Health experts said the flood of AIDS patients is overloading inner-city public hospitals that traditionally care for the poor.

New York City public hospitals, for example, have only 16 percent of the city's hospital beds, but now care for about a third of the city's AIDS patients, according to Paul Moore, director of AIDS programs for the New York City Health and Hospitals Corp.

"The result of gridlock," said Mr. Moore. "Patients are having to wait two and three days in the emergency rooms before they can get a bed—whether they have AIDS or not. I don't even want to think what things will be like in three years."

Grady currently cares for about 800 AIDS victims, more than half the State total, most of whom are treated as outpatients. By comparison, West Paces Ferry Hospital, a private hospital in northwest Atlanta, treats seven or eight AIDS patients a day, according to officials there.

According to Mr. Parrish, Grady can pay for its AIDS programs only because its $200 million-a-year budget is supported by Fulton and DeKalb taxpayers, as well as state aid and special grants from private foundations and the federal government.

Federal and foundation grants, however, are expected to expire next year, and the AIDS caseload is still growing.

"If you go to the General Assembly with this, it's viewed as a life-style problem, an Atlanta problem, a problem that will take care of itself because it's fatal," said Mr. Parrish.

COMMENTS ON RURAL AIDS CRISIS

"With such low incidence rates of AIDS in rural areas in the past, false security may lull people into complacency. AIDS heretofore primarily an urban disease, is increasing in incidence and prevalence in small communities and rural areas of this country. Not only are people returning to their rural families after diagnosis, but people are being diagnosed HIV positive and with AIDS while residing in rural communities.

"While services and programs to meet the needs of people with AIDS have been established in metropolitan areas, many small communities are ill equipped to provide comprehensive services. The challenge for rural social workers and health care professionals who assume the responsibility of helping people with AIDS and their loved ones is further compounded by incredible isolation and stigmatization."—Romel W. Mackelprang, DSW, Eastern Washington University.

"AIDS has come home to Mississippi—often times, to die. Perceived to be a plague affecting other people—homosexuals, urban dwellers, intravenous drug users, prostitutes—AIDS is invading communities at every crossroad."—Jackson Daily News.

"The survey done by the American College of Emergency Physicians reported severe hospital and emergency room overcrowding in 41 states. The problem we see today seems to be increasing in scope and scale and extending beyond the confines of the inner city into the suburbs and into the rural areas as poverty, AIDS, and drug abuse moves out of the city as well."—Dr. Stephen Lynn, American College of Emergency Physicians.

"Increased attention and resources should be devoted to the problems of AIDS in rural communities. Coordinated and comprehensive services should be planned and delivered with the appropriate involvement of local, regional, and state units. Regional approaches are strongly recommended as a means of maximizing limited resources while avoiding duplication of efforts. However, local involvement is a must, and rural communities must be willing to take the initiative for service delivery even in the absence of regional and state actions."—Peggy Cleveland, MSW, Ph.D., University of Georgia.

[From the Atlanta Journal and Constitution, Jan. 20, 1990]

AIDS CASES TRIPLE IN 2 YEARS—DISEASE AFFECTING SMALL CITIES, RURAL AREAS AS WELL AS ATLANTA

(By Steve Stormberg)

Georgia has one of the fastest growing AIDS epidemics in the nation, according to a state report released Friday.

The state's Department of Human Resources (DHR) reported that the number of AIDS cases has tripled in the past two years—with the spread of the disease in rural areas and small cities keeping pace for the first time with the growth in Atlanta.

Only New York, New Jersey, California and Florida reported higher rates of AIDS during the last year.

State health officials said the "significant epidemic" now emerging in central and southeastern Georgia is being fueled primarily by drug abuse and heterosexual transmission of the virus from male drug abusers to their female sexual partners.

"Intravenous drug abuse is as much of a problem out there as here," said Dr. Bruce Whyte, a medical epidemiologist in the state's office of infectious diseases. He said sexual transmission to partners of drug abusing men has markedly increased the reach of the epidemic.

Dr. Whyte said state epidemiologists had not expected to find AIDS spreading so rapidly among women in smaller cities and rural areas.

"That was a surprise to us," he told the Georgia AIDS Task Force.

As a result, officials said, there has been a sharp increase in the cumulative number of AIDS cases among women in Georgia, from 16 in 1986 to 172 in 1989. There were 20 times as many drug-related AIDS cases among black women as among white women.

Epidemic experts have documented several other features of the AIDS epidemic in Georgia:

The proportion of AIDS cases among homosexual and bisexual men in Georgia decreased from 78 percent to 68 percent, and the proportion of cases among IV drug users rose from about 8 percent to more than 14 percent.

Minorities make up a disproportionate number of the state's AIDS victims. Blacks constitute 26 percent of the state's population but 36 percent of reported AIDS cases.

Military recruits in Georgia have a higher incidence of AIDS virus infection than the national average. Overall, 1.9 of every 1,000 military recruits in Georgia tested positive, compared with a national average of 1.3 per 1,000. The rate among black recruits in Georgia was 3.1 per 1,000.

Nearly seven of every 1,000 women tested for exposure to AIDS at Grady Memorial Hospital's obstetrics clinic are infected with the virus.

Pediatric AIDS cases in the state increased from 25 in 1988 to 34 in 1989, and epidemiologists said the actual toll probably is far higher.

Outside Atlanta and Savannah, facilities for AIDS patients are scarce—non-existent in some areas—even though there are nearly 500 cases in southern and central Georgia and another 200 in northern counties.

Once you leave metro Atlanta, resources are scant," said Dr. Paul Jurgenson, a Savannah physician and member of the state's AIDS task force.

Currently, the state provides about $2.7 million for AIDS programs, with $813,700 going to Grady's infectious disease clinic; $90,000 to Grady's pediatric AIDS project; $140,000 to AID Atlanta; $100,000 to Savannah's regional AIDS clinic; $100,000 for public information and education; $1.3 million for staff and costs; and $281,688 for laboratory services.

DHR has requested as additional $3.6 million for its AIDS programs for the coming fiscal year, but Gov. Joe Frank Harris has recommended an increase of only $716,000—mostly to expand the number of employees in the county health departments and $258,000 in additional money to Grady.

The governor's budget would not allow DHR to open three new AIDS outpatient clincs it had requested in Augusta, Columbus and Macon.

Mr. Harris also turned down DHR's request for $50,000 to launch community-based programs, similiar to AID Atlanta, in Savannah and Augusta, and $590,000 to replace an expiring private grant that provided meals-on-wheels and other community services to AIDS patients in the metro area.

Sen. Pierre Howard (D-Decatur), chairman of the Senate's Human Resources Committee, called the new statistics "a fairly dramatic development" and said he would present them to his committee.

"I think it merits our attention," he said. "It's really tragic."

State legislators have introduced four AIDS-related bills this session, all of which address the confidentiality of the medical records of AIDS patients.

[From the Department of Health and Human Services, Public Health Service Centers for Disease Control, Mar. 28, 1990]

MEMORANDUM

From: Chief, Statistics and Data Management Branch AIDS Program, CID, CDC.

To: Terry Beirn, Senate Labor Committee.

Attached is the information you requested on the increase in reported AIDS cases in my metropolitan area. The first table shows individual metropolitan statistical areas (MSAs) my name (column 1), together with a 1988 estimate of the population in the area (column 2), number of AIDS cases reported to CDC in 1988 (column 3), number reported in 1989 (column 4), and the percentage increase from 1988 to 1989 (column 5). Notice that among the 25 areas with with highest increases, only 1 (4% of 25) has a population of over 1,000,000. Among the remaining MSAs, 44 of 174 (25%) have populations over 1,000,000.

The shift in the distribution of cases from more urban to more rural areas is best seen in the second table. All MSAs over 500,000 population have been grouped in the first row, those of less that 500,000 in the second row, and areas outside of MSAs in the third row. As you can see, the increase from 1988 to 1989 in the large MSAs is small (only 5%) compared to areas not in MSAs (37%).

I hope these tables are helpful. If you need more information, please let me know.

MEADE MORGAN.

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE, CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990

	Metropolitan area of patients residence	1988 population	Case total		Percent change 1988 to 1989
			1988	1989	
(3408)	Indianapolis, IN	1,239.517	39	175	348.718
(2960)	Gary-Hammond, IN	597,488	8	35	337.500
(2710)	Fort Pierce, FL	222,389	23	83	260.870
(5345)	Naples, FL	132,663	14	49	250.000
(3960)	Lake Charles, LA	171,940	6	18	200.000
(4600)	Lubbock, TX	230,857	7	20	185.714
(3160)	Greenville-Spartanburg, SC	616,855	14	38	171.429
(3660)	Johnson City-Kingsport-Brst., TN-VA	443,308	9	22	144.444
(7920)	Springfield, MO	232,773	14	33	135.714
(920)	Biloxi-Gulfport, MS	209.189	14	30	114 286
(6403)	Portland ME NECMA	236,170	11	23	109.091
(5170)	Modesto, CA	337.144	19	38	100.000
(7880)	Springfield, IL	191,356	6	12	100.000
(1760)	Columbia, SC	458,986	36	71	97.222
(2320)	El Paso, TX	589,323	17	33	94.118
(8680)	Utica-Rome, NY	312,104	15	29	93.333
(640)	Austin, TX	763,984	108	205	89.815
(560)	Atlantic City, NJ	307,511	55	104	89.091
(6080)	Pensacola, FL	349,886	27	50	85 185
(680)	Bakersfield, CA	515,471	20	37	85 000
(2020)	Daytona Beach, FL	340,838	32	59	84 375
(3520)	Jackson, MI	148,003	6	11	83.333
(3120)	Greensboro/Winston-Salem/H.Pt. NC	928,584	40	72	80,000
(8520)	Tucson, AZ	638,555	34	61	79 412
(8240)	Tallahassee, FL	225,755	17	30	76.471
(8003)	Springfield, MA NECMA	585,927	25	44	76.000
(200)	Albuquerque, NM	501,430	28	49	75.000
(6720)	Reno, NV	235,891	22	38	72 727
(6280)	Pittsburg, PA	2,080,650	94	158	68.085
(2680)	Ft Lauderdale-Hllywd-Pomp. Bch FL	1,179,854	360	601	66.944
(3965)	Lake County, IL	505,772	12	20	66.667
(7510)	Sarasota, FL	260,654	36	60	66 667
(1440)	Charleston, SC	511,935	41	66	60.976
(4000)	Lancaster, PA	409,811	20	32	60.000
(6760)	Richmond-Petersburg, VA	835,956	59	93	57 627
(1310)	Caguas, PR	274,087	87	137	57.471
(1800)	Columbus, GA-AL	247,330	13	20	53.846
(2560)	Fayetteville, NC	260,428	15	23	53 333
(760)	Baton Rouge, LA	541,355	34	51	50,000
(1280)	Buffalo, NY	951,411	46	69	50.000
(2640)	Flint, MI	435,387	14	21	50 000
(5950)	Orange County, NY	292,511	42	63	50 000
(8200)	Tacoma, WA	552,981	24	36	50 000
(8440)	Topeka, KS	163,287	6	9	50 000
(720)	Baltimore, MD	2,327.038	313	465	48 562
(6640)	Raleigh-Durham, NC	683,605	66	97	46 970
(7490)	Santa FE, NM	115,934	15	22	46.667
(4120)	Las Vegas, NV	616,603	87	126	44.828
(5403)	New Bedford/Fall River MA NECMA	478,644	30	43	43 333
(1720)	Colorado Springs, CO	402,549	21	30	42.857
(3400)	Huntington-Ashland, WV-KY-OH	320,693	7	10	42.857
(3320)	Honolulu, HI	842,287	87	121	39.080
(520)	Atlanta, GA	2,754,500	619	860	38,934
(7485)	Santa Cruz, CA	225,561	26	36	38.462
(7600)	Seattle, WA	1,823,822	260	360	38.462
(8720)	Vallejo-Fairfield-NAPA, CA	414,681	41	56	36 585
(4720)	Madison, WI	349,791	11	15	36.364
(7680)	Shreveport, LA	366.909	17	23	35.294
(3710)	Joplin, MO	134,914	6	8	33.333
(3283)	Hartford/N Britain NECMA	1,110,145	108	142	31.481
(4900)	Melbourne-Titusville-Palm Bay, FL	386,941	29	38	31.034
(5790)	Ocala, FL	188,556	13	17	30.769
(2920)	Galveston-Texas City, TX	212,689	23	30	30.435
(8160)	Syracuse, NY	645,725	30	39	30.000
(8725)	Vancouver, WA	218,884	10	13	30.000
(1520)	Charlotte-Gast.-Rock Hill, NC-SC	1,112,188	68	88	29.412
(3000)	Grand Rapids, MI	667,689	21	27	28.571
(3690)	Joliet, IL	382,631	14	18	28 571
(5700)	Niagara Falls, NY	215,489	7	9	28 571
(5000)	Miami-Hialeah, FL	1,811,496	704	899	27.699
(5190)	Monmouth-Ocean, NJ	979,092	141	180	27.660
(5560)	New Orleans, LA	1,327,135	241	306	26.971
(620)	Aurora-Elgin, IL	359,525	15	19	26 667
(2700)	Fort Worth-Cape Coral, FL	306,233	78	98	25.641
(2800)	Fort Worth-Arlington, TX	1,316,701	122	153	25.410
(2840)	Fresno, CA	606,499	40	50	25.000
(4763)	Manchester/Nashua NH NECMA	331,868	12	15	25.000
(7560)	Scranton-Wilkes-Barre, PA	730,915	20	25	25.000
(2080)	Denver, CO	1,667,854	257	321	24.903
(6680)	Reading, PA	325,576	25	31	24.000
(2000)	Dayton-Springfield, OH	942,007	46	57	23.913
(8480)	Trenton, NJ	332,295	65	80	23.077
(9160)	Wilmington, DE-NJ-MD	565,507	52	64	23.077
(6440)	Portland, OR	1,177,727	141	173	22.695
(6160)	Philadelphia, PA-NJ	4,890,922	637	780	22.449
(3600)	Jacksonville, FL	899,226	162	196	20.988
(6780)	Riverside-San Bernardino, CA	2,212,009	177	213	20.339
(1140)	Bradenton, FL	187,262	15	18	20.000
(3240)	Harrisburg-Lebanon-Carlisle, PA	584,961	40	48	20.000
(7500)	Santa Rosa-Petaluma, CA	361,982	95	114	20.000
(7440)	San Juan, PR	1,555,528	736	877	19.158
(6920)	Sacramento, CA	1,370,110	141	168	19 149
(4480)	Los Angeles-Long Beach, CA	8,651,592	1,938	2,306	18.989
(6460)	Poughkeepsie, NY	259,813	70	83	18.571
(360)	Anaheim-Santa Ana, CA	2,256,024	235	278	18.298
(4360)	Lincoln, NE	209,388	6	7	16 667
(7080)	Salem, OR	268,685	6	7	16.667
(6360)	Ponce, PR	239,752	177	206	16.384
(1163)	Bridgeport/Stamford, CT NECMA	818,720	116	134	15.517
(960)	Binghamton, NY	258,678	7	8	14.286
(6120)	Peoria, IL	334,817	7	8	14.286
(8960)	W. Palm Bch-B. Ratn-Delray Bch, FL	818,279	300	340	13.333
(600)	Augusta, GA-SC	400,582	56	63	12.500
(2400)	Eugene-Springfield, OR	264,558	16	18	12.500
(8320)	Youngtown-Warren, OH	498,039	16	18	12.500
(7320)	San Diego, CA	2,350,245	445	499	12 135
(5160)	Mobile, AL	491,099	42	47	11.905
(1150)	Bremerton, WA	177,523	9	10	11.111
(9200)	Wilmington, NC	117,852	9	10	11.111
(8120)	Stockton, CA	456,537	28	31	10.714
(7520)	Savannah, GA	245,069	44	48	9.091
(1000)	Birmingham, AL	924,634	69	75	8 696
(2160)	Detroit, MI	4,375,086	324	350	8.025
(4680)	Macon-Warner Robins, GA	285,516	25	27	8.000
(6200)	Phoenix, AZ	2,045,691	222	239	7,658
(5080)	Milwauke, WI	1,390.973	66	71	7.576
(1600)	Chicago, IL	6,212,801	867	929	7.151
(5775)	Oakland, CA	1,991,477	360	385	6 944
(8840)	Washington, DC-MD-VA	3,711,651	809	858	6.057
(3880)	Lafayette, LA	211,870	18	19	5.556
(7040)	St. Louis, MO-IL	2,475,664	168	177	5.357
(9040)	Wichita, KS	478,045	21	22	4.762
(5120)	Minneapolis-St. Paul, MN-WI	2,371,411	149	156	4.698
(5380)	Nassau-Suffolk, NY	2,625,852	352	368	4.545
(8560)	Tulsa, OK	738.355	48	50	4.167
(7360)	San Francisco, CA	1,598.900	1,751	1,816	3.712
(240)	Allentown-Bethlehem, PA-NJ	671,029	30	31	3.333
(1123)	Boston/Lawrence/Salem, MA NECMA	3,746,244	570	585	2.632
(6483)	Providence/Pawtckt RI NECMA	901,132	80	81	1.250
(160)	Albany-Schenectady-Troy, NY	847,725	72	72	0.000
(1320)	Canton, OH	395.499	9	9	0.000
(1540)	Charlottesville, VA	124,759	6	6	0.000
(2900)	Gainesville, FL	208,850	27	27	0.000
(5240)	Montgomery, AL	300,322	14	14	0 000
(5320)	Muskegon, MI	159,636	7	7	0.000
(5523)	New London/Norwich CT NECMA	248,001	26	26	0 000
(8080)	Steubenville-Weirton, OH-WV	146,108	6	6	0.000
(8360)	Texarkana, TX-Texarkana, AR	121,652	12	12	0.000
(1920)	Dallas, TX	2,534.336	544	538	−1.103
(3760)	Kansas City, MO-KS	1,566.687	244	240	−1.639
(3980)	Lakeland-Winter Haven, FL	394,948	50	49	−2.000

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE, CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990—Continued

	Metropolitan area of patients residence	1988 population	Case total		Percent change 1988 to 1989
			1988	1989	
(4520)	Louisville, KY-IN	969.424	45	44	−2.222
(1680)	Cleveland, OH	1,846.843	129	126	−2.326
(3360)	Houston, TX	3,256.121	914	892	−2.407
(8280)	Tampa-St. Pete-Clearwater, FL	2,005.340	404	393	−2.723
(1880)	Corpus Christi, TX	363.603	21	20	−4.762
(4040)	Lansing-East Lansing, MI	431.632	17	16	−5.882
(2975)	Glens Falls, NY	112.537	27	25	−7.407
(8400)	Toledo, OH	611.103	25	23	−8.000
(1840)	Columbus, OH	1,334.992	121	111	−8.264
(5015)	Middlesex-Somerset-Hunterdon, NJ	984.585	204	187	−8.333
(4400)	Little Rock-N. Little Rock, AR	517,797	33	30	−9.091
(9243)	Worcester/Fitchburg, MA NECMA	668.278	44	40	−9.091
(2335)	Elmira, NY	89.713	10	9	−10.000
(60)	Aguadilla, PR	157.524	37	33	−10.811
(5640)	Newark, NJ	1,897.933	1,069	948	−11.319
(5960)	Orlando, FL	963.983	182	161	−11.538
(9280)	York, PA	406.736	25	22	−12.000
(3720)	Kalamazoo, MI	220.349	8	7	−12.500
(1640)	Cincinnati, OH-KY-IN	1,448.920	70	61	−12.857
(2120)	Des Moines, IA	387.377	15	13	−13.333
(870)	Benton Harbor, MI	165.597	7	6	−14.286
(80)	Akron, OH	647.153	27	23	−14.815
(380)	Anchorage, AK	225.211	12	10	−16.667
(2580)	Fayetteville-Springdale, AR	111.699	12	10	−16.667
(5600)	New York, NY	8,538.593	5,982	5,946	−17.319
(7160)	Salt Lake City-Ogden, UT	1,077.372	69	57	−17.391
(4920)	Memphis, TN-AR-MS	982,568	103	85	−17.476
(5720)	Norfolk-VA Beach-Newprt News, VA	1,369.901	90	74	−17.778
(7240)	San Antonio, TX	1,347.198	235	193	−17.872
(1560)	Chattanooga, TN-GA	434.652	27	22	−18.519
(4840)	Mayaguez, PR	206.672	32	26	−18.750
(3560)	Jackson, MS	402.809	50	40	−20.000
(9080)	Wichita Falls, TX	126,374	[illegible]	8	−20.000
(470)	Arecibo, PR	165.301	24	19	−20.833
(3840)	Knoxville, TN	596.818	28	22	−21.429
(440)	Ann Arbor, MI	270,317	18	14	−22.222
(7480)	Santa Barbara-Santa Maria-Lompoc, CA	345,031	45	35	−22.222
(8600)	Tuscaloosa, AL	146.366	9	7	−22.222
(840)	Beaumont-Port Arthur, TX	371,704	25	19	−24.000
(6000)	Oxnard-Ventura, CA	640.146	41	31	−24.390
(7400)	San Jose, CA	1,423.615	161	121	−24.845
(4280)	Lexington-Fayette, KY	346,152	12	9	−25.000
(5483)	New Haven/Waterbury CT NECMA	793.961	147	110	−25.170
(7840)	Spokane, WA	354.298	17	12	−29.412
(320)	Amarillo, TX	200.103	13	9	−30.769
(7120)	Salinas-Seaside-Monterey, CA	348.249	42	29	−30.952
(875)	Bergen-Passaic, NJ	1,295.910	297	204	−31.313
(8760)	Vineland-Millville-Bridgeton, NJ	139.077	44	30	−31.818
(1125)	Boulder-Longmont, CO	219.786	12	8	−33.333
(5920)	Omaha, NE-IA	620.552	36	24	−33.333
(3640)	Jersey City, NJ	544.731	468	308	−34.188
(5880)	Oklahoma City, OK	979.579	29	19	−34.483
(6840)	Rochester, NY	978.206	97	63	−35.052
(3350)	Houma-Thibodaux, LA	184.616	10	6	−40.000
(5360)	Nashville, TN	976.944	132	78	−40.909
(1145)	Brazoria, TX	188.458	13	7	−46.154
(6453)	Portsmouth/Dover/Rchstr NH NECMA	335.673	16	8	−50.000
(8780)	Visalia-Tulare-Porterville, CA	296.513	24	11	−54.167

SPECIAL REQUEST ANALYSIS FOR TERRY BEIRN, SENATE LABOR COMMITTEE—CDC AIDS SURVEILLANCE DATA BASE AS OF MARCH 1990

MSA category	1988 total	1989 total	Percent change 1988 to 1989
Population GE 500000	27,260	28,630	5.0257
Population LT 500000	2,882	3,803	31.9570
Non-MSA	2,035	2,791	37.1499

COMMENTS ON THE NEED FOR ALTERNATIVE CARE SYSTEMS IN THE COMMUNITY

"Many home and community-based services were not available to AIDS patients who needed them because both capacity and insurance coverage were limited. As the epidemic progresses across the country, Medicaid as well as private insurers will pay for more expensive AIDS services if communities have not developed lower-cost alternative delivery systems."—GAO Report, September 1989, *AIDS: Delivering and Financing Health Care Services in Five Communities.*

"Traditional reimbursement systems, such as private health insurance and Medicaid, do not adequately support the range of community-based services needed by HIV-infected people. They also do not cover the cost of planning, developing, and initiating new programs. States and local government funding, as well as private funds, have supported AIDS services in these communities. However, these other funding sources are not adequate to meet the growing need, and their substantial expansion is not likely. Furthermore, these sources generally support only the provision of direct services, not the cost of coordinating services or administrative costs. Continued federal support appears necessary given the inadequacy of other resources."—*Executive Summary: Evaluation of AIDS Service Demonstration Projects* SysteMetrics/McGraw-Hill.

"Funding programs should encourage a continuum of care, including less costly alternatives to hospital stays such as outpatient care and home care. Similarly, distinctions between acute and sub-acute care in hospitals should be provided for. In general, as with any other long-term care situation, persons with HIV infection should be cared for and treated in the least restrictive environment.

"The best answer to containing the costs of care for persons with HIV infection is to invest whatever is required now to develop effective prevention, treatment, and a cure."—County Government and HIV Infection Report of the National Association of Counties Task Force on HIV Infection and AIDS. March 1989.

"For those people who must wait weeks for a blood test, for those with severe physical symptoms who must wait weeks for a clinic appointment, and for those who will die in the street because there are too few shelters for someone dying of AIDS, community-based services are of critical importance.

"The network of services existing for people with AIDS is extremely spotty. Overall, all types of community services are less available for people with AIDS than they are for individuals with other types of chronic or fatal illnesses. This is especially true of services that require living space, such as nursing homes, hospices, and other alternative living arrangements.

"Study findings suggest that policy makers move as quickly as possible to develop options for facilitating earlier and more flexible access to funding sources, extension of long-term care services, creation of more alternative living arrangements and funding mechanisms to sustain them, creation of comprehensive case management programs, creation of educational programs to deal with community prejudices, and of inhospital data systems to routinely document service gaps."—National Center for Social Policy and Practice, American Hospital Association, *Beyond the Hospital Door: Community Resources Available for Persons with HIV Infection or AIDS in the United States.* September 1989.

Institute of Medicine Recommendations to President Bush:

"AIDS federal grant programs to the states to ensure that AIDs patients and those who have HIV related conditions have access to appropriate and cost effective care;

"Principles to guide strategies should include: coverage from the time HIV infection is discovered; consideration of relief for hard hit communities; payment mechanisms that encourage the most cost effective care; and shared responsibility between private and public sectors."—White Paper, Institute of Medicine/National Academy of Science, January 1989.

"The AMA supports increased funding for reimbursement and other incentives to encourage expanded availability of alternatives to inpatient care of persons with HIV disease, including intermediate care facilities, skilled nursing facilities, home care, residential hospice, home hospice, and other support systems."—American Medical Association, Policy Update, February 1990.

STATE INVESTMENTS FOR AIDS CARE: FAR SHORT OF NEED

Figure 2.9 State-only AIDS Funds, Patient Care, Excluding Medicaid, FY 1989, total—$65 million.

Inpatient care—26 percent.
Hosp/facil support—22 percent.
Networks/planning—21 percent.
Outpatient/home care—14 percent.
Case management—6 percent.
AZT—6 percent.
Other—6 percent.

Total is not 100 percent due to rounding.

Source: AIDS Policy Center, Intergovernmental Health Policy Project, George Washington University, October 1989.

GENERAL AIDS BACKGROUNDER

The Numbers (as of February 1, 1990):

121,645 Americans have been diagnosed with AIDS 73,119 (61%) of which live in the 13 US cities.

69,000 Americans have died of AIDS—more than the number of Americans lives lost during the entire Vietnam war.

1 million Americans are already HIV infected—all of whom will develop symptoms without medical intervention.

By 1991—200,000 more Americans will have died of AIDS. Aids will be, by far, the leading cause of death for those age 25-44. 80% of new AIDS cases will not be in NY or CA, new cases will disproportionately effect minorities.

One AIDS case is diagnosed very 6 minutes! One AIDS death occurs every 11 minutes! Nevertheless, what we see now—is the tip of the iceberg!

The Cost: The range of estimates of the national costs of direct medical care for persons with AIDS in 1991 average $8.5 billion or 1.5% of total health care expenditures. Initial estimates of the cost of care from diagnosis to death were $147,000 per individual and were based on lifetime hospital costs. More recent data indicates that a more accurate estimate lies between $35,000—$75,000. According to the IOM this reduction in dollars is largely due to fewer hospitalizations and shorter stays. This trend can explained by improvements in clinical management and the utilziation of home and community-based services, where available. Further diversification of care options should continue to reduce the cost of care and the pressure on our hospital system—while at the same time making care more humane and effective. This will nevertheless require recognition that as AIDS becomes a chronic illness, significant long term care needs will have to be addressed.

Access to health care—Who pays: People with AIDS (PWAs) face similar yet compounded problems accessing necessary health care services. Although there is considerable geographic diversity—the nationwide breakdown of health care coverage for PWAs is as follows: 15%—uninsured, 44%—

Medicaid, 29%—private insurance, 1%—Medicare.

The number of PWAs with no insurance is increasing. As the epidemic moves into the South and the Midwest, the restrictive policies of these Medicaid poor states exclude many people with AIDS. For example, many states do not have "spend down provisions" or do not cover single men, regardless of disability.

A recent study indicates that Medicaid covers only 18% of PWAs living in Georgia, where as 48% of PWAs lack any form of health insurance. Per capita, Georgia has the 6th highest incidence of AIDS in the U.S.

Private insurers, overly afraid of the cost of AIDS care, often refuse to cover PWAs, or drop them once they become ill. Individuals terminated from their job due to fear of AIDS—may never again be privately covered for their health care costs or for the services they need.

A Crisis in our Hospitals: A study by the Urban Institute reveals that in the 1980s, 100 hospitals (6% of hospital beds nationwide), provided 40% of the charity care and 19% of the bad debt care in the U.S. These hospitals, mainly public and volunteer, rely primarily on Medicaid, and state and local governments—private insurance represents only 12% of their revenues. With a long standing history of serving the poor, the elderly, and the chronically ill and mentally ill, these institutions are now disproportionately effected by the dual epidemics of AIDS and drugs.

A survey by the National Public Health and Hospital Institute (NPHHI) found that in 1988:

10 hospitals treated 38% of all PWAs; 4% of hospitals treated 52% of all PWAs, 20% of hospitals treated more than 80% of PWAs.

Nationally, Medicaid is the largest payor for hospitalized PWAs, 44%, with a range from 54% (NE) to 18% (South).

Virtually all hospitals lose money on PWAs—the extent varies depending on the number of uninsured and Medicaid patients. Nationally, the average cost of inpatient care for a person with AIDS was $681, while revenues averaged $545. This average loss per day ($136, or $2,285 per AIDS admission—see Appendix D) is 5 times that of the average med/surg patient. This is due to the large number of drug users who are generally sicker and more difficult to place outside the hospital.

The Need for Long-Term Care: The hospital crisis is further compounded by the absence of comprehensive outpatient services and a funding stream to foot the bill. Public and private insurance programs extend inpatient stays by not reimbursing for ambulatory care or by paying an exceptionally low rate. A recent report entitled, Crisis on the Frontlines: The Effects of AIDS on Public Hospitals documents that public hospitals lose 86 cents for every $1.00 of outpatient services.

A GAO study affirms that as AIDS progresses from a fatal illness to a chronic condition, there will be an increased need for long term care support. As with the elderly and other chronically disabled, funding sources for home care, sub-acute care, and nursing home care are extremely scarce. In addition, most long term care facilities will not accept PWAs because of fear of infectious disease and the need for highly skilled staff to handle the severity of acute illness episodes experienced by PWAs.

Mr. HATCH. Mr. President, I am pleased to join Senator KENNEDY and 24 other cosponsors in supporting this legislation to respond to the diverse care needs created by the AIDS epidemic. There are many who are suffering from this disease, including children, who need the resources that this bill can provide.

With more cases of AIDS now being diagnosed in small cities and rural areas, we propose to give States both the funds and the flexibility to design an effective local response. Title II of this bill would allow States to develop more effective systems for the delivery of health and support services to individuals and families with AIDS. A set-aside of at least 15 percent would go to children and families with HIV disease.

I am personally committed to making sure that infants, children, and mothers with AIDS have access to whatever help we can give them. There are 2,050 reported cases of children with AIDS. This number does not include children infected with the HIV-virus, and it is estimated that for every child reported to have AIDS, there are 2 to 10 unidentified cases. The compassion borne by every American for these children dictates that we act on this proposal. I am pleased to announce that this legislation has the endorsement of the Pediatric AIDS Foundation, founded by Elizabeth Glazer and Susan de Laurentis.

Further, this bill requires States and cities to identify the populations in need of services and to develop a comprehensive plan to address their needs. Funds may be used to deliver outpatient and home care health services to low-income individuals with AIDS; develop a local consortium of health and support services that will provide a comprehensive continuum of care, establish a program of financial assistance for low-income individuals, provide money for drugs used in the treatment of AIDS patients, and develop clinical centers for early intervention and medical monitoring of individuals with AIDS.

In responding to this totally unanticipated health emergency, we must continue to search for innovative and cost-effective programs for delivering essential support services. What works in New York City will be different from what's needed in Utah while encountering cases of AIDS.

We in Congress realize it is hard work to care for people who are severely ill. For instance, we know that AIDS patients require an unusually intensive level of nursing care when hospitalized. I think that this Nation owes a debt of thanks to those health care institutions and health care professionals that have reached out to help poor patients with this terrible disease. Therefore, our legislative proposal targets support to those hospitals and care facilities that have been serving the largest number of low-income AIDS patients. The reward for helping people in trouble should be more than a stack of unpaid bills.

Title I of this legislation would provide emergency relief to metropolitan areas hardest hit by the AIDS epidemic. Funds would be used to support health care facilities serving a disproportionate share of low-income individuals with HIV disease and to enhance in-patient care and out-patient casemanagement. Funds would also be used to remodel long-term care facilities with matching locality/State funds. As a last resort, funds could be used for new construction.

This bill is a means for the Nation to fight a common enemy—the AIDS epidemic and the pain and suffering it causes. It will also allow for the Secretary of Health and Human Services, through title III of this bill, to commission independent research by experts in health services delivery and health economics. The research must also address better ways to treat children with the HIV-virus.

This bill will not end the debate over the causes of this disease or the methods for its prevention; but, through this bill, we show our compassion for its victims and their families and demonstrate to those who feel abandoned that we care. We already have strong bipartisan support for this legislation. I hope we will be able to pass it quickly in the Congress and see it signed by President Bush as soon as possible.

Mr. BENTSEN. Mr. President, over 60,000 Americans have died of AIDS. As others have noted, that's more Americans than lost their lives in Vietnam. And in fact, the battle against AIDS is very much like war, with victory still years away.

I'm confident that medical science will one day offer a cure for AIDS. In the absence of a monumental medical breakthrough, though, the legislation that we introduce today is essential.

The CARE Act recognizes the widespread nature of AIDS. Some think this disease is confined to the east and west coasts. It's true that New York and San Francisco have borne an inordinate share of the burden. But there are AIDS victims everywhere. Texas, for example, has the fourth highest number of reported AIDS cases in the Nation. And Houston and Dallas are among the 13 hardest hit cities in America—those eligible for funding under title I of the bill.

You can see the magnitude of the problem in hospitals like Parkland Memorial. It's the only public hospital in Dallas; as a result it treats half of all AIDS patients in the county. Or you can see it in Harris County, where the total cost of treating AIDS patients went from $3.8 million in 1987 to over $8 million last year. With costs that

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can reach $100,000 for a single AIDS patient, it's clear that Dallas and Houston desperately need the assistance offered by CARE.

CARE goes further than just Dallas and Houston. Half of the funds authorized under this act will go to other areas, based solely on need. This means places like Austin, San Antonio, and El Paso will get some of the help necessary to deliver outpatient services to those infected by HIV. They'll also be able to establish clinics for early intervention and medical monitoring.

Earlier, I compared fighting AIDS to fighting a war. But isn't it also like being hit by a hurricane—a natural disaster to which nobody is immune? Well, in Texas, after a hurricane hits, we all pitch in together to help. CARE is one way Americans can help communities around the country deal with this medical hurricane, which has destroyed not buildings but lives. That's why the CARE Act deserves the full support of Congress. And that's why I'm pleased to offer mine.

Mr. WILSON. Mr. President, I am pleased to join as an original cosponsor the Comprehensive AIDS Resources Emergency Act [CARE] of 1990. With this legislation, Congress will open up an urgently needed new front in its multifaceted attack on the AIDS epidemic.

Congress has responded to the AIDS epidemic by providing billions of dollars for research and public education on this dreaded disease. This is as it should be if we are to fully understand the complexities of the AIDS virus and its transmission, and educate our citizens to protect themselves from exposure to HIV.

Less attention, however, has been paid to the financing and provision of services for individuals along the continuum of HIV infection—from those who are asymptomatic to those in the terminal stages of AIDS. Yet, as the number of people with HIV infection continues to grow throughout the Nation, localities, and States find themselves in a crisis situation as they struggle to provide needed medical, psychosocial, and other support services with limited resources.

I recognize, Mr. President, that the word "crisis" is used regularly in this city—perhaps so often as to be all but devalued of its meaning. But on the subject of AIDS, as I have often said, the word "crisis" is barely adequate to describe today's problem and tomorrow's potential nightmare.

We have seen already the tragedy of AIDS spread beyond men of the gay community and intravenous drug users. To the ranks of suffering victims we now add an increasing number of heterosexuals, women and—most tragically—children.

And we have witnessed the devastation of AIDS touch every State in the Union, reaching more and more of our communities. AIDS is no longer a problem confined to our urban areas; it is a problem that extends throughout the country. AIDS is a problem for all of America.

It is true, Mr. President, that we have made enormous strides in our national effort to understand the AIDS virus, the manner in which it is transmitted, and how to protect ourselves against infection. However, as the National Commission on AIDS warned in its first report in December 1989:

> There is a dangerous, perhaps even growing complacency in our country toward an epidemic that many people want to believe is over. Far from over, the epidemic is reaching crisis proportions among the young, the poor, women and many minority communities. In fact, the 1990's will be much worse than the 1980's. There is no national plan for helping an already faltering health care delivery system deal with the impact of the HIV epidemic.

No such national plan is in place and, indeed, our medical facilities, our health care system, our care givers are strained to the breaking point—particularly in those parts of the country hit hardest by the AIDS epidemic.

My home State of California, Mr. President, has been severely affected by AIDS, consistently accounting for over 20 percent of all AIDS cases in the Nation. While the incidence of HIV infection has been concentrated in San Francisco and Los Angeles, it is accelerating in San Diego, Oakland, Sacramento, and areas throughout the State.

Californians have struggled heroically to meet the diverse medical and psychosocial needs of people with AIDS and HIV infection and their families. I applaud the cities, volunteers, community-based groups, and other providers that have worked together to develop creative and innovative approaches to the delivery of AIDS-related care.

Yet only so much can be done in the face of mounting demands and limited resources, particularly for nonhospital services.

The city of San Francisco provides a telling example of the innovation and resiliency of localities disproportionately affected by the AIDS epidemic—and the limitation of such locales to meet the challenge.

San Francisco has earned a national reputation for its unique network of AIDS-related services, a network built on a public-private partnership, a network that has extended the lives of countless San Franciscans, a network that has offered comprehensive, compassionate care in a cost-effective manner.

Yet the San Francisco model—challenged by growing caseloads and unchanged resources—is strained to capacity.

As noted in the "Mayor's Call To Action on the HIV Epidemic," a draft report of the mayor's HIV task force released in January 1990:

> Here is the sad truth: in the next decade, more San Franciscans will live and die with AIDS than in the last. Caseloads and costs are rising. The San Francisco model of AIDS care is near collapse. AIDS has struck San Francisco like a disaster, and we require disaster relief in order to cope.

The bill introduced today, Mr. President, responds to the compelling realities of the AIDS epidemic:

It recognizes that a relatively small number of cities is disproportionately affected by the AIDS epidemic, straining city human and economic resources;

It responds to the concentration of health care resources in costly acute hospital services, thereby limiting the availability of services to HIV infected persons in need not of acute care but of counseling, early intervention, outpatient, and social services;

It recognizes the need to shift our orientation from inpatient care to coordinated, integrated networks of community-based care, guiding HIV infected individuals along a continuum of the most appropriate and cost-effective services; and

It responds to the need to provide a range of medical and social services that reflect the diverse needs of HIV infected individuals and their families.

In short, Mr. President, the CARE bill makes two extremely vital contributions to our war on AIDS: First, it provides financial relief to States and localities disproportionately affected by this national tragedy; and second, it provides the structural relief to our CARE delivery system required to provide for the development, organization, and operation of more effective and cost-efficient delivery of CARE to the HIV infected.

The AIDS epidemic is an extraordinary disease which demands extraordinary measures to overcome. The magnitude of the problem suggests the difficulty of any one State or city carrying the burden unassisted; the magnitude of the problem emphasizes the need for a comprehensive, national program for combating this disease.

Mr. President, Congress has made important strides in promoting research and education in recent years. Let us not stop there. Let us not become complacent. Additional steps are needed to ease the burden our towns and communities face and to promote compassionate, cost-efective networks of care.

Let us move forward with CARE, an urgently needed step in the evolution of our national campaign against the AIDS epidemic. While the costs of meeting the challenge posed by the HIV epidemic are great—in economic, social, and human terms—the cost of failing to act will be infinitely greater.

Mr. D'AMATO. Mr. President, I am pleased to join my colleagues, Senators Kennedy and Hatch, in introducing the Comprehensive AIDS Resources Emergency Act of 1990 [CARE].

The CARE bill is the first Federal bill to provide emergency disaster relief to the U.S. cities hit hardest by the brutal epidemic of AIDS. This bill will direct $300 million in emergency assistance to 13 cities—including New York—which together represent 61 percent of our Nation's 122,000 diagnosed cases of AIDS. It will provide an additional $300 million for States to develop comprehensive HIV care programs, serving both high-incidence urban areas and rural areas where the rate of increase is greatest.

A decade has passed since AIDS was first recognized—and yet, New York City is still the epicenter of this terrible public health threat. To date, more than 23,000 cases have been reported in New York City—19 percent of the national total. And that number is expected to grow to 43,000 by 1991.

Adding to this human tragedy, AIDS has combined with drug abuse, violence, homelessness, and mental illness to bring the city's hospital system—once the pride of the Nation—to the brink of disaster.

These multiple epidemics are causing gridlock in the city's health care system, and a crisis in its emergency rooms, where waits of 3 and 4 days have become commonplace. Patients with AIDS already occupy 10 percent of the city's medical/surgical beds, and many feel this figure will soon double unless the city can add hundreds of new acute care beds, and thousands of long-term care and residential beds.

The CARE bill will help relieve this burden in New York—and in every city hit hardest by the AIDS epidemic. By providing financial support not only for hospitals, but also for clinics, community health centers, and nursing care facilities, the CARE bill will help reduce unnecessary hospitalization of AIDS patients—thus driving down costs—and, equally important, will help assure their appropriate placement within the continuum of care.

The problem of AIDS is also a growing threat in areas of the country like Albany, Monroe, and Onondaga Counties in New York. A large part of our fight against AIDS in the future will occur in small urban areas like these—areas where the per capital incidence of AIDS today matches that of New York City in 1982. These areas desperately need the assistance provided under this act for the development of comprehensive systems of care.

Mr. President, I commend my colleagues, Senators Kennedy and Hatch, for taking the lead in this effort to assist the States and localities most affected by AIDS. I believe this bill provides an appropriate and urgently needed response to the AIDS public health emergency. I encourage each of my colleagues to join me in supporting this bill, and I urge its prompt consideration and passage.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, I am pleased to join in introducing the Comprehensive Aids Resources Emergency [CARE] Act of 1990. This legislation would provide funding for the care and treatment of persons with the acquired immune deficiency syndrome [AIDS].

Between 1981 and 1988, 100,000 Americans were diagnosed as having AIDS. In the last 12 months alone, an additional 100,000 Americans have been found to have AIDS. The swift spread of this devastating disease is overwhelming health care providers struggling to administer adequate care for those affected.

In 1988, the Congress enacted legislation to provide funds for AIDS education, prevention, and treatment programs. These programs are a critical part of our efforts to prevent the further spread of AIDS. We must, however, not stop there.

The cost of caring for those with AIDS is staggering. Many individuals quickly exhaust their ability to pay for treatment, even those who have insurance. Those who are uninsured must rely on public assistance. Yet, few persons with AIDS are eligible for Medicaid or Medicare.

It is important to note that the majority of care for persons with AIDS is provided primarily in hospitals. Our health care system lacks community and home-based long-term care services for these individuals.

Most State and local governments in areas hardest hit by the AIDS epidemic have developed comprehensive systems of services. What they lack is the funding to provide the actual care, particularly in community settings. State and local governments in areas not yet devastated by the AIDS epidemic have only begun to develop systems of care. They need assistance in developing long-term strategies to administer efficient and compassionate care, and in providing immediate treatment to those already in need of care.

Our legislation would address these problems by providing emergency funds to areas hardest hit by the AIDS epidemic and assisting States in their efforts to provide treatment and care to persons with AIDS. Under our bill, funds would be provided to support hospitals, community health centers, and other providers for patients with AIDS. In addition, the bill would provide community-based outpatient, home health, and support services designed to reduce unnecessary hospitalization. Further, the bill would provide medication, such as AZT, determined to prolong life or prevent the deterioration of health of those with AIDS.

Mr. President, this legislation will not ensure care for all persons affected by AIDS. It is a beginning, however, and will enable State and local governments to provide more appropriate and effective care for those with AIDS. Just as important, it will help these individuals live longer, more dignified lives. I urge my colleagues to recognize the necessity of providing funding for direct care of persons with AIDS and support this critical legislation.

Mr. SPECTER. Mr. President, today I join my colleagues, Senators Kennedy, Hatch, Cranston, and others, in introducing the Comprehensive AIDS Resources Emergency Act of 1990. This legislation authorizes emergency relief grants to metropolitan statistical areas [MSA's] that have reported more than 2,000 AIDS cases to the Centers for Disease Control and authorizes grants to States to: First, establish HIV care consortia; second, provide home and community-based care services; third, ensure the continuity of health insurance coverage for individuals with HIV disease; fourth, provide therapeutic treatments; and fifth, integrate early intervention services for persons with HIV disease with care and support services provided by existing public health and medical care services. The legislation authorizes $600 million for these purposes in fiscal years 1991 and 1992.

In addition, the bill establishes a program to enable independent research to be conducted concerning the organization, impact, efficacy and cost effectiveness of various health care service delivery and financing systems for the care of individuals with HIV disease.

Mr. President, Congress is long overdue in providing assistance for the care and treatment of individuals with HIV disease. Data supplied by the Centers for Disease Control through January 1990 indicate that 121,645 individuals had been diagnosed as having AIDS. My home State, Pennsylvania, currently ranks 7th in States with the highest number of persons with AIDS. Reports indicate that of the 3,381 cases diagnosed in Pennsylvania through January 1990, 2,541 were in Philadelphia.

On February 14, 1990, I had the opportunity to meet with families in which one or more individuals have been diagnosed as having AIDS. The plight of these families in which the mother, who is often an intravenous drug user or the sexual partner of the intravenous drug user, has passed the AIDS virus to her newborn child is nothing less than tragic.

These families face tremendous obstacles in their attempts to obtain the various health and social services needed by both the children and the adults. In some instances, the child's mother and father are intravenous drug users and substance abuse treat-

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ment services must be integrated into the service mix for the children and adults.

During my visit with these families, which occurred at St. Christopher's Children's Hospital, I also had the opportunity to discuss with representatives of organizations providing care to these families the manner in which services should be organized. The recommendations were that a family-centered, community-based, culturally sensitive, integrated and coordinated system of health and social services is necessary to best serve this population.

I have previously proposed such a system in S. 896, the Pediatric AIDS Resource Centers Act, which I introduced on May 2, 1989. This legislation authorizes $100 million to establish consortia, to address the health and social service needs of children, adolescents, women, and families with HIV disease.

AIDS is now the ninth leading cause of death among children ages 1 to 4 in the United States, and the seventh leading cause of death among young people aged 15 to 24. Reports indicate that by 1991, one of every 10 pediatric hospital beds is expected to be filled by a child stricken with the AIDS virus. According to Dr. Antonia Novello, Surgeon General of the United States and former deputy director of the National Institute of Child Health and Human Development, if current trends continue, AIDS soon will become one of the top five leading causes of death in young people from birth to 24 years of age.

The Department of Health and Human Services [HHS] estimates that for every child who is diagnosed as having AIDS, another 2 to 10 are infected, but do not show full symptoms of the disease. Health experts project that by 1991 there will be at least 10,000 to 20,000 HIV-infected children in the United States. HHS also estimates that over 100,000 women of childbearing age in the United States are infected with the virus.

A disproportionate number of affected children are black and Hispanic. In addition, because of the increasing incidence of drug abuse and sexual activity among adolescents, they are particularly at risk for contracting the AIDS virus.

Especially at risk are the runaway and homeless youth population. A 1988 Covenant House study of 1,111 runaway and homeless youth in New York City tested over an 11-month period found nearly 7 percent infected with the AIDS virus. Medical histories indicated most of the victims were engaged in prostitution with multiple sex partners.

The few statistics available on street youth with AIDS do not sufficiently reveal the true scope of the AIDS epidemic in that population.

The growing spread of AIDS among young people is seriously straining the medical, social service, and foster care systems in many communities. The cost of providing the needed medical and supportive services for pediatric patients is high, particularly because of the long periods of hospitalization these children often require. Although ambulatory and community-based services often are more appropriate and cost effective for these children, many communities lack or have an inadequate human service infrastructure to provide the appropriate level of care. Since these children usually are the result of at least one parent who is an intravenous drug abuser, and one or both parents are infected with the AIDS virus, the children often end up homeless, abandoned, and sometimes orphaned.

Mr. President, providing services to children, adolescents, women, and families with HIV disease will present major challenges to local service delivery systems. This is a population that is harder to serve—individuals connected with substance abuse, and/or who are sexually active with multiple partners, and/or who are homeless or on the run. Assurances must be included in the pending legislation that States and localities provide the appropriate and full range of services as indicated in my legislation, S. 896.

Although the Comprehensive AIDS Resources Emergency Act of 1990 represents an important first step in providing care to individuals with HIV disease, I am concerned that it does not provide adequate assurances that families will receive the full range of needed services.

It is my hope that this issue can be resolved before the bill is considered by the full Senate.

Mr. CRANSTON. Mr. President, I am delighted to join with the distinguished chairman, Mr. KENNEDY and ranking minority member, Mr. HATCH of the Labor and Human Resources Committee to introduce the Comprehensive AIDS Resources Emergency Act of 1990. This legislation is urgently needed.

As the sponsor of the first bill in the Senate in 1987 to focus comprehensively on AIDS care issues, I am very pleased that this issue is receiving the attention it warrants. I am also very pleased that the bill we are introducing incorporates the model for establishing comprehensive AIDS care services programs that I sought to promote in my bill.

Mr. President, the Federal Government recognizes that true disasters cannot be dealt with by individual cities or States alone. The magnitude of assistance that is needed in those situations is just too great. We acknowledge the responsibility of the society as a whole to come to the assistance of individual communities during times of crisis. We responded compassionately and quickly when the residents of South Carolina and of northern California were devastated by natural disasters. The time has come to recognize AIDS as a natural disaster that is disproportionately affecting certain parts of the country. These areas cannot be expected to continue to cope with this crisis alone.

Unless new drugs are developed, hundreds of thousands of Americans will likely develop AIDS in the coming decade. With new therapeutics, many may be able to continue working and lead productive and full lives. But many will be sick and need a broad spectrum of health and support services. We must begin now to develop a system of care that is compassionate and cost effective.

Mr. President, in California, we make substantial investments to prepare for earthquakes in order to minimize potential disasters. Likewise, we know what's ahead with AIDS. Not to use that knowledge, not to act would not only be foolish but would be an abdication of our responsibility as a compassionate and caring society.

NEED FOR LEGISLATION

Mr. President, according to the February 1990 HIV/AIDS Surveillance Report, more than 121,000 cases of AIDS have been reported to the Centers for Disease Control since the epidemic began. More than 72,500 individuals have died from this disease. The CDC estimates that between 800,000 and 1.5 million Americans are currently infected with the HIV and will likely develop the disease during this decade.

The impact of the AIDS epidemic on California has been enormous. Nearly 24,000 cases—20 percent of all people with AIDS—were residents of my State. San Francisco and Los Angeles each have seen more than 7,500 cases of AIDS—more than half resulting in deaths. In San Francisco, virtually everyone knows someone who has been affected by the epidemic; last year alone, more than 1 San Franciscan out of every 1,000 developed AIDS—the highest rate of any city. But other California cities have also been hit hard—San Diego, Oakland, San Jose, and Sacramento.

As the number of AIDS cases continues to grow—and it will grow well into the 1990's—more and more communities and States across the country will have difficulties responding to the crisis. Cities all over the country are reporting that without some relief, the entire public health system that serves all of us is seriously threatened.

Mr. President, I recently met with members of the San Francisco mayor's HIV task force who presented me with a draft report concerning critical gaps in HIV care and prevention services. They brought a startling message of what is urgently needed to help a city that has been devastated by this disease.

San Francisco has been a pioneer in developing a new model of providing services in the community to people with a life-threatening disease. The result has enabled city residents to live longer, receive comprehensive care, and spend less time in the hospital—all at a lower cost per patient than other cities. I sought to promote and replicate this model—the so-called San Francisco model—through S. 14. It works—but it requires commitment of the local government and the public. However, it also requires a continuing financial investment. The task force reports that, although the community has been successful in caring for its residents with AIDS, the increasing caseload is making it difficult to continue providing that level of service. The city has made a strong commitment to helping its residents in need, but, as in any other disaster situation, such as the earthquake or Hurricane Hugo, it cannot do it alone.

OUTLINE OF LEGISLATION

Mr. President, the Comprehensive AIDS Resources Emergency Act of 1990 consists of a two-pronged approach: Immediate financial assistance to communities hardest hit by the epidemic and assistance to all States and communities to develop comprehensive care programs in order to avert disaster down the road.

Under title I, $300 million would be authorized to assist metropolitan areas that have reported more than 2,000 cases of AIDS. Half of the funds would be distributed within 60 days according to the relative number of AIDS cases and per capita incidence with the metropolitan area. The remaining funds would be awarded to areas with more than 2,000 cases on the basis of need, local investment, and other criteria. These funds would greatly help both San Francisco and Los Angeles maintain and build their systems of care in order to provide services to the growing numbers of people with AIDS in the immediate future.

Under title II, $300 million would be authorized to assist States and localities establish and operate consortia or networks of services to care for people with AIDS that focus on community-based care. This section is modeled on legislation, S. 14, I had introduced early to provide assistance to communities to set up consortia of care.

States would also be able to use funding provided under this section to support early intervention efforts, home health, and support services, therapeutics that have been determined to prolong life and methods to ensure continuity of health insurance coverage for individuals with HIV disease. Under this title, so-called second-wave cities, such as Sacramento, San Diego, Oakland, and San Jose in California, as well as smaller communities will be able to receive assistance.

CONCLUSION

Finally, Mr. President, I would like to comment on the view that I have heard expressed by some individuals that we are spending too much money on AIDS. I couldn't disagree more. AIDS is not like other illnesses and should not be compared to other illnesses in strict terms of dollars spent per individual. We haven't encountered a new disease of this virulence in decades. That required that we start from scratch in identifying the cause and the natural history of the disease and in building a research infrastructure to continue the rapid pace of research.

We haven't encountered an epidemic of this magnitude in decades. That requires an investment in activities to prevent the further spread of the disease and to keep people infected with the HIV productive and healthy. And, we haven't encountered a new disease that disproportionately affects people in the prime of their lives or that causes such suffering and nearly universal death in decades—or perhaps ever. Public health officials agree that this disease is extraordinary and calls for extraordinary action.

If we don't treat the AIDS epidemic for what it is—an unprecedented epidemic that continues to spread and to claim young lives—we will look back 10 years from now with tens of thousands more dead Americans and a public health system that is unable to care for people with AIDS or indeed anyone needing assistance and wonder why we did not act at such a critical time in history.

I would like to share with my colleagues a quote from the San Francisco mayor's HIV task force. It states:

> The HIV epidemic requires bold action, not timidity. It requires individuals, groups and institutions to work together in new partnerships, not the promotion of narrow self-interest. It requires risk taking, not caution. It requires the defeat of old fears and prejudices, not their perpetuation.

Mr. President, this legislation represents bold action. It represents commitment to preventing an ever-increasing tragic loss of life. It represents the best hope for hundreds of thousands of Americans infected with the HIV. I urge all my colleagues to support the prompt enactment of this important legislation.

Mr. BRADLEY. Mr. President, I rise as a cosponsor along with my colleagues, to introduce legislation to provide $500 million in new authorization for emergency relief to areas serving large numbers of AIDS patients; and to provide funding to these areas for the development of cost efficient, comprehensive, patient-centered, and community-based health care systems. The funding would enable institutions serving a disproportionate share of AIDS patients some relief from the burdens of this care. It would support the development of a health care infrastructure that would help to relieve the overcrowding experienced by these acute care institutions.

Many studies, including a report by the President's AIDS Commission and the General Accounting Office have called attention to the fact that as AIDS becomes more of a chronic disease and more of its victims survive longer, community-based care systems must be developed. These systems are more humane for the patients, provide greater coordination of essential services, and, in the long run, save money. An acute care hospital is not the provider of choice for most AIDS patients today. Where community-based systems do not exist, the hospitals are overwhelmed by AIDS patients who have nowhere else to go.

All of these funds will provide critical assistance to AIDS patients in a way that is the most humane for patients and the most cost effective for taxpayers. Many of New Jersey's public hospitals are now pressed beyond capacity in caring for its AIDS patients. These funds will help to alleviate some of the pressure.

By Mr. GRAHAM (for himself and Mr. MOYNIHAN):

S. 2241. A bill to provide scholarships to law enforcement personnel who seek further education; to the Committee on the Judiciary.

LAW ENFORCEMENT SCHOLARSHIP ACT

● Mr. Graham. Mr. President, as I was walking over to the Senate floor about a month ago I was approached by two police officers visiting from south Florida. They impressed upon me the increasing burden of local and State law enforcement in staying one step ahead of crime.

The President echoed this sentiment in his drug control strategy. The strategy correctly states that local and State law enforcement are the first line of defense in securing the safety of our communities and citizens.

The criminal element of our society is becoming increasingly sophisticated—moving into areas like money laundering and computer crime that threatens our national security.

But in many cities and towns, law enforcement is short on human and financial resources.

Even more troubling, studies show that today's law enforcement officers are short on education. On the average, today's police officers have less than 2 years of college education.

As an example, Mr. President, only 18 percent of Florida's law enforcement officers have completed a bachelors degree. The large majority—69 percent—have only a high school degree.

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Opinion differs on how much education is necessary. But a study of police administrators by the Police Executive Research Forum indicated that at least some higher education compliments on-the-street experience and training.

College-educated officers seem to communicate better with the public and are better decisionmakers. Officers with higher education are the subject of fewer citizen complaints and are more sensitive to the needs of racial and ethnic groups.

The Florida Department of Education is conducting a similar study of the educational needs of Florida's law enforcement community. Early results from this study show a strong interest in enhancing education opportunities.

The legislation Senator Moynihan and I are introducing creates a cooperative program at the Federal, State, and local level to provide financial assistance to sworn, active duty law enforcement and correctional officers seeking associates, bachelors, or graduate degrees.

The Department of Justice would oversee the program while working closely with State and local law enforcement and education agencies to determine where assistance is most needed and what sort of academic programs would best meet the goals of this legislation.

Let me emphasize that this bill provides assistance to those men and women who have already demonstrated their commitment to law enforcement by serving at least 2 years. In return, grant recipients would commit to additional service based on the amount of assistance received.

There is other legislation in the Senate that would focus on bringing new recruits into law enforcement. I look forward to working with the sponsors of that bill to combine these ideas.

Our legislation is being supported by a number of organizations represented here today including the International Brotherhood of Police, the National Association of Police Officers, the Fraternal Order of Police, and the Police Executive Research Forum.

I ask unanimous consent that letters of support for this legislation and the text of the bill be included following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Law Enforcement Scholarship Act of 1990".

SEC. 2 STATEMENT OF PURPOSE.

It is the purpose of this Act to assist States to establish scholarship programs which—

(1) provide educational assistance to law enforcement personnel seeking further education;

(2) enhance the recruitment of young individuals to careers in law enforcement; and

(3) assist State and local law enforcement efforts to enhance the educational status of law enforcement personnel.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "Assistant Attorney General" means the Assistant Attorney General of the Office of Justice Programs;

(2) the term "educational expenses" means expenses that are directly attributable to—

(A) a course of education leading to the award of an associate degree;

(B) a course of education leading to the award of a baccalaureate degree; or

(C) a course of graduate study following award of a baccalaureate degree,

including the cost of tuition, fees, books, supplies and related expenses;

(3) the term "institution of higher education" has the same meaning given such term in section 1401(a) of the Higher Education Act of 1965;

(4) the term "law enforcement position" means employment as an officer in a State or local police force, or correctional institution; and

(5) the term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. ALLOTMENT.

From amounts appropriated under the authority of section 11, the Assistant Attorney General shall allocate—

(1) 80 percent of such funds to States on the basis of the number of law enforcement officers in each State; and

(2) 20 percent of such funds to States on the basis of the State's shortage of law enforcement personnel and the need for assistance under this Act.

SEC 5. PROGRAM ESTABLISHED.

(a) In General.—From amounts available pursuant to section 5 each State shall pay the Federal share of the cost of awarding scholarships to in-service law enforcement personnel to enable such personnel to seek further education.

(b) Federal Share.—The Federal share of the cost of scholarships under this Act shall not exceed 60 percent.

(2) The non-Federal share of the cost of scholarships under this Act shall be supplied from sources other than the Federal Government.

(c) Lead Agency.—Each State receiving an allotment under section 5 to conduct a scholarship program in the State in accordance with the provisions of this Act shall designate an appropriate State agency to serve as the lead agency in carrying out the provisions of this Act.

(d) Responsibilities of Assistant Attorney General.—The Assistant Attorney General shall be responsible for the administration of the program conducted pursuant to this Act and shall, in consultation with the Assistant Secretary for Postsecondary Education, promulgate regulations to implement this Act.

(e) Administrative Expenses.—Each State receiving an allotment under section 4 may reserve not more than 8 percent of such allotment for administrative expenses.

(f) Special Rule.—Each State receiving an allotment under section 5 shall ensure that each scholarship recipient under this Act be compensated at the same rate of pay and benefits and enjoy the same rights under applicable agreements with labor organizations and under State and local law as other law enforcement personnel of the same rank and tenure in the office the scholarship recipient is a member.

(g) Supplementation of Funding.—Funds received under this Act shall only be used to supplement, and not to supplant, Federal, State, or local efforts for recruitment and education of law enforcement personnel.

SEC. 6. SCHOLARSHIPS.

(a) Period of Award.—Scholarship awarded under this Act shall be for a period of one academic year.

(b) Use of Scholarships.—Each individual awarded a scholarship under this Act may use such scholarship for educational expenses at any accredited institution of higher education.

SEC. 7. ELIGIBILITY.

An individual shall be eligible to receive a scholarship under this Act if such individual has been employed in law enforcement for 2 years immediately preceding the date for which assistance is sought.

SEC. 8. STATE APPLICATION.

(a) In General.—Each State desiring an allotment under section 5 shall submit an application to the Assistant Attorney General at such time, in such manner, and accompanied by such information as the Assistant Attorney General may reasonably require. Each such application shall—

(1) contain assurances that the lead agency shall work in cooperation with the local law enforcement liaisons, representatives of police labor organizations and police management organizations, and other appropriate State and local agencies to develop and implement interagency agreements designed to carry out the provisions of this Act.

(2) contains assurances that the State shall advertise the scholarship assistance provided under this Act;

(3) contain assurances that the States shall screen and select law enforcement personnel for participation in the scholarship program under this Act;

(4) contain assurances that the State shall make scholarship payments to institutions of higher education on behalf of individuals receiving financial assistance under this Act;

(5) identify model curriculum and existing programs designed to meet the educational and professional needs of law enforcement personnel; and

(6) contain assurances that the State shall promote cooperative agreements with educational and law enforcement agencies to enhance law enforcement personnel recruitment efforts in high schools and community colleges.

SEC. 9. LOCAL APPLICATION.

(a) In General.—Each individual desiring a scholarship under this Act shall submit an application to the State at such time, in such manner, and accompanied by such information as the Senate may reasonably require. Each such application shall describe the academic courses for which financial assistance is sought.

(b) Priority.—In awarding scholarships under this Act, each State shall give priority to applications from individuals who are—

(1) members of racial, ethnic, or gender groups whose representation in the law enforcement agencies within the State is substantially less than in the population eligi-

ble for employment in law enforcement in the State; and

(2) pursuing an undergraduate degree.

SEC. 10. SCHOLARSHIP AGREEMENT.

(a) In General.—Each individual receiving a scholarship under this Act shall enter into an agreement with the Assistant Attorney General.

(b) Contents.—Each agreement described in subsection (a) shall—

(1) provide assurances that the individual shall work in a law enforcement position in the State which awarded such individual the scholarship in accordance with the service obligation described in subsection (c) after completion of such individual's academic courses leading to an associate, bachelor, or graduate degree;

(2) provide assurances that the individual will repay all of the scholarship assistance awarded under this title in accordance with such terms and conditions as the Assistant Attorney General shall prescribe, in the event that the requirements of the agreement under paragraph (1) are not complied with except where the individual—

(A) dies;

(B) becomes physically or emotionally disabled, as established by the sworn affidavit of a qualified physician; or

(C) has been discharged in bankruptcy; and

(3) set forth the terms and conditions under which an individual receiving a scholarship under this Act may seek employment in the field of law enforcement in a State other than the State which awarded such individual the scholarship under this Act.

(c) Service Obligation.—(1) Each individual awarded a scholarship under this Act shall work in a law enforcement position in the State which awarded such individual the scholarship for a period of one month for each credit hour for which financial assistance is received under this Act—

(2) For purposes of satisfying the requirement specified in paragraph (1), each individual awarded a scholarship under this Act shall work in a law enforcement position in the State which awarded such individual the scholarship for not less than six months nor more 2 years.

SEC. 11. REPORTS TO CONGRESS.

No later than April 1 of each fiscal year, the Assistant Attorney General shall submit a report to the Attorney General, the President, the Speaker of the House of Representatives, and the President of the Senate. Such report shall—

(1) state the number of present and past scholarship recipients under this Act, categorized according to the levels of educational study in which such recipients are engaged and the years of service such recipients have served in law enforcement; and

(2) describe the geographic, racial, and gender dispersion of scholarship recipients; and

(3) describe the progress of the program and make recommendations for changes in the program.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $30,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out the provisions of this Act.

International Brotherhood
of Police Officers,
Washington, DC, March 2, 1990.

Hon. Bob Graham,
U.S. Senate,
Washington, DC.

Dear Senator Graham: On behalf of the members of the International Brotherhood of Police Officers, we are pleased to endorse your bill, "The Law Enforcement Scholarship Act of 1990", which will provide scholarships to law enforcement personnel who seek further education.

We believe that the wisdom of the bill resides in your decision to focus the benefits on current law enforcement personnel. The bill is designed to meet the educational and professional needs of current officers; those eligible must have been employed in law enforcement for 2 years immediately preceding the date for which assistance is sought.

State and local law enforcement accounts for over 90 percent of the drug arrests in the U.S. If we are to win the drug war, we must make a sincere effort to help those who man the front lines. Providing educational assistance to current officers improves professionalism, increases productivity, alleviates burnout, and demonstrates the importance of having highly trained and educated, experienced police patrolling our streets.

In addition, on behalf of one of our affiliates, the International Brotherhood of Correctional Officers, we are pleased to see that the bill recognizes the important duties of the correctional officers in the United States. Prison overcrowding has become a drastic problem in the past decade, and as we fight the drug war and send more criminals to prison, it is clear that at no time has the professional challenge to correctional officers been greater. This bill will help correctional officers to keep pace in a field of criminal justice that is experiencing rapid changes.

This bill reflects a great deal of effort from you and your staff. We wish to thank you for consulting with us during the drafting stages of the bill, and we look forward to working with you in making "The Law Enforcement Scholarship Act of 1990" a reality for the state and local police officers and correctional officers that currently serve.

Sincerely,

Kenneth T. Lyons,
National President.

Police Executive Research Forum,
Washington, DC, March 2, 1990.

Senator Bob Graham,
Dirksen Senate Office Building,
Washington, DC.

Dear Senator Graham: The Police Executive Research Forum (PERF) an organization representing bit-city police chiefs and sheriffs, was very pleased to hear of the introduction of the Law Enforcement Scholarship Act of 1990. By providing current police officers with educational assistance, the act will enable America's police to move closer to a time when officers with college degrees are the rule rather than the exception.

At a time when police are facing perhaps their toughest challenge—drug-related crime and violence—they must be more professional, efficient and effective than ever before.

Education can help police in this quest. According to research conducted by PERF, college-educated officers communicate better with public, perform more effectively than their non-degree counterparts, receive fewer citizen complaints, are better decision makers and show more sensitivity to racial and ethnic groups.

While the education of current officers is paramount to the professionalization of policing, we also think that a pre-service educational assistance program should be a smaller, but important, component of this measure. Such a pre-service provision would make policing more attractive to women and minorities—persons who are underrepresented in many police departments. (It may be interesting to note that PERF's study found that current women and minority officers have higher educational levels than white males, which leads us to believe that the educational assistance for in-service officers may be less helpful to these groups.)

Finally, we think there is merit to financing research and demonstration projects in an effort to develop model police education programs. We were encouraged by the bill's mention of the need to identify model curriculums and programs.

Once again, we commend you for your concern for American policing and your leadership in helping to increase the educational levels of police. We hope that the Law Enforcement Scholarship Act of 1990 will receive favorable consideration when it reaches the Senate floor.

Sincerely,

Darrel Stephens,
Executive Director.

Hillsborough County
Police Benevolent Association, Inc.,
Tampa, FL, February 26, 1990.

Senator Bob Graham,
Dirksen Building,
Washington, DC.

Dear Senator Graham: Providing police officers with educational assistance is an especially important objective today when law enforcement has become much more complex and police officers are in need of more information in order to do their job. You have done a great service to the country and everyone in law enforcement by introducing the Law Enforcement Scholarship Act of 1990.

This act would help the continued professionalization of the delivery of law enforcement services, help motivate dedicated police officers in their continued service of law enforcement and aid in the attraction of motivated candidates to a career of law enforcement service.

I, therefore, urge others to support your efforts on this issue. On behalf of this organization, I commend and thank you for your attention to their needs.

Sincerely,

Robert J. Sheehan,
President, Hillsborough County
Police Benevolent Association.

Florida State Lodge,
Fraternal Order of Police,
Tallahassee, FL, February 28, 1990.

Hon. Bob Graham,
U.S. Senator,
Dirksen Building,
Washington, DC.

Dear Senator Graham: There is a lot of talk in Washington, D.C. and across America about fighting crime and drugs, but the brunt of that war takes place at the local and state level. We appreciate your recognition of the importance of state and local law enforcement officers through introduction of the Law Enforcement Scholarship Act of 1990.

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Police officers have daily contact with both law-abiding citizens and criminals. The criminal justice academies and in-house training programs do much to prepare officers for every potential situation, but no amount of education or training can be too much. Your legislation would provide new opportunities for the many officers who would like to enhance their law enforcement skills with higher education study.

The men and women who protect our communities and citizens due a great service to this country, often at the risk of their lives. Your bill both rewards these officers for their service and benefits the general population by promoting further education to compliment the experience of these officers.

Thank you for introducing this much-needed legislation. We will be glad to work with your Colleagues in Congress to secure its passage.

Sincerely,

Thomas M. Perry,
President.
Robert M. Spiegel,
National Trustee.●

By Mr. THURMOND:

S.J. Res. 267. Joint resolution to authorize and request the President to designate May 1990 as "National Physical Fitness and Sports Month"; to the Committee on the Judiciary.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

● Mr. THURMOND. Mr. President, I am pleased to introduce a joint resolution which designates the month of May 1990 as "National Physical Fitness and Sports Month."

We no longer view physical exercise as solely for entertainment purposes. In the past few decades, a large segment of the population of this country has become conscious of, and involved in, the evergrowing fitness movement. Physical activity should be an important part of life each day for persons of all ages and abilities. Personally, I have benefited greatly from the effects of physical exercise. Each morning, I do calisthenics for a half hour, lift weights, and I swim one-half a mile three times a week.

Interest in sports begins at an early age. Nearly 30 million boys and girls take part in age-grouped team sports and other organized out-of-school physical activity. More than 6 million teenagers and over 600,000 college students compete in interscholastic and intramural athletic programs.

One of every two adults in the United States engages regularly in some type of exercise and/or sports. A third of us swim; a fourth ride bicycles; and a fifth play one of the racquet sports. More than 20 million people in this country run. The number of physically active women and men has doubled in 10 years and continues to grow rapidly.

Not only are fitness and sports programs a source of pleasure and personal satisfaction by which we refresh and strengthen ourselves, but they also are good preventive programs of health care.

Last year during May, as part of the celebration of "National Physical Fitness and Sports Month," 1,139,902 persons participated in some form of physical activity, from 5-kilometer walks to track meets and superstars contests. This number is only a small part of the American population. We must make all Americans aware of the benefits offered with such programs increasingly available to everyone. Accordingly, I am introducing this joint resolution which requests President Bush to declare May 1990 as "National Physical Fitness and Sports Month."

Mr. President, I ask unanimous consent that a copy of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 267

Whereas there is an increase in the number of adults in our country who regularly participate in exercise and sports;

Whereas the number of physically active men and women continues to grow rapidly, especially since the 1970s;

Whereas there is great support for the importance of daily exercise for youth and children regardless of physical capabilities or limitations;

Whereas there is continued growth in senior citizens' physical activity participation which increases their enjoyment and quality of life;

Whereas today we recognize that physical activity is an important part of daily life for children, adults, and senior citizens of both sexes;

Whereas physical activity is vital to good health and is a rich source of pressure and personal satisfaction;

Whereas our physical fitness and sports programs are one of the primary means by which we strengthen our bodies and refresh our spirits; and

Whereas it is essential that we make fitness and sports programs increasingly available in the schools, at the workplace, and during leisure time so that all of our citizens will be able to experience the joys and benefits they offer: Now, therefore, be it

Resolved by the Seante and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the month of May 1990 as "National Physical Fitness and Sports Month", and to call upon Federal, State, and local government agencies, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.●

By Mr. BRADLEY (for himself and Mr. Durenberger):

S.J. Res. 268. Joint resolution to designate April 6, 1990, as "National Student-Athlete Day"; to the Committee on the Judiciary.

NATIONAL STUDENT-ATHLETE DAY

● Mr. BRADLEY. Mr. President, I rise today with my colleague from Minnesota [Mr. Durenberger] to introduce a joint resolution designating April 6, 1990, as "National Student Athlete Day."

Mr. President, this day will focus attention on the positive role that sports can have on the physical and mental development of young people. Within the proper framework of a school program, sports can build confidence, cooperation, integrity and maturity. These qualities are necessary for our future leaders.

In spite of all the positive aspects of sports, over emphasis on sports can cause serious harm to young people, even those who pursue sports professionally. The single-minded devotion to athletics among our Nation's schools and colleges too often leads to exploitation and abuse of the student-athlete. Only 1 in 10,000 high school athletes who dream of a career in professional sports even realize that aspiration, while those who do can expect a professional sports career of less than 4 years. Too many young people sacrifice academic achievement to the dream of professional athletics. And all too frequently schools are willing accomplices—demonstrating no interest in students' academic progress and keeping students eligible even when their real academic achievement levels do not warrant it. Students must realize that education is a life-long asset, and schools have to remember that their primary responsibility is education.

Last year, all 50 States along with the District of Columbia proclaimed April 6 as Student-Athlete Day. With the help of a broadened observance of National Student-Athlete Day, educators will be able to promote the role of sports within education to stress the need for a balance between academics and athletics. This effort will direct young people away from the idea that sports can be a substitute for education. The programs planned include professional athletes, who have returned to college to complete their degree, speaking to students about the importance of education. Since athletes are role models for many young people, the day will stress the positive role sports can play in development of personal character. Athletes will also speak frankly about the dangers of alcohol and drug abuse that threaten our society.

In supporting this important effort we, the U.S. Senate, will join with coaches, parents, and educators throughout the Nation to encourage the pursuit of excellence in both academics and athletics.

On behalf of Senator Durenberger and myself I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 268

Whereas the student-athlete represents a role model worthy of emulation by the youth of this Nation;

Whereas the past athletic successes of many business, governmental, and educational leaders of this Nation dispel the myth that successful athletes are one-dimensional;

Whereas such worthy values and behaviors as perseverance, teamwork, self-discipline, and commitment to a goal are fostered and promoted by both academic and athletic pursuits;

Whereas participation in athletics, together with education, provides oportunities to develop valuable social and leadership skills and to gain an appreciation of different ethnic and racial groups;

Whereas in spite of all the positive aspects of sport, overemphasis on sport at the expense of education may cause serious harm to the future of an athlete;

Whereas the pursuit of victory in athletics among the schools and colleges of this Nation too often leads to exploitation and abuse of the student-athlete;

Whereas less than 1 in 100 high school athletes have the opportunity to play Division I college athletics;

Whereas although college athletes graduate at the same rate as other students, less than 30 percent of scholarship athletes in revenue producing sports graduate from college;

Whereas only 1 in 10,000 high school athletes ever realize an aspiration of a career in professional sports, and those students who become professional athletes may expect a professional sports career of less than 4 years;

Whereas thousands of the youth of this Nation sacrifice academic achievement to the dream of professional athletics;

Whereas the practice of keeping athletes eligible for participation on a team, even at the high school level, must be abandoned for a policy of ensuring a meaningful education and degree;

Whereas coaches, parents, and educators of student-athletes must express high expectations for academic performance as well as for the athletic performance; and

Whereas there is a need in this Nation to reemphasize the student in the term "student-athlete": Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1990, is designated as "National Student-Athlete Day" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate programs, ceremonies, and activities.●

● Mr. DURENBERGER. Mr. President, we have focused a lot of attention lately on the problems associated with some college athletic programs. And while I wholeheartedly believe that the National Association of College Athletics [NCAA] continue to take disciplinary action against those schools who are violating NCAA rules and who are disservicing not only their athletes but also the general public, I think that if we focus solely on the negative aspects of high school and college athletic programs we will lose sight of the many positive aspects of student athletics.

The resolution that Senator Bradley and I are introducing today is designed to bring recognition to the positive aspects of student-athletics, and to emphasize the student aspect of the term student-athlete.

It is often said that people learn more from hands-on experiences rather than they do from classroom academic settings. Thus, a balance of academics and athletics provides the opportunity for our schools and colleges to relate what we learn in the classroom to the real world through real-life experiences.

Almost all of us can remember participating on a school sports team at one time or another while we were growing up. And we can remember the things we learned about ourselves and others while participating in such programs. Team work, self-discipline, leadership, and commitment to a goal are all fostered by a well-balanced program of athletics and academics. These values will stay with a person over a lifetime and will provide direction into the decisions they make and the people they become.

Last year, all 50 States participated in the recognition of the student-athlete. Mr. President, I urge my colleagues again to recognize the contribution of the student-athlete in our society and to support this legislation.●

By Mr. D'AMATO:

S.J. Res. 269. Joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

NATIONAL EMPLOY THE OLDER WORKER WEEK

● Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution to designate March 12, 1990 through March 18, 1990, as "National Employ the Older Worker Week."

Persons over 55 years of age constitute over 20 percent of the Nation's population as a whole, and their potential for the workplace should not be overlooked. Older workers possess resources of wisdom and experience that can be utilized by a variety of industries, and employers need to be made aware of their low absenteeism, diligence, and generally exemplary work performance.

National Employ the Older Worker Week will seek to encourage employers of all industries to give special consideration to older workers, and also encourage the Department of Labor to assist older workers through job training and counseling programs. Also, the citizens of the United States during National Employ the Older Worker Week will observe the week with appropriate ceremonies, programs and activities.

I ask unanimous consent that the text of this joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 269

Whereas individuals aged 55 and over are a major national resource, constitute 22 percent of the population of the United States at the present time, and are likely to constitute a larger percentage of the population in future decades;

Whereas a growing number of such individuals, being willing and able to work, are looking for employment opportunities, want to remain in the workforce, or would like to serve their communities and their Nation in voluntary roles;

Whereas such individuals, who have made continuing contributions to the national welfare, should be encouraged to remain in, or resume, career and voluntary roles that utilize their strenths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth, and independence of older individuals by encouraging them to make decisions and to act upon those decisions, by tapping their resources, experience, and knowledge, and by enabling them to contribute to society;

Whereas the operation of title V of the Older Americans Act of 1965 has demonstrated that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the Department of Labor and the Work in America Institute indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to the high quality of their job performance and their low rate of absenteeism; and

Whereas the American Legion has sponsored "National Employ the Older Worker Week" during the second week of March in every year since 1959, focusing public attention on the advantages of employing older individuals: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to designate the period commencing March 11, 1990, and ending March 17, 1990 as "National Employ the Older Worker Week," and to issue a proclamation calling upon—

(1) the employers and labor unions of the United States to give special consideration to older workers, with a view toward expanding career and employment opportunities for older workers who are willing and able to work and who desire to remain employed or to reenter the workforce;

(2) voluntary organizations to reexamine the many fine service programs that they sponsor, with a view toward expanding both the number of older volunteers and the types of service roles open to older workers;

(3) the Department of Labor to give special assistance to older workers by means of job training programs under the Jobs Training and Partnership Act, job counseling through the United States Employment Service, and additional support through its Older Worker program, as authorized by title V of the Older Americans Act; and

(4) the citizens of the United States to observe that week with appropriate programs, ceremonies, and activities.●

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ADDITIONAL COSPONSORS

S. 15

At the request of Mr. Cranston, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 101

At the request of Mr. Sanford, the name of the Senator from New York [Mr. Moynihan] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 384

At the request of Mr. Chafee, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of S. 384, a bill to amend title XIX of the Social Security Act to assist individuals with a severe disability in attaining or maintaining their maximum potential for independence and capacity to participate in community and family life, and for other purposes.

S. 682

At the request of Mr. Simon, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 682, a bill to amend chapter 33 of title 18, United States Code, to prohibit the unauthorized use of the names "Visiting Nurse Association," "Visiting Nurse Service," "VNA," "VNS," "VNAA," or the unauthorized use of the name or insignia of the Visiting Nurse Association of America.

S. 1560

At the request of Mr. Burns, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of S. 1560, a bill to suspend the enforcement of certain regulations relating to underground storage tanks, and for other purposes.

S. 1629

At the request of Mr. Specter, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 1629, a bill to establish clearly a Federal right of action by aliens and U.S. citizens against persons engaging in torture or extrajudicial killings, and for other purposes.

S. 1728

At the request of Mr. Thurmond, the names of the Senator from Georgia [Mr. Fowler] and the Senator from Missouri [Mr. Bond] were added as cosponsors of S. 1728, a bill to provide disaster assistance to timber producers who suffered losses of trees due to Hurricane Hugo to help them reestablish private timber stands.

S. 1791

At the request of Mr. Rockefeller, the name of the Senator from Maine [Mr. Mitchell] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1835

At the request of Mr. Wilson, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 1835, a bill to amend the Drug-Free Schools and Communities Act of 1986 to provide for the awarding of grants for drug abuse resistance education instruction for students, and for other purposes.

S. 1853

At the request of Mr. Chafee, the names of the Senator from Iowa [Mr. Harkin] and the Senator from West Virginia [Mr. Byrd] were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1890

At the request of Mr. Thurmond, the names of the Senator from Idaho [Mr. Symms], the Senator from Massachusetts [Mr. Kerry], the Senator from South Dakota [Mr. Pressler], the Senator from Wisconsin [Mr. Kohl], and the Senator from Colorado [Mr. Wirth] were added as cosponsors of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 1898

At the request of Mr. Reid, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 1898, a bill to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities.

S. 2015

At the request of Mr. Dodd, the name of the Senator from New Mexico [Mr. Bingaman] was added as a cosponsor of S. 2015, a bill to amend the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989 to apply the same honoraria provisions to Senators and officers and employees of the Senate as apply to Members of the House of Representatives and other officers and employees of the Government, and for other purposes.

S. 2019

At the request of Mr. Symms, the names of the Senator from Arizona [Mr. McCain], the Senator from Mississippi [Mr. Cochran], and the Senator from Wisconsin [Mr. Kasten] were added as cosponsors of S. 2019, a bill to amend title XVIII of the Social Security Act to eliminate the reimbursement differential between hospitals in different areas.

S. 2041

At the request of Mr. Symms, the names of the Senator from Arizona [Mr. McCain] and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2048

At the request of Mr. Sarbanes, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2071

At the request of Mr. Packwood, the names of the Senator from Iowa [Mr. Grassley] and the Senator from Florida [Mr. Mack] were added as cosponsors of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2158

At the request of Mr. Pryor, the names of the Senator from Michigan [Mr. Levin] and the Senator from West Virginia [Mr. Rockefeller] were added as cosponsors of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2159

At the request of Mr. Boschwitz, the names of the Senator from South Dakota [Mr. Pressler] and the Senator from North Carolina [Mr. Helms] were added as cosponsors of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2222

At the request of Mr. Bradley, the names of the Senator from Arkansas [Mr. Bumpers] and the Senator from Wisconsin [Mr. Kasten] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

SENATE JOINT RESOLUTION 238

At the request of Mr. Sarbanes, the names of the Senator from South Carolina [Mr. Thurmond], the Senator from Indiana [Mr. Lugar], the Senator from Minnesota [Mr. Boschwitz], the Senator from Washington [Mr. Gorton], the Senator from South Dakota [Mr. Daschle], the Senator from Montana [Mr. Burns], the

Senator from California [Mr. Wilson], and the Senator from Wisconsin [Mr. Kohl] were added as cosponsors of Senate Joint Resolution 238, a joint resolution to designate the week beginning March 5, 1990, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. Thurmond, the names of the Senator from Pennsylvania [Mr. Specter], and the Senator from Connecticut [Mr. Dodd] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. Boschwitz, the names of the Senator from Mississippi [Mr. Cochran], the Senator from New Hampshire [Mr. Humphrey], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 248

At the request of Mr. Boschwitz, the names of the Senator from Maryland [Mr. Sarbanes], the Senator from Tennessee [Mr. Gore], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 257

At the request of Mr. Biden, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Nevada [Mr. Bryan], the Senator from Rhode Island [Mr. Chafee], the Senator from Illinois [Mr. Dixon], the Senator from Connecticut [Mr. Dodd], the Senator from New Mexico [Mr. Domenici], the Senator from Utah [Mr. Garn], the Senator from Tennessee [Mr. Gore], the Senator from Utah [Mr. Hatch], the Senator from Alaska [Mr. Murkowski], the Senator from Georgia [Mr. Nunn], the Senator from Pennsylvania [Mr. Specter], the Senator from Idaho [Mr. Symms], and the Senator from Connecticut [Mr. Lieberman] were added as cosponsors of Senate Joint Resolution 257, a joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. Simon, the names of the Senator from California [Mr. Cranston], the Senator from New York [Mr. D'Amato], the Senator from Michigan [Mr. Levin], the Senator from Indiana [Mr. Coats], the Senator from Tennessee [Mr. Gore], the Senator from Connecticut [Mr. Dodd], the Senator from Vermont [Mr. Jeffords], the Senator from Nevada [Mr. Bryan], the Senator from North Dakota [Mr. Burdick], the Senator from Alaska [Mr. Murkowski], and the Senator from Virginia [Mr. Robb] were added as cosponsors of Senate Joint Resolution 262, a joint resolution designating March 1990 as "Irish-American Month."

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. Simon, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Massachusetts [Mr. Kerry], and the Senator from New York [Mr. Moynihan] were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa.

AMENDMENT NO. 1293

At the request of Mr. Mitchell, the names of the Senator from Nebraska [Mr. Exon], the Senator from Arizona [Mr. McCain], and the Senator from Georgia [Mr. Fowler] were added as cosponsors of amendment No. 1293 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE RESOLUTION 259—RECOGNIZING THE CONTRIBUTIONS OF THE HUGOTON GAS FIELD TO THE NATION

Mr. DOLE (and Mrs. Kassebaum) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. Res. 259

Whereas the Hugoton gas field holds the most recoverable reserves of any gas field in the United States, and is one of the largest fields in the world;

Whereas the Hugoton gas field has been an major source of natural gas for the United States, yielding over 28.8 trillion cubic feet of natural gas since it was discovered in 1927;

Whereas Hugoton's minerals were of particular importance to the Nation during World War II, the Korean conflict, and the Vietnam war;

Whereas natural gas has long played a critical role in the energy needs of the United States; and

Whereas the Hugoton gas field will be a vital part of our Nation's future energy security: Now, therefore, be it

Resolved, That the Hugoton gas field is recognized for its important contributions to the Nation.

Mr. DOLE. Mr. President, today I am submitting a resolution recognizing the Hugoton gas field for its contributions to America's energy security. The people in my home State of Kansas, as well as in Oklahoma and Texas, are very familiar with the Hugoton gas field, which contains enough reserves to make it one of the largest gas fields in the entire world.

Named after the town of Hugoton, KS, this field has been a valuable supplier of natural gas, yielding over 8.8 trillion cubic feet [TCF] since 1927. In addition, the Hugoton field is an important source of helium gas, accounting for nearly 60 percent of all the helium used in the United States in 1988.

The field has been of particular importance to Kansas. The 11 counties which make up the Kansas portion of the gas field paid over 50 percent of the State severance tax collected during a 1 year period spanning over 1987 and 1988. Furthermore, the production from the Hugoton field enables Kansans to enjoy some of the lowest natural gas prices in the Nation.

While the economies of Kansas and surrounding States have prospered from Hugoton's wells, Hugoton gas is also of national importance. During the second world war, in fact, troops were stationed in Hugoton to guard the field's pipelines from sabotage.

As we take this time to celebrate the Hugoton gas field's past, we must also look ahead to the future of our Nation's energy security. We are approaching a time when we may have to reexamine our national energy situation. While our energy demands continue to grow, our reliance on foreign energy suppliers is increasing.

In my view, the continued development of domestic natural gas resources will play a critical role in maintaining America's energy security. The Hugoton field, with about 34 TCF in reserves, will undoubtedly be an important part of that development.

Sixty years ago, then-Kansas Gov. Clyde Reed recognized the gas field's importance when he declared the town of Hugoton the "gas capital of the southwest." We have benefitted greatly from the fruits of this gas field in the time since. I now urge all of my colleagues to support this resolution to recognize the Hugoton gas field's contributions to the Nation.

AMENDMENTS SUBMITTED

REIMBURSEMENT OF CERTAIN EXPENSES INCURRED IN TESTING FOR BRUCELLOSIS IN CATTLE

WALLOP (AND OTHERS) AMENDMENT NO. 1296

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. WALLOP (for himself, Mr. Simpson, and Mr. Burns) submitted an amendment intended to be proposed by him to the bill (S. 1767) to reimburse Montana and individuals for expenses incurred to test cattle for brucellosis organisms carried outside

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Yellowstone National Park by elk and bison, and for other purposes, as follows:

On page 1, line 7, strike "Montana private lands" and insert "private lands in Montana and Wyoming".

On page 2, line 1, strike "defacto" and insert "de facto".

On page 2, line 17, strike "Montana is a brucellosis-free state" and insert "Montana and Wyoming (except for Yellowstone National Park) are brucellosis-free States".

On page 2, line 20, strike "Montana" and insert "the cattle owners of Montana and Wyoming and the governments of those States".

On page 3, strike lines 1 through 6 and insert the following:

SEC. 2. REIMBURSEMENT OF COSTS AND DAMAGES.

(a) **In General.**—The Secretary of the Interior shall reimburse the owners of cattle ranched in the States of Montana and Wyoming and the governments of those States for—

(1) the costs of testing cattle for brucellosis made necessary or prudent because of a demonstrated risk that the cattle have become infected with brucellosis as a result of having been exposed to elk or bison herds that have come from Yellowstone National Park; and

(2) reasonably foreseeable economic loss caused by the necessity of destroying cattle that have become infected with brucellosis as a result of having been exposed to elk or bison herds that have come from Yellowstone National Park.

On page 3, line 10, insert "the" between "of" and "Interior".

On page 3, line 13, strike "to carry out this Act $50,000 for fiscal year 1991, and $50,000 for fiscal year 1992" and insert "such sums as are necessary to carry out this Act".

Amend the title to read as follows: "To reimburse cattle owners in Montana and Wyoming and the governments of those States for expenses incurred to test cattle for brucellosis organisms carried outside Yellowstone National Park by elk and bison and for economic loss caused by the necessity of destroying cattle that have been infected by elk and bison herds of Yellowstone National Park, and for other purposes.".

CLEAN AIR ACT AMENDMENTS

BAUCUS (AND OTHERS) AMENDMENT NO. 1297

Mr. BAUCUS (for himself, Mr. SYMMS, and Mr. DOLE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

Insert on page 243, line 24, after (4), "(A)" and insert on page 244, line 3, at the end of the period the following:

"(B) Standards for sources of ammonia shall be established pursuant to this subsection within the time established by subsection (e)(1)(C). The Administrator shall establish a health threshold for ammonia before standards are required to be promulgated pursuant to subsection (e)(1)(C). Emission standards for sources of ammonia shall be established at levels which protect public health with an ample margin of safety."

SIMON AMENDMENTS NOS. 1298 THROUGH 1301

(Ordered to lie on the table.)

Mr. SIMON submitted four amendments intended to be proposed by him to the bill S. 1603, supra, as follows:

AMENDMENT NO. 1298

On page 229, line 7, delete "two" and insert in lieu thereof "four".

On page 229, line 9, delete "report" and insert in lieu thereof "study".

On page 229, line 12, after the period add the following: "The Administrator shall commence such study within 60 days following the date of the enactment of this subpart.".

On page 229, line 14, strike out "report" and insert in lieu thereof "study".

On page 229, line 16, strike out "regulations" and insert in lieu thereof "such regulations as he deems necessary (based on the study".

On page 231, after line 24, add the following new paragraph:

"(6) The Administrator may, at any time after 2 years after initiation of the study pursuant to paragraph (1) and based upon substantial evidence developed in such study, propose and promulgate, pursuant to section 307, regulations with respect to a specific consumer or commercial product, provided—

"(A) that the Administrator has first determined, after consultation with and comment by interested parties, including any affected industries, that such regulations will achieve a significant reduction in ambient air concentrations of ozone; and

"(B) that such regulations apply reasonably availble controls.".

AMENDMENT NO. 1299

On page 469, between lines 20 and 21, insert the following:

"(i) Not later than 90 days after the date of the enactment of this title, the Administrator shall submit to the Congress a report on the feasibility and effectiveness of requiring some or all Federal facilities to use compact fluorescent lamps instead of incandescent lamps in order to reduce the use of electrical energy and thereby reduce the levels of sulfur dioxide emission.

AMENDMENT NO. 1300

On page 168, between lines 14 and 15, insert the following:

(c) Nothing in the amendments made by this section shall be construed as requiring any Federal, State or local environmental or transportation agency to adopt or implement any transportation control measure published and made available to such agency pursuant to 108(f)(1) of the Clean Air Act.

AMENDMENT NO. 1301

On page 305, line 12, after the period add the following: "Not later than twelve months after the enactment of this subsection, the Administrator shall submit to the Congress a report on the feasibility and effectiveness of requiring the provisions in this paragraph to be applied to all cities of 100,000 population or greater regardless of their attainment status."

GLENN (AND HEINZ) AMENDMENT NO. 1302

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. HEINZ) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Commencing with line 11 on page 319 of the amendment No. 1293, strike out all through line 2 on page 320.

McCONNELL (AND BYRD) AMENDMENT NO. 1303

Mr. McCONNELL (for himself and Mr. BYRD) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of Title IV of amendment 1293 add the following new section:

"**SEC.** .

"The Administrator of the Environmental Protection Agency, in consultation with the Secretary of State, the Secretary of Energy, and other persons the Administrator deems appropriate, shall prepare and submit a report to Congress on January 1, 1994, January 1, 1999, and January 1, 2005.

"The report to Congress shall analyze the current emission levels of sulfur dioxide and nitrogen oxide in each of the provinces participating in Canada's acid rain control program, the amount of emission reductions of sulfur dioxide and oxides of nitrogen achieved by each province, the methods utilized by each province in making those reductions, the costs to each province and the employment impacts in each province of making and maintaining those reductions.

"Beginning on January 1, 1999, the reports shall also assess the degree to which each province is complying with its stated emissions cap."

McCONNELL AMENDMENT NO. 1304

Mr. McCONNELL proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of title IV of amendment 1293 add the following new section:

"**SEC.** .

"The Secretary of Energy in Consultation with the Secretary of Commerce shall provide a report to the Congress within one year of enactment of this legislation which will identify, inventory and analyze clean coal technologies export programs within U.S. government agencies including the Departments of State, Commerce, and Energy and at the Export-Import Bank and the Overseas Private Investment Corporation. The study shall address the effectiveness of interagency coordination of export promotion and determine the feasibility of establishing an interagency commission for the purpose of promoting the export and use of clean coal technologies."

BENTSEN (AND GRAMM) AMENDMENT NO. 1305

Mr. BAUCUS (for Mr. BENTSEN, for himself and Mr. GRAMM) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Section of the bill is hereby amended to read as follows:

"( ) NATURAL URBAN AIR TOXICS RESEARCH CENTER—

"(1) The Administrator shall oversee the creation of a National Urban Air Toxics Research Center, to be located at a university, a hospital or other facility capable of undertaking and maintaining similar research capabilities in the areas of epidemiology, oncology, toxicology, pulmonary medicine, pathology and biostatistics. The geographic site of the National Urban Air Toxics Research Center should be further directed to Harris County, Texas, in order to take full advantage of the well developed scientific community presence currently on-site at the Texas Medical Center as well as the extensive data previously compiled from the comprehensive monitoring system currently in place.

"(2) The National Urban Air Toxics Research Center shall be governed by a Board of Directors to be comprised of nine numbers, the appointment of which shall be allocated pro rata among the Speaker of the House, the majority leader of the Senate the President. The members of the Board of Directors shall be selected based on their respective academic and professional backgrounds and expertise in matters relating to public health, environmental pollution, and industrial hygiene. The duties of the Board of Directors shall be to determine policy and research guidelines, submit views from Center sponsors and the public and issue periodic reports of Center findings and activities.

"(3) The Board of Directors shall be advised by a Scientific Advisory Panel, the thirteen members of which shall be appointed by the Board, and to include eminent members of the scientific and medical communities. The Panel membership may include scientists with relevant experience from the National Institute of Environmental Health Sciences, the Center for Disease Control, the Enviromental Protection Agency, the National Cancer Institute and others, and the Panel shall conduct peer review and evaluate research results. The Panel shall assist the Board in developing the research agenda, reviewing proposals and applications and advise on the awarding of research grants.

"(4) The Center shall be established and funded with both federal and private source funds."

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs scheduled business meeting for Tuesday, March 6, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations has been moved to Thursday, March 8, 1990 at 4 p.m.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold four field hearings during the March recess.

March 14: Norwalk United Methodist Church, Norwalk, IA, 10 a.m. For further information, please call Mark Halverson at 224-3254.

March 14: Fonner Park Club House, upper level, Grand Island, NE, 2:30 p.m. For further information, please call Tim Galvin at 224-6551.

March 15: North Dakota State University, Memorial Union-State Ballroom, Fargo, ND, 9 a.m. For further information, please call Kent Hall at 224-2043.

March 15: Ramkota Inn, Aberdeen, SD, 3 p.m. For further information, please call Rob Wise at 224-2321.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that two hearings have been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearings is to receive testimony on Senate bill S. 1966, the Advanced Nuclear Reactor Research, Development, and Demonstration Act of 1989.

The first hearing will take place on Thursday, March 29, 1990, at 9:30 a.m., and the second hearing will take place on Monday, April 2, 1990, at 2 p.m. Both hearings will be conducted in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510, Attn: Ben Cooper.

For further information, please contact Ben Cooper or Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The purpose of the hearing is to receive testimony from the Department of Energy on its decision plan related to the opening of the Waste Isolation Pilot Plan in Carlsbad, NM. Testimony will also be received on any proposed legislation to withdraw the public lands surrounding the WIPP site.

The hearing, originally scheduled to take place on March 29, 1990, has been rescheduled. The hearing will now take place on Tuesday, April 3, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510, Attn: M.L. Wagner.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 10 a.m. to hold hearings on pending ACDA nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Securities Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Tuesday, March 6, 1990, at 10 a.m. to hold oversight hearings on the condition of the securities industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 11 a.m. to hold a business meeting to consider and vote on pending nominations and legislation.

The committee will consider and vote on the following agenda items:

I. NOMINATIONS

Ms. Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Mr. David C. Fields, of California, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

Mr. Ronald W. Roskens, of Nebraska, to be Administrator of the Agency for International Development.

Mr. Robert W. Farrand, of Virginia, to be Ambassador to Papua New Guinea and to serve concurrently as the Ambassador to the Solomon Islands and the Republic of Vanuatu.

Mr. J. Steven Rhodes,* of California, to be Ambassador to Zimbabwe.

Mr. Bradley Gordon,* of Virginia, to be an Assistant Director for the Bureau of Nuclear and Weapons Control, U.S. Arms Control and Disarmament Agency.

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Ms. Susan Jane Koch,* of the District of Columbia, to be an Assistant Director for the Bureau of Strategic Programs, U.S. Arms Control and Disarmament Agency.

Mr. Michael Lorne Moodie,* of Maryland, to be an Assistant Director for Multilateral Affairs, U.S. Arms Control and Disarmament Agency.

* Pending the satisfactory completion of hearings.

Mr. Larry K. Mellinger, of California, to be U.S. Executive Director of the Inter-American Development Bank for a term of 3 years.

Foreign Service Officer's promotion list, Mr. Anderson et al., January 23, 1990.

Foreign Service Officers' promotion list, Mr. Baker et al., January 28, 1990.

II. LEGISLATION

S. Con. Res. 92, commemorating the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

S. Con. Res. 94, relating to the release of Nelson Mandela and other positive developments in South Africa.

S. Con. Res. 95, relating to negotiations relative to German unification.

S. Con. Res. 97, expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

S.J. Res. 75 (with an amendment requested by the sponsor, Mr. MATSUNAGA) relating to NASA and the International Space Year.

S.J. Res. 246, calling upon the United Nations to repeal the resolution on Zionism as racism.

H.J. Res. 472, expressing support for Chile's transition to democracy.

H. Con. Res. 258, congratulating the President of Honduras on his election and offering good wishes.

S. Res. 257, Pell resolution expressing the advice of the Senate with regard to any treaty or other legal instrument entered into by the United States affecting the status and boundaries of a united Germany.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 6, 1990, at 10 a.m. to hold a hearing on the revenue provisions contained in the President's budget for fiscal year 1991 and all expiring tax provisions not included in the President's budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet in open session on Tuesday, March 6, 1990, at 2:15 p.m. to consider the nominations of: Donald J. Yockey to be Deputy Under Secretary of Defense for acquisition; Charles M. Herzfeld to be Director of Defense Research and Engineering; Gerald A. Cann to be Assistant Secretary of the Navy (research, development, and acquisition); and Jacqueline E. Schafer to be Assistant Secretary of the Navy (installations and environment).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 6, at 9:30 a.m. to hold a hearing on J. Steven Rhodes, to be Ambassador to Zimbabwe.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Tuesday, March 6, 1990, 9:30 a.m. for a hearing to receive testimony on S. 666, to enroll 20 individuals under the Alaska Native Claims Settlement Act; S. 1128, for the relief of Richard Saunders; S. 1719, to designate the segment of the Colorado River within Westwater Canyon in Utah as a component of the National Wild and Scenic Rivers System; S. 1738, to convey certain Oregon and California land grant lands in Oregon to the Rogue Community College District; and S. 1837, to direct the Secretary of the Interior to establish a desert research center.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Tuesday, March 6, 1990, 2 p.m. for a hearing to receive testimony on S. 1976, the Department of Energy High-Performance Computing Act of 1989.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 6, 1990, at 10 a.m., to hold a hearing on S. 2027, a bill to require certain procedural changes in the U.S. district courts in order to promote the just, speedy and inexpensive determination of civil actions, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 9:30 a.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address sugar issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address crop insurance issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2 p.m. to hold a closed hearing on Intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COURTS AND ADMINISTRATIVE PRACTICE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Courts and Administrative Practice of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, March 6, 1990, at 2:30 p.m., to hold a hearing on S. 948, a bill to amend title 28, United States Code, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BAUCUS. Mr. President, The Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Veterans' Affairs Committee to hear a legislative presentation by the Veterans of Foreign Wars on Tuesday, March 6, 1990, at 9:00 a.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, March 6, at 9:30 a.m., for a hearing on the subject: "Serious Problems in Department of Defense Supply System."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a business meeting on Tuesday, March 6, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 6, 1990, beginning at 9 a.m., in 485 Russell Senate Office Building to consider and report the committee's recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE INDEPENDENCE OF NAMIBIA

● Mr. LEVIN. Mr. President, on March 21, Namibia will become an independent nation. The people of Namibia have held elections to choose a Constituent Assembly which, in turn, has adopted a democratic Constitution and, on February 16, unanimously elected Sam Nujoma as Namibia's first President. The election, originally scheduled for March 16, was brought forward for protocol reasons relating to the coming independence celebrations. There were no other nominees and the Assembly greeted Mr. Nujoma's election with a standing ovation. In his acceptance speech, the President-elect pledged to uphold the Constitution and to execute his duties in the spirit of "National reconciliation, unity, peace and stability."

The events have taken place at a time when incredible moments have occurred throughout the world. The Berlin Wall has fallen, Eastern Europe has thrown out its totalitarian leaders and moved toward democracy, South Africa has begun a process of monumental change, Chile has held free elections, and the Soviet Union seems poised to enter an entirely new era. Yet these momentous events should not overshadow what has taken place in Namibia.

Since 1915 Namibians have been ruled by South Africa. The United Nations declared the Southwest African People's Organization [SWAPO], led by Sam Nujoma, the sole authentic representative of the people of Namibia in 1973. Since that time the United States has worked to bring about the independence of Namibia and I have been proud to have served on the Commission on Independence For Namibia, a project headed by Ms. Gay McDougall of the Lawyers' Committee for Civil Rights Under Law.

I want to take this opportunity to congratulate the people of Namibia for their courageous struggle which has led to the beginning of their nationhood. The United States must do its share to recognize the new democracy of Namibia by encouraging investment, trade, and providing technical and economic assistance where it is needed. On March 21, all sanctions against Namibia which applied as a territory of South Africa will be lifted and an exciting new era of opportunity will begin.

The people of my State join in congratulating President Nujoma and the people of Namibia for their swift national reconciliation, adoption of an excellent Constitution, and birth of a nation.●

REGARDING THE NOMINATION OF KYO RHOON JHIN TO BE CHIEF COUNSEL FOR ADVOCACY U.S. SMALL BUSINESS ADMINISTRATION

● Mr. WALLOP. Mr. President, it was with much sadness that I recently learned Kyo Rhoon Jhin withdrew his name from nomination to be the Small Business Administration's Chief Counsel for Advocacy. He did so, in my view, because the majority on the Small Business Committee refused to focus on his strong educational background and list of achievements. Instead they insisted on regurgitating unfounded allegations of impropriety. It was a complete mockery of our nomination process.

What we have here, Mr. President, is just another example of trial by transom of a bright, ambitious individual who wanted to contribute something to the good of his country and to small business with which he is so familiar. I would hasten to say that this is not the first time—and probably will not be the last—that we in this body have witnessed the character assassination of an honorable and qualified individual.

While the Democrats continue to insist that administrations choose the best and the brightest people as appointees to executive slots, they also continue to deny the President the privilege of nominating those people he finds most competent. Here again we have eliminated totally the point that those who know most about the small businesses of our country are, by definition, the least qualified by democratic standards to be Chief Counsel for Advocacy. In this case as in so many others we have the liberals getting out to destroy a member of a minority group because he was so uppity as to be an articulate conservative. The liberals serve warning that minorities must remain in their place—lean to the left or be destroyed in want of your family.

There were those on the Small Business Committee who complained that Mr. Jhin was not an attorney. There is no law written that says that the chief counsel must be a lawyer. There is not even a law that says our Attorney General must be an attorney. Mr. President, Mr. Jhin's educational background demonstrated that he would have been able to perform the duties of advocate for America's small businesses.

In the State of Alabama, Mr. Jhin, in his capacity as director of the Alabama Regional Education Service Agency, developed a set of recommendations for an Adult Education Program that brought 10,000 adults to a status of literacy that they did not possess. It seems to me that in addition to working with other government agencies, testifying among them, getting to work with each other, one of the main roles of the Chief Counsel for Advocacy is to develop some kinds of programs that can find the support within the Government and participation within the small business community of America.

When asked about his role in performing such a task during his confirmation hearing, Mr. Jhin replied that he was looking forward to working with the Department of Education to help prepare the small businesses of our Nation carry out their day to day needs. I would also note that as a Korean-American, Mr. Jhin's small business background and educational experience would have brought much to bear on our ability to inform the small business community about new trade opportunities in the European Community, particularly the Pacific Rim. And, with all the changes in the economies of Eastern European countries and the potential for trade in the Eastern bloc—albeit a few years off—the type of experience that Mr. Jhin possesses becomes even more critical.

Mr. President, I point in all this to a nomination process that is a sham and it is time for the Senate to put a stop to it. It is unfair. It is unfair to the President of the United States; it is unfair to the nominee; it is unfair to his family and friends and it is unfair to the Senate. We are better people, or have been, than we are now for allowing the character assassination of a good man.●

A FRESH APPROACH TO CAPITAL GAINS

● Mr. SIMON. Mr. President, one of the more stimulating people on the

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American business scene is Stephen C. Swid, chairman and chief executive officer of SCS Communications, and a person cited frequently in the New York Times and elsewhere for his fresh thought, as well as his contributions to civic life.

Recently, he wrote a piece on the capital gains tax that makes more sense than most of the things I have read.

I particularly believe that his suggestion that future investment should be supported by more equity and less debt is absolutely sound.

The problem with the present structure that encourages piling up debt is that if the business collapses, a great many people who have acquired the debt and are dependent on it will go down, also.

In the case of equity, everyone knows that you are taking certain risks, and you cushion against those risks.

There are a few things in the Stephen Swid observations that I differ with, particularly his praise of the 1986 tax bill.

But he is willing to think in fresh terms, and that's one of the things that this Nation desperately needs.

I urge my colleagues to read his statement, and I ask to insert it in the RECORD at this point.

The statement follows:

REMARKS BY STEPHEN C. SWID

Rarely does a President have a second chance not only to accomplish, but also to improve on an original objective after his first approach has been defeated. Now is one of those moments.

Congress has recently killed President Bush's capital gains tax proposal. He proposed a 29-month capital gains tax cut in order to push America towards investment. The President promoted his proposal as the inspiration for Americans to look towards funding our future rather than endowing ourselves with of-the-moment consumption.

The President is correct when he calls for increased investment by Americans in America. If this is his main goal, and it should be, and not just a smokescreen for other purposes, why doesn't he propose lowering the capital gains tax for new investments made during the first term of his administration and held for at least five years?

This kind of proposal will entice our best corporations to increase their research dollars and accelerate their product cycle. It will push our entrepreneurs to use their foresight and instincts to increase investments enabling American industry to be better prepared to face the strongest competitors in the next century.

Also, it would be more effective if future investment was supported with more equity and less debt. Therefore, coupled with a new tax measure that truly responds to the need of investment, the government should ask for an end to the double taxation of dividends. Placing dividends and interest expense on equal footing would induce corporate financial officers to issue more equity and less debt for investment. More importantly, yet immeasurable, is the universal opinion that a one-tax dividend will push public stock market multiples higher.

It is the latter that will enable American financial and industrial companies to compete more effectively with their Japanese competitors. For example, if the immense Japanese money-center banks can issue equity at 60 times their earnings per share, how can our multinational banks compete at 8 times earnings? They are unable to. Therefore, America's banks have a much higher cost of funds leading to the need to have much higher lending rates.

The effect of Ronald Reagan's economic program of the eighties was tax reform and the massive build-up of government debt. The Tax Reform Act of 1986 was a masterpiece of legislation resulting in the fairest tax structure Americans have seen since the first federal progressive tax was introduced in 1862 to support the Civil War. Also, the 1986 Tax Reform Act was a compact between taxpayers and the government. It reduced income taxes in trade for the advantage of tax preferences. Over the years, the constant addition of preferences had raped our tax system. Major corporations earning hundreds of millions of dollars did not pay any taxes at all. Some wealthy individuals found themselves in the same fortunate position.

The increase in debt is the other side of the proverbial coin. It is totally unfair. It gives to today's generation of Americans while burdening the next. Since the founding of our colonies, Americans have worked hard so that their children could live a better life. President Bush and his political advisors understand this philosophy very well. That is why they coat their capital gains tax reduction with the illusion of it providing investment motivation. It is their rationale, their key selling point in pressuring our elected officials to vote with them.

On the surface it sounds great, wrapped in red, white and blue; it's the elixir to compete with the foreign investment that finds American real and operating assets attractive and cheap. Although it is clear as a summer's day that the benefits of selling, especially over a truncated period of 29 months, is not what investment is made of. The philosophy of investing still holds true after endless generations, so why doesn't George say what he means? Let's read his lips.

The President firmly states that a capital gains tax cut is not a Christmas present to the rich. Yet, do today's working people or working couples have enough disposable income to invest in new businesses or the stock market? Highly unlikely. Government statistics have shown us that disposable income and personal savings were lower in the 1980's than in the previous three and a half decades since the end of World War II.

The proposed capital gains tax cut would have rewarded stockbrokers and investment bankers, the beneficiaries of increased activity, and the Treasury would have collected higher dollar receipts, even with the lower rate in the short-term. This government assumption, in itself, proves that the proposed tax cut pushes us towards selling, not investing.

The proposed tax cut is not right for other reasons, all of which are meaningful. After the immediate rush of tax revenues the stream will reverse; government projects a loss of at least $4 billion annually after 1991. Can our deficit plagued Treasury really afford to lose revenues? Is short-term tax policy ever effective or is it more likely to be destructive?

With America in dire need of investment and long-term economic planning, and our stock market, as represented by the Standard & Poor's 425 industrial companies, selling at 14 times earnings per share compared with Japan's Nikkei Index of industrial corporations selling at 60 times earnings, we are in need of a creative, honest and rational tax policy dedicated to motivating us to invest.

President Bush should follow his own beliefs and re-submit a capital gains tax reduction tied to new investment and eliminate double taxation on dividends. Of course, this is not to say that everything is equal between American and foreign economies, but regardless of other inequities, our government should take these two steps to give our long-term economic future a well deserved boost.

Stephen C. Swid is Chairman & CEO of SCS Communications and Chairman of the Executive Committee of the Institute for East-West Security Studies.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4.0 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 5, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through March 1, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated February 26, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG. 2D SESS. AS OF MAR. 1, 1990

[In billion of dollars]

	Current level [1]	Budget resolution H. Con. Res. 106	Current level +/− resolution
FISCAL YEAR 1990			
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,990.5	3,122.7	−132.2
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus.●

FORT WAYNE, IN, SCHOOL RESTRUCTURING

● Mr. KERREY. Mr. President, I rise today to note the heroic accomplishment of an American from Fort Wayne, IN.

In the March 4 Washington Post there appeared a story about the schools of East Allen County in Fort Wayne. I ask that the article by David Maraniss be included in the RECORD.

The story described the decision by the East Allen County School Board to do two of the most difficult things that any elected representative can be asked to do: consolidate and integrate neighborhood schools. The hero of the story for me as Steve Stieglitz, a soybean farmer and a member of the board, who had to cast the tie breaking vote.

Mr. Stieglitz's father wanted him to vote against the school superintendent's proposal. Many of his neighbors, who were in the room the night of the vote, felt the same way. The numbers of people gathered for the board's decision who were opposed to the plan far outnumbered those who supported it.

Mr. President, we here in the Senate have the luxury of making our decisions in the quiet of this Chamber. Any disruptions in our deliberations are caused by Members and not by citizens who witness what we do from the galleries or on C-SPAN. Although all of us face our voters in town hall meetings and every 6 years at the polls, it is not the same as making the decision in the manner of Steve Stieglitz.

When the Governors were in town for their annual meeting, they and the President used the opportunity to describe the urgent need for school board members to participate in school restructuring. For the Governors, the President, and us, restructuring is an abstract word. For Steve Stieglitz it was a vote—in the face of angry and hostile citizens—for consolidation and integration.

The Washington Post writer said that Steve Stieglitz was still in agony on the day after his vote. He was still troubled by the potential of what he had done. For my part, and from the cool vantage of these chambers, I am inspired by his courage and moved to greater hope as a consequence of his brave act.

[From the Washington Post, Mar. 4, 1990]

INTEGRATION: ITS PROMISE AND FAILINGS: AFTER FIGHTING FOR BALANCE, SUPERINTENDENT MOVES ON

(By David Maraniss)

Fort Wayne, Ind.—When Mike Benway became superintendent of schools in Allen County eight years ago, he told the board of education that the number one problem he hoped to resolve was the system's racial imbalance. He came closer to reaching that goal than many people expected, but not as close as he hoped. And soon he will be departing, leaving behind a five-year contract, a file of hate mail and telephone that buzzed with racist insults.

The life of a superintendent is rarely tranquil, but Michael P. Benway's in recent months was virtually nonstop stress.

One day his wife came home from a town sporting event where no one would sit by her. Another day he was warned that he needed police protection. He grimaced one night when Mary Barksdale, the lone black member of the school board and his strongest ally, faced taunts of "Chicken! Chicken!" from angry parents who spotted her entering the board room through a back door. Then his 7th grade son, shy and hesitant to tell his dad anything unpleasant, revealed that boys at school wanted to smash a truck into the superintendent's house. "If your dad's so great," they asked, "why was he run out of town after ruining a school system in Minnesota?"

Benway told his son that he had never been in Minnesota. Then he said to himself: "I'm tired of this crap!" And so he is moving on, ending an era that revealed both the promise and the failure of public school integration in the United States.

Integration, not only in shools but across all of America's major institutions, is a concept that has gone out of fashion. To many whites, integration came to mean social engineering, quotas, forced busing. To many blacks it became synonymous not with equality, but with assimilation, giving up a sense of self and community in a perhaps futile effort to be accepted by the majority-white culture, and capitulating to the cause of harmony rather than pursuing the more elusive goal of justice.

But while the word may not be fashionable, integration overlays all other aspects of race relations. Prejudice, discrimination, empowerment, pluralism, intolerance, diversity—all these divergent themes are played out in settings where black and whites are "integrated" and where they interact, at least superficially.

This series of articles will explore the interracial dynamics in five key institutions of American life: the public school, the church, the military, the university and the corporation. Of the five, it is the public school system that most directly touches most Americans.

It has been 26 years since *Brown* v. *Board of Education*, the seminal school desegregation case in American history. More constitutional law, blood, sweat, time, money, research and political effort have been expended over the issue of race in public schools than in any other major institution in American society. This was the arena that was thought to be the nation's major success story, but in many ways the frustrations of Superintendent Benway in northeastern Indiana are representative of larger failings north and south.

In the South, there was dramatic desegregation of public schools starting in 1965, when the government overcame resistance with the threat of federal aid cutoffs, but often the effort stopped with numerical balance. There was little true integration. Between 1968 and 1971 more than 1,000 black teachers and principals lost their jobs in the consolidation process at the same time that 5,000 whites were being hired. Few schools developed programs to train teachers in race relations. White administrators often said they were "color blind," a way, said University of Pittsburgh school psychologist Janet Schofield, of dismissing the racial implications of disciplinary and academic actions.

RESHAPING SCHOOL BOUNDARIES

In the north, where many urban school systems ended up virtually all black, issues of integration became almost irrelevant, said University of Chicago sociologist Gary Orfield, especially after the Supreme Court's *Milliken* v. *Bradley* decision in 1974 that ruled against cross-district school busing between cities and suburbs. Illinois and New York now have the nation's highest percentages of black students attending predominantly minority schools, each at more than 80 percent. Projections in New York indicate that in 20 years there will be virtually no whites in the schools of Queens, Brooklyn, Manhattan and the Bronx.

The East Allen County School District has a bit of everything, covering 330 square miles from the predominantly black southeast quadrant of Fort Wayne, Indiana's second-largest city, out through isolated farm towns of German Lutheran heritage—Woodburn, Hoagland, Monroeville, Harlan—to the Ohio line. Its borders long predate the current racial makeup of the area, and the diversity in the East Allen County district today is such that Benway once met with a black Muslim minister in the morning and an Amish high bishop at night.

For decades sections of the district operated as worlds apart. But in the 1980s, with the black section of the district growing and rural white areas declining, Benway agreed with a study by the Ball State School of Education saying it made economic sense to reshape the district's internal school boundaries. Even more, he agreed with board member Barksdale that the East Allen district's 9,500 students would benefit academically and sociologically from increased racial interaction.

Black students approached 15 percent of total enrollment, yet four of the five high schools and eight of the 10 elementary schools were all white.

Unlike neighboring Fort Wayne Community School District, which included most of the city, the East Allen district had not yet faced legal pressure to desegregate. Whether that lay ahead was uncertain, but Benway wanted to take action. He began three years ago with an experiment: the transfer of kindergarten through 5th grade

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students from predominantly black Village Elementary out to all-white Hoagland Elementary nine miles away down a winding country highway.

"I had some reservations about sending the black kids out there," Benway recalled recently. "We had to find a strategy for making them feel accepted." The strategy they decided upon was cooperative team learning, a method designed to reduce racial stereotypes by having students study and compete in four-member biracial teams. Studies conducted at Minnesota and the Johns Hopkins Center for Research on Elementary and Middle Schools attested to its academic and sociological effectiveness.

The method works like this: The teacher organizes the classroom into small teams balanced by race, sex and academic achievement. Students in each team push their desks together and help each other study a specific subject. They give names to their teams: Batman and the Jokers, Uncle Buck Spellers, The Bad Dudes, Mega Force.

In some variations, team members split up once a week and compete in quizzes with students at the same achievement level on other teams. There still is individual responsibility—each student is graded separately based on improvement—but there also are awards at the end of each week for teams with the most points. The idea is to bring students together on equal footing and give each member of a team reason to think that he or she has something to contribute.

Jennifer Reinking was in 4th grade when the first black students arrived at Hoagland in the fall of 1987. She had lived all her life in the old agrarian town, and the only blacks she ever saw were on television or at the mall. When her teacher announced that black students were coming, she worried that some white classmates would be rude. "You know how kids are," she said. "Some might think that just because people are black, they are not equal. But it wasn't that way at all. Most kids were looking forward to it and made a lot of friends."

She called cooperative learning "one of the funniest things we have. When you're just sitting in a classroom, they try to put a label on you like you're smart or not, but everybody is good at something. It kind of brings that out. And believe me the spelling grades have gone way, way up since we started."

Kemberly Lael Watkins was in 2nd grade. One of the black children bused out to Hoagland, she arrived wearing a red, yellow and green African unity medallion and carrying some anxieties in the back of her mind: Would the whites treat her like a slave and tell her what to do? She also was sad because she had to leave old friends behind. "But I feel comfortable with my friends here," she said, especially the ones she has made on her math and spelling cooperative learning teams.

Adults were less enthusiastic. Principal Gerald Hapke was approached by one of his parent volunteers who said: "Jerry, I don't mind my children going to school with them, but I don't want them living out here."

Lynn Marquardt, a teacher who oversees the cooperative learning programs, had inlaws in Hoagland and heard all the talk. "There were a lot of problems with parents who were afraid it would be the failing of the school," she said. "Afraid things would get stolen. These people see themselves as worldly, but their exposure to the outside world is limited. What they wanted to do was sell the blacks in East Allen back to Fort Wayne."

The point of cooperative learning, from the perspective of Benway and school board member Barksdale, was to take the process beyond mere numerical desegregation. But there were limits. The school had no black teachers or administrators, and while some teachers were comfortable with black students, others were not.

For principal Hapke, who had taught in Hoagland for 20 years, face-to-face dealing with blacks was a totally new experience. During his boyhood, Hapke said, he did not know any blacks. If blacks were discussed in his family it was in a negative context. His grandmother threatened to "take me down and give me to the niggers if I misbehaved."

One day this school year, Hapke looked across the cafeteria at a black 4th grader and said: "He came here with a lot of hype and jive, but I've tried to get it out of him." The principal said he had a hard time dealing with black culture. "There are certain things these people have in their thinking process," he said, "that leads to defeat."

DEBATE PLAYED OUT ELSEWHERE

Later, in this office, Hapke said Benway was always talking to him about affirmative action, but Hapke didn't know what it meant. "Handouts," Hapke said, "are more disservice than help." Then he talked about how "the black life style has infiltrated" white society, "with sexual freedom," he said. "They've had that a lot longer than whites, and some whites have adopted that in some cases."

Barksdale said it was principals such as Hapke who made some blacks decide that integration was not worth it. She does not subscribe to that view herself, she said, but understands it. She knows what Harvard law professor Derrick Bell meant when he said: "Societal racism can disadvantage black children as effectively (although more subtly) in integrated as in segregated schools."

Not far from Barksdale's house—across the school district line in the Fort Wayne Community school system—another version of that debate was being played out. There, black administrators and community leaders balked at parts of a desegregation plan that would take students away from Ralph Bunche Elementary, a predominantly black school with a black principal, Oscar Underwood, whose programs have achieved national recognition. While black support for school desegregation remains strong (nationwide polls consistently have shown blacks endorsing busing for desegregation by 2 to 1, while whites are 4 to 1 against), there always has been concern in the black community about desegregation's methods.

Kaitu Oludawa, editor of Fort Wayne's African-American newspaper, Frost Illustrated, is a leading opponent of desegregation. "We have 30 years of history behind us to tell us that it does not work," he said. "The condition of black people is no better today than it was 30 years ago. The cultural support we had no longer exists. There is a breakdown in our society, and it is a direct result of being integrated into a system that didn't accept us to begin with. Desegregation means manipulation of the black community."

In Allen County, Benway and Barksdale knew that the situation was not perfect and that true integration with significant numerical representation and equality of authority was decades off, if attainable at all. But they thought the positive aspects outweighed the negatives.

"Students need to learn how to deal with the real world, the modern world, and that world is not all one race," said Barksdale, 55, a personnel executive at Navistar who was educated in integrated schools in Richmond, Indiana. "No matter what people say, when schools are one race, blacks get the bottom of the barrel. That cannot be acceptable."

Benway, 47, who grew up in a small town in Vermont and first interacted with blacks while in the National Guard, said he became devoted to racial balance after reading the studies of Johns Hopkins scholar JoMills Henry Braddock II, whose decade-long analysis of federal statistics indicated that black students attending integrated schools had a better chance of breaking down the barriers of equal employment opportunities and succeeding in maintream institutions.

One year after the Hoagland experiment began, Benway and East Allen's seven-member school board considered plans to extend racial balance to other parts of the system. Black leaders insisted that the process had to become a two-way proposition. "The day and age when black children are asked to do all the integrating is over," Barksdale said. The concept was incorporated into proposals to close two underpopulated rural high schools and a physically deteriorating predominantly black grade school, and redraw boundaries so that 10 of the district's 15 schools would have populations that would be 15 to 25 percent black.

The issue of racial balance and equity was juxtaposed against the desire of predominantly white communities to retain their local schools. The pressure on the seven-member school board to back away from change was intense. Pressure groups formed in several white communities to lobby for a five-year moratorium on boundary changes. Board members were presented with petitions signed by 5,000 parents opposed to change, and candlelight vigils were held. Some opponents said they endorsed the concept of racial balance but did not like the administration's proposal.

Steve Burris, a Methodist minister near Woodlan High School, one of those slated for closing, emerged as spokesman for the opposition. "The high school is the focus of athletic events, plays, musical events, everything is directed toward the schools. To close it would remove the soul of the town."

In an effort to find common ground between those pushing for reorganization and racial balance and those seeking to preserve old schools and ancient boundaries, the school board brought in an outside mediator. For three months, there was talk of harmony and mutual goals, but as soon as the mediation ended and the school board had to make a decision, the polarization became stronger than ever.

The climatic moment occurred on the night late last month when the board finally gathered to vote on a racial balance plan. It was a compromise proposal that would not take effect for two years, and then only based on trigger mechanisms of declining enrollment in the rural white schools and enrollment increases in the minority schools. Benway and Barksdale thought it was the best they could get. They were unsure about the vote. It appeared that three board members supported it and three were opposed. The swing vote was Steve Stieglitz, 29, a soybean farmer who graduated from one of the rural white schools slated for closing and whose family had tilled the soil here for generations.

AN AGONIZING DECISION

More than 600 East Allen County district residents filled the school board auditorium that night. A few dozen black residents sat in the front of the room. They supported the plan, as did several teachers and administrators. The rest of the audience was clearly on the other side. The day before, Benway had learned that he was the leading candidate for the superintendent's job in another Indiana city. He had decided to take it, if offered, but no one at the school board meeting knew: He didn't want his decision to affect the vote.

No one knew what Stieglitz would do, either, though he had made up his mind the day before. It was an agonizing decision. His father had urged him to vote against the change. The community pressure had taken a toll on his wife and five children. Benway could move to another city, but this was Stieglitz's home, his life. Yet the plan made sense to him. He decided to support it.

When his "aye" vote resounded through the auditorium there was a clamor. "We've got to take Stieglitz out!" a woman in the back yelled to her compatriots as the meeting adjourned at 9. School administrator Barbara Ahlersmeyer heard the remark and motion to two policemen to accompany her up to the front where Stieglitz stood, dazed. After a few black citizens shook his hand and thanked him, the young farmer found himself engulfed by the hostile crowd. "Traitor!" someone yelled. "How could you?" yelled another.

The next morning, Stieglitz said he had spent a sleepless night thinking about the conflict between his conscience and the demands of his constituents. He thought he had done the right thing, but it all seemed uncertain to him, including the role that racial fears played. "I'm really having difficulty right now dealing with these thoughts," he said. "Was the anger racist? I would prefer to think that prejudice was not involved, although I recognize that our prejudices and biases as human beings are such an interwoven and complex part of our whole thoughts that at times it is impossible to separate them out and deal with them."●

NATIONAL AVON REPRESENTATIVE DAY

● Mr. GRASSLEY. Mr. President, I rise to call your attention to the celebration by Avon Products, Inc. of National Avon Representative Day on March 19, 1990.

Over the past 104 years, Avon has grown from a company with one product and one representative to the world's leading manufacturer and distributor of cosmetics, fragrances, and fashion jewelry. Today, some 450,000 active, independent Avon sales representatives, the vast majority of whom are women, continue the direct selling method by providing personal service and quality products to consumers in their homes.

The earning opportunity Avon has provided for its representatives has resulted in personal and professional development for millions of women. Avon's success and growth is mirrored in the individual achievements of each and every one of the millions of women who are and have been Avon representatives. The Avon representative is in control of her own destiny—reaching out to family, friends, and community. Being an Avon representative has shown millions of women what they can achieve when they set their minds to it.

One Avon representative, of whom I am especially proud, is my mother-in-law, Verla Speicher, who has been selling Avon products in New Hampton, IA, for over 30 years. Mr. President, I might add, that at the age of 79, she is selling Avon products with the same vigor, enthusiasm and commitment as she did on the first day she began selling them.

I am certain that my colleagues join me in extending best wishes to each of these men and women as they are honored this day.●

EXTENSION OF THE ENERGY POLICY AND CONSERVATION ACT

● Mr. JOHNSTON. Mr. President, on March 1, the Committee on Energy and Natural Resources reported an original bill to extend authority to August 15, 1990 for titles I and II of the Energy Policy and Conservation Act. The committee submitted a report on this bill but the budget impact estimate from the Congressional Budget Office was not ready at the time of submittal. That estimate is now ready and I ask that it be printed at this point in the RECORD.

The estimate follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 5, 1990.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed an unnumbered bill to amend the Energy Policy and Conservation Act, as ordered reported by the Senate Committee on Energy and Natural Resources, March 1, 1990. CBO estimates that the bill would not have any impact on the federal budget or on those of state and local governments.

The bill would extend spending authority for the Strategic Petroleum Reserve from April 1, 1990 to August 15, 1990. In addition, the bill would extend Presidential authority to issue orders relating to the use of domestic energy supplies from June 30, 1990 to August 15, 1990.

CBO does not estimate any budget impact for this bill because 1990 funding for the Strategic Petroleum Reserve has already been appropriated for the full fiscal year; and because we do not expect any change, as a result in the short-term extension, in the rate of outlays from 1990 appropriations.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Peter Fontaine, who can be reached at 226-2860.

Sincerely,
ROBERT D. REISCHAUER,
Director.●

SIXTH COOLEY'S ANEMIA SYMPOSIUM

● Mr. D'AMATO. Mr. President, I rise today to let my colleagues know about the remarkable work of the Cooley's Anemia Foundation headquartered in New York City, and of its voluntary membership who have worked so hard to conquer the disease known as Cooley's anemia. For those unfamiliar with Cooley's anemia, it is a fatal blood disease that is passed from parent to child, frequently striking children of Mediterranean-American parents, including those of Italian and Greek descent, as well as Syrian, Israeli, and other population groups. Recently the incidence of Cooley's anemia in this country has increased, largely because of the great increase in the number of immigrants from Asia, where the disease also occurs.

The Cooley's Anemia Foundation was founded over a quarter century ago in New York City. It has had major impact on this disease and on the care of Cooley's anemia patients, not only because of its own funding support of investigators, but also because of its advocacy for research funding at the Federal level for hematologists and other researchers.

I have learned recently that during the past year, the Cooley's Anemia Foundation, Inc. has provided $280,000 to medical researchers across the country in the form of grants which have been peer reviewed by the Medical Advisory Board of the foundation. It should be noted that these grants are peer reviewed in the NIH fashion, ensuring their worthiness of funding.

In the past, I have been pleased to support the New York and New England Cooley's anemia research demonstration programs, as well as increases in research to aid not only those with Cooley's anemia, but those with other kinds of anemias as well.

Today I would like to tell you of the remarkable program that has been assembled as part of the Sixth Cooley's Anemia Symposium, to be held March 13-15, at the New York Academy of Sciences. The cosponsors of this program will be the Cooley's Anemia Foundation, Inc., the National Heart, Lung and Blood Institute of the National Institutes of Health, and the U.S. Army Medical Research and Development Command.

Some of the most outstanding hematologists and hematology researchers throughout the world will be gathered at this 3-day symposium. Outstanding leaders from the National Institutes of Health and researchers coming from all over the world will be presenting their findings in regard to Cooley's anemia. An important topic of discussion will be the possibility of new oral iron chelators—drugs taken orally which would combine with iron overloaded from the necessary frequent transfusions and eliminate it from the body. This iron overload is a major cause of fatality with the disease.

At the same time that this meeting is being held, the Thalassemia International Federation Conference, which is celebrating the Fourth Parent and Patient Association meeting, will also have its meeting. A major guest speaker opening the program will be Dr. V. Bulyzherkov of the World Health Organization.

The Thalassemia Action Group, composed of young patients, will also be participating in this program. TAG is a network of Thalassemia patients who have joined together to develop patient support groups all over the country. TAG provides young adult patients a channel for communication and23 mutual support. In addition, the group promotes compliance with the treatment of desferal and encourages a positive attitude toward life.

Mr. President, it seems to me that when a major voluntary effort like this is made by the parents and relatives of patients to organize so strongly for research on a specific disease, such an effort should be widely recognized and applauded. It is remarkable that a small group of people, organized in New York and in chapters around the country, have been able to raise this kind of money to support ongoing research efforts, especially those of the Federal Government.●

THE AFL-CIO AND ABORTION

● Mr. HUMPHREY. Mr. President, to sanction the extermination of innocent human life for mere personal gain is to violate the most fundamental moral principle upon which our Nation is founded. In an article entitled "the AFL-CIO and abortion," which appeared in the January 17, 1990 edition of Catholic New York newspaper, Cardinal John J. O'Connor reports that the AFL-CIO is under tremendous pressure to proclaim, itself prochoice in order to gain new women members. Such a maneuver would violate every principle for which the AFL-CIO previously stood. As Cardinal O'Connor points out, the AFL-CIO, "an organization that came into being to protect the weak from the strong," now may endorse the legalized destruction of the "weakest of the weak, the unborn," Those politicians and organizations that cater to the abortion lobby elevate popular opinion polls above the sanctity of human life. I join Cardinal O'Connor in lamenting the temporary triumph of politics over principle.

The article follows:

THE AFL-CIO AND ABORTION

(By Cardinal John J. O'Connor)

I remember that Labor Day in Scranton so vividly. There was hardly a union worker present who didn't want to give me a hat. I spoke of "Guns of Lattimer," Michael Novak's book about the massacre of coal miners protesting at last the horrible treatment and the miserable pay that were typical of the day.

Not a man among the miners was armed. The sheriff's men shot them in cold blood.

As I reminisced that day in Scranton on the almost unbelievable changes that unionism had brought about, I reflected out loud on the way it used to be in the mines. Countless numbers of men died from "black lung disease." Safety measures were virtually non-existent. A cave-in could crush lives in the bowels of the earth at any time, without warning. When bodies were finally recovered, they would be dumped on a flatbed drawn by a mule from the mines, then dumped once again on the open front porch of the widow's house. No insurance. No burial payments. No tears shed by the mine owners. Another "nobody" or two had been killed. End of the story.

A few listeners to my speech that day were wearing hard hats. I remarked about what it is like for a tiny little baby in its mother's womb, totally helpless, completely vulnerable, without even a hard hat. How many more such babies are killed every hour of every day in the United States than all the men killed in Lattimer, how many more in a month than all the men ever killed in the mines.

I knew I was talking to solid union workers who were as distressed over the abortion tragedy in our nation as I was. I had grown up respecting union workers from the time I was a foot high. Anything less on my part would have been a complete betrayal of the father I loved.

But now I am heartsick to learn that a far sadder betrayal could be in the offing. I am told the AFL-CIO is under tremendous pressure to go proabortion at its February convention (under the guise of "pro-choice," of course). I am told, further, they could yield to the pressure because a "pro-choice" resolution would win them a lot of new women members. In numbers is strength, and everyone knows the unions have been weakened in a lot of ways in recent years. God help us. What a way to become "strong"—at the expense of the weakest of the weak, the defenseless unborn. Perhaps I have taken too much for granted in believing that union workers would never forget how defenseless working people themselves were before unionism.

The temptation is tremenedous, I suppose. The bigger the AFL-CIO, the more muscle it can exercise with candidates for public office. I wonder how many candidates will have the courage to admit they are "prolife" if they want to run, let us say, for Congress, or even for the presidency of the United States, if the official position of the AFL-CIO is "pro-choice."

Might we even see the sorry spectacle of union members required to permit a portion of their union dues to go into anti-life, proabortion activities?

We hear till our ears are filled from those politicians who tell us they are "personally opposed" to abortion, but "don't want to impose their morality on others." Will union workers who are "personally opposed" to abortion be nonetheless required to support it with their dues? Or might existing Supreme Court decisions be invoked to protect them, and authorize them to send their dues to a charity of their choice, such as the prolife movement? There are organizations such as the National Right to Work Committee that would be more than happy to assist such choices. I'm sure. My, oh my, what that would do to the "strength" of the AFL-CIO, if all those dues were withheld with court approval.

I can't imagine any need for such action, of course, because I can't imagine any need for the AFL-CIO to pass a "pro-choice," read "proabortion," resolution. If they should. I'm sure they would be fair enough to say: "Well, if pro-choice is really to be pro-choice, then those union members who choose life can send their dues to the prolife movement." Then the court wouldn't have to step in. Wouldn't that be nice? But why create the dilemma in the first place? It is so unlike an organization that came into being to protect the weak from the strong, the helpless from the powerful.●

LABOR PROTECTION ON THE DELAWARE & HUDSON RAILROAD

● Mr. D'AMATO. Mr. President, I rise today to comment on rail labor issues with respect to legislation, S. 2210, which I introduced with Senator MOYNIHAN to help preserve the ailing Delaware & Hudson Railroad. In the House, the companion bill, H.R. 4139, was introduced by Congressman LENT and a bipartisan group of New York and Pennsylvania Members.

Since our joint introduction of the competitive Northeast Rail Freight Service Act on February 28, questions have been raised concerning the absence of explicit language providing for labor protection powers to be exercised by the Interstate Commerce Commission, in the event that the ICC must determine the terms and conditions of trackage rights for the Delaware & Hudson Railroad over Conrail's line into Hagerstown, MD, from Harrisburg, PA. The fear has been expressed that the agency or the courts might interpret the absence of such language as a prohibition on any ICC action to provide protection for displaced employees.

Tying the hands of the ICC was not our intention. This legislation is not intended to affect the normal labor-management balance in the railroad industry one way or another; neither is it intended to reduce or enlarge the ICC's usual powers to order labor protection in terminal-rights cases. To confirm this intent, and to make certain that unwarranted inferences are not drawn from the bill's original language, we intend to offer a clarifying amendment on this point when the bill is considered. Meanwhile, we will redouble our efforts to see that the vitally needed Hagerstown trackage rights are made available to the D&H, preferably by good-faith private-sector negotiation, but by ICC action if need be.

Mr. President, I believe my remarks today should help assure rail labor that this legislation will not adversely affect the status of labor-management agreements.●

EXECUTIVE SESSION

Executive Calendar

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Order Nos. 632, 633, 634.

I further ask unanimous consent that the nominees be confirmed en bloc and that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table en bloc, that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I note for the RECORD that Arthur J. Hill, Calendar 634, indicated his commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The nominations considered and confirmed en bloc are as follows:

NATIONAL CONSUMER COOPERATIVE BANK

Frank B. Sollars, of Ohio, to be a member of the Board of Directors of the National Consumer Cooperative Bank for a term of three years.

DEPARTMENT OF THE TREASURY

Carol Mayer Marshall, of California, to be Superintendent of the Mint of the United States of San Francisco, CA

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Arthur J. Hill, of Florida, to be President, Government National Mortgage Association.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

HARRIET TUBMAN DAY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 257, a joint resolution designating March 10, 1990, as Harriet Tubman Day, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 257) to designate March 10, 1990 as "Harriet Tubman Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 257

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around the year 1820;

Whereas she escaped slavery in 1849 and became a "conductor" on the Underground Railroad;

Whereas she undertook a reported nineteen trips as a conductor, endeavoring despite great hardship and great danger to lead hundreds of slaves to freedom;

Whereas Harriet Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas she served in the Civil War as a soldier, spy, nurse, scout, and cook, and as a leader in working with newly freed slaves;

Whereas after the War, she continued to fight for human dignity, human rights, opportunity, and justice; and

Whereas Harriet Tubman—whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom—died at her home in Auburn, New York, on March 10, 1913: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 10, 1990 be designated as "Harriet Tubman Day," to be observed by the people of the United States with appropriate ceremonies and activities.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO HAVE S. 1430 PRINTED AS PASSED

Mr. BAUCUS. Mr. President, I ask unanimous consent that S. 1430, as passed in the Senate, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE APPOINTMENT OF A COMMITTEE OF ESCORT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Chair be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Giulio Andreotti, President of the Council of Ministers of the Italian Republic, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

RECESS UNTIL 9 A.M.; MORNING BUSINESS; RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m., Wednesday, March 7, that following the time for the two leaders, there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that on Wednesday at 10:40 a.m., the Senate stand in recess subject to the call of the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, on tomorrow the Senate will resume consideration of the clean air bill at 9:30 a.m., with debate continuing until 10:40, when the Senate will recess so that Members of this body can join with House Members in a joint meeting to hear an address by Prime Minister Andreotti of Italy. I would like to indicate to Members that consideration of the clean air bill will resume around 12 noon tomorrow.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if the distinguished acting Republican leader has no further business, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m., Wednesday, March 7.

There being no objection, the Senate, at 7:12 p.m., recessed until Wednesday, March 7, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 1990:

THE JUDICIARY

SAMUEL GRAYSON WILSON, OF VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF VIRGINIA VICE GLEN M. WILLIAMS, RETIRED.

D. BROCK HORNBY, OF MAINE, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MAINE VICE CONRAD K. CYR, ELEVATED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

LYNNE VINCENT CHENEY, OF WYOMING, TO BE CHAIRPERSON OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES FOR A TERM OF 4 YEARS. (REAPPOINTMENT)

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL AND APPOINTMENT AS CHIEF OF NAVAL RESEARCH UNDER TITLE 10, UNITED STATES CODE, SECTIONS 5021 AND 5133:

To be rear admiral

REAR ADM. (LOWER HALF) WILLIAM C. MILLER, U.S. NAVY, 564-56-8723/1210.

CONFIRMATION

Executive nomination confirmed by the Senate March 6, 1990:

NATIONAL CONSUMER COOPERATIVE BANK

FRANK B. SOLLARS, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL CONSUMER COOPERATIVE BANK FOR A TERM OF 3 YEARS.

DEPARTMENT OF THE TREASURY

CAROL MAYER MARSHALL, OF CALIFORNIA, TO BE SUPERINTENDENT OF THE MINT OF THE UNITED STATES AT SAN FRANCISCO, CALIFORNIA.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARTHUR J. HILL, OF FLORIDA, TO BE PRESIDENT, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

CLARENCE THOMAS, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT.

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EXTENSIONS OF REMARKS

THE ANDEAN DRUG SUMMIT: PROGRESS IN THE WAR AGAINST DRUGS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. BROOMFIELD. Mr. Speaker, I am pleased with the administration's energetic and determined approach to fund and launch a new American attack on the scourge of illicit narcotics. The Cartagena Drug Summit was a success and I want to share with my colleagues in the Congress the Bilateral Communique that was issued by President Bush and the Presidents of the Andean nations as well as the text of the Declaration of Cartagena which calls for unprecedented cooperation in the struggle against drugs between the United States and our Andean partners. I wish the Bush administration and the Andean countries good luck in one of the most important wars that America and those nations have ever fought.

BILATERAL COMMUNIQUE, CARTAGENA, COLOMBIA

MEETING BETWEEN VIRGILIO BARCO, PRESIDENT OF COLOMBIA AND GEORGE BUSH, PRESIDENT OF THE UNITED STATES

The President of Colombia, Virgilio Barco, and the President of the United States, George Bush, met on February 15, 1990 at Cartagena, Colombia to reaffirm their decision to continue the struggle against the trafficking and the consumption of narcotic drugs and psychotropic substances, and to address aspects relating to bilateral relations.

The two Presidents took note of the threat posed by narcotic trafficking and stressed it must be confronted squarely and eliminated. They also agreed that the problem of illicit drugs must be addressed by the international community in its various stages of production, trafficking and consumption. The President of the United States recognized that supply reduction efforts must be accomplished by significant reduction in demand.

The President of the United States expressed his admiration for the leadership of Colombia in the struggle against illicit drugs, and his appreciation for the firmness and the example set by President Barco. He also stressed the courage and the sacrifices of the Government, the people, the Armed Forces, and police of Colombia, who, in undertaking this struggle, merit the solid support and economic assistance of the international community.

The two Presidents acknowledged the importance of maintaining adequate levels of economic growth and revitalizing areas affected by the production of illicit drugs in order to help achieve success in combatting narcotics trafficking. To that end, they agreed on the need for joint actions on both a bilateral and multilateral basis.

The President of the United States expressed the willingness of his government to examine ways to achieve a greater opening of the United States market for Colombian products. The Presidents noted President Bush's November 1 Andean Trade Initiative, which constitutes an important step towards this goal, and they agreed to explore further possibilities.

President Barco expressed his concern regarding the application of antidumping duties to cut flowers. President Bush noted that this issue is currently under review within the U.S. Government. President Barco also expressed his concern about the system used in determining Colombia's sugar quota.

The Presidents stressed the importance of a successful completion of the Uruguay Round of multilateral trade negotiations, and recognized the significance of increased access for Colombia's tropical products.

The two Presidents agreed to intensify further the process of consultations between coffee producer and consumer countries with a view to accelerating negotiations that will lead to a viable new international agreement, and issued a call to nonmember countries of the agreement for their support of this valuable instruments.

President Bush praised Colombia's seriousness in meeting its international financial commitments. He reiterated the need for international support to facilitate Colombia's sound economic and social policies. In this regard, he confirmed his Administration's willingness to study specific Colombian proposals for obtaining additional resources.

The two President's again indicated the importance of continuing programs for technical training, equipment, and administrative support for Colombian judicial officials, as well as continued assistance in terms of equipment and means for guaranteeing their safety in the struggle against narcotics trafficking.

The two Presidents reviewed the progress made in negotiations on agreements concerning essential chemicals, the distribution of seized assets, and export controls on weapons and other materials use by drug traffickers, which will reinforce cooperation in the struggle against illicit drugs.

The two Presidents agreed that the Andean Summit was a significant step towards improved anti-drug coordination. They pledged cooperation in bringing about the 1991 World Conference of Nations involved in reinforcing international cooperation in the fight against the production, trafficking and consumption of illicit drugs.

On behalf of the Government and people of Colombia, President Barco expressed thanks for the demonstrations of assistance and solidarity, received from the Government and the people of the United States in their efforts to combat illicit drug trafficking, and trusts that cooperation will intensify in various areas.

ANDEAN SUMMIT, CARTAGENA, COLOMBIA

DECLARATION OF CARTAGENA

The Parties consider that a strategy which commits the Parties to implement or strengthen a comprehensive, intensified anti-narcotics program must address the issues of demand reduction, consumption and supply. Such a strategy also must include understandings regarding economic cooperation, alternative development, encouragement of trade and investment, as well as understandings regarding economic cooperation, on attacking the traffic in illicit drugs, and on diplomatic and public diplomacy initiatives.

The Parties recognize that these areas are interconnected and self-reinforcing. Progress in one area will help achieve progress in others. Failure in any of them will jeopardize progress in the others. The order in which they are addressed in the document is not meant to assign to them any particular priority.

Economic cooperation and international initiatives cannot be effective unless there are concomitant, dynamic programs attacking the production of, trafficking in and demand for illicit drugs. It is clear that to be fully effective, supply reduction efforts must be accompanied by significant reduction in demand. The Parties recognize that the exchange of information on demand control programs will benefit their countries.

The Parties recognize that the nature and impact of the traffic in and interdiction of illicit drugs varies in each of the three Andrean countries and cannot be addressed fully in this document. The Parties will negotiate bilateral and multilateral agreements, consistent with their anti-narcotics efforts, specifying their responsibilities and commitments with regard to economic cooperation and intensified enforcement actions.

UNDERSTANDING REGARDING ECONOMIC ASPECTS AND ALTERNATIVE DEVELOPMENT

The Parties recognize that trafficking in illicit drugs has a negative long-term impact on their economies. In some of the Parties, profits from coca production and trade and from illicit drug trafficking contribute, in varying degrees, to the entry of foreign exchange and to the generation of employment and income. Suppression of coca production and trade will result in significant, immediate, and long-term economic costs that will affect, in various ways, each of the Andean countries.

The President of the United States will request Congress to authorize new funds for the program during fiscal years 1991 to 1994, in order to support the Andean Parties' efforts to counteract the short- and long-term social-economic impact of an effective fight against illicit drugs. This contribution by the United States would be made within the framework of actions against drug trafficking carried out by Andean Parties. The Andean Parties reiterate the importance of implementing or strengthening sound economic policies for the effective utilization of such a contribution. The United States is also prepared to cooperate with the Andean Parties in a wide range of initiatives for development, trade and investment in order to strengthen and sustain long-term economic growth.

Alternative development, designed to replace the coca economy in Peru and Bolivia and illicit drug trafficking in all the Andean

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Parties, includes the following areas of cooperation. In the short term, there is a need to create and/or to strengthen social emergency programs and economic costs stemming from substitution. In the medium and long term, investment programs and measures will be needed to create the economic conditions for definitive substitution of the coca economy in those countries where it exists or of that sector of the coca economy in those countries where it exists or of that sector of the economy affected by narcotics trafficking. It is necessary to implement programs to preserve the ecological balance.

1. Alternative Development and Crop Substitution

In order to foster increased employment and income opportunities throughout the entire productive system and implement or enhance a sound economic policy to sustain long-term growth, the United States will support measures aimed at stimulating broad-based rural development, promoting non-traditional exports, and building or reinforcing productive infrastructure. The Parties, in accordance with the respective policies of Bolivia, Colombia, Peru and the United States, shall determine the economic assistance required to ensure sound economic policies and sustain alternative development and crop substitution, which in the medium term will help replace the income, employment and foreign exchange in the countries in which these have been generated by the illegal coca economy. The United States is prepared to finance economic activities of this kind with new and concessional resources.

In order to achieve a complete program of alternative development and crop substitution, the Parties agree that in addition to the cooperation provided by the United States, economic cooperation, as well as greater incentives to investment and foreign trade from other sources, will be needed. The Parties will make concerted efforts to obtain the support of multilateral and other economic institutions for these programs, as the three Andean Parties implement or continue sound economic policies and effective programs against drugs.

The Parties are convinced that a comprehensive fight against illicit drug traffic will disrupt the market for coca and coca derivatives and will reduce their prices. As success is achieved in this fight, those employed in growing coca and in its primary processing will seek alternative sources of income either by crop substitution or by changing jobs. The Parties will work together to identify alternative-income activities for external financing. The United States is ready to consider financing of activities such as research, extension, credit and other agricultural support services and support of private-sector initiatives for the creation of micro-enterprises and agro-industries.

The United States will also cooperate with the Andean Parties to promote viable domestic and foreign markets to sell the products generated by alternative development and crop substitution programs.

2. Mitigation of the Social and Economic Impact of the Fight Against Illicit Trafficking

As the Andean Parties implement or continue to develop effective programs of interdiction of the flow of illicit drugs and of crop eradication, they will need assistance of the fast disbursement type to mitigate both small-and large-scale social and economic costs. The Parties will cooperate to identify the type of assistance required. The United States is prepared to provide balance of payments support to help meet foreign exchange needs. The United States will also consider funding for emergency social programs, such as the successful one in Bolivia, to provide employment and other opportunities to the poor directly affected by the fight against illicit drugs.

3. Trade Initiatives, Incentives to Exports and Private Foreign Investment

An increase in trade and private investment is essential to facilitate sustained economic growth and to help offset the economic dislocations resulting from any effective program against illicit drugs. The Parties will work together to increase trade among the three Andean countries and the United States, effectively facilitating access to the United States market and strengthening export promotion, including identification, development and marketing of new export products. The United States will also consider providing appropriate technical and financial assistance to help Andean agricultural products comply with the admission requirements.

The Parties may consider the establishment of economic and investment policies, as well as legislation and regulations to foster private investment. Where favorable conditions exist, the United States will facilitate private investment in the three Andean countries, taking into account the particular conditions and potential of each.

B. UNDERSTANDINGS REGARDING ATTACKING ILLICIT DRUGS

The Parties reaffirm their will to fight drug trafficking in a comprehensive manner attacking all facets of the trade: Production, transportation and consumption. Such comprehensive action includes the following:

Preventive actions to reduce consumption and therefore demand.

Control and law enforcement activities against illegal cultivation, processing, and marketing of illicit drugs.

Control of essential chemicals for the production of illegal drugs and the means used for their transport.

Seizure, forfeiture, and sharing of illegal proceeds and property used in committing narcotics-related crimes.

Coordination of law enforcement agencies, the military, prosecutors and courts, withing the framework of national sovereignty of each of the Parties.

Actions to bring about a net reduction in the illegal cultivation of coca.

The Parties undertake to engage in an ongoing evaluation of their cooperation, so that the President of the United States, as appropriate, may request Congress to provide additional assistance to the Andean Parties.

Given that the Parties act within a framework of respect for human rights, they reaffirm that nothing would do more to undermine the war on drugs than disregard for human rights by participants in the effort.

1. Prevention and Demand

The Parties undertake to support development and expansion of programs in comprehensive prevention, such as preventive public education in both rural and urban areas, treatment of drug addicts, and information to encourage the public opposition to illegal drug production, trade and consumption. These programs are fundamental if the drug problem is to be successfully confronted.

The Parties recognize that prevention efforts in the four countries will benefit from shared information about successful prevention programs and from bilateral and multilateral cooperation agreements to expand efforts in this field.

To this end, the Parties undertake to contribute economic, material and technical resources to support such comprehensive prevention programs.

2. Interdiction

A battle against an illicit product must focus on the demand for, production of and trade in that product. Interdiction of illegal drugs, as they move from producer to consumer, is essential. The Parties pledge to step up efforts within their own countries to interdict illegal drugs and to increase coordination and cooperation among them to facilitate this fight. The United States is ready to provide increased cooperation in equipment and training to the law enforcement bodies of the Andean Parties.

3. Involvement of the Armed Forces of the Respective Countries

The control of illegal trafficking in drugs is essentially a law enforcement matter. However, because of its magnitude and the different aspects involved, and in keeping with the sovereign interest of each State and its own judicial system, the armed forces in each of the countries, within their own territory and national jurisdictions, may also participate. The Parties may establish bilateral and multilateral understandings for cooperation in accordance with their interests, needs and priorities.

4. Information Sharing and Intelligence Cooperation

The Parties commit themselves to a greater exchange of information and intelligence in order to strengthen action by the competent agencies. The Parties will pursue bilateral and multilateral understandings on information and intelligence cooperation, consistent with their national interests and priorities.

5. Eradication and Discouragement of Illicit Crops

Eradication can play an essential part in the anti-drug fight of each country. In each case, eradication programs have to be carefully crafted, measuring their possible effect on total illicit drug production in each country; their cost-benefit ratio relative to other means of fighting illicit drugs; whether they can be most effective as voluntary or compulsory programs or a combination of the two; and their profitable political and social consequences.

The Parties recognize that to eradicate illicit crops, the participation of the growers themselves is desirable, adopting measures that will help them obtain legal sources of income.

New economic opportunities, such as programs for alternative development and crop substitution, shall be fostered to help to dissuade growers from initiating or expanding illegal cultivation. Our goal is a sustained reduction in the total area under illegal cultivation.

Eradication programs must safeguard human health and preserve the ecosystem.

6. Control of Financial Assets

The Parties agree to identify, trace, freeze, seize, and apply other legal procedures for the disposition of drug crime proceeds in their respective countries, and to attack financial aspects of the illicit drug trade. In accordance with their respective laws, each of the Parties will seek to adopt measures to define, categorize, and criminalize money laundering, as well as to increase efforts to implement current legislation. The Parties agree to establish formulas providing exceptions to banking secrecy.

7. Forfeiture and Sharing of Illegal Drug Proceeds

The Parties pledge to implement a system for forfeiture and sharing of illegal drug profits and assets, and to establish effective programs in this area.

In United States cases related to forfeiture of property of illegal drug traffickers where Bolivia, Colombia, and Peru provide assistance to the United States Government, the Government of the United States pledges to transfer to the assisting government such forfeited property, to the extent consistent with United States' laws and regulations. The Parties will also seek asset sharing agreements for Bolivia, Colombia, and Peru, with other countries.

8. Control of Essential Chemicals Used in the Production of Illicit Drugs

The control in the United States of the export of chemical substances used in the processing of cocaine is vital. In addition, there is a need for greater control of the import and domestic production of such substances by the Andean Parties. Joint efforts must be coordinated to eliminate the illicit trade in such substances.

The Parties agree:

To step up interdiction of the movements of essential chemicals that have already entered the country, legally or illegally, and are being diverted for illicit drug processing. This includes controlling choke points as well as establishing investigative and monitoring programs in close cooperation with all the Parties' law enforcement agencies.

To further develop an internal system to track essential chemicals through sale, resale and distribution to the end user.

To cooperate bilaterally and multilaterally to provide each other with information necessary to track domestic and international movements of essential chemicals for the purpose of controlling their sale and use.

To support the efforts under the Organization of American States (OAS) auspices to develop and implement a regional inter-American agreement on essential chemicals.

9. Control of Weapons, Planes, Ships, Explosives and Communications Equipment Used in Illegal Drug Trafficking

Illicit drug trafficking is heavily dependent on weapons, explosives, communications equipment, and air, maritime and riverine transportation throughout the illicit cultivation and the production and distribution process.

The Parties agree:

To strengthen controls over the movement of illegal weapons and explosives and over the sale, resale and the registration of aircraft and maritime vessels in their respective countries, which should be carried out by their own authorities.

The Parties agree to establish within their own territory control programs that include:

The registration of ships and aircraft;

The adoption of legal standards that permit effective forfeiture of aircraft and vessels;

Controls on pilot licenses and training;

Registration of airfields in their respective countries; and

Development of control measures over communications equipment used in illegal drug trafficking to the extent permitted by their respective laws and national interests.

The United States agrees to work with the Andean Parties to stem weapons exports from the United States to illegal drug traffickers in the three Andean countries.

10. Legal Cooperation

The Parties pledge to cooperate in the sharing of instrumental evidence in forms admissible by their judicial proceedings. The Parties also agree to seek mechanisms that permit the exchange of information on legislation and judicial decision in order to optimize legal proceedings against the traffic in illicit drugs.

The Parties recognize the value of international cooperation in strengthening the administration of justice, including the protection of judges, judicial personnel, and other individuals who take part in these proceedings.

C. UNDERSTANDINGS REGARDING DIPLOMATIC INITIATIVES AND PUBLIC OPINION

The scourge of illicit drug trafficking and consumption respects no borders, threatens national security, and erodes the economic and social structures of our nations. It is essential to adopt and carry out a comprehensive strategy to promote full awareness of the destructive effects of illegal production, illicit trafficking and the improper consumption of drugs. Toward this end, the Parties commit themselves to use all political and economic means within their power to put into effect programs aimed at achieving this goal.

1. Strengthening Public Opinion in Favor of Intensifying the Fight Against Illegal Drug Trafficking

Public awareness should be enhanced also by means of active and determined diplomatic action. The Parties pledge to strengthen plans for joint programs leading to the exchange of ideas, experiences, and specialists in the field. The Parties call upon the international community to intensify a program of public information stressing the danger of drug trafficking in all of its phases. In this regard, the Parties undertake to give active support to Inter-American public awareness and demand reduction programs, and will support the development of a drug prevention education plan at the Inter-American meeting in Quito this year.

2. Economic Summit

The 1989 Economic Summit in Paris established a Financial Action Task Force to determine how governments could promote cooperation and effective action against the laundering of money gained through illegal drug trafficking.

The United States will host the next Economic Summit on July 9-11, 1990, in Houston. The United States will use this opportunity to seek full attention on a priority basis to the fight against illegal drug trafficking.

The Parties call upon the Economic Summit member countries, and on the other participants in the Financial Action Task Force, to give greater emphasis to the study of economic measures which may help to reduce drug trafficking. In particular, the Parties call upon the Economic Summit countries to take the steps necessary to ensure that assets seized from illicit drug trafficking in Bolivia, Colombia and Peru are used to finance programs of interdiction, alternative development and prevention in our countries.

3. Multilateral Approaches and Coordination

The Parties intend to coordinate their actions in multilateral economic institutions in order to ensure for Bolivia, Colombia and Peru, broader economic cooperation within the framework of a sound economic policy.

4. Report to the UN Special Session on Illicit Trafficking in Drugs

The United Nations has recognized that the problem of drug trafficking presents a grave threat to the security of the states and economic stability. It has called for a Global Action Plan and it has convened a Special Session, February 20-23, 1990, to discuss the magnitude of this problem. This will be a proper occasion to reiterate the need to bring into force as quickly as possible the UN Convention Against Illicit Traffic in Narcotic Drugs and Pyschotropic Substances, which provides for energetic measures against illegal drug trafficking, while recognizing the ancestral and traditional uses of coca leaf.

The Parties request that consideration be given during the Special Session to the inclusion of the cooperative efforts outlined in this document to develop concrete programs for strengthening multilateral responses to the drug problem, as recommended in Resolution No. 44/141 of the United Nations General Assembly.

5. Report to the OAS Meeting of Ministers and Cicad

The Organization of American States has called an Inter-American meeting of Ministers responsible for national narcotics programs, to be held on April 17-20, 1990 in Ixtapa, Mexico. The Parties urge that the meeting of Ministers and the Inter-American Drug Abuse Control Commission (CICAD) give priority to the understandings set forth in this document and lend support to their early implementation within the context of regional cooperation against drugs.

6. Madrid Trilateral Meeting

The parties stress the importance of the document issued by the Trilateral Meeting in Madrid and the efforts undertaken in Europe, particularly the participation of the European Community, with a view to adopting specific policies and initiatives against illicit trafficking of drugs.

7. World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat

The Parties note with satisfaction the convening of a World Ministerial Summit to Reduce Demand for Drugs and to Combat the Cocaine Threat, to be held on April 9-11, 1990 in London. This meeting will serve to highlight the role demand reduction must play in the international community's efforts to reduce the trade in illicit drugs and will underline the social, economic and human costs of the trade. The Parties agree to coordinate their actions and future strategies in this area with the objective of building upon this important initiative.

8. Demarches to Transit Countries

Through specialized agencies of the United Nations such as the Heads of the National Law Enforcement Agencies, our countries participate in important coordination efforts. The Parties undertake to strengthen cooperation with transit countries on interdiction of traffic in illicit drugs.

9. World Conference Against Illicit Drug Trafficking

In order to progress towards the goals agreed upon at the Cartagena Summit, the Parties call for a world conference in 1991 to strengthen international cooperation in the elimination of improper consumption, illegal trafficking and production of drugs.

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10. Follow-up Meeting to the Cartagena Summit

In order to follow up on progress of agreements arising under the foregoing understandings, the Parties agree to hold a high level follow-up meeting within a period of not more than six months.

BUSH'S CHOICE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, the world is presently going through a period of volatile and momentous change. As nations and political and economic alliances are redrawn, expert analysis of these changes is of tremendous value. Prof. Tom Farer has published a fine article in the "London Review of Books" analyzing these changes and the Bush administration's reaction to them.

Professor Farer has served as president of the University of New Mexico and the Inter-American Commission on Human Rights. He is presently on the faculty of the American University here in Washington. Professor Farer's article places the tremendous changes underway in a unique and interesting perspective. I highly recommend this article and submit it into the RECORD for my colleagues' review.

BUSH'S CHOICE

(By Tom Farer)

In the early months of George Bush's Presidency, before his reassuringly innocuous pronouncements and prudent compromises at the NATO summit had allowed the American media to discover prophetic qualities in him, editorial pages were much occupied by pundits clashing over what Bush, during the electoral campaign, had plaintively labelled "the vision thing". Despite the country's considerable domestic difficulties—some of which are on daily display in violent, drug-drenched streets within jogging distance of the White House—the President's critics were aroused primarily by an alleged absence of vision about an exterior world whose familiar contours were melting into odd and unsettling forms.

United in demanding vision, they were divided over its substance. The militant right, which often sounds distressingly like Alcestis Dubois's definition of fascism—"bayonets in search of an idea"—indicted the President for failing to insulate the West from the narcotic of Gorbachev. Declarations, however hedged, implying that the Cold War is over were seen as evidence of a deepening addiction. The most benign consequence of collective stupefaction, it was implied, would be a lost opportunity to bury the Soviet threat. A less optimistic scenario had the Soviets achieving, at a time of maximum weakness, their greatest triumph: the collapse or emasculation of NATO.

Critics from the left also bewailed the prospective loss of opportunity. The one to which they referred, however, was the democratisation of Soviet politics and a concomitant negotiated settlement of the Cold War. But it was not only rosy visions that fueled their antagonism to Bush's deliberate pace and prose. Like those establishment figures, epitomised by Henry Kissinger, who are the self-conscious heirs of the Anglo-European conservative tradition in foreign policy, with its emphasis on balance and order, liberal commentators were moved by a sensation of danger impending from a massive convulsion within the Kremlin's sphere of influence or the Soviet Union itself.

At no point evincing signs of a reflective bent, Bush has found success in public life by propitiating right-wing icons and plodding inconspicuously behind the brute force of events. But let us assume for the sake of argument that the grinding shift of plates beneath the surface of the post-war world moves the President to envisage bold departures in national policy—towards reconciliation with the Soviet Union, and an intensified collaboration with traditional allies. Could he act on the basis of such an epiphany, or would he be confined by electoral constraints rooted in the national character?

Investigating the American character is a line of work extending back at least to de Tocqueville. Rupert Wilkinson's book, The Pursuit of the American Character, is one of its more useful contemporary products. The book aims to give a fresh perspective on the tensions between individualism, community and conformity. It focuses on "four historic American fears that have surrounded the dual attraction of Americans to individualism and "getting together": the fear of being owned (including fears of dependence and of being controlled and shaped by others); the fear of falling apart (a fear of anarchy and isolation); the fear of winding down (losing energy, dynamism, forward motion); and the fear of falling away from a past virtue and promise". Only occasionally, Wilkinson concludes, can public policy be reduced to a confluence of these fears. This is so for two reasons. First, the fears often pull against each other: policies apparently responsive to one will aggravate concerns generated by another. Secondly, the practical implications of each fear are in most cases sufficiently ambiguous to permit its invocation on behalf of inconsistent policies. But at all times they infest the symbolic environment in which policy is formed. Hence, on all occasions, an American attempting to marshal support for a policy, or a foreigner attempting to influence American policy process, must employ language that pays them homage. At rare moments, rather than simply providing broad parameters and a distinctive language for discourse about foreign policy, they can coalesce to dictate its content.

The end of the 1970s was such a moment. Ronald Reagan, a man with few peers at personifying and manipulating the key symbols of American political life, seized on it. For fifteen years history had been conspiring to give him the chance. Fear of falling apart? Only a Pangloss could have lived through the social convulsions and assassinations of the Vietnam War years, and the longer-running disintegration of social mores, without beginning to doubt that the centre could hold. Fear of winding down? The prolonged humiliation of the Tehran hostage crisis, following so quickly the utter defeat of American purposes in Vietnam and experienced against the backdrop of apparently successful Soviet interventions in the Third World, signaled a stunning plunge from the apogee of world power. Fear of falling away? The tens of thousands of our Vietnamese collaborators rotting in Hanoi's re-education camps and drowning in their efforts to escape, the killing fields assembled by the Khmer Rouge in the wake of our withdrawal from Cambodia, the sudden multiplication of Marxist regimes in all parts of the Third World—many Americans could not witness these events without the sense of a failed mission to save the world for freedom. And when on top of military defeat, the collapse of client regimes, and the evident loss of industrial supremacy, the Soviet Union appeared to acquire, through the relentless deployment of additional weapons and the invasion of Afghanistan, the means to strike at the Persian Gulf and to neutralise our strategic deterrent, the fear of being owned was ripe for arousing.

Reagan was swept to power by a rip tide of strategic pessimism. For a moment, it seemed capable of dragging American foreign policy into the sort of perilous waters that would normally be chanced only by a profoundly dissatisfied or ideologically crazed country. The US was hardly the latter, and being pre-eminent in influence (despite the decline in its relative power), affluent, cohesive, and more dependent than ever on the pacific environment requisite for a smoothly functioning global economy, it had ample reason for satisfaction with the fundamental norms of international order. That may well be the main reason why the moment passed without producing disaster. I suppose, however, that one should not altogether discount the reassuring Reagan persona, the tranquillising effect of a few hundred billion additional dollars spent on defence, the suppression of inflation, the renewal of economic buoyancy (albeit floating on a sea of debt), and the non-appearance, despite avid predictions to the contrary, of a Soviet challenge in the Gulf, in Europe, or anywhere else.

For whatever reason, the country had recaptured its normal if slightly brittle optimism by the time Reagan met Gorbachev, pronounced him authentic, and declared a new era in Soviet-American relations, thereby reinforcing the collective sense of a nation restored. As the heir to this wealth of renewed confidence about America's domestic health and global role, Bush enjoys unusual freedom. Whether he jogs along, marginally adjusting policy as events dictate, or innovates boldly, he is likely to retain broad public support.

If parts of the edifice of international relations built after World War Two appear vulnerable, the remainder seems stronger than ever. As principal architect, the United States designed a structure of international relations that would foster a global economy governed by free markets enforcing the law of comparative advantage. The first condition of such an economy is the existence of societies willing to exchange the risks of comparative advantage for its predicted gains and living in a state of internal and external peace, a state plainly welcome to the war-weary Western allies. The GATT, the IMF and the World Bank were established to encourage acceptance of those risks. Force was banned for any purpose other than as a last recourse against aggression. The classic means for legislating change in the relations of states was therefore gone.

Today, with China already inside and the other great post-war autark, the Soviet Union, sueing for entry, and with Southeast Asia providing a cluster of dynamic new participants, the economic structure is arguably stronger and more stable than at any previous moment in post-war history. But just as the system is becoming truly inclusive, anxiety about disintegration has surfaced in respectable foreign policy discourse.

We are moving, some experts claim, toward rival trading blocs led, respectively, by the West Europeans (primarily the Federal Republic of Germany), the Japanese and the United States, with the latter forced to organise a trading sphere out of the bits and pieces rejected by its competitors.

The motive force for this glide away from globalism is seen to come from at least three sources. One is the expansion and accelerating integration of a European common market with the strength and self-confidence needed to protect inefficient but politically significant sectors of its economy. A second is the declining capacity of the United States to resist centrifugal forces within the circle of advanced capitalist democracies. For domestic reasons both political and economic, it is progressively less able to bear the disproportionate material costs associated with its hegemonic role within the Western alliance. It has perforce become intolerant of free riders on its security investments and of less than full reciprocity insofar as it practises free trade. Japan is the third. The MIT economist Rudiger Dombusch appears to be arguing in a recent piece that the problem is not so much its government's policies as its acts of omission which express the very character of the place. Japan is structurally neo-mercantilist. That is to say, the forms of its political and economic life, together with its mentality, preclude for the foreseeable future anything like the level of imports required to offset the enormous value of its exports. Today much of the resulting surplus capital is productively employed (from the Japanese point of view) in accumulating foreign assets such as factories, real estate and raw materials, but the principal part goes towards financing the American budgetary and trade deficits.

Although American consumers have found this arrangement comfortable, the American elite is conspicuously uneasy about the country's growing subjection to the investment decisions of Japanese lenders. The number of blue and white-collar employees who believe they have been injured by Japanese competition, or who are for less material reasons receptive to nationalist appeals, provides a popular base for an elite-led drive to restore equilibrium which is likely to accelerate with the next downswing in the economic cycle. If, one is tempted to say when, the US gets its accounts in balance, and if the Japanese political system still will not produce the unprecedented measures required to induce a sharp increase in domestic consumption of foreign goods and services, Japanese capital will have to find huge new outlets.

Europe, Dornsbusch argues, will still not need and Latin America will not be able to afford to borrow more than a fraction of the Japanese surplus. The first alternative, then, will be direct investment. In Europe and North America, however, this option will be constrained by political forces determined to limit foreign ownership of land and other productive resources. Rebuffed by its erstwhile allies, according to this hypothesis, the Japanese will summon their capital and political energy to build an Asian trade and finance zone, a move likely to be facilitated by the limits imposed by Europe and the United States on the exports of all Asian countries. In addition or alternatively, the Japanese might decide to mate their money, technology and capital goods to the natural resources and untapped markets of the Soviet Union.

In fact, the economic consequences of the world's division into three trading blocs are far from clear. In the first place, one cannot predict how much the division would add to existing trade restraints. Protectionism is a political decision, not a force of nature. The formation of blocs might do nothing more than force a moderate increase in the global deviation from that optimum production of goods and services presumed to result from unlimited free trade. Theoretically, such an increase would occur if the value of inter-bloc trade restrained was somewhat greater than that of intra-bloc trade unleashed. But whatever the aggregate consequences of disintegration into blocs, the United States is likely to experience the largest relative losses and fewest gains, above all in the currency of political influence, among the powerful nations concerned.

With whom will America bond other than its immediate neighbours? Even after it achieves equilibrium in its balance of payments, it will not have the huge quantities of surplus value capital which Japan will be able to deploy. That is one reason why both China and the Soviet Union are likely to gravitate into Japan's orbit. A second is what appears to be the greater ability of public and private actors in Japan to identify, and collectively to pursue national economic objectives: public and private elited in Japan are more compact and homogeneous; their relations are marked by mutual respect; their cooperation is not haunted by the distrust of government and the visceral individualism that are so much a part of the American character.

Japan Inc. will not rely on the drift of events. It will actively court the Marxist giants with offers uninhibited by balance-sheet anxieties. Strategic consideration should enhance their receptivity. A militarily powerful state will normally prefer economic dependence on a comparatively weak one. This strategic factor, coupled with the proximity of major decision centres, might alternatively draw Moscow into close association with the EEC, which is, in any event, likely to incorporate most of Eastern Europe.

The relative weight and cohesion of each Bloc would affect the terms of trade it could negotiate with the other two. Negotiations could also be affected by the political environment in which they would be conducted. The environment for negotiations between an Asian bloc led by Japan and one dominated by the United States promises to be poisonous. Aside from the fact that a defining characteristic of each bloc would be skin colour—a less than propitious element in the diplomatic mix—both sides will feel sorely aggrieved. By hypothesis, the Japanese decided to concentrate on organizing an Asian bloc because of rebuffs to Japanese goods and capital in Washington to less than Brussels. As for the United States, it will find itself negotiating to retain some part of what it won with bloc and treasure in World War Two: an unrestricted Asian presence. For a country which has imagined itself throughout the 20th century to have an Asian vocation, the very need to negotiate will be a source of rage. Mutual resentments will implicate negotiations on purely economic issues, in part by investing them with torrid symbolic values. The severity of those negotiations could in turn shadow the prospect for cooperation on other matters.

History, being sloppy, will probably not allow anything nearly so neat as three-bloc world. But the centrifugal forces identified by Dornbusch and others could certainly produce a more fragmented and less open international economy than we have today. The potentially sizeable opportunity costs that would accrue from the failure to maintain, much less expand, an open global system are reason enough for an American President to question a largely reactive policy of marginal adjustments. But more ominous than the notional loss of goods and services is the inevitably associated loss of political cooperation—an element which is already insufficient to cope with multiplying threats to the security of nations.

As the electoral strides of the Green Parties demonstrate, the ecological threats have finally begun to bore deeply into mass consciousness. Collectively we are poisoning the water and air, levelling the forests, dissipating the soil, raising the temperature, spreading the deserts, depleting the ozone, and just plain shifting the whole balance of nature. Through their acts and omissions, governments all over the globe commit crimes against the Earth. The consequences of those crimes ooze inexorably across national frontiers. Some governments cannot stop because they are inept. They need expertise or trustees. Others will not stop because they are delinquent. They need sanctions. Others again do not stop because the immediate political and economic costs threaten their survival. They need contingent rewards and sanctions too. Many wait for others because acting alone is both costly and inconsequential. They need company.

We lack relevant processes, institutions and norms, not to mention an inherited disposition, to monitor behaviour, identify threats, deploy assistance, allocate funds, and to impose sanctions. Brazil consumes its forests; the world wails; the World Bank lends the means for consuming them faster; the forests continue to shrink. That is the status quo.

Irreversible ecological damage will kill us slowly while progressively depressing the standard of living. Emerging strategic developments presage conflicts that will kill lots of people quickly while battering global GNP and doing their own bit for ecological degeneration. Within the next ten years at least two dozen countries will have the means to make nuclear weapons. The weapons themselves are spreading. Missiles capable of delivering them at great distances are spreading faster. Virulent chemical weapons seem accessible to any state with money or a half-way developed scientific-industrial base. Meanwhile the norms governing the use of force and protecting the independence and integrity of states have lost at least some of the clarity and authority they enjoyed when first incorporated in the United Nations Charter.

During the past fifteen years Indonesia has invaded East Timor, Vietnam has invaded Cambodia, Israel invaded Lebanon, Iraq has invaded Iran, Morocco has invaded the Western Sahara, India has invaded Sri Lanka, and South Africa has invaded whoever in the region it was disposed to invade. Events confirmed their evident conviction that they would not be punished. The superpowers, by their interventions in the name, respectively, of scientific socialism and democracy, have contributed to the view, rejected at Nuremberg but manifested in the actions of these powers, that every state is the exclusive judge of the measures required for its security. Preoccupied with the Cold War, avid in the cultivation of clients, the Soviet Union and the United States have sheltered instead of disciplining norm-busting nations.

Since it is strategically secure, and dependent for its affluence and therefore its domestic harmony on the smooth operation of the international market economy, the United States has ample incentive to help restrain inter-state violence. The imperatives of perestroika, or perhaps one should say the political and economic imperatives that have produced perestroika, have led Soviet leaders to see more clearly than ever before that international anarchy does not serve their interests either.

In a world of competitive states and transnational loyalties—particularly those stemming from race and ethnicity—the fuse of interstate conflict will often be lit by events within states: wars, coups, insurgencies, massacres. For that reason the great powers have a material interest in fostering the peaceful resolution of internal disputes. As it becomes a more plural and open society, a society more dependent on the uninterrupted movement of people and goods across frontiers, the Soviet Union's stake in repressing international terrorism and the movement of illicit goods—narcotics, materials for manufacturing weapons of mass destruction, art treasures, nuclear and other toxic wastes—will increasingly approximate to that of the United States and its traditional allies. The growth of environmental consciousness in the Soviet Union, coupled with the growing exposure of decision-makers to popular pressure, is establishing another point of convergence between the concerns of its elites and those of our own.

This happy conjuncture of interests (and the inception thereof) between the two great protagonists of the Cold War cries out for institutional expression designed to avert misunderstandings, to concert policy and to strengthen within each country the advocates of co-operation. But although the US and the USSR are necessary participants in any collective effort to address the central risks to security, they are not sufficient. In order to contain the destructive and centrifugal forces at work in the world, all of the leading states must be drawn to a structure that will invest them with the prestige and power, and the constraints and responsibilities, of system managers.

Bush has not responded to this cry, and will not as long as he imagines that policy consists only of incremental adjustment and, when adjustment fails, of crisis management. Through the excess of caution, or an insufficiency of imagination, he has ignored this opportunity, just as he has lagged thus far in confronting the fact that reform of the Soviet system will explode in the hands of its practitioners, in such a way as to restore—with heightened inflamation—the condition of cold war.

By getting aid for Poland and Hungary to the top of the agenda at the recent economic summit of the Group of Seven, and by committing the United States to contribute $119 million, Bush made a beginning. But the risk is greatest in the Soviet Union itself, where the authority of the regime is unravelling at a stunning pace. If Stalin were in power, that would be marvellous, because any alternative would be superior. With Gorbachev in power, it is distressing, because the most likely alternative is a reactionary government ruling by terror. And if, to save themselves, Gorbachev and his colleagues yielded to pressure for the imposition of martial law, they, too, would end up ruling by the knout. After glasnost, anything like the old order of things will not be easily restored. It appears unlikely that Gorbachev can dampen combustible social tensions, or inspire economic discipline and initiative, solely through accelerated deregulation and enhanced political participation. Necessary as those steps are, they are not sufficient. Exhaustion and cynicism are running high. The Soviet people needs to experience now the taste of the promised fruit. Over the longer term, Gorbachev's reform should enhance consumption. In the shorter term, the conflict and confusion associated with the transition seem to have produced further deterioration in living standards for some and greater frustration for almost all.

Making perestroika work may well be as important to the interests of the United States as the restoration of Europe was after World War Two. One response to that imperative was the Marshall Plan, which made financial adjustments and outlays play the dual role of supporting reconstruction and of inducing a habit of consultation and collaboration among the nations of Western Europe, and between these nations and the United States. The plan's rapid implementation eased social tensions in Western European countries, re-invigorated their economies and imparted a momentum to international relations which culminated in the institutions of co-operation which dominate the current scene.

In his letter to the G-7 Heads of State, Gorbachev announced the readiness of the Soviet Union to become an active participant in global economic affairs. The members of the Group of Seven should respond by proposing discussions among Soviet and G-7 officials about means for increasing economic interaction. Each of the G-7 party leaders should designate a prestigious figure, backed by a small staff of experts from government, research centres, academia and the private sector, to conduct those discussions. The designee would report directly to his president or prime minister. In proposing discussions, the G-7 should have several immediate objectives. One is to identify the scale of credits required to give Gorbachev breathing space and leverage. A second is to assist Soviet experts in planning the integration of foreign investment into the transition toward a relatively open economy. A third is to strengthen personal and institutional links between important segments of the Soviet bureaucracy and their G-7 counterparts. And a fourth is to deepen those links among the Group of Seven. On the basis of proposals developed by the participants in this exercise, the relevant G-7 cabinet members, working closely with business and financial pashas (and in the United States with Congressional luminaries), should assemble export credits and investment guarantees sufficient in scale to furnish Gorbachev with the means for tangibly improving the condition of Soviet consumers. They should also agree on institutional arrangements for collective allocation of the credits and guarantees so that the allies move as one to reinforce positive developments in the Soviet transition.

Since the Japanese have most of the spare capital required to finance Soviet imports, Japan should chair the group of experts, the ministerial consultation, and the co-ordinating mechanism. And the Japanese Prime Minister should co-chair the summit, with President Gorbachev required to negotiate the precise arrangements and understandings that would commit the capitalist democracies to helping perestroika succeed. As things stand now, however, it is the United States that must set the project in motion.

Bush's decision to inauguarate this process would be one important measure of the man. A second would be a decision to advocate systematic consultation among the G-7 and the Soviet Union on the full slate of international issues. To that end, the G-7 could expand the agenda of the proposed summit and urge that it be an annual event. Twenty years ago agreement between the G-7 and the Soviet Union on almost any issue would have been decisive for the remainder of the international community. The subsequent diffusion of power has made other states, or blocs of states, necessary parties to effective decisions on many issues. While Bush and his colleagues should visualize a broad and regular consultation with Moscow as a way of sealing the end of the Cold War, it should also be seen as an immense step toward global co-operation. To further this aim, the first summit would establish a planning group authorised to create support among other states for converting the Security Council into an institution able to identify risks to widely shared interests and to adopt and implement decisions. The conversion would involve adding Japan and the Federal Republic as permanent members and expanding the Council's authority to include all serious threats to human welfare.

If the past is prologue, Bush will go on drifting with the current of events, steering to avoid a shoal here and there, husbanding his stores, exhorting his crew, defending his flag, all the while hoping to arrive at an agreeable place, but unwilling to raise sail in the favouring wind and plot his own way. And yet, as he himself concedes, an extraordinary and fragile process of change is occurring in the Soviet Union, which the United States is in a position to support. It is also in a position to attempt to determine a future in which the governing systems of the world may be able to act collectively in relation to the changes they share. No President since Truman, possibly since Franklin Roosevelt, has faced an environment so full of promise and peril. Bush's acts and omissions will soon settle the question of whether the American people have elected a man, if not for all seasons, then at least for this one.

WE NEED A PUBLIC SOLUTION TO LONG-TERM CARE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LEHMAN of Florida. Mr. Speaker, in February, I met in my district office with a group of constituents who are concerned about the affordability of long-term health care.

Their organization is called the National Long-Term Care Campaign, which is very active locally as well as on the national level.

Since Congress will be reviewing various long-term health care proposals, I would like very much to share with my colleagues part of the position paper from this organization.

WE NEED A PUBLIC SOLUTION TO LONG-TERM CARE

(By Lil Leviten)

Private insurance is, in practice, unafforadable to a large majority of American Families. Private insurance rarely covers the actual cost of: Custodial Nursing Home Care, or care in an assisted living facility. Families who prefer to care for their loved ones at home are not covered for the cost of chore services, respite care or adult day care for their loved ones. Home Health Care policies, when you can afford them, provide very limited services of therapists, nurses and home health aides.

Families USA Foundation in collaboration with James P. Firman and Susan Pointlaskzek, just released, a research report entitled, the Unaffordability of Nursing Home Insurance. People over 80 years old cannot buy nursing home insurance. The study focuses on policies available to healthy persons between the ages of 65 and 79. The average price per person per year, at age 65 is $1,255, at age 70 is $1,808, at age 75 is $2,879 and at age 79 becomes $3,860. The study proves that very few senior citizens can afford these rates.

I believe in a public solution similar to Social Security or Medicare. Private insurance is too expensive and doesn't provide all the care that is needed. Families need a public solution for Long-Term Care.

A TRIBUTE TO THE BROOKLYN IRISH-AMERICAN PARADE COMMITTEE ON ITS 15TH ANNUAL PARADE

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SCHUMER. Mr. Speaker, it is with great pleasure that I call my colleague's attention to the Brooklyn Irish-American Parade Committee on its 15th annual parade to be held on Sunday, March 25, 1990, at the historic site of the Battle of Brooklyn in which Irish Freedom Fighters gave their lives to secure Independence for America.

The Brooklyn Irish-American Parade highlights the cultural, educational and historical accomplishments and contributions of Brooklyn's Irish-American community. The parade encourages an appreciation of an ancient Irish heritage and celebrates Brooklyn's cultural diversity.

This year's theme is "Games of the Gael: Hurling, Camogie, Gaelic Football and Handball" in honor of Kathleen O'Dwyer McDonagh, native of Drombane, Thurles, County Tipperary. Ms. O'Dwyer McDonagh, a founder of the parade, is a leader in promoting Irish sports in Brooklyn and the Northeast. Not only is she a cofounder of New York's Young Irelands Camogie Team and the Park Slope Shamrocks Minor Gaelic Football, but she is also the organizer and former president of the North American Camogie Association.

Ms. O'Dwyer McDonagh, through her many years of dedicated and tireless effort, has brought public honor and recognition of the many cultural, educational and civic contributions made by the Irish-American community. Because of her very special work and leadership, she has been selected by the parade committee as this year's grand marshal.

Mr. Speaker, please join me in commending the Brooklyn Irish-American Parade Committee: its grand marshal, Kathleen O'Dwyer McDonagh and her aides, Ann Patricia Behan, Kings County Ladies AOH, past president-division 6; Anna McElroy, president, United Irish Counties; Bernadette Buckley Kash—Irish culture—Buckley School of Irish Dance; Rev. Msgr. Vincent D. Breen—religious/education superintendent of education, Brooklyn and Queens; Alfred E. Jennings—Irish-American business—Brooklyn Union Gas Co., director of community relations; Andy O'Neill, Kings County, AOH, past president-division 19; John O'Donnell—Gaelic sports—Brooklyn Shamrocks Football Club and parade chairperson; Peggy Toner, dance chairperson; Eileen O'Dea, journal chairperson; Peggy Lynaugh, parade officers and members and all the citizens of Brooklyn participating in this important and memorable cultural and civic event.

A DEDICATED FEDERAL EMPLOYEE RETIRES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. GEKAS. Mr. Speaker, I ask my colleagues to join with me in congratulating upon his retirement a constituent who has faithfully served his Nation and community for nearly 32 years.

Ronald H. Zimmerman, known to his many friends as Zimmy, lives in Halifax, PA. For the past three decades, he has worked as an FAA area supervisor at the Terminal Radar Approach Control Facility and Airport Traffic Control Tower at Capital City Airport in New Cumberland, PA. As a supervisor, Zimmy was a role model to those men and women who are responsible for the safety of thousands of passengers in America's skies.

I thank Ronald Zimmerman for his dedicated service; our country depends on employees like him. I know he will be sorely missed by his colleagues.

JEWISH HERITAGE WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. GILMAN. Mr. Speaker, once again I am pleased to introduce legislation designating "Jewish Heritage Week" before the House of Representatives. This legislation presents a unique opportunity to foster renewed appreciation for the rich culture, heritage, traditions, and history of the Jewish people, as well as the contributions of American Jews to our Nation and our society.

The legislation designates May 6 to 13, 1990 as "Jewish Heritage Week." By so commemorating these few days, Congress and the American people can continue to promote intergroup understanding and the principles of brotherhood which are so pertinent. It is indeed reprehensible and incomprehensible to learn of domestic hate crimes and antisemitism around our country. Jewish Heritage Week is commemorated throughout our Nation with appropriate celebrations and proclamations, and last year, more than 1 million students of all ages, races, and faiths learned about Jewish religion and traditions by participating in meaningful education programs and celebrations.

This year, the theme of Jewish Heritage Week is "Women of Valor: Celebrating the American Jewish Woman." Jewish Heritage Week will also focus on the many religious celebrations and cultural events that take place in the spring, among them, Passover, the holiday of redemption from slavery; Israel Independence Day; Jerusalem Day; the anniversary of the Warsaw Ghetto Uprising; and Holocaust Memorial Day.

Mr. Speaker, I request that the full text of this resolution be printed at this point in the CONGRESSIONAL RECORD, and I invite my colleagues to join me in cosponsoring this commemorative resolution.

H.J. RES. 501

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

Whereas May 10, 1990, marks the forty-second anniversary of the founding of the State of Israel;

Whereas the months of April, May and June contain events of major significance in the Jewish calendar, including Passover, the anniversary of the Warsaw Ghetto Uprising, Holocaust Memorial Day, and Jerusalem Day;

Whereas the Congress recognizes that an understanding of the heritage of all ethnic groups in this Nation contributes to the unity of this Nation;

Whereas understanding among ethnic groups in this Nation may be fostered further through an appreciation of the culture, history, and traditions of the Jewish community and the contributions of Jewish people to this Nation: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 6, 1990, through May 13, 1990, is designated as "Jewish Heritage Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States, departments and agencies of State and local governments, and interested organizations to observe such week with appropriate ceremonies, activities, and programs.

H.R. 4185

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. FRENZEL. Mr. Speaker, I have introduced H.R. 4185 which would include parts and accessories as eligible for duty-free treatment under the Nairobi protocol. The protocol is a multinational agreement granting preferential access for items used by the handicapped.

There has been some confusion in the past as to whether or not parts are included as eligible items. Since Customs has ruled that they are not included, I have introduced this bill to clarify what I believe is the original intent of the law.

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CITATION TO MR. FRANKLIN G. SMITH OF EL PASO, TX

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. COLEMAN of Texas. Mr. Speaker, it is with great pleasure that I rise today to recognize Mr. Franklin G. Smith of El Paso, TX, who is being honored this week by the U.S. Department of the Interior. Mr. Smith will be receiving the Department's highest honorary recognition—the Distinguished Service Award—for his outstanding career with the National Park Service. This citation is granted for an exceptional contribution by an individual to public service in the performance of his or her duties with the Department.

Mr. Smith's career has spanned a variety of positions and today he is the superintendent of the Chamizal National Memorial—a community cultural center located on the border between El Paso and Ciudad Juarez, Mexico. Operating from the premise that the best way to communicate across the boundaries of language and culture is through the arts, Mr. Smith's work has encompassed a broad spectrum of highly successful annual cultural programs including a 3-day Border Folk Festival, the Border Jazz Festival, Charreadas (traditional Mexican rodeos), El Grito (celebrating Mexican independence), and the internationally acclaimed Seiglo de Oro Drama Festival. His professionalism, competence, and commitment have made him an example and an inspiration to his colleagues. Through theatrical performances, graphic-arts displays, information services, publications, films, and exhibits, Frank Smith has successfully delivered the message of the Chamizal—a message of the peace and friendship we wish to foster along the El Paso-Juarez border and between our two nations. Under his leadership and guidance, the Chamizal has fulfilled its mission of becoming a living memorial to the spirit of international cooperation and goodwill.

In addition to his efforts to broaden the cultural growth and development of the Chamizal, Mr. Smith is an effective and dedicated administrator whose commitment to employee service has led to the establishment of exceptional programs in equal opportunity and cooperative education.

Mr. Speaker, for his eminent career with the National Park Service, Franklin G. Smith is most deserving of this prestigious award granted to him by the Department of the Interior. The work and invaluable service he provides for his community will not be forgotten.

THE INTRODUCTION OF THE PESTICIDE EXPORT CONTROL ACT

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SYNAR. Mr. Speaker, I am pleased to join with Senator LEAHY and other Members of the House and Senate in introducing the Pesticide Export Reform Act.

This bill is long overdue. Last May I held a hearing in my Environment, Energy and Natural Resources Subcommittee on the uncontrolled export of unregistered pesticides. The 1978 amendments to FIFRA require that foreign governments receive information about exports of pesticides which can't be used in the United States. Yet, according to a GAO report released at the hearing, because of loopholes in the law, foreign governments were not being notified of 90 percent of the unregistered pesticides exported from this country.

In the last 10 years the global pesticide market doubled and U.S. exports accounted for one-quarter of the world's supply. But many importing countries don't have the resources or expertise to regulate the chemicals that they are shipped.

According to a U.N. survey of 115 countries which I released at my hearing, many nations, especially in the Third World, lacked the ability to assure safe pesticide practices. These practices may be a threat to the health of farmworkers and the environment in those foreign countries. Unfortunately, they may also be a threat to American consumers when foods containing residues of banned products are imported back to the United States. Other GAO and congressional investigations show that high rates of violations commonly occur.

Even with a flawed inspection system, the Food and Drug Administration [FDA] reports that 5 percent of imported products contain residues of pesticides not registered for that use here. For some commodities like cabbages, the FDA has found 14 percent of imports had violations. Imported blackberries had an even greater rate of violations, at 38 percent. Does the consumer really have to face fruit salad roulette at the grocery store.

American farmers have a right to be angry when they see foreign producers competing against them using chemicals that they can't use here. And American consumers have a right to be angry since almost no foreign agricultural products get tested at our borders and many residues are virtually untestable at entry. Without accurate and complete EPA export information shared with other Federal agencies and foreign governments, border inspectors will not even know which pesticide residues to look for.

While EPA has attempted to correct some of these problems since our hearing, their regulations don't go far enough. The Agency proposal merely tightens the requirements on export labels, trusting the users, importers, and food inspection agencies to prevent reintroduction of unregistered products. This is like putting a Band-Aid on a broken leg. Only one solution will work—a prohibition on the export of unregistered and banned products except for limited research and medical purposes. This step requires new legislation.

But putting controls on banned or unregistered procucts is not enough. Our bill puts new requirements on the export of restricted-use pesticides, the most hazardous types of products which are still used legally here at home. We require that foreign governments give prior informed consent before these products are exported to willing countries. This contrasts with the EPA proposal which gives no special protections against restricted-use pesticides and limits the receipt-of-notice provisions solely to foreign purchasers.

We also tighten up requirements on the information supplied to EPA by exporters so that the Agency can adequately police compliance with the law. Export product labels must also be written in the language of the importing country and include all of the information which would be contained on U.S. labels.

In addition, the bill reduces the kinds of data which can be withheld from the public as confidential business information and sets up a strict notification scheme to let foreign governments know of important EPA pesticide regulatory decisions.

Finally, not only is the bill important for protecting our own consumers and farmers and those in foreign countries, it is also important for protecting the good name of our country. We should not be sending abroad those products which we have determined are detrimental to public health or the environment.

EULOGY FOR CHAVEZ COHO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, the Ramah Navajo School Board is presently constructing an educational facility on its Pine Hill campus. The facility will aptly bear the name of Ramah Navajo School Board founder Chavez P. Coho. Chavez Coho led a remarkable and full life in service to the Navajo people and the Ramah chapter until his death in 1987.

As a child, Chavez Coho did not have the opportunity to attend school because the Ramah area lacked such facilities. It was this sad situation which compelled him to dedicate many years of his life to assure Ramah's citizens would one day be able to send their children to a local school. As president of the school board, Chavez sought that an uncompromising pursuit of excellence in education be the Ramah School Board's goal. His spirit is still very much a part of the Ramah Navajo School Board and the Ramah chapter.

In addition to founding the school board and serving as its president, Chavez Coho served as a tribal judge, chapter president, Tribal Council delegate and in several other important positions. The building of an education facility in his name is a most fitting tribute to his life of service.

Mr. Speaker, I am submitting for insertion in the RECORD a eulogy for Chavez Coho written by his long-time friend Michael Gross. I believe it reflects the inspirational character of life Chavez led and I submit it to my colleagues' attention:

EULOGY FOR CHAVEZ COHO

(By Mike Gross, Attorney for Ramah Navajo School Board, Inc.)

I first met Chavez Coho in 1968. I had newly arrived at Window Rock to begin working for DNA Legal Services. My first day in Window Rock I tried to get my car fixed in Gallup. While there at the garage, I got a call from the office. To this day I don't know how anyone knew where I was.

Could I get back to the office in a hurry, I was asked. Seems they needed my help on a case that had to be filed shortly.

When I arrived back in Window Rock I was ushered into DNA's library/conference room. The place was packed with lawyers and law clerks. Ted Mitchell was there. Vard Johnson too. I was told about the closing of Ramah's public high school and the need to get it reopened in time for the start of the next school year, otherwise Ramah Navajo kids would have to leave home to go to federal Indian boarding schools or drop out of school altogether.

I was assigned to the case as a law clerk and remember my first trip to Ramah with Abe Plummer to look for witnesses. We drove all over the countryside finding people. Later Chavez Coho, the community's Chapter President, came to the office to learn about what we lawyers were doing. That began a monthly information session at our offices through the life of the suit, which lasted more than a year. We tried to reopen the school but the judge wouldn't go along with that. Instead he ordered that bus routes be extended to take Ramah Navajo kids to Zuni High School. We lawyers thought that was great. We had achieved a major legal victory. The only problem was our clients didn't want to send their kids to Zuni and besides the local school district needed State permission to extend the bus routes.

Eventually the suit fizzled. By this time, Ramah Navajo high schoolers were off in Utah or at Ft. Wingate or at Albuquerque Indian School. One parent reported that his daughter had been on the honor roll at the old Ramah High School but, since she had gone off to Albuquerque, he had no word from her, did not know what courses she was taking, and had no contact with her teachers.

In the meantime, I had poured over the reports of the Special Senate Subcommittee on Indian Education. It seemed that Ramah was a microcosm of everything that was wrong in Indian education. The Committee recommended following the local control approach of the Rough Rock Demonstration School but it laid out no plan for expanding that concept.

In December 1969, a private foundation in New York which had contacted me made a $2000 grant to the Ramah Navajo community on the condition that it would try to start its own school from scratch. No Indian community this century had ever done that. On February 6, 1970, in the company of Leo Haven and representatives from Rough Rock, I attended an historic Ramah Navajo Chapter meeting. I presented a plan for electing a local school board, getting it incorporated, and using the $2000 to raise operating funds from the government. The rest of the story is pretty well known. That day Chavez Coho was elected to the first Ramah Navajo School Board. He served on it, most of the time as President, for the next 17 years and was still serving on it when he died.

It is safe to say the School Board became Chavez Coho's life. And to a great extent Indian self-determination was born through his efforts. Along with his fellow school board members, he went to Washington to raise the funds. He addressed Congressmen and Senators in halting English and told them of his dreams for education. He spoke about his own upbringing, how he had never gone beyond the third grade, how the BIA had often promised a school but never delivered. His message was effective. In early April 1970, Louise Bruce committed $368,000 to this untried, untested, uneducated Navajo grassroots school board. In July 1970, President Nixon mentioned the Ramah project in his message on Indian Affairs.

My association with the Ramah Chapter and Chavez Coho intensified. I offered to quit my job at DNA and help coordinate efforts to open the school by September 1970. That was a turbulent summer. Nothing seemed to work right. The army tents to house the kids were drafty and cold. Blankets did not arrive on time. Setting up a cafeteria was a nightmare. The kids were supposed to help renovate the old high school but there really wasn't much they could do. Ramah Lake was low and organizing activities for the kids proved tough. The school board met constantly. Often meetings would go to 11:00 or 12:00 o'clock. We had plenty of disagreements. Yet in early September the school was dedicated. The teachers had been hired. The curriculum had been established.

Eventually, there came a time in the fall when I had to leave. I had always told the Board that I intended to leave when the school was established. Still it came as something of a shock when Mr. Coho—we always called him that—told me the time had come. There followed a year of little contact. But then the Board asked me to help with fund raising for construction of a new school. We went to Washington again. And once again Mr. Coho and the other Board members spoke to Senators and Congressmen in the chandeliered halls of Congress. The money came. The new school was built.

Throughout this period, we were constantly involved, the Board and I, in working out problems with the four year long construction project. All of us learned a great deal about constructing in remote areas and dealing with the business world. One day Larry Manuelito asked me to talk with the Board about tax issues surrounding the project. It seems that New Mexico was indirectly charging its sales tax to the project through the non-Indian contractor. Was there a way to save this expense and get the taxes already paid back? I did some research and concluded the answer was no. There were a few cases which might help make an argument that the tax was illegal but nothing directly on point. Still the Board with Mr. Coho firmly leading the way directed me to pursue a claim. I did. And once again Ramah made history.

Five years after the claim for refund of taxes was first made, the U.S. Supreme Court handed down its 6-3 decision. We had won and all of the taxes plus interest (some $368,000) was returned to the Board. I can still see Mr. Coho and the other Board members sitting in the first row of the Supreme Court Chamber listening to the legal arguments.

I also remember one time at a convention, I think it was the old Coalition of Indian Controlled School Boards, when I was explaining how the Ramah case was my first case out of law school and I was still working on it. Mr. Coho in a loud stage whisper cut in and said: "That's because you haven't won it yet!"

There was a bond between us. We came from different worlds. We had trouble communicating with one another. And yet the trust was there. I knew he knew that with both of us the school and its welfare came first. He was truly dedicated to improving life in his community and he saw education as the chief means to do it.

His legacy is all around us. The building we are in and the many school children around us would not be here if it hadn't been for Chavez Coho. He was a community leader, a tribal leader, a family leader. Others in far away places have learned from him. An uneducated man demonstrated more wisdom than hundreds of educated bureaucrats. He lived his life as an example of Indian self-determination: Accept help from outside but always on your terms. I remember once in the early days of that long ago summer of 1970 when OEO said it would give the fledgling Board a $25,000 grant. However, said OEO, the money would have to be routed through the Rough Rock Demonstration School because it already had an established relationship with OEO. I remember a late night meeting on this question, with me drawing diagrams on the blackboard showing how OEO wanted to send the money to Rough Rock and then have Rough Rock send it on to Ramah. The issue I said was one of status and control. Would Ramah Navajo School Board be recognized as a separate entity capable of handling its own monies? Mr. Coho listened to all this in characteristic silence until I was done. Then he spoke in Navajo. I did not understand and yet I did understand. At his initiative, the Board sent a telegram to OEO. Either give us the money directly or keep it, the telegram said. Two weeks later the $25,000 check arrived in the mail.

Chavez Coho will be long remembered. He was the embodiment of Indian determination to control life for themselves. He was always willing to talk but on the question of local control and self-determination he would not compromise. In large part, his vision has now become established federal Indian policy.

All of us will miss him and yet take pleasure from knowing that he influenced so many of us in such a positive way.

RICHARD B. SMITH TAKES CHARGE OF MIAMI INS OFFICE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LEHMAN of Florida. Mr. Speaker, of all the offices of the Immigration and Naturalization Service, the Miami district office ranks at the very top in terms of both the immensity of the problems it faces and the challenge it poses to its top administrator.

I am pleased to report to you that the Commissioner of the INS has appointed Richard B. Smith as the new director of the INS Miami office.

It takes a special person to fill this post. For years, Perry Rivkind, one of the INS' most able administrators, directed this office. Mr. Smith served as his chief assistant, and he is well familiar with the special issues facing south Florida. He is also a career INS employee who knows his agency from the bottom up.

I know that my colleagues join me in congratulating Mr. Smith on his appointment, and I would like to share with them an article on this matter which appeared in the Miami Herald.

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[From the Miami Herald, Mar. 2, 1990]

MIAMI INS INSIDER NAMED DISTRICT CHIEF

(By David Hancock)

The newly named director of the busy, something-always-happening Miami immigration district has a familiar face—he's been a top administrator in the office for six years.

Richard B. Smith, who has filled in as acting director of the Miami district for the last seven months, got the nod for the full-time job this week. Gene McNary, commissioner of the U.S. Immigration and Naturalization Service, picked Smith over INS district directors from Baltimore and Detroit.

"I set this goal for myself 20 years ago when I came in to the immigration service. It took me 19 years and 8 months to achieve," said Smith, 48. "I'm looking forward to the challenge."

Smith, a transplant from Texas known for candor and a low-key style, has been praised by local immigration attorneys for his broad understanding of the immigration field.

As acting director last fall, Smith persuaded McNary to send a task force of INS examiners and clerks to Miami to speed up the tremendous paperwork backlog here.

"Smith has some very good statistics in that area. The task force has really made a difference," said attorney Michael Bander. The task force has carved months off the waiting time for naturalization and other immigration services.

"Smith is a career guy. He's got excellent contacts and the support of mid-level bureaucracy in Washington," Bander said. "Things are really moving here now."

Two traditional adversaries of the Miami INS district—the director and supervising attorney of the Haitian Refugee Center—said they hope Smith will use his new position to correct what they feel are injustices to Haitian refugees.

Among other complaints, HRC attorney Cheryl Little and the Rev. Gerard Jean-Juste said INS must stop transferring Haitian detainees out of state, and be more willing to parole them from detention to allow easier access to lawyers.

"We can't keep going into federal court over these things," Little said.

"These things cause a lot of misery," said Jean-Juste.

Smith has been a top administrator in the Miami INS office since coming here in 1984. He was the deputy director for his former boss, Perry Rivkind, and also headed up the Miami district's immigration fraud unit. Before coming to Miami, Smith spent 14 years working his way up through the El Paso INS district.

Rivkind said Thursday that McNary was wise to pick a local person who understands Miami's diverse cultures.

"If a person had come to Miami with no understanding of the complexities of the situation here, you could have had big problems," Rivkind said. "Smith has excellent judgment, very courageous, and he's not afraid to make decisions."

Attorney Leo Ochoa said he was initially concerned that Smith's early background in immigration fraud investigations would keep him from seeing the need for occasional humanitarian decisions. An INS district director has leeway to make exceptions in special immigration cases.

"I was afraid he might be too much of a policeman. But I've found him to be fair and straightforward," Ochoa said. "Smith has a lot of background and local experience."

Current events in Cuba, Haiti, Nicaragua and Eastern Europe notwithstanding, Smith said his biggest priority is the continuing effort to bring the backlogged Miami office up to speed.

Smith also is shepherding the long and bureaucratic process of filling more than 100 vacancies in his district, which includes 1,000 employees in 27 offices throughout Florida and the Bahamas.

Although he has candidates and funding for some positions, the need for background checks has slowed the hiring of badly needed employees, including 27 guards at the Krome Avenue detention center, Smith said.

"I need to turn my attention to solving some in-house problems," Smith said. "We have a good number of vacancies, I want to bear down on that."

In addition to his immigration duties, Smith is serving on Gov. Bob Martinez's Commission on a Free Cuba, which is making preparations for the possible fall of Fidel Castro.

The fall of Castro, like the defeat this week of the Sandinistas, could affect South Florida's refugee population. What will happen to Nicaraguans coming to Miami in view of this week's election? "I don't know," Smith said.

"One of the exciting things is I'm beginning my tour here as district director at a time when all these phenomenal things are occurring in Eastern Europe and the world," Smith said.

"It will be very interesting to see how these things affect us in South Florida."

WELCOMING THE STUDENTS OF EMERSON JUNIOR HIGH SCHOOL TO BROOKLYN

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SCHUMER. Mr. Speaker, today, I join my constituents at the John Wilson Junior High School of Canarsie in extending a warm Brooklyn welcome to the students of Emerson Junior High School of Pomona, CA on their visit to Brooklyn. The young men and women from the Golden State will be visiting New York from March 30 to April 7, 1990.

The two buddy schools have been exchanging letters, photographs, reports, and videos in order to gain insight into their differing environments. After their 2-year correspondence, the two classes planned their own Student Exchange Program.

In March of 1989, students from the John Wilson Junior High School went to Emerson Junior High School. During their stay the Wilson students attended classes at Emerson, were honored by the Pomona City Council, the Pomona Board of Education and the Pomona Fire Department. They were taken to Universal Studios, Television City and Disneyland. These students experienced learning that will never be forgotten and made friends that will last a lifetime.

This year, the Pomona students will be making their way to the Big Apple via the John Wilson Junior High School. Although, New York does not possess the palm trees and balmy breezes of southern California, our young visitors will be warmed by their companion students from Wilson as they attend classes in Canarsie and view the exciting sites of New York.

The John Wilson Junior High School has much to offer these bright young students. Its student body reflects the community's diverse ethnic and economic make-up. The school, itself, has a full range of educational programs including programs for the physically challenged and for gifted students.

Mr. Speaker, please join me in welcoming these fine, young exchange students from Pomona on their arrival to Brooklyn.

PENNSYLVANIAN AWARDED EAGLE SCOUT

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. GEKAS. Mr. Speaker, I ask my colleagues to join me in congratulating a young Pennsylvanian who has achieved the highest honor in Boy Scouting.

On March 11, Aaron Larsen will be presented with his Eagle Scout Award. This represents the culmination of 10 years of scouting. In September 1980, he joined Pack 95 of Enhaut, PA, eventually going on to earn Cub Scouts' highest award, the Arrow of Light. In January 1983, he moved on to join Troop 95.

During his time in Boy Scouting, Aaron has held the following leadership positions: assistant patrol leader, patrol leader, quartermaster chaplain's aide (the latter three held concurrently), assistant senior patrol leader, and for most of the last 2 years, senior patrol leader. For the last 6 months as a scout, he held the appointed position of junior assistant scoutmaster, and is now an assistant scoutmaster with Troop 95. In addition to his Troop 95 activities, he is a brotherhood member of the Susquehannock Lodge of the Order of the Arrow and has danced with the O.A. Indian dancers. He has also attended junior leadership training week and served as a volunteer counselor on the Hidden Valley summer camp staff.

Aaron attends Central Dauphin East High School where he maintains a B plus average. He also participates in many extracurricular activities. These include concert and marching band, choir, choraliers, the Mock Trial team, and the school musical. Academic honors include National Merit Commended Students and National Honor Society. He is also very involved in church activities. He sings in the church choir, teaches junior church and actively participates in his church youth group. One of the high points was his youth group's mission trip to Belize, Central America in June of last year. This year Aaron plans to accompany the youth group on its mission trip to Venezuela.

Aaron plans to attend a small liberal arts college in order to prepare for a career in teaching history at the secondary or collegiate level.

I congratulate Aaron on all his achievements and wish him continued success.

INTRODUCTION OF THE LAW ENFORCEMENT SCHOLARSHIP ACT OF 1990

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. FEIGHAN. Mr. Speaker, today I am introducing legislation designed to help those public servants who daily risk their lives to protect us: our Nation's law enforcement officers. With low pay, long hours, and stressful, dangerous work, these professionals are on the front line of the war on drugs but for too long have been at the back of the line for Federal aid. My bill aims to change that situation. The Law Enforcement Scholarship Act of 1990 will provide Federal money to the States so that scholarships may be provided to eligible law enforcement officers.

While over 65 percent of the police officers in America have some college course credit, only 22.5 percent have completed a bachelor's degree. Law enforcement organizations are convinced that officers who have pursued college educations are better-equipped to handle the difficult situations faced by today's law enforcement community. We must ensure that every officer who wants to pursue higher education can afford to do so. As the war on drugs wages on, as crime becomes ever more complex, we depend upon our police force to be sophisticated, well-educated, and effective. We must back up this reliance with assistance. The least we can do for law enforcement officers who desire to further their education is to see that they can afford to do so.

The Law Enforcement Scholarship Act authorizes $30 million for law enforcement scholarship programs. States would determine which officers would be eligible for participation, although emphasis would be given to undergraduate study and to members of underrepresented racial, ethnic, and gender groups. Eligibility would require 2 years of service as a law enforcement officer immediately preceding application for the scholarship. In addition, scholarship recipients would be required to serve as a law enforcement officer for a certain length of time after completing their courses, depending on the number of courses for which they received aid. The bill would also provide such assistance for corrections officers, other public servants who are overworked by the current soaring level of crime.

Between 1978 and 1987, violent crime increased 22.5 percent. In our ever more violent society, we rely increasingly on law enforcement to protect our homes, our neighborhoods, our friends and our families. We must ensure that these officers are better-equipped to confront this unprecedented crime wave. Mr. Speaker, I am hopeful that this bill will be part of a larger effort to address more effectively the overwhelming level of crime across the United States. I am proud that it has already been endorsed by the Fraternal Order of Police, the Police Executive Research Forum, the National Association of Police Organizations, and the International Brotherhood of Police Officers. I look forward to working with my colleagues, as well as law enforcement, to ensure that the Law Enforcement Scholarship Act becomes law before the end of the 101st Congress.

FISTS FULL OF DOLLARS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, we need boxing reform legislation in light of the Buster Douglas-Mike Tyson fiasco in Tokyo to prevent the shenanigans of people like Don King.

Yet there are some bright lights in the sport. One is Seth Abraham of HBO. Seth has given boxing positive visibility through a very well seen, safety conscious boxing series.

As the enclosed article in Sports Illustrated demonstrates, Seth Abraham is a class act, especially since he has to put up with Don King.

Fists Full of Dollars—Through Hair-Raising, 12-Round Negotiations With Promoters Like Don King, HBO's Seth Abraham Has Become the Heaviest Hitter In the World of Professional Boxing

(By Richard Hoffer)

Of all the unlikely career conceits—I want to be a door-to-door salesman, a hairdresser, a soccer goalie—this is the least likely: I want to study journalism and then do business on a regular basis with boxing promoters like Don King, Butch Lewis and Dennis Rappaport. Somebody actually did this. A man of respectable upbringing (his father is a lawyer), education (a master's degree from Boston University) and seeming sensitivity (his mother-in-law calls him to help draft her thank-you notes) set out to make deals with men for whom piracy would be an absurdly lofty goal, a relative priesthood. Would you like to meet this fellow's vocational counselor?

Would you like to meet this fellow? When he gets up in the morning, whistling at his prospects, it might be to do business with Bob Arum, who once dismissed a contradiction with the following reassurance: "Yesterday I was lying, but today I'm telling the truth."

This fellow is Seth Abraham, senior vice-president for sports programming at Home Box Office, a man whose corporate title and bearing are entirely misleading. First, they obscure the fact that he controls, to a large degree, the colorful business of boxing, an enterprise that one rival in cable-TV sports describes as "Guys and Dolls without the music." Second, they give the impression there is something soft or conventional about Abraham. His presence in boxing is so unlikely that it amuses even King, who says, "He's got these big rimmed glasses! He wears suspenders and he enunciates!" Others are not amused. Lewis has called Abraham "very vindictive." King admits Abraham is a "voracious tiger," but that is King's idea of high praise. As for being conventional, Abraham is a man who staked the name and resources of HBO (which is owned by Time Warner, the parent company of SPORTS ILLUSTRATED's publisher) on a problematic series of boxing bouts, each new contract an adventure fraught with risk. Some men like to swim with sharks, but only Abraham enjoys flossing their teeth.

Abraham is not the sort to climb into the ring during the prefight celebrity introductions. Yet it was he who, however anonymously, produced a single heavyweight champion out of three titleholders and many more self-interests. You can give credit to Mike Tyson if you want, but compared with the battles Abraham fought, the boxer's path was greased. Abraham quietly guides boxing's most important division, and he negotiates the Tyson fights you will see on cable TV for some time to come. He helps decide who will be the next Sugar Ray Leonard and, for that matter, when and whom the old one will fight. It is Abraham who, backed by a production and programming budget of $50 million a year, has elevated Saturday afternoon fights, once the transition between cliff-diving and rhythmic gymnastics, into prime-time events.

We'll leave it to the promoters to argue whether he is the smartest man in boxing or just the luckiest. We'll leave it to the social historians to decide whether he has wrought cultural changes on the scale of, say, Monday Night Football. But please! Let nobody dispute that Abraham, whom one friend describes as "prissy" (he is certainly dapper), is the least likely man ever to sit across a table from Don King.

Here's King at that table, finally taking notice of this impossibly well-mannered interloper: "What's a nice Jewish boy like you doing in this business?" This was followed by chilling advice (you would have found it chilling if King had been three inches from your face): "Leave it for me!"

What is Abraham doing in this business? Why not be a goalie? At least, why not remain in the baseball commissioner's office doing gentlemanly deals on behalf of the national pastime, as Abraham did from 1974 to '78. That was a nice living for a kid who grew up down the street from Ebbets Field and saved Borden's ice-cream wrappers to trade in for a bleacher-seat ticket every Friday. But Abraham says he needed more—the adrenaline generated by the ultimate deal, a deal that is almost certainly calamitous, only possibly rewarding. A boxing deal.

Ten years ago, newly hired to a sports programming job that HBO was thinking of eliminating, Abraham steer the network and himself into boxing as a programming staple. Moving quickly to generate confidence in HBO's little sports division, he negotiated a championship bout between WBC welterweight champ Wilfred Benitez and Harold Weston. It was suprisingly easy. No wonder boxing attracts such scoundrels, he thought: They are drawn to the ease with which high-dollar business can be accomplished. But days went by without attention being paid to his masterstroke. Publicity was scant. Matter of fact, he did not see anything in the newswpapers about his fight, and he reads eight papers every day. He called up Madison Square Garden to inquire into the lack of promotion. Well, he was told, as there is no such fight. . . .

"I had bought a fight that didn't exist!" he says. Ten years has been time enough to turn a career-killer into cocktail-party chatter, but at the beginning, time was in short supply. As legend has it the week before Abraham went to HBO, senior executives of HBO and Time Inc. had voted informally, 6-1, to discontinue sports programming; Michael Fuchs, then HBO's head of original programming and now its chairman, cast the one, persuasive vote that saved Abraham's job. And among Abraham's first acts was to schedule that phantom fight. "You

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see, I didn't know," he says, uttering the words of every first-time business partner in boxing.

Do you think the Kings and the Arums were somewhat roused by the arrival of this moneyed innocent, this babe with the goods? A man who will sign up invisible fights! Imagine the promoters slavering over the prospect of doing business with Abraham, a fellow who stays up nights reading long history books and dreaming up just the right gifts for his friends and whose real joy is pickup basketball. "He was kinda green," says King. Of course, the point of this story is not that Abraham was fooled—who isn't in this business?—but rather that he's still around 10 years later. Back when Abraham first called him up, all King could manage on the phone was, "Who are you, anyway?"

Telephoning King from his corner office—good view, nice furniture and a lot of sporting knickknacks (signed baseballs, an antique mitt, pictures of celebrities)—Abraham says, "Don, Don, Don." Muffled barking comes out of the receiver."Don, Don, Don." Abraham appears stricken by what he is hearing. "Don! It's my birthday. For my birthday, you can't give me the fifty? Don, Don, Don." There is more muffled barking and, apparently, the slamming of a phone. Abraham looks up, amused by the little drama. "Jousting," he says.

The two are negotiating the licensing fee for the March 17 Julio Cesar Chavez-Meldrick Taylor fight, which Abraham has essentially created for HBO. He has been trying to turn Chavez, the WBC junior welterweight champion, into an HBO star. He has already paid the fighter $5 million for six fights, and Abraham needs a matchup with another undefeated champion—Taylor, the IBF junior welterweight titleholder—to secure the payoff. Abraham has been working on this for nine months, trying to overcome the reluctance of each fighter's promoter to risk his championship franchise. Promoters agree that a division should be represented by a single champion, but only if he is their fighter. This cannot be guaranteed.

Nevertheless, Abraham has brought King, Chavez's promoter, together with King's hated rival, Dan Duva, Taylor's promoter. And the fight has been made. All that remains to be resolved is the difference between King's asking price of $2.9 million and Abraham's offer of $2.85 million. They had begun with a $1.3 million spread and narrowed it to these. . . pennies. Fifty thousand is loose change to these men, but it is clear that each enjoys the opportunity to dive for it. The phone rings in Abraham's office. Muffled barking comes out of the receiver. King, it turns out, is reminding Abraham of a favor to be returned, a time when King delivered Tyson, gratis, for one of Abraham's corporate functions. Abraham, as if he had been waiting for King to remember this all along, says, "You got the fifty," and they quickly move on to other pleasantries, such as possible sites for a planned Tyson-Razor Ruddock fight. (The bout was later postponed when Tyson became ill and has not yet been rescheduled.) Off the phone Abraham says, "Don knew I was going to buy the Chavez fight, and he knew that I knew he knew." The back and forth was just for fun? Not entirely. "I'm not going to roll over for even one dollar."

Abraham is one of life's strange discoveries, a man of apparent contradictions who is, nevertheless, entirely at peace with himself. He battles King for that dollar and then, minutes later, remembers how he always manages to come up with the perfect gift for King. "I was with him at a hotel once, and I noticed he left a wakeup call," says Abraham. "So I went over to Tiffany's, and I bought him a beautiful traveling alarm clock." Odd.

Abraham is comically meticulous, given his tolerance for workaday chaos. Describing the way to his weekend farm north of New York City, he indicates perhaps a dozen turns, each with a mileage reading. "At 9G," he will say, "turn north. Set your odometer. At point-five miles, you'll see an antique store. Set your odometer." Once done, he says, "Let's go over it again." He loves to recount past deals, always starting with the date. "August of '87," he'll say, leaning back into the story. He's the kind of guy who, when he leaves his office, picks up an index card from his secretary with all the calls he must return.

Yet he makes million-dollar deals on napkins at oyster bars. At last year's U.S. Open tennis tournament, he invited King to the quarterfinal match between Ivan Lendl and Tim Mayotte, and between points they worked on details of a proposed lifetime contract for Tyson. It wasn't the first time Abraham had sketched a contract on a tennis program. For all his fastidiousness, he is not a man of corporate caution.

Reconcile this: Abraham wanders around his new farm in a dream state—a Brooklyn kid gone goofy—pointing out butterflies and hawks to his four-year-old daughter, Sari, while the phone rings off the hook inside the big red barn of a house. The next day he leaves for his regular pickup basketball game at the 23rd Street YMCA in New York City—"do-or-die basketball," says another participant, advertising legend George Lois, the man who gave us Mr. Whipple. Plays defense with his teeth, says Lois, and shocks the street kids—"these aren't yuppies"—with his shooting. Sulks mightily when he loses. Abraham has been going to city gyms for a decade or so, same gyms, same players, and doesn't even know the palyers' names. He is 42, 10 years past retirement age for most guys at the Y, and just 5′ 10″ in his hightops. "I don't play basketball for fun," he says. And then, his fires banked, he returns to his family.

Or this: He can bluster with the best of them. In an early deal King tried intimidatioin and sprang at Abraham, stopping just short of physical contact. Abraham sat there impassively and then lit into King. He says he recently had to insult a promoter for 15 minutes, which is about three days short of the time required to hurt a promoter's feelings.

And all the while he might have been plotting his wife's 40th-birthday party, an elaborate surprise no other husband should allow his wife to read about. Champagne and chocolate cake aboard the Orient Express from Paris to Venice, then a flight back to Paris and a frontrow seat at an Yves St. Laurent fashion show, where she could turn to Catherine Deneuve or Paloma Picasso and say, "Lynn Abraham, New Jersey." The party took more than a year to plan.

What is he doing in this business? Abraham never even saw a live fight until he was 27, when Lynn surprised him by getting tickets to a bout at Madison Square Garden.

Well, how does someone prepare for the boxing business, anyway? Take the Chavez-Taylor deal. For nine months Abraham worked to reconcile the two parties, making just the right promises, extracting just the right concessions. A fight involving the principals' stablemates had to be guaranteed, even if it wasn't Abraham's idea of an HBO-caliber fight. Yet as boxing deals go, this was straightforward. Many deals for bouts are far more exciting than the fights themselves.

The Tyson-Trevor Berbick deal, for example. This was a key fight in the heavyweight unification series that Abraham dreamed up. Everybody was committed, and all that remained was for Berbick to sign a contract. He had agreed to do so. In the meantime, Dennis Rappaport, Gerry Cooney's promoter, was announcing that Berbick had agreed to fight Cooney outside the series. Something needed to be worked out here. Berbick agreed to meet Abraham and King at the Las Vegas Hilton to sign for the Tyson fight.

But where was Berbick? The day of the meeting one of his agents showed up at the hotel to express Berbick's regrets but refused to disclose the fighter's whereabouts. This agent, not familiar with surveillance techniques, then hopped into the first available cab. One of King's lieutenants, Duke Durden, got into the next available cab and was able to say—as they do only in movies and boxing—"Follow that car." Durden tailed the agent to Caesars Palace and discovered that Berbick was staying there under the alias Tommy Brown. Durden called King to the scene, and together they went to the fighter's room and knocked on the door. Berbick asked who it was. King said, "Room service." Berbick swung the door open and, wideeyed, looked at the two men filling his doorway. He said, "Hey, you're not room service."

Papers were quickly signed, and the series remained intact. "This is not a business for choirboys," says Abraham. He adds, "But how can you not have fun with this?"

Some stories: One night in Las Vegas back in 1985, Abraham was hosting a dinner party for 12 friends and relatives. It was strictly a social gathering. But at the time, Abraham had been idly inquiring into the possibility of a Larry Holmes-Michael Spinks fight on HBO. "So who shows up at dinner," says Abraham, "but Don and Butch." This would be King and Lewis, who represented Holmes and Spinks, respectively. "It was about 11 o'clock. Everything stopped. I moved my father-in-law down a spot and moved Uncle Irv. And the three of us, me, Don and Butch, sat there until after two, talking about how to make Holmes-Spinks for HBO. It was like a Passover seder. Everybody else just sat there and watched us."

After Gerrie Cotezee beat Michael Dokes in Richfield, Ohio, in 1983, King and Abraham began wondering if it wouldn't be possible to make Holmes-Coetzee. Let's talk, they said. King phoned ahead to Winston's, a rib joint in Cleveland, and King's and Abraham's staff repaired there. "They hadn't seen any white faces at Winston's since before the war," says Abraham, "and I mean the Civil War." Two of Abraham's aides, both white, arrived early, looked around the neighborhood and hunkered down in their car until King's limo arrived. They all ate smoked whitefish and ribs until 5 a.m. and pounded out a fight on paper. That fight never took place, but Abraham betrays no disappointment in the telling. The point is, they made a deal.

Another time Abraham found himself dealing with Arum on a series of fights for Marvelous Marvin Hagler, HBO's original meal ticket. This was at the U.S. Open in 1983, and the only available paper on which to scratch out a contract was the tennis program. Abraham took pains not to write near the figures denoting the tennis players' career earnings. "I didn't want Bob coming back and pointing to this $1.3 million figure," he says.

For boxing, such informality represents business as usual. Boxing has resisted the normal principles and practices of commerce and instead moves along by accidents of inspiration and perseverance, its ethics developed on the fly. The working moral code, Abraham says, is "who screws who first." But everyone seems to enjoy the opportunity to do high-stakes business outside a boardroom, in an arena where the only rule is that there are no rules.

So what was HBO thinking of when it got into this business? Like Abraham, did it just not know?

The story: "The idea of boxing? It just came to me. I wouldn't call it a revelation, but it was a very odd experience," Abraham says. He and Fuchs found themselves at a Rangers-Flyers game at the Garden—"This was March of '79"—for what turned out to be one of the great brawls in NHL history. Just as the fights on the ice wore down, the Flyers found a second wind and charged into the stands after hecklers. The mayhem went on for another 30 minutes. Fuchs and Abraham, hardly hockey fans, turned to their reading. Fuchs dived into some Hollywood trade papers, Abraham into the *New York Post*.

There he came across a story about Hagler, who was proclaiming himself the uncrowned middleweight champion. The idea appealed to Abraham, and he turned to Fuchs and said, "This guy's got moxie." Fuchs was equally intrigued, and Abraham got his go-ahead into the fight business.

The next day Abraham called Arum, Hagler's promoter. "We had breakfast at the Dorset Hotel," Abraham says. "We stayed in the dining room four hours. The reason I remember is, the maitre d', Vito, asked if we wanted lunch. We didn't."

Arum recalls, "They were paying more than the networks, but barely." King remembers that HBO was paying quite a bit less. That same year, 1979, he was trying to peddle a Holmes fight with Mike Weaver, a guy with an 18-8 record. King's price was $1 million, ABC's was $750,000. "I gave HBO that fight," says King. "Seth came in hollering they didn't have no money, they had to scuffle along, and he could maybe get me $125,000. I started laughing. But I was dogged determined not to give the fight to ABC, which could afford my price. And I kind of liked the way that Seth talked." King took the paltry $125,000. This seems patently unbelievable, but both King and Abraham insist that the story is true.

The fight, which Holmes won by a TKO in the 12th round, turned out to be a thriller. In *The New York Times*, Red Smith wrote a glowing account of the bout the networks had passed over, and suddenly HBO had working arrangements with the two most important suppliers in boxing.

All this encouraged HBO to think increasingly in terms of original programming and, specifically, sports programming. The cable companies all seemed to show the same movies, so how could you tell them apart? HBO's sports programming as it existed then was a hodgepodge of 150 different events—volleyball, *Wild West Roundup*, man versus shark. "It filled up airtime," Abraham says.

Back then boxing might not have seemed an upgrade from man versus shark, but now there are plenty of people who can explain the logic of broadcasting fights. Jay Larkin, the director of original programs at Showtime, has followed Abraham's lead into boxing, though with a smaller budget. Showtime does only four to eight fights a year, while HBO does an average of 12. Larkin thinks boxing is a natural. "A fight brings out celebrities and generates press attention," he says. Larkin believes HBO made boxing acceptable for prime-time viewing, although he feels that HBO overproduces its fights ("Oh, look, this must be a 12-camera shot!"). "You've got to give HBO a lot of credit for recognizing the compatibility of cable and the sport," he says. "They put the tuxedo on boxing."

They also recognized the numbers. HBO soon discovered that while its movies were averaging a 19 share—the percentage of viewers watching a show—in HBO homes, Hagler was averaging a 26 share. Hagler has come and gone, but HBO still averages a 27 share for its fights.

Abraham believes HBO has done more than stumble upon a viewing phenomenon. He believes the company has fine-tuned a particular kind of programming, made an art of it. "We don't just do boxing, we do boxing that tells a story," he says. He has been trying to make a story out of Chavez, nursing him along from division to division until, someday, he fights as a welterweight. Abraham is also waiting to make a story out of IBF middleweight champion Michael Nunn. HBO is presenting Nunn as "the princeling in waiting."

"We bought a whole bunch of fights to tell the story, to take us right to Leonard-Nunn if that would develop," Abraham says.

Occasionally the drama drifts into burlesque, as it did in a recent program involving Chavez. Just keeping his hand in, Chavez was an 18-1 favorite over Sammy Fuentes. HBO and Caesars Palace hoped to dress up the card by adding Julian Jackson in a defense of his WBA junior middleweight title against Troy Wortham. But Jackson dropped out with an eye injury eight days before the fight, and the promoters were left with a rather lackluster event. Chavez won by a TKO in the 10th round.

Duva says Abraham is a tough sell because fighters have to meet, after everything else, a test of theatricality. "Do they think he's special? Can his fights become events? Are there a number of quality opponents to be featured, and is there a superfight that can be pointed to?" Duva asks. "In the case of Nunn, there was Leonard. That was Nunn's edge over Taylor."

Life is not easy for promoters who can't attract Abraham's interest. Duva has excuses not only for Taylor but also for another of his fighters, Pernell Whitaker. "They have the ability at HBO to be a starmaker, but they do only a dozen fights a year, and three or four of those are Tyson," he says. "Now, if they decide to make Nunn or Chavez their next star, that eliminates Pernell. I'm not questioning their motive, but I obviously disagree with their judgment. The difference is, Nunn makes $1 million a fight and Meldrick not even $200,000. Just because he's not on HBO."

Some other cable companies believe HBO's lavish approach to boxing productions is only so much corporate preening. Face it, what mostly works these days is not HBO's storytelling presentation, but the bludgeoning power of Mike Tyson. Tyson has put the HB—heavyweight boxing—back into HBO. Tyson is the man Abraham calls HBO's most important employee. He is certainly the best paid. Having starred in HBO's $22 million title-unification series, Tyson is now the featured attraction in an eight-bout series for which HBO has been glad to pay him $26.5 million.

Can he be worth that? Well, Tyson is the one piece of continuing programming that demonstrably generates new subscribers. "Here's a snapshot," says Abraham. "On the day of the Holmes-Tyson fight, Cablevision, which serves Long Island, reports a record number of sign-ups. Snapshot: In '87, when we started with Tyson in earnest in the heavyweight series, 40 percent of the men who subscribed to HBO for the first time said they did it because of boxing." Tyson, even including his three nontitle bouts, has averaged a 35 share of HBO viewers, and in a fight with Frank Bruno he hauled in a 55 share. These bouts, Abraham points out, might last no more than 93 seconds. That minute and a half refers to Tyson's demolition of Carl Williams, which drew, incidentally, a 51 share. "Earthquake numbers," says Abraham.

Obviously Tyson's dominance does not hurt his—or HBO's—drawing power. The viewers are not put off by the noncompetitive nature of a fight between Tyson and, say, a contender like Ruddock. While the date for that fight was up in the air, the rest of the broadcast industry was on hold. When HBO announced a date that interfered with other fights, says Larkin, "shows began falling like dominoes." Larkin says Showtime had planned to hold its Evander Holyfield-Alex Stewart fight on the same date. "For about half a second we thought about it," he recalls. "You know the saying, Where does a 400-pound gorilla sit?"

But Tyson, like everything else in boxing, was an accident of inspiration and perseverance. Abraham didn't invent him, but at the time of Tyson's miraculous appearance Abraham was pushing forward his heavyweight tournament, a bit of genius that everybody agreed would go down as a noble failure. In the end it turned out to be the ideal vehicle for Tyson. Without the tournament Tyson might be as dominant a boxer, but he would not hold the unified championship.

In unifying the title, Abraham was asking promoters and fighters to enter an era of uncertainty, one in which only the best man would win. Such a notion is contrary to the business of boxing. At the time—"this was late spring of 1985"—Abraham was being besieged by King, who controlled WBC heavyweight champion Pinklon Thomas, among others. King was trying to sell Abraham on a Thomas-Berbick fight.

"I said this fight means nothing," Abraham recalls. "Even if it's an evenly matched fight, it means nothing. All through the summer, King keeps badgering me—phone calls, phone calls. The man has got tremendous energy. I said, 'Don, it's not gonna happen.' I'm home in October '85, and I'm watching the Kansas City-St. Louis World Series. Don comes to see my new daughter, Sari; she was 13 days old. We had lobster. During dinner Don says, 'Lynn, please tell Seth to buy the fight. It's a good fight.' Finally I said, 'Don, you really want to make history?'—and this idea had been percolating while I watched the World Series. That's where I got the idea, seven games, seven fights. Don stayed until 2 a.m."

After all their negotiations, it is almost impossible for these two men to surprise each other. King submits wearily to the rituals of their dealmaking. "Many times Seth tries to shift me to his subordinates, find out what my modus operandi is, get the lay of the land, and then he comes in and tries to circumvent it," King says. "He always wants two, three bites of the apple." But Abraham knew he would have to come up with something special to force King, who already controlled two heavyweight champions, into a partnership with Butch Lewis, promoter of champion No. 3, Michael Spinks.

So Abraham read up on Tex Rickard and all the other great promoters, men whose places in boxing history were secure. "I kept going back at King. 'You call yourself the greatest promoter? Prove it, prove it.' I'd say, 'Don, where's your epitaph? That you promoted Ali? Arum promoted Ali.' The appeal was history."

The idea of unifying the heavyweight title was soon revealed as not so much a piece of history as a colossal act of naivete. Abraham quickly found that each bout would be a nightmare to negotiate. In fact, immediately to negotiate. In fact, immediately before the first fight of the series, the whole affair was plunged into uncertainty when Tim Witherspoon tested positive for marijuana after his bout with Tony Tubbs, and the WBA said Witherspoon's title would be declared vacant. "I thought there would be a honeymoon," Abraham says. "But it was like the Russians had invaded on Inauguration Day."

Always there was Gerry Cooney lurking outside the tournament, a bigger problem retired than when he was active. For leaving Cooney out of the draw, Abraham was accused by Cooney's manager, Rappaport, of being a one-man cartel. Rappaport threatened legal action, said he was buying Time Inc. stock—who knew how much?-and promised to raise a ruckus at the next shareholders' meeting. "Did Dennis forget his fighter was retired?" Abraham wonders.

Then there was the tournament itself. "As nobile as it was, it was just not happening," says Larkin. "There was nobody to watch, just a lot of fat, out-of-shape guys banging bellies together. The original idea was interesting, but through no fault of HBO, it was turning into a disaster." The parade of cholesteric contenders had turned boxing's most glamorous division into a running joke.

And then Tyson happened. His Catskill Concussions were beginning to draw a lot of attention, and Fuchs, who had never seen this kid, kept hearing about him. "If there's one guy outside this tournament who has more credibility than our guys," Fuchs told Abraham, "this whole tournament goes down the drain." Fuchs told Abraham to bring Tyson in.

You will not be surprised to learn that Abraham remembers exactly how he brought Tyson in. "The deal closed on my birthday. That night my wife and I were going out to a restaurant. Well, I was late. Every half hour I called my wife, who was sitting at the table, and I said, 'Lynn, just order me a Scotch, because we're gonna have this deal.' When I got to the restaurant there were six Scotches lined up."

That deal was both HBO's doing and its undoing. The prospect of fighting Tyson for an HBO-sized fee, then ridiculously low, drove Spinks and Lewis through a loophole. (When Spinks was stripped of his IBF crown for failing to fight the IBF's No. 1 challenger, Tony Tucker, he argued that because he was no longer champion he was not obligated to fight in the HBO series. The courts agreed.) Spinks and Lewis opted instead for a big-money pay-per-view bout with Cooney. When Tyson finally met Spinks in June 1988, long after the HBO tournament was over, HBO had to show the fight on tape delay.

All parties are aggrieved to this day. Abraham says he won't do business with Lewis or Rappaport. Lewis says he still can't believe Abraham asked him to sell out his own fighter to accept the $1.25 million and $2 million purses the HBO tournament was offering when Spinks could earn upward of $20 million outside the series. "He told me if I went along with this, my future at HBO would be secure," Lewis says. "I said, 'I like all that, but. . . .'"

For all the contractual problems Tyson precipitated, he did save the tournament. More important, Tyson, through his relationship with King, continues to fight under the HBO banner. This is a comfortable arrangement for King and Abraham but not so wonderful for other promoters. Still, nobody except Lewis sees anything improper in this. "If Seth deals with King," says Larkin, employing his best boxing logic, "it's an unholy alliance. If he doesn't, then it's racism."

The problem may be not so much that HBO monopolizes Tyson, but that Tyson monopolizes the division. There are few attractive matches for Tyson out there, but thanks to HBO, Tyson is assured of being showcased in even the worst of them. "Tyson has the unrestricted ability to fight anybody he wants and get paid enormous amounts of money," says Duva. "If this were a competitive marketplace, we wouldn't be talking about Tyson-Ruddock. But Tyson doesn't have to respond to public demand. He almost has a hunting license from HBO." Nobody expects the Tyson-Ruddock show to be historic, but the numbers will certainly be there.

Meanwhile, Abraham continues to explore corners of the big picture. The day after he met with King at the U.S. Open—this would be September '89—he returned to the tournament with Fuchs. They were burdened with about "50 pounds of reading material, for between the points," says Fuchs, and they had plenty of ideas. These days are a little different from the time they attended that hockey fight. Now Tyson looms above the scene, HBO's walking billboard, promising high ratings for years to come. The network has set itself apart with its boxing and tennis programming. HBO now bids for NFL packages. These are exciting times for HBO and Abraham, both so powerful in this business that even their enemies strike conciliatory notes.

Rappaport, for example. "I can't say that I'm blackballed," he says. "I'd like to think that if I have a product that makes sense, the door at HBO would be open. I konw it was fairly nasty and a long, extensive procedure, but I'd like to think I could deal with Seth." Rappaport, who is now promoting Witherspoon, pauses. "I'd like to know what Seth would say to that." Pause. "Will you be talking to him soon?"

WOODEN SAILING SHIP "ZODIAC" TO OPERATE ON SHORT CRUISES

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. MILLER of Washington. Mr. Speaker, today, I rise to introduce a bill that will, in essence, save an important piece of our nautical history.

This bill will allow the owners of the historic wooden sailing ship *Zodiac* to operate on short cruises. The *Zodiac*, based now in Seattle, is unique. She was built in 1924 in East Boothbay, ME, by heirs to the Johnson & Johnson pharmaceutical fortune. In 1928, she took part in the trans-Atlantic yacht race from New York to Spain, where she finished fourth.

In 1931, Mr. Speaker, the *Zodiac* was sold to the San Francisco Bar Pilots to transfer pilots who could guide incoming ships safely in and out of port. The Pilots changed the name of the schooner to *California*, bobbed her masts and remodeled the space below deck. The *California* continued this service through 1972.

In 1982, the *California* was placed on the national register of historic places, the official list of our Nation's cultural resources worthy of preservation.

Now, 65 years old, this grand ship is ready for a new lease on life. Under the careful scrutiny of skilled workers, the ship is being restored to its historic elegance, and will be able to carry small parties around Puget Sound. This bill will allow us to save the *Zodiac*, through deeming it as less than 100 gross tons.

This bill, Mr. Speaker, does not and will not compromise the ability of the Coast Guard to ensure that the *Zodiac* meets all safety standards. As the Coast Guard wrote me on January 19, 1990, "gross tonnage is a long-used term that refers to the cargo carrying capacity of the vessel; it is common practice for vessels of *Zodiac's* size to use additional bulkheads and other measures to reduce their cargo carrying capacity so that they measure under 100 gross tons and accordingly be certified as small passenger vessels."

My goal in this bill is to allow the *Zodiac* to retain its historic structure, allow its passengers to enjoy the style of a 1920's schooner, and protect the public. This bill does not certify the safety of the *Zodiac;* it allows the owners to meet the standards set by the Coast Guard.

REAGAN/BUSH POLICIES BEAR FRUIT IN NICARAGUA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SOLOMON. Mr. Speaker, I have a question for every Member of this body. Does anyone really think the Sandinistas would have submitted to the risk of elections had they not been forced into them by the firm policies of Ronald Reagan?

By 1980, Communists in both hemispheres had good reason to dismiss the United States as a paper tiger. Then came Ronald Reagan. He called the Soviet Union an "Evil Empire." He installed Pershing missiles in Europe. He rebuilt America's defenses. He freed Grenada. He gave Mu'ammar Gadhafi a bloody nose.

By 1990, his successor, George Bush, had freed Panama, the Berlin Wall had been torn down, and the subject populations of the

Warsaw Pact were rising up to demand basic freedoms and human rights.

By last Sunday, the tide of democracy was invincible. Consider this, ladies and gentleman. The Sandinistas, depsite their harassment, threats, and intimidation, despite their control of all government institutions, were beaten by a margin of nearly 15 percent.

George Bush beat Governor Dukakis by only 8 percent, which in American term is a landslide. Think of how badly the Sandinistas would have been beaten it they had allowed absentee ballots to all exiles, who totaled about 15 percent of the population.

Mr. Speaker, too many in this body dismissed the Contras as unrepentant Somocistas, despite the fact Somoza's National Guard never numbered more than 10,000 men, whereas there were 15,000 Contras in the field, most of whom could not have been more than toddlers when Somoza was toppled and his national guard decimated. But it was the heat of the Contras, and not the good will of the Sandinistas, that made Sunday's triumph possible, and it is time the Sandinista defenders in this body admit it.

Mr. Speaker, I place in today's RECORD two excellent columns on the subject by Charles Krauthammer and Jeane Kirkpatrick, which appeared in Tuesday's Washington Post.

ON THE WRONG SIDE OF HISTORY, AGAIN

(By Charles Krauthammer)

"In the end it will not matter to us whether we wrote well or ill; whether we fought with flails or reeds. It will matter to us greatly on what side we fought."—G. K. Chesterton

In the post-election new conference during which he tried to bring himself to concede defeat, Daniel Ortega had a peculiar, yet strangely familiar, look on his face. Haven't we seen that look before? Indeed we have. Ceausescu on their balcony—that now indelible image of the despised dictator so oblivous to his people's real feelings, so believing his own numbing propaganda, that at the moment of truth when he is confronted with his people's contempt, he can evince nothing but incomprehension. How can the ingrates spurn me?

The ingrates of Nicaragua spurned Daniel Ortega and Sandinism at their very first opportunity, 11 years after they had been promised the chance. The margin of victory—14 points—is a landslide by American standards. Bush, for example, beat Dukakis by a mere eight. But it far underestimates the true weight of Nicaraguan opinion. Between 10 and 20 percent of Nicaragua's population had fled Sandinista rule. Had exiles been permitted (as expatriate Ameircans are permitted in our elections) to vote by absentee ballot, the Sandinistas would have lost by 25 points. (In 1964 Johnson crushed Goldwater by a mere 22.)

Which is why the Sandinistas did not allow absentee ballots. Add the fact that they used the full power of the state, their monopoly of the media, harassment of the opposition and their control of the voting age (lowered to 16 on the assumption that teenage conscripts subjected to relentless indoctrination in the Sandinista army were a captive constituency)—and the magnitude of their rejection becomes clear.

The Sandinistas are stunned. And so too are the Western media and elites. This is the third time they got it wrong on Nicaragua. In 1979, they celebrated the Sandinistas as nationalists, agrarian reformers, the embodiment of the anti-Somoza revolution. The Sandinistas turned out to be Leninists who, far from embodying the revolution, hijacked it. Violeta Chamorro, who beat them Sunday, was part of the first revolutionary junta. Within a year, the Sandinistas had pushed her and other democrats out.

The Western elites got it wrong again during the 1980s when they dismissed the contras as a gang of Somocista, CIA hirelings. Archbishop Obando y Bravo called them "the resistance." But when Ronald Reagan called them "freedom fighters," the cognoscenti snickered. They never adequately explained how such an army could raise 20,000 men, a force more than twice the size of the Salvadoran guerrillas in a country with half the population. Nor could they adequately explain how until U.S. aid was cut off in February 1988 the contras had control of most of northern Nicaragua.

The media got it wrong again this time, believing polls showing the Sandinistas in the lead. In a Communist dictatorship where the party controls your job and your ration card, people are not inclined to reveal to strangers their political allegiances. They save that for the secret ballot. When I saw the last pre-election poll showing the Sandinistas ahead by only 16 points, I was as sure as UNO leader Alfredo Cesar was that UNO was going to win. In a dictatorship that might still be in power the day after an election, far more than 16 percent of people will out of sheer prudence mislead a gringo pollster.

It was wrong, condescendingly wrong, to believe that the Sandinistas could buy the peasants with free T-shirts, a reference to God and a promise to be nice in the future. Nicaraguans remember that being nice and democratic is precisely what the Sandinistas promised, in writing, the first time round.

The fall of Sandinism in the first free election ever to test a Third World Communist regime, should, but won't, put an end to the romance of the West with Third World Communism. Ever since Hungary '56 and Czechoslovakia '68, the Western left has pretended that Third World communism was different from the Soviet variety. Their affections were engaged first by Mao, then Castro, then Ho (and the Khmer Rouge), then the Sandinistas. The guerrillas of El Salvador are today's liberals in a hurry.

When each is subsequently exposed for crimes ranging from common political terror to genocide, the caravan of enlightened opinion moves on to the next set of agrarian reformers. Little more is required than the promise of socialism, revolution, and anti-Americanism.

Hence the historic importance of the Nicaraguan election. After Russia, China, Southeast Asia, and Cuba, Nicaragua shows—by secret ballot, no less—that the left's record of being on the wrong side of history is unbroken. Wrong now again in El Salvador. It is precisely because the guerrillas know that they cannot win an election in El Salvador that they continue to fight. Their only hope is to impoverish the country, polarize the people and provoke the extreme right into acts that will make America turn away and go home, leaving El Salvador to them.

The astonishing march of democracy throughout the world tends to make us complacent. It should make us more militant. What we want, at least in the Americas, is total victory. To the Communist holdouts in Cuba and El Salvador and to their fellow travelers everywhere, our motto should be: *no pasaran!*

CASTRO'S NIGHTMARE

(By Jeane Kirkpatrick)

Nothing is what it used to be for Fidel Castro. His faithful allies—Maurice Bishop in Grenada, Manuel Noriega in Panama and now Daniel Ortega in Nicaragua—have passed from power. The very foundations of the world socialist bloc have crumbled. As he complained to the Congress of Cuba's Working People: "Whereas previously it was customary to hear the word 'comrade' at meetings of the socialist countries . . . now they say 'ladies and gentlemen.'

"The building of capitalism has become the openly declared goal of some of these countries," he continued. "There is already talk of the market, private ownership, a market economy. Anti-Communist sentiments are gaining strength in almost all these countries." He was speaking, of course, of Eastern Europe and was sharing his concerns with "the masses." Where will all these reforms leave Cuba? he asked. "We hope that certain trade agreements will be fulfilled in 1990. . . . Nevertheless we are not sure of this. . . . What price will they pay for our sugar? Perhaps they will try to pay for it at the price of the international garbage pit which is the world sugar market."

For 30 years, Fidel Castro had no doubt that the economic and social problems of Cuba and the world were due to imperialism and imperialist exploitation, the principal offender being, of course, the United States. But lately Castro's problems have been coming not just from the United States, but from the Soviet Union as well, whose delayed grain shipments have caused severe shortages, long lines, hungry cows and a good deal of trepidation. "For 20 years now, grain and certain foodstuffs and raw materials for the year have arrived from the Soviet Union ahead of schedule in November and December." However, he said, the shipments needed for January had still not arrived at the end of the month.

Rationing was imposed for bread and other wheat products. The use of feed grain for cattle was completely stopped. It was cut back for poultry farming, threatening to make necessary the slaughter of millions of chickens, with a consequent drop in egg production. The government was forced to spend hard currency to buy wheat from Canada because Cuban reserves had already been used up.

Fidel Castro and his colleagues believe their problems are a consequence of perestroika. Soviet deliveries are no longer as reliable as they always have been, he says, because of "disturbances, strikes, distortions and stoppages of production." Cuban fruit has been left to rot or has been consumed at home, because merchant ships from East Germany, Poland and the Soviet Union that should have taken the fruit to market have been unavailable.

Not surprisingly, Soviet spokesmen have a different view of who's to blame. First, the Soviets insist there was no shortfall in Soviet grain deliveries to Cuba in 1989. Planned shipments for 1989 were 100 percent fulfilled, they say. Second, there has been no cut in Soviet grain shipments to Cuba in 1990, but a "slight one-month delay" in the arrival of "advanced shipments" of Soviet foodstuffs and raw materials. Castro, they suggest, is overreacting, doubtless because of his fear of change in the Socialist camp.

Ever so gently, Soviet spokesmen suggest that there are Cuban causes for Cuba's economic problems: "Adverse weather" (to which socialist agriculture is so uniquely prone) has reduced the sugar cane harvest; the slow pace of construction in Cuba has hampered work on needed dock facilities; archaic equipment at Cuban ports and chronic scarcity of transportation and warehouse facilities have forced Soviet ships to dock for long periods.

Soviet spokesmen flatly deny that the economic pressure felt in Cuba is a tactic designed to force Castro to reconsider his opposition to Mikhail Gorbachev's leadership. "There is no such pressure on Cuba," said Vladimir Shalalov, president of the Soviet-Cuban Friendship Society. "But there is currently a need for reorganization, just as we are doing in the Soviet Union." While some Soviet economists charge that the Soviet Union cannot afford to continue forever its wholesale subsidization of the Cuban economy, official spokesmen deny that "Soviet aid to Cuba is like throwing money down the drain," and in denying it, they give further credibility to the charge.

Castro calls this "the most decisive period in Cuba's history." And indeed recent events must lead him to wonder about which way history is moving after all. With Manuel Noriega's fall, he lost a valuable ally in Panama. With Daniel Ortega's defeat he loses his best friend in the hemisphere. With perestroika, he risks losing the system of reliable subsidies that delivered Cuba from the disciplines of the market. With the transformation of Eastern Europe, he risks losing the sense of membership in a great global system of power that ensures him a role in the vanguard of history.

On Jan. 29, Castro ended a speech with: "Do we want the newest reforms? No. Do we want bourgeois reforms? No. Do we want neo-liberal reforms? No. We don't even want that in our dreams." Now Fidel is having nightmares.

Several days ago, he announced a plan for "perfecting" Cuba's Communist Party. The sentimental break with the Soviet Union has already come. The political break is on the horizon.

REVIVING AMERICA'S ECONOMY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. KANJORSKI. Mr. Speaker, Dr. Lester Thurow, dean of MIT's Alfred P. Sloan School of Management has written a thoughtful and incisive analysis of our nation's economic problems. His article, "Today: We're Not Facing Up To Our Nation's Problems . . .", which appeared in the Outlook section of the Washington Post, is an effort to rouse us from our sleep so that we can take the steps which are necessary to revitalize our economy.

Dr. Thurow's prescription for our ills is strong, but so too is the disease which is eating away the heart of our economy.

Dr. Thurow tells us that our Nation has a "good track record when it comes to dealing with crises. Give us a Pearl Harbor or a sputnik and we will get organized to march collectively in the necessary direction." Thus he believes we do have the ability to draw upon our reserves and redirect our nation.

For several months I have shared Dr. Thurow's concern that if we do not seize upon the recent unprecedented turn of world events, we will miss a unique opportunity to right our Nation's course. My apprehension was heightened during a recent inspection of Eastern Europe when I saw what can become of an economy that is allowed to stagnate and rot.

I am in the process of drafting a comprehensive economic development program to deal with many of the problems cited by Dr. Thurow. My proposal, which I call the Peace Production Board, is modeled after the War Production Board which our Nation used so well to prepare itself for World War II.

It is time for our Nation to recognize that the economic crisis we face today—the need to eliminate our national deficit and national debt, and to increase savings and investment in infrastructure—is as serious as the security crisis we faced in World War II.

We need bold, bipartisan measures to revitalize our economy.

With the assistance of eminent economists like Dr. Thurow, I believe we can meet this challenge and leave a better world for our children and grandchildren.

I encourage all my colleagues to read Dr. Thurow's excellent article, and I will followup with further details of the Peace Production Board proposal.

TODAY: WE'RE NOT FACING UP TO OUR NATION'S PROBLEMS . . .

(By Lester C. Thurow)

Does America know where it's going? Does it care?

Poll after poll shows that the American people are uneasy about the country's current economic drift. Yet those same polls also register record popularity for the country's top leader who, in his State of the Union message two weeks ago, brushed by the country's economic problems to declare that "America is ready" for competition. "The budget commitment is there. The money is there," President Bush assured us, "to invest in America's future."

Yet how assured could the average citizen be? Last week U.S. officials sat around nervously waiting to see if the Japanese would or would not buy long-term Treasury bonds on Thursday. Great societies don't depend upon foreigners to pay their bills. They don't sit around waiting to see if their chain is going to be yanked. It is sad to watch the momentous events occurring in Eastern Europe knowing that we cannot help with aid or investment since we have to borrow from the rest of the world to keep investment from falling here at home. What would John Foster Dulles have been willing to pay to guarantee democracy in Poland?

Yet, despite these humiliations, we stay adrift, unable even to admit that we have to change if we want to play a leading role on the world stage. Our lack of direction seems the more embarrassing in that the changes we have to make to get back in control of our social and economic destiny are, in fact, rather modest. Indeed, the seeming modesty of our challenges may be why we seem unable to mount a collective response.

Our democracy has a good track record when it comes to dealing with crises. Give us a Pearl Harbor or a Sputnik and we will get organized to march collectively in the necessary direction. All societies that have made it to the top have had that ability. But staying at the top requires something more: the ability to deal with situations that, if viewed in any one single year, are hardly problems but that, if allowed to fester decade after decade, become disasters.

America's investment, trade and education deficits all fall into this "festering disaster" category. Consider how each of these deficits plays out in the short run—and then in the long run:

If Japan saves and invests three times as much as we do per employee for one year (as it did in 1989), that extra equipment doesn't give the Japanese worker much of an edge in world markets. But if Japan outinvests America decade after decade (it has now done so for 20 straight years), America eventually ceases to be an important economic power and loses its world-class standard of living.

If America runs a 3 percent of GNP deficit in its international trading accounts for one year, the necessary adjustment—selling just three-quarters of one percent of America's assets—is barely noticed. But if that same deficit is run for 40 years, Americans must sell 30 percent of all they own.

If America's elementary and secondary education system is not as good as that in the rest of the world, nothing is to be seen in year one. But if the system generates inferior workers decade after decade, real wages must eventually fall. Inflation-corrected wages of non-supervisory workers have fallen 16 percent since 1972 and are now falling by 1 percent per year.

No one wants to face any of these problems because they require change and short-run sacrifice. To invest as much as the Germans or Japanese, we would have to save an equivalent amount. To save more, we would have to consume less. The politicians now talk about more saving but we will know that they are serious when they are willing to talk about less consumption, public or private.

Doing that doesn't necessarily mean reducing our average standard of living in absolute terms, but we would have to organize our society so that consumption grew more slowly than income for a substantial period of time. If, for example, consumption grew one percentage point less rapidly than the GNP for the next 10 years (i.e., we transferred about $50 billion per year into the savings-investment pool), we would have reached German levels of savings (but would still be below Japanese levels).

That extra saving from less consumption would allow us to correct our balance of payments problem. We wouldn't have to sell American assets such as Rockefeller Center to finance a consumption standard of living that is in excess of our ability to produce.

Similarly, correcting our education deficit would require more days in school and more focused work effort while there. Either would make schools better and more fun in the long run but both would be seen as an immediate reduction in youthful leisure and standard U.S. operating procedures.

Gearing up for these sacrifices, modest though they are, will not so much require convincing the public that changes are needed as educating them to the fact that collective responses are called for. Recent polling by the Public Agenda Foundation, among others, finds that the public is already deeply worried about our lack of competitiveness. But most people see the source of their problems not in three collectively curable deficits but in individual moral failings—lack of motivation and work effort, drug use, etc.

No doubt individual initiative can contribute importantly to reducing economic and social ills, but our most serious problems are caused not by individual moral failings but by collective organizational shortcomings. Short-run sacrifices are necessary to preserve the American long-term standard of living, but there is nothing morally wrong with America.

The public also believes that less consumption and more saving would lead to unemployment. But we wouldn't just be consuming less. We would also be investing more. Fewer jobs in our consumption industries would be matched by more jobs in our investment industries, upgrading our capacity to produce.

But the necessary changes won't happen because of spontaneous combustion. Humans like to lie to themselves. We all say that we like to change, that we keep our eye on the long run. But when it comes to actually taking actions today that will improve our position tomorrow, we don't want to do it. We have to be organized, to be led. Instead we are being soothed.

Near the beginning of his State of the Union speech, President Bush asserted that the U.S. worker was the "most productive in the world." But a country with the world's most productive workers wouldn't have the world's largest trade deficit and the industrial world's lowest rate of growth of productivity. It wouldn't be losing market share in industry after industry—consumer electronics, machine tools, autos, semi-conductor chips, computers. The real wages of nonsupervisory workers wouldn't be falling even as the GNP grows if American workers were the world's best. (Nor would it need the new goals for education that the president called for later in his speech.)

But the president surely increased his popularity by asserting something that we all know in our heads and hearts isn't true. We wouldn't have liked him so much if he told us we were less than world class.

No society changes until its movers and shakers are willing to publicly admit that there is a problem. As it is, we cannot even disagree sensibly about solutions since we don't yet agree that we have a problem.

Technically there are many solutions to our three deficits—some liberal, some conservative. The problem is getting serious about implementing some of them.

Higher savings rates could be brought about by simply raising taxes and running a large surplus in the federal budget. A real system of tax-free savings accounts might be designed where individuals would get tax breaks only if they could demonstrate that their consumption was less than their income. All pension plans, public and private, could be forced to be fully funded. Social Security surpluses could be taken out of the federal budget and surpluses placed in private investments. A value-added tax could be imposed to replace the corporate income tax.

If our macro-economic savings-investment problems were under control, the trade deficit would automatically improve. With more U.S. savings, our real interest rates would not need to be higher than those abroad (in 1989 real interest rates were three times those in Japan), and U.S. corporations could expand and modernize at lower cost. Lower interest rates would also reduce foreign demand for dollar assets, so the value of the dollar would fall, exports would rise as they became cheaper in foreign markets and imports would fall as they became more expensive here.

If balancing our international accounts forces the dollar so low as to induce a "fire sale" for cheap U.S. assets, we could design mechanisms for promoting exports, such as those found in Germany and Japan, and for reducing the attractiveness of off-shore production bases for servicing the U.S. market. And, of course, a better educated and skilled labor force would ultimately help alleviate our trading problems.

When it comes to education, liberals and conservatives, each have part of the answer. Discipline needs to be restored, and school bureaucracies are much too large. But it is equally true that at current salary scales one cannot get many first-rate people into teaching—and that America ranks near the bottom of industrialized nations in its spending on elementary and secondary education. Few American high schools have trained science teachers. At current wage rates they never will.

It does not take a wise man to understand that if Americans go to school 180 days per year while the rest of the industrial world is in school 220 to 250 days per year, Americans won't learn as much. Nor can a country turn out a high-quality high school product unless it is willing to set a quality standard. The French have their baccalaureate examination, the English their A and O levels, the Japanese their examination system, the Germans theirs. If a society won't clearly say what it wants from its schools, it won't get any clear performance.

If you have been the world's most successful economy (and we have been so for the past 100 years), it is very difficult to make the adjustments needed to run even with new challengers. Failure forces one to change. This is the big advantage that Germany and Japan had after World War II: They had failed; they had to change. America now faces history's toughest long-run challenge: changing before failure arrives.

Historians of the future will base their judgment of today's leaders on how well they meet this challenge, but our leaders base their performance on today's popularity polls. Which is better: To be loved by today's citizens but to be reviled by tomorrow's citizens for not solving today's problems; or to be loved by history but forced to tell today's citizens some truths they do not wish to hear?

THE CLEAN AIR RESEARCH AMENDMENTS OF 1990

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SMITH of New Hampshire. Mr. Speaker, today I will join my colleague from New York Mr. SCHEUER, in introducing the Clean Air Research Amendments of 1990. Our bill would update and redirect Federal air pollution research efforts.

The bill we coauthored closes three major gaps in ongoing Federal research and development efforts. First, it would establish a basic research program to improve the scientific capability to detect, characterize, and quantify risks to human health from air pollutants. Second, it would provide the information base necessary for the development of air quality control measures which efficiently and effectively reduce such risks. Finally, it would redirect our efforts at air pollution monitoring, with particular emphasis on acid rain research.

The research and development our bill would provide is necessary to determine the future effectiveness of any new Clean Air Act in reducing air pollution. Most of the current provisions for research and development in the Clean Air Act were developed over a decade ago, when problems like acid rain or air toxics were little more than obscure scientific phenomena. Today's air pollution problems are much more complicated—they range from indoor air quality to global warming, and include air toxics, ozone nonattainment, acid rain, ozone depletion, and radon. In order to be able to evaluate the effectiveness of new Clean Air Act controls in fighting air pollution problems such as these, we must refocus and update our research efforts to support a regulatory program. Passage of the Clean Air Research Amendments will be an essential part of such an effort.

Given the legislation's emphasis on sound air pollution monitoring and health effects, its passage will also be important to future pollution prevention efforts. Clearly, the health and environmental issues surrounding air pollution are complicated. By improving scientists' understanding of the cumulative, adverse effects of air pollutants on public health and the well-being of ecological systems, our bill will help scientists develop and apply corrective action before the damage becomes irreversible.

In addition, this bill will enable us to maintain the comprehensive information base on acid rain that the National Acid Precipitation Assessment Program [NAPAP] has developed. To date, we have spent $500 million and 10 years on NAPAP, building a national base on information about acid rain and its causes, transport and effects. However, NAPAP's mandate will expire in 1990. Uninterrupted collection of such data is essential for scientists to be able to continue documenting long-term deterioration and improvements related to acid rain on a national scale. Our bill would fill just this need.

Among its major provisions, the legislation we developed would require a report that identifies significant gaps and future priorities in acid rain research. It would provide for an assessment of the need to continue a long-term, nationwide research program on the causes, effects, and the transport of the pollutants that cause acid rain and would ensure the continued collection of data on acid rain pollution.

This session, committees in both the House and Senate held hearings that solidly established the need for our legislation. In testimony before the House Science Subcommittee on National Resources, the Office of Research and Development at the Environmental Protection Agency, the director of NAPAP, and the National Institute of Environmental Health Sciences stressed the need for continued, long-term acid rain trend monitoring and research, particularly in light of pending proposals to amend the Clean Air Act.

In closing, Mr. Speaker, the clean air research amendments will serve as an extremely useful tool for scientists to pursue more detailed questions and obtain clearer answers to the problems of air pollution. Accordingly, I urge my colleagues' support of this important legislation.

MIAMI RIVER COORDINATING COMMITTEE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pleasure that I pay tribute to an exceptional commission of my district which has proven its effort and commitment to renew the quality of the Miami River. On March 3 of this year, the Miami River Coordinating Committee held a dredging summit to help place in action a single community strategy that would help ensure the expedient dredging of the Miami River.

In the mid-1970's a problem of contamination became evident in the Miami River. It was also found that pollutants were flowing into the river from local sources. The Miami River cleanup project proposes to dredge contaminated sediments from the river. The project area includes the 6 miles of the Miami River in Dade County from its mouth to a point past 36th Street, where it joins the Miami Canal, as well as the 14 miles of the canal within Dade County.

The Miami River is an underused urban resource. The Miami River Coordinating Committee and Dade County are striving to improve the river's value for navigation, recreation, tourism, and as an aesthetic amenity. The polluted sediments in the navigation channel are degrading water quality and preventing full use of a major urban river. The polluted sediments are also causing degradation of Biscayne Bay.

The Miami River Coordinating Committee has long been a strong advocate of dredging the Miami River to remove a source of pollution, improve water quality, enhance safety and other values. I commend Robert Parks, Huber Parsons, E.N. Claughton, Jr., Linda Eads, Michael Moore, Bijan Nakhjaven, Joey Teitelbaum, and Teo Babun for their constant dedication and continuous effort of this momentous project.

A TRAGIC FALL FROM GRACE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, as you know, our friend and former colleague Robert Garcia has left the House under regrettable circumstances. While in the past months much attention has been paid to the events leading to Bobby's resignation, I believe it is vitally important that attention instead be focused on his many achievements and fine years of service in the House of Repesentatives.

Bobby Garcia was unwaivering in his service to his constituents in the south Bronx, an economically depressed area that was in great need of the leadership he provided. On broader and national issues, Bobby was steadfast in his dedication to the needs and concerns of Hispanic Americans. He protected bilingual education programs, pushed to assure a complete census count in minority communities, and strengthened relations between Hispanic Americans and Latin American nations. In these and countless other areas he served his constituents, this body, and all Americans, with distinction.

Mr. Speaker, the League of United Latin American Citizens' National Reporter recently printed an article highlighting Bobby Garcia's many contributions. I believe this fine article does justice to Bobby Garcia and his many years of dedicated public service.

BOBBY GARCIA, A TRAGIC FALL FROM GRACE

The theme for the 1990 LULAC National Convention in Albuquerque next June is "UNIDAD HISPANA: AMERICA'S FUTURE. In the 1980's no Hispanic leader exemplified a better example of advocating Hispanic unity than the Congressman from the South Bronx, the only voting Puerto Rican Member of Congress, Bobby Garcia.

Let us review briefly some of his accomplishments. As Chairman of the Congressional Hispanic Caucus from 1981-84, he led the fight to remove the bilingual education program from being included in the education block grants, and in 1984 played a major role in the successful reauthorization of the Title VII bilingual education programs.

On immigration issues, he strongly opposed immigration legislation which contained employer sanctions because he felt they would cause tremendous discrimination against Hispanics. Garcia authored the amendment to the legislation which will end employer sanctions if they are found to be widely discriminatory.

He co-hosted the first Congressional Hispanic Caucus dinner and chaired hearings during National Hispanic Heritage Week to educate the population at large about the Hispanic community.

As Treasurer of NALEO, he helped a number of Hispanic candidates in their election efforts throughout the country. At the 1984 Democratic National Convention, Bobby Garcia was given the honor of seconding the nomination of Walter Mondale for President of the United States.

The Garcia Amendment to the 1978 Civil Service Act created the Hispanic Employment Program Managers Program in the federal government.

As Chairman of the Census and Population Subcommittee, Garcia successfully fought for a better count of Hispanics during the 1980 Census through increased outreach and education. He and the Congressional Hispanic Caucus were able to persuade the INS to have a moratorium on raids during the Census counting period in 1980.

More recently he actively opposed efforts to exclude the undocumented from the Census and co-sponsored legislation to have the Census Bureau adjust the 1990 Census to account for the historic undercount of Hispanic and Blacks in the Census.

He was the first Hispanic to serve on the Democratic Steering and Policy Committee for the Speaker of the House. He was also the first Hispanic to serve on the House Foreign Affairs Committee where he set out to strengthen relations between Hispanics in the U.S. and their countries of origin.

A couple of years ago, rumors began to circulate that Bobby Garcia was being implicated in some wrongdoing with Wedtech. But for almost a year, nothing further was heard on this matter, and many hoped that maybe the rumors were unfounded. Finally last fall, Bobby and his wife went to trial.

On October 20, a federal jury in Manhattan rendered a conviction verdict on him and his wife for their involvement in the Wedtech scandal. On January 5, a U.S. District Court Judge in Manhattan will set sentencing.

Charlie Erickson, founder of the Hispanic Link probably has captured the respect and affection felt for Bobby Garcia by many in the Hispanic community.

"My memory of Congress' only voting Puerto Rican member throughout the '80s is of a man who fought for all Hispanics.

He devoted endless hours to issues of Mexican Americans in the Southwest, immigration and census most prominent among them. I heard the comment more than once that his heart was more Chicano than the corazones of some of his Mexican American congressional colleagues.

On Hispanic issues, Garcia always spoke 'sin pelos en la lengua.' Whether talking among friends in the South Bronx, inspiring a group of visiting Latino students in the Capitol, or firing up a rally in the Midwest or Southwest, he preached unity with pulpit passion.

In so many ways Bobby Garcia was a good guy, it will be hard to see him in any other light.

COLUMNIST PATRICK BUCHANAN CRITICIZES PUERTO RICO STATEHOOD

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. FUSTER. Mr. Speaker, as a Democrat who represents predominantly Democratic Puerto Rico in the Congress, I thought it would be a rare day when I would agree with the thrust of an opinionated article by Patrick Buchanan, the nationally syndicated conservative columnist who served as a senior adviser in the Reagan White House—particularly when Buchanan writes about something I know a lot about, in this case, Puerto Rico.

Much as been written in the national press about the proposed political status plebiscite in Puerto Rico next year between statehood, independence and commonwealth, which I favor as being in the best interests of both Puerto Rico and the United States. As you know, Mr. Speaker, both the House and the Senate have before them legislation which would authorize such a plebiscite and which would commit the Congress to honor the result of such a vote.

President Bush, in an address to a joint session of Congress early last year, endorsed such a plebiscite and expressed his strong personal desire for statehood. Members of his party, both here and in Puerto Rico, have generally followed suit and favored statehood.

Now comes conservative columnist Buchanan with a surprisingly different point of view, one that surely isn't going to win friends and influence people at the White House. It is an eyebrow-raising departure from the usual conservative point of view on Puerto Rico, and while the tone of his column might appear parochial or ethnocentric at times, there is food for thought in his blunt analysis. I urge my colleagues to ponder Buchanan's column, enttled "Puerto Rico as Our 51st," which appeared in the Washington Times of February 26, 1990.

[From the Washington Times, Feb. 26, 1990]

PUERTO RICO AS OUR 51ST?

(By Patrick Buchanan)

From opposite directions on Pennsylvania Avenue, Oscar Collazo and Girsel Torresola made their way to the front door of Blair House. The plan: meet at the stairs, shoot their way inside and assassinate President Truman. They came close. Torresola was killed on the spot by dying police hero, Leslie Coffelt, Collazo wounded. But, to the tiny Puerto Rican party then seeking a break free of the United States, Torresola would become a martyr, Collazo a hero.

Four years later, Independistas smuggled weapons into the visitors' gallery of the House of Representatives and sprayed the floor, wounding five.

That was long, long ago. But, as last June's march of 80,000 through San Juan demonstrates, the desire for an independent Puerto Rico yet burns in the breasts of many on that island we seized as war booty from Spain in 1898. Though only a tiny fraction of the 10 percent who seek independence endorse violence, that fraction yet finds bloody expression in Los Macheteros.

To the point, not enough hard thought is being given by Mr. Bush to the potential consequences of making Puerto Rico our 51st state. We may be about to create a Northern Ireland in the Caribbean.

Legislation is quietly moving through Congress for a summer 1991 vote, which would permit Puerto Rico's 3.5 million to choose statehood, commonwealth status or independence. The 248 million in the 50 states would have no say in the matter. If the island chose statehood, the grant of statehood would be automatic.

Again, we had best wake up to what is going down.

Already, 40 percent of the people on the island get federal benefits. If statehood is adopted, the cap on welfare spending comes off, and perhaps 60 percent would be eligible for Aid to Families with Dependent Children, food stamps, Medicaid, etc. The present $6 billion in U.S. budget outlays would explode.

Can we afford this—and not only in welfare payments?

Considering what the Great Society did to Washington, with the nation's highest per capita income, do we really want to convert Puerto Rico (per capita income $4,500, not half that of Mississippi) into a Caribbean reservation mired in the same rage and resentment that those dependent on welfare exhibit everywhere else in America?

Dutifully, of course, such a state would send six Democrats to an enlarged House of Representatives, and two liberal senators to help Massachusetts' Edward Kennedy overturn the Reagan revolution. Why is the GOP enthusiastic about this?

Why not leave well enough alone? Today, Puerto Rico is an enterprise zone. Under Section 936 of the Internal Revenue Code, U.S. factories that are exempt from corporate income taxes; islanders need not file 1040s on April 15, But if Puerto Rico votes statehood—and the proffered bribe of a cornucopia of federal goodies is tilting it that way—all tax privileges would have to go; and we would soon have a tax revolt from Puerto Rico's middle and upper classes.

Have we considered the fundamental change in the character of our union, if Puerto Rico becomes the 51st state?

An English-speaking, people, we Americans would become a bilingual nation. For the English language could not be forced upon this island of Spanish heritage, where 60 percent do not even understand it.

According to the Senate bill, all that is needed for this historic change is for just half the island to vote "yes" on statehood. While Puerto Rico is entitled to decide its own future, is 50.1 percent enough of plurality to effect the permanent transfer of sovereignty, to make Puerto Rico a permanent part of the American Union?

Thirteen decades ago, we fought a bloody Civil War to prevent the Confederate states from breaking free. Are we prepared to send troops, if the people of Puerto Rico should later change their minds? Are we prepared to fight a guerrilla war, like the British in Belfast, if the Macheteros emulate the Irish Republican Army? Before entering a marriage, "till death do us part," ought not both the island and the mainland reflect longer upon how nasty a divorce would be?

If it ain't broke, don't fix it.

There is no overwhelming clamor for statehood on the island; nothing is wrong with today's commonwealth status that cries out for repair. And, as in the 13 Colonies in 1775, there is a vocal minority for total independence whose views ought to be respected, if not heeded. The last thing America needs now is to clasp to her bosom, forever, 300,000 embittered Hispanics who yet dream of an independent country.

Before this island, with the size and population of a small nation, becomes a state, at least two-thirds of its people, better yet three-fourths, should request it. And, the 248 million who reside in the 50 states should be given time to reflect on their request to join the American family, forever.

From Serbia to Azerbaijan, from the West Bank to Soweto, from Scotland to Quebec, ethnic chauvinism is on the rise. Separatism is everywhere winning converts. People are demanding not what is in their economic interest but what they deem vital to preserving the race, the tribe, the religion, the culture. While we may bemoan the trend, we cannot deny it; nor are we Americans immune to it.

In such an environment, prudence dictates that we think twice, then think again, before annexing forever to the American Union an island people with a separate cultural nationality, who do not speak our language, and who are still deeply divided in their own desires.

TRIBUTE TO EDWARD LASOTA

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. KENNEDY. Mr. Speaker, I would like to pay tribute to a man by the name of Mr. Edward LaSota, who, for the past 2 years, has been the faithful navigator of the Pius the IX Chapter of the Knights of Columbus in Reading, PA. On March 3, 1990, the Pius the IX Chapter honored Mr. LaSota for his leadership of the chapter during 1988 and 1989.

Edward LaSota has been active with the Knights of Columbus for the past 14 years. He has chaired various functions for the chapter, and his past successes led to his being chosen as faithful navigator. As navigator, Edward LaSota represented the chapter throughout the region and across the Nation with other Knights of Columbus groups. As you know, Mr. Speaker, members of the Knights of Columbus are actively involved in helping those less fortunate and bringing help, guidance, inspiration, and leadership to the communities they serve. Indeed, I am pleased to recognize Mr. LaSota for his leadership and endeavors to better his community. It is a privilege to commend Edward LaSota and to say congratulations on many years of service.

TRIBUTE TO DR. WALTER "CURLY" WATSON

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. BARNARD. Mr. Speaker, today BUTLER DERRICK and DOUG BARNARD, Jr., join Senator STROM THURMOND in paying tribute to Dr. Walter "Curly" Watson on the occasion of his 80th birthday.

Dr. Watson has served the people of Georgia and South Carolina for over 43 years in his roles as physician, friend, confidant, community-minded citizen, devoted church member, and committed family man. To honor Dr. Watson, the people of Augusta will pay tribute to him at a surprise 80th birthday celebration on March 9, 1990.

Dr. Watson graduated from the Medical College of Georgia School of Medicine in 1943. After serving 2 years in the U.S. Army, Dr. Watson established a thriving medical practice with the now late Dr. William Thurmond at University Hospital in Augusta, GA. Today, Dr. Watson serves as chairman of the obstetrics department at University Hospital and is professor emeritus of obstetrics and gynecology at the Medical College of Georgia.

During his years of practice, Dr. Watson delivered approximately 15,000 babies. Three of those babies were the children of Congressman and Mrs. DOUG BARNARD, and two of them were the Congressman's grandchildren. Dr. Watson has indeed touched the lives of several generations and is well-deserving of this tribute.

In addition to being honored on the occasion of his 80th birthday, Dr. Watson has received numerous commendations over the years. In 1968, Dr. and Mrs. Watson were recognized as Citizens of the Year by the North Augusta Chamber of Commerce for their outstanding contribution to the moral, civic, and recreational development of the area.

In 1982, Dr. Watson received the WRDW-TV's Thomas Jefferson Award for contributions to the civic affairs of the community at large. He was also voted the 1983–84 Teacher of the Year by his students at the Medical College of Georgia.

In 1987, the Grace United Methodist Church in Augusta honored Dr. Watson with the Workhorse Award for his service as chairman of the building committee to rebuild the church's sanctuary which was destroyed by fire in 1983.

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In 1988, the American Legion of South Carolina awarded Dr. Watson the distinguished Public Service Award in recognition of his outstanding contributions to his community, State, and Nation.

Just last year, Dr. Watson devoted hours of hard work to aid the people of Charleston after Hurricane Hugo devastated the area. In fact, Dr. Watson is still a part of a group from his church which is volunteering hours of skill and labor to help the victims of Hugo's destruction.

It is indeed an honor to rise in recognition of Dr. Curly Watson and to wish him a happy 80th birthday. On behalf of the people of Georgia and South Carolina, we commend Dr. Watson for 43 years of dedicated service to his community.

THE REPUBLIC OF GUINEA TURNAROUND

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. BURTON of Indiana. Mr. Speaker, I would like to bring to the attention of my colleagues a country in West Africa that has made a dramatic turnaround in its policies in recent years. This turnaround is starting to show positive results and it is a tribute to the success of free market economics.

For the past 5 years, the Republic of Guinea has been working to reconstruct their economy based on the principles of free enterprise, after 26 years of uncompromising socialist economics. The structural adjustment program of President Lansana Conte has received high praise from the IMF, the World Bank and our own Agency for International Development, and the Government has been working diligently to create an investment climate that will be attractive to American businesses.

More recently, the President announced an ambitious plan for political reform, intended to create the foundation for democracy in Guinea. The Government is currently drafting a new constitution that would establish a Parliament, guarantee regular elections of a President and the Parliament, and phase in a multi-party system over 5 years. The constitution is also designed to guarantee an independent judiciary and provide a bill of rights.

Mr. Speaker, I commend to my colleagues' attention an article that recently appeared in the New York Times about the promise and potential of Guinea. Although the article makes it clear that Guinea has a long struggle ahead for economic and political development, the author also points out that there is good hope for success.

[From the New York Times, Nov. 29, 1989]

New Hope in Guinea, a Land That Hope Forgot

(By Kenneth B. Noble)

Conakry, Guinea.—When Col. Lansana Conté seized power in Guinea five years ago, he vowed to restore law and order to a nation that had endured nearly three decades of nightmarish repression, purges and bloodshed.

It was a promise that few believed. Colonel Conté, after all, had been the highest-ranking military officer during the final years of President Sékou Touré's tyrannical 26-year leadership. Cynics grumbled that the new President, was probably deeply involved in many of the horrors he, by then, professed to abhor.

But now, many of those critics are being won over. After years in which Guinea was a Soviet-aligned, one-party state, President Conté is working to transform it into that rarest of African political systems—a multiparty democracy.

That hope was raised by an announcement last month that the military leaders would permit new, competing parties to form. What is more, the President promised a new constitution, regular elections, an independent judiciary and a bill of rights, and he held out the prospect of having his own military rule replaced by a civilian government.

A 'GUARANTEE' AGAINST COUPS

In a recent speech, he said he could "guarantee" that there would be "no coups" during a five-year transition to constitutional rule. The military, said the since-promoted General Conté, would "do everything so that Guinea is not like other nations. We won't cling to power."

But an African envoy here sounded a cautionary note: "If he pulls it off, it'll be the political miracle of the decade. And most of us are praying that he can do it."

Almost three decades after the wave of decolonization, 38 to 45 nations south of the Sahara have single- or no-party systems, and more than half are led by soldiers. Only five govern themselves under systems of majority rule: Senegal, Gambia, Botswana, Madagascar and Mauritius.

While offering political changes, President Conté has embarked on an ambitious program of economic rehabilitation that follows the free-market requirements of the World Bank. State-run collective farms have been eliminated, and producer prices have been allowed to rise. The national currency, the sylis, was devalued to about 7 percent of its former level, bringing it closer to the black-market exchange rate.

And, by laying off about 30,000 civil servants, the Government has started to convert budget deficits into surpluses. The gross domestic product grew by about 5 percent last year.

Foreign donors, impressed by the economic and political turnaround, have responded with an outpouring of aid: $286 million in commitments in 1988, roughly double the level of 1984.

"They're almost to where they started in 1958, and that's real progress in this context," a European diplomat here said.

Indeed, 1958 is an important date in the mythology that has shaped Guinea's self image, the touchstone against which everything is measured. In that year, Guineans overwhelmingly rejected President Charles de Gaulle's proposal for self-government under a system that retained association with France, instead choosing full independence. By most accounts, it is also the year that Guinea's problems began.

The French, affronted by Mr. Touré's demand for immediate independence, determined to make Guinea an example to other colonies. Within days, all 4,000 French colonial administrators and technicians were pulled out. As they departed, they took with them everything they could carry or ship.

In response, Mr. Touré relied more and more on speechmaking to fill the gaps. At first, he sought help from Western countries other than France, but when this aid dried up, he turned to the Soviet Union.

Although the Guinean leader said he was leading the country toward self-reliance, his rule turned increasingly ruthless.

By the 1970's, Guinea was pervaded by repression and xenophobia. By some estimates, about a third of the country's people fled to exile in neighboring West African countries.

Today, the most visible legacy of Mr. Touré's "revolution" is this drab city of rutted and potholed streets, overgrown lawns and peeling paint. Electrical power regularly fails, and medicine is in short supply. The wreckage of abandoned cars and trucks gives much of the city the appearance of a vast junkyard.

Even in the business district, children roam naked, their bellies bloated from hunger—a sight more usually seen in rural Africa.

Still, the word commonly heard here is "potential." The country has the world's largest bauxite deposits, as well as iron ore, uranium, gold and diamonds—although three decades after independence, most of these assets remain undeveloped.

WHAT IS PROMISED

The political agenda calls for the completion of a new constitution by next spring. This is to be followed by the formation of two political parties, and perhaps some time in 1994, presidential elections. President Conté has yet to indicate his intentions, but most people here expect him to run.

While enthusiasm runs high, there are many doubts about how far change can go in this poor country.

Even so, the exhilaration many Guineans feel about the moves toward free elections is clear. "We lived for 26 years under the most awful dictatorship," said Thierno Djibi Thiam, a Government adviser. "We learned the hard way what a one-party system means, and we know that it doesn't work here."

HONORING THE JERSEY CITY BOYS BIDDY BASKETBALL TEAM ON WINNING THE STATE CHAMPIONSHIP

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. GUARINI. Mr. Speaker, on Sunday, March 4, 1990, the Jersey City Boys Club won the New Jersey State Biddy Basketball Championship. The team will now represent the State in the AA–1 Division of the International Biddy Basketball Tournament which will begin March 16 in Kenner, LA.

The Jersey City Boys Club has been in existence for more than 80 years, and is located in the downtown section of Jersey City. It also administers to the needs of the Hoboken Boys Club in the nearby area.

Several years ago, I had the opportunity to help the Jersey City Boys Club, then known as the Whittier Boys Club, find new facilities. With the assistance of David Messier, executive director of the Boys Club, and William Martin, executive director of the United Way of Hudson County, we renovated an abandoned coal bunker and converted it into one of the most modern facilities in the Nation.

According to William Martin of the United Way of Hudson County, upwards of 1,500 children use the facility each week. There is no question in my mind that it is a central force in helping reduce juvenile delinquency and the pestilence of drug abuse.

I was quite elated to learn yesterday that the Jersey City Boys Club Biddy Basketball team has won the State basketball tournament and will travel to New Orleans on March 16 for the national tournament.

I am pleased to report the following article from the Jersey Journal of Monday, March 5, 1990, as follows:

> The Jersey City Boys Club, entered in the New Jersey State Biddy Basketball Tournament for the first time, defeated West New York twice over the weekend to capture the championship.
>
> Jersey City will now represent the state in the AA-1 Division of the International Tournament which gets underway March 16 in Kenner, LA.
>
> Ned Felton, who won the Mr. Biddy Award for the most valuable player, dropped in 14 points and Jerry Healy and Korie Williams added 10 and eight, respectively, as the Boys Club topped West New York, 54-47, in yesterday's final of the double-elimination tournament.
>
> Felton had eight of his points and Healy netted four in the 14-5 third quarter as the Jersey City took a 37-30 lead. Felton also had nine rebounds and three assists while Charles Ferguson, who was named to the All-Tournament Team, had four steals and five assists to go with five points.
>
> "We defeated West York five times, once in the Teaneck Tournament and in BBA action and it was one of the things that bothered me," said Jersey City Boys Club athletic director and coach Ed Fasani. "It's tough to keep beating the same team and Dennis Cooney is an excellent coach. I think the difference in the final game was that we slowed the game down after we got the lead in the third quarter."
>
> Oddly enough, the Boys Club team was able to adjust to the Biddy regulation 8½ foot baskets after playing all season on 10-foot ones. In fact it might have helped their inside game.
>
> "This team is great," said Fasani. The kids' athletic abilities are unbelievable. There were a lot of other fans staying to watch our team play after their games were over. We are trying to see if we can borrow some of the city's 8½-foot baskets to practice on. We play an inside game and I guess the shorter basket might have helped us but we have not had to go to the perimeter and I want to see what we can do from there.
>
> Right now we have to get busy and try to raise the funds needed for the trip to Louisiana. We were lucky that the Jersey City Rotary has sponsored our league from which this All-Star team was selected from. Either way we will find a way to get there.
>
> The team plans leaving on March 16 and will play in the opening round on the 17th. They will stay as long as they remain alive in the double-elimination tournament. The finals are March 23rd.

The members of the team are: Charles Ferguson, Kevin Callaghan, Omar Robertson, Nick Kramer, Joseph Fasani, Keeron Cooper, Avery Bristol, Korie Williams, Jason Roberts, Jerry Healy, Ned Felton, and Kerwin Williams.

I salute coach Ed Judge and athletic director Ed Fasani, the many volunteers and members of the board of directors, David Messier, executive director of the Jersey City Boys Club, William Martin, who has been providing leadership for the young people in my area for the last 45 years as director of the Hudson County Catholic Youth Organization [CYO] and now long-time director of the United Way of Hudson County, and the young people who have generated so much pride and excitement in our Garden State of New Jersey.

I am sure that my colleagues here in the House of Representatives will wish them, and all teams from other parts of the country, good luck in this competition.

PROTECTING OUR NATION'S SECRETS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. HYDE. Mr. Speaker, our colleague PORTER GOSS, makes some important observations regarding the problem of unauthorized disclosures of classified information in the December 24, 1989 issue of the Fort Meyers' News-Press. A former CIA operations officer, the gentleman from Florida knows from first-hand experience how leaks of our Nation's secrets greatly damage our ability to collect timely and accurate information vital to our leaders' decisionmaking ability. Mr. GOSS stresses that those given access to classified material must respect the risks taken by those who obtain this special information and become more committed to its protection. As a means of coming to grips with the problem of congressional leaks, some institutional reforms are necessary. In this regard, I appreciate my colleague's recommendations that some of my congressional security reform ideas be implemented. He cites, in particular, my initiatives calling for oaths of secrecy and security clearances for Members and staff with access to classified material. He also endorses my proposal for penalizing those who willfully disclose sensitive information to unauthorized persons. Enactment of these measures would demonstrate that Congress is serious about doing its part to plug leaks.

Mr. Speaker, I request that Mr. GOSS's article be inserted at this point in the RECORD, and I commend it to all of my colleagues.

HUSH UP, CONGRESS!

(By Porter Goss)

"And ye shall know the truth and the truth shall make you free." (John VIII-32).

So speaks the inscription that marks the entranceway of the Central Intelligence Agency. Within that off-cited scripture lies motivation for countless men and women who have discreetly defended and promoted the principles of peace, freedom and democracy by working for the U.S. intelligence organizations at home and abroad. I know, because I served among them for 10 years as a career Clandestine Services officer.

Now, as the only former CIA intelligence operations officer sitting in Congress, I believe I can offer a unique perspective on the sensitivity of our intelligence secrets—and the damage from divulging those secrets through the open political forum of the U.S. Congress.

One thing is clear: The unauthorized disclosure of classified information—international or otherwise—has a profoundly harmful effect on this nation's ability to collect timely and accurate information necessary for our leaders' decision-making ability.

Another thing, sadly, is becoming clear: Neither all my colleagues nor all their staff with access to classified information seem to understand just how devastating leaked information can be. With nuclear holocaust only a button's push away, is this a situation we should tolerate? Isn't it time we addressed this issue in the U.S. Congress? Isn't it time we started plugging the leaks on the Hill?

We are now living in an era of extraordinary and fast-moving change. The crumbling of the Berlin Wall, student uprisings in China, the evolution of fair and free elections in Latin American nations—these are truly tidal waves of change. And with such events, the United States faces uncertainty and opportunity—both of which create a critical need for solid intelligence and wise decision-making.

The early architects of our intelligence services recognized the importance of feeding timely facts and accurate raw data into foreign policy formulation. The simple truth is that good intelligence can prevent conflicts and save lives; bad intelligence does the reverse. Recorded history is our proof. Most of us recall our elation at the successful outcome of the Cuban missile crisis, in contrast to our shock over the total failure of early warning at Pearl Harbor.

Today, probably more than ever, our leaders rely heavily on our nation's intelligence collection capabilities. Without the myraid of details and analyses sent to Washington from our field offices and many sources abroad, our policy-making capacity would be noticeably crippled.

When I worked as a CIA operations officer, I met discreetly with men and women who shared the American faith in democratic principles. Those people placed their livelihoods—and in some cases their lives—on the line to help advance the cause of freedom and democracy in their own countries. They didn't have to meet with me, and they didn't have to support our efforts to promote democracy. Yet for their own very deeply held reasons, they took the risk—often at great personal cost.

The most junior intelligence officer is carefully taught how to protect these sources and their special information. Our men and women serving in these front lines understand that any mistakes or leaks have the potential to bring about immediate, unpleasant consequences. Elaborate security measures and strict compartmentalization are practiced to be sure knowledge is shared only on a "need-to-know" basis.

Clearly, the same should be true at the highest levels of our government. Leaks of classified information, whether headline news or one line dribbles, shake our intelligence gathering capabilities to the core and endanger lives—lives of operational sources in hostile areas and lives of our own operation officers.

When unauthorized sensitive information hits the news, it is a fair bet that the shock waves will be felt worldwide. Cooperative assets overseas become demoralized, reluctant and even fearful. We lose face and credibility with intelligence agencies of other friendly countries. Sources dry up everywhere. Often our closest friends find it difficult to stick with us if their national well-being is suddenly jeopardized by the release of sensitive material in Washington. Our access to information vital to our national interests begins to narrow.

News of intelligence leaks also make it that much harder to recruit and develop well-placed new contacts. People who had considered meeting confidentially with U.S. government officials fear their information could be tomorrow's compromising news—and committed as they may be to democracy and freedom, they prefer their silence to someone else's indiscretion.

Until recently, the administration has been served large and repeated doses of criticism about alleged mismanagement of events in Panama—criticism that blames our government for inaction because we apparently lacked the contacts to find out what was going on. I wonder if it has occurred to those measuring out the complaints that we may be paying the price for previous security leaks on the Hill? If so, it promises to be a pretty expensive plumbing bill.

Those who are made privy to classified material know that they have an obligation to uphold the trust of protecting it. There are several simple, but extremely important reforms we could implement on the Hill to prove that we are serious about this trust. In fact, several current members of the House Permanent Select Committee on Intelligence, most notably Henry Hyde of Illinois, have made similar suggestions in public debate.

Why not require all members and staffers who receive classified briefings to take a simple oath administered by Congress agreeing not to disclose sensitive material to unauthorized persons?

As a freshman member of Congress, I was surprised to learn that no such commitment exists for members of the House of Representatives or the Senate—even though every newcomer to our intelligence organizations must take such an oath. At a minimum, individuals who make such a formal commitment to protect sensitive information become more aware of their increased responsibilities.

Why not require security clearances for members and staff to whom highly classified information will be regularly provided?

Why not impose penalties for members and staff who willfully disclose classified information to unauthorized persons?

Curiously, when members have formally made such recommendations at committee level in the past, partisan politics have steered the debate to nowhere. I've seen it happen three times in my first 10 months in Congress alone. This type of reform is not only sound and long overdue, but it would go a long way toward bolstering the confidence of our allies overseas, who for too long have been distressed by the leakage within the legislative branch.

But there is one further reason for reform. The entrance of the CIA headquarters building also houses a memorial to honor the American men and women who have been killed in the line of duty. Few are identified by name because they served their country in clandestine service. Instead, we honor their sacrifice quietly by inscribing a star into the granite for each person killed. I knew one of those individuals—a person who died violently and needlessly because information was released to the wrong person at the wrongtime.

Despite forewarning, Winston Churchill silently allowed the population of Coventry, England in World War II to be subjected to a killer air raid to conceal the vital secret that the allies had broken the Nazi communication code. That was wartime; life and death decisions were part of it. This is peacetime, and there is no excuse for casualties either to our sources or to our secrets.

BLUE CORN TORTILLAS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, many first time visitors to northern New Mexico are surprised to find blue corn tortillas listed on their restaurant menus. Blue corn, grown for hundreds of years by local Indians has suddenly found a new cachet, discovered by food aficionados from throughout the world. Blue corn has gained such renown that Business Week magazine recently devoted an entire page to efforts on the Santa Ana and Jemez Pueblos in northern New Mexico to capitalize on this new market. I submit a copy of that article for my colleagues' review.

[From Business Week, Mar. 5, 1990]

BLUE SKIES, BLUE CORN—GOLDEN OPPORTUNITY?

(By Sandra D. Atchison)

Like his father and grandfather before him, Lawrence A. Montoya grows the sacred blue corn. Each spring, the Santa Ana Indian drops seeds into holes poked in the ground with a sharp stick, then kicks dirt over them. In the fall, he harvests the blue-black ears from stalks that usually flop over under the weight of the ears. Montoya saves the best kernels to plant the following year, then grinds the rest into dusky cornmeal.

Since ancient times, blue corn has been an integral part of this pueblo's life. Indian women would kneel for hours over their grinding stones, crushing the kernels into blue-gray flour. Blue cornmeal is still used for blessings in religious ceremonies. And, made into paper-thin tortillas, it remains a staple of the pueblo diet. Since the time of the Aztecs, mothers have fed their families atole, a blue corn gruel sweetened with spices, to ward off colds and flu—a sort of Native American chicken soup.

"WONDER GRAIN"

It was only a matter of time before yuppie gourmets and health-food faddists, searching the globe for unusual foods, discovered blue corn. Recently, they have begun scoffing it up as smoky-tasting blue corn chips and flakes, pancakes, and pizza.

"The health-food trade is forever looking for the wonder grain," says Harold J. Newman, president of Blue Corn Connection, which produces chips, flours, and baking mixes under its Blue Heaven label in nearby Albuquerque. High in protein and lysine, which makes it easy to digest, "blue corn was a logical candidate," he explains.

There's a certain irony that the urban chic are paying top dollar for a moldy-looking ethnic food that has all the visual appeal of wet cardboard. But the Santa Anas and neighboring villagers, who form a confederation called the Five Sandoval Indian Pueblos Inc., aren't chortling. They see an emerging commercial market for blue corn. "This could be economic development," says Montoya, hopefully.

Set against brilliant blue skies and towering mesas, the Sandoval County pueblos look more picturesque than poor. Television antennas spring from the flat roofs of the dun-colored adobe houses. Battered pickup trucks are parked alongside. Near the old church, women supplement their income by selling handcrafts. But with unemployment as high as 44% at Jemez, the most remote of the villages, many families are on welfare. Drug use and alcoholism are high. "Before World War II, agriculture was a way of sustaining life," says James Roger Madalena, Jemez' tribal administrator. "Ever since then, we've seen many of the younger generation going out to big urban areas." He hopes that blue corn will "revive the interest [in farming] their forefathers had."

That has already begun to happen. Well-capitalized Anglo farmers are the primary commodity growers right now. But last year, the Santa Ana and Jemez pueblos produced 20 tons of cornmeal and *atole.* In addition to individual plots, 15 acres of community land were planted, and they expect to double production this year. Since the corn is ground at an Indian-owned mill that operates rent-free and pays no property taxes, it can pay farmers twice the price that blue corn commends off the reservation.

Out of India. The man who heads the fledgling blue corn project is Denis Robinson, an unlikely figure who seems to have stepped into the pueblo straight from the pages of Rudyard Kipling. A retired CPC International Inc. executive, Robinson served with troops from India during World War II and once hoped to work for economic development in India. Instead, he's here in New Mexico. And despite his clipped British accent and tweed jackets, he fits in easily. "They call me Mr. Corn," he says.

Robinson estimates that last year's blue corn crop will bring in $40,000 in revenues, with a profit of $7,000. That isn't much. But it's a start, and around here, every little bit helps. He says those figures could triple in five years, especially if the tribes are successful marketing their products outside New Mexico. Newman, over at Blue Corn Connection, estimates the blue corn market could increase tenfold, to $200 million, in the next few years.

Robinson says the tribes would like to become contract growers for a major processor, or even make their own consumer products. Now, most of their cornmeal is sold at Indian fairs or through ads in organic-gardening magazines. Robinson also plans to hire a salesman to call directly on specialty food stores.

For now, though, this place remains a frame from the past. Crows fly over the barren cornfields of Santa Ana, seeking kernels hidden among wisps of cornhusk that glint in the winter sun. The village is a cluster of adobe houses decorated with strings of bright red chilies and protected by giant cottonwoods. In the cold, women rush across the yards to tend to their *hornos,* adobe ovens shaped like beehives. They scrape out hot coals, then shove in loaves of bread dough.

Even though the villagers use contemporary farming machinery, they adhere to time-honored growing practices. The *cacique,* or tribal spiritual leader, decides when the time is right for planting. They use no fertilizer, and they flood the fields weekly with water from the Acequia Madre, or Mother Ditch, an ancient canal that flows down to Mexico. To avoid cross-pollination and keep the strain of blue corn pure, they plant the seed kernels far from yellow and white varieties. Keeping the blue corn unadulterated is so critical that Madalena, a state representative, hopes to introduce legislation protecting it.

Intangibles. In the fall, after the ears turn from milky white to dark blue, machines harvest the corn, then strip away the husks and scrape off the kernels, which range in color from pale blue to purple. After the kernels are dried and the best are kept for seed, the rest are ground at the Indian mill—a cement building that once held the equipment for the Santa Ana swimming pool. Many of the men then spend the winter hunting in the neighboring mountains.

As spring approaches, the farmers now are preparing to start the cycle again. They have sorted the seed and turned the soil and are ready to begin planting. If the weather cooperates, the harvest will be their largest yet. And if the customers cooperate, the farmers will try for a larger crop next year. All they are waiting for is the word from the *cacique*.

THE COASTAL ZONE ACT REAUTHORIZATION AMENDMENTS OF 1990

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. JONES of North Carolina. Mr. Speaker, on February 21, on behalf of many of my colleagues from the Merchant Marine and Fisheries Committee, I introduced the Coastal Zone Act Reauthorization [CZAR] Amendments of 1990—the CZAR amendments.

I do not need to catalog the virtues of the Nation's coastal zone. We all know the importance of coastal areas from an environmental and an economic standpoint.

I do not need to tell my House colleagues from Coastal States how great are the pressures of growth and development in coastal areas. We have all heard the statistics time and time again.

The press of economic, residential, and agricultural development is wearing down our coastal environment. It is like a slowly eroding shoreline—almost invisible. But one day you wake up and the waves are washing against your back porch. Unfortunately, then it is too late to do anything except pack up and move. The problem is that we are running out of places to go.

In 1972, I voted for original enactment of the Coastal Zone Management Act [CZMA]. I have been a supporter ever since.

The CZMA established a voluntary, two-stage assistance program. The first stage provided grants to Coastal States for development of coastal management programs meeting minimum Federal requirements; all 35 eligible States and territories participated in this development stage. If, in the judgment of the Secretary of Commerce, a State program met those requirements, then it received "federally approved" status and became eligible for the second stage of financial assistance for program implementation.

An additional incentive for voluntary participation under the CZMA is the promise of "Federal consistency." That is, a State which receives and maintains a federally approved coastal management program is assured and future actions by Federal agencies—including direct agency activities, federally licensed or permitted activities, and Federal assistance project—will be consistent with their programs. The federal consistency provisions of the CZMA are a unique tool. Their use has sometimes engendered controversy, but I believe that most often they have functioned as the original drafters of the CZMA envisioned—to coordinate state and Federal management in the coastal zone.

I want to reemphasize the voluntary nature of this program. No Coastal Zone is forced to participate in it. None of the requirements in the law are binding on any State that chooses not to participate. Yet the program has become so popular that, to date, 29 of the eligible States and territories have received Federal approval of their coastal zone management programs, covering more that 90 percent of the U.S. coastline.

Much has been accomplished under the CZMA, with the help of the States and a small but dedicated army of coastal management professionals. But there is no doubt that we are still losing this war. And we are losing it on all fronts.

H.R. 4030 is designed to turn this campaign around. We are reinforcing and rearming the troops; we are rebuilding morale; and we are making a commitment to Federal leadership.

These amendments make many changes to the Coastal Zone Management Act of 1972, but I will focus on only the major facets of the bill.

First, the bill addresses the issue of Federal consistency by restoring a fundamental State right under the Coastal Zone Management Act.

The legislation overturns the 1984 Supreme Court decision in Watt v. California. This Court decision misconstrued one of the most important elements of the Coastal Zone Management Program and has had a chilling effect on the implementation of federally approved State programs.

The Court found that Outer Continental Shelf oil and gas lease sales are exempt from the Federal consistency requirements of the CZMA. This was a dramatic enough ruling, but in reaching its decision, the Court relied on extremely broad arguments which have cast a shadow over the application of the consistency requirements to other Federal agency activities. Federal agencies like the Army Corps of Engineers, the Environmental Protection Agency, and the General Services Administration have used the Supreme Court decision as a shield in making what I call me too arguments that their activities are also exempt from the consistency requirements of the CZMA.

This bill will restore to the participating coastal States a simple and basic right under the CZMA. Any Federal activity, no matter if it occurs within or outside of the coastal zone, must be consistent with federally approved coastal zone management programs if that activity will affect natural resources, land uses, or water uses in the State's coastal zone. No Federal agency is exempt from this requirement. If it will affect the coastal zone, then the activity must be consistent.

This will not result in the veto of vital national projects or activities. This is true for two reasons. First, agency activities under section 307(c)(1) must be consistent "to the maximum extent practicable." Under existing Department of Commerce regulations this means that an agency must be fully consistent where that Agency has discretion; however, where the Agency is acting subject to a nondiscretionary statutory duty, full consistency is not required. Second, the bill provides for the President to exempt activities which he finds are in the paramount interest of the United States. The bill borrows this exemption proviso from the Clean Water Act, the Clean Air Act, and other environmental laws. It will not be frequently used, but this exemption is an additional safety valve.

These revised consistency provisions restore important authorities to the States with approved CZM programs, which I believe were intended by the original statute.

Next. the legislation emphasizes controlling land uses which affect coastal waters.

The CZAR amendments require that State programs organize themselves to effectively manage the land uses which affect coastal water quality. This is accomplished by requiring that each participating State develop and submit for approval to the Under Secretary of Commerce for Oceans and Atmosphere—that is, the Administrator of the National Oceanic and Atmospheric Administration—a "coastal waters protection program."

The regulation of land uses to protect the coastal waters was an original objective of the CZMA as reflected in the following excerpts from the House report on the 1972 coastal zone management bill (H.R. 14146):

> The purpose of limiting the inland reach is to restrict the operation of this legislation to its basic underlying purpose, that is the management and the protection of the coastal waters. It would not be possible to accomplish that purpose without to some degree extending the coverage to the shorelands which have an impact on those waters.

To implement this "basic purpose," the CZMA requires that participating states define land uses which affect the coastal waters and identify the means by which the State proposes to control such land uses. To prevent duplication and conflict with the Federal Water Pollution Control Act, the CZMA makes clear that the water pollution control requirements established by the Clean Water Act shall be included as a part of every State Coastal Zone Program and shall be the water pollution control requirements applicable to those programs.

Therefore, the original concept of coastal zone management envisioned a close relationship between land use management under the CZMA and water pollution control under the Clean Water Act. However, the continuing degradation of our coastal waters is evidence that this relationship is not working. It is equally evident that State Coastal Zone Management Programs have not been effectively "identifying and controlling" land uses which affect the coastal waters as originally intended.

States are not entirely to blame. A lack of Federal leadership, oversight, and funding is at the root of this failure. Therefore, the CZAR amendments propose new funds and technical assistance to help the States fulfill this important mandate. Since this was an original and "basic" purpose of the CZMA, the amendments require that each participating State program develop a coastal waters protection program which demonstrates that the State is organized to identify and control land uses which result in degradation of the coastal waters. H.R. 4030 provides a maximum of 6 years for the development of these programs.

In 1972, the authors of the CZMA recognized the crucial linkage between land use activities and the protection of the coastal waters. Section 306B of H.R. 4030 requires that the participating States organize themselves to fulfill what I concur to be a basic underlying purpose of the CZMA.

Also, the bill encourages national interest improvements in State plans.

There are many important national interests in good coastal management. Unfortunately, for most of the last decade, the Federal Government has been trying to turn its back on these interests. A favorite phrase of the Reagan administration was that "coastal management is primarily a State and local responsibility." This statement symbolized a period of time during which the Federal Government essentially abdicated its responsibility for safeguarding the national interests in coastal management. Section 310 of H.R. 4030 ends this abdication.

Under this section, the Under Secretary of Commerce is required to implement a program of national interest improvements. Twenty percent of the funds appropriated for state program administration are to be set aside by the Under Secretary to provide assistance to those states which agree to make improvements in one more of five national interest areas: Coastal wetlands protection; natural hazards management, including potential sea level rise; providing public access to coastal areas; assessing the cumulative environmental effects of coastal growth and development; and facilitating energy-related activities which are of greater than local significance.

To implement this section, the Under Secretary will assess the priority needs of every Coastal State in each of these areas. Based on this assessment, the Under Secretary will negotiate with each State a multiyear, national interest improvements program. The State is then eligible to receive grants to improve their management program. This new effort will restore a sense of Federal-State partnership in coastal management.

Next, the bill acknowledges that funding is a key ingredient in coastal management.

Money is not "the solution" to improving our coastal environment, but it is one of the key ingredients. H.R. 4030 says, in effect, "we are ready to put our money where our mouth is." Not surprisingly, simply talking about coastal degradation has not made things any better. The States can do a better job, but the Federal Government has to live up to its part of the bargain.

H.R. 4030 provides authorization for crucial new funding of coastal management. In fiscal year 1990, the total Federal appropriation for coastal zone management was $42.7 million. The CZAR amendments call for an increase of $20 million for fiscal year 1991 and further increases in subsequent years. The bill authorization levels are: $63.2 million for fiscal 1991; $65.6 million for fiscal 1992; $68.1 million for fiscal 1993; $70.1 million for fiscal 1994; and $73.4 million for fiscal 1995.

H.R. 4030 also makes numerous additional improvements to the CZMA.

Establishment of an Ocean and Coastal Zone Management Service within the National Oceanic and Atmospheric Administration will elevate this program within the Federal bureaucracy, sending a clear signal that this is a priority program for our "Oceans" Agency.

Revitalization of the Outer Continental Shelf State Participation Grants Program, will signal to the coastal States that they will have help in dealing with Federal activities such as offshore leasing, exploration, and development.

Establishment of a coastal zone management discretionary fund will support technical and emergency assistance to States in implementing their program.

The bill expresses a sense of Congress that the Under Secretary and the Secretary of State should work together in assisting developing nations in coastal management. This is particularly important in view of the potential for global sea level rise and the obvious implications for coastal development. The United States has the world's most comprehensive and successful experience with the coastal zone management, and this capability should become an integral component of our foreign policy.

In summary, H.R. 4030 addresses many major issues in coastal management, the CZAR amendments incorporate a decade worth of housekeeping changes that were not feasible during the tenure of an openly hostile Reagan administration. I hear there is a new breeze blowing around here. I hope that breeze crosses the coastal zone and brings some fresh air and new attitudes along with it.

H.R. 4030 reshapes the Nation's Coastal Management Program for the decade of the 1990's. I look forward to the enthusiastic support of my colleagues. I invite all of my colleagues to join in cosponsoring H.R. 4030.

SALUTE TO REAR ADM. THOMAS JAMES JOHNSON, USN

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. BLAZ. Mr. Speaker, I rise today to pay tribute to Rear Adm. Thomas James Johnson, U.S. Navy, who will be leaving my district as commander, Naval Forces Marianas on March 16, 1990, on Guam.

A distinguished professional, Rear Adm. T.J. Johnson has served as commander of Naval Forces Marianas and has been U.S. CinCPac Rep—representative of the Commander in Chief to Guam, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, and the Republic of Palau—since 1987.

Originally from Little Falls, NY, Rear Admiral Johnson attended St. Bernard's Seminary and College prior to entering the U.S. Navy in December 1954.

In May 1955, he was commissioned from officer candidate school and was designated a naval aviation observer in 1956, a radar intercept officer in 1960, and a naval flight officer in 1966.

In the ensuing years he served with distinction in both command and staff assignments, ashore and at sea, during conflict and peace, throughout the Navy.

Rear Admiral Johnson holds a masters degree in public administration from George Washington University and is a graduate of the Air Command and Staff College, the Naval War College, and the Flag and General Officer of CAPSTONE course.

His military awards include the Legion of Merit with gold star in lieu of a second award, the Air Medal, the Bronze Star, the Meritorious Service Medal with gold star in lieu of second award, the Navy Commendation Medal and various unit citations and service ribbons in recognition of his service to the Navy and the country.

As Commander, Naval Forces Marianas, he added a new dimension to his career with a demonstrated interest in community affairs. He sought to stay in touch with civilian leaders, and he actively supported locally sponsored improvement projects. As an educator himself he successfully pursued, along with the political leaders of Guam, to have the Department of Defense provide a substantial share of defense funds to local schools. During the past 2 years, this sum totaled $20 million. In 1988, he authorized Navy personnel to assist in a cost-free safety assessment of government of Guam facilities. The result was the enactment by the Guam Legislature of the government of Guam's first occupational safety and health code for public employees.

The superb leadership, outstanding dedication, and ceaseless efforts of Rear Adm. Thomas James Johnson culminate a distinguished career in the service of his country, and his departure from Guam will genuinely sadden all who know him. Mindful of the key role that the Navy and the rest of the military establishment plays in the Western Pacific, he kept abreast of developments and kept local leaders apprised. He had an excellent working relationship with Guam's U.S. Congressman with whom he worked diligently in behalf of Guam and the Nation.

It is with a great deal of pleasure today that I recognize the service of Rear Adm. "TJ" Johnson before this body and to wish him "fair winds and following seas" as he brings to a close another chapter of a long and distinguished career in the U.S. Navy. As they say in the naval service, he was a great shipmate and we shall miss him.

TRIBUTE TO BISHOP NORMAN L. WAGNER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Bishop Norman L. Wagner for

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outstanding service to the people of my 17th Congressional District of Ohio and to all those who share in his vision. Bishop Wagner's unabated dedication to the importance of human excellence through wholesome education and the breeding of genuine human concern for the elderly and poor have bore fruits that only the purist in cultivation may.

Born in Youngstown, OH, to Leonard and Louise Wagner, Bishop Wagner was educated in the Youngstown City School System. He went on to receive both his bachelor's and master's degrees from Indiana Bible University. After entering the ministry in 1965, he traveled as an evangelist until 1971 when he became pastor of the Mount Calvary Pentecostal Church in Youngstown.

Realizing the problems that arise for black youths in the inner-city setting, Bishop Wagner set out to counteract the nemesis of dropouts and deficient graduates. In 1976 he established Calvary Christian Academy for grades K-12. This private institution, emphasizing strong moral standards, became a role model for the black community with 100 percent of its graduates going on to college. Bishop Wagner then turned his attention to the need for low-income housing in his economically depressed city. In 1989 the opening of Calvary Towers, a $3.2 million, 7 story, 70 unit seniors' complex built under the HUD 202 section 8 guidelines, opened its doors to the community. This, the Bishop calls, the Miracle on Market Street.

Most recently Bishop Wagner's weekly television program "Dr. Norman L. Wagner and the Power of the Pentecost" was chosen by the U.S. Department of Defense to air on the Armed Forces Radio and Television Network. This in turn will give his show access to 1.5 million people in 60 foreign countries.

Mr. Speaker, it is this type of excellence that needs to be commended if we want to see it continue to thrive. The example that Bishop Norman L. Wagner has given us is his helpful reminder that the youth of today is from what our future will be made. Furthermore, it is from our elderly that our history was forged. I am honored to represent this outstanding individual.

THE INTRODUCTION OF LEGISLATION REGARDING PLANTING FLEXIBILITY AND PAYMENT YIELDS

HON. ARLAN STANGELAND

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. STANGELAND. Mr. Speaker, the concept of planting flexibility has received a great amount of attention in recent months in preparation for writing a new farm bill. As I traveled throughout my congressional district meeting with farmers last month, planting flexibility was something discussed at every stop. However, there was not a consensus on what is the best approach. Their opinions varied depending on what crops they farm, in what area of the district they live, whether they have livestock in addition to farming program crops, or whether they farm nonprogram crops.

Those who support increased planting flexibility have pointed out that because of our current program requirements the United States has not been able to respond to demand for oilseeds and other commodities for which domestic and national market opportunities exist. The United States has lost its ability to compete for growing markets to which other nations have been able to respond. In addition, farmers have been restricted in making planting decisions in response to market opportunities, conservation objectives and agronomic considerations.

Today, I join Mr. HUCKABY in introducing legislation which will allow farmers greater planting flexibility. I know there will be several proposals put forth as we debate the farm bill, and I believe this proposal will make a valuable contribution to the discussion. As we receive input from the various interested and affected parties on the different proposals, I will keep an open mind. Our proposal serves as a starting point to be refined as we receive this input.

The four basic provisions of the proposal are:

First, crop acreage bases. Crop acreage bases could be the average of the acres planted and considered planted to that crop during the 3 previous years.

Second, payment yields. Payment yields would be based on the average of the previous 5 years actual production.

Third, cross and offsetting compliance. There would be no authority to implement cross and offsetting compliance.

Fourth, 10 percent floating base. This provision would apply to 10 percent of the total cropland acres on a farm. A producers may shift 10 percent per year between any crop acreage bases—from one crop acreage base to another, or he may shift 10 percent nonbase acreage to program crop, this portion would be eligible for benefits and could become permanent base after three consecutive years planted, or he may plant 10 percent to any nonprogram crop and protect his crop acreage base on that portion.

This proposal would allow limited shifts between program crops and would avoid the potential massive shifts allowed under other proposals which, if allowed, would inject a tremendous amount of uncertainty in the farm economy. Deficiency payments would be based on actual production which would offer some protection to those producers who have made a commitment to nonprogram crops. Basing payments on actual yields would reward those producers who have become more efficient in recent years and would help reduce abuses of the program.

Of particular concern to me is the potential impact of any proposal on farmers who have been producing nonprogram crops year after year. I cannot support any program which will allow producers to produce nonprogram crops on program crop acre base and continue to receive program benefits for the program crop on those acres. In addition I cannot support any approach which will allow drastic shifts to the production of nonprogram crops with no protection for those producers of nonprogram crops.

I think this proposal offers a realistic starting point and I look forward to working with Mr. HUCKABY and other colleagues in developing a workable flexibility program.

THE NICARAGUAN ELECTIONS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, I was a member of President Carter's team of election observers to the Nicaraguan election.

I am submitting for the RECORD two articles I prepared, one a few days before the contest and the other following the Sunday UNO upset victory.

THE NICARAGUAN ELECTIONS: CLOSER THAN WE THINK? SILENT MAJORITY COULD MAKE ELECTION CLOSER

[Rep. Bill Richardson, D-NM, of the House Intelligence Committee, is a member of President Carter's international observer team.]

From every indication, it appears that the Nicaraguan elections, despite a continuing series of Sandinista inspired problems, will be relatively free and fair. Despite some early pre-election polls predicting a Sandinista victory, the outcome of the election is far from certain. This uncertainty is based on the volatility of the issues and what I anticipate will be an unexpectedly large turnout of voters that could contain a surprising "silent majority" undecided vote. The silent majority will likely support the opposition out of dissatisfaction with the Sandinista's handling of the most potential electoral issue in Nicaragua—the state of the economy.

The Nicaraguan people, scarred by war and economic troubles, are extremely reserved about expressing their political views to outside polsters and pundits. I was recently at a Sandinista rally outside of Managua, an eighteen year old voter told me initially he was a Sandinista supporter, but as he saw me leave with former President Carter, an extremely respected figure among all Nicaraguans, he ran over to me and tapped me on the shoulder, telling me he was really for UNO.

Given past behavior there have been well founded fears that the Sandinistas might try to steal the election. In my judgement, this will be extremely difficult. Nearly five hundred observers from the United Nations, the OAS (the Organization of American States) and former President Carter's election observer group will be in place to oversee the balloting. In addition to receiving copies of the original vote tabulation sheets, these three international observer missions will play a critical role in assuring that pollwatchers will be present at all precincts. The observers estimate their parallel vote tally will be within 2 or 3 percent of the actual count.

Another important consideration is that the Sandinistas have a strong incentive to hold a legitimate election. The Sandinistas can ill afford Noriega-style election fiasco condemned by the international community at a time when their economy is collapsing and their previously solid Soviet and East European support sources are drying up. Increasingly, Western Europe has also been a dry well for the Sandinistas. They must now compete with East European reform governments for West European assistance dollars.

Given the fundamental changes in Eastern Europe, the Sandinistas will be hard pressed to demonstrate to the West that they are equally deserving of international development funds unless their election is fair.

Given these high stakes, the Sandinistas have exploited every legitimate incumbency advantage. Since the campaign started, President Ortega has given out more than 4,600 land titles and written off bank debts for more than 2,000 small landowners. At this point, the Sandinistas have swelled the state payroll to the point that three out of every five workers in urban areas works for the state, no small potatoes in a country where yearly inflation is three thousand percent.

The Sandinistas have transferred their military style organization to the precinct level extremely effectively. While their rallies appear dispirited, they have an efficient machinery to turn out the vote. Incredibly, they have been able to raise more funds in the United States and overseas than UNO.

In contrast to the Sandinista superior organizational skills, UNO has been slow in gearing up. Unable to develop a clear campaign message, UNO has been racked by internal bickering. The widely reported announcement that the U.S. Congress approved nine million dollars for the Sandinista opposition made UNO complacent, and also gave fodder to Sandinista charges that UNO is a U.S. creation rather than an indigenous and credible opposition. In reality, U.S. imposed restrictions is strangling the efficient political use of these funds. Most of these monies must be split among largely neutral poll-watching and voter registration entities, leaving Mrs. Chamorro with only $1.8 million.

The Sandinistas superior organization could be offset by an exceptionally high turnout of undecided voters who may well lean toward UNO Motivated by the poor Sandinista economic performance, the mystical Chamorro name, and a desire for change, this "silient majority" of voters will make the election close.

Once the Nicaraguan people have had their say, U.S. policy makers will be presented with a series of important decisions. The Bush Administration has an opportunity to start fresh with a new Nicaraguan policy after this election. Should UNO win, Mrs. Chamorro's Nicaragua will probably require close to a one billion dollar aid package to rebuild that devastated country. Her early days as head of the government will not be easy since she will still have to contend with the Sandinistas total control over the huge Nicaraguan army and the security apparatus, a fate that also greeted Chile's new President, Patricio Aylwin.

A Sandinista victory presents both problems and opportunities for the Bush Administration. Regardless, one hopes that President Bush will not revert to the gunboat diplomacy of the Reagan years centered on using the Contras as a pressure point. If the Sandinistas win fair and square, the Bush Administration should ease the trade embargo by quietly letting it expire when it comes up for reconsideration in April. But the President should demand cash payments for any transactions with the United States.

In addition, the United States should encourage the UN and OAS to join us in disarming and demobilizing the Contras as required by regional agreements. The Sandinistas, in turn, should provide safety assurances and end harassment to Contras wanting to return to Nicaragua. Additionally, the United States for humanitarian reasons should be ready to accept remaining Contras into the United States or arrange for a third country transfer.

A victorious Sandinista government needs to change its mindset about governing and their role in this hemisphere if they want legitimacy and respect from their neighbors. For one, they need to stop transferring arms to the Marxist rebels in El Salvador and participate in peace negotiations to resolve that country's bloody war. Secondly, they need to privatize some industries and start returning to a market economy in order to attract international assistance. Thirdly, they need to consider developing a government of national reconciliation, one that will include members of the UNO opposition. In turn, the United States might stop blocking loans for Nicaragua from international agencies and might even consider a modest assistance package.

In the event of a Sandinista victory, the United States and the Sandinistas should use a fair and free election as a springboard to better bilateral ties that would, in turn, dramatically lessen tensions in the area. While we might not like each other, we must learn to live together.

THE PEOPLE WON, NOT U.S. POLICY, NOT THE CONTRAS, BUT CITIZEN-VOTERS

(By Bill Richardson)

Now that Violeta Barrios de Chamorro has achieved a Buster Douglas-type victory over Daniel Ortega, what should U.S. policy be toward Nicaragua? Ironically, the Bush Administration's much-desired victory by the United Nicaraguan Opposition could present as many problems and challenges to America as a Sandinista victory. Nonetheless, Congress and the executive branch could achieve a rare bipartisan partnership in Nicaraguan policy by moving decisively, while cautiously, to assure an effective transition.

Any doubts about the relative fairness of the vote have been put to rest by the outcome. As a member of former President Jimmy Carter's official observer delegation, however, it became clear to me that, despite the Sandinistas exerting incumbent advantages, the campaign was conducted honorably. Election-day procedures were remarkably well run. In the northern province of Esteli, where I was assigned to monitor several voting precincts. I saw large, orderly turnouts while election officials and opposition poll watchers worked in close coordination. All were obviously aware that they were taking part in a historic event—Nicaragua's first truly open free election.

Unfortunately, rather than examining what role the United States should now play in relation to Nicaragua, Washington policy-makers are busy fighting for credit—rehashing arguments about whether past U.S. Contra policy is responsible for the results. In fact, this is moot: Last week's election rendered past military adventures irrelevant. Former President Ronald Reagan's Contra policy served to frustrate peace efforts and heighten regional tensions. The Contras remain unpopular throughout Nicaragua and UNO officials actually took pains to dissociate themselves from the group whenever possible. In reality, credit lies not with those who sought to impose a military solution but rather those committed to diplomacy—Carter, President Oscar Arais Sanchez of Costa Rica and the other Central American presidents.

Every step toward free elections followed efforts by the Central American presidents and their peace proposals. Once the electoral process was under way, the United Nations, the Organization of American States and the Carter delegation proved invaluable mediators.

Ultimately, though, credit lies with the Nicaraguan people. The election was well-mannered and enthusiastic—with an astounding 90% of eligible voters participating. Nicaraguans said they voted less for a particular party than for change. It was their strong desire for change, peace and an improved economy—not the Contras or U.S. support of UNO—that accounted for last Sunday's upset.

The wrong lesson must not be drawn. Crediting U.S. Contra policy for the election result would undoubtedly derail future U.S. policy toward Nicaragua. What worked in Nicaragua were good-faith negotiations facilitated by individuals—Arias and Carter—who had established ties and credibility with both sides. The White House could learn from this measured diplomatic approach.

First, to position itself effectively, Washington should not gloat over the Sandinista defeat nor take credit for UNO's victory. UNO overcame initial organizational problems and peaked at the right time. The Administration should be more gracious than it has been in acknowledging the positive roles played by the Sandinistas and the Nicaraguan Supreme Electoral Council in this clean election. Before election day, the Sandinistas, albeit grudgingly, addressed all discrepancies and grievances.

In defeat, the Sandinistas could have pulled a Don King routine—cried foul and tried to about the results. Instead, they seem to be respecting the outcome. In days ahead, cooperative Sandinista behavior is vital for a successful transfer of power and much-needed reconciliation. It is also important that the Sandinistas turn over the levers of power—especially in the interior and army ministries. Any kind of U.S. breast-beating, criticism of the Sandinistas or pressure would be counterproductive. With over 40% of the popular vote, a sizable representation in the National Assembly and a loyal military, the Sandinistas are a formidable opposition that cannot be dismissed.

The Administration would be best advised not to inject itself in attempting to influence the transition. The OAS, the United Nations and Carter have been asked by UNO and the Sandinistas to assist in the transition. The White House should support these mediating efforts and take a back seat. It's influence would be best-used to discourage any potential UNO retaliation against Sandinista lame duck officials or sympathizers.

Second, the Bush Administration and Congress must commit to dismantling the Contras. The Contras should not be encouraged to remain armed during the transition process until the Sandinista army is dismantled, as some Contra leaders have suggested. A workable relocation program is needed that includes Contra admission to the United States or a third country.

There will be many Contras who will not want to return to Nicaragua—partly because they feel unwelcome there. For those who do return, however, safety should be guaranteed, perhaps using the good offices of Arias. Instead of trying to run a relocation program with existing U.S. agencies, the United States could encourage the OAS and the U.N. High Commissioner for Refugees to administer the operation by pledging financial support.

Third, after U.S. involvement helped launch a proxy war, killing thousands of Nicaraguans and devastating the country economically, the United States has a moral obligation to help rebuild a devastated Nicaraguan economy. Those who say Nicaragua should get in line for U.S. aid renege on a responsibility. The need to help Nicaragua is even more pressing than U.S. efforts to aid East European reform governments.

In addition to lifting the trade embargo, and possibly granting most-favored-nation trade status, the United States should quickly renew a coffee agreement. Both support for the new government and support for social programs are required. A U.S. aid package, however, cannot be rushed. It should be implemented carefully, to be properly absorbed and not wasted like so many other "emergency" aid efforts.

Fourth, the United States must now act in concert with the Central American presidents to guarantee enforcement of previous Central American accords, such as the barring of illegal Sandinista arms shipments to the Salvadoran rebels. The United States and its Latin neighbors should hold the Sandinistas to their pledge not to send arms to El Salvador's guerrillas in the remaining two months of the Ortega presidency and beyond—especially if Chamorro has difficulty controlling Sandinista army activities.

The Nicaragua surprise will have serious implications for U.S. policy in the region's other hot spot. El Salvador. Having "won" in Panama and Nicaragua, the Bush Administration, along with the Alfredo Cristiani government in El Salvador, have no reason to become cocky and pursue an all-out military solution to the Salvadoran conflict.

Even without new arms shipments through Nicaragua, the Salvadoran rebels are still well-supplied. The Administration should not adopt an aggressive Central American policy to placate rightwing supporters. Rather, the United States should actively support efforts to broker a negotiated settlement through the United Nations, also linking continued military aid to Cristiani with the successful prosecution of those involved in the brutal murder of six Jesuit priests last November.

The United States and Nicaragua are on the verge of a new relationship. Transitional periods can be the most sensitive times. The Bush Administration has to remember that past U.S. action in Central America can render suspect any future action, however, well-motivated. The United States should work through individuals, including Carter and Arias, who have established ties and credibility with both sides. Most important, the Nicaraguans must be allowed to solve transition and reconciliation problems for themselves.

A TRIBUTE TO THE BETA ALPHA OMEGA CHAPTER OF THE ALPHA KAPPA ALPHA SORORITY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, I want to draw my colleagues' attention to a celebration that is taking place in my district tomorrow. The Beta Alpha Omega Chapter of the Alpha Kappa Alpha Sorority is paying a special tribute to 33 of its members who have given more than 25 years of dedicated service to our community. Two of these outstanding women have served our community for more than 50 years.

It is the membership of organizations like Alpha Kappa Alpha who help close the gaps, help provide the nonacute but necessary services to our communities, help raise our consciousness and focus our moral and social obligations by volunteering their time and talent. Is there a more appropriate time to recognize these women than during Women's History Month?

The Alpha Kappa Alpha Sorority was founded in 1908 at Howard University in Washington, DC. Its purpose is to foster community service. New Jersey's oldest chapter is the Beta Alpha Omega, the "mother chapter." It was chartered in 1934. Since that time, the members of the Beta Alpha Omega chapter have made significant contributions to the well-being of my district, the 10th Congressional District of New Jersey.

Mr. Speaker, I know my colleagues would want to join me as I congratulate the Alpha Kappa Alpha Connection, the social/political actions committee of the organization, chaired by Attorney Moonyene Jackson; and the Golden Sorors and Silver Stars of the Beta Alpha Omega chapter.

The Golden Sorors are Tina Bohannon and Ella Shields Rainey. The Silver Stars are Bernice C. Johnson, Eleanor Cameron Lyle, Emma A. Massey, Frances McDaniel, Mabel Bentley-Perry, Ed.D., Joan M. Smart, Greta Shepherd, Barbara H. Vickers, Winifred Waldon, Gertrude Jacobs Waters, M.D., Gwendolyn Goldsby Grant, Ph.D., Geri Hayden, Mary H. Peele, Jannie S. Arthur, Frances Caesar, Maude Faye Patterson, Carole Anderson Graves, Lois Patterson Carpenter, E. Alma Flagg, Ed. D., Helyn Payne-Baltimore, Sadie Baten Bonner, Charlotte B. Cade, Geraldine T. Crooms, Theresa S. David, Constance L. Greene, Genevieve H. Hardy, Joan F. Henderson, Constance L. James, Josephine Belle Janifer, Betty C. Cobb, and Arigaree K. Pitchford.

MILITARY PREPAREDNESS

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from a longtime friend and a constituent of whom I am very proud, Joel G. Hurley of Dawson Springs, KY, the Commander of the Department of Kentucky Veterans of Foreign Wars of the United States.

I would like to share with my colleagues a speech Commander Hurley delivered on December 7 last year to the National Pearl Harbor Survivors Association's convention held in Lexington, KY. In his remarks he reflects on the lessons learned from the attack on Pearl Harbor and emphasizes the importance of maintaining the resolve and strength to prevent another war.

The speech follows in its entirety:

For America, World War Two began at 7:55 am on December 7 1941. In less than two hours 2,403 service people were killed and hundreds more wounded, and a large part of our naval fleet was damaged or sunk. And along with the death and destruction, America's dream of a world where peace and freedom were enjoyed by everyone ended forever.

Even before the smoke had cleared over Pearl Harbor that day, questions were being asked and the hardest one to answer was: How could this have happended?

Was Pearl Harbor the fault of one man or two or a hundred? Or was it the fault of a nation?

As I said, its a hard question to answer, but if we are to avoid future Pearl Harbors, we must look at the first one and try to determine why it happened. One could say that the stage was set for Pearl Harbor in the last days of the First World War. That was the war that was referred to as the "War to end all wars," and many people truly believed it.

America in the 1920's was a country on the move. The war was behind us and a golden future lay ahead. In the peace that so many had fought so long for, a new and better world was being built and America was leading the way.

Military preparedness was ignored. If there are going to be no more wars, the people asked, why have a military? In such a mood, the ranks of military were thinned, arms and ammunition were not purchased, and the nation felt safe and protected in saying that it was against war.

But some in America knew better. They knew that the First World War would have been won sooner if we had been prepared. They knew that thousands of lives could have been saved if we had been prepared. And they knew what George Washington had once said: In time of peace plan for war.

The Veterans of Foreign Wars listened and watched and then at their 30th National Convention in 1929, adopted two resolutions addressing national defense. They called for a defense adequate to protect the country, and for an end to the disarmament that was underway.

In August of 1930, the VFW again called on the Congress to provide for an adequate defense. This call came in response to the War Department's announcement that America's ammunition reserves were dangerously low and that Congress had not funded replacements.

In September of 1933, the VFW supported the Secretary of War in his request for more funds for the Armed Forces. And at our National Convention we called for a stop to further reductions in our Armed Forces.

At the same time we were calling for an adequate defense, those nations who would soon be our enemies were building the greatest offensive forces ever seen.

Outbreaks of violence in Europe in the winter of 1934 brought new warnings from the VFW. We called for America to remain neutral—but to strengthen its defense.

In an editorial in the 1934 VFW Magazine, our leadership said that no nation on earth would attack a strong America. Yet, America did nothing to make itself strong. Those who wanted peace thought you could have it by remaining neutral.

While the world raced toward another war, America felt safe in its isolation—an ocean to the East—an ocean to the West

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and friendly neighbors to the North and South.

But the VFW did not feel safe. At our National Convention in 1936, we adopted resolutions calling for increased defense spending, deportation of foreign born communists, elimination of Anti-American teachings in our colleges and universities, and restriction on the export of American technical knowledge.

We saw the threat to America from abroad and from within, but still America held to the course of undefended neutrality. The bombs of December 7, 1941 were only five years away. While America slept, the world prepared for war.

In our 42nd National Convention of August, 1941, we adopted 139 resolutions—18 concerned national defense. In these we called for the mobilization and defense procurement programs that it would take the bombs of December 7th to put into effect.

Were we ahead of the times? No, we were just aware of the times. Peace is not something you inherit and have forever—it is a challenge that each generation must meet.

Aware that war was imminent, the VFW adopted another resolution at that convention that spelled out its belief in America and its determination to fight for that belief. The words of the resolution are as meaningful today as they were in August of 1941. I would like to share the last paragraph with you.

"Be it resolved, that the Veterans of Foreign Wars of the United States assembled in Philadelphia, Pennsylvania, in its 42nd National Convention, go on record wholeheartedly endorsing and supporting those measures taken by the Government of the United States of America to defend and perpetuate the American way of life from any and all aggressors."

We make the same pledge today, in a world as threatened by war as it was in 1941—but a world in which America has the resolve and the strength to prevent war.

When the bombs of December 7, 1941 fell, we as a nation learned that only the weak are ever attacked. The strength that allows you to fight a war also allows you to enjoy peace.

Ever since December 7, 1941, people have discussed the attack on Pearl Harbor and have tried to place the blame. Who will ever be able to say for sure who alone was to blame. But, who will ever be able to deny that while the world prepared for war, America failed to defend the peace she cherished so much.

The lesson learned on December 7, 1941 is just as meaningful today—only the weak are ever attacked. Peace belongs to those prepared to defend it and if necessary to fight for it.

We remember Pearl Harbor today and we honor those who gave their lives there. And we re-affirm our resolve that there will be no more Pearl Harbors.

In 1941, we had time to regroup and fight back. In fact, just six months after Pearl Harbor, in June of 1942, our forces fought and won the Battle of Midway—the turning point of the war in the Pacific. Just six months after Pearl Harbor we won the decisive battle of the war! The enemy was turned around and was on the run until his final defeat in August of 1945.

We won't have six months to regroup in any future conflict. We may not have even six hours. We live in an age where events are measured in microseconds and destructive force is delivered in kilotons.

Peace is a challenge each of us must meet each day. It is not something someone else is going to do for you.

The best defense is to understand what America stands for—and believe in what America stands for. Cast your vote for peace at every election, and add your support to the national resolve to remain free.

When you do this, you honor those who died at Pearl Harbor—and you make America a living memorial to them.

FDIC MISLEADS COURT

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. STAGGERS. Mr. Speaker, during conference committee deliberations on the Financial Institutions Reform, Recovery and Enforcement Act of 1989 [FIRREA] last summer considerable time was spent debating the merits of a provision in the Senate bill that would have given the FDIC an absolute priority over shareholders and other creditors in suits against directors, officers, and others responsible for the failure of a savings institution. Fortunately, the House conferees stood firm, and overwhelmingly rejected this provision, which would have seriously undermined bank fraud enforcement efforts and been at Cross purposes with the underlying thrust of FIRREA. The Senate conferees ultimately receded on this issue, and the priority provision was dropped from the final legislation.

Recently, in a filing before the U.S. Court of Appeals for the Eleventh Circuit in the case of FDIC versus Jenkins, the FDIC seriously misrepresented the legislative history of the priority provision. My colleagues—Representatives GLICKMAN, MCCOLLUM, and JAMES—and I, who were personally involved in the debate on this issue, have written FDIC Chairman Seidman to point out the misleading nature of the filing and to request an explanation. Fortunately, the eleventh circuit recently ruled against the FDIC in its "suggestion" for a rehearing en banc in the Jenkins case.

I wish to share a copy of this letter with the House.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 30, 1990.

Mr. L. WILLIAM SEIDMAN,
Chairman, Federal Deposit Insurance Corporation, Washington, DC.

DEAR CHAIRMAN SEIDMAN: As House conferees last year for the Judiciary and Banking Committees on the Savings & Loan bill, we are deeply concerned about a recent filing by the FDIC in the United States Court of Appeals for the Eleventh Circuit in the case of *FDIC* v. *Jenkins* (No. 88-3798).

As you may know, the issue in the *Jenkins* case is whether the FDIC is entitled to an absolute priority over bank shareholders in claims against officers, directors, and other third parties who may have been responsible for the failure of a financial institution. On November 27, 1989, a panel of the Eleventh Circuit held, correctly in our view, that the FDIC was not entitled to such an absolute priority, citing the legislative history of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA").

The FDIC has since filed a "Suggestion" for a rehearing *en banc* in the *Jenkins* case. This filing is misleading as a factual matter and insulting to those of us who specifically addressed the priority issue during the conference committee deliberations on FIRREA last summer. Moreover, the FDIC is well aware of the accurate legislative history in this matter, since representatives of the corporation were in attendance when the priority issue was debated at length and voted upon in the conference.

In sum, last summer the FDIC suggested that legislative language be included in FIRREA to change the law on priority to conform to its legal arguments in the *Jenkins* case. This language was overwhelmingly and specifically rejected by the conference and, thereafter, by Congress. Nevertheless, the FDIC is now trying to rewrite the legislative history to deny that its priority language, and therefore, the policy of establishing an absolute priority, were directly rejected. This, in our opinion, represents an example of game playing and bad faith by the FDIC that we cannot ignore.

Specifically, the FDIC's filing for a rehearing *en banc* notes that the statement of the managers accompanying the conference report on FIRREA contains no explanation of why the absolute priority provision was deleted. The filing neglects to mention that the provision was the subject of extended debate in the conference over an entire morning, in which all of us participated at length in opposing the priority, as did the Chairman of the House Banking Committee and the conference, Mr. Gonzalez. Among the policy reasons we cited for opposing this priority were that it would undermine bank fraud enforcement efforts by discouraging private suits against wrongdoers, penalize the innocent victims of fraud, lessen the incentive for the FDIC to pursue its own actions promptly and vigorously, and be patently unfair to private litigants who have spent the time and money to develop a case—only to see the FDIC step and assert a priority.

The FDIC's filing does mention in a footnote that a letter from the FDIC on the issue was read to the conference, but omits that Senator Heinz spoke in favor of the priority and offered the expertise of the FDIC representatives present in the room to answer questions on the letter and the subject. The filing also fails to point out that, after lengthy debate on whether a priority should be given to the FDIC, the House conferees voted specifically on the priority issue, overwhelmingly rejecting it. In the face of this vote, the Senate receded and the priority provision was deleted from the final bill. This was clearly a direct and substantive congressional decision that the FDIC should not have an absolute priority in these cases.

The FDIC's filing for a rehearing also denigrates the statements by two of us on the floor of the House during consideration of the conference report on FIRREA. Leaving aside the highly inappropriate nature of the comments in the FDIC's brief, the fact is that both floor statements fully and accurately describe the legislative history of the priority provision and the discussion that had occurred during the conference debate. Moreover, the implicit suggestion in the FDIC's filing that these floor statements were the sum total of the efforts leading to the deletion of the FDIC priority language from FIRREA is a gross distortion of the truth. As we pointed out previously, the FDIC is well aware of the conference debate since its representatives were witnesses to what occurred.

If we are to resolve the crisis in the savings and loan industry, Congress and the FDIC will have to work together in a cooperative and fair-minded spirit. We find it hard to accept that the FDIC has filed a document with a federal court as misleading as this one. We would ask that you look into this matter and respond to us promptly.

Sincerely,

Dan Glickman,
Bill McCollum,
Harley O. Staggers, Jr.,
Craig James,
Members of Congress.

INTRODUCTION OF LEGISLATION TO PROVIDE SUPPLEMENTAL FUNDING FOR McKINNEY HOMELESS ASSISTANCE PROGRAMS

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. VENTO. Speaker, today, I am introducing legislation to provide fiscal year 1990 emergency supplemental funding of $90.3 million to fully fund three essential McKinney homeless assistance programs that were shortfunded last year: The emergency shelter grants block grant, the health services categorical grant and the mental health block grant. These desperately needed supplemental funds will enable these key programs to prevent the shutdown of currently operating projects while allowing them to provide additional assistance for projects that are, in many cases, already approved, but not funded.

My legislation would provide supplemental funds of $51.8 million to the Emergency Shelter Grant [ESG] Program. The supplemental request for ESG represents 42 percent of the 1990 authorization level of $125 million. The need is demonstrated by the recent annual survey on hunger and homelessness compiled by the U.S. Conference of Mayors which found that requests for emergency shelter in the 27 survey cities have increased by 25 percent while 22 percent of those requests went unmet. Additional funds in the ESG Program could help meet those pressing needs.

This bill would also provide $31.2 million in critically needed supplemental funding to primary health services and substance abuse services for the homeless. Because of the fiscal year 1990 shortfall, health clinics for the homeless around the country are shutting down or being forced to cut back their services. Seventeen clinics are facing a 3-month complete phaseout of Federal funding. Twenty-three of the one hundred and nine currently funded clinics have had their funding levels reduced as a result of the low level of funding. Additionally, 27 projects have been approved for funding that is just not available. All of these projects are essential for the provision of health care services to the homeless.

Finally, the bill would provide $7.2 million in supplemental funds to the mental health services for the Homeless State Block Grant Program. A February 9, 1990, report by the National Association of State Mental Health Program Directors estimated that 214,000 to 275,000 homeless individuals in 49 of 50 States—excluding New York—may not be receiving needed mental health services. These are people we could serve if we successfully provide supplemental funding now.

Mr. Speaker, while we were able to fund almost every McKinney Homeless Assistance Program at increased levels last year, we must take responsibility for the programs that we did not fully fund. Hundreds of thousands of our homeless citizens may lack for emergency shelter, for basic health care, and for mental health services if we do not. I urge my colleagues to join me in sponsoring this legislation.

THE AMERICAN LEGION HONORS BOB TRAXLER

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. MONTGOMERY. Mr. Speaker, on February 27, our colleague Bob Traxler, the distinguished gentleman from Michigan, received the American Legion's 1990 Distinguished Public Service Award for "his outstanding leadership to promote the interests of veterans by aggressively protecting programs vital to veterans." The award, which I was privileged to receive in 1989, was presented to Representative Traxler by American Legion National Commander Miles S. Epling during the organization's Washington conference.

There certainly is no individual more deserving of such recognition. Veterans have no greater champion nor more loyal friend. As chairman of the House Appropriations Subcommittee on VA, HUD, and Independent Agencies, Bob has demonstrated time and again that he intends to make certain that veterans receive their rightful share of Federal funding. He's gone to bat for veterans many times.

Prominent among his accomplishments is his role as the principal player in securing enactment of crucial supplemental funding for our VA hospitals last year. As a gentleman who believes that veterans' health care should be among the Nation's highest budgetary priorities, he has certainly put his beliefs, his determination, and his work where his mouth is.

Mr. Speaker, I would like to share with my colleagues Bob Traxler's remarks upon receiving this prestigious award from the American Legion. The simple eloquence of his statement tells of a strong and unyielding commitment to our defenders.

The statement follows:

Remarks of Hon. Bob Traxler, American Legion National Convention, February 27, 1990

National Commander Epling, National Adjutant Spanogle, National Auxiliary President Calder, National Vice Commanders, Past National Commanders, and other distinguished guests. I am extremely proud to accept your 1990 Distinguished Public Service Award. As a draftee who served two years in Europe during the 1950's, I never dreamed that an honor such as this would ever—or could ever—come my way.

"To care for him who shall have borne the battle, and for his widow, and for his orphan." These are the words of Abraham Lincoln in his second inaugural address, words that are proudly displayed on the building that houses our Department of Veterans Affairs, words that represent one of our Government's oldest and most important commitments to providing services for an important segment of our citizens.

And, who are these citizens? They are men and women from every walk of life, most of them definitely not careerists in the military, Americans who have unfailingly answered the call of our Nation in times of great need. Our Nation, in return, owes them our thanks, our respect, and the care promised by a President some 125 years ago.

A declining quality and availability of medical services for those whose scars of battle remain is both an insult to them and to us as a nation of people so indebted and, at least in words, committed to caring.

The costs of war and the recovery from war go on for years, long after the last shell is fired and even long after the passions of the conflict have faded. These costs—the costs of simply caring for those who have carried the burdens and sacrifices in upholding our way of life—are just. And they must not be shirked.

I think it will come as no surprise to anyone here that the VA medical care system has fallen on hard times in the past ten years. Our largest group of living veterans is aging and in need of services. Our younger veterans suffer from special needs, not fully understood or even existent in previous generations. And yet we have been trying to live up to our historic commitment to do more with less in the way of resources. Many of our hospitals are aging and in need of renovation, while at the same time, changing demographics have dictated the need for more hospitals, an area where we also are behind.

Worst of all in my mind is that we have allowed staffing levels in our hospitals to fall below the number required to maintain the beds we believed to be in service. Anyone who has even casually walked through a typical hospital in the last few years has seen it. The mattresses turned up, the lights off, what House Veterans' Affairs Chairman Sonny Montgomery has called the "phantom beds," not just here and there, but often whole wards or even wings, cruelly taken out of service for those who have served.

We can and must do better to return our VA medical care system to its rightful position as a place where veterans can get the best possible care and treatment in a dignified setting and manner. And, I consider this to be a top budget priority.

To that end, I must in all candor and humility remind you that no man is an island—even a subcommittee chairman in the Congress. I need a lot of help from my friends—and from your friends, friends of the veteran in Congress. In particular, Congressman Sonny Montgomery has long been the first and foremost champion of the veteran and the veteran's most eloquent and effective voice in the halls of Congress. Sonny is a man for whose counsel and advice I am most grateful.

I hope that the 1990 appropriations bill enacted last year, in addition to the supplemental appropriations for 1989 approved earlier last year have begun to restore stability to the hospital system, but I am under no illusion that we are yet out of the woods. One of the most critical elements we have

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been trying to address is the matter of staffing. Budgets for all hospitals are by definition heavily staff intensive. Resources are needed not only to fill staffing positions. But consistency and predictability in the resources for staffing is essential for the retention of qualified professionals.

Our VA hospital system has been blessed with thousands of strongly dedicated nurses, doctors, administrators, technicians and others who believe in the VA hospital system; and they deserve the support of the Congress and the American people on your behalf.

As chairman of the VA, HUD and Independent Agencies Subcommittee in the House, I am very proud of the 1990 funding bill that the House and Senate approved for the Department of Veterans Affairs. The VA medical care budget-spending for VA hospitals and clinics—for 1990 is $11.4 billion, nearly $700 million more than requested in the Reagan and Bush budgets. This amount, in addition to the $340 million supplemental appropriation for 1989, provided last summer, is intended to help the hospital system maintain a national staffing level of 194,000, the level I believe is a minimum to assure our veterans of the level of medical care they so richly deserve.

Unfortunately, the effects of a Gramm-Rudman across the board cut have skewed our efforts somewhat, leaving another shortfall (about $150 million) that all but precludes our reaching that staffing target. The Gramm-Rudman cut also makes President Bush's request for 1991—a far healthier number than we've seen from any administration in some time—look a little less sizable as an increase, since his increase is on top of the diminished 1990 number, still, I want to pay special tribute here to our Nation's first Secretary of Veterans Affairs. Ed Derwinski, my longtime colleague in the House, is the right man at the right time to represent the interests of veterans at the highest levels of our Government. He has been a pleasure for me to work with in my first year as chairman. Veterans and their families should know that they have an outstanding and effective advocate for their interests at the Cabinet table.

I plan to work with Veteran Affairs Committee Chairman Sonny Montgomery, Secretary Derwinski, and my Senate counterpart, Senator Barbara Mikulski, who is keenly attuned to the needs of veterans, in the weeks and months ahead to do everything possible to strive for our goal of a staffing level of at least 194,720. And I look forward to your help in that quest.

But, as you may know, we are now living with something called the Sec. 302(b) budget allocation process. The subcommittee I chair also funds our Nation's space program housing programs for the poor and the homeless, programs to clean up our environment and programs to stimulate basic research in our Nation's universities and science education for our young people. That all-important 302(b) allocation, which will occur within the next couple of months, will lay down the parameters within which we must work. But, as I said, maintaining our veterans' medical care system remains a top budget priority with me.

While I feel good about the result of my first year as chairman of the VA Appropriations Subcommittee and the outlook for the upcoming year, I can only urge all veterans and their families to continue the hard work of educating all Members of Congress about the needs faced by veterans and their families. Veterans can no longer assume that the Congress will "come through" with the necessary levels of spending to assure veterans benefits and medical care. Competition for the Federal dollar is intense.

I will continue to fight harder than ever for this funding, but Federal budget pressures are growing more and more severe, so we have all got to pull together to insure that our historic and just commitment to caring for our Nation's veterans is not shortchanged.

INTRODUCING A BILL TO MATCH CAMPAIGN CONTRIBUTIONS FROM INDIVIDUALS WITHIN CONTESTED CONGRESSIONAL DISTRICTS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. CONTE. Mr. Speaker, I rise today to introduce a bill which should make a contribution to the debate over congressional campaign finance reform.

Briefly put, this bill will increase the influence citizens of a district have over their congressional elections. The bill requires the Federal Elections Commission to make a matching payment, financed by a checkoff on Federal income tax returns, for each contribution of up to $1,000 to a congressional campaign from within a contested district.

This would increase the weight each individual's contribution makes, while simultaneously making it more profitable and important for candidates to seek funds within their own district. No PAC or other organizational donation would be eligible for the matching funds.

This approach would avoid increasing taxes or Government spending, and would increase the influence of small individual contributors. It thus has neither the drawbacks posed by instituting a public financing mechanism during a time of high budget deficits, nor the problem of raising the limit on individual contributions and thus increasing the influence of richer individuals over the election process.

The bill is not intended as a comprehensive solution to the problems of campaign finance. It is, however, a constructive suggestion which will go some way toward restoring local control over elections.

JOBS FOR TAOS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. RICHARDSON. Mr. Speaker, I would like to extend a warm welcome to the Augustina Co., a clothing manufacturer, which is relocating to Taos, NM. In an area of high unemployment, Augustina will be providing approximately 20 jobs paying $7 to $8 per hour. While this may not seem like many jobs, or high pay, in our Nation's urban areas, it is big news in rural areas such as northern New Mexico.

When in this Chamber we discuss weighty matters of national policy, whether it be minimum wage, tax policy, or international competitiveness, let us think about people like Jamie Delaney and her family, owners of Augustina, who are out there on the front lines of job creation. I extend my best wishes to the Delaneys and the Augustina Co. for every possible success in their new home. I am confident they will be a valuable addition to the community

EXPORT ENHANCEMENT ACT OF 1990

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LEVINE of California. Mr. Speaker, today I am introducing the Export Enhancement Act of 1990. This legislation would make urgently necessary changes in our export administration law to adapt to the rapid changes in Eastern Europe and the Soviet Union.

The folly of forcing U.S. firms to negotiate a bureacratic labyrinth for a simple export license has never been more apparent than today. It is of fundamental importance that foot-dragging in the United States not hinder our own exporters as other nations enthusiastically take advantage of new business opportunities around the globe.

This legislation will revise cumbersome American high technology export regulations which hamper the ability of U.S. firms to compete in the international marketplace.

Among the bill's provisions are:

A substantial liberalization of restrictions on exports to Eastern Europe, plus most favored nation status, OPIC insurance, eximbank financing and GSP for democratizing countries in that region;

A clarification of jurisdictional lines between the Departments of State, Commerce and Defense over commercial-military "dual use" items;

An automatic decontrol of items to free world destinations after 2 years unless the Department of Commerce formally recontrols them;

An elimination of licensing requirements for exports to member nations of the Coordinating Committee on Export Controls;

Support for international negotiations to bring newly industrialized countries into Cocom to increase its effectiveness.

Revision of many of these procedures is long overdue. The changes become ever more urgent as the explosive change in Eastern Europe pressures our Cocom allies in Western Europe to relax restrictive export controls.

I urge my colleagues to support this legislation, and ask unanimous consent that a copy of the bill and a brief summary be included in the RECORD.

SECTION BY SECTION ANALYSIS: EXPORT ENHANCEMENT ACT OF 1990

TITLE I: EXPORT ADMINISTRATION ACT

101. Requires the President to review the current list of controlled countries and make a determination as to whether all countries on the list should remain. He must also review criteria in the Act for de-

termining a controlled country and report to Congress his recommendations for change.

102. China "greenline" level can be exported to Eastern Europe.

103. The President can identify non-military sectors that would help economic reform in the Soviet Union (e.g. telecommunications, financial institution, environmental protection). Technology in these sectors would then be eligible for export at levels higher than currently allowed.

104. Permits bulk licensing for Eastern Europe, to make it easier for exporters to send numerous shipments of the same item to pre-approved end users.

105. Allows items to be exported for trade shows that would not otherwise be exportable, so long as certain conditions are met.

106. Mandates that within one year of enactment, no validated licenses may be required for exports to COCOM or countries with which we have an agreement to abide by COCOM policy (5(k) countries). No reexport controls among COCOM nations.

107. Gives Commerce sole authority to determine what is controlled under this Act (State would still maintain and control the munitions list). Mandates that there be no overlap between Commerce's dual use list and the munitions list. If another agency disagrees with Commerce's decision that something is dual-use, they can petition Commerce to resolve the disagreement. If the two agencies can't agree within 20 days, it must be sent to the President. He then has 20 days to make a determination, and if no action is taken, Commerce's ruling stands.

108. Gives Commerce a permanent representative at COCOM and requires the Administration to report to Congress on why Commerce should not be the lead agency.

109. Requires the Administration to review the sophistication of goods and technology available in the Newly Industrialized Countries and determine if those technologies warrant multilateral controls. If so, the U.S. should work with our COCOM allies to get these countries to join the multilateral control system.

110. Gives commerce the authority to issue regulations to administer export controls without the concurrence of any other agency, unless expressly stated otherwise in the Act.

111. Changes current technology indexing provision to state that the Secretary shall on an ongoing basis index performance levels (where appropriate), instead of "may."

112. Creates a sunset provision to automatically decontrol all items on the control list to Free World destinations after 2 years unless Commerce formally determines controls should remain.

113. Moves Defense's authority in the review process from the Undersecretary for Defense Policy to the Undersecretary for Acquisitions, where the Militarily Critical Technologies List is made and there is greater technical expertise.

114. Deletes the parenthetical phrase "to the maximum extent consistent with the purposes of this Act" from the section on Militarily Critical Technologies to ensure that controls are limited to items which are militarily critical.

TITLE II: TRADE AND INVESTMENT

201. Urges President to grant MFN for Bulgaria, Czechoslovakia, East Germany and Romania.

202. Allows Czechoslovakia, East Germany and the USSR to be eligible for GSP.

203. Allows Bulgaria, Czechoslovakia, East Germany, and Romania to be eligible for OPIC.

204. Allows Eximbank financing for projects in Bulgaria, Czechoslovakia, East Germany and Romania.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Enhancement Act of 1990".

TITLE I—EXPORT ADMINISTRATION ACT

SEC. 101. CONTROLLED COUNTRIES.

(a) In General.—In light of the rapidly changing strategic environment, the President shall—

(1) assess the current list of controlled countries and determine whether the list remains appropriate; and

(2) review the criteria contained in section 5(b)(1) of the Export Administration Act of 1979.

(b) Reports.—Not later than 3 months after the date of enactment of this Act, the President shall report to the Congress the results of the assessment under subsection (a)(1) and recommend any changes he deems appropriate. Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress the results of the review under subsection (a)(2) and recommend any changes he deems appropriate.

SEC. 102. EXPORTS TO EASTERN EUROPE.

Section 5(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(b)) is amended by adding at the end the following:

"(8) Within 6 months of the effective date of this paragraph, controls on exports to Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, and Romania shall be no more rigorous than were controls on exports to the People's Republic of China on January 1, 1989, if the countries have in place safeguards equivalent to those in the People's Republic of China. The application review procedure for such exports should be the same as that for exports to the People's Republic of China on January 1, 1989.".

SEC. 103. SOVIET REFORM.

(a) In General.—Section 5 of the Export Administration Act of 1979 (50 U.S.C. App. 2404) is amended by adding at the end the following:

"(r) Soviet Exports.—The Secretary shall identify, and report to Congress within 3 months after the date of enactment of this subsection on, those nonmilitary industries and sectors thereof that can undertake projects to assist the economic reforms in the Union of Soviet Socialist Republics. In connection with such projects, approvals of export licenses for goods or technology at higher levels shall be granted to assure project completion unless the end-user presents a significant risk of diversion to a military use.".

(b) Policy.—Section 2(11) of the Export Administration Act of 1979 (50 U.S.C. App. 2401(11)) is repealed.

SEC. 104. BULK LICENSES.

Section 4(a)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2403(a)(2)) is amended by inserting after "People's Republic of China" each place it appears the following: ", Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, or Romania".

SEC. 105. TRADE SHOWS.

Section 5(e)(6) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(e)(6)) is amended—

(1) by striking "the People's Republic of China" the first place it appears and inserting "any country";

(2) by striking "the People's Republic of China" in subparagraph (A) and (B) and inserting "such country"; and

(3) by adding at the end the following:

"This paragraph does not apply in the case of a trade show in the Soviet Union to supercomputers, goods or technology for sensitive nuclear uses (as defined by the Secretary), or devices for surreptitious interception of wire or oral communications.".

SEC. 106. EXPORTS TO COCOM.

(a) In General.—Section 5(a)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(a)(4)) is amended to read as follows:

"(4) Effective on and after the expiration of 1 year after the date of enactment of this paragraph, a validated license is not required for any export to or reexport to or from a foreign country that is a member of the group known as the 'Coordinating Committee' or a party to an agreement under subsection (k), except for those end-users specified by the Secretary.".

(b) Conforming Amendment.—Section 5(b)(2) of the Export Administration Act of 1979 (50 U.S.C. Ap. 2404(b)(2) is repealed.

SEC. 107. DUAL USE ITEMS.

Section 17(b) of the Export Administation Act of 1979 (50 U.S.C. App. 2416(b)) is amended to read as follows:

"(b) Agency Jurisdiction.—Notwithstanding any other provision of law, the Secretary shall determine whether an item is subject to controls under this Act. Upon the expiration of 3 months after the date of enactment of this subsection, no item subject to controls under section 5 may be subject to controls under the Arms Export Control Act. In any case where there is a dispute regarding the applicability of controls under this Act or controls under the Arms Export Control Act, the head of any dissenting agency may notify the Secretary in writing of his or her objection. If the two agencies cannot concur on which controls should apply within 20 days after such notification, the matter shall be referred to the President for a determination. If no action is taken within 20 days after the matter is referred, the determination of the Secretary of Commerce is final.".

SEC. 108. REPRESENTATION ON THE COORDINATING COMMITTEE.

Section 15(a) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(a)) is amended by adding at the end thereof the following: "The Secretary shall designate an official of the Department of Commerce to represent the Secretary on a permanent basis in the United States Delegation to the Coordinating Committee. Not later than December 31, 1990, the President shall transmit to the Congress a report describing the structure of the United States delegation to the Coordinating Committee and setting forth any reasons why the representative of the Department of Commerce should not be the chairperson of the delegation.".

SEC. 109. TREATMENT OF NEWLY INDUSTRIALIZED COUNTRIES.

(a) In General.—Section 5(k) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(k)) is amended by adding at the end of the following: "The Secretary of Commerce shall undertake a review of, and report to the Congress not later than 3 months after the date of enactment of the Export Enhancement Act of 1900 on, the goods and technology available from newly industrialized countries to determine if such goods and technology are of such sophistication that they warrant multilateral control. If so, the Secretary of State, in coordination with members of the Coordinating Committee, shall initiate negotiations with such newly industrialized countries to reach agreements with them under this subsection or to obtain their participation in the Coordinating Committee.".

SEC. 110. REGULATORY AUTHORITY.

Section 15(b) of the Export Administration Act of 1979 (50 U.S.C. App. 2414(b)) is amended by striking the last two sentences and inserting any such regulations the purpose of which is to carry out the provisions of section 5, or of section 4(a) for the purpose of administering the provisions of section 5, to such other departments and agencies as the Secretary considers appropriate and to the appropriate technical advisory committee. Unless otherwise specifically provided in this Act, the approval or concurrence of any other agency or official of the United States Government is not required prior to the promulgation of any regulation of the Secretary under this Act.".

Section 5(g)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(g)(1) is amended by striking "may" in the first sentence and inserting "shall on an ongoing basis".

SEC. 112. CONTROL LIST.

Section 5(c)(7) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(c)(7)) is amended to read as follows:

"(7) Notwithstanding any other provision of this section, effective after the expiration of 2 years following the enactment of the Export Enhancement Act of 1990, and every 2 years thereafter, no controls under this section shall apply to the export of any goods or technology on the control list to a country not on the list of controlled countries unless the Secretary determines and reports to the Congress that continued controls on each item within each control list entry is necessary. Notice of all items removed shall be immediately forwarded to COCOM for multilateral East-West decontrol consideration.".

SEC. 113. DOD REVIEW.

Section 5(P) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(p)) is amended by striking "of Defense Policy" and inserting "for Acquisition".

SEC. 114. LIMITATION OF CONTROLS.

Section 5(d)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2404(d)(1)) is amended by striking the parenthetical phrase.

TITLE II—TRADE AND INVESTMENT

SEC. 201. MOST-FAVORED-NATION STATUS.

Title III of Public Law 101–179 is amended by adding at the end thereof:

"SEC. 308. MOST-FAVORED-NATION STATUS.

"(a) It shall be the policy of the United States to achieve normal trade relations with countries that have institutionalized free emigration and taken substantial steps to establish free political and economic institutions.

"(b) The President shall, at the earliest possible time, act, in accord with the criteria and procedures set forth in section 402 of the Trade Act of 1974, to confer nondiscriminatory ('most-favored-nation') trade status on Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Latvia, Lithuania, and Romania".

SEC. 202. ELIGIBILITY FOR GENERALIZED SYSTEM OF PREFERENCES.

Subsection (b) of section 502 of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended—

(1) by striking out "Czechoslovakia",

(2) by striking out "Germany (East)", and

(3) by striking out "Union of Soviet Socialist Republics",

in the table within such subsection.

SEC. 203. ELIGIBILITY FOR OPIC PROGRAMS.

Section 239(f) of the Foreign Assistance Act of 1961 is amended by inserting after "Hungary," the following: "Bulgaria, Czechoslovakia, East Germany, and Romania,".

SEC. 204. EXPORT-IMPORT BANK PROGRAMS FOR ADDITIONAL EASTERN EUROPEAN COUNTRIES.

Nothwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(2)), the Export-Import Bank of the United States may guarantee, insure, finance, extend credit, and participate in the extension of credit in connection with the purchase or lease of any product by Bulgaria, Czechoslovakia, East Germany, or Romania, or any agency or national thereof.

UNITED STATES MUST FIGHT ANTI-SEMITISM

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SHAW. Mr. Speaker, every day on television and in the newspapers we hear stories about the changes that are sweeping through Eastern Europe. One day, a new Communist government falls, the next Germany will be reunited. These are indeed exciting times that we live in. I even had the opportunity to go to Germany and take a piece of the Berlin Wall.

However, as all these changes come sweeping through, we have to remind ourselves what caused all these walls to be built in the first place. The simple reason is the end of World War II and the end of Hitler's dream of an Aryan world free of the undesirable elements in society—particularly, the Jews. With the end of World War II came Soviet domination of Eastern Europe and total control of civilian life. Anti-Semitism, once widespread in Hitler's Europe, became quieted with the authoritarian rule of the Soviet Union.

Now, with the Soviet influence diminishing, and people allowed to express their own feelings, the old hatreds that existed prior to 1945 are beginning to rear their ugly head. Incidents of antisemitism are on the rise in Eastern Europe. It is time for us to be cautious and remember what caused those walls to be erected 55 years ago.

There was an editorial regarding this issue in the Wednesday, February 14, 1990 edition of Fort Lauderdale's Sun Sentinel which expresses my feelings. I would like to submit this article for the RECORD and urge my fellow colleagues to read it.

U.S. MUST FIGHT ANTI-SEMITISM

In his quick tour of the wreckage of communism, Secretary of State James A. Baker III was too busy to be gleeful, at least openly. He neogitated, debated, argued, offered plans, fielded replies, took home proposals and shook the hands of dozens of former communits, present communists and onetime jailbirds in Czechoslovakia, the Soviet Union, Bulgaria and Romania.

He brought back discernible progress in arms control, or so it is said. But in the euphoria and sense of triumph, as well as the demands of his extremely busy schedule, did Baker forget something? Has the Bush administration overall forgotten something important about Eastern Europe?

From the ashes of totalitarian communism, a familiar and repugnant snake is rearing its head and baring its fangs; anti-Semitism. As the cold war thaws, so too are the old hatreds.

The most publicized so far of the old hatreds is the bloody battle between Azerbaijanis and Armenians in the Soviet Union. Less well known, but potentially more devastating, is the surge of anti-Semitism in nations newly freed from communism's yoke.

The United States government must not stand by idly while the mental sickness of anti-Semitism grows like cancer. There must be no repeat of the Nazi years, when the U.S. response to savagery against Jews was tepid and late.

This time, a public stand must be made immediately. Just as U.S. presidents and Congress for many years have denounced apartheid in South Africa, so must this administration and Congress condemn in no uncertain terms the anti-Semitism occurring in Eastern Europe. If necessary, the United States should condition its economic and technical aid on whether these nations take firm action against bigots in their midst.

Details of anti-Semitic reports were examined in Palm Beach at last week's annual executive meeting of the Anti-Defamation League. The facts are revolting:

Hundreds of East German neo-Nazis marched through Leipzig brandishing placards with such bigoted messages as "To Hell With the Jews." In Hungary, old-time facism is crawling from its grave, as some right-wing Hungarians whine that North American Jews are coming "to buy out Hungary."

In Poland, an American Jew wearing a religious skullcap was hectored by anti-Semites. In the Soviet Union, the nationalist organization Pamyat calls Jews the enemy of the people. Leaflets threaten Jews and warn them to leave the country.

Under communism's iron control, anti-Semitism in these nations was more or less regulated. In the Soviet Union, "before perestroika, the discrimination was painful but not threatening," says Abraham Foxman, ADL's national director. But now, with these Eastern European nations groping for a new kind of feedom as controls are removed, Jews justifiably have become fearful, intensely so.

The United States has a moral responsibility to react unequivocally to these anti-Semitic outrages. Baker, President Bush and leaders of Congress must take the lead in confronting this repugnant issue squarely and not backing off.

150TH ANNIVERSARY OF LAKE COUNTY, OH

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. ECKART. Mr. Speaker, I rise today in recognition of the 150th anniversary of Lake County, OH. On March 6, 1840, legislation passed in both houses of the Ohio General Assembly officially creating Lake County, the smallest of Ohio counties. Furthermore, the Lake County commissioners officially declared the year 1990, "The Year of the Lake County Sesquicentennial."

In 1795, the western Indians ceded eastern Ohio to the United States and the earliest settlement was in Lake County, at Mentor Marsh. For decades the nursery capital of the world, Lake County rapidly urbanized after WWII. Many suburban cities sprang into being supplemented by agriculture from within the county. Today, Lake County is a mixture of urban and rural communities. Additionally, many well-known attractions are found in the county.

Lawnfield, one of the major attractions, was home to the 20th President of the United States, James A. Garfield, and bears the mark of many generations of the Garfield family.

I come before you today to salute Lake County's 150 years of prosperity and I look forward to Lake County's promising future.

LEGISLATION TO ESTABLISH A PILOT PROGRAM FOR INDIVIDUAL SURETY ASSOCIATION

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mrs. COLLINS. Mr. Speaker, today I am introducing legislation to improve participation of small and minority businesses in Federal procurement by encouraging Federal agencies to accept contract bids underwritten by individual sureties that are members of approved surety associations.

Current regulations under the Miller Act (40 U.S.C. 270a–270f) provide that all Federal construction projects over $25,000 be secured by either corporate bonds or personal surety bonds. The purpose of the provisions is to ensure that the Government is protected in case the contractor defaults, and to ensure that subcontractors and suppliers of materials and labor get paid. Unfortunately, because of historical exclusion from the construction market, and limited assets, among other factors, relatively few minority-owned companies have been able to secure corporate bonding. During hearings I held last February, it became abundantly clear that many minority construction contractors could not obtain construction work because no corporate surety would bond them and Federal contracting officers were reluctant to accept individual sureties. A 1986 study conducted by the National Association of Minority Contractors found, for example, that nearly 95 percent of the contractors responding to the survey could not perform construction projects they had otherwise won because no corporate surety would bond them.

Moreover, the difficulties minority contractors have with corporate surety bonding are not solely limited to new contractors. Many experienced minority construction firms have been either denied bonding or terminated after initially receiving bonding.

The corporate surety industry claims that it does not discriminate, but it has no figures on the amount of business it is doing with minority firms. The strict criteria used by corporate sureties effectively discriminate against minority and women contractors. Reasons such as "unfamiliarity with the bonding market", "newness to the industry," "small size of the firm" and "inadequate financial capital", are often given by corporate surety firms to deny bonding to minority contractors.

The lack of access to corporate bonding, therefore, has led minority contractors to the only available alternative—individual sureties. An individual surety is simply any person who is willing and able to guarantee contract performance with his or her assets. The proliferation of the individual surety market in the last few years has resulted in many abuses, including individuals listing assets that they do not own or overstating the value of assets they do own. In testimony during our hearings last February we heard reports of subcontracts who attempted to collect from individual sureties after the contractor failed to pay, only to come up emptyhanded. While this problem is considered by most in the construction industry to be commonplace, there are no definitive data to indicate the default rate of individual sureties.

The bill I am introducing today will, I believe, eliminate the abuses among individual sureties which have become far too frequent, while preserving access to the bonding market for small and minority firms. The legislation establishes a pilot program which provides for federally approved associations of individual sureties. The association concept permits individuals to pool their resources and collectively bond contracts. The association becomes liable, therefore, for all contract obligations, which is secured by a loss reserve fund paid by members of the approved surety association. In order to become a member of the association an individual would have to submit certain financial information and be subject to an audit. The association itself must adhere to regulations and procedures established by a designated Federal agent. This is to ensure that all associations pass strict financial muster. Additionally, the associations would be involved in contract monitoring to ensure that work is being properly performed and that potential problems are circumvented.

These federally approved associations will facilitate contracting officers in their review of contract bids by giving them assurance that the individual suretors is sound. I believe this bill will serve the dual function of protecting the Government and subcontractor, while expanding bonding opportunity for minority-owned construction firms. I urge my colleagues to support it.

THE SUGAR PROGRAM

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LEWIS of Florida. Mr. Speaker, there have been genuine concerns raised by Caribbean Basin nations, that they are being used as a stalking horse for the attacks on the U.S. sugar program. In fact, the international practices which create problems for sugar exporting nations in the Caribbean are the same practices which forced the United States to adopt the defense of a quota system.

The real problem with the international sugar economy is that world prices are artificially low—the result of a worldwide pattern of abusive subsidies which has pushed residual sugar prices below the cost of production even for some of the efficient producers in the Caribbean and the United States.

For CBI nations, the U.S. sugar market is important because in the U.S. market, they can get a reasonable price for their sugar, instead of depressed world dumping prices. If the United States canceled its program, two things would happen, neither of which would benefit CBI ecomomies:

First, while Caribbean sugar exporters might be able to send more sugar to the United States, their sugar would no longer earn a reasonable return. Instead, they would face the kinds of depressed prices that have hurt them in world markets.

Second, by canceling its sugar program, the United States would undermine the chances for international sugar policy reforms at the multilateral trade talks. Secretary Clayton Yeutter, a committed free trade advocate, has urged the United States not to change its program unilaterally because it would remove the incentive for groups like the European Community to reform their program.

The fact is, the United States cannot solve the problems facing Caribbean sugar exporters by itself. Economic studies have shown that if we end our sugar program, the major beneficiaries will be the European Economic Community and Cuba, not the CBI nations.

Mr. Speaker, the U.S. sugar program provides vitally important leverage for trade negotiations trying to achieve the long-term multinational reforms that will mean real relief for CBI nations.

LONG BEACH NAVAL SHIPYARD

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. DYMALLY. Mr. Speaker, recently, a delegation from the city of Long Beach, CA, headed by Mayor Ernie Kell, visited with Hon. H. Lawrence Garrett III, Secretary of the Navy, regarding the Long Beach shipyard.

I am attaching a statement from Mayor Kell to Secretary Garrett:

> Mr. Secretary, we had breakfast in Long Beach not long ago and I appreciate your attention to our City.

Since then Long Beach has been told that our shipyard will be closed.

We understand your answer is that you don't decide these things but please listen to how we see the Federal losses from the closing.

There will be economic losses that do not cut the budget but widen the deficit.

There will be strategic losses that needlessly compromise basic defense posture.

There will be political losses that are unwise for the Administration.

Here are examples supporting these losses as well as documentation of the high cost of closing the shipyard.

1. The Navy appears to be downgrading California, the Country's strongest defense State. Of 43 base closures, 11 are in California and 8 of those are Navy.

2. Economic Losses That Do Not Cut the Budget but Widen the Deficit

Closing the most budget "profitable" shipyard will not cut the budget deficit.

After closing costs, the Navy will further aggravate the deficit when, due to the reduction of land bases in Europe, it will be necessary to reopen Long Beach to help maintain maritime capability.

Closing the shipyard at Long Beach to possibly expand the Naval Station will not reduce the budget deficit.

The Long Beach Naval Shipyard is a highly competitive bidder which helps to keep private shipyard costs down.

3. Strategic Losses that Needlessly Compromise Basic Defense Posture

The Navy would eliminate from the West Coast the only non-nuclear, surface vessel, overhaul base near the Pacific Surface Fleet, and disband its 4100 trained workers.

California homeports at least 30% of all Naval surface vessels. Most of these would be left with compromised Federal overhaul capability.

Shipyard closure will eliminate the economic advantages of the Southern California industrial base, the strongest in the U.S.

Long Beach is the historic guts of Pacific Rim overhaul.

4. Political Losses that are Unwise for the Administration

The Navy would purposely punish the West Coast's most loyal Navy town.

The Navy would strain the support of California's 10% of The Congress and 14 Chairmanships on Capitol Hill.

ADMINISTRATION SHOULD MOVE FASTER ON EASING EXPORT CONTROLS

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. WYDEN. Mr. Speaker, my colleagues BILL GRADISON, NANCY JOHNSON, and I are seeking signatures on a letter to the administration urging faster action in dismantling outdated restrictions on high-technology exports to Eastern Europe.

This past Sunday in an op-ed in the New York Times, Senator JOHN HEINZ made a strong case for the need for major reforms in this area. Among other things, he noted that the administration will not approve the export of an Apple computer to Solidarity in Poland to help typeset its newsletter. I would like to have the full text of that article printed in the RECORD.

If, after reading the article, other Members agree that our current muscle-bound system of export restrictions makes no sense in light of the dramatic political and economic changes in Eastern Europe, I would urge them to contact my office and sign onto our letter to the administration.

[The New York Times, Mar. 4, 1990]

NOT EVEN AN APPLE FOR POLAND

(By John Heinz)

WASHINGTON.—Solidarity wants an Apple computer so it can do a better job of typesetting its newspaper. The Polish telecommunications authority wants to buy outdated Western equipment so that local callers will be able to dial direct. For now, the Administration says Poland can't have either.

Meanwhile, China, which savagely suppresses democracy, can buy mainframe computers 10 times more powerful than the computer Solidarity's newspaper can't have. Thanks to purchases of U.S. equipment and satellites, China soon will have one of the world's most modern telecommunications systems.

The difference lies in liberalized export regulations agreed to in 1985 to encourage China to "grow out" of tradition Marxism-Leninism. Despite impressive attempts by Poland and Hungary to win U.S. confidence, the Administration refuses to grant these struggling democracies the same access to Western technology we allow China. That defies common sense.

Poland and Hungary should be granted a comparable arrangement immediately—contingent, of course, on President Bush's having assurances that Soviet intelligence operatives in those countries have been evicted or contained. The same should hold for any Eastern European nation that adopts a democratic system and takes concrete steps to reduce its military, intelligence and economic ties to the Soviet Union.

Helping Poland and Hungary match their political successes with modernized, successful economies is the only way to insure the permanence of reforms. Modern technology is the key. As Peter Varkonyi, Hungary's Ambassador to the U.S., put it, "We cannot have a first-rate economy with third-rate technology, and we cannot earn the currency required to transform our backward economies into modern ones if we cannot compete in the world marketplace."

Recent reports indicate some Administration members are thinking about relaxing controls affecting exports to Poland and Hungary in perhaps a year. New technology can make a difference today; a year could be too long, if democracy begins to weaken. In explaining the delay, the Administration cites old worries: Both countries belonged to the Warsaw Pact; both were members of Comecon, the Soviet-dominated economic alliance, and both were heavily infiltrated by the K.G.B.

Today Comecon is dead in all but name. Its 10 member nations recently voted to move toward a market-based system of trade. Hungary and Czechoslovakia proposed to gut the system and get on with integrating their economies into the West.

The Warsaw Pact, too, is all but dead. Poland, Hungary and Czechoslovakia have announced military spending cuts of up to 25 percent in the coming year. Moscow began withdrawing troops from Czechoslovakia a few days ago, and plans to begin pulling out of Poland and Hungary in coming months. According to impeccable sources, some Eastern European nations are expelling K.G.B. agents.

None of these changes guarantees that an Apple computer won't end up in Soviet hands if Solidarity is allowed to buy one. But Poland and Hungary have gone a step further: volunteering to accept extremely intrusive safeguards, which include on-site inspections. Just a few days ago, after months of delay, the Administration responded with a statement of export-control principles so vague as to have no practical value for negotiating a new arrangement.

The U.S. has long taken the lead on export-control issues, but the Administration's hesitation threatens to change that.

Soviet and Eastern Europe access to advanced Western technology is governing by the Coordinating Committee on Multilateral Export Controls, made up of 14 Western European countries, Japan, Australia and the U.S. The unity of this watchdog, known as Cocom, is one of the West's best sources of leverage for democratic change in Eastern Europe.

In the past two years, France, Britain and Italy have allowed companies to circumvent Cocom's control and sell advanced technology directly to the Soviet Union. This deterioration in unity will continue to accelerate the longer we resist adjusting to the changes in Eastern Europe. This message was conveyed to the Administration at a recent Cocom meeting; our partners called for a trade agreement with Eastern Europe that would match the China arrangement in every respect. The Administration agreed to liberalize controls in only 3 of 39 technology categories.

The costs of the Administration's delay will not be limited to a loss of international influence. We also will end up cutting U.S. companies out of lucrative markets, while their Japanese and European counterparts cut deals.

HOW CONTRAS FELLED ORTEGA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. HUNTER. Mr. Speaker, in the wake of last week's stunning UNO victory in Nicaragua, it is important that we examine the American policies which forced Daniel Ortega to conduct the elections and helped to return freedom to the people of Nicaragua.

The article reprinted below appears in the March 10, 1990 edition of Human Events. The author, Brett Sciaroni, served as the counsel for President Reagan's Intelligence Oversight Board. I believe that my colleagues will find that Mr. Sciaroni offers an excellent summary of why President Reagan's policy of aiding the Nicaraguan freedom fighters was right. The article also outlines why we must continue to be vigilant in the face of the Sandinista's apparent reluctance to give up control of the Soviet-supplied 100,000-man army and the 20,000-man police force.

[From Human Events, Mar. 10, 1990]

HOW CONTRAS FELLED ORTEGA . . . AND WHY THEY SHOULDN'T DISBAND

(By Bretton G. Sciaroni)

In the wake of the stunning victory of Nicaraguan opposition candidate Violeta

Chamorro over President Daniel Ortega, a fierce debate has arisen over who should get credit for ousting the Sandinista strongman.

Opponents of the Nicaraguan freedom fighters were quick to assert that Chamorro's triumph had nothing whatsoever to do with former President Ronald Reagan's policy of aiding the armed resistance.

For example, a long-time opponent of Reagan's Nicaraguan policy, ultraliberal Sen. Tom Harkin (D.-Iowa), stated that the election results demonstrated "the failure of the Contra war." But, in fact, the Contras were critical in forcing the Sandinistas to hold elections at all, and should prove key to the transfer of power in Managua.

The fact that there was an election was a total vindication of President Reagan's steadfast support of the Nicaraguan Resistance. As with recent events in the Soviet Union and Eastern Europe, Reagan's resolution in facing Communist adversaries has proven crucial to creating the conditions for change.

Always derided by liberals as ex-Somocistas and mere creations of the U.S. government, in truth the Contras constituted an authentic peasant army. Ultimately, the Reagan Administration's support for the Contras turned out to be vital in securing victory for the internal opposition.

The origins of the Nicaraguan election lie in the Contra campaign of 1987. Fueled by $100 million in U.S. aid, the Nicaraguan Resistance carried the war to the Soviet- and Cuban-backed Sandinista army. Despite being greatly outnumbered, resistance units were on the attack country-wide. The hard-pressed Communists in Managua understood that their revolution would never be secure until the Contras were eliminated.

Although the 1988 congressional cut-off of military aid gave hope to the Sandinista commandantes that the armed resistance would fade away, the Contras did not disband. Although most of the peasant army was confined to camps along the Honduran border, the anti-Communist rebels refused to disarm, while others continued an active insurgency against the regime in Managua.

It was Ortega's realization that the Contras would not go away that prompted the recent election.

The road to Chamorro's electoral victory began with the 1989 Tesoro Beach accord. The previous accords among the Central American presidents had accomplished nothing, but at the Feb. 14, 1989 meeting, at Tesoro Beach, El Salvador, a significant trade-off was negotiated.

Ortega agreed to hold elections by Feb. 25, 1990, in exchange for Contra demobilization. Despite Panamanian despot Manuel Noriega's subsequent warning to his Sandinista friends not to hold elections, Ortega understood that his regime would always be at risk so long as there was an alternative to his dictatorial rule.

Thus, the key to final Communist consolidation of power was to disband the armed resistance. In order to secure the cooperation of the Central American presidents, Ortega had to agree to elections in 1990.

In fact, in the year since the Tesoro Beach accord, Contra demobilization remained the preeminent Sandinista foreign policy objective. At the follow-on presidents' meeting at Tela, Honduras, last August, Ortega negotiated a specific plan for disbanding the resistance.

Even Ortega's announcement calling off the ceasefire last October was not aimed at canceling the elections, as many thought at the time, but at getting U.S. and Central American help to enforce the Contra demobilization by Dec. 5, 1989, as promised in the Tela accord. For despite the involvement of the United Nations, an unprecedented use of the organization in this hemisphere, little progress had been made in getting the resistance to turn in their weapons and assume refugee status or be repatriated to Nicaragua.

Furthermore, despite losing the election, the Sandinistas still have Contra demobilization on their agenda.

Two days after the election, Ortega conditioned the transfer of power to the internal opposition on disbanding the Nicaraguan Resistance. But the Bush Administration should now insist that there be no Contra demobilization until the Sandinista army and secret police disband. As instruments of the Sandinistas, these institutions have been critical for the enforcement of totalitarian rule in Nicaragua.

Unfortunately, there are a number of signs that the Sandinistas do not intend to relinquish control of these tools of state terror. Before the election, Interior Minister Tomas Borge, the head of the secret police, said that, even if Chamorro won, the police and the army would refuse to obey "the absurd orders" of the new government.

Ominously, Ortega, told the Sandinista faithful after the election that "We will continue governing from below."

He announced that they will use the 1987 constitution to protect their hold on the army and the rest of the bureaucracy. That constitution establishes the army as part of the Sandinista party, with virtually every officer a member of the Sandinista front.

And while Humberto Ortega, the brother of the Sandinista president, may have to resign his post of defense minister, it appears that he intends to retain his post as commander-in-chief, a potentially more important position.

Finally, the Sandinistas will use the constitutional clause that protects civil servants to ensure that members of the Sandinista party retain their stranglehold over the government bureaucracy.

An early indication that the Sandinistas do not intend a transfer in real power was Moscow's announcement immediately after the election that Soviet aid would continue to flow to Nicaragua. Since the Kremlin is not in the habit of supporting democratic governments, it appears the Soviets hope to preserve Nicaragua as a Communist beachhead.

Moscow has invested a great deal in the Sandinistas already, with the most recent aid in the form of Soviet surface-to-air missiles and more MI-17 helicopters arriving earlier this year.

It should be remembered that, even with the changes in Eastern Europe, the KGB continues to work with the intelligence services of those countries and has coached them on how to survive this period of transition. Similarly, we can assume that Moscow still has a strategic interest in the Sandinistas' survival.

Yet another sign that the Sandinistas are loath to change their ways is their continued support for regional insurgencies. According to Salvadoran government sources, since the elections, two unidentified aircraft originating in Nicaragua were monitored entering Salvadoran airspace, presumably carrying arms or personnel for the FMLN guerrillas. In addition, both U.S. and Salvadoran sources have indicated that the Sandinistas have placed a high priority on resupplying the FMLN before Chamorro is inaugurated on April 25.

Thus, the Bush Administration should not agree to Contra demobilization until the army and secret police are disbanded, and all security advisers from the Soviet bloc and Cuba are sent home. To do otherwise would jeopardize the fruits of Chamorro's electoral victory and the sacrifices of the freedom fighters on the battlefield.

YVONNE DESROSIERS RETIRES AFTER 28 YEARS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. STUDDS. Mr. Speaker, on Sunday, March 11, 1990 the residents of Acushnet, MA—a town which I am privileged to represent in the Congress—will pay tribute to Mrs. Yvonne Desrosiers, who is retiring after 28 years of public service, chronicled in the following article from yesterday's New Bedford Standard Times. Mrs. Desrosiers has served the people of Acushnet with dedication and distinction. Her warm smile and friendly manner will be missed by all of us who called upon her over the years. On behalf of her family, friends, and neighbors, I wish to extend to Mrs. Desrosiers my warmest congratulations and best wishes for an enjoyable retirement.

[From the Standard-Times, Mar. 5, 1990]

ACUSHNET TREASURER, CLERK, COLLECTOR STEPS DOWN AFTER 15 YEARS

(By Pedro Pareira)

ACUSHNET.—Public service can introduce a person to the peculiarities of life, and Yvonne B. Desrosiers knows this all too well.

About eight years ago, Mrs. Desrosiers, 65 who serves as town clerk, treasurer and collector, began receiving letters from a man who wanted his birth record deleted. Mrs. Desrosiers was puzzled.

"Illegal New York and illegal Massachusetts are illegally detaining me." read one letter. "I am neither masculine nor feminine, Improper notice of birth," read another. Each came with three one-dollar bills, presumably to pay Mrs. Desrosiers for her service.

"But this fellow never gave us a return address," she recalled. She consulted a physician who said the man needed help, she said.

"One day, lo and behold, who comes in but that man," Mrs. Desrosiers recalled, "his head was all shaved. He had this kind of shirt that looked as if it was on his back for I don't know how long."

She managed to persuade the man to leave, telling him she had no authority to delete his birth record. "It just scared me."

This anecdote is not the fondest memory Mrs. Desrosiers will take from Town Hall when she retires in April. But it certainly rates as the most peculiar, she said.

Mrs. Desrosiers has kept the letters and the dollar bills among other records in a cabinet in her office. And she still doesn't know what to do with them.

She does, however, know that she will miss her Town Hall office and colleagues when her successor takes over in the spring.

"My family says I'm a workaholic, and I suppose when it comes to that they're right," said Mrs. Desrosiers, who estimates

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she works about 50 hours a week but gets paid for 40. "It never bothered me. Every morning I get up rearing to go again."

Her love for numbers and people have fueled her. "I love numbers. That was my first priority."

Serving the public also gave the Acushnet native a thrill, especially since "people are very nice in Acushnet."

Mrs. Desrosiers started working in Town Hall as a clerk in 1950, two years before getting married. After her son Ronald was born in 1954, she worked part-time for about three years, then she gave birth to her second son, Michael. She did not work again until 1969, when she became assistant town clerk.

"I'm not sorry that I did stay home those 12 years," she said. "That is what I wanted to do, and I did it."

At first she wondered if leaving her three boys (Dennis was born in 1959) in her Slocum Street home with an after-school baby sitter would work. It did.

In 1975 when her predecessor retired, Mrs. Desrosiers was elected as town clerk/treasurer/collector. She has since been re-elected every three years. "Now it's the end of the journey, I imagine."

Although she is "not the type to call it quits," Mrs. Desrosiers last summer began feeling tired and entertained the notion of retiring. Her husband, Leo, retired three years ago and she wants to spend time with him, she said.

Mrs. Desrosiers will lend a hand to a Town Hall friend if needed after she retires, but she has no plans to get officially involved at least for a year. Then she will consider serving on a town committee, she said.

Mrs. Desrosier, who plans to travel the West Coast and Canada this year, is excited about retiring, but has some concerns.

She worries about whether town officials will come up with a local solution for the state's fiscal problems. Gov. Michael S. Dukakis has threatened to withhold local aid payments in June, which would mean a loss of more than $1 million to the town.

She also worries that her successor will have a hard time with the triple position, which entails more and more tasks as the town grows.

Not only does Mrs. Desrosiers process property and excise tax payments, but also issues birth and marriage certificates and does the paperwork for town meetings and elections.

"She's been wonderful, as far as I'm concerned," said Selectman John Sylvia. For the last several weeks, Mr. Sylvia has been preparing a farewell party for Mrs. Desrosiers. The $20-a-ticket party is set to begin at noon March 11 at Century House.

"She puts in about 10, 12 hours a day, sometimes more. As far as I'm concerned, she's aces."

Mr. Sylvia said he doesn't know whether her successor will be able to perform the three jobs, but noted that by holding the triple position Mrs. Desrosiers has saved the town money. Three people holding the jobs would probably cost about $100,000, whereas Mrs. Desrosiers earns about $35,000.

"Money was never an objective," said Mrs. Desrosiers.

But she said she always wanted to work for a municipality, even if it meant putting up with bizarre situations, such as that with the man who wanted his birth date deleted. Mrs. Desrosiers recalled that the last few letters she received from him came from Colorado.

"I was never so glad," she said, adding she has not heard from him in a long time.

HUMAN RIGHTS IN INDIA

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mrs. MORELLA. Mr. Speaker, many of us were heartened when newly elected Indian Prime Minister V.P. Singh stated his intentions to improve the human rights situation in his country, and especially in the Punjab, where more than 5 years of religious violence has cost tens of thousands of lives. And yet human rights violations persist, and perhaps have even increased, since Mr. Singh took office.

I would like to share with Members excerpts from a letter which I recently received from my constituent, Gurmit Singh Aulakh. Dr. Aulakh is the president of the Council of Khalistan, an organization dedicated to protecting and promoting Sikh human rights. I think that Members will find his perspective of interest:

COUNCIL OF KHALISTAN
Washington, DC, February 5, 1990.

Hon. CONSTANCE A. MORELLA,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MORELLA: No one can deny the unprecedented reforms arising out of Eastern Europe, the irrepressible yearning for freedom has finally overcome the repressive chains of totalitarianism. As a Sikh-American, I can truly appreciate that irrepressible yearning for freedom because my people in the Punjab are still bound by the repressive chains of India's totalitarianism.

Although India has undergone the election of a new government, under V.P. Singh, the new regime's policies continue India's tradition of persecuting minorities. Although in power for only a few months, mass killing, political assassinations, press bans and war mongering have become the hallmark of this coalition government.

On December 28, 1989, the Honorable Jagdev Singh Khudian, a newly elected Sikh Nationalist Member of Parliament, was kidnapped. Five hours after the abduction, Indian authorities claimed that Khudian had committed suicide. Five days later, his body was found in a canal, however, an autopsy revealed that he had been dead for only 20 hours. The Government had killed Khudian on the eve of a public declaration he was going to make in support of Khalistan, the name of the independent state in our homeland, Punjab, which Sikhs declared independent in 1987.

On January 24, 1990, another Sikh leader was killed by Indian secret police. Harminder Singh Sandhu, leader of the All India Sikh Student Federation, was gunned down in his Amritsar apartment. Like Khudian, Sandhu publicly endorsed Sikh aspirations for a free and sovereign Punjab.

These individuals were respected and beloved leaders of the Sikh nation, they espoused the same view that the entire Sikh nation espouses—the fundamental right of people to be free. Unfortunately, to the Indian Government, the desire to be free is also punishable by death. Since 1984, over 80,000 Sikh men, women and children have died.

India, long touted as the "world's largest democracy", has so far managed to hide the truth of its oppression from the eyes of the world. Does the world's largest democracy kick out foreign journalists? Does the world's largest democracy deny entry to inernational human rights groups like Amnesty International? Does the world's largest democracy kill tens of thousands of its own citizens just because of their political and religious beliefs?

India must be held accountable for its actions * * * America believes that basic human rights, the right to be free and to speak out without fear of persecution, transcends nationalism or economic interest.

Sikhs have suffered greatly in recent years, but the Sikh nation recognizes that only we can free ourselves. So many of our people have been killed, tortured, imprisoned and raped by Indian security forces that fear has become our master. If America, a symbol of freedom for countless nationalities, were to convey its moral support for our struggle—our fear would be replaced by invigoration. . . .

With kindest regards, I am
Sincerely yours,
Dr. GURMIT S. AULAKH,
President, Council of Khalistan.

MEMORIALS FOR JOSEPH TRIPPE NALL

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. LANCASTER. Mr. Speaker, I stand in the Halls of Congress to call to the attention of my colleagues, memorials presented in honor of a respected public official, Mr. Joseph Trippe Nall, member of the National Transportation Safety Board, a citizen of my congressional district, who was killed in a plane crash in South America while serving the interests of his country. The memorials presented by his colleagues on the National Transportation Safety Board follows:

REMARKS OF ACTING CHAIRMAN JAMES L. KOLSTAD

We are here today to mourn the loss of a very special person and a respected member of the NTSB family.

But Joe Nall was much more than that. He was a father, a pastor, a pilot, a community leader, and safety advocate. Most of all he was a close friend.

Upon his arrival in 1986, Joe quickly embraced the NTSB team. He took the time to show an interest in staff activities and their points of view as well as their personal well being. All of us appreciated Joe's great optimism.

He always saw the best in every person and in every situation. Joe Nall did not speak in negative terms. He brought to the Safety Board an infectious enthusiasm for everything he undertook, from flying to golf to presenting his positions in Board meetings.

I saw this exuberance for living in a special way when I spent New Year's Eve with Joe during my first year at the Board. We went to dinner at a restaurant here in Washington and shortly after midnight Joe went to each table in the restaurant and personally wished every patron a Happy New Year.

Combined with these qualities was Joe's compassion for his fellow man. One example of this is how giving Joe was of his time to help other people. Joe spent Tuesday nights right here at Riverside Baptist Church helping underprivileged kids.

He was an inspiration to many of the staff and I personally found him to be a source of strength and a valued adviser.

Joe's contacts with Government and industry were worldwide as evidenced by the many messages of condolence the Board is continuing to receive. We sincerely appreciate these expressions of sympathy.

In closing, I want to leave you—as Joe always did—with a positive thought. As tragic as his death is to us all, we should celebrate his life by emulating his endless capacity for caring and for making people feel good about themselves and their contributions.

If the true measure of a man's worth is whether the world is a better place for his having been here, Joe has set a new, higher standard.

REMARKS BY JIM BURNETT

There are four characteristics of Joe Nall which I think must be mentioned, even repeated today, since all have previously been mentioned and no doubt will be again.

First, was Joe's sense of compassion expressed not only in his personal life, but also in his work. He showed deep compassion not only for the victims of accidents, but for all those whose lives were affected by the Board's work.

Second, was his wit. Since laughter is often untender, the combination of great humor with deep compassion is rare and beautiful. Joe's humor was like a fine champagne—much sparkle, no bite.

Third, and most important, was Joe's faith, which sustained him through personal crisis and was sustained itself to blossom again in his work here at Riverside Baptist Church—an abiding faith which we Christians talk about perhaps more than we witness.

Fourth, and closest to home for those of us at the Safety Board, was the joy and pride which Joe took in his work and, more importantly, the joy and pride which he took in the people with whom he worked. He gave us reason to be proud of him and it is for us, this day, to take joy in the opportunity we had to work with Joe Nall.

REMARKS OF MEMBER JOHN K. LAUBER

Joe Nall was a respected colleague and a good friend of all of us here today, and of many others around the world who could not join us as we pay tribute to his memory.

Joe was a colleague in the fullest sense of that word. He was genuinely interested in the views and ideas of not only his fellow board members, but also those of staff. He would often call to inquire about our views of this matter or that, and what our views might be on various alternatives. He often sought to achieve compromise in the interest of board unanimity, but never at the expense of compromising his principles.

Joe was a friend in many different ways. First, he was a good friend of the Board. He loved the Board and being a part of it. He was very proud of its accomplishments, of its mission, and of its staff. Joe devoted a great deal of his time to the conduct of his own personal campaign to increase awareness of and support for the Board on Capitol Hill and elsewhere. He made many contributions to the Board, and reveled in it's successes.

Second, Joe was a friend of aviation. Anyone who knew Joe for longer than 30 seconds knew of his great love for aviators and anything that flies or even looks as though it might fly. He would give out great whoops of joy when flying a simulator, or have an ear-to-ear grin while recounting his latest aeronautical adventure; he loved things such as flying a taildragger to the Experimental Aircraft Association fly-in at Oshgosh, Wisconsin. Joe strongly believed that the aviation system exists for the benefit of all, and made many contributions to improving flight safety.

But Joe didn't limit his enthusiasm to aviation. He was excited about and interested in all modes of transportation, and frequently made lifelong friends by riding in the cockpit jumpseat, or in the cab of a railroad locomotive, or on the bridge of a ship—his enthusiasm and exuberance made a great impression on people he met.

Let me share a story with you which illustrates this characteristic of Joe. Polly Anderson-Lamberth from Congressman Lancaster's office rode the train to Smithfield, NC last weekend to attend Joe's funeral service. Enroute, she struck up a conversation with the conductor on the train, and informed him that she was enroute to Smithfield to attend a funeral. The conductor indicated that he had met a fellow from Smithfield once, and they soon realized that they were talking about the same person: Joe Nall. Shortly after his appointment to the Board, Joe travelled to Washington on the train. During the trip, Joe approached the conductor, introduced himself, and said that while he knew a fair amount about airplanes, he didn't know much about trains, and asked the conductor if he could spare some time. For the next couple of hours, Joe learned about railroading, and his enthusiasm and interest made a lasting impression on the conductor. This was typical of Joe—one encounter was likely to lead to a long-term friendship with him.

Finally, Joe was a friend of people. He loved everybody he dealt with. He knew the name of every staff member at the Board, and I think he knew the names of husbands and wives and children as well. It often took Joe a long time to make it from one end of the building to the other—you could hear him coming down the hall: "Hi, how are you? How's the husband? How's the wife? How are the kids?" He had to talk to everybody he met on the way, and he genuinely cared about all of them—he loved all of us.

Joe also cared about people who had business at the Board. Due process was not an empty theoretical concept to Joe, as he would often remind us whenever we started to encroach upon that sacred shrine.

Joe Nall was a genuinely good guy in a world which needs all the good guys it can get. We will long feel his loss, but we will also long benefit from his many personal and professional contributions.

REMARKS FROM DR. LEE V. DICKINSON, MEMBER NATIONAL TRANSPORTATION SAFETY BOARD

We are here this morning to pay tribute to a good friend and colleague—Joe Nall. As I look over the church overfilled with Joe's friends, as the church was in Smithfield, North Carolina for his funeral on Saturday, I realize how many lives Joe had touched. Each of us has a story to tell about him.

Joe was a good person, an honest man, a sincere individual and ever an optimist. He always found goodness, no matter how bad the situation. When many of us would have given up, Joe had the ability to rise above it all and bring out the best.

He loved his work and was good at it. And he was enthusiastic about everything he did. He cared a great deal about aviation and worked hard to improve safety. He was especially concerned about the general aviation pilot. Joe and I often joked about how we had the best jobs in Washington—being able to work with dedicated individuals, make a mark on the transportation system, and to be paid for doing it. What a treat!

I would like to relate a personal story about Joe. On the day of my swearing in I had some family and friends back to my office after the ceremony. My cantankerous nine year old niece had had her fill of adults for the day, was bored stiff, and wanted to go home. She noticed a model of the space shuttle on my desk and started playing with it. In walked Joe Nall and within minutes I noticed her eyes this big—Joe was explaining to her about flaps and slats, ailerons, lift and drag, in words only a nine year old could understand. She was completely captivated by him.

This was one of Joe's greatest gifts—his ability to communicate with children and one for which he will be sorely missed.

I know in the future someone will take Joe's seat on the Board, but I also know that no one will ever replace him. Good-bye Joe, we'll miss you.

THE IMPORTANCE OF CARTER G. WOODSON AND MOSES LeROY AFRICAN-AMERICAN LEADERS IN HISTORY

HON. CRAIG A. WASHINGTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. WASHINGTON. Mr. Speaker, the importance of Carter Goodson Woodson to the fabric that makes up the quilt of American history has been his pioneering effort and achievement in bringing to light the many contributions that African-Americans have made and continue to make to this great Nation. Dr. Woodson, the son of former slaves, overcame the hurdles of racism and ignorance to earn B.A. and M.A. degrees from the University of Chicago and a Ph.D. degree from Harvard University.

Dedicating himself to the task of informing not only his fellow African-Americans, but Americans in general about the many achievements of his race, Dr. Woodson founded the Association for the Study of Negro Life and History, which publishes the Journal of Negro History. He later became president of Associated Publishers, Inc., a company established to publish and circulate books about African-Americans that other publishers would not issue. A gifted writer himself, Dr. Woodson wrote "The Education of the Negro Prior to 1861," "A Century of Negro Migration," and "The Negro in Our History," a book which became the standard text for African-American history for many years. Dr. Woodson also taught at the elementary and high school levels, and served as dean of the School of Liberal Arts and Sciences at Howard University.

Dr. Woodson will probably best be remembered for establishing what is now known as African-American History Month, which focuses the attention of our Nation on the achievements of African-Americans. Dr.

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Woodson and the historians who follow in his footsteps have lifted the cloak of ignorance about the past of African-Americans—not only for African-Americans, but for all Americans.

The life of Moses LeRoy, who resided in the 18th District of Texas for many years, provides an excellent example of the importance of heeding Dr. Woodson's call to preserve and celebrate our ethnicity. A courageous leader in the labor and civil rights movements, Mr. LeRoy was instrumental in bringing meaningful social change to Texas. The account of Mr. LeRoy's life which follows is drawn from a variety of sources: the recollections of his widow, Mrs. Erma DeLoney LeRoy; from newspaper stories and from an oral history interview with Mr. LeRoy conducted by Dr. Chandler Davidson of Houston's Rice University.

Moses LeRoy was born on December 9, 1897 in Abbeville, LA, and was educated at the Howe Institute, a small, Baptist-supported boarding school in New Iberia. He came to Houston at an early age and found work as a ditchdigger, digging many of the ditches in the Montrose and Allandale areas of Houston. He also worked as a taxi driver and as a chauffeur for a well-to-do family.

As a young man, Mr. LeRoy witnesses the explosion of racial tensions in Houston's infamous 1917 race riot, which was fueled by racial discrimination and police brutality and involved many of the African-American soldiers stationed at nearby Camp Logan.

In 1920 he went to work in the Southern Pacific Railroad shops, which exposed him to the unfair and discriminatory labor practices used by the railroads in their dealings with African-Americans. Through experiences such as a bitter railroad strike in 1922, he observed what he came to view as the "economic roots of segregation" and saw first hand how industrialists played off African-Americans against whites.

Mr. LeRoy joined the Brotherhood of Railway and Steamship Clerks—which later became the Brotherhood of Railway Workers and Airline Clerks—in the early 1930's, at a time when the organization only gave African-Americans auxiliary memberships. Over the years, he fought at union conventions to gain full membership for African-Americans, and achieved partial success in 1947, when the union granted them full membership, but created segregated lodges—which were later successfully integrated.

Persevering, Mr. LeRoy rose through the ranks, becoming president of Local 1534 in 1965. He continued to crusade for better jobs for African-American railroad men and, during the 1960s filed a discrimination suit against the Southern Pacific railroad and his own union. The suit challenged the system of job classifications which kept African-Americans out of white-collar positions, and Mr. LeRoy's victory profoundly changed the railroads.

Mr. LeRoy was a Democrat for most of his life, except for a brief period during the 1948 elections when he left the party as a result of what he saw as its inaction on racial equality issues. Galvanized by their cry of "Down with segregation! Down with racism!," he joined the Progressive Party effort to elect Henry Wallace, serving as chairman of the Progressive organization in Houston.

Up until 1944, the Democratic Party in Texas held all-white primary elections from which African-Americans were excluded. Although African-Americans were allowed to vote in the general election, in a one-party State like Texas, their exclusion from the primaries effectively disenfranchised them. As a result, Mr. LeRoy and his allies made several attempts to break into the Democratic Party.

These efforts bore fruit in 1944 when the U.S. Supreme Court decision in Smith versus Allright abolished the all-white primary, an event which allowed African-Americans in Texas a chance to participate in the political process. Mr. LeRoy was actively involved in the case—as he told Prof. Chandler Davidson of Rice University in an oral history interview, "I wasn't on the firing line all the time but I helped to pass the ammunition."

Following this victory, he vigorously participated in State and local politics. In 1946 he unsuccessfully sought election as a precinct judge, and his wife, Erma DeLoney LeRoy, ran for the State legislature in 1948. Although she was defeated, she did carry several precincts. According to Mr. LeRoy, it was the first time in the modern era an African-American ran for the Texas Legislature.

In the decades following the Second World War, Mr. LeRoy fought in the vanguard of the struggle for civil rights. In 1947, he marched on the U.S. Capitol with A. Phillip Randolph and leaders from 37 other States to demand the establishment of a fair employment practice commission. In 1950, during the McCarthy era, he refused to testify at a Houston deportation hearing for a couple whom the government was trying to deport because they were Communists. In 1966, he joined striking Starr County farmworkers on their 400-mile march from the Rio Grande Valley to the Texas State Capital in Austin.

Mr. LeRoy also served as a charter member of the Harris County Council or Organizations, which helped build greater awareness among African-Americans of the need for social change and helped build the coalition in Houston which brought that change about. During the 1970's, he served as the chairman of Houston's Model Cities Residents Commission, where he fought local efforts to slash Model Cities funding, as well as an attempt by then-Mayor Louie Welch to fire the program's acting director, a political opponent of the mayor. In the 1980's, he convinced the Houston City Council to rename South Park Street after Dr. Martin Luther King.

Perhaps, Mr. LeRoy's most significant contribution to the citizens of Houston, however, was the lawsuit he filed in 1973 against the system of at-large city council elections in use at the time, a system he felt was unresponsive. The Justice Department backed his efforts, and Houston voters eventually approved the current system in which nine council members are elected from specific districts, with five elected at-large. The new system of elections fundamentally changed the political structure of Houston.

In recognition of his many achievements, Mr. LeRoy received numerous awards, including an honorary fellowship from the John F. Kennedy Library Foundation. A Houston city park and a day care center bear his name. In 1988 a fund in honor of Erma and Moses LeRoy was established in the department of sociology at Rice University. On top of his community service as a labor and civil rights leader, he somehow found time to serve as a bank director, as a board member and life member of the NAACP, and as a life member of the South Central YMCA. He was also a 33d-degree Mason and a member of the King James Lodge No. 23, A.F.&A.M. of Houston for 40 years.

Mr. LeRoy married the former Erma DeLoney of Fulshear, TX, on December 16, 1938. He was an associated member and student of Unity Church of Christianity and a member and supporter of University Christian Church. He died in Houston on February 10, 1990, at the age of 92. He is survived by his wife, Mrs. Erma DeLoney LeRoy; daughter, Mrs. Carol Wilkins of Houston; grandson, Rayfield Wilkins of Houston; granddaughter, Carolyn Fountenberry of Belmont, CA; great-grandson, Ronald David Fountenberry of Belmont, CA; cousins, Mrs. Byford Baker of Greensboro, NC; Mrs. Johnie V. Caldwell of Milwaukee, WI; Mrs. Mary Sammuels, of Gary, IN; and a host of other relatives.

Thanks to Dr. Carter G. Woodson, the contributions, past and present, of African-Americans have been indelibly enshrined in the history of our country. Thanks to Mr. Moses LeRoy, African-Americans working on our Nation's railroads are free from the arbitrary barriers of discrimination, and the citizens of the city of Houston and the State of Texas—whatever the color of their skin—enjoy the full measure of their civil rights guaranteed by the U.S. Constitution.

THE 25TH ANNIVERSARY OF THE SERVICE CORPS OF RETIRED EXECUTIVES ASSOCIATION [SCORE]

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. SISISKY. Mr. Speaker, this year marks the 25th anniversary of the Service Corps of Retired Executives Association [SCORE]. I rise today to pay tribute to this organization and to congratulate one very special man who has helped to make SCORE an invaluable resource for American small business. I am speaking of Walter H. Channing, the president emeritus of the SCORE association. In recognition of his unselfish contributions to the organization, SCORE is saluting Walter Channing this year at its annual spring board meeting.

Mr. Speaker, this is a worthy tribute and I know that all of Congress joins with me to congratulate Walter on this well deserved and timely recognition.

SCORE was founded in 1964 to provide new and struggling small businesses with the kind of specialized help that only come from seasoned experts. The SCORE program is comprised of approximately 13,000 men and women business executives who voluntarily commit their time to share their management and technical expertise with present and prospective owners and managers of small businesses. The collective experience of these volunteers spans the full range of American enterprise, and their willingness to help exemplifies the best of the American volunteer spirit.

Men like Walter Channing exemplify that spirit. In 1964 he joined with other former executives to form SCORE. Walter Channing dedicated his time and great energy to encouraging America's business executives to share their experiences and unique perspectives on starting and operating successful businesses with perspective business owners. As a result, SCORE is now an invaluable resource to thousands of businesses across the country.

Every small business that has survived and prospered after taking advantage of the in-depth business counseling and training provided by SCORE volunteers owes a debt of gratitude to the efforts of people like Walter Channing.

Mr. Speaker, Walter Channing began his career as a merchandise manager at a major Detroit department store and also served as a marketing and retail distribution consultant with the Organization for Economic Cooperation and Development in Paris, France. Mr. Channing was also extremely active in a wide variety of professional organizations. He has served as chairman and a member of the board of directors of a division of the National Retail Merchants Association, as well as the Michigan Retail Merchants Association. Mr. Channing has also been active with the Detroit Chamber of Commerce, the International Association of Department Stores and the International Association of Town Planning and Distribution. He even served as the honorary president of the New Serres Chamber of Commerce.

Mr. Channing dedicated the same limitless energy that he brought to his professional career to his efforts on behalf of SCORE. He serves as the chairman of the SCORE legislative affairs committee, he is a former president of the National SCORE Council and was awarded the Presidential SCORE Citation in 1970.

Mr. Channing's dedicated service to his profession and to his country is an inspiration to us all.

AN INVASION OF ALIENS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, as we approach the 21st century one of mankind's greatest challenges, it seems to me, is to clean up the mess we have made of our continent in the 20th century.

Our explosion of technology, transportation, agriculture, communications and other sectors in this century has phenomenally improved our lives. In the process, we have also fouled our nest. We are a nation on the move, dragging our errors in ecological wisdom in our wake.

We have, fortunately, focused our attentions recently on the degradation of our air, for example, and on the messy business of transporting oil across the oceans. Our efforts to clean up the air and avoid further oilspills are vitally important to our future.

In rural America, farmers and ranchers have been fighting an entrenched gang of environmental invaders of another sort. The names of these interlopers are not even recognized by most people in urban America. They are called by such names as leafy spurge and spotted knapweed, and Canadian thistle. As a group, they are known as noxious weeds.

Noxious weeds are not the acute threat to health posed by miles of oil slick or an atmosphere laden with sulphur dioxide. Noxious weeds do, however, cost this Nation billions of dollars each year in food production, replace pristine natural grasslands with landscapes of trashy plants that cattle, deer, or other wildlife cannot eat. Also, most of the weeds are less protective to fragile soil than are grasses, so that the advance of noxious weeds can also leave topsoil more vulnerable to erosion.

The spread of noxious weeds across this Nation is a kind of fractured Johnny Appleseed story. The seeds for these weeds arrived from Europe, Asia, Africa, and other places, hidden among the seeds for crops to be planted in the New World. They were spread across the continent by cattle drives or by birds or other wildlife. They were spread within shipments of hay across State lines, or by grain harvesting crews as they moved between Texas and the Canadian Provinces with their trucks and combines.

Unfortunately, no one told the ecologies of the Midwest, the Great Plains, or the Rocky Mountains a thousand years ago to prepare for an invasion of alien plants. Nature has little check on these plants. As a result, they spread like prairie fire, whipped along by their pernicious dominance in the ecosystems they invade.

The noxious weeds infest cropland, rangeland, forests, and parks. Where they have invaded fields, they cost U.S. farmers about $20 billion annually in crop production. Where they have invaded rangeland, wildlife, and wilderness areas, they have choked out native grasses that have survived for hundreds of years, replacing the grasses with plants that are mostly unpalatable to cattle, deer or most any animal except, in some cases, goats.

The North Dakota Department of Agriculture reports nearly a million acres of our State's fields and grasslands are infested with a single type of noxious weed, leafy spurge. In Montana, noxious weeds have taken over 9 million acres. From the Pacific Northwest to Texas, the aggressive alien weeds take over hundreds of thousands of new acres each year.

The battle against noxious weeds is decades old. Farmers, ranchers, State agriculture departments, local weed control boards, and many State and Federal agencies that own or manage land, have all struggled against the advancing tide of alien weeds.

This is a battle that mankind is not destined to win. We are not going to eradicate noxious weeds. We must, however, learn better to live with the troublesome plants and to control their advances across our ranges, fields, and parks.

The control of noxious weeds is going to require better cooperation among private landowners, local and State weed control agencies, and Federal land managers. We have learned that the noxious weeds do not much respect the simplistic weapon we call herbicides.

A U.S. Fish and Wildlife official in my home State, for example, related his agency's effort to control leafy spurge by dousing an invasion of the weed with a strong application of herbicide. The pesticides burned the spurge right down to the ground. The next year, he said, the same weeds had grown back from their roots and were advancing across more acres of native grassland.

I have introduced a bill, H.R. 4183, to improve the coordination of noxious weed control. The bill, quite simply, requires Federal agencies that own or control land to participate with local and State weed control agencies in noxious weed control plans.

Such cooperation is not a new idea. In several instances, Federal and State agencies have formed agreements on control of noxious weeds. My bill would extend this kind of cooperation so that any local or State government that has begun its own noxious weed control program can expect participation by any Federal agency that has land within that State or local jurisdiction.

My bill is not a prescription for pesticide spraying programs. On the contrary, it requires consideration of an interdisciplinary approach. That is, participants in weed control programs under this act must consider all methods of weed control, including cultural farming practices and the selection of natural or biological control methods. In some instances, for example, an interdisciplinary plan may mean sheep, which prefer broadleaf plants, would be grazed on land infested with certain kids of noxious weeds.

The future beauty of America's natural preserves, the survival of our grasslands, and the profitability of our farms, are all going to depend upon some new approaches to noxious weed control, and upon better cooperation among all who own or control infested lands. My bill will move us in that direction.

I ask that my bill be printed at the end of my statement.

H.R. 4183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Undesirable Plant Management Act of 1990".

SEC. 2. AMENDMENT OF 1974 ACT.

The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 115. MANAGEMENT OF UNDESIRABLE PLANTS ON FEDERAL LANDS.

"(a) DUTIES OF AGENCIES.—Each Federal Agency shall—

"(1) designate an office or person adequately trained in the management of undesirable plant species to develop and coordinate an undesirable plants management program for control of undesirable plants on Federal lands under the agency's jurisdiction;

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"(2) establish and adequately fund an undesirable plants management program through the agency's budgetary process;

"(3) complete and implement cooperative agreements with State agencies regarding the management of undesirable plant species on Federal lands under the agency's jurisdiction; and

"(4) establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements.

"(b) Environmental Impact Statements.—In the event an environmental assessment or environmental impact statement is required under the National Environmental Policy Act of 1969 to implement plant control agreements, Federal Agencies shall complete such assessments or statements within 1 year after the requirement for such assessment or statement is ascertained.

"(c) Cooperative Agreements With State Agencies.—

"(1) In general.—A Federal Agency shall enter into cooperative agreements with State agencies to coordinate the management of undesirable plant species on Federal lands.

"(2) Contents of plan.—A cooperative agreement entered into pursuant to paragraph (1) shall—

"(A) prioritize and target undesirable plant species or group of species to be controlled or contained within a specific geographic area;

"(B) describe the integrated management system to be used to control or contain the targeted undesirable plant species or group of species; and

"(C) detail the means of implementing the integrated management system, define the duties of the Federal Agency and the State agency in prosecuting that method and establish a timeframe for the initiation and completion of the tasks specified in the integrated management system.

"(d) Exception.—This section does not require a Federal Agency to carry out programs on Federal lands if there are no such programs being implemented on State or private lands.

"(e) Definitions.—As used in this section:

"(1) Cooperative agreement.—The term 'Cooperative Agreement' means a written agreement between a Federal agency and a State agency entered into pursuant to this section.

"(2) Federal Agency.—The term 'Federal Agency' means a department, agency, or bureau of the Federal Government responsible for administering or managing Federal lands under its jurisdiction.

"(3) Federal lands.—The term 'Federal lands' means lands managed by or under the jurisdiction of the Federal Government.

"(4) Intergrated management system.—The term 'integrated management systems' means a system for the planning and implementation of a program, using an interdisciplinary approach, to select a method for containing or controlling an undesirable plant species or group of species using all available methods, including—

"(A) education,

"(B) preventive measures;

"(C) physical or mechanical methods;

"(D) biological agents;

"(E) herbicide methods;

"(F) cultural methods; and

"(G) general land management practices such as manipulation of livestock or wildlife grazing strategies or improving wildlife or livestock habitat.

"(5) Interdisciplinary approach.—The term 'interdisciplinary approach' means an approach to making decisions regarding the containment or control of an undesirable plant species or group of species, which—

"(A) includes participation by personnel of Federal or State agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

"(B) includes consideration of—

"(i) the most efficient and effective method of containing or controlling the undesirable plant species;

"(ii) scientific evidence and current technology;

"(iii) the physiology and habitat of a plant species; and

"(iv) the economic, social, and ecological consequences of implementing the program.

"(6) State agencies.—The term 'State agency' means a State department of agriculture, or other State agency or political subdivision thereof, responsible for the administration or implementation of undesirable plants laws of a State.

"(7) Undesirable plant species.—the term 'undesirable plants' means plant species that are classified as undesirable, noxious, exotic, injurious, or poisonous, pursuant to State of Federal law. Designation of undesirable plants under this section is limited by the Endangered Species Act, and shall not include plants indigenous to an area where control measures are to be taken under this section.

"(f) Direction to Secretary.—The Secretary of Agriculture shall exercise the authority granted in this Act to control the spread of undesirable plants as a result of transporting seeds or commodities to or from Federal lands.".

MOROCCO AS A NEW ECONOMIC DRAGON

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. MOODY. Mr. Speaker, I recently returned from a visit to Morocco, and would like to share with my colleagues what I learned about the exciting economic developments that are taking place over there. I would also like to include a translation of an article from Le Monde, which describes Morocco as a new economic "dragon," and to bring to the attention of American businesses the fact that, unless they act soon, they may be beaten out by European investors.

Since 1983, Morocco has implemented a series of important economic reforms in cooperation with the International Monetary Fund and the World Bank. The Government devalued the currency, the Moroccan dirham, by about 25 percent; it has made serious progress toward dismantling protective trade barriers, significantly reducing tariffs on imports and simplifying customs procedures; and it has decontrolled most prices, reducing both producer and consumer subsidies. As a result of the Government's diligent adherence to the recommendations of these two institutions, Morocco has made great strides toward opening and liberalizing its economy and has received high praise for the results of its economic reform program.

These results have included a strong economic growth rate over the period 1986–88, a dramatic reduction of the Government's budget deficit, and an achievement of a surplus in the current account in 1987 for the first time in 13 years. The success of the economic reform program has further strengthened the Government's resolve to continue to liberalize the economy.

The Government has also begun sending strong signals to foreign investors—including Americans—that it will make special efforts to welcome private investment in Morocco, and has taken steps to improve the investment climate. In an open letter to the Prime Minister, King Hassan II instructed the Government administration to reduce bureaucratic obstacles to the approval of investment proposals, and such instructions have the force of law in Morocco. The "Moroccanization" laws that required majority Moroccan ownership of private enterprises in strategic economic sectors have been abolished.

These economic reforms have enhanced the natural wealth and potential of Morocco that is most striking to the visitor. There is a strong agricultural sector that could become even stronger with American technology and know-how, and which could also provide the basis for a wide variety of agro-industries. And as the article from Le Monde points out, Morocco is strategically located to become a low-cost industrial base for the European Community, once the union has equalized wages throughout the union.

I hope that my colleagues will take note of the political courage evidenced in these dramatic economic reforms, and I hope that American businesses will act—as the Europeans are—to take advantage of the opportunities that the reforms are opening up. I cannot think of a better way at this time to enhance the longstanding friendship between our two countries.

Morocco, a New Dragon at the Gates of Europe [1]

Casablanca.—Situated less than three hours by plane from every decision-making center of Europe, Morocco is being touted as the new economic "dragon"—a "dragon" that is not yet fully appreciated, is less fashionable than the countries of Eastern Europe, and, until now, has been more well-known for its foreign debt, its beaches, its oranges, and its immigrant workers than for its economic dynamism.

Indeed, arriving at Casablanca today is a veritable shock. In the airport, foreign investors with briefcase in hand—French, Italian, German—are virtually shoulder to shoulder. Today, its a full delegation of shippers from Nantes; yesterday, an official mission of the French National Council of Businessmen (CNPF); tomorrow, a group of cotton millers * * * All are intoxicated by Morocco's growth rate and by the advantages of a country where the salaries are eight to ten times lower than those on the continent (the guaranteed minimum wage is about $0.60 per hour as compared to $5.20 in France [2] and where the costs of benefits is negligible. Morocco is a country economically restablized and restructured, that has managed to maintain political and social stability in the face of draconian austerity measures.

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[1] Translation of an article written by Veronique Maurus for Le Monde, November 4, 1989.

[2] $1 equal approximately 8 Moroccan Dirhams.

A HISTORIC OPPORTUNITY

The luxury hotels are full, the industrial zones are bursting. "Before it was we who sought foreign partners. Now it is they who are coming to us," asserts Fouad Filali, the young President of ONA, the largest Moroccan private enterprise. Some come to prospect, others to subcontract. Companies who have already established a presence, such as Thompson, CGE (France's General Electricity Company), Astral, etc., are expanding operations as fast as they can. And those that left at the beginning of the 1980s, the blackest hour of Morocco's economic crisis, are now returning.

The source of all this activitiy is the approach of the single European market in 1993. "A united Europe will require a cheap industrial base. Spain, Portugal and Greece will lose part of their comparative advantage. This creates a historic opportunity for Morocco," explains Mr. Akalay, director of the Moroccan Savings and Credit Company. This belief is echoed throughout the government administration as well as among banks and industries. From the smallest textile workshop to the largest conglomerates, all are striving towards the same objective: prepare for unified Europe. And to do so, Morocco is opening its borders, enhancing competition, initiative, subcontracting, and more.

"Hong Kong began this way," declares Saad Kettani, a young entrepreneur with all the charms of a Moroccan Peter O'Toole, who runs the second largest Moroccan company. It is a conglomerate of ten thousand employees, and is involved in textiles, banks and real estate. Launched thirty years ago by Kettani's father, the company was aided by protectionism and Moroccanization, but today is taking full advantage of the economic opening, exporting its embroidered fabrics all the way to South Korea!

It is a bet made with hope and yet without false illusions. "An atmosphere of confidence and recovery reigns, but there is still much work to be done," Mr. Benani Smires, the businessman who heads the Moroccan Association of Businessmen, asserts gravely. "We have a fragile economy, we are a developing country, and our success is not a foregone conclusion."

In 1989, for example, it took merely the coincidence between a significant drop in phosphate sales (India chose to purchase its fertilizer elsewhere), a slightly inferior agricultural harvest, and modest increase in interest rates, to drive the trade deficit back up and cut the growth rate in half. This was a considerable setback, which demonstrates the extreme fragility of Morocco's economic recovery and the significant constraints against which Morocco continues to struggle.

These constraints can be summed up with three concepts: debt, demography, and food import dependency. Although foreign investment has flowed in, it does not even begin to make up for the capital lost in debt service.[3] Remaining prudent with regard to further borrowing ("We now actually refuse loans," the Foreign Exchange Office insists), Morocco currently pays to its creditors, good year or bad, between $600 and $700 million more than it receives in new loans or investments. "Each year, we transfer abroad the equivalent of 3 to 4 percent of our GNP: this is an enormous handicap," explains Mr. Abouyoub, Director of Foreign Trade.

This handicap has been aggravated by Morocco's galloping population growth rate (2.6 percent per year), which imposes a heavy burden of public expenditures (health, education, food subsidies) and slows the progress towards economic stabilization—especially with regard to employment. Despite the fact that the industrial sector created 600,000 jobs last year, official unemployment statistics remain at 14.3 percent (compared to 15.5 percent at the end of 1986). The greatest impact is felt by the young university students, who graduate each year from an educational system put in place after independence. "A courier for a bank must have at least a baccalaureat plus two years of schooling; a policeman a college degree," notes a disillusioned young Moroccan.

Although the industrial sector is showing progress (including a 35 percent increase in new enterprise creation; a 25 percent increase in investment; 10 percent growth in employment, etc.). this progress cannot compensate for the sluggish agricultural sector. Agriculture still supports more than half the population, while it produces only one-sixth of GNP. Agriculture remains vulnerable, with a shortage of irrigated land (barely one-eight of the cultivable land), and production varies dramatically from one year to the next according to the vagaries of the climactic cycles that originate in the Azores. Moreover, in spite of enormous efforts, agriculture remains structurally inadequate. The cost each year to import grains, the staple food of the population is almost without exception over 20 percent greater than revenues from the export of citrus and early fruits and vegetables. A frightening trap.

"With a population growth rate of 2.6 percent per year, fixed social expenditures, and payments on our debt equivalent to 3 percent of GNP, we will need an economic growth rate of at least 6 to 7 percent per year simply to sustain current revenues," explains a spokesman from the Ministry of Finance. "For this we need investment. But with what resources? We cannot allow ourselves to get even further into debt . . ."

That solution? A call for private capital, which, while it has been abundant in the Kingdom has, until now, never been more attracted to real estate speculation than to industry. "The challenge? To liberate private initiative," explains Mohammed Sagou, Cabinet Director for the Minister of Finance. "We will have to create economic growth in order to be able to pay our debt."

COMPELLED LIBERALIZATION

There is a new language. The time is far away that Morocco, intoxicated as were all developing countries by the flow of petrodollars, borrowed itself to the hilt in order to pay for grandiose infrastructure and development projects, such as roads, dams, phosphate mines, sugar industries, and cement factories. Since the beginning of the 1980s, the debt crisis has compelled the country—brought to its knees by three years of drought—to negotiate with the IMF for a rescheduling of its debt. That crisis is still felt sharply.

Since 1983, the Kingdom has turned a page. Aided, somewhat paradoxically, by the conflict in the Sahara, which helped reinforce social cohesion and enabled the regime to impose austerity measures without creating social upheaval, the Government has completely reversed its policies.

The "structural adjustment" program imposed by the IMF led to a 40 percent devaluation of the dirham, a freeze on public expenditures which has brought the budget deficit from 13 down to 4 percent of GNP, and almost negligible growth in per capita income between 1981 and 1985. Simultaneously, Morocco implemented a series of fundamental reforms that can be summarized in one word: liberalization.

A true economic revolution has taken place almost unnoticed. Aided by a coincidence of favorable conditions (a fall in interest rates, oil prices, and the rate of the dollar; good harvests; and an improvement in the phosphate markets) the reforms brought unexpectedly positive results in 1987 and 1988. For the first time since 1974, Morocco succeeded in balancing its output and needs—so well, in fact, that the current account balance registered a surplus of 2.9 billion dirhams and the Kingdom was able to accumulate some foreign exchange reserves.

The results have been encouraging and, despite a decline in performance in 1989, show that the kingdom is on the right path. All observers agree that the momentum for development exists, and the potential is there as well. Tourism, a source of foreign exchange, remains still largely unexploited, as does the nascent fish processing industry—a sector which has the potential to contribute $1 billion in foreign exchange earnings to the country (four times what it currently contributes). Agriculture, assert experts at the Ministry of Plan, produces less than one third of its potential, and if modernization is pursued, Morocco could reach self-sufficiency in food production within five to seven years.

As for industry, its strength lies in the innumerable small and medium enterprises (of which a good one-third are in the informal sector). Until recently concentrated in textiles, leather goods, construction, and agroindustry, this sector has begun a restructuring, with the goal of breaking into such key areas as electronics and communications. "I remain optimistic that the worst is behind us. The policy of sectoral and geographic diversification that we have undertaken has begun to bear fruit," asserts the Director of the Foreign Exchange Office. "We are exporting flowers all the way to Canada. That was unthinkable just five years ago!"

MOMENT OF TRUTH IN NICARAGUA AND EL SALVADOR

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. CROCKETT. Mr. Speaker, the executive committee of the Inter-American Dialogue—a prestigious group of 70 North and South American leaders cochaired by Ambassador Sol Linowitz and former Costa Rican President Daniel Oduber—recently issued a timely statement on Nicaragua and El Salvador.

The statement was released 2 days before the Nicaraguan election. Yet the validity of the statement's recommendations are unaffected by the outcome of the election. The Dialogue recommends that the United States: "promptly

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[3] In 1988, Morocco paid some 14.8 billion dirhams in debt service, of which 8.2 billion were for interest payments: the equivalent of one third of Morocco's foreign exchange earnings.

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reestablish normal diplomatic relations with Nicaragua", henceforth use Contra aid solely to support Contra repatriation or resettlement, lift its trade embargo of Nicaragua, and "join other governments in considering concrete proposals for aiding Nicaragua's economy." I hope my collegaues will support these sound recommendations.

The Dialogue reaffirms its view that "El Salvador's war can only be ended through negotiations, involving real compromises on all sides," and goes on to enumerate five general principles that should guide the negotiations. This statement is particularly timely and important, because the outcome of the Nicaraguan election creates both a danger and an opportunity for El Salvador. The danger is that the United States and Salvadoran Governments will make the mistake of thinking that the outcome makes a quick victory over the Salvadoran guerrillas possible. The opportunity is that those Governments will realize that the outcome makes a negotiated settlement for reachable. If the former view prevails, El Salvador will be condemned to many more years of war. It is helpful to be reminded that negotiations are the only way out for El Salvador.

I include the statement of the Inter-American Dialogue's executive committee at this point for the information of my colleagues:

MOMENT OF TRUTH IN NICARAGUA AND EL SALVADOR

After more than a decade of armed conflict, the prospects for resolving Central America's wars may be more promising today than at any time in years. In Nicaragua, next Sunday's elections could at long last lay the groundwork for national reconciliation and reconstruction. In El Salvador, a military stalemate that denies victory to either side may now open the way for negotiations and a compromise political settlement. But these opportunities may be fleeting. If the moment is not seized, Central America could be condemned to a renewed cycle of violence for years to come.

NICARAGUA

In less than 48 hours, the people of Nicaragua will go to the polls for the most important vote in their country's history.

Repeated elections during the long Somoza family dynasty were a sham, giving Nicaraguans no real say in choosing their leadership or in the substance of policy. The 1984 vote organized by the Sandinista government also failed to provide Nicaraguans with a real choice, for the leading opposition candidate withdrew from the race, charging that conditions for the vote were unfair.

Sunday's balloting does present Nicaraguans with a clear decision—between a new mandate for President Daniel Ortega and the Sandinista party on the one hand or the election of an opposition movement led by Violeta Barrios de Chamorro, widow of the Nicaraguan publisher who once personified opposition to the Somoza dictatorship on the other.

Nicaraguans from across the political spectrum have actively participated in the campaign. Almost 90 percent of the eligible voters have registered, and a high turn-out is expected on February 25. Many voters will be casting a ballot for only the first or second time in their lives.

Preparations for the vote have been closely monitored by several international missions, including those of the United Nations, headed by Elliot Richardson; the Organization of American States; the European Parliament; and the Council of Freely-Elected Heads of Government, chaired by former President Jimmy Carter. By most accounts, the campaign appears to have been reasonably free and fair, particularly during the final crucial weeks. Both sides have had considerable opportunity to put their views before the electorate, although the Sandinista party has clearly benefited from its incumbency and there have been sporadic episodes of violence and harassment. Considering that Nicaragua has suffered years of civil war and is still subject to periodic attacks from Contra forces, it is noteworthy that generally positive electoral conditions have been established.

Barring unforeseen, last-minute developments, the vote is expected to be orderly and largely free of intimidation. The participation of so many seasoned election observers should help to assure a fair election and confer broad legitimacy on the government selected.

Whoever wins the vote will face monumental challenges. Nicaragua's economy is in shambles: real per capita income is no higher than it was in the 1950s; open unemployment is at 20 per cent; agricultural production has dropped; and Nicaraguans are emigrating in large numbers. Nicaragua has made progress in slowing inflation, but prices are still rising at more than 20 per cent a month. It is estimated that some twenty years of sustained growth will be needed to restore real per capita income to the level it reached before the 1979 revolution. That kind of steady growth will require both internal cooperation and international support.

Within Nicaragua, it will be crucial that the elected government accept its mandate with magnanimity, and that the losers respect the verdict of the majority and desist from after-the-fact attempts to discredit the electoral process. The willingness of the new government and the opposition to work together would send a powerful signal, within Nicaragua and abroad, that a new and hopeful chapter in the country's history is about to begin.

It is likewise imperative that the international community abide by the judgment of the Nicaraguan people. Assuming that Nicaragua completes a broadly acceptable electoral process, we would urge the United States and other governments to recognize and reinforce this welcome achievement by according respect to the elected government.

Specifically, we urge four concrete steps following a free and fair election:

The United States Government should promptly reestablish normal diplomatic relations with Nicaragua by accrediting a new ambassador to Managua.

The U.S. Administration and Congress should, in accord with the Central American Peace Accords, make resources available to the Contras solely for the purpose of facilitating their repatriation or resettlement. A concrete plan for repatriation and resettlement should be speedily formulated, and all U.S. and other international aid to the Contras should henceforth be channeled through the International Support and Verification Commission, as the Central American Presidents agreed last December.

The United States should lift its trade embargo and establish normal commercial relations with Nicaragua—providing Nicaragua adheres to the agreement among Central America's presidents not to provide military or logistical support for insurgent movements.

As the elected government of Nicaragua prepares plans for the country's reconstruction, it should have access to multilateral economic assistance as recommended by the International Commission for Central American Recovery and Development. The government of the United States should join other governments in considering concrete proposals for aiding Nicaragua's economy.

The subsequent evolution of relations between the government of Nicaragua and that of the United States and others in the Hemisphere should and will to a very large extent be determined by the performance of Nicaragua's newly elected government.

EL SALVADOR

El Salvador is still racked by a prolonged and brutal civil war. What progress has been made in enlarging the space for political competition was set back in recent months by renewed polarization and intensified violence. Last November's offensive by the FMLN guerrillas and the bloodshed that ensued, including the murder by military officers of six Jesuit priests who had championed reconciliation, starkly underlined the country's agony. The war has become even more violent; the country's economy continues to decline; social reforms are stymied; and gross violations of human rights continue to be perpetrated by the right-wing death squads.

The fact is that neither the army nor the guerrillas can hope to achieve a military victory; nor can the guerrillas expect that a mass insurrection will catapult them into power. Most Salvadorans yearn for peace and will not join the armed struggle on either side. It has also become clear that the government cannot control the armed forces, and that as long as the war persists the authority of civilian leaders will remain weak.

El Salvador's war can only be ended through negotiations, involving real compromises on all sides. El Salvador has two paths—many more years of conflict or a negotiated peace that satisfies neither side fully, but that each can accept as preferable to war without end.

Meaningful negotiations have been impossible thus far because each side has, in effect, demanded the other's surrender. In recent months, however, both the guerrillas and the government have made potentially significant shifts in their negotiating positions. The FMLN has dropped its demands for an immediate share of power, for the merging of the army with its guerrilla force, and for a new constitution. The FMLN now says that it is prepared to compete in elections. For its part, the government of El Salvador has expressed, for the first time, a willingness to consider mediation by outside parties. Many supporters of the Cristiani government seem increasingly convinced that a political settlement represents the only chance to salvage the country's economy.

The will to seek a political solution within El Salvador must be reinforced by strong supportive efforts of the United States and other countries. The legacies of bitterness and mistrust will not be easily overcome, and there are many who will actively resist the compromises needed for successful negotiations.

The United States cannot orchestrate a settlement in El Salvador. What the United States can do, is, first, to declare its commitment to a negotiated solution and reformulate its aid to El Salvador in ways that will convey that commitment to all parties. Such reformulation should be accompanied by a U.S. pledge to assist the government should the guerrillas resume their attacks. The United States should also work to mobilize other outside actors—Latin American and European governments, international organizations, and the Catholic Church—to become engaged in the diplomatic process.

The content of a peace settlement in El Salvador cannot be specified in detail at the outset of the negotiations. What is needed is for both sides to come to the table and stay there; the bases for an agreement can emerge only in the course of the negotiations themselves, perhaps with the help of a third-party mediator.

Both sides should consider at the outset endorsing five general principles to guide and facilitate their negotiations.

1. The FMLN must renounce sabotage and assassination and pledge not to attempt to seize power by force or subterfuge. For its part, the government of El Salvador must exert every effort to disband the death squads and bring an end to violations of human rights.

2. The FMLN must indicate its willingness to disarm and compete for power peacefully in the political arena as soon as the ground rules of electoral competition are agreed. The government must make it clear that it will and can guarantee the personal security of former guerrilla fighters who agree to take part in peaceful political activity.

3. The armed forces of El Salvador must be reduced in size and effectively subordinated to civil authority. Officers responsible for gross and systematic violations of human rights must be removed from command positions.

4. A negotiated settlement must include provisions to reform the judicial and electoral systems so as to win broad public acceptance.

5. The parties must agree to proceed in a staged manner with progress measured in small steps. As this step-by-step progress takes place, careful and independent monitoring by an international observer group may be necessary. Both sides should specify early in the negotiations their willingness to cooperate with such a group, and plans to organize it should then begin at once.

Each step along a path to peace in El Salvador will be difficult, and there will surely be setbacks along the way. Yet a beginning must be made if El Salvador is to emerge from its long nightmare. In a new decade, with regional conflicts being settled in many corners of the world and with civil war in Nicaragua so close to resolution, the time has come for all parties to strive for peace in El Salvador.

TESTIMONY OF DR. JAMES J. RENIER, CHAIRMAN AND CHIEF EXECUTIVE OFFICER OF HONEYWELL CORPORATION, IN SUPPORT OF HEAD START

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 6, 1990

Mr. KILDEE. Mr. Speaker, as chairman of the Subcommittee on Human Resources, I have had the opportunity to hear testimony from many exceptional individuals. Occasionally, however, a particular witness stands out for special attention. Such is the case with Dr. James J. Renier, chairman and chief executive officer of Honeywell, Inc.

Dr. Renier testified before the Sucommittee on Human Resources on March 2, 1989, in support of the reauthorization of the Head Start Program. His testimony addresses, from a business perspective, the critical importance of Head Start not only for the children and families being served, but for our Nation as a whole. Dr. Renier's perspective on the importance of ensuring the quality of services being provided is particularly informative. I commend Dr. Renier's testimony to my colleagues' attention.

TESTIMONY OF JAMES J. RENIER, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, HONEYWELL, INC.

Mr. Chairman: I am pleased to have the opportunity today to comment on the reauthorization of Head Start. Because 1990 is Head Start's silver anniversary, I can think of no better time to assess what the program has accomplished in its first 25 years and explore how it can be strengthened and improved to meet the changing needs of a growing population of poor children.

I will be commenting on this issue both as Chairman and Chief Executive Officer of Honeywell, Inc., and as a trustee of the Committee for Economic Development (CED) and chairman of its Subcommittee on Education and Child Development. My remarks will also stem from my special vantage point as chairman of a unique community-wide project in Minneapolis, called "Success by 6", which is focusing public and private sector resources on improving the early development and school readiness of our city's youngest children.

CED is a national organization of 250 business leaders and university presidents who are deeply concerned with the long-term strength and stability of the U.S. economy. Over eight years ago, CED identified education as a key—if not the key—investment strategy for improving the nation's productivity and competitiveness. We produced two reports, Investing in Our Children and Children in Need, which together outlined a comprehensive and coordinated strategy for improving the way our nation's children are prepared to succeed in school and in life.

I would like to submit copies of these two reports into the RECORD.

The trustees of CED believe that developing more productive human resources is the single most important long-range issue our nation must grapple with in order to regain and sustain its national competitiveness. All the technology and natural resources at our disposal will count for little without the human intelligence and imagination to put them to work.

But when we look at the new generation growing up, we're worried. Up to half of the children now coming through the public education system will not develop the learning skills essential to contribute to our economic system and participate in its benefits.

Much of this failure occurs among the nation's poorest children. The facts are distressing:

One of every five children under the age of 18 and one in every four children under the age of six lives in poverty.

Children are seven times more likely to be poor than those over the age of 65.

Both Black and Hispanic children are nearly three times as likely as white children to live in proverty.

Over half of all Black children and one-third of Hispanic children live with a mother who has never married. And the dropout rate for children of single parents is twice as high as for those in households with two parents.

Fewer than 50 percent of teenage mothers graduate from High School. At the same time, fifty percent of all welfare expenditures go to families in which the mother began her parenting as a teenager.

These statistics reveal a horrible waste of human potential that if left unchecked will undermine our nation's economy and rend our society. If we are to remain competitive and continue to enjoy a reasonable standard of living, we must tap the talents of *all* our people.

The members of this committee must face the issue as representatives of every segment of their constituencies, seeking answers that benefit all Americans. And I hope I am able to see this subject, not just as a businessman, but with a broader social perspective. But I believe I can contribute best in the area I know best, the business frame of reference.

My company, Honeywell, is an international control company. We design, manufacture and market products, systems and services for homes and buildings, business and industry, space and aviation. We closed 1989 with worldwide sales of $6.059 billion for continuing operations and 65,300 employees. Like every company in America, we have to perform well in an increasingly competitive global economy driven by rapid technological advances.

Performance depends on our ability to find, hire and retain new workers who are not only verbally and mathematically literate—with analytical ability and disciplined work habits—but who are also able to learn, and learn quickly enough to keep up with technology. For this reason, my company agrees with the Committee for Economic Development that the educational shortfall in the work force is more than a seriours problem—it is an imminent business crisis.

Consider a simple business fact of life. The Department of Labor tells us that the median education required in industry today is 12.8 years of schooling. Thus, on the average, not even a complete high school education is quite up to the job. Moreover, 10 years from now, the median requirement will have risen to 13.5 years.

Question: How can we expect to maintain a strong and competitive industrial system when the figures for educational requirements are going up and the figures for attainment are going down?

About 25 percent of American kids drop out of high school before graduating—and in some urban areas, as many as 50 percent. We're losing a million graduates a year. And another 700,000 who do graduate, are functionally illiterate.

The consequences of deteriorating education are tangible and visible. Gary Becker, Professor of Economics and Sociology at the University of Chicago, has pointed out that "real wages of young high school graduates have declined more than 10 percent since 1975, and wages of dropouts have plummeted even more, indicating that not only dropouts but also many graduates are ill-prepared for work in modern economies."

In a recent issue, Business Week magazine wrote: "Without an educated citizenry American business is in deep trouble. It is in trouble because it will have difficulty finding creative and entrepreneurial employees. It will have no customers. Without an educated workforce, business cannot compete."

In Japan, the drop out rate is six percent and literacy is virtually universal. We cannot long compete against Japan—and the other highly-educated Asians and Europeans—if our workforce is not prepared to compete.

A couple of years ago, a mid-sized manufacturing company in Florida estimated they could save $6000 per year per employee, if all their employees were masters of basic reading and math skills. Our ability to compete would soar if every American worker could improve his or her productivity by $6000.

America spent over 300 years building a great educational system. By the time this century opened, we had the best educated workers in the world. They have been able to take new technologies and out-produce the rest of the world—even when the technologies were developed by others. But soon other countries may out-produce us because today they are out-educating us.

American school kids at the age of 10 were shown in recent international research to rank seventh out of 15 countries in scientific knowledge. By the age of 15, they ranked 15th.

America had the lowest number of biology students of the countries surveyed—and our top students had the lowest achievement level.

In chemistry only one other country scored as low as the U.S. And in physics, the top percentile of American students ranked 10th among the nations studied.

In mathematics, American 13-year-olds came in last. And according to one report, they were far more content with their performance than those who ranked first, South Korean students.

To business people, these figures are alarming, and they should concern all Americans, because the industrial process—using our heads to turn raw materials into real wealth—provides our high standard of living. (We used to say it was the highest in the world. But now, depending on how you measure a standard of living, some countries have overtaken us.)

By standard of living, I don't mean just the cars and houses we own, or the foods available and the medical attention we receive. Our industrial strength also enables us to help others when they are victimized by aggressive force or when disaster strikes. Our health has made it possible to defend freedom in time of war and export democracy in peace. America's wealth helped rebuild industry in Europe and Asia following World War II.

For business, it is not just a bottom-line issue. Business people are human, too. We like to see the children of company employees grow up healthy and successful. We want the neighborhoods of our plants to be safe and pleasant. We want the communities where we live and work to be fiscally sound, progressive and able to care for their citizens. In this respect, business people are no different from their friends in government and the professions.

And on this issue, business has to turn away from the bottom line. We are sometimes accused of putting all our emphasis on the short-term—next quarter's profits and this year's gains over last year. But on this issue we have to look years ahead, because that's when the benefits of education will pay off.

CED's work clearly demonstrates what we must do to ensure that the next generation will be better prepared—not only for the workforce but as citizens, voters and parents.

First, we must intervene as early as possible in the lives of disadvantaged children in order to prevent failure before it happens. Intervention is the key to ensuring that every child is born healthy and receives adequate physical, emotional and intellectual nurturing in his early years so that he will arrive at school eager and able to learn.

Then we must sustain that intervention to keep early successes from being overtaken by the proverty, crime and chaos in their lives.

Finally, we must restructure our public education system so that it delivers quality education for all children and not just for the privileged few.

CED's research shows Head Start has been, and can continue to be, one of the most important weapons in this war against proverty and ignorance. Our goal is the full funding necessary to provide Head Start pre-kindergarten education for all eligible 3-, 4-, and 5-year-olds.

High quality preschool programs have been shown to save society burdensome future costs of a wide variety of social programs. Every $1 invested in such preschool programs can save up to $6 by reducing the costs associated with remedial education, welfare, crime, emergency health care, and teen pregnancy.

By way of contrast, each year we delay breaking the cycle of failure, society must spend $16.6 billion on the children of teenagers who cannot support their families. Every class of dropouts—700,000 every year—costs society $240 billion during their lifetimes in the form of wages not earned and taxes not paid. Every year that a child must repeat a grade costs $4,000, and by the ninth grade, approximately 50 percent of the students have flunked at least one grade.

We are pleased to see that the principle of early intervention to promote school readiness is now receiving the support it needs and deserves from the highest levels of our political leadership—President Bush and the nation's governors. Specifically, we are delighted that the National Governors Association, in their elaboration on the National Education Goals submitted to the nation in January by President Bush, have singled out as objectives that "all disadvantaged children. . . will have access to high quality and developmentally appropriate preschool programs" and that "children will receive the nutrition and health care needed to arrive at school with healthy minds and bodies."

The $500 million increase for Head Start proposed by President Bush for fiscal year 1991 is a critically important expression of this leadership.

Nevertheless, we are concerned that the funds will be earmarked only to create additional half-day program slots exclusively for 4-year-olds and that none of these funds will be allowed to be spent on upgrading salaries, strengthening training, or improving facilities.

Using proposed funding increases this way will not accomplish the results our society—or these children—need. The positive outcomes of such programs as the Perry Preschool Project and the Harlem Head Start Study derived from the intensity, comprehensiveness, and highly trained staff they provided.

Unfortunately, not every Head Start program currently lives up to these high standards. Head Start has not always had the resources necessary to assure quality, explaining why program graduates do not fare as well over the long term as they otherwise might. It is imperative, therefore, that as you rewrite the authorizing legislation on Head Start, you earmark funds and designate strategies that will strengthen and improve the quality of the overall Head Start program.

What should these improvements entail? Children in Need argues that in addition to a head start on their education, disadvantaged children and their parents are desperately in need of a whole range of ancillary supports, such as general and mental health and social services; full-day child care for working parents or parents still in school; opportunities for continued education and training for parents not yet in the work force; and parenting education for these parents—many of whom are often children themselves, dependent, and alone.

The beauty of the Head Start program is that when it is operating at its best it draws on community resources to provide this intensive and comprehensive array of health and human services, meeting the needs of both the child and its family.

Nevertheless, a combination of lack of adequate resources, legislative and regulatory constraints, and poor integration with preschool programs at the state and local level have often combined to prevent Head Start from living up to its initial promise.

Evidence suggests that the target population for Head Start is becoming more entrenched in poverty and that the cycle of poverty for this group is becoming harder to break. The poverty rate for children has increased by 31 percent in the last eight years, and young families in poverty are more tightly entwined in their circumstances. Poverty among children in young families—those headed by someone under 30—was 35 percent in 1987—a 72 percent rise since 1973. There is also an alarming growth in the number of physically, emotionally, and mentally damaged children among poverty-level families. In some inner-city hospitals, as many as 50 percent of all babies are being born addicted to crack or cocaine or affected by fetal alcohol syndrome. The doctors tell us that these babies do not get better as they get older.

In my view, these changing circumstances argue for broadening, not narrowing, the population group Head Start reaches. All by itself, one year of preschool is not going to instill children, buffeted and battered by the culture of poverty, with the middle class values and drive needed to help them compete successfully in school. At a minimum, we have to ensure that every child from 3 to school age who is eligible by poverty guidelines and who is not already in kindergarten, has the opportunity to participate.

Longer range, we should also be looking at the need to expand the Head Start model to children from zero to three, so that we can intervene and improve their chances for a productive life as early as possible.

Another priority area for improvement is in the compensation and training of Head Start teachers and other staff. A number of studies, including the recent National Child Care Staffing Study, have demonstrated that the most critical factors in the success of preschool programs are the compensation and training of staff. Without a stable and well-trained staff, Head Start programs cannot adequately deliver the services that are a hallmark of the program: Intensive parental involvement, integration of health and human services, safe and nurturing surroundings, and a substantive and developmentally appropriate educational curriculum. Under current funding levels and guidelines, the compensation level of Head Start teachers is unconscionably low, and the employee benefits, such as health insurance and pensions, that most of us in business take for granted are largely nonexistent.

Head Start can also be a useful program for helping parents make the transition from welfare dependency to full-time work that pays a living wage for supporting the family. To do this, Head Start needs to be able to provide more full-day services that correspond to working hours or school hours of parents. If there were more flexibility in program design and funding at the state and local level, Head Start programs could be usefully connected into child care services under the Family Support Act to help parents who are trying to get off welfare.

Further, as parents start to make the transition into self-sufficiency and their salaries rise above the poverty level, they should not be penalized by having their children become automatically ineligible for Head Start. Such families in transition still need extensive support services to help them stabilize.

The program also needs greater flexibility in order to function more effectively. One of the hallmarks of Head Start is the ability of the individual programs to configure their services to meet local community needs. But to do this, funding needs to be both adequate and flexible to allow the federal Head Start program to work in conjunction with state and local preschool, child care, and other early intervention programs.

The Head Start model is very sound. It is a federal program with a long history. Because of the critical need for early intervention strategies, state and local governments are jumping into the early childhood arena and developing programs of their own. Some of them are taking the comprehensive model of Head Start as the starting point for their program design; but many others are using only the bare minimum and creating programs that do not meet the needs of multi-problem children and families in poverty. The federal government, which has a historic responsibility to ensure educational equity for disadvantaged children, should provide incentives for states and localities to use the comprehensive model of Head Start, work with the local Head Start programs in their area, and where appropriate, expand services to at-risk children by supplementing Head Start funding.

CED will be looking at the issue of comprehensive and coordinated prevention strategies for at-risk children in its new project on education and child development, which I chair. The ideas I have shared with you are some of the preliminary thoughts on improving the Head Start program based on work we have already completed. Needless to say, we will have more specific recommendations to make on the need for comprehensive and coordinated prevention and intervention strategies when our new policy report is released next year.

I would like to conclude with one final thought. The business leaders and educators who serve on CED's board of trustees believe that it is more important than ever to act on the knowledge that our children are our future. If we fail to nurture and educate *all* of our children, we will be closing the doors of opportunity to a growing number of young people and excluding them from the mainstream of American life. The cost of failure is enormous, for a stake is the survival of our free-enterprise economy, our democratic system, and the American Dream itself.

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HOUSE OF REPRESENTATIVES—*Wednesday, March 7, 1990*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We offer our appreciation, O God, that the dark of night is ending for so many people in so many places. Continue, we pray, to show us the freedoms that honor Your creation and may our response to that freedom be that of a great thanksgiving for the gifts of this new life and hope. With praise and gratitude we offer this our prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. HOUGHTON] please come forward and lead the House in the Pledge of Allegiance?

Mr. HOUGHTON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

The Chair announces that during the joint meeting to receive the Honorable Giulio Andreotti, only the doors immediately opposite the Speaker and those on his left and right will be open.

RECESS

The SPEAKER. Pursuant to the order of the House of Tuesday, February 27, 1990, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1057

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY GIULIO ANDREOTTI, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE ITALIAN REPUBLIC

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the President pro tempore and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort his Excellency, Giulio Andreotti, into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Florida [Mr. FASCELL];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Illinois [Mr. ANNUNZIO];

The gentleman from Illinois [Mr. RUSSO];

The gentleman from California [Mr. PANETTA];

The gentleman from California [Mr. FAZIO];

The gentlewoman from California [Ms. PELOSI];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from Michigan [Mr. BROOMFIELD];

The gentleman from California [Mr. LEWIS];

The gentleman from Massachusetts [Mr. CONTE];

The gentleman from New Jersey [Mr. RINALDO];

The gentleman from California [Mr. LAGOMARSINO];

The gentlewoman from New Jersey [Mrs. ROUKEMA];

The gentleman from New Jersey [Mr. GALLO]; and

The gentlewoman from Maryland [Mrs. MORELLA].

The PRESIDENT pro tempore. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the Council of Ministers of the Italian Republic, Giulio Andreotti, into the Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from California [Mr. CRANSTON];

The Senator from Vermont [Mr. LEAHY];

The Senator from Rhode Island [Mr. PELL];

The Senator from Arizona [Mr. DECONCINI];

The Senator from Illinois [Mr. SIMON];

The Senator from Kansas [Mr. DOLE];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from New Mexico [Mr. DOMENICI];

The Senator from Indiana [Mr. LUGAR]; and

The Senator from New York [Mr. D'AMATO].

The Doorkeeper announced the Ambassadors, Ministers, and charges d'affaires of foreign governments.

The Ambassadors, Ministers, and charge d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 4 minutes a.m., the Doorkeeper announced the President of the Council of Ministers of the Italian Republic, escorted by committee of Senators and Representatives entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of Congress, it is my great privilege and I deem it a high honor and personal pleasure to present to you the honorable, Giulio Andreotti, President of the Council of Ministers of the Italian Republic.

[Applause, the Members rising.]

ADDRESS BY HIS EXCELLENCY GIULIO ANDREOTTI, PRESIDENT OF THE COUNCIL OF MINISTERS OF THE ITALIAN REPUBLIC

(The following address was delivered in Italian, with a simultaneous translation in English.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

President ANDREOTTI. Mr. President, Mr. Speaker, Members of the Congress, the honor of speaking before the representatives of this Nation gives me and the country I represent great satisfaction and pride.

My mind turns, first, to the distant September 1951, when Alcide De Gasperi, Premier and Foreign Minister of Italy, a country then on the way toward moral and material reconstruction after the tragedy of the war, received in this very Chamber a warm welcome.

What I feel before this Congress is respect for the history of the great Nation you represent and for how generations of Americans have held fast, even in the most difficult of moments, to the principles of democracy and freedom enshrined in the Declaration of Independence of 1776. They were the same principles which were soon to find a solemn expression in Europe.

There are, between the old and new continents, streams of affinity, of active solidarity, of shared interests, not only material ones.

But there is something more to this natural partnership: the United States, by signing the Helsinki accords, has accepted to contribute permanently to the security and the development of cooperation in Europe, becoming together with Canada, because of the CSCE process, an integral part of the European Continent.

We have traveled together a long road in the framework of NATO, which was created as a defensive alliance, but it was above all an association of free nations.

Yesterday as today, freedom, justice and the vitality of our societies are our most precious heritage, to be defended against poverty and unemployment, but also from the deterioration of the environment and drug abuse.

Thomas Jefferson said he preferred the dreams of the future to the history of the past. What I am feeling toward you at this very moment is trust: trust that the American people of whom you are the worthy representatives will be able to interpret the needs and requirements of mankind at the moment when it is looking hopefully toward the third millennium.

Today the wind of freedom and democracy is blowing strongly in the East. How could this happen? Because we have proven that democratic nations could remain united, could achieve increasing economic and social development without sacrificing democracy, could demonstrate concrete solidarity toward developing countries, could adopt a foreign policy as balanced and fair as it is steadfast to the values which inspired it.

If we now consider what is taking place in the East and the integration of Europe, it is important that we not look back at the past, but forward in order to gauge how far behind we may be with respect to today's needs, as well as to those of a challenging future, when proper and timely choices will be necessary.

We want to continue building a Europe that is open to the world, not a fortress Europe as some mistakenly fear, but a Europe that is available, ever ready to cooperate in a spirit of true partnership with the United States, whose military presence in Europe must remain and must continue to work for all, as in the past, as a guarantee of stability and balance. Moreover, we want this new Europe that is being built to develop new and increasingly close and effective forms of linkage with this essential partner nation, the United States of America.

We cannot ignore the importance of an integration process intended to ensure strong and fundamental political stability for Europe. In this framework the reunification of Germany finds decisive support in the solidarity of its community partners, just as it has an essential anchorage in NATO and a secure guarantee in the larger assembly of the 35 Helsinki Conference nations.

The real issue today is how can we encourage change in the East without provoking repercussions that would stop its impetus. It seems to me that a concerted action of Western countries is more necessary than ever before.

The attempt to include the Soviet Union in a design of international stability has failed twice in the past, at least in part: The first time when Roosevelt proposed the creation of a new international order around the United Nations, and more recently when President Nixon attempted to stimulate the Soviet Union's interest in world stability through a generous trade program and through controlling the arms race.

Today, for the third time in 45 years, we face the same problem, with the difference, however, that a reformist plan is underway in the Soviet Union which we have an obligation as well as an interest in encouraging.

A new deal with the East should first of all include a drastic reduction of arms, especially conventional weapons which threaten us Europeans in terms of proximity and continuity.

However, nothing could better safeguard Western interests than the success of democracy in the East. We understand your sensitivity on this point since America is itself a creation of human rights rather than vice versa. It was Aldo Moro who at Helsinki led the battle on behalf of Italy and the European Community to remove the visible and invisible barriers blocking dialog among people in Europe. It was no easy battle, nor was it won once and for all, as is always the case in struggles for freedom. Upon signing the Final Act Moro stated: "The Final Act is not a notary's document which only focuses on the present situation. In taking note of the existing territorial aspects and the fundamental prospects of cooperation it wants above all to be a bridge to the future."

Today we continue to work on building that bridge, without fearing the new, without shirking a political challenge which can sometimes appear more difficult than a military threat.

In effect, the example was set by the United States, that is by a democracy supported by principles coming from below, and which was born together with the popular myth of the frontier, opening itself to and welcoming other peoples.

My thoughts go out to my many fellow countrymen who ever since the end of the last century have been generously welcomed by this country. They have contributed with their industriousness, talents, and human qualities to the growth of this Nation.

We have proudly seen so many Americans of Italian origin become Members of this Congress. Many of them are still here with us. Others no longer sit in this Chamber. Permit me to mention, out of all of these, John Pastore and Peter Rodino, with whom I have had ties of great friendship.

Now I wish to refer to the new frontiers of a better quality of life, of overcoming the divisions between North and South, of the protection of the environment, of a fairer distribution of resources and of new conquests of science for the benefit of mankind. I also refer to the new frontiers where coexistence will restore freedom from basic needs to all men and will grant them the dignity of being true masters of their own fate.

These goals require tools capable of mobilizing all existing resources.

This is why the United Nations must remain a privileged forum of expression. It is necessary and the time is ripe to reestablish within the United Nations an authentic spirit of solidarity like the one which animated the promoters of the San Francisco Charter, when the ashes of the war had not yet cooled down.

It will certainly be necessary to produce new rules, new codes of behavior, and new understandings to tackle the existing emergencies and prevent new ones from arising.

In this framework, it will probably be wise to review the decisionmaking mechanisms so that the United Nations' action can be more effective and timely when tackling the challenges of the third millennium. It will also be useful to strengthen the role of the International Court of Justice as a natural forum for finding a peaceful solution to disputes amongst countries.

But it is only through sharing intentions, through adhering to disciplines which are not imposed but voluntarily

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accepted, through a new concept of coexistence with others that it will be possible to conceive and build a better and fairer world. It should be a world of justice, of that justice which, as Harry Truman stated in his inaugural speech at the San Francisco conference, "remains the greatest power on earth—the only extraordinary power to which we are willing to submit."

I want my words to be ones of hope and trust. At a historic juncture offering so many causes for prudent optimism I think it is essential to continue our work, as we have in the past, and to strengthen the commitments of mutual solidarity. I would like to conclude by recalling what Abraham Lincoln said when contemplating the enlargement of the Capitol dome: "If people see that work on the Capitol goes on, it is a sign we intend that the Union go on."

[Applause, the Members rising.]

At 11 o'clock and 30 minutes a.m. the President of the Council of Ministers of the Italian Republic, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order.

The Ambassadors, Ministers, and chargé d'affaires of foreign governments.

JOINT MEETING DISSOLVED

The **SPEAKER**. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 33 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. The House will continue in recess until 12:15 p.m.

□ 1221

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 21 minutes p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mrs. **SCHROEDER**. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The **SPEAKER**. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2151. An act to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, PA, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

TRICKLED ON

(Mrs. **SCHROEDER** asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. **SCHROEDER**. Mr. Speaker, during the 1980's the Donald Trumps of the world got richer, and the average American got trickled on. There is no other way to describe the tax policies of the Reagan-Bush administrations.

Capital gains tax cuts for the rich; tax increases for everyone else. Most of the Reagan-Bush tax cuts were showered on the wealthiest minority of taxpayers, while the vast majority of Americans, saw their taxes go up. Bush is lobbying to cut capital gains taxes again.

Second, in George Bush's new budget he proposes to raise $28 billion in new taxes and fees—on everything from telephones to Medicare. Bush's motto is if it moves, tax it. If it doesn't move, charge a fee.

Third, in this morning's newspapers we read he plans on shoving more of the Federal share of road projects off on the States. Meanwhile, he continues to hoard the money in the highway trust fund in order to mask the size of the deficit.

Finally, payroll taxes on employees and employers continue to rise, while the Social Security trust fund is looted to pay Federal bills. The American taxpayers are being trickled on, and the man at the sprinkler is George Bush.

PRESIDENT BUSH TOO CAUTIOUS FOR LIBERAL DEMOCRATS

(Mr. **GINGRICH** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **GINGRICH**. Mr. Speaker, the Democratic majority leader said yesterday, "The United States is failing to capitalize on the sweeping changes in Eastern Europe" because of what he called President Bush's timid, unimaginative leadership.

By liberal democratic standards, President Bush is too cautious. Liberal Democrats gave America the Bay of Pigs disaster in Cuba. President Bush is too cautious for that.

Liberal Democrats gave America the catastrophe of the Vietnam war. President Bush is too cautious for that.

Liberal Democrats gave America the Iranian hostage crisis and the Desert One tragedy. President Bush is too cautious for that.

This afternoon I have a 1-hour special order on the choice between liberal democratic foreign policy disasters and the common sense approach of President Bush, which in Nicaragua and Eastern Europe and around the world is helping people achieve freedom. I urge my Democratic colleagues to join me for a dialog on whose foreign policy has been more effective over the last generation.

UNITED STATES SHOULD DO MORE THAN JUST SLEEPWALK THROUGH GREAT CHANGES OF TODAY

(Mr. **OBEY** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **OBEY**. Mr. Speaker, I am very amused by the previous comments attacking the very fine speech by the majority leader yesterday. The majority leader seems to have the quaint idea that the United States ought to do more than sleepwalk through some of the greatest changes that have occurred in the world in the past 45 years.

The gentleman from Missouri [Mr. GEPHARDT], for instance, has proposed that the United States ought to consider providing food assistance to the Soviet Union if they need it to get through a serious winter, if that will help continue Soviet reform and if the Soviet Union asks for it. What is wrong with that? That is consistent with the suggestions made by President Havel just 2 weeks ago when he addressed this Congress and said that the best way for the United States to help promote freedom in Eastern Europe was to help the Soviets continue their process of reform.

I would also like to point out the administration itself is now negotiating with our European allies to establish an East European bank upon which the Soviet Union itself could draw.

I think the comments of the gentleman from Missouri [Mr. GEPHARDT] are perfectly consistent with the administration's position on that.

I would simply suggest that what the gentleman from Missouri [Mr. GEPHARDT] was saying yesterday is that when we have a national earthquake and the Republican floor leader in the Senate suggested that we provide some aid to Armenia, we did it.

Today we have had a political earthquake which requires us to make the same kind of response in Eastern Europe.

I am glad that the gentleman from Missouri [Mr. GEPHARDT] is aware of the need to do that, even if the White House is not.

EDUCATIONAL EXCELLENCE IN AMERICA

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, at a time when the President, when the Governors, when the State legislatures across this land and, yes, when the U.S. Senate are all committed and taking the necessary steps to take this Nation to educational excellence, I regret to inform the House that here the Democratic majority on the Education and Labor Committee this morning moved on a partisan line vote simply to postpone further consideration of the President's Education in Excellence Act. For 8 years people have criticized the last administration for not doing enough for education. Now we have a President who 1 year ago said to this Congress that this piece of legislation which lays out the basic steps for improving educational excellence and getting this Nation on the road to educational reform, such things as awards for merit schools, such things as alternative certification so we can bring the computer programmers into the classroom and teach the students, such things as historically black college endowment funds, such things as providing grants and scholarships to the best math and science students we have, and on a party-line vote because it was proposed by the President, the Democrats on the Education and Labor Committee today said, "We will not consider this legislation at this time."

PRESIDENT HAS BEEN AN AMBASSADOR TO CHINA, BUT NOT TO EUROPEAN COUNTRIES

(Mr. GEJDENSON asked and was given permission to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I think our problem is that the President has been an ambassador to China and never got to be an ambassador to any of the Europe countries. With the butchers of Beijing just having finished their executions, the President sends off his top aides to China to find out how we can help the Chinese Government, those octogenarians who are oppressing their own people, stay in power; but the President wants to be cautious when it comes to Poland and Hungary and Czechoslovakia. The Czechoslovakians ravaged by the Nazis in World War II, taken by the Soviet Union, stripped of much of their industrial bases, fought back and has freedom, and we ought to provide a little incentive and help from American industry to be competitive in Eastern Europe.

There is an economic opportunity here for American industries. There is an economic opportunity that we are about to lose to the Germans and Japanese.

We can go so slow that we will be able maybe to get the crumbs in Eastern Europe; we are not going to have a chance to help American industry.

The Bush administration has already subsidized sales to the Soviet Union for grain. What it does, it helps American farmers compete with Western European farmers.

When it comes to telecommunications and computers, the Japanese have a tied-A program that is 34 times the size of ours, if you compare the countries for size. The Canadians have a four times program, a program four times the size of ours. The majority leader recognizes that the greatest threat to this country today is economic. We are losing the trade war and we are about to lose the best market in the world because this administration thinks the only place it can do business is in China.

□ 1230

SOVIET UNION NOT A POOR COUNTRY

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, time and time again, experts remind us that the Soviet Union is not a poor country—it is a poorly managed country with enormous resources.

I was amazed to learn that the majority leader of this House is critical of the President for not supplying high-technology exports and economic aid to the Soviet Union.

Now, we all appreciate a little corrective criticism from time to time, but this President cannot be charged with "lack of leadership."

It was President Bush who went to Poland and Hungary months ago to offer assistance and moral support.

It was President Bush who met with Gorbachev in Malta. And following the summit, it was President Bush who began lifting trade barriers. He granted the changing Soviet Union most-favored-nation status.

Mr. Speaker, President Bush seized the day many months ago.

If Members of this body want to send high-level technology and United States hard currency to the Soviet Union when it remains unclear if Gorbachev will survive the month then they will have to answer to the American people.

MAJORITY LEADER'S SPEECH SHOULD BE HEEDED BY ALL

(Mr. EDWARDS of California asked and was given permission to address the House for 1 minute).

Mr. EDWARDS of California. Mr. Speaker, yesterday I was privileged to hear Majority Leader DICK GEPHARDT's eloquent speech before the Center for National Policy. I hope his important message is read by all Americans.

Mr. GEPHARDT said that President Bush's military budget seemed as though it had been written by someone who had not read a newspaper in a year.

Why at this time when the cold war is over does Mr. Bush ask for a military budget $6 billion more than last year?

Why a 23-percent increase in star wars, a 65-percent increase for the MX missile.

Why does the President refuse to liberalize high-technology trade to Russia?

Mr. Speaker, I applaud Mr. GEPHARDT's leadership and vision on this issue. His message should be listened to by all.

MEMBERS INVITED TO TRIBUTE TO JOSE NAPOLEON DUARTE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, as we sit here debating this speech that was made by the majority leader yesterday about leadership or lack of it, I think it is very important for us to realize that amidst the euphoria that took place at the February 25 election in Nicaragua, that many of us have forgotten the fact that the great leader in the neighboring El Salvador, Jose Napoleon Durate, passed on.

This afternoon at the end of legislative business, I have requested 1 hour, and I would like to invite our colleagues to join in talking about this brave and courageous leader who certainly was one of those who forged the way for the tremendous changes which we are seeing in Eastern Europe and other parts of the world. I hope that as many Members as possible will join us this afternoon.

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"WHAT IS WRONG WITH THIS PICTURE?"

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, as children we used to look at books, comic books, and so on, and play a game of "What is wrong with this picture?"

Members may recall something would be there that we had to identify that would be out of sync. I would like to ask my colleagues today, in this picture, what is wrong with the picture, when on a $1,000 raise, an investment banker with a $200,000 annual salary would pay an additional $280 in taxes, while an auto mechanic with a $27,000 salary would pay on a $1,000 raise $265.50 more in taxes? What is wrong when the richest Americans are paying a tax at only a fraction of what working middle-class Americans pay?

The administration has failed in its tax policies. After a decade of Republican deception about taxes, the truth is finally out. The richest Americans, the top 20 percent of the wage earners in this country, have received a tax cut of 5.5 percent, while the rest of America has paid increased taxes and pays increased taxes of 5.5 percent as a result of the administration's policies.

It is time that we in this Congress applied some fairness to the Tax Code, recognized working Americans have been carrying the load, and enact some legislation that recognizes their contribution as well as the wealthiest.

FAMILY AND MEDICAL LEAVE BILL

(Mrs. ROUKEMA asked and was given permission to address the House 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, there has been an inexplicable resistance to the family and medical leave bill.

When asked, opponents of the bill give explanations that make no sense in this day and age, like: "I oppose mandates."

Does that mean they oppose child labor laws? Occupational health and safety laws? Social Security? That is a mandate. Mine safety? The minimum wage? Job-training programs, with all the restrictions they contain? Do they oppose all laws?

Clearly, minimum standards affecting working people are well established. Indeed, it can be said that every single law enacted by the U.S. Congress is a mandate of one kind or another, from clean air to the S&L bailout, from ethics reform to foreign aid.

Some opponents shrug their shoulders and imply there is no need for family and medical leave.

Someone commented that the opponents have a "yuppie mentality." Well, I do not know about that. But it got me thinking: Do they have no hearts or no heads?

I am not the wizard of oz, I cannot give tin men hearts or straw men brains.

But I will try to persuade those who misunderstand the issue or who have not yet focused on the issue.

Tomorrow, I will tell you about the New Jersey experience, where a bipartisan effort in the legislature produced a comprehensive family leave law that was enthusiastically signed into law by a Repubican Governor in January of this year.

Stay tuned.

INTRODUCTION OF THE AGRICULTURAL FLEXIBILITY ACT OF 1990

(Mr. HUCKABY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUCKABY. Mr. Speaker, yesterday 15 of my colleagues joined me in introducing the Agricultural Flexibility Act of 1990.

Mr. Speaker, this legislation is much more responsive to the needs of American agriculture than the recent legislation proposed by the administration. It consists of four components. First, it updates agriculture yields to reflect realistically what farmers are making today on their individual farms. It allows farmers to build base in 3 years instead of 5 years. It eliminates cross-compliance, the provision that the administration has insisted upon having in prior years that prohibits farmers from planting other crops and responding to market demand. Finally, Mr. Speaker, our legislation allows the farmer to move 10 percent of his tillable acreage into any crop in response to market demands.

The bill provides flexibility while protecting the integrity of our individual agricultural commodities, and I look forward to making it an integral part of the 1990 farm bill.

TO REPEAL THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT OF 1986 AND STUDY THE ACTUAL HEALTH HAZARDS OF ASBESTOS

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to speak to the specifics of a bill I introduced today in the hopes of helping our Nation's school children, school districts and scientists to deal intelligently with the potential problems of asbestos.

Congress reacted in the mid-1980's to a poorly researched scare regarding the extent to which asbestos is a health hazard. Recent and comprehensive studies are telling us a different story.

Meanwhile, until more studies are completed—as this bill authorizes—our Nation's school children are being displaced from their schools while school districts and taxpayers pay for costly cleanups. And we do not know conclusively that those cleanups are necessary.

This according to recent scientific analyses: "Clearly the asbestos panic in the U.S. must be curtailed." In perspective, damage from exposure to asbestos in schools are estimated at .005 per million. EPA estimates the cost of the Asbestos Hazard Act at over $52 billion. Realistic estimates are as high as $150 billion.

And, as a sad note to the asbestos scare, there is evidence that the *Challenger* tragedy was caused by what has been termed asbestos paranoia. That fiery crash, according to some, could have been prevented if asbestos-based putty were used on the rocket boosters as a fire retardant.

If we throw our efforts behind trying to find out facts so that we can apply an effective cost benefit ratio to public health protection, instead of mandating measures that may not even be necessary, then we will be truly legislating.

I urge consideration of this bill.

☐ 1240

WHERE IS THE LEADERSHIP FOR THE FUTURE OF OUR COUNTRY?

(Mr. TANNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANNER. Mr. Speaker, our Nation's history has been characterized by generations that felt an obligation to adopt progresssive policies.

Sadly, it seems those traditional commitments have been forgotten today. Rather than controlling our own destiny by preparing for the new century, we are watching foreign investors buy up America.

The administration budget we have before us does nothing to reverse that trend—less for transportation, less for education, less for natural resource protection, and less for the children of this Nation. One child in three is not being immunized properly.

That list goes on and on. The point is: as we enter the final decade of the 20th century, we are faced with paying the bills for the decade of the eighties, as decade that saw our national debt triple and that saw our trade deficit make us a debtor nation.

As the most earth-shaking political developments in 50 years—some say in all of human history—unfold, where is the leadership with a vision for the future of our country—a leadership that continues the unselfish tradition of progressive policies for the future of this country and this world?

STEMMING THE TIDE OF DRUGS

(Mr. GEKAS asked and was given permission to address the House for 1 minute.)

Mr. GEKAS. Mr. Speaker, the Congress of the United States declared war on drugs and on the drug dealers by the enactment of the Drug Abuse Act of 1988. Since that time we have been adding salvos to this declaration of war by various means, by providing more money according to the President's proposal for law enforcement, including the death penalty for drug dealers who insist on killing in the furtherance of their enterprises, money for other law enforcement measures, money for education of our young people and others who become victims of the scourge, and for rehabilitation for those who have already succumbed to the ravages of drugs.

Today we have taken another giant step in the introduction of legislation to beef up the salary scales of our soldiers in the field, the law enforcement agents who deal directly with the drug problem. This is just another way of saying to the American people that we are going to abide by your wishes to do something about the drug problem, to make sure that our young people will know enough to not only say no, as they are saying, but that their Congress and the other law enforcement people of the country are behind them in their effort to stem the tide of drugs.

AMERICANS ARE PAYING MORE AND GETTING LESS

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, it's no wonder President Bush wants America to read his lips. Otherwise we might read the bottom line of what his policies—and those of his predecessor—have done to working families over the past 10 years.

Over the last decade, tax rates for the very wealthy were cut in half. Working families got a 5.5-percent tax increase.

Today, if an Iowa school teacher got a $1,000 raise, and a Drexel Burnham junk-bond executive got an extra $1,000 tacked onto his multimillion dollar bonus as the company was crashing, it's the school teacher who pays a higher percentage of that additional $1,000 in taxes.

At the same time, programs which serve working Americans have been consistently and deeply cut.

Today we invest from 20 to 70 percent less in roads, housing, jobs and employment training, economic development, and energy conservation than we did in 1980. We spend more in 2 years on weapons research and development at the Pentagon than we have invested in the past 100 years on biomedical research.

Simply put, after 10 years of Republican control of the White House, working Americans are paying much more for their Federal Government and getting much less.

MISSOURI STATE SENATOR RICHARD M. WEBSTER

(Mr. HANCOCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANCOCK. Mr. Speaker, funeral services will be held this afternoon on the campus of Missouri Southern State College in Joplin, MO, for State Senator Richard M. Webster.

Senator Webster, a longtime friend, was an outstanding member of the Missouri Legislature having served three terms in the house, presiding as speaker in 1954. He was elected to the State senate in 1962 where he served with distinction until his untimely death.

I offer my sincere regrets and condolences to his wife Janet and his two sons Richard, Jr. and William L. who is Missouri's attorney general and to all the other family members.

Dick Webster was an able, dedicated public servant. His work in behalf of our State will be sorely missed.

PRESENT TAX RATES UNFAIR

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, in 1986 the Congress, with the strong urging of the Republican majority in the Senate and the President of the United States, adopted the so-called Tax Simplification and Reform Act.

Well, the third year returns are flooding in and it is pretty clear, it was not simplification and it was not reform. For the first time in history we have set an explicit tax rate, not one with loopholes which we know the rich have always had, but we have given them an explicit tax rate lower than that paid by many middle income two-earner families. There is a 15-percent bracket, 28 percent bracket, 33 percent bracket for many middle income Americans. But when you earn over $200,000 a year you drop back down to 28 percent.

A family of four with two earners, a husband and wife in the work force, can pay a marginal tax rate as high as 41 percent when you add in Social Security taxes. How about Michael Milken, the $500 million a year junk bond king? He pays at the rate of 28 percent. Is that equity? Is that progressive? No.

What is the President's answer? To heap insult onto injury and give another tax break targeted at the richest of the rich with his capital gains plan and ask middle class working Americans to pay again. No, Mr. President. No.

SUSTAIN PRESIDENT'S EASTERN AIRLINES VETO

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, I would like to quote from the Houston Chronicle editorial of this morning.

> The floor of Congress is no place to resolve labor disputes.
>
> Congress should let stand President Bush's veto of a bill that would create a commission to investigate the struggle between unions and Eastern Airlines.
>
> If Congress were to override the veto, the process of resolving Eastern's labor problems would be prolonged unnecessarily. Previous federal investigations and mediations have not resolved the dispute. Instead, collective bargaining has been impeded while the unions seek advantage through political channels.
>
> Samuel K. Skinner, Secretary of the Department of Transportation, said, "Governmental intervention in this dispute is simply not justified." He said there is no transportation emergency as a result of the strike against Eastern, nor has there been a threat to aviation safety. Skinner said the dispute should be resolved in the courts.
>
> The court-appointed examiner, David Shapiro, said creation of a forum outside the judicial process would create uncertainty. He said authorizing a commission would have disastrous effect on efforts to reinvigorate Eastern Airlines.
>
> Congress has enough to do without trying to write labor contracts between unions and private enterprise. President Bush's veto should be sustained.

IT IS 45 DAYS TO EARTH DAY

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, in January I stood in the well and indicated to my colleagues that we began the countdown to Earth Day. April 22, 1990, is the 20th anniversary of Earth Day. We now have 45 days to go, Mr. Speaker, and we have a lot to do. We have to pass a good, solid Clean Air Act that cleans and protects America's environment.

We need, and I would ask my colleagues for support in adopting, a reso-

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lution to call a White House conference on solid waste management and reduction.

I would also ask Members to look carefully at the tax incentives and other kinds of encouragement for the use of recycled fibers and the use of recycled material generally so we can help reduce the amount of solid waste in America.

To that extent, Mr. Speaker, I am proud of the work done back home in my district in the city of Louisville and the county of Jefferson.

Mayor Abramson, County Judge/Executive Armstrong, Deputy Mayor Joan Riehm, the city and county managers of our solid waste and environmental activities, Mr. Davidson and Ms. Waldrop, for the excellent work they are doing. I am proud of what they are doing.

I would say again we have but 45 days until the 20th anniversary of Earth Day. We have a lot of things important to the environment to do by that day.

PRESIDENT'S EDUCATIONAL EXCELLENCE ACT: WRONG PARTY, TOO POPULAR A PRESIDENT

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, for 1 year the President's Educational Excellence Act has languished in the Subcommittee on Elementary, Secondary, and Vocational Education, of which I am a member. This morning the subcommittee summarily voted to postpone consideration of the bill.

☐ 1250

Mr. Speaker, no one on the subcommittee did not support the initiative, which included, for instance, a $250 million grant program for public and private schools serving educationally disadvantaged children. When those schools made substantial progress in raising their educational achievement, they would receive good grants. Rather, the objections of the majority, with the notable exception of the gentleman from California, Mr. HAWKINS, chairman of the committee, was that the bill, though good, was not good enough. They said it had doo-dads and window dressing.

The revealing reference though was that the President would pick up ill-deserved 30-second sound bites on the TV if the bill passed.

Mr. Speaker, the only reason the President's Educational Excellence Act did not pass out of the Elementary and Secondary Education Subcommittee this morning was a political one. Wrong party; too popular a President.

After witnessing this spectacle this morning, Mr. Speaker, I realize anew why people in this country have such sour thoughts about the Congress as a body.

EASTERN AIRLINES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in 1986 Eastern Airlines threw 10,000 American workers out on the street. But who cares: The American taxpayers will pick up the cost.

The boss of Eastern Airlines is Frank Lorenzo. Members should remember that name. He is the guy that wrecked Texas Air, and everybody around here is saying wait a minute, Frank Lorenzo and deregulation were absolutely necessary. I say if deregulation was so great, how come the airlines cannot find our luggage?

Deregulation gave us chapter 11, chapter 13, chapter 7, and chapter Lorenzo, and every chapter made a book that was bad for American history.

When Members vote today, just think of one thing: Would you want Frank Lorenzo doing repairs and maintenance on Air Force One? The American workers want us to say no to Lorenzo, so let us vote to override that veto today. Let's give a vote to our American workers.

EASTERN AIRLINES

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, as the preceding gentleman just indicated, we will a little later today be debating the question of whether or not to override the President's veto of the bill creating a Commission to look into the Eastern situation. I just want to make sure that this debate is going to be on the facts and not on speculation.

This morning on the radio coming in here I heard a high official of the International Association of Machinists say that the examiner in bankruptcy had found Eastern Airlines guilty of illegally diverting Eastern assets, but at the same time the examiner had found that Mr. Lorenzo was going to be let off the hook, and said that the reason we need the Commission was to look into what looked a little fishy. I just want to stress that the examiner found no such thing, that that is not accurate. In a letter he has written to the gentleman from Illinois [Mr. MICHEL] and the gentleman from Washington [Mr. FOLEY] he said:

> I did not find that Texas Air had improperly diverted assets from Eastern. Instead, I set forth the grounds on which such a claim could be asserted. I did not make a judgment as to the validity of such a claim or its likelihood of success. In fact, my report noted that Texas Air had substantial defenses to any such claim, and, in my opinion, Texas Air could very well prevail.

So I think we are going to have spirited and lively debate this afternoon. I just hope we can keep it to the facts.

PRESERVING OUR WETLANDS

(Mr. HAYES of Louisiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES of Louisiana. Mr. Speaker, on the day that Jack Kennedy died, my father and I were hunting in a marsh in Vermillion Parish, LA, that no longer exists. During just the time that we have been listening to these 1-minute speeches, over 40 acres of the Nation's wetlands have been lost.

The extraordinarily rapid rate of over one-half million acres a year must be reversed in order to maintain the economic stability of much of not only the gulf coast of the State I represent, Louisiana, but the eastern shore of Maryland and the coast of California. Three-quarters of those lands are in the hands of private citizens.

At a time of budget constraints and the realities of the way to stretch a dollar, the proposal which I am introducing today allows those wetland owners, who know more about their property than any Federal agency ever will, to make improvements thereon with the proper authorization, permitting safe environmental practices, and receive a tax credit for 75 percent of that cost. It would result in reversal of a trend that must be reversed in order to protect what is in my area the largest wetlands in the world, and what is for America more than a natural resource of beauty and wonder, but an economic heartbeat.

In that vein, I appreciate my colleagues on both sides of the aisle who have joined me as cosponsors, and I look forward to the committee action and hearings which I hope result in a positive step in the right direction for the Nation's wetlands.

CAMPAIGN FINANCE REFORM

(Mr. CONTE asked and was given permission to address the House for 1 minute.)

Mr. CONTE. Mr. Speaker, yesterday I introduced a bill which should contribute to the debate over congressional campaign finance reform. The bill requires the FEC to make a matching payment, paid for by a checkoff on Federal income tax returns, for each contribution of up to $1,000 to a congressional campaign from individuals who live in the contested district.

No PAC or other group donation would be eligible for the matching funds.

This would increase the influence of constituent donations, and at the same time make it more attractive for candidates to raise funds within their own districts.

This bill contributes to congressional efforts to reform campaign financing.

We are moving in the direction of eliminating PAC's altogether, and I hope this bill will help facilitate that process.

GLOBAL ELEMENTARY EDUCATION ACT OF 1990

(Mr. SANGMEISTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANGMEISTER. Mr. Speaker, I am sure you and many other of our colleagues had the opportunity to travel abroad this past session. Unless my experiences were unique, the majority of foreign officials and business leaders I encountered not only spoke English, but also displayed an impressive understanding of our culture and economy.

By our not bothering to learn about the language, culture, and geography of our major trading partners, we are losing our ability to compete in a global society. Over 80 percent of our goods currently face international competition and four out of five new jobs are created as a result of foreign trade. It's no surprise that many American firms are now hiring language-competent graduates from abroad. It is a surprise that one in seven American adults could not locate the United States on a world map.

Let's face it—we can no longer afford a generation of citizens uneducated and uninterested in the world outside the United States. If we want to remain a player, we have to adapt to the new rules. I rise today to introduce the Global Elementary Education Act of 1990. This legislation gives matching grants to States to train and retrain elementary school teachers in the areas of foreign language and culture, geography, and international studies.

Let us not make the nineties a decade of missed opportunities. Please join me in honoring "National Foreign Language Week" By cosponsoring the Global Elementary Education Act of 1990.

BLACK HATS IN THE EASTERN AIRLINES STRIKE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, later on today we will begin considering legislation with regard to the Eastern Airlines strike, and there has been an indication here on the floor today that there is only one black hat in this whole process, and that is Frank Lorenzo. I would agree that he wears a black hat, but there are some other black hats, in fact, plenty of them to go around.

For example, we have in the International Association of Machinists who the New York Times has called one of the most militant and left leaning unions in the Nation.

According to Marshal Ingwerson, staff writer for the Christian Science Monitor:

> The machinists hope to emerge from this strike with either full employee ownership of Eastern, or part ownership with a financial partner.

How do they intend to go about it? According to Charles Bryan, president of the eastern district of that union, he says, "We are in the midst of an all-out war on the employees of Eastern Airlines and their families."

How do they conduct that war? Let me tell my colleagues a few things. "Union strikers have deliberately harassed, threatened, intimidated, and assaulted Eastern employees and Eastern passengers. They have jammed radio communications between Eastern flights at the control tower of at least one major airport. They have sent bomb threats, made threats of arson, and threatened lives of working employees and their children," just the kind of people we would want to give an advantage to.

The special interest advantage that the Democrats would like to give to this union I think is disgusting.

□ 1300

TAXATION WITHOUT REPRESENTATION IS TYRANNY

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, "taxation without representation is tyranny," said our great American Revolutionary James Otis in 1763. It was true then, and it is true today.

Mr. Speaker, it is clear to me that the working family is not represented in the White House from whence come various tax proposals which weigh heaviest on the working family. A decade of Republican tax cuts have actually resulted in increases for everyone but the wealthiest few. There was a 5.5-percent tax cut for the richest fifth, and to be sure, to be equitable, a 5.5-percent increase for everyone else. I ask you, is this not an egregious wrong?

If you earn $200,000 a year and get a $1,000 raise, you pay $280 in additional taxes. If you earn $27,000 a year and get a $1,000 raise, you pay $365.50 in additional taxes. I ask you, Mr. President, is this fair?

I can only conclude that this is but a continuing effect of "taxation without representation," in the White House for the working family. The last time this happened during the formative years of our country, we had a revolution.

NATIONAL CAPITAL CIVIL RIGHTS RESTORATION ACT OF 1990

(Mr. PARRIS asked and was given permission to address the House and to revise and extend his remarks.)

Mr. PARRIS. Mr. Speaker, yesterday I introduced the National Capital Civil Rights Restoration Act, which represents the only practical and constitutional means of restoring to the citizens of our Nation's Capital full voting representation in the Congress. That proposal is a reasonable compromise between the repeal of home rule on the one hand and the adoption of D.C. statehood on the other.

Well, since then we have now heard from, among others, the Reverend Jesse Jackson, who has dismissed it in a typical knee-jerk rhetorical reaction. Apparently Jesse Jackson is willing to sacrifice the opportunity for D.C. residents to obtain full voting rights and end taxation without representation once and for all, in the interests of his own personal political ambitions. That may be good for Reverend Jackson, but it is an enormous price to pay for the people of this Nation's Capital.

THE CHINESE IDEOLOGY CAMPAIGN

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, today Beijing Mayor Chen indicated that authorities are prepared to crush any new protests to commemorate last year's democracy movement demonstration. After defending last June's crackdown, Chen said authorities absolutely will not allow any repetition of last year's uprising. He refused to discuss security measures at his press conference but said, "Maybe we have increased the number of police and maybe not—but we have improved the quality."

In addition, Beijing has embarked on the most expensive propaganda campaign of a decade. The aim: To purge the country of disloyalty to the Communist regime. While the "Lei Feng" campaign purports to be directing its efforts toward the future good of China, the regime forces university students to reeducate themselves in work camps. In the last 3 weeks, 12 students at Beijing University have committed suicide. They apparently did not share the regime's vision of the future.

Mr. Speaker, in light of these developments and the State Department's horrifying human rights report which was released at the end of February, I am very disappointed to inform the Congress that as of Friday the President had not yet published in the Federal Register the regulations which are necessary to protect Chinese students in America. Any regulation issued by the President must be published in the Federal Register in order to take effect.

So much for the much-touted administrative directive.

DON'T BLAME THE BUBBLE ON THE PRESIDENT

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, there have been a number of speakers in this well this afternoon speaking on the subject of taxation. The burden of their message has been that people of lower incomes are being penalized by the Tax Reform Act of 1986 because of a phenomenon known as the bubble. Because of the bubble, very rich people pay the marginal rate of 28 percent and people who are less rich pay at a marginal rate of 33 percent.

The fact is, however, that laying the blame at the White House is putting it in the wrong corner. The President, then-President Reagan, suggested tax reform with a three-step income tax that was progressive with income.

The people who put the bubble in were the other body. The people who ratified it, and voted for it, were the Members of this House. And, the party of the complainants, the Democrats, voted for the Tax Reform Act, about which they now complain, in larger proportions than did Republicans.

So do not try to blame this President. He did not do it. Do not blame the Republicans. They couldn't pass tax reform by themselves. Those of you who voted for it can take all the credit you want for the bubble.

NEW TAXES TO PAY FOR THE MULTIBILLION-DOLLAR ACID RAIN BILL

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, "Read my lips, no new taxes." I think that is a famous line that many people remember hearing on television.

Well, President Bush is now ready to rake us over the coals, so to speak, with new taxes, many new taxes to pay for the multibillion-dollar acid rain bill.

No new taxes? Come on, George, there is no free lunch. Big taxes are going to be paid, and tens of thousands of jobs are going to be lost in the coal-producing and power-producing States.

Give us a break, George; we are paying for your sick savings and loans. Now we need your help.

COMMENDING DARLINGTON COUNTY COMMISSION ON AGING/SENIOR CITIZEN CENTER

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I rise today to commend the Darlington County Commission on Aging on their outstanding senior citizens center.

Several years ago, I stood on the front porch of an old house in Darlington overrun with poison ivy and very much in need of repairs. That house was to become this community's senior citizens center.

Through the efforts of every segment of the community, we were able to obtain a block grant for the funding of the restoration of this beautiful senior citizen center that opened its doors last October.

I am very pleased to have been a part of this community effort. Partnership in Action truly made this dream a reality for the people of Darlington.

RESIGNATION AS MEMBER AND ELECTION OF MEMBER OF COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

The SPEAKER pro tempore (Mr. SANGMEISTER) laid before the House the following resignation as a member of the Committee on Science, Space, and Technology:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Due to my recent appointment to the Committee on Armed Services, I hereby resign my seat from the Committee on Science, Space, and Technology effective today.

Sincerely yours,

ROBERT C. SMITH,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 352) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 352

Resolved, That Representative Rhodes of Arizona be and is hereby elected to the Committee on Science, Space, and Technology.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING ORDER OF REPUBLICAN MEMBERSHIP ON COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 353) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 353

Resolved, That the order of Republican membership on the House Public Works and Transportation Committee shall be as follows: Mr. Hammerschmidt of Arkansas; Mr. Shuster of Pennsylvania; Mr. Stangeland of Minnesota; Mr. Clinger of Pennsylvania; Mr. McEwen of Ohio; Mr. Petri of Wisconsin; Mr. Packard of California; Mr. Boehlert of New York; Mr. Lightfoot of Iowa; Mr. Hastert of Illinois; Mr. Inhofe of Oklahoma; Mr. Ballenger of North Carolina; Mr. Upton of Michigan; Mr. Emerson of Missouri; Mr. Grant of Florida; Mr. Craig of Idaho; Mr. Duncan of Tennessee; Mr. Hancock of Missouri; and Mr. Cox of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ESTABLISHING EASTERN AIRLINES LABOR DISPUTES EMERGENCY BOARD—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-116)

Mr. ANDERSON. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. ANDERSON moves to discharge the Committee on Public Works and Transportation from further consideration of the veto message on the bill (H.R. 1231) to establish a commission to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units, and for other purposes.

(For veto message, see proceedings of the House of November 21, 1989, at page H9625.)

The SPEAKER pro tempore. The gentleman from California [Mr. ANDERSON] is recognized for 1 hour.

☐ 1310

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion to discharge the Committee on Public Works and Transportation from further consideration of the veto message on H.R. 1231. Time is of the essence. The survival of Eastern Airlines is in doubt and this legislation can help facilitate an essential precondition to Eastern's survival; settlement of its longstanding labor disputes. The House should have an opportunity to

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vote on this issue before it is too late. We cannot afford the delay which would result from further consideration of the bill by the Committee on Public Works and Transportation.

Eastern lost $850 million last year and cannot survive much longer unless there is a dramatic turnaround. Resolving Eastern's longstanding labor disputes is the key to Eastern's financial revival. Until the labor disputes are resolved, Eastern's management and its employees will be preoccupied and will not be able to carry out the extraordinary efforts which will be needed to win passengers back to Eastern. Moreover, so long as there are picket lines at Eastern many members of the public will be unwilling to patronize the carrier because of sympathy with the striking employees and because of concerns that Eastern may not survive and could leave passengers who have made advance payments holding the bag.

In view of the long history of mistrust between Eastern and its employees, the labor disputes are not likely to be resolved through normal collective bargaining. The best hope of reaching a solution is that provided by H.R. 1231; an objective commission, appointed by bipartisan congressional leadership, which would make recommendations which Eastern and its employees could then accept. H.R. 1231 represents the last hope for restoring Eastern to the major competitor it once was.

I urge my colleagues to support the motion to discharge so we can proceed with consideration of overriding the President's veto.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I will more fully explain later, I oppose this attempt to override the President's veto of H.R. 1231.

I oppose this bill because I do not believe it can contribute to the resolution of the dispute between labor and management at Eastern. Indeed, it will probably increase the parties unwillingness to bargain in the hopes that a congressional commission will rescue them. Moreover, this bill will cause uncertainty and adverse publicity for Eastern that could ruin that airline's efforts toward recovery.

Although I oppose the underlying bill, I will not oppose this motion to discharge our committee. I hope that we can lay this controversy to rest as soon as possible.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. McDERMOTT). The question is on the motion offered by the gentleman from California [Mr. ANDERSON].

The motion was agreed to.

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 1231) to establish a commission to investigate and report respecting the dispute between Eastern Airlines and its collective-bargaining units, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from California [Mr. ANDERSON] is recognized for 1 hour.

Mr. ANDERSON. Mr. Speaker, for the purposes of general debate only, I yield 30 minutes to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], pending which I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of overriding the veto.

I would first observe that this legislation would not have been necessary if the President had followed well-established precedent and accepted the March 1989 recommendation of the National Mediation Board that the President appoint an emergency board to investigate the dispute between Eastern and its machinists. The National Mediation Board had recommended creation of an emergency board in 34 previous airline labor disputes. In every case, these recommendations were accepted and five different Presidents appointed emergency boards. The Eastern case represents the first time a President has refused to accept a National Mediation Board recommendation for an emergency board in an airline labor dispute. I am convinced that if the President had accepted the National Mediation Board's recommendation, Eastern's labor disputes would have been settled long ago and the tragic events of the past year would not have occurred.

The failure to resolve the labor disputes has been disastrous for Eastern and its employees. Shortly after the strike, Eastern went into chapter II bankruptcy. Eastern has continued to operate, but in order to survive it has had to sell more than a billion dollars of its most valuable assets. About 18,000 of the workers who were employed by Eastern before the strike are now either on strike or on furlough.

The survival of even a reduced-sized Eastern is now in doubt. Eastern has not been able to attract enough passengers to make its post-strike operations profitable. In 1989 Eastern's losses were a record $850 million. Unless there is a dramatic turnaround, Eastern cannot survive much longer.

It is widely recognized that a key to Eastern's survival is the satisfactory resolution of its labor disputes. This was recognized by Eastern's unsecured creditors in the bankruptcy proceeding who made it a condition of their agreement to Eastern's reorganization plan that Eastern reach a satisfactory agreement with its pilots and its flight attendants. Unless labor peace can be restored, the public is going to continue to stay away from Eastern because of sympathy with striking employees, because of questions related to Eastern's newly hired pilots and mechanics, and because of the public's concern that Eastern may have to be liquidated and passengers who have made advance payments for tickets could be left holding the bag.

Labor peace is unlikely to be restored through the normal workings of collective bargaining. There is a long history of mistrust between the Frank Lorenzo management and Eastern's employees. These feelings will be intensified by the recent findings by the examiner in Eastern's bankruptcy case that there was a basis for claims that Frank Lorenzo's companies had improperly diverted as much as $400 million in assets from Eastern in the period before Eastern's bankruptcy. The examiner noted that a senior member of the Lorenzo team had stated in June 1988 that the basic plan was that Continental would "cherry pick the core parts of the Eastern system and become in effect the substitute carrier." Quite an incredible admission.

This diversion of Eastern's assets will make it even more difficult to develop the atmosphere of trust needed for collective bargaining. In these unfortunate circumstances, the best hope that Eastern's labor disputes can be resolved is for an impartial third party to make recommendations which both sides can accept. This process would be set in motion by H.R. 1231, which provides for the appointment of a four-member Commission by bipartisan congressional leadership to make recommendations for resolving Eastern's labor disputes.

It was argued in the President's veto message, and I expect it to be repeated on the floor today, that this bill would interfere with Eastern's bankruptcy proceedings. I can assure my colleagues that this would not be the case. The recommendations of the Commission appointed under H.R. 1231 would not be binding on either the bankruptcy court or the parties to the dispute. On the other hand, the work of the Commission could help facilitate Eastern's emergence from bankruptcy by giving both management and labor objective recommenda-

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tions which they could accept. If this occurs, Eastern may be able to survive and revive itself as a major carrier.

In sum, the time for saving Eastern is growing short. H.R. 1231 represents our last, best hope of resolving the labor disputes at Eastern airlines and reviving the carrier.

I strongly urge my colleagues to join with me in voting to override the President's veto.

□ 1320

Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I rise in support of the veto of H.R. 1231 and urge this body to sustain the President's action.

As you know, the labor dispute at Eastern has been going on for a long time. The National Mediation Board [NMB] tried for more than a year to resolve the dispute but without success. However, this bill would give a commission only 45 days to recommend a solution. I do not believe that a commission can accomplish in 45 days what the professional mediators at the NMB were unable to accomplish in more than a year.

In addition to the Mediation Board's actions, the situation at Eastern has also been thoroughly investigated by the Department of Transportation, the Federal Aviation Administration, various congressional committees, and the bankruptcy court.

Just last week, the special bankruptcy court examiner completed a 7-month investigation of Eastern. This investigation responded fully to the many union allegations against Texas Air.

It should now be clear that the situation at Eastern has been thoroughly investigated and mediated. Nothing would be gained by creating another commission.

Not only would nothing be gained, but more importantly, passage of this bill could actually have an adverse impact on the survival of Eastern Airlines.

Eastern is already in a very precarious situation. Each time we pass a bill like this we send out negative signals to the traveling public about the situation at Eastern. This causes the airline's traffic to drop, revenue to decrease, and makes it that much more difficult for Eastern to emerge from bankruptcy.

Both the special bankruptcy court examiner and the Secretary of Transportation have stated that passage of this bill over the President's veto would hurt Eastern's chances for survival. The bankruptcy court examiner stated that creating the Commission called for by this bill could "so disrupt Eastern's business and its ability to sell tickets as to make its continued viability as an air carrier untenable." Likewise, the Secretary expressed concern that this bill "would hinder saving Eastern Airlines and the jobs of its employees."

Furthermore, if we pass this bill, that will not be the end of it. You can be sure that the unions will be back in a few weeks asking us to mandate the recommendations of the Commission. That will just further exacerbate the situation at Eastern and drive the airline deeper into a financial hole.

For the sake of continued competition in the airline industry, the 20,000 people now employed by Eastern, and the 12,000 Eastern retirees, Congress should get out of the way and give the airline a chance to make it on its own. We should stop catering to those who are so vindictive that they would prefer to see the airline go down the drain rather than continue under current management.

I urge my colleagues to be honest with the former Eastern employees and admit to them that this bill will not solve their labor dispute. We must stop giving them false hopes of legislative salvation. It is time to lay this matter to rest by voting no and sustaining the President's veto. Only then, will both sides finally have the incentive to sit down and work out this dispute themselves.

Mr. ANDERSON. Mr. Speaker, for general debate purposes, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the chairman of the Subcommittee on Aviation.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am really puzzled as to what Eastern Airlines, the White House, or the Department of Transportation has to fear from this nonbinding piece of legislation. I could understand their opposition to the original bill that we reported out of committee and which this House passed because that bill had real bullets. We were shooting with real effect.

The result of that legislation, had it been signed and enacted into law or had the President's veto been overridden and had it become law, would have been the ultimate irony because it would have meant that the striking pilots, machinists, and flight attendants would have had to go back to work for Frank Lorenzo. And on the ultimate resolution, within less than 3 weeks of the decision of the fact-finding board, if the parties had not accepted the results, I am certain that Congress would have taken them up, as we did just 2 years ago on a railroad dispute, and enacted it into law, and that would again have meant they would be going back to work under Frank Lorenzo, but under much better terms and conditions, and undoubtedly we would have saved a major competitor in the airline industry in America. We would have prevented the piecemeal dismantling of this one proud great air carrier. We would have benefited the traveling public.

But today we are faced with the rather modest proposition, to say the least, of a fact-finding commission balanced bipartisanly, two for two, with no partisan result from it, to just go in and find the facts and make recommendations for instituting a useful beneficial public policy for the future. And this would be nonbinding upon the President, upon the Department of Transportation, upon the Congress and upon Eastern Airlines.

What has anyone to fear from that? I suggest the only ones who have anything to fear from this bill are those who fear the truth and the facts.

Mr. Speaker, that is shameful. We ought to override the President's veto and at least give an opportunity for truth to be set before the American public.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I will vote to override the President's veto, but I must confess that I have a feeling of deep sadness about the entire Eastern Airlines situation.

We have seen a great airline crippled, the airline that Eddie Rickenbacker made famous. We have seen families ground up between the machinists and management. We have seen both Charlie Bryant and Frank Lorenzo act in ways which were destructive of human beings, of young people who had hoped to go to college on money their parents had lost, of families many of whom had to sell their homes. It is truly a tragedy, and there is more than enough guilt to go around.

I would simply ask every Member to look at three goals as they decide how to vote today: To look at general policy, to look at the question of justice, and to look at how we can keep Eastern Airlines alive. I would urge the Members to look carefully beyond the letter the examiner sent with the examiner's report. This is the report, and I am going to put it on the desk over here so any Member who wants to can look at it for a few minutes. It is an extraordinarily revealing document. It does indicate that $280 million was transferred to Texas Air in a situation which can at best be called questionable and at worst clearly indicating a willingness to loot Eastern Airlines on behalf of Frank Lorenzo.

I urge each of the Members to look at the facts, to weigh the balance of general policy, of justice for the workers, the pensioners, the stockholders, and the flying public, and also to consider the question of keeping the airline alive. There are thousands of jobs at stake in this situation, but there is also a question of national policy and of the right of people to expect their Government to look into situations such as this.

As for me, I have studied Eastern Airlines for 17 years, and I believe the Commission is more than justified, I have studied Frank Lorenzo for the last 6 years and I believe the Commission is more than justified, but in addition, I would urge the Commission not just to investigate the narrow parts of this case but also to investigate those cases of union violence. I want to know whether the safety of any passengers was endangered and whether Congress should step in with any legislative remedies for that situation as well.

□ 1330

So, Mr. Speaker, on balance, for a variety of reasons, I think a vote to override can be justified and is justified, and I would urge my colleagues to look at the entire report of the examiner.

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Speaker, we have had some good lessons lately in the invisible hand theory of economics. Deregulate, laissez faire, hands off, caveat emptor. Things will take care of themselves. Well, we all just voted $150 billion to bail out the savings and loan industry under that theory, and now the President wants us to apply a good dose of laissez faire to the airline industry. His theory is, "Let's take the biggest pirate in the industry, let's take management that has never profitably run an airline, let's take people that have caused two major bankruptcies in this industry, that have deprived thousands of people of their jobs, their health benefits, consumers of airline tickets; let's leave them alone because they're in the good hands of the bankruptcy courts."

Meanwhile, Mr. Speaker, in the Bankruptcy Court the examiner has just completed an exhaustive study for which his law firm charged over $4 million and has determined that in 12 out of 15 cases of corporate malfeasance that were charged, in 12 out of 15 charges of milking, stripping, bilking, siphoning, stealing funds and equipment from Eastern Airlines; in 12 out of 15 instances there are grounds to believe that Frank Lorenzo and his corporate team acted improperly.

Mr. Speaker, what is the bankruptcy examiner's solution to all of this? You guessed it. The same as George Bush's—the invisible hand. The examiner suggests, "Let them pay back a little over half of what they stole, and we'll put them in the cockpit again."

Mr. Speaker, we might as well go to the Post Office, and rip down all the posters on the wall of the bank robbers, and send them each a note and say, "If you'll pay back half of what you stole, we'll make you president of the bank."

There are a flurry of letters going around today from the examiner and the administration that suggest that this really is not a matter for Congress because it is in the courts and that it is not appropriate for our branch of Government. Mr. Speaker, one should ask, "Who put this matter in the courts to begin with? Who chose the courts to handle the matter? Who would rather have the courts handle this matter than the Congress? Was it a district attorney? Was it a grand jury? Was there an attorney general somewhere?"

No, Mr. Speaker, it was the very people who perpetrated the fraud to begin with who chose the forum that their wrongdoings should be judged in. The very people who committed the 12 acts of impropriety that milked Eastern Airlines dry and caused it to be bankrupt now supposedly have the power to deprive us of jurisdiction because they chose the Bankruptcy Court to hear their case.

It is patently preposterous to suggest that the Congress of the United States should be afraid to assert jurisdiction because the perpetrators of wrongdoing chose a different branch of government to help them out of their dilemma.

Mr. Speaker, do we want the invisible hand to destroy the airline industry as it has the savings and loan and other industries in this country? I say we do not. I say that it is time to override this veto and get on with the difficult task of helping put this airline together again, and, more important, of preventing this type of tragedy from happening in the future.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the distinguished ranking member of the Committee on the Judiciary, the gentleman from New York [Mr. Fish].

Mr. FISH. Mr. Speaker, I acknowledge the temptations before us today, the temptation to side with the genuine frustrations of labor, a temptation to enjoy the luxury of taking on Lorenzo when few would differ with whatever was said.

However, Mr. Speaker, I rise to remind my colleagues that along with the judiciary we are coequal branches of the Federal Government.

Is not the legislation before us unwarranted legislative interference with the judicial process? I submit that is our question, and, my colleagues, article I, section 8 of the Constitution requires uniform bankruptcy laws.

Mr. Speaker, this means obviously that we can legislate prospectively within this constraint. It is another matter for Congress to step in an ongoing bankruptcy case. The courts should be permitted to act unfettered by congressional interference.

The U.S. trustee acted after the Bankruptcy Court ordered the appointment of an examiner. By law an examiner must be distinterested and appointed only after consulation with the interested parties.

The judgment of Examiner Shapiro is that H.R. 1231 can do no good, but it will do a great deal of harm. Mr. Speaker, colleagues, the recommendations of the examiner deserve great credence. The examiner claims the creation of an additional forum outside the judicial process would make Eastern's continued viability untenable.

Certainly our interest is for a successful reorganization. Employees, retirees, the public should be our concern, and, Mr. Speaker, this can best be realized by upholding the President's veto.

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. Boehlert].

Mr. BOEHLERT. Mr. Speaker, more than one year has passed since the International Association of Machinists and Aerospace Workers began its strike against Eastern Air Lines and nothing has changed. The machinists, pilots and flight attendants all have been unable to negotiate new collective-bargaining agreements with Eastern. Secretary Skinner testified before the subcommittee that Frank Lorenzo has mislead him into believing that the strike would be short and painless because the pilots would cross the picket lines of the IAM. He was in error. Instead the battle continues with no end in sight and the future of Eastern remains in serious doubt.

The traveling public has understandably refused to support a carrier that is both bankrupt and at war with its employees. Moreover, Eastern's most recent financial results provide no evidence of a revival but clearly demonstrate further and possibly irreversible deterioration of this airline. In 1989 Eastern lost over $850 million and in the fourth quarter alone suffered more than a quarter of a billion dollar loss.

Only last week the examiner, David I. Shapiro, appointed by the bankruptcy court at Eastern's request to investigate prepetition transactions between Eastern and Texas Air and its other affiliates said, in effect, that 13 out of 15 transactions being reviewed constituted fraudulent conveyances. In each transaction Shapiro determined that Texas Air had stripped Eastern of an asset for which it paid less than fair consideration. These transactions include Texas Air's acquisition of Eastern itself in 1986 as well as Lorenzo's purchase of the airline's computer reservations system, System One. Based

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upon the System One deal alone Shapiro decided that Texas Air should pay Eastern as much as $250 million. He concluded that the amount Lorenzo owed Eastern for all 13 fradulent conveyances totaled more than $400 million. However, in order to escape further judicial scrutiny Texas Air has agreed to pay Eastern $280 million, of which only $107 million will be in hard cash. The remaining amount consists primarily of reductions in prices paid by Eastern to Texas Air. Eastern, of course, will only realize the benefits of these cost adjustments if it is, in fact, operating during the next several years.

Although Texas Air ostensibly agreed to pay Eastern this paltry and possibly ephemeral sum it refused to agree to any mechanism that would protect the airline against future wrongdoing. Mr. Lorenzo thereby has free rein to resume his inter-corporate shenanigans including the upstreaming of cash and other assets from Eastern to Texas Air and Continental.

While Mr. Shapiro may rely upon this settlement agreement to oppose H.R. 1231 he, for whatever reasons has chosen to ignore both his own findings and Mr. Lorenzo's habit of renegotiating what has already been agreed to. First, the examiner cites in his summary that because of the "continuing danger of conflicts of interests" a monitoring system such as an independent Eastern board of directors should be established over which the bankruptcy court would have oversight jurisdiction. It is these conflicts that create the now desperate need for the critical assistance H.R. 1231 would bring to the resolution of this dispute.

Second, the Eastern Air Lines Unsecured Creditors Committee and now the examiner have been forced to realize that agreements with Mr. Lorenzo are at best short-lived. From the commencement of the bankruptcy case Eastern promised the committee and repeatedly represented to the Court that it would pay unsecured creditors 100 percent of their claims. That commitment has now vanished and in its place is an offer to pay only 50 percent of these claims. Many creditors have grave doubts that Eastern will ultimately be able to even pay this amount. Only one day after Shapiro filed with the Bankruptcy Court a settlement agreement with Texas Air concerning the fraudulent conveyance claims Texas Air announced that it had been "sand-bagged" and that this agreement had absolutely nothing to do with the examiner's findings. Once again Mr. Lorenzo was "slip sliding away" from an agreement. The blue ribbon panel will help ensure that once a resolution of this dispute is achieved it is permanent and not transitory.

This airline is at a crossroads. Members of Congress have a choice as to which direction Eastern will take—either sit by and watch this once proud and valuable national resource disappear into thin air; or we can act, as we must, to save Eastern Air Lines now. The intervention of the Secretary of Labor in the coal fields was necessary to successfully bring industrial peace to the Pittston Co. and the coal industry. H.R. 1231 offers the last best hope that labor peace will be restored to Eastern and the airline industry. Only then will this airline once again enjoy the confidence of the traveling public. This legislation can take Eastern out of a tailspin and put it back on a flight path that ensures its revitalization.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DeLay].

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. Mineta].

Mr. MINETA. Mr. Speaker, I rise in strong support for the motion to override the President's veto of H.R. 1232, a bill which would establish a commission to help resolve the labor dispute between Eastern Airlines and its employees.

Eastern's employees watched helplessly as Eastern's parent company, Texas Air, vectored Eastern into bankruptcy and then continued to operate the airline during a strike supported by all of Eastern's unions.

Today, 18,000 Eastern employees are still out of work. It has been a painful year for them, and for airline passengers in the United States as a result of Texas Air's actions.

Today, it also appears that Texas Air may well be using the shield of the bankruptcy process to disassemble Eastern Airlines by liquidating its most valuable assets, such as the routes to Central and South America.

Mr. Speaker, Eastern Airlines has become a toy for corporate raiders to do with what they will. But for Eastern employees, the airline is their lives.

There was a time when Eastern Airlines represented jobs in the labor force, competition in the airline industry, and commerce in their cities.

Now, the world watches as Eastern continues to sink in a flurry of paper transactions. Today, its resources are depleted, its creditors have been left hanging, and its work force has an increasingly uncertain future.

Mr. Speaker, the establishment of a commission to resolve the Eastern labor dispute may be the only answer left at this late hour. A commission will not interfere with the bankruptcy process, and it could help save thousands of jobs.

I urge my colleagues to support the motion to override the President's veto.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. McEwen], a distinguished member of our committee.

McEWEN. Mr. Speaker, I thank the gentleman for yielding this time. I do not think I will need the 5 minutes, but I think it is appropriate for us to begin with just a moment of history as to how we got to where we are today.

First of all, I would like to remind all of you that there was an election in 1989 for the head of the union in Miami in which the outgoing president of the local said:

> The President of Eastern Airlines, Mr. Borman, did the most for Eastern Airlines in the 31 years that I have had an employee-employer relationship.

That was in 1980.

The following week later when the new president came on board, the new president, who is there to this day, said:

> Eastern Airlines has resorted to illegal gangsterism in the labor relations policy. The gestapo tactics of Martin Ludwig Borman and his Nazi torched earth policy will not work for him or against this union leadership.

That was the immediate approach that the new machinists' president took upon assuming the control of the union in 1980.

Well, as you know, deregulation hit. Cut rate fares took place. 1981 was the PATCO controllers' strike in which flights were canceled, many of them.

In 1982, Eastern lost a lot of money. Seventy-five percent of all the fares had to be discounted.

As a result of other airlines doing what was necessary to survive, the pilots' union, the transport workers' union of the stewardesses, those who were nonunion, all agreed to do what was necessary to allow that company to survive. The pilots sacrificed. The flight attendants sacrificed. The nonunion workers sacrificed, but the machinists, headed by Mr. Charlie Bryan here, refused to cooperate. So all of them said to Mr. Borman, he said, "Let's do what is necessary. If they want to go to a strike, we will support you," So that was the way the situation was set, until the bankers called Mr. Borman and said. "If you go to a strike in this difficult time of recession in 1982 with the fares and all the rest, we will pull your loan."

So the President of Eastern Airlines signed an agreement with the machinists, while everybody else was sacrificing, signed an agreement in 1982 for a 32-percent increase for the machinists.

Well, of course, that just sets choas throughout the work force. In 1984 and 1985 they continued to have problems. In 1986 they went down to the same situation again. It was make or break.

Once again, they sat down at the table and the pilots did what was necessary for the company to survive. The flight attendants agreed to do the same thing; also those who were nonunion, but the machinists refused to cooperate again.

Well, the president of the company had been talking with the international president of the machinists, and Mr. Wimpsinger, the international president, said to Mr. Borman:

> Look, your agreement is not with Charlie Bryan at 100. Your agreement is with the international union. When the time comes for Eastern to survive, you call me and we will do a deal that will allow Eastern to survive.

So it came down to the weekend. They were negotiating all hours of the night. It was now 2 o'clock in the morning. Charlie Bryan refused to agree. Everyone else was at the table saying that the company can survive. They break. They call Mr. Wimpsinger who refused to take the call. He puts the No. 2 man, Mr. Peterpaul, on the phone. Peterpaul talks to Bryan. They all wait for the verdict.

Bryan walks back into the boardroom. He says:

> Can't trust any of you. I'm not going to agree. We shouldn't sign. We are not going to make any concessions.

And in fact they sold the company to Lorenzo. With that, the Eastern Airlines that I used to work for, that great proud company, virtually ceased to exist. They had what they wanted. Charlie Bryan went out to the press conference and said:

> Now finally we have got somebody who can run the company. We have somebody who knows how to run airlines. Instead of having astronauts, we have people who can run airlines. We have got Frank Lorenzo.

That was the person he wanted.

Then they continued their game. They continued to try to financially survive, selling assets and doing all the rest that we have seen.

For those of us who love Eastern and care about Eastern and for the families who have lost years and years of input and were there for their retirement and sacrificed for the company in hard times in the hope that Eastern would continue to survive, have seen it bounce back and forth like a hot potato between these two who are now in management and in labor.

Now having virtually destroyed the great company that once was, who do they turn to as a last resort? They want the Congress of the United States to pull the fat out of the fire.

Well, I wish it had not come to this. I would give anything in my heart if it had not come to this, but let me tell you this. This is not George Bush's fault. It is not the responsibility of the President to clean it up. For those who brought it to this place and pursued it to this moment and wanted to get here, this is where you wanted to be, and now you can solve it, and do not ask the Congressman from Louisiana, Idaho and Iowa, to make their decisions for you.

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Oregon [Mr. DeFazio].

Mr. DeFAZIO. Mr. Speaker, I have heard some interesting debate in an attempt to reconstrue constitutional construction to say that the hands of Congress are tied in this issue.

Another interesting historical recollection which leaves out the role of Mr. Lorenzo in destroying what was a viable airline when he did take it over, whatever led to that takeover, and today we are confronted with a difficult decision.

The debate this afternoon is not about labor management relations, however. It is about corporate recklessness and the ability of one man to carry out a personal vendetta against Eastern's unions and destroy a great airline built by thousands of Americans.

□ 1350

What we are talking about is not whether the Federal Government is getting involved in the collective-bargaining process. We are involved in the collective-bargaining process. It is about the failure of Federal agencies, the courts, and the Congress to protect the basic rights of Eastern employees and the interests of the traveling public.

Our Nation's bankruptcy laws were not intended to provide a shield for corporate terrorists and flimflam persons. They were not intended to be manipulated as part of a cynical corporate blueprint to cannibalize Eastern and break its unions.

The bankruptcy court is protecting the interests of Mr. Lorenzo and his creditors. But who is looking out for the workers and the traveling public? That is our job.

The ostensibly neutral court-appointed examiner certainly is not. He is too busy lobbying Congress against this measure. He might lose his next $4 million in commission.

The President says he vetoed the bill because he did not want the Federal Government intervening in a labor dispute. If that is his position, let us be consistent. Why did Labor Secretary Dole go and intervene in the coal miners' strike against the Pittston Co.?

This legislation would establish a blue-ribbon commission to look into the causes of the strike at Eastern and look at ways to resolve it and look at the greater issues of deregulation, safety, and the future of the airline industry in America, nothing more.

I would ask my colleagues on the other side of the aisle: What is so frightening about that? What is the harm in having a bipartisan factfinding third party look into the issue objectively?

The original bill would have required back to work under the National Emergency Board. The President ignored the recommendations of the Mediation Board. We did not have an emergency board. Our original legislation did not pass.

This legislation simply asks that we set up a factfinding panel. To do nothing here smacks of Government indifference at its worst.

Overriding the President's veto, it will not be the silver bullet. It will not resuscitate an airline that has been bled nearly to death by Mr. Lorenzo, but at a time when the airline industry is becoming increasingly consolidated and few large carriers are able to dominate the market, we cannot sit on our hands and watch one go down to just dissolution.

Eastern is not going to survive as long as the labor dispute continues. The public is not going to book flights on Eastern if they are worried about whether the airline is going to be in business in 3 weeks.

This measure provides our last hope of restoring Eastern as a competitive airline. I hope we are not too late.

I urge my colleagues to vote aye.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Shuster], a distinguished member of our committee.

Mr. SHUSTER. Mr. Speaker, I rise in support of the President today.

I can understand why some of my colleagues on the other side have an uncontrollable urge to bash the President. Frankly, I am a bit surprised that they seem to have this same urge to bash Secretary Skinner, because over the past several months my colleagues on both sides of the aisle who have been involved in transportation issues have spoken only in glowing terms about Secretary Skinner, and indicate that they consider him one of the most outstanding Secretaries ever to serve in that position.

As we know, Secretary Skinner has implored this body to support the President on this issue and has said that it will be the final nail in the coffin of Eastern Airlines if we use this delaying tactic which we have before us today. So I am a bit surprised at that position.

But there is one person, one person deeply involved, who is not political, whom nobody can say he is trying to bash the President or he is trying to support the President, because he happens to be a Republican, and that person is the bankruptcy examiner appointed by the court. Mr. Shapiro, the man who has been immersed in this issue, who does not have a political

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agenda, hidden or otherwise, has said and has advised us that:

> Having spent the last 11 months as the court-appointed examiner in this bankruptcy, I can only urge that you not create a blue-ribbon panel. We are on the verge of resuscitating Eastern, and in my view a blue-ribbon panel will be disastrous to that effort to say nothing to duplicating the efforts.

And he goes on to say that he asks the Congress to permit the bankruptcy process to complete the remaining steps necessary to the successful reorganization of Eastern. He says:

> I ask the Congress to act out of concern for the employees, the retirees, and the members of the general public who depend on the future existence of Eastern.

Mr. Speaker, let us set aside partisan politics. Let us support the President.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. McDermott].

Mr. McDERMOTT. Mr. Speaker, I urge my colleagues to override this veto. The President says there has been no transportation emergency as a result of this dispute. But he doesn't have to fly on an airline on the verge of collapse like the rest of America. He does not have to hear the horror stories of flight schedules gone haywire, or deal with the chaos of families and communities disrupted by the strike, or worry about the effects on passenger safety. If I had Air Force One, maybe I would not worry either.

The Government has an obligation to protect consumers and to protect the public safety. It also has an obligation to protect the rights of workers. There is precedent for intervening in labor disputes of this kind. The National Mediation Board recommended to the President that he intervene with an emergency board. But he chose not to.

This is not simply a private labor dispute. When the Frank Lorenzos of the world set out to systematically destroy unions and airlines in order to plunder their assets, it concerns all of us. Transportation is not a private or parochial concern. It is a vital part of our country's economy and crucial to the running of a country. I urge the President to rise above his partisan interests and protect the national interest and the public interest.

Mr. Speaker, last fall the leader of one of the world's greatest labor unions addressed this Congress. When he spoke here, Lech Walesa said that America had always given him hope and that he and the members of Solidarity had always looked to us for inspiration and support and as an example of a country that treats its workers fairly and with respect.

I hope they are not looking now. I hope they are not seeing how our Government, the Government that is supposed to be the beacon of opportunity and hope for the world, how our Government is just turning its back on the working men and women of this country.

What the management of Eastern Airlines has done is an injustice to every working American and I urge my colleagues to send that message to the President by overriding this veto.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. Fields].

Mr. FIELDS. Mr. Speaker, I rise in strong support of the President's veto of H.R. 1231, a bill to establish a Commission to investigate and make recommendations regarding the settlement of the labor dispute between Eastern Airlines and its collective bargaining units.

Quite frankly, I believe that H.R. 1231, the Eastern Airlines bill, is simply another attack on Texas Air Corp., and on its employees, many of which I represent. It is obvious to me that many Members of this body do not like the business practices of Frank Lorenzo. However, I don't think I nor any of my colleagues were elected to this body to carry out personal vendettas through legislation.

If Frank Lorenzo has broken any laws, he should be prosecuted like any other businessman who shuns our laws. But, carving out special laws just because we do not approve of the business practices of one individual is bad legislating—it's just plain wrong.

Time after time, I hear Frank Lorenzo and Texas Air Corp. being blamed for the loss of jobs in the airline industry. I am no apologist for Frank Lorenzo, but I represent thousands of Continental employees who feel that they have jobs because Texas Air Corp. saved Continental from total financial collapse.

Continental filed bankruptcy with less than $40 million in the bank. Restructuring was painful for many employees. I do not deny that. But, Continental emerged from bankruptcy 50 percent bigger than it had been prior to chapter 11, operating 147 aircraft versus 105 in 1983 and with 81 percent more seat capacity. Today there are 34,000 Continental employees—10,000 of them in the Houston area.

People Express was on the brink of bankruptcy when Continental purchased it in 1986. Had Continental not acquired and rebuilt People, thousands would have been without jobs and northern New Jersey would have been virtually without air service. Let us review the facts relative to Eastern.

Similarly, Eastern Airlines was on the brink of bankruptcy when Texas Air purchased it. Over the last decade Eastern had lost approximately $1.5 billion. It is unfortunate that Eastern and its machinists union could not resolve their disputes and that the ensuing strike drove an already financially weak Eastern to bankruptcy. But, since its chapter 11 filing, Eastern has been growing steadily stronger. It currently has 800 daily flights and nearly 20,000 employees. By next spring Eastern is projected to have 1,000 daily flights, virtually the same number as before the strike. Eastern has met and exceeded all FAA regulations and continues to work very closely with the FAA to ensure that all of its operations are the safest possible.

The future of Eastern is now properly within the jurisdiction of the bankruptcy court. Even the bankruptcy court examiner, David Shapiro, appointed to protect the interests of the airlines creditors, its employees, and the general public, has urged Congress not to override the President's veto. He warns that enactment of this legislation would reverse the progress that has taken place and make it impossible for the parties to negotiate.

For 15 years Eastern has struggled in the face of seemingly insurmountable obstacles. For the first time in many years, the potential exists for a healthy, competitive airline without the crushing debt that hindered it for so long. The future of Eastern Airlines is where it should be, in the hands of the U.S. judicial system and in the hands of nearly 20,000 dedicated employees.

I urge my colleagues to sustain the President's veto of H.R. 1231.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. Edwards].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I urge my colleagues to support the President on this veto override.

There are two very good reasons why Members should vote against overriding the President's veto. First, H.R. 1231 forces the President to intrude into private collective-bargaining negotiations that are now under the jurisdiction of a Federal bankruptcy judge and, second, H.R. 1231 represents a classic example of unnecessary duplication and Government waste.

When no transportation emergency exists, as it does not now, the President and the Congress have no role to play in labor disputes, even long and bitter disputes like the one taking place at Eastern Airlines.

No transportation emergency exists, and no commission or investigatory board is called for in this situation. The Congress should therefore respect the President's decision and sustain his veto, because anything less would establish another bad precedent of increased Government interference.

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Since H.R. 1231 was introduced over a year ago, Eastern Airlines has filed for bankruptcy and is now under the jurisdiction of a bankruptcy court. Let me repeat again what the judge overseeing that case recently said:

> We are on the verge of resuscitating Eastern, and in my view, a blue ribbon panel will be disastrous to that effort.

It is not only wrong to interfere in this labor dispute, it is a waste of money and it poses a real danger to the recovery of Eastern Airlines. Why is it a waste of taxpayer dollars? Because the bankruptcy court, the Department of Transportation, the National Mediation Board have already done thorough reviews of the Eastern Airlines dispute, and another study is not needed.

This is not a labor versus management issue, it is a good government versus bad government issue. I urge my colleagues to support the President.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, this is all about a battle, and let me tell Members what the battle is. Mr. Charles Bryan, president of the International Association of Machinists, Eastern District, put it this way in what he wrote in a bulletin back in 1986. He said:

> We are in the midst of an all-out war on the employees of Eastern Airlines and their families.

Well, today we are fighting one more chapter in that all-out war. The battle is right here on the House floor. But let us think about what has happened in that battle up until now.

The testimony by the examiner before the bankruptcy judge, Mr. Shapiro, recently tells us something about that. I want to quote from what Mr. Shapiro said in that court.

He said:

> The fact is that in terms of efforts to settle the strike and to bring the pilots, machinists, and flight attendants back to work, the unions blew it.

That is what the report says:

> They blew it, and now they want to come into court and insist on a trustee. Their people are on the street and they want to put 17,000 more people on the street because they blew it. They also want to blow the retirement benefits for some of their own members, 12,000 retirees, because if this company goes down what will be gone are 17,000 more people, and what will be gone are the retirement benefits of 12,000 people, many of whom are members of ALPA.

That is where the battle has been fought thus far. Let me tell you about some of the tactics that have been used in that battle up until now. According to the court that examined the illegal union activities in the course of this strike, here is some of what happened.

The unions have intentionally shouted threats to Eastern passengers about their safety, including some children that they went up to and said, "If you keep flying Eastern, you are going to die." They have defecated and urinated on curbside check-in desks, throwing eggs on the baggage service area, putting glue on locks, and placing garbage on the curbside conveyor system. They have thrown rocks and ball bearings into maintenance facilities and they have broken into cars and broken bus windows.

This is a strike which has used ugly tactics up until now. We ought not reward it on this floor today.

Mr. ANDERSON. Mr. Speaker, I yield all my remaining time to the gentleman from Minnesota [Mr. OBERSTAR].

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I reserve the balance of my time.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 4 minutes to the distinguished ranking member of the Subcommittee on Aviation, the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Speaker, the exercise that we are involved in here this afternoon is a classic case of doing the wrong thing at the wrong time and for essentially the wrong reasons. I think it has become clear in the course of this debate if we really want to put Eastern out of business, and it is very likely if this Commission passes that is what will happen, then we would vote to override the President's veto.

But make no mistake about it. There are people who want to put Eastern out of business, who see that as the ultimate result of this protracted labor-management dispute.

Quoting from a high official in the International Association of Machinists, he said a year ago:

> IAM is at war with Eastern, and will continue fighting even if the battle ultimately results in the collapse of the company.

So this is being presented, ladies and gentlemen, as perhaps if you vote to sustain the President, as being antilabor. I would suggest to Members that exactly the reverse is true.

David Shapiro has been quoted here extensively. He said in his report that the appointment of this Commission would likely put 17,000 men and women out of work that are presently working for Eastern. It would jeopardize the pensions of 12,000 other individuals who have retired from Eastern, many of whom are union members.

It would also, I think, put at risk other airlines. Continental Airlines would perhaps be called upon to satisfy the pension requirements of the Eastern employees.

This Commission is supposed to encourage competition in the airline industry. It has exactly the opposite effect. It has the very real risk that you are going to put two airlines out of business.

Mr. Speaker, this is a very sad story. This whole episode has been a very sad story. I think there are no heroes, and there are plenty of villains. Two of those have been mentioned here today.

Clearly Frank Lorenzo, his managment style is something we can all abhor and find fault with. By the same token, Charlie Bryan in his intransigence has also been definitely a contributor to this disaster. They are both hard-nosed, intransigent, inflexible people, and they share a lot of the blame for bringing us to the sad state of deterioration of Eastern Airlines.

But then there is the Congress. I think we also have to share a part of the blame here, because we have raised expectations, false expectations, that somehow we are going to come in riding in like the U.S. cavalry and save the situation.

That, Mr. Speaker, tended to defer any negotiations. There was no pressure on either labor or management to negotiate. So there is plenty of blame to go around.

The question now is, Can we make ourselves feel better, feel happier, if we override the President's veto? Well, perhaps we might feel a little better as a result of that. But Members have to ask themselves, will this Commission work? I think the answer to that is clearly no.

Consider what the Commission is required to do. They are required to make findings of fact and recommendtions for settling this dispute. That is No. 1.

No. 2, they are expected to make policy recommendations to Congress and to the Department of Transportation concerning, first, the powers of the Secretary to intervene in labor-management's disputes, to ensure competition and survival.

Second, to make recommendations concerning the protection of employee bargaining rights in bankruptcy proceedings. And they are to do all this in 45 days.

You have heard here today the statement that the National Mediation Board had considered this thing for 500 days and was unable to resolve it. We have had the issue here in Congress with us, we have had it in the Department of Transportation, and the bankruptcy court has been wrestling with this thing for 7 months.

But this Commission, which by the way is only four members and therefore an invitation to deadlock, this Commission is supposed to resolve the whole thing in 45 days.

Mr. Speaker, it is ludicrous to think this issue can be resolved in that rapid a period of time. So, Mr. Speaker, I

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would just urge Members to heed the words of the examiner who said:

> I ask the Congress to act out of concern for the employees, the retirees and the members of the general public, who depend on the future existence of Eastern.

Defeat this motion and we will ensure I think the future of Eastern.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Speaker, I rise today in support of the veto override of H.R. 1231. I rise today in the public's best interest and in the interest of labor-management relations across this Nation.

The progress of events throughout this whole Eastern Airlines ordeal has been pitiful at best. I am truly saddened that the President was unable to take the appropriate action so that so many Eastern Airline workers and staff would not have had to suffer as they did. I am additionally saddened by the foot-dragging approach taken by our own Labor Department after months and months of complaints.

Today, we must override the President's veto because Frank Lorenzo and his pals, in taking over Eastern, obviously intended only to exploit the workers and the company. The bottom line is that in hopes of a fair and just resolution we must vote to override.

We are faced with severe problems in labor-management relations. Workers, such as the Greyhound drivers, are suffering even today. It is my hope that these union-busting efforts adopted and utilized throughout the Reagan administration will not be perpetuated in the Bush administration.

I encourage my colleagues to vote in support of the veto override.

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Mr. OBERSTAR. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of efforts to override the President's veto of H.R. 1231, legislation which would set up a bipartisan Commission to investigate and make recommendations on the labor dispute between Eastern Airlines and its unions.

Unlike the original version of H.R. 1231 which came before the House last year, this measure does not call for the President to declare that a national transportation emergency has occurred—one of the major stumbling blocks to my supporting the original bill.

Clearly such a transportation emergency has not happened. Other carriers have stepped in to fill the voids left by Eastern cutbacks, and the American public as a whole has not been too terribly inconvenienced by the matter although airlines in general are leaving much to be desired these days in the way of public service and accountability.

On the other hand, I am greatly troubled by many aspects of the Eastern situation—including recent reports that Frank Lorenzo had been siphoning assets back and forth between the many corners of his airline empire. Seems to me these types of actions are performed more for the benefit of the corporate bigshots—certainly not for the workers with vested interest in their pension plans or for the little stockholders.

The other day I spoke on the House floor about the Wild West attitude of some of these corporate executives—like those of Drexel, Burnham, Lambert—who apparently walked away with $350 million in bonuses "just one step ahead of the posse" and less than 2 months before taking their own company into bankruptcy.

Something is rotten in corporate America, Mr. Speaker, when these activities are allowed to go forward with apparent impunity while the workers—in the case of Eastern Airlines, the thousands of unemployed strikers—are left out in the cold.

In this regard, the bipartisan Commission's investigation into the Eastern situation could have ramifications far beyond the Eastern situation alone. I urge my colleagues to join me in supporting the override of the President's veto of H.R. 1231.

Mr. ROBERTS. Mr. Speaker, I urge my colleagues to support the President's veto. This whole business of having the government intervene in labor-management disputes is troubling. There are well-established procedures for resolving such disputes and those were followed, albeit unsuccessfully, as Eastern's restructuring attempts unfolded. While we are sympathetic to the plight of Eastern's employees, this bill is not the solution.

The President was correct in his veto message that this legislation "would significantly disrupt chances for an orderly reorganization of Eastern by the court." By establishing a commission to study this dispute, issue findings of fact and make recommendations for settlement, this bill would have not only been dangerous but probably unconstitutional as well.

Mr. Speaker, I note another aspect of the Eastern situation that has come to light in recent days—the report of the bankruptcy examiner that is highly critical of the numerous transactions between Eastern, Texas Air, and Continental. These allegedly improper asset transfers are significant. The examiner found that they ranged from $285 to $403 million.

Now, I don't believe Congress should make determinations on the magnitude of improper asset diversions any more than we should appoint fact-finding blue ribbon commissions. However, I do want this Congress to be on notice that an administrative law judge at the Department of Transportation has recently recommended that Eastern's sister carrier, Continental, be selected to receive very valuable international route authority between the United States and Japan. Let me restate: At the same time this system of related air carriers is accused of improperly transferring assets, it stands ready to receive very valuable route authority from the U.S. Government. Continental's figures show that award could mean $37.6 million in new profits for the Texas Air group.

While I am not fully aware of all considerations involving international route proceedings at the Department of Transportation, I do know that it makes no sense to give a major asset away to Continental Airlines in an environment where there is even a question about improper transfers of assets from Eastern, especially when solid air carriers are competing for the same route.

Mr. Speaker, I urge support of the President on this veto override. But I also think notice should be served that it makes no sense for the Department of Transportation to award valuable route authority to one of the Texas Air group of companies at this time.

Mr. WEISS. Mr. Speaker, I rise in support of overriding President Bush's veto of H.R. 1231. In overriding President Bush's veto of H.R. 1231, Congress will be taking steps that would reap both immediate and long term benefits. H.R. 1231 has the potential to solve, in the near future, Eastern's current labor dispute and restore Eastern to the status of a viable major airline competitor. In light of the current atmosphere of mutual distrust that has developed between Eastern and its employee representatives, it is unlikely that new labor agreements can be reached through the normal collective bargaining process. This bill is the only hope for a fair and responsible resolution to this unfortunate labor dispute.

In addition to its immediate consequences, H.R. 1321 will lay the groundwork for solving and preventing future debacles in the airline industry. The blue ribbon commission established by this legislation will consider general issues that have arisen out of Eastern's labor dispute. It will make policy recommendations to Congress and the Secretary of Transportation concerning the powers of the Secretary to intervene on behalf of the public interest to maintain competitiveness in the airline industry and the inadequacy of protection of employee collective bargaining rights in bankruptcy proceedings involving air carriers.

President Bush claims that he is neutral in this labor dispute. The Department of Defense, however, with certification from the Department of Labor, has recently granted a military courier service contract in the amount of $120 million to Lorenzo and Eastern. I do not perceive the administration's awarding of a military contract to a strikebound carrier as an act of neutrality. Rather, I see it as direct Government intervention on the side of the employer.

Last week, the bankruptcy court examiner filed a voluminous report based on his 6-month investigation of Texas Air-Eastern prebankruptcy transactions. This report states that Frank Lorenzo's Texas Air holding company had drained up to $400 million from Eastern Airlines by underpaying the airline for key assets, such as its reservation system and airport gates, and by overcharging for services, aircraft, and other transactions. The report demonstrates the validity of Eastern employees' fears: Loranzo plans to rape Eastern of all its valuables and abandon the leftovers, including the unions.

I urge my colleagues to override the veto of H.R. 1231. Congress must help bring an end to Frank Lorenzo's misuse of the bankruptcy laws as a weapon against Eastern's employees. Overriding the veto will signal clearly Congress' disapproval of actions that violate responsible labor practices in the United States. Mr. Speaker, the record is clear. Mr. Lorenzo has no interest in the economic security of his employees. Congress must stand with the employees of Eastern Airlines in their quest to secure a fair, decent, and balanced collective bargaining agreement.

Mr. COSTELLO. Mr. Speaker, over the past several months, we have watched the management of Eastern Airlines use the chapter 11 Bankruptcy Code to jeopardize the companies unions and undermine the collective bargaining process.

We have seen the devastating effect that this has taken on the lives of thousands of Eastern Airline employees and their families—all because chairman Frank Lorenzo refused to engage in honest bargaining with the machinist union.

It is of utmost importance that we join together today in a bipartisan effort to override the President's veto of H.R. 1231, which would require the president to establish an emergency panel to investigate and help find a resolution to the Eastern Airline labor dispute.

Clearly, it is in the public's best interest to resolve this controversy, not only for economic reasons, but for passenger safety as well. Eastern Airline was our nation's sixth largest airline. We must end this dispute and return Eastern Airline as a major competitor in our Nation's airline industry. I am calling on my colleagues today to join me in overriding the President's veto of H.R. 1234.

Mr. BRENNAN. Mr. Speaker, I urge my colleagues to join me in support of overriding the President's veto of H.R. 1231, and direct bipartisan leadership to appoint a four-person commission to review the Eastern Airlines labor dispute.

Last week, a bankruptcy court examiner reported that Frank Lorenzo's holding company, Texas Air Corp., had unfairly drained $403 million in assets from Eastern Airlines. Lorenzo has sold Eastern assets at below market value to his own Continental Airlines and has refused to bargain in good faith with striking workers, hiring replacements for a foundering Eastern.

Confidence in Eastern by the traveling public is dwindling. Striking Eastern employees and union members all over the country are losing faith in our Nation's management-biased system of labor relations that has been inspired by the last decade's prevalent disregard by management of the rights of working men and women. The disenchantment of working men and women has been compounded by the reluctance of their elected officials to get involved.

The political and economic climate of the 1980's encouraged a new aggressiveness on the part of employers who chose to simply ignore good-faith bargaining with striking workers in favor of hiring replacements in dispute after dispute.

An override of the President's veto would send a clear signal that this Congress is concerned about the labor rights of working men and women. A bipartisan commission established to review the Eastern dispute would not only help to bring an end to this agonizing year-long strike, it would help to define the adequacy of protection given to employee collective bargaining in airline bankruptcy procedures.

An override of the President's veto would give both sides of this dispute objective recommendations from which they can resolve their differences. Also, in a much broader sense, it will set the tone for future labor relations in the airline industry and in the Nation as a whole.

Mr. OWENS of New York. Mr. Speaker, I rise in favor of overriding the President's veto of H.R. 1231, the bill which would establish a commission to investigate the ongoing dispute between Frank Lorenzo and the workers of Eastern Airlines.

For reasons, I cannot begin to fathom, our kinder and gentler President wants to help Frank Lorenzo squander the resources of the once strong Eastern Airlines. This is beginning to be a trend for this administration, this habit of sitting back and watching while some rich and corrupt miscreants rape and pillage a company, such as a savings and loan institution, and then using our tax dollars to bail them out of their financial crisis. We are financing the savings and loan debacle after watching it grow to astronomical proportions over the course of several years. The administration is now prepared to sit back and watch Eastern Airlines get taken through the bankruptcy courts when we ought to have put a stop to Frank Lorenzo's corruption 2 years ago when he put his plan to break both Eastern and its unions into action.

Last week during Eastern's bankruptcy proceedings, a court-appointed bankruptcy examiner found that Frank Lorenzo had cheated Eastern Airlines out of millions of dollars for properties transferred from Eastern to his airline holding company, Texas Air. The list of transgressions the report cites is lengthy, faulting 12 of 15 transactions made transferring Eastern assets to Continental Airlines as well as having Eastern pay for its own acquisition by Texas Air.

In addition to Frank Lorenzo's siphoning off of Eastern's assets, and probably because of it, he insisted that Eastern workers accept major concessions during negotiations for their new contract including taking significant pay cuts, accepting changes in workplace rules, and allowing some work to be contracted out. Last week's report vindicates Eastern workers who have now been striking for 1 year because they assert that Frank Lorenzo has been gutting the airline of its most valuable assets. Thanks to Frank Lorenzo these workers have lost their livelihood, their homes, and had their standard of living drastically reduced during this yearlong struggle to save their airline.

We are not doing anything radical with this bill. We are not mandating change or dictating policy. In essence, this bill is a mere shadow of the original measure that we passed in this Chamber 1 year ago next week. This bill has lost its teeth. The decisions made by the commission will not be binding on either side. Passage of this bill alone will not resolve this dispute. Yet, the administration still objects to it.

Mr. Speaker, only weeks ago we were all assembled in this Chamber to honor the great Polish Solidarity union leader Lech Walesa. At that time we all praised the union's movement in Poland and credited that movement with providing the strength to bring down the Communist government in that country and further the people's goal to create a freer society.

Why does this administration speak with two messages to unions? Why does the administration hail the unions in Poland and assail the unions in the United States?

The responsibility to correct this inequity now rests squarely on our shoulders and we must rise to meet the challenge.

By passing this bill, we will not require change, but show our support for an equitable examination of and support for a fair solution to the Eastern labor dispute. We will simply give the union and workers of Eastern Airlines the same support we gave the union and workers of Eastern Europe, and hopefully aid them in their struggle to save their jobs, earn a decent living, and provide for themselves and their families with dignity.

We should vote overwhelmingly to override the President's veto of H.R. 1231.

Mrs. COLLINS. Mr. Speaker, I rise in support of overriding the President's veto of H.R. 1231, the Eastern Airlines Commission bill. The bill would establish a four-member Commission, appointed by the leaders in Congress of both parties, to investigate the labor disputes between Eastern Airlines and its three unions—IAM, ALPA, and TWU—and to make nonbinding recommendations for settlement. It would also examine several related public policy issues, such as competitiveness, and make recommendations to Congress and appropriate executive agencies regarding those issues.

Mr. Speaker, I support this legislation because I am convinced it is necessary. My Subcommittee on Government Activities and Transportation held a series of oversight hearings in 1987 on maintenance at Eastern Airlines, and what we learned was shocking.

Apparently, corporate cost-cutting and a cavalier attitude toward safety of the flying public impacted Eastern's maintenance practices to such a degree that literally hundreds of alleged maintenance violations were uncovered by the FAA. Eastern was fined and ultimately agreed to a $9.5 million payment, the largest penalty ever collected by the FAA.

In 1988 my subcommittee called hearings to examine a plan by Texas Air Corp., Eastern's parent company, to subcontract Eastern's flight and maintenance operations to a little-known cargo carrier based in Raleigh, NC, known as Orion Air. That effort by Texas Air was an attempt to keep Eastern flying in the event that Eastern pilots decided to follow the machinists and go on strike.

Essentially, Texas Air was creating a scab airline with replacements that were virtually unknown. On its face, that move by Eastern and its parent company, Texas Air Corp., raised several safety and consumer concerns.

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One concern was whether Orion could recruit and adequately train and supervise the pilots, flight attendants and mechanics that it needed to safely operate Eastern's airplanes. Another concern was whether it was acceptable for Eastern to lease aircraft to Orion which in turn relied heavily on a series of third parties for training and maintenance. Finally, there was a question of whether it was inherently deceptive to the public for Eastern to hand over passengers who booked flights on Eastern to Orion, with no real advance notice. Fortunately, the courts saw this subterfuge for what it was and abrogated Eastern's agreement with Orion.

The crisis at Eastern today exists for many complex reasons. Labor/management relations have been strained and confrontational for many years. The animosity and bitterness between Texas Air chairman Frank Lorenzo and Eastern's unions is well known.

It is also no secret that over the last couple of years Eastern has been taken apart piece by piece. Last year the airline lost $850 million, and it appears that Frank Lorenzo continues to use the bankruptcy process to dismantle Eastern by selling its most valuable assets, including the Eastern shuttle, the computer reservation system and Eastern's lucrative Latin American routes.

It has now been a year since the machinists union struck Eastern Airlines, and the pilots and flight attendants withheld their services in support. A resolution of this dispute does not appear to be in sight. Unless Eastern's labor disputes can be resolved and labor peace restored, it is unlikely that the flying public will regain confidence in Eastern and that the airline will be able to rebuild its operation to anything approaching its former size.

What concerns me is that this will not only hurt Eastern's employees, but also the cities and communities it serves and the traveling public, which cannot afford to lose another competitor.

While I am not one to advocate congressional intervention in labor/management disputes, it is clear to me that, in this particular instance, a referee is needed. The proposed blue-ribbon Commission that is the subject of this vetoed bill would examine the conditions and circumstances that led to the crisis at Eastern Airlines and make recommendations that could lead to a settlement of its labor disputes and restore Eastern to the status of a viable major airline competitor. The Commission would also consider other issues that have arisen out of the dispute and make policy recommendations to Congress and the Secretary of Transportation concerning: First, the powers of the Secretary to intervene on behalf of the public interest to maintain competitiveness in the airline industry; and second, the adequacy of protection of employee collective-bargaining rights in bankruptcy proceedings involving air carriers.

These matters are indeed worthy of scrutiny by an impartial panel of respected citizens. It is difficult to envision how such a review could in any way adversely affect Eastern's condition as critics of this legislation have argued. Rather, if anything, it should help our decisionmakers to learn from this tragic episode so that steps can be taken to avoid such calamities in the future. I urge my colleagues to vote for an override of the veto of H.R. 1231.

Mr. RICHARDSON. Mr. Speaker, I rise today to express my strong support for the veto override of H.R. 1231.

I feel that the President was wrong in vetoing this legislation. Additionally, I believe it is imperative that a Commission be established to investigate and report on the continuing dispute between Eastern Airlines and its employees.

In the atmosphere of mutual distrust which has developed between Eastern and its employees, it is unlikely that new labor agreements can be reached through the normal collective-bargaining process. In these unfortunate circumstances, the best hope for resolving Eastern's labor disputes is to have an impartial third party make recommendations which both sides could accept.

The return of Eastern Airlines to full and normal operations is vital to our national interest, particularly in regard to passenger safety and the economic welfare of its employees and their communities.

Mr. Speaker, I urge my colleagues to join me in supporting an override to the President's veto.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield all of my remaining time to the distinguished gentleman from Illinois [Mr. MICHEL] the minority leader.

Mr. MICHEL asked and was given permission to revise and extend his remarks and include extraneous material.)

The SPEAKER pro tempore (Mr. BARNARD). The gentleman from Illinois [Mr. MICHEL] is recognized for 3 minutes.

Mr. MICHEL. Mr. Speaker, I rise in opposition to the motion to override President Bush's veto of this measure.

The key in this debate is "bankrupt." It describes the current position of Eastern Airlines, but it also vividly describes the bizarre idea that we are going to solve Eastern's problems through a commission.

Forming a commission is usually a sign in this House that we want desperately to do something, but we just do not know how and what to do.

The future of Eastern is currently and quite properly within the jurisdiction of the bankruptcy court where the most sensitive and delicate proceedings are being undertaken.

The proponents of this legislation ask us to ignore the court and seek to duplicate its effort exactly at a time when we should show restraint and let the court do its work. We are asked to believe, as has been alluded to, that in 45 days a commission can solve a complex problem that the National Mediation Board could not solve in 500 days of sustained effort. Anyone who would believe that would believe anything.

Is there a national emergency which might justify congressional intrusion into a labor dispute? Why, of course not. No emergency exists. It has been months since the President's veto. If the majority leadership thought an emergency existed, why did they wait so long to bring the veto to the floor, I would ask quite frankly?

So irresponsible is this course of action that David Shapiro, the court-appointed examiner in the Eastern Airlines bankruptcy, has written to me and to the Speaker, and of course I will include his letter at the conclusion of my remarks. He persuasively and in detail makes the case against creation of a commission.

In over 34 years in the Congress I have never heard of, let alone received, such a request from an examiner.

The court has powers to help the people involved, but a commission would have no such powers. H.R. 1231 sets up expectations of future congressional action precisely at a time when all parties should be committed to the court's approach. Why hold out false hope to those who have already been hurt so much?

In his letter to me, Mr. Shapiro refers to those whose interests are represented in the court proceedings. The number and variety of people whose interests and in some cases whose fate is now in the hands of the court are the creditors, preferred shareholders, employees, retirees, and yes, elderly folks from New York and Atlanta who can visit their children only by buying a low fare ticket on Eastern Airlines.

If, through creation of a commission, we give any one of those groups false hope for a solution outside the judicial process, we will have committed a grave injustice to every one of them concerned.

When I think of the damage that would be done to so many by such a measure, I am reminded of the words of the great old song: "Fools Rush in Where Angels Fear To Tread."

Let us not act like fools by stampeding into a judicial process that will be disruptive and distorted by our clumsy, ineffective action. Let us allow the court to do justice impartially, unimpeded by what could be our hamhanded interference. Let us help the court fairly meet the varying and complex needs of so many different people.

Certainly I would urge Members to vote no on the motion to override the President's veto of this legislation.

The letter referred to follows:

DICKSTEIN, SHAPIRO & MORIN,
Washington, DC, March 5, 1990.

Hon. ROBERT H. MICHEL,
Minority Leader, House of Representatives,
Washington, DC.

DEAR MR. MICHEL: You have before you the question of overriding President Bush's veto of H.R. 1231, the proposed blue ribbon investigation of Eastern Air Lines. Having spent the last eleven months as the court-appointed Examiner in the Eastern Airlines' bankruptcy, I can only urge that you not create a blue ribbon panel. We are on the verge of resuscitating Eastern and, in my view, a blue ribbon panel will be disastrous to that effort, to say nothing of duplicating ongoing court efforts.

When I was appointed Examiner, I was given a broad mandate to protect the public with regard to the Eastern reorganization. I wish to emphasize that I do not represent Texas Air or Mr. Lorenzo any more than I represent Mr. Copeland or ALPA. I have one constituency and that is the many interests that intersect in Judge Lifland's Court: creditors, preferred shareholders, employees, retirees, and elderly folks from New York and Atlanta who can visit their children only by buying a low fare ticket on Eastern Air Lines.

There are a number of reasons why H.R. 1231 is bad legislation.

(1) As my report (Vol. 1, pp. 40-48) shows: the unions have been willing to face up to the reality of hard collective bargaining in the hope that some outside body would rescue them. First, it was Ueberroth, then it was Ritchie, then it was H.R. 1231. When the Examiner urged the pilots to go back to work to maintain their jobs and seniority and continue to negotiate from the inside, he was accused of a "sell-out" to Lorenzo. When Jack Bavis, Chairman of the Eastern Pilots' Master Executive Council came to the conclusion that the only way to save the pilots' jobs was to return to work, he was removed from office and brought up on charges. (The charges were later dropped). It was only after H.R. 1231 was vetoed that the pilots and management got back to the bargaining table. Based on reports currently available to me, the negotiations have been inching along toward agreement. H.R. 1231 would reverse this process, create a further straw for the unions to clutch at, and make it impossible for the parties to settle.

(2) The Examiner's team (15 lawyers and a large support staff) spent more than six months looking at the various asset transfers; no Commission can do this job in 45 days.

(3) H.R. 1231 undermines the doctrine of separation of powers. The transactions which the panel would examine are *sub judice* in every respect; the panel would cover precisely the same ground. The Bankruptcy Court and the Examiner are objectively and fairly discharging their statutory obligations. It would therefore be an unwarranted legislative interference with the judicial process for the panel envisioned by H.R. 1231 to proceed as proposed.

(4) The creation of a second forum outside the judicial process to resolve Eastern's future creates uncertainty for an enterprise that no longer has the ability to withstand such shocks; it could therefore so disrupt Eastern's business and its ability to sell tickets as to make its continued viability as an air carrier untenable. This would result in the loss of jobs held by Eastern's present employees, some 17,000 people; destroy the pensions and health and medical benefits of its retired employees, some 12,000 people (mostly union members); and deprive the travelling public of yet another air carrier.

I am equally concerned that my report to the Court of last week has been misinterpreted in the press. Lest this report be improperly referred to in the forthcoming debate, I want to make sure that certain facts are clear.

I did not find that Texas Air had improperly diverted assets from Eastern. Instead, I set forth the grounds on which such a claim could be asserted. I did not make a judgment as to the validity of such a claim or its likelihood of success. In fact, my report noted that Texas Air had substantial defenses to any such claim, and, in my opinion, Texas Air could very well prevail in any such litigation. My report stated that any legal action seeking recovery would have to plough new legal ground.

In short, as I stated in Court last Thursday, I did not find on the merits against Eastern, Continental or Texas Air. On the contrary, I issued the report contemporaneous with a settlement with Texas Air in an attempt to demonstrate that the settlement was fair, reasonable and adequate and in the best interests of Eastern. I further told the Court, "Maybe Texas Air and Continental would have won all twelve of the disputed issues, maybe six, maybe three, maybe none." Any legal judgment of wrongdoing by Eastern, Continental or Texas Air would have taken years of litigation with uncertain likelihood of success.

Another fact that should be firmly before the Congress involves the settlement with Texas Air. The settlement is not an admission of liability by Texas Air. Rather, it is an agreement between Texas Air and the Examiner as to what is needed to assure the economic viability of Eastern Air Lines. I frankly do not believe we could have gotten anywhere near the settlement, and its clear benefit to Eastern, unless Texas Air was committed to see Eastern through to a return to economic health. I therefore believe that that agreement demonstrates Texas Air's commitment to the future of Eastern.

Finally, whatever merit there is to the claims of "conflict of interest" and "self-dealing", the examiner has proposed that Eastern's reorganization plan contain provisions (such as, for example, a special independent committee of outside directors) for monitoring all intercorporate transactions between Eastern and Texas Air and its affiliates which are outside the regular course of business and have a value in excess of $500,000. Accordingly, whatever concerns that continue to exist on this score will be dealt with in the Bankruptcy Court when it comes time for the Court to consider whether or not it should approve Eastern's plan of reorganization.

I do not believe that H.R. 1231 can do any good; it will, instead, do a great deal of harm. The bitterness between management and the unions should not be allowed to determine Eastern's fate. I therefore ask the Congress to permit the bankruptcy process to complete the remaining steps necessary to the successful reorganization of Eastern. I ask the Congress to act out of concern for the employees, retirees and members of the general public who depend on the future existence of Eastern. I ask the Congress not to enact H.R. 1231.

Sincerely,

David I. Shapiro,
Examiner.

Mr. OBERSTAR. Mr. Speaker, I yield myself my remaining 6 minutes.

Mr. Speaker, first of all I think it is important to get the facts straight on what we are voting on.

A commission, a nonbinding commission. That is a commission whose recommendations are not obligatory on the President, the Secretary of Transportation, or the Congress. A commission which is bipartisan, which is to look into the dispute between Eastern Airlines and its employee unions, to make findings of fact on the dispute, to make recommendations on how to prevent or avoid such disputes in the future, to make recommendations on the powers of the Secretary of Transportation to intervene in the public interest to maintain competitiveness in the airline industry, a useful review under any set of circumstances, particularly useful here, now in this period of the era of deregulation.

Who could be afraid of it? We have heard that disastrous results will come from this commission. It is like a popgun being aimed at a wolf. I have never heard anything so silly in my life, that this little commission that is going to make recommendations about the dispute between Eastern and its unions could bring disaster about.

A year ago, almost a year ago to the date when we were on the floor of this House debating a real bill to do something real about this dispute, something that would have had effective results, that would have put the unions back to work and kept Eastern in competition, we heard: "Don't pass this bill. Heavens, it will cost the airline $1 million a day."

We would have done them a big favor if we had passed that bill, because on their own, under the protection of the bankruptcy court, Eastern has lost over $850 million. They have done twice as good as the objectors predicted would have resulted had we passed that legislation. They said "$1 million," and they have lost over $2 million a day on their own, under protection of the bankruptcy court. That is a pretty sad state of affairs as far as I can see it.

As for the constitutional arguments, a simple study commission does not interfere with anybody's constitutional powers. Let us go back to the bill this House approved a year ago and the report of the American Law Division of the Library of Congress which concluded, after examining the constitutional questions raised about that legislation:

> It cannot be persuasively argued that Eastern's filing under chapter 11 exempts it from continuing compliance with the Federal labor laws, or that compliance with those laws constitutes the taking of private property without compensation. . . we conclude that the subject legislation appears constitutionally sound.

Goodness, then this one surely is.

I must say, in all fairness, it has been a very, very respectful debate, and I must say that there has been, in contrast to the statements issued earlier, no secretary bashing. To disagree with the opinion of the Secretary of Transportation is not to bash him. We will have disagreements, and we have done so respectfully this afternoon.

But I did like my colleague from Pennsylvania's reference to the Congress coming in as the cavalry to resolve this dispute. I was hoping we would, and we did a year ago. We rode

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into this Chamber, and by an impressive vote passed the bill that would have done something good and effective about this dispute. The trouble is, the cavalry ran into "Little Big Horn" down the corridor here in the other body, and out of that ambush came this modest, modest, greatly scaled down, poor image of itself bill that everyone says now, heavens, if we pass this bill, Eastern Airlines goes down in flames, and we have lost this great competitor in the airline industry. That reminds me of all of the Chicken Littles in the world gathered in one room complaining about a piece of the sky falling.

We have nothing to fear from a little bit of truth and a little bit of fact, and that is all we are asking for. Override the President's veto. Give a fair, impartial commission an opportunity to look at the facts, make some recommendations, no obligation on the President or the Secretary to do anything about it, no obligation on the Congress to do anything about it.

□ 1420

Maybe we will. Maybe hearings will be held on their recommendations and their findings. That is an issue for another day.

That issue will be decided on the merits of whatever this Board recommends to the public, to the President, to the Secretary and to the Congress.

All this debate is about one last measure of dignity and self-respect for the workers at Eastern Airlines who walked off their job in protection of their economic rights.

Let us override the President's veto.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the motion to override the President's veto of H.R. 1231, to establish an emergency board to investigate and report the dispute between Eastern Airlines and its collective bargaining units.

It is important to remember that this bill was first passed at the recommendation of a National Mediation Board. The Mediation Board has advised the Chief Executive to appoint an emergency board 34 times this century; this is the first time a president has refused to comply with the Board's request.

Texas Air, Eastern's parent company, has a history of troubled labor relations. Following the acquisition of Continental Airlines, the company filed for bankruptcy and unilaterally terminated all union contracts. Since Frank Lorenzo took control of Eastern nearly $900 million in assets have been sold off. A bankruptcy examiner has concluded that Texas Air has unfairly drained as much as $400 million from Eastern Airlines during this dispute.

The mounting frustration and increased hostility at the airline make a successful resolution to the labor dispute virtually impossible. The proposed Commission's recommendations would not be binding to either Eastern or the unions or interfere with the ongoing bankruptcy proceedings.

The Commission is also needed to examine and make policy recommendations concerning the Federal authority to intervene in airline mergers, acquisitions and bankruptcies which threaten airline competitiveness. As the airline industry continues to consolidate at the expense of competitiveness, it is absolutely vital that these broader issues be examined in order to protect the public interest.

In the interest of fairness and workers rights, this issue deserves a nonpartisan assessment by a presidential emergency board. I urge my colleagues to join me in supporting the override of the President's veto of this important legislation. Thank you.

Mrs. LLOYD. Mr. Speaker, I rise in support of the motion to override the Presidential veto of H.R. 1231— to establish a four-member bipartisan commission to be appointed by Congress that would investigate and make recommendations to resolve the labor disputes between Eastern Airlines and its three unions.

I am disappointed that the President vetoed this timely and important legislation and I believe it is imperative that the House vote today to override. If President Bush had signed H.R. 1231 on November 21, 1989, instead of presenting his veto message, the investigation called for by the bill could now be complete and the recommendations made. Instead, Eastern Airlines 18,000 employees and their surrounding communities are suffering the ill effects of a protracted strike and the cities Eastern serves, and the traveling public, are in danger of loosing still another major air carrier.

The administration has repeatedly stated that their objections to this bill center on their policy against intervening in the collective bargaining process. However, I maintain that the recent action by Labor Secretary Elizabeth Dole in the United Mine Workers strike against Pittson Co., is a strong example of why this legislation is warranted. The Secretary of Labor took full credit for her recent role in helping to negotiate a settlement in the coal workers dispute and I believe that the employees of Eastern Airlines deserve no less consideration by the administration.

The future of Eastern Airlines must remain an issue of concern to all of us. It is imperative that we bear in mind that Eastern was the sixth largest carrier in the United States handling more than 36 million passengers in 1988. Failure to end this dispute and restore Eastern as a major carrier would drastically undermine the competitiveness of our Nation's airline industry. An override of the President's veto of H.R. 1231 and the formation of a blue-ribbon panel to identify the cause of the disputes will help put Eastern back on its feet and restore it as a viable competitor.

I urge my colleagues to join with me in voting to override the Presidential veto of H.R. 1231.

The previous question was ordered.

The SPEAKER pro tempore (Mr. Barnard). The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device and there were—yeas 261, nays 160, answered "present" 1, not voting 9, as follows:

[Roll No. 22]

YEAS—261

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coleman (MO)
Coleman (TX)
Collins
Condit
Conte
Cooper
Costello
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hubbard
Hughes
Hutto
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Lehman (CA)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parris
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Porter
Poshard
Price
Rahall
Rangel
Richardson
Ridge
Rinaldo
Robinson
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins

Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolpe
Wyden
Yatron
Young (AK)

NAYS—160

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Clinger
Coble
Combest
Coughlin
Courter
Cox
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hyde
Inhofe
Ireland
James
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Leath (TX)
Lehman (FL)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parker
Pashayan
Paxon
Petri
Pickle
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Saiki
Schaefer
Schiff
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Spence
Stangeland
Stearns
Stenholm
Stump
Sundquist
Tauke
Tauzin
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Weber
Wilson
Wolf
Wylie
Young (FL)

ANSWERED "PRESENT"—1

Campbell (CA)

NOT VOTING—9

Brooks
Clay
Conyers
Craig
Ford (TN)
Hayes (LA)
Neal (NC)
Solomon
Yates

☐ 1445

The Clerk announced the following pair:

On this vote:

Mr. Yates and Mr. Ford of Tennessee for, with Mr. Craig against.

Mr. THOMAS of Wyoming changed his vote from "yea" to "nay."

Mr. PORTER changed his vote from "nay" to "yea."

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The message and the bill are referred to the Committee on Public Works and Transportation.

The Clerk will notify the Senate of the action of the House.

PERSONAL EXPLANATION

Mr. CONYERS. Madam Speaker, I came to the House floor and voted to override President Bush's veto of H.R. 1231, to establish an Eastern Airlines Labor Disputes Emergency Board. However, for some reason my vote was not electronically recorded. I wish to make it clear that I did vote to override the President's veto.

I ask unanimous consent that this explanation be inserted immediately after the recorded vote on H.R. 1231 in the permanent CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXPLANATION OF PROCEDURE FOR OFFERING AMENDMENTS TO H.R. 3581, RURAL ECONOMIC DEVELOPMENT ACT OF 1989

(Mr FROST asked and was given permission to address the House for 1 minute.)

Mr. FROST. Mr. Speaker, I would like to inform Members that the Committee on Agriculture has requested a rule that would require amendments be printed in the CONGRESSIONAL RECORD prior to the consideration of H.R. 3581, the Rural Economic Development Act of 1989. It is anticipated that the House will proceed to the consideration of the bill on Wednesday, March 14, 1990. Therefore, to fully protect their rights Members should have their amendments printed in the CONGRESSIONAL RECORD not later than Tuesday, March 13, 1990. This should allow Members ample time to prepare and file their amendments.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this 1 minute in order that I might inquire of the distinguished majority leader concerning the program for the balance of the day and the week, and also what the prognostications are for the following week.

Mr. Speaker, I am happy to yield to my distinguished friend, the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the business of the day is finished. On tomorrow, Thursday, March 8, the House will meet at 11, but there will not be legislative business.

On Friday, March 9, the House will not be in session.

Next week, on Monday, March 12, the House will meet at noon. No legislative business is scheduled.

On Tuesday, March 13, the House will meet at noon and will proceed to consider two bills under suspension of the rules:

H.R. 2843, to establish Kino Missions National Monument in the State of Arizona; and

H.R. 1347, Panama Canal Act Amendments of 1990.

On Wednesday, March 14, and Thursday, March 15, the House will meet at noon on Wednesday and at 11 a.m. on Thursday. Members should be advised that the official photograph will be taken immediately after the House convenes at noon on Wednesday. We will then be taking up, on both days, H.R. 3581, the Rural Economic Development Act, subject to a rule.

On Friday, March 16, the House will not be in session.

Mr. MICHEL. Mr. Speaker, I might emphasize the point that was made by the gentleman from Texas [Mr. FROST] with respect to the rule on Rural Economic Development, that any amendments that Members want to have considered will have to be printed in the RECORD by the close of business on Tuesday; is that not correct?

Mr. GEPHARDT. The gentleman is correct.

Mr. MICHEL. Mr. Speaker, that is the extent of any questions I have to ask, but I have one other thing: Later on in the month, on March 27, I believe, we will observe the Eisenhower Centennial Celebration, and it is my understanding that there has at least been tentative approval for a joint meeting that we might have on that date to commemorate the centennial of former President Eisenhower.

Mr. GEPHARDT. Yes, Mr. Speaker; we will work with the gentleman and with other Members on that arrangement.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

I have no further questions, and I yield back the balance of my time.

☐ 1450

ADJOURNMENT FROM THURSDAY, MARCH 8, 1990, TO MONDAY, MARCH 12, 1990

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns on Thursday, March 8, 1990, it adjourn to meet at noon on Monday, March 12, 1990.

The SPEAKER pro tempore (Mrs. PATTERSON). Is there objection to the request of the gentleman from Missouri?

There was no objection.

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HOUR OF MEETING ON WEDNESDAY, MARCH 14, 1990

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that when the House adjourns on Tuesday, March 13, 1990, it adjourn to meet at noon on Wednesday, March 14, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

REPORT ON OPERATION OF SECTION 232 OF THE TRADE EXPANSION ACT OF 1962—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

To the Congress of the United States:

Pursuant to the provisions of section 232(e)(2) of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862(d)(2)), I transmit herewith the report on the operation of section 232 of the act during fiscal year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *March 7, 1990.*

COMMEMORATING THE CENTENNIAL OF THE CREATION OF YOSEMITE NATIONAL PARK

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 398) to commemorate the centennial of the creation by Congress of Yosemite National Park, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HORTON. Madam Speaker, reserving the right to object, I yield to the gentleman from Ohio [Mr. SAWYER] for an explanation of House Joint Resolution 398.

Mr. SAWYER. Madam Speaker, I would like to take this opportunity to commend the sponsor of this legislation, the gentleman from California [Mr. LEHMAN], for this effort to recognize the creation of Yosemite National Park with a grant in 1864, and, since that time, the work that has been done in creating a pioneering park management within Yosemite National Park. It was established for purposes of preservation of the resources that contribute to its uniqueness and its attractiveness, and, whereas the Congress recognized the importance of this undertaking, I think it is important that we share that recognition today and use this occasion to commemorate its centennial.

Mr. HORTON. Madam Speaker, further reserving the right to object, I also want to acknowledge the fact that the gentleman from California [Mr. LAGOMARSINO] is a cosponsor of this legislation. I support the legislation and urge its adoption.

Mr. LEHMAN of California. Mr. Speaker, I rise today in support of House Joint Resolution 398, a bill to commemorate the centennial of the creation by Congress of Yosemite National Park. I urge all of my colleagues to join me in support of this resolution.

I have the great honor to represent Yosemite National Park—a premier national park and World Heritage Site. Last year, I introduced this legislation to help celebrate President Benjamin Harrison's decision, on October 1, 1890, to sign into law an act that set aside "reserved forest lands" surrounding Yosemite Valley. It is this date which has been formally recognized as the establishment of Yosemite as a national park for all the people of the United States.

In addition to commemorating the creation of the park, my legislation also pays tribute to what I believe is the finest national park in America. Covering over 1,200 square miles, Yosemite National Park lies in the Sierra Nevada mountains in Central California with the San Joaquin Valley to the west and the Great Basin to the east. Yosemite contains the headwaters of the Tuolumne and Merced Rivers and is known worldwide for such landmarks as Half Dome, Bridalveil Fall, El Capitan and, of course, Yosemite Valley itself.

Yosemite's history and its geography are stories of the American people and our relationship to the landscape. As Yosemite's 100th birthday approaches, it is time to reread these stories of our past so that we can apply their lessons to our future.

John Muir came to Yosemite in the 1860's and was among the first to recognize that Yosemite Valley was a product of glacier movement. He described glaciers as nature's landscape architects, saying: "Here are the roots of all the life of the valleys, and here more simply than elsewhere is the eternal flux of Nature manifested. Ice changing to water, lakes to meadows, and mountains to plains." Muir noted: "God's glacial mills grind slowly, but they have been kept in motion long enough in California to grind sufficient soil for a glorious abundance of life * * *."

Historians say that Native Americans first inhabited the magnificent landscape of Yosemite and the Sierra about 3,000 years ago. Ancestors of the Sierra Miwok, known as the Ahwahneechee or Yosemite Indians, entered higher elevations of the Sierra from the Central Valley of California. Non-Indian adventurers did not arrive until 1833 when, it is believed, the famous Joseph Walker party skirted the cliffs of Yosemite Valley in search of new fur-trapping territory. In 1851 Major James D. Savage led the Mariposa Battalion into Yosemite Valley in pursuit of Indians.

The first tourists came to Yosemite in 1855 with a party organized by James M. Hutchings, who was the publisher of California Magazine. Hutchings' visit marked the beginning of Yosemite as an attraction for nature lovers and tourists. One of those early visitors to Yosmite was Horace Greeley, who wrote: "I know no single wonder of Nature on Earth which can claim a superiority over Yosemite." Landscape painters such as Albert Bierstadt and Thomas Moran lent their talents to idealized portraits of Yosemite and photographers such as C.C. Weed and Carleton Watkins exhibited their Yosemite works in New York galleries. It was only a matter of time until both protection and promotion of Yosemite became a cause of California and for the Nation.

Although Yosemite's official birthday is October 1, 1890, when Congress designated the region surrounding Yosemite Valley as a reserve, in a symbolic sense Yosemite is the first and oldest national park in the world. In 1864, a businessman wrote California Senator John Conness to request that he introduce a bill to preserve Yosemite Valley and the Mariposa Grove of Giant Sequoias—"to prevent occupation and especially to preserve the trees in the Valley from destruction." On June 30, 1864 President Abraham Lincoln signed into law the first scenic reservation in America for public enjoyment, which came to be known as the Yosemite grant. The Federal Government granted Yosemite Valley and the Mariposa Big Trees, covering 60 square miles, to the State of California to preserve the area's outstanding scenic qualities. This first set-aside of land at Yosemite by the U.S. Government was the birth of the national park system idea and the birth of State park systems throughout America.

California administration of Yosemite Valley and the Mariposa Big Trees continued until 1905–06 when California relinquished its ownership and President Theodore Roosevelt signed a Federal law accepting the return of the Yosemite grant. The Yosemite grant was thus combined with the 1890 backcountry Federal forest reserve to constitute Yosemite National Park.

The years when Yosemite Valley and the Mariposa Grove were administered by California State commissioners were controversial ones. Yosemite Valley was a laboratory for the development of park management and conservation practices, and the results were often mixed. Frederick Law Olmsted was the first chairman, of the Board of Yosemite Commissioners, and in 1866 the California legislature appropriated the sum of $2000 for the management of the Yosemite grant. In the decade preceding the grant, total visitation to Yosemite Valley barely exceeded 600 persons for the entire period. Ten years after the Yosemite grant, visitation rose to 2,700 persons annually.

Complaints about Yosemite management were numerous, and reading about them more than a hundred years later gives one a very strong sense of deja vu. Access to and within the park was a serious problem, as were visitor accommodations. In order to generate revenue for visitor services and park improvements, lands and buildings were leased to private individuals. Yosemite's manager, known as the Guardian, was accused of favoritism in granting privileges and leases at Yosemite. River courses were changed and meadows were drained to allow cultivation in Yosemite valley. Magnificent trees were cut to improve vistas and portions of the valley floor were fenced with barbed wire. Enormous controversy arose over the Yosemite Commission's efforts to divest the valley floor of settlers. Hotel proprietors were accused of pooling to boost rates.

Objections were voiced to the Yosemite Commission's park expansion proposal by individuals who feared State control of future central California water sources because of domination on the Yosemite board by southern California and San Francisco interests. John Muir came to Yosemite Valley during the State grant years and condemned the commercialism in Yosemite Valley—from fenced pastures to damage by sheep and lumbermen.

Eventually discontent with California's administration of the Yosemite Grant led to creation of the U.S. Forest Reserve surrounding Yosemite Valley, and for 16 years dual management coexisted. Yosemite Valley and the Mariposa Grove became a park within a park, with the valley and grove administered by State commissioners and the backcountry administered by the U.S. Army.

On October 1, 1990, we will celebrate the official creation of Yosemite National Park. We will acknowledge that the last 100 years of park administration have not been perfect and that most of today's problems have ancestors dating from the 19th century.

Over the course of the last 100 years at Yosemite, the size of Yosemite has diminished to accommodate mining and timber potential and to eliminate most private inholdings. Management policies at Yosemite have fluctuated—trying to walk the precarious tightrope between visitor use and preservation of the natural environment. In 1907, a bold U.S. Army major at Yosemite received permission from the Secretary of the Interior to ban automobiles from the park. Today, with annual visitation exceeding 3 million people, automobiles probably represent the single biggest threat to Yosemite National Park.

In 1913, the U.S. Congress enacted the Raker Act which allowed the construction of O'Shaughnessy Dam and the massive Hetch Hetchy hydroelectric system within the park. In 1988, Congress enacted new legislation to prohibit any expansion of the Hetch Hetchy reservoirs in Yosemite. Today Yosemite's prime concessioner is criticized for contributing to the urbanization of the park. At various times in the past, Yosemite embraced such anomalies as a petting zoo, a dance hall, a race track for Indian Field Days and a firefall from Glacier Point during evening park programs.

Through all the variations of State and Federal, military and civilian management, Yosemite National Park has survived the 19th and 20th centuries and has given millions of American families countless hours of enjoyment. The park's interpretive services, its museum and its education programs have served as models for all of our national parks. Yosemite was said to be the favorite park of Stephen Mather, the first Director of the National Park Service, who set about making Yosemite the showplace of the National Park Service.

Americans have much to celebrate during Yosemite's centennial; as we approach the 21st century at Yosemite, we have even more to contemplate. The challenge of natural preservation in concert with public use at Yosemite have existed from the very beginning. In the late 1920's and 1930's, Yosemite Park Superintendent Charles Goff Thomson summed up these challenges very well. Thomson described it as reconciling two conflicting objectives * * * "First, the National Park Service is controlled by an earnest determination to preserve the parks for posterity * * *" "Our second responsibility," Thomson said, * * * "is to make Yosemite as useful as possible to the people of this generation * * *".

I urge my colleagues to join with me in commemoration of Yosemite National Park and our National Park Service whose very roots lie in this grand Sierra Nevada landscape.

Mr. HORTON. Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 398

Whereas the first application of a park concept originated in Yosemite with the grant of 1864 (Federal land given to California for preservation) and since that time the park has played an important role in pioneering park management concepts;

Whereas Yosemite National Park was established for the purpose of preservation of the resources that contribute to its uniqueness and attractiveness;

Whereas the United States Congress recognized the importance of preserving this great park for future public enjoyment when it established Yosemite National Park;

Whereas Yosemite National Park is a showcase of spectacular geological features, including the greatest concentration of granite domes in the world and the largest exposed granite monolith in the world;

Whereas Yosemite National Park possesses outstanding recreational values and supreme scenic attractions, including alpine and subalpine wilderness, three groves of giant sequoia trees and thundering waterfalls that are among the world's highest;

Whereas Yosemite was the birthplace of the idea of the Sierra Club;

Whereas Yosemite plays an important role in wildlife preservation and preserving biological diversity;

Whereas Yosemite is a world heritage site which has made a significant contribution to California's cultural heritage, to the national park movement, and to Yosemite's 4,000 years of cultural heritage by Native Americans;

Whereas Yosemite provides solitude and inspiration and serves as an outdoor classroom for environmental education;

Whereas each year Yosemite National Park welcomes millions of people from around the world; and

Whereas Yosemite National Park was established on October 1, 1890, and is the Nation's third oldest national park: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby recognizes and commemorates the centennial of Yosemite National Park, created by Congress in 1890. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the centennial with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HARRIET TUBMAN DAY

Mr. SAWYER. Madam Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 257) to designate March 10, 1990, as "Harriet Tubman Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HORTON. Madam Speaker, reserving the right to object, I will not object, but I will yield to the gentleman from Delaware [Mr. CARPER]. However, Madam Speaker, before I yield to him, I would like to say that Harriet Tubman owned a home in Auburn, NY, which is in my district.

Harriet Tubman is highly regarded in upstate New York, especially with regard to the Women's Rights Historic Park which is located in Seneca Falls and is not too far away from Albany, NY.

Madam Speaker, I yield to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Madam Speaker, my colleagues, I appreciate very much what the gentleman from New York [Mr. HORTON] has said, and I found in the last several weeks, as I have sought to enlist cosponsors of this resolution, that Harriet Tubman was not just a woman, a former slave born in Bucktown, MD, who made an impression and left an impact on that State, and not just a former slave who lived a few years and left an impact of some significance in my State of Delaware, not just a woman who left an imprint in the State of New York where she died in the year 1913, not just a woman who left an imprint in Massachusetts where there are buildings and memorials to her, not just a woman

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who left her imprint in the 20 States that have honored her by making this March 10 Harriet Tubman Day, but she has literally emblazed her name in the history books of our country.

Madam Speaker, I think all of us, all of us in this body, would like to think that we might somehow leave a legacy so that 50, or 100 or 150 years from now, when we are no longer on this earth, people still remember us for what we have done.

If there is someone from my part of the country that I would want us to remember, it is Harriet Tubman, a woman born in 1820 in a State neighboring ours, the Eastern Shore of Maryland, a woman who was born into slavery, but later became a conductor on the underground railroad that led to the freedom of hundreds of people enslaved in this country in the 19th century. She became a conductor and led nearly 20 trains as a conductor. She led slaves to their freedom prior to the Civil War. She became an eloquent and effective spokesperson on behalf of the movement to abolish slavery. In the Civil War she served as a soldier. She served as a spy. She served as a nurse, a scout, a cook and, as a leader, in working with newly free slaves. After the war she lived for another 50, almost 60, years, and in those years she continued to fight for basic human dignity, for the rights of all of us, for the opportunity that our Constitution requires.

Madam Speaker, Harriet Tubman is a lady that we are going to remember on March 10. We will remember her in my State of Delaware. We will remember her in the States where there are high schools named after her, elementary schools named after her, junior high schools named after her, colleges named after her, where there are statues, and where there are not, and wherever there are people who today enjoy their freedom regardless of the color of their skin. They and we owe a special debt of gratitude to Harriet Tubman whose memory we commemorate with this resolution, and to each of the 218 Members who have joined me as cosponsors. I would like to say to each of them, Democrats and Republicans, men and women, black and white, "Thank you very much."

Mr. HORTON. Madam Speaker, I am in support of House Joint Resolution 479, and I join with the gentleman from Delaware [Mr. Carper] in urging its adoption.

Madame Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 257

Whereas Harriet Ross Tubman was born into slavery in Bucktown, Maryland, in or around the year 1820;

Whereas she escaped slavery in 1849 and became a "conductor" on the Underground Railroad.

Whereas she undertook a reported nineteen trips as a conductor, endeavoring despite great hardship and great danger to lead hundreds of slaves to freedom;

Whereas Harriet Tubman became an eloquent and effective speaker on behalf of the movement to abolish slavery;

Whereas she served in the Civil War as a soldier, spy, nurse, scout, and cook, and as a leader in working with newly freed slaves;

Whereas after the war, she continued to fight for human dignity, human rights, opportunity, and justice; and

Whereas Harriet Tubman—whose courageous and dedicated pursuit of the promise of American ideals and common principles of humanity continues to serve and inspire all people who cherish freedom—died at her home in Auburn, New York, on March 10, 1913: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 10, 1990 be designated as "Harriet Tubman Day," to be observed by the people of the United States with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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DEAF AWARENESS WEEK

Mr. SAWYER. Madame Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 227) to designate March 11 through March 17, 1990, as "Deaf Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mrs. Patterson). Is there objection to the request of the gentleman from Ohio?

Mr. HORTON. Reserving the right to object, Madam Speaker, and I do not object, I support the legislation, and I would like to simply state that the minority has no objection to the legislation now being considered and I would urge its adoption.

Madame Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 227

Whereas during the second week of March 1988, a revolutionary sequence of historic social events evolved on the campus of Gallaudet University, the only university in the Nation which teaches exclusively deaf and hard of hearing students;

Whereas the events which occurred at Gallaudet University in the Spring of 1988 had great significance to all Americans, especially those who are deaf or hard of hearing;

Whereas the week long social protest at Gallaudet University awakened the people of nations around the world to the fact that deaf and hard of hearing individuals are able to achieve at the same level as others and need to be recognized as individuals with unique abilities and qualities; and

Whereas the week long social protest at Gallaudet University served to educate and sensitize the American people concerning the hopes and dreams of the twenty-four million Americans who are deaf or hard of hearing. Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 11 through March 17, 1990, is designated as "Deaf Awareness Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this week by remembering the significance of the historic social movement, which began in March 1988 at Gallaudet University, through appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on House Joint Resolution 398, Senate Joint Resolution 257, and Senate Joint Resolution 227, the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

GENERAL LEAVE

Mr. FRANK. Madam Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include extraneous material on H.R. 1231, the bill which was considered earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

HOUSING PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. Frank] is recognized for 5 minutes.

Mr. FRANK. Madam Speaker, when we passed the bill last year at the request of the administration dealing with the crisis that resulted from the failure of some of these savings and loans, we included amendments, and I see the chairman of the Banking Committee here who very much took the lead in this, to try to help people of low- and moderate-income who needed housing. We believed that we had a rare opportunity here to show the Government's acquisition of a housing stock as a result of these financial troubles could be used in an efficient manner to provide housing for people who very much needed it. One of the things we did specifically was to take an idea that the Secretary of Housing, our former colleague, Mr. Kemp had pushed, and include specific provisions for home ownership for low-income people; that is, we said let us take the inventory that the Federal Government now owns, and in some cases where the housing is inexpensive, let us make a special effort to make it available to low-income people.

Sadly, this administration has been fighting that provision almost from the day we announced it. They fought our efforts to make it a part of the bill, and sadly, even more so, they have not given up the fight.

As we meet today, the administration continues to resist implementation of that program. The Department of Housing and Urban Development, which we in the Congress put on to the board that runs this program, has been doing well, but the Treasury has been resistant in an extraordinary degree.

It has reached the point, Madam Speaker, where the League of Cities of the United States, a representative broad-based organization representing the municipalities of this country, at their meeting this week voted a specific resolution asking this Congress to cease any further cooperation with the Resolution Trust Corporation, the entity in charge of the savings and loan crisis, until they begin to administer in good faith this housing program. In other words, the administration stands in what seems to me the unenviable position morally of having asked us to provide the funds to deal with the savings and loan bailout and turning around and refusing to implement reasonable provisions adopted by a bipartisan vote to help low- and moderate-income people. When the League of Cities takes the position that we have gone beyond simple differences of opinion, but we have reached the point of absolute noncooperation, and they ask us, and they are a very responsible organization, when they ask us in effect to stop the RTC from functioning until they begin to carry out the program, I hope people will take notice.

There is a broader point here as well. When we originally put through that amendment, we were told by the administration it was too rigid and they asked for more flexibility. Tragically, they are using that flexibility, not in good faith, but to frustrate the program.

An administration which asks for discretion and then abuses that discretion so that you get organizations like the League of Cities or the National Council of State Housing Authorities complaining very angrily about that, that is going to make many of us much more unwilling to grant discretion in the future.

We are only asking this administration to follow the lead of their own Housing and Urban Development Department, which is the most responsive to the housing crisis, and take advantage of this fact that we have a great deal of housing and make it available.

I commend the League of Cities for their diligence. I admire their willingness to take this kind of a tough position, and I hope the administration will understand the justice of the position of the League of Cities and will abandon this effort to undermine this important provision.

Madam Speaker, I append to my remarks today the specific language and the wording of that resolution, as follows:

Eighth, we urge Congress to reject any increased borrowing or spending for the savings and loan bailout, for working capital or any other purpose, unless and until the Federal Government works directly with cities and States to meet the affordable housing and community reinvestment goals and objectives set out in the law.

TRIBUTE TO ALDERMAN VITO MARZULLO

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to pay tribute to the Honorable Vito Marzullo, former alderman in the Chicago City Council, who died at age 92, on Monday, March 5, after a long and distinguished career in public service to the people of the city of Chicago and the State of Illinois.

Vito and I were very good friends, and I shall always cherish his advice, his political judgment, and his sense of humor. He will be sorely missed by all of the people in the city of Chicago, especially by the Italian-American community, which he so tirelessly served.

Vito Marzullo was born in Senerchia, Italy, on September 10, 1897, and as a young boy moved with his family to the West Side of Chicago in May 1910. He lived all of his life in this neighborhood, which he dearly loved, and dedicated his life to public service for his community.

Beginning his political career as a precinct captain in 1920, he also worked as a clerk in the county treasurer's office, as a section foreman in the city's street department, and as a municipal court deputy bailiff. He also served as a representative in the Illinois General Assembly from 1940 through 1954.

Vito Marzullo, however, will best be remembered for his dedicated service as alderman and as committeeman for the people of the 25th ward in Chicago. He served as ward committeeman from 1956 until 1984, and as alderman from 1953 until his retirement in 1986. His power in the Chicago City Council was legendary, and he was highly respected by both Democrats and Republicans for his knowledge of the neighborhoods which he represented, and his unshakable desire to improve the lives of its residents.

Vito Marzullo contributed greatly to the rich and diverse history of the politics of the city of Chicago, and his death is a tremendous loss to the people who knew him, and the people whom he served.

Mr. Speaker, Mrs. Annunzio and I extend our deepest sympathy to his wife, Letizia, his sons, William and Robert, his four daughters, Helen Dimperio, Adeline Maiorano, Ann De Maria, and Eleanor Masciola, and the other members of his family who survive him.

VACATION OF SPECIAL ORDER AND GRANTING OF NEW SPECIAL ORDER

Mrs. BENTLEY. Madam Speaker, I ask unanimous consent to withdraw my request for a 60-minute special order today and replace it with one for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

TIME TO REVIEW PRIORITIES

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 5 minutes.

Mrs. BENTLEY. Madam Speaker, recent statistics show that there are more black males in prison than there are in college.

These figures are alarming.

I cannot offer reasons, but I would like to say that, a couple of years ago, officials at Morgan State University, a school in Baltimore with a high minority enrollment, asked me to help them obtain funding from the dpartment of eucation. The money would have been used for upgrading the dorms.

I went in the dorms: they were a disgrace. I was appalled. In fact when I described them to business people and others, they could not believe the horrible description.

But, at that time, Federal funding was unavailable.

The State of Maryland will soon be aiding Morgan, but the students couldn't wait and, yesterday, they took over Morgan's administration building because of living conditions—including rats as roommates.

I invite the Secretary of Education and the director of the Bureau of Prisons to go to Allenwood Prison, and then, come to Morgan State.

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I find it inexcusable that living conditions at a Federal prison should be better than those at a school for higher learning.

Funding needs to be spent in education and in training our work force. Only a nation that reads, thinks, and knows how to compute will be able to compete in the technological 21st century.

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FOREIGN POLICY: TIMIDITY AND VISION

The SPEAKER pro tempore (Mrs. PATTERSON). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Madam Speaker, I want to talk today about foreign policy, timidiy and vision, and I was impressed, as I announced in my 1-minute earlier, with the daring of the Democratic majority leader in the House in charging yesterday that the United States is failing to capitalize on the sweeping changes in Eastern Europe because of what he called President Bush's timid, unimaginative leadership.

I wanted to propose three things. The first, that the Democratic Party's record in foreign policy over the last quarter century is hardly the sort of base from which to propose somebody else's needs to be more bold and more risk-taking. The second is that in fact President Bush has been doing rather well, if we measure by results, and, third, that we are in fact, as Jim Pinkerton said in his speech to the World Future Society, in the process of developing a new paradigm.

I encourage any of my colleagues, Democrat or Republican, who would like to share some of this time during this hour, because after I get through a few minutes of outlining this, I will be glad to open it up for anyone to debate.

It is interesting to note that while apparently the Democratic majority leader was proposing United States aid to the Soviet Union, that not even all the Democrats agree. Let me quote from this morning's Washington Post:

> "Not only have the Soviets not requested U.S. aid," observed Senator Bradley, Democrat of New Jersey, "any assistance would be wasted absent fundamental reform of the Soviet economy. Unless they reform the economy, any economic aid is going down a rathole," Bradley said.

I think that is fascinating at two levels. First of all, I know that many people in the Democratic Party believe in giving away money whenever possible, but I think to suggest that giving money to the Soviet Union before they ask for it is a bit too premature.

I think Senator BRADLEY put his finger on what should be one of the key tests to examining how we help Eastern Europe. If Communist dictatorships, as they democratize, insist on keeping socialism, insist on keeping bureaucracies, insist on blocking the emergence of the fundamental principles of sound economy, then, in fact, they are not going to work. The reality is that there are principles which make for economic growth, and that private property, free markets, incentives, encouraging take-home pay, keeping taxes low, encouraging saving and investing, being part of the world market, having a sound dollar or sound currency are very, very important, that they cannot get economic growth without following the basic principles.

In fact, ironically, those Third World countries which have listened to the advocates of the bureaucratic welfare state and listened to the advocates of the values of the left have essentially not done very well. They have often done very, very badly in economic growth.

Those Third World countries, Singapore, Hong Kong, Taiwan, and South Korea being the finest examples in terms of economic growth, who have followed the basic principles of encouraging private property, encouraging private investment, encouraging competition in the world market; those countries have, in fact, had dramatic growth.

The fascinating suggestion that we should somehow prop up Communist bureaucracies is interesting, and I assume that it was meant seriously. But I do not see how it works.

Gorbachev's primary problem is how to find the moral courage to shift to private property. The fact is that while there are a tremendous number of paper rubles in the Soviet Union, there is nothing to buy, and if the Soviet Government were to offer to sell housing to the people so they owned their own housing, if the Soviet Government were prepared to sell farms to the farmers so they could own their farms, if the Soviet Government was prepared to sell factories and offices so people could own the means of production, they would absorb most of the ruble overhang by having people invest it and then they would not have a risk of inflation. Until Gorbachev and the Soviets are prepared to establish the rule of law in private property and free markets, to set up a tax system which encourages the right kind of investment, no amount of American foreign aid would help.

But there is a second factor. Not only would it be, as Senator BRADLEY said, throwing economic aid down a rathole to send economic aid to the Soviet Union, as the Democratic majority leader suggested, but in addition, propping up Communist bureaucracies in Eastern Europe is the worst possible strategy if we believe in democracy and if we truly want to help people.

The fact is that the Democratic majority leader in his speech on page 2 talked about 1848. I used to teach history, and I think 1848 is a very important year. If we look at it, he said:

> It is absolutely essential that we be guided by the constellation of democratic values. 1848 was called the springtime of nations.

For those of us who studied history, that is a very revealing concept, because in fact 1848 was a period of popular movement toward democracy. It was repressed in Hungary by the Russians, by the Czar. It was repressed in Germany and led ultimately to the founding of the Prussian Empire, and it was in many ways the democratic revolution that failed.

I recently heard Henry Kissinger, a historian and political scientist, talk about the danger of 1990 becoming another 1848, and he meant it not in the positive sense of the Democratic majority leader. He meant it instead as a warning in the sense that if we are not very careful, the Communist bureaucracies in Poland, Hungary, Czechoslovakia, the Soviet Union will retain the power to crush the democracies and, in fact, while there has been political power transferred so that we now have a playright who is President of Czechoslovakia, Mr. Havel, he does not necessarily control all the bureaucracy. The very same Communist bureaucrats who were in office 10 years ago, 15 years ago are still in office in most of these countries, and for us to decide to send the taxpayers' money to prop up a Communist bureaucracy, that is, government-to-government aid, could well be, in fact, exactly the wrong policy.

What we should be saying to these countries is, "We want to encourage you to get involved in the world market. We want to encourage you to set up private property. We want to encourage you to set up a tax system which, by the way, would include a very low capital gains tax rate." If these various countries decide they want economic growth, they will probably end up with a lower capital gains tax than the United States has. And so I think the principles matter.

Let me say two other quick things. Second, I found it fascinating that a Democratic Party leader would decide to compete with George Bush on foreign policy, would decide to suggest that President Bush was somehow being too timid or was lacking vision. My memory of the modern Democratic Party is of a foreign policy that verges on being destructive.

I think if we look at the Bay of Pigs in the early 1960's under a Democratic President, if we look at the Vietnam war in the late 1960's under a Democratic President, if we look at the Iranian hostage crisis, the Soviet invasion of Afghanistan, and the collapse of Nicaragua into a Communist dictatorship under a Democratic President, it does, indeed, take a certain amount of chutzpah for a Democratic leader to jump up and suggest that we should take more risks, because it seems to me that President Bush has been remarkably successful in helping Nicaragua become free, in helping Panama become free, Eastern Europe become free, without, in fact, taking radical risks which are not necessary.

Mr. FROST. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I am happy to yield to the gentleman from Texas.

Mr. FROST. Madam Speaker, the gentleman has discussed things in his usual interesting style, and I would only ask the gentleman, without going into a debate on the question of what happens in the Soviet Union, because that is, of course, a debatable matter at this point, but I am troubled by what he is saying about Eastern Europe. It sounds like the gentleman would just abandon Eastern Europe, would just say that we have these new democratic movements and let them just fail, let us not try and help them at all. That certainly is not where the American public is.

The American public is very proud, proud of what has happened in Poland, and that was clear when Lech Walesa came and addressed this Congress and went to Chicago and went to some of the other major cities in this country. The American public was very proud when President Havel came and he gave a most impressive speech to this Congress.

I cannot believe that I am hearing what this gentleman is saying, that he would just abandon these countries and let these fledgling democracies fail by being so timid that we would not offer them some help.

We all understand that we have budgetary problems in this country. No one is suggesting there should be a blank check. But there is some opportunity, there is some opportunity to play a very direct and constructive role to help the first possibility for democracy in those countries in over 40 years.

□ 1520

I can't think anything could be worse for the world than for us to stand idly by and let those countries revert, revert back to a totalitarian system. I am just surprised that the gentleman from Georgia [Mr. GINGRICH] would say that there is no role for us to play in Eastern Europe.

Mr. GINGRICH. If I may reclaim my time, let me just say first of all to my friend, the gentleman from Texas [Mr. FROST], that I do not believe in America that the only way we can help democracies emerge is by maximizing government aid.

Mr. FROST. It is not a question of maximizing. The gentleman is saying we should not provide aid.

Mr. GINGRICH. If I may just make this one point, let me talk about the comment of the gentleman from Texas. I do not think the gentleman understands.

Mr. FROST. I heard the words.

Mr. GINGRICH. The gentleman from Missouri [Mr. GEPHARDT], the Democratic majority leader, said yesterday, talking to the American people, "The reason they oppose increased investment in democracy in that region," meaning East Germany, and that is just not true. The American people want investment in Eastern Europe. They like joint ventures. They like private business. They like private contributions, private charities. They are even willing to have, as President Bush has suggested, some limited aid to those countries such as Poland, Hungary, and Czechoslovakia, that are making the transition.

I think where the American people draw the line is in two places: first I suspect they were as surprised as we were to have the Democratic majority leader suggest that we send aid to the Soviet Union. I do not think the American people are ready to send foreign aid to the Soviet Union, despite some Democrats. I thought that was a little bit bold.

Second, I think that most Americans do not regard the primary way of America functioning as government aid.

Madam Speaker, let me yield to the gentleman from California [Mr. DREIER], and then I will come back to the Democratic side.

Mr. DREIER of California. Madam Speaker, I thank my friend for yielding. I would like to congratulate him for taking out this time to talk about that very interesting speech which a number of Members have read about.

I think it is very clear that the American people do have a tremendous interest in providing assistance to those who are emerging from this totalitarianism which they have suffered from for literally decades in many cases.

I think many of us in the last several weeks and months have had the opportunity to visit Eastern Europe. One of the things I found from being over there in January, that for starters they do not have either the infrastructure or the communications network to absorb large amounts of cash.

I think that if we are going to get to a position where we are going to try to provide some kind of encouragement, it should be through innovative, creative ways, rather than simply the standard solution offered by many of our friends in this House, that of throwing more and more money at the problem.

Let me throw out a couple of what I think to be creativ ways in which we can address it. Sitting up in my office right now I have a young person called Slawek Gorecki who was nearly arrested on December 13, 1981, when as a member of the Solidarity movement he had to flee due to the fact that Soviet tanks were rolling into Warsaw.

There are now about 14 other interns or fellows who have come from Eastern Europe to the United States to learn about our form of government here. Some have argued that after 3 months of working on Capitol Hill, they may want to go back to Communist totalitarianism.

But I do believe in fact that there is going to be a clear benefit accrued to these people, as we look at a creative way to address the issue that the gentleman from Georgia addresses.

I also think that we have a number of government programs which could be utilized. One example is the Small Business Administration.

Now, I have not been a champion of the Small Business Administration in this House throughout the past decade because I have been concerned about the fact that it creates a subsidized competitive advantage over small businesses that have had to rely on the private marketplace for their sources of credit.

But I will tell you that there are a number of aspects of the Small Business Administration which could truly help those trying to emerge to this democratic form of government in Eastern Europe.

The Service Corps of Retired Executives, the SCORE program, is one example.

People whom I met with in Hungary, Poland, Czechoslovakia, and East Germany said yes, they would like this kind of expertise from the United States in that area.

I think the Peace Corps is another example of an area where we could see a tremendous involvement by the United States. But the simple solution of saying that there is no leadership by the President of the United States is absolute baloney. I think that we have got to recognize he is championing, along with a number of people in this House, these kinds of recommendations.

I thank the gentleman for yielding.

Mr. GINGRICH. Madam Speaker, reclaiming my time, tomorrow it will be 1,000 days since Ronald Reagan stood at the Berlin Wall. He said several things. He said freedom itself is transforming the globe. He said, and this is the point we are trying to make about the difference between the values of the left and the rest of us in terms of how you would help Eastern Europe. He said:

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In West Germany and here in Berlin, there took place an economic miracle, the Wirtschaftswunder. Adenauer, Erhardt, Reuter, and other leaders understood the practical importance of liberty. That just as truth can flourish only when the journalist is given freedom of speech, so prosperity can come about only when the farmer and businessman enjoy economic freedom. The German leaders reduced tariffs, expanded free trade, lowered taxes. From 1950 to 1960 alone, the standard of living in West Germany and Berlin doubled. Where four decades ago there was rubble, today in West Berlin there is the greatest industrial output of any city in Germany.

My point is when a Hungary or a Poland or an Estonia or a Latvia makes a commitment to their version of the Wirtschaftswunder and you have a free market, a stable currency, private property, then I think we can say they have made the transition.

But to give them aid, to suggest as the Democratic majority leader did, that we should send aid to the Soviet Union before it has made that kind of transition, I think would be very, very destructive.

Madam Speaker, I yield to the gentleman from New York [Mr. Downey].

Mr. DOWNEY. Madam Speaker, I thank the gentleman from Georgia. I think that as this extraordinary process of the democratization of Eastern Europe unfolds, that it is inevitable that the parties will debate whose policy brought it about, and there are liable to be differences and that ultimately these differences will probably not be resolved here on the floor, but by the judgment of history.

It troubles me somewhat when I hear the gentleman from Georgia [Mr. Gingrich] characterizing the speech of the majority leader, that he reads the Washington Post and my friend Bill Bradley's comments about what Dick had to say, that nowhere is there a discussion of what in fact the majority leader did say.

I am sure the gentleman has read the majority leader's speech, and maybe the gentleman can find in the speech for me and quote to us all the specific passages where the majority leader talks about providing more aid.

The majority leader talks about proposing a food for freedom program. He talks about the lessons that President Havel, who spoke in this Chamber very eloquently, someone who has tasted very bitterly the jack boot of Soviet oppression, suggests to the Congress that we help the Soviet Union.

The majority leader, as far as I can determine from his speech, has been talking about things that are not all that different than what the President has suggested, but rather that we be more imaginative and possibly expedite the process.

If the gentleman would continue to yield, and I appreciate his indulgence, the majority leader says on this point:

> I must say that President Bush has been right as far as he has gone. He has lent important political and moral support to the process of reform in the Soviet Union. I would like to enlist American farmers and business people to make more substantive investments as well. Anyone who has seen the lines outside McDonald's in Moscow knows the Soviets would appreciate American food and American goods, and American farmers and workers would appreciate the markets. We should waive trade restrictions such as Jackson-Vanik and the Stevenson amendment, relax restrictions on high tech exports, and encourage private investment in the Soviet Union. We provide Export-Import Bank loans and OPEC assistance to China. Why not the Soviet Union?

Let me end, and again thank the gentleman from Georgia for his indulgence, let me ask the gentleman if we provide this assistance to the People's Republic of China, might it not be appropriate to provide it to the Soviet Union as well? Does waiving Jackson-Vanik or repeal of the Stevenson amendment make sense to the gentleman? If it does not, I would like to hear the gentleman's reasons.

Mr. GINGRICH. Madam Speaker, reclaiming my time, let me first just say a couple things. The gentleman from New York [Mr. Downey] made the comment that it is troublesome to talk about whose party brought us to this point. But I think this goes to the heart of why I philosophically disagree with the Democratic majority leader's speech, because it goes to the core of interpreting reality and what drives the world.

Now, my colleague from New York went to the Krasnoyarsk radar site. As I remember, the gentleman came back and reported it was not used, it was not designed to be an antiballistic missile radar.

My understanding is that the Soviet foreign minister has now said yes, it was. It was explicitly designed to be precisely what the gentleman reported it was not.

Now, what lesson has the gentleman learned about interpreting foreign policy and defense reality from the fact that apparently the Soviets were doing and have now admitted that they were doing precisely what the gentleman told the Congress they were not doing?

□ 1530

Mr. DOWNEY. Is the gentleman answering the question I put to him about the Soviet Union?

Mr. GINGRICH. We are talking about——

Mr. DOWNEY. And the waiver of Jackson-Vanik or is the gentleman simply going to answer a question by asking another?

Mr. GINGRICH. I am going to get to Jackson-Vanik, but first I am responding in sequence.

Mr. DOWNEY. Why does not the gentleman get to that, and then I will answer his question.

Mr. GINGRICH. I am responding in sequence to three or four different things the gentleman said in his statement.

Mr. DOWNEY. I asked the gentleman a simple question.

Mr. GINGRICH. The first thing the gentleman said in his statement was it troubled him some to get involved in the debate about whose party brought the changes about. But that is at the core of this debate.

We believe that left wing values and left wing delusions about how the world works are, in fact, destructive. We are in favor of being careful and cautious because we think the world is dangerous.

This is a long-term debate that has been going on for at least 25 years in this country, almost 30 years now, and so I start by saying, and I was using a very specific example that related very directly to the Soviet Union and to foreign policy and suggesting that some of our friends in the Democratic Party wandered off to the Soviet Union, they visited a specific site, the Krasnoyarsk radar, they reported it was, in fact, not part of an antiballistic missile system. They have since been educated by the Soviets, because it was the Soviet Foreign Minister who said flatly, "Yes, we were, in fact, breaking the ABM Treaty, and we were, in fact, doing exactly what the Democrats misunderstood."

My question for the gentleman is simple. Since it is now explicitly clear that you were wrong in interpreting the Soviet Union in the 1980's, have you learned a lesson from that that makes you a little more cautious; and then I will go on and talk about Jackson-Vanik.

Mr. DOWNEY. Let me say one of the tragic lessons that I am learning in attempting to have a serious discussion with the gentleman is that he is not interested in a serious discussion. He is interested in almost attempting to provide ad hominem to policy matters. I am happy to talk about Krasnoyarsk, I am happy to talk about the position that the gentleman and many on the right have espoused over the years that more arms brought us more security, that totalitarian systems were incapable of change and reform, and on those matters the gentleman has been completely wrong on the values that he has espoused and the views. The gentleman wants an answer, and I will provide him an answer. The values that the gentleman has espoused and the others who are standing here is that if we built more weapons, if we forced the Soviets to their knees, inevitably they will reform. None of that has proven to be true, and in fact, it has not worked.

Mr. GINGRICH. I control the time.

Mr. DOWNEY. Let me finish the point. In Time magazine, the gentleman who was a Soviet agent in the British Intelligence Agency, trying to be a double agent, who had defected to the United States, was asked a question if he had ever provided anything of use to the Soviet Union or to the West about our relationship, and he answered very interestingly. He said that he was able to explain to the West the enormous fears that the Soviet leadership had about SDI, that he believed, Brezhnev and company, that SDI was a first strike weapon, and that many of the policies and many of our relationships with the Soviet Union were being determined by what we thought to be items in our security interest but that the Soviets believed to be first strike weapons.

This level of misunderstanding has existed for some time. My interest in going to the Krasnoyarsk radar, and what I saw there, and what I said I still stand by, was my firm belief that the world is a safer place without first strike weapons, that the world would have been a much safer place, and is a safer place without the idea of a strategic defense.

Let me finish my point.

The gentleman has always maintained the view, has he not, that SDI was of enormous value, that it provided us defense, and that it was a useful bargaining tool. I have felt none of those things, and I am relieved to know today that the process of peace has been furthered by my party making sure that we did not waste billions of taxpayer dollars on a plan that would have not provided security, and would have delayed the process of any sort of understanding.

So to the extent that I played a role in Krasnoyarsk, I am happy to have played it.

Mr. GINGRICH. I control the time, and I want to come back. I want to ask the gentleman from New York one more round, and then I will talk about Jackson-Vanik, and then I will yield to the gentleman from California, and then come back to Texas.

I am absolutely fascinated, and the gentleman is sort of making my point. The Soviet Foreign Minister announces that the interpretation of the Democratic Party's liberals about the Krasnoyarsk radar is explicitly wrong, that is factually wrong, that they were doing precisely what you told us they were not doing. The gentleman's answer to that is to go off on a long summary about how glad he is we are not threatening the Soviets. I mean I just have to ask a question.

Mr. DOWNEY. I am quite happy, I am quite happy to make the point that threatening the Soviet with annihilation is not in the United States interest, nor has it been in our interest to ever threaten them with annihilation, nor they us.

Mr. GINGRICH. So the gentleman opposes deterrence? That is the essence of deterrence since 1956.

Mr. DOWNEY. No, I did not say that. What I said, and the gentleman mischaracterizes not only history but the few questions I have asked him. The gentleman is not seriously debating.

Mr. GINGRICH. I reclaim my time because I want to stay on this for a second. The essence of American deterrence policy under Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, and Bush has been to deter nuclear war by convincing the Soviets that they would be faced with, to use the gentleman's word, annihilation. That is the bipartisan foreign policy of every realistic President in both parties.

Mr. DOWNEY. With the exception of the gentleman's hero, Mr. Reagan, who decided to change that policy to one of strategic defense.

The points that I made to the gentleman, which obviously he missed, is that in our attempt to do what we felt was security for us, and has been security for us for 40 years of the postwar period, has not been interpreted by the other side as security for them, and we have in turn at some times looked at what the other side has said. Does the gentleman want an answer?

Mr. GINGRICH. Go ahead. I yield to the gentleman.

Mr. DOWNEY. And we have looked at what the activities of the other side have been and said, "You see, the Soviets are doing this, they are building SS-18's, they are providing for mobility, and all of these items are indications of the Soviets' desire to launch a first strike against us," when all along the Soviets had the same sense about what we were doing.

Go ahead.

Mr. GINGRICH. No, I yield to the gentleman. Go ahead.

Mr. DOWNEY. The gentleman has said before that we are here today to talk about the majority leader's speech. The gentleman has not yet answered the point that the majority leader of the House of Representatives is talking about expanded trade. He prefers to mischaracterize what the majority leader has said and call it aid, and then in an honest attempt at dialog, talk about Krasnoyarsk. Let me answer one last time about Krasnoyarsk if I can.

The gentleman from Michigan [Mr. CARR], myself, and the gentleman from Wisconsin [Mr. MOODY], went there. We saw a facility that we said was a violation, if it was turned on. The Soviet Foreign Minister said it was a violation in its inception.

As far as I am concerned, that ends the debate. I was not wrong. He interpreted differently the very substance of the ABM Treaty. That is his right to do it.

Mr. GINGRICH. He, the Soviet Foreign Minister?

Mr. DOWNEY. Mr. Shevardnaze interpreted differently. There is nothing wrong with that. That is his interpretation. There are many others.

In conversations I have had subsequently with other Soviets, there was an internal debate in the Soviet Union about that, as there is in the United States. I am delighted that after my visit to Krasnoyarsk that the Russians shut it down because of the comments we made about it and the information that we brought to light inside the Soviet Union about the nature of the radar. Not only was the trip constructive internally in the Soviet Union, but it began a debate in our country about what was in our interest.

The gentleman prefers to draw cosmic conclusions about the last 25 years of misinterpretation of history. I am sorry that he has done that. It is not my intention to debate ethereal concepts which the gentleman seems to be well rounded in, but rather the reality of the majority leader's speech, which happens to deal specifically with programs that the President has proposed that he would like to take further. I come back to that point.

Is the gentleman opposed to the waiver of Jackson-Vanik? Is the gentleman opposed to the Stevenson amendment? Is the gentleman opposed to the fact that we need to provide more in the way of investment so that democratization and market capitalism comes more quickly to the Soviet Union?

Mr. GINGRICH. Let me say first of all that I find it fascinating that on a matter of fact the gentleman can suggest that he disagrees with the Soviet Foreign Minister on a topic which the Soviet Foreign Minister has stated that he was explicitly wrong about Soviet behavior on, and that he can decide now whether it was or was not correct as to what the Soviet Foreign Minister represented as fact.

Mr. DOWNEY. That is not what I said. I said the elements of the ABM Treaty are subject to interpretation.

Mr. GINGRICH. So in effect the summary is that you have learned nothing from Mr. Shevardnaze's suggestion that you were wrong in your analysis of what the Soviets were doing and what he was doing in his government?

□ 1540

It seems to me he would know whether or not they were intending in their government to violate the treaty. But let me ask——

Mr. DOWNEY. If the gentleman would like to know a little bit more about the Krasnoyarsk radar, and I do not know that there is anything else I can tell the gentleman since he seems to have made up his mind about this fact—an interesting position, I might add, for a historian—the fact is that

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the Soviets in attempting to build the Krasnoyarsk radar internally were never quite aware of the political structure of how far the military had gone.

In fact, when the military decided to make the civilian portion of that government aware of the placement of the radar, it was at the same time that President Reagan made his ill-fated March 15 speech on SDI. And it was the SDI debate that propelled the Krasnoyarsk radar to the point that it ultimately was stopped after our meeting.

I would point out to the gentleman those tend to be facts. The gentleman can misinterpret them however he wants.

Mr. GINGRICH. I just want to ask a factual question because I lost the timing here. It is the American SDI debate which propelled the Russians to build Krasnoyarsk?

Mr. DOWNEY. No.

Mr. GINGRICH. And that is why——

Mr. DOWNEY. It was at the time that Soviet political people who internally wanted to oppose the radar were not in a position to do so as actively, because in our country it appeared, after the President said that he was happy, and Mr. Weinberger confirmed this, to break out of the ABM Treaty, that it was very difficult to carry that debate forward inside the Soviet Union. Those are the facts.

Let me come back to the point: Is the gentleman opposed to the waiver of Jackson-Vanik? Is the gentleman opposed to the elimination of the Stevenson amendment? It has taken us only 20 minutes to hear the gentleman's answer.

Mr. GINGRICH. I will answer that in a second, and then I will come back to the gentleman from California [Mr. HUNTER] on the SDI argument because he is an expert.

On Jackson-Vanik I would go very slowly until the Soviet Union agreed to direct flights between the Soviet Union and Israel because it is very, very important for long-term reasons to encourage the Soviet Union to open up direct flights so that the second exodus of those Jews who wish to leave the Soviet Union can go directly to Israel.

I would say to my friend from New York, would he favor that we go slowly until the Soviet Union agrees to have direct flights to Israel?

Mr. DOWNEY. No, I do not; I favor the repeal of Jackson-Vanik.

Mr. GINGRICH. Under any circumstances?

Mr. DOWNEY. And the sooner it is done the better, and I will tell you why.

Mr. GINGRICH. All right.

Mr. DOWNEY. Because I believe it is in the United States interest for the Soviet Union to move toward a market economy. I believe that conditioning, in this instance, trade on other questions makes very little sense. I happen to believe, quite fundamentally, that putting goods on the shelves of the Soviet citizens or for the citizens of the Soviet Union is more likely to provide stability inside the Soviet Union. I do not understand why the gentleman would want to wait months, possibly years, for negotiations between other countries to determine what American foreign policy should be.

Mr. GINGRICH. Well, if you remember, Jackson-Vanik was specifically a function of encouraging the Soviet Union in its relationship to its Jewish citizens.

Mr. DOWNEY. That is right; its 76,000 Jewish citizens who have left in the last year. It used to be that the gentleman used to tell us that actions speak louder than words.

Now apparently he is prepared to pin all of his hopes on words as opposed to actions. I prefer actions to words.

Mr. GINGRICH. Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Speaker, I have to take strong issue with a number of the proposals that Mr. GEPHARDT made in the particular speech. I am looking at the Washington Post——

Mr. DOWNEY. Why does not the gentleman look at the speech? Why does not the gentleman look at the speech?

Mr. HUNTER. Let me just look at these words because the gentleman repeated these words.

Mr. DOWNEY. I have a better idea. I will make a copy of the speech.

Mr. HUNTER. I asked the gentleman to yield to me so that I can respond.

Mr. DOWNEY. I do not blame the gentleman. He can read what he wants to read.

Mr. GINGRICH. We gave the gentleman from New York plenty of time. I say to the gentleman from New York, "Don't be petulant. We gave you plenty of time."

The SPEAKER pro tempore (Mrs. PATTERSON). The gentleman from Georgia [Mr. GINGRICH] had yielded to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Let me quote the term used by the gentleman from New York and he can tell us if that is really part of the speech or if he was putting us on when he repeated it on the House floor.

He stated that Mr. GEPHARDT proposed sending food aid to the Soviet Union, waiving a variety of trade restrictions, including those on high-technology exports.

I have a great problem with that. I think many of the American people do.

And one particular problem with respect to the majority leader is this: A number of us opposed sending certain high technology, for example, the FSX, to Japan, an ally of the United States, for a number of reasons.

It seemed very unusual to me that the majority leader would discourage this transfer of FSX technology to an ally, and yet encourage the transfer of high-technology exports to the Soviet Union. I think that is a grave mistake. I think there is going to be a rush by Western businessmen to sell high technology to the Soviet Union, and I think it is in our interests to not allow that to happen.

Just one word about Krasnoyarsk: Apparently what the gentleman should have told us when he came back—maybe I misread his words when he came back from Krasnoyarsk—I thought he said in his opinion it was not a violation of ABM.

Mr. DOWNEY. Until it was torn down.

Mr. HUNTER. Well, let me finish my sentence, and he can answer.

Maybe what he should have said was in his opinion it was not a violation of ABM, however the Soviets might think that they are violating ABM but in his opinion they are erroneous.

I think that is a great argument for allowing the executive branch of this Government to negotiate with respect to arms control rather than Members of the House of Representatives or the other body.

Second, if you take—I think the gentleman should read the speech of his own chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN]. His leading speech, I believe, when Secretary Cheney addressed the full committee; that speech, to paraphrase, and I would hope that he gets this, Chairman ASPIN said essentially in the 1980's we did build weapons and basically build the Soviet Union into the realization that they could not win the arms race. Everybody, including Mother Teresa, basically agrees with the proposition that American strength drew the Soviet Union to the table and showed them that the military option was not a viable option and brought them to the bargaining table.

I think very clearly this debate between Mr. GINGRICH and the gentleman from New York points out the basic difference between our parties. The gentleman is a thoughtful individual, but in this case his base facts are wrong and I think that his instincts are wrong. And I think that is the basic difference between the parties.

I think if you carried the gentleman's language further, you can say that Daniel Ortega voluntarily would have had a democratic election in Nicaragua with no pressure whatsoever from any outside group, including the other Central American governments, or without any leveraging, including the Contras. And further, he would say that if we had told the Soviet Union that the invasion, their invasion of Afghanistan, was OK, somehow there would be a debate between the military sector in the Soviet Union and the civilian leadership of the Soviet Union and if we did not complain about it they would voluntarily remove themselves from the Soviet Union.

I do not think that that line of thinking is realistic. I think that he outlined in his interchange very clearly the difference between our parties.

Mr. GINGRICH. Let me ask a question before I yield, let me ask a question, because on page 7 of the Democratic majority leader's speech he says:

> I propose a food-for-freedom program that will share the strength of America's agricultural abundance with the Eastern European and Soviet people. There is no doubt that private ownership of farmland and the hard work of our family farmers are the keys to America's success in agriculture. But while Eastern Europe and the Soviet Union are moving in that direction, it is in our interest to help sustain them on that journey.

Now there are two parts to this, and I think this is precisely a suggestion of aid to the Soviet Union. First, since we already, under President Bush, sell the Soviets grain at a subsidized rate, I am presuming—and maybe we and the Washington Post and everyone else, including Senator Bradley, misunderstood—I am presuming that the Food-for-Freedom Program is in fact a Government aid program.

Now, do any of the three Democrats know, is the idea that the Democratic majority leader suggested of a Food-for-Freedom Program one that would take the American——

Mr. SMITH of Florida. If the gentleman would yield?

Mr. GINGRICH. I yield to the gentleman.

Mr. SMITH of Florida. It would be just as easy for us to interpret this Food-for-Freedom Program as a program that would share agricultural technology because reading that paragraph one could get the impression that we should share with the Soviets the knowledge of how our farms operate and the ways that our farmers grow so much more food per plot of land than they do. There is nothing in here which necessarily dictates the conclusion that this is a food foreign aid program, and the gentleman could postulate all he wants.

□ 1550

Mr. GINGRICH. Let me ask my colleague, the gentleman from Florida [Mr. Smith]. Then, since presumably the Democratic majority leader's press talk with Mr. Kenworthy who says "Gephardt called for direct U.S. economic aid to the Soviet Union"—is the gentleman suggesting that the Democractic majority leader's speech is so vague as to be unknowable or that, in fact, the Washington Post explicitly miscovered it?

Mr. SMITH of Florida. The gentleman is obviously aware that the interpretation of the Washington Post article, like any other newspaper in the country, does not define the reality of a speech given by the majority leader or of the gentleman in the well.

Now, it is very obvious that there is economic capability in this country to help the Soviets along the journey toward democratization, which is what the majority leader is talking about. We have in the past, going back just in recent history, 1948 and the Marshall plan, we had an economic package for our vanquished enemies, not an enemy, which we did not engage in war, but a vanquished enemy—set of enemies. That was done not only to rebuild those countries for humanitarian purposes, as the gentleman, as a historian, understands this very well, I believe, but done to expand the economic capability of the United States, because for 40 years or more thereafter we had developed a market in which we sold the bulk of the goods produced by this country.

What we made was an investment for the United States and the future of those countries, in order to be able to employ Americans, to build American plants, to build American products, to sell in those countries.

After all, the gentleman is aware, what did we do? Japan didn't buy much from the United States for 20 years, the Far East did not buy much for 20 years. In reality, this is what we are talking about. This is a market of 300 million or more people.

Mr. GINGRICH. I am all for the market.

Before I yield to the gentleman from California [Mr. Dreier] let me ask this for a second: We have at least four Democrats on the floor now, and I am sure others are watching. It would be helpful if a Member were to find out, in the next 20 minutes during the time I have left, if the Food-for-Freedom Program is simply the sale of food and technology. In this case, frankly, President Bush is already doing it. Or if, in fact, it was as the Washington Post seemed to think, a proposal for "direct U.S. economic aid to the Soviet Union." If one of our Democrat friends wants to call about that.

Mr. TORRICELLI. If the gentleman will yield, I think that the best way to settle the interpretation of the speech is perhaps to point out that the gentleman is suffering from the same failure of, indeed, the administration; that in looking at the opportunities and problems, today, in relation with the Soviet Union, he is very much looking at the trees and not the larger forest.

Is Mr. Gephardt talking about food aid that would involve a degree of subsidy? Is it credit, is it loans? That is not, Mr. Gingrich, the principal issue. The issue that Mr. Gephardt is bringing to light is this: That the balance of power in the Soviet Union, whether she returns to being the threat of recent years or whether there, indeed, is a chance for real and lasting reform, is in the balance. Mr. Gephardt's point is simply this: That reform needs to be rewarded; that the people of the Soviet Union should recognize that the degree to which—is the gentleman interested in my answer? Is there a chance here for a geniune dialog? I would like to have a dialog.

Mr. DREIER of California. I would say that this is the most genuine dialog going on in quite a while.

Mr. GINGRICH. Go ahead.

Mr. TORRICELLI. Mr. Gehpardt's point is that the electorate of the Soviet Union should recognize to the degree and the extent that there is reform, that the quality of life in the Soviet Union is changing, and to the degree that the demands of the United States are being met, the quality of life of the Soviet Union is rising.

Mr. Gephardt has recognized, as presumably the Bush administration has not, that we do not have endless time here. If 6 months, or a year, or 2 years passes and the quality of the Soviet life further deteriorates, despite political change, then we have no reason to believe that this reform is going to be endless. That is the point Mr. Gephardt has addressed, and that is what I think Members should address themselves to.

Mr. GINGRICH. I want to yield to the gentleman from Pennsylvania, but my question is, In order to facilitate change the gentleman just described, is the gentleman in favor of giving foreign aid to the Soviet Union?

Mr. TORRICELLI. I do not believe that Mr. Gephardt envisons, nor would I, that the American taxpayer subsidize foreign aid to the Soviet Union, but rather——

Mr. GINGRICH. What is he talking about?

Mr. TORRICELLI. Let me answer the question. This return to the point that was so eloquently, I believe to be fair, distorted by the gentleman from California. What we have talked about and said is like all of our NATO allies, indeed, like most or half of the Bush administration, allowing technology sales like aircraft technology sales, as the gentleman pointed out. He knows no one intends that, but rather like our allies. To allow instead a kind of OPEC guarantee.

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Mr. SMITH of Florida. Before the gentleman yields, I would like to speak.

Mr. GINGRICH. Let me yield to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Speaker, I want to thank the gentleman for yielding.

It is fascinating that the largest point evidently made by the majority leader is that the President lacks leadership. Now we find the leadership being provided by the majority leader in a speech so vague that no one understands what he meant, and that everybody who stands up has their own interpretation of the speech, a speech that is supposedly providing leadership.

I suppose the next thing we will find out is that when he talked of exporting high technology, what he meant was Nintendo games, and he did not really mean anything of substance. If this is not as it was interpreted by the stories in the newspapers, I did not hear the majority leader repudiate the newspapers who interpreted his remarks as intending U.S. taxpayer aid to the Soviet Union; but now I hear a series of Democrats come to the floor to all of a sudden have an interpretation which is different.

This speech, then, is so vague that anything that any person wants to say it said, it says.

Mr. GINGRICH. Give me 30 seconds.

First of all, apparently earlier today, the gentleman from Massachusetts [Mr. Early], a Democrat, also misunderstood the majority leader because he asked Secretary Baker if the administration was going to propose aid to the Soviet Union, and Secretary Baker said, No. 1, the majority leader made the statement; No. 2, the Soviets have not asked for aid; and No. 3, the administration does not plan to.

I yield briefly to the gentleman from Florida [Mr. Smith].

Mr. HUNTER. Let me answer the gentleman who said I distorted the majority leader's statement, implying high technology could include high technologies like aerospace, and it possibly meant something else.

I am not for giving high technology to the Soviet Union, who in the past have used high technology which was to be used in the private sector like technology that was to be used on bearings that are now used on nuclear systems aimed at the United States, under the guise of domestic applied technology, and applied to the military sector. The military sector in the strategic area of the Soviet Union is going full bore. The R&D is full bore. I think it is fair to the gentleman from Georgia to ask the question, "Do you agree with the idea of selling high technology to the Soviet Union?"

Mr. TORRICELLI. Would the gentleman pose the question to me? The gentleman raised a question.

Mr. SMITH of Florida. I pose a question, because this is an interesting kind of debate. Does the gentleman believe that the Bush program for selling subsidized wheat to the Soviet Union is not an economic benefit program?

Mr. GINGRICH. It is a benefit program.

Mr. SMITH of Florida. Why is the gentleman spending all of this time attempting to beat over the head of the majority leader for proposing what may be as innocuous a program as subsidized grain sale?

Mr. GINGRICH. Let me explain. We have here, and I do have the speech. I read it yesterday afternoon, and was amazed by it. We have 10 pages of a call for a bold visionary, dynamic, risk-taking, opening for the Soviet Union in Eastern Europe.

Now it turns out, now that we are beginning to understand, that maybe your leader was talking about a little more grain than Bush is already selling, a little more technology than Bush is selling.

Mr. SMITH of Florida. The gentleman is engaging in the politics of pettiness.

May I point out to the gentleman that there is a great deal more in that speech than the one called for in the Food for Freedom Program, and there is more in it than high technology. There is a significant overall approach, including significantly more than cultural exchanges, student exchanges, exchanges of agriculture technology. There is a much broader range.

Mr. GINGRICH. Let me read another example of why some Members are confused. Proposing on page 8:

> A union of nations for international trade and economic development [UNITED] might be a means for giving structure to such cooperation. UNITED would bring together on a regular basis the leaders of the major trading democracies—the nations of the European Community——

Mr. SMITH of Florida. That is not the Soviet Union.

Mr. GINGRICH. Let me finish my point, because I will have a different question than the one we are planning for the members of the nations. "European Community, the United States, Canada, Japan, and Australia."

Madam Speaker, he then goes on with this sentence, which I for the life of me cannot understand, because I do not understand what he is talking about; I do not understand how his English works here. This is on page 9:

> UNITED would not be a new bureaucracy but rather a new approach.

Then, having watched Brussels, for example, and the European Common Market, I would ask a question. Now, his term is "giving structure to such cooperation."

By definition, UNITED is going to end up hiring at least hundreds and maybe thousands of people. They will be called civil servants by those who love them and bureaucrats by those who hate them. I would ask, what is he talking about?

Mr. TORRICELLI. Madam Speaker, will the gentleman yield?

Mr. SMITH of Florida. Madam Speaker, will the gentleman yield to me?

Mr. TORRICELLI. Madam Speaker, is the gentleman just raising questions, or are we going to be able to answer them?

Mr. GINGRICH. I have yielded almost half my time. Go ahead. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Madam Speaker, the point the gentleman is making is a point that many people in this country and in Western European nations, allied NATO countries, have raised since the very, very unique and significant events in Eastern Europe and the Soviet Union. What will be the future of NATO, and what will be our reference point vis-a-vis NATO when Europe 1992 comes into play?

Many of us believe that there is a significant role for NATO to play but in a changed structure.

Mr. GINGRICH. Sure.

Mr. SMITH of Florida. This is what the majority leader is talking about. You may not need to hire a whole new bureaucracy.

Mr. GINGRICH. Let me make my point. We are not somehow using the same language. I do not object to this concept.

Mr. SMITH of Florida. I think we are using the same language.

Mr. GINGRICH. Wait. I do not object to the concept of UNITED. UNITED may be a wonderful idea. I might even vote for it. But when a politician says to us, having defined a multinational group as a structure, that it will not be a new bureaucracy, I would ask, what will it be? Will it be a large koala bear, or will it be nine kangaroos?

Mr. SMITH of Florida. Oh, come on. The gentleman is really not doing justice to his own argument.

Mr. GINGRICH. Of course it will be a bureaucracy, but it may be a useful bureaucracy.

Mr. SMITH of Florida. But it may change an existing bureaucracy into one that will meet the test of what is necessary for the 1990's and beyond.

Mr. GINGRICH. Or it may be an old bureaucracy transformed.

Mr. SMITH of Florida. Perhaps it will be.

Mr. TORRICELLI. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I do not understand the speech. Listen, I sympathize with the majority leader's problems. Sometimes when one leaps to boldness, one may land in the Bay of Pigs, or just in more confusion.

Mr. TORRICELLI. Madam Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to my colleague, the gentleman from New Jersey.

Mr. TORRICELLI. Madam Speaker, I want to only make several comments to my colleagues. That is all I want to do because, frankly, I believe given the extraordinary times in which we live, the intellectual level of this analysis does not do the House justice. We have the gentleman from California who believes that we are wrong because some are advocating changes in the sale of technology to Eastern European states, that we are selling out aerospace secrets, despite the fact that the State Department, the Commerce Department, and all our NATO Allies have the same view. And the gentleman in the well believes that somehow we are socializing international trade and creating a bureaucracy because the majority leader believes, as I believe and as any economic analyst would believe today, that there is a need to coordinate international trade and investment policies.

So it is no wonder that the Bush administration is failing to either be visionary or bold, indeed even to propose any advances or new policies in the wake of these dramatic developments. His hands and his feet are hog-tied to the right wing of his own party that fails to see beyond the horizon.

Let me suggest finally to the gentleman from Georgia how deeply offended I am that at this time of victory in the cold war that indeed anyone would come to the well of this House and claim that the victory of the cold war and the collapse of communism, this triumph in this moment of American history, is due to any extreme ideology of the United States, any political party, or any partisan leadership. This is a moment when after 40 years of American history we have come to triumph.

My party does not need to be lectured about what was required to win the cold war. We have been here from the birth of NATO to drawing the line in Korea, to leadership in Vietnam, to drawing the line in Afghanistan, to increasing military spending to reverse the decline of the 1950's and to reverse it again in the last year of the Carter administration.

My party does not need any lectures about winning the cold war. We were there when the line was drawn, and we have been here to pass the biggest defense budgets in history when it came to victory.

Mr. GINGRICH. Madam Speaker, let me reclaim my time.

Mr. TORRICELLI. Madam Speaker, I believe our American soliders who died and our taxpayers would be offended by the gentleman's argument.

Mr. GINGRICH. Madam Speaker, Let me reclaim my time.

Mr. TORRICELLI. Madam Speaker——

Mr. GINGRICH. Regular order.

The SPEAKER pro tempore (Mrs. PATTERSON). The gentleman from Georgia [Mr. GINGRICH] controls the time.

Mr. GINGRICH. This is not the Senate, and the gentleman cannot filibuster.

Mr. TORRICELLI. I thank the gentleman for yielding.

Mr. GINGRICH. Madam Speaker, the fact is, I say to the gentleman from New Jersey, that when your leader attacks the President personally, when your leader talks over and over about timidity and lack of vision, it is a little much for you to come to the floor and suggest that somehow it is inappropriate for us to talk about personalities.

Mr. SMITH of Florida. This is not an attack personally——

The SPEAKER pro tempore. The gentleman from Georgia controls the time.

Mr. GINGRICH. Madam Speaker, let me yield first to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Madam Speaker, I thank my friend, the gentleman from Georgia for yielding.

Before I go ahead with my point, I would like to say that as soon as this special order is completed, I am going to be addressing an issue on which every one of us agree, and that is memoralizing Jose Napolean Duarte, who has not been mentioned on the floor of this House since he passed away. I am sure the distinguished chairman of the Subcommittee on Foreign Operations will join us in that.

Since we are analyzing the speech of the majority leader, I would like to briefly point to the State of the Union Message which was just handed to me. There has been this misperception that it seems that our part and our President want to do absolutely nothing to address the concerns of these emerging democracies and the Soviet Union.

I went through a litany just a few minutes ago of creative ways in which I believe we can address them. Many of them were echoed by my friend, the gentleman from Florida. But let me just quote, since we are focusing for this entire time on the speech of the majority leader, the words of the President of the United States in his State of the Union Message. He said this:

> It is time to offer our hand to the emerging democracies of Eastern Europe so that continent, for too long a continent divided, can see a future whole and free.

He went on to say this:

> We are in a period of great transition, great hope, and with great uncertainty. We recognize that the Soviet threat in Europe is diminishing, but we see little change in Soviet strategic modernization.

That issue alone gets right to the question of technology transfer which my friend, the gentleman from San Diego, mentioned, and I think nearly all of us are recognizing the fact that we are seeing a dramatic increase in intelligence operations in both the Soviet Union and in the United States. And I think in light of that, for us to move in the direction of massive technology transfer, which has been discussed very clearly by our friend, the gentleman from San Diego, CA, is unwise, for in the Soviet Union their goal is first for defense and then for commercial use, as opposed to the way it is in the United States. I think we have got to be very vigilant in addressing that subject.

Mr. GINGRICH. Madam Speaker, let me just put one thing in the RECORD.

Tomorrow will be 1,000 days since Ronald Reagan stood in front of the Berlin Wall. He said at that time:

> Are these the beginning of profound changes in the Soviet State, or are they token gestures intended to raise false hopes in the West or to strengthen the Soviet system without changing it? We welcome change and openness, for we believe freedom and security go together, and the advance of human liberty can only strengthen the cause of world peace. There is one sign the Soviets can make that will advance dramatically the cause of freedom and peace. General Secretary Gorbachev, if you seek peace, if you seek the prosperity of the Soviet Union and Eastern Europe, if you seek liberalization, come here to this gate. Mr. Gorbachev, open this gate. Mr. Gorbachev, tear down that wall.

That was 1,000 days ago tomorrow.

My point is simple, and I know that my friends on the left do not like to hear it. The fact is that under George Bush, whether it is Panama or Nicaragua, whether it is Berlin, Hungary, Czechoslovakia, Lithuania, Estonia, Latvia, and the rest of the Soviet Empire, we have been making remarkable progress. We have not done it the way they would like to do it; we have not done it the way they would like to give us credit for. But the fact is that Secretary Baker and Secretary Cheney and President Bush have been working very systematically to create an environment in which in fact we have had a far greater chance to create democracy and free markets.

Madam Speaker, I simply would close by saying to my colleagues in the Democratic Party: "If you think I exaggerate about the majority's personal assault on the President, read pages 3 and 4 of his speech. Read the kind of language that is in there, because to me it does seem to be inappropriate."

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IN DEFENSE OF THE MAJORITY LEADER'S SPEECH

The SPEAKER pro tempore (Mrs. PATTERSON). Under a previous order of the House, the gentleman from Wisconsin [Mr. OBEY] is recognized for 60 minutes.

Mr. OBEY. Madam Speaker, I am, frankly, not quite sure where to start because, when I took the time for this special order, I had assumed that I would have time for an orderly, rational, nonrabid discussion of foreign and economic policy.

Madam Speaker, I happen to have been present when the majority leader, the gentleman from Missouri [Mr. GEPHARDT], gave the speech which has been often referred to and often misinterpreted on the floor today, and I have to tell my colleagues that I think it is one of the best speeches I have ever heard. I think that the majority leader in a very statesmanlike way tried to lay out for the country what our policy would look like if we were not sleepwalking our way through the most dramatic changes that have occurred in the world in the last generation and a half.

In addition, Madam Speaker, I would suggest that the very modest proposals which the gentleman from Missouri [Mr. GEPHARDT], the majority leader, laid out yesterday in fact probably do not even go as far as this country will wind up going in the next 10 years.

Mr. HUNTER. Madam Speaker, will the gentleman yield?

Mr. OBEY. Madam Speaker, I will be happy to yield when I finish. I will not yield now. The gentleman from California [Mr. HUNTER] has had an hour. I am going to take my time to say what I want, and not until I finish will I yield to him, and I ask the Speaker to——

Mr. HUNTER. Madam Speaker, I would like to know if it is worthwhile staying here.

Mr. OBEY. Madam Speaker, I will not yield for any purpose until I am finished.

Mr. HUNTER. I think that is clear.

Mr. OBEY. Madam Speaker, the gentleman from California [Mr. HUNTER] has had his time. I am going to have mine.

Now, as I was saying, one of the techniques of our friends on the radical right, as anyone who had ever shared a television show with them knows, is to have constant interruptions so that we cannot make our point. It is called politics. I call it something else. However, Madam Speaker, I am not going to be disturbed by it today.

The fact is that I think, if we are serious about providing true help to emerging democracies throughout the world and if we are serious about promoting economic reform and political reform in the Soviet Union, we will not listen to the voices we have heard here for the past hour. We will instead listen to voices such as Mr. Havel, the new President of Czechoslovakia, who suggested that before we can create a new world that we first have to discard old habits, and he suggested that, if we want to help Eastern Europe, the most important thing for us to do is to help move along the process of political and economic reform in the Soviet Union. Madam Speaker, I fully subscribe to that view.

Now the gentleman from Missouri [Mr. GEPHARDT] engaged in a spirited critique of the Bush administration's response to the events in Eastern Europe and other places around the world, and he suggested that it was rather tepid, to say the least. I agree with that judgment.

However, Madam Speaker, what distinguishes the comments of the gentleman from Missouri [Mr. GEPHARDT] yesterday from the comments we have heard here today is that Mr. GEPHARDT chose to elevate the debate rather than to, in my judgment, debase it, as all too many voices all too frequently do on this floor, and I think that, when one engages in that kind of a discussion, when one chooses to engage in rather quick attacks on the commitment of a person with whom one disagrees, I think that in the process of doing that you say more about yourself than you say about the other fellow.

So, Madam Speaker, I am willing to let people be the judge of the comments we have heard for the last hour, and I would like, if I can, to try to elevate the discussion a bit again and talk about what I think the gentleman from Missouri [Mr. GEPHARDT] was trying to say yesterday and what he did say very well.

To do that, Madam Speaker, I think I ought to refer to what I understand were the opening comments in the previous hour when it was suggested that somehow the Democratic policies of the last 25 years were policies of weakness. Well, let me suggest that I come from the State of Wisconsin, and we used to have a Senator there by the name of Joe McCarthy. Joe McCarthy used somewhat different words. He used to call it 20 years of treason. That was just as much nonsense then as the comments about Democratic weakness represents nonsense to me today in my view.

I would like to just for a moment repeat for the benefit of anyone here the history of the Democratic policies with respect to the rest of the world. In my view we are celebrating the greatest change in world events, the greatest lurch toward freedom that we have had in the life of anybody in this room, and we are celebrating this today because of the policies instituted by a Democratic President, Harry Truman, who is now much revered by a gentleman on that side of the aisle even though they vilified him when he was in office. We had policies put in place by Harry Truman which began the 45-year sustained policies that resulted in the openings for freedom that we see today, and those policies were followed and enlarged upon on a bipartisan basis by Republican and Democratic Presidents for the last generation—more than a generation.

If my colleagues take a look at what Harry Truman proposed, what I find interesting is that our friends on the radical right will make a bow to Harry Truman now and then, even as they savaged the very policies that he stood for. Harry Truman, for instance, began the Marshall plan. Can my colleagues see what would happen on that side of the aisle today if we had a President propose an initiative as large as the Marshall plan? There would be blood all over this floor from people crying about that from here to the nearest television camera. It was Harry Truman who proposed the framework of NATO and got this country to accept it and the generation-long, extraordinary sacrifice that that required of the American people. It was Harry Truman who saw to it that we put together the treaty with Japan which built Japan as a democracy because they had never known it, and it sent them on the way toward being a participant in the world order, in a stable world order, a tremendous achievement.

It was Harry Truman, I would point out to the gentlemen who just spoke, who suggested that the Soviet Union ought to be a member of the international financial institutions, and in fact Harry Truman, for those who have any memory, proposed that the United States even offer assistance to the Soviet Union so that we could together march down the road to a new world order. It was Joe Stalin who was afraid of American ideas, who was afraid of the penetration of western capital behind the Iron Curtain. It was Joe Stalin who stopped it. That was who it was.

What the gentleman from Missouri [Mr. GEPHARDT] is suggesting in his speech is that we pick up in a very modest way the suggestion that Harry Truman made when he was trying to put the world together rather than tear the country apart. That is what Harry Truman was recommending, and, if the gentlemen are going to coopt Harry Truman as one of their heroes, then why do they not swallow him all the way?

Madam Speaker, I would also point out that after Harry Truman came Jack Kennedy. Indeed Jack Kennedy made a mistake. He had the Bay of

Pigs. However, unlike many other politicians I know, Jack Kennedy was man enough to admit his mistake, man enough to admit his errors, and he learned from them, unlike an awful lot of politicians I know.

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He put together a little operation called the Cuban Missile Crisis, which led to the withdrawal of Soviet missiles from Cuba without a shot being fired, not a bad week's work.

It was also Jack Kennedy who produced the partial test ban treaty, who tried to protect the world from the dangers of routine nuclear radiation around the world. That is a tremendous achievement.

Or if you want to take the Middle East, we have the much maligned Jimmy Carter, who I think in the years after his Presidency has demonstrated that he, better than any other occupant, knows how to bring honor to the office by continuing to do service, rather than using the prestige of the Presidency to see how much dough he can rake in, whether it is from Japan or anybody else with a willing checkbook. When you take a look at what President Carter produced, President Carter was the fellow who happened to produce the only major progress in the last 15 years in the Middle East. It was President Carter who personally negotiated the Camp David Agreement which saw to it that you could never have or that you would not have a repetition of war in the Middle East, because he made peace between Egypt and Israel. That was crucial, and that is what this administration is now trying to build upon and I congratulate them for it.

If you want to talk about weakness, what do you think of a policy that leaves 250 marines in Lebanon like sitting ducks where they could not leave and they could not shoot and they wound up getting wiped out by a terrorist attack? That did not happen under a Democratic President. That happened under a different kind of a President. I do not blame President Reagan for that, because anybody can make policy judgments that lead to bad conclusions, but the fact is that that was a serious mistake, and as far as I recall that did not happen on the Democratic watch.

It also was not a Democratic President who engaged in the under-the-table arms sales to Mr. Khomeini. That was a fellow by the name of Reagan, at least it was an administration called Reagan, that engaged in that kind of conduct.

So if we are going to start shooting at each other over past mistakes, we have plenty of bullets in our gun, too, fellows. It seems to me that not very much is serving by doing that.

What the gentleman from Missouri [Mr. GEPHARDT] was trying to do was simply to point out that there were a lot of things that were being neglected in the Bush administration's pursuit of policy with respect to the Soviet Union and Eastern Europe.

I would also point out, for instance, that one of the previous Republican speakers made much ado about the fact that the gentleman from Missouri [Mr. GEPHARDT] was talking about some assistance to the U.S.S.R. Well, I have a fiscal 1990 economic and military assistance chart here and if you look down the list of countries receiving aid, do you know what I find? The U.S.S.R., the Soviet Union, 5 million bucks. Now, they got that money because the leading Republican in the United States Senate, a fine Senator, suggested that we ought to provide $5 million in assistance to the Soviet Union to respond to the damage in Armenia because of the earthquake.

The thrust of the speech of the gentleman from Missouri [Mr. GEPHARDT] yesterday was simply that if we can provide some minimal assistance to the Soviet Union because of a physical earthquake, that we ought to be able to do a little bit better than we are doing in providing assistance to Eastern Europe and providing assistance to those forces in the Soviet Union who are trying to bring about the largest political earthquake in our lifetime. I would suggest that if we do not do that, we are a little bit silly and a little bit blind.

Mr. DOWNEY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. DOWNEY. Madam Speaker, first of all, I want to congratulate the gentleman particularly on the lucid statement he has made. I do not come here very often, and I was distressed at the type of debate that I think the gentleman has accurately characterized that we had in the previous hour. It was not a desire to seek the truth. It was a desire, rather, to make political points, to divide as opposed to bring together people of reason on the question of what should our foreign and economic policy be.

Much was made of the majority leader's point about foreign aid, and in particular the food for progress provision. If the gentleman will indulge me for a minute, I just want to make sure for those who are still listening that there is some understanding, since the gentleman from Wisconsin has suggested that the gentleman from Missouri [Mr. GEPHARDT] has added a new wrinkle to the debate, but it is not a bold proposal. It is not the Marshall plan of Harry Truman. The Food for Progress provision that the gentleman from Missouri [Mr. GEPHARDT] seeks to expand to Eastern Europe and the Soviet Union was included in the 1985 Farm Act by the Reagan administration, and under this plan the President can give food and aid to any country that he declares is reforming its agricultural policies in the direction of private enterprise, free markets for distribution and economic freedom. The reforms do not have to be already adopted, but the country does have to be committed to the process.

So the rhetorical question was asked, and never answered, "Well, you know, you are for another big foreign aid program." As the gentleman knows, there is no finer authority in the House than the gentleman in the well, that we do not have the money to give, but we do have the expertise to lend. There are certain things that we can do, and this particular foreign aid process was conditioned on the Soviet Union and Eastern Europe doing things that are in their interest and things we want them to do to begin with.

Let me make just one last point, and I appreciate the gentleman yielding further. In a way, this is a debate about two visions of reality, the vision that suggests that they have learned nothing from history, that somehow the Soviet Union continues to be an evil empire, or an evil empire that is the process of reform, but that we should play no process in that reform. As Mr. Havel said to us when he was here, that would be a mistake, that it is in the interest of Eastern Europe furthering the process of democratization there, and in the interest of the United States to push the Soviet Union further and faster.

I often hear people say, "Well, you know, we could be wrong here. I mean, Gorbachev, something could happen, someone can replace Gorbachev. We could have a right wing alternative. We need to stand ready." No one is suggesting that we should not stand ready, but why would we want to do anything that would encourage a more bellicose Soviet leader? Why would it not be in the interest of the United States to see Gorbachev succeed, to see food on the tables and on the shelves in Moscow, business opportunities for American and Soviet citizens alike.

The gentleman talked about earthquakes. He correctly pointed out two of them, one where we saw the greatest capacity of American generosity to respond when they had the earthquake in Armenia. Now as the gentleman has pointed out, there is an earthquake of epic proportions.

I would only say I would like to live in a era where we look back at the 1990's and the twilight years of the 20th century and say that we lived in the age of Gorbachev and Bush, where there was finally a recognition that the world had changed, that the threat of force, that the use of force was unacceptable as a means of dispute resolution.

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What the majority leader is saying that if we do not change quickly, if we do not recognize our responsibilities, the American role will be a footnote to history, not a chapter, not a page. It seems to me he has done us an enormous service by making the speech and getting us thinking.

Unhappily in the last hour we engaged in a polemic exercise that did not quite border on name calling, but was a very unnutritious fare to those people who want something more to eat, and I thank the gentleman for offering us a meal and not a very cold snack.

Mr. OBEY. Madam Speaker, I thank the gentleman. I know it is unusual to expect that we will hear thoughtful statements on special orders. I am happy to see that the gentleman has provided one.

Mr. MOODY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I yield to my colleague, the gentleman from Wisconsin.

Mr. MOODY. Madam Speaker, I thank the gentleman for yielding to me.

I wanted to make several points. I was not here for the earlier part of the hour with the gentleman from Georgia [Mr. GINGRICH], but I think the gentleman from Georiga truly insulted and deeply offended me from what I did hear by attempting once again to label the loyal opposition to the Bush administration, the congressional Democrats, as disloyal. The gentleman has made this a practice of his trade, and I personally was deeply offended.

Since the Joseph McCarthy days, certain parties in the Republican Party have tried to gain public advantage by impugning the loyalty of the Democrats. As I think the gentleman from New Jersey [Mr. TORRICELLI] pointed out, it was the Democrats who were the architects of the whole policy of containment that started the cold war to contain the Soviet threat from Truman on through Kennedy and others.

For the gentleman from Georgia [Mr. GINGRICH] to try to characterize the Democratic Party as somehow weak on communism does a disservice to this House. I call it political pollution, and I found it deeply insulting.

It was not the Democratic administration but it was the Republican administration that shipped arms to Khomeini. It was the Republican administration that supported subsidizing grain sales to the Soviet Union, and money is fungible, so that releases money for other purposes. It was the Reagan administration that supported shipping arms to China, low-grade military technology though it was, but it was still military technology.

I want to just add one final word on the question of Krasnoyarsk, since I was there, and since the report that we produced was so distorted in its characterization by the gentleman from Georgia [Mr. GINGRICH].

We pointed out that there were three purposes to which that facility could be put. Two of them were illegal. If it was a battle management station, we pointed out that would be in violation of the ABM Treaty. If it was an early warning system, that would be a violation, since it was not on the periphery. However, if it was a space tracking system, it would not be illegal. That is a loophole, and that continues to be a loophole, in the ABM Treaty. That is not a violation. It was not possible for us, visiting it, to tell which of those three purposes it would be put to in the future, since the electronic gear that would be necessary to make that decision was not yet installed. All we pointed out was that if it were of the first two, it would be illegal, and the third it would not. We could not now tell, and that is what we stressed. We could not read the minds of the Soviet officials.

We could not know that they were actually intending. We could only look at the physical evidence that was available to us. We made that very plain.

For the Soviets now to later come out and say, "We all along intended it to be a violation," fine, I am glad they came clean, but that is not inconsistent with our report. We could not read their minds.

We said that if it was of the two of the three systems, it would be illegal, but the loophole existed in the treaty that would not make it illegal if they, in fact, went to a space tracking system.

My own view, from talking to Soviet officials, is that they decided to gain the maximum political mileage out of it by saying, "OK, it was a violation." That is all the more reason why we have to reaffirm support for the ABM Treaty.

They used this as a way, in their own self-interest, to lock us in on an ABM Treaty by locking themselves in on an ABM Treaty. I see their point of view.

Our report is not a case of being misled. It was a case of laying out the physical facts as we saw them.

Mr. DOWNEY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. DOWNEY. Madam Speaker, let me just edify the gentleman and the Chamber on this one other point, and any people who may be listening and interested in this somewhat obscure but still important matter, when I asked Soviet officials after Shevardnadze made this point, I asked them why did he decide to say what he did and how he said it. The answer came back to me that, of course, there was ambiguity about the radar, but that Shevardnadze was anxious to sock it to the Soviet military, and that there is still ambiguity, as the gentleman pointed out, in the ABM Treaty.

Our friends on the far right see cosmic significance in the fact that we came there and came back from there and made certain comments, and that the Soviet Foreign Secretary made other comments.

What I find most amazing is their willingness to vest in the Soviet Foreign Secretary, someone for whom they have historically not placed any credence, the fact that now we see the final word.

Mr. MOODY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from Wisconsin.

Mr. MOODY. Madam Speaker, I think it is they who are being duped by allowing the Soviets to make self-serving statements as they did, that they suddenly believed the self-serving statements when they do not believe our report which said it could be any one of three options, and the Soviets would be in violation of the exercise of the first two. So this is the report.

It would be well for the minority whip to actually read the board report before he characterizes it so mistakenly as he did on the floor of the House.

Mr. DOWNEY. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. DOWNEY. Madam Speaker, the Soviets, after we left and we talked about the terrible way the station was built, internally after our visit, were embarrassed by what we said about the station, and decided not to continue work on the radar station, and have ultimately decided to not go ahead with that.

It seems to me that in the broad sweep of history as opposed to its pop interpretation, which it is heir to by the right these days, I think our visit would stand the test of time as having not only been constructive in furthering the debate, but by moving the process on ahead, and that it has been constructive to both sides.

Mr. MOODY. If the gentleman will yield further, it stimulated a debate inside the Soviet Union which has led to the final agreement to tear it down. Our visit also pointed out that there is a loophole in the ABM Treaty which someday should be plugged.

Mr. SCHEUER. Madam Speaker, will the gentleman yield?

Mr. OBEY. I am happy to yield to the gentleman from New York.

Mr. SCHEUER. Madam Speaker, I thank the gentleman from Wisconsin, and I congratulate him for bringing a breath of fresh air into this whole debate on foreign aid. I served with him not on the Committee on Appropriations where he leads the distinguished subcommittee on foreign aid, but on the Joint Economic Committee, and the gentleman from Wisconsin is surely one of the most brilliant economic minds and thoughtful economic analysts. I congratulate him on the sanity he has shown and also on a bit of compassion, too.

Our House can afford to be both of those things.

I came over here as I observed that really unedifying, degrading, demeaning repartee centered around our colleague from Georgia. That was not this House at our best. I was not proud to be a Member of this House during those minutes that the minority whip held forth.

So I want to congratulate the gentleman from some facts and also for some heart, and I think we should stand for both of those.

I want to just make two points relevant to his analysis of what the foreign aid potential is now. First, right after World War II, at the time of the Marshall Plan, we were contributing 3.2 percent of our GNP for foreign aid. Today we contribute 0.3 percent, less than one-tenth of that. That is a decision of our own making. That is a decision of the executive branch.

The fact is we have a $5 trillion economy, and we can do with it as we will. If we decide we are not going to spend it here in foreign aid, then there is the whole question of alternatives.

The Joint Economic Committee heard testimony from Herb Stein, a conservative Republican economist who was President Nixon's Chairman of the President's Council of Economic Advisers, and he testified to us we can do what we want to do with $5 trillion economy. Nobody is limiting us but ourselves. So we can do far better, a multiple, many multiples of what we are doing now. The second point, there seems to be an emerging consensus which has escaped this administration that we really can crank down the military apparatus very substantially. One of the first evidence that we have had from military professionals was former Secretary of Defense Robert McNamara, who testified a number of months ago that he thought that we could reduce the military budget by half over a 10-year period, by the end of the decade of the 1990's.

Then in the last week we have seen Mr. William Webster, head of our CIA, say that the Soviet Union has really progressed away from an offensive posture toward a defensive posture, and that in Mr. Webster's opinion, and I think I am quoting him accurately, it is highly unlikely at this time that that is reversible; even if Mr. Gorbachev were to be replaced, that irreversible trends have been set in motion in the Soviet Union.

The Secretary of Defense, a former colleagues of ours in this House, Mr. Cheney, took great umbrage at Mr. Webster's tesimony, and he said it undermined the credibility of Mr. Cheney and President Bush, as, indeed, it did. He implied that Mr. Webster was not being a loyal member of the team by 'fessing up' and giving America his honest appraisal of whether we could afford to commence a significant winding down of our military budget.

□ 1640

I think that is degrading. I think Mr. Webster has an obligation to provide the President and the Secretary of Defense and the American people with his best judgment, and he did that. He said these forces seem virtually irreversible, and we can probably count on that, if we keep our powder dry.

Now, just today Gen. Andrew Goodpaster, who has been deeply involved in strategic planning for over a generation, testified before a luncheon of members of the House and Senate that he thinks we can, and I will use his phrase, "We can put our military budget on a downward glide," on a downward glide, "and that over the next five years we can cut our military budget in half." In other words, he shrank the timeframe that Secretary McNamara suggested by half.

Mr. OBEY. Madam Speaker, if I may reclaim my time, does the gentleman think he might be described as being weak or soft on communism?

Mr. SCHEUER. I would think not. He is a highly thoughtful, highly intellectual member of the armed services, a leader of the armed services over a period of a generation.

Mr. OBEY. Is the gentleman suggesting that the only people who might be attacked by some Members of this aisle for being "soft on Communists" would be people who happen to be Democratic politicians?

Mr. SCHEUER. Well, there is a great deal of evidence to justify that. What I am trying to suggest is tough security-minded professionals have testified that we can make deep and lasting cuts in our defense budget. Mr. McNamara suggested cutting it by half over a decade. Mr. Webster fortified that position, that he thinks the changes are virtually irreversible in the Soviet Union. Today, an hour ago, General Goodpaster said we can cut it by half in 5 years.

I think that should give the gentleman from Wisconsin [Mr. OBEY] heart, and give all Members heart, that we can produce a significant peace dividend and we can do it reasonably quickly, without jeopardizing American security.

Mr. OBEY. Madam Speaker, I thank the gentleman from New York [Mr. SCHEUER] for his contribution. I think that brings us back again to something that Majority Leader GEPHARDT said in his speech yesterday, because what was selectively left out in some of the comments we heard today was the fact that the majority leader indicated we did not necessarily have to spend large amounts or larger amounts of foreign assistance. The gentleman said what we did have to do was spend our foreign aid smarter.

I would simply point out that I do not think it is an especially alert or appropriate reaction to the changes we have seen in the world when the administration sends us a foreign aid bill which after the collapse of the Soviet empire and the collapse of the Warsaw Pact, suggests that our principal response to that in the aid area ought to be to increase military aid by $370 million over last year, and to take the last remaining military loans which we provide on a loan basis and simply say okay, in one last swoosh of generosity, we are going to convert these last remaining $400 million in loans to grants.

That means that in the teeth of everything that has happened in the Soviet Union and Eastern Europe, the administration's response is to greatly increase the purchasing power for military aid rather than economic aid. It seems to me that that is a flat Earth approach to what is happening in the world.

Mr. SMITH of Florida. Madam Speaker, would the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. SMITH of Florida. Madam Speaker, I thank the gentleman for yielding. I certainly appreciate his taking this time out so we can discuss this issue on a rational basis, which unfortunately was not particularly available during the last hour of debate.

The interesting thing about this administration is its varied approach to the answers that we have all been searching for in terms of the changed realities.

While the gentleman from Wisconsin [Mr. OBEY] has just documented and the gentleman from New York [Mr. SCHEUER] just documented these significant statements by members of the administration and members of previous administrations, both Republican and Democratic, with reference to how they see the military spending aspect, we are now faced with a unique situation made by the White House.

Mr. Darman is now proposing for the President, and, of course, it is the ultimate priority of the President to do, he is on his own, a reprogramming of dollars in order to save military personnel that would have to be cut under the Gramm-Rudman proposal from the sequestration which went into effect.

When sequestration started the President could have exempted these personnel from those cuts, but he chose not to do that. Now, in the face of a significantly diminished threat, in

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the face of his own calculations that we can reduce our troops in NATO, in Western European nations, down to 220,000 from the almost 300,000 level we have, he is now trying to utilize money which should have been cut before for other programs to put onto personnel, to save that cost structure. Not to save money, but to save the cost structure of the DOD. So that nobody can look and say, "This money can be saved," he wants to perpetuate the higher numbers wherever he can justify the spending of those military dollars, this in the face of an enormously diminished threat from the East, as documented by almost everyone that has any knowledge of the circumstances.

They refuse to move away from this previous set of circumstances. It is interesting because it is a traditional Reagan view. It is a traditional conservative view that somehow yesterday was better than today, when the reality is today is so much better than yesterday, and, as the gentleman from Wisconsin [Mr. OBEY] indicated when he started his hour, if we play our cards right and if we lead, not follow, and if we shape the future, not only react to it, we can make tomorrow even better than the possibilities that loom large today. But somehow the administration and the President are failing to do that.

Mr. OBEY. Madam Speaker, let me simply say that I think the gentleman's comments again bring us back to the speech of the gentleman from Missouri [Mr. GEPHARDT], because one thing that the gentleman from Missouri said yesterday was this. He said:

> America must once again assert itself as a leader. To do that we must change the way we think about national strength and arm ourselves for the economic competition already underway. America must begin by helping to shape the change in Europe or we will surely be a victim of it. To that end there is much that we can do right away.

I think what the gentleman from Missouri [Mr. GEPHARDT] was trying to point out is that if we really want an America which is strong enough to lead the world in the nineties and the remainder of this century and into the 21st century, we had better make some very large changes.

We have heard people talk about a Japanese decade. Now with the events in Europe, with the emerging of the European trade community in Europe, 1992, we hear talk now about a European decade and a European century.

It seems to me we would like to have the decade of the nineties be an American decade. We would like to have America enter the 21st century still in a position to lead the world through both example and through economic and political and military strength.

I think what the gentleman from Missouri [Mr. GEPHARDT] was trying to point out is best reflected on this chart. The Bush administration response to the changes in the world has been to come to the Congress and say:

> You know what we need more than anything, boys and girls? We need another $5 billion in military spending.

Mr. SMITH of Florida. If the gentleman would yield, they have said they are cutting military spending. Would the gentleman explain how they are in fact increasing military spending?

Mr. OBEY. The fact is they are cutting from their wish level that they expected to have next year. They are not cutting from the existing spending level.

I want to get back to the investment portion of the budget. If we want to be in a strong position, and with all due respect I do not need any lectures on the strength of our defense, of our own values, from anyone who thinks that it is appropriate for the Bush administration to support the renewal of contacts with and the renewal of aid to China after the slaughter in Tiananmen Square.

□ 1650

With all due respect, I need no lectures from people about commitment to our values and the projection of our values in the teeth of that kind of policy aberration.

Mr. COLEMAN of Texas. Will the gentleman yield on that point?

Mr. OBEY. Sure, I will yield to the gentleman from Texas, but I want to get to the investment before my time is up.

Mr. COLEMAN of Texas. Let me quickly point out to the gentleman, if I might, and to our colleagues and those who might be listening, there are a number of Members who had the opportunity to listen, perhaps not here on the floor, but in our offices, to some of the diatribe from the minority whip about the statements made by our majority leader. The statements that he attributed to the majority leader are to me surprising to say the least. He suggested that these were personal attacks on the President.

To suggest that America's lack of leadership, as the majority leader put it, and I quote: "in its most crucial moment of this half century is due in large measure to the fact that our President is not providing the direction we need," to suggest that that is a personal attack on our President I think is made all the more astounding by the fact that the only people, by the way, in the world who do not recognize the changes about, that indeed the cold war may have been won, is a group led by the rightwing fringe, those who get up here and say, "Oh well, this is a personal attack upon the President, and therefore it must be bad."

Obviously I was directed by the minority whip to read pages 3 and 4, and I brought them to the floor to reread them. I do not find anything personal or attacking about it. I think it is perfectly legitimate under our Constitution to say that the ship of state is rudderless and that we are without a leader when it comes to leading on these issues.

So I would just say to the gentleman in the well for him to be concerned at all about being lectured is misplaced, because the lecture certainly has not been taken seriously by anybody that I know, within the hearing of my voice, at any rate.

Mr. OBEY. I think the gentleman.

What I would like to say is what I think is at issue here is not Mr. GEPHARDT's speech, even though it was a very fine speech. What is at issue here is the subject of Mr. GEPHARDT's speech, which is the adequacy of the American response to changes in the world. I would suggest that that response so far has been limp-wristed at best, and I especially think that with respect to making the investments needed to assure the American capacity for leadership in the next decade, and in the next century, we have a very big problem on our hands because of the systematic disinvestment which has occurred in the things that made America strong over the last decade. I would like to lay out what I mean by that.

If we take a look at the Federal budget as it existed in 1980 versus the Federal budget as it exists today, we will see that for programs for the elderly, the disabled, for the nonelderly poor, for economic stability; that is, unemployment compensation, commodity credit programs, things like that, general government operations, we will see that from 1980 through today we have stayed just about the same. We spent about 52 cents a year out of every dollar in 1980 for those programs and we spend about 53 cents our of every dollar for those programs today.

What are the two biggest increases? There is a big increase in interest. In 1980, before the Reagan administration, we spent 9 cents out of every budget dollar on interest. Today we are spending 15 cents out of every budget dollar on interest.

Has that strengthened the posture of the country in the trading world that we face? Has it strengthened our posture financially or economically? I suggest it has weakened it.

The interest that we have paid has increased primarily for two reasons. No. 1, because we gave large tax cuts to some very high income people to the point where today they are paying, the richest 1 percent of people in this country are paying billions and billions of dollars less into the Treasury than they would be paying on the incomes they are earning today if we had not adjusted those rates for those making over $100,000 below those that they were paying in 1980.

Second, we have had a very large increase in military spending, about a 50-percent increase in real dollar terms, about $100 billion.

But what has been clobbered, what has been clobbered is the investment portion of the budget, what we invest in kids by way of education, what we invest in health by way of medical research on everything from cancer to heart disease to Alzheimer's, what has been invested in community infrastructure for the highways, the sewage treatment plants, the transit systems that are needed in order to make a community a functioning, profitable place where business can make a good profit and workers can make a good living. That has been cut from about 17 cents out of every budget dollar to about 9 cents today. That is a 40-percent reduction in terms of share of the budget. It is a 30-percent reduction in terms of the value of the purchasing power of the dollars going into those programs, and that means that we are systematically weakening America's ability to fight on the one battleground that is going to count in the 1990's, on the economic battleground, because as has been said so many times, the new battleground is not the military battlefield. The new battleground for America is the classroom, it is the trade front, and if we do not have the best prepared workers, the best trained workers, the largest amount of capital per worker in our modern plants, if we do not have that we are going to be a lot lower than first on the trading scale and a lot lower than first on the economic power scale.

The Soviet Union learned the hard way that you cannot protect military power or political power over a long period of time unless you have the economic power to back it up. And if we are not careful, what Mr. GEPHARDT was trying to point out is that if we are not careful we are going to wind up with the true winners on the economic front of the cold war being the Germans and the Japanese. That is what Mr. GEPHARDT is talking about.

Mr. COLEMAN of Texas. If the gentleman will yield, I think that is the point exactly to be made and to be taken from the entire context of the speech. In fact, if the minority whip and other rightwing fringe Members of this body want to stand up here and pick sentences out, we will pick the sentences out. I am not offended by any of the sentences that were delivered by our majority leader.

The President's lack of vision, for example, is a phrase that was used by our majority leader. I am a little tired of everybody saying the President is not at fault here when something goes wrong in this country, it is the Congress' fault. When America elects its intellectual and moral leader of this Nation, the President of the United States, then I think it is high time for that intellectual and moral leader to stand up and be counted. What is this President going to say and do when we have the first emergency energy crisis in 1990 or 1991? Is he going to just blame Congress, or is he going to say, "Well, I probably should have been a leader."

Mr. OBEY. I would make a point about the President's budget on energy. Today in the Federal budget we are spending 60 percent less than we were providing in 1980 in real dollar terms.

Mr. COLEMAN of Texas. It is exactly what he is going to do, and then he is going to blame Congress.

Mr. OBEY. And if we take the President's new budget, as we know he presents that for only 1 year but he projects the budget out 5 years, and if we take a look at his 5-year projections for energy, we will see that the effective level of those programs will be taken down another 20 percent. How does that kind of a budget strengthen us on the energy front?

Mr. COLEMAN of Texas. Let me continue to point out what the President will do after a crisis is here. They will say it was Congress' fault, and they should have done something. I continue to repeat over and over to as many people as will listen that 535 legislators are in a very difficult position to be able to lead an entire Nation. That is what we elect the President of the United States for. The President of the United States has at his disposal all of the agencies, all of the so-called bureaucracy that seems to scare and alarm most people in this country, all of that is at his disposal to use for the benefit of leading this Nation.

To suggest that the leadership that was shown in changing of those budget priorities during the decade of Ronald Reagan has been great, I suggest, as did our majority leader, has shown a strict lack of vision, one that calls into question the President and former Vice President's ability to lead this Nation in the 1990's.

☐ 1700

And I do not think it is wrong for our majority leader to ask where is the President of the United States in these changing times?

Mr. OBEY. Let me simply point out that if you are going to have some idea of where you are going to go, you first need to know where you are. The fact is if we do not understand that we are at a point in the development of our own national strength, where we are precariously close to giving away world economic leadership, then we had all better take a look at budgets again.

I think that Mr. GEPHARDT's speech yesterday was an attempt to provide the leadership from the congressional end of Pennsylvania Avenue, what the gentleman is suggesting is often so difficult to provide. It is true that we have a very difficult time with 535 individuals representing a great many different kinds of districts, it is very true, to provide the major leadership in the country from Capitol Hill.

Nonetheless we have an obligation to try.

That is what Mr. GEPHARDT was trying to do.

But to place things again in their proper context, what people have to understand about budgets, for instance, is that no Congress since the end of World War II has ever changed any President's budget by more than about 2 percent. And that is why, if we are really to have changes in this situation so we can again rebuild our domestic investments so that we are strong enough to provide on a continuing basis economic and political and military leadership in the world, we simply have to have a much more dramatic change in budget priorities than we are getting out of the Bush White House.

With respect to foreign aid, what I believe that means is while we should not be looking for ways to greatly increase the overall foreign aid budget, we should certainly be looking for ways to change it, to modernize it, to put the money where it will do the most good. That, certainly in this day and age, given all that has happened in the world, does not mean we ought to provide large increases in military assistance as President Bush is asking us to do.

Mr. COLEMAN of Texas. There is one other thing that needs to be done with respect to that budget and those foreign aid requests by this President. Not one time has this President told us where in the world we are going to get the money to pay for it.

I am a little tired, as one member of the Committee on Appropriations, who also lives, as do all Members and as do all agencies and all people in this Nation, under the constraints and the restraints of the amount of money that we are allocated under the Budget Act for each of our subcommittees to spend on this Nation, whether it is for national defense, feeding program for women, infants and children, or whether it is for foreign interests that we believe are in the best interests of America.

It seems to me only appropriate we all should suggest to this President that leadership is not some trite remark, some off-the-cuff statement about "read my lips" or "a thousand points of light." It seems to me somebody is going to need to stand up in the White House someday and tell us where the money is coming from. I thank the gentleman for yielding.

Mr. OBEY. I thank the gentleman. I think that the record indicates that the Democratic Party in this House has cooperated to a very great degree with the Bush White House. I think we have cooperated on a number of domestic initiatives. I think we certainly cooperated fully in the bipartisan effort to try to bring a peaceful resolution at long last to Central America, and I think we have established a rather good working relationship with the Bush administration.

But I do find amusing the tone that emerges from the other side of the aisle every time someone has the temerity to suggest that somehow perhaps the judgments being made by the White House are not exactly what ought to be produced in an era of change which is this dramatic and important.

I think Mr. GEPHARDT was simply trying to lay out the fact that if we do not have a budget which is sufficiently changed to reflect the changes in the world, then we are simply wasting money and we are missing a tremendous opportunity to strengthen America when instead we appear to be weakening.

JOSE NAPOLEON DUARTE, THE STATESMAN

Mr. OBEY. Let me also just make one additional point here. One of the members of the minority indicated that he wanted to have a special order devoted to Mr. Duarte. I regret that I cannot stay around for that. But as one Member of the House who has fundamentally disagreed with the Reagan policy in Central America and as one Member who has grave doubts about the ability of the existing Salvadoran Government to in fact bring about the reforms that are necessary to justify our continuing aid, let me nonetheless, having said that, simply say that I too regret President Duarte's passing.

I think President Duarte was a statesman. I think he had an almost impossible job. I think he tried, under extremely difficult circumstances, to lead his society into a modern age where you simply do not respond to political disagreements by taking out your opposition literally, as unfortunately is the case in Salvadoran society all too often.

I also have a great deal of respect for his successor, Mr. Cristiani. But I think we would do Mr. Duarte no favor even posthumously if we neglect to focus on the need for a fundamental reevaluation of Salvadoran policy so that we can determine why it is that, after almost $4 billion and almost 12 years of fighting, that the rebels in El Salvador still have the military capability to wade into the nation's capital and do incredible damage.

Why it is that we still have not been able to get the military to reform? Why is it that the court system down there is a joke which would offend the sense of fairness of any American who witnessed it? What are the elements of our own policies which need to be changed in order to accomplish the kind of change that is necessary in El Salvador in order for us to be able to go to the taxpayers and say, "Your money is being spent for a productive purpose"?

It seems to me the greatest honor we could do to a fine statesman, Mr. Duarte, is for us to engage in a fundamental review of policy before it is too late to have much effect, so that in fact we can bring about the changes in El Salvador that can lead to a negotiated settlement and can lead to a decent opportunity for a decent and safe life for all of that country's population, not just the economic elite which has dominated that country for so many years and brought about the conditions which have made it fertile territory for a revolutionary which otherwise would never have occurred in the first place.

UPDATE ON THE WAR ON DRUGS

The SPEAKER pro tempore (Mrs. PATTERSON). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Madam Speaker, one of the most important issues facing the American people today is the war on drugs. My question to my colleagues tonight and all of my friends who are paying attention is: Are we really in a war against drugs? And if so, do we really want to win it?

There are a lot of people who believe that the war on drugs that is currently undertaken is going to be an all-out effort. But I submit to you that there is reason for doubt about that, and I want to tell you why.

I recently went to Lima, Peru, and from there I flew into what is called the Upper Huallaga Valley, a valley which is about 200 miles long by 25 to 30 miles wide.

In this valley in Peru the campesinos, the small farmers there, produce two-thirds, 65 percent or so of the world's coca leaf.

Now, the coca leaf is the ingredient that makes cocaine and crack, which is destroying the minds and bodies and lives of American youth. Two-thirds of it comes out of this one valley. We know exactly where it is being produced.

Now, the President has a program that is going to be dealing with the drug problem. The President's program—and I am a very strong supporter of George Bush and I have the highest regard for him in what he is trying to accomplish and I think he is doing a great job as do most Americans—but the President's approach essentially revolves around three points. The first point is that we are going to educate the people, the young people of the United States, about the dangers of drugs and we are going to try to convince them that they should not use it. If we cut the demand, the argument goes, if you cut the demand, then there will not be the consumption and there will not be the production and you will not have that problem that we have in bringing this stuff across our borders.

□ 1710

Mr. DREIER of California. Mr. Speaker, I know the gentleman has very important points he wants to make, but I thought I would touch on the issue of demand.

Throughout the past decade I had the opportunity to go to the United States-Mexican Parliamentary Conference, and one of the things that many of these other governments like to say to Members, and my friend, the gentleman from Texas [Mr. COLEMAN] participated on a number of occasions, is the issue of demand. I think that we really cannot underscore that enough, because they will so often say, "To you all in the United States, if you don't have a market for it, you all are providing. There is no reason in the world that we would be supplying."

I think that that cannot be underscored enough. I think it is very important for Members to realize that we in the United States are the ones creating the market for this. That is why the first point that the gentleman is making of the three points that the President has, and the very important fourth point that the gentleman will make, needs to be pointed out to the American people.

I thank the gentleman very much for taking this time out to focus on an important issue.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California [Mr. DREIER] for his comments, and hope he will have more comments as I proceed.

The first point is that we have to do something about cutting the demand in this country. The second thing the President is trying to accomplish is interdiction. In December of this last year, we interdicted in New York, California, and Texas, 42 metric tons of cocaine, 42 metric tons, and it did not even make a dent in the street price. But our DEA agents and our Customs agents did a great service for this country by interdicting these drugs.

However, the drug experts in this country have said we are only getting 300 metric tons of cocaine in a year, but we interdicted 42 metic tons in one month, and it did not make a dent in the street price. Therefore, I believe we are probably getting a lot more than 300 metric tons into the United

States each year, probably like 2 or 3 times that amount. Otherwise, the price of cocaine would have gone up when the huge busts took place. Interdiction is very important, and we need to do what is necessary to help those people who are in the Upper Huallaga Valley now. Our drug enforcement agents who are risking their lives working on the problem, our DEA agents in Miami, California, and Texas and all across this country, who are risking their lives.

Likewise, we need to do what is necessary to help expand the operations of our customs agents, and give them the tools that are necessary to interdict the drugs that are coming through our ports and our airports. They need more x ray equipment and so forth to deal with this problem. I have talked to a number of them about this. We also need to do more in helping our Coast Guard. Therefore, interdiction is a very important part of the overall war against drugs.

The first thing is education, and cutting demand. The second thing is interdiction. The third thing is imposing severe penalties on the pushers. That should be up to and including the death penalty for major drug pushers, those dealing in large quantities of cocaine, PCP, heroin, other drugs, opium. Those people who are dealing, the major dealers, should be subject to the death penalty. I support the President's efforts to expand our laws in this country to be more effective, and penalize more, those who are caught dealing in drugs, particularly those major drug dealers.

However, the one thing that is not being discussed, and that is the main focus of my special order tonight, is eradication. Now, when I was in the Upper Huallaga Valley, I had an opportunity to fly to a place where they did an experimental program using a herbicide called Tebuthiuron. Tebuthiuron is very, very effective in killing coca plants. It will kill 95 or 96 percent of the coca leaf which it comes in contact with. This program that they tried, this very small program down there, showed just how effective it was.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield on that?

Mr. BURTON of Indiana. I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding. I have just had a discussion a few moments ago about the effect that Tebuthiuron has. We in California now are going through a very controversial Malathion spraying which deals with the Mediterranean fruit fly, something we have dealt with for over a decade in California. Former Gov. Jerry Brown out there was the one who was first responsible for launching the spraying efforts.

There is a real upheaval, and I have to underscore the fact that I am very concerned about the effect that Malathion has. It ruined one of my cars before I came back here. When I see the kind of effect that Malathion has on automobiles, I cannot help but wonder what it does to a young person, or anyone's lungs, or anything else. Therefore, I guess I would like to ask the gentleman if the effectiveness of Tebuthiuron is that great in eradicating the coca leaf, what effect will it have on what our colleague, the gentleman from California [Mr. CAMPBELL] has been working on, which is crop substitute and incentives for the countries to substitute other crops. Also, the environmental effect that it might have. Those are the two questions I would have for the gentleman from Indiana.

Mr. BURTON of Indiana. I am very glad the gentleman asked those two questions. I thank the gentleman for being so concerned about that issue.

The environmental issue is an issue that will be raised. Tebuthiuron is something that would be put on the crops in the form of small pellets. These pellets are environmentally safe, as respects other forms of plant life such as trees, grass, and other plants which would not be damaged. Only small, bushy plants like those that we would have in the coca leaf family. Now, the Tebuthiuron is put on in very small amounts. Just 3 pounds per acre will eradicate about 95 to 97 percent of the coca leaf, and two-thirds are grown in this valley. That is the first thing.

The second thing is that it will not hurt human beings. While I was in the Upper Huallaga Valley, the gentleman that flew me out there, along with all the people carrying machine guns to protect us, he took a stalk of sugar cane from the experimental project, and he ate part of that sugar cane. He took a stalk of sugar cane that was growing there and cut some of it off, and ate it to show that there was no damage to the products, or that it would be damaging to human beings that might consume products coming out of the area.

Mr. DREIER of California. Was it the great patriot Bruce Hazelwood who ate the sugar cane? He has survived a lot, having been in Special Forces in Vietnam.

Mr. BURTON of Indiana. It was not our good friend Bruce Hazelwood or Andy Messing with us on the trip, but a fellow who would probably not wish to be mentioned because he is with the government.

However, it will not hurt human beings.

Now, let us talk about the environment. For instance, the lungs of the world are in the Upper Amazon Valley, the great rain forests, and we heard about how they are being cut down. In the Upper Huallaga Valley in Peru and other parts of Peru and in Bolivia, they are cutting down, literally, hundreds of thousands of acres of trees and letting them rot on the ground or burning them to make way for new coca leaf planting. Those trees, I submit to my colleagues, cutting down the trees is a much greater risk to the environment than the small amount of Tebuthiuron that will be dropped to kill the coca leaf. In addition to that, all the tributaries that lead into the Amazon River, one of the greatest rivers in the world that comes out of Peru and Bolivia and Colombia and that area, all of those tributaries are being saturated with millions of gallons of chemicals that are used to process the coca leaf. They are dumping that into rivers, killing the fish, killing the wildlife that drinks out of the rivers, and destroying all the things, all the vegetation growing along the tributaries that lead into the Amazon.

Therefore, when Members talk about environment, Tebuthiuron will have a minimal effect on the environment down there, but it will have a great impact on cleaning up the environment because if those countries that are allowing coca leaves to be produced, now we will come in and eradicate them, they will not cut down the trees because it will not be necessary. I think it will be an environmentally positive thing for us in dealing with the coca leaf production, by dropping Tebuthiuron on these plants and in that valley and elsewhere.

Now we can find out through our spy satellites, which are all around the world now, exactly where large quantities of coca leaf are being grown. There is no question we we can find out where it is. We already know where two-thirds of the world's coca leaf is being grown, and that is the Upper Huallaga Valley. The president of that country, Mr. Garcia, met with President Bush in Cartagena, along with the President of Bolivia and the President of Columbia. They talked about an agreement that would deal with the coca problem. We are going to be appropriating, at least it was suggested to Members by Mr. Bennett, our drug chief, about last week, that we were asked on the Committee on Foreign Affairs to authorize $708 million to be appropriated for DEA support, for support for the Peruvian military and the Bolivian military and the Colombian military and for other purposes, to help interdict and stop the production of cocaine in those countries.

□ 1720

But President Garcia has said publicly in speeches before the people who are producing the coca leaf down there that he will do nothing to stop coca leaf production. The fellow who is running for President and who is the likely successor to Mr. Garcia, I have been told, has said in speeches that he wants to decriminalize or legalize coca leaf and cocaine use in Peru. He has talked about that in speeches. That does not sound like people who are committed to the eradication of the problem of cocaine in those countries, let alone the problem of the cocaine that is getting into the United States in large quantities.

So I submit to our administration and to our President that the only way we are going to get cocaine stopped is to do the three things the administration is talking about and also the fourth thing, and that is the eradication of the product at its source. We will never in my opinion win the war against drugs until we have as part of our program the eradication of the drugs at their source. That means going in and using tebuthiuron, or whatever herbicide is necessary, to stop the production of those products at their source.

Now, how do we do that? This is the part that gets real sticky, and this is the part that is going to receive a lot of criticism from my friends and colleagues, and that is that we have to tell the Presidents of those countries at some point in the future that we are coming in with aircraft to fly over those areas and drop these herbicides in large quantities on these coca fields so we can kill it. It would take about 5 days to 6 days with our planes flying up and down the upper Huallaga Valley to drop enough herbicides to kill 97 percent of the production in that country.

Now, if we were to do that, the first thing the President of that country would say is: "My gosh, that is an invasion of our territory. That is a violation of our sovereignty."

Mr. DREIER of California. Madam Speaker, will the gentleman yield on that point?

Mr. BURTON of Indiana. I am probably going to cover what the gentleman is going to ask, but go ahead.

Mr. DREIER of California. I just wanted to say this: The only reason I jumped back up is that I wanted to ask, why in the world do we have to say that we are going to do it? Why do we have to say that we are going to launch it? Why can we not just propose it at a summit like the one we had at Cartagena, where Garcia and Paz Zamora and Barco met with President Bush in a coodinated joint effort? That is just one of the things we have done in trying to deal with the situation in Mexico.

In the past we have had joint efforts along with the Government of Mexico, and I would hope very much that Bolivia, Peru, and Colombia would join with us, rather than just having us say we are going to fly in. I say that because they obviously want to see this brought to an end, based on the efforts that President Barco and others have seen in their countries.

Mr. BURTON of Indiana. I am not so sure that the other leaders down there have the same dedication to the elimination of the problem as President Barco has. I think President Barco is to be commended for what he has done in Colombia. I think it is a political problem, and I also think there is a modicum or maybe a large amount of corruption in those governments because there is so much money involved.

There are 200,000 campesinos in Peru and I do not know how many in Bolivia, probably 50,000 or 60,000, that are planting or growing coca leaf. So there are perhaps 200,000 people who have a voice in government there who are concerned about losing their income that is being derived from coca leaf production.

In addition to that, there is probably another million people who are dealing in manufacturing coca paste and producing actual cocaine to send to the United States. There are probably 4 or 5 times as many of those as there are actual coca farmers. I am not concerned about that million, but I think that those politicians probably are down there, and I think they are also extremely concerned about those small campesinos or farmers who are planting the coca leaf.

So here is what I think should be done, and I say to the President, "Mr. President, if you are paying attention to this special order tonight, I hope you will at least take under advisement what I am going to be saying and also what you will be reading in the papers in the weeks to come because I am going to be sending these as op-ed pieces to many of the publications across this country, hoping they will print them, because I think it is something that needs to be discussed at the very least."

The idea is that at 6 a.m. in the morning our President calls the President of Peru or Bolivia—probably it would be Peru first—and he says, "Mr. President, first of all, I apologize for waking you at such an early hour, and, second, I want to tell you that we are committed in the United States to winning the war on drugs, and toward that end we have decided the only way to stop the cocaine from coming into the United States in large quantities is to eradicate it. So we are flying up and down the Haullage Valley, starting at this time, and dropping the herbicides—it might be tebuthiuron, it might be something else—in quantities large enough to eradicate that coca leaf."

The first thing that president is going to say, whether it is Garcia or his successor, is: "Oh, my gosh, you can't do that. You are violating our territorial boundaries."

And we should say at that time, through our President, "We understand you are going to be upset about that. We fully expect you to take this to the U.N., we would not expect you to do otherwise, but we are in a war against drugs and hundreds of thousands of our young people are dying or being ruined for life because of that cocaine, no less than if you were making bombs in that valley and bringing them into our country and blowing up people. So since we are in a war against drugs, we are not attacking any of your population, but we are attacking that crop. We know that you have a political problem, and we know you are going to have an economic problem, and because of that we are going to help each one of those campesinos who are not going to be able to make a living off coca for the next 18 months or year or 2 years by giving them a stipend which will be fairly close to what they were making off the coca leaf."

So that takes away the economic argument, and it will save us millions and millions, perhaps hundreds of milliosn of dollars, by doing it that way instead of trying other approaches which are being talked about and which are actually being implemented right now.

Now, when they go to the U.N. and start complaining about that, then I think our ambassador to the U.N. has to say the things we have talked about tonight, and that is that "we know we are going up against drugs, and we know we can interdict, we can educate, we can help put people in jail who are dealing with drugs, but until we stop the product from being made and produced, we are never going to win the battle; the war will go on and on, and hundreds of thousands of young people, maybe millions, will ultimately suffer, and many will die."

So the bottom line in my view is that the President has to be willing to do what is absolutely necessary to win the war on drugs. We got a lot of heat from going into Panama, but it was the right thing to do. We got a lot of heat for going into Grenada, but it was the right thing to do. I submit that until and unless we can get the presidents of those countries to go along with an eradication program, we have no choice but to take the war to the cocaine producers in those valleys and eradicate those things as quickly as possible, because if we do not, they are going to be turned from coca leaf into coca paste and into cocaine and crack, and it is going to be killing America youth.

Now, people may say, "Congressman BURTON, you are on the Foreign Affairs Committee and you are one of those guys who are supposed to deal in a diplomatic way with members of foreign governments. Won't this cause a hue and cry across the world?"

Of course it is going to cause a hue and cry against our action, but my answer is this: I hate to offend foreign leaders, but if it comes to a choice between offending foreign leaders by going across their property and their land and spraying those crops with tebuthiuron, or whatever kind of herbicide we are talking about, to kill the coca leaf, if it comes to a choice between doing that and seeing hundreds of thousands of young Americans die or be ruined for life because of that product that is coming into this country, there is no choice to be made.

We as a Congress or as a people are supposed to defend the lives and the liberties of the people of this country, and people are dying because that coca leaf is being grown and produced, and it is being produced right now. We know exactly where it is being grown, and we are not doing anything about it but trying to interdict it, and that will not work. That will not get the job done. We will never win the war against drugs until we go to the source and eradicate the product before it becomes cocaine, or whatever ultimately the drug is going to be.

So I say to my colleagues tonight that I hope they will take this under advisement, and I say to our President tonight: "Mr. President, I hope you will take these thoughts under advisement, and I hope you will ultimately come to the conclusion that either we get those presidents and those leaders of those other countries to go along with an eradication program that will work or we will do it ourselves, because we will never win the war against drugs until we do."

A TRIBUTE TO THE LATE JOSE NAPOLEAN DUARTE

The SPEAKER pro tempore (Mrs. PATTERSON). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER of California. Madam Speaker, over the past several months we have witnessed some incredible changes in the world. Needless to say, what I have just said is an understatement.

We have also seen some great leaders play dynamic roles in those changes. We have seen Lech Walesa, Ronald Reagan, and Vaclav Havel, both of whom have stood right behind us in the last several months, and there have been a number of other leaders who have stood here and said great things. There have also been some who have not had the chance to stand here. When I think about the descriptions of what we have seen happen in the last several months, I cannot help but think of a statement that was made right here on October 18 of last year by the President of South Korea, who really described the changes that we have seen in the most incredible way.

We all know, Madam Speaker, that Roh Tae Woo is not an English-speaking person, but out of respect for us he spoke to us in English, and he said this:

"The forces of freedom and liberty are eroding the foundations of closed societies, and the efficiency of the market economy and the benefits of an open society have become undeniable."

□ 1730

Madam Speaker, these universal ideals, symbolized by the United States of America, have begun to undermine the fortresses of repression. That statement was given right here, Madam Speaker, by President Roh Tae Woo, and it to me describes the goals that were established by one of the great world leaders who just 2 weeks ago passed away, and I am referring, of course, to President Jose Napoleon Duarte who served as President of El Salvador.

El Salvador, as we all know, is an issue which has been hotly debated on the floor of this Congress for years, and years and years. Like the issue of Nicaragua, it, just when I came here in 1980, actually January 1981, was one of the issues that was being discussed because we of course saw the tragic murder of the nuns which took place in 1980. We also saw over that decade and those several years in early 1980 tremendous problems, horrible death squad activities which saw up to a thousand people a month murdered in El Salvador.

Madam Speaker, through that struggle we saw a person who had been a political leader in that country for years, had been forced into exile by a military government, emerge and become truly a great leader, one who struggled for peace, was himself a victim of the Farabundo Marti National Liberation Front when his daughter was tragically, tragically kidnapped by the FMLN. Many of his close friends and allies were brutally murdered by the FMLN, and yet his resolve never waned. He stayed tough, and he was able to live to see what he wanted to live to see, and that was the transition from one democraticly elected government to another, which was the first time in the history of El Salvador that that actually took place.

In addition, Madam Speaker, I think it is very, very important for us to recognize how grateful we are that Jose Napoleon Duarte, who according to many physicians was going to be dead long before that transition took place, did in fact live to see it, and I will never forget on June 1 of last year, when I had the privilege of going along with Senator LUGAR, the distinguished colleague of the gentleman from Indiana [Mr. BURTON] to represent President Bush at the inauguration of Alfredo Cristiani, and while there were many domestic political struggles that existed between the Christian Democrats and the Arena Party in El Salvador, at that huge stadium on January 1 there was not a dry eye in the stadium when we saw Jose Napoleon Duarte embrace his successor, President Alfredo Cristiani.

Madam Speaker, when we look at the life of Jose Napoleon Duarte, it is one which certainly is a very full one. He was born in 1925. His family had been very politically active over the years. He was educated right here in the United States in a place called Notre Dame University. I know the gentleman from Indiana [Mr. BURTON], my friend, is familiar with that institution. He served as mayor of San Salvador during the 1960's. He was founder of the Salvadoran Boy Scout program. He founded the Salvadoran Anti-Tuberculosis League and managed the Salvadoran Red Cross for a number of years. He appeared well on his way to serving as president in 1972, before Salvadoran soldiers halted the vote and actually imprisoned Mr. Duarte, during which time he was tortured and was left, as all of us have seen on many occasions, with severe scars on his face.

Finally, as I said a few moments ago, Jose Napoleon Duarte was driven out of the country. He returned in 1979 to a nation that was clearly beset by violence. He was able to come through a civilian military junta to the presidency in 1980, and ultimately in 1984, after a long struggle he was able to become elected president of the country.

Madam Speaker, in the face of seemingly insurmountable odds Jose Napoleon Duarte laid the foundations for continued political pluralism in a dramatic reduction of death squad activity.

Mr. BURTON of Indiana. Madam Speaker, will the gentleman yield?

Mr. DREIER of California. I would be happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, I hate to interrupt the train of thought of the gentleman from California [Mr. DREIER] because I know that he has a very detailed history of Napoleon Duarte.

I think President Duarte was probably one of the great leaders of our time in Central America because he was able to get the people all together and headed in the right direction during his tenure in office, and had it not been for the herculean efforts of Duarte, there would not have been the free elections that took place just last

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year when Cristiani was elected president.

So, Madam Speaker, I think that although we may have had some philosophical differences with Mr. Duarte, he was a Social Democrat, and not as conservative as many Members of the Congress would have liked.

We have to say unequivocally that he brought democracy to that country, and he carried out his tenure in office in a very fine manner, and had it not been for his conducting himself the way he did in office, we probably would not see democracy flourishing in El Salvador today.

Granted, there are still a lot of problems, but I would say that country and the entire world, particularly our hemisphere, owes Napoleon Duarte a tremendous thank you.

Mr. DREIER of California. Madam Speaker, the gentleman from Indiana [Mr. BURTON] is absolutely right, and I thank him for his fine contribution.

Madam Speaker, when one looks at the kind of reception that President Duarte got when he came to this country, we provided ovations to him, my colleagues will recall, and shortly after he was elected President, when he came, I remember the Committee on Foreign Affairs room, and he gave a very stirring address to us.

When my colleagues think about the fact, as the gentleman from Indiana [Mr. BURTON] points out very well, of moving on the road toward pluralism, openness and democracy was really the goal that he had. And of course he desperately wanted to insure that the three goals of the people of El Salvador and people throughout the world were implemented, those goals being peace, stability, and economic recovery, and I think that the work that President Duarte did very clearly moved us along the road in doing that.

For example, Madam Speaker, in 1984 he was able to successfully perceive with conviction those individuals who were responsible for the tragic murder of those nuns, which was a situation which really caused, as we know, a stir throughout the world——

Mr. BURTON of Indiana. Madam Speaker, will the gentleman yield just for a second on that point?

Mr. DREIER of California. I would yield further to my friend.

Mr. BURTON of Indiana. For those of our colleagues who may be paying attention to this, that was no easy task because the military has been extremely strong on El Salvador and a lot of the Central American countries, and for a president to take to task people who violated the law and committed these kinds of atrocities is a real show of strength in a man's character, and he risked his life, and he risked his presidency to a degree by doing that, and he really was a giant of a man.

Mr. DREIER of California. We all know with the action of the FMLN in kidnapping his daughter that he certainly was very personally drawn into this, and it is a very tragic irony that now President Cristiani is faced with the challenge of dealing with the murder of those Jesuits who last November 16 were tragically killed at the Central American University, and there of course have been dramatic improvements, and we have to recognize that.

As I was saying a few moments ago, a thousand people a month died from those tragic death squad activities. Last year the number of deaths was tragically 200. It was 200 in that year, and had it not been for the strong efforts of President Jose Napoleon Duarte, there is no doubt in my mind whatsoever that we would not have seen the kind of improvement which we have.

Then of course, Madam Speaker, we can shift to neighboring Nicaragua and the fact that the Gulf of Fonseca has been used as a route through which Soviet bloc weapons have come in to destabilize the Government of El Salvador, and President Duarte tragically died just before we saw that free and fair election take place in Nicaragua.

□ 1740

I am convinced that will be the beginning of the FMLN Communist guerrillas.

Mr. BURTON of Indiana. Well, if the gentleman will yield further, we all hope so. I would just like to say that Jose Napoleon Duarte, a graduate of Notre Dame and the University of Indiana, may have known about the outcome of that election after all. He may after his passing, having made it to heaven, see that democracy is flourishing not only in El Salvador, but will flourish in Nicaragua as well. If democracy changes the makeup of the Communist Sandinista military in Nicaragua, I think the gentleman in the well is absolutely correct in that the FMLN's days are numbered, because they will not be getting those supplies that they received before.

Mr. DREIER of California. Madam Speaker, I thank my friend for his comments.

I am not going to go through the litany because we have heard time and time again of the tragic deaths of government leaders and other officials, mayors, judges, which the FLMN is responsible for in El Salvador, these brutal murders.

We have, of course, constantly seen on the news the tragic news of Father Ignacio Ellacuria and the five other Jesuits and their housekeeper and daughter. I was along with the Moakley task force investigating this just a few weeks ago in El Salvador, but I think it is important to underscore the fact that there have been literally dozens and dozens of top government leaders, the attorney general, who have been brutally murdered by the FLMN.

President Duarte and now President Cristiani are standing up against that. Again it was President Duarte who clearly laid the groundwork.

I am pleased that President Duarte has been recognized in the United States as a clear leader. It is not often that I quote, I think it is the New York Times editorial on President Duarte. This was about a year and a half ago, talking about his illness that had taken place and the kind of leadership that he had offered. They said:

> But he has been that most valuable and admirable of politicians, a serious and decent person who chose to devote himself over the decades to the seemingly impossible mission of moving from his religious faith to the building of democracy in just about the most inhospitable circumstances imaginable. For his efforts he has suffered grievous personal and family injury at the hands of right and left alike. Yet he has persisted in dutifully advancing the civilizing democratic element in a political landscape dominated by barbarities. He has sought to create the institutions of a modern, self-governing society in a place where caprice and violence otherwise hold sway. Against immense odds he has struggled to create a center and make it hold.

I think that very clearly outlines the struggle that he was up against and how effectively he dealt with it.

Madam Speaker, I am happy to yield further to the gentleman from Indiana.

Mr. BURTON of Indiana. Madam Speaker, I just want to end my participation in this special order by saying that I think that newspaper article says it very, very well. Napoleon Duarte was a great man, a great leader, and he will be missed.

I thank my colleague, the gentleman from California, for taking this special order.

Mr. DREIER of California. I thank my friend for his contribution.

There are a few other quotes, Madam Speaker, that I would like to enter into the RECORD.

Madam Speaker, I would like to continue briefly by quoting the former U.S. Ambassador to Venezuela under President Carter, who said, "The key figure in Salvadoran politics in the last decade was President Duarte." He lauded him by saying that he was trying to build a shield against the insurgency, but behind it to produce reform, which if you think about it is an incredible challenge he was up against, to produce a shield from that insurgency and behind that shield to produce the kind of reform which we are now seeing and, of course, that transition which we saw take place last year was evidence of.

Another former Carter Ambassador to El Salvador commented, "He stood for reform, negotiation, and an end to the savagery of the armed forces."

President Oscar Arias of Costa Rica, who has been in the news certainly a great deal, described President Duarte as a man of peace who has left us. He fought for democracy like no one else.

One of his closest friends remarked,

> He will be remembered as having begun a process, for having created a tendency toward democracy, despite serious mistakes. He believes in democracy and tried to create one in extremely difficult circumstances.

Now, if you look at a number of the other statements that have come out, I remember this one back in 1985 when Time magazine said:

> Basketball may have been Duarte's game in college, but now he played high wire artist, poised between his country' extreme right and radical left.

Well, Madam Speaker, as we proceed to look at the legacy of President Duarte and the challenges which now are left with President Cristiani and others, tremendous gains have been made, but much remains to be done. We know that last November, tragically following months of peaceful negotiations, launched by the FLMN, a massive urban assault took place, beginning on November 11, just 2 days after the Berlin Wall went down. It is very unfortunate to see the way the FLMN had operated, not only throughout the years of President Duarte's life, but the way they have continued in recent months with this assault.

What they have done, Madam Speaker, is that when they have been losing on the battlefield, shifted to the negotiation table, and once they have spent a great deal of time at the negotiating table, they have been able to regroup and launch things like the November 11 assault on El Salvador.

I think President Duarte was one who recognized the necessity to be very vigilant. Seventeen times President Duarte attempted to negotiate with the FLMN, and yet virtually every time the negotiating process was going on, the FLMN was planning another major military assault against the people and the duly elected Government of El Salvador. Unfortunately, we see it today.

Madam Speaker, I continue to be optimistic. I am optimistic that the life of President Jose Napoleon Duarte was one which paved the way for peace, stability and economic recovery in El Salvador. It is not going to happen overnight. In fact, President Duarte in his inaugural address, warned against great expectations.

He said:

> Are we going to arrive at perfection? It is a satisfying thought, but I think not. We are human.

Well, it is obvious that President Duarte did not see El Salvador arrive at perfection, but he certainly can be very proud, as can members of his family and all of his supporters for the fact that he did lay the groundwork for the kind of peace and stability which I hope and pray the Cristiani government will be able to enjoy in the next several years to come. There are many challenges which lie ahead. I believe one of the most important things that we can do in the name of President Jose Napoleon Duarte is to have a consistent United States policy toward El Salvador. A consistent policy is essential. There are many people who have called for an immediate end to any kind of aid to that duly elected government. I think it would be a real mistake for us to do that now, because improvement has been made, as I pointed out, with that reduction from a thousand a month death squad activities to 200 last year. Again, not perfection, but certainly improvement, and it is absolutely essential that we have a consistent policy, and if for no other reason, Madam Speaker, we should have that consistent policy from the United States Government in the name of one of El Salvador and the world's most courageous heroes, Jose Napoleon Duarte.

Mr. GILMAN. Mr. Speaker, I rise to express my profound sadness upon the death of Jose Napoleon Duarte, former President of the Republic of El Salvador.

President Duarte was educated in the United States, at the University of Notre Dame, and remained a devoted friend of this Nation throughout his distinguished career. President Duarte was a beacon of democracy in his beleagured nation, and we here in Washington recognized his commitment. In fact, the affection and esteem the United States Government held for President Duarte endured long after his electoral popularity in Nicaragua began to dwindle.

Throughout his tenure as President, and even after his defeat in a reelection bid, Jose Napoleon Duarte was an outspoken advocate of democratic reform in El Salvador. Mr. Duarte was an adroit politician, adept at walking the tightrope of political conciliation. He diligently worked investigating the myriad allegations of human rights abuses in Nicaragua, and he did his very best to get the Nicaraguan business community to pledge its capital and skills to make life better for his fellow countrymen.

In a nation torn by violence, suffering and poverty, Mr. Duarte's leadership provided a ray of light. He will be missed by those of us who knew him, and we express our deepest sympathies to his family.

Mr. BROOMFIELD. Mr. Speaker, I would like to join my colleagues as they rise one by one to honor a man who fought courageously and with infinite tenacity not only in his battle against a tragic illness but also in his steadfast commitment to bring a better life to the people of El Salvador.

President Jose Napoleon Duarte was universally respected and admired by his friends and by his adversaries for his tireless efforts and visionary leadership to foster peace, democracy, and stability both in his nation and throughout the Western Hemisphere. As the first democratically elected President in El Salvador in more than 50 years, his struggle to bring his country from chaos and despotism to democracy was an inspiration to all Americans.

As we in the Congress take leave one last time of our faithful and noble ally, I hope each of us will do all we can to bring about a lasting monument to Jose Napoleon Duarte: the establishment of peace and democracy in El Salvador. We can do no less to honor this man.

GENERAL LEAVE

Mr. DREIER of California. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mrs. PATTERSON). Is there objection to the request of the gentleman from California?

There was no objection.

PROCESS IN THE 101ST CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of New York. Madam Speaker, I would like to take about 30 of my 60 minutes to just talk about process in the present session of the 101st Congress. I am greatly disturbed about the way some things are being orchestrated. The process will determine in many cases the results and the results I think will be bad results because of an unusual process.

□ 1750

I would like to take just three bills that I think are very important and express my concern about the way they are being moved in this House. The Americans with Disabilities Act I am greatly concerned about. That is an act we started in 1987, I think, and continued in 1988, and in 1989 there was a great renegotiation that took place. That is the Tony Coelho bill. Tony Coelho was a sponsor, and he led the negotiations. The Senate, the House, the president agreed, a bill was passed in the Senate in 1989 fairly early in the session, and then it was referred to four committees in the House.

The Americans With Disabilities Act is a very important bill. It affects the civil rights of 43 million Americans. I think that nothing is more important than completing the civil rights agenda and guaranteeing to these 43 million Americans their civil rights in order to enable them to become more productive citizens.

I think also that the second bill that concerns me is very important also,

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H.R. 3, the child care bill, which went through a process of 3 years of negotiations and hearing in the Committee on Education and Labor. We had numerous hearings. We had negotiations with numerous groups about problems related to the bill, and there was a consensus finally reached. The bill passed from the subcommittee. It passed out of the committee into the House. It passed on the floor of the House. But in the conference process, the bill was killed last year.

We see no signs of that bill now in the pipeline except in strange comments that are being produced sometimes by constituents of mine. I was shocked to have some constituents of mine come to my office to talk about the child care bill, and they reported to me that there were certain Congressmen who informed them that some Congressmen had gone to the White House and met with White House operatives, and a deal had been made about the child care bill, and the only bill that had any chance of passing and not being vetoed by the President was the bill based on the deal that they had made. But I have not seen the deal bill. I have not seen the results of this behind-the-scenes deal which had no hearings, no negotiations that I know of other than the supposed White House deal. So I am concerned about that.

I am concerned also about H.R. 1675, which might be called the President's initiative to promote excellence in education. This morning the Elementary and Secondary Schools Subcommittee voted to postpone the markup for this President's initiative to promote excellence in education, the bill H.R. 1675. I am very concerned about why that bill was rushed to us, and there is a push to get that bill acted upon in a House which is not concerned about the child care bill, and takes so much time to draft, in a House of Representatives that seems not to be concerned about the movement of the Americans With Disabilities Act. I am very concerned about that one, and every day that goes by, things get more complicated.

Here is a bill the President agreed upon from the very beginning, and it had White House support, the Senate passed it by a wide margin, the Committee on Education and Labor voted it out last November. Why is the Americans With Disabilities Act being dragged slowly through the House, while at the same time H.R. 1675, the President's initiative to promote excellence, is being rushed?

We have serious doubts about the results that will be achieved. We know there will be no positive results if this particular President's initiative to promote excellence is rushed. We would like more time to take a closer look at it.

I am concerned, and to go back in more detail and talk about the Americans With Disabilities Act, I think it is important for Members of the House as well as the American people in general to understand that it was very much supported by the President. President Bush started in 1988, and I quoting the President, "I am going to do whatever it takes to make sure the disabled are included in the mainstream. They are not going to be left out anymore." The President supported the bill, which passed the Senate by a vote of 76 to 8, 76 in favor, in September 1989.

Unfortunately, following the raft of favorable publicity the White House received for its positive stand on the bill following Senate passage, the administration has been notably inactive after they got the publicity and the credit, and everybody was applauding including myself. I applauded the President for his positive action, and suddenly the administration has become notably inactive to round up House Republicans to support the legislation.

Yesterday as ADA was being marked up in the House subcommittee, another strange thing happened. The Subcommittee on Surface Transportation, and as I said before, four different committees have jurisdiction over the bill, and the only one that has passed it in the House so far is the Committee on Education and Labor following the leadership of my Subcommittee on Select Education, but yesterday as ADA was being marked up in the House Subcommittee on Surface Transportation, a rumor began to circulate that the administration was no longer in favor of the bill. It was brought to my attention by some alarmed members of the community of people with disabilities. The leadership there were quite upset by the fact that as a result of this dragging in the House, these kinds of complications had begun to develop, and suddenly the President and the administration had indicated they were no longer interested in the bill. That was the rumor. I do not know at this point how true that rumor was.

There are some counterrumors saying that is not so, but the White House has not made a statement recently on where it stands on the bill.

It is true that the House of Representatives and the committees that are now controlling the bill are under the jurisdiction of Democrats. I am baffled as to why Democrats take so long in moving a bill which the community of people with disabilities, those who are most affected, both Democrats and Republicans have agreed is an excellent bill, and they have agreed it is a practical bill, and it is not everything they wanted, but they agreed it is a bill they can live with and would be enthusiastic about if only we would go on to pass it. They have applauded the President. They have applauded the Senate. But the Democratic-controlled House of Representatives is dragging its feet.

As a result, we have these rumors beginning to circulate and new complications develop. It would help if the White House would tell us where it stands on the act, and it would help the process certainly, and it would help the process if the Democratic leadership would tell us where it stands, and beyond telling us where it stands, use its muscle to move the bill.

We would like to see the Americans with Disabilities Act passed.

Unfortunately yesterday I am told by members of the disability community, and I have not had a chance to analyze it very closely, but they say that members of the Committee on Public Works passed an amendment which seemed to water down one of the provisions in the act. I will investigate that further. I find it very strange that any subcommittee or committee of Democrats would be watering down a civil rights bill for people with disabilities which has already been approved and passed overwhelmingly by the Senate and very much endorsed, at least one time, by the President. This legislation represents a strong effort on the part of the U.S. Government to expand the parameters of our own democracy, as I said before, by including 43 million citizens into the American mainstream. It is long overdue and will benefit our entire Nation.

Americans all across the land are cheering on the heroic efforts of nations all over the world who are aggressively asserting the democratic ideals our country stands for, and these other nations are changing their entire structure of their governments in ways considered unimaginable even a year ago.

Americans with disabilities who want to participate fully in American life are wondering, if the forces for democracy and participation can prevail in Eastern and Central Europe against formidable obstacles, why cannot our great Nation pass this legislation so rooted in our democratic ethos and ideals and pass the legislation without devastating weakening amendments, why the forces for freedom are winning victories around the world, but they are struggling to have their message acted on in the freedom and opportunity-loving United States?

This legislation represents a concrete opportunity for America to reassert world leadership in the promotion of freedom and opportunity and the establishment of human rights for a severely disadvantaged minority. They have a large minority. It is 43 million people. They spread across the whole United States. They are in every congressional district.

□ 1800

The Canadian Parliament is sending a delegation to Washington later this month to learn more about what the United States is doing in establishing civil rights for people with disabilities. That is ironic, is it not?

Will the President lift a finger to get this legislation passed in a worthy and effective form, or will he continue to be distracted by whatever the White House's issue of the week happens to be?

Will the White House lead on this issue or will it continue to drift? I think the disabled community knows the difference between rhetorical commitment and a real commitment to their civil rights. They want to know where the President stands and what is the true depth of his commitment on the most important piece of legislation affecting them that the Federal Government has ever considered.

They have little regard for Republican Members of Congress who posture by offering amendments to strengthen the bill in committee that they know will not pass, and which they unalterably oppose behind closed doors.

People with disabilities are tired of being told in their districts or in letters that their Representative cosponsors a bill even as he or she gives the big wink to efforts to weaken its transportation provisions, and transportation is a particular problem.

The White House chooses to roll the dice and risk losing the credibility and good will it has created with Americans with disabilities.

I call upon my colleagues in the House to take a firm stand against the White House's shenanigans, to assert our commitment to freedom, opportunity, and full civil rights protection for Americans with disabilities, and a strong America that such an act will bring about.

No reason has been given for the White House's vacillation. The bill that will ultimately go to the House floor will likely be a weaker bill than the Senate-passed version which he endorsed.

I am blaming the President, but, of course, I imply and I will state straight out the President obviously has to manipulate some Democrats in order to accomplish this as the bill is now before the Democratic-controlled House.

The bill that will ultimately go to the House floor we do not want to be weaker than the bill the Senate has passed already. If the President continues to waiver, to sit on the sidelines as this great crusade for human freedom reaches its crucial moment, I say to my colleagues let us go ahead. Let us seize the initiative as Democrats and pass the bill without his support, and resoundingly override a veto if it comes to that. But I do not think it will come to that, because basically the bill does have bipartisan support. There are great pressure groups mounting, certainly in the area of people who are in the transportation business, that have begun to confuse the issue and begun to make some people stray, but basically it is a strongly supported bipartisan bill.

We have a historic opportunity, but I hope that we do not let a messy process, a wavering by Democrats, a baffling reluctance to go ahead and do what is right. Let us do what is right for the people with disabilities in America and pass this bill out of the House.

In the same vein I would urge that H.R. 3, the child care bill, or a bill very similar to the child care bill which passed the House last fall, that that bill go forward and be considered the only legitimate child care bill, the only bill with real credibility, the only bill with great substance, the only bill that has had the benefit of the debate and the negotiations and the consensus process with various groups.

H.R. 3, the child care bill, should have the support of the leadership in this House. It should have the support of every Member of Congress. No substitute that has been offered has been taken through the same process.

If we have alternatives that are being offered seriously, then I urge those people who have those alternatives to come forward, to hold hearings on their bills, to give us a chance to take a close look at it, and not to send pronouncements down from their committees or subcommittees that they have gone to the White House and they have made a deal and that that is the only thing that is going to happen.

The whole process of dealmaking I strongly protest. Of course, there are good deals and bad deals, but when deals are made without the benefit of the democratic process, of the Legislature which has already held hearings, negotiations, and so forth, you make deals after you have gone through that process, deals are made ahead of time leapfrogging over the process, and those can only be bad deals.

Whereas some people pride themselves on being able to go to the White House and make those kinds of deals, I would caution certainly the members of the Democratic Party from participating too often in those kinds of deals for sanctioning. If our party leadership, our caucus, sanctions dealmaking, then what are we doing? The end of the two-party system is at hand. Because always instead of supporting a party position and giving the people of America the benefit of seeing the position of both parties and hearing a debate and making up their minds about which one is right, we will only have one party, and that is the party which controls the White House.

The party which controls the White House has a great deal of leverage. We will have numerous other little caucuses and groups that decide they want to make their deals. As soon as they have some leverage, something to make a deal with, they will go and make a deal.

I want to caution the Democratic leadership and the American people in general that we will be moving in the wrong direction, toward a one-party system, while the rest of the world is moving toward multiparty systems. Even the Soviet Union. Even Mr. Gorbachev concedes in theory it will be a good idea to have a multiparty system.

In the meantime we have the appearance of a two-party system while dealmaking behind the scenes cuts down the effectiveness and significance of our second party. I do not want to be a member of a second party.

I would caution people who believe in dealmaking to stop and think about the fact that every group has the possibility of a deal. When dealmaking becomes the norm instead of the exception, we can all go and make some deal, which may very much destroy the fabric of the party that is not in the White House.

So dealmakers, beware. What you have done on H.R. 3 I hope will not prevail. I certainly hope that the members of Congress will look at H.R. 3 as the only legitimate, credible child care bill and go forward to take action on that bill.

Finally I would like to comment on H.R. 1675, the Presidential initiatives to promote excellence in education.

Just the opposite has happened. The President, there is a big push from somewhere to act and act immediately on H.R. 1675. Some people argue that, well, it is not an unusual push. The drive to get immediate passage on this bill is not unusual because the President did introduce it a year ago. A whole year has gone by. You should have seen it, you should have discussed it, and should be ready to act upon it.

We voted to postpone action on this this morning in the Subcommittee on Elementary and Secondary Education of the Committee on Education and Labor. We voted to postpone it because we said we want more time to accomplish the following. We think it is very important that the bill is a year old. In that respect it is somewhat obsolete because developments related to education have been moving so rapidly and there are so many different entities involved that we need to stop and see what is the impact of those entities on the proposals that have been made in H.R. 1675 by the President. What is the impact of the process that the President himself has set in motion?

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The President called a conference of Governors. Now those Governors have come back with a set of goals. The President has endorsed that set of goals that the Governors came back with.

Now, where in this bill are those goals addressed? Why can we not have a new initiative by the President, a revision at least of his old initiative, to reflect the fact that the Governors adopted certain goals?

In addition to the goals the Governors adopted, there are other people who are very concerned about education and have spent a great deal of time in analyzing the problem and coming forward with some proposals. Those other people who want to propose goals and who want to be in on this starting process of revamping the American education system, their proposals for goals should also be considered.

I certainly would like the process of the subcommittee which I head, the Subcommittee on Select Education, to be considered as we move toward prioritizing a first initiatives bill. This is going to be the first step the President takes in what I assume will be a series of steps which will result in the revamping of education in America.

Now, my subcommittee put out a report in September 1988 which was entitled "Preliminary Staff Report on Educational Research, Development, and Dissemination: Reclaiming a Vision of the Federal Role for the 1990's and Beyond."

I would like to, in addition to the goals of the Governors, have the goals that we set forth in our report be considered.

On page 9 of that report we set forth some goals which we say should be realized by the year 2000. I will read a few of those goals.

By the year 2000 we said we should fully implement early childhood programs to cover all eligible children.

I think the President is on the same wavelength as we are on that one, because he at least in his new initiatives with respect to the budget for education has proposed an increase in the amount of money for early childhood programs via Head Start.

An increase in money for Head Start moves us a few inches forward. If only he would adopt our full goal and say that we want to fully implement early childhood programs so that every child that is eligible, who meets eligibility requirements in terms of poverty, background, et cetera, that every child will be considered by Head Start in the next 5 years. He has appropriated some additional dollars. More children can be covered if we pass the President's budget, as we will, with respect to Head Start.

We would like to go forward and have a commitment made to increase that every year until every child who is eligible is covered.

□ 1810

We have another goal. We said we think we should achieve a 90-percent graduation rate for high school. We are quite happy that it seems somebody in the President's entourage read our report and at least agreed with that one exactly, because that is what the President proposes, to achieve by the year 2000, a 90-percent graduation rate for our high schools, to have 90 percent of our youngsters in our schools graduating. So we applaud that particular goal.

However, we also said we would like to see the introduction of Oriental and Slavic language studies into every high school in America. We think in order to get the advantage, in order to be able to deal with our competitors throughout the world, our students and our next generation needs to speak more languages. Whereas French, Spanish, and certain basic European languages are widely taught, there are very few classes across the country teaching Oriental and Slavic language, particularly Oriental languages since we are immediately, every day facing the intense competition from Japan.

One reason that Japan succeeds so well in their competition is that a large number of the Japanese businessmen and their technicians underneath them, the people in the advertising world speak English, and anybody who has ever studied languages knows that when you study them you do not just study words, but you study the background of the people, and the nuances of the languages. There are a lot of things that languages tell us about people, and when we know those things, we can prepare advertisements, and we can deal with catalogs, and we can do a number of things with the process of selling products when we know the language, many more things than we can if we do not know. For the American businessman going to Japan, what they have to do is hire some Japanese to deal with doing their advertising and a number of other things that cannot be done unless you know the language. They lose the advantage right away.

So the introduction of Oriental and Slavic languages, that is a moderate goal. We just say introduce them, have at least the alternative presented to students who want to take Oriental and Slavic languages in every high school in America by the year 2000. We think that goal is as important as any goal that has been enunciated here.

We would also like to see the doubling of the number of minority graduates who come out of college and enter the teaching profession. We would like to see, instead of the trend now where fewer and fewer minorities, Latinos and African-Americans, fewer and fewer go into teaching every year, so there is a declining curve where we have fewer, now many fewer than we had 10 years ago, and the rate is decreasing, we think it is very important if we are going to deal with the other problems that are enunciated to have more African-American and Latinos and other minority teachers, so we must consider this goal also.

We would like to see by the year 2000 achievement of a 90-percent grade level reading rate for all ninth graders, and have a national test to determine what is the best reading level for ninth graders right across the country.

In the next 10 years following the year 2000, between 1999 and 2009, we set another set of goals. Increase by 50 percent the number of students who are entering into and graduating from college. We need to have more people who have college educations, who are able to take on the difficulties of our complex society and deal with the kinds of jobs that will be available in the year 2000 and beyond.

We also call for the improvement of the ratings of the performance of American students in international math and science comparisons. Here the President has gotten ahead of us. The President in his State of the Union Message called for making America No. 1 in math and science by the year 2000. I applaud the President. I join him in waving the flag. Here is one place where all Americans can get on board and say together we are going to try to achieve that goal. It would have a great impact and greatly improve our society if we could go with the President and by the year 2000 try to be No. 1 in math and science throughout the world.

Now, what does that mean? That means that there has to be a commitment immediately by the President to the training of more math and science teachers. In order to do that you are going to have to offer scholarships and fellowships, and approach our universities and our colleges and deal with the fact that there are so few people who are now involved in the teaching of math and science. You cannot achieve the goal without more teachers immediately.

But we applaud that, and I would like to join the President and say that is a very good fighting call, and all Americans should get behind us in trying to become No. 1 in math and science by the year 2000.

That does not mean that I do not think we should be No. 1 in language competence, in foreign languages, or No. 1 in terms of creative products like poetry and drama and plays. Czechoslovakia now has a playwright as President, and that is a great goal for us one day to shoot for, to have a playwright or a novelist. I do not think those particular pursuits will be neglected because we are focusing on the math and science. I think some resources may be freed up if the Federal Government got more involved in math and science education and produced more of the resources for the math and science program. Localities and States would then have more money for some of these other things in these other areas, although sooner or later we need to have an across-the-board commitment by the Federal Government to help educate people in every area.

Another goal that we had was that we wanted to ensure 100 percent computer literacy for all high school graduates by the year 2009. We wanted to introduce individualized educational programs in all elementary and secondary schools, and achieve a 90-percent national adult literacy rate by the year 2000. Again, the President has said that he wants to have a 100-percent literacy rate, and I applaud the President on that goal, and I think we ought to go forward to do whatever is necessary to reach that goal. We agree with him and I am glad he went beyond us.

The key question that should be asked in the case of these goals and in the case of the goals that have been set by the Governors' Council is what activities will we undertake to facilitate the achievement of these goals. The President this year in H.R. 1675 should be asking and answering that question in terms of phase I. We should approach the redevelopment and revamping of our educational system in America the same way we approach the establishment of a first-rate defense system, or the same way we approach the problem of putting a man on the moon. It takes a massive effort, guided and coordinated by the Federal Government in this case, and most of the money and resources come from the State and local levels, but more money and resources and guidance should come from the Federal Govenment.

At present our Government is undertaking these responsibilities for only 6 percent of the total expenditures for education. In other words, we estimate that last year about $360 billion totally in this country was spent on education, higher education, kindergarten, all of it, everything related to education, and of that $360 billion only 6 percent was financed and paid for, funded by the Federal Government.

Six percent is where we were last year. At the beginning of the Reagan administration we were paying about 8 percent of the total education budget. We have gone down at a time when education has obviously become critical to all of us, and we obviously see that our system is in trouble. So we should move from 6 percent toward 25 percent by the year 2000. That 25 percent is still only a small part of the total expenditure. We should move from 6 percent to 25 percent in terms of funding for education-related matters, and we should also move in terms of decisionmaking.

I do not want central control or Federal control of education, but if the Federal Government is involved in helping to make decisions, and guiding the process, and setting standards, just 25 percent of the total decisionmaking is Federal decisionmaking, that does not ruin the local and State control. Local and State entities would still have 75 percent of the control.

So we should talk about those kinds of goals and where we should move in that direction.

In order to achieve most of these goals we need a firmly established, well-working research and development system. Just as the Defense Department spends a large part of its budget on research and development and would not be a first rate defense apparatus if it did not spend a great deal of money on research and development, we have to spend a great deal of our budget on research and development. Any large corporation or enterprise, Xerox, IBM, they all spend a minimum of 1 percent of their total budget on research and development, and our Federal Government is spending only about $100 million on research and development, whereas 1 percent of the total budget, $360 billion, would be close to $3 billion. Maybe the Federal Government should not undertake spending all of the money. Private enterprise could do some educational research and development as well, and the military should make a contribution since it is doing research and development. The products that it produces should be transferrd to the civilian sector so that we can have the benefits of the military research and development on education. They do research and development on education also. But we are far from the goal of 1 percent.

The Governors' goals have all been stated in very general terms. All children in America will start school ready to learn. That is one of the Governor's goals. The Governors have said, as part of the explanation of these goals, that parents will have access to the training and support they need in order to prepare children to start school ready to learn.

That is a tall order.

□ 1820

We would like to see how that is going to be accomplished. We would like H.R. 1675 to tell us what the first step is in carrying out that goal, having parents have access to training and support. What is the first step, Mr. President?

They also said all children should go to school, they should receive good nutrition and their health care needs would be met through an enhanced health care system.

What is your first step, Mr. President, in moving on that goal?

Women, infants and children's program is serving only half of the eligible women, infants and children; only half are getting any help through our present program.

Are you saying that you are going to provide another $2 billion so that all women who are eligible for the women, infants and children's program will receive services in order to reach this educational goal? I hope that is what you are saying. But I think it ought to be stated in H.R. 1675. What is the first step toward the achievement of that goal?

As I have said before, they have stated high school graduations will increase by 90 percent. What are you going to do in order to do that? The biggest problem is with the minority youngsters, African Americans, Latinos; how are we going to take steps to intervene into the culture, into the neighborhood, and come to grips with the other problems they are facing which prevent children from learning in school? What is your first step, Mr. President? Tell us in H.R. 1675.

They said U.S. students will leave grades 4, 8, and 12 having demonstrated competency over challenging subject matter, including English, mathematics, science, history, and every school would insure that all students are prepared for citizenship and further learning in productive employment.

How will you take the first step to guarantee that, Mr. President?

Every adult American would be literate? What is your first step? In H.R. 1675 we would like more dialog.

We turned down the bill today—we did not turn it down, we postponed action on the bill today because the process is backwards. You are being presented with a fait accompli without much discussion. We are being presented with a bill written a year ago before the Governors had proposed their goals. We are given a bill which does not consider goals that have been offered by many other bodies, including a subcommittee of the Congress which is very much concerned and who have spent a great deal of time on this issue.

We would like to have the processes of the House to get back to a greater degree of professionalism, we would like to have the time-honored process to produce good legislation, that that be allowed to take place. Let us have maximum debate discussion, let us have a minimum of deals made at the White House.

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Let us go forward and be serious about issues that have a great impact on the majority of the American people. Let us be serious about passing the Americans with Disabilities Act. Let us do that and do it rapidly.

Let us be serious about a first-rate credible child care bill which really does something for children and not allows us to go back home and just say that we have passed a bill.

There are some people who are willing to pass anything so long as they can say, "We took care of child health care." That is a betrayal of the children of America.

Finally, on education, which is on everybody's mind, the President wants to be the education President. We stated we wanted to be the education Congress.

Let us make sure that our first steps, our first initiatives are linked up with other things that are going to be done. Let us have a clear master plan as to where each step that we take each year will lead us by the year 2000.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Tennessee (at the request of Mr. GEPHARDT), for March 6 and March 7, on account of personal business matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes each day, on March 8, March 13, March 14, and March 15.

Mrs. BENTLEY, for 60 minutes, on March 8.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. FRANK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of Utah, for 30 minutes, today.

Mr. OLIN, for 60 minutes, on April 4.

(The following Member (at the request of Mr. OBEY) to revise and extend his remarks and include extraneous material:)

Mr. GONZALEZ, for 60 minutes each, on March 12 and 15.

(The following Member (at the request of Mr. OWENS of New York) to revise and extend his remarks and include extraneous material:)

Mr. OWENS of Utah, for 60 minutes, on March 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. ROS-LEHTINEN) and to include extraneous matter:)

Mr. LENT.
Mr. DICKINSON.
Mr. CAMPBELL of California.
Mr. BEREUTER in three instances.
Mr. SKEEN.
Mr. GREEN in two instances.
Mr. GOODLING.
Mr. ROBERTS.
Mr. GILMAN.
Mr. GEKAS.
Mr. DORNAN of California.

(The following Members (at the request of Mr. FRANK) and to include extraneous matter:)

Mr. YATRON.
Mr. COLEMAN of Texas.
Mr. FASCELL.
Mr. RANGEL.
Mr. HAMILTON.
Mr. MRAZEK.
Mr. KOSTMAYER.
Mr. PEASE.
Mr. WISE.
Mr. ROYBAL.
Mr. HOCHBRUECKNER.
Mr. WEISS.

SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1430. An act to enhance national and community service, and for other purposes; to the Committee on Education and Labor.

S. 2151. An act to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer; to the Committee on Armed Services.

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, TX, and

H.R. 4010. An act to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms.

ADJOURNMENT

Mr. OWENS of New York. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, March 8, 1990, at 11 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of 1989, as well as reports of the delegations to the North Atlantic Assembly, in connection with foreign travel pursuant to Public Law 95-384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Mr. Bert R. Pena	11/4	11/9	Hong Kong	8,200.50	1,050.00						1,050.00
	11/9	11/10	Japan		195.00						195.00
Commercial transportation							2,673.00				2,673.00
Mr. John Hogan	11/14	11/12	Hong Kong	8,200.50	1,050.00						1,050.00
Commercial transportation							2,339.00				2,339.00
Other expenditures:											
Embassy personnel						455.92	58.35				58.35
Representation									77.50		77.50

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Committee total					2,295.00		5,070.35		77.50		7,442.85

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E de la GARZA, Chairman, Feb. 12, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John Murtha	10/7	10/9	Panama		66.67		1,535.00				1,601.67
Hon. John Murtha	12/15	12/16	United States		75.00						75.00
	12/16	12/16	El Salvador		89.00		1,535.00				1,624.00
Hon. John Murtha	12/28	12/29	Panama				1,535.00				1,535.00
Hon. John Porter	11/30	12/3	Taiwan		777.00						777.00
	12/3	12/6	Hong Kong		630.00						630.00
Commercial transportation							4,593.00				4,593.00
Hon. Carl Pursell	11/25	12/3	Japan		1,800.00						1,800.00
Commercial transportation							2,715.00				2,715.00
Delacroux Davis	12/6	12/9	United States		500.00						500.00
	12/9	12/14	New Zealand		636.00						636.00
	12/14	12/17	Antarctica								
	12/18	12/18	New Zealand		159.00						159.00
	12/19	12/21	United States		255.00						255.00
Commercial transportation							5,388.31				5,388.31
Robert V. Davis	12/4	12/5	Panama		360.00						360.00
	12/5	12/7	Colombia		290.00						290.00
Military transportation											
Richard E. Efford	11/27	11/27	Netherlands		164.00						164.00
	11/28	12/4	France		1,288.00		118.00				1,406.00
	12/5	12/5	Italy		179.00						179.00
	12/6	12/12	England		1,373.00		76.80				1,449.80
Commercial transportation							2,135.40				2,135.40
Henry E. Moore	11/27	12/8	Germany		836.00		45.00				881.00
Commercial transportation							4,379.00				4,379.00
Terry R. Peel	12/10	12/12	U.S.S.R		544.00				18.00		562.00
	12/12	12/13	Italy		208.00						208.00
	12/13	12/18	Israel		830.00				12.00		842.00
	12/18	12/19	United Kingdom		217.00				108.00		325.00
Commercial transportation							5,559.00				5,559.00
John G. Plashal	10/7	10/8	Panama		66.67		1,535.00				1,601.67
John G. Plashal	12/15	12/16	United States		75.00						75.00
	12/16	12/16	El Salvador		89.00		1,535.00				1,624.00
John G. Plashal	12/28	12/29	Panama				1,535.00				1,535.00
Donald E. Richbourg	10/7	10/8	Panama		66.67		1,535.00				1,601.67
Donald E. Richbourg	12/28	12/29	Panama				1,535.00				1,535.00
Paul E. Thomson	12/4	12/9	United States		571.50		144.86				716.36
	12/10	12/14	New Zealand		636.00		344.00				980.00
	12/14	12/18	Antarctica								
	12/18	12/18	New Zealand		159.00						159.00
	12/19	12/21	United States		255.00						255.00
Commercial transportation							3,516.73				3,516.73
Committee total					13,195.51		41,295.10		138.00		54,628.61
Appropriations, surveys and investigations staff:											
Fred Brugger	12/4	12/7	Colombia		307.00		1,589.59		63.00		1,959.59
Carroll L. Hauver	10/25	10/28	Argentina		371.00		3,553.00		273.94		4,197.94
	10/29	11/1	Peru		343.00						343.00
	11/1	11/3	Mexico		229.50						229.50
	12/3	12/5	Panama		190.00				38.40		228.40
	12/5	12/7	Colombia		221.00						221.00
William P. Haynes	10/23	10/25	Ecuador		231.25		3,411.00		59.48		3,701.73
	10/26	11/1	Brazil		656.50						656.50
	11/1	11/4	Bolivia		231.00						231.00
Henry P. McDonald	10/25	10/29	Argentia		371.00		3,553.00		277.24		4,201.24
	10/29	11/1	Peru		343.00						343.00
	11/1	11/3	Mexico		229.50						229.50
	12/3	12/5	Panama		190.00				25.92		215.92
	12/5	12/7	Colombia		221.00						221.00
Robert H. Pearre	10/23	10/25	Ecuador		231.25		3,411.00		56.12		3,698.37
	10/26	11/1	Brazil		656.50						656.50
	11/1	11/4	Bolivia		231.00						231.00
Robert J. Reitwiesner	10/23	10/26	Ecuador		231.25				51.27		282.52
	10/26	11/1	Brazil		580.75						580.75
R.W. Vandergrift	10/25	10/29	Argentia		396.00		3,659.00		372.10		4,427.10
	10/29	11/1	Peru		343.00						343.00
	11/1	11/2	Mexico		153.00						153.00
	12/3	12/5	Panama		190.00				26.20		216.20
	12/5	12/7	Colombia		221.00						221.00
Committee total					7,368.50		19,176.59		243.67		27,788.76

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman, Feb. 5, 1990.

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Representative A. Hawkins	12/14	12/17	Japan		931.00		4,350.13				5,881.13
	12/18	12/21	Korea		600.00						
Representative C. Hayes	12/14	12/17	Japan		931.00		4,350.13				5,881.13
	12/18	12/21	Korea		600.00						
Carole Stringer	12/14	12/17	Japan		931.00		4,350.13				5,881.13
	12/18	12/21	Korea		600.00						
Andrew Hartman	12/14	12/17	Japan		931.00		4,350.13				5,881.13
	12/18	12/21	Korea		600.00						
Barbara Dandridge	12/14	12/17	Japan		931.00		4,102.23				5,633.23
	12/18	12/21	Korea		600.00						
Committee total					7,655.00		21,502.75				29,157.75

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GUS HAWKINS, Chairman, Feb. 6, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Barrett	10/12	10/16	Belgium		732.00						732.00
	10/16	10/18	Hungary		348.00						348.00
	10/18	10/19	Czechoslovakia		196.00						196.00
	10/19	10/25	Italy		1,489.00						1,489.00
	10/26	10/30	Thailand		668.00						668.00
Commercial airfare							5,399.00				5,399.00
David Nelson	10/12	10/16	Belgium		732.00						732.00
	10/16	10/18	Hungary		348.00						348.00
	10/18	10/19	Czechoslovakia		196.00						196.00
	10/19	10/25	Italy		1,489.00						1,489.00
	10/26	10/30	Thailand		668.00						668.00
Commercial airfare							5,399.00				5,399.00
Stephen Sims	10/12	10/16	Belgium		732.00						732.00
	10/16	10/18	Hungary		348.00						348.00
	10/18	10/19	Czechoslovakia		196.00						196.00
	10/19	10/25	Italy		1,489.00						1,489.00
	10/26	10/30	Thailand		668.00						668.00
Commercial airfare							5,399.00				5,399.00
John Shelk	10/12	10/16	Belgium		732.00						732.00
	10/16	10/18	Hungary		348.00						348.00
	10/18	10/19	Czechoslovakia		196.00						196.00
	10/19	10/25	Italy		1,489.00						1,489.00
	10/26	10/30	Thailand		668.00						668.00
Commercial airfare							5,399.00				5,399.00
Peter Stockton	10/31	11/02	Hong Kong		630.00						630.00
Commercial airfare							1,851.00				1,851.00
Bruce Chafin	10/31	11/02	Hong Kong		630.00						630.00
Commercial airfare							1,851.00				1,851.00
John Hambel	10/31	11/02	Hong Kong		630.00						630.00
Commercial airfare							1,851.00				1,851.00
David Finnegan	11/15	11/18	Switzerland		398.00						398.00
Commercial airfare							2,417.00				2,417.00
Teresa Gorman	11/15	11/18	Switzerland		398.00						398.00
Commercial airfare							2,417.00				2,417.00
Tim Westmoreland	11/10	11/16	Italy		416.00						416.00
Commercial airfare							981.00				981.00
Joe Barton MC[3]	11/12	11/14	Switzerland								
Commercial airfare							1,337.00				1,337.00
Codel Expenses											
Yugoslavia									12,294.84		12,294.84
Venice									1,189.49		1,189.49
Committee total					16,834.00		34,301.00		13,484.33		64,619.33

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Per diem will be filed on supplemental report.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Warner Session	11/7	11/8	France	1,266.54	202.00					1266.54	202.00
	11/8	11/14	West Germany	1,503.89	816.00		860.79				1,676.79
Kenneth Salaets	11/7	11/8	France	1,266.54	202.00					1266.54	202.00
	11/8	11/14	West Germany	1,503.89	816.00		860.79				1,676.79
Hon. Steven Schiff	11/9	11/10	Panama		206.00		[3] 5,963.48				6,169.48
	11/10	11/12	Nicaragua								
Peter Barash	12/13	12/17	France	4,999.28	836.00		2,667.27				3,503.27
	12/17	12/19	Belgium	14,880	400.00		259.84				659.84

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT OPERATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Theodore Jacobs	12/19	12/22	Spain	113,730	1,020.00					113,730	1,020.00
	12/13	12/17	France	4,999.28	836.00		2,667.27				3,503.27
	12/17	12/19	Belgium	14,880	400.00		259.84				659.84
Peter Vroom	12/19	12/22	Spain	113,730	1,020.00					113,730	1,020.00
	12/13	12/17	France	4,999.28	836.00		2,667.27				3,503.27
	12/17	12/19	Begium	14,880	400.00		259.84				659.84
Donald Upson	12/19	12/22	Spain	113,730	1,020.00					113,730	1,020.00
	12/13	12/17	France	4,999.28	836.00						3,503.27
	12/17	12/19	Begium	14,880	400.00		259.84				659.84
Committee total					10,246.00		19,393.50				29,639.50

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military aircraft per person.

JOHN CONYERS, Jr., Chairman, Jan. 31, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Chuck Douglas	12/1	12/2	Panama		66.00						66.00
	12/2	12/3	Honduras		70.00						70.00
Military transportation							1,667.33				1,667.33
Nora Engel	12/9	12/17	Italy		1,664.00						1,664.00
Commercial transportation							775.00				775.00
Mary McGillis	12/11	12/17	Italy		1,248.00						1,248.00
Commercial transportation							775.00				775.00
Cordia Strom	12/11	12/17	Italy		1,248.00						1,248.00
Commercial transportation							767.00				767.00
Hayden Gregory	12/13	12/15	Colombia		198.00				56.80		254.80
Military transportation							1,789.29				1,789.29
Hon. Don Edwards	12/16	12/19	Czechoslovakia		588.00						588.00
	12/19	12/22	Hungary		522.00						522.00
	12/22	12/23	Austria								
Commercial transportation							2,722.82				2,722.82
Committee total					5,604.00		8,496.44		56.80		14,157.24

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. J. Dennis Hastert	10/27	10/28	Panama		306.00						306.00
	10/28	10/29	Nicaragua								
	10/29	10/30	El Salvador		127.00		[3] 2,759.13				2,886.13
Committee total					433.00		2,759.13				3,192.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military transport.

GLENN M. ANDERSON, Chairman, Jan. 31, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION TO THE NETHERLANDS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 17, 1989

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jack Brooks	4/14/89	4/17/89	Netherlands		492.00						
Military transportation							5,587.40				6,079.40
Hon. Charles Rose	4/14/89	4/17/89	Netherlands		492.00						
Military transportation							5,587.40				6,079.40
Peter Abbruzzese	4/14/89	4/17/89	Netherlands		492.00						
Military transportation							5,587.40				6,079.40
Arch W. Roberts	4/14/89	4/17/89	Netherlands		494.00						
Military transportation							5,587.40				6,079.40

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION TO THE NETHERLANDS U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 17, 1989—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					1,968.00		22,349.60				24,317.60

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JACK BROOKS, June 27, 1989.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION TO ROME, ITALY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 5 AND OCT. 10, 1989

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dante B. Fascell	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Charles Rose	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Jack Brooks	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Ron Dellums	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Larry Smith	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Cardiss Collins	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Sam Gibbons	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Gerald Solomon	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. J. Alex McMillan	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Doug Bereuter	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Tom Bliley	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Sherwood Boehlert	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Jan Meyers	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. Marge Roukema	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Hon. John J. Brady	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Peter Abburzzese	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Nancy Shuba Mims	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Dara Schlieker	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Sharon Watts	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Ronald Lasch	10/6	10/10	Italy		1,015.00						
Military transportation							4,873.22				5,888.22
Josephine Weber	10/5	10/10	Italy		1,015.00						
Commercial transportation							1,378.00				
Military transportation							2,436.61				4,829.61
Arch W. Roberts	10/7	10/10	Italy		812.00						
Military transportation							2,436.61				3,248.61
Robert M. Jenkins	10/6	10/9	Italy		1,015.00						
Commercial transportation							1,361.89				
Military transportation							2,436.61				4,813.50
Stephen E. Biegun	10/6	10/9	Italy		812.00						
Commercial transportation							1,378.00				
Military transportation							2,436.61				4,626.61
Committee total					23,954.00		111,328.73				135,282.73

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANTE B. FASCELL, Chairman.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the speaker's table and referred as follows:

2656. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Japan for defense articles (transmittal No. 90-26), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

2657. A letter from the Secretary of Defense, transmitting the 1990 joint military net assessment, pursuant to lo U.S.C. 113(j); to the Committee on Armed Services.

2658. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Japan for defense articles and services (Transmittal No. 90-26), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign affairs, March 7, 1990.

2659. A letter from the Acting Federal Inspector, Alaska Natural gas Transportation System, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2660. A letter from the Chairman, Federal Election Commission, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2661. A letter from the Chairman, International Trade Commission, transmitting a copy of the annual report in compliance with the government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2662. A letter from the Archivist, National Archives, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2663. A letter from the Chairman, National Endowment for the Arts, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2664. A letter from the Executive Director, National Mediation Board, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2665. A letter from the Secretary of Health and Human Services, transmitting a report on activities under the Freedom of Information Act for the calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2666. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2667. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2668. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2669. A letter from the Marshal of the Supreme Court of the United States, transmitting the annual report on the cost of the protective function provided by the Supreme Court Police, to Justices, official guests, and employees of the Court, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary, March 7, 1990.

2670. A letter from the Chairman, Cultural Property Advisory Committee, transmitting a report of its findings and recommendations to the November 1989 request of the Government of Guatemala for emergency United States import restrictions of archaeological material from the Peten region, pursuant to 19 U.S.C. 2605(f)(6); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. de la GARZA: Committee on Agriculture. H.R. 3581. A bill entitled the "Rural Economic Development Act of 1989"; with amendments (Rept. 101-415). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina (for himself, Mr. Lent, Mr. Hubbard, Mr. Davis, and Mr. Tauzin):

H.R. 4205. A bill to authorize appropriations for fiscal year 1991 for the Maritime Administration, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. ACKERMAN (for himself, Mrs. Bentley, Mr. Bereuter, Mr. Bevill, Mr. Boucher, Mrs. Collins, Mr. Dwyer of New Jersey, Mr. Eckart, Mr. Espy, Mr. Fazio, Mr. Fauntroy, Mr. Foglietta, Mr. Frost, Mr. Gibbons, Mr. Hughes, Mr. Jontz, Ms. Kaptur, Mr. Kleczka, Mr. LaFalce, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Manton, Mr. McNulty, Mr. Neal of North Carolina, Ms. Pelosi, Mr. Pursell, Mr. Rangel, Mr. Ravenel, Mr. Roe, Mr. Sangmeister, Mr. Savage, Mr. Shaw, Mr. Smith of Vermont, Mr. Studds, Mr. Walsh, Mr. Waxman, and Mr. Wheat):

H.R. 4206. A bill to express the sense of the Congress regarding a national agenda for extending and improving language instruction in the elementary schools of the Nation; to the Committee on Education and Labor.

By Mr. COLEMAN of Texas:

H.R. 4207. A bill to provide for a program to monitor and improve air quality in regions along the border between the United States and the United States of Mexico; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

By Mr. CROCKETT (for himself, Mr. Synar, Mr. Berman, Mr. Dellums, Mr. de Lugo, Mr. Owens of New York, Mr. Conyers, Mr. Gekas, Mr. Fascell, Mr. Blaz, Mr. Lewis of California, Mr. Hayes of Illinois, Mr. Stokes, Mr. Gray, Mr. Sensenbrenner, Mr. Fish, Mr. Sangmeister, Mr. Hughes, Mr. Ford of Tennessee, Mr. Fauntroy, Mr. Moorhead, Mr. Jenkins, Mr. Harris, Ms. Pelosi, Mr. Hawkins, Mr. Rangel, Mr. Mfume, Mr. Flake, Mrs. Collins, and Mr. Towns):

H.R. 4208. A bill to amend title 28, United States Code, to allow judges who are at least 62 years of age to retire if they have served for at least 25 years; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 4209. A bill to amend the Internal Revenue Code of 1986 to impose an additional tax on income derived from publishing newspapers which do not use recycled newsprint; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. Conte, Mr. Owens of Utah, Mr. Studds, Mr. Hertel, Mr. Schaefer, and Mr. Eckart):

H.R. 4210. A bill to amend the Antarctic Conservation Act of 1978 to protect the environment of Antarctica, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries; Science, Space, and Technology; Energy and Commerce; and Public Works and Transportation.

By Mr. GREEN:

H.R. 4211. A bill to amend the Age Discrimination in Employment Act of 1967 with respect to administrative proceedings applicable to claims of discrimination in Federal employment; to the Committee on Education and Labor.

By Mr. HAYES of Louisiana:

H.R. 4212. A bill to amend the Internal Revenue Code of 1986 to allow a credit for expenditures for conservation measures to protect wetlands of the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. LEHMAN of California (for himself, Ms. Kaptur, Ms. Pelosi, Mr. Price, and Mr. Schumer):

H.R. 4213. A bill to amend the Fair Credit Reporting Act to protect consumers from the use of inaccurate credit information and the misuse of credit information, to amend the Consumer Credit Protection Act to prevent consumer abuse by credit repair organizations, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NOWAK (for himself, Mr. Horton, Mr. Gillmor, Mr. Moody, Mr. Oberstar, Mr. DeWine, Ms. Kaptur, Mr. Pease, Mr. Ridge, Mr. Davis, Mr. Sikorski, Mr. Regula, Mr. Schuette, Mr. Upton, and Mr. Eckart):

H.R. 4214. A bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel, and other nonindigenous aquatic nuisance species; to the Committee on Merchant Marine and Fisheries.

By Mrs. PATTERSON:

H.R. 4215. A bill to suspend temporarily the duty on P-Tolualdehyde (p-Tal); to the Committee on Ways and Means.

By Mr. RUSSO (for himself and Mr. Schumer):

H.R. 4216. A bill to require the Export-Import Bank of the United States to supplement the financing of United States exports to Eastern European countries with emerging market economies until the developed countries agree to eliminate the use of tied aid and partially untied aid credits for commerical purposes with respect to such Eastern European countries; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHIFF:

H.R. 4217. A bill to authorize the National Aeronautics and Space Administration to purchase approximately 8 acres of land at the Fort Sumner Municipal Airport, De

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Baca County, NM; to the Committee on Science, Space, and Technology.

By Mrs. SMITH of Nebraska:

H.R. 4218. A bill to direct the Secretary of Agriculture to establish an environmental reserve program for erodible cropland, pastureland, and converted wetlands, and for other purposes; to the Committee on Agriculture.

By Mr. SYNAR (for himself, Mr. Panetta, and Mr. Glickman):

H.R. 4219. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to reform the provisions of such act governing exported pesticides, and for other purposes; jointly, to the Committees on Agriculture, Energy and Commerce, and Foreign Affairs.

By Mr. THOMAS of Wyoming:

H.R. 4220. A bill to repeal the Asbestos Hazard Emergency Response Act of 1986 and amendments made by such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WISE (for himself and Mr. McCandless):

H.R. 4221. A bill to require the Director of National Drug Control Policy to establish procedures to allow State and local governments to buy weapons and other equipment in conjunction with the Federal Government for purposes of drug enforcement; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. DWYER of New Jersey (for himself, Mr. Horton, Mr. Jenkins, Mr. Cardin, Mr. Darden, Mr. Kennedy, and Mrs. Unsoeld):

H.J. Res. 507. Joint resolution designating August 20 through 26, 1990, as "National Headache and Jaw Joint Disorders Week"; to the Committee on Post Office and Civil Service.

By Mr. SKEEN (for himself, Mr. Miller of California, Mr. Vento, Mr. Conte, Mr. Flippo, Mr. Rhodes, Mr. Fuster, Mr. Bliley, Mr. Towns, Mrs. Bentley, Mr. Akaka, Mr. Beilenson, Mr. Roe, Mr. Spence, Mr. Thomas A. Luken, Mr. Horton, Mr. Richardson, Mr. Bunning, Ms. Kaptur, Mr. Green, Mr. Frost, Mr. Neal of North Carolina, Mr. Valentine, Mr. Nielson of Utah, Mr. Schiff, Mr. Weber, Mr. Bustamante, Mrs. Vucanovich, Mr. Wilson, Mr. Young of Alaska, Mr. Saxton, Mr. Blaz, Mr. Quillen, Mr. Parris, Mr. McDade, Mr. Lagomarsino, Mr. Thomas of Wyoming, Mr. Crane, Mr. Robert F. Smith, Mr. Stangeland, Mr. Murphy, Mrs. Unsoeld, Mr. Hansen, Mr. Sharp, Mr. Gallegly, and Mr. Denny Smith):

H.J. Res. 508. Joint resolution designating May 1990 as "Take Pride in America Month"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H. Con. Res. 283. Concurrent resolution expressing the sense of the Congress that the amounts for national defense included in the budget of the United States Government for fiscal year 1991 should be reduced by 10 percent and the funds from the reduction should be allocated to reduce the deficit and to support certain other programs; jointly, to the Committees on Armed Services, Banking, Finance and Urban Affairs; and Foreign Affairs.

By Mr. MICHEL:

H. Res. 352. Resolution designating membership on certain standing committees of the House; considered and agreed to.

H. Res. 353. Resolution establishing the order of Republican membership on the Public Works and Transportation Committee; considered and agreed to.

By Mr. WEISS (for himself, Mr. Payne of New Jersey, Mr. Wolpe, Mr. Burton of Indiana, Mr. Gray, Mr. Crockett, Mr. Dreier of California, Mr. McHugh, Mr. Mrazek, Mr. Dymally, Mr. Beilenson, Mr. Donald E. Lukens, Mr. Studds, Mr. Berman, Mr. McCloskey, Mr. Gejdenson, Mr. Houghton, Mr. Morrison of Connecticut, Ms. Pelosi, Mr. Fuster, Mr. Bosco, Mr. Levine of California, Mr. Feighan, Mr. Rangel, Mr. Hayes of Illinois, Mr. Washington, Mr. Towns, Mr. Smith of Florida, Mr. Mfume, Mr. Ackerman, Mr. Dellums, Mr. Hall of Ohio, Mr. Frank, Mr. Owens of Utah, Mr. Collins, Mr. Wyden, Mr. Penny, Mr. Kennedy, Mr. Boehlert, and Mr. Fauntroy):

H. Res. 354. Resolution expressing the sense of the House of Representatives regarding United States military assistance for the Republic of Liberia and human rights abuses in Liberia; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

322. The Speaker presented a memorial of the Legislature of the State of South Carolina, relative to the increase of Federal income tax exemption for dependent children; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 70: Mr. Schiff.

H.R. 101: Mr. Moody.

H.R. 283: Mr. Geren and Mr. Pursell.

H.R. 446: Mr. Spence, Mrs. Vucanovich, and Mr. Burton of Indiana.

H.R. 467: Mr. Fuster and Mr. Ford of Tennessee.

H.R. 857: Mr. Atkins and Mr. Yates.

H.R. 860: Mr. Owens of Utah and Mr. Ritter.

H.R. 884: Ms. Oakar.

H.R. 1069: Mr. Fish.

H.R. 1136: Mr. Bereuter and Mr. Smith of New Jersey.

H.R. 1142: Mr. Carper and Mr. Saxton.

H.R. 1287: Mr. McDade, Mr. Miller of Washington, and Mr. Marlenee.

H.R. 1383: Mr. Hughes and Mr. Perkins.

H.R. 1457: Mr. Nielson of Utah and Mr. Moody.

H.R. 1463: Mr. Roybal, Mr. Flake, and Mr. Miller of California.

H.R. 1476: Mr. Walgren.

H.R. 2351: Mr. Hatcher, Ms. Slaughter of New York, Mr. Dellums, Mr. Yates, Mr. Lewis of California, Mr. Darden, Mr. Holloway, and Mrs. Lloyd.

H.R. 2460: Mr. Shaw, Mr. Fields, and Mr. Morrison of Washington.

H.R. 2546: Mr. McDermott, Mr. Dicks, Mrs. Unsoeld, and Mr. Chandler.

H.R. 2584: Mr. Neal of Massachusetts, Mr. Owens of Utah, Mr. Condit, Mr. Lewis of Georgia, Mr. Ballenger, Mr. Wilson, Mr. Saxton, Mr. Gejdenson, and Mr. DeWine.

H.R. 2881: Mr. Bateman.

H.R. 3123: Mr. Dellums, Mr. Browder, Mr. Darden, Mr. Schiff, Mr. Campbell of Colorado, and Ms. Long.

H.R. 3267: Mr. Donnelly and Mr. Oxley.

H.R. 3346: Mr. McEwen, Mr. Faleomavaega, and Mr. Walsh.

H.R. 3464: Mr. Tauzin.

H.R. 3471: Mr. Walgren.

H.R. 3500: Mrs. Meyers of Kansas and Mr. Skelton.

H.R. 3509: Mr. Callahan and Mr. Skelton.

H.R. 3581: Mr. McEwen, Mr. Wolpe, Mr. Udall, and Mr. Hall of Texas.

H.R. 3595: Mr. Lent, Mr. Lewis of Florida, Mr. Lipinski, Mr. Petri, Mr. Wilson, and Mr. Whittaker.

H.R. 3604: Mr. Quillen, Mr. Donald E. Lukens, Mr. McGrath, Mr. Fields, Mr. Hancock, Mr. Ballenger, and Mr. Ravenel.

H.R. 3615: Mr. Roe, Mr. Wise, Mr. Lewis of Georgia, and Mr. Owens of Utah.

H.R. 3643: Mr. Upton.

H.R. 3664: Mr. Watkins.

H.R. 3693: Mr. Hughes, Mr. Dwyer of New Jersey, Mr. Frank, Mr. Engel, Mr. Fish, and Mr. Courter.

H.R. 3701: Mr. Fascell, Mr. Fuster, Mr. Kleczka, Mr. Bliley, Mr. English, Mr. Conte, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Bruce, Mr. Pallone, Mr. Bustamante, Mr. Walgren, Ms. Schneider, Mrs. Boggs, Mr. Kostmayer, Mrs. Bentley, Mr. Sabo, Mr. Skaggs, Mr. Spence, Mr. Martinez, Mr. Bereuter, Mr. Walsh, Mr. Smith of New Hampshire, Mr. James, Mr. Costello, Mr. Yates, Mr. Gordon, and Mr. Combest.

H.R. 3732: Mr. Wolpe, Mr. Bilbray, Mr. Pursell, Mr. Ireland, Mr. Gunderson, Mr. Derrick, Mr. Armey, and Mr. Hatcher.

H.R. 3740: Mr. Lancaster, Mr. James, and Mr. Eckart.

H.R. 3798: Mr. Archer, Mr. Ireland, and Mr. Thomas of Wyoming.

H.R. 3806: Mr. Stenholm, Mr. Eckart, and Mr. Condit.

H.R. 3850: Mr. Rangel, Mr. Hertel, Mr. Fazio, and Mr. Roybal.

H.R. 3859: Mr. Wilson and Mr. Harris.

H.R. 3866: Mr. Lewis of Georgia and Mr. Faleomavaega.

H.R. 3899: Mr. Craig, Mr. Fazio, Mr. Rowland of Connecticut, Mr. Durbin, Ms. Pelosi, Mr. Murtha, Mr. Payne of Virginia, Mr. Johnston of Florida, Mr. Nagle, Mr. Markey, Mr. Schiff, Mr. Sawyer, Mr. Akaka, Mr. Rose, Mr. Kildee, Mr. Chapman, and Mr. Slattery.

H.R. 3907: Mr. Buechner.

H.R. 3929: Mr. Gejdensen, Mrs. Boxer, Ms. Kaptur, Ms. Long, Mr. Annunzio, Mr. Martinez, and Mr. Edwards of California.

H.R. 3937: Mr. Schaefer, Mr. Bates, and Mr. Shumway.

H.R. 3948: Mr. Ravenel, Mr. Montgomery, Mr. Sisisky, Mr. Leath of Texas, Mr. Alexander, Mr. Lipinski, Mr. Bryant, Mr. Chapman, Mr. Fauntroy, Mr. Rangel, Mr. Mrazek, Mr. Bates, Mr. McGrath, Mr. DeFazio, Mr. Darden, Mr. Stark, Mr. Morrison of Connecticut, Mr. Kanjorski, Mr. Bustamante, and Mr. Owens of New York.

H.R. 3988: Mr. Fascell and Mr. Rangel.

H.R. 3994: Mrs. Meyers of Kansas, Mr. Gillmor, and Mr. Upton.

H.R. 4025: Mr. Hayes of Illinois, Mr. Hoagland, Mr. DeFazio, Mrs. Collins, Mr. Lewis of Florida, Mr. Packard, Mr. Bilbray, and Mr. Miller of Washington.

H.R. 4026: Mr. Fuster, Mr. Davis, Mr. Chapman, Mr. Walsh, Mr. Owens of Utah, and Mrs. Meyers of Kansas.

H.R. 4053: Mr. Udall and Mr. McCloskey.

H.R. 4060: Mr. Jontz, Mr. Martinez, Mr. Chapman, Mr. McCloskey, Mr. Hayes of Louisiana, Mr. Hughes, and Mr. Bilbray.

H.R. 4064: Mr. Morrison of Connecticut, Mr. Fuster, Mr. Rangel, Mr. Towns, Mr. Hunter, and Mr. Hawkins.

H.R. 4109: Mr. Myers of Indiana, Mr. Towns, Mr. Regula, Mr. Combest, Mr. McGrath, and Mrs. Johnson of Connecticut.

H.R. 4138: Mr. Burton of Indiana.

H.J. Res. 127. Mr. Gekas.

H.J. Res. 248: Mr. Dorgan of North Dakota and Mr. Fuster.

H.J. Res. 364: Mr. Bevill, Mr. Bilbray, Mr. Buechner, Mr. Emerson, Mr. Evans, Mr. Frenzel, Mr. Geren, Mr. McMillen of Maryland, Mr. Mfume, Mrs. Morella, Mr. Schaefer, and Mr. Torricelli.

H.J. Res. 451: Mr. Mazzoli, Mr. Sikorski, Mr. Thomas A. Luken, Mr. Towns, Mr. McGrath, Mr. Geren, Mr. Lewis of Georgia, Mr. Fazio, Mr. Neal of North Carolina, Mr. Frost, and Mr. Lancaster.

H.J. Res. 452: Mr. Campbell of Colorado, Mr. Bruce, Ms. Slaughter of New York, Mr. Walgren, Mr. Ridge, and Mr. McNulty.

H.J. Res. 469: Mr. Borski, Mr. Foglietta, Mr. Gekas, Mr. Kildee, Ms. Oakar, Mr. Ritter, and Mr. Shuster.

H.J. Res. 473: Mr. Wheat, Mr. Pallone, Mr. Lagomarsino, Mr. Anthony, Mr. Quillen, Mr. Hastert, Mr. Staggers, Mr. McHugh, Mr. Conyers, Mr. Dicks, Mr. Atkins, Mr. Dellums, Mr. Ford of Michigan, Mr. Thomas of Georgia, Mr. McDermott, Mr. Pursell, Mr. de Lugo, Mr. Grandy, Mr. Lewis of Florida, Mr. Horton, Mr. Lipinski, Mr. Hutto, Mr. Levin of Michigan, Mr. Owens of Utah, Ms. Snowe, Mrs. Meyers of Kansas, Mr. Markey, Mr. Hyde, Mr. McCollum, Mr. Vander Jagt, Mr. Condit, Mr. Traficant, Mr. Lancaster, Mr. Buechner, Mr. Carr, Mr. Roybal, Mr. Hochbrueckner, Mr. Tauke, Mr. Dingell, Mr. Costello, Mr. Coyne, Mr. Cardin, Mr. AuCoin, Mr. Applegate, Mr. Downey, Mr. Smith of Iowa, Mr. Weldon, Mr. Hoyer, Ms. Oakar, Mr. Bateman, and Mr. Hansen.

H.J. Res. 475: Mr. Dixon, Mr. Walgren, Mr. Engel, Mr. Morrison of Washington, Mr. Price, Mr. Wolpe, Mr. Sawyer, Mr. Smith of New Jersey, Mr. Berman, Mr. Flake, Mr. Guarini, Mr. Matsui, Mr. Savage, Mr. Clay, Mr. Traficant, Mr. Mrazek, Mr. Jones of North Carolina, Mr. Stokes, Mr. Lewis of Georgia, Mr. Dymally, Mr. Gejdenson, Mr. Anderson, Mr. Panetta, Mr. Ritter, Mr. Machtley, Mr. Miller of Washington, Mr. McGrath, Mr. Jones of Georgia, Mr. Sabo, Mr. Wilson, Mr. Payne of New Jersey, Mr. Weiss, Mr. Gonzalez, Mr. Bosco, and Mr. Lancaster.

H.J. Res. 479: Mr. Browder, Mrs. Johnson of Connecticut, Mr. Hefner, Mr. Jones of Georgia, Mr. Thomas A. Luken, Mr. Lipinski, Mr. Murphy, Mr. Pallone, Mr. Wylie, Mr. Hoyer, Mr. Sangmeister, Mr. Lehman of Florida, Mr. Faleomavaega, Mrs. Collins, Mrs. Saiki, Mr. Whittaker, Mrs. Boggs, Mr. Stenholm, Mr. Fascell, Mr. Tauzin, Mr. Chapman, Mr. Huckaby, Mr. Perkins, Mr. Sisisky, Mrs. Lloyd, Mr. Michel, Mr. Parris, Mr. Applegate, Mr. Miller of Washington, Mr. Henry, Mr. Young of Florida, Mr. Clement, Mr. Dwyer of New Jersey, Mr. Oxley, Mr. DeWine, Mr. Beilenson, Mr. Regula, Mr. Brown of Colorado, Mr. Brown of California, Mr. Gallegly, Mr. Dreier of California, Mr. DeLay, Mr. Lent, Mr. Sawyer, Mr. Barnard, Mr. Rowland of Georgia, Mr. Ridge, Mr. Gekas, Mr. Montgomery, Mr. Gallo, Mr. Conte, Mr. Parker, Mr. Conyers, Mr. Hammerschmidt, Mr. Clinger, Mr. Thomas of Wyoming, Mr. Fawell, Mr. Traficant, Mr. Rahall, Mr. Oberstar, Mr. Gilman, Mr. Cooper, Mr. Saxton, and Mr. Rose.

H.J. Res. 480: Mr. Bilbray, Mr. Bustamante, Mr. DeFazio, Mr. Fuster, Mr. Gordon, Mr. Horton, Mr. Jacobs, Mr. Manton, Mr. Mazzoli, Mr. McNulty, Mrs. Morella, Mr. Neal of North Carolina, Mr. Oberstar, Ms. Pelosi, Mr. Roe, Mr. Skelton, Mr. Traxler, Mr. Walsh, Mrs. Boxer, Mr. Darden, Mr. Durbin, Mr. Gonzalez, Mr. Gray, Mr. Hughes, Mr. Levin of Michigan, Mrs. Martin of Illinois, Mr. McDermott, Mr. Miller of California, Mr. Mrazek, Ms. Oakar, Mrs. Patterson, Mr. Richardson, Mr. Rowland of Connecticut, Ms. Slaughter of New York, and Mrs. Unsoeld.

H. Con. Res. 130: Ms. Slaughter of New York.

H. Con. Res. 140: Mr. Grandy.

H. Con. Res. 232: Mr. Goss.

H. Con. Res. 249: Mr. Dwyer of New Jersey, Mr. Towns, Mr. Williams, Mr. Bustamante, Mr. Gejdenson, Mr. Murtha, Mr. Akaka, Mr. Perkins, Mr. Rahall, Mr. Hertel, Mr. Coleman of Texas, Mr. Volkmer, Mr. Staggers, Mr. Kleczka, Mr. Richardson, Mr. Wyden, Ms. Kaptur, Mr. Dyson, Mr. Kanjorski, Mr. Murphy, Mr. Rowland of Connecticut, Mrs. Lowey of New York, Mr. Alexander, Mr. Frank, and Mr. Kolter.

H. Con. Res. 268: Mrs. Kennelly and Mr. Towns.

H. Con. Res. 269: Mr. Pallone, Mr. Dymally, Mr. Bates, Mr. Moody, Mr. Rogers, Mr. Bryant, Mrs. Collins, and Mr. Towns.

H. Con. Res. 270: Mr. de Lugo, Mr. Udall, Mr. Frank, Mr. Traficant, Mr. Foglietta, Mr. Neal of North Carolina, Mr. Markey, Mr. Mavroules, Mr. Davis, Mr. Edwards of California, Mr. Kleczka, Mr. Bennett, Mr. Coyne, Mr. DeFazio, Mr. Donnelly, Mr. Thomas A. Luken, Ms. Kaptur, Mr. Levin of Michigan, Mr. Williams, Mr. McDermott, Mr. Vento, Mrs. Boxer, Mr. Mazzoli, Mr. Jontz, Mr. Mineta, Mr. Walsh, Mr. Pallone, Mr. Yates, Mr. Lantos, Mr. Gilman, Mr. Schumer, Mr. Frost, and Mr. Skelton.

H. Con. Res. 271: Mr. Nowak, Mr. Crockett, and Mr. Natcher.

H. Con. Res. 273: Mr. Dellums, Mrs. Johnson of Connecticut, Mr. McHugh, Mr. Lantos, Mr. Bustamante, Mr. Wyden, Mr. Glickman, Mr. Conte, Mr. Hertel, Mrs. Collins, Mr. Scheuer, Mr. Rowland of Connecticut, and Mr. McDermott.

H. Con. Res. 281: Mr. Frank, Mr. Borski, Mr. Dellums, Mr. Gordon, and Mr. Olin.

H. Res. 312: Mr. Porter, Mr. Fuster, Mr. Penny, Mr. McNulty, Mr. Sikorski, Mr. Miller of Washington, Mr. Towns, Mr. Bilbray, Mr. Scheuer, Mr. Bosco, Mr. Hall of Ohio, Mr. Pease, Mr. Torres, Ms. Pelosi, Ms. Schneider, and Mrs. Bentley.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3581

By Mr. BOEHLERT:

—Page 52, after line 10, insert the following:

SEC. 604. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) Research Grants.—

"(1) In general.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) Limitation on authorization of appropriations.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended.".

Redesignate succeeding sections accordingly.

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SENATE—*Wednesday, March 7, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia.

The **PRESIDING OFFICER**. The prayer this morning will be offered by the Reverend John E. Stait, assistant to the Chaplain.

PRAYER

The Reverend John E. Stait, assistant to the Chaplain, offered the following prayer:

Let us pray:

Lord, I pray that we would apply the charge from Moses when he said:

Behold, I have taught you statutes and judgments, even as the Lord my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people.—Deuteronomy 4:5–6.

Lord at this time in history, when so many nations are looking to us and even to this body for wisdom and understanding in organizing and leading their people into freedom, help us in this awesome stewardship. Help us to communicate true righteousness and justice in the midst of the tension of conflicting rights. May Thy will be done, on Earth as it is in Heaven.

We pray this in the name of the original, Lawgiver and Judge. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 1990.

To the Senate:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. FOWLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader, Senator PRYOR, is recognized.

THE JOURNAL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. PRYOR. Mr. President, following the time for the two leaders this morning, there will be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each.

At 9:30 a.m., the Senate will resume consideration of the clean air bill. Debate will continue on the clean air bill until 10:40 this morning, when the Senate will recess so that Members of the Senate can join our colleagues from the House of Representatives in the House Chamber to hear an address by the Prime Minister of Italy.

The Senate will be in recess subject to the call of the Chair during the address of the Italian Prime Minister. The majority leader has announced that the Senate will resume consideration of the Clean Air Act today at approximately 12 noon.

RESERVATION OF LEADER TIME

Mr. PRYOR. Mr. President, I ask unanimous consent that the time for the two leaders be reserved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If the Senator will suspend for one moment, under the previous order we will now have a period for morning business not to extend beyond the hour of 9:30 this morning, with Senators permitted to speak therein up to 5 minutes.

The Senator from Maine [Mr. COHEN] is recognized.

THE HEALTH CARE FINANCING ADMINISTRATION'S DELAY IN IMPLEMENTING THE CLINICAL LABORATORY IMPROVEMENT ACT OF 1988

Mr. COHEN. Mr. President, I am rising this morning to discuss a very serious case of a delay by a Federal agency in implementing the will of Congress. It could have very harmful effects upon the health care of many, many Americans.

In 1988, Congress passed the comprehensive legislation to reform the Federal regulation of laboratories which perform medical tests. This legislation was called the Clinical Laboratory Improvement Act of 1988, the so-called CLIA 1988 law. It was passed in response to some disturbing revelations in the press and congressional hearings concerning the practices followed by some labs performing laboratory tests that are critical to the early detection and treatment of diseases.

As my colleagues may recall, there were many exposes on the level of accuracy or, I should say, inaccuracy of some common tests that are widely performed in this United States. Serious concerns were raised about labs that read Pap smear, for example, a test that is critical for the early detection of cervical cancer in women. That is a disease that spreads rapidly. It accounts for nearly 7,000 deaths annually in this country.

Investigation revealed that practices such as piecemeal pay for reading of Pap smears, average workloads exceeding two or three times the maximum limits recommended by professional societies, lab workers analyzing slides with little or no supervision, and labs not rejecting inadequate Pap smear samples from doctors for fear of losing business are severely jeopardizing the accuracy of the Pap smears. They are contributing to a nationwide "false negative" rate of nearly 20 to as high as 40 percent in Pap smears today.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We have heard some rather tragic examples of consequences to people as a result of these inaccurate tests conducted in laboratories. We had one case, for example, of a young mother who diligently went to her doctor for routine Pap smears only to end up dying from cervical cancer because the laboratory had misread her final 3 years of Pap testing. It could have saved her life.

We had the case of a 65-year-old man from Virginia who faced the prospect of being on kidney dialysis for a lifetime because of the results of four lab tests, four lab tests that led to numerous doctor's visits, more tests, unexpected medical bills and months of fear and anguish, all of which, it turned out, were unnecessary, because the lab tests were wrong.

Investigations conducted by myself, Senator LEVIN, the Oversight Committee, as well as those conducted by Senators ADAMS and MIKULSKI, reveal that we have major problems in Federal legislation of clinical laboratories. While the Federal Government has had lab regulation law on the books for over 20 years, the law is seriously flawed and does not even cover thousands of laboratories, such as those located in physicians' offices. These offices perform the bulk of testing that is conducted in this country today.

We also found that the agency responsible for regulating clinical laboratories, the Health Care Financing Administration, has a very poor record indeed. The agency has ignored problems over the years that have existed in this regulatory program, and they frequently promise action only to take delay after delay after delay.

Mr. President, in 1988 we took swift action in response to the revelations of inadequacies of testing in the industry. CLIA 1988 included a number of important provisions dealing with the establishment and enforcement of quality standards in labs performing medical tests.

The legislation for the first time would regulate laboratories based on the type of tests performed rather than where performed.

The law also mandated specific standards that must be met by labs screening Pap smears, such as workload limitations for individuals who screen these smears, other quality control provisions that have to be followed, and established proficiency test programs to monitor how well the labs were doing and then measuring improvements in laboratory testing.

But, despite all of this, most of the provisions of the new law simply have not even been implemented. HCFA, the Health Care Financing Administration, has missed its deadline as it has missed its deadlines in the past. And so today we do not even have any proposed regulations to implement a law which Congress has passed.

Undoubtedly, there are complexities that have to be considered in the proposing of these regulations. They are difficult. Nonetheless, it seems to me there has not been a fundamental change in attitude on the part of the agency that is charged with overseeing these regulations.

The Senate Labor and Human Resources Committee and the Senate Governmental Affairs Oversight Committee are going to have a joint hearing on Friday of this week. We intend to find out what it is that is delaying HCFA from taking action that is absolutely imperative.

Every day there is delay, thousands of people are subject to risk, greater and greater risk. Because many of these labs are simply not subject to regulation. They still have unsupervised personnel. They still have inadequately trained personnel. And nothing is being done about it at the Federal level.

I notice in Time magazine of this week, there is, on page 79, a small item captioned "Unbelievable Blood Tests." This particular article deals with laboratory reports that are misleading or "downright mistaken."

It points out that there has been some rather sloppy screening, particularly in the field of reading cholesterol levels. They found errors, on a percentage basis, when a patient's finger was improperly milked to obtain blood—they found a 58-percent error problem. Staff did not change gloves with each new patient, 50 percent. Staff did not wear gloves, 35 percent. Work area was dirty, 11 percent. At the bottom of the article it says:

> So anyone troubled by the results of a cholesterol test or other blood exam might be smart to follow the age-old advice applying to medicine in general: get a second opinion.

Mr. President, I ask unanimous consent that the article from March 12, 1990, Time magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Time magazine, Mar. 12, 1990]

UNBELIEVABLE BLOOD TESTS: LABORATORY REPORTS ARE OFTEN MISLEADING OR DOWNRIGHT MISTAKEN

(By Andrew Purvis)

Medical testing centers have plenty of business these days—perhaps more than they can properly handle. Prompted by fears of everything from AIDS and Lyme disease to high cholesterol, record numbers of people are lining up to give a blood sample and get back the good news, or bad. Too frequently, though, the news is just plain wrong. Several recent studies have revealed disturbing sloppiness or simple error in the way some blood tests are conducted and interpreted.

Among the worst offenders are public cholesterol-screening programs. Such centers, already a familiar sight in supermarkets and shopping malls in some parts of the U.S. may become even more common in the wake of a Government report issued last week. The report recommended a low-fat, low-cholesterol diet for everyone, not just those at risk for heart disease.

In a study of four public cholesterol-screening programs, published last week in the *Journal of the American Medical Association*, researchers found that only one produced accurate results consistently. The worst program was off the mark in almost 25% of the tests. A recent survey by the Department of Health and Human Services of such mass operations found that the "technicians" conducting the tests often had little or no training. More than half the people screened at 71 sites had their fingers squeezed, or "milked," to draw blood. This is known to dilute the blood with other fluids and produce an artificially low cholesterol reading. Says HHS inspector general Richard Kusserow: "Sometimes these operations looked more like a sideshow at a carnival." When blood is drawn in a medical setting by trained personnel, such error is less likely.

Lyme-disease tests can be inaccurate, even if carried out by experienced professionals. In a study reported in *J.A.M.A.*, blood from the same 101 people was taken to three testing centers. One lab found 23 cases of Lyme, but the second discovered 31 cases, and the third came up with 43. The main problem is a failure to standardize Lyme tests from lab to lab.

Tests for AIDS are more accurate, but problems have arisen in reporting the results. In a study of 13 labs in the Western U.S., researchers discovered that written test results often contained misleading information. Several lab forms incorrectly stated that a positive result meant only that one had been "exposed" to the virus. In fact, it means that one is infected. The authors of the report said such imprecision could confuse doctors, particularly those having little experience with AIDS.

Sloppy Screening—A U.S. study of public cholesterol testing found widespread unacceptable procedures

Problem:	*Percent* [1]
Patient's finger was improperly "milked" to obtain blood	58
Staff did not change gloves with each new patient	50
Staff did not wear gloves	35
Work area was dirty	11

[1] Percent of people citing problems.

Stricter U.S. regulations on laboratory procedures are scheduled to go into effect this year, and the Government will increase the number of labs being inspected nationwide from 12,000 to 300,000. But the task is enormous, and many labs may still escape the enhanced surveillance. So anyone troubled by the results of a cholesterol test or other blood exam might be smart to follow that age-old advice applying to medicine in general: get a second opinion.

Mr. COHEN. Mr. President, getting a second opinion will not be sufficient if we do not change the way in which the laboratories are conducting their business. If we do not change the standards by which people, who are well qualified, conduct these tests, it will not make much difference to get a second opinion. As I have indicated before, this can pose a life-threatening hazard to the health of thousands and thousands of Americans.

So, I hope HCFA will come forward on Friday and explain to the committee exactly what the delay has been in proposing these new regulations. I hope my colleagues will try to follow the results of that hearing.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER** (Mr. DASCHLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. COHEN. Mr. President, on behalf of Senator KASTEN, I ask unanimous consent to add Pat Rich to the list of the staff granted access to the Senate floor during the consideration of the pending legislation on March 7 and 8, 1990.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FOWLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

ARBITRATE THE BASEBALL STRIKE

Mr. FOWLER. Mr. President, I rise with some hesitancy, but we are in morning business and the serious business of the Nation will not begin for the next 5 minutes. It is not possible, I know, to arise on this floor as a U.S. Senator and speak only as a citizen. But I am going to try.

Mr. President, I am a baseball fan, and like so many fans across these United States I am very upset that our national pastime is being threatened because the owners and the players cannot agree to compromise their differences and play ball. In every disagreement over money, it is often forgotten who pays the bills to see the game and who buys the products that advertise the game—in short, those billion dollar television contracts that have made the game so profitable to owners and players alike are financed by us fans, the ultimate consumers. Surely the dedication of the fans is more to be cherished—and protected—than the minor differences now threatening the baseball season.

The other night when we were supposed to be doing the serious business of the Nation, we had a resolution offered in good faith by two of my colleagues calling on both sides to settle the strike. I voted against that resolution because I do not believe it is the business of the Senate to be expressing itself on private matters when so much of the people's business remains undone. This remains my opinion.

But as a fan, I have a simple suggestion, proposed as a citizen, not a Senator: Submit the differences between owners and players to binding arbitration. Maybe then the game would start on time, on April 2, and end this silliness of not being able to reach an agreement. Maybe then those of us who love the game and support the game and enable the game to be played and enable the profits to be made and enable the players to be paid so handsomely would be rescued and our dedication rekindled.

News reports inform us that everything has been agreed upon except the year a player can go to arbitration. The players want arbitration of their salary disputes after 2 years in the major leagues. The owners want to wait for 3 years. Every news report says this is the only matter of difference.

If this is the case—and even if there are other differences—why don't the owners and the players agree to use the system that they have agreed upon to settle other disputes, namely the arbitration process itself, to settle this dispute. Would this not make sense? Is this too reasonable? Is it too exaggerated a hope of all of us who love the game that both sides might submit their disagreements to arbitration and agree to abide by the decision?

In this dispute I have no interest in who is going to win. All I care about is who is going to lose if they do not settle. For what will be lost is more than money in Florida and Arizona at spring training. More than profits and performance. Lost will be faith in reasonable men to settle something in which so many people, especially our young people, have invested their own faith.

Baseball is a game representing tradition, aptitude, character—and even excellence—when played at its best.

It is a game of individual responsibility and individual accountability. Either you hit the ball or you miss it. Either you catch the ball or you drop it. It is a game where accountability and responsibility can be judged by all who play it and all who watch it.

What is on the line right now, if there is not an agreement, is a loss of faith in the accountability of the owners and players to make a decision in the best interest of the game itself—over and above their private interests. And that is the faith that so many Americans have put in baseball because they love it, and because they expect the best from those responsible for maintaining excellence on the field and in the owners' boxes.

This is the accountability that the owners and the players owe to us, the fans, who support them all.

I trust an agreement will be reached today or tomorrow. But if not, why not go to arbitration and abide by the decision? That way, there will be no losers, and the winners will be the baseball fans of America.

I thank the President and yield the floor.

THE 38TH ANNUAL NATIONAL PRAYER BREAKFAST

Mr. GRASSLEY. Mr. President, on February 1, 1990, it was my privilege to serve as the chairman for the 38th Annual National Prayer Breakfast. Nearly 4,000 people from all walks of life were in attendance.

They came from all 50 States—and from over 140 foreign nations—to join together in this unique event.

This year, we were honored to have among those in attendance four foreign heads of State, in addition to our own President, Vice President, Secretary of State, and many Members of the House, Senate, Cabinet and diplomatic corps.

It is truly miraculous that such a large and diverse group would gather from literally all over the world for one purpose: To acknowledge God's leadership in their lives and in our national life, proof that we truly are "one nation under God."

There were many volunteers from all across this country who worked tirelessly behind the scenes for months to make this event a reality. To them, I say thank you and God bless you for your efforts.

I would also like to thank the Members of the House and Senate prayer groups for allowing me the wonderful experience of chairing this event, and thank you as well to the Members who served on this year's prayer breakfast committee.

I found the program particularly meaningful, and many who attended have since expressed to me how it touched them as well.

Mr. President, so that those who were not able to attend can benefit from the inspiring words that were spoken, I ask that the program and transcript from the 38th Annual National Prayer Breakfast be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL PRAYER BREAKFAST, FEBRUARY 1, 1990, WASHINGTON, DC

The Lord is my shepherd, I shall not be in want
He makes me lie down in green pastures,
He leads me beside quiet waters,
He restores my soul.
He guides me in path of righteousness for his name's sake.

Even though I walk through the valley of the shadow of death,
I will fear no evil, for You are with me;
Your rod and Your staff, they comfort me.
You prepare a table before me in the presence of my enemies.
You anoint my head with oil; my cup overflows.
Surely goodness and love will follow me all the days of my life, and I will dwell in the house of the Lord forever.—PSALM 23

Chairman: The Honorable Charles E. Grassley, U.S. Senator, Iowa.

Pre-Breakfast Prayer: The Honorable William L. Armstrong, U.S. Senator, Colorado.

Opening Song: U.S. Air Force Academy Choir, Dr. Joseph Galema, Director.

Opening Prayer: The Honorable Ike Skelton, U.S. Representative, Missouri.

Response to Prayer: Mrs. Ardyth Shapiro, Cantor; Mr. Burnett Thompson III, Accompanist.

BREAKFAST

Welcome: The Honorable Charles E. Grassley.

Remarks—U.S. House of Representatives: The Honorable Liz Patterson, U.S. Representative, South Carolina.

Old Testament Reading: Miss Debbye Turner, Miss America, 1990.

Special Introduction: Dr. Billy Graham.

Solo: Mr. George Beverly Shea; Mr. Kurt Kaiser, Accompanist.

New Testament Reading: The Vice-President of the United States.

Remarks—United States Senate: The Honorable Sam Nunn, U.S. Senator, Georgia.

Prayer for National Leaders: General Alfred M. Gray, Commandant, U.S. Marine Corps.

Message: The Honorable James Baker, Secretary of State.

THE PRESIDENT OF THE UNITED STATES

Group Song: The Honorable John Ashcroft, Governor of Missouri.

Closing Prayer: Mr. Richard G. Capen, Jr., Vice-Chairman, Knight-Ridder Inc.

Closing Song: U.S. Airforce Academy Choir.

(Audience, please remain in place until The President and Mrs. Bush have departed.)

PROCEEDINGS

Senator ARMSTRONG: My colleague, Senator Grassley, who is the Chairman of this morning's breakfast, asked me to come out and see if the public address system was working, ask everybody to please find their places, and then he invited me to say a word of prayer.

Shall we all bow our heads?

Holy Father, we come before you this morning rejoicing. We're enthusiastic and have a great sense of destiny about what is to occur here this morning. Lord, we come here from diverse backgrounds from many countries of the world, men and women of different faiths, but gathering here today in the spirit and name of Jesus Christ, acknowledging across differences of doctrine and religion and church and background and economy and geography and politics, our dependence upon you.

Lord, we say a special thanks for all of the people who have made this event possible, who have been praying for it, who have made the physical arrangements, who have come many miles to take part in this event. We ask a special blessing for all of them, and for those who will be here at the head table in just a few minutes, and that you will bless those who will speak, and speak to those who are here to listen.

Father, we acknowledge, with great appreciation, the marvelous privilege of this event. In Christ's name, Amen.

Ladies and gentlemen, please be seated. Enjoy your breakfast. The President and the head table guests will be here shortly.

(Pause.)

VOICE:

The President of the United States and Mrs. Bush, accompanied by the Vice President and Mrs. Quayle.

(Applause.)

VOICE: Please be seated.

Senator GRASSLEY: Good morning, ladies and gentleman. I'm Senator Chuck Grassley from the State of Iowa, and as Chairman of the Congressional Committee, I want to welcome all of you to the 38th Annual National Prayer Breakfast.

First, I would like to thank my friend and colleague, Senator Bill Armstrong, from Colorado, for offering the beautiful pre-breakfast prayer. Senator Armstrong, we're sorry that you will be retiring from the Senate this year, voluntarily, that is. You'll be missed, and especially by those of us who have been so active with you in the Senate Breakfast Group.

And I'd like to invite all of you who are present today to please help me applaud once again the fine song that we just heard from the U.S. Air Force Academy Choir, under the direction of Dr. Joseph Galema.

(Applause.)

Senator GRASSLEY: I would now ask you to please remain seated while Congressman Ike Skelton of Missouri, who serves as the dedicated Chairman of the House Breakfast Group, offers our opening prayer. His prayer will be followed by a response to prayer by Mrs. Ardyth Shapiro of Portland, Oregon. Mrs. Shapiro is a cantor from a long line of cantors, and the ancient prayer she sings for us today dates back thousands of years. She will be accompanied by Burnett Thompson III.

Congressman Skelton and Mrs. Shapiro.

Congressman SKELTON: Shall we pray?

Oh, Lord, as we come together on this new day, we offer our grateful thanks for the special privilege of meeting for prayer and fellowship. We offer to You, oh, gracious God, our thanksgivings for praise that we can pray as a free people and we can join with our friends from so many nations of the world, that we can meet and enjoy the freedoms and liberties that are Your gift to us. As we come from different lands and languages, from various cultures and backgrounds, we earnestly pray that You can bind us together, oh, God, with the power of Your redeeming love.

We know, oh, God, that you have created us in your own image with all the possibilities of service and friendship, one with another. May Your Spirit of reconciliation so touch each person here that we will show forth in our lives the majesty and the power and the glory of Your eternal love. And may Your peace, that passes all human understanding, be with us now and ever more.

God bless this food to our use and us to Your faithful service.

In your name we pray, Amen.

Mrs. SHAPIRO: The Lord, the Lord God is merciful and gracious, long-suffering and abundant in goodness and ever true.

(Singing.)

(Applause.)

Senator GRASSLEY: Congressman Skelton, Mrs. Shapiro, thank you very much for that moving prayer and response. Please enjoy your meal, now.

(Pause.)

(Breakfast.)

Senator GRASSLEY: Ladies and gentleman, before we start the program, I would like to introduce people at the head table who do not appear in your program.

First of all, on my right, we have a lady who, in the past year, has truly come to be loved by people across our nation. Our First Lady, Mrs. Bush.

(Applause.) (Standing Ovation)

Senator GRASSLEY: Thank you very much, Barbara Bush.

And on my left, we have the lovely and gracious wife of our Vice President, Marilyn Quayle.

(Applause.)

Senator GRASSLEY: Now, I would ask you to withhold your applause until I finish introducing the rest of our head table guests.

First, my wife, Barbara Grassley. Susan Baker, the wife of our Secretary of State. Dwight Patterson, the husband of Congresswoman Liz Patterson; Joan Capen, wife of Richard Capen, Jr. On my left, we have Colleen Nunn, wife of Senator Sam Nunn; Ruth Graham, wife of Dr. Billy Graham. Susan Skelton, wife of Congressman Ike Skelton, and Karlene Shea, wife of George Beverly Shea.

I would ask that you give all these people a round of applause.

(Applause.)

Senator GRASSLEY: I welcome you all here for a second time. It's a wonderful occasion we have once a year. Mr. President, distinguished guests, distinguished heads of state that we have with us, colleagues and friends.

We are pleased that you have been able to join us for our 38th Annual National Prayer Breakfast. It is my pleasure this year to chair this unique gathering in the spirit of friendship, in the spirit of brotherhood and in the Spirit of Jesus Christ.

As some of you know, the National Prayer Breakfast draws its inspiration from the weekly prayer breakfasts in the Senate and the House of Representatives. In our small groups, we come together in the Lord to share our lives and faith in a very common fellowship. In this way, we are similar of course to the countless groups throughout the nation and around the world, all meeting in friendship in the Lord. And in a very real sense, today, we meet as representatives of others too numerous to count. In these small fellowships, we are discovering friends with whom we can be vulnerable. We therefore learn that it isn't weakness to acknowledge our needs, to confess our failures, and to admit to the loneliness which accompanies leadership.

In sharing our weaknesses and our strengths with each other, God gives us the resources that we need to meet our often burdensome responsibilities. We meet at a time when our fast moving world often seems confused and contradictory. Though we are steadfast in our fidelity to the values of personal freedom, justice, human progress, and peace, we realize, also, there is a powerful counterforce, contempt for human life and dignity, dishonesty and corruption, alienation and escapism. Yet, we have found through these groups that, as we meet together, there is a healing reconciliation that takes place. Men and women of different convictions and also from different religious and cultural backgrounds can join together in friendship that allows them to move to a higher level of acceptance of each other.

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Yes, it is not always easy, but we have found, we are able to disagree and still remain joined in the greater cause of love for God and for one another.

In concluding my welcoming remarks, I would like to pay a special tribute to our foreign heads of state, present. The Honorable Daniel arap Moi, President of the Country of Kenya; Major Pierre Buyoya, President of Burundi, His Excellency Hussain Mohammad Ershad, President of Bangladesh, and the Honorable Alfredo Cristiani, President of El Salvador.

(Applause.)

Senator Grassley: To these international friends, but also to all in the international community, you honor us with your presence, and we welcome you.

At this time, it's my pleasure to present Congresswoman Liz Patterson from the great State of South Carolina whose outstanding career has included the Peace Corps and Vista, in addition to her current service in the U.S. House of Representatives. Mrs. Patterson will offer remarks on behalf of the House Prayer Group.

Mrs. Patterson.

(Applause.)

Mrs. Patterson: Mr. President, Mrs. Bush, distinguished guests, ladies and gentlemen.

Our Bible teaches us that we can learn from our children. Well, I must tell you today that I have truly learned something from my children. As I stand here this morning and look out on this gathering, I think of my 15-year-old son and a word that he uses so often, awesome, man, awesome.

My task and my honor, today, is to share with you a little about the breakfast group in the House of Representatives. You know, Congress is often accused of being one of the most exclusive clubs or gatherings in the world. Only 435 members, 27 women. But our breakfast group that meets each Thursday that we're in session, is an example not of exclusiveness but of inclusiveness. The door of the prayer breakfast is open to all members and former members. We are all included and invited. Congressman Bob Stump and Chairman Sunny Montgomery see to that.

While we're together at breakfast, there is no exclusiveness. We are all alike in God's eyes. As the scripture says in Galatians, in God's eyes there is neither Jew nor Greek, slave nor free, male nor female, but we are all one. During the meal, we forget party preference. We forget about pending legislation that may divide us. And we share similarities. The hardships we place on our spouses, the troubles of bringing up teenagers, the birth of a new child or a grandchild, the sickness or death of a loved one, and, yes, the pride and victory of our home state football team. Then we sing a song and a member shares with us whatever they wish to share so that we can get to know that member better.

Our breakfast group is truly an example of God's love and teaching, as is this gathering today. Our prayers are heard by Our Father, whether we are male or female, no matter the color of our skin, or the language we speak. Theologian Henri Nouwen says, a person who prays is a person standing with their hands open to the world. They learn that God will show Himself in the people that they meet and in the situations that they run into. Prayer creates that openness, that inclusiveness where God can give Himself to man. That's why our weekly prayer breakfast in the House, that's what they're all about; not exclusiveness but inclusiveness open to God and man.

At this time, I'd like to ask all the members of the House of Representatives and the members of our prayer breakfasts, the former members as well, to stand and join me in greeting those of you in attendance and saying to you, God Bless you and God Bless America.

(Applause.)

Senator Grassley: Thank you very much, Mrs. Patterson.

To present our reading from the Old Testament, I would like to introduce to you someone who, in the last several months, has come to be known to the public as much for her intelligence and spiritual walk as she has for her beauty.

Ladies and gentlemen, Miss America of 1990, Debbye Turner.

Miss Turner: President Bush, Mrs. Bush, and distinguished guests.

It is wonderful, I have found by experience, to know the breadth and the depth and the width of God's love personally in my life, and to know just how great He is. And it's sad that there are those who don't know that love.

So this morning, I would like to share with you a proclamation of God's greatness that comes from Psalm 145.

It says: "I will extol You my God, oh King, and I will bless Your name forever and ever. Everyday I will bless You and I will praise Your name forever and ever. Great is the Lord and greatly to be praised, and His greatness is unsearchable. One generation shall praise Your works to another and shall declare Your mighty acts. I will meditate on the glorious splendor of Your majesty and on Your wondrous works. Men shall speak of the might of Your awesome acts and I will declare Your greatness. They shall utter the memory of Your great goodness and shall sing of Your righteousness. The Lord is gracious and full of compassion, slow to anger and great in mercy. The Lord is good to all and His tender mercies are over all His works. All Your works shall priase You, Oh, Lord, and Your saints shall bless You. They shall speak of the glory of Your kingdom and talk of Your power. To make known to the sons of men His mighty acts and the glorious majesty of His kingdom. Your Kingdom is an everlasting Kingdom and Your dominion endures throughout all generations. The Lord upholds all who fall and raises up all those who are bowed down. The eyes of all look expectantly to You. And You give them their food in due season. You open your hand and satisfy the desire of every living thing. The Lord is righteous in all His ways, gracious in all His works. The Lord is near to all who call upon Him, to all who call upon Him in truth. He will fulfill the desire of those who fear Him; He also will hear their cry and save them. The Lord preserves all who love Him but all the wicked He will destroy. My mouth shall speak the praise of the Lord and all flesh shall bless His holy name, forever and ever."

(Applause.)

Senator Grassley: Thank you very much, Miss Turner.

I'd now like to present a true friend of the National Prayer Breakfast. In fact, our next guest was here with President Eisenhower at the very beginning of this movement. This morning, he joins us to present brief remarks and a special introduction of our soloist.

Ladies and gentlemen, Dr. Billy Graham.

(Applause.)

Dr. Graham: Thank you, Senator Grassley, President and Mrs. Bush, Vice President and Mrs. Quayle, Secretary of State Baker and Mrs. Baker, and distinguished guests.

Yes, I suppose I'm the oldest man here.

(Laughter.)

If Senator Strom Thurmond wasn't here, I might claim that distinction because we were both at that first prayer breakfast where we only had maybe 135 or 140 people with President Eisenhower. And it's been my privilege to be here every year except two. I was one time in Korea and another time in Vietnam, speaking to the troops at Christmas.

Habakkuk, the great Old Testament prophet asked three times of God, why violence and injustice and wars were taking place in his world. He said, the law was paralyzed. He said, justice never prevails. He said, justice is perverted. And God answered him and said this: For I am going to do something in your days that you would not believe, even if you were told it.

When we met here a year ago, no one would have believed what has happened in one year. We heard last night from President Bush all the tremendous changes that have taken place in just one year that we could not dare believe, and we realize that back behind it all is the power of a Sovereign God. Jesus once warned that the wheat and the tares would grow together. He didn't say that they would stand still, he said they would grow. Good would get better, evil would get worse at the same time. And today, we're witnessing the Sovereign Lord shaking the earth, as Hebrews 12:26 predicted. The writer to Hebrews said, we are receiving a kingdom that cannot be shaken. Let us be thankful and so worship God with reverence and awe. Today, we've come to worship God and to pray. And in the midst of our prayers, let's not forget to thank God for the tremendous blessings He's poured out on our great country.

One of the great events of my life took place 46 years ago when I met a singer who was well-known in Chicago and throughout the midwest. He had a radio program on the American Broadcasting Company. We became wonderful friends and have been together ever since. Along with Cliff Barrows, the two of them have been with me since the beginning of my ministry, and we've traveled the world together. He is affectionately known as "Bev." His full name is George Beverly Shea, and he's 81 years of age, and he sings better now than he did when he came with me in the beginning. People used to come to hear me preach so they could be there to hear him sing. And they'd have in big type, GEORGE BEVERLY SHEA, and then in little small type, Billy Graham will preach.

(Laughter.)

And so Bev Shea is going to come and sing for us. He's just recovering from an operation. And today is his 81st birthday.

(Applause.)

(Mr. Shea sings.)

(Applause.)

Senator Grassley: Thank you, Dr. Graham, for your fine words. And, Mr. Shea, thank you very much for your message in song.

To present our reading from the New Testament is a former colleague of those of us in the Senate. He was elected to the United States Senate when I was elected to the Senate in 1980. He earned my respect and the respect of his colleagues during his service for eight years in the United States Senate before being asked, by the President of the United States, to be the Vice President of the United States.

Today, I present him to you as an outstanding public servant, the Vice President of the United States, ladies and gentlemen, the Honorable Dan Quayle.

Vice President QUAYLE: Thank you, Senator Grassley, President Bush, Mrs. Bush, Marilyn and members of the head table, ladies and gentlemen, and a special greeting to the 800 individuals that are in the room next door that could not get in here.

The letter of James, Chapter 1, versus 19 through 27.

"Know this, my beloved brethren. Let every man be quick to hear, slow to speak, slow to anger, for the anger of man does not work the righteousness of God. Therefore, put away all filthiness and rank growth of wickedness, and receive with meekness, the implanted word which is able to save your souls. But be doers of the word and not hearers only, deceiving yourselves, for if anyone is a hearer of the word and not a doer, he is like a man who observes his natural face in a mirror for he observes himself and goes away and at once forgets what he was like. But he who looks into the perfect law, the law of liberty, and perseveres, being no hearer that forgets but a doer that acts, he shall be blessed in his doings. If anyone thinks he is religious and does not bridle his tongue but deceives his heart, this man's religion is vain. Religion that is pure and undefiled before God and the Father is this: To visit orphans and widows in their affliction and to keep oneself unstained from the world."

(Applause.)

Senator GRASSLEY: Thank you, Mr. Vice President, not only for the message this morning, but those of us that were at the international luncheon, yesterday, heard a wonderful message from the Vice President, as well. So we thank you for your participation in many ways in this gathering over these last few days.

Now, to offer remarks on behalf of the United States Senate Breakfast Group, an esteemed and very respected colleague of mine who's in his 18th year of service in the Senate, and also Chairman of the powerful Armed Services Committee, I would like to introduce to you the Honorable Sam Nunn from the State of Georgia.

Senator NUNN: Thank you, Chuck, Mr. President, Mrs. Bush, Mr. Vice President, Mrs. Quayle, distinguished guests, ladies and gentlemen.

One evening after a very hectic and busy day in a large city, Mr. Jones, a businessman, rushed to catch the commuter train which would take him back to his suburban home. In the station, as he was passing through, he noticed Johnny, a small, poorly-clothed crippled boy selling apples at a small stand. Another man obviously in a great rush to catch the train accidentally knocked the little boy from the stand and all of his apples went scattering around the floor of the train station. The man who caused this accident muttered a meaningless type apology, glanced over his shoulder and went on aboard the train before it left. Mr. Jones was also in a great hurry. He quickly passed by, but as he was about to board the train, he had a second thought, and he returned to the scene. He stooped over to help the little boy recover the apples and, as he was doing so, he suddenly realized that the little fellow was not only crippled, he was also blind, as he desperately and helplessly groped about the floor to try to recover the apples.

Mr. Jones took a little time from his busy schedule to recover all the apples. He missed his train but he brushed off each and every apple and he re-erected the stand and he put them all back on the stand. And just as he was about to leave, he turned to the little boy and he handed him a crisp ten dollar bill. As he was about to get on the train, he felt someone suddenly turn him around and he saw the little boy, who grabbed him by the coat, and said to him with large tears in the eyes that could not see, Mister are you Jesus? No, Johnny, Mr. Jones was not Jesus, but he did act in the Spirit of Jesus and in the spirit of brotherhood.

In this Spirit, each Wednesday, ten to 25 Senators of different political persuasions, vastly different philosophies, different religious beliefs, meet, not because we're saints but just the opposite, because we're sinners. We remind ourselves frequently in these meetings that we who would be leaders must first be servants. That we who have large egos and great ambition should remember that the Kingdom of Heaven is promised to those who are humble and are poor in spirit. That we who depend on publicity as our daily bread should remember that when we do a secret kindness, Our Father, who knows all secrets, will reward us. That we who vigorously compete in the arena of politics and government remember that we're commanded to love our enemies and even to pray for those who persecute us. And, finally, each Wednesday morning, we try our best to remember what we must never forget. And that is that an election is not required to call us home and that the final judgment of our tenure on earth will not be decided by a majority vote.

In this spirit, our Senate group welcomes each of you here this morning.

Thank you.

(Applause.)

Senator GRASSLEY. As always, Senator Nunn has a very good and inspiring message. Thank you very much, Senator.

Representing our Armed Services, today, we're pleased and very honored to have with us the 29th Commandant of the U.S. Marine Crops, General A.M. Gray, who will offer the prayer for national leaders.

General Gray.

(Applause.)

General GRAY. Please join us in prayer. Almighty God, creator of all life, ruler of all nations, and giver of every good and perfect gift. We come to You today, grateful for the blessings of life, liberty and prosperity. With reverence, we ask for Your grace and mercy upon all men and women in positions of influence. Bless them with the strength to persevere in difficult times and the wisdom to look to You for guidance and truth. Oh, Lord of history, you gave us President Bush, our Commander-in-Chief. His resolve to lead the world in peace gives us confidence, knowing this is Your will. Support and guide him as he makes the decisions which affect the lives of everyone throughout our world.

Almighty God, you gave us Vice President Quayle. His work in bringing the messages of liberty and hope to others reveals his dedication to the high principles of truth, honesty and dignity. You gave us the Congress. They stand in a long line as succesors of that sacred trust, laid as a holy foundation by our forbearers to ensure that our laws are moral and ethical, based on righteousness. Bless them throughout this session as they work for the common good of our nation.

You gave us the Justices, who serve on the Supreme Court. Grant them understanding as they weigh the cases and issues brought by the people of our nation. Help us to accept and respect their decisions as we continue to define our democracy.

You gave us military leaders. Fill us with courage when we are called to defend the blessings of liberty. May our minds and wills always be conscious of Your presence and Your concern for the dignity of life as we perform our patriotic duties. Keep us forever mindful that we have been entrusted with the lives of our finest young people, those magnificent young men and women that we call soldiers, sailors, airmen, coast guardsmen, and marines. May we never forget our responsibilities to them, to their families, to our nations and to freedom.

You have blessed us with leaders in our business, industrial and civic communities. Grant them creative energy as they set the trends of this decade. Fill them with good faith and a willingness to follow the spirit of God in making people their highest priority.

You raise up leaders for every nation. Bestow on them the desire and will for peace. May they always recognize that You set the boundaries of nations, and that You are the source of all authority and power. Lead them to the right decisions for the benefit of all mankind. For all presidents, premiers, kings, queens, prime ministers, sovereigns, and heads of state, help us to be faithful in support of one another as we work for justice and the common good and for peace itself.

Senator GRASSLEY. Thank you, General Gray. The members of our National Prayer Breakfast committee are especially honored that our keynote speaker today has agreed to join us. Jim Baker has served our nation with honor and distinction for many years and in many different positions. He's been in the inner circle of at least three different Presidents of the United States. He is now the one person most responsible for our diplomatic and international policy. He's our chief ambassador for peace and freedom with all the other nations of the world.

So ladies and gentlemen, I hope you know that it is with great pleasure, for myself as well as the Committee, to have the pleasure of presenting to you this outstanding individual and dedicated leader, our Secretary of State, the Honorable James Baker.

(Applause.)

Secretary BAKER. Thank you very much. Thank you Senator Grassley, Mr. President, Barbara, Mr. Vice President, Marilyn, distinguished visitors, ladies and gentlemen.

This is a unique morning. Today, heads of State from three continents, and citizens from approximately 130 nations of the world are meeting here in the Spirit of Jesus Christ to pray together, to talk together and to seek to know each other better. I know that all of us hope that by meeting in this way, we can help foster and develop increasing bonds of friendship throughout the world.

Frankly, I'd be less than honest if I didn't tell you that when I was asked to speak today, I was hesitant. That hesitation came from the fact that after nine years here in Washington in three public service jobs, I feel far more comfortable talking about the policy process, the political process, or any number of other topics. For me to discuss a personal journey of faith is a new experience. But here I am. And I want to talk to you today about faith, I want to talk to you about friendship, and I'd like to say a word about our collective responsibilities as leaders.

I'll do that briefly, although being brief reminds me of a story that I first heard 20 years ago when it was told by the man who

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is now President of the United States. And it has to do with a little girl that went to church on Sunday morning with her grandmother. Her grandmother had a very long-winded preacher who never gave a sermon that lasted less than an hour and a half. And as they sat there in church that Sunday morning and the sermon droned on and on, the little girl got very restless and she looked out about her. And there, extending from both walls of the church all the way down to the altar were those American flags, underneath each flag, there was a little gold plaque. The sermon drones on and on, and finally the little girl can't stand it any longer. She turns to her grandmother, and she says, "Grandma, what are those flags up there for?" And her grandmother says, "Why, Sarah, those flags commemorate those who died in service." The little girl said, "Oh, the 9:00 o'clock service or the 11:00 o'clock service?"

And I'm going to try very hard not to lose you in my part of this service this morning.

I am up here, though, because I really do believe that those of us who are put in positions of public trust, really shouldn't be hesitant to speak about spiritual values. In fact, I happen to believe that spiritual values are important in the pursuit of world peace.

Pope Paul VI once said at the United Nations, "The problems of the world are so great that perhaps the leaders of the world will have to learn to pray together."

It was in that very spirit, I think, that President Eisenhower, 38 years ago, began all of this with a very few members of the Senate and House of Representatives, to see if it was possible for America's leaders to pray together, both privately and in this kind of assembly. President Eisenhower had a strong conviction that we need to build deeper and longer lasting relationships on a basis other than just economic or political. I think he would be excited to see the reality that his vision has become if he could see all of us here this morning.

I spoke a moment ago about a personal journey of faith. And those of you who know me best, certainly know that I don't feel like an expert on this subject. Like many of you, I am just one person genuinely struggling to put faith into practice in my life. But over these last several years in Washington, I think I have gained some valuable insight into that process. There are many people who believe that living in this city makes developing one's personal faith a lot more difficult. But for me, living in this centrifuge of power and politics has encouraged, and I might even say, has demanded spiritual growth. Power, of course, as we all know, can be intoxicating; it can be addictive, and few doubt the truth of Lord Acton's words that "power tends to corrupt and absolute power corrupts absolutely."

Over these last nine years, I have had opportunities to participate in the exercises of more power than I would ever have imagined. I have felt the weight of responsibility that brings, and I have to admit to you, as well, that I have felt the temptations that are attendant to it. From this perspective, I've seen the reality that people from every level and from every station in life desire affirmation, they desire recognition and they desire fulfillment. Some people go to extraordinary lengths to obtain these elusive goals.

I found early on that having a position of power really doesn't bring the fulfillment that many people think it does. Of course, it does bring excitement. It brings a sense of satisfaction when things go well, disappointment when they don't, and it brings invitations to some of the most exclusive gathering in the world. For someone who likes to go to bed at 9:30, that is not necessarily a plus. But it also brings a complicated lifestyle with an exhausting schedule, innumerable headaches and lots of conflict. Most importantly, having a position of power does not bring inner security or fulfillment. That comes only, I think, by developing a personal relationship with God which, for me, is personified by Jesus Christ. Inner security or real fulfillment comes by faith. It doesn't come by wielding power in the town where power is king.

As those of you who believe, know only too well, faith more often than not, doesn't come easily. It takes a lot of work. When I look back on my own journey of faith, I can see that real growth began when I started reading God's word. Romans 10:17 in the New Testament says, "Faith comes by hearing and hearing by the word of God." The Scriptures I read also teach me that God loves me, and he accepts me as I am. He loves me as I struggle. He loves me even as I fail to become the man He wants me to be.

Once upon a time, I honestly felt that I had to earn God's love. But now I know that the Bible tells us that it is faith and it is not works or accomplishments that make us acceptable in God's sight.

In 1986, I met with a group of diplomats who were gathered here for this National Prayer Breakfast. One of them asked me during the course of that meeting, what was the most important thing I'd learned since being in Washington. And I replied that it was the fact that temporal power is fleeting.

I told him about an experience that I had early one morning a few years ago, when I was the White House Chief of Staff. As my driver turned the car into the northwest gate, I looked down Pennsylvania Avenue and noticed a man walking alone. He was someone many of you would have recognized—the Chief of Staff in a prior administration. There he was alone—no reporters, no security, no adoring public, no trappings of power—just one solitary man alone with his thoughts. And that mental picture continually serves to remind me of the impermanence of power and the impermanence of place. That man had it all—but he had it all only for a time. And that really, to me, put my life in perspective.

I ask the question occasionally, "When I leave Washington, what's going to remain?" One thing I know for sure—the people who wouldn't return my telephone calls before I came to Washington, aren't going to return them after I leave.

The fleeting aspects of power, I think, cause us to understand the importance of lasting personal relationships and friendships. Ralph Waldo Emerson said, "God evidently does not intend all of us to be rich, or be powerful or great, but He intends us all to be friends." The Scriptures, both Old and New, affirm this reality by speaking about our relationships to God and our relationships to each other. The first and greatest commandment is to love the Lord your God with all your heart, with all your soul, all your strength and all your mind and the second is to love others as yourself. And we know, too, that Jesus said, "I do not call you servants, I call you friends."

These ancient thoughts on personal relationships, and friendships, are often not taken seriously enough in our very busy modern lives. In all candor, I used to think that if you were strong, you didn't need anyone. Too often, independence and self-reliance, are said to be the path to success. And to many, being successful means never admitting that you have any hurts or problems. But the truth of the matter is, as I am sure practically all of us would admit, we really do need one another if we're going to make it through this life in both our private and public capacities.

I remember particularly a situation a few years ago when I was really struggling with a particular problem. No matter how hard I tried, I couldn't figure it out. But I found strength in being able to talk it over and to pray about it with my wife, Susan. And as we did, the truth from the Book of Proverbs finally crystallized our thinking. "Trust in the Lord with all your heart, lean not unto your own understanding, in all your ways, acknowledge Him and He will direct your path." Susan helped me to see that I needed to stop trying to play God and really turn the matter over to Him. Without this kind of partnership, I'm quite convinced I never would have resolved that problem.

For several years, I've been meeting each week with a small group of men for fellowship. These are all very normal guys who just happen to hold positions of power and influence in Washington. Members of our group come from both of the nation's political parties, and they come from several religious traditions. None of us expresses himself in religious jargon. More typically, our language is pretty earthy. But in our own way, we are pursuing faith through friendship. We've grown to trust each other. We talk pretty openly about our problems—personal problems. I don't just mean problems we have with items on the national agenda. We support each other in our efforts to live a life of faith in a very complex and challenging environment.

There are, of course, many times when all of us need something extra from our faith and from our friendships. I remember my mother telling me, when I was young, how she used to repeat the 91st Psalm every day when my Dad was a captain in the infantry in Europe in World War I: "A thousand shall fall beside thee, and ten thousand at thy right hand; but it shall not come nigh thee." My mother who taught me so many of the values that give me strength today, drew much comfort from these words. And in hearing her say them, so did I. She happens to be still saying them as her 96th birthday approaches!

I also remember how important friendships were during my first wife's illness. How important, for instance, that friends were there with me at her bedside during the last days. Two of these friends are very prominent today and both of them are here with us at the head table this morning. I remember how important that friends were there for our four little boys who were heartbroken, who were scared, and who were very, very confused. How important friendships were to the task that Susan and I faced several years later of putting two families together at a difficult time in the lives of seven children. And if any of you ever had three seventh graders at one time, you'll understand what I mean!

I remember how important friendships were and are to the need for support on a journey through public service. And I finally remember how important friendships were and are to the process of developing and maintaining my faith. So when I think back over the hills and valleys of my life, the consistent theme is the one in the 91st Psalm—"I will say unto the Lord, Thou art my hope and my stronghold; my God, in Thee will I trust." Faith and friendship are very important also I think in building a community of nations. And as leaders, I think we share certain spiritual responsibilities.

Daniel Webster has said, "If we work upon marble, it will perish. If we work upon brass, time will efface it. If we rear temples, they will crumble to dust. But, if we work upon men's immortal minds, if we imbue them with high principles, with the just awe of God, with love of their fellowmen, we engrave on those tablets something which no time can efface and which will brighten and brighten to eternity."

We are all struck by the changes taking place in the Soviet Union and Eastern Europe. They are not all political or economic. In September of last year, I met with Eduard Shevardnadze in Wyoming. We had a very productive couple of days, and on the last evening exchanged gifts. I gave him a pair of cowboy boots—in keeping with the Western motif of Jackson Hole. But I received from him a far more profound and meaningful gift—an enamel picture of Jesus teaching the people. In giving me this picture he said—only half joking—"You see, even we Communists are changing our world view."

Could it be that a major meaning of the revolution going on in Eastern Europe is the resurgence or rebirth of faith? What we seem to be seeing is the reaffirmation of the individual as a person worthy in his or her own right, with freedom to choose and the responsibility that goes along with those choices.

Vaclav Havel, the new president of Czechoslovakia, recently told his countrymen that "the most important problem they were facing was a decayed moral environment, devoid of belief, consideration, compassion, humility and forgiveness." These values, of course, are crucial to democracy. And it is no accident, I think, that churches in Eastern Europe have played such an important part in the political change that's taking place there. Despite oppression, the people of God maintained their integrity as custodians of the faith.

I think that there is a moral and a spiritual lesson for the United States in these events. We need to listen a bit more, perhaps, to those who are observing us. Lech Walesa made the observation that "Americans were drifting away from spiritual values as they become richer." He said that "sooner or later we will have to go back to our fundamental values, back to God, the truth, the truth which is in God." And then he made a most interesting statement, "We look to America," he said, "and we expect from you a spiritual richness to meet the aspirations of the 20th century."

And so, ladies and gentlemen, as we hail the resurgence of faith and around the world, in America, we must be mindful of our own responsibilities regarding faith. The United States, as a great political experiment was and continues to be a great spiritual experiment as well. Every person who enjoys freedom, regardless of where they are in the world, has the responsibility to improve the society which assures them freedom.

One way to carry out this responsibility, I think, is to pray together as we are doing here this morning. Prayer by itself is a reaffirmation of that freedom and that responsibility, whether that prayer is private or whether that prayer is communal. It is an act of free men and women who believe that their relationship to God is fundamental to preserving those freedoms.

The Bible tells us, "Where the spirit of the Lord is, there is liberty." So, my friends, I believe that as leaders, we can build relationships around the world that are rooted in trust and in love and in understanding. And I believe that we can go beyond rhetoric to discover concrete ways to express this reality, particularly in light of the Psalmist's profound observation that "righteousness exalts a nation and sin is a reproach to any people."

As we join together in prayer this morning, let us all be thankful for recently rekindled hopes of freedom in many, many countries around the world, let us be thankful for our friendships. And let us pray for the strength to meet our collective responsibilities as leaders by doing what we can to make our world a freer, a better and a more peaceful place.

Thank you, God bless you, and God bless the people of all the nations of the world.

(Applause.)

Senator Grassley: Thank you, Secretary Baker, for that outstanding message.

I think he emphasizes one of the most important points that we all need to be reminded of, the importance of family and friends in public life in Washington, DC.

One year ago, when we met here for this annual event, we stood at that time on the threshold of a new administration. None of us would have dared envision the political changes that we've seen happen and that we've all talked about glowingly this morning, all the political changes of 1989. None of us would have anticipated these happening to our world.

Throughout this last year, this year of change, the President of the United States has provided strong, decisive and moral leadership for which we are all grateful, and I say especially for his emphasis upon family. Ladies and gentlemen, I present to you the President of the United States.

(Applause.)

President Bush: Thank you ladies and gentlemen, thank you all. Thank you very much. Vice President and Mrs. Quayle, and Chuck Grassley, Sam Nunn, my dear friends Billy Graham and Ruth. Jim Baker, that was a very inspiring testament of faith. I also want to salute our very special guests who've traveled far to join us in a prayer for peace and understanding. President Moi of Kenya, President Ershad of Bangladesh. President Buyoya, the marvelous head of Burundi. President Cristiani, a longtime friend. The Prime Minister Kisekka. And I just express for all of us a very hearty welcome, and to President Ershad, a happy birthday greeting to go with Bev Shea's.

(Applause.)

President Bush: We're delighted you're here. And I want to thank Bev Shea; and, Billy, it'll probably read: Prayer Breakfast, Bev Shea; Supporting Cast: Secretary of State, Billy Graham.

(Laughter.)

President Bush: A lot of presidents out here. Senators and Congressmen. He was magnificent.

(Laughter.)

President Bush: Magnificent music.

It's often said, in my line of work, that a candidate or a proposal hasn't got a prayer. Well, I'm pleased to be with an audience whom that will never be said.

(Laughter.)

President Bush: And this breakfast is the result of years of quiet diplomacy—I wouldn't say secret diplomacy—quiet diplomacy by an ambassador of faith, Doug Coe. And I salute him.

(Applause.)

President Bush: And I was moved once again by what Sam and Liz told us of members and staffers on the Hill who like to regularly meet to share a few quiet moments of prayer and Bible reading. The values that spring from our faith certainly tell us a lot about our country. And consider that for more than two centuries, Americans have endorsed, and properly so, the separation of church and state. But we've also shown how both religion and government can strengthen a society.

After all, our Founding Father's documents begin with these words: All men are endowed by their Creator with certain inalienable rights. And Americans are religious people, but a truly religious nation is a tolerant nation. We cherish dissent, we cherish the fact that we have many, many faiths. And we protect even the right to disbelieve.

A truly religious nation is also a giving nation. A close friend of mine sent me a poem recently which eloquently embodies this spirit of giving.

"I sought my soul but my soul I could not see;
I sought my God but my God eluded me;
I sought my brother and found all three."

Thousands of Americans are finding their soul, finding their God, by reaching out to their brothers and sisters in need. You've heard me talk about A Thousand Points of Light across the country. Americans are working through their places of worship, through community programs, or on their own to help the hungry and the homeless, to teach the unskilled, to bring the words of men and the word of God to those who cannot even read.

And so I believe that his democracy of ours is once again proving, as it has throughout our history, that when people are free, they use that freedom to serve the greater good and, indeed, a higher truth. As freedom blossoms in Eastern Europe—and Jim was talking eloquently about that—I'm convinced that the 1990s will be the decade of the rebirth that he so beautifully spoke about. A rebirth of faith and hope.

And one example, I met this week with Father Calciu, a Romanian Orthodox minister. Father Calciu has spent 21 of his 64 years in jail. A third of his entire life in prison. And in fact, it was while in prison for opposing the government that he found God. And once released, he risked his freedom by preaching a series of lenten sermons. And for that, he was imprisoned again and tortured beyond belief.

And yet, Father Calciu had faith and he refused to break. He was sentenced to death. And as he stood in the corner of the prison yard, praying for his wife and son, awaiting death, it was then that something remarkable occurred. His two executioners called to him and, surely, he thought, well, this was the end. But instead they said, "Father,"—and that was the first time they had called him that—"we have decided not to kill you." And three weeks later he received permission to celebrate the Divine Liturgy, and when he did, he saw these same two guys—the same two guards—approach, and to his astonishment, his would-be executioners got on their knees and joined him in prayer. This is one man's story—a humble priest.

And today, the times are on the side of peace because more and more brave men and women are on the side of God. And so

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that is the end of these few words. That is my prayer, that we will continue to recognize the power of faith.

Thank you all and God bless you.

(Applause.) (Ovation.)

Senator Grassley: Thank you very much, Mr. President, not only for that message but for your continued leadership.

I now welcome to the podium a great man and friend of the prayer breakfast movement. His leadership capabilities as the Governor of the fine State of Missouri are well known. So today we have asked him to use those leadership capabilities to lead us in song. Ladies and gentlemen, the Honorable John Ashcroft.

Governor Ashcroft: Thank you, Senator Grassley, President and Mrs. Bush, friends, would you please stand as we lift our voices together in an opportunity to share in a great hymn of faith, praise and thanksgiving. You have in your program the words to Amazing Grace.

(Singing)

AMAZING GRACE

"Amazing grace, how sweet the sound
That saved a wretch like me!
I once was lost, but now am found,
Was blind, but now I see.

Through many dangers, toils, and snares,
I have already come:
Tis grace has brought me safe thus far,
And grace will lead me home.

When we've been there ten thousand years,
Bright shining as the sun,
We've no less days to sing God's praise
Than when we first begun."—John Newton.

Governor Ashcroft: Please remain standing.

Senator Grassley: Thank you very much, Governor. I'd like to now invite to the podium an outstanding leader from the world of business, Mr. Richard G. Capen, the distinguished Vice Chairman of the Knight-Ridder organization, for our closing prayer.

Mr. Capen: Mr. President, Mrs. Bush, Mr. Vice President, Mrs. Quayle, Secretary Baker, ladies and gentlemen, in the tradition of many of our homes and in honor of the Lord, I would ask that as we have our closing prayer, that we all join hands around our table in the recognition of our diversity and our dependence upon the Lord. Let us pray.

Our Father, the most powerful message of this morning's program is the simple reality that hundreds of the nation's most respected leaders have gathered here in the name of our Lord and Savior, Jesus Christ. We thank You for the incredible blessings of this day. May we never take the miracle of life for granted. We also thank You for the privilege of being leaders, knowing that as we lead we are first and foremost Your servants. Some here, oh, Lord, command armies; others manage huge corporations; some make our laws; others interpret them. One serves You, Father, as the ultimate leader of the free world. Some heal, some inspire with music, some raise children, others teach, still others communicate your message in a secular world. One here today has crusaded for more than a half century celebrating Your Name all around the globe. Many here are blessed with incredible talent and enormous influence, yet each is here humbly to express absolute dependence on You. Together, we present the mosaic of Your creation.

This morning we gratefully acknowledge the privilege we have to serve others in Your Name. We live in a diverse and far too often divided world. It is Your will and our duty to help tear down those walls that separate us, and so it is that we seek to build bridges of understanding in all that we do. Each day, You challenge us to move within a world of believers and non-believers, cynics and doubters and those who aimlessly drift through life with no spiritual anchor at all. It is in those circumstances that we have especially powerful leadership opportunities to be Your emissaries, reflecting the comfort and peace that come through Your promise of everlasting life.

We ask for the courage to stand for those who cannot stand up for themselves, and we ask for the strength to reach out to others in need. This year, as others have said, we must accept special responsibilities to give support to those whose beliefs have been suppressed for most of a lifetime. For the first time in a generation, millions in Eastern Europe are free to pray, to worship, and still they need our tangible help. And we must not let them down.

This morning, we offer special prayers for the President and Mrs. Bush. At a time when family life is disintegrating, the Bush's have provided uplifting personal testimony as a loving family driven by a strong faith in the Lord. The President and Mrs. Bush have given a lifetime of unselfish service to others and have done so with inspiration and integrity. We thank you, Lord, for their example as Your special servants. As the President said last night, our anchor has always been faith and family.

And finally, oh, Lord, as we conclude this powerful program of prayer, we take comfort in Your Apostle Paul's advice to Timothy; be sure to use the abilities God has given you, put these abilities to work, throw yourself into your tasks so everyone may notice improvement and progress, keep a close watch on all you do and think, stay true to what is right, and God will bless you and use you to help others.

Yes, Lord, please use us to help others. We are Your humble servants, and to You, we say, I am here, I will go, please send me. And we ask all these things in the name of our Savior and Your Son, Jesus Christ. Amen.

(Whereupon, the meeting was concluded.)

THE LAST FLIGHT OF THE SR-71

Mr. GLENN. Mr. President, I rise to note a sad landmark in aviation history. Yesterday, the SR-71 reconnaissance plane, the fastest and highest-flying U.S. aircraft was retired after making a record-setting 68 minute flight from California to Dulles Airport here in Washington, DC, where it was turned over to the Smithsonian Institution's Air and Space Museum.

As a member of both the Senate Select Committee on Intelligence as well as the Senate Armed Services Committee, I am deeply concerned about last year's decision to terminate this proven, outstanding reconnaissance asset.

Last year's DOD authorization conference report stated that "while the conferees believe there is substantial inherent military value in the SR-71 fleet, it is clear that the Department [of Defense] has no intention of operating the aircraft to achieve or exploit that potential. The high cost of continued operation of an asset so ill used by the Department cannot be justified."

While it is undoubtedly true that the SR-71 fleet was not being utilized to its fullest potential, I believe that this shortcoming could have easily been redressed by the Department of Defense and by no means warranted program termination. In view of the high costs of other Air Force programs, the costs of this program and its benefits were both affordable and reasonable.

Mr. President, the SR-71 is a proven reconnaissance asset that brought a truly unique capability to America's intelligence community. The SR-71 is a high altitude, high speed, long range airborne reconnaissance platform that has served our Nation well since it first flew in the mid-1960's. The SR-71 provides coverage on demand with little or no warning to the reconnaissance target—it is a highly flexible system.

Because it is the world's fastest and highest flying aircraft, the SR-71 is able to penetrate hostile territory with comparatively little vulnerability to attack unlike other reconnaissance platforms. This makes it particularly useful in crisis situations such as the Persian Gulf. While opponents of the SR-71 have argued that national technical means are capable of performing the same mission, these systems are far less flexible and survivable than the SR-71.

It is interesting to note that for some years now, the DOD has been making the case that the United States needs an antisatellite [or Asat] capability, in large part due to the threat posed to our satellites by the Soviets. Should the United States go forward with the deployment of an Asat system, it would seem likely that the Soviets would end their moratorium on testing and advance their Asat program. Given the increased threat such a superpower Asat race would pose to our already vulnerable satellites, it would seem the height of folly to cancel the only truly survivable air-breathing reconnaissance platform in our inventory—the SR-71.

In retiring the SR-71, the United States has essentially removed itself from the strategic aerial reconnaissance business. Intelligence systems such as the SR-71 are the eyes and ears for our Nation's defense and are therefore true force-multipliers. I am convinced that the United States will be placed at a serious disadvantage in future crisis situations by the termination of the SR-71.

I think that few Members of the Congress and certainly few in the public truly realize the magnitude of the decision to terminate the SR-71. In part, this is due to the fact that the vast majority of our Nation's intelligence capabilities such as the SR-71 cannot be fully discussed in public, if at all. Because these programs are classified, few Members of Congress are even aware of many of these systems unless the Member serves on one of the committees that conducts oversight of these programs.

Also, because they are classified, intelligence systems have virtually no public constituency. In increasingly constrained budget environments, it is simply a fact of life that systems and programs that bring highly visible benefits to constituents are far more likely to survive the budget cutters' ax than valuable intelligence programs such as the SR-71.

The retirement of the SR-71 highlights another problem our Nation will confront in the years to come. With the revolutionary changes taking place in the Communist bloc, the prospects for reaching sweeping and truly meaningful arms control agreements with the Soviet Union are better than they have ever been since World War II.

Indeed, it seems likely that this year, we will reach a sweeping array of arms control agreements with the Soviets—verification protocols of the TTBT and PNET Nuclear Testing Treaties, Start, CFE, a bilateral agreement on chemical weapons, and an "open skies" agreement.

While I am second to no one in my enthusiasm at this prospect, we must be aware that these agreements will necessarily be very complex and therefore very difficult to adequately monitor. Enormously expensive intelligence systems that enable us to adequately monitor Soviet compliance with these complex agreements constitute the hidden cost of arms control. If these essential intelligence systems are sacrificed like the SR-71 to narrow budgetary considerations, our ability to adequately monitor these agreements will be placed at risk—endangering our Nation's security as well as the public's consensus behind the arms control process.

Mr. President, the termination of the SR-71 was a grave mistake and could place our Nation at a serious disadvantage in the event of a future crisis. Yesterday's historic transcontinental flight was a sad memorial to our shortsighted policy in strategic aerial reconnaissance.

TERRY ANDERSON

SPECULATION GROWS THAT 1990 TO BE LAST YEAR OF CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,817th day that Terry Anderson has been held in captivity in Beirut.

I would also like to mention that still more reports on the hostage situation are coming out of the Middle East. Today's Washington Post notes that the Tehran Times said yesterday that 1990 would be the last year of captivity for the hostages. Last week, that same paper, usually considered a mouthpiece for Iranian President Rafsanjani, called for the unconditional release of the hostages.

I ask unanimous consent that today's Washington Post article be reprinted at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 7, 1990]

PAPER: HOSTAGES WILL BE FREED

NICOSIA, CYPRUS, March 6.—A Tehran newspaper close to Iran's president said today that 1990 will be the last year of captivity for the 18 Western hostages in Lebanon.

In a separate editorial, the English-language Tehran Times said Syrian President Hafez Assad would visit Tehran soon, after an expected trip by his foreign minister, Farouk Charaa.

Syria is the main power broker in Lebanon, with 40,000 troops there. Pro-Iranian Moslem fundamentalists in Lebanon are believed to hold the hostages, including eight Americans.

Both editorials in the government newspaper were excerpted by the official Islamic Republic News Agency, monitored in Nicosia.

The Tehran Times said the hostages should go free without preconditions. In the past, the paper has reflected the thinking of President Ali Akbar Hashemi Rafsanjani.

"Our own assessment indicates that this thorny issue can be sorted out in the near future in a sincere spirit by sincere people," it said, adding, "1990 can and will be the last year of the captivity of these hostages."

CLOSING OF ELITE RESTAURANT

Mr. HEFLIN. Mr. President, it was with great sadness that I learned of the closing of the Elite restaurant in Montgomery, AL. As a man who appreciates good service and good company almost as much as I appreciate fine food, the Elite will leave a space in my heart which will be impossible to fill.

Many people may be under the impression that the Alabama State Capitol is at the end of Dexter Avenue in Montgomery. However, anyone active in politics knew that on any given day Alabama was likely to be governed from Montgomery Street, as the movers and shakers tucked away fine crabmeat in the Elite's booths and charted the future of the State.

To someone who was not there to see it, it is almost impossible to convey the huge effect the Elite had on the social fabric of Montgomery. It was more than the meeting place of the city; it was also the commercial command center, the art and literary salon, the gossip and rumor clearing house and the highbrow think tank. That it was able to satisfy such a diverse group of people for so long is a tribute to the superb management, true hospitality and fine kitchen of the Xides family.

The story of the Elite is the story of immigrant success in America. The Xides family came to this country in 1907 from the mountains of Greece with no advantages except intelligence and determination. In 1911, Pete Xides started working at the Elite. By 1925, he owned the place. Over the course of the next half-century he and his son, Ed, made the Elite the place to see and be seen in Montgomery.

It saddens me greatly that the evolution of a city could cause the demise of such a monumental part of the city's culture. It seems a too-steep price to pay to progress. However, I am sure that, should he care to begin anew, Ed Xides' determination and intelligence (not to mention his recipe book) will ensure that Mongtomery flocks to him. I know I will.

HOORAY FOR JACKSON ELEMENTARY

Mr. HATCH. Mr. President, I rise to applaud a wonderful example of President Bush's Thousand Points of Light initiative. My home State, thanks to the ingenious efforts of a group of students at Jackson Elementary in Salt Lake City, UT, has created a statewide tree-planting program.

These motivated youngsters at the school's Extended Learning Program, their teacher, Mrs. Barbara Lewis, and their principal, Mr. Peter Gallegos, have tirelessly worked to see this program enacted. The initiative started at the State level; and, very simple, it was not likely to pass in this time of severe budget constraint. My colleagues in the Senate know all too well that worthy projects sometimes suffer for want of funds. But in the true spirit of American democracy, the students and their advisers took their case to the State capital. Can you imagine it? A league of little Mr. Smiths armed with facts and information, ready to do battle in a worthy cause. They informed, they bargained, they argued, and perhaps they even did a little bit of arm-twisting. And, Mr. President, they won. Currently, the Utah State Senate is preparing to debate the tree-planting bill that passed in the Utah House of Representatives. Given the tenacity of the bill's originators, I think it stands a very good chance of success. I hope eventually to see a national tree-planting program, and I intend to propose legislation to that end every soon.

Mr. President, the service that these young people have done for themselves, their community, their State, and their country is inestimable. Each new tree planted will in 50 years have contributed more than $50,000 worth of pollution control; each new tree planted will recycle thousands of gal-

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lons of water; and each new tree planted will help to prevent soil erosion. Perhaps most important, however, each new tree planted adds new beauty and wonder to this beautiful planet. We are all enriched when our world is made more beautiful. I am proud today to voice my praise for the students of Jackson Elementary; and, let me just say that anyone who believes that people no longer care has never met these pupils; anyone who believes that good deeds no longer exist has never met these students; and, anyone who believes that American's future is bleak has never met these young people.

Thank you, Jackson Elementary.

PRIVILEGE OF THE FLOOR

Mr. HEINZ. Mr. President, on behalf of Senator Kasten, I ask unanimous consent that Jeff Hardison, an interpreter from Gallaudet University, have access to the Senate floor during morning business on March 8, 1990, to interpret floor statements for "Deaf Awareness Week."

The PRESIDING. Without objection, it is so ordered.

FEDERAL FISH INSPECTION LEGISLATION

Mr. MITCHELL. Mr. President, on March 1, 1990, shortly after the announcement of the Clean Air Agreement, I joined Senators Hollings, Stevens, and Kerry in introducing S. 2228, a bill to establish a mandatory Federal Fish Inspection Program.

Federal fish inspection may not seem as important to some people as clean air, child care, campaign finance reform, or other issues currently before the 101st Congress—but it is vitally important to the thousands of Americans who make their living from the sea, and to the health and safety of millions of Americans who eat fish and seafood.

Just 1 day before the introduction of S. 2228, National Sea Products, Inc. announced that it will close a fish processing plant in Rockland, ME, on April 30, 1990, resulting in the loss of approximately 200 jobs in one of Maine's rural, coastal counties.

National Sea Products declared:

> A decrease in the U.S. market for processed seafood has led to a highly competitive marketplace and overcapacity in the industry. * * * The closure of the Rockland plant allows NSP to consolidate its secondary processing of groundfish at its more modern Portsmouth, New Hampshire plant (currently operating at less than 60 per cent capacity).

Over the last year, fish consumption in the U.S. market has declined 15 percent—at least in part because of decreased consumer confidence in the quality of the fish we eat. The waters of the Gulf of Maine are very clean, and Maine seafood maintains its reputation for quality and wholesomeness. However, Maine fishermen recognize—and the closing of the Rockland National Sea Products plant unfortunately dramatizes—the fact that whatever affects the stocks or quality of fish, and whatever affects the confidence of consumers in the seafood market, ultimately affects the livelihoods of all Maine fishermen and workers in related industries.

It is for this reason that with the encouragement of the Maine Sardine Council, the Associated Fisheries of Maine, and the Maine Fishermen's Cooperative Association, I first became involved with the issue of Federal fish inspection. On June 22, 1989, along with Senator Cochran of Mississippi, I introduced S. 1245 in the Senate. The bill currently has 28 cosponsors including Senator Leahy, chairman of the Senate Committee on Agriculture.

It is for this reason also that I have joined with Senator Hollings as an original cosponsor of S. 2228. Senator Hollings of course is the chairman of the Senate Commerce Committee.

I have special respect for Senator Hollings' and Senator Stevens' leadership and expertise in issues of importance to the fishing industry. Together, they played an instrumental role in the enactment of my lobster bill last year—a fact that was recognized and appreciated by lobstermen throughout Maine and the rest of New England. Their leadership is therefore especially important in the effort to achieve sound, sensible Federal fish inspection legislation. Senator Leahy and I are committed to working with them in that effort.

In light of the importance of the fish inspection issue, I want to comment on several points which, because of the coincidence of the clean air announcement, I believe that I may not have adequately expressed at the time that S. 2228 was introduced.

There presently are three bills in the Senate, and six bills in the House of Representatives dealing with Federal fish inspection. The number of bills and differences among some of them may make for some confusion, but it is important to realize that the issue is being approached with a spirit of bipartisan cooperation, and I believe, with increasing consensus.

When I introduced my own bill, S. 1245, 8 months ago, I expressly stated my view that it should serve "primarily as a foundation for further discussion and development of detailed provisions." S. 1245 was intended as a starting point around which to build consensus. To a large degree, that goal has been achieved. S. 1245 has been cosponsored by 28 Senators, including several members from each of the Senate Committees on Agriculture, Commerce, and Labor, all of which have interests on different aspects of the overall issue.

The real task now is to develop the details for final legislation. On November 21, 1989, Senator Leahy introduced the second Senate bill, S. 1983, which was followed by the introduction of S. 2228 by Senator Hollings on March 2, 1990. Between those bill introductions, during the period from January 25, to February 9, 1990, my staff convened a series of informal seminar and discussion sessions on fish inspection issues, in which representatives of all three committees and other offices participated. The prospect of additional bills being introduced was both anticipated and welcomed as a means of helping to refine various issues.

In this context, the introduction of S. 1983 and S. 2228 should be viewed a logical progression—and expansion—from S. 1245 in the legislative process. Each bill helps to define issues for further discussion, as we proceed to draft final legislation. There are many issues that need to be resolved, but the sponsors of the bills are committed to working together in that effort.

To the degree that the Senate now may be moving beyond the initial outline presented by S. 1245, I want to acknowledge several specific contributions made by Senator Hollings' S. 2228 and Senator Leahy's S. 1983.

S. 2228 proposes detailed, oftentimes technical definitions that will be important for the final legislation. It particularly includes a definition of contaminants, including chemical, microbiological organisms and parasites, and naturally occuring toxins, that were not fully reflected in S. 1245.

S. 2228 reflects a phased and prioritized schedule for implementation of a mandatory Federal Fish Inspection Program. It also envisions a program of continuing research, identification of priorities, development of standards, and reports to Congress. This gradual, ongoing approach is important both to ensure a wise investment of scarce Federal resources and to minimize any disruption within Federal agencies or within the commercial fishing industry.

S. 2228 proposes a consistency for Federal regulations with guidelines occurring under the National Shellfish Sanitation Program [NSSP] and the Interstate Shellfish Sanitation Conference [ISSC]. I believe that this is the first time that the NSSP and ISSC have been specifically referenced in any of the bills that have been introduced. The NSSP/ISSC role is important.

S. 2228 for the first time proposes a Shellfish Indicator Research Program as part of the overall Federal Fish Inspection Program. It also provides the greatest detail of any bill for discussion of water monitoring.

S. 2228 proposes an inspection program based on the hazardous analysis critical control point [HACCP] method. This is consistent with S. 1245. However, it also goes beyond S. 1245 by providing more detailed guidance for determining inspection frequency. This includes basing the inspection program on the model seafood surveillance project already conducted by the National Marine Fisheries Service, as well as taking into consideration the special characteristics of fish and other factors.

S. 2228 proposes specific exemptions and exclusions which for the first time establish a line of demarcation in application of the program. Inspection resources must be concentrated on those points where the public health risk is greatest. S. 2228's proposed coverage of fishing vessels is limited in a manner that is consistent with HACCP methodology and a wise allocation of scarce Federal resources.

The latter two points are particularly important. Principles of equity and effectiveness clearly must apply for all food inspection; however, I believe that final legislation must recognize differences between the meat and poultry industries and the fishing industry. Continuous inspection is inappropriate for the fishing industry, and S. 2228 makes this distinction.

At the same time, to the degree that less than continuous inspection is used, appropriate safeguards will be necessary to adequately protect the public health. In this regard, S. 2228 contains provisions similar to some of those in Senator Leahy's bill, S. 1983, which will be important in the development of details for final legislation.

S. 1983 and S. 2228 both provide for random and unannounced inspections.

Both bills would have inspection frequency depend on special characteristics of fish products, including the probability of susceptability to contamination.

Both bills would have inspection frequency depend on the volume, nature, or complexity of processing operations.

Both bills would have inspection frequency depend on an establishment or vessel's history of compliance with regulations under the legislation.

Both bills include recordkeeping provisions.

In addition, S. 1983 contains a whistle-blowing provision that would protect fishing industry workers against any employer discrimination for insisting that regulatory requirements be fulfilled.

All of these provisions go beyond S. 1245, and provide the kind of detail that will need to be reflected in the final legislation. We also still should consider other provisions. For example, the occupational health and safety record of an establishment may be relevant for determining frequency of inspections.

S. 2228 and S. 1983 also reflect significant emphasis on State assistance and cooperation, consistent with the provisions of S. 1245. In addition, S. 2228 and S. 1983 provide for stricter, equivalent application of domestic standards to imported fish products—which is consistent with my own intentions for such legislation. I also believe that the capacity for overseas certification and inspection should be included in the final legislation.

Among the various bills that have been introduced, the most prominent differences are in the choice of agency roles and jurisdiction. The Department of Agriculture [USDA]; the Department of Commerce's National Oceanic and Atmospheric Administration [NOAA], which includes the National Marine Fisheries Service [NMFS]; and the Department of Health and Human Services' Food and Drug Administration [FDA] all have been proposed as candidates for a comprehensive, mandatory fish inspection program.

S. 1245 reflects my personal preference for USDA. Senator Hollings bill reflects his preference for NOAA. I therefore want to emphasize the significance of my cosponsorship of Senator Hollings' S. 2228 and his cosponsorship of S. 1245. We are committed to working together to achieve a sound, sensible Federal Fish Inspection Program, and there is flexibility in our respective positions. The importance of such a program to the public health concerns and the commercial fishing industry is paramount. Jurisdictional issues should not prevent enactment of legislation that truly serves the public interest.

Senator Leahy's S. 1983 specifically provides for distinct roles for USDA, FDA, and NOAA in an overall fish inspection program. S. 1245 specifically envisioned the need for interagency cooperation, and I support the concept of drawing on the strengths of existing agencies.

USDA, FDA, and NMFS all have come under criticism for inadequacies in current programs. I personally have been critical of NMFS in its fisheries research, management, and enforcement efforts. However, I strongly support NOAA's programs in many areas, and support improvements for NMFS in areas such as stock assessment, fishery biology and ecology, and data analysis and management. Federal fish inspection legislation should be viewed as an opportunity for improving upon existing programs—regardless of which agency is under consideration.

At the time I introduced S. 1245, I indicated my desire for a starting point for discussions. With the introduction of additional bills, I believe that the momentum for consensus has increased. I do not wish to minimize the work that still needs to be completed, but I am confident that we are ready to begin preparation of final legislation for action by the Senate later in the session.

THE EASTERN AIRLINES VETO OVERRIDE VOTE

Mr. KENNEDY. Mr. President, I regret that the House of Representatives has failed to override President Bush's veto of the Eastern Airlines bill.

This legislation was necessary a year ago, and it is long overdue today. It would provide what this yearlong dispute has lacked from day one: A fair means to achieve a satisfactory and prompt resolution of this disruptive and deeply disturbing labor dispute.

But President Bush did not agree. In February 1989, he became the first President in history to ignore an official recommendation by the National Mediation Board to create an emergency factfinding board in such a situation.

And for the rest of 1989, President Bush and his antiworker allies in Congress fought tooth and nail to stop the House and Senate from doing the right thing and creating a neutral factfinding panel by legislation.

Just last week, the court-appointed examiner in the Eastern Airlines bankruptcy case issued a report in which he found substantial support for the Eastern unions' longstanding contention that Frank Lorenzo acquired Eastern Airlines with the express intention of stripping that airline of its best assets, to the benefit of his nonunion carrier, Continental Airlines, and to the detriment of thousands of Eastern employees and their families, as well as the flying public. The examiner also went on to concede that his own efforts to resolve this bitter labor dispute have been entirely unsuccessful.

In view of these developments, it is now, even more apparent that the best—and perhaps the only—hope for an equitable settlement of this strike lies in the appointment of the blue-ribbon panel that this legislation would have created: A panel of disinterested experts to investigate the underlying causes of the dispute and make recommendations for its prompt resolution. Yet, incomprehensively, the White House continues to bow to pressure from Frank Lorenzo and his allies to prevent the facts of this dispute from being aired in a sensible way.

The American people, the traveling public, and the thousands of Eastern families want this dispute settled. And so does a clear majority of Congress. But because Frank Lorenzo does not want the parties of the parties or the public to hear the conclusions and recommendations of a neutral body, the White House has broken all known

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precedent and refused to allow such a body to be created.

This strike has gone on for too long. The time tested and proven method of seeking neutral recommendations to help reach a settlement has been denied.

This is no position for a President and his administration to take, if they care about issues like fairness, decency, and dignity for working Americans and their families.

I regret the failure of the House to override President Bush's unwise and unfortunate veto. In addition, I regret the intervention of Mr. Shapiro, the court-appointed examiner, in this congressional debate. Mr. Shapiro objects to the intervention of Congress in this dispute. The real problem is that there has been too much intervention by the court-appointed examiner and too little intervention by Congress and the administration in this long unnecessary strike. I intend to work with other Members of the Congress and, I hope, with the administration to explore appropriate possibilities for additional legislation that continues to be so obviously needed.

IN HONOR OF JOE ROBBIE

Mr. DASCHLE. Mr. President, one of South Dakotas most remarkable citizens passed away recently, and he will be missed by many throughout the State and the Nation. Joe Robbie was a great man and a great South Dakotan who never failed to ask what he could do to help his State.

At 73, Robbie leaves behind a host of friends and admirers who will tell you that though the owner of the Miami Dolphins football team lived in Florida, he always considered South Dakota home.

Born in 1916, Robbie grew up in Roberts County, SD, and began his political career as a State legislator from Mitchell in the 1940's. He served as chairman of the State Democratic Party and ran an unsuccessful bid for Governor in 1950. Nationally renowned as the founder and owner of the Miami Dolphins football team, South Dakota remembers Robbie as a giving native son who helped raise money for projects such as the Dakota Dome at the University of South Dakota, scholarships for American Indian students and as an active supporter of the State Democratic Party.

"My background in South Dakota included the Great Depression, the grasshopper plague, the drought and dust storms," Robbie was once quoted as saying. "I have observed that South Dakotans are uniquely prepared to use their full potential, and the education system enables them to compete with anyone."

Joe Robbie was a civic leader who, throughout the course of his life, reaffirmed in myriad ways his dedication to hard work, good government, education, and philanthropy. He will always be remembered as an example of one unafraid to put everything on the line to achieve greatness for his beliefs, his team or his State.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order, morning business is now closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell Amendment No. 1293, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that during the statement I will make that Barry Zalcman be entitled privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Thank you, Mr. President. As we begin this session on S. 1630, the Clean Air Act amendments, I advocate that there are certain elements of the bill that require additional scrutiny, but I am not alone in this assessment.

In the last month, many of us were aware of extraordinary discussions that took place with the administration. At this stage, Mr. President, it appears that we have a choice to make.

We can focus on the criticism that will be lavished by those representing the extremes in the debate; that is, that the Senate gave up too much or that the administration gave in too easily; or we can focus on the accomplishments of this marathon ngotiating, and that is, that reasonable people can find common ground.

Throughout this dialog, the participants place the health of the American public first. It is now time that we got on with this process. I do not think we can leave any longer the health of the so-called patient in jeopardy as the so-called practitioners debate the cure.

I think it is important to appreciate that there was more flexibility on the part of the administration and the Senate than when this debate began. I think we need, during this stage of the debate, to retain this flexibility. Therefore, Mr. President, I think we should look at this agreement as a first accomplishment, not a final fulfillment.

We are especially, all of us in this body, no matter the party, indebted to Majority Leader MITCHELL for his courage and his approach to breaking this logjam and for his intimate involvement in the process. Mr. President, if there ever was a time when this experience as a judge came into the forefront, it was during his arbitration, his judicious approach to working out something on this clean air bill. As we all know, it is something extremely important to him because the Northeast has been hit extremely hard by pollution, and that is where the acid rain is most pronounced.

So, I think this whole body, without exception, congratulates and applauds the majority leader for his great leadership in allowing us to be at this point in this landmark legislation.

With Senators DOLE, BAUCUS, and CHAFEE, the commitment of so many other Senators and their staffs, and I might even add Roger Porter, of the administration and his team, we are here today one step closer to resolution of this extremely important legislation.

This is not a perfect bill, but it will be improved. It is not the bill that I want, but it is a bill that we should be happy to work with. Because of this effort we are here today and able to talk about a bill that we think can pass. The quality of our air resources nationwide is not nearly as good as we want it to be, but it, too, will be improved.

The President's original clean air bill was estimated to cost about $20 billion per year. Estimates of the cost of this clean air bill, the one that is before us today, are not significantly more, since a condition for the compromise was that an increase would be no more than 10 percent over the President's original $20 billion-per-year cost.

It is interesting to note, Mr. President, that estimates of the health costs associated with human exposure to air pollution reported by the American Lung Association is about $100 billion a year. I repeat that. Estimates of the health costs associated with human exposure to air pollution reported by the American Lung Association is about $100 billion a year. That does not account for the erosion of environmental quality that is taking place every place in our country.

If my math is right, and I believe it is, we are willing, as a people, to pay five times as much for dirty air as we are for clean air. So, clearly, the time is upon us for a strong clean air bill. No one is against clean air. We know that. But we must first pass this bill if we want to get any cleaner air.

More than 20 years ago, in 1969, I introduced in the Nevada State Legislature, when I was a freshman assemblyman, a bill to clean the air in the State of Nevada. This was the first air pollution bill in the history of the State of Nevada.

Since then, Nevada has become known as the quality-of-life State. The quality of life in Nevada has become an attraction. Today, Nevada boasts the highest population growth rate in the United States, but this, Mr. President, has come at a price: Our two largest metropolitan areas are among those in nonattainment.

Title I of this bill before the body focuses on the maintenance and attainment of ambient air quality standards. This has special significance for lots of cities, lots of metropolitan areas, but it has special significance for Reno and Las Vegas, NV, because both of these fine cities have been covered by an EPA-approved State implementation plan.

The Environmental Protection Agency's approval of State implementation plans and their failure to track progress toward attainment of air quality standards has led us to where we are today.

In fact, some areas achieved attainment only to find they could not maintain it. We need to provide clear guidance so that State and local officials can develop effective plans to achieve and to maintain healthful levels of air quality. Mr. President, local efforts, like ordinances on wood-burning stoves, can only do so much. They cannot do it all.

The degradation of air quality because of transportation and congestion is real. It is not imagined. They pose a threat to our quality of life all over this country.

Our State and local leaders nationwide are attempting to deal with the transportation problems that plague us all over the country. Mr. President, State and local leaders in Nevada are attempting to deal with transportation problems that plague us now. But we are not waiting for this bill to address our problems in Nevada. This bill should not hamper, however, those State and local organizations that are aggressively pursuing effective transporation planning to solve their transportation and traffic problems.

Just last month I sponsored a transportation summit in southern Nevada, the Greater Las Vegas area, and soon will hold a similar gathering in the northern part of the State, in the Reno, NV area to face those problems. And I think we faced them in southern Nevada head on.

Easing traffic congestion will relieve emissions, but we need help in reducing air pollution from automobiles generally, and specifically in Nevada. It cannot be accomplished by more effective plans, fleet conversions, and cleaner fuels alone. There needs to be more. We need, Mr. President, American know-how and innovation to be put into the production of cleaner automobiles.

What are we willing to give to improve the quality of life for Americans with respiratory problems? The next question we must ask is what are we willing to give to improve the quality of air that our children breathe?

Think about this estimate reported by the University of California at Davis. There are more deaths annually linked to pollution from the automobile than to automobile accidents.

This is a stark reality.

Title II of this bill focuses on emissions from mobile sources. I have stated repeatedly that it is absolutely essential that we move aggresively to deal with the air quality problems posed by the American automobile. We cannot view the auto industry as a culprit in this process. I am confident and hopeful that the American automobile industry will rise to the occasion and they must.

Mr. President, if we cherish our independence, and I know we do, our ability to go any place at any time, we need to find ways to minimize the impact on the health of the public and to protect the environment.

We need to look as individuals within ourselves and as a people to ask, are we willing to sacrifice for clean air? It is a simple question. Are we capable of modifying our lifestyle subtly today or must we move radically tomorrow?

After the 1977 Clean Air Act amendments were enacted, the National Commission on Air Quality reported, in 1981, that nearly all areas would be in attainment. This did not come to pass. Over 100 areas in our Nation are not in attainment for ozone, the kind that is involved in the production of smog.

Automobiles already on the road today will not be getting any cleaner on their own. We need technological improvements to solve this problem. Technological advances made during the 1980's that reduced emissions have been overcome by an increase in automobile production. We lowered the emission standards, we produced more automobiles, and more people drive. We are not gaining.

But our attitude has changed since 1981. Today I believe we are willing to make the sacrifices for a cleaner tomorrow. We must listen to the folks back home because; just listen to what they are saying: Fifty-six percent support stricter regulations, even if it raises the cost of consumer products; Sixty-seven percent of the folks back home support stricter emission controls, even if it raises the price by even $400 on a new car or truck. The folks back home support, to the tune of 68 percent, stricter regulations, even if it raises the cost of utilities. The folks back home, 81 percent of them, support stricter regulations even if it raises the "T" word, taxes.

Mr. President, 84 percent of the folks back home would accept a reduced standard of living with much less risk to human health compared to a higher standard of living with greater health risks.

So if we listen to the folks back home, this legislation should be hurtling down the railroad tracks.

It is interesting to note that there is a process issue involving this clean air debate regarding an amendment proposed to be brought up later. I have received hundreds of cards in my office wherein residents are complaining or they were requested to complain using form cards and letters. But large numbers of these people have crossed out what is on the card and said "Senator Reid, we want clean air." They do not understand all the technicalities. All they know is they want clean air. The folks back home are telling us, Mr. President, and our Congress, to do what we can do to clean up the air because we know it needs to be cleaned up.

This legislation before us today, is comprehensive. Title III of this bill focuses on air toxics—those pollutants that may present a threat of adverse human health. This provision will set standards which provide an "ample margin of safety" to protect public health. Most of the hazardous emissions are attributable to major manufacturing facilities.

At some future time we will be able to look toward pollution prevention as a way to limit emissions. We need to do more work to clean up the process at the front end. For now, we must reduce hazardous and toxic emissions at the back end of this process through the use of cost-effective pollution control technologies.

Mr. President, today the Environmental Protection Agency has regulations governing only seven chemicals considered hazardous. When enacted, this bill will cover more than 25 times that amount, nearly 200 chemicals. I might say, Mr. President, it is about time.

Part of my assignment here in the Senate includes chairing one of the Environment and Public Works subcommittees. We have held a number of hearings on chemicals in the workplace. Agricultural chemicals, as the Presiding Officer today recognizes, on farms across America that are now causing concern. We have learned a number of things about them—the use of chemicals throughout our society. We have learned that there are about 65,000 of them, and just a few of them have been tested.

The American public should know that this bill certainly does not solve all, nor will it cure all, but it makes a quantum leap from 7 regulated hazardous chemicals to nearly 200 for which regulations will be promulgated. It is about time.

Mr. President, I am also pleased with the provisions for establishing early warning systems, and hazard assessments for leak detection and accident mitigation. We have had recently, in the State of Nevada, a tremendous tragedy. This tragedy involved the explosion of a plant which killed a number of people, injured hundreds of others, and did millions of dollars in damage to thousands of homes.

With a better early warning system for leak detection, with better hazardous assessments available, we could have prevented that accident, and many other accidents. This legislation will allow us to do a better job in detecting these types of situations. This provision of this legislation is another step to improve the community awareness of risks posed by chemical manufacturing facilities. This type of incident was thrust upon the State of Nevada; it need not happen elsewhere.

Mr. President, as with most Western States, we have made major strides since the 1977 amendments to reduce emissions at our power generating facilities. During the eighties, we bore the increased costs for cleaning up these facilities. Those who are environmentally responsible should not be penalized for their efforts. Having survived difficult economic time ourselves in the West, we clearly understand the potential hardships that our friends in other regions may face as a result of this legislation.

Title IV, the acid rain provisions, I think, sets a standard that we should all be proud of. A real 10-million-ton-per-year sulfur dioxide emission reduction. This will go a long way to improve the fragile ecosystems that suffer today, and have suffered for decades.

The balance and schedule for improvement in this legislation is reasonable, and is regionally equitable. It recognizes and encourages early cleanup.

We must be cautious in considering future development. The market scheme developed as a result of this compromise will provide some Western States with an abundance of allowances. We must be careful that we do not allow significant increases in sulfur dioxides and oxides of nitrogen to lead to a significant deterioration of the magnificent vistas that exist in the West.

I see my good friend who represents a sister State in the Chamber today. Even though the Grand Canyon is in the State of Arizona, we in Nevada are very proud of the Grand Canyon, because we feel it is part ours, and we feel that we have an obligation not only to the State of Arizona, the State of Nevada, but the entire country, to do what we can to make sure that not only do we recognize that the Grand Canyon is there, but that you can see it when you visit it. So we have to do something to make sure that the magnificent vistas that are in the West, remain magnificent, and certainly this legislation will help us in that regard.

Mr. President, I and some of my western colleagues believe that the prevention of acid rain and visibility impairment in our National Parks need to be considered in tandem, not separately. There will be an amendment offered at the appropriate time to take this into consideration.

We must not allow the breathtaking views of the West, a true national treasure, to be lost in the haze. We need to preserve the magnificent views that are occurring less and less frequently. We need to protect those good visibility days and to enhance the visibility on those poor visbility days.

Mr. President, I can remember, as a member of the other body, traveling to Nevada with the chairman of the Public Lands Subcommittee at the time, John Seiberling from Ohio. He had traveled throughout the world and the United States. He had been involved in legislation that created wilderness areas all over this country. The purpose of the trip to Nevada with John Seiberling, BUDDY DARDEN, PETER KOSTMAYER, and others, was to look at the areas that had been set aside for wilderness designation.

John Seiberling, who initially acknowledged that he was not impressed with Nevada, changed his opinion during the visit. When we got to some of those mountain peaks and he looked out over the vistas, where he could see for over 100 miles, he acknowledged that Nevada was certainly among the most beautiful places he had ever seen in his life. When we finished our wilderness tour in the Washoe Valley underneath the great Sierra Navada Mountains, John Seiberling said, "I have never seen a more beautiful place than Nevada."

One of the reasons he was so impressed with Nevada was obvious on a clear day you can see forever. In Nevada we have a lot of clear days, and we want to make sure in the future, that we, in Nevada and the rest of the West, have an abundance of clear days where you can see forever.

Mr. President, setting aside the localized urban air pollution problems from the automobile, Nevada, as I have indicated, represents the clean air corridor for the Grand Canyon National Park. When the wind blows from central Nevada, the visibility in Grand Canyon is at its best. Our Nation's newest national park, the Great Basin National Park, lies in an area of Nevada where the air is currently pristine. We need to protect it and all of our national parks.

Population growth and economic development demand services that will have an impact on the environment, but we must be careful that future increases in emissions do not lead to a significant deterioration of our beautiful landscape.

Proper siting of major facilities and advanced air pollution control technology will provide the crucial balance between environmental protection and economic development. We need both. We need environmental protection, and we need economic development to sustain a vibrant quality of life in Nevada and our neighboring States, because, Mr. President, we are all in this together.

The last portion of this bill, title VII, includes measures that deal with the emerging appreciation of the planet on which we live. I have previously spoken about local issues and national issues, but title VII deals with more than that. It deals with the recognition that we all live on one planet, and what we do to foul the environment in one place affects another place on this planet. For example, the thin ozone blanket that protects us from the harmful effects of the Sun's ultraviolet radiation has been depleted as a result of man's activities. Other activities involved in the combustion of fossil fuels contribute to a changing global climate at a pace that should trouble each of us.

This portion of the bill focuses on the curtailment and use of a number of chlorofluorocarbons that are known to deplete high altitude ozone. The United States is a party to the Montreal Protocol on Substances That Deplete the Ozone Layer. The Montreal protocol provides the framework for all nations of the world to protect the Earth's ozone shield.

This provision in this legislation establishes the United States as a leader, by example, for the world to follow. Unfortunately, it may handicap our industries—at least this is what some say—should no other nations follow curtailment on a similar schedule. I tend to agree.

I think it also indicates that we should pass this legislation, and then we as a nation should become very aggressive in making sure that all nations follow the Montreal protocol. We and our worldwide friends need to find the appropriate forum to focus on these international issues and to come to an agreement at the international level.

The other provisions of this bill deal with permitting and enforcement. Without a vigorous and evenhanded approach on ensuring compliance with the law that we are going to pass, and expedited action to deal with the violations, the bill really has no teeth. It reminds me of campaign reform. Our campaign laws are not very good now;

the FEC was given no authority to enforce them. We can pass the greatest bill in the world, but if we do not have the ability to enforce that law, Mr. President, the bill is meaningless.

We need a vigorous and even-handed approach to ensure compliance with the law and expedite actions to deal with violations. This has been considered a weakness in the existing law that requires long overdue attention.

Mr. President, this opportunity to restore and protect our precious environment must not be squandered. We have come far. Let us be realistic in our expectations and work to get this important job done by passing this clean air bill, which will advance civilization and society a great deal.

In closing, Mr. President, as a member of the Environment and Public Works Committee, I want to express my appreciation to the majority leader again for a superb effort to get this bill to the floor in its current shape.

Before giving up the floor, I want to acknowledge the work done by the Senator from Montana. The senior Senator from Montana has worked literally night and day on this bill. Now his responsibility has increased enormously, to marshal this bill through the Senate. I publicly commend and congratulate the senior Senator from Montana for the work he has done. It has been exemplary and I have been proud to work with him on this legislation.

This is a bipartisan effort. Senator CHAFEE, as he so often does, has done an outstanding job in a bipartisan manner to advance this legislation that is important to this Nation. I also congratulate and applaud Senator CHAFEE of Rhode Island.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1306 TO AMENDMENT NO. 1293

(Purpose: To amend title VII to provide for consultation with other Federal agencies in developing a safe alternatives policy)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1306.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 547, line 20, insert "in consultation and coordination with interested members of the public and the heads of relevant Federal agencies and departments," immediately before "recommend";

On page 547, line 25, insert "and, where appropriate, seek to maximize the use of Federal research facilities and resources to assist users of substances covered by this title in identifying and developing alternatives to the use of such substances as refrigerants, solvents, fire retardants, foam blowing agents, and other commercial applications" immediately after "alternatives";

On page 548, line 1, insert "in consultation and coordination with the Secretary of Defense and the heads of other relevant Federal agencies and departments, including the General Services Administration," immediately before "examine";

On page 548, line 5, strike "and";

On page 548, line 11, strike the period and insert in lieu thereof "; and

"'(4) maintain a public clearinghouse of alternative chemicals, product substitutes and alternative manufacturing processes that are available for products and manufacturing processes which use chemicals covered under this title.".

Mr. McCAIN. Mr. President, before I address the amendment, I wish to thank my friend from Nevada for his commitment to the Grand Canyon, as well as the other great natural beauties of this country, especially the Grand Canyon.

I note with interest and with some dismay that the bulk of the air tours that fly over the Grand Canyon are based in Las Vegas instead of Phoenix, AZ. I am doing everything I can to rectify that situation.

In fact, my friend from Nevada may be interested to know that on a recent trip I took to Japan, a number of Japanese visitors told me that they believe that the Grand Canyon resided in the State of Nevada rather than Arizona, which causes me frankly no end of consternation, but I also have to attribute part of that to the entrepreneurship and the business enterprise instincts and, indeed, the appreciation of the Grand Canyon by the good people In Nevada.

Mr. REID. Mr. President, will the Senator yield?

Mr. McCAIN. I yield.

Mr. REID. Maybe it is an admission I should have made earlier. It does exist in Arizona.

Mr. McCAIN. I thank my friend from Nevada. Believe me, we, in Arizona, are doing everything we can to make sure that the correct geographic location of this wonder is fully known.

Again, I sincerely commend my friend from Nevada for his preserving that great natural treasure not only for present but future generations and not for just Americans. It might be interesting to know, Mr. President, that about two-thirds to three-quarters of the visitors to the Grand Canyon are from Europe and/or Asian nations.

Mr. President, I would like to thank the distinguished chairman, Senator BURDICK; the ranking member, Senator CHAFEE; and the subcommittee chairman, Senator BAUCUS, for their tireless commitment to ensuring clean and healthy air for all Americans. The Senate's consideration of the Clean Air Act Amendments is due in great part to their hard work and devotion.

Mr. President, I may disagree from time to time with both of my colleagues, Senator BAUCUS and Senator CHAFEE, but I think that every Member of this body would agree we would not be considering this legislation under the present environment of a compromise agreement if it had not been for their hard and dedicated work. Frankly I know I reflect the views of millions of Americans when I express our appreciation to both of them.

The pending legislation not only seeks to address our domestic air quality problems, but it also deals with an issue of enormous international concern—depletion of the stratospheric ozone layer.

The ozone layer, of course, shields the Earth from dangerous ultraviolet radiation. Scientists have linked loss of ozone in the stratosphere to manmade industrial chemicals known as chlorofluorocarbons, or, CFC's. Continued loss of ozone will expose the Earth to increasing levels of ultraviolet radiation which portends a number of harmful consequences to human health and the well-being of the global environment. CFC's are also potent greenhouse gases. While an international agreement calls for halving CFC production by the year 2000 there seems to be little doubt in the scientific community that we must phase out use of CFC's both at home and abroad.

As my friend from Rhode Island knows, achieving such a phaseout will be no easy task. CFC's are used pervasively throughout the world and perform a number of important functions. We do not yet have safe substitutes for many of those uses. Clearly, the development of and transition to safe CFC alternatives, including, to the extent possible, technologies and processes that do not rely on CFC's or other chemicals is crucial, both environmentally and commercially. And the effort to do so must be of the highest national priority.

Included in the pending legislation is a provision to bolster the effort to find alternatives to the use of CFC's which I believe was modeled after legislation I introduced in the 100th and 101st Congress.

I ask my friend from Rhode Island if that is correct.

Mr. CHAFEE. First, Mr. President, I would like to thank the distinguished Senator from Arizona for his kind comments on the work that we have done particularly in this subcommittee chaired by the distinguished Senator from Montana for the work done in this legislation.

Second, I wish to say the Senator is absolutely correct, and, furthermore, we appreciate the leadership that he has given and the foresight that he has shown in promoting the research and development of alternative technologies and processes that do not rely on CFC's. He is right on the mark.

The rapid development and transition to CFC alternatives is critical to protecting the ozone layer and avoiding unwanted and unexpected economic and industrial impacts.

Mr. McCAIN. Mr. President, I thank my friend.

My amendment simply provides for several modifications to the CFC alternatives policy in title VII. I believe those changes are acceptable to the leadership; is that correct?

Mr. CHAFEE. That is correct. We have reviewed the amendment, and it is acceptable, certainly, on this side. It is my understanding it is acceptable on the other side, likewise.

Once again, I thank the Senator for his contribution in this effort.

The PRESIDING OFFICER (Mr. ROBB). The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, the majority side has reviewed the amendment. It is a good amendment. I compliment the Senator. Many industries are looking strongly for development of safe substitutes for CFC's.

It is imperative that we develop substitutes as quickly as possible. I believe the substitutes are being developed, but certainly the efforts suggested by the Senator from Arizona will go a longer way to assure that we will develop those substitutes even more quickly. It is a good amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. McCAIN. Mr. President, I thank both my friends from Montana and from Rhode Island.

I would like to summarize the provision, Mr. President, and take a few more minutes if I might.

As I stated earlier, CFC's pose a serious environmental hazard. At the same time they also perform a number of vital industrial and commercial functions. They are used to refrigerate food, cool and insulate buildings, clean computer chips, and for a host of other important purposes. This Nation, alone, has almost 130 billion dollars' worth of capital equipment which use CFC's.

As you can imagine, this issue particularly affects my home State of Arizona where we depend so heavily on air-conditioning and refrigeration. Yet, by depleting the ozone layer, the continued use of CFC refrigerants, which make those luxuries possible, will subject us to greater amounts of ultraviolet radiation.

Increased ultraviolet radiation means a higher incidence of skin cancer—a particularly frightening thought for those of us in the desert Southwest and throughout the Sun Belt.

The private sector will no doubt lead the way in the effort to find replacement chemicals and alternative technologies that eliminate the need for CFC's. The environmental and commerical gravity of this situation, however, requires the Federal Government to be a full and committed partner in that effort. In testimony before the Senate Commerce Committee, the CFC user and producer industries have reiterated the industry's desire and need for the help of governmental scientific resources and expertise.

The pending amendment, Mr. President, will help ensure that our national resources are fully engaged to help meet this vital environmental, scientific, and commercial challenge.

First, the legislation directs the Administrator of the Environmental Protection Agency to coordinate with the industrial sector, as well as other interest groups, including the environmental community, and the relevant Federal agencies to develop and recommend research initiatives on substitute chemicals and alternative technologies that can replace CFC's.

Participating agencies might include the Departments of Commerce, Energy, Defense, Agriculture, and NASA. Each of these departments has research facilities, expertise, and other resources which could be employed in the effort. Furthermore, the amendment instructs the administrator and cooperating agencies to seek maximum use of those resources. Mr. President, this amendment will make sure not only that we are using our national resources to the fullest extent but that our efforts will be coordinated, well-directed, and purposeful.

I note that title 7 includes a grant program to fund CFC substitute research and development in the private sector. I would hope that given the importance of this issue to the environment and the national economy that we will be able to provide this program with meaningful financial support, perhaps by tapping moneys from the CFC tax imposed last year for that purpose.

Second, Mr. President, the legislation directs the Administrator to identify governmental use of ozone depleting products and substances, and to recommend Federal procurement initiatives to make the transition to substitutes as quickly as possible. Government can lead and facilitate transition from CFC's throughout our economy by employing alternative products and technologies where we can as rapidly as possible.

Third, Mr. President, the Administrator is directed to identify opportunities for intergovernmental, international, and commercial technology transfers relating to alternative chemicals, processes, and technologies that eliminate the need for CFC's. The community of nations is confronted by a common problem, and to overcome it we must act cooperatively. By sharing research and technology with innovators at home and abroad we will increase opportunity for advancement and scientific breakthrough. Failure to engender this cooperative spirit on an international level could have serious consequences.

Without the potential for safe substitutes, frustrated developing nations anxious to improve their standard of living with refrigeration and air conditioning might abandon global efforts to protect the ozone layer and commit themselves to CFC production. We, of course, cannot allow that to happen.

Finally, Mr. President, this amendment directs the Administrator of the Environmental Protection Agency to establish a national clearinghouse of information on CFC substitute chemicals, alternative products, and technologies. The clearinghouse will serve as a valuable resource center for private citizens, industry, government, and the family of nations. Increased awareness of available CFC substitutes will facilitate a smoother and faster transition—one that will benefit the environment and the economy.

Mr. President, I would like to conclude by especially thanking the chairman of the Commerce Committee, Senator HOLLINGS, and the ranking member, Senator DANFORTH, for their help in gaining approval of a similar initiative I introduced in the Commerce Committee last year and was incorporated in S. 169—the Global Change Research Act. I very much appreciate their assistance and support in this cause. And again my thanks to Senators BURDICK, BAUCUS, and CHAFEE for incorporating my original proposal in the pending legislation, and for their assistance with this amendment, without which this amendment would not have been possible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there additional debate? If not, the question is on agreeing to amendment No. 1306 to the substitute amendment No. 1293 proposed by the Senator from Maine.

The amendment (No. 1306) was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1307 TO AMENDMENT NO. 1293

(Purpose: to amend title 7 to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes)

Mr. BAUCUS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for himself, Mr. HOLLINGS, and Mr. CHAFEE, proposes an amendment numbered 1307.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 527, following line 15, insert the following new paragraph and renumber the subsequent paragraph accordingly:

"'(2) EXCEPTION FOR AVIATION SAFETY.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment. may authorize the production or importation of limited quantities of halon-1211, halon-1301 and halon-2402 solely for purposes of aviation safety if the Administrator of the Federal Aviation Administration, in consultation with the Administrator, determines that no safe and effective substitute has been developed and that such authorization is necessary for aviation safety purposes.".

On page 528, line 4, strike "and (2)" and insert in lieu thereof ", (2) and (3)".

Mr. BAUCUS. Mr. President, I offer this amendment on behalf of myself, Senator HOLLINGS, and Senator CHAFEE.

This amendment modifies new section 505(d), as added by title VII, by adding a new paragraph concerning the production of halons to be used solely for purposes of aviation safety.

It authorizes the Administrator of the Environmental Protection Agency, in consultation with the Administrator of the Federal Aviation Administration, to authorize limited production of halons after the year 2000 for certain, specified purposes, namely aviation safety. Any halons authorized to be produced by the Administrator under the amendment shall be limited with respect to both amount of such production and the subsequent use of the halons produced.

As with the medical purposes exception set forth in paragraph (1) of this subsection, a precondition to the exercise of this authority is a determination, after notice and an opportunity for public comment, that no safe and effective substitute has been developed—either prior to or since enactment of this legislation—and that the exercise of this authority is necessary for aviation safety purposes.

Based upon reports from domestic producers of halons, it is not anticipated that there will be any need to exercise the authority provided in this amendment. That is because significant progress has been undertaken in the development of safe and effective substitutes already.

As noted in the August 11, 1989, final report of the halons-technical options committee convened by the United Nations environment program as part of the Montreal protocol assessment technology review, however, there is a possibility that some limited uses of halons will require a small amount of production for approximately 5 years beyond the year 2000. This amendment will authorize the Administrator, subject to the terms of the Montreal protocol as such terms may be modified, to authorize production of limited quantities of halons solely for aviation safety purposes.

Mr. President, I think this amendment is properly drawn. It recognizes a potential problem. It sets forth the appropriate precondition that a determination must first be found by the Administrator that there are no substitutes. I urge adoption of the amendment.

Mr. CHAFEE. Mr. President, I join in this amendment. As was noted earlier, it is very narrowly drawn. It provides that halons can be used for air safety under the conditions that no safe substitutes are available. And it sets up a procedure for research, as to whether, indeed, there are safe substitutes.

So it is not a great big loophole. It is a very narrowly defined area where these halons can be used.

I think it is a good amendment. It makes sense, and I urge its adoption.

The PRESIDING OFFICER. Is there additional debate? If not, the question is on agreeing to amendment 1307, offered by the Senator from Montana.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE PRODUCTION OF DOCUMENTS

Mr. BAUCUS. Mr. President, on behalf of the majority leader and also on behalf of the Republican leader, I send a following resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 260) to authorize the production of documents in the case of the *United States* v. *Poindexter*, et al.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the defense in the trial of the pending criminal charges against John Poindexter is seeking material from the Senate that it believes may be relevant to the trial of this case. Documents are being sought from several members and the Select Committee on Intelligence. The matters for which information is being requested relate to several briefings that Mr. Poindexter, as well as other officials of the executive branch, gave to the Congress in November 1986 concerning the revelation that the United States had sold arms to Iran. Three of the counts on which Mr. Poindexter is standing trial include allegations that Mr. Poindexter deliberately made a false statement to the Select Committee on Intelligence in one of these briefings, held on November 21, 1986.

It is not certain at this time whether each of the individuals from whom material is being sought has any relevant documents in his possession. However, three of the charges against Mr. Poindexter relate directly to Mr. Poindexter's communications to Members of the Senate, and it is appropriate that the Senate ensure that any documents that may be needed from the Senate are available.

Mr. BAUCUS. Mr. President, as I mentioned, this has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 260) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 260

Whereas, in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01, pending in the United States District Court for the District of Columbia, the defendant has caused subpoenas to be served on Senator Robert C. Byrd, Senator Robert Dole, Senator Richard G. Lugar, Senator Ted Stevens, Senator Strom Thurmond, and the records custodian of the Select Committee on Intelligence;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

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Resolved, That Senators Byrd, Dole, Lugar, Stevens, and Thurmond and the Select Committee on Intelligence are authorized to provide in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01 (D.D.C.), any documents within their possession that may be responsive to the subpoenas, except concerning matters for which a privilege should be asserted.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Iowa, Senator GRASSLEY.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNITED STATES-CANADIAN HARMONIZED MEAT AND POULTRY STANDARDS

Mr. GRASSLEY. Mr. President, the signing of the free trade agreement between the United States and Canada was a major milestone in the United States relations with our neighbor to the north.

The agreement introduced a new era for expanded trading opportunities that can benefit both countries. The United States agricultural sector is among those segments of our country that stand to gain from free and fair trade with Canada.

The U.S. Department of Agriculture has already taken steps to comply with the spirit of the free trade agreement, which went into effect in January 1989.

On February 26 of this year, Secretary of Agriculture Clayton Yeutter made a joint announcement with Canada's Minister of Agriculture, Donald Mazankowski, to begin a 1-year trial period of harmonized meat and poultry inspection standards. During the experimental period, meat and poultry products inspected by either government will move freely between the two countries.

The United States and Canada will continue to approve labels for imported products based upon each country's own product standards.

The experimental period will undoubtedly succeed in opening doors to trade. Therefore, we must use this period to closely monitor the effects of any new regulations. The free trade agreement must be a fair trade agreement.

All new regulations must ensure that we sustain the high quality of products offered to consumers as well as establish a level playing field for trade between the two countries.

The new meat and poultry inspection program must take into consideration two issues that may unfairly tip the balance of trade.

First, Canada allows the use of two drugs, dimetridazole and ipranidazole, to treat livestock and poultry diseases. On the other hand, our Food and Drug Administration has not approved these products for use in this country because it is believed they may cause cancer. We cannot allow new regulations, made in the name of free trade, to establish a double standard by permitting meat or poultry treated with such drugs to enter this country.

The well-being of consumers must be our highest priority.

Second, harmonization of food inspection standards with Canada sends them a signal that we are willing to accept their business practices, just as Iowa and Illinois do when they conduct interstate commerce. In reality, Canada has different support programs than the United States, and these differences must be accounted for in our trade negotiations.

In particular, Canada's pork subsidies create an unfair playing field with the United States pork industry. Canadian producers have received an average of more than $17 per hog in Federal and provincial pork subsidies during the last 18 month period. Meanwhile, the U.S. producer received no such benefit. In response to these tremendous trade distorting subsidies, the United States placed a countervailing duty on Canadian live hogs in 1985 and another duty on Canadian fresh, frozen, and chilled pork in 1989.

We have reason to be concerned that harmonized inspection standards with Canada might make it even more economically viable for Canadian packers to absorb the costs of the current United States duty on subsidized Canadian pork products. The U.S. pork industry is not protectionistic. Yet, we need to be cautious not to allow relaxed meat inspection standards to give Canada further incentive to target the United States with subsidized products.

It is important to note that Canada currently sends 93 pounds of their subsidized pork products into the United States for every 1 pound of unsubsidized United States product entering Canada.

The 30-day quarantine on United States hogs entering Canada is another example of the unbalanced trade requirements Canada has with the United States.

Despite the free-trade agreement, Canada has maintained this quarantine while we do not place such a restriction on their live animals.

These two issues, use of unapproved drugs and unilateral subsidies, are significant points which must be continuously monitored during the coming months and, even, years as we fine tune the free trade agreement with Canada.

A successful United States-Canada Free-Trade Agreement not only offers us improved relations with one country—it can serve as a model for future agreements with other trading partners. To achieve the desired long-term success, we should make sure that our Government utilizes upcoming trade discussions to eliminate the problems of accepting meat treated with unapproved drugs as well as one-sided pork subsidies and health quarantines.

Such precautions will help ensure free and fair trade for both the United States and Canada for many years to come.

Mr. President, this matter has been and is, currently, of great importance to me. In fact, from February 22 to 26, 1990, during the 31st meeting of the Canada-United States interparlimentary group I had an opportunity to discuss these and other issues with my Canadian counterparts.

I urge my colleagues to continue to monitor the progress of our free trade agreement with Canada.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. Under the previous order, the hour of 10:41 having arrived, the Senate stands in recess subject to the call of the Chair.

Thereupon, at 10:41 a.m., the Senate recessed subject to the call of the Chair.

The Senate reassembled at 12:01 p.m. when called to order by the Presiding Officer [Mr. SHELBY].

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Thank you, Mr. President.

LIBYAN CHEMICAL ARMS PRODUCTION

Mr. LIEBERMAN. Mr. President, this morning's news brings some alarming information which confirms the statements that so many here in the Congress and outside made about the fact that, while tensions are being reduced between the great powers, namely the United States and the Soviet Union, the world can and will remain in many respects a dangerous place. The greatest threat to American security and world peace in the years ahead may well not come from our traditional enemies including the Soviet Union but may come from unstable Third World nations and terrorists.

This morning's news tells us that United States intelligence has concluded that Libya has renewed production of chemical weapons at at least one plant in its country which previously had told the world it was involved simply in the production of pharmaceutical products. Mr. President, the United States intelligence suggests that Libya may have produced as much as 30 tons of mustard gas last year, and appears to be moving toward full-scale production at the current time.

We know that the Libyans already have used poison gas against Chad in 1987. So their seriousness goes well beyond just experimentation. They reportedly today have enough gas for 150 bombs. That is bad news for the rest of the world.

Mr. President, chemical weapons in the hands of the Libyans or any other radical Third World States pose significant threats to the United States interests and world peace. These countries can put these weapons on ballistic missiles that are capable of flying hundreds, and in some cases thousands, of miles. While these missiles are generally incapable of pinpointing precise military targets they can hit large urban areas as we saw in the Iran-Iraq War with tragic consequences. And what if these weapons fall into the hands of terrorists? They can be used by small terrorist groups in large urban areas.

We have seen an inadvertent use of chemicals—a release of chemicals in the Bhopal disaster in India in which thousands were killed or maimed. One can only imagine similar destruction if chemical weapons were intentionally released by terrorists in heavily populated areas.

A few months ago I sat as a member of the Governmental Affairs Committee at a hearing considering this problem, and was struck by the ease with which these weapons of death can be used. As one witness suggested to us, simply by putting a device capable of releasing chemical poisons inside the air conditioning unit of a large skyscraper could cause a tragedy of extreme consequences, and substantial loss of life.

These challenges that we face are a call in my opinion for purposeful action, and not for despair. There are a number of important steps that can be taken.

First, we should again make known our position that Libya's continued development of chemical weapons is simply unacceptable. The United States should pursue diplomatic pressure along with its allies to bring this current program of production by the Libyans of chemical weapons to an end. But military options should not be ruled out if diplomatic pressure fails. There is no reason why Qadhafi's recklessness should be tolerated.

Mr. President, President Reagan ordered an air strike on the Libyans just a few years ago to respond to their continued sponsorship of world terrorism. I think it is important for us to make clear, if all else fails, to the Libyans and other unstable Third World countries that we will not be hesitant to use our force to protect our security and world peace in the future just as we have in the past.

Second, we should continue to focus on other nations to strengthen prohibitions on the export of chemical weapons and ballistic missile technology. This is something that should begin with our allies, and indeed with our own country. Penalties for companies and individuals involved in this dangerous commerce should be much tougher than they are today. We should go beyond our allies and reach out to the Soviets, Latin Americans, and even the Chinese, and ask them to join with us and our Western allies for regular consultations on the threat posed by the spread of technology that allows Third World countries to develop chemical weapons and the ballistic missile technology that can deliver them.

In short, the governments of the developed world must control the indifference and greed that have allowed our entrepreneurs to contribute to chemical, ballistic, and even nuclear weapons proliferation in the world.

Third, we should explore the feasibility of worldwide ban on chemical weapons. I do not say this without an understanding about the legitimate concerns of its possibility, and particularly the prospects for verification of such a ban. But if the industrial democracies can bring enough pressure to bear on Third World countries that produce chemical weapons, adequate verification measures might be able to be devised. It certainly would be in the United States interest to make that happen.

Fourth, there is a lesson here again as we consider how we should react to the change in circumstances in Eastern Europe, and what effect it will have on our military strength. It is clear that as we begin to think about reducing the need for preparedness in defense against the Soviet threat we have to increase our ability to protect ourselves from Third World threats.

Our attack on those Libyan targets in 1986 was successful, and I think it taught us some important lessons. One is that probably the best way to project power into the Third World is with our aircraft carriers. So cutting back on our existing fleet of aircraft carriers is something that should be done after only the most serious consideration, and in my opinion, as a distant and last step toward reducing our military budget.

Another lession that was learned from that experience was the importance that the use of sophisticated cruise missiles can play in striking at Third World targets without endangering our pilots or subjecting them, if captured, to becoming hostages.

Mr. President, in surveying current developments in the world today, there are many reasons for being hopeful. I do not mean to be gloomy this morning. I only mean to be realistic. Freedom has come to much of Eastern Europe, and major reforms are taking place in the Soviet Union. The Soviet threat is clearly on a dramatic decline. Serious challenges posed by chemical, ballistic and even nuclear weapons from unstable and radical Third World States remind us that there still will be strife in our world. Through we are optimistic about the changes in the Soviet bloc, the world remains a dangerous place. That is why we in America must maintain our effective military strength and be prepared to use it if necessary.

Thank you, Mr. President. I yield the floor.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate resumed consideration of the bill.

Mr. BAUCUS addresed the Chair.

The PRESIDING OFFICER. Senator from Montana.

Mr. BAUCUS. Mr. President, I remind Senators that we are on the Clean Air Act. That is the pending legislation. The majority leader announced last night that this will be a late night; that is, even though there will be a temporary recess this evening around 8 o'clock, it will in fact be temporary. That is, the Senate will reconvene this evening and work late this evening, so that we can pass this bill this week.

Now, Senators should know that the more we work on amendments during the daylight hours, the less we will have to work on amendments during the nighttime hours.

It is now 12:10. We are, as managers of the bill, waiting for amendments to come to the floor so we can accept some amendments and debate some and dispose of amendments during the daylight hours, so as to minimize the probability of dealing with amendments during the late night hours.

The PRESIDING OFFICER. The pending question is amendment No. 1307 offered by the distinguished Senator from Montana [Mr. BAUCUS] to the Mitchell-Dole substitute.

Mr. BAUCUS. Mr. President, that is the pending amendment. I thank the Chair and again remind Senators to come to the floor so they can offer their amendments. It is only 12 o'clock during the day. We have a long day ahead of us. Senators and their staffs can now take advantage of this opportunity to write their amendments, their statements, bring their amend-

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ments to the floor, because now is a good opportunity.

I have some experience, Mr. President, with several other bills that have been before the Senate in past years, and it is my experience, and I think it is an experience that will be confirmed by other Senators, that the later we get toward final passage of a bill, the greater the difficulty in getting amendments passed. Senators who have amendments should realize and remember that now is the time to bring up their amendments, and there is a greater probability to have them considered and to have them passed.

This clean air bill is such a big bill, similar to major tax legislation we bring up before the Senate on occasion; that is, when a major tax bill is before the Senate, the closer we get to final adoption of a major tax bill, the much more difficult it is to find either the time or the opportunity to even consider amendments, to take them up; and obviously the Senate is more and more disposed against those amendments the closer we are to passage of the bill.

Senators should take advantage of this opportunity. The opportunity is now, this afternoon. We are not deluged with a slew of amendments. I strongly urge Senators to come to the floor now and take advantage of the opportunity and bring their amendments to the Senate floor so they can be disposed of.

Mr. LEAHY. Mr. President, parliamentary inquiry.

If Senators are not involved in debate, and the Senate is not in a quorum call, what would be the regular order?

The PRESIDING OFFICER. The regular order of the Senate is the pending question on amendment 1307 that the Chair announced, offered by the distinguished Senator from Montana to the Mitchell-Dole substitute. That is the pending business.

Mr. LEAHY. If there was no debate going on, if there was no quorum call in place, then the regular order would be for the Chair to call for a vote on that amendment, would it not?

The PRESIDING OFFICER. The Senator from Vermont is correct.

Mr. LEAHY. Upon the disposition of that amendment, if there were no other amendments pending, if there is no debate taking place and there is no quorum call, then would not the regular order then be to go to third reading?

The PRESIDING OFFICER. The question at that time would then be on the Mitchell-Dole substitute, as amended.

Mr. LEAHY. At that point, the regular order would be to go to vote on that, assuming no debate and no quorum call?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. Then upon disposition of that, what would be the regular order, again assuming no quorum call and no debate?

The PRESIDING OFFICER. Third reading and final passage.

Mr. LEAHY. Mr. President, I think that might be the way out of the whole thing. We can wrap it up by 3 o'clock this afternoon, just go ahead and vote on it. I realize that is not necessarily the ways things happen around here, but I would suggest that if we really want to get this done, we ought to tell Senators if they are not interested in bringing their amendments to the floor, we ought to go forward with the regular order.

In the meantime, with that novel idea, albeit tucked away in the Jefferson manual, so it sticks in everybody's mind, I will proceed under the Pastore rule. This being the day that the Prime Minister of Italy has addressed a joint meeting of Congress, the Pastore rule comes to mind.

I will chat with the Senate in a few minutes. It really will be a few minutes. So I say to anybody going off to lunch instead of bringing an amendment to the floor, I will not take more than 5 or 6 minutes.

The PRESIDING OFFICER. I remind the Senator that the pending question is on the Baucus amendment.

Mr. LEAHY. I think it is an interesting amendment, Mr. President, and to keep germane, I know these issues on clean air were discussed even yesterday in a number of our town meetings in Vermont. My good friend and distinguished colleague from Vermont [Mr. JEFFORDS] is on the floor. He was at a town meeting in Vermont yesterday doing his civic duty. Unfortunately, I was able to be present at my town meeting and voted by absentee ballot. One issue discussed was clean air which the Senate will debate today. But another topic discussed was the defense budget.

REINVESTING IN AMERICA

Mr. President, 8 years ago I came to the floor to announce that an overwhelming majority of Vermont town meetings had approved resolutions calling for a freeze on nuclear weapons, production and deployment. That vote sent a resounding message to the rest of the country and launched the nuclear freeze movement. It made a lot of people who had not talked about arms control start talking about that important issue. Vermont has been called cautious, conservative, Republican and stately. Vermonters think things through very carefully and clearly. They became concerned about the nuclear arms race, and the rest of the country, the President, and Members of Congress listened.

I mention the nuclear freeze vote because yesterday, Vermonters voted on a resolution that I believe sends another powerful message to all Americans. At town meetings throughout the State, Vermonters voted to urge a reduction in military spending by 5 percent, every year until the end of this century. According to early returns, 110 towns approved the resolution. Only 10 communities rejected this proposal. Mr. President, I know these communities are made up of very hard working and serious men and women who take very seriously the issues brought before them in town meetings.

They debate issues not on partisan differences but on the concerns of the community. They speak to the conscience of our State and I think our State now has spoken to the conscience of our Nation.

Mr. President, the defense budget submitted to the Congress is an anachronistic document in times of sweeping change. Look at the remarkable events of 1989. But despite those remarkable events, next year's defense budget calls for a $7 billion increase; not a decrease, but an increase. In fact, the request is nearly $70 billion more than the historical peacetime average.

I believe that Vermont is once again leading the Nation on a crucial national issue. National security means much more than simply our military might. Our security depends on how we spend our limited resources to promote a strong economic and moral base that will properly feed, educate and care for our people.

Over the past 9 years Americans have paid a high price for the largest peacetime military buildup. I am confident we can begin realigning our priorities without endangering our national security.

Vermonters have spoken loudly. The sane/freeze workers who worked tirelessly to place this resolution on the ballot at town meetings throughout the State should be proud of their efforts.

Mr. President, I ask unanimous consent at the end of these remarks to print a copy of the resolution in the RECORD, along with a list of towns that approved this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, as a people, we must ask ourselves just what makes us great. Certainly we are dedicated to freedom, especially the freedoms in our first amendment, the freedom of speech and with it the freedom of dissent, our freedom of religion and the freedom not to practice a religion. We can be proud of the diversity that comes out of the first amendment. Diversity guarantees a democracy.

We can also be proud of how we expanded the geographic and intellectual frontiers of our country. After a great and devastating Civil War, participation in two world wars, and Presidential assassinations, the United States came out even stronger than before. Our Marshall plan will go down in history, as one of the most generous acts of any nation in history.

I make the comments, Mr. President, because we have as a people always had the idea that we would turn over a better nation to the generation after us. I know my own grandfathers, both of whom were stonecutters in Vermont, assumed their next generation would have a better life.

I could not help think about this today, for example, when the Prime Minister of Italy was speaking here, and I thought of my grandfather who came over and brought his family from Italy to be a stonecutter in Vermont. He educated his children, including my mother, and encouraged them to seek a better life. They, like my mother and my father, both started a small business in Montpelier, VT, and encouraged their children to become even better educated and to seek an even better life.

This was a tradition. This was the tradition in our country, a tradition followed by all of us.

I look at my distinguished colleague and good friend, Senator JEFFORDS on the floor here and I think of his father, a distinguished justice of the Vermont Supreme Court. I also remember his mother's dedication to education. I think both of us have worked hard to improve our country for the next generation.

But I worry, Mr. President, that in this country, with our sights on the power of the United States being only its power as a military might, that we forget the power of ideals and intellectual achievements. We need to provide a better life for the next generation by giving back to this country more than we take out.

That is why I hope, Mr. President, that as peace seems to be moving throughout the world, we will now redirect our efforts to make us grow as a nation. We may see the European Community joining eventually with Eastern Europe to become an even more competitive economic power. We see Japan and the Pacific basin possibly doing the same. More and more, the United States stands out like a poor cousin wondering where to go next. When Poland threw off the yoke of communism and moved toward becoming a democratic country, the initial effort of the United States was to offer a small amount of assistance. Fortunately, Congress took a little bit more sensible approach and with the eventual help of the administration increased that aid.

But it is not just dollars alone. It also requires sacrifice on our part. It appears that we do not want to teach languages any more in our schools. We do not require science, math, or even set a standard threshold for somebody who has a high school diploma in this country, to say nothing about a college degree. And we wonder why these other countries may outstrip us.

Mr. President, now is the time, and I would hope that we would redirect our efforts to going to what has made this country great. As we go into the next century we can slip away from being one of the first world nations, and away from being the leader of the free world. Or we can take internal steps, steps that require sacrifice and steps that will require dedication on the part of each of us to leave a better country to the next generation of Americans. We should take steps that will allow us to use our common and shared ideals of democracy to be able to demonstrate to the world how they work and encourage the rest of the world to follow them.

I have spoken much longer than I intended to.

EXHIBIT 1

Article: Shall the voters of the town of advise their state legislators to send the following resolution to Vermont's Senators, Congressmen, and the President of the United States:

"As Vermonters concerned about the well-being of our communities, nation, and planet, we call on our leaders in Washington to work and vote for new national budget priorities in the 1990's. Specifically, we urge Congress and the President to:

(1) Reduce military spending by at least 5 percent per year.—Such reductions would be carried out in conjunction with mutual, verifiable treaties with the Soviet Union to cut nuclear and conventional forces and to halt the development of new weapons systems on earth and in space, and with sufficient planning to convert defense production plants to civilian uses.

(2) Redirect the federal tax dollars saved toward education, environmental protection, housing, drug prevention and treatment, health care and research, farming, elderly care and youth services, job development and training, federal deficit reduction, and other local, national, and global needs."

VERMONT TOWNS VOTING IN FAVOR OF THE DEFENSE SPENDING RESOLUTION

ADDISON COUNTY

Cornwall, Goshen, Granville, Hancock, Lincoln, Middlebury, Monkton, Orwell, Ripton, Bridport, Salisbury, Waltham, Weybridge.

BENNINGTON COUNTY

Arlington, Bennington, Landgrove, Peru, Readsboro, Sandgate, Shaftsbury.

CALEDONIA COUNTY

Newark, Stannard, Walden, Hardwick, Lyndon, Sutton.

CHITTENDEN COUNTY

Burlington, Charlotte, Colchester, Hinesburg, Westford, Williston, Bolton, Huntington.

ESSEX COUNTY

Granby.

FRANKLIN COUNTY

Fairfield, Fletcher, Franklin, Sheldon.

GRAND ISLE COUNTY

South Hero.

LAMOILLE COUNTY

Belvidere, Eden, Morrisville, Stowe, Waterville.

ORANGE COUNTY

Bradford, Chelsea, Randolph, Strafford, Thetford, Washington.

ORLEANS COUNTY

Brownington, Greensboro, Holland, Lowell, Morgan, Westfield.

RUTLAND COUNTY

Chittendon, Ira, Mendon, Middletown Springs, Mount Holly, Poultney, Rutland City, Shrewsbury, Tinmouth, West Rutland, West Haven.

WASHINGTON COUNTY

Barre City, Cabot, Calais, Duxbury, East Montpelier, Montpelier, Moretown, Plainfield, Roxbury, Warren Woodbury, Middlesex.

WINDAM COUNTY

Athens, Brattleboro, Dummerston, Grafton, Guilford, Halifax, Jamaica, Marlboro, Newfane, Putney, Rockingham, Stratton, Townsend, Wardsboro, Windham, Whitingham, Westminister, Wilmington.

WINDSOR

Andover, Bridgewater, Cavendish, Plymouth, Pomfret, Rochester, Springfield, Stockbridge, Weathersfield, Windsor, Hartford, Woodstock.

Mr. JEFFORDS. Mr. President, will the Senator yield?

Mr. LEAHY. I yield to my friend from Vermont.

Mr. JEFFORDS. Mr. President, I commend my colleague from Vermont for a very fine statement, especially relative to the traditions of Vermont town meeting day. I was able to attend my own town meeting yesterday only briefly because I had to be back here for my responsibilities here. But the beauty of the dialog that goes on and the discussion of issues all from whether or not the roads properly are maintained or what we should be doing in the world to be able to help make the world a better place is a dramatic demonstration of democracy in its finest.

I agree with the statements and I certainly always take heed from the comments that come from the town meeting days, and we are very pleased to see the results of the efforts of those who want to promote a view of the world which is certainly one which will make us all more proud than perhaps we are right now.

I commend the Senator for his statement and certainly appreciate the remarks about my family and this Senator knows about the tremendous contributions the Senator's family has made.

The Irish-Italian connection, which is a little bit unusual one for Vermont, nevertheless demonstrates the beauty of Vermont and the ability of all our citizens to get along and live in beauty and style that the Nation should look to for a model.

I thank the Senator for his comments.

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Mr. LEAHY. I thank my good friend from Vermont and, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we are on the Clean Air Act.

The PRESIDING OFFICER. That is the pending business before the Senate. It is an amendment offered by the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, the managers of the bill are anxiously awaiting amendments. The Senator from Vermont, the acting manager on the Republican side, and myself on the majority side, are anxiously looking forward to amendments.

Again I remind Senators that the amendments that are not brought up during the day will necessarily have to be brought up during the night. I assume most Senators would rather most amendments be disposed of during the daytime than nighttime. The majority leader stated often that he plans to stay on this bill late evenings this week and, in addition, Friday night and into Saturday if necessary to complete action on this bill.

I know it is human nature to procrastinate and human nature to wait until the final hour, but I say to my colleagues, Mr. President, that I believe that the Senate will be more kindly disposed to amendments and more easily take amendments the earlier they are offered. The converse of that is the longer we wait, the closer we are to final passage of the bill, the more difficult it will be for the Senators to take amendments.

Mr. JEFFORDS. If the Senator will yield, as I mentioned to him earlier, I understand there are three racing to the floor. I want to alert those who have amendments pending, supposedly racing to the floor, one or the other ought to hurry because they will have the opportunity to proceed. But at this moment we do not see anyone knocking on the door. I am hopeful we will have someone shortly, which is my understanding.

The Senator is quite correct; it is the time to act if you want something done in a more responsible manner than sometimes occurs as we move toward the end of the bill. Let us hope we will see someone pounding on the door momentarily.

Mr. BAUCUS. Mr. President, I see the Senator from North Carolina has won the race. The Senator from North Carolina is here and we are very honored that he is here and, Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

AMENDMENT NO. 1309 TO AMENDMENT NO. 1293

(Purpose: To enhance air quality by encouraging early reductions of toxic air pollutant emissions, and for other purposes)

Mr. SANFORD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina [Mr. SANFORD], for himself, Mr. KOHL, Mr. KASTEN, Mr. BREAUX, Mr. GRASSLEY, and Mr. HELMS, proposes an amendment numbered 1309 to amendment No. 1293.

Mr. SANFORD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 279 beginning on line 13 strike "Federal, State, or local" and insert in lieu thereof "Federal".

On page 278 beginning at line 11 strike "from the source on or before December 31, 1992" and insert in lieu thereof:

"which are listed in subsection (e)(1)(A) from the source on or before the date three years after the date of enactment of this paragraph and has achieved a voluntary reduction of 90 per centum or more in emissions of all other hazardous air pollutants (95 per centum or more in the case of pollutants which are particulates) from the source on or before the date four years after the date of enactment of this paragraph.".

On page 280 line 15 insert "or which requires a substantial capital investment (as determined by the Administrator) by the source" after 'by the source'.

Mr. SANFORD. Mr. President, I am offering an amendment, along with Senators KOHL, KASTEN, BREAUX, and GRASSLEY, which will encourage sources of toxic air pollutants to reduce emissions before they are required to do so by law. Our amendment is designed to encourage innovation; to give sources a way to comply with several different requirements at the same time; and, most of all, to provide incentives for voluntary reductions so that emissions of dangerous air pollutants are reduced as quickly as possible.

The Clean Air Act has contained provisions for the control of hazardous air pollutants since 1970. Unfortunately, progress in reducing emissions of such pollutants has been extremely slow, to put it mildly. There are literally hundreds of substances emitted into the air which are believed to pose risks to human health and the environment, but the Environmental Protection Agency has regulated just 8 of these pollutants over the last 20 years. This is simply inexcusable, and we will have to do a far better job in this area.

Mr. President, our dismal record in regulating toxic air pollutants can only be partially attributed to EPA. Part of the problem has been that existing law makes it difficult for EPA to regulate a substance, and virtually guarantees that any regulatory action will wind up in court for a long time. It is always better when the resources of both industry and environmental groups are spent to actually benefit the environment, and not the lawyers. I am very pleased that S. 1330 contains an air toxics title that will redirect action towards speedy emission reductions.

I would like to congratulate my distinguished colleagues from Minnesota and New Jersey, Senators DURENBERGER and LAUTENBERG, for their longstanding interest in this problem and their hard work on the air toxics provisions of S. 1630. Title III of S. 1630 establishes a program to control emissions of at least 191 substances which are known to be of concern with respect to health and the environment. Beginning 2 years after enactment, and ending 10 years after enactment, EPA will set standards for sources emitting these pollutants based on maximum achievable control technology. These standards are expected to reduce such emissions by 90 percent or more.

Regulations will be issued on a source-by-source basis, rather than pollutant-by-pollutant, which should lead to efficient regulation and easier compliance. The EPA will also be starting with those sources posing the most risk, and moving down the list towards lower-risk sources, so that risks are reduced as rapidly as possible. After the MACT standards have been issued, there will be a second round of health-based controls required to address residual risks to people living near facilities. This is an excellent approach to the problem, and I applaud the authors of this title for coming up with this approach.

However, Mr. President, there is one aspect of title III which Senators KASTEN, KOHL, and I, along with others believe can be improved. EPA will be given an ambitious schedule for regulating hundreds of source categories and subcategories over the next 10 years. But there are many sources that are willing and able to make reductions earlier. A number of responsible companies are already implementing programs to reduce toxic emissions by 90 percent or more. This kind of behavior ought to be encouraged. When companies, rather than fight requirements in court or wait until the last minute to comply, are actually ahead of the regulators, we ought to reward them, or at least make sure they are not penalized.

S. 1630, as reported, would allow sources achieving a verifiable reduction of 90-percent or more of toxic emissions before the end of 1992 to be exempted from MACT standards. Since MACT, on average, should require approximately a 90 percent reduction anyway, and since all sources will have to meet residual risk standards later anyway, this provision will generally benefit companies more by providing certainty than by providing a less stringent emissions target. And since compliance with MACT will not be required for 5 to 13 years, depending on the source, reductions occurring a number of years early clearly provide enormous environmental benefits.

Mr. President, it is not easy to find an amendment that provides substantial benefits to the environment while reducing compliance costs at the same time. This amendment will do just that.

While there are many sources that can make substantial voluntary reductions, there are several categories of sources that would be unable to take advantage of the voluntary reductions provision in S. 1630, and thus would be inadvertently encouraged to delay emission reductions. The first category consists of those sources subject to State or local requirements that cannot be credited under S. 1630, thus making it mathematically impossible for such sources to achieve a creditable 90 percent reduction—since they would literally have to reduce emissions well below zero to do so. The second category consists of sources that are willing and able to make reductions of 90 percent or more, but simply cannot design and implement such systems by 1992.

The third category consists of sources which may be able to reduce emissions by 90 percent in time, but will be inadvertently discouraged from doing so since they could wait as long as 11 extra years—thus greatly discounting present-value costs and reducing investment risk—and might have to meet a standard less stringent than 90 percent anyway. The final category consists of sources that can make some reductions, but do not know how to get to 90 percent. Since it is difficult to design meaningful incentives for the latter group, and any incentives for this group would probably not result in substantial environmental benefits, we do not propose to address the fourth category.

To encourage early reductions from sources in the first three categories I have outlined, our amendment would do the following:

First, allow reductions mandated by State and local governments to be creditable. Senators Bob Kasten and Herb Koll have worked very hard on this issue, and they deserve particular recognition for this portion of the amendment. Senators Koll and Kasten are the authors of this provision. The provision is important for several reasons. Many States and some local authorities are well ahead of the Federal Government in regulating air toxics. North Carolina is implementing an exemplary air toxics program, and Wisconsin and other States have done an excellent job in this regard. If we do not credit reductions resulting from State and local programs, we will discourage other States and local authorities from following the examples of North Carolina and Wisconsin.

We would also be inadvertently penalizing sources located in areas subject to State and local requirements, by making it mathematically impossible for them to get credit for early reductions. That would encourage sources to stop reducing and wait until further reductions were forced by MACT standards. To the extent that State and local requirements require reductions of less than 90 percent, we would be discouraging sources from making further reductions that would get them to the 90-percent level or beyond.

I would also point out that some sources may be subject to RACT requirements under title I one year; a State or local requirement a couple of years later, and a MACT requirement a couple of years after that. Since these standards are yet to be issued for many sources, companies face several moving targets and might have to invest heavily in controls several times. Our amendment would allow such sources to leapfrog all three requirements with one investment if they choose to do so—thus achieving the same reduction at a far lower cost, and benefiting the environment by doing so years before MACT is required.

Second, to address the problems faced by sources who can reduce by 90 percent or more, but cannot do so by 1992, our amendment would do the following: sources emitting any of the 13 most hazardous substances listed in section 112(e) of the Clean Air Act, as amended by S. 1630, would have until the end of 1993 to reduce emissions of those specific substances by 90 percent or more, and until the end of 1994 to reduce emissions of all hazardous air pollutants listed under section 112 by 90 percent or more. This would increase the number of sources that would be able to make early reductions, and would result in reductions of 90 percent or more of the most hazardous pollutants at least 2 years earlier than required for such sources, while other toxics would be reduced at least 1 year earlier than required.

Sources required by S. 1630 to meet MACT standards between 1996 and 2003 will have until the end of 1994 to make creditable early reductions. This should give most sources enough time to plan, design, and implement reductions of 90 percent or more in toxic air pollutants.

This provision will also encourage early reductions for sources in the third category I mentioned earlier, namely, those who know how to get a creditable reduction on time but will have a financial incentive to wait for regulation under MACT. By allowing up to 2 extra years for creditable early reductions, sources will have more time to evaluate emerging technologies and plan and implement control systems, thus minimizing investment risks. The extra 2 years will also lower the net present value of investments in emission-reducing programs.

Frankly, especially for those sources which will not be subject to MACT standards until 2003, I think it would make sense to allow another year or two beyond 1994 for creditable early reductions. If we did so, such sources would still have to make creditable reductions 7 or 8 years before MACT would be required. Those sources which will be regulated last for MACT typically have had little guidance from EPA on control technologies, and more time for creditable reductions for such sources might result in ultimately getting far more reductions at a far earlier time. However, the goal is clearly to maximize environmental benefits, and some concerns may be appropriate about extending these dates out too far.

Senators Durenberger and Lautenberg and I will continue to look into this issue, and should evidence favor further changes, I hope we will be able to revisit this matter in conference.

Finally, our amendment would make a minor change in the recovery window established on pages 350 and 351 of S. 1630 as reported. These provisions, for equity purposes, provide that a source which has installed RACT, BACT, or LAER, or has made a voluntary reduction of 90 percent or more, will have 5 years after completing such installation or reduction before they will have to meet MACT standards. The provision is designed to ensure a reasonable period of time for sources to recover investments in controls before new controls are required.

S. 1630, as reported, would apply the recovery window with respect to RACT installation only if RACT required a reduction of 80 percent or more. The intent of this provision, quite properly, was to ensure that sources for whom RACT was relatively easy and inexpensive would not be granted additional time for MACT compliance. However, since it is possible that some sources might achieve a reduction of, for example, 75 percent under RACT at a very high cost, while other sources might reduce emissions 85 percent under RACT at relatively low cost, our amendment adds a clarification to the definition of RACT with respect to the recovery window. The provision would allow the Administrator to grant the window to sources that had installed RACT achieving a reduction of less than 80 percent if, and only if, in the Administrator's judgment, RACT had resulted in a substantial expenditure. This clarification would appear to be consistent with the committee's intent in providing the recovery window.

Mr. President, I do not believe this amendment should be controversial, and I urge my colleagues to support it. The amendment will provide environmental benefits and allow for reduced compliance costs.

Mr. KASTEN. Mr. President, this amendment allows reductions in the emission of airborne toxics under State or local regulations to be eligible for credits for the Federal voluntary reduction program. This amendment is unique in that it is good both for the environment and business.

First, this amendment removes the penalties for States acting on their own to address the key environmental problem of airborne toxics. Without this amendment, States would be discouraged from acting on their own to control these toxics. What we should be doing is seeking the fastest possible reduction in the emission of materials that threaten public health or the environment. With this amendment, the voluntary reduction program will now do exactly that.

Numerous States have already acted on their own to control air toxics. Other States are considering similar legislation. If reductions made under those programs were not eligible for the Federal voluntary credits States would have been discouraged from acting on their own. We would have had a "reward the bad guys" situation where States that were reluctant to pursue cleanup would have received the most favorable treatment under Federal law. Furthermore, we would have likely seen industry playing one State off of another in shopping for more favorable treatment under the Federal law.

The likely situation, however, is that States would simply repeal their air toxic laws. That means that laws already on the books controlling air toxics would have been repealed. The result would have been an actual increase in the emission of toxics.

The bill is good for industry because it protects flexibility in selecting how to voluntarily reduce air toxics. Without this amendment, industry could likely be required to comply with incompatible regulatory programs. A State may require a specific type of emission control that would have prevented a further voluntary reduction of emissions to comply with the Federal law.

This is an important step in protecting our environment and moving closer to adopting a tough but workable clean air bill.

Throughout this process I have worked closely with Senator KOHL. We are united in offering this amendment.

I would like to also compliment the committee members and their staff for working with us to craft this amendment. With this amendment we have created a win win situation.

Mr. KOHL. Mr. President, I am pleased to be a cosponsor of this very critical amendment, and I am especially pleased that the sponsors of S. 1630 have agreed to support this amendment. I have spoken with the Senator from New Jersey [Mr. LAUTENBERG], sponsor of the original air toxics title in S. 1630, and he was very responsive to the concerns I raised on behalf of my constituents in Wisconsin. Senators BAUCUS, MITCHELL, and DURENBERGER have been equally accommodating. Finally, Senators SANFORD and KASTEN deserve a great deal of credit for their work on behalf of this amendment. I believe that the amendment corrects a serious inequity which exists in the original bill, and I appreciate the willingness of my colleagues to help resolve the problem.

As we all know, the air toxics section of the clean air bill pending before the Senate would require businesses and industries which emit significant amounts of airborne toxics to install MACT, or maximum achievable control technology, to reduce their emissions. These hazardous toxic substances have long posed a serious public health threat to millions of Americans and have been found to accumulate in the Great Lakes—poisoning our fish and wildlife populations. Controlling the Nation's toxic emissions is no longer a luxury we cannot afford; it is a necessity we can no longer afford to do without. This bill will vastly reduce the amount of toxics released into our air.

In addition, the bill commendably recognizes the benefits to be gained by encouraging and rewarding companies who invest in control technologies in order to achieve early emissions reductions, in advance of the requirements to be imposed by this legislation. The bill exempts from the MACT regulations any company which can prove—with actual data—that it has voluntarily reduced its overall toxic emissions by 90 percent between the years 1985 and 1992. These early reductions would result in substantially cleaner air for many communities across the country—sooner rather than later.

In addition to the immediate public health benefits to be gained by encouraging early reductions in toxic emissions, the exemption for voluntary reduction is justifiable for another important reason: it is fair and equitable. The exemption rewards companies that took the initiative to reduce their toxic emissions in the aftermath of the tragic Bhopal incident. By rewarding good behavior, we will encourage companies to be proactive in the future with regard to environmental protection.

By the same token, our Federal laws should reward States which have taken the initiative to enact tough environmental statutes and regulations. Unfortunately, this bill had the unintended effect of punishing States which have taken action to reduce toxic emissions. The amendment which we are offering today is intended to correct this inequity.

The State of Wisconsin recently adopted regulations which require companies in my State to control their toxic emissions. The State is to be commended for moving ahead of the Nation on toxic controls. However, because emissions reductions achieved by Wisconsin companies would be made pursuant to State regulations, they would not have been considered voluntary under the original bill. In other words, the legislation would have unfairly discriminated against companies that happened to be located in States which have enacted laws or regulations to control toxic emissions, including Wisconsin. I don't think that would be fair, and that's why I proposed the amendment which we are adopting today.

Clearly, if we want to encourage States to act on their own, ahead of the Federal Government, to protect the environment and the health and safety of their citizens, then we must reward such good behavior. If this amendment had not been adopted, companies in Wisconsin which have made voluntary reductions in toxics emissions since 1985, and companies which will make reductions pursuant to the new State regulations, would have been unable to qualify for the MACT exemption. Such a scenario would surely have sent the wrong signal to States, telling them they're better off to wait around for the Federal Government to take action. That's not the signal I think we should be sending, and that's why the amendment we are adopting today is so important.

I appreciate the support of my colleagues in adopting this amendment to S. 1630, and I look forward to continuing to work with my colleagues on other provisions of this bill which could be improved in order to reward, rather than punish, States which take responsible steps toward protecting the environment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, we have seen the amendment offered by the Senator from North Carolina and accept the amendment.

Essentially, it more easily allows technologies and companies to meet the voluntary reduction provisions in the bill so as to avoid the imposition of other standards; that is, if these technologies and these companies meet the percentage reduction requirements voluntarily, as provided for in the Senator's amendment, then they would qualify as having made the requisite reduction.

I think it is a good amendment.

Mr. JEFFORDS. Mr. President, I have reviewed the amendment and believe that it will make an excellent addition to the bill. I commend the Senator for offering it here.

I have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 1309) was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Colorado.

AMENDMENTS NOS. 1310, 1311, 1312, AND 1313 TO AMENDMENT NO. 1293

Mr. WIRTH. Mr. President, Senator ARMSTRONG and I have four amendments which we would like to offer, en bloc, which I send to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. WIRTH], for himself and Mr. ARMSTRONG proposes amendments numbered 1310 through 1313, en bloc.

Mr. WIRTH. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT No. 1310

On page 210, add a new subsection 213(c), as follows:

(c) IN-USE TESTING AT HIGH-ALTITUDE.—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(6) The Administrator shall at all times maintain at least one testing center which shall be located at a site that represents high-altitude conditions to ascertain whether, when in actual use throughout their useful life (as determined under section 202(d)), each class of vehicle and engine to which regulations under section 202 apply conforms to the emission standards of such regulations. The Administrator shall, in cooperation with the States, conduct routine testing of a representative sample of classes of categories of vehicles and engines to which regulations under section 202 apply. In carrying out such tests, the Administrator shall assure that the testing procedures and methods are of sufficient accuracy and consistency to carry out the purposes of this section. For the purpose of this paragraph, the term "high-altitude conditions" refers to high altitude as defined in Environmental Protection Agency regulations in effect as of the enactment of this Act. Preference shall be given to existing in-use vehicle emission testing and research centers located at high-altitude conditions."

AMENDMENT No. 1311

On page 201, add a new subsection 208, as follows:

(c) RESEARCH ON HEAVY-DUTY VEHICLES.—Section 103 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"( ) The Administrator, in cooperation with the Secretary of Energy and the Administrator of the Urban Mass Transportation Administration, and such other agencies as the Administrator deems appropriate, shall establish a research and technology assessment center to provide for the development and evaluation of less-polluting heavy-duty engines and fuels for use in buses, heavy-duty trucks, and nonroad engines and vehicles, which shall be located at a high-altitude site that represents high-altitude conditions. In establishing and funding such a center, the Administrator shall give preference to proposals which provide for local cost-sharing of facilities and recovery of costs of operation through utilization of such facility for the purposes of this section."

AMENDMENT No. 1312

On page 135, add a new subsection 113(c), as follows:

(c) Section 103 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"( ) CENTER FOR RESEARCH ON ENVIRONMENTAL LUNG DISEASE.—The Secretary of Health and Human Services shall establish a National Research Center for Environmental Lung Disease for the purpose of conducting research, disseminating information, and developing new methods of diagnosis and treatment of respiratory illnesses caused by air pollution and other environmental factors. For the purpsoes of this subsection, the Secretary of Health and Human Services is authorized to provide up to $15 million in assistance to a qualified medical center to develop, construct, and acquire materials, facilities and equipment necessary for those purposes: *Provided*, That such assistance shall comprise no more than 50 percent of the total costs of such project."

AMENDMENT No. 1313

On page 146, add a new subsection 174(d), after line 5, as follows:

"(1) The head of each Federal agency shall, in consultation with local health or air pollution control authorities within a nonattainment area, determine whether the implementation of an alternative work schedule plan for such agency in accordance with the provisions of paragraph (2) will reduce air pollution within such nonattainment area.

(2) If there is a determination under paragraph (1) that an alternative work schedule plan would reduce air pollution within a nonattainment area without jeopardizing the mission of the agency or hindering its service to the public, such head of the agency shall—

(1) implement an alternative work schedule plan in accordance with the provisions of subchapter II of chapter 61 of title 5, United States Code, for employees of such agency within such area; and

(2) to the greatest degree practicable, include employees within such area performing services pursuant to a contract with such agency in a similar alternative work schedule to coordinate and maximize the reduction of such air pollution."

Mr. WIRTH. Mr. President, over the last 3 years since I have been in the U.S. Senate, I have had the privilege and great pleasure of working with the distinguished senior Senator from Colorado [Mr. ARMSTRONG]. We both share the goal of doing everything we can to clean up the ubiquitous and dangerous brown cloud in the Denver metropolitan area. We believe steps that can be made to the brown cloud in Denver will be extremely relevant to the air pollution problems in the Rocky Mountain area.

There are 144 counties at high altitude in which we have very distinct problems of automobiles that burn much less efficiently at high altitude, thereby creating dangerous problems of the emissions of carbon monoxide. Denver's and Phoenix's and other Rocky Mountain cities' No. 1 air pollution problem relates to carbon monoxide.

The four amendments which the distinguished senior Senator from Colorado and I are offering are: First, to continue the in-use high-altitude testing which EPA used to do, which the distinguished senior Senator and I were able to get funding for last year and which must continue to assure that automobiles perform efficiently at high altitude; second, that there be testing of heavy-duty engines; third, that there be significant research done on the lung disease ramifications of carbon monoxide at high altitude; and fourth, that there be a flextime proposal developed so that we can assure there is less driving without interfering with the work patterns of people in Denver and elsewhere.

I will have a longer statement, Mr. President. But having offered the amendments, I would like to defer and yield to the distinguished senior Senator. I would like to have him make an overall descriptive statement of the amendments we are offering.

The PRESIDING OFFICER. The senior Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, I am pleased to join with my colleague, Senator WIRTH, in presenting this group of four amendments which are properly part of a national air pollution bill but which, in fact, are of particular interest to the area we represent. It is not just Colorado but high-

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altitude regions of the mountainous West.

These amendments, as Senator WIRTH has described them, are really of momentous concern in our part of the country because, frankly, the air pollution problems that are experienced by sea level communities are quite different than those at high altitudes.

The first amendment which Senator WIRTH and I bring before our colleagues concerns in-use vehicle testing at high altitude. At the present time, I believe there are four such high-altitude in-use vehicle testing emissions centers. There are two operated by automobile companies, one that is a private lab and one operated by the Colorado Department of Health.

My concern, and I believe that Senator WIRTH shares this concern, is that with scarce Federal resources, that we continue to use whatever money is available for this kind of in-use testing for actual testing, not for the construction of any additional laboratories or testing facilities.

At the present time, EPA is using the high-altitude test center operated by the Colorado Department of Health for a 2-year study of 200 cars. Started more than a year ago, the $300,000 2-year contract is underway pursuant to section 206, enforcement and recall testing. What we are saying in this amendment, Mr. President, is that we want to continue this kind of testing and to give recognition that this is a special concern of people in the area we represent.

Mr. President, about 20 percent of the U.S. population, or approximately 48 million people, have chronic respiratory problems such as asthma, emphysema, chronic bronchitis, and black lung. Lung diseases are, as we all know, a major cause of disability and death among adults and children. It is estimated lung diseases cost our economy $32 billion each year in direct health care and lost productivity.

Mr. President, again, the issues which arise with respect to the health of persons at high altitude who are exposed to air pollution are quite different than those of sea level or lower level communities.

So the amendment which we are suggesting is to authorize the establishment of the national research center for environmental lung disease for the purpose of conducting research, disseminating information, and developing new methods of diagnosis and treatment of respiratory ilnesses caused by air pollution and treatment of respiratory illnesses caused by air pollution and other environmental factors.

Again, our interest is that we want to be sure that the high-altitude concerns of which sometimes in the past have gotten short shrift will be adequately looked into. It is an obvious and urgent need in places like Colorado, Montana, Idaho, Wyoming, Utah, Arizona, New Mexico—places where the combination of occasionally severe pollution and high altitude create a unique health problem.

Mr. President, may I also point out, though it is not specified in the amendment, that in Colorado, we have a unique capability to help with this task. We have in our community in the Denver metropolitan area the National Jewish Center for Immunology and Respiratory Medicine, which is the foremost medical center in the world for the study and treatment of lung diseases and disorders in the immune system. So we have within our community scientists and health care professionals who know a lot about this issue and who are in a position to be helpful in the establishment of this kind of high-altitude center.

Mr. President, the third issue which Senator WIRTH and I bring before the Senate today which has to do with research on heavy-duty vehicles, these huge vehicles which increasingly carry a great proportion of the commerce of our country.

The pollution problem presented by these vehicles, by the huge trucks and buses, is not only a source of great concern from a health standpoint, it is very visible and, indeed, an extraordinary part of the pollution problem, perhaps in all parts of the country, but especially at high altitudes.

According to the 1987-88 Metro Denver cloud study, such vehicles contribute an estimated 25 percent of the high-altitude winter pollutions. At the present time, if we wanted to run a large engine emissions test, we would either have to go to Canada or we would have to go to the east or west coast. Obviously, it is pretty hard to test high-altitude conditions if you have to go to the coast to do it.

So, again, Colorado, Wyoming, Utah, Arizona, Texas, and New Mexico would benefit from advances in engines and fuels created by our proposed center for research on heavy-duty vehicles at high altitude.

Mr. President, the final matter which is addressed in the amendments which Senator WIRTH has proposed and I am pleased to cosponsor, has to do with flextime for Federal employees. In 1979, Federal agencies in Denver experimented with flexible work hours to determine their effect on pollution. They determined:

> Considering both the air quality and energy objective, the Denver experiment must be considered a full and significant success in helping to reduce emissions during rush hours.

Colorado has 50,000 Federal employees, most of whom are concentrated in the Denver metro area. Our proposal embodied in one of the four amendments we present is a provision to allow Federal agencies and contractors to institute flexible work hours in a manner which is helpful in the air pollution problem, as part of an overall clean air strategy, and to do so in a way that the public work will not be harmed.

Mr. President, I have nothing further to add other than to thank my colleague for his leadership on this matter and to urge my other colleagues to join us in approving these amendments.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER (Mr. INOUYE). The Senator from Colorado is recognized.

Mr. WIRTH. I thank the Chair.

To recap, if I might, the distinguished senior Senator from Colorado has described these amendments very ably. First of all, on the high-altitude testing program, up until 1981 we had a center in the Rocky Mountain region working to understand better emissions control in the thin air where automobiles burn their fuel much less cleanly. That center was closed down in 1981 and 1982 and was reopened in 1989 with the help of an EPA grant, and the purpose of this amendment is to require the EPA to keep that center running.

That center is up and going right now. In fact, just this week I took my almost new Jeep out to the center to compare the Jeep's emissions from natural gas and gasoline. I have had the Jeep converted so that it runs on natural gas as well as on the conventional gasoline source just to see, Mr. President, how cleanly or more dirty the two different fuels run.

We tested the Jeep very extensively, and my colleagues should know that the emissions of carbon monoxide were 19.8 grams per mile for almost a new Jeep, but as soon as we shifted to the natural gas, an alternative fuel, the emissions dropped dramatically to 0.8 grams per mile. It was almost a 95-percent reduction, Mr. President, in emissions running on natural gas versus running on the traditional source of gasoline.

What does that tell us? It tells us that if we are going to be concerned about air pollution in our cities, if we are going to be concerned about such emission problems as carbon monoxide, what we ought to be doing is looking at alternative fuels.

Later this week I will be offering an amendment that focuses very significantly on giving us the opportunity to move aggressively toward alternative fuels. Natural gas is one that would be very good, alcohol fuel is another, methanol a third. The opportunities are there for us to have much, much cleaner automobiles, but we cannot do so unless we in the Senate develop in this legislation the kind of incentive program to create not only a market for alternative fuel automobiles but a distribution system as well.

Again, I bring this up, Mr. President, just to note the dramatic difference between emissions and the cleanliness of those emissions when running on traditional gasoline versus running on natural gas.

This is a very important center which does this particular work in Colorado. We have had to make sure that automobiles complied throughout the history of their running on our roads. Now there is only a 50,000 mile warranty for emission control devices. We ought to raise that to 100,000 miles so that we are sure automobiles run cleanly for their full lifetime. It does no good if they run cleanly just when you buy them and then get dirtier and dirtier and dirtier and do not maintain compliance. Cars are on the road about 100,000 miles and they ought to be clean for that 100,000 miles. Otherwise, what we are doing here really is not going to make any difference. Another of the amendments I am going to be focusing on is the need for us to have emission control devices that are guaranteed to work for 100,000 miles.

Senator ARMSTRONG described very well the second of our amendments requiring the EPA to do a great deal more research on heavy-duty vehicles such as buses, trucks, and construction equipment. As we all now understand, the high-altitude emission problems are a special problem in that we have to not only understand what happens with automobiles and light-duty trucks but what happens with heavier vehicles. That is the purpose of our second amendment.

The third amendment focuses on the health impacts, and the fourth amendment focuses on flextime. They were also well described by Senator ARMSTRONG.

I close by saying that Senator ARMSTRONG and I have worked throughout with a variety of constituencies. We had a lot of suggestions sent to us by constituent groups from all over the State of Colorado for problems that are unique to high altitude and these four came to the surface and seemed to us to be the four most important ones. I hope, Mr. President, we can get the managers of the bill to agree with these amendments and that our colleagues will accept the amendments as well.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, these amendments give me some problems. It may be that we can work them out or discuss them through, but let me discuss some of them.

First of all, let us start with the amendment dealing with the Center for Research on Environmental Lung Disease. I would like to ask a couple of questions.

First, of course, this falls under the Labor and Human Resources Committee since it deals with the Secretary of the Department of Health and Human Services. So that is not an area over which this committee handling this legislation has jurisdiction.

But I would like to ask either Senator from Colorado, what is the current situation? In other words, the Senators indicated there currently is one testing center for high-altitude conditions, and as I understand it is in Denver or thereabouts, or close thereto.

Mr. ARMSTRONG. If the Senator will yield, I think there may be some confusion. Was the Senator inquiring about the National Research Center for Environmental Lung Disease?

Mr. CHAFEE. That is right. The first amendment, if I have these in correct order, asks for a testing center which as I understand already exists. But now I would like to switch gears and ask if the same is true about this National Research Center for Environmental Lung Disease. Does one exist now?

Mr. ARMSTRONG. No. Mr. President, if the Senator will yield, I think we can clear that up very quickly. The first amendment does in fact direct that the administrator will maintain at least one testing center at high altitudes. That exists. That is an ongoing program and the reason why——

Mr. CHAFEE. Could I interrupt one moment here? Just for the sake of our discussions, can we get these amendments in order and see if we all agree?

Mr. ARMSTRONG. For the purposes of identification, let us call in-use testing at high altitude No. 1.

Mr. CHAFEE. That is No. 1.

Mr. ARMSTRONG. Let us call the Center for Research on Environmental Lung Disease No. 2. Let us call the heavy-duty vehicles No. 3. And let us call flextime No. 4. That is the order in which my colleague, Mr. WIRTH, presented them and so I assume that would be agreeable to him.

But with that word of identification, I think the answer to the Senator's question is very simple. The high-altitude testing of vehicles is taking place. You might ask, well, then, why is it important to Senator WIRTH and I, and to our colleagues from other high-altitude States, to specify that that will continue. The reason is because historically we have really had to fight hard to get that kind of in-use testing. We have it. It is ongoing. To whatever extent there is money available for this, we want to be sure it is expended to test vehicles and not to construct another testing center, and sure as thunder not to construct something at a low altitude because there is a lot of ongoing low-altitude testing. But vehicles behave very differently at high altitudes.

I think my colleague wants to add to that.

Mr. WIRTH. Will the Senator yield? There was during the 1970's a high-altitude testing center managed by EPA, and that operated in Denver. With the rush to deregulation in 1981, that was eliminated from the budget and there was no longer any testing of emission control devices at high altitude even though we know that automobiles perform very differently at high altitude than they do at ground level. So consequently we lived for most of the decade of the 1980's with no high-altitude testing at all.

The Colorado Department of Health on its own set up a high-altitude testing center. The testing center is not an EPA center. It is a Colorado Department of Health testing center. To assist in the reestablishment of that center, Senator ARMSTRONG and I went to the EPA last year and persuaded them to contribute $300,000 to the Colorado Department of Health operation.

This is now being run by State taxpayer money to test vehicles trying to get them to meet Federal standards. It does not seem to us quite fair that these standards—we have always had this testing or had had before 1981. Then the EPA drops out. The automobile ought to be tested to meet Federal standards, and they ought to be tested by the EPA, and the funding for that kind of testing ought to, in my opinion, since we are looking at Federal standards and tests, be done by the EPA.

The purpose of this is to say to EPA, "Run this testing center the way you used to in the 1970's. The Colorado taxpayers set up the center, bought the equipment, we have it going. EPA, now do what you used to do." That is the purpose of amendment No. 1.

Mr. CHAFEE. I am not yielding. I am not agreeing necessarily, but my particular questions were directed to what we have called amendment No. 2. What the Senators are saying here, and my question first was, does this national research center for environmental lung disease currently exist anywhere?

Mr. WIRTH. No.

Mr. ARMSTRONG. That is the problem. Incredible though it might seem at this point in the life of our country, there is not any place we know where this kind of center exists to study the effects of the environmental pollution at high altitudes. Again, especially those of us who are very familiar with the problem of lung diseases that are caused by or aggravated by the unique pollution circumstances that we experience in places like Albuquerque, Salt Lake, and so on, when it was first pointed out to me

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that nothing like this existed, I found that quite remarkable. In fact, I was inclined to disbelieve it. But, to the best of my knowledge, that is true.

So what we are saying in this amendment is there is authorized, though not, of course, appropriated, up to $15 million for that purpose with the understanding that whatever money is, in fact, ultimately appropriated, it would not exceed half the actual cost of it. The local resources would be required to provide the other half.

Mr. CHAFEE. I point out that, as I read this amendment, unless you have other parts to it that are not here, it says nothing about high altitude. If that is your objective, perhaps——

Mr. WIRTH. It does not have to. There are also no centers in the country overall for the study of environmental lung disease overall. This would be established, we would hope, at high altitude. There is a very distinguished center in Denver now, but we did not think it was appropriate to name one, and that is not in the spirit of what we are doing. But, if this center were to be established, I assume there are a variety of facilities around the country that would want to compete for that.

We currently do not have in the United States a center for the study of the impacts of the environment, clean air, toxic air pollutants, and so on on lung disease at all. That is the purpose of this, to make the mix between what we are doing here on the Clean Air Act and understand what the health impacts are. Presumably one of the major concerns that we have is the health impacts of air pollution.

Mr. CHAFEE. That is right. As I mentioned when I opened my remarks, this does not fall under the jurisdiction of the particular committee which is managing this legislation. Have either of the distinguished Senators had any conversations with those from the Labor and Human Resources Committee regarding this amendment?

Mr. WIRTH. All of these amendments, if I might respond, have been discussed at one point or another with the Environment Committee. We had attempted to get this legislation focused on by Health and Human Services by either an appropriation way and authorization way and have not been successful in doing so. The impact of air pollution on human health is very significant.

What Senator ARMSTRONG and I would like to do is force the issue. It has been discussed and gone around and around. We do not seem to be getting anywhere. Senator ARMSTRONG said this seems to be a good vehicle for taking it on.

Mr. CHAFEE. If we could move to amendment No. 3, would this be different from the site or the center of the laboratory that the Senators are discussing in amendment No. 1?

Mr. WIRTH. Amendment No. 1 focuses on automobiles and light-duty trucks, they having the same engines, although the standards, for some reason, are different for light-duty trucks. It is the same engine. That is what the first center is for, to focus entirely on those light-duty trucks. This is looking, as the amendment points out, at buses, heavy-duty trucks, nonroad vehicles, construction vehicles, and so on. Again, the performance of these vehicles at high altitudes is significantly different. The characteristics, as outlined in the amendment of what the problems are and what might be done in looking at alternative fuels, is the purpose of this amendment.

Mr. CHAFEE. That is No. 1, is it?

Mr. WIRTH. That is No. 3, the heavy-duty vehicles.

Mr. CHAFEE. My question is, would the Senators envision the actions that they anticipate taking place under amendment No. 3 occurring at the same site, with the same facilities, obviously some changes because under No. 3 it deals with heavy-duty trucks—would the Senators envision those actions being incorporated in the same site as under amendment No. 1?

Mr. WIRTH. Probably not, these being two very different kinds of vehicles and different technologies.

Mr. CHAFEE. Here is where the problem arises for me under amendment No. 3. What we are saying to EPA is we are telling them—the word you use is "shall," not "may" or "is urged to," You say "shall." It is a dictate. "Shall establish a research and technology assessment devoted to these matters of heavy duty engines and fuels for uses in buses" and so forth. At the same time, it does not provide any money for EPA to do this. There is no language dealing with the appropriations. So, therefore, the only way to interpret this is that EPA is to take this out of their current operating funds.

I find that difficult where we are leaving all kinds of requirements on EPA in this whole act, this lengthy act of the clean air amendments that we are dealing with. EPA has all kinds of challenges they are currently trying to fact. It may well be that they could finance this. I doubt it. I can well anticipate what their answer is. "We are glad to do this if you give us some money to do it."

Mr. ARMSTRONG. The bill itself, as I understand it, contemplates very substantial increases in funding for the EPA. In fact, one of the cirticisms of the bill from some quarters is exactly that there will a dramatic increase in EPA spending.

I want to elaborate a little on what my colleague, Senator WIRTH, has said. He is correct in saying that this testing would not, in all probability, occur at the same site as the other vehicle testing, but that is not something we prejudge in this amendment. It would be a decision which would be made by the Administrator and by others of his staff based on the circumstances that they found. We do not say it shall be at the same site; we do not say it will not be.

I think Senator WIRTH was simply expressing his opinion, which is the same as mine, but it is not something actually required by the amendment.

Mr. WIRTH. I might also add, if the distinguished Senator from Rhode Island might yield on this issue, we are in a situation in which the whole issue of high altitude emissions has been neglected for a decade. EPA cut down all of its testing, all of its concerns for the fact that we have every different kinds of problems.

I might add that overall in the bill, that issue has also, unhappily, been neglected, but we will have other amendments to try to come back and deal with that. The testing center was closed down in 1981-82. The State of Colorado with its own money for automobiles established it again in 1989. I think that is an obligation that the EPA has.

I think also, as we say in here, the EPA has an obligation in areas which are—we have 144 countries, and the most urbanized population in the country in terms of the percentage of people living there, and understand what the impacts of automobiles and trucks are, and what we can do about changing the way in which heavy duty engines and fuels operate at high altitudes.

The heavy engine issue is a very different one from the automobile issue. What we have said in this amendment is we will try to cut the costs as much as possible, to look at cost sharing and recovery costs through utilization of such a heavy-duty facility. We believe in this sort of thing there is a lot of interest in the people who run garbage trucks, people running buses and heavy equipment, to cooperate in attempting to clean up our air. But we cannot do it unless there is some kind of a Federal commitment to help us go ahead and do that. That Federal commitment has been lagging for more than a decade, and we would like to try to restore that commitment and thought that the Clean Air Act was the vehicle on which to do it.

Mr. ARMSTRONG. Mr. President, I am not trying to add the last word, but one thing occurred to me. We are not only addressing here 5 percent of the brown cloud problem in Denver, for example, that is attributable to diesel; we are addressing also a very serious problem of public morale.

Senator WIRTH and I and others have gone home and said, look, we have to have a clean air campaign, we have to curtail backyard burning, and you have to stop using your fireplaces, and you have to spend more money to sweep your streets and have an oxygenated fuel program. I have been frank to tell my people at home, if it takes real sacrifice and cost and inconvenience to clean up the air in our area, we ought to do it. It is the right thing to do.

Having made that sacrifice, when you are driving to town someday, you find yourself behind a diesel truck or bus that is belching out a huge cloud of black smoke, and it is hard to maintain the kind of civic awareness and public-spirited morale that it takes to sacrifice for clean air, when you see that nothing or very little is being done about these diesel vehicles. I am not blaming the owner-operators of these vehicles, but I think it is obvious this is an area where we have lagged.

To the extent we are tightening up on diesel in this bill, it is a good thing. But, very clearly, we have to have some way to test and improve the performance of diesel and their fuels at high altitudes. That is an urgent priority for the people we represent. I stress, it is not just Senator WIRTH and me, it is anybody who has a high altitude vehicle problem. And, as he pointed out, that is a large and significant part of this country. We think this is a very, very important issue that needs to be addressed in this bill.

Mr. CHAFEE. Let me move to amendment 4. Again, this is not under the jurisdiction of this committee. It is a Governmental Affairs matter. I point that out, and I notice the chairman of the Governmental Affairs Committee is here and, possibly, he will have some comments upon that later.

My purpose is to outline to you the concerns I have on amendment 1. That really does not bother me much. On amendment 4, I think it makes some sense. Now, whether the Governmental Affairs Committee wishes to comment on that, that is up to them.

On amendment 2, I am a little reluctant to plunge into mandating the Secretary of HHS to establish a national research center for environmental lung disease, because I am not totally certain of just how the EPA, for example, makes their current evaluations of whether an area is in attainment, for example. After all, the EPA is deeply in this, and they have some method of reaching the standards that they have set for moderate, severe, serious, extreme areas. However, I must say that it is made a little more attractive by the fact that you say that the locals have to share 50 percent. I always like to see language like that.

Number 3, however, does give me difficulty. Repeating, you are mandating the EPA to do something they are currently not doing, providing extra money. Yes, there is extra money provided in this, and methods of raising it under this legislation, but this legislation that we are dealing with, the Clean Air Act, is loaded with additional duties levied upon the whole permit system, for example, that is levied upon the EPA.

So they are going to be stretched to do what they are required to do under the existing funds and whatever additional moneys they get out of this, the fees that are incorporated in this legislation. But to say on top of it, with no new funding, with no provision for appropriations, adequate appropriations, to meet the requirement, and you are levying a requirement on them to establish this research and technology assessment center, I think you should do as you have done under, I believe, amendment 2 where you say such funds as authorized—well, you set an exact figure, $15 million is authorized.

So those would be my problems. I am not trying to cut off discussion. I know that the floor manager of this legislation has to be out, and he will be back shortly. So I will ask for a quorum call when you folks are finished discussing this.

The PRESIDING OFFICER. Is there further discussion?

Mr. WIRTH. Mr. President, I have one final comment on heavy-duty trucks on item No. 3. I do not know who is going to pay for it. The EPA and the Federal Government neglected to pay for the testing of automobiles and light-duty trucks for a decade. I do not think that ought to continue, and that is the purpose of amendment No. 1.

There has been no examination of what happens with heavy-duty trucks and buses and so on, as Senator ARMSTRONG was describing. We think that is a very significant problem for the brown cloud and air pollution in Denver and Phoenix and Albuquerque and so on, and we ought to be taking steps to clean that up as well.

I think the EPA has an obligation. I just do not think it is fair for the Federal Government to be paying for testing and operations for everybody in low altitudes, but those of us in high altitude get left without that kind of support. That is what Nos. 1 and 3 are all about, to try to get the assistance to look at this from the EPA, just as the EPA does this kind of work for vehicles at sea level.

Mr. ARMSTRONG. Mr. President, I do not want to interrupt the Senator's train of thought if he is going to continue, but if he is going to change the subject, I also want to respond to my friend from Rhode Island about amendment No. 3.

Mr. WIRTH. I yield.

Mr. ARMSTRONG. Mr. President, I hope we can satisfy the Senator from Rhode Island, the distinguished Republican manager on this bill, and I think we can. Because, first of all, may I say to my friend from Rhode Island, I agree with Senator WIRTH. We are talking about maybe $3 million. And, second, the amendment specifies, in establishing funding such a center, "The Administrator shall give preference to the proposals which provide for local cost-sharing of facilities and recovery of costs of operation through utilization of such facility for the purposes of this section."

The amendment does not say this is going to happen in Colorado. If it does, I can tell you that the Colorado School of Mines is already spearheading this kind of a project, and we think we have half the money raised already. So it is not a case where we are talking about a huge expenditure. We are talking about something which local people are very much interested in. The school of mines is already working with Denver's regional State government public service company in Colorado and Cyprus Minerals.

Denver RTD is making an in-kind contribution of space. We are not talking about a lot of money, and we are certainly not talking about doing something in a local area where there is not enough interest to do something themselves. The amendment does not say it will be in Colorado, but as you can tell, our people are concerned enough about is as a problem in high-altitude areas that we are working on it, and we will have a persuasive, and we hope ultimately conclusive, presentation on this issue to make to the EPA.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. If agreeable with the sponsors of the amendment, we can set it aside for a few minutes. I know the distinguished Senator from Tennessee has a few short remarks, not on this amendment, and then we will get back to this.

The PRESIDING OFFICER. Is there objection? Hearing none, the Senator from Tennessee is recognized.

Mr. GORE. Mr. President, the ranking member of the subcommittee had indicated that he wished a little time to try and work out this amendment and, rather than going into a quorum call, I thought it might be an occasion for me to make some remarks that I had intended to make earlier in the consideration of this bill.

Mr. President, I rise in favor of clean air and the objectives of this legislation. Our constituents and our children deserve nothing less. I wish to compliment those who have crafted this compromise legislation. I do not think it goes far enough. I will be offering some amendments which I will describe in a moment, and which I will offer at a point somewhat later in the proceedings, perhaps later today, or by tomorrow.

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But on this occasion, I want to make a few general comments during this lull in the consideration of amendments about the overall bill.

Mr. President, we live in a time of great turmoil, great change, and great opportunity. All over the world, nations are rushing toward democracy, people are demanding and winning basic human rights and freedoms. As this great rush toward democracy occurs, people of the world are recognizing the global environmental crisis which all nations face and to which all nations must respond.

Indeed, within the Communist world the single most potent source of dissent and protest has been concern about the destruction of the environment. The groups which have been most effective in organizing against the Communist governments have often been groups which were originally formed to protest unwise actions which destroyed the air, destroyed the water, and polluted the land.

In many cities of Eastern Europe, the term "air quality" is an oxymoron. In countries like Poland, Czechoslovakia, and East Germany, the combustion of brown coal has led to environmental damage on a scale unprecedented anywhere else on Earth.

In the Thrid World, where the desperate battle to improve the quality of life is waged every hour of every day, clean air, clean water, and most other basic human needs are simply out of reach.

Mr. President, since the passage in our country of the first Clean Air Act amendments in 1970, urban air quality has improved in many respects; sulfur dioxide and particulate concentrations have declined in most cities. The United States can take credit for having reduced airborne lead concentrations. Lead poisoning has the insidious effect of lowering children's mental acuity. In reducing lead, we have accomplished a major step toward safeguarding our future.

Mr. President, I had an experience a little over a year ago that impressed me greatly about the effect of the 1970 Clean Air Amendments. I visited Antarctica and went to a site high in the trans-Antarctic mountains where a team of scientists were digging down into the glaciers and measuring the tiny air bubbles that were trapped in each annual layer of ice. Those ice cores tell an interesting story, but just one part of the story is relevant on this occasion.

The scientist pointed to this ice core and said, "Right here is where the Congress of the United States passed the Clean Air Act Amendments in 1970." The concentration of polluting chemicals in the air near the South Pole was profoundly changed just by the passage of those amendments in 1970.

He went along the ice core further and said, "Here in the 1980's is where everything gets a lot worse."

We have had many improvements in the United States since those first amendments, but we do still have a lot of work to do. Twenty years after the first Clean Air Act amendments, more than 100 cities are still polluted with unhealthy concentrations of ground-level ozone and carbon monoxide. Concern over health impacts grows with every study released, and children playing outside in the summertime are among those most at risk.

There is work to be done in controlling acid rain, a problem not even recognized when the 1970 amendments were passed. And we have just started to grapple with controlling the chemical soup of hundreds of toxic emissions that threaten our Nation's health.

These problems will not go away by themselves, and wishing for a solution will not work, either. We need a strong commitment for the sake of our children and a strong commitment of money and time and American ingenuity in order to solve the problem.

We need to develop new control methods for a myriad of small sources of hydrocarbon emissions, because together with motor vehicles these small sources contribute the lion's share of hydrocarbon emissions. As we know, they combine with nitrogen oxide emissions to form ground-level ozone, or what we call smog.

To cut down on smog, we need tighter tailpipe emissions standards for hydrocarbons and nitrogen oxides. We also need to explore the possibilities of using cleaner fuels, but without naively assuming they are an environmental panacea. And, ultimately, for a long list of reasons, we need to find alternatives to our collective habit of driving alone.

When you think about it in a historical context it really does not make a lot of sense for each of us to take 4,000 to 5,000 pounds of metal with us wherever we go. We need to take a long-term look at the environmental impacts of how we structure our cities, and put air-quality impacts up front as a consideration in transportation and urban planning.

I am confident that Congress recognizes these challenges, and sincerely hope we are prepared to take bold steps to clean up our environment because the American people demand action on this issue.

Mr. President, of all the nations on this fragile planet, the United States is the one best able to demonstrate to the world what we mean by environmental protection and stewardship of the Earth. In most of its provisions, the legislation before us challenges this Nation and all of us as policymakers to face our responsibilities to the citizens of this country, and to our children, to ensure that the air they breathe is safe and that the forests and streams will be protected from the destruction wreaked by acid rain and ground-level ozone. And it will demonstrate to nations around the world, where there are calls for international cooperation to protect the environment, that Americans are prepared to share in meeting our common challenges.

I commend the majority leader, Senator MITCHELL, and the Environment and Public Works Committee, particularly Senator BAUCUS and Senator CHAFEE, for their long and hard work in bringing the Clean Air Act amendments before us.

The achievement of this package is a compliment to the Senate and its ability to work out compromises. As I have said before, I have some problems with it, and I will get to those just now.

But I do want to compliment those who have brought this package before us. Ideally, we would have strong, visionary, bold leadership from the White House in pushing us to face up to these problems. In the absence of that kind of leadership, it is remarkable that such a commendable result has been brought before us.

But I am deeply concerned about several of the bill's provisions. While it is now incumbent upon us to go forward in our efforts to protect the environment, and as I have said, the bill before us does move forward in many ways, in some ways, Mr. President, this bill actually retreats from current law requirements in several respects.

For example, it is in my opinion unacceptable that the bill endorses a risk assessment standard that excludes those facing the most severe risk from toxic air pollutants. We are told that the "actual man" standard better comports with reality. But, the health hazards faced by children and the elderly are not fictitious—in that respect, the acutal man standard is fictitious, and more fictitious than the standard that is currently used. These groups, children and the elderly who stay home, deserve clean and healthy air every bit as much as those who spend most of their time away from home.

The second point which I believe represents an unacceptable retreat from current law is the provision that permits manufacturers of toxic chemicals to comply with this bill not by reducing the emissions of toxic chemicals, but by so-called mitigation measures, including buying up the homes, the businesses, the communities surrounding their plants and then creating a dead zone in those areas and pretending that the problem has been solved.

I think that is a mistake, and a very serious mistake. These companies may be responsible for one or more cancer deaths in 10,000, and yet the bill allows them to continue their lethal activities. This is a return to the "tall smoke stack" days of pollution control when we told people, in effect, not to worry about stopping pollution; just pump it into someone else's backyard. This is a also a charter for companies to create "dead-zone" areas, hostile to life, uninhabitable by human beings.

Mr. President, if this is the result we have to tolerate, then I think the price of this provision is just too high.

The bill before us also retreats from a progressive provision in the original committee bill that would reduce carbon dioxide emissions. Carbon dioxide is responsible for nearly half of the greenhouse effect, and the United States, together with several other industrialized countries, is responsible for nearly half of all carbon dioxide emissions. Recently, many of America's Nobel laureates and 700 members of the National Academy of Sciences warned that global warming could be "the most serious environmental threat of the 21st century."

Motor vehicles are the largest single source of carbon dioxide emissions, and it is to motor vehicles that we must look in order to stem further growth in CO_2 emissions.

We put more CO_2 in the atmosphere from cars and trucks than any other nation does from all emissions. Technological initiatives that reduce tailpipe emissions and improve vehicle fuel efficiency must be explored. But, if the number of vehicles on the road and the number of vehicle miles traveled increase as projected, progress we make by adopting technological fixes may be overwhelmed. The simple fact is that we must make some basic changes in our transportation habits. In planning our communities, in developing our cities, and dealing with the way we structure our civilization, we must be mindful of the contribution cars make to the greenhouse effect and we must reduce, to the maximum extent possible, the necessity for single-passenger automobile travel.

Several of the nonattainment provisions are also problematic. Relieving the Federal Government of its ultimate responsibility to ensure the quality of our air, and telling States that they need go only so far in cleaning up the environment—less far, in fact, than many States have already gone—the bill creates a glaring void: If not the Federal Government; if not the States—who will go the extra mile to ensure that the far-reaching enviromental initiatives that we so desperately need, will actually go forward?

Mr. President, I commend the committee for recognizing that action is necessary to eliminate the production and use of chlorofluorocarbons, the substances that are destroying our delicate stratospheric ozone layer. The amendments go a long way in calling for a phaseout of the worse ozone-depleting substances.

And I want to especially commend the Senator from Rhode Island [Mr. CHAFEE] on this matter.

Again, however, this is a point where I do not think the bill goes nearly far enough. As is dramatically illustrated by the hole burned in the ozone layer over Antarctica, the problem we face is so serious that it will not be sufficient to simply phase out chlorofluorocarbons 10 years from now.

Another family of substances called hydrochlorofluorocarbons are now being promoted as the substitute for CFC's. As a transition step, they have a role to play. However, they deliver destructive chlorine atoms into the stratosphere just as CFC's do, and they must also be phased out—not according to the same timetable as CFC's—but they must be phased out.

One reason why: If we just phase out CFC's and allow the continued emission and production of HCFC's and substances like carbon tetrachloride, concentrations of chlorine atoms in the stratosphere will double during the next century. It is the concentrations at their current levels that burned this hole in the ozone layer and created the problems that we are attempting to deal with in the global environment, so allowing chlorine concentrations to double really does not make sense. We should, in other words, phase out the HCFC's as well.

Mr. President, the challenges of the global environment remind me of another global challenge that we have faced over the last decades; the threat of nuclear destruction. About 10 years ago, I asked a group of students in Tennessee if they expected nuclear war in their lifetimes. Nearly every student raised a hand. When I asked the students if they believed there was much we could do to change that outcome, only two or three hands went up.

That day, I saw the verdict of a generation which, like my own, had never known a world without the threat of nuclear war. I realized that whatever else we do, we must somehow reverse that verdict—and enable the next generation to face a future with hope, not despair.

During the past decade, we have made great strides in addressing those fears of nuclear war. The cold war is not over, but around the world, democracy is advancing and communism is in retreat. Both superpowers appear to recognize the need for arms control as a matter of economic as well as physical survival.

But now, new clouds of a different sort are forming on the horizon. If you asked a group of schoolchildren what frightens them today, most of them would probably talk about the environment. This new challenge is in some ways more daunting than any clash between nations, or weapons, or ideologies. It is the most fundamental conflict of all, between humankind and nature.

As we begin the last decade of the century, we are suddenly entering into a brandnew relationship with planet Earth. We are destroying forest land at the rate of one acre per second; we are poisoning our rivers, lakes, groundwater, and oceans; we are filling the atmosphere with gaseous wastes that are warming the earth's temperature and threatening changes to the climate system in the next century as large as those which accompanied the ice ages over hundreds of thousands of years. An enormous hole is opening in the stratospheric ozone layer. Living species are dying at an unprecedented rate, one thousand times faster than at any time in the last 65 million years. We are changing—in some ways irrevocably—the world that sustains life as we know it and threatening its ability to provide that substance.

Why don't we react to this crisis? Is it that hard to see?

When you consider the relationship of the human species to the planet Earth, not much change is visible in a single year, in a single nation. But when you look at the entire pattern of that relationship in every nation from the beginning of the 20th century until today, the contrast is stark.

From Christopher Columbus to the outbreak of World War I, in roughly 420 years, world population tripled, to 1.6 billion people. In the last 75 years it has tripled again, to 5.2 billion people. We are told that in the next 75 years, it will double and perhaps even triple once more. Nearly every index of the impact of modern industrial society follows the same pattern of sudden, unprecedented acceleration.

Last year we consumed 60 times more electricity than we did 75 years ago, and back then, we used 40 billion kilowatts hours. U.S. production of synthetic organic chemicals has gone from almost nothing to 225 billion pounds per year—half a ton for every American. Since World War I, the world's fossil fuel use has increased ten times over, and with it, carbon dioxide has flooded the Earth's atmosphere. Other greenhouse gases have soared upward at similar rates in the past 75 years: U.S. nitrogen oxide emissions by 800 percent; methane concentrations have nearly doubled; and the world's emissions of chlorofluorocarbons have increased by 80 times since World War II, and are still doubling every decade, posing a deadly threat to the earth's protective ozone shield.

These dramatic changes are taking place not only because the human population is surging and our standard of living has increased. They are happening because we tolerate selfdestructive behavior and environmental vandalism on a global scale.

In the past, the price we would have to pay for our actions has always seemed impossibly remote. Only now are we beginning to see, in Ivan Ilych's phrase, "the shadow our future throws."

Whether we look forward in hopes of glimpsing what the future holds or gaze backward at the events that have dominated the world in this century, we see something that resembles one of those artist's depictions of relativity theory, with time and space curved like a checkerboard grid. Our political awareness of the world is shaped and bent by events. Vast calamities such as the world wars exert a powerful gravitational pull on every idea we have about the world around us. And just as in Einstein's theory, future events can exert the same gravitational pull on our thinking as events in the past. The political will to slow down the nuclear arms race came from the feeling that we were being pulled toward a future we had never seen but didn't want. Now, as we are being drawn toward the brink of ecological collapse, we must be willing to consider ecological action.

At last, we are beginning to realize that our security is no longer just an issue of peace or war. We have, in the course of a single lifetime, managed to grasp the levers of our own destruction: First, in the form of nuclear weapons; and second, in the form of the industrial destruction of the biosphere, now moving forward at geometric rates of increase. The emerging environmental threat, especially global warming and its consequences, also must be regarded as a genuine security threat. Let's face it: The strategic defense initiative can't assure our survival in the 21st century. A strategic environment initiative might.

I am not a fan of the strategic defense initiative, but one doesn't have to be an admirer to recognize that it drew together facilities and resources and attracted a generous share of the Government's budget for research and development. We need to approach the technological challenge of environmental protection and economic growth with at least the same intensity—and with comparable levels of funding.

The cooperation of Third World nations is crucial to controlling problems as vast as global warning. Their share of greenhouse gas emissions from fossil fuels could grow from about 20 percent today to as much as 60 percent by 2050. We need to promote environmentally sustainable development by identifying and spreading new technologies to developing countries, where 95 percent of world population growth will take place during the next century.

Here in the United States, we must modernize the technologies and practices in every economic sector, from more fuel-efficient cars and energy-efficient appliances to manufacturing that relies on recycled material, to a second green revolution requiring fewer fertilizers and pesticides. The emerging consensus for environmental protection is opening the door to solutions once considered politically impossible.

It will not be enough, however, to change our laws, policies, and programs. We must also change the way we think about ourselves, our children, and our future. We must now create a new pattern of thinking in which we once again see ourselves as a part of the ecological system in which we live. We have lost, so to speak, our eco-librium.

Mr. President, we have a long way to go in order to regain our eco-librium. The Clean Air Act is a vehicle for us to take essential steps forward. We must be vigilant however, that in our eagerness to move forward, we do not endorse measures that are actually environmentally regressive. I look forward to the opportunity to examine and discuss the critical initiatives the committee has introduced for our consideration.

Mr. President, I will have amendments later today or tomorrow on each of the matters that I have discussed here. Mr. President, at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the pending amendments are the amendments offered by Senator WIRTH and Senator ARMSTRONG, from Colorado.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate on the Wirth-Armstrong amendments?

Mr. WIRTH. Mr. President, the Senator from Rhode Island and I were just trying to work on some language on this. Maybe if it is appropriate, if it would be all right with the managers of the bill, maybe we could have a little time to do this. I know Senator GLENN has an amendment that he wants to bring up. Maybe we could set this aside and go to Senator GLENN's amendment and see if we could work out the language on this. Would that be all right?

Mr. BAUCUS. Mr. President, the amendments offered by the Senators from Colorado are interesting. There are some questions, though, dealing with these amendments that we have yet to work out. I think there is a chance we can work them out. It will take, though, I think, a few minutes, not on the Senate floor, to work them out.

Mr. President, I suggest to the Senator from Colorado that we move to other matters so that we can try to work out some of the problems.

Mr. WIRTH. If the distinguished manager will yield, I was just going to suggest that. The Senator from Rhode Island and I were working on some language. Why do we not just for the moment set these amendments aside. If we might do that by unanimous consent, we will have time to work on them, and then the manager, I know, is very eager to move the bill, as am I, and we could go on to other business.

Mr. BAUCUS. Mr. President, I think that is a good idea. I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. The Chair asks the Senator from Montana, would that include the so-called Baucus amendment, that both be set aside?

Mr. BAUCUS. Yes.

The PRESIDING OFFICER. With that understanding, without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

AMENDMENT NO. 1314 TO AMENDMENT NO. 1293

(Purpose: To direct the EPA to perform an economic impact analysis of the Clean Air Act)

Mr. MOYNIHAN. Mr. President, in just a moment, with the kind consent of the distinguished manager of the legislation and his colleague on the other side of the aisle, I would like to offer for myself, for Mr. MITCHELL, and for Mr. DOLE, an amendment which simply provides that, as an aspect of the clean air problem, over the years to come for an indefinite period, subject to later review and judgment by the Executive and the Congress, that we will regularly, on a biennial basis, prepare an economic impact statement which estimates the costs and the benefits of the measures that we are now putting into statute.

Mr. President, the bill before us very specifically provides for this kind of analysis with respect to the acid rain provisions. Specifically, it provides that the National Acid Precipitation Assessment Program established by the Acid Precipitation Act of 1980, a

10-year program now just about concluded, will continue and we will have longitudinal studies of what we are dealing with, what we have been able to do, how much it has cost.

This, as I have said, is in the bill before us. The amendment I offer on behalf of the majority leader, the Republican leader, and myself simply extends that pattern to the other sections of the bill.

I would like to make the point for the record that the Administrator of the EPA is given this responsibility. In the section on acid rain it is given to NAPAP. But the chairman of the Interagency Task force of NAPAP is the Administrator of EPA. So we do in fact locate in the Administrator the benefit/cost analysis responsibility for all titles of the Clean Air Act.

A further point, Mr. President—I do not want to belabor this—I want to make clear to the Senate, and we will want this to be understood in the executive branch and in the other body, that this measure contemplates a mode of analysis on a scale never quite performed before, requiring methodologies that have not been developed. They have been begun, but are in no way perfected. The scale of this effort will be singular. And we do not expect that it will be something we have mastered in the first biennial round.

It will take us a decade. It could well take us a generation. We mean to be around, worrying about such matters for a long while. We are enacting legislation that reaches well into the next century, and we are going to assess the benefits and the costs of it and we are going to learn something.

One last point, Mr. President, which I made in the opening days of debate on the bill, which is simply to say that environmentalism is nothing if it is not an ethic of responsibility. In that context, our first responsibility has to be to the facts. We must be prepared to learn things we do not know, to find out things we do not necessarily like, to be surprised; to welcome good news as well as bad, to have interpretations confirmed or disconfirmed. This is the methodology of quantitative analysis. It is well advanced in some respects, only just begun in others.

We, in this amendment, do something of large consequence. I hope a generation from now American environmentalists will look back and say it was in the Clean Air Act of 1990 and the provisions of the benefit/cost analysis that we first began the careful quantification and tracking of the impact of our efforts on the environment in the largest sense of the word, extending, of course, to the economic environment as well as to the physical one.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself, Mr. MITCHELL and Mr. DOLE, proposes an amendment numbered 1314 to amendment No. 1293.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 512 of Amendment No. 1293, at the beginning of line 5, insert the following, and renumber succeeding sections accordingly:

SEC. 611. Section 312 of the Clean Air Act is amended to read as follows:

"SEC. 312. ECONOMIC IMPACT ANALYSES.

"(a) The Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis (as established under subsection (f) of this section), shall conduct a comprehensive analysis of the impact of the Act on the public health, economy, and environment of the United States. In performing such analysis, the Administrator should consider the costs, benefits and other effects associated with compliance with each standard issued for—

"(1) a criteria air pollutant subject to a standard issued under section 109;

"(2) a hazardous air pollutant listed under section 112, including any technology-based standard and any risk-based standard for such pollutant;

"(3) emissions from mobile sources regulated under title II of this Act;

"(4) a limitation under title IV of this Act for emissions of sulfur dioxide or nitrogen oxides;

"(5) a limitation under title V of this Act on the production of any ozone-depleting substance;

"(6) any other section of this Act.

"(b) In describing the benefits of a standard described in subsection (a), the Administrator shall consider all of the economic, public health and environmental benefits of efforts to comply with such standard. In any case where numerical values are assigned to such benefits, a default assumption of zero value shall not be assigned to such benefits unless supported by specific data.

"(c) In describing the costs of a standard described in subsection (a), the Administrator shall consider the effects of such standard on employment, productivity, cost of living, economic growth, and the overall economy of the United States.

"(d)(1) Not later than 12 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis, shall submit a report to the Congress that summarizes the results of the analysis described in subsection (a), which reports—

"(A) all costs incurred previous to the date of enactment of the Clean Air Act Amendments of 1989 in the effort to comply with such standards; and

"(B) all benefits that have accured to the United States as a result of such expenditures.

"(e) Not later than 24 months after the date of enactment of the Clean Air Act Amendments of 1989, and every 24 months thereafter, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council and Clean Air Compliance Analysis, shall submit a report to the Congress that updates the report issued pursuant to subsection (d), and which in addition makes projections into the future regarding expected costs, benefits and other effects of compliance with standards pursuant to this Act as listed in subsection (a).

"(f) Not later than 6 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator, in consultation with the Secretary of Commerce and the Secretary of Labor, shall appoint an Advisory Council on Clean Air Compliance Analysis of not less than 9 members (hereafter in this section referred to as the 'Council'.) In appointing such members, the Administrator shall appoint recognized experts in the fields of the health and environmental effects of air pollution, economic analysis, environmental sciences, and such other fields that the Administrator determines to be appropriate.

"(g) The Council shall—

"(1) review the data to be used for any analysis required under this section and make recommendations to the Administrator on the use of such data;

"(2) review the methodology used to analyze such data and make recommendations to the Administrator on the use of such methodology; and

"(3) prior to the issuance of a report required under by subsection (d) or (e), review the findings of such report, and make recommendations to the Administrator concerning the validity and utility of such findings.".

Mr. MOYNIHAN. Mr. President, as I said, I do not wish to extend the discussion of the matter. I believe the amendment is acceptable to the distinguished managers of the legislation.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from New York has offered an amendment which is not covered by the scope of the agreement of the leadership and the core group of Senators which reached agreement with the administration. So the group as a whole takes no position on this amendment, as a group.

The Senator from New York has very often, and with great aid to the Senate, been concerned with cost benefit analysis and concerned with the cost of legislation. It is a very valuable contribution the Senator from New York has made. I personally compliment the Senator on the many times he has spoken to this issue.

I think the amendment is one we can accept. I ask the Senator, though, if he would be willing to modify his amendment so as to provide that EPA should be required to reassess how benefits are measured to be sure that damage to human health and the environment are accurately measured and taken into account? The point being, the standard cost benefit analysis tends to place more emphasis on the costs and not enough on the benefits, particularly when human health is concerned and when the environment is concerned.

I ask the Senator if, at the appropriate place—which would have to be worked out—he would consent to that modification?

Mr. MOYNIHAN. Mr. President, I would most happily accept the change in language, the addition. This does not take anything from me.

I ask my friend, we are simply adding to the scope of the inquiries we now put in place? When my colleague talks about costs, he also talks about benefits. Learning to quantify benefits is a much more challenging exercise than to quantify costs.

What is the unit of measurement of benefit? Well, there are some. We know when we are better off or when we are worse off, in terms of air quality.

What is the unit there? That is a good subject. You ask yourself the question. You already know more of the kind of thing you are trying to learn.

Cutting in half the emissions of the sulfur oxides will, among other things, certainly have a very pronounced impact on visibility. There are common vistas in the country where one will see twice as far as one had previously done. That is a benefit. It is a benefit if you live in the Rocky Mountains, but how does one measure it? Good question and not to be answered by the beginning of the next fiscal year. If you do not have 10 years for a problem like this, do not go near it.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. Please send the modification to the desk.

Mr. MOYNIHAN. Mr. President, I do not know I have the language in front of me. I believe the Senator from Montana has that language.

If the Senator from Montana will allow me in order to assure, the language will now read,

Environmental Protection Agency should be required to reassess how benefits are measured in order to assure that damage to human health and the environment are more accurately measured and taken into account.

This to be inserted as an additional sentence of subsection (b) of the amendment.

Will the distinguished manager mind if instead of the word "reassess," we simply say "assess," as I am not sure this work has been done?

Mr. BAUCUS. Mr. President, the Senator from Montana would be most grateful for that improvement in the language. That will be fine.

AMENDMENT NO. 1314, AS MODIFIED

Mr. MOYNIHAN. I think it would be nice to find where are these assessments to be assessed.

I send a revision of the language to the amendment to the desk and ask that it be so modified.

The PRESIDING OFFICER. The Senator has sent the modification to the desk, and his amendment has been so modified.

The modification is as follows:

On page 3, at the end of subsection (b), add the following new sentence: "EPA should be required to assess how benefits are measured in order to assure that damage to human health and the environment are more accurately measured and taken into account.".

Mr. BAUCUS. Mr. President, with those changes, we are prepared to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1314), as modified, was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1315 TO AMENDMENT NO. 1293

(Purpose: To direct the EPA to participate in an interagency task force on magnetic levitation technology)

Mr. MOYNIHAN. Mr. President, I have two small amendments that have been agreed to, as is my understanding. I will proceed with them directly.

The first amendment simply requires that the Administrator of the Environmental Protection Agency coordinate with and provide assistance to the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works regarding the use and development of magnetic levitation systems for use along the interstate highway rights of way and other appropriate rights of way.

Mr. President, the purpose of this amendment is simply this: The administration has proposed that we begin some development in the area of magnetic levitation. It is very clear that if we are to do this, if we were to succeed in this area, we would be having a large impact on the environment, on air quality, by lessening the use of automobiles and the release of automobile exhausts along highways, particularly in cities. There is a coordinating group being established for this work, and this would simply add the Administrator of the EPA into the circle.

I send the amendment to the desk.

The PRESIDING OFFICER (Mr. ADAMS). The pending amendment is amendment No. 1307.

Mr. MOYNIHAN. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, the pending amendment is set aside for consideration of the amendment of the Senator from New York.

Mr. MOYNIHAN. Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New York, [Mr. MOYNIHAN], for himself and Mr. REID, proposes an amendment numbered 1315.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert where appropriate in title VI of the bill:

"SEC. . EPA PARTICIPATION IN INTERAGENCY GROUP ON MAGNETIC LEVITATION.

"The Administrator of the Environmental Protection Agency (or the designee thereof) shall coordinate with and provide assistance to the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works regarding the use and development of magnetic levitation systems for use along the interstate highway rights-of-way and other appropriate rights-of-way. The Administrator of the Environmental Protection Agency (or the designee thereof) shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later that 12 months after the date of enactment of this Act, and every 12 months thereafter.".

Mr. MOYNIHAN. Mr. President, I believe the amendment has been explained. I hope it will be accepted.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I hope those Senators who have amendments they think are noncontroversial will show them to us now.

In this particular amendment, I understand one of the staff did have an opportunity to look at it.

Let me just say this. There is one modification I ask if the Senator will be willing to accept. That is the last clause of his amendment. He asks for a report in 12 months, and that is all right, but then he follows up with "and every 12 months thereafter." the problem we have gotten into in this Government, and this is not restricted to the Environment Committee, are the levies made upon the EPA, and it is all through the Government. We say submit a report, and then submit a report every 6 months or every year. These departments or agencies are just laidened with reports that require a considerable number of man-hours.

What I will ask—I have no objections to the amendment and it certainly reaches far afield from clean air, but so be it—if the Senator will be willing to modify, to drop those last five words, then that will be acceptable to me.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, the Senator from Rhode Island has made a wholly pertinent and perspicacious point. There are too many reports required, and when these reports multiply, their quality inevitably declines. It is necessary to have some periodicity in most of these things. We would like to hear from them when they have something they think we need to know and they have learned something of importance.

I wonder if the Senator from Rhode Island will agree with the language that "shall report to the Congress and the President on such activity not later than 12 months after the date of enactment and periodically thereafter," the periodically can be decided—if you want to take that out, we can take that out.

Mr. CHAFEE. Mr. President, my suggestion is this. The distinguished Senator from New York is a very senior member of the Environment Committee. Unquestionably, the committee would agree at any time he wished to require a report from the EPA on magnetic levitation. That is no problem, as far as any of us are concerned, or have them in for an oversight hearing.

I find it more acceptable if we just drop those last five words.

Mr. MOYNIHAN. Mr. President, I would like to amend the language at the desk to drop the last five words.

The PRESIDING OFFICER. The yeas and nays have not been ordered so the Senator is entitled to modify his amendment if he wishes to do so.

Mr. MOYNIHAN. I would like to modify the amendment accordingly.

The PRESIDING OFFICER. Will the Senator state the modification.

Mr. MOYNIHAN. To drop the last five words; "and every 12 months thereafter."

The PRESIDING OFFICER. The amendment is so modified.

The amendment, as modified, is as follows:

Insert where appropriate in title VI of the bill:

"SEC. . EPA PARTICIPATION IN INTERAGENCY GROUP ON MAGNETIC LEVITATION.

"The Administrator of the Environmental Protection Agency (or the designee thereof) shall coordinate with and provide assistance to the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works regarding the use and development of magnetic levitation systems for use along the interstate highway rights-of-way and other appropriate rights-of-way. The Administrator of the Environmental Protection Agency (or the designee thereof) shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later that 12 months after the date of enactment of this act.

Mr. MOYNIHAN. Mr. President, I apologize for not having first stated that I offer this amendment for myself and Mr. REID, the Senator from Nevada.

The PRESIDING OFFICER. That will be so noted.

Mr. MOYNIHAN. Mr. President, while I have the attention of the Senator from Rhode Island, may I say that we pursue this matter very much out of a sense that we are going to have to find alternatives to automotive transportation if we are going to get western clean air in the eastern corridor, for example. He has heard testimony before the Environment and Public Works Committee that the present estimates are that by the year 2020, unless there are alternative modes, it will require 44 lanes of interstate highway to move traffic from Miami to Orlando. We are not going to get there at this pace. So, Mr. President, I urge adoption of the amendment.

Mr. BAUCUS. Mr. President, this is the first opportunity that I and the majority have had to see this amendment. I am informed that there are two Senators who wish to speak on the subject who are not present.

They are Senator HOLLINGS and Senator EXON. They have an interest in this matter, and they do say they want to come to the floor and speak. We have other amendments to consider, so I would ask the Senator from New York, if he is willing, to withdraw his amendment. I have no objection to the amendment. He can withdraw his amendment pending other amendments. We can bring it back at the appropriate time.

Mr. MOYNIHAN. Mr. President, in accordance with the request of the Senator from Montana, I am happy to withdraw the amendment. Perhaps the time we can return to it would be when the Senators who wish to speak to it are here.

Mr. BAUCUS. I appreciate that very much.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

The amendment (No. 1315) was withdrawn.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

AMENDMENT NO. 1302

(Purpose: To delete certain provisions relating to NRC-Licensed Facilities)

Mr. GLENN. Mr. President, I would call up amendment 1302.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, and Mr. HEINZ, proposes an amendment numbered 1302:

Commencing with line 11 on page 319 of the amendment no. 1293, strike out all through line 2 on page 320.

Mr. GLENN. Mr. President, I rise on this occasion to offer the amendment cosponsored by my distinguished colleague from Pennsylvania [Mr. HEINZ].

Mr. President, our amendment strikes section 303 of the Clean Air Act which has been reported from the Environment and Public Works Committee and is contained in the substitute bill.

This provision removes the existing authority of the Environmental Protection Agency and the States from regulating radioactive emissions at Nuclear Regulatory Commission facilities by making the NRC the sole regulator under the Atomic Energy Act. That is the provision that is in the substitute now and that is the provision that I would propose to strike.

Our amendment does nothing to change the existing law or regulations and simply maintains the status quo. Section 303, however, represents a significant change in environmental policy which requires further discussion and debate. I feel the Clean Air Act is not the proper place to decide the very complicated structural role of States in national policy. We are making major changes in processes worked out over long periods of time and we are making those changes with little or no debate. An issue of this magnitude and importance cannot be decided upon without careful deliberation by the Congress and by the administration.

This concern is underscored by 3 letters, 2 from 20 of our States attorneys general. The most recent letter to my distinguished colleagues from Wyoming and Louisiana, which was sent yesterday, finds that State authority would be adversely impacted not only under the Clean Air Act but also under the Superfund law.

We have three letters that I will ask unanimous consent to have printed in the RECORD. One is a letter from the attorneys general; the second letter is a letter of reply to that first letter from Senators BREAUX and SIMPSON; and the third letter is a letter from the attorneys general again, responding to that reply to their first letter. I ask unanimous consent those letters be printed in the RECORD.

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There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, NY, January 31, 1990.

Re S. 1630; Concerning Radionuclides Amendment.

Hon. GEORGE MITCHELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR MITCHELL: This letter, delivered to you on behalf of the undersigned State Attorneys General, is to urge deletion of a provision of S. 1630 which, if passed into law, will prohibit regulation of certain radioactive air emissions by the United States Environmental Protection Agency (EPA) and severely limit State authority to adopt similar regulations. As indicated by your comments in the Committee Report of S. 1630, you hold similar concerns with respect to the effect of this provision.

In the Clean Air Act of 1977, Congress directed the EPA under Section 122 to consider regulation of radioactive air emissions from all sources including those regulated or licensed by the Nuclear Regulatory Commission (NRC). Last year, in response to a court order, the EPA promulgated regulations under Section 112 of the Act to control radionuclide emissions as a hazardous air pollutant. The Act called for coordination of efforts between the EPA and the NRC in the regulation of these emissions.

In November, as the Senate Environment and Public Works Committee was considering amendments to the Clean Air Act, an amendment to S. 1630 was offered by Senator Alan Simpson and passed by voice vote. That amendment proposes to exempt radioactive air emissions associated with sources regulated or licensed by the NRC or an NRC "agreement State" from any EPA regulations, including recently promulgated radionuclide standards, in favor of exclusive regulation by the NRC pursuant to the Atomic Energy Act. The amendment was presented purportedly to avoid dual regulation by the EPA and the NRC. The actual effect of the amendment, however, is quite different.

First, if this amendment is left intact, air emissions from radioactive materials under NRC jurisdiction will no longer be subject to EPA regulations for radionuclides. Specifically, these sources will be limited only by the NRC's radionuclide emmissions standard which can be 50 times less stringent than EPA's newly promulgated standard.

Second, by transferring all authority over these emission sources to the NRC, the States will be preempted from establishing their own more stringent standards for radioactive air emissions. Under Section 116 of the Clean Air Act, State authoritiy to adopt stricter air emission standards clearly has been retained. There is no similar provision in the Atomic Energy Act. That Act has been found by the United States Supreme Court to preempt State regulation of radiation hazards. Therefore, the amendment in question would effectively prevent the States from exercising any control over harmful radioactive air emissions from sources regulated by the NRC.

Finally, this amendment may have an adverse effect on the cleanup of radioactive contaminaton pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (the Superfund Act). The Superfund Act provides a mechanism for the cleanup of all pollutants classified as "hazardous substances." Section 101(14) of the Act includes, within the definition of "hazardous substances," any hazardous air pollutant regulated under Section 112 of the Clean Air Act. The amendment will eliminate radioactive emissions produced by NRC regulated sources from the definition of hazardous air pollutants in the Clean Air Act and thus remove from the scope of the Superfund Act any radioactive air, soil or water contamination caused by these sources.

As you can see, the amendment, by removing both EPA and State authority to regulate significant radioactive air pollution, would be an unfortunate development. We encourage action on the floor of the Senate to delete this amendment.

Thank you for your continuing efforts to assure that our environment remains safe for future generations.

Respectfully,

Robert Abrams, Attorney General of New York; John K. Van de Kamp, Attorney General of California; Duane Woodward, Attorney General of Colorado; Clarine Nardi Riddle, Attorney General of Connecticut; Jim Jones, Attorney General of Idaho; William J. Guste, Jr., Attorney General of Louisiana; James M. Shannon, Attorney General of Massachusetts; Frank J. Kelley, Attorney General of Michigan; Hubert H. Humphrey III, Attorney General of Minnesota; Robert M. Spire, Attorney General of Nebraska.

James E. Tierney, Attorney General of Maine; Brian McKay, Attorney General of Nevada; Anthony J. Celebrezze, Jr., Attorney General of Ohio; David Frohnmayer, Attorney General of Oregon; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Charles W. Burson, Attorney General and Reporter of Tennessee; Jim Mattox, Attorney General of Texas; Jeffrey L. Amestoy, Attorney General of Vermont; Kenneth O. Eikenberry, Attorney General of Washington; Donald J. Hanaway, Attorney General of Wisconsin.

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, DC, February 20, 1990.

Re Regulation of Radionuclides under the Clean Air Act.

Hon. ROBERT ABRAMS,
Attorney General, State of New York, Department of Law, New York, NY.

DEAR ATTORNEY GENERAL ABRAMS: We were most disturbed to obtain copies of a widely-distributed letter from yourself and a number of other Attorneys General to Senator Mitchell regarding the provision in S. 1630, the Clean Air Act Amendments of 1989, which would eliminate the dual regulation of radionuclides under both the Atomic Energy Act and the Clean Air Act. The letter contains several errors regarding the effect of this provision, and we would like to take the opportunity to clear up some of the confusion which obviously has arisen.

First, your letter asserts that the amendment will "prohibit regulation of certain radioactive air emissions by the United States Environmental Protection Agency (EPA)," and that it proposes to "exempt radioactive air emissions . . . from any EPA regulations . . . in favor of exclusive regulation by the NRC [Nuclear Regulatory Commission] pursuant to the Atomic Energy Act." The letter makes similar assertions elsewhere. These assertions are incorrect.

Although the radionuclides provision does eliminate the EPA's duplicative authority under the Clean Air Act to promulgate emission standards for NRC licensees, it does not in any way alter or affect the EPA's basic role under the Atomic Energy Act to establish generally applicable environmental standards for the release of radionuclides from NRC-licensed facilities. As the Committee report on the bill states, the EPA retains all of its present Atomic Energy Act authority to establish enforceable standards for NRC-licensed facilities.

Second, the letter erroneously states that NRC-licensed "sources [of air emissions of radioactive materials] will be limited only by the NRC's radionuclide emissions standard which can be 50 times less stringent than EPA's newly promulgated standard." To the contrary, EPA has stated that its new standard was promulgated at the 10 millirem level because that was the standard which was already being met by all NRC licensees regulated under the Atomic Energy Act and was the standard which EPA determined to be adequate to protect the public health with an ample margin of safety. Thus, the provision in the Committee bill will not result in any reduction whatsoever in any safety standards.

Third, your letter incorrectly asserts that the amendment would "effectively prevent the States from exercising any control over harmful radioactive emissions from sources regulated by NRC." This assertion simply ignores the fact that the amendment preserves the important and significant authority of the states to enter into agreements with the NRC to assume regulatory authority for many materials licensees. The states will also retain their traditional authority to regulate the economic aspects of nuclear power operation.

The EPA and the NRC consistently have stated that the regulatory structure under the Atomic Energy Act—whereby EPA sets the standards and the NRC enforces those standards for NRC licensees—is adequately protecting the public health and safety. Nonetheless, as the EPA stated in its recent radionuclide rulemaking, "[w]hile the level of health protection achieved under the NRC standard is generally comparable to that required by EPA's rule, the two standards are very different in form, and the means of demonstrating compliance with each standard impose significantly different regulatory requirements."

In the absence of any ascertainable benefits to public health from additional regulation under the Clean Air Act, the Committee on Environment and Public Works, the EPA, and the NRC see no need to impose another set of costly regulatory requirements upon American industry, the medical community, and the consumer. The Committee and both agencies support elimination of duplicative regulation under the Clean Air Act.

Moreover, the actions of the states themselves appear to support the position that the Atomic Energy Act standards for NRC licensees are adequate. No state including your State of New York, has issued a more stringent standard for radionuclides under its existing Clean Air Act authority. If the State of New York believed that the federal regulations were not adequately protecting the public from radioactive air emissions, and that more stringent regulation under the Clean Air Act is imperative for health and safety reasons, it is unclear as to why

New York has failed to take such action under its Clean Air Act authority to remove such a perceived threat to the safety of its citizens.

And finally, there is no intent to alter any provisions under the Superfund law regarding the cleanup of radioactive contamination. It is disturbing to hear the "call for action" on the Senate floor regarding a concern that could have been addressed by communication with us, the sponsors of the amendment. However, no attempts were made to contact us on this or any other issue.

We regret that you have chosen to "encourage action on the floor of the Senate" to "delete" a provision which does not do much of which you assert, and which could have been subject to further negotiation with us. Unfortunately, the inaccuracies and misstatements in your letter have only made the resolution of any of your concerns, and of ours, much more difficult.

With best personal regards,

JOHN B. BREAUX,
Chairman.
ALAN K. SIMPSON,
Ranking Minority Member,
Subcommittee on Nuclear Regulation.

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, NY, March 6, 1990.

Hon. JOHN B. BREAUX,
U.S. Senate, Senate Hart Office Building, Washington, DC.

Hon. ALAN K. SIMPSON,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATORS: This letter on behalf of the undersigned state Attorneys General responds to your February 20 letter regarding the provision in S. 1630 which would transfer regulation of radionuclides from the Environmental Protection Agency (EPA) to the Nuclear Regulatory Commission (NRC) for facilities licensed by the NRC and NRC "agreement" states. We respectfully disagree with your characterization of our views as "inaccuracies and misstatements," and welcome this opportunity to restate our concerns.

First, your letter asserts that we were incorrect in stating that the amendment would prohibit EPA regulation of certain radioactive air emissions because the EPA would retain all of its authority under the Atomic Energy Act (AEA). However, EPA has no express statutory authority under the AEA to regulate radionuclide emissions. As set forth in the statute, EPA's role is to advise the NRC in setting certain standards for radionuclides. Under the AEA, the EPA has no indepdendent authority to enforce such standards. 42 U.S.C. § 2021(h).

On October 6, 1970, President Nixon, in his Reorganization Plan No. 3 (35 Fed. Reg. 15623), transferred from NRC (formerly the Atomic Energy Commission) to EPA authority under the AEA to establish "generally applicable enviroinmental standards for the protection of the general environment from radioactive material." In 1977, EPA exercised this authority in 40 CFR Part 190 ("Environmental Radiation Protection Standards for Nuclear Power Operations"), which applies to radiation doses received by members of the public in the general environment. Since the Reorganization Plan gave EPA no enforcement authority with respect to these standards, EPA did not set up a mechanism through which compliance in terms of source-by-source emissions could be monitored. Instead, to enforce these standards, the NRC in 1981 amended its regulations [46 Fed. Reg. 18526] to require licensees to submit reports to the NRC within 30 days of discovering that the 40 CFR Part 190 limits may have been exceeded. See 10 CFR §§ 20.405 (c), (d) and (e).

Under Section 112 of the Clean Air Act (CAA), EPA's authority is more extensive than under the AEA. 42 U.S.C. § 7412. Section 112 mandates that EPA promulgate emissions standards for hazardous air pollutants which shall provide "an ample margin of safety to protect the public health." See 42 U.S.C. § 7412(b)(1)(B) and *National Resources Defense Council* v. *EPA*, 824 F.2d 1146 (D.C. Cir. 1987). EPA's newly promulgated radionuclides standards set out a comprehensive program to limit and monitor emissions from individual radionuclide sources. EPA also has full authority under the CAA to enforce compliance with these new standards. 42 U.S.C. §§ 7413, 7414. Thus, EPA's authority under the CAA cannot be compared to that under the AEA.

Second, your assertion that we were incorrect in stating that NRC standards can be as much as 50 times less stringent than EPA's standard also does not withstand scrutiny. The EPA standard adopted under the CAA is 10 millirems per year. 54 Fed. Reg. 51654 (1989). This limit applies to DOE facilities, non-DOE federal facilities, uranium fuel cycle facilities, and NRC licensed facilities, among others. Under the AEA, the NRC has established a standard of 500 millirems per year (50 times the EPA standard) that applies to some 6,000 NRC licensees. 10 CFR § 20.105(a). A more stringent AEA standard of 25 millirems per year (two and one-half times the ERA standard under the CAA) applies at 140 uranium fuel cycle facilities. 10 CFR § 20.105(c).

Third, you argue that we were incorrect in stating the amendment would effectively prevent states from exercising any control over NRC regulated sources. You mention the significance of the authority granted to "agreement" states. Agreements between the NRC and the states under 42 U.S. § 2021 are limited to certain facilities. For example, regulation of nuclear power plants are exempted from such agreements and remain under the sole purview of the NRC. More importantly, NRC guidelines require "agreement" states to have standards "essentially identical" to NRC standards. 52 Fed. Reg. 21135. Finally, there are only 29 states that have agreements with the NRC. United States Supreme Court precedent is sufficiently clear that, absent the CAA authority the amendment would eliminate, non-agreement states and agreement states acting outside their agreements could face complete preemption in any attempt to adopt standards for radionuclides which are more stringent than those established under the AEA. Therefore, we continue to believe that the amendment would severely limit the ability of states to adopt more stringent standards for radionuclides and would limit all states' authority under the CAA to regulate independently of the NRC.

Your letter also suggests that the states' authority under the CAA to regulate air emissions of radionuclides is superfluous, because no state has enacted a standard more stringent than EPA's. Washington State has enacted a radionuclide standard that is slightly more stringent than the EPA standard. Other states, including Colorado and Massachusetts, are presently considering adopting air emission standards for radionuclides.

Even if no state had yet exercised its authority under the CAA, there is no justification for removing that authority. As we who have long been involved in environmental protection know, the regulation of air pollution is an evolving process. When new significant problems are identified, the states must be free to react to protect their citizens—as they have in the past. Now is not the time to restrict the ability of the states to respond to these concerns. Just recently, for example, a National Academy of Sciences report showed that the carcinogenicity of low-level radiation is three-to-four times higher than previously estimated.

Finally, with respect to the effect of the amendment on the Superfund law, the problem remains despite good intentions. The amendment prevents radioactive air emissions from NRC regulated facilities from being classified as a "hazardous substance" and may directly impact the ability of the state and federal government from pursuing the cleanup of radioactive contamination. 42 U.S.C § 9601(14). Had there been hearings on this important change in law, state officials would have so informed the Committee.

While the goal of eliminating dual regulation of radionuclides under both the Atomic Energy Act and the Clean Air Act may be appropriate in some cases, it should not be accomplished at the expense of the states. We agree with Majority Leader Mitchell's concerns as expressed in the Committee Report that "now is not the time to make such a change." The authority of the states to protect the health and welfare of their citizens by adopting standards for radioactive air emissions which go beyond those of the federal government must be preserved.

We stand ready to testify on these matters which are of vital concern to the states, should hearings be held. Environmental protection and the state-federal enforcement partnership are extremely important. Our staff attorney working group has been in contact with Dan Berkowitz of your staff and we will work with you toward resolving these concerns, if you believe this would be productive. Please feel free to call on us or our staff in Washington, D.C.

Respectively,

Robert Abrams, Attorney General of New York; John K. Van de Kamp, Attorney General of California; Duane Woodward, Attorney General of Colorado; Clarine Nardi Riddle, Attorney General of Connecticut; Jim Jones, Attorney General of Idaho; Neil F. Hartigan, Attorney General of Illinois; William J. Guste, Jr., Attorney General of Louisiana; James M. Shannon, Attorney General of Massachusetts; Frank J. Kelley, Attorney General of Michigan; Hubert H. Humphrey III, Attorney General of Minnesota; Mike Moore, Attorney General of Mississippi; James E. Tierney, Attorney General of Maine; Robert M. Spire, Attorney General of Nebraska; Brian McKay, Attorney General of Nevada; Anthony J. Celebrezze, Jr., Attorney General of Ohio; Robert H. Henry, Attorney General of Oklahoma; Dave Frohnmayer, Attorney General of Oregon; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Jim Mattox, Attorney General of Texas; Jeffrey L. Amestoy, Attorney General of Vermont; Kenneth O. Eikenberry, Attorney General of Washington; Donald J. Hanaway, Attorney General of Wisconsin.

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Mr. GLENN. Mr. President, we cannot ignore the fact the States have responsibly exercised their Clean Air Act authority, and there is no evidence to suggest the States will abuse this authority in the future. The States have had this authorty for 13 years and have not abused it.

By eliminating State and EPA authority further, we could weaken the basic structure of national environmental policies by allowing very compartmentalized regulation. EPA Clean Air Act standards under the current law are definitely more protective. They are not excessive but they are more protective at a time when the experts say that radiation cancer risks are higher.

The Atomic Energy Act does not provide the EPA with adequate enforcement capabilities and is preemptive of States. This has allowed the NRC to maintain a system of double standards, where the vast majority of NRC licensees fall under a 30-year-old public radiation exposure limit which is 50 times higher—I repeat that—50 times higher than under the Clean Air Act.

Also, the EPA has demonstrated that its Clean Air Act standards do not impose a significant economic or time-consuming burden on NRC facilities. The EPA has gone so far as to conduct field trials with small licensees. Those trials have found that the burden of dual paperwork—which has been one of the reasons given for why this change was going to be made—is something which can be easily remedied without having to resort to the drastic measure of severing longstanding regulatory authorities.

Finally, the existing authority of EPA and the States under the Clean Air Act provides an important safeguard to assure that NRC is doing its job. Without such a safeguard, we will return to a compartmentalized system of regulation that is in conflict with the comprehensive approach embodied in the Clean Air Act.

The external safeguards inherent in the existing Clean Air Act are not only in the NRC's interest but they are in the national interest. Let us take up these issues one at a time.

First, the Clean Air Act is not the proper place to decide the structural role of the States rights in national environmental policies. Let us address that. The stated intent of the Simpson-Breaux language in section 303, is to reduce the burden of dual regulation. Unfortunately, its effect is far-reaching, and seriously limits the existing powers of States.

One of the basic elements upon which Federal environmental laws are based is that States are brought into the regulatory process as additional authorities, and that was done in law.

As a supporter of a strong Federal role in the regulation of nuclear facilities, I am disturbed over the impact that section 303 will have on national environmental protection policies.

This concern is not mine alone. It is underscored by attorneys general, and environmental officials from over 20 States who have expressed their strong opposition to section 303. According to Attorney General Tony Celebreeze of my home State of Ohio, section 303 will not only adversely impact regulation under the Clean Air Act, but also may harm the ability of States to enforce the Superfund law at NRC facilities.

Apparently, radionuclides identified in the Clean Air Act are also referenced in the regulation of dump sites under the Superfund law.

At issue here is a basic difference between a compartmentalized approach to regulation by the NRC under the Atomic Energy Act and a comprehensive approach embodied in the 1977 Clean Air Act amendments.

The difference between the two approaches is quite significant. While the NRC is only concerned about regulating its licensees, the States and the EPA must be responsible for the cumulative impact of radiation exposure from all sources combined, not just alone those normally regulated by the NRC. That is an important fact here.

By eliminating the NRC from regulation, the EPA and States are denied the opportunity to assure a comprehensive form of health protection. It is clear to me that the current debate over the Senate Clean Air Act legislation is not the proper time and place to decide the structural role of States rights in national environmental protection policies. This issue deserves further hearings and deliberation by the Congress and the administration.

Perhaps the most appropriate place to address the role of States and EPA in regulating radioactive emissions from NRC facilities is in a piece of legislation that will shortly be before us. That is in title V of S. 2006, the Department of the Environment Act, which I and my colleagues have introduced and which President Bush fully supports.

This title of that particular bill creates a Commission on Improving Environmental Protection, chosen by the President, to examine and make recommendations on integrating Federal environmental laws and other authorities to improve the ability of the United States to protect the environment.

When we were putting that legislation together, Mr. President, we looked into some of the overlaps in Federal environmental law. The further we got into it the more complex it became. There are rules and regulations in every department and agency of government almost without exception that have something to do with the EPA and with environmental standards. Just an example, if you take a pesticide, it has to pass muster with FDA, Commerce has to consider whether we are going to ship it abroad; Agriculture has to decide what the environmental impact will be on agriculture; Interior looks at it from the forest and wildlife standpoint; and each one of these different entities interprets these things, and has its own particular set of rules.

When we proceeded to examine some of these things we noted how complex they are. Radiation and radionuclides is one of the areas in which there are multiple and overlapping laws. Rather than try to deal with all of these areas, which would be beyond the scope or the possibility of a committee dealing with it in its entirety, what we do in S. 2006, the Department of the Environment Act, is to establish a Commission on Improving Environmental Protection, as it is called, which will specifically examine all of these overlapping laws, and make recommendations on integrating Federal environmental law to improve the ability to protect the environment.

Mr. President, I think that is the place where this should be looked at. Otherwise, if we are to just take each overlap in itself and try to correct them here on the floor as part of this Clean Air Act, we will be here well into next year.

The issue of States rights and environmental protection itself deserves a full-scale and careful assessment before structural changes such as embodied in section 303 of the Senate Clean Air Act legislation are decided upon.

We also believe States have responsibly exercised their Clean Air Act authority. It has been said in defense of section 303 that no State has exercised its authority under the Clean Air Act to impose any emission standards for NRC licensees which are more stringent, and thus section 303 will not weaken in any way any existing State protections for the public health and safety.

Unfortunately, this claim does not fit the facts. There are at least three States that have exercised Clean Air Act authority: Illinois, Mississippi, and Washington. Washington State has set a Clean Air Act standard which is slightly more stringent for radiation exposure to the thyroid. At least five more States are in the process of developing Clean Air Act standards for radionuclides.

In other words, what has happened is that the States must address the total radiation problem, whether it comes from pharmaceutical plants, whether it comes from radiation used in the manufacturing, or from whatever source. They have to look at the total picture. NRC does not.

Moreover, section 303 will indeed weaken the role of States by the preemptive and exclusionary provisions of the Atomic Energy Act. For example, States are allowed to regulate emissions from NRC facilities under an official agreement with the NRC. This agreement, however, excludes reactors from State regulation. Since the States were given the authority to set stricter than Federal radiation emissions in 1977, there is not one example where this authority has been abused nor are there any examples where States have abused their authority at nuclear facilities under any other Federal environmental statutes.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. GLENN. I would rather complete my statement. Then I will yield for questions.

Some claim that by keeping existing authority of States under the Clean Air Act, States could block the siting and licensing of nuclear facilities. In order to do this, however, the States might also have to sharply curtail other existing activities such as the use of radioisotopes for use in medicine, research, and pharmaceutical plants. I find it hard to believe that a State would engage in this kind of abuse at the expense of other important and valuable nuclear applications, and business and jobs.

The States have had this authority for some 13 years now. We have seen no evidence that this authority has been or will be abused. We do not believe there is any.

The third area to address: EPA standards for radionuclides are some protective at a time when the experts say radiation cancer risks are higher. Proponents of section 303 have claimed that this provision will not result in any reduction whatsoever in any safety standard. This is because the Atomic Energy Act is supposed to provide ample authority for the EPA to set regulations. Again, this statement does not square with the facts.

The EPA indeed does have a role to help establish radiation protection standards under the Atomic Energy Act. However, EPA's role under the Atomic Energy Act is advisory, not mandatory.

EPA, when it was created by an Executive order in 1970, took over the function of the Federal Radiation Council. The FRC was established in 1960 to provide general radiation criteria and guidance for Federal agencies.

Unlike the Clean Air Act, these standards are not enforceable by the EPA under the Atomic Energy Act. However, when EPA took over the FRC's function and tried to impose more stringent radiation exposure limits on major sources in the early 1970's, it became subject to a crippling directive from OMB, an interagency agreement which excluded Federal nuclear and non-reactor-related facilities.

After that point, EPA's budget for the Office of Radiation Programs experienced steady cuts and key functions were eliminated. The lack of real clout of the EPA under the Atomic Energy Act is most apparent in the fact that the NRC has been allowed to maintain a set of double standards.

While the NRC established an EPA-based standard for its 140 uranium fuel-cycle facilities of 25 millirem per year, some 6,000 NRC byproduct, sources, and special nuclear material facilities operate under a public exposure limit set in 1960, which is 20 times higher.

Under the existing statutory authority of the 1977 Clean Air Act, EPA has set an overall public radiation exposure limit of 10 millirem per year for NRC facilities and all other radiation sources. This is 50 times more protective than the limits set for the preponderance of NRC licensees.

Now that the NRC is facing a legally binding standard which, in effect, requires NRC facilities to be part of a comprehensive regulatory program that includes all radionuclide emitters, there is an effort to return to the exclusionary days of the past.

This is hardly the time to return to a more lax system of radiological protection, particularly since the current scientific evidence suggests that human risks of dying from radiation-induced cancer are greater than assumed.

This finding was made by the National Academy of Sciences Advisory Committee on the Biological Effects of Ionizing Radiation, the so-called BEIR Committee, BEIR V.

According to the BEIR V report, radiation can cause fatal cancers to take place at exposure levels three to four times lower than officially assumed.

I am concerned that if EPA and State authorities are removed under the Clean Air Act, NRC may not act on the BEIR recommendations in a timely fashion.

For example, in 1977, the International Commission on Radiological Protection [ICRP], issued major new recommendations for occupational standards. While the EPA and the Department of Energy have adopted the ICRP's recommendations, the NRC has yet to do so.

It has been 13 years since EPA first proposed criteria for off-site contamination of plutonium in soil. This proposal has been opposed by NRC and DOE because it is believed to be too stringent. This important standard languishes in bureaucratic purgatory because of EPA's lack of enforcement authority under the Atomic Energy Act.

The fourth area to consider: The Clean Air Act standards do not pose a significant burden for NRC licensees. Since the Clean Air Act standard for radionuclide emissions was promulgated a few months ago, there has been no evidence that these standards will impose a significant burden.

Moveover, EPA has met the basic conditions required by the Office of Management and Budget with respect to the economic impacts of its regulation. This finding is contained in the preamble to the standard in the Federal Register of December 15, 1989, vol. 54, No. 240.

According to the EPA:

> The regulations do not significantly increase prices or production costs * * * the regulations do not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation, or competition in foreign markets.

As to the effect of the EPA rule on small licensees such as hospitals and research labs, EPA has certified in the same Federal Register notice that:

> This rule will not have a significant economic impact on a substantial number of small entities.

In this regard, too, EPA went so far as to conduct a series of actual field trials with small NRC licensses to determine the impact of their compliance system, and according to this study, dated February 13, 1990, No. 68 F90170, an initial setup time required 8 to 16 additional hours, and yearly compliance of EPA standards would require 2 to 6 additional hours.

So this study very clearly demonstrates that the EPA Clean Air Act standard will not pose a major problem for small licensees.

The fifth area: The EPA and States provide an important safeguard if the NRC is not doing its job. The authority of EPA and the States to regulate radioactive emissions at NRC facilities provides a very important safeguard. If the NRC is not doing its job, then EPA and States will act to assure that the public health is protected.

In their letter sent yesterday, the Attorneys General have succinctly made this very point.

> Even if no State had yet exercised its authority under the Clean Air Act, there is no justification for removing that authority * * * When new significant problems are identified, the States must be free to react to protect their citizens—as they have in the past.

The need for external regulatory safeguards is not only in the NRC's interest; it is in the national interest. And we should not be altering this basic feature of the existing Clean Air Act. While we may not find that NRC is deficient in its regulation at this time, accidents do happen, mistakes are made, and rules are broken.

Mr. President, I add that when this bill was reported out of committee, our distinguished majority leader, Senator MITCHELL, submitted, along with the submission from the committee to the Senate floor, his additional

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views. He commented that he favors the bill, that the committee labored long and hard on it; the committee bill is long and comprehensive. He listed days of hearings and markups since 1980. The full record reflects the decision of the committee members to do certain things, and he talks about health-care costs.

Then he comes to the issue I would like to address here. I wish to read this into the RECORD, because I think his remarks should carry some weight in this Chamber. He says as follows, with regard to this particular section 303:

> There is one issue on which I must express my concern. During committee markup, an amendment to the radionuclide section of the air toxics title was offered and accepted. The authors of that provision state they intended only to avoid dual regulation of the same sources of radionuclides by the Environmental Protection Agency and the Nuclear Regulatory Commission. Both EPA and NRC supported this change.
>
> However, one consequence of this change may have been to preempt States from exercising the jurisdiction they had under the Clean Air Act to adopt radionuclide standards that are more protective than those required by the Federal Government. This is because EPA's authority to regulate radionuclides under the Clean Air Act was eliminated.
>
> The Clean Air Act is not preemptive in this regard, as the legislative history clearly demonstrates. Due to the amendment adopted during the committee markup, EPA only has authority to regulate radionuclides under the Atomic Energy Act. Unfortunately, that act is preemptive.
>
> The effect of this change does not preempt States from establishing their own standards for radionuclide emissions. Now is not the time to make such a change. For example, it was reported on December 20, 1989, that a panel of the National Research Council concluded that the risks for low levels of radiation exposure may be 3 to 14 times greater than previously estimated. If the panel's analysis is correct, then cancer deaths from the Chernobyl nuclear explosion in the Soviet Union in 1986 would produce 70,000 cancer deaths rather than the 17,400 previously estimated. Members of the research panel indicated that this new data may cause Government standards for radiation exposure to be tightened.
>
> If the Federal Government fails to take this step, I do not believe that States should be barred from adopting standards that they believe are needed to protect the public health. My position on preemption has been clear and consistent. I do not believe that the Federal Government should deny States the authority to protect the public health and the environment beyond the level of protection required by the Federal Government.
>
> (Signed) GEORGE J. MITCHELL.

Mr. President, as Senator MITCHELL said in those additional views, the effect of this change is to preempt States from establishing their own standards for radionuclide emissions. Why is that important? Only the States have the monitoring of all the hundreds, indeed, in some places maybe thousands, of emitting sources that do not necessarily all come under some sort of Federal law, or they apply under various overlaps of Federal law. And that is why I do not want to see this authority changed at this time. I do not say that it should not be changed ever. What we have provided is new legislation that will establish a Department of Environment, which will be on the Senate floor before too long, to look into all these various overlaps wherever they are and not try to pick up radionuclides here and somewhere else but take it up all at one time where we can do it all on a rational basis.

To summarize, the Clean Air Act, I feel, is not the proper place to decide the structural role of States and national environmental policies. States have responsibily exercised their Clean Air Act authority, and there is no reason to expect they will not do so in the future. The EPA Clean Air Act standards are prospective at a time when the supporters say radiation cancer risks are higher. The Clean Air Act radionuclide standards do not pose a significant burden for NRC licenses, and the EPA and States provide an essential safeguard if the NRC is not doing its job.

So Mr. President, I propose that we take this matter up when we have the EPA elevation bill before us and assign this as one of those tasks of that title V commission. For those reasons, Mr. President, I urge support for this amendment striking section 303.

Several Senators addressed the Chair.

Mr. HEINZ. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. GLENN. I yield to the Senator.

Mr. HEINZ. Mr. President, I ask that the Senator yield without losing his right to the floor for not more than 5 or 6 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Did the Senator yield the floor?

The PRESIDING OFFICER. The Senator may yield for a question.

Mr. GLENN. I yield for a question.

Mr. HEINZ. I propound a slightly lengthy question, but it is this: The amendment the Senator offers, as I understand it, deletes section 303. It is the Glenn-Heinz amendment, is that not correct?

Mr. GLENN. That is correct.

Mr. HEINZ. Mr. President, I just want to bring to the attention of our colleagues the fact that Pennsylvania, particularly Parks Township, was the first community—and I am going to ask the question of my colleague, so this is pertinent but I have to give him some background—Parks Township, PA, was the very first community in the country to set a threshold lower than the Federal radioactive emissions standards under the authority of the 1977 amendments to the Clean Air Act. It was Parks Township officials who acted at the insistence of local residents who were concerned about a proposal to operate a commercial radioactive waste incinerator in the Kiski River Valley. The Kiski River Valley is up the Allegheny River, about 10 or 15 miles from my home, and I know it well. It is a very narrow valley. In fact, today I doubt that you could locate any incinerator, let alone a radioactive waste incinerator in this little valley. The sides are too steep. It is too narrow. There are too many people living at the bottom of it. It traps emissions in the valley.

My question is: Were the Glenn-Heinz amendment not to prevail to strike section 303, is my understanding correct that the residents of this valley would have lacked the legal authority, acting through their elected representatives on the board of commissioners of Parks Township, to prevent something that somebody sitting at the NRC in Washington who had never been through the Greater Pittsburgh Airport, let alone the Kiski River Valley, would say, "that is fine, let them have that radioactive incinerator up in Parks Township; we know what is good for the people up there even if we have not been there." Is the Senator from Pennsylvania correct?

Mr. GLENN. The Senator is correct.

Mr. HEINZ. Mr. President, will the Senator yield for another question?

Mr. GLENN. I yield for another question without losing my right to the floor.

Mr. HEINZ. Mr. President, as I understand the issue, if we leave section 303 in the bill, there are a lot of people who will be unable to make their case; and, if they make a good case, make it stick. It is not just the local government officials who will be without any say in what happens in their township, it will also be the State officials in my Commonwealth of Pennsylvania or the State of Ohio or any other of the 50 States or the Environmental Protection Agency. None of those, as I understand it, would be able to have a legal say. Is my interpretation, I ask the Senator from Ohio, correct?

Mr. GLENN. That is correct. Let me just add this: I am not saying that these overlapping jurisdictions should not be looked at and should not be changed. The EPA rules and regulations, through the various Departments and agencies of the Government, are replete with overlaps. The radionuclide issue just happens to be one of them. What we found in looking into the EPA elevation bill in the Governmental Affairs Committee was there were so many overlaps in EPA rules and regulations from one Department or agency of Government to another we could not begin to cope with them, we could not even define all of them.

To take care of this and trying to address the straightening out of Federal environmental law in a more rational way, we proposed the title V commission, which is going to have to get into this area and study it. The Commission will include experts in these areas. They can give us advice on where the regulations should come from. Should NRC have a greater role? I do not rule that out. But that should be up to them to look at and decide. Should EPA have a greater role? I do not eliminate that. Should some new entity have a role? I do not eliminate that. Let them give us a recommendation on what they think is the best way to study and address all the other environmental overlaps we have across the length and breadth of Government at the same time. Take care of that on a study basis, not just arrive at a single vote here on the Senate floor.

Mr. HEINZ. Will the Senator yield for a further question without losing his right to the floor?

Mr. GLENN. I yield without losing my right to the floor.

Mr. HEINZ. I wish to ask if I am correct in following: It is this Senator's understanding that the National Academy of Sciences' National Research Council—by the way, the National Academy of Sciences and its research council is the most prestigious scientific body in fact-finding that we have in this country or, to the best of this Senator's knowledge, that there is any place in the world. We submit all the really tough scientific issues to the National Academy of Sciences. Is the Senator from Pennsylvania correct that, with respect to the biological effects of ionizing radiation, the National Academy of Sciences has reported in their BEIR V study that, first, the cancer hazard from low levels of exposure is three to four or maybe up to 14 times greater than previously believed; second, that the human embryo and fetus are far more sensitive to low-dose radiation than was thought, and, third, there is no safe level of radiation exposure. Is the Senator correct in his understanding of the BEIR V study?

Mr. GLENN. That is correct. That is what the BEIR V study said, and that is one of the concerns here, that NRC in the past has had a history of not setting as tight standards as others have. That is one of the reasons why we thought the separate study commission should look at this before we take final action on this.

Mr. HEINZ. If the Senator will yield further, I know that the jurisdiction of the Senator's committee, the Governmental Affairs Committee, includes oversight of the NRC. I know the Senator from Ohio has had a long, active, and very substantial and distinguished interest in these issues. Is my understanding correct that, although we have had the BEIR V study for a period of time, does any Senator have any knowledge of whether the NRC or the Department of Energy up to this point has given official notification or a positive, clear indication of their intent to revise the current radiation standards to reflect a greater need for more stringent protection of workers and the public that the BEIR V report findings now indicate?

Mr. GLENN. I could not give that indication.

Mr. HEINZ. Mr. President, I thank the Senator for yielding.

I just want to observe, if my colleagues will let me, that I strongly support this amendment. I am an original cosponsor of it. I join with the Clean Air Coalition, the National Governors Association, the National Association of Attorneys General and, I would hope, the vast majority of my colleagues, in support of the deletion of section 303 of the Mitchell-Dole substitute and the restoration of a State's authority to act as a full partner in ensuring that the health of its citizens if fully protected under the law.

Mr. GLENN. Mr. President, I believe I still have the floor.

The PRESIDING OFFICER. The Senator from Ohio still has the floor.

Mr. GLENN. I'll yield the floor very shortly.

Mr. President, I ask unanimous consent that Senator HUMPHREY and Senator WIRTH be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, it is not my intent to hold the floor. There were questions asked. I will yield the floor. I know other people wish to make their speeches.

Mr. President, I ask unanimous consent that Senator KERREY and Senator EXON be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON. Mr. President, this seemingly benign amendment is nothing less than a State veto of nuclear waste repositories as well as a State veto of any nuclear facilities, including nuclear powerplants.

Let me explain why that is so, Mr. President. I submit to you that that is very clear under the language here. Second, it is also very clear that that power will be exercised. Third, it is very clear that that power is sought already this very day to be exercised by Nevada, which is strenuously resisting the location of a waste respository as we thought was required by Federal law.

Mr. President, the present law says that nothing in this act shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any standards or limitation respecting emission of air pollutants or, two, any requirement respecting control or abatement of air pollutants.

The key words here, Mr. President, in the present law are you cannot preclude or deny the right of a State or political subdivision. Bullfrog County in Nevada, you will remember was that artificially created county in Nevada, created for the sole purpose of getting around the Nuclear Waste Policy Act to enforce any standard or limitation respecting air polluants—any standard or requirement.

The words of the present law are very far-reaching. They have no limitation. They have no restriction at all.

Then you have to go to another section of the law, which is section 302(g), to go to the definition of air pollutant, which means: "Any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive—including source material, special nuclear material, and byproduct material."

So the two provisions read together of the present law say that a State may exercise its power to prevent or limit in any way, without any limitation, any radioactive emissions. It sounds very benign and the intent, of course, of the present law was to allow a State, where it wanted to establish stronger limitations, to be able to regulate this.

In point of fact, States have not exercised this. And why? Because, Mr. President, the timing of this amendment today is caused by the fact that States have just woken up to the fact that this is in the law. That is what it is all about. They just found out that this is so and several States want to exercise this power.

Now why do I talk about Nevada? Because Nevada in a Federal act was designated as the place at which we would characterize a waste repository and if that Yucca Mountain site was found to be suitable, that that is where it would be put.

The first thing you have to do is characterize. My colleagues will recall from the previous debate on the Nuclear Waste Policy Act that "characterization" means the digging of a shaft, among other things.

Interestingly, Mr. President, the State of Nevada has sought to exercise what they call a veto over the location of a nuclear waste site. The law provides that there is, in fact, a procedure for a veto after characterization. Nevertheless, Nevada does not want to characterize and therefore they exercised what they call their veto in advance of the characterization. And in pursuance of this policy of veto, they are issuing no permits at all in the State of Nevada to allow the Department of Energy to get in to characterize the site.

They say our site is not safe, but we do not want you to go test it and characterize it to find out whether it is safe or not because we have already decided that, so says, the State of Nevada.

In the meantime, the Secretary of Energy has sued the State of Nevada, in effect citing the provisions of the Nuclear Waste Policy Act to the effect that this is a preemption and that Federal law governs and that the State of Nevada is in effect acting beyond the powers given them under the law by refusing to issue permits which the law really provides for.

As a matter of fact, Nevada has not sought to exercise this power under the law. Why? Because I do not think they know about it.

We can be sure, if this Glenn amendment is adopted, that the Nevada Legislature will adopt a law that says: In any case where a nuclear waste repository is sought to be enacted in a State, you shall have a superdome or something else located over it, with gold plated fixtures on it, making it otherwise impossible to locate the nuclear waste repository in the State.

Mr. President, I get credit for putting the nuclear waste repository in Nevada. That was not the Johnston amendment. The Johnston amendment simply said you characterize what the law provided for at that time, the three sites which had been selected—not by me but by the Secretary of Energy acting pursuant to the law. And the House added this other amendment.

I say that simply to defend myself against the charge that I am trying to do something to Nevada.

Whatever is done to Nevada, the Congress has done to Nevada. Nevertheless, Mr. President, it has been done. The Congress has selected Nevada. And this waste has to go somewhere.

If we want to repeal that law and subject all the other States to a new system where we can put the nuclear waste repository in their States, or not put it anywhere and therefore put it where the 110 nuclear powerplants presently are operating in some 36 States, then enact this amendment. What I mean is, Mr. President, if we have no place to put it we have to keep it onsite, and that means we either have to expand or if there is no room in the present place to put the nuclear waste in the 36 States, then we must—may we have order, Mr. President?

The PRESIDING OFFICER (Mr. REID). The Senate will be in order.

Mr. JOHNSTON. If there is no room to expand or retrack, as we say, then we have to shut the plant down.

If you are antinuclear you say that is OK, shut these nuclear plants down. Well, you have to buy your power from somewhere. If you cannot buy it from somewhere, then you have to have blackouts or brownouts.

Mr. President, the scenario I am painting is not an extreme one. That is what is happening right now.

Mr. President, on my time, I wonder if the Senator from Ohio would answer a question or two?

Mr. McCLURE. Would the Senator yield for a unanimous-consent request before that?

Mr. JOHNSTON. Certainly.

PRIVILEGE OF THE FLOOR

Mr. McCLURE. Mr. President, I ask unanimous consent that Janice Dunn Lee, on my staff, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I wonder if my friend from Ohio, first of all, is aware of what the State of Nevada is doing in first seeking to assert a veto and, second, in aid of that assertion of a veto, in failing to grant any permits to permit characterization of the site at Yucca Mountain, NV.

Mr. GLENN. I am familiar with it. Also, in response to my good friend from Louisiana, their objection, so far as I understand it, rests on their rights under the Nuclear Waste Policy Act. It has not been under anything like this, as he indicated. They have not issued a cleaner standard that would prevent the siting yet. If they did, however, I submit, if it was to mean anything it would have to be so tight that it might prevent radiation therapy in hospitals. It might prevent any nuclear research. It might prevent any other of these sources from which a few millirems could damage any particular person.

The standards would have to be that tight. And they cannot apply it just to Yucca Mountain. They cannot apply just to a particular nuclear waste site. They would have to apply statewide to all emitters above that certain very tiny level within their borders, if it was to come under EPA. And I think it is highly unlikely they would do that.

What they have been arguing so far is authority which falls under the Nuclear Waste Policy Act as I understand it.

Mr. JOHNSTON. The Senator is correct. They are making their assertion both under the Nuclear Waste Policy Act, as a veto, and under their existing rights under air pollution. They have not sought to invoke this provision.

The Senator says if they sought to invoke this provision that they would have to do so generally across the State. But if we look at section 116 of the act it speaks of the power of the State or any political subdivision to adopt or enforce any standard or limitation, any requirement respecting control or abatement of air pollution.

That does not say any standard or any limitation of general applicability across the whole State; or that is applicable to medical as well as nuclear waste repositories. To the contrary, I submit to my colleagues, it is just as clear as the noonday Sun on a cloudless day that any means any. "Any requirement" or "any standard" or "any limitation," that is what the law says. And it is perfectly clear that the State of Nevada has indicated a right to exercise whatever it can get its hands on.

It reminds me of a story, Mr. President, that my colleague, Russell Long, used to tell about his Uncle Earl.

He said he once had a debate where the question was: Resolved that ethics should be used in politics.

He said he went to his Uncle Earl and he said, Uncle Earl, am I correct? What do you think about that in my debate coming up?

He said Uncle Earl asked him, are you on the affirmative or on the negative on that question?

He said, Uncle Earl, I am on the affirmative.

Well, the answer is: Yes, you ought to use anything you can get your hands on.

Mr. President, we love our colleagues, especially the one sitting in the Chair and the one here on the floor, our two great Nevadans who are in this Senate. But our friends from Nevada have made it perfectly clear they are going to use anything they can get their hands on under the law to stop this nuclear waste repository. Mr. President, if we adopt the Glenn amendment we give them that power and we say that the 36 States that now have the nuclear waste become, not temporary repositories as they are now, but permanent repositories. That costs a lot more money. It is a lot less safe. It is a lot less sound as national policy.

Beyond that, Mr. President, it is perfectly clear as well that this would authorize any State or any local subdivision or county or township to adopt any standard that would shut down existing nuclear plants.

We may think it is a good idea to shut down Shoreham or to shut down Seabrook or others. I hear of others. I understand the Pilgrim plant, in Massachusetts, is also at risk. There may be many others around the country.

Maybe that is good policy. But it is very clear that that would grant this authority. Moreover, Mr. President, in the event we do get serious about the greenhouse effect in this country, and I hope we do, one of the clear solutions to the greenhouse effect is nuclear power. Our friends in the environmental community are coming around, many of them already, to that conclusion, that we are going to have to have some nuclear power.

It is not just that some State may adopt a standard which is too strict. It is that no company, not one, would ever risk its money to put in a nuclear powerplant where they knew that the next election could bring in a new legislature or new town council or new county government which could change the law and shut them down.

The reason we have preempted in favor of the NRC on nuclear matters, both as to licensing and enforcement and the setting of standards for the most part, is so we would have a clear national standard.

Mr. President, there is not an inkling or suggestion of an argument that the NRC is adopting rules that are not stringent enough.

Indeed, I am personally not aware of any State that has adopted more stringent rules. There are three States that I am aware of that have adopted the NRC rules as their own rules.

My friend from Ohio, the author of this amendment, has not suggested that the NRC's standards are not strict enough or that they are allowing vast violations of those standards. Rather, it is like they are saying the States have always done it responsibly, so, therefore, they will not in the future.

Mr. President, the fact of the matter is the States have just found out about it, and you can be sure they will exercise this authority. It is a fundamental departure from present practice, perhaps not from present law, but from present practice. It means a veto of our Nuclear Waste Policy Act, giving that veto not only to States but to local communities, and it also means a preemption of national policy when it comes to nuclear matter in favor of States and localities. I hope that such a fundametal and, I think, deleterious change in policy will not be allowed as part of this act.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will respond briefly to the Senator from Louisiana. This can be tried in the courts, township, a county, whatever, as to whether they could set their own standards. I ask this question: Does the Senator agree that the standard would apply to all the nuclear activities in whatever area that political entity is? That is what I understand the law says.

Mr. JOHNSTON. I think not.

Mr. GLENN. It says they set a standard for their political entity, whatever it is.

Mr. JOHNSTON. Mr. President, it does not say that at all. It says nothing shall require the right of a State or political subdivision thereof to adopt or enforce any standard or limitation responding emissions of air pollutants. It does not say any standard that is applicable statewide.

Mr. GLENN. But the standard would apply to that political unit, whatever, it was. It has to.

Mr. JOHNSTON. No, it does not. Right now we have the rights of States to adopt speeding limitations. Some roads are 65, some are 55, some are 35.

Mr. GLENN. That is right. But you do not say in the speeding limitations Chevys can go 40, Cadillacs 32, on down the road.

Mr. JOHNSTON. Yes, you can. Trucks can go at certain speeds.

Mr. GLENN. I submit, Mr. President, that there has never been a single case where this authority of the States has been abused to even approaching the extent that the Senator from Louisiana indicates.

I also say that the NRC, which he referred to as having set adequate standards and that nobody has ever gone out from under those standards, that is not true. Washington, Illinois, and Mississippi, all three, have said we have enough concern in our States because we have emitters here. They have set their own standards and with good reason. That is the kind of protection for the people of this country and the individual States we are trying to preserve.

Mr. JOHNSTON. May I ask the Senator if the interpretation of the law is as I think it very plainly is; that is, the right of a State or local subdivision to set a standard, would he agree that this would not be bad policy?

Mr. GLENN. Say that again?

Mr. JOHNSTON. If a State has the power, which I claim it very clearly does under his amendment, that is readopting present law, to set any standard, in effect, to veto a nuclear waste repository or to stop a nuclear plant, would he not agree that his amendment would, therefore, under that interpretation, be a bad policy?

Mr. GLENN. No; I do not agree with that at all because what I am proposing is we keep existing law pure and simple; that there be no change; that current law as is not be altered; that the current law we have across Government now not be altered as section 303 alters it. I say "if it ain't broke, don't fix it." We have been getting along fine.

Where they have a particular concern, they have set their own standards. That has suited them fine. What section 303 does is upset all that and try to change existing law that has been developed over decades.

As far as I understand, we did not have hearings on this in the full committee. It was brought up, it was passed, there was not even a record vote on it out of committee. I do not see what the rush is to change existing law when there is no big major problem there.

Mr. JOHNSTON. My point is, I say the law very plainly would give you a right to veto.

Will the Senator yield for a further question?

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. GLENN. I yield the floor.

Mr. JOHNSTON. Will the Senator yield for one question?

Mr. GLENN. Sure.

The PRESIDING OFFICER. The Senator from Ohio has yielded the floor.

Mr. GLENN. I yield the floor to the Senator from Louisiana.

Mr. JOHNSTON. I thank the Senator for yielding. This will be my final question. It is my claim this does give the right of veto of the nuclear waste repository as well as nuclear plants. The Senator says he does not agree with that interpretation.

Does the Senator, therefore, think that States ought to have the power to veto the nuclear waste repository or nuclear plants within their jurisdiction?

Mr. GLENN. That goes beyond anything that is being considered here. I have consistently said there should not be that kind of veto power; that the Federal Government retains that as a Federal authority. I have said that for many, many years. I do not think we can give that up. I think that will not be the case here. It has not been the case in the past.

Current law should not be altered to the extent that section 303 alters it without many hearings, without hearing the people involved, without considering this in great depth. And in any case it should not be done on this bill.

What we have proposed is that in the Presidential commission that will be part of the legislation that will be before us shortly on EPA, which I mentioned earlier, that that is the place to consider this, along with myriad of other overlaps of authority that occur all across the length and breadth of EPA rules, regulations, and law, through all departments of Government.

Why take up and change right now in the Clean Air Act, when we do not have to, one specific rifle shot where there may be some overlap? That is specifically what we are doing. There are many, many areas that should be considered if we are going to straighten out, correct, and simplify environmental law.

Mr. BREAUX. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Ohio yielded to the Senator from Louisiana for a question. The Senator from Ohio has yielded the floor.

Who seeks recognition?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I yield to my colleague.

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Mr. BREAUX. I have a brief question and observation to the Senator from Ohio. During the subcommittee's consideration of the bill we clearly had plenty, ample, detailed discussions. We have a written record on it. It was submitted to the full committee. It was debated in the full committee. It was adopted in the full committee by a unanimous vote.

I want the record to be very clear that there was ample discussion, debate, a written record submitted to the full committee and a unanimous vote in the full committee. I think the record should show that.

Mr. GLENN. Perhaps I was ill-advised on that. If I was, I am sorry for making that statement.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I am standing, but I do not want to intrude on my friend from Nebraska. I just have 10 minutes of material. Was I standing before the Senator?

The PRESIDING OFFICER. The Senator from Nebraska was standing first. The recognition, though, is sought by the Senator from Wyoming.

Mr. SIMPSON. I yield to my friend from Nebraska. If he was standing before I was, he deserves the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. I will be pleased to listen to 10 minutes of the Senator's presentation and seek recognition afterward.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank Senator KERREY. We are engaged in what we do best sometimes, and that is a good discussion of a tough issue.

I think Senator JOHNSTON has really expressed it very well. He just laid it out, right off the bat as to what this does.

Senators GLENN and HEINZ have offered this amendment which strikes a provision which Senator BREAUX and I offered when the clean air bill was being considered before the entire Committee on Environment and Public Works during markup. The provision eliminates the dual regulation of radionuclides. Those are radioactive emissions. They are not as sinister as one would imagine. The words "radionuclides," "radioactive" send shivers through certain sectors of the society.

At this present moment on a beautiful sunny day in the city of Washington there is more radioactive being emitted from the granite on the side of the Dirksen Building than you are ever going to find anywhere in this Nation.

Sometimes the EPA chooses to go below background when they do their work. They are totally, unbelievably unrealistic. The job of controlling radionuclides, and radiation, and the public health and safety in regards to the nuclear industry is with the Nuclear Regulatory Commission. We gave them that duty, and it is theirs. Their sole function is to protect the public health and safety. That is the purpose of that agency.

Than along came the EPA with a long pattern of wanting to get into the regulatory process. The only reason they want to get in it is because every time they get in they make it more stringent, more appalling, and more antinuclear. And it doesn't matter which administration is involved. Bill Ruckelshaus, or Lee Thomas would tell you the same thing. I am sure we will also have William Reilly telling us how the EPA deals with the issues of risk assessment.

When it comes to anything with the words "nuclear" or "radioactive" or anything at all connected with that particular activity, the EPA seems to have some type of glandular response which does not reflect any degree of thoughtful proceeding.

There was a person there who was sacked several years ago—I believe that is the correct English phrase. He was so extraordinarily zealous in what he wanted to do to the nuclear industry that they finally just said, "You have lost all objectivity and know nothing except that you do not like nuclear energy." I always like to ask that of people as we get into these tough issues: Do you like nuclear energy? If you do not, then let's deal with that up front.

It is not directed at any of the participants in this debate. There is no more thoughtful man in this place than Senator JOHN GLENN of Ohio. He has led us through some stirring debates on nonproliferation. I can remember his remarks in those areas. This is part of his task, part of his jurisdictional activity.

But we are losing a couple of things in this process. Remember that this has nothing at all to do with Department of Defense facilities. Nothing. It only has to do with facilities licensed by the Nuclear Regulatory Commission. Under the current law, radionuclides are regulated under the Atomic Energy Act and the Clean Air Act. These regulated industries are subjected to two sets of regulations, two sets of compliance methods, two sets of inspections. The dual regulation is a waste of time and money for both the regulated entities and for the regulating agencies. It is that simple.

Both the NRC and the EPA have concluded that dual regulation of radionuclides emitted from, again, NRC-licensed facilities does not afford any added protection of the public health. They both have said that.

Indeed, when the EPA recently issued its emission standards under the Clean Air Act, it set them at levels which were already achieved by the NRC-licensed facilities in accordance with the Atomic Energy Act. The primary argument used in opposition to the dual regulation amendment is that by removing radionuclides emitted from the NRC-licensed facilities from coverage under the Clean Air Act it would also limit the authority of the States under the Clean Air Act to regulate radionuclide emissions more stringently than the Federal Government. But please note that the States have had their Clean Air Act authority to issue more stringent radionuclide standards since 1977 and have not done so. They must agree that the current Atomic Energy Act standards are quite sufficient, thank you, to protect the public health and safety.

Certain aspects of the Clean Water Act and the Solid Waste Disposal Act are relevant to this issue. I shall leave that portion of this discussion to Senator BEAUX.

But our amendment in this committee bill continues this same Federal-State relationship that we have in those pieces of legislation.

Permitting the States to regulate radionuclide emissions will have a very significant impact on the future use of nuclear power. Do not miss that. I think we need nuclear power. It is a very clean and safe energy source. I am not an apologist for the industry. In fact, my rating for the industry is 60 percent, so I must be doing something right. I do not like to be a 100 percent in any category. One-hundred percenters always spook me.

I think we need that option, and when we finish the Clean Air Act debate we are going to find that we will float back to the option of nuclear power and natural gas and different kinds of coal, including low-sulfur coal. That is what is going to happen. We cannot go anywhere else. But I do not think we should be discouraging the use of nuclear energy. We should encourage it as an option and an alternative.

Allowing the States to regulate radionuclide emissions more stringently will not serve that goal. It will allow States to limit releases to extremely low levels, perhaps requiring the shutdown of operating plants. The States will also be able to prevent the siting of various nuclear facilities within their borders—do not think that will happen—a prospect which also would affect the ability to build and operate low-level waste facilities or high-level waste repositories.

We have been through this before. Senator BREAUX is doing a marvelously capable job of chairing the Nuclear Regulation Subcommittee of this Senate. I am somewhat a judge of that because I did that once, when we were in power that is, and Senator Gary Hart chaired that subcommittee during the Three Mile Island incident. He did a very credible job of filing what I think is one of the finest reports on that incident. But we all know what happens. You have to step up to the plate and say that you either like nuclear power or you do not.

But if you allow this dual regulation to continue under present law, you have given a tool which will be used or misused, depending on your point of view. That happened with regard to emergency legislation. And that is not what we had in mind when we did emergency planning legislation.

I conclude by saying that nuclear powerplants are not the only facilities affected by dual regulation. Hospitals in your State and clinics using nuclear medicine, the radio pharmaceutical industry are affected. Those are also NRC-licensed facilities. Dual regulation is terribly expensive for them and it offers no additional protection whatsoever for the public health.

This is an issue which will affect the future use of nuclear power and it will affect hospitals, clinics, and the industry. The vote on this amendment should reflect that.

The State authority question is really a question of how much authority the States should have over the regulation of nuclear power. Congress passed the Atomic Energy Act and gave the Nuclear Regulatory Commission the sole authority over the regulation of radiological health and safety in order to remain a single, comprehensive regulatory scheme. I believe this scheme should be maintained in order to assure the future use of nuclear power in this country.

I would submit a list, if I may, Mr. President, of institutions and organizations that oppose the Glenn-Heinz amendment, a remarkable list, such as the National Institutes of Health, an NRC licensee—remember what we are doing here—the Association of American Medical Colleges, the Society of Nuclear Medicine, the American College of Nuclear Physicians, the Environmental Protection Agency—interesting—the Nuclear Regulatory Commission, the Department of Health and Human Services, the American Nuclear Energy Council, the Edison Electric Institute, the Conference of Radiation Control Program Directors, the California Radioactive Materials Management Forum, the Nuclear Management and Resources Council, the Department of Energy, the American Mining Congress, the Uranium Producers of America, Scientists and Engineers for Secure Energy, the Association of American Universities, and the National Association of State Universities and Land Grant Colleges, all of them relying on some form of NRC-regulated material under this particular legislation.

Mr. President, I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, it seems to me that the issue here is centered on the question of trust, and the question really becomes who do you trust? I trust the Senator from Wyoming. I always enjoy listening to him. When he tells me something is true, I trust him.

I trust the Senator from Louisiana. When he tells me something about energy, what he believes is right and wrong, I trust him.

But I do not trust the Nuclear Regulatory Commission. Nor, by the way, do I trust the Department of Energy. You can say I am unreasonable. You can say I have reached that conclusion without giving it enough thought. Perhaps I have not been as fair as I should have been.

But when I was Governor in 1984 and 1985, we had a little arrangement with the Department of Energy. And the Governors of this Nation were asking the Department of Energy to answer this question: "When you transport high-level nuclear waste across our country, will you give us advance notification?" The Department of Energy said, "No; we cannot." We said, "Why?" They said, "We are afraid of terrorists. The terrorists might get wind of where we are going to transport this nuclear waste. If they get wind, maybe they would bomb one of these trains. So we cannot tell you."

We thought that was an unreasonable answer. So we pressed the Department of Energy, and they agreed to notify every one of the Governors when they were going to transport and the route of the transportation, because the people of our State were concerned about the possibility of an accident—not an unreasonable concern, in my judgment. The people were concerned about the possibility of an accident.

But the Department of Energy transported nuclear wastes, or attempted to cross the State of Nebraska without notifying me. They lied to me on that occasion. They lied to me on many other occasions. As a consequence of that, I do not trust them any longer.

In addition to that, it should be pointed out that the United States of America has attempted to address this question of nuclear waste in a variety of different ways. One of the ways we have attempted to address it is with the development of things called compacts, State compacts.

The States were asked, "Will you step into the breach here? We have three low-level sites being operated by the Department of Energy, and you three States do not want to operate them anymore. Will the States step into the breach and develop compacts? These compacts then will handle the storage of low-level nuclear waste," and the States, in the late 1970's, said yes, they would.

They developed some specific legislation to cooperate with the Congress. It was passed in 1980. It was developed a bit further. I was presented within weeks after taking office in Nebraska with the choice of whether or not to sign the contract taking Nebraska into this compact that includes five States.

I say with all due respect, it also includes the State of Louisiana. I support the compact. In addition to that, Nebraska eventually was sited as one of the repositories. I support that siting. I have not opposed the nuclear industry, nor have I opposed any of the people that are on the lists just presented to you by the distinguished Senator from Wyoming.

I support a reasonable effort to regulate, but we were told by the Federal Government that the Department of Environmental Control in our State could regulate this site. That was the deal.

Now we are being told that, well, maybe the State of Nebraska is going to violate it. Maybe we will have standards that are too excessive. We sold it. The politicians like myself went on the line and sold it to the people there, and said, "We are going to have control of this. We can regulate and set whatever standards we want to."

Now that is going to be taken away from us. Those of us who put ourselves on the line and said we wanted to do the responsible thing are going to be facing the people of our State, and they are going to be asking us again, "Why should we trust the Federal Government again? Why should we stay in this compact now? Where we do not have the right to set a standard? Why should we trust the Nuclear Regulatory Commission and Senator KERREY? Why should we trust the Department of Energy, Senator KERREY?"

And I must tell you, Mr. President, I will not be able to give them any answer at all.

We went into the compact. I support the compact. I believe it is responsible for us to participate in a solution as to where the waste is going to go. I have not said, "It is not going to go in my backyard," and all of you who have dealt with the nuclear waste issue know how dificult it can be.

But I did it because I believed the Department of Environmental Control in any State could make good decisions because the people were there. Now this legislation is going to take away that right. This amendment that the distinguished Senator from Ohio has put together gives us the opportunity to preserve trust so that the people will trust their government on something that is exceedingly impor-

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tant, and on which it is exceedingly difficult to maintain trust.

I urge my colleagues to look calmly at this amendment and see that it preserves not only the status quo but agreements, agreements that I believe are important to maintain, if we are to maintain the trust of the people.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Thank you very much, Mr. President.

Earlier during the course of the debate, the distinguished senior Senator from Louisiana, in defending the retention of section 303 of the bill, made an extensive record and reference to the proposed nuclear waste dump at Yucca Mountain. I would not want any of my colleagues to have the impression of this as an issue which is Nevada versus the rest of the country, or that this issue affects only Nevada.

The distinguished Senator knows how I feel. I have shared with him privately my views on the high-level nuclear waste dump that has been proposed for our State. He knows publicly how I feel about that. We have, suffice it to say, an honest difference of opinion.

I am delighted to engage in debate on the floor of the U.S. Senate or any other place in the world to discuss the position that Nevada has taken with respect to that.

But the point that I seek to make now is that now is not the time, nor is the vehicle that we are discussing today, the Clean Air Act, the place to do so.

In point of fact, this proposed section 303, if it is retained in the law, would apply to some 6,000 licensees, and not just those who have a concern, as I have shared with you, in Nevada.

Moreover, Mr. President, I think it is important as we look at the issue of federalism, to note how frequently I have heard since coming to this Chamber as a very new Member, the passionate speeches that have been launched by Members on both sides of the political aisle about we ought not to preempt the States; that we ought not, without very good and persuasive and compelling evidence, to in effect deprive the States of their ability to regulate.

Mr. President, I cannot think of a more important public policy function, one that all of us recognize, and that is the ability of the State to regulate, to protect, and to provide for the health and safety of its citizens.

The effect of section 303 would be to preempt the State in its entirety—all States, not just Nevada—and by so doing, give an exclusive jurisdictional province to one agency of the Federal Government that, in the opinion of this Senator, has not distinguished itself in regulating such matters.

Mr. President, I urge my colleagues to listen to the attorneys general—and I speak as one who had the honor of representing my State in that capacity, and as a former Governor—when the States implore the Congress. Do not deprive us of an authority under the law which we have had and will continue to have if the amendment that is offered by my two distinguished colleagues, Senators GLENN and HEINZ, is approved today.

There is no evidence that they have abused that power. There is nothing in the record that would suggest that we ought to take that away from them.

I would invite the attention of my good friends, both our Senate colleagues from Louisiana, who join us on the floor for debate, that some 20 members of the National Association of Attorneys General, in a communication to the Honorable JOHN BREAUX and the Honorable ALAN SIMPSON, dated March 6, 1990, asked the Members of the Senate to refrain from taking from them that authority.

I would note that there is nothing in this list of attorneys general that would indicate that there is a regional or sectional bias, that there is a partisan bent, because it involves attorneys general of both political persuasions and from every region of the country.

Mr. President, I ask unanimous consent that the letter dated March 6, 1990, to the Honorable JOHN. B. BREAUX and the Honorable ALAN K. SIMPSON be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, NY, March 6, 1990.

Hon. JOHN B. BREAUX,
U.S. Senate, Washington, DC.
Hon. ALAN K. SIMPSON,
U.S. Senate, Washington, DC.

DEAR SENATORS: This letter on behalf of the undersigned state Attorneys General responds to your February 20 letter regarding the provision in S. 1630 which would transfer regulation of radionuclides from the Environmental Protection Agency (EPA) to the Nuclear Regulatory Commission (NRC) for facilities licensed by the NRC and NRC "agreement" states. We respectfully disagree with your characterization of our views as "inaccuracies and misstatements," and welcome this opportunity to restate our concerns.

First, your letter asserts that we were incorrect in stating that the amendment would prohibit EPA regulation of certain radioactive air emissions because the EPA would retain all of its authority under the Atomic Energy Act (AEA). However, EPA has no express statutory authority under the AEA to regulate radionuclide emissions. As set forth in the statute, EPA's role is to advise the NRC in setting certain standards for radionuclides. Under the AEA, the EPA has no independent authority to enforce such standards. 42 U.S.C. § 2021(h).

On October 6, 1970, President Nixon, in his Reorganization Plan No. 3 (35 Fed. Reg. 15623), transferred from NRC (formerly the Atomic Energy Commission) to EPA authority under the AEA to establish "generally applicable environmental standards for the protection of the general environment from radioactive material." In 1977, EPA exercised this authority in 40 CFR Part 190 ("Environmental Radiation Protection Standards for Nuclear Power Operations"), which applies to radiation doses received by members of the public in the general environment. Since the Reorganization Plan gave EPA no enforcement authority with respect to these standards, EPA did not set up a mechanism through which compliance in terms of source-by-source emissions could be monitored. Instead, to enforce these standards, the NRC in 1981 amended its regulations [46 Fed. Reg. 18526] to require licensees to submit reports to the NRC within 30 days of discovering that the 40 CFR part 190 limits may have been exceeded. See 10 CFR §§ 20.405 (c), (d) and (e).

Under section 112 of the Clean Air Act (CAA), EPA's authority is more extensive than under the AEA. 42 U.S.C. § 7412. Section 112 mandates that EPA promulgate emissions standards for hazardous air pollutants which shall provide "an ample margin of safety to protect the public health." See 42 U.S.C. § 7412(b)(1)(B) and *National Resources Defense Council* v. *EPA*, 824 F.2d 1146 (D.C. Cir. 1987). EPA's newly promulgated radionuclides standards out a comprehensive program to limit and monitor emissions from individual radionuclide sources. EPA also has full authority under the CAA to enforce compliance with these new standards. 42 U.S.C. §§ 7413, 7414. Thus, EPA's authority under the CAA cannot be compared to that under the AEA.

Second, your assertion that we were incorrect in stating that NRC standards can be as much as 50 times less stringent than EPA's standard also does not withstand scrutiny. The EPA standard adopted under the CAA is 10 millirems per year. 54 Fed. Reg. 51654 (1989). This limit applies to DOE facilities, non-DOE federal facilities, uranium fuel cycle facilities, and NRC licensed facilities, among others. Under the AEA, the NRC has established a standard of 500 millirems per year (50 times the EPA standard) that applies to some 6,000 NRC licensees. 10 CFR § 20.105(a). A more stringent AEA standard of 25 millirems per year (two and one-half times the EPA standard under the CAA) applies at 140 uranium fuel cycle facilities. 10 CFR § 20.105(c).

Third, you argue that we were incorrect in stating the amendment would effectively prevent states from exercising any control over NRC regulated sources. You mention the significance of the authority granted to "agreement" states. Agreements between the NRC and the states under 42 U.S. § 2021 are limited to certain facilities. For example, regulation of nuclear power plants are exempted from such agreements and remain under the sole purview of the NRC. More importantly, NRC guidelines require "agreement" states to have standards "essentially identical" to NRC standards. 52 Fed. Reg. 21135. Finally, there are only 29 states that have agreements with the NRC. United States Supreme Court precedent is sufficiently clear that, absent the CAA authority the amendment would eliminate, non-agreement states and agreement states acting outside their agreements could face complete preemption in any attempt to adopt standards for radionuclides which are more stringent than those established under the AEA. Therefore, we continue to believe that the amendment would severely limit the ability of states to adopt more stringent standards for radionuclides and would limit all states' authority under the CAA to regulate independently of the NRC.

Your letter also suggests that the states' authority under the CAA to regulate air emissions of radionuclides is superfluous, because no state has enacted a standard more stringent than EPA's. Washington State has enacted a radionuclide standard that is slightly more stringent than the EPA standard. Other states, including Colorado and Massachusetts, are presently considering adopting air emission standards for radionuclides.

Even if no state had yet exercised its authority under the CAA, there is no justification for removing that authority. As we who have long been involved in environmental protection know, the regulation of air pollution is an evolving process. When new significant problems are identified, the states must be free to react to protect their citizens—as they have in the past. Now is not the time to restrict the ability of the states to respond to these concerns. Just recently, for example, a National Academy of Sciences report showed that the carcinogenicity of low-level radiation is three-to-four times higher than previously estimated.

Finally, with respect to the effect of the amendment on the Superfund law, the problem remains despite good intentions. The amendment prevents radioactive air emissions from NRC regulated facilities from being classified as a "hazardous substance" and may directly impact the ability of the state and federal government from pursuing the cleanup of radioactive contamination. 42 U.S.C. § 9601(14). Had there been hearings on this important change in law, state officials would have so informed the Committee.

While the goal of eliminating dual regulation of radionuclides under both the Atomic Energy Act and the Clean Air Act may be appropriate in some cases, it should not be accomplished at the expense of the states. We agree with Majority Leader Mitchell's concerns as expressed in the Committee Report that "now is not the time to make such a change." The authority of the states to protect the health and welfare of their citizens by adopting standards for radioactive air emissions which go beyond those of the federal government must be preserved.

We stand ready to testify on these matters which are of vital concern to the states, should hearings be held. Environmental protection and the state-federal enforcement partnership are extremely important. Our staff attorney working group has been in contact with Dan Berkowitz of your staff and we will work with you toward resolving these concerns, if you believe this would be productive. Please feel free to call on us or our staff in Washington, D.C.

Respectfully,

Robert Abrams, Attorney General of New York; John L. Van de Kamp, Attorney General of California; Duane Woodward, Attorney General of Colorado; Clarine Nardi Riddle, Attorney General of Connecticut; Jim Jones, Attorney General of Idaho; Neil F. Hartigan, Attorney General of Illinois; William J. Guste, Jr., Attorney General of Louisiana; James M. Shannon, Attorney General of Massachusetts; Frank J. Kelly, Attorney General of Michigan; Hubert H. Humphrey, III, Attorney General of Minnesota; Mike Moore, Attorney General of Mississippi; James E. Tierney, Attorney General of Maine; Robert M. Spire, Attorney General of Nebraska; Brian McKay, Attorney General of Nevada; Anthony J. Celebrezze, Jr., Attorney General of Ohio; Robert H. Henry, Attorney General of Oklahoma; Dave Frohnmayer, Attorney General of Oregon; Ernest D. Preate, Jr., Attorney General of Pennsylvania; Jim Mattox, Attorney General of Texas; Jeffrey L. Amestoy, Attorney General of Vermont; Kenneth O. Eikenberry, Attorney General of Washington; Donald J. Hanaway, Attorney General of Wisconsin.

Mr. BRYAN. Mr. President, noting on the committee report, one of the points made that I thought was particularly compelling was the comment that our distinguished majority leader made in his additional views. I invite the attention of my colleagues to page 405. With respect to the risks from low-level radiation, he made the comment, attributed in part to a concern raised by the National Academy of Science:

> Now is not the time to make such a change. For example, it was reported on December 20, 1989, that a panel of the National Research Council concluded that the risk from low-level radiation exposure may be 3 to 14 times greater than previously estimated. If the panel's analysis is correct.

He went on to say:

> Then cancer deaths from the Chernobyl nuclear explosion in the Soviet Union in 1986 would produce 70,000 cancer deaths, rather than the 17,400 previously estimated.

Mr. President, my entreaty would be, let us not make a change in a regulatory structure that has worked well. Let us not make a change and deprive the States of their ability to perform and discharge their responsibilities to the citizens of their respective States, when the record is totally devoid of any efforts that they have abused that authority and that there is in fact some compelling need to make a change.

The fact that a long list of very distinguished organizations and institutions prefer less oversight, less supervision, less regulatory review, in my judgment, is not such an argument that leads to the conclusion that we ought to deprive and strip the States of that regulatory authority. I thank the Chair.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Let me see if I can try to make a little sense out of the situation that we presently find ourselves in. Indeed, it is a very complicated situation. For those who may not be members of the committee, who have not heard the testimony and the debate and the discussion among the members, let me first start off by saying that it is my intention at an appropriate time to move to table the Glenn-Heinz amendment.

Let me also list for the RECORD those groups and organizations who have looked at this question from the outside, with a degree of expertise that I think none of us in this Chamber possess, and have suggested that we do not need the Glenn-Heinz amendment, that it is inappropriate and that the current language in the bill is in fact sufficient to protect human health and safety in this area.

Would the National Institutes of Health be supporting something that is not good for the health of the American citizens? Of course not. They support the current language of the bill. The Association of American Medical Colleges are completely satisfied with the current language that is contained in the bill. They do not support any changes to current law, as advocated by the amendment of the Senator from Ohio. We have had Member after Member talk about how the Environmental Protection Agency should be involved in setting these standards. EPA, in fact, is involved under the committee bill, and EPA in fact supports the language of the committee bill, and EPA in fact objects and opposes the Glenn-Heinz amendment.

The Conference of Radiation Control Program Directors—that is a long title, but it is an organization representing the chief persons in each of the 50 States who is in charge of regulating nuclear radiation in their particular States—has sent us a letter saying they oppose the Glenn-Heinz amendment. My colleague from Nevada pointed to 20 State attorneys general that support the Glenn amendment. We did not hear from the other 30. They may not.

The fact is that attorneys general do not regulate the radionuclide emissions in their States. But the people who do, the Conference of Radiation Control Program Directors in 50 States, have sent the committee a letter saying that they support the proposal in the committee bill. These are the people who on a day-to-day basis are in charge of regulating the emissions in the 50 States. These people have looked at existing regulations under the Atomic Energy Act and have said it makes sense as far as they are concerned. The Department of Energy also supports the bill. Again, the Association of American Medical Colleges does.

So the support for what the committee has done is extensive. Medical doctors, State regulators, EPA, and, in addition, the Department of Energy support the committee position. When you say radionuclides, my goodness, everybody says that needs to be regulated. I agree that they need to be regulated, but the simple fact is that the Atomic Energy Act, which is current law, is preserved and protected by the committee bill, and will continue to be used to regulate nuclear materials. How does it do it? The Atomic Energy

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Act, together with Reorganization Plan No. 3, says that the Environmental Protection Agency should set standards regulating radionuclide emissions. That is how it is being done, how it should be done.

The problem occurs because there is another Federal statute, the Clean Air Act, that requires the EPA to regulate hazardous pollutants, and hazardous pollutants is defined to include radionuclides. So we have two statutes regulating the same thing. The Clean Air Act says EPA shall regulate hazardous air pollutants and that a State can pass any standard as long as it is not less stringent than the Federal standard. The problem of two statutes regulating the same thing is the problem that the committee has tried to address in the legislation before the body at this point.

There are some who feel that we should have the States regulate radioactive materials too. If you believe that, you should be for the Glenn amendment. There is no question about that. But can you imagine the havoc and the chaos that we would have in the nuclear industry in this country if, instead of having one Federal standard, we have 50 different standards, with each State trying to outdo the other States, to make sure that their State will not have a high-level waste repository or a nuclear powerplant in their State. That is the problem we are trying to avoid. And some have said, "Well, they have never abused that right before." That is not quite correct.

In Pennsylvania, a local community, which the Senator from Pennsylvania referred to, enacted an emission standard for radionuclides which was so strict that no one under any circumstances could ever meet it. It is clear what they were trying to do. They were trying to prevent a low-level waste reduction facility from being located within their jurisdiction. Now, I understand that. I appreciate what they were trying to do, from a local standard. However, that is not good policy from a Federal perspective. Federal policy for a federally licensed facility should be made by the agencies that are in charge of health standards, and that, in this case, are the Environmental Protection Agency and the Nuclear Regulatory Commission.

How big is the problem we are talking about? If you look at the chart, the first one we have up here talks about the sources of radiation that we all are exposed to in this country, and 82 percent of it comes from natural sources; medical sources contribute about 11 percent. If you look down at the bottom of the chart, the nuclear fuel cycle contributes one-tenth of 1 percent of the total amount of radiation that we are exposed to in this country.

Here we are talking about how clean we are trying to make the utilities in this country. If you look at the overall sources of radiation on this chart, the annual doses of radiation, the total natural background radiation is 300 millirems. From breathing we get 200 millirems. From cosmic radiation from outer space we get 55 millirems. The human body itself contributes 40 millirems.

For the nuclear industry, the NRC annual limit on nuclear powerplants is 5 millirems, much less than we get from natural sources or from outer space. In 1 year living in Denver you get 50 millirems. Because of the elevation of the city of Denver, being closer to the Sun, et cetera, you get 50 millirems living in Denver. The NRC standard is 5 millirems.

Let us see the next chart. The next chart tries to show the emissions of the things that this bill is trying to clear up. We are trying to clear up sulfur dioxide in the air. That is what this clean air bill is about, trying to reduce sulfur dioxide and nitrous oxides in the air. That is what this bill is about.

We are trying, at the same time, to use energy that is clean. Look at the comparison. A typical 1,000-megawatt coal-fired powerplant produces about 70,000 tons of sulfur dioxide per year. The same amount of electricity generated from oil produces about 30,000 tons of sulfur dioxide per year. Look where nuclear is almost zero. Looking at the figures on nitrogen dioxide, look how little nuclear energy facilities are producing—almost zero.

If you look at the carbon dioxide emissions from coal-fired plants or natural gas plants or residual oil plants or wood, look how much we get in the air as compared to what comes from a nuclear plant. You can barely see the emissions from the nuclear powerplant on this chart because they are so small. Therefore, in this country we should be encouraging the use of nuclear energy, which is cleaner for the air.

The next chart compares the airborne emissions from various types of powerplants. These are the particulates that the plants emit. Look what coal is emitting on the chart on the left, 120 tons of particulates a year. In comparison, nuclear produces almost zero. The charts are consistent throughout for all types of emissions. They clearly show how clean a nuclear plant is in comparison to the other sources of electricity.

The point is that this amendment of the Senator would let 50 States regulate nuclear emissions any way they want. And instead of having one standard for a nuclear powerplant you may have 50. And you are not going to have any built if you have 50 different sets of standards.

The next chart shows what France has done when they increased their use of nuclear power. The first chart at the top is showing the amount of energy generated from nuclear; the blue representing how much is being produced from nuclear plants compared to total electricity needs.

The bottom chart shows how much carbon dioxide is emitted in France because of their greater reliance on nuclear power. There have been dramatic reductions in sulfur dioxide and dramatic reductions in carbon dioxide because they have been able to do what this country should be doing to clean up the atmosphere.

My final point is that the committee product is entirely consistent with what we have done in other statutes. This committee has produced a clean water bill and the clean water bill says that States can adopt more stringent standards, except when you are dealing with radioactive materials. Then the Atomic Energy Act will govern. The Clean Water Act is a product of the leadership of Senators CHAFEE, BAUCUS, and MITCHELL.

The Resource Conservation and Recovery Act, which is part of the Solid Waste Disposal Act says that the States can adopt more stringent standards to deal with solid waste, except when we are dealing with radioactive material, and then the Federal standard governs.

So what we have done in the committee bill, which was adopted unanimously, is to put those sets of principles into this clean air bill, to say that EPA will set the standard, the Nuclear Regulatory Commission will enforce the standard, but it has to be a Federal standard. You cannot have 50 different sets of rules governing nuclear powerplants and all the nuclear activity in this country.

The Glenn amendment would completely turn around those Federal principles, and it is one that should be rejected.

I yield the floor because I know my chairman wants to speak.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we have been on this amendment for 1 hour and 40 minutes. I think that the issues are fairly well flushed out. I do not want to in any way restrict the opportunity of other Senators to speak. I know the Senator from Idaho has not yet spoken on the amendment. The Senator from Rhode Island has not yet spoken. Other Senators may wish to speak again. I am wondering if we could get a consent agreement to vote by a certain time on this amendment. We started debating this amendment at 2:15. It is now practically 4 o'clock. May I suggest that perhaps the vote will occur at, say, 4:15, with the time equally divided.

The **PRESIDING OFFICER.** Did the Senator propound a unanimous-consent request?

Mr. **McCLURE.** Mr. President, reserving the right to object, and I shall object, first of all, I think that is probably too restrictive up front. I think a number here need more than that time.

Second, I am advised there are others who wish to be consulted prior to any unanimous consent. So I would suggest we at least give them some notice a unanimous consent may be sought and therein seek the response.

The **PRESIDING OFFICER.** Objection is heard.

Mr. **BAUCUS.** Mr. President, I will not at this moment seek a unanimous-consent request, but I am now advising Senators who wish to speak on this issue to come to the floor because it is my intention to bring this debate to a close as soon as reasonably possible. I do not plan to speak at length on the amendment.

This amendment, offered by the Senator from Ohio, is an amendment which strikes a provision of S. 1630 that was not considered and not debated among the core group of Senators and the administration that dealt with this bill. Therefore, this amendment, because it is not contained in the scope of that agreement, is an amendment that is outside of that agreement, meaning Senators who were part of that agreement are free to vote in any way they wish with respect to this particular amendment.

I, as chairman of the subcommittee that considered and reported S. 1630, frankly do not favor the amendment offered by the Senator from Ohio. As Senators have already stated, the EPA itself does not seek regulation of radionuclides. EPA itself believes the NRC is doing an adequate job.

In addition, the National Institutes of Health and the National Council of Radiation Protection also agree that it would be inappropriate for both the EPA and NRC to regulate the nuclides under the Clean Air Act. That is not to say that the Federal Government should not preempt the disposition of nuclear waste. That is an entirely separate issue. The amendment of the Senator from Ohio deals only with the regulation of radionuclides.

I opposed the amendment. I know of no other Senators who wish to speak on it. I yield the floor at this time, but again urge Senators who wish to speak on this amendment to quickly come to the floor so they can speak. We have been on this amendment 1 hour and 45 minutes. The issues have been aired. The Senators know the arguments on both sides.

I, shortly, Mr. President, will be seeking a consent agreement to limit time on this amendment.

The **PRESIDING OFFICER.** Who seeks recognition?

The minority leader is recognized.

Mr. **DOLE.** Mr. President, I know there are going to be a number of amendments, probably another hundred before we finish this bill sometime next month. Someone said if we just stay all night tomorrow night we will be finished. That is not going to happen. We are not going to finish the bill this week.

Mr. President, one of the most strongly held beliefs of American citizens is coming true today. Most Americans feel there is too much overlap, too many bureaucrats, and too little coordination within the Federal Government.

In response, we are considering an amendment to require more overlap, more bureaucrats and less coordination. Unfortunately, it will not bring any benefit.

The amendment will lead to the regulation of radioactive material by two agencies, the Nuclear Regulatory Commission and the Environmental Protection Agency. This duplication is totally unnecessary and unwarranted, since the current system for radionuclides under the Atomic Energy Act is more than adequate to protect the public health and safety.

Under the Atomic Energy Act, EPA sets generally applicable environmental standards for the release of radioactive materials, and NRC then enforces these standards at all of its licensed facilities. In view of the agreement by all of the relevant regulatory bodies that this system is adequately and safely protecting the public, there is no need for any additional regulation under the Clean Air Act.

Because of the effectiveness of the Atomic Energy Act, EPA consistently declined to impose any additional controls on NRC licensees pursuant to EPA's existing Clean Air Act authority. EPA has stated that a Clean Air Act standard:

> Would be duplicative and would not offer any additional public health protection" and that:
>
> Emissions * * * are already so low that public health and safety is already protected with an ample margin of safety.

Also troubling is a statement from EPA to Chairman Burdick of the Environment Committee:

> The administration was advised by many facilities currently regulated by the NRC, including research and testing reactors, medical facilities, and the National Institutes of Health, that regulatory schemes that involve unnecessary duplication of compliance and implementation needlessly raise costs and divert resources from needed research and other activities. This could adversely affect patient care at some facilities.

This statement is from the very agency to which the amendment would grant the additional, duplicative authority. EPA does not support the amendment, they do not need it and neither does public health and safety.

The distinguished Senator from Ohio, the sponsor of the amendment, stated the amendment is needed to keep a check on the Nuclear Regulatory Commission—kind of one executive branch agency spying on another.

I am not certain where we went wrong but I thought Congress had some oversight responsibilities. We had all the authority we needed. It would seem to me it would be almost a confession on the part of Congress that we cannot do it; we have to have somebody else check on somebody else.

In addition, we have all the inspectors general that have been created in the executive branch departments and agencies, including in the NRC. It would seem to me that there is a lot of confidence in the inspector general system and this could certainly be an area again where Congress could make certain that the inspectors general were zeroed in on this particular area, because it is a matter of concern, as was pointed out by the Senator from Ohio.

Finally, let me say I have been convinced by some who have been working on this matter for some time that the amendment is not necessary. It is opposed by every Government agency involved. It would simply give critics of the Federal Government another reason to shake their heads. We just have too much bureaucracy, too many regulations, too much overlap, too much duplication. We are seeing that in the S&L crisis, in the USDA, Department of Agriculture. Everywhere we go we have too much Government, too many regulators trying to regulate each other.

Mr. President, I oppose the amendment.

The **PRESIDING OFFICER.** The Senator from Colorado is recognized.

Mr. **WIRTH.** Mr. President, I rise in support of the amendment offered by the distinguished Senator from Ohio. I just wanted to make a couple of points, and then if I might ask a question of the distinguished sponsor of the amendment.

First of all, on the issue of standards and the relationship of the NRC to EPA, there have been some allegations made that it really did not make any difference, or that EPA standards would be about the same as NRC's or that EPA did not see much difference here.

I wrote to the EPA on the 31st of January this year and asked them if they would give me their response to the NRC standards. They wrote back a very thorough letter. It is an 8-page, single-spaced response, Mr. President, to a series of questions.

Mr. President, I ask unanimous consent to have that printed in the Record.

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There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, February 6, 1990.
Hon. TIMOTHY E. WIRTH,
U.S. Senate, Washington, DC.

DEAR SENATOR WIRTH: I am pleased to be able to assist you by providing answers to the questions that were enclosed with your letter of January 31, 1990. Our answers are enclosed with this letter. I hope that this information will be helpful to you and other Senate members as you debate Clean Air Act legislation this week.

It is my understanding that you have asked the Nuclear Regulatory Commission (NRC) a similar set of questions. We have answered your questions about NRC requirements to the best of our understanding. Obviously, the NRC can provide you with more detailed explanations.

I have also enclosed for your information a copy of "A Guide for Determining Compliance with the Clean Air Act Standards for Radionuclide Emissions for NRC-Licensed and Non-DOE Federal Facilities," and the computer program "COMPLY". We believe that this system for demonstrating compliance with radionuclide air emission standards is very simple and easy to apply and is an effective approach for a large number of small users.

If you need additional information on this subject, please do not hesitate to call on me again.

Sincerely yours,
RICHARD J. GUIMOND,
Director, Office of Radiation Programs (ANR-458).

EPA RESPONSES TO QUESTIONS FOM SENATOR WIRTH REGARDING THE REGULATION OF RADIOACTIVE EMISSIONS FROM NRC LICENSEES

1. List the types of facilities that would be affected by nullifying the radionuclide emission standards (NESHAP) issued by EPA on November 1, 1989.

Response: EPA's radionuclide air emission standards for NRC licensees cover both the uranium cycle and facilities handling by-product, source, and special nuclear materials. The uranium fuel cycle includes uranium mills, uranium hexafluroide conversion facilities, light-water reactor fuel fabricators, light-water power reactors, and fuel reprocessing plants. There are about 10 facilities in the uranium fuel cycle. Facilities handling by-product, source, and special nuclear materials include hospitals, radiopharmaceutical manufacturers, research laboratories, sealed source manufacturers, and low-level waste incinerators. There are approximately 6,000 facilities handling by-product, source, and special nuclear materials that would be affected.

2. (a) What dose limit for members of the public does the EPA NESHAP standards set for the NRC licensees?

Response: EPA limits radionuclide emissions, including iodine, to those amounts that would cause any member of the public to receive an effective dose equivalent of 10 mrem per year from all pathways combined. Emissions of iodine are limited to those amounts that would any member of the public to receive an effective dose equivalent of 3 mrem per year from all pathways.

(b) How does this compare to NRC Atomic Energy Act requirements for NRC licensees?

Response: NRC limits doses to the public from by-product, source, and special nuclear materials to 500 mrem per year to the whole body, blood forming organs and gonads; 3,000 mrem per year to the bone and thyroid; and 1,500 mrem per year to other organs although this limit is implied and not explicit (10 CFR 20). These limits apply to air releases; the same limits apply to liquid releases separately. There is no provision for summation of external and internal doses and the food pathway is excluded. NRC further restricts doses from facilities in the uranium fuel cycle to those established by the EPA under its Atomic Energy Act authority. These standards (40 CFR 190) restrict doses to members of the general public from radionuclides released to the air or water to 25 mrem per year to the whole body or to any organ except the thyroid, which is limited to 75 mrem per year. These same standards apply to any facility licensed by NRC for the disposal of low-level radioactive waste.

The NRC regulations state that the licensees should make every reasonable effort to maintain radiation exposures and releases of radioactive materials as low as is reasonably achievable (ALARA). ALARA requirements have been expressed as a design goal of 5 mrem/year for nuclear power reactors but have not been quantified for other licensees.

The NRC has proposed changing the limit for dose to the public to an effective dose equivalent of 100 mrem per year for any licensee, divided between air emissions and liquid effluents. The proposed limit for all sources is 500 mrem/year. The final rule is currently undergoing internal NRC review.

3. (a) Describe the process used by EPA in arriving at the NESHAP dose limit for NRC licensees.

Response: Under Section 112 of the Clean Air Act, as interpreted by the U.S. Court of Appeals for the District of Columbia, the EPA utilizes a two-step process. In the first step, EPA must establish a safe level without consideration of costs and technological feasibility. In the second step, the Agency considers costs and technological feasibility and determines a level for the standard that provides an ample margin of safety. This level may not be less stringent than the safe level. [The Agency had decided that a maximum lifetime risk of approximately 1 in 10,000 represents a safe level. For NRCX licensees, this corresponds to an effective dose equivalent limit of 10 mrem per year.] In addition, the Agency limited the effective dose equivalent from iodine to 3 mrem per year because exposure to radioactive iodine results in a high percentage of non-fatal cancers. In estimating the risk from NRC licensees, EPA considered the most current information about the risks of exposure of radiation, which in mid-1989 included new reports on the latest assessment of Japanese atomic bomb survivors.

(b) Describe the process used by NRC in arriving at air emissions dose limits for NRC licensees.

Response: NRC has established a set of radionuclide-specific air concentration limits corresponding to a dose of 500 mrem/y for NRC licensees; there is a more restrictive limit of 25 mrem/y for nuclear fuel cycle facilities. The NRC regulations also state its licensees should make every reasonable effort to keep emissions "as low as reasonably achievable" (ALARA). ALARA has been quantified for nuclear power facilities as a design goal of 5 mrem per year; other NRC licensees have no similar requirement. The value of 500 mrem per year and the ALARA requirement are reflections of recommendations made in the late 1950s and early 1960s by international and national radiation protection advisory bodies, specifically, the International Commission on Radiation Protection (ICRP), the National Council on Radiation Protection and Measurements (NCRP), and the Federal Radiation Council (FRC). This guidance was based in part on the notion that 500 mrem/y was not greatly in excess of the natural radiation background of about 100 mrem/y and that the risks, as they were known at the time, were in appropriate balance with the benefits judged likely from the uses of radioactive materials.

For nuclear power reactors, the NRC adopted a standard that EPA established using its Atomic Energy Act authorities (40 CFR Part 190).

4. (a) Describe the EPA's NESHAP monitoring requirements for NRC licensees.

LICENSEES OTHER THAN NUCLEAR POWER REACTORS AND FUEL PROCESSING PLANTS

Response: EPA regulations allow NRC licensees a choice of methods for demonstrating compliance (see also the response to Question 6). For those facilities which elect to demonstrate compliance by measuring their emissions, measurements must be made at all release points which have a potential to discharge radionuclides into the air in quantities which could cause an effective dose equivalent in excess of 1% of the standard. All radionuclides which could contribute greater than 10% of the potential effective dose equivalent for a release point must be measured. Potential to discharge is based on the discharge of the uncontrolled effluent stream into the air.

NUCLEAR POWER REACTORS AND FUEL PROCESSING PLANTS

Response: Nuclear power reactors may determine their radionuclide emissions in conformance with the effluent technical specifications contained in their operating license issued by the NRC, or may use EPA's methods described above for licensees. Fuel processing and fabrication plants and uranium hexafloride plants may determine their emissions in conformance with the NRC's Regulation Guide 4.16 (December 1985), or may use EPA's methods described above for licensees. Uranium mills may determine their emissions in conformance with the NRC's Regulation Guide 4.14 (April 1980), or use EPA's methods described above for licensees.

4. (b) How does this compare to the NRC air emissions monitoring requirements for NRC licensees.

Response: It is our understanding that NRC determines whether to require monitoring of offsite releases on a case-by-case basis at the time a facility applies for a license. If monitoring is to be required, the specific requirements are incorporated into the license. In general, power reactors have monitoring requirements but most of the 6000 (approximately) material licensees do not.

5. (a) Describe the EPA's NESHAP recordkeeping and reporting requirements for NRC licensees.

Response: The owner or operator of any facility must maintain onsite for 5 years records documenting the input parameters and procedures used to determine the dose calculation. An annual report must be submitted to EPA covering the emissions of a calendar year by March 31 of the following year. A facility that emits radionuclides in an amount less than 10% of the standard is exempt from this reporting requirement. Facilities need to reevaluate each year to determine whether they qualify for this exemption. If a facility is not in compliance with the emission limits of the standard in the calendar year covered by the report, the facility must then report to the Administrator on a monthly basis until the Administrator determines it is no longer necessary.

(b) How does this compare to the NRC air emissions recordkeeping and reporting requirements?

LICENSEES OTHER THAN NUCLEAR POWER REACTORS

Response: If monitoring is required, the licensee must maintain records showing the results. These records must be maintained for two years except for certain records which must be maintained until the Commission authorizes their disposition. There is no requirement for an annual report. For a very few of the largest licensees, the effluent source terms must be reported to the NRC on a quarterly or semiannual basis. If concentrations of effluents in an unrestricted area exceed the limits detailed in 10 CFR Part 20 or the license by a factor of 10, the licensee must report the occurrence to NRC within 30 days. For releases of large magnitude (500 times the limits of Appendix B, Table II, 10 CFR Part 20), notification must occur within 24 hours, or in cases 5000 times the limits of Appendix B, Table II, 10 CFR Part 20, immediately.

NUCLEAR POWER REACTORS

Response: These facilities are required to demonstrate and report annually their compliance with 40 CFR Part 190. In addition, they must document their compliance with the effluent limits in their technical specifications. If concentrations of effluents in an unrestricted area exceed the limits detailed in 10 CFR Part 20, or their license by a factor of 10, the licensee must report the occurrence to NRC within 30 days. For releases of large magnitude (500 times the limits of Appendix B, Table II, 10 CFR Part 20), notification must occur within 24 hours, or in cases 5000 times the limits of Appendix B, Table II, 10 CFR Part 20, immediately.

6. (a) Describe the EPA's NESHAP compliance requirements and procedures for NRC licensees.

Response: The EPA has developed compliance procedures that require that licensees calculate doses to members of the public based on the most appropriate scientific models available. The compliance procedures are tiered to reduce the burden on the regulated community. The approach begins with a simple method that uses assumptions that could overestimate the dose. If a facility is shown to be in compliance at this level, no further action is required; if not, the next level is considered. The methods become progressively more realistic and require more input data at succeeding levels. The methods are based on screening models developed by the National Council for Radiation Protection and Measurements. Licensees could do the calculations either by hand or with a user-friendly computer program called COMPLY that the Agency is supplying to assist the regulated community.

(b) How does this compare to the NRC air emissions compliance requirements and procedures?

Response: In general, the NRC determines compliance by making an on-site inspection of a facility and its records. Facilities in the uranium fuel cycle are required to calculate doses annually. The overwhelming number of facilities (6,000) handling by-product, source, and special nuclear material compare calculated or measured radionuclide air concentrations in the stack to Maximum Permissible Concentrations (MPCs) corresponding to 500 mrem per year. The MPCs consider the dose from inhalation but do not consider doses from ingestion of contaminated food, or direct radiation from material suspended in air or deposited on the ground. Although the NRC has a regulation that states that licensees handling by-product, source, and special nuclear materials should make every reasonable effort to maintain radiation exposure and releases of radioactive materials in effluents to unrestricted areas as low as reasonably achievable (ALARA), it appears that the implementation of this policy focuses almost exclusively on occupational exposure.

7. Has EPA found any NRC licensees that exceed the NESHAP air emissions standards?

Response: Currently, NRC licensees are not generally required to calculate doses to the public so that the EPA does not have a systematic means to identify facilities causing doses in excess of its standard. The compliance procedures developed by EPA are designed to identify those circumstances where radiation exposure in excess of the standard results from either high emissions, close proximity to the points of release, or the effects of buildings on air flow in the vicinity. In short, these compliance procedures are designed to characterize doses caused by NRC licensees and identify circumstances where the NESHAP air emission standards are exceeded. While there could be facilities with emissions in excess of the EPA standards due to these facilities not having installed readily available control technology, specific facilities have not, to date, been identified.

8. (a) What standards would govern air emissions from NRC licensees if the EPA NESHAP standards for NRC licensees were nullified?

Response: Limits imposed by 10 CFR Part 20 would apply to facilities using by-product, source and special nuclear materials. EPA standards established by 40 CFR 190 and adopted by NRC would apply to the uranium fuel cycle. (See, also, response to question 2(b)).

(b) How do these NRC standards compare to the EPA NESHAP air emission standards?

Response: NRC's dose limit for their licensees is 50 times higher than the EPA NESHAP dose limit; 500 mrem/y compared to 10 mrem/y. For the special case of uranium fuel cycle facilities, NRC's dose limit derived from a previous EPA standard is 2.5 times higher than the EPA NESHAP dose limit, 25 mrem/y compared to 10 mrem/y. These comparisons are not exact due to the technical difference between an effective dose equivalent and a whole body dose, but are very close approximations when the radiation exposure is to all organs of the body equally.

EPA's rule limits emissions from a site regardless of the number of facilities on the site; this places a cap on the total emissions from the site. NRC rules limit emissions from the individual facilities on the site; thus, no cap is placed on the total emissions from the site.

We note that NRC requires all its licensees to hold their emissions to as low as reasonably achievable below these limits. This "ALARA" concept has been qualified for nuclear power reactors only where the design goal is 5 mrem/y; for other types of licensees there are no qualified goals or limits.

9. (a) What is the emission standard for radon at uranium milling facilities under the EPA NESHAP?

Response: Operating Mill Tailings. Radon-222 emissions to the ambient air shall not exceed 20 pCi per square meter per second. No new tailings impoundment can be constructed unless it meets one of the following work practices: (1) Phased disposal in lined impoundments that are no more than 40 acres in area, or (2) Continuous disposal with no more than 10 acres uncovered at any time. The addition of water to the impoundment to reduce radon emissions is not permitted unless the impoundment has an impervious liner.

Disposal of Uranium Mill Tailings Radon-222 emissions to the ambient air shall not exceed 20 pCi per square meter per second. Once a tailings pile ceases to be operational it must be disposed of and brought into compliance with the rule within 2 years. Compliance must be confirmed by measurement.

(b) What is the standard for radon emissions at uranium milling facilities under the NRC Atomic Energy Act standards?

Response: Operating Mill Tailings. There is no standard for radon emissions at uranium milling facilities under the NRC Atomic Energy Act standard, however 40 CFR 192 requires facilities to use ALARA to control emissions.

Response: Disposal of Uranium Mill Tailings. After disposal, radon emissions to the ambient air shall not exceed 20 pCi per square meter per second. Under this Atomic Energy Act standard (established by EPA and adopted by NRC), this is a design goal, and NRC reviews the designs to determine if the goal is met. There is no requirement for verification by a measurement. There is no time limitation for disposal following shutdown of the impoundment.

10. How does the 10 mrem effective dose equivalent limit under NESHAP compare to the 500 mrem whole-body dose limit under NRC 10CFR20 in terms of maximum individual risk?

Response: The 10 mrem/y effective dose equivalent limit established under the EPA NESHAP is approximately equivalent to a 3 in 10,000 individual lifetime risk of fatal cancer. The risk can range from three times higher to one third of this risk due to uncertainties in health effects data. For exposure to radioiodine, there is a risk of non-fatal thyroid cancer about ten times the risk of fatal cancer. This dose limit applies to exposure from inhalation, ingestion, immersion and ground deposition of airborne radionuclides. These risk estimates are based on the best scientific information available at the time the standard was issued and have been favorably reviewed by a special radiation subcommittee of EPA's Science Advisory Board. A recent report by the National Academy of Science Committee on the Biological Effects of Ionizing Radiation (BEIR V) indicates that the risk conversion used by EPA could be too low by a factor of two. However, the report also points out that at dose rates such as those received by the public from an NRC licensee, the EPA risk estimate may be only very slightly low.

The 500 mrem/y limit under 10 CFR 20, if it were an effective dose equivalent, is approximately equivalent to a 1.4 in 100 individual lifetime risk of fatal cancer. This limit is implemented by specific limits on individual radionuclides, which were derived using scientific methodology and a system of dose limitation established in the 1950s. As a result, the risk may be higher because this methodology considers only the direct inhalation pathway. NRC is currently conducting a rulemaking to update this regulation and incorporate more recent scientific information.

11. Please translate all above figures into maximum individual risk terms.

Response: The risk figures given in response to question 10 are all maximum individual risks. The calculation is based on the assumption of continuous exposure for a 70-year lifetime.

Mr. WIRTH. This response from EPA is very interesting. EPA notes here, I ask them how do these NRC standards compare to the EPA air emission standards. The reply from EPA says that NRC's dose limit for their licensees is 50 times higher than the EPA dose limit. This is not a small margin of difference. This is a very significant one. They, in great detail, point out how EPA standards would be significantly stronger. I think the differences are more than the margins that have been discussed here.

So we have this very thorough response, Mr. President, from the EPA. Granted, this is not the political side of EPA. This is the technical staff side of EPA and there might be some difference between the responses from the political side and the staff side.

Second, this issue, Mr. President, raises the question which we have grappled with all the time that I have been in the Congress, in the House and now here, about whether or not States are going to be allowed to set their own standards that are higher. Now we in the State of Colorado have for a long time prided ourselves on having stronger standards. We have prided ourselves on having standards that were generally above those that were required by the Federal Government. That has been something that we have battled for and worked very hard to be able to maintain.

We might remember some years ago the fight over the Energy Mobilization Board. The distinguished Senator from Ohio was involved in that. It was an attempt to develop the right of the Federal Government to wave all kinds of standards at the State level and not allow us at the State level to set higher standards if we wanted to. We were ultimately able to win on that. We were ultimately able to say that if a State wants to set higher standards they should be able to do so.

It seems to me that is one of the issues here. That is the one I find myself most concerned about. My State of Colorado may or may not want to move in here in a more aggressive way, but if they do they certainly ought to have the right to do so.

We have a list of sites that would be impacted in this situation, Mr. President. We have nine former nuclear processing plants that are being cleaned up right now. Against what standards are they going to be cleaned up? That is going to be very important to those communities. So on the standards issue, EPA is telling us significantly stronger standards.

Second, States should be able to set tighter standards. I think they should be able to.

The third issue I would like to address to Senator GLENN is one I find very troubling. In the earlier debate maybe he handled this. The argument was made that if the Glenn amendment passes, this would allow States to shut down all nuclear facilities there or we would get right into the not-in-my-backyard syndrome, and so on.

As I read the Senator's amendment, if a State were to do that with a nuclear repository, or nuclear power plant, or nuclear defense facility, that State would also have to shut down all of its nuclear research capabilities, health research capabilities as related to nuclear, and so on. I cannot imagine that a State would want to do that.

I yield to the Senator. Maybe he could respond once again to that question, which is, I think, a very legitimate and, for many people, a troubling one.

Mr. GLENN. The Senator is correct. I had a discussion with the distinguished senior Senator from Louisiana, Senator JOHNSTON, in that regard when he read from the law that this would permit political entities within a State to make their own judgments as to what they wished to regulate.

But I understood and I believe any careful reading of the law will indicate that that standard, if it was set low enough to prohibit something like a nuclear waste repository, would also have to apply to research, the medical facilities, radiation used in hospitals, to all the other things. It would be a standard that would apply across the board. We have never had a case where States did that.

I think there is a lot of misinterpretation here that we are trying to change something. It is quite the opposite. What my amendment does is keep things the way they are, which has been working, until we can have more time to have a commission look at this and see whether it is going to make a drastic change or not.

So the Senator is absolutely correct. As far as I understood, it would apply to whatever the level set was. The standard would apply to all the functions in that political entity.

Mr. BREAUX. Will the Senator yield?

Mr. WIRTH. I am happy to yield. I think this is a troublesome question.

Mr. BREAUX. I would say its a very legitimate point. But the answer is incorrect from the Senator from Ohio. EPA right now, in regulating radionuclides, does it source category by source category by source category just like we do in the clean air bill for air toxics. In other words, every single source category has a different standard. There is one standard for nuclear waste facilities, another standard for nuclear power plants, and another standard for underground mines. They have a standard for every different type of source and it could be a different standard. In fact, it is a different standard and therefore if a State would want to exempt out one type of facility within their State, they could set the standard at zero and still not affect any other nuclear activity within that State's borders.

Mr. GLENN. If the Senator will yield, we are talking about under the Clean Air Act on this.

Mr. WIRTH. I am happy to yield.

Mr. GLENN. Is the Senator not talking about the Atomic Energy Act? We have different standards.

Mr. BREAUX. This is under the Clean Air Act and there are different standards for every source category. It would be foolish to have the same standard for all the types of sources. Each type of source has a different problem so each type of source has a different standard. So that is the real concern people are worried about.

Mr. WIRTH. We all interpret back and forth from various tables. But the point made by the Senator from Louisiana would then suggest—and I might ask the Senator from Louisiana if this is true—does that mean that a State could go in and regulate its nuclear health industry with one set of standards and its nuclear repository waste site with a second set of standards and a nuclear powerplant with a third and a nuclear weapons facility with a fourth? We could have four different sets of standards on a State-by-State basis?

Mr. BREAUX. I would respond to the Senator from Colorado not only can they do that, that is exactly what the EPA already does under the Clean Air Act, and the states can do the same, and some have done it, too. Every type of source is to be identified, the problem areas, and every type of source then has a different standard. That is the current law. And that is the problem that we are so concerned about, that a State may single out one particular nuclear powerplant or waste facility for prohibitively stringent regulation and leave everything else unaffected. It, in effect, gives every State a veto of anything they do not want, even though it may be in the national energy interests of this country.

Mr. WIRTH. I might ask the distinguished Senator from Ohio, I hate to keep going back and forth here but it seems to me this is the real nubbin. If it is, this may be the central point of the whole section that was introduced by the Senator from Wyoming, the not-in-my-backyard syndrome.

What the Senator from Louisiana is telling us is that we would be able to, site by site, facility by facility, set a different standard so therefore every State could say anything related to nuclear waste cannot be in my State. Is that correct? So, therefore, all 50 States are going to say "not in our State," probably. I do not know any State that is going to volunteer to say, "Hey, put your nuclear waste in my State." Everybody says "not in my State," and what do we do? There must be an answer to this.

What is the current practice under this? If we are just sticking with current law, I might ask the distinguished Senator from Ohio, just sticking with current law under this, what is the current law? How does the current law allow us to get around this problem?

Mr. GLENN. Under current law, States have not exercised that kind of a right of full preemption. There has never been a case like that brought up by the distinguished senior Senator from Louisiana where States have used this to preempt anything whatsoever; for example, to prevent a nuclear repository from being established in their State.

Mr. BREAUX. Will the Senator yield? I will respond to that.

Mr. WIRTH. I will be happy to yield.

Mr. BREAUX. That point is they just found out they have a right to do it. We want to be quite frank about the situation.

Mr. WIRTH. When did they find out? Right now?

Mr. BREAUX. During the consideration of our legislation, all of a sudden a light goes off, and they say "We have authority to regulate air emissions under this act."

In the Pennsylvania case that Senator Heinz cited earlier, a township enacted a standard so strict that the low-level waste compacting facility could not possibly ever exist, contrary to what the Nuclear Regulatory Commission set as a legitimate standard.

So they are now just figuring out they have the right to do that; what would be, in effect, giving them a veto.

Mr. GLENN. If the Senator will yield?

Mr. WIRTH. I will be happy to yield.

Mr. GLENN. I think if that had been the intent of the States, they would hardly have sat around since 1977. That is when the law went into effect. If there had been an intent to really preempt the activities and have the States acting irresponsibly, they would have done it before now because the law has been there for the last 13 years.

Mr. SIMPSON. Mr. President, may I respond to the Senator from Colorado?

The PRESIDING OFFICER (Mr. Bryan). The Senator from Wyoming is recognized.

Mr. WIRTH. I would be happy to yield to the distinguished Senator from Wyoming.

Mr. SIMPSON. Mr. President, I can only tell the Chair as sponsor of the original proposal which Senator Glenn is trying to remove, there is nothing sinister in what I was up to, trying to do something for my State which is some kind of an activity that has not been observable. I will tell my colleagues why I offered the amendment. It is to keep the EPA from knocking off nuclear power, because EPA does not like nuclear power.

The Administrator does, and Bill Ruckelshaus did and Lee Thomas did and so does William Reilly.

But there is a little undercurrent, about three layers wide, at the EPA that do not want anything to do with nuclear power. So they have demanded and cajoled and worked their way into the woodwork to get into where the NRC is the only one that should have anything to do with it. They have done that with many things, and Senator Glenn will be addressing that.

This is what happens to the EPA. There are a bunch of people in the agency who are so consumed with risk assessment and Twilight Zone stuff that they would knock off half of America. That is what I was doing at the committee markup. That is the sole purpose of what I was doing. The NRC has a duty and that duty is to protect the public health and safety. The EPA has its mission. And the networking that goes out from underneath in that bureaucracy to reach into everything—commerce, industry, trees, agriculture, pesticides—is going to be a problem for us on some separate date. But that is exactly what I was doing. There was no other reason for it.

Mr. WIRTH. I thank the distinguished Senator from Wyoming.

I will yield in just a minute, Mr. President.

I find myself in this, just a little bit confused at this point. I think there are very legitimate concerns that exist about developing a standard if, in fact, we are doing so. It allows every State to say, "Not in my backyard. We are not going to do anything."

That is a legitimate set of concerns.

But, on the other hand, I am not sure that that is, in fact, what is going on in the existing statute. I am not sure about that. It seems to me what I know at this point is that the standards of EPA are stronger, and I like that. It allows my State to make decisions. And I like that. But I do not know if Senator Glenn's committee is going to be looking at this jurisdictional issue and what, in fact, these standards really do. I would like to have a sense if the Glenn amendment is adopted and we strike this section from the bill, in fact there will be an examination of this to really clear this up? Maybe we have cleared it up on the floor, but I certainly do not think we have at all.

Mr. GLENN. If I might respond, if I am successful with this amendment, what would happen to that, as we go ahead and elevate the EPA to Cabinet status, we provide in that legislation for a Presidential commission to look at this and the other areas of overlap. We found, when we got into this in committee, under environmental law, there were so many interpretations, so many rules, so many regulations in Commerce, and Interior, and Agriculture and all across the board, it was very, very confusing to where business people, and those people who are working in the nuclear field, have difficulty even keeping up with how many different rules and regulations from different departments they would have to comply with.

What we provide, rather than trying to work all of those out here, is for a Presidential commission to try to bring more sense out of environmental law. That was what we provided, for a commission that would take this, among many other things, and bring back to us, we hope, an omnibus correction for environmental law that would straighten out all these lines of jurisdiction. The regulation of Radionuclides would be one area they would address.

What this summarizes to, really, is that right now NRC has prime cognizance over nuclear fuel, those facilities, the licensing of nuclear plants, radio isotopes for medicine, for research and industrial uses.

The States, then, have normally worked with the DOE facilities, mixed wastes, things like phosphogypsum mines where there is some radiation involved. And they have also been able—since these facilities provided some radiation in their States—to say if we have a facility that also is under NRC, but our total radiation because of these other things we have in our States we can control—if that radiation level is sufficiently high, we want to be able to say: OK, there should be some control over those things that are normally controlled by NRC. And that is all this is.

What 303 does is knock that out completely. I say the existing law has worked well. It has not been abused. I think we should give it the longer term consideration that this Presidential commission will give it before we just rush to judgment in this one limited rifle-shot.

Mr. WIRTH. I thank the distinguished Senator from Ohio. I am going to vote for the amendment of the Senator but I remain concerned about this and hope maybe we could get to a resolution of this more rapidly than just in a long-term Presidential commission and a whole fabric of law.

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This is very important, as we know, to every one of us in our States. It seems to me if this passes, we have an obligation on the Government Operations Committee and probably on the Energy Committee together to really take a look at this very rapidly.

I thank the distinguished Senator. I thank all my colleagues for their responses. This is a very troubling issue.

I yield the floor, Mr. President.

The **PRESIDING OFFICER**. The Senator from Idaho.

Mr. **McCLURE**. Mr. President, I am strongly opposed to the amendment offered by Senator GLENN to strike section 303 of S. 1630 and allow State and local governments to set their own health and safety standards. I believe Senator GLENN's amendment has a potential to increase the regulatory burden on Nuclear Regulatory Commission licensees, particularly those in the public health care field.

Furthermore, it could have damaging consequences to the future of nuclear power in this country. Senator GLENN's amendment in essence would permit States to set standards more stringent than currently imposed by the Federal Government.

There has been a lot of confusion and misunderstanding spawned by this debate, and I would like to take just a moment or two to try and set the record straight concerning the provision contained in section 303 of the substitute amendment presented by the distinguished Republican and Democratic leaders, among others.

Section 303 of the substitute, like section 303 of the bill reported from the Committee on Environment and Public Works, simply provides for the continued regulation of radionuclide emissions from facilities licensed by the Nuclear Regulatory Commission under the Atomic Energy Act, as opposed to both the Atomic Energy Act and the Clean Air Act.

A number of my colleagues might wonder what, exactly, is a radionuclide. Simply put, a radionuclide is a type of atom that spontaneously undergoes radioactive decay. Radionuclides are emitted from a number of sources, both natural and as a result of industrial, manufacturing and other activities.

Mr. President, I ask unanimous consent to put in the RECORD a chart, prepared by the National Council on Radiation Protection, NCRP, that identifies the various sources of exposure to radionuclides for the average American.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

SOURCES OF IONIZING RADIATION EXPOSURE: AVERAGE ANNUAL EFFECTIVE DOSE EQUIVALENT (H_E) IN THE U.S. POPULATION

	H_E in millisievert [1] per year (rounded totals)	Percent
Total	3 6	100
National sources	3 0	83
Radon	2	
Other	1	
Cosmic	27	
Cosmogenic	01	
Terrestrial	28	
In the body	39	
Occupational [2]	009	2
Nuclear fuel cycle	005	02
Consumer products [2]	09	2
Miscellaneous environmental sources [2]	006	02
Medical	5	15
Diagnostic x rays	39	
Nuclear medicine	14	

[1] 1 millisievert = 100 millirem

[2] Estimated number of people exposed: Occupational, 0.9 million; consumer products, 120 million; miscellaneous env. sources, 25 million.

Source: 1987 National Council on Radiation Protection Report No. 93

Mr. McCLURE. Mr. President, to summarize what I think is a key point learned from this chart, for the benefit of my colleagues, is the fact that the average American is exposed to 360 millirem of radiation each year. Of that amount, 300 millirem is from natural sources such as the sun above us and the ground that we walk on. Thus only 60 millirem of the average American's exposure is from manmade sources, ranging from the remaining fallout from atmospheric testing of nuclear weapons, to medical x rays, diagnostic and treatment applications of what are known as radiopharmaceuticals, to the various uses of uranium in what is known as the uranium fuel cycle. Importantly, the entire uranium fuel cycle contributes .02 percent, that is two one-hundreds of 1 percent, of the average Americans exposure to radionuclides.

Mr. President, in recognition of that fact that radionuclide emissions from NRC-licensed facilities have been adequately regulated for over 30 years pursuant to the Atomic Energy Act, the committee unanimously adopted an amendment offered by Senator SIMPSON, and supported by the EPA, NRC, Department of Energy and the Department of Health and Human Services, that redefined the term "air pollutant" in pertinent sections of the Clean Air Act to exclude radionuclide emissions from NRC licensed sources.

With respect to such emissions, and as a preliminary matter, it is important to recognize that the Atomic Energy Act allows the NRC to only issue licenses to those facilities that it determines are capable of operating in a manner that provides reasonable assurances of protecting human health and safety. Cost may not be considered in the development of the regulations implementing this statutory mandate.

In fact, the first regulations restricting emission from such facilities were issued by the Atomic Energy Commission, the predecessor to the NRC, in 1957. Since that time, the regulations have been updated to account for advances in the understanding of the health impacts of exposure to low-levels of ionizing radiation, and to ensure that powerplant emissions are kept as low as reasonably achievable, ALARA. The so-called ALARA principle is internationally recognized as the proper approach to radiation protection standard setting and is embodied in the NRC's regulations as a second phase of radiation protection, after the application of minimum design technology requirements, noted below.

Currently, the International Council on Radiation Protection, and in the United States, the National Council on Radiation Protection, have determined that an individual should not be annually exposed to more than 100 millirem of radiation, above natural background levels.

The EPA, which was given the authority to adopt general environmental standards for radiation protection—under the authority of the Atomic Energy Act—pursuant to Reorganization Plan No. 3 of 1970, which created the agency, promulgated regulations in 1974-77 (40 CFR part 190) requiring the entire uranium fuel cycle, from the milling of uranium, to enrichment, to fuel fabrication, to the burning of fuel in reactors, to keep the exposure rate of the public to radionuclide emission to no more than 25 millirem annually.

The NRC, in turn, updated its emission regulations in 1975 when it promulgated appendix I to its past 50 regulations, which established design criteria for light water reactors. Those design requirements specify that such facilities must emit no more than 5 millirem through either air or water pathways. These design requirements are incorporated as technical specifications in each reactors operating license.

Importantly, the analysis of risk, based upon actual data gathering, indicates that emissions from this Nation's reactors are well below 1 millirem, representing less than a 1 in a million lifetime cancer risk, one of the goals of the so-called residual risk regulations for carcinogens set forth in S. 1630.

Indeed, the EPA, in its recently promulgated rulemaking establishing various national emission standards for hazardous air pollutants for radionuclides, concludes that current emissions for all NRC licensees result in an estimated incidence of between 0.1 and 0.16 fatal cancers per year and that approximately 99 percent of that risk is borne by people whose individual risk is less than 1 in million.

While the EPA determined it was bound to issue a final radionuclide rule, promulgating a NESHAP for all radionuclide sources, due to a consent agreement, the fact that the agency was proposing a NESHAP for NRC licensees containing emission rates greater than the emission rates such licensees are required to design their facilities to meet did not go unnoticed by the EPA or the NRC. In fact, the EPA noted in its rulemaking that while it was issuing such regulations, it was simultaneously granting an NRC motion for reconsideration of the regulation as it pertained to NRC licensees and was staying the effective date of that part of the rule. Additional comment were invited and further regulatory action is anticipated.

It should be noted that the amendment adopted by the Environment Committee in no way reduces or removes the current regulatory authority of the NRC or the EPA under the Atomic Energy Act for NRC licensed facilities, regulatory authority that is being exercised in a manner that the EPA has determined provides protection to public health with an ample margin of safety. The amendment also does not affect the ability of the EPA to promulgate clean air NESHAP's for radionuclides emitted by DOE facilities or other radionuclide sources.

In addition, I see no real benefit in Senator GLENN's amendment in terms of better protection of public health and safety. In fact, I believe his amendment would create an atmosphere of confusion to the regulated hospitals, universities, research centers, and nuclear facility operators in our country.

The Glenn amendment would further impede progress in the development of standardized advanced reactor designs because it provides the basis for multiple regulators. This only helps to defeat the concept of standardization for which we are striving.

We cannot afford to permit a situation where there are 50 State standards for the regulation of radionuclides. Under current law, radionuclides are regulated under both the Atomic Energy Act and the Clean Air Act.

Section 303 of the Clean Air Act would exclude radioactive materials regulated by the NRC from the definition of air pollutants. This would ensure that radionuclide emissions from the NRC-licensed facilities are regulated solely under the Atomic Energy Act.

I believe this provision is necessary because it would eliminate dual regulation and the associated high costs for both regulated entities and the regulating agencies. These costs are not justified by any increase in public health benefits.

I ask my colleagues to consider section 303 as drafted by the Senate Environment and Public Works Committee which would eliminate the unnecessary burden of dual regulation and might possibly restore some stability for the safe use of nuclear power and materials.

Mr. President, I want to add only to get some sense of perspective that the NRC annual limit on emissions from a nuclear power reactor is 5 millirems. A round trip by air from the District of Columbia to California would increase exposure by 7 millirems. The increased annual dose from living in Denver alone due to altitude is 50 millirems.

There is no reason for us to extend the regulation far beyond the current level of regulation. As a matter of fact, I might say to my friend from Ohio that if there were any way to apply these standards to space flights, his colleagues would not have been in orbit, and perhaps he would have never made it here. I cannot say that that is the only reason he is here, and I do not mean to indicate that at all, but we are getting to the point of regulating to such extremes that it has no relationship to the other standards by which we regulate human activity.

The facts are clear. The current regulatory approach under the Atomic Energy Act involving both the EPA and the NRC adequately protects the public.

I urge my colleagues to oppose the amendment and support the position of the committee in protecting section 303 of the substitute amendment.

Mr. President, I ask unanimous consent that a letter from Robert E. Grady, Associate Director for Natural Resources, Energy, and Science of the Office of Management and Budget, directed to the Honorable ALAN K. SIMPSON, dated today, and a copy of a letter directed to the Honorable HENRY A. WAXMAN, chairman of the Subcommittee on Health and Environment of the House of Representatives, also dated today, supporting the action of the Environment and Public Works Committee on this section, and in opposition to the Glenn amendment, be made a part of the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 7, 1990.
Hon. ALAN K. SIMPSON,
House of Representatives,
Washington, DC.

DEAR SENATOR SIMPSON: Director Darman has asked me to respond to your letter of January 1990, concerning the dual regulation of radionuclides under the Atomic Energy Act and the Clean Air Act. The Administration strongly supports your amendment to eliminate this duplicative authority.

In response to your suggestion, I am sending letters to Congressmen Dingell and Waxman (see enclosures) urging their support for including your amendment in the House's Comprehensive Clean Air bill.

Your assistance in resolving the dual regulation issue is greatly appreciated. We look forward to working with you in the coming months on Clean Air issues and hope you will continue to share your thoughts with us.

Sincerely,
ROBERT E. GRADY,
Associate Director for Natural Resources, Energy and Science.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 7, 1990.
Hon. HENRY A. WAXMAN,
Chairman, Subcommittee on Health and the Environment, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to request your assistance in correcting a jurisdictional problem between the Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA). Under the Atomic Energy Act (AEA), the NRC has established a comprehensive program to limit emission of radionuclides from NRC-licensed facilities. Over 6,000 facilities have been licensed by the NRC, including research and test reactors, hospitals, clinics, the radiopharmaceutical industry, low-level nuclear waste disposal facilities, and other industrial and research facilities.

Last December, under a court imposed deadline, EPA promulgated regulations to limit emissions of radionuclides from several categories of sources, including NRC-licensed facilities. During the rulemaking process, the NRC questioned whether regulation of its licensees under the Clean Air Act (CAA) provided any additional public health benefits. EPA has expressed similar concerns as a part of its own determination at earlier stages in this rulemaking.

The record "does not support the conclusion that regulation of [NRC-licensed] . . . facilities is necessary to protect public health with an ample margin of safety." (49 FR 43912)

Nevertheless, as a result of an earlier court interpretation of the CAA, EPA determined that it must include NRC licensees in the final regulations. EPA stayed the effective date of the regulations on NRC licensees for three months, however, in order to reconsider the regulations pursuant to the NRC's comments.

During the last session of Congress, Senator Alan Simpson offered an amendment to the CAA amendments to eliminate the duplicative regulatory authority. His proposal made it clear that radionuclide emissions from NRC-licensed facilities would be regulated solely under the Atomic Energy Act. Emissions from facilities that are not licensed by the NRC would continue to be regulated under the CAA. Both the NRC and EFA supported the Simpson amendment (see enclosed letters) which unanimously passed the full Committee. The CAA amendments considered by the House did not, however, include a provision to deal with the dual regulation of radionuclides.

As you continue your deliberations on the CAA, I urge you to consider Senator Simpson's amendment to eliminate the problem of dual regulation of radionuclides. Duplicative regulation in expensive—not only for the regulated entities that must comply with two separate sets of monitoring, recordkeeping, and reporting requirements, but also for the regulating agencies. If regulation were to continue under both the AEA and the CAA. EPA would have to reallocate substantial resources that could otherwise be devoted to other programs. We believe that the existing dual regulation of licensees serves no useful purpose.

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Your assistance in addressing this issue would be greatly appreciated.

Sincerely,

Robert E. Grady,
Associate Director for Natural Resources, Energy and Science.

Mr. CHAFEE. Mr. President, this is clearly a difficult vote for many Members of the Senate. I personally have not favored nuclear power in the past, but I must say, as I look at the other sources of energy and reflect on the deep concern I have for the greenhouse effect, more and more I tend to think about nuclear power as possibly being a way to produce the energy that America is going to demand, regardless of the greenhouse effect, and yet not contribute to the greenhouse effect.

If you look at each of the other sources of power, you can see that each of them is antienvironmental. For example, gas. Now, gas we look at as a nice, clean fuel, but gas is certainly finite in its existence on the Earth, the amount that is available.

Second, the burning of gas produces methane which, as we all know, is a greenhouse gas itself.

What about coal? I think the downside of coal is well recognized. When you burn coal, you create SO_2, sulfur dioxide. We know the effect of sulfur dioxide on acid rain. One of the major features of this bill we are dealing with, S. 1630, is to do something about the acid rain created from the sulfur dioxide created by the burning of coal. Also, of course, sulfur dioxide contributes to global warming.

We look at hydropower. Well, there is a nice, clean source of energy. The trouble is we do not have great rushing streams dropping 200 and 300 feet, or surging rivers that can produce hydropower all over the country and all over the world.

I had the experience recently of being in Brazil, in the Amazonian region of Brazil, where they tried to create hydropower, and the result was a catastrophe. They had to flood some 300 or 400 square miles of jungle in order to create the area to provide for a limited amount of hydropower, so each of these has a downside. Nuclear power thus rises in importance.

Now, it is clear that some are opposed to nuclear power, and that is understandable. I have some in my own family who feel that way. It is clear that some will use the State authority, unrelated to safety or unrelated to costs, either to close existing nuclear plants or to prevent their construction. We have seen this.

We have seen where the States or the authorities in the States or neighboring States have refused to submit evacuation plans. It is not that they have submitted evacuation plans that did not measure up. They just plain would not submit evacuation plans, period, and thus the construction of a nuclear plant or the necessary approval to move forward was not granted.

I call the attention of my colleagues to a point that I think is a very valid one that has been made, and that is that the States, under the amendment of Senator Glenn, would be able to prevent the opening of nuclear waste disposal sites by setting standards that are impossible to meet.

Now, some say, "Well, that has not been done," but it is possible to use it. I think we have to anticipate that. I must say, as the Nuclear Regulatory Commission has been given greater authority, for instance, to make up its own evacuation plans, I think you are going to find those who are opposed to nuclear power using other steps, undiscovered steps, to prevent the opening of the plants.

I also remind Senators that EPA sets the standards for radionuclides, based on public health and safety. This is done under the Atomic Energy Act. The EPA can make these more stringent, if required, and step right up to the mark if that is necessary.

Now, one of the threads that has run through the debate today, it seems to me, is a deep suspicion, and indeed disapproval, lack of confidence, in the Nuclear Regulatory Commission. I can understand that. But it seems to me the solution is not to go another route but to say, look, we have the power to correct the deficiencies in the Nuclear Regulatory Commission; either revise its powers or revise the way its members are selected. Let us bite the bullet and do what is necessary, not just say, well, it is not what we like, and therefore we will set up another type of agency or move to another type of agency.

Mr. President, it is for those reasons I oppose the amendment of the Senator from Ohio.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SANFORD. Mr. President, I rise today in support of Senator Glenn and Senator Heinz' amendment to S. 1630, which would preserve the existing rights of the Environmental Protection Agency and States to regulate radionuclide emissions at Nuclear Regulatory Commission facilities.

In 1977, the Congress explicitly gave the States authority over radionuclide emissions in the current Clean Air Act. Because of the States and the EPA's oversight, tremendous gains were made in the protection of the public from radioactive air emissions.

Mr. President, while I am sympathetic to the burdens caused by dual regulation, the solution to the problem is not to sever the authority of the agencies that have been successfully guarding the health of the public. Section 303 of S. 1630 would reverse this congressional action and return us to a time of less protection.

I would draw the attention of my colleagues to the recent National Academy of Sciences report that low-dose radiation is three to four times more deadly than previously believed. This is not the time to reduce regulation in the name of economic efficiency.

Mr. President, Senator Glenn and Senator Heinz' amendment to S. 1630 would preserve and emphasize the rights of the States to protect their citizens from radionuclide emissions. I call upon my colleagues to approve of this amendment in order to assure the public that the radionuclide emissions standards set will be at the strictest achievable level.

Mr. LAUTENBERG. Mr. President, I support the Glenn amendment. The amendment is necessary both to assure the proper regulation of radionuclide emissions and the integrity of applicable State laws.

The measure we are considering would eliminate the authority of States and EPA to regulate radioactive emissions at NRC facilities. It would leave regulation of these emissions to the NRC pursuant to the Atomic Energy Act.

But the Atomic Energy Act standards for NRC facilities are less protective than Clean Air Act standards. EPA's standard under the Clean Air Act currently limits emissions of hazardous radioactive air pollutants to 10 millirems per year to the most exposed individual.

The Atomic Energy Act has two relevant standards. Its standard for uranium fuel cycle facilities, which applies to 140 facilities, is 25 millirems. That is more than twice as high as the Clean Air Act standard.

And the Atomic Energy Act standard for the vast majority of NRC licensees, some 6,000 of them, is even higher. This other standard is 500 millirems of exposure per year. That is 50 times higher than the Clean Air Act standard. This less protective standard would mean a risk of 140 excess fatal cancers per 10,000 people.

After committee action, the National Academy of Sciences, issued a report which concluded that the risks of radionuclides were greater than previously believed.

In addition, the bill before us would preempt State regulation of radionuclide emissions. That is why 20 State attorneys general oppose the provision as drafted. The provision preempts States from establishing their own more stringent standards for radioactive air emissions.

The attorneys general have raised an additional concern that the provision may impede the scope of Superfund cleanups. Superfund cleanups apply to so-called hazardous substances. This term is defined to include any hazardous air pollutant regulated under the Clean Air Act's toxics provision. So if we preclude regulation of radionuclides under the Clean Air Act, we may limit Superfund's ability to address contamination of this kind.

The provision in the bill would weaken current law. But the original idea of S. 1630 was to improve and strengthen the law.

Mr. President, I would say to my colleagues that the vote on the Glenn amendment comes down to a simple idea. If you want to protect the environment, you will join me in supporting the Glenn amendment.

Mr. ADAMS. Mr. President, I rise in support of the amendment of the Senator from Ohio concerning the regulation of radioactive air pollutants. The Senator's amendment is a simple one, but one of significant importance to my State and to every other State that has nuclear facilities.

The amendment would strike from the bill a provision, the so-called Simpson-Breaux provision, which undermines existing law. As letters from 22 State attorneys general eloquently argue, the Simpson-Breaux provision would not only preclude direct regulation of commercial nuclear facilities by the U.S. Environmental Protection Agency, but it would simultaneously prevent States from exercising their existing authority under the Clean Air Act to do likewise.

In short, the Breaux-Simpson provision would return the regulation of commercial nuclear facilities to the bad old days, when the only regulation of commercial nuclear facilities was under the Atomic Energy Act and when the Atomic Energy Commission and the Nuclear Regulatory Commission defined what the standards would be.

I have great respect for the Senator from Wyoming and the Senator from Louisiana, but on this issue they are just flat wrong. They have raised what is basically a red-herring argument concerning the fact that under existing law, commercial nuclear facilities would be regulated by both EPA and NRC. Yet, they argue, in response to critics of their provision, that EPA would continue to have some regulatory role even under their provision. So, Mr. President, what their provision really seeks to do is not to prevent all EPA regulation, but to prevent effective, hard—hitting regulation by EPA and the States.

As we have seen repeatedly in the nuclear industry, both civilian and defense, the industry's failures are the result of too little regulation, not too much. Accidents at Browns Ferry and Three Mile Island did not occur because of too much regulation. The simple fact of the matter is that the nuclear industry cannot withstand the effect of another accident nor can it proceed unless citizens and their State and local officials have confidence in the regulatory system. The Simpson-Breaux provision would do precisely the wrong thing with regard to reestablishing public credibility for the nuclear industry by once again cutting out the very State and local officials whose support the industry needs and instead reimpose Federal preemption.

The Simpson-Breaux provision is not in the public's interest. It is not in the States' interest. And it is not even in the nuclear industry's interest. It should be striken from the bill. And I urge my colleagues to support the amendment of the Senator from Ohio which would do precisely that.

Mr. President, I ask unanimous consent to have printed at this point in the Record a letter in support of Senator Glenn's amendment signed by Ms. Christine Gregoire, director of the Washington Department of Ecology; Ms. Kristine Gebbie, secretary of the Washington Department of Health; Mr. David Yaden director of the Oregon Department of Energy; Mr. Fred Hansen, director of the Oregon Department of Environmental Quality; and Dr. Michael Skeels, administrator of Health Division, of the Oregon Department of Human Resources.

And I yield back my time to the Senator from Ohio and commend him for his leadership on this important issue.

There being no objection, the letter was ordered to be printed in the Record, as follows:

State of Washington,
State of Oregon,
February 27, 1990.

Hon. Brock Adams,
U.S. Senate, Washington, DC.

Dear Senator Adams: The purpose of this letter is to voice our concern over several amendments to the Clean Air Act proposed in S. 1630. The purported purpose of the amendments offered by Senator Alan Simpson is to eliminate dual regulation of certain radioactive air emissions by the Environmental Protection Agency (EPA) and the Nuclear Regulatory Commission (NRC). If enacted, however, the amendments would result in less stringent emission standards and would severely diminish the ability of states to regulate radioactive air emissions.

Currently, radioactive air emissions from sources licensed by NRC or an NRC "agreement State" are subject to regulation under both the Clean Air Act and the Atomic Energy Act. Radioactive emission standards issued by EPA pursuant to Section 122 of the Clean Air Act are generally more stringent than those promulgated by NRC under the Atomic Energy Act. In addition, Section 116 of the Clean Air Act specifically allows states to establish even more stringent emission standards. The Atomic Energy Act, however, contains no similar provision. In fact, the U.S. Supreme Court has held that the Atomic Energy Act preempts state authority to independently regulate radiation hazards.

If S. 1630 is enacted as currently written, these important provisions of the Clean Air Act will no longer apply to radioactive emissions from NRC-licensed or regulated sites. These emissions would be subject only to NRC standards which for some sources allow levels 50 times greater than EPA standards. Moreover, the states would be effectively prevented from establishing and enforcing stricter standards for NRC-licensed facilities.

The implications for Oregon and Washington are potentially quite serious. Washington has established its own regulatory program and has adopted radioactive air emission standards pursuant to the Clean Air Act provisions. The applicability of this regulatory program to NRC-licensed sources could be invalidated by the proposed amendments. The state's regulatory oversight of the Hanford cleanup would also be diminished if it is determined that NRC licensing is required for key cleanup facilities such as the grout vaults and the vitrification plant canister storage facility.

While Oregon has not established its own regulatory program for radioactive air emissions under the Clean Air Act, it would be precluded from doing so for NRC-licensed and regulated sources by the proposed amendments.

In essence, the Simpson amendments could revoke much of the authority and flexibility the states now have to ensure that radioactive air emissions do not jeopardize the public health and safety. This loss is simply not acceptable, nor is it responsible given the public's concern over the safety of the nation's nuclear facilities.

Finally, we are also very concerned over the broader implications posed by the Simpson amendments. Other key federal environmental laws, including the Resource Conservation and Recovery Act (RCRA), contain provisions which allow the states to establish and enforce more stringent environmental controls. Enactment of the Simpson amendments could set a precedent for the elimination of these provisions and with it a state's ability ensure a safe and healthy environment for its citizens.

It is for these reasons that we urge you to support any floor action which would delete the Simpson amendments from S. 1630.

Sincerely,

Chris, Gregoire, Director, Washington Department of Ecology; Kristine Gebbie, Secretary, Washington Department of Health; David Yaden, Director, Oregon Department of Energy; Fred Hansen, Director, Oregon Department of Environmental Quality; Dr. Michael Skeels, Administrator, Health Division, Oregon Department of Human Resources.

Mr. LIEBERMAN. Mr. President, I rise in support of the amendment offered by Senators Glenn and Heinz. The basis of my support is that stated by the majority leader in his additional views submitted as part of the committee report. Under the language as now written, States will be preempted from adopting radionuclide standards that are more protective than those required by the Federal Government. The States' ability to set stricter standards is derived from EPA's ability to regulate radionuclides under the Clean Air Act which in addition to giving EPA regulatory authority, reserves the rights of the States to set stricter standards.

Under the language of S. 1630, EPA will only have the authority to regulate radionuclides for facilities licensed by the Nuclear Regulatory

Commission under the Atomic Energy Act.

Unfortunately, the Atomic Energy Act, unlike the Clean Air Act, is preemptive and would prevent States from setting stricter standards.

Accordingly to a group of 22 attorneys general, including the Connecticut AG, States with agreements with the Nuclear Regulatory Commission can exercise some authority over certain limited facilities. But these States do not have the ability to set stricter standards, but only standards which are essentially identical to the NRC standards. Moreover, according to the attorneys general, only 29 States have agreements with the NRC. Those States without agreements have no ability to set any standards for NRC licensed facilities.

The basic principle embodied in the Federal environmental laws enacted in the last 20 years is that the States will not be preempted from enacting stricter laws.

During the Reagan years of drastic cutbacks in Federal spending for environmental protection, the importance of this basic principle became clear. States did not follow the lead of the Federal Government in reducing the protection of the public from environmental hazards, but took, bold new steps forward.

Examples of tough new States environmental controls in the absence of Federal leadership include:

States passed 125 laws last year concerning product and container recycling (Connecticut newspaper law is groundbreaking);

Twenty-two States have comprehensive ground water protection programs some of which include tough regulations on pesticides;

A number of States, including Connecticut, have ventured into the international arena by adopting controls on the use of chlorofluorocarbons which deplete the ozone layer.

Perhaps most importantly, the Northeast States this year acted under the Clean Air Act to impose tougher automobile tailpipe emissions than those required nationally. The bill being considered now requires the adoption of these standards nationwide and I believe that the leadership role of the Northeast States was a major factor in shaping the debate on the Clean Air Act this year.

I agree with the statement of the Attorneys General that:

> As we who have been involved in environmental protection know, the regulation of air pollution is an evolving process. When new significant problems are identified, the States must be free to react to protect their citizens—as they have in the past.

Finally, I am concerned about the statements of the attorneys general that the bill as now written would effect both EPA's and the States' abilities to clean up radioactive contamination at hazardous waste sites under Superfund.

When the portion of this bill at issue was discussed at the markup of the Senate Environment Committee, I specifically raised the question of whether or not Superfund authority was impacted. The answer I received was no.

Nevertheless the confusion about this issue by 22 of the country's top law enforcers remains particularly troubling to me.

That is why I urge adoption of this amendment in order to preserve the authority of the States to protect the health and welfare of their citizens by adopting standards for radioactive air emissions which go beyond those of the Federal Government should be preserved.

Mr. REID. Mr. President, I rise to express my support for the Glenn-Heinz second-degree amendment to the committee amendment to S. 1630, the Clean Air Act Amendments. The Glenn-Heinz amendment would strike provisions in the bill relating to the regulation of radioactive air pollutants.

The committee amendment to S. 1630 calls for radionuclide emissions from facilities licensed by the Nuclear Regulatory Commission to be regulated only by the Nuclear Regulatory Commission. The provision would have no impact on those facilities regulated by the Environmental Protection Agency under the Clean Air Act.

The EPA's basic role under the Atomic Energy Act to establish generally applicable environmental standards for the release of radionuclides from NRC-licensed facilities is not affected under the committee bill. What it does do is eliminate EPA's duplicative authority under the Clean Air Act to promulgate emissions standards for NRC licensees. Dual regulation of these facilities is reported to be costly and of no increased benefit to the health and safety of the public—a position supported by the Environmental Protection Agency.

In fact, Mr. President, with little debate and fanfare, the Environment and Public Works Committee unanimously adopted this provision, offered as an amendment by Senators Simpson and Breaux, during markup last November.

Since then, concerns have been expressed that the provision would weaken regulation of radioactive air pollutants. Questions have also been raised about State and local authority to deal with radionuclide emissions should the bill's provisions remain intact.

Unfortunately, uncertainty and confusion still exist about the effect of the Simpson-Breaux amendment on the regulation of radionuclide emissions. Until these questions are resolved satisfactorily, I urge my colleagues to support the Glenn-Heinz amendment.

Mr. BREAUX. Mr. President, I think we have had an excellent debate on this measure, and I think everybody who wants to be heard has been heard.

I would make just one quick comment to try to clear up the record. The distinguished junior Senator from Nebraska expressed his State's concern earlier about low-level waste repositories. The State of Nebraska is an agreement State with the Nuclear Regulatory Commission and has a special relation, and that special relation allows a State that has an agreement with the NRC to have licensing and regulatory authority over a low-level waste facility located within their State.

Nothing we do in this bill would affect the ability of an agreement State in dealing with low-level waste facilities located within their State.

With that, Mr. President, I am in opposition to the Glenn amendment and would move to table——

Mr. BAUCUS. Will the Senator withhold his tabling motion.

Mr. BREAUX. Certainly.

Mr. BAUCUS. We have to give notice to some Senators. Perhaps the Senator from Wyoming has a statement or two to make in opposition to the amendment before the Senator from Louisiana moves to table the amendment.

Mr. SIMPSON. Yes. I appreciate that.

I ask unanimous consent, Mr. President, that a letter from Mr. Richard J. Guimond, Director of the Office of Radiation Programs of the EPA, which I think will clarify what Senator Wirth was saying, be printed in the Record. He and I have visited.

We are in a unique and curious situation, but nevertheless this letter is clear. It says:

> Consequently, the level of protection required by the Clean Air Act rules are generally being achieved within the regulatory framework of the NRC.

That is what we have been saying. I thank the Chair.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Environmental Protection Agency,
Washington, DC, March 7, 1990.

Hon. Alan K. Simpson,
U.S. Senate, Washington, DC.

Dear Senator Simpson: I am writing in response to Lucinda Swartz's February 20, 1990 letter to Mr. William G. Rosenberg, Assistant Administrator for Air and Radiation.

My letter to Senator Wirth was designed to respond to the specific technical questions he asked. I tried to be as responsive and accurate as possible. However, I gather from Ms. Swartz's letter that some clarification is warranted.

The first issue that I would like to address is the stringency of EPA and Nuclear Regulatory Commission (NRC) rules. I believe that most people involved with radiation protection will agree that generally the

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emission limits promulgated by EPA under Section 112 of the Clean Air Act on October 31, 1989, for the category of NRC licensees are more restrictive than the NRC's current emission limits for those licensees. However, the NRC also advises its licensees to make reansonable efforts to maintain releases of radioactive effluents to unrestricted areas as low as reasonably achievable (ALARA). For most licensees, following this recommendation results in emissions of radionuclides that are 25 to 100 times lower than the NRC emission limits. In the case of power reactors, the NRC requires that radionuclide emissions be kept to levels that are ALARA by establishing quantitative objectives. Licensees implementing the ALARA recommendations will generally achieve emission levels comparable to EPA's standards for hazardous air pollutants.

The second issue is whether the EPA rules provide any additional protection of public health beyond those afforded by NRC's rules. The NRC licensee category of facilities has been difficult to characterize because there is very little emission data available from either NRC or the facilities themselves for most of the 6,000 facilities within the category. Nonetheless, EPA used available information to define "model" facilities and estimated the maximum individual risk for these facilities at their current level of emissions. We concluded that the maximum individual risk for fatal cancer might be about 1.6×10^{-4} and about 1.2×10^{-3} for nonfatal cancer. The Agency concluded that regulating this category of facilities with a dose limit of 10 mrem/y would insure that emissions would not increase and thus protect the public health with an ample margin of safety. At this time, EPA or NRC does not know how many, if any, licensees have emissions greater than this level. We do not anticipate that it is more than a small percentage of the total number of facilities in the category.

Consequently, the level of protection required by the Clean Air Act rules are generally being achieved within the regulatory framework of the NRC. As you know, in 1984, EPA chose not to regulate this category of facilities but was compelled to regulate them by court order. In the October 1989 rulemaking, EPA agreed to grant a petition for reconsideration of the NRC licensee category. In support of this action and recognizing the concerns expressed by NRC associated with dual regulation of these types of facilities, EPA quoted from a previous statement in its Federal Register notice of February 6, 1985 (50 Federal Register 5190). In that notice, EPA stated that: "EPA continues to believe existing emissions from these sources are already so low that the public health is already protected with an ample margin of safety."

I hope that this helps clarify the Agency's position on this matter.

Sincerely yours,
Richard J. Guimond,
Director, Office of
Radiation Programs (ANR-458).

Mr. GLENN. Mr. President, just a brief statement in summary. It comes down to whether we believe the States should be shut out from issuing standards where they have enough concern that they wish to set standards because of all of the differing sources within a particular State. I feel that in my own State of Ohio that gives us a particular problem. We can set those standards. We have not abused that. Other States have not abused it. There has not been a single State where States have abused that right.

All these strawmen and boogeymen are set up to indicate that somehow the States are going to automatically, now, if we do not permit this change in law to go through, suddenly start misusing this. The States have DOE facilities, they have mixed waste, and they have phosphogypsum mines, among other things. Where they have these facilities and radiation levels have gone up to the point where they want some control over the NRC-controlled facilities to make sure they do not exceed a certain cap that would be dangerous for their people, that is what this is about. This is about whether they have the right to protect their own people, and whether they can give a second opinion in this particular case.

In listening to some of the earlier debate, one would think that we need to change current law in order to license a nuclear plant. We do not. There are over 100 operating licensed nuclear powerplants in this country, all of which are licensed, operating under current law, and that still allows the State to have a second opinion. That has not been abused. It is not my amendment that changes the law. My amendment, to make it very, very clear, would retain current law, which is working.

Will there come a time when we want to centralize some of these regulations? There may be. But let us do that after sufficient study with the Presidential commission that I brought up earlier.

So it is not my amendment that would change the current law or the current situation under which our nuclear industry has produced more than 100 plants. The change would be the Simpson-Breaux amendment that changes current law.

So we wish to retain the States' rights on this. It would be a vote for me, and a vote against the tabling motion that I understand will be brought up.

I would add one other thing: I read into the Record earlier the statement in the committee report that the majority leader made as a member of that committee before it was voted out in which he did not favor this section 303. We also have, I would note, the letter, a very good letter, outlining the States' views on this, signed by 20 attorneys general. It is the attorneys general from New York, California, Colorado, Connecticut, Idaho, Illinois, Louisiana—I tell my good friend from Louisiana, William J. Guste, Jr., attorney general from Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Maine, Nebraska, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Texas, Vermont, Washington, and Wisconsin—all of those attorneys general have indicated their strong desire that this section 303 not go into law. They support my efforts to retain current law, which is what I do.

So with that, unless there are others, I would be prepared to move to a vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. GLENN. I ask the yeas and nays, Mr. President.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There again is not a sufficient second.

Mr. BREAUX. Mr. President, parliamentary inquiry: We have had a good debate. I think it is now time to vote. I thereby move to table the Glenn amendment.

Mr. GLENN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana to lay on the table the amendment of the Senator from Ohio. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce the Senator from Hawaii [Mr. Matsunaga] and the Senator from Ohio [Metzenbaum] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Packwood] is necessarily absent.

The PRESIDING OFFICER (Mr. Kerrey). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 61, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—36

Armstrong
Baucus
Bingaman
Bond
Boren
Breaux
Burdick
Burns
Chafee
Cochran
Danforth
DeConcini
Dole
Ford
Garn
Grassley
Hatch
Heflin
Helms
Hollings
Inouye
Johnston
Lott
Lugar
McCain
McClure
McConnell
Murkowski
Nickles
Shelby
Simpson
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—61

Adams
Bentsen
Biden
Boschwitz
Bradley
Bryan
Bumpers
Byrd
Coats
Cohen
Conrad
Cranston
D'Amato
Daschle
Dixon
Dodd
Domenici
Durenberger
Exon
Fowler
Glenn
Gore
Gorton
Graham
Gramm
Harkin
Hatfield
Heinz
Humphrey
Jeffords
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Mikulski
Mitchell
Moynihan
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Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Specter
Wilson
Wirth

NOT VOTING—3

Matsunaga
Metzenbaum
Packwood

So the motion to lay on the table amendment No. 1302 was rejected.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senators from Ohio and Pennsylvania.

The amendment (No. 1302) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I rise in support of many of the provisions of the compromise Clean Air Act bill and to explain my reservations about certain other aspects.

I strongly commend the majority leader, Chairman BAUCUS, and Senator CHAFEE for their strong advocacy and perseverance during the past month of negotiations. In the face of unrelenting administration opposition to the Environment and Public Works Committee's strong bill, which blocked cloture and, therefore, action on that bill, they successfully persevered night after long night and broke up the logjam that has blocked progress on clean air for over a decade. I deeply respect the leadership of Senator DURENBERGER, as well as Senator LAUTENBERG, particularly in the field of air toxics, and the major contribution of Senator JEFFORDS in crafting the alternative fuels provisions. I also want to compliment the committee's exceptionally talented and dedicated majority and minority staffs, whose long hours and hard work exemplify the best in public service. They have unfailingly provided me with sound assistance and counsel as this bill was prepared, for which I am in their debt.

The compromise bill that has emerged is a good one. For the first time in a dozen years, it creates new restrictions on the pollution that continues to degrade our air, our world, and our health.

The testimony heard by the Environment and Public Works Committee demonstrates that we are paying a high price for pollution.

The Nation's leading health experts—from the American Lung Association and the Academy of Pediatrics to the American Public Health Association—all testified before Congress that the Nation faces nothing less than a public health crisis because of air pollution.

Today, 150 million Americans are living in areas which fail to meet Federal health standards. Research conducted at Harvard University indicates that air pollution may be a contributing factor in 1 out of every 20 deaths in the United States. The past president of the American Public Health Association concluded that acid rain alone causes up to 50,000 premature deaths each year.

Air pollution costs Americans billions of dollars each year because of its effect on land and water and, most important, our health.

To begin to address these health problems in a comprehensive manner, the bill includes bold new steps that address such diverse problems as acid rain, chlorofluorocarbon emissions, urban smog, toxic air pollutants, catastrophic chemical accidents, and municipal incinerators.

It also establishes, for the first time, a Northeast Transport Commission, which is particularly important to my home State of Connecticut. The Connecticut Department of Environmental Protection has concluded that, even if all the industry in the State were shut down and all of the cars in the State were stopped, the State still would not comply with the nationally established ozone standard. The reason is that ozone traveling from areas upwind of Connecticut affects the quality of our air in Connecticut.

The need to control pollution traveling from one State to another is a matter of basic fairness which can only be addressed by Congress in the Clean Air Act because an individual State will find it difficult to take measures requiring controls on its industries and its citizens when the benefit is for a neighboring State.

The compromise bill adopts all the provisions of S. 1630, the committee bill, in this important area, with only one exception regarding the size of gasoline stations which must implement stage II. This means that all areas within the transport region will be required to put controls on specified sources of ozone pollution. The Commission also will have the authority to recommend to EPA additional regional controls; EPA can only disapprove these controls if they are not necessary to bring any area of the region into attainment by the dates in the bill.

The creation of a regional air quality commission is an important and creative part of the bill. It recognizes the fact that you cannot put a bubble over an individual State. It puts some responsibility on the States to be good neighbors, but it does so with a degree of reason and sensibility. I am pleased that this provision remained virtually intact through the negotiation process and I hope it will remain so as it makes its way through this Chamber, through the House, and to the President's desk.

Another important part of the bill is its recognition that, for some parts of the country, it may become necessary to implement transportation measures which would reduce reliance on the automobile, to enable these areas to achieve compliance with the ozone and carbon monoxide health standards.

The GAO predicts that urban congestion levels will increase nearly 300 percent during the next 20 years unless we take steps to change our ways.

The bill requires that transportation planning decisions must be evaluated in relation to their impact on air quality, a connection that is critically important if we are to control motor vehicle emissions in the years ahead. State and local air pollution control managers agree. In testimony before the Environment Committee, their representatives said:

> Significant reductions in vehicle miles traveled are sorely needed in many ozone and carbon monoxide areas. Unless transportation projects are evaluated based upon their ability to assist in attaining and maintaining the standards, adequate reductions will be difficult, if not impossible, to achieve.

Even a modest improvement in transportation control measures could have a dramatic impact because, at present, more than 80 percent of our population commutes to work in automobiles. If the average commuter passenger load were increased by just 1 person, we would save 33 million gallons of gasoline each day, with a commensurate reduction in pollution.

This legislation would require EPA to provide guidance to States and localities on the benefits that can be achieved from transportation alternatives. It would also encourage severely polluted regions to adopt transportation controls, though the decision as to what controls to implement would be left up to the States.

The inclusion of this provision enjoys the support of the Clean Air Working Group, made up of 2,000 small and large businesses, as well as State and local air pollution authorities and environmental groups.

I am also pleased that in one important area—clean fuels—the compromise bill is stronger than the legislation reported by the Senate Environment Committee.

One of the most significant outcomes of the year of hearings on the clean air bill before the Environment Committee was the recognition that the Clean Air Act must not only require the automobile manufacturers to continue to clean up cars, but that the fuel suppliers produce a cleaner fuel. In ARCO's testimony before the committee, it became clear that even a small cleanup of gasoline could produce significant air quality benefits. This bill requires the manufacturers of fuels to take some significant steps forward in developing cleaner fuels.

The legislation also recognizes that the State of California is far ahead of the rest of the country in developing a program to utilize fuels that may be even cleaner than reformulated gasoline. Other States will be able to take advantage of California's experiences by crafting programs that would follow California's model.

In the area of acid rain, the compromise bill assures a 10 million ton reduction of sulfur dioxide and achieves the same level of NO_x reductions as S. 1630. It preserves the cap on future emissions of sulfur dioxide, which was a critical element of the bill reported by the Committee.

The toxic air pollutants portion of the bill contains new important authority to prevent, detect, and respond to accidental releases of chemicals. It creates an independent Chemical Safety Board, modeled after the National Transportation Safety Board to investigate catastrophic accidents and make recommendations to EPA to reduce the risk of accidents in the future. The NHTSB has made a dramatic difference in the operation in the safety of transportation in America, and I believe the independent Chemical Safety Board can produce the same results.

My decision not to cosponsor the bipartisan clean air agreement was not made casually, and it was not made easily. Up until the final night of negotiations on smog issues, I was planning to support an agreement. There are many strong provisions in this bill, but there are many provisions that still need to be made stronger to achieve the air pollution reductions that are necessary to protect the public health.

I could not sign this agreement thereby obligating myself to oppose all amendments to it and still feel that I was adequately representing my constituents in Connecticut who now are forced to breathe some of the dirtiest air in America.

In particular, I am concerned about the compromise on smog reduction, both with respect to stationary sources and mobile sources, including the abandonment of a guaranteed second round of tailpipe standards to control automobile emissions.

In a general sense, the problem with these compromises is that they take away the certainty of controls which the States need to achieve attainment with the air quality standards. The bill reduces the number and extent of mandatory Federal controls which will be put in place to control the emissions contributing to ozone formation and leaves many of the very tough regulatory decisions to the States. At the same time, the compromise modifies the requirement in current law that if the States do not do their job and control emissions, the Federal Government will intervene and make sure that the public health is protected.

As a result, I believe the compromise emerges as a very good bill for the next 5 years. But it means that we will have to revisit some key issues later this decade to get the kind of law we need to carry us into the next century, and history tells us that this is not a law that Congress chooses to reconsider very often. The last substantial amendments were adopted in 1977, more than 12 years ago.

The compromise on the second round of tailpipe standards significantly increases the likelihood that large areas of the country may never achieve the standard.

On February 27, the National Governor's Association amended its policy on automotive emissions to call for a second phase of auto emissions by the year 2003.

The Governors have reached this conclusion after studying the track record of the last 20 years, a record which demonstrates that every prediction about when areas will attain the standard has been wildly optimistic.

The abandonment of a guaranteed second round is particularly significant in light of another provision of the compromise bill relating to the first round of tailpipe controls.

The committee bill required that cars meet the new tailpipe standards for the full life of the car or, in other words, for the full time period that the average car is actually driven on the road, which is 100,000 miles. This provision is critical because the EPA data demonstrates that there is substantial deterioration in emission controls after 50,000 miles, resulting in greater air pollution.

I support the recommendations of the National Governor's Association and urge that other Members review the Association's statement of policy as the debate on S. 1630 continues. The views of those who must eventually implement the act should be a critical part of the debate.

Finally, I am also concerned about the elimination of the carbon dioxide standard from the committee bill, with no substitute provision.

The Clean Air Act provides Congress with the opportunity to act swiftly to curb one of the major causes of global warming. Carbon dioxide accounts for almost 50 percent of the gases that contribute to global warming. Transportation produces almost one-third of all carbon dioxide emissions. The United States generated more carbon dioxide from motor vehicles alone than any other country produces from all sources.

Some will argue during the course of this debate that we should wait for a comprehensive global warming bill which will address carbon dioxide emissions from all sources before acting to curb carbon dioxide from any one source.

But 49 Nobel Laureates and 700 members of the National Academy of Sciences have called on us to act on global warming as soon as possible. We know that carbon dioxide from cars is a major part of the problem. There is no need to wait.

Mr. President, in the Clean Air Act of 1970, Congress resolved that all Americans would breathe healthy air within a decade. That goal was not achieved. In the years since the Clean Air Act was amended—back in 1977—the air has become dirtier and more dangerous. Our uphill climb against the ravages of pollution has turned into a downhill fall, and only now are we recognizing the real impact of our failure to act.

I hope the Clean Air Act of 1990 that will be signed by the President will provide all the tools necessary to ensure that the promise of cleaner air which we are holding out to all Americans will be a promise that can be kept.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, if I could have the attention of Senators, we are attempting to identify the remaining amendments for consideration. I ask all Senators to please notify their respective managers or staff if they have an amendment that they intend to offer and the subject matter of it.

On the Democratic side, staff has canvassed Senators and as of this time it appears that there will be fewer than 10 amendments which will be controverted and require rollcall votes.

There are a number of other amendments that I believe will be acceptable to the managers. Several have already been accepted. I ask if the distinguished manager on the Republican side would attempt to solicit from Republican Senators identification of those amendments that are intended to be offered, attempt to make some determination whether they are likely to be accepted or whether they will be controverted and require rollcall votes.

There have been a great deal of discussions about large numbers of amendments, but as has so often happened before I believe it at least possible that the actual number which will require rollcall votes may be less than anticipated.

In any event, we are going to proceed this evening. I again invite Senators who have indicated they wish to offer amendments to do so. Hours saved this evening will be hours that we do not have to be in session on

Friday or Saturday to consider this bill. I know of no purpose that is served by delaying.

I recognize and acknowledge that for some Senators some of their amendments are dependent upon the substance of the compromise and, therefore, they were not aware of that until Monday and are in the process of drafting and proceeding to solicit support. But I believe that we can move forward with dispatch if Senators will come forward with their amendments. As we have just seen, there was a very vigorous and informative debate on this previous amendment. It is our intention to continue to press forward this evening, tonight, and in a long session tomorrow.

Mr. ARMSTONG. Will the leader yield a moment?

Mr. MITCHELL. Certainly.

Mr. ARMSTRONG. Mr. President, the only amendment which I intend to offer has already been offered. I may not have an ax to grind but I think the majority leader may have overlooked one aspect of this and it is terribly important for some of us who are not members of the committee and were not a part of the drafting group; that is that this document, which is nearly 600 pages long, has just become available. I do not know what other Senators are doing but as soon as it became available, I sent it out in a yellow bag to 15 to 20 people in Colorado whose advice I need to understand what it is and whether or not there are amendments that are important to my State.

We just cannot in my office—though I have a staffer who has worked full time on this issue for 6 months—we simply cannot evaluate this properly without the advice of the Colorado Health Department, several of the universities, public service companies, and some other people who know a lot more about this issue than I do. I would judge that other Senators are in the same boat.

I am hopeful I will not have any amendments to offer. I think the leader will recall I am one of those who has been urging early and prompt action on an air pollution bill. Far from trying to delay, I am eager to go forward.

But if the notion is somehow we are going to finish this bill this week, I hope the majority leader would think again about that because that simply does not leave time enough for the participation of people outside this Chamber upon whose advice a good decision depends.

So if what the majority leader is hinting is that we are going to finish it Friday or finish it Saturday, I beg the majority leader not to push that because the result would be to cut out of process people who have been following closely, who are experts, who know about it, whose advice we need. I do not say that as one who opposes the bill or is trying to delay it. I am not. I am for it, and I am for a strong bill.

Mr. MITCHELL. I appreciate the Senator's concern. I would point out first that a detailed summary of the bill was made available last Thursday. The bill itself was available in Xerox form on Monday and that document you have there was available yesterday noon. So it has not just been made available.

Mr. ARMSTRONG. I do not mean to be argumentative, but that is what I meant when I said it was just available. I mean that this bill, which has been under development for 10 years and which was the subject of very active negotiations around the clock, into the wee hours of the morning for some weeks, has become available within the last couple of days.

The summary which was available last Thursday was portrayed to me as not authoritative even last Thursday. The first that we actually saw of the bill was on Monday and I say that as one who has had one staffer following very, very closely fighting for access to the drafting sessions.

I think the leader needs to understand that there are those of us who are not trying to drag our feet but who really are hopeful we will have a chance to evaluate and understand this bill and perhaps to offer amendments. I do not know that I am offering any. But it is important to our people and the people we represent that we have a chance to understand it.

And in the end, may I say to the leader—and I know that you have been trying to bring this to the floor for a couple of years and I have been one of those who publicly and privately have encouraged you to do so and cheered you on—another few days will not make a difference. But the general response of the country will make a huge difference if this is rammed down our throats and there is an error or oversight or something that we should have known. A few more days at this point will make little difference on the downside but could have a big upside potential, in my opinion.

Mr. MITCHELL. I appreciate the Senator's concern, of course, and will, as always, be mindful of his concern.

I would merely note, first off, that nobody had to fight to gain access to the drafting negotiation session. Every Senator was publicly repeatedly invited to come in and participate. Over half the Senators did. Every staff member had complete access to the meeting.

Did you have a staff member who was excluded?

Mr. STEVENS. Yes.

Mr. MITCHELL. That was contrary to the instructions I issued.

Mr. ARMSTRONG. If the leader would yield?

Mr. MITCHELL. Certainly.

Mr. ARMSTRONG. I am not saying—and I do not think the Senator from Alaska is saying—they were excluded as a matter of policy, just the physical problem of access to the room.

Mr. STEVENS. Right.

Mr. ARMSTRONG. In some of the sessions there was room and in a lot of sessions there was not. But in a very complicated process, the reality was it was done by a handful of people and not by the broad membership of the Senate, which I do not criticize. What I am saying is, it makes it difficult, even for our own experts, to make sure what is going to. We need a little time to understand it in order to act responsibly.

Mr. MITCHELL. I feel that given the long history of this, given the lengthy debate that has preceded it, given the 2 months that followed the committee's reporting of the bill, given the opportunity that we had to discuss this since it has been on the floor since January 23, given the fact that negotiations were open to every Senator—and I am just learning for the first time that any staff member did not have access and I regret that; it is something I was not aware of until this moment—and given the importance of the issue, I do intend to press forward.

Now I understand the point the Senator has made, but he also understands the point that we have a recess coming up. And if a recess occurs, I have heard many majority leaders before me—Republican and Democratic—talk about how amendments seem to sprout with the passage of time. I think that—and I believe the Senator from Colorado would agree with me—continuation of this over the recess will not result in just a few days' more delay but could result in a very large number of amendments, very lengthy delay, and possibly defeat of the bill.

Mr. STEVENS. Will the majority leader yield to me?

Mr. MITCHELL. Could I just complete this sentence, and then I will yield.

And that is a prospect which I am determined to avoid.

Yes, certainly, I yield to my friend, the Senator from Alaska.

Mr. STEVENS. Mr. President, I want to state to the leader I understand what he is trying to do—and I have heard prior majority leaders try to do it, too. But in this instance, this Senator expressed rather vociferously the problem that I had in getting a staff member into this meeting in the past until Friday.

Last Thursday, I raised the question very pointedly about access for staff members of nonmembers of the committee. Since Friday, we have had access, and we learned a great deal more about the bill.

I have mailed this bill to Alaska as of yesterday. I do not believe that it is possible to get a reaction back from some of the people that I rely on by Friday.

Now I have one amendment that is coming now that I have heard in my State, and I am prepared to offer it. I hope it is understood and I hope it is agreed to. The Senator is right that the passage of time will breed amendments, but those amendments will come from people who finally learn what is in the bill.

We had one bill from the President, we had one bill from the committee, and then we had a Stealth bill, this bill that was from the committee staff that we all heard about but I myself did not know anything about it until Thursday when I saw the summary, and then we had the meeting.

Since that time, a very competent young attorney on my staff who has been working on it eliminated a lot of problem. But we have still some problems, Mr. President. We are attempting to have those problems explored by people who have the knowledge of them at home and to tell us how this bill affects them. And that bill is probably not in Alaska yet.

Mr. MITCHELL. Well, I encourage the Senator to continue his consultation and we are proceeding with the bill.

I just checked with Senator BAUCUS who chaired the negotiating session and the chief staff person in charge. Neither of them had been previously aware that any staff member had been excluded from the negotiating session. They, like I, are learning it for the first time. It is regrettable. I wish it had been brought to my or our attention at an earlier time. I am certain that accommodations would have been made. But we have to complete this bill. This bill has been on the Senate floor since January 23.

The committee bill was reported in November. I cannot remember, in the 10 years that I have been in the Senate, a bill in which there has been more notice, in which there has been more opportunity for debate, in which there has been more opportunity for checking and examination.

There just comes a point when we have to act.

I can think, just thinking quickly, of numerous occasions in which major, sweeping legislation has been represented on the floor of the Senate with far less notice, far less opportunity for consideration, far less opportunity for deliberation.

I will check the record to see what level of protest was made at that time with respect to that legislation.

But I can simply repeat, we want to complete action on this bill. If Senators have amendments, and many have said they have—we have a problem here—and I accept what my good friend from Alaska says in complete good faith; he wants to check it out before deciding whether he wants to offer an amendment. But we have plenty of Senators who have said they want to offer amendments, who have indicated they are going to offer amendments, but who will not come forward and offer the amendments.

That is not the result of checking anything. That is not the result of consultation. They have already determined that they want to offer amendments. They have already identified the subject matter of the amendments. But we cannot get them to come forward.

My question is, are we going to proceed or are we not going to proceed? And for me the answer is we are going to proceed. We want to complete action on this bill. And I intend we stay here and just keep at it and move forward and make progress as we can.

So I repeat: I encourage all Senators to come forward with their amendments, to engage in whatever consultation they wish to engage in.

Mr. STEVENS. Mr. President, will the Senator yield further?

Mr. MITCHELL. Certainly.

Mr. STEVENS. Again, I have great respect for my friend the majority leader and what he is trying to do, and I have an amendment. As I said, I am prepared to offer it. I was a cosponsor of the President's bill. I submitted that bill to several agencies and organizations in my State. And we discussed that.

We have not seen this draft until Monday. So when the Senator says this bill has been before the Senate for a long time, I have to correct him. I would be happy to compare this bill to either the Senate bill or the President's bill and list the number of changes in it that have never been seen by the local governments in my State. And they are the ones who are affected in my State.

We have clean air and we want to keep it. We are not one of those who are in the area that has already had polluted air. But we also are a developing area and we cannot be circumscribed by legislation which is intended to circumscribe the areas where they have already polluted their air. We are trying very carefully to make sure we keep our clean air but keep our right to a future, too. But that means to me I am going to listen to those people from the municipalities and boroughs in my State, as well as State government.

I say this respectfully. I have a staff member. I will be happy to send him to you. He has tried to get into that meeting. He has worked on the environment for me for several years. I think he is one of the most talented environmental lawyers in the city. I listen to him and my State listens to him. And he, to my knowledge, did not have access to this until last Friday and Saturday and Sunday.

I really think, Mr. Leader, we ought to be given some time. There will be a lot less amendments and a lot less time spent on this bill if we even go on to something else and let us hear from the people in our States and attack this when we get back, because I cannot hear on this from them until Friday.

Mr. MITCHELL. If we delay this further and there will be fewer amendments, it will be the first time in the modern history of the Senate that that happened. Can the Senator cite for me any experience where delaying the bill has produced fewer amendments? The experience I have seen is that delays cause more amendments and you get more and more amendments.

I appreciate the Senator's concerns. He is fortunate to live in one of the most beautiful States in the Union with the cleanest air in the country. But half of the American population now lives in areas where the air does not meet the Federal health standards. Half the American people. They want action on clean air legislation. They have had delays for 13 years. They have had consideration for 13 years, the people of Denver, the people of Phoenix, the people of Los Angeles and Houston.

I happen to come from a State that, I might say, is similar to that of the Senator from Alaska. It is a beautiful State with relatively clean air. But I think our objective ought to be, deal with the problem that confronts and afflicts over 100 million Americans. The way to do that is to get action on this bill, to press forward, vote.

If any Senator has an amendment, bring the amendment up, let us have a debate on it, let us discuss it. That is what we are here for. And let us vote on it and dispose of this bill and let us do that which we are supposed to do here, and that is legislate on behalf of the American people.

I must say I am very mindful of the concerns raised by the Senators from Colorado and Alaska. I am aware of the considerations that they raised, and I hope very much, although it may be inconvenient or difficult, that they can get reaction, perhaps sooner than would otherwise be the case, and have that kind of analysis.

I might say the differences between the compromise and S. 1630 were identified in the document that was available Monday by virtue of their different type on preparation. So a glance at the document Monday would have readily identified for anyone, by the difference in the manner of presentation, what was new material and what was not previously in the legislation.

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I recognize that is still not a lot of time. The fact of the matter is, that was available.

Mr. **ARMSTRONG** addressed the Chair.

Mr. **STEVENS**. If I may complete here, Mr. Leader, Mr. President, this bill is all new from page 158, as far as the bill originally introduced. That first 157 pages is crossed out. It is new from there on.

As far as having the text of the bill to send to the people who are affected by it, we did not have this until yesterday.

I had a mimeographed sheet. I could not send that out until yesterday.

I am not saying the Senator is wrong.

I want a clean air bill. I am a sponsor of the bill. But I do think our people are entitled to see what we are acting on, in this instance.

Mr. **MITCHELL**. I merely want to repeat, and I think everyone has said what they want to say, the document that was presented on Monday identified by the different type presentation the material that was different from that of the Senate bill. It only adds a day to it. And the points being made by the Senators remain valid and I accept them as such. I merely want to restate my intention to proceed.

I thank my colleagues. I will now yield the floor and yield to the manager of the bill.

The **PRESIDING OFFICER**. The Senator from Wyoming.

Mr. **WALLOP**. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of S. 2248 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. **McCAIN**. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

THE NEED FOR URGENT ACTION ON PROLIFERATION LEGISLATION

Mr. **McCAIN**. Mr. President, today's newspapers provide yet another warning about the dangers of proliferation. They indicate that Libya's chemical warfare plant is now operational and that it is already producing stocks of poison gas. I hardly need point out the risks that these developments pose to Libya's neighbors, to our friends in the region, or to our own forces and interests.

What Libya is doing, however, is only part of a much broader process of proliferation. A combination of events like the Indian explosion of a nuclear device, Soviet use of chemical weapons, Iraqi and Iranian use of chemical weapons, North Korean acquisition of nuclear weapons production facilities, and Afghan use of long-range missiles has triggered a process of quiet proliferation that is affecting every part of the developing world.

Virtually every developing nation with significant industrial or technical capability, and which is involved in a major regional conflict, is now examining its options to acquire nuclear, chemical, or biological weapons. The same is true of the acquisition of long-range missiles, and most such nations already have long-range strike aircraft.

If one looks only at the proliferation of long-range missiles, a recent analysis by Jacqueline Smith and Leonard Spector of the Carnegie Endowment found 34 major events during the course of 1989 in which a developing nation became involved in some kind of controversy over proliferation.

Mr. President, I ask unanimous consent the analysis be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

MISSILE PROLIFERATION IN THE THIRD WORLD MAJOR EVENTS OF 1989

Country, date, and development	Specifications
Afghanistan [1]—February–June 1989	
Receipt of 500 SCUD-Bs from the USSR, and use of 300+ in combat	180-mi. range. 1700 lb. payload.
Argentina [2]—Mar. 3, 1989	
Unconfirmed report of Condor II test firing in Patagonia	500–600 mi. range (Test 315 mi.), 990 lb. payload.
Brazil [3]—Apr. 28, 1989	
Successful test launch of SONDA IV rocket	600 mi.
Brazil [4]—April 1989	
Announced cooperative venture with the PRC to produce and market launch vehicles (Chinese Long March 2 and Brazilian VLS), launch facilities and services, and satellite-related equipment to Third World countries	N/A.
Brazil [5]—May 18, 1989	
Test launch of prototype satellite launching vehicle (VLS–2)	Will be capable of launching 350 lb. satellite into 410 mi. orbit
China [6]—April 1989	
Announced cooperative venture with Brazil (See Brazil entry for same date)	N/A.
China [7]—Dec. 11, 1989	
Aside from CSS–2 sale to Saudi Arabia, government states "China has never sold nor is it planning to sell missiles to any Middle Eastern country," reaffirming pledge to U.S. not to sell M-9s to Syria or Iran	N/A.
Egypt [8]—September 1989	
Withdrew from Condor II programme	N/A.
India [9]—May 22, 1989	
Successful test launch of Agni IRBM	1,560 mi. range (Test 625 mi.), 1 ton payload.
India [10]—May 29, 1989	
Official asserts government is considering ICBM development	4,375–5,000 mi. range
India [11]—May–June 1989	
Officials indicate likely decision to integrate ballistic missiles into Indian defense strategy	N/A.
India [12]—September 1989	
Official states Army has placed orders for Prithvi	94 mi.
India [13]—Sept. 27, 1989	
Second test of Prithvi SSM	94 mi.
India [14]—October 1989	
Successful test of first stage of four-stage Polar Satellite Launch Vehicle (PSLV)	PSLV will lift satellites 420–600 mi. into polar orbit, rocket motor was 20 m. long, 2.8 m. in diameter, and was propelled by 128 tons of solid fuel.
India [15]—November 1989	
Article details essential role of Western technology, transferred to India since 1963, in Agni missile program	N/A.
Iran [16]—Apr. 17, 1989	
Unconfirmed claim to have produced a new SSM, but may be a modified FROG or SCUD	125 mi. range
Iran [17]—Sept. 18, 1989	
Report of discussions with PRC to produce M–9s jointly	185–280 mi. range.
Iraq [18]—March—April 1989	
Press accounts describe extensive FRG transfers to Iraq and missile-related technology and equipment in the 1980s	
Iraq [19]—Dec. 5, 1989	
Launch of al-Abid 3-stage rocket	<1,500 mi 20, liquid-fueled. 3 stages, 48 tons.
Iraq [21]—Dec 7, 1989	
Iraq announces development of two different SSMs, one called Temmuz 1 [22]	1,250 mi.
Iraq [23]—Dec. 14, 1989	
Government announces SSM Launch	1,250 mi.
Israel [24]—June 1989	
Report that MAR–350 SSM could be complete by the end of 1989; intended for sale to IDF as well as for export	56 mi. range; 735 lb. payload
Israel [25]—Sept. 14, 1989	
USSR asserts that Israel conducted SSM Launch. Could be test of Jericho Follow-on or failed Launch of Ofeq-2 satellite from Shavit II Launcher	Missile flew 810 mi.
Israel [26]—Oct. 25 and 26, 1989	
Extensive missile collaboration with South Africa reported	N/A
Israel [27]—mid-1989	
U.S. government documents confirm Israel developing Jericho Follow-ons, and has deployed Jericho I with nuclear warhead.	Jericho I: 400 mi. Follow-ons: 900 mi.
Libya [28]—Oct. 10, 1989	
AL-Faith ballistic missile reportedly under development with assistance of FRG technicians.	300–450 mi.
N. Korea [29]—Feb. 22, 1989	
Indigenous ability to produce SCUD-Bs confirmed by U.S. government	190 mi.
N. Korea [30]—Late 1989	
Possible deployment of improved SCUD	280–375 mi.
Pakistan [31]—Feb. 11, 1989	
Announced test firing of HATF–1 SSM	50 mi.
Pakistan [32]—Feb. 11, 1989	
Announced test firing of HATF–2 SSM	185 mi.
Pakistan [33]—Oct. 14, 1989	
Announcement of new missile development program	375 mi.
Romania [34]—May 8, 1989	
Press allegation that plant to produce intermediate-range missiles is under construction and is based on plans of similar plants in Egypt and Iraq, drawn up with assistance of FRG firms.	N/A.
S. Africa [35]—July 5, 1989	
Test Launch of "test booster rocket," possibly a Jerico Follow-on, or Ariston, developed jointly with Israel.	935 mi.
Syria [36]—August 1989	
Reported purchase of undisclosed number of M–9 SSMs from China (although such missile sales were later denied by the PRC)	185–375 mi.

[1] David Ottaway, "Kabul Forces Gain Combat Edge," Washington Post, June 27, 1989.

[2] "Missile Project with Egypt Reportedly Cancelled," Noticias Argentinas, 1405 GMT, April 4, 1989, translated in JPRS–TND, April 25, 1989, p. 10.

[3] "Sonda-IV Rocket Successfully Launched on 28 April," Brasilia Radio Nacional da Amazonia Network, 1000 GMT, April 29, 1989, translated in JPRS–TND, May 23, 1989, p. 13, Judith Perera, "The Missile Race Hots Up," South, August 1989, p. 102. Libya is reportedly interested in acquiring the Brazilian SONDA.

[4] Ivo Dawnay, "Brazil and China to Sell Satellite Services," Financial Times, April 25, 1989; Edward Kokum, "Brazil, China Form Space Launch Venture,"Aviation Week & Space Technology, May 29, 1989, p. 35.

[5] "Satellite Prototype Vehicle Launched," Brasilia Domestic Service, 2200 GMT, May 18, 1989, translated in FBIS–LAT, May 19, 1989, p. 61; Edward Kokum, op. cit.

[6] Ivo Dawnay, op. cit.; Edward Kokum, op. cit.

[7] Don Oberdorfer and David Hoffman, "Scowcroft Warned China of New Hill Sanctions," Washington Post, December 15, 1989; "Bush Bid to Fix Beijing Ties Strains Those with Hill," Congressional Quarterly, December 16, 1989, pp. 3434–3436. The Chinese denial of missile sales echoed earlier assurances provided to the U.S. in March 1989 that China would cease exports of ballistic missiles. See Janne E. Nolan, "Ballistic Missiles in the Third World—The Limits of Nonproliferation," Arms Control Today, November 1989, pp. 9–14.

[8] Egypt Withdrew From the Program in Mid-1989. See "Egypt Has Pulled Out of Condor Programme," Jane's Defense Weekly, September 30, 1989, p. 630.

[9] Pushpindar Singh, "India's Agni Success Poses New Problems," Jane's Defense Weekly, June 3, 1989, p. 1052; "Missile Project With Egypt Reportedly Cancelled," Noticias Argentinas, 1405 GMT, April 4, 1989, translated in JPRS–TND, April 25, 1989, p. 10; Gary Milhollin, "India's Missiles—With a Little Help from Our Friends," The Bulletin of Atomic Scientists, November 1989, pp. 31–35; Dilip Bobb, "Chariot of Fire," India Today, June 11, 1989.

[10] "India Proposes Building of ICBM," Defense & Foreign Affairs Weekly, June 5–11, 1989, p. 1.

[11] "Defense Minister Says 'Agni' Can Carry Warheads," Delhi Domestic Service, 0240 GMT, May 26, 1989, printed in FBIS–NES, May 26, 1989, p. 35.

[12] "Defense Ministry Adviser on 'Prithvi' Test Firing," Delhi Doordarshan Television Network, 1600 GMT, September 27, 1989, printed in JPRS–TND, October 26, 1989, pp. 32–33.

[13] "Surface-to-Surface Missile Prithvi Fired," News India, October 6, 1989.

[14] "Commentary on Satellite Launch Vehicle Booster," General Overseas Service, 1010 GMT, October 25, 1989, FBIS–NES, October 27, 1989, p. 45.

[15] Gary Milhollin, op. cit.

[16] "Defense Industries Manufacture New Missile," IRNA, 1535 GMT, April 17, 1989, reprinted in FBIS–NES, May 5, 1989, p. 20.

[17] "Missile Production with PRC Discussed," Al-Ittihad, September 19, 1989, translated in FBIS–NES, September 20, 1989, p. 56.

[18] "Bonn Initiated Trade Investigation, Iraqi Link," Hamburg DPA, 1413 GMT, April 3, 1989, translated in JPRS–TND, April 10, 1989, pp. 32–33; "Firms Involved in Iraq Missile Production," Der Spiegel, March 27, 1989, p. 170–173, translated in JPRS–TND, April 10, 1989, pp. 33–34; "Missile Technology for Iraq Reported," Stern, April 6, 1989, pp. 214–217, translated in JPRS–TND, April 27, 1989, pp. 2–4; Alan George and Herbert Langsner, "Rocket Merry-Go-Round," Profil, March 20, 1989, pp 35–38, translated in JPRS–TND, May 5, 1989, pp. 31–34; Hergert Langsner and Alan George, "Death Through DOT," Profil, April 24, 1989, pp. 38–42, translated in JPRS–TND, May 5, 1989, pp 34–36, Herbert Langsner and Alan George, ". . . And Tomorrow the Entire World," Profil, May 8, 1989, pp. 29–31, translated in JPRS–TND, May 23, 1989, pp 39–42; "The Same Plant is Under Construction in Romania," Der Spiegel, translated in JPRS–TND, May 23, 1989, pp. 42–44.

[19] "The Iraqi Government . . . ," Aviation Week and Space Technology, December 11, 1989, p 31. The Bush Administration expressed early skepticism at the claim, believing the test may have consisted only of ground tests of rocket engines, possibly from previously acquired SCUDs. See Michael R. Gordon, "Iraqis Announce Test of a Rocket," New York Times, December 8, 1989. However, Administration officials later confirmed that the rocket itself had been tested. See Caryle Murphy and David B. Ottaway, "Iraq Has Tested Satellite Rocket, U.S. Confirms," Washington Post, December 9, 1989.

[20] Robert Hunter of Georgetown University's Center for Strategic and international Studies stated that the Iraqi rocket likely could not exceed this range, based on its specifications. Hunter was cited in "Iraqi Missile May Have Intercontinental Capability," Defense Daily, December 12, 1989, p. 381.

[21] "2000-km Range Missiles produced," Baghdad Voice of the Masses, 1230 GMT, December 7, 1989, translated in FBIS–NES, December 8, 1989, p. 23, "Broadcasts Rocket Launch Test," Baghdad INA, 1745 GMT, December 7, 1989, translated in ibid., p. 24.

[22] There is some speculation that the Tammuz I may actually be the Condor II. See "Launch of Iraqi Space Rocket Fuels Fears in Israel," Financial Times, December 20, 1989.

[23] "Iraq Reports Second Long-Range Missile Test," Defense Daily, December 15, 1989, p. 408.

[24] Terry Gander, "IAI Short-Range SSM Near Completion," June 10, 1989, p. 1135.

[25] "Concern Expressed Over Israeli Missile Test," TASS International Service, 1216 GMT, September 15, 1989, translated in JPRS–TND, October 26, 1989, pp. 40–41. David B. Ottaway, "Israel Reported to Test Controversial Missile" Washington Post, September 16, 1989, Tony Banks, "Soviets Claim Israel Has Launched Ballistic Missile," Jane's Defense Weekly, September 23, 1989, p. 549.

[26] Fred Francis, NBC Nightly News, October 25 and 26, 1989.

[27] Defense Intelligence Agency, Surface-to-Surface Missile Systems Handbook—Free World (U), July 1989, (excerpt released to the Natural Resources Defense Council through the Freedom of Information Act); The United States Arms Control and Disarmament Agency, World Military Expenditures and Arms Transfers 1988, June 1989.

[28] "Libya Making ICBMs with West German Aid," Washington Times, October 9, 1989.

[29] Statement of Rear Admiral Thomas A. Brooks, U.S. Navy, Director of Naval Intelligence, before the Seapower, Strategic and Critical Materials Subcommittee of the House Armed Services Committee, February 22, 1989.

[30] Joseph S. Bermudez, Jr. and W. Seth Carus, "The North Korean 'Scud B' Programme, Jane's Soviet Intelligence Review, April 1989, pp. 177–181.

[31] ee. "Surface-to-Surface Missiles Successfully Tested," Islamabad Domestic Service, 1500 GMT, February 11, 1989, translated in JPRS–Tnd, March 20, 1989, p. 23.

[32] Ibid.

[33] Mushahid Hussein, "Pakistan 'Responding to Change,'" Jane's Defense Weekly, October 14, 1989, p. 779.

[34] "The Same Plant is Under Construction in Romania," op. cit..

[35] "South African Missile Test," Jane's Defense Weekly, July 15, 1989, p. 59; "Booster Rocker Launched at Overberg Test Range," Johannesburg Domestic Service, 1600 GMT, July 5, 1989, FBIS–AFR, July 10, 1989, p. 16; Adam Pertman, "Israel, S. Africa Reportedly Trade Top Weapons Aid," Boston Globe, October 27, 1989.

[36] "Syria Signs for Chinese M–9 Missiles," Defense & Foreign Affairs Weekly, August 14–20, 1989, p. 2. A later account claimed that China was preparing to transfer the missiles to Syria by the summer of 1990. See Peter Almond, "Hill, DoD Target Missile Exports," Washington Times, November 22, 1989.

Mr. McCAIN. Mr. President, this analysis, however, only covers public events and controversies. It can only touch on the more open efforts of various nations to acquire improved delivery capabilities of a kind that are only meaningful when they deliver weapons of mass destruction. It ignores aircraft, and it ignores growing evidence that even terrorist movements are examining such weapons.

A similar chronology that dealt with biological, chemical, and nuclear weapons would have to be heavily classified. Even then it would present major problems. Biological weapons facilities, for example, are extremely hard to separate from normal research facilities and very hard to detect. There is no clear difference between defensive and offensive research. Similarly, it is very difficult to detect the first stages of a production facility for chemical weapons, and is even more difficult to detect research and design efforts.

The proliferation of nuclear weapons is generally more visible, but many nations have already acquired considerable stocks of uranium ore or processed uranium. Centrifuge and laser isotope separation technology are improving, and becoming more widely available. Many countries now have the technical capability to produce plutonium in ways that conventional reactor inspections might well not detect. Further, as other nations acquire chemical and biological weapons, the temptation to covertly acquire a few dirty or inefficient nuclear weapons steadily increases.

We also should be aware that the cuts in Western and Soviet bloc defense spending, and the economic problems of nations like the People's Republic of China, are creating a major new incentive to sell the technology or weapons used to make and deliver weapons of mass destruction.

Seller nations have dealt very differently with this temptation. In fairness to our British allies, they have led the West in trying to block this proliferation in spite of the fact that their defense and high-technology industries face at least as many economic problems as our own. In fairness to the Soviet Union, its officials seem increasingly aware of the growing threat proliferation poses to Soviet and world security.

The fact remains, however, that far too many other seller states are not making the proper effort to control the sale of proliferation, and are not showing the proper urgency in enforcing current laws and agreements. In some countries, the law is grinding so slowly and so selectively that one questions the sincerity of its enforcement. In others, aerospace exports seem to have a higher priority than the prevention of genocide.

Proliferation and seller alike seem to be content with a situation where most of today's treaties have limits and exemptions that do little more than sweep the problem under the rug. The fact is, however, that the Missile Technology Control Regime has limited coverage, and uncertain compliance by at least one of its signators. It now may provide an illusion of arms control that is more dangerous than an open admission that far more needs to be done. The same is true of the treaties and agreements dealing with biological, chemical, and nuclear proliferation.

It is easy to focus on Libya, as a bad proliferator. I suggest, however, that there are no good proliferators and no good merchants of mass destruction. Proliferation is an interactive process that occurs on a global, and not simply a regional, basis. Every action by any nation encourages actions by others.

No one can claim that Libya and India are alike in their proliferation, or that the People's Republic of China and the United States are alike in the way they treat the sale of weapons and technology. All of us, however, are contributing to the process.

This is why I wish to remind my colleagues that this body is contributing to the process as well. We have good legislation pending to improve the control of chemical weapons. We have good legislation to improve the control of long-range missiles. We have had hearings which have highlighted the need to improve our control of biological weapons, and we have at least touched upon the need to reexamine the adequacy of our control of nuclear proliferation.

It is time, Mr. President, we moved this legislation forward. It is time we stopped sheltering behind jurisdictional debates and waiting for conventional diplomacy. The real message of today's news about Libya is that we need to act now, not wait until we have to see the corpses of more women and children on the evening news.

AMENDMENT NO. 1317 TO AMENDMENT NO. 1293

Mr. STEVENS. Mr. President, I have an amendment at the desk. I ask unanimous consent the pending amendment be set aside temporarily so that I may present this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska, [Mr. STEVENS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 1317.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title II add the following new section:

SEC. 222. FEDERAL COMPLIANCE.

Sec. 222. (a) GENERAL COMPLIANCE.—Section 118 of the Clean Air Act is amended by inserting "General Compliance.—" after "Sec. 118. (a)".

(b) SPECIFIC COMPLIANCE.—Section 118 is further amended by adding at the end thereof the following new subsections:

"(c) IMPLEMENTATION PLAN PROVISIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of any implementation plan submitted by a State and approved by the Administrator as provided in section 110(a) and part D.

"(d) EMISSION INVENTORIES.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall submit all relevant and requested information regarding air pollutant emissions as expeditiously as possible following a request for such information from an appropriate Federal, State, or local agency.

"(e) GOVERNMENT VEHICLES.—Each department, agency, and instrumentality of execu-

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tive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of a valid inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g) except for such vehicles that are considered military tactical vehicles.

"(f) Vehicles Operated on Federal Installations.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government having jurisdiction over any property or facility shall require all owners of nonfederally owned motor vehicles which operate on the property or facility to furnish proof of compliance with the requirements of any vehicle imspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g). The installation shall use one of the following methods to establish proof of compliance—

"(1) presentation by the vehicle owner of a valid certificate of compliance from the vehicle inspection and maintenance program;

"(2) presentation by the vehicle owner of proof of vehicle registration within the geographic area covered by the vehicle inspection and maintenance program (except for any program whose enforcement mechanism is not through the denial of vehicle registration);

"(3) another method approved by the vehicle inspection and maintenance program administrator."

Mr. STEVENS. I have just been informed, although I am a cosponsor of the bill, that my name is not on this bill as a cosponsor. I desire to be a cosponsor. I ask unanimous consent that I may be listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. My amendment deals with a problem of Federal facilities' compliance with the clean air bill. Several cities throughout our Nation are not attaining air quality standards. Unfortunately, two of those cities are in my State. They have large military installations or other Federal facilities adjacent to them or nearby. I find that, although on-base or on-Federal facility sources contribute to air pollution and air pollution problems in local areas, they are not subject to the same regulation as exists in the civilian areas, the non-Federal areas. My amendment will require facilities and agencies of the Federal Government to comply with the implementation plan provisions that exist in an area. In addition, this amendment will require Government vehicles and vehicles operated on Federal installations to comply with local vehicle inspection and maintenance programs.

I might say parenthetically, Mr. President, that we have worked out such an arrangement informally in one area of my State, and it has worked very satisfactorily.

My amendment speaks of the Federal agencies in the sense that they should set an example for the other agencies in their area. They should comply with Federal law as well or better than any of the non-Federal entities, in my judgment. I think Federal agencies contribute their share of air pollution, and certainly they ought to be part of the solution if we are going to really mandate health standards through clean air controls for our Nation.

This Federal compliance will mean a great deal to the people who live in and around these Federal installations, and, in my judgment, it makes common sense to enact an amendment such as this. The amendment recognizes that pollution problems are not affected by Federal property lines and that part of the solution comes from the Federal facilities themselves.

This amendment does specifically require that each Department, agency, or instrumentality of the executive, legislative, or judicial branches of the Federal Government comply with the provisions of this bill in the specific areas of implementation plan provisions, emission inventories, Government vehicles, and vehicles operated on Federal installations. I think it will eliminate any controversy that might come about by virtue of failure to be specific in this regard. I have discussed this, I believe at least my staff has, with the managers of the bill and their staffs. I hope it will be acceptable. As I said, I think it makes common sense.

Mr. CHAFEE. Mr. President, this is a good amendment. Frankly, I would like to be a cosponsor, if that would be satisfactory with the author of the amendment.

He has outlined it very clearly. Government facilities should obey the laws we have set down for the rest of the country.

There is just one minor misprint I think. If the Senator will look at (f), the last word in the fourth line of (f), is that "of" or "or"?

Mr. STEVENS. It is "or". It is a typographical error. I ask unanimous consent that it be changed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

At the end of title II add the following new section:

"SEC. 222. FEDERAL COMPLIANCE.

Sec. 222. (a) General Compliance.—Section 118 of the Clean Air Act is amended by inserting "General Compliance.—" after "Sec. 118. (a)".

(b) Specific Compliance.—Section 118 is further amended by adding at the end thereof the following new subsections:

"(c) Implementation Plan Provisions.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of any implementation plan submitted by a State and approved by the Administrator as provided in section 110(a) and part D.

"(d) Emission Inventories.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall submit all relevant and requested information regarding air pollutant emissions as expeditiously as possible following a request for such information from an appropriate Federal, State, or local agency.

"(e) Government Vehicles.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of a valid inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g) except for such vehicles that are considered military tactical vehicles.

"(f) Vehicles Operated on Federal Installations.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government having jurisidiction over any property or facility shall require all owners of nonfederally owned motor vehicles which operate on the property or facility to furnish proof of compliance with the requirements of any vehicle inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g). The installation shall use one of the following methods to establish proof of compliance—

"(1) presentation by the vehicle owner of a valid certificate of compliance from the vehicle inspection and maintenance program;

"(2) presentation by the vehicle owner of proof of vehicle registration within the geographic area covered by the vehicle inspection and maintenance program (except for any program whose enforcement mechanism is not through the denial of vehicle registration);

"(3) another method approved by the vehicle inspection and maintenance program administrator."

Mr. STEVENS. I thank the Senator from Rhode Island. I am pleased to have him cosponsor this amendment. He has such installations in his State also.

Mr. CHAFEE. Unfortunately, we do not. We were pretty well cleaned out in 1970.

Mr. STEVENS. They are in Massachusetts then.

Mr. CHAFEE. Not really. Military installations have left my area, I regret to say, although we have some schools in Newport which we are trying to keep, and any mercy that the Senator from Alaska might show us as regards those remaining few facilities we would appreciate. I thank the Chair.

Mr. BAUCUS. Mr. President, the majority side is prepared to accept the amendment. It is somewhat coincidental that the Senator from Alaska would offer this amendment. When I was home in Montana over the last weekend someone walked up to me and asked me whether Federal facilities—they are people who drive on Federal installations—were covered or not, and I thought: I am not sure whether or not they are.

Under this bill they should be. I am glad the Senator from Alaska has come forth with this amendment.

Mr. STEVENS. If the Senator will yield, I raised this question at the meeting last Thursday which I previously discussed with the majority leader, and my inquiry led to a reply from almost everyone present that they did not know. So we examined it, and our conclusion was we were not sure either. This just makes certain that the Federal facilities adjacent to cities comply with the provisions that apply to the cities.

I urge adoption of the amendment.

Mr. CHAFEE. I might just add that this amendment, frankly, would be even tougher than the existing law because it would encompass all vehicles that come onto the base, not just those registered in the State. Under the State implementation plans, the only way you can catch a vehicle is through its registration or requiring it once a year to have inspection and maintenance. So this is a good, tough provision.

Mr. STEVENS. Mr. President, I thank the Senator from Rhode Island. As I said, our two major cities are in noncompliance because of carbon monoxide. I really think this is one of the ways to deal with it, to make all the vehicles in the area subject to the same rules, regulations, and laws.

I do ask adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska, as modified.

The amendment (No. 1317), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Senators.

Mr. CHAFEE. I thank the Senator.

Mr. President, while the Senator from Alaska is on the floor, does he have other amendments or do other Senators present have other amendments they know about? It would really be of great assistance to us to know, as we try to compile our list.

Mr. STEVENS. Mr. President, if the Senator has made the inquiry of me, I do have other amendments that we are studying now to see how they were affected by this latest draft, and I will be pleased to report that to the managers of the bill as soon as I get the reply from Alaska, but I do not have any amendments to offer at this time.

Mr. CHAFEE. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is about 5 minutes after 6 o'clock. There are no amendments pending. The Senate is open to do business. The majority leader stated very clearly that he intends to work late evenings on the Clean Air Act, work late tonight, work late tomorrow night, work late Friday and into Saturday, if necessary, to complete action on this bill. We are going to take a recess this evening about 8 o'clock, but up until 8 o'clock there is a good opportunity now for Senators to offer amendments, because there is no amendment pending at the moment. After the hour recess from 8 until 9 o'clock the majority leader indicated he intends to reconvene the Senate, and we will work on amendments later on into the evening.

It is my experience, Mr. President, that the more Senators delay in offering amendments, the more resistance builds up in the Senate to accepting amendments. So Senators who are delaying, waiting for the perfect moment, the perfect opportunity in which to offer their amendments, should also remember that the longer they delay, the more likely two events will occur: First, we will be working later in the evening; and second, the Senate probably will be less inclined to accept the amendments.

Again, it is an opportune time for Senators to come to the floor to offer amendments. The Senate would be much more predisposed to accepting those amendments at this time. If Senators or staff are watching the proceedings on the floor, I say to the Senators and to their staff that now is the time to come with your amendments, the opportune time.

I urge Senators to do so, because it very well may be that later on, tomorrow night, Friday night, there will be such a traffic jam in offering amendments that it will be difficult for the Senate to take all the amendments. I strongly urge Senators to come to the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Rockefeller). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent that Senator Bond be added as a cosponsor to the amendment No. 1293, which is the amendment we are working upon now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded the call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1294 TO AMENDMENT NO. 1293

Mr. KERREY. Mr. President, I have at the desk already amendment No. 1294. I ask that it be read at this time.

The PRESIDING OFFICER. The Chair will inquire whether the Senator wishes to proceed with the amendment at this time.

Mr. KERREY. I ask unanimous consent to proceed with this amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Nebraska [Mr. Kerrey], for himself, Mr. Exon, Mr. Harkin, Mr. Dole, Mr. Dixon, and Mr. Daschle, proposes an amendment numbered 1294 to amendment No. 1293.

Mr. KERREY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 322, line 23, after facility, insert the following:
>
> The Administrator is authorized to establish a greater threshold quantity for, or to exempt entirely, any substance that is a nutrient used in agriculture when held by a farmer.

Mr. KERREY. Mr. President, the amendment that I am offering has been developed by the senior Senator from Nebraska, Senator Exon, and myself, as well as Senator Daschle and Senator Harkin participated in it. They are all listed as cosponsors. Senator Dole and Senator Dixon have asked that they be listed as cosponsors as well. I ask unanimous consent that they be listed that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. Mr. President, this amendment is one that is directed at a rather small but one that will be rather significant to the individual farmer problem relating again to anhydrous ammonia. This is in reference to the air toxic accident prevention section that requires as to anhydrous ammonia that is being held in excess of 500 pounds that the handler of that product file a biennial report as a consequence.

What this amendment does is simply gives the Administrator of the Environmental Protection Agency the authority. It does not make it mandatory, does not require it but gives the Administrator of the Environmental Protection Agency the authority to waive that administrative requirement for people who are involved in the production of agriculture. The cost of fill-

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ing these forms out for that small producer is estimated to be about $5,000 a year.

I want to make it clear that the intent of this amendment is not to exempt extemely large operators who would have on their premise the anhydrous ammonia that is in large quantities a rather substantial toxic. The intent of the amendment is to give the Administrator the authority in the instance of the small producer that might bring 4,000 pounds of anhydrous ammonia on the property to give that individual producer the opportunity to be exempted from what would be, I think, rather unnecessarily costly requirements of that toxic accident prevention section.

I appreciate the managers of the bill permitting me to offer this amendment and would at this time ask that it be adopted.

If there are questions, I would be glad to answer them as well.

Mr. CHAFEE. Mr. President, did the Senator from Nebraska add Senator DOLE as a cosponsor?

Mr. KERREY. That is correct.

Mr. CHAFEE. Mr. President, the only question we had on this amendment which we think is a good amendment deals with the definition of "farmer." I think the Senator from Nebraska has clarified that. What he is thinking of is the family farmer where a large truck pulls up how often? Not very often.

Mr. KERREY. Several times a year.

Mr. CHAFEE. With a load of ammonia that is used as a fertilizer and he is not thinking of a great agribusiness situation where they have on the farm a whole series of storage tanks where they put this ammonia and subsequently seek exemption that is provided or can be provided by the Administrator.

Mr. KERREY. That is correct. We do not intend to ask the EPA Administrator to exempt operations that are essentially in the business themselves of either wholesaling or handling anhydrous ammonia. The object is to give the EPA Administrator the authority to exempt that operator that will once, twice, three times a year have large weights of anhydrous ammonia brought on the property.

Mr. President, I ask unanimous consent to revise the consent I had earlier so that my amendment is in order to amendment No. 1293.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further discussion of the amendment?

Mr. BAUCUS. Mr. President, we are prepared on this side to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1294) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I want to share the concerns expressed by the managers and by the majority leader about getting amendments over here. I know the frustration when you are trying to complete action on a bill and you cannot get people to show up on either side. I must say, I was not aware we were going to stay here all weekend until I saw the adjournment resolution. Nobody indicated to me that was even a possibility. I know a number of people who were not planning on that.

But, having said that, it is also my understanding that a number of amendments are sort of waiting clearance. I will just list some of the amendments that I have: another ammonia amendment on accidental release in the air toxic section, ammonia dealing with nurse tanks in the air toxic section, exemptions for farmer particulates, stripper well exemptions from area source regulations, impact studies on small communities, and process changes which can result in exemption from MACT in the air toxic section.

It is my understanding that since these are in the clearance process, it has been suggested at least on the stripper well, for example, that we not offer the amendment. They are trying to work it out. Maybe that will be done more quickly. If that is not the case, I would be happy to start offering the amendments that I have, because somebody has to offer amendments.

But if they are trying to work out the amendments to the satisfaction of both the managers and the person who might offer the amendment, as we have just done with the Senator from Nebraska, then maybe it would be counterproductive to just start offering amendments. So I just seek advice from the managers whether we ought to try to clear these amendments—I guess they are in a clearance process of some kind now—or whether we should just start offering the amendments.

Mr. CHAFEE. Mr. President, on the particular amendments that the distinguished Republican leader has, we are working on those, and there is a possibility we can work something out. First of all, we like the sentiment that somebody is ready to offer an amendment. So it goes a little bit against my grain to say, well, do not offer them. But in this particular case, I hope that we can work something out.

Mr. DOLE. It is my understanding also that the Senator from Minnesota has an amendment on small business. Again, it is another one you are trying to work out. I understand he is prepared to come to the floor. So I just want to make certain the managers understand we do have people who are willing to offer amendments but if, in fact, it is possible to work some of them out, maybe it is best we do not start flopping them down here.

Mr. BAUCUS. Mr. President, if the Senator will yield, I think it would be most helpful if we could get a list of the amendments that Senators have. We have asked on our side for Senators to come to the managers with their amendments. We could start getting an orderly process here of amendments that are going to be contested or not contested and which ones we can work on clearing or not clearing. At least, if we get a list of amendments, we could get a process of order established here. It would be very helpful if we could do the same on both sides, frankly.

Mr. DOLE. I share that view. I would be pleased to put out a hotline right now for Members who have amendments, if they could give us a brief description. Maybe we can at least have a list so there will be no other amendments.

Mr. BAUCUS. I very much endorse that suggestion. If both sides could put out hotlines now so we could get a list of possible amendments identified as to the Senator and the subject matter of the amendments, it will go a long way toward getting an organized process here established.

Mr. DOLE. I think most Senators are still around because of the dinner later on this evening. Maybe if we do that immediately we would have some idea maybe by 7:30 or 8 o'clock or when we return afterwards. So we will do that on this side if there is no objection from the managers.

Mr. CHAFEE. That is fine.

Mr. DOLE. We will go ahead and ask Senators who have amendments to give us a list. I am sure there are other Members who have amendments that I have just referred to, some on both sides, because we are working with Republicans and Democrats.

So I urge my colleagues or their staffs who may be listening to cooperate with the managers and the leadership and let us have the amendments that you are contemplating. Some may not be offered, as is always the case. But if you are just thinking about an amendment, let us have a brief description of it so that we can put it into the mix and the managers and members of their staffs and the administration can start going through these amendments. Some may be cleared. Some could be adopted in a few minutes or a few seconds. So we will do that immediately and we will get back to the managers hopefully by 7:30 or 8 o'clock with a pretty good number of amendments that are going to be offered.

We may find that maybe there are not 100 amendments. Somebody has been telling me maybe 100 amendments. I think the Senator from Rhode Island thinks it is closer to 20 or 30 or 40, many of which might be taken.

I certainly want to cooperate with the managers. I know they have been working long and hard and have done an outstanding job. I want to cooperate with the majority leader. At the same time, if we know what the amendments are, we can give people the appropriate time and notice of time when they will be taken up and get back to the managers quickly.

Mr. BAUCUS. I think that is a very helpful suggestion.

I might make a couple of suggestions in addition. No. 1, when Senators come forth indicating they have amendments and the nature of the amendments, it would be even more helpful if they could come forth with a copy of the amendment. Because, as the Senator knows better than this Senator, when the manager of the bill is presented for the first time with an amendment it takes some time to understand the amendment, to see what problems there may or may not be. On the other hand, in the alternative, if we have copies of the amendment earlier, we can speed up the process much more quickly.

I very much urge Senators to bring a copy of the amendment at the same time they are indicating they are going to offer an amendment. That would make it easier for us to know whether or not we can process the amendment or clear the amendment.

Mr. DOLE. That is a good suggestion. It may not be in that form yet. Some may just be an idea a Senator has or someone on the staff may have. I think, as the Senator from Colorado pointed out, there may be others still going through the bill itself to see how they can appropriately draft the amendment. But it is a good suggestion.

Mr. BAUCUS. Further, Mr. President, if the Senator will yield, I might suggest if Senators, including the Senator from Kansas, have any amendments they wish to offer at this time while we are waiting for the list to be put together, time is burning up. We might as well use it by disposing of amendments in that way, as well.

Mr. DOLE. I will be happy to do that. I may have one on stripper wells. I will contact my staff now. I think it is being worked out. I do not want to prejudice either side by offering it and getting locked in, in some debate.

As I understand it, many of these amendments were submitted. I do not know who has them. My staff tells me these were submitted and they are awaiting clearance. There is some process they are going through. It takes a while because there are probably a lot of amendments floating around. But let me check with my staff immediately. We have not given them to the other side.

Mr. BAUCUS. If the Senator will yield, that would be helpful. I checked with staff on my side, and so far they are unaware of any. It would be helpful if we can get them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, it is now 6:30. I renew my plea to Senators to come to the floor and offer their amendments.

We have a good hour and a half at this time within which to consider amendments. It is an open opportunity, an opportunity which may not ever again exist in the next couple of days.

I urge Senators to come to the floor and take advantage of it because now is the time, if Senators have amendments, to offer them, bring them to the floor so we can dispose of them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1318 TO AMENDMENT NO. 1293

(Purpose: To exempt nurse tanks used for transporting anhydrous ammonia used exclusively for agricultural purposes from emissions standards)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. Dole], for himself and Mr. Symms, proposes an amendment numbered 1318.

Mr. DOLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 318, end of line 24, insert the following new paragraph:

"( ) Any emissions standards established pursuant to this section for a category or subcategory of sources of emissions of ammonia shall not apply to a cargo tank (commonly known as a nurse tank and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes, as described in the regulations under 49 CFR 173.315(m), as in effect on the date immediately preceding the date of the enactment of the Clean Air Act Amendments of 1989.

Mr. DOLE. Mr. President, what this amendment does is exempt nurse tanks used for transporting anhydrous ammonia for agriculture purposes from emissions standards. I discussed this amendment with the distinguished managers of the bill, Senator Baucus and Senator Chafee. I think the amendment has been cleared on each side. We thank the staff for suggesting some changes to the appropriate section.

Nurse tanks are little tanks that are pulled out in the field in farm areas. I know of no objection to the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I am prepared to accept this amendment. As the Senator from Kansas says, it applies only to nurse tanks for transporting anhydrous ammonia for agriculture purposes. I think it is a good amendment.

Mr. CHAFEE. Mr. President, I agree, it is a good amendment. I congratulate the distinguished Republican leader for his amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1318) was agreed to.

Mr. DOLE. I want to set an example for other Senators. If Senators have amendments, bring them over here. One might get it adopted.

Mr. CHAFEE. Never can tell.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1319 TO AMENDMENT NO. 1293

(Purpose: To require the use of oxygenated fuels within carbon monoxide non-attainment areas)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

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The **PRESIDING OFFICER**. Without objection, the pending amendments are laid aside. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1319.

Mr. **LAUTENBERG**. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

> On page 216, strike all after "be" on line 11 through line 23, and insert in lieu thereof:
>
> "2.7 per centum or greater.
>
> "(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: *Provided*, That, such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 2.7 per centum or greater."

Mr. **MITCHELL**. Mr. President, will the Senator yield for just a moment for a unanimous-consent request?

Mr. **LAUTENBERG**. I am happy to yield.

Mr. **MITCHELL**. Mr. President, first I ask unanimous consent that any remarks I make be placed in the RECORD so as not to interrupt the remarks of the Senator from New Jersey.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Senate stand in recess from 7:30 p.m. until 9:30 p.m. this evening.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **MITCHELL**. Mr. President, for the information of Senators, there will be no rollcall votes prior to 9:30. It is my expectation that debate on this amendment will continue from now until 7:30, and then when we return.

As all Senators know, the dinner sponsored by the Senate wives will be this evening. I hope all Senators will attend, and I encourage them to do so. This 2-hour period will permit Senators to attend the reception and the dinner.

Senators should be aware that at 9:30 the Senate will return to session, and we will return to consideration of the pending amendment of the Senator from New Jersey in the hopes we can complete action on this and possibly other matters this evening.

I thank my colleague for his courtesy, and I thank all Senators.

Mr. **LAUTENBERG**. Will the majority leader yield for a question. Was 7:30 the cutoff time or was the majority leader suggesting that at the end of the statement we are going to cut off?

Mr. **MITCHELL**. It is 7:30. It is my intention that the debate will continue on this until 7:30 to complete as much debate as possible prior to the dinner. Then anticipating there will be some further debate thereafter, I hope there will be a vote at 9:30 or as soon thereafter as all Senators have the opportunity to be heard on this amendment who wish to be heard.

Mr. **LAUTENBERG**. I thank the majority leader.

Mr. **LAUTENBERG**. Mr. President, this amendment is obviously going to create a fair amount of interest, I believe. So I want to make clear at the outset this amendment was not negotiated when the Environment Committee members were meeting with others to structure the compromise that is presently before the Senate. Therefore, it is certainly not off limits in terms of its consideration even for those who agree to cosponsor the compromise that we have on the table.

Senators should feel free to decide this issue on its merits, without feeling bound to support the underlying amendment.

Throughout this country, there are a number of areas that have carbon monoxide levels exceeding Federal standards. This is mostly a wintertime problem, and one way of reducing these levels is to use fuels containing oxygen during those winter months. The idea is a simple one. By using an oxygenated fuel, the engine runs "cleaner," producing less carbon monoxide.

Today, there are only a few oxygenated fuels that are used commercially. There is gasohol, which is a combination of gasoline and ethanol, derived mostly from corn. Another is MTBE. That is a mixture of gasoline and a methanol derivative. Another ethanol-based fuel, ETBE, is not currently produced commercially but is expected to come into use shortly.

These fuels can play a role in reducing carbon monoxide levels. But the question is, should we, as a Federal initiative, provide an advantage to one of these fuels over another? I do not think so. So my amendment would set an oxygen content level of 2.7 percent for fuels within carbon monoxide nonattainment areas.

This would allow for open and free competition among the various fuels and provide State and local officials with the flexibility to decide what fuels they need in their areas. It also would help to keep us from going too far in addressing one problem so as to create another.

The provision that is in the substitute, the compromise that is before the Senate, does not meet those tests. By setting an oxygen content level at 3.1 percent, which it does, it would provide a mandate for greatly increased use of one particular fuel, called gasohol. It takes away flexibility from State and local officials, and it could, inadvertently, cause problems that none of us want to see.

Mr. President, I want to point out to my colleagues that this is not just the view of this Senator. It is the view of the State and Territorial Air Pollution Program Administrators, commonly known as STAPPA, those officials charged with implementing clean air programs in the States.

These are the same people who are concerned that this bill does not go far enough to protect the environment. They do not have an ax to grind. They are not representing farm interests or big oil interests or highway interests. They represent, for example, environmental interests, regardless of the State they represent.

Let me tell you what they say about the provision that is currently in the bill. I quote from a letter to me from STAPPA referring to the 3.1 percent oxygen program:

> STAPPA and ALAPCO the Association of Local Air Pollution Control Officials are concerned with the possibility of other environmental effects that may occur from this program. For example, it is expected that nitrogen oxide emissions will increase as a result of a higher oxygen content. Moreover, it is also possible that gasohol could contain higher aromatics and therefore air toxics than alternative fuels such as MTBE.

I quote further from that letter:

> Our associations have recommended an oxygenated fuels strategy specifying that all carbon monoxide nonattainment areas should be required to have an oxygenated fuels program in place during the carbon monoxide season.

They go on to say:

> We have recommended that all nonattainment areas be required to implement an oxygenated fuels program with a minimum oxygen content of 2.7 percent, with the exception of marginal areas (2 percent).

They continue on:

> STAPPA and ALAPCO selected an oxygen content of 2.7 percent, rather than a 3.1 percent, for one principal reason.

They say:

> We believe it is critically important that any alternative fuels program be "fuel neutral." This would provide State and local governments with the ability to select from a variety of fuels—not just gasohol—to address problems (e.g., carbon monoxide and ozone) unique to their jurisdictions. If the oxygen content is established at 2.7 percent, all fuels would have equal opportunity to compete in the marketplace.

It gives the consumer options.

Mr. President, that is what this amendment would do. It would, to be sure, greatly boost the markets for all oxygenated fuels. It would do so without bias toward any one fuel, and most importantly, as STAPPA noted, it would allow localities to use the fuels that best meet their particular needs.

It is clear that the use of oxygenated fuels can reduce carbon monoxide, and these fuels should be used. We are all in agreement on that point. But we should not dictate which of these fuels must be used. The administration's proposal did not dictate which particular fuel should be used. The House bill does not favor one beneficial fuel over another. Unfortunately, the Senate bill does just that. The 3.1-percent requirement in the bill is arbitrary. It is not clear that it is needed or even desirable. There are some concerns that it would actually do environmental harm.

Gasohol is the only viable fuel that exceeds the 3.1-percent oxygen content, so by requiring an average fuel oxygen content of 3.1, the bill now perforce mandates a greatly increased use of gasohol. But while gasohol reduces carbon monoxide, it also is more volatile than other fuels. That subject cannot be debated. It requires a waiver of vapor pressure standards to be sold and to be used, and with that increased volatility comes a different set of problems. Some areas would not want to use it because of the possible contributions to ozone nonattainment problems.

As I have noted, oxygenated fuels reduce carbon monoxide levels. The reduction in carbon monoxide is, to a point, related to the amount of oxygen contained in the fuels. But 80 percent of the carbon monoxide reduction comes at a level of 2 percent. That is not a matter of dispute either. Above 2 percent the reductions in carbon monoxide level off. There is not a linear relationship. In fact, some studies have shown that other fuels at 2.0 percent oxygen can provide the same reduction in carbon monoxide as gasohol at 3.7 percent.

Critics of this amendment will contend that the relationship between fuel oxygen content and carbon monoxide reduction is in fact linear, but that just cannot be. If it is a straight line, using that logic, then a 1-percent oxygen content would get us 40 percent of the possible carbon monoxide reductions. At 2 percent oxygen, then we would have an 80-percent reduction. At 3 percent we would achieve more reductions than 100 percent which is arithmetically and physically impossible. You do not have to be a mathematician to see that those numbers just do not add up.

So, Mr. President, what we have is a lot of questions. Does a higher mandated oxygen content really achieve the purported results? The answer clearly is no.

Might it actually worsen other problems such as urban ozone levels? As noted by the State environmental officials, the answer is clearly yes.

So why should a bill mandate the use of gasohol and largely preclude the use of alternatives? It is because this provision is not really designed to protect the environment. It is designed to boost the gasohol industry. A 3.1-percent requirement provides a boost to an already subsidized fuel, gasohol, without any real assurances of environmental benefit. It cannot be disputed that it is a mandate for greatly increased use of gasohol.

If you are a supporter of the gasohol industry, it is easy to see why you try to give it a boost. This is an industry that, according to the Department of Agriculture, "cannot be justified on economic grounds." Without the massive Government subsidies, this industry would not exist. So why not force this industry to stay in existence by telling States that they have to use gasohol. Why not?

Because it simply does not make sense. It does not make sense environmentally, and it really does not make sense from a farm policy perspective. It does not make sense to continue to pump Federal subsidies into the industry, especially if we are also mandating its use, and it does not make sense when we look at the experience of areas that already have an oxygenated fuels programs.

In August 1989 the USDA—Department of Agriculture—put out a publication entitled "Ethanol's Role In Clean Air." In that document USDA notes that four States have oxygenated fuels programs in place: Arizona, Colorado, Nevada, and New Mexico. In those States, according to the USDA, 90 percent of the oxygenated fuels have gone to MTBE, not gasohol.

But the provision now in the bill would undo that. It would force the areas that already have oxygenated fuels programs to scrap them and switch to gasohol, not for the sake of the environment, but for the sake of the gasohol industry. This mandate would come on top of the subsidies the industry also receives. Let us look at some of those subsidies.

Gasohol is exempted from 6 cents of the 9-cent highway trust fund tax. As my colleagues know, that trust fund is used to pay for road improvements all over this country. It is used to help develop and improve public transportation. It is the single largest source of funds to meet our infrastructure needs. But through the gasohol exemption, the trust fund is being shortchanged. Over the last decade the exemption has cost us, the American public, over $2.5 billion in revenues.

When we think of unmet infrastructure needs facing us: needs like decaying roads, bridges collapsing, not enough buses to move our urban citizens from home to work. When we think of those needs, that $2.5 billion looms awfully large. But with the provision now in the substitute, that would not be the end of it.

Section 217 would cost as much as $1 billion each year in lost transportation funds. When that is coupled with various States gas tax exemptions, the impact would be nothing short of devastating.

The transportation needs we face are staggering, and we cannot afford to ignore them. If we do, we threaten the future of State and local economies that are absolutely dependent on the ability to move people and goods.

Look at what we face all around this country. We are choking on traffic congestion, in rural areas as well as urban. A recent GAO study concluded that metropolitan congestion throughout this country will triple over the next 15 years unless we do something, and do it soon.

A report by the Council on Public Works Improvements a few years ago called for a doubling in infrastructure spending. Many believe that spending on surface transportation must grow by at least 50 percent to over $20 billion annually just to meet needs. But if we do not amend this section, the money is not going to be there. And don't be fooled by an argument that you may hear that gasohol production saves farm subsidy funds and therefore has a positive budgetary impact.

Highway trust funds are dedicated. They cannot be spent for any other purpose, and general revenues are not used to make up for lost trust fund revenues. So when we lose transportation revenues because of the gasohol exemption, that money is gone. It will not be around to spend on important transportation projects, projects for which virtually every Senator here seeks support annually. On this score the provision in the substitute is counterproductive.

One of the goals of this bill is to reduce auto emissions by reducing the amount of miles driven. A principal way to do that is to get people to take mass transit. But unless it is amended the provision that is in the bill would hurt our efforts to make transit a feasible alternative for commuters. In an effort to further subsidize the gasohol industry, we would be taking away resources necessary to make public transportation a real option.

One thing is clear. Unless you can make transit reliable, affordable, and efficient, people will continue to drive. Improving transit is going to cost money. But his provision is going to take that money away.

That could mean that people will be forced to stay in their cars, often one person per car, no matter what penalties might be in place. That means more unmet clean air goals.

Let me quickly touch on another area. That is the question of domestic production. Some will contend that we should subsidize gasohol, or mandate its use, or both, because it is a domestic industry. Well, let us not shut the door on other domestic industries.

Right now about half of the MTBE produced in this country comes from the states of Louisiana and Texas. In the future, more can come from domestic sources.

Let us keep in mind that whatever we do here is going to be the law of the land for some time. We are not going to be reauthorizing the Clean Air Act each year. But the bill would largely limit long-term prospects for the development of alternative fuels industries.

Ethanol may prove, in the long run, to be a major source of fuel. But it is not the only one. For instance, given a level playing field, methanol may become a major U.S. product using domestic resources. But not if this provision is not amended. There will be no way an unsubsidized domestic industry could compete with a heavily subsidized industry that also has a large mandated market share.

So, aside from everything else, the bill as it stands could severely limit the development of domestic alternative fuels industries. That is not what we should be doing here. We are not here to set farm policy. We are not here to set tax policy. We are not here to promote one domestic industry over another. We are here to put together an environmental policy that will best help us meet our clean air goals.

This amendment would help us do just that. It would require the use of oxygenated fuels, but in a fuel neutral manner. It would not tell a community it would have to use this particular fuel or that particular fuel. It would simply allow market forces and local needs to determine which is most appropriate.

Mr. President, I want to again make it clear for my colleagues: although this exygenated fuels provision is contained in the substitute, Senators should know that it was not discussed in the meetings with the administration, and, therefore, any suggestion that this might be a deal-buster is simply wrong. Its adoption would not upset the agreements that were reached on the bill as a whole.

Mr. President, I close with a request for my colleagues to support this amendment. I think is is crucial to the objectives that we have outlined in the clean air bill and at the same time preserves a fuel neutrality that is incumbent upon us, not to favor one opportunity over another.

Mr. DASCHLE addressed the Chair.

The **PRESIDING OFFICER**. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I rise in strong opposition to the amendment offered by my friend, the Senator from New Jersey. I do consider him a good friend, and I know the amount of time and effort he put into this bill. I know his motivation is sincere, but I must also say that this amendment undermines the concept so carefully constructed in this piece of legislation of balancing alternative fuels and maximizing pollution reduction.

I rise today just to lay out, in as brief a way as I can, some of the rebuttals to the remarks made by the distinguished Senator from New Jersey.

The first issue with which I take issue is the claim that the 3.1 percent oxygenated fuel standard contained in S. 1630 is not sound policy, and that it ought to be eliminated. The fact is that this particular provision of the bill has received the scrutiny and widespread acceptance of the Subcommittee on Environmental Protection the full Committee on the Environment and Public Works, and the negotiators in the pending compromise.

Every one of the groups involved in this processs looked at this provision and came to the conclusion that I have come to; that the 3.1 oxygen standard does provide balance, and it provides an opportunity to look at MTBE and ETBE and ethanol and all the other alternatives. The provision recognizes that mobile source pollution for motor fuels accounts for more than half of the country's growing air pollution problems, and it offers cities the best available option to reduce dangerous levels of carbon monoxide pollution.

Mr. President, frankly, I am concerned those supporting the Lautenberg amendment have distorted the true effect of the 3.1 percent standard. I want to clarify some of the misunderstandings that may exist regarding the importance of maintaining the 3.1 percent standard.

It is important to keep in perspective what the bill's 3.1 percent oxygenated fuel provision would do, and what its impact on air pollution would be. The provision calls for the use of 3.1 percent oxygenated fuel standards in the Nation's 44 carbon monoxide nonattainment areas during the winter months only.

We are not talking about the summer. We are only talking about the winter months when carbon monoxide problems are most acute. That needs to be understood. The committee provision establishes an oxygen credits trading program that assures that the oxygenated fuels standard will be fuel-neutral. We are not favoring one fuel over another. We are saying to the ethanol and methanol producers, and MTBE and ETBE producers, come up with the best formula that you can to meet our urban air quality needs. Very simply, the 3.1 percent oxygen standard assures that the most carbon monoxide reduction possible is attained.

Let us examine for a moment some of the opponents' claims with regard to the carbon monoxide standard. The opponents' 3.1 standard is an ethanol mandate and discriminates against MTBE and other fuels. Nothing could be further from the truth. The 3.1 standard is not an ethanol mandate. There are six EPA-approved oxygenates in addition to the blended ethanol that can meet the 3.1 standard right now. There are others that will soon be approved at that level.

Oxygen credits trading allows higher oxygen fuel, such as gasohol at 3.5 percent, to be averaged with lower percentage oxygenates to achieve the 3.1 percent standard. Under the 3.1 percent standard—and this is a very important point—the MTBE market is expected to expand by more than 20 percent every year for the next 5 years. Let me repeat that. Under this bill, the 3.1 percent standard, the MTBE market is expected to expand by more than 20 percent every year for the next 5 years. Because the 3.1 standard allows averaging, MTBE is going to be a major, if not "the" major beneficiary of the standard. It has been estimated that ethanol will account for only 30 percent of the market in fulfilling the oxygen requirement. The remaining 70 percent will be made up by a variety of other fuels.

The opponents of 3.1 say there is no clean air difference between 3.1 and 2.7 percent oxygen. Mr. President, that is not true. That is just not true. Reducing the 3.1 standard to 2.7 will mean 400,000 tons more carbon monoxide emitted from tailpipes every year—400,000 tons.

EPA has shown that there is a linear relationship between oxygen content and carbon monoxide reduction. Simply, the more oxygen there is in the fuel, the less carbon monoxide released into the atmosphere. That linear relationship is why we put that provision in the compromise and why it is so important that it stay there.

The opponents of the 3.1 standard warn that such a standard will increase ground level ozone. Just the reverse is true. A 3.1 standard will reduce, not increase, the ground level ozone. First, the CO oxygen standard is seasonal. It is used in the winter months only, when the carbon monoxide pollution is most acute. It will not be in effect during the summer months when ozone pollution is the problem.

Second, vapor pressure is not the only cause of ground level ozone. Gasoline components, including xylene and olefins, which are added to gasoline to boost octane, also cause ozone formation. Ethanol replaces the need for these components to achieve octane. Therefore, at worst, there is a net neutral effect on ozone by requiring the 3.1 percent oxygen standard.

This is a very important issue and everyone has to understand that we are talking about carbon monoxide on one side and ozone on the other. We will look at and consider other oxygen levels for ozone nonattainment areas in future debates about reformulated gasolines, but tonight we are only debating carbon monoxide nonattainment areas.

Tonight we debate how we can best attain the most accurate standard, efficient standard, for oxygenated fuels and carbon monoxide reduction. The 3.1-percent oxygen standard does that.

Mr. President, the Lautenberg amendment is really a wolf in sheep's clothing. It purports to reduce an alleged bias in favor of ethanol and to maintain a maximum carbon monoxide reduction effort. In reality, by reducing the oxygen standard and deleting oxygen averaging, it is an overt attempt to exclude splash blended ethanol from carbon monoxide nonattainment areas.

The effect of the amendment will be to undermine the Clean Air Act's ability to reduce carbon monoxide pollution and exclude ethanol from the oxygenate market in favor of MTBE, which is manufactured from methanol produced from natural gas.

The 3.1-percent oxygen standard contained in S. 1630, and endorsed by the administration, would maximize the carbon monoxide reduction under the bill and contribute to U.S. energy security by assuring a place for domestically produced ethanol, along with MTBE, in the effort to clean up our air.

It is very important that we understand that. That is the whole essence behind this compromise, this agreement. We want MTBE. I have come to the floor on numerous occasions in the past advocating a balanced approach in our policy toward MTBE, toward ETBE, toward ethanol and methanol, in order to give us an opportunity to to use these fuels in those areas where they can do the most good. This balance is essential.

Let me touch on one other issue that I know is important to many Members; and that is the effect of the ethanol excise tax exemption on the Highway Trust Fund. First of all, it should be understood that we have more than $10 billion of unobligated funds in the trust fund today. Second, it should be understood that ethanol is not the only thing that has been a source of reduction to the trust fund balance. We use trust fund expenditures today for mass transit and there is a good reason for that. We ought to build mass transit. We ought to have a mass transit system in the country. I know in New Jersey mass transit is important and it should be across the country. I support it and will continue to do that.

As mass transit is important in New Jersey, New York, California, Colorado, and elsehwere, it is important that we have an ethanol tax credit to give the industry a chance, to give them an opportunity to show their stuff as we try to meet the clean air needs in this bill. That is what we are talking about here. We are simply asking those who are just as desirous of clean air as we are, just as desirous of meeting the opportunities that this bill presents, just as desirous to look at all the other options as we are, to consider what a great opportunity the ethanol industry can bring to this bill and the goals set out here.

That is what we are talking about. If you want to use every option, if you want to ensure we give all alternative fuels some balance, if you want to make sure we use the very best product and the best situation, then you are going to defeat the Lautenberg amendment and stay with the committee bill.

I yield the floor.

Mr. LAUTENBERG. Will the Senator yield before he steps down just for a question?

Mr. DASCHLE. I yield.

Mr. LAUTENBERG. I do not know whether the Senator is aware of the decision by Treasury that ETBE would now be getting its exemption and would have once the regulations are finally published an opportunity for the reformulators to get a credit to make ethanol or ETBE a competitive product on the marketplace which otherwise it is not.

Mr. DASCHLE. We had a lot to do with that. I appreciate the Senator's comment in that regard. This has been a long battle and certainly my colleagues on the floor have been very instrumental in ensuring that we win that battle.

I applaud the Treasury for their courage and willingness at long last to come to the conclusion that many of us came to a long time ago. ETBE is an extremely exciting new fuel with great potential. As I have stated before, I want ETBE and ethanol and MTBE and other fuels to play a role in achieving a variety of national objectives.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will speak in the few minutes I think we have remaining now and probably be back at 9 or 9:30 in opposition to the amendment from my colleague, the Senator from New Jersey. The two of us have had this before in the Environment and Public Works Committee.

I think we are fairly familiar with the arguments. But I think it is pretty important that the purpose for oxygenated fuels being part of the clean air package be repeated. I think the Senator from South Dakota had made an excellent argument that this is not an ethanol or a farmer issue. This is a clean air issue. It really is something that all of us who have worked so hard to bring the clear air bill to the floor ought to be able to agree on.

The Senator from South Dakota pointed out, and I intend to in the course of this statement, this is not an anti-ETBE amendment since there are six fuels that meet the 3.1-percent standard, most of which are methanol-based fuels. Nor is it simply a proethanol amendment, although, as I will note, probably from those of us who are on the floor now and may be on the floor tomorrow to speak for it, those who have been dealing with ethanol and alternative fuels, particularly since 1979 and the energy crisis, are probably more familiar because we come from agricultural States with the values of ethanol and ethanol blends than maybe some of the rest of our colleagues.

But because the Senator from New Jersey and I have spent so much time on all parts of the clean air bill, I want to make clear that I do not think the two of us differ on the need to meet the standards for clean air in the 44—or whatever it is—nonattainment areas. We spent a lot of time in the last 4 weeks in negotiating how best to meet that standard. We spent a lot of time of talking about reformulated fuels. We spent a lot of time talking about mandates and nonmandates and about technology and missions control and a variety of these issues.

This is one of those issues in which people can differ and, as I have differed all along with the Senate from New Jersey, I differ even more strongly with him today on the issue of how important oxygenated fuels are and how important the 3.1 percent or even more, if were doing more, is to the nonattainment strategy. Oxygenated fuels are, as I indicated, a very key part of the strategy to get cleaner air. They are the most effective strategy that we know of to reduce carbon monoxide pollution and that is particularly true of the 44 nonattainment areas.

Carbon monoxide has negative effects for fetal development. It causes higher risks of heart failure for those with heart and circulatory disease. There is recent evidence that current health standards are not tough enough to protect public health from the effects of this pollutant.

Most carbon monoxide pollution comes from motor vehicles. Ninety percent of the carbon monoxide pollution in most cities comes from the tailpipes of cars and trucks.

Many of the cities in the West with the worst carbon monoxide problems have taken the lead in the Nation on this issue and they have demonstrated time and again that significant carbon monoxide reductions can be achieved by using oxygenated fuels.

The city of Denver, as we know, has reduced its carbon monoxide pollution by 9 percent in the very first year of their oxygenated fuels program. Last year the city of Denver recorded a 12-percent reduction.

Carbon monoxide is a product of poor combustion. When the engine is cold or poorly tuned, the fuel burns only partially and carbon monoxide is produced. Adding oxygen to the fuel improves combustion. Some materials like the alcohols, methanol, and ethanol, have more oxygen atoms in chemical makeup than does gasoline. Adding these materials to gasoline increases oxygen content, improves combustion and reduces carbon monoxide pollution.

Over 500 cars have been tested by EPA, by the State of Colorado, and even by various oil companies, and it is clear from these tests that using oxygenated fuels substantially reduces urban pollution, especially carbon monoxide emissions from the older cars in the fleet.

S. 1630 contains a provision which requires that oxygenated fuels be used in all carbon monoxide nonattainment areas. The requirement only applies, as the Senator from South Dakota indicated, during the 6 winter months when cold engines make carbon monoxide pollution especially troublesome. In addition, the bill includes a trading program which allows fuels with less than 3.1 percent oxygen to be sold, if it is offset by other fuels sold in the nonattainment area which have a higher oxygen content.

I suspect that is the little trick we learned from the trading allowance business in the President's acid rain bill. But it is not a trick. I mean it is designed to work.

There has been a great deal of lobbying on this particular provision over the last few weeks, and I am sorry to say that much of what has been said about the oxygen fuels provision just is not ture.

First, it is not true that this provision is a gasohol mandate, as stated by our colleague from New Jersey. As has been indicated before, there are six fuel additives which can meet the 3.1-percent level. None of them use ethanol. They are all methanol fuels, and they are made by the same people who have been going around calling this an ethanol or gasohol mandate.

The legislation also includes, or it allows, as I said, trading of excess oxygen credits. Use of methanol or any of the methanol additives which exceed 2.1 percent would generate excess credits which could be traded to offset the use of additives with less than 3.1 percent oxygen.

Finally, it is important to note that none of these percentages is fixed in law or regulation. The principal competing additives are ethanol and MTBE, a chemical made from methanol. A fuel which is 10 percent ethanol and 90 percent gasoline has 3.1 percent oxygen.

A fuel which is 15 percent MTBE and 85 percent gasoline has 2.7 percent oxygen. But there is no reason that the MTBE component must be held at the 2.7-percent level. A fuel with more MTBE would have more oxygen. So it is possible to get 3.1 perent with MTBE.

And EPA officials have said that they expect MTBE makers to seek a new waiver to allow them to reach that level if this amendment is adopted.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent to modify a word that was left out of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none. The amendment is modified appropriately.

The amendment, as modified, is as follows:

On page 216, strike all after "be" on line 11 through line 23, and insert in lieu thereof:

"2.7 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: *Provided*, That such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 2.7 per centum or greater."

RECESS UNTIL 9:30 P.M.

The PRESIDING OFFICER. The hour of 7:30 having arrived, under the previous agreement, the Senate has agreed to stand in recess until the hour of 9:30. Consequently, the Chair would order that the Senate operate under the previous agreement and stand in recess until 9:30.

Thereupon, the Senate at 7:30 p.m., recessed until 9:35 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DIXON].

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1319, AS MODIFIED

Mr. DURENBERGER. Mr. President, I rise to speak in opposition to the amendment by the Senator from New Jersey [Mr. LAUTENBERG] which would take from the bill before us, and also from the long compromise that we worked on to take care of the nonattainment section of this bill, one of the very important compromises that have been worked out and one of the very important sections that relates to oxygenated fuels.

I remind my colleagues that these are the fuel additives which are particularly important in the approximately 44 nonattainment areas of our country. They are the fuels which are important in reducing carbon monoxide in the 6 months of winter in these nonattainment areas.

As I indicated earlier, the lobbying effort that has gone on between the time that this particular amendment was defeated originally in the committee in November and today, the lobbying effort has concentrated on several what I would characterize as inaccuracies with regard to oxygenated fuels, the first being that this is an ethanol mandate, in effect, and only ethanol fuels would qualify at the 3.1-percent oxygen level. That is not true. There are six other fuels, all of them made from ethanol, that would qualify.

The second inaccuracy that is prevalent in this lobbying campaign is that most of the environmental benefit from the oxygenated fuels is achieved with 2 percent, rather than the 3.1-percent standard set in the bill. According to this campaign, not much air quality improvement comes from moving up to 3.7 percent, as can be accomplished with ethanol.

And, Mr. President, let me say that is just not true. EPA has looked at this question on two occasions. The second time that it looked at it, they used oil company data, and on both occasions EPA determined that the relationship between oxygen increases and carbon monoxide decreases is, as has been said here on the floor before, a linear relationship. The more oxygen in the fuel, the better. Twice as much is twice as good.

The third falsehood being spread about the provision is that it makes the ozone problem worse. Ozone pollution, or smog, is a difficult clean air problem, but the oxygenated fuel provision in the bill will not make it worse. Ozone is formed in the atmosphere on warm, sunny days. Carbon monoxide pollution is strictly a wintertime problem, and the oxygenated fuels requirement in the bill only applies in the 6 winter months. So no impact on ozone levels will result.

The fourth argument being made against the provision is that it will be highly expensive and deplete the highway trust fund. Ethanol has been granted a 6-cents-per-gallon exemption from the highway excise tax, and the purpose of the exemption granted during the energy crisis of 1979 was to encourage the production of domestic fuel sources.

Ethanol is making a substantial contribution to reducing oil imports. It turns out that ethanol also has a substantial environmental benefit.

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That is the reason we are requiring it in carbon monoxide nonattainment areas. Thirty-three million Americans live in CO nonattainment cities, 12 percent of the population. If they buy the average amount of fuel, that will be 12 percent of gasoline demand. But we only require use of oxygenated fuels during the winter months. That means 6 percent of the fuel will be oxygenated because of this provision. Because of the trading provision in the bill, only a portion of the oxygenated fuel will be ethanol based. The rest will be MTBE.

So we are talking about 2 percent of the fuel being gasohol because of this requirement. That, Mr. President, is a loss of about $160 million to the highway trust fund each year.

We need to put that number in perspective. There is a loss of $160 million to the trust fund from this provision. The trust fund earns more than $1 billion each year in interest on funds that have not been spent. So there is no shortage of highway dollars available.

Currently 8 percent of the fuel sold in the United States is gasohol, four times more than would be required under the bill. That 8 percent costs the trust fund $450 million. GAO looked at the subsidy and concluded it was a winner from a budgetary perspective.

The ethanol used in fuel saves agricultural subsidies as well. I think this is a net budget winner, and, as we have already said, it is also a clean air winner as well.

Madam President, I yield the floor.

The PRESIDING OFFICER (Ms. Mikulski). The Senator from Montana.

Mr. BAUCUS. Madam President, this amendment should not take terribly long. However, there is an intervening matter I would like to take care of, if I could, at this point, and that is very quickly dispensed with, an amendment which the committee will accept, an amendment offered by the Senator from Hawaii [Mr. Inouye].

I, therefore, ask unanimous consent that the pending amendment be temporarily laid aside so that we might consider the amendment by the Senator from Hawaii.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I inquire of the Senator from Montana, will the amendment be set aside for this one amendment and then return right back?

Mr. BAUCUS. The Senator is correct.

Mr. PRESSLER. Reserving the right to object, I inquire as to the status of the Lautenberg amendment.

Mr. BAUCUS. As soon as we dispose of the amendment of the Senator from Hawaii, we are back on the Lautenberg amendment.

Mr. PRESSLER. Does this involve a time agreement or anything of that sort?

Mr. BAUCUS. The Inouye amendment will take maybe 1 minute, and then we go back to the Lautenberg amendment. There is no time limit on the Lautenberg amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The request of the Senator from Montana is agreed to. The Lautenberg amendment is temporarily set aside.

The Senator may proceed.

The Senator from Hawaii.

AMENDMENT NO. 1322 TO AMENDMENT NO. 1293

Mr. INOUYE. Madam President, I ask that my amendment be called up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the Inouye amendment.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. Inouye], for himself, Mr. Stevens, Mr. Murkowski, and Mr. Matsunaga, proposes an amendment numbered 1322.

Mr. INOUYE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 212 after line 15:

At the end of section 213, or the appropriate section of the bill relating to Fuel Volatility, strike the closing quotation marks and period and insert:

"(5) The provisions of this subsection shall apply only to the 48 contiguous States and the District of Columbia.".

Mr. INOUYE. Madam President, the amendment that I am proposing, together with Senators Stevens, Murkowski, and Matsunaga, limits applicability of fuel volatility standards—section 214—to the 48 contiguous States and the District of Columbia. This exclusion for Alaska, Hawaii, and the U.S. territories and Commonwealths is entirely appropriate and we support its inclusion in the bill.

With respect to the fuel volatility standards of section 214, I point out that the EPA has exempted Alaska, Hawaii, and the U.S. territories and Commonwealths from standards that were established in its final rule on gasoline volatility (54 Federal Register 11868, March 22, 1989). Due to geography and other unique considerations, the EPA recognized the inappropriateness of applying such controls to these areas.

A chief purpose for setting a national standard for volatility is to prevent motorists from traveling across State lines to get a more desirable gasoline mix and price. This objective is not relevant for Alaska, Hawaii, and the U.S. territories and Commonwealths.

Furthermore, Madam President, these areas have not experienced any problems as a consequence of volatility. In the case of Hawaii and the U.S. territories, isolation from the mainland and steady trade winds which prevent the accumulation of volatile organic compounds render the standards unnecessary. With respect to Alaska, summertime volatility standards are not needed due to the State's much cooler and shorter summers, and the absence of any problems with nonattainment.

The March 22, 1989 regulations will serve as the foundation for implementing the summertime standards embodied in section 214. Despite the EPA's recent regulations addressing this subject, section 214 fails to adopt the geographic standard embodied in these regulations and used elsewhere in the bill.

Madam President, I urge my colleagues to adopt the language contained in this amendment.

Madam President, I am pleased to advise my colleagues that this amendment has been cleared by the floor managers. In March of last year, EPA exempted Hawaii, Alaska, and American territories from the standards established in the final rule on gasoline volatility. However, section 214 of this bill fails to adopt this standard embodied in the regulations, and this amendment would cure that.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Montana.

Mr. BAUCUS. Madam President, the Senator is correct. We examined the amendment and are prepared to accept it.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, this is an amendment important to Alaska and both those Senators are cosponsors of this amendment and support it. It is important to that area and that State.

The PRESIDING OFFICER. Is there further debate on the Inouye amendment?

The question is on agreeing to the amendment of the Senator from Hawaii.

The amendment (No. 1322) was agreed to.

Mr. INOUYE. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1319, AS MODIFIED

The PRESIDING OFFICER. The business now pending before the Senate is the Lautenberg amendment.

The Senator from Illinois.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana. It would help the Presiding Officer if Senators not speaking would sit down. It is difficult to see who seeks recognition.

Mr. BAUCUS. I thank the Senators for their indulgence from the temporary delay in debating the Lautenberg amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Madam President, the Lautenberg amendment would reduce the oxygen content requirement for fuel sold in carbon monoxide nonattainment areas. I am concerned that this amendment will weaken a very important standard for eliminating carbon monoxide pollution.

The Environmental Protection Agency has determined that the oxygen content in gasoline is the most efficient and cost effective means of reducing carbon monoxide. The pending bill requires a 3.1-percent oxygen standard. The Lautenberg amendment proposes to reduce the oxygen level in fuel by 13 percent. I think that weakening of the oxygen standard would be a great mistake at a time when 44 areas of our country are not meeting Federal standards for carbon monoxide.

I have heard my friend from New Jersey, for whom I have the highest regard, make several statements with which I must respectively disagree. The 3.1-percent standard in the bill is not an ethanol mandate, nor will it result in an enormous drain on the Highway Trust Fund.

Ethanol is not the only fuel that can meet the 3.1-percent standard. There are at least six oxygenates available today which can meet this standard, including methanol ethers, oxinol, arconol, the DuPont waiver, abconol, and octimix. In fact, the 3.1 percent standard is expected to help methyl tertiary butyl ether [MTBE] increase its market share 20 percent every year for 5 years. Furthermore, the bill establishes an oxygen credit trading program which will allow a full range of fuels to compete in the marketplace. It is simply not correct to say, therefore, that this bill mandates the use of ethanol.

It is equally incorrect to say that the bill's oxygenate standard will cost the Federal Government a billion dollars, as I have heard some claim. In fact, the General Accounting Office has just recently issued a report, perspectives on potential agricultural and budgetary impacts from an increased use of ethanol fuels, which concludes that the federal alcohol fuel tax incentive program saves money by reducing the costs of farm programs, and by increasing rural income. Although alcohol fuels do diminish, somewhat, the Federal highway trust fund, the GAO reports that the Federal Government realizes a net savings of between $460 and $587 million annually. The Highway Trust Fund enjoys a growing unobligated surplus that already amounts to over $10 billion. I believe that with the trust fund already in good shape, our concern over costs should focus on the bigger picture of how alcohol fuels improve our farm economy and reduce the Federal deficit.

From a fledgling endeavor, the ethanol industry has grown to a domestic fuel industry that produced and marketed over 840 million gallons of fuel in 1988. In the process, the ethanol industry has created a cash market for some 340 million bushels of grain, thereby lowering Federal Farm Program costs by $700 million. At the same time, this domestic industry has helped to reduce oil imports by nearly 40 million barrels.

Current predictions suggest that the use of ethanol blends will reduce motor vehicle emission of carbon monoxide approximately 25 to 30 percent. Indeed, because the oxygen content of an ethanol blend is almost twice that of other oxygenated fuels, its ability to reduce carbon monoxide levels is greater than any alternative oxygenated fuel. I think it would be unwise, therefore, for the Senate to now pass an amendment that would discourage the use of ethanol.

Madam President, it is time that we recognize the importance of ethanol in solving our smog and air toxics problem. It is good for our air; it is good for our farmers; it is good for reducing our dependency on foreign oil. Ethanol is a profoundly good idea, and we should not do anything that discourages the use of it. Rather, we should continue to pursue means to encourage the use of home-grown fuels that increase our energy security, clean up our environment, save the Government money, and help the American farmer. How many things that this body deals with can we say all of that about?

Let me finally say, as my friend, Paul Simon, and I have said in our letter to each of our colleagues, that we agree with our friend, the Senator from New Jersey, that the goal of the oxygenated fuels provisions should be to enhance the condition of our environment, and not to promote or mandate the use of any particular fuel. The pending bill is fuel neutral, and it will accomplish precisely what the Senator from New Jersey has stated is desirable. It is the pending amendment that will result in the favoring of certain less environmental fuels.

I encourage my colleagues to oppose the pending amendment to weaken the carbon monoxide reduction standard in the clean air reauthorization bill.

I thank the Chair and I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Thank you, Madam President.

I rise in opposition to this amendment because I think it will severely hurt the chances for what we know as gasohol or ethanol fuels made from grain, and to clean up our environment. I think it will substantially hurt progress.

The oxygenated fuels program adopted by the Committee on Environment and Public Works and ratified by the Group of 15 Negotiators recognizes the fact that mobile source pollution from motor fuels account for more than half of this country's growing air pollution problem and offers a sensible, evenhanded solution. Specifically, the oxy-fuel program establishes:

A requirement for all carbon monoxide non-attainment areas to provide fuel with an oxygen content standard of 3.1 percent to assure the most CO reduction possible;

A system allowing the exchange of marketable oxygen credits which would provide for a mix of fuels in the market and maximum flexibility;

EPA has determined the environmental benefit of oxygenated fuel use is directly related to the amount of oxygen in the fuel. The higher the oxygen percentage content, the more effective the oxygenated fuels program would be in reducing CO emissions. Because of this linear relationship between oxygen content and CO reduction, reducing the 3.1 to 2.7 percent would result in an annual net loss of CO emissions of approximately 423,000 tons—almost half a million tons of carbon monoxide emissions reduction potential lost.

By establishing an oxygen credits trading program similar to the lead credits which worked effectively in the early eighties, S. 1630 sets out an environmental standard which is "fuel neutral". In addition, the 3.1-percent standard encourages all oxygenates to seek new EPA fuel waivers which will allow them to meet the new oxygen standard without requiring oxygen credits. Thus, all fuels will be able to compete in the marketplace while meeting an environmentally sound fuel performance standard.

There are two principle oxygenates in the market today, ethanol with an oxygen content of 3.5 percent and MTBE (methyl tertiary butyl ether) which contains 2.7 percent oxygen. Ethanol is produced from renewable, domestically-produced agricultural feedstocks; and MTBE is manufactured almost exclusively from methanol produced from imported natural gas. A 3.1 percent oxygen standard would assure that domestically-produced ethanol will be able to compete in the oxygenate market, thus contributing to both U.S. energy and environmental security.

While the increased use of ethanol for environmental reasons will reduce moneys collected for the Highway Trust Fund (which currently enjoys a $14 billion surplus), the U.S. Treasury will actually realize a net savings as a result of the Oxygenated Fuels Program. A study released this month by the GAO concluded that the Federal alcohol fuel tax incentive program saves the government moneys in reduced farm program costs and increased rural income. Taking reduced Highway Trust Fund revenues into account, the GAO reported that the Federal Government would realize a net savings of between $460 million and $587 million annually. Over the 8-year period studied by GAO, the Government would save between $3.7 billion and $4.7 billion.

The 3.1 percent oxygen standard is a critical component of this compromise agreement. It provides the best option available for cities to reduce dangerous levels of CO pollution. I urge my colleagues to support the oxygenated fuels program approved by the Subcommittee on Environmental Protection, the full Environmental and Public Works Committee and the negotiators that put this compromise agreement together and vote to defeat the Lautenberg weakening amendment.

In short, Madam President, it is my strongest feeling that some areas of gasohol and ethanol use would be severely hurt by this amendment. I have been to Brazil and seen them use ethanol and gasohol, and it can work—fuel from grain. We have a surplus of grain in this country. It cleans up our environment. It will help our country. This amendment for some reason flies in the face of that.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Madam President, in order to save some time, if I could have the attention of my colleagues for 2 minutes—and please advise me when it is up—I think I can say what I want to say in that time.

Madam President, I do not stand here telling you that I do not have a parochial interest in this piece of legislation as far as Nebraska is concerned. Fifteen to 16 years ago in Nebraska, we established, while I was Governor, the first gasohol commission.

I warn all that if I do not have their attention I will talk longer, Madam President. Madam President, if I cannot get the attention of all the members of the staff and all the Senators on the floor I will talk longer.

The PRESIDING OFFICER. The Senate will be in order.

Mr. EXON. I thank the Chair.

I happen to know something about ethanol, what it can and cannot do. Certainly if this amendment becomes a part of the law, it would have disastrous effects on ethanol. At the same time, I wholeheartedly support the statements made by some of my colleagues that there are many other kinds of fuel, other than ethanol, that are qualified. Some seem to think otherwise.

Madam President, let me say this: methanol is a cheap substitute. Methanol, of all of the additives of fuel, is the greatest carbon monoxide producer of all.

So despite the fact that I have a parochial interest in it, as do my farmers, I simply say that if we pass the amendment offered by the Senator from New Jersey, we are going to go a long way to open up all kinds of amendments to this bill that we have worked very hard on. In that respect, this could be a killer amendment. I hope that the Senate will vote down the amendment offered by the Senator from New Jersey.

I yield the floor.

Several Senators addressed Chair.

The PRESIDING OFFICER (Mr. Wirth). The Senator from Iowa.

Mr HARKIN. Mr. President, I, too, would like to join so many other of my colleagues in opposing the amendment. First of all, I would like to compliment my colleague and dear friend from New Jersey, Senator Lautenberg. He has been a leader for many years on environmental issues. There should be no doubt in anybody's mind. In his very deep and abiding concern for the environment and his leadership in this area, he has been for a long time, and remains, a stalwart, strong supporter of having a clean environment in this country.

On this one issue, though, regarding the oxygenated level of fuels, I must oppose his amendment to reduce the required oxygen content in gasoline sold in carbon monoxide nonattainment areas.

Frankly, I am surprised that this amendment would come on the floor since all of the available data and information I have shows that it would actually increase air pollution, while, as I have had said, the Senator from New Jersey has worked so diligently and so hard and so long to improve the environment all over the country.

The committee bill, as we know, sets this oxygen level at 3.1 percent by weight for carbon monoxide in nonattainment areas in the winter months. This oxygen level substantially reduced carbon monoxide. We also know the proposed amendment would cut the required oxygen level to 2.7 percent thereby increasing the amount of carbon monoxide escaping into the atmosphere by 400,000 tons per year.

The EPA has repeatedly testified that carbon monoxide is reduced linearly with increasing oxygen content in this range between 2.7 and 3.1-percent oxygen level. The higher the percentage of oxygen, the cleaner the air.

If I could have the attention of my friend from New Jersey, I just point out, I know he spoke earlier about this not being linear if we look at the entire curve. But if we look at the range between 2.7 and 3.1 percent, the curve is linear. It may not be over the whole range of the curve, but in that range from 2.7 to 3.1 percent, I believe we would find it is really linear.

And that is important and I will get to that in just a moment.

Richard Wilson, Director of EPA's Office of Mobile Sources wrote last year:

> Our research shows that substantial air quality benefits can be achieved through the use of oxygenated fuels and that these benefits increase linearly with increased oxygen content. Therefore, the higher the level of oxygen you set, the greater the clean air benefit.

There have been some claims that too much oxygen causes more ozone, the prime constituent of urban smog.

Some worry that adding ethanol increases the volatility of gasoline. This may be true. But adding ethanol displaces gasoline that is more photo-reactive, more prone to forming ozone in the sunlight. And, since carbon monoxide is also a precursor to ozone, and since extra oxygen reduces carbon monoxide, then adding oxygen can reduce ozone. The net result is that ethanol-blended gasoline is equal to or better than regular gasoline in terms of ozone formation.

EPA has repeatedly testified that blending ethanol with regular gasoline has no net impact on ozone. I will repeat that. Blending ethanol with regular gasoline has no net impact on ozone.

Furthermore, by reformulating gasoline at the refinery, reducing the volatility, pulling out some of the aromatics, adding ethanol can result in a much cleaner fuel in terms of both carbon monoxide and ozone.

Systems Application, Inc. has analyzed various gasoline mixtures, and supports this result. For example, if regular 87-octane gasoline with 10 psi Reid vapor pressure is given a rating of 1 in terms of ozone-forming capacity, then a 91 octane, 9 psi gasoline, splash blended with 10 percent ethanol, would have an oxone forming rating of 0.79. That is, ethanol-blended gasoline would form 21 percent less ozone than regular gasoline.

I would also like to note, because I think there have been either some misinterpretations or statements made on the Senate floor that really do not track what the requirements are, the 3.1 percent requirement applies only in the winter months, from October 1

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to March 31, when the carbon monoxide pollution is dominant. Ozone formation typically peaks in the hot summer months, so increased volatility during the winter should not be detrimental in terms of ozone.

Finally, this 3.1-percent requirement could be achieved by blending ETBA, as the Senator pointed out, ethyl tertiary butyl ether, which actually reduces the volatility of gasoline. Adding enough ETBA reach 3.5-percent oxygen so we reach the 3.1-percent average by weight, would reduce the Reid vapor pressure by almost 1 psi. Thus using ETBE would both reduce volatility and reduce toxic and ozone-forming components in gasoline.

But let us say we take the worst case approach. Let us say that new information down the road reveals that this information is not always correct, that perhaps there may be some examples of some situations where this does not quite work that way, some unusual condition where a city might experience more ozone when oxygen is added to gasoline. If that is the case, the committee bill and the current compromise included an escape clause: The EPA may waive the oxygenated fuel requirement in any area if it interferes with meeting air quality standards.

So there is really no need for this amendment cutting oxygen levels to 2.7 percent, even if all available scientific information proves incorrect in future years.

Last, let me mention the point about ethanol and the highway trust fund. Gasohol, this 10 percent blend of ethanol and gasoline, is now exempted from 6 cents of the 9 cent Federal excise tax for motor vehicles. To the extent gasohol is used to satisfy the requirement of the 3.1-percent oxygen, the highway trust fund will receive less money. There are again, as other Senators have said, six other allowed fuel additives that do not reduce the income to the highway trust fund, including gasoline blends with less than 10-percent ethanol.

One oil company already is blending 8 percent ethanol to produce oxygenated fuel, and they are claiming the blender's tax credit instead of the excise tax waiver, which would not apply because it is only 8 percent and not 10 percent.

The Federal Government under this formula receives less money but the highway trust funds are not affected. Furthermore, in the very unlikely event that ethanol was used exclusively to meet the 3.1-percent level, the General Accounting Office analysis showed that increased sales of ethanol would reduce farm support programs by $900 million to $1.4 billion a year, more than enough to offset the projected reductions to the highway trust fund of between $440 to $813 million.

Over the 8-year period of this study the GAO projected a net savings to the Federal Government of between $3.7 and $4.7 billion.

So, in summary, decreasing the winter oxygen level in cabon monoxide nonattainment areas from 3.1 percent to 2.7 percent as proposed by this amendment would, No. 1, increase cabon monoxide pollution by over 400,000 tons a year; two, it would also increase in many of those areas the ozone level; three, it would cost more money; and last, it would not save us any money from the reduced savings that we would get by using the 3.1-percent level in the reduction in the farm price support programs.

The 3.1-percent average oxygen content must be left as a part of this bill, and to the degree that ethanol was used as a part of the mix, the Federal Government would save up to several hundred million dollars each year. So any way we look at it, the 3.1-percent oxygenated level is in the best interests of the entire Nation and in the best interests of the Clean Air Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I have great respect for the Senator from New Jersey. As a matter of fact, I was on a call-in radio program in my State a couple of weeks ago and they asked who are the potential Democratic candidates in 1992. I said if FRANK LAUTENBERG were from some State other than New Jersey, where his colleague is receiving so much attention, FRANK LAUTENBERG would be one of those being mentioned. He would make a superb President of the United States.

But even someone who would make a superb President of the United States can be wrong. In the terms of the old child's story, when he is good he is very, very good but when he is wrong he is very, very wrong. And this time, he is very, very wrong. I will just take 3 minutes, Mr. President, to outline why.

Air quality? No question we are better off with a 3.1. We are talking about 423,000 tons of carbon monoxide emissions. Not 423,000 pounds, 423,000 tons, according to the EPA.

We are talking about the potential harm to the ozone. There is no question in terms of air quality, the Lautenberg amendment ought to be defeated.

In terms of revenue, the GAO says that this amendment would cost us between $460 million and $577 million a year. Revenue: No question. Dependencey on foreign oil: This increases it. Clearly, that is not a direction we want to go.

Farmers: It is no accident that the people who are speaking on this issue are people from farm States because farmers are going to benefit by keeping the proposal as it is and not accepting the Lautenberg amendment.

What can be said on the other side? Only one thing, and that is, the highway trust fund will be hurt, and I regret that, but we have substantial reserves in the highway trust fund. If my friend from New Jersey comes up with, he says, a loss of $1 billion, that assumes a 100-percent shift to the alternative fuels, I think at the most it will probably be a 25-percent shift. But even if it is a 100-percent shift, that is $1 billion. That is less than 1 cent from a gasoline tax increase.

If he wants to amend this bill or any other bill for a 1-cent increase in the gasoline tax, let us do it, but let us not pass this amendment that is going to hurt air quality; it is going to hurt revenue; it is going to increase our dependence on foreign oil, and it is going to hurt American farmers. I hope we defeat this amendment resoundingly.

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, one of the most innovative portions of the President's clean air proposal and the bipartisan substitute is that dealing with alternative fuels. This section of the bill includes provisions to increase the oxygen content of gasoline so that it burns more cleanly. Ethanol provides us with the highest oxygen content feasible today, and I support the 3.1-percent oxygen content requirement for fuel used in carbon monoxide nonattainment areas, a figure carefully arrived at by the Environment Committee.

According to the author of the pending amendment, an oxygen content of 3.1 percent rather than 2.7 percent provides little, if any, additional environmental protection. However, such a statement flies in the face of the available data. According to the Environmental Protection Agency, there is a linear relationship between an increase in the percentage of oxygen in gasoline and the reduction of carbon monoxide emissions. As a matter of fact, the 3.1-percent figure would provide a 15-percent greater reduction in carbon monoxide emissions than would the 2.7-percent figure. This would result in 450,000 fewer tons of carbon monoxide emissions annually in the United States than would be the case under Senator LAUTENBERG's amendment. These are benefits that cannot be ignored.

And those are just the environmental benefits. The 3.1-percent figure provides economic benefits as well. My friend, the Senator from New Jersey claims that the 3.1-percent figure, because it would require increased use of ethanol, which receives a 6 cent per gallon of gas tax credit, would lead to reductions in Federal highway trust fund revenues. However, the $500 million in expected losses to the trust fund would be more than made up for by reductions in agricultural program payments to farmers, according to the U.S. General Accounting Office.

Ethanol use is expected to double in response to this bill. This would greatly increase the demand for American agricultural products. A bushel of corn can produce 2.5 gallons of ethanol, and under the bipartisan substitute, there would be demand for at least 400 million more bushels of corn and other agricultural products annually.

According to the GAO, reductions in Federal outlays from farm support programs would be $900 million under their lowest use scenario for ethanol use. Even after the additional revenues lost to the highway trust fund, this would lead to a government savings of over $400 million annually. And under the high ethanol use scenario, Federal farm program outlays would be reduced by an astounding $1.4 billion annually, leading to an annual average savings of $600 to $900 million. In addition, the GAO reports that the high-use scenario is more likely to occur, especially if the Congress extends the ethanol tax credit.

With a 3.1-percent oxygen requirement, close to half of the fuel used in carbon monoxide nonattainment areas would be ethanol blended. The other half would be MTBE-blended gasoline. Under Senator LAUTENBERG's amendment, much less ethanol would be used. Several Western States trying to reduce carbon monoxide pollution have instituted oxygenated fuel programs requiring from 1.5- to 2.7-percent oxygen. In these States, only about 10 percent of the fuel is ethanol blended. The rest is MTBE blended. Similar results should be expected under Senator LAUTENBERG's amendment.

And I add that MTBE is derived from methanol, a product which is almost always imported. We want to reduce our dependency on foreign fuels, not increase it, as this amendment proposal would do.

Finally, in addition to improving air quality, increasing the demand for farm products, reducing Federal farm payments, and decreasing our dependence on foreign oil imports, increasing ethanol use would help combat global warming. According to the Congressional Research Service, ethanol yields 24 percent as much carbon dioxide, the most abundant greenhouse gas, as does normal gasoline. I have been very active on the global warming issue, and I think that requiring a high oxygen content would be a great step toward combating this monumental threat facing our Earth.

The arguments for ethanol speak for themselves. I support the oxygen content requirements as they currently stand, and I am very opposed to the pending amendment.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, proponents of this amendment argue that without this change, $1 billion from the highway trust fund will be lost because only ethanol can meet the 3.1-percent requirement, and ethanol blends are exempt from 6 of the 9 cent Federal gas tax.

This estimate is entirely unrealistic, because it is based on a faulty premise that only ethanol can and will be used to meet the 3.1-percent requirement.

Most likely, ethanol's share of this oxygenated market will be around 30 percent—a far cry from 100 percent. That is based upon the ethanol blend sales in areas such as Colorado, Arizona—areas already with oxygenated fuels programs.

If, indeed, ethanol achieves a 30-percent share, the impact on the highway trust fund would be about $250 million.

Not for 1 minute would I suggest I am not concerned about the condition of our highway infrastructure, nor would I minimize the importance of the moneys in the highway trust fund.

But let us put a couple things in perspective. Back in 1982, Congress agreed with the Mass transit.

Interests to allow them to receive 1 penny out of the 9 cent gas tax.

Here we have what we call a user fee, that is only supppose to be used for our highway system, and all of a sudden transit is getting a large portion.

And do you remember why? It was argued that this money was needed to improve mass transit so that air pollution would be reduced.

Since then, mass transit has taken $9.1 billion out of the highway gas tax moneys. It is averaging $1.3 billion per year.

And yet now we hear arguments that ethanol should be cut out of this oxygenated market because it might reduce the amount of money going into the trust fund.

Now if you take into consideration the Federal Government moneys as a whole, it is very important to understand that the General Accounting Office just recently reported that the more ethanol we use, the more the Government saves. This is because of savings resulting from reduced spending on farm programs and increased rural income. GAO estimated that the Federal Government actually enjoys a net savings of anywhere from $460 million to $567 million per year.

So what is lost to the highway trust fund, is more than gained in other Federal savings elsewhere.

Another important point to remember is that the highway trust fund has an unobligated cash balance of about $10 billion. And this grows at a rate of about $300 million per year.

So it is clear that the answer to our highway infrastructure problem lies not with the Clean Air Act, not by passing a weakening amendment that not only will reduce our clean air efforts, but also will effectively undermine a major market for American farmers.

Frankly, it seems ironic that we are about to pass a bill that could cost American businesses and consumers anywhere from $20 to $105 billion in the name of clean air, yet oppose a provision such as the 3.1 percent oxygenated requirement that GAO studies suggest will actually save the Government money.

Mr. President, it is also inaccurate to suggest that a 3.1-percent oxygenated standard consitutes an ethanol mandate. As I said earlier, our most optimistic estimates would be about a 30-precent market share for ethanol.

That's because there are a large number of alternative fuels competing with ethanol. For instance,

Octamix, which is 5 percent methanol combined with other alcohol cosolvents would provide 3.7 percent oxygen;

Dupont waiver, which is 5 percent methanol and 2.5 percent ethanol provides 3.7 percent oxygen;

Methanol with MTBE, with 2 percent methyl tertiary butyl ether and up to 5 percent-by-volume methanol and a minimum 2.5 percent by volume cosolvent alcohols would also provide 3.7 percent oxygen;

Arconol, which is tertiary butyl alcohol, can provide 3.7 percent oxygen when utilized at 16 percent volume; and

Oxynol 50, which is 4.75 percent methanol and 4.75 percent tertiary butyl alcohol can provide 3.5 percent oxygen.

These alternative fuel additives represent just a partial list of those available to compete for this market.

It is just absolutely not the case that a 3.1-percent requirement constitutes an ethanol mandate.

Moreover, if anything, by dropping the standard down to 2.7 percent, we will actualy be cutting ethanol and American farmers out of a major market.

So who will really gain by changing from 3.1 to 2.7 percent? The answer is obvious! Big oil!! Big oil will gain because those companies control the methanol and MTBE. The Big oil companies make up much of the membership of the so-called consumers for competitive fuels which supports this amendment. Big consumers like Shell, Mobil, Exxon, Phillips, Amoco, Chevron, just to name a few.

The debate over this amendment, therefore, really boils down to this: If

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you want to help big oil maintain its lock on our fuel supply and if you want to weaken the Clean Air Act, then vote to reduce the 3.1-percent requirement down to 2.7 percent.

On the other hand, if you want to improve our air, and provide the Federal Government with some net savings, then vote to retain the 3.1-percent requirement. Because with 3.1, you are going to encourage the use of ethanol—a proven pollution fighter produced by American farmers, not big oil.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, earlier this evening the majority leader at a social function suggested that this Senator might be responsible for keeping the troops here. He addressed it to the spouses of the Members and ginned up what I would call some hostile forces. I would ask the majority leader, who is not here, or the manager instead, if he would like to carry this debate over until tomorrow and permit the spouses to have an evening at home after a lot of hard work. Perhaps we ought to end the debate now and have the vote on tomorrow. While waiting for a response to that, Mr. President, there are a couple of things I would like to clear up.

We have heard some very complimentary things. I have been flattered to tears by my colleagues who know that I am always on the side of a cleaner environment, and then they proceed to decimate the proposition that I put forward.

Mr. President, I have so many friends on the floor with whom I share common objectives, common legislative agendas, who suddenly accuse me of supporting companies like Exxon, Arco, Mobil, Texaco. They should have seen where those companies were when I was running in 1988. Then I have been tough on the oil industry, pursuing them from Alaska to Staten Island, from the south to the north, because of the problems that have been created by mishandling of hazardous cargo, et cetera. I am not fronting for anybody except the American consumer and a clean environment.

I have no problems using ethanol as a fuel. The problem I and those who want to pass this amendment have is that this is clearly so skewed toward gasohol. Having come from the corporate world, I believe that open and free competition is the way to go. But those here opposing me, who say they are so concerned about the environment believe we can accomplish the mission by effectively narrowing the options to one.

There are a couple of things I want to clear up. First, this amendment would, in no way, reduce the environmental goals of this bill. The areas in carbon monoxide nonattainment would still have to come into attainment, and on the same schedule. None of that is changed. And lest my colleagues be given the impression that this amendment is not an environmental additive, let me again point out who supports a 2.7 percent oxygen standard, as contained in my amendment.

As I mentioned earlier, the State and Territorial Air Pollution Program Administrators, many from States represented on the floor tonight, the people who are out there implementing the clean air programs, support this amendment. They are the ones who have to make sure their States or cities meet the carbon monoxide standard. They are the same people who have criticized this bill as not going far enough to clean up our air. Their commitment to clean air is unchallenged. They are not out there to sell agricultural products, even though in many cases they represent agricultural States. They are not out there to give anybody a market advantage. Their only mission is clean air, and they are challenging the condition that we have in the bill.

The California Air Resources Board, the South Coast Air Quality Management District of California, and the California Energy Commission all support this amendment. They support it for one reason: it makes sense environmentally.

Now to the second point. Mr. President, the impression was given in early debate that the oxygenated fuels provision was part of the agreement reached with the administration and that amending it would somehow or other unravel this deal. There was no negotiating on this point. I tried several times to bring it up and, in deference to my distinguished colleagues who were trying to manage a compromise, we left the subject undiscussed, leaving the discussion to take place, as it is now, on the floor of the Senate.

The provision is not a product of compromise negotiations. It is a product of the Environment Committee. Yes, it was adopted in Committee by a close vote of 9 to 7. But, it was not discussed in the black hole back here were sitting, trying to arrive at a compromise. I tried to raise it, but it was not discussed.

Let us be clear about the administration's position which was incorrectly stated several times. The administration—and the times are few and far between that I defend the administration—has not endorsed 3.1 percent. In fact, in this bill, the administration was silent on the question of a specific oxygen level for fuel.

The PRESIDING OFFICER. The Senate will be in order. The Senate is not in order.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from New Jersey has the floor. The Senate will be in order.

Mr. LAUTENBERG. I will yield for a question.

Mr. SYMMS. I thank the Senator for yielding. I might say that Senator LAUTENBERG in the committee—if we could just have a little bit of order. I will try to be brief.

Just so Senators will know what happened, in the committee I cast the deciding vote against the amendment of the Senator from New Jersey resulting in the provision now in the bill. At that time I said to Senator LAUTENBERG that the Secretary of the Treasury, Mr. Brady, had assured me that he would grant the credit for ETBE, if I would support the Senator from New Jersey's position on the floor.

If I may ask Senator LAUTENBERG, Mr. President, did not the Treasury give that credit just today?

Mr. LAUTENBERG. Yes, they did, and they promised it would be in the Federal Register in the very near future. There will be a credit for the formulators, for the refineries that make this material and it will come out of the general Treasury and not out of the trust fund, which has no way of being replenished.

Mr. SYMMS. I believe that ETBE is a much better way to support and sustain a productive ethanol industry, with that support coming out of the general fund in the form of an ETBE tax credit and not to siphon money out of the Highway Trust Fund. Consequently, Mr. President, I believe that ETBE is far better for American farmers and American ethanol in the long term. And, even though I consider myself one of the Senate's staunchest ethanol advocates, in order to be consistent with my commitment to Secretary Brady, I will support the Senator from New Jersey.

Mr. LAUTENBERG. I appreciate the question and the support of the Senator from Idaho.

Mr. President, my colleagues say that as many as six other fuels exist that can meet the 3.1-percent average. Technically, one might say that, but practically speaking that is not the case. A number of fuels have, over time, been developed, but because they cannot be produced economically, or because of technical problems, they are not being used today. The only viable fuel that can be used today that exceeds the 3.1-percent average is gasohol.

Statements have also been made that somehow or other a 3.1-percent average is more fuel neutral than a 2.7-percent average. That does not make sense. Look at ETBE, which has been discussed many times. That only has a 2-percent oxygen factor. The math is simple. If you want to use ETBE at 2 percent and have to meet an average of 3.1 percent, you have to use an awful lot of fuel exceeding 3.1 percent.

And what is that fuel? Gasohol. If there is an average of 3.1 percent, any fuel below that level would have to be offset by using a certain amount of fuel above the average.

So this is the situation. Someone marketing a fuel at 2.5 or 2.7 percent wants to sell their fuel within a nonattainment area. How do they do it? They have to buy oxygen credits from someone selling gasohol. So gasohol once again is the winner. Farmers get support to raise corn; agribusiness gets $500 million in annual subsidies to turn it into ethanol for gasohol.

Anyone wanting to sell fuel at less than 3.1 percent oxygen has to buy the right to do so from the gasohol industry. It is a nice deal, but not one we should be putting together here tonight.

Then the question of the Highway Trust Fund was raised. Let me point out again, whether it is $1 billion or whether it is $500 or $300 million, that is money that is lost forever from the highway trust fund. It is not money that we will ever see again. It is money that we will never have to meet our infrastructure needs. And those needs are staggering.

It has been said that there is a $10 billion surplus in the trust fund. It is not so. That money is all accounted for. We have $30 billion in commitments right now, and we need that money to pay the bills as they come due.

So let me summarize. This amendment by no measure represents a deal buster. It is supported by State and local environmental officials. It is more fuel neutral than the 3.1-percent standard now contained in the bill. The result is lost highway trust funds, as much as $1 billion a year, money that won't be made up for by any savings that there may be in any farm subsidy program reduction.

Mr. President, there will be more to this debate. But I hope my colleagues are not going to be misled by any misperceptions about what this amendment really does.

Mr. DOLE. Mr. President, I want to commend the Senator from New Jersey and chairman of the Transportation Appropriations Subcommittee, Senator Lautenberg, for his many efforts to protect the integrity of the highway trust fund.

As with other trust funds, the money is dedicated to a specific purpose, and we must remain vigilant against efforts to transfer these precious Federal resources to other programs.

And I will continue to join the Senator from New Jersey in these goals. The record reflects the strong support of the highway trust fund, dedicated to constructing and maintaining our Federal highway system, not just by the senior Senator from Kansas, but also by the former Secretary of Transportation Elizabeth Dole.

So protecting the trust fund runs deep; it's a family matter. I take a back seat to no one in wanting a strong and viable highway trust fund. I am not aware if any of my colleagues have supported my statement of having no objection to increasing the Federal fuel excise tax, if and only if it is dedicated to constructing and maintaining our most important infrastructure—the Federal Highway System.

But I part company with my colleague from New Jersey on this amendment. Quite frankly, I believe it is misplaced and misrepresents the facts.

First, excise taxes are imposed by the Committee on Finance, not the Committee on Environment and Public Works. If the Senator from New Jersey has some problem with the Tax Code, I am certain he would be afforded an opportunity to testify at the committee's next hearing.

Second, the real problem is the $10 billion surplus in the trust fund—a surplus we cannot spend, due to an accounting procedure. This procedure limits what the Appropriations Committee is able to spend on highways to about $12 billion per year, which does shortchange the taxpaying American motorist. I would welcome the Senator's assistance in changing this procedure, so the money sent to Washington by the public to build and maintain highways and bridges can be spent to build highways and bridges. But this is a Budget Committee item, not something under the jurisdiction of the Committee on Environment and Public Works.

I know the Senator is a member of the Budget Committee, so maybe he could expend some effort there on our joint effort to defend and promote the highway trust fund.

LAUTENBERG AMENDMENT

But instead, we are presented with an amendment to the clean air bill that is being represented as some kind of salvation from a raid on the trust fund, as if someone were trying to pick the lock on the safe in the middle of the night and steal money from highway contractors. Nothing could be farther from the truth.

The amendment is an antienvironmental, big oil bailout, and I am surprised anyone would think it should be given serious consideration to a bill which is supposed to help our environment.

Forty-four cities in the United States are currently out of attainment for carbon monoxide. To bring those cities into compliance at the earliest possible date, the committee established an average oxygen content level of 3.1 percent above regular gasoline. It is estimated that as many as one-third of these cities could quickly come into attainment for carbon monoxide simply by requiring a 3.1 percent oxygenate level in motor gasoline, with no other costly and onerous measures being required.

The Senator from New Jersey argues that we should mandate methanol, but fails to mention three important points—all of this methanol will be imported, methanol is far more toxic than gasoline, and burning methanol produces formaldehyde—yet another toxic pollutant. I just cannot understand why we want to mandate an increase in new toxic chemicals in a clean air bill.

Make no mistake, this is a big oil amendment. The major international oil companies control foreign natural gas reservoirs, and they are looking for a market—your gas tank and the gas tanks of your constituents. By voting for the Lautenberg amendment, you will be closing an opportunity for a clean-burning, domestically produced product from our motor fuels market, leaving nothing to compete against oil company-owned feedstocks. If you vote for this amendment, do not complain about high gasoline prices, because you voted against competition.

In 1989, the United States spent $49.62 billion on imported oil, compared with a trade deficit of $108.58 billion. Imported fuels accounted for over 45 percent of the total trade deficit, and the Lautenberg amendment would increase it.

As I indicated earlier, the methanol mandated by the Lautenberg amendment will be imported—in tankers, the same tankers that, unfortunately, sometimes find the rocks close to our shores. Do we really want all that highly toxic methanol floating off our beaches? Why, when we continue to give lip service to American competitiveness, do we mandate that foreign products are the only ones which can be burned in our automobiles?

Simply put, the Lautenberg "methanol mandate" is bad for the environment and bad for America. We should accept the committee's recommendation on oxygenated fuels, allowing clean-burning, domestically produced ethanol to play a role in our environmental cleanup.

Mr. WIRTH. Mr. President, this amendment raises very difficult questions for those of us who were supporters of oxygenated fuels long before we had much experience with their use. As a Member of the House of Representatives, and now as a Member of this body, I have consistently urged that we expand the use of oxygenated fuels to combat air pollution in our Nation's cities. Time has proved us right—oxy fuels are an in-

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valuable tool for reducing air pollution.

I represent a State that was a pioneer in promoting the use of oxygenated fuels as part of the effort to reduce air pollution in cities along the front range of the Rocky Mountains. In fact, Colorado was one of the first States in the Nation to mandate the use of oxygenated fuels as part of a comprehensive strategy for reducing air pollution.

That program has been far more successful than even the strongest supporters of oxy fuels had hoped for. But since Colorado was at the leading edge of this work and there was some uncertainty about how this new program would work, the State air quality commission thought the oxy fuels program should be phased in. They reasoned that this very careful approach would help drivers adjust to new fuels, and would give gasoline stations a chance to accommodate a new fuel mixture.

That is why, during the winter of 1987-88, gasoline sold in a number of cities along the range only had to contain 1.5 percent oxygen. Then, during the next 2 years, gasoline sold during the 4 winter months had to contain 2 percent oxygen.

Mr. President, as many of us had hoped, the adjustment to oxy fuels has been virtually painless. Last year, 1.8 million vehicles in Colorado traveled more than 4.8 billion miles using oxy fuels, and those vehicles consumed more than 350 million gallons of oxygenated fuels. In the process, Colorado health officials have recorded a 12 to 13 percent reduction in carbon monoxide pollution levels.

Based on those statistics, Colorado's air quality control division is going to recommend in the next few days that the oxy fuels program be expanded to require the use of gasoline that contains at least 2.7 percent oxygen. The State's experts predict that this will help reduce air pollution by 15 percent.

In the last few years, we have proved that oxy fuels—ethanol, MTBE, and ETBE—can significantly help reduce air pollution. And oxy fuels make good sense for other reasons as well.

For example, in 1988 the domestic ethanol industry produced and sold more than 85 million gallons of ethanol. That represents a market for 340 million bushels of grain, and helped reduce farm program costs by $700 million. Ethanol is an energy source we produce right here in the U.S., and that helps cut down our trade deficit and enhances the Nation's energy security.

MTBE has also been a stunning success in the market. And like ethanol, it helps reduce our trade deficit and makes us more energy secure.

And as I said, Mr. President, I have been a strong supporter of these fuels. When EPA was deciding whether to let oil companies sell MTBE as an oxy fuel, I supported those efforts. When President Reagan proposed to end the tax exemption for alcohol fuels, I opposed those measures. And I supported the ETBE manufacturers when they were trying to convince the Treasury Department to give ETBE a tax exemption.

That is why my decision on this amendment was a very close call.

But ultimately, after very careful thought, I concluded that on balance we should stick with a maximum oxygen content of 2.7 percent. What finally convinced me is the logic that the State's experts used when they were trying to decide whether they should recommend expanding Colorado's program to 2.7 percent or 3.1 percent.

Going into the debate, these experts emphasized that most of the pollution reduction from oxy fuels comes at the lower end of the scale. In other words, we get about 80 percent of the total pollution reduction from fuels that contain only 2 percent oxygen. By increasing the oxygen content to 2.7 percent, we can get another 10 percent in pollution reductions.

This means that with a 2.7 percent oxygen requirement, we will be getting about 90 percent of the pollution reduction we can get using oxygenated fuels. Of course, we could get a small additional reduction by increasing the oxygen content to 3.1 percent, but we would also pay a price for that.

The price is that under the existing regulations, MTBE can not be blended to get more than a 2.7-percent oxygen content. So a requirement that oxy fuels contain at least 3.1 percent oxygen would significantly reduce the market opportunities for MTBE.

What does that mean? One of the most important things we have learned from Colorado's experience with oxy fuels is that consumers want to be able to choose which oxy fuel they are putting into their car's gasoline tank. Some people prefer ethanol. Others prefer MTBE blends. But people want to have that choice, and they will resist a program that reduces their choices.

Another problem that the experts pointed out to me is that as you remove one oxy fuel from the market, you reduce competition. And that competition among fuels is very important for keeping the price of fuels as low as possible for consumers.

There are two more points I want to make, Mr. President. As I understand it, the amendment offered by the Senator from New Jersey would not set this issue in concrete. It would require that oxygenated fuels sold in these nonattainment areas contain 2.7 percent oxygen. If, a few years down the road it makes sense for a State, or a city like Denver, to set a higher minimum oxygen content, that possibility always exists. All we are saying with this amendment is that we don't want to set a national minimum oxygen content of 3.1 percent.

And finally, Mr. President, I want to emphasize for my colleagues who are opposing this amendment that in the next day or two I intend to offer a comprehensive amendment on the floor that will significantly broaden the market for ethanol and ETBE. That amendment will require the use of reformulated gasoline in all serious ozone nonattainment areas—and as you know, reformulated gasoline can be produced from ethanol and ETBE.

Does that make my decision easy, Mr. President? Not at all. As I said, this has been a very close call for me. But on balance, I think the amendment should be approved, since it is important to maintain a healthy competition among these fuels, and to make sure that consumers have a choice of fuels.

MYTHS AND FACTS ABOUT OXYGENATED FUELS

Mr. BAUCUS. Mr. President, I oppose the amendment that the distinguished Senator from New Jersey has offered.

We are both in agreement that oxygenated fuels offer us the means to reduce carbon monoxide. And we all know carbon monoxide is a serious urban air quality problem; 44 cities fail to meet Federal air quality standards for carbon monoxide; 90 percent of the carbon monoxide emissions are produced by motor vehicles.

Luckily, fuels with additives containing oxygen can reduce carbon monoxide emissions. The extra oxygen facilitates complete combustion, reducing the amount of CO that is produced. Denver has implemented an oxygenated fuels program and has realized a 12 percent reduction in carbon monoxide pollution as a result. A reduction of 20 percent is feasible.

S. 1630 requires that fuels sold in the winter months in carbon monoxide nonattainment areas contain an average of 3.1 percent oxygen. It allows the trading of oxygen credits among fuel suppliers.

These provisions requiring a 3.1-oxygenated fuels level, in my opinion, have been criticized unfairly. Here is what some of the critics are saying.

Myth: A 3.1-percent oxygen requirement mandates the use of ethanol—gasohol—as the oxygenated fuel.

Fact: Several other additives could and would be sold even under a 3.1-percent mandate.

In addition to ethanol, EPA has approved four other additives which give the finished fuel an oxygen content greater than 3.1 percent. They are tertiary butyl alcohol, Oxinol, the DuPont Waiver, and Octamix.

Moreover, the bill also allows trading of excess oxygen credits. Use of ethanol or any of the above additives would generate excess oxygen credits. These credits could be traded to a marketer using an additive with less than 3.1 percent oxygen to make up the shortfall.

It is likely that the makers of other additives—MTBE and ETBE—which don't currently have waivers reaching a 3.1-percent oxygen level would seek applications. EPA officials have indicated that they would expect an application for an MTBE waiver at 3.1 percent and they can see no reason to disapprove it. An ETBE waiver at 3.1 percent is already being prepared.

Myth: Most of the environmental benefit from oxygenated fuels is realized with just 2 percent oxygen.

Fact: The relationship between oxygen content and carbon monoxide emissions reductions is linear; the more oxygen the better.

EPA has looked at this question on two occasions, the second time using data collected by the oil industry. On both occasions EPA concluded that the relationship between oxygen content and carbon monoxide emissions reductions is linear. Each additional increment of oxygen achieves the same reduction in carbon monoxide emissions reductions.

Myth: Now that a tax credit for the ethanol used in ETBE has been approved, an oxygen requirement of 3.1 percent is not needed.

Fact: Even with the tax credit, ETBE cannot compete with methanol additives at current prices.

Prices for the feedstocks from which these additives are made fluctuate over a broad range. ETBE, even with the blenders credit, would have been price competitive with MTBE in only 3 months over the last 5 years.

Myth: Oxygenated fuels make the ozone problem worse.

Fact: The oxygenated mandate only applies during the 6 winter months when ozone pollution is not a concern.

Ozone forms on hot summer days. The worst carbon monoxide problems occur on cold winter days because cold engines do not burn fuel well in cold temperatures. The bill only requires oxygenated fuels during the winter months. And the bill also includes a waiver provision allowing areas to opt out of the requirement, if they believe that oxygenated fuels would make another air pollution problem worse.

Myth: The oxygenated fuel requirement will bankrupt the highway trust fund.

Fact: The cost to the trust fund is likely to be less than $200 million per year.

Each gallon of gasohol—10 percent ethanol and 90 percent gasoline—is exempt from 6 cents of the highway excise tax. To the extent that gasohol is used to fulfill the oxygen requirement, revenue to the highway trust fund will decrease.

However, because of the trading provision gasohol would likely be only 40 percent of the fuel sold; 60 percent would be MTBE. At a loss of 6 cents per gallon, the cost to the trust fund would be $160 million per year.

This estimate likely overstates the impact on the trust fund. Eight percent of all fuel sold in the United States currently is gasohol and much of that is sold in cities with CO nonattainment problems. In those cities the oxygenate mandate would not increase the impact on the trust fund.

The cost to the trust fund from current gasohol sales is $450 million per year. GAO estimates, however, that the U.S. Government actually saves $600 million in agricultural subsidies as the result of the current tax credit—it has a net budget benefit.

Myth: No environmental benefit is realized by using oxygenated fuels in new cars.

Fact: Tests run by ARCO indicate that oxygenated fuels are more effective at reducing carbon monoxide emissions in new cars.

ARCO has developed a reformulated gasoline which it calls EC-1. EC-1 contains 1 percent oxygen provided by an MTBE additive. ARCO tested this gasoline both in precatalyst automobiles and in new automobiles. The ARCO test showed larger carbon monoxide emissions reductions from the new vehicles than from automobiles which had no catalysts or oxygen sensors at all.

Mr. President, as you can see, many myths about a 3.1 oxygenated fuel standard have surfaced. They are only myths.

The 3.1 oxygenated fuels standard in the bill offers a means for significantly reducing carbon monoxide levels. And it does it in a way that is fair to the consumer. I urge my colleagues to table the amendment offered by the distinguished Senator from New Jersey.

Mr. SIMPSON. Mr. President, I find myself in disagreement with my fine leader and some of my farm State colleagues on this one. I would like to see all types of oxygenates used to reduce carbon monoxide and other pollutants—for I believe they are useful fuel additives and are very necessary in nonattainment areas.

We often react to issues based on parochial concerns. Here is such a case. I find that I must support the amendment offered by my able colleague, the Senator from New Jersey. There are many small refiners in my State that produce MTBE or methyl tertiary butyl ether and a major corporation has just announced they are planning to build a new MTBE plant in my State and that they will be making MTBE from natural gas. Then we also have the potential to make methanol from coal and natural gas and we have great reserves of those products in my State. I also have farmers to represent and they would like to produce ethanol as well, but not on the same scale as the MTBE producers.

So, I do support the amendment to change the oxygenate number to 2.7. This is assuredly a tough issue, but I must support my State on this one.

Mr. BAUCUS. Mr. President, I do not see any other Senators wishing to speak on this amendment. The Senator from New Jersey is correct. This subject is not covered in the negotiations on the clean air bill. Many subjects were, but the oxygenated fuels provision was not covered in negotiations.

On the other hand, Mr. President——

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana.

Mr. BAUCUS. I thank the Chair.

On the other hand, Mr. President, this question was fully debated in the Environment and Public Works Committee. When this issue came up, there was a wide array of witnesses. Some witnesses felt that oxygenation content should be 2.7 percent. The middle range is about 3.1 percent.

Other witnesses felt that the oxygen content should be as high as 3.7 percent. The committee decided on the middle position, 3.1 percent.

In addition, this provision makes sense in cold, high-altitude parts of the country. It helps reduce carbon monoxide. It is very much needed.

Most of the nonattainment areas in the country are cold altitudes, cold elevations in this country. This provision helps those areas reach attainment, to lower their carbon monoxide.

Finally, there are other oxygenated fuels that are available that can meet the 3.1 percent. Again, this was fully debated in the committee. The committee took the middle position.

Mr. President, accordingly, as I see no other Senators wishing to speak, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to lay on the table the amendment of the Senator from New Jersey.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

I also announce that the Senator from Michigan [Mr. RIEGLE] is absent because of illness in the family.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 43, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—53

Baucus
Bond
Boschwitz
Bumpers
Burdick
Burns
Chafee
Coats
Conrad
Danforth
Daschle
DeConcini
Dixon
Dole
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Gorton
Grassley
Harkin
Hatfield
Helms
Hollings
Jeffords
Kassebaum
Kasten
Kerrey
Kohl
Leahy
Levin
Lugar
McCain
McClure
McConnell
Metzenbaum
Mikulski
Murkowski
Nunn
Pell
Pressler
Reid
Robb
Rudman
Sanford
Sasser
Shelby
Simon
Stevens
Thurmond
Warner

NAYS—43

Adams
Armstrong
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Byrd
Cochran
Cohen
Cranston
D'Amato
Dodd
Domenici
Garn
Graham
Gramm
Hatch
Heflin
Heinz
Humphrey
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Lieberman
Lott
Mack
Mitchell
Moynihan
Nickles
Rockefeller
Roth
Sarbanes
Simpson
Specter
Symms
Wallop
Wilson
Wirth

NOT VOTING—4

Matsunaga
Packwood
Pryor
Riegle

So the motion to lay on the table amendment No. 1319, as modified, was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1323 TO AMENDMENT NO. 1293

(Purpose: To modify language calling for mandatory consideration of transportation control measures in developing State Implementation Plans to selection of those measures which would be most effective to deal with specific regional or local air quality problems)

Mr. MOYNIHAN. Mr. President, I should like to propose an amendment which will be offered for myself and the Senator from Nevada [Mr. REID].

And therefore, Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for himself and Mr. REID, proposes amendment numbered 1323 to amendment No. 1293.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 14, line 15 after "Secretary of Transportation," insert "and after providing public notice and opportunity for comment,".

Page 16, line 24 strike "and".

Page 17, line 3 after "conditions" insert "; and "(xv) employer-sponsored programs to permit flexible work schedules".

Page 50, line 8 after "downtown" insert "other commercial, and residential" and after "avoid" insert "increasing or".

Page 76, line 16 after "demonstration." insert "In considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them.".

Page 78, line 19 through page 79, line 2 strike entirely and replace with "The State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with the national ambient air quality standards."

Page 79, line 2 after "standard;" insert "in considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them;"

Page 111, line 6-18 strike entirely after "MEASURES.—" and replace with "In revisions submitted pursuant to section 188(g) for any serious nonattainment area, the State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with the national ambient air quality standards. In considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them."

Mr. MOYNIHAN. Mr. President, I hope this statement can serve as a brief explanation of the provisions of this amendment and how they relate to the bill before us.

The EPA is currently required by the Clean Air Act to provide guidance to the states on the reductions in emissions of carbon monoxide and volatile organic compounds to be gained from changes in local transportation policy. These documents have not been updated by the EPA since 1978, and cities trying to improve air quality by managing traffic have had little federal help.

And so, quite sensibly, the bill reported by the committee directed the EPA to update these guidance documents. A list of some of the measures EPA should look at is contained in section 108(f) of the Mitchell/Dole substitute bill. This list is taken verbatim from S. 1630 as reported by the Committee on Environment and Public Works. It includes everything from bicycle lanes to improved public transit to tolls on certain roads or bridges.

This is, however, not all the bill did. In the Mitchell/Dole substitute (on page 76 and again of page 111), there is a requirement attached to the 14 measures listed in section 108(f) needing some clarification. The language on page 111, which addresses emissions of carbon monoxide, reads as follows:

Revisions demonstrating attainment submitted pursuant to section 188(g) for any serious non-attainment area shall contain a commitment to implement as expeditiously as possible each of the transportation control measures specified in section 108(f) or a statement of the reasons for not including such measure in such revisions and an identification of other measures which will be taken in the area to obtain carbon monoxide emissions reductions equal to or greater than those that would have been achieved by implementation of such measure or measures, or reasons why such reduction is not necessary to meet the requirements of section 188(g)(3) or to attain a national ambient air quality standard.

Similar language appears on page 76 to address the use of these measures in ozone nonattainment areas.

Mr. President, my objection to this language results from its presumption that each and every one of the measures listed is somehow necessary and appropriate. Clearly some of these should be adopted, but others perhaps not. The judgment of what is appropriate for any city and what is not should remain with those who must implement these programs and live with the consequences of their decisions—local officials.

It may be that "transportation management plans for shopping centers" are sensible in Los Angeles. In New York City, "programs to control extended idling of vehicles" might be a higher priority. Be this as it may, we in the Congress should not take it upon ourselves to decide such questions. There is no way for us to know what to do in each and every nonattainment area, and we should not pretend otherwise.

This amendment would replace the language quoted above with the following:

In revisions submitted pursuant to section 188(g) for any serious nonattainment area, the State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with national ambient air quality standards. In considering such measures, the State should ensure adequate access to downtown and other commercial and residential areas, and should avoid measures that relocate emissions and congestion rather than reducing them.

The amendment is very simple in this regard—all measures should be considered; none is mandatory.

In addition to these changes, the amendment would allow for public comment on the guidance prepared by the EPA regarding the measures listed in section 108(f). The amendment also adds one measure to the list of measures to be considered: "employer-sponsored programs to permit flexible work schedules."

Mr. President, I hope this amendment can be accepted by the Senate.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Montana.

Mr. BAUCUS. Mr. President, this side has examined the amendment offered by the Senator from New York. Essentially it allows a State or area which is not in containment to more flexibly reach its goal. That is each of the various 14 or so transportation controlled measures that are enumerated in the bill would not have to be implemented. Rather the city could implement any one of those that seem most appropriate for that city so long as it still reached its goal of reaching attainment by the prescribed dates set forth in the statute. The goal of flexibility and final attainment are contained in the amendment.

I think the amendment is entirely appropriate, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 1323) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

AMENDMENT NO. 1324 TO AMENDMENT NO. 1293

(Purpose: To provide exemptions for the production of oil from a stripper well property and for the production of stripper well natural gas)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself and Mr. NICKLES, proposes an amendment numbered 1324.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following new title:

TITLE —MISCELLANEOUS EXEMPTIONS

EXEMPTIONS FOR STRIPPER WELLS

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title I of the Clean Air Act Amendments of 1989 relating to the regulation of areas designated under section 107 of the Clean Air Act, other than areas designated as severe or extreme pursuant to such section or part D of such title and the amendments made by such provisions, shall not apply with respect to the production of and equipment used in the exploration, production, development, storage or processing of—

(1) oil from a stripper well property, within the meaning of the June 1979 energy regulations (within the meaning of section 4996(b)(7) of the Internal Revenue Code of 1986, as in effect before the repeal of such section); and

(2) stripper well natural gas, as defined in section 108(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3318(b)).

Mr. DOLE. Mr. President, 20 percent of the Nation's oil and gas is produced from stripper wells. Right now, over 50 percent of the Nation's oil supply is imported—near the dangerous levels that we experienced when the OPEC oil embargo occurred in 1974.

This amendment would help keep marginally producing wells—those wells that produce less than 10 barrels of oil per day—in production instead of being capped and abandoned.

The oil and gas industry in Kansas is second only to agriculture. Nearly all of the production in Kansas is from stripper wells. It is important that we maintain a viable, healthy oil and gas industry.

It has been estimated that several thousand jobs and millions of dollars in royalty and tax revenue would be lost if the bill where to be enacted as is. It is important to my State of Kansas and the Nation as a whole that we adopt this amendment.

It is my understanding that this amendment has been agreed to.

Mr. BAUCUS. Mr. President, I think that is correct but we are still looking for a copy of the amendment to completely verify that this is exactly the same amendment.

Mr. DOLE. Mr. President, I ask unanimous consent to add the distinguished Senator from Oklahoma [Mr. BOREN] as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it is my understanding that the amendment now has been cleared on both sides.

The amendment is to provide exemptions for the production of oil from stripper well property and for the production of stripper well natural gas.

Mr. BAUCUS. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1324) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1325 TO AMENDMENT NO. 1293

(Purpose: To require the appropriate use of codes developed by professional organizations for accident prevention)

Mr. DOLE. Mr. President, I send to the desk another amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1325 to amendment No. 1293.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 399, line 20, after the period, insert the following new sentence:

"If the Administrator determines that the use of a code that prescribes safety standards for equipment design, procedures, and systems developed by a professional organization or entity (including the American National Standards Institute and the American Society of Mechanical Engineers) is appropriate, the Administrator shall require the use of such code.".

Mr. DOLE. Mr. President, let me indicate first of all that this amendment has been cleared on both sides. Let me explain it very quickly.

Mr. President, throughout the implementation process, many American companies and plants will be modifying and improving their processes and designs so as to improve safety. However, a small, but important provisions is missing from the bill that will ensure these equipment changes are done in an orderly and cost effective way.

Under the current language in the bill, it is possible that the administrator could require any safety standard at all without regard to cost or difficulty to install. This amendment simply says that if the administrator determines that the use of a professional code that prescribes safety standards is appropriate, like the American standards institute and the American society of professional engineers, then the Administrator shall require the use of that code.

This amendment promotes uniformity in design for safety equipment. It will allow these plants who install this equipment to know the rules in advance and save money in the process.

Mr. BAUCUS. Mr. President, we have examined the amendment and the amendment states exactly what the Senator from Kansas said. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1325) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1326 TO AMENDMENT NO. 1293

(Purpose: To make technical changes in the definition of an accidental release)

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1326.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 321, line 4, after the period, insert the following new sentence: "Such term shall not include a release from a vent or relief valve, or a release that results from a disturbance in a process (commonly referred to as a 'process upset') that is planned and designed to prevent catastrophic events.".

Mr. DOLE. Mr. President, this amendment deals with ammonia accidental release. A key provision was left unaddressed in the agreement with regard to provisions affecting fertilizer producers, particularly in my State of Kansas.

When fertilizer is produced from anhydrous ammonia, certain process emissions, or process venting, occurs. This is a necessary part of the production process because it prevents explosions at the plant.

This amendment would ensure that under the control provisions for accidental release, these process venting procedures will not be included under the definition of accidental release.

America's farmers need fertilizer. Several aspects of the bill have been addressed and improved that will help keep America's farmers in the field and in business.

Mr. President, I believe this amendment has been cleared on both sides.

Mr. BAUCUS. Mr. President, the amendment has been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1326) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WIRTH-ARMSTRONG AMENDMENTS 1310, 1311, 1312, AND 1313

Mr. WIRTH. Mr. President, air pollution is a problem that respects no boundaries, and which affects millions of Americans across the country. But air pollution causes special problems in high altitude communities in the Western States. For example, since the air in the mile-high city of Denver—or Salt Lake City, or Reno—has 16 percent less oxygen than the air at sea level, fossil fuel combustion is not very efficient.

As a result, air quality experts in Colorado and other States have long suspected that cars and trucks emit much more pollution when they are driven on Denver's streets, or in Boulder or Colorado Springs, than they do when they are driven in cities like Washington, DC. In fact, one expert estimated that if cars driven at high altitude operated as clean as cars driven at sea level, Denver would already be in compliance with the carbon monoxide pollution standard.

But one of our problems at high altitude sites is that we just do not have the scientific data we need to determine whether cars are failing to meet clean air standards when they are operated at high elevations—and to get those cars cleaned up if the problem is as bad as we suspect.

Two years ago, Senator ARMSTRONG and I worked together to provide EPA with the funds they needed to develop and operate a high altitude testing center in cooperation with the Colorado Department of Health. That center is now up and running. In fact, just this Monday I took my Jeep out to the center to compare emissions from the Jeep when it was running on gasoline, and when it was running on compressed natural gas—which I had installed a few weeks ago.

Just as an aside, when the Jeep was running on gasoline, the carbon monoxide emissions were 19.8 grams per mile. But as soon as we shifted to natural gas, the emissions dropped dramatically—to 0.8 grams per mile.

Mr. President, we need this kind of facility in the West to ensure that cars and trucks continue to comply with emission standards while in actual use at high-altitude conditions. This work was discontinued by EPA at one point, but was recently resumed to ensure vehicle compliance testing reflected high-altitude conditions.

This testing is important because current law requires vehicle models to maintain substantial compliance over 5 years, or 50,000 miles. If they do not, the vehicle model is subject to recall by the manufacturer. If we wish to have an effective monitoring and testing program to ensure compliance with the standards we establish, then we should maintain testing procedures under the actual conditions that vehicles are used.

Mr. President, continuation of this work is important to Western cities, and I urge the Senate to support this first amendment to maintain a high-altitude testing center for cars and light trucks.

Beyond in-use testing of cars and trucks at high altitudes, the Environmental Protection Agency needs to be doing a great deal more research on heavy-duty vehicles, such as buses, trucks, and construction equipment.

While there are heavy-duty engine and vehicle emissions testing facilities at low-altitude, there are none in the United States at high-altitude. Technically, it is not feasible at this time to extrapolate emissions data from low-altitudes to high-altitudes; therefore, a new testing facility is required for compliance measurements.

Mr. President, the second amendment establishes a research and technology assessment center to provide for the development and evaluation of less-polluting heavy-duty engines and fuels for use in buses, heavy-duty trucks, and non-road engines and vehicles under high-altitude conditions.

High-altitude metropolitan areas in the Western United States have unique and frequently severe air pollution problems. For example, according to the 1987-88 Metro Denver brown cloud study, a large fraction of Denver's visible air pollution in the winter comes from mobile sources. Scientific investigations have further shown how high-altitude conditions of lower air density, lower humidity, and more intense ultraviolet radiation levels can lead to a degradation of ambient air quality. Up to 25 percent of this high-altitude pollution is caused by diesel-powered vehicles.

Without a high-altitude emissions testing facility capable of testing heavy-duty vehicles, we lack the ability to test new emission control devices, such as particulate traps, and catalytic converters, and to test alternative fuels, such as methanol and compressed natural gas, under high-altitude conditions.

In the interest of efficiency for establishing and funding such a center, the amendment requires that preference be given to proposals which provide for local cost-sharing of facilities and recovery of costs of operation through utilization of such facility for the purposes of this section of the Clean Air Act.

In addition, Mr. President, with millions of Americans exposed to dirty air, there is a clear need not only to prevent further deterioration of air quality, but also to find the most effective ways to combat and cure the diseases caused by air pollution.

Chronic lung disease is the fastest rising among the leading causes of death in the United States—taking thousands of lives and costing billions of dollars each year. I strongly believe that this is a good amendment to the Clean Air Act because we now need to take the steps necessary to provide for proper research facilities and equipment to learn the effects of the environment on lung disease.

A new research center would facilitate and speed up the discovery and dissemination of break throughs in the diagnosis and treatment of lung diseases through both traditional medical research as well as sophisticated environmental studies. The center would be able to explore a variety of questions: Why do particular pollutants affect only certain groups of people? What levels of exposure to specific pollutants or combinations of pollutants do the most damage to the human respiratory system? What are the long-term health effects of chronic exposure to different levels of air pollution? Who are the most vulnerable to air pollution and how do they react to it? Answers to these questions can dramatically better the health of millions of Americans.

By establishing this research center—the first of its kind in the United States—we can also make great headway in learning how to prevent some lung disease. I have no doubt that old addage, "an ounce of prevention is worth a pound of cure", and thus an ounce of prevention that will well serve us all.

The third amendment that Senator Armstrong and I are offering would establish this kind of vitally needed research facility

Finally, Mr. President, our final amendment addresses the use of alternative work schedules in nonattainment areas.

Commuter traffic is a major contributor to urban air quality problems. In nonattainment areas with a substantial number of Federal facilities, the use of work-scheduling techniques such as "flex-time" could provide for a "staggering" of employees work schedules that effectively reduces the commuter traffic load during the normal workweek. This amendment requires Federal agencies and local health or air pollution authorities to review whether the implementation of flex-time would reduce air pollution within a nonattainment area without jeopardizing the agency's mission or service to the public, and to implement such a work schedule if it would result in an improvement in air quality.

AMENDMENT NO. 1302

Mr. BURDICK. Mr. President, I support the committee's provision to eliminate dual regulation of radionuclides—which are radioactive particles. There is no reason to impose dual regulation on radionuclides on the Clean Air Act.

Radionuclides are already adequately regulated under the Atomic Energy Act. Both the EPA and the NRC believe radionuclides are adequately and safely regulated. The NRC and EPA support the elimination of dual regulation.

The committee supports elimination of dual regulation. Mr. President, I urge my colleagues to support the committee position and vote against the amendment.

Mr. DOLE. I thank the Senator from Montana, Senator Baucus.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as if in morning business.

The PRESIDING OFFICER. The Senator is recognized.

REMEMBERING LOYAL DOORKEEPER WILLIAM DIETRICH

Mr. DOLE. Mr. President, it was with great sadness that we all heard of the recent passing of an outstanding Senate employee, William Dietrich.

Serving as a doorkeeper in this Chamber for 7 years, Bill Dietrich epitomized the dedication, sacrifice and loyalty that are the hallmark of so many public servants. I have served in this body for more than 21 years, but it does not take long to realize how important hard-working people such as Bill Dietrich are to the functioning of the U.S. Senate.

He was always attentive, pleasant and courteous.

We will miss this good man and the valuable contributions he made to this institution. I know I am joined by my Senate colleagues in sending to Bill's family our warmest sympathies.

HELEN SEWELL, HOUSE REPUBLICAN CLOAKROOM LEGEND: A DEDICATED AND GRACIOUS LADY

Mr. DOLE. Mr. President, those of us who served in the House of Representatives, particularly on this side of the aisle, know that there are many wonderful people serving both Republicans and Democrats in our Capitol Hill family, but none finer than Helen Sewell, the House Republican snack bar manager.

For almost half a century Helen has been delighting members with her excellent food, friendly service and good nature. She is a one-of-a-kind personality who has earned the title "living legend."

In fact, no one can even imagine the House of Representatives without her. No doubt about it, her popularity extends to both sides of the aisle.

I first met Helen as a freshman Congressman in 1961. As I recall, it was an ice cream bar that started our longtime friendship. It was one of the best investments I have ever made.

Mr. President, the Philadelphia Inquirer recently published an excellent profile of Helen Sewell. I ask unanimous consent that it be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Philadelphia Inquirer, Mar. 4, 1990]

COMING TO THE AID OF HER PARTY—GOP CLOAKROOM WORKER WATCHES OVER LAWMAKERS

(By Alexis Moore)

WASHINGTON.—If Helen Sewell has her way, the Republican fat cats have had their day. Sewell, you see, has put the GOP's heavyweight politicians, from House Minority Whip Newt Gingrich down, on a diet—literally.

Sewell is the House GOP's cloakroom attendant, and thus dictates in large measure what feeds the body politic. From her compact space in the cloakroom, she sells the candy sandwiches, stews and ice cream that the 175 House Republicans snatch as they dash from roll call votes to committee meetings to photo opportunities.

"I used to serve pies, too, three or four a day I'd sell, but I stopped. I put them all on a diet," said Sewell, a short, stylish lady who firmly prefers that appellation. "Sometimes their wives call me and say, don't let so-and-so eat four times a day, and I do. I always tell [the members], "You're my family, too."

"Most of them stick with tuna and cottage cheese, they go crazy for cottage cheese, and drink coffee and buttermilk. But they love those Klondike bars. They can't stay away from those."

ADMIRABLE LOYALTY

For decades, Sewell has lavished that kind of almost-kin caring on the Republican members of Congress, mixing an almost-inhuman discretion and a spirited manner with stamina that keeps her at her post as long as her members are at theirs.

She has received, including the 1983 John W. McCormick Award of Excellence given to congressional workers. In December President Bush honored Sewell and four other long-time workers with sterling silver key chains, photographs and a tour of his office and private quarters.

She knew Presidents Bush, Ford and "Nixon, poor Nixon," when they were members of the House. Later they remembered her when they came to address joint sessions of Congress. All three invited her to the White House. "Ford loved cottage cheese. Nixon and Bush had milk and whatever sandwiches I fixed. The only one who didn't come [to] the cloakroom was Reagan," she said. Former President Reagan never served in Congress.

She has known every speaker of the House, dozens of Senators and hundreds of congressmen of both parties, some as fuzzy-cheeked adolescents. "A lot of the Democrats were congressional pages, so I got to know them that way."

Members of both parties, Capitol Hill staffers and co-workers praise Sewell for her dedication to her job. Tim Harroun, who supervises the cloakroom's phones, has worked with her for 17 years. Sewell "is kind of unique. You can't find people today to put in the kind of hours that she does," he said.

IN HER FATHER'S FOOTSTEPS

For Sewell, it's a matter of family tradition. For 75 years her family has worked in the cloakroom, creating the business "out of boredom," she said. When her father, Benjamin Franklin Jones, was brought to Washington from Lovejoy, Ill., by his congressman, he took coats and hats alone. But the hours hung heavy, so he brought in a coffee pot and gradually expanded to selling homemade sandwiches, soups and candies.

After high school she began working full time with her father. After his death 35 years ago, she carried on at the GOP's request. Some years ago, the Democrats tried to hire her to run both cloakrooms, but the Republicans balked.

While she protests that she gets along with all her members equally, when pressed, she named some favorites: Sen. Bob Dole—"He's my buddy"—Reps. Silvio O. Conte of New York and Bob Dornan of California, Housing and Urban Development Secretary Jack F. Kemp and former Defense Secretary Melvin Laird.

Once divorced, once widowed, Sewell has two daughters, a son, "umpteen" grandchildren and a 5-month great-grandson. She loves to travel, especially to New York and Atlantic City, but she refuses to fly. "One day, I'd just love to take a cruise, if I can take the time off," she said wistfully.

Her House duties have provided free entertainment and thrilling moments. The single most dramatic moment Sewell remembers was the March 1, 1954, shooting on the floor of the House, when five members were wounded by gunfire from Puerto Rican nationalists seeking Puerto Rican Independence. Spectators, reporters and Capitol Hill police rushed a spectator's gallery and seized four suspects, who were later sentenced to prison terms ranging from 25 years to 75 years each.

That day, Sewell recalled, she knew nothing until a bleeding Leslie Arends, then House speaker, burst through the doors and shouted: "'Get down, get down.' I said 'What for?' and then I heard the shots. I jumped on the floor behind my space and just listened to all the shouting."

Sewell said she has a photograph of Congress, signed by each in commemoration of the event.

Of course, most days are not so dramatic.

On heavy workdays, she and the rest of the cloakroom staff labor 10, 12 hours, mostly on their feet, coping with weary members' needs. And on days of important votes, Sewell sees a solemn tense group. "I never need to ask, I can see it in their faces."

An integral part of her job is discretion about what she sees and hears, but she is firm in saying she has never witnessed a fistfight, a nasty argument or inebriated members. "Now years ago, on adjournment nights," the older members would gather in the well at the podium and be sort of boisterous and sing into the microphones, and some say they were tipsy. But I think they were just elated."

The closest thing to a business philosophy Helen Sewell admits to is her father's motto: "Always make the sandwiches heavy because the members enjoy them that way."

The closest thing to a criticism Helen Sewell will utter about her members—and then only when pressed—is: "The Democrats are better tippers."

MISSOURI SENATE'S SENIOR MEMBER DIES AFTER 40 YEARS OF SERVICE

Mr. BOND. Mr. President, I rise today in tribute to Richard Webster, Missouri's senior statesman, whose passing saddens our citizens.

State Senator Richard Webster began his tenure in the State House of Representatives in 1948. Only 5 years later, at 31, his peers chose him to serve as Speaker of the House. Dick was elected to the State Senate in 1962 and remained until his untimely passing just a few days ago, exerting his unique brand of political influence.

When I spoke with him, only days before his surgery, he explained he had timed his hospitalization to allow him to return for the crucial last weeks of the Senate session. He left his office with his bills filed, floor handlers assigned, and his reelection filing completed. But those of us who knew Dick Webster would have expected no less.

Dick Webster was an invaluable ally and a formidable foe. His personal character and political philosophy shaped four decades of Missouri government. The most tenacious of debaters, his mastery of Missouri Senate procedure and history was unchallenged.

My 8 years as Governor were marked by close partnerships and equally intense differences with Dick Webster. My time as a legislator has brought an even deeper appreciation of the skill he forged from so many years of devoted service to his State.

Dick Webster was a great admirer of Lincoln, and loved to pepper his speeches with references to that President. I am reminded of Lincoln's words when I reflect upon Dick's service: "If you once forefeit the confidence of your fellow citizens, you can never regain their respect and esteem."

Dick Webster was an honorable man and able legislator who never forfeited the confidence of his fellow Missourians. Senator, we will miss you.

TRIBUTE TO IRVENA WHATLEY

Mr. THURMOND. Mr. President, it is with great sadness that I rise today to pay tribute to Mrs. Irvena Whatley, a dedicated and loyal member of my staff, who passed away on Tuesday, February 13, 1990. She will long be remembered as a kind and gentle woman, and her death represents a great loss to my staff and a very personal loss to my family and me.

Mr. Whatley was a lifelong resident of North Augusta, SC, which is located in my home county of Aiken. I first met her over 50 years ago when she married a cousin of mine, Robert Frank Whatley. Upon the dissolution of the marriage, she worked long and hard to raise four children by herself, which was a very difficult task in those days. Today, those children have children of their own and they are all God-fearing Christians, each a success in his or her own right. Perhaps not a greater compliment could be paid nor a better legacy could be left than for a mother to instill in her children love for their country, and respect and loyalty for their family and community. This she certainly accomplished.

Twenty-one years ago, when Mrs. Whatley joined my staff, she was the only full-time employee in my State office in Aiken. She assisted thousands of constituents over the years, taking a personal interest in each case. She would listen to the woes of those seeking assistance through my office, allaying their fears and putting their minds at ease, never letting on that her own burden may have included a sick grandchild, a disabled friend who needed groceries, or a shut-in church member who just needed a visitor.

She had a heart of gold and went above and beyond the call of duty on many occasions. The service she rendered to the people of South Carolina was faithful and diligent. She was willing and caring and compassionate, and she was a friend not only to me, but also to my brothers and sisters and their children, and to Nancy's parents as well. We already miss her very much.

Nancy and our children join me in extending our most sincere condolences to her fine family: Her sons, Robert Whatley and Tim Whatley; her daughters, Mrs. M.E. (Liz) Cox and Mrs. Lovelia (Sis) Reese; her brothers, Albert Doolittle and Billy Sheppard; her eight grandchildren; and her great-granddaughter.

THANKS TO TRUDY COXE FOR A JOB WELL DONE

Mr. PELL. Mr. President, I would like to share with my colleagues and the Nation the inspiring example set by Trudy Coxe, who will be leaving her job next week as executive director of Rhode Island's Save the Bay.

I know Trudy both through my position as a trustee of Save the Bay and through my work here, in the Senate, as we have helped at the Federal level to clean up, preserve, and protect Narragansett Bay.

During the past decade Save the Bay has grown and prospered and, under Trudy's stewardship, has become one of the most effective advocates of environmental protection in New England.

Trudy Coxe joined Save the Bay in 1976 as a volunteer—one of those "thousand points of light" long before that phrase was coined, became a staff member in 1977, assistant director in 1978, and executive director in 1979.

Save the Bay had a three-person staff and an annual budget of about $60,000 in 1979. This year, Save the Bay has 25 staff members, 8 interns, about 700 volunteers, and an annual budget of about $1 million.

That is no small accomplishment and, as Trudy will be the first to say, it was the result of many dedicated and generous people who gave freely of their time, skills, and money to Save the Bay.

When she leaves next week, I hope Trudy will remember the environmental victories she has won through Save the Bay will continue to benefit our magnificent Narragansett Bay and all of us who love it. We owe Trudy congratulations and thanks for a job well done.

As it enters its 20th year, Save the Bay has an impressive record of accomplishments during the past 19 years. I ask unanimous consent that a summary of those accomplishments be printed here in the Congressional Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Nineteen Years of Victory

In 1970, two small groups, the Narragansett Bay Homeowners Association and Save Our Community, united to fight a proposed oil refinery in Tiverton, Rhode Island. The result was the defeat of the proposal and the birth of Save The Bay, an environmental organization committed to protecting and preserving Rhode Island's greatest natural resource, Narragansett Bay. Since this auspicious beginning, Save The Bay has grown over the years to become the largest environmental group in southern New England, 12,000 members strong. Through advocacy, litigation, research and education, Save The Bay has been instrumental in improving the quality of Rhode Island's water and land.

WATER QUALITY

Save The Bay—

Has worked since its inception to pass local bond issues needed to improve treatment plants in Newport, Jamestown, Warwick and Blackstone Valley.

Advocated and participated in the formation of the state's Coastal Resources Management program. (1972).

Was instrumental in the passage of an $87 million "Bay Bond" to upgrade the Providence sewage treatment plant, rated the second worst polluter in the entire New England region. As a result, the Narragansett Bay Commission was formed. (1979-1980).

Initiated an award winning rating system for area treatment plants, "The Good, the Bad and the Ugly." The ratings have helped to promote the repair, rehabilitation and upgrade of plants. (1981-1989).

Worked to bring toxic discharge from the Ciba-Geigy chemical company under control. (1983).

Led a citizen action campaign for the approval of a $35 million R.I. Clean Water Act bond issue. (1986).

Initiated private lawsuits against selected industrial toxic waste dischargers to force compliance with regulations. (1986-1988).

Published comprehensive evaluations of pretreatment programs in Rhode Island. (1986 and 1989).

Was chosen by the United States Environmental Protection Agency to host the national conference for coastal activists, "Saving Our Bays, Sounds and Great Lakes." (1987).

Authored and worked to pass into law the R.I. Environmental Trust Fund, a revolving loan fund designed to finance the state's sewage treatment plant improvements into the 21st century. (1988).

Is currently working to restore Rhode Island rivers and the Upper Bay to their past glory as clean, recreational waterways.

LAND USE

Save The Bay—

Defended the Bay from a proposed nuclear power plant at Rome Point. (1972).

Defeated a proposal for a liquified natural gas plant on Prudence Island. The Island is now part of the state park system. (1977).

Saved Fort Wetherill and Beavertail from being auctioned off to the highest bidder. (1984).

Worked to pass a $65 million open space preservation bill. (1986).

Was instrumental in the passage of the Comprehensive Planning Bill, an act that makes Rhode Island a model for the country in planning. (1988).

Worked in conjunction with various organizations to preserve historic public access to the shore at Black Point. (1988).

Has focused attention on the need to reduce non-point pollution.

WASTE REDUCTION

Save The Bay—

Has lobbied for consistent and stricter limits for conventional and toxic pollutants throughout its history.

Successfully promoted a bill creating mandatory, statewide recycling, the first in the United States. (1986).

Conducted public workshops on pretreatment, water conservation and the reduction of solid waste.

EDUCATION

Save The Bay—

Has published various reports including "Life, Liberty and the Pursuit of Energy," *Where the Land Meets the Water*, and a bimonthly newspaper. (1970-1989).

Conducts forums and workshops on a variety of subjects including energy, land planning and toxic waste. (1970-1989).

Sponsors annual statewide Land Use Conferences. (1986-89).

Established "Explore the Bay," an on-the-water education program for fifth and sixth grade students and their teachers. (1987-present).

Initiated a Junior Membership program and newsletter for young people interested in Narragansett Bay. (1988-present).

Created a Narragansett Bay unit for Providence elementary schools. (1988).

Opened the Teacher Resource Library, a collection of marine and aquatic curriculum resources for Rhode Island teachers. (1989).

Conducts Teacher Workshops on Bay ecology for Rhode Island schools and as a cooperative program with Rhode Island's other environmental agencies.

Hosts "Bay Briefings," a monthly lecture series for the general public.

EUROPEAN DEVELOPMENT BANK

Mr. KASTEN. Mr. President, I rise today to express my deep reservations about the proposed creation of a new multilateral development bank for the emerging democracies in Eastern Europe. Spearheaded by the French Government, this European Development Bank would have $12 billion of capital stock with which to rebuild the Eastern European economies that have been ravaged by four decades of Marxist-socialist economic policies.

In his remarks before the Budget Committee last week, Secretary of State Baker said—and I quote—"The Europeans very badly want us to participate in this institution. They want U.S. participation in this institution, and they want U.S. leadership on issues that come up from time to time."

It looks like we're about to give the Europeans what they want. Under the proposed charter of this bank, the United States has been asked to contribute one of the largest shares of the bank's capital—while the Europeans would control the lending policies. The administration has not taken a formal position regarding U.S. membership, but it is my understanding that serious negotiations are well underway among the possible members—and that a preliminary agreement may be announced as soon as March 11,

This proposal raises many troubling questions, and I think these questions must be addressed before we agree to participate. Frankly, there are elements of the plan that I find disturbing from the standpoint of United States interests—and also of the interests of the peoples of Eastern Europe.

First of all, I understand that the Soviet Union will contribute to the bank's capital—but may also be eligible to borrow from the bank. If true, this would be an inappropriate use of Western funds. It is the crisis of Communist economics that made Soviet liberalization possible—and the West should not be subsidizing that failed system.

What do the Soviets have to offer this bank? They don't have hard currency. They have no experience in promoting private sector growth. Necessary price reforms have already been

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set back in the Soviet Union, and massive Western lending would only lead to further delays.

Second, the purchase of the shares of capital stock in the bank would be denominated in the form of floating nonfixed units of account, which would mean an open-ended U.S. liability for paid-in and callable capital. Given our current budget situation, an open-ended appropriation just doesn't make sense.

Another major source of concern I have about this bank is that it will be dominated politically by governments who are indifferent—if not hostile—to free-market economics. Generally speaking, Western Europeans are not disciples of American-style capitalism. The French, in particular, favor central planning over free markets, and they favor redistribution over economic growth. Therefore, a European-led development bank will tend to promote this brand of socialist economics. And in fact, the bank proposal envisions that over a third of the bank's loans will go to public sector entities.

This so-called market socialism approach is nothing but centralized planning with an Adam Smith face. We should no longer be debating the merits of socialism versus capitalism—simply because the whole world has already rendered its verdict. It's the clearest lesson of the historic events of 1989: Freedom works—political freedom, economic freedom, social freedom. Capitalism is the only way to expand opportunities, create wealth, and raise living standards for all people.

The Eastern Europeans have had first-hand experience with Communist/socialist economics—and they rejected it the minute they got the chance.

Eastern Europe is searching for something new. The London Economist notes that they are "falling over themselves to hear the true free-market gospel" from American free-market economists.

In his recent visit to several Eastern European countries, our former colleague Senator Bill Brock noted that "no one asked for the infusion of billions of U.S. dollars. The common fear is that large international loans would only be used to sustain inefficient and noncompetitive state-owned enterprises, perpetuating the problem rather than solving it." Moreover, excessive lending may reduce the incentive for these new governments to take the market-oriented steps that are necessary to making their economies more productive and prosperous.

The United States should recall the proud heritage of the Marshall plan. We provided the procapitalist leadership that rebuilt Europe after the nightmare of Nazi Germany; let us show the same leadership in rescuing Europe from the nightmare of Communist economics. A strong free market economy is the only secure base upon which a prosperous and just society can be built. Before the United States contributes to this European Development Bank, we must insist on the following commitments from the Europeans:

First, all loans should be conditioned on market-oriented economic reforms—reduced tax rates, privatization of state run industries, reduced regulations, a free market in the setting of wages and prices, reduced restrictions on foreign capital, and protection for private property rights.

Second, we should limit most of the lending to the private sector. The Europeans argue that there is very little private sector activity. That's true, but only because state-run industries are crowding out private sector activity. Some government-to-government lending will be necessary for improving infrastructure like roads and bridges—the bank should avoid the kind of infrastructure loans that have proven to be a disaster in Latin, America, like environmentally disastrous hydroelectric plants and superhighways through rainforests.

We need to promote private-sector entities, not government-owned or quasi-private enterprises. That kind of investment only breeds corruption and thievery—and I think the peoples of Eastern Europe have already had enough of that kind of government interference.

Third, in the short-term, assistance should focus on easing the transition between socialism and capitalism by providing for basic human needs like health care, food, and shelter until the restored economies can take up the slack. This commitment to a social safety net will help improve the political climate for capitalist reform in Eastern Europe.

If the Europeans balk at these essential preconditions, we ought to remember that it's our ball, and we can go home with it—or carry it to Eastern Europe ourselves. The United States can just as easily provide leadership and help Eastern Europe without the bank; we can do it through bilateral relationships.

We could provide a tax incentive for United States businesses investing in Eastern Europe by reforming United States foreign tax laws and regulations. We could issue tax-exempt bonds to private United States individuals of Eastern European descent to finance small business startups. We could establish a venture capital fund to leverage U.S. private sector funds. We could provide OPIC loan guarantees for direct investment.

Mr. President, those are just some things we could do. But there is one thing, at all costs, that we must not do—and that is waste American money on antifree market economic policies that we know, and their experience has proven, are a prescription for continued Eastern European hardship.

The bottom line is this. America should be helping Eastern Europe join the First World. What some of the Europeans are proposing would instead demote Eastern Europe to the Third World.

So our generation—even more than the generation that fought World War II—will decide the future of Europe. Upward to freedom and prosperity, or downward to poverty and stagnation?

Let's look at this question much more seriously before we rush to endorse measures all Europeans will come to regret.

BIRTHDAY ANNIVERSARY OF JENNINGS RANDOLPH

Mr. HEINZ. Mr. President, I rise today to bring to the Senate's attention a significant milestone in the life of one of our colleagues. Jennings Randolph, who has served the people of West Virginia and this Nation so well throughout his distinguished public career, celebrates his 88th birthday on the 8th of March.

Mr. President, from time to time it is important to pause a moment in our work in order to reflect on how each of us ought to be doing our work as a U.S. Senator. There is no better role model of what a Senator should be than Jennings Randolph. Each of his days in this body was a lesson in the finer points of public service and Senate decorum.

I met Jennings when he befriended me as a young junior Senator in 1977. He stood in loco parentis to me and I could not have asked for a better tutor, mentor, and counselor.

For those of us who had the great good fortune to serve with Jennings, our memories are filled with instances of his kindness, courtesy, and unfailing good humor. His courtly manner did nothing but enhance his enviable record as an effective, visionary legislator.

His native State and my own home corner of Pennsylvania share common strengths—proud histories, productive people, and a deeply engrained sense of community.

For West Virginia, he was a tireless worker and his efforts contributed enormously to its economic development. I know because I was his neighbor. We worked closely together on the Senate steel and coal caucuses to ensure the viability of those industries so important to our States.

And, because Jennings was a good neighbor, he contributed enormously to the revitalization of my hometown of Pittsburgh, particularly through his active leadership with the Benedum Foundation which has played a critical role in Pittsburgh's renaissance.

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Jennings is not only a Senator's Senator, he is a spirited internationalist who believes strongly in programs which project America's creative voluntarism for solving problems. That belief is reflected in his public service.

Jennings' public service spanned over five decades, beginning with his election to the U.S. House of Representatives where he served from 1933 to 1947. He was elected to the Senate in 1958, winning successive terms until he decided to retire in 1984. His record is nothing short of astonishing. He helped write some of the most significant legislation of this century: the 26th amendment to the Constitution—giving 18-year-olds the right to vote; the Solid Waste Disposal Act; the Appalachian Regional Development Act; the Economic Development Act; the first Black Lung Program; the Coal Mine Health and Safety Act; the Occupational Health and Safety Act, and many, many others.

Jennings is currently residing with his son in St. Louis, MO, and remains an active, interested participant in public policy development as chairman emeritus of the Agri-Energy Roundtable [AER].

A journalist by training, he knows the critical importance of clear, person-to-person communication and precise use of the written word. Recently, Jennings wrote a report for the members of the AER which may be of interest to Senators. I ask unanimous consent to include a copy of the report in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Jennings helped found AER in 1980. It is a coalition of public and private sector leaders from both industrialized and developing nations. Its mission is to encourage progress on the interrelationships between agriculture and energy in economic development. Jennings' leadership has earned AER international recognition, including United Nations accreditation.

The AER represents a practical example of President Bush's "thousand points of light." By bringing people together through a voluntary business/trade association program, the AER is facilitating real progress on international efforts to improve agriculture and energy use: the keys to economic development in every nation.

Mr. President, I would just conclude with this observation. Jennings Randolph exemplifies all that is best about this country. During his career, he has been a pioneer in aviation and transportation, a conservationist and environmentalist, and, above all, an ardent advocate for the average citizen. Despite the heights he has reached, Jennings has never forgotten the common sense he learned on Main Street, Salem, WV, his hometown.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

AGRI-ENERGY ROUNDTABLE, INC.,
Washington, DC, January 31, 1990.

To: Members of the Board of Directors, Committee of Honor, Advisory Committee, and Coordinator Network.
Fm: Jennings Randolph, Chairman.
Re the first decade of Agri-Energy Roundtable: Positioned for the '90s.

GENTLEMEN: Agri-Energy Roundtable (AER) celebrated its tenth annual meeting, October 8-11 in Vienna—by all accounts our most successful conference ever! As we enter a second decade, AER is poised to achieve dynamic progress and we would welcome your participation and suggestions on a range of options and challenges facing the association. At the same time, AER could benefit from a brief review of the last ten years—our achievements, the successes and failures—as a foundation upon which to build and move forward. Our track record is one of growth and accomplishment, and I have been privileged to work with Nick Hollis since AER's beginning.

Ten years ago, in early 1980, AER was launched in a conference designed to convene U.S. agribusiness executives and their counterparts from the agricultural sectors of oil-producing countries. The AER concept embodied in the conference theme was re-cast into the constitution and bylaws of a non-profit corporation on March 10, 1980. Once the legal mechanism was established, AER began receiving corporate financial support (the first contribution was received from Chief E.O. Ashamu of Nigeria for $2,000).

As petroleum and agricultural commodity prices plummeted in the early '80s and Third World debt increased, the central thread of dialogue between these sectors in major producing countries gave way to a broader, more generalized interaction on world agro-industrial trade and development issues. Finance also became a regularly featured subject in AER conferences, and even sprouted its own subgroup on non-conventional finance based in London. The agricultural situation among energy surplus countries continued to stagnate (with the major exception of Saudi Arabia and a few Gulf states which devoted considerable resources to developing their agro-food base) and oil companies, which had earlier shown much interest in developing community and national agricultural projects in cooperation with energy producing states, lost interest in these activities as petroleum prices plunged. Development itself was threatened by the colossal debt burden which saddled many Third World economies.

This adverse economic situation in both agicultural and energy sectors also acted as a powerful dampener to AER's continuing drive to recruit corporate contributor and sponsor support. By late 1987, AER's financial support came entirely from agribusiness companies, foundations, U.N. agencies, U.S. bilateral development agencies, and conference/publication receipts.

Despite these setbacks, AER continued to move ahead with a growing momentum of conference successes coupled with well publicized trade missions invited by Saudi Arabia, Thailand, the People's Republic of China, Nigeria, and more recently, the Philippines, India, the United Arab Emirates and Hungary. Publications, newletters and special reports on these activities helped accelerate awareness of agro-industrial investment and trade opportunities in these countries and, more significantly, local agro-entrepreneurs utilized AER as a model in forming indigenously-supported "sister associations" to be linked with our growing international information network.

Over the last two years this AER "sister association" movement has gathered momentum and now stands as one of our most exciting opportunities, validating the entire investment in building an association foundation accomplished in the early years. This association/networking program has gained strength from a growing recognition worldwide that private agro-enterprise can participate effectively in national, regional, and international activities to strengthen food security. This can be particularly illustrated in the delicate area of "privatization" and so-called "structural adjustment" wherein the implementing agent, the private sector, could be more involved and better organized to provide necessary feedback and realistic, practical ideas on the feasibility of government or international agency prescribed schemes. The "sister association" activity is particularly strong in Africa where several have been established (eg. Kenya, Uganda, Nigeria, The Gambia).

Since late 1987 AER has also been working closely with a domestic, U.S.-based association, The Agribusiness Council (ABC), which petitioned to form an alliance with the AER as a U.S. chapter. Today, largely through AER staff support, grants, and shared activities, The Agribusiness Council is regaining its independent membership base and economic health. A special conference was held under the auspices of the ABC in St. Louis (October 1988) and another on high technology in agriculture is planned for June 1990. There is still much to be accomplished in this process and the rebuilding pace for ABC has been deliberate. Yet, AER remains committed to assisting the ABC, along with all other indigenously supported national agribusiness activities which would derive benefit from linking to the international AER network.[1] We are also determined to preserve and develop AER's international character—and all above mentioned activities are considered in that context.

LOOKING AHEAD TO THE 1990S

Whatever one thinks of the world's agro-food situation as we enter this century's last decade, no one discounts the heavy premium information and new market contracts will have for success in the globalization of agribusiness. AER is uniquely positioned with our expanding network to assist our supporters and strengthen a general resolve for freer trade/development on the international level. AER's non-governmental accreditation with the United Nations allows the Association access to important meetings wherein AER commentary on behalf of private enterprise can capture the attention of governments and international agencies alike.

In the coming decade, AER will be devoting increased resources to strengthening our communication services, particularly between the "sister associations." We will be increasing the number of regional and specialized conferences/workshops, consistent with our association develoment objectives. We will also be regularizing membership services and financial requirements for contributors/sponsors. Following recommendations at the October 8, 1989 board meeting, the Executive Director and the AER General Counsel have drafted revisions in the Association bylaws which should facilitate our revenue generating capabilities via membership dues. (These materials will be circulated shortly to board Members.)

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Recognizing the breathtaking change which have unfolded in eastern Europe and the Soviet Union in recent months, AER will be following-up vigorously to offer these countries the benefits of participation in the network, and hopefully, we will see the formation of indigenous AER programs as a result. Already we are planning for a mission to Poland, and we may possibly organize a larger event in eastern Europe for later this year (1990). Our highly successful mission to Budapest, Hungary (October 11-13) led by senior director, Gustavo de los Reyes, has inspired many positive follow-on options there as well.

ASSOCIATION COMMITMENT

As we plan for an aggressive utilization of AER's network and growing association recognition around the world, we will be calling on you, our directors and advisors, to commit yourselves to assisting more regularly in this effort. We will ask each board member to "give or get" financial support for AER commensurate with the potential benefits the Association can provide. We will ask you to assess your commitment to the Association's objectives and your own balance of "mercenary and missionary" involvement. No voluntary association can flourish without the requisite blend of these diverse motivating spirits. This is particularly important as AER seeks to realize loftier aims in the international arena of agricultural trade and development. We have accomplished much, but there are many challenges ahead.

As specific country "sister associations" become more active, our opportunities will increase for more concrete, project-oriented activities beyond the current clearinghouse and publication scope. We must recognize that this "sister association" network will not be a panacea for all of AER's development problems. The process will be fraught with "growing pains" brought on by independent 'sister groups' seeking much and giving little to the parent AER. Even effective non-profit networks have limitations since, as interrelated groups, they will have a wide range of management structures and methods of operation. Yet, at the center of the AER hub are relationships among members which have evolved more formalized linkages over the years, and alliances and joint ventures are a key component of the envisaged action follow-up. Furthermore, each sister AER will succeed to the extent it can enhance its agro-industry supporters' positive participation in a particular national development. All of us have benefitted from our working and coming together on this challenging association project—and if we continue to work together and communicate, our future into the '90s will be bright indeed.

In 1987 during our 8th annual International Agriculture Forum in Geneva, I quoted one of my favorite passages from Alfred Lord Tennyson which inspires my belief in AER and all other noble efforts to strengthen international economic peacekeeping. It is fitting, as we step into the next great decade (my tenth!!), that I close this report with following words:

" . . . When the centuries behind me like a fruitful land reposed, When I clung to all the present for the promise that it closed;

"When I dipt into the future far as human eye could see; Saw the Vision of the world, and all the wonder that would be.

"Saw the heavens fill with commerce, argosies of magic sails, Pilots of the purple twilight, dropping down with costly bales,

"Heard the heavens fill with shouting, and there rain'd a ghastly dew, From the nations' airy navies grappling in the central blue.

"Far along the world-wide whisper of the south-wind rushing warm, With the standards of the peoples plunging thro' the yonder storm;

"Till the war-drum throbb'd no longer, and the battle flags were furl'd In the Parliament of man, the Federation of the world . . ."

God bless each of you! May you and your families have prosperity and peace in the coming decade. Let us pledge to give our heartfelt thanks and continuing support to our indefatigable, most dedicated executive director, Nick Hollis, as he steers the Roundtable into the '90s.

Truly,

Agri-Energy Roundtable,
Jennings Randolph,
Chairman.

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[1] In the true spirit of multilateral exchange, I encourage you to nominate interested colleagues for participation in the development of the sequel "agro-industrial revolution" conference being hosted by U.S. Agribusiness Council in Washington, DC (June 24-27, 1990). With the support and cooperation of several federal agencies, (AID, USDA, EPA, DOE), major universities, companies, associations and state governments/groups, the planning committee is receiving AER input in developing the international aspects of the conference's broad-gauged ag research/education and commercialization agenda which encompasses issues crucial in this season of debate over the U.S. Farm Bill.

Please forward your nominations, agenda ideas or requests for a conference outline to AER. Additional materials will be available shortly and we look forward to working with you to assist your delegation's participation in the upcoming Council conference.

Note.—A more detailed chronology highlighting AER's first ten years of achievement is available for sponsor/contributors upon request from The Secretariat.

SENATOR RUDMAN LAYS IT ON THE LINE—ELOQUENTLY

Mr. HELMS. Mr. President, the distinguished Senator from New Hampshire [Mr. Rudman] is as articulate as any Senator who has served in this body during the nearly 18 years I have been here. You never have to wonder where he stands, and I like that.

It was with particular interest that I read an op-ed piece penned by Senator Rudman and published March 2 in the fine New Hampshire newspaper, the Manchester Union Leader. I commend it to the attention of all Senators, many of whom will no doubt say amen to what Senator Rudman has written. I certainly do.

Mr. President, I ask unanimous consent that the article be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

Aid to Contras Worked: Activists for Ortega Had It Wrong From Start

(By Senator Warren B. Rudman)

It is ironic that Sandinista-controlled state television, to reduce turnout at Violetta Chamorro's rally in Managua just before election day, chose to air a repeat of the Buster Douglas-Mike Tyson fight.

More amusing, however, are the comments coming from left-wing apologists for the Sandinistas like the New Hampshire Central American Network and Witness for Peace, who press on with their now-discredited attempts to proselytize the Sandinista system of beliefs in the face of overwhelming rejection by the Nicaraguan people. From the start, they've had it all wrong.

They say they're disappointed with the results of the election, that it's a real shock to them, and that absent U.S. aggression and an economic embargo the Sandinistas would have won. The Sandinistas would have won all right, but there never would have been an election. The devotion of these activists to doctrine blocks any admission that without continued pressure from the Contras, the Ortega gang would never have held free and fair elections in the first place. The brave Contra rebels who died in the Nicaraguan jungle did far more to bring peace and freedom to the people of Nicaragua than U.S. protesters who have continually degraded U.S. policy while pronouncing their solidarity with the Sandinista Marxists.

I consistently voted for aid to the Contras because I believed that it was the only way to bring peace and democracy to Nicaragua. Absent pressure from the Contras, the Sandinistas would have never participated in the Arias peace plan and the February 1989 peace accord that laid the groundwork for these elections.

We should not lose sight of the off-the-record comments made by Commandante Bayardo Arce, who referred to 1984's rigged charade of an election as a "nuisance" and that "if it were not for the state of war enforced on us . . . elections would be absolutely inappropriate."

Yet, these misguided U.S. activists continue to defend the brutal tacics of the Sandinista regime. They see Daniel Ortega and his cronies as agrarian reformers struggling to establish a socialist society. They ignore the Sandinista betrayal of the 1979 revolution and its promise of civil liberties, a mixed economy, and political pluralism. They forget that the Sandinistas moved quickly to consolidate power and institute one-party authoritarian rule. They muzzled a free press, so-opted independent labor unions, suppressed their partners in the revolution, and violated their promises of civil rights and democratic pluralism to the Nicaraguan people and the Organization of American States. This Communist cabal exported violence to neighboring democracies and jailed political opponents ultimately 7,000 political prisoners). They terrorized the Cathlic Church, built a strong military/secret police machine, and tyrannized the Miskito Indians. All this occurred before the Contras ever existed; armed resistance by Nicaraguans to their government was a response to those outrages.

We could have tolerated Communist economics in Nicaragua, despite its inferiority to capitalism as evidenced by Eastern Europe's determination to jettison the system. But it was clear in the early 1980s that a failure to support the challenge to the Sandinista dictatorship would have insured the consolidation of an aggressive, highly-militarized Communist regime in Nicaragua determined to export their brand of police-state repression to neighboring countries. The only guarantee against that future was a democratic Nicaragua; and the only way to achieve democracy was to force Ortega to swallow free elections. Why does the New Hampshire Central American Network have such a hard time understanding this?

Four years ago I wrote President Reagan urging a restructuring of our Nicaraguan policy, combining aggressive diplomacy, a unified democratic opposition to the Sandinistas and continued support for the Contras. That approach has paid off in the face of difficult odds.

As recently as Dec. 10 a band of machete-wielding Sandinista "turbas" attacked a crowd of United Nicaraguan Opposition (UNO) supporters in the town of Masatepe, South of Managua. International observes at the scene felt lucky to excape with their lives. The Sandinistas monopolized radio and television, censoring the news and preventing fair UNO access to the media. They restricted voter registration to four days and prohibited absentee voting to hold down opposition turnout. That Mrs. Chamorro was still able to get 55 percent of the vote is a testament to the depth of opposition to the Sandinistas.

Now, many of the same groups that went to bat for Ortega are zeroing in on El Salvador, cozying up the Marxist Farabundo Marti National Liberation guerrillas who have received arms from the Sandinistas and are using them to try to overthrow the democratically-elected government of President Alfredo Cristiani. They decry the horrible murder of six priests by right-wing death squads but ignore the FMLN's complicity in the murders of nine mayors, a regional governor, the attorney general, a conservative priest, journalists, FMLN defectors and the former chief justice of the El Salvador Supreme Court. They don't like Cristiani because he is a conservative, and ignore the fact that he was fairly elected by the people. The FMLN, rather than participate in the election, tried to sabotage it. They want the FMLN to get by force of arms what they cannot win at the ballot box. These groups were strong on Nicaragua; they're in for a repeat in El Salvador.

The time for fighting in Nicaragua is over. The time for healing and reconstruction has begun.

But we cannot blithely assume the Sandinistas will willingly surrender power. The victorious UNO coalition could be fractious and the Sandinistas will remain a formidable opposition force. Indeed, 24 hours after the election it appeared the Sandinistas were reluctant to lossen their grip on the military or the police. The Sandinistas must do what we take for granted in this country—respect the results of the election and give up power, especially control of the army and police.

Once President Chamorro takes over, the U.S. should immediately lift the U.S. trade embargo, end other economic sanctions, and develop a recovery aid package. Assistance to Nicaragua should be structured to enhance development of a free market economy. The United States should help offset the damage done by bankrupt Marxist economics and years of warfare, warfare caused by Sandinista repression of civil liberties, not by those who resisted the repression.

As we move into what we all hope is a new era of peace in Nicaragua, it is clear that the desire for freedom and liberty in Nicaragua, although stifled, never died. It is also clear that the one-sided blindness of the New Hampshire Central American Network, Witness for Peace and others nearly torpedoed a successful policy that has served as the best hope for freedom and democracy in Nicaragua.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages form the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON OPERATION OF SECTION 232 OF THE TRADE ACT—MESSAGE FROM THE PRESIDENT—PM 100

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to the provisions of section 232(e)(2) of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862(d)(2)), I transmit herewith the report on the operation of section 232 of the act during fiscal year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *March 7, 1990.*

MESSAGES FROM THE HOUSE

At 1:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1109. An act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as components of the National Trails System;

H.R. 1159. An act to amend the National Trails System Act to designating the Juan Bautista de Anza National Historic Trail, and for other purposes; and

H.R. 1243. An act to require the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research.

At 3:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House of Representatives having proceeded to reconsider the bill (H.R. 1231) to establish a commission to investigate and report respecting the dispute between Eastern Airlines and its collective bargaining units, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was; Resolved that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

ENROLLED BILLS SIGNED

At 3:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, Texas; and

H.R. 4010. An act to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms.

The enrolled bills were subsequently signed by the President pro tempore [Mr. BYRD].

At 6:22 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day".

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4077. An act to amend the Consolidated Farm and Rural Development Act to require borrower good faith with respect to Farmers Home Administration loans; to improve the management of such delinquent loans, including limiting the write-down of such loans; and for other purposes; and

H.R. 4099. An act to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

ENROLLED JOINT RESOLUTIONS SIGNED

At 6:41 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day".

The enrolled joint resolutions were subsequently signed by the President pro tempore [Mr. BYRD].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1109. An act to amend the National Trails System Act to designate the California National Historic Trail and Pony Express National Historic Trail as componenets of the National Trails System; to the Committee on Energy and Natural Resources.

H.R. 1159. An act to amend the National Trails System Act to designating the Juan Bautista de Anza National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

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H.R. 1243. An act to require the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research; to the Committee on Commerce, Science, and Transportation.

H.R. 4077. An act to amend the Consolidated Farm and Rural Development Act to require borrower good faith with respect to Farmers Home Administration loans; to improve the management of such deliquent loans, including limiting the write-down of such loans; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 4099. An act to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat; to the Committee on Agriculture, Nutrition, and Forestry.

MEASURES PLACED ON THE CALENDAR

The Committee on the Judiciary was discharged from the further consideration of the following bills, which were placed on the calendar:

S. 88. A bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 1760. A bill to amend Title 28, United States Code, to provide special habeas corpus procedures in capital cases.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. Fowler) announced that on today, March 7, 1990, he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

H.R. 2742. An act to extend and amend the Library Services and Construction Act, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated;

POM-417. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations.

"Joint Resolution No. 25

"Whereas the Resurrection Creek Road provides access to the trailhead of the Resurrection Pass Trail; and

"Whereas the Resurrection Pass Trail traverses the Chugach National Forest between Hope and Cooper Landing and is maintained by the United States Forest Service; and

"Whereas the Resurrection Creek Road is receiving ever increasing volumes of traffic due to increased use of the Resurrection Pass Trail by tourists and recreationists; and

"Whereas the last portion of the Resurrection Creek Road is passable by only one lane of traffic; and

"Whereas the increased use of the Resurrection Creek Road by tourists and recreational users has generated a need to upgrade portions of the road to meet appropriate engineering and safety standards; and be it

"*Resolved by the Alaska State Legislature*, That the United States Forest Service is respectfully requested to upgrade that portion of Resurrection Creek Road that provides access to the Resurrection Pass Trail; and be it further

"*Resolved*, That the Alaska State Legislature supports the efforts of the Alaska delegation in Congress to obtain funds for the United States Forest Service budget for upgrading the Resurrection Creek Road.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice President of the United States and President of the U.S. Senate; to the Honorable Clayton Yeutter, Secretary of Agricutlure; to the Honorable F. Dale Robertson, Chief of the U.S. Forest Service; to the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; to the Honorable Robert C. Byrd, Chairman of the Subcommittee on Interior and Related Agencies of the U.S. Senate Committee on Appropriations; to the Honorable Sydney R. Yates, Chairman of the Subcommittee on Interior and Related Agencies of the U.S. House of Representatives Committee on Appropriations; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-418. A joint resolution adopted by the Legislature of the State of Alaska; to the Select Committee on Indian Affairs:

"Joint Resolution

"Whereas Alaska Natives were the first residents of the state and today represent a significant percentage of the residents of the state, particularly residents who live in rural villages; and

"Whereas since 1867 Alaska Natives have had a special relationship with the federal government and since 1959 have had an important relationship with the state; and

"Whereas in 1971 the state participated in the settlement of Native land claims and since that time has worked closely with the federal government and Native organizations to develop and implement federal and state policies intended to improve the health, social, and economic status of Alaska Natives; and

"Whereas several recently published articles and reports have documented a growing social and economic crisis in the lives of many Alaska Natives, particularly Alaska Natives who live in rural villages, and presented disturbing statistics that attest to growing health and social problems, lack of economic opportunity, and widespread educational failure in the Native community; and

"Whereas since 1969, when the Federal Field Committee for Development Planning issued its report "Alaska Natives and the Land," there has been no comprehensive review of federal and state policies and programs that affect Alaska Natives, their implementation, or the extent to which they have improved the health, social, and economic status of Alaska Natives; and

"Whereas Alaska Natives have expressed to the Congress and the state a critical need to review the current status of Alaska Natives and to forge a renewed partnership among the federal and state governments and Alaska Natives, with the goal of providing new opportunities, making governmental programs more effective, and building a healthy, productive, and self-reliant rural Alaska; and

"Whereas, in response to this expressed need, the United States Congress is considering the establishment of a Joint Commission on the Status of Alaska Natives, the membership of which will include federal and state officials and Alaska Natives; and

"Whereas the purpose of the commission will be to conduct a comprehensive review of federal and state policies affecting Alaska Natives, the implementation of those policies, and the current health, social, and economic status of Alaska Natives; and be it

"*Resolved*, That the Alaska State Legislature strongly supports the establishment of the Joint Commission on the Status of Alaska Natives by the Congress and commits the State of Alaska to actively participate on the commission and in its work.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable Morris K. Udall, Chair, House Interior and Insular Affairs Committee; the Honorable J. Bennett Johnston, Chair, Senate Energy and Natural Resources Committee; the Honorable Daniel Inouye, Chair, Senate Select Committee on Indian Affairs; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-419. A resolution adopted by American Legion Post 459, Grand Rapids, Michigan, favoring a constitutional amendment specifying that Congress and the States shall have the power to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KOHL, (for himself and Mr. DeConcini):

S. 2242. A bill to amend provisions of title 28, United States Code, relating to judicial discipline; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 2243. A bill to designate certain rivers in the State of Michigan as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GLENN (for himself, Mr. Heinz, Mr. Levin, Mr. Kohl, Mr. Specter, Mr. Moynihan, Mr. Kasten, Mr. Dixon, Mr. D'Amato, and Mr. Metzenbaum):

S. 2244. A bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel and other nonindigenous aquatic nuisance species; to the Committee on Environment and Public Works.

By Mr. GRAMM (for himself, Mr. Gorton, Mr. Wilson, Mr. Thurmond, Mr. Lott, Mr. Helms, Mr. Mack, Mr. Burns, Mr. Hatch, Mr. Kasten, Mr. McCain, Mr. Nickles, Mr. Coats, Mr. McClure, Mr. D'Amato, Mr. McConnell, and Mr. Symms):

S. 2245. A bill to provide swift and certain punishment for criminals in order to deter violent crime and rid America of illegal drug use; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. Matsunaga, Mr. Durenberger, and Mr. Moynihan):

S. 2246. A bill to amend title XVIII of the Social Security Act to provide improved Medicare home health benefits, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM:

S. 2247. A bill to establish the Florida Keys National Marine Sanctuary in the State of Florida and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WALLOP (for himself, Mr. Simpson, and Mr. Symms):

S. 2248. A bill to repeal the Asbestos Hazard Emergency Response Act of 1986 and amendments made by such act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURENBERGER:

S. 2249. A bill to amend the Internal Revenue Code of 1986 to reduce the OASDI tax rate and to increase equally the hospital insurance tax rate; to the Committee on Finance.

By Mr. DeCONCINI (for himself, Mr. D'Amato, Mr. Johnston, Mr. Biden, Mr. Wilson, Mr. Cranston, Mr. Coats, and Mr. Boschwitz):

S. 2250. A bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BOSCHWITZ:

S. 2251. To establish a price support program for the 1991 through 1997 crops of certain agricultural commodities that provides producers with planting flexibility, income support, and stability, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for Mr. Mitchell) (for himself and Mr. Dole):

S. Res. 260. Resolution to authorize the production of documents in the case of *United States* v. *Poindexter, et al.* (D.D.C.); considered and agreed to.

By Mr. HEFLIN (for himself and Mr. Shelby):

S. Res. 261. Resolution to honor the dedicated service of Will Hill Tankersley to the people of this Nation; to the Committee on Armed Services.

By Mr. HELMS:

S. Res. 262. Resolution congratulating the Pro-Independence Opposition in Lithuania for their victory in the February 24, 1990 elections; to the Committee on Foreign Relations.

By Mr. CRANSTON (for himself, Mr. Simon, and Mr. Pell):

S. Con. Res. 101. Concurrent resolution expressing the sense of the Senate concerning negotiations for a peace settlement in Cambodia; to the Committee on Foreign Relations.

By Mr. DIXON (for himself and Mr. Simon):

S. Con. Res. 102. Concurrent resolution expressing the sense of the Congress regarding the existing borders between Germany and Poland; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself and Mr. DeConcini):

S. 2242. A bill to amend provisions of title 28, United States Code, relating to judicial discipline; to the Committee on the Judiciary.

JUDICIAL DISCIPLINE REFORM ACT

Mr. KOHL. Mr. President, last month we celebrated the bicentennial of the first session of the Supreme Court. In doing so, we also paid tribute to the structure of the Federal courts established under article III of the Constitution. Our Federal courts, and the judges who preside over them, play an essential role in the constitutional system of checks and balances.

To ensure judicial independence, the framers granted life tenure to Federal judges. But the framers also provided that judges guilty of "Treason, Bribery, or other high Crimes and Misdemeanors" could be removed from the Federal bench by impeachment.

Currently, we have an effective system to investigate and, if necessary, discipline judges for ethical and criminal breaches. In part, this results from the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980. But 10 years' experience suggests a few changes would make the existing system far more efficient. Today, I am introducing the Judicial Discipline Reform Act of 1990 to make these improvements.

My bill is virtually identical to title I of H.R. 1620, introduced in the House by my colleague from Wisconsin, Bob Kastenmeier. Among the most important changes it proposes are to: Allow the Judicial Conference to dispense with a duplicative investigation after a judge's final conviction of a felony; enable the chief judge of a council to identify a disciplinary complaint under certain circumstances; and allow judges to recover reasonable attorneys' fees when charges against them are dismissed.

These modifications—as well as other technical changes that the bill would make—would not undermine the independence of the judiciary. Rather, they simply would give the court system better tools to keep its own house in order, and ensure swift and equitable investigations of lapses by members of the Federal bench.

Mr. President, I want to thank Dennis DeConcini, who played a crucial role in the enactment of the 1980 judicial discipline legislation, for cosponsoring this measure. I urge my colleagues in the Senate to support the Judicial Discipline Reform Act of 1990, and I look forward to its speedy enactment.

I ask unanimous consent that the text of the bill be printed in the Record immediately following my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Discipline Reform Act of 1990".

SEC. 2. AMENDMENTS TO JUDICIAL COUNCILS REFORM AND JUDICIAL CONDUCT AND DISABILITY ACT OF 1980.

(a) Identification of Complaints by Chief Judge.—Paragraph (1) of section 372(c) of title 28, United States Code, is amended by adding at the end the following: "In the interests of the effective and expeditious administration of the business of the courts and on the basis of information available to the chief judge of the circuit, the chief judge may, by written order stating reasons therefor, identify a complaint for purposes of this subsection and thereby dispense with filing of a written complaint.".

(b) Membership of Special Investigative Committees.—Paragraph (4) of section 372(c) of such title is amended by adding at the end the following: "A judge appointed to a special committee under this paragraph may continue to serve on that committee after becoming a senior judge or, in the case of the chief judge of the circuit, after his term as chief judge terminates under subsection (a)(3) or (c) of section 45 of this title. If a judge appointed to a committee under this paragraph dies, or retires from office under section 371(a) of this title, while serving on the committee, the chief judge of the circuit may appoint another circuit or district judge, as the case may be, to the committee.".

(c) Public Availability of Impeachment Recommendation.—(1) Paragraph (8) of section 372(c) of such title is amended by adding at the end the following sentence: "Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House shall make available to the public the determination and any reasons for the determination.".

(2) Paragraph (14) of such section is amended—

(A) by striking out "All" and inserting in lieu thereof "Except as provided in paragraph (8), all";

(B) by striking out "unless" and inserting in lieu thereof "except to the extent that";

(C) in subparagraph (B) by inserting "such disclosure is" before "authorized";

(D) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C) respectively; and

(E) by inserting the following new subparagraph (A) immediately before subparagraph (B) (as so redesignated):

"(A) the judicial council of the circuit in its discretion releases a copy of a report of a special investigative committee to the complainant whose complaint initiated the report and to the judge or magistrate whose conduct is the subject of the complaint;"

(d) Impeachment Recommendations With Respect to Convicted Judges.—Section 372(c) of such title is further amended—

(1) in paragraph (8) by inserting "(A)" after "(8)"; and

(2) by inserting after such paragraph the following:

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"(B) If a judge or magistrate has been convicted of a felony and all direct appeals from the conviction have been made and finally acted upon, or the time for filing such appeals has passed and no appeals have been filed, the Judicial Conference may, by majority vote and without referral or certification under paragraph (7), transmit to the House of Representatives a determination that consideration of impeachment may be warranted, together with appropriate court records, for whatever action the House of Representatives considers to be necessary.".

(e) Rules by Judicial Conference and Judicial Councils.—Paragraph (11) of section 372(c) of such title is amended by adding at the end the following: "No rule promulgated under this subsection may limit the period of time within which a person may file a complaint under this subsection.".

(f) Dismissal of Complaints.—Paragraph (6) of section 372(c) of such title is amended—

(1) by striking out "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) may dismiss the complaint; and".

(g) Reimbursement for Expenses and Attorneys' Fees.—Section 372(c) of such title is further amended—

(1) by redesignating paragraphs (16) and (17) as paragraphs (17) and (18); and

(2) by inserting after paragraph (15) the following new paragraph:

"(16) Upon the request of a judge or magistrate whose conduct is the subject of a complaint under this subsection, the judicial council may, if the complaint has been finally dismissed under paragraph (6)(C), recommend that the Director of the Administrative Office of the United States Courts award reimbursement, from funds appropriated to the Federal judiciary, for those reasonable expenses, including attorneys' fees, incurred by that judge or magistrate during the investigation which would not have been incurred but for the requirements of this subsection.".

(h) Technical Corrections.—(1) Paragraph (7)(B) of section 372(c) of such title is amended—

(A) by striking out "has engaged in conduct" and inserting in lieu thereof "may have engaged in conduct"; and

(B) in clause (i) by striking out "article I;; and inserting in lieu thereof "article II".

(2) Paragraph (14)(B) of such section is amended by striking out "subject to the complaint" and inserting in lieu thereof "subject of the complaint".

SEC. 3. CONTEMPT POWER FOR CIRCUIT COUNCILS.

Section 332(d)(2) of title 28, United States Code, is amended by adding at the end the following: "In the case of failure to comply with an order made under this subsection (other than a subpoena issued under section 372(c) of this title), a judicial council or a special committee appointed under section 372(c)(4) of this title may institute a contempt proceeding in any district court in which the judicial officer or employee of the circuit who fails to comply with the order made under this subsection shall be ordered to show cause before the court why he or she should not be held in contempt of court.".

SEC. 4. AMENDMENT TO OATH OF JUSTICES AND JUDGES.

Section 453 of title 28, United States Code, is amended by striking out "to the best of my abilities and understanding, agreeably".

SEC. 5. AMENDMENT TO ETHICS IN GOVERNMENT ACT.

Section 304(b) of the Ethics in Government Act of 1978 (28 U.S.C. App. 304(b)) is amended by adding at the end the following: "Whenever the Committee refers a name to the Attorney General under this subsection, the Committee also shall notify the judicial council of the circuit in which the named individual serves of the referral.".

SEC. 6. ADVISORY COMMITTEES FOR JUDICIAL DISCIPLINE RULES.

Section 2077(b) of title 28, United States Code, is amended by inserting before the period at the end of the first sentence the following: "and, in the case of an advisory committee appointed by a court of appeals, of the rules of the judicial council of the circuit".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall take effect 90 days after the date of the enactment of this Act.

By Mr. GLENN (for himself, Mr. Heinz, Mr. Levin, Mr. Kohl, Mr. Specter, Mr. Moynihan, Mr. Kasten, Mr. Dixon, Mr. D'Amato, and Mr. Metzenbaum):

S. 2244. A bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel, an other nonindigenous aquatic nuisance species; to the Committee on Environment and Public Works.

NON-INDIGENOUS AQUATIC NUISANCE ACT

● Mr. GLENN. Mr. President, one if by land, two if by sea. There are two lights shining over American waters today. The United States has been and continues to be invaded by organisms entering our waters from the sea. Every day ships entering U.S. waters bring along a multitude of stowaways hidden in the ballast waters that are so essential to their stability at sea. These organisms are released during deballasting. Most of them are not able to survive, but a few—a dangerous few—are able to survive, multiply, and adapt to the waters of the new world. It is these few hardy survivors which are threatening our environment and disrupting our industries.

The most recent invader is the zebra mussel now infesting the Great Lakes. This tiny clam was a ballast water stowaway that jumped ship in Lake St. Clair and was first discovered there in 1987. Within two short years, the zebra mussel spread downstream through Lake Erie and into Lake Ontario. This organism has also been introduced upstream in Green Bay.

Just this past December, the citizens of Monroe, MI, were without water due to a combination of weather conditions and the presence of zebra mussels in the water inlet pipes. Last fall, a charter boat captain experiencing a loss of power put his boat in dry dock to pull the engine. The entire hull was encrusted with zebra mussels. The drag created by these organisms had caused the slower running speed of the boat. Furthermore, within Lake Erie, the number of microscopic organisms which are food sport and commercial fish and the zebra mussels has been dropping.

The zebra mussel is estimated to cost the Great Lakes alone $500 million per year over the next 10 years. This includes cleanup, redesigning water inlets, and losses incurred by the recreational industry in the lakes. As this organism spreads throughout North America, these costs will be multiplied. Every municipality that draws water from a lake or river for a water purification plant will have to fight the battle with zebra mussels. The way things are today, they would have to fight it alone.

The Great Lakes are not alone in the battle against aquatic nuisance species. The waters of our northeastern coast have been invaded by a Japanese seaweed which is a threat to the ecology of the shelfish of the sea. A threat to the survival of shelfish is a threat to the industry of the area and to the economic survival of those dependent upon such species for their livelihood.

Nor are our Western States exempted from these aquatic invasions. San Francisco Bay is faced with several such species, the yellow fin goby, the asiatic clam and the oriental shrimp. Each of these organisms has impacted the fisheries of the bay.

Mr. President, it is time for action and that is why I am today introducing "the Non-Indigenous Aquatic Nuisance Act of 1990." Passage of this bill will accomplish two goals. First it will stop the influx of nonindigenous species through ballast water management practices instituted and enforced by the Coast Guard. And second it will create regional commissions in areas afflicted with aquatic nuisance species to coordinate research, control and education efforts and provide funding for those efforts.

Title I of this act requires the U.S. Coast Guard to promulgate ballast water management regulations. The ballast water of one ship is sufficient to introduce a new organism into U.S. waters. This bill recognizes the need to guarantee a captain's right to ensure the safety of his vessel, particularly during high seas ballast water exchange. Enforcement mechanisms and compliance monitoring are also addressed.

Other organisms known to be harmful could be transported in ballast water. These include the fresh water sting ray, the piranha and a parasitic catfish which posses a threat to human health. Other organisms which are not harmful in their native environment can cause serious problems when transported elsewhere. Such organisms cannot be identified until after it is too late and they are already wrecking havoc. As the changing world allows more trade with more ports, the risks increase. We must shore up our defenses and close our doors to these unwelcome organisms.

Title II of this act establishes a national cooperative action group to organize and coordinate regional commissions as needed to oversee and advise regional activities related to a aquatic nuisance species.

The regional commissions, composed of Federal, regional, State, local and industrial interests, are to identify priorities and recommended strategies tailored to the region. This regional coordination will alleviate the burden on State and local agencies and prevent unnecessary duplication of research efforts.

Research on the zebra mussel is desperately needed in order to understand the enemy we face. We must learn its basic biology, and how it will affect the ecology of our fresh waters. Many native species within the Great Lakes are already threatened or endangered. We need to protect the rich biodiversity of waters. Furthermore, we need to research environmentally safe methods for cleaning these organisms out of our pipelines and waterways. Perhaps research will even show us the way to eliminate zebra mussels from our environment entirely. Title II requires that lists be kept on control methods and cleanup procedures that are in use. These lists will be available to raw water users.

The Non-Indigenous Aquatic Nuisance Act of 1990 establishes a regional commission within the Great Lakes immediately in order to check the spread of the zebra mussel. The situation is urgent. What we learn in the Great lakes will be of use to the rest of the country as its organism spreads. The powerplants currently struggling with retrofitting inlet pipes will be able to advise inland plants as the zebra mussel approaches.

Other provisions of the Non-Indigenous Aquatic Nuisance Act include educational programs to inform the public and raw water users about control of * * *.

The zebra mussel, if unchecked, will continue to spread throughout the Great Lakes and eventually inhabit two-thirds of the fresh water in the United States. Power, water and industrial plants deep in the interior of the country will have to undergo major renovations in water inlet facilities. Ultimately, consumers will have to absorb the costs of expensive pipeline cleanups. Sport fishing and tourism along our fresh water lakes and rivers will decline as the fish populations diminish and the sharp shells pile up our beaches.

The zebra mussels, and other such nonindigenous species will still be here and their effect will still be felt long after the residue of the largest oilspill has faded from memory. We must respond to this crisis. This bill offers a solution. We must provide help before it is too late.●

● Mr. LEVIN. Mr. President, I join with my Great Lakes colleagues today in introducing a bill which we hope will stop the spread of the zebra mussel and eventually eliminate it from U.S. waters.

The zebra mussel first invaded the Great Lakes 3 years ago when a European tanker flushed its ballast water into Lake St. Clair. The mussels have since spread down the length of the Detroit River and into Lake Erie at 160 miles per year. Experts think they could eventually infest the waters of the entire country.

Michigan has a lot to lose if this infestation continues. The billions of dollars invested in our water supplies, harbors, and sportsfishing industry are in peril.

Zebra mussels threaten our water supplies by quickly and repeatedly infesting water intake pipes. Last year, the city of Monroe, MI, had to ration water for several days because the mussels had clogged its drinking water intakes. Over 50 other major municipal intake pipes in Michigan, not to mention industry users, are at risk from this same type of fouling. Zebra mussels also attach themselves in masses to ships, marinas, and ports, requiring costly removal. They threaten the Great Lakes $4 billion sportsfish industry by robbing the fish and other acquatic species of key food sources like algae and plankton.

The battle to stop the zebra mussel will not be an easy one and is likely to run into significant dollars. Effective water intake filters, for example, could cost $50 million apiece. Projected damage estimates from zebra mussel infestations in the Great Lakes alone already range as high as $500 million.

The bill we are introducing today is the first step in combating the problem. To prevent further infestations by the zebra mussel and other alien species, the bill requires the establishment of a ballast water control program to prevent foreign ships from dumping possibly tainted ballast water into U.S. waters. The bill also establishes mechanisms to bring the coordinated resources of a host of Federal, State, and local agencies to bear on zebra mussel problems. Using these combined resources, a locally based Great Lakes commission will begin the search for environmentally sound, cost effective methods to confine and eradicate the zebra mussel. We don't know the nature of these control methods yet—that's part of the problem—but this bill will get the Federal, State, and local groups working together to develop a battle plan. Recommendations for action are due 180 days after enactment, and annually thereafter, so we can begin to take the steps needed to combat this threat.

For years, the sea lamprey has represented the damage that an alien species can do to the Great Lakes if we're not vigilant. The evidence so far indicates that the zebra mussel could even more quickly and quietly devastate the Great Lakes ecosystem. We need to act now.●

● Mr. HEINZ. Mr. President, I am pleased to be the principal cosponsor of legislation Senator GLENN is introducing today, the Non-Indigenous Aquatic Nuisance Act of 1990. Congressman HENRY NOWAK is introducing a companion bill in the House of Representatives.

The immediate purpose of the bill is to combat the spread of zebra mussels through the Great Lakes. But our concern is not merely parochial. Zebra mussels could travel through the Erie Canal into the Hudson River and New York's Finger Lakes. They could move into the upper Great Lakes. Once established in Lake Michigan, they could enter the Mississippi River drainage system through the Chicago Canal and the Chicago, Des Plaines, and Illinois Rivers. My hometown of Pittsburgh could become "mussel-bound" via the Ohio, Allegheny, and Monongahela Rivers. In short, they threaten much of the fresh water in this country.

While concern over zebra mussel infestation prompted the drafting of this bill, our legislation has a larger purpose. It is designed to prevent and control the introduction of all nonindigenous aquatic species, not just the zebra mussel.

The principal mechanism for accomplishing this task is to regulate the ballast water exchange of oceangoing vessels. such exchanges, currently conducted in port, provide the principal vetor for the introduction of nonindigenous aquatic species into U.S. waters. Accordingly, the bill directs the U.S. Coast Guard to promulgate and enforce regulations requiring "high seas" ballast exchanges.

The need for our legislation becomes apparent if one examines the environmental and economic impacts that the tiny zebra mussel alone will have on the Great Lakes.

The zebra mussel—Dreissena polymorpha—is a small, 1-inch mollusk, sonamed because of characteristic brown and white stripes. Its original habitats were the Black and Caspian Seas between Asia and Europe. About 200 years ago, it began spreading through Europe via canals. In less than a century, it reached the British Isles. One hundred years ago, zebra mussel infes-

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tation caused water supply problems in Hamburg and Rotterdam. In 1895, Berlin's waterworks were closed for 27 days because thousands of dying mussels fouled the supply.

Experts believe the zebra mussel reached the United States aboard a European freighter in the summer of 1986. Zebra mussel larvae were discharged along with ballast water into Lake St. Clair or the St. Clair River. Adult mussels were discovered in the western basin of Lake Erie in July 1988. They now infest Lakes Erie and Ontario and have clogged water intakes for Erie, Cleveland, Toledo, and Monroe, MI.

Ballast water exchange is not the zebra mussel's only transportation vector. They attach themselves to the hulls of ships like barnacles and can survive out of water for up to 2 weeks. Larvae can travel 50 miles a day downstream, carried by water currents. They can be transported by waterfowl and other wildlife.

Zebra mussels are prolific filter feeders, filtering up to one quart of water daily. Consequently, there is concern they may bioaccumulate toxins. They do not appear to be fit for human consumption although some diving ducks and muskrats feed on them. And some species of fish, such as sturgeon, and eels feed on the larvae.

Zebra mussels feed on phytoplankton, microscopic floating plants that form the bottom of the Great Lakes' food chain. Zooplankton feed on phytoplankton. Small fish feed on zooplankton. Commercially valuable large fish such as the walleye, smallmouth bass, and yellow perch, in turn, feed on the smaller fish. So the zebra mussel, by reducing the supply of phytoplankton, disrupts the entire aquatic food chain.

Also of concern is the zebra mussel's tendency to congregate on fish spawning grounds. As many as 30,000 mussels per square meter have been found on walleye spawning reefs. Fisheries scientists are uncertain about the impact infestation has on the survivability of spawned walleye eggs. It can only be adverse. U.S. Fish and Wildlife Service experts estimate that zebra mussels could cause $2.0 billion in damages to the commercial fisheries solely on Lake Erie over the next decade.

Where extremely abundant, zebra mussels may reduce dissolved oxygen in surrounding waters, thus increasing general stress to other aquatic species. They discharge a pseudofeces that acidifies lake bottoms. They may attach themselves to waterfowl or fish. And they foul the vegetation upon which waterfowl and fish feed.

Environmental harm is compounded by economic harm. And potential economic harm is not confined to commercial fisheries and the sport fishing and tourism industries. Zebra mussels are as prolific at breeding as they are at feeding. A single female will lay up to 40,000 eggs each season. And once the mussels grow to maturity, they attach themselves to virtually anything, including each other. Consequently, zebra mussels can colonize along the interior surfaces of water intake pipes, severely restricting pipe diameter and flow capacity.

In Monroe, MI, for instance, a water purification plant had to close for several days because of restricted flow. A Detroit Edison powerplant, also in Monroe, had to suspend use of one pipe, thereby reducing plant output by 25 percent. Ontario water treatment plants have reported a 20 percent reduction in water flow due to zebra mussels. A 2½-mile-long intake pipe at a water filtration plant near Port Stanley, ON, is clogged with an estimated 30 tons of zebra mussels. Ohio Environmental Protection Agency [EPA] officials report that mussels were discovered in one-half of the water intakes of 31 surveyed public water systems.

Some Sea Grant experts and the Great Lakes Fishery Commission estimate economic damages to the Great Lakes at $500 million annually over the next decade. One utility estimates that mechanical mussel removal will cost it $50 million to $100 million a year.

And so the zebra mussel story goes. It is a story that can be repeated with any number of intruder species, anywhere in the United States. The zebra mussel is just one of many nonindigenous aquatic nuisances plaguing America's lakes, rivers, ports, and coastlines. Those of us from the Great Lakes are well aware of the destructive capabilities of the sea lamprey, which entered the Lakes through the Erie Canal at the turn of the century. They nearly wiped out commercial fishing on the Lakes in the 1940's and 1950's. Last year, we had to secure additional appropriations to combat a resurgent population.

Other exotic intruders include the Red Tide and the River Ruffe. Exotic diseases—again, in ballast water—threaten fish populations in Alaska and the Pacific Northwest. A Japanese seaweed threatens the commercial shellfish industry along the northeast coast. And a variety of exotic shellfish, in turn, threaten San Francisco Bay. Once established, these nonindigenous intruders upset the ecology, cause economic damage, and prove difficult to eradicate. Typically, the unintended host ecosystem has no natural predators or other control mechanisms.

Mr. President, it is interesting to note that the U.S. Department of Agriculture's Animal and Plant Health Inspection Service [APHIS] has an annual budget of some $350 million. APHIS personnel have mobilized helicopters to combat pests like the Africanized "killer" bee and the Mediterranean fruit fly. But we seem defenseless against aquatic intruders. Put a little more colloquially, it seems we have an enormous air force, but not much of a navy. Our bill is designed to rectify this imbalance.

As mentioned above, the bill would require the U.S. Coast Guard to promulgate regulations mandating high seas—beyond 200 miles—ballast water exchange. The bill also would establish a national cooperative action group, consisting of the Secretaries of Commerce and Interior. The cooperative group, in turn, would establish regional commissions as needed to oversee and coordinate activity to address specific invader species. The bill mandates that one such commission be established in the Great Lakes.

The bill authorizes NOAA and the U.S. Fish and Wildlife Service to conduct research on the basic biology, environmental and economic impacts, and control methods relating to specific intruders. It authorizes the Marine Advisory Service of NOAA's Sea Grant Program to implement public information and education measures.

The bill authorizes $4 million annually for 5 years for Great Lakes programs, including: $1 million annually for research at the Great Lakes Environmental Research Laboratory [GLERL] and other NOAA facilities; $750,000 annually for U.S. Fish and Wildlife Service research activities; $1.65 million annually for competitive university research grants; $500,000 annually for Sea Grant college programs; and $200,000 annually for administrative services rendered by the Great Lakes Commission and the Great Lakes Fishery Commission.

The bill authorizes $4 million annually for national programs, including: $3 million annually for U.S. Coast Guard regulatory activities; $500,000 annually for the Marine Advisory Service education and extension efforts; and $500,000 annually for U.S. Fish and Wildlife Service monitoring activities.

This bill can provide the model for action against a variety of intruder species across the Nation. I urge my colleagues to support it.●

Mr. SPECTER. Mr. President, today I join Senator GLENN as an original cosponsor in introducing the Non-Indigenous Aquatic Nuisance Act of 1990. Through research, education, and control measures, this legislation would address the economic and ecological threat posed by foreign aquatic organisms transplanted to the United States.

The most extreme example of the problem posed by these aquatic organisms is the zebra mussel, a creature which can be found in my home State, Pennsylvania. This creature was first discovered in 1988 in Lake Saint Clair, located between Lakes Huron and Erie. Reports indicate that in only 2 years, the mussel spread over a 10,000 square-mile area, infesting the Lake Erie shoreline from Detroit to Buffalo. I am advised that the zebra mussel is able to produce 30,000 offspring in a single season. Experts anticipate that this creature will spread to the Missisippi, Ohio, and Hudson River basins, and within 10 years is likely to be found in two-thirds of the United States.

The rapidly reproducing zebra mussel, though only the size of a quarter, is already causing problems which far exceed its size. Because the mussels are able to grow on nearly any surface, including each other, they are able to block water intake pipes that are several meters in diameter. The resulting blockages pose a serious threat to industry and municipal water supplies. In Ontario, expansion of a housing development came to a halt because zebra mussels in the water system had cut the water supply in half. The city of Buffalo has proposed a 15-percent increase in water rates to provide funds to deal with the mussel. Company officials at a Detroit Edison plant in Munroe, MI, estimate the cost of removing the creatures from their water intake system at $100,000 per treatment. Not only do zebra mussels threaten water supplies by blocking water pipes, but they often die in the pipes in large numbers, giving the water a putrid odor and taste and rendering it undrinkable.

The zebra mussel poses further economic problems for the tourism and fishing industries. Given the concentrations in which the mussel is found—up to 700,000 per square meter in Lake Erie—officials at the Presque Isle State Park in Erie, PA, fear the possible negative impact of sharp shells littering the beach, as well as obnoxious smells from decomposing mussels. I ask unanimous consent that a letter from the Presque Isle State Park Advisory Committee be included in the RECORD at the conclusion of my statement.

Experts fear that the prolific zebra mussel could endanger fish populations by competing with newly spawned fish for nutrients essential to their development. The fishing industry in Lake Erie generates $600 million annually, and according to the U.S. Fish and Wildlife Service, the zebra mussel may cost the industry a third of that each year, or $2 billion over the next decade.

Projections of the economic damage caused by the zebra mussel are $500 million each year in Lake Erie alone and $3 to $4 billion for all areas impacted by the mussels in the next 10 years.

Although it is the zebra mussel problem that compels us to act in this area, the Non-Indigenous Aquatic Nuisance Act would provide a legislative mechanism to deal with similar situations. In the past, the Great Lakes have been invaded by foreign organisms, such as the lamprey eel. None, however, has proven as serious a threat as the zebra mussel. Other areas of the country also are troubled by nonindigenous organisms—shellfish off the northeast coast face the threat of a Japanese seaweed and the ecology of the San Francisco Bay may be significantly disturbed by foreign fish and shellfish.

This legislation would prevent the importation of such nuisances by requiring the Coast Guard to enforce ballast exchange on the high seas. In addition, the bill would aid State and local officials in coping with the zebra mussel and other such threats by promoting research, education, and control of these organisms.

Mr. President, this legislation represents a sound and sensible approach to a growing problem that threatens not only the Great Lakes region but large portions of the rest of the country as well. It is important that we act now so that Pennsylvania and the Nation may be spared the cost of dealing with the potential catastrophe we face if the zebra mussel problem is not abated. Accordingly, I urge my colleagues to join me in supporting this important legislation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESQUE ISLE STATE PARK
ADVISORY COMMITTEE,
March 3, 1990.

Hon. ARLEN SPECTER,
U.S. Senate, Federal Office Building, Erie, PA.

DEAR SENATOR SPECTER: The introduction of *Dreissena polymorpha* (zebra mussel) into the Great Lakes Basin may produce a major threat to municipal and industrial water intake facilities, recreational boating, and may seriously impact on the beaches of Presque Isle State Park. As member of both the Erie Harbor Improvement Council and the Presque Isle State Park Advisory Committee I am deeply concerned about the impact this introduced exotic species may have on Pennsylvania's coastal zone.

There is no doubt that the mussel was introduced into the Great Lakes from ships originating in freshwater ports of northern Europe. The mussel is contained in freshwater ballast which is discharged into freshwater ports of the Great Lakes.

Dreissena was first confirmed in Lake St. Clair in July 1988. The age of the mussels observed indicate introduction into the Great Lakes sometime in 1986. Since that time the zebra mussel has dispersed into Lake Michigan and into Lake Erie as far as Buffalo, New York. The mussel is expected to move into the Niagara River by the summer of 1990. One can expect that the mussel will also disperse into every freshwater system in the Commonwealth as it is easily transported by small boats trailered from place to place and by waterfowl.

In the Erie area, several direct observations make it very apparent that we are not to be spared the effects of this dispersion. As early as last summer the mussel was found attached to marker bouys at Presque Isle and on driftwood found along the shoreline. A week ago a car was pulled from Presque Isle Bay covered with zebra mussels. Examination of the water intakes for the City of Erie's water system has revealed the presence of the mussel. These intakes are in the lake less than a mile off Presque Isle's beaches. International Paper Company in Erie has also observed the mussel on their intakes.

There is an expected biological impact on Lake Erie and Presque Isle Bay. The mussel is expected to occupy an ecological niche now filled by molluscs that have no particular bad habits. Since the zebra mussel is an exotic it is not part of any prey predator relationship in these waters, although one may develop. Because of its high biological potential the mussel is expected to displace the existing species. In addition, the mussel will interfere with the food chain of our more prized commercial and game fish species. Lastly, molluscs are important vectors of parasites in waterfowl, fish, and humans.

The major immediate impact will be on raw water intakes and on Presque Isle's beaches. In addition, biofouling of boats and marina facilities is expected to produce severe economic hardships. Intake structures provide an ideal habitat for the mussel. The structures provide a place for the mussel to affix and the constant flow of water into the intake brings a continuous flow of food. One Great Lakes utility has reported colony densities of 250,000 per square meter on intake cribs. Aside from the obvious threat of shutting off the community's water supply the mussel also taints the water with an obnoxious odor.

Dreissena finds rock cobble an ideal habitat. "Recreational use of beaches in infested areas may also be impacted by colonization of shallow nearshore areas and by littering of the beach by shells washed up by submerged colonies (bathers on some beaches of Lakes St. Clair and Erie are already reported to be wearing footgear to prevent cuts from the shells). Obnoxious smells from the decomposition of mussels can also detract from shoreline recreational activities" (O'Neill, 1989). The construction of fifty-eight rubblemound breakwaters at Presque Isle provide an idealized habitat for *Dreissena polymorpha*. The mussel cannot be a problem to the beaches if there is nothing for them to affix to. The mussel cannot fix to a sandy bottom.

As a member of both the Erie Harbor Improvement Council and the Presque Isle State Park Advisory Committee I urge you to support legislation that will provide for the following:

An end to the introduction of any exotic species into the Great Lakes Basin. We have had problems enough with Lamprey Eel, Alewife, River Ruffe and now Zebra Mussel;

Restrictions on the discharge of ballast waters from foreign ports;

Assistance to the communities of the basin in combating the threat of zebra mussels to their economies and to their water systems;

Assistance to support studies to examine control alternatives; and

Identification of either the Fish and Wildlife Service (Department of the Interior) or the Environmental Protection Agency as the lead agency to assist the States in dealing with the problem of zebra mussel infestation.

The threat is real and immediate to the Erie shoreline. As the mussel disperses into the lakes and streams of the Commonwealth any community, large or small, with fresh water intakes, will bear the economic hardship of controlling this pest. Much is at stake. I know you appreciate the extent of the problem and will do whatever is necessary to assist in ameliorating this problem. If I can be of any assistance by way of providing additional information please do not hesitate to ask.

Sincerely,

PAUL D. KNUTH,
Chairman.

Reference cited: O'Neill, Charles R., 1989. *Dreissena polymorpha; An Unwelcome New Great Lakes Invader*, New York Seagrant Fact Sheet 11-1989. Seagrant Cooperative Extension, Cornell University.

● Mr. DIXON. Mr. President, I am pleased to join my distinguished colleague and warm friend from Ohio, Senator GLENN, as a sponsor of the Non-Indigenous Aquatic Nuisance Act of 1990. This legislation is designed to coordinate research, education, and control of aquatic nuisance species, and to prevent the spread of these species in our lakes and rivers.

The zebra mussel, a tiny clam, has already entered the Great Lakes. Since their accidental introduction by ships emptying infested ballast water from Europe in 1988, they have caused serious economic and environmental damage to the Great Lakes region. The zebra mussels have clogged water inlet pipes for powerplants, water treatment plants, and factories. Zebra mussels disrupt the natural food chain reducing the fish population for the commercial fishing industry and sport fishermen. If it is not contained, the costs to the tourist industry will be great. If left unchecked, the zebra mussel will spread down the Mississippi and its tributaries, eventually affecting two-thirds of the inland waters in the United States. This is a national problem, not just a Great Lakes problem. During the next decade, the U.S. Fish and Wildlife Service estimates zebra mussels will cause an estimated 5 billion dollars' worth of damage in the Great Lakes alone.

The bill establishes a national cooperative action group under the jurisdiction of the Department of Commerce and Department of the Interior. The group would establish regional commissions that would coordinate the activities of Federal, State, and local government agencies and the private sector in the most effective manner possible. A commission will be dedicated to the zebra mussel problem.

Mr. President, this is a meritorious bill, and I look forward to working with my colleagues to ensure its prompt enactment.●

Mr. KOHL. Mr. President, I am pleased to join with several of my colleagues in introducing the Non-Indigenous Aquatic Nuisance Act of 1990, which will help to prevent the spread of the zebra mussel and other exotic species throughout the Great Lakes and beyond. The invasion of zebra mussels in this country has only just begun, and threatens every lake, river, and stream in the United States.

Zebra mussels entered the Great Lakes in the late 1980's, probably transported by ballast water from foreign ships. In a few short years, this organism has spread throughout Lake Erie and into Lake Ontario. It is expected to inhabit all of the Great Lakes within the next couple of years. I am hopeful that this legislation will help to slow the spread, so that cities along Wisconsin's Lake Michigan shoreline will be spared some of the terrible consequences already afflicting our neighbors to the east.

Zebra mussels can cause severe economic hardship on shoreline areas in several ways. First, because their numbers multiply so rapidly, they can quickly block water intake pipes used by municipalities and businesses, jeopardizing drinking water and industrial water supplies. Second, because of the grave damage they inflict on native fish and aquatic species, commercial fishing industries may see their business devastated. Finally, tourism industries in coastal and lakeside communities could be dampened by the loss of recreational fishing opportunities.

The Non-Indigenous Aquatic Nuisance Act of 1990 will help us to prevent the spread of the zebra mussel before it becomes a threat to every state in the country, carried by boats and bait buckets from port to port, and from inland lake to inland stream. We have been warned that the species could infect two-thirds of all inland waters in the Nation.

The bill provides authorization for educational programs to teach commercial and recreational users of contaminated water to identify zebra mussels and to prevent the further spread of the species. The tracking and monitoring provisions of the bill will allow early warning of communities that may need to take precautions prior to infestation. Communities in Wisconsin, for example, might be able to prevent some of the consequences which have already affected areas like Monroe, MI, which was left without water for several days last December.

Provisions in the bill regulating ballast water management will help prevent new unintentional introductions of nonindigenous organisms. These regulations will complement the Voluntary Ballast exchange regulations that Canada currently has in place. We need to act binationally with Canada to prevent the further spread of organisms like the zebra mussel and red tide, and this bill accomodates such international cooperation.

In sum, this is an important bill—not just for the Great Lakes States—but for every State in the country. I urge my colleagues to support the amendment.

By Mr. BRADLEY (for himself, Mr. MATSUNAGA, Mr. DURENBERGER, and Mr. MOYNIHAN):

S. 2246. A bill to amend title XVIII of the Social Security Act to provide improved Medicare home health benefits, and for other purposes; to the Committee on Finance.

MEDICARE HOME BENEFITS IMPROVEMENT ACT

● Mr. BRADLEY. Mr. President, I rise today to introduce the Medicare Home Benefits Improvement Act of 1990. This legislation will provide some important benefits to older Americans. It will enable those among the dependent elderly and disabled to obtain needed care in the comfort and the dignity of their homes. This bill clarifies eligibility requirements and expands coverage for home health care; it permits up to 80 hours of coverage per year for in-home respite care for chronically dependent individuals; it eliminates the 210-day limit for hospice care coverage; and it allows beneficiaries to receive needed intravenous drug therapy in the home setting when it is safe to administer the treatment at home instead of in a hospital.

Mr. President, these special protections were lost last year in the rush to repeal the Medicare Catastrophic Coverage Act. I believe that loss was both gravely shortsighted and unwise.

Mr. President, an estimated 1½ million people currently are cared for in nursing homes. Yet it is only 20 percent of the elderly who need long-term care services. The remainder continue to live in their communities and depend on a network of both formal and informal caregivers. As our population ages and a greater proportion of our people live long enough to confront dependency, adequate home based support for caregivers will mean the difference between forced institutionalization and living with one's family.

The burdens on those who provide informal long-term care, both financial and emotional, are tremendous. One-third of family caregivers are over the age of 65 themselves. Respite care is the provision of a little relief to family caregivers who are spending their lives caring for their chronically ill spouses or parents. Often, that family member is the only thing preventing the chronically ill person, who is living at home, from entering a nursing home.

A model program in New Jersey recently permitted a week of care for a 103-year-old woman so her 82-year-old daughter could attend the granddaughter's wedding in California. In another instance, interim care was provided for an Alzheimer's patient when her husband was hospitalized for surgery. The respite care benefit provides family support of 80 hours a year to help the caregiver in the home. This is a limited benefit that

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will give caregivers in perhaps 75,000 to 100,000 families some respite from the burdens of caring for their loved ones with chronic illness. This benefit will only be available after $1,780 in the first year in out-of-pocket health expenses have been expended by the beneficiary. It will be subject to a 20-percent copayment. This is no runaway benefit that will cost several hundred billion dollars a year. But it may mean the difference between a family's ability to keep a member at home and giving up for a nursing home.

The expanded Home Health Care benefits proposed in this bill may also provide the margin of care necessary to keep beneficiaries in the home setting. The bill will clarify eligibility for this benefit by clearly defining intermittent care. It will also nearly double the number of days of skilled home health care covered for the sickest elderly, those who require skilled home care for up to 7 days per week. It will increase the number of days from 2 to 3 weeks under current law to 38 days of coverage. For many beneficiaries, the comfort and support of skilled personnel who come to the home to provide care, can mean the difference between recovering and receiving rehabilitation at home or going to a skilled nursing facility.

The Medicare hospice benefit provides those dying from a terminal illness resources to ensure optimal comfort and quality of life for both beneficiaries and their families. Much of hospice care is provided in the home setting. After a beneficiary qualifies, Medicare currently covers only 210 days of hospice care. With the advent of new technologies and life-sustaining drugs, it is not uncommon for terminally ill patients to live beyond the 210-day limit. For the beneficiary who survives longer than 210 days, Medicare leaves the patient the responsibility for the remaining costs of his or her care. For a small expenditure of $1 million per year according to the Congressional Budget Office, we can continue this humane level of support to a dying human being.

Finally, some illnesses require the administration of intravenous drugs such as antibiotics. Frequently, that means many days of hospitalization to administer required daily doses of these drugs. When a doctor determines that it is safe to administer those intravenous drugs at home, this bill provides for payment of these services in the home setting. Mr. President, despite the costs that this provision will incur for Medicare, in the long run, shortened hospital stays may make this benefit cost effective. This is why the Prospective Payment Assessment Commission is directed in this legislation to study the financial impact of this provision on the costs of caring for these conditions in the hospital setting.

Mr. President, this legislation will not increase the Federal budget deficit. Given our enormous budget deficit, we must ask the beneficiaries to pay for these services. But I feel that these home benefits are so important to provide that I am proposing a small increase in part B premiums in order to pay for the benefits. In the first year, this will mean a 55-cent-per-month increase in the premiums. In the fifth year, the premium will have increased by $1.57 per month.

Richard Margolis, in his new book, "Risking Old Age in America" sums up the situation quite well: "The struggle to fend off dependency is nearly always waged behind closed doors, in the privacy of one's home and in the teeth of one's panic. The public does not bear witness; neither, in most instances, does it bear any part of the home-care burden." Mr. President, it is time for us to begin to shoulder some of that burden.

I ask unanimous consent that the text of the bill, and the summary of the legislation appear at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Home Benefits Improvement Act of 1990".

SEC. 2. IN-HOME RESPITE CARE FOR CERTAIN CHRONICALLY DEPENDENT INDIVIDUALS.

(a) In General.—Section 1832(a) of the Social Security Act (42 U.S.C. 1395k(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in paragraph (2)(A)—

(A) by inserting "(i)" after "(A)", and

(B) by inserting before the semicolon at the end the following: ", and (ii) in-home respite care for up to 80 hours in any period described in section 1861(jj)(4), but not to exceed 80 hours in any calendar year"; and

(2) by adding at the end the following new sentence: "In the case of in-home respite care (described in paragraph (2)(A)(ii)) provided on any day, such care provided for 3 hours or less on the day shall be counted (for purposes of the limitation in such paragraph) as 3 hours of such care.".

(b) In-Home Respite Care for Chronically Dependent Individual Defined.—Section 1861 of such Act (42 U.S.C. 1395x), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended by inserting after subsection (ii) the following new subsection:

"(jj)(1) The term "in-home respite care' means the following items and services furnished, under the supervision of a registered professional nurse, to a chronically dependent individual (as defined in paragraph (2)) during the period described in paragraph (4) by a home health agency or by others under arrangements with them made by such agency in a place of residence used as such individual's home:

"(A) Service of a homemaker/home health aide (who has successfully completed a training program approved by the Secretary).

"(B) Personal care services.

"(C) Nursing care provided by a licensed professional nurse.

"(2) The term 'chronically dependent individual' means an individual who—

"(A) is dependent on a daily basis on a primary caregiver who is living with the individual and is assisting the individual without monetary compensation in the performance of at least 2 of the activities of daily living (described in paragraph (3)), and

"(B) without such assistance could not perform such activities of daily living.

"(3) The 'activities of daily living', referred to in paragraph (2), are as follows:

"(i) Eating.

"(ii) Bathing.

"(iii) Dressing.

"(iv) Toileting.

"(v) Transferring in and out of a bed or in and out of a chair.

"(4)(A) The period described in this paragraph begins on the date that the Secretary determines that a chronically dependent individual has incurred out-of-pocket part B cost sharing (as defined in paragraph (5)(A)) in an amount equal to the part B limit (as determined under paragraph (5)(B)) for the calendar year in which such date occurs.

"(B) In the case of an individual who qualifies under subparagraph (A), if the hour limitation for the calendar year applies, the period described in subparagraph (A) shall begin on the first day of the succeeding calendar year.

"(5) For purposes of this subsection—

"(A) The term 'out-of-pocket part B cost sharing' means, with respect to an individual covered under part B, the amount of expenses that the individual incurs that is attributable to—

"(i) the deductions established under section 1833(b), and

"(ii) the difference between the payment amount provided under part B and the payment amount that would be provided under part B if '100 percent' and '0 percent' were substituted for '80 percent' and '20 percent', respectively, each place either appears in sections 1833(a), 1833(i)(2), 1834(c)(1)(C), 1835(b)(2), 1866(a)(2)(A), 1881(b)(2), and 1881(b)(3).

"(B)(i) The part B limit for 1991 is $1,780. The part B limit for any succeeding year shall be such an amount (rounded to the nearest multiple of $1) as the Secretary estimates, for that succeeding year, will reflect a level of out-of-pocket part B expenses that only 5.5 percent of the average number of individuals enrolled under part B (other than individuals enrolled with an eligible organization under section 1876 or an organization described in section 1833(a)(1)(A)) will equal or exceed in that succeeding year.

"(ii) Not later than September 1 of each year (beginning with 1991), the Secretary shall promulgate the part B limit under this subparagraph for the succeeding year.".

(c) Payments.—Section 1833(a) of such Act (42 U.S.C. 13951(a)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in paragraph (2), by inserting "(A)(ii)," after "subparagraphs" the first place it appears,

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(2) in paragraph (3), by striking "(D)" and inserting "(A)(ii), (D),", and

(3) by adding at the end the following: "Payments for in-home respite care for chronically dependent individuals shall be paid on the basis of an hour of such care provided. In applying paragraph (2) in the case of an organization receiving payment under subparagraph (A) of paragraph (1) or under a reasonable cost reimbursement contract under section 1876 and providing coverage of in-home respite care, the Secretary shall provide for an appropriate adjustment in the amount of payments otherwise made to reflect the aggregate increase in payments that would otherwise be made with respect to enrollees in the organization if payments were made other than under such clause or such a contract if payments were to be made on an individual-by-individual basis.

(d) Certification.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)), as restored by the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by inserting after subparagraph (F) the following new subparagraph:

"(G) in the case of in-home respite care provided during a period described in section 1861(jj)(4), the individual was a chronically dependent individual during the 3-month period immediately preceding the beginning of the period described in such section."

(e) Standards for Utilization.—

(1) Section 1862(a) of such Act (42 U.S.C. 1395y(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in paragraph (1)—

(i) in subparagraph (D), by striking "and" at the end,

(ii) in subparagraph (E), by striking the semicolon at the end and inserting ", and", and

(iii) by adding at the end the following new subparagraph:

"(F) in the case of in-home respite care, which is not reasonable and necessary to assure the health and condition of the individual is maintained in the individual's noninstitutional residence;"; and

(B) in paragraph (6), by inserting "and except, in the case of in-home respite care, as is otherwise permitted under paragraph (1)(F)" after "paragraph (1)(C)".

(2) The Secretary of Health and Human Services shall take appropriate efforts to assure the quality, and provide for appropriate utilization of, in-home respite care under the amendments made by this section.

(f) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1991.

SEC. 3. EXTENDING HOME HEALTH SERVICES.

(a) In General.—Section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following new sentence:

"For purposes of paragraph (1) and (4) and sections 1814(a)(2)(C) and 1835(a)(2)(A), nursing care and home health aide services shall be considered to be provided or needed on an 'intermittent' basis if they are provided or needed less than 7 days each week and, in the case they are provided or needed for 7 days each week, if they are provided or needed for a period of up to 38 consecutive days.".

(b) Payment Under Part B.—Section 1833(d) of the Social Security Act (42 U.S.C. 13951(d)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(1) by striking "(d) No payment" and inserting "(d)(1) Except as provided in paragraph (2), no payment"; and

(2) by adding at the end the following new paragraph:

"(2) In the case of home health services furnished to an individual enrolled under this part for which payment is made only as a result of the application of the last sentence of section 1861(m), payment shall be made under this part.".

(c) Effective Date.—The amendments made by this section shall apply to services furnished in cases of initial periods of home health services beginning on or after January 1, 1991.

SEC. 4. EXPANSION OF HOSPICE BENEFIT.

(a) In General.—Section 1812 of the Social Security Act (42 U.S.C. 1395d), as restored by section 101(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989 and as amended by the Omnibus Budget Reconciliation Act of 1989, is amended—

(1) in subsection (a)(4), by striking "90 days each" and all that follows through "with respect to" and inserting the following: "90 days each, a subsequent period of 30 days, and a subsequent extension period with respect to"; and

(2) in subsection (d)—

(A) in paragraph (1), by stiking "90 days each" and all that follows through "lifetime" and inserting the following: "90 days each, a subsequent period of 30 days, and a subsequent extension period during the individual's lifetime", and

(B) in paragraph (2)(B), by striking "a 90- or 30-day period," and inserting "a 90- or 30-day period or a subsequent extension period,".

(b) Conforming Amendment.—Section 1814(a)(7)(A) of such Act (42 U.S.C. 1395f(a)(7)(A)), as restored by section 101(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is mended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the semicolon at the end and inserting ", and"; and

(3) by adding at the end the following new clause:

"(iii) in a subsequent extension period, the medical director or physician described in clause (i)(II) recertifies at the beginning of the period that the individual is terminally ill;".

(c) Effective Date.—The amendments made by this section shall apply with respect to care and services furnished on or after January 1, 1991.

SEC. 5. COVERAGE OF HOME INTRAVENOUS DRUG THERAPY SERVICES.

(a) In General.—Section 1832(a)(2)(A) (42 U.S.C. 1395k(a)(2)(A)) as amended by section 2(a)(1) of this Act, is further amended—

(1) by striking ", and (ii)" and inserting ", (ii)"; and

(2) by striking "calendar year" and inserting ", calendar year, and (iii) home intravenous drug therapy services".

(b) Home Intravenous Drug Therapy Services Defined.—Section 1861 (42 U.S.C. 1395x) as amended by section (2)(b) of this Act, is further amended by adding at the end the following new subsection:

"(kk)(1) The term 'home intravenous drug therapy services' means the items and services described in paragraph (2) furnished to an individual who is under the care of a physician—

"(A) in a place of residence used as such individual's home;

"(B) by a qualified home intravenous drug therapy provider (as defined in paragraph (4)) or by others under arrangements with them made by such provider; and

"(C) under a plan established and periodically reviewed by a physician.

"(2) The items and services described in this paragraph are such nursing, pharmacy, and related services (including medical supplies, intravenous fluids, delivery, and equipment) as are necessary to conduct safely and effectively an intravenously administered drug regimen through use of a covered home intravenous drug.

"(3)(A) The term 'covered home intravenous drug' means a drug dispensed to an individual that—

"(i) is an antibiotic drug and Secretary has not determined, for the specific drug or for the indication to which it is applied, that the drug cannot be administered safely and effectively in a home setting, or,

"(ii) is not an antibiotic drug and the Secretary has determined, for the specific drug and indication for which the drug is being applied, that the drug can generally be administered safely and effectively in a home setting.

"(B) Not later than January 1, 1991 (and periodically thereafter), the Secretary shall publish a list of the drugs that are covered home intravenous drugs with respect to which home intravenous drug therapy may be provided under this title.

"(4) The term 'qualified home intravenous drug therapy provider' means any entity that the Secretary determines meets the following requirements:

"(i) The entity is capable of providing or arranging for the items and services described in paragraph (2) and covered home intravenous drugs.

"(ii) The entity maintains clinical records on all patients.

"(iii) The entity adheres to written protocols and policies with respect to the provision of items and services.

"(iv) The entity makes services available (as needed) 7 days a week on a 24-hour basis.

"(v) The entity coordinates all services with the patient's physician.

"(vi) The entity conducts a quality assessment and assurance program, including drug regimen review and coordination of patient care.

"(vii) The entity assures that only trained personnel provide covered home intravenous drugs (and any other service for which training is required to safely provide the service).

"(viii) The entity assumes responsibility for the quality of services provided by others under arrangements with the agency or entity.

"(ix) In the case of an entity in any State in which State or applicable law provides for the licensing of entities of this nature, (I) is licensed pursuant to such law, or (II) is approved, by the agency of such State or locality responsible for licensing entities of this nature, as meeting the standards established for such licensing.

"(x) The entity meets such other requirements as the Secretary may determine are necessary to assure the safe and effective provision of home intravenous drug therapy services and the efficient administration of the home intravenous drug therapy benefit.".

(c) Payment.—

(1) In General.—Part B of such Act, as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in subsection (a)(2)(B) of section 1833 (42 U.S.C. 13951), by striking "or (E)" and inserting "(E), or (F)";

(B) in subsection (a)(2)(D) of such section, by striking "and" at the end;

(C) in subsection (a)(2)(E) of such section, by striking the semicolon and inserting "; and";

(D) by inserting after subsection (a)(2)(E) of such section the following new subparagraph:

"(F) with respect to home intravenous drug therapy services, the amounts described in section 1834(d)(1);"

(E) in subsection (b) of such section, by striking "services, (3)" and inserting "services and home intravenous drug therapy services, (3)"; and

(F) by adding at the end of section 1834, the following new subsection:

"(c) Home Intravenous Drug Therapy Services.—

"(1) In general.—With respect to home intravenous drug therapy services, subject to paragraph (3), payment under this part shall be made in an amount equal to the lesser of the actual charges for such services or the fee schedule established under paragraph (2).

"(2) Establishment of fee schedule.—The Secretary shall establish by regulation before the beginning of calendar year 1991 and each succeeding calendar year a fee schedule for home intravenous drug therapy services for which payment is made under this part. A fee schedule established under this subsection shall be on a per diem basis.

"(3) Limitation on acceptance of, and payments for, certain referrals.—

"(A) In general.—Except as provided in subparagraph (B), a home intravenous drug therapy provider may not provide home intravenous drug therapy services under this part to an individual if the individual's referring physician (as defined in subparagraph (D)), or an immediate family member of the physician—

"(i) has an ownership interest in the provider, or

"(ii) receives compensation from the provider.

"(B) Exceptions.—

"(i) Subparagraph (A)(i) shall not apply—

"(I) if the ownership interest is the ownership of stock which is traded over a publicly-regulated exchange and was purchased on terms generally available to the public, or

"(II) if the provider is a sole home intravenous drug therapy provider (as defined by the Secretary) in a rural area.

"(ii) Subparagraph (A)(ii) shall not apply if the compensation is reasonably related to items or services actually provided by the physician and does not vary in proportion to the number of referrals made by the referring physician, but such exemption shall not apply to compensation provided for direct patient care services.

"(iii) Subparagraph (A) shall not be construed to apply to a referring physician whose only ownership or financial relationship with the provider is as an uncompensated officer or director of the provider.

"(iv) Subparagraph (A) also shall not apply in such cases, established by the Secretary in regulations, in which the nature of the ownership or compensation does not pose a substantial risk of program abuse.

"(C) Sanctions.—

"(i) Denial of payment.—No payment may be made under this part for home intravenous drug therapy services which are provided in violation of subparagraph (A).

"(ii) Civil money penalty for improper claims.—Any person (including a home intravenous drug therapy provider or physician) that presents or causes to be presented a claim for an item or service that such person knows or should know is for an item or servce for which payment may not be made under subparagraph (A) shall be subject to a civil money penalty of not more than $15,000 for each such item or service. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

"(D) Deferring physician defined.— In this paragraph, the term 'referring physician' means, with respect to providing home intravenous drug therapy services to an individual, a physician who—

"(i) prescribed the covered home intravenous drug for which the services are to be provided, or

"(ii) established the plan of care for such services.".

(2) PROPAC study.—The Prospective Payment Assessment Commission shall conduct a study, and make recommendations to Congress and the Secretary of Health and Human Services by not later than March 1, 1992, concerning appropriate adjustment to the payment amounts provided under section 1886(d) of the Social Security Act for inpatient hospital services to account for reduced costs to hospitals resulting from the amendments made by this section.

(3) Inspector general report on potentially abusive ownership or compensation arrangements.—The Inspector General of the Department of Health and Human Services shall study and report to Congress, by not later than May 1, 1991, concerning—

(A) physician ownership of, or compensation from, an entity providing items or services to which the physician makes referrals and for which payment may be made under the medicare program;

(B) the range of such arrangements and the means by which they are marketed to physicians;

(C) the potential of such ownership or compensation to influence the decision of a physician regarding referrals and to lead to inappropriate utilization of such items and services; and

(D) the practical difficulties involved in enforcement actions against such ownership and compensation arrangements that violate current anti-kickback provisions.

Such report shall include such recommendations as may be appropriate to strengthen current law provisions to prevent program abuse.

(d) Certification.—

(1) In General.—Section 1835(a)(2) of such Act (42 U.S.C. 1395n(a)(2)) as amended by section 2(d) of this Act, is further amended—

(A) by striking "and" at the end of subparagraph (F);

(B) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(C) by inserting after subparagraph (G) the following new subparagraph:

"(H) in the case of home intravenous drug therapy services, (i) such services are or were required because the individual needed such services or the administration of a covered home intravenous drug, (ii) a plan for furnishing such services have been established and is reviewed periodically by a physician, (iii) such services are or were furnished while the individual is or was under the care of a physician, (iv), such services are administered in a place of residence used as such individual's home, and (v) with respect to such services initiated before January 1, 1993, such services have been reviewed and approved by a utilization and peer review organization under section 1154(a)(16) before the date such services were initiated (or, in the case of services first initiated on an outpatient basis, within 1 working day (except in exceptional circumstances) of the date of initiation of the services).".

(2) Pro prior approval required.—Section 1154(a) of such Act (42 U.S.C. 1320c-3(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following new paragraph:

"(16) The organization shall perform the review described in paragraph (1) with respect to home intravenous drug therapy services (as defined in section 1861(kk)(1)) initiated before January 1, 1993, within 1 working day of the date of the organization's receipt of a request for such review. The Secretary shall establish criteria to be used by such an organization in conducting reviews with respect to the appropriateness of home intravenous drug therapy services under this paragraph.".

(e) Certification of Home Intravenous Drug Therapy Providers; Intermediate Sanctions for Noncompliance.—

(1) Treatment as provider of services.—Section 1861(u) of such Act (42 U.S.C. 1395x(u)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by inserting "home intravenous drug therapy provider," after "hospice program,".

(2) Consultation with state agencies and other organizations.—Section 1863 of such Act (42 U.S.C. 1395z), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by striking "and (dd)(2); and inserting "(dd)(2), and (kk)(4)".

(3) Use of state agencies in determining compliance.—Section 1864(a) of such Act (42 U.S.C. 1395aa(a)), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in the first sentence, by inserting "or a home intravenous drug therapy provider," after "hospice program", and

(B) in the second sentence, by striking "or hospice program" and inserting "hospice program, or home intravenous drug therapy provider".

(4) Applicaton of intermediate sanctions.—Section 1846 of such Act (42 U.S.C. 1395w-2), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in the heading, by adding "AND FOR QUALIFIED HOME INTRAVENOUS DRUG THERAPY PROVIDERS" at the end;

(B) in subsection (a), by inserting "or that a qualified home intravenous drug therapy provider that is certified for participation under this title no longer substantially meets the requirements of section 1861(kk)(4)" after "under this part"; and

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(C) in subsection (b)(2)(A)(iv) by inserting or home intravenous drug therapy services" after "clinical diagnostic laboratory tests".

(f) Use of Regional Intermediaries in Administration of Benefit.—Section 1816 of such Act (42 U.S.C. 1395h), as restored by section 201(a)(1) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end thereof the following new subsection:

"(k) With respect to carrying out functions relating to payment for home intravenous drug therapy services and covered home intravenous drugs, the Secretary may enter into contracts with agencies or organizations under this section to perform such functions on a regional basis.".

(g) Effective Date.—The amendments made by this section shall apply to items and services furnished on or after January 1, 1991.

SEC. 6. FINANCING THROUGH INCREASE IN MEDICARE PART B PREMIUM.

(a) Increase in Premium.—Section 1839 of the Social Security Act (42 U.S.C. 1395r), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following new subsection:

"(g)(1) Except as provided in subsection (f), the monthly premium for each individual enrolled under this part otherwise determined, without regard to this subsection, shall be increased (for months occuring in 1991 through 1995) by the following additional premium or (for months after December 1995) by such an additional premium determined in accordance with paragraph (2):

"(A) For months in 1991, $.55.

"(B) For months in 1992, $.95.

"(C) For months in 1993, $1.08.

"(D) For months in 1994, $1.29.

"(E) For months in 1995, $1.57.

"(2)(A) The Secretary shall, during September of 1995 and of each year thereafter, determine and promulgate the additional premium under this subsection for months in the succeeding year. Such premium amount shall be equal to the amount the Secretary estimates to be necessary so that the aggregate amount of premiums collected under this subsection for months in the year will equal the total of the benefits and administrative costs which the Secretary estimates will be payable in such year from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund that are attributable to the amendments made by the Medicare Home Benefits Improvement Act of 1990. In calculating such additional premium, the Secretary shall include an appropriate amount for a contingency margin, and shall adjust such premium to take into account the amounts by which the additional premiums established under this subsection with respect to months in any year are greater or less than the amounts required to pay for benefits paid and such administrative costs incurred in such year that are attributable to the Medicare Home Benefits Improvement Act of 1990.

"(B) If any premium increase for a month under this paragraph is not a multiple of 10 cents, the Secretary shall round the increase to the nearest multiple of 10 cents.".

(b) Conforming Amendments.—

(1) Section 1839 of such Act (42 U.S.C. 1395r), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended—

(A) in the second sentence of subsections (a)(1) and (a)(4), by inserting "(other than costs relating to the amendments made by the Medicare Home Benefits Improvement Act of 1990)" before the period;

(B) in subsection (a)(2), by striking "and (e)" and inserting ", (e), and (g)";

(C) in subsection (a)(3), by striking "subsection (e)" and inserting "subsections (e) and (g)";

(D) in subsection (b), by striking "determined under subsection (a) or (e)" and inserting "otherwise determined under this section (without regard to subsections (f) and (g))"; and

(E) in subsection (e)(1), by inserting "except as provided in subsection (g)," after "subsection (a)".

(2) Section 1844(a) of such Act (42 U.S.C. 1395w(a)), as restored by section 202(a) of the Medicare Catastrophic Coverage Repeal Act of 1989, is amended by adding at the end the following:

"In computing the amount of aggregate premiums and premiums per enrollee under paragraph (1), there shall not be taken into account premiums attributable to section 1839(g).".

(c) Effective Date.—The amendments made by this section shall apply to monthly premiums for months beginning with January 1991.

SUMMARY OF THE MEDICARE HOME BENEFITS IMPROVEMENT ACT OF 1990

1. *Home Health.*—The expansion and clarification of the Medicare home health benefit in this bill is an important step towards simplifying and providing a meaningful limited home health benefit. Current law limits the scope and accessibility of Medicare home health coverage by both specifying strict eligibility requirements and by allowing inconsistency in the interpretation of the definition of intermittent care. This legislation clarifies the definition of intermittent care to those individuals needing skilled home health care for up to six days per week. In addition, for those beneficiaries that need skilled home care for seven days per week, the legislation provides coverage for thirty-eight consecutive days. This is an increase from up to the current 2-3 week limit.

2. *Respite Care.*—This provision would re-establish a home care benefit of 80 hours of coverage a year to care for chronically dependent individuals. Home care would be defined as including services of a homemaker/home health aide, personal care services and nursing services provided under the supervision of a licensed nurse. The threshold for this benefit in 1991 is $1,780 and subsequently will be established by the Secretary based on total out of pocket expenses incurred by individuals enrolled in Part B. The benefit will be subject to a 20 percent co-pay.

3. *Hospice Care.*—The hospice care 210 day limit would be eliminated.

4. *Home Intravenous Drug Coverage.*—This provision will provide physician ordered intravenous drug therapy services to a beneficiary in the home setting through qualified home intravenous drug therapy providers. Payment will be provided through a fee schedule to be set up by the Secretary.

This legislation will be financed through a part B premium increase for Medicare beneficiaries enrolled in the program. The total cost for the Medicare Home Benefits expansions will be $2.153 Billion over five years. This is a $.55 per month increase in part B premium in the first year, rising to $1.57 per month in year five.

Monthly Part B premium increases:

1991	$0.55
1992	.95
1993	1.08
1994	1.29
1995	1.57●

By Mr. GRAHAM:

S. 2247. A bill to establish the Florida Keys National Marine Sanctuary in the State of Florida, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FLORIDA KEYS NATIONAL MARINE SANCTUARY AND PROTECTION ACT

● Mr. GRAHAM. Mr. President, the living coral reef tract off the coast of the Florida Keys is one of the most diverse marine ecosystems in the world. The coral reef draws over 1 million visitors a year.

Unfortunately, the reef is extremely fragile and very susceptible to damage. Three separate freighter groundings last October and November destroyed over 5,000 square meters of reef.

Although public attention has focused on these freighter incidents, the numerous groundings of small and medium-size vessels is also posing great risk to the reef. Official data on groundings is only available in the Key Largo and the Looe Key National Marine Sanctuaries. Since 1980 there have been 196 reported vessel groundings inside these two sanctuaries which significantly damaged the reef.

Mr. President, a comprehensive management strategy is needed to protect this valuable commercial, recreational and ecological resource. My colleague from south Florida, Congressman Dante Fascell, suggested last session that this area be designated for protection under the National Marine Sanctuary Program.

The legislation I am introducing today complements Congressman Fascell's bill and addresses additional concerns that have been raised since introduction of his legislation.

The Florida Keys Marine Sanctuary and Protection Act sets forth guidelines for the development of a management plan for the designated sanctuary. Central to the plan is extensive input from local citizens who are most familiar with the reef and the type of protection necessary.

Development of a management strategy would include a determination of uses compatible with the goal of protecting the reef.

The bill designates a sanctuary boundary running from Biscayne National Park in the north Keys area south to the Fort Jefferson National Monument and seaward to the 600-foot isobath.

The management plan would also prohibit mining, mineral extraction or hydrocarbon exploration, development or production within the sanctuary; identify existing or potential sources of damage or disturbance to sanctuary resources both inside and outside of the sanctuary boundary; and promote education about coral reef conservation and navigational safety.

Mr. President, let me also note that the Coast Guard is planning a proposal for submission to the International Maritime Organization to designate "areas to be avoided" by commercial vessels. I strongly support this effort as a critical component of our effort to protect the fragile reef. The Coast Guard's plan will augment the protection afforded in this legislation.

In conclusion, I view this legislation as a starting-point for discussion in the Senate. I look forward to working with all interested parties in developing a sound policy for protecting this commercial, recreational and environmental treasure.

There is broad support for this legislation from both commercial users, recreational users, and environmentalists. I ask unanimous consent that the text of the bill and letters of support be included following my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2247

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Florida Keys National Marine Sanctuary and Protection Act".

SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) The Florida Keys extend approximately 220 miles southwest from the southern tip of the Florida peninsula.

(2) Adjacent to the Florida Keys land mass are located spectacular, unique, and nationally significant marine environments, including tropical fisheries, seagrass meadows, mangrove islands, and extensive living coral reefs.

(3) These unique marine environments support rich biological communities possessing extensive conservation, recreational, commercial, ecological, historical, research, educational, and esthetic values which give this area special national significance.

(4) These environments are the marine equivalent of tropical rain forests in that they support high levels of biological diversity, are fragile and easily susceptible to damage from human activities, and possess high value to human beings if properly conserved.

(5) These marine environments are subject to damage and loss of their biological integrity from a variety of onshore and offshore sources of disturbance.

(6) Vessel groundings along the reefs of the Florida Keys represent one of many serious threats to the continued vitality of the marine environments of the Florida Keys which must be addressed in order to protect their values.

(7) Action is necessary to provide comprehensive protection for these marine environments by establishing a Florida Keys National Marine Sanctuary, by restricting commercial vessel traffic within such Sanctuary, and by requiring promulgation of a management plan and regulations to assure that all allowed uses are compatible with the purposes for which such Sanctuary was established.

(8) The agencies of the United States must cooperate fully to achieve the necessary protection of Sanctuary resources.

SEC. 3. POLICY AND PURPOSE.

(a) Policy.—It is the policy of this Act to protect the fisheries, wildlife, coral reefs, and other aspects of the Florida Keys marine environments.

(b) Purpose.—The purpose of this Act is to protect the nationally significant natural resources of the area described in section 5(b), to educate and interpret for the public regarding the Florida Keys marine environment, and to manage such human uses of the Florida Keys Reef Tract and adjacent waters as may be determined by the Secretary to be compatible with this Act.

SEC. 4. DEFINITIONS.

As used in this Act, the term—

(1) "adverse effect" means any factor, force, or action that would independently or cumulatively damage, diminish, degrade, impair, destroy, or otherwise harm—

(A) any natural resource of the Sanctuary; or

(B) any of those qualities, values, or purposes for which the Sanctuary is designated.

(2) "comprehensive management plan" means the plan developed pursuant to section 7 to ensure the proper management of compatible uses in the Sanctuary and the protection of Sanctuary resources in perpetuity.

(3) "Federal undertaking" means (A) any Federal, federally assisted, or federally licensed action, activity, or program or (B) the Federal approval, sanction, assistance, or support of any non-Federal action, activity, or program.

(4) "Sanctuary" means the Florida Keys National Marine Sanctuary established and designated under section 5.

(5) "Secretary" means the Secretary of Commerce.

SEC. 5. SANCTUARY DESIGNATION.

(a) Establishment and Designation.—The area described in subsection (b) is hereby established and designated, subject to subsection (c), as the Florida Keys National Marine Sanctuary, for administration in accordance with this Act and the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.).

(b) Area Included.—The area referred to in subsection (a) consists of all submerged lands and waters within the seaward boundary of the territorial sea of the United States located—

(1) in a general southerly direction from the Florida Keys to a seaward extent of the 600-foot isobath; and

(2) between the northeastern-most boundary of Biscayne National Park and the western-most boundary of Fort Jefferson National Monument.

(c) Areas in Boundaries of State of Florida.—The designation under subsection (a) shall not take effect with respect to an area located within the seaward boundary of the State of Florida if not later than 90 days after the date of enactment of this Act, the Governor of the State of Florida notifies the Secretary in writing that the designation of that area is unacceptable. Not later than 30 days after receiving such a notification, the Secretary shall publish and transmit to the Congress the boundaries of the Sanctuary, as modified in accordance with the notification.

(d) Boundary Extensions.—Subsequent to a boundary review conducted pursuant to section 7(a)7, the Secretary may make such minor extensions to the boundaries of the Sanctuary as necessary to properly protect Sanctuary resources.

SEC. 6. PROHIBITION ON CERTAIN USES.

(a) Commercial Vessel Traffic.—

(1) In general.—No person shall operate within the boundary of the Sanctuary a vessel which is used in the trade of carrying cargo or in the trade of servicing offshore installations.

(2) Limitation.—This subsection does not prohibit operation of a vessel—

(A) in a channel federally maintained or marked; or

(B) in accordance with regulations promulgated under paragraph (3).

(3) Regulations.—The Secretary, in consultation with the Secretary of the department in which the Coast Guard is operating, the United States Corps of Engineers, the Governor of the State of Florida, and appropriate local government representatives, may include regulations in the management plan for the Sanctuary that would allow the operation of certain types of vessels engaged in a trade described in paragraph (1), in that portion of the Sanctuary seaward of the 300-foot contour; except that such regulations shall include—

(A) a requirement that the Secretary issue a finding that any vessel allowed to operate under this subsection would not pose a threat to Sanctuary resources when operated in accordance with such regulations; and

(B) other provisions necessary to prevent vessel groundings within the Sanctuary.

(b) Mineral and Hydrocarbon Exploration and Development.—No mining, mineral extraction, or hydrocarbon exploration, development, or production shall be permitted within the boundary of the Sanctuary.

(b) Other Uses.—The Secretary shall prohibit such other uses or classes of uses as may be determined to be incompatible with the purposes for which the Sanctuary is established. Such determination shall be made in accordance with development of a comprehensive management plan and regulations pursuant to section 7(a)(1) of this Act.

SEC. 7. COMPREHENSIVE MANAGEMENT PLAN.

(a) Preparation of Plan.—The Secretary, in consultation with State and local government authorities, shall prepare a comprehensive management plan and implementing regulations to assure the protection of the marine environments within the Sanctuary in perpetuity. The Secretary shall complete such comprehensive management plan and final regulations for the Sanctuary not later than 30 months after the date of enactment of this Act. In developing the plan and regulations, the Secretary shall generally follow the procedures specified in section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434), including those provisions requiring extensive public participation, opportunities for public comment, and congressional review. Such comprehensive management plan shall include, but not be limited to, the following:

(1) A determination of which uses, or classes of uses, are incompatible with the purposes for which the Sanctuary is established and should be prohibited in accordance with section 6.

(2) A management strategy for compatible uses, including consideration of temporal and geographical zoning, to ensure protection of Sanctuary resources.

(3) The identification of existing or potential sources of damage or distrubance to

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Sanctuary resources, within or outside the Sanctuary boundary.

(4) Strategies to prevent or mitigate existing or potential sources of damage or disturbance to Sanctuary resources, particularly including strategies to ensure protection of water quality.

(5) The identification of needs for futher research, and the establishment of a long-term ecological monitoring program.

(6) The identification of funding needed to fully implement the plan's provisions.

(7) The identification of any need for minor modifications to the Sanctuary boundary, pursuant to section 5(d), as may be necessary to properly protect and enhance the nationally significant resources of the area.

(8) A mechanism to ensure coordination and cooperation between Sanctuary managers and managers of State and Federal lands and waters within or in the vicinity of the Sanctuary.

(9) A strategy to promote education, among users of the Sanctuary, about coral reef conservation and navigational safety.

(10) A procedure for incorporation of the existing Looe Key and Key Largo National Marine Sanctuaries into the Florida Keys National Marine Sanctuary to assure their protection and management in accordance with provisions of this Act.

(b) PROMULGATION OF IMPLEMENTING REGULATIONS.—The Secretary shall promulgate such rules and regulations as may be necessary to implement provisions of the comprehensive management plan.

(c) PUBLIC PARTICIPATION.—The Secretary shall provide for participation by the general public in development of the comprehensive management plan.

SEC. 8. FEDERAL PROGRAM REVIEW.

(a) POLICY.—No Federal undertaking may adversely affect the Sanctuary unless the head of the Federal agency having jurisdiction over the undertaking shall determine that—

(1) there are no prudent and feasible alternatives to the undertaking, including the alternative of not proceeding with the undertaking;

(2) the undertaking includes all possible planning and actions to minimize adverse effects, and assurances that activities necessary to so minimize adverse effects will be funded and carried out; and

(3) the public benefits of the undertaking justify its approval despite the adverse effects to Sanctuary resources.

(b) PROCEDURES.—

(1) NOTICE AND OPPORTUNITY FOR COMMENT.—Prior to the approval of any Federal undertaking that may result in an adverse effect upon the Sanctuary, the head of the Federal agency having jurisdiction over the undertaking shall—

(A) promptly notify the Secretary, appropriate State and local government officials, and interested members of the public when the agency is planning the undertaking or the undertaking is before the agency, or when preparing an environmental assessment or evaluation or environmental impact statement pursuant to the National Environmental Policy Act of 1969 (41 U.S.C. 4321 et seq.); and

(B) provide the Secretary reasonable opportunity to comment on the undertaking and findings made pursuant to subsection (a).

(2) When the Secretary, not having received notice under paragraph (1), is informed of a planned Federal undertaking, and of reasonable grounds to justify further inquiry into the possibility of a resulting adverse effect, the Secretary shall notify the head of the Federal agency having jurisdiction over the undertaking, describing the grounds of inquiry. The head of the agency, prior to any other action in pursuit of the undertaking, shall respond with the notice required in paragraph (1) or with his or her report demonstrating that the undertaking will not result in an adverse effect. Upon receipt of such report, the Secretary may accept the determination of the agency head or may require the agency head to issue the notice and afford the opportunity for hearing or comment provided by subsection (b)(1) or other law.

(c) EXEMPTIONS FOR NATIONAL SECURITY AND DISASTERS.—The provisions of this section shall not apply to any undertaking—

(1) where the head of a Federal agency determines that the undertaking is necessary for reasons of national security; or

(2) in immediate preparation for or response to a disaster and where the head of the agency determines that the undertaking is necessary to reduce the potential loss of human life, or involves an emergency situation which does not allow compliance with this section.

SEC. 9. PENALTIES AND ENFORCEMENT.

(a) CIVIL PENALTIES AND DAMAGES.—Any person subject to the jurisdiction of the Untied States who violates this Act is subject to civil penalties and liability for damages under sections 307 and 312 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437 and 1443), and any vessel used for such a violation is subject to seizure and forfeiture under such sections.

(b) ENFORCEMENT.—The Secretary may enforce this Act under sections 307 and 312 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1437 and 1443).

SEC. 10.

Such sums as may be necessary are authorized for appropriation under the provisions of this Act.

THE WILDERNESS SOCIETY,
Washington, DC, March 7, 1990.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: It is with great pleasure and enthusiasm that I express The Wilderness Society's support for the "Florida Keys National Marine Sanctuary and Protection Act." This legislation charts a course toward real protection for the Florida Keys coral reef resource, by proclaiming its national significance, by requiring its consideration in the context of the large Florida Keys system, and by acknowledging that potential sources of damage are abundant and diverse.

To ensure the viability of this magnificent coral reef system, a comprehensive and cooperative effort will be required, crafted carefully among all levels of government, and among the many interest groups concerned with reef protection. Your legislation mandates such a cooperative and comprehensive approach and establishes appropriately high standards of protection. Indeed, in this regard, your legislation may well become a model for future marine designations elsewhere in the United States.

Thank you for your leadership and for this important conservation initiative. You may count on our active support, including that of our Florida Keys office, to secure passage of the legislation, and to ensure its timely and effective implementation once the bill becomes law.

Sincerely,

GEORGE F. FRAMPTON, Jr.,
President.

CENTER FOR MARINE CONSERVATION,
Washington, DC, March 7, 1990.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The Center for Marine Conservation commends you for introducing The Florida Keys National Marine Sanctuary and Protection Act. This innovative piece of legislation will provide the permanent, comprehensive protection that this world-class ecosystem deserves and desperately requires. The bill fully exploits the unique ability of the national marine sanctuary program to provide such protection from the various threats facing this outstanding national resource.

We are truly pleased that your initiative will expand the benefits of the sanctuary program from the two existing national marine sanctuaries off Key Largo and Looe Key to the rest of Florida reef tract. The mooring buoy program and other measures at the sanctuaries have made the reefs within the sanctuaries like islands of life. As divers and others can attest, the abundance and diversity of reef fish at Looe Key is a thing of the past throughout much of the rest of the Florida reef tract.

It is time not to just protect but to restore this national treasure. The Florida Keys National Marine Sanctuary and Protection Act offers a mechanism for ensuring that present and future generations of Americans enjoy these extraordinary natural areas.

The Center for Marine Conservation is committed to working with you in securing passage of The Florida Keys National Marine Sanctuary and Protection Act and to insuring the health, productivity, and diversity of the Florida reef tract.

Sincerely,

ROGER E. MCMANUS,
President.

THE NATURE CONSERVANCY,
Arlington, VA, March 7, 1990.

Hon. BOB GRAHAM,
U.S. Senator, Washington, DC.

DEAR SENATOR GRAHAM: On behalf of The Nature Conservancy, I am writing to endorse the Florida Keys National Marine Sanctuary legislation which you are introducing.

The Nature Conservancy is an international, non-profit conservation organization dedicated to the global preservation of natural diversity. Coral reefs are one of the most diverse ecosystems in the world, and are second only to tropical rain forests in the number of plant and animals species that they support. The Nature Conservancy is committed to the conservation of the globally significant coral reefs of the Florida Keys in a manner which demonstrates that the protection of renewable, living resources can be achieved in balance with reasonable human use and enjoyment of those resources.

I commend you for your leadership and vision in introducing this legislation. It is at the vanguard of the conservation effort, and recognize the multiple values of this unique resource. Please accept this endorsement of your legislation together with the commitment of our entire organization to offer whatever support we can provide during the legislative process.

Again, thank you for your leadership in this matter.

Sincerely yours,

Mark L. Robertson,
Project Director, Florida Keys Protection Project.

Florida Association of Dive Operators,
Key Largo, FL, March 6, 1990.

Hon. **Bob Graham,**
Washington, DC.

Re Marine Sanctuary Bill.

Dear Senator Graham: The Florida Association of Dive Operators represents the Scuba and Snorkel industry in Florida. It is of utmost importance that we protect the only living coral reef in the United States. FADO nominated the Florida Keys as a Marine Sanctuary as the first step in preserving this unique ecosystem.

The introduction of your bill is supported and endorsed by the Florida Association of Dive Operators. Your attention to the needs and concerns of the commercial and public segments is to be commended. In order to achieve a proper management plan, public input is vital.

The Florida Association of Dive Operators looks forward to working with you in preserving our coral reefs and addressing the concerns of our industry and community.

Sincerely,

Robert W. Holston,
Chairman,
Board of Directors, FADO.●

By Mr. WALLOP (for himself, Mr. Simpson, and Mr. Symms):

S. 2248. A bill to repeal the Asbestos Hazard Emergency Response Act of 1986 and amendments made by such act, and for other purposes; to the Committee on Environment and Public Works.

REPEAL OF ASBESTOS HAZARD EMERGENCY RESPONSE ACT

Mr. WALLOP. Mr. President, I find that statement interesting. A summary is not good enough for people to bet their State's future on, and I am sure the majority leader understands that, because the Senate has, the Congress, indeed, has a responsibility to legislate. But it does not always have the ability to legislate wisely. Too often, Mr. President, we are a reactive body, passing legislation in haste when we are confronted with a crisis or with the perception of a crisis. And here is one of those elegant times.

We act without knowledge, without reflection, and it is a poor standard, a terrible example for what we smugly proclaim to be the world's greatest deliberative body.

Mr. President, as the students, the faculty, and parents of Casper, WY, Kelly Walsh High School well known, our faults as a legislative body can have costly and disruptive impact on their lives. Fortunately, Congress can undo its mistakes, once it is willing to admit them. That is the purpose of the legislation I am introducing today with my colleague from Wyoming, Senator Simpson, which may become an amendment to this Clean Air Act.

Just last month I was down here on the Senate floor discussing the Federal regulations pertaining to asbestos removal in public schools. Today I wish to attempt to insert some degree of reality into those Federal statutes.

Many colleagues will remember Congress passed several bills in the mid-1980's responding to a questionable asbestos problem. One statute requires the removal of asbestos utilized as a construction material in public schools. Another establishes a Federal grant and loan program for local schools faced with an asbestos removal project.

Back in 1984 and 1986, when these laws were enacted, the public had a valid fear about the health hazards of asbestos and their concerns were precipitated by the development of lung disease among former World War II shipyard workers. The political climate dictated action, and so we acted. No attempt was made to determine the health risks of the form of asbestos used in school construction.

Through political overreaction we have created a very distressing situation throughout America, and the Kelly Walsh High School in particular. The school is in the midst of a $4 million asbestos removal program. Students are forced to share Casper's only other high school temporarily renamed Casper High School in order to continue their education. The net result will most likely be an atmosphere in the school no less healthy than it was last year. So I stand here today knowing I am as responsible for this situation as any other Senator who voted for that legislation.

Scientific research, which we should have had in hand, has now caught up. And we have an opportunity to correct what was an egregious mistake. I previously described for my colleagues an article in this January's issue of Science magazine which dissects the issue of health hazard of asbestos. The study explained that there are two forms of asbestos and the health risks are vastly different. The research indicates that one form causes lung disease and the other form does not.

This assessment study was complemented by another which was conducted by a Royal Commission for the Minister for Labour of Canada which concluded:

> We have found no evidence that disease afflicts individuals who breathe asbestos in outdoor air or inhale it as occupants of asbestos-containing buildings.

Both studies clearly rebuke our headlong rush to remove asbestos. It is a point about where we are going today.

But the EPA's National Research Council has its own study which generally declares that asbestos fibers in the air pose a health risk to humans. Why would there be a difference of opinion? In part, it reflects inadequate research by the EPA council which assumes that all forms of asbestos have the same health impact. As the Royal Commission and the Science article point out, the risks do differ.

EPA recently announced that 95 percent of the school districts nationwide have complied with the requirements of the law. The problem is that even Kelly Walsh High School met initial requirements—the air samples taken in the building indicated that there was no problem. But ultrasensitive measuring equipment was brought in last summer, and suddenly Kelly Walsh flunked the test. This occurred several days before the beginning of the school year and Kelly Walsh was ordered closed.

Fortunately, we have an able school principal in Joe Simpson, and he put together a program to ensure the education of his students. But, I wonder how many other Wyoming schools—and schools all across the country—will flunk the more sophisticated air tests?

We have the EPA's own study, which now denies any valid increased health risk to airborne asbestos. If you lived in the school full time for 73 years, you would have three chances in a million of dying from asbestos-caused lung disease than if you were held those 73 years in a bottle.

A student driving to school is 1,500 times more likely to get killed as a teenager than he or she is by lung disease.

The legislation I am offering today would repeal the 1986 asbestos removal law and also require EPA to undertake a risk assessment of the two forms of asbestos, and to submit recommendations to Congress on how to respond to the risk posed by each form. I urge my colleagues to support this legislation.

I ask unanimous consent that the bill be printed in the Record, as well as an article on the subject by columnist Warren Brookes, which appeared in yesterday's Washington Times, as well as two articles on this matter at the conclusion of any remarks.

Mr. President, what we are doing with the Clean Air Act S. 1630, is no lighthearted matter. There is a political need to act.

But there is a political responsibility, as well as a political need to act. What the Senator from Alaska and the Senator from Colorado and the Senator from Idaho and others have said is that we need to make certain that what we do has a positive healthful effect and is not just satisfying some scientific capability that we have developed to measure without demonstrating a corresponding environmental hazard or health hazard.

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Too much of this bill, including the study on cow flatulence that is still contained in here, is a shortsighted, political reaction to a very real political, environmental, and scientific need. What we need to do is respond to that which is demonstrated, and not that which is orchestrated.

I yield the floor.

Mr. SYMMS. Will the Senator yield? I just ask the Senator, Is he in the market for cosponsors on the bill?

Mr. WALLOP. I am, indeed.

Mr. SYMMS. I ask unanimous consent that I be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, let me add, the State superintendent of schools in my State, the president of the Idaho School Board Association, has discussed this issue with me on numerous occasions.

This is a problem that I would think every Senator has. I want to compliment the Senator and his colleague for offering it. I hope he does offer it as an amendment to the Clean Air Act Amendments, S. 1630, so we can give some relief and common sense to those people who have the responsibility to educate our children in what they consider to be a safe environment.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I be listed as a cosponsor of the bill.

Mr. WALLOP. Mr. President, the Senator is an original cosponsor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEALS.

The Asbestos Hazard Emergency Response Act of 1986, and title II of the Toxic Substances Control Act, as added by the Asbestos Hazard Emergency Response Act of 1986, are repealed.

SEC. 2. STUDY.

(a) Within the 18-month period following the date of the enactment of this Act, the Administrator of the Evironmental Protection Agency shall carry out a study of the health hazards of the two forms of asbestos, serpentine and amphibole fibers.

(b) On or before the expiration of such 18-month period, the Administrator shall report to the Congress the results of such study, including the health risk associated with such forms of asbestos, together with the recommendations, if any, of the Administrator.

EPA'S ASBESTOS DISASTER

(By Warren Brookes)

Last week's TV movie failed to mention that when the Challenger plunged to its fiery death in 1986, it may well have been a victim of the asbestos witch hunt by the Environmental Protection Agency, now costing state and local taxpayers more than $9 billion a year.

That witch hunt forced the withdrawal of an asbestos-based putty used on all solid-rocket boosters with complete safety for 15 years. The putty was an off-the-shelf product manufactured by Fuller O'Brien Paint Company of San Francisco. It was selected by Morton Thiokol and NASA because of its ability to hold a seal against the superheated gases of missile launches.

After threats of lawsuits drove the product off the market, NASA and Thiokol attempted to replicate it from other sources. But as a NASA 1985 report said, "The first 12 flights [after the putty changed] had four occurrences of O-ring erosion."

NASA engineers warned in 1985 that "the prime suspects . . . include the use of a new type of putty. The putty formerly in use was removed from the market by the Environmental Protection Agency because it contained asbestos . . . " It correctly predicted possible launch disaster from seal failure.

Last November, the National Research Council panel on redesign of the space shuttle booster agreed that one of the major problems with the O-ring joints was "the inability of the [new] putty . . . reliably to effect a pressure seal."

As Malcolm Ross of the U.S. Geological Survey, one of the world's experts on asbestos, told us, "There is no doubt in my mind that the Challenger disaster was caused by asbestos paranoia."

Yet, there is widespread scientific consensus that while asbestos still represents a significant but controllable hazard to workers, the short-fiber chrysotile asbestos most commom in buildings and schools has always been an insignificant risk to the general public. Removing it is far riskier than any health benefits.

That was the explicit conclusion of a 1988 international symposium of scientists from the United States, Canada and Europe at Harvard University, published in a peer-reviewed paper in Science magazine on Jan. 19.

The authors of that paper, led by Dr. B.T. Bossman of the University of Vermont, concluded, "Available data does not support the concept that low-level exposure to asbestos is a health hazard in buildings and schools."

This is not new. In 1985, Sir Richard Doll, Oxford's world-renowned cancer researcher, concluded that "asbestos in buildings is responsible for approximately one death per year in the whole of Britain." That would translate into five in the United States.

In 1984, a three-volume Canadian Royal Commission report concluded, "Asbestos in building air will almost never pose a health hazard to building accupants." The same year, the New Jersey State Asbestos Policy Committee agreed with the Canadian report, telling the governor, "There are no documented cases of lung cancer associated with low-level asbestos exposure over a lifetime."

What is disgusting is that the EPA was repeatedly told all of this by Mr. Ross in 1978, 1979 and then 1984 when he briefed then-EPA Administrator William Ruckelshaus on the Canadian and British findings, only to have his advice dismissed.

Instead, in 1987, Congress passed and President Reagan signed a bill called the Asbestos Hazard Emergency Response Act that directs the EPA to inspect and remedy where necessary some 733,000 public and commercial buildings, containing asbestos, a bill authored by Rep. James Florio, now governor of New Jersey.

While the EPA estimates the cost of the Asbestos Hazard Emergency Response Act at over $52 billion, the Science article says, "Because of uncertainties regarding the amount of asbestos and its condition in these buildings, estimates for removal are now as high as $100 billion to $150 billion."

How did this legislative atrocity happen? The answer lies in the EPA's basic commitment to risk models rather than reality. Those models deliberately hype risks by extrapolating them from high-dose experience with workers or laboratory animals to very low-dose exposures in the general population.

As the Science magazine article says, "That is a hypothesis which is open to question," since the basic rule of toxicology is the dose makes the poison. Epidemiological studies of populations exposed to asbestos in buildings for decades show *no* evidence of risk.

Even so, the EPA risk extrapolations themselves "show that risks of asbestos related total deaths (both lung cancers and mesotheliomas) due to exposure in schools are magnitudes *lower* than commonplace risks in modern-day society." Whooping-cough vaccinations are up to 1,200 times riskier. (See Table.)

Said Science: "Clearly the asbestos panic in the United States must be curtailed, especially because unwarranted and poorly controlled asbestos abatement results in unnecessary risks to young removal workers who may develop asbestos-related cancers in later decades."

This means billions spent unwisely, a space-shuttle disaster caused, not to mention unnecessary harm to asbestos-removal workers. But that is getting to be routine for the EPA.

The asbestos risk in perspective

Cause:	*Deaths per millions*
Asbestos exposure in schools	0.005-0.093
Whooping-cough vaccinations	1-6
High school football	10
Drowning (age 5-14)	27
Motor-vehicle accident (Pedestrian—ages 5-14)	32
Home accidents (ages 1-14)	60
Long-term smoking	1,200

Source: Science magazine, Jan. 19, 1990, page 299.

U.S. SENATE,
Washington, DC, February 23, 1990.

Hon. WILLIAM REILLY,
Administrator, Environmental Protection Agency, Washington, DC.

DEAR BILL: Last week, I visited Kelly-Walsh High School in Casper, Wyoming. Usually, when I go to a Wyoming High School, it is to address students studying the American political system. This visit was different. The classrooms were empty, and the only sound was made by a work crew cleaning up the asbestos contamination that had spread to additional parts of the school as the result of earlier "clean up" activities.

Where were the students? My visit occurred late in the morning, so the Kelly-Walsh students were at home. Their school day did not begin until early in the afternoon, because they are sharing classroom facilities with Casper's other high school. A double-track program is underway, with the school running from 7:00 am to 7:00 pm. With so much attention being given to excellence in education today, the students of Casper have one of the toughest challenges to excelling in school. The students from

Kelly-Walsh and from Natrona County High will spend the entire school year with this disruptive schedule. Tne Kelly-Walsh senior class, the Wyoming Centennial class, will not graduate from their school.

This dismal situation would be bearable if the asbestos clean-up project, mandated by federal law, was worth the effort and cost. However, recent scientific research calls into doubt the health risk of the type of asbestos used in public school construction material. But, there is no exemption from the program. The schools can apply for loan and grant assistance from EPA to meet the $4 million in removal costs. Recently, the Natrona County School District No. 1 has applied for grant assistance. The application is currently pending at EPA.

The applicants are concerned that the school district will not meet one guideline set by EPA for grantees, regarding per capita income. This arbitrary requirement does not fit the method by which we determine school funding in Wyoming. I would request that this item be waived on an emergency basis in order that the application for Kelly-Walsh High School can receive a full review.

In addition, I am introducing legislation to repeal the Asbestos Hazard Emergency Response Act, and to require a review of the health effects of the two forms of asbestos to ensure that federal health standards are appropriate. I would appreciate your comments and support regarding this legislation.

Sincerely,

Malcolm Wallop,
U.S. Senator.

NC schools' Cash Cushion Faces Drop by Two-Thirds, Officials Say

(By Tom Rea)

Casper.—Projections for the current year show that the Natrona County School District, faced with higher salary costs and with asbestos cleanup at Kelly Walsh High School, will probably spend its cash balances down by nearly two-thirds, district officials say.

Officials expect to end the current fiscal year with a general-fund balance of only about $2.6 million, compared to about $7.6 million last July 1, or a drop of 66 percent, according to figures provided by Business Manager Harold Whitefoot.

The balance has served as a financial cushion for the district, which uses its general fund to pay the great majority of its expenses.

"We're not spending them down on purpose," School Board Chairman Steve Kinner said of the balances in a recent interview. But he added the drop did not come "by mistake" either.

More than half of the drop—about $3.4 million—is due to higher pay for teachers, administrators and support personnel, officials say.

"The raises were done with forethought, are overdue, and do not represent any real change in plans," Kinner said.

"I do think it is worth spending balances down to give teachers a raise," Kinner said. "Surely they're deserving."

The school district also maintains millions of dollars in accounts outside its general fund, money which Whitefoot says cannot be spent on emergencies or general operations.

Figures provided by Whitefoot also show that general-fund balances swing widely during the school year. During fiscal year 1989, which ended June 30, 1989, general-fund balances ranged from a low of $6.4 million to a high of $14.2 million, and averaged about $10.6 million.

Because employees may choose to take their summer pay in a lump at the beginning of the summer, June payroll expenses are about twice the size of those of regular school-year months. As a result, the general fund balance reaches its low point at the end of the fiscal year, district figures show.

The projected drop in the balances is primarily attributable to salaries and asbestos cleanup, Whitefoot and his deputy Richard Cruickshank said in a recent interview.

About $975,000 of that $3.4 million more for salaries stems from recently reinstituted steps on the pay scale for teachers' experience and continuing pay steps for teachers who accumulate further academic credits, according to Fred Pierce, assistant superintendent for support services.

Another $1.4 million is for one-time, $900 bonuses for all district employees, $495,000 for raises in the base pay, $79,000 for increases for administrators, and $329,000 for 15½ new employees, Pierce said.

Asbestos cleanup is the second major cause for the drop in the balances. Officials have said they could afford to spend up to $1.9 million of the roughly $4 million that asbestos cleanup and related remodeling at Kelly Walsh High School are expected to cost.

The school board has not yet decided how it will pay for the additional $2 million of the cleanup costs. It has sued contractors it claims are responsible, and a bill has been filed at the Legislature which would allow the district to borrow up to $3 million from the state at no interest.

Whitefoot's figures show that even without the unlooked-for asbestos expenses, general fund balances would have been down by about 46 percent by June 30.

Figures Whitefoot provided the school board last fall show that general fund cash balances have been rising in recent years from a low of $3.2 million in 1984-85 to last year's $7.6 million.

But besides its general fund balances, the district also carried slightly more than $5 million in other accounts into the current fiscal year, $4.4 million into fiscal year 1988, $3.8 million into FY 87, $3.3 million into FY 86, and $6.1 million into FY 85, according to Whitefoot's figures.

The non-general fund balances were higher in FY 85 because the district was then holding money to finish paying for Centennial Junior High and other construction projects, Whitefoot said Friday.

The non-general funds are divided among accounts for early retirement, capital construction, capital facilities, bond construction, and health insurance.

The largest of those is the early retirement fund, with about $2.8 million as of July 1 of last year. Annual infusions from the general fund have allowed the retirement fund to grow steadily in the last five years, though it is now at the point where it will begin leveling off, Whitefoot said.

Because early retirement payments are paid out to teachers over a five-year stretch, no more than a fifth of that amount would ever have to be spent at one time.

School Repairs to Cost Estimated $83 Million

(By Bill Lazarus)

Casper.—Wyoming schools estimate they need a total of $83 million to $100 million to take care of repairs which have been deferred and to deal with problems stemming from asbestos, radon, and lead in drinking water, according to State Supt. of Public Instruction Lynn Simons.

Those costs, she said, overwhelmingly involve maintenance and repairs rather than elimination of hazardous materials. Simons added the needed repairs have been mounting up especially rapidly since 1987, when $11 million per year for such matters was cut from the budget.

These and other matters were discussed Saturday at the Wyoming Education Coalition conference in Casper for educators from around the state.

One of the themes of the conference, Simons said in an interview, was that Wyoming schools have been facing a problematic combination of falling revenues and rising expectations.

Teacher Charlotte Levendosky spoke on behalf of the Board of Education about new standards on accounting for student performance and helping students at risk of dropping out of school, Simons said.

New programs on drug and alcohol abuse, AIDS, and health education also need to be continued and developed, she added.

But several participants noted "they have been tightening their belts for the last three to four years, and now they are down to program." In other words, she explained, any further budget cuts, or flat budgets in the face of inflation, will directly affect classrooms.

Schools, Simons said, now are looking to reduction of expenses by increasing cutting the number of classes in higher grades, or increasing the number of children per classroom, which now stand at the lower to mid-20s.

In other states, she added, classrooms often have 30 to 40 kids in the elementary classrooms. But Simons said she does not believe Wyomingites are ready for such crowding.

"Our parents value the time and attention their students get when teachers don't have that many students," she asserted.

Mr. SIMPSON. Mr. President, I would just echo my fine friend Malcolm Wallop's remarks about asbestos in schools. EPA and some of those old interest groups got us all stirred up about asbestos several year ago and now we are finding out that it is not as serious a health threat as we had previously thought. In the meantime, we enacted legislation that is far reaching and we have forced public schools to begin asbestos removal and cleanups. In doing this we have turned the program into a type of nightmare where we are now releasing more asbestos into the air because of removals and cleanup actions than would have been released if we had just left the stuff alone.

We provided some limited funding for schools and then we find that EPA is not releasing the funding for those schools that really need it and the overall program is not working very well. EPA has done a poor job in administering the program and in disbursing the Federal funds to the school districts. Bill Riley is doing a very credible job. The agency is not.

We have a very serious problem at a high school in Casper, WY where the

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school system went in—in good faith—and started searching for asbestos and found more and more sources of it and this resulted in asbestos being released around the building and the school has now been closed for almost a year now and it has disrupted the entire community of Casper, WY. EPA has been reluctant to provide assistance and that has been so very vexing to us in the Wyoming congressional delegation.

We need to do something about this problem and Senator WALLOP's legislation will go a long way in helping to resolve some of the situations we have seen. By repealing the program and directing EPA to conduct a study on the actual health threats posed by asbestos we can begin to more realistically deal with the problem that was certainly very much overstated to us all in the first place. I support this legislation and I trust my colleagues will too.

By Mr. DURENBERGER:

S. 2249. A bill to amend the Internal Revenue Code of 1986 to reduce the OASDI tax rate and to increase equally the hospital insurance tax rate; to the Committee on Finance.

REDUCTION IN OASDI TAX RATE

● Mr. DURENBERGER. Mr. President, I rise to introduce legislation that will ensure the fiscal integrity and financial soundness of the hospital insurance (Medicare) trust fund by incrementally reallocating the composition of the Social Security and Hospital Insurance payroll tax. If this measure is adopted, the Medicare trust fund will be solvent for the next 25 years, and the Social Security trust fund will remain in strong actuarial balance far into the future.

Mr. President, at the beginning of this year, our distinguished colleague from New York, Senator MOYNIHAN, elevated the level of debate about the future retirement needs of our children when he introduced legislation that would reduce the payroll tax and return Social Security to a pay-as-you-go system. Although I have not supported the Senator's bill, I welcome his proposal because it has given us the opportunity to reexamine the philosophical underpinnings of the 1983 Social Security compromise and to focus on the broader issue of redefining income security for the elderly.

Along those lines, I would note that the Social Security check that comes in the mail promptly every month represents but one pillar of the Government's commitment to retirement income security. There is another pillar basic to retirement security—and that is the freedom from the fear that a retiree won't be able to be treated by a hospital for a serious illness because he or she lacks health insurance. When we adopted Medicare in 1965 we ended that fear.

Mr. President, the Medicare hospital insurance trust fund is in real trouble. Budget Director Richard Darman estimates the unfunded liabilities in the HI Program at more than $250 billion. And the financial crisis facing the HI Program is not decades away, but just a few short years away—conceivably beginning as early as 1994 or as late as 1999. But, whichever date is selected, nearly everyone agrees that the Medicare hospital insurance "trust fund" will be bankrupt within 15 years—before a single member of the baby boom enters retirement.

In the 1988 annual report of the board of trustees of the Federal hospital insurance trust fund, the trustees—who include the Secretaries of Treasury, Labor, and Health and Human Services—took special note of the financial crisis facing Medicare and "urged" Congress to "take early remedial measures to bring future HI Program costs and financing into balance." The legislation I am introducing today responds directly to the trustees' recommendations.

Under this legislation, the 7.65-percent payroll tax paid by employers and employees would neither be increased nor decreased. Instead, beginning in the year 2000, the old age survivors and disability insurance [OASDI] portion of the payroll tax would be reduced from 6.20 percent to 5.90 percent. The 0.30 percent reduction in the employer/employee share of the OASDI tax would then be reallocated to the HI portion of the tax, with the result that the HI tax would rise from 1.45 percent to 1.75 percent. A further 0.25-percent reduction in the OASDI tax would occur in 2007 with a concomitant increase in the HI portion of the tax. Thus by the year 2007, the OASDI portion of the payroll tax paid by employers and employees would be 5.65 percent, and the HI portion would be 2 percent.

Mr. President, I want to emphasize that this small shift in the payroll tax will not endanger the Social Security trust fund. In fact, these tax rates were arrived at after consultation with the professional actuaries at the Social Security Administration and the Health Care Financing Administration who advised that these rates would provide safe reserve margins for both the OASDI and the Medicare hospital insurance trust funds.

According to actuarial estimates, if this legislation is adopted, by the year 2015 there will be a more than 4-year contingency reserve margin available for paying Social Security benefits. And the Medicare hospital insurance trust fund will always have a cushion of at least 6 months of benefit payments. If we do nothing, we would probably have a slightly larger—5-year—Social Security reserve available in 2015, but we will assuredly have a bankrupt Medicare trust fund. That is just not acceptable.

I would urge my colleagues to join me in this effort to assure the workers who are today paying Medicare taxes that Medicare will be able to provide comparable, and affordable, benefits when they retire.●

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. JOHNSTON, Mr. BIDEN, Mr. WILSON, Mr. CRANSTON, Mr. COATS, and Mr. BOSCHWITZ):

S. 2250. A bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL LAW ENFORCEMENT PAY REFORM ACT

● Mr. DECONCINI. Mr. President, I rise today to introduce legislation along with my distinguished colleagues—Senator D'AMATO, Senator JOHNSTON, Senator BIDEN, Senator WILSON, Senator CRANSTON, Senator COATS, and Senator BOSCHWITZ—which will address the longstanding problems of recruitment and retention faced by the Federal law enforcement agencies of this Nation. At this time in our Nation's history, it is critical that our law enforcement agencies be staffed with the most qualified, well-trained, and dedicated men and women we can attract. Their profession requires great personal sacrifices. Mr. President, we speak of a war on drugs in this country, yet we treat the courageous individuals who serve on the front lines like second class citizens. It is incumbent upon us to create the conditions that will continue to allow the Federal Government to attract the most qualified candidates to the law enforcement profession.

In 1987, I met with representatives of the Association of Federal Investigators to discuss the problems of law enforcement pay and related issues. AFI's concerns, later echoed by many others, brought me to introduce the Comprehensive Federal Law Enforcement Improvements Act of 1987 which included the establishment of the National Advisory Commission on Law Enforcement. The provision establishing the Commission was later passed as part of the Anti-Drug Abuse Act of 1988 (Public Law 100-690). This Commission, under the chairmanship of Comptroller General Charles A. Bowsher, has just completed an exhaustive study on the problems encountered by Federal agencies in recruiting and retaining highly qualified Federal law enforcement officers. I commend the chairman, the Commissioners and the hardworking staff on their dedication to this project. The Commission report verified many of the suspected problems and brought to light several others.

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The bill I am introducing today embodies many of the recommendations made by the National Advisory Commission on Law Enforcement which, when enacted, will go a long way to correct the problems of recruitment and retention. We place great demands on the Federal law enforcement officer including extended workdays, frequent travel, directed transfers, dangerous assignments, erratic work schedules, and routine family separations—to name just a few.

The decision of many excellent law enforcement candidates to choose careers with local or State agencies over the Federal agencies is easy to understand when they can avoid travel, when they can avoid relocating their families periodically, and when they can begin work with a higher entry level salary. In fact, over 50 percent of Federal law enforcement officers are located in cities where starting pay for local law enforcement officers is $5,000 to $9,000 above their own pay.

Faced with this competition, Federal law enforcement agencies are finding it increasingly difficult to attract candidates. Not only is this lack of competitive edge affecting recruitment, but it is also creating severe retention problems at several agencies. For example, the Commission found that the U.S. Border Patrol loses approximately 40 percent of its entry level employees in the first year and the Bureau of Prisons loses 30 percent. When a trained law enforcement officer jumps to a State or local agency, we have lost talent and a costly investment.

This bill will serve to make Federal law enforcement agencies competitive with their State and local counterparts by raising the entry level salaries to parity with State and local officers. The bill will also make some necessary adjustments in pay for those Federal officers in unique high cost-of-living areas. Staffing and retention in certain parts of the country has become critical where extremely high cost of living has adversely impacted on the quality of life of a Federal officer's family. This legislation allows for payments of one-time housing bonuses up to $20,000 to Federal law enforcement officers transferred to geographic areas with unusually high cost housing markets.

This legislation addresses and corrects some inequities that currently exist among Federal law enforcement agencies by providing bonuses for all Federal officers who are required to have foreign language proficiency in the normal course of their duties. It also provides for the payment of night differential and Sunday pay for officers currently denied those payments.

In order to retain highly trained, experienced Federal officers, this bill will extend by 2 years the mandatory retirement age to 57 years of age for Federal law enforcement officers. At the same time, it will provide agency heads with the authority to pay retention bonuses to keep certain critical employees who qualify for retirement and would otherwise leave Federal service to join the private sector.

The annual cost of this legislation is approximately $200 million. Although this is a great deal of money, when you consider that these brave men and women risk their lives daily to protect the citizens of our country, it is money well invested.

Mr. President, I ask unanimous consent that the entire text of the bill be printed in the RECORD and I respectfully request that my colleagues join me in cosponsorship of this bill.

Mr. President, we have asked this Nation's Federal law enforcement agencies to seek out and bring to justice the career criminals that injure, kill, and steal from the citizens of this Nation. It is important that the men and women serving as Federal law enforcement officers are compensated fairly for the difficult and dangerous mission that they must perform.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Law Enforcement Pay Reform Act of 1990".

SEC. 2. PAY FOR LAW ENFORCEMENT OFFICERS.

(a) AMENDMENTS.—

(1) IN GENERAL.—Subchapter VII of chapter 53 of title 5, United States Code, is amended by adding at the end the following:

"§ 5376. Pay for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' means any law enforcement officer within the meaning of section 8331(20) or section 8401(17) with respect to whom the provisions of subchapter III of chapter 53 apply (or would apply, but for this section).

"(b) Except as otherwise provided in subsection (c)—

"(1) effective for pay periods beginning on or after October 1, 1990, and until otherwise provided for under this subsection—

"(A) the minimum rate of basic pay for a law enforcement officer whose position is classified at a grade above GS-2 and below GS-11 shall be determined in accordance with the following table:

"If classified at the following grade:	The minimum rate of basic pay shall be the rate payable for the following step of that grade (determined using the rates of basic pay in effect as of September 30, 1990):
GS-3	step 10;
GS-4	step 10;
GS-5	step 10;
GS-6	step 8;
GS-7	step 6;
GS-8	step 6;
GS-9	step 4;
GS-10	step 3; and

"(B) the rate for each step above the minimum rate for each grade under subparagraph (A) shall, for any law enforcement officer, be the rate prescribed by the Office of Personnel Management, taking into consideration the minimum rates set forth in subparagraph (A) and the need to provide for appropriate pay relationships within and between grades;

"(2) in order to ensure the continued competitiveness of the rates of pay established under this subsection—

"(A) the Office of Personnel Management shall prescribe regulations under which the Office shall—

"(i) compare rates paid to law enforcement officers under this subsection with the rates generally being paid to individuals performing the same levels of work for State and local governments (determined on a nationwide basis); and

"(ii) determine whether an increase should be made under this paragraph as of the next opportunity allowable under subparagraph (B) and, if so, the size of that increase; and

"(B) whenever the Office makes an affirmative determination under the provisions of subparagraph (A)(ii), provide for any pay increase determined under those provisions to be appropriate, effective beginning with the first applicable pay period beginning on or after October 1, 1993, or October 1 of any third year thereafter (whichever occurs next);

"(3) effective at the beginning of the first applicable pay period beginning on or after the first day of the month in which an adjustment takes effect under section 5305 in the rates of pay under the General Schedule, the rates of pay in effect under this subsection shall be adjusted by the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule; and

"(4) the Office shall prescribe such regulations as may be necessary for the coordination of paragraphs (2) and (3).

"(c)(1) The purpose of this subsection is to establish a pay-adjustment mechanism for law enforcement officers which takes into account the fact—

"(A) that the cost of living in certain parts of the United States is appreciably higher than in others; and

"(B) that the Government's success in recruiting and retaining the best-qualified individuals to serve as law enforcement officers, particularly in areas having higher living costs, will in large part depend on its ability to keep rates of pay at levels that are competitive with those offered by State and local governments.

"(2) To carry out the purpose of this subsection, the Office of Personnel Management shall prescribe regulations which shall provide for the following:

"(A) The establishment of an appropriate number of geographic regions (established using consolidated metropolitan statistical areas, as defined by the Office of Management and Budget) with respect to which pay comparisons shall be made, special pay rates for law enforcement officers may be established or adjusted, and the provisions of this subseciton shall otherwise be carried out.

"(B)(i) Procedures for identifying those regions for which higher pay rates are needed, as identified under clause (ii).

"(ii) A region shall be considered to satisfy the requirements for higher pay rates if, using the average of—

"(I) a value (determined by the Office, and expressed as a percentage) representing that region's relative cost of living, as compared with the cost of living in the United States as a whole, and

"(II) a value (determined by the Office, and expressed as a percentage) representing the relative size of the average salary for State and local law enforcement officers within that region (expressed as a single weighted average salary), as compared with the average salary for State and local law enforcement officers in the United States as a whole (expressed as a single weighted average salary),

such region is determined to be at least 5 percent above the national average (which, for purposes of this clause, shall be deemed to be equal to 100 percent).

"(C) Procedures under which higher rates of pay for law enforcement officers within a particular region shall be established or adjusted under this subsection.

"(3)(A) A rate of basic pay payable to a law enforcement officer under this subsection may not be less than the rate to which such officer would otherwise be entitled if this subsection had not been enacted.

"(B) A rate of basic pay payable to a law enforcement officer under this subsection, based on such officer's serving in a particular region, shall cease to apply if such officer is transferred or reassigned to a place outside of such region.

"(4) The first rates of pay established under this subsection shall be effective for pay periods beginning on or after April 1, 1991, and, notwithstanding any other provision of this subsection, shall be based on pay data compiled by the National Advisory Commission on Law Enforcement, as contained in its report under section 6160(h) of the Anti-Drug Abuse Act of 1988. Subsequent adjustments under this subsection may be made, effective for applicable pay periods beginning on or after October 1, 1993, and October 1 of any third year thereafter, subject to the preceding paragraphs of this subsection.

"(d)(1) The Bureau of Labor Statistics shall conduct such pay surveys as may be necessary in order to compile any data (relating to rates of pay being paid by State or local governments) which may be necessary to carry out this section. To the extent practicable, data so compiled shall reflect rates of pay in effect as of January 1, 1993, and January 1 of every third year thereafter.

"(2) Except as otherwise expressly provided for in this section, any comparisons or determinations under this section shall, to the extent that they involve rates of pay or other data relating to State or local government, be based solely on data compiled under this subsection.

"(e)(1) If higher rates of basic pay under subsection (c) are in effect for any law enforcement officers within a geographic region (as established under subsection (c)(2)(A)), the head of the agency concerned (or designee thereof) may, with respect to any employees described in paragraph (2), provide for such higher rates of basic pay as the agency head (or designee) considers appropriate.

"(2) Authority under this subsection may be exercised with respect to any employees of the agency who—

"(A) are assigned to the same organizational unit or component, and the same geographic region (as established under subsection (c)(2)(A)), as the law enforcement officers receiving the higher rates of basic pay; and

"(B) perform services ancillary to or in support of those performed by law enforcement officers within that unit or component.

"(3) the head of each agency (or designee thereof) shall prescribe such regulations as may be necessary to carry this subsection out within such agency.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following:

"5376. Pay for law enforcement officers."

(b) SAME BENEFITS FOR OTHER LAW ENFORCEMENT OFFICERS.—The Secretary of the Treasury, the Secretary of the Interior, the Secretary of State, the Postmaster General, and the Director of the Administrative Office of the U.S. Courts, shall prescribe regulations under which the purposes of the amendments made by subsection (a) shall be carried out with respect to members of the United States Secret Service Uniformed Division, the United States Park Police, the Diplomatic Security Service, Postal Inspectors, and the Probation & Pretrial Service officers, respectively (and support personnel).

(c) REPORT TO CONGRESS.—Not later than January 1, 1993, the Office of Personnel Management, in consultation with Federal law enforcement agencies and law enforcement employee groups, shall submit to Congress, in writing, a plan to establish a separate pay and classification system for law enforcement officers and specifications for legislation to implement such plan.

SEC. 3. RETENTION ALLOWANCES.

(a) IN GENERAL.—Subchapter IV of chapter 59 of title 5, United States Code, is amended by adding at the end the following:

"§ 5949. Retention allowances for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' means—

"(1) any law enforcement officer within the meaning of section 5376(a); and

"(2) any member of the United States Secret Service Uniformed Division, or the United States Park Police.

"(b)(1) Notwithstanding any other provision of law, and in order to retain highly qualified law enforcement officers who possess special skills or experience or whose continued services are particularly important due to factors associated with the geographic area to which they are assigned, the head of an agency, subject to the provisions of this section and such regulations as the President or his designee may prescribe, may enter into a service agreement with a law enforcement officer.

"(2) Under any such agreement, the law enforcement officer shall agree to complete a specified period of service in such agency in return for an allowance, for the duration of such agreement, in an amount determined by the agency head and specified in the agreement, but not to exceed $10,000 per year.

"(c) In order to be eligible for an allowance under this section, a law enforcement officer must then satisfy the age and service requirements under section 8336 or 8412, as the case may be, for entitlement to an annuity.

"(d) Any agreement entered into by a law enforcement officer under this section shall be for a period of 1 year of service in the agency involved unless the officer requests an agreement for a longer period of service.

"(e) Unless otherwise provided for in the agreement under subsection (f), an agreement under this section shall provide that the law enforcement officer, in the event that such officer voluntarily, or because of misconduct, fails to complete at least 1 year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the head of the agency, pursuant to such regulations as may be prescribed under this section by the President or his designee, determines that such failure is necessitated by circumstances beyond the control of the officer.

"(f) Any agreement under this section shall specify, subject to such regulations as the President or his designee may prescribe, the terms under which the head of the agency and the law enforcement office may elect to terminate such agreement, and the amounts, if any, required to be refunded by the law enforcement officer for each reason for termination.

"(g)(1) Any allowance paid under this section shall not be considered as basic pay for the purposes of subchapter VI and section 5595 of chapter 55, chapter 81, 83, 84, or 87, or other benefits related to basic pay.

"(2) Any allowance under this section for a law enforcement officer shall be paid in the same manner and at the same time as the officer's basic pay is paid.

"(h) An agency head may delegate, in whole or in part, any functions vested in such agency head under this section."

(b) TABLE OF SECTIONS.—The table of sections for chapter 59 of title 5, United States Code, is amended by adding after the item relating to section 5948 the following:

"5949. Retention allowances for law enforcement officers."

SEC. 4. RELOCATION PAYMENTS.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by inserting after section 5724c the following:

"5724d. Relocation payments for law enforcement officers

"(a) For the purpose of this section, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"(b) Under such regulations as the head of an agency (or designee thereof) may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to such agency for administrative expenses are available for payments under this section.

"(c) Payments under this section—

"(1) may be paid to any law enforcement officer within the agency who is transferred or reassigned, in the interest of the Government, to an area or region (not within a foreign country) having higher than average housing costs (as determined under the regulations); and

"(2) may not be made to a law enforcement officer if, or to the extent that, such payment would cause the total amount paid to such officer under this section to exceed $20,000 (including, in the case of any individual who is married to another law enforcement officer, any amounts paid under this section to the spouse).

"(d) An agency may make a payment under this section only after the law enforcement officer selected agrees in writing to remain a law enforcement officer for a period of time (not to exceed 3 years) specified in the agreement, unless separated for reasons beyond the officer's control which are acceptable to the agency. If the individual violates the agreement, any money paid to the individual under the agreement is recoverable from the individual as a debt due to the United States."

(b) TABLE OF SECTIONS.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5724c the following:

"5724d. Relocation payments for law enforcement officer."

SEC. 5. OTHER AMENDMENTS TO TITLE 5, UNITED STATES CODE.

(a) MINIMUM RATE FOR NEW APPOINTMENTS.—

(1) IN GENERAL.—Section 5333 of title 5, United States Code, is amended by adding at the end the following:

"(c) In applying subsection (a) with respect to a law enforcement officer (within the meaning of section 5376(a)), the reference in such subsection to 'GS-11' shall be deemed to read 'GS-3'."

"(2) OTHER OFFICERS.—The Secretary of the Treasury, the Secretary of the Interior, the Secretary of State, the Postmaster General, and the Director of the Administration office of the U.S. Courts, shall prescribe regulations under which the purpose of the amendment made by paragraph (1) shall be carried out with respect to members of the United States Secret Service Uniformed Division, the United States Park Police, the Diplomatic Security Service, Postal Inspectors, and the Probation & Pretrial Service Officers, respectively.

"(b) INCENTIVE BONUS FOR FOREIGN LANGUAGE CAPABILITIES.—

(1) IN GENERAL.—Chapter 45 of title 5, United States Code, is amended by adding at the end the following:

SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"§ 4521. Definition

"For the purpose of this subchapter, the term 'law enforcement officer' has the same meaning as under section 5949(a).

"4522. General provision

"An award under this subchapter is in addition to the basic pay of the recipient.

"4523. Award authority

"(a) An agency may pay a cash award, up to 25 percent of basic pay, to any law enforcement officer employed in or under such agency who possesses and makes substantial use of 1 or more languages (other than English) in the performance of official duties.

"(b) Awards under this section shall be paid under regulations prescribed by the head of the agency involved (or designee thereof). Regulations prescribed by an agency head (or designee) under this subsection shall include—

"(1) procedures under which foreign language proficiency shall be ascertained;

"(2) criteria for the selection of individuals for recognition under this section; and

"(3) any other provisions which may be necessary to carry out the purposes of this subchapter."

(2) TABLE OF SECTIONS.—The table of sections for chapter 45 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER III—AWARDS TO LAW ENFORCEMENT OFFICERS FOR FOREIGN LANGUAGE CAPABILITIES

"4521. Definition.
"4522. General provision.
"4523. Award authority."

(c) AGE FOR MANDATORY RETIREMENT.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(b) of title 5, United States Code is amended—

(A) in the first sentence, by striking "law enforcement officer or a"; and

(B) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8336(c) of this title shall be separated from the service on the last day of the month in which he becomes 57 years of age or completes 20 years of service if then over that age."

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(b) of title 5, United States Code is amended—

(A) in the first sentence, by striking "law enforcement officer or" each place it appears; and

(B) by inserting after the first sentence the following: "A law enforcement officer who is otherwise eligible for immediate retirement under section 8412(d) shall be separated form the service on the last day of the month in which that law enforcement officer becomes 57 years of age or completes 20 years of service if then over that age."

(d) OVERTIME RATES.—Section 5542(a) of title 5, United States Code, is amended by adding at the end the following:

"(4) Notwithstanding paragraphs (1) and (2) of this subsection, for an employee who is a law enforcement officer (within the meaning of section 5949(a) of this title), the overtime hourly rate of pay is an amount equal to 1½ times the hourly rate of basic pay of the employee, and all that amount is premium pay."

(e) LIMITATION ON PREMIUM PAY.—Section 5547 of title 5, United States Code, is amended by adding at the end the following:

"(c)(1) The provisions of subsection (a) shall not apply to the pay of a law enforcement officer for any pay period in which such officer is required to perform overtime under section 5542(a) or administratively uncontrollable overtime under section 5545(c)(2).

"(2) Notwithstanding the provisions of paragraph (1), no law enforcement officer may be paid premium pay to the extent that the aggregate rate of pay of such employee for the aggregate of all pay periods in any calendar year exceeds the scheduled rate of pay for level V of the Executive Schedule.

"(3) For purposes of this subsection, the term 'law enforcement officer' has the same meaning as under section 5949(a)."

"(f) DEFINITIONAL AMENDMENT.—Section 5541(2)(iv) of title 5, United States Code, is amended to read as follows:

"(iv) a member of—

"(I) the Metropolitan Police or the Fire Department of the District of Columbia; or

"(II) the United States Park Police or the United States Secret Service, Uniformed Division, other than for purposes of sections 5545(a) and 5546;".●

Mr. COATS. Mr. President, if we are to win the wars on drugs and crime in America, we must provide the necessary support for those who are fighting on the front lines of the conflict. We simply cannot afford underpaid or demoralized law enforcement. And we also cannot afford to lose our best trained crime fighters to early retirement or to jobs elsewhere. The FBI, the Drug Enforcement Administration, the U.S. Customs, the Border Patrol, the Bureau of Prisons, and other Federal law enforcement agencies cannot do their job effectively, and cannot stop drug traffickers and arrest other criminals, if their agents are not adequately compensated or sufficiently motivated. These men and women must be rewarded for doing the very best they can under difficult and dangerous working conditions.

As a member of the National Advisory Commission on Law Enforcement, I have been made keenly aware of the problems facing Federal law enforcement as a consequence of inequities in pay and benefits. During this past year the Commission has examined the methods and rates of compensation of Federal law enforcement officers, including salary, overtime pay, retirement policies, and other benefits. We compared this information in representative areas around the country, and finally we considered and recommended changes in Federal pay practices. Recently the NACLE issued its findings and published its recommendations.

The Commission's major suggestion are contained in the Federal law enforcement pay reform bill introduced today in both the House and the Senate. I am pleased to cosponsor this legislation which, in my opinion, will significantly strengthen the Nation's ability to wage its war on drugs and crime by providing a remedy to serious problems of pay and benefits, morale, recruitment and retention which have afflicted our Federal law enforcement agencies.

Specifically this bill will make the following reforms:

First. It will increase starting salaries for entry level positions for Federal law enforcement officers, effective October 1, 1990. Adjustments will be made on a sliding scale, with larger percentage increases at the lower levels. In order to ensure that Federal pay rates remain competitive, the Bureau of Labor Statistics must survey State and local law enforcement salaries and the Office of Personnel Management must readjust starting salaries every 3 years, based on any changes in State and local compensation for comparable positions.

Second. It will provide locality pay for certain high cost-of-living cities, effective April 1, 1991. Such locality rates will be based on the average of a cost-of-living index and an index that measures State and local law enforcement salaries. The NACLE has determined that 11 different metropolitan areas will be entitled to locality pay differentials ranging from 25 to 5 percent. I note that Indianapolis is not one of the cities affected due to the welcome fact that it is below average in living costs.

Third. It will provide retention allowances. The bill would allow agencies to pay up to a $10,000 per year bonus to law enforcement officers who are eligible for retirement but who possess special skills or whose continued services are particularly important due to factors associated with the geographic area to which they are assigned.

Fourth. It will provide relocation allowances. The bill specifies that Federal law enforcement officers transferred to areas having higher than average housing costs will be eligible for one-time housing bonuses, up to a career total of $20,000, provided the agent promises to remain in Federal law enforcement for 3 years.

Fifth. It lowers the threshold for advanced in-hire—appointments above the minimum rate—from the current GS-11 to GS-3. This change will enable agencies to offer higher rates to attract exceptionally well-qualified entry-level candidates.

Sixth. It will provide for foreign language bonuses, up to 25 percent of basic pay, to officers who possess and make substantial use of a foreign language proficiency in the performance of official duties. This authority, which has existed for the FBI and DEA, will now be extended to all Federal law enforcement agencies.

Seventh. It will raise the mandatory retirement age for Federal law enforcement officers from 55 to 57. This change will allow agencies to retain many of their most qualified agents and should produce substantial savings in time.

Eighth. It will change overtime provisions so that law enforcement officers will be paid 1½ times their actual hourly rate for overtime work. Last year I was pleased to cosponsor legislation which increased AUO pay for FBI, DEA, and other agents who routinely log substantial amounts of irregular, unscheduled overtime. An NACLE survey found that most State and local law enforcement personnel were treated more equitably, receiving higher premium pay for overtime duty. Ninety percent of State and local organizations provide overtime pay, and of those that do, 74 percent pay time and a half for all overtime hours worked. This important change will bring Federal law enforcement personnel in line with State and local officers.

Ninth. Finally, this bill requires OPM to develop and report to Congress by January 1, 1993, a design for a separate pay and classification system for Federal law enforcement.

Mr. President, the current system of compensation has led to a substantial erosion in real pay and benefits among Federal law enforcement officers and their families, creating a serious morale problem in many agencies. The FBI, in particular, is facing a severe shortage of trained personnel as a consequence of planned retirement among their most experienced agents. The U.S. Border Patrol is losing about 40 percent of its entry level employees in the first year; the Bureau of Prisons has a 30-percent attrition rate. Clearly, Federal law enforcement is no longer competitive in recruiting or retaining qualified personnel.

The estimated $150 to $200 million price tag to fund the provisions in this Federal law enforcement compensation package is worth every dollar if we are able to stop the decline in trained manpower and morale in the ranks of our dedicated Federal law enforcement forces. The price of ridding our communities of major crime and protecting our families and neighborhoods from illegal drugs and violent crime is not too high. We cannot ask law enforcement personnel to put themselves on the line for us and our families, risking their own lives for our safety, and then fail to compensate them adequately and competitively for their sacrifice.

Mr. President, I strongly urge speedy action by Congress to enact these reforms.

By Mr. BOSCHWITZ:

S. 2251. A bill to establish a price support program for the 1991 through 1997 crops of certain agricultural commodities that provides producers with planting flexibility, income support, and stability, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM FLEXIBILITY ACT

Mr. BOSCHWITZ. Mr. President, in two earlier statements before this body, I outlined the direction I believe U.S. farm policy should take into the 21st century. Today, I am introducing the Farm Flexibility Act of 1990.

This bill is the result of gathering input from farmers, farm organizations, and national agricultural leaders. In 1988 and 1989, I held meetings in nearly every 1 of Minnesota's 87 counties. It is a grueling task to visit that number of counties between sessions of the Senate, but it has resulted in legislation crafted in response to grassroots concerns.

The breathtaking events in Eastern Europe, and most recently in Nicaragua, are a stunning testimony to the American political and economic model. This farm bill gives us the opportunity to reaffirm our commitment to democracy and free markets.

The 1985 farm bill was crafted to deal with three towering problems in agriculture: huge, price depressing grain stockpiles, continuing loss of world markets for U.S. farm products, and very low farm income. Senator BILL BRADLEY and I asked the General Accounting Office to examine how the 1985 legislation had worked in those three areas. In a report issued last year, they reported that it had worked pretty well. Farm income had recovered, our share of international grain trade had increased, and the price depressing grain stocks had been substantially reduced. That report supports my feeling that the 1985 farm bill has worked pretty well, with one important exception.

Mr. President, the single largest problem with the 1985 farm bill was its lack of flexibility. Because of the way the farm programs are structured, farmers are virtually compelled to depend on Washington to make their planting decisions for them. A clear example of this problem is illustrated in the relationship between corn and soybeans.

In recent years, particularly 1987 and 1988, soybean prices in the spring were quite high. The marketplace was telling farmers that it needed more soybeans. However, farmers were prevented from shifting acreage from corn to soybeans by the farm program for corn. If a farmer chose to plant a few more acres of soybeans on acreage assigned to his corn base, he would lose the income support of the corn target price in addition to a reduction in corn base upon which future income support would be calculated. This was a classic case of how the market signal to plant soybeans was overridden by the farm program penalty of losing the benefits of the Government program.

As a result of my meetings with farmers, farm groups, and agricultural policy experts, it was clear that flexibility should be at the center of the 1990 farm bill debate. Last December, I spent considerable time with Secretary Yeutter discussing the direction of future farm policy. I'm pleased to see that in many respects, as reflected by the administration's proposal, we are in close agreement. Most importantly, we agree that farmers should have flexibility to respond to market signals without jeopardizing income supports. There are, however, several areas of my legislation that differ from the administration's package, and I'd like to highlight them.

TARGET PRICES

While the administration's budget freezes target prices for 1991, their farm bill proposal does not include a target price recommendation. My bill mandates that target prices cannot fall below 1990 levels, which are $2.75 per bushel for corn, $4 per bushel for wheat, $0.729 per pound for cotton and $10.71 per hundred weight for rice.

HARVEST LOAN

The Commodity Loan Program originated to give farmers an opportunity to obtain cash to pay their bills by borrowing against their crop. Farmers could obtain a nonrecourse loan. When the loan came due, they could either repay the loan with interest, or simply give the crop to the Government. Thus, farmers were not forced to sell crops during the traditionally low price period at harvest time, but could wait until prices improved in the months after harvest. With the lower loan rates of recent years, farmers have complained that to get the needed cash, they have had to lock up nearly all of their crop under loan, leaving them with little free stocks to sell.

My bill establishes a recourse loan, which I call a harvest loan, at a level 25 percent higher than the present nonrecourse loan. The difference is that the harvest loan must be repaid in full, plus interest, rather than the option that farmers have at the lower loan rate to either repay the loan and accrued interest, or give the grain or commodity to the Government in return for forgiveness on the loan. The recourse nature of the harvest loan will prevent it from becoming the price floor that nonrecourse loans became in the mid-1980's. Nonrecourse loan rates too high relative to world prices contributed to our loss of world market share. Consistent with the concept of flexibility, farmers would have the option of either using the recourse loan, or staying with the traditional nonrecourse loan.

"GUARANTEED" DEFICIENCY PAYMENT

Currently, farmers receive an advance payment of part of what the USDA estimates the total deficiency payment to be. They receive the rest of the deficiency payment over the course of the marketing year when the final calculations of average market price are made. This can lead to considerable uncertainty in a farmer's cash flow, and, as happened in 1988, the Government may ask to be repaid. That occurred because the advance payment turned out to be too high when the 1988 drought caused crop prices to be higher than originally projected. As a result, total deficiency payments to farmers were reduced.

I propose to allow farmers to lock in their deficiency payment at the time they sign up for the farm program. While the farmer would give up the potential for a higher payment if crop prices are lower than anticipated, he would also be protected from having to repay the deficiency payment if prices were higher. This provision will allow those farmers needing a better idea of their cash flow a tool to achieve it.

GRADUATED OILSEED PAYMENTS

A graduated oilseed payment will be paid on the oilseed base. This will provide income support for all oilseeds included in the oilseed base—not just soybeans. For every cent that the average soybean price for the marketing year is below $5.02 per bushel but above $4.50 per bushel, farmers will receive a 30-cent-per-acre payment. In the event that the average soybean price is below $4.50 per bushel, a payment equal to the amount the soybean price is below $4.50 times the average county soybean yield from 1985 to 1989 will be made.

ACREAGE REDUCTION

My proposal does not include unpaid Acreage Reduction Programs [ARP's], which are in the administration proposal. Past history has shown that the ARP winds up including the very poorest land in the set-aside. In many cases, this is land that probably wouldn't have been planted anyway. My proposal gives the Secretary the authority to institute a paid land diversion of 1 to 5 years. A multiple-year diversion program will be more sound from a conservation and environmental standpoint.

THE 7-YEAR FARM BILL

It is important that farmers have a farm policy that is stable and consistent. We succeeded in 1985 in getting a 5-year farm bill. My bill is a 7-year bill, which will reduce the conflicting signals that farmers may receive with more frquent rewriting of farm policy.

Mr. President, a couple of areas are not included in my bill. My bill does not address crop insurance. The answer to this difficult problem is not clear. The administration proposal to eliminate Federal Crop Insurance has not been well received in my State, where over 63 percent of the eligible acreage is covered with crop insurance.

The second major area that I have not addressed is dairy. Our current program, which originated over 50 years ago does not sufficiently take into account current technology in milk processing, storage, and transportation. The milk marketing order system is badly in need of repair. Secretary Yeutter, as U.S. Trade Representative, was a leader in the drive to remove trade barriers internationally. Milk marketing orders have served as domestic trade barriers. I've had several meetings with Secretary Yeutter on this issue, and am encouraged that he understands the concerns of the dairy farmers in my area of the United States. I'm looking forward to being an active participant in the dairy debate.

Mr. President, I'd like to outline the remaining highlights of my farm bill.

FARM ACREAGE BASE

A farm acreage base [FAB] will be created for each farm. It will be the sum of the crop acreage bases for wheat, feed grains, extra long staple cotton, upland cotton, and rice as well as a newly created oilseed base. Any combination of program crops and oilseeds will be allowed on a farm provided the acreage planted to these crops does not exceed the FAB.

CROP ACREAGE BASES AND PROGRAM YIELDS

The 1990 crop acreage bases and program yields for a farm will be used for determining deficiency payments for the duration of this bill.

OILSEED BASE

The oilseed base will be based on the average acreage planted to soybeans, sunflower seeds, flax, safflower and rapeseed (including canola) during 1985 through 1989.

DEFICIENCY PAYMENTS

Deficiency payments will be paid on the crop acreage bases regardless of the acreage planted to program crops provided the total acreage planted to program crops and oilseeds does not exceed the FAB. The payment rate will be determined the same as it is now. That is, the amount by which the target price exceeds the higher of the nonrecourse loan rate or the average market price. Since there will be no ARP's, 100 percent of the base acreage will be eligible for deficiency payments. As noted earlier, farmers will also have the option to locking in the estimated deficiency payment rate.

LOAN RATES

Loan rate determinations will be harmonized across all program crops. The basic loan rate will be 75 to 85 percent of the past 5 years' prices excluding the high and low years. The basic loan rate may not be reduced by more than 5 percent per year. The Findley loan rate will not be less than 80 percent of the basic loan rate. A harvest loan (the recourse loan I described earlier) will be made at the basic loan rate, while the regular nonrecourse loan will be made at the Findley loan rate. The harvest loan may not be forfeited to the CCC.

MARKETING LOANS

Mandatory marketing loans will remain for cotton and rice. Marketing loan authority is retained for feed grains, wheat and soybeans.

PAYMENT LIMITATIONS

The current $50,000–$250,000 payment limitation will continue unchanged.

NONPROGRAM CROPS

Nonprogram crops may be grown on the FAB provided that deficiency payments are forfeited on an acre for acre basis prorated according to the crop bases in the FAB.

CONSERVING CROPS

Conserving crops, such as clover or alfalfa, may be planted on the FAB without losing program payments provided the crop is not harvested.

STOCKS POLICIES

A more flexible stocks policy will be implemented. The CCC will not have to rely as heavily on generic certificates to release CCC stocks. Farmers will be free to move grain out of the farmer-owned reserve [FOR]. As mentioned before, farmers will have the option of a harvest loan at a higher rate or the normal nonrecourse loan.

Farmers will also be paid the same storage rate under the farmer-owned reserve as commercial warehouses. The food security wheat reserve will

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be continued to guarantee food aid shipments.

CONSERVATION

Conservation compliance, sodbuster and swampbuster provisions will continue to apply for the duration of this bill. The CRP will remain open for enrollment though 1995 for up to 45 million acres. Lands eligible for CRP will be expanded to include wetlands, shelterbelts and windbreaks regardless of the soil erosion classification. Incentives are provided for planting hardwood trees on the CRP. The Secretary is directed to consider benefits to wildlife when accepting bids for the CRP and paid land diversion.

Mr. President, this bill is a declaration of agricultural perestroika. It is based on the belief that agriculture cannot be truly competitive and prosperous unless we produce. This bill takes advantage of the progress made by the 1985 farm bill and seeks to improve upon it. Having a flexible farm program that returns economic decisionmaking to the farm level is essential for prosperity and growth for America in general, and American agriculture in particular, now and in the 21st century.

Mr. President, I ask unanimous consent that an outline of the bill be printed in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

THE FARM FLEXIBILITY ACT OF 1990 AT A GLANCE

The goal of the Farm Flexibility Act is to provide farmers with the same income protection they were afforded under the Food Security Act of 1985 and incorporate constructive elements of flexibility to make planting and stockholding decisions according to market signals. This will allow farmers to improve the efficiency and productivity of their farms.

The Farm Flexibility Act will provide the American farmer with the income support and planting flexibility to compete with our foreign competitors and increase our export share in an expanding world market. At the same time, commodity programs will be reformed so that environmentally sound farming practices will no longer be discouraged.

FEATURES OF THE FARM FLEXIBILITY ACT

(1) *Farm Acreage Base.*—A Farm Acreage Base (FAB) will be created for each farm. It will be the sum of the crop acreage bases for wheat, feed grains, extra long staple cotton, upland cotton, and rice as well as a newly created oilseed base. Any combination of program crops and oilseeds will be allowed on a farm provided the acreage planted to these crops does not exceed the FAB.

(2) *Crop Acreage Bases and Program Yields.*—The 1990 crop acreage bases and program yields for a farm will be used for determining deficiency payments for the duration of this bill.

(3) *Oilseed Base.*—The oilseed base will be based on the average acreage planted to soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola) during 1985 through 1989.

(4) *Deficiency Payments.*—Deficiency payments will be paid on the 1990 crop acreage bases regardless of the acreage planted to program crops provided the total acreage planted to program crops and oilseeds does not exceed the FAB. The payment rate will be determined same as it is now—the amount by which the target price exceeds the higher of the nonrecourse loan rate or the average market price. 100% of the base acreage will be eligible for deficiency payments because there will be no unpaid Acreage Reduction Programs.

(5) *Estimated Deficiency Payments.*—Farmers will have the option of locking in the estimated deficiency payment rate during signup as their actual earned deficiency payment rate.

(6) *Graduated Oilseed Payments.*—A graduated oilseed payment will be paid on the oilseed base. This will provide income support for all oilseeds included in the oilseed base—not just soybeans. For every cent that the average soybean price for the marketing year is below $5.02 per bushel but above $4.50 per bushel, farmers will receive a 30 cent per acre payment. In the event the average soybean price is below $4.50 per bushel, a payment equal to the amount the soybean price is below $4.50 times the average county soybean yield from 1985 to 1989.

(7) *Target Prices.*—Target prices will not be less than 1990 levels.

Crop	Minimum target price
Corn (per bushel)	$2.75
Wheat (per bushel)	4.00
Cotton (per pound)	0.729
Rice (Per hundredweight)	10.71

(8) *Loan Rates.*—Loan rate determinations will be the same for all program crops.

Basic Loan Rate: 75–85% of the past 5 years' price excluding the high and the low years; may not be reduced by more than 5% per year; Harvest Loans, which cannot be forfeited to the CCC, will be available at this rate for program crops; and nonrecourse loans will be available at this rate for soybeans.

Findley Loan Rate: At least 80% of the basic loan rate; and nonrecourse loans will be available at this rate for program crops.

(9) *Marketing Loans.*—Mandatory marketing loans will remain for cotton and rice. Marketing loan authority is retained for feed grains, wheat, and soybeans.

(10) *Nonprogram Corps.*—Nonprogram crops may be grown on the FAB provided program payments are forfeited on an acre for acre basis prorated according to the bases in the FAB.

(11) *Conserving Crops.*—Conserving crops, such as clover or alfalfa, may be planted on the FAB provided the crop is not harvested.

(12) Payment Limitations.—The current $50,000/$250,000 payment limitation will continue.

(13) Length of Bill.—This is a 7-year farm bill.

(14) Stocks Policy.—Farmer-Owned Reserve

Farmers will be paid the same storage rates as the CCC pays commercial warehouses.

Release triggers are eliminated which gives control of the grain back to the farmer.

Storage payments are paid as long as prices are below 150% of the nonrecourse loan rate.

Contracts will be up 18 months in length.

Food Security Wheat Reserve

A 4 million metric ton wheat reserve is retained for purposes of guaranteeing food aid shipments.

CCC Resale Levels

The CCC may not sell any of its stocks of agricultural commodities at the lower of 115% of the support price or 115% of the loan repayment level.

(15) Land Diversion.—There will be no unpaid acreage reduction programs (ARPs). A multiple year paid land diversion (PLD) is authorized that is targeted to environmental concerns with consideration for soil and water conservation and wildlife benefits. Enrollment in the PLD will be on a bid basis. The acreage enrolled in the conservation reserve program (CRP) and the PLD may not exceed 50 million acres.

(16) Conservation.—Conservation compliance, sodbuster, and swampbuster will continue to apply for the duration of this bill.

The ability to rotate crops without loss of deficiency payments or base acres will enable farmers to farm in an environmentally sound manner and allow farmers to reduce the cost of conservation compliance.

The elimination of unpaid acreage reduction programs will no longer force farmers to cover their fixed costs over fewer acres by farming more intensively on their permitted acres. Less intensive farming practices will have a favorable impact on the environment and the farmer's bottom line.

Flexibility will allow farmers to make production decisions according to market prices instead of target prices. This will encourage lower chemical and fertilizer use and thus reduce the potential for surface and ground water contamination.

(16) *Conservation Reserve Program.*—The CRP will remain open for enrollment up to 45 million acres. Lands eligible for the CRP will be expanded to include:

Cropped wetlands and surrounding uplands.

Shelterbelts and windbreaks regardless of the soil erosion classification.

Lands that pose an on-farm or off-farm threats.

The Secretary is directed to consider benefits to wildlife when accepting bids for the CRP.

Planting of hardwood trees on the CRP is encouraged through:

Eligibility for 15-year contracts.

50 percent cost-share for the establishment, and maintenance of new hardwood tree plantings.

Conversion of existing contracts that are planted to grass to contracts that allow for hardwood tree plantings.

The Secretary is asked to conduct a study to determine the appropriate action regarding expiring CRP contracts that allows such land to be utilized according to its highest sustainable use.

ADDITIONAL COSPONSORS

S. 176

At the request of Mr. HEINZ, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Utah [Mr. GARN], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 176, a bill to amend the Foreign Agents Registration Act of 1938 to strengthen the registration and enforcement requirements of that act.

S. 1245

At the request of Mr. Mitchell, the names of the Senator from South Carolina [Mr. Hollings], and the Senator from Massachusetts [Mr. Kerry], were added as cosponsors of S. 1245, a bill to amend the Federal Meat Inspection Act to expand the meat inspection programs of the United States by establishing a comprehensive inspection program to ensure the quality and wholesomeness of all fish products intended for human consumption in the United States, and for other purposes.

S. 1664

At the request of Mr. Heinz, the name of the Senator from West Virginia [Mr. Byrd], was added as a cosponsor of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1853

At the request of Mr. Chafee, the names of the Senator from California [Mr. Cranston], the Senator from Illinois [Mr. Simon], and the Senator from South Dakota [Mr. Daschle], were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1860

At the request of Mr. Boren, the names of the Senator from Maryland [Mr. Sarbanes] and the Senator from North Carolina [Mr. Helms] were added as cosponsors of S. 1860, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 1872

At the request of Mr. Riegle, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 1872, a bill to amend title II of the Social Security Act to provide for improvements in widow's and widower's insurance benefits.

S. 2090

At the request of Mr. Glenn, the name of the Senator from Georgia [Mr. Nunn] was added as a cosponsor of S. 2090, a bill to amend the Internal Revenue Code of 1986 to make changes to the earned income tax credit overseas and to clarify and improve current law.

S. 2104

At the request of Mr. Kennedy, the name of the Senator from Connecticut [Mr. Lieberman] was added as a cosponsor of S. 2104, a bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes.

S. 2130

At the request of Mr. Wirth, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of S. 2130, a bill to regulate the dumping of waste by the Rail Passenger Service Corporation.

S. 2152

At the request of Mr. McConnell, the names of the Senator from Montana [Mr. Burns] and the Senator from Nevada [Mr. Reid] were added as cosponsors of S. 2152, a bill to provide for international negotiations to achieve agreement on regulation of certain precursor and essential chemicals critical to the manufacture and trafficking of illicit narcotics.

S. 2197

At the request of Mr. Harkin, the names of the Senator from Arizona [Mr. DeConcini], the Senator from Washington [Mr. Adams], and the Senator from Rhode Island [Mr. Pell] were added as cosponsors of S. 2197, a bill to lift trade and other economic sanctions imposed on Nicaragua by the President in 1985.

S. 2214

At the request of Mr. Packwood, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 2214, a bill to provide incentives to health care providers serving rural areas, to eliminate the medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes.

S. 2216

At the request of Mr. Coats, the names of the Senator from Iowa [Mr. Grassley] and the Senator from North Carolina [Mr. Helms] were added as cosponsors of S. 2216, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses.

S. 2228

At the request of Mr. Hollings, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 2228, a bill to develop a comprehensive program to ensure the wholesomeness of fish products intended for human consumption and sold in interstate commerce, and for other purposes.

S. 2229

At the request of Mr. Dodd, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

SENATE JOINT RESOLUTION 231

At the request of Mr. Grassley, the names of the Senator from Pennsylvania [Mr. Specter], the Senator from West Virginia [Mr. Byrd], the Senator from Wisconsin [Mr. Kasten], the Senator from Florida [Mr. Graham], the Senator from Maine [Mr. Mitchell], the Senator from Oklahoma [Mr. Nickles], and the Senator from Maine [Mr. Cohen] were added as cosponsors of Senate Joint Resolution 231, a joint resolution to designate the week of June 10, 1990, through June 16, 1990, as "State-Supported Homes for Veterans Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. Boschwitz, the name of the Senator from Ohio [Mr. Glenn] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 265

At the request of Mr. Dodd, the names of the Senator from South Carolina [Mr. Hollings] and the Senator from West Virginia [Mr. Rockefeller] were added as cosponsors of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 269

At the request of Mr. D'Amato, the names of the Senator from Idaho [Mr. Symms], the Senator from South Carolina [Mr. Thurmond], the Senator from California [Mr. Wilson], the Senator from Minnesota [Mr. Durenberger], the Senator from Washington [Mr. Gorton], the Senator from Florida [Mr. Mack], the Senator from Idaho [Mr. McClure], the Senator from Alaska [Mr. Stevens], the Senator from Minnesota [Mr. Boschwitz], the Senator from Nevada [Mr. Bryan], the Senator from North Dakota [Mr. Burdick], the Senator from Rhode Island [Mr. Chafee], the Senator from Connecticut [Mr. Dodd], the Senator from Alabama [Mr. Heflin], the Senator from Oregon [Mr. Packwood], the Senator from Kansas [Mr. Dole], the Senator from Arizona [Mr. DeConcini], and the Senator from Ohio [Mr. Glenn] were added as cosponsors of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. Hatfield, the names of the Senator from Wisconsin [Mr. Kohl] and the Senator from Vermont [Mr. Jeffords] were added as cosponsors of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. DeConcini, his name was added as a cosponsor of

Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

SENATE RESOLUTION 239

At the request of Mr. DeConcini, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate ceasefire.

SENATE RESOLUTION 245

At the request of Mr. Lugar, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of Senate Resolution 245, a resolution designating National Employee Health and Fitness Day.

AMENDMENT NO. 1293

At the request of Mr. Mitchell, the name of the Senator from Missouri [Mr. Bond] was added as a cosponsor of amendment No. 1293 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

AMENDMENT NO. 1294

At the request of Mr. Kerrey, the names of the Senator from Kansas [Mr. Dole], the Senator from Illinois [Mr. Dixon], and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of amendment No. 1294 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

AMENDMENT NO. 1302

At the request of Mr. Glenn, the names of the Senator from Connecticut [Mr. Lieberman], the Senator from New Hampshire [Mr. Humphrey], the Senator from Colorado [Mr. Wirth], the Senator from Nebraska [Mr. Kerrey], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of amendment No. 1302 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE CONCURRENT RESOLUTION 101—RELATIVE TO NEGOTIATIONS FOR A PEACE SETTLEMENT IN CAMBODIA

Mr. CRANSTON (for himself, Mr. Simon, and Mr. Pell) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 101

Whereas prior efforts to achieve a comprehensive settlement of the Cambodian conflict have yet to result in an agreement acceptable to all parties concerned;

Whereas the key obstacle to an agreement has been the issue of the interim political arrangements to be established in Cambodia between the commencement of a cease-fire and the emergence of a new government elected by the Cambodian people;

Whereas the withdrawal of Vietnamese combat forces from Cambodia, although strongly supported by the United States and the entire international community, nevertheless increases the prospects for increased fighting among the four Cambodian factions and raises the specter of full-scale civil war and a return to power by the Khmer Rouge;

Whereas in view of the Khmer Rouge's genocidal rule from 1975 to 1978, its return to power would constitute not only a mortal threat to the Cambodian nation but also a moral challenge to the internatioal community;

Whereas and delay in holding elections only benefits the Khmer Rouge in giving them more time to improve their political and military position throughout the country;

Whereas the United States, along with the members states of the Association of Southeast Asian Nations (ASEAN) and others, has the following policy objectives concerning Cambodia: verification of a complete withdrawal of Vietnamese forces, the establishment of a process for free and fair elections to ensure self-determination for the Cambodian people, and prevention of the Khmer Rouge from returning to power;

Whereas representatives of the Permanent Members of the United Nations Security Council met in Paris on January 15-16, 1990, and endorsed an enhanced United Nations role in resolving the Cambodian conflict;

Whereas a mutually acceptable settlement for Cambodia will be impossible unless the principal external powers encourage those Cambodian factions which they have supported to accept it: Now, therefore, be it

Resolved, That it is the sense of the Congress that—

(1) the proposal of the Coalition Government of Democratic Kampuchea for a quadripartite interim government is not an acceptable basis for negotiations because it would legitimize the Khmer Rouge and give it the opportunity to immoblize and subvert the interim government;

(2) the proposal for an enhanced United Nations role in Cambodia that would lead to free and fair elections this year is the most feasible way to achieve settlement of the conflict compatible with the best interests of the Cambodian people;

(3) outside observers or organizations should be mobilized to supervise the elections and could substitute for United Nations supervision in the possible event that the United Nations is unable to play a role in the electoral process;

(4) the Administration should begin discussions as soon as possible with the government of the State of Cambodia to encourage the holding of internationally supervised free and fair elections and to help resolve differences among the factions;

(5) the Administration should request that multilateral aid organizations begin planning for Cambodia's reconstruction and development; and

(6) the Administration should encourage the People's Republic of China to cease all its weapons exports to the genocidal Khmer Rouge whose continued military actions are the most serious impediment to a peace settlement.

Mr. CRANSTON. Mr. President, the news that the peace talks in Jakarta ended last week without agreement makes it even more imperative than before that the administration change its ineffective Cambodia policy. The Bush administration continues to support a policy which precludes talking directly to the one side that has demonstrated the most flexibility in the talks, the government in Phnom Penh, and it sidesteps the issue of the Chinese role as principal supplier and supporter of the genocidal Khmer Rouge.

This policy must be changed immediately if more bloodshed is to be avoided. Today I am submitting a concurrent resolution which sets forth a policy that I believe can help end the deadlock on this intractible issue. The concurrent resolution includes the following measures:

First. The administration must begin to discuss the issues directly with the Hun Sen government. Talks do not confer diplomatic relations or imply acceptance of the government as legitimate. They simply afford a realistic means to approach the problems at hand. We cannot expect to be well informed or to wield substantial influence in Cambodia or anywhere in Southeast Asia if we cannot bring ourselves to talk to the players. The Bush administration did not recognize the Ortega government in Nicaragua as legitimate, yet this did not preclude direct communication.

Second. Elections must be held this year. Any delay in holding elections merely benefits the Khmer Rouge. Pol Pot has indicated that, if he had 2 years with which to intimidate the countryside, he could dominate an election. The earlier the elections are held, the less likely the chance for the Khmer Rouge to play any role whatsoever in the governing of Cambodia.

Third. The United States must support the United Nations role in organizing and supervising elections. If the direct participation of the U.N. is not possible, for example because of a veto by China, we should call for private citizens or organizations—like the Carter Center—to play that role, as they did in Nicaragua. I believe that the Hun Sen government is willing to allow the United Nations to sponsor such elections and will cooperate with international monitoring groups. We should fully explore this option. And we should press Prince Sihanouk to accept it as well.

Fourth. We must condemn the Chinese support for the Khmer Rouge, and I urge the administration to forcefully press the Chinese to withdraw their support for the Khmer Rouge. The United States has tiptoed around Chinese policy objectives for far too long.

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Fifth. We must send an international group of experts, such as a team from the World Bank, to Cambodia to assess the prospects of reconstruction after a resolution is reached. It is imperative that Cambodia move quickly toward reintegration with the world both politically and economically if its people are to enjoy the benefits of democracy.

If we ever hope to achieve a solution to this tragic Cambodian conflict we must pursue the course outlined above. Our objectives must be to achieve a freely elected Cambodian Government that can lead Cambodia toward a peaceful and prosperous future. For too long our policies have been at odds with these objectives. It is high time they changed.

SENATE CONCURRENT RESOLUTION 102—APPLAUDING THE DECISION OF WEST GERMAN CHANCELLOR KOHL RELATIVE TO THE GERMAN-POLISH BORDER

Mr. DIXON (for himself and Mr. SIMON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES.

Whereas inviolability of existing borders is a cornerstone of peace, stability and security in Europe and the world, and

Whereas all 35 signatories of the Helsinki Final Act recognized the existing borders in Europe by pledging the inviolability of frontiers and the territorial integrity of all states in Europe, and

Whereas separate treaties concluded between Poland and both German states, as well as between the Federal Republic of Germany and the Soviet Union, made the borders of Germany with Poland and with the Soviet Union inviolable and final without any reservations, and

Whereas West German Chancellor Helmut Kohl has stated that the Polish people "should know that their right to live in secure borders will not be thrown into question by territorial claims from us Germans, either now or in the future," and

Whereas Chancellor Kohl's statement is a welcome step in the peaceful process toward German reunification, and

Whereas Chancellor Kohl will ask his parliament to declare that a reunited Germany will sign a treaty recognizing present German-Polish borders as unalterable, and

Whereas the right of the German people to self-determination and reunification has been universally recognized and accepted: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that Chancellor Kohl's statements assuring the Polish-German borders as final should be applauded; and be it further

Resolved, That swift action be taken by the West German parliament to adopt the resolution offered by Chancellor Kohl relating to the German-Polish border question; and be it further

Resolved, That Poland and others should participate with the other powers when its legitimate security concerns are affected during the talks on the reunification of Germany; and be it further

Resolved, That in the talks on German reunification, as well as on all other relevant occasions, the United States Government should continue to express its position that it supports West German Chancellor Kohl's efforts to unequivocally commit to the existing boundaries between Germany and Poland which are enshrined in the already existing treaties as well as the Helsinki Final Act: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is in the vital interests of preserving peace, stability and security in Europe for the concerned states to abide by the provisions of the binding unilateral treaties, the principles of the Helsinki Final Act, as well as pending parliamentary resolutions, which taken together assure the existing borders between Germany and Poland as final.

Mr. DIXON. Mr. President, I rise today to submit a concurrent resolution which recognizes and applauds the statements of West German Chancellor Kohl yesterday affirming present German-Polish borders as secure, and further expresses the sense of the Congress that Poland and other neighbors of both West and East Germany be consulted before and during upcoming reunification talks.

I am proud to be joined on this concurrent resolution by my distinguished colleague and warm friend, PAUL SIMON from Illinois.

The Poles have genuine concern regarding German intentions for the land east of the Oder-Neisse Rivers, and Germany as well as the four Allied Powers must be sensitive to the Poles legitimate anxieties. That territory, which had been Germany's prior to World War II, today constitutes almost one-third of present-day Poland. Their fears about German intentions, rooted in Polish history, have been mitigated by Chancellor Kohl's timely statement yesterday declaring the right of Poles "to live in secure borders" which "will not now or in the future be questioned by us Germans."

I anxiously await concrete steps to make words into deeds. The Poles have been the victim in the past of hollow words and assurances. Chancellor Kohl has done the right thing by introducing a parliamentary resolution which says that a united Germany should sign a treaty with Poland recognizing present borders as unalterable.

Both the Federal Republic of Germany, and the German Democratic Republic, have declared in separate agreements with Poland, that the Polish-German borders are final. However, neither agreement is legally binding should there be a united Germany.

Therefore, the parliamentary resolution should be adopted as soon as possible.

Poland has all too often in the course of her history been invaded, run over, and controlled by others. At this time when Poland is beginning to find her own voice, and move in her own direction politically and economically, it is vital that she know with certainty that her neighbors not have designs on her territory.

In addition, Poland must be able to participate in discussions affecting her security. The Czechs certainly have a concern about a unified Germany, as well as a good many of our other European allies. Italian Prime Minister Andreotti, today discussed the issue of Atlantic allied participation and consultation on the question of German reunification. His call is a reasonable request. As all of Europe will be significantly impacted by a unified Germany, all should have some input into the discussion.

We have heard a great deal about the two-plus-four talks for a united Germany. Clearly, there are other countries, who, locked out of past discussions affecting their security, do not want history to repeat itself. Those other countries certainly have legitimate concerns that deserve to be aired and considered fully. One might call such an idea of greater inclusion a two-plus-four-plus-eight proposal. In addition to the two Germanys, and the four Allied Powers, a consultative group of other European countries, such as Poland, Czechoslovakia, Italy, the Benelux countries and others would have sufficient opportunity to contribute and participate in the upcoming discussions. Certainly countries such as Poland and Czechoslovakia, who have suffered as a result of past negotiations and agreements dealing with Central Europe have a special sense of urgency about the upcoming talks on German reunification and who should be at the table. They deserve to have their voices heard and their concerns fully addressed. Without such participation and cooperation between the two Germanys and her neighbors, the peaceful, inevitable transition to a united Germany, the dream of Germans everywhere, could be unnecessarily more difficult.

History has been unkind to the nations of Central Europe; Poland in particular, and we, as the motivating force behind an inclusive process toward reunification, can take steps now to prevent repeating it.

SENATE RESOLUTION 260—AUTHORIZING THE PRODUCTION OF CERTAIN DOCUMENTS

Mr. BAUCUS (for Mr. MITCHELL, for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 260

Whereas in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01, pending in the United States District Court for the District of Columbia, the defendant has caused subpoenas to be served on Senator

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Robert C. Byrd, Senator Robert Dole, Senator Richard G. Lugar, Senator Ted Stevens, Senator Strom Thurmond, and the records custodian of the Select Committee on Intelligence;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senators Byrd, Dole, Lugar, Stevens, and Thurmond and the Select Committee on Intelligence are authorized to provide in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01 (D.D.C.), any documents within their possession that may be responsive to the subpoenas, except concerning matters for which a privilege should be asserted.

SENATE RESOLUTION 261—HONORING THE CONTRIBUTIONS OF WILL HILL TANKERSLEY TO THE NATION

Mr. HEFLIN (for himself and Mr. SHELBY) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 261

Whereas for the past 4 years Will Hill Tankersley has served with distinction as the Chairman of the Reserve Forces Policy Board in the Office of the Secretary of Defense;

Whereas the contributions of Will Hill Tankersley to the preparedness and integration of the Reserve Forces of this Nation merit recognition;

Whereas Will Hill Tankersley has had a life-long commitment to the defense of this Nation;

Whereas Will Hill Tankersley a graduate of West Point, served for 8 years in active duty in the United States Army;

Whereas such active duty included 6 campaigns in Korea during the Korean War as a decorated member of the combat infantry, and service as a ranger and a master parachutist;

Whereas upon completing active duty in the United States Army, Will Hill Tankersley continued a military career in the United States Army Reserve;

Whereas the final assignment of Will Hill Tankersley was as commander of the 87th United States Army Maneuver Area Command in the State of Alabama;

Whereas Will Hill Tankersley retired from the United States Army Reserve as major general;

Whereas Will Hill Tankersley has distinguished himself as one of the most knowledgable authorities concerning the Reserve Forces of this Nation;

Whereas the service of Will Hill Tankersley has brought credit to the State of Alabama and to this Nation;

Whereas the people of this Nation owe a debt of gratitude to Will Hill Tankersley for selfless service and devotion to the principles and ideals of democracy that such people hold dear; Now, therefore, be it

Resolved, That the Senate commends Will Hill Tankersley for the devoted service he has given to the people of this Nation in making significant contributions to national security, and, most recently in serving as the Chairman of the Reserve Forces Policy Board.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Will Hill Tankersley.

SENATE RESOLUTION 262—CONGRATULATING THE PROINDEPENDENCE OPPOSITION IN LITHUANIA

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 262

Whereas the victory of pro-independence candidates is an overwhelming defeat of Communism in Soviet-occupied Lithuania and the victory of democracy and political pluralism;

Whereas the February 24 elections, held under the spectre of the occupation Red Army, indicate that the Lithuanian people hope to use peaceful means to achieve political pluralism, democracy and independence;

Whereas beginning in 1988, the Lithuanian people began to organize broad-based and popularly supported demonstrations and political organizations which have shown the free world that the Lithuanian people want the right to self-determination and freedom;

Whereas the Sajudis popular movement of opposition, worked as an umbrella organization alongside other opposition parties and groups such as the Christian Democrats, the Social Democrats, the Lithuanian Democratic Party, the Greens, the Lithuanian Freedom League and the Helsinki Group;

Whereas the aforementioned parties and groups fully support the removal of Soviet troops, a free market economy and an independent and neutral democratic Lithuanian state;

Whereas the opposition has successfully struggled for the legalization of the Lithuanian national flag, the Lithuanian national language, and the restoration of the rights of the Catholic Church in Lithuania;

Whereas on February 16, 1990, the 72nd anniversary of the foundation of Lithuania's Independence, the Lithuanian people could not celebrate but instead commemorated the day as a tragic reminder of the independence stolen by Stalin and Hitler in 1940;

Whereas from February 16, 1918 to June 12, 1940, Lithuania was a peaceful, Western, parliamentary democracy whose sovereign independence and territorial integrity was formally accepted by the Soviet Union through peace treaties signed by Lenin in 1920 and 1921;

Whereas the Lithuanian people are committed to realizing Soviet renunciation of the illegal consequences of the Hitler-Stalin Non-Aggression Pact of 1939, the removal of 300,000 Soviet troops in Lithuania and the dismantling of Soviet military installations in Lithuania;

Whereas the United States has never recognized the illegal incorporation of the Baltic States into Soviet Union; and through the non-recognition policy has pledged its support for independence;

Whereas for fifty years the people of Lithuania, Latvia and Estonia have suffered a mass population loss due to deportations, murders, imprisonment and torture as well as a severe degradation of their environment as they remain hostage to Stalin's dark legacy, despite the Soviet Union's pledge of de-Stalinization;

Whereas for fifty years the rich culture of the ancient Lithuanian land has been preserved through the daily courage of the Lithuanian people and through the work of patriots in underground political and religious organizations who have never wavered in their fight against foreign domination despite persecution and imprisonment;

Whereas the Soviet KGB continues its terroristic and repressive activities in Lithuania on a daily basis and before the election increased its use of threats, intimidation, blackmail, and other activities such as the control of access to the media to subvert the democratic election;

Whereas the Central Committee of the Soviet Union has recently introduced legislation which would allow Moscow to take over the governments of the Baltic States by declaring a state of emergency: Now therefore, be it

Resolved, That, the Senate congratulates the people of Lithuania on the event of the first democratic elections since their illegal annexation into the Soviet Union;

The Senate congratulates and supports the newly emerging multiparty democracy in Lithuania which reflects the Western culture of the Lithuanian people.

The Senate fully supports the commitment of the Lithuanian people to pluralism, democracy and independence as demonstrated in the elections of February 24, 1990;

In realization of the goals of the United States non-recognition policy, the Senate supports the actions of the Lithuanian people as they move to restore their national independence and condemns the use of military force and economic coercion by the Soviet Union that denies the Lithuanian people their right to national self-determination and freedom;

The Senate condemns the terrorist activity of the KGB and the secret police apparatus which subverts the democratic process in Lithuania;

The Senate condemns the recent introduction of legislation in the Supreme Soviet which calls for the central government of Moscow to take over the newly elected government in Lithuania and nullify its decisions by imposing a state of emergency.

Mr. HELMS. Mr. President, I send to the desk a resolution and I ask that it be appropriately referred.

The resolution congratulates the proindependence opposition in Lithuania after their overwhelming victory over communism in the February 24, 1990 Lithuanian elections. The adoption of this resolution will convey to the Baltic people and to the world that the United States stands strongly behind democracy and freedom from human bondage in all of Europe.

After World War II, when the United States adopted a policy of nonrecognition of the illegal incorporation of the Baltic States into the Soviet Union, our Government made a commitment to support the people of Lithuania, Latvia, and Estonia in their struggle against Communist domination. This resolution simply reaffirms this pledge made to the people of Lithuania 45 years ago as they continue to struggle for democracy, freedom, and independence from the Soviet Union.

My resolution congratulates the Lithuanian people on the event of the first democratic election since their forced incorporation into the Soviet Union. This resolution states that the United States supports the commitment of the Lithuanian people to multiparty democracy and independence as demonstrated in the elections of February 24, 1990.

In addition, the resolution condemns terrorist activities of the KGB in subverting the democratic process in Lithuania and condemns the recent introduction of legislation in the Supreme Soviet which calls for Moscow to take over the newly elected government in Lithuania and to nullify its decisions by imposing a state of emergency.

Mr. President, in 1940 the Soviet Union illegally occupied the independent and democratic state of Lithuania. Since the military occupation 50 years ago, the Soviet Union has equally been trying to occupy the hearts and the minds of the Lithuanian people—but they have failed dismally. The Lithuanian spirit against foreign domination and for freedom and Western ideals has rejected the ideals of communism in their ancient and proud land.

The defeat of communism and the reemergence of democracy in Lithuania is one of many steps which must be taken by the Lithuanian people in order to regain the independence stolen by Stalin and Hitler through a secret protocol to the Nazi-Soviet Nazi-Aggression Pact of 1939. While taking the steps toward independence, the Baltic people look for the support of the United States. At this crucial time, the United States should express support of the Baltic people and not give them reason to believe that the United States is backing off of its pledge to see their freedom reinstated.

On February 24, the Lithuanian people showed the world that they reject communism and its false promises. For the first time since communism was forcibly imposed in Lithuania in 1940, the Lithuanian people were able to go to the polls to elect the representatives to Parliament from a multiparty ballot. The people chose candidates who support their national aspirations for freedom and democracy and they defeated candidates who rejected self-determination and independence for Lithuania.

Lithuanian voters were given the chance to choose between several candidates and several newly emerging political parties. The umbrella Sajudis group was joined by other political groups, some of which have been instrumental for decades in the struggle against communism. For the legislative elections, Sajudis approved candidates who support the removal of Soviet troops, a free market economy, and an independent and neutral democratic Lithuanian state.

Although the elections appear to have taken place without interference from Moscow, closer inspection shows that Moscow did all it could to prevent the defeat of communism in Lithuania, including the use of the KGB security apparatus. Threats, intimidation, and blackmail have been reported by proindependence leaders in Lithuania However, these tactics were unable to subvert the democratic election.

The hardline Communists in Lithuania who still seek to remain under the control of Moscow were the big losers. The Moscow-loyal Communists received only seven seats. The candidates supported by Sajudis and members of independent political parties succeeded overwhelmingly; 90 of the 116 seats already decided belong to candidates backed by Sajudis. The Lithuanian Communist Party, which officially broke from Moscow in December, has declared its commitment to Lithuanian independence. Because of this reversal, the Lithuanian Communists received 31 seats. However, despite the success of several Communists the days of communism are clearly numbered in Lithuania.

Although runoff elections are still taking place, 116 out of the 141 seats have been decided. This is enough for the Lithuanian Parliament to hold its first session, which is planned for this weekend. The Lithuanians want to establish the Parliament firmly before Gorbachev and the Supreme Soviet in Moscow increase their powers over the Baltic States.

The Communists clearly lost in Lithuania but the party has not accepted its loss. In reaction to its defeat, just 2 days after the democratic elections, the Central Committee in Moscow introduced legislation which would give Moscow a legal excuse to take over the Government of Lithuania by declaring a state of emergency. In effect, Moscow could override any measure undertaken in the new Lithuanian Parliament that Moscow did not approve of. In addition, the Soviet Congress of People's Deputies plans to give Mikhail Gorbachev further powers next week.

Proindependence groups are very worried about Moscow's complete disregard for Lithuania's own elected Parliament and predisposition to take actions which water down democratic gains in the Baltic States. It has been reported that troops which are being withdrawn in Eastern Europe are currently restationed in the Baltic States. The use of such draconian measures are intended to crush the movement for independence and democracy in the Baltic.

Therefore, for the first order of business in the newly elected Parliament, the opposition may initiate legislation declaring the restoration of Lithuania's full independence. In addition, the new Parliament could address legislation concerning a convertible Lithuanian currency, further control over its sovereign resources, the issue of conscription of Lithuanian young men into the Red army, and the withdrawal of Soviet troops and military installations.

Mr. President, on February 24 the Lithuanian people did not want to have to vote for representatives to the Lithuanian Supreme Soviet. Instead, they would have much preferred to elect their own representatives in their own national institutions in an independent state. However, as an occupied state they had no choice but to use the Communist institutions forced upon them, providing again their commitment to independence through peaceful means. The Lithuanians will use these Soviet installed institutions until they form their own independent state.

The organization and the execution of the elections show that after 50 years of Communist domination, the Lithuanian people are courageously working to bring back the multiparty democratic system that Lithuania once enjoyed.

Over the last 2 years, political parties which had operated underground resurfaced and new parties have been formed. The opposition parties now includes the Christian Democrats, the Social Democrats, the Lithuanian Democratic Party, and the Greens as well as groups such as the Lithuanian Freedom League and the Helsinki Watch.

Several prominent leaders of newly resurrected political parties and organizations visited Washington last year to observe firsthand democracy and political pluralism in this free land. Leaders of the Christian Democrats, the Lithuanian Democratic Party, the Greens, and Sajudis visited the United States. The leaders of these new parties are courageous individuals who have dedicated, in some cases, an incredible part of their life to the patriotic cause of the Lithuanian opposition.

The leader of the Lithuanian League, Antanas Terleckas, spent 8 years in labor camps for advocating outright independence for Lithuania. The Lithuanian Freedom League is the oldest organized opposition party which emerged from the underground only 2 years ago.

Viktoras Petkus the founder of the Helsinki Monitoring Group and leader of the Christian Democratic Party, a prewar party, has spent 18 years in labor camps. Petkus was only released in 1988. Terleckas and Petkus were accompanied by Jonas Mugevicius, a representative of the Lithuanian Demo-

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cratic Party. Vytautas Landsbergis, the leader of Sajudis has also visited the United States to spread the cause for freedom in the Baltic.

Together, these leaders represent not only opposition to Soviet rule in Lithuania but the beginnings of a strong, democratic, multiparty system in an independent Lithuania. However, these courageous leaders face the possibility of outside interference from Moscow on a daily basis.

The Lithuanians will fight to reinstate the democratic process that naturally follows their past success with democracy as an independent state. Despite the fact that their land still remains under Red army occupation, the Lithuanian people will not be threatened into submission. Since 1940 they have undergone deportations, political and religious perspection and russification. Not once have they given up the fight to regain their stolen independence.

For 50 years they have watched their rich and fertile Baltic land plundered and environmentally destroyed. A military presence of about 300,000 and nuclear weapon installations today remain in their sovereign territory. Baltic boys are conscripted in the Soviet army and sent to die in wars not of their making. There is very little that can be said to a Lithuanian about communism's devastation that they have not already experienced.

Therefore, the people should have their independence. For 50 years the Lithuanian people have waited patiently for their day of reckoning. Years after the war's end they still experience, on a daily basis, its criminal effects. In 1990, the Baltic people have already proved that they want to begin to live again as free nation states. They want to undo the devastating effects of the communist ideology and practice on their land such as environmental pollution, ineffective resource management, and economic mismanagement.

For all these reasons, the Baltic people will not be assuaged by vague promises of secession or piecemeal compromises which keep them within the Soviet empire. When visiting Lithuania in January, Secretary General Mikhail Gorbachev announced a plan that would allow for the eventual secession of the republics from the Soviet Union. However, acceptance of the secession plan would require Baltic States to admit that they willingly joined the Soviet Union, something they never did. The secession plan is nothing more than a desperate attempt by Moscow to postpone the inevitable independence of the Baltic nations.

Secretary General Gorbachev should let the Baltic States of Lithuania, Latvia, and Estonia go free, allowing him to concentrate on the economic problems of the Soviet empire closer to home. As citizens of Lithuania, Latvia, and Estonia, the Baltic people would not be a threat to the Soviet Union. As peaceful neighbors committed to the free market and Western ideals the Baltic States would be an asset. At this time, the United States should unwaverably support the Baltic people as they courageously move toward self-determination, freedom, and national independence.

I congratulate the Lithuanian people on the event of their first democratic elections and extend my support to the courageous opposition and the Lithuanian-American organizations working with them as they travel down the arduous road, one which they will never abandon, to independence.

Mr. President I ask unanimous consent that the article entitled "Lithuania Emergent," from the Washington Post on February 23 be printed in the RECORD

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 23, 1990]

(By Rowland Evans and Robert Novak)

LITHUANIA EMERGENT

VILNIUS, LITHUANIA.—The consensus on Mikhail Gorbachev in the first Soviet republic expected to declare independence is: "He will be overthrown later this year."

That prediction was made to us by Romauldas Ozalas, a key member of Lithuania's "new" Communist Party Politburo. Along with other party leaders, Ozalas for many months has observed Gorbachev up close here and in Moscow, measuring weakness and strength. His verdict had the clinical texture of a diagnosis stripped of the emotion so prevalant in the West, where Gorbachev's salvation is considered transcendent.

Ozalas and his compatriots know their lives are at stake. If Moscow should strike against them with force, they will feed the buzzards. But as Algirdas Brazanskas, Communist Party first secretary and Politburo boss, told us: "We have passed the threshold, and there is no way back."

What distinguishes these daring men and women from Western leaders is their stark interpretation of tumultuous recent events. They know the climate from the Byzantine recesses of the Kremlin on out to Tadjikistan and Moldavia, extremities of Gorbachev's seething domain.

There is no room for sentiment here when measuring the true condition of Soviet power. Gorbachev is seen as a collapsing leader, clever enough to have persuaded the West to negotiate an end of the Cold War on equal terms—even though the West holds the cards.

"You must understand," Bronius Genzelis told us over lunch in his Vilnius apartment, "Gorbachev is playing with the West like a cat plays with a mouse." Genzelis is a member of the Congress of People's Deputies, Gorbachev's new super-parliament in Moscow. He has been a Communist Party member for 38 years after being forced to join to take graduate training as an economist.

He now commands the team of economists drafting complex plans that must be ready for the day—possibly in early summer—when Lithuania reasserts the independence stolen from it by Joseph Stalin in 1940 after making his infamous deal with Adolf Hitler.

"The Western image that Gorbachev is democratic is not correct," Genzelis said. "He is a realist who saw the precipice" of decay and destruction in the Soviet system and then sought out the West "to avoid an explosion in his own country." This Lithuanian believes that while Gorbachev talks decentralization, his true goal is a tightening of central control and management, which he plans to put into his own hands as president of a new authoritarian government.

Vytautus Lansbergis, who heads the Sajudis independence movement, told us, "The Western powers do not fully realize that the Soviet Union has not won the Third World War, the unarmed war" for economic power." They [the Soviets] have, to the contrary, collapsed. But they are talking terms of peace as if they had won. The West talks to Gorbachev as an equal."

None of these leaders believes that Gorbachev's changes go beyond normal ambitions to extend the life of empire and his own power. In Kaunas, a two-hour drive west of here, Sajudis leaders running tomorrow's election for Lithuania's Supreme Soviet were equally skeptical.

Over lunch in the Metropole Hotel (a meal superior to any sold in Moscow), a youthful Sajudis activist told us that an estimated 20,000 KGB agents in Lithuania "are doing everything they can to block and stop our movement." He accused them of blackmailing, turning workers against intellectuals, holding up supplies for factories, breaking contracts signed by "the Center" (that means Moscow) and plotting subversion.

Will that prevent independence? No, he said. It is a reflection of growing chaos in Moscow, not yet established Kremlin policy. "This disorder shows us that the Soviet Union will not survive two more years without civil war," he added.

And Mikhail Gorbachev? He did not know, this fighter for independence said, adding quietly: "We do not love him as you do."

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

McCAIN AMENDMENT NO. 1306

Mr. McCAIN proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

On page 547, line 20, insert "in consultation and coordination with interested members of the public and the heads of relevant Federal agencies and departments," immediately before "recommend"

On page 547, line 25, insert "and, where appropriate, seek to maximize the use of Federal research facilities and resources to assist users of substances covered by this title in identifying and developing alternatives to the use of such substances as refrigerants, solvents, fire retardants, foam blowing agents, and other commercial applications" immediately after "alternatives";

On page 548, line 1, insert "in consultation and coordination with the Secretary of Defense and the heads of other relevant Federal agencies and departments, including the General Services Administration," immediately before "examine";

On page 548, line 5, strike "and";

On page 548, line 11, strike the period and insert in lieu thereof "; and

" '(4) maintain a public clearinghouse of alternative chemicals, product substitutes and alternative manufacturing processes that are available for products and manufacturing processes which use chemicals covered under this title.".

BAUCUS (AND OTHERS) AMENDMENT NO. 1307

Mr. BAUCUS (for himself, Mr. Hollings, and Mr. Chafee) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 527, following line 15, insert the following new paragraph and renumber the subsequent paragraph accordingly:

"'(2) Exception for Aviation Safety.—Notwithstanding the prohibition set forth in subsection (c)(4) or in regulations promulgated in accordance with subsection (b), the Administrator, after notice and opportunity for public comment, may authorize the production or importation of limited quantities of halon-1211, halon-1301 and halon-2402 solely for purposes of aviation safety if the Administrator of the Federal Aviation Administration, in consultation with the Administrator, determines that no safe and effective substitute has been developed and that such authorization is necessary for aviation safety purposes.".

On page 528, line 4, strike "and (2)" and insert in lieu thereof ", (2) and (3)".

ADAMS (AND OTHERS) AMENDMENT NO. 1308

(Ordered to lie on the table.)

Mr. ADAMS (for himself, Mr. Wirth, and Mr. Reid) submitted an amendment intended to be proposed by them to the bill S. 1630, supra, as follows:

At an appropriate place in the bill insert:

SEC. . REGIONAL HAZE IMPAIRING VISIBILITY IN CLASS I AREAS.

(a) Definition.—Section 169A(g) is amended by striking "and" at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and" and by adding the following at the end thereof:

"(8) the term 'regional haze' means widespread regionally homogeneous haze resulting from manmade air pollution."

(b) Additional Requirements.—Section 169A of the Clean Air Act is amended by redesignating subsection (g) as subsection (j), and adding the following after subsection (f):

"(g) Regional Haze Impairing Visibility in Class I Areas.—

(1) EPA rules.—(A) Not later than 2 years after the date of enactment of this subsection, the administrator shall propose rules, and within 3 years after such date of enactment, promulgate final rules, amending the regulations under subsection (a)(4) to assure that the requirements of this section are met with regard to regional haze.

"(B) Reasonable progress.—The Rules under paragraph (A) shall establish criteria and procedures for determining whether reasonable progress is being made in accordance with this section. The criteria shall include a method for determining baseline visibility in each Class I area (or for Class I areas in close proximity within the same state), and for determining whether reasonable progress is being achieved. In adopting such criteria, the Administrator shall consider both annual average visibility and shorter periods that may reflect seasonal patterns or severe visibility impairment episodes."

"(2) State plan revisions.—The amendments under paragraph (1) shall require that revisions of the implementation plans under subsection (b) be submitted to the Administrator within one year after promulgation of such amendments. Such plan revisions shall comply with the requirements of this section.

"(3) Regional commissions.—Any two or more States may establish interstate commissions (which may be funded in the same manner as the commissions established under section 106) to recommend to the Governors State plan provisions to carry out the requirements of this section. In making such recommendations, such commissions shall consult with the appropriate regional administrators of the Environmental Protection Agency and the Federal land managers.

"(4) Review and approval.—The Administrator shall review each State plan revision submitted under this part and determine if the revised plan meets the requirements of this part. If the revised plan meets the requirements of this part the Administrator shall approve the plan revision. If the plan revision fails to meet such requirements, the Administrator shall disapprove the plan and so notify the State. If no plan revision is approved within 24 months after the date on which it is required to be submitted to the Administrator, the Administrator shall (on that date) promulgate a plan revision for such State which complies with the requirements of this part.

"(5) Statutory requirements.—If the Administrator fails to promulgate regulations under this subsection within 3 years after enactment of this subsection, each stationary source of sulfur dioxide emissions which (A) is located within 200 miles of any mandatory Class I area referred to in subsection (a)(2), (B) emits more than 2,500 tons of sulfur dioxide annually, and (C) is not required to reduce sulfur dioxide emissions under title V of this Act shall (within 6 years after enactment of this subsection) achieve such emission reductions as may be obtained through the adoption of reasonably available control technology for the control of sulfur dioxide emissions. The level of such emissions reduction shall be the same level as required pursuant to new source performance standard under section 111 for any source to which a standard under that section would apply if the source were a new source within the meaning of that section unless the Administrator determines such level is not reasonably achievable. For purposes of applying the 2,500 ton limit specified in subparagraph (B), all emissions from sources located in a contiguous area and under common control shall be taken into account. For purposes of enforcement, any violation of this paragraph shall be treated as a violation of a permit under this part.

"(h) Review of Progress Toward National Goal.—(1) The Administrator, in consultation with the Federal Land Manager for each mandatory Federal class I area referred to in subsection (a)(2), shall periodically review the status of visibility impairment in such areas and determine whether reasonable progress toward the national goal set forth in subsection (a) is being achieved.

"(2) Whenever the Administrator determines that reasonable progress toward the national goal set forth in subsection (a) is not being achieved, the Administrator shall require such revisions of the applicable implementation plan or plans for such area as are necessary to make reasonable progress toward such national goal. The Administrator shall require that such plan revisions be submitted within one year after making any such determination. The first review under this subsection shall be completed 6 years after the date required for promulgation of the regulations required by subsection (g), and subsequent reviews shall be completed at 5-year intervals thereafter. The Administrator shall not require plan revisions in any State if he determines that such State has adopted all measures that can feasibly be implemented. The determinations made by the Administrator under this subsection shall be after notice and an opportunity for public comment.

"(3) At a minimum, for any class I area to which this section applies, reasonable progress toward the national goal set forth in subsection (a) shall include each of the following:

"(A) Preservation of the frequency of days in which the visibility in the area is least impaired by manmade air pollution.

"(B) Over each review period, there shall be a perceptible improvement in average visibility in the area for the typical observer, as compared to the average visibility in the area for the typical observer during the prior review period.

"(C) Over each review period, there shall be a perceptible improvement in visibility in the area for the typical observer during the times of worst visibility attributable to manmade air pollution, as compared to the times of worst visibility attributable to manmade air pollution during the prior review period.

"(i) Relationship of other provisions.—In promulgating regulations and amendments to regulations under this section, the Administrator shall take into account the reductions in air pollution obtained pursuant to other provisions of this Act, including the reductions obtained under title V. The requirements of this section shall not affect the number of allowances which may be allocated or issued to any unit or source under title V.".

(c) Determinations Under Section 169A(b).—Section 169A(b) of the Clean Air Act is amended by adding the following at the end thereof: "The State (or the Administrator as the case may be) shall make the determinations under paragraph (2)(A) within 3 years after the enactment of this sentence for stationary sources within 100 miles of any class I area referred to in subsection (a)(2) which emit or have the potential to emit 10,000 tons or more of sulfur dioxide per year. (For purposes of applying the preceding sentence, a stationary source includes any group of stationary sources of sulfur dioxide emissions located within a contiguous area and under common control.) The Administrator shall, within 1 year after the enactment of this sentence and in

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consultation with the Federal land managers, publish guidelines regarding the manner in which the determinations under paragraph (2)(A) shall be made.".

(d) Nonvisibility Impacts.—Section 169A(g) of the Clean Air Act is amended by striking "nonair quality" in each place it appears in paragraph (1) and (2).

SEC. . CLASS I AND II AREAS.

(a) Class I and II Areas.—Section 164(a)(1) of the Clean Air Act is amended by adding after "seashore" the words "or national historical park, regardless of the date on which established".

(b) National Park and Wilderness Areas.—Section 164 (a)(2) of the Clean Air Act is amended by striking out "ten thousand acres in size" and inserting "5,000 acres in size (in the case of a national wilderness area) or 6,000 acres in size (in the case of a national park)".

(c) Expanded Class I Area Boundaries.—Section 162(a) of the Clean Air Act is amended by inserting after "Amendments of 1977" the phrase "(including any lands added to such parks or wilderness areas after enactment of the Clean Air Act Amendments of 1977)"

(d) Public Hearings.—Section 164 (b)(1)(A) of the Clean Air Act is amended by inserting in the first sentence after "redesignated" the phrase "(or as near as practicable to such area in the case of a wilderness area)".

(e) Adverse Impacts on Air Quality-Related Values.—Section 165(d)(2)(C) of the Clean Air Act is amended by striking out clause (ii), by inserting "or air quality-related values" after "air quality" and by adding the following before the period at the end of clause (i) "or have an adverse impact on the air quality-related values (including visibility) of such lands".

(f) Notice to Federal Land Managers.—Section 165(d)(2)(A) of the Clean Air Act is amended to read as follows: "(A) At the same time as the State transmits a copy of a permit application and notice under paragraph (1) to the Administrator, the State shall also provide a copy thereof to the Federal Land Manager and the Federal official charged with direct responsibility for management of any lands within a class I area, or an area described in paragraph (1) or (2) of section 164(a), which may be affected by emissions from the proposed facility. The Administrator shall require applications submitted under paragraph (1) to contain sufficient information to enable the Federal Land Manager of such Federal lands to determine the effects of such facility on the air quality related values (including visibility) of such Federal lands. The permitting authority shall consult with the Federal Land Manager for each such area to determine if the application is complete.".

(g) Pollutants Covered.—Section 165(d)(2)(C)(i) of the Clean Air Act is amended by striking out "particulate matter and sulfur dioxide" and inserting "any air pollutant regulated under the act."

(h) Areas Described in Section 164(a) (1) or (2).—(1) Section 165(d)(2)(D)(i) of the Clean Air Act is amended by striking out ", in the case of Federal mandatory class I areas,".

(2) Section 165(d)(2) (B) and (D) of such Act are each amended by inserting ", or an area described in paragraph (1) or (2) of section 164(a)," after "class I area" in each place such phrase appears.

(3) Section 165(d)(2)(C)(i) of such Act is amended by inserting ", or an area described in paragraph (1) or (2) of section 164(a)," after "class I area" in the first place such phrase appears.

(4) Section 165(d)(2)(C)(iii) of such Act is amended by inserting ", or areas described in paragraph (1) or (2) of section 164(a), as the case may be," after "class I areas".

(5) Section 165(d)(2)(C)(i) of such Act is amended by striking out "for a class I area" and inserting "applicable to the area under section 163 or 166".

(i) Postconstruction Monitoring.—Section 165(a)(7) of the Clean Air Act is amended by adding the following before the "; and" the phrase "and on resources at risk in class I areas, including visibility, which may be affected by emissions from the proposed facility".

(j) Adverse Impacts.—Section 165(d)(2)(C) of the Clean Air Act is amended by adding the following at the end thereof:

"(v) In determining under this subparagraph or subparagraph (B) whether emissions from a facility will have an adverse impact on air quality-related values (including visibility), allowable emissions from other existing and permitted sources shall also be taken into account."

(k) Preconstruction Monitoring.—The first sentence of section 165(e)(2) of the Clean Air Act is amended by inserting the following before the period at the end thereof: "and to determine the effect emissions from such facility may have on resources at risk in class I areas, including visibility, which may be affected by emissions from the proposed facility".

(l) Identification of Potential Adverse Impacts.—Section 165(d)(2)(B) of the Clean Air Act is amended by adding the following at the end thereof: "The Federal land manager charged with the direct responsibility for management of such lands may, by rule, identify the air quality related values of such lands and the potential adverse impacts on such values which a new or modified major emitting facility may cause or contribute to. Prior to identification of an air quality related value by rule, the Federal land manager may identify such values and adverse impacts on a case by case basis."

(m) Savings Provisions.—Section 310(a) of the Clean Air Act is amended by adding the following at the end thereof: "Nothing in this act shall be construed to limit any remedy otherwise available to the United States under any other authority of law (including common law) for injury or damages to property or facilities of the United States."

SANFORD (AND OTHERS) AMENDMENT NO. 1309

Mr. SANFORD (for himself, Mr. **Kohl**, Mr. **Kasten**, Mr. **Breaux**, Mr. **Grassley**, and Mr. **Helms**) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. **Mitchell** (and others) to the bill S. 1630, supra, as follows:

On page 279 beginning on line 13 strike "Federal, State, or local" and insert in lieu thereof "Federal".

On page 278 beginning at line 11 strike "from the source on or before December 31, 1992" and insert in lieu thereof: "which are listed in subsection (e)(1)(A) from the source on or before the date three years after the date of enactment of this paragraph and has achieved a voluntary reduction of 90 per centum or more in emissions of all other hazardous air pollutants (95 per centum or more in the case of pollutants which are particulates) from the source on or before the date four years after the date of enactment of this paragraph.".

On page 280 line 15 insert "or which requires a substantial capital investment (as determined by the Administrator) by the source" after "by the source".

WIRTH (AND ARMSTRONG) AMENDMENTS NOS. 1310 THROUGH 1313

Mr. WIRTH (for himself and Mr. **Armstrong**) proposed four amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. **Mitchell** (and others) to the bill S. 1630, supra, as follows:

Amendment No. 1310

On page 210, add a new subsection 213(c), as follows:

(c) In-Use Testing at High-Altitude.—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(6) The Administrator shall at all times maintain at least one testing center which shall be located at a site that represents high-altitude conditions to ascertain whether, when in actual use throughout their useful life (as determined under section 202(d)), each class of vehicle and engine to which regulations under section 202 apply conforms to the emission standards of such regulations. The Administrator shall, in cooperation with the States, conduct routine testing of a representative sample of classes or categories of vehicles and engines to which regulations under section 202 apply. In carrying out such tests, the Administrator shall assure that the testing procedures and methods are of sufficient accuracy and consistency to carry out the purposes of this section. For the purposes of this paragraph, the term "high-altitude conditions" refers to high altitude as defined in Environmental Protection Agency regulations in effect as of the enactment of this Act. Preference shall be given to existing in-use vehicle emission testing and research centers located at high-altitude conditions."

Amendment No. 1311

On page 201, add a new subsection 208, as follows:

(c) Research on Heavy-Duty Vehicles.—Secton 103 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"( ) The Administrator, in cooperation with the Secretary of Energy and the Administrator of the Urban Mass Transportation Administration, and such other agencies as the Administrator deems appropriate, shall establish a research and technology assessment center to provide for the development and evaluation of less-polluting heavy-duty engines and fuels for use in buses, heavy-duty trucks, and nonroad engines and vehicles, which shall be located at a high-altitude site that represents high-altitude conditions. In establishing and funding such a center, the Administrator shall give preference to proposals which provide for local cost-sharing of facilities and recovery of costs of operation through utilization of such facility for the purposes of this section."

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AMENDMENT NO. 1312

On page 135, add a new subsection 113(c), as follows:

(c) Section 103 of the Clean Air Act is amended by adding at the end thereof the followng new subsection:

"( ) CENTER FOR RESEARCH ON ENVIRONMENTAL LUNG DISEASE.—The Secretary of Health and Human Services shall establish a National Research Center for Environmental Lung Disease for the purpose of conducting research, disseminating information, and developing new methods of diagnosis and treatment of respiratory illnesses caused by pollution and other environmental factors. For the purposes of this subsection, the Secretary of Health and Human Services is authorized to provide up to $15 million in assistance to a qualified medical center to develop, construct, and acquire materials, facilities and equipment necessary for those purposes: Provided, that such assistance shall comprise no more than 50 per cent of the total costs of such project.

AMENDMENT NO. 1313

On page 146, add a new subsection 174(d), after line 5, as follows:

"(1) The head of each Federal agency shall, in consultation with local health or air pollution control authorities within a nonattainment area, determine whether the implementation of an alternative work schedule plan for such agency in accordance with the provisions of paragraph (2) will reduce air pollution within such nonattainment area.

(2) If there is a determination under paragraph (1) that an alternative work schedule plan would reduce air pollution within a nonattainment area without jeopardizing the mission of the agency or hindering its service to the public, such head of the agency shall—

(1) implement an alternative work schedule plan in accordance with the provisions of subchapter II of Chapter 61 of title 5, United States Code, for employees of such agency within such area; and

(2) to the greatest degree practicable, include employees within such area performing services pursuant to a contract with such agency in a similar alternative work schedule to coordinate and maximize the reduction of such air pollution."

MOYNIHAN (AND OTHERS) AMENDMENT NO. 1314

Mr. MOYNIHAN (for himself, Mr. MITCHELL, and Mr. DOLE) proposed an amendment, which was subsequently modified, to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 512 of amendment No. 1293, at the beginning of line 5, insert the following, and renumber succeeding sections accordingly:

SEC. 611. Section 312 of the Clean Air Act is amended to read as follows:

"SEC. 312. ECONOMIC IMPACT ANALYSES.

"(a) The Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis (as established under subsection (f) of this section), shall conduct a comprehensive analysis of the impact of the Act on the public health, economy, and environment of the United States. In performing such analysis, the Administrator should consider the costs, benefits and other effects associated with compliance with each standard issued for—

"(1) a criteria air pollutant subject to a standard issued under section 109;

"(2) a hazardous air pollutant listed under section 112, including any technology-based standard and any risk-based standard for such pollutant;

"(3) emissions from mobile sources regulated under title II of this Act;

"(4) a limitation under title IV of this Act for emissions of sulfur dioxide or nitrogen oxides;

"(5) a limitation under title V of this Act on the production of any ozone-depleting substance; and

"(6) any other section of this Act.

"(b) In describing the benefits of a standard described in subsection (a), the Administrator shall consider all of the economic, public health and environmental benefits of efforts to comply with such standard. In any case where numerical values are assigned to such benefits, a default assumption of zero value shall not be assigned to such benefits unless supported by specific data. "EPA should be required to assess how benefits are measured in order to assume that damage to human health and the environment are more accurately measured and taken into account."

"(c) In describing the costs of a standard described in subsection (a), the Administrator shall consider the effects of such standard on employment, productivity, cost of living, economic growth, and the overall economy of the United States.

"(d)(1) Not later than 12 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis, shall submit a report to the Congress that summarizes the results of the analysis described in subsection (a), which reports—

"(A) all costs incurred previous to the date of enactment of the Clean Air Act Amendments of 1989 in the effort to comply with such standards; and

"(B) all benefits that have accrued to the United States as a result of such expenditures.

"(e) Not later than 24 months after the date of enactment of the Clean Air Act Amendments of 1989, and every 24 months thereafter, the Administrator, in consultation with the Secretary of Commerce, the Secretary of Labor, and the Council on Clean Air Compliance Analysis, shall submit a report to the Congress that updates the report issued pursuant to subsection (d), and which in addition makes projections into the future regarding expected costs, benefits and other effects of compliance with standards pursuant to this Act as listed in subsection (a).

"(f) Not later 6 months after the date of enactment of the Clean Air Act Amendments of 1989, the Administrator, in consultation with the Secretary of Commerce and the Secretary of Labor, shall appoint and Advisory Council on Clean Air Compliance Analysis of not less than 9 members (hereafter in this section referred to as the 'Council'.) In appointing such members, the Administrator shall appoint recognized experts in the fields of the health and environmental effects in the fields of the health and environmental effects of air pollution, economic analysis, environmental sciences, and such other fields that the Administrator determines to be appropriate.

"(g) The Council shall—

"(1) review the data to be used for any analysis required under this section and make recommendations to the Administrator on the use of such data;

"(2) review the methodology used to analyze such data and make recommendations to the Administrator on the use of such methodology; and

"(3) prior to the issuance of a report required under by subsection (d) or (e), review the findings of such report, and make recommendations to the Administrator concerning the validity and utility of such findings.".

MOYNIHAN (AND REID) AMENDMENT NO. 1315

Mr. MOYNIHAN (for himself and Mr. REID) proposed an amendment, which was subsequently modified, to amendments No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Insert where appropriate in Title VI of the bill:

"SEC. . EPA PARTICIPATION IN THE INTERAGENCY GROUP ON MAGNETIC LEVITATION.

"The Administrator of the Environmental Protection Agency (or the designee thereof) shall coordinate with and provide assistance to the Secretary of Transportation and the Assistant Secretary of the Army for Civil Works regarding the use and development of magnetc levitation systems for use along the interstate highway right-of-way and other appropriate rights-of-way. The Administrator of the Environmental Protection Agency (or the designee thereof) shall provide for the analysis of the health and environmental aspects of magnetic levitaltion technology, and shall report to the Congress and the President on such activity not later that 12 months after the date of enactment of this act.

CONSTITUTIONAL PROCEDURES FOR THE IMPOSITION OF THE SENTENCE OF DEATH

SPECTER AMENDMENT NO. 1316

(Ordered referred to the Committee on the Judiciary.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill (S. 1972) to establish constitutional procedures for the imposition of the sentence of death, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. . CONGRESSIONAL OVERSIGHT OF FEDERAL LAW ENFORCEMENT EFFORTS.

Subdivision (e)(3)(C) of rule 6 of the Federal Rules of Criminal Procedure is amended by—

(1) striking "or" at the end of clause (iii);

(2) striking the peroid at the end of clause (iv) and inserting "; or";

(3) adding after clause (iv) the following:

"(v) with respect to closed cases and when permitted by a court, to members of the Senate and House Judiciary Committees, or their designees, upon a showing that the matters occurring before the grand jury are directly related to congressional oversight of Federal law enforcement efforts."; and

(4) adding at the end thereof the following: "For purposes of clause (v), a case is closed when, in a case in which an indictment is returned by a grand jury, the defendant is convicted by either a trial or a plea and has no direct appeals remaining or is acquitted. In a case in which a grand jury has not returned an indictment, the case is closed under clause (v) once the statute of limitations has run out on the most serious crime for which the grand jury could indict or the prosecutor has announced that all grand jury proceedings have been concluded or has declined to prosecute anyone.".

CLEAN AIR ACT AMENDMENTS

STEVENS (AND OTHERS) AMENDMENT NO. 1317

Mr. STEVENS (for himself, Mr. MURKOWSKI, and Mr. CHAFEE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of title II add the following new section:

"SEC. 222. FEDERAL COMPLIANCE.

SEC. 222. (a) GENERAL COMPLIANCE.—Section 118 of the Clean Air Act is amended by inserting "GENERAL COMPLIANCE.—" after "SEC. 118.(a)".

(b) SPECIFIC COMPLIANCE.—Section 118 is further amended by adding at the end thereof the following new subsections:

"(c) IMPLEMENTATION PLAN PROVISIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall comply with all applicable provisions of any implementation plan submitted by a State and approved by the Administrator as provided in section 110(a) and part D.

"(d) EMISSION INVENTORIES.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the federal government shall submit all relevant and requested information regarding air pollutant emissions as expeditiously as possible following a request for such information from an appropriate Federal, State, or local agency.

"(e) GOVERNMENT VEHICLES.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the Federal Government shall comply with all applicable provisions of a valid inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g) except for such vehicles that are considered military tactical vehicles.

"(f) VEHICLES OPERATED ON FEDERAL INSTALLATIONS.—Each department, agency, and instrumentality of executive, legislative, and judicial branches of the Federal Government having jurisdiction over any property or facility shall require all owners of nonfederally owned motor vehicles which operate on the property or facility to furnish proof of compliance with the requirements of any vehicle inspection and maintenance program established under the provisions of section 183(a)(1)(A) or section 188(g). The installation shall use one of the following methods to establish proof of compliance—

"(1) presentation by the vehicle owner of a valid certificate of compliance from the vehicle inspection and maintenance program;

"(2) presentation by the vehicle owner of proof of vehicle registration within the geographic area covered by the vehicle inspection and maintenance program (except for any program whose enforcement mechanism is not through the denial of vehicle registration);

"(3) another method approved by the vehicle inspection and maintenance program administrator."

DOLE (AND SYMMS) AMENDMENT NO. 1318

Mr. DOLE (for himself and Mr. SYMMS) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 318, end of line 24, insert the following new paragraph:

"( ) Any emissions standards established pursuant to this section for a category or subcategory of sources of emissions of ammonia shall not apply to a cargo tank (commonly known as a nurse tank and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes, as described in the regulations under 49 CFR 173.315(m), as in effect on the date immediately preceeding the date of the enactment of the Clean Air Act Amendments of 1989.

LAUTENBERG AMENDMENT NO. 1319

Mr. LAUTENBERG proposed an amendment, which was subsequently modified, to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 216, strike all after "be" on line 11 through line 23, and insert in lieu thereof:

"2.7 per centum or greater.

"(2) The Administrator shall, not later than nine months after the date of enactment of this subsection, promulgate guidelines allowing the exchange of marketable oxygen credits between sellers of fuels with an oxygen content higher than that required by paragraph (1) and other sellers of fuels to offset the sale or use of fuels with a lower content than required: *Provided*, That, such exchanges shall not be permitted between sellers located in different nonattainment areas and that the average oxygen content of fuels sold in any area that is nonattainment for carbon monoxide be 2.7 per centum or greater."

GRAND ISLAND NATIONAL RECREATION AREA

RIEGLE AMENDMENT NO. 1320

(Ordered to lie on the table.)

Mr. RIEGLE submitted an amendment intended to be proposed by him to the bill (H.R. 1472) to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes, as follows:

On page 5, line 23, insert ", stepchildren," after "children".

On page 7, lines 10 and 11, strike "the date of enactment of this Act" and insert "January 1, 1990".

On page 8, line 14, strike "historically consistent" and insert "architecturally compatible".

On page 9, line 11 insert "stepchildren," after "adopted),".

CLEAN AIR ACT AMENDMENTS

GORTON (AND OTHERS) AMENDMENT NO. 1321

(Ordered to lie on the table.)

Mr. GORTON (for himself, Mr. DIXON, Mr. BOSCHWITZ, Mr. LOTT, Mr. SPECTER, Mr. MCCONNELL, and Mr. COHEN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end, add the following new section:

SEC. . ACTIONS TO ENCOURAGE GLOBAL ENVIRONMENTAL PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Global Clean Air Incentive Act".

(b) FINDINGS.—The Senate finds that—

(1) global air pollution has adverse health effects on United States citizens;

(2) businesses in the United States are disadvantaged in international markets due to the costs of reducing air polluting emissions, resulting in the potential loss of jobs for working Americans;

(3) air pollution released anywhere adversely affects the Earth's environment;

(4) foreign polluters, which are not required to pay pollution control costs comparable to those paid by businesses in the United States, should not be allowed to undersell United States businesses on comparable products as a result of savings made by not incurring pollution control costs;

(5) an import fee will reduce the incentive for domestic businesses to eliminate domestic jobs by siting business facilities in foreign countries;

(6) an import fee will equalize international competition and prevent unfair competitive advantage being gained by air polluting foreign industries that are not required to meet air pollution standards comparable to the Clean Air Act;

(7) an import fee will insure that the prices of foreign goods produced by air polluting industrial processes reflects the same costs incurred by domestic businesses meeting air quality standards under the Clean Air Act;

(8) the United States has an obligation to provide global leadership to promote pollution control while at the same time continuing its economic and political leadership; and

(9) the legislation proposed in subsection (d) will enhance global environmental protection by providing an equitable mechanism through which all countries can pay pollution control costs while maintaining economic competitiveness.

(c) REQUEST.—In recognition of the prerogative of the House of Representatives under the Constitution to originate bills raising revenue, the Senate most respectfully requests that the House of Representatives amend this Act to include the provisions described in subsection (d).

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(d) REQUESTED PROVISIONS.—The provisions referred to in subsection (c) are provisions that would—

(1) require the Secretary of Commerce to implement on January 1, 1992, a schedule of fees which would be—

(A) imposed on any product imported into the United States that has been subject to processing, or manufactured from a process, which does not comply with the air quality standards prescribed under the Clean Air Act, and

(B) in an amount (adjusted annually), according to industry groupings, equal to the differential between the cost incurred by businesses located in the United States in meeting such air quality standards and any expenditures made by foreign businesses to reduce air polluting emissions; and

(2) make the revenues derived from any of such fees available to fund programs that enhance the export of products of the United States, the costs of which are increased by the Clean Air Act.

(e) NEGOTIATIONS.—The United States Trade Representative shall take steps to initiate for negotiations an amendment to the General Agreement on Tariffs and Trade that would allow any country to impose additional duties on the importation of products of any foreign country that does not comply with air quality standards comparable to those prescribed under the Clean Air Act.

● Mr. **GORTON**. Mr. President, this clean air bill is intended to protect the health of all Americans and improve the environment here and across the globe. As we consider this bill we must remember that there is no environmental medium not earth, not even water, as transient, as "global" in nature as air. Air circles the globe in just a few short weeks. So our efforts here to propound this new standard for environmental responsibility are of global importance.

Just as our actions here have important ramifications for the global environment, so too do our actions have important ramifications for the global economy. The workers of industrial America, and yes, even corporate managers, share our desire for a cleaner Earth. But they know firsthand that our economy today is as global as the air itself, as interdependent as the ecosystems of Mother Earth. Thus, this bill as drafted presents American workers and corporate managers with a terrible dilemma—either remain in the United States and suffer losses in the international marketplace, or, move the business overseas, continue to pollute and replace Americans with foreign workers. That dilemma is the reason that American businesses, on whom it will fall most heavily to meet these new standards ask us: can we meet these standards and also remain competitive with our international counterparts not subject to these standards?

With all of our efforts to improve the environment, if by our efforts we drive up costs to U.S. businesses we may drive those same businesses to locate in other countries where the costs of pollution control measures do not equal our own. If we drive our polluting industries to other countries we have done nothing to improve the global environment and have only harmed our economic future.

I believe, Mr. President, that the amendment I am introducing is a solution to this problem. We can pass a strong Clean Air Act that will promote global environmental protection without making American businesses less competitive in the international marketplace. That is why I offer this amendment.

The first half of this proposal is a sense of the Senate amendment calling for the imposition of import fees on all imported goods made from a process that does not meet pollution control standards equal to those found in our Clean Air Act. The fee imposed will equal the difference between the costs born by U.S. businesses in complying with the Clean Air Act and any expenditures made by foreign producers to reduce air pollution. The amendment here is sense of the Senate because I recognize the constitutional authority of the House of Representatives to initiate revenue measures.

The amendment also directs that the U.S. Trade Representative negotiate a GATT amendment allowing any country to impose duties on another country's goods that do not comply with comparable clean air standards.

Without this amendment foreign polluters selling products here will not be required by pay pollution control costs comparable to those paid by American businesses. Without this amendment, foreign polluters will undersell our businesses on comparable products as a result of savings made by not incurring pollution control costs. Without this amendment the global environment will continue to be polluted by unregulated foreign businesses.

With this amendment we can reduce economic damage to American business and American industrial workers as our Nation works to achieve cleaner air. We should not punish American business while we let the foreign polluters off scott-free. An import fee, levied against foreign polluters, will ensure that the prices of imported goods produced by air polluting industrial processes reflect the same costs incurred by domestic businesses meeting clean air standards. With this amendment we can protect the global environment by eliminating any incentive for United States and foreign businesses to continue to pollute the Earth's air.

This amendment takes a long first step toward establishing global clean air standards. Industrial air pollution released anywhere affects people everywhere. Air pollution does not respect national borders. The greenhouse effect and global warming will get worse if significant reductions in polluting emissions are not made across the globe. It is irrelevant to the global environment whether pollution is released in the United States or in a foreign country. Passage of the Clean Air Act, without this amendment will not protect the health of American citizens. We must provide incentives to all industry, both here and abroad, to reduce air pollution. This amendment provides that incentive.

The President has made it clear, and I agree, that the United States has obligation to provide global leadership to promote pollution control in addition to continuing our economic and political leadership. This legislation enhances global environmental protection by providing an equitable mechanism through which all countries can pay pollution control costs while maintaining economic competitiveness.

There will be critics of this proposal. Free trade theorists argue against any import restrictions. As a general principle I support free trade and free markets. President Bush however has expressed his support for trade that is both free and fair. Again, I agree.

Let's consider free and fair trade. All people, from all countries, breathe the same air. All people are hurt by polluted air. All people, from all countries will benefit from the passage of our Clean Air Act.

With this in mind, is it fair that only our businesses and our workers pay for the global benefit of making the air cleaner? Does free trade theory require that U.S. companies choose between moving to foreign countries or staying here and raising the price of U.S. produced goods with the result that foreign polluters to avoid those costs in their products, and thus have a competitive advantage over regulated U.S. companies? With this amendment, all Senators must decide whether free trade theory is more important than economic fairness, the health of our citizens and global environmental protection.

This amendment will promote fair trade, protect the environment and the health of Americans. That is why it is endorsed by the environmental groups concerned with this bill. I believe that these are worthy goals. I hope that all Senators will support this amendment.●

INOUYE AMENDMENT NO. 1322

Mr. **INOUYE** (for himself, Mr. STEVENS, Mr. MURKOWSKI, and Mr. MATSUNAGA) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 212 after line 15;

At the end of section 213, or the appropriate section of the bill relating to Fuel Vola-

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tility, strike the closing quotation marks and period and insert:

"(5) The provisions of this subsection shall apply only to the 48 contiguous States and the District of Columbia."

MOYNIHAN (AND REID) AMENDMENT NO. 1323

Mr. MOYNIHAN (for himself and Mr. REID) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Page 14, line 15 after "Secretary of Transportation," insert "and after providing public notice and opportunity for comment,".

Page 16, line 24 strike "and".

Page 17, line 3 after "conditions" insert "; and "(xv) employer-sponsored programs to permit flexible work schedules".

Page 50, line 8 after "downtown" insert "other commercial, and residential" and after "avoid" insert "increasing or".

Page 76, line 16 after "demonstration." insert "In considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them.".

Page 78, line 19 through page 79, line 2 strike entirely and replace with "The State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with the national ambient air quality standards."

Page 79, line 2 after "standard;" insert "in considering such measures, the State should ensure adequate access to downtown, other commercial, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them;"

Page 111, line 6–18 strike entirely after "MEASURES.—" and replace with "In revisions submitted pursuant to section 188(g) for any serious nonattainment area, the State shall consider measures specified in section 108(f), and choose from among and implement such measures as necessary to demonstrate attainment with the national ambient air quality standards. In considering such measures, the State should ensure adequate access to downtown, other commerical, and residential areas and should avoid measures that increase or relocate emissions and congestion rather than reduce them."

DOLE (AND OTHERS) AMENDMENT NO. 1324

Mr. DOLE (for himself, Mr. NICKLES, and Mr BOREN) an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of the amendment, add the following new title:

TITLE —MISCELLANEOUS EXEMPTIONS

EXEMPTIONS FOR STRIPPER WELLS

SEC. . (a) IN GENERAL.—Notwithstanding any other provision of law, the provisions of title I of the Clean Air Act Amendments of 1989 relating to the regulation of areas designated under section 107 of the Clean Air Act, other than areas designated as severe or extreme pursuant to such section or part D of such title and the amendments made by such provisions, shall not apply with respect to the production of and equipment used in the exploration, production, development, storage or processing of—

(1) oil from a stripper well property, within the meaning of the June 1979 energy regulations (within the meaning of section 4996(b)(7) of the Internal Revenue Code of 1986, as in effect before the repeal of such section); and

(2) stripper well natural gas, as defined in section 108(b) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3318(b)).

DOLE AMENDMENT NOS. 1325 AND 1326

Mr. DOLE proposed two amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

AMENDMENT No. 1325

On page 399, line 20, after the period, insert the following new sentence:

"If the Administrator determines that the use of a code that prescribes safety standards for equipment design, procedures, and systems developed by a professional organization or entity (including the American National Standards Institute and the American Society of Mechanical Engineers) is appropriate, the Administrator shall require the use of such code.".

AMENDMENT No. 1326

On page 321, line 4, after the period, insert the following new sentence: "Such term shall not include a release from a vent or relief valve, or a release that results from a disturbance in a process (commonly referred to as a 'process upset') that is planned and designed to prevent catastrophic events.".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that hearings have been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources.

The first hearing will be held on March 28, 1990, beginning at 2 p.m. The purpose of the hearing is to receive testimony on the following measures currently pending in the subcommittee. The measures are:

S. 456 and H.R. 1109, on the provisions of the bill designating the California National Historic Trail as a component of the National Trails System;

S. 465 and H.R. 1159, to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes; and

S. 1756, to provide for the preservation and interpretation of sites associated with Acadian culture in the State of Maine;

S. 1864 and H.R. 76, to amend the Wild and Scenic Rivers Act to study the eligibility of the St. Marys River in the States of Florida and Georgia for potential addition to the wild and scenic rivers system;

S. 2059, to establish the Weir Farm National Historic Site in the State of Connecticut; and

S. 2208, to provide for the issuance of a 7-day admission permit for the Grand Circle Adventure comprising 7 national parks in Utah, Colorado, and Arizona.

The second hearing will be held on April 5, 1990, beginning at 2 p.m. The purpose of the hearing is to receive testimony on S. 2117 and H.R. 2570, to designate certain lands as wilderness in the State of Arizona.

The hearings will be held in room SD-366 of the Senate Dirksen Office Building in Washington, DC. Because of the limited time available for the hearings, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding these hearings, please contact David Brooks of the subcommittee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, March 7, 1990, at 8:30 a.m. for a hearing on the Civil Rights Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 7, at 2 p.m. to hold a hearing on the status of arms control negotiations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 7, at 9 a.m. to hold a hearing in preparation for the 1990 farm bill as it relates to dairy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 7, at 9:30 a.m. to hold a hearing on the future of NATO military strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Armed Services Committee be authorized to meet in open session on Wednesday, March 7, 1990, at 9:30 a.m. to receive testimony on the operation and maintenance programs, including the impact of the defense management report on logistics programs, in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet in open session on Wednesday, March 7, 1990, at 2 p.m. to receive testimony on operational requirements and military strategies for strategic forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the International Finance and Monetary Policy Subcommittee of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, March 7, 1990, at 10 a.m. to hold oversight hearings on the reauthorization of the Export Administration Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 7, 1990, at 2:30 p.m., to hold a hearing on the nomination of John R. Dunne, to be Assistant Attorney General for the Civil Rights Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, Wednesday, March 7, 1990, 9:30 a.m. for a business meeting pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RETIRED U.S. AIR FORCE COL. FREDERICK O. RUDESILL

● Mr. HEINZ. Mr. President, I rise today to recognize retired Air Force Col. Frederick O. Rudesill, whose dedication and devotion to the U.S. armed services, is in the highest American traditions of service to our country.

Although Colonel Rudesill is a humble man, the true measure of his character, courage, and sense of duty can be found in the respect, affection, and high esteem he has earned from those who served with him.

Frederick Rudesill served in the Headquarters Special Troops at the Army War College at Carlisle, PA, then under the command of Lt. Gen. Leslie J. McNair—as many of my colleagues are aware, this institution now bears his name. Then Major Rudesill became the adjutant to the post commander. A capacity in which he was charged with the daily operation of the base.

As a testament to his achievements and accomplishments at the Army War College, Frederick Rudesill was transformed "in grade" to the Army Air Force, where he served as the administrative assistant to a general in the Air Service Command at Patterson Field. Shortly thereafter, Major Rudesill was promoted to the rank of colonel and given a combat command with the 559th Air Services Group on Okinawa. Through his energy and outstanding leadership, the 559th was shaped into an exceptionally well-disciplined and effective outfit. Under his command and direction, the 559th provided service and support to B-29 bomber squadrons at Okinawa that were vital to the successful conduct of that phase of allied operations in the Pacific.

Mr. President, I am pleased to have been asked to recognize this outstanding American. Col. Frederick Rudesill was a soldier's soldier—dedicated, determined, intelligent, and courageous. I ask that my distinguished colleagues join me in recognizing his many achievements and accomplishments, and in thanking him for his many years of selfless service to God and country.●

FEDERAL LAW ENFORCEMENT COMPENSATION

● Mr. BOSCHWITZ. Mr. President, today I am pleased to be an original cosponsor of Senator DECONCINI's Federal law enforcement compensation bill.

As a commissioner on the National Advisory Commission on Law Enforcement, I have learned of the recruitment and retention problems of Federal law enforcement agencies. The legislation introduced responds to many of the recommendations of the Commission. It was determined the major recruitment and retention problem facing Federal law enforcement is competing with State and local agencies that pay their law enforcement officers more money. The legislation introduced today addresses this problem.

This bill, Mr. President, will establish a special salary scale for law enforcement officers to compete with the salaries of State and local law enforcement officers. This will include the city of Minneapolis which I am proud to represent. The bill will also establish a locality pay differential in areas of high cost of living; it will provide a one-time relocation bonus; it will provide a bonus to Federal officers with proficiency in a foreign language; and it will increase the age of retirement from 55 to 57.

This legislation is not without cost. It is estimated the cost will be around $150 to $200 million per year. However, when these law enforcement officers are risking their lives to fight a war on drugs, we must be willing to compensate them adequately.

Once again, I am pleased to be an original cosponsor of Senator DECONCINI's bill, and I encourage my colleagues to support it.●

EASTERN OVERRIDE FAILURE

● Mr. METZENBAUM. Mr. President, this is a sad day for America's working men and women. Earlier today, by a 261-to-160 vote, the House of Representatives failed to achieve the two-thirds majority necessary to override President Bush's veto of the bill to create a bipartisan, blue-ribbon Commission to investigate the labor dispute at Eastern Airlines.

The Senate will not have the chance to override the veto. Let me be clear. I think the President made a terrible mistake when he vetoed this bill. I am confident that an overwhelming majority of Senators would have joined me to override this unfortunate veto.

The people and communities that depended on Eastern—the thousands of workers, creditors, travelers, cities, and towns—are entitled to a factfinding investigation by a neutral panel. That is all this bill called for.

President Bush vetoed it nonetheless. I do not understand what the President is afraid of. The commission proposed in the bill had no power to settle the dispute. It had no power to order a return to the status quo. It only had the power to investigate and recommend—the power to shine a little sunlight on this shadowy situation.

President Bush's veto cannot be squared with this administration's pious pronouncements about the trade union movement. The President has eagerly embraced labor unions in Eastern Europe, and has received Lech Walesa at the White House as a hero. But, for more than a year, he has repeatedly and callously turned his back on thousands of workers and their families here at home.

These loyal, hard-working employees of Eastern Airlines have fought to save their airline from grossly incompetent managers, led by the notorious Frank Lorenzo. Mr. Lorenzo may be an expert in shifting assets among a maze of subsidiaries or in manipulating the bankruptcy laws of this country, but he does not have a clue as to how to run an airline.

Mr. Lorenzo bought once-proud Eastern Airlines and proceeded to pilot it into a tailspin. He pillaged the company's assets for the benefit of his holding company. He alienated his work force. He drove away hordes of customers who were fed up with his poor service. He had creditors baying at his heels before he retreated to his favorite playing field: The debtor-friendly confines of the bankruptcy court.

Even within those friendly confines, Mr. Lorenzo and his cadre of hired guns were unable to hide their incompetence. Every week we were treated to a new prediction on how the new Eastern would emerge, like the Phoenix, from the ashes of bankruptcy. There was a plan for a small-scale airline that would pay off all creditors in full. That scenario bought Mr. Lorenzo some time, until the creditors realized it was totally unrealistic. Then there was talk of a more expanded Eastern.

But talk is cheap. The new Eastern is a mere shell of its former self. There has been a veritable fire sale of assets to try to raise cash to keep the airline flying.

The sale of Eastern's assets is nothing new. That has been Mr. Lorenzo's standard operating procedure since he bought the airline in 1986.

As the special bankruptcy examiner, David Shapiro, concluded, there was "no clear evidence that the acquisition (of Eastern) by Texas Air was anything other than harmful to Eastern economically." Mr. Shapiro found that Mr. Lorenzo and his managers "entertained the notion to cherry pick Eastern assets to the benefit of Continental," Mr. Lorenzo's nonunion airline.

One glaring example of this practice was the sale of Eastern's valuable computer reservation system to Mr. Lorenzo's holding company. Mr. Lorenzo paid Eastern $100 million and just recently sold 50 percent of that same system for $250 million.

Because of such egregious self-dealing, Texas Air was forced to return nearly $300 million to Eastern. A neutral, bipartisan panel could have—and should have—examined these deals.

I am aware that Mr. Shapiro opposes creation of the blue-ribbon Commission. He claims that the bankruptcy court is on the verge of resuscitating Eastern. I am not as confident as Mr. Shapiro about the prospects for a new Eastern. Nonetheless, a neutral fact-finding panel would not have disrupted the bankruptcy court's proceeding.

We must salvage something from this Eastern debacle. It represents yet another troubling example of the glaring inequities in Federal labor law. Since President Reagan declared war on organized labor when he broke the air traffic controllers' union, employers have exploited the law to crush working people.

George Bush, in his unprecedented refusal to appoint a mediation board and in his rejection of the blue-ribbon Commission, has dealt another body blow to the trade union movement. In the aftermath of the PATCO debacle and the Eastern fiasco, it is painfully apparent that current Federal labor law is grossly unfair.

Workers have the right to strike, but employers can negate that right because they can hire permanent replacements. Since 1981, tens of thousands of workers have been permanently replaced during lawful strikes. The latest example is the strike at Greyhound. The company, following the ruthless practice made popular by President Reagan, has announced that it has hired 700 permanent replacements just 4 days into the strike.

Hiring permanent replacements is wrong. It is inconsistent with the central role given to the right to strike under our National Labor Relations Act. Employers should be allowed to continue operations during a strike, but they should not be allowed to rely on permanent replacements.

That is why I introduced S. 2112 to ban the hiring of permanment replacements. The bill cosponsored by Senators KENNEDY, SIMON, and MIKULSKI, will restore balance and fairness to Federal labor law.

The tragedy of Eastern Airlines should never happen again. The lesson to be learned from that dispute is that we need to change the law so that workers will be able to defend themselves from union busting employers.

I urge my colleagues to support this legislation.●

THE FARM FLEXIBILITY ACT OF 1990

● Mr. BOSCHWITZ. Mr. President, in two earlier statements before this body, I outlined the direction I believe U.S. farm policy should take into the 21st century. Today, I am introducing the Farm Flexibility Act of 1990.

This bill is the result of gathering input from farmers, farm organizations, and national agricultural leaders. In 1988 and 1989, I held meetings in nearly every one of Minnesota's 87 counties. It is a grueling task to visit that number of counties between sessions of the Senate, but it has resulted in legislation crafted in response to grassroots concerns.

The breathtaking events in Eastern Europe, and most recently in Nicaragua, are a stunning testimony to the American political and economic model. This farm bill gives us the opportunity to reaffirm our commitment to democracy and free markets.

The 1985 farm bill was crafted to deal with three towering problems in agriculture: huge, price depressing grain stockpiles, continuing loss of world markets for U.S farm products, and very low farm income. Senator BILL BRADLEY and I asked the General Accounting Office to examine how the 1985 legislation had worked in those three areas. In a report issued last year, they reported that it had worked pretty well. Farm income had recovered, our share of international grain trade had increased, and the price depressing grain stocks had been substantially reduced. That report supports my feeling that the 1985 farm bill has worked pretty well, with one important exception.

Mr. President, the single largest problem with the 1985 farm bill was its lack of flexibility. Because of the way the farm programs are structured, farmers are virtually compelled to depend on Washington to make their planting decisions for them. A clear example of this problem is illustrated in the relationship between corn and soybeans.

In recent years, particularly 1987 and 1988, soybean prices in the spring were quite high. The marketplace was telling farmers that it needed more soybeans. However, farmers were prevented from shifting acreage from corn to soybeans by the farm program for corn. If a farmer chose to plant a few more acres of soybeans on acreage assigned to his corn base, he would lose the income support of the corn target price in addition to a reduction in corn base upon which future income support would be calculated. This was a classic case of how the market signal to plant soybeans was overridden by the farm program penalty of losing the benefits of the Government program.

As a result of my meetings with farmers, farm groups, and agricultural policy experts, it was clear that flexibility should be at the center of the 1990 farm bill debate. Last December, I spent considerable time with Secretary Yeutter discussing the direction of future farm policy. I am pleased to see that in many respects, as reflected by the administration's proposal, we are in close agreement. Most importantly, we agree that farmers should have flexibility to respond to market signals without jeopardizing income supports. There are, however, several areas of my legislation that differ from the administration's package, and I would like to highlight them.

TARGET PRICES

While the administration's budget freezes target prices for 1991, their farm bill proposal does not include a target price recommendation. My bill mandates that target prices cannot fall below 1990 levels, which are $2.75 a bushel for corn, $4 a bushel for wheat, $0.729 a pound for cotton, and $10.71 a hundredweight for rice.

HARVEST LOAN

The commodity loan program originated to give farmers an opportunity to obtain cash to pay their bills by borrowing against their crop. Farmers could obtain a nonrecourse loan. When the loan came due, they could either repay the loan with interest, or simply give the crop to the Government. Thus, farmers were not forced to sell crops during the traditionally low price period at harvest time, but could wait until prices improved in the months after harvest. With the lower loan rates of recent years, farmers have complained that to get the needed cash, they have had to "lock up" nearly all of their crop under loan, leaving them with little "free stocks" to sell.

My bill establishes a recourse loan, which I call a harvest loan, at a level 25 percent higher than the present nonrecourse loan. The difference is that the harvest loan must be repaid in full, plus interest, rather than the option that farmers have at the lower loan rate to either repay the loan and accrued interest, or give the grain or commodity to the Government in return for forgiveness on the loan. The recourse nature of the harvest loan will prevent it from becoming the "price floor" that nonrecourse loans became in the mideighties. Nonrecourse loan rates too high relative to world prices contributed to our loss of world market share. Consistent with the concept of flexibility, farmers would have the option of either using the recourse loan, or staying with the traditional nonrecourse loan.

"GUARANTEED" DEFICIENCY PAYMENT

Currently, farmers receive an advance payment of part of what the USDA estimates the total deficiency payment to be. They receive the rest of the deficiency payment over the course of the marketing year when the final calculations of average market price are made. This can lead to considerable uncertainty in a farmer's cash flow, and, as happened in 1988, the Government may ask to be repaid. That occurred because the advance payment turned out to be too high when the 1988 drought caused crop prices to be higher than originally projected. As a result, total deficiency payments to farmers were reduced.

I propose to allow farmers to "lock in" their deficiency payment at the time they sign up for the farm program. While the farmer would give up the potential for a higher payment if crop prices are lower than anticipated, he would also be protected from having to repay the deficiency payment if prices were higher. This provision will allow those farmers needing a better idea of their cash flow a tool to achieve it.

GRADUATED OILSEED PAYMENTS

A graduated oilseed payment will be paid on the oilseed base. This will provide income support for all oilseeds included in the oilseed base—not just soybeans. For every cent that the average soybean price for the marketing year is below $5.02 per bushel but above $4.50 per bushel, farmers will receive a 30 cent per acre payment. In the event that the average soybean price is below $4.50 per bushel, a payment equal to the amount the soybean price is below $4.50 times the average county soybean yield from 1985 to 1989 will be made.

ACREAGE REDUCTION

My proposal does not include unpaid Acreage Reduction Programs [ARP's], which are in the administration proposal. Past history has shown that the ARP winds up including the very poorest land in the set-aside. In many cases, this is land that probably would not have been planted anyway. My proposal gives the Secretary the authority to institute a paid land diversion of 1 to 5 years. A multiple-year diversion program will be more sound from a conservation and environmental standpoint.

SEVEN-YEAR FARM BILL

It is important that farmers have a farm policy that is stable and consistent. We succeeded in 1985 in getting a 5-year farm bill. My bill is a 7-year bill, which will reduce the conflicting signals that farmers may receive with more frequent rewriting of farm policy.

Mr. President, a couple of areas are not included in my bill. My bill does not address crop insurance. The answer to this difficult problem is not clear. The administration proposal to eliminate Federal crop insurance has not been well received in my State, where over 63 percent of the eligible acreage is covered with crop insurance.

The second major area that I have not addressed is dairy. Our current program, which originated over 50 years ago does not sufficiently take into account current technology in milk processing, storage, and transportation. The milk marketing order system is badly in need of repair. Secretary Yeutter, as U.S. Trade Representative, was a leader in the drive to remove trade barriers internationally. Milk marketing orders have served as domestic trade barriers. I have had several meetings with Secretary Yeutter on this issue, and am encouraged that he understands the concerns of the dairy farmers in my area of the United States. I am looking forward to being an active participant in the dairy debate.

Mr. President, I would like to outline the remaining highlights of my farm bill.

FARM ACREAGE BASE

A farm acreage base [FAB] will be created for each farm. It will be the sum of the crop acreage bases for wheat, feed grains, extra long staple cotton, upland cotton, and rice as well as a newly created oilseed base. Any combination of program crops and oilseeds will be allowed on a farm provided the acreage planted to these crops does not exceed the FAB.

CROP ACREAGE BASES AND PROGRAM YIELDS

The 1990 crop acreage bases and program yields for a farm will be used for determining deficiency payments for the duration of this bill.

OILSEED BASE

The oilseed base will be based on the average acreage planted to soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola) during 1985 through 1989.

DEFICIENCY PAYMENTS

Deficiency payments will be paid on the crop acreage bases regardless of the acreage planted to program crops provided the total acreage planted to program crops and oilseeds does not exceed the FAB. The payment rate will be determined the same as it is now. That is, the amount by which the target price exceeds the higher of the nonrecourse loan rate or the average market prices. Since there will be no ARP's, 100 percent of the base acreage will be eligible for deficiency payments. As noted earlier, farmers will also have the option of locking in the estimated deficiency payment rate.

LOAN RATES

Loan rate determinations will be harmonized across all program crops. The basic loan rate will be 75 to 85 percent of the past 5 years' prices excluding the high and low years. The basic loan rate may not be reduced by more than 5 percent per year. The Findley loan rate will not be less than 80 percent of the basic loan rate. A harvest loan—the recourse loan I described earlier—will be made at the basic loan rate, while the regular nonrecourse loan will be made at the Findley loan rate. The harvest loan may not be forfeited to the CCC.

MARKETING LOANS

Mandatory marketing loans will remain for cotton and rice. Marketing loan authority is retained for feed grains, wheat and soybeans.

PAYMENT LIMITATIONS

The current $50,000/$250,000 payment limitation will continue unchanged.

NONPROGRAM CROPS

Nonprogram crops may be grown on the FAB provided that deficiency payments are forfeited on an acre-for-acre basis prorated according to the crop bases in the FAB.

CONSERVING CROPS

Conserving crops, such as clover or alfalfa, may be planted on the FAB without losing program payments provided the crop is not harvested.

STOCKS POLICIES

A more flexible stocks policy will be implemented. The CCC will not have to rely as heavily on generic certificates to release CCC stocks. Farmers will be free to move grain out of the Farmer-Owned Reserve [FOR]. As mentioned before, farmers will have the option of a harvest loan at a higher rate or the normal nonrecourse loan.

Farmers will also be paid the same storage rate under the Farmer-Owned Reserve as commercial warehouses. The Food Security Wheat Reserve will be continued to guarantee food aid shipments.

CONSERVATION

Conservation compliance, sodbuster and swampbuster provisions will continue to apply for the duration of this bill. The CRP will remain open for enrollment through 1995 for up to 45 million acres. Lands eligible for CRP will be expanded to include wetlands, shelterbelts, and windbreaks regardless of the soil erosion classification. Incentives are provided for planting hardwood trees on the CRP. The Secretary is directed to consider benefits to wildlife when accepting bids for the CRP and Paid Land Diversion.

Mr. President, this bill is a declaration of "agricultural perestroika." It is based on the belief that agriculture cannot be truly competitive and prosperous unless we produce. This bill takes advantage of the progress made by the 1985 farm bill and seeks to improve upon it. Having a flexible farm program that returns economic decisionmaking to the farm level is essential for prosperity and growth for America in general and American agriculture in particular now and in the 21st century.●

VERMONTERS SEND WASHINGTON SOME ADVICE

● Mr. JEFFORDS. Mr. President, yesterday was Town Meeting Day in my State of Vermont. We are one of the few States in the Union that have kept alive the tradition of true, participatory, grassroots democracy. On the first Tuesday in March, Vermonters gather in their town halls, schools, and civic centers to debate the concerns of local government. On occasion, questions of national and even international policy are taken up by the voters.

This year, almost 150 towns, well over half of Vermont's towns, considered a nonbinding resolution calling upon Washington to reduce military spending by at least 5 percent each year during the 1990's. The resolution urges that these reductions "be carried out in conjunction with mutual, verifiable treaties with the Soviet Union to cut nuclear and conventional forces, and with sufficient planning to convert defense production plants to civilian uses." Vermonters supporting the resolution recommend that the moneys saved be redirected to "education, environmental protection, housing, drug prevention and treatment, health care and research, farming, elderly care and youth services, job development and training, Federal deficit reduction, and other local, national, and global needs."

One hundred and four towns passed this resolution. Three more towns approved the resolution with the stipulation that all funds saved go to reduce the Federal deficit. Eleven towns decided to table the resolution and only 10 towns voted it down. We have yet to receive results from another 13 towns.

Mr. President, this is a strong message from Vermonters. Just as Vermont towns jump-started the Nation in March 1982 with passage of a nuclear freeze resolution, Vermonters yesterday sent the clear signal to Washington that they want action. They want to see a tangible reaction to the sweeping changes around the globe. And they want to see a shift in our national priorities away from military spending and toward social programs, human needs, and deficit reduction. Vermonters realize that national strength is not just the result of a strong military, but also reflects the condition of our educational system, the health of our citizens, and stability of our economy.

It is imperative that we seize this moment of international opportunity and realize its potential for domestic growth. I commend the citizens of Vermont for their consideration of these critical national issues. And I assure them that I have heard their voices. I urge all my colleagues to consider the advice of this vanguard as Congress struggles to formulate next year's budget.●

THE HEALTH INSURANCE COUNSELING AND ASSISTANCE ACT OF 1990

● Mr. DOMENICI. Mr. President, I rise today to cosponsor S. 2189, the Health Insurance Counseling and Assistance Act of 1990, which was introduced by my good friend, the chairman of the Aging Committee, Mr. PRYOR. I am very pleased to cosponsor this bill that will help States establish counseling and assistance programs for Medicare recipients who need health insurance information, and help with obtaining appropriate health care coverage.

Over the past few years a number of problems with our health insurance systems have combined to generate confusion and anger among older Americans. Health care costs continue to grow at an alarming rate, and many people are seeing that fact reflected in the skyrocketing health insurance premiums they face.

In addition, with recent changes in the Medicare law, particularly with the repeal of the catastrophic law, supplemental insurance policies designed to cover services that Medicare does not—so-called Medigap policies—are going through tremendous changes.

Combining the repeal of catastrophic with already rising health care costs, we see many older Americans being forced to face new and unpleasant choices about how to assure they have adequate coverage. Medigap insurance policies, and the laws effecting them, are very complex and so many older Americans are understandably confused and frustrated.

Unfortunately, this is also a time when many older Americans are vulnerable to fraudulent or deceptive sales tactics by unscrupulous insurance salesmen. This morning in a Special Committee on Aging hearing we heard testimony from several witnesses on how this problem seems to be growing.

One of those who testified is a former Medigap salesman and now a convicted felon, who described to us how he used scare tactics and deception to sell millions of dollars worth of unnecessary coverage. He estimated that 80 percent of the coverage he sold to older Americans was unnecessary.

Mr. President, this is a tremendous problem across the country, and we need to find ways to help older Americans understand just what coverage they now have under Medicare, and how to evaluate private coverage options. The legislation I am cosponsoring today will move us in a positive direction, and I am pleased to support it.

This bill would establish a program of grants to the States to provide counseling and assistance to older Americans regarding their health care coverage, and establish a national resource center pertaining to health insurance counseling projects throughout the country.

I would also like to mention, Mr. President, that in at least some States, a good deal of counseling is already being done. In my State, our New

Mexico State Agency on Aging has been working actively for the past 3 years throughout the State to counsel older New Mexicans on the various law changes, how to evaluate Medigap insurance policies, and how to deal with a wide range of health coverage questions.

Funded partially through the Older Americans Act, the "Health Insurance and Benefit Assistance Corps [HIBAC]" has trained over 170 volunteers in 23 counseling sites across New Mexico. One of the most active sites, in rural Las Cruces, has nearly 40 volunteers working to help seniors.

I understand that there are relatively few programs like this serving predominantly rural States nationwide. I believe the experiences we have had in New Mexico can provide useful contributions to the development of this legislation, and I look forward to working with the bill's other sponsors and the committee on this.●

MEASURES PLACED ON CALENDAR—S. 88 AND S. 1760

Mr. BAUCUS. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. 88 and S. 1760, and that the bills be placed on the calendar.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Nos. 464, 471, 473, 474, en bloc; that the amendments, where appropriate, be agreed to; that the concurrent resolutions be agreed to; that the bills and joint resolutions be deemed read a third time and passed; that the motion to reconsider the passage of these bills and resolutions be laid upon the table; that the amendment to the preamble, where appropriate, be agreed to; that the preambles, where appropriate, be agreed to; that the title amendment, where appropriate, be agreed to.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I further ask unanimous consent that any statements relating to these calendar items appear at the appropriate place in the RECORD, and that the consideration of these items appear individually in the RECORD.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

MEMORIAL TO GEORGE MASON

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 464, S. 1543, a bill to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia.

The **PRESIDING OFFICER.** The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1543) to authorize the Colonial Dames at Gunston Hall to establish a memorial to George Mason in the District of Columbia, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Rules and Administration, with an amendment on page 1, line 4, strike "Colonial Dames at", and insert "Board of Regents of".

Mr. ROBB. Mr. President, I rise today to urge the passage of S. 1543, a bill I have sponsored to authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason on Federal land in the District of Columbia.

It is fitting that on the eve of the 200th anniversary of the ratification of the Bill of Rights, the Congress should move to memorialize George Mason, statesman, Virginian, Founding Father, and author of the Virginia Declaration of Rights, upon which our Nation's Bill of Rights is modeled.

In hearings before the Committee on Rules and Administration, Mason's important contribution to this country, and to the rights of human beings, was demonstrated, time and time again.

George Mason of Gunston Hall was the father of Virginia's constitution of 1776. Deeply concerned about what kind of government, or governments, might spring up after the revolution from British rule, Mason insisted that Virginia's constitution contain protection for the ordinary citizen. This "Declaration of Rights" was a restatement of many of the basic principles of the Magna Carta, to which Mason added a strong dose of the Lockean idea that a majority of the people have the right to alter or abolish an existing form of government.

Mason wrote in Virginia's Declaration of Rights: "Government is, or ought to be, instituted for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety."

The Virginia Declaration of Rights proved influential far beyond Virginia's borders. Not only was it the model for the nation's Bill of Rights and statements of rights in other states, it inspired France's Declaration of the Rights of Man.

Mason's role in the Constitutional Convention in Philadelphia is often overlooked in light of the outstanding contributions of Hamilton and Madison. But Mason was a constant voice in the debates in favor of a national Bill of Rights. He returned to Gunston Hall disappointed, having refused, along with fellow Virginian Patrick Henry, to sign the document because it lacked a Bill of Rights.

Mason was, of course, vindicated in the very first Congress with the passage of the Bill of Rights. He retired to his beloved farm at Gunston Hall, taking little part in national affairs thereafter, but with his place in his nation's chronicles secure because of his efforts at Philadelphia.

In testimony before the Rules Committee, Mary Lee Allen, assistant director of Gunston Hall, summed up Mason's contribution. "Mason's fight for individual rights was not for personal aggrandizement or political gain. He shunned public life and took on its burdens for one reason—to ensure his freedom and the freedom of those who came after him."

A monument, built with non-Federal funds, and sponsored by the Board of Regents of Gunston Hall, a private, historical society, will help to educate our youth on the important contributions Mason made.

In closing, I want to thank the chairman and ranking member of the Rules Committee for moving so quickly on this bill, and to thank Virginia State Senator Joseph Gartlan, Jr. who led the effort to win support for a memorial at the State level, and whose valuable testimony before the Senate Rules Committee was important to gaining committee approval. I am pleased that the committee reported the bill last week, favorably and unanimously, and I hope there will be no objection to passage of the bill by the full Senate.

The **PRESIDING OFFICER.** The bill is open to further amendment.

If there be no further amendments to be proposed, the question is on agreeing to the amendment.

The amendment was agreed to.

The **PRESIDING OFFICER.** The question is on the engrossment and third reading of the bill.

The bill (S. 1543) was ordered to be engrossed for a third reading and was read the third time.

The **PRESIDING OFFICER.** The bill having been read the third time, the question is, Shall it pass?

The bill (S. 1543), as amended, was passed, as follows:

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Board of Regents of Gunston Hall is authorized to establish a memorial on Federal land in the District of Columbia or its environs to honor George Mason.

(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance wth the

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Act entitled "An Act to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia and its environs, and for other purposes", approved November 14, 1986 (40 U.S.C. 1001, et seq.).

SEC. 2 PAYMENT OF EXPENSES.

The United States shall not pay any expense of the establishment of the memorial.

The title was amended so as to read "A bill to authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason in the District of Columbia".

NASA AND THE INTERNATIONAL SPACE YEAR

The Senate proceeded to consider the joint resolution (S.J. Res. 75) relating to NASA and the International Space Year, which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clause and insert new language.

The amendment was agreed to.

The joint resolution, as amended was ordered to be engrossed for a third reading, read the third time, and passed.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The joint resolution, as amended, and the preamble, as amended, are as follows:

S.J. Res. 75

Whereas in 1985 Congress proposed an International Space Year (ISY) for 1992, commemorating the 500th anniversary of Columbus' voyage to the New World and the 35th anniversary of the International Geophysical Year that ushered in the space age;

Whereas Congress also requested the President to endorse the ISY and to initiate interagency and international discussions for an ISY;

Whereas in 1986 President Reagan endorsed the ISY and reported to Congress that NASA had found worldwide support for an ISY in 1992, consisting of space activities coordinated on a global basis, and the President directed NASA to move the concept forward internationally and to lead an interagency effort for domestic activities;

Whereas NASA has exercised admirable leadership, through the Office of Space Science and Applications and the Division of International Relations, in establishing the Space Agency Forum on ISY (SAFISY) to coordinate ISY planning, with a current worldwide membership of 25 national space agencies or equivalent bodies;

Whereas SAFISY planning is accelerating, with particular emphasis on coordinating current and planned space agency activities so as to improve efficiency and maximize scientific and economic return on space investments; and

Whereas the ISY also is generating numerous educational activities, including classroom activities, films, television programs, that will greatly improve public understanding of the significance and potential of the space age: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Congress that the President should—

(1) reaffirm support for the ISY and invite foreign leaders to do the same;

(2) support the World Space Congress, to be convened in 1992, in its efforts to encourage cooperative space activities among nations in space science, space exploration, and the application of space technology;

(3) invite the American public to develop ISY activities that foster the global perspective of the ISY;

(4) direct NASA to continue to develop ISY activities through SAFISY, with a primary emphasis on Mission of Planet Earth, but also with a strong emphasis on the other space sciences, human exploration, education, and developing nations applications;

(5) send a message of support for the categories of activities listed in item (4) to the Space Agency Forum on ISY meeting in Kyoto, Japan, in May 1990; and

(6) report to Congress at the earliest practicable date, but no later than June 1, 1990, on the steps taken to carry out items (1) through (5) above, including a list of all current and planned NASA initiatives in each of the categories mentioned in item (4).

COMMEMORATION OF TREATY OF AMITY AND COMMERCE OF 1833 BETWEEN THE UNITED STATES AND THAILAND

The concurrent resolution (S. Con. Res. 92) to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand, was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. Con. Res. 92

Whereas the Treaty of Amity and Commerce signed on March 20, 1833, between Thailand and the United States was the first treaty between the United States and an Asian nation and was the genesis of a long and friendly relationship between Thailand and the United States;

Whereas Thailand has been a beacon of independence, a friend of freedom, and a support to the United States through the years of adversity and prosperity for both countries;

Whereas Thailand continues to be a friend to the United States and strives to lead Southeast Asia to a new measure of economic liberty and accomplishment; and

Whereas the United States reaffirms its commitment to conduct relations with Thailand in a manner consistent with the spirit and letter of the Treaty of Amity and Commerce, to promote the friendly relations and good will traditionally existing between the United States and Thailand, and to encourage mutually beneficial trade and closer economic and cultural cooperation between their peoples: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes and commemorates the one hundred fifty-seventh anniversary of the conduct of offficial relations between Thailand and the United States.

ANTI-SEMITISM IN THE SOVIET UNION

The concurrent resolution (S. Con. Res. 97) expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union, was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

S. Con. Res. 97

Whereas the emergence of popular anti-semitism in the Soviet Union is of great concern to the United States;

Whereas the more than 2,000,000 Soviet Jews constitute the third largest Jewish community in the world;

Whereas throughout the Soviet Union, anti-semitic sentiment, including demonstrations by Pamyat, a nationalist anti-semitic organization, statements by electoral candidates, threatening phone calls and letters, and harrassment of Jews, is becoming commonplace in certain Soviet cities;

Whereas on January 18, 1990, a Moscow writers' meeting was disrupted by a group of individuals shouting anti-semitic statements;

Whereas many Soviet Jews live in fear of violence, intimidation, and harrassment;

Whereas the Anti-Defamation League conducted an 11-day investigation into anti-semitism in the Soviet Union, and has concluded that the situation poses a serious threat to the Soviet Jewish community; and

Whereas The Soviet Government has not responded forcefully to the rise in popular anti-semitism: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the President of the United States should urge President Gorbachev of the Soviet Union to—

(1) publicly condemn the emergence of popular anti-semitism in the Soviet Union; and

(2) take whatever measures are necessary to protect Soviet Jews from acts of harrassment and violence.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nomination:

Calendar No. 637, Robert William Farrand, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu;

Calendar No. 638, J. Steven Rhodes, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe;

Calendar No. 639, David C. Fields, to be Director of the Office of Foreign Missions;

Calendar No. 640, Susan J. Koch, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Calendar No. 641, Bradley Gordon, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Calendar No. 642, Michael L. Moodie, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency;

Calendar No. 643, Larry K. Mellinger, to be United States Executive Director of the Inter-American Development Bank;

Calendar No. 644, Hilary P. Cleveland, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada; and

Calendar No. 645, Ronald W. Roskens, to be Administrator of the Agency for International Development, and

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid upon the table, in bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

Mr. DOLE. Mr. President, if I might suggest, I think that also should include all nominations on the Secretary's desk in the Foreign Service.

Mr. BAUCUS. The Senator is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Robert William Farrand, of Virginia, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to Solomon Islands, and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

J. Steven Rhodes, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Zimbabwe.

David C. Fields, of California, a career member of the Senior Foreign Service, class of minister-counselor, to be Director of the Office of Foreign Missions, with the rank of Ambassador.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Susan Jane Koch, of the District of Columbia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Bradley Gordon, of Virginia, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

Michael Lorne Moodie, of Maryland, to be an Assistant Director of the U.S. Arms Control and Disarmament Agency.

INTER-AMERICAN DEVELOPMENT BANK

Larry K. Mellinger, of California, to be U.S. Executive Director of the Inter-American Development Bank for a term of three years, vice Jose Manuel Casanova, resigned, to which position he was appointed during the recess of the Senate from October 22, 1988, to January 3, 1989.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Hilary Paterson Cleveland, of New Hampshire, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Ronald William Roskens, of Nebraska, to be Administrator of the Agency for International Development.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE FOREIGN SERVICE

Foreign Service nominations beginning Rolland E. Anderson, Jr., and ending Mattie R. Sharpless, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 23, 1990.

Foreign Service nominations beginning John M. Baker, and ending Thomass Stephan Pabst, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 28, 1990.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR THURSDAY, MARCH 8, 1990

RECESS UNTIL 9 A.M.; MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in recess until 9 a.m., Thursday, March 8, 1990, and that following the time for the two leaders, there be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. BAUCUS. Mr. President, on tomorrow, the Senate will resume consideration of the clean air bill at 9:30 a.m.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if the distinguished Republican leader has no further business, and I see no other Senator seeking recognition, I ask unanimous consent that the Senate stand in recess until 9 a.m., Thursday, March 8.

There being no objection, the Senate, at 11:12 p.m., recessed until Thursday, March 8, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 7, 1990:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JO ANNE B. BARNHART, OF DELAWARE, TO BE ASSISTANT SECRETARY FOR FAMILY SUPPORT, DEPARTMENT OF HEALTH AND HUMAN SERVICES (NEW POSITION).

CORPORATION FOR PUBLIC BROADCASTING

THE FOLLOWING-NAMED PERSONS TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR TERMS EXPIRING MARCH 1, 1994:

HENRY J. CAUTHEN, OF SOUTH CAROLINA, VICE HOWARD D. GUTIN.

LLOYD KAISER, OF PENNSYLVANIA (REAPPOINTMENT).

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 1990:

DEPARTMENT OF STATE

ROBERT WILLIAM FARRAND, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SOLOMON ISLANDS, AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

J. STEVEN RHODES, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ZIMBABWE.

DAVID C. FIELDS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, WITH THE RANK OF AMBASSADOR.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

SUSAN JANE KOCH, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

BRADLEY GORDON, OF VIRGINIA, TO BE AN ASSISTANT DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

MICHAEL LORNE MOODIE, OF MARYLAND, TO BE AN ASSISTANT DIRECTOR OF THE UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

INTER-AMERICAN DEVELOPMENT BANK

LARRY K. MELLINGER, OF CALIFORNIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTER-AMERICAN DEVELOPMENT BANK FOR A TERM OF THREE YEARS.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

HILARY PATERSON CLEVELAND, OF NEW HAMPSHIRE, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

RONALD WILLIAM ROSKENS, OF NEBRASKA, TO BE ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING ROLLAND E. ANDERSON, JR., AND ENDING MATTIE R. SHARPLESS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 1990.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN M. BAKER, AND ENDING THOMAS STEPHAN PABST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 1990.

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EXTENSIONS OF REMARKS

LEGISLATION TO CONTROL THE INFESTATION OF THE WATERS OF THE UNITED STATES BY THE ZEBRA MUSSEL

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DAVIS. Mr. Speaker, today I join my colleague, Congressman NOWAK of New York, in the introduction of legislation that will lead to control the infestation of the waters of the United States by the zebra mussel.

The zebra mussel, a tiny aquatic animal, is causing tremendous problems in the lower Great Lakes. The thumb-nail sized vermin originated in the Caspian and Black Seas. It entered the Great Lakes when freighters from Europe emptied their infested ballast waters in Lake St. Clair.

Since 1986, the exotic species has spread through the Detroit River, Lake Erie, and Lake Ontario. It probably won't be long before the zebra mussel shows up in Lakes Michigan, Huron, and Superior.

The creatures multiply at an alarming rate; a single female zebra mussel can spawn about 40,000 offspring. They attach themselves to anything solid: boats, piers, rocks, and pipes serving municipal water and sewer systems. Last summer Monroe, MI, came within hours of losing its water supply because millions of mussels clogged the city's 10-mile-long intake pipe.

Also at risk are Great Lakes fish populations because the mussel consumes huge amount of plankton and algae—the first links in the lakes' food chain. Depriving local species of food threatens the region's $2 billion commercial fishing industry, not to mention the billions of tourism dollars generated through sport fishing.

So far, researchers have not devised a method to eradicate the zebra mussel that is both safe and effective. I'm hopeful this bill will do just that.

Last year, President Bush signed into law my bill to control the discharge of ballast water into the Great Lakes. The Coast Guard has the authority to control the importation of harmful species via vessels. However, what may be needed is a requirement forcing oceangoing vessels to dump their potentially contaminated ballast water before they enter the St. Lawrence Seaway and take on cleaner water so that any viable exotic species are not introduced into the Great Lakes. The Coast Guard will be reporting to the Congress in June on their suggestions for controlling the importation of alien species by vessels.

The measures offered by the Coast Guard will help us to prevent future episodes such as the zebra mussel, river ruffe, and alewife. But now we must concentrate on how to eradicate this existing problem before the effect on local water supplies and fish populations gets worse.

Congressman NOWAK's "Nonindigenous Aquatic Nuisance Act of 1990" looks toward solving this problem for the Great Lakes as well as other infested U.S. waters. Mr. NOWAK mandates Coast Guard regulations directing mid-ocean ballast water exchange or other measures to control infestation of U.S. waters with unwelcome visitors. Violations of these requirements will result in a $25,000 penalty. In addition, this bill establishes groups to coordinate research on aquatic nuisance species, including a Great Lakes Regional Commission. The Nowak bill also declares the zebra mussel an injurious species under title 18 of the United States Code, which should further discourage interstate transport of this menace. Finally, the bill authorizes almost $8 million to implement the outlined programs.

As a cosponsor of this bill, I agree with its underlying concepts: First, that exotic aquatic species are wreaking havoc on our waters, including the Great Lakes; second, that action will be necessary by the Coast Guard to stop further importation of harmful aquatic organisms into U.S. waters; and third, that additional research is needed to develop ways to control existing exotic species infestation. As ranking member of the House Merchant Marine and Fisheries Committee, I have pledged to Congressman NOWAK that I will work with Congressman DENNIS HERTEL, chairman of the Subcommittee on Oceanography and Great Lakes, to work toward the goals of the Nonindigenous Aquatic Nuisance Act. For example, Mr. HERTEL and I will be offering an amendment to the National Oceanic and Atmospheric Administration authorization bill for fiscal year 1991 which earmarks $3 million for zebra mussel control research as part of the National Sea Grant College Program.

I urge my colleagues in the House—especially those representing Great Lakes districts—to support measures to eliminate this scourge from our waters.

THE CLICKS BEGIN RETIREMENT

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. TANNER. Mr. Speaker, Alfred and Winfred Click ended an era recently when they closed the store they operated with their wives and families for 56 years in Tipton County, TN. The Click family stores were fixtures in the Idaville and Dunlap communities.

For many years, they provided the necessities for rural families from hoop cheese to shoes and yard goods. They started their operation in 1933 before electricity came to their community when vinegar was bought by the barrel and fresh bread was available only on the weekends.

Over the years, of course, modern conveniences such as prepackaged goods and processed foods were incorporated into the stores' inventories, but it was the personal service and the heartfelt caring for their neighbors that kept people coming back to Click's Store.

I want to extend to the entire Click family my sincere hope for a happy and healthy retirement. I would also like to request that the attached newspaper article be inserted in the RECORD as a tribute to a family that serves as a sterling example of the hardy, honest, and sincere people whose efforts were so essential to the success of our great country.

[From the Covington Leader, Feb. 7, 1990]

THE CLICKS BEGIN RETIREMENT

Click Brother Grocery at the corner of Idaville-Beaver Road and Dunlap Road is now only a memory. Alfred Click and his twin brother, Winfred, closed the store in December, following 56 years of operation!

The business was begun in 1933, the same year Alfred and Katherine were married. The first building, across the road from the present structure, was a small, frame building, reminiscent of the "old West" construction.

"We started the business on a shoestring," smiled Mr. Click. "We had $400. We bought the store license and went to Memphis to Davis Mize Company to buy our merchandise."

"We bought vinegar in a barrel," added Mrs. Click. "It had a pump attached so we could measure a quart or gallon for the customer. Sugar, coffee, beans and rice also came in 50 and 100 pound quantities and were weighed for the customer."

During these early days, there was no electricity. Therefore, there was no milk in a country store. Bread could be bought only on the weekends.

Packaging, as well as price, has certainly changed. Mr. Click remembers that sugar sold for 10 cents a pound; 100 pounds of navy beans for $2.75; 196 pounds of flour in a wooden barrel for under $5; and kerosene for 10 cents a gallon. Sack tobacco was five and 10 cents and candy, with no wrappers, less than one cent. Candy bars and cokes, with no deposit, were five cents each.

"From the porch of the old store," continued Mr. Click, "I have seen as many as 400 rabbits hanging. People from the community would kill the rabbits. We would buy them and resell them to a man who would come by, dress them and take them to the curb market in Memphis."

"We also bought eggs from our customers for 10 to 15 cents a dozen," remarked Mrs. Click.

The Clicks were also livestock dealers and raised their own beef for the store after electricity was installed in 1937. These were the days before the government required that the beef be inspected and a USDA stamp placed on the product.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NEW BUILDING

A large, modern building was built across the road at the present location in 1949. However, two years later, the building burned. That same year the Click Brothers bought the J.H. Barrett store at Idaville and named it Click Brothers No. 2. Winfred began operation of this store and they also rebuilt the original store, which Alfred and Katherine continued to run.

A spacious, brick building was erected and still exists today. The large plate glass windows allow a view of the entire intersection, along with the covered gasoline pumps. The wooden floors, shelves and glass-enclosed counters lend a warm atmosphere. A large assortment of meats and sandwich materials were displayed in the large meat cooler, across the back of the store.

"An area in the back was also the gathering place for many of the neighbors to visit and 'shoot the breeze'," related Mr. Click. "This is the main thing I will miss about retiring."

Another "fixture" of the store is their dog, "Black Jack", which the Clicks call the store dog.

FAMILY

Mr. and Mrs. Click have three children and all have assisted in the store. Terry Click has run the store for the last few years. Another son, Wayne Click, operates a car lot across the street. Their daughter, Carolyn Ramage, has recently moved back to the community. Their grandchildren are Keith, Steve and Kathy Ammons, Stacy Fee and Michael Click. Their great-grandchildren are Kirby Ann Powell and Kala Elizabeth McCrosky.

"We have had numerous clerks working through the years," mentioned Mrs. Click. "Among these have been Sam Fee and his brothers, Aubrey Driver, Lawrence Dungy, Jerry Vaughn, Lee Nelson, Alton McHarry, Gerald McDaniel and Ed Hampton, who is presently renting the store. He decided he liked the job well enough go into business for himself."

MEMORIES

In earlier years, many of their customers were farmers. The Clicks would allow them to buy groceries on credit till their crops came in in the fall.

The farmers would also bring their workers to the store on the way to the fields and sometimes back at lunch time to buy their lunches and the big soft drinks. Bologna, hoop cheese and crackers were the most popular lunch items.

The store hours were also quite long, beginning at 6 a.m. and closing at 9 or 10 at night.

"The children who lived at Dunlap Orphanage, across the street, truly brought us the most pleasure," smiled Mrs. Click. "Approximately 60 children would come every Friday to spend their allowance. Only 10 or 12 were allowed to shop at one time. They usually bought candy and soft drinks."

"The orphanage closed a number of years ago," remarked Mr. Click. "The residents return yearly for reunions and they also come in the store and visit with us and tell of their fond memories of shopping at our store and growing up at the orphanage."

In addition to groceries, the Clicks sold hardware, mule equipment, wagons, cultivators, auto tires, batteries, blankets, towels, shoes, yard goods and thread. It was like "going to town."

In all these 56 years of operation, they have had only three break-ins and never a hold-up. They are very grateful for this.

The Clicks are quite unique and are among the fortunate few. They have been able to stay right on their land, operate a business and provide for their livelihood. They live on a farm within sight of the store, which is built on land, originally part of the farm. Mr. Click has also traded livestock for many years.

OTHER INTERESTS

They are members of the Sharon Associate Reformed Presbyterian Church, which is also located across the road from the store. Mr. Click serves as a deacon, officer and former Sunday School teacher.

He has served on the Tipton County Quarterly Court, now known as Tipton County Legislative Commission, for 30 years. he also served on the board of directors of the Tipton County Hospital from 1960 till it was purchased by the Baptist Memorial Hospital.

Other areas of service are the Dunlap Orphanage Board and Tipton County Farm Bureau board of directors.

When the bowling alley was opened in the present location of The Covington Leader, Mr. and Mrs. Click bowled on a league.

He is a mason and shriner in Tipton Lodge 226 and a member of the Scottish Rite. Mrs. Click is a former member of the Eastern Star.

The Clicks have led such busy lives and the retirement years will probably continue to be quite busy. They plan to do some extra work at home and take short trips.

Horses have been a particular interest of Mr. Click and they have been attending the Shelbyville Walking Horse Show for the past 25 years. They plan to continue these outings.

The Clicks will certainly be missed at the store by their neighbors and customers. They have rendered such a service, not only to their community, but to the entire county. Such stable, willing leaders and business people have helped make our county such a great place to call home.

We are confident that their retirement years will find them making continuing contributions and fulfilling many happy adventures.

THE HEALTH OF FHA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. GREEN. Mr. Speaker, last year, during debate on the conference report accompanying H.R. 2916, appropriations for veterans, housing, and independent agencies, there was spirited debate over the health of the Federal Housing Administration loan fund.

I know the Members will be pleased to learn that recent reports indicate the FHA fund is on the mend. According to the Housing Affairs Letter of December 15, 1989, all figures indicate a return to fiscal health in fiscal year 1989. Moreover, the early returns for fiscal year 1990 show continuing improvement as well.

The FHA is a great resource for first-time homeowners, an endangered species in recent years, and news of the improving health of the FHA fund could not come at a better time. I commend this excerpt from the Housing Affairs Letter to all my colleagues.

[From the Housing Affairs Letter, Dec. 15, 1989]

FHA HOME FUND SHOWS SIGNS OF MENDING

The past year has been a season of discontent for FHA, with disclosure of a $4.2 billion loss in fiscal 1988, abuses by closing agents and multifamily coinsurers, and defaults by major coinsurance companies.

But latest figures indicate the Mutual Mortgage Insurance Fund, FHA's largest and supposedly self-sustaining fund, may be on the mend.

Number of claims paid, defaults, and foreclosures all declined during the 1989 fiscal year ended Sept. 30. Early returns for fiscal 1990 show improvement too.

Claims paid are down 5% in fiscal 1989 to 90,927. During first 2 months of fiscal 1990 claims paid are 5% lower at 13,989 than same period in fiscal 1989.

An analyst with the Mortgage Bankers Ass'n tells HAL that claim payments will likely fall further as economic conditions in Oil Patch states improve and the HUD administrative changes take hold.

HUD reform bill passed by Congress (HAL 12/1p1) tightens monitoring and lending procedures and eliminates single-family loans to private investors.

An improvement is almost certain because of accounting methods. The devastating audit results for fiscal 1988 included conservative amounts of reserves to cover future losses while HUD previously laid aside smaller amounts for current losses only. This represents a one-time reduction in reserves, not a recurring expense.

Another plus for FHA is that it insures fewer loans in California, New England and New York-New Jersey, where the economy is slowing and mortgage insurance claims can be expected to increase.

Default rate has plummeted from over 4% in fiscal 1988 to just over 2% in fiscal 1989, the lowest in 4 years. This remains higher than the 1.5% rate experienced during most of the 1970s, however.

Default rates have improved most in states that have gone through long regional recessions and appear to be recovering. In HUD's Denver region, the rate is down to 3% in September 1989 from 8% in September 1988. In the Fort Worth region, the rate falls to 3% from 7%.

In the Midwest, which suffered an agricultural recession during the 1980s, defaults reported by the Chicago regional office fall to 2% from 5%.

Foreclosures show a similar pattern, slipping to .8% at the end of fiscal 1989 from 1.3% at the end of fiscal 1988.

A sign of better times in the Southwest—real estate foreclosures in Harris County, home to Houston, Texas, will reach 13,000 this year, lowest yearly total since 1984, a foreclosure reporting service says. Foreclosures peaked at 31,000 in 1987.

One stubborn problem remains for FHA, that of selling properties gained after foreclosure. FHA Commissioner Fitts explores new methods of selling real-estate-owned properties and expediting sales to non-profit groups aiding homeless and low-income households.

Meantime, HUD inventory increases by 3,800 units during fiscal 1989 to 47,798 single-family units as the agency acquired about 83,000 homes but only sold 79,000. Acquisitions were down about 3% while sales stayed about the same as fiscal 1988.

Inventory reported by regional offices at the end of September—Boston, 16; New York, 415; Washington, 1,807; Atlanta,

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6,235; Chicago, 4,799; Ft. Worth, 17,753; Kansas City, 1,137; Denver, 9,719; Los Angeles, 3,766; and Seattle, 2,151.

Sales are hampered by glutted real estate markets in some areas and resistance by local realty agents and homebuilders to aggressive marketing tactics, especially in Denver, Houston and New Orleans.

Marketing efforts will be restrained further in 1989 as newly formed Resolution Trust Corp. tries to sell properties held by insolvent thrift institutions. But with lower defaults/foreclosures, it's likely HUD will make some progress in whittling inventory, housing analysts say.

HIGHER EDUCATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 7, 1990, into the CONGRESSIONAL RECORD:

HIGHER EDUCATION

With its extraordinary richness and variety, America's system of higher education is one of our nation's most important resources. Continued federal support will be an important factor in keeping our colleges and universities the envy of the world.

Important National Role of Higher Education: Higher education is a large part of the answer for several important challenges confronting America—from helping ensure that our democracy has an informed, reflective citizenry, to providing the knowledge needed to address national problems, such as poverty environmental pollution, and inadequate health care. Education is the long-term, if not the immediate, answer to many of our nation's most serious problems.

Higher education is especially important in helping America meet the economic challenge we face in the 1990s and beyond. At a time when our economic competition is strengthening, only an estimated 10% of new workers have the skills required by three-fourths of the jobs expected to be available between now and the year 2000. For America to be competitive, we will have to become more productive, and that means paying more attention to education.

Meeting the Needs of Higher Education: The federal role in higher education has traditionally had three components: guaranteeing equal educational opportunity, supporting research, and helping upgrade educational facilities. Almost two-thirds of federal higher education money goes for student aid (especially for lower-income students); about one-third pays for research; and a small portion goes to meet school operational and instructional costs. For 1991, President Bush has proposed $10.5 billion basically keeping programs up with inflation.

Despite the large share of federal education dollars going for student aid, I am concerned that our efforts are still inadequate. Since 1980, tuition has outpaced inflation by more than 35%, while federal assistance has increased only 3% over inflation. Especially troublesome has been the shift in federal aid from grants to loans; students graduating in 1991 will average more than $11,000 in education debts. A number of proposals to expand assistance are under review, including payments for national service, family savings accounts, and debt forgiveness to students who pursue certain careers, such as teaching or social service.

A troubling trend in federally funded research at colleges and universities has been the shift in emphasis from civilian to military research. Throughout the 1970s, federal funding for research and development was evenly split between civilian and military. Today defense R&D outstrips civilian funding by almost three-to-one. One result of the "peace dividend" is a likely shift toward more civilian-oriented research aimed at boosting our economic competitiveness.

The Congress is giving increased attention to the problem of deteriorating and outdated research facilities and physical plant. More than ⅓ of college and university research facilities require significant repair or renovation. With endowments for large universities at record levels, the Congress is interested in targeting more funds towards smaller institutions.

Budgetary Roadblocks: Many of the proposals for improving federal support for higher education take money. And that will not be easy. In the first place, education faces increasingly tough competition for scarce federal resources. The Gramm-Rudman deficit reduction law requires that we eliminate by 1993 our projected deficit, currently $138 billion. So just holding the line on many important spending programs will be difficult. Moreover, not everyone in the Congress agrees with current federal priorities in education, with the heavy emphasis on higher education. Some stress the need to upgrade elementary and secondary education. Others argue that scarce federal dollars would be better spent expanding Head Start and early education programs. They say the education battle is lost by the time many students enter first grade.

Many people believe that there will be an enormous peace dividend available to boost higher education funding, resulting from the reduced tensions with the Soviet Union. My sense is that a significant peace dividend is some years off. It will take time to scale back our global commitments and to make cutbacks in a fair and efficient manner. Moreover, there will be competing calls for the use of any peace dividend. In recent years, there have been many unmet national and international needs.

Negative Perceptions About Higher Education: Another obstacle to expanding federal support for higher education is the growing public perception that higher education is aloof and is not as efficient and accountable as it should be. Several developments have led to this: First, schools have sharply increased tuition in recent years, far beyond what was needed to keep up with inflation. Many people feel that schools will charge whatever they can as long as they keep getting applicants. I am bothered by the effect that the tuition increases have on access to higher education. Second, taxpayers have shouldered enormous costs from student loan defaults. Defaults account for 37% of federal student loan costs; at more than 500 schools the default rate exceeds 50%. That makes it difficult to defend the current student aid program, much less significantly expand it. Third, there is limited accountability for how much students are actually learning. We now even read of consumer-fraud suits being filed by college graduates who feel they were not provided an adequate education. Other concerns are alcohol and drugs on campus, and the very low graduation rates of athletes at many major universities.

The negative perceptions about higher education make expanding federal assistance all the more difficult. School leaders recognize these problems, and are making progress in providing a well-balanced educational experience, expanding assessment of what students are learning, and setting the proper tone for student conduct.

America needs to invest in its system of higher education to help keep it the very best in the world. Bringing that about will take strong efforts both by the schools and by the Congress.

TRIBUTE TO AMBASSADOR TERENCE A. TODMAN, SR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. RANGEL. Mr. Speaker, I rise on behalf of my fellow members of the Congressional Black Caucus to pay special tribute to Ambassador Terence A. Todman, Sr. For my brothers and sisters of the caucus, I embrace him as a friend and salute him as a shining beacon of light and good sense in faraway places. And we thank him, not only for his wise diplomacy on behalf of our Nation, but for his caring leadership at home for those who have sought a champion and a way into the diplomatic corps. With these virtues and his devotion to his family, he has proven himself a model of a man. So for me, it is an honor accepted most humbly, for my simple words can only weakly reflect the grand achievements of Terence Todman's remarkable career.

Confirmed last summer as U.S. Ambassador to Argentina, Mr. Todman is a former envoy to Denmark, Spain, Chad, Guinea, and Costa Rica, and holds the singular distinction as the only American Ambassador to have served in six countries. In recognition of a lifetime of exemplary service, he was designated by President George Bush last year to hold the personal diplomatic rank of Career Ambassador, the most lofty in the diplomatic corps, reserved for no more than five American Ambassadors at any one time. In the hierarchy of diplomats, he ranks no less than a five-star general.

He has spent almost 40 years building that career which we honor today as a monument of achievement. Without rancor or bombast, he has deftly negotiated the perilous courses of domestic and world politics to serve our Nation while constructing bridges of understanding and good will toward our foreign neighbors.

So it was on his second ambassadorial assignment in Guinea, where President Sekou Toure, frustrated and angered by the rigors of dealings with the U.S. bureaucracy, persisted in public attacks against the United States. Ambassador Todman, upon his arrival at his new post took the matter squarely in hand by dealing with President Toure directly and forthrightly. I quote Ambassador Todman from an article in Ebony magazine:

"I moved into that situation of really great tension and managed to establish communications and trust with Sekou Toure. He knew that I wouldn't lie to him. I said, 'Look, I'll make a pledge to you. Don't go on the air with things that make you look smaller and take away from your stature. If you hear that we have done anything, call me day or night, and if I have an answer I will give it to you. If I don't have an answer, give me 24 hours and I'll get one for you and I will tell you the truth.' That put an end to the public attacks."

The wisdom exhibited during tough assignments in Africa, in Guinea and earlier in the Republic of Chad, where he held his first ambassadorial post in 1966, were products of nearly 15 years in the Foreign Service. Ambassador Todman began his diplomatic career in 1952 as the India-Ceylon-Nepal desk officer in the Bureau of Near Eastern and South Eastern Affairs. He also served with the United Nations Secretariat, as an international relations officer; adviser to various United States delegations to the United Nations. He also served in staff positions in New Delhi, Beirut and Tunis. He was chargé d'affaires in Togo and country director for Kenya, Tanzania, Uganda, and the Seychelles.

During his travels, Ambassador Todman, for whom "languages come as easily as walking," according to a friend, became fluent in Spanish, French, Russian, and Arabic. Spain's King Juan Carlos once remarked to him that he was glad the ambassador spoke the language so that they never needed an interpreter present and thus, in conversations between them, there were no witnesses.

Ambassador Todman's facility with languages, of course, was not the only attribute that led to his trailblazing assignments, as the first Black American Ambassador to a Latin American country, to Costa Rica in 1975. Later in 1978, he was appointed by President Carter to Spain, becoming the first black Ambassador to a class-1 embassy.

His attitude toward the host country reflected a spirit of respect for the host populace. He spoke of his Costa Rica assignment to the Miami Herald:

"I think it's important to let the Costa Ricans know that we are interested and that it's important to be in touch with the people, not only in government but others," the Ambassador said.

Among Ambassador Todman's finest achievements, accomplished during a stint as Assistant Secretary of State for Latin American Affairs, were his roles in negotiating the Panama Canal Treaty and helping to arrange the establishment of the U.S. Interest Section in Havana. He also helped negotiate the Maritime Boundary and Fisheries Agreements with Cuba.

Ambassador Terence Todman was born on March 13, 1926, in St. Thomas, Virgin Islands, and raised along with 13 brothers and sisters by his mother Rachel Callwood, who is 91. His four children are successful in their own right. The oldest, Terence, Jr., is a corporate lawyer in New York City; Patricia Ann, an assistant professor and clinical psychologist at the University of the Virgin Islands; Kathryne, the mother of four children and formerly a banker, lives in Puerto Rico; Michael is corporate controller for a computer company and resides in Belgium. He is married to the former Doris Weston.

Ambassador Todman is the recipient of numerous awards, including the Presidential Distinguished Service and Meritorious Service Awards, the National Public Service Award and the State Department's Superior Service Honor Award. He has also been decorated by the governments of Denmark, Spain, Chad, and the Virgin Islands. He received his B.A. from Inter-American University in Puerto Rico and M.A. from Syracuse University.

In the midst of all his achievements, Ambassador Todman has always kept in mind the task of providing the opportunities for others to follow in his footsteps. With a particular eye to opening the doors to foreign service racial minorities and to women, he has served on various committees and shown personal encouragement and leadership to newcomers.

Whenever he departs the diplomatic corps, Terence Todman will leave behind a legacy of great achievements as well as a generation of new diplomats to follow in his very large footsteps.

CHANGE IN CENTRAL EUROPE CAUSES THE UNITED STATES TO RETHINK ITS FOREIGN POLICY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BEREUTER. Mr. Speaker, change is occurring in central Europe at the breathtaking pace. Nations such as Czechoslovakia, Hungary, East Germany, and Poland are in the process of casting off their old totalitarian systems and embracing democracy and a free market economy.

While this is a time of great hope, there are also enormous risks. There is an ever present risk that the newly democratic nations will turn to xenophobic nationalism, or will begin to make territorial demands upon its neighbors. Likewise, there is a danger that the Central European nations will be unable to make the transition to a free market economy, and will continue their downward economic spiral. A fundamental challenge of United States foreign policy will be to ensure that the democratization movement flourishes in Central Europe.

In recent days a pair of insightful articles have appeared in Nebraska newspapers. In the March 2 edition of the Omaha World-Herald, an editorial entitled "Long Memories in Europe" examines the risks of stability that are caused by possible German territorial demands on Poland. In the Lincoln Journal of the same day, an editorial entitled "Use Old, Not New, Marshall Plan in Coming to Aid of East Europe" provides sensible reminders regarding the role of the United States in an assistance package. These editorials make a useful contribution to the current debate on circumstances and events in Central Europe, and I would request they be inserted in the RECORD.

[From the Omaha (NE) World-Herald, Mar. 2, 1990]

LONG MEMORIES IN EUROPE

West German officials could eliminate an unnecessary concern by making it clear they have no intention of trying to take back former German territory that is now part of Poland. Unfortunately, the Bonn government has appeared to keep its options open in recent days.

Poles are understandably concerned when West German Chancellor Helmut Kohl takes the position, as he did in Washington recently, that the border question is still open. He said that he will not try to regain the lost territory but added that the "question will be settled definitely by a freely elected, all German government."

German reunification could bring peace and stability to Central Europe. But not if it becomes an excuse for the nations of Europe to resume territorial squabbles that have been going on since the Middle Ages.

Polish Prime Minister Tadeusz Mazowiecki has urged that Poland's current border along the Oder and Neisse Rivers be made permanent. A united Germany, he says, should formally relinquish any claim to prewar German territory that is now under Polish control.

About one-third of Poland consists of territory that belonged to Germany before World War II. Poland was given that land as partial compensation for an even larger area of Polish territory that was annexed by the Soviet Union.

Some people might consider Mazowiecki's concerns overstated. West Germany is a multiparty democracy, a member of NATO and a successful partner in the European Economic Community. It has displayed no territorial ambitions.

But Europeans have long memories, and the history of German expansionism hasn't been easy for the victims of that expansionism to forget.

President Bush has wisely taken the position that the current border should be maintained. He said the United States is committed to that position as part of the 1975 Helsinki Final Act agreement. It would be well if Chancellor Kohl were just as straightforward. German voters shouldn't be encouraged to think that gobbling up a large chunk of Poland is an option.

[From the Lincoln (NE) Journal, Mar. 2, 1990]

USE OLD, NOT NEW, MARSHALL PLAN IN COMING TO AID OF EAST EUROPE

Eastern Europe doesn't need a new Marshall Plan. The old one will do very well. So say two former members of the U.S. House.

An interesting historical point is raised by Henry Reuss, who represented a Wisconsin district for almost 30 years, and Henry P. Smith III, who served from New York from 1965 to 1975. Both have additional credentials: Reuss was deputy general counsel of the Marshall Plan in 1949, and Smith is chairman of the board of the Association to Unite the Democracies.

Many citizens have forgotten, or never knew, that the Marshall Plan of 1948, through which U.S. aid helped to rebuild Europe after World War II, was intended to assist Eastern Europe as well as Western, and even the Soviet Union.

George C. Marshall, secretary of state for whom the plan was named, said at the historic Harvard speech in which he announced it: "Our policy is not directed against any country or doctrine but against hunger, poverty, desperation and chaos."

Intending to participate, Poland and Czechoslovakia sent delegates to a Paris meeting, but Soviet dictator Josef Stalin ordered them home.

Writing in the Christian Science Monitor, Reuss and Smith propose the original plan be reauthorized by Congress and a new appropriation made. This time, they suggest, Germany (West) and Japan are in a position to lend a hand with finances.

Indeed, some of the institutions created by the 1948 Marshall Plan survive. The Organization for European Economic Cooperation has evolved into the Organization for Economic Cooperation and Development, and paved the way for the European Free Trade Association and the European Community. Eastern European countries should be invited to join these organizations, the two former congressmen say.

If Congress and President Bush are sincere about helping the emerging democracies of Eastern Europe, they would do well to consider the approach suggested by Reuss and Smith. That would meet today's needs and, as the pair point out, fulfill the commitment made 42 years ago.

ESSAY BY JENNIFER ROSE MULLER OF ROSLYN HIGH SCHOOL

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MRAZEK. Mr. Speaker, I rise today in recognition to Jennifer Muller, of Roslyn, NY. She recently won first place in the Voice of Democracy competition sponsored by VFW Post 5253 of Albertson.

The Voice of Democracy competition is an outstanding program that encourages our young people to express their thoughts and feelings about the meaning of democracy in essay form. This year's program, which was the 43d annual competition conducted by Post 5253, was conducted under the leadership of Voice of Democracy Chairman Vincent Oesterle, Cochairperson Rhoda Zwicker, Commander John Devane, and Post President Lorraine Oltedal.

Subsequent to winning the Albertson Post's competition, Jennifer went on to win the Nassau County and New York State competitions. She recently participated in the national competition held in Washington, DC.

Mr. Speaker, for the benefit of my colleagues, I insert Jennifer Muller's insightful and eloquent essay into the record:

ESSAY BY JENNIFER ROSE MULLER OF ROSLYN HIGH SCHOOL

My grandfather used to tell me "Home is the place where you hang your heart." I would add, "Home is also a place, where you can take off your shoes, recline and be yourself." Although in order to maintain your home, you may have to do a few chores, it is always worthwhile because home is a place where you can speak your mind and be comfortable * * *. I can sincerely say that America is my home.

Although it is a cliche to say that America is the land of purple mountains and amber waves of grain, She is more than her scenery. America is about her people. Real people. Walking down the street of the city, what do you see? People. Dark people or light people * * * a Jewish person entering a Chinese restaurant, a barebacked construction worker lifting a cinder block, an Indian man dancing the tarantella, and a woman at a podium speaking out for the rights of AIDS patients. All under the collective title of Americans. Not people hindered by injustice or oppression, but rather people protected by the Bill of Rights and joined together by the bond of their citizenship and this citizenship guarantees many things.

Only in America could a citizen write a letter to the President saying anything he believed and expect a response in return. Only in America are the people governing and the people being governed one and the same. Only in America could I run into the streets with a burning flag denouncing her name without fear of retribution * * * Only in America.

This seems especially amazing when we compare these actions with those of the Russian author Solzhenitsyn, who in February of 1945 wrote a letter to a friend in which he made a reference of the "whiskered one" or Joseph Stalin and made a derogatory comment about the war. The letter fell into the wrong hands. Solzhenitsyn was sentenced to 8 years in a labor camp on the outskirts of Moscow. He didn't even come close to burning the Russian flag.

Thus, America is a great paradox. While She seems to potentially contain the seeds of her own destruction through her tolerance of criticism, She never falters. Rather, with each blow from the people She is tested, sometimes reformed, and always made stronger.

Early American protester Henry David Thoreau is a great example of a man whose protests had a tremendous impact. He fought slavery and the war with Mexico by passive resistance. His essay entitled "Civil Disobedience" was an inspiration to many including Martin Luther King, Jr.

King was an ordinary American citizen who proved to be not so ordinary when he led thousands in protest against American policies of segregation and inequality. His protests led to progress. Today we have the first black mayor of New York and the first black governor of Virginia.

Compare that with the other nations of today where religious and racial inequality still burn strong. Such nations such as South Africa and their policies of apartheid, Russian discrimination against the Jews, and in Czechoslovakia where last April thousands of Roman Catholics rioted for religious toleration. Many were killed at the fangs of dogs and greater than 200 were arrested. There are no Martin Luther King, Jr.'s to lead the people of these nations and to speak out for them. Especially when speaking out in itself is a crime.

But in America, you don't have to be a Martin Luther King, Jr. or a Caesar Chavez to have an effect. Just last week, I joined hands with other Americans to protest Japan's actions because they recently violated an international pact to stop whaling. I signed petitions and wrote a letter to President Bush asking him to put the pressure on Japan to stop the slaughter. In what other nation could I voice my opinion so loudly and so directly? Perhaps I might have an effect on American foreign policy. On November 24, I will take part in an anti-fur march. My voice will be heard!

But many other nations, whether they are tyrannical or oppressive, rape their people by telling them where to live, what occupation to be, or what to think. They rape their people not only because they violate the people's freedom to choose but because they make even the most moral acts immoral by forcing the people to take part in them in the same way that making love becomes rape when it is forced.

I am proud of America because She allows me to be who I am. She allows me to speak out for what I believe in: whether it is whales, abortion or getting a traffic light installed at the end of my street. My pride in America stems from her strength of diversity in opinion, nationality, and her allowing for freedom of choice.

My grandfather was indeed a wise man. Home is the place where you hang your heart and mine is hanging in the United States on a hook that allows for conflict, diversity, and openness.

INTRODUCTION OF LEGISLATION TO ENCOURAGE NEWSPAPERS TO USE RECYCLED NEWSPRINT

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DONNELLY. Mr. Speaker, as a nation, we generated about 160 million tons of solid waste last year and this deluge of garbage is growing steadily. At the current rate of increase, the Environmental Protection Agency [EPA] projects that in the year 2000, we will generate 190 million tons. Our municipal landfills are filled beyond capacity. We must create ways to manage our waste safely and sensibly. To address this expanding capacity gap we must institute effective programs that make sound environmental and economic sense.

Recycling is one of the most effective means of handling our municipal waste. Over 8 million tons of newsprint are thrown away each year. Newsprint has become the largest identifiable item in our landfills today. Discarded newspapers reduce our landfill capacity by 30 million cubic feet a year. The newspaper industry's reluctance to utilize recycled newsprint is an issue that must be addressed. Communities throughout the country have become active in efforts to recycle newsprint, yet some of the Nation's largest newspapers won't do their share. Today, I am introducing legislation to impose an excise tax on newspapers which fail to utilize recycled newsprint by 1995.

Many of the factors that contribute to our municipal solid waste problem vary due to the individual needs and characteristics of a particular region. There are, however, aspects of the solid waste dilemma that can be addressed on a national level. Recycling newsprint is an essential and practical step in addressing an irresponsible and ultimately destructive trend. I urge my colleagues to join me in seeing that the industry which generates the materials that saturate the Nation's solid waste stream actively participate in recovery efforts.

Technical Description of Legislation Imposing Additional Tax on Newspapers Not Using Recycled Newsprint

PRESENT LAW

The taxable income derived from the trade or business of publishing a newspaper is subject to Federal income tax in the same manner as tax is imposed on the taxable income derived from any other trade or business. No additional tax is imposed on the income derived from the trade or business of publishing a newspaper if such newspaper does not consist partially of recycled newsprint.

EXPLANATION OF PROVISION

Under the bill, a tax (in addition to any other taxes imposed under the Internal Revenue Code) equal to 5% of the "disqualified newspaper income" is imposed.

Disqualified newspaper income defined

Under the bill, the term "disqualified newspaper income" means gross income received or accrued by any taxpayer in connection with the trade or business of publishing a newspaper if less than 50% of the newsprint used by the newspaper is recycled newsprint. Thus, to avoid the tax, 50% or more of the newsprint used by the newspaper would have to be recycled. The intent of the legislation is that gross income is used in the sense it is used in section 61 of the Internal Revenue Code (i.e., gross income means "all income, from whatever source derived").

The tax is imposed only on the gross income derived in connection with publishing a major newspaper. Under the bill, a "major newspaper" is one that is published at least five days per week, or one that sells an average of 50,000 copies per publication.

Definition of recycled newsprint

The legislation defines "recycled newsprint" at least 50% of the paper content of which consists of paper which has been scrapped or collected as an element of solid waste and has been recovered and reprocessed into a new raw material for use in the manufacturing of new paper. The term does not include waste materials generated by the newsprint manufacturing process and reused as part of that process.

Coordination with other Internal Revenue code provisions

No credits would be allowed against the additional tax. For purposes of the alternative minimum tax, the provision is not treated as a tax.

EFFECTIVE DATE

The legislation is effective for taxable years beginning after December 31, 1995.

THE ANTARCTIC ENVIRONMENTAL PROTECTION, CLEAN-UP, AND LIABILITY ACT OF 1990

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing the Antarctic Environmental Protection, Clean-up and Liability Act of 1990, legislation intended to provide further environmental protection for the Antarctic Continent, its marine environment, and the living marine resources that inhabit that environment. This bill is complementary to the bill Congressmen CONTE, OWENS, and I introduced on February 7, 1990, the Antarctic Protection and Conservation Act of 1990 (H.R. 3977). I am pleased that Congressmen CONTE, OWENS, STUDDS, HERTEL, SCHAEFER, and ECKART have joined me in sponsoring this legislation.

H.R. 3977 addressed the important questions of whether U.S. citizens should conduct mining activities in Antarctica, whether tourism that might harm wildlife and ongoing scientific experiments requires additional regulation, and whether fishery management plans need to be developed to prevent overfishing. To complement that bill, the bill I introduce today addresses the equally important questions of proper waste disposal, preventing marine pollution, and the need for better environmental monitoring.

The presence in Antarctica of United States and other nations' research stations, as well as tourist expeditions, has not been without its adverse environmental effects. Although most of the effects may have been unintended, nonetheless they have occurred. The effects include the operation of an open solid waste dump at the U.S. base at McMurdo; open burning of refuse; the placement of solid waste on ice floes, left to sink in the summer thaw; as well as the damage caused to scientific experiments by the oilspill from the Argentine vessel, *Bahia Paraiso.*

Given the size of the U.S. operation in Antarctica, it is not surprising that Antarctica has not remained unaffected. The United States alone operates three major stations in Antarctica: McMurdo Station on Ross Island, Palmer Station on the Antarctic Peninsula, and the Amundsen-Scott Station at the South Pole. The effects of this presence on the Antarctic environment have been well documented in several recent reports, including the 1985 report of the Scientific Committee on Antarctic Research [SCAR], entitled "Man's Impact on the Antarctic Environment," the 1988 report by the Environmental Defense Fund, entitled "On Thin Ice: The Failure of the National Science Foundation to Protect Antarctica," and, have been generally acknowledged by the lead agency for the U.S. Antarctic Program, the National Science Foundation [NSF], in a recent report to the Director from the NSF general counsel, entitled "A National Science Foundation Strategy for Compliance with Environmental Laws in Antarctica." the NSF general counsel's report describes the difficulties of environmental compliance in Antarctica, which it attributes, in part, to the conclusion that several major U.S. environmental laws, such as the National Environmental Policy Act [NEPA], the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act [RCRA], do not apply in Antarctica. The report concludes with a plan of action for bringing U.S. practices into compliance with environmental standards applicable to similar activities in the United States. My bill gives NSF the authority it needs to implement that plan of action.

At the same time that NSF was concluding that it had failed to take adequate environmental measures to clean up and preserve Antarctica, the Antarctic Treaty Parties were reaching a similar conclusion. Spurred on by the SCAR report and recommendations for how to manage waste in Antarctica, at the 15th consultative meeting in October 1989, the Antarctic Treaty Parties agreed to a series of recommendations on waste disposal, marine pollution, and environmental monitoring, among other measures. To its credit, the United States initiated most of these recommendations. However, there is no reason why the United States should not be one of the first nations to implement these recommendations, which otherwise do not become binding until they are officially approved by all Antarctic Treaty contracting parties.

In the United States, measures agreed to by the Antarctic Treaty Parties are enforceable primarily through the Antarctic Conservation Act (16 U.S.C. 2401 et seq.). The bill I am introducing today incorporates into the Antarctic Conservation Act the recommendations on waste disposal, marine pollution, and environmental monitoring agreed to at the XV Antarctic Treaty consultative meeting. This will ensure that the recommendations are fully enforceable in U.S. law. To highlight some of the waste disposal requirements, my bill requires:

First, the Director of NSF, with the advice and assistance of the Adminstrator of the Environmental Protection Agency, to develop and implement a waste management plan for Antarctica;

Second, designation of a senior-level waste management official for the U.S. Antarctic Program;

Third, training programs in waste disposal for U.S. scientists and other citizens going to Antarctica;

Fourth, open burning of wastes to be phased out and prohibited after December 31, 1991;

Fifth, the phaseout and closure of landfills at U.S. coastal stations by December 31, 1992;

Sixth, at least primary treatment before sewage can be discharged into the ocean;

Seventh, landfills to be managed in accordance with U.S. environmental standards;

Eighth, the cleanup and removal of radioactive materials, electrical batteries, abandoned fuel drums, and wastes containing high levels of heavy metals; and

Ninth, the removal of all plastic wastes from Antarctica, unless they are incinerated in equipment which reduces all harmful emissions.

The legislation also directs the Coast Guard to issue regulations requiring that all vessels engaged in or supporting U.S. activities in Antarctica contain compacting, storage, and incineration facilities to reduce the amount of waste brought to and disposed of in Antarctica. These regulations will be enforced by prohibiting any U.S. citizen going to Antarctica from contracting with or otherwise employing a vessel that does not carry the required waste handling facilities and equipment.

When the Argentine supply and tourist ship *Bahia Paraiso* ran aground off Palmer Station in January 1989, spilling over 170,000 gallons of fuel, it proved that Antarctica is not immune from the worst of man's environmental disasters. The Antarctic Environmental Protection, Clean-up, and Liability Act prohibits any owner, operator, or individual of a vessel engaged in or supporting U.S. activities in Ant-

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arctica from intentionally discharging oil into the marine environment. The Coast Guard is charged with ensuring, compatible with the safe operation of the vessel, that vessels going to Antarctica on behalf of the United States have contingency plans and the equipment to prevent and respond to an oilspill. In the event of a spill that damages natural resources and specially protected areas, the owner/operator will be liable for the removal of the oil and, if feasible, the restoration of those resources and protected areas. In the event that restoration is not feasible, the responsible party will be liable for a civil penalty in an amount up to $1 million. Any money recovered by the United States will be deposited in a special fund to be used solely for the purpose of designating and managing specially protected areas in Antarctica.

Although I recognize that the best way to protect Antarctica from oilspills and to ensure restoration of damaged resources is through an international liability regime applicable to Antarctica, I believe that the United States must act responsibly by setting an example for a future international liability regime until the regime can be put in place. I hope that the special meeting of the Antarctic Treaty Parties, scheduled for later this year in Chile, will begin to address the important question of liability for damages caused by oilspills and other untoward accidents.

The legislation directs the Under Secretary for Oceans and Atmosphere of the Department of Commerce—the Administrator of the National Oceanic and Atmospheric Administration, NOAA—to develop, after notice and public comment, a long-term environmental monitoring program for Antarctica. The program will monitor global environmental change, the effects of U.S. bases on the Antarctic environment, the effects of tourism, and the environmental effects of U.S. research programs. Given NOAA's role in monitoring global environmental change, including the ozone hole over Antarctica, it is appropriate that it be assigned to carry out a long-term environmental monitoring program for U.S. activities in Antarctica. The fact that the monitoring program is done by an agency like NOAA with its scientific expertise and reputation should give the public more confidence that U.S. activities in Antarctica are not harming the environment.

The bill also implements the recommendations of SCAR and the Antarctic Treaty Parties that additional types of specially protected areas should be designated in Antarctica. These areas include sites of outstanding scientific or ecological interest, sites of outstanding scenic or wilderness value, and sites that contain a representative example of a major geologic, glaciologic, or geomorphic feature. In addition, the bill recognizes the need to designate multiple use planning areas in which various activities need to be coordinated.

The bill amends the Antarctic Conservation Act by establishing specific deadlines by which the Director of NSF, with the advice and assistance of the Administrator of EPA, must issue pollutant designation and discharge regulations. As the NSF general counsel's report points out, the pollutant designation provision in the ACA is not discretionary but has not been implemented by the Director. The bill recognizes this fact by imposing deadlines on the issuance of these regulations. To ensure that these regulations and other requirements of the ACA, as amended by the Antarctic Environmental Protection, Clean-up, and Liability Act, are fully implemented, I am proposing adding a citizens suit provision to the Antarctic Conservation Act.

Lastly, and similar to a provision in H.R. 3977, my bill requires the application of the National Environmental Policy Act, or NEPA, to the activities of all Federal agencies conducting or supporting activities in Antarctica, including NSF and the State Department. This amendment is necessary to ensure that one of the United States' key environmental laws applies to the U.S. program in Antarctica. This amendment will enable the public to review and comment on major U.S. projects in Antarctica and their environmental effects before they occur. Relatedly, the bill specifically requires the Secretary of State, in consultation with other interested agencies, to prepare an environmental impact statement on the Convention on the Regulation of Antarctic Mineral Resource Activities before submitting the convention to the Senate for ratification. The EIS should address alternative regimes that also will provide environmental protection for Antarctica.

With the enactment of H.R. 3977 and the Antarctic Environmental Protection, Clean-up, and Liability Act of 1990, the United States can provide a greater level of environmental protection for Antarctica. The United States also can provide a vision to the rest of the world for how Antarctica should be treated. I urge my colleagues to join the sponsors of this bill to provide this vision.

Following is a detailed section-by-section analysis of the Antarctic Environmental Protection, Clean-up, and Liability Act of 1990:

ANTARCTIC ENVIRONMENTAL PROTECTION, CLEANUP, AND LIABILITY ACT: SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title. The short title of the act is the Antarctic Environmental Protection, Clean-up, and Liability Act of 1990.

Sec. 2. Findings and Purpose. This section contains the findings and purposes for the Act, which include the finding that existing U.S. laws and institutions have not provided adequate protection for the Antarctic environment. The purpose of this Act is to provide additional environmental protection for Antarctica.

Sec. 3. Definitions. This section adds new definitions to the Antarctic Conservation Act of 1978, including "Administrator," "Under Secretary," "vessel engaged in or supporting United States activities in Antarctica," and "waste."

Sec. 4. Waste Disposal. This section adds a new section 14 to the Antarctic Conservation Act on waste disposal.

The Director of the National Science Foundation (NSF), in accordance with the advice and assistance of the Administrator of the Environmental Protection Agency (EPA), must prepare and annually update a waste management plan for Antarctica. The plan must include, among other items, a schedule for cleaning up U.S. existing waste disposal sites and abandoned work sites. NSF must designate a senior-level waste management official to implement the plan.

The Director, with the advice and assistance of EPA, is to issue regulations prescribing waste management practices for U.S. activities in Antarctica. One practice requires that all open burning of wastes be phased out and prohibited after December 31, 1991. Another practice requires that landfills at coastal U.S. facilities be phased out and prohibited after December 31, 1991.

The Director must carry out a long-term program for the removal of wastes from Antarctica as a result of U.S. activities. Radioactive materials, batteries, abandoned fuel drums, chemical wastes, and wastes containing high levels of metals must be collected and removed from Antarctica for proper disposal in accordance with applicable U.S. environmental laws. All plastic wastes have to be removed from Antarctica unless they are incinerated in equipment that neutralizes all harmful air emissions.

The Coast Guard is directed to issue regulations requiring all vessels engaged in or supporting U.S. activities in Antarctica to incorporate compacting, storage, and incineration facilities to properly dispose of waste. Incineration must reduce harmful emissions and, in the case of plastics, conform with regulations issued by the Coast Guard pursuant to Annex V of the MARPOL Convention.

Sec. 5. Marine Polluton. This section addresses the issue of marine pollution in Antarctica.

The section amends section 4 of the Antarctic Conservation Act by making it unlawful to discharge oil or plastic into the marine environment. Food wastes, other garbage, and sewage is prohibited from being discharged within 12 nautical miles of the closest land or ice shelf.

A new section 15 is added to the Antarctic Conservation Act pertaining to marine pollution prevention and liability. Vessels engaged in or supporting U.S. activities in Antarctica are required to comply with several international conventions concerning marine pollution and vessel safety, including the London Dumping Convention, MARPOL, SOLAS, and the Load Lines Convention. Government vessels operating in non-commercial service must comply with these conventions when operating in Antarctica either in accordance with the requirements of U.S. law applicable to their activities in U.S. waters or, at the least, by adopting appropriate measures.

The Coast Guard must issue regulations requiring vessels engaged in or supporting U.S. Antarctic activities, including tourist expeditions, to have contingency plans and equipment to prevent and respond to oil spills.

The owner, operator, or individual in charge of a vessel engaged in or supporting U.S. Antarctic activities is liable for the removal of oil spilled in Antarctica and the restoration of damages to natural resources, if restoration is feasible. In the event that restoration is not feasible, the person will be liable for the payment of a civil penalty in an amount not exceeding $1 million. Monies recovered from the assessment of the civil penalty will be used by the United States to manage specially protected areas or sites of special scientific interest.

This section also requires the President to direct the Secretary of State, in consultation with the Coast Guard, to take steps within the International Maritime Organization to designate the waters surrounding Antarctica as a special area under Annexes I and V of MARPOL.

Sec. 6. Environmental Monitoring. This section adds a new section 16 to the Antarctic Conservation Act on environmental monitoring. The Under Secretary of Commerce for Oceans and Atmosphere (the Administrator of the National Oceanic and Atmospheric Administration) is authorized to develop and implement a long-term environmental monitoring program for Antarctica. The program includes the detection and monitoring of global environmental change and monitoring the effects of waste disposal, bases, and scientific programs on the Antarctic environment.

Sec. 7. Specially Protected Areas. This section amends section 6 of the Antarctic Conservation Act to recognize three new types of special areas that may be designated under the Antarctic Treaty and Agreed Measures. There are two new types of specially protected areas, one for sites of outstanding scientific or ecological interest and one for outstanding scenic, wilderness or geographic value. In addition, multiple use planning areas may be designated.

Sec. 8. Designation of Pollutants and Regulation of Discharges. This section adds a new section 17 to the Antarctic Conservation Act on regulation of pollutants. The section establishes specific deadlines by which the Director of NSF, with the advice and assistance of the Administrator of EPA, must issue regulations designating pollutants that would be harmful if introduced into Antarctica and regulations governing the issuance of permits to regulate the discharge of designated pollutants.

Sec. 9. National Environmental Policy Act of 1969. This section adds a new section 18 to the Act pertaining to the application of NEPA to the U.S. Antarctic Program. It specifically makes NEPA applicable to the activities of all agencies of the Federal Government operating in Antarctica, including NSF and the State Department, and requires the Secretary of State, in consultation with other interested agencies, to prepare an environmental impact statement on the Convention on the Regulation of Antarctic Mineral Activities before submitting the Convention to the Senate for its advice and consent.

Sec. 10. Citizen Suits. This section adds a new section 19 to the Act providing authority for citizen suits. The provision grants interested citizens a right of action in U.S. federal court to challenge the failure of NSF and other responsible officials to carry out duties imposed under the Antarctic Conservation Act, as amended by this Act, and to sue other individuals who are alleged to have violated the Act, or a permit or regulation issued under the Act.

Sec. 11. Authorization of Appropriations. This section authorizes in FY 1991 $10M to NSF, $5M to NOAA, and $5M to the Coast Guard to implement the Act, and such sums as may be necessary for FY 1992 and FY 1993.

ENHANCING FEDERAL EMPLOYEES' RIGHTS UNDER ADEA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. GREEN of New York. Mr. Speaker, today I rise to introduce legislation which would amend the Age Discrimination in Employment Act of 1967 [ADEA] with respect to administrative proceedings applicable to claims of discrimination in Federal employment. My legislation seeks to provide Federal employees who allege age discrimination the same procedures and remedies as those afforded Federal employees alleging other forms of discrimination.

Since 1974, when the Age Discrimination in Employment Act was amended to include Federal employees, the Equal Employment Opportunity Commission [EEOC] and the courts have reached disparate conclusions on the rights of Federal employees who file age discrimination complaints. Overall, Federal employees have been afforded fewer rights and remedies.

Currently, Federal employees who allege age discrimination and choose the administrative adjudication process are not entitled to attorneys' fees and costs at the administrative level, even though Federal employees with other types of discrimination complaints are entitled to such fees and costs. The courts have held that fees and costs may not be awarded to Federal employees who prevail at the administrative level [*Kennedy* v. *Whitehurst*, 690 F.2d 951, (DC Cir. 1982)] and [*Palmer* v. *General Services Administration*, 787 F.2d 300, (8th Cir. 1986)]. The Comptroller General has also issued a decision that "sufficient statutory authority does not exist which would allow the agency (EEOC) to award attorney fees at the administrative level." [B–215672] Accordingly, a settlement agreement in which the agency awards attorney fees at the administrative level is prohibited. The legislation that I offer today would eliminate this inconsistency by making it clear that attorney fees and costs could be awarded at the administrative level to a Federal employee alleging age discrimination.

In addition to the attorney fees issue, there are conflicting decisions as to whether the statute of limitations is tolled when a Federal employee alleging age discrimination files a complaint with the EEOC or whether a Federal employee must file a civil action to preserve his or her rights. [*Purtill* v. *Harris*, 658 F.2d 134, (3rd Cir. 1981), cert. denied, 462 U.S. 1131, (1983)] The court in Purtill held that, if a complainant chooses the option of filing a complaint with the EEOC, then that individual may not file a civil action until the EEOC takes final action on the complaint.

Unless the EEOC takes final action before the statute of limitations expires, the complainant, by having elected to pursue an administrative remedy, would foreclose any opportunity to sue. My legislation seeks to remedy that problem by allowing Federal employees who file timely complaints with the Commission the ability to commence a civil action 180 days after filing such a complaint. This option would expire 30 days after final action on such a complaint is taken by the Commission.

In closing, I should like to take this opportunity to commend the American Bar Association for adopting a resolution in support of the proposed changes to the ADEA. I should also like to encourage my colleagues to cosponsor this important initiative. After all, I do not believe that it was or is the intention of Congress to treat Federal employees alleging age discrimination any differently from Federal employees alleging other forms of discrimination. Adoption of this legislation will ensure fairness and equity to all Federal employees fighting age discrimination.

SPEECH BY HIS EMINENCE KIRIYAMA SEIYU, KANCHO OF THE AGON-SHU BUDDHISM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. RANGEL. Mr. Speaker, I ask permission to read into the RECORD a speech recently made by Kiriyama Seiyu, the Kancho (archbishop), the leader of the 350,000 member Agon-Shu Sect of Japanese Buddhism. The speech was delivered at a reception given in the Kancho's honor at the Riverside Church in New York hosted by: the Right Reverend Calvin O. Butts, pastor of the Abyssinian Baptist Church in New York City; the Right Reverend Edward Earl Johnson, pastor of the Mount Moriah Baptist Church in New York City; the Right Reverend Calvin G. McKinney, presiding elder, New York Conference, African Methodist Episcopal Zion Church in New York City; the Right Reverend, Elder Normal N. Quick, pastor of the Childs Memorial Church, Church of God in Christ in New York City; the Right Reverend Preston R. Washington, pastor of the Memorial Baptist Church, in New York City; the Right Reverend Frederick Boyd Williams, pastor of the Church of the Intercession, Episcopal Church, in New York City; and the Right Reverend Doctor Wyatt Tee Walker, pastor of the Canaan Baptist Church, in New York City. The host pastor was the Right Reverend Dr. James Forbes of the Riverside Church, Episcopal Church, in New York City. His Eminence, Kiriyama Kancho said:

> Dr. Forbes, Dr. Walker and all of the hosts and guests here tonight, I thank you for permitting me to meet with you, to exchange ideas with you and to learn from you.
>
> There are four angels of death stalking your land, my land, indeed, the entire Earth. We must unite to stop them or our world will perish.
>
> The first is drug abuse. Although this problem appears to be more prevalent in your country at this time, its ugly manifestations are beginning to be felt in Japan and in almost every nation of the world. I know that everyone in this room has seen and been shocked and dismayed by the human devastation wrecked by substances abuse in its varied and malevolent forms. This is an international evil and must be dealt with internationally.
>
> The second angel of death is homelessness. Much has been written about this problem as it exists in the United States. Some of my countrymen seem to think that it will not come to our shores. I'm afraid they are wrong. We are a small, population-dense country. As the distance between the rich and the poor widens, I'm terribly afraid that homelessness will become an unwelcome guest at our table.
>
> The third problem is poverty. In this productive, technologically-advanced world, no human being should be without food, clothing and housing. As the spiritual leaders of this community, I'm sure that you agree with me that it is the obligation of our developed nations not only to eliminate poverty at home, but to assume the responsibility for our desperately impoverished brothers

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and sisters in the less developed areas of the world.

This is a huge task but I firmly believe that it can be accomplished by a consortium of governments, which are not doing enough, of the private business sector, which is not doing enough, and by the spiritual and cultural leaders of all countries. And yes, unfortunately we are not doing enough either.

The fourth angel of death that stalks our cities, our oceans, our countrysides, and our very atmosphere is environmental destruction. In no area is the need for international cooperation more obvious. No one nation, no single group of nations can solve the problem of the destruction of the planet earth. To paraphrase one of the great founders of your country: "Gentlemen, and Ladies, we must act together or, most assuredly, we shall perish together."

You in the United States have been discussing these problems at great length. As I said, I came here to learn, to study, to find solutions. But talk, an exchange of ideas is not enough. As an indication of my concern, I am establishing a foundation and supplying it with initial funding to make some small contribution toward stopping the angels of death. I will meet with concerned people in your country and mine and all over the world and urge them to contribute to this foundation.

We will establish a Board of Directors of well-respected and qualified people to direct the earnings of this foundation into existing, efficient, well-managed anti-poverty, anti-drug, housing development and environmental protection projects in the United States, for a start. I will exercise no control over the activities of this foundation.

You may say that an initial million or so dollars is "a drop in the bucket." I will answer with the old proverb: "A trip around the world starts with a single step".

I am, I think, a quiet and peaceful man, but I am angered by the four angels of death. I will fight them with every means at my disposal. You, I know, are all engaged in this battle at this very moment. Let us join forces—all of us—men and women of good will all over the world.

Together we can achieve victory.

OMAHA WORLD HERALD NOTES A RUN OF ACHIEVEMENTS FOR U.S. FOREIGN POLICY

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BEREUTER. Mr. Speaker, last week's election in Nicaragua was a dramatic and stirring reaffirmation of the democratic process. Voter participation was overwhelming—the final results are likely to show that more than 90 percent of registered voters did in fact vote. The election of Mrs. Chamorro holds the promise of peace after more than a decade of strife and conflict.

The electoral victory of the democratic opposition in Nicaragua comes at the same time that remarkable changes are taking place in Panama, in central Europe, in the Soviet Union, in Afghanistan, in Chile, in South Africa, in Namibia, and in many other locations worldwide. In short, there has been an unprecedented level of positive change in recent months.

Mr. Speaker, a March 1, 1990, editorial in the Omaha World Herald notes with approval the important role that the United States has had in effecting these changes. According to the World Herald: "Each of these changes has been the goal—and the consequence—of American foreign policy. At considerable cost and, at times, loss of life, Americans have responded with firmness to tyrants and extremists over the years, providing a polestar by which downtrodden and oppressed nations could chart a course toward freedom."

Mr. Speaker, I would commend to my colleagues this insightful essay, and ask that it be inserted in the RECORD.

[From the Omaha World Herald, Mar. 1, 1990]

A RUN OF ACHIEVEMENTS FOR U.S. FOREIGN POLICY

Sometimes it takes a dramatic event elsewhere in the world to remind Americans of how much good their country is doing in the foreign policy arena. Recent months have provided no shortage of such events.

Panamanians danced in the streets to celebrate their liberation from the Noriega dictatorship. Nicaraguans stood in line for hours to exercise the right to vote out a government that had failed to keep its promises. Czechs, Poles, Hungarians and East Germans stepped forward, as communism collapsed around them, to build a new order based on liberty and human rights.

A few months earlier, Soviet troops retreated from Afghanistan. North Korea, apparently beginning to realize that it would never reunite with South Korea by force, began exploring a more realistic relationship with the south. Iran and Iraq ended their tragic war.

Each of these results was a goal—and a consequence—of American foreign policy. At considerable cost and, at times, loss of life, Americans have responded with firmness to tyrants and extremists over the years, providing a polestar by which downtrodden and oppressed nations could chart a course toward freedom.

Vaclav Havel, the playwright-president of Czechoslovakia, alluded to that U.S. role during his recent speech to Congress. He said the best thing America could do for his country would be to help the Soviet Union build a democracy.

Then he gave his American hosts a quick lesson in history: "Twice in this century," he said, "the world has been threatened by catastrophe. Twice this catastrophe was born in Europe, and twice you Americans along with others were called upon to save Europe, the whole world and yourselves."

His explanation of the Cold War was clear and descriptive. Speaking of the origins of the Cold War, he said: "Europe became the point of friction between these two powers, and thus it turned into a single enormous arsenal divided into two parts. In this process, one half of the arsenal became part of that nightmarish power, while the other, the free part, bordering on the ocean and having no wish to be driven into it, was compelled, together with you, to build a complicated security system to which we probably owe the fact that we still exist."

Havel, like others who are leading the quest for freedom elsewhere in the world, admires the heroes of American freedom.

Havel said: "When Thomas Jefferson wrote that governments are instituted among men deriving their just powers from the consent of the governed, it was a simple and important act of the human spirit. What gave meaning to that act, however, was the fact that the author backed it up with his life. It was not just his words; it was his deed as well."

Governments don't have an awards ceremony to recognize excellence in foreign policy. But Americans are rewarded just the same, each time someone else in the world becomes a little freer as a result of the example that Americans have set.

INTRODUCTION OF CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. LEHMAN of California. Mr. Speaker, today, along with my colleagues, Ms. KAPTUR of Ohio, Mr. PRICE of North Carolina, Mr. SCHUMER of New York, and Ms. PELOSI of California, I am introducing the Consumer Credit Protection Amendments of 1990.

This bill is the product of extensive review of the Federal law governing the relationship between consumers and consumer reporting agencies. That law, the Fair Credit Reporting Act, was written 20 years ago when today's information gathering and technology sharing was barely imaginable. In 20 years, the act has been amended only once.

Central to the review we made of the Fair Credit Reporting Act was determining whether the law has effectively ensured the confidentiality, accuracy, relevancy, and proper use of consumer reports, as was intended by the 91st Congress that enacted the law. In order to answer that question, the subcommittee I chair, the Subcommittee on Consumer Affairs and Coinage, held a lengthy hearing last September. We received testimony from representatives of every group with an interest in this issue, including consumers, the reporting industry, users of reports, and both the Chairman of the Federal Trade Commission and the Special Adviser to the President on Consumer Affairs.

Many problems with the Fair Credit Reporting Act were raised by the witnesses at our hearing and many suggestions were made for changes to the law. We heard a lot about the lack of consumer knowledge of both the law and the reporting system. We heard that consumers are unaware that credit information they think of as confidential is used to place them on lists sold to persons with whom they have never dealt. We heard about inaccuracies in consumer reports. No one suggested we do away with the act; instead, the issue was how much do we need to change the law to ensure its effective operation in today's world.

My conclusion from the hearing was that the Fair Credit Reporting Act needs some real attention. The bill we introduce today, the Consumer Credit Protection Amendments of 1990, is a comprehensive bill designed to address a range of issues. Title I would amend the Fair Credit Reporting Act in a number of ways. Title II incorporates H.R. 56, the Credit Repair Organizations Act, introduced by the former chairman of the Subcommittee on Consumer Affairs and Coinage, Mr. ANNUNZIO of Illinois.

To very briefly summarize, title I of our bill would give consumers greater awareness of how reporting agencies get information and who may be allowed to access that information once it is in agency files. The bill would ensure that consumers are better informed as to their rights under the Federal law and how to exercise those rights. Consumer's control over how information about them is used would be increased by the bill's requirement that consumers be given an opportunity to register lack of consent to furnishing information for solicitation purposes. And consumers would have the right to one free copy of their report annually. Additional requirements would be imposed on reporting agencies, users of reports, and persons who furnish consumer information to reporting agencies so that the purposes of the original law could be better met. Title II of the bill would place certain restrictions on credit repair clinics and would require them to disclose basic information to consumers about the cost and nature of their services.

Mr. Speaker, in 1977, the Privacy Protection Study Commission concluded in its final report that we live in an information society and that while Americans cherish their privacy, they are willing to reveal information when they can see a clear benefit to be gained. An example of one such benefit is access to credit opportunities. Nevertheless, while some diminishment of control over private information may be the price we pay for living in a society with numerous credit opportunities available to us, this must never mean that we give up all expectation of privacy. I hope that the bill we introduce today will go a long way to returning control to the hands of consumers and thus protecting the privacy of every one of us.

Following is a section-by-section analysis of the bill:

"CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990"

The bill is divided into two titles. Title I is the amendments to the Fair Credit Reporting Act (FCRA). Title II incorporates H.R. 56, the Credit Repair Organizations Act, in its entirety.

SECTION BY SECTION SUMMARY

SECTION 1. SHORT TITLE. "CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990."

TITLE I—FAIR CREDIT REPORTING AMENDMENTS

SEC. 101. DEFINITION OF ADVERSE ACTION.

Adds definition of "adverse action" to serve as trigger for the notice a user of a consumer report must give a consumer when a report is used as the basis for a decision negatively impacting the consumer as required under section 615 of the FCRA. The definition incorporates by reference the definition of adverse action used in the Equal Credit Opportunity Act along with all the triggering instances already in the FCRA. In addition, the definition covers any other action negatively impacting the consumer that is based on a consumer report.

SEC. 102. AMENDMENTS RELATING TO PERMISSIBLE PURPOSES OF CONSUMER REPORTS.

Clarifies that a consumer report may not be used for any purpose beyond the single permissible purpose for which the report was initially requested. Also clarifies that use of a consumer report in connection with a rental or check cashing application is covered by the FCRA.

Prohibits reporting agencies from providing information from a consumer's file in connection with a credit or business transaction not initiated by the consumer unless either the consumer directly authorizes providing the report or two requirements are met: first, the consumer must already have had notice that information may be used in connection with transactions the consumer has not initiated; second, the consumer must have had an opportunity to register lack of consent to such use and failed to so register.

SEC. 103. AMENDMENTS RELATING TO OBSOLETE INFORMATION.

Creates an exception to the rule on reporting of consumer bankruptcies so that chapter 13 bankruptcies would be reportable for only 7 years.

Modifies current rule on reporting of negative information so that shorter periods would apply for overdue payments information.

Eliminates current exceptions to obsolete information rules for reports in connection with credit, insurance, or employment over certain dollars amounts.

SEC. 104. AMENDMENTS RELATING TO COMPLIANCE PROCEDURES.

Prohibits reporting agencies from barring users of consumer reports from disclosing the contents of a report to the consumer.

Requires reporting agencies to maintain detailed records of procedures they follow to meet the law's requirement of maximum possible accuracy and to make such records available upon request.

Requires reporting agencies to maintain detailed records of purposes certified by users in requesting reports and to make such records available upon request.

Requires reporting agencies to make available, upon request, certain specified information about the agency itself such as any toll-free telephone number and all places where the agency does business.

SEC. 105. AMENDMENTS RELATING TO CONSUMER DISCLOSURES.

Requires the reporting agency to make the disclosure of the consumer report to the consumer in writing.

Deletes the current provision that only the nature and substance of information on file about the consumer need be furnished to the consumer and requires instead that all information in the file be furnished.

Expands the current requirement that the consumer be told of any recipients of the report so that the consumer will also be given specified identifying information about such recipients.

Adds a requirement that every time a consumer receives any disclosure mandated by the FCRA the consumer must also be given a written summary of consumer rights and remedies guaranteed by the FCRA.

SEC. 106. AMENDMENTS RELATING TO PROCEDURES IN CASE OF THE DISPUTED ACCURACY OF ANY INFORMATION IN A CONSUMER'S FILE.

Amends current requirement that a reinvestigation of disputed report information take place within a reasonable time by imposing a time limit of thirty days on reinvestigations. A reinvestigation may take longer than thirty days if certain requirements are met by the reporting agency.

Requires reporting agencies to maintain detailed records of procedures followed in reinvestigations and to make such records available upon request.

Adds requirement that a reporting agency that refuses to reinvestigate because it finds the consumer's dispute to be frivolous or irrelevant must send the consumer written notice that includes various specified information.

Adds requirement that upon completion of a reinvestigation the reporting agency must send the consumer written notice that includes various specified information.

Modifies current law so that a reporting agency would be required to include a consumer's statement of dispute in reports subsequent to reinvestigation.

Expands group of recipients of reports to whom the consumer may request the reporting agency to send notice after a reinvestigation from those who received the report in the six months prior to the reinvestigation to those who received it in the prior year.

SEC. 107. AMENDMENTS RELATING TO CHARGES.

Inserts limit of eight dollars on amount that a reporting agency may charge a consumer for a copy of their report.

Adds provision that gives consumers the right to receive one free copy of their report annually.

Prohibits reporting agencies from imposing charges on consumers for any reason other than supplying consumer reports not already required to be provided without charge.

SEC. 108. AMENDMENTS RELATING TO PUBLIC RECORD INFORMATION.

Requires reporting agencies to specify the source and the date public record information was initially reported whenever the agency includes such information in a report.

SEC. 109. AMENDMENTS RELATING TO DUTIES OF USERS OF CONSUMER REPORTS.

Increases number of situations that trigger the required notice from a user of a report to a consumer when a report was used in taking action negatively impacting the consumer. (See discussion under section 101.)

Expands required contents of the notice the user sends to the consumer to include notice of the consumer's right to request reasons for the adverse action, the names and addresses of the three largest consumer reporting agencies, and a summary of consumer rights and remedies under the FCRA.

SEC. 110. AMENDMENTS RELATING TO CIVIL LIABILITY.

Adds persons who furnish information to a reporting agency to the list of persons covered by the present civil liability provisions for both willful and negligent noncompliance.

SEC. 111. AMENDMENTS RELATING TO ADMINISTRATIVE ENFORCEMENT.

Increases power of Federal Trade Commission (FTC) to enforce the FCRA with civil penalties.

Grants authority to the FTC to promulgate regulations implementing the FCRA.

Requires the FTC to submit an annual report to Congress containing certain specified information such as number of consumer complaints received.

SEC. 112. AMENDMENTS RELATING TO RESPONSIBILITIES OF PERSONS WHO FURNISH INFORMATION TO CONSUMER REPORTING AGENCIES.

Creates new section with requirements for persons who furnish information to consumer reporting agencies. First, such persons must provide a disclosure to consumers

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before furnishing any information about the consumers to any reporting agencies. Second, persons who furnish information to reporting agencies must follow reasonable procedures to ensure maximum possible accuracy of such information. Detailed records of such procedures must be maintained and made available upon request.

SEC. 113. EFFECTIVE DATE.

Sets effective date for 180 days after enactment.

TITLE II—CREDIT REPAIR ORGANIZATIONS ACT

SEC. 201. REGULATION OF CREDIT REPAIR ORGANIZATIONS.

Creates a new title IV to the Consumer Credit Protection Act entitled "Credit Repair Organizations."

Section 401. Short title. "Credit Repair Organizations Act."

Section 402. Findings and purpose.

Finds that certain companies that offer to help consumers repair their credit ratings prey on consumers who can least afford it.

Establishes that the purpose of the act is to provide consumers with the information necessary to make informed buying decisions regarding services provided by credit repair organizations and to protect consumers from unfair practices in the sale and promotion of such services.

Section 403. Definitions.

Defines several terms used in the Act. Defines "credit repair organizations" as any persons who offer to help consumers improve their credit histories or ratings or obtain consumer credit. (Excludes from the definition non-profit consumer credit counseling services, financial institutions, real estate brokers, attorneys, securities dealers, consumer reporting agencies, and debt collectors.)

Section 404. Prohibited practices by credit repair organizations.

Prohibits credit repair organizations from requiring payment in advance for their services unless they have posted a $50,000 surety bond. Prohibits credit repair organizations from making misleading statements about the services they provide and from charging consumers for referrals to creditors who will offer credit on the same terms available to the general public. Prohibits credit repair organizations from counseling consumers to make misleading statements to credit bureaus and creditors.

Section 405. Disclosures.

Requires credit repair organizations to disclose to consumers their rights under the FCRA and to provide detailed descriptions of the services they will perform, the total cost, and the consumer's right to proceed against any surety bond.

Section 406. Credit repair organizations contracts.

Mandates that any contract for credit repair services include the terms and conditions of payment, a full description of the services to be performed, the time of performance, the name and address of the credit repair organization, and notice that the consumer has three business days to cancel the contract and obtain a full refund.

Section 407. Right to cancel contract.

Gives consumers the right to cancel any contract with a credit repair organization in the three business days following the signing of the contract. Requires credit repair organizations to give consumers notice of this right and a form for canceling the contract.

Section 408. Noncompliance with this title.

Declares as void and unenforceable any waiver by a consumer of rights provided under this Act. States that any contract that does not comply with the Act will be in violation of this Act.

Section 409. Civil liability.

Gives consumers the right to sue credit repair organizations for actual damages, additional statutory damages the court may allow, and attorneys fees, and permits both individual and class actions.

Section 410. Jurisdiction of courts; limitation of actions.

Allows suits for violations of the Act to be brought in any Federal or State court within two years of the date of violation or two years after the consumer's discovery of the violations if the defendant had concealed the violation.

Section 411. Administrative enforcement.

Empowers the FTC to administratively enforce the Act.

Section 412. Relation to State law.

Preempts State laws only to the extent that they are inconsistent with the Act.

SEC. 202. EFFECTIVE DATE.

Sets the effective date for 90 days after enactment.

REV. LUIS OLIVARES, C.M.F., RECOGNITION FOR OUTSTANDING COMMUNITY LEADERSHIP

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. ROYBAL. Mr. Speaker, it is truly a privilege to take this opportunity to join in honoring the outstanding leadership of my good friend, the Reverend Luis Olivares, C.M.F., of Los Angeles, pastor of Our Lady Queen of Angels Church, commonly known as La Placita.

On Saturday, May 10, 1990, Father Olivares will be guest of honor, and actor Edward J. Olmos a special guest, at the First Annual Leadership Recognition Dinner to be held in Los Angeles.

For over 14 years, Father Olivares, a cofounder of the United Neighborhoods Organization, has assumed responsibility to lead its member families and congregations in the fight for better schools, a bright future for recent immigrants, affordable housing, adequate health, an end to gang violence, and the drug menace. In the last 2 years, Father Olivares' leadership has proven victorious in the struggle to raise the minimum wage in California, and to ban military-style, semiautomatic assault rifles—the so-called weapons of war.

For 1990 and beyond, Father Olivares and his coworkers will continue the battle to recapture our great metropolitan areas by aggressively acting on their urban agenda: Break ground on 600-plus "Nehemiah homes" in Los Angeles County; develop and initiate a comprehensive strategy to make our schools work; and turn the tide against graffiti, gang violence, and escalating drug use.

Father Olivares became an activist almost by accident, when acting as supervisor for a seminarian who asked to work in the grape boycott with the farmworkers. He met Cesar Chavez and came in close and continuous contact with the farmworkers themselves. The enthusiasm and determination of the farmworker struggle, the liturgical celebrations at the union conventions, weddings, baptisms, but especially the burial of their martyrs was the rich soil that nurtured the seed of social justice planted in his soul.

Over the years, Father Olivares has had a major impact on issues affecting east Los Angeles. To list but a few: Car insurance rates, housing reinvestment in the community by corporations doing business there, reduction in gang violence, quality education, public transportation, higher minimum wage, and rights of immigrants.

La Placita Church has always been a place of refuge for those in need, both spiritual and material. The social office extends services of emergency housing, food, transportation, rent subsidy, and many others to the hundreds that pass through its doors each day. Every night, 200 or more men are allowed to come out of the cold and sleep in the church hall. As means allow, these men at times are given food, clothing, and job opportunities. The influx of those needing refuge dramatically increased since 1982, when the violence in Central America forced ever increasing numbers to flee their homeland. In response, Father Olivares collaborated in establishing a Central American pastoral center called the Centro Pastoral Rutilio Grande at La Placita. Then, on December 12, 1985, La Placita was declared public sanctuary for Central American refugees. This was the first Roman Catholic Church in Los Angeles to do so, thus joining more than 40 sanctuary churches across the United States.

In 1987, sanctuary was extended to include those undocumented aliens who could not qualify for amnesty under the provisions of the Immigration Reform and Control Act of 1986. At the same time, Father Olivares joined a group of religious men and women in a declaration of noncompliance on that section of the law which requires employers to fill out verification of permit to work, the I–9 form, for all those hired after November 6, 1986.

Today, Father Olivares serves as president of the board of the National Center for Immigrants Rights, Inc., chairman of the Coalition for Humane Immigration Rights in Los Angeles, treasurer of the Central American Refugee Center of Los Angeles, member of the Going Home Campaign Steering Committee an interfaith group in support of Salvadoran refugees returning to El Salvador from exile—member of the advisory board of the Southern California Inter-Faith Task Force on Central America, and cochair of Coalition '88 with Rabbi Sue Levi Elwell and the Reverend James Lawson, Jr.

In summary, Mr. Speaker, it is a distinct privilege for me to join with his many friends and coworkers, to honor the outstanding leadership of this great and good man, Father Luis Olivares.

TAKE PRIDE IN AMERICA

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. SKEEN. Mr. Speaker, today I am introducing a joint resolution designating May 1990 as "Take Pride in America Month." I thank the gentleman from California [Mr. MILLER] for his help and support in sponsoring this joint resolution.

Americans have been blessed with a beautiful, abundant land and a rich cultural heritage as well. If future generations are to share in these blessings, we must take an active role in preserving them.

The Take Pride in America campaign is a partnership of public and private organizations committed to ensuring the wise use of the resources that belong to all Americans. Take Pride seeks to promote stewardship of our public lands, artifacts, and historical monuments.

In every State, people are involved in a broad spectrum of grassroots activities including outdoor stewardship and self-policing programs; archeological resource protection awareness efforts; and "watch" programs or hotlines to report vandalism, wildlife poaching, theft, and other destructive activity. Others help care for parks, highways, trails, shorelines, campsites and playgrounds through cleanup, maintenance, and general assistance when needed.

Mr. Speaker, a similar resolution passed this distinguished body in 1988. Once again, I think it's important for Congress to reaffirm our support of the Take Pride Program by declaring this May as "Take Pride in America Month."

Mr. Speaker, I insert a copy of this resolution in the RECORD.

JOINT RESOLUTION—DESIGNATING MAY 1990 AS "TAKE PRIDE IN AMERICA MONTH"

Whereas the United States is blessed with outstanding natural and cultural resources;

Whereas the United States is blessed with tremendous resources, including citizens with a unique volunteer spirit rooted in the Nation's frontier tradition;

Whereas the Nation's recreational and cultural resources contribute to the economic and social well-being of the Nation;

Whereas the future of the Nation's great historial monuments and natural wonders and public lands depends upon the commitment of the American people to their preservation;

Whereas the Take Pride in America Campaign is a partnership of Federal agencies, States, and numerous public and private organizations committed to the wise use of our natural and cultural resources;

Whereas Take Pride in America Month will focus attention on the stewardship of public lands by concerned citizens and citizen groups around the Nation; and

Whereas "Take Pride in America: You Can Make a World of Difference" will become the theme for Take Pride in America Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 1990 is designated as "Take Pride in America Month," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

HUMAN RIGHTS IN LIBERIA

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. WEISS. Mr. Speaker, on December 24, 1989, a group of rebel insurgents entered Liberia's eastern province of Nimba in an attempt to overthrow the government led by President Samuel K. Doe. Regular infantry and Liberian security forces were dispatched to counter the insurgency, and as a result of continued fighting, hundreds of innocent Liberian civilians and government officials have been slain.

According to media reports and international human rights groups, more than 200 civilians—primarily members of the Mano and Gio ethnic groups in Nimba County—have been killed by Liberian troops during the counterinsurgency campaign. Many of these killings reportedly occurred without regard for the distinction between combatants and noncombatants.

The victims of this tragic conflict are not limited to the hundreds who have been killed during the recent fighting. According to the United Nations High Commission for Refugees and other relief agencies, more than 140,000 Liberians have been forced to leave their homes in Nimba County and have fled to the neighboring Republics of Cote d'Ivoire and Guinea. These refugees are in desperate need of relief.

The Congress and previous administrations have often expressed concerns about the lack of regard for internationally recognized human rights in Liberia. Just last week, in its annual Country Reports on Human Rights Practices, the Bush administration also charged the Liberian Government with extensive human rights violations. As a result of Liberia's persistent lack of progress in protecting basic human rights and its failure to implement needed economic reforms, United States assistance has sharply declined in recent years.

Today, Congressman DON PAYNE and I are introducing a resolution condemning the recent violence in Liberia and calling on President Bush to suspend all United States military assistance until these human rights conditions have improved.

Currently, United States military aid to Liberia is being withheld as a result of the Doe government's failure to repay its loans to the United States. Our resolution would add human rights conditions to these already existing economic restrictions. The resolution would also prohibit United States military advisers from accompanying Liberian troops in fighting the counterinsurgency campaign.

The resolution further urges President Doe to conduct an impartial inquiry into human rights abuses in Nimba County and to prosecute those individuals, including members of the Liberian armed forces, who have been accused of these crimes.

Finally, the resolution calls on President Bush to support the efforts of the United Nations Commissioner for Refugees and other international and private voluntary organizations to meet the urgent needs of Liberian refugees in neighboring countries and to facilitate safe passage back to their homes.

This bipartisan resolution is cosponsored by the chairman and ranking minority member of the Subcommittee on Africa, Mr. WOLPE and Mr. BURTON, and also enjoys the support of the chairman of the Congressional Black Caucus, Mr. DELLUMS, and the chairman of the Select Committee on Hunger, Mr. TONY HALL.

Mr. Speaker, recent events in Liberia require that Congress take immediate steps to convey our continuing concerns about that nation's human rights conditions. I urge my colleagues to join in cosponsoring this resolution to send a clear message both to the Bush administration and to the Liberian Government.

The text of the resolution follows:

H. RES. 354

Whereas the Republic of Liberia and the United States are bound by ties of mutual respect and friendship;

Whereas in recognition of this special relationship, the United States has provided Liberia with substantial economic and military assistance;

Whereas the Congress and the administration have repeatedly expressed concern about human rights abuses in Liberia;

Whereas United States assistance to Liberia has declined in recent years as a result of the Government of Liberia's persistent lack of progress in the protection of internationally recognized human rights and in the implementation of needed economic reforms;

Whereas on or about December 24, 1989, a group of insurgents opposed to the government of President Samuel Doe entered the eastern county of Nimba and killed a number of Liberian officials and unarmed civilians;

Whereas Liberian troops and provincial security forces were dispatched to Nimba County to counter the insurgency and indiscriminately killed Liberian civilians without regard to the distinction between combatants and noncombatants;

Whereas media reports and international human rights organizations have estimated that at least 200 persons, primarily members of the Mano and Gio ethnic groups, have been killed by troops of the Government of Liberia during the counterinsurgency campaign; and

Whereas according to the estimates of the United Nations High Commission for Refugees and other relief organizations, more than 140,000 Liberians have been forced to flee their homes in Nimba County into the Republic of Cote d'Ivoire and the Republic of Guinea as a result of the recent fighting: Now, therefore, be it.

Resolved, That—

(1) the House of Representatives condemns the recent violence against unarmed civilians (particularly members of the Mano and Gio groups who have been singled out on the basis of their ethnicity) in Nimba County, Liberia, and calls on all parties to the conflict to comply with Article 3 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War which establishes the right of noncombat-

ants to humane treatment in the case of armed conflict; and

(2) it is the sense of the House of Representatives that—

(A) the President should convey to the Government of Liberia the concerns of the United States about human rights abuses in Liberia since 1980, especially the recent killing of unarmed civilians by Liberian Government troops;

(B) the President should urge the Government of Liberia to quickly resolve the conflict in a manner which permits the thousands of Liberian refugees to return to their homes;

(C) the President should provide all necessary support to efforts by the United Nations High Commissioner for Refugees and other relevant international and private voluntary organizations to meet the urgent humanitarian needs of Liberian refugees in neighboring countries;

(D) the President should not permit any United States military advisors to accompany Liberian troops in fighting the insurgency in Nimba County;

(E) the President should consider recent events in Nimba County in making the assessment, related to human rights in Liberia, required by section 549 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990;

(F) in the event that the suspension of foreign assistance to the Republic of Liberia is no longer required by those provisions of law which restrict foreign assistance to countries which are in default on foreign assistance loans (commonly known as the Brooke amendment), the President should not resume military assistance to the Republic of Liberia until the Government of Liberia has—

(i) ended the indiscriminate killing of civilians by Liberian troops in Nimba County;

(ii) instituted a fair and impartial inquiry into human rights abuses in Nimba County and allowed credible international human rights organizations complete access to the affected regions;

(iii) taken steps to investigate and prosecute those individuals, including members of the Liberian armed forces, guilty of human rights abuses; and

(iv) made substantial progress in promoting the safe return of refugees to Nimba County; and

(G) the Government of Liberia should honor its commitment to hold scheduled elections in 1991 and ensure circumstances in Liberia that are conducive to a free and fair election process.

HUMAN RIGHTS IN LIBERIA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, since the overthrow of William Tolbert's administration in 1980, the government of Samuel K. Doe has held a tight grip over the lives of the Liberian people. Following the coup d'etat, Doe's junta suspended his predecessor's constitution and imposed martial law. The Doe government had pledged to restore a civilian government and impose democratic elections by 1985, but to date his regime has not yielded even these fundamental rights.

On December 24, 1989, a group of rebel insurgents entered Liberia's eastern province of Nimba in an attempt to overthrow the Liberian Government. Regular infantry and Liberian security forces were subsequently dispatched to counter the insurgency, and as a result of continued fighting, hundreds of innocent Liberian civilians and government officials have been slain.

Media reports and international human rights organizations estimated that over 200 persons, particularly members of the Mano and Gio tribes who have been singled out on the basis of their ethnic origins, have been killed indiscriminately by both Liberian troops and rebels throughout the campaign. According to estimates of the United Nations High Commission for Refugees and other relief organizations, the fighting has also resulted in the flight of more than 140,000 Liberian nationals from their homes in Nimba Province into the Republics of Cote d'Ivoire and Guinea.

The United States Congress and previous administrations have often expressed concerns about the lack of regard for internationally recognized human rights in Liberia. Just last week, the Bush administration in its Country Reports on Human Rights Practices, also charged the Liberian Government with extensive human rights violations.

My colleague, Congressman TED WEISS, and I have introduced a resolution condemning the actions taken by both parties to the conflict and calling on the Liberian Government to take swift action to resolve the matter in a manner that would permit the thousands of refugees safe passage back to their homes. The resolution also urges the Liberian Government to allow international human rights organizations to make an impartial inquiry into human rights abuses, and take steps to prosecute individuals responsible for those crimes. Finally, the resolution calls on President Bush to support all necessary efforts to provide any humanitarian assistance to the Liberian refugees, and continue the suspension of all United States military aid until these human rights concerns have been adequately addressed.

The Eastern European and southern Africa phenomena have set the stage for a new era in international relations, one which places human rights as a top priority for every government. The result of Liberia's lack of progress in improving human rights conditions over the years has been a sharp decline in United States assistance, but that is no longer sufficient leverage. Liberia's intransigence requires that Congress take immediate steps to convey our concerns regarding that nation's human rights conditions in the strongest manner. Military assistance is our best leveraging tool, therefore we should use it.

Last Wednesday, President Vaclav Havel defined our foreign policy challenge for the 1990's best, when he said, "the salvation of this human world lies nowhere else than in the human heart, in the human power to reflect, in human meekness and in human responsibility." Our close historical ties with Liberia underscores our responsibility to the Liberian people—we should not let them down.

PRESTIGIOUS NATIONAL HONOR BESTOWED ON LOCAL GUN DEALER

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. TANNER. Mr. Speaker, I rise today to express my congratulations to Mr. Turner Kirkland from Union City, a lifelong friend who has received the Lifetime Achievement Award from the National Alliance of Sporting Gun Dealers. Turner is only the third person to receive this prestigious award and it was truly well deserved.

Mr. Kirkland has devoted much of his life to developing an unparalleled expertise in firearms and antique weapons. He built his company, the Dixie Gun Works in Union City, from a hobby into one of the most extensive collections of firearms in the country. Walking into the Dixie Gun Works showroom is like stepping back into time.

One can view a collection of firearms that date back to 1500. It ranges from firearms used in the civil war in England to Gatling guns and reproduction models of hundreds of antique weapons.

But Turner Kirkland's inventory is more than just a collection. Dixie Gun Works is also a highly successful business that sells to customers all over the world. He is recognized widely by gun enthusiasts as an expert.

The recent award presented to Turner Kirkland is well deserved. It recognizes a unique career to which he has devoted his life. I extend to him my warmest congratulations, and ask that a recent newspaper article on him be inserted in the RECORD.

[From the Union City Daily Messenger, Feb. 20, 1990]

PRESTIGIOUS NATIONAL HONOR BESTOWED ON LOCAL GUN DEALER

(By John Brannon)

Everything you ever wanted to know about guns is right here in Union City.

Did you know some models of those vicious little Derringer pistols have four stacked barrels? Or that a Springfield rifle used by the U.S. Army is a collector's item?

Turner Kirkland knows. Other folks know he knows.

Kirkland went to Las Vegas recently to receive the Lifetime Achievement Award from the National Alliance of Sporting Gun Dealers attending the Shooting and Hunting Outdoor Exhibition Show at the Sahara Hotel. Only two other men have received the lifetime achievement award—Roy Weatherby and Bill Ruger, both of Los Angeles, both well-known riflemen.

A prestigious honor? "I'll let you decide that," Kirkland says in his polite manner.

Kirkland is the retired chairman of the board of Dixie Gun Works, a bustling Union City business he built from a personal hobby that spans all the way back to 1931. His enchantment with firearms began Dec. 9, 1931, when he was a fifth-grader at the old Central School in Union City.

Kirkland is 69 and a native of Union City. His expertise in firearms is known far and wide, and his sage counsel is often sought by gun enthusiasts.

He will surprise you, this soft-spoken gentleman with silver-white hair who loves to wear a sporty coat, white shirt and sport bow tie. He is undoubtedly a walking, talking encyclopedia of American and foreign firearms, and has quite a grasp of history. He may abruptly turn and ask, "What was the period of Frederick the Great?" Don't be surprised if he's the only one in the crowd who knows. He associates historical events with firearms.

Just inside the entrance of Dixie Gun Works on south Reelfoot Avenue is a startling sight—three Gatling guns. You've seen them in John Wayne movies, when the Cavalry arrives just in the nick of time to save the wagon train. One of the Gatling guns on display is a model 1890 from the Colt armory at Hartford, Conn. It fires a 45-caliber slug. A Gatling gun is an awesome thing to see.

Nearby is a rack of books that includes manuals about army uniform regulations in the 1840s and 1850s. In the selection is Kirkland's book, "Seven Derringers of the Mississippi Valley."

In his personal library in his office are 1,200 books. Among them are "Patchboxes and Barrelmarks—the Kentucky Rifle" and "The Encyclopedia of Modern Firearms—Parts and Assembly."

"I got my first gun in 1931," he said. "I have it written right here in my Boy Scout diary." He picks up a weathered and worn little book, flips the page. "Here it is," he said. Sure enough, it's there, in juvenile script, in pencil—Dec. 9, 1931: "I saw an old pistol at school." And, Dec. 10, 1931: "I bought an old pistol."

The old pistol, he said, was an 1849 percussion Colt, and he paid 75 cents for it. "That was too high for that gun, though," he said. "It was a 'dug' gun. It'd been dug out of the ground and was rusted."

The 1849 percussion Colt is not a rarity, he said, "I've got a dozen of them right now," he said.

From the experience with that one pistol, he began collecting guns. Now, 58 years later, he's still at it. Meanwhile, he's made his mark as an entrepreneur in the firearms world, perhaps best known for contributions to the black-powder firearms market. He does business not just nationwide, but worldwide. Some of his customers are Civil War re-enactor groups in England, Australia and Europe. "They have skirmishes, and Civil War battles are re-fought, just like re-enactors over here," Kirkland said. "They even have Wild West towns where they play shoot'em up."

Like other gun owners, Civil War re-enactors need firearms of the period, or reproductions, anyway. They also needed various parts for their firearms and sometimes repair. Reproductions of firearms are in abundance at Dixie. You feel you've walked back in time when you meander among the racks of muzzle-loaders, some with sharp and sinister bayonets. In 1955, Kirkland produced the first machine-made muzzle-loading gun. Later he produced the first gun kit.

If you want to talk rare guns, ask about the most prized of all—the 1800 Butet shotgun. "I've got one here," he said. "It's unfired, with much gold inlaid all over it, with a charcoal blue barrel, in pristine condition," he said. Its value? "Close to $75,000," he said.

But shucks, firearms from the 1800s is just a start, historically speaking. "We have several categories of guns," he said. "From the year 1500 to about 1900. That includes guns from the civil war in England in 1545, the Queen Anne's War in 1700, and the American Revolutionary War in 1776," Kirkland said.

One of the most popular firearms is the Kentucky Rifle, he said. There were millions of them made," he said. "It was a shooting and hunting gun. The barrel is 40 to 44 inches long, and the stock was 14 inches long. It fired a 40-or 50-caliber ball. They don't hit squirrels with it lots of times, they 'barked' them."

Barked squirrels? "Right. Sometimes they hit right next to a squirrel, and the bark of the tree would pop up and sting the squirrel," Kirkland said.

Kirkland has some thoughts about young people and firearms. He said youngsters under age 15 handling a firearm should always be supervised by an adult. "After that age, he should be mature enough to know the dangers of a firearm," he said. "I would suggest the father and mother take their kids out and shoot into a tree or board or watermelon so they can see what a bullet does when it hits."

Life could have taken another turn for Kirkland had he not made a decision many years ago to leave selling and turn his head to firearms. He was a salesman for the President Jewelry and Novelty Co., of New York. Kirkland's territory was Arkansas and Tennessee, which he describes as "the worst territory you can have—too long and too narrow."

So he resigned. Did he miss selling? "Nope, never missed it," he said. "I couldn't have been any worse off. I didn't have any money either way."

HOUSE CONCURRENT RESOLUTION 279

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. RANGEL. Mr. Speaker, on March 1, 1990, I introduced House Concurrent Resolution 279, expressing the sense of Congress that Federal support for local drug enforcement should be increased substantially and that a mechanism for direct funding to local governments should be developed.

When the bill was introduced, there were 13 original cosponsors and when printed only 12 appeared. Representative JIM MOODY from Wisconsin was inadvertently left out as an original cosponsor. I would like to state for the record that Mr. MOODY who has long been supportive of the committee's work is an original cosponsor of this resolution and should be commended for his work in this area.

ENTHUSIASM OVER THE NICARAGUAN ELECTION RESULTS MUST BE TEMPERED WITH CAUTION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BEREUTER. Mr. Speaker, the dramatic success of the UNO coalition in the recent Nicaraguan election is a stirring victory for the forces of democracy. In what is certainly the first free, fair, and honest contested election in that nation's history, the people voted overwhelmingly to replace the Sandinista regime that has ruled Nicaragua with an iron hand for over a decade.

Although Daniel Ortega has declared his willingness to permit an orderly transition of power, major hurdles remain. In the first place, it is by no means certain that the Sandinistas will willingly surrender control of the security forces and the army, particularly since Mrs. Chamorro has pledged to reduce and control these traditional sources of Sandinista power. In addition, there are signs that the Sandinistas may resist the privatization of inefficient government industries. If Mrs. Chamorro is successful in effecting these reforms, the existing Sandinista power base will be dramatically undercut.

Mr. Speaker, the March 2, 1990, edition of the Omaha World Herald examines the risks faced by the newly democratic regime of Mrs. Chamorro. In an editorial entitled "Danger Still Lurks in Nicaragua," the World-Herald warns: "That the Sandinistas are still trying to hold on makes them appear particularly out of touch with the workings of democracy—and, consequently, makes them particularly dangerous." I would commend this essay to my colleagues, and ask that it be inserted into the RECORD.

DANGER STILL LURKS IN NICARAGUA

Former President Carter has, by most accounts, made a major contribution in setting the stage for the Sandinistas to hand over the government to Violeta Chamorro, the winner of Nicaragua's recent presidential election. But the deed is not yet done. The election could still be stolen by hard-line Marxists in the government and the army.

Carter helped persuade Daniel Ortega to accept defeat, and he helped persuade Mrs. Chamorro to avoid statements that would inflame Ortega's backers in the tense hours after the announcement of the results.

Now, however, Ortega's people are making demands that conflict with Mrs. Chamorro's program. She wants the privatization of inefficient government-owned industries. The Sandinistas want her to guarantee that industries will remain nationalized. She wants to repeal the draft and reduce the size of the army. The Sandinistas want to keep control of the army.

While Ortega has said he will turn over his office, he adds that those who voted for UNO were wrong and that the Sandinistas will be the party of the future in Nicaragua.

The party that loses a democratic election is in no position to dictate the terms of the transition. That the Sandinistas are still trying to hold on makes them appear particularly out of touch with the workings of democracy—and, consequently, makes them particularly dangerous.

A TRIBUTE TO DOMINIC FURCO OF WEST HAVEN, CT

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to salute a Connecticut resident who has devoted his life to improving the livelihoods of his fellow workers. Last October 26, at a ceremony for his retirement from the Community Health Care Plan [CHCP], I presented Dominic Furco with a Certificate of Special Congressional Recognition for his longtime commitment to labor. Today, I want to share his efforts with you.

After serving in the U.S. Navy during World War II, Dom returned to the New Haven area. In 1946, he married Gloria Romano, and they had three daughters, Donna, Cynthia, and Suzanne. Since 1962 the Furcos have lived in West Haven.

Dom resumed his printer's apprenticeship with the Wilson H. Lee Co. of Orange when he returned from the War. As soon as he was eligible, he joined the Printing Pressman and Assistants Union Local 74 and over the next 28 years held every office in that local, including serving as president for 6 years.

When his employer closed its doors in June of 1969, Dom joined the Marketing Department of CHCP, the first health maintenance organization in Connecticut. Three years later, he organized the workers of CHCP as the Office and Professional Employees [OPEIU], Local 466. Dom became the union's first president and served for four terms. He was also instrumental in the merger of OPEIU, Locals 466 and 153.

For 18 years Dom served as a delegate to the greater New Haven Central Labor Council. For 15 of these years, he was a member of the executive board.

Retirement has not changed Dom's commitment to labor. He now spends much of his time with the Labor History Association, taping interviews with older and retired workers and gathering pictures and relics for the associations archives. He also will be cochairman of the newly formed Retiree's Council of the Greater New Haven Central Labor Council.

Mr. Speaker, Dom has championed the rights of workers in the New Haven area for over 40 years. I congratulate and thank him on behalf of all those who have benefited from his unselfish work. He has earned his retirement many times over, and I wish him continued health and happiness.

ASSISTANCE TO ISRAEL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HAMILTON. Mr. Speaker, I wrote the Department of State asking for a total of all assistance to Israel, both appropriated directly and forms of assistance not appropriated.

Following is the reply of the State Department which I received March 1, 1990. It indicates that in fiscal year 1989 total assistance to Israel amounted to $3,742.1 million, of which $3 billion was appropriated in foreign assistance legislation.

I am requesting similar data for Egypt, Turkey, and Greece which will appear in the CONGRESSIONAL RECORD when it is received.

The correspondence on Israel follows:

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 1990.

Hon. JAMES A. BAKER III,
Secretary of State, U.S. Department of State, Washington, D.C.

DEAR MR. SECRETARY: I write to request formally that the Department of State prepare a detailed listing of all types of assistance provided to Israel by the United States. This listing can be either for Calendar Year 1989 or Fiscal Year 1989.

It is my understanding that Ms. Gennie Pratt of the Office of Arab-Israeli Affairs has started work on such a listing. I hope this project can be completed soon.

I am interested in all forms of assistance, both appropriated assistance as well as unappropriated assistance, all forms of economic, security and cultural assistance, and the value of United States Government contracts in Israel which benefit the Israeli Government or economy, including an estimate of the benefit to the Israeli economy of U.S. ship visits. The Committee requested a similar exercise for Turkey several years ago and it was beneficial.

Thank you for your consideration of this matter. I hope that the project can be completed within two weeks.

With best regards,
Sincerely yours,
LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 1, 1990.

DEAR MR. CHAIRMAN: I am replying to your January 29 letter requesting a detailed listing of all types of direct assistance provided to Israel by the United States government.

Enclosed is the listing you requested. Please contact me again if you need clarification of any of the items listed.

Sincerely,
JANET G. MULLINS,
Assistant Secretary Legislative Affairs.

United States assistance to Israel in fiscal year 1989

[In millions of dollars]

Military	Amount
Foreign military sales [FMS] grants (of this amount, $550 million is spent in Israel)	1,800.00
U.S. Air Force exercises	.02
U.S. Navy:	
Crew liberty	27.0
Exercise fees	.1
Port service fees	2.4
Helicopter maintenance	1.5
Ship maintenance	6.2
SDIO:	
Arrow	60.8
Test Bed	5.0
Hypervelocity gun	1.4
Evaluation of Israel weapons for possible United States purchase	1.5
Construction of United States facilities in Israel	9.56
Congressionally mandated reduction of FMS administrative costs for Peace Marble III (F-16)	20.0
DOD procurement from Israeli companies	[1] 354.2
Multinational force and observers (one-half of United States one-third share of total assessed budget of $73.4 million)	12.23
Total military	2,301.91
Grants:	
Economic support funds (ESF) cash transfer	1,200.0
Interest earned on lump sum cash transfer	76.7
Refugee assistance (RP Bureau to United Israel Appeal)	28.0
American schools and hospitals abroad	6.9
Cooperative development program	5.0
Cooperative development research program	2.5
Middle East regional cooperation program (one-half of $5 million trilateral United States-Egypt-Israel program)	2.5
Arab-Israeli Peace Scholarship	.75
Binational foundations (grants from joint endowments to joint United States-Israel projects):	
Science	13.0
Industrial research and development	14.4
Agricultural research and development	7.5
VOA/RFE/RL transmitter relay station	30.04
Loans/Guarantees:	
Ex-Im Bank:	
Intermediary loans	16.8
Medium-term guarantees	2.9
Short-term insurance coverage	33.2
Total non military	1,440.19
Grand total	3,742.1

[1] Preliminary.

NOTE.—Israeli refinancing of part of its FMS debt saves Israel about $150,000,000 per year in interest payments.

Source. Information compiled from Departments of State, Defense, and Agriculture, AID, Ex-Im, and BIB sources.

SALUTE TO LOUIS GARCIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BERMAN. Mr. Speaker, I rise today to salute an outstanding member of our community—Louis Garcia. For 45 years, Lou has devoted himself to the well being of the residents of the San Fernando Valley. He is being honored by the National Association of Community Health Centers [NACHC] for his outstanding career of public service.

During his early life, Lou helped organize deprived and delinquent youngsters, establishing a range of social and cultural activities under the auspices of the Catholic Youth Organization. Through perseverance and charisma, he became one of the first to provide meaningful services for Hispanic youth in the San Fernando Valley.

For the last 20 years, Lou has been a member of the NACHC and was elected president in 1978. During that time he has served on several key committees and is currently a member of the Homeless Health Care Task Force.

Through Lou's leadership, the North East Valley Health Corp., was conceived and the organization is now responsible for providing services to over 35,000 indigent individuals.

Lou has also been active with the American Red Cross and has participated in White House Conferences on Children and Youth, Mexican-American problems and food, nutrition, and health concerns.

Lou and his wife, Sophia, are proud parents to eight children.

Mr. Speaker, it is my distinct pleasure and privilege to ask my colleagues to join me in acclaiming Lou Garcia, a community leader and a role model for all.

CONSUMER CREDIT PROTECTION AMENDMENTS OF 1990

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. PRICE. Mr. Speaker, our Nation's credit reporting system is critical for ensuring that financial institutions and other commercial entities make prudent decisions about whether to lend money, provide employment, or approve a rental application, to name only a few examples. However, at the same time it is also important in maintaining a good credit reporting system to protect a consumer's right to privacy and to assure that reports are processed in a fair and impartial manner. The Fair Credit Reporting Act of 1970 was intended to achieve these multiple purposes, and it has served us well for many years.

Unfortunately, in recent years, the ability of the law to protect consumers has been outstripped by technological changes in the credit reporting industry. Chairman RICK LEHMAN, of the House Banking Committee's Subcommittee on Consumer Affairs and Coinage, convened a hearing in September of last year which clearly demonstrated the need for revisions to the 1970 law. These revisions, many witnesses argued, are necessary if we are to continue to balance the consumer's right to privacy and the industry's need for information to make wise business decisions.

I am pleased to join with Mr. LEHMAN today in introducing legislation incorporating many of the suggestions brought out in this hearing. Under this bill, credit reporting agencies would be prohibited from providing information to direct marketers or others without the consent of the consumer. Consumers, under this legislation, must receive notice that their name may be given out for marketing purposes, and individual consumers will have the ability to say no to this use.

The bill also improves the disclosures consumers receive about their rights under the Fair Credit Reporting Act, and consumers for the first time will have guaranteed access to all the information in their credit report.

The legislation also ensures that if consumers challenge the information contained in their report, the disputed information will be dealt with in a timely manner. Specifically, there will be a 30-day limit on these reinvestigations. Consumers who are waiting to receive approval on loan will not be delayed unnecessarily because of a mistake on their credit report.

The bill also incorporates Chairman ANNUNZIO's critically needed legislation on so-called credit repair organizations. These provisions will regulate these credit repair firms which for a large fee will offer to fix a consumer's credit report.

Consumers already have the right to dispute inaccurate information in their files and request a reinvestigation, and the Annunzio provisions will provide consumers with some needed protection and disclosures when they contract with a credit repair organization to assist them.

This bill is a practical response to a number of pressing problems. I urge my colleagues to join with me in supporting this legislation, and I look forward to working with Mr. LEHMAN on this bill in subcommittee.

IRANIAN PERSECUTION OF BAHA'IS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HYDE. Mr. Speaker, I am glad to join with my colleagues in focusing renewed attention on the vicious crimes committed by the Government of Iran against the Baha'is, a religious minority group which seeks nothing more than the freedom to observe its faith in peace.

I participated in the hearings held by the House Subcommittee on Human Rights in 1982, when spokesmen for the American Baha'is community described the tragic persecution launched against the Baha'is by the Islamic revolutionary regime.

Those of us who took part in that hearing learned of the imprisonment, torture, and killing of men, women, and even teenage girls—on account of their religious beliefs—by the current regime in Iran. Since 1979, more than 200 Baha'is have been killed.

The Iranian Government claimed that those Baha'is were political conspirators, agents of the CIA or tools of the Zionist movement—but, significantly, they offered virtually every one of those individuals their freedom, if only they would give up the Baha'i faith.

Now, we hear that pressure from the President and Congress have led to reduced instances of torture and terror. But the State Department has reported several instances during the past year in which Baha'is have been killed by mobs who were stirred up by fanatical Islamic clergymen.

I am pleased that the administration and the Congress have spoken out forcefully on this issue. We must continue to get the message to the world that the Iranian Government's persecution of the Baha'is is barbaric and intolerable.

A CONGRESSIONAL TRIBUTE TO TOM COULTER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to bring to the attention of my colleagues one of the most caring, giving, and loving men the good Lord has ever put on this Earth. While Tom Coulter is no longer with us, his life stands as a testimonial to God's meaning of the "Golden Rule." He did not strive to do unto others as he did unto himself, he did more for others than for himself. My wife Lee, and I, both had the pleasure of knowing Tom, and working with him during the founding and early development of the Wilmington Boys and Girls Club. The club was but one of the groups that benefited from Tom's time.

We are often reminded that life is finite, however, the spirit of Tom Coulter, as manifested through his actions while on this Earth, will remain forever. I am a better person today for having known him.

In an effort to better acquaint my colleagues with the life of Tom Coulter, I submit the following article from the February 28, 1990, edition of the San Pedro News Pilot, written by my friend Bob Beck.

CLUB REMEMBERS TOM COULTER

Tom Coulter was a caring man.

He cared for his community.

He cared for his family.

He cared for his God.

And he cared for his fellow man.

That's the way I launched my presentation last week at a Wilmington Boys and Girls Club dinner where Tom was being honored posthumously for his service to the group and as one of its founders and longtime supporters.

But Tom was more than just a caring man.

He was hard working, dedicated, persevering, informed, intelligent and just about every one of the other jillion adjectives that can be applied to a person who does his best to help where help is required.

He couldn't say no when someone asked to him to help launch or complete a project.

Even after his first heart attack, people would call or visit and say, "I know you're not 100 percent back on your feet yet, but can you help . . ."

He refused few if any requests when he felt he had the expertise or the contacts to do the job.

He was the ultimate volunteer.

Tom came to us from the old Wilmington Press Journal where he had worked practically every beat, from sports to crime. He had lived practically all his life in Wilmington and had gone through the schools there. He was a graduate of Banning High.

He joined our training program, the Copley Editorial Careers Program, and served at several of our Copley newspapers before coming back to the Harbor Area and The News-Pilot. He was a sports fan, and we hired him as our sports editor.

Tom left us briefly to become the director of a halfway house for drug users in Wilmington, again because he felt he was needed and he felt like he had the right kind of help and strength to give.

He later came back to the paper and worked on the news-side as a reporter and eventually was my city editor when I left to begin my five-year stint in northern Illinois at one of our other Copley newspapers.

He left the paper soon after my departure to work for then 15th District City Councilman John Gibson, not because he had lost his love for the news business, but because it gave him another opportunity to work for people.

When he came back to the newspaper several years later, he was our resident expert on where to get things done, who to contact to get them done, where to start first, when to catch them there and all the other secrets of government.

All the time, he was working as a volunteer for numerous San Pedro and Wilmington groups. I couldn't find a complete list, but it must have been in the double digits.

He was photographer for some, writer for others, information bank for some, mover and shaker for others.

His community hard work, the long hours and a family history of heart problems ganged up on him about 1982 when he had his first heart attack.

But it wasn't long before he came back for a few hours and then a little longer until he was almost back on regular duty—and still offering his help to community organizations. When he had his second heart attack and subsequent heart operations a few years later, he decided to retire from the front lines at the newspaper and to take it easy.

That meant only a couple of phone calls and visits to the paper a week, and only God and Tom knew how many help calls he answered from the other organizations that treasured his services.

The Wilmington Boys and Girls Club, which he helped found about 20 years ago, awarded Tom the highest honor that can be accorded by Boys Clubs of America to one who has served the organization with honors.

That is the Boys Club Medallion.

I had the honor and privilege to present it along with Boys Club representative Gary Cain to Michael Coulter, Tom's son.

In addition, the boys and girls club established a new award to be given to a person has demonstrated the same kind of love and devotion to the boys and girls club and its goals and ideals.

The Tom Coulter Memorial Award was given this year to immediate past president Eleanor Montano.

The club could not have picked a person who more personifies the kind of service that Tom provided for the club or for the other organizations in the Harbor Area in which he played major parts.

I cannot think of any other person who deserved a memorial to his memory more than Tom Coulter.

I congratulate the executive board of the boys and girls club who made the decision to give the award and name it for Tom.

People like him come around very infrequently in anyone's lifetime.

UNION OF COUNCILS FOR SOVIET JEWS REPORT ON ANTI-SEMITISM

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. PORTER. Mr. Speaker, a disturbing trend is developing in the Soviet Union that is cause for real concern; that trend is the open display of anti-Semitic attitudes. Although President Gorbachev's policy of glasnost has led to freedom of expression in Soviet society unthinkable just a few years ago, it has also removed the lid from a seething cauldron of ethnic prejudice and anti-Semitism long simmering beneath the suppressive chokehold of Communist doctrine.

While I do not believe that the Soviet leadership is condoning the intolerable behavior of ultranationalist groups such as Pamyat and others, their lack of condemnation of anti-Semitism at a time when Jews are increasingly susceptible to violence is unacceptable. Now is not the time for the Soviet government to remain silent while fear runs rampant throughout the Soviet Jewish community. In fact, Soviet Jews' terror would subside if President Gorbachev publicly condemned anti-Semitism and provided assurances that the authorities would protect them if they become targets of anti-Semitic violence.

At this time, I would like to submit portions of a recently released report issued by the Union of Councils for Soviet Jews entitled "The Increasing Danger of Anti-Semitism in the Soviet Union." This report provides an excellent summary of the current rise in anti-Semitism confronting Soviet Jews. This issue requires our most urgent attention and I urge all Members to review this material carefully.

THE INCREASING DANGER OF ANTI-SEMITISM IN THE SOVIET UNION

INTRODUCTION

Jews in the Soviet Union are witnesses to the most striking rise in anti-Semitism since the Stalin period. Amidst economic deterioration and ethnic strife, Russian nationalists are reviving the tradition, endemic to Russian society, of scapegoating the Jew. This report, based on evidence received by the UCSJ, substantiates the growing fear of Soviets Jews as fact. The UCSJ disagrees with those who advocate the muting of reports of anti-Semitism in the USSR, lest they fuel panic. While it is vital that we eschew the reporting of unverified rumors, to demur from giving full voice to the concerns of Soviet Jews is, in our judgment, to demean and patronize their leaders. Soviet Jews have always depended on spotlights, not silence.

MAJOR ANTI-SEMITIC ORGANIZATIONS

The best known manifestations of the anti-Semitic revival has been the growth of Pamyat (Memory), now chaired by Igor Sichev. Founded in the early 1980's purportedly as a literary and historical society attached to the USSR Ministry of Aviation Industry, Pamyat has emerged as the foremost anti-Semitic, neo-fascist Russian nationalist organization in the USSR. Its ideology is based on the thesis of a Judeo-Masonic conspiracy responsible for the devastation of Russian culture constituting an ongoing threat to Russian life.

Pamyat has active branches throughout the Russian Republic and beyond. It is the most well-known of all the xenophobic Great Russian organizations flourishing under glasnost. It is supported through the Soviet/Russia cultural establishment and has tentacles spread throughout the government and the Communist Party.

While Pamyat has the highest profile, there are others whose threats and actions pose dangers to Soviet Jews.

One of the most vocal is the Union of Writers of the Russian Republic, the most influential writers' organization in the USSR. Anti-Semitic writers such as Valentin Rasputin, Piotr Proscurin, and Valentin Pikul have been awarded high honors by the government.

The Public Committee Against the Restoration of Diplomatic Relations with Israel headed by Yevgeny Yevseyev is a Pamyat front. The Journal of the Public Committee, under the editorship of Yevseyev, made the following claims: The December 1988 incident in which Soviet citizens hijacked a plane to Israel was deliberately created by the Mossad to fabricate a pretext for Israel to demonstrate its friendship with the USSR; Israeli aid to Armenia should have been rejected because syringes could be contaminated with AIDS; The Society of Friendship with Israel is a fifth column in the USSR against which all Soviet citizens must fight. Jewish culture, which Lenin said to be based on Jewish nationalism, should also be combatted.

KEY FIGURES: A DIVERSIFIED NETWORK

Nina Adreyeva, a teacher at the Lenosovet Leningrad Technological Institute, achieved national prominence for her open opposition to Gorbachev. She describes the Zionist conspiracy in a letter which appeared in "Sovietskaya Russiya", alleging that, although Jews represent less than one percent of the population, "the Academy of Science, in all its branches, all the prestigious professions and posts in culture, music, law, . . . are almost all Jews." She asserts that Leningrad professors go to the synagogue monthly to pay Jews to defend their theses illegally at the University.

Vasily Belov: Also a propagator of the Judeo-Masonic conspiracy myth in his book Everything is Yet to Come, he was elected to the Congress of People's Deputies on the slate of the Communist Party Central Committee.

Valentin Rasputin, a noted writer and environmental leader of the Movement for the Preservation of Lake Baikal, is one of the premier anti-Semitic writers.

Aleksandr Romanenko is a classic anti-Zionist ideologist widely known for his Class Essence of Zionism, which cites anti-Semitic writers such as Vladimir Begun, Yury Ivanov, Yevgeny Yevseyev, and Vladimir Bolshakov.

ANTI-SEMITIC PUBLICATIONS AND DOCUMENTED ARTICLES

The Journal of the Soviet Public Committee Against Diplomatic Relations with Israel makes false anti-Semitic claims cited earlier in this report and actively opposes the Society of Friendship with Israel calling it a fifth column in the USSR against which all Soviets must fight. The Information Bulletin of the Public Committee was established to oppose the Information Bulletin published by the Moscow Jewish Cultural Association.

Sovietskaya Russiya published a Manifesto of Russian National Socialism submitted by Nina Andreyeva in its March 13, 1988 issue. The letter identified Jews as a counterrevolutionary force.

Vecherny Chelyabinsk, in a late October 1989 article, castigates organizers of a meeting of Jewish Cultural Center of Chelyabinsk for trying to establish the area as a province of Israel.

EXAMPLES OF RECENT ANTI-SEMITIC ACTS

July 4, 1989—Boris Gaft reported that Jewish activists discovered swastikas and a sign which read "kill Jewish people" at the site of the former synagogue in Riga where Jews were burned to death by the Nazis.

July 16, 1989—A Hebrew teacher from Moldavia was abducted and beaten on his way to give a lecture at a weekly seminar. His abductors warned him to stop his Jewish activities and threatened his life. They repeatedly declared that all Jews should be murdered. They drove 5 kilometers and threw him from the car.

September 9, 1989—Igor Sichev, a Pamyat leader, spoke for an hour and a half on "Good Evening Moscow" on the expansion of Zionist activity on the Soviet Union. He called on good citizens of Moscow to attend the Pamyat meeting the following morning, and for the creation of military groups in defense against the Zionists who had clearly infiltrated into all levels of the government.

September 10, 1989—One day after submitting his emigration documents, Igor Bochkov was beaten in the street in Moscow. His assailants shouted, "Jews should be beaten and in this way should Russia be saved." Igor was hospitalized. The militia representative, Mr. Melikiya, at Department #179 of the Militia Station in Moscow, refused to involve the militia in any further investigation.

October 22, 1989—Vitaly Lekhtman (51), of Leningrad, and Israel Kovelman (87) of Moscow were murdered in circumstances that strongly indicate possible anti-Semitic motives. Leningrad Jews maintain that eyewitnesses observed a Star of David carved into Lekhtman's back. Both victims were murdered in their apartments. Nothing was stolen.

January 1990—Deputy Sobchak and another member of Congress appeared on Leningrad television warning of the dangers of anti-Semitism and the possibility of pogroms.

January 28, 1990—A KGB representative appeared on Leningrad television claiming that they have "no information on anti-Semitism in Leningrad . . . it is non-existent, only rumors."

January 29, 1990—(date received) According to an emigree, a physician now residing in Boston, a postcard threatening a "huge" pogrom on February 18, 1990 was found in her mother's mailbox in Leningrad.

February 7, 1990—(date received) Jews in Tashkent received flyers in their mailboxes saying "Jews get out, pogroms by March."

LACK OF RESPONSE BY THE SOVIET GOVERNMENT

As of January 1990, President Gorbachev had not publicly condemned anti-Semitism in general or any group in particular, despite several appeals.

Last summer, for example, a petition was introduced by Grigory Kanovich, a deputy to the May Congress of People's Deputies (1989) and signed by 200 deputies, calling for discussion of anti-Semitism in the session of the Congress of People's Deputies dedicated to the issue of national minority rights. The petition was rejected by Gorbachev and the issue barred from discussion. It was also omitted from the list of numerous appeals read at the opening of the session in spite of persistent reminders to do so.

On September 5, a letter of appeal signed by nine non-Jewish intellectuals called on Gorbachev to put an end to increasing anti-Semitism. Another such appeal in the fall of 1987 went unanswered.

Officials routinely permit illegal anti-Semitic demonstrations by Pamyat and other groups. Last year, Pamyat was permitted to hold a virtually unprecedented rally in Red Square, yet the Militia consistently denies assistance and protection to Jewish victims of threats and hate crimes.

The government's refusal to acknowledge, legitimize and authorize many independent Jewish national activities and organizations advances further the popular perception that Judaism is a bastardized and illegitimate culture and religion and fuels the fire of social anti-Semitism.

CONCLUSION

In the final analysis, there is no long-term future for Soviet Jews. Their first priority is rescue and evacuation for all who are ready and able to leave. This means that remaining barriers to emigration must be removed, the transportation capacity must be expanded and absorption must be supported.

But with three million still there, Jews will be in the Soviet Union for years, if not generations, to come. Gorbachev and his government must take immediate steps to oppose anti-Semitism, bring it under control, and legitimize the independent Jewish cultural renewal movement and appropriate means of Jewish self-defense.

TRIBUTE TO JOHN "SWEDE" LINDQUIST

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MORRISON of Connecticut. Mr. Speaker, I rise today to tell you about a great American who recently celebrated his 70th birthday. This man, John "Swede" Lindquist of New Haven, CT, has lived his life as we all should—serving our community and our country.

Swede is well known in the New Haven area for his work in the community. Before he and I were first introduced, I had heard so many great things about him that I wondered if reality could meet my expectations. It did. He is an exceptional human being, and I have been even more of an admirer of his since we met.

Swede was born in New Haven in 1919. He served in the Coast Guard during World War II and has been an active veteran. He married Josephine Piscitelli at the age of 27, and they are still together, 43 years later. He worked for the United Illuminating Co. for 40 years and is deeply missed by his colleagues in the employee relations department where he was personnel service administrator.

Swede is perhaps best known for his contributions to local youth and sports. He is a former softball commissioner for the State of Connecticut and a past president of the Connecticut Amateur Softball Association. This service earned him a place in the Softball Hall of Fame.

However, the diamond was not Swede's only field. He served as president of the New Haven Football Foundation and National Hall of Fame. In fact, he was awarded the Distinguished American Award by that organization.

Swede's friendship with the Irish community earned him the Friendship Award from the Hibernian Club of New Haven and the Humanitarian Award from the Knights of St. Patrick.

The Albie Booth Boys Club presented him with its Gold Ring Award in thanks for his efforts on behalf of inner-city youth, including serving as vice-chairman of the Boys Club's Memorial Fund. Swede continues his 23-year tenure as vice-chairman of the New Haven Coliseum Authority.

I am sure that Swede will continue to distinguish himself in years to come. As anyone who knows him will tell you, John "Swede" Lindquist is a remarkable man—kind, charitable, dedicated and admired by all. I wish him many more years of good health.

TRIBUTE TO GLORIA AND PETER GOLD

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BERMAN. Mr. Speaker, I rise today to honor two of our most respected community leaders and a couple that I am proud to call my friends—Gloria and Peter Gold. Their generosity and commitment are being recognized by the Jewish Family Service [JFS], of Los Angeles with the dedication of the Gold-Fanger Activity Center at JSF's Valley Storefront.

Glorida and Peter have taken active leadership positions over decades of involvement with the Los Angeles community. Peter is chairman of the board of trustees of Pitzer College and has helped the institution achieve its current position as one of the Nation's top rated colleges. He is a trustee of the City of Hope and a past president of the Boys and Girls Club of the San Fernando Valley.

For Gloria and Peter, the Gold-Fanger Activity Center exemplifies the warm, comfortable and interactive environment they believe is crucial to replicating family life for seniors. Named in honor of Peter's parents and grandparents, the Golds hope that the center will enhance close ties within their own family and ensure that their own children and grandchildren will learn to emulate their philanthropy.

Gloria and Peter have enjoyed an enormously happy 43-year marriage and are the proud parents of Melinda and Daniel, whose wife Vicki recently gave birth to their first grandson, Jason. Peter has been the highly successful president of Price Pfister since 1973 while Gloria has had a distinguished career as a star of both screen and stage.

Mr. Speaker, it is my pleasure and privilege to ask my colleagues to join with me in saluting a very special couple—Gloria and Peter Gold, community leaders and role models for all.

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COUNTDOWN TO EARTH DAY 1990: LET'S GET TO WORK ON THE ENVIRONMENT

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. MAZZOLI. Mr. Speaker, in January, I stood before this Chamber to commence a countdown, to the 20th anniversary of Earth Day: April 22.

Well, Mr. Speaker, we are at 45 days and counting.

I am encouraged by the activities this countdown has spurred in my district of Louisville and Jefferson County, KY. But, we have a lot of work to do and with only a short time in which to do it.

Congress needs to pass a solid Clean Air Act and I hope President Bush will convene a White House Conference on Solid Waste Management—along the lines I have suggested in House Concurrent Resolution 269 which I have introduced in the House.

In this connection, I solicit my colleagues' support for House Concurrent Resolution 269.

There is an aggressive campaign by local officials, including the city of Louisville's Mayor Jerry Abramson, the County Judge/Executive Dave Armstrong, the Deputy Mayor Joan Riehm, and the local directors of Solid Waste Management, Rudolph Davidson and Evelyn Waldrop, to increase public awareness on the importance of preserving and protecting the environment, and in particular about the need to reduce and dispose of solid waste.

To encourage recycling and waste reduction, the Federal Government must help create markets for recycled materials. I hope we continue to move in this direction with tax incentives and procurement-law changes.

In short, Mr. Speaker, we have only 45 days until Earth Day 1990, and we have a lot to do in Congress.

TRIBUTE TO DR. STEVEN MULLER

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to salute Dr. Steven Muller for his contributions to the Johns Hopkins University. Under his guidance, Johns Hopkins has flourished and grown to unprecedented proportions.

In 1972, Dr. Steven Muller was elected as president of both the Johns Hopkins University and the Johns Hopkins Hospital. Dr. Muller was the first person to hold both prestigious positions since the founding president, Daniel Coit Gilman. His 18 years of service to the university make him the second longest tenured president in Johns Hopkins history, second only to Daniel Coit Gilman. During his tenure, the Johns Hopkins University has grown in diversity and size, always at the forefront of the cutting issues of American society.

Under Dr. Muller's guidance, Johns Hopkins has kept at the forefront of foreign relations. Johns Hopkins has seen the opening of a Center for Brazilian studies, the first of its kind in the United States; the Reischauer Center for Japanese studies; and the Center for Chinese and American studies with the cooperation of the Nanjing University in China. Combined with a new Foreign Policy Institute, they have maintained Johns Hopkins preeminence in the field of international relations.

Johns Hopkins has also seen its Science Program literally take off during Dr. Muller's presidency. During his tenure, Hopkins scientists have been involved in planning projects for mariner missions to Jupiter and Saturn as well as helping build the largest telescope in the Southern Hemisphere in Chile. Johns Hopkins has also seen the addition of a Space Telescope Science Institute, a Center for Astrophysical Sciences, and a new engineering school.

Dr. Muller has also presided over a tremendous growth in Johns Hopkins medical facilities including a major research center on Alzheimer's disease, a Johns Hopkins AIDS Institute, a Biocalarimetry Center, a Biological Research Center, the Johns Hopkins Asthma and Allergy Center, and a new Johns Hopkins Outpatient Center.

Mr. Speaker, the citizens of Maryland and America have benefited from Dr. Muller's foresight and guidance in the last 18 years. The fruits of his efforts in the fields of international relations, science, and medicine will be reaped by the Nation for decades to come. Dr. Muller's presence at the helm of Johns Hopkins will be sorely missed by the students, by Maryland and by the Nation.

It is my pleasure to salute the achievements of Dr. Steven Muller and offer my best wishes for the future.

TRIBUTE TO ROBERT T. REBER, POLICE CHIEF OF THE CITY OF BUENA PARK

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DORNAN of California. Mr. Speaker, it is with great admiration that I rise today in honoring a man of unquestionable loyalty and dedication to his community, Mr. Robert T. Reber, former chief of police for the city of Buena Park, located in my 38th Congressional District of California.

Chief Reber began his exemplary career with the city of Buena Park in 1958, following a 9-year tout in the U.S. Marine Corps. Although starting as a patrolman, he was soon promoted to sergeant in 1961, and promoted again to lieutenant in 1962. In 1974 he achieved the rank of captain. And a mere 1½ years later, in November 1975, he became the chief of police.

Over the following 14 years, Chief Reber was personally responsible for building the Buena Park Police Department into a responsive force which is at the same time sensitive to the community's needs. Under Chief Reber's leadership, the department has been molded into a highly cohesive organization, providing an extremely high level of service. Due to several modernization and civilianization programs started by Chief Reber, all this has been accomplished with fewer sworn officers today than when he took command. Chief Reber is highly respected throughout the Buena Park professional and civilian community, and has served as president of the Orange County Chiefs of Police and Sheriff's Association.

Some examples of the department's accomplishments under Chief Reber include:

Institution of the highly successful DARE program, educating our youth to the dangers of drugs and gangs.

Successful acquisition of a traffic safety grant from the Traffic Safety Bureau. This grant has helped to significantly reduce traffic accidents and injuries in Buena Park.

Expansion of the Buena Park Police facility by adding 500 feet to accommodate the many departmental needs.

Transforming the Buena Park Police Department from one with manual typewriters and file cards to state of the art computers and electronic systems.

Acquisition of many technological innovations within the department. One example is the laser fingerprint system and the countywide fingerprint search system.

Establishing and training a 20-man hostage rescue team which has saved many lives while never having to use force to end a life-threatening incident.

Instituting the CHAPS program, including a narcotics detecting dog which has been responsible for uncovering many hidden caches of drugs.

Mr. Speaker, I would like to take this time to personally commend my friend Chief Robert Reber for his outstandiang performance in the service of his community. He will be sorely missed by all those who had the privilege of working with him over the years.

FACING UP TO THE CHALLENGES OF PANAMA

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. CROCKETT. Mr. Speaker, the prestigious Inter-American Dialogue—cochaired by Ambassador Sol Linowitz and former Costa Rican President Daniel Oduber—recently issued a statement of its executive committee concerning Panama.

The statement points out that Panama and the United States now face "four key challenges" in the aftermath of the United States intervention: Restoring effective control by Panamanian authorities over their Nation's territory; rebuilding Panama's economy; building "the core institutions of representative government" and assuring "respect for political and civic rights"; and restoring "trust and partnership" in United States-Latin American relations.

I am particularly concerned by one sentence in the statement regarding the administration's assistance package for Panama:

"Conspicuously absent from the assistance package is any support for rural development or for health, education, and other social services, all of which would benefit Panama's poorest sectors."

As usual, the Inter-American Dialogue has hit the nail on the head, and I intend to work to remedy this defect when the Subcommittee on Western Hemisphere Affairs, which I have the honor to chair, considers the administration's proposal.

I urge my colleagues to study the statement of the Inter-American Dialogue's executive committee, which follows:

FACING UP TO THE CHALLENGES OF PANAMA

STATEMENT OF THE EXECUTIVE COMMITTEE OF THE INTER-AMERICAN DIALOGUE, FEBRUARY 23, 1990

Panama's future today hangs in the balance. The actions during coming weeks by the new government of Panama, headed by President Guillermo Endara, as well as by the United States, may determine the country's course for years to come.

Panama's new government enjoys extensive support among the country's citizens. But it does not yet wield full and independent political authority. As long as the U.S. military retains control over various areas of decision in Panama, the transition to democratic rule will remain incomplete, and neither full recognition nor respect will be accorded by other Lation American nations.

Panamanians of all classes now hope for the rapid reactivation of their economy and an end to the hardships of the past several years. Panama is still reeling from the multiple shocks of U.S. economic sanctions and the extensive damage caused by the invasion itself and by the rampage that followed. Unemployment and underemployment are continuing to mount, much of the country's productive infrastructure needs repair, public services are woefully inadequate, and investment capital and commerical credit are in desperately short supply. External assistance has not yet begun to flow in any significant amount.

Although widely welcomed in the United States and Panama, the U.S. military intervention in Panama last December was troubling to most Latin American countries and clearly set back prospects for inter-American cooperation. Not since Argentina and Great Britain clashed in the Falklands-Malvinas war of 1982 have the United States and Latin America lined up so sharply on opposing sides of an issue.

Most Latin Americans deplored the corrupt and repressive military dictatorship of Manual Noriega and favored his departure from power. Many also acknowledged the special historical role and responsibility of the United States in Panama. Despite these special circumstances, the U.S. intervention was regarded throughout Latin America as a violation of Panama's sovereignty and of accepted international norms against armed intervention.

The dispute over whether the Panama invasion was legal or justified should not be permitted to obscure the fact that all Americans, North and South, now face a common task—to revitalize cooperation throughout the Hemisphere and to help the people of Panama reconstruct their economy and build a stable democracy.

For key challenges must now be met:

1. Panamanian authorities must establish effective control over their nation's territory. Not only must U.S. troops be limited to their pre-invasion levels, but remaining U.S. soldiers must be returned to their bases in Panama and their activities restricted to those necessary to protect the Canal, as specified in the Canal treaties. Political and civic institutions can flourish in Panama only if Panamanians are in charge of their own destiny.

2. Panama's economy must be rebuilt. Economic recovery is essential for stable, democratic development in Panama. Assistance is urgently needed from the United States and other countries. It took nearly two months before Washington lifted its economic sanctions against Panama, and it is disturbing that some Panamanian assets still remain frozen in U.S. accounts or are being withheld by U.S. companies. All such funds should be released immediately to Panamanian authorities.

The Bush Administration has proposed an aid package for Panama that would renew access to U.S. trade credits and investment guarantees—together worth about $500 million. It would also provide another $500 million in loans to help Panama clear up interest arrears with the World Bank and IMF (thereby allowing these institutions to restore their assistance programs); to rebuild housing and rehabilitate businesses; and to open lines of credit for private and public investment. This is a sensible and important initiative; its approval should be speeded and funds disbursed promptly.

It is too early to assess whether the amounts proposed will be sufficient for Panama's full recovery. Conspiciously absent from the assistance package is any support for rural development or for health, education, and other social services, all of which would benefit Panama's poorest sectors. The United States and other countries should be prepared to consider additional aid, especially if it is required to meet the needs of low-income groups. We urge the Bush Administration to appoint a senior official to coordinate all U.S. aid efforts. This will avoid a piecemeal approach that can only yield piecemeal results.

3. Panamanian authorities must act decisively to build the core institutions of representative govenment and assure respect for the political and civic rights of all citizens. President Endara's appointment of a new Supreme Court with responsibility for establishing an independent judiciary system was a welcome first step. There are, however, distressing reports that both Panamanian and U.S. forces continue to conduct illegal searches and seizures, make arrests without judicial authority, and detain persons without evidence of criminal activity. Such abuses must be ended. It is equally important that the Panamanian legislature begin functioning as soon as possible.

Panama also needs to establish a competent police authority. Decisions about the composition, leadership, and training of the new authority must rest with Panama's leaders. We would, however, urge that they give careful consideration of creating a Costa Rican-type police force without military functions. In the end, what is most critical is that the new police force be fully subordinated to civilian control. It would be tragic if this opportunity to assure civilian supremacy in Panama were lost.

4. The United States and Latin America must now find ways to restore trust and partnership to their relations. The best way to restore hemispheric trust is for the United States to join with the countries of Latin America in an active search for mutually-agreed solutions to such long-standing problems as the persistent debt crisis that has left Latin America in deep depression, the wars that continue to scar Central America, and the mounting drug scourge. Urgent attention must also be given to the rebuilding of institutions and procedures of hemispheric cooperation, and particularly to developing appropriate multilateral mechanisms for dealing with crisis situations—including through a reinvigorated Organization of American States. The common problems of this Hemisphere must be addressed jointly—by all countries of the Americas.

A TRIBUTE TO JIM PLAKAS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. FORD of Michigan. Mr. Speaker, I rise today to honor Jim Plakas, a man of enormous talents and energy, at the end of one of his careers. After 41 years as an automotive engineer for the Ford Motor Co., Jim is giving up that career and concentrating his energies on his other career, that of politician and political activist. And I know that Mayor Plakas will do the same outstanding job for the people of Garden City that he did for Ford Motor Co.—and for me.

Jim's political career and my own have been linked by Democratic Party politics for more than 30 years, but never more so than in 1964 when the 15th Congressional District was first created and Jim helped establish the 15th District Democratic organization. In my first campaign for Congress, Jim was one of my campaign coordinators—and the results of his hard work are still bearing fruit today.

After that first success, no one was surprised when I asked Jim to help run my congressional office. Happily, Jim agreed to my request and helped get things up and running.

Jim turned his attention to his own elective office in 1968 and won the first of many terms on the city council of Garden City. After serving 6 years as mayor pro tem, he ran for and won election last year as mayor of Garden City. The people of Garden City know Jim Plakas and his commitment to their communtiy, and they rewarded that commitment with their votes. In a sense, they're getting more than they bargained for—Jim's retirement will give him twice as much time for his mayoral duties.

Somehow, Jim has found time over the years to make important contributions to the community in the few free hours his two careers have left for him. He has been a member of the Wayne-Westland YMCA for 20 years and a member of the Schoolcraft Community College Advisory Committee during the same period.

Jim Plakas is a man of extraordinary public spirit. Now that his political career will have his undivided attention, the people of Garden City have every reason to expect extaordinary leadership, efficient service, and top quality management from their city government. I look forward with a pleasure to working with Mayor Plakas on behalf of our common constituents.

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EXPLANATION FOR VOTE OF PRESENT ON EASTERN AIRLINES

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. CAMPBELL of California. Mr. Speaker, I voted present today on the motion to override the President's veto on the Eastern Airlines matter to avoid the potential of an appearance of a conflict of interest, which has developed since the original vote on this matter. Since that vote, Mr. Joe Ritchie of Chicago has become the leading bidder for Eastern Airlines, as an alternative to the management of Mr. Lorenzo. Mr. Ritchie is a former client of mine, a campaign contributer, and a close personal friend. It is clearly in his interest to override the President's veto in this case; and to avoid the potential of the appearance of conflict of interest, I must not cast my vote to override. Thus prevented from freely choosing between yea vote or a nay vote, I must vote present.

THE POLICE EQUIPMENT PROCUREMENT ACT OF 1990

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. WISE. Mr. Speaker, I rise today to ask my colleague's support for legislation sponsored jointly by myself and Representative AL MCCANDLESS, the ranking minority member of my Subcommittee on Government Information, Justice and Agriculture. The Police Equipment Procurement Act of 1990 is a no-cost, practical way to help insure the safety of law enforcement officers throughout the United States as they fight the war on drugs. Much has been said about getting the military involved in the war on drugs—I feel that this legislation serves this purpose on a number of levels—without deploying troops to the streets.

The idea for this bill came to me after Chief Edward Garnet of the Charleston, WV Police Department approached me to express frustration over the fact that regulations prevented him from purchasing 9mm Beretta handguns for his officers in conjunction with Department of Defense procurement.

Mr. Speaker, Charleston, WV, the State's capital is located along the Kanawha River in the southwest region of West Virginia. It is also my home. Charleston is also home to the intersection of three Interstate Highways, I–64, I–79 and I–77. These highways provide us with a mixed blessing; certainly, the commerce and access to other markets are welcome. The drug dealers bringing crack cocaine and turf battles to our home are not.

The drug criminals Chief Garnett's forces are fighting are changing. A simple bust for possession of a small quantity of contraband will likely as not also turn up some type of weapon on the suspect. In the past year the police forces protecting the Charleston area have had to deal with fully automatic Uzi's, numerous lesser powerful but equally lethal handguns and even a hand grenade while enforcing the drug laws.

Given this threat it is quite understandable that Chief Garnett felt compelled to upgrade his officer's service revolvers to give them an edge should a life threatening situation occur. It is sad that Department of Defense regulations prevent him from buying modern handguns as part of the regular procurement process. It is sad because it would have saved the Charleston Police Department about $200 per weapon. It is sad because I had to explain to him that the Federal Government's war on drugs had a chink in its armor.

The fundamental premise of this legislation has more to do with economics than weapons or narcotics laws. The bill allows State and local police departments to join in, or piggyback on Department of Defense and Department of Justice purchases. This enables small police departments to capitalize on an economy of scale they could not otherwise enjoy. In the case of Charleston's guns, the Department and subsequently the taxpayer would have saved hundreds of dollars. The Police Procurement Act of 1990 would allow every police department in the Nation to upgrade their body armor, communications equipment and handguns at a far more affordable price.

The Police Equipment Procurement Act of 1990 provides local and State law enforcement officials with assistance on two levels. This is achieved at little or no cost to the Federal Government. The bill requires the Director of National Drug Control Policy—or drug czar—to provide an assessment of law enforcement equipment that will be covered under the law and a detailed description of the notification process and procedures under which States and localities can participate. The drug czar will be given 6 months to produce these regulations.

Mr. Speaker, the Police Equipment Procurement Act of 1990 should become a part of our Nation's drug fighting strategy, along with Justice Department grants, treatment and detention centers and education. It is unique in that it helps State and local police departments to upgrade the equipment they use to make the streets safe for both the citizens and themselves. We do this not by spending new funds or creating new departments but by working together with what we already have. Rest assured, many communities are wrestling with the conficting notions of the need to upgrade their police department's equipment and the need to balance their tenuous budgets.

The Police Equipment Procurement Act of 1990 is a necessary and vital component of our national drug strategy. It is time we open the door to the State and local lawmen and women who are fighting the same war that is being fought on a national level. They deserve nothing less than the very best.

UNITED STATES AND MEXICO NEED AIR QUALITY IMPROVEMENTS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. COLEMAN of Texas. Mr. Speaker, I rise today to introduce legislation that addresses the clean air situation along our country's international border with Mexico.

My bill, known as the United States and the United States of Mexico Air Quality Improvement Act, proposes to authorize the Environmental Protection Agency to cooperate with Mexico to clean up air pollution along the border. The intent of this legislation would be to rectify a major omission from previous clean air legislation enacted by Congress—to acknowledge that U.S. Southwest border cities cannot resolve their pollution problems without the cooperation of our neighboring country.

I have the privilege of representing the largest community directly on the United States-Mexico border, that of El Paso, TX. With a population of nearly 600,000, El Paso also borders the largest Mexican city on the border, Ciudad Juarez, Chihuahua, with a population of more than a million residents. For purposes of clear air, the international border between our two cities and two countries is artificial; El Paso and Ciudad Juarez residents breath the same air. A number of factors contribute to a poor air quality in the area, factors also faced by other border cities. These include a rapid growth in industry, foreign vehicles without tailpipe emissions controls, and long lines of vehicles at international bridges that contribute to emissions. For a number of years, the city of El Paso has been found in violation of several Clean Air Act ambient air quality standards, including being listed among the worst cities for both ozone and carbon monoxide.

The intent of this legislation is not to exempt any U.S. cities or States from complying with the requirements established in the Clean Air Act, as I believe efforts need to continue by all regions presently not in compliance to reach attainment status. On the other hand, I do not believe it is fair that sanctions could be imposed on certain nonattainment cities for situations over which they at least in part have no control. This legislation calls for the EPA to consult with the United States State Department and individual States to develop through negotiations with Mexico a 60-month program to monitor and improve air quality. Also, the bill requests that EPA take into account the impact of pollutant sources coming from Mexico in approving State implementation plans.

Congress approved for fiscal year 1989 and 1990 sums for the EPA to conduct monitoring studies in El Paso and Ciudad Juarez to determine the sources of pollution and the extent to which each contribute to the overall situation. These have included the collection of meteorological data, measuring air quality, and compiling an emissions inventory. This legislation proposes to make borderwide these monitoring studies and further authorizes EPA to work with Mexico in implementing remediation programs.

Over the course of my tenure in Congress, I have had the pleasure of meeting with several of my Mexican counterparts to discuss issues of mutual interest. One of these, of course, has always been pollution along the border we share. I believe that Mexico has a strong desire to work with the United States in improving our air and water. However, due to a number of other great needs and economic conditions, the country has been unable to place a priority on pollution abatement. This legislation will allow both countries to move forward in this regard with the combined use of EPA's resources and that of its Mexican counterpart agency.

Mr. Speaker, in view of the advancement of our relationship with Mexico that would result from the enactment of this legislation, as well as the great benefit that would be derived the citizens of our border States, I urge my colleagues to support this legislation. Thank you.

WETLANDS CONSERVATION INITIATIVE ACT OF 1990

HON. JAMES A. HAYES

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HAYES of Louisiana. Mr. Speaker, as we debate the future of this country on the floor of this Chamber, the wetlands of this Nation are losing a fight for their very survival at a rate of 52 acres per hour.

At the time of the initial settling of this country there were 215 million acres of coastal wetlands. By 1985, 56 percent of that total has been lost to both natural and human-induced processes. Even more discouraging news is that since 1955, an average of 458,000 acres of wetlands are lost each year in the continental United States. Over 20 years, that figure equates to a land mass the size of Massachusetts, Connecticut, and Rhode Island, combined. Without immediate action, it is estimated that the Gulf of Mexico wetland system, alone, will suffer the loss of another 1 million acres by the year 2040.

So what can we do under the current system to actually retard or reverse this destructive trend? Let's look at the nature of the wetlands in question. Nationally, 74 percent of all wetlands are privately owned, with only 26 percent being held by either Federal or State Governments. Consequently, something must be done to provide the private sector with some form of incentive to actively participate in the development and implementation of wetland management plans on their property.

In response to this situation my legislation calls for providing a 75-percent tax credit for any qualified expenditure spent for restoring, conserving, rehabilitating, or maintaining a wetland. The 75-percent figure is based upon an already established percentage used in other conservation measures. In order to ensure that the expenditure qualifies for and merits a tax credit, the bill establishes that there will be oversight by two Federal agencies, as well as the section 404 permit process.

Furthermore, as each of us knows, the fact that the landowner can decide on his or her own whether he or she wants to spend their own money on a program will help automatically weed out the suspect plans. People rarely chose to waste their own money, and will only spend it on opportunities like this when they are confident that their plan will be successful.

If you have developers or environmentalists in your region who are concerned with the future of wetlands, here is a chance to find a middle ground. Private sector incentives have proven to be one of the only sources of agreement and consensus in the entire wetlands debate. Therefore, I hope that my fellow colleagues will help save our wetlands and join me in supporting this important and innovative approach to a problem facing each of our States.

CONGRATULATIONS TO WESTINGHOUSE SCIENCE WINNERS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, I am honored to have this opportunity to extend my heartiest congratulations to two young men, students at Ward Melville High School in East Setauket, Long Island, NY, who recently were named winners in the 49th annual Westinghouse Science Talent Search.

David D. Ben-Zvi, who at 15 is one of the youngest of the winners, came to this country just 2 years ago from Israel. He has won numerous awards in math competitions so, not surprisingly, he selected a mathematics problem for his science talent search entry. He investigated a quadratic system named after M. Hernon which exhibits extremely complex behavior. His work enabled him to discover an important new theorem for the Hernon system and develop a rigorous proof.

David is first in his class at Ward Melville, plays the violin and has other interests that range from medieval history to quiz bowl playing. He is the son of Drs. Illan and Ruth Ben-Zvi of Setauket. He plans to continue his studies at Princeton University.

Shinpei Kuga, 17, of Stony Brook is also a mathematician. He developed two mathematical proofs for his science talent search entry, both involving the construction of polygons on a coordinate plane with perpendicular axes. He derived well-argued proofs that any regular polygon that can be constructed on the lattice has four sides and any equiangular polygon that can be constructed cannot have a prime number of sides.

Shinpei has won numerous math and science awards. For diversion, he enjoys chess, computers, poetry writing, badminton and classical music. The son of Dr. and Mrs. Michio Kuga, he plans to study at Harvard and Radcliffe Colleges for a career in medicine or mathematics.

These two brilliant young men are among the 40 winners nationally who came to Washington, DC, last week to attend the weeklong Science Talent Institute sponsored by Westinghouse. Their achievements and talents are remarkable so I join the entire Long Island community in saluting them and wishing them continued success.

In addition to the 2 finalists, there were 8 other young people from my district who made it to the ranks of semifinalist, an honor accorded to only 303 high school students nationwide. The eight are: David Joshua Goldhaber, Matthew Foster Kamil, Marc J. Kuchner, Shai Oster, Michael Brett Rubin, Philip Peter Soo and Sumit Kumar Subudhi, all of Ward Melville High School and Eric Dennis Nordstrom of Shoreham-Wading River High School.

RADIO COMMENTS ON ACT FOR BETTER CHILD CARE SERVICES

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. PEASE. Mr. Speaker, as many of my colleagues know, WGMS, a Washington radio station, airs a feature each weekday known as "Capital Commentary." The feature offers Members of Congress from all across the political spectrum the opportunity to present their views on the issues before us. I recently taped a commentary for this feature on the child care issue. The text follows:

This is Congressman Don Pease of Ohio. Remember the old adage that a bird in the hand is worth two in the bush?

Well, essentially, that's what the child care debate boils down to. Congress has to choose whether to pass the Act for Better Child Care Services, best known as the ABC bill, or a child care proposal put forth by the House Ways and Means Committee.

The bills don't work at cross purposes. Congress could enact both. But the cost is too great. So Congress has to decide which approach makes the best use of taxpayer dollars and guarantees that funding will be there for families that need it.

The ABC bill creates an entirely new child care program that requires an annual budget appropriation. So while the ABC bill promises child care dollars, there's no guarantee that Congress will make good on that promise.

The Ways and Means Committee approach, on the other hand, expands two existing programs that are not subject to the annual budget merry-go-round. The first, the title XX social services block grant program, is an entitlement. The second, the earned income tax credit, cuts taxes for low-income working families to help pay for child care. Both would be guaranteed child care benefits.

The Ways and Means Committee approach, which I support, is a guarantee. The ABC bill is a promise. Which would you rather bank on?

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THE PROOF ISN'T IN THE PUDDING

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, this body, the U.S. Congress asked the American taxpayer to pay half a billion dollars for a 10-year comprehensive study of acid rain damage in the United States. Then we decide to rush the legislation through without the results and recommendations of that study.

Why are the economies of Ohio and other industrial Midwestern States being punished unfairly? Ohio has spent $2.1 billion of the $19 billion spent nationwide on pollution control. This has contributed to a 23-percent decline in nationwide emissions since 1973, despite a 45-percent increase in coal use. Mr. Speaker, where is the evidence that justifies the punishment?

Some preliminary conclusions of the 10-year, $500 million study shed some light on why the rush is on. In 1987, the study concluded: First, that regional sulfur dioxide concentrations were causing no discernible damage to crops or forests; second, the number of acid lakes and streams was far lower than the EPA had warned; and third, the connections between acid rain and acid lakes were statistically too weak to correlate.

Mr. Speaker, the job losses in Ohio and the economic impact in the United States and in our balance of trade will be felt nationwide.

At this point, I include the following in the RECORD.

THE ACID RAIN STORY

In its current session, the U.S. Congress is considering several bills to amend the Clean Air Act, including a proposal by President Bush. The main thrust of the legislation is to cut SO_2 emissions by 10 million tons of coal-fired electric generating plants.

The impact is greatest on the state of Ohio because Ohio is the largest coal consuming state, on a BTU basis, in the nation. The problem could be solved by putting scrubbers on all power plant units, but you, your neighbors and the industry could not afford to pay the electric bill to cover the cost. In 1995, over half of Ohio's electric generating capacity will be over 25 years old, exceeding half of the useful life of the electric generating units, meaning the cost of scrubbers would be charged over a short period, escalating electric bills to the point where Ohio industry would become noncompetitive causing industries to move to areas with economical energy costs.

There are many other questions that must be answered:

(A) Why pass a stringent SO_2 emission law when the $500 million study mandated by Congress known as the National Acid Precipitation Assessment Program (NAPAP) to study acid rain will not be final until December 1990?

(B) When balancing control legislation versus the preliminary results of the NAPAP mid-term findings in 1986, is the need justified?

(C) Is the Clean Air Act of 1970 working?

(D) What has Ohio done to clean up the air?

(E) What will it cost you in electric bills?

WHY DOES OHIO GET HIT THE HARDEST UNDER H.R. 3030?

Under the Bush's Administration's Acid Rain Bill (H.R. 3030) Ohio which contributes 9.3% of national SO_2 emissions would be mandated an 18.7% reduction of SO_2 emissions. The states of Texas and California which contribute to national SO_2 emissions have no mandated reductions in their states.

Also contributing to the Ohio problem is the age of units at Ohio electric utility plants. There are 22 electric plants containing 94 separate units for a total electric capacity of 22,767 megawatts. In 1995 when the first phase of HR 3030 kicks in, 90% of capacity will be over 20 years old or half of the useful life of the units will be used up. To put a scrubber on those units means that the cost must be recovered in half the time causing skyrocketing electric rates. There should be cost sharing because:

(1) Ohio is being forced to carry more than its fair share.

(2) Ohio has more than its fair share of older power plants.

(3) Federal tax dollars helped build TVA and Bonneville Power systems.

(4) Federal tax money will be used to bail our savings and loans in Texas and California.

(5) Millions of Federal dollars are going to help Communist countries.

Why can't we have cost sharing in Ohio?

IS THE 1980 CLEAN AIR ACT WORKING?

Yes! Since 1973 SO_2 emissions from Ohio coal-fired electric utilities have declined over 28%. Nationwide, utility emissions have decreased 21.7% since 1973 despite an 85% increase in national coal consumption.

Ohio, being a high sulfur coal state, has felt the effect of the 1970 Clean Air Act with coal production declining from 55 million tons in 1970 to 31.5 million tons in 1988. The Ohio economy suffered with this loss of coal production which would have injected $750 million into the 1988 Ohio economy. In addition, Ohio coal was replaced by higher priced out of state coal, causing higher electric rates.

IS THE $500 MILLION GOVERNMENT STUDY AUTHORIZED BY CONGRESS BEING TRASHED AND IGNORED?

Congress passed legislation in 1980 authorizing a $500 million study (NAPAP) on acid rain precipitation and in 1986 the mid-term findings were released.

Acid Precipitation—Effect on Crops: Acid rain in the amounts and concentrations that occur over the entire U.S. would appear to have no significant effect on the yield of most, if not all, agricultural crops.

Acid Precipitation—Effect on Forests: As with agricultural crops, there appears to be no significant foliar effect on seedlings. Since seedlings have, proportionally, more sensitive leaf or needle tissue than mature trees, foliar effects on mature trees would not be expected to be more severe than on seedlings. Therefore, forests are probably relatively unaffected by ambient acidity in rain on their foliage at low elevations or even in the midst of above-cloud-base forests.

The final report is to be completed in 1990 and it is believed to be similar to the mid-term findings. Why waste the study? Use it to legislate in a cost-effective manner to protect Ohio electric consumers.

WHAT IS OHIO DOING TO IMPROVE OUR AIR QUALITY?

The people of Ohio passed a $100 million Bond Issue in 1985 to finance Clean Coal Technology Research and Development projects. The Ohio Coal Development Office has participated in over 65 coal research and development projects. The total cost of these projects is over half a billion dollars.

The Ohio coal industry has built more preparation (wash) plants per coal being mined than any other state. There are 31 wash plants in Ohio with five plants idle. Coal preparation can reduce the sulfur content of coal by about 25% on an average. However, because of the high sulfur content of Ohio coal, we can not meet sulfur levels under the proposed acid rain legislation, meaning more coal miners will be out of work.

Ohio electric utilities lead the nation in air pollution control investments with over $2.1 billion in air pollution control facilities through 1987. This represents over 10% of the total spent in the United States.

A SALUTE TO RUTH D. CARTER, D.D.S.

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DYMALLY. Mr. Speaker, I rise today to salute Dr. Ruth D. Carter, an orthodontist, residing in Los Angeles, for her 41 years of dedication to the dental profession and service to the community. Dr. Carter, a native of La Follette, TN, is a graduate of Meharry Medical College School of Dentistry, class of 1948. Following graduation from Meharry she was engaged in practice, specializing in oral surgery and general anesthesia, until 1958 when she was awarded the title of "Certified Orthodontist" by the St. Louis University School of Orthodontics.

Dr. Carter's professional work experience extends literally across the country. She practiced at the St. Louis Public Health Department, St. Louis, MO—1949–55; as chief orthodontist with the Schoen Dental Clinic, Wilmington, CA—1958–61; was president of Cal-Care Health Plan, providing health care services to Riverside, CA—1972–73; director of orthodontics, Kaufman Dental Clinic, Los Angeles, CA—1976–78; director and proprietor of the Carter Health Care Center, which provided 24-hour ambulatory clinical services in general medicine, dentistry and podiatry, Las Vegas, NV—1980–83. This distinguished lady is still engaged in her practice which is exclusively orthodontics, and also finds the time to be a lady farmer. On her modest farm of some 150 acres, she grows avocados, grapefruit, and kiwi. Always willing to help others, Dr. Carter holds membership and affiliation with numerous professional, cultural, and civic organizations.

A widow, this mother of two daughters, smiles with professional satisfaction when speaking of younger daughter Bekka Carter-Oberstone, D.D.S., who followed in her professional footsteps, and is as proud of first daughter, Ann Carter-Young, who has made the military her career.

Mr. Speaker, it is my distinct privilege and honor to ask my colleagues to join with me, and my constituents in the 31st Congressional

District of California, in acclaiming Dr. Carter a leader in the community, and a role model for us all.

LOWELL GOLDEN, A ROLE MODEL FOR THE COMMUNITY

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. LENT. Mr. Speaker, so often our attention is focused on the actions of a small minority who detract from our society that we lose sight of the significant contributions made by dedicated residents who have devoted themselves to improving the lives of their neighbors.

Just such a person is Lowell Golden of Massapequa, NY. For the past 14 years, Lowell Golden has been an active member of the Suburban Temple of Wantagh, which provides understanding and awareness of Judaism and fights anti-Semitism through lectures, films, books and dialogs between students and faculty members.

Lowell Golden has played an integral part in promoting interfaith awareness and understanding of the Judaic culture, and has served as a positive role model for the youth of our community. His contributions have not gone unnoticed, and on February 28, 1990, the Brotherhood of the Suburban Temple of Wantagh bestowed upon him the Jewish Chautauqua Society Life Membership Award in recognition of his unparalleled commitment to the community.

Mr. Speaker, President George Bush has often spoken of the vital role that voluntarism plays in American society. I would like to add the name of Lowell Golden to the list of those honored and remembered by this body for outstanding service to the community and devotion to the goals for which we all strive. Men and women like Lowell Golden are indeed one of the many thousand points of light that brighten our days and illuminate our lives.

MARGARET SHEWMAKE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. GILMAN. Mr. Speaker, it is with deep regret that I take this opportunity to advise our colleagues of the passing of Margaret Shewmake.

Many of us met Margaret during her last visit to our Nation's Capital during the summer of 1989.

Margaret was a victim of diabetes, which rendered her crippled and blind. Upon first being stricken, Mrs. Shewmake was so self-conscious that she refused to leave her home.

Eventually, however, her big heart took precedence. She became involved in programs to help the handicapped and the homeless. She was a common sight in Westchester County, NY, where, from her wheelchair, she lectured the handicapped on how to better themselves. She was always ready to state that she did not allow herself to be conquered by her own misfortune; accordingly, she was a unique inspiration to all.

It was just last year that Margaret was named one of the outstanding residents of Westchester County by the Gannett-Westchester papers.

Margaret is survived by her husband Paul and her daughter Mary Beth, both of whom reside in Hastings-on-Hudson, NY. To them, and to the many hearts and minds that Margaret Shewmake touched, we offer our sincerest condolences.

A TRIBUTE TO BRIAN PAUL SCHMOYER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. GEKAS. Mr. Speaker, I rise to ask my colleagues to join me in congratulating a young Pennsylvanian who will receive his Eagle Scout Award on March 18.

Brian Paul Schmoyer, a resident of Kreamer, PA, has been involved in Scouting since 1982. In these years, he has earned 11 skill awards, 30 merit badges, and the World Conservation Award. He has served as assistant patrol leader, senior patrol leader, scribe, and is in the leadership corps.

For his Eagle project, Brian coordinated the clearing of three wooded areas along a nature trail at the Selinsgrove Center to be used as picnic areas. The work involved cutting trees, clearing brush, and discarding debris. The picnic areas will be used by both staff and individuals living at the facility.

In addition to these scouting activities, Brian is active in his church and school. He is a member of the Wesley United Methodist Church where he has served in many leadership positions. A junior at Middleburg High School, he is a member of the Key Club, Ski Club, Concert and Stage Bands, and is active in campus life.

Mr. Speaker, the Scouting tradition is very important to our country. It teaches a love of outdoors and appreciation of our environment; it teaches the spirit of serving others and self respect. Simply, it teaches lessons that last lifetime.

I congratulate Brian on his hard work and dedication.

A TRIBUTE TO STEVE CONVER

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. DICKINSON. Mr. Speaker, I would like to take this opportunity to congratulate Steve Conver on his confirmation as the Assistant Secretary of the Army for Research, Development and Acquisition. He will be formally sworn in on March 9, and will do an exemplary job for the Army.

Steve leaves his position as the minority staff director to the Committee on Armed Services, where, for more than 4 years, he served me and all the Committee Republicans well in our efforts to produce quality defense authorization bills under sometimes arduous conditions.

Prior to his service on the Committee, Steve served as Deputy Assistant Secretary of the Air Force for Programs and Budget, he held several positions with the Nuclear Regulatory Commission, and served in the Air Force for 10 years upon graduation from the Air Force Academy.

As indicated by his background and achievements, Steve is well qualified for the challenging and demanding job as the Army's Senior Acquisition Officer, and will prove to be an invaluable asset to the Army.

Along with the professional commitment involved with a position like Assistant Secretary of the Army, is the personal and family commitment that Steve's family has displayed throughout his career. He is very lucky to have the full support of his wife Nan and his two sons, Brad and Andy. I'm certain they will continue to stand behind Steve in his new capacity with the Army.

Steve will be greatly missed on the committee, but I wish him great success in his future endeavors.

TRIBUTE TO EMMETT McCALL

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. YATRON. Mr. Speaker, today I would like to pay tribute to a man who is truly a credit to the State of Pennsylvania. The man I am speaking of is Mr. Emmett P. McCall, who was born, raised and continues to live in Lansford, PA.

For many years, Mr. McCall advanced the life of his community. He managed and coached the Lansford Little League, as well as the basketball team at St. Ann Parochial School, providing guidance and leadership to the area's youth. He was recognized for being the Marian Football Alumni Club's leading fundraiser, and has been intimately involved in Heart Drives in Lansford.

Presently, Mr. McCall is a fundraiser for the Carbon County Democratic Executive Committee, and president of the Panther Valley Catholic Youth League Organization, an organization he has selflessly served for the past 28 years. His extensive participation in community and civic affairs should serve as a reminder to us all of the tremendous impact one can have upon the life of his or her community.

Mr. Speaker, on Saturday, March 17, 1990, the Panther Valley Irish-American Association will be honoring Mr. McCall with their Shamrock Award. A main criterion for the Shamrock Award is humanitarianism, and Mr. McCall possesses an abundance of this very quality. You see, in addition to all of the other activities Mr. McCall is involved with, last year he donated a kidney to his son Terry. Terry's life was saved by his father's act of love, and now, 1 year later, father and son lead normal lives.

Mr. Speaker, it is indeed an honor for me to acknowledge Mr. McCall's actions before you and the other Members of the House of Representatives, as well as the rest of the Nation. His compassion, charity, and devotion to his fellow man reminds us that if we all followed Emmett McCall's lead, the life of every community would be deeply enriched.

PLIGHT OF DAVID MIKHALEV

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. KOSTMAYER. Mr. Speaker, as a cochairman of the Congressional Call to Conscience Vigil for Soviet Jews, sponsored by the Union of Councils for Soviet Jews, I would like to commence our 1990 vigil by drawing attention to the plight of David Mikhalev. David Mikhalev is a Soviet Jew who has been refused permission to leave the Soviet Union since 1979. His case is an especially tragic one and is evidence that while glasnost policies have contributed to Soviet liberalization in many ways, certain reforms are still badly needed.

David has applied repeatedly for the last 11 years but has consistently been refused permission to emigrate. The Soviet government has maintained that he holds state secrets from the ministry of communication, where he worked as a mathematician. However, it is undoubtedly more likely that rejection of his applications originates from his service as the vice-chairman at the Public Committee to Monitor Ovir, an organization attempting to oversee the government's visa and emigration process.

Mr. Mikhalev's case is especially tragic because he is now separated from his wife and daughter, who live in the United States. They were allowed to emigrate in 1988 so that his daughter, age 7, could be treated for a genetic hormonal disease that was untreatable in the Soviet Union. However Olga, his wife, was only allowed to emigrate after divorcing David.

This heartbreaking story of a divided family reminds one of the old days of calculated, bureaucratic totalitarianism rather than an era of glasnost, which emphasizes freedom and human dignity. I strongly urge my colleagues to join with me in urging the Soviet Union to reconsider its practices with regard to David Mikhalev and others who wish to emigrate from the Soviet Union.

TRIBUTE TO NAZARETH HOSPITAL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 7, 1990

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 50th anniversary of Nazareth Hospital.

In 1940, the Sisters of the Holy Family of Nazareth, under the direction of Mother Mary Ignatius, founded Nazareth Hospital. With the opening of the Marian Pavilion on March 9, 1940, the Sisters took the first step in what has proven to be a very close relationship with area residents.

Nazareth Hospital served the city of Philadelphia during the unprecedented population and housing growth of the 1950's and 1960's and the medical and technological advancements of the 1970's and 1980's. The addition of the Saint Joseph Building and the Holy Family Pavilion has allowed the hospital to continue to accommodate these modern advances.

More recently, the hospital initiated a neonatal intensive care unit to give infants quality care that was unheard of in the past. The hospital also has the most modern emergency center in the area. Originally a 116-bed inpatient facility, Nazareth Hospital is now a major 347 bed medical care campus.

In addition to its successful technological growth, Nazareth Hospital deserves even greater recognition for its dedicated and skilled medical staff and generous benefactors and friends. The unselfish contribution of its employees has improved the welfare and livelihood of the patients they serve.

Mr. Speaker, I join the citizens of Philadelphia in expressing gratitude to Nazareth Hospital for 50 years of its compassionate offerings. I am sure the hospital will continue to provide the city with many more years of service.

NAZARETH HOSPITAL—50 YEARS OF SERVICE TO THE COMMUNITY

The late 1930's and early 1940's presented formidable challenges to the residents of the city of Philadelphia. It was a time when the nation was struggling to overcome a crippling economic crisis, while at the same time preparing for its inevitable involvement in a world war. Against this backdrop of mankind's harshest offerings came forth one of its most compassionate.

In 1940 the Sisters of the Holy Family of Nazareth, under the direction of Mother Mary Ignatius, founded Nazareth Hospital. With the opening of the Marian Pavilion on March 9, 1940, the sisters took the first step in what has proven to be a very close relationship with area residents.

Through the unprecedented population growth and housing development of the 1950's and 1960's, to the medical and technological advancements of the 1970's and 1980's, Nazareth Hospital has responded accordingly. The addition of the Saint Joseph Building (1963) and the Holy Family Pavilion (1988) has allowed the Hospital to continue to accommodate these modern advances. New service offerings, such as the neonatal intensive care unit, allow the Hospital to give even the smallest patient a chance at life that was unheard of in the past. This along with the most modern emergency center in the area and addition of the MRI afford our patients the best care available.

From its beginning as a 116-bed inpatient facility, to its present role as a major 347 bed medical care campus, Nazareth Hospital can reflect proudly upon the foundation for its success—the vision and compassionate family ministry of the Sisters of the Holy family of Nazareth, a dedicated and skilled medical staff, the generous support of benefactors and friends, and the unselfish contribution of its employees who have given of themselves for the betterment of those patients that they serve.

NAZARETH HOSPITAL,
Philadelphia, PA, January 22, 1990.

Hon. ROBERT A. BORSKI, Jr.,
Philadelphia, PA.

DEAR REPRESENTATIVE BORSKI: On March 9, 1990 Nazareth Hospital will be initiating its Fiftieth Year of service to the residents of Northeast Philadelphia. We are very proud of the support and consideration we have received from area residents over the years and we look forward to continuing that relationship well into the future.

The Hospital has planned a full calendar of special events for the upcoming year. As part of this schedule, we would be honored if you would agree to be part of our celebration. I am anticipating that this could include presenting or forwarding to the President of the Hospital a House Resolution/Greetings noting the 50th year of service to the community.

If you would prefer to make a personal presentation, there are a number of events planned for the weekend of March 9-11 that may fit within your schedule. For your review, these events are presented as follows:

Date, time, event, place, and projected attendance:

Thurs., March 8: 12 pm-1 pm, Employee Luncheon, Nazareth Hosp. Cafeteria, 600-700 employees (staggered seating).

Sat., March 10: 7 pm-12 pm, 50th Anniv. Dinner, Curtis Center, Independence Square West, Phila., PA, 400-500 Physicians, Board Members and Guests.

Sun., March 11: 3 pm, Mass Celebrated by Archbishop Anthony J. Bevilacqua, Maternity BVM Church, 9222 Bustleton Avenue, 1,000 Guests and Employees.

Sun., March 11: 4:30 pm, Reception for Invited Guests, 9222 Bustleton Avenue, 500 Guests.

If these dates present a scheduling problem, I would like to discuss alternatives with you or your staff. Major special events are planned throughout the upcoming year; we would certainly accommodate your schedule.

I will follow up with a phone call to your office within the next week. I have enclosed my card for your information.

Thank you for your consideration and I look forward to future discussions.

Sincerely,

JAMES POWERS,
Director of Physician and Community Relations.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL

RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 8, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 9

9:30 a.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee

To hold hearings to review the President's budget request for fiscal year 1991 for the National Aeronautics and Space Administration (NASA).

SR-253

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee

To hold hearings on Federal participation in magnetic levitation transportation systems.

SD-406

Joint Economic

To hold hearings on the employment-unemployment situation for February.

2203 Rayburn Building

10:00 a.m.

Appropriations
Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Senate, the Office of the Sergeant At Arms, and the Congressional Budget Office.

SD-116

Foreign Relations
East Asian and Pacific Affairs Subcommittee
Terrorism, Narcotics and International Operations Subcommittee

To hold joint hearings on narcotics trafficking activities in Southeast Asia.

SD-419

Governmental Affairs

To hold joint hearings with the Committee on Labor and Human Resources to review the implementation of the Clinical Laboratory Improvement Act of 1988 (P.L. 100-578).

SD-430

Judiciary

To hold hearings on S. 640, to regulate interstate commerce by providing for uniform standards of liability for harm resulting from general aviation accidents.

SD-226

Labor and Human Resources

To hold joint hearings with the Committee on Governmental Affairs to review the implementation of the Clinical Laboratory Improvement Act of 1988 (P.L. 100-578).

SD-430

1:00 p.m.

Energy and Natural Resources
Mineral Resources Development and Production Subcommittee

To hold hearings on S. 1908 and H.R. 737, bills to amend the Stock Raising Homestead Act to prescribe conditions under which U.S.-owned hardrock mineral deposits may be mined or removed from lands whose surfaces are privately owned.

SD-366

MARCH 15

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.

SH-216

MARCH 20

9:30 a.m.

Appropriations
Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.

SD-192

Appropriations
Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-138

10:00 a.m.

Appropriations
Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.

S-128, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for the Small Business Administration, and the U.S. Information Agency.

S-146, Capitol

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee

To hold oversight hearings on the Public Buildings Program of the General Services Administration.

SD-406

2:00 p.m.

Appropriations
Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Departmental Offices.

SD-192

Energy and Natural Resources

To hold hearings on S. 2088, to extend authority for Titles I and II of the Energy Policy Conservation Act (P.L. 94-163), to expand the strategic petroleum reserve (SPR) to one billion barrels, and to provide for predrawdown diversion authority for SPR oil.

SD-366

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

2:30 p.m.

Appropriations
Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.

SD-116

MARCH 21

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.

SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

Governmental Affairs

To hold hearings on proposed legislation to establish a position of chief financial officer.

SD-342

Small Business

To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.

SR-428A

10:00 a.m.

Appropriations
Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.

SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.

SD-116

Finance

To hold hearings on proposed legislation to examine the effects of short-term trading on long-term investments, including S. 1654, to impose an excise tax on the gain on the sale of pension investment assets held for a short term.

SD-215

Judiciary
Constitution Subcommittee

To hold hearings S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.

SD-226

2:00 p.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.

SD-138

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MARCH 22

9:30 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Governmental Affairs
To continue hearings on proposed legislation to establish a position of chief financial officer.
SD-342

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the World Bank and the debt crisis.
SD-106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116

2:00 p.m.

Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

MARCH 23

10:00 a.m.

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

MARCH 26

10:30 a.m.

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
SD-192

MARCH 27

9:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
SD-366

10:00 a.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

2:30 p.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

MARCH 28

9:30 a.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold oversight hearings on the regulation of lawn chemicals.
SH-216

10:00 a.m.

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

2:00 p.m.

Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

MARCH 29

9:30 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

CANCELLATIONS

MARCH 8

9:30 a.m.
Veterans Affairs
Business meeting, to consider budget recommendations for veterans programs and proposed legislation to reorganize the Veterans Health Service and Research Administration.
SR-418

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

POSTPONEMENTS

MARCH 8

10:00 a.m.
Foreign Relations
To hold hearings to examine support for East European democracy.
SD-419

1:30 p.m.
Environment and Public Works
To hold hearings on the President's proposed budget request for fiscal year 1991 for the U.S. Fish and Wildlife Service.
SD-406

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HOUSE OF REPRESENTATIVES—*Thursday, March 8, 1990*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray today using the words of the Psalmist:

How lovely is thy dwelling place, O Lord of hosts! My soul longs, yea, faints for the courts of the Lord; my heart and flesh sing for joy to the living God.

For a day in thy courts is better than a thousand elsewhere. I would rather be a doorkeeper in the house of my God than dwell in the tents of wickedness. For the Lord God is a sun and shield; he bestows favor and honor. No good thing does the Lord withhold from those who walk uprightly. O Lord of hosts, blessed is the man who trusts in thee!—Psalm 84:1, 2; 10-12.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from South Carolina [Mrs. PATTERSON] please come forward and lead the House in the Pledge of Allegiance?

Mrs. PATTERSON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed concurrent resolutions of the following titles, in which the concurrence of the House is requested.

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to popular anti-semitism in the Soviet Union; and

S. Con. Res. 103. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, March 9, 1990, or Saturday, March 10, 1990, until Tuesday, March 20, 1990.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled joint resolutions on Wednesday, March 7, 1990:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3581, RURAL ECONOMIC DEVELOPMENT ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-416) on the resolution (H. Res. 355) providing for the consideration of the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," which was referred to the House Calendar and ordered to be printed.

MESSAGE FROM THE SENATE

The SPEAKER. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, March 9, 1990, or Saturday, March 10, 1990, pursuant to a motion made by the Majority Leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9 a.m. on Tuesday, March 20, 1990, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate, after consultation with the Minority Leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON WEDNESDAY, MARCH 14, 1990

Mr. WISE. Mr. Speaker, yesterday the House granted permission for the House to meet at noon on Wednesday next. Circumstances have changed, and I would like to make a new request respecting the hour of meeting on Wednesday.

Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, March 13, it adjourn to meet at 2 p.m. on Wednesday, March 14, 1990.

Mr. Speaker, Members should be advised that votes and legislation will occur on Thursday.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

WORKING AMERICANS NEED REAL TAX REFORM

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, what is the American dream? That working Americans will be encouraged to move up, to advance, to develop opportunities for their families.

Now come the results of recent tax studies that show in charts and graphs what many working Americans have known for years—that while the rich get the breaks, tax breaks, working Americans get the taxes. While they are reading George Bush's lips, the administration is lifting their wallet.

The Washington Post recently noted this difference. The schoolteacher, machinist or sales executive making $27,000 gets a $1,000 pay raise—and pays over $350 in additional Federal taxes. How about the $200,000-a-year wage earners who get a $1,000 increase? Their taxes only increase $280 a year.

While the administration points out that the rich now pay more taxes, they gloss over that it is because their share of national income has increased greatly. Meanwhile the income for the lowest income 20 percent of Americans has declined.

Mr. Speaker, it will not be necessary to read lips much longer. Those lips are going to be the voices of working Americans saying: "enough is enough." Give us real tax reform.

NEW LEGISLATION WOULD DEFINE AND EXTEND BAN ON FOREIGN POLITICAL CONTRIBUTIONS

(Mrs. SAIKI asked and was given permission to address the House for 1 minute.)

Mrs. SAIKI. Mr. Speaker, there has been a great deal of talk about the need for campaign finance reform, and I agree that the Congress should act this year to protect the integrity of our political elections. I believe that one of the most basic protections we must have is to ensure that foreign na-

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

tionals cannot influence the outcome of our elections through campaign contributions.

Common Cause magazine recently reported that 33 States are unaware that Federal law bans political contributions by foreign nationals to any political election, Federal, State, or local. In my own State of Hawaii, this confusion has resulted in candidates unknowingly accepting illegal contributions from foreign nationals.

I have introducted H.R. 1540 to correct this problem by codifying current regulations which ban foreign political contributions for any political office. My bill would also extend the ban to ballot issues such as initiatives, referenda, and recall questions.

I urge my colleagues to support and cosponsor this legislation as a basic step to ensure the integrity of our political process.

THE FOREIGN LANGUAGE COMPETENCE FOR THE FUTURE ACT

(Mr. PRICE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, I rise today, as we observe National Foreign Language Week, to express my support for efforts to improve the foreign language skills of our Nation.

Such an effort is of primary importance for our students and for our economy as we recognize that more and more jobs will demand proficiency in a second language. With the prospects for the economic integration of the European Community looming in 1992, we must ensure workers have the skills to compete successfully in this new, dynamic marketplace. We must take steps now to better prepare our youth for these international challenges and should carefully examine ways to improving foreign language education and training programs in this country.

H.R. 2188, the Foreign Language Competence for the Future Act, introduced by our colleague Representative Leon Panetta, aims to boost this country's foreign language capabilities. This bill, which I have cosponsored, would provide grants for summer institutes to train foreign language teachers and would establish a loan forgiveness program for college students planning to teach foreign languages in elementary and secondary schools. It would also provide funds for demonstration grants to develop foreign language curricula and materials.

I want to draw particular attention to the provisions of the bill that would expand the International Centers for Business, for this complements my workplace literacy bill (H.R. 3122), which aims to better prepare students for the demands of a technologically sophisticated workplace. H.R. 2188 would enhance the efforts of these centers by providing matching grants to States and metropolitan areas to establish foreign language institutes for businesses willing to compete in the international marketplace.

H.R. 2188 is also important to my home State, North Carolina, since our State now requires public schools to have a second language program for its elementary and secondary students by 1993. This bill would aid us in producing more students proficient in a second language and would help us to recruit the teachers needed to make these programs work.

I encourage my colleagues to join this effort and to give serious consideration to cosponsoring H.R. 2188. It is a good first step toward improving the Nation's readiness in the foreign languages and will help us to meet the challenges of our increasingly competitive and international workplace.

ETHICS COMMITTEE VIOLATIONS CHARGED

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, today the House Ethics Committee released a report clearing the minority whip of the irresponsible and baseless charges brought against him by the gentleman from Arkansas. On one point, the committee admonishes Mr. Gingrich for cosigning a mortgage on his daughter's personal home but otherwise clears him.

But the handling of this matter by at least one person on the ethics panel raises disturbing questions. Someone on the committee or someone who works for the committee released this report to Mr. Gingrich's accuser before Mr. Gingrich himself was given the courtesy of seeing the report. His accuser was thereby given the chance to issue a press release before Mr. Gingrich had even had an opportunity to look at the report.

Mr. Speaker, that is completely unacceptable. The Ethics Committee must investigate this violation of its own procedures. We have the right to expect people who serve on the Ethics Committee or who serve the Ethics Committee to behave ethically. In this case someone did not. An investigation is certainly warranted.

□ 1110

THE $85 QUESTION

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, we are all familiar with an old TV game show called the $64,000 Question. Well, today in tax policy we have what we call the $85 question.

Why is it, Mr. Speaker, that a banker making $200,000 a year gets an $85 greater tax break than the auto mechanic who makes $27,000 a year? You see, Mr. Speaker, when that banker and that auto mechanic both get a $1,000 raise, $85 more is taken out of the wages of the auto mechanic in taxes. The banker's taxes increase by $280, while the taxes of the auto mechanic increase by $365.

Mr. Speaker, the cause of this, this $85 question, the cause is 10 years of sneaky, regressive tax measures which help only the rich and take from the middle class while adding significantly to our plaguing budget deficit. The 1980's was a decade for the rich to put their feet up and the poor and the middle-income Americans to put their heads down.

Mr. Speaker, the old $64,000 Question was all in fun and just a game. Well, there is no doubt that this $85 question is no fun for the middle class and definitely is not a game. The last decade has resulted in a 5.5-percent cut for the wealthiest of Americans and a 5.5-percent tax hike for the rest of us Americans.

Mr. Speaker, we need to pull this old game show off of the air.

SUPREME COURT BECK CASE CONFIRMATION NOT ENFORCED

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, did you know that even though membership in labor unions has been reduced drastically over the years—they are down to about 17 percent today—there are still several million nonunion workers who must pay fees to a union in order to be able to keep their jobs.

Did you know that Big Labor uses much of this money for purposes other than collective bargaining, even though this is against the law?

Did you know that Big Labor uses a great deal of this money to support candidates for political office, even if the workers who are forced to pay this money oppose those particular candidates, and even though this practice is against the law?

Did you know that this practice—which amounts to forcing a person to pay for supporting a candidate he opposes—is the most oppressive of all campaign finance abuses, and it is against the law?

Did you know that even though the Supreme Court confirmed in the Beck case that this practice is against the law, the Beck decision cannot help workers because it is not being enforced.

Can you see that any campaign finance reform package which does not

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include provisions to enforce the Beck decision fails to address the most significant aspect of the campaign finance reform issue?

HELP THE SMALL BUSINESS AND AGRICULTURAL COMMUNITIES IN RURAL AMERICA

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, although the potential of having to pay higher taxes is of great concern to every American in the United States, this concern is especially shared among the small business community in rural America.

The 14th District of Texas consists of predominantly agricultural businesses, and even though agriculture remains the economic base of rural America, only 10 percent of rural Americans live and work on farms. The increased payroll taxes have hurt many of these business owners.

In 1988, rural unemployment rates were 28 percent higher than in urban areas, which translates to 1.6 million unemployed people. With the ever-changing tax bases, it has become difficult for small business owners to survive without rural development programs such as small business loans and community development grants.

I urge you to help rural Americans maintain the foundation of one of America's most valuable economic bases with continued rural development programs.

BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Mr. Speaker, today, my colleagues and I are introducing legislation that would establish a new public health program to provide preventive health screening and referral services for low-income women for breast and cervical cancer.

According to the American Cancer Society, in 1989 approximately 43,000 women died from breast cancer and 6,000 died as a result of cervical cancer. Mr. Speaker, I am certain that many of these deaths could have been prevented if these women had been screened regularly for both breast and cervical cancer.

The problem is that low-income women may not have the resources to get annual checkups and this legislation would provide them with this opportunity. Through this bill, women who are below 100 percent of the Federal poverty level could not be charged a fee for preventive services and women above that level would only be required to pay according to what they could afford.

I hope our colleagues will join us in cosponsoring this legislation which will provide all women the chance to be evaluated for life-threatening illnesses before it is too late.

THE HARVEST OF PEACE RESOLUTION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have joined our colleagues, Representatives Matt McHugh and Silvio Conte, in sponsoring House Concurrent Resolution 259, the harvest of peace resolution.

The resolution seeks cuts in worldwide military spending and a reallocation of the funds saved to the feeding, clothing, and educating of millions of needy people here at home and abroad.

The prospects for world peace are now greater than ever, and I believe the world powers collectively can safely begin sensible reductions in military spending.

House Concurrent Resolution 259 targets the year 2000 for reducing military spending by one-half.

I can think of no greater use of this "peace dividend" than to use funds now consumed in producing weapons of destruction to producing weapons of construction such as food, shelter, clothing, and medical care.

Mr. Speaker, I again want to voice my support for the harvest of peace resolution, and I hope the Congress will give it prompt and favorable consideration during this session.

CALLING FOR AN ETHICS INVESTIGATION OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, I am fearful that a real cancer on the House of Representatives is the desire to use the Committee on Standards of Official Conduct as a political partisan tool of those who do not agree wtih the articulate, capable spokesmen, that they will then be unable to challenge them on the basis of their ideas and use the Committee on Standards of Official Conduct as a method by which they will make their partisan challenge.

Mr. Speaker, many feel that is perhaps what happened to the Republican whip, and just to augment that fear, that cancer that could eat away at the very heart of the House of Representatives and the comity necessary to make legislation for the country, was the action yesterday by a member of the Committee on Standards of Official Conduct to give to the perpetrator, those who posed the charge against the whip, their conclusions prior to the time that they went to the Member who was challenged.

So, Mr. Speaker, the press release was made; the newspapers this morning have their story, true or not, fair or not, because the person who was challenged was not given the fairness or the opportunity to be informed properly and fairly, but released to the newspaper this morning because of a partisan act by the Committee on Standards of Official Conduct to release it to those who are making the charge.

Mr. Speaker, this is a very, very sad day, and I call upon you to investigate this matter and have an ethics investigation of the Committee on Standards of Official Conduct.

INTERNATIONAL DEVELOPMENT ON INTERNATIONAL WOMEN'S DAY

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. SCHROEDER. Mr. Speaker, today we commemorate International Women's Day, originally commemorating March 8, 1857, when a group of New York women garment workers demonstrated to protest their working conditions. International Women's Day is unusual among holidays originating in the United States in that it has been widely adopted and observed by other nations. In the U.S.S.R. and in China it is a national holiday.

One way we can help the women of the world is through our international development effort.

Many of you have cosponsored H.R. 951, introduced by the late Representative Mickey Leland, Representative Olympia Snowe and myself, calling on the Agency for International Development to improve its integration of women into the planning and implementation of the United States development effort. There has been increased effort over the last 2 years in training AID personnel but more needs to be done to reach women in the countries we assist.

In addition, today Representative Snowe and I are sending a letter to the Appropriations Subcommittee requesting that the United States continue to fund the two U.N. organizations whose responsibility is to make sure that the United Nations development effort also reaches both women and men.

I hope you will join me in this effort and in today's commemoration of the working women of the world.

□ 1120

THE SOVIET UNION FOREIGN AID PACKAGE SPEECH

(Mr. DREIER of California asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, the debate rages on over the very, very controversial speech which was given by our colleague, the gentleman from Missouri [Mr. GEPHARDT], the majority leader, on what some have come to know as the Soviet Union foreign aid package speech.

I will tell you that a lot of comment has come from Richard Nixon this morning in a meeting we had on it, from a lot of people here last night on a special order, but I will tell you one of the most eloquent statements came from this Polish intern, Slawek Gorecki, who is working in my office. I showed him the speech. He looked at page 7 and in one paragraph our colleague, the gentleman from Missouri [Mr. GEPHARDT] talks about the necessity to cut back military spending in the United States, and just two paragraphs later he talked about the importance of technology transfer to the Soviets.

Mr. Gorecki then said to me, "My gosh, it looks to me as if we are to cut U.S. expenditures on defense systems in this country and increase U.S. expenditures on defense systems in the Soviet Union."

NATIONAL TRANSPORTATION POLICY

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, preliminary reports of the national transportation policy, to be announced today, indicate that the administration is attempting to shirk its responsibility by shifting devastating tax increases on the States. This is a killer proposal for my home State of Kansas. Last year, Kansans were hit with the largest tax increase for transportation needs in the 130-year history of our State, including a substantial gas tax increase. That coupled with massive property tax increases has almost caused a State revolution. Kansans will not be able to bear significant additional taxes.

National transportation needs have traditionally been the Federal Government's responsibility. Highways and aviation systems are part of a national network, as people travel between our States. Kansas has less than 3 million residents, yet we are one of the largest geographic States with some of the most highway miles in the country. Further, my State's central location brings tens of millions of interstate travelers through our State every year. This plan could force Kansans to bear an even greater financial burden for the utilization of our highways.

The President should know that a national transportation policy means a centralized policy for the entire Nation. Today's announcement contradicts the notion of a national policy and instead establishes 50 individual policies, each one conflicting with the policies in neighboring States. The President must stop his charade of hiding behind the "no new taxes" pledge. His new transportation policy is simply his way of shifting the burden of collecting new taxes off his Federal shoulders, and forcing the States to do his dirty work.

WHEN PERCEPTION BECOMES REALITY

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, we live in a world in which perception becomes reality. A leak of information to the press is a valuable weapon in influencing that perception.

We have just witnessed within the last 24 hours press manipulation by leak. Yesterday a report of the actions of the Ethics Committee was leaked to the press. The accuser, the gentleman from Arkansas, was prepared with his press release. The accused, the gentleman from Georgia, was not informed.

Mr. Speaker, we need an investigation of the activities of our Ethics Committee and the leaks that have been used to influence reality in this country.

COMMENDING EX-WORLD BOXING CHAMPION ROBERTO DURAN FOR HIS NEWEST BATTLE TO HELP PANAMA

(Mr. ORTIZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ORTIZ. Mr. Speaker, today I rise to commend ex-world boxing champion Roberto Duran for his efforts to insure that the money being sent to Panama is directed to those who need it the most.

When the United States assisted Panama in ridding that country of her dictator, a great deal of damage was done to public and private property.

Yesterday, the boxer known as "hands of stone," Roberto Duran, came to my office to share his concerns about his native country.

He was especially worried that the neediest people in the country of Panama, the children, the poor and the homeless, would be overlooked when the United States money was sent to Panama.

Roberto Duran has spent his entire life fighting—both on the streets and in the ring.

Now, he is fighting an even more important fight—a battle for the innocent people displaced by the recent conflict in Panama.

He has joined forces with the Food and Commercial Workers Union to collect canned foods and other items to send to Panama.

I commend Roberto Duran for his newest battle—to feed, clothe and shelter needy Panamanian children.

HIGH SCHOOL DRUG BUSTS IN TEXAS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise today to commend the officials at the Bryan College Station in Texas for an operation called "Operation Apple." Operation Apple had nothing to do with agriculture or fruit. It had to do with the selling of illegal drugs to high school students at A&M Consolidated High School and Bryan High School.

Yesterday 3 undercover officers arrested 13 individuals for selling illegal drugs in those 2 high schools. This operation was approved by the school boards of both school districts, conducted by the two police departments. Superintendents of schools Guy Gordon in Bryan and Ray Chancellor at A&M Consolidated, the two chiefs of police, Charles Phelps in Bryan and Mike Strope in College Station. This does not mean that there is a larger-than-life drug problem in those two high schools. What it does mean is that there is a drug problem there and everywhere in this country. It also means in those two communities that people are doing something about it.

I would like to commend them for that effort and hope that they will continue the operation.

FEDERAL GOVERNMENT HAS BEEN LESS THAN TRUSTWORTHY IN SOCIAL SECURITY FUNDS

(Mr. PENNY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENNY. Mr. Speaker, every pay period, working Americans faithfully make their contributions through the payroll tax to finance Social Security benefits. They pay now, trusting that the U.S. Government will guarantee that money will be there when it is

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their turn to retire. As we know, the Federal Government has been less than trustworthy in its caretaking of the surplus funds now building in the Social Security system. Instead of saving these funds, the Government is spending them. In this year alone, $65 billion in extra Social Security receipts will pay for nonsocial security spending. Next year, that will grow to $75 billion, and the year after, it will be $86 billion.

Congress' resident scholar, Senator **Moynihan**, calls that practice thievery. Others have called it embezzlement, looting, or safecracking. By any definition, it is wrong and an abuse of the public trust.

The payroll tax burden on working families has grown more dramatically in the Reagan-Bush years than at any time since its creation in the mid-1930's. The Social Security tax rate has been raised seven times—five times in the last 6 years alone—while the income level subject to the payroll tax also doubled. From 1980-88, Social Security tax revenues as a percentage of total Federal revenues rose by 23 percent. By comparison, corporate income tax revenue as a percentage of total Federal revenues declined by 23 percent.

That means the Federal Government is becoming more and more reliant on a regressive tax—paid at the same rate by the rich and the poor alike—to finance its operations. That's not fair. If we are collecting the tax for Social Security, then let us use it for Social Security. If not, then let us cut the tax and return the system to pay-as-you go.

PRESIDENT REAGAN AND THE BERLIN WALL

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, it was 1,000 days ago today that Ronald Reagan was in Berlin challenging Mr. Gorbachev to tear down this wall.

I worked in the White House at the time and I remember well the controversy of that speech in the days before President Reagan delivered it. The entire foreign policy establishment of the United States descended upon the White House to try to pressure President Reagan into not saying, "Tear down the Wall." They suggested it was too confrontational, too belligerent.

President Reagan's own advisers tried to pressure him into deleting that from his speech, but President Reagan stood firm. Not only did he stand firm and say, "Tear down the Wall," but he stood firm in developing the SDI, rebuilding America's military strength and in supporting those people who were fighting for freedom around the world.

Now, today we hear the voices of those who opposed Ronald Reagan suggesting that all the progress we have had toward peace and freedom is nothing more than a cycle of history. I say it was the result of strong leadership and right ideas.

MAJORITY LEADER'S SPEECH SHOWED UP PRESIDENT'S LACK OF LEADERSHIP ON FOREIGN POLICY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday the majority leader of the House came out with a program to aid the Soviet Union. Whatever one thinks of that program, and there were many opinions on one side or the other, everyone agreed about one thing. It showed up the President's decisive lack of leadership on foreign policy.

Today as the President announces his transportation policy, again we see a total lack of leadership. With our infrastructure crumbling, with the need to build the Nation's roads and highways so that we can compete against Germany and Japan, what does the President do? He says, "Localities, you pay for it."

Well, the President could have saved 108 pages. He simply could have written a letter to the Governors and Mayors and said, "Dear Local Communities, from now on you pay for the Nation's highways, and by the way, that money we collected for fixing roads, we are using it to hide the deficit."

Under the President's plan, toll booths will be as common as arches across the Nation's highways. Under the President's plan, poor communities that cannot fix their own highways will suffer.

Mr. Speaker, is this leadership?

DEMOCRACY DAY IN VERMONT

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Vermont. Mr. Speaker, yesterday was town meeting day in my home State of Vermont. Some call it "Democracy Day," because it remains one of the last exercises in pure democracy in this democratic nation. Through these once-a-year meetings we get the rare opportunity to really know what the people think. Not from polls or interviews, but from the actual source. What they said yesterday should interest us all.

One of the things they said in near unison was that we need to take a close look at our defense budget this year. Almost 90 percent of the towns voted to call for a 5-percent cut in defense spending, with the money redirected toward new priorities: education, environment, housing, drug abuse, farming, and many others.

□ 1130

Mr. Speaker, we should listen to the people of Vermont, because they represent the leading edge of a vast wave of public opinion coming from across the Nation. There are many problems that need our attention and the Federal Government's money. People see that every day. What they do not see is the continued need for defense budgets which claim such a huge share of our limited National Treasury.

This year, let us get serious about streamlining our defense needs, eliminating waste, fraud, and coverups, reevaluating our force structure and our burden-sharing commitments and our weapons systems. Let us listen to the people of Vermont and send the American people's money where they want it to go: people programs and deficit reduction.

IN SUPPORT OF SANCTIONS

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, the recent release of Mr. Mandela and certain moves by Mr. de Klerk have inspired some, like Prime Minister Margaret Thatcher, to call for lifting of sanctions against South Africa.

Mr. Speaker, this is not the time to lift sanctions against South Africa. Sanctions have proven to be quite effective in gaining the release of Mr. Mandela, and in pointing the South African regime in the direction of negotiations. If anything we should support the South Africa Financial Sanctions Act (H.R. 3458) sponsored by our colleague Mr. **Fauntroy** and coauthored by me. I call on my colleagues to join me and the rest of the Congressional Black Caucus in cosponsoring H.R. 21, the Anti-Apartheid Act Amendments of 1989, introduced by Representative **Dellums**, and House Concurrent Resolution 270, introduced by our colleague Representative **Conyers**. This resolution expresses the sense of Congress that the United States sanctions against South Africa should not be lifted until all conditions under the Anti-Apartheid Act are met.

Mr. Speaker, I urge the Members of this distinguished body to join me in expressing their support of sanctions against South Africa in order to expedite the dismantling of apartheid and bring in majority rule, a value we hold dear in our democratic system.

PERMISSION FOR 18-YEAR REFUSENIK RAIZ FAMILY EXPECTED

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, it is with a great deal of pleasure that I inform my colleagues of the expected exit permission being granted to the Raiz family of Vilna, Lithuania. Informed sources have indicated that the permission, granted by Soviet leader Gorbachev, via Lithuanian official Algirdis Brezauskas came after lengthy private negotiations on the Raiz family's behalf.

Vladimir and Carmella Raiz have been refused exit visas since 1972 on the grounds of security due to Vladimir's work as a molecular biologist. He was fired after the application was filed in 1972, and his wife, Carmella, was demoted from her position as the first violinist of the Vilna Philharmonic Orchestra. A religious family, the Raizs are leaders of the Jewish community in Vilnius, and organized religious, cultural, and language seminars. They were continually harassed by the KGB and smeared in local press reports.

Mrs. Raiz is presently in the United States on a tourist visa, working to publicize her family's plight. It is anticipated that an exit visa for her husband, Vladimir, will be issued early next week, and that businessman Albert Reichmann, of Toronto, Canada, long involved in the family's case, will transport Mr. Raiz to Israel from Lithuania, where the Raiz family will be reunited.

KENTUCKY COCAINE DEALER PAROLED, OUT OF PRISON

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, convicted cocaine dealers such as Rayful Edmond III, of Washington, DC, recently have been sentenced to prison for life without parole.

I'm saddened to admit there is at least one area of the United States where you can be a persistent felon, where police can seize from you $350,000 in cocaine and, after pleading guilty, you only spend less than 2 years in confinement, notwithstanding a circuit judge's sentence of 23 years in prison.

Yes, it's in my own congressional district that one Hiriam Curtis Smith, age 33, is free now. On February 29, 1988, Mr. Smith pleaded guilty in Paducah, KY, to narcotics crimes, as well as to the specific charges of possession with intent to sell cocaine, possession of a handgun by a felon and a second degree persistent felony offender count, citing Smith's previous felonies.

Early parole was the good fortune of Mr. Smith.

Mr. Smith is the first cousin of Kentucky State Representative Rex Smith and a nephew of multimillionaire Jim Smith, probably the wealthiest man in my congressional district and a man who is very active in Kentucky politics.

Early parole in Kentucky is extremely rare.

Not until today when the Paducah Sun newspaper revealed it did we realize Mr. Smith was released from the Kentucky State Penitentiary on February 14.

The Kentucky Parole Board's routine policy is to require a nonviolent offender to serve at least 20 percent of his sentence before being eligible for parole. In Curtis Smith's case that would have been in mid-1992, more than 2 years from today.

But Mr. Smith was granted a parole hearing. There were only 28 such hearings last year out of the 5,564 inmate cases reviewed by the Kentucky Parole Board.

Before his early parole Mr. Smith was also privileged to be 1 of only 10 men who lived in the minimum security complex next to the penitentiary at Eddyville.

The people of Kentucky should be outraged by the early parole of a big-time cocaine dealer.

This is a live, March 8, 1990, example for a textbook which could be entitled "A Dual Justice System," featuring Rayful Edmond III and Hiriam Curtis Smith.

PRAISE FOR THE STATE DEPARTMENT'S HONESTY ON CHINA

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the new State Department report on human rights deserves praise for exposing the dismal story of human freedom in China. The report states that virtually all internationally recognized human rights are restricted in China, many severely.

Mr. Speaker, the report speaks the truth. Despite lifting martial law, thousands remain in detention. Torture and execution are common. Students suffer a year's hard labor indoctrination before entering universities. Freedom of speech, press, religion, and assembly are virtually nonexistent.

In Tibet, martial law imposed a year ago remains in effect. Tibetan student, Lobsang Tenzin, is threatened with execution prior to the anniversary of demonstrations against Chinese repression.

The Chinese Government's predictable response to the report is to reject the concept of universal human rights and instead promote the concept of nation's rights whereby each nation determines it's own human rights standards. As a party newspaper stated, no abstract human right overrides national boundaries.

We reject and condemn this ridiculous notion. Human rights know no political or national boundaries. The denial of the rights of one human being anywhere is the denial of the rights of us all.

INVITATION TO DISCUSS AID TO THE SOVIET UNION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I just want to let my colleagues know that when it is appropriate later on today, I hope to take a 1-hour special order to continue discussing the Democratic majority leader's proposal for aid to the Soviet Union.

I will emphaisze today the amount of Soviet transfers of military and other aid to Cuba, Angola, Afghanistan, Vietnam, Nicaragua, Ethiopia, North Korea, Cambodia, Iraq, and other countries, and raise the question: Is it really smart to talk about aid to the Soviet Union when the Soviet Union is sending military aid to so many dictatorships?

I look forward to any colleagues on either side of the aisle who would like to discuss this.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4096

Mr. LEVINE of California. Mr. Speaker, I ask unanimous consent that my name be removed from H.R. 4096. My name was placed on this legislation as a result of staff error.

Although I am removing my name, I remain strongly supportive of efforts to enact legislation which protects the rights of artists and writers from the threat posed by digital audio tape technology.

I look forward to full hearings on this issue in the near future.

It is my hope that the remaining disputes between supporters and opponents of this legislation can be resolved so that legislation on this subject may go forward.

The SPEAKER pro tempore (Mr. PRICE). Is there objection to the request of the gentleman from California?

There was no objection.

□ 1140

END RACIAL McCARTHYISM: GET PAST THE RHETORIC AND DISCUSS THE DETAILS

The **SPEAKER** pro tempore (Mr. PRICE). Under previous order of the House, the gentleman from Virginia [Mr. PARRIS] is recognized for 5 minutes.

Mr. **PARRIS**. Mr. Speaker, I take the floor of the House this morning as the vice chairman of the Committee on the District of Columbia to discuss a bill I introduced yesterday called the Civil Rights Restoration Act of 1990 to restore the voting rights to residents of the Nation's Capital.

Later on yesterday Rev. Jesse Jackson compared me to Sheriff "Bull" Connor and former Governor George Wallace of Alabama, well-known for their activities of the 1960's.

That was a blatant example of racial McCarthyism, which has unfortunately grown in popularity in recent times. How come every time one disagrees with the judgment or the divine wisdom of the Reverend Jesse Jackson, they are accused of being a racist? That attitude, aside from being arrogant, is an example of deliberately attempting to stifle open and honest debate about these very important issues. It is not an intelligent discussion of a complex and fundamental human right, but a childish characterization of a historic problem, and it demeans the discussion.

I have introduced a proposal that is constitutionally sound and restores basic voting rights in all Federal elections to residents of the District of Columbia, while maintaining autonomous local rule. My legislation would dramatically return rights to D.C. residents that were taken away 190 years ago. How can a restoration of rights be deemed racist?

From the point of view of voting rights and representation for the citizens of the District of Columbia, the only difference between my legislation and statehood is that the Mayor, not a governor, will be the top official, and local government autonomy and self-determination will be preserved.

The statehood legislation now before this Congress will not pass. There are not enough votes to pass it. And even if it did, it would not survive a judicial challenge, because it is clearly unconstitutional. My legislation is the only available method for restoring full voting rights and is available to us and to the citizens of this city.

I can understand that some politicians may have personal agendas to achieve or they have already envisioned their role in a new State they are promoting. I can understand their being upset by a proposal that would broaden the base of the electorate. They should look beyond their own personal ambitions and determine what is the most likely way voting rights will be restored for all of the citizens of the Nation's Capital.

As regard some other Maryland residents who have criticized this proposal, I think it is time that they renew and reexamine their liberal credentials. It is easy to be a liberal over cocktails at home when discussing ideology. It is interesting, however, to see what happens to that ideology when those beliefs are tested by reality, by personal challenge, by political challenges, and potential controversy. It seems for some of them that their tune changes significantly.

I am willing to discuss this proposal with any reasonable official who will consider it on its merits. The bill is a good idea and it can work, and if the lenders would read it before they criticize it, the people of the District would be a great deal better off.

I have extended an invitation today to the Reverend Jackson to come to my office next week where we can sit down in private, get past the poisonous rhetoric that characterizes too much of the debate on this issue and others in this city, and discuss the details of my legislation. Jesse Jackson indicated in the media last night that he would be willing to discuss the plan, and I am now following up on his offer. I hope he was sincere, and I look forward to a useful exchange of views.

THE MX RAIL PROGRAM: IT SHOULD NOT BE BUILT

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes.

Mr. **DORGAN** of North Dakota. Mr. Speaker, last month the President sent to Congress his proposed budget for the coming year.

Since that time, I've traveled throughout much of North Dakota answering questions from my constituents about how the President proposes to spend money, and how the Congress will likely react to it.

BUSH BUDGET: HARD TIMES FOR RURAL AMERICA

I've met with hundreds of family farmers who, exhausted from 8 years of recession and 2 years of drought, are hanging on by their financial fingertips and who are now told by the President there's not enough money in the Federal budget to prevent a further erosion of their income.

I've met with some poor elderly folks on public assistance who suffer from poor eyesight and who need eyeglasses. But they are told there's not enough money in the Social Services budget, so they'll have to do without for now.

I've met some young college students from needy families who want a chance to continue in college but they are told that the tightening restrictions on the guaranteed student loan may force them to quit school.

I've met young mothers from poor families whose children should be helped by the nutrition offered in the WIC Program, but they are told there's not enough money in the program to add them to the rolls.

I visited one of our Indian reservations where poverty is acute, where 50 percent of the households have no telephone and nearly 20 percent have no plumbing. They are given commodities from a commodity food program which sends them cans labeled "beef" when the top of the can is filled with lard. This occurs on reservations where nearly half the people suffer from heart disease and diabetes. They're told that we don't have enough money to help them live in dignity and good health.

Last week I was driving alone down a highway in North Dakota, wondering how can we meet all of these needs. How can we help our neighbors who need help. And as I thought about it, I once again became angry with some of our priorities here in Washington, DC.

The fact is, there is enough money to offer a helping hand to folks who are down and out and to start reducing the Federal deficit. But that money is now being wasted on all the wrong things—things we don't need, things that don't make life any better or make America any stronger, things that increase our deficit.

WANTED: A REEXAMINATION OF DEFENSE REQUIREMENTS

In this budget year, the President proposes to spend billions of dollars on a number of proposals, including a trip to Mars, a substantial increase in funding for star wars, $5 billion for five B-2 bombers and $3.2 billion for the 18th Trident submarine and 51 more missiles. The President also proposes to spend $3 billion to continue a $9 billion spending program to put MX missiles on railroad cars. I think we need to reexamine the wisdom of building all of these.

I want to discuss the MX rail garrison issue today because it, like so many other issues, is an example of the pressures that face those of us who serve in public office.

The Pentagon has selected my State as one of the sites for the MX rail garrison project. It could mean nearly $70 million in new spending in North Dakota next year. It could mean some jobs and economic activity in a State that has suffered through tough economic times.

I get calls and letters from folks in my district who cite the benefit of having this Federal money spent in our State and who tell me what it would mean to the local economy. And I understand that.

MX RAIL GARRISON: A WASTE OF DEFENSE DOLLARS

But the fact is, this program does not make strategic or economic sense.

From a strategic standpoint, the MX rail garrison system is a waste. It will add nothing to this country's defense, we'll end up spending billions of dollars that we don't have on a system that we don't need, and I just cannot support it.

It's important to note that two former Chairmen and one former Chief of Staff of the Joint Chiefs of Staff as well as one of the Reagan administration's top arms control experts now tell us the MX rail program should not be built. For example, former JCS Chairman David Jones from North Dakota said:

> With the strategic offensive forces, my lowest priority is in the modernization of the ICBM force * * * I just don't see the great need for the modernization of the element right now, particularly with the uncertainty of arms control. * * *

Even Richard Perle, perhaps the most ardent proponent of the arms build up in the Reagan administration has testified:

> I would not proceed with either the Midgetman or the rail mobile MX: the current generation of ICBM's should prove adequate. * * *

The rationale of mobilizing the MX missile on trains and, therefore, making it less vulnerable to Soviet attack just does not stand up under hard analysis. In the final analysis, using rail garrison makes the MX more vulnerable to attack.

First, it would be a simple task for saboteurs to disable a railroad track during an international crisis, thus immobilizing the system.

Second, the system's only defense rests on the premises that we would have at least 4 to 6 hours lead time to get the MX rail unit moving on the track. But most analysts scoff at the notion that this is a plausible scenario.

In fact, the MX would be less vulnerale in silos, where it only takes 20 minutes to initiate a launch. Since it would require 30 minutes for a Soviet ICBM attack to reach the United States, the silo mode turns out to be less vulnerable because it preserves the option of launching under an attack.

In short, the rail garrison plan would weaken our defense and I want no part of it.

This MX missile program will be built at the expense of a desperately needed pair of eyeglasses for a poor elderly person, at the expense of food for a hungry child, or a decent farm price for a family farmer. And that makes no sense to me, because the MX will not increase our security either. It will also be built at the expense of military pay raises, improved readiness, and addressing conventional force needs.

Individualy and collectively, we have to start standing up and exposing the truth of what we're doing, even when it might be uncomfortable for Congressmen and some of our constituents alike.

The truth is, the world is changing dramatically, and the President's Pentagon policymakers haven't even begun to understand what those changes mean.

The walls of communism are crumbling, world tensions are easing. The Eastern European countries don't want to fight in Western Europe—they want to shop in Western Europe. Unrest in the Soviet Union is forcing Mikhail Gorbachev to pay more attention to bread and milk and less attention to missiles. The CIA has now documented a declining Soviet military threat as well.

TOUGH CHOICES AND MORAL LEADERSHIP

Are all of these breathtaking changes lost on us? Is the President truly serious when he says "let's start a new $25 billion Midgetman missile program, take a trip to Mars, add nearly a billion dollars" to an already bloated star wars budget and spend $9 billion on MX rail garrison? Where is the moral leadership in that message? To those in my district who yearn for the economic activity generated by the MX missile rail program, I must say that's not the economic activity that builds a better future for us and our children. Our economic future isn't rooted in faulty schemes such as putting missiles on train cars. It rests on a healthy agricultural economy, on diversified economic activity and on our efforts to build permanent economic opportunities in North Dakota.

To accomplish that, I pledge to pursue vigorously the best opportunities to revitalize our State's economy. I will continue my efforts to improve our education system, attract new businesses, to expand job creating contracts with Federal agencies, to complete the garrison diversion project to the Red River Valley, and to write a strong new farm program. These are the keys to a strong and healthy economic future for North Dakota.

ANTI-SEMITISM ON THE RISE IN THE SOVIET UNION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LENT] is recognized for 5 minutes.

Mr. LENT. Mr. Speaker, in conjunction with the Congressional Call to Conscience Vigil for Soviet Jews, I rise to voice concern about the current situation for Jews in the Soviet Union. I would like to note that in the past I have participated in this event to speak out on the plight of a single Jewish individual or family. However, at this time, circumstances are such that I believe it is imperative to discuss the threats facing the entire Soviet Jewish community.

In 1990, more Jews will be allowed to leave the Soviet Union than during any previous year. While this is certainly good news, it has become clear that the conditions that have long made life difficult for Soviet Jews are now deteriorating further. For some Soviet citizens, glasnost only respresents an opportunity to practice a long suppresed hatred toward Jews. Virulently anti-Semitic nationalist groups like PAMYAT have grown and proposed as the Soviet economy has declined and as the disaffected have searched for scapegoats.

Recently, Vitalii Goldanskii, a member of the Supreme Soviet and the Council of People's Deputies wrote in the Washington Post of the very real dangers posed by the hate groups. Mr. Goldanskii noted that PAMYAT and similar organizations have wholeheartedly endorsed the perverted goals and violent tactics of the Nazis. Most alarmingly though, Mr. Goldanskii explicitly warned of the possibility that these groups are preparing a wave of programs across the Soviet Union similar to the infamous kristallnacht.

In fact, one Russian nationalist group has been so bold as to publicly announce its intention to launch a program on May 5, 1990. The world and the beleaguered Soviet Jewish community now wait for prompt and positive action by Soviet President Gorbachev to head off these threats.

However, if the Soviet Government's suspension of an agreement to begin direct flights between the Soviet Union and Israel is any indication of what is to come, there is every reason to be fearful. Like many, I had hoped the direct flights would greatly reduce the 1-year wait emigrating Jews face as they seek leave the Soviet Union. The suspension decision sends the entirely wrong message to the hate groups and will only encourage their nefarious activities.

I urge my colleagues to join me in calling on President Gorbachev to forcefully denounce antisemitism, take all legal action against neo-Nazi groups, and expedite the departure of Jews wishing to emigrate by implementing the direct flights agreement. President Gorbachev and other Soviet leaders should know that the treatment of Jews in the Soviet Union is and will continue to be a deep concern to the American people and to their representatives in this institution.

WHITE HOUSE TRANSPORTATION POLICY

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CARR] is recognized for 5 minutes.)

Mr. CARR. Mr. Speaker, as we meet here today the President and the Secretary of Transportation are now down at the White House unveiling the much heralded transportation policy. While it contains a good effort by our Secretary of Transportation, what a disappointment it is.

The transportation plan unveiled by President Bush today is another example of the residue of the Reagan "can't do" thinking that still resides at the Office of Management and Budget.

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Once again we are allowing, and the President has allowed the faceless bean counters of OMB, people who are not elected by anyone, to determine national policy.

While the President made an excellent choice in selecting Secretary Skinner, the President has once again let OMB and the bean counters silence the policy experts, just as he did on education, and just as he did on the environment.

The President says his plan will help us meet our transportation needs into the 21st century, but by continuing to hold the highway trust fund hostage and by ignoring the role of Amtrak and mass transit, this plan barely meets the needs of the 20th century. This transportation plan reminds me of the Reagan plan on education. Members will remember that. The Reagan administration, in a much heralded report, called education a matter of national security, called our education system in America a national security asset, and then blithely invited the States and local governments to do something about it.

The fact is we are today one Nation, indivisible because of our rivers, our roads, our railways and our airways. They tie us together as one Nation. It is irresponsible to surrender the responsibility for those transportation arteries that tie our Nation together to the State and local governments, State and local governments which are already burdened by their own budgetary problems.

Mr. Speaker, leadership is more than just moral lip service. Leadership means taking on the responsibility for our problems. It means doing something about them.

Hamstrung by his pledge of no new taxes, the President turns around and proposes in this transportation plan that States and local governments raise taxes. There are echoes of the Reagan era in this plan. Once again, the administration refuses to recognize the contribution of mass transit and Amtrak to our national transportation system, proposing to eliminate the Federal Government's share of both programs.

Worse still, while they refuse to spend money highway users have paid into the highway trust fund for our roads, he proposes new taxes. Let there be no mistake about it, in this transportation proposal the President has broken his pledge of no new taxes. In this plan the airport user fee would be increased, not to fund new programs but to fund already existing programs in the Federal Government. I do now know what the President calls something that takes money out of the taxpayers' pocket and puts it into the general fund, but I call that a new tax.

Mr. Speaker, the transportation policy, while it contains many good elements, and is a valiant effort by our good Secretary of Transportation, completely got stopped in terms of being anything visionary for the 21st century by the White House and the Office of Management and Budget. As we consider transportation policy, I hope Members of Congress from both parties will begin to evaluate our needs as a Nation in the 21st century in a realistic sense, and as Secretary Skinner has said, the transportation policy should be a strategic plan, a road map, if you will. But Mr. Speaker, a road map is no good without a vehicle to get there, and the vehicle is no good if we do not put gas in the tank.

I would ask our President, please, put gas in Secretary Skinner's tank. Give him the authority to plan and propose new revenue resources, not just buck passing to States and local governments.

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

[Mr. **SOLOMON** addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

KENTUCKY COCAINE DEALER PAROLED, OUT OF PRISON

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. HUBBARD] is recognized for 5 minutes.

Mr. **HUBBARD**. Mr. Speaker, I sincerely believe that at least 95 percent of my constituents would disagree with a recent decision of the Kentucky Parole Board to free a big-time cocaine dealer before he served 2 years of a 23-year sentence.

In these allotted 5 minutes I am repeating for emphasis remarks I gave during the 1-minute speeches.

Convicted cocaine dealers such as Rayful Edmond III of Washington, DC, recently have been sentenced to prison for life without parole.

I'm saddened to admit there is at least one area of the United States where you can be a persistent felon, where police can seize from you $350,000 in cocaine and, after pleading guilty, you only spend less than 2 years in confinement, notwithstanding a circuit judge's sentence of 23 years in prison.

Yes, it's in my own congressional district that one Hiriam Curtis Smith, age 33, is free now. On February 29, 1988, Mr. Smith pleaded guilty in Paducah, KY, to narcotics crimes, as well as to the specific charges of possession with intent to sell cocaine, possession of handgun by a felon and a second degree persistent felony offender count, citing Smith's previous felonies.

Early parole was the good fortune of Mr. Smith.

Mr. Smith is the first cousin of Kentucky State Representative Rex Smith and a nephew of multimillionaire Jim Smith, probably the wealthiest man in my congressional district and a man who is very active in Kentucky politics.

Early parole in Kentucky is extremely rare.

Not until today when the Paducah Sun newspaper revealed it did we realize Mr. Smith was released from the Kentucky State Penitentiary on February 14.

The Kentucky Parole Board's routine policy is to require a nonviolent offender to serve at least 20 percent of his sentence before being eligible for parole. In Curtis Smith's case that would have been in mid-1992, more than 2 years from today.

But Mr. Smith was granted a parole hearing. There were only 28 such hearings last year out of the 5,564 inmate cases reviewed by the Kentucky Parole Board.

Before his early parole Mr. Smith was also privileged to be 1 of only 10 men who lived in the minimum security complex next to the penitentiary at Eddyville.

Here are a few explanations from Kentucky officials as to why Mr. Smith was paroled:

> An immaculate prison record;
>
> Knowing how crowded our penitentiaries are, I do believe that Curtis Smith's release will serve the public well as I feel he has learned his lesson by now; and
>
> Smith apparently has come to terms with his substance abuse problem, remained drug free for about 2 years and has taken some very positive steps to inhibit the further use of any type of drug.

The people of Kentucky should be outraged by the early parole of a big-time cocaine dealer.

This is a live, March 8, 1990, example, for a textbook which could be entitled "A Dual Justice System," featuring Rayful Edmond III and Hiriam Curtis Smith.

THE REGULATED PRECURSOR CHEMICALS ACT OF 1990

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 5 minutes.

Mr. FAZIO. Mr. Speaker, today along with 60 of my colleagues, I am introducing the Regulated Precursor Chemicals Act of 1990.

Methamphetamine, known in the 1960's as "speed" and now called "crank" or "ice," is making a resurgence in the Western United States and Hawaii. Unless checked, it will eventually spread throughout the country.

Ice is a smokable form of methamphetamine, which until recently, was entirely manufactured and imported from the Far East. However, earlier this year, the first clandestine ice lab was seized in Elk Grove, CA, which is located in my congressional district. Several more have since been confiscated. Ice is fast becoming a popular drug because it can be

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cheaply manufactured and produces a high which can last for hours.

Crank is an injectable or ingested form of methamphetamine which is domestically produced. Someone without any chemistry skills, working at a homemade setup in a kitchen and using legally obtainable equipment and chemicals, can make crank. Since crank is entirely a domestic product, it has far reaching potential for abuse since no one has to worry about smuggling the drug or the substance used to make the drug into the country. With the technology to produce both crank and ice becoming readily available, law enforcement officials believe that these drugs have the potential to become the crack of the 1990's.

Although a handful of States have enacted tough State laws to deal with the growing crank and ice threat, the manufacturing and distribution of methamphetamine is a multijurisdictional interstate problem which requires a comprehensive national policy. The Regulated Precursor Chemical Act of 1990 will help us stop this threat before it becomes a national crisis.

H.R. 4231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1 SHORT TITLE.

This Act may be cited as the "Regulated Precursor Chemicals Act of 1990".

SEC. 2 EXPANDED LIST OF PRECURSOR CHEMICALS.

Section 102(34) of the Controlled Substances Act (21 U.S.C. 802(34) is amended by striking subparagraphs (A) through (L) and inserting the following:

"(A) Phenyl-2-propanone.
"(B) Methylamine.
"(C) Ethylamine.
"(D) D-lysergic acid.
"(E) Ergotamine tartrate.
"(F) Piperidine.
"(G) N-acetylanthranilic acid.
"(H) Phenylacetic acid.
"(I) Anthranilic acid.
"(J) Ephedrine.
"(K) Pseudoephedrine.
"(L) Norpseudoephedrine.
"(M) Phenylpropanolamine.
"(N) Propionic anhydride.
"(O) Isosafrole.
"(P) Safrole.
"(Q) Piperonal.
"(R) Thionylchloride.
"(S) Benzyl cyanide.
"(T) Ergonovine maleate.
"(U) N-methylephedrine.
"(V) N-ethylephedrine.
"(W) N-methylpseudoephedrine.
"(X) N-ethylpseudoephedrine.
"(Y) Chloroephedrine.
"(Z) Chloropseudoephedrine.
"(AA) Hydriodic acid.".

SEC. 3. CONFORMING REPEAL TO EFFECTUATE TRANSFER OF HYDRIODIC ACID FROM THE ESSENTIAL CHEMICAL TO THE PRECURSO CHEMICAL LIST.

Section 102(35) of the Controlled Substances Act (21 U.S.C. 802(35)) is amended by striking subparagraph (E).

SEC. 4. ELIMINATION OF ESTABLISHED THRESHOLD REQUIREMENT FOR PRECURSOR CHEMICALS.

Section 102(39)(A) of the Controlled Substances Act (21 U.S.C. 802(39)(A)) is amended—

(1) by inserting "any amount of a listed precurso chemical, or" before "a threshold amount, including a cumulative threshold amount for"; and

(2) by striking "listed chemical" the first place such term appears and inserting "listed essential chemical".

SEC. 5. REQUIREMENT THAT REPORTS OF REGULATED TRANSACTIONS BE MADE TO THE ATTORNEY GENERAL.

Section 310(b)(1) of the Controlled Substances Act (21 U.S.C. 830(b)(1)) is amended—

(1) by inserting "any quantity of a listed precursor chemical," after "involving"; and

(2) by striking "a listed chemical" and inserting "a listed essential chemical."

SEC. 6. LICENSING REQUIREMENTS: AUDIT AND CONTROL.

Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended by adding at the end the following:

"(d)(1) It shall be unlawful for any person to engage in a regulated transaction involving a listed precursor chemical, or any other conduct that defines such person as a regulated person with respect to a listed precursor chemical for the purposes of this section, without a license required under this subsection.

"(2)(A) The Attorney General shall by rule establish a licensing program for regulated persons and regulated transactions involving listed precurso chemicals, under which licenses will be required in those circumstances where the Attorney General determines such requirement will contribute to carrying out the purposes of this section and to criminal drug law enforcement in general.

"(B) Such program shall require such application in such form as the Attorney General shall prescibe, and may provide for the denial, revocation, or suspension of a license under this subsection for cause, but only after opportunity for a hearing on the record.

"(3) Whoever violates paragraph (1) shall be fined under title 18, United States Code, or imprisoned not more than 4 years, or both.

"(4) The Attorney General shall by inspection or otherwise provide for the audit and control of listed precursor chemical inventories of persons possessing a license under this subsection.".

SEC. 7. DIRECTION TO ATTORNEY GENERAL WITH RESPECT TO REGULATED TRANSACTIONS.

Section 310 of the Controlled Substances Act (21 U.S.C. 830) is amended by adding after the subsection added by section 7 of this Act the following:

"(e) The Attorney General shall, using the authority provided under subsection (c)(2)(D) and other authority available to the Attorney General, cooperate with the authorities of each State by providing to such authorities information as to regulated transactions in listed precursor chemicals, and anticipated regulated transactions (including impending interstate deliveries) in such chemicals, that might be useful to such authorities in the administration of State laws relating to precursor chemicals and other State law relating to controlled substances and other illegal drugs.".

TRIBUTE TO FORMER WEST VIRGINIA SENATOR JENNINGS RANDOLPH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, I rise today to pay tribute to former West Virginia Senator Jennings Randolph, as he celebrates his 88th birthday.

Senator Randolph left some big shoes to fill for anyone representing the Second Congressional District of West Virginia. He held the office I now have the privilege of holding for 14-years. Fortunately, Senator Randolph left a legacy of public service in this House and in the Senate that serves as an invaluable guide.

Someone referred to Senator Randolph one time as "a new dealer who never lost sight of his hometown values."

Jennings Randolph—teacher, newspaper man, airline executive, representative, and Senator—has a sterling record of achievement.

His legislative achievements include, the Appalachian Regional Commission, the first black lung legislation, the Coal Mine Health and Safety Act, and the Occupational Safety and Health Act.

Senator Randolph is known as an aviation pioneer. He helped create the Civil Aeronautics Board in 1938, flew from Elkins to Washington in airplane fueled by coal in 1943 to demonstrate the potential of synthetic fuels, and introduced the bill that created the National Air Museum.

Senator Randolph is noted as a spokesman for the individual, particularly the handicapped. He created special programs for the blind and elderly. He strongly supported education and health care.

He was also the author of the 26th amendment that gives 18-year-olds the right to vote.

Senator Randolph continued his commitment to public service after leaving the Congress, working with the Agri-Energy Roundtable. He is now chairman emeritus of this organization.

I would like to share with other members the accomplishments of Senator Randolph since he retired from the Congress, and will enter a report on the Agri-Energy roundtable into the RECORD.

Again, on behalf of myself and the people of West Virginia, I would like to wish Senator Jennings Randolph the best on his 88th birthday.

The material referred to is as follows:

REPORT ON THE AGRI-ENERGY ROUNDTABLE

(By Jennings Randolph, Chairman)

GENTLEMEN: Agri-Roundtable (AER) celebrated its tenth annual meeting, October 8-11 in Vienna—by all accounts our most successful conference ever! As we enter a second decade, AER is poised to achieve dynamic progress and we would welcome your participation and suggestions on a range of options and challenges facing the association. At the same time, AER could benefit from a brief review of the last ten years—our achievements, the successes and failures—as a foundation upon which to build and move forward. Our track record is one of growth and accomplishment, and I have been privileged to work with Nick Hollis since AER's beginning.

Ten years ago, in early 1980, AER was launched in a conference designed to convene U.S. agribusiness executives and their counterparts from the agricultural sectors of oil-producing countries. The AER concept embodied in the conference theme was re-cast into the constitution and bylaws of a non-profit corporation on March 10, 1980. Once the legal mechanism was established, AER began receiving corporate financial support (the first contribution was received from Chief E.O. Ashamu of Nigeria for $2,000).

As petroleum and agricultural commodity prices plummeted in the early '80s and Third World debt increased, the central threat of dialogue between these sectors in major producing countries gave way to a broader, more generalized interaction on world agro-industrial trade and development issues. Finance also became a regularly featured subject in AER conferences, and even sprouted its own subgroup on non-conventional finance based in London. The agricultural situation among energy surplus countries continued to stagnate (with the major exception of Saudi Arabia and a few Gulf states which devoted considerable resources to developing their agro-food base) and oil companies, which had earlier shown much interest in developing community and national agricultural projects in cooperation with energy producing states, lost interest in these activities as petroleum prices plunged. Development itself was threatened by the colossal debt burden which saddled many Third World economies.

This adverse economic situation in both agricultural and energy sectors also acted as a powerful dampener to AER's continuing drive to recruit corporate contributor and sponsor support. By late 1987, AER's financial support came entirely from agribusiness companies, foundations, U.S. agencies, U.S. bilateral development agencies, and conference/publication receipts.

Despite these setbacks, AER continued to move ahead with a growing momentum of conference successes coupled with well publicized trade missions invited by Saudi Arabia, Thailand, the People's Republic of China, Nigeria, and more recently, the Philippines, India, the United Arab Emirates and Hungary. Publications, newsletters and special reports on these activities helped accelerate awareness of agro-industrial investment and trade opportunities in these countries and, more significantly, local agro-entrepreneurs utilized AER as a model in forming indigenously-supported "sister associations" to be linked with our growing international information network.

Over the last two years this AER "sister association" movement has gathered momentum and now stands as one of our most exciting opportunities, validating the entire investment in building an association foundation accomplished in the early years. This association/networking program has gained strength from a growing recognition worldwide that private agro-business can participate effectively in national, regional, and international activities to strengthen food security. This can be particularly illustrated in the delicate area of "privatization" and so-called "structural adjustment" wherein the implementing agent, the private sector, could be more involved and better organized to provide necessary feedback and realistic, practical ideas on the feasibility of government or international agency prescribed schemes. The "sister association" activity is particularly strong in Africa where several have been established (e.g., Kenya, Uganda, Nigeria, The Gambia).

Since late 1987 AER has also been working closely with a domestic, U.S.-based association, The Agribusiness Council (ABC), which petitioned to form an alliance with the AER as a U.S. chapter. Today, largely through AER staff support, grants, and shared activities, The Agribusiness Council is regaining its independent membership base and economic health. A special conference was held under the auspices of the ABC in St. Louis (October 1988) and another on high technology in agriculture is planned for June 1990. There is still much to be accomplished in this process and the rebuilding pace for ABC has been deliberate. Yet, AER remains committed to assisting the ABC, along with all other indigenously supported national agribusiness activities which would derive benefit from linking to the international AER network. We are also determined to preserve and develop AER's international character—and all above mentioned activities are considered in that context.

LOOKING AHEAD TO THE 1990S

Whatever one thinks of the world's agro-food situation as we enter this century's last decade, no one discounts the heavy premium information and new market contacts will have for success in the globalization of agribusiness. AER is uniquely positioned with our expanding network to assist our supporters and strengthen a general resolve for freer trade/development on the international level. AER's non-governmental accreditation with the United Nations allows the Association access to important meetings wherein AER commentary on behalf of private enterprise can capture the attention of governments and international agencies alike.

In the coming decade, AER will be devoting increased resources to strengthening our communication services, particularly between the "sister associations." We will be increasing the number of regional and specialized conferences/workshops, consistent with our association development objectives. We will also be regularizing membership services and financial requirements for contributors/sponsors. Following recommendations at the October 8, 1989 board meeting, the Executive Director and the AER General Counsel have drafted revisions in the Association bylaws which should facilitate our revenue generating capabilities via membership dues. (These materials will be circulated shortly to Board Members.)

Recognizing the breathtaking changes which have unfolded in Eastern Europe and the Soviet Union in recent months, AER will be following-up vigorously to offer these countries the benefits of participation in the network, and hopefully, we will see the formation of indigenous AER programs as a result. Already we are planning for a mission to Poland, and we may possibly organize a larger event in Eastern Europe for later this year (1990). Our highly successful mission to Budapest, Hungary (October 11-13) led by senior director, Gustavo de los Reyes, has inspired many positive follow-on options there as well.

ASSOCIATION COMMITMENT

As we plan for an aggressive utilization of AER's network and growing association recognition around the world, we will be calling on you, our directors and advisors, to commit yourselves to assisting more regularly in this effort. We will ask each board member to "give or get" financial support for AER commensurate with the potential benefits the Association can provide. We will ask you to assess your commitment to the Association's objectives and your own balance of "mercenary and missionary" involvement. No voluntary association can flourish without the requisite blend of these diverse motivating spirits. This is particularly important as AER seeks to realize loftier aims in the international arena of agricultural trade and development. We have accomplished much, but there are many challenges ahead.

As specific country "sister associations" become more active, our opportunities will increase for more concrete, project-oriented activities beyond the current clearinghouse and publication scope. We must recognize that this "sister association" network will not be a panacea for all of AER's development problems. The process will be fraught with "growing pains" brought on by independent 'sister groups' seeking much and giving little to the parent AER. Even effective non-profit networks have limitations since, as interrelated groups, they will have a wide range of management structures and methods of operation. Yet, at the center of the AER hub are relationships among members which have evolved more formalized linkages over the years, and alliances and joint ventures are a key component of the envisaged action follow-up. Furthermore, each sister AER will succeed to the extent it can enhance its agro-industry supporters' positive participation in a particular national development. All of us have benefited from our working and coming together on this challenging association project—and if we continue to work together and communicate, our future into the '90s will be bright indeed.

In 1987 during our 8th annual International Agriculture Forum in Geneva, I quoted one of my favorite passages from Alfred Lord Tennyson which inspires my belief in AER and all other noble efforts to strengthen international economic peacekeeping. It is fitting, as we step into the next great decade (my tenth!!), that I close this report with the following words:

". . . When the centuries behind me like a fruitful land reposed,
—When I clung to all the present for the promise that it closed;
When I dipt into the future far as human eye could see;
Saw the Vision of the world, and all the wonder that would be.
Saw the heavens fill with commerce, argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales,
Heard the heavens fill with shouting, and there rain'd a ghastly dew,
From the nations' airy navies grappling in the central blue,
Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging thro' the yonder storm;
Till the war-drum throbb'd no longer, and the battle flags were furl'd
In the Parliament of man, the Federation of the world . . ."

God bless each of you! May you and your families have prosperity and peace in the coming decade. Let us pledge to give our heartfelt thanks and continuing support to our indefatigable, most dedicated executive director, Nick Hollis, as he steers the Roundtable into the 1990's.

Chronological Highlights—AER Decade Review of Program Progress

The following review features selected highlights of the Agri-Energy Roundtable's first ten years. It is not a complete report on all events, trends or financial developments affecting the Association.

1980

The first Agri-Energy Roundtable (AER) was organized as a forum to convene U.S. agribusiness and representatives of energy-surplus countries. The three-day conference was held in New Orleans, February 7-9, 1980 and gained considerable media attention as the port city was congested with barges backed-up due to the Soviet grain embargo. Among the featured speakers was Clayton Yeutter, President of the Chicago Mercantile Exchange (now U.S. Secretary of Agriculture).

AER was established as a non-profit incorporation in the District of Columbia, and fundraising began in the spring. Among the early contributors was Dr. Armand Hammer, renowned chairman of the Occidental Petroleum Corporation, introduced to AER by U.S. Senator Jennings Randolph.

Later, AER's executive director, N.E. Hollis, participated in an agribusiness conference in Cario, Egypt and visited Saudi Arabia, Lebanon, and Morocco (July 1980). AER produced and successfully marketed a conference document from the New Orleans conference and gathered momentum within an expanded advisory committee for an international conference.

1981

AER executive director Hollis traveled to Kuwait and addressed the General Union of Arab Chambers of Commerce and used the occasion to encourage participation in the Second Annual Agri-Energy Roundtable in Geneva, Switzerland. In March 1981, Hollis met with Dr. Armand Hammer of Occidential Petroleum and Senator Randolph, and finalized plans for their participation in Geneva, April 27-29. Hollis built this program base utilizing contacts in Geneva, and the conference proved successful in attracting a broad mix of corporate and governmental representatives.

In July, AER organized a Capitol Hill luncheon for Dr. Hammer and Senator Randolph at which more than a dozen senators participated. Later that same year, AER organized several meetings for the advisory committee (both in Washington and Geneva) and hosted a special one-day conference on agricultural training with The Johns Hopkins University School of Advanced International Studies (December 1981).

1982

By spring 1982, AER was gathering recognition in the energy-surplus countries, particularly in the Middle East. The Third Annual Agri-Energy Rountable held in Geneva (May 23-26, 1982) produced a breakthrough with Saudi Arabia's Minister of Agriculture and Water, Dr. A. Al-Sheikh, and Senator Randolph forging an exciting head table dialogue—and a pledge for continued cooperation on agricultural exchanges. Later that year, AER organized a seminar on barter/counter-trade in agriculture which triggered interest in forming a special subcommittee on these trade finance issues (September). In November, AER produced a worldwide mission linked with four independent conferences and workshops in Saudi Arabia, Singapore, Bangkok, and Hawaii. The final conference at the Maui Intercontinental generated worldwide media attention through a timely speech by Atlantic-Richfield chairman, Robert O. Anderson, and AER began attracting more corporate supporters.

1983

In early February, Senator Randolph hosted another Capitol Hill luncheon with featured speaker, Robert O. Anderson, discussing the overvalued dollar and its negative impact on U.S. trade. Later that spring at the Fourth Annual Geneva conference (May 23-26), Anderson and Randolph teamed-up to spark another program success which included representatives from the Peoples' Republic of China. But oil prices were sliding and unfavorable economic conditions in agribusiness stalled the membership drive. In late fall Hollis visited the PRC and arranged for a trade mission to Henan, a central province with abundant agriculture and energy resources.

1984

AER overcame considerable Washington-based association rivalry and catapulted a 24-member international mission into China in March 1984, gaining international media attention and considerable praise in the PRC. The fifth annual meeting in Geneva (May 27-30) saw Senator Randolph introducing a colleague, the late Senator Edward Zorinsky, who challenged the international forum to press GATT for successful agricultural negotiations. The conference focused on agricultural trade differences between the U.S. and the European Community.

In June, AER attended the U.N. World Food Council ministerial conference at Addis Ababa, Ethiopia as a non-governmental organization (NGO). Later, as a result, AER would apply for and receive accreditation from the U.N. Secretary General as a NGO before the international body.

AER also organized a two-day seminar on agricultural technologies in cooperation with the Royal Agricultural Society of England at Stratford-on-Avon, July 4-6.

During this period the submcommittee on counter-trade began meeting regularly in London, chaired by Andreas Calice of Prudential Bache Trading, in response to a recognition that debt was choking trade with much of the Third World.

In late 1984, Hollis visited Nigeria at the inspiration of several oil company sponsors who had hoped to organize an African regional conference in Lagos. This effort was pursued without success at great cost to the orgnanization for nearly eighteen months, and was finally suspended. It became clear that local support could not assure a conference success. The effort did spark important interest in establishing local Agri-Energy Roundtable "sister associations."

1985

As one of his first actions upon retiring from the United States Senate, Jennings Randolph visited AID Administrator McPherson and requested program assistance to enable the Roundtable to help develop its task force and subcommittee activities for more substantive focus in various agro-food processing, distribution, technology, and finance sub-sectors. However, just as the AID interest in AER seemed to gel, a reorganization in the White House negated higher-level encouragement, and AID's Science and Technology Bureau itself underwent a massive downsizing which left the program proposal shelved and unnoticed. AER staff pulled-out of the quicksand of AID meetings and produced a Sixth Annual International Agriculture Forum, June 2-5, 1985 in Geneva. Senator Randolph introduced James Ingram of the U.N. World Food Programme and presided over a well-attended multilateral gathering which featured presentations from nearly forty countries. AER had come of age—and it opened a Geneva office.

AER continued to campaign for private sector, a self-help solutions in Africa—as opposed to mine relief programs which had captured the public imagination with the Ethiopian tragedy—but AER had difficulty finding a suitable base from which to launch African operations. In September 1985 AER hosted a Washington session on Africa and later, Hollis returned to Nigeria where a workshop was conducted in Lagos aimed at mobilizing broader support for a West African Roundtable meeting. In recognition of these efforts, AER's Hollis was invited by U.S. Representative Mickey Leland (D-Texas) to serve as an advisor to the House Select Committee on Hunger.

1986

In the spring of 1986, AER began suffering a serious dues/subscription decline triggered by falling oil and commodity prices, and the retirement of key corporate supporters. As a result, AER management determined to pursue public funding in earnest. The Seventh annual meeting in Geneva (May 25-28) featured three agriculture ministers (Turkey, Jordan and The Gambia) and Senator Randolph pronounced that year's dialogue "the most effective yet." U.S. participation was disappointing, but the international registrants kept the conference viable. Organizationally, the AER's board of directors and committee of honor gathered cohesion around Senator Randolph while other subcommittees similar to the counter-trade/non-conventional finance group began taking shape.

In the summer, AER was invited by Philippine Ambassador Emmanual Pelaez to organize a special agribusiness event during President Corazon Aquino's Washington visit in September. This program was accomplished so successfully that Agriculture Minister Ramon Mitra invited AER staff to visit Manila and organize an ASEAN-wide conference featuring Philippine argo-industry invesmtent potentials. Hollis traveled to Manila in October and secured pledges from USAID/Philippines to provide seed funding for the conference. On this trip Hollis also visited India and began discussions aimed at starting an AER chapter in Bombay.

1987

Early in 1987 AER received an unanticipated request from the chairman of a competitive association, The Agribusiness Council, to form an alliance. The Agribusiness Council wanted a Washington office and more international programming scope. A management services agreement was worked-out whereby AER would assume the day-to-day staff management of The Council which thus became a de facto U.S. chapter of the international AER network.

After considerable difficulties and redtape, AER overcame a funding logjam with AID/Philippines (with Vice President Bush's intervention) and proceeded to organize a highly successful conference in Manila (May 24-27) which generated enormous media attention and resulted in the formation of an indigenous AER chapter in

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the Philippines, under the leadership of Celso Carunungan.

AER's delegation then proceeded to Hong Kong and Bombay where meetings were held with local organizers interested in forming local chapters. In Bombay, more than 100 businessmen turned-out and the event received considerable media attention. AER/India was inaugurated on May 29, 1987.

AER's Eighth Annual International Agriculture Forum in Geneva, June 1-3, 1987, chaired by the venerable Jennings Randolph, celebrated the spark of new growth symbolized by the chapter development process underway. Two vice chairmen, from Canada and Africa (The Gambia), assisted Senator Randolph in conducting the conference.

In the fall, AER negotiated two agreements with AID and finalized terms of the alliance with The Agribusiness Council (ABC).* A board of directors meeting for ABC was organized in December and legal instruments were transferred from New York. Tom Curtis, former U.S. Representative (R-MO), was inducted as interim chairman of The Agribuisiness Council.

Late in the year, Hollis accepted an invitation to visit the Arabian Gulf for the purpose of organizing a regional Roundtable reflecting AER's growing international recognition. Hollis also visited India and the Philippines, conducting board meetings with the local chapter groups in each country on this same trip.

1988

In March AER teamed-up with a new sponsor, the Tennessee Valley Authority (TVA) Office of Biomass, and launched a special Subcommmittee on Renewable Energy Technology. The two-day event was chaired by John Shields of TVA and included representatives of two dozen leading companies. Later, project enthusiasm would dwindle as TVA announced a massive downsizing and virtually closed its biomass efforts.

The Ninth Annual International Agriculture Forum (June 5–8) attracted a strong mid-east and African attendance, led by Saudi Arabian Minister of Agriculture Al-Sheikh. Three other ministers attended and AER hosted a special event in their honor on board a steamboat on Lake Leman (Geneva). Vice chairmen Eugene Whelan (Canada) and Saihou Sabally (The Gambia), effectively co-chaired the conference which proved one of the most successful AER meetings yet. Delegations from several AER local chapters—including India, Kenya, and the UAE—added a new dynamism to the proceedings. AER staff had to forego the usual post-meeting vacation since plans were moving for two other events and the Agency for International Development had encouraged AER to accelerate the overseas association development project targeted for other Third World countries.

In mid-August, AER met in London to finalize plans for the Gulf regional conference in UAE—and to conduct meetings with the London non-conventional finance subgroup. Plans were announced for the formation of a new sub-group on transport/distribution problems related to agro-food systems.

In October, AER/ABC combined to host a successful conference in St. Louis (October 12–14) on the effects of the great North American drought on U.S. agriculture reliability and the transportation system. One of the session tracks on high technology in agriculture attracted such interest that participating AID officials pledged funding to The Agribusiness Council for a more specialized conference, entitled "The Agro-Industrial Revolution" and featuring a greater concentration on biotechnology in agriculture.

Planning sessions in the Arabian Gulf in early November were followed by meetings in Manila with the AER/Filipinas leadership. Hollis also visited London and Geneva for fundraising events connected with AER.

1989

AER overcame squabbles between local organizers and successfully conducted two separate conference events in the Arabian Gulf (Bahrain and UAE) in early February. The meetings reflected considerable international participation and support, particularly from Saudi Arabia. AER executive director Hollis continued after these meetings to Southeast Asia where meetings were held in Manila, Brunei, Singapore and Jakarta. In Manila, just prior to the Gulf conference, AER teamed up with its local affiliate to run a program on agrarian reform and the private sector, bringing together radically different perspectives into a neutral forum for rational discussion on a variety of relevant issues.

In April AER visited the Dominican Republic and Jamaica—and initiated discussions with local agribusiness leaders on the formation of counterpart associations to eventually link-up with, and benefit from, international information and business contacts.

In May, Hollis participated and spoke before the U.N. World Food Council (WFC) ministerial conference in Cairo, Egypt. In connection with the WFC, a special workshop was organized for Egyptian agribusinessmen to consider organizing a counterpart association (May 24). Hollis then proceeded to Kenya for meetings with AER/Kenya organizers, and on to Harare, Zimbabwe where he spoke before the Ninth African Ministers of Industry Conference. This appearance generated additional interest among the high-level African delegations in the formation of agro-enterprise association programs.

In July, Hollis visited India and conducted a special workshop for top Indian private sector leaders interested in expanding the AER concept to an all-India format. The meeting was held at the Oberoi Hotel, New Delhi on July 6. Local AER coordinators assisted in setting-up this meeting. Later, Hollis travelled to Bombay, Madras and Colombo, Sri Lanka where strong local interest in organizing a local agro-industry group to link up to the international network was discovered.

Growing AER recognition in international donor agencies reached a new high with UNDP's Africa Leadership Forum in August, as Hollis and several other AER African coordinators, participated in General O. Obasanjo's Nigerian conference on West African agriculture. During this visit, a workshop was conducted in Lagos for AER/Nigeria organizers at the Sheraton Lagos Hotel and the overall African program was discussed with former U.S. President Jimmy Carter. As a follow-up UNDP circulated a worldwide cable to its regional offices encouraging support for the agro-enterprise association concept.

The AER's Tenth Annual International Agriculture Forum (October 8-11) in Vienna, Austria produced a resounding success and opened new doors for program expansion to Eastern Europe with strong delegations from Poland and Hungary. AER chapters in formation also fielded good groups, most notably from Kenya, Gambia and Uganda. Over 35 countries were represented and AER received the "Green Oman" Award from the Government of the Sultanate of Oman for the Roundtable's recent contributions to agro-food security and trade-development in the Gulf region. AER's senior director, Gustavo de los Reyes D. led a 14-member delegation to Budapest, Hungary immediately following the conference for two days of meetings and field visits hosted by the Hungarian Ministry of Food and Agriculture. The Vienna conference, chaired by AFR Vice Chairman Saihou Sabally, also produced an official invitation from the Polish government to visit and organize an international Roundtable in Warsaw.

At the present time, AER is continuing to develop its counterpart association network project, and will be visiting Poland and other Eastern European countries in response to government and private sector invitations.

NOTE.—Specific conference/event reports, board of director minutes, and association internal memorandum on all abovementioned activities are available for review by AER members, directors and selected advisors. Certain materials and conference publications are available for purchase to the general public. Inquiries should be directed to Pat Griffith at telephone (202) 887-0528 or telefax (202) 887-9178.

(The Agribusiness Council, AER's affiliated association in the U.S. will host a conference on agricultural technologies and international competitiveness, June 24–27, 1990 in Washington, D.C. AER international affiliates are encouraged to participate.)

Mr. Speaker, I yield to my colleague, the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I thank the gentleman for yielding, and I want to echo his remarks. I thank the gentleman very much for taking this time. Senator Jennings Randolph was a vision to us all. Just look at any of the interstate systems in this country, the Appalachian Regional Commission for which so much was done by Senator Randolph.

I appreciate the Representative—as Senator Randolph would insist we say—the Representative from West Virginia bringing this special order.

Mr. STAGGERS. As the gentleman knows, if I was going to list all of Senator Randolph's accomplishments, I would be here all day today and probably into tomorrow listing them. I appreciate the Chair's indulgence.

DO WE HAVE AN OBLIGATION TO HELP THE SOVIET UNION WITH MORE DIRECT AID AND COMMITMENT OF AMERICAN RESOURCES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I do not think I will take all of my time, but I do want to continue the dialog about whether or not one of the leading Democrats is correct in suggesting that we have an obligation to help the Soviet Union with more direct aid and with commitment of American resources on behalf of the Soviet Union.

There has been a considerable amount of response to this very daring idea that Gorbachev has made enough progress that we have an obligation to prop him up and that we should do what we can to help the Soviet Union directly in financial ways.

But as we have looked at this a little more carefully, I think it has become clear that there are some questions that need to be answered.

Now before I develop the general proposition that we ought to be careful in thinking that United States taxpayers should send aid to the Soviet Union, let me say that I noticed after I left yesterday several of my Democratic colleagues seemed to be offended and they seemed to raise some questions. Without using their names, because they are not on the floor right now, I want to cite three or four things they said and then simply explain where I stand on them.

First of all, one of them said, "So the rhetorical question was asked and never answered, 'Well, you know, are you for another big foreign aid program?' "

That was not asked at all.

There are many good reasons to help countries. There are many important countries around the world who are directly in the United States' interests. I have voted for foreign aid.

The question that was raised was, "Should the Soviet Union receive American foreign aid? Should we take steps to get resources to the Soviet Union? Should the American taxpayer prop up the Soviet Government? Has Gorbachev in fact made enough changes that it is in our interest to be subsidizing the Soviet Union?" It is a very narrow question. I think my Democratic colleague who tried to broaden it in order to knock it down was simply not being accurate, and was disappointed in that.

Let me say, in addition, that another one of my Democratic colleagues came to the floor and said, and I think everyone should listen carefully to this rationale:

> I wanted to make several points. I was not here for the earlier part of the hour with the gentleman from Georgia. But I think the gentleman from Georgia truly insulted and deeply offended me from what I did hear by attempting once again to label the loyal opposition to the Bush administration, the congressional Democrats, as disloyal.

Now let me say, first of all, that I think it is a little strange for a man who admits he did not hear what I said to be upset at what I said, since he did not hear it.

But second, I want to make very clear: The Democratic Party is a loyal party. It is the longest living political institution in the world. It is a great institution.

It provided us with several of our greatest Presidents, Thomas Jefferson and Franklin Roosevelt being two of them.

The Democratic Party is a wonderfully rich institution with many varied streams of thought.

It is true, I think, that in recent years the Democratic Party tends to be less for defense, it tends to take a different view of the world than the Republican Party.

But it should be possible on the floor of the U.S. House to question the wisdom and judgment of left wing Democrats or leading Democrats, of people whose ideology is an ideology and whose beliefs are different and say, "Look, we disagree about facts, we disagree about interpretations, we disagree about policies," without in any way suggesting that either side is disloyal. It is possible to be a loyal American and wrong. It is possible to be a patriotic American and simply have the wrong facts. It is possible to believe deeply in your country and just simply not understand the importance of military strength or the importance of being careful in foreign policy.

He goes on to say, the same gentleman went on to say:

> For the gentleman from Georgia to try to characterize the Democratic Party as somehow weak on communism does a disservice to the House. I call it political pollution, and I found it deeply insulting.

In the first place, I never said anything like that yesterday. I am not going to say anything like that today. I would be glad for this gentleman, if he wants to, at some time, to come over and debate the facts, debate what I am actually saying.

What I am saying is that while all of us are glad to see the Soviet Union changing, while all of us are glad to see free elections in Estonia, Latvia, Lithuania, Byelorussia, the Ukraines, and Russia itself, while all of us are delighted to see the progress made in Poland and reported to us by Lech Walesa, to see the progress made in Czechoslovakia and reported to us by Vaclav Havel, the fact is that it is legitimate to raise the question exactly how much has the Soviet Union changed, do their current plans have any hope of working, will they achieve economic prosperity and democracy, given the way they are going right now? And is the Soviet Union behaving around the world in a way that we should support it by propping it up?

□ 1210

These are legitimate intellectual questions about reality. These are not questions about whether one is pro-Communist or anti-Communist. They are not questions about being hard on communism or soft on communism. They are very serious questions about exactly how one should approach the Soviet Union and how one should interpret real developments in the Soviet Union and what it means.

Let me give an example. A leading Democrat, Senator BILL BRADLEY, was quoted in yesterday's Washington Post as saying that any assistance would be wasted absent fundamental reform of the Soviet economy. "Unless they reform the economy, any economic aid is going down a rat hole," BRADLEY said.

Does that mean that BRADLEY is suggesting that another leading Democrat who proposed aid to the Soviet Union is soft on communism? I do not think so. I do not think BRADLEY thinks anything like that. But BRADLEY does think that the idea currently of giving Gorbachev economic aid from the United States would not work because the Soviet Union has not made the key transition to free markets and has not made the key transition to finding the kind of private property rule of law and incentive plan which is necessary for economic success.

But I want to carry this two stages further. It is again a Democratic Agriculture Committee chairman, Mr. KIKA DE LA GARZA, of Texas, who is quoted in USA Today as saying he is against food giveaways to the Soviets. "If we are selling to the Soviets and they are paying for it, I don't see why we should change it," he said.

Clearly, he is not suggesting as a Democratic chairman of the Agriculture Committee that anyone is soft on communism. He is suggesting they are wrong, that to go from selling the Russians food grain to giving the Russians food grain does not make any sense. They have the hard currency, they have the gold, they have a variety of resources. But there is a deeper reason, and we ought to be very cautious about relieving pressure on the Soviet Empire.

The Soviet Union under Gorbachev continues to prop up dictatorships around the world. They continue to prop up Fidel Castro and the dictatorship in Cuba; they continue to prop up the Communist dictatorship in Afghanistan; they continue to subsidize the Communist dictatorship in Vietnam; they continue to subsidize communism in North Korea and in Cambodia and in Ethiopia; and they continue to supply aid to Syria and Iraq. The question I would ask is, if Gorbachev and the Soviet empire have enough money to prop up Fidel Castro and Cuba—and the number I saw for the total aid to Cuba recently is $16 billion a year—why should we tax the American taxpayer to send foreign aid to Moscow so then Moscow could send foreign aid to Cuba? We would in effect be indirectly subsidizing Fidel Castro. That does not make any sense, it does not seem to me.

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If the Soviet Union is determined to prop up the Communist dictatorship in Angola, a dictatorship which we are actively trying to undermine through our help to Savimbi, as a policy of the United States passed by the Congress, why should we send money to Moscow to help ease their financial burden so they could then continue to send money to Angola to prop up a Communist dictatorship?

If the Soviet Union is sending an enormous quantity of ammunition, weapons, supplies, money, and aid for training to Afghanistan—and every report I have seen says that the amount of Soviet aid to the Afghan Communist dictatorship has been far greater than we thought it would be—why would we send aid to Moscow and make life easier for Moscow at a time when they are not yet withdrawing from Afghanistan with financial and military aid?

The same argument can be made, without being too repetitive, about Communist Vietnam, Communist North Korea, Communist Ethiopia, Communist Cambodia, and the two radical dictatorships of Syria and Iraq.

Let me say it slightly differently. I am very much in favor—and I say this to knock down the argument of the one Democrat yesterday who, after I left the floor, suggested I was questioning foreign aid in general—of our taking steps to help Hungary, Czechoslovakia, Poland, and East Germany, as it becomes a free country and becomes reunified with West Germany, and I am very much in favor of helping Nicaragua now that they have voted for freedom, but I am very cautious about helping the Soviet Union itself as long as they are sending billions and billions of dollars in military equipment, training, and aid to dictatorships.

Let me go a step further. If Estonia, Latvia, and Lithuania declare themselves independent countries, I am very prepared to look at how the United States can help them as independent countries, and I am very prepared to help them try to pay off some of their debt if the Soviet Union is willing to let them become free, as we have always recognized them legally to be, going all the way back to 1939 and 1940, when Stalin and Soviet Russia conquered those independent countries. The United States has never recognized them as being formally absorbed in the Soviet Union. So, clearly, we would want to help them become free.

Again I would draw a distinction between helping a free Lithuania, a free Latvia, and a free Estonia and sending aid to Moscow or to the Soviet empire.

Furthermore, I think the Bush administration should respond to the Democratic leaders' proposals by reminding the American people of the facts and by releasing the amount of money which we estimate the Soviet Union sent in 1989 to Communist dictatorships, some of which were engaged in violent activity and some of which represent major threats. I think those of our friends here in the Congress who would like to pull American troops out of South Korea ought to ask Mr. Gorbachev: "Why are you subsidizing the North Korean Government?" The most recent number I have seen is that $1 billion a year is sent to the North Korean Government.

If the Soviet Union would cut off North Korea and not give them weapons and not prop up their dictatorship, maybe we could pull our troops out of South Korea, and in fact that might lead to the unification of Korea as a free democracy much like the German model.

So all I was trying to say yesterday is this, and I just want to take a few minutes to make this very clear: I was trying to suggest that there are two different views of how to solve problems. I have talked about it domestically. There is a bureaucratic-welfare-state, values-of-the-left viewpoint represented largely in the Democratic Party, and then there are those of us who believe in a new paradigm and a new approach. We believe that entrepreneurial free enterprise, technological progress, and basic American values are simply more effective. We think that if we can apply common sense, focusing it on success and opportunities, we are in a position where we can much more dramatically help countries become prosperous.

We think the key to Poland and to Hungary and to Czechoslovakia and to other Communist countries is not giving American aid to prop up a Communist bureaucracy; instead it is giving them advice to establish private property, to establish rule of law, to have free elections, to be in a position to encourage individuals to be out there working hard and being successful, and we are very concerned in that setting that there be any mistake in our eagerness to help Gorbachev. We do not think we should be helping Gorbachev at a time when his country, the Soviet empire, is still spending billions of dollars propping up dictatorships or that we should be helping Gorbachev before he has made the decisive transition to real change in the way his economy works.

Nothing would be more harmful to the Soviet Union than to encourage them to believe that they can somehow continue down the road of not having private property, not having free markets, not having the rule of law, and not having a tax code that encourages incentives. A leading Democrat is quoted in the New York Times today as saying:

> We can't sit back and wait until we get every reform in place and then send help to Moscow because that might prove to be too late.

I would argue exactly the opposite. It would be foolish for us to send aid to Moscow before they make the decisive changes. That is like saying, if you have a friend who is an alcoholic, "I can't really wait until he agrees to go on the wagon and quit drinking; I have to rush right in and help him quit drinking even though I know he is going to take the next $10 I give him and buy a fifth of bourbon." The fact is that that does not help him because you are in effect subsidizing his alcoholism. And it does not help the countries and the people who want to be free if we subsidize and help the bureaucratic welfare state in its Communist form.

We have to say instead, "If you will open your country up to investment, if you will change your laws so there can be joint enterprise, if you will encourage people to have private property, if you will encourage your farmers with a tax code that encourages productivity, if you will get directly involved in producing the kind of a state in which people will decide to invest, work hard, and study hard because they know they are going to be better off and they are going to be paid in real currency which is worth something"—and the ruble currently is not—"and they know they are going to be paid in a currency which is usable in a store without having to wait in line for their coupons and their rations, and they know they are going to be able to save and they will be real savings that the government won't confiscate, and they are going to know that the tax code is not going to punish them for being successful, then you have chance, I think, to have a Soviet Union that could become truly democratic and truly prosperous and with which we could work closely."

□ 1220

However, Mr. Speaker, I was also trying to draw the point that those who believe in the bureaucratic welfare state in New York City, and they should not have any problem, confused about the bureaucratic welfare state in Prague, or Warsaw or Moscow, that those who believe in the values of the left and who have always consistently been unwilling to accept the reality of Soviet adventurism, the reality of military power, that reality that bureaucracies do not work and that free markets are vital, that those values make it hard to interpret what really is happening in the Soviet Union and in Eastern Europe, and that is why, frankly, we are going to be offering through GOPAC an American opportunities workshop on May 19 where we are going to have 1 hour of television on May 19 and a workshop for anyone who wants to participate, which is designed to say, "Here is a better way of thinking about the world. Here is a method of taking entrepreneurial enterprise, basic American values and technological progress, applying them to solving problems by applying common sense focused on something and opportunities so that people can be encouraged."

Mr. Speaker, it is the reason that many of us favor capital gains tax cuts, because we know that a capital gains tax cut is vital to compete in a world market; it is vital to create jobs. It is in effect a conservative jobs bill. That is why we think it is possible to take the basic American value of hard work, small business, entrepreneurship and give it out to the entire world as a way of doing things that leads people to becoming wealthier and more successful.

So, Mr. Speaker, I simply say in closing to my friends on the Democratic side, "My special order yesterday, my special order today, are not in any sense a question of whether Democrats are loyal. The Democratic Party is the longest-living party in the world. It is a great American political institution. I have absolute faith in the patriotism and the sincerity of my Democratic colleagues."

However, Mr. Speaker, I do reserve the right to question their judgment. I do reserve the right to challenge their facts. I do reserve the right to suggest that their ideology may not work very well, and, as long as the great bulk of the Democratic Party is committed to supporting the bureaucratic welfare state, and as long as at least half of the Democratic Party is committed to the cultural values of the American left, which are values I do not think work very well, values which I think are decisively demolished in Paul Johnson's "Modern Times," in Hernando DeSoto's "The Other Path," and in Collier and Horowitz' "Destructive Generation," all of which are serious intellectual works that raise serious, legitimate, intellectual questions about philosophy and are worth debating, and I would hope that next week we might set aside some time where a Republican might take the first hour, and we would yield to friends on the Democratic side, and a Democrat might take the second hour and yield back, or however we do it, but have a real dialog and a real debate between equally patriotic Americans who equally care about their country, but who have fundamentally different approaches to what works and what will succeed in making America the country it should be and who, therefore, when they see the overseas developments, have very different approaches to how we can best help democracy, how we can best help prosperity, whether it is in Eastern Europe or in the Soviet Union.

A POLICY THAT RUNS FROM RUNWAYS AND FLEES FROM FREEWAYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I rise to respond to the transportation policy that was announced today at the White House by President Bush and Secretary of Transportation Skinner. As cochair of the Democratic Caucus Task Force on Infrastructure, I have spent a long time with other members looking at what needs to be done for infrastructure, helping plan the developments that must occur if this country is to grow and continue growing, to truly build an investment initiative. So, Mr. Speaker, it is important that we look at this policy statement that the President and Secretary of Transportation Skinner have put forward, analyze it and see what it does.

Mr. Speaker, we say quite frankly that this policy statement builds a policy highway that goes absolutely nowhere in transportation. But it is going to mean, if this transportation policy is enacted, and indeed there is very little to enact, but, if it is enacted, it is going to mean that States are going to have to raise more taxes because they passed that burden on to the States, that we are going to see freeways clogged with toll booths as though they were not clogged enough with rush hours, that we are going to provide little relief for the person sitting and choking in rush-hour traffic. We are going to continue sitting long hours in airports because it does very little for airports either, or aviation, and indeed the policy that was announced today is a policy that runs from runways and flees from freeways.

Mr. Speaker, this policy simply does not address the transportation needs of our country, and I say, "Let's take a look at what this so-called administration transportation policy does."

I applaud the administration for at least coming out and talking about transportation. It is an issue that has stayed too long off of everyone's priority list.

However, Mr. Speaker, at this point I have to say, "You stopped too soon. You stopped and left the orange barrels on the road. You stopped and left the highways in disrepair. You stopped and left the States still struggling to keep up with obligation. You stopped and left the Federal Government off the hook once again. You stopped short of truly helping this country grow."

Let us take a look at what this policy proposes.

First of all, Mr. Speaker, the basic thrust is that highways should become more and more, and transportation should become more and more, a State issue. Well, the States might say, "You've already made it a State issue because over the past few years we've steadily seen the Federal role in transportation declining, declining so much that today 50 percent of highways are paid for by, and transportation are paid for by, the States. Twenty-eight percent more are paid for by localities, municipal governments and county governments, and indeed the Federal share is only 22 percent."

That is right, Mr. Speaker; 22 percent. Yet the Federal aid highway system provides only 22 percent of the roads in this country, but carries 80 percent of the traffic.

That is how you and I get to work, Mr. Speaker. This is how goods are transported, by truck. That is how people move from one area to the other. That is how a company can make a decision to locate in one place, knowing that they can easily transport their goods to another location 300 miles away, because they are able to get there over a good system of freeways. Or maybe they are not going to be able to get there.

That is why it is life and death for many of our communities, and that is why roads, and bridges and aviation are jobs to Americans. That is why it is important for all of us that we have a true infrastructure policy.

The administration's response in this transportation policy they announced today sounds like fun. "Let the States do it. We'll shift more of the burden to the States. We'll require a higher match for Federal funds. Finally we'll ask the States to raise the money."

That is right; read my lips, no new taxes from the Federal level, but we are asking the States to do it.

Now, Mr. Speaker, I reach in my pocket when I go to the gas pump, and I am going to be pulling out a few more pennies apparently, and do I ask myself or say, "Oh, I feel much better because these are State pennies. They're not Federal pennies. These are State pennies." Does that somehow ease the burden of a tax increase? No, Mr. Speaker, you and I both know it does not. Federal or State, call it whatever you want to call it. A tax increase is a tax increase. So, I do not think people will be fooled.

Unfortunately this policy does not address spending the trust fund, as it should. I think most Americans grow increasingly upset when they hear Senator MOYNIHAN talk about the Social Security trust fund, and they say, "Wait a minute. That's a trust fund. We paid into it. It's supposed to be there for me. It's not supposed to be used to reduce the deficit."

Mr. Speaker, they will become equally upset, I believe, when they learn that the same thing is happening with the highway trust fund and the avia-

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tion trust fund. The money that we pay at the pump for gasoline is going into the highway trust fund to fund highway construction and repair. The money that we pay for an airplane ticket, 6 percent of it, is going into the aviation trust fund to fund improvements in our aviation system. It is every bit a trust fund, as the Social Security fund is a trust fund, and it should be treated the same.

However, Mr. Speaker, it is being used for deficit reduction. It is being used to the extent that, depending on who is spoken to, anywhere from $10 to $18 billion is in surplus today in the highway trust fund, and roughly $7 billion is in surplus in the aviation trust fund. Those are billions of dollars that could be today building highways, could be today maintaining bridges, could be today easing rush hour, that could be today increasing productivity, that could be today making this country competitive. Instead it is reducing the deficit, and the administration refuses to acknowledge it.

Once again, it is also money that could be building airports. Not one major airport has been constructed in this country since 1974, not one. And yet that money continues to build a surplus, $7 billion.

So, what is the administration's response in the budget? They propose, interestingly enough, to increase the ticket tax from 6 to 8 percent. Just a parenthetical note—that is the same administration that said, "No new taxes."

□ 1230

But they propose to raise the ticket tax from 6 percent to 8 percent, and yet to shift some of the operating expenses that have been paid out of general funds into the highway trust fund.

Translation: You are not going to see too many more miles of runways roll out, but you are going to be paying for more basic operating expenses.

So that is what this transportation policy is all about. If I were a Governor of a State, Republican or Democrat, I would be tearing the marble off these walls because I am not going to be getting anymore concrete from Washington, because this is an abdication of Federal responsibility.

I think the American people want better than that. I think the American people know that there has to be something significant done in transportation. You have to know that if you sit in rush hours for very long, going to work and from work, or perhaps you are trying to deliver goods from your workplace to another workplace, picking up goods from a warehouse, and so you sit and you choke and you lose time. You lose productivity.

The first studies have clearly shown that productivity gains come from increasing infrastructure investment, and while most nations' infrastructure investment, the trend line is up, ours is down. To give you an example, Japan, for instance, spends five times as much in a country one-half the population of this Nation, spends five times as much as infrastructure investment as the United States does.

Now do you wonder why there is a trade deficit? Now do you wonder why their productivity is higher?

It is interesting to note that Japan, the United Kingdom, Canada, West Germany, Italy, all of them have much higher productivity than the United States; they all have a much higher investment in infrastructure than the United States, higher investment in their highway systems, their rail systems, their aviation systems.

The demand on the Federal Highway System has increased, but Federal support has dropped 21 percent in constant dollars in recent years. Demand up, Federal support down.

So we see ourselves in a situation today where the transportation policy we have gotten is essentially a transportation policy that goes nowhere. It is not going to build many more miles of highway. It is not going to build many more runways or extend runways. It is not going to make the airways that much safer. It is going to result in more hardship on States. It is going to result in probably more taxes at the State level, because the Federal Government and the administration says, "We are not going to ask for them, but we expect the States to ask for them."

That comes hard on many States that have already enacted a gas tax increase, expecting the Federal Government to keep up its share of the obligation. For instance, my State of West Virginia recently enacted a 5-cent-a-gallon tax increase. I was talking to a gentleman from Kansas today. That State increased their gasoline taxes 200 percent. Other States have taken the same steps in recent years. Why? To meet their share of the responsibility, and yet they look to the Federal Government to do so and the Federal Government is looking for the fast lane out of being involved in highways, trying to take the exit ramp, if you will, from transportation policy.

So we have got to then to take this burden upon ourselves that the Federal Government will not, that the administration will not. For instance, what we can be doing is looking at the aviation and highway trust funds, those surpluses that have been built up. Who here thinks it is fair to pay 9 cents a gallon in Federal taxes at the pump, thinking you are paying, and really willing to pay, to make the roads safer, to build new bridges, to build new roads, and then to find out that the money is just being stockpiled against a deficit that is occurring in another part of the budget. Not very many people think that is fair.

We could be spending that trust fund out faster. For instance, the National League of Governors has proposed increasing the budget authority, that is, the amount being obligated for contractural work in years to come by only $2.3 billion next year, and thus having an outlay in cash expenditure next year of $400 million and increasing that outlay $400 million could result in many more miles of highway being constructed, and yet not affect the Gramm-Rudman figures of deficit reduction target significantly.

Also in the aviation trust fund, simply increasing the budget authority once again $1 billion, but only spending in the first year, because you will not be able to meet all those contracts that you are obligating, only spending $100 million in the first year, once again could go a long way toward beginning to build an aviation policy.

I think it is significant what the Department of Transportation study announced and recognized the significant congestion that is occurring at our airports, recognized the significant delays that passengers are suffering, recognized the problems that we are having in providing adequate air service, noted that air service has increased greatly. The demand for air service has increased greatly in just the past few years, and yet provides no significant relief.

Also, in 1989, the Department of Transportation survey, a report to Congress in 1989 by the same Department of Transportation noted that 40 percent of our bridges in this country are in some way substandard, that 9 percent of our highways need repair, that 36 percent—this is U.S. highways, not the State system—36 percent can only be considered in fair condition, and yet we get this kind of transportation policy.

There is so much that needs to be done, Mr. Speaker, in transportation. Unfortunately, we do not hear it today, so it is going to be important that all of us as Members of Congress recognize that and recognize that we have a responsibility to get this country moving again, to get people to work, to get them there on time, to improve productivity in this country.

If you want to talk supply-side economics, I will talk supply side. You put out some money right now for highways and airports and infrastructure and investing in this country, and we are going to be seeing tax revenues rolling in from the increased jobs, from the increased business taxes and the increased opportunities that develop.

I want this country to be competitive. I do not want to see us becoming a Third World nation, and yet I get concerned when I see statistics that suggest that the United States in per capita dollars, in per capita terms is 55th in the world in infrastructure investment in our roads and bridges and those things that are so important to us all.

We had a chance today to get some leadership in infrastructure. Instead, unfortunately we got promises. As I have noted before, as I have seen so many times, when it comes to promises, the promises were there would not be a pothole left in this country. We got nothing that filled the potholes today. We did get a lot of promises, and so it is important to us to move forward now and make sure that there is a true infrastructure policy that meets this country's needs.

I thank the Speaker for the opportunity to address this issue, to pledge that we will be working hard to develop the infrastructure policy and transportation policy that truly gets this country moving again.

THE EMERGING BUDGET AND DEFENSE REALITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS of Utah. Mr. Speaker, 2 months ago, at the press breakfast in Salt Lake City and at a number of public appearances, I announced my intention to introduce a concurrent resolution setting forth the intention of Congress that this year's budget reflect a 10 percent reduction in defense expenditures for fiscal 1991 over outlays for 1990. That $30 billion peace dividend, under the theory I propose, would be used one-half for deficit reduction; one-quarter for research, development, and emergency education needs to thrust us aggressively back into world economic competition; and one-quarter to help the Soviet Union and Eastern Europe survive its experiment with democracy and open those markets to American business. Yesterday, in fulfillment of that obligation, I introduced House Concurrent Resolution 283. Today I presume upon the time of the House to explain that proposal.

First of all, I commend Majority Leader RICHARD GEPHARDT for his thoughtful remarks on Tuesday before the Center for National Policy, urging that we invest in our own self-interest in the Soviet Union. I urge that we go further, that the same rationale requires that we extend that close relationship to the other Eastern European countries.

For months, every passing day and banner headline testified to the Communist world's collapse. The ideology which imprisoned nations across an entire continent and well beyond has been ruptured to its inner core and has disappeared as a viable economic system. The engine which propelled a mad arms race and dozens of bloody conflicts around the globe has been permanently idled.

We have watched from a world away as cataclysmic events have overtaken Eastern Europe and the Soviet Union, a peaceful revolution unparalleled in history. We see the emergence of free markets from those which were rigid and centrally controlled; the evolution of civil liberties and political freedoms from governments which were repressive and totalitarian. The world has been electrified by nations stepping through the Iron Curtain into the ballot booth.

So rapid has been the transformation, so tumultuous the implication of every news story, that our senses have become deadened to the real significance of events which are reshaping our world and redefining the requirements of our national security.

In his State of the Union Address, President Bush announced "America stands at the center of a widening circle of freedom." His remarks, when matched with his specific proposals, leave a wide gap and it must be concluded that he does not intend that his rhetoric reflect his administration's policy.

Freedom is indeed on the march across the globe, but far from being at the center of it, I fear that America is fast becoming a nation of spectators—spectators to the inevitable reunification of Germany, to the political and ethnic tumult in the Soviet Union, in summary, spectators to the new economic order emerging in Europe.

Empty rhetoric didn't catapult the U.S. forward as the leader of the free world at the end of the Second World War. It was American ingenuity and American vision, and yes, American investment in its defeated adversaries. It was our willingness to take one bold economic step, in harder times than these, which threw open the door to American trade and investment in post-war Europe.

It was the Marshall plan which placed American technology and American business leaders in the forefront of saving post war Europe. And, it was the incidental opening of markets for American trade which led to this country's emergence as the world's undisputed economic leader for four decades. That visionary rescue effort set the stage, not only for political and economic stability in Europe, but for prosperity in this country as well.

We weren't spectators then. We must not be spectators now. But spectators we will be, if we accept to follow the pitiful $300 million effort proposed by the President, who refuses to cut defense and won't raise taxes. The President may be paralyzed by his own political promises, but are the American people content to stand by as economically irrelevant players in this the grandest stage play of the decade? In the most important year for democracy since the end of the Second World War, are we to limit our participation to giving free market advice?

The President proposes $300 million. Less than $1 for each Eastern European. Of greater significance, he asks for Europe one one-thousandth of the defense budget he proposes for next year. Three hundred billion dollars for defense, 1,000 times more than he proposes to help assure success for the fragile democratic movement in Eastern Europe. His proposal stands logic on its head, Mr. Speaker, not just because it ignores America's traditional humanitarian values but because it betrays America's real opportunity. It is within our means to materially assist in precluding authoritarian governments which conceivably could become aggressively anti-American, and at the same time develop free markets with American business leadership.

The President's proposal for direct economic contribution is so insignificant as to be irrelevant to the success of Eastern Europe's experiment with democracy. Better we should pretend they don't need economic help, better we should just give economic advice and spiritual encouragement and free market hints.

The threat to American security which provoked us to double our defense budget in the last decade has disappeared. We must now consider the new realities of America's security needs which emerge from the total collapse of what we have called the Communist menace.

I suggest to you that the greatest threat from abroad will not come from the barrel of a Soviet tank or the warhead of a cruise missile. Our next war will be fought in the trenches of the world's financial exchanges. Our next battlefield, and greatest economic opportunity, will be the new East European market, and we'll be facing the awesome firepower of the yen and the deutchmark.

It's time we redefined our vital interests and our national security needs. Instead of investing scant resources in a $37.5 billion C-17 cargo plane, for example, we should be sowing the seeds for economic strength—promoting research and development in key industries, gradually eliminating our budget deficit, and breaking into eastern Europe's emerging markets. Our national security will be best served, not by building unnecessary weapons, but by nurturing the growth of democracy.

Since the end of the Second World War, we've paid the price for stability in Europe. Over 60 percent of our defense budget for more than 40 years has been premised on defending our

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allies, and ultimately ourselves, against Warsaw Pact aggression, a threat which no longer exists. While the Soviet leadership still controls the nuclear button, three former Chairmen of the Joint Chiefs of Staff admitted that with a changed European environment, a surprise nuclear attack is "just not reasonable now." And CIA Chief William Webster just last week assured us that it is not rational to believe that the Warsaw Pact threat could be rebuilt to endanger American security.

This country must not and will not allow its defense posture to soften and relax. We must always maintain a position of strength, militarily capable of responding to any feasible threat.

Still, Mr. Speaker, in the name of common sense, let our defense policies reflect reality—the threat upon which we have based our outrageous expenditure of 25 percent of our public treasury is gone—disappeared with the momentous, unstoppable march for political freedom and the concurrent struggle for economic opportunity.

Democracy in Eastern Europe in March 1990 is a fragile experiment. For the first time in four decades, workers now enjoy the richness of political freedom, but are bedeviled by a poverty of economic choices. Who knows how long hope will endure in the face of empty market shelves and long foodlines. We must not forget the lesson of American democracy. Ours is the longest, most successful experiment with self-government precisely because political freedom has been fortified by economic opportunity.

Many in Eastern Europe will lose guaranteed jobs. All must endure a painful austerity and economic restructuring. In Poland, for example, worker's wages are expected to drop 20 percent from already dismal levels.

In the months and years to come, stability almost certainly will depend in large measure on assistance from the outside, from multilateral institutions and from donor nations. Foreign investment and know-how will be crucial in order to introduce the free market into state directed economies.

History tell us that those who penetrate the evolving European markets from the outset will establish standards and commerical ties that will endure for many decades. Germany has already used its position on the continent to gain a competitive advantage, and Japan has already formulated a $2 billion aid package. As of now, the European Economic Community has invested more than $3 billion in aid for Poland and Hungary alone. By contrast, the President, with his $300 million aid proposal, knowingly and willingly relinquishes a strong and commanding American business presence in Europe's new economic order.

Senator **Dole** proposes to squeeze an additional $300 million from our most important aid programs around the world. Rather than take from our most worthy recipients to gain a small amount of the funding needed, I propose a major assistance initiative for emerging democracies in Eastern Europe, $7.5 billion for fiscal 1991. If we are not only to safeguard democracy in this part of the world but also avoid any further military threat, dollar for dollar this is the most cost-effective defense expenditure we can make.

This assistance would be provided in the form of Export-Import Bank credits which will help fund American exports to these new markets; OPIC authority to issue political risk insurance for U.S. investors in the region; and a private enterprise fund to promote development of the private sector and joint ventures with U.S. firms.

In order to free up funds for this initiative, I propose a 10-percent reduction in the defense budget, a step which is commensurate with the vastly reduced threat from abroad. It is just a beginning, but it would result in first year savings of approximately $30 billion, all of which should be invested to rebuild America's economic vitality. After the investment in East Europe just proposed, which will be in reality an investment in America's economic strength, the remaining $22.5 billion should be devoted to our economic well-being at home: $15 billion toward reducing our budget deficit and $7.5 billion in promoting essential research and development, education and training to permit us to regain our leadership in the competitive world economic marketplace.

It is astonishing that the administration has requested a wartime budget for fiscal 1991, given what has happened over the last 12 months. While the President has offered modest reductions in force structure, none of the big ticket hardware has been touched; $5.5 billion was requested for the B-2 bomber, an increase of 29 percent. For the rail garrisoned MX missile, $2.8 billion is up 65 percent; for the Trident submarine, $1.4 billion, up 13 percent; and for the strategic defense initiative, $4.6 billion, up 22 percent.

Defense Secretary Cheney has said over and over that we should not respond to Soviet intentions, but rather Soviet capabilities. That is a very good idea. Let us follow his suggestion. Let us examine what those Soviet capabilities are.

I have already cited the Joint Chiefs of Staff and the CIA Director to support my argument that, except for a nuclear threat, there is now no Soviet menace, no realistic capability of mounting the conventional Eastern European offensive that we have feared for 40 years.

The bulwark of Soviet power in Europe was a military machine in East Germany. Now rushing headlong toward reunification with West Germany, the GDR can no longer be relied on as a staging ground for the Warsaw Pact. Likewise, Poland is no longer a viable instrument for Soviet aggression and neither are Hungary, Czechoslovakia, Yugoslavia, or Romania.

The $15 billion contribution from defense to deficit reduction would make responsible budget-cutting considerably less painful. When we ultimately balance the American budgets, lower interest rates and less inflation will result, along with enhanced investment and economic growth at home. Balanced budgets must become real goals, not just the stuff of good speeches. I propose we do something real to move in that direction.

To restate the obvious, by reducing interest rates, deficit reduction will lower the cost of capital and help American industry to stay in the forefront of technological innovation and remain competitive in the international marketplace. As defense budgets plummet over the next decade, this will be the lifeblood of sagging defense industries, the foundation for conversion to a post cold war world.

Unfortunately, this past decade has witnessed the steady erosion of U.S. technological leadership in nearly every crucial high-technology field, from machine tools to cold fusion, consumer-electronics to semiconductors. In our place the Japanese have emerged as world leaders, putting science and innovation to work in their economies better and faster than their American counterparts.

We can make measureable progress in regaining our competitive edge in high technology by funding programs that further industrial research and development. We must promote basic research in our universities which is the very foundation of innovation. The remaining $7.5 billion from the peace dividend, then, should go toward sponsoring consortia that bring together government, industry, and academia to explore vital technologies and their commercial applications. This should be coupled with limited direct funding for industrial research, tax incentives such as the R&D tax credit, and relaxed antitrust restrictions on joint research. Emergency education and job training needs could also be addressed.

National security for the coming decades cannot be purchased overnight. We must correct our national myopia, our preoccupation with short-term gain. Investment in the future, through research and development and deficit reduction, in combination with crucial assistance for emerging democracies will reap prosperity for years to come.

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I introduce this resolution today to ask Members to effect a fundamental change in spending priorities. The budgetary redirection proposed would only be accomplished after many, many hours of debate and dozens of amendments to budget and appropriation bills. But now, at the beginning of the budgetary process, we should search for perspective, stop and take time to recognize the radical transformation of the Eastern European community over the last year and form fiscal policies and spending priorities which respond to those changes.

We must find the courage to break with old views rooted in cold war fears. Neither our national conscience nor good economic sense permit us to ignore the needs of the newly emerging democracies when we have grain bins overflowing and manufacturing capabilities at rest. And we can no longer burden our children with the costs of implements of violence when we are beckoned by peace, not war. The world has changed. And so must we.

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SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PARRIS) to revise and extend their remarks and include extraneous material:)

Mr. DANNEMEYER, for 60 minutes, today and on March 19.

Mr. WALKER, for 5 minutes, today.

Mr. SOLOMON, for 5 minutes, today.

Mr. DREIER of California, for 5 minutes, today.

Mr. BALLENGER, for 5 minutes, today.

(The following Members (at the request of Mr. HUBBARD) to revise and extend their remarks and include extraneous material:)

Mr. DORGAN of North Dakota, for 5 minutes, today.

Mr. CARR, for 5 minutes, today.

Mr. HUBBARD, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FAZIO, for 5 minutes, today.

Mr. HAWKINS, for 60 minutes, today.

Mr. GAYDOS, for 60 minutes, today and on March 13 and 14.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. STAGGERS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks, was granted to:

(The following Members (at the request of Mr. PARRIS) and to include extraneous matter:)

Mr. GRANT.

Mr. LEWIS of California.

Ms. SCHNEIDER.

Mr. SOLOMON.

(The following Members (at the request of Mr. HUBBARD) and to include extraneous matter:)

Mr. FOGLIETTA.

Mrs. BOXER.

Mr. ATKINS.

Mr. DOWNEY.

Mr. LEVINE of California.

Mr. BONIOR in two instances.

Mr. RICHARDSON in two instances.

Mr. STARK in two instances.

Mr. HAMILTON.

Mr. SMITH of Florida.

Mr. MINETA.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 97. Concurrent resolution expressing the sense of the Congress with respect to popular anti-semitism in the Soviet Union; to the Committee on Foreign Affairs.

SENATE ENROLLED JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled joint resolutions of the Senate of the following titles:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990, as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day."

ADJOURNMENT

Mr. OWENS of Utah. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 58 minutes p.m.) under its previous order, the House adjourned until Monday, March 12, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2671. A letter from the Chairman, National Research Council, transmitting a copy of the report entitled "Volunteers in Public Schools," pursuant to 20 U.S.C. 1221-1 nt.; to the Committee on Education and Labor.

2672. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the annual report describing the organization, programs, and accomplishments of the EIA in calendar year 1989, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

2673. A letter from the Deputy Secretary, Department of Agriculture, transmitting the Department's annual report on its hazardous waste management activities for calendar year 1989, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2674. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's (EPA) report on radon assessment and mitigation, pursuant to 42 U.S.C. 7401 nt.; jointly, to the Committees on Science, Space, and Technology and Energy and Commerce.

2675. A letter from the President, African Development Foundation, transmitting a draft of proposed legislation to authorize appropriations for the African Development Foundation and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

2676. A letter from the Executive Director, Board for International Broadcasting, transmitting a copy of the 1990 annual report on the activities of the Board and evaluation of the operation of RFE/RL, Inc., pursuant to 22 U.S.C. 2873(a)(9); to the Committee on Foreign Affairs.

2677. A letter from the Secretary of Transportation, transmitting his views on the President's November 1989 veto of H.R. 1231, a bill to establish a commission to investigate and make recommendations regarding the settlement of the labor disputer involving Eastern Airlines and the International Association of Machinists & Aerospace Workers, the Airline Pilots Association, and the Transport Workers Union; to the Committee on Public Works and Transportation.

2678. A letter from the Administrator, National Aeronautics and Space Administration, transmitting NASA's second annual report on progress during the past year and future plans for meeting the goal for transition of the U.S. Government to use the Systeme Internationale [SI] metric system; to the Committee on Science, Space, and Technology.

2679. A letter from the Executive Director, U.S. Holocaust Memorial Council, transmitting a draft of proposed legislation to authorize appropriations to carry out the programs of the U.S. Holocaust Memorial Council, pursuant to 31 U.S.C. 1110; jointly, to the Committees on House Administration, Interior and Insular Affairs, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 1347. A bill to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility, and for other purposes; with amendments (Rept. 101-368, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 355. Resolution providing for the consideration of H.R. 3581, a bill entitled the "Rural Economic Development

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Act of 1989" (Rept. 101-416). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself, Mr. Madigan, Mr. Dingell, Mr. Lent, Mrs. Schroeder, Ms. Snowe, Mr. Scheuer, Mr. Tauke, Mr. Markey, Mr. Whittaker, Mr. Walgren, Mr. Bilirakis, Mrs. Collins, Mr. Synar, Mr. Wyden, Mr. Eckart, Mr. Richardson, Mr. Sikorski, Mr. Bryant, Mr. Bates, Mr. Boucher, Mr. Cooper, Mr. Bruce, Mr. Rowland of Georgia, Mr. Manton, Mr. Towns, Ms. Slaughter of New York, Ms. Oakar, Ms. Schneider, Ms. Pelosi, Mrs. Lowey of New York, Mrs. Saiki, Mrs. Unsoeld, Mrs. Morella, Mrs. Boggs, Ms. Long, Ms. Kaptur, Mrs. Kennelly, Mrs. Martin of Illinois, Mrs. Patterson, Mrs. Boxer, Mrs. Vucanovich, and Mrs. Johnson of Connecticut):

H.R. 4222. A bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer; to the Committee on Energy and Commerce.

By Mr. EDWARDS of California (for himself, Mr. Hughes, Mr. Gekas, and Mr. Oxley):

H.R. 4223. A bill to amend the Internal Revenue Code of 1986 to exempt Federal law enforcement officers and firefighters from the penalty tax on early distributions from retirement plans; to the Committee on Ways and Means.

By Mr. EDWARDS of California (for himself, Mr. Hughes, Mr. Gekas, and Mr. Oxley):

H.R. 4224. A bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HUGHES (for himself, Mr. Mazzoli, Mr. Conyers, Mr. Smith of Florida, and Mr. Feighan):

H.R. 4225. A bill to amend title 18, United States Code, to prohibit the possession, transfer, and certain exports of restricted weapons, the manufacture of firearms capable of accepting a silencer or bayonet without alteration, and the possession and transfer of large capacity ammunition feeding devices, and for other purposes; to the Committee on the Judiciary.

By Mr. ANTHONY (for himself, Mr. Ballenger, Mr. Rohrabacher, Mr. Vander Jagt, Mr. Ford of Tennessee, Mr. Crane, Mr. Matsui, Mr. Hayes of Illinois, Mr. Smith of Vermont, Mr. Armey, Mr. Solomon, Mr. Duncan, Mr. Paxon, Mr. Dymally, Mr. Rahall, and Mr. Jontz):

H.R. 4226. A bill to amend the Internal Revenue Code of 1986 and the Federal Election Campaign Act of 1971 in order to promote and improve employee stock ownership plans; jointly, to the Committees on Ways and Means and House Administration.

By Mr. ATKINS (for himself and Mr. Markey):

H.R. 4227. A bill to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers system; to the Committee on Interior and Insular Affairs.

By Mr. BUSTAMANTE:

H.R. 4228. A bill to amend title 10, United States Code, to require that excluded competitors for a defense contract for a major system be informed of the reasons for exclusion; to the Committee on Armed Services.

By Mr. DOWNEY (for himself, Mr. Ford of Tennessee, Mr. Pease, Mr. Matsui, Mrs. Kennelly, Mr. Andrews, and Mr. Coyne):

H.R. 4229. A bill to make miscellaneous amendments to certain human resources programs; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ENGEL:

H.R. 4230. A bill to amend the Immigration and Nationality Act to provide for admission of selected immigrants based on a point system; to the Committee on the Judiciary.

By Mr. FAZIO (for himself, Mr. Rangel, Mr. Smith of Florida, Mr. Brown of California, Mr. Bryant, Mr. Akaka, Mr. Bates, Mr. Berman, Mr. Bosco, Mrs. Boxer, Mr. Condit, Mr. Dornan of California, Mr. Dymally, Mr. Edwards of California, Mr. Herger, Mr. Hunter, Mr. Lantos, Mr. Levine of California, Mr. Lewis of California, Mr. Lowery of California, Mr. Matsui, Mr. Miller of California, Mr. Mineta, Mr. Panetta, Ms. Pelosi, Mr. Rohrabacher, Mr. Roybal, Mr. Shumway, Mr. Stark, Mr. Torres, Mr. Chapman, Mr. Frost, Mr. Atkins, Mr. Campbell of Colorado, Mr. Courter, Mr. Craig, Mr. English, Mr. Fuster, Mr. Gilman, Mr. Gordon, Mr. Guarini, Mr. Hyde, Mr. Kolter, Mr. Lancaster, Mr. Lipinski, Mr. Livingston, Mr. Donald E. Lukens, Mr. McCurdy, Mr. Mrazek, Mr. Neal of Massachusetts, Mr. Pallone, Mr. Paxon, Mr. Penny, Mr. Rinaldo, Ms. Ros-Lehtinen, Mr. Skeen, Ms. Slaughter of New York, Mr. Solarz, Mr. Wolf, Mr. Wolpe, and Mr. Wyden):

H.R. 4231. A bill to amend the Controlled Substances Act with respect to the regulation of precursor chemicals; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. HENRY (for himself, Mr. Goodling, Mr. Moody, and Mr. Rose):

H.R. 4232. A bill to to amend the Higher Education Act of 1965 to require disclosure of and accounting for revenues from intercollegiate sports; to the Committee on Education and Labor.

By Mr. STARK:

H.R. 4233. A bill to amend title XVIII of the Social Security Act with respect to federally qualified health center services and rural health clinic services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. LOWEY of New York (for herself and Mr. Owens of New York):

H.R. 4234. A bill to amend the Higher Education Act of 1965 to provide for the deferral and cancellation of students loans for the performance of drug prevention and treatment services; to the Committee on Education and Labor.

By Mr. RICHARDSON:

H.R. 4235. A bill to establish the Pecos National Historical Part in the State of New Mexico, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. SCHNEIDER:

H.R. 4236. A bill to extend until January 1, 1994, the existing temporary suspension of duty on lasamid; to the Committee on Ways and Means.

By STEARNS (for himself, Mr. Grant, Mr. Fascell, Mr. Bilirakis, Mr. James, Mr. Lewis of Florida, Mr. Nelson of Florida, Mr. Young of Florida, Mr. Ireland, Mr. McCollum, and Mr. Goss):

H.R. 4237. A bill to amend the Water Resources Development Act of 1986 to deauthorize the Cross Florida Barge Canal, and to assist the State of Florida in preservation of the canal corridor as a green way; to the Committee on Public Works and Transportation.

By Mr. WAXMAN (for himself, Mr. Madigan, Mr. Dingell, and Mr. Rowland of Georgia):

H.R. 4238. A bill to amend the Public Health Service Act to extend various programs with respect to vaccine-preventable diseases; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. Richardson, and Mr. Waxman):

H.R. 4239. A bill to amend part C of title I of the Clean Air Act to improve air quality, and for other purposes; to the Committee on Energy and Commerce.

By Ms. OAKAR (for herself and Mr. Burton of Indiana):

H.J. Res. 509. Joint resolution designating February 17 through 23, 1991, as "National Visiting Nurse Associations Week"; to the Committee on Post Office and Civil Service.

By Mr. THOMAS of Wyoming:

H.J. Res. 510. Joint resolution designating July 10, 1990, as "Wyoming Centennial Day"; to the Committee on Post Office and Civil Service.

By Mr. MFUME:

H. Res. 356. Resolution expressing the sense of the House of Representatives with respect to the practices of the auto insurance industry; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 529: Mr. Derrick, Mr. Clay, Mr. Gunderson, Mr. Walgren, Mr. Williams, Mr. Chapman, Mrs. Boxer, and Mr. Roe.

H.R. 530: Mr. Gunderson, Mr. Chapman, Mrs. Schroeder, Mrs. Boxer, Mr. Roe, and Mr. Schaefer.

H.R. 567: Mr. Skaggs.

H.R. 614: Mr. Goss.

H.R. 1232: Mr. Fawell.

H.R. 1463: Mrs. Boxer.

H.R. 2437: Mr. Dornan of California, Mr. Mollohan, Mr. Evans, Mr. Nagle, and Mr. Bustamante.

H.R. 2699: Mrs. Lowey of New York and Mr. DeFazio.

H.R. 3266: Mr. Scheuer, Mr. Engel, and Mr. Williams.

H.R. 3319: Mr. Machtley.

H.R. 3347: Mr. Burton of Indiana.

H.R. 3440: Mr. Craig.

H.R. 3475: Mr. Hefley, Ms. Long, and Mrs. Meyers of Kansas.

H.R. 3735: Mr. Pickett.

H.R. 3757: Mr. Owens of New York.

H.R. 3859: Mr. Murphy.

H.R. 3869: Mr. Wise.

H.R. 3904: Ms. Pelosi, Mr. Gallo, Mr. Pallone, Mr. Miller of Washington, Mr.

Dwyer of New Jersey, Mr. Ravenel, Mrs. Roukema, Mr. Courter, Mr. Lagomarsino, and Mr. Coble.

H.R. 4014: Mr. McNulty.

H.R. 4043: Mrs. Collins and Mr. Walsh.

H.J. Res. 460: Mr. Callahan, Mr. Fish, Mr. Levin of Michigan, Mr. Kasich, Mr. Wilson, Mr. Pickett, Mr. Hayes of Illinois, Mr. Jones of North Carolina, Mr. Owens of New York, Mr. Dornan of California, Mr. Foglietta, Mr. Bevill, Mr. Weber, Mrs. Bentley, Mr. Crockett, Mr. Quillen, Mr. Kolter, Mr. Savage, Mr. Lipinski, Mr. Emerson, Mr. Green, Mr. Hastert, Mr. Inhofe, Mr. Matsui, Mr. McDade, Mr. Jones of Georgia, Mr. McEwen, Mr. McGrath, Mr. Owens of Utah, Mr. Engel, Mr. Saxton, Mr. Skelton, Mr. Panetta, Mr. Smith of New Hampshire, Mr. Traxler, Mr. Yatron, Mr. Mrazek, Mr. Parker, Mr. Lagomarsino, Mr. Akaka, Mr. Bateman, Mr. Martin of New York, Mr. Stenholm, Ms. Oakar, and Mr. Donnelly.

H.J. Res. 467: Mr. McCloskey, Mr. Frank, Mr. Dixon, Mr. Ford of Tennessee, Mr. Bilirakis, Mr. Jontz, Mr. Smith of New Hampshire, Mr. Sundquist, Ms. Pelosi, Mr. Fauntroy, Mr. Oxley, Mr. Smith of Florida, Mr. Gallegly, Mr. Mineta, Mr. McDade, Mr. Bosco, Mr. Mrazek, Mr. Fawell, Mr. Montgomery, Mr. Jones of Georgia, Mr. Manton, Ms. Kaptur, Mr. Hefley, Mr. Leach of Iowa, Mr. Volkmer, Mr. Robinson, and Mr. Frost.

H.J. Res. 476: Mr. Frost, Mr. Geren of Texas, Mr. Hiler, Ms. Kaptur, Mr. McDermott, Mr. Martinez, Mr. Morrison of Connecticut, and Mr. Shumway.

H.J. Res. 498: Mr. Berman, Mr. Bevill, Mrs. Boxer, Mr. Carr, Mr. Conyers, Mr. Emerson, Mr. Fauntroy, Mr. Frost, Mr. Fuster, Mr. Gordon, Mr. Hochbrueckner, Mr. Horton, Mr. Hoyer, Mr. Hubbard, Mr. Hughes, Ms. Pelosi, Mr. Rangel, Mr. Towns, and Mr. Wolpe.

H. Con. Res. 23: Mr. Thomas of Wyoming, Mr. Skelton, Mr. Sabo, Mr. Lantos, Mr. Martinez, Mrs. Lloyd, Mr. Tauke, Mr. Regula, Mr. Flippo, Mr. Beilenson, Mr. Price, Mr. Ravenel, Mr. Rowland of Connecticut, Mr. Eckart, Mr. Johnson of South Dakota, Mr. Stangeland, Mr. Stallings, Mr. Carper, Mr. Fauntroy, Mr. Bustamante, Mr. Levin of Michigan, Mr. Condit, Mr. Spence, Mr. Weber, Mrs. Bentley, Mr. Wolpe, Mr. Bennett, Mrs. Meyers of Kansas, Mr. Moorhead, Mr. Lehman of Florida, Mr. Kastenmeier, Mr. Cardin, Mr. Roberts, Mr. Schumer, Mr. Donnelly, Mr. Scheuer, Mr. Anderson, Mr. Ireland, Mr. Kasich, Mr. Hefner, Mr. LaFalce, Mrs. Morella, Mr. McEwen, Mr. Thomas of Georgia, Ms. Oakar, Mr. Valentine, and Mr. Hansen.

H. Con. Res. 85: Mr. Hayes of Illinois, Mrs. Saiki, Mr. Kolter, Mr. James, Mr. Lipinski, Mr. Ford of Tennessee, Mr. Ackerman, Mr. Frost, Mr. Evans, and Mr. Studds.

H. Con. Res. 215: Mr. Smith of New Jersey.

H. Con. Res. 279: Mr. Brown of California, Mr. Geren of Texas, Mr. Smith of Florida, Mr. Dixon, Mr. Moody, Mr. Gilman, Mr. Inhofe, and Mr. Edwards of Oklahoma.

H. Res. 348: Mr. Ballenger, Mr. McCurdy, Mr. Goss, Mr. Richardson, Mr. Kyl, Mr. Huckaby, Mr. Shumway, Mr. Pickett, Mrs. Meyers of Kansas, Mr. Lewis of Florida, Mr. Frenzel, Mr. Bunning, Mr. Solomon, Mr. Robinson, Mr. Packard, Mr. DeWine, Mr. Fuster, Mr. Lightfoot, and Mr. Sundquist.

H. Res. 354: Mr. Yatron.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4096: Mr. Levine of California.

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SENATE—*Thursday, March 8, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The prayer will be offered by the guest chaplain, the Reverend Jay Croft, chaplain, Gallaudet University, Washington, DC, with voice interpretation by the Reverend Father Gerard A. Trancone, of Gallaudet University.

PRAYER

The Reverend Jay Croft, chaplain, Gallaudet University, offered the following prayer.

O God, who created all the peoples of the Earth and who cares for each of them: We ask today for Your blessing upon the work of this Senate, and upon all other parts of the Government of the United States.

We pray that You will give wisdom and courage to each of us, that right decisions may be made, truth and justice may be served, and that every human being may have peace and a sense of Your love.

We give thanks for the great diversity of people of the United States, especially for those who have, with courage and determination, worked to make the world a better place.

We remember that each of us is mortal, that life is fragile and precious in Your sight, and that You care for every human being.

So, especially we ask Your blessing on people with disabling conditions. We pray that they receive not pity but respect; not shame but dignity; not neglect but inclusion. May Your glory be revealed in the life of each person You have made.

To You we give honor, praise, and glory, now and evermore. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 8, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized.

THE JOURNAL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. PRYOR. Mr. President, following the time for the two leaders this morning, there will be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein for up to 5 minutes each. At 9:30 a.m., Mr. President, the Senate will then resume consideration of the clean air bill.

RESERVATION OF LEADERSHIP TIME

Mr. PRYOR. Mr. President, I ask unanimous consent that the time for the two leaders be reserved for their use later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, at this time I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Senator from Wisconsin [Mr. KASTEN] is recognized.

Mr. KASTEN. I thank the Chair.

FIRST PRAYER BY A DEAF CHAPLAIN

Mr. KASTEN. Mr. President, it is a great honor, indeed, for me to be here today to welcome Rev. Jay Croft. We are present today at the making of history: This is the first time the proceedings of the Senate have ever been opened by a deaf chaplain.

I thank Reverend Croft for an eloquent prayer, and also Rev. Gerard A. Trancone for his voice interpretation. Both of these distinguished ministers of the gospel are chaplains at Gallaudet University. I am especially pleased that so many young people from the Model Secondary School for the Deaf—and from Gallaudet University as well—could be in the gallery this morning to witness this historic event.

Hearing-impaired citizens worship the same God we do; they pledge allegiance to the same flag. But the symbolic step we have taken today recognizes that all of us—hearing-impaired and non-hearing-impaired alike—have a right to full participation in the life of America.

It is especially fitting that this event take place today, because the Senate has designated next week as Deaf Awareness Week. I thank all of my colleagues who helped pass the Deaf Awareness Week resolution. I also thank the organizations that helped us lobby for its passage—and especially the National Institute on Deafness and Other Communications Disorders at the National Institutes of Health.

Mr. President, I thank the acting majority leader and the Republican leader. I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Arizona [Mr. MCCAIN].

THE FIRST DEAF CHAPLAIN BEFORE THE U.S. SENATE

Mr. MCCAIN. Mr. President, I am proud to commemorate this special day in the history of the Senate. For the first time, the prayer that opens our session and sets the tone of our daily business was delivered in sign language. I thank the Reverend Jay Croft for his thoughtful words and the Reverend Gerard A. Trancone for his voice interpretation. I also thank Senator KASTEN for his hard work in bringing this first to the Senate.

Mr. President, this event is evidence of the progress deaf and hard of hearing individuals have made in our society. Two years ago the hearts and minds of our Nation were besieged by the cries of Gallaudet students demanding a deaf president for the world's only university for the deaf.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

These calls for equality were heard, and I believe rightly so.

The arduous path that leads toward equality for deaf and hard of hearing people is one filled with both struggle and reward. The heroes who have chosen to follow it have expanded the boundaries of opportunity. But the equal opportunity and respect deaf and hard of hearing people seek are such tenuous concepts and must be fought for every day. The laws and rules which govern our society are certainly an honorable start for this journey, but only action can be proof of victory. A deaf chaplain before the Senate is such proof. Gallaudet students marching in the streets of Washington also served as proof that the fight for equality has not faltered and that heroes of the American dream—people such as I. King Jordan and every individual who daily overcomes the barriers society may place before them—are still in our presence.

This fight is far from won, however, and our heroes must continue their valiant effort. The power exists to overcome any barrier, and I am convinced that in our kinder and gentler world people are limited only by ambition.

Mr. President, I look forward to the day when our Nation has the opportunity to listen to the oratory of deaf Senators. I look forward to the day when the beauty and grace of a prayer delivered in sign language is not a special event but an accepted occurrence.

I ask that this body and all who are proud to be Americans never forget that every morning deaf and hard of hearing children all across our great Nation respectfully pledge their allegiance to our flag using sign language. Our children, the most precious commodity our country possesses, finish that pledge with the words "liberty and justice for all." I know that the heroes of whom I have spoken will never forget that creed, and our Nation is better because of them.

Again, I thank the Reverend Croft, the Reverend Trancone, and all deaf and hearing impaired individuals who have given of themselves to make this day possible, and I urge them to continue to fight to see their dreams become reality.

I yield the floor, Mr. President.

The ACTING PRESIDENT pro tempore. The Chair recognizes the acting majority leader.

THE GUEST CHAPLAIN

Mr. PRYOR. Mr. President, on behalf of the majority leader, I, too, join in welcoming the Reverend Jay Croft and the Reverend Gerard A. Trancone. This is a momentous time for the Senate.

Mr. President, I compliment both the Senator from Wisconsin and the Senator from Arizona for their eloquent statements making us more sensitive to the upcoming week which has been proclaimed as Deaf Awareness Week.

Mr. President, it was my pleasure, and I know the Senate's privilege, and high opportunity only two summers ago in 1987 to have had under my patronage a young man as a page in this body, Lee Jackson, a young deaf man from the State of Arkansas.

According to those who have served this body for many, many years to the best of their memory and to the best of their recollection, he was the first deaf page who served the Members of this institution, the U.S. Senate.

Lee Jackson from Arkansas not only was an inspirational leader for that particular page class, but Lee Jackson, according to those in authority over the page system, proclaimed also that he was one of the finest pages ever serving in the U.S. Senate. He performed his chores admirably and with distinction. So it was my pleasure to have had a small part in naming this fine young man as a page in the U.S. Senate.

Mr. President, in behalf once again of the majority leader and all of us in this Senate, we salute those who are now proclaiming "Deaf Awareness Week," and we will certainly be more sensitive to those concerns as we march forward.

Mr. President, I yield the floor.

DEAF AWARENESS WEEK

Mr. HARKIN. Mr. President, I am pleased to join in the celebration of National Deaf Awareness Week. I want to thank Reverend Croft and Reverend Trancone, from Gallaudet University, for giving this morning's opening prayer. This is the second time in our history that interpreters have been given the privilege to appear on the floor of the Senate. I am certain it will not be the last. And, in the coming months, the Senate's televised floor proceedings will be closed captioned.

From the inauguration of the first deaf president at the world's only liberal arts university for the deaf to the passage of several landmark bills, this is a time of great accomplishments, renewed hope, and increased rights and opportunities for deaf and hearing impaired citizens.

In 1987, when I. King Jordan asked me to deliver the keynote speech at his inauguration, it was both an honor and a special moment, because my brother is deaf.

The inauguration of Dr. Jordan sent the message that deaf children brought up in a world that too often tells them what they cannot do, now see they can do anything, that the only limit to their achievements is their ability to dream. The victory at Gallaudet did not happen by accident, it did not happen because some benevolent souls granted a wish, it happened because deaf Americans made it happen.

As chairman of the Senate Subcommittee on Disability Policy, I have been proud to work with deaf citizens in passing legislation to provide them with the tools and the opportunities they need to chart their own future.

Mr. President, when this body passed the Americans With Disabilities Act of 1989 [ADA] last September, we sent the message to the Nation that individuals with disabilities are entitled to be treated with dignity and respect and that they can and will be judged as individuals on the basis of their abilities, not on the basis of ignorance, irrational fears, or patronizing attitutes.

The American dream is the dream of opportunity for all. And when any American is denied the opportunity to contribute, we all lose. When we free the talents and abilities of millions of Americans with disabilities, we all win.

Expanding the rights and opportunities for Americans with disabilities is not something we ought to do—it is something we must do because we need the skills and talents and creativity persons with disabilities have to offer. We cannot afford to let their contribution go to waste.

Again, I want to thank Reverend Croft and Reverend Trancone for sharing their gift of communication with us today. I also want to thank Senators MITCHELL, DOLE, and KASTEN for making this session of morning business accessible to the 22 million Americans with hearing impairments.

Mr. WIRTH addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Colorado.

THE SENATE AGENDA

Mr. WIRTH. Mr. President, I also want to welcome Reverend Croft, Reverend Trancone, and our visitors to the galleries who are here today at a time when we have the Deaf Awareness Week and its precedent-setting opening of the Senate but also for this extraordinarily important debate in which the Senate finds itself on the Clean Air Act.

I want, if I might, to spend a little bit of time presenting some overall views on that extraordinarily important piece of legislation, and where we are going. I think all of us have been struck by the momentous changes obviously in Central and Eastern Europe, South Africa, Nicaragua, and are struck by the fact that we in the United States are asking other governments and other institutions to change dramatically. Our constituents are also asking us to change dramatically. They are asking us to reformulate our institutions and our approaches to some of the problems that we face, and clearly air pollution is one of those.

The people of the United States want strong legislation, and I think we have an enormously good opportunity to show that we too in the United States are willing to change our institutions, and are willing to develop the kind of programs for change that we are asking the rest of the world to do and the rest of the world is in fact doing.

I want to praise Senator MITCHELL, Senator BAUCUS, Senator CHAFEE, and others who I think have brought us a long way toward the goal. We have made very, very real progress. We can make progress, of course, without perfection. I believe we can make this piece of legislation stronger, and as the President knows and others know, there will be three or four very important amendments offered today and tomorrow relating to strengthening this piece of legislation.

Before doing that, we should note what is in the bill so far. Clearly, the centerpiece of this legislation is the acid rain provision. It is enormously important, and really has driven the whole piece of legislation. And I think we want to commend President Bush and the leadership for breaking the logjam which has plagued us for such a long time.

There are a number of very important principles and techniques in the acid rain provision summarized initially in Project 1988 which Senator HEINZ and I were proud to sponsor, in the work of the Environmental Defense Fund, and others, and in the adoption of this approach by senior administration officials.

The notion that the polluter pays is extremely important, and the notion that utilities should have a choice as to how to go about meeting these goals is also very important and a wonderful step away from the percentage reduction approach that was a bad system that we used in the past.

This whole acid rain approach happens to also be good for the Rocky Mountain region. It does not put the kind of costs on the Rocky Mountain region that have been suggested, and it allows our fuels to compete—our fuels, particularly natural gas and clean coal. And I think it is going to be good economically for our region of the country. The acid rain provision in my opinion makes a great deal of sense.

In the mobile source area, we have also made some significant progress. For many, many years, I have advocated the cold start provisions, the single most important element for cleaning up the brown cloud and carbon monoxide problem in the Denver metropolitan area and in most of the high altitude cities around the country. That provision will do more to clean up the air than anything else that we do.

That was included in the Senate bill. It is included in the compromise and will, I believe, be included in the law, and for that most important item we are very grateful and praise the legislation for including it.

Also in the legislation is a diesel fuel provision which is extremely good for us. That requires the reduction of sulfur content by a factor of 5. That is extremely important not only to the health of the people living in polluted areas such as we have in the Denver metropolitan area sometime but also very important for the reduction of the brown cloud, that visibility problem that we face in Denver. And the diesel fuel provision included in the compromise is also very helpful.

A third provision, alternative fuels, we begin to open the door on the alternative fuels program, which is very important to do. We have started steps to alternative fuels with the requirement of reformulated gasoline, some ozone nonattainment areas, and the beginnings of some sweet provisions drafted particularly by the distinguished Senator from Louisiana, Senator BREAUX.

So those are all the beginnings of good pieces on mobile sources. I want to come back to how that might be strengthened in just a couple of minutes.

Finally, the toxics provision in the legislation, Mr. President, is also very important and precedent setting. Six or seven years ago as a Member of the House and a member of the Health Subcommittee there, I think the first toxic air pollution bill was drafted, and which I introduced 6 or 7 years ago. We have been struggling to understand how to work with this. I believe this bill is really a hallmark in taking some first steps on this very important toxics area. We are going to hear a lot as we work our way through the implementation of that legislation, but at least we have made a start and I think a good one.

The legislation as we see it on the floor now is good. I think it could be better. Let me point out in particular where I think we have to do a better job.

First, in the area of mobile sources, or automobiles and trucks, the most important provision for us to strengthen is the so-called useful life provision, the 100,000-mile useful life. We anticipate that a vehicle that you might buy or I might buy or most of our constituents would buy would last for approximately 100,000 miles. That is the general kind of rule of thumb for that vehicle, lasting 6 or 7 years, about 100,000 miles.

If that vehicle is going to be on the road for this period of time, I think we should also expect that vehicle would be clean, run cleanly throughout that whole 100,000 miles. It does not do us any good to go through this whole exercise if in fact we end up having a vehicle that starts clean and getting dirtier and dirtier and drive these cars over a long period of time. You have at the end of the life of that automobile a whole lot of very dirty automobiles. So I think we would want to have a vehicle during its useful life to be clean for that period of time.

Unfortunately, in the current compromise legislation, we really have a two-standard approach for vehicles. For the first 50,000 miles or so of their life, they are required to run pretty cleanly. But the second 50,000 miles, they are allowed to drop off very sharply. That does not make any sense. There is no reason for us not to have the same 50,000 miles as clean as the first 50,000 miles. It is technically absolutely feasible.

The people who make the catalytic converters, who make the emission control devices, actually say there is no problem with getting it to last that long a period of time. The cost factor is less than the price of the hubcap for assuring that we have clean cars for the whole 100,000 miles. We ought to do that. That is one of the strengthening provisions that is absolutely important in the legislation in front of us.

The second part of the legislation that has to be strengthened relates to the alternative fuels approach. We ought to develop an aggressive program for the use of alternative fuels and clean running automobiles, a so-called clean cars-clean fuels approach, and that is going to be a central theme to the amendment which we will be offering later today or tomorrow.

While the bill's alternative fuels provisions are good, this is one area that we really need to make a lot better to protect the air that millions of people breathe everyday, particularly, in high pollution areas like California and New York and so on, and in areas like in the Rocky Mountain region where we have high altitude and much less efficient automobiles. And that process has been explained a number of times here on the floor, the special problem that exists in high altitudes.

What should we be doing to arrive at this? First, we should require the use of reformulated gasoline in all seriously polluted areas. If these new fuels can significantly reduce ozone pollution—and they can—then there is no reason to limit their use to only the worst polluted areas.

Second, we should require that commercial and government fleets convert to alternative fuels in most ozone and carbon monoxide nonattainment areas beginning in 1994. We should have a major fleet program, and fleets are extremely important in this process, Mr. President.

In the Denver metropolitan area fleets—meaning sort of the light-duty trucks, panel trucks that have the same engine essentially as automobiles—those fleets run on the road day in and day out, throughout the whole day; as opposed to commuters who go to work in the morning and drive home at night, these fleets run all day long. During that period of time, those are the automobiles that are contributing in the Denver area to about 35 to 40 percent of the total mileage driven on a day in a city like Denver. If we can clean that up by 40 percent, take a major shot at that 40 percent, we can take a major piece out of the overall pollution.

So what should we be doing with fleets? What we ought to be doing with fleets is requiring over a period of time that those fleets convert to alternative fuels. The advantages of this are numerous. First, by requiring that conversion to alternative fuels by fleets, we are creating a market into which Detroit has a sense of certainty. Second, we are really approaching an alternative fuels program. We are developing a program which is going to use domestic fuels.

Fourth, we are certainly going to be doing something that is cheaper. Alternative fuels, natural gas, for example, in the Denver metropolitan area, is about half the price for gasoline, for equivalent fuel. So we are saving money for the user; we are developing a market for Detroit; and, third, we are developing the use of a fuel which is domestic, thereby limiting our dependence on imported oil. And it has great environmental good. It is a win, win, win situation.

Third, we should be promoting the widespread use of clean-fuel vehicles in cities like Los Angeles, and Senator Wilson and Senator Cranston will be talking about that later today or tomorrow.

As President Bush said, we have to find a way to "reconcile the automobile with the environment." I think we can do that. I think we can be a lot more creative, a lot more imaginative and really approach the alternative fuel vehicle goal that the President set in his initial speech outlining his whole approach to the Clean Air Act.

Finally, Mr. President, I will close with this. I wish to outline other concerns, particularly related to the so-called nonattainment or enforcement areas of the legislation. Section 172 of the existing Clean Air Act requires that nonattainment cities work steadily to clean up their air.

Mayor Pena of Denver and others have argued eloquently that we should not relax the pressure on cities to clean up their air.

But the leadership amendment on the floor right now will significantly weaken existing law by permitting cities to get a waiver from additional requirements, if they believe the costs of clean air are too high. Every American, I believe, has the right to breathe clean air, and we have a responsibility to do everything we can to clean up the air. We should not let cities avoid tough measures to meet minimum health standards because some economists say it is going to be too expensive. That is a very important area, and Senator Kerry from Massachusetts will be focusing an amendment on that today or tomorrow, as well.

In closing, I think this is a good bill. We have come a long way. It is not a matter of the glass being half full or being half empty. It is more full than it is less full. But we can fill it up some more. I think we have an obligation to do that.

I think that those of us who believe that we can do better have been doing everything we could to understand what was in the legislation, how to write amendments against this very long and complicated bill, and who are moving out as rapidly as we possibly can to come to a conclusion and to allow our colleagues to register their concerns about these areas of nonattainment, about the clean fuels-clean cars amendment, and others, a couple of other significant amendments that will be offered today and tomorrow.

Mr. President, I thank you very much for your forebearance in this, and I want to thank the leadership again for their very good work in bringing us this far. I look forward to the conclusion of this. I have been involved in this for the whole 15 years I have been in the U.S. Congress. I think one of the first meetings I ever went to as a freshman Congressman was in Congressman Paul Rogers' office. He then chaired the Health Subcommittee on the House side. I was meeting all of these new players and learning about nonattainment and all of these complex terminologies that get used. I hope we now have a chance to really pass a very good piece of legislation.

Again, Mr. President, I thank you. I ask unanimous consent that these editorials, one from the Denver Post, one from the Rocky Mountain News, New York Times, and my response to the Rocky Mountain News be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 8, 1990]

Clean Fuels, Clean Air

(By Timothy E. Wirth)

Washington.—As the Senate votes this week on proposals for amending the Clean Air Act, Americans' health and environment are on the line. If they are to be protected, the Senate must make long-overdue choices about fuels to be burned in cars and trucks.

The nation has fought a losing battle against urban smog since 1970. Deadlines for meeting Federal health standards have been missed repeatedly, despite local governments' use of every strategy available to meet them. The casualty list includes more than 100 major urban areas with unhealthy levels of air pollution and tens of billions of dollars of avoidable health costs.

The single biggest culprit is the gasoline-fueled car. Standards enacted by Congress in 1977 have made new vehicles cleaner, but each year Americans buy more cars and drive more miles. These increases in vehicle miles traveled force polluted cities to run hard simply to stay in place, let alone make progress toward reducing air pollution.

There is just one way to escape this treadmill. We must break our addiction to today's high-polluting gasoline and take advantage of new clean-burning fuels. As President Bush said, we must "reconcile the automobile to the environment."

That's what Mr. Bush proposed when he introduced his clean air bill last summer. Its centerpiece was a mandate for the production of a million clean-fuel vehicles yearly by 1997. William Reilly, Administrator of the Environmental Protection Agency, called this program "the most innovative and far-reaching" component of the bill.

New, proven technologies are already producing vehicles that run on low-polluting natural gas, ethanol and methanol. By early in the next century, nearly pollution-free vehicles powered by hydrogen, electricity and solar power should be available.

Clean fuels are good for the environment and the economy, and would enhance national security by reducing our dependence on foreign oil. We can reformulate gasoline to make it burn more cleanly, by replacing some imported oil with domestically produced alcohols and ethers, such as ethyl tertiary butyl ether, made from corn, wheat, barley and other crops. This shift would open up major new markets for our farmers, and it could save taxpayers millions of dollars in farm-price supports.

Domestically produced natural gas, a clean-burning fuel, can also be turned into methanol. The use of these fuels not only would displace foreign oils but also give a much-needed shot in the arm to domestic gas producers in Louisiana and the West.

Unfortunately, during recent closed-door negotiations on clean air in the Senate, oil and auto companies made quick work of the President's original proposal.

Aside from a very limited program for certain Federal and commercial fleets, the Senate compromise does not provide for a new generation of vehicles using natural gas, ethanol, methanol or electricity.

I hope the Senate will breathe new life into the President's original vision and put a strong clean-fuels program back in the Clean Air Act amendments.

Building on the Bush initiative, a successful clean-fuels program should have three central elements:

The first is to require that reformulated, clean-burning gasoline be sold in our most polluted cities. (It can be used in any car, no matter how old.)

The second is a program calling for large commercial fleets to begin using special super-clean fuels like natural gas and methanol in the mid-1990's. Fleet vehicles—taxis, garbage trucks, delivery vans—travel twice as many miles as private vehicles; thus they offer a cost-effective target for emission reductions. Since they are centrally fueled, they can be more easily converted to new fuels.

The third element is a program calling for these same special super-clean fuels to be

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used in passenger cars beginning in the late 1990's.

Congress must look beyond the auto and oil industries' preoccupation with the next quarter's profits. The Senate cannot afford to squander this opportunity.

[From the Denver Post, Mar. 6, 1990]

BACKPEDALING ON CLEAN AIR AT THE BRINK OF VICTORY

Just when the Denver area appears on the verge of winning its lengthy battle against air pollution, Congress may be about to withdraw the backup support deemed crucial to a long-lasting victory.

The Clean Air Act compromise revealed by White House and Senate negotiators last week would put the brakes on a new set of federal auto-emissions standards that Denver officials have been counting on to maintain momentum after the mid-1990s. That's when increases in the number of cars on the road are expected to offset gains in pollution control achieved over the past few years.

Under a proposal approved by the Senate Environment and Public Works Committee last fall, a second round of more stringent tailpipe restrictions—designed to reduce today's emissions levels by at least half—would have gone into effect in 2003 after a first-stage startup in 1993.

But under the deal hammered out in the back rooms on Capitol Hill, the tough "second tier" would become mandatory only if 11 of the nation's 27 smoggiest cities were still out of compliance with federal ozone standards at the beginning of 2002.

This means Denver, Albuquerque, Phoenix and other cities polluted mainly by carbon monoxide would be denied any role in triggering the more stringent program.

Worse, the uncertainty would tempt auto manufacturers to twiddle their thumbs for more than a decade, then blithely seek extensions of the deadline once it became clear that they'd only have a year to come up with the required cleaner technology.

It would make far more sense to establish a firm goal now, so the engineers in Detroit would have plenty of lead time to make design decisions and test out the results before committing themselves to costly mistakes.

As has been the case in past debates over federal clean-air strategies, the prime objections to the new standards have involved both their feasibility and their cost.

The manufacturers have protested that they couldn't meet the targets for 2003 without replacing a typical car's catalytic converter midway through the useful life of the vehicle—at a cost of roughly $500 per car. That's a pretty stiff price for clean air, but it's much cheaper than trying to accomplish the same thing by controlling the fixed sources of these airborne poisons.

Moreover, the California Air Resources Board—traditionally a pacesetter in regulating such pollutants—has estimated that it would cost only $130 or so per car to meet the new standards, because improvements in durability should make it unncessary to replace the catalysts. That's less than 1 percent of the total cost of an average new car today—a figure that surely makes clean air an affordable option.

There are other problems with the compromise proposal, including its failure to mandate the use of alternative fuels in fleet vehicles, its stand-pat stance on fuel-efficiency standards and its rejection of sanctions against polluted cities that fail to clean up.

But the most important element from this vantage point is the need for strong tailpipe standards to enable the Denver area to continue to build on the enormous progress it's made since the Clean Air Act was last amended in 1977.

The state's congressional delegation should work diligently to reinforce the measure before it comes up for final approval.

[From the Rocky Mountain News, Mar. 4, 1990]

CRIES OF BETRAYAL ON CLEAN-AIR BILL DON'T JIBE WITH FACTS

If every auto in Denver ran as clean as a vehicle fresh off the assembly line, we wouldn't have a carbon-monoxide problem. We wouldn't even be at risk of having one. We could drive more miles and lay down more roads without raising the blood pressure of a single clean-air official.

Which is why the first thing the public should understand about the major clean-air proposals in Congress is that none would make dirty cars clean, for the simple reason that new cars don't pollute much even now. At best the bills would make clean cars slightly cleaner.

In fact, new cars already emit 96% less carbon monoxide than they did 20 years ago. Even a 50% improvement from the present level—that sounds like a lot, doesn't it?—simply means that cars would emit 96% less CO than they used to.

Remember those figures the next time some local critic claims that the compromise clean-air bill reached by the White House and Senate leaders last week would sabotage Colorado's progress in air quality because the bill doesn't go far enough in tightening tailpipe standards. What that critic neglects to note is that Colorado's CO problem, to the extent it still can be said to exist, is becoming a matter of keeping once clean-running cars tuned up so they don't pollute into middle and old age.

Sure, still cleaner new cars would probably help. But the compromise Senate package provides for this: It would reduce hydrocarbon emissions by 22% by 1995, and it would further reduce emissions in 2003 if a number of cities remained polluted into the next century.

Notice, though, that we said cleaner cars would probably help. Tighter tail-pipe standards will also raise the price of cars (how much is unclear), meaning some people will delay replacing older vehicles.

Fleet turnover had already slowed in recent years; now it will decelerate even more.

We're not suggesting that the effect of higher car prices will entirely offset emissions reductions. At the very least, however, sticker shock will erode potential gains.

Yet to hear the reaction of some local officials and environmentalists, you'd think the compromise Senate bill was a hollow fraud. Not so, obviously. Besides trimming tailpipe emissions, the bill would cut sulfur dioxide emissions from utilities by 10 million tons and shrink the output of toxic pollutants from factories. In all, it would impose a $20-$40 billion cost to the economy.

Those are big figures no matter how green your environmental ethic.

U.S. SENATE,
Washington, DC, March 5, 1990.

ROCKY MOUTAIN NEWS,
Denver, CO.

Your editorial of Sunday, March 4, concerning the Clean Air Act now being debated in the United States Senate, was accurate as far as it went. It is true that the compromise represents improvements over existing law in a number of areas. For example, it will stop acid rain in the East and it relies on market-based incentives to do that—an approach I have long advocated and you have supported.

But the compromise does not represent victory for Denver and other areas with serious air pollution problems. Under the provisions of the compromise, Denver can probably meet clean air health standards in the near future. But because it doesn't go far enough, in the not too distant future, Denver could well again fall out of attainment of the health-protecting goals of the Clean Air Act. Why not take a few more steps now, do the job right, and ensure that our citizens will be breathing clean and healthy air in the year 2000 and beyond?

Looking a few years into the future, it is clear that there will be more people and cars in Colorado, and we will be driving more. As a result, it is important to clean up our cars, and keep them clean. You correctly pointed out that if every auto ran as clean as a new car fresh out of the showroom, our problems would be much less severe. But to keep these cars running clean, we have to insist that pollution control devices last for 100,000 miles—the real useful life of a car. Unfortunately, the Administration insisted on dropping that provision. I'm going to try and put it back in the bill.

Your editorial also pointed out that tighter emission standards may be required in the year 2003, if a number of cities remain polluted. But that list doesn't include Denver and other cities with carbon monoxide pollution. Instead, the list includes only cities with ozone pollution—while we are in compliance for ozone. This means tighter carbon monoxide standards will depend on whether other cities clean up their ozone pollution. I'm not sure that makes sense, especially since it is economically and technologically feasible to further reduce pollution from cars.

Finally, your editorial left out reference to the enormous potential of alternative fuel vehicles. Fueled with natural gas, for example, vehicles get the same mileage, run with much less wear and tear, use fuel (natural gas) that costs 50 cents a gallon, and burn "super clean". In addition, natural gas is a domestic fuel, so increasing its use will lower our dangerous dependence on imported oil. Natural gas is abundant in Colorado, and its use will be especially good for our state's economy. Unfortunately the administration caved in to the pressure of the traditional oil industry and gutted the ambitious alternative fuel provisions of President Bush's original bill. We should restore the commitment to alternative fuels.

It is true that the compromise bill contains a number of good things. It will be a great help in cleaning up acid rain in the East. Of special virtue is the innovative emissions trading program which minimizes the cost of the acid rain provisions (a program advanced by Senator Heinz (R-PA) and me in our Project '88 package of cost-effective environmental initiatives, upon which you favorably editorialized last year).

The legislation also includes the very important "Cold Start" provision, which will do more than any single measure to advance clean air in Denver by allowing vehicles to burn their fuels more efficiently on cold, high polluting winter days.

In addition, President Bush deserves credit for breaking the logjam over clean air—the nation will have a new Clean Air Bill this year.

Toward that end, the compromise is a start—but we can do better. It will be an uphill fight, but if we can put together a coalition of California, Rocky Mountain states, natural gas producing areas, agriculture and coal states with potential for alternative fuel production, and the dirtiest cities of the country, we can defeat the oil—Detroit axis. Wouldn't that be a refreshing victory?

Sincerely yours,

Timothy E. Wirth.

Mr. WIRTH. Mr. President, one of the clearest messages I have received from my constituents is that people are concerned about the quality of our environment, and they are willing to make some real changes to help preserve the Earth's fragile life support system.

People want the Congress to pass a strong bill to strengthen the Clean Air Act of 1977. I have no doubt that the U.S. Senate will soon approve a good clean air bill and send it on to the House of Representatives.

And the fact that we are approaching the point of a vote on final passage means to me that all of us in this body owe an enormous debt of gratitude to the majority leader. As a Member of the House of Representatives during much of the Reagan administration, I fought many battles to just maintain the status quo—to keep the EPA funded and operating, and to defeat efforts to weaken the Clean Air Act.

Today, as a Member of the Senate, we are approaching a vote on final passage on legislation to strengthen the Clean Air Act. We will soon prove the skeptics wrong—and the majority leader deserves our thanks and our appreciation for the superb job he has done, often under trying circumstances, in shepherding this bill through the Senate.

In the words of the New York Times, there can be "progress without perfection." (New York Times, March 6, 1990). There is much to applaud in this compromise, which the majority leader, the Senator from Montana, the Senator from Rhode Island, and many others worked so hard to put together.

But while this is a good bill, I also believe there are several places where we could improve it. I would like to highlight some of those in my statement this morning. But I also want to emphasize the positive points that I see in this legislation.

ACID RAIN

Acid rain is the hallmark of this legislation. For a decade or more, scientists have been telling us that sulfur dioxide and nitrogen oxide emissions from electric utilities and other sources are destroying lakes and streams hundreds of miles downwind of those pollution sources. And for nearly as long, scientists and citizens have been urging us to cut emissions by 50 percent to stop acid rain.

Opponents of acid rain controls have argued that we just did not have enough information to assess the link between emissions and deposition. Others argued that we could not even be sure that acid rain is a serious threat, or that its costs did not justify a legislative solution. But the public long ago had rendered its verdict—the people of this country think it is time to dramatically cut emissions so we can prevent the loss of more lakes and more miles of streams.

This bill will do that Mr. President, and I want to reiterate my appreciation for the time and energy the majority leader and so many other Senators invested in making that happen.

This bill is good environmental policy for those areas that were being devastated by acid rain. It is also good news for the Western States.

Colorado, like so many other States in the Rocky Mountain region, has already made the investments to clean up emissions from our powerplants. I and many of my colleagues have long argued that we in the West should not have to also pay to clean up powerplants in the East—and this bill sticks with the principle of polluter pays.

Many of my colleagues and I also urged that an acid rain bill should provide utilities with the freedom to choose how they meet the legislation's stringent new emission standards. Again, this bill preserves that important principle of freedom of choice—and it will make Colorado's abundant natural gas and Colorado's high-Btu, low-sulfur coal strong competitors in the search for clean-burning fuels for powerplants.

And the leadership's substitute bill relies on an innovative emissions trading program that minimizes the cost of the acid rain package. This is an approach that Senator Heinz and I advocated in our Project 1988 report on cost-effective environmental initiatives.

MOBILE SOURCES

Across the country, 44 urban areas still have not met the national clean air standards for carbon monoxide. And more than 100 areas still have ozone pollution that exceeds the national standards. As a result, more than 150 million Americans live in areas that exceed the standards that the EPA has set to protect Americans' health. Those high pollution levels represent a serious health problem for this Nation and it is past time we began to address that problem.

Cars and trucks are an overwhelming part of the problem. In Colorado, mobile sources account for more than 75 percent of carbon monoxide pollution, as well as 50 percent of the fine particles that make up Denver metropolitan area's brown cloud.

Today's cars run much cleaner than cars produced 10 years ago. But Americans are driving more cars, and they are driving those cars more miles. That is certainly true in Colorado, where we now drive an average of 35 million miles every day—and where the total vehicle miles traveled is predicted to nearly double by the year 2010.

Unless we do something to control emissions from mobile sources, the sheer number of miles driven will overwhelm the steps we already have taken to reduce vehicle emissions.

COLD STARTS

That is why I have been working for several years for tough new standards to control carbon monoxide emissions from cars when they are started in cold weather. It can take as much as 5 minutes for a car's emission control equipment to warm up and begin operating effectively in cold weather. During that time, the car is essentially running without emission controls. Multiply that one car by the tens of thousands of cars that are being started at the same time at the end of every business day and you get a sense of the problem—a huge amount of pollution being generated in a very short time.

The lack of a cold start requirement is the primary reason that 44 areas exceed the pollution standards. And getting a tough cold start provision will make a very big dent in Denver's carbon monoxide pollution well into the next century.

DIESEL FUEL

Another big step for Denver and other Western cities is this bill's requirement that the sulfur content of diesel fuel must be reduced by a factor of 5. More than 40,000 diesel vehicles operate along Colorado's front range, and they consume 206 million gallons of diesel fuel every year. Even though these diesel vehicles are only 2 percent of all cars and trucks, they emit as much as 3½ tons of particulates into the air on a winter day. Those emissions are a major contributor to the brown cloud. Those particles are also very small and can be deposited deep within our lungs along with literally thousands of other chemicals, many of which can cause cancer.

The new diesel fuel standards in this legislation will significantly reduce the health risks caused by diesel emissions, and will reduce Denver's brown cloud by as much as 5 percent. That is a major step forward.

ALTERNATIVE FUELS

In addition, the leadership amendment to the Clean Air Act includes an important component on alternative fuels. These measures requiring the

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use of reformulated gasoline in some ozone nonattainment areas and programs for coverting some fleet vehicles to clean-burning fuels like natural gas and methanol are the kinds of steps that we need to take to break America's addiction to the gasoline engine.

This is one place where I believe the bill should be stronger—but I will get back to that point in a moment.

TOXICS

Finally, Mr. President, I want to mention the section of this bill dealing with toxic pollutants. I understand the concerns of some of our colleagues about whether we should rely predominately on technology-based standards for controlling toxic chemicals in the air.

But I also recognize how far we have come in the last 10 years in dealing with this whole issue of toxic emissions; 6 or 7 years ago I may well have been the first Member of the House of Representatives to introduce a comprehensive bill to regulate the enormous range of airborne toxic chemicals.

And I know from first-hand experience how hard it is to find a way to deal uniformly with all of those different chemicals. I want to commend the majority leader and our colleague from Louisiana, again, for their hard work in trying to find a compromise on this very difficult issue.

Mr. President, as I said I think this is a good bill. But as the New York Times, the Denver Post, and my hometown newspaper all have reported, it could be a better bill. I would like to take a few moments to outline where I think we could—and should—make improvements.

The Colorado Department of Health has told me that if we are going to stay in attainment—once we get there by the middle of this decade or so—we are going to have to do three things.

First, reduce emissions from cold engines, which this bill does; and

Second, we have to make sure that pollution control equipment continues to meet emission standards for the full useful life of vehicles.

Existing law only requires automakers to show that this equipment will last for 50,000 miles—and we know that the older cars get, the dirtier they run. The original Senate bill would have changed that by requiring pollution control equipment to last for the full useful life of a car or truck.

The leadership amendment now before the Senate will dilute that requirement. It requires that the emission control equipment last for 100,000 miles, but, and this is a very big but, the bill's fine print relaxes the emission standards for the second 50,000 miles.

Mr. President, many people think we should be mandating both a tougher emission standard and a 100,000-mile useful life standard. At a minimum, we should insist that pollution controls last for the life of a car—and we should not relax emission standards as part of the bargain. For the price of a hubcap or two, we can produce catalytic converters that will last for the life of a car—we should be insisting on that.

The third thing the Colorado experts have said we must do to keep Denver's air clean in the next decade is cut back on emissions from individual cars and trucks. One way to do that is to set tougher emission standards. I support that.

A TOUGHER ALTERNATIVE FUELS PROGRAM

Another way to achieve the same goal would be to develop an aggressive program for the use of alternative fuels and clean-running cars. And while the bill's alternative fuels provisions are good, this is one area where I think we need to make them even better to protect the air millions of people breathe every day.

What should we be doing?

First, we should require the use of reformulated gasoline in all seriously polluted areas. If these new fuels can significantly reduce ozone pollution, and I think they can, then there is no reason to limit their use to only the worst polluted areas.

Second, we should require that commercial and government fleets convert to alternative fuels in most ozone and carbon monoxide nonattainment areas beginning in 1994; and we should do everything we can to introduce nearly pollution-free vehicles powered by hydrogen, electricity, and solar power by the end of the century.

Third, we should be promoting the widespread use of clean-fueled vehicles in cities like Los Angeles by 1997, and in other cities over the next several years.

Is that a do-able goal, Mr. President? Of course it is. As President Bush has said, we must find a way to "reconcile the automobile with the environment." Alternative fuels, such as ethanol, natural gas, and propane offer the potential for enormous reductions in pollution—and will also help us reduce our trade deficit and enhance our energy security. We should be embracing these new fuels and these new technologies with enthusiasm.

Finally, Mr. President, I would like to outline some of my other concerns with the substitute amendment. I raise these in part because I am disturbed by the precedent we may be setting, and in part because I am not convinced we should be changing the existing Clean Air Act in some of these areas:

For example, section 172 of the existing Clean Air Act requires nonattainment cities to work steadily toward cleaning up their air. Mayor Pena of Denver, and others, have argued eloquently that we should not relax the pressure on cities to clean up their air.

But the leadership amendment will significantly weaken existing law by permitting cities to get a waiver from additional requirements if they believe the costs of clean air are too high. I think every American has the right to breath clean air, and I do not believe we should let cities avoid tough measures to meet minimum health standards because economists think it will be too expensive.

Another example, Mr. President, is that the substitute amendment seems to eliminate the requirement for the EPA to prepare an attainment plan if the State fails to do so. While the EPA has not had to actually prepare many plans on its own, the threat of such action has been essential to the completion of good clean air plans in States like Arizona and Colorado. I do not understand why we are changing that part of the Clean Air Act.

As I have said Mr. President, I think this is a good bill, and I am deeply gratified by the majority leader's diligent efforts to pass a clean air bill. I do think this bill could be stronger in several respects. I have tried to outline the areas that are of greatest concern to me. Over the course of the next few days, I intend to work at improving this bill where I can. But when the debate is behind us, I intend to support this bill enthusiastically.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The chair recognizes Senator PRESSLER.

NICARAGUA'S RECENT ELECTION

Mr. PRESSLER. Mr. President, last week I spoke on this floor about Nicaragua's recent election. I had just returned from serving as an election observer with former President Jimmy Carter's Council of Freely Elected Heads of Government Nicaraguan Election Observation Delegation.

I ask unanimous consent to have printed in the RECORD items relating to the work of that delegation. This includes a list of the members of the delegation, our schedule, an evaluation form used by delegation observers, and articles, one written by Dr. Robert Pastor, director of the Latin American Program at the Carter Presidential Center, and myself, about our experiences as observers of the Nicaraguan election.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 4, 1990]

A LESSON FOR US ALL

(By Larry Pressler)

On Sunday we arise at 5 a.m. so we can arrive unannounced at a Nicaraguan polling place as it opens. I am skeptical. The previous week, opposition candidates had been arrested, threatened, harassed and intimidated by supporters of the Sandinista regime. Daniel Ortega is the only candidate advertised on the state-controlled media.

I am thus not prepared for what we find. There at the small village polling place we had selected nearly 150 people are lined up to vote in the early morning hours. Some had arrived at 3 a.m.!

My amazement turns to astonishment when we move on to a rural mountain region. Our team takes its four-wheel drive vehicle over miles of rough roads and mountainous terrain—a trip of two hours. Near the end, we must get out and walk. Another incredible sight greets us. In the midst of a pasture at an old schoolhouse stand some 200 voters moving slowly through a line. All have arrived on foot or on horseback. Horses are tied to fence posts. Some people have walked several miles to vote. Mothers carry their babies. Some have brought food, anticipating an all-day wait.

What is behind their determination? Voters we talk to say they just want a chance to vote in a free election. They say they are afraid something will prevent them from voting. So they arrive early. And by day's end, these brave people vote out a harsh communist regime. Their determination makes me ashamed of our own "take-it-for-granted" attitude about freedom.

Later in the day we travel farther into the mountains. Still, the lines are long. It is dark now. This particular precinct has only one electric light. Votes are counted by flashlight. We ask about irregularities and report them. In many cases we demand corrections. Again, I am amazed by the peasants' determination. I will never forget their faces as they stand in the rain and the cold to vote.

As a United States senator accustomed to elections, a free press and the casting of countless votes in the Senate, I am reminded now of how many people in this world must struggle just to exercise their right to vote. It is summed up best by an elderly man when I ask him why he is there. "I'm 80," he replies. "I never before had a chance to vote in a fair and free election. I wanted to do it once before I die."

[From the Washington Post, Mar. 4, 1990]

NICARAGUA: DEMOCRACY'S FIRST DAYS

(By Robert A. Pastor)

At midnight on Feb. 25, Nicaragua crossed a line separating its authoritarian past from its democratic future. In a meeting with Jimmy Carter, Elliot Richardson and Secretary General Joao Baena Soares of the Organization of American States, President Daniel Ortega admitted he was losing the election and said that he would accept the results. The prospects now are good for a successful transition to a democratic government with the Sandinistas as a loyal, constructive opposition. But much work remains to be done, and the United States needs to act boldly to reinforce the process.

Prior to this election, Nicaraguans had been condemned to a repetitive pattern of fraudulent elections, coercive governments and fragmented, ineffectual opposition parties. Each side exaggerated the negative statements and actions of the other and dismissed the positive gestures as signs of weakness.

The U.S. debate on the contras and also on the elections was infected by this polarization. During the campaign, some conservatives in the United States dismissed the registration process as a sham interpreted the campaign violence in Masatepe to mean that the Sandinistas did not intend to permit a free election and viewed the delay on the release of U.S. funds as Sandinista skulduggery. At the same time, Americans sympathetic to the Sandinistas dismissed all electoral problems as evidence that the United States was trying to discredit the election because of fear the Sandinistas would win.

While Americans traded charges, Nicaragua's two major parties began to alter this pattern with the help of trusted intermediaries such as Carter, the OAS and the United Nations. These groups insisted that a fair election required inserting a wedge between party and state and responding positively to the National Opposition Union's (UNO's) legitimate complaints. Ortega opened the system because he was confident of victory and wanted the election to be certifed as fair; UNO, also confident, remained united. The campaign itself had a profound effect on Ortega and the Sandinistas, which became more sensitive to the popular temper, and a UNO, which became less of a heterogenous coalition and more of a party.

The election proved unprecedented in Nicaraguan history. It is the first time that all the parties that started the campaign finished it, an incumbent lost and the losers accepted the result. The campaign and the vote count were fair; the next challenges are the transition and the transfer of power.

Distrust continues to lurk below the political surface. Comments by one side are taken out of context and viewed as subversive by the other side. But the leadership on both sides now understand there is a better way. Beginning with the midnight meeting on the 25th, and with the help of Carter, Richardson and Baena Soares, both sides sought ways to reassure the other. Mrs. Chamorro agreed to alter and delay her victory statement until after the release of returns by the Electoral Council. Ortega agreed to announce at 6 a.m. that he was losing and to repeat that he would respect the results.

The next day Ortega visited Chamorro's house, and the two exchanged conciliatory and warm greetings. Both agreed to call for an end to the contras and for Ortega to announce a unilateral cease-fire. Virtually every step this past week was taken only after full consultation with the other side. This process served to build confidence where none had existed before.

A further step was taken with the appointment of practical and mature leaders as the head of the transition teams—Humberto Ortega for the Sandinistas and Antonio Lacayo for UNO. Each knows the other as a moderate, and they are determined to work together in a manner that prevents the extremists in both parties from capturing the initiative or destabilizing the transition.

At their request, Carter met with each numerous times, and then invited both to meet at the Carter Center's Managua office on Tuesday afternoon with Richardson and Baena Soares. The two transition leaders discovered that the differences were not nearly as wide as the extremists portrayed. Both sides agreed that Chamorro will assume full power on April 25 but that a successful transition and a democratic government require that each be responsive to the principal concerns of the other. The old politics of government imposition and opposition abstention is gradually being replaced by a new, tenuous politics of consensus.

The first steps taken by the Bush administration were positive. President Bush sent letters not only to Chamorro but also to Ortega; he promised to lift the embargo, begin an aid program and end the war. Whatever Americans might have previously thought of Daniel Ortega, he deserves respect for his courage in fulfilling his promise of democratizing the country. The steps toward improving U.S. relations—especially sending a top ambassador and lifting the embago—should be taken now in a way that provides incentives for reconciliation in Nicaragua and economic integration in Central America. Chamorro will ultimately benefit, but Ortega deserves the credit, and it's in our interest to build a rapport with him.

The most important issue is the immediate demobilization of the contras. Assurances and options on resettlement should be given to the contras, but the United States should do everything it can to remove this issue soon from the still difficult political landscape in Managua.

Instead of just receiving Chamorro's economic adviser, the administration ought to receive him together with Ortega's. This principle of encouraging both the Sandinistas and UNO to work together—whether to demobilize the contras or to rebuild the economy—would increase the prospects that the new democratic plant will take root in Nicaragua.

COUNCIL OF FREELY-ELECTED HEADS OF GOVERNMENT, NICARAGUAN ELECTION OBSERVATION DELEGATION

MEMBERS, REPRESENTATIVES, AND STAFF OF THE COUNCIL

Hon. Jimmy Carter, Former President of the United States.

Hon. George Price, Prime Minister of Belize.

Hon. Raul Alfonsin, Former President of Argentina.

Hon. Rafael Caldera, Former President of Venezuela.

Hon. Daniel Oduber, Former President of Costa Rica.

Hon. Rodrigo Carazo Odio, Former President of Costa Rica.

Dra. Beatrice Rangel, Secretary-General of the Ministry of the Presidency and Personal Representative of President Carlos Andres Perez of Venezuela.

Hon. D.D. Ramtallie, Minister of Housing of Jamaica and Vice President of the People's National Party, and Representative of Council Member Prime Minister Michael Manley.

Dr. Robert Pastor, Executive Secretary of the Council of Freely-Elected Heads of Government, Professor of Political Science, Emory University.

OTHER MEMBERS OF THE DELEGATION

Hon. Daniel Evans, Former U.S. Senator and Governor of Washington Co-leader of the U.S. group with President Carter.

Mr. Genaro Arriagada, Vice-President, National Christian Democratic Party (Chile).

Hon. Bruce Babbitt, Former Governor of Arizona.

Ms. Harriet Babbitt, Attorney with Robbins and Green, Arizona.

Ms. Elizabeth Frawley Bagley, Attorney.

Mr. Leopold Berlanger, President, Haitian International Institute for Research and Development.

Hon. Douglas Bereuter, U.S. House of Representatives (R-Neb), Member, House Committees on Foreign Affairs and Intelligence.

Hon. David Bonior, U.S. House of Representatives (D-Mich), Chief Deputy Majority Whip.

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Mrs. Rosalynn Carter, Former First Lady of the United States.

Hon. John Chafee, United States Senate, (R-RI), Member, Senate Finance Committee.

Hon. John Danforth, United States Senate (R-MO), Member, Senate Select Committee on Intelligence.

Hon. Christopher Dodd, United States Senate (D-Conn), Chairman, Subcommittees on Western Hemisphere and Peace Corps Affairs, Senate Foreign Relations Committee.

Hon. Elton Gallegly, U.S. House of Representatives (R-Calif.), Member, Foreign Affairs Committee.

Fr. Fernando Guardia, S.J., Church Coordinator of the Panamanian Independent Vote Count.

Hon. Ben Jones, U.S. House of Representatives (D-GA), Member, Public Works and Transportation Committee.

Hon. Patrick Leahy, United States Senate (D-Verm), Chairman, Foreign Operations Subcommittee, Member, Senate Appropriations Committee.

Hon. Ambler Moss, U.S. Ambassador to Panama (1978–1982), Dean, Graduate School of International Studies, University of Miami.

Hon. Michael O'Callaghan, Former Governor of Nevada.

Hon. Claiborne Pell, United States Senate (D-RI), Chairman, Senate Foreign Relations Committee.

Hon. Larry Pressler, United States Senate, (R-S.Dak), Member, Senate Foreign Relations Committee.

Hon. Bill Richardson, U.S. House of Representatives (D-NM), Member, House Select Committee on Intelligence.

Hon. Olympia Snowe, U.S. House of Representatives (R-Maine), Member, Foreign Affairs Committee.

Mr. Maurice Sonnenberg, Chairman of the Executive Committee, Democratic House and Senate Council.

Hon. John Whitehead, Former Deputy Secretary of State (1985–89), Chairman of AEA Investors, Inc.

STAFF

Council of Freely-Elected Heads of Government Latin American and Caribbean Program, CCEU

Dr. Robert Pastor, Director.

Dr. Jennie Lincoln, Associate Director.

Ms. Sandy Reiss, Administrative Assistant.

Council of Freely-Elected Heads of Government Nicaraguan Election Project-Managua Office

Dr. Jennifer McCoy, Director.

Ms. Liliana Cisneros, Administrative Assistant.

Special Consultants

Dr. Richard Millett, Professor of History, Southern Illinois University, Edwardsville.

Ms. Nina Serafino, Congressional Research Service.

Ms. Janet Shenk, The Arca Foundation.

Delegation Staff

Ms. Letitica Martinez, Coordinator of Logistics.

Mr. Santiago Canton, Political Assistant.

Ms. Maria Esperanza Carreras, Logistics Assistant.

Ms. Patricia Mayorga, Scheduling Assistant.

Mr. Eric Bord, Press and Logistics Assistant.

Mr. Jose Sandoval, Logistics Assistant.

[Polling Place Evaluation Form]

JRV EVALUATION FORM

Observer Delegation, Council of Freely-Elected Heads of Government

Instructions: Please complete a new copy of this form for each separate visit to a JRV. When finished, the form is to be given to the staff coordinator accompanying you on the trip.

1. *General Information.*
Region.
City.
JRV No.
Time JRV Opened.
Time of Visit.
Number of Registrants.
Number That Have Already Voted (approx.)
Number Waiting in Line to Vote.

2. *Presence of Fiscales.*
(a) The following *fiscales* were present: (circle).
FSLN.
UNO.
Others: (specify).

3. *Presence of Electoral Police.*
Were electoral police INSIDE the JRV?
Yes/No.
Armed?
Yes/No.
Were electoral police OUTSIDE the JRV?
Yes/No.
Armed?
Yes/No.

4. *Did you observe any irregularities concerning the following?* If YES, please mark each with an "X" and explain on reverse side.

Election materials missing (registration lists, ballots, ballot boxes, indelible ink, number stamp/printer, official telegram for CSE).

Problems with secrecy of vote.

Campaigning or posting of campaign material near JRV.

Interference with the ballot box.

Removal of official material from the JRV.

Absence of JRV officials other than *fiscales.*

Other irregular acitivities (specify).

Particularly at the closing:

Presence of *fiscales.*

Interpretation of ballot markings (attribution to proper party).

Intimidation of any kind.

Name of Observer.

Signature.

COUNCIL OF FREELY-ELECTED HEADS OF GOVERNMENT—NICARAGUAN ELECTION OBSERVATION

SCHEDULE—FEBRUARY 23–26

Friday, February 23

7:00 a.m.: Pick up from Ritz-Carlton to Andrews Air Force.

8:00: Depart from Andrews Air Force, (meals on board).

11:45: Arrival in Managua (Washington time: 12:45)—credentials for observers at airport.

12:30 p.m.: Delegation leaves airport for Hotel Check-in.

1:50: Delegation Proceeds to "LA CABANA", Hotel Intercontinental.

2:00–2:20: Arrival Statement of Delegation by President Carter and Prime Minister George Price.

2:20: Delegation Proceeds to Olof Palme Conference Center for Private Briefings.

2:30–4:15: The Voting and Counting.

Presentation of the Voting and Counting—Mariano Fiallos, President Supreme Electoral Council (SEC).

How to Observe the Vote and Count—The Parallel Tabulations—Larry Garber, Election Expert.

The Council's Role—What We do and Where—Robert Pastor and Jennifer McCoy.

4:15–4:30: Break.

4:30–5:15: UNO's Assessment of the Electoral Process—Violeta Barrios de Chamorro and Antonio Lacayo.

5:15–6:00: FSLN—Assessment of the Electoral Process—Daniel Ortega and Bayardo Arce.

6:00–6:15: Break.

6:15–7:00: Observer Assessments of Electoral Process—Iqbal Riza, Chief of ONUVEN (UN Observers), Mario Gonzalez, Coordinator of OAS Mission.

7:00–8:00: Reception with Other Observer Missions by invitation—Olof Palme.

8:00: Private delegation dinner—Olof Palme.

Saturday, February 24

8:00 a.m.: Delegation departs for Olof Palme for Breakfast.

8:45: Full delegation meeting with Joao Baena Soares and Elliot Richardson.

9:15: Press Statement—Council, OAS, ONUVEN.

10:30–11:30: Individual meetings with other groups/press.

Noon: Deploy to regions.

Afternoon in Regions: Meetings with UNO and FSLN party officials, regional electoral council, and regional OAS/UN coordinators.

Sunday, February 25

6:00 a.m.: Observe opening of Voting Sites (Juntas or JRV's).

7:00: Observe voting process in selected JRV's.

9:00: Breakfast.

10:00: Observe voting process.

12:00 p.m.: Lunch and rest.

4:00: Observe JRV's.

6:00: Observe closing and count in one JRV—then travel with JRV officials to telex location at municipality; observe counts at OAS, UN, Regional Councils.

8:00: Dinner.

9:30: Observe regional count.

Monday, February 26

6:30 a.m.: Regional teams depart for Managua.

8:30: Arrive at Hotel in Managua.

9:30: Delegation meeting at Olof Palme—Debriefings by regional teams.

11:30: Compilation of Reports—Consultations with OAS and UN.

12:00 or after: Press Conference.

4:00 p.m.: Departures.

Mr. PRESSLER. As I have said before on this floor, that was a great day for me to go out into the countryside in the northern part of Nicaragua and observe the determination of the people there to vote, to see 150 to 200 of them standing in line, some for 4 and 5 hours, determined to vote and to make a difference.

I have just returned from a breakfast with the Secretary of State, and one of the topics was how to deal with giving Mrs. Chamorro a good start. Of course, that will have to come principally from Nicaragua's own best efforts.

SOVIET ANTI-SEMITISM

Mr. PRESSLER. Mr. President, I wish to say a word about Soviet anti-Semitism. Last week our distinguished colleague from Tennessee [Mr. GORE] submitted Senate Concurrent Resolution 97 relating to anti-Semitism in the Soviet Union. I am proud to be one of the three original cosponsors of that important resolution.

Another important resolution which I am cosponsoring is Senate Resolution 252, submitted February 28 by our distinguished Pennsylvania colleague, Senator SPECTER.

Senate Concurrent Resolution 97 identifies and describes an ominously growing trend of anti-Semitism in the Soviet Union and urges the President to urge President Gorbachev to publicly condemn the emergence of popular anti-Semitism in the Soviet Union and to take whatever measures are necessary to protect Soviet Jews from acts of harassment and violence.

Mr. President, I did want to cite some of the documentation by the Anti-Defamation League, Union of Councils for Soviet Jews, and other organizations.

Current examples of anti-Semitic behavior in the Soviet Union include: First, the threats of pogroms, mass anti-Semitic demonstrations, threatening phone calls, gathering of lists of Jewish families by anti-Semites, anti-Semitic abuse of children in schools, and attacks against the property of Jews and Jewish organizations.

Most troubling is the expansion of anti-Semitic organizations such as Pamyat, which is the Russian word for "memory." Based on a warped conspiratorial ideology that posits a Judeo-Masonic plot to destroy traditional Russian culture, that organization operates throughout the Russian Republic and other republics. Yet, Pamyat is not the only organization devoted to poisoning attitudes toward Jews.

For example, a recent study by the Union of Councils for Soviet Jews had this to say about anti-Semitic organizations in the Soviet Union:

MAJOR ANTI-SEMITIC ORGANIZATIONS

The best known manifestation of the anti-Semitic revival has been the growth of Pamyat (Memory), now chaired by Igor Sichev. Founded in the early 1980's purportedly as a literary and historical society attached to the USSR Ministry of Aviation Industry, Pamyat has emerged as the foremost anti-Semitic, neo-fascist Russian nationalist organization in the USSR. Its ideology is based on the thesis of a Judeo-Masonic conspiracy responsible for the devastation of Russian culture constituting an ongoing threat to Russian life.

Pamyat has active branches throughout the Russian Republic and beyond. It is the most well-known of all the xenophobic Great Russian organizations flourishing under glasnost. It is supported through the Soviet/Russian cultural establishment and has tentacles spread throughout the government and the Communist Party.

Pamyat controls the Movement for the Restoration of Monuments of Russian Culture, where, at a 1985 meeting, all Jewish names in the directory of the Main Admission for Architecture and Planning in Moscow were cited as perpetrators of the destruction of Russian landmarks. It also controls a number of environmental movements such as the Movement for the Preservation of Lake Baikal headed by the noted writer, Valentin Rasputin. It is thought to have strong influence in the army and the KGB and enjoys support on many levels of the Communist Party and state apparatus. In addition, the Russian Republic Culture Fund is headed by Pamyat supporters.

The influential and intellectual Union of Russian Artists and the Society Against Alcoholism, which ran a candidate in the elections for Congress in April 1989, are active supporters of Pamyat each with extensive networks.

While Pamyat has the highest profile, there are others whose threats and actions pose dangers to Soviet Jews.

One of the most vocal is the Union of Writers of the Russian Republic, the most influential writers' organization in the USSR. Anti-Semitic writers such as Valentin Rasputin, Piotr Proscurin, and Valentin Pikul have been awarded high honors by the government.

At the Union of Russian Writers plenary session, November 1989, the following remarks were made by Anatoly Buivolov:

"* * * Let us speak about the Jews * * * why are they everywhere where there is the smell of money. And I was told they are clever * * * but why then have they led us into the blind alley [applause]."

At the Technological Institute of the Food Industry, a nationalist organization seeking to "get the best jobs back from the savages" was created to respond to the high enrollment of Jews, Caucasians, and Central Asians at the Institute.

Also aligned with this view is the Patriot Society, which was registered in 1989 by the Petrogradsky District Soviet Executive Committee of Leningrad. This group, headed by Aleksander Romanenko, author of the vitriolic Class Essence of Zionism, has been actively distributing leaflets calling for pogroms.

The Public Committee Against the Restoration of Diplomatic Relations with Israel headed by Yevgeny Yevseyev is a Pamyat front. It publishes a flagrantly anti-Semitic bulletin under his editorship entitled "Information Bulletin of the Soviet Public Committee Against Diplomatic Relations With Israel." The Committee operates by arranging meetings under the auspices of the Soviet Palestinian Society, which has official status under the Soviet Academy of Sciences. At a meeting, officially permitted by the Leninsky District Soviet Executive Committee of Moscow, Yevseyev denounced the "internal enemies infiltrating Soviet Society", announced the percentage of Jews living in Moscow and accused them of forming a spy network for Israel.

The Journal of the Public Committee, under the editorship of Yevseyev, made the following claims:

"The December 1988 incident in which Soviet citizens hijacked a plane to Israel was deliberately created by the Mossad to fabricate a pretext for Israel to demonstrate its friendship with the USSR.

"Israeli aid to Armenia should have been rejected because syringes could be contaminated with AIDS.

"The Society of Friendship with Israel is a fifth column in the U.S.S.R. against which all Soviet citizens must fight. Jewish culture, which Lenin said to be based on Jewish nationalism, should also be combatted."

Otechestvo (Fatherland), based in Novosibirsk, is a historical and cultural society of the same nature as Pamyat officially established by the government, the Executive Committee of the Sverdlovsk City District. Otechestvo's influence has spread throughout the USSR.

Rossy, a Leningrad-based organization, has a platform similar to that of Pamyat. What makes this group more appealing to locals is its criticism of the Communist Party. According to Pravda (10/9/89), every speaker at their October 8 meeting focused on the Jewish conspiracy and on Zionism. At the officially permitted meeting, a leaflet entitled "No Place for Zionism", a reprint of the statement of the Presidium of the Anti-Zionist Committee, was distributed.

The Union of Councils for Soviet Jews also provides these chilling examples of recent anti-Semitic acts in the Soviet Union:

July 16, 1989.—A Hebrew teacher from Moldavia was abducted and beaten on his way to give a lecture at a weekly seminar. His abductors warned him to stop his Jewish activities and threatened his life. They repeatedly declared that all Jews should be murdered. They drove 5 kilometers and threw him from the car.

April 6, 1989.—Alexander Kobrin, a producer in the video division of "Ogonok" who produced three films on repression and Pamyat, was beaten severely by several men on a Moscow street.

July 4, 1989.—Boris Gaft reported that Jewish activists discovered swastikas and a sign which read "kill Jewish people" at the site of the former synagogue in Riga where Jews were burned to death by the Nazis.

July 24, 1989.—Three hooded men broke into the Leningrad apartment of Refusenik Yuri Mezeborsky and stabbed his mother in the stomach. Nothing was stolen.

August 1989.—In response to the formation of Irgun Tsioni, a grassroots national Zionist organization, openly anti-Semitic articles appeared in the Moscow press. For example, the Anti-Zionist Committee published a statement in Pravda (9/8/89) entitled, "There Must be No Place for Zionism."

Sept. 9, 1989.—Igor Sichev, a Pamyat leader, spoke for an hour and a half on "Good Evening Moscow" on the expansion of Zionist activity in the Soviet Union. He called on good citizens of Moscow to attend the Pamyat meeting the following morning, and for the creation of military groups in defense against the Zionists who had clearly infiltrated into all levels of the government.

Sept. 10, 1989.—One day after submitting his emigration documents, Igor Bochkov, was beaten in the street in Moscow. His assailants shouted, "Jews should be beaten and in this way should Russia be saved." Igor was hospitalized. The militia representative, Mr. Melikiya, at Department #179 of the Militia Station in Moscow, refused to involve the militia in any further investigation.

October 1989.—Irina Shelenkova, formerly an editor of the Byelorussian Soviet Encyclopedia of Art and Literature, was fired for her attempt to rehabilitate Marc Chagall, according to a documentary film by Arkady Ruderman, "The Theatre in the Age of Perestroika and Glasnost". She had written an

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entry on Chagall following the Centenary Exhibit of his works two years ago in Moscow. Upon hearing that this entry was replaced with one written by the notorious anti-Semitic writer, Vladimir Begun, she protested and was dismissed. The Begun article has since been withdrawn and she has filed a court suit but has not been reinstated.

Oct. 22, 1989.—Vitaly Lekhtman (51), of Leningrad, and Israel Kovelman (87) of Moscow were murdered in circumstances that strongly indicate possible anti-Semitic motives. Leningrad Jews maintain that eyewitnesses observed a Star of David carved into Lekhtman's back. Both victims were murdered in their apartments. Nothing was stolen.

Jan. 18, 1990.—During a meeting of "April", the liberal writer's society, at the Central House of Writers in Moscow, a Pamyat group of 20-30 equipped with megaphones, broke into the hall and beat several of the writers. They shouted anti-Semitic slogans, "down with Zionism," "All Jews to Israel" and screamed "today we are here with loudspeakers, tomorrow we will come with guns." The militia took the offenders into the street where they were all released. Several writers went on to the militia office where they were told that the offenders were not criminals. "April" and the All Union Writers Society have appealed to the Procurator General for the opening of a criminal case.

Jan. 18, 1990.—According to Baku Jewish activist Evgenii Sukholutskii, 30,000 Baku Jews are seeking Israeli invitations on an emergency basis. They fear that the ultranationalist Azeri movement, which is mainly Shi'ite, will turn against the Jews. Four Jews are known to have been killed in the crossfire. Although they were not killed because they were Jews, reports of threats, beatings, and other acts of violence against Jews in Baku have already been confirmed.

Jan. 18, 1990.—Raising anti-Semitism in schools and rumors of Pamyat-inspired pogroms are reported in "Literaturnaya Gazette." The pogroms, it says, will take place on May 13th, especially in Leningrad.

Jan. 1990.—Deputy Sobchak and another member of Congress appeared on Leningrad television warning of the dangers of anti-Semitism and the possibility of pogroms.

Jan. 27, 1990.—Muslim nationlists conducted a march and rally in Dushanbe. At the Dvoretz Profsoyuzov Square in front of the Palace of Trade Unionists, the nationalist leaders called for an all Muslim Tadjik Republic and urged getting rid of all Jews and Russians.

Jan. 28, 1990.—A KGB representative appeared on Leningrad television claiming that they have "no information on anti-Semitism in Leningrad . . . it is non-existent, only rumors."

Jan. 29, 1990.—(date received) According to an emigree, a physician now residing in Boston, a postcard threatening a "huge" pogrom on February 18, 1990 was found in her mother's mailbox in Leningrad.

Jan. 29, 1990.—(date received) According to Alexander Shmukler of Moscow, Jews fear for their survival in Leningrad and are urgently seeking relocation. The Alma-Ata Jewish Cultural Association has received 100 letters from Jews in Leningrad wishing to move there while waiting the six months to receive exit permission. A Riga Deputy of Congress reported that 1,000 letters from Leningrad Jews asking to relocate to the city of Riga have been received.

Jan. 29, 1990.—The Patriots organization leafleted metro stations warning of pogroms in Leningrad scheduled for May 13th. Patriots claim that they are being distributed by the Zionists.

Feb. 7, 1990.—(date received) Jews in Tashkent received flyers in their mailboxes saying "Jews get out, pogroms by March.

Feb. 14, 1990.—According to reports, Yevgeny Yevseyev, head of the Soviet Public Committee Against the Restoration of Diplomatic Relations with Israel, was killed by a hit and run car without license plates on the Ring Road in Moscow after being stopped at a militia point and ordered out of his car. Later that afternoon, 100 Pamyat activists demonstrated in Pushkin Square and accused Jews of his murder. The demonstrators also alleged that Jews had been responsible for the death of Vladimir Begun, a famous anti-Semitic writer, who died of natural causes.

What is the antidote for this poison, Mr. President? Education and political leadership can counter the lies, slander and scapegoating which form the core of the twisted anti-Semitic ideology. Thus, Senate Concurrent Resolution 97 emphasizes the importance of President Gorbachev publicly condemning anti-Semitic harassment and violence.

The anti-Semitism problem is further complicated by the refusal of the Soviet Government to permit regular, frequent flights between the Soviet Union and Israel. Many thousands of Soviet Jews, confronted by anti-Semitic violence, wish to emigrate to Israel. But many of these people must wait up to 2 years to emigrate once they receive Soviet permission to leave, which in itself is often a complicated process that does not always result in success. While they wait for permission to emigrate on a flight to Israel, Soviet Jews continue to be subject to harassment, threats, and violence.

Senate Resolution 252 addresses this problem by expressing the sense of the Senate that the United States should not complete trade negotiations with the Soviet Union, nor waive the Jackson-Vanik amendment unless and until the Soviet Union complies with its December 1989 agreement with Israel to permit El Al to have direct airline flights between the Soviet Union and Israel.

This resolution would make clear to the Soviet Government that liberalization of United States-Soviet trade relations would not occur unless the problem of transportation for Jewish emigrants is resolved.

The world will not tolerate pogroms against Soviet Jews. The Senate should act now on Senate Concurrent Resolution 97 and Senate Resolution 252.

CAMPAIGN FINANCE REFORM

Mr. DANFORTH. Mr. President, I appreciate the desire of the managers of the clean air bill to proceed with amendments. But because none appears to be forthcoming right now, I thought that I might take advantage of a few minutes of free time on the Senate floor to discuss the issue of campaign reform: Obviously, a very big issue in the country right now, one that has received a lot of attention over a long period of time here in the Senate. I detect a much greater amount of fluidity in positions that various Senators are taking, due to the fact that this is an issue that has been with us for a long time. There is, I think, a desire on the part of some Senators to get on with it and put it behind us. Also, the report that was made recently by the experts who were appointed by the leadership has been viewed as something of a breakthrough, at least in renewing discussions by various interested Senators on the possibility of dealing with campaign reform.

I would like to state my own views on the subject. In my judgment, much of the debate that has occurred to date on campaign reform has missed what I believe to be the point. Virtually all of the discussion and virtually all of the legislative proposals have had to do with campaign finances and, therefore, have been proposals dealing with the limitations on PAC contributions, on individual contributions, and on out-of-State contributions, and on the possibility of an overall cap on campaign spending. But I must say that, to me, those are issues of secondary importance.

I think that there is a lot to be reformed in campaign spending, but I really do not believe that Senators are going to be bought for a $1,000 contribution, or for a $5,000 contribution. I do not think that when a Senator is conducting, say, a $5 million campaign, the fact that a political action committee contributes $5,000 to that $5 million campaign offers the possibility of being a corrupting influence. I do think there is a big problem in campaign financing, in that political campaigns are so expensive these days, and the money has to be raised in small increments. Therefore, people who want to run for the Senate and incumbent Senators who want to seek re-election find themselves spending literally years of their time raising money in fairly small batches.

I could really, in my own view, take it or leave it on most of the proposals for campaign finance reform. I do not mind signing on to proposals to limit contributions of various kinds, or to increase contributions of various kinds. To me, the issue of caps is something that does not exactly turn me on.

So, I am taking the floor today to say to anybody who is interested, whether it is Democrats who are interested in campaign reform or Republicans who are negotiating various alternative positions, that this Senator is up for grabs. I am ready to be approached, because I have some concepts of what a campaign reform bill should have in it—really, has to have in it, to be meaningful campaign reform. If I can find somebody who is willing to incorporate the three points I am about to describe, I might be willing to go along with virtually any proposal on campaign financing itself.

My fundamental concept is that what is wrong with political campaigns these days is not how they are financed. What is wrong with political campaigns is their content. Political campaigns in the modern era area sleazy. Political campaigns turn the stomach of the average voter. Most people, by the time election day occurs, are sick of the whole process. There has been a lot of commentary about how turned off the public is. I do not know what the academics have concluded, but I know what I have concluded just on the basis of talking to my own constituents. They are sick about modern politics and they are sick particularly about what they see on television.

I am told that about 60 percent of the cost of a modern political campaign is television. I think that it is more than that, in point of fact. I think that the 30-second television commercial has become the be-all and end-all of political campaigns. If you cannot get the right TV consultant and buy the right amount of TV time, you lose. A 30-second commercial can turn a campaign. A 30-second commercial that is unanswered by another 30-second commercial can cause a defeat. So, political campaigns have become battles of media consultants devising negative commercials.

Oftentimes, these negative commercials have nothing to do, or little to do, with reality. They are substantiated by the thinnest amount of truth and accuracy and fairness. The effect that has on people who serve in the Senate is obvious. We come to the floor of the Senate and vote on somebody's amendment and the first thing that comes to our mind is, "How is this going to be used in the next campaign in a 30-second commercial? That is what is wrong with campaigns today. I think it trivializes the problem to say that it is simply a matter of financing. It is much more than that, and I believe also that the quality of campaigns today has taken something valuable from the American people: It has used them. It has measured their responses by focus groups and opinion polls and it has discarded the primary function of the American people in our political system * * * to determine the future course of the country. It has locked candidates into ridiculous positions because only ridiculous positions can be compacted into 30-second commercials.

So, Mr. President, my position is that we have to deal with the quality of campaigns and particularly with sleaziness, the contemptible nature of the modern television campaign. I propose to do that in three ways.

The first has to do with how time is purchased on television by political candidates. About 20 years ago, we passed a new rule called the lowest unit rate rule. The idea was that candidates should be charged no more than commercial advertisers. The lowest unit rate that was charged General Motors or AT&T, or whoever else is advertising on television, should be charged candidates for public office, and no more. After that rule was established by Congress, a loophole was punched through the rule because a distinction was made by the broadcasters between preemptible time and nonpreemptible time, a distinction that has no real meaning for a commercial advertiser. A commercial advertiser, if he cannot show his advertising today, can show it tomorrow or next week. Political campaigns end on election day, and candidates cannot afford to be preempted, So, the broadcasters go to the candidate and say, "We advise you to buy nonpreemptible time." Nonpreemptible time is not even sold, is not even suggested to commercial advertisers; it is to political advertisers. And the stations sometimes can extract five times, or even more, in rates from political candidates than from commercial advertisers, by drawing the distinction between preemptible and nonpreemptible time. To make matters even worse, there is the potential for abuses because the television broadcaster can say to favored candidate A, "No chance you're going to be preempted; believe me, I'll take care of you—Buy preemptible time at the cost of dollar X." Then, that broadcaster can go to the unfavored candidate, candidate Y, and say to candidate Y, "Well, you can be preempted, so you'd better buy nonpreemptible time at dollars five X." So, I suggest dealing with the problem of the loophole in the lowest unit rate rule. This is a bill that has been reported out of the Senate Commerce Committee. I think that it should be part of campaign reform legislation.

Second, I think that the disclaimer in television commercials should be changed. The present form of the disclaimer—the tag line used in the commercial—tells the public nothing, and doesn't hold candidates accountable. The present disclaimer says, This message has been brought to you by the Citizens for Dokes committee. What does that tell you? It doesn't tell you that the candidate assumes responsibility for the commercial. I think that at the very least the candidate, himself or herself, should appear during that commercial and say, "I vouch for this message. I assume responsibility for this message. I own up to it." That can be said in the same amount of time that the present tag line says about the Friends of Dokes. I think that it would have the effect of cleansing campaigns if candidates could not hide behind some anonymous committee, and if the candidate himself says, "I know what is in this message, and I concur with it and I adopt it as my own message." That is the second reform that I propose.

The third is this: I don't know of any way of getting rid of the 30-second television commercial. I wish there were a way to do it, but I don't know how to do it. But I do believe that at least the option should be provided for candidates to run messages of more than 30 seconds. I believe that 5-minute time slots should be available, or maybe even 2-minute time slots, because I think that something of substance could be said in a longer period of time. Thirty seconds is good for nothing but a negative hit. But I am told by people who are media advisers that it is very difficult to run a negative commercial that is 2 minutes long or 5 minutes long. If we are going to get into the business, as the panel of experts has suggested, of providing time free of cost to candidates—and I think that that is a reasonable idea, myself—I think that we should provide that in time slots of reasonable length. I do not think that it is campaign reform for us to get into the business of saying we want yet more time provided for 30 seconds of sleaze. I do not think that it is campaign reform for us to conclude that what is wrong with the system is that there aren't enough 30-second commercials now, and we have to find a way to provide more. So my third reform proposal is to provide the opportunity for long time slots.

Those are the three ideas I think should be incorporated into campaign reform. First, the reform of the lowest unit rate rule. Second, enhanced disclaimers so candidates assume personal responsibility for their messages. Third, the affording to candidates of time of well over 30 seconds, perhaps as much as 5 minutes. The details of these are negotiable as far as I'm concerned.

I believe that these are the essential components of true campaign reform. I repeat what I stated earlier: This Senator frankly is up for grabs. I am ready to talk to anybody. I am ready to sign onto campaign reform legislation, regardless of who offers that legislation. I am willing to consider issues relating to controlling the costs of political campaigns, because I do not think that those issues are of central importance. But if somebody can say to me, we can put together a bill that includes lowest unit rate reform, that includes enhanced disclaimers, and that includes longer time slots for candidates to run their messages, then I would say to those people who are

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working on such legislation that they have a potential partner in the Senator from Missouri.

DEFENSE MANAGEMENT FAILURES

Mr. GRASSLEY. Mr. President, the defense management failures of the 1980's produced marginal capability improvements and by doing that it was only through great cost to the taxpayers. These failures during the 1980's were characterized by a disconnect between plans, on one hand, and execution on the other. Program managers would experience frequent cost, schedule, and performance problems at the execution level, but defense planners did not modify their estimates to reflect these real-world results. In an attempt to avoid tough program choices, defense planners did not take into account realistic funding levels in a constrained fiscal environment. Stretch-outs ensued, and cost, schedule, and performance problems persisted.

This phenomenon persisted throughout the 1980's and even until this present day. It has created a phenomenon that I have called a management paradox. The paradox is that we appear to have, simultaneously, too much money and yet too little money, too much money to manage programs efficiently, and too little money to execute our defense plans. In the 1970's, this paradox brought us to what we all recognized as a "hollow army." In the 1980's, it precluded capability improvements commensurate with defense budget growth and it was very great. And in the 1990's, unless we can resolve this paradox, it will return us to a hollow army, only at far greater cost.

I raise these points, Mr. President, in the context of reforms currently underway at the Pentagon. I am referring, of course, to the defense management review and its implementation activities. The DMR was issued by Secretary Cheney last July. The implementation actions, which are intended to implement the DMR, were issued in January.

In December, I put out a response to the DMR, indicating it does not go far enough toward resolving the defense management paradox. The paper contained a broad framework for curing the management failures in DOD and would build upon the reforms identified in the DMR. Today, Mr. President, I am releasing my second report—a response to the implementation activities. This paper is the first comprehensive scorecard on this administration's reform efforts to date. It is also the first blueprint for a strategy to manage the build-down for a peace dividend, and to avoid a return to a hollow army characteristic of military efforts of the 1970's. The paper is entitled: "The Defense Management Challenge: Recommendations for Managing Defense Resources in the 1990's."

In terms of the scorecard, the key section of this paper is the table on pages 14 and 15 that show the success or failure of specific implementation initiatives to date by each of the military services.

The table lists all the recommendations in the DMR, and then whether or not they have been implemented, and by which service.

In terms of the blueprint for managing the build down and improving defense management overall, I have presented the following: First, I have identified an improved nine-step planning process that builds on the DMR recommendations and makes use of existing processes. To address the program execution problem, I have identified eight recommendations, three of which relate to contractor incentives for controlling cost. I have also identified an approach for building on the program executive officer-concept, or peo-concept, concept in a manner that links planning and execution, which I believe is the key requirement for resolving the management paradox. And finally, I have put forward six principles that DOD should use in formulating quantitative measures of success for tracking progress; this is a management component that has largely been ignored by DOD, yet is necessary for achieving national security objectives in an efficient manner.

Mr. President, the bottom line of this paper is that progress toward reform is creeping along very slowly. Meanwhile, the DMR savings for fiscal year 1991 of $2.3 billion are already canceled out by cost and performance problems on the AMRAAM. The shortcomings in DOD's current efforts are due mainly to bureaucratic resistance. As the winds of reform are sweeping through the halls of the Pentagon, bureaucrats everywhere are hunckering down, waiting for it to blow over. This concerns me greatly, Mr. President, and that is why I have kept such a watchful eye on what is currently transpiring across the river. It is my intention to do whatever I can to make sure the elected officials of this country are successful in their reform efforts, and that a resistant bureaucracy does not win out.

In the days ahead, I plan to speak before this body on a frequent basis to clarify and specify what I consider to be the fundamental problems facing defense managers, what it will take to correct these problems, and where and when the administration's reform efforts are being submarined by the bureaucracy. I would like at this time, Mr. President, to have this paper printed in the RECORD, and so ask unanimous consent.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE DEFENSE MANAGEMENT CHALLENGE: RECOMMENDATIONS FOR MANAGING DEFENSE RESOURCES IN THE 1990'S

(By Senator Charles E. Grassley, Mar. 7, 1990)

PREFACE

The defense management failures of the 1980s produced marginal capability improvements at great cost. These failures were characterized by a disconnect between plans and execution. Program managers would experience frequent cost, schedule and performance problems at the execution level, but defense planners did not modify their estimates to reflect these real-world results. Moreover, in an attempt to avoid tough program choices, defense planners did not take into account realistic funding levels in a constrained fiscal environment. Stretch-outs ensued, and cost, schedule and performance problems persisted. If allowed to continue, these practices will lead to "expensive weakness"—a return to the "hollow army" of the 1970s, only at much greater cost.

The defense management paradox of too little money to execute plans and too much money to efficiently manage programs has plagued our attempt to significantly increase military capability in the 1980s. This paradox is characterized by unrealistic planning, inefficient program management, and poor linkage between defense planning, budgeting and program execution. In the 1970s, the paradox led to a "hollow army." In the 1980s, it precluded capability improvements from being commensurate with growth in the defense budget. As defense budgets decline in the 1990s, we must resolve the paradox if we are to avoid a return to a hollow army.

To avoid a decade of expensive weakness, we must reform the process by which objectives are established, plans are made, programs receive resources, and the budget is executed. This requires "linkage" between the various organizational elements under a new defense management structure.

The Defense management report to the President, submitted by Secretary of Defense Cheney in July, 1989, presents a conceptual and organizational approach for reforming defense management processes. It is a good beginning and a necessary first step; however, it is only a partial blueprint for reform. It fails to identify a means to link execution decisions to national security objectives or a method for measuring progress towards achieving the objectives. Ignoring these components of effective management heightens the risk that some needed defense capability may not be funded at the expense of congressional pork-barrelling, since Congress will not have the basis for identifying the implication of its actions on national security. And, of course, this would provide increased momentum along our current course toward expensive weakness.

In my December 13 paper entitled "The Defense Management Challenge: Avoiding a Decade of Expensive Weakness," I outlined additional components that, when added to those in the DMR, would be the basis for bringing modern management techniques to DoD—a blueprint for effective defense reform. I referred to the need for improvements in each of the "Four Pillars Of Effective Defense Management." They are the key, especially in light of declining resources and changes in the world, to cost-effectively achieve national security objectives by balancing investments across the four capability areas of force structure, modernization, readiness and sustainability.

Since publication of the DMR, DoD presented the DMR implementation actions which were intended as the first step toward implementing the DMR recommendations. These implementation actions fall far short of the reforms envisioned in the DMR. They constitute a timid first step on the path to resolving the defense management paradox. Concentrating on acquisition and logistic organization structure, the actions would result in an estimated $2.3 billion of net savings for fiscal year 1991 by reducing overhead and consolidating some organizational functions; but, they do not change the processes associated with plans, budgets and execution. In other words, staff reductions will not resolve defense planning or cost growth problems, and do not provide the critically needed element of linkage between plans and execution. As a result, continued program execution problems will likely swamp the savings from the implementation initiatives. For example, the entire FY 1991 estimated savings of $2.3 billion will be completely offest by the recent-reported AMRAAM cost overrun.

Further still, the implementation actions have yet to be acculturated within the bureaucracies of the Military Services, such that the actual effect, or success, of DoD's reform efforts is still very much in question. These bureaucracies are responsible for the execution of DoD's management practices. They resist change and fear the uncertainty associated with reform. The Services "game" attempts to implement reforms not seen by themselves as being in their interest. In the past, bureaucracies regarded reform as a passing fancy; once the reform would "blow over," they would return to business as usual. It is therefore a relevant question to consider if the timidity of the implementation actions simply reflects the level of bureaucratic resistance.

This paper provides a blueprint for successful defense management reform to ensure we are getting the biggest bang for our buck in light of declining resources. Section I reviews my December 13 paper; Section II reviews the DMR implementation plans and raises specific concerns about these actions as they would relate to the four pillars of effective defense management; and, Section III provides innovative approaches for achieving the DMR reforms, as well as for those pillars of reform not addressed in the DMR. These innovative actions are drawn from reformers within the DoD bureaucracy and would build upon existing efforts to more effectively manage declining defense resources in the 1990s.

Now is the time to improve defense management. Defense budgets in the 1990s will not likely support all the programs, personnel, or bases in current DoD plans. At the same time, there is vast uncertainty with respect to national security needs, since major geo-political events are occurring every day. There are also strategic and conventional arms control opportunities that offer potential windfalls for both national security and the defense budget. This confluence of circumstances will result in critical fiscal and national security consequences. If DoD can follow through on reforms, we can channel the confluence into a true "peace dividend" and away from its current course towards expensive weakness.

I. OVERVIEW OF THE DEFENSE MANAGEMENT CHALLENGE

A. The Defense management paradox

Throughout the 1980s, the defense budget grew and was maintained at an unprecedented peacetime level. There were gains in modernization, but at such high costs that fewer quantities than planned could be purchased. In addition, the budget build-up failed to produce significant gains in the three other defense capability areas: force structure, readiness, and sustainability. DoD management practices proved to be much of the problem: DoD management could not translate significantly larger budgets into proportionally larger, more ready, or more sustainable forces.

As we move into the 1990s, the defense budget is declining, the international environment is changing rapidly, and arms control opportunities are promising. Now, as much as ever, there is a need to improve DoD management practices. Available resources must be managed effectively if we are to avoid a return to the "hollow Army" of the 1970s.

In the past, DoD management failures have created a paradox. This paradox is manifest by two conditions; too little money to execute the plans, yet too much money to efficiently manage DoD programs.[1] Spending cutbacks are inevitable, and DOD's management must respond in a manner that optimizes investment in the four capability areas (force structure, modernization, readiness, and sustainability). To make best use of available funds, DoD's management reforms must address both elements of the paradox—unrealistic planning and inefficient program management.

Unrealistic planning

The first element of the paradox, unrealistic Five-Year Defense Plans (FYDPs), derives from poor planning practices. These practices preclude development of an executable FYDP. As a result, Secretary Cheney has made two major revisions to the current FYDP; first deleting $64 billion and then $167 billion of planned programs. This $231 billion-change in the plan equals an overestimate of nearly one complete year's-worth of funding. Most of the cuts were allocated to the investment accounts (RDT & E, procurement), leading to continued program instability and unit cost growth.

The major management problems that have prevented the formulation of achievable FYDPs are: unrealistic estimates used in formulating budgets, lack of linkage between planning and execution, and an inability to make tough program choices. Throughout the past 20 years, various GAO studies have shown that the FYDP has been unachievable because of overly-optimistic cost and funding estimates. Since 1985, the annual defense budget has been stable, yet DoD consistently constructed FYDPs incorporating rapid budget growth. Now, the budget will likely decline. This implies that the need for sweeping program revisions will continue as today's plans become future-year defense budgets.

Making program choices on the order of tens or hundreds of billions of dollars is difficult under any circumstances. But, DoD has been unable to prioritize programs in line with national security objectives and allocate resources to balance expenditures across the four capability areas. So, for example, DoD's $64 billion-FYDP revision included $45 billion in undistributed "negative adjusting entries" representing decisions planned but not yet made. This is also the case for the recent $167 billion-FYDP revision, since much of this cut has not been allocated to specific programs.[2] Secretary Cheney has tried to make some major program revisions. However, Congress has been unwilling to support DoD's attempts to kill major programs, such as the V-22 Osprey, and must share responsibility for this prong of the paradox.

Now, as the bills are coming due for programs begun in the 1980s, there is a need to make major program choices—choices that capitalize on the changing international environment and make best use of resources available in the 1990s. Instead of funding all current programs at levels too low to efficiently accomplish national security objectives, DoD must set priorities and allocate funds to cost-effectively achieve those objectives. Program cancellations and base closings will likely result, and Congress should subordinate its parochial considerations to such choices in the interest of national security.

Inefficient Program Management

Weapons program costs continued to grow throughout the 1980s. These costs were paid to satisfy the need to modernize. The cost growth occurred because of poor management practices by both government and industry, government contracting procedures, and Congressional pork-barreling. Some cost growth must be attributed to advanced technology. However, it is clear that net increases in capability were less than cost increases because of battlefield integration problems (e.g., availability of delivery platforms for weapons, command and control interfaces) and quantity reductions resulting from higher than planned costs. Many of the resources that should have been used for increased force structure and readiness, as well as modernization, instead paid for higher unit costs.

Little quantitative data exists on the exact magnitude of cost growth during the 1980s. In the early 1980s, when cost growth and contractor pricing horror stories became public, the Defense Department responded by managing the flow of information rather than managing the problem. In other instances, DoD jockeyed cost growth reporting mechanisms, such as the Selected Acquisition Reports (SARs), to cover up problems. Costs grew in two ways: a given type of system (e.g. tactical fighters) cost much more than previous generations, and program unit costs for current generation systems continued to rise. Congress responded with a number of initiatives; some reduced costs (e.g. the Competition in Contracting Act), others may have increased costs. In summary, the management methods set-up to manage 1970s programs costing "merely" tens to hundreds of millions of dollars were inefficient for the 1980s, when major program cost tens of billions of dollars.

B. Going beyond acquisition reform

A number of reports have set forth recommended solutions to these problems. They have focused on reforming the acquisition process and the organizational elements related to acquisition. But, the nature of the paradox is such that organizations at all levels of DoD are affected. In order to improve planning and execution of the defense program, DoD management reforms, including acquisition reforms, must be implemented. The issue is not defense acquisition reform; rather, it is defense management reform.

Footnotes at end of article.

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Secretary Cheney has recognized the need for going beyond acquisition reform in his *Defense Management Report to the President* (DMR). In this report, he calls for improvements in the defense management framework, Government-Industry relationship, and Congressional activities with respect to defense programs and policies.[3]

In particular, defense management reforms are needed to: establish national security objectives; set priorities for achieving those objectives; and allocate resources in line with realistic plans for achieving those objectives. Defense management reforms must incorporate measures of merit for tracking progress towards achieving national security objectives. The reforms of the Government-Industry relationship and Congressional defense-related activities must be made in line with improvements in the defense management framework, such as removing the disincentives for contractors to reduce costs. Actions of all players—DoD, the defense industry, and Congress—should be tied to the efficiency by which national security objectives are achieved.

The key requirement for DoD achieving gains in the four capability areas is the establishment of defense program objectives. The need for such objectives was identified in the DMR which called for DoD components to submit Program Planning Objectives (PPOs) to the Office of the Secretary of Defense (OSD), The PPOs were to be prioritized, and a 20-year "road map" of investment was to be developed for the PPOs. The value of this approach is that it enables top-level objectives to cascade downward to organizational elements responsible for achieving a sub-objective. Likewise, a measure of success can be tied to the overall objective and cascaded downward to track performance and use of resources by responsible organizational components.

The DMR recommendations, aside from the PPOs and 20-year road maps, concentrated mainly on the acquisition system. They emphasized streamlining procurement oversight regulations and organizational elements. But, the reforms did not consider acquisition improvement within the larger context of defense management reform, even though for the first time in nine years procurement was not the largest portion of the defense budget request. In addition, management reforms did not address the relationship between national security objectives and efficient use of resources in the other expenditure categories (Operations and Maintenance, Military Personnel, Military Construction, etc.). In summary, the DMR failed to address management of the majority of defense resources.

C. Four pillars of effective Defense management

Defense management gains its effectiveness by cost-effectively balancing investments in the four capability areas to achieve national security objectives. It follows that recent defense management problems can be measured by the lack of balanced achievements in the four capability areas. In order to achieve the necessary balance, modern management techniques recognized by top management experts can be categorized into the following four essential pillars for effective defense management:

Decision-making framework: the manner by which DoD sets objectives and manages to achieve those objectives (e.g., management by objective, management by consensus, management by exception);

Organizational structure: the organization of DoD elements, including responsibilities and reporting lines;

Efficient Allocation of Resources: defense budget, personnel, and equipment resources which are used to achieve the objectives;

Quantitative measures of success: verifiable, quantitative measures for assessing progress towards achieving objectives and reallocating resources in line with cost-effectiveness of investments.

The four management pillars apply to both industry and government, and they are the key components in DoD's Total Quality Management (TQM) initiative for bringing modern management techniques to the Pentagon. The four pillars tell DoD to: set national security objectives; apply a streamlined organizational structure with components that have the responsibility, resources and incentive to achieve those objectives; align resources with objectives; and, track progress toward achieving the objectives and reallocate resources as needed.

D. Cultural resistance to reform

DoD is a large bureaucracy, with many components that are comfortable and successful in "working the system." These components of the bureaucracy resist change and fear the uncertainty associated with management reforms. The Military Services "game" attempts by top management to implement reforms not seen as being in the Services' interests.

The Military Services would like to respond to declining defense budgets as a budget cut to be proportionally shared acrosss programs, and to the changing international environment as justifying new roles and missions. However, as I explained in the Defense Management Challenge: Avoiding a Decade of Expensive Weakness, the magnitude of these required changes is much greater than can be dealt with through merely reducing current forces. (4)

The DoD Planning, Programming, and Budgeting System (PPBS) reflects the myriad interest groups rather than a national strategy. These interest groups have learned how to maneuver within the PPBS in order to obtain resources and perpetuate their interests. As long as the decision-making framework and organizational structure perpetuate the interest groups' benefits through gaming the PPBS, needed reforms will be circumvented. Progress can only be made by aligning organizational incentives with the efficient use of resources toward achieving national security objectives.

Since the publication of the DMR, DoD hasn't been able to implement PPOs or the road maps for achieving those objectives. In addition, DoD has not devoted enough attention to efficiently allocating resources in line with measured progress toward objectives. As a result, there is currently no means for linking resourcing decisions to national security objectives—leading to the risk of not funding some needed capability, and increasing the likelihood of authorization and appropriation bills based on pork-barrel strategy, since Congress will not have the basis for identifying the implication of its actions on national security objectives.

II. REVIEW OF THE CURRENT DMR IMPLEMENTATION PLANS

A. Overview of the Defense management review

In June 1989, Secretary Cheney completed the Defense Management report to the President. In the report, he outlined conceptual defense management reforms affecting "business-as-usual" for DoD, Congress, and the defense industry. In highlighting the need for reform, Secretary Cheney noted: "If we are to continue to protect our global interests, meet our responsibilities, and minimize the risks to our security, we must preserve essential military capabilities through ever more skillful use of the resources at our disposal." (5)

Secretary Cheney's report puts forward a defense management decision-making framework, planning and acquisition organizational reforms, enhancements in the government-industry relationship, and recommendations for the way Congress addresses defense programs and policies. The report concentrates on the decision-making framework and organizational structure pillars of effective management. Table II-1 summarizes the DMR implementation activities and identifies which management pillar is affected.

The report recommended a series of analyses and organizational reviews. In line with the report's philosophy of continuous improvements in defense management, DoD has indicated that it will continue to implement the report's recommendations.

TABLE II-1.—DMR IMPLEMENTATION ACTIVITIES & DEFENSE MANAGEMENT PILLARS

DMR recommendation	Decision-making framework	Organization structure	Resource utilization	Quantitative measurement
Planning reforms (biennial budgeting, program planning objectives, 20-yr road maps, realistic funding estimates	X	X	X	
Revitalized DAB		X		
Broader role for joint requirements Oversight Council		X		
Transfer major automated systems acquisition oversight to DAB		X		
Three tier acquisition structure for each military department		X		
Active involvement of USD/A and SAE s in program and budget cycles, resource decisions affecting program baselines		X		
Remove multi-yr procurement savings threshold requirement	X			
Sustained tenure for successful PEOS and program managers		X		
Regulatory review of acquisition, procurement, logistics, and related activities	X			
Review of single-purpose requirements	X			
Select new defense enterprise programs	X			
DOD-wide civilian acquisition personnel policies	X			
DOD payment for acquisition-related coursework			X	
DOD acquisition workforce classification standards	X			
Dedicated military acquisition corps and associated training program		X	X	
Central USD/A Office of Acquisition Personenel		X		
Streamline acquisition management, logistics, distribution, and related maintenance functions to save $30B 1991-[illegible]		X	X	
Consolidate contract administration into new agency		X		
USD/A control of concept direction study funding		X		
Use concurrent engineering and operational testing for major programs	X			
Revisions to DAB milestone reviews	X			
USD/A improve SARS, DAES, and other acquisition information systems				X
Coordinate technology base programs and eliminate duplication (encourage competition, prototyping, cost reduction	X			
Implement DSB recommendations on commercially available products and competitive practices	X			
Establish database to track use of commercially available products				X

TABLE II-1.—DMR IMPLEMENTATION ACTIVITIES & DEFENSE MANAGEMENT PILLARS—Continued

DMR recommendation	Decision-making framework	Organization structure	Resource utilization	Quantitative measurement
Develop legislation to simplify contracting procedures for commercially available products	X			
Develop legislation for awarding competitions to best value	X			
Develop DOD-wide contractor performance review system				X
Administer ethics regulations and develop workforce training and guidance		X		
Charter a DOD ethics council		X		
Encourage contractors self-governance and enclosure		X		
Remove industrial base disincentives	X			
Develop defense industry quality awards program	X			
Streamline procurement laws	X			
Prepare white paper on Congress and DOD relationship		X		

Secretary Cheney's report was valuable not only because it would lead to DoD budget and personnel cuts; rather, it proposed fundamental changes in the way DoD turns its budget into military capability. The key recommendations for improving management of defense resources were: the Program Planning Objectives (PPOs) and associated 20-year road maps; acquisition system improvements; and, limits on micro-management of defense programs, including Congressional micro-management. These initiatives are critical to DoD making the most efficient use of defense resources and being able to provide needed capability in light of reduced budgets.

B. DMR implementation activities and the four management pillars

Since publication of the report, six important goals have been used to focus DoD's implementation activities. These goals are:

Reduce overhead costs without sacrificing military strength;

Enhance weapon system program performance;

Reinvigorate the planning and budgeting process;

Reduce micromanagement;

Improve observance of ethical standards in government;

Strengthen the defense industrial base.

In January, DoD presented the DMR implementation actions in line with its six management reform goals.[6] The results of DMR-initiated reviews which were completed by the Fall 1989 timeframe were incorporated into the proposed FY 1991 DoD budget, at an estimated net savings of $2.3 billion. These actions focus on DoD's acquisition and logistic organizational structure, with estimated savings of $39 billion over the period FY 1991-95. For example, a key logistic action reorients incentives for supply system item managers towards cost reduction by transfering funding from the procurement budget to stock funds. This change will make more efficient use of $2.8 billion in FY 1991 programs. In addition, over twenty Process Action Teams have been established to develop implementation plans for the DMR. As a result, DoD has attempted to improve the defense management decision-making framework by streamlining regulations, enhancing the JCS role in resource and acquisition decisions, and redefining roles and responsibilities to streamline acquisition and logistic functions.

As did the recommendations in the Defense Management Report, DMR implementation actions concentrate on the management decision-making framework and organizational pillars of defense management; some initiatives affect the use of resources (inventory control) but none enables measurement of progress toward achieving national security objectives. As a result, there is not a clear linkage between the implementation plans and the FY91 DoD program's balance of investments across the four capability areas.

In order to resolve the current paradox of unrealistic planning and program management inefficiency, attention must be paid to all four defense management pillars. DoD's implementation of the report's recommendations need to be coupled with improvements in the third and fourth pillars of defense management—resource utilization and quantitative measures of success. The current DMR initiatives reduce overhead and consolidate functions, providing much-needed savings; but, they do not change the processes by which plans are made, programs receive resources, and the plan is executed. Without reforming these processes, it is likely that the "hollow army" of the '70s will again appear.

With respect to the resource utilization pillar, DoD's implementation actions do not address the alignment between national security objectives and available resources. As noted above, DoD has not been able to define PPOs and associated 20-year road maps, per the DMR recommendations. Without such a mechanism for linking resources and strategic objectives, DoD and the Congress cannot effectively integrate budget considerations with the changing international environment. For example, the Defense Planning and Resources Board (DPRB) appears to be evaluating national security implications of changes in Europe. In addition, compared to the last 9 defense budgets, DoD has incorporated the most realistic budget assumptions into the preparation of the FY 1991 budget. However, since the 20-year road map recommendation has not been implemented, there is no traceable mechanism to link the budget estimates with national security objectives and facilitate the redistribution of major blocks of funding even after the DPRB completes its evaluation.

With respect to the fourth managment pillar, measuring progress, the relevant implementation actions may include centralizing information management systems and system requirements analyses to refine DoD-wide information needs. It is not clear how the systems will enable tracking of resources against the achievement of national security objectives since management measures of merit are not addressed.

Overall, these initiatives highlight reducing the cost of doing business-as-usual. They are fiscally responsible initiatives that should have been done years ago and Secretary Cheney should be applauded for getting the job done. However, today's real defense management challenge is achieving needed capability with fewer resources. Addressing this challenge goes beyond cutting out fat, which Secretary Cheney has begun to do. Needed reforms must address: establishing measurable national security objectives; more realistic planning; efficiently executing programs; and creating a credible feedback system between execution and planning.

C. Specific concerns: Implementation of specific recommendations

In the DMR, Secretary Cheney recommended actions to improve the defense acquisition system by implementing the Packard Commission recommendations. In addition, he recommended an approach, based on modern management principles, to more effectively align defense resources and national security objectives.

The DMR implementation plans presented to Congress in mid-January provide the pathway to some needed defense management savings. It should be noted that, to Secretary Cheney's credit, there are some additional initiatives not traceable to the report's recommendations. However, the current implementation plans are insufficient for achieving the type of management improvements recommended in the DMR, because the plans do not modify the processes which determine how resources will be allocated against needs.

As valuable and needed as the DMR reforms are, their implementation is being constrained by the bureaucracy's cultural resistance to management reform. DoD's progress briefings have noted that the process of improving management will continue, as it should, but for now it will only be partial. Table II-2 presents a crosswalk, by Military Service, of the report's recommendations and the current implementation actions. This Table provides a look at what actions are underway at the Service-level. The snapshot represented in this Table is telling since the Services are ultimately responsible for implementing the reforms and executing the defense program.

Specific concerns: Defense management decision-making framework

Secretary Cheney's report prescribes a management decision-making framework aimed at implementing Management By Objective (MBO) for DoD. The key feature is specific planning guidance communicated via the Defense Planning Guidance (DPG) to the Military Services and other DoD elements. The DPG, published in January, was supposed to contain PPOs, as well as 20-year road maps of the investment plans needed to achieve the PPOs. As noted above, these were absent from the document. Last Summer, DoD tried to implement the DMR PPO and 20-year road map recommendations for a limited portion of the defense budget, but, as reported in my December paper, bureaucratic "gaming" staved off even this partial reform effort.[7]

TABLE II-2.—DMR IMPLEMENTATION INITIATIVES BY MILITARY SERVICE

DMR Recommendation	Army	Navy	Air Force
Planning reforms (biennial budgeting, program planning objectives, 20-yr road maps, realistic funding estimates.			
Revitalized DAB	Orients PMS toward risk management, milestones, consolidated to 4, DAB decisions signed out within 48 hours of meeting		
Broader role for Joint Requirements Oversight Council			

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TABLE II-2.—DMR IMPLEMENTATION INITIATIVES BY MILITARY SERVICE—Continued

DMR Recommendation	Army	Navy	Air Force
Transfer major automated systems acquisition oversight to DAB		Consolidated under SAE	Consolidated under AFSARC
Three-tier acquisition structure for each military department	Established, 12 PEOS	Established new SAE, seven PEOS, covers 21 of 51 systems	Established 6 PEOS
Active involvement of USD/A and SAE's in program and budget cycles, resource decisions affecting program baselines			
Remove multi-yr procurement savings threshold requirement			
Sustained tenure for successful PEOS and program managers			
Regulatory review of acquisition, procurement, logistics, and related activities	Conducted by an OSD led task force, removing or combining regulation		
Review of single-purpose requirements			
Select new defense enterprise programs			
DOD-wide civilian acquisition personnel policies	Using staff now in acquisition programs	Established director for acquisition workforce education and training	In process of developing career path
DOD payment for acquisition-related coursework	Developing civil schooling legislation	Established education, time of service, and performance requirements	
DOD acquisition workforce classification standards	Established Army acquisition corps		
Dedicated military acquisition corps and associated training program			
Central USD/A Office for Acquisition Personnel			
Streamline acquisition management, logistics, distribution, and related maintenance functions to save $30B 1991–95	AMC streamlined & staffing reduced	Navy secretariat streamlined, buying commands streamlined & staffing reduced	AFLC, AFSC staffing reduced
Consolidate contract administration into new agency	Streamlined at Ammunition plants, transferred from tank plants and apros		Streamlining accordingly
USD/A control of concept direction study funding			
Use concurrent engineering and operational testing for major programs			
Revisions to DAB milestone reviews			
USD/A improve SARS, DAES, and other acquisition information systems			
Coordinate technology base programs and eliminate duplication encourage competition, prototyping, cost reduction	Army labs and Army T&E study groups evaluating now to increase efficiency and quality		
Implement DSB recommendations on commercially available products and competitive practices			
Establish database to track use of commercially available products			
Develop legislation to simplify contracting procedures for commercially available products			
Develop legislation for awarding competitions to best value			
Develop DOD-wide contractor performance review system			
Administer ethics regulations and develop workforce training and guidance			Establishing programs
Charter DOD ethics council			
Encourage contractor self governance and disclosure			
Remove industrial base disincentives			
Develop defense industry quality awards program			
Streamline procurement laws			
Prepare white paper on Congress and DOD relationship			

The PPOs are important for identifying actions to achieve a portion of the National Defense Strategy. The PPOs were to be derived from the national security objectives. The 20-year road maps are important because they would enable specific actions and resource needs to be tied to the fulfillment of the PPOs. Since the DPG was published without PPOs and 20-year road maps, there is no means of prioritizing alternatives uses of scarce funding on the basis of long-term national security implications. In this framework, it is impossible to quantify the sensitivity of the current allocation of resources to the uncertain international security environment.

Specific Concerns: Organizational structure

Overcoming the cultural resistance to reform can only be accomplished by creating PEOs responsible for achieving PPOs through program execution. The current SAE-PEO-PM structure, established in the late 1980s, is the first increment of acquisition organizational reform; the DMR implementation actions build on this strucutre, but should not be interpreted as being sufficient. The implementation actions streamline acquisition oversight and consolidate headquarters activities, rather than link planning and execution roles and responsibilities. As a result, the DMR Implementation activities do not affect incentives at the root of the cultural resistance, and, therefore, are not likely to change the decisions that lead to poor performance. It should be noted that the DMR has led to improved JCS involvement in the formulation of resource and system requirements; however, the planning and execution link has not been established.

There are three concerns about the implementation actions relating to the acquisition structure. First, PEOs have incomplete responsibility. The PEOs generally are not responsible for all related "non-major" programs, even though this category constitutes the majority of the acquisition programs. In addition, the Navy PEOs do not control 21 out of 51 major Navy programs. To their credit, the Military Services are giving some responsibility for non-major programs to the PEOs. However, keeping programs outside of the PEOs and three-tier acquisition management structure serves to justify retaining the old acquisition framework and two acquisition structures. Moreover, it prevents program integration decisions on related systems—decisions that could significantly increase the effectiveness of the acquisition process. It also results in time wasted by the PEOs and acquisition commands fighting over resources "owned" by the old acquisition system.

Having dual acquisition organizations results in ambiguous lines of authority and institutionalized confusion at the working level. Some acquisition command personnel are matrixed into the PEO structure, other personnel are working within the old acquisition structure, and the same personnel may work within the two acquisition structures in a given year. Career employees realize that their advancement will likely be in the old acquisition structure, which is much larger than the PEO organization. Therefore, many streamlining reforms may be paper changes without better results, since it is not clear that the new acquisition system provides sufficient career-related incentives to change from business-as-usual.

Second, the PEOs are not responsible for achieving mission-related program objectives; they have no authority for balancing objectives and resources at either the planning or execution level. The PEOs are supposed to provide "help" to Program Managers (PMs) having cost, schedule, and performance deviations from a baseline. The help consists of oversight and ad hoc problem solving ability. This streamlined oversight structure, without the means to focus resources against objectives or a check-and-balance system to ensure early identification of problems, has no inherent ability to more effectively acquire weapons than the current system.

Table II-3 lists the PEOs as they appear in the DMR implementation actions, and identifies whether each covers a mission area (e.g., air defense) or an equipment type (e.g., aircraft). (8) More than two-thirds of the PEOs are focused on equipment types. In this framework, a PEO could only respond to problems in one of his programs by taking resources away from another program. This framework is inherently inefficient because the equipment-oriented PEO lacks visibility of the impact of his actions on cost-effective achievement of mission capabilities; he may address one problem in an inefficient program by taking resources from another program needed for a different mission, thereby generating a second inefficiency.

TABLE II-3.—MISSION VERSUS EQUIPMENT ORIENTATION OF PEO's

PEO by military service	Mission category	Equipment type
Army		
Strategic information systems		X
Aviation		X
Armaments		X
Strategic defense	X	
Command & control systems		X
Heavy force modernization		X
Combat support	X	
Air defense	X	
Standard Army management information system		X
Fire support	X	
Communications	X	
Intelligence and electronic warfare	X	
Navy		
Submarine combat systems		X
Surface ship ASW systems		X
ASW aircraft and other systems		X
TAC air		X
Cruise missile and UAV		X
Space communication and sensors		X
Expeditionary force programs (Marine Corps)		X
Air Force		
Strategic	X	
Information systems		X
Tactical/airlift		X
Space		X
C-3		X

TABLE II-3.—MISSION VERSUS EQUIPMENT ORIENTATION OF PEO's—Continued

PEO by military service	Mission category	Equipment type
Tactical strike	X	

Third, despite management reforms that affect planning, programming, and execution organizations, the DMR implementation actions do not identify who in the management chain is responsible for integrating program execution with the PPBS. Although the current actions save labor costs by reducing the size of DoD organizations, the paradox of unrealistic planning and poor program management can only be resolved by establishing effective organizational roles and appropriately distributing responsibility. While the DMR implementation actions address some planning and execution problems, they fail to provide a key solution: linkage between DoD elements which are responsible for planning and those responsible for execution.

The organizational elements responsible for planning, budgeting and execution are different. OSD and the Military Service will continue to prepare plans containing six years of program forecasts, while the PEOs and PMs will execute the program budgets developed by the Comptroller offices. However, the planners are not responsible for evaluating the executability of past plans and modifying their estimates in accordance with real world results. On the other hand, the PEOs and PMs are responsible for executing the program's budgets, and may not have insight into the effects of their day-to-day actions on fulfillments of plans. As a result, it is likely that plans will continue to be rarely achieved, and the original program cost-capability-schedule baseline will not be met.

Specific concerns: Resource utilization

Although the DMR, in its Planning Process Reforms, laid out a means for relating resources and national security objectives at the top level, DoD has not been able to follow-through on implementing this process.[9] Moreover, a mechanism for cascading the objectives down to program executors does not exist, nor does a means of tying resources and objectives at the PEO level.

Instead, the DMR implementation activities have improved use of resources by reducing staffing levels at a variety of acquisition and logistic organizations. While this may not result in more capability for given defense expenditures, the activities will certainly reduce the number of people associated with a given level of capability. For example, Army Material Command (AMC) and Air Force Systems Command (AFSC) must each be reduced by 4800 staff, which will reduce the staffing costs but not necessarily improve the performance of the Army and Air Force acquisition systems—unless the cuts can be applied against non-value-added functions.[10]

Specific concerns: Quantitative measures of success

In order to track the efficiency of defense investments, DoD needs quantitative measures of success. Even though DoD has recognized vast changes in the threat environment and in the level of available resources for defense, it has been unable to establish management measures that can be used for adjusting plans accordingly. Both the DMR and the implementation activities note the need for continuous improvements. But no measures currently exist for tracking achievement of objectives and program cost, schedule and performance goals.

Within the current DMR implementation activities, DoD has established a group of outside experts to define single DoD business information systems for each major functional area of management.[11] The first step towards defining such systems must be the definition of the elements in DoD decision-making processes. The second step should be to identify the Essential Elements of Information (EEI) needed to support resource allocation decisions for both PPBS and program execution. It is not clear whether new measures are being defined that are traceable to PPOs or to program goals, since DoD has not yet reformed its decision-making processes to incorporate such decision criteria.

III. RECOMMENDED INITIATIVES

There is a wide gap between needed reforms and the success of current DoD efforts. DoD management's ability to optimize capability under declining budgets and a rapidly changing international environment needs more repair than the recommendations outlined in the DMR. In turn, DoD's implementation actions fall short of the reforms envisioned in the DMR. Further still, the implementation actions have yet to be acculturated within the bureaucracy.

The need for continuous improvements in defense management has been embraced by Secretary Cheney, and documented in the DMR and implementation progress reports. In December, I highlighted the need to go beyond the DMR recommendations by reforming all four pillars of effective defense management. The reforms must integrate improvements across these pillars in order to address the defense management paradox.

The current implementation actions do not follow through on the reforms outlined in the DMR. In the current activities, DoD has generated significant savings by stripping away some of the bureaucracy that grew with the budget over the last decade. In other words, staff reductions will not resolve defense planning or cost growth problems that need to be addressed.

In the past, reforms have been viewed by the bureaucracy as mere "passing fancies." Once the spirit of reform has "blown over," the bureaucracy can then return to normal, and go about its business as usual. It is not yet clear that the reform efforts of this Administration will succeed where the Carlucci initiatives, the Weinberger "commandments," Goldwater-Nichols and the Packard Commission recommendations failed the ultimate test—acculturation within the bureaucracy.

Nonetheless, the current implementation actions are a positive step forward, and the next steps should move DoD closer to implementating the DMR reforms. In support of implementing these reforms, this section outlines recommendations that should be incorporated in DoD's next set of DMR implementation activities.

This section includes innovative approaches for achieving the DMR reforms. The recommendations are drawn from a variety of reports on defense management reform, discussions with individuals actively involved in and affected by defense reforms (including contributors to the Packard Commission and the DMR, as well as DoD employees at various levels of the bureaucracy), and DoD documents (including DMR implementation plans and DoD Total Quality Management briefings). These recommendations would build upon existing efforts; together with the current DMR implementation activities, these recommendations could help DoD implement the necessary reforms across the four components of effective defense management.

A. Resolving the paradox: Planning failures

Unrealistic Five-Year Defense Plans result from DoD's business-as-usual planning practices. In the 1960s, the plans were prepared without explicit consideration of the resource needs of the Vietnam conflict. In the 1970s, plans were prepared on the basis of overly-optimistic cost to estimates. In the 1980s, the plans were prepared with not only overly-optimistic cost estimates, but also with unrealistically large budget estimates. The result has been DoD's chronic inability to obtain the quantities of items needed to fulfill the plans.

In the past, DoD has chosen to base plans on optimistic assumptions, avoiding the tough choices required in a realistic planning process. Associated with this approach to planning has been DoD's inability to set program planning priorities, to associate realistic estimates of program funding needs with national security objectives, and to allocate realistic forecasts of available funds in line with high priority objectives. But, declining defense budgets demand that decision-makers not escape the need for tough choices. The problem is that DoD decision-makers try to postpone these choices, usually resulting in a growing gap between plans and reality; rather than deleting unaffordable requirements, programs continue to be stretched, or "deferred" in today's vernacular.[12]

Most of the key elements for improving DoD planning were presented in the DMR.[13] The key elements are:

Biennial defense budget process;

Secretary's guidance on a limited number of planning issues to be evaluated, and recommendations formulated, during the Spring and Summer prior to the Military Service's Program Objective Memoranda (POM) submission to OSD;

Secretary's decisions on the planning issues and communication to the Services and defense agencies by August 1 of the year prior to POM submission;

Defense Planning Guidance (DPG) issued by October 1 of the year prior to POM submission to include the planning issues, the JCS military strategy, a limited set of high-priority Program Planning Objectives (PPOs) that will be mandatory guidance, broad identification of the PPOs' impact on future funding, and a 20-year "Road map" of the modernization needs and investment plans for the PPOs, integrated against realistic estimates of future funding.

In line with these DMR recommendations, DoD has implenented most of the second and third items. And, although Secretary Cheney has produced a DPG, absent are the key initiatives in the third item: the PPOs, fiscal guidance, and the 20-year road maps.[14] In testimony before the Senate Budget Committee February 5, Secretary Cheney agreed on the value of considering 20-year road maps, since most systems remain in the force for at least 20 years, but added that it is difficult to plan in light of the rapidly changing threat environment.

Since the defense budget process does not wait for world events to stabilize, and since today's resource allocation decisions affect the force structure's ability to support U.S. national interests over the next 20 years, the planning reforms described in the DMR are needed now as much as ever. Some follow-through has occurred: Secretary Cheney's current budget request is based on the most realistic estimates of available funding in the past decade. This forecast, 2 percent declines in defense budget authority in each of the next five years, has been revised to reflect six years and incorporated in the fiscal guidance DoD distributed in January.

Beyond basing plans on realistic estimates of available funds, DoD must have a mechanism for identifying the PPOs that are major funding drivers early-on in the PPBs process. DoD and the Congress must be able to identify the relationship between resource decisions and military capability, especially when there is a lot of uncertainty in world events or funding levels. Without such a linkage between objectives and resources, it is impossible to build a consensus within Congress to vote resources for military capability needed to protect our interests in an uncertain world.

There has been much discussion about how much the DoD budget should be cut because of current events in Eastern Europe. In order for a "peace dividend" to be quantified, the defense programs associated with planning objectives that are no longer valid must be summed, and the programs associated with planning objectives derived from the current environment must be deducted. But, a Congress left without such PPO and road map data may present the greatest risk, since Congress would likely deduct a peace dividend from the topline budget number, and, without a link to national security objectives, would allocate the available resources in line with special interests—leading to a smaller, more pork-filled DoD budget. Likewise, the use of conventional and strategic arms control to achieve a "peace dividend" requires a clear link between relevant PPOs and resource needs.

In order to follow-through on the DMR's planning reforms, DoD should implement a process similar to the Army's Long Range Research, Development, and Acquisition Plan/Mission Army Materiel Plan (LRRDAP/MAMP) process. In the LRRDAP/MAMP process, the Army has constructed a method for identifying what's changed (strategy, threats, etc.), what are the shortfalls, what progrms or doctrinal shifts can address the shortfalls, and what resources are needed to resolve shortfalls. The programs are then prioritized within resource constraints.[15]

The LRRDAP/MAMP process divides resources and planning responsibility into mission areas (e.g. air defense), with each mission area team co-managed by a user command representative and a developer command representative, and integrated across mission areas by AMC and the Army's Training and Doctrine Command (TRADOC) staff. Similar processes exist in the Navy and the Air Force, but none is integrated with top-level DoD planning efforts. Rather than OSD setting up a new process, it should build on the LRRDAP/MAMP process. The key aspects of the recommended approach are:

A national strategy must be formulated in a manner that identifies national security interests and priorities. To accomplish this, DoD should undertake a strategic review encompassing U.S. interests, contingency needs, mission area requirements, the four capability areas, and allied relationships.

OSD must establish a set of mission areas that will be used by the Military Services and are exclusive of all existing mission areas used in resource allocation.

Quantifiable PPOs should be established by OSD, and cascaded downward to appropriate quantifiable Mission Area Planning Objectives (MAPOs). This step would link mission area accomplishments to satisfying national security objectives.

The Military Services should establish mission area teams composed of users, developers and technologists by reorienting existing personnel into the OSD-defined mission areas. Each team will be headed by a mission area manager who will be a life-cycle focused PEO.

Each mission area team should formulate a mission area master plan that will be a 20-year road map linking investments in the four capability areas and specific programs to achievement of the MAPOs. The master plans should replace the myriad existing Congressionally mandated master plans and modernization plans.[16]

OSD should provide fiscal guidance to the Military Services. It should integrate Master Plans across Services and mission areas in line with affordability considerations and the PPOs, thereby forming 20-year road maps.

The PPOs and master plans should be prioritized by the DPRB, forming the basis for decisions on the Six-Year Defense Plan (SYDP), budget, and program execution.

Planning decisions and progress tracking should be based on quantitative measures that incorporate performance and cost data. The measures must be relevant to the PPOs and mission areas, and they must be auditable to ensure the integrity of the proposed process.

Congress should authorize two-year defense budgets consistent with a two-year appropriations process. In each second year, Congress should adjust decisions on the two-year program in line with the program execution data.

These recommendations comprise a process for following through on the DMR planning reforms. The key characteristic of the recommended approach is the use of existing mechanisms (e.g. LRRDAP/MAMP, master plans) to tie PPOs to resources. This approach would draw on the existing planning mechanisms to better align resources with greatest payoff, as measured by contribution to national security objectives, thereby implementing a key DMR recommendation.

B. Resolving the paradox: Inefficient program management

As Secretary Cheney implied in his DMR, planning and execution reforms must be coupled. In my December 13 report, I highlighted DoD's program execution problems that result in excessive costs, schedule slippage and system performance degradation. Secretary Cheney inherited these problems; his attempts to reform should continue and Congress should support his efforts.

There are additional efforts that can be undertaken to improve execution of defense programs. These efforts should be incorporated into the continuous improvements DoD promised in its implementation progress report. Combined with current reform activities, the following recommendations will enable DoD to: better quantify the magnitude of cost, schedule and performance problems inherent in the current budget; change the incentives to reward players (government and contractor) for resolving these problems; and, allow the problems to be rapidly addressed in a cost-effective manner.

First, OSD should go beyond the current four-aircraft study to assess the affordability of the 100 largest programs. The assessment should evaluate the realism of cost, schedule and performance estimates by looking at current cost and pricing data, manufacturing facilities, and the degree of concurrency contained in the program's acquisition strategies. The study should employ on-site industrial engineering-based cost analyses, tied to the manufacturing processes to be employed on these programs. The resulting data should flow upwards into the planning process, quantifying the complete extent of resources needed to complete the plan. It should also be given to the Service Acquisition Executives and PEOs so that they have this key information for managing major acquisition programs. The data should also be incorporated into the program baselines by the PEOs. The significance of capturing this data becomes clear when one considers that over the last month, cost, schedule and performance problems have been publicized for AMRAAM, C-17, BSY-2, and FOG-M.

Second, DoD should continue to expand the use of competition and improve the opportunity for the defense industry to compete on the basis of efficiency. This would require a reduction of the significance of labor costs as the key variable in contract bids and a change from the use of cost as the basis for profit calculations. In the current contracting approaches, contractors submit a bid containing data on labor costs by category, other direct charges (e.g. travel, materials), general and administrative (G&A) expenses, overhead, and fee. Since overhead and G&A are negotiated factors based on DCAA audits and are multiplied times the labor and other direct charges, accounting for over 60 percent of costs, a contractor's proposal manager is constrained to competing on the basis of labor hours. Recent programs such as the Army's FOG-M have demonstrated that this leads to contractor "buy-ins"—a practice widely used in the 1970s—or to illegal attempts to gain competitive advantages through insider information and payoffs, as demonstrated by the recent "Ill Wind" convictions. Valid recommendations for returning honesty and integrity to the contracting process must go beyond current DMR implementation activities by changing defense industry incentives. There are three specific recommendations for doing this:

Enable and encourage defense contractors to reduce overhead rates by transferring plant and equipment costs into direct charges through the use of production process-based cost factors. This would enable contractors to compete on the efficiency of their production process, thereby incentivizing investment in modern manufacturing technology, and giving the government program manager additional visibility over bidders' relative capabilities for meeting cost, schedule and performance criteria.

Base profit or fee on contract productivity, using labor efficiency realization factors, and/or process capability indices (e.g. CpK). This would tie profits to efficiency during contract performance. The contractor's profit or fee would increase with productivity with respect to cost, schedule and system performance.

Incorporate contractor past performance into the evaluation of contractor performance. This would utilize information on a contractor's record with respect to meeting specifications, waivers, productivity, etc., for competitive contracting awards. This would create a disincentive to "buying-in" on com-

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petitive procurements and creates an incentive to perform well on existing contracts.

The second recommendation is important because it removes the cost control disincentives associated with profit and fee calculations in current contracting approaches. The recommendation changes the contractor profit focus to a reward structure based on productivity, rather than on a percentage of cost. An example of a mechanism for implementing productivity-based profit was identified by the DoD Inspecter General (IG) in March 1989.[17] The IG's approach uses a productivity index, derived from a survey of defense contractors, to generate a profit scale. The contractor's profit for a given contract is related to where that contractor fits on the index and how that position aligns with a profit scale. Alternatively, the recommendation could be implemented by a contractor submitting a labor cost standard within its proposal, and tying the contractor's profit to how close it comes to meeting that standard during the life of the contract. The contractor's profit would then match up to a scale that compares the contractor's cost performance, or realization factor, to the standard. By being more productive, the contractor gets closer to the standard, resulting in a lower cost for the taxpayer and a higher profit for the contractor. The government would still need to validate the contractor's standard, to prevent inflated profits that could be gained from an unrealistically high starting point. A contractor productivity index would be useful in this approach for assessing the realism of the standard. After a realistic standard or profit scale is determined, the profit motive provides a strong incentive for the contractor to tightly manage a contract's cost and schedule. A contractor could receive rapid reward for monthly improvements in productivity if this mechanism were incorporated into monthly progress payment calculations.

These recommendations are not substitutes for important DMR implementation activities that affect DoD's ability to negotiate and manage contracts. The new consolidated Contract Administration Services (CAS) must continue to improve its capabilities, as must the Military Services' acquisition corps, through training.

In addition, modern quantative measures of merit for tracking contract performance, as recommended by DoD's Total Quality Management (TQM) program, should be implemented and maintained by the CAS. These measures should be tied to top-level functional goals so that contract performance can be traced to mission area performance, vis-a-vis MAPOs, and the resource allocation process can respond to problems or efficiency gains. This approach is well documented in modern corporate management literature. The Computer Integrated Manufacturing-International (CAM-I) approach, developed in the late 1980s, notes the importance of using top-down performance measures to modify behavior of functional managers and attain organizational goals.[18] In the recommended approach, the performance measures are designed such that they reinforce optional behavior at all levels of the organization.

DOD should continue to pursue and Congress should support programmatic actions that will improve the efficiency of procurement programs. There are three initiatives that warrant special mention:

Multi-year Procurement;

Economic Order Quantities;

Suspend Concurrency In Programs Responding to Soviet Threat.

C. Resolving the paradox: Making better use of PEOs to link planning and execution

The entire $2.3 billion-savings for FY 1991 from the DMR implemenation activities appear to have been offset by the cost, schedule and performance problems of AMRAAM.[19] To prevent the entire $39 billion in DMR savings from being offset by similar problems on other programs, DoD must make the new three-tier acquisition structure work. Under current DMR implementation activities, the PEO is responsible for oversight of major program cost, schedule and performance. But one must ask, what process does the PEO have available to correct, or better yet to prevent, problems that arise, such as those on the AMRAAM program. Other than "remedies" that currently exist, such as searching for more money or ad hoc responses, the PEO has no mechanism for doing his job.

In addition, few PEOs are responsible for overseeing programs related to a mission area. This framework inhibits resource trade-offs and support for the most efficient means for achieving mission objectives. For example, the Navy has three Anti-Submarine Warfare (ASW)-related PEOs, plus one ASW-related program (SSN-21) that reports directly to the SAE, plus one major ASW program (SSN-688) which is outside the new three-tier acquisition structure. There is no single person responsible for ensuring that mission area objectives are efficiently achieved through distribution of money to related programs.

The key to implementing the intent of the DMR and the Packard Commission reforms is establishing an incentive structure wherein DOD elements are motivated to generate and achieve affordable mission objectives. Improvements are needed in the present definition of the PEOs role and responsibilities. The PEO organization offers the opportunity for integrating program, planning, budgeting and execution in line with a mission area focus.

In order to make the PEOs more useful, it is necessary to re-orient their role toward a life-cycle, mission area focus. It is recommended that PEOs become mission-area oriented, reporting to both the SAE and the top user command military officer relevant to the given mission area. The PEO should have control over product improvements, research and development, non-major programs, and major programs. He should be directly responsible for cost-effectively allocating resources across existing assets and modernization programs to achieve mission area program objectives. This approach gives the PEO the ability to transfer resources against objectives or problems as needed to support mission area planning objectives. It also gives the PEO responsibility for life-cycle considerations, and focuses those considerations in line with mission area needs.

The management structure of the 1990s should focus on the PEO as the key to efficiently allocating resources and executing programs in order to achieve national security objectives. In this framework, the PEO should be supported by acquisition and logistics specialists, matrixed into the PEO organization from a centralized support activity.

D. Management measures of success

Innovative measures of performance must be developed, since DoD cannot use industry performance measures; e.g. return on investment or profit. As a pillar of effective defense management, DoD must be able to compare resource expenditure against contribution to national security objectives on the base of military worth, and align resources accordingly. Although the parameters may be different from industry, the method by which the measures support planning and resourcing decisions is equally important. As noted in CAM-I: "A key factor in successful implementation of a company's strategic plan is performance measurement, which measures business and plant performance in relation to the goals and objectives developed in the planning process; provides timely information for identifying and eliminating activities that add no value; and, provides timely information on casual factors that may lead to manufacturing improvements."[20]

A DoD performance measurement system that can implement the Defense Planning Guidance must link the cost and value of defense expenditures and must support planning, budgeting and program execution decisions. The principles for such measurement are:

Consistency with national security objectives: The measures should consider internal and external factors required to achieve objectives, and they should link program actions with the DPG. They must be able to be hierarchically structured such that good performance at the execution level translates into achievement of top-level objectives.

Adaptability to changing needs: Changing needs and objectives must be prioritized, and measures must be adapted or added. In addition, the measures should enable the prioritization of programs that satisfy conflicting objectives.

The measures must correlate to significant activities: DoD must allocate resources to activities that contribute toward achievement of objectives. It is necessary to identify which activities are non-value-added, and remove those activities, as DoD has begun to do in the DMR implementation actions. But, DoD still must develop measures of performance of value-added activities.

Ease of application: The measures should be few in number and quantifiable.

Top-down Applicability: The measures must be useful in establishing congruence between PPOs, MAPOs, and the program manager objectives since they are the key to cultural changes needed to implement the DMR.

Cost-effective and timely: The data should be readily available and reported up and down the chain on a timely basis. The minimum Essential Elements of Information (EEI) should be identified and imbedded in a reporting system, with spot audits and use of factual data on cost, schedule and performance in order to ensure credibility.

This approach provides a framework for DoD to implement the fourth pillar of effective defense management. It is also possible to define specific measures that would implement this recommended framework.

At the top-level, it is recommended that DoD develop a cost-benefit measure for key categories of investment (e.g., mission areas, PPOs), in order to evaluate and integrate investment alternatives. This measure should incorporate data on system performance (effectiveness), platform and weapons readiness (availability, inventory), platform and weapons sustainability (survivability, stockpiles), threat characteristics (quantity, quality), and life-cycle cost data. The data that goes into this calculation should be tied to the execution of current defense programs by using the best available data, including operational test, field experience, and actual cost data for systems in the inventory, and test and independent cost analyses for systems in development. Such a measure would be useful in comparing existing and proposed systems because it incorporates data available throughout the system life-cycle.

For example, this type of measure has been recently applied for evaluating the investment efficiency of the $12 billion munitions program. In this application, current weapons programs were analyzed on the basis of effectiveness and inventory relative to threat, platform availability for employing the weapons, and program acquisition unit costs.

In an integrated planning, budgeting, and execution system, the data would flow continuously in order to improve the efficiency by which resources are allocated. The recommended measure can be used at various levels of a reformed management framework—program managers, PEOs, mission areas, and PPOs. It should include cost, schedule, and performance data that would feed into mission area planning objectives and program planning objectives. The measures used in the munitions example would be directly applicable if the planning objectives were tied to specific threat types in specific regions of the world. As new data on program costs or system effectiveness become available (e.g., from an operational test), the impact on investment efficiency for a given system can be updated and resources reallocated as needed to affordably achieve the strategic objective.

Improvements are also needed in DoD's methods for ensuring credibility of such data. Independent agents or DoD components with a vested interest in factual data, such as user commands, should have responsibility for validating data used to support the measures. For example, users should be responsible for testing at point-of-acceptance in order to validate system performance data.

The need for DoD managers, at all levels, to focus on the tie between resources and achievement of objectives is second only to the need for the Secretary to define those objectives. The DoD planners must be concerned with realistic estimates of how resources can be used to achieve national security objectives; this requires measurement of progress against resources. The Military Services, using the PEOs, must efficiently execute the program; this requires measurement of program cost, schedule, and performance. Managing the defense build-down in a manner that avoids a return to the "hollow army" of the 1970s requires linkage between the planners and those responsible for executing the program. Modern management texts note that cost-performance measures, such as those recommended here, are the key to resolving this need.

IV. CONCLUSION

Now is the time to improve defense management. Defense budgets in the 1990's will not likely support all the programs, personnel, or bases in current DOD plans. At the same time, there is tremendous uncertainty with respect to national security needs, since major geo-political events are occurring every day. There are also strategic and conventional arms control opportunities that offer potential windfalls for both national security and the defense budget. This confluence of circumstances will result in critical fiscal and national security consequences. If DOD can follow through on reforms, we can channel the confluence into a true "peace dividend" and away from its current course towards expensive weakness.

The defense management paradox of too little money to execute plans and too much money to efficiently manage programs has plagued our attempt to significantly increase military capability in the 1980s. This paradox is characterized by unrealistic planning, inefficient program management, and poor linkage between defense planning, budgeting, and program execution. In the 1970s, the paradox led to a "hollow army." In the 1980s, the paradox precluded capability improvements commensurate with growth in the defense budget. As the defense budgets decline in the 1990s, we must resolve the paradox if we are to avoid returning to a hollow army.

Last summer, Secretary Cheney, in his Defense management report to the President, highlighted the need to go beyond the calls for acquisition reform—the issue is DOD management reform. In December, I issued a report which praised his efforts and stated the need to go beyond his recommendations by addressing all four pillars of effective defense management: decision-making framework; organizational structure; efficient allocation of resources; and quantitative measures of success. Over the past two months, DOD has presented DMR implementation actions. Some of these actions are insufficient to achieve the intent of the DMR, while other initiatives go beyond specific DMR recommendations.

The DoD defense management reform activities are valuable and should be supported by Congress. In addition, it is well recognized that reform must be an iterative process with continuous process improvements. However, bureaucratic resistance to reforms has limited Secretary Cheney's ability to implement recommendations. I have found that, as a result, there are discrepancies between current actions and each pillar of effective defense management.

In this paper, I have outlined those discrepancies and, in the spirt of constructive critique, presented recommendations to resolve the defense management paradox. These recommendations have drawn on valuable insights and initiatives emerging from within the bureacracy, from those steeped in the culture who recognize the need for reform. This is a key factor for overcoming cultural resistance to reforms, and achieving the desired change.

In particular, in order to address DoD planning problems, I have identified an improved nine-step planning process that builds on DMR recommendations and makes use of existing processes. To address DoD program execution problems, I have identified eight recommendations, three of which relate to contractor incentives for controlling cost. I also have identified an approach for building on the PEO concept in a manner that links planning and execution, a key requirement for resolving the paradox. Finally, I have put forward six principles that DoD should use in formulating quantitative measures of success—a management pillar that has been largely ignored by DoD, but is required for efficient achievement of national security objectives.

In this time of declining budgets, global uncertainty, and numerous opportunities, both Congress and the Administration must work towards identifying high priority needs, allocating resources against those needs, and ensuring efficient execution of the programs consuming those resources. The recommendations in this report would focus defense resources on national security objectives, trace the allocation and use of those resources to achieve the objectives, and enable rapid adjustment to take advantage of emerging opportunities or to address problems.

FOOTNOTES

[1] Senator Charles E. Grassley, *The Defense Management Challenge: Avoiding a Decade of Expensive Weakness*, December 13, 1989, pp. 4-7.

[2] Comptroller General Charles A. Bowsher, "Defense Budget and Program Issues in the Fiscal Year 1991 Budget," testimony before the U.S. Senate Committee on Armed Services, March 1, 1990.

[3] Secretary of Defense Dick Cheney, *Defense Management Report to the President*, July 1989, p.2.

[4] Grassley, op. cit., p.6.

[5] Cheney, op. cit., p.2.

[6] U.S. Department of Defense, *Defense Management Report Implementation Progress Report*, January 1990, p.9.

[7] Grassley, op. cit., pp. 23-4.

[8] The PEOs are listed in the Military Service segments of the *Defense Management Report Implementation Progress Report*.

[9] The DMR planning recommendations can be found on pp. 5-6. The implementation actions are addressed in the *Defense Management Report Implementation Progress Report*, pp. 4-5.

[10] U.S. Department of Defense, *Justification of Estimates for Defense Management Report Initiatives*, January 1990, pp. 42, 66-7.

[11] Ibid., pp. 9-10.

[12] Secretary of Defense Dick Cheney, "Statement of the Secretary of Defense Before the Senate Budget Committee In Connection with the FY 1991 Budget for the Department of Defense," February 5, 1990, p. 6.

[13] Cheney, July 1989, op. cit., p.6.

[14] U.S. Department of Defense, op. cit., note 6, pp. 4-5.

[15] U.S. Army Materiel Command, *Materiel for Winning*, 1989.

[16] A munitions master plan, and other capability integration master plans, may still be needed in order to ensure sustainability considerations are efficiently addressed.

[17] Office of the DoD Inspector General, "Inspector General's Viewpoint on Government-Industry Relationships and Strategies to Encourage Contractors to Cut Costs," March 22, 1989.

[18] Callie Berliner and James A. Brimson, *Cost Management for Today's Advanced Manufacturing: The CAM-I Conceptual Design*, Harvard Business School Press, 1988, pp. 164-6.

[19] Defense Week, February 12, 1990, p.13.

[20] Berliner and Brimson, op. cit., p. 159.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. ROCKEFELLER. Mr. President, it is with a great deal of pleasure that I ask my fellow colleagues to join me in wishing a very happy birthday to a truly outstanding statesman and former Member of this distinguished body, Senator Jennings Randolph.

Senator Randolph retired from the U.S. Senate after serving from November 5, 1958, to January 3, 1985. Before joining this legislative body, he served in the House of Representatives, being first sworn in as a Member in 1933.

To sum up in a few short paragraphs all of the accomplishments of this outstanding public servant would be impossible. He was a pioneer and a champion in so many areas—aviation, civic responsibility, education, the arts and sciences, human services, veterans' issues—I could go on and on. Coming to mind today is his original sponsorship of the legislation that granted voting rights to 18-year-olds and that created the Air and Space Museum.

In addition to all of his accomplishments for the good of the country, West Virginia owes so much to this man who cared greatly and worked tirelessly for the State and for her people. He gave countless hours in his life-long commitment to public service, and we are all touched in some way by his legislative accomplishments. It is with a tremendous amount of pride that I follow Senator Randolph in representing the people of West Virginia and with a great deal of love and respect that I say on this 8th day of March 1990—happy 88th birthday, good friend.

TRIBUTE TO DR. W.G. WATSON

Mr. THURMOND. Mr. President, I rise today to mark a very important event—the 80th birthday of my good friend, Dr. W.G. "Curly" Watson—which will be celebrated at a surprise party this Friday in Augusta, GA. Dr. Watson, who is originally from my home county of Edgefield, SC, is an outstanding physician and a treasured asset to his community, State, and Nation. I join with his many friends and loving family members in wishing him a birthday filled with joy and happiness.

Dr. Watson was born on February 25 in the year 1910. After graduating from the Citadel in 1931, he taught school and coached football in Edgefield and Bainbridge, GA, enriching the lives of the many students who came under his tutelae. Dr. Watson then enrolled in the medical college of Georgia's School of Medicine and graduated from there in 1943.

Heeding his Nation's call of duty, Dr. Watson then served 2 years in the U.S. Army and was stationed in Korea and the Phillipines as a physician and athletic officer.

In 1946 Dr. Watson started his medical practice with my late brother, Dr. William Thurmond, in Augusta, GA. For over 43 years, Dr. Watson has selflessly and tirelessly served the people of the area, providing them not only with outstanding medical attention, but with the supportive ear and comforting shoulder of a true friend. Over the span of his career he has delivered over 15,000 babies and brought much joy into the lives of many proud parents.

In addition, Dr. Watson has devoted himself to teaching and supervising residents and interns from the Medical College of Georgia, and he now serves there as professor emeritus of obstetrics and gynecology. The residents at the medical college voted him the 1983-84 Teacher of the Year; this award is only one example of the respect and affection for Dr. Watson which is so widely shared by the people of Augusta.

Dr. Watson's charming wife, Audrey, has been fully supportive of all his efforts and has lent inspiration and help at every opportunity. She deserves a large portion of credit for his success. We wish them both continued service to humanity and happiness in their personal lives.

Mr. President, Dr. Watson is a dedicated physician, committed family man, devoted Christian, and true patriot. I value highly his friendship, and I greatly admire his many attributes. My wife, Nancy, joins me in wishing him a very happy birthday.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,818th day that Terry Anderson has been held in captivity in Beirut.

I ask unanimous consent that an article in today's Washington Post which highlights the administration's current views on the hostage situation be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 8, 1990]

ADMINISTRATION WELCOMES "ENCOURAGING" SIGNALS FROM IRAN ON HOSTAGES

(By Ann Devroy)

Amid increasing signs of significant changes inside Iran and hints of secret diplomacy, the Bush administration yesterday welcomed "encouraging" signals from Tehran on the fate of American hostages.

In Tehran, President Ali Akbar Hashemi Rafsanjani told journalists that Iran wanted to solve the hostage problem. "My feeling is that the issue of the hostages is moving towards a solution," he said at a news conference after the return of Mahmoud Hashemi, his brother, from visits to Syria and Lebanon where he met with officials and Shiite Moslem leaders.

U.S. government and outside experts on Iran said that Rafsanjani, after several months in office marked by a power struggle with extremists who oppose his plans to improve relations with the West, is now consolidating his control. That consolidation, they said, was the most positive sign that five years of Western efforts to free 18 hostages might reach fruition.

Officials yesterday cited as a significant sign the arrival of a special mission from the World Bank in Tehran to review an Iranian request for economic assistance. The negotiations followed a two-month battle in the Iranian parliament, which approved a Rafsanjani plan to borrow about $27 billion from foreign countries despite initial opposition from hard-liners. The money would finance an ambitious five-year project to rebuild Iran's economy and infrastructure, devastated by the war with Iraq.

White House press secretary Marlin Fitzwater said the administration was "encouraged by the comments" of Rafsanjani. The remarks, Fitzwater added, "are certainly more hopeful than we have heard in the more distant past."

A senior administration official described the attitude of officials at the White House as "one of wait and sit and read tea leaves and read cables and feel optimistic, yes, but there is no sign of imminent release" of the hostages. Another senior official said: "We think nothing is going to happen immediately. But I think only three people know what really is happening—the president, [Secretary of State James A.] Baker and [national security adviser] Brent Scowcroft."

Gary Sick, who handled Iranian matters on President Jimmy Carter's National Security Council staff and now observes Iran from Columbia University, said yesterday: "I am as optimistic as I have ever been. I think this is it. I really do . . . . I see this [release of the hostages] as the next step. He [Rafsanjani] needs it and he is doing this not because he cares about the hostages but simply to reinforce his position domestically.

Sick interpreted Rafsanjani's decision to publicly predict a solution to the hostage crisis as a sign of his growing control of the government. But like several administration officials, Sick cautioned, "Things can always go wrong, especially in Lebanon."

In Lebanon yesterday, a group calling itself the Revolutionary Justice Organization said it had no intention of releasing two American hostages it has been holding. They are Joseph Cicippio of Pennsylvania and Edward Austin Tracy of Vermont, an author. There are six other American hostages among the 18 from the West.

The new optimism was triggered by a series of editorials in Iran's Tehran Times over the past 10 days calling for the first time for an "unconditional" release of foreign captives held by pro-Iranian groups in Lebanon.

In addition to the editorials, a senior Hezbollah official, Hussein Mussawi, has expressed hope for an early release of the hostages, according to the official Iranian news agency. In the past, Mussawi spoke out strongly against concessions to the West and unconditional release of the hostages. Hezbollah's spiritual guide, Sheik Mohammed Hussein Fadlallah, last week voiced optimism and called for an end to the hostage crisis in his Friday sermon.

Two Iranian government envoys went to Damascus and Beirut in an unannounced visit two days ago to consult with Syrian officials and Shiite clerics. Sources in Beirut said Mahmoud Hashemi, director of the Middle East department at the Iranian Foreign Ministry, and Mahmoud Akhtari, Iran's ambassador to Syria, traveled to Beirut from Syria.

Sources in Washington said Syrian Foreign Minister Farouk Charaa was planning to visit the Iranian capital in the next two days.

The mission from the World Bank is the second to Tahran in the past three months. The bank had cut off loans to Iran after the 1979 explosion in oil prices raised Iran's income beyond the ceiling for bank assistance. The move coincided with the seizure of U.S. hostages.

Iran, again eligible for assistance, requested it in September, prompting the visits by the World Bank teams. While the United States has no direct control over World Bank loans, its voting rights and pressure on allies could thwart an Iranian effort to obtain the credits. A White House official said the United States would oppose such funding, as it does all economic ties to Iran, until the hostages are released.

COLD FUSION PLUS 1 YEAR

Mr. GARN. Mr. President, the first anniversary of the announcement by University of Utah electrochemists B. Stanely Pons and Martin Fleischmann

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that they may have discovered a heretofore unknown form of usable nuclear fusion gives us pause to reflect on how America and the rest of the world have reacted to the startling claim of these two distinguished scientists.

In the United States, as in many other parts of the world, the scientific response has been mixed, with judgments still filtering in, almost on a daily basis. Reactions range from strong support to qualified support and from skepticism to scorn, even ridicule. Most noteworthy, however, may be the reaction of the various governments in countries where fusion research is active.

The U.S. Government has responded with caution, as if waiting for the emergence of incontrovertible evidence to prove Pons and Fleischmann right before joining the research. In many other countries, however, some of them who ranks as our strongest economic and technological competitors, the attitudes of many of the principle figures appear more responsive and open minded to the potential for a vast new source of energy.

Gov. Norm Bangerter and the Utah Legislature should be commended for moving prudently to provide the critically needed funding to keep fusion research moving forward in Utah. The State's approval of a $5 million special appropriation has led to the establishment and current operation of the university's new National Cold Fusion Institute. It was in the face of some of the most stinging national and international criticism of the Pons-Fleischmann work that Utah officials saw the potential and approved the funding.

Dr. Fritz Will's appointment as director provides the fusion institute with an internationally known scientific scholar. A senior scientist with General Electric for 30 years, Dr. Will is experienced in both corporate research administration and in laboratory research. He is an authority on the development of electrochemical techniques for the study of electrode surfaces, which is the essence of the new institute's mission. Dr. Will is eminently qualified to direct and build on the institute's core plan of expanding the scientific understanding of the basic mechanism of the Pons-Fleischmann discovery and exploring the entire range of potential practical applications for fusion as a new source of energy.

The research objectives which institute scientists and engineers have defined and which Dr. Will will oversee still lacks badly needed support from the Federal Government and from the Nation's corporate leaders. The institute's primary objective is simple, but potentially critical to the economic viability of the country: in the face of strong foreign competition, expand the search for a full understanding of the cold fusion phenomenon and its potential as a clean, new source of energy for the betterment of humankind, or put more simply: attempt to get there first.

The U.S. Government's reluctance thus far to participate in the research that could significantly expand fusion studies in Utah and in other American institutions is not the case away from our shores. Japan, India, the Soviet Union, Italy, and other countries operate active programs backed by their respective governments. Numerous foreign laboratories have achieved positive fusion findings, as have some in this country, either in the form of excess heat or excess nuclear byproducts or both.

Dr. Hideo Ikegami of Nagoya University's Institute for Fusion Science in Japan traces the different approaches to different attitudes. He says that while American researchers appear more interested in denying cold fusion, scientists in his country are eager to continue efforts to unravel the mystery.

The Wall Street Journal reports that some 200 scientists in 30 laboratories in Japan are apparently working on cold fusion. Laboratories in the Soviet Union and in Italy are among the other sites reported to have duplicated parts of the Pons-Fleischmann effect. At least seven universities in the United States have done the same.

A University of Utah metallurgist who recently visited his native India says researchers at three major government atomic research centers there report positive fusion findings. The metallurgist notes that India has placed a high priority on cold fusion research, and that many scientists there have supported the concept all along. In addition, the Indian Government is a cooperative partner in the research for answers.

More than 20 laboratories worldwide have confirmed parts of the famous experiment, including at least two laboratories operated by the U.S. Government: Oak Ridge and Los Alamos. An official report at Oak Ridge notes that some experiments there had produced excess heat, neutrons, and tritium. Dr. Edmund K. Storms reports from tritium-producing experiments at Los Alamos that "there is no way that you can make tritium except in a nuclear reaction." A National Science Foundation-Electric Power Research Institute scientific workshop last October concluded that various reports of excess heat, tritium production, and neutron emissions "cannot be explained as a result of artifacts, equipment error, or human errors."

The wait-and-see attitude of the U.S. Government and the cacophony from many segments of America's scientific establishment have not dissuaded Pons and Fleischmann from continuing their work. They are preparing a second, far more comprehensive paper on their findings. In addition to the laboratory they have operated for a number of years and in which they made their historic findings, these two eminent scientists are now participants in a number of experiments started at the institute.

Even the critical report issued by the Energy Research Advisory Board to Energy Secretary James Watkins admitted the controversy is unresolved. The report said, in part, that "with the many contradictory existing claims it is not possible at this time to state categorically that all claims for cold fusion have been convincingly either proved or disproved." That is what drives Japan, India, the Soviet Union, and probably other countries yet unheard from. That is what drives the University of Utah and its fusion institute to press forward in search of definitive answers.

SPECIAL SESSION ON NARCOTICS

Mr. HATCH. Mr. President, last week the United Nations General Assembly [UN] conducted a special session on narcotics. The illicit cultivation, production, trafficking, and consumption of narcotics are global problems affecting both developed and developing countries. This session was convened to address the growing problem and evidences how seriously the world views these crises.

The goals of the Special Session were twofold. First, the session adopted a Global Program of Action by identifying specific action-oriented activities to be carried out by the United Nations and its related agencies in concert with member states and regional organizations. Second, the session adopted a political declaration that enunciates nations' political commitment to accept a share of responsibility in combating the drug problem. If there are no objections, I would like to submit both of these documents to be part of the RECORD.

This action by the United Nations sends a signal to drug cartels and trafficking organizations—no matter where in the world they attempt to wage their campaigns of death, destruction, and misery, countries are prepared to arrest and prosecute them; destroy their illicit cultivation and production; and seize their assets and illegal profits. I believe these programs begin a new chapter in the global effort to address the drug scourge and a realistic assessment of each countries shared burden and responsibility.

President Bush gave notice of the United States' commitment during his recent meeting with the Presidents of Colombia, Peru, and Bolivia in Cartagena, Colombia. I went to the United Nations along with my colleague Senator JOHN KERRY to emphasize the priority the United States is placing on the war against drugs. We are dedicated to the long-term fight and are willing to accept our share of responsibility to reduce demand and to assist and cooperate in antidrug efforts with other countries.

DEDICATION OF NEW RABBI NAFTALI RIFF YESHIVA BUILDINGS ON CAMPUS OF INDIANA'S FIRST RABBINICAL COLLEGE AND HIGH SCHOOL

Mr. COATS. Mr. President, on March 18, the Rabbi Naftali Riff Yeshiva of South Bend will celebrate an important event—the dedication of a new building on the combined campus of Indiana's first rabbinical college and high school. This will be a historic day not just for the Yeshiva, but also for South Bend and the State of Indiana as well.

It is a tribute to the rapid growth of the Rabbi Naftali Riff Yeshiva, now only in its second year. The yeshiva opened on August 15, 1988—Rosh Chodesh Elul 5749 on the Hebrew calendar—as the first rabbinical college in Indiana. A year later, on August 30, 1989, the yeshiva opened its high school division, the first parochial Jewish high school in the State. In addtion to the establishment of a ninth grade last fall, plans call for adding a grade each year until a full 4-year program is offered, consisting of both religious and secular studies. The high school's first freshman class consisted of 19 students.

Today the Yeshiva has a total of 40 students from 3 countries, 13 States, and 15 cities. The yeshiva's ability to attract students from many different cities and backgrounds throughout the United States, Canada, and Europe adds to the unique flavor of its program. Already the yeshiva has established a fine reputation for its Torah education.

The mission of the Rabbi Naftali Riff Yeshiva is to further the traditions and values which have been at the core of Jewish life for over 3,000 years. In striking to achieve the excellence which has characterized Jewish education, the students are also prepared to assume the responsibilities we share as Americans. Having been taught the importance of personal achievement, family, and community involvement, their education at the yeshiva represents the finest ideals of American democracy combined with the best traditions of Judaism.

According to its newsletter, the Rabbi Naftali Riff Yeshiva takes full advantage of "the ideal atmosphere provided by the community of South Bend. Quiet and picturesque with tree-lined streets and a special small-town quality of life, South Bend is well secluded from the bustling distraction of the larger city, and is most conducive to intensive Torah study." But not only does the yeshiva benefit from its location in South Bend, South Bend and Indiana benefit greatly from their association with this center of Jewish learning.

The March 18 ceremony will include a banquet attended by faculty, students, parents, and friends of the yeshiva from all over the country. Also attending the event will be a number of Hoosier dignitaries, including Congressman JOHN HILER and South Bend Mayor Joseph Kernan. A number of rabbis, including Rabbi Yisrael Gettinger, president of the yeshiva, will dedicate the new building—the first of 5 buildings on the 12-acre campus. This building will temporarily house a study hall and administrative offices, and later it will be converted into dormitory facilities for the yeshiva's growing student body.

Mr. President, the Rabbi Naftali Riff Yeshiva, in its short history to date, has already made a major contribution to Indiana's educational and intellectual life and cultural heritage. I wish to congratulate Rabbi Yisrael Gettinger, and the member of the board, faculty and students of the yeshiva on this important occasion. I extend my sincerest wishes for continued success in the mission of the yeshiva, in providing a new center for traditional religious and secular education of the highest moral and intellectual standards, and in promoting greater understanding of Jewish-American tradition and rabbinical values.

Mr. President, I ask unanimous consent that the full text of the article from the Jewish Press, dated April 15, 1988, concerning the Rabbi Naftali Riff Yeshiva be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Jewish Press, Apr. 15, 1988]

FIRST RABBINICAL COLLEGE ESTABLISHED IN INDIANA

The Rabbi Naftali Riff Yeshiva of South Bend, Indiana, is the first Rabbinical College to be established in that state. Never before in the 170 year history of the State of Indiana has the establishment of such an institution been attempted.

The founder of the yeshiva is Rabbi Yisrael Gettinger, spiritual leader of the Hebrew Orthodox Congregation in South Bend since 1980. His brother, Rabbi Raphael Moshe Gettinger, is assuming the position of *Roxh Hayeshiva*/Dean of the yeshiva.

Although the college-level Rabbinical Studies Program formally begins in August 1988 (*Elul* 5748) with a group of Yeshiva High School graduates, already in operation is a *Kollel* division composed of ordained rabbis involved in advanced Talmudic research. The Rabbi Naftaili Riff Yeshiva will offer a campus complete with *Beis Medrash*, Library, Dining, Dormitory and Recreational facilities, and is expected to attract students from across the United States. The yeshiva will offer a High School program for boys beginning in the Fall of 1989 with the establishment of a 9th grade. Plans call for the addition of a grade each subsequent year until a full 4-year High School program is offered.

The new yeshiva is being named in memory of the late Rabbi Naftali Tzvi Yehuda Riff, *Z'l*, grandfather of Rabbi Yisrael and Raphael Moshe Gettinger. Rabbi Riff, a descendant of one of the world's most famous rabbinic families—the Bais HaRay of Volozhin—was internationally known and respected for the breadth and depth of his erudition and piety as well as for his philanthropy and acts of kindness. He was the spiritual leader of the Jewish community of Camden, New Jersey, for 47 years, and he held the esteemed position for 20 years of President of Ezras Torah, the worldwide Torah Relief Society, until his passing in 1976. Rabbi Riff, who was born in Russia in 1897 and studied at the famous Volozhin Yeshiva, bore with distinction his name, being named after his great grandfather, Rabbi Naftali Tzvi Yehuda Berlin (The "Netziv") who was the *Rosh Hcyeshiva* of the Volozhin Yeshiva for about 50 years in the 1800's.

The establishment of The Rabbi Naftali Riff Yeshiva in South Bend is the crowning accomplishment of a process that was begun in 1976 when the city was host to a Summer Educational Environmental Development (S.E.E.D.) Program organized through Torah Umesorah that brought a group of 10 rabbinical students to South Bend under the leadership of Rabbi Yisrael Gettinger. From that initial contact a relationship developed that led to Rabbi Gettinger's assuming the position of spiritual leader of the Hebrew Orthodox Congregation in 1980, the establishment of the Kollel Institute for Jewish Studies in South Bend in 1982, and now The Rabbi Naftali Riff Yeshiva.

Rabbi Riff's grandsons, at the helm of the new yeshiva that bears his name, have been well prepared for their position in the pattern of their forebearers. Rabbi Raphael Moshe Gettinger is a product of the Talmudical Yeshiva of Philadelphia and Beis Medrash Govoha of Lakewood, and has just returned to the United States after having been a director of the Kollel Volozhin in Jerusalem for the past three years. Rabbi Yisrael Gettinger also studied at the Talmudical Yeshiva of Philadelphia, as well as at the Yeshiva Be'er Yaakov in Israel and the Yeshiva Brisk in Jerusalem. Subsequently, he studied as a close disciple under the illustrious *gaon*, Rabbi Yitzchak Hutner, *Z"L*, the late head of Yeshiva Chaim Berlin and Kollel Gur Aryeh.

The Rabbi Naftali Riff Yeshiva has received warm support from some of the most outstanding rabbinic figures on the American Orthodox Jewish scene. On the yeshiva's Rabbinical Advisory Board are: Rabbi Yehoshua Eichenstein (Chicago), Rabbi Joseph Elias (Monsey), Rabbi Chaim Fasman (Los Angeles), Rabbi Emanuel Gettinger (New York), Rabbi Shmuel Kamenetsky (Philadelphia), Rabbi Leizer Levin (Detroit), Rabbi Yaakov Perlow (Brooklyn), Rabbi Bernard Rothman (Cherry Hill, N.J.), Rabbi Aron Schechter (Brooklyn), Rabbi Elya Svei (Philadelphia), Rabbi Nosson Wachtfogel (Lakewood, N.J.), Rabbi Berel Wein (Monsey), and Rabbi Yaakov Weinberg (Baltimore). It has been projected that The Rabbi Naftali Riff Yeshiva will become an important Torah educational center for the Midwest and a vital link in the growing network of advanced Torah institutions in America.

A National Board of Governors has been established that includes Jewish lay leaders from major cities of Jewish population throughout the United States. Included are: Garry Apfel (Los Angeles), James Atlas (Indianapolis), Martin Balsam (New York), Dr. Barret Broyde (Woodmere, N.Y.), Amos Bunim (Far Rockaway, N.Y.), Efraim Feuer (Brooklyn), Zecharia Fruchthandler (Brooklyn), Dr. Richard Goldfarb (New York), Dr. Jonathan Greer (Chicago), Michael Hasten (Indianapolis), Gerald Lerman (South Bend), Jack Rajchenbach (Chicago), Dr. Albert Schild (Philadelphia), Joel Schreiber (New York), Hershell Tkatch (Overland, KS), Dr. Julian Ungar (Boston), and Dr. Harry Weisman (Los Angeles).

TRIBUTE TO SGT. ANTONIO SOLIS, U.S. ARMY

Mr. DIXON. Mr. President, I rise today to salute a young Illinoisan who gave his life in service to our country.

Sgt. Antonio Solis, a native of Chicago, had been stationed in Panama since January 8. He was on an Army rescue mission on February 21 in the jungle area where his unit was attempting to locate the wreckage of an Army helicopter that was lost in a storm. His infantry contingent's helicopter crashed during the mission.

Antonio's family was quite proud of his service to our Nation. He came from a close family and he drew on his bilingual Spanish-English upbringing to assist American troops in dealing with the people of Panama.

This Nation should be proud to honor Antonio, and I ask that my colleagues join me in remembering Antonio and his family in our thoughts and prayers during this difficult time.

Mr. President, I ask unanimous consent that a recent Chicago Tribune story about Antonio be reprinted in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Chicago Tribune, Mar. 7, 1990]

Soldier Who Died in Panama Buried

(By Melita Marie Gorza)

Last month, Panamanian villagers and U.S. soliders cut a path through dense jungle 55 miles southwest of Colon on the Atlantic side of the isthmus to reach the wreckage of an Army helicopter.

There they found the remains of Sgt. Antonio Solis of Chicago, who had died with his infantry contingent two days earlier, on Feb. 21, while trying to rescue another Army helicopter lost in a storm.

On Tuesday, Solis was given a military burial at Queen of Heaven Cemetery in Hillside. The flag that draped his coffin was presented to his father, Enrique, a Pilsen machinist and a veteran of the Korean War.

Solis was 31 and had been in Panama only since Jan. 8. Uppermost in his mind were his plans to be married when his duty there was over in April. He died never having seen his 4-month-old daughter, Stephanie.

"Tony was 5-feet-5," said his friend, Sgt. Sidney Collins. "That was short, especially for the infantry. But he never quit, no matter how much advantage over him."

Enrique Solis, 60, was U.S. born, but raised in Monterrey, Mexico. His first job was as a migrant worker in Wisconsin. Like many men of humble beginnings, he wanted more for his children, especially Antonio.

He strained the family budget to send his son to St. Ignatius College Preparatory School and later to the University of Illinois at Chicago, hopeful that Antonio would achieve in the U.S. what he, with only a 6th-grade education in Mexican schools, could not.

But just seven credits short of his industrial design degree, Antonio Solis quit school to join the Army. His father could not conceal some disappointment.

"It was vanity," he said. "I wanted that degree for him. I wanted to say, 'There is my son with a bachelor of arts degree.' But today I looked at all his friends, doctors and lawyers and other professionals. Then I looked at his casket and saw that he was just as professional as they were.

"My son has always honored me throughout his life. He was doing what he wanted to do. It was his destiny to die under those conditions."

On the job, Antonio Solis drew upon his bicultural experience growing up in Pilsen, smoothing the way for the troops that worked with him in Panama, Collins said.

"He was instrumental in the capture of fugitives from the Panamanian Defense Forces," Collins said. "He went in and talked to the villagers and got us specific intelligence about where the fugitives were."

"Tony also got us in good with the villagers," he said. "We would start softball games with the children, and Tony would mediate. All we knew was combat Spanish, like how to order people to get out of the car."

At Ft. Ord, where the 3rd Battalion of the 17th Infantry was stationed in Monterey, Calif. "Tony would go off on weekend escapades and come back talking about some great merengue bar where he met elders in the Hispanic community," Collins said. "He always maintained a close relationship with his culture."

Antonio will not be forgotten. His sister Laura set out to attend his wake Monday night, but found herself heading for Cook County Hospital instead. She gave birth in the car to a 6½-pound girl. She named her Antonia.

SOCIAL SECURITY TAX CUT

Mr. SYMMS. Mr. President, I would like to enter into today's Record testimony presented to the Senate Finance Committee on February 27, 1990, on the issue of the Social Security surplus. The testimony I am including in today's Record was presented to the committee by two former Senate aides, Anne C. Canfield and Stuart J. Sweet.

Anne and Stu were the first two individuals in the country to bring to the public's attention the expected Social Security surplus in 1982, prior to the enactment of the 1983 Social Security amendments which, of course, only increased the size of the surplus.

They did a significant amount of analysis on this issue while working here and developed a proposal in 1983, which is described in their testimony. Since leaving the Senate, they have continued their work really as a matter of personal and academic interest.

The Sweet/Canfield proposal offers a very creative solution to the problems posed by the growing Social Security surplus, and I would recommend to my colleagues that they carefully review their proposal.

There being no objection, the testimony was ordered to be printed in the Record, as follows:

Testimony by Anne C. Canfield and Stuart J. Sweet

ENHANCING RETIREMENT SECURITY: A PROPOSAL

Mr. Chairman and Members of the Senate Finance Committee, it is a pleasure to be able to submit testimony to this Committee. As two former staff aides to Members of this Committee, it is indeed an honor.

We are particularly grateful to be able to share our views with you because the proper treatment of the Social Security surplus has been an issue of significant professional interest to both of us since 1981 while working in the Senate, and a matter of personal and academic interest to us since leaving the public sector.

We commend Senator Moynihan for generating the current public debate on this issue. It is a very positive development. We believed then and now that the result of the debate over the growing Social Security surplus is probably the single most important domestic policy issue facing this country. As the OASDI trust funds continue to grow exponentially, increasing pressure will be brought to bear by the public to strengthen the system. We believe, Mr. Chairman, that the Congress will face its own unique global warming problem. Right now it's only 80 degrees, but in a few short years, the temperatures in Death Valley will feel cool!

We would also like to commend Senators Heinz and Symms for their continued interest in this issue. Both Members also have pending proposals which we believe need to be seriously reviewed and discussed.

THE SWEET/CANFIELD PROPOSAL

The motivation behind the proposal we developed in 1983 is based on two fundamental beliefs: (1) Social Security should provide true retirement security for all Americans, and (2) Social Security should disproportionately benefit lower income workers. Unfortunately, the current system does not adequately honor either of these two promises.

In our view, those goals are so important that Congress should affirm these elemental principles:

A. OASDI revenues should be dedicated solely for the purpose of paying benefits.

B. Beneficiaries must have a contractual right to their benefits.

C. The current system of skewing benefits to lower income wage earners is correct and should be maintained.

D. All beneficiaries, no matter what their income brackets, should have the benefit of professional money management.

In order to affirm these goals, several steps are necessary. First, the Social Security Administration should become an independent agency. This institutional change is needed to insulate Social Security beneficiaries against harmful policy shifts adopted for unrelated budgetary reasons.

Combined with this proposal, Congress should establish that beneficiaries have contractual right to receive their benefits. A

Supreme Court decision rendered in 1960 established that the OASDI tax is a tax on labor contracts and is levied independently of any statutory provisions mandating OASDI benefits.

Thus, in the Flemining vs. Nestor decision (363 U.S. 603, 1960), the Supreme Court declared that Congress could legally eliminate all benefits overnight, and even choose to raise the FICA payroll tax at the same time. A recent example of the amount of latitude that Congress has in reducing benefits is the benefit reductions enacted in the 1983 Amendments. The combination of taxing benefits above specified income levels and delaying the cost-of-living adjustments for six months, represented a 27 percent cut in benefits for retirees in the then 50 percent tax bracket.

Hence, workers cannot be said to have valid property rights guaranteeing them "iron clad" retirement incomes from Social Security. This is why Congress can legally cut cost-of-living increases at any time. We need to develop a system that will give workers such property rights, enforceable in courts of law. We believe this can be done by requiring employers to send 2 percent of OASDI payroll tax receipts to portable pension plans managed by private sector investment managers.

Here is how our proposed public/private sector partnership system will work. Upon being hired, workers will select preferred mutual funds for themselves from a menu of investment vehicles that vary in aggressiveness provided to them by their employers. Thereafter, whenever their employers send 10.4 percent of their combined OASDI taxes to the Social Security Administration, another 2 percent will be sent to their chosen mutual funds. Every month, the mutual funds will mail to each worker statements listing the value of their accounts.

Upon changing employment, workers will transfer their investments to the preferred list of mutual funds on the menus provided to them by their new employers. Their investments in their previous accounts will simply be transferred to their new mutual funds. It is important to point out that the after-tax paychecks of workers remains the same. Instead of paying 12.4 percent to the OASDI trust funds, workers will pay 10.4 percent to OASDI and 2 percent to their mutual funds, if they elect to do so.

Alternatively, workers can choose to rely exclusively on Social Security benefits, as they do now. In this case, their 2 percent payroll tax contributions will be sent directly to the Social Security Administration along the 10.4 percent that remains mandatory.

Under our proposal, these portable pension plans will be professionally managed, just the way $1.7 trillion is now managed for millions of Americans through the existing private pension fund system. Further, these plans will be subject to the ERISA rules and Department of Labor and SEC oversight to ensure that such funds are prudently managed.

Thus, as today's workers retire, they will receive two types of benefits: A Tier I and Tier II benefit. The Tier I benefit will be an irreducible guaranteed minimum adjusted payment received from the Social Security Administration. The Tier II benefit will take the form of an annuity. Gradually, over time, the Tier II benefit will grow in significance relative to the Tier I benefit. As the system evolves, and the Tier II benefit grows in significance relative to the Tier I benefit, prudence demands that Tier II investments be made less aggressively.

Further, unlike the Tier I benefit, the Tier II benefit will be a private property right enforceable in a court of law because it will be received from regulated private companies, not the federal government.

To honor the third principle, that benefits be progressively distributed, the Tier I benefit formula would be adjusted. Here is how this can be done.

Presently, the SSA calculates initial benefits as follows. First, it collects the entire earnings history of an applicant who has filed for benefits. SAA then indexes the earnings of the applicant so that each year of his/her earnings history is measured in 1990 dollars. A specified number of the lowest months of earnings are dropped, and the remaining observations are averaged to generate what is known as an Average Indexed Monthly Earnings (AIME) amount for the applicant.

Under current law, 90 percent of the first $339, 32 percent of the next $1075, and 15 percent of any AIME amount over $2044 will be paid to the applicant as his/her basic retirement benefit. These dollar amounts defining each benefit bracket are increased annually by the percentage change in average wages that took place in the preceding year. The 90 percent, 32 percent and 15 percent benefit brackets are known as "bend points."

Under our proposal, the 15 percent "bend point" would grow more slowly than the growth in average wages. Alternatively, a fourth bracket of 5 percent could also be established when an individual's AIME exceeds $3200. In either case, average Tier I benefits will continue to rise in real terms. In fact, Tier I benefits will more than double for all but the highest paid workers over the next 75 years. For the highest paid workers, the benefits will still increase in real terms, but by a lesser amount.

Clearly, something must be done. The existing system is unfair to millions of Americans. As a result of the 1983 Amendments, today's workers are not only paying for current retirees benefits, but for the first time in the history of the Social Security system, they are being asked to save for their own retirement as well. In addition to paying for two generations' retirement benefits, they are also mandated to subsidize general government spending by accepting a very low, non-market rate of return on their retirement savings. In fact, they are being asked to not only pay twice, but possibly three times for their benefits!

This policy is particularly unfair to lower income earners whose retirement incomes, in large part, take the form of Social Security retirement benefits. Current policy forces them to accept a low rate of return on their principle retirement assets—promises of future Social Security benefits. Meanwhile, higher income individuals enjoy the benefit of professional money management and far higher rates of return in building their private retirement incomes—they are not as dependent on OASDI benefits.

The Sweet/Canfield plan will deliver significantly higher retirement income benefits to those who need it most—lower and moderate income wage earners. Even greater improvements will be possible if more than 2 percent of OASDI taxable payroll is used to fund Tier II benefits.

This will, however, require larger reductions in Tier I benefits as well. We anticipate the public will demand a further shift away from Tier I benefits into higher Tier II benefits once actual experience under the new system demonstrates its advantages.

[In 1990 constant dollars]

Monthly benefit (current law)	Tier I monthly benefit (proposal)	Tier II monthly benefit (proposal)	Real rate of return— 7 percent	Real rate of return— 5 percent	Real rate of return— 2 percent	Total tier I and tier II
Secretary, age 18, existing salary $15,000, retires in 2039	$1,143	$1,143	$1,127	$613	$273	$1,416 to $2,270.
College graduate, age 30, existing salary $35,000, retires in 2027	1,301	921	1,070	690	380	1,301 to 2,371.
Corporation executive, age 50, existing salary $50,000, retires in 2006	1,145	992	237	198	153	1,145 to 1,229.

As the above table illustrates, the rate of return earned on Tier II. contributions is very important in determining the size of the Tier II benefits that will ultimately be paid. We, therefore, believe that all Tier II benefits should be professionally managed with both yield and safety as equally important concerns. Current law mandates that the OASDI trustees invest the surplus in Treasury securities, which the Social Security actuaries predict will only yield a 2 percent real rate of return.

In our minds, this is the real "thievery." Now that it is clear what is happening, Congress should not condone this crime. The policy needs to be changed. This investment strategy robs all working Amercians, but is most damaging to lower income earners. They, above everyone else, must rely on Social Security to finance their retirements.

During their careers, more privileged workers put aside funds in private pension plans, 401(k) plans, SEPs, and KEOGHs, for example, all of which earn market rates of return that compound over decades. For lower income earners, however, it's just Social Security. For those most in need, we offer ludicrously low rates of return on their investments. Why don't we offer these workers the same opportunities as well paid workers? No pension manager would keep his job if all he did was invest in Treasury securities indefinitely. So why is Social Security compelled to do so?

In addition to improving benefits, our proposal has two other attractive features: It improves public satisfaction with the Social Security program, and increases the reward for working. In a January 1990 Harris poll, 74 percent of all Americans stated that "... benefits [were] not worth what you paid in." An even higher number 90 percent, between the ages of 30–39, believed this was true.

This damaging finding proves that workers believe Social Security contibutions are really taxes—not a form of deferred compensation. By raising future expected benefits, this perception would be erased and workers will feel that they have received, in effect, a tax cut. Thus, by increasing Social Security benefits in a sound fashion, we will achieve yet another benefit—an increased reward for working.

A January 1990 poll taken by the respected polling firm, Market Opinion Research, showed how popular this general approach will be: 68 percent favored it, 22 percent opposed it, and 10 percent had no opinion.

Congress faced a similar issue in the late 1970s. It repealed Regulation Q, forcing shareholders of banks and S&Ls to pay small savers fair rates of interest on their passbooks deposits. Just as it was unjust to compel small savers to accept a 5.5 percent interest when inflation was raging at twice that rate, so today it is also unfair to compel vulnerable, lower income workers to accept low rates of return on their most important retirement asset—Social Security. This is particularly unfair when higher income workers are able to achieve greater rates of return on the bulk of their retirement investments by having their savings professionally managed.

THE MOYNIHAN PROPOSAL

As mentioned above, we would like to commend Senator Moynihan for igniting the current debate and for recognizing that the Social Security surplus cannot be used twice—to reduce the deficit and to finance retirement security. All workers, but especially workers aged thirty and younger, owe Senator Moynihan a debt of gratitude for forcing a reexamination of this issue sooner rather than later, when they are closer to retirement.

If the current diversion of Social Security annual, surpluses to finance unrelated government spending continues, Senator Moynihan's concern that the Social Security system will become actuarily unsound is well justified.

To meet all OASDI claims between now and 2010 will probably require an OASDI payroll tax rate of 10.4 percent or less. Under current law, however, the rate will be 12.4 percent indefinitely. It is this difference that generates the "Social Security surplus."

The Moynihan proposal returns the Social Security system to a pay-as-you-go system by eliminating annual Social Security surpluses through a 2.2 percent payroll tax cut. Thus, after Senator Moynihan's tax cut, the revenues collected each year will closely approximately the amount needed each year to honor all OASDI obligations. This proposal has the virtue of returning surplus OASDI taxes to those who paid them since, under the current system, they are being diverted to reduce the unified budget deficit.

The problem with this approach, however, is that benefits, as expressed as a percentage of workers' paychecks, are expected to rise from 10 percent to 17 percent over the period as the baby boom generation retires and lower fertility rates together shrink the worker/retiree ratio from 3.3 to 1.8.

Adopting Senator Moynihan's tax rate reduction proposal will, without legislating later tax increases, drive the Social Security system into a long-term taxable payroll deficit of at least -2.9 percent, up from the present -0.7 percent proclaimed by the Social Security actuaries. And yet, when the Social Security deficit hit -1.82 percent of taxable payroll in 1982, all commentators agreed that urgent action was necessary to resolve the OASDI crisis.

Alternative II-B forecast

Calendar year:	*Percent*[1]
2000	10.27
2010	10.76
2020	13.70
2030	16.23
2040	16.58
2050	16.74
2060	17.19

[1] OASDI total cost rate expressed as a percent of taxable payroll.

Source: The 1989 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund. Table 26—Comparison of estimated income rates and cost rates by trust fund on alternative calendar years 1989-2065.

As the chart shown above illustrates, under the "pay-as-you-go" system, the OASDI tax would therefore also have to leap from 10 percent to 17 percent, in tandem. This practically guarantees an intergenerational donneybrook in the 21st century.

And, as the graph below indicates this conflict would take place at a time when Health Insurance (HI) payroll taxes are expected to significantly increase to finance the burgeoning of the Medicare system as well.

Alternative II-B forecast

Calendar year:	*Percent*[1]
1990	2.66
2000	3.54
2010	4.27
2020	5.26
2030	6.50
2040	7.06
2050	7.22
2060	7.40

[1] HI total cost rate expressed as a percent of taxable payroll.

Source: The 1989 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund. Table E2.

PRESIDENT BUSH'S PROPOSAL

The President implicitly acknowledges the problem recognized by Senator Moynihan, but tells us to wait until 1996 to begin to solve it. Like Senator Moynihan, the President agrees that the current trust funds cannot be used for dual purposes. He proposes to address this issue by phasing-in his proposed Social Security Integrity and Debt Reduction Fund.

Under this proposal, the accumulating OASDI surpluses would still help balance the budget in 1993, 1994 and 1995, but by diminishing amounts. From years 1996 to 2000, all OASDI surpluses will be used exclusively to lower the national debt. Under the President's plan, the national debt held by the public will peak at $2.4 trillion and fall to $1.7 trillion or less in 2000.

Left unsaid is what will happen in 2001 and beyond. If his policy is continued thereafter, the entire national debt will be retired in 2005. And for at least several decades, the nation would have a national surplus, instead of a national debt! This surplus is expected to soar to $11 trillion in 2035 if very conservatively invested—an amount equal to $1.7 trillion in 1990 constant dollars or 15 percent of the anticipated Gross National Product (GNP) in that year. We do not believe it would be healthy for the Federal Government to own, for its own account, private assets of this magnitude.

SENATOR SYMMS' PROPOSAL

The proposal made by Senator Symms is a break with conventional thinking, and offers an innovative solution to the current debate. Senator Symms' proposal and a similar proposal made by Congressman Porter embody the philosophy of attempting to get a better return on today's workers' retirement investments. Even more importantly, the philosophy behind their plans will, with some essential adjustments, ensure true retirement security for workers and retirees while simultaneously raising benefits.

Under the Symms proposal, 2 percent of taxable OASDI payroll would indeed be set aside to generate Tier II benefits in portable pension plans privately managed by professional money managers. The Symms plan would, however, allow individuals to withdraw funds for purposes other than retirement, including expenses for higher education, downpayments for first-time homebuyers, and medical expenses.

While the qualified withdrawal objectives are laudatory, we believe that these objectives violate our first principle which dictates that OASDI revenues should be dedicated solely for the purpose of paying benefits.

Additionally, Senator Symms' plan does not explain how the subsequent shortfall in OASDI resources will be replenished given the fact that curent law benefits in his plan are not adjusted. In effect, current law benefits will be honored, but no method is proposed to fully finance those benefits. (It should be noted that Senator Symms has publicly stated that he supports a proposal, made by former Social Security Commissioner Robert Ball in testimony before the Senate Finance Committee in 1982, to expand immigration levels as a means of paying for future benefits.)

CONGRESSMAN PORTER'S PROPOSAL

The Porter plan, like the Symms proposal, sets aside 2 percent of taxable OASDI payroll to generate Tier II benefits, but unlike the Symms proposal, it proportionately reduces current law Social Security benefits. In effect, the Porter plan reduces the growth rate of real Social Security benefits across the board and by equal percentages for all beneficiaries, and then uses the savings to fund Tier II portable pension plans.

His proposal reduces the progressiveness of the current system, and thereby violates one of our basic principles. To made whole, Tire I benefits should be skewed to maintain the current progressive structure.

THE SOCIAL SECURITY ACTURARIES' CHANGING FORECASTS

We do wish to bring to the Committee's attention, at this time, the largely unnoticed, but significant changes being made by the Social Security Adminstration's actuaries. In 1983 under the actuaries' most commonly cited forecast, the so-called Alternative II-B forecast, the OASDI trust funds were scheduled to have a surplus of over $20 trillion in 2046. The actuaries, however, are now projecting that the OASDI trust funds will be bankrupt in 2046! In the meantime, the economy grew smartly, which improves OASDI solvency. This puzzling changes gives new meaning to the phrase "close enough for government work."

Congress and the Administration are the actuaries' customers. If this happened elsewhere, they would be sued for malpractice. We would recommend that the Committee hold a hearing to determine how these incredible changes could happen.

At the same time, the SSA actuaries, using the Alternative II-B forecast, assume that the OASDI trust funds will yield a 2 percent real rate of return. This is unlikely. From 1935 to 1985, Treasury securities have barely kept pace with inflation, yielding 0.1

to 0.5 percent real rates of return. If the SSA actuaries' rate of return assumptions prove optimistic, then the retirement benefits of those thirty and younger are at risk.

Given the fact that Congress and the Administration formulate policy inpacting hundreds of millions of workers and retirees based on forecasts provided to them by the Social Security actuaries, it is imperative that a "truth in calculating" requirement be imposed.

SOCIAL SECURITY IN THE 1980S

In examining the fiscal pattern of the OASDI trust funds, it is apparent that there were essentially three phases to the trust funds' fiscal balances prior to the enactment of the 1983 Social Security Amendments. During Phase I, 1982–1990, the trust funds balances were projected to lose $100 billion. This situation was forecasted to reverse itself in Phase II, 1990-2017, when the trust funds were projected to accumulate a surplus totalling $2.7 trillion. In Phase III, beginning in 2017, the OASDI trust funds were projected to begin to lose money, tumbling into significant deficits in 2026 and beyond. These phases are reflected in the graph shown below:

[Graphs not reproducible in the Record.]

In ranking the magnitude of the problems to be solved by any reform package at this time, it is clear that the long-term deficit projected to occur in Phase III was the most serious. The second largest problem was the surplus that was projected to accumulate in Phase II. The most minor problem was the deficit being projected in Phase I—the 1980s, but this dominated debate. The Social Security Commission, viewed OASDI as an ongoing funding problem over the next 75 years. Although on average, OASDI was projected to take in 74 percent of what it was going to spend between 1983 and 2060, this masked the timing differences identified above. As Mark Twain once said: "A man with one foot in ice water and another on hot coals is, on average, comfortable." Thus, the Commission, on average, made up for the shortfall.

As indicated in the above illustrated graph, when the Social Security Commission recommended and the Congress legislated reforms to resolve the Phase I insolvency threat, the effects of those reforms carried over into Phases II and III, generating a multi-trillion dollar OASDI surplus in the 21st century.

In the process, the 1983 Amendments fundamentally changed the structure of the Social Security retirement and disability system from a "pay-as-you-go" system to one which attempted to vest itself by establishing a massive sinking fund. In effect, the Amendments mandated that today's workers not only pay for today's retirees' benefits, but that they also begin saving to accumulate funds to pay for their own retirement benefits.

Following the enactment of the 1983 Social Security Amendments, the Phase II surplus grew immensely. Congress had turned Social Security into a cash cow!

CONCLUSION: BACK TO THE PAST?

This is not the first time Congress has been faced with the issue of what to do with a large Social Security surplus. In 1939, faced with an accumulating reserve fund of $47 billion, Senator Vandenberg (R-Michigan) of the Senate Finance Committee stated that this accumulation of funds was "the most fantastic and the most indefensible objective imaginable. It is scarcely conceivable that rational men should propose such an unmanageable accumulation of funds in one plan in a democracy." Senator Vandenberg would undoubtedly be shocked at today's mounting trillions!

The proposal we have been advocating since 1983 suggests using the Social Security OASDI surplus, in conjunction with more aggressive investment policies, to transform Social Security into a national pension system that provides true retirement security. Such an evolution will remove the economic distortions caused by the Social Security payroll tax and, by creating a large real Social Security surplus, eliminate the necessity for future Social Security OASDI tax increases.

Interestingly, Congress debated this issue once before. In 1935, during debate to create a Social Security system, Senator Clark (D-Missouri) offered an amendment allowing employers who had their own compulsory annuity program for their employees the right, along with their employees, to opt out of the program.

The Clark amendment was defeated in the Senate Finance Committee on a tie vote, but was later passed by the "New Deal" Senate, with a Democratic majority of more than 2:1, by a vote of 51–36. We think the Senate was right on June 19, 1935, and a "motion to reconsider" would be in order!

Later, the Clark amendment held up final agreement on the Social Security legislation in the House-Senate Conference Committee for three months. Unfortunately, the Senate receded to the House on the Clark amendment, with the proviso that a special, joint legislative committee be formed to study the underlying issue and report to Congress the following year. The Clark amendment was never reconsidered, but we hope that Congress will do so now by forming a new Commission on Social Security to study methods of strengthening the public/private retirement system. It's time to go back to the past.

CONCLUSION OF MORNING BUSINESS

The **ACTING PRESIDENT** pro tempore. The Chair advises the period for morning business has expired.

EXTENSION OF MORNING BUSINESS

Mr. **GRAHAM**. Mr. President, I ask unanimous consent that the period for morning business be extended for an additional 5 minutes.

The **ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

The Chair recognizes the Senator from Florida [Mr. Graham].

Mr. **GRAHAM**. I thank the Chair.

(The remarks of Mr. Graham pertaining to the introduction of S. 2253 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions."

The **ACTING PRESIDENT** pro tempore. The Chair recognizes the Senator from South Dakota [Mr. Pressler].

MIDDLE EAST MILITARY BALANCE

Mr. **PRESSLER**. Mr. President, the prospects for a lasting peace in the Middle East are uncertain. Although from time to time diplomatic pronouncements suggest that a resolution of the outstanding differences between Israel and its Arab neighbors may be at hand, in each such instance over the past several years those optimistic speculations have not borne fruit. I share the disappointment of most Americans and Israelis that this has been the case.

At the present juncture of Middle East diplomacy, what most concerns me is the eroding military balance in that vital region of the world. The plain fact is this: Israel is gradually losing ground in its efforts to stay on a level military playing field with its neighbors. This is an unacceptable and dangerous situation. There are several reasons why this erosion has occurred.

First, although United States aid to Israel remains high, inflation has eroded the value of that aid by more than $400 million since 1986. In addition, 40 percent of that aid is spent by Israel to repay its debts to the United States. This amounts to $1.2 billion this year. The practical effect of these factors is that Israel has less to spend on defense out of the United States assistane it receives. Incidentally, $2.6 billion—87 percent—of current United States aid to Israel comes back to the United States in the form of debt repayments and military purchases. This creates at least 60,000 American jobs.

Second, Israel's Arab neighbors—many of whom are wealthy from oil export revenues, as Israel is not—continue to purchase foreign arms at a record rate. These purchases contribute greatly to the eroding Middle East military balance. Iran, Iraq, Libya, and Syria have acquired ballistic missile and chemical warhead capabilities. The Arab Nations now own 30 percent more fighter aircraft than NATO, and Arab air forces outnumber Israel's by a 4-to-1 ratio. In addition, the tanks of Arab armies are far more modern than those used against Israel in the past, and Arab tanks at 17,000 are equivalent in number to NATO's tanks—a 4.5-to-1 ratio over Israeli tanks. In the past 16 years, the Arab nations most directly involved in the Arab-Israeli conflict have bought more than $170 billion in foreign weapons.

Third, the Middle East military balance continues to be afflicted by terrorism. Last year alone, 13 terrorist attacks were committed by Fatah inside Israel's pre-1967 borders. PLO-affiliated organizations conducted or attempted 17 border attacks and infiltrations last year. In other words, the military threat to Israel is more than just a theoretical possibility.

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For these reasons, Mr. President, as well as the fact that democratic Israel is an essential strategic partner of the United States, it is my view that United States policy must avoid steps that might contribute to any further erosion of the Middle East military balance. Such steps could hurt not only Israel, but also United States fundamental interests in the Middle East region and elsewhere.

EXTENSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois.

Mr. SIMON. Mr. President, I ask unanimous consent that the period for morning business be extended for 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SIMON. I thank the Chair.

(The remarks of Mr. SIMON pertaining to the introduciton of S. 2252 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SIMON. Mr. President, if no one seeks the floor, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293, to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth/Armstrong amendment No. 1310 (to amendment No. 1293) to establish emission testing and research centers to monitor high-altitude conditions.

(4) Wirth/Armstrong amendment No. 1311 (to amendment No. 1293), to establish a research and technology assessment center to provide for the development and evaluation of heavy-duty vehicles.

(5) Wirth/Armstrong amendment No. 1312 (to amendment No. 1293), to establish a National Research Center for Environmental Lung Disease.

(6) Wirth/Armstrong amendment No. 1313, to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

Mr. BAUCUS. Mr. President, we are now back on the Clean Air Act. No amendments are pending. I am reminding Senators that if any Senator has an amendment that he or she wishes to offer, this would be a good time to offer the amendment. There are no amendments pending. I have quite a long list of potential amendments, both on the Republican and the Democratic side. I hope very much that Senators come to the floor and offer their amendments.

Technically, the Wirth-Armstrong amendment and also the Baucus amendment are pending, but for all intents and purposes the Senate floor is open for amendments because we will lay aside the amendments that are pending to make room for whatever amendments Senators may have if they come to the floor at this time.

Again, I urge Senators to come to the floor and offer their amendments. The majority leader has said he intends to stay very late tonight, he intends to stay in Friday and Friday night and Saturday, if necessary, to finish this bill. Every minute we spend working on the Clean Air Act during the daylight hours means fewer minutes we have to spend on the Clean Air Act in the nighttime hours. I very strongly urge Senators to come to the floor now to offer their amendments.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, all we can do is echo what the majority leader has said. Every minute that we waste here without considering amendments means we will just have to spend more time at the other end, going into late Friday, into Saturday and possibly Sunday. This bill is going to be finished before we go out for the recess.

So I hope Senators will bring their amendments to the floor to be considered.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERRY). Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I make a parliamentary inquiry. Are we now working on S. 1630?

The PRESIDING OFFICER. The Senator from Idaho is correct. There are pending amendments.

Mr. SYMMS. Mr. President, it is my understanding that in the midst of this bill, with respect to the CFC's—and I see the distinguished Senator from Rhode Island is now on the floor—there is a portion that if nations do not comply with our standard on CFC's, we ask that implementation. Is that correct, I might ask the Senator from Rhode Island?

Mr. CHAFEE. I did not receive the total question of the Senator from Idaho.

Mr. SYMMS. It is my understanding that in the section on the bill where the CFC's are addressed, because we have moved unilaterally on CFC's, the Senator from Rhode Island has a portion in the bill that will encourage compliance with fellow trading partners, that they make the same compliance that we do with CFC's or we do not trade with them. Is that correct?

Mr. CHAFEE. There are sanctions levied upon them. Let me get the exact language on that.

Mr. SYMMS. What section of the bill would that be in?

Mr. CHAFEE. It is title VII of the bill.

Mr. SYMMS. Maybe some one could give me the page.

Mr. CHAFEE. Why not have a quorum call until we can get the answer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, if I could carry on, in the bill on page 541, title V, global climate protection, the Montreal protocol and other discussions are discussed there. The point I was getting to is mentioned in the bill. I am looking for the part of the bill that actually points out that the United States is going to have an effort made to apply the same technology—the same standards are not met in the foreign countries as the United States—that we would not import products, give foreign aid and do business with those people so that we will in fact have multilateral or worldwide cooperation on the reduction of CFC's and the reduction of ozone depleters.

I think the Senator from Rhode Island amended in the committee to protect us so that we are not just doing this all alone, that it would be spread out to other countries. Is that not what the intention of the Senator from Rhode Island was?

Mr. CHAFEE. Yes. Let me briefly explain the background. As the Senator from Idaho pointed out, we under this legislation proceed unilaterally. In other words, not only are we going to observe the 50-percent reduction required by the Montreal Protocol, but also we are going to 100 percent elimination of production of the listed CFC's by the year 2000.

Naturally it arises, well, you do this in the United States, take these tough stands, the production will merely move overseas, then there will be imports not only of possibly the CFC's produced there, but also of the products that are made with the CFC's.

In order to prevent that, if the Senator will look in his green book, which is the report, perhaps the Senator has it, the Senator will notice starting on the bottom of page 397 it outlines what the legislation provides regarding imports of the substances or the products that are made with the CFC's.

First of all, it says effective 1 year after the date of enactment of this legislation the importation of substances in bulk or in products will be prohibited. Certification of equivalent programs, and then it goes on to say this will be prohibited unless EPA certifies that the country of origin is a party to and in compliance with the Montreal Protocol. That is up prior to 2000.

Effective 2000, July 1, such importation will be prohibited unless EPA certifies that the country of origin, that is the foreign country, is implementing a reduction and phaseout program as stringent as that set forth in the bill.

That is to prevent others from taking advantage of what we are doing in this country.

Mr. SYMMS. I appreciate the comments of the Senator from Rhode Island. The purpose of that is because we are unilaterally moving forward to save the ozone depletion from moving more rapidly here in the United States, ahead of the Montreal Protocol, and so we would have a standard here. I think it says to prevent persons subject to U.S. jurisdiction from transferring technology or investing facilities to produce substances and so forth.

I guess my question would be if that is good enough for CFC's, why, I say to my colleagues, should we not apply that same standard to the air toxics section of the bill so that we could see that we do not simply drive the chemical industry offshore to the Caribbean Basin or Mexico or Canada and have the same amount of air toxics put into the atmosphere but we just drive the pollution out of the United States.

Was there any reason why we did that?

Mr. CHAFEE. First of all, there is a difference in the problem that we are wrestling with. The reason we are banning the production of the CFC's is because it is a global problem. It does not just affect us. It affects everybody in the world. We see no reason that we should take tough measures here, unilaterally moving ahead alone as a nation, and let the other nations just go their way and take advantage of any ceased production that we have in this country. So that is the CFC situation.

The toxic emissions problems that affect our local population, we just do not believe that we want our citizens, whether they are in Boise, or whether in Providence, RI, poisoned by emissions from our plants. In the first place, this, as the Senator has pointed out, in the long negotiations that we have, is very difficult to monitor.

Indeed, the most contentious part of the whole toxic emissions program was the monitoring and deciding what is a risk and what is not a risk. For us to attempt to monitor plants abroad in foreign countries would be an impossible task.

Let me also say this, if I might. I know the Senator is concerned about the cost to our industry pursuant to the maximum available control technology and subsequent control measures that might be levied on our plants.

But first of all, I do not think these costs are going to be as much as the Senator fears. We have done this with the Clean Water Act. All our plants have that. They cannot discharge into our lakes and streams, and we believe that that has worked out not only satisfactorily, but has not imposed an undue burden—it is a burden, sure—but not an undue burden that has affected the competitiveness of our industries.

But I think there is a greater reward, if I might say, financially, from the control of toxic emissions than there is even from the Clean Water Act, which I am a proponent of.

The Clean Water Act permits us to have rivers, lakes and streams that are fishable and swimmable, and it is working. To some degree, those dirty rivers and lakes and streams affect the public health, but nowhere to the extent that the toxic air emissions do.

This is a health bill. We believe there will be a payout on the other side through improved health, and thus reduced medical expenses and hospitalization expenses.

Mr. SYMMS. I thank the Senator very much. I say that I appreciate the Senator's sincere concern and hard work in bringing this legislation to the floor, and his concern that it is a health problem.

At the same time, when this Senator offered an amendment—which I have withdrawn, but I have it here in my hand—which would allow the community to be involved in the closing of the plant, Senators on the floor said, "Oh, no; we cannot have that. That would not be workable."

Then I come to the other conclusion that maybe we should apply the same standard we did with CFC's, so that if we are not going to allow the local people who are affected, who, when EPA would go in—and I could count the votes, and I believe if I offered my amendment now—I still plan to offer it when we come back after the recess—to this bill, to allow the local people, local communities to have involvement, if the bill is still pending business at the same time, still on the floor, I would still like to have the people who will be affected, whose health we are talking about, who will be affected, that they have a vote, yes or no, whether to close the plant.

They may think that the chances of getting one more cancer in 700,000 years is a risk that they are willing to take on this mystical person, and that they may, on this bright line that is in this bill, think they would rather have a job and take the risk of the slight emissions of air toxics, if they use the best available technology.

I think we all agree that the best available technology is a good standard for American companies to operate by. I think we as Americans are proud of the fact that we do have the technology, we do have a very clean environment. But I do think we also have to say that when you go out and tell people that 100 million Americans are breathing unhealthy air, that most Americans think it is some other people that are breathing that unhealthy air, because many of our cities are out of attainment on certain days of the year, but for the big part of the year they are not out of attainment.

It is highly questionable as to how much real damage is being done to the health of the people, in view of the fact that people are living longer and they are healthier. It is not uncommon now to see people in their seventies running 25-mile marathons, and those kinds of things just have happened and would not happen in a population of people that were suffering terribly from ill health.

So I come to my next thought about this. I do not believe the Senate will accept my amendment now, although I do plan to have a vote on it before we dispose of this bill, to allow the local communities to vote on it. I think it makes good sense.

I hope Senators will reconsider that in the coming days and will give me support in that effort. The local communities would have support. But in the meantime, if we cannot pass that, when I think about John and Sara Doe somewhere, whose plant may be closed, whether in Beaumont, TX, or Pocatello, ID, or wherever, because of the air toxics portion of this bill, and a plant will open up across the border in Mexico, or in Canada, or in Costa Rica, or some other country, how can we then protect those working men and women, some 2.7 million people, that may lose their jobs as a result of this legislation, as we drive the chemical industry, the pharmaceutical industry and the steel industry out of the United States?

Pollution will take place in other countries and other people can suffer from it, where they have no rules and regulations, where they will not apply the best available technology, but they will operate those plants.

So what I have done is I have taken the language that we used on CFC's, and I have come up with an amendment which would say and use exactly the same language we used on CFC's, but apply it to the air toxics bill. It says:

> Effective 12 months after the date which the administrator promulgates emission standards, under subsection (d) of this section, it shall be unlawful for any person to import any products, goods, or commodities if the production, manufacture, or transportation of such products, goods, or commodities results in emissions subject to the regulation under this section, unless the administrator, in consultation with the Secretary of State, has published a decision after notice and opportunity for public comment, certifying that the nations in which such products, goods, or commodities were manufactured and imported have established and are fully implementing programs that require reduced production of hazardous air pollutants listed under subsection (b) on the schedule and in a manner that is at least as stringent as the reduction schedule for limitations on domestic hazardous air emissions under this title.

If we can put a section like this in this bill, what we would be doing is really striking a blow for good environment, because we would be saying that we are not only concerned about our people, but we are concerned about all people who are going to—we are not going to be a party to, just because we are wealthy, that we are going to export all the pollution offshore and then import all those products back into the United States that produce air toxics.

I think that this makes some considerable sense. I do not know how the leadership of the committee would accept that idea. I think I can guess they would say, "Well, this is a different question, and it is not the same as the CFC's."

But I do think that it would give Mr. and Mrs. Working American some protection, that if we are to be in this country of competitiveness, that we are not going to impose stringent requirements on the working men and women of America, and then turn right around and import the goods or foster U.S. investment to go into those countries to make those kinds of investments.

I might just ask the question of my colleague, if that kind of amendment might not make more sense, and if he thinks that would make more sense than my original amendment. I can assume that the original amendment I offered earlier this week, we have not gotten the support for yet, but if he would look favorably upon this?

Without losing my right to a floor, I will yield for an answer.

Mr. CHAFEE. My reaction would be that it would not be acceptable. When you are dealing with CFC's, you are dealing with a worldwide substance that is, on a global scale, affecting the health of everybody all over the world.

And it is a substance. These CFC's are recognized internationally, as evidenced by the Montreal protocol where a whole series of nations have signed. What you are trying to do is step from there and say that every law that we pass must be applied on a worldwide basis or else we will not import their products. For instance, you start with the toxic air emissions. What about child labor laws? Suppose the country that sells to us does not observe the same child labor laws we do. Suppose they do not observe the same limitation on a workweek that we have. Suppose they do not require time and a half for overtime beyond 40 hours. So this could go on and on.

In the first place, I think the proposal is impossible to enforce. I do not know who would do the enforcing.

Second, it would completely devastate the international trade system that has been set up under the General Agreement on Tariffs and Trade, the so-called GATT.

So the amendment, as suggested by the Senator, would not be acceptable to us.

Mr. SYMMS. I thank the Senator very much. I think he points out some very reasonable comments on the difficulties that we are all faced with in this legislation.

The air toxics section of the bill in the committee report, I would just say to my colleague, I am told—I am looking for the place in the report where it says this—but the Senator makes a very good point of the difficulties. The Senator makes a very good point of the difficulties of what we are faced with with this legislation. There are a lot of Americans, to answer the Senator's question, who would say——

Mr. BAUCUS. Mr. President, I wonder if the Senator would yield for the purpose of submitting a concurrent resolution which must be agreed to and sent over to the House in the next 10 minutes.

Mr. SYMMS. Without losing my right to the floor, I am certainly happy to yield to the distinguished Senator.

SENATE CONCURRENT RESOLUTION 103—PROVIDING FOR A CONDITION RECESS OR ADJOURNMENT OF THE SENATE

Mr. BAUCUS. Mr. President, on behalf of the majority leader, I send a concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The assistant legislative clerk read as follows:

S. CON. RES. 103

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, March 9, 1990, or Saturday, March 10, 1990, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9 a.m. on Tuesday, March 20, 1990, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

SEC. 2. The majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 103) was agreed to.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. CHAFEE. I would point out to my colleagues that this resolution——

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. SYMMS. Yes.

Did the Senator wish me to yield?

Mr. CHAFEE. I would like to make, if I could, a minute comment.

I point out to our colleagues, if they listened carefully, this resolution provides for adjournment either on Friday or Saturday. That indicates it is the leader's intention to press through on this legislation. That does not mean we are going to quit on Friday. We could well be here all day Saturday, which I do not think any of us want.

I hope that those with amendments will bring them to the floor so we can consider them. We hate to spend time

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here on Thursday morning without accomplishing things, moving ahead with these amendments, and thus cause us to go into not only late Friday night but into Saturday when so many have plans to be elsewhere.

Mr. SYMMS. I thank my colleague and I thank the acting majority leader from Montana for passing the resolution because I, like my colleagues, am looking forward to returning to the sanity of my State, and I am hoping to be there Friday night to see the semifinal rounds of the Big Sky Basketball Tournament held in Boise and hope to be there Saturday night. So it is not this Senator's intention to stay here.

But I would say to my colleagues that I believe, having been in the Senate now for 9 years and seeing how this operation works, that those of my colleagues that expect this bill to pass before this recess obviously have not been listening to what the Senators from Alaska, Kansas, and others have been saying here on the floor, and I do not believe that is doable. That is not dilatory.

I think the Senator from Colorado yesterday made it very, very clear that he is a proponent of clean air legislation but he is not prepared to move forward with this bill prior to the time he is able to seek counsel from the environmental administrators in the State of Colorado.

I believe we could better serve the country, and our colleagues, and the job we have to do by adjourning this afternoon and returning a week from Monday, and probably we could do this bill much faster because there are many issues that I believe people want to bring up.

I see the distinguished Senator from Washington State is on the floor. I have privately discussed with him an issue that it may or may not be GATT-legal, but we have discussed this issue, and that is, Should the United States continue to import products from people who do not comply with the same standards that we require of our own producers? This has been an issue in the agriculture community in the United States for many years that, if we are going to ban certain products on American food for American producers, then we should not import the same products from foreign sources. You could take many positions on it, but I believe that these issues ought to be discussed, and I think this is the dilemma that I think Senators find themselves in.

If this bill passes in its current form, I think that Senators need to be prepared down the road to be coming up with programs to either retrain people who lose their jobs or to have programs to pay those people who are disenfranchised from their jobs because of very stringent air toxics or other air quality standards that may or may not be reached.

So, Mr. President, I know that the Senator from West Virginia [Mr. Byrd] has been here on the floor, and he has an amendment that sounds very interesting. But I want to read what the committee report says on page 154:

> Airborne toxic fallout contaminates even isolated lakes that have no nearby industrial sources and no other route by which pollutants could reach them. The pollution is capable of travelling on the wind from sources hundreds, even thousands, of miles away. The case of Lake Siskwit, sifting on a wilderness island (Isle Royale) that lies in the far reaches of Lake Superior, is perhaps the best known. Toxaphene, a (now-banned) pesticide used no closer than the cotton-growing areas of the deep South, has been found in this lake along with concentrations of PCPs, hexachlorobenzene, and other persistent toxic organics.

So I think that the problem that we face is that if we close a plant in North Dakota and we open one in southern Canada, we may find that we have only moved the toxic emissions across the border, but the people still may suffer from those toxicities.

> Mercury has been found in snow samples in northern Minnesota at concentrations exceeding EPA water quality criteria. Last January, Michigan issued fish advisories warning of mercury contamination for all of its inland lakes * * *.

So on and so forth.

What I am saying is I think there is a reasonable argument could be made that if we are going to impose an air toxic standard on the working men and women and producers of the United States of America, then we should not import products, goods, or commodities from countries that produce the same products and import them back into the United States and pollute the atmosphere outside the United States but then we consume those goods inside the United States.

So Mr. President, I send an amendment to the desk that will address that problem and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the current amendment?

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I ask unanimous consent that the Wirth-Armstrong amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Hearing none, the amendment is temporarily set aside.

AMENDMENT NO. 1327 TO AMENDMENT NO. 1293

Mr. SYMMS. Mr. President, I ask the amendment be read.

Mr. BAUCUS. Mr. President, it is a 4-page amendment.

Mr. SYMMS. But I wanted to at least have the first paragraph read.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. Symms] proposes an amendment numbered 1327 to amendment numbered 1293.

At the appropriate place add the following:

"SEC. 112. (x) CERTIFICATION OF EQUIVALENT PROGRAMS.

(1) Imports.—Effective twelve months after the date on which the Administrator promulgates emissions standards under subsection (d) of this section, it shall be unlawful for any person to import any products, goods or commodities if the production, manufacture or transportation of such products, goods or commodities results in emissions subject to regulation under this section unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such products, goods or commodities were manufactured and imported have established and are fully implementing programs that require reduced production of hazardous air pollutants listed under subsection (b) on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic hazardous air emissions under this title.

(2) Certification of national program.—The Administrator shall not certify any national program under paragraph (1) unless it is determined that—

(A) the Nation has adopted legislation or regulations which give the emissions control schedule for each listed hazardous air pollutant the force of law; and

(B) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in this title, and that the information contained in such reports is available to the Administrator and the Secretary.

(3) Revocation.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of paragraphs (1) and (2) remain satisfied and that the reduction schedule for each hazardous air pollutant is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

(4) Investment and export.—(A) Within one year after enactment of this section, the President shall prohibit—

(i) the export of technologies used to produce goods, products or commodities that result in emissions of hazardous air pollutants in excess of standards promulgated under subsections (d), (f), and (g); and

(ii) direct or indirect investments by any person in facilities designed for or capable

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> of production or manufacture of goods, products or commodities that emit hazardous air pollutants not certified under this section.
>
> (B) Not later than January 1, 1992, and every two years thereafter, the President shall, after notice and opportunity for public comment determine whether there exists, for each class of goods, products or commodities produced or manufactured with a process that emits hazardous air pollutants, substitute products or manufacturing processes that do not rely on emissions of hazardous air pollutants; and promulgate regulations for each class of goods, products or commodities for which a positive determination has been made under this subparagraph. Such regulations shall prohibit direct or indirect investments by any person in facilities designed for or capable of emitting hazardous air pollutants in nations not certified under this section in quantities that will increase emissions of such hazardous air pollutants in any such nation, or manufacturing products that require the emission of a hazardous air pollutant in nations not certified under this section in quantities that will increase emissions of such hazardous air pollutants in any such nation.
>
> (5) FOREIGN AID.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing goods, products or commodities where the manufacture or production of such goods, products or commodities will result in the emission of hazardous air pollutants listed under subsection (b) in excess of emissions standards under subsections (d), (f), and (g).

Mr. SYMMS. Mr. President, I will be very brief in my explanation. We have heard for 9 years in the deliberations on the clean air bill that this is a major, worldwide, global problem. We have discovered, much to our chagrin at times as Americans, that we live in a global economy and that we must compete globally in order to have our share of the market.

What I am saying here is that unless we are going to grant the working men and women of the country an opportunity—which I hope we will do, but I am not of the belief that I have the votes at this point to pass an amendment which I would prefer to do over the one that I send to the desk now. I would much prefer, Mr. President, to allow Americans outside of the beltway in the local communities that are affected by the air toxics portion of this bill to have a vote up or down on whether the plant closes, and after they know what the risks are under the bright line philosophy that is imposed in this legislation. I would prefer that.

But I am convinced, after our discussion on Monday of this week, that I do not have the votes at this point to pass that amendment. So as a fallback position, what we are simply saying here is that if in fact global pollution from air pollution is a problem—I think all one has to do is visit foreign countries and you will find out that we have the cleanest air in the world in the United States of America particularly of industrial countries I am speaking of where there are industries—then we should protect our working people by having a program which would in effect actually say that we will not be exporting this pollution to foreign countries.

Section 3 reads as follows:

> REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of paragaphs (1) and (2) remain satisfied and that the reduction schedule for each hazardous air pollutant is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

Section 4 read as follows:

> (i) the export of technologies used to produce goods, products or commodities that result in emissions of hazardous air pollutants in excess of standards promulgated under subsections (d), (f), and (g); and
>
> (ii) direct or indirect investments by any person in facilities * * *.

In other words, what we are trying to do here is say what is good for the goose is good for the gander.

I believe my first amendment would be better, but I think as a fallback position that the American people at least should not be asked by this Congress to pay the entire price and burden, and then have these air pollutants take place offshore, outside the borders, across the border, in many cases along the Mexican border. Facilities will move from Texas or Arizona or California right into Mexico, and if the wind blows back in this direction our citizens will still have the air toxics to contend with but we will have literally no control over those toxics.

Section 5 reads as follows:

> FOREIGN AID.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing goods, products or commodities where the manufacture or production of such goods, products or commodities will result in the emission of hazardous air pollutants listed under subsection (b) in excess of emissions standards under subsections (d), (f), and (g).

This follows exactly the same format as this committee voted for with respect to CFC's. It is exactly the same language. I have only applied this language to another section of the bill.

Air toxics, according to the committee report, is an international problem that potentially transfers thousands of miles. I cite to my colleagues:

> Airborne toxic fallout contaminates even isolated lakes that have no nearby industrial sources and no other route by which pollutants could reach them. The pollution is capable of travelling on the wind from sources hundreds, even thousands, of miles away.

So it is clearly an international problem. I believe, Mr. President, it comes back to a more basic issue than that.

I think we all want clean air. We all want all the wonderful things for our constituents. But it seems somewhat hypocritical to this Senator to argue that we must impose standards on U.S. citizens and then allow foreign citizens to have lesser standards and then compete against us in the international global economy and our people go wanting for jobs and they are asked then to purchase these products that are produced in other countries.

So, that is basically the reason for the amendment.

Mr. President, are the yeas and nays ordered on the amendment?

The **PRESIDING OFFICER** (Mr. ROBB). They have not been ordered.

Mr. SYMMS. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER.** Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER.** The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I appreciate the effort of the Senator from Idaho to try to achieve some balance among countries on environmental law. There is one critical point here which I think all Senators should recognize. We are not the United Nations. This is the Congress of the United States of America. It is not the United Nations. We are not in the business of setting, in effect, uniform environmental law for all environmental matters.

There are some environmental matters, though, that are more global in nature than others. The destruction of the stratospheric ozone layer by chlorofluorocarbons is a global matter. Chlorofluorocarbons in one country affect the stratospheric ozone layer for everyone in the world.

Whether it is in antifreeze and refrigerants and coolants in America, Canada, Soviet Union, Brazil—whatever the country, when those CFC's, gradually rise over a period of time—it takes a few years to get up to 70,000 feet of the stratospheric ozone layer—they affect everyone in the world. Because when those CFC's rise up, particularly the chlorine molecules, and destroy the stratospheric ozone level, that means much more ultraviolet comes down to the Earth and increases the incidence of cancer, skin cancer, retinal cancer, and many scientists think it also adversely affects the immunological system of human beings.

That is a global matter. The CFC provisions in this bill do have the kinds of limitations the Senator from Idaho represents, because that is a global question. That is, CFC's affect everyone in the world. The amendment of the Senator from Idaho is on an entirely different subject. It is on air toxics. What are air toxics? Air toxics are those toxic emissions, some cancerous, some noncancerous, that come from chemical plants, that come from petrochemical plants, from refineries, other major plants in this country. That is not a national problem.

The people who are hurt and injured or potentially injured by air toxics are those people who live next to the plants. So, if there is a plant in this country emitting air toxics the people in danger are those who live nearby. Not the people who live in Bangladesh, not the people who live in the Soviet Union, not the people who live in Canada, Mexico, China, or Japan. It is the Americans.

It is, therefore, highly inappropriate for this country to try to pass environmental legislation that affects the world. In effect we are saying, if this amendment passes, that the standards in America have to be the standards in Bangladesh, in the Soviet Union, in Canada, in Mexico, and other countries of the world, when it comes to air toxics. I do not think we are in the business of doing that.

We are not the united environmental nations, here. We are the U.S. Congress, attempting to pass clean air legislation that affects American citizens. That is what we are in the business of doing. That is what we are trying to do here today.

The effect of the amendment of the Senator from Idaho would essentially be twofold. No. 1, it would impose a tremendous cost burden on the EPA, tremendous. I wonder if the Senator from Idaho has costed out how much it will cost the EPA, or the administration, to undertake all these studies and investigations to see whether every country in the world that happens to export a product to the United States is, in fact, passing environmental laws and environmental regulations that are as stringent if not more stringent than those contained in this act? I wonder what the estimates are in this. I would guess the cost estimates are going to blow this bill right out of the water.

No. 2, as I said, Mr. President, I do not think we should be in the business of effectively setting worldwide air toxic standards for every country in the world, or for any country that may be exporting products to the United States, whether it is oil, whether it is gasoline, or whether it is a plastic or any product made by a chemical plant.

For that reason, very simply, Mr. President, I think it highly inappropriate that this amendment be adopted because the Senator from Idaho is addressing a question which is not a global environmental matter. It is a very basic air toxics matter, and this Congress cannot be in the business of setting environmental standards, in effect, for those countries around the world.

And I say "in effect" because that is what my colleague is doing, because most countries try to manufacture products to export and sell worldwide. And guess where they try to sell most of their products? It is the United States of America.

And why do most countries that export products try to sell to the United States of America? It is because we are the largest, most lucrative market in the world. Americans have dollars to spend to buy products.

Therefore, in effect, this amendment would be attempting to set the same air toxics standards worldwide. I again say, Mr. President, this Congress is not the United Nations. This Congress is the Congress of the United States of America. It is our business to try to enact clean air legislation for Americans; not for the world.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. Mr. President, what I am saying is we should be just as concerned about the air toxics produced in Alberta as we are in those produced in Alabama. The argument I hear from the distinguished floor manager is that he is not.

When we talk about what this bill is going to cost, I have this study here before me that points out that this bill would cost as much as 2.3 million jobs in the United States. How much will that cost? Has the committee costed that out? I do not think so.

I think we are addressing the problem. If we fundamentally believe we have a global pollution problem, which is the whole thrust of what I have been hearing in this bill—it is right in the report—then this amendment is perfectly in order. Maybe this is not the right amendment. Maybe the amendment of the Senator from Washington is a better way to go. I would support it also. But, Mr. President, I think I have made my case and the Senate can act on this any way that it wishes.

I believe there is a good case here to protect the working men and women of America. We are going to ask them to comply with rules and regulations and drive the businesses offshore and not allow them to work and then bring in the same products from offshore which do not comply with our rules. That is essentially what its all about.

I think the Senator from Washington may have a more workable solution. I do not know. But I hope the Senate has a chance to address his issue also before the week is over or before the bill is concluded.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, this amendment by the Senator from Idaho clearly violates the agreement that was enacted between those who were managing the bill and the administration. This is the first point. This is the first clear break with that agreement that we have had on the floor.

Second, the Senator, it seems to me, fails to recognize that the purpose of this legislation, that is the underlying bill we are dealing with, is to protect the health of American workers. That is what it is. What he is saying is that he wants no product imported into the United States that does not meet these similar requirements.

We have that in no other law. We do not have it in OSHA, for example. OSHA requires the inspection and safety protection for American workers in plants in the United States. We do not say that no country in the world can ship to us unless they have enacted similar safety standards in their plants.

As I mentioned previously, we do not require every country that ships to the United States to have child labor laws exactly the same as ours or better; that they have labor protection of every measure, including the hours worked, the limitation in the work week and the payment for overtime. That is the first point.

The second point, as has been previously made: This would be impossible to enforce. There is no way in the world we can have enough inspectors all over the world to determine every plant that is emitting any kind of toxic, and we have to have it conform to the amount of toxics. In other words, we deal with 50- and 100-ton emissions in this country. There is no way in the world we can have enough inspectors to monitor all the countries in the world that ship to the United States.

Finally, Mr. President, this would wreck any international trading system that we currently have. To impose on other nations requirements that we have that we have passed in order to protect our health and the health of our workers run contrary to all laws that are subject to the General Agreement on Trade and Tariffs.

Mr. President, it is an unfortunate amendment. I hope our colleagues will not support it.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON].

Mr. GORTON. Mr. President, while I agree with many of the points made by the distinguished Senators from Montana and Rhode Island, I nevertheless wish to commend the Senator from Idaho for bringing up a subject which is one, I believe, disturbing to a large number of Members of this body

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and, beyond that, to a wide range of people across the United States.

The Clean Air Act is, of course, designed to improve the health and living standards of the people of this country by improving our environment. I do not have the slightest question but that that would be the impact of this bill when it becomes law.

But a number of the environmental conditions at which this bill is aimed are literally worldwide. The threat of global warming is not a threat which is limited by the borders of the United States or to the continent of North America by any stretch of the imagination, any more than is the threat to the ozone layer a threat which impacts the United States and can only be affected by the policies of the United States.

As a consequence, if there is any way in which we can provide a strong incentive to other nations to clean up their air, whether they do it in a manner identical to or even as stringent as we do, we should certainly be encouraging steps in that direction because the health of the people of the United States is impacted by their decisons, just as it is impacted by our own.

By the same token, we are certainly not going to improve the health of the people of the United States by increasing our rate of unemployment. To the extent we impose major costs on industries in this country, and we do under this act for good social purposes, we do clearly make them less competitive with companies manufacturing the same products elsewhere and exporting them to the United States.

So I believe that the Senator from Idaho has raised a point which requires serious discussion and serious consideration. As he points out in one field, the ozone layer, we are imposing requirements on our rules relating to the imports and exports.

On the other hand, I do not think that the Senator from Idaho is approaching his challenge in a sensitive or appropriate manner, or a manner which is likely to meet with the acceptance of any significant number of Members in this Chamber.

Last night, the distinguished Senator from Illinois [Mr. DIXON] and I and others submitted an amendment, which I suspect is printed in the RECORD this morning, which takes a rather different approach to this subject. It calls for the imposition of import fees on manufacturing products exported by other countries to the United States which will, roughly speaking, at least match the costs imposed by the Clean Air Act on industries in this country. It does this in very general terms, Mr. President, because I recognize the validity of the statements of both the managers of the bill that there are certainly administered complexities in any such equalization.

Fortunately or unfortunately, under the Constitution of the United States, the Senate cannot originate revenue bills, and any such bill, even though its primary goal are environmental, is indeed a revenue bill.

So the amendment which we will offer later calls for the House of Representatives, which has that constitutional jurisdication and a great deal of expertise, to devise such a system. It also calls on the U.S. Trade Representatives to negotiate toward the validity of such a system with the General Agreement on Tariffs and Trade in the Uruguay round which is being conducted at this point.

I think as a result, because it does not simply ban imports or bans exports or place unlimited burdens on EPA because it would be enforced elsewhere in other departments, that it is a vastly superior response and a much more sensitive response to a very real problem than is the amendment proposed by the Senator from Idaho.

I intend to vote against the amendment of the Senator from Idaho for exactly those reasons, but I do commend the body serious consideration of whether or not we cannot both improve the environment of the world and, thus, health standards in the United States as we engage in a war against global warming and, at the same time, not simply penalize employees and employers and manufacturers of American goods by providing another major anticompetitive impact upon the way in which they do business.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to amendment No. 1327.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I ask unanimous consent to temporarily set aside the amendment currently pending in order that I might offer another amendment on a different but related subject for consideration at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1328 TO AMENDMENT NO. 1293

Mr. GORE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes amendment numbered 1328.

At the appropriate place, insert the following:

On line 12, page 15 of amendment No. 1293, insert "carbon dioxide" after "particulate matter."

On line 3, page 17 of amendment No. 1293, add after "(xiv)," "(xv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality."

Mr. GORE. Mr. President, I greatly welcome this opportunity to discuss legislation that addresses a critical problem in our Nation: The quality of our Nation's air. We are faced with a serious problem. Despite 20 years of trying, almost all of the major cities in our country have failed to come into compliance with air quality standards deemed necessary to avoid adverse impacts to human health.

Among the major pollutants addressed by the Clean Air Act, the two proven more difficult to control—carbon monoxide and ozone—are largely due to our automobiles. Over 100 urban areas in America are not meeting air quality standards for one or both of these pollutants.

My colleagues have devoted considerable time, insight, and talent toward developing a strategy for lowering tailpile and evaporative emissions from new cars, as well as a strategy for inspection and maintenance program which will ensure that vehicles on the road maintain low emissions. I commend them for their leadership and for their effort.

But, Mr. President, I want now to address another vital component of the effort to lower emissions from cars and trucks. For clean air, for the global environment, and for a long list of other reasons we need to work to reduce the number of miles we drive as a nation and the emissions of carbon dioxide from all sources. We need to find alternatives to the collective impact of taking 4,000 pounds of metal with us everywhere we go. We need to put the quality of the environment up front as a consideration in transportation and urban planning.

The number of vehicle miles traveled in the United States grew at a rate of almost 3 percent each year in the first part of the 1980's, from 1980 to 1986, and it is estimated that that growth will continue at a rate of 2.5 percent each year through the end of this century. That means, even if we were to pass legislation today requiring a 40-percent increase in the energy efficiency of our automobiles, by the end of the century the amount of pollution emitted a decade from now will still exceed current levels.

So in looking at what we are doing, we cannot concentrate only on limiting the emissions from the tailpipe for each mile driven, because the total number of miles driven, the cumulative impact of our transportation system, and the structures of our society will lead to dramatically higher levels of emissions put into the atmosphere even with a reduction of the emissions from each tailpipe.

Further into the future, the picture gets even worse. The Federal Highway Administration projects that in urban areas the total number of miles traveled by vehicles will increase by 50 percent to 80 percent by the year 2010. That is just 20 years from now. We may have a 50- to 80-percent increase. That is the current projection.

It is a foreboding projection because, if it proves true, we are faced with the grim picture of increasing dependence on foreign sources of oil, increasing gridlock in our cities, increasing levels of pollution, and increasing emissions of greenhouse gases. The challenge we face is to break out of this grim picture by finding innovative ways to provide Americans with the mobility they need without the current impact on the environment.

So I am proposing an amendment to the section of the bill dealing with transportation guidance, aimed at addressing this growth in vehicle miles traveled and the emissions of CO_2.

The transportation planning guidance section of the legislation before us requires local, State, and Federal agencies involved in transportation planning to give serious consideration to the impacts of proposed transportation projects on local air quality. This amendment extends the list of pollutants that have to be considered to include carbon dioxide emissions.

Why is this important? The answer lies in the complex relationships between mileage, vehicle speed, and emissions. Transportation measures to cut some urban air pollutants, such as roadway expansion, can cut emissions of pollutants like carbon monoxide and hydrocarbons by reducing congestion. These pollutants are highest when traffic is congested, with lots of stop-and-go driving. However, in the long run such steps may encourage more driving, resulting in more fuel use and, hence, more carbon dioxide emissions.

Think of it this way, Mr. President. If we were concerned years ago about the emission of pollutants at ground level and we enabled the emitters of those pollutants to build tall stacks which spread the pollutants beyond the immediate area, that solved one problem but made another problem worse. If we concentrate on a part of this issue at the expense of carbon dioxide, then we are kidding ourselves because the No. 1 pollution problem we face on Earth today is that involving greenhouse gases.

Later this year I hope we will have a major piece of legislation dealing with the core of this problem, but to me it is unimaginable that this body would take up a Clean Air Act and revisit this question as extensively as we are doing without grappling at least in some way with the problem of CO_2 emissions. Measures are available that have the overall impact of reducing driving, not just speeding it along. This amendment would require consideration of these steps, reports on these steps, and they would help with carbon dioxide and fuel consumption as well as local air pollution.

In order to lower carbon monoxide and ozone, the legislation before us also requires State and local agencies in the most polluted areas to implement transportation control measures with the intent of either reducing driving or reducing traffic congestion.

The second part of my amendment would add one more item to the set of measures they have to consider as a means to reduce vehicle-related pollution. That added item would require local, State, and Federal agencies to include programs and ordinances to facilitate nonautomobile travel, to make mass transit easier to use, and to generally reduce the need for single-occupant vehicle travel.

The rationale behind the second part of the amendment is that decisions about urban structure have major long-term impacts on the amount of driving we have to do. The Office of Technology Assessment found that growth management measures, such as encouraging residential development in areas close to people's jobs, offered greater reduction in vehicle mileage than any other measure they considered.

Mr. President, before I close, I want to present two graphs which are intended to illustrate the context within which this issue must be seen.

Carbon dioxide emissions into the global atmosphere are having a profound effect on the climate system. The first graph comes from Antarctica. The first graph is intended to help explain the second graph. The first graph measures carbon dioxide in the atmosphere going back 160,000 years. Why that date? Because that is as far back as we can measure. In Antarctica, the scientists—this happened to be done by a team of Soviet scientists and French scientists working in collaboration—dug down through 12,000 feet of ice to the land in Antarctica. Just as a forester can read tree rings and tell which years had droughts, these scientists can read the tiny air bubbles in each annual layer of ice going back 160,000 years.

Here is what that graph shows. This is the last ice age, the peak of which was 40,000 years ago, and carbon dioxide was down below 200 parts per million.

This was the next-to-the-last ice age 160,000 years ago, and again CO_2 was down to around 200 parts per million.

During the period of greatest warming between the two ice ages, CO_2 in the atmosphere went up to 300 parts per million. So over 160,000 years CO_2 in the atmosphere has fluctuated between 200 parts per million and 300 parts per million. OK, that is the first graph, and its purpose is to set up the second graph.

The second graph has a line on the top that is exactly the same as the line on the first graph. The last ice age is here, 40,000 years ago, when CO_2 was at 200 parts per million. The next to the last ice age was 160,000 years ago when again CO_2 was at 200 parts per million. It has fluctuated between 200 and 300 for all that time.

The bottom line on this graph is temperature, worldwide temperature which, as you can see from the graph, goes up and down in lockstep with CO_2.

Mr. President, this is not a computer model. This is the record of what has actually occurred on this Earth for as far back as we can measure.

CO_2 and temperature have gone up and down in tandem. The difference between the temperature here and the temperature here, 20,000 years ago, in New York City, that is the difference between a nice day and having a mile of ice over your head.

This range is the same as the difference between the fluctuation and CO_2.

Now, here is the point I wish to make with this final graph. Within 40 years—and some argue that it may be 50 years, some say it may be 55 or 60 years, others say it may be 30 years, indeed the most recent estimates are bringing the time when this will occur down. But in any event, within the lifetimes of people in this Chamber, the CO_2 concentrations in the atmosphere will double.

Why is it the climatologists debate the effects of a doubling of CO_2 in the atmosphere? The reason is pretty mundane. It is a convenient number. If you multiply all of the rest of your calculations by 2, it is easy to compare what you are doing with what other teams of scientists are doing.

So everybody argues, what will be the effect of a doubling of CO_2 in the atmosphere? Nobody disputes the fact that that doubling will occur within the lifetimes of people in this Chamber.

Here is what the graph looks like, Mr. President. Within 40 to 50 years, that CO_2 line will go up—the point I am trying to make in this unusual fashion is at the top of that line is where we will be within 40 to 50 years. For the last 160,000 years, CO_2 and temperature have moved up and down in lockstep within this range, 200 to 300.

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What happens when we push this number through the ceiling to 600 parts per million? Will this temperature line then go on a right angle? Will there be no impact? Is it as some of the skeptics say probably fine to push this number up to 600 parts per million?

I think it is madness, Mr. President. I think we are engaged around the world in an act of what some call denial. We are not allowing ourselves to look at how serious the problem is. It is irresponsible for us to allow this to occur, and it is occurring right now.

The underlying issue is that our civilization as it is currently constructed is on a collision course with the ecological system of this planet. The air in this Chamber we are breathing into our lungs has six times as many chlorine atoms per lung flow as it did 40 years ago, or 3 billion years ago, because of one family of chemicals invented in this century. I will have amendments later on this afternoon on those chemicals.

But what that issue and this issue have in common is that our civilization has changed. All of a sudden we have not only a population explosion, not only a dramatic effort to lift standards of living everywhere in the world of which we are all a part, but also new technologies, new chemicals, new processes which taken together vastly magnify the impact of each of the additional billions of people on Earth have on the environment.

CO_2 is the single worst manifestation of this collision. Can we really stop this from happening? One of the scientists who has done the most to alert people worldwide to the dimensions of this problem said the other day, "Al, when you look at what has to be done, you have to conclude it is unlikely that we will make the changes that are needed."

I said, "Wait a minute. What if I had asked you a year ago how likely it is that within the next 90 days, every single nation in Eastern Europe will throw off communism, pull down the statues of Lenin, embrace democracy, quoting passionately from Thomas Jefferson, and set out on the road to market economics? Would you have said that was unlikely 1 year ago?"

He said, "Yes, I guess I would have."

What changed was their pattern of thinking in Eastern Europe. What must change now is our pattern of thinking about the global environment. The young people in the Communist world took a look at their system and they said, "This is nuts. We do not want to live with this the rest of our lives. Let's change it."

In their minds, the Berlin Wall came down before the first chisel hit the first stone. Young people all over this Earth are looking at this question in increasing numbers. They are looking at the impact our civilization is having on the global environment with chlorofluorocarbons, the *Exxon Valdez*, 9,000 dead seals washing up on the beaches of the North Sea, the garbage barge taking an 18-month tour of the Caribbean, the hole in the ozone layer, dead porpoises on the beaches of Galveston.

They are putting that picture together and they are saying "This is nuts. We have to make some changes."

Indeed, the change is necessary. We are currently outside the boundaries of what is now accessible to our political system and our way of thinking politically. The steps which must be taken are not now imaginable. But as our thinking changes, we must expand the boundaries of what is imaginable. And we must start with CO_2.

The other aspects of the problem fit in with it, but as we have before us a Clean Air Act which focuses in one of its major portions on cars and trucks, let us pause to consider that this country puts more CO_2 into the atmosphere from cars and trucks alone than any other nation does from all sources combined.

So while we concentrate on the pollution of the moment, and the aspects of the problems which have captured our attention during this bill, and they should and we must deal with them, let us not do so at the expense of CO_2 emissions being accelerated. And let us begin in a small way to prepare the ground in this bill for a measure we hope will come later this year that will allow us to begin taking the steps necessary to deal with this problem of CO_2.

It is not likely that it will have no effect if we allow this to continue.

Mr. President, I appreciate the courtesy of the Senator from Idaho in allowing me to temporarily set aside his amendment, and the advice and courtesy of the President pro tempore, who also has an amendment which will shortly be offered.

I wish to again, in closing, compliment the chairman of the subcommittee, the Senator from Montana, and the ranking member, the Senator from Rhode Island, both of whom have been leading advocates of measures to face up to these problems.

I hope frankly that even though the administration has been reluctant to even mention the words carbon dioxide in this legislation, that this measure is framed in a way which allows us to begin working on the problem.

I hope very much that the committee will look kindly upon the amendment.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. Baucus].

Mr. BAUCUS. Mr. President, the presentation by the Senator from Tennessee has been quite constructive. It was very useful explaining to people the consequences of the increase of carbon dioxide in the atmosphere. The statistics he used are statistics that are not sufficiently known in America. Were they sufficiently known, I think more Americans would be more alarmed about the increase of global warming gases, all greenhouse gases, particularly carbon dioxide, which is the most prevalent greenhouse gas and probably one that is causing, more than any other, the global warming in the atmosphere. I thank the Senator from Tennessee for his chart and presentation.

The amendment he is offering is a simple one. Essentially, it would require that when the EPA Administrator commissions his transportation control measures to the various States and localities, not only should the transportation control measures include measures related to carbon monoxide, to volatile organic compounds, nitrogen oxides, to particulate matter, but also to carbon dioxide. That is, when he issues transportation control measures pertaining to public transit, trip reduction ordinances, or any kind of traffic flow programs, the effect of carbon dioxide is to also be considered.

This country must begin to spend more time and attention on the carbon dioxide emissions, as should most other countries, if we are going to address the global warming phenomenon. The amendment offered by the Senator from Tennessee is a good start. We must start somewhere, and this is a good beginning.

In addition, Mr. President, this amendment and this subject were not discussed in the discussions with the leadership and the managers and the administration concerning clean air, the discussions that were ongoing for several weeks. Those discussions did, however, agree—the essence of those discussions agreed there should be no carbon dioxide. Any amendment that would require carbon dioxide standards be included in tailpipe emissions, tier 1 or 2, or at any later date, would be a deal-breaker amendment, would be contrary to the agreement that the leadership and managers and the administration reached.

This carbon dioxide amendment was outside of that agreement, because it does not address tailpipe standards at all. Rather, it is a measure among a whole list of items that the Administrator should consider in issuing his transportation control measures. Consequently, it is not a deal-breaker, because it was not considered and discussed in the negotiations, but also because it is a good amendment. I am prepared to accept the amendment.

Mr. CHAFEE. Mr. President, the Senator from Tennessee has made a very kind presentation and once again has drawn the attention of the Senate and those who are viewing the activities of the Senate to the problems of global warming and the contribution of the ill effects and the contribution to global warming that carbon dioxide makes. Furthermore, he has drawn attention to the fact that automobiles are the primary contributor to the carbon dioxide that is affecting the global warming.

I think the amendment he has, as he mentioned, is a modest amendment. It says that in studying the nonautomotive travel systems and the transportation systems of the country, they should be taking into account carbon dioxide emissions when plans are drawn up for reduction in travel and alternative systems of travel. I think his amendment is a good one.

I want to say that, as the distinguished Senator knows, in the original legislation, S. 1630, that we brought out of committee, there was included in that a provision dealing with the reduction of carbon dioxide through the tailpipe standards. That was an amendment that I was a sponsor of in the committee. In the negotiations with the administration, unfortunately, that was one of the items that had to be dropped through negotiations.

The automobile companies were deeply opposed to it, and in any type of negotiations, you win some and you lose some. That was one I felt very badly about losing. The only way to get at the tailpipe standards is to increase the miles that a car travels per gallon, and in effect, that is what results, by reducing the tailpipe standards of CO_2. In order to achieve that, you have to have the car achieve more miles per gallon.

There is another approach to achieving that. It is the so-called CAFE standards, which the Commerce Committee has under its jurisdiction and, I believe, when you see this legislation completed on the floor, that the majority leader will assure those who are interested, such as myself, the distinguished Senator from Montana, the distinguished Senator from Tennessee, who made this excellent presentation, and others, that legislation will be brought to the floor dealing with global warming and dealing with a reduction of carbon dioxide.

There is another point I wish to make. As the Senator, who is familiar with this subject so well, knows, one of the prime contributors to global warming are chlorofluorocarbons, CFC's. We have taken a giant step forward in this legislation in the area of not only reducing the production of CFC's, but eliminating them, and not only CFC's, but methyl chloroform likewise.

Some suggest that the total contribution to the global warming by CFC's is roughly 20 to 25 percent. The United States produces about one-third of all the CFC's in the world. So by moving ahead unilaterally, the United States will not only eliminate our CFC's by the year 2000; I suspect it might well be before that, because our corporations are anxious, particularly the ones in the computer chip business and those who are producers of computers, and they are finding substitutes for CFC's that are a solvent used for cleaning chips. They want to move ahead rapidly. I had the privilege of being in California not long ago, 2 weeks ago, meeting with the executives of Hewlett-Packard, and they are finding substitutes for the cleaning of their chips, on which they previously used CFC's. So great progress is being made, and this legislation helps in that effort.

So I think we have additional reasons to be proud of this legislation. We are going to vote on this, hopefully before the recess, and the section that deals especially with the elimination of CFC's in this country by the year 2000. It is a good amendment, Mr. President.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. I wish to commend the Senator from Rhode Island, first, for his persistence and unyielding efforts to deal with this problem in the committee and in the negotiations. Indeed, as he has indicated to the Senate just now, it was his amendment on CO_2 tailpipe emissions, and in each session of the lengthy negotiations, he pushed that issue, and I salute him for his efforts.

Likewise, it is his measure on the elimination of chlorofluorocarbons. As I mentioned earlier, the hydrochlorofluorocarbons are a remaining problem, which I will attempt to address this afternoon. I wish to again commend the chairman of the subcommittee, the Senator from Montana [Mr. BAUCUS] who has been an outstanding leader on all these subjects and a valued ally on these questions, both of them being Members of the Senate host delegation for the Interparliamentary Conference on the Global Environment which will take place at the end of April or beginning of May.

I just wanted to make those remarks.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1328) was agreed to.

Mr. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. How many amendments are pending other than the committee substitute and the amended substitute?

The PRESIDING OFFICER. Amendment 1327 offered by the Senator from Idaho was temporarily set aside and will now be the pending business. Amendments 1310 through 1313, en bloc, offered by the Senator from Colorado, and amendment 1307 offered by the Senator from Montana are pending amendments.

Mr. BYRD. I thank the Chair.

Mr. President, I ask unanimous consent that the pending amendments that have been stated by the Chair be temporarily laid aside that I may offer an amendment at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1329 TO AMENDMENT NO. 1293

(Purpose: To provide benefits for terminated coal mine workers)

Mr. BYRD. Mr. President, I send to the desk an amendment on behalf of myself and Senators BURDICK, DANFORTH, FORD, SIMON, MCCONNELL, COATS, SHELBY, HEINZ, HEFLIN, SPECTER, ROCKEFELLER, BOND, METZENBAUM, and GLENN.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. BURDICK, Mr. DANFORTH, Mr. FORD, Mr. SIMON, Mr. MCCONNELL, Mr. COATS, Mr. SHELBY, Mr. HENIZ, Mr. HEFLIN, Mr. SPECTER, Mr. ROCKEFELLER, Mr. BOND, Mr. METZENBAUM, and Mr. GLENN, proposes an amendment numbered 1329 to amendment No. 1293.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 567 of the amendment No. 1293, on line 20, strike "dioxide" and insert dioxide.

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

COAL MINE WORKER BENEFITS

SEC. 801. The Clean Air Act is amended by adding at the end thereof the following new title:

"TITLE VI—RELIEF FOR TERMINATED COAL MINE WORKERS

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Relief for Terminated Coal Mine Workers Act'.

"PURPOSE

"SEC. 602. The purpose of this title is to help minimize the effects on individuals employed as coal mine workers who are terminated from their employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"DEFINITIONS

"SEC. 603. As used in this title, the term—

"(1) 'terminated coal mine worker' means any individual employed as a coal mine worker on the date of the enactment of this rule, and who, after having been employed, prior to or after such date of enactment, as a coal mine worker for a period in excess of 6 months, is terminated at anytime thereafter from such employment as a result of the enactment into law of the provisions of title

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IV of this Act, as added by the Clean Air Act Amendments of 1990; and

"(2) 'Secretary' means the Secretary of Labor.

"PROGRAM OF BENEFITS

"Sec. 604 (a) Prior to the expiration of the 180-day period following the date of the enactment of this title, the Secretary of Labor, by regulation, shall establish and carry out a program to provide benefits for coal mine workers in accordance with this title.

"(b) Prior to the issuance of such regulations, and from time to time thereafter, the Secretary shall consult with the appropriate Committees of Congress with respect to such regulations and the implementation of this Act.

"TERMINATION ALLOWANCES

"Sec. 605. (a) In promulgating regulations pursuant to section 604, the Secretary shall include provisions which assure that, under such program, a terminated coal mine worker shall be entitled to a monthly termination benefit computed as follows:

"(1) The monthly termination benefit for the first 24-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to such worker's average monthly compensation determined by computing the total compensation received by the worker, including vacation allowance and monthly compensation guarantees, during the last 12 months immediately prior to his employment being terminated, and by dividing the total compensation by 12, thereby producing the average monthly compensation.

"(2) The monthly termination benefit for the second 24-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 75 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(3) The monthly termination benefit for the third 24-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 50 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(b) Each monthly termination benefit to which a terminated coal mine worker is otherwise eligible under this section shall be reduced by an amount equal to the amount of any earnings of such worker from employment during the period for which such benefit is payable, and shall be further reduced by any benefits to which such worker is otherwise entitled as a result of having been employed as a coal mine worker.

"(c) A coal mine worker and his representative shall be furnished by the employer of such worker with such worker's average monthly compensation and average monthly time paid for, computed in accordance with the provisions of this title, together with the data upon which such computations are based, within 30 days after the worker notifies the Secretary in writing that he has been terminated from employment. The coal mine worker shall make such information available to the Secretary.

"RETRAINING AND EDUCATION PROGRAMS

"Sec. 606. After the expiration of the 24-month period next following the date on which any terminated coal mine worker is first determined to be a coal mine worker so terminated, such worker, while engaged in a full-time retraining or educational program certified by the Secretary, after consultation with the appropriate Committees of the Congress, as appropriate for purposes of this title, shall, while satisfactorily participating, receive, in addition to the benefit under section 605, an amount equal to 25 percent of the average monthly compensation of such worker computed in accordance with section 605(1).

"OTHER FINANCIAL ASSISTANCE

"Sec. 607. For the purpose of any law, other than this Act, providing Federal benefits or assistance to an individual based on need as determined by the earnings of that individual, benefits under this title shall be deemed earnings for the purpose of determining whether such individual qualifies for benefits or assistance under such law.

"TERMINATION OF BENEFITS

"Sec. 608. Benefits payable under this title shall cease on the date of the death of the individual entitled to such benefits.

"LENGTH OF BENEFITS

"Sec. 609. Any terminated coal mine worker shall be entitled to benefits, in accordance with this title, for the 72-month period following the date on which such worker first becomes a terminated coal mine worker, or for a period of months following such date equal to the number of months that such worker was employed as a coal mine worker prior to such termination, whichever is less.

"PAYMENT OF BENEFITS

"Sec. 610. (a) The Secretary shall be responsible for the payment of all benefits provided coal mine workers pursuant to this title.

"(b)(1) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to meet the obligations payable pursuant to this title. In any fiscal year, the Secretary shall limit the total benefits payable under this title to an amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

"(2) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to provide for additional administrative expenses to be incurred by the Secretary in carrying out his functions under this title.

"REPORTS

"Sec. 611. The Secretary shall report annually to the Congress with respect to the carrying out of the provisions of this title, together with the recommendations, if any, of the Secretary.

"REBUTTABLE PRESUMPTION

"Sec. 612. In the case of a claim for benefits under this title by any coal mine worker who is terminated from his employment on or after the date of the enactment of this title, there shall be a rebuttable presumption that such termination resulted from the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"RETROACTIVE CLAIMS

"Sec. 613. Claims based upon terminated employment must be filed not later than 180 days following the date on which such termination occurred. Claims for such termination which took place during the period beginning on the date of the enactment of this title and the date on which the program established by the Secretary pursuant to section 604 becomes operative may be made within the 180-day period following the date on which such program becomes operative.".

"LIMITATION ON APPLICATIONS

"Sec. 614. The Secretary shall not act on any application for benefits under this title filed on or after January 1, 1996.".

On page 3 of the amendment, immediately preceding line 1, insert the following:

TITLE VII—RELIEF FOR TERMINATED COAL MINE WORKERS

Sec. 801. Coal mine worker benefits.

Mr. BYRD. Mr. President, may I ask the Chair whether or not the amendment as sent to the desk is divisible?

The PRESIDING OFFICER. The Chair is informed that the amendment as drafted is a strike and insert and as such is not divisible.

Mr. BYRD. I thank the Chair.

Mr. President, I yield the floor and I ask unanimous consent that I may be entitled to retain the floor after the quorum call which will be requested.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. KERREY assumed the chair.)

Mr. BYRD. Mr. President, I have just sent to the desk an amendment sponsored on behalf of myself and Senators BURDICK, DANFORTH, FORD, SIMON, MCCONNELL, COATS, SHELBY, HEINZ, HEFLIN, SPECTER, ROCKEFELLER, BOND, METZENBAUM, and GLENN.

As we move forward on new clean air legislation, I do not believe we can afford to ignore the effects this legislation will have on the health and welfare of the people—the real people—of the high-sulfur coal regions of Appalachia and the midwest. People, we often say, are this Nation's most important resource. I cannot, in good conscience, stand by silently and allow this body to pass legislation that would devastate some communities in the coal mining regions of Appalachia.

I must try to do something to help to avoid some of the consequences that are almost sure to come in the wake of the passage of this legislation.

During consideration of this legislation, much has been said about the possible long-run health and environmental effects of air pollution. Many in this body are concerned about the impact that the burning of coal may have on the regions they represent. It is not my intention to ignore or dismiss those concerns. They are real concerns and they are legitimate concerns. But, I want to talk about the very real and immediate effects this measure is likely to have on the people and communities within our Nation's high-sulfur coal regions.

According to the Environmental Protection Agency [EPA], the sulfur dioxide emission reduction requirements of the legislation before us will cause a 15- to 30-million-ton reduction in high-sulfur coal production by 1995. By the year 2000, the EPA estimates that high-sulfur coal market losses will more than double to a range of 106 to 111 million tons.

The effect of such large coal market losses on the economies of our Nation's high-sulfur coal regions will most likely be severe. According to the EPA, between 3,000 and 5,000 high-sulfur mining jobs will be lost by the end of 1995 as a result of these coal production losses. By the year 2000, the EPA estimates that high-sulfur job losses will increase to between 14,000 and 16,000. Job losses of this magnitude would represent a 35-percent decline in total high-sulfur coal mining employment from levels currently forecast, assuming no new clean air legislation, for the year 2000.

These are the EPA's—the administration's—estimates. Job losses of between 14,000 and 16,000 by the year 2000. Thirty-five percent of the forecasted coal mining employment in high-sulfur coal regions that are presently forecast. But, the human toll is in fact much higher. The EPA has also estimated that total jobs lost—not just the jobs of coal miners, total jobs lost, including those jobs indirectly related to and heavily dependent upon the high-sulfur coal industry—could be as high as 50,000. For each mining job that is lost as a result of this legislation, it is expected that two nonmining jobs will also be lost.

As a result, we are not simply talking about direct mining jobs, the loss of which should be sufficient cause for concern. We are, in fact, talking about the economic viability and the economic future of entire communities. When a coal mine is closed, not only do miners and their families suffer, but whole communities are also put at risk. We are talking about the butcher, the baker, and the candlestick-maker. In the coal-producing counties in the northern part of my State, more than 1 out of 4 jobs is often in the coal industry. For many of these counties, these coal mining jobs can account for more than 40 percent of the personal income.

Mr. President, the men and women of the coal fields are a great and proud people. Their history of dedication and service to this country is not surpassed. We are a prosperous nation and a secure nation, and we owe much of that prosperity and security to the hard work and dedication of our coal miners.

From the mid-19th century to the 1920's, American coal miners supplied 70 to 80 percent of the Nation's energy.

Until the rise of cheap imported foreign oil, coal miners provided the fuel that ran the factories and heated the homes of New England. I doubt that there were many suggestions for limiting the burning of bituminous coal during this period.

Throughout most of American history, coal miners have also provided the fuel that preserved our national security.

For example, consider the role of American coal miners during World War I when President Woodrow Wilson proclaimed that the Nation's war effort "rested on the shoulders of the miners."

American coal miners responded to this danger by setting coal production records each year of the war.

In West Virginia, coal production increased more than 20 million tons annually each year of that war. That was before mechanized mining hit the State like a cyclone.

From the European battlefields, General John Pershing proclaimed that the work of the "Coal miners of America thrills us and helps to make our hearts more strong for the battle."

Coal was so fundamental to the Nation's war effort that the men who did battle in our coal mines received automatic exemptions from the draft. Yet, more than 50,000 coal miners, throughout the country, disregarded their draft exempt status and enlisted. More than 3,000 of them were killed in the war.

But, the battlefront was not the only place where American coal miners gave their lives in the service of their country. In 1918, mine accidents and explosions took the lives of 404 West Virginia miners.

Despite the important service that American coal miners have performed for this Nation, they have suffered. The coal miner's life has been a life of turmoil, struggle, tragedy, and sacrifice.

Mine disasters are a sad fact of life in the coal fields:

In 1902, 184 miners died in an explosion at Coal Creek, TN.

In 1907, 360 miners died in an explosion at Monongah, WV; and

In 1913, more than 260 miners died in two explosions in Dawson, NM.

In 1947, 111 miners died in the Centralia disaster.

I could cite many more disasters, but the point has been made. Miners have paid a terrible price to produce the fuel the Nation needed.

Yet, mine disasters are merely a part of the overall misery of coal field history. The American coal miner has also suffered social and economic deprivation, while the coal industry has suffered extreme financial stress and economic turmoil. It is true that America's coal regions have enjoyed some boom times, but such prosperous periods have been few and they have been brief. Bust cycles have been far more prominent, more pervasive, more common, more lasting.

Shortly after World War I overproduction, a collapse in the coal market, a decline in the price of coal, and the rise of competing fuels—oil and natural gas—led to an early depression in the coal fields. From the boom of the First World War, it was quickly back to the mines, quickly back to the hard times, quickly back to the slow times, quickly back to the uncertain future for the coal miners.

While the rest of the Nation was enjoying the prosperity of the Roaring Twenties, coal field families found their plight worsening as technology and competing fuels continued to reduce the number of mining jobs and lower the price of coal. As the depression in the coal regions worsened, the plight of the miner and his family worsened.

I recall my foster father during those gloomy days, trying to provide for his family by working in the mines. There were days when I did not see him because he left for the mines before daylight.

He came home after dark, sometimes as late as 10 o'clock at night. He earned $1.75 a day, $2, $2.25, depending upon how much coal he loaded. And was often overdrafted.

If Senators do not know what that means, in coal country that means in debt to the company. In debt to the company.

My foster father was fortunate. He managed to hold onto his job. Many coal miners did not manage to hold on to their jobs.

If a coal miner could not clean up his place, there was someone else waiting on the job. So he had to clean up the place in which he worked. In other words, shovel up all the coal, all the slate, all the rock, clean it up before he left to go back home, and if he did not like it, you saw somebody else waiting who would be glad to do it.

My foster mother kept boarders in those days. She packed a good dinner bucket. I helped to raise the hogs. My foster father used to buy 12, 15, Pole and China pigs every year. I would go around to the mining families' houses and ask the miner's wife if she would save me the scraps from her table to feed my dad's pigs. In the fall, I would shoot the hogs, help to put them in the big barrels of scalding water, draw them out and take off those bristles, open them up, clean them out and leave them hanging on a homemade scaffold to dry out. We would cut them up, salt them down, and that was pork on the table. My dad gave me one for my efforts. I could sell it; I could pocket that money.

But my mom packed the dinner buckets and fed three good meals a day, partly because I went around and picked up scraps around the community and helped feed those hogs to make hogs out of pigs. Seventy-five cents a day. It had to be hard times when food and room were 75 cents, and oftentimes she did not collect that. I used to be able to spot a fellow after a few days when he came to my house. I would go to my mom and say, "Mom, that man will beat you out of your board," and I was almost always right. I could just spot them somehow. Seventy-five cents a day. Those were hard times in which we lived.

I used to see these men come up out of North Carolina, Virginia, and Tennessee, riding those freight trains—hoboes—trying to find work. They came to Stotesbury, WV, in the southern part of Raleigh County. They would get off those trains. They heard about my mom packing a good dinner bucket and would come to our house and get board.

That was typical for the coal mining communities in those days. It was typical living.

Following a journey through the Appalachian coal regions in the late 1920's and early 1930's, Malcolm Ross, in his book "Machine Age in the Hills," pointed out that "220,000 men left the soft coal mines between the years 1923 and 1927" and the "Appalachian region had its proportionate share of these desertions. A surplus of houses," he wrote, "* * * today stand in semiruin, sometimes as many as 4,000 empty houses to a county. The meanly built ones are now weathered to windowless shelves with sagging roofs * * *" by raising a few vegetables, by sending some older son to get a day's work somewhere else in another community or nearby mine, by odd jobs, by charity the families who remain manage to keep alive.

So I well know the picture poignantly painted by Mr. Ross. I have seen it dozens of times. I have seen it hundreds of times. Too many times. I have seen communities devastated, and I have seen personal devastation, and I have seen the faces of those who are personally devastated.

I hope that the people of West Virginia and the people throughout the coal mining regions of Appalachia and the Midwest will not be needlessly forced to suffer another prolonged and crushing economic depression. While our entire Nation certainly suffered during the Great Depression, indications are that conditions were worse in the Appalachian coal fields than elsewhere.

We have seen grapes of wrath. We have seen the Okies. We read about them and their travail. To have witnessed the travail in the coal fields was far more lasting in the memory than to have read about it 20 years later or 50 years later. It was real.

While unemployment peaked at about 25 percent nationwide, in the West Virginia coal fields unemployment ranged from 25 to 35 percent to 90 percent in some communities.

For those miners who are lucky enough to keep their jobs, most of them worked only part time. Fred Coxton of President Herbert Hoover's emergency committee described the conditions in the coal camps around Charleston, WV, as so bad they were almost unbelievable. Writing in the New York Times, Stark reported that conditions in the West Virginia coal fields were the worst in the Nation.

I remember the store manager of the coal mining store in Stotesbury, WV. One day I was in the store. I used to get a nickel for going to the store for people. And he said to me, "Bob, why don't you come to Sunday school?" He taught a Sunday school class at a community church. I said, "I don't have any socks to wear." He said, "Come on back here," and took me to the back of the store where the dry goods counter was and told the clerk, "Give this boy a couple pairs of socks and charge them to me," the store manager.

So he gave me a couple pairs of socks, and I went to Sunday school. In later years, he helped me to get my first job working as an attendant in a gas station. Those were not service stations in those days; those were gas stations. They did not provide any service. That is where you bought your gas, if you could afford it. A coal miner here and there who was able to have an old car jacked it up and put it on crossties.

Crossties are the wooden blocks that go under the railroad rails which, along with the pebbles and rocks that are dropped there for ballast, keep the rails steady for the rolling of the wheels of the train.

I worked in a gas station—a great job. I was lucky to get it. I was paid $55 a month working in that gas station. I was glad to get that job. I walked over 3 miles a day to the job and 3 miles back home if I could not hitch a ride on a milk truck or a bread truck.

Later he arranged for me to get a better job closer to home selling produce, watermelons, peaches, cantaloupes, and apples. And then later he made it possible for me to get a meatcutter's job. I was going up in the world.

By then I was earning $65 a month. I got married. When I got married, I was making $60 a month, and then my wife had two daughters. Today, I call one of them my $15 daughter.

I remember the night when she was born, Friday night. The company doctor—we were billed $1 dollar every 2 weeks to pay the company doctor, and I remember the night our older daughter came. My wife and her mother were in one of the two rooms we had, and the company doctor and I were in the other, the kitchen. We had a kitchen and the bedroom.

And the next morning when I started to leave, I said, "How much do I owe you, Doctor?" He said, "$15." So my older daughter is our $15 baby, and we named her after the daughter of the head meatcutter where I worked. He had a daughter named Mona Carol. We named our older daughter Mona Carol.

Then our younger daughter, when she was born, we named her after the daughter of Mr. Meyers, the company store manager, about whom I have been talking, who was so kind and good to me, who helped me to get a job. He had lost his daughter in a swimming accident on a Fourth of July, and her name was Marjorie. So we named our younger daughter Marjorie.

That was life in the coal fields. If someone were to get an injury, a broken leg, or became ill, there was no Social Security. There was no unemployment compensation way back—not much.

As the produce salesman or the meatcutter, I would take a big flour barrel, a 300-pound barrel, and put it out in front of the meat counter, and put a sign on it, "John Doe has had a heart attack; please help." And I put in that barrel a 10-pound bag of meal, or 2 or 3 pounds of fatback to start off what we called a "poundy."

Other coal miners and their wives would come to the store and fall in line in front of that meat case and see that sign. They would buy a pound of lard or a piece of bacon or a 10-pound bag of potatoes, or whatever, and put it in the barrel. When the bags were heaping, running over, we would send the barrel up to the miner's home. We helped one another. We had to.

So that is the way it was.

In 1932, the Secretary of the American Friends Service Committee, Charles E. Pickett, told a Senate subcommittee of the appalling conditions that his committee had observed among West Virginia and Kentucky mining facilities. The survey he conducted revealed that 20 to 90 percent of the school children in these families were underweight.

Well, he did not see me. He would have said 91 percent or more underweight.

Such undernourishment, Pickett explained, was contributing to mental retardation, drowsiness, lethargy, and sleepiness among the children.

Furthermore, while the rest of the Nation could look forward finally to a recovery from the Great Depression, the Appalachian coal miner could not.

In June 1938, a West Virginia miner pointed out that he had read that nearly 600 manufacturers had switched from coal to imported oil and hydroelectric power during the previous year, resulting in the displacement of 971,000 tons of coal annually.

"What will it profit the coal miners, then," he wrote, "when the depression is overcome if these * * * industries discard coal for other fuels?"

Economic conditions in the coal fields improved during World War II when the United States again needed more coal production to fuel another war effort.

As usual, the Nation's coal miners responded to the country's needs. In 1942, West Virginia miners broke the all-time record for coal production. They broke it again in 1943 and 1944, although there were nearly 10,000 fewer miners in the mines due to the war effort. The contributions made by those who left the coal mines to fight overseas were important and did not go unnoticed. The War Department produced a film titled "Black Bullets," which told of the work done by American coal miners during the war and the importance of their work to victory.

Following a mine explosion that killed 56 West Virginia miners, the Wilkes-Barre Times editorialized as follows:

> The mine worker faces as a matter of course in his daily routine, dangers on a par with those on the battlefield. He may get no medal or applause, but he serves his country, too.

Well, there were not many calls to limit the production for the burning of bituminous coal during that period. After the war, the bust came again, and America once again forgot about the important contributions and sacrifices that the miners had made during the war.

In 1947, Rear Admiral Joel Boone, winner of a Congressional Medal of Honor and physician to three Presidents, conducted a Federal study of health and medical care in the coal fields. The Commission's massive work, titled "A Medical Survey of the Bituminous Coal Industry," also called "The Boone Report," chronicled the poverty, poor health, and substandard living conditions of the miners.

I quote therefrom:

> Miners are haunted men. Their thoughts are constantly troubled by the insecurity of work.

So many may say what does talking about the Depression, what is talking about the hard times in the coal fields of the thirties or during the bust cycles have to do with the bill that is before the Senate? It has this to do:

"Miners are haunted men," whether it was in the 1930's, or whether it is during a recession or depression in the 1980's or 1990's. "Their thoughts are constantly troubled by the insecurity of work, for they know that, although the calendar year contains 365 days,"—and every fourth year 366—"they have worked as little as 142, and only nine times out of the last 25 years have they averaged more than 200 days. Their hearts grow weary repressing the importunate warnings of the dangers that lurk underground which may at any time cut them off from their livelihood. The families silently share these burdens."

As I have already noted, beginning in the 1930's, the introduction of mechanized mining processes began reducing the number of coal mining jobs. It is true that this move toward mechanization helped the coal industry to compete with rival fuels by increasing production while lowering costs. But there was a negative side, and that was the tremendous number of mining jobs eliminated as a result of increased mechanization.

In 1930 I was in the eighth grade. That year 10.5 percent of coal was loaded by machines. By 1950, when I was in the West Virginia State Senate, 70 percent of coal was loaded mechanically. In other words, in 20 years, the percentage of coal loaded by machine went from 10.5 percent to 70 percent. In 1950, 1.2 percent of coal was dug by the continuous miner. You ought to see one of those things. Senators should go back in the coal mines, in the deep mines in West Virginia, Kentucky, and Pennsylvania, to see how those miners crawl around and get into those continuous miners where they lie on their backs. And they are all crampled up, and that continuous miner runs from there to where the Chair is and the door to my left.

That continuous mining machine is a giant machine, which grinds out that coal, grinds it out of the face, and carries it back by conveyor. And the dust is thick in the air. That is the continuous miner. It takes the jobs. One of those machines takes the jobs of many men.

In 1950, 1.2 percent of the coal was dug by the continuous miner. By 1960, 10 years later, 33 percent of American coal was dug by the continuous miner. In 1949, there were 400,000 men in America's bituminous coal industry. I was in the West Virignia House of Delegates. Those were the days when John L. Lewis was chief of the United Mineworkers of America, and there were 400,000 coal miners.

By 1959, the number had fallen to 168,000. In just 10 years, 60 percent of the jobs in the bituminous coal mining regions were lost. In 1950, there were 119,568 employed coal miners in West Virginia. That is when I was in the West Virginia Senate—120,000. At one point there was more than that, 130,000 to 135,000. But in 1950, there were 120,000 in the State of West Virginia.

By January 1, 1962, a dozen years later, the number employed had declined to 31,734. In other words, more than 67 percent of the miners in West Virginia had lost their jobs, laid off without the skills to obtain other work, and usually with no other work around. The displaced coal miner faced one of two choices. He could go on welfare, or he could leave the land that he loved, leave the land on which his father and mother lived.

Many did go on welfare. Consequently, pockets of poverty soon saturated the Appalachian coal fields. Whole communities of people were surviving on a government handout. "We miners don't want charity. We want only a square deal," wrote a West Virginia miner.

This time the square deal came in the form of an energy crisis. As usual in the coal fields, however, things got worse before they got a little better. Many of these jobs that were lost in bituminous coal mining during the 1950's were the result of the tremendous rise in imported residual oil as well as the coming to the mines of automation.

On the floor of the House of Representatives, West Virginia Representative Cleveland Bailey charged: "Thousands of coal miners in the State of West Virginia are out of work because the markets they had along the east coast have been taken away from them by cheap residual oil from Venezuela and the Middle East."

So if it was not one thing, it was another. If it was not a depression, it was something else, a bust cycle.

Mr. SIMON. Will my colleague yield?

Mr. BYRD. Yes. I am happy to yield.

Mr. SIMON. I commend him for his leadership on this. He is correct. Coal miners get the short end of the stick time after time after time, and I hope in this Clean Air Act we do not do the same thing once again.

Frankly, in another area that the Senator and I are involved in, black lung legislation, it is getting harder and harder for coal miners who have been breathing this stuff in order to give energy to the Nation to get those black lung benefits.

But I commend my distinguished colleague from West Virginia for his leadership for people who really need the help and who, too often, end up being voiceless in this process.

Mr. BYRD. Mr. President, I thank my friend for his comments. I thank him for his cosponsorship of the amendment.

I am sure that he could repeat some of the scenes that I have talked about as having been within his own experience in the State of Illinois.

I want to thank him also for working with others in our very small group in our efforts to craft provisions to in-

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clude in the bill that would lighten the losses, reduce the losses of jobs in Appalachia and the Midwest.

Again, I thank him for the cosponsorship of this amendment.

In January 1954, as a Member of the House of Representatives, I reported on a trip which I made to my State where I saw "hundreds of men standing in line waiting to make application for unemployment insurance." "Whether the situation may be termed a recession or a depression is beside the point," I explained. "Hunger and privation are fully as terrible in the one case as in the other, in most cases these discharged men are too old to gain employment in the other industrial fields, and they lack the necessary training for employment in other fields. What is going to become of these men and their families?"

In a letter I wrote to the White House in the summer of 1965, I explained how, "As a resident of a mining community, I was able to observe first hand the erosion of mine capacity as foreign residual oil began to flow into coal markets. I watched skilled coal industry workers leave West Virginia to seek employment in other industries as mines were forced to close."

Conditions improved again in the 1970's as the energy crisis and the coal and oil embargoes prompted the United States to look to coal again for an energy-sufficient future.

As usual, the miners rallied around the flag and produced the energy that the Nation needed. Coal production again soared as American coal miners helped to ameliorate the energy crisis and helped to lessen America's dependence on OPEC or industry.

I have seen once-thriving communities die. I have seen proud, courageous men forced to leave the State they love because there was no longer work. I have seen men, families, communities and industry and a State suffer severely. To some people, the unemployed may simply be a statistic, an economic barometer measuring the prospects for the next election. But to me, the unemployed, especially and including coal miners, are friends and neighbors. They are people with whom I grew up; they are my fellow citizens who deserve the chance to support their families, provide the fuel to power our economy and heat and light our homes—our homes here in Washington, DC., and the metropolitan area—and to help make the future of this great Nation.

The history of the American coal miner is a great and proud heritage, and being the son of a coal miner, having grown up in a coal miner's home, slept in a coal miner's bed, eaten from a coal miner's table, I am part of that history. I am proud of it.

As I have just pointed out, the history of the American coal miner is also a history filled with tragedy and misfortune, and often death, not entirely of their own making. My amendment, cosponsored by the Senators whose names I have repeated heretofore, will minimize the effects of this legislation on men and women employed as coal mine workers, who lose their jobs as a result of enactment of the Clean Air Act.

Specifically, for the first 2 years, it will provide the "protected employees," those who are terminated as a result of enactment into law of the Clean Air Act, shall be eligible for benefits up to 100 percent of the compensation and benefits they received for the 12-month period prior to their termination. For the third and fourth years, such protected employees will be eligible for up to 75 percent of the compensation and benefits they received for the 12-month period prior to their termination. And for the fifth and sixth years, these protected employees would be eligible for up to 50 percent of the compensation and benefits they received for the 12-month period prior to their termination.

These provisions will require that benefits be reduced dollar for dollar by any earnings of protected employees from any employment during their 6 years of eligibility.

Additionally, these provisions provide an incentive designed to encourage these workers to enter into full-time retraining and education programs that will be certified by the Secretary of Labor. These programs will enable affected coal mine workers to learn other skills so that they may find new employment after losing their jobs.

Those who choose to enter such programs will be eligible for benefits equal to 25 percent of the compensation they received for the 12-month period prior to their termination. These benefits will start in the thrid year after such determination and will continue throughout the sixth year after such termination.

Under these provisions, the Secretary of Labor would have administrative responsibility for the program and would consult with the appropriate congressional committees in drafting the necessary regulations for its implementation.

The cost of the program to the Federal Government is difficult to calculate, because there are a number of "unknowns" involved. In an attempt to calculate the maximum cost, however, if one assumes that 5,000 coal miners—at the top of the range, it has been estimated that 5,000 will qualify for these benefits at an average salary on a benefit level of $50,000 by the end of 1995—and that all 5,000 of those qualified will enter a certified retraining program, then the appropriations that would be necessary for this program over the years of eligibility would be $1.375 billion.

EPA has estimated that, I repeat, total job loss to coal mine workers under phase I of the legislation would be between 3,000 and 5,000.

Let us take the other end of the range, 3,000. If only 3,000 workers lose their jobs, the maximum cost of my amendment could be $825 million.

Let us take the mid-range. If 4,000 workers were to lose their jobs, the maximum appropriation would be $1.1 billion.

So you have a range, depending on the number of persons who lose their jobs, the number of coal miners who lose their jobs as a result of the legislation.

The range of figures provided by the EPA is 3,000 to 5,000 jobs, and using the range of 3,000 jobs, it would be $825 million; 4,000, mid-range, would be $1.1 billion; and 5,000, top of the range, would be $1.375 billion.

However, I should point out that this amount would be offset, whatever it is, whether it is the bottom, middle or top of the range, it would be offset by a number of factors. First, recipients of these benefits would not be eligible for other Federal benefits. Second, the communities where these protected employees reside will need less Federal assistance than they would receive if these protected employees had no income. Third, these benefits would be subject to Federal taxation. Fourth, the benefits would cease upon the death of the recipient. Fifth, it is likely that eventually many of these affected mineworkers would find other employment, thereby reducing their benefits under this provision. And finally—or additionally, I should say—the education, retraining benefits will depend on the number of affected workers who choose to enter such a program.

So the likely Federal cost of these provisions would be much less, much less than the range of $825 million, to the maximum of $1.375 billion, to which I referred earlier.

Mr. President, this safety net—that is what it is—is essential for coal mine workers who will lose their means of livelihood as a result of enactment of this legislation. On numerous occasions in the past, Congress has enacted similar provisions. For example, in the Regional Rail Reorganization Act of 1973, which rescued the Northeast and the National from the effects of the Penn Central bankruptcy by creating Conrail, Congress recognized that a substantial number of railworkers would lose their jobs.

For this reason, the 3R act included title V to provide full protection of the salaries and benefits of employees who lost their jobs as a result of the downsizing of the Penn Central Railroad.

That protection covered these employees for their full salaries from the time they lost their jobs until their retirement date. I am advised that the Federal payments to these people since 1973 amount to $750 million.

Similarly, when Congress created Amtrak in 1970, a labor protection provision was included in the legislation providing for protection of the salaries and benefits of rail passenger service employees who lose their jobs due to abandonment of service and so forth. This protection is for a maximum of 6 years and is paid by the Federal Government.

Similarly, in 1964, in the Urban Mass Transportation Act, Congress included provisions to continue the salaries and benefits of transit workers who lose their jobs due to abandonment or cutbacks in transit services, whether it is bus or commuter rail service.

So there is ample precedent that where Congress enacts legislation that will directly affect the jobs of substantial numbers of workers we have included provisions to provide relief for those involved.

Mr. President, cleaning up our Nation's air is an admirable goal. We have to do it for the good of our children and our grandchildren. But as we write the laws that will accomplish that worthy task let us not forget the American coal miner and his wife and their children. They need not lose for the rest of us to gain.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I rise as a cosponsor of the Senator's amendment, and I want to take a few minutes to explain why I think it is so important that this amendment pass this body and be added to the legislation that we are considering.

Our Nation has depended for more than 200 years now on coal as a major source of energy production. While oil and to some extent nuclear energy have helped fuel this economic machine that has brought a level of prosperity unknown in the history of the world, there is no doubt that coal has played the most predominant role.

Many of us have been concerned about the direction that we once again seem to be heading in terms of our reliance on foreign sources for oil as an energy source. Most of us remember the tremendous economic shock which resulted from the oil embargo in the early seventies.

As someone that at the time was engaged in the investment business, both from a mortgage standpoint and from a direct lending standpoint, and from a stock and bond investment standpoint, I have been directly involved in trying to deal with in many cases tragic consequences of a change in one particular economic factor, and that was the cost of energy. Our then more than 50 percent reliance on foreign sources for oil resulted in as severe a downturn as the country has experienced in a long time.

That oil shock led this country to embark upon a course of reducing that foreign dependence, increasing the use and reliance on a valued domestic resource, coal, and brought about I think to a great extent the economic stability and growth that we occasioned during the eighties. While many complex factors including restraint of taxes, restraint of over-government regulation, sound economic policies were instrumental in providing this remarkable now almost 88 months of consecutive growth, it is clear that the stability of energy prices and energy supply played a very important role.

Now, we learn that for the first time in 12 years the U.S. petroleum imports have increased to half of total U.S. domestic consumption. The Department of Energy predicts that by 1995 U.S. oil imports may cost as much as $80 billion. A similar pattern could be expected for other oil consuming countries. I fear we are placing ourselves as a nation in the very same position in which we found ourselves in the early seventies. We have taken some steps to mitigate that potential downside with the strategic petroleum reserve, but perhaps the most important step we have taken is to continue to develop coal as an abundant domestic resource as a provider of our major energy source for this country.

With this increased reliance on foreign sources for oil imports, with the declining ability to produce nuclear energy for a number of reasons, safety, political, economic, and others, coal remains, together with natural gas, one of the most if not the most important resource for providing greater energy. I wish we could turn to solar, geothermal, and wind as a way of providing an abundant renewable, cleaner source of energy.

Those of us from the Midwest fully understand the tremendous power needs of steel, auto, and heavy duty manufacturing. It just simply is not feasible nor have we developed the technology to use these alternate renewable resources. Hopefully someday we will.

As we look at this legislation, there is no other conclusion that can be reached than we are going to put increased pressure as hurdles in front of the coal industry for utilization of coal as a resource. The coal industry recognizes and is responding to the need to find a way to burn this abundant fossil fuel in a way in which emissions are controlled and in a way in which we can provide for cleaner air. That is a responsibility I think all of us have taken on.

Gains have been made since the introduction initially of the Clean Air Act of 1970 and the amendments in 1977. Progress has been made through the decade of the eighties. More needs to be done. We all recognize that. That is why this bill is on the floor. That is why it enjoys so much support.

One of the more promising technologies that we are investigating is the idea of marrying emission control technology with this abundant resource of coal so that we can continue to use this domestic resource, but do it in such a way that we can control emissions, reduce emissions, to provide for cleaner air in this country.

A greater number of potential technologies are currently under study, being modeled and tried and tested, and there is great hope that we will bring on this technology in time to utilize in coal-fired utility plants and other coal-fired boilers. In fact the Nation has committed more than $5 billion of Federal, public, private money to investigate these technologies.

One of my real concerns and I think one of this body's concerns should be that the language of the bill before us does not overly restrict the ability of clean coal technology, of controlled technologies to control emissions from coal to come onstream in the late nineties and early years of the next century, because we would be making, I believe, a very shortsighted decision if the provisions of these amendments before us under the Clean Air Act foreclose the possibility of continued investment and development and commercialization clean coal technology. It would drive us further, I believe, toward a greater reliance on oil imports. It would certainly increase the cost to the consumer both residential and commerical and industrial.

And as I said, it would perhaps foreclose the marrying of technology and use of this abundant resource.

We struggled mightily in negotiations with both the administration and Members of the Senate to try to incorporate in this bill before us some incentives for continuation of clean coal technology and bringing this on stream. I fear we did not do enough. That is why I will be supporting the tax credit amendment that Senator SPECTOR, Senator LUGAR, and others will be bringing to this floor shortly to provide an incentive for continued investment in the technology necessary to control emissions.

Senator BYRD has before us an amendment that deals with the hardship that is inevitably going to follow passage of this bill. That hardship is going to impact on many, many people in his State, and it is also going to impact on a number of coal miners in southern Indiana. Nineteen of our counties in southwest Indiana mine coal out of the Illinois basin which runs into Indiana, promising greater

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significant resources to not only utilities and manufacturing facilities in Indiana but a number of other States and including some exports.

We estimate that nearly 3,700, actually closer to 4,000, coal jobs exist in Indiana, most in these 19 southwestern countries, and because of the provisions of this legislation, much of this high sulfur coal will be imparted, and the impact will be felt by those engaged in the coal industry.

Originally, many of us were promoting and pushing a cost-sharing concept designed to help alleviate the pain that is going to result in a very human way to people as a result of the passage of this bill. We thought it was a fair way of distributing sulfur dioxide reductions and preventing a lot of the higher sulfur job loss which would result.

Unfortunately, we were not successful in that, despite the valiant efforts of the Senator from West Virginia in bringing together on many, many occasions Senators from a number of States who were most directly impacted by this legislation. We made a number of proposals and we were happy to in the end to have some of our ideas considered.

But the final result was that there is going to be an impact on high sulfur coal, and that impact is not only going to be felt on an economic basis—not just numbers and statistics and lines on a chart or points on a graph—it is going to be reflected in the individual lives of many families and many individuals and many communities who will directly feel the impact of lost jobs.

The special acid rain task force formed by the Governor of Indiana has indicated that as many as 1,300 of the 4,500 coal jobs that currently exist in southwestern Indiana will be lost. Because those jobs exist in a rural part of Indiana, many communities' existence and commercial viability depend to a great extent on the viability of coal mining. Therefore, the spinoff effect of the loss of the mining jobs will be multiplied in a way that is far greater than what normally occurs in a job loss. And because it occurs in a rural area, it is going to have an impact on communities that is much greater than what might be felt in a community that is more diversified.

So again the acid rain task force formed by the Governor of the State and the Indiana Department of Environmental Management estimate that the factor to be used in quantifying the impact will be a factor of 10, which means that nearly 13,000 related jobs in southern Indiana are at jeopardy. The Byrd-Bond proposal which is incorporated in this bill will partially mitigate that job loss. Because the original estimates made by the task force and the department of Environmental management to S. 1630 were based on the premise that more scrubbing would result in what will now result in this bill, the estimates I think are relatively accurate.

The Byrd amendment provides a compassionate way to deal with what is going to be a very real problem. It says it recognizes that changes are taking place, that perhaps these changes are inevitable, many are desirable. As I said on many occasions, clean air is an important goal for this country, and we all want to do our part. But what we want is clean air and jobs, not clean air or jobs.

Nevertheless, there is no way to slice this pie without it having an economic impact, and an economic impact is going to be negative in some areas. While, as I said, through the very important efforts of Senator BYRD and Senator BOND that many of us supported, this impact has been mitigated, it is still going to be very real.

That is why this amendment is necessary. That is why we need to recognize the contributions of coal miners to the energy security of this country, to the economic viability of this country, and we need to recognize and understand the nature of how coal is mined and where it exists.

It does not exist in fertile plains. It exists in hilly, rocky areas, areas that really are not conductive to significant agriculture production. So the loss of a coal mining jobs often results in a situation where there are few alternatives to turn to. Coal mining, because of the nature of where coal is located, means the building up of communities that are much more reliant on that resource and much less diversified than other communities. They are less accessible from a transportaion standpoint. And because of that, the impact on the miner and his family and his community is much more significant than the loss of a comparable number of jobs in a manufacturing area, not that that impact is to be minimized.

As someone who represented an area that saw a major job loss from the closing of a major industry, I not only understood the economic impact in terms of statistics and numbers, I felt the human impact. I saw friends face the specter of unemployment for the first time in their lives. And I saw the psychological damage that resulted. I saw the pain and the anguish on their faces. That is what occurs when a job is lost.

And when we pass legislation which by its very nature will result in changes in our economic structure, changes in our job loss, we have a responsibility to understand the human dimension of that consequence and to come forward with what is fair and compassionate assistance and help and compensation.

That is what the Byrd amendment does. I am pleased that it not only recognizes the loss of income, but it provides a way for retraining and reorientation and reintegration into our society. Because compassion not only means helping pay the bills but helping provide new skills and helping that person, who has, in most of these cases, invested a lifetime in developing the skill necessary to mine coal, venture out into that uncertain, unknown areas of learning brand new skills. That is not easy. That is not easy for someone who have invested 20, 30, 40 years of their life in one skill, providing for their family, providing for their community, who is suddenly now told that because of legislative changes you are going to have to learn a whole new skill. That brings a lot of anxiety and a lot of fear. And we need to assist that person in the very best way we can.

So the Byrd amendment does that. It provides the compassionate help of job training assistance, the helping hand that I think is going to be so necessary as we make these changes which we acknowledge are going to have to be made.

So I am proud to be a cosponsor of the Byrd amendment. I trust my colleagues will recognize both the economic impact and the human impact of what we are doing and take reasonable steps to compensate for that. I trust that we will find majority support for this very important measure.

Mr. BYRD. Will the Senator yield?

Mr. COATS. I am happy to yield.

Mr. BYRD. I thank the distinguished Senator for his support of the amendment. I thank him for his cosponsorship of the amendment. I thank him for his cooperation and his support with respect to the Byrd-Bond proposal that was developed over a period of many, many weeks and months by the Appalachian and Midwest coal State Senators. I thank him for his statement.

Mr. COATS. I thank the Senator, and I yield the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the name of Mr. KENNEDY be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Is there further debate?

Mr. BYRD. There will be.

I suggest the absence of a quroum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Mr. President, I rise in support of the amendment the distinguished and venerable President pro tempore has offered and ask if I might be added as a cosponsor.

Mr. BYRD. I would be pleased to.

Mr. MOYNIHAN. Mr. President, I would like to make a simple point, which is that yesterday I offered an amendment, which was cosponsored by the majority leader and the Republican leader, which provided on an open-ended basis that we would commence in an institutional manner a benefit/cost analysis of the Clean Air Act. In considering the Clean Air Act we find ourselves dealing with ranges of costs that range from the very specific—how much does a kilowatt of electricity cost without a scrubber, with a scrubber, and so forth—to values for which we do not as yet have an accurate measurement.

How do we calibrate the value of doubling the visibility in the Smokey Mountains, which acid rain legislation would probably do? What is it worth? We do not yet have a system to describe this. We cannot say it is worth 50 cents. We cannot describe it as yet. But the minute you ask yourself the question you already know more about the subject. Ask yourself, put a number on anything, and you have learned about it.

My amendment, Mr. President, simply builds on a measure that was already in the bill with respect to the acid rain controls. The only acid rain legislation to have passed the Congress in two decades was a measure I introduced in 1979 and which was enacted in 1980. It is the Acid Precipitation Act of 1980. It established the National Acid Precipitation Assessment Program; NAPAP is the acronym.

At that time we had run into the issue with which the Canadians were concerned. The higher altitude lakes of the Adirondacks were affected as well. At Cornell University in Ithaca, NY, the biology of the effects of acid rain on fish was being understood for the first time. It is more complicated than is thought.

It should be remembered when we talk about acid rain that rain is naturally acidic. Nonetheless, the words "acid rain" make a powerful image. But if we think the image is all we need to know about the science, we are wrong in that respect. Science is more complicated.

The problem with our previous environmental legislation is that we have had no data. Nor has there been any followup to learn what we had done. We intervened in a system. What changes took place?

No great heed was paid to NAPAP until the issue of acid rain acquired great attention as an environmental issue. The Reagan administration would do nothing about acid rain, until they found NAPAP.

And so, without mentioning this, really—it certainly did not come to the attention of the Environment and Public Works Committee—they increased by a factor of 10—one order of magnitude, as the statisticians say—the amount of money in this program. They put in $500 million instead of $50 million. So we have had the largest, most expensive and most extensive calibration of an environmental issue in the history of this subject.

There was, most recently, an international conference held at Hilton Head, where people from all over the world came to discuss this. And we learned that the Americans now know more about this subject than anybody else in the world. And we also found, Mr. President—I have been very open about this without being overly insistent—that the prospective benefits of the acid rain provisions are less certain that has been thought.

What we seem to have learned is that, in many areas of the Northeast, what was going to happen has happened. Some bodies of water were vulnerable to levels of sulfur dioxide precipitation, and these have become acidic. Others are buffered, and have not. And so the prediction is that in the Adirondacks, the reduced deposition that this legislation contemplates will have, over the next half century, a noticeable but not overwhelming effect. Some might say small as compared to our expectations.

Similarly, were we to do nothing—again I am speaking principally of the Northeast—the change would not be linear. It is suggested that very little deterioration would take place. Why is this? The deterioration has already taken place to about the extent that it ever will.

So how does this relate to what we are doing with this bill? What we are doing, we are doing knowingly. We have put into this measure a section that provides for the continuation of the National Acid Precipitation Program, so 10 years from now we will have 20 years' data and 30 years from now we will have 40 years' data, and we will know something about what happens in the natural environment when we intervene. We will know some of the costs and we will know some of the benefits.

Yesterday, in the amendment, I offered, which was accepted, I added a much more general provision that will characterize henceforth—I hope at least—the environmental program of our National Government. I said yesterday that environmentalism is nothing if not an ethic of responsibility, and our first responsibility is to the facts.

The amendment does not establish a cost/benefit test that all EPA regulations must pass. Rather, I hope it could educate us regarding the various costs and benefits of regulations now in place, and those we will adopt in the future.

It is not knowledge that we should fear, but rather our lack of knowledge. Cost/benefit analysis gives us data, and this is always for the good.

As a discreet discipline, cost/benefit analysis has a long history. Its analytical foundations extend back to the 1844 article by J. Dupuit entitled "On the Measurement of the Utility of Public Works." In government, these methods were first applied systematically by the Flood Control Act of 1936.

Application of these methods to matters of environmental protection is a new endeavor. It is a developing science. We have some experience in quantifying costs, very little for benefits.

EPA already has a mandate to report the costs of environmental regulations. Section 312(a) of the current Clean Air Act requires EPA to prepare a report on the cost of clean air each year. Unfortunately, the report has often been late. EPA last published the report in 1984. Another report is being prepared and may be published by summer. In addition, Executive Order 12291, signed in 1981 by President Reagan, requires EPA to evaluate costs and benefits of regulations with annual costs greater than $100 million. EPA has prepared guidelines for performing the required regulatory impact analyses.

As far as this bill goes, there are going to be facts involving employment. It is certainly likely that there will be miners who lose their work. Many of them will lose their jobs at a point in life where getting to another region, another occupation, is very much more difficult. A man in his fifties against a man in his twenties. These problems affect whole families.

So, as part not just of the amendment of the President pro tempore, that there will be adjustment, I want to insist that there will be measurement, that there will be counts, that we will know what happened. We might also find we have created jobs. It is very possible. We certainly will create jobs for the people who make scrubbers.

These are complex things. We are not frightened of complexity, but be prepared for long-term measurement.

One of the blessings of the U.S. Government is that the Constitution provides that this Nation shall have an abundance of social science data. That data is called the census. And we are now about to have our 20th, starting at the end of the decade.

We have always known a lot about this country and we know how to learn. One of the great problems of the countries that adopted central economic planning, is that they have no data. We were largely able to avoid this because data was available through the Bureau of the Census,

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Bureau of Labor Statistics, and the Department of Commerce.

But we do not have data on what it means to change the atmosphere with respect to this gas and that gas, and these toxics and those other atmospheric pollutants.

There were days when those dark plumes of smoke coming out of factory chimneys were signs of prosperity, and pictures of this sort festooned our new Post Offices of the 1930's. There was nothing Jim Farley like better to do than put up a new Post Office and hire a WPA artist who painted prosperity returning, black columns of smoke reaching up into the sky. Strong colors for what we hoped would be a strong economy.

All I want to say, Mr. President, is I hope people understand that this amendment is not just an aside, something a particular Senator thought was interesting but not to take too seriously. Take it very seriously. It is an opportunity to get to someplace where we are not now, a place where we will know what we have done, and possibly adjust to the consequences of what we learned.

In the meantime, if there was one medium of consideration that ought to be attended, it is the coal miners of this country whose livelihood is clearly at jeopardy in the interest of the larger national concern. Fine, but that kind of change involves reciprocal obligations. I believe the Senator from West Virginia's amendment rises to that responsibility. I am happy and proud to be a cosponsor.

Mr. HEINZ addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. BYRD. Will the distinguished Senator yield briefly, Mr. President?

Mr. HEINZ. I will be pleased to yield.

Mr BYRD. Mr. President, I thank the very distinguished senior Senator from New York [Mr. MOYNIHAN] for his incisive comments and for his recognition of the tentativeness of our knowledge of what may be going on, and for his work in providing for a setting that will give the Senate more time and give us all more data and more of a foundation on which to proceed on the bill, and for his recognition of the sacrifices of the coal miners, and for his compassion he has expressed, his willingness to see a problem, face up to it and try to make some amends.

I personally thank the distinguished Senator from New York for his comments on the amendment and his cosponsorship.

The PRESIDING OFFICER (Mr. DIXON). The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, at the outset, I want to commend and congratulate the senior Senator from West Virginia for offering this amendment. It is an amendment which focuses on something we have ignored pretty much in the course of this debate, at least up until now, and that is people.

The amendment that the Senator from West Virginia has offered, and of which I am pleased to be a cosponsor, addresses that aspect which very few people are willing to acknowledge: which is, achieving our clean air goals can, and indeed does, have a price.

Most of the time when we have talked about price, we have talked about a price tag, we have talked about the cost being $20 billion a year in the year 2005 or $30 or $40 billion a year.

Whatever those costs are, and EPA says the cost of this will be about $20 billion a year in the year 2005, and whatever the effects of distributing that cost to consumers and businesses that ultimately must bear it, those rather cold numbers obscure something far more important: The impact of any legislation, but particularly this, on the lives of people, families, workers; people who care about and try and make a community work.

What I am really saying, Mr. President, is that it is not just some well-heeled faceless industry or big corporation that has to pay the cost of legislation like this legislation. Working people and their spouses and their children and their neighbors are going to be asked to bear some very real and, I am sorry to say, in some cases, catastrophic economic burdens.

Those of us who are privileged to represent areas where there is a lot of coal mining, particularly of high sulfur coal, know too will, what that burden will be; because we have been working on trying to avoid, for several years, a strategy that is going to cause thousands of those workers to lose their jobs. We have been trying to find a means to clean up our air and avoid these catastrophic job losses.

We used to say to the economists in western Pennsylvania when our steel industry was heading toward rock bottom, even when the economy was a little weak, what is going on is a recession. But when you lose your job, it is a depression.

This legislation, even though we have tried in every way we possibly can—and still have enough votes to get it passed—to avoid this kind of catastrophic impact on individual workers, their families, in spite of our best efforts—and we have had some success, thanks to our colleagues—it is still going to have an impact. It is still going to put some people out of work. We do not know who, or how many.

Notwithstanding the fact we have done our best and mitigated a lot of the potential job losses, and I hope we do more on the floor with the Specter-Lugar amendment and others that will come forward, it would be downright dishonest to pretend that there are not going to be any job losses at all. That may be the way we would like the world to be after we pass this legislation, but it is not the way the world is going to be.

What our amendment does is provide a secure safety net for those miners who are going to be put out of work. It is not just for them. It is for their wives or husbands, their kids and, as I say, their neighbors.

Let me emphasize that we are not just talking about the loss of income when you lose a job these days.

You are talking about the loss of something that for many families is almost as important. It is called the loss of health insurance.

I was privileged to serve with the junior Senator from the State of West Virginia on the Pepper Commission, and we were well aware of the fact that part of our mission was to try to come up with a strategy that would address the problem of what happens to people who lose their jobs and lose their health insurance along with it and what happens to people who have minimum wage, or sometimes a good deal more than minimum wage, jobs but whose employer does not provide health insurance. They have to go out on the open market and pay two or three or four times what the average family rate might be if they were working for an employer who provided health insurance as a job benefit.

We made recommendations, but they were split. Indeed, the congressional Members on the Commission split 6 to 6, a deadlock. That did not mean we did not understand the problem. We just did not have agreement on how to solve it.

So nobody should be under any illusion we are going to expeditiously solve the problem that is going to take our miners who work at least off the hook so far as their health insurance is concerned. That is going to be for quite some time, I am sorry to say, a real problem.

Then, of course, there is the question of their retirement income. Yes, they have been contributing to Social Security. But what is going to happen when some of these little coal companies that may have been contributing to a pension fund go out of business and the fund is an uninsured fund. They are putting money into IRA's, into some kind of noninsured pension fund. What is going to happen to the pensions of those workers?

That is the kind of question we hope to answer with this amendment. But it does not, I will be honest, directly address an equally critical and important question, which is what do you do when your life's work of 20 or 30 years suddenly disappears? Suppose you have been living in a small town in

Fayette County or Greene County or Washington County or Westmoreland, PA, or Somerset County or other counties I could mention, or just across the State line in my colleague's State of West Virginia or Ohio or Indiana or in the State of the Presiding Officer, downstate Illinois. What do you do when the principal employer—not a multinational corporation but still the principal employer—in that little town is gone and you and people up and down the main street—it is not a long main street—are suddenly, most of you, without any work at all? What do you do next Tuesday morning, next Tuesday afternoon, next Wednesday? What do you do with your life?

A lot of our miners are just like farmers. I know the Presiding Officer knows a lot about farmers, too. Farmers are married to their land, we often like to say. They have dirt under their fingernails, they have the callouses on their hands to prove it. They are practically one with the soil they till.

That is exactly the way miners are. Mining is one of the most dangerous occupations. If you have ever been down in a mine, you sense the danger immediately—if you have a sense of claustrophobia it is not the greatest place for you. It is a long ride down or into some of those mines, and that means it is a long ride out. And if something is not working right, you could be there for a long time, maybe forever. And yet people go willingly into those mines day in and day out, years, decades, because it is important to them. It is not just a way of putting food on the table and paying the rent and attending to families' necessities. It is a way of life, just as much as the family farm and the commitment to the soil is a way of life to our farmers, except these farmers farm underground. They farm a different crop, the energy to keep our country running. Let me tell you, they were there long before Captain Drake made his famous find in my home State of Pennsylvania up at Titusville and drilled the first oil well and then someone figured out there was natural gas, and a few things like that happened.

Mr. President, these people who are coal miners have been helping us develop for a long time. They were the heart and soul of the industrial revolution. We could never have substituted chemical energy for manpower, could never have been able to convert from manpower to horsepower, the measure of the output of energy, without our miners. It is deeply ingrained in our history just as coal dust after a long day in the mine is deeply ingrained in every nook and crany and wrinkle in your face after you have worked a full shift.

Our miners have been married to our land, I say, Mr. President, to make it clear that these people are not the kind of people who pick up and walk away from trouble. That is not how they are raised. They are proud. They are strong. They are tough. They are committed. They are dedicated. They are going to stick around in that community where, chances are, their grandfathers were born, their great-grandfathers were born. What that means is not only that they are proud and they have their roots down, but it also means the local governments and the local officials in those communities are going to be asked to meet the responsibilities of having a police force and keeping the roads up, doing all the things elected municipal officials have to do, without a tax base. When that mine closes, the tax base, both commercial and residential, is going to drop out from under that community. It is going to be like a mine cave-in, a subsidence. The increased social costs are going to be there. That is inevitable.

I might add that many of those communities are still suffering from the job losses which our region of the country has previously experienced. Mr. President, you make steel out of coal. You take a pound of coal and a pound of iron ore, and it becomes, after you are through with it, a pound of steel. But we manufacture a lot less steel today than we did, so unemployment is no stranger to our coal fields. It has been, I am sorry to say, a constant companion for longer than most of us care to remember.

So it is simply unfair to pile up yet more costs on local units of government—and I emphasize the word "local"—to achieve national clean air goals, because that is what this Clean Air Act is all about.

The monthly termination benefits provided by our amendment will give workers a measure to help but, more importantly, they will give workers a measure of control, a choice in the future direction of their lives without having to pull up their roots, without having to strip-mine their lives. Some are going to choose higher education, some are going to seek retraining and careers in other skilled industries.

One thing that either of those pursuits requires, Mr. President, is time, and time, when there is no money coming in, is a luxury that you cannot afford because you cannot feed your family with time. You cannot pay the rent with time. You cannot pay the hospital bills with time. You must have either a source of support or you have to have a job.

One of the chief failings, as we all know, with the worker retraining programs we have had in the past is that they often, almost always indeed, failed to provide an adequate stipend during training. How many of us have had workers or their families come up to us and say, "Thanks for the trade assistance program to get me retrained, but I cannot afford to go to the retraining program because I have to pay the family bills. My wife already works. We have a mortgage." That does not get any smaller just because you get laid off. Workers too often have had to forego training simply because there is no other way to put that food on the table, and the income support provided by this amendment is going to ensure that such a situation at least does not reoccur with respect to these workers.

Mr. President, I can tell you this about the coal miners of my State and I suspect the Chair's State. They are proud. They are productive Americans. They want to work. They want their children to succeed. They build safe, close-knit communities where neighbor helps neighbor, and in most cases they are part of a family where generations have done what I would say is probably one of the dirtiest most dangerous jobs in the world. They have been the people who have provided the fuel for America's economic prosperity.

It is not right to ignore the impact that our Clean Air Act will have on them, their lives, and their communities, and the amendment by Senator Byrd of which I am a cosponsor will help at least in some measure make it right.

Mr. President, I urge all our colleagues to support this amendment.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. HEINZ. I am pleased to yield.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Pennsylvania for his fine statement. He has firsthand knowledge of the lives of coal miners in this country. There are many coal miners in his State. And he understands their problems. He understands what happens when coal miners lose their jobs in great numbers.

I thank him for his statement. I thank him for his cosponsorship of the amendment. I thank him for his cooperation with the others among the Appalachian-Midwestern coal States.

We have tried over a period of many weeks and months to develop legislation that would enable us to be a part of the solution recognizing that we have problems that confront our country with respect to dirty air, but at the same time recognizing the problems that we face in our own communities and States with respect to the economy, the job losses, the unemployment. And he has been a very able worker among and within this group.

I thank him, and again I appreciate his fine statement and his cosponsorship.

Mr. HEINZ. Mr. President, I thank the senior Senator from West Virginia, and the distinguished chairman of the

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Appropriations Committee for his very kind words. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I rise today in support of the Byrd amendment.

I say to my friend and colleague from West Virginia that he has been our leader during a very difficult period—in trying to do the very best we could for the central part of our country, and for those who mine coal in the central part of our country. It is probably not possible, Mr. President, to craft a clean air bill that does not have some kind of impact on those who mine coal in America.

Under the able leadership of the Senator from West Virginia, those of us who were clearly outnumbered in this body as a whole have, we feel, been able to lessen the impact on the central region of our country, and on those who mine coal, through this substitute bill.

But in addition to that, there is not any way that the passage of this legislation is not going to displace a number of those who have made their living mining coal in Kentucky, West Virginia, Pennsylvania, and other States in the central part of our country.

So, Mr. President, our effort today under the able leadership of the distinguished chairman of the Appropriations Committee, is to provide some relief for those who will lose their jobs as a result of the Nation's effort to make this air that we all breathe cleaner.

The Byrd amendment is a provision designed to provide some relief to thousands of coal miners who, as I said, Mr. President, will pay the ultimate price for reducing acid rain in this country. The price they will pay is their jobs, their very livelihood.

Those of us who support this amendment do so because we are faced with the very real threat of economic devastation in certain coal communities within our States.

Let me say again that it is absolutely clear to all of us in this Chamber why this amendment has the bipartisan support that it has. Certain coal communities within our State are threatened with economic devastation; not less than economic devastation, not a mild recession, not temporary worker layoff, not simple industrial dislocation. No, Mr. President. These communities face old-fashioned economic devastation.

I admit that the economic impact of the acid rain title of the clean air bill on coal communities is concentrated. The country as a whole will probably not even realize it is occurring.

In fact, since the jobs lost in the high-sulfur coal fields will to a certain degree be offset by new jobs in low-sulfur coal fields it will probably be a wash on a national level. But in my State that is somewhat encouraging because we have both high- and low-sulfur coal. But when analyzed from a regional and local point of view the prospects are grim indeed.

The nature of the coal industry is such that it tends to heavily support the economies of certain communities. The small communities which develop around coal mining sites are by definition almost exclusively dependent on the mining operations for their economic viability.

For example, the Congressional Research Service has done a study showing that 90 percent of the high-sulfur coal produced in west Kentucky is mined in but five counties.

CRS points out that one out of every four jobs in these counties are coal mining jobs, and that the second and third largest categories of jobs are in the service and Government sectors, both of which closely support the coal industry.

The CRS study estimates that under the original Bush bill or the Environment Committee bill these five counties would lose 40 to 50 percent of their coal production.

The Congressional Research Service points out that a discussion of coal jobs in these five communities is really a discussion of the economic viability of these communities. The study concludes that "Indeed it is unclear that these communities would exist without coal."

Mr. President, a recent analysis by ICF Resources, Inc. for the Environmental Protection Agency indicated that west Kentucky stood to lose 1,500 to 3,000 coal mining jobs under the original committee bill, S. 1630. The compromise acid rain package we have developed here helps alleviate this impact somewhat. I am told this compromise will reduce job losses by one-half to one-third over the committee proposal.

Nevertheless thousands of jobs will still be lost in western Kentucky. Unfortunately, coal mine jobs impacts in my State will not be limited to western Kentucky. Pockets of eastern Kentucky will also have their share of hardship. For example, Gatliff Coal in southeastern Kentucky mines some of the lowest sulfur coal in my State. Eighty-five percent of Gatliff's production is sold to Tampa Electric Co., in Florida. If modifications are not made to this compromise acid rain package, Tampa Electric will likely have to switch to oil to meet the standards. Almost overnight, Mr. President, Gatliff Coal will lose 85 percent of its sales, and may indeed cease operation. At risk are the 800 jobs Gatliff Coal supports in two eastern Kentucky counties.

Mr. President, I recognize that those of us supporting the pending amendment may be outnumbered, although I hope we are not.

The environmental benefits reducing acid rain will be enjoyed by many. The cost of those benefits will be borne by few. I urge my colleagues to consider what this amendment attempts to do. This amendment, drafted by the distinguished senior Senator from West Virginia, simply tries to provide some relief to those coal field families that will pay the real price or acid rain reduction in this country.

I urge my colleagues who intend to cast that pro-environment, pro-clean air vote that has become so all-important in this election year to look with compassion on those who will pay the real cost of that vote and also vote in favor of this amendment.

Let me say further, in conclusion, how much the Senator from Kentucky appreciates the outstanding leadership of the distinguished senior Senator from West Virginia. Without his guidance, this bill that we currently have before us could have been even more devastating for our States, and without his amendment today, we simply would not have had an opportunity to provide the kind of relief for displaced miners that, it seems to me, compassion dictates that we proceed with. So I thank him for the amendment and for his leadership.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Kentucky [Mr. McCONNELL] for his fine speech and for his interest in the legislation, interest in the amendment, his cosponsorship of the amendment, and for the cooperation that he has rendered during the many weeks and months, as we tried to mold an amendment on an approach that would lessen the impact of this legislation in coal mining communities of West Virginia, Kentucky, and Illinois, and other parts of Appalachia and in the Midwest. I deeply appreciate his efforts and his cooperation and cosponsorship on the amendment.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER (Mr. FOWLER). The Senator from Illinois [Mr. DIXON].

Mr. DIXON. Mr. President, this morning, I was occupied chairing a hearing in the Banking, Housing and Urban Affairs Committee, and did not, I am sorry to say, send work to my distinguished friend and colleague, the senior Senator from West Virginia, that I desired to be a cosponsor of his amendment.

So I ask unanimous consent to permit my name to be joined on this amendment as a cosponsor of the amendment offered by the Senator from West Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DIXON. Mr. President, I, too, want to congratulate my friend from West Virginia for his contribution with respect to what is occurring here on this bill. He has worked for many, many months, even for years, to adequately present the point of view of those of us who represent coal mining States.

I have participated in the many conferences that have been held. He has been the leader of our group, and his intellectual understanding of the subject matter, his contributions always in leading this, I think, just cause, are just priceless. As a man who deeply admires the distinguished senior Senator from West Virginia, I want to express on behalf of the people of my State who are directly affected, our profound appreciation for his sensitivity to this very important issue.

Having said all that, Mr. President, let me just say here on the floor today that I understand a little bit about coal mining. I come from southern Illinois. In my hometown of Belleville, one of my best friends, Bill Stiehl, grew up to be our Republican county chairman. He was a Republican precinct committee man, and I was a Democratic precinct committee man in the Seventh Ward in the east end of Belleville, IL.

Bill is now our U.S. district court judge in southern Illinois, and his father had a coal mine. I remember it was only a short walk to that coal mine. I remember those experiences in my hometown of Belleville. Most of the city was undermined with coal mine shafts and tunnels, and there was a lot of subsiding in our town as a consequence of that. Some of us even were responsible for the ultimate passage of legislation to permit ensuring against subsidence in my State because of the substantial amount of coal mining that has taken place there. Of course, in addition to shaft mining, there was strip mining as well.

I have known many people engaged in that occupation over the years, as my friend, the Senator from Pennsylvania said, proud people who worked hard in extremely dangerous work and made a very substantial contribution to the economies of many communities in southern Illinois. There are actually towns in my own county, places such as Marissa and Millstadt that were dependent on the coal mining industry. So my friend from West Virginia has recognized that in what he is doing here in this amendment.

We understand that we are a minority here in connection with some of the things that are happening in this legislation. We even understand the public support for what is reflected in the legislation before us now. I think we would argue with the way that it is being done. Many of us feel very strongly that a more appropriate response from some who advocate this legislation in connection with cost sharing and other things would have been a better result, but we were outnumbered.

The modifications in the bill before us now are largely due to the efforts of the Senator from West Virginia, and the result is a bill that is better than the original bill. We appreciate that.

I thank my friend from West Virginia and my colleagues, who worked so hard to accomplish the ultimate compromise. What we have now is better than the original bill, although I would want to be able to say once again for the people of my State that it is not as good as we think it ought to be.

We do not feel that there is a national sharing here, Mr. President, a national sharing, as is so common in other legislation. Others have made these speeches about the fact that we come forward as a Congress to help when there is an earthquake in San Francisco and to help when there is a hurricane in South Carolina. We built the great dams in the South and West to provide energy, and did a great many things in a common way, as a nation, sharing, as a nation, our responsibilities for many of these unique national problems.

I argue once again forcefully, although it will not matter in the result, and I recognize that, that we are not sharing as a nation the responsibility of dealing with this national problem in connection with clean air.

But that is water over the dam. We have fought that good fight, and we have had, I think, good leadership in the fight, a very fine and competent man who understood the problem perhaps better than any of us in the person of the distinguished senior Senator from West Virginia. But that is over with. It is done.

The thing that remains is what do we do to deal with the remaining problem in real terms involving individual people who will be hurt by the result? Clearly, there are thousands of them, and there are thousands in my State. To the extent that we can do the humane, responsible, decent thing here in this legislation, we ought to adopt the Byrd amendment to do that.

Coal miners in my State will suffer a tremendous amount of job loss as a result of this bill. Illinois stands to lose, I am sad to say, about 8,000 coal mining jobs in the next decade. That amount of job loss is extraordinary in an area of my State that is not all that highly populated. When indirect job losses are factored, the total job loss in my State as a result of the acid rain title will be about 19,000 jobs.

Mr. President, while those job losses will be concentrated in one part of my State—the poorest part I might add—the costs of unemployment will be borne throughout the State. Unemployment insurance is paid by businesses throughout the State. The benefits of this amendment will, thus, be spread throughout my State.

We come to this floor and plead. And I do not mean this critically, we plead for our colleagues to do the right thing to help people in Poland and in other parts of the world and all over the world in connection with their problems.

Now the question is, will we do for people in southern Illinois, West Virginia, Kentucky, Pennsylvania, Indiana, Ohio, and other affected States, the simple decent thing that we do for other people all over the globe?

Now is the time to address that problem. And many Senators, may I say to my friend from West Virginia, who are going to come over here and walk down to that table and think about this vote, have nothing personal either as an individual Senator or insofar as their State is concerned to gain by voting with us. In the case of many of those Senators, I recognize and my friend from West Virginia recognizes, we are asking them to perform a selfless act and to help us with respect to real, honest, hardworking American people who really need the help now in connection with this legislation that is clearly going to pass.

Whether this Senator would vote for it or not—and I may, I may—but whether this Senator would vote for it or not this legislation is going to pass and thousands and thousands of decent Americans who carried a lunch bucket to work every day and worked from early in the morning to late at night in the hardest and the most dangerous work in the world, and who raised good families, decent law-abiding families, are going to be directly and dramatically affectd by what happens here.

I would hope that all Senators who do not have 1 ounce of coal mined in their State, who truly believe in their hearts that the cause is just in connection with this legislation, would understand how just our cause is in asking for their simple, again let me say, selfless act in giving us a vote that does not matter at all in their State. I understand that they may even be criticized in their State, may I say to my friend from West Virginia, for voting with us. But it is the right thing to do for people who are going to be hurt by this legislation, truly going to be hurt.

It is in the interest of a better America, I believe that those who are advancing this legislation believe this to be in the interest of a better America, that those people who will be hurt should be protected in a small way. There are all kinds of precedents for it, in connection with other things we

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have done with the railroads and other interests.

For example, title V of the Regional Rail Reorganization Act of 1973, which rescued the Northeast and the Nation from the effects of the Penn Central bankruptcy, provided full protection of the salaries and benefits of terminated rail workers from the date of termination until their retirement. Similarly, when Congress created Amtrak in 1970, a provision was included in the legislation providing for continuation of salaries and benefits of terminated rail passenger service employees for a period of 6 years.

Where I come from in southern Illinois, they have a book—you might want to read it sometime—called "Bloody Williamson." Williamson County, deep in southern Illinois coal country—where Marion is the main town in that county—is where they had coal mine wars. My friend from West Virginia remembers the coal mine wars in West Virginia. They made movies of them. In southern Illinois they had wars over coal. Many people were hanged. The union and nonunion coal people shot each other. There were brutal wars over coal.

Coal is a central part of the economy in that part of our State. To this very moment, people are employed who shortly after this legislation becomes law will lose gainful employment, perhaps for the remainder of their adult lives.

My friend from West Virginia is a talented and able man who has served here with tremendous distinction for many decades and has been a great credit to his party, to his State, and to his Nation for this fine work that he has done in connection with doing the best he can in difficult circumstances, and I would hope that many of his colleagues, if for no other reason than out of reverence for him, will cast a favorable vote on this amendment.

I yield the floor.

Mr. BYRD. Mr. President, if the Senator will yield, I thank the distinguished Senator for his very perceptive comments. It is obvious that he knows what the living conditions of coal miners are in Illinois, and he knows what the situation is that confronts them if they lose their jobs. It is a bleak outlook. He knows there are going to be thousands of job losses if this legislation becomes law, and it probably will become law.

I appreciate the speech that he has made. I appreciate his cosponsorship on the amendment, and I appreciate the cooperation that he has extended to others in the group of Appalachian and midwestern Senators who have been meeting for months in an effort to put together an approach behind which we could unite. He has contributed to that effort in a most helpful way and I deeply appreciate his help.

Mr. President, there will be other Senators I believe who will want to speak on this matter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the qourum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Mr. President, I make a parliamentary inquiry. What is the parliamentary situation?

The PRESIDING OFFICER. The pending matter before the Senate is the amendment offered by the Senator from West Virginia [Mr. BYRD].

Mr. SYMMS. Is it not correct that the Symms amendment has then been temporarily set aside?

The PRESIDING OFFICER. The Senator is correct.

Mr. SYMMS. So that the appropriate procedure would be that we will dispose of the Byrd amendment at some time and then go back to the Symms amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1327

Mr. SYMMS. Mr. President, if there is no other Senator seeking recognition right now I would like to speak to the issue that is at stake. It is only extralaterally at stake to the distinguished President pro tempore's amendment where he is trying to make an attempt to demonstrate the concern that he has for the coal miners of West Virginia, which I am certainly understanding of and sympathetic with what he is trying to do. My amendment is a little broader, talks to the air toxics section, because I am one Senator that is very concerned about the bright line residual risk that is part of this legislation.

I want to call the attention of all of my colleagues to the commentary section of the Washington Times newspaper today; an article by Warren Brookes, entitled "Killer or Minimal Risk?" We are not debating specifically the content of this article, but we are debating specifically a concept in this legislation in the air toxics section that applies a residual risk to a standard in the United States.

I just want to read to my colleagues part of this article because I think it is significant to the direction, to the thrust, of where this legislation will take the American working men and women, those people who make us competitive, the American people, the entrepreneurs of this country who have made us competitive, who have given us the standard of living and the clean air that we have today.

I want to read some of this:

> On Feb. 22, the NBC "Today Show" featured a segment by Dr. Art Ulene on the dangers of radón. In it, a doctor in a Washington, D.C., hospital showed X-rays of a 31-year-old lung-cancer patient. Because the man was a nonsmoker, the doctor concluded, "This had to be environmentally caused." At the end, Dr. Ulene gravely informed viewers, "This young man died two weeks ago."
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> We asked the NBC producer, Ms. Lynn Hill, how she knew this man died of radon (environmental causes). She answered, "We don't know for sure—and we didn't say he [did]. He was a 31-year-old man who never smoked, and radon is the second-highest cause of lung cancer."
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> We asked her, "Did you measure the radon in either his home or his workplace to determine his actual exposure?"
>
> She replied, "Of course not. We wouldn't think of invading his privacy!"
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> In other words, the entire segment was medical guesswork. But that seems to be the case with the Environmental Protection Agency's whole radon program. Last October, EPA Administrator William Reilly cited Iowa as having the highest radon of any state in the union, with 71 percent of its homes over the EPA's "danger level," seven times the national average exposure.
>
> Taken at face value, those numbers would suggest a lung-cancer death epidemic in Iowa. Yet Iowa's lung-cancer death rate is 13 percent below the nation. According to the EPA's radon/risk model, Iowa should have 1,600 lung-cancer deaths per year from radon alone. Yet Iowa's lung-cancer deaths in 1988 totaled 1,420 and 85 percent to 90 percent of those were smoking-related.
>
> One of the world's top cancer researchers, Dr. Rosalyn Yalow of the Veterans Administration, says, "In the absence of smoking, radon itself does not represent a significant health hazard." Dr. Yalow cites as evidence the High Background Radiation Research Group's 1981 analysis of two Chinese provinces of equal populations. One had double the radon level of the other. Yet lung-cancer death rates were lower in the high-radon province.
>
> "Since cigarette smoking is virtually nonexistent in China, this shows that residential radon is largely irrelevant as a cause of lung cancer."
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> But Richard Guimond, head of the EPA's Office of Radiation Programs, was contemptuous: "Dr. Yalow doesn't know what she's talking about. She knows nothing about radon."
>
> Dr. Yalow won the 1977 Nobel Prize in Medicine for 30 years of research on radiation and cancer. Mr. Guimond is a bureaucrat/engineer with no doctoral science training.
>
> Last October, we asked Oxford's Dr. Sarah Darby, architect of the world's largest epidemiological study on radon, why England was willing to wait until 1993 for the results of that study.
>
> She took out two maps of England. The first showed lung-cancer death rates by locality. The lowest levels by far were in Devon and Cornwall, 15 percent to 20 percent below average. The second map showed the levels of radon. Devon and Cornwall stood out with the highest radon in England four times the nation's average. "If we didn't have maps like this, I would feel a greater urgency about regulating now," said Dr. Darby.
>
> A leading epidemiologist, Yale's Dr. Jan Stolwik, said, "If radon were a major risk factor, it would clearly shine through in the ecological data, but it doesn't. All epidemiological studies suggest without smoking,

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radon is an unimaginably small public-health risk." How small?

Last August, the New Jersey State Department of Health released the only formal epidemiological study of radon and lung cancer in the United States. Press reports suggested it "confirmed" the EPA's fears but a closer reading shows it destroyed them.

First, New Jersey found less than 1 percent of the women in the study were exposed to radon levels above the EPA's "danger level." The EPA's risk estimates predict 5 percent to 10 percent at that level.

"We were frankly very surprised at the low level of radon exposure," Dr. Thomas Burke, who headed the study team, told us. "We had been led to expect much more."

His top researcher admitted, "This low-exposure level led to a very weak result."

How weak? Only six of the 433 cancer cases (1.4 percent) were exposed to "action" levels of radon, only one was a nonsmoker, and she was exposed to a full-time smoker in the home. Even accepting that, death as "caused" by radon would leave a remediation target of 0.2 percent of all U.S. lung-cancer deaths, under 350 nationwide.

But the EPA's Mr. Guimond said, "You can't conclude zip from the New Jersey study. It was too weak to prove anything. The sample was much too small to be statistically significant." Yet the EPA's radon-risk assessment is based on an even *smaller* sample universe: 375 uranimum miners in Colorado and Utah who died of cancer since 1960.

But only 14 of them were nonsmokers, for whom radon might be assumed a primary death cause. To accumulate even the lowest radon exposure received by one of those nonsmoking, dead miners would take living in a EPA danger-level house nonstop for 475 years!

Small wonder the man who set the EPA's "danger level" back in 1979, Dr. William Mills, now publicly says, "We were just plain wrong." One reason: the EPA totally ignores the fact that Americans *move* an average of every six years, itself a remedying process.

I wonder how many of these mythical persons who live at the plant gate move every 6 years, or do they stay there, keeping their heads in the plume coming out of the factory, for 70 years, 24 hours a day?

This is the point I am making where it relates to my article, Mr. President.

When we pointed this out to Mr. Guimond, he seemd surprised. He said, "You have possibly just come up with the explanation why you can't find any correlations between high-radon levels and raised cancer rates." Indeed you can't. Canada tried it for its 17 largest cities and found no radon/lung cancer correlations at all.

That is why Canada chose to regulate radon at five times as high (loose) a level as the EPA. Using the Canadian rule, Americans would spend $80 million on total remediation. Using the EPA rule, they would have to spend $8 billion to $10 billion, 100 times as much. An article in the forthcoming issue of Public Interest Quarterly by chemist Harold Lyons and economist Ben Bolch points out "there seems to be no unusual incidence of lung-cancer deaths among U.S. uranium miners when exposures are below 12,000 piocuries per liter of air. One does not have to know what a picocurie is to know that 12,000 is a lot bigger than 4 (the EPA's so-called danger level.) Mankind has lived with natural radiation for millions of years. We should be allowed to continue to do so peacefully, without fear and without a radiation inspector at the door or a radiation detector in the basement."

Why is EPA hyping this non-risk? One reason might be that theoretically radon is 2,000 times greater than any other risk EPA now regulates.

Mr. President, the reason I bring this to my colleague's attention, and I appreciate their forebearance on it, the amendment that has been temporarily laid aside that I offered simply is saying that if this pollution that we may be creating, and if we apply the bright line standard which is still in the compromise amendment, in the compromise package, where we will allow this residual risk to set the standard, whether 1 in 10,000 or 1 in 1 million, we are going to apply that standard to people in the United States. But we are not going to apply that standard in Canada.

It is interesting that something that the EPA regulates that they think is so dangerous, the radon question, the Canadians set their standard 12,000 when our standard is 4. It does not take a mathematical genius to compute and figure out that the Canadian standard is many, many, many times more than the standard that the EPA has come up with.

My point is, as we come to these votes later this afternoon, I hope my colleagues will consider the fact that toxic pollution that is produced in Alberta should be of interest to us if, in fact, we believe what the committee says in their report on page 154, that—

> The airborne toxic fallout contaminates even isolated lakes that have no nearby industrial sources and no other route by which pollution could reach them. The pollution is capable of traveling on the wind from sources hundreds, even thousands of miles away.

Mr. President, it may be that my amendment is too broad. It may be that I should have narrowed the amendment to just say "500 miles around our border." That would give some protection, maybe, to American workers. Or 1,000 miles around our border.

But I predict if this legislation passes in its current form, that millions and millions and maybe billions of dollars of American capital will be invested in Canada and will be invested in Mexico; it will be invested in other countries close by and some further away in order to produce the goods that we can produce now.

I have been told there have been meetings today, by friends of mine who were at the White House, trying to convince everyone that we have to go along with this bill now; this is the best possible piece of legislation we can get.

Mr. President, I think the American people want clean air legislation. But I think they want clean air legislation which will still allow them the opportunity to have a job. We are talking about passing legislation which will provide the potential for millions of Americans to lose their jobs. I am sympathetic with these Senators who are here before us with this proposition to pay some of these mine workers who may lose their jobs because of this legislation.

There should be a middle ground. There should be, with a country that had the technology to put men on the Moon 20 years ago, we should be able to resolve some of these environmental issues without allowing for the hype of the excessive standards that this legislation carries with it.

I bring that to the attention of my colleagues. I say to my other colleagues to not lose sight of the fact that the residual risk part of this legislation, which my amendment speaks to—it speaks to the section of the bill with the air toxics—still has the bright line standard in it, of this most exposed individual.

If we are going to allow plants to be closed in the United States because of the most exposed individual, this hypothetical residual risk, which is pure hypothesis, we need to be able to go home and explain to the people we are representing that we are not concerned about their jobs, we are not concerned about their livelihood; we are going to force this capital offshore to produce pharmaceuticals and chemicals and petroleum products and anything else, steel, the other sinews of the good life that we have learned to enjoy in the United States. So we are not going to allow them to produce those goods here unless they can meet this excessively high standard.

I think my amendment, although it may not totally so appear from the standpoint of a free trader, is only fair to the working men and women in the country who are going to be asked to pay this price for this complicance. The people in Alberta should not have the same privileges as the people in Alabama. That is basically what we are saying.

Mr. President, if we go back to the basic premise of the Clean Air Act which passed the Congress originally, the purpose was to allow local and State authorities to come up with State implementation plans that would reach attainment of air quality across this country, meet certain standards across this country, work it out at the local and State level and get assistance from the Environmental Protection Agency.

This is quite another matter. This bill carries with it heavy punitive measures, high potential for fees, for fines across the board and the heavy hand of Government to actually go in and close plants and cost people jobs. That is what the Senators who come from the coal States are talking about today.

This is an anticoal bill, and do not let anyone forget. In the United States of America, we have literally been called the Saudi Arabia of coal, but this bill is anticoal. This bill will turn out to be very positive with respect to natural gas and any other kind of cleaner fuels, but it will be very negative on the coal producers of America.

Coal is a product that we have a lot of. Maybe we will export it, and they can burn it outside the United States, wheel the electricity back into the United States, and the coal miners in Pennsylvania, West Virginia, and other States can go begging, looking for another job. That is why my colleagues are here.

I have great sympathy for what they are trying to do. I do not know whether we can afford it, but I know their heart is certainly in the position of trying to tell the people who they represent that, if they are excluded from the job market because of this legislation, there should be some compensation to help them, at least, to make an adjustment to a new and different life.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

AMENDMENT NO. 1329

Mr. SPECTER. I thank the Chair. As I listened to my distinguished colleague from Idaho talk about the coal miners, I was tempted to stop and ask a question as to whether he would want to be added as a cosponsor to this amendment. He will have ample opportunity to do that in the course of today's proceedings.

Mr. President, I support the pending amendment which would provide relief for terminated coal mine workers. At the outset, I commend our distinguished colleague, Senator BYRD, for his leadership on this important issue and for his leadership in the Senate generally.

Mr. President, it is clear that clean air is indispensable for the welfare of America, and it is also clear that energy is indispensable for the welfare of America. What we are trying to do in the course of this complex legislation is to find a way that we will have clean air, adequate energy, and fairness to all of the parties which are involved.

There has been a consensus reached, Mr. President, that it is necessary to take some 10 million tons of sulfur dioxide out of the air each year. It is against that goal that we are striving to find a way to achieve that result and a fair and equitable way to have that goal paid for by the American people.

There is no question about the indispensable nature of the coal industry in the United States. Given the shortage of oil in this country, given the worldwide shortage of oil, given the impact of oil-producing countries and their cartels, given curtailment and the gas lines which we have faced in this country, given the significant, similar problems faced by the nuclear energy industry in this country, problems which we had in Pennsylvania Three Mile Island and the concerns of opening of Seabrook, coal remains an absolute necessity.

The object is to find a way to continue to use our coal resources and, at the same time, have clean air. Through many funding processes in the Congress, we have moved ahead on clean coal technology. We have made enormous strides so that coal may be used without polluting the air.

There will be offered later in the course of the consideration of this bill an investment tax credit which is crafted to encourage cleaning mechanisms so that this bill will provide tax relief for those who use these mechanisms after the passage of this bill to put them in a similar situation with those who obtained tax benefits in the 1970's and in the 1980's.

All of this is in an effort to find a way to achieve the goals of clean air and to achieve the goal of having adequate energy sources, including coal which can be burned cleanly.

Mr. President, there will inevitably be left a number of coal miners who will be disadvantaged by this legislation. When I say inevitably, that is the high probability. Perhaps we may be able to work out legislation so that that would not be the case. But since the likelihood is high, the possibility is certainly present. We must take account in this legislation to provide a fair approach to those coal miners who will be displaced.

It is with that object in mind that the distinguished Senator from West Virginia [Mr. BYRD] has introduced this legislation for relief for terminated coal mine workers.

Mr. President, I prefer not to talk about coal miners from Pennsylvania or coal miners from West Virginia or coal miners from Kentucky. I prefer to talk about coal miners from the United States because, while each of us represents a State, we are all U.S. Senators. The fundamental submission of this amendment is that it is the fair thing to do to U.S. citizens who will lose their jobs as a result of this legislation, to see to it that they have a way to support themselves in terms of compensation in the short run and in terms of training for new jobs in the long run.

My experience, of course, is principally with the coal miners who live in my own State and, to some extent, in neighboring States. I have undertaken, Mr. President, to try to find out as much about the coal miners as I can. One of my undertakings has been to visit a number of coal mines. I suggest that activity for everyone who could possibly undertake it to have some comprehension as to what it is like to be a coal miner; to go into an elevator and go 10, 15 stories into the ground, and then to travel on a rail car 3, 4, 5 miles underground to the spot where coal is dug and be in this claustrophobic setting, mindful at all times about the cave-ins which have occurred and the tragedies which have happened in these mines. Inevitably, everyone who enters into such a mine has to wonder if that is about to happen on that locale. They then proceed to where the coal is mined and one can see the dust, fumes, the gas, the dirt, and the horrendous circumstances for employment under those conditions.

The coal miners of America have been marked by tragedy. We still have periodically mine cave-ins. It is the reminder of the imminence of death under those circumstances and certainly the constant reminder of the likelihood, the probability, of black lung disease and diseases which come out.

Recently I was in Cambria County, at Ebensburg, and had an open house town meeting, as all of us do in this Chamber to stay in touch with our constituents. A lot of miners came to talk to this Senator about Pittston, the mine strike, which was held there and the violence and the circumstances.

I will not go into the details except to use this illustratively for the problems the coal miners faced. I faced a large, angry group of American citizens who felt that the system had betrayed them. They felt that the courts were not giving them justice. They felt that they were victims of blatant unfairness. At a time when the United States was singing the praises of Solidarity in Poland, the United States had turned its back on the mine workers in the Pittston dispute.

That is only symbolic, Mr. President, of one of the problems faced by the mine workers.

Fortunately, that problem has been resolved—not without a lot of anguish, but it has been resolved. But when we take a look at the contribution which the mine workers have made in this country, Mr. President, it is only basic fairness that there be consideration given for relief for terminated coal mine workers which results from this legislation, to the extent that it occurs.

I would add this note, Mr. President. And I shall not speak at length because I know my colleague, Senator ROCKEFELLER, is waiting to speak and others may wish to speak, and I know the managers of the bill want to move through to a vote.

This affects a segment of our country which has been hard hit by displaced steelworkers within the course

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of the past several years. Steelworkers have been displaced in western Pennsylvania and in West Virginia and across the Ohio-Illinois areas. The areas where the steelworkers have been displaced have been hard hit financially. Not enough was done in response to the wave of imports where essentially foreign policy and defense considerations took precedence over fairness for that industry.

This is a different situation because the Congress, through the clean air legislation, seeks to solve the problem on clean air. To the extent there will be those rendered unemployed, it is just a matter of basic fairness for the United States of America to look at these citizens wherever they are.

I rise and speak about the subject with some special understanding for my home State and my own region, but I submit that the details of this amendment are preeminently fair and equitable. I know they have been explained at length. I urge my colleagues to favor this amendment and provide this basic equity so that when a national goal is obtained, it is not obtained at the expense of some special group but that group that should be adequately compensated by this amendment.

I thank the Chair and yield the floor.

The **PRESIDING OFFICER**. The Senator from West Virginia [Mr. Rockefeller].

Mr. **ROCKEFELLER**. I thank the Chair.

Before my esteemed friend from Pennsylvania leaves the floor, I wish to comment on one statement that he made of the situation with respect to the Pittston coal strike being resolved.

It is, in the sense that the contract has been ratified, but there remains the broader problem of 125,000 retired coal miners, average age 77 years old, who are part of that deal that John L. Lewis made with the coal operators back in 1950, wherein in exchange for the mechanization of the coal fields the miners were promised life benefits for both pensions and health. The condition of the health funds for retirees still needs to be addressed.

As the Senator knows, I have a bill before the Senate which would authorize limited transfer of funds from the healthy pension fund to the unhealthy health funds, but I have to report that as of this particular day that is still very much up in the air and it affects not only this senator's coal fields but the coal fields of the Senator from Pennsylvania and the retirees therefrom. It is very perplexing. This morning the Secretary of Labor has named a commission, a small commission, an excellent commission, upon which Bill Usery serves, thank Heaven, and it will look at this problem. But if this problem is not resolved, I would suggest there could be substantial disruption in the coal fields that will make the problems of the Pittston strike seem relatively minor.

I simply say that as a comment upon my friend's earlier statement.

Mr. **SPECTER**. If the Senator will yield, I thank him for his addendum. The Senator is correct. I was painting with a broad brush on Pittston, only wanting to raise the issue of the anguish that it has caused, and why subject the same group to more problems.

But there are many problems which remain; the one specified by the distinguished Senator from West Virginia; there are still fines outstanding, as I understand it; there are still many problems—personal injury sustained, civil lawsuits, perhaps pending criminal charges. There are many scars and many open wounds from the Pittston issue. When I said solved, as I say, it was too broad a brush, but the major problem has been solved through the intervention of the Secretary of Labor and an agreement which has been reached, but much, much more needs to be done.

I think there is in this country generally an unawareness of the very troublesome times the coal miners have had for many, many years, the very many problems that they have had, and certainly we should not visit another problem on them. If as a result of this legislation there are displaced workers, my point is that this amendment is a minimum that ought to be undertaken by the country.

I thank my colleague for yielding.

Mr. **ROCKEFELLER**. The Senator's points, as usual, are right on target. I urge my colleagues, Mr. President, to vote in favor of Senator Byrd's amendment.

I will at some length, and quite separately, and in detail, explain my dismay, Mr. President, at the approach taken to the whole matter of acid rain that allocates a disproportionate share of the burdens of acid rain cleanup to the States of Appalachia and the Midwest. This situation threatens coal mining jobs and coal mining communities, which has been the substance of my professional life, and does so in a region, as the Senator from Pennsylvania pointed out, that is struggling with problems that are already overwhelming, not only in terms of steel but just generally in terms of a declining economy, declining revenues, declining services. Teachers in a number of our counties yesterday in West Virginia went out on strike. There was no money evidently to be given to them and this simply solidifies the problems we have.

Mr. President, we can argue all day about whether there is exact equity in the history of which regions of the country have paid for what cleanup that has taken place over the last several decades. I am, as I indicated, separately expressing my convictions on that argument.

Regardless of my view on that argument, however, there are two overriding facts that require adoption, in my judgment, of this amendment. First is the fact that this bill reflects a decision to change the rules of the game and those changes threaten jobs, and they threaten jobs in my State, which is the bottom line as far as I am concerned. Second is the fact that the entire country stands to lose if the industrial heartland, of which West Virginia is a part, is devastated.

The well-being of coal miners and communities should not become the victim of or hostage to arguments and struggles among various interests and regions of this country. The miners, as always, are the innocent bystanders and, as so often is the case, the aggrieved bystanders. The entire country is making a decision through the national Government that threatens the jobs of innocent bystanders, and I am offended by that. The country must cushion the results of this public policy by providing the adjustment assistance which the senior Senator from West Virginia authorizes through his amendment.

Furthermore, Mr. President, the disproportionate economic impact on a few States needs to be corrected, not just for the benefit of those States but for the benefit of the entire country. This Nation cannot regain, in fact cannot hold, its position in this world economically if we permit any region of this country to be devastated, much less the industrial heartland which has in fact been the keystone in the arch of the American economy.

This is the approach we have taken when other regions of the country needed help. We have cushioned the results. It passes belief that Congress would take a different approach here.

This legislation has much to commend it in meeting our environmental objectives, but that is not enough. The potential economic impact of the acid rain provision calls for further action.

I conclude by commending my senior colleague from West Virginia for his amendment, and for his leadership on this issue and on so many others. I urge the adoption of his amendment.

I thank the Chair and yield the floor.

Mr. **MITCHELL** addressed the Chair.

The **PRESIDING OFFICER**. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. **MITCHELL**. Mr. President, I have consulted with the managers, Senator Baucus and Senator Chafee, the distinguished Republican leader, and with Senator Byrd.

I would like to suggest that we proceed in the following fashion: Senator Sasser has a noncontroversial amend-

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ment that will be accepted by the managers. Senator **Bingaman** has a similarly noncontroversial amendment that will be accepted by the managers, and I will propose that they be recognized in that order to have those amendments accepted.

I would then propose that we have very brief remarks by Senator **Dole** and myself on the Symms amendment, at which time we will move to table that amendment, and a vote will follow on that.

Immediately following that, Senator **Bryan** has an amendment to offer which will be the subject of a discussion between he, myself, and others. At that point, we may be in a position to come back and see what other major amendments might be pending.

It is my understanding that several Senators have indicated they have amendments, and are now prepared to offer them and will be in a positon with the manager working out some sequence of consideration of those amendments.

Mr. BAUCUS. Mr. President, if the leader will yield, the chairman of the Appropriations Committee, Senator **Byrd**, indicated to me before he left the floor he would be amenable to a window which included the amendments that were outlined by Senator **Symms**, Senator **Bingaman**, Senator **Sasser**, and Senator **Gore**. He, however, said that following this disposition of those amendments he would like to have his right protected to go back on the Byrd amendment.

Mr. MITCHELL. Yes. That is correct. That will be done. I merely am suggesting now that Senator **Sasser** be recognized, then his amendment be accepted, Senator **Bingaman** for his to be accepted; that then we proceed to a vote on the Symms amendment; then go to the Bryan amendment; and, at that point that is the only thing the Byrd amendment will be set aside for. At that point we will be in a position to discuss further what the schedule would be, and the Byrd amendment would be back. I understood from Senator **Byrd** that is acceptable and he has confirmed that.

Therefore, Mr. President, I suggest we proceed on that schedule. Senators, therefore, should be aware that a vote on the motion to table the Symms amendment, which will be made by Senator **Dole** and myself, is likely to occur within the next 15 or 20 minutes. Following that vote we will then proceed to Senator **Bryan**.

Mr. President, I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee [Mr. **Sasser**].

Mr. SASSER. Mr. President, I ask unanimous consent that the pending business be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1331 TO AMENDMENT NO. 1293

(Purpose: To provide a plan of development to construct a facility that operates on refuse derived fuel)

Mr. SASSER. Mr. President, I send an amendment to the desk on behalf of myself and Senator **Gore**, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. **Sasser**], for himself and Mr. **Gore**, proposes an amendment numbered 1331 to amendment No. 1293.

Mr. SASSER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. **Graham**). Without objection, it is so ordered.

The amendment is as follows:

On page 385 of the amendment, between lines 14 and 15, insert the following new section:

DEVELOPMENT OF REFUSE DERIVED FUEL PLANT

Sec. 309. The Tennessee Valley Authority, (hereinafter referred to as the "TVA") in cooperation with regional waste authorities in the Tennessee Valley is authorized and directed to develop a plan for the construction of a combustion unit capable of using refuse derived fuel, with specific analysis of construction of the facility at the site of TVA steam generation plant located at Gallatin, Tennessee. The TVA shall submit to Congress no later than 90 days after the date of enactment of this Act a report setting forth its plan for completion of such a facility.

Mr. SASSER. Mr. President, our country faces a solid waste management crisis. For many localities in my native State of Tennessee the No. 1 issue is how do they dispose of their garbage. Landfills are literally overfilling and overflowing all across the State of Tennessee, and indeed all across this Nation. There are fewer and fewer available sites for landfills every day.

Frankly, I do not believe the answer to our solid waste problem is simply to find new landfill sites to dump more and more garbage. We have to find ways first to reduce the amount of garbage. And the amendment that I offer today in conjunction with my colleague, Senator **Gore**, is a first step, a first step in developing a promising new approach to recycling solid waste.

The amendment that we are proposing directs the Tennessee Valley Authority to develop a plan for the construction of a facility that will demonstrate the use of fuel that is made from garbage, so-called refuse-derived fuel or known as RDF.

This new fuel that is made from garbage would be produced by converting solid waste into pellets that will then be used in producing combustion from which we would produce electrical energy.

These pellets can be burned in a combination with coal or they can be burned in place of coal in the production of electrical power.

The garbage-derived fuel will have a double benefit. It will reduce the need for raw garbage landfills. That in and of itself I think is worthwhile enough. But it will also help utilities to reduce sulfur emissions produced by the burning of coal, and of course this will have a very salutary effect on overall air quality and on the environment.

The waste authority in Sumner County, TN, is in the process of developing plans for a facility that would convert solid wastes into a garbage-derived fuel. TVA owns and operates a steam plant in Sumner County near which this new facility would be located. I fully expect that the plan we are directing TVA to complete today would show the feasibility and the usefulness of creating a garbage burning combustion facility in Sumner County. By constructing a new facility or utilizing the existing facility in Sumner County, the Tennessee Valley Authoriy will have a readily available source of so-called "refuse-derived fuel," or fuel that is actually made from garbage that now goes into solid waste landfills.

In addition to Sumner County, I would expect the Tennessee Valley Authority to also purchase the so-called refuse-derived fuel from waste authorities from elsewhere in the Tennessee Valley area, all for use in this new facility that will utilize garbage-derived fuel in its source of energy.

Mr. President, I submit that the Tennessee Valley Authority should take the lead in demonstrating alternative methods of dealing with the solid waste crisis that is engulfing our State of Tennessee.

Refuse derived fuel that is made from garbage is one of our most promising new technologies, and I believe that this amendment will be a first step in making the Tennessee Valley Authority a national leader in the development of this technology of taking solid waste, making it in a fuel, and then using that fuel to produce electrical energy.

Mr. President, I thank my colleagues, and at this time I yield to my distinguished colleagues from Tennessee [Mr. **Gore**].

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Mr. President, I want to begin by congratulating my senior colleague, Mr. **Sasser**, for proposing this amendment.

I am pleased to join my colleague and good friend, the senior Senator from Tennessee, **Jim Sasser**, in offering this amendment to the Clean Air Act to explore an alternative waste management method.

When I am talking with my constituents in Tennessee at open meetings, it is rare that someone does not mention the critical problem that State and local governments are faced with in the area of municipal solid waste management. Landfill space has become scarce and expensive. According to EPA, almost three-fourths of all municipal solid waste landfills will close within 15 years, and 45 percent of these are expected to close within 5 years. In the Tennessee Valley alone, more than 24,000 tons of municipal solid waste is produced daily by more than 7 million people who live in the valley. Eighty percent of this waste ends up in landfills.

As our landfill space dwindles and the health and environmental risks become apparent, local governments are exploring alternative waste management techniques. Local governments throughout Tennessee have taken a lead in this field. This past fall, officials from Sumner County Resource Authority in Gallatin, TN, came to me exploring the option of transforming nonrecyclable solid waste into fuel pellets. The refuse derived fuel [RDF] fraction can then be used in a boiler unit to produce steam. This is a promising alternative, which has been explored only in a few of our cities and should be considered further.

It is my position that we as a country should seriously study the RDF concept as one alternative practice of waste management and a potential cleaner energy source. RDF would be produced from municipal garbage. In addition to greatly reducing the need for new landfills, one attractive quality of this technology is that it would mandate recycling. Of course, recycling is becoming increasingly important as the alternatives for solid waste disposal diminish.

The amendment that Senator SASSER and I are proposing today will authorize the Tennessee Valley Authority to develop a plan for the construction and site selection of a combustion unit capable of using refuse derived fuel and submit this report to Congress. Electric utilities are one of the largest potential markets for RDF, and TVA, in its combined roles of a public utility and a national demonstration agency, is anxious to be a pioneer in the field of developing RDF technology.

As a waste management alternative, the plan should include how the project will demonstrate a feasible way for local communities to use the RDF option, considering all the environmental, technical, economic, and institutional factors. In doing this, TVA will map out an innovative possibility for municipal waste management not only useful in the Tennessee Valley, but in areas throughout the country.

Mr. President, I commend officials in Sumner County and throughout Tennessee for assertively pursuing alternative waste management practices that will seek to preserve our environment. I want to thank Senators BAUCUS and CHAFEE for the opportunity to offer this amendment and urge that they support it.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. We have had a chance to look at the amendment and accept it.

As chairman of the subcommittee who has jurisdiction over the clean air and solid waste disposal, I look forward to working with the Senator from Tennessee in developing this project.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 1331) was agreed to.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending business be set aside so I can offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1332 TO AMENDMENT NO. 1293

(Purpose: To authorize a clean air study of southwestern New Mexico)

Mr. BINGAMAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN for himself and Mr. DOMENICI, proposes an amendment numbered 1332.

Mr. BINGAMAN. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert at the end of amendment No. 1293 the following: The Administrator shall conduct a study of the causes of degraded visibility in southwestern New Mexico. The Administrator, in consultation with the Secretary of State, is encouraged to cooperate with the Government of New Mexico, other Federal agencies, and any other appropriate organizations in conducting the study. Nothing in this section shall be construed as contravening or superseding the provisions of any international agreement in force for the United States as of the date of enactment of this section, or any relevant federal statute.

Mr. BINGAMAN. Mr. President, this amendment would authorize a study by the EPA of air pollution in the southwestern part of New Mexico. The focus of this simple study, which should really not take more than a few months, is the air pollution that exists and impairs visibility much of the time in this region of our State.

I have emphasized to the managers of the bill how important it is to solve this problem for the citizens of our State who have come to expect clean and clear skies. The study will help us to study the nature of the pollution, where it comes from, and potential remedies for it.

Mr. President, I want to bring to the attention of the managers of this bill a serious air quality and visibility problem in the southwestern part of New Mexico. Over the past few years air degradation has enveloped this part of the State. The smog is clearly visible and does not seem to dissipate. The continuing presence of smog concerns the citizens of this part of the State who have come to expect clean and clear skies.

I am interested, as are other New Mexicans, in finding out what causes this problem and attempting to identify potential solutions. There is no heavy industry in this area with the exception of three copper smelters owned and operated by Phelps Dodge Co. However, these smelters were recently overhauled with state of the art pollution control equipment. The company made significant capital investments to ensure that our air quality would not be compromised.

There are two other copper smelters in the region, both located to the south in the state of Sonora, Mexico. The emissions reduction measures applicable to the Cananea and Nacozari facilities are detailed in annex IV to the 1983 Agreement Between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area, which outlines the responsibilities of both governments in ensuring air quality related to copper smelters along the border. Only the Nacozari facility currently operates with pollution controls. The Cananea smelter does not currently have controls and will not be subject to controls until the facility expands its existing operations.

Mr. President, I am concerned that the increasing problem of visibility in southern New Mexico may be related to the operation of the Mexican smelters. While I am pleased both with the institution of pollution control technology at the Nacozari facility and with the ongoing exchange of data related to facilities on both sides of the border as provided for in the 1983 Border Environment Agreement and its annexes, I believe more can be done. I understand that the cooperative effort currently underway with Mexico under the agreement is being reviewed by both countries this summer at the annual national coordinators' meeting.

In light of increasing concerns over air degradation along the United States-Mexican border, I think we must instruct our United States coordinator to: identify steps that can be taken to enhance the quality of com-

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pliance information on both sides of the border; improve the operation of pollution control equipment; document that the United States and Mexico are complying with the emissions limits set forth in annex IV to the 1983 agreement; seek to ensure that any data exchange include information on bypass and/or upset events; and examine possible new control strategies on either side of the border.

The national coordinators' meeting this summer offers an appropriate opportunity for the United States to raise these concerns with the Mexican Government. I am sure that Mexico shares our interest in doing whatever we can to prevent further degradation of the air. Do the managers agree that this issue should be addressed in the upcoming review of the agreement?

Mr. BAUCUS. I agree with the distinguished Senator that the problem you raise is serious and is appropriately addressed as we consider reauthorization of the Clean Air Act. I think the cross border compliance issue must be raised and appropriate steps taken to resolve the problem.

Mr. CHAFEE. I agree.

Mr. BINGAMAN. I thank the managers of the bill.

I believe the amendment has been agreed to by both the majority and minority sides.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I have had an opportunity to examine this amendment as well, and accept it. I think it is actually a quite important amendment. The across-the-border compliance issue is a difficult one, one that we must address. I know that the Senator from New Mexico is very concerned about his New Mexican citizens. I accept the amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 1332) was agreed to.

Mr. BAUCUS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that my colleague, Senator DOMENICI, be added as a cosponsor of the amendment which was just recently adopted here in the Senate related to pollution along the United States-Mexican border.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1327

Mr. MITCHELL. Mr. President, I call for the regular order with respect to the Symms amendment.

The PRESIDING OFFICER. The Senator has that right. The pending question is now amendment No. 1327 offered by the Senator from Idaho.

Mr. MITCHELL. Mr. President, as I announced earlier this afternoon, it is now my intention, joining with Senator DOLE, to have a joint motion to table the Symms amendment. I do not intend to belabor the subject. The managers of the bill, Senator BAUCUS and Senator CHAFEE, have described in persuasive detail the reasons why this amendment should be tabled. It would directly violate the agreement that has been reached. It would establish a process that would be extremely disruptive of U.S. trade relations around the world and, most importantly, I believe it rests on an erroneous premise.

The fact is that we are legislating to deal with a serious national problem of air pollution within this country. We are trying to protect the health of Americans and the quality of the American environment. This is something we should be doing, not contingent upon what every other country in the world may or may not do in such respects but rather for the health and well-being and welfare of the American people. That is the premise of the legislation. The premise of the amendment is entirely to the contrary.

So, I strongly urge all of my colleagues to join Senator DOLE and me in voting to table this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas, the minority leader.

Mr. DOLE. Mr. President, as the majority leader has indicated, this amendment would apply the title VII provisions to protect U.S. producers from competing against foreign producers with lesser environmental standards, the air toxics title of the bill. I think on first blush it has some appeal and it is not without merit, but I think, as indicated by the distinguished manager on this side, it is far too sweeping. We may come to this point 5, 10, 15 years from now. But, as the majority leader pointed out, it is our responsibility and our goal to start in this country.

We found this same problem when it comes to inspection, meat inspection, for example. We impose standards on producers and processors in this country, and we believe the same standards ought to apply when we are importing meat from other countries; we should not expose the American consumers to danger from foreign product we do not tolerate with domestic producers.

But this is a different case and so I will move, along with the distinguished Senator from Maine, the majority leader, to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. President, this is what my amendment does:

Title VII of the bill unilaterally bans a lengthy list of chemicals suspected of contributing to ozone depletion. Because the authors of that title very accurately noted that such a ban may only serve to encourage the use of ozone depleting chemicals in the countries with whom the U.S. trades, they inserted a provision requiring that our trading partners "certify as having equivalent programs." My amendment assumes the same principle to be true of the air toxics title of the bill, and simply inserts a similar "certification of equivalent programs" provision into that title.

I would like to respond to a number of the arguments being advanced against my amendment.

First, it was argued that this provision would lay an enormous paperwork burden on EPA. Frankly, I can hardly believe my ears. Apparently, avoiding paperwork for EPA must be a very important goal. Since the goal of the amendment as drafted by the authors was to assure that pollution was not simply exported over the borders, reducing EPA's paperwork must be more important than actually accomplishing anything substantive in this entire bill.

Consider this, Mr. President: We have a bill before us that requires technology standards for hundreds of substances on thousands of different industries, requires rulemakings that will extend into the next century, and that requires over 21 detailed studies and reports to Congress, numerous commissions, an assortment of task forces or panels, and an unendingly enormous permit approval burden—but the authors of the bill believe that an amendment that would give any real substance to the entire process is too burdensome on EPA.

Well, Mr. President, what about the burden on the American people, what about the paperwork imposed on small businesses. Do we really want to shut down industries in the United States? What do you think would happen if we persist with that policy? Those industries make products that Americans want—that is why they exist.

Will Americans just stop wanting those products.

Mr. President, I have here a list of industries that EPA believes cannot achieve the bright line risk standards that are in the proposed amendment to subsection 112(f) of the Clean Air Act before us.

I ask unanimous consent that the tables appear in the RECORD at this point.

There being no objection, the tables were ordered to be printed in the RECORD, as follow:

TABLE 5-7.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-10,000 RISK STANDARD [1]

Category	Chemical(s) emitted
Butadiene production	Butadiene
Neoprene production	Do
Polybutadiene production	Do
Styrene, butadiene resins	Do
Chlorinated hydrocarbon use	Chloroform, carbon tetrachloride, methylene chloride.
Chlorinated hydrocarbon production	Do
Pharmaceuticals	Chloroform, methylene chloride
Ethylene dichloride production	Ethylene dichloride
Pesticide production	Ethylene dichloride, carbon tetrachloride, methylene chloride
Ethylene oxide production	Ethylene oxide
Primary copper smelters	Arsenic
Primary lead smelters	Do
Zinc oxide production	Do
Chemicals production	Chromium
Ferrochrome production	Do
Vinylidiene chloride polymer	Vinylidiene chloride
Coke ovens	Benzene soluble organics

[1] Source categories listed were assumed to have a current risk greater than 1 in 1,000 thus requiring emissions reductions of more than 90 percent to achieve a 1-in-10,000 residual risk.

TABLE 5-8.—EXAMPLES OF SOURCE CATEGORIES THAT MAY HAVE DIFFICULTY IN MEETING A 1-IN-1,000,000 RISK STANDARD [1]

Category	Chemical(s) emitted
Chlorine production	Carbon tetrachloride
Ethylene dichloride production	Chloroform, ethylene dichloride.
Arsenic chemical production	Arsenic
Secondary lead smelters	Arsenic
Glass manufacturing	Arsenic
Chromium production	Chromium
Refactories	Chromium
Coke byproducts processing	Benzene
Mill tailings piles	Radionuclides (radon)
Elemental phosphorous plants	Radionuclides
Underground uranium mines	Radionuclides.

[1] Source categories listed were assumed to have a current risk greater than 1 in 10,000, thus requiring emissions reductions of more than 99 percent to achieve a 1-in-1,000,000 risk.

Mr. SYMMS. Mr. President, will Americans stop buying paint and finisher, will they stop consuming electricity or brushing with plastic toothbrushes, or buying fresh fruit and vegetables that are produced from our modern agricultural chemical technology. And will they stop depending on the marvel of the U.S. pharmaceutical industry to keep them alive.

Mr. President, I strongly doubt it. Rather, the American people will simply buy from someone else. The products that Americans want, whose production involves the release of regulated substances, will be produced overseas—and we will simply tell Nigerians or Taiwanese to produce our toothbrushes for us, even though Nigeria and Taiwan are less equipped to handle air toxic pollution than is the United States.

That brings me to the other argument raised against my amendment—that it is not our concern, that we should not care whether we export our pollution because air toxics are a local concern and will become their local concern when we get rid of them here.

I have a number of responses to that, Mr. President. First, I agree that air toxics are a local concern—and that is why I still hope to pursue my amendment that allows local communities to make decisions on them. But as I said to my colleague from Montana, why do we suppose we must impose a national solution—why tell the people of Montana that what is right for them must be right for the people of Alabama, half a continent away, but it is not right for the people just across the line in Alberta? Why should we shut down powerplants in Indiana, so we can wheel power down from Ontario?

And of course, Mr. President, the authors of the bill certainly do not mean to imply that somehow American lives are important, but the lives of Costa Ricans are not. If you really believe that 100 million Americans face death from dirty air unless you pass the provisions of this bill—why are we not just as concerned that 100 million Chinese might end up with the same risk?

And lastly, Mr. President, air pollution truly does know no boundary. As I mentioned earlier, the committee report on S. 1630 specifically makes note of the fact that air toxics have been found polluting waters "thousands of miles" away from their source. A thousand miles is a long way, Mr. President. There are 32 foreign countries located within 1,000 miles of the United States. Shutting down a source of toxics downwind from San Diego may accomplish nothing more than to ensure those toxics come right back from an upwind source in Mexicali.

In conclusion, Mr. President, let me say that I do not necessarily prefer that we shut down American, and then shut down the rest of the world along with us. Perhaps it would be better if, instead of shutting ourselves down, we figure out how to keep our plants up and working in an environmentally sound way. That, of course, is not easy for government to do, because government is not the customary source of innovative new ideas—that is usually the domain of a free, vibrant, and competitive marketplace. But since this bill does nothing to encourage those kind of solutions, the amendment pending before us at least provides some equity and truth to the position taken by this bill, and reconciles the inconsistency of assuming we can simply export our pollution problems to poor and economically deprived nations around us.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine and the Senator from Kansas to lay on the table the amendment of the Senator from Idaho.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is necessarily absent.

I also announce that the Senator from Michigan [Mr. RIEGLE], is absent because or illness in family.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. PACKWOOD], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 16, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—81

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Glenn
Gore
Gorton
Graham
Gramm
Harkin
Hatfield
Heflin
Heinz
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Pell
Pryor
Reid
Robb
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wilson
Wirth

NAYS—16

Cohen
Ford
Fowler
Garn
Grassley
Hatch
Helms
Jeffords
Lott
McClure
Murkowski
Pressler
Rockefeller
Shelby
Symms
Wallop

NOT VOTING—3

Matsunaga
Packwood
Riegle

So the motion to lay on the table amendment No. 1327 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, the Symms amendment that has just been tabled would have prohibited imports of foreign products if such products were produced in plants that do not comply with the requirements of the air toxics section of this bill.

I am sympathetic to the considerations that have been raised by the Senator from Idaho, and under ordi-

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nary circumstances I would have been inclined to give his amendment serious consideration.

I do believe that foreign producers often have an unfair competitive advantage when they operate in countries that lack the tight environmental regulations we have in the United States. This is a problem that we should work together to address.

However, I cannot agree to support the Symms amendment because that amendment would violate the carefully considered compromise on this bill. I believe that this compromise is in the best interest of Michigan, and of the country, and I remain committed to support it.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, for the information of Senators, I will now describe the schedule for the next few hours, as I anticipate it developing.

First, immediately following my remarks, Senator Wallop has requested the opportunity to make a brief comment on another subject, and I hope we can accommodate him in that regard. Then, as I had earlier announced, Senator Bryan will be prepared to offer an amendment which will be the subject of a colloquy between he and myself. At that point the Byrd amendment would be the pending business.

I am pleased to report to Senators that several of the Senators who have indicated an intention to offer major amendments have now advised that they are prepared to go forward in that regard: Senator Gore, who has an amendment with respect to CFC's and HCFC's; Senator Lautenberg, who has an amendment with respect to air toxics; and Senators Wirth and Wilson, who have an amendment with respect to clean fuels.

What I propose to the Members of the Senate is that we set aside the Byrd amendment to proceed to the Gore amendment. We anticipate approximately an hour of debate prior to disposition of that amendment, at which time the Byrd amendment would return to be the pending business.

At that point I will consult with Senator Byrd and Senator Dole and, if discussions are still underway on Senator Byrd's amendment, we will ask that that be set aside again and go to the Lautenberg amendment and then follow the same procedure after the Lautenberg amendment with respect to the Wirth and Wilson amendments.

I see the Senator from Massachusetts here. I wonder whether he may be prepared to proceed to his amendment this evening, following the Wirth and Wilson amendment?

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. We are working out the language on the amendment now. We ran into a problem with the parliamentarian on the language. We are trying to redraft it. So that is why we reordered, the other folks waiting for me are not going forward. But I am prepared to move as soon as the problem is resolved.

Mr. METZENBAUM. Is it correct for us to assume the Senate will proceed forward this evening without any windows? I am not asking for a window, I am just asking the question.

Mr. MITCHELL. I never rule out the possibility of anything because I found to do so frequently causes me to reverse myself.

Mr. METZENBAUM. But we have no present plans?

Mr. MITCHELL. We hope to proceed. Again, I try very hard to accommodate every Senator. If it is in the Senator's interest to have a window, and we can work it out since the Lautenberg, Wirth, and Wilson amendments may take between 1 hour, 2 hours or possibly longer to debate, I will do that. I have to get back to the Senator on that.

Mr. METZENBAUM. Just so we can make our plans.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, if the distinguished leader will yield, I just talked to the Senator from West Virginia relative to the Byrd amendment. I am asking if it is possible to have the opportunity sometime during the course of this afternoon or the early part of the evening, to leave the Byrd amendment or the clean air bill for a simple introduction of a bill and a 5-minute statement. I can do it in 5 minutes, if that can be worked in.

Mr. MITCHELL. Certainly. I think we ought to accommodate the Senator from Arkansas. Following the disposition of Senator Bryan's amendment, we can do that. He has been waiting quite a while. He has graciously agreed to defer to Senator Wallop.

Let me suggest, if it is only 5 minutes, that we do that following the dispostion of that amendment and then the managers will be prepared to proceed to Senator Gore's amendment. I will accommodate the Senator without further imposing on Senator Bryan.

I thank my colleagues very much, and I thank the managers again for their cooperation. I thank Senator Byrd for his continued cooperation in this matter.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. Wallop pertaining to the introduction of Senate Joint Resolution 271 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. BRYAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

AMENDMENT NO. 1333 TO AMENDMENT NO. 1293

(Purpose: To amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate average fuel economy, and for other purposes)

Mr. BRYAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. Bryan] proposes an amendment numbered 1333 to amendment No. 1293.

Mr. BRYAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. (Ms. Mikulski). Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

MOTOR VEHICLE FUEL EFFICIENCY

Sec. 206. (a) The Congress finds and declares the following:

(1) Improved efficiency in the consumption of petroleum is vitally important, not only because the worldwide supply is finite, but because the increasing dependence of the United States on foreign oil is a threat to our national security and adversely affects the trade balance.

(2) The light duty vehicle fleet is a significant user of oil, accounting for about 39 percent of United States oil consumption.

(3) Improvements in vehicle fuel efficiency between 1973 and 1987 amounted to a savings of 1.8 million barrels of oil per day and a savings to drivers of close to $30 billion. Conversely, the rollback of the corporate average fuel economy (CAFE) standard for the 1989 model year, from 27.5 miles per gallon to 26.5 miles per gallon, is expected to result in increased consumption of 900 million gallons of fuel over the life of the 1989 vehicles.

(4) Emissions of carbon dioxide, including those from the light duty vehicle fleet, contribute substantially to increased retention of heat in the Earth's atmosphere, and may cause long term global warming and disruption of climate-dependent activities.

(5) The United States, with only 5 percent of the world's population, is responsible for 20 percent of world carbon dioxide emissions. United States carbon dioxide emissions from gasoline alone are greater than the carbon dioxide emissions from all sources in each of the following countries and areas of the world: Latin America, Japan, the Middle East, West Germany, South and Southeast Asia, the United Kingdom, Africa, and France.

(6) The transportation sector is responsible for 31 percent of carbon dioxide emissions in the United States. Each gallon of

gasoline burned results in the emission of 19.7 pounds of carbon dioxide.

(7) The rollback of the CAFE standard for the 1989 model year is projected to result in 9 million tons of additional carbon dioxide emissions during the life of the 1989 vehicles.

(8) Increased numbers of vehicles and vehicle miles traveled in the United States will necessitate a 3 percent annual increase in fuel efficiency merely to hold future carbon dioxide emissions at current levels. Therefore, substantial improvements in vehicle fuel efficiency will be needed to reduce these emissions.

(9) CAFE standards and the successful response of automobile manufacturers to those standards have been very effective in increasing vehicle fuel efficiency, resulting in a doubling of the passenger car fleet fuel economy between 1975 and the present. However, current law does not require improvement above a standard of 27.5 miles per gallon which became effective in 1985. In recent years, the average fuel economy of the fleets of certain manufacturers has actually declined.

(10) Light trucks were an insignificant part of the passenger vehicle market when CAFE standards were enacted in 1975, and have not been subjected to strict, legislatively-established, CAFE standards. As a result, there have been few major technological changes related to fuel efficiency in the standard size light trucks since 1982, and fuel economy in some light truck models has actually declined between 1982 and 1986. Light trucks have become increasingly popular for passenger use, and such vehicles now account for approximately one-third of new passenger vehicle sales.

(11) The Office of Technology Assessment and the Department of Energy agree that increased fuel efficiency is possible utilizing currently available technology and without significant changes in the size mix or performance of the fleet. With maximum use of conventional technologies, it is estimated by various experts that the fuel economy of the entire new car fleet could range from 33 to 38 miles per gallon by 1995.

(12) Over the long term, by utilizing technology currently in production or in prototype, additional increases in fleet fuel economy beyond 1995 estimates are achievable, from 40 miles per gallon to as high as 60 miles per gallon in the next decade.

(13) Gasoline prices currently are lower in real dollars than they have been since the early 1970s. Since there is at least some correlation between gasoline prices and consumer demand for fuel efficient vehicles, it is unlikely that the market alone will achieve significant improvement in fuel economy.

(14) An increase in fuel efficiency in the light duty vehicle fleet of 20 percent by 1995 and 40 percent by 2001 would save 49.1 billion gallons of fuel between 1995 and 2001. This level of improvement also would reduce carbon dioxide emissions by 483.5 million tons between 1995 and 2001.

(15) Use of a percentage improvement requirement is the only legislative approach that assures achievement of the environmental and energy security goals to be served by a fuel efficiency standard. Such an approach ensures that each manufacturer is required to achieve significant improvement in fuel efficiency. By contrast, use of the same numerical standard for all manufacturers provides no incentive for manufacturers of primarily small vehicles to improve the fuel efficiency of those vehicles, and in effect establishes no standard for such manufacturers. Establishment of separate standards for each size of vehicle does not prevent dramatic increases in the size and weight of the fleet as a whole. For that reason, a size-based standard cannot ensure any fuel savings, and could actually result in deterioration of the fuel economy of the fleet.

(16) Increased CAFE standards that require all manufacturers to improve by the same percentage are, therefore, both reasonable and necessary to ensure that improvements in fuel efficiency continue, in furtherance of the dual goals of the Nation's energy security and decreased carbon dioxide emissions.

(b)(1) Section 502(a) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)) is amended by striking

"1985 and thereafter	27.5."

and inserting in lieu thereof the following:

"1985 through 1994	27.5.
"1995 and thereafter	As provided in accordance with section 514 of this Act.".

(2) Section 502(a)(4) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)(4)) is amended by striking "The Secretary" and inserting in lieu thereof "Except in the case of standards established by sections 514 and 515, the Secretary".

(c) Section 502(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(b)) is amended by inserting "and which ends before model year 1995" immediately after "after the date of enactment of this title".

(d) Section 502(c)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(c)(1)) is amended—

(1) by striking "passenger" each place it appears;

(2) by inserting "or subsection (b) or section 514 or 515" immediately before the period at the end of the first sentence; and

(3) by inserting "subsection (b) or sections 514 and 515" immediately before "is more stringent".

(e) Section 502(g)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(g)(1)) is amended by inserting "or section 514 or 515" immediately before the period at the end of the first sentence.

(f) Section 502(i) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(i)) is amended by inserting "or sections 514 and 515" immediately before the period in the first sentence.

(g) Section 502(j) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(j)) is amended by inserting "or sections 514 and 515" immediately before "or any modification".

(h)(1) Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001 et seq.) is amended by adding at the end the following new sections:

"PASSENGER AUTOMOBILES

"Sec. 514. Notwithstanding any other provision of this Act, the average fuel economy for passenger automobiles manufactured by any manufacturer in model year 1995 and each model year thereafter shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:

"1995 through 2000	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for passenger automobiles in model year 1988, plus an amount equal to 20 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988; except that such standard shall not be less than 27.5 miles per gallon and shall not exceed 40 miles per gallon.
"2001 and thereafter	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for passenger automobiles in model year 1988, plus an amount equal to 40 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988, unless such standard is modified under section 516; except that such standard shall not be less than 33 miles per gallon and shall not exceed 45 miles per gallon.

"AUTOMOBILES OTHER THAN PASSENGER AUTOMOBILES

"Sec. 515. Notwithstanding any other provision of this Act, commencing with model year 1995 and each model year thereafter, the average fuel economy for automobiles other than passenger automobiles manufactured by any manufacturer in any such model year shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:

"1995 through 2000	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for light trucks in model year 1988, plus an amount equal to 20 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988; except that such standard shall not be less than 20 miles per gallon and shall not exceed 30 miles per gallon.

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"Model year"	
"2001 and thereafter....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer in model year 1988, plus an amount equal to 40 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988, unless such standard [illegible] modified under section 516; except that such standard shall not be less than 24 miles per gallon and shall not exceed 35 miles per gallon.

"MODIFICATIONS OF STANDARDS

"Sec. 516. (a) Any time after the beginning of fiscal year 1995, the Secretary may modify any average fuel economy standard established under this Act for model year 2001 and thereafter in accordance with this section. In response to a petition from any person that is filed at least 12 months in advance of the model year to which it is applicable, the Secretary shall conduct a rulemaking proceeding to determine whether to increase or decrease such standard to the level which the Secretary determines is the maximum feasible average fuel economy for that model year (taking into consideration the factors listed in section 502(e) and the need to reduce carbon dioxide emissions), except that the Secretary shall not reduce any such standard below a standard equal to a 30 percent increase over the average fuel economy achieved by the manufacturer involved for the applicable type (or class) of vehicles for model year 1988. The Secretary may also conduct such a rulemaking on the Secretary's initiative.

"(b) In determining the maximum feasible average fuel economy during a rulemaking proceeding under this section, the Secretary shall weigh equally each factor listed in section 502(e) and the need to reduce carbon dioxide emissions. In evaluating the economic practicability of the standard, the Secretary shall consider—

"(1) the economic impact of the standard on the manufacturers and on the consumers of the vehicles subject to such standard;

"(2) the savings in operating costs throughout the estimated average life of the vehicle compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the vehicles which are likely to result from the imposition of the standard;

"(3) the total projected amount of energy savings likely to result directly from the imposition of the standard and the economic impact of such energy savings;

"(4) any lessening of the utility or the performance of the vehicles likely to result from the imposition of the standard;

"(5) the impact of any lessening of competition or any change in foreign trade that is likely to result from the imposition of the standard;

"(6) the total projected amount of reduction in carbon dioxide emissions and the economic impact of such reduction; and

"(7) other factors the Secretary considers relevant."

(2)(A) Section 503(a)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(1)) is amended by inserting "and section 514" immediately after "and (c)".

(B) Section 503(a)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(2)) is amended by adding at the end the following: "Average fuel economy for purposes of section 515 shall be calculated in accordance with rules of the EPA Administrator that are based upon the method required in paragraph (1) for calculation of average fuel economy of passenger automobiles."

(i)(1) The Administrator of the Environmental Protection Agency shall conduct—

(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks by the Administrator performed in accordance with procedures in effect as of the date of enactment of this section, as compared to the actual performance of such passenger automobiles and light trucks when driven by average drivers under average driving conditions in the United States; and

(B) an assessment of the extent to which fuel economy deteriorates during the life of such passenger automobiles and light trucks.

Information on acutual performance may be obtained through a survey of current vehicle owners.

(2) The Administrator shall, within 12 months after the date of enactment of this section and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1). The report shall include—

(A) a comparison between (i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of this section and (ii) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under paragraph (1);

(B) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

(C) any recommendations for legislative or other action.

(j)(1)(A) Paragraph (1) of section 506(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(b)) is amended by adding at the end the following new sentence: "The Secretary of Energy shall distribute no less than 100 booklets each year to each dealer and shall distribute as many in addition to 100 booklets as are reasonably requested by dealers from time to time.

(B) The amendment made by subparagraph (A) shall apply to the 12-month period beginning on the first day of the first month after the date of enactment of this section and corresponding 12-month periods thereafter.

(2) Section 506(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(e)) is amended by striking "Federal Energy Administrator" and inserting in lieu thereof "Secretary of Energy".

(k) The Secretary of Transportation shall provide for a review to be undertaken by the National Academy of Sciences, in consultation with vehicle manufacturers, representatives of environmental and consumer groups, appropriate State and local officials, and representatives of labor, of the current state of research and development in light truck fuel economy and passenger automobile fuel economy and an assessment of the remaining potential for improving the fuel efficiency and reducing the energy consumption of passenger automobiles and light trucks. The assessment shall include all aspects of vehicle design, including engines, drive train, component parts, auto body, tires, and any other aspect contributing to the reduction of energy consumption. The National Academy shall, not later than 2 years after the date of enactment of this section, submit a report to the Congress on the results of the review and assessment and in the report recommend research and development priorities that could result in the commercialization of fuel economy technology through the early years of the next century. The National Academy shall update the report every 5 years, beginning not later than 7 years after the date of enactment of this section, and shall submit each updated report to the Congress.

(l)(1) Section 508(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2008(b)(1)) is amended by adding at the end the following new subparagraph:

"(C) Any civil penalty assessed under this subsection for a violation of section 507(a) (1) or (2) in model year 1995 or thereafter against a manufacturer shall be doubled if—

"(i) the manufacturer violated section 507(a) (1) or (2) in the two model years immediately preceding the model year involved in the assessment; and

"(ii) during each of such preceding years and the year involved in the assessment, the applicable average fuel economy standard exceeded the average fuel economy of the vehicles manufactured by such manufacturer by five tenths of a mile per gallon or more.".

(2) Section 507(a)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2007(a)(1)) is amended by inserting "including sections 514 and 515," immediately after "section 502(b)),".

(m) As used in this section, "passenger automobile" has the meaning given that term under section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) and "light truck" shall have such meaning as the Secretary of Transportation prescribes.

Mr. BRYAN. Madam President, this amendment will protect the environment by controlling carbon dioxide emissions and slowing global climate change. In addition, it will improve our energy security and reduce the trade deficit. The purpose of the amendment is to require increases in corporate average fuel economy, or CAFE standards, which have not been increased since 1985.

It is rare indeed, Madam President, that we have the opportunity to achieve multiple and vital goals through one piece of legislation, but improving the fuel economy of our passenger vehicle fleet will do just that. My amendment would require improved fuel economy up to a level of 34 miles per gallon by 1995 and 40 miles per gallon by 2001, and would require proportional improvements for the ever-increasing light truck fleet.

There is virtually no dispute that improved fuel efficiency can and must be accomplished as a high priority. The President's Science Adviser, Dr.

Bromley, testified before the Commerce Committee in December of last year that improved fuel economy is possible, and that it is a primary interim means of addressing global climate change that must be pursued while research on climate change continues. The Assistant Secretary of Energy testified before the Commerce Committee in May 1989, that additional fuel efficiency is technologically feasible, and that increased reliance on imported oil and increased carbon dioxide emissions are serious problems. The Environmental Protection Agency listed fuel economy as an important near-term strategy for dealing with global climate change.

It is easy to see why there is an urgent need to achieve these goals. The percentage of our oil consumption that is imported continues to rise, and is projected to be well over 50 percent by the year 2000.

Parenthetically, Madam President, I note that earlier this week, statistics were released indicating today we are importing approximately 46 percent of the fuel consumed in America. Not since 1977 has the United States been so dependent upon imported oil.

Just this week, the New York Times ran an article about how food riots and political unrest in oil producing countries may drive oil prices higher.

Mr. President, I ask unanimous consent that that article which appeared in the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICAL UNREST ABROAD RAISES OIL-SUPPLY FEARS

(By Youssef M. Ibrahim)

PARIS, March 5.—Political unrest and food riots shaking major oil-producing countries, including the Soviet Union and some OPEC nations, may lead to significant worldwide oil shortages in this decade.

In the latest pessimistic assessment, a Paris-based newsletter, Petrostrategies, warned today about the effects of food riots and political unrest that have occurred in recent months in five members of the Organization of Petroleum Exporting Countries: Algeria, Gabon, Venezuela, Nigeria and Kuwait. The newsletter said these turbulent developments could become of "frightening importance."

In addition to these countries, Iran, an important OPEC member, is witnessing a growing political struggle between factions of the ruling clergy. Experts on Iran say the situation could deteriorate onto civil disorder hampering the country's already-weakened oil production.

SOVIET OUTPUT FALLING

Similarly, as has been reported, the Soviet Union, which is not an OPEC member but is the world's largest oil producer, has over the last year experienced a significant drop in oil production and will almost certainly lose even more this year because of the economic chaos provoked by President Mikhail S. Gorbachev's policy of perestroika.

"The still-abundant international oil supply means that concerns raised by these developments can be put aside by consumers for the time being," Petrostrategies said in its weekly issue today. But, the newsletter asserted, the economic and political tensions undermining these countries will not disappear. "In the context of a more fragile oil supply-demand equilibrium," it said, "they could quickly assume a frightening importance for world oil supplies."

Petroleum experts said the situation was aggravated by a steady rise in demand for oil and a failure to make the investment needed to increase production capacity in most countries with large oil reserves. But a few Arab producers, like Saudi Arabia, Kuwait and the United Arab Emirates, have been making sizable investments, the experts say.

PlanEcon, a Washington-based consulting firm, estimates that economic and political dislocations have caused significant losses in Soviet oil production. An official of the firm said in an interview today that Soviet output dropped by 300,000 barrels a day last year, to a daily output of 12.2 million barrels. The official said Soviet output is expected to drop again this year by anywhere from 300,000 to 500,000 barrels a day.

In a report published last month, PlanEcon said the Soviet trend was "unlikely to be reversed any time soon." It cited the inability of the Soviet economy to improve its own oil industry, failing to supply such essential materials as "pumping equipment, pipes, drilling equipment to the oilfields, etc."

Vahan Zanoyan, a senior energy expert at the Petroleum Financial Company, a Washington-based consulting firm, was also pessimistic. "In four years or so, you could see the energy situation approaching critical mass if the political undercurrents we are witnessing continue to gather momentum," he said. "One must remember that every time we had a major oil crisis was because of politically motivated reasons—the 1979 Iranian revolution and the 1973 Arab oil embargo."

These warnings coincide with a widespread consensus among petroleum experts that unless investments on the order of $60 billion are made during the next five years to increase production capacity in key petroleum producing countries, oil prices will surge above the current average of $18 a barrel.

Some experts say that to keep pace with growing demand, production capacity must increase worldwide by five million or six million barrels a day beyond the current output of about 51 million barrels a day. Many OPEC officials, including the organization's Secretary General, Subroto, once the Indonesian oil minister, contend that OPEC lacks the money to do the job, and they have called upon the West to make it available.

EFFECTS OF WAR

Iran alone is reckoned to need some $50 billion to restore its oil industry to where it stood when the Persian Gulf war began in 1980. The fighting wrought such damage that Iran's capacity was cut in half, to three million barrels a day. No major Western country has been willing to lend Iran even a fraction of the amount needed.

World demand for oil has been growing at about 3 percent a year in the last few years. Mr. Zanoyan said that in 1986 OPEC had spare capacity of 14 million barrels a day. Today, that is down to two million barrels.

Mr. BRYAN. Madam President, we do not want a return to the days when OPEC's decision wreaked havoc on our economy, and when oil price increases led to inflation and recession. Every projection from the Department of Energy points to a rise in fuel prices. And the transportation sector in the United States contributes more carbon dioxide to the atmosphere than all sources from a variety of countries and regions including West Germany and Japan.

So the question on this amendment is not whether its goal should be achieved—that is clear. I know there are some who will question whether this amendment addresses our common goal properly—does it set the right levels of fuel economy? Does it use the best method for setting the standards? Let me explain why the answers to those questions is "Yes."

This amendment is the result of lengthy hearings in the Commerce Committee and exhaustive study of the issue of fuel economy. I am convinced that it is fair and that it strikes the proper balance between the needs of the environment and the economy and the needs of the consumer and the industry.

In preparing this provision, I sought to find levels of fuel economy that would challenge the industry to continue the impressive work it began since the first fuel economy standards were enacted in 1975 but would not unreasonably limit consumer choice of size, model, or performance, and would not be costly to either the industry or the consumer.

I am confident that in this amendment we have done so. This amendment would result in fleet fuel economy for the year 2001 of 40 miles per gallon for passenger cars and about 30 miles per gallon for light trucks, including minivans, jeeps, and small pickups. An interim standard of 34 miles per gallon for automobiles and 25 miles per gallon for trucks would be required commencing in 1995.

In May 1989, the Department of Energy testified before the consumer subcommittee that a range of 35 to 40 miles per gallon for cars and 30 to 35 miles per gallon for trucks was technologically feasible for 2000, with no shifts to smaller vehicles or a decrease in performance. At that same hearing, the Office of Technology Assessment stated that a level of 33 miles per gallon for the domestic car fleet, equal to at least 34 miles per gallon for the entire fleet, could be achieved by 1995, with no loss of size or performance and at a cost offset by fuel savings. Other witnesses concurred or projected even higher fuel economy potential.

In connection with the September 1989 consumer subcommittee hearing, the Department of Energy further provided information confirming that the passenger car goal in this amendment could be achieved using available

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technology, with a return to 1987 levels of size and performance and at a cost largely offset by fuel savings.

Madam President, the inescapable conclusion is that the technology is there, and that we can achieve fuel economy improvements without losing size or performance. As OTA and others have pointed out, time is of the essence. Manufacturers must begin right now to include fuel economy technology in their product planning. They have not done so for many years. In fact, disturbing data just received from EPA shows that in just the past 2 years fuel economy has declined by 4 percent, weight of vehicles has increased by 6 percent and horsepower has increased by 10 percent.

The Pacific rim manufacturers have lost ground on fuel economy twice as fast as the domestic manufacturers and have increased horsepower four times as fast as the domestics. The longer we delay in halting this trend, the more costly and difficult fuel economy achievements will become.

Some have asked why we have chosen the method we have to achieve these standards. The amendment requires each manufacturer to improve by an equal percentage over its current fuel economy level, instead of setting the same numerical standard for all manufacturers as is the case under current law. The reason for this method is to equally and fairly treat all segments of the industry and not just those who build large automobiles.

Testimony received at the consumer subcommittee hearings demonstrated that given the structure of the industry, the current method has become unfair, providing stringent regulation for United States and European manufacturers who make larger vehicles and virtually no regulation for manufacturers who have chosen to make primarily smaller vehicles, typically the Pacific rim manufacturers.

We sought to correct this defect in the fairest and most effective manner possible. Under a numerical standard of 40 miles per gallon, the difference between the three domestic manufacturers and the top three Japanese manufacturers' average requirements is 4.2 miles per gallon. The domestic manufacturers must improve 4.2 miles per gallon more than the Japanese. Under the percentage approach which we have adopted, 40 miles per gallon is achieved with a difference of only 1.5 miles per gallon between the United States and three major Japanese manufacturers. The Japanese must improve by only 1.5 miles per gallon more than the domestic.

In addition, in order to ensure its fairness, this amendment caps the level of fuel economy required at a maximum of 40 miles per gallon for 1995 and 45 miles per gallon by the year 2001. For those manufacturers that already are at a very high level of fuel economy, they would not have to improve by the percentage required of other manufacturers but would only have to reach the maximum. Five of the ten Pacific rim manufacturers selling in this country currently could take advantage of the cap.

If Congress had yielded to the many arguments that have been advanced against this legislation in 1974, when CAFE was first introduced, another 107 million metric tons, or about 7 percent of total U.S. carbon emissions, would be part of our atmosphere today and Americans would be consuming an additional 2.5 million barrels of oil each day at a cost of $40 billion per year to the consumer.

Madam President, I think it should be clear that this bill is necessary and workable. However, I know that there are many supporters of this bill who are put in a very difficult position because of its presence on clean air legislation and their agreement to resist amendments to this legislation, in the interest of expediting the consideration of this legislation which most if not all of us in this Chamber, this Senator as one, believe is imperative to act on as soon as possible.

I am sympathetic to their position, and I understand the reason those commitments are made, because I share the same goal they do, that increased fuel efficiency as well as the goal of enactment of a clean air bill are objectives we should struggle to achieve together. I would like to avoid forcing them to vote against their opinion and on the merits of this legislation.

I must say in that regard, I would like to cite my friend and colleague, the ranking member of the subcommittee which has processed CAFE legislation, the distinguished junior Senator from the State of Washington, Slade Gorton, for his outstanding work in bringing this legislation forward. I have been encouraged, as I know he has, with the tremendous ground swell of support that this legislation enjoys.

I further acknowledge the work of the chairman of the full committee, Senator Hollings, who because of his long years of involvement with CAFE legislation is oftentimes referred to as the father of CAFE legislation. The work of our distinguished majority leader and the floor leaders, all of whom support this legislation, should likewise be acknowledged in terms of their efforts in moving clean air legislation forward.

For the reasons I have just outlined, I discussed this dilemma with the majority leader and the managers of this bill, and I have an assurance from them, and would like to provide them an opportunity to confirm that assurance, that indeed those of us who support and desire the enactment of CAFE legislation will have an opportunity to do so in this session, this year. And for that purpose, I yield to the distinguished majority leader and acknowledge the courtesies which he has extended to me in his work on behalf of environmental causes.

Mr. MITCHELL. Madam President, I commend the Senator from Nevada for the leadership which he has demonstrated in this important area of environmental protection.

As he and the other Members of the Senate know, there was included in S. 1630, the bill reported by the Senate Committee on Environment and Public Works, a provision similar to that which the Senator from Nevada is now proposing.

I voted for that bill in committee, and I voted for that provision in committee.

As the Senator from Nevada and the other Members of the Senate also know, during the negotiations that occurred with respect to S. 1630—and the President's bill—as part of the compromise, that provision was deleted. It was opposed vigorously by the administration.

I said during the discussions and have stated since publicly, and privately to the distinguished Senator from Nevada and others, that it is my intention to bring to the Senate floor this year a comprehensive global warming bill of which this provision would be a part.

In the event that such a comprehensive bill is not reported, or available for Senate consideratoin, I will bring to the Senate floor, or at least will attempt, to proceed to such legislation as the Senator has suggested, with the following condition: I will not do so prior to the summit. So there can be no misunderstanding, specifically, not prior to June 21. I emphasis that does not prohibit bringing it up on June 21 but merely states that I will not prior to that, and will do it at sometime later than that;

And, second, that all of the participants on both sides of the issue—and I anticipate some of them are going to speak here briefly momentarily—will be given 3 weeks' notice of my intention to do so at such time as I make that decision. And I hope very much that is consistent with my previous discussion with the Senator from Nevada, and acceptable to him.

Mr. BRYAN. It is consistent with my understanding. I hope that at that time we will have the support of the distinguished majority leader in whatever form it may appear for the CAFE provision eventually outlined in this amendment.

Mr. MITCHELL. I thank the Senator very much.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Madam President, I will be very brief in discussing this issue in regards to the amendment offered by my friend and colleague, the Senator from Nevada. His amendment would increase CAFE standards for automobiles to 40 miles per gallon by the year 2000.

I think it is a noble goal. I hope we can achieve it. I hope we will be able to obtain better fuel economy. I think we would like to encourage it. Unfortunately, this amendment does not encourage it. It mandates it with severe penalties if manufacturers are not successful in achieving that goal.

So I think people need to be aware of it.

Frankly, if you listen to the language, that says, well, it is going to reduce imported oil. If you could do it by this, we could make it instead of 40—no reason why we would not amend it and make it 60. We could go further. We could amend it and say we will not drive automobiles. That will certainly reduce oil imports. But it would be a severe cost to the economy. I think that is what we have to look at: What kind of cost to the economy? What kind of cost to consumers? What kind of choices are we going to deny consumers by passage of this amendment?

I would say if this amendment is passed, we are going to be denying to the consumers a tremendous amount of choice. They will not be able to buy even the mid-sized cars. The only automobiles that can meet this kind of a standard will be the very small, little subcompact cars—Volkswagen-type cars. Frankly, that is denying consumers quite a choice, particularly those who have large families, particularly those who may work out of an automobile, and have to travel a lot of miles as part of their occupation. I do not think we should deny consumers that type of choice.

I do not think we should pass a bill that, again has a worthwhile goal, but is going to put thousands and thousands of U.S. autoworkers out of work. I think that would be a serious mistake. I think it would hurt the economy. I think it would certainly hurt thousands, probabaly in the hundreds of thousands, of autoworkers, by putting them out of work. I do not think we want to do that, not on the clean air bill, and not on a global warming bill that we will be considering later.

I also think we have to consider one other thing; that is, safety. Certainly, the only way you can achieve these kinds of goals is certainly down size automobiles, make the automobiles much more fuel efficient, yes, much lighter, yes, and consequently, much more dangerous.

So it is going to cost lives as well. I think we need to consider that aspect as well. It costs jobs, and lives. It would be a tremendous sacrifice for consumers, and a loss of consumer choice.

So this amendment, in this Senator's opinion, is a mistake, whether it is on the clean air bill, or whether it is on a global-warming bill to be considered later.

What about the CO_2 impact? You could shut down every automobile in the United States and reduce—and every truck in the United States—global-warning worldwide by 2½ percent. I personally think if we are looking at global warming, we should be talking about other countries in addition to just the United States and work in a concerted effort. This alone will not do it.

Madam President, I ask unanimous consent that a statement by the Secretary of Transportation be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE SECRETARY OF TRANSPORTATION,
Washington, DC, March 7, 1990.

Hon. QUENTIN N. BURDICK,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand the Senate will soon consider an automotive fuel economy amendment to the pending clean air bill (S. 1630). This amendment, based on legislation sponsored by Senator Bryan and others (S. 1224), would substantially increase the corporate average fuel economy (CAFE) requirements for cars and light trucks sole in the U.S.

The Administration strongly opposes this amendment, which would directly violate the bi-partisan agreement reached with Senate leaders. The amendment would increase fuel economy levels for the new car fleet to about 40 mpg by the end of the decade. The amendment could have a devastating impact on American consumers, auto workers, highway safety, and our vehicle industry. While there are a number of reasons to oppose this amendment, we would highlight the following points:

Technical feasibility.—The technical feasibility of achieving CAFE standards at the levels outlined in the amendment, without significant vehicle downsizing, has simply not been demonstrated. Most readily available techniques for improving fuel economy (e.g., front-wheel drive, four-speed automatic transmissions, aerodynamics) have already been implemented in much of the U.S. fleet. The administration believes that continuing application of those technologies will provide only modest CAFE improvements—much lower than suggested by proponents of this amendment. The proposed CAFE standards would surely require significant additional downsizing of both the passenger car and light truck fleets. Moreover, by basing a CAFE requirement on a percentage of a manufacturer's current average fuel economy, the amendment would inefficiently require relatively greater improvement by manufacturers who have achieved the greatest fuel economy to date.

Consumer choice.—These drastic increases in CAFE standards are highly impractical since they would radically curtail the choice of new vehicles available to American consumers. Manufacturers would be forced to scale back or eliminate the production of large- and mid-size cars and trucks, leaving only small vehicles for sale—which would adversely affect those with large families, those in car pools, and those who desire the security of larger cars, among others.

Auto jobs.—Although the amendment technically requires proportional increases in CAFE levels for all manufacturers, we believe it will have a stronger adverse impact on makes and models built by American workers in American plants. In the short run, a legislative mandate for smaller cars would attack the larger vehicles in each manufacturer's line—the vehicles that tend to be built in this country. Because the amendment requires changes that go beyond what is technically feasible in the required timeframe, product plans will be disrupted and some product offerings restricted. This will be costly to the auto industry, may decrease vehicle sales, and would likely increase the cost of vehicles by requiring the use of technologies that are neither proven nor cost-effective. Employment in the U.S. auto industry, already hard-hit in the late 1970's and early 1980's, would surely suffer.

Highway safety.—Major downsizing of vehicles, such as the amendment would require, does have a noticeable adverse impact on the safety of occupants. Our statistical analyses have demonstrated that the market-driven downsizing of the 1970's has adverse safety effects. In my view, it would be a tragic mistake to enact legislation (despite its noble intentions) that served to undermine this country's progress in highway safety.

The Federal government is already placing major demands on the motor vehicle industry—including the safety initiatives of this Department (such as upgraded side-impact protection for passenger cars, and automatic crash protection for light trucks) and the more stringent emissions standards included in the pending clean air bills. This is not the appropriate time to impose major new CAFE requirements, which could overload the capabilities of the manufacturers and interfere with our safety and air-quality objectives.

The Senate and Administration negotiators quite properly decided to delete a proposed CO_2 standard (a de facto CAFE requirement) from the clean air bill. The same reasoning applies to the amendment. The Senate should not approve the CAFE amendment. The Administration supports the bi-partisan Clean Air Act agreement as agreed upon—without a CO_2 or CAFE provision.

The Office of Management and Budget advises that this letter is fully in accord with President's program.

Sincerely,

SAMUEL K. SKINNER.

Mr. NICKLES. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, this amendment has no place in this bill. The issue of carbon dioxide emissions from automobiles is appropriately addressed in the context of a comprehensive global warming bill. It is in the context of such a bill that all sources of carbon dioxide emissions can be considered, and a most cost-effective means of achieving reductions can be selected.

As Senator Muskie explained when he opened Senate hearings on the original Clean Air Act 20 years ago, "* * * we must not control a source here and a source there," Senator Muskie's statement describes one of the problems with this amendment.

This amendment would address emissions only from a single source—automobiles—while placing no other requirements on any other source that produces carbon dioxide emissions.

What Senator NICKLES just said is confirmed by the OTA. In December 1989 they wrote that the total contribution to global greenhouse emissions from all of U.S. transportation is 3 percent. If you eliminated it all—all the trucks and cars—OTA says you will have a 3-percent reduction in global greenhouse emissions. It is simply not appropriate to single out this source and this source alone for this kind of draconian regulatory burden.

I ask unanimous consent that portions of a letter dated March 7, 1990, from Secretary Skinner to Senator BURDICK be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> *Technical feasibility.* The technical feasibility of achieving CAFE standards at the levels outlined in the amendment, with significant vehicle downsizing, has simply not been demonstrated. Most readily available techniques for improving fuel economy (e.g., front-wheel drive, four-speed automatic transmissions, aerodynamics) have already been implemented in much of the U.S. fleet. The Administration believes that continuing application of those technologies will provide only modest CAFE improvements—much lower than suggested by proponents of this amendment.
>
> *Consumer choice.* These drastic increases in CAFE standards are highly impractical since they would radically curtail the choice of new vehicles available to American consumers.
>
> The Federal government is already placing major demands on the motor vehicle industry—including the safety initiatives of this Department (such as upgraded side-impact protection for passenger cars, and automatic crash protection for light trucks) and the more stringent emissions standards included in the pending clean air bills. This is not the appropriate time to impose major new CAFE requirements, which could overload the capabilities of the manufacturers and interfere with our safety and air-quality objectives.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, I commend to my fellow Senators the eloquent statement of the distinguished Senator from Nevada, Mr. BRYAN.

I believe that he outlined the justifications, perhaps the urgency, for requirements of this sort in a manner which was totally and completely persuasive.

I have had the honor to serve with the distinguished Senator from Nevada, as the ranking minority member of the Consumer Subcommittee of the Senate Commerce Committee, and to have joined with him as the sponsor of the bill upon which this amendment is based, and this amendment as well.

Madam President, I am convinced that the environmental and energy challenges facing us during the course of the decade of the 1990's and through the next century will be immense.

I can think of few measures which will do more to meet those twin challenges than will this amendment, or a bill which is based on this amendment.

Fifteen years ago, after suffering through the OPEC's oil embargo, Congress first passed CAFE standards. At that time, automobiles averaged only 14 miles per gallon. Within 10 years we had doubled that average.

Unfortunately, during the course of the last 5 years, fuel economy averages simply have not risen appreciably. Fifteen years ago, during the course of that debate, we heard arguments identical to those which have been made on the floor here, arguing against their impracticality, arguing against their safety, arguing against their consumer acceptance.

Those arguments were wrong in the 1970's; they are equally wrong in the 1990's. Had we not passed those mandatory requirements in the 1970's, we would not have reached the point which we have reached today.

This amendment would require each manufacturer to increase its fleet performance by 20 percent by 1995, and by 40 percent by the year 2001.

Perhaps even more important, it extends requirements to light trucks, which are the fastest selling vehicles today. Increases in these ranges would bring the car fleet average to over 34 miles a gallon in 1995 and more than 40 miles per gallon in the year 2001.

Consumer surveys show that consumers favor requirements of this sort. They favor higher fuel economy. They understand that better fuel economy will save them money. They also favor it, Madam President, because they understand our increasing dependence on foreign petroleum products, and they want our trade deficit reduced and then eliminated. No single step can do more to eliminate that trade deficit than to reduce sharply our dependence on foreign sources of petroleum products.

As a consequence, this amendment has at least two major favorable impacts. The first will be on our environment, because this is perhaps the single most important step we can possibly take to curb global warming. The second will, of course, be on a trade deficit which is persistent, which is difficult, which is moving downward only very slowly, because it is counteracted at every turn in each of the last several years by increased importation of oil and petroleum products.

This is an important proposal, a vitally important proposal. It is one which the opponents have said rightly belongs within the ambit of the Commerce Committee of this body, and, of course, the distinguished Senator from Nevada and I have introduced a bill and held hearings on it in that committee.

I am tremendously encouraged by the kind and thoughtful words and the undertaking by the majority leader to see to it that we have at least an opportunity to discuss this proposal, should we be successful with it in the Senate Commerce Committee. I understand that we will get similar support for that approach to the problem from both the distinguished Senators from Montana and Rhode Island. I understand that their desire is not to debate the issue at the present time. It will be controversial. We want every vote we can possibly get in favor of it and we, therefore, are willing to accede to their requests and have it brought up at a more opportune time, given the undertaking of the majority leader to see to it that we have that opportunity.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I will not take long. As one of the principal cosponsors of this with Senators GORTON and BRYAN, I regret that the circumstances are such that obviously many people who might support this are not in a position to do so, and I am sympathetic with the judgment of the distinguished Senator from Nevada, who I have enjoyed working with over the course of the last few weeks to not press this issue at this point in time.

I want to note for the record, though, that I hope that some of the facts, figures, and statistics and tactics that have been thrown around in the course of the last days, that much of that can can conceivably be straightened out, in the course of the intervening time, as now when the majority leader agreed that at least this measure can be thought over, whether or not we will proceed to bring it to the floor.

I note with interest that there is a long record on the arguments that have been made, that the Senator from Washington referred to. Fifteen years ago Congress passed the original legislation which required a 100-percent improvement by the automobile industry in fuel efficiency. The fact is that 10 years later, not only did the automobile industry meet that standard, 100-percent improvement, but in many cases exceeded it.

What is interesting is that when the CAFE standards concept was first passed back in 1974, you heard exactly the same arguments, almost verbatim, that are being presented to us now. The Ford Motor Co. in 1974 said the following:

> This proposal would ıequire a Ford product line consisting of either all sub-Pinto-sized vehicles or some mix of vehicles ranging from the sub-subcompact to perhaps a Maverick.

Chrysler stated that the provision "would outlaw a number of engine lines in car models, including most full-sized sedans and station wagons."

In 1989 and 1990, almost with amusement, we are hearing the same thing. We have all seen what pushing technology can do in order to achieve change.

The two distinguished Senators who are cosponsors, before me, have talked about the benefits. I will not repeat all of that now, Madam President, because I know time is important, and we want to move forward. But there is no single step that we can take that will do more to reduce our dependence on foreign oil. Forty-six percent of the oil consumption of this country is foreign-dependent. Nothing can do more for the security of this country, to reduce the principal global warming gas, which is CO_2, which we in the United States provide the majority of in the world.

So this issue will have its time on the floor. I am grateful to the majority leader for his willingness to guarantee that. I think that is important, as much as it is important that we proceed with the other clean air issues that are more appropriately part of this particular debate. I look forward to renewing this debate.

I wish to add one comment, if I may, Madam President. The Nation is overwhelmingly ready to accept whatever sacrifices are intended to higher CAFE standards. Opinion poll after opinion poll has shown that the citizens of this country are willing to pay more to do this. It is very interesting.

Last December President Bush's own pollster was engaged by the union of concerned scientists who ran a poll, and nearly 80 percent of those surveyed favored increasing CAFE standards to 45 miles per gallon by the year 2000, and they said that even if it meant paying $500 more for a car, they were willing, knowing that added money would be recovered in fuel savings; 83 percent of the respondents said they would pay for that.

So I hope we are not going to permit the square tactics and false facts, nonfacts, to mislead us as we engage in this debate at a later time.

Mr. GORE addressed the Chair.

Mr. CHAFEE. Madam President, first of all, I want to congratulate and thank the two sponsors of this amendment, Senator BYRAN and Senator GORTON. I would particularly like to address my remarks regarding Senator GORTON, with whom I have worked with many years in connection with these efforts to reduce smog, to achieve greater mileage in our automobiles, to improve the environment generally. This is a particular area where he has shown a profound interest and knowledge.

I appreciate the arguments that he brought forward. As he would remember, these are the original provisions that we had in our bill and these are the provisions that I was particularly involved with, namely the reduction in the carbon dioxide emissions through the tailpipe standards, which is a roundabout way of achieving more miles per gallon.

So in the negotiations, as has been pointed out, it was necessary to drop those particular provisions. But Senator GORTON and Senator BRYAN now have brought these back and have achieved one of their primary goals, that it will be considered, as the distinguished majority leader has pointed out.

So both Senators have done us a real service, and especially I thank Senator GORTON because of the fact I have worked with him on these matters for many years.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. Madam President, I wish to very briefly express my admiration for the work done by the Senator from Nevada, Senator BRYAN, on this issue. I find it quite frankly remarkable that the Senator from Nevada in his first 2 years in this body has become the leader on this critical question of fuel economy. We are all indebted to him for the work that he has put in on this issue.

I have the privilege of serving on the subcommittee chaired by the Senator from Nevada as the ranking Democrat, other than the chairman of our full committee, Senator HOLLINGS, who is our leader on all these efforts. I have watched with great admiration as the Senator from Nevada has put in long hours and has really dug into this issue.

I think by taking the Senate through this process this afternoon, he has markedly advanced our ability to finally come to grips with this issue. Some of the battles will be saved for another day, but because of the work of the Senator from Nevada we have a much better chance of solving this problem now. I compliment him on the work he has done.

I yield the floor with that.

The PRESIDING OFFICER. The majority manager of the bill.

Mr. BAUCUS. Madam President, the amendment that the Senator from Nevada is offering is, as has been described by other Members, a very important amendment. This issue was debated quite thoroughly in the Environment and Public Works Committee.

This Senator supports the carbon dioxide/CAFE provision for the reasons that many Senators have already stated. S. 1630, the bill that was reported out of our committee, also contained provisions which would cut back in carbon dioxide.

Carbon dioxide is the most potent greenhouse gas that this country emits, and therefore we must begin to control it.

The issue, too, was very, very thoroughly debated among the leadership, the managers of the bill, other Senators on both sides of the aisle, and with the administration quite thoroughly, and it was agreed that carbon dioxide provisions would be dropped with respect to tailpipe standards. They would be dropped because we were unable to reach an agreement that those provisions were included.

The Senator from Nevada now is on the floor offering an amendment which would create some CAFE standards. It is frankly the kind of provision which this Senator in any other situation would support. Since I was part of the agreement as we put together the substitute bill, I feel constrained to oppose, not agree to the amendment offered by the Senator from Nevada.

It is a position that the majority leader is also in. It is also a position faced by the Senator from Rhode Island, Senator CHAFEE, who is the minority manager of the bill.

As the majority leader said, however, he is going to attempt to bring up a bill this year that would address the general question of global warming. The amendment offered by the Senator from Nevada would be part of that bill if that bill can come up before the Senate.

In addition, the majority leader said that if for some reason that larger global warming bill does not reach the floor, then the majority leader, with appropriate notice and conditions that he earlier stated, would attempt to bring up the Senator's bill. I think that is a good arrangement. It is a good solution to a difficult position that we all now find ourselves in.

I frankly very, very strongly commend the Senator from Nevada for two or three reasons. First is that he has been so dedicated to an issue that is so important. It is important to this country, and in fact in many ways to many peoples of the world.

I, second, commend him for finding the creative solution to this problem; that is, a solution under which the majority leader will attempt to bring up the comprehensive global warming bill or the amendment of the Senator from Nevada at a later date.

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Very frankly, I do not know that the Senator's amendment will pass if the Senator would attempt to proceed with his amendment at this time. But at a later date, I think under different circumstances, the amendment would be even more highly regarded by hopefully the majority of this Senate, so that it would be enacted into law.

I thank the Senator for his efforts.

The **PRESIDING OFFICER**. The Senator from Nevada.

Mr. **BRYAN**. Madam President, I thank the distinguished floor leader for his comments. I appreciate his support. I look forward to working with him later during the course of this year when we have an opportunity, as the majority leader has indicated, to work in common cause to support that.

I also thank the distinguished Senator from Washington State for his kind comments. Without his help, we would not be where we are today. I look forward to working with him, as well as my good friend, the distinguished Senator from Tennessee [Mr. GORE], who has been with us from the very beginning and who served previously as the chairman of the subcommittee. I tried to follow in his tradition and provide the kind of leadership on these environmental issues that are before our committee.

I do not want to prolong the debate. I must say it is awfully tempting. But I do think that the record needs to be corrected on at least three points.

First of all, the concern about weight. I would simply want the record to reflect that the Office of Technology Assessment and the Department of Energy both have indicated that fuel standards that are prescribed in this amendment could be achieved with the same configuration in terms of size and variety as was produced and marketed in the United States in 1987.

That certainly does not represent the kind of radical departure that those who have raised a litany of horrors have suggested might occur. As Senator KERRY indicated, much of that argument was advanced in 1974. The proof of the pudding is that none of those things that were allegedly going to occur or allegedly would occur following the 1975 enactment did in fact occur.

Finally, those who suggest this is really a de minimis effort, that really it involves such an inconsequential part of the overall level of emissions in our environment, let me just invite a couple of comparisons.

It is estimated that in terms of the reduction of carbon dioxide emissions alone from the year 1995 to the year 2001, under the provisions of this bill, we would reduce CO_2 emissions by some 483 million tons. Not only is that, Madam President, a laudable goal and objective, I think that is very substantial in terms of what it accomplishes.

In terms of our increasing and almost perilous energy dependency, let me also invite to the attention of my colleagues that during the same span of time, 1995 to 2001, we would save some 45.1 million gallons of gasoline, also a rather substantial reduction.

Finally, to put this into some kind of global perspective, the amount of carbon dioxide emissions of automobiles alone in the United States exceeds the total CO_2 emissions from all of Japan, all of Latin America, from all sources in all of West Germany, from all sources, so we are talking about a substantial amount of carbon dioxide that is emitted from automobile emissions alone.

Based upon the assurance that has been provided—the good faith that I know the majority leader and the floor managers have, all of whom indicated support for this measure when it comes forward in a different context—the assurance that we will have an opportunity to debate this, it is my intention to withdraw the amendment.

Mr. **HOLLINGS**. Madam President, today I rise to continue the work we began in the 1970's on fuel economy for the passenger vehicle fleet. I offer my strong support to my Commerce Committee colleague and good friend, Senator BRYAN, for the amendment he has proposed. In 1975, I cosponsored legislation that established the current corporate average fuel economy, or CAFE standards. At the time that legislation was proposed, it was an untested and unprecedented plan. But we believed we could effectively promote national energy security by mandating that the passenger vehicle fleet achieve a certain fuel economy.

At that time, we heard predictions from the automobile industry about the consequences of such a regulation on the U.S. economy and on the consumer's choice of vehicles. It was suggested then that, if we adopted the standards that are now law, everyone would have to drive a vehicle the size of a Ford Pinto. Of course, the events of the last decade have demonstrated the ability of the automobile industry to meet a challenge.

I am glad we weren't deterred by the 1975 predictions, and that we proceeded to legislate fuel economy standards. Those standards have made a significant contribution to energy conservation. They have resulted in a doubling of the fuel economy of the fleet without any loss of interior size or performance of the vehicles. It is estimated that these improvements in fuel economy save 2.5 million barrels of oil per day, and save the consumer at least $40 billion per year in gasoline costs.

I take great pride in that 1975 legislation, and I am convinced that we need to continue the work we started 15 years ago. The levels of fuel economy established by that law have not increased since 1985, and the fuel economy of some manufacturers' fleets is actually decreasing. In the meantime, the need for energy conservation has not diminished. It is for that reason that I am an original cosponsor of S. 1224, Senator BRYAN's bill which is similar in substance to this amendment.

Even though the price of gasoline is relatively low today, enery security remains a big problem for this country. Imported oil is rapidly approaching 50 percent of consumption, and the Department of Energy and others warn that higher prices may not be far behind. Of equal concern to me is the fact that energy imports are major contributors to our intolerably high trade deficit, adding almost $40 billion per year.

In addition to the ongoing, and, increasing, problem of national energy security, we now have another reason to continue the progress in fuel efficiency—the threat of global warming. Every gallon of gasoline that is burned emits almost 20 pounds of carbon dioxide, and we know that carbon dioxide is a primary contributor to global warming. While we may not be certain of all the consequences of the warming that's predicted, we are certain that concentrations of carbon dioxide are increasing.

I am working to enhance the research necessary to know more about the effects of this warming. The Senate recently passed S. 169, the National Global Change Research Act, which I introduced. This legislation would provide for improved coordination of the national research efforts to understand the Earth system and effects of changes in that system. This legislation also would provide for a national plan to advance this research.

However, I am convinced that, while this research proceeds, we must immediately take the steps available to us to reduce carbon dioxide emissions. Since the transportation sector is responsible for about one-third of the country's carbon dioxide emissions, fuel economy is an important part of the solution to this problem.

Just as we did in 1975, we are hearing concerns from the auto industry and their friends as we try to respond to these problems. They are saying the same things they said in 1975—that the standards will force all Americans into tiny cars. However, in Commerce Committee hearings on this subject, we heard very impressive testimony from a variety of experts, including the Department of Energy, that the fuel economy levels we are establishing can be accomplished without noticable size reductions.

The new voice in this year's debate is the Asian auto industry, manufacturers who have in the past concentrated on production of small cars. Those manufacturers who make mainly small cars have not been affected by the laws now in place to the same extent as manufacturers of larger cars, since they have to meet the identical standards. The current standards have provided no incentive for these manufacturers to make their small cars as fuel efficient as possible. This amendment would correct the unfairness in current law, and regulate all segments of the market, including small car manufacturers. It would do this by requiring all manufacturers to improve by an equal percentage from their 1988 fuel economy level.

Of course, the small car manufacturers would prefer to be left alone. However, the environment cannot tolerate ignoring this segment of the market, and the trade deficit is too large to ignore this segment of the market. This amendment does not treat any segment of the market unfairly. In fact, it minimizes the differences in treatment among manufacturers more than any other approach that has been suggested. It even contains maximum fuel economy requirements—40 miles per gallon for 1995 and 45 miles per gallon for 2001—in an effort to be more than fair to small car manufacturers. Five of the 10 Asian manufacturers selling in the United States will get the benefit of those maximums, and will not have to achieve the full percentage increases that will be required of other, full-line manufacturers.

This amendment is fair, it is practical, and it balances the needs of the environment, the economy and the consumer. It is the product of thoughtful work in the Commerce Committee, where we have spent years developing an expertise in the area of fuel economy. I understand that some of those who support us in this effort are constrained from supporting this measure as part of the clean air legislation. I agree with my friend, Senator Bryan, that we will hold this for another day, and look forward to joining with many of my other colleagues in supporting this initiative. I appreciate the majority leader's cooperation in insuring that we will have a vote on this important measure this year.

Mr. LIEBERMAN. Madam President, I want to state that had Senator Bryan offered his amendment, I would have supported it. This amendment updates the corporate average fuel economy or CAFE standards for automobiles and light trucks.

The Clean Air Act compromise amendments do not specifically address any of the issues involved with global climate change caused by carbon dioxide. Ironically, this is a subject about which the American public is intensely concerned. It may be that global climate change is the single environmental problem about which they are most concerned.

The Bryan amendment represents a first step for the United States in our collective efforts to, quite lietrally, save the planet. The speed with which we are affecting our environment is frightening. By improving the fuel economy standards for our automobile fleet we will save oil and reduce carbon dioxide emissions.

Carbon dioxide is an important greenhouse gas. It accounts for almost 50 percent of the gases that contribute to global warming and transportation produces almost one third of all carbon dioxide emissions.

The United States generates more carbon dioxide emissions from motor vehicles alone than other developed countries produces from all sources. This amendment represents the biggest single step we can take to curbing global warming. And it is time for us to act. I will leave it to others to discuss such dire consequences as sea level raise and climatic changes in the food producing regions of the globe. I would like to call your attention to a problem to which we can all relate: heat. The Public Health Service reports that in 1980, 1,700 deaths in the United States were attributed by physicians to environmental heat. Since then there has been a steady increase in the number of heat-related deaths. Further, the Public Health Service notes that the actual number of deaths attributable to heat may be 10 times higher.

There is little debate in the scientific community about the reality of global warming. In fact, there is remarkable agreement within the scientific community that the threat from global warming is real. There is however, a debate about the rate at which global warming is occurring. Some members of the scientific community believe that the recent increase in carbon dioxide emissions worldwide suggests that we will see significant global warming in the next 50 years. Others argue that the data is insufficient and that there is time for more study. This is a sophisticated scientific question. What do the experts tell us?

Forty-nine Nobel laureates and 700 members of the National Academy of Sciences call on us to act now. That's a powerful response from the scientific community. It is a message we should heed.

Scientists are not the only ones we should listen to on this question. We should also listen to the people.

A polling firm headed by the chief pollster for President Bush asked registered voters about automobile fuel economy standards earlier this winter this question:

> Would you favor or oppose an increase in federal fuel economy standards for auto companies requiring that cars, on average, get 45 miles to a gallon by the year 2000?

The response was overwhelming. Fifty-one percent of registered voters strongly favored the increase in fuel economy standards, while 27 percent favored the increase somewhat. That is 78 percent of registered voters.

Recognizing that opinions often change when costs enter the picture, the pollster asked a second question.

> Would you pay $500 more for a 45-mpg car, knowing that the added money would be recovered in four years through fuel savings?

The response was even more overwhelming. Eighty-three percent of registered voters said they were willing to pay the extra $500 for cars that achieve 45 miles per gallon.

We should heed the advice of the scientific community and the American people. I support taking steps now to slow the onset of global warming in the Clean Air Act. But, by answering the question, "Should we take action?", we raise a second question, "Can we take action?" Are the improvements in the fuel economy of our fleet, as proposed in this amendment, technically feasible?

The answer to the question is yes. This amendment phases in the increase in fuel economy. By 1995, the average mileage per gallon for the fleet will increase by 20 percent over the 1988 level or from 26.5 miles per gallon to about 34 miles per gallon. As I understand it, the technology improvements required to increase fuel economy to about 34 miles per gallon are available now. It doesn't take any technological advance to achieve that goal. The technology includes many things that most Senators have on their own cars. Some examples are the increased use of front wheel drive, the increased use of four valves per cylinder on smaller engines, better tires and so forth. And the changes necessary to improve gas mileage specifically don't rely on reducing the weight of cars.

The next goal is to increase fleet mileage 40 percent over 1988 levels by 2001. That will result in an overall average of about 40 miles per gallon. To achieve that goal will take some new technology that is not currently in production. But even this technology is well along in the development process. It is entirely reasonable to assume that the American automobile industry can meet this challenge in 11 years.

To put this amendment in perspective, the Energy Policy and Conservation Act of 1975 required the automobile industry to achieve a 100-percent improvement in average mileage in 10 years. This amendment calls for a further 60-percent improvement in 11 years. Given the fact that much of the technology is already in production, and the rest is near production, I

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think this is an entirely reasonable goal.

Improving the corporate fuel economy standards is one of the most important environmental steps open to us. We have discussed this amendment in terms of carbon dioxide reduction and global warming. But improving gas mileage reduces all automobile emissions: Hydrocarbons, oxides of nitrogen, carbon monoxide, and particulate matter. The simple truth is that many of the stubborn air pollution problems we face are a direct consequence of America's love affairs with the automobile. Environmental quality is inextricably bound to many different aspects of American life and I believe that the Environment and Public Works Committee must address all sources that degrade our air. That is why the committee included a section on CAFE standards in S. 1630 as reported by the committee. The committee under Senator CHAFEE's able leadership, recognized that automobile mileage is a critical factor in the struggle to improve America's air quality. I regret that the administration forced the removal of this provision from the committee bill.

I regret that the Bryan amendment will not be offered at this time. But I appreciate the majority leader's assurance that it can be offered as part of a global warming bill later this year.

Mr. BRYAN. Madam President, based upon those assurances that have been given, I do withdraw the amendment.

The PRESIDING OFFICER. The Senator does have that right. The amendment is withdrawn.

The amendment (No. 1333) was withdrawn.

Mr. BRYAN. I thank the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas seek recognition?

Mr. PRYOR. Yes, Madam President.

Madam President, I ask unanimous consent that the pending business of the Senate be temporarily laid aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. PRYOR. Madam President, I also ask unanimous consent that I may be permitted to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. I thank the Chair.

(The remarks of Mr. PRYOR, Mr. GORTON, and Mrs. KASSEBAUM pertaining to the introduction of S. 2260 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair wishes to remind Senators that the question that is pending before the Senate is amendment No. 1329, offered by the Senator from West Virginia, Mr. BYRD.

Mr. GORE. Madam President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1334 TO AMENDMENT NO. 1293

Mr. GORE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE], for himself and Mr. LEAHY, proposes an amendment numbered 1334 to amendment No. 1293.

Mr. GORE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 532, line 4, strike "Feasibility Report On".

On page 532, lines 5 through 11, strike the text beginning with "Not later than" through "earlier—" and insert in lieu thereof "Except as provided in paragraph (1) of this subsection or in regulations promulgated to establish earlier dates—".

PART 2 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to modify Federal procurement practices to ensure that chemicals known to harm human health or the environment are not used as substitutes for chemicals that destroy the ozone layer.

On page 548, following line 22, insert the following new subsection:

"(d) FEDERAL PROCUREMENT.—

"(1) APPLICATION OF SECTION.—Each Federal agency or department shall comply with the requirements set forth in this subsection and any regulations issued under this section, with respect to any purchase or acquisition of an item where the purchase price of such item exceeds $10,000 or where the quantity of such items or of functionally equivalent items purchased or acquired in the course of the preceding fiscal year was $10,000 or more.

"(2) Within 12 months of enactment of this section, the Administrator of the General Services Administration (GSA), in consultation with the Administrator, shall develop a strategic plan for the procurement of substances as substitutes for those listed pursuant to section 504 (a) and (b) of this title.

"(3) No later than 36 months after enactment of this section, each agency or department of the Federal Government shall conform its procurement regulations and specifications to the strategic plan promulgated by the Administrator of the GSA or, if the Administrator of the GSA has not met the requirements of paragraph (2), to the requirements set forth in this subsection.

"(4) REQUIREMENTS FOR STRATEGIC PLAN.—

"(A) GENERAL.—The strategic plan referred to in paragraph (3) shall provide for Federal Government-private sector cooperation in research, development, and deployment of nonozone depleting technologies, processes, and chemical alternatives to the ozone depleting substances listed in section 504 (a) and (b). The plan shall provide greater regulatory certainty regarding alternatives to ozone-depleting substances by hastening the identification, development and deployment of alternative technologies with maximal environmental benefit. To ensure maximal environmental benefit, the strategic plan shall seek to maximize the use of alternative materials, process modifications, product redesign and substitution in order to minimize the use of materials and substances, including energy, which contribute to stratospheric ozone depletion, the creation of tropospheric ozone, global climate change, or which have been identified by an agency as a probable or known human carcinogen, or a known animal carcinogen.

"(B) SPECIFIC.—The strategic plan shall identify alternatives to categorical uses of substances listed in section 504 which meet the general criteria of subparagraph (A). The categorical uses, referenced in the preceding sentence shall be: air conditioning and refrigeration, solvents, rigid and flexible foam, fire extinguishers and other miscellaneous uses. The plan shall also include a list of persons and firms known to manufacture, sell, or utilize such alternatives.

"(5) PROCUREMENT PROGRAM.—Within 36 months after enactment of this section each agency or department of the Federal Government shall have in place an affirmative procurement program which will assure that future purchases of items known to use or be manufactured with substances listed in section 504 will, to the maximum extent practicable, conform to the requirements of this subsection. Each such procurement program shall, at a minimum, contain—

"(A) A preference program for alternatives which maximize the environmental benefit to be obtained by eliminating use of substances listed in section 504;

"(B) An agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) Annual review and monitoring of the effectiveness of an agency's procurement program adopted in accordance with the requirements of this subsection.".

PART 3 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to prohibit export of CFC equipment and technology and investment in facilities capable of producing CFR's in any nation not in compliance with the Montreal Protocol.

On page 544, lines 6 and 7, strike "Within one year after enactment of this section" and insert, "Immediately upon enactment of this section".

PART 4 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to strike provisions in the Clean Air Act preempting States' efforts to control ozone depleting chemicals:

On page 557, line 10, strike "except as otherwise provided in subsection (c)".

On page 557, strike lines 11 through 25.

On page 558, strike lines 1 through 6.

Mr. GORE. Let me say, first of all, that I introduce this amendment on behalf of myself and the distinguished senior Senator from Vermont [Mr. LEAHY]. Senator LEAHY has been an outstanding leader in this area, and I am honored to have him join me in proposing this amendment.

Let me say, also, by way of preface, that I wish to acknowledge the leadership in this area of the ranking Republican member of the committee, the Senator from Rhode Island [Mr. CHAFEE] who has, on many occasions, exercised outstanding leadership in the effort to get rid of ozone-depleting chemicals.

I also want to serve notice for the record that, when the compromise bill was agreed to by all of the negotiators, some of those who agreed to bind themselves on various or most all of the bill specifically said that where ozone-depleting chemicals are concerned, there would be flexibility. That is my understanding of the way that negotiation resulted.

So I have worked hard to introduce——

Mr. BAUCUS. Will the Senator yield?

Mr. GORE. I am glad to yield.

Mr. BAUCUS. Madam President, the CFC provision was expressly agreed upon to be outside the scope of the agreement; that is, no Senators bound themselves in any way whatsoever with respect to the CFC provision. That is entirely out of the scope of the agreement.

Mr. GORE. I appreciate the clarification on the part of the chairman.

So we have a different breed of cattle on the floor here now. This is an amendment which is substantive in nature, which will make significant and, I will argue, needed changes. The Senator from Vermont will also so argue. And it does not fall into the category of amendments precluded from serious consideration by all Members of the Senate because they have voluntarily bound themselves not to consider it. This amendment is live; it can pass. I hope it will pass because it is greatly needed.

Let me again, by way of preface, commend the committee for the work they have done. They have done an outstanding job especially in this area. Over the years, much of what I have learned about this subject has come because of the work done by this committee. And let me compliment the staff of the committee and Senator CHAFEE and Senator BAUCUS. They have really built a critical mass of expertise.

Now, what are HCFC's? That is the subject of this amendment. Chlorofluorocarbons, or CFC's, are going to be phased out in the bill. Hydrochlorofluorocarbons are permitted to continue. A few years ago, the phrase HCFC's was not even used. This is a new category. They are CFC's. But, they have one thing going for them: pound for pound, they destroy less of the ozone then fully-halogenated CFC's.

But they still destroy the ozone layer, and they do so with a vengeance.

Let me begin my talk here by trying to explain exactly how bad HCFC's are. I want to start with a chart. This chart is a little different from the one I used this morning. This one goes from the present to the future. This chart is prepared by EPA. This comes from the executive branch. It is generally acknowledged to be accurate, it has not ever been challenged in any serious way.

The chart shows the concentration of chlorine atoms in the atmosphere from zero up to 11 parts per billion.

On the bottom side of the graph, we start in 1985, or essentially the present time because in 1990 we are at 3 parts per billion, and we go out 100 years.

Right now we are at 3 parts per billion. That is not good, Madam President, because the current concentration of chlorine atoms in the atmosphere, which comes from CFC's and HCFC's is so large that they are destroying the stratospheric ozone layer—burning a hole in that ozone layer above Antarctica.

To some this still sounds a little bit like a science fiction movie. Unfortunately, it is all too real. The stratospheric ozone layer shields out ultraviolet radiation. This is an old story by now, familiar to the Members of this body.

But just to recap briefly, that ultraviolet radiation needs to be partially shielded out because we have evolved, and other forms of life have evolved, in a way that requires us to have a certain amount of protection from ultraviolet radiation. If we get a lot more of it than we are used to getting, then skin cancer increases, cataracts increase; the smaller forms of life, like plankton in the ocean, for example, are sometimes killed, and soybean yields are depressed. Some species are more vulnerable than others. The extra ultraviolet radiation also suppresses the immune system, and makes all 5.3 billion people on the surface of this Earth more vulnerable to disease and infection.

For each 1 percent decrease in the ozone layer in the stratosphere, we get a 3 percent increase in skin cancer. Some of them fatal.

Incidentally, another interesting point, when the extra ultraviolet radiation comes to the surface it creates more smog. It interacts with the emissions we have been discussing in other parts of the bill and makes the smog problem worse.

So we need the stratospheric ozone shield to shield out ultraviolet radiation. This new family of chemicals, chlorofluorocarbons, release chlorine into the atmosphere. Chlorine is the culprit that destroys the ozone shield.

The industry says, you have finally convinced us. We are almost ready to phase out CFC's, but we are going to move to HCFC's.

But, if we ban CFC's and continue to use HCFC's, this is what happens, Madam President: The concentration of chlorine—and that is what does the damage—goes from 3 parts per billion to 7 parts per billion.

Let me repeat that. If we only do what is in this bill and if the rest of the world agrees to do only what is in this bill and the world is encouraged to adopt HCFC's as a substitute, we will more than double the problem we now face with the destruction of the stratospheric ozone layer.

Is that good enough? Let us make the problem twice as bad—is that the best we can do? I think we can do better than that. I think we have to get serious about solving this problem.

Heroin was first introduced for human consumption as a cure for morphine addiction. Morphine addiction was a terrible problem. But, the cure turned out to be worse than the problem. If—instead of really facing up to this problem—we adopt this approach and make the problem twice as bad, we are kidding ourselves and we are behaving irresponsibly, where the interests of our children and grandchildren and all future generations are concerned.

Incidentally, the committee bill is better than nothing. Let me say, they have done great work because if the only thing we did was to abide by the Montreal protocol, then chlorine concentrations would more than triple.

So here is the choice we have: We can say we are concerned about the destruction of the ozone layer and all the environmental and health damage which comes from it and instead of letting the problem get three times as bad, we are only going to let it get twice as bad. That is one choice.

The other choice is to adopt the amendment that Senator LEAHY and I are proposing. This amendment would say to the rest of the world, the United States of America is finally ready to face up to this problem in its entirety.

Are we going overboard? Are we taking an extreme approach? No. We are giving industry 40 years to find an alternative. The industry has said they need 20 years to recoup their investment in the HCFC's. They say it is a transition step toward doing without chlorinated substances altogether. Fine. That may make some sense as a transition. But do we want to make it open-ended, so investments in better alternatives stop? I do not think so.

Incidentally, Madam President, both Senator LEAHY and I have traveled to Antarctica and have seen firsthand the damage chlorine wreaks. Just a few months ago the most recent news from Antarctica came in, showing that the problem is even worse. It is continuing to grow worse and it is not just in Antarctica.

Above Washington, DC, the stratospheric ozone layer is now 3 percent thinner in winter than it was 20 or 30 years ago. It continues to get worse worldwide. This year, it is expected, when the final numbers are calculated, to be as bad as the worst year ever for the ozone hole in Antarctica.

In any event, we have enough data to know what is causing the problem. Incidentally, of all aspects of the global environmental crisis, this is the one aspect about which there is less dispute and less argument than any other part of it.

At a meeting in Helsinki last May, the nations now party to the Montreal protocol formally and publicly agreed that we have to go much further. The committee agrees with that, too. But people who have studied this problem also understand, and many have been willing to say, that HCFC's will be a terrible threat if they are not dealt with. They can only be a temporary transition. That is what this amendment seeks to do.

The bill without the amendment calls for a study. In our proposed amendment, we submit that a study is simply not sufficient. The longer we wait to phase out these chemicals, the longer the chemicals will have to phase out the protective ozone shield.

I believe, frankly, that a more ambitious schedule than the one we adopt in this amendment is advisable. I think when there is broad recognition in the country as a whole, and around the world, of how serious this threat is, that, eventually, we will move to a more ambitious schedule.

But what we have done in this amendment is to provide that, effective January 1, 2015, production of HCFC's will be frozen at 2014 levels. That is a long time. That is 25 years from now.

Allowable uses will be limited to maintaining and servicing consumer and commercial appliances, recycling, and use as a feedstock for other chemicals. After the year 2030, 40 years from now, new production of HCFC's is prohibited, but recycled and existing stocks may still be used to service and maintain equipment.

In its provisions on HCFC's, the committee does not dispute that they are harmful to the ozone layer. Rather, recognizing that, as we withdraw from CFC's, we are becoming increasingly addicted to HCFC's—as morphine addicts become addicted to heroin—the committee wants to explore the feasibility of a phaseout.

The fear that we cannot cope without a particular chemical fix is an old one, and one that has proven groundless in the past. The same argument was made prior to our ban on CFC-propelled aerosol cans.

How many people remember when CFC's were taken out of spray cans? Manufacturers said we have no substitute; and we can't do without the spray cans? I remember the inventor of the spray can valve, Mr. Robert Abplanalp, a great friend of former President Richard Nixon, who said that the ban would drive him out of business.

But, the day after the ban went into effect, the new spray cans were on the shelves with a new and safer mechanism. Mr. President, 25 years? Forty years? I think that we are being awfully generous in the timetable of this amendment.

It is true that development and commercialization of alternatives will not be cheap, but it simply makes no sense to encourage industry to dedicate its resources to HCFC production when, by the time the study called for is completed, we will be back to the drawing board calling at that point for a complete phaseout.

Industry needs a clear and unequivocal signal from us now. At the same time that DuPont, for example, the largest producer of CFC's in the United States, announced its intention to replace 30 percent of the CFC market with HCFC's, EPA tells us we can only allow 20 percent of the CFC market to be replaced by HCFC's if we are going to reduce atmospheric chlorine to pre-1985 levels.

Again, I recognize that a phaseout will not be cost free, but the schedule Senator LEAHY and I propose accommodates industry's need to recover its investments.

As I pointed out before, in a recent New York Times interview, DuPont emphasized that 20 years are needed for costs to be recouped. Our proposal allows industry 25 years to recoup their cost.

While we are moving toward post-CFC technologies, it is imperative we exploit the technologies offering maximum environmental benefits. It does our society little good in the long run if we salvage the ozone layer only to plunge our Nation deeper into an epidemic of chemically induced cancers, diseases, and birth defects by increasing the use of toxic chemicals as substitutes for ozone destroyers. So the second provision of our amendment calls on the General Services Administration, in consultation with the EPA, to develop a plan to promote the safest alternatives. This amendment does not ban any chemicals. It merely prioritizes alternatives according to their relative safety, and encourages the Federal Government to purchase the least harmful alternatives.

Recognizing the great strides that many States have made—and I mention particularly the home State of my cosponsor—in moving toward post-CFC technologies, our amendment also strikes a provision in the committee's bill that would preempt States from regulating ozone destroyers.

I am proud that in my own home State of Tennessee, legislation has already been introduced to control CFC emissions, and I think it ill-behooves this body to turn a deaf ear, even silence, toward the powerful message that our States are sending on this question.

Finally, Mr. President, the amendment we offered today closes a window left open in the committee's bill. While the bill calls on the President to prohibit the transfer or investment in technologies to produce CFC's it allows 12 months to pass before the rulemaking begins.

Let me highlight this question. We do not want the machines that are now manufacturing CFC's to shut down here and then be sold to other countries so that they start manufacturing the chemicals. The committee agrees with that, but, unfortunately, in the language of the bill as it is written, there is a 12-month delay before that prohibition begins to be considered. You can sell a lot of equipment in 12 months, Mr. President. I guarantee it, they will sell all that equipment, for which there is a market, in the 12-month period.

As has been demonstrated in the case of pesticides, if this window is not closed, it will be exploited to subvert the purpose of the legislation.

Just last week, I joined my distinguished cosponsor, Senator LEAHY, in introducing legislation to break what we call that circle of poison. Though banned in the United States, hazardous pesticides are finding their way back into our diets because companies have figured out that they can export banned pesticides to other countries; these countries then use them on crops they later sell here. The point, Mr. President, is that a lot of technology can be exported in a year's time—technology that will be used abroad to produce ozone destroyers, and that will jeopardize progress we make at home. We are trying to prevent that kind of practice with the equipment making CFC's.

Mr. President, I do want to close by commending the committee for recognizing that, as one of the biggest contributors to the world's environmental problems, it is incumbent upon us now to lead the world toward stewardship of the Planet's resources. We cannot allow corporations to use the Third World as a junkyard for technologies banned at home. Ozone-destroying substances pose a challenge of unprecedented proportions to our environment. The committee has taken important steps to address the problem. I urge my colleagues to support the strengthening changes that Senator LEAHY and I propose today.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to applaud and commend the distinguished Senator from Tennessee [Mr. GORE] for what he has done today and for his statement. The only quibble I have is that I would back off from his fulsome praise of this Senator from Vermont, although I appreciate it and I did not want to interrupt him while he was saying it. I will demur only now.

I say, Mr. President, the Senator from Tennessee deserves enormous credit for the work he has done in this area. It is something that he has not done just on this bill. He demonstrated a commitment to the environment when he was a distinguished and leading environmental voice in the other body. This has continued since he came to the U.S. Senate. He has shown that commitment over and over again consistently, in this legislation and in other legislation, from the circle of poison to the banning of CFC's. All the way through, he has been a consistent, eloquent and leading voice for the environment. I commend my friend from Tennessee for that.

When he mentions our traveling to Antarctica, Mr. Speaker, in many ways, I wish all of us could go there. I do not think we would even be having this debate today if we did. In speaking with scientists at Antarctica, I realize the tremendous concern they have for the ozone layer. I have looked at the reports they had over the years and have seen this damage.

Mr. President, we have to ask ourselves: What kind of people are we to use and misuse science for our passing convenience and the virtual destruction of our environment? What kind of people are we who we care only for the current generation and do not have the concern that we should have as stewards of the Earth for generations yet to come?

We ignore all sense of history, and we condemn ourselves to be considered by future generations as one of the most selfish generations if we do not stop this. What we might do to the damage of future generations will be done solely for momentary and passing convenience. How can any future generation ever forgive us that? Even worse, how can any future generation ever understand that we did not take the steps necessary to at least try to reverse and to stop this destruction of our atmosphere?

Mr. President, we have historic legislation before us today. We stand ready to pass the first major revision of the Clean Air Act, in 11 years, and it is high time.

The distinguished majority leader, Senator MITCHELL, has worked tirelessly to bring this legislation to the floor. His patience, his persistence over the past decade and during the recent negotiations with the administration have made this day possible. He has had the patience of Job and perhaps at times the feelings of Sisyphus as he has tried to bring this legislation to the floor. I commend his work.

The senior Senator from Montana, my good friend, Senator BAUCUS, and my neighbor, the ranking member of the Environmental Protection Subcommittee, Senator CHAFEE, have worked together—Senator BAUCUS in his role as chairman of the Environmental Protection Subcommittee, and Senator CHAFEE as ranking member—to forge the bipartisan support that would ensure the passage of this bill. They deserve our thanks.

My distinguished colleague from Vermont, who has given up sleeping because of the number of nights he has had to sit through negotiations, also deserves our thanks. I thought of him each night as I went home knowing that he was carrying the flag.

Mr. President, I was a proud cosponsor of the Clean Air Act that came out of the Environment and Public Works Committee. I am afraid, though, while the bill before us is strong, it has some areas and some important provisions that need to be stronger. It does weaken some important provisions in the areas of nonattainment, mobile sources, alternative fuels, carbon dioxide, and air toxics.

In Vermont, this legislation may not be enough to save us from the effects of air pollution. There is evidence that Lake Champlain, one of the greatest natural treasures of the Northeast, is being slowly destroyed by airborne toxics from beyond our borders. Fish from this lake are contaminated with toxics, yet there is no point source for these toxics anywhere in Vermont. Acid rain is believed to cripple our forests and poison our waterways.

From the front steps of my home, I look out at one of the most beautiful mountains of Vermont known locally as Camel's Hump. I have been looking at it from the time I was a child. In later years, I have been noticing a change. I went through photographs we took when I was a teenager and then as a young man, before I was in the Senate. It is almost as though an eraser has gone from the top of this mountain slowly moving down, all from the damages of acid rain. Air pollution levels in Vermont, pristine Vermont, have at times exceeded the Federal public health standards and yet we do not have an urban or stationary source in this little State of a half million people.

We can do little to prevent other States from polluting our air in Vermont, but we can control our own pollution, and this we have done. Vermont has the most progressive CFC regulations in the Nation. We have passed laws banning the use of CFC's in automobile air conditioners, banned the frivolous use of CFC's for such things as noise horns, banned noncommercial cleaning solvents, and even required the recycling of CFC's.

For those who have a question, incidentally, it does also get hot in Vermont at times. While it may be easy to pass these laws when it is 25 below zero, we know there are days in Vermont of 90 and 95 degrees.

We know also as Vermonters that these laws are absolutely critical to reduce global warming and assure the continued health of our planet. CFC's are one of the most potent of ozone depleting chemicals.

Senator GORE has stated very eloquently this afternoon about how CFC's harm our atmosphere. They destroy stratospheric ozone. They expose the atmosphere to ultraviolet rays that in turn produce greater amounts of ozone on the surface of the planet. In their capacity as both ozone-depleting chemicals and global warming gases, they are responsible for up to 30 percent of the effects of global warming.

So the amendment that the distinguished Senator from Tennessee and I have introduced strengthens the CFC regulations in several important ways. I want to speak to just one of these issues. The distinguished Senator from Tennessee has laid out in great detail the other aspects of it, but there is one I want to emphasize and that is the preemption of State CFC laws by the Federal Government. As the clean air bill now stands, it would preempt more stringent State regulation of CFC's. In other words, a State could not have more tough or more stringent regulations than the Federal Government.

Mr. President, this is totally unacceptable to me. I cannot stand by while the work of the State of Vermont in the area of CFC control is eliminated. I cannot turn my back on the work of my own State. In fact, historically the State initiatives in controlling pollution have encouraged more effective Federal standards and policies, not the other way around.

States must have the right to impose pollution standards that are stronger than current Federal standards. Federal laws should serve as floors for the public protection. They should not serve as ceilings.

The ability of States like Vermont to protect the health of its citizens must never be limited by the Federal Government. The amendment Senator GORE and I have introduced will prevent the Federal Government from preempting State efforts to strengthen their own laws.

If any 1 of the 50 States feels the need to protect its citizens, then that State should be able to pass stricter laws and tougher environmental laws than the Federal Government. No State should be denied by the Congress of the United States the ability to go even further than the Federal Government in protecting its people.

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That is an issue that each of us in our own States must decide.

If our State legislatures feel the need to be even more protective of the health of our people, that is a decision that we as free people of those States will make.

But every State, whether it is a little State like Vermont, a large State like California, or any State in between, must have the right to make that decision. The Federal Government should never take away from a State the ability to go even further in protecting the safety, health, and environment if the people of that State want to go further.

I should say, incidentally, Mr. President, the Senator from Tennessee and I are not alone in the support of this amendment. The National Conference of State Legislatures has stated its opposition to Federal preemption in the area of CFC regulation. The National League of Cities Environmental Issues Caucus has unanimously passed a resolution opposing the preemptive language. In Vermont, the House of Representatives has passed a resolution urging the Congress of the United States to strike the preemptive langauge on CFC's that is currently in this bill. These resolutions reflect a widespread support for State and regional CFC regulations that we cannot ignore.

Mr. President, there are a number of people who wish to speak. I do not wish to take longer but just to close with this comment. The importance of the amendment is twofold. First and foremost, it ensures that the ozone layer will be protected from the destructive efforts of CFR's; second, it guarantees States the right to implement the strongest laws that are necessary to protect the environment and the health of our citizens. It allows individual States to say what they want to do and not have the Federal Government tell them what they are not allowed to do. It is a milestone in the fight to protect the health of the American public.

I look forward to working with the distinguished leaders on both sides of the aisle to move this historic bill.

I ask unanimous consent that a number of letters and a resolution be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, March 8, 1990.

Hon. PATRICK J. LEAHY,
Senate Russell Office Building, Washington, DC.

DEAR SENATOR LEAHY: Reauthorization of the Clean Air Act is one of the most pressing issues facing Congress this year. The Senate has shown admirable leadership in attempting to keep the debate moving toward a positive resolution of this issue. To this end, the National Conference of State Legislatures urges you to support language that contains strong controls for both stationary and mobile sources of pollution, supports use of alternative fuels, controls toxic air pollutants, and balances the concerns on acid rain.

We do have concerns, however, about parts of the Clean Air Act. Specifically, we oppose language in Section 519, subsection (c) of the Senate Bill (S. 1630) that would preempt state laws regulating chlorofluorocarbons.

NCSL policy states that we "strongly oppose federal preemption of state and local government laws, constitutional provisions and regulations without a clear and compelling case for such preemption have been made." In this instance, we find no prevalent reason for the preemption. The federal government has been slow to act in controlling pollutants that pose risk to the stratosphere. States have consequently developed and are implementing strong environmental laws to fill the void. Federal laws should be the baseline level of protection, not a ceiling. Over and over states have found that the level of protection demand by their citizenry can only be achieved through stricter state standards. Therefore, those state laws should be allowed to stand and not be preempted by a weaker federal program.

The National Conference of State Legislatures applauds you for offering an amendment to remove the preemptive language from this section. We urge all Senators to support your amendment.

The NCSL is committed to working with Congress to achieve passage of a strong and fair Clean Air Act this session. Your support is needed, and appreciated. If you have any questions, please feel free to contact Nancy New or Rick May in NCSL's Washington Office at 624-5400.

Sincerely,

DICK HALL,
Member, Mississippi Senate,
Chair, NCSL Environment Committee.

LAW AND JUSTICE—PREEMPTION

The National Conference of State Legislatures strongly opposes federal preemption of state and local government laws, constitutional provisions and regulations without a clear and compelling case for such preemption having been made. NCSL does not believe that preemption is unwarranted in every circumstance, but does believe that any preemption should meet three basic tests:

First, it should be clearly shown that the exercise of authority in a particular area by individual states has resulted in widespread and serious conflicts imposing a severe burden on national economic activity or other national goals.

Second, it should be clearly shown that preemption of state law is the only reasonable means of dealing with the problem.

Third, it should be clearly shown that solving the problem is not merely desirable, but necessary to achieve a compelling national objective.

NCSL and other representatives of state and local government should be afforded an opportunity for consultation or hearing before final decisions on preemption are made.

Congress should be required to state explicitly when it intends to preempt state laws or rules; mechanism to provide notice of the intent to preempt should be created so that states may participate in the political process as envisaged in the 1985 Garcia v. San Antonio Transit Authority case; and if any federal agency intends to preempt state laws or rules, the agency should have explicit and specific authorization from Congress.

ENVIRONMENT—REGULATING THE USE OF CHLOROFLUOROCARBONS (CFCS)

The National Conference of State Legislatures (NCSL) is very concerned that The Montreal Protocol of 1987 regarding stratospheric ozone layer depletion is inadequate to address this crucial global issue.

To bring about the nearly complete phaseout of chlorofluorocarbons (CFCs) and other ozone depleting chemicals, NCSL urges the Congress to begin by adopting the following measures:

1. Ban the sale of any motor vehicle with a model year of 1993 or later that uses CFCs in its air conditioning system; and

2. By January 1, 1990, impose a ban on the sale of halon fire extinguishers, CFC cleaning sprays, CFC noise horns and CFC party streamers for personal consumer use.

MARCH 7, 1990.

To: Senator Patrick Leahy, State of Vermont.

From: Councilmember Nancy Skinner, Convenor, National League of Cities Environmental Issues Caucus.

I am writing in regards to section 519C of the Senate Clean Air Act which, would as currently written, preempt existing and future state and local government laws designed to protect the ozone layer. Vermont's own CFC recycling and recovery law would be preempted by section 519C.

There is a growing number of state and local elected officials who are aware of and who strongly oppose preemptive language that would nullify strong local environmental legislation. I am the convenor of an Environmental Issues Caucus of the National League of Cities. At the caucus meeting Sunday, attended by 140 delegates of the NLC, a resolution opposing section 519C of the Clean Air Act was unanimously passed.

I have attached a letter signed by elected officials representing eight cities which explains the position of most state and local governments on this issue. This letter was sent out last week to over 250 local elected officials. To date a number of cities have passed resolutions, similar to the resolution included with the letter, opposing ozone protection preemption language. Cities that have passed the resolution include: Burlington, Denver, Austin, Cambridge, St. Paul, Newark and a number of others.

Additionally, I have enclosed a press release from a press conference held at the NLC meeting. The press conference featured elected officials from cities with laws that would be affected by the passage of the preemption clause.

I hope that you will respond to our concerns and be a leader in the effort to have this section removed from the Clean Air Act. If I can be of any assistance or provide you with additional information, please don't hesitate to contact me at my Council office, 415 644-6359, 2180 Milvia St., Berkeley, CA. 94704.

Sincerely,

NANCY SKINNER,
Councilmember.

HOUSE RESOLUTION ADOPTED

H.R. 21

Representatives McCormack of Rutland City, Bassett of Burlington, Seibert of Norwich, Schaefer of Colchester, Coleman of

Londonderry, O'Brien of Stowe, Lingelbach of Thetford, Ross of Hinesburg and Emmons of Springfield offered a House resolution, entitled

Resolution relating to the proposed Congressional override of state laws regarding ozone-depleting chemicals;

Whereas the stratospheric ozone layer above the earth is a part of the earth's ecosystem without which life cannot be supported on this planet, and

Whereas there is a consensus among responsible persons, including industry spokespeople, that certain chemicals deplete the ozone, and that this ozone depletion has taken place with alarming speed in recent years, and

Whereas the State of Vermont, trying to be a responsible global citizen, has taken steps to decrease the extent to which its citizens add to this ozone depletion, and

Whereas the United States Senate is considering amendments to the Clean Air Act, Title 7, section 519(c) of which would preempt states from enacting laws that are more stringent than federal laws with respect to the regulation of ozone-depleting chemicals, and

Whereas these amendments to the Clean Air Act are not as stringent as is the existing law of the State of Vermont, and therefore would have the effect of negating Vermont's attempts to do its part to support life on this planet by reducing the depletion of the stratospheric ozone, and

Whereas these amendments, pushed by organizations involved in the manufacture, importation, distribution and sale of CFC's, are part of a disturbing trend whereby the states are given more and more responsibilities, but are prevented from developing meaningful solutions in the exercise of those responsibilities, now therefore be it

Resolved by the House of Representatives: That the state's Congressional delegation is urged to take all steps necessary to strike this pre-emptive language from the bill and to defeat any Congressional action that would limit the states' ability to enforce their laws regarding ozone-depleting chemicals, and be it further

Resolved: That the Clerk of the House be directed to send a copy of this resolution to the Congressional delegation.

Which was read and adopted.

Mr. GORE. Will the Senator yield?

Mr. LEAHY. I yield to the Senator from Tennessee.

Mr. GORE. I would like to announce, Mr. President, that the distinguished junior Senator from Vermont [Mr. JEFFORDS] has joined as an original cosponsor of this amendment. I am proud that he has done so.

Mr. LEAHY. I yield the floor.

Mr. WIRTH. Mr. President, I want to begin by commending the distinguished Senator from Tennessee who has done such a wonderful job over the years on the issue of the ozone layer, chlorofluorocarbons, the legislation in front of us, and so many related global atmospheric problems. He has truly been one of the consciences of the country and of the world, and we all appreciate the great work that he has done.

This amendment is yet another example of that. I hope that I might be added as well, if I am not already—I believe that I am—as a sponsor of the amendment.

Mr. GORE. If the Senator will yield, I ask unanimous consent to add both Senator JEFFORDS and Senator WIRTH as original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I must say it gives me a good feeling of the heart to have the distinguished Senator from Colorado as an original cosponsor of this amendment.

Mr. WIRTH. I thank the distinguished chairman, and it is always nice to be lashed up with a chairman, even one as young as he is.

Thank you very much, Mr. President.

To be very brief on this, the Senator from Tennessee discussed this very thoroughly and very well. The amendment is a pretty clear one. A great deal of the work on this amendment was done by, on this whole issue, the distinguished Senator from Rhode Island, Senator CHAFEE, and the distinguished Senator from Montana, Senator BAUCUS, who really worked through this issue, and has been leading on the Environment Committee on this whole question.

We have here I think, as the Senator from Vermont was sketching, at least three issues in front of us. First is the destruction of the ozone well described by the distinguished Senator from Tennessee, and well outlined in the chart in his own very clear remarks.

We are all familiar with the hole in the ozone issue. It has been discovered. We understand it. We have moved on it with the Montreal protocol. We are going to move on it further. Now is the time to really look ahead into the future. This is a perfect opportunity. This bill provides us with a vehicle for taking yet the next step looking to the future the way we ought to.

The second issue, that of States rights, has also been discussed. It is very important for us to continue to remember Federal standards should be a floor and not a ceiling. My own State of Colorado has a very proud history at the State and the local level of really pushing very hard, pushing the edge of the envelope on how far we can go, and how clearly can we write the kind of law that the citizens of my State want. We should allow that, and that is a second important, very important element of this amendment.

The third relates to global warming. Chlorofluorocarbons are not only an evil for the people when you get into the atmosphere related to the ozone but very clearly related to global warming as well. We know that the atmosphere is warming despite the protestations from time to time of a few people in the White House. The academic evidence is overwhelming. Glogal warming as a theory is incontrovertible. The evidence and the scientists talking—I went to the national academy meeting the other day where they reviewed the evidence of the so-called doubters who were there making their presentations and the doubters were not saying the world is not going to get warmer but that there is just uncertainty about how much how fast. We have an obligation to take steps to address the issue of how much, how fast, or to slow down the contributions the United States is making.

We can do that in a variety of fronts. We are going to get back to carbon dioxide and automobiles. We are going to have a major global warming bill coming out of the Energy Committee. There are a variety of steps we can be taking and this is yet another one to be looking at the role of CFC's in the atmosphere and to be making the kind of changes that ought to be made.

So a third major element and reason for voting for this amendment is our responsibility to look at the question of global warming and to really belly up to it. We cannot duck this any longer. There is no reason to.

The evidence is so good. The number of things that we did in taking out an insurance policy are so clear. This is not something that, as some have suggested, that Americans will stop driving automobiles or stop burning oil and natural gas, and all of those preposterous arguments they are making. Nobody is suggesting any of those things. All we we are suggesting is taking some clear, concise, careful steps. This is one of them that we can take.

So I would hope, Mr. President, that all of us would find ourselves supporting this fine amendment.

Mr. President, today, we have an apportunity to begin the process of moving away from a family of chemicals that are a double threat to the global environment. Chlorofluorocarbons [CFC's] are ripping apart the Earth's ozone layer and helping to change the nature of our atmospheric greenhouse.

The ozone layer protects all living things from the Sun's harmful ultraviolet radiation. The ozone layer is a shield that helps protect every person on the planet from the harmful effects of exposure to UV radiation—effects such as skin cancer, cataracts, and suppression of the immune system. Stratospheric ozone is also a protective shield for plants and aquatic organisms—the most basic components of the food chain.

The problem is that these marvelous nontoxic, nonflammable substances—the CFC's—are loading chlorine in the atmosphere where they gobble up CFC's for up to 100 years. For the past several years, massive scientific expe-

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ditions have found that the ozone layer is in deep trouble. In what was probably the turning point for the way in which we look at the global environment, researchers—many of them from the NOAA labs in Boulder, CO—found in 1985 a gaping hole in the ozone layer over Antarctica, where extremely cold temperatures allow ozone to break down very rapidly. Last year, researchers have found that worldwide average ozone levels have dropped by at least 3 percent. Medical experts believe that every percentage point of depletion, Mr. President, will result in a 3- to 5-percent increase in skin cancers.

Last year, another research expedition led by NASA and NOAA found the conditions ripe for an ozone hole to form over the North Pole. The hole has not yet appeared in the north, but the Arctic appears to be in great danger as well.

Nowhere is the threat of ozone depletion more well understood than in New Zealand and Australia where stratospheric ozone concentrations have been reduced by 10 to 15 percent during the austral spring. As we debate this bill today, a hole covering 10 million square miles has developed in the Antarctic. Our friends down under are frightened.

All by itself, ozone depletion would be reason to urgently act to phase out the CFC's. Unfortunately, the CFC's are agents of environmental concern in another, even more threatening way. The CFC's are among the most powerful heat trapping gases ever developed. At today's emissions, CFC's are contributing 15 to 20 percent to the gases that are building in the Earth's greenhouse. And this threat, global warming, is probably the greatest political, economic, social, and environmental challenge we face, Mr. President.

The bill before us today has a number of outstanding provisions that will move us toward a complete phaseout of CFC's by the year 2000. I want to applaud Senator CHAFEE and Senator BAUCUS for crafting these outstanding provisions—and for authoring the provision that the Senator from Tennessee wishes to amend.

The issue before us now, Mr. President, is whether or not we should begin the process of phasing out the next generation of CFC's—the so-called HCFC's.

I do not think there is any disagreement in this body about the need to protect the ozone layer. Virtually every Senator is aware of the urgent need to do so, the President has committed this Nation to a leadership position in this area and we are on the way.

But phasing out CFC's alone will not ensure that we protect the ozone layer. The HCFC's, while much less effective at eroding the ozone layer, do pose a threat to the health of our protective shield. If we let HCFC's grow indiscriminately into the 21st century, we may void the benefits of phasing out CFC's in the first place. For our children's sake, we cannot allow this to happen.

The amendment being offered by the Senator from Tennessee would set a target date—some 25 years in the future—for beginning the control of HCFC's. I am well aware of the concerns expressed by industry about this provision. I am aware that some may argue that we are regulating substances that are only now coming into existence and for which the substitutes of the future have not been developed. And I appreciate those concerns.

But I have faith in our ability, our ingenuity to come up with new products and new technologies that will allow us to clear these hurdles before the end of the next quarter century.

More importantly, Mr. President, I do not believe that we can in good conscience continue to imperil the ozone layer. If ever there were or will be a star wars shield—it is the ozone layer, which protects all living things from our most important star, the Sun.

I recognize that it will not be easy. We have been ingenious about developing valuable uses for these chemicals. But we know now that the environmental damage wrought by these chemicals is so great that they must be eliminated. The decisions we make today, will have implications for the health and productivity of our children and our children's children. Indeed, I would submit that as one of the forces that makes life on this planet possible, the ozone layer is a constituent of us all. The ozone layer is not a special interest, Mr. President, it is a basic component of life on Earth.

This amendment is critically important to the global environment. I commend the Senator from Tennessee and the Senator from Vermont for offering this outstanding proposal. They have been tireless in their efforts to help restore the stratospheric ozone layer back to health.

I hope everyone in this body recognizes the work of my good friend, the Senator from Tennessee [Mr. GORE]. AL GORE has contributed as much, if not more, to this effort as anyone in the world. He represented the United States at Margaret Thatcher's major conference on ozone depletion and many of the CFC provisions in the compromise bill represent ideas he has helped pioneer. Most importantly, his diligence and willingness to learn these issues have been essential to the effort to communicate to the American people the grave threat of ozone depletion.

In conclusion, Mr. President, I want to reiterate my strong support for this amendment. We do not have time to delay this action. Our constituents are waiting for our leadership, and we will be judged for years to come on how we responded to protecting our most basic and important environmental systems. I urge my colleagues to vote in favor of the Gore-Leahy amendment.

I yield the floor.

Mr. JEFFORDS. Mr. President, I want to commend the author of the amendment and would like to join as a cosponsor. I am very proud to represent the State of Vermont, and I am very proud of what they themselves have done in this area.

It seems to me that it is critical we take action now to do something about the problems previously referred to by the Senator from Colorado. I basically associate myself with his remarks with respect to the purpose of the amendment.

But I would like to point out that in Vermont, where we have a tremendous heritage and reputation for preserving the environment, that my interest in this bill has not been to see what I can do to protect this interest or that interest in Vermont but only to see what I can do to help pursue the goals that our State has established for cleaning up the environment, for we are the cleanest State in the Nation.

We have no nonattainment areas. We have no difficulties with smog. The only time we have a nonattainment problem at all is when we get a southwest wind from New York and the Albany residue blows over and sometimes creates a problem.

But we have established in many areas standards which I believe are those that the Nation should emulate. We have the cleanest water standards to my knowledge in the Nation. We have the cleanest air. The only problems we have are dealing with acid rain. That is something others do to us and it falls out of the sky.

So all I would like to do here though is again reiterate, as my senior Senator from Vermont did, what the State of Vermont has done with CFC's and what they want to do, even perhaps with some sacrifice, is show the Nation what others think cannot be done can be done.

Therefore I would like to say I support the amendment.

I yield the floor.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, a number of our colleagues have left the Capitol to attend a function which I believe the President will be attending. In order to accommodate their schedules I will momentarily seek unanimous consent to proceed in the following manner: that a vote on or in relation to the Gore-Leahy amendment be at 7:30 p.m.; and that upon the conclusion of the debate on the Gore-Leahy amendment, which I anticipate will occur sometime between now and 7:30 p.m., the Byrd amendment would then return to establish the pending business in accordance with my previous discussion and understanding with Senator Byrd. I will then request consent that we proceed to the Lautenberg amendment to commence debate on that amendment, the next one in order.

If debate on the Lautenberg amendment is completed by 7:30, I would then anticipate that votes would occur on the Gore-Leahy amendment and the Lautenberg amendment back to back. If debate on the Lautenberg amendment is not completed by 7:30, then I would anticipate that the vote on the Gore-Leahy amendment would occur at 7:30 with debate resuming on the Lautenberg amendment immediately following that.

As I indicated previously, upon completion of that amendment, then we would again review the situation with respect to Senator Byrd and his amendment, and hopefully be in a position to proceed to the Wirth-Wilson amendment which I anticipate would be some time at or after 7:30, depending upon the status of the Lautenberg amendment.

Mr. WIRTH. The Wirth-Wilson amendment would not be applicable before the disposition of the Gore amendment; if there is a vote and disposition of the Lautenberg amendment, if there is a vote, we certainly will not be out before 7:45.

Mr. MITCHELL. That is correct.

Mr. WIRTH. I thank the leader.

Mr. MITCHELL. I cannot now anticipate how long the debate will be on the Lautenberg amendment. If at all possible, it is my hope that we will be able to proceed to that and complete debate on it, and vote on both the Gore-Leahy amendment and the Lautenberg amendment at 7:30.

I am advised by the Republican leader's staff that this arrangement is agreeable; indeed, it was suggested by the distinguished Republican leader.

Accordingly, I will, therefore, unless some Senator wishes to seek recognition, propound a request.

Mr. CHAFEE. I wonder if the distinguished majority leader will withhold that request a minute. I want to check on one thing, if I might.

Mr. MITCHELL. Certainly, I am pleased to do so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the pending Gore-Leahy amendment be set aside until 7 p.m.; that at 7 p.m. there be 40 minutes of debate on the Gore-Leahy amendment, equally divided in the usual form; and that at 7:40 p.m. there be a vote on, or in relation to, the Gore-Leahy amendment.

Mr. CHAFEE. Mr. President, I wonder if the distinguished majority leader would amend that to permit me to give my statement before you lay aside the Gore amendment, which will be about maybe 10 minutes, maximum.

Mr. SYMMS. Reserving the right to object, and I do not want to object, but I ask the question, are we going to go back to where the Byrd amendment will be the gate amendment?

Mr. MITCHELL. Yes.

Mr. SYMMS. Earlier today, my amendment was the gate amendment. When I was off the floor, it was flip-flopped and the leader moved to table my amendment, which surprised me, frankly, because I thought earlier the agreement was that we would vote on the Byrd amendment and then on mine.

I probably will object to going off the Byrd amendment, not immediately, but at some point, so we can get back to where we have a clean slate so all Senators may have an opportunity to offer amendments, and not just have amendments offered from one side of the aisle.

Mr. MITCHELL. I appreciate that. Let me make two points.

First, I announced publicly on the floor the procedure we were going to follow with respect to the Symms amendment between 30 minutes and an hour before it occurred. That was the result of discussions with the Republican leader, and so——

Mr. SYMMS. I understand that.

My rights were not protected. I was not on the floor to protect my rights, and maybe I should have been. I am not concerned about it, because we still have a long way to go on this bill.

I just want to ask the leader how long he anticipates that the Byrd amendment will be the so-called gate amendment.

Mr. MITCHELL. I am unable to predict that. It is my understanding that discussions are underway between Senator Byrd and officials of the Labor Department and administration to see if there is a possibility of working it out.

Mr. SYMMS. I might say further, what I am getting to, Mr. Leader, is that at some point in time there may be some people on our side of the aisle that have a different perspective, that want to improve the bill in a different fashion from some of the amendments that we are working on now.

There may be an objection to going to those amendments until we do one of these other amendments. I just want to say that now, so that there is no misunderstanding later.

I withdraw any objection.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now ask unanimous consent that Senator Chafee be recognized to address the Senate with respect to the Gore amendment for 10 minutes, and that we return to the prior status, which would then be the Byrd amendment, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Rhode Island [Mr. Chafee].

Mr. CHAFEE. Mr. President, I thank the distinguished majority leader.

First, I congratulate the Senator from Tennessee for this amendment. This is an area that he has worked on for a good number of years. It has been constructive. I am very pleased to speak in behalf of this amendment.

Oddly enough, this was the language that was in the original S. 1630 that we considered, and it was an area, as I mentioned before, I have been deeply involved in. Indeed, I was the one who presented this particular section. So you might say, "Well, why isn't it in the compromise agreement that we brought out?" The reason is that in the negotiations we were pressured and required, if you would, as a result of the back and forth agreements, to drop the HCFC portion. However, the administration did not agree to support the overall CFC portion or title VII of the legislation, so my commitment was that I would not present the HCFC amendment. I was not forestalled from supporting it, but I said I would not present it, and, instead, we had as a substitute a study for the HCFC. That was understood by the administration. Now we are in the situation where the Senator from Tennessee has presented the amendment and therefore my obligations are released and I am free to support it.

All that has been said about HCFC's is accurate. We deal well with CFC's, chlorofluorocarbons in the legislation, but the HCFC's, which are viewed as the substitute, and many think it is a benign substitute, for CFC's are not covered, as I previously mentioned, although, as I said, they were covered in the original legislation.

HCFC's are more benign than CFC's. That is correct. But the trouble is cumulatively they can have a disastrous effect, just as the CFC's do. So it behooves us to get on with the regulation of the HCFC's. This gets to a pretty complicated area because, if you can believe it, there is a further chemical named HFC's. Now we have three players in the dramas. We have CFC's, we have HCFC's, and we have

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HFC's. The difference between the HCFC and the HFC is the lack of a chlorine compound in it.

So HFC's. 135A, 125, 14A, 152A, all of these are also substitutes for CFC's, and we do not regulate those in this amendment nor in the underlying legislation. They are not dealing with those at all.

Now, again getting back, we have set aside the CFC's. They are taken care of under the legislation. The HFC's we are not dealing with. So we get back to the old problem of the HCFC's. As I mentioned, they are not benign, they are less potent ozone depleters and greenhouse gases than CFC's but still pose a serious threat. Scientific experts told us that our focus should not be limited just to the halons, just to the CFC's. We need to consider the total chlorine loading of the atmosphere and, as we pursue and eliminate one chlorine substance such as the CFC's, we certainly do not want these substitutes that are less benign but, nonetheless, cumulatively are bad actors to come on strong in the future.

So, what this legislation does is to, in the next 40 years, provide for the total elimination of the production of them. I think that is a good measure. As I say, this goes back to the original language that we had in the underlying legislation. I think it is a good provision.

Some say "Well, you are going to shut down industry."

We do not believe so. We believe that by allowing, as this amendment does, the production and use of the HCFC's, which are a substitute for the CFC's we eliminate, by allowing them to be used as a substitute up to the year 2030—that is hardly tomorrow, that is 40 years from now, and the scientists tell us that that is far enough into the future to have adequate substitutes developed and there will be substitutes at that time.

I just want to report to my colleagues in the Senate that I have been most encouraged as I have gone around, and I suspect the junior Senator from Tennessee has found likewise, that industry is stepping into the breeches and developing substitutes of their own of CFC's, nothing to do with HFC's, nothing to do with CFC's, entirely new substitutes.

I will just quote from the trade journal of the industry which deals with heating and cooling. Actually it is the heating trade journal called the District Heating and Cooling. They state:

> This amendment of the Senator from Tennessee will help bridge the gap as we look at and phase in more fundamental alternatives. During this gap time, alternatives will be developed for refrigeration, gas cooling systems, steam and gas fire absorption systems, systems combined cogeneration and heat activated cooling, and new chiller designers still in the developmental stage.

So we are on the path of solving the overall problems of CFC's, and they are promising long-term solutions.

Now, there are even some representatives who argue we do not even need this amendment. They cite recent scientific reports to support the notion that continued use of HCFC's will not affect peak chlorine loading and not delay the date by which we return to the level of 2 parts per billion. I do not want to go into that in great detail.

Let me say, in conclusion, that I think that the modest amounts of short-lived HCFC's that will be released under this extended period we are giving will not increase the maximum chlorine levels. Compounds such as HCFC 123, which has an atmospheric lifetime of 2 years, can be described clearly as short-lived.

So the amendment is a good one. It provides that we will have this substitute to take us over the breach. Meanwhile, we will be coming up with long-term alternatives and, at the same time, there will be a cutoff date for these HCFC's. So I hope the amendment will be adopted. I look forward to voting for it at the appropriate time.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHAFEE. I am glad to yield.

Mr. GORE. Mr. President, I briefly reiterate my respect and admiration for the leadership offered by the Senator from Rhode Island on this subject. He has been a very powerful voice for many years in helping the Senate and this country and the world to see and understand exactly what this problem is all about. I have felt it a great honor to help him in this task and to have a chance to work with him. He and his staff have really done yeoman's work in bringing this issue to the attention of the Senate.

I am very pleased that he is supporting this amendment. I hope that every single Member of this body will seriously consider voting yes on this amendment, because it will help our Nation develop the moral authority to exert the kind of leadership this Nation needs to began a worldwide debate on the global environmental crisis.

All I wanted to say on this occasion is a word of thanks and again to reiterate my great respect for the leadership provided by the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Tennessee for those very kind remarks, and I do not want this to be a bouquet-throwing contest here, but we really appreciate what he has done.

There is another point I think we ought to make, and I know we are not trespassing on those who follow after us on their time. There are two points I would like to make.

First, indeed, it is right for the United States to take this leadership, call it moral leadership, as the Senator from Tennessee did, in eliminating these disastrous chemicals from our country, and that leadership will echo around the world. I am confident other nations will follow us, and certainly it will be a big incentive to strengthen the Montreal protocol. That is the first point.

The second point is a distinct upside to all of this. The United States, by moving ahead in this area, is going to come up with substitutes that will have no chlorine in them that will do no damage to the ozone layer.

And thus we will be ahead of the curve. We will be prepared with these substitutes to market them elsewhere in the world. Other nations, which I am confident are going to want to rule out their use of CFC's, are going to say, what are we going to use as a substitute. And the United States, by moving forward, will have developed both the equipment and the gases or the chemicals, or whatever it might be, to fill the gap that the absence of a very, very effective agent, the CFC's will have caused when we have abolished them.

There is no question that the CFC's are an extraordinary chemical. They are not flammable. They fulfill all these cooling factors that we have discussed previously. The only trouble is it was discovered that they are destroying the ozone layer, as has been pointed out by the Senator from Tennessee. So there are many reasons for moving ahead: One, the moral leadership, and two, we are going to be ahead of the rest of the world in having the substitutes developed.

And, of course, the third reason, obvious reason, the basic reason we are doing all of this, is the United States produces one-third of all the CFC's in the world. If we get out of the business, we will take a long step toward reducing the destruction of the ozone layer.

And a fourth and final reason is—this is a twofer—we get a double punch out of this. Not only do we not destroy the ozone layer, but CFC's contribute beween 20 and 25 percent of all the factors involved in the global warming. And the other factors are far more difficult to deal with. Dealing with banning the burning of coal and the carbon dioxide that is created there, that is a very, very difficult step to take. But this is—of all the measures to stop the global warming, to contribute to the cessation of that—the easiest of all we can take, the banning of the production and the use of CFC's.

I thank the Chair and I thank the Senator from Tennessee.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Harkin). Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I would like to address the pending amendment and, in particular, the bill itself.

I rise in strong support of the Clean Air Act amendments now before the Senate.

I commend the managers of the bill, Senator Baucus and Senator Chafee, for aggressively pursuing the enactment of effective policies to protect human health and the environment from the effects of air pollution. The chairman of the Environment Committee, Senator Burdick, has been our steady source of guidance and support. Senator Mitchell and Senator Dole, the leaders of our parties, have provided the stewardship necessary to foster continued and constructive support for this legislative package.

Without reiterating the long and arduous process by which we have come to bring this bill before the Senate for consideration, I want to stress that this bill is truly a historic document. This bill will permanently cut acid rain pollution by one-half and will do so in the most cost effective way possible—by encouraging early and aggressive controls at our Nation's dirtiest powerplants. A system of marketable allowances will provide a method for minimizing the cost of controls—although these costs will not be slight. In a most significant step, a cap on sulfur emissions will ensure that levels of acid rain pollution, once reduced, will stay at those reduced levels.

Equally important, this bill contains provisions to reduce ground-level ozone, commonly known as smog. In addition to specifying stringent controls on automobile tailpipe emissions—which are known to cause about 50 percent of the smog problem—this bill initiates changes in fuel composition and stimulates programs for alternatively fueled vehicles. While past legislative efforts have spurred great progress in reducing exhaust levels from cars, equal consideration is finally being given to the fuels which power these machines. At the risk of boring my colleagues who have heard me repeat this before, the most direct way to reduce the amount of garbage coming out of a car is to reduce the amount of garbage going into a car.

In addition, title VII of S. 1630 mandates an aggressive phaseout schedule for ozone-depleting CFC's, formally known as chlorofluorocarbons. The internationally ratified Montreal protocol establishes a schedule for meeting a 50-percent reduction in CFC's by 1998. This multilateral mandate gives credence to the urgency of eliminating CFC's and this bill makes it clear that the United States, as the largest single user of CFC's, will be the leader in developing safe substitutes for these chemicals.

The CFC title incorporates provisions similar to a Vermont law regulating uses of CFC's in automobile air-conditioners. As with vehicle hydrocarbon emissions, the detrimental contributions from individual cars may not seem significant, but taken as a group, the additive contributions are substantial. It is my understanding that acceptable alternatives are available for automobile air-conditioners, and I am pleased that the committee was able to include in S. 1630 provisions from a bill I had previously introduced.

This bill provides a policy for drastically reducing emissions of toxic air pollutants. In a two-step process that is a significant improvement over current law, the bill requires the EPA Administrator to mandate installation of technology-based maximum achievable control technologies at major sources of toxic emissions. In the second phase, EPA must review the effectiveness of these technologies, on a source-by-source basis, and impose more stringent controls as necessary to protect the health of people living in the vicinity of the plant.

Monitoring efforts will be greatly expanded under this bill, allowing us to better understand the extent and scope of toxic air emissions. Specifically, a monitoring network for the Great Lakes, Lake Champlain, and the coastal regions will greatly enhance our understanding of the relationship between air pollution and water pollution.

Much has been made of the scope of the bill and process by which the amendment package has been developed. As the majority leader has previously stated, this bill has undergone 9 years of scrutiny. It has been reported from committee three times, the most recent being last November. Members of the Senate had been on notice since that time that S. 1630 would be the order of business in January. It was unfortunate that progress in January was slower than expected, but we are here today with ample notice and study.

Only when it became clear that the bill, as reported, did not have the support of a majority of Senators, was it agreed that detailed negotiations were necessary if we were to see progress on clean air during this session of Congress. At that point, the majority leader, a consistent and dedicated protector of the environment, suggested that negotiations between Senators and representatives of the administration should take place to discuss the most objectionable provisions.

Notwithstanding the immense respect felt for the majority leader, his suggestion was not immediately embraced by other members of the Environment Committee who sponsored this bill and who felt that the committee process had provided a forum for affected parties to air their concerns.

While the prospect of negotiating a clean air bill in order to gain support seemed risky, the prospect of continued stalemate on the issue was judged to be worse still. As the days dragged on, the bill floundered at the desk. Knowing that the House of Representatives would not continue its work until the Senate had completed its own, it became clear that an open, negotiated settlement of major disagreements was in order.

Others may recall the events as they will, but in my judgment, continued delay of much needed acid rain controls would mean that high levels of sulfur would continue to be released in the meantime. Given the cyclical nature of Congress, coupled with the tendency to act only when pressed to the 11th hour, inaction during this Congress would mean at least another 2 years of uncontrolled emissions; 2 years equals 20 million tons of reductions lost. Reductions of other pollutants would be foregone proportionally.

Senator Mitchell has already reviewed the history of clean air bills that were reported only to be held hostage at the desk and precluded from further Senate action. To do so once again would be a great loss.

That said, I wish to commend the majority leader, and all those who participated in the negotiations, for the spirit of good faith and commitment that governed the process. It is my observation that changes to the bill were guided by a desire to protect the integrity of our environment. At the same time, regional considerations have been incorporated. The bill now has a less severe impact on coal-producing regions while providing essentially the same acid rain reductions. The bill yields similar reductions in ozone-forming volatile organic compounds while allowing more discretion in choosing the means by which the reductions will be made. The bill mandates equally aggressive toxic reductions over the next decade while ensuring that additional reductions are not arbitrarily imposed.

Let me elaborate on just a few of these points. Incorporating ideas from midwestern members who had accepted the committee's targets for sulfur emission levels, we were able to devise incentives for early reductions that will at the same time protect mining jobs for scores of communities in Kentucky, Pennsylvania, West Virginia, and other States. These communities will still be affected by the bill, but our basis for discussion has become more reasonable.

Incorporating ideas from western Senators who worried that the policies would stifle growth due to historically low emission rates from newer power plants, we were able to shift distribution of allowances to these same plants in a manner that allows them to accommodate modest growth. The net effect will be sulfur reductions that come earlier, but that yield the same cumulative results over the next 2 decades. The emission cap ensures that the reductions are retained for the years thereafter.

But sulfur dioxide is only one of the two major causes of acid rain. During the subcommittee markup of this bill, I raised concerns that not enough attention was being paid to emissions of oxides of nitrogen. We were able to tighten the NO_x provisions before finishing committee action, and the negotiations with the administration further improved them.

In regard to reductions in oxides of nitrogen from utilities, objections had been raised that the bill's strict emission targets threatened the economic viability of a few utility plants whose configuration made such targets difficult, if not impossible to obtain. An agreement was reached to allow limited exceptions to these standards in exchange for moving forward the compliance dates by 5 years, to 1995. This change is expected to yield additional reductions of NO_x on the order of 500,000 tons per year during those years, or about 2.5 million tons by the year 2000. The compromise also gives EPA authority to impose NO_x controls on a broader family of utility broilers than did the Senate bill, and requires the Administrator to set a revised NO_x performance standard for new powerplants. EPA estimates that this could reduce NO_x emissions in the out-years by another 3 million tons.

Let me elaborate on the arithmetic behind these changes in the acid rain title. I think this is important because we have had a great deal of consternation and criticism about the changes that were made in this area. S. 1630, as reported by the committee, would achieve reductions in sulfur emissions of about 104 million tons during the years 1995-2010. The bill, aa amended will achieve reductions of 96 million tons during those same years. With regard to cumulative sulfur reductions, we retained about 93 percent compared to the bill submitted in January.

However, the amended bill frontloads the process to get more sulfur reductions in the early years—the years 1995-2000. The amount of additional SO_2 reductions during these years is about 10 million tons. When added to the extra NO_x reductions that I mentioned previously, in regard to total acid rain pollutants, we give up about 3 million tons of reductions over the next two decades, but we shifted nearly 12 million tons of reductions to the early years. In sum, we retain about 98 percent of the proposed reductions, but are far better off by getting greater reductions earlier.

Mr. President, in short, we are encouraging early sulfur reductions in the amount of about 10 million tons, and then we allow these savings to be spent over the next 10 years. While we may not see the specific annual reductions that had been proposed by the bill, we see similar cumulative reductions, and the process has been frontloaded. We also force greater NO_x reductions, about 2½ million tons, in this century, and another 3 million in the next.

In addition, some relief has been given to the high sulfur coal mining regions as well as to the clean utilities now feeling growth constraints. With regard to acid rain reductions, by front-loading the process, the amended version improves the original S. 1630.

Mr. President, I have long been a proponent of acid rain controls. In 1987, I conducted a mail survey to determine if my constituents were willing to pay a surcharge of their electric bills to help pay for the cost of controls in other States. I wanted to measure how severe our people felt this problem was. The results showed that 80 percent of those responding were so concerned about acid rain that they were willing to share that burden. However, the bill before us, though it will substantially reduce acid rain pollution in Vermont, has no direct cost sharing provisions. The polluters pay, not Vermonters.

The innovative system of marketable allowances serves a similar, yet less robust purpose. The additional benefit of the allowance system is that it encourages utility operators to choose among the most cost-effective control strategies. For those of us who believe that the need to reduce emissions of acid rain causing substances, the measure before us is welcomed relief, and I believe that it improves upon the bill as reported by the committee.

Let me turn to the nonattainment title of the bill, which has been the subject of much debate. Some have suggested that the result will be higher levels of hydrocarbon emissions in our Nation's smoggiest cities.

First of all, regarding emission reductions from automobiles, the largest single source of ozone-forming pollutants, the technology requirements remain essentially unchanged from the proposal reported from committee. One highly visable change is that we have allowed for suspension of the second tier of tailpipe controls if enough cities improve sufficiently that they are no longer in nonattainment status. While the concept of the trigger mechanism was resisted by me and others, upon reflection it seemed reasonable to allow the additional tailpipe controls to be suspended if substantial national progress is made without them. The trigger mechanism gives comfort to tier II opponents who feel the requirement is unfair to those in areas without pollution problems who would nonetheless be forced to bear the additional costs. At the same time, if they are needed, the requirement goes forward as proposed.

The bill retains the requirement for onboard cannisters to capture refueling vapors, although the administration had favored a requirement for gas station owners to retrofit their operations with stage II technologies to trap these fumes. Refueling vapors have detrimental ozone and toxic effects, and while many agree that these should be addressed, I have supported modest changes in the car to serve this purpose.

For the nine smoggiest cities, for whom the automobile controls are most important, even if the national mandate on second tier tailpipe controls is not mandated, other provisions of the bill give opportunities to achieve similar reductions. In addition, nothing changes California's ability to enact tailpipe standards stricter than the Federal requirements, and State's, through their SIP process, are able to adopt that program.

In the most significant, strengthening change in the compromise, the bill contains a new alternative fuels section that is designed to achieve reductions well beyond those contemplated by the bill as reported. This alternative fuels section has two main parts, one for Federal and privately owned fleets and one for passenger cars in the nine worst nonattainment areas. Other areas are given leeway to opt into this program, and each area can impose stricter requirements than the Federal proposal.

The Fleet Program is based largely on a proposal put forth by Senator BREAUX. Under this plan, beginning in model year 1994, an incremental percentage of cars and light-duty trucks purchased by the Federal Government must operate on fuels that achieve emission reductions of 75 percent for ozone-forming VOC's and 75 percent for toxic substances. For centrally fueled private fleets of 20 or more vehicles, beginning in model year 1998, 30 percent of new vehicle purchases must meet this standard.

These emission targets are designed to be fuel neutral—meaning that preference is not given to one type of fuel over another. The targets can be met by using natural gas, propane, ethanol, methanol, or other fuels. Vehicles operating on these fuels are in no way exotic or futuristic. For each option,

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there are examples of markets in which vehicles operating on these fuels are common.

Further down the road, the bill includes new provisions to assist the development of electric, hydrogen, and fuel cell vehicles, which I had added in conjunction with Senator LIEBERMAN. The emission consequence of hydrogen vehicles, for example, is water. Mr. President, the ultimate path leading away from our urban smog problem is to move toward cars that are fundamentally cleaner. The additional benefit is that these vehicles are not dependent on fossil fuels. The ultimate method would be photovoltaic electricity to power electric cars, or electricity derived from hydrogen technologies. For those of us who follow projections of various fossil fuel reserves, it seems prudent to put a bit more emphasis on alternative power sources.

The Passenger Vehicle Program is again designed to be fuel neutral. This program would be initiated in the nine worst ozone nonattainment areas, with other areas being given the opportunity to join upon request by the Governor.

For light-duty vehicles model years 1995 through 1999, new car purchases in these areas would need to show reductions in ozone-forming and toxic emissions of 12 and 15 percent, respectively. The EPA Administrator must designate various fuels, including natural gas, propane, methanol, ethanol, and reformulated gasoline that could meet this emission standard when used in production model vehicles. An area can choose to meet the reduction targets either by requiring all new vehicles to meet the standard, or by requiring a sufficient number of substantially cleaner automobiles to be used so long as the net emissions result is the same.

For model years 1999 and thereafter, cars sold in the area would need to achieve emission reductions of ozone-forming and toxic emissions of 30 and 27 percent, respectively. Again fuel specifications would be designated by the Administrator to meet this standard, allowing minor modifications to the vehicle. As before, an area could meet the target if all vehicles meet the standard or by averaging reductions across an inventory of a sufficient number of substantially cleaner vehicles.

Now, what is the practical effect of this alternatively fueled vehicle program? For one, we have left the decisions on fuel choice to the areas in greatest need. We have maintained a fuel-neutral policy that allows reformulated gasoline to compete as an option. In addition, the Fleet program will spur developments in ultra-clean technologies in a manner that should allow additional options for the Passenger Program in the out-years.

In allowing reformulated gasoline to play in the market, we leave the door open for States to require greater quantities of this cleaner fuel once it has been introduced in the area. The direction that I have sought to foster throughout this debate is that reformulated gasoline, once developed and available, should be used to the greatest extent practicable. It takes about 10 years for automobile changes, once implemented, to fully penetrate the market.

In other words, the car lasts about 10 years, not so much in my State but in other States, and therefore there are an awful lot of old cars out there and until you get rid of the whole fleet you cannot get changes that are made to the vehicle. On the fuel side, however, a change in fuel quality can yield immediate benefits as they can be used by all cars regardless of their age.

Mr. President, the pending bill contains two provisions which I have supported that relate to gasoline sold to the general public. I expect to elaborate on these measures later in the debate, so I will briefly describe them here. One provision requires EPA to assess the levels of pollution attributable to conventional gasoline sold nationally in 1989, and then set standards to assure that gasoline in the future does not get dirtier. In studying this issue, I have been amazed at the rate at which gasoline components have been changed over the past two decades and the implications this has on air quality. Some estimates say that gas has become at least 20 percent dirtier during this period. This provision will put an end to the steady increase in the detrimental effects from gasoline.

A second provision allows EPA to establish specifications for fuel quality to minimize the harmful emissions attributable to gasoline. Currently, the automobile and oil industries are engaged in an ambitious research program to determine optimal fuel and vehicle combinations to minimize emissions from the system. I commend this effort, and I am pleased that this provision in the bill will give the EPA Administrator authority to build from this, and other research efforts. I look forward to additional debate on the role of fuels in the struggle for clean air, because throughout this process I have sought to ensure that this integral element is given ample consideration.

There are many other important provisions of the bill that I intend to address as the opportunity arises during debate.

The Members of this body now face a monumental task: To enact effective changes in a clean air law that urgently needs such changes. The bill is not an insignificant measure. Members deserve adequate time to review the language and reflect on their concerns. At the same time, the bill has been before us since January and the changes incorporated in the meantime have been made with the full intention of allowing all Senators to participate in the process. This bill has the support of the administration and the distinguished Senate leaders.

It is my hope that we can address the remaining concerns promptly, pass this measure and put pressure on the House to do the same. I urge my colleagues to continue to work together in a cooperative manner so that we can have a new, strong clean air law before the year's end.

Once again, I commend the leaders of the committee and the party leaders who have worked so hard to bring us this far. We must continue in this effort, because there is much at stake. I especially want to commend the efforts of Senator CHAFEE. He is an undisputed leader in efforts to protect the environment. I know how painful it was for him to see provisions he conceived and authored, such as the CO_2 antiglobal warming section, dropped by the negotiators hopefully to reappear soon. I know he will continue to fight for the needed reforms in this area. All those dedicated to a cleaner environment and a safer world are indebted to him.

Thank you, Mr. President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the role.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BREAUX). Without objection, it is so ordered.

Mr. HELMS. Mr. President, may I inquire of the Chair what is the pending business?

The PRESIDING OFFICER. The pending business is the amendment of the Senator from Tennessee [Mr. GORE].

Mr. HELMS. I thank the Chair.

As I understand it, debate is authorized until 7:40?

The PRESIDING OFFICER. The Senator is correct. A vote will begin at 7:40.

Mr. HELMS. I thank the Chair.

Mr. GORE. Will the Senator yield for a further clarification of the parliamentary situation?

Mr. HELMS. Yes.

Mr. GORE. I appreciate the Senator yielding.

It is my understanding that under the unanimous-consent agreement the time would be equally divided. It is further my understanding that the time used in the quorum calls would be equally charged against both sides.

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The **PRESIDING OFFICER.** The Senator is correct.

Mr. GORE. And that 15 minutes remain under the control of the Republican side or those who are opposed to the amendment—the ranking Republican member, the manager of the bill, supports the amendment, so I assume it will be under someone else's control—and 15 minutes will be under the control of the sponsor of the amendment, is that correct?

The **PRESIDING OFFICER.** The Chair will state that the remaining time will be divided equally among proponents and opponents of the amendment.

Mr. GORE. I thank the Chair. I thank my colleague for his courtesy.

Mr. HELMS. I have a further parliamentary inquiry, Mr. President. From whom shall I seek time?

The **PRESIDING OFFICER.** The time will be controlled by the designee of the Republican leader of the Senate.

Mr. JEFFORDS. Mr. President, I yield to the Senator for no more than 10 minutes.

Mr. HELMS. Mr. President, let me say at the outset, the Senator from Tennessee is my friend. I like him.

I support the administration's pledge to work with Montreal protocol nations on a total phaseout of all CFC's no later than the year 2000 or earlier if safe alternatives become available.

But I have examined the amendment of the distinguished Senator from Tennessee relating to HCFC's. As I understand it, Senator Gore proposes to create an entirely new set of complications by his proposed unilateral phaseout of HCFC's beginning in the year 2015.

These compounds are a significant improvement over the CFC's they replace, in most cases lowering ozone depletion potential by 95 to 97 percent.

I restate for the purpose of emphasis, that HCFC's are 95 to 97 percent better than CFC's.

The HCFC's are a part of the solution. They are the main substitute for CFC's, and as I understand it, they are substantially less damaging.

At a recent meeting of the United Nations Environmental Programme, which is responsible for implementing the protocol, technical experts concluded that the CFC's phaseout may be accomplished by the year 2000 only if substitute compounds such as HCFC's become commercially available worldwide. I am told that commercialization is not expected until, at the earliest, the mid-1990's.

Furthermore, this phaseout schedule for HCFC's could, in fact, increase ozone depletion. The reason appears to me to be very simple. Under a proposal before the Montreal protocol parties, the less developed countries [LDC's] will not have to stop using CFC's until the year 2010. However, this amendment begins phasing out the production of HCFC's in the year 2015.

LDC's are not going to invest in HCFC's if they can use them only for a few years.

I think I know what the less developed countries are going to do. They will continue to use the CFC's, which is the more dangerous chemical. If we want to persuade the less developed countries to reduce their emissions of CFC's, we simply must give them assurances that substitutes such as HCFC's will be available for at least a reasonable period of time.

I do not claim to be an expert. But for those who are still skeptical, let me cite a specific example.

According to testimony before a House committee, at least six new CFC plants have started up or are under construction in less developed countries since the Montreal protocol was signed. That is persuasive to me. We may be making a serious mistake with this proposed amendment which my friend from Tennessee offered in perfectly good faith. I am sure he is able to defend his amendment.

But it seems to me the bottom line is that the phaseout schedule in this amendment is in fact dangerous to the environment.

Nobody in the administration has talked to me about this. But the administration, I am told, opposes this amendment because these unilateral actions undermine our negotiating flexibility in the international talks. We lose our leverage at the international bargaining table by acting unilaterally.

Furthermore, I think we ought to consider what happened when the United States unilaterally banned aerosols back in 1978. The net result of that action was that most of the rest of the world failed to follow suit. And what happened? The United States lost 20 percent of its CFC global market share.

I cannot support this amendment because I fear we will be repeating the aerosol mistake, by unilaterally phasing out compounds which, for the most part, have not even gone into commercial production yet. If additional restrictions or changes to the targeted list of chemicals are necessary, I think it ought to be done within the context of the Montreal protocol when the member nations meet this coming June.

The international approach is the most appropriate way to address the HCFC problem to avoid our acting unilaterally.

The United States accounts for only one-third of the CFC problem. I do not think it will do much good for us to act unilaterally if the rest of the world does not agree to take similar action. So I wonder if we should further penalize American business for a problem that clearly requires an international solution.

Mr. President, I yield back such time as I may have and suggest the absence of a quorum.

Mr. GORE. Will the Senator withhold?

Mr. HELMS. Oh, certainly.

The **PRESIDING OFFICER.** The Senator from Tennessee.

Mr. GORE. Before the Senator leaves the floor, if I can say, first of all, I deeply respect my colleague, the senior Senator from North Carolina. I listened with interest to the statement he has just made.

I would like to very briefly respond, because of my respect, to some of the points he has made.

Mr. HELMS. Mr. President, if the Senator will yield, I appreciate that, and I shall listen attentively.

Mr. GORE. I thank my colleague.

First of all, the Senator is correct in saying that the HCFC's do less damage to the ozone layer than the CFC's. This is true. But the total volume of HCFC's which will be used still contain such large quantities of chlorine atoms and will cause the overall damage done to the ozone layer to get worse.

Chlorine atoms destroy the ozone layer. If we do not do anything, the problem will get 10 times worse than it is today. If we follow the Montreal protocol, and if it is perfectly complied with, the problem will get three times worse than it is today.

Turning again to the graph prepared by the EPA, we can see that the current concentration of chlorine atoms, as a result of the chemicals now being used, is at the level of 3 parts per billion. That level, incidentally, is six times greater than the natural levels that existed 40 years ago—or 3 billion years ago when the Earth was created. There were one-sixth as many chlorine atoms in the atmosphere, and up until the mid-part of this century, that was true. Now it is six times greater. At this point, great damage is being done.

If the Montreal protocol is our only response, the levels over the next century will climb three times the present concentrations, a prospect which should be deep concern to all of us.

If we phase out and ban the CFC's, and that is all that we do, then the concentrations will double, and we will be in a position of telling our constituents and the rest of the world that, by our action, we have prevented the problem from getting three times as bad as it is today, but we are going to make it twice as bad as it is today. Only by phasing out the HCFC's along with CFC's, will we have a chance to come close to the chlorine levels that are naturally intended, the levels that

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are consistent with sound environmental practices.

The Senator made another good point. A reasonable time should be provided for the use of these less harmful but still damaging substitutes because they can serve as a transition toward substitutes that do not do this kind of damage.

What is a reasonable time? We can differ on that. I actually believe we can phase HCFC's out much more rapidly than the amendment calls for, but the amendment gives them 40 years during which they can continue to use HCFC's as a bridge, as a substitute, as a transition to better substitutes. If it is open ended and there is no limit on the use of HCFC's in perpetuity, investments that are needed, which should start now, on truly safe substitutes, may be deferred so long that a very dangerous environmental situation will result.

The Senator made a third point to which I wish to respond. The banning of CFC's in spray cans in the United States is an interesting precedent from which we may learn, and indeed the Senator is correct that when we banned by action of this body and the other body, the use of CFC's in spray cans, most other countries continue to use the CFC's in spray cans and our share of the CFC market began to drop. But there is "more to the story," as Paul Harvey would say.

We were the first to develop the new substitutes for propellants in spray cans and, as a result, our share of the total market for spray cans began to go up. Now that other countries are finally following our lead and banning CFC's from spray cans, our industries are in a position to reap the profits that will be made from the sale of substitute technologies all over the world.

The same may very well be true for the substitutes which 40 years from now will be widely used for HCFC's, and if our industries get a head start in the development of those substitutes, there are benefits which, in my opinion, will likely outweigh any disadvantages that industry will experience.

One final point on this precedent. Just before the CFC's were banned from spray cans, the manufacturers said, in alarming tones, there is no substitute readily available; we may have to take all spray cans off the shelves and greatly inconvenience the Amerian people. Ironically, the day the ban took effect, the new spray cans were on the shelves, and I doubt that very many Americans even noticed that there was a difference. Perhaps some did. I did not. But the safer substitutes were there. Why? Because once the ban was imposed and there was some notice given, something changed; investments started to be made in the development of these substitutes. They were found. They were used and they were available by the time the ban took effect.

I have so much faith in the ingenuity of the manufacturers in this realm of industry that I really believe that within 40 years, we will see a lot of substitutes. In fact, the electronics industry, that just 2 years ago was saying control of CFC's would put them out of business are now saying that they are awash in substitutes; there are all kinds of substitutes available. And I truly believe that within 40 years we will see that occur in the case of HCFC's also.

I appreciate the countesy of my colleague in doing what I wished happened all the time around here; someone makes a statement and there is a response. My colleague has shown me the courtesy of listening to the response. I yield the floor.

Mr. HELMS. I thank the Senator.

The **PRESIDING OFFICER.** Who yields time under the agreement?

Mr. ADAMS addressed the Chair.

The **PRESIDING OFFICER.** Who yields time to the Senator from Washington?

Mr. ADAMS. Mr. President, I ask unanimous consent that I proceed for 5 minutes as in morning business without the time being charged against either side since we have a gap in time here, if that is all right with the two managers.

The **PRESIDING OFFICER.** Is there objection to the request?

Mr. JEFFORDS. Reserving the right to object, Mr. President, my understanding is the vote must occur at 7:40.

The **PRESIDING OFFICER.** The Senator is correct.

Mr. JEFFORDS. So, if the Senator takes 5 minutes, that reduces the amount of time that we have to a total of 5 minutes left, according to the clock.

The **PRESIDING OFFICER.** If the Senator's request is agreed to, that is correct.

Mr. JEFFORDS. And we would split it 2½ minutes each?

Mr. ADAMS. I did not hear the Senator.

Mr. JEFFORDS. The problem is that we are limited to a vote at 7:40. I know I have other Members on this side who said they desire to talk upon their return.

Mr. GORE. Will the Senator yield?

Mr. JEFFORDS. I will be happy to yield.

Mr. GORE. If the Senator will permit me, I will be happy to ask unanimous consent the vote occur at 7:45 and not at 7:40, and the Senator can have 5 minutes to speak as in morning business without being charged.

I ask unanimous consent that that be done.

The **PRESIDING OFFICER.** Is there objection?

Mr. JEFFORDS. Reserving the right to object, if someone desires to speak and it is necessary to move the time, otherwise if no one shows up, I see no reason to do it.

The **PRESIDING OFFICER.** Is there objection to the unanimous-consent request of the Senator?

Mr. JEFFORDS. I remove my reservation.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The Senator from Washington is recognized.

IS THIS A SKINNER NATIONAL TRANSPORTATION POLICY FOR THE 1990'S?

Mr. ADAMS. Mr. President, I want to particularly thank Senator JEFFORDS and Senator GORE for the 5 minutes in time so that I might speak as in morning business, because we had issued today a national transportation statement. I thought that it was very appropriate, and I think it is very necessary. I address this also really to the person sitting in the Chair at the present time because I know of his interest in transportation.

I have a little question to ask of the Senate and everyone else: Is this really a Skinner national transportation policy?

This does not look like a Secretary Skinner plan to me. I know Sam Skinner. I talk transportation with Sam Skinner. I have been a former Secretary of Transportation and I suspect that this may be more of a Sununu than a Skinner. It is more talk than it is transport.

Now, my friend FRANK LAUTENBERG has insights into this, and I just want to add a few of my own. I am hopeful that others may have an opportunity to comment later on this evening. I know we are on the clean air bill, but the automobile and transportation have a direct impact on this matter.

The problem, Mr. President, is that we have a deteriorating Federal system, but this policy plan passes the buck of the responsibility for a national system to local government, without passing the buck back to pay for it.

The President says that we have to be competitive, but you cannot be competitive with a crumbling Federal network of old bridges, gridlocked highways, and congested airports.

In my own State of Washington, the crisis deepens. People in Seattle and Tacoma are ready to jump out of their gridlocked cars and revolt. The automobile was never meant to be sat in for long periods of time with no motion.

Am I supposed to go back and tell them that the Federal Government just simply abdicated its responsibility? Am I supposed to go back and say to them, and to others in the Nation I

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know in the transportation business, that there is not any national strategy to answer their frustration?

All we are doing here is forcing States to come up with money, and when you do that, the national plan collapses. Not only that, it hurts the States most who can least afford it.

What is worse, we lose a uniform national highway and airway system. And if we go another way, which is kind of hinted but never really said in this plan, to increase revenue by placing more emphasis on the private sector like user fees and toll roads, my question is why have a DOT at all? Everyone seems to be paying except the Federal Government, and that is not what the DOT was created to do.

This plan is not a road map into the 1990's. It is a road map back to the horse and buggy era. It is a road map back to where you had toll bridges, paid for your own horse and buggy, and no national system existed at all. I think that is tragic. A road map that is dominated by so little Federal assistance, by the elimination of Amtrak, by the repeal of liability laws covering railroad workers, and the lack of any leadership to reduce noise at airports just is not a national policy.

I do not think this is a Sam Skinner policy. I think he would like to reduce noise. But to do that, you have to go to stage 3 aircraft. Take the Seattle-Tacoma Airport in my area, crowded, congested, makes a lot of noise for its neighbors. Where is the national comprehensive plan for airport noise? The people at the airport have labored hard to meet community concerns, but they need the help of their President and their Secretary. Where are they?

What happened to this plan was simply that it had its vision removed. Money is not an excuse. We have the funds.

Our local governments are doing their best with the little we give them.

Our cities and towns are standing tall and putting their resources into our bridges, roads, airports, and future. It is time for the President and the Secretary to do the same. It is not time for them to take a U-turn and drive away.

We have money in the trust fund. Let us spend it and let us promote a national system.

I thank Senator JEFFORDS. I also want to thank Senator GORE very much for the time.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I have one additional speaker who should be here within the next minute, so I would reserve my 5 minutes at this point.

The PRESIDING OFFICER. Who yields time or time will be charged equally.

Mr. JEFFORDS. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mr. GRAMM] is recognized for 5 minutes.

Mr. GRAMM. Mr. President, I do not think I will take 5 minutes. The issue is a very clear one. We have in the bill an effective study to try to set out not only a national but an international policy to deal with the potential problem for the environment.

The amendment that is pending says forget about the study, do not bother to get the facts, and act unilaterally before anybody else in the world acts.

Mr. President, my argument as to why this amendment should be defeated is very simple. First, I know it is the standard procedure of American government to act without the facts, but in this particular case when the action threatens American jobs and American competitiveness, I think it is a bad policy.

Second, we are dealing with a global problem, and for the United States to act unilaterally without entering into an international agreement so that our competitors are helping us deal with the global environmental policy is to assure two things, and both of them are bad.

First, we are not going to do much in helping the environment. Second, we are going to greatly impact the competitiveness of American industry.

So I certainly can understand people being concerned about the environment, but I think the policy of getting the facts first is a good policy, and second, trying to enter into an international agreement so that we deal with this problem on an international basis is I think sound policy. So I hope my colleagues will defeat the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. GORE. I yield myself 1 minute.

Mr. President, I want to express my respect for my colleague, the Senator from Texas, with whom I served in the other body. He always brings a forceful opinion to the debate, and I appreciate the chance to hear him on this question.

Two points in response. First, as to the proposition that the science underlying this question is uncertain, I simply offer the counterview that many, if not most, are convinced that in this areas of the global environmental crisis, the science is more settled than on any other. This is one of the most widely, thoroughly studied problems we have ever confronted. There is broader agreement on this matter than on virtually any other aspect of the global environmental problem.

A second point. Many other countries are going a lot further than we would go if this amendment is adopted, as I hope it will be. Indeed, other countries are proposing measures on HCFC's that are not far out of line with what this amendment proposes.

Nordic countries, to take one example, are calling for an immediate limit on HCFC's and a production phaseout within 20 years. This amendment gives American industry, I say to my colleague, 40 years in which to find substitutes for these chemicals.

In conclusion, if we do not pass the amendment and if all we do is phase out CFR's, the problem will get twice as bad as it is today. I do not call that progress.

I appreciate the courtesy shown me by my colleague from Texas in hearing these counterarguments. I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Tennessee has expired. Who yields time?

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, how much time is remaining on the present amendment?

The PRESIDING OFFICER. The Senator from Tennessee controls 3½ minutes; the opposition controls 5 minutes 10 seconds.

Mr. BAUCUS. I am wondering if the Senator from Tennessee and—is it the Senator from Vermont who is controlling the opposition time?

Mr. JEFFORDS. I have been controlling the opposition time.

Mr. BAUCUS. Will they yield back as much time as they could? We originally planned to have this vote at 7:40. I would like to have this vote close to the 7:40 time.

Mr. GORE. If the Senator will yield, I would be willing to yield back all remaining time if the other side is prepared to do the same.

Mr. JEFFORDS. Mr. President, I am prepared to yield back the time on our side.

The PRESIDING OFFICER. Is there objection to yielding back the time on both sides? If there is no objection—is there objection to yielding back the time by the proponents and opponents of the amendment?

Mr. DOLE. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. MOYNIHAN. Mr. President, on the matter of the amendment of the Senator from Tennessee regarding the regulation of HCFC's I would like to make a few short remarks.

As my colleagues know, the signatory nations to the Montreal protocol on substances that deplete the ozone layer will be meeting in London in June to discuss modifications to the protocol. Among the topics of discussion will be the treatment of HCFC's.

I hope that my colleagues will agree that regardless of what we do about CFC's or HCFC's here tonight, our actions will be of little consequence without multilateral action in the same spirit. It would be an unfortunate outcome of this debate and the coming vote if the world follows the course it did after the United States phased out the use of CFC's in aerosols in 1978. No major industrial nation followed our lead, and our action, however laudable by itself, had little effect on a worldwide basis.

More important than our vote tonight will be the progress of our representatives in London in a few short months.

If we make no progress, I hope my colleagues would reexamine our stand in these matters.

Mr. JEFFORDS. Mr. President, this amendment puts HCFC's on a schedule to be phased out over a reasonable timeframe. Some in this body had favored a quicker phaseout schedule, and I'm sure we will hear from others who oppose any phaseout at all. While HCFC's are much better than their predecessors, they still are ozone depleters and should be avoided.

Mr. President, we have had many hearings on this issue in the Environment Committee. The previous debate on methyl chloroform and the introduction by the Senator from Tennessee put into perspective the dangers of these chemicals. Senator Chafee has long carried the torch on this issue. Put in simplest terms, these chemicals rise to the upper atmosphere and gobble up our protective ozone layer.

While we continue to debate the issues of ozone depletion and global warming in this legislation and in other forums, it's important to realize that substitutes for these products do exist. But we should also be prepared to recognize trade-offs that may be associated with these substitutes and be wary of substituting one harm for another.

Another provision of this amendment makes it clear that States are able to enact laws stricter than the Federal requirements. This is something many in my State are concerned with, largely because Vermont tends to be out in front of the rest of the Nation when it comes to addressing environmental matters. Because of this deep concern, there is strong interest in continuing to allow people at the local level to press national lawmakers to remain mindful of the importance of protecting our natural resources.

A recently released scientific report, prepared by international experts under the auspices of the United Nations and chaired by U.S. scientists from NASA and NOAA, has found that there has indeed been a "large, rapid, and unexpected decrease in the abundance of springtime Antarctic ozone over the last decade." Further, the group found that "the weight of scientific evidence strongly indicates that manmade chlorine and bromine compounds are primarily responsible for the ozone loss." In addition, the experts found that "there is a downward trend in ozone during the winter at mid-to-high latitudes in the northern hemisphere over the past two decades."

Further review of the document leads me to conclude that manmade chlorine and bromine compounds have destroyed a sizable portion of the stratospheric ozone layer over the Antarctic, and this phenomenal destruction is now beginning to occur over the United States. The evidence justifies a sharp curtailment in our production and use of ozone-depleting compounds.

I urge my colleagues to support the Gore-Leahy amendment.

Mr. GORE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, I yield the remaining time.

Mr. GORE. Mr. President, I yield the remainder of the time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment of the Senator from Tennessee. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. Matsunaga] is necessarily absent.

I also announce that the Senator from Michigan [Mr. Riegle] is absent because of illness in family.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. Packwood] and the Senator from Virginia [Mr. Warner] are necessarily absent.

The PRESIDING OFFICER (Mr. Conrad). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—80

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Domenici
Durenberger
Exon
Fowler
Garn
Glenn
Gore
Gorton
Graham
Grassley
Harkin
Hatch
Hatfield
Heinz
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
Metzenbaum
Mikulski
Mitchell
Moynihan
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Stevens
Wilson
Wirth

NAYS—16

Armstrong
Biden
Dole
Ford
Gramm
Heflin
Helms
Mack
McClure
McConnell
Murkowski
Nickles
Shelby
Symms
Thurmond
Wallop

NOT VOTING—4

Matsunaga
Packwood
Riegle
Warner

So, the amendment (No. 1334) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Byrd amendment be set aside to permit Senator Lautenberg to offer an amendment on which there would be 90 minutes of debate equally divided in the usual form and that upon the completion of that time or the yielding back of that time that the vote on or in relation to the Lautenberg amendment then occur.

The PRESIDING OFFICER. Is there objection?

Mr. DANFORTH. Mr. President, reserving the right to object, I wonder if I could ask the majority leader whether that will be the last vote today?

Mr. MITCHELL. No. That is not my intention. We would then proceed to the Byrd amendment which is the pending business but Senator Byrd has agreed for his amendment to be set aside for the purpose of consideration of this amendment and then it would be my intention, based upon my discussion with Senator Byrd to pro-

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ceed to the consideration and the disposition of the Byrd amendment.

Mr. **DANFORTH**. I thank the leader.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Senator from New Jersey.

AMENDMENT NO. 1335 TO AMENDMENT NO. 1293

(Purpose: To require the regulation of mobile sources of air toxics)

Mr. **LAUTENBERG**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The amendment will be started.

The assistant legislative clerk read as follows:

> The Senator from New Jersey [Mr. LAUTENBERG], for himself, Mr. GORE, Mr. PELL, and Mr. KERRY, proposes an amendment numbered 1335 to amendment No. 1293.
>
> On page 230, line 3, insert "or mobile" after the word "stationary".

Mr. **LAUTENBERG**. Mr. President, this amendment requires EPA to regulate toxic pollutants which come from cars, buses, trucks, and other motor vehicles.

Mr. President, when President Bush announced his clean air legislation, he pledged that it would result in lowering cancer deaths from air toxics by 75 percent. This is a worthy goal. I commend the President for establishing it. And I am determined to do everything I can to ensure that EPA is required to take the necessary action to meet the challenge established by the President.

There are two groups of sources of air toxics. The one we have heard the most about is the large stationary sources like chemical factories and coke ovens. Some of these facilities emit air toxics in amounts which present very high risks to human health. The bill requires these facilities to install the maximum achievable control technology. And then additional controls may be required to reduce any remaining risk.

The other group is called area sources. This includes all sources of toxics other than the large factories. It includes plants and shops which emit smaller amounts of air toxics. And it includes sources of air toxics from cars, buses, trucks, and other motor vehicles.

According to EPA, 56 percent of the cancer deaths caused by air toxics come from motor vehicles. Cancer is caused by diesel particulates from trucks, buses, and cars. Cancer also is caused by benzene, butadiene, gasoline vapors, and formaldehyde emissions.

And cancer is not the only result. The toxics that come from motor vehicles—toxics like benzene, toluene, and xylene—cause birth defects and mutations.

In other words, these are deadly, harmful chemicals. Motor vehicles are the source. And we need to do something about it.

The chart at my left, which comes from a September 1989 EPA report, "Cancer Risks From Outdoor Exposure to Air Toxics," graphically demonstrates the threat posed by pollutants from cars, buses, and trucks.

If you will notice, motor vehicles produce 56 percent of the sources of air toxics.

A lot of my colleagues have heard from constituents about the air toxics provisions of the bill. They have heard complaints from businesses who say that the technologies that are required are too expensive. These complaints have nothing to do with mobile sources. The complaints of the coal industry have nothing to do with mobile sources.

The complaints of the chemical and oil industry have nothing to do with mobile sources. These are complaints from people who own stationary sources.

You can see on the chart that large stationary sources account for roughly 20 percent of the cancer deaths from air toxics.

The remaining 80 percent of the deaths are believed to be caused by emissions from area sources. Now there are two important facts to notice in this chart.

First, EPA classifies toxic emissions from motor vehicles as being included in the area source category. Second, motor vehicle emissions are believed to cause over half the cancer deaths from air toxics, some 56 percent.

Mr. President, if we are going to be serious about reducing cancer from air toxics, how do we ignore over half the problem?

If we are going to be serious about reducing birth defects from air toxics, how do we ignore such a major source of the problem?

This second chart makes a similar point using the pollutant benzene as an example. Benzene is one of the 191 substances listed as a hazardous air pollutant under the bill. EPA has recently regulated stationary sources of benzene.

This chart shows that these sources account for 15 percent of the benzene released into the atmosphere. The other 85 percent of the benzene releases come from motor vehicles.

So what did we do in the committee bill to address this problem? Under the committee bill, EPA was to develop a strategy and regulate the emissions from area sources including motor vehicles to reduce cancer deaths by the President's own 75 percent goal. The compromise that was negotiated with the administration, however, took motor vehicles out of the equation.

It is true that some of the provisions in other titles of the bill will reduce cancer deaths from motor vehicles. These include controls of exhaust and evaporative emissions, the use of alternative fuels, and the standards for diesel particulates.

But EPA concedes that these controls are not adequate to achieve the President's goal. EPA recognizes that the President's goal will not be reached in the compromise bill. Why do I say that? Because EPA said that adding the provision on controlling mobile sources of air toxics would add cost.

Of course, if the provision were unnecessary, it would not have any cost. It has a cost because it goes beyond what is in the compromise. And it is needed if we are going to take serious the goal of reducing cancer deaths by 75 percent.

Mr. President, the deletion of mobile sources from the air toxics title of the bill makes no sense. Even the administration's own bill as amended in the House Energy and Commerce Committee has a requirement for EPA to control mobile sources of toxics.

My amendment simply requires EPA to do what everyone agrees must be done. The 75-percent goal is still in the bill. Is it real or is it a false promise?

To meet the President's own goal of a 75-percent reduction in cancer, you just cannot carve out a loophole for motor vehicles. You just cannot reach the goal—at least not without grievous consequences for other industries because they are going to have to make up the difference.

If EPA intends to take the 75 percent goal seriously, deleting mandatory controls of mobile sources will mean that EPA will have to regulate other area sources, including small businesses, more stringently. This is unfair to these businesses.

In other words, if we let the auto industry off the hook, if we let the oil industry off the hook, the small businesses of America will pay the price. They will have to clamp down even harder to make up for the pollution abatement that motor vehicles do not make. That is not fair.

So, I say to my colleagues, if you care about small businesses, you should vote for this amendment. If think small business should not be responsible for picking up the slack of the automobile industry and oil industry then vote for this amendment.

If you take the President's goal seriously—that we should reduce cancer from air toxics by 75 percent, then you should vote for this amendment.

If you care about the health of the people in your States and communities, then you should vote for this amendment.

Mr. President, if we are to take the President's own goal seriously, we must ensure that toxic emissions from mobile sources are regulated.

I urge my colleagues who care about clean air, who are committed to cleaning up the environment, who have said that they once and for all want to deal with the problem of clean air, to support my amendment.

The PRESIDING OFFICER. The Chair would ask the Senator from New Jersey if he notes the absence of a quorum?

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LAUTENBERG. I will be happy to yield 5 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. GORE. I appreciate the time. I wish to compliment my colleague from New Jersey on his leadership with regard to this amendment and with regard to the issue as a whole. Those of us who have expressed some concern that perhaps the bill can be strengthened have looked to the Senator from New Jersey, Senator LAUTENBERG, as our leader. He has led the discussions. He has come up with strategy and ideas and it has been a great privilege to work with him.

Mr. President, with respect to this particular amendment, I rise in support of my distinguished colleague and his efforts to assure that toxic, cancer-causing emissions from vehicles will be controlled. This amendment is needed to rectify one of the most important weakening changes which was made in the substitute bill now under consideration.

The heart of the matter is this: Last June when President Bush announced his Clear Air Act proposals he stated very clearly that toxic air pollutants were causing as many as 3,000 cancer cases each year. He said it was his goal to reduce this toll by 75 percent. This was and remains a worthy objective. But this goal cannot be achieved unless toxic emissions are controlled from all of the sources, including motor vehicles.

Adopting the President's goal, the original legislation from the Environment and Public Works Committee provided that EPA should develop and implement a program to reduce the number of cases of cancer from air toxics in urban areas by 75 percent over the next decade. This was to be done by controlling toxic emissions from area sources, those sources smaller than the major industrial facilities addressed in the bill, and area sources were defined to include smaller stationary air toxic sources and motor vehicles.

Why include motor vehicles? As the Senator from New Jersey has made plain, the first reason is that motor vehicles are part of the EPA definition of area sources. The second and most important reason is that the cancer-causing emissions from motor vehicles account for more than half of all the cancer cases from toxic air pollution. They are, to be precise, 56 percent, according to the EPA's most recent studies.

I ask my colleagues to look at the figures, taken from the EPA study of September 1989, which has been discussed already by my colleague from New Jersey.

The study shows two categories of sources, area sources and point sources. Point sources are the major industrial facilities like chemical plants, steel facilities, utilities, et cetera. And according to the study, these point sources account for about 20 percent of the overall toll of cancer cases from toxic air pollutants, as well as the highest cancer risk to exposed persons.

Note that area sources are defined by the EPA, itself, to include both motor vehicles and smaller stationary sources. Note also that about 80 percent of all toxic-related cancer cases come from area sources, and 56 percent of the total comes from exposure to motor vehicle exhaust.

So, in short, Mr. President, if President Bush and the Congress intend to meet the President's goal of reducing cancer deaths caused by toxics in the air by at least 75 percent, that simply cannot be done unless the Lautenberg amendment is agreed to. Because, if we take more than half of the problem and exempt it from the remedy, we are not going to meet our objective.

Of course, in the negotiations that produced the substitute bill—and again I understand what needed to be done and commend the negotiators on many of their achievements—the administration's negotiators insisted that these motor vehicle toxic emissions be removed from the definition of area sources.

As a result, the substitute bill simply cannot accomplish the President's goal or the committee's objective, of cutting the cancer cases by 75 percent. In fact, even if the cancer-causing emissions from all stationary sources were totally eliminated, more than half of the cancer-causing emissions would remain.

So, clearly, if the President wants to meet his own goal, he must support the inclusion of the motor vehicle emissions in the area source control.

If the President now opposes such controls, then he has clearly abandoned the goal which he stated.

We cannot afford to let that happen. It ill behooves this body to allow 1,500 Americans to contract cancer each year from these uncontrolled toxic motor vehicle emissions.

We must also bear in mind that the effect of insulating motor vehicles' toxic emissions from control is to increase the burden on the smaller stationary sources in each of the States represented in this body. Every firm using carcinogenic solvents or paints, every gas station, every dry cleaner, every owner of a wood stove, all of them and others will have to shoulder a greater burden to make up for letting toxic emissions from motor vehicles off the hook.

What was the reason given by the administration's negotiators for insulating motor vehicle toxic emissions? It seems that the White House decided that the committee's original proposal to control these emissions would cost $1.5 billion per year over and above the adminstration's bill. By knocking motor vehicles out of the area source definition, the White House negotiators claimed that they had reduced the cost of the Senate's bill by that amount.

There was no thought of the lives lost, no thought of the consequences of abandoning the President's goals; just a green-eyeshade approach to the legislation.

And, I must say, it is not even candid or honest green-eyeshade analysis. In a masterpiece of understatement, the Congressional Research Service called it misleading. Let me quote from the CRS, before I close:

> H.R. 3030 [the Administration bill] as amended in the House would also require a mobile source air toxics program, which EPA estimates would cost $1.5 billion per year. In addition, California already requires producers of gasoline to reduce benzene, and the Agency has announced that it will soon issue an 'advance notice of proposed rulemaking' on reducing air toxics from mobile sources. Consequently, suggesting that controlling mobile air toxics is a cost attributable to S. 1630 but not to the Administration bill may be misleading.

Even if this cost were additional to the administration's bill, how does it compare to the health costs of not controlling toxic motor vehicle emissions?

According to EPA's own cost-benefit guidelines, a life saved is worth up to $8 million. We never like to think of life in those terms, but—even in those terms—the administration's cost-benefit analysis does not support its opposition against the Lautenberg amendment.

Assuming that only half of the 1,500 cancer cases caused by motor vehicle emissions result in death, and forgetting about the survivors' treatment costs, pain, and suffering, it would be worth $3 billion per year to prevent this tragic toll.

Mr. President, in closing, we must restore this provision of the committee bill. It is essential to carry out the

President's own goal announced last June. It will save thousands of lives. It will treat all toxic emission sources proportionately and fairly, and avoid putting an unfair burden on sources that are not exempted under the committee bill.

It will cost no more than the motor vehicle toxics provision added to the administration's bill in the subcommittee of the other body by unanimous, bipartisan vote. Let me emphasize that as a final point. In the other body, this amendment was adopted unanimously, in a bipartisan way, because it is so obviously necessary.

Again, my commendations to the sponsor of the amendment, who has been an outstanding leader for us all as we consider the underlying bill, and I urge all of my colleagues to support the Lautenberg amendment.

The **PRESIDING OFFICER**. The Senator from New Jersey.

Mr. **LAUTENBERG**. Mr. President, I want to thank my distinguished colleague from Tennessee for his support. He is someone who knows the environmental issues extremely well. He has had a leadership role in the matter of global warming. He has been concerned about the quality of environment for many years since he has been in the Senate, as well as the time he spent in the other body. So we thank him for his support and his vote of confidence.

Mr. President, I ask unanimous consent that any quorum calls that are requested be charged equally to both sides.

The **PRESIDING OFFICER**. Is there objection? Without objection, it is so ordered.

Mr. **LAUTENBERG**. I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **DURENBERGER**. Mr. President, I ask unaimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **DURENBERGER**. Mr. President, I rise in opposition to the amendment of my colleague from New Jersey. I will be relatively brief, as he has been. I think many of us expected that this amendment would be before us as we deal with some of the issues on which some of us disagreed in the negotiations on the bill with the administration.

I begin my comments by repeating what I have said before, the respect that I have for my colleague from New Jersey, and, I must say, the respect that I have for not only the motivation but the purpose behind his amendment. As we worked together with our colleague from Louisiana and the other members of the Environment and Public Works Committee, it was, as he indicates, important to us to incorporate into the legislation, the Clean Air Act, as it came out of the Environment and Public Works Committee, the commitments made by the President in the course of his statements last summer on clean air. As my colleague from New Jersey has already indicated, one of those commitments was to adopt the direction on air toxics reduction, the new health standard which we produced on the Senate side using technology deriving standards, and in addition to that to reduce air toxics from mobile sources by 75 percent.

So, as we drafted the legislation, the complicated part of the legislation was the MACT regulations as they related principally to stationary sources. A lot of the battle, the tugging and pulling, that went on during the negotiations between February 8 and the final day of our negotiations dealt with the issues around the MACT standards applied to stationary sources of toxic pollutants and particularly the residual risk standards relating thereto.

When we completed our first round of negotiations on the very first day, on February 8, after the Senator from New Jersey and I and the leadership on our committee had spent, I think, approximately 8½ hours just on the subject of air toxics, we thought we had a basic agreement with the administration, and we proceeded over the next few days to draft that into bill language and exchange our language with colleagues on the negotiating team from the administration.

At the point that we came back together again on the issue, within a week or so, we developed a list of resolved and unresolved issues which then, around February 22, became the business for our discussion and our negotiation.

One of the last items to be resolved on this list of unresolved issues was the issue presented to us tonight by the Senator from New Jersey, and that is whether or not the national goal of reducing air toxics from mobile sources by 75 percent ought to be a statutory goal or we ought to deal with it in another fashion.

I think the difference, if there is one, in actuality between us in the substitute amendment that is before us lies principally in the fact that there is not a statutory goal of 75 percent reduction in the bill anymore. The Senator from New Jersey would like to put that back. From my standpoint, I believe we can—and the Environmental Protection Agency—over time with the tools provided by the substitute amendment to the Clean Air Act, achieve the President's goal of a 75-percent reduction.

Now, to the issue of mobile sources and to the issue of how I believe, and I think the Members who were part of the agreement to drop the statutory goal believe, we are going to deal with the mobile source issue. Let me begin by saying mobile sources account for about 55 percent of air toxic cancers. About one-half of that 55 percent is diesel particulate, which comes from trucks and buses. The other half is benzene, POM, and particulates from cars and trucks.

The bill and the substitute has an urban bus provision requiring that all buses bought in 1994 and thereafter will burn alternative fuels. That provision is still in the bill, and that provision will substantially reduce diesel particulate from buses all over the country. In addition, there are significant new controls in this bill for cars and trucks. The tailpipe standards which are in title II will reduce cancer risk from the tailpipe by about 50 percent by the year 2004, that is, if tier 2 national tailpipe standards kick in, as I think all of us expect.

The bill also has, in the substitute amendment, refueling controls. First, the stage II in nonattainment areas goes into effect immediately after enactment; second, the on-board canister, which will be phased in as the fleet turns over, beginning in 1994. These two controls should result in substantial reductions in benzine exposures.

Finally, Mr. President, I should mention that the bill includes a formaldehyde tailpipe standard as well in the new alternative fuels program. Formaldehyde is a carcinogen. It is emitted from auto tailpipes, and emissions will go up if we use methanol fuels or MTBE as a fuel additive.

So the alternative fuels program has a new standard for formaldehyde, the carcinogen.

I have run through this list, Mr. President, to indicate that there are already many specific provisions in the bill to control air toxics from mobile sources. The bill reported a national plan mandating a 75-percent reduction in cancer from area source air toxics. Mobile sources were included in the definition. That may have led, in my opinion, to some control beyond the provisions that I have already mentioned. But the amendment is a dealbreaker. The administration estimated its cost at $1.5 billion. It was removed to reduce the cost of the bill to $.5 billion, but it was done with the knowledge that there are already provisions in the bill, provisions that we kept in the bill, provisions in some cases that we strengthened, that will reduce air toxics emissions.

So, Mr. President, while I agree, and I continue to agree, with the goal articulated in the amendment by the Senator from New Jersey, I do not believe it is a necessary amendment, certainly not a necessary part of the bill, and as I indicated, if he were successful in his amendment, I am afraid that not only would we be going back on the arrangement we made that enabled us to get a lot of these other provisions in the bill, but I am afraid we would open up the next days and the next weeks and perhaps the next months to a lot of debate that would not be necessary, certainly balanced against whatever presumed good might come from this amendment.

Mr. President, I urge my colleagues on all sides to oppose this amendment.

Mr. BAUCUS. Mr. President, how much time is remaining on this amendment?

The PRESIDING OFFICER. Thirty-two minutes and thirty seconds under the control of the Senator from Montana; 18 minutes under the control of the Senator from New Jersey.

Mr. BAUCUS. I thank the Chair.

Mr. President, the Senator from New Jersey has offered an amendment in a way which I think very ably represents the State of New Jersey an certainly many parts of congested areas in this country; so far as we are concerned about toxics in the atmosphere—and it is critical that we go as far as we can to reduce toxics in the atmosphere—there are various titles of this bill which move in that direction. One major category which emits toxics is automobiles. Other stationary sources emit toxics. There are smaller sources and there are larger sources.

It is clear the automobiles also are a large part of the problem. It is the intent of the Senator from New Jersey to go further than the substitute bill in clamping down on toxics emissions from mobile sources, that is automobiles, trucks, and buses—a wide variety of mobile sources. We in the committee, particularly in the negotiations in trying to form a clean air bill that will pass, spent some time trying to determine how far we can go in reducing toxics that are in the atmosphere.

It is hard to estimate exactly how many cases of cancer are caused by toxics. But the best estimate is about 50 or 55 percent are caused by mobile sources. The remaining roughly 45 percent are divided evenly between the large area sources and the smaller area sources.

We, in our substitute, have gone a long, long way in curtailing toxic emissions from automobiles compared with current law, a long way. How far have we gone? First of all, as the Senator from Minnesota has mentioned, we very specifically clamp down on tailpipe emissions. That not only curtails the organic compounds and nitrogen oxides, carbon monoxide, particulates, but also reduces toxics that also come out of the tailpipe.

In fact, Mr. President, we go so far in reducing the tailpipe emissions that for all intents and purposes the reduction in tailpipe emissions of air toxics along with the refueling and stage 2 and onboard canister provisions in the bill along with the very increased standards for urban buses, alternative fuels program—you add it all up and I would say at least there is a 55, maybe up to a 60-percent reduction in air toxics in the substitute bill compared with current law.

That is a major improvement, a very significant improvement. As I said, it is not only the tailpipe standards which are increased very dramatically, it is also the refueling provisions, stage 2 recovery, it is onboard canisters, which will eventually be more current, and be more common in cars as the fleets are turned over.

In addition, there are very significant increased standards in urban buses. Urban buses emit fumes which cause a lot of the toxic problems we face, and particularly cause the increased incidence of cancer.

I add that we also have a significant alternative fuels program, which in phase II is aimed to cut toxics by 27 percent. That is just in the fuel, alternative fuels provision that cuts toxics 27 percent. That is in addition to tailpipe standards which most of us believe will go into effect simply because there will be enough areas, so-called serious areas, that will not be in attainment, and therefore the tier II tailpipe standards will automatically kick into effect.

So the substitute before this Senate will reduce the incidence of toxics by about the year 2000 by, I would say, at least 55, close to 60 percent which is a vast improvement over current law.

I must say that if this amendment is adopted, the deal is broken. This amendment is a deal breaker. It busts the deal. We have been negotiating for weeks upon weeks to try to find the critical mass of a bill we can bring before this Senate that will pass.

I need not remind Senators it has been 13 years since we have last enacted a significant Clean Air Act—13 years. Why has it been 13 years? It has been 13 years because too many people have been trying to find the perfect bill that results in virtually no air pollution—zero air pollution virtually. That is, cut down all emissions to such a degree that virtually we have a perfectly clean society and the air is perfectly clean. That is only a slight exaggeration. But the past clean air bills that many of the people who want clean air have advocated have had provisions that are so strong there has been no clean air legislation in the last 13 years.

I submit, Mr. President, that if this amendment is agreed to the deal will be off, the deal will be busted, and there could very well be no Clean Air Act. Fourteen, fifteen years, how many years will it be before a Clean Air Act is finally passed? It is critically important, Mr. President, that we keep this agreement together. It does not mean we can add additional strength in amendments that are not part of the agreement. For example we, just a few hours ago, adopted the amendment offered by the Senator from Tennessee [Mr. GORE] which was a strengthening amendment from the environmental point of view. It helped improve upon the bill, and passed by a large margin.

But this amendment that is before us now is in the nature of an amendment which is the kind of amendment which will bust the deal, and it could very well be that we will not pass this bill not only this week, but the week after the recess, this year, whenever. Who knows?

So I strongly encourage Senators to remember we have to have a balanced, reasonable bill. We have to have a bill that can pass, a bill that will be enacted, a bill that the President can sign this year. If we do not pass a bill this year that the President can sign this year, that can leave this body, we will be doing our people a great disservice because this bill before us now, this substitute before us now, is a dramatic improvement over current law. It may not be perfect in the eyes of those who want a perfect bill. It may not be. It probably is not. But it is a dramatic improvement over current law. As I said, it reduces air toxics by about 55 to 60 percent. I submit that is a dramatic improvement.

Mr. President, I urge my colleagues, with all due respect to the Senator from New Jersey, to not vote for his amendment, but to vote against his amendment so we can have clean air legislation that passes this year.

Mr. BREAUX. Will the Senator yield?

Mr. BAUCUS. Yes, I am happy to yield.

Mr. BREAUX. I want to commend the Senator for his statement. I agree. This bill honestly is not perfect. I doubt a perfect bill will ever be signed or passed by this body. It is one that can be passed and can be signed. We should work, by a motion to table or an up or down vote, to defeat the amendment of the Senator from New Jersey. I want to commend him for it. We just have a disagreement on it.

I also at this time ask unanimous consent that a professional staff person, John LaRock, of my staff be allowed to be on the floor to assist me during the course of the debate this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, one of the tasks that we often have here that is not always pleasant is to disagree with colleagues for whom we

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have a great deal of respect and regard. So it is the case with my distinguished colleague from Minnesota [Mr. **Durenberger**] with whom I have worked arduously for a long period of time, to get positive environmental legislation developed and enacted.

So it is also with the manager of the bill on our side, the chairman of the subcommittee that has jurisdiction over clean air issues, Senator **Baucus** from Montana. He too has had a deep interest in the environment and in the protection of that great asset that we all treasure. So it is unfair to say that in our disagreement they are less interested in cleaning up the environment than I am.

I do not think that is the case. What we are talking about is how we get there, Mr. President. And the worst reference that I have heard out here on the floor is the one that characterizes this amendment as a deal-breaker. The expression is overused; it is trite, and it does not mean anything. I hope my colleagues will forgive me, but a lot of things are lurking in the woodwork here that could break this deal in a moment.

This amendment arises because—and you heard it from my distinguished colleague from Minnesota—it was passed overwhelmingly by the Environment and Public Works Committee, 15 to 1. Both of the opponents who spoke already said that this was a good provision, that this was a good goal, to try and get rid of the toxics that pollute our society.

Why, Mr. President, am I insisting that we demand that we mandate EPA to carry out a function that will assure us of their interest and action? Because we learned from experience. Since 1970, 7 of these materials have been regulated when, in fact, the list goes beyond the 191 that we are discussing today. That has been EPA's record of inaction. That has been EPA's record of carelessness.

They say even now that they are going to try to, by regulation, deal with the issue of mobile sources of air toxics. We know what we are up against here, Mr. President. We are up against a compromise that, frankly, I think falls short of the objective that we all want.

Yes, we do have a piece of legislation that we are considering that improves present law. But present law is a failure. Present law gives us dirty air. Twenty years of legislation on the books, and the air still threatens the health of millions of Americans.

Mr. President, I say this: yes, we negotiated in good faith, but during that period of time, as the Senator from Minnesota and the Senator from Montana know well, I objected to the provision being deleted from this bill, and I registered that objection and said I was going to carry that objection to the floor; and I am not afraid, Mr. President, of having this provision be a deal-buster. I do not believe that is the case.

No, I am not looking for purism with this amendment. No, I am not looking for the ultimate piece of legislation that protects us against every environmental risk. It cannot happen. To characterize this as an attempt to purify it to the point that it is unrealistic is neither accurate nor fair.

So, Mr. President, what I say is this to our colleagues who are interested: This is a bite of the apple that comes very, very rarely. In 20 years, this will be the third time that we have had a chance to do a piece of clean air legislation.

Mr. President, the time now is ripe. The American people are sick and tired. The mood of the country before was not quite up to the task of supporting strong clean air legislation, but it is now. And those who would challenge the will of the American people ought to understand what it is that we are thinking about. Yes, we promote longevity. Yes, we promote better health. And, in fact, when we have a chance to kind of put the icing on the cake, which we have here, and to say to future generations that this will be a bill you can live by, we are going to miss that opportunity.

Mr. President, there are many amendments I believe we will be hearing about before this night or this bill is finally finished here. Many of them are much more demanding of the legislation than this amendment, which both colleagues, by the way, in their statements, as I understood, agree is a worthwhile objective. They say that we should clean the air, and they give reasons why they believe the legislation will do that in other parts.

Let me say editorially that I think they hope so, and I hope so, but if in fact it is going to happen anyway, then there is no cost attached to my amendment. If what they are going to do is clear the air anyway, there is no cost attached to my amendment. This is simply a supplementary way of achieving the President's goal of reducing cancer deaths from air toxics by 75 percent a little more directly, and a little more assuredly.

I, for one, would urge that my colleagues think very clearly about this, and as they consider their vote, think about the people back home who have said in poll after poll, letter after letter, editorial after editorial, "We want clean air." Give us, the American people, the ability to breathe freely. Say, yes, we can live with this legislation, and so can you in future generations.

Mr. President, we have probably said all we are going to be able to say. I see my colleague from Connecticut is on the floor. I ask unanimous consent, Mr. President, that Senator **Bradley**, my senior colleague from New Jersey, be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. How much time do we have left?

Mr. CONRAD. The Senator controls just over 10 minutes.

Mr. LAUTENBERG. I yield 3 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 3 minutes.

Mr. LIEBERMAN. Mr. President, I rise in support of Senator **Lautenberg**'s amendment, the amendment would assure that EPA includes control of toxic emissions from motor vehicles as part of its strategy to reduce the number of cancer cases from air toxics in urban areas.

Motor vehicles should be included in EPA's strategy because they are the largest single source of toxic emissions. According to EPA, itself, cars and trucks are responsible for about 56 percent of the cancers attributable to toxic emissions in the United States. This means that toxic emissions from mobile sources are estimated to be responsible for 800 to 1,500 cancer cases each year.

There are four principal toxic emissions from motor vehicles: diesel and gasoline particulates, 1,3 butadiene, benzene and formaldehyde. The effects of each of these toxics are potentially lethal.

Butadiene is one of the most potent of carcinogens. It is emitted both in the exhaust of gasoline vehicles and from tire wear. EPA attributes as many as 15 percent of the mobile source cancer cases to butadiene emissions. Studies by the California Air Resources Board find that butadiene could be even more hazardous.

Diesel particulates, which form incomplete combustion of diesel fuel, can be inhaled and deposited deep within the lungs, causing cancer.

Formaldehyde emissions, in addition to causing cancer can result in acute adverse health effects, including eye, nose and skin irritation, headaches, nausea, and in extreme cases, death.

Benzene emissions from vehicles cause leukemia and other forms of cancer—up to 10 percent of the motor vehicle cancer cases each year according to EPA.

Motor vehicles also emit a host of other toxic substances, including asbestos, cadmium, and ethylene dibromide.

When President Bush announced his Clean Air Act proposals last June, he stated that toxic air pollutants are causing as many as 3,000 cancer cases each year and that his goal was to reduce this horrifying toll by at least 75 percent. Given the large contribution to the air toxic cloud from motor vehicles, this goal cannot be met without controlling emissions from motor vehicles.

In fact, if the toxic emissions from motor vehicles are not regulated, the burden on small stationary sources in our States, such as dry cleaners and small firms using carcinogenic solvents or paints will be increased if we are to meet the President's goal of 75 percent reduction.

I do not believe we should place this additional burden on these small sources, while potentially letting motor vehicles off the hook.

The administration has argued that it is not necessary to include specific provisions on controls of motor vehicles in this legislation because the Agency has already made a preliminary decision to issue a rulemaking designed at reducing air toxics from mobile sources.

Unfortunately, the history of the Clean Air Act demonstrates that we cannot rely on EPA to follow through on even its mandatory obligations. In this case, if EPA does truly follow through on its commitment, at worst Congress will have placed a superfluous word in the legislation. If EPA fails to act, we will have saved thousands of lives by adopting Senator LAUTENBERG's amendment.

Mr. LAUTENBERG. Mr. President, I see no other parties interested in continuing the debate on our side. If the opponents would be willing to do so, I will be prepared to yield back the remainder of the time. The arguments have been made. The case is clearly stated. I think we are ready to make a decision here, and I would ask for the yeas and nays, put the question to my colleague whether or not we are ready to yield back the time.

Mr. BAUCUS. Mr. President, I think it is only appropriate and reasonable, since Senators on both sides who wish to speak have spoken on the matter, that we yield back the remainder of our time.

We have two constraints, however.

First, there are some Senators who are away from the Capitol who expected a vote at approximately 9:40 who need some advance notice.

Second, the majority leader and the minority leader wish to speak on this amendment immediately preceding the vote.

So I suggest that we suggest the absence of a quorum for the time being, with the time running against each side, and then we can give notice to Senators there will be a vote fairly soon. In the meantime, we will give notice to the leadership that now is the time to come to the floor if they so choose.

Mr. LAUTENBERG. For all practical purposes, the debate is still open, and anyone who wishes to make a statement may do so, and the absence of a quorum, I guess, is noted, Mr. President.

Mr. BAUCUS. That is correct.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. WIRTH). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, for the information of Senators, we expect a vote on a motion to table the pending amendment by Senator LAUTENBERG, a motion which I will make shortly in conjunction with Senator DOLE.

The matter has been thoroughly and carefully debated by the proponents, led by the distinguished Senator from New Jersey, and the opponents, including Senator DURENBERGER and Senator BAUCUS. It is not my intention to restate those arguments but rather just to briefly make a few points that I think are relevant to consideration as we vote on this matter.

First, I commend the Senator from New Jersey for the leadership that he has demonstrated with respect to the problem of curbing air toxic emissions. He and Senator DURENBERGER, while on different sides of this amendment, have been the architects of the legislation being considered in that area and have been the two national leaders to protect the health of Americans in that regard.

No one disagrees that current law needs to be improved. In the past 20 years, only seven toxic air pollutants have been regulated. The question is: What and how much more needs to be done?

The substitute amendment, the so-called compromise, goes a long way toward dealing with the problem. First, it requires regulation by the EPA of 187 additional pollutants. I ask Senators to bear in mind that under previous law, in 20 years, only seven have been regulated.

The substitute agreement requires a 12-percent reduction in air toxics in the alternative fuel phase I program and a further 27-percent reduction in the phase II of the alternative fuels program.

The substitute controls evaporative emissions which reduces benzene, one of the most significant of the toxic air pollutants, and the substitute also controls refueling emissions, again a control on benzene.

So, I believe it fair to say that the substitute goes a long way toward dealing with the specific problem which the amendment of the Senator from New Jersey seeks to address. The question is, how much further can we go?

This is another example of the perfect being the enemy of the good. We have a good, strong, substantive bill. We have an agreement on it that would permit us to move forward with what every one agrees is needed, comprehensive, sound, and cost efficient in dealing with a very serious problem.

I urge my colleagues to join Senator DOLE and I in tabling this amendment because it jeopardizes the substitute agreement. We have had 13 years of statements about the problem of clean air. We now have the opportunity to make law as opposed to making statements. We must be prepared to accept what I believe to be a sound, comprehensive, and effective approach to dealing with the problem.

I hope very much that all of my colleagues will join me in this effort. The agreement deals very effectively and comprehensively with this problem. It deserves the support of all Senators.

As soon as the distinguished Republican leader has completed his remarks, I will move to table the Lautenberg amendment and I hope my colleagues will join me in that effort.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I wish to join the distinguished majority leader. I am not a member of the committee. I know the distinguished Senator from New Jersey, Senator LAUTENBERG, knows a great deal more about this than I do now or will in the future. And I commend him for his efforts, as I commended other members of the negotiating team who sat there night and day, 10, 12 hours a day.

I know the Senator from Minnesota was there about 10 or 12 hours a day for 3 weeks, and I think four or five others were, trying to hammer out an agreement.

We did not agree on everything, but we did make an agreement that where there was a consensus or where there was an agreement, that the leadership would support the agreement. As the distinguished Senator from New Jersey said, where there was a reservation they were not bound by the agreement, and he is certainly within his rights to offer the amendment.

But, in my view, the bipartisan agreement contains other provisions that will achieve substantial air toxics reductions. And it seems to me we ought to, in this instance, notwithstanding the difference of opinion, support the leadership. And I am pleased to join the majority leader when he makes his motion to table.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, the debate has, I think, been concluded. I am prepared to yield back whatever time remains on our side provided, of course, the other side also yields

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back the time so we can get on with the decision.

The **PRESIDING OFFICER**. All time is yielded back?

The majority leader is recognized.

Mr. **MITCHELL**. Mr. President, may I have the attention of the Senator from New Jersey? The Senator from Rhode Island has asked to be recognized to make a brief comment, so I do not want him to yield his time back with the expectation it was all yielded back.

Mr. **LAUTENBERG**. So we are back at the position we were in before the time was yielded?

Mr. **MITCHELL**. I ask unanimous consent that the previous yielding back of time be vitiated.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The Chair will inform the Senator from New Jersey that his time has expired. Time on the other side remains 7 minutes and 16 seconds.

The Senator from Rhode Island.

Mr. **CHAFEE**. Mr. President, we have reached an agreement with the administration after, as everyone said, many long hours of negotiations. This is outside the scope. This subject was part of the agreement and this deviates from what we agreed to.

Obviously the Senator from New Jersey reserved his rights to differ, as he has. But those of us who subscribe to the agreement are going to stick to it. Thus, I will join in the motion to table.

We yield back all time.

The **PRESIDING OFFICER**. All time having been yielded back, the majority leader is recognized.

Mr. **MITCHELL**. Mr. President, on behalf of myself and Senator DOLE, I move to table the pending amendment and I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. There being no further debate, the question is on agreeing to the motion to lay on the table the amendment of the Senator from New Jersey.

The yeas and nays have been ordered. The clerk will call the role.

The legislative clerk called the roll.

Mr. **CRANSTON**. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. **SIMPSON**. I announce that the Senator from Oregon [Mr. PACKWOOD] is necessarily absent.

The result was announced, yeas 65, nays 33, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—65

Armstrong
Baucus
Bentsen
Biden
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Burns
Chafee
Coats
Cochran
Conrad
Danforth
Daschle
Dixon
Dole
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gramm
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Levin
Lott
Lugar
Mack
McCain
McClure
McConnell
Mikulski
Mitchell
Murkowski
Nickles
Nunn
Pryor
Reid
Riegle
Robb
Rudman
Sanford
Sasser
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—33

Adams
Bingaman
Bradley
Bryan
Byrd
Cohen
Cranston
D'Amato
DeConcini
Dodd
Domenici
Gore
Gorton
Graham
Grassley
Harkin
Humphrey
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Metzenbaum
Moynihan
Pell
Pressler
Rockefeller
Roth
Sarbanes
Simon
Wilson
Wirth

NOT VOTING—2

Matsunaga
Packwood

So the motion to lay on the table the amendment (No. 1335) was agreed to.

Mr. **MITCHELL**. Mr. President, I move to reconsider the vote.

Mr. **CHAFEE**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1329

Mr. **DOLE**. Mr. President, what is the pending amendment?

The **PRESIDING OFFICER**. The pending amendment is amendment No. 1329 offered by the Senator from West Virginia [Mr. BYRD].

Mr. **DOLE**. Mr. President, I ask for the yeas and nays.

The **PRESIDING OFFICER**. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

The **PRESIDING OFFICER**. The clerk will call the roll.

Mr. **DOLE**. Mr. President, I suggest the absence of a quorum.

Mr. **BYRD**. Mr. President, I believe I was to get the floor.

The **PRESIDING OFFICER**. I did not hear the Senator seeking recognition. Did the Senator seek recognition?

Mr. **BYRD**. I did not. It is my amendment. Am I not entitled to the floor, not by the rules necessarily, but why should I not have the floor and have an opportunity to explain what my intentions are before we have a quorum call.

Mr. **DOLE**. I will be happy to yield the floor. I thought the Senator was calling for a vote on the amendment.

Mr. BYRD addressed the Chair.

The **PRESIDING OFFICER**. The Senator from West Virginia is recognized.

Mr. **BYRD**. Mr. President, I had intended to modify my amendment. The distinguished Republican leader now has the yeas and nays on it so that I have no right to modify the amendment except by unanimous consent. Am I correct?

The **PRESIDING OFFICER**. The Senator is correct.

Mr. **BYRD**. Very well. I want to explain to my colleagues what I had intended to do. I wanted to modify the amendment.

I discussed the modification with the Members on both sides of the aisle. I hope that I can get unanimous consent to modify the amendment.

You see, now I have accommodated the joint leadership tonight by yielding, letting other amendments go ahead. I could have denied that right to other Senators to proceed with their amendments and could have modified my amendment. But I have yielded to Senators, and now when I have determined that I will go forward with my amendment, the distinguished Republican leader acts within his rights, gets the yeas and nays. And so I cannot modify my amendment except by asking for unanimous consent.

So I have been around a long time here. I have learned a good many things, but I find that I am still learning. I have learned tonight that that old axiom in ethics in equity not to sleep on your rights is a pretty good axiom. So I guess I slept on my rights. But I want to say to the Senate that I hope the Senate will deal fairly with me and let me modify my amendment.

Let me explain the modification. I have talked with a great number of Senators, and it is pretty hard to win under the circumstances the votes to carry this amendment. There have been legitimate concerns expressed about this amendment to the effect that it costs too much, and I listened to those concerns. As it was earlier offered it would cost something between $875 million and $1,350,000,000 provided the top range, 5,000 jobs at the top of the range—it is estimated it would cost 3,000 to 5,000 jobs—provided 5,000 jobs were indeed lost.

But I intended to modify the amendment to cut that cost in half. How would I do that? Instead of providing benefits to those miners who lose their jobs as a result of enactment of this legislation, instead of paying them for 6 years at 100 percent of their salaries, or their wages and benefits, as of the year immediately preceding the loss of their jobs due to this legislation; instead of paying them 100 percent for the first 2 years, 75 percent for the next 2 years, and 50 percent for the next 2 years, I would reduce that, bring it back to a total of 4 years rather than 6 years—80 percent the first year, not 100 percent; 70 percent the second year, not 100 percent; 60 percent the third year, not 75 percent; and 50 percent the fourth year, not 75 percent, and eliminate the fifth and sixth years that were included in the earlier amendment.

So I am reducing the total number of years from 6 to 4. I am cutting the amount from 100 percent the first 2 years to 80 percent the first year, 70 percent the second year, cutting the amount from 75 percent the third and fourth years to 60 percent the third year, and 50 percent the fourth year. So that the total cost at the top of the range of estimated jobs lost, 5,000, at the end of phase one, the cost would be cut to $700 million.

I have listened to Senators who expressed concerns about the cost, and believing that they had legitimate reasons to think that was too much I have responded to those concerns. I hope that the joint leadership will allow me to modify my amendment accordingly. I ask that in fairness, and I think I am entitled to that fairness.

Did the distinguished Republican leader want me to yield?

Mr. DOLE. No.

Mr. BYRD. If there are any questions that Senators would like to ask me at this point, I would be glad to attempt to answer the questions.

Mr. METZENBAUM. Will the Senator from West Virginia yield for a question?

Mr. BYRD. Yes.

Mr. METZENBAUM. I am a cosponsor of the amendment. It seems to me that if Senator Dole proceeds with his motion then we who support the amendment, and do not really want to vote on the original form, can do one of two things. We could vote to defeat it, or we could vote to lay the original amendment on the table since there is no limit at this point.

With respect to offering any new amendments, it seems to me we could take up an hour playing games with that amendment, and then go back to the modified amendment. I wonder in view of that, it is pretty obvious the Senator has all the rights he needs, whether the minority leader would let the Senator make a modification rather than putting through a whole rollcall, and going back and offering a new amendment which he certainly has a right to do.

Mr. BYRD. I do not want to play any games. But there are certainly some options open. But I am asking the joint leadership to give me a fair shake on this, and let me have a vote on my modifications.

I wonder if the Republican leader would ask for the yeas and nays to be vitiated so I could modify my amendment?

Mr. DOLE. Will the Senator yield to me?

Mr. BYRD. Yes.

Mr. DOLE. I certainly have no intention of being anything but fair to the distinguished Senator from West Virginia, just as he has always been fair with me. What I would like to do is state a case on the other side, and then discuss it with the distinguished Senator from West Virginia privately. I am not going to play games. I have not been here as long as the Senator from West Virginia.

I have not been here as long as the Senator from West Virginia, but what goes around comes around. I did want some time to explain the case, and explain how important I think this amendment may be. So if the Senator will let me proceed on that.

Mr. President, as I have just indicated, I have nothing but respect for the Senator from West Virginia, and I know that his support for the coal industry and what he has done for this State, just as we try to do things for our States. I commend his stalwart support for the U.S. reliance on domestically produced energy sources for Americans who work in that industry, and that commitment by the Senator is second to none.

I have been reminded by the distinguished Senator many times about the importance of the American coal miner and American coal. I have supported him on the clean coal technology and, hopefully, in nearly every other case.

So, first of all, I think the record should show that no one I have ever served with in this body has ever done more for the people of his State or this industry in his State, and I think we owe him a debt of gratitude for calling our constant attention to the problems and the plights of the coal miners.

On the other side, even with the modification, I am the Republican leader. I reflect the views of the administration. The administration does not like this amendment one bit. That would be an understatement.

If we are going to do it for coal miners, there are 14 other industries that are going to be impacted. What happens to them? How many thousands of workers are not going to get benefits? I have just been told and I made certain they are very precise because I am dealing with the distinguished President pro tempore, who does not take his amendments lightly and does not offer amendments thinking he might lose. If this amendment is adopted, what happens to this bill? They said, "That is it. It is over." That is what I have just been told by the administration.

What are we to do? In an effort to satisfy the legitimate concerns of the Senator from West Virginia, his concerns and the President's concerns and the policy concerns in an amendment like this, when the President says I am not going to go beyond $21.1 billion, and again, we met for a couple of hours this afternoon discussing the Senator's amendment, I might add, because I indicated to the Senator from West Virginia yesterday that I would be very happy to discuss the amendment with the administration to see if there was some middle ground.

I did that. I followed through. I met with Mr. Porter and Mr. Sununu and Mr. Gray, and Mr. Porter met with members of Senator BYRD's staff. So many of us are in the position of wanting to support the amendment because of our respect for the distinguished Senator from West Virginia. But I have been told flat out that it would kill the bill. I have had a couple even say, "I will vote for the Byrd amendment, if it will kill the bill." I am looking at one of them right now. I had him down on our side.

Even if we could afford the amendment he would modify, and certainly he will have that opportunity, Drs. Robert Hahn and Wilbert Steger from the Carnegie-Mellon University conducted a study called "Analysis of Jobs at Risk and Job Losses Resulting From the Proposed Clean Air Act Amendments."

Nobody disputes the impact it is going to have on the coal industry, but that is not the only industry. It is not only workers; it is employers. Some people will not be able to buy cars because they will not have a job. So it affects the auto industry and affects those employees, too. It has a ripple effect.

As reported from the committee, in assuming 10 of the minus-4 and 10 of the minus-6 bright lines, which I never understood, and it is probably not necessary for this debate, but assuming those standards are there, due to the air toxics title only—I am only talking about the air toxics title—it has been estimated we are going to lose between 20,000 and 250,000 jobs. That is a pretty big gap. So I assume it is somewhere in the middle.

Those jobs are going to be lost in 15 industries: Coke ovens, butadiene, styrene butadiene production, polybutadiene, neoprene production, ethylene oxide production, petroleum refineries, pesticide production, pharmaceutical production, paper and pulp mills, chlorine production, chlorinated hydrocarbon production, chloroform production, ethylene dichloride production and steel foundries.

These figures relate only to jobs lost due to closures. They do not take into account jobs lost due to the need to invest in an extremely expensive new pollution control equipment which will have a depressing effect on jobs and wages.

We have to ask ourselves, are we going to adopt—and I do not care if it is $800 million or $8 or $8 billion. It is going to help 5,000 while ignoring up to 200,000.

I was prepared to offer a motion to recommit, and may yet, but that can be amended a couple of times to strike

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out the word "coal," wherever it appears in the Senator's amendment, so that it is open to any industry. Why limit it to coal? If you are out of work, you are out of work. You do not have to be a coal miner to be out of work, if this bill is adopted.

So we cannot take care of 5,000 and ignore 200,000 or maybe 150,000 or maybe only 100,000. There is such a thing as basic fairness. In West Virginia, for example, there are 5,601 coal mining jobs at risk, but there are 7,332 chemical industry jobs at risk, and 9,373 primary metal jobs at risk in West Virginia.

If we are going to be fair to the metal workers and chemical workers, as well as the coal workers, then what do we do about them? Do we expand the amendment, and does it cost more? In my State of Kansas, 7,500 transportation equipment workers would be at risk, 2,900 electric goods and sanitary service jobs, 1,700 rubber and miscellaneous product jobs, and 1,100 petroleum jobs and refinery jobs and related jobs. They do not get assistance under this amendment.

The only people who benefit are those who I thought were dealt with rather fairly in the agreement, the so-called Midwestern States who got a pretty good deal, but now they are back for a second helping.

I say in fairness to the Senator from West Virginia, he said he was coming back. He has that right. I must say, we have not only the right, but we have an obligation to protect our workers. I am going to go to Kansas during the recess—I may not if this is adopted without protecting Kansas workers. I may just stay here.

So we are faced with the policy decision that the administration says is not going to cost $800 million or $1.3 billion. It is going to cost billions and billions of dollars and on top of that. When you consider the decline of employment in the coal mines because of technology, there are going to be thousands and thousands of people out of work because of new technology in the coal mines.

In the majority leader's State of Maine the paper and allied products industry employs 9,150 people who may have their jobs affected. I can go down the list. I can show for every State how many metal workers, paper mill workers, how many of the 15 different industries you have in your State and how many may be at risk. I mean they are all going to lose their jobs and that is the case I wanted to make.

The acid rain title is not the only title that is going to cost the loss of jobs. We are informed that the air toxics title could cost tens of thousands of jobs. The fees paid for permits for marginal and small business will cost jobs. Mobile choices and alternate fuels provision will cost jobs. I hope the environmental benefits will approach the loss in jobs. You can retrain people and they can be reemployed.

So I do not know what is the fair approach. I think many who were part of the negotiating team thought they reached a fair approach. It was not the view of everyone, including the distinguished Senator from West Virginia.

But I am here, as I have indicated, reflecting the views of President Bush who wants this bill, or wants a bill, a clean air bill, who is opposed to this amendment, who said in a letter addressed to me and others, and I think the distinguished majority leader at least 2 months ago, there were certain guidelines and one was the cost which he would not exceed.

So I am not certain it makes any difference whether the amendment is modified $800 million or left as it is, and the distinguished President pro tempore may have the votes to pass it. But again I would repeat I am not—I have been here long enough—trying to scare anybody or intimidate anybody to repeat what I was told by a high source with the administration: that this bill is dead if this amendment is adopted. If you want to gamble and say that is just late-night talk, I asked what should we do if the amendment is adopted. He said do not do anything. It is over.

That may not make any difference. Some may think that is a good result.

But others on both sides of the aisle have invested years and years and hundreds and hundreds of hours to reach this point. There may be something you might do under trade adjustment but that is under the jurisdiction of the Finance Committee. We had trade adjustment assistance. Some liked it and some did not like it. But in most cases it worked quite well and it worked fairly because it applied to all workers, not just one group of workers.

Rubber workers in my State received benefits when we had a dumping and exports were increased and they lost their jobs. That is how it worked. But this is not that approach.

Under this approach, the original approach, somebody working 6 years as I understand it could get $250,000 in benefits and not work a day. That is a lot of money. It has been scaled back so now it will be around $180,000 in benefits, somewhere in that neighborhood. So I think we have reached a point, and I certainly ask unanimous consent to withdraw the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Then we can have a full debate, and the distinguished Senator from West Virginia can modify the amendment, and I thank him for yielding the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader. I felt that I could appeal to his fairness and he would be fair. I appealed to it and he was fair.

Mr. President, let me take just a few minutes, and I hope Senators will give me their attention. The distinguished Republican leader said that this would cost billions of dollars. Mr. President, it will not cost billions of dollars. This amendment only deals with the first phase, not the second phase. In the first phase the EPA estimates there would be from 3,000 to 5,000 jobs lost. In the second phase it is estimated by EPA that there will be a cumulative loss of between 14,000 and 16,000, and I am not asking anything for the second phase. I am only asking for first phase. I am asking that these people have an opportunity to get back on their feet and perhaps get a little training, enroll in some education programs that are approved by the Secretary of Labor in consultation with the appropriate committees of the Congress. Let them have a chance. That is all I am asking. It will not cost billions of dollars. I have said what it will cost. I said what it will cost as a maximum $700 million. And that is if the top 5,000, the top of the range of 3,000 to 5,000 jobs turns out to be the loss.

That is the cost if not a single coal miner dies in that 4 years, not a single coal miner elects to go to a retraining course or take an education program that is approved by the Secretary of Labor. And that is before the income taxes come out of the miner's compensation—$700 million.

The distinguished Republican leader spoke about the chemical workers. I have chemical workers in West Virginia and I am concerned about what is going to happen to them. I am concerned about what is going to happen to my steel workers. We are told that there are two nonmining jobs lost for every mining job that is lost. I am only asking for compensation for those miners who lose their jobs as a direct result of the passage of this act.

The Secretary of Labor would certify that. I am trying to avoid the economic dislocation that will result from the loss of 5,000 coal mining jobs or 3,000 or whatever they may be. And this is throughout Appalachia and the Midwest.

Surely, I am concerned about the toxics as well. I think we made some progress in getting the Byrd-Bond language into the bill. I appreciate the help that the distinguished majority leader gave in getting that language in the bill. That did not send us home free by any means. We are going to get hurt. The coal miners of this country are going to get hurt.

High-sulfur coal mining is not only going to be a high-risk job from the standpoint of accidents and fatalities that can occur, but it is going to be high-risk job from the standpoint of losing the job to start with. Miners who are in high sulfur regions of this country know that when this legislation goes into effect there is a high-risk job as far as continued unemployment is concerned. I am trying to ameliorate that. So I have other job categories in West Virginia as well.

Yes, there will be some automobile workers who will lose their jobs perhaps. The price of automobile can go up and some of those jobs will not be lost. But the price of high sulfur coal cannot go up and save the jobs of coal miners. The coal miners are directly in the line of fire when it comes to unemployment losses created by the virtue of passage of this legislation.

The distinguished Republican leader said the bill is dead. The administration says it is dead if this amendment is adopted. I do not believe it.

He said he was told by the administration people, "Do not do anything. If that amendment is adopted, just forget it; do not do anything."

I do not believe that. If the administration wants to take the attitude that to provide some compensation for coal miners who have invested their lives—I have heard the distinguished Republican leader talk of those in this Senate who have invested years in the passage of this bill, and I recognize they have invested years in it; I am fully aware of that. I admire them and respect them and congratulate them.

But coal miners have invested years also, under the slate and the tipple bottoms, crawling around the water holes, lying down on their backs, and operating those continuous miners as they grind out the coal, breathe the coal dust, splitting their lungs. They have invested something as well.

I hope that we will consider that. I have never yet drawn a line around the borders of West Virginia to say, "If it does not benefit my State, I am against it. I will not be for it if it benefits South Carolina, if it does not benefit my State." I do not take that attitude. I do not take the attitute that if it benefits the West or the East; if it hurts them, I want to help them.

I think every Senator knows that. Surely they have not forgotten the times that I have risen to their cries for mercy, their cries for help in the years when I was majority leader here, and in the years when I was the minority leader here.

I have tried to respond when catastrophe hit California, when it hit South Carolina. That was a God-made act. But this is a manmade act. It is going to take people's jobs. I am not just pleading for West Virginia today. West Virginia is 1 of 13 states in Appalachia, and there are others in the Midwest. I am asking for fairness and for justice.

Every Senator in here knows in his heart that it is right to help people. They will come to me wanting me to help them with Head Start. That is a great program. But let us remember to give a little head start to the children of the coal miners, who are going to lose their jobs.

We hear about this as a health bill. What about the health of the coal miners, their families, their children? I have see their undernourished children. I am one of them.

Let us listen to the pleas of our own people. The administration wants $500 million for Panama, more millions for Nicaragua, millions for other countries in the world. But the bill is dead, we hear, if this admendment—which would provide $700 million at the maximum over a period of 5 years; not $700 million per year, but $700 million over 5 years. That is all we are asking for.

Some of that money will go back to the Government as income tax. And it will mean something to the morale and the life expectancy of the people who live in the coal fields.

I am urging Senators now to vote for this modification. I will never, as long as I am in this Senate, turn down a plea from another State or another region that is faced with a catastrophe or disaster, whether it be God-made or manmade. If I can help, I will try to find the dollars to help if an act of this Senate is going to be the cause of the losses of those jobs.

So I urge Senators to hear the plea of coal miners and those of us who represent them, as best we can.

Mr. FORD. Mr. President, it is very difficult to follow the eloquency of our distinguished President pro tempore.

Let me make a point, if I may. I heard the distinguished Republican leader give the most devastating speech against this bill anyone can give on the floor of the United States Senate. Hundreds of thousands of jobs will be lost.

We talk about products coming into this country and costing us jobs. Well, I will guarantee if it is going to cost hundreds of thousands of jobs with this bill, we are sending our jobs overseas, and we will have an opportunity to pay out a lot more on the Trade Adjustment Act than we are asking here at any one time.

I do not know how many in this Chamber have been to Appalachia. Stand in the courthouse yard of Harlan, KY, in Harlan County and see a white marble stone with almost 1,400 names on that stone of men and women who have lost their lives in the coal mines.

It takes a special individual to work 3 and 5 miles underground. It takes something special about an individual who will give that day in and day out. For what?

We stand here and, yes, we have worked years and years and years to bring this piece of legislation to the point it is today. And yet we say to the group of people that have given not only the ability to grow in this country—their fathers before them, grandfathers before them—all of a sudden, we say to them, "We are going to, by public policy, put you out of work."

We say that no one under this bill will draw anything unless it is certified that that individual lost his job as a direct result of this legislation. And I suspect we could trust the Secretary of Labor to make the right judgment.

And we say to these individuals, "Your income under this bill will be treated as income, and you cannot draw anything else. You will pay your tax on it. And if you are going to be retrained, you can only draw on one of the 4 years."

So, Mr. President, I hope that from those people in Appalachia—that very few of you know, but Senator Byrd and Senator McConnell and some others do—we would not take the last vestige of hope, where the second-most important item there is flat land. Coal is No. 1, and the second-most valuable product would be flat land.

We are a lot different from Wyoming, where you go in in the middle of nowhere, find a seam that is 50 feet deep, bring it out, and nobody sees what is going on.

You have good coal and you are probably the No. 1 producer in the country now. But we put our men underground in a 50-inch seam, and that is the way we secure the coal in the Midwest.

I promised my distinguished leader that I would not filibuster this bill, that I would do my best to support it. Nothing was precluded, though, to ask my colleagues and my friends to assist those miners who would be certified by the Secretary of Labor that they lost their jobs as a direct result of this legislation.

I am going to make the point when I go back that I tried, and that is all I can do in representing my State. I have been kidded a little bit here recently that I made a statement the other day about I have a hard, hard job defending beautiful women, fast horses, bourbon, cigarettes, and coal. I try to do my best.

And so, as I listen to the debate here tonight, we are going to be losing the possibility—I listened to that, that little word you used. I am not a lawyer, but every once in a while, I hear the words "the possibility of loss."

Well, there is a possibility we will not lose 5,000 jobs. But, on the other hand, if we are going to send jobs overseas. I would like to protect what I have here at home.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized.

Mr. KENNEDY. Mr. President, I am sure the Senate is prepard to vote. I want to say how important I think this issue is, for this body and for this country, that has been raised by the Senator from West Virginia. Over a very considerable period of time, we have seen the rise and fall of various industries, in different parts of our country, mine included. We had textiles and shoes flow to different parts of our country with various serious disruptions.

But, as someone who is a strong supporter of clean air, I hope that we in this body can agree that we are not going to improve the quality of health for the American people at the expense of the workers of America. The improvement in the quality of health that will occur from the benefits of this bill, will be felt across this Nation. And I do not believe we should expect a certain group of workers of this country to bear a special burden.

As somebody who has offered tobacco control legislation, I have also voted for price supports for tobacco workers, because I do not believe that the burden ought to be on those who work in the fields. As somebody who considers himself a supporter of free trade, I also believe we must look after the low-income worker who tolday has a job, but who may lose that job because of imports.

We are faced with a similar issue now. Down the road, in a few short months, we will be debating economic conversion, and how the dramatic changes in military spending will affect this Nation.

The same kind of challenge is posed by the Byrd amendment. Will this Nation take care of its people too, when we vote for clean air, or for cuts in military spending? This proposal is the first challenge for our country on this issue. I hope the Senate will support this amendment, because the vote will tell a lot about where we are going in the future.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, I think it is important that we bear in mind what the minority leader, the Republican leader, pointed out earlier. This is not a measure to take care of all those who might lose their jobs due to clean air. This is a measure to take care of a particular group who might lose their jobs.

This is not an all-encompassing measure, by any stretch of the imagination. Maybe we ought to do that and maybe, with the assistance of the Labor, Health, and Human Resources Committee and the Finance Committee, we ought to put a package together to encompass this.

This is a measure that has never had 1 day of hearing before any committee. This was generated full-blown out of the imagination of those who were being directly affected.

I think we have all had some experience in estimations of what human assistance programs are going to cost, particularly those connected with coal miners. I would like to review, if I might, the history of the black lung program.

The black lung program started in 1970, with an estimated cost of a low of $120 million and high of $400 million. That program started out the first year, $110 million; 10 years later, $1,320 million; 5 years later, $3 billion. It started out serving 112,000 people. Pretty soon, 15 years later, it was serving not only them but their relatives, for a total number served of 460,000 people.

So the program, instead of averaging $200 million a year, averaged $1,300 million a year. When that program started, I can remember very clearly—many of us were here during the early stages of that program—predictions of what it was going to cost and who it was going to cover. And it ran completely wild.

Let us just discuss the situation of the coal miners. In 1950 there were 483,000 coal miners. In 1980, 10 years ago, there were 230,000 coal miners. It was roughly cut in half. Since 1980, when there were 230,000, now there are 141,000 coal miners.

In other words, with nothing to do with clean air, with nothing taking place artificially but solely, as the distinguished Senator, the President pro tempore, pointed out in his remarks, because of mechanization and other changes in the industry, there has been a precipitous drop in the number of employees involved in the coal mining industry. In the past 10 years 49,000 jobs of coal miners, 28 percent of the jobs in the coal mining industry have been lost.

My colleagues will note in this program it suggests it is not going to cost much, and people say it is only those directly affected. How in the world do we tell who has been directly affected? How are we going to tell who lost their jobs, who is part of that 28 percent? We can only assume that line is going to go down in a straight manner. How are we going to tell out of that 28 percent who lost his job due to mechanization or changes that might normally come from high-sulfur coal to low-sulfur coal? How are we going to tell?

Furthermore, in this bill, there is a rebuttable presumption. The bill is so drawn that when somebody comes to seek the benefits under this program, the Government has to prove that they lost their job due to factors other than the clean air bill. In other words, it is assumed that the person lost his job due to this legislation.

I think, first of all, it is unfair. It only deals with one category; second, it is not narrowly drawn; third, it is going to cost way more than anybody anticipates; and fourth, I think we are making a great mistake here tonight to believe that the administration is kidding, that somehow we can bulldoze by them, that this is not where they have drawn the line.

It is. We have heard it time and time again from the administration, way back when this legislation was first discussed. So, do not anybody think, if they vote for this amendment, that they can go around the country and say, "I am for clean air, it is just I happen to be for this amendment, too." By voting for this amendment we kill this legislation. There is not doubt about it.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I join my friend and colleague, Senator CHAFEE, and also Senator DOLE in opposing this amendment. This amendment is enormously expensive. If the amendment is agreed to, we are going to be asking individuals and constituents in Wyoming, who maybe make $15,000 a year or $20,000 a year to be paying individuals. I would be happy if the proponents tell me if I am wrong, but I was trying to calculate what this would cost the taxpayers of this country to pay for benefits, up to 6 years benefits. I think, if an individual's income was $40,000, that individual would receive something like $180,000 benefits from this bill.

Mr. BYRD. Will the Senator yield?

Mr. NICKLES. Yes, I will be happy to yield.

Mr. BYRD. The amendment does not provide for 6 years. I explained carefully I have reduced the 6 years to 4 years.

Mr. NICKLES. What is the average compensation of a coal workers? Can the Senator provide that?

Mr. BYRD. $50,000, salaries plus benefits, insurance payments, pension payments. All of these are benefits and it is estimated that would be $50,000.

But this is being cut to 80 percent the first year, 70 percent the second, 60 the third, and 50 the fourth, under the modification.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate the clarification, and I appreciate the Senator's amendment reducing it from 6 years to 4 years. But I will still say to my colleagues, most Oklahomans do not make—80 percent of $50,000 is $40,000. I have a lot of constituents who are unemployed. I do not think they want to pay $40,000 for somebody not to work. The next it goes 80 percent, 75 percent and then 50 percent; is that correct?

Mr. BYRD. Eighty, seventy, sixty, fifty.

Mr. NICKLES. Eighty, seventy sixty, fifty. Even in the fourth year, 50 percent, they would be making $25,000 a year for not working. I hate to say that, but that is above the average income of Oklahomans and above the average income of people in the United States. We are talking about 4 years. That is a lot of money. If you add that up, you are talking about just over $130,000.

So I think we have to look at what we are trying to do. Sure, I have compassion. If somebody loses a job because of this bill, I have compassion for him. I want to minimize the negative economic impact of this bill, and I have worked on amendments to try and reduce the negative impact of this bill. But I will say, there are lots of other negative impacts. In all the nonattainment areas—and Senators need to be aware of this—if you have a nonattainment area in your State or if you have cities classified as nonattainment, you are going to lose jobs. You will lose jobs. In all likelihood, you are going to lose some grants. There are all kinds of sanctions that the administrator has under this bill for nonattainment areas. But those employees are not going to receive compensation that would equal 40 percent of $50,000 or, in other words, $40,000. They are not going to receive it. It is inequitable. It is very expensive.

I also agree with the Senator from Rhode Island. I am confident the administration will veto the bill if it is there. I think this will be a killer amendment if it is adopted. I urge my colleagues to defeat it.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I will begin by thanking the distinguished Senator from West Virginia for focusing on a problem that, quite frankly, we have not spent much time focusing on. In fact, in our zeal to pass a Clean Air Act, we have talked in very general terms about various standards and very few people have focused on the fact that we are talking about affecting real honest to God people in terms of their jobs, in terms of their future and in terms of the price we are going to pay for products as a result of these changes. I think the distinguished Senator from West Virignia has brought that into very clear focus tonight.

Let me say that it may very well be that it is a perfectly legitimate debate as to whether or not the Federal Government should compensate people who are put out of work because of Federal policy. If the benefits of clean air are great enough that we should pay the cost, maybe we should not impose the cost on individual coal miners. Maybe that cost should be imposed on society.

But, Mr. President, if we make that decision, I, for one, would have a very difficult time voting benefits to 5,000 coal miners, but then neglect the fact the same study on which these numbers are based show that in my State, we are talking about the loss of 38,372 jobs in chemicals; 19,813 petroleum refining jobs; 12,518 jobs in the electric industry and in the gas industry.

Mr. President, if we make a decision to adopt this amendment, we should be prepared to vote on an amendment that extends these benefits to every worker in America that loses his or her job as a result of the adoption of this bill. I am not just talking about people in chemicals and petrochemicals. I am talking about people working in factories who are making automobiles; I am talking about people working in laundries; I am talking about every American who is going to lose his job because we are talking about job loss and we are talking about the economic cost to them. Those job losses and that economic cost are no less for them than the cost is to a person in the coal mining industry.

Let me also say that we do plenty of things that cost people jobs every day. For 12 years, we had an insane policy called the Fuel Use Act that set out limits on the sale of natural gas, and yet I never heard anybody say that the thousands of people in my State who lost jobs and potential jobs because of that act of Congress, not an act God—God would never make such a poor decision—but no one ever suggested that those people get payments from the Government because the Government took away their jobs.

As we look at closing 80-plus military bases this year and the Secretary of Defense has just proposed another 30 base closings, who has proposed that we pay those people for 4 years because they might lose their jobs due to base closings. I submit, Mr. President, that if there is legitimacy in the amendment before us, then there is legitimacy in the fact that perhaps my natural gas workers should be compensated for 12 years of theft of their earning power in the past because of the Fuel Use Act. And maybe we ought to be compensating people who are losing because of base closings.

A final point I want to make, and that is, Mr. President, that if we set out these benefits, I hope that they can be changed because I earnestly believe that these benefits are poorly structured.

I think the benefits are such that you are going to encourage a large number of people not to seek training, not to make a hard decision that hundreds of thousands of people made to move out of my State when oil prices went down and the population of some of my cities declined by over 100,000 people. They got up; they moved off; they moved to Michigan; they moved to other parts of the country. They did not want to do it, but they did it.

Mr. President, had we paid them benefits for 4 years, they would still be sitting there and they would not have restructured their lives. They would have been poorer and America would have been poorer.

Mr. President, if we make a decision that we should compensate people who are going to lose their jobs, we must compensate everybody who is going to lose their jobs.

Second, if we make that decision, I really believe the cost to the Government will, in my humble opinion, be a small cost, compared to the big cost. The big cost is if you are going to pay these kinds of benefits for 4 years, you are going to induce people to sit where they are for 4 years. Their ability to be retrained is going to be greatly diminished and, in just a terrible paradox of public policy, we are going to cripple the ability of the people, who we are trying to help, to adjust.

So if we are going to move in this direction, we must cover everybody and, in my humble opinion, we need a program that is of short duration, that is well targeted, that is aimed toward training and that does not, in essence, guarantee people huge benefits for 4 years and, thereby, virtually guaranteeing that they are not going to move, that they are not going to relocate. I think that they will end up being the loser.

So if my colleagues adopt this amendment, they should be ready then to vote on an amendment to extend this to the entire country and all the industries in the country.

The distinguished majority leader talked about 15 industries, but you should realize that is only in the air toxics section. We, in my opinion, are probably talking about over 100 different industries that will be substantially affected. And if we take the premise that anybody losing a job in America has a rebuttable presumption that they lost it because of the Clean Air Act—and I do not know who is going to rebut it—if an employer is faced with layoffs or plants closing down and if they can guarantee their people 4 years of benefits, what employer is not going to say that it had to do with the Clean Air Act?

I think the Secretary of Labor is going to have a very difficult job proving that that is not what happened.

So I know this is a tempting amendment for many, many reasons. I think all of us, because of his persuasiveness and because we know he speaks from great conviction, hated to vote against the distinguished President pro tempore, but, Mr. President, I believe, if we start down this road, it is going to be a very, very long road and it is going to be very expensive. I do believe that it will kill this bill but not just this bill. It will kill a lot of actions by Government in the future that affect people's lives. I yield the floor.

Mr. **RUDMAN** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from New Hampshire.

Mr. **RUDMAN**. Mr. President, I do not believe I ever believed the time would come that I would rise on the floor at 11 o'clock at night and ask someone to give a speech, but that is precisely what I am going to do. There must be somebody in this Chamber who can address the chilling statistics that we have had circulated in the last 48 hours and which are highlighted by the now pending amendment by the distinguished Senator from West Virginia.

If in fact those figures are accurate, if in fact the Carnegie-Mellon economists are even in the ballpark of being right, then I would submit to you, with all of the wonderful ways that words roll off our tongues in this Chamber like job training, job training for what? If these figures are correct, we are talking 200,000–300,000 jobs. Are they going to work in the computer indutry? How about the defense industry? How about the automobile industry? How about the textile industry, telecommunications, agriculture? What job training? Anyone who has been following the economy in this country in the last 2 years recognizes that we are in a worldwide fight to retain the jobs we have.

Now, I do not know whether or not I can support the amendment offered by the Senator. I do say, with all due respect to some of the things that have been said tonight, my part of the country has been crying out for a solution to the acid rain problem for a long time.

I must say, in all frankness, that I still have doubts in my own mind about some of the scientific evidence that exists. There are more reports coming out. It would be ironic if the reports come out and we find out we solved the wrong problem.

But be that as it may, I would have to say to my good friend from Texas, and our distinguished Republican leader, I do not think one can argue that probably the narrowest impact and effect of this as far as we are concerned is probably in the coal industry. We have no coal miners in here, but we have a lot of people who care about the environment.

Others raise interesting points about whether we should encompass other industries, but, Mr. President, I would simply say—I will end where I began—I would like to hear someone on this floor, such as the distinguished Senator from Maine, the distinguished Senator from Minnesota, the Senator from Rhode Island, who are experts in this field—I am certainly not—address the economic impact that has been discussed on the floor tonight, because if in fact we are going to lose between 250,000 and 400,000 jobs in the next 2 years then, quite frankly, I think you all ought to go back to the drawing board.

I yield the floor.

Mr. **MITCHELL** addressed the Chair.

The **PRESIDING OFFICER**. The majority leader.

Mr. **MITCHELL**. Mr. President, the Senator from New Hampshire has raised an important question for consideration by the Senate. We are all subject to a great many claims. We hear a lot of statistics, and we refer and are referred to a lot of studies.

The report which is the source of the estimates used here this evening is the so-called Hahn-Steger report. It was a report prepared at the request of an organization called the Clean Air Working Group, a consortium of industries which is opposed to the legislation and which has worked diligently to defeat this legislation.

The job loss estimates, therefore, are intended to support the position that the position that the legislation will have such severe adverse economic effects that it ought not to be adopted. That is the position of the organization which authorized and paid for this study, I am advised by staff.

Now, the report estimates that between 200,000 and 2 million jobs will be lost or put at risk—the figures embrace the two concepts—lost or put at risk as a result of this legislation. To arrive at those figures, the report makes certain assumptions and assertions which I submit to my colleagues are invalid and therefore invalidate the conclusions.

First, the report asserts that every employee at every small business that will be required to get an air emissions permit in order to operate is therefore in danger of losing his or her job. That is, every employee of every industry subject to regulation, required to get a permit as a result of this legislation, is assumed for the purposes of this report to have his or her job at risk.

The report asserts that every employee of every energy intensive facility using electricity produced by utility systems that will incur costs due to acid rain controls will be in danger of losing his or her job merely by virtue of that fact. That is, a utility which will incur costs as a result of acid rain controls and sells electricity to an energy intensive industry, every employee of that industry is deemed to be in danger of losing his or her job.

The report assumes with respect to the air toxics proposals that all sources unable to meet a 1 in 10 to the sixth residual risk standard will be forced to shut down. Neither the original Senate bill nor the administration bill, nor the compromise bill, contains that specific standard. But the report assumes that every industry subject to the air toxics proposals will have to shut down on that standard.

The report in addition to making these assertions, which are not substantiated, also does not attempt in any way to quantify the benefits that are created from pollution control investments as a result of this legislation, that is, no offsetting benefits which might flow from the legislation are included in the calculation.

It is as though one were to take a financial statement which includes assets and liabilities, and look only at the liability and to represent that as a summary of the financial statement.

Other economic reports, the validity and accuracy of which I am unable to offer any substantiation, have estimated that 20,000 jobs are created for each $1 billion of pollution control expenditure or investment. In addition, the export of pollution control technology and equipment which is a growing international market for the United States is not considered or quantified in any way in this report.

The report does not in any way attempt to analyze job and productivity losses already resulting as a result of exposure to air pollution, nor does it attempt to quantify any reduction in productivity. And as a consequence, it is, as many reports are, filled with facts that ought to be considered but ought to be considered in the light of the point of view of those who requested and prepared the report.

We are all familiar with that theory. It is not uncommon for economic reports to reflect the policy of those who authorize and prepare the reports. We have a lot of lawyers in this body, and every lawyer here is familiar with the circumstance which exists in civil trials in which experts will appear for both sides, each expert having equally lengthy résumés and qualifications, and reach diametrically opposite conclusions, each in good faith.

I do not here purport to challenge the good faith of the office of this report or those who authorize it. They have a point of view, and presenting arguments which tend to support their point of view. There are other estimates and reports which tend to establish a contrary factual basis.

I tried as best I can and fairly as I can to respond.

Mr. **RUDMAN**. I thank the leader.

Will the leader yield for 30 seconds?

Mr. **MITCHELL**. I yield.

Mr. **RUDMAN**. I want to thank the distinguished Senator from Maine. I think that throws a lot of light on it. I think it would also be interesting to know what our own internal committee staffs think, assuming they are not biased, in terms of economic estimates.

But I think this has been a very valuable contribution and debate because what we heard in the last hour caused many of us deep concerns, and still does. The amendment of the Senator from West Virginia is still pending. But he raises a far more significant issue. I thank the Senator.

If there is any other statistical data from a less biased point of view, that ought to certainly be entered into the debate.

Mr. BOSCHWITZ. Will the majority leader yield for a question?

Mr. MITCHELL. Might I make one further point, and I will be pleased to do so.

I commend all Senators who might not otherwise have seen it, the document which I hold in my hand entitled "Economic Analysis, Title IV, the Acid Rain Provisions of the Senate Bill S. 1630."

The document provides valuable data on employment trends in the coal industry, both those which have been occurring and are projected to occur absent this legislation, and those which might expect to occur as a consequence of this legislation.

I suggest that all this be taken, particularly the projections as to the future, with caution and with prudence. It merely adds additional facts to be considered, as the report on which I have just commented on.

Mr. BOSCHWITZ. Will the majority leader yield for a question?

Mr. MITCHELL. Yes. Certainly.

Mr. BOSCHWITZ. I know the majority leader has been much involved in the negotiations concerning this bill. What conclusions has he reached with respect to employment and how employment will be affected by this bill? Is he maintaining that additional jobs will be created in the production of antipollution materials that will offset all the other jobs?

To me, it seems that the bill is going to cost $25 billion or $20 billion, whatever it happens to be, in that range. That is not an asset or a liability. That is a cost. That is additional overhead that is imposed upon the economy. That cannot be done in a vacuum. Something is going to be happening. Some additional cost is going to be imposed upon the economy that will make us less competitive. We may be making antipollution devices, but something is going to happen that affects jobs.

I wonder what the majority leader has concluded about the impact of this bill on the jobs.

Mr. MITCHELL. First, let me say, in response to my colleague from Minnesota, that the assertion which he presented of the cost of the bill is itself not a fact but an assertion, an estimate, represents the administration's estimate, and it includes projections of the events that will occur as far in the future to the year 2020. It also includes several assumptions which I personally do not accept, and which the EPA itself has characterized as unreasonable.

For example, the figure which the Senator used is the administration's figure, and it assumes—this is one example—that in the air toxics area all technology installed in the future covered by the estimate will be current technology, with no technological improvement between now and the year 2020.

The EPA itself characterizes that assumption as unreasonable and, therefore, since the assumption is unreasonable, I submit that the estimate which is based upon that assumption is unreasonable.

I do not think anyone can say with precision what the cost will be. I personally believe that it will be substantially less than that projected by the administration. But I know some very able and intelligent administration officials with whom I have great respect think it actually will be more.

So the first point to be made is that an estimate is speculative, and it deals with events far in the future. And it is based on assumptions which some do not accept. It may in other respects understate costs. No one can be certain.

Second, all of these cost estimates that are being used do not take into account the current costs that are being imposed on our society. The American Lung Association estimates that, in health care costs and lost productivity, the current cost is far in excess of the estimate made by the administration of the cost of the bill.

So we are already paying billions of dollars, again estimates, and this is an organization with a point of view that supports the bill, and its estimates ought to be viewed with caution in the light of that position.

So I think we ought to, when discussing the burden on society, evaluate not just the additional costs which will be imposed as a result of this, but the current costs which will be eliminated or reduced as a result of this. And one organization says we will save $20 billion, assuming that the administration's figure is correct.

My conclusion is that there is likely to be very little net job loss in our society; that I think there will be some shifts in employment. But I think overall there will be very few jobs lost.

I cite the experience of environmental legislation. We are not the first to participate in such a debate. Every time major environmental legislation has been presented, especially the Clean Air Act, dire predictions have been made as to employment consequences. It is my belief that those dire consequences did not materialize, and that there were some substantial job shifts, increase in some areas and reductions in others.

So in my estimate, and I also caution that I am obviously a proponent of this legislation, and my estimate reflects my point of view that I think there will be, in the aggregate nationwide, very little job loss, with some significant job shifting as between industries and areas.

Mr. BOSCHWITZ. So, if I may continue for a moment, the Senator from Maine, I appreciate him saying that he is reflecting his point of view with respect to the bill, just as the people who committed the survey that you pointed out, their view was that they oppose the bill. The Senator feels that this bill, despite the expensiveness of it, despite the changes it is going to impose on our society, is probably not going to have any economic effect; is that what the Senator from Maine is saying?

Mr. MITCHELL. No. That was not the question.

Mr. BOSCHWITZ. There is going to be some shifting about, but it will settle down.

Mr. MITCHELL. The question was job loss. The statement made now is to economic effect. I think there will be a substantial economic effect. I believe the net job loss will be relatively small in our national economy. I acknowledge that reflects my point of view. I think there will be substantial economic effect. I do not use the term economic effect and job loss interchangeably.

Mr. DOMENICI. Mr. President, I wonder if the distinguished majority leader would yield the floor.

Mr. MITCHELL. I do yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to express some views to the distinguished Senator from New Hampshire about his question on jobs. Before I do that, let me say to the senior Senator from West Virginia, my good friend, the chairman of the Appropriations Committee, I join with those who have said to the Senator tonight that we needed this debate. There is no question that, had this amendment not come to the floor, we would not have discussed one of the most important issues confronting this Nation with reference to environmental cleanup.

Let me go back. I am not on the committee, but so everyone will know, I was on that committee for 14 years. I participated in the two Clean Air Acts. Senator Muskie was the chairman. Senator McCLURE and I went to both conferences. We attempted to tell the American people how much it might cost.

This is a very different bill. I am for it, so no one will suspect that my conversation is because I am against this bill. I am for the bill that we reported out as a result of the work with the administration and a number of Senators.

We must think back to the difficult job that the President had in sending us a bill. Whether we agree with him or we do not agree with him. I say to my friend from New York, they used one consistent set of economic data all the way through their proliferation.

So to the extent that it was relevant, it was there all the time. And they argued for months in the White House about a bill, and many people in this administration told the President that the bill he was sending would have too serious an economic impact on this Nation. And he went with those that said so long as the bill does not cost more to implement, to buy the technology to ratchet down dirty air and toxic substances, so long as it does not cost more than $20 billion, in its second phase, per year, I am for it, said the President.

Tonight we are finally talking about why he sent another letter up saying, if you want to change some things, OK, but do not put more than $20 billion on the businesses, large and small, and on the American people, unless you have some pretty big proof that you are getting a lot of cleanup for it.

Now, he did not go through all of that because it is meaningless to say $20 billion a year. Let me ask anyone in this Chamber, if somebody sent a bill up to the desk tonight and said let us put a $20 billion tax on American corporations, large and small, would anybody say that it has no economic effect in the world we live in? Of course it has economic effect.

The answer to the Senator's question is there will be dislocation. There will be people put out of work. We are hopeful that in a $5 trillion GNP American economy that we can afford this much clean air and a cleaner environment, at this much cost, and that one way or another, with the kind of employment we have, and hopefully sustained growth, we will assimilate it, and it will not cause more harm than the benefits we get from the clean air.

So let me say to my friend that it is about $20 billion a year under consistent evaluations of the administration, a year, in its second phase of implementation. Nobody can tell you with certainty how many thousands of jobs are going to shift or how many dislocations will occur, but it is significant. Nonetheless, the President said let us do that much. We get significant cleanup. It is a big problem. We can afford it.

Now, having said that, let me just say to all of you, when we finish this, we will have the cleanest environmental laws in the world, and if you are wondering about job loss, do not forget, we all speak of competition. We all speak of Japan and Germany and all of those countries that are competing. This is a competition issue, because those companies that have to put on a half billion dollars' worth of new equipment, or an American company planning a new plant, and they go in and say, what is it going to cost, and will we comply with the laws, if it is going to cost $1 billion more here than somewhere else, they may build it somewhere else.

They also may say, if we do not know where we are going, and 8 years from now we cannot understand it, we may build it in Taiwan. So somebody is trying to figure out all of those kinds of exchanges, those kinds of values and say, what are the jobs involved? So there will be big variations, but nobody should assume it will not cost.

I submit the next phase of environmental controls that we get concerned about is how to get our competitive industrial societies around the world to put some clean controls on their pollution, because if they do not, you can bet that we are going to lose plenty of jobs under this, and when we want to clean up some more, it will even be more so. So somebody ought to apply some real innovative ideas as to how we tell those that are selling us their products that they also ought to join this war for cleaner air and pay some of their money so that we get that done.

Having said that, I want to—without going into any detail, because people have argued it far better than I, I want to say to the distinguished Senator from West Virginia, the senior Senator, that I am not going to repeat anything that has been said here. But I am very concerned when I see the statistics that say the coal mining employment in the United States in the decade preceding 1989 dropped by 100,000 jobs. I am very concerned as to whether or not we are really going to compensate miners who lost jobs because of this bill or whether or not we are going to be compensating miners because there is an industry that is slowly but surely decreasing every year in numbers.

Why do I say that? I say that because in the United States of America over the past decade, millions—not thousands, millions—of people have changed jobs because one part of America's economy phased out and another phased in.

Some of us were here when that happened in the automobile industry. An old plant closed, a new one opened. The new one had new equipment and hired 1,000 fewer people. What do we do about that? Those people obviously received some kind of benefits and some kind of assistance.

I would say to my friend from West Virginia, if he could find a way to use the same amount of money contemplated in the bill he has before us—and frankly, I am not sure how much that would be. The Senator has told us how much it would be. I am very skeptical about it because I really have seen what happens to these kinds of programs.

But we could spend the same amount of money to see to it in some way that new jobs were created or enticed or brought to the States so those people could have jobs, even though that is not quite consistent with the American market. I would feel much better about it.

But I am not so sure that 4 years of compensation, as contemplated, even under the percentages the Senator has produced here tonight, I am not sure that is the best way to help those people who are in this changing market that need help. I think they need help to find new jobs, and we need to find ways, all of us, to make the economy grow consistently so there are new jobs.

I have always been very pleased to support those kinds of legislation and those kinds of acts that are for States that need help. I regret, however, that I do not think this is the right way to do this. I think the incentives run in the wrong direction, and I do not think we are necessarily going to be helpful by doing it this way.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I would like just to have the Record indicate I mentioned earlier the Trade Adjustment Assistance Program, and I did not have the particulars.

But I think if we are going to make a comparison about what this program does against what the program might do if you lose your job because of imports, first of all, trade adjustment assistance is only available after exhausting unemployment insurance. I think that is similar.

Eligibility is 52 weeks minus UI eligibility. The average was 24 weeks in 1988 trade adjustment assistance eligibility. The coal benefit is eight times as long.

The benefit equal to unemployment insurance, the average was $163 per week in 1988. The coal benefit is going to be eight times as large per week if it is passed.

In the Trade Adjustment Act, you are eligible for 26 additional weeks if engaged in training. I would like to include in the Record what States like Kentucky, Pennsylvania, and West Virginia would receive under maximum now from unemployment insurance, and what they would receive under the coal benefit. It is a rather substantial difference.

Also, I am advised by the administration that the way you get $700 million, you say there are 5,000 workers and they are going to get $140,000 apiece over 4 years. That is $32,500 a year for not working, average. That gives you $700 million.

But this assumes you can differentiate between the ones who directly lost their jobs and the ones who lost their jobs because of reasons stated: Because of decline in the industry, new technology. So if you add that in, you cannot make any difference. What is going to make the difference is $4.1 billion, the cost of this amendment as modified.

Also keep in mind, we are only talking about phase 1 employees, and that is all the distinguished Senator intends, phase 1. But I do not know. I have not been here forever, but I have been here long enough to know if you start some program of benefits for people, in phase I, under 13,800 people that might lose their jobs, in phase 2 somebody is going to think you are taking care of them. I have to believe it, even though it would not be for a few years. If that were the case, that would add another $1.8 billion.

Still we are only covering one industry. Let us say we cover 15 industries. I do not know. You multiply that by 15. But it gets to be real money after a while.

And as the majority leader knows, I have been visiting with members of the administration. I did during the day, as I said earlier. I mentioned to the Senator from West Virginia, yesterday. We were meeting this evening. The Senator from West Virginia said he wanted to take his amendment. But we are still meeting with members of the administration to see if there is some way to come up with some response that might be acceptable and that might not discriminate against other workers, whether it is patterned after trade adjustment assistance or some other program, and I know there is precedence, as the Senator from West Virginia points out.

But, Mr. President, I am not certain we are going to have that information between now and tomorrow morning. Either we could move to table the amendment at this point, or maybe just go out at this point until we get the information. See if there is any way to reconcile the difference. If not, then we have to decide what we should do.

I do not like opposing the Senator from West Virginia any better than anybody else. If we are going to try to get this bill passed, then we are going to have to stand up on each side of the aisle and do it.

I am a little concerned about the last vote, because it was my understanding when the leadership is going to table an amendment, we would get an adequate representation from each side of the aisle, which was not the case. Nine Republicans voted not to table, as opposed to, 24 Democrats.

If we are going to finish this bill, we are going to have to have some parity around here, just as we had when I was the majority leader. I was told you furnish so many votes, and we will furnish so many votes. We are not going to be the antienvironmental crowd on this side to finish this bill so others can vote the other way.

I want to put in the RECORD what the percentages were on the last vote. Of Republicans, 79.5 percent voted to table the amendment, compared to only 55.5 percent of Democrats. We have Members on this side who are concerned about the environment, just as much as Members on that side.

If we are going to complete this bill and keep the agreement that we made, then we are going to demand parity on each side. We are not going to stand aside because a powerful Member has an amendment.

We are trying to get a clean air legislation bill passed. A lot of Members and a lot of my colleagues, particularly the majority leader and the Senator from Montana and the Senators from Rhode Island, Minnesota, New Jersey, and others have worked years and years and years, and I happen to believe the administration when they say that if this is in the bill, it will be vetoed.

Maybe there is some way to resolve it. Maybe people do not care. This is probably a free throw on the other side of the aisle. What is the difference, $800 billion, the chairman of the Appropriations Committee? Let us just toss it in there; the administration will swallow it. They swallow everything else.

I am not certain that is the case. At least, I have been advised that is not the case. I want the bill to pass. But I want it to pass fairly and squarely, with equal participation on each side. Otherwise, it is going to come to a screeching halt.

Mr. President, I ask unanimous consent to print in the RECORD the comparison I made of trade adjustment insurance and unemployment benefits.

There being no other objection, the material was ordered to be printed in the RECORD, as follows:

TRADE ADJUSTMENT ASSISTANCE

Available only after exhausting unemployment insurance.

Eligibility is 52 weeks minus UI eligibility—average was 24 weeks in 1988 TAA eligibility. Coal benefit is eight times as long.

Benefit equal to unemployment insurance—average was $163 per week in 1988. Coal benefit is eight times as large.

Eligible for 26 additional weeks if engaged in training.

UNEMPLOYMENT INSURANCE

Unemployment is a state based system with varying criteria. Only one in three unemployed workers receive benefits.

Selected states:

	Maximum	Average	Weeks
UI stats 1988:			
Kentucky	$166	$113	13
Pennsylvania	274	163	15
West Virginia	225	142	15
Vermont	169	132	12
Coal benefit	1,000	750	Up to 208

Mr. BYRD and Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I know the hour is late. There are a few comments which I would like to make, representing a State which will be very hard hit by the coal miners who will lose their jobs.

In the course of this debate, a great deal of attention has been given to the broader aspects of the bill, and lesser attention to the specific amendment offered by the distinguished Senator from West Virginia.

There has been much talk about assumptions, assertions, projections, and speculations. But with respect to the impact on coal miners, Mr. President, I would suggest this is not a matter of assumption or assertion or speculation, the coal miners that are going to be very hard hit when you talk about the decline in the coal industry, that is true.

But as a matter of fact, as a matter of proof and a matter of inference, it is pretty plain there will be a tremendous loss of jobs resulting from this legislation.

We are determined in this body to pass a clean air bill because the country needs it. The question is, how will the cost be fairly apportioned? There would have been many differences in this bill had some of us had our choices in terms of how many plants would have been designated and how the allowances would have been determined. There will still be presented on the floor an amendment which will relate to an investment tax credit which will see to it that high sulfur coal States will have a greater share of equity in this legislation.

When the assertions are made that the bill is dead, Mr. President, we want to pass a bill, but it cannot be a bill which is going to be dictated by the President, who will simply say that—or it is not really the President, it is a high administration source. Candidly, one of the concerns I have had as these negotiations have gone forward is just where the administration speaks. And these matters are subject to negotiation and subject to change. The President has spoken about an overall figure, but we have some flexibility. If it is to cost somewhere in the range of $21 billion, we can make some modifications, and we can see to it that the coal miners are fairly treated.

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There is ample precedent for this kind of legislation with Penn Central and with Conrail. When you talk about many who may lose their jobs, they are going to have glancing blows, and they are going to have some losses, but the coal miners are going to be struck square in the nose. It is going to be a direct hit on the coal miners.

That is why I think that the amendment which the distinguished Senator from West Virginia has offered has great merit. It is not a matter of West Virginia coal miners, Kentucky coal miners, or Pennsylvania coal miners. It is a matter of what is fair for America.

We want a clean air bill. We have to pay for it, but it ought not fall excessively on one small group. That is why I support this amendment.

Mr. SIMPSON. Mr. President, I know the Senator from West Virginia will conclude perhaps, and I do not want to take the body much deeper into the night. But I was part of the group that put together this package. I was not there nearly the extent of time as Senator CHAFEE and Senator MITCHELL and Senator BAUCUS and Senator BREAUX. I do not think Senator BREAUX missed a meeting. I watched people come in and out, they came in and out to do their provincial or regional business. That is what they came in and out for, and I was an in and outer doing my regional and provincial business.

We labored last week until 3:30 in the morning one night, 12:30, 11:30. I was at those. Some yet feel excluded from the process. It that was so, it was certainly not intentional, as I saw it.

But through these hours and days, we came up with what we thought was something we could hold together because, you see, I have been on the committee for 12 years. I think I am one of the survivors on our side of the aisle because everybody that gets on gets off. There is nothing to be gained in the Environment and Public Works Committee unless—you know, you have to watch that you are not labeled as a soot-covered slob in the Environment and Public Works Committee. And that is very easy, and you can miss half a vote, you can come out of there with an amendment, 16 to zip, and the next morning in the paper it says you have gutted America. So it is a pretty disastrous service there, I know.

But I can tell you this. People try hard to develop every other kind of legislation, and we do it beautifully, but we never do it here because of the extremism on both sides, absolute extremism. Those who tell us that there will be 300,000 jobs or 1 million jobs gone and those in the environmental community who want a degree of purity that makes you laugh. It makes you laugh.

And so we have had nothing in 10 years but the same stuff belching into the atmosphere, nothing but the same stuff. And people are going to leave here, and we are about to do it again because all during those meetings, and I think all of us who were there will say that the administration would say, "That is 100 million bucks, and we cannot do it. That is it, and we will have to shut down." They were not fooling. And now you are going to get to the point where you are going to add $800 million or $1.2 billion or $700 million.

I'm just saying it is a blockbuster. It is in every sense something that will bring this bill down. There will be no bill. And there are plenty of people in this Chamber that do not want a bill. You have to remember, as we used to say when I was in the Wyoming Legislature, "Keep your eye on the rabbit." There are people in this Chamber on both sides of the aisle who do not want anything. They would never tell you in that way, but they really do mean that very, very, very much.

So, as we look at this and here about jobs, I cannot help but reflect—and I promise I will not go into my pitch. I can see a couple watching. It is only going to be 3 more minutes.

But let tell you, the whole uranium industry of Wyoming went down the pipes, and we never came here for anything. Would not have got it if we had. They would have said, "Too bad." The whole industry disappeared. And then the oil and gas industry went down the pipes. And we did not do anything there either. Minimal training. A whole industry went down the pipes because of imports, because of the market, because of the price of uranium because of Three Mile Island.

We have never had an energy bill in the United States and we never will until we finish this bill. Only when we finish this bill will we ever have an energy plan in the United States, because this will be the focus to get us to do one.

But let me just say to you that as I watched those two industries—and you talk about provincialism—and just watched them disappear, you knew that there was really nothing right about coming here and asking the Federal Government to make whole every lost uranium job and every lost oil and gas job. If that is what we are about in a capitalistic society, we are all missing something. What happened to risk? The risk now in capitalism, I guess, if you go broke, you come to the Federal Government to get made whole.

My father was a member of the United Mine Workers. I know what that is. And I know what black lung is. You heard Senator CHAFEE speek about that. Black lung is the most abused program in the United States. I have had people come to me and say, "They took my benefits." "Well, let us look into it. What happened?" "Well, when I told them I worked for Union Pacific Coal Co. I forgot to tell them I have worked in the mercantile store and I have never seen a lump of coal." That happens in real life. We always get the horror stories in this place about the wretched, the kids, the downtrodden, the mangled, and we never hear about the boobs and the bums and the euchrers and the people who do a number on every Federal program we have.

Well, that has happened with black lung. Who is going to turn down anybody with black lung? Who wants to be that kind of a person?

And so we do not. And that is why it is $3.5 billion.

That is the way it is.

Medicare? It was only supposed to be about $9 billion at the end of the decade. And that is what Hubert Humphrey said on this floor, and it is already $99 billion.

Mr. ROCKEFELLER. Will the Senator from Wyoming yield?

Mr. SIMPSON. Yes, I will yield for the moment.

Mr. ROCKEFELLER. I will try to do my best to put the Senator at ease. Of those coal miners who apply for black lung benefits these days, 3 percent are accepted into the program.

Mr. SIMPSON. Well, Mr. President, I think that is a pretty good example of what has happened to the program. If 97 percent are rejected then we know at one point—I would have thought they found a source there that was not there for them because they were inflating their claim.

Would that not be? I think so, if there is that kind of rejection rate. That is what I am saying. It was there and it has been abused. Very much abused.

Let me conclude here. Nothing has been said about this, and this cannot be left out of this debate. There will be a tremendous increase in low-sulfur coal in the high-sulfur coal States. The high-sulfur coal States do not just harbor in their veins high-sulfur coal. They have low-sulfur coal. And it is going to be used and a lot of it is going to be used.

Nothing is said here about this tremendous increase in low-sulfur coal jobs in the Eastern States, and it is going to be true. There will be some increases in eastern low-sulfur coal production. West Virginia has some very significant deposits of various kinds of coal, including large deposits, comparatively, of low-sulfur coal. Increases in low-sulfur coal production in Kentucky and West Virginia are going to offset some of these figures that have been presented the EPA. Everybody uses their own figures in this place. We have all learned that one.

EPA estimates that there may be as many eastern low-sulfur jobs gained as high-sulfur jobs lost in phase I. It could be, of these 5,000 jobs lost, over 4,000 jobs could be gained. And that is being left out of this debate and that is wrong.

The real issue is that we have a declining industry. And the conflict within the United Mine Workers is so total, that while they speak for their members in West Virginia, they allow their members in Wyoming to go down the pipes. No wonder the conflict is so total with the United Mine Workers. They do not know who they represent. But they certainly do not represent their union members in Wyoming. And we have those kind of people in Wyoming.

The real issue is the toughest one of all, and that is this amazing man from West Virginia, the chairman of the Appropriations Committee, for whom we have the deepest respect and who has the most awesome prowess in this place, is at this point in this debate. There is not a single one of us who does not know what that means about the chairman of the Appropriations Committee.

I do not want to take on Robert Byrd of West Virginia. I write him letters all the time saying "how about a little fence around the elk refuge?" "How about a little tidbit here?"

And his letters come back with a beautiful handwritten note: "Alan, I think we can take care of that."

So, this is the ultimate hazard, the ultimate hazard is now upon us.

But I can tell my colleagues this: They are going to find out if they vote for this, they will lose this bill. They will lose this bill. Just what most have lusted for and wanted all their lives of Congress, and they are going to lose it on this amendment, if this amendment passes. They will not have anybody to blame but themselves. And they will get 10 more years of nothing.

Anyone who wants to go back home and talk with the Greenies, or the Blackies, and tell them that you came to Congress and did a Clean Air Act but you did not have the guts and you are going to let 10 more years of this stuff belch into the atmosphere because you did not have the guts to do what you know you have to do—and now it is crunch time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I will be very brief and yield the floor.

I think this debate tonight has been the best debate we have had thus far on the Clean Air Act, when Senators were here to listen to what is going on and what the potential risks are for the employment potential of the people of the United States of America. I might say to my colleagues, this may be a great compromise, this package that came out of the Environment and Public Works Committee. They found it was in great trouble on the floor and it went to the majority leader's office to be worked on for 3 or 4 weeks. It may be a great compromise but that does not mean it is a good deal for the working men and women of the country.

There has been a lot said about this report here tonight by the majority leader and other Senators, this report by two very distinguished economists, Robert Hahn, of the American Enterprise Institute, William Steger, of Concept Research Corporation.

I suggest to my colleagues who are asking all these questions, these are not extremists. I might say that to the distinguished Senator from Wyoming, the distinguished Republican whip, Senator Simpson.

I will read the conclusion of a draft summary of their report. It is very short. It will take just about 30 seconds to read it and I suggest to the majority leader and Republican leader, maybe they could invite these two here. We can have another meeting in S-207 or some other room nearby the Chamber and let the Senators ask them what the assumptions are.

As I read this report they said they did not account for new jobs gained. It is only jobs lost.

On Tuesday of this week I put in the Record the jobs at risk that come from this report. It is up to around 2.5 to 3 million jobs at risk in this country, if this bill passes.

But the conclusion of their draft statement that they sent to me says: "There is no doubt"—I am quoting now from Robert Hahn, Ph.D., William Steger, Ph.D.

> Conclusions.—There is no doubt that, across the several titles of the proposed CAA amendments studies, there are a minimum of several hundred thousand jobs at risk—even with the more moderate proposals. Furthermore, depending on the assumptions, this study leaves little doubt that a minimum of 200,000-plus jobs will be quickly lost, with plants closing in dozens of states. This number could easily exceed one million jobs—and even 2 million jobs—at the more extreme assumption (e.g., achieving a one-in-one million residual risk level.)

And that is the 1 in 1 million residual risk level.

> Few industrial sectors would be totally immune from such adversity. Large and small businesses, including new and established enterprises, in dozens of industrial sectors, in locations everywhere in the United States, would be seriously affected.

I will not read the rest of it. My colleagues get the gist of it.

I ask unanimous consent that this draft report be printed in the Record at this point, with the accompanying table which lists what the impact of jobs at risk would be in each of our respective States.

There being no objection, the material was ordered to be printed in the Record, as follows:

DIRECT ECONOMIC IMPACTS OF PROPOSED CLEAN AIR ACT AMENDMENTS: JOBS LOST AND JOBS-AT-RISK

(By Robert W. Hahn and Wilbur A. Steger)

If extreme and unnecessarily costly proposals for controlling air toxics, ozone, acid rain and creating onerous new permitting provisions are implemented by Congress, there is increasing concern—and a very real possibility—that the resulting significant economic dislocation will translate into direct job losses and place other jobs at severe risk.

Americans want to see clean air legislation passed this year. But they also want to know how much cleaner air will cost them in terms of higher prices. They are also concerned that hundreds of companies will close plants and move offshore, resulting in prolonged layoffs and decrease in real wages. Indirect multiplier effects will result in other job losses and reduced public health for hard-hit workers and their families.

Little, if any, of this information has been available from the agencies involved. . . either the Environmental Protection Agency or a host of others. This report is the first such set of comprehensive "what if" forecasts, examining—under a variety of possible Clean Air Act (CAA) amendment scenarios ranging in their impacts from moderate and reasonable to severe—the job consequences of differing versions of the proposed legislation.

Jobs are a critical economic indicator—socially and politically. Where jobs are gained or lost and which industries and workers are affected and economic outcomes which stimulate local public interest, and sometimes alarm, particularly if significant numbers of jobs are at risk in the same community. This report was prepared by Dr. Robert W. Hahn, an associate professor of economics and public policy at Carnegie Mellon University, a resident scholar at the American Enterprise Institute and, most recently, a senior staff economist of the Council of Economic Advisors from (1987 through 1989); and Dr. Wilbur A. Steger, an adjunct professor of public policy at Carnegie Mellon University and chairman of the board and president of CONSAD Research Corporating. He is the author of dozens of economic impact studies for Congress, the EPA and the U.S. Departments of Energy Labor, Commerce, Interior, Transportation, and private sector corporations and associations.

The report builds on the recently released Business Roundtable study, "Clean Air Act Legislation Cost Evaluation." The Roundtable study provides the raw materials to begin to examine economic consequences. It is the most comprehensive cost analysis of all proposed CAA Amendments, investigating costs under a number of different assumptions. This study targets what many consider to be the key economic indicator: jobs-at-risk and jobs lost.

We have tried to estimate how hundreds upon thousands of large, medium, and small firms will react to pollution control cost increases, some which may occur quickly and others which may occur only over the longer run.

The impact of most, but not all, of the CAA amendments are assessed, here: first, the Title III Amendments—Hazardous Air Pollutants; second, the title V Amendments—Acid Deposition Control (especially as they affect energy-intensive industries); and third, the Title IV Amendments—Permits (especially as they affect small business). This prioritization is based on the authors' perception of which sectors: (1) have received the least serious attention to date concerning their economic impacts; (2) might experience the greatest economic impacts, measured by jobs-at-risk, including locational and sectoral extent; and (3) exhibit the most severe impacts at grass roots levels.

Air Toxics.—In particular, we focus on the job impacts of alternative air toxics "scenarios" since there continues to be a significant range of control options under discussion by the Administration, the Senate, and the House Representatives. Table ES.1 summaries the key results of this portion of the study. Depending on the assumptions, job estimates vary over a range from approximately 20,000 jobs lost to over 2 million jobs adversely affected—at least a million (plus) severely affected. These "scenarios" vary according to assumptions about the degree and severity of control, the number of industrial sectors and plans considered, and the reasons underlying the economic (jobs) effect.

Table ES.1, columns 1 and 2, were developed using EPA's own methodology for estimating job losses for a group of selected industries where there are no known technologies, to achieve either a one-in-10,000 or a one-in-one-million residual risk level requirement. This is a very limiting case, since it embraces only a handful of industries and plants. This "technological impossibiity" scenarios is a rock-bottom estimate of jobs impact. All the other cases are considerably broader in scope.

In columns 3 and 4, we take a much broader look at the numbers of jobs affected for two scenarios that most closely approximate the thrust of the Administration bill. Column 3 represents a more stringent level of MACT (Maximum Achievable Control Technology). Column 4 represents a more stringent level. Column 5 shows the number of jobs affected for the least stringent set of MACT and residual risk requirements, while column 6 indicates the number of jobs affected for the most stringent set of MACT and residual risk requirements contained in the various bills. Thus, together, columns 3-6 encompass the full range of jobs affected by alternative air toxics proposals. Table ES.2 further summarizes the key air toxics CAA Amendment impacts for the scenario presented in columns 3-6 of Table ES.1.

The "bottom-line" jobs-at-risk estimates from the air toxics proposals follow:

"In those cases where plants have the technology to achieve the required degrees of protection against risk, the jobs-at-risk range—depending upon the assumptions about the severity of pollution controls—from approximately 550,000 workers under the Administration bill, involving approximately 10% of all U.S. plants considered, to as many as 2.4 million workers and almost 60% of all U.S. plants under consideration.

"In-between assumptions about severity of controls lead to an estimated 1.1 million jobs-at-risk in more than 20% of all U.S. plants under study."

In each of these scenarios, the majority of plants affected are in the electric and gas utilities; chemicals; paper products; stone, clay and concrete; primary metals; lumber and wood products; and petroleum refining sectors. The majority of jobs affected are in transportation equipment, chemicals, primary metals, paper products, electronics, petroleum refining, industrial machinery, and electric and gas utilities sectors.

With respect to the localities affected, 895 counties (of the approximately 3100 U.S. counties) are impacted under the Administration proposals, 911 counties are impacted under more severe pollution control legislation, and 1,466 counties (almost half) are impacted under the most severe. These contain from 151 to 190 million people or about 67 to 84 percent of the 1980 total United States population.

Jobs affected by air toxics provisions can readily exceed 2 million, an enormous number, depending on the severity and costs of environmental controls, the number and size of plants, and the industrial sectors affected. At the extreme, almost 50 percent of United States counties will experience jobs-at-risk, ranging from certain job losses to jobs significantly and adversely affected.

Acid precipitation control.—The acid rain provisions, while primarily focused on reducing sulfur dioxide (SO_2) and nitrogen oxides (NO_x) emissions from electric utilities, will also substantially impact energy-intensive industries because higher costs are expected to be passed on to industrial customers in the form of higher rates. In all, for the principal electricity-consuming industries examined in this study, there are an estimated 1,719 plants in 96 counties in the 20 states that contain the 107 utility plants affected by the acid rain provisions. These plants employ 232,000 workers whose jobs may be affected by the proposed amendments. In particular, many of the jobs affected are in states—for example, Indiana, Missouri and Ohio—that are expected to experience the largest increases in electricity rates for industrial customers. Moreover, the 232,000 jobs in these 96 counties represent about 3.9 percent of the total employment in these counties.

Permitting and small business impacts.—For small businesses—both those in the gestation stage and for those already in operation—the impact of the proposed CAA Amendments is quite different from that on larger firms. Small businesses subject to the permitting requirements—especially those in ozone non-attainment areas—are expected to incur new and significant control costs. For example, we estimate the average small business will be charged approximately $15,000 for fees to cover permitting expenses. These operating permits would be valid for up to five years according to the Administration bill. In addition to these permitting fees, equipment to continuously monitor the emissions of up to four pollutants is likely to cost from $50,000 to $250,000 including the cost of software (about $25,000 to $50,000 of the total cost). For the selected group of small business industrial sectors examined in this study, we estimate that there are 87,129 plants with 1.1. million workers or, on average, about 13 employees per plant throughout these counties. These 1.1 million jobs affected by the permitting requirements of the proposed CAA Amendments represent about 2.3 percent of the total employment and about 2.6 percent of the total small business employment in the ozone non-attainment counties.

Compounding influences.—Jobs affected by the air toxics, acid rain, or permitting provisions of the proposed CAA Amendments will be increasingly at risk if the communities in which the affected plants are located are already in a difficult economic position. Critical economic factors include: already high levels of unemployment and underemployment; a significant underclass; troubled, perhaps fiscally failing municipalities; and other indicators of already adverse economic conditions. Furthermore, the compounding effect is interactive. Jobs lost due to plant closings or massive layoffs will increase unemployment in already distressed communities. Municipalities already burdened with extraordinary expenditures and reduced revenues will suffer from a decrease in tax collections. Particularly troubled workers will have a higher chance of filling into the underclass, from which the chances of recovery are a good deal worse than a more short- to medium-length period of unemployment.

Conclusion.—There is no doubt that, across the several titles of the proposed CAA amendments studies, there are a minimum of several hundred thousand jobs at risk—even with the more moderate proposals. Furthermore, depending on the assumptions, this study leaves little doubt that a minimum of 200,000-plus jobs will be quickly lost, with plants closing in dozens of states. This number could easily exceed one million jobs—and even 2 million jobs—at the more extreme assumption (e.g., achieving a one-in-one million residual risk level). Few industrial sectors would be totally immune from such adversity. Large and small businesses, including new and established enterprises, in dozens of industrial sectors, in locations everywhere in the United States, would be seriously affected.

We encourage others to continue the investigation of these job impacts. The CAA Amendments, if unnecessarily severe and rigorous can have an immense, adverse impact.

We do not believe it is in the national interest to ignore these potential job impacts. We strongly urge the nation's lawmakers to carefully consider these economic consequences before embarking on a policy that could adversely impact the overall competitive position of the United States and its component regions.

TABLE ES.2.—SUMMARY OF AIR TOXICS CAA AMENDMENT IMPACTS, BY SCENARIO

	At most 909 percent MACT[1] and no specific residual risk level requirement	At most, 90 percent MACT[1] and 1 in 10,000 residual risk level requirement	At most, 98 percent MACT[1] and no specific residual risk level requirement	Full compliance with 98 percent MACT[1] and 1 in 1,000,000 residual risk level requirement
Total number of plants evaluated[2]	9,821	9,821	9,821	9,821
Number of plants not subject to the air toxics provisions[3]	3,371	3,371	3,371	3,371
Number of plants subject to the air toxics provisions[4]	6,450	6,450	6,450	6,450
Number of plants incurring no incremental VOC control costs	4,422	4,327	4,280	1,143
Number of plants incurring incremental VOC control costs	2,028	2,123	2,170	5,307
Plants with no existing VOC controls	1,592	1,593	1,595	4,349
Plants with insufficient existing VOC controls	436	530	575	958
Total incremental VOC control costs (billions of dollars)[5]	14.7	18.8	18.8	46.8
Total number of jobs affected (thousands)	1,031	1,070	1,102	2,417
Total number of counties affected	895	911	914	1,466
Total employment in counties affected (thousands)	58,135	58,769	59,045	70,427
Total 1980 population in counties affected (millions)	151.1	153.9	154.8	190.3

[1] Maximum Achievable Control Technology.

[2] Includes all U.S. plants in EPA's 1985 National Emissions Data System (NEDS).

[3] Includes those plants that are not estimated to emit 10 or more tons per year of an individual air toxics pollutant or 25 tons or more of all air toxics pollutants (i.e., the 10/25 rule).

[4] Includes those plants that trigger the 10/5 rule.

[5] The total incremental VOC control costs for Columns 3 and 4 may be high by a factor of two since facilities can achieve cost savings by controlling particular emission sources in the facility above 90 percent, and other emission sources in the facility below 90 percent, and still achieve an overall facility MACT of 90 percent. For a facility MACT of 98 percent (as in Columns 5 and 6), such cost savings are not possible. For further details, see Denny Technical Services (1990a).

Robert W. Hahn,
American Enterprise Institute,
Washington, DC.

EDUCATION

1977-81: California Institute of Technology, Pasadena, California, M.S., 1979, Ph.D., Economics, 1981.

1976-77: Stanford Graduate School of Business, Stanford, California.

1971-75: Brown University, Providence, Rhode Island, B.A., Mathematical Economics, 1975; M.A., Economics, 1975. Languages: Spanish. Honors: Phi Beta Kappa.

EMPLOYMENT

1989: Resident Scholar, American Enterprise Institute, Washington, DC.

1987-89: Senior Staff Economist, Council of Economic Advisers, Washington, DC.

1985-89: Associate Professor of Economics, Department of Engineering and Public Policy and School of Urban and Public Affairs, Carnegie Mellon, Pittsburgh, Pennsylvania.

1982-85: Assistant Professor of Economics, Department of Engineering and Public Policy and School of Urban and Public Affairs, Carnegie Mellon, Pittsburgh, Pennsylvania.

1981-82: Research Fellow, Environmental Quality Laboratory, California Institute of Technology, Pasadena, California.

1981: Instructor, Pitzer College, Claremont, California.

1978: Economist, Council on Environmental Quality, Washington, DC. (summer).

1976: Economist, World Bank, Washington, D.C. (summer).

1975-76: Division Staff, MITRE Corporation, McLean, Virginia.

1973-75: Math Teacher, Transitional High School, Providence, Rhode Island.

PUBLIC SERVICE

1983-89: Co-founder of the Community Preparatory School, Providence, Rhode Island.

PROFESSIONAL AFFILIATIONS

American Economic Association.

Association of Environmental and Resource Economists.

Association for Public Policy Analysis and Management.

Editorial Board—*Journal of Environmental Economics and Management.*

AWARDS

American Association for the Advancement of Science Fellowship.

Barr Award for Outstanding Research in Applied Public Economics.

Brookings Fellowship.

Caltech McDonnell Award for best graduating student in Social Science.

RESEARCH PROJECTS AND FOUNDATION SUPPORT

Agency for International Development, "Marketing and Processing of Crops in Uganda."

Electric Power Research Institute, "Organizational Aspects of Power Pooling."

Environmental Protection Agency, "An Examination of EPA's Controlled Trading Options."

Environmental Protection Agency, "An Evaluation of Mechanisms for Complying with the Ozone Standard."

Matsushita Foundation, "Educational Development."

National Science Foundation, Decision, Risk and Management Science, "The Emergence of Markets for Controlling Risks."

National Science Foundation, Regulation and Policy Analysis, "Spot Markets for Electricity."

Office of Technology Assessment, "Designing Economic Incentives for the Clean Air Act."

Rhode Island Foundation, "Options for Alternative Education."

Wilbur A. Steger,
CONSAD Research Corp.

Wilbur A. Steger is president, chairman of the board, and founder of CONSAD Research Corporation, a national private-sector think tank that he launched in 1963. He has been a consultant and advisor to federal, state, regional, and local executive agencies. He currently is a senior consultant and advisor to the U.S. Environmental Protection Agency, the Department of Labor, the National Science Foundation, the Department of Interior, the Department of Energy, the Department of Defense, and the Department of Health and Human Services on issues of public health, environmental health and safety, health economics and public policy. He has also served as an economics and systems analyst consultant to a number of corporations, including Alcoa, AT&T, Westinghouse Electric, USX, and many others, as well as The Business Roundtable and the American Iron and Steel Institute. He has been an advisor to the Presidential Task Force on Regulatory Reform and continues to advise that Office on technology, economic, and regulatory matters.

Dr. Steger received his B.S. in economics from Yale University and his M.S. and Ph.D. in economics from Harvard University. He was a teaching fellow at Harvard from 1952 through 1955, an adjunct professor at the University of Pittsburgh from 1963 through 1973, and is currently an adjunct professor of Policy Sciences at Carnegie Mellon University. From 1955 through 1962, Dr. Steger was a member of the Logistics Department of the RAND Corporation, becoming chief economist of the RAND Logistics Simulation Laboratory in 1958.

At CONSAD, in the economic impact, arena, Dr. Steger has been the principal-in-charge of the more than one hundred important CONSAD nationwide assignments, for two dozen Federal agencies, and several important Congressional studies. The special focus has been the employment and output consequences of regulation at state and local levels.

Dr. Steger has published more than one hundred research papers, monographs, reports, and books. He is a member of the major professional economics associations, as well as a founder of a number of nationwide professional organizations.

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus.			
Alabama	31,778	37,775	34,670	56,412	9,438	4,890	46,106	70,740
Alaska	3,251	3,251	3,251	4,786			3,2,51	4,786
Arizona	8,326	8,326	8,326	12,059	14,520		22,846	26,579
Arkansas	9,098	9,286	3,098	14,141	156		9,254	14,297
California	29,659	29,659	30,194	132,991	210,243		239,902	343,234
Colorado	7,612	7,612	7,612	20,090			7,612	20,090
Connecticut	18,838	18,838	19,209	30,691	20,637		39,475	51,328
Delaware	2,637	2,637	2,637	14,872	4,580		7,217	19,452
District of Columbia	50	50	50	250			50	250
Florida	14,118	14,118	14,466	29,619	30,781	7,599	52,498	67,999
Georgia	18,289	18,422	18,481	51,433	22,019	6,329	46,637	79,781
Hawaii	3,055	3,055	3,055	5,254			3,055	5,254
Idaho	675	675	675	2,791			675	2,791
Illinois	54,668	55,917	58,219	109,660	79,707	6,250	140,625	195,617
Indiana	81,136	81,136	82,872	155,798	16,788	28,559	126,483	201,145
Iowa	14,949	14,949	14,949	26,373		6,932	21,881	33,305
Kansas	3,594	3,594	5,309	19,531	6,110	8,427	18,131	34,068
Kentucky	16,559	16,559	19,017	37,506	11,334	9,000	36,893	57,840
Louisiana	26,619	26,619	26,665	38,894	7,757		34,376	46,651
Maine	3,185	3,185	3,185	10,245	4,214		7,399	14,459
Maryland	8,002	8,002	8,042	27,169	29,526	10,502	48,030	67,197
Massachusetts	13,424	13,574	14,868	24,446	53,874		67,298	78,320
Michigan	46,992	46,992	47,734	181,083	36,272	3,464	86,728	220,819
Minnesota	17,890	17,890	17,890	27,599			17,890	27,599
Mississippi	13,813	13,813	13,813	27,082	685	272	14,770	28,039
Missouri	58,066	58,066	58,440	87,336	25,914	21,442	105,422	134,692
Montana	1,261	1,261	1,261	3,923			1,261	3,923
Nebraska	3,750	3,750	3,750	6,820			3,750	6,820
Nevada	0	0	0	2,316			0	2,316
New Hampshire	4,339	4,339	4,339	10,621	7,605	1,387	13,331	19,613
New Jersey	12,510	13,368	25,492	43,817	90,458	69	103,037	134,344
New Mexico	2,209	2,209	2,209	7,413			2,209	7,413
New York	70,083	79,280	81,415	140,458	98,652	8,570	177,305	247,680

JOBS-AT-RISK AND JOB LOSSES RESULTING FROM PROPOSED CLEAN AIR ACT AMENDMENTS—Continued

State	All plants affected by air toxics provision permitting acid rain						1 Permits A.R.	9 Permits A.R.
	Scenario 1	Scenario 3	Scenario 4	Scenario 9	Small bus			
North Carolina	16,135	16,135	16,135	114,736	27,427		43,562	142,163
North Dakota	61	61	61	635			61	635
Ohio	92,346	93,145	94,322	210,170	69,351	46,780	208,477	326,301
Oklahoma	4,044	4,165	4,165	23,703	4,346		8,390	28,301
Oregon	4,651	4,651	4,651	11,591	8,703		13,354	20,294
Pennsylvania	54,246	55,370	55,430	135,015	71,533	24,714	150,493	231,262
Rhode Island	826	826	879	5,939	9,878		10,704	15,817
South Carolina	4,672	4,672	4,672	45,619	9,627		14,299	55,246
South Dakota	320	320	320	811			320	811
Tennessee	69,027	69,034	78,707	92,377	17,833	8,305	95,165	118,515
Texas	62,239	84,810	75,918	114,967	69,377		131,616	184,344
Utah	8,145	8,145	8,145	14,210	5,516		13,661	19,726
Vermont	1,573	1,573	1,573	2,038			1,573	2,038
Virginia	33,979	33,979	33,984	107,378	19,642		53,621	127,020
Washington	11,468	11,468	11,468	67,469			11,468	67,469
West Virginia	20,485	22,360	23,105	31,290	2,854	1,967	25,306	36,111
Wisconsin	41,823	41,823	42,206	74,949	16,731	26,437	84,991	118,117
Wyoming	1,341	1,341	1,351	3,425			1,341	3,425
United States	1,027,816	1,067,085	1,098,285	2,414,804	1,114,088	231,895	2,373,799	3,760,787

Mr. SYMMS. I suggest to the minority and majority leaders that maybe Senators would be interested in personally interviewing these economists and asking them what the impact will be.

I say again, it may be a great compromise but, my colleagues, for the sake of the working men and women in this country, what is a great political compromise may be a lousy deal if those are the people who are impacted. It is a lousy deal for the coal miner in West Virginia, who loses his job or her job as a result of this bill. It is going to be a lousy deal for the chemical worker, for the pharmaceutical worker, and for all those other industries that will be driven offshore as a result of this legislation.

I yield the floor.

The **PRESIDING OFFICER.** The Senator from Ohio stood first and is recognized.

Mr. BYRD. Mr. President, the Senator from Ohio has been recognized. The rules do not suggest that the Chair recognize the Senator who stands first. The Chair must recognize the Senator who seeks recognition first.

Mr. GLENN. I will yield the floor. I yield the floor.

Mr. BYRD. I meant no disrespect for either the Senator from Ohio or the Chair. The Chair simply said the Senator from Ohio stood first.

Nobody can argue with the Chair, because whatever he says with respect to recognition is not debatable.

Mr. President, I heard the argument here tonight that the coal mining industry is a declining industry.

It sounds to me as though what I am hearing said is that those people down there are going to lose their jobs anyhow, and so it will just be a little longer and a little more pain. We ought to bring in other kinds of jobs.

We have seen jobs go overseas now to the extent I doubt we are going to see other jobs brought into those areas. We have seen our steelworker jobs go overseas; we have seen our pottery making jobs go overseas; our shoe factories, we had half a dozen shoe factories in West Virginia and they are gone.

Yes, I have seen the jobs decline in the coal industry, may I say to my good friend from Wyoming, Senator SIMPSON. There were 130,000 coal miners in West Virginia when I ran for the House of Representatives 38 years ago—130,000. And today they are down under 30,000, and they are still declining. But we will never reach the day when we will not require some men or women, and there are women who work in those mines as well, to operate those machines. Mechanized mining has taken a lot of jobs, but we will never get to the point where those machines will operate by themselves without human beings operating the machines. We have about reached the bottom now.

Then it is said in West Virginia there is high sulfur; there is low sulfur. And if the high-sulfur jobs are taken away, the low-sulfur parts of West Virginia and the southern part of southern counties will absorb those jobs.

Mr. President, miners who lose their jobs in Marion County, Harrison County, and Barbour County, and other counties in northern West Virginia, north-central West Virginia where the high-sulfur regions exist, are not going to McDowell County, and Raleigh County, and Mingo County, and Mercer County. They are not going down to the counties in the southern part of West Virginia where there is low-sulfur coal, and take those jobs. With the mechanized equipment that they have in southern West Virginia, they can produce the additional coal without taking on any more coal miners from northern West Virginia.

So once those jobs are lost in those high-sulfur regions, they are going to be lost for good. They are not going to be absorbed in southern West Virginia. I know. I am from West Virginia, and my colleague Senator Randolph—by the way, I called Senator Randolph today. He had a saying that went like this: Eighty-eight on the 8th. Today was his birthday, and he was 88 years old. So call him if you get a chance in the next few days. He will be pleased to have you call him.

My colleague, Senator ROCKEFELLER, knows that those high-sulfur jobs, when they are gone, are going to be gone, and not only will those jobs be gone, but two nonmining jobs will be gone for every mining job that is lost.

So there is going to be economic havoc wreaked on those communities in northern West Virginia and north-central West Virginia and in the other States in Appalachia. I am not just here talking about the jobs in West Virginia; I am talking also about jobs in other parts of Appalachia and in the Midwest.

My friend from Oklahoma spoke about the income that would still be coming into the miners' homes if this legislation were to be adopted. He was talking about those high salaries that coal miners would be getting as a result of this legislation if they lost their job. I am sure they would rather keep their jobs than to have the benefits that would accrue to them under this legislation.

He said that would be a much higher average income than the rest of the country; I must say it would be a much higher income than it would be in some other parts of West Virginia. I do not know how many Members of this Senate have been back in a coal mine. You ought to go sometime. Hear the timbers cracking to your right, and the timbers cracking to your left, and see the tipple bottoms up over your head. They just drop out. They kill people.

Someone said something about black lung. My brother-in-law died of black lung. He was not one of those cheaters. He died.

Of course, there always will be some people who will try to take advantage of any program. I tried to cut off the unqualified welfare recipients here in the District of Columbia when I was chairman of the Appropriations Subcommittee for the District of Columbia for 7 long years. I did not have another chance to graduate to another subcommittee because there just were not any openings. Fifty-nine percent of the aid to the totally and permanently disabled went to those who were not qualified. I did not write the regulations, but as chairman of the subcommittee, I felt it my duty to try to appropriate moneys, taxpayer's money to the District of Columbia prudently. The same way with the moneys paid to families with dependent children.

There will always be unqualified people to take advantage of every program that comes along. So some undoubtedly receive benefits from black lung who were not qualified. I do not question that.

Mr. President, yes, this would be a much higher income than the average income across this country, but working in the coal mines is the most hazardous occupation in this country. Certainly it is right at the top. I would not want to earn my living in a coal mine. I would not want to work in the coal mines, in the deep mines of West Virginia for the salary that I get from being a Senator, the salary that I get for being President pro tempore. I would not want to work in a coal mine.

I will not stand here tonight and tell the horror stories some have mentioned about the mine explosions. Those miners take their lives into their hands every day they walk into that mine. They do not know whether they are going to come out again or not. There are scores of bodies still in the last explosion in West Virginia, never have been recovered out of the mines in north-central West Virginia, a high sulfur producing region.

So it is the most hazardous occupation in this country. So they are entitled to a little more money than the average income.

Then we keep hearing that the administration will veto this bill, this amendment will kill this bill. Mr. President, I cannot believe that the White House is going to veto a bill because there is an amendment added in the U.S. Senate which still has to go to conference that would cost $700 million, at the most, according to the EPA estimates as to job losses. I cannot believe it.

Then we hear that if this amendment is adopted, we are going to see amendments that will provide for the inclusion of all other job losses in this country. Voltaire was asked when he was dying, "Can you see heaven?" He said, "One world at a time." So let us take one amendment at a time. Let us adopt this amendment, and then let us see if the administration says hands off, let us forget about it, just forget about it. I believe that is what he said.

Let us take one world at a time, take one amendment at a time. Let us see if the administration says the bill is dead. This bill still has to go to conference. Not everybody in this Chamber is a dummy. It still has to go to conference. It will be whittled down there in all likelihood.

So that the Members will not be kept overly long now, let me repeat what this amendment does so that we will all know. There have been a lot of rumors going around here about billions of dollars. I heard that this amendment would cost $11 billion. Five thousand miners. How much is that per coal miner? How much is that per coal miner if it cost $11 billion? That sounds like it cost more than $2 million per coal miner. What is it? How much is it per coal miner, $11 billion? Five thousand. Anybody can take the old math or the new math and they know that is pure horseradish.

Here is what the amendment does. Eligibility would be limited to terminated workers employed as coal mine workers for more than 6 months. I have heard it said, "Oh, if that amendment is adopted, if they just work 6 months, they will be entitled to 6 years of payments." If they only work 6 months, they will not get anything. They will get unemployment compensation. That is all. Eligibility would be limited to terminated workers employed as coal mine workers for more than 6 months. The lengths of benefits would be equal to the lesser of—equal to the lesser of—a worker's length of employment as a coal miner, or 4 years, whichever is the lesser. If he is employed 2 years, he would only qualify for 2 years under this amendment. If he is employed 1 year, he would only qualify for 1 year of compensation under this amendment. If he is employed 3 years, he would qualify for 3 years under this amendment. And the maximum for which he would qualify would be 4 years and he would have to have worked in the mines for 4 years prior to being terminated as a result of this legislation before he would qualify for that length of time.

In the first year after termination, protected employees would be eligible to receive benefits equal to 80 percent of the compensation and benefits they received during the 12-month period prior to their termination, 80 percent; the second year, 70 percent; the third year, 60 percent; the fourth year, 50 percent of the prior compensation.

Benefits paid under the program would be reduced dollar for dollar by the amount of any earnings from any other employment during the period of eligibility, and to encourage retraining—someone mentioned retraining—protected employees would be eligible to receive a one-time bonus equal to 20 percent of their prior compensation and benefits if they enrolled in a full-time retraining or education program certified by the Secretary of Labor during their period of eligibility. In other words, if they enroll that first year, they get 20 percent. That is all—1 time, 1 year. And if they had only worked 1 year in the coal mine, they would only qualify then for 50 percent. They only qualify for 80 percent plus the 20 percent if they enroll in a program or a retraining project that qualifies them for such.

So that would encourage coal miners to learn to weld or go off to a shipyard, if there is any steel left in this country, or if we continue to build any ships. The next war we have, I will work in a hamburger stand. I will not weld in any shipyards because we will not be building ships. Somebody else will be building the ships.

The cost of this program is difficult to calculate. Using the EPA's worst case estimate, worst case estimate, if 5,000 coal miners at an average annual salary and benefit level of $50,000 were to lose their job by 1995 as a result of whatever clean air legislation is eventually enacted into law, then the maximum cost for this program would be $700 million. Do you know who is going to have to find that? I am going to have to find the $700 million.

The actual cost of the program, however, would be much less than the worst case. Now, that is for 5,000.

If it is 3,000, the lower end of the range, what would it be? Sixty percent. Three is to five as 60 percent is to 100. Sixty percent of $700 million is $420 million if there are 3,000 jobs lost.

But the costs would be less than that. The net cost would be substantially less since, one, recipients of benefits would not be eligible for other Federal unemployment benefits. Two, the ripple effects of mine shutdowns would be reduced, thereby reducing the need within mining communities for other Federal assistance, and three, the benefits paid to protected employees would be subject to Federal income taxation.

While the potential costs of providing relief to protected coal mine workers may seem high, such costs are not so high when one reflects on the severe economic, emotional, and physical costs associated with massive unemployment.

So what I am trying to do is offer a safety net for those coal mine workers who are going to lose their jobs.

My good friend from Wyoming spoke of the uranium industry. Well, Mr. President, I have already said that there were 130,000 miners in West Virginia. That was when there were 400,000 in the country—130,000 mine workers in West Virginia when I came to the House, and today there are between 20,000 and 30,000.

I am not seeking Federal compensation for them. I accept the fact that they lost their jobs because of automation. Nobody is here trying to seek amends for what automation has done. I am trying to seek amends for what we are going to do in passing this legislation.

I do not believe that any other industry in the United States will suffer as large a percentage job loss as the high-sulfur coal industry, and there are precedents—that has been pointed out—for this kind of assistance.

Now, I was in the Senate—many of my friends were not here—when we helped Chrysler, when we helped New York City. Yes, we did, and I helped to put it over. It is not the cheers you get on the way down the field; it is what you put on the scoreboard, and I helped to put it on the scoreboard.

After Hurricane Hugo, who came up here? Who was the first to stand up here and say let us appropriate money? After the earthquake hit California, who stood at this desk and helped California?

Those were God-made disasters, but a disaster is disaster, whether it is made by man or whether it is God-made. I am talking about disasters that are going to hit the coal fields as a result of this legislation.

There have been precedents. For example, in the Regional Rail Reorganization Act of 1973, which rescued the Northeast and the Nation from the effects of the Penn Central bankruptcy by creating Conrail, Congress recognized that a substantial number of rail workers would lose their jobs. For that reason, the RRR Act included title 5 to provide full protection of the salaries and benefits of employees who lost their jobs as a result of the downsizing of the Penn Central Railroad. That protection covered those employees for their full salary from the time they lost their jobs until their retirement date.

I am advised that the Federal payments to those people since 1973 amount to $750 million.

What are going to be the costs if we do not pass this legislation? Talk about the cost of providing relief—say those costs seem to be high. What are going to be the costs of the economic dislocations of the high sulfur coal miners? Will they have to be paid unemployment compensation benefits, food stamps, or do they go on welfare? What about the butcher and the baker and the candlestick maker? They are going to lose their jobs, too. Communities are going to go down. I have seen communities in West Virginia in which the unemployment was over 10 percent. We are going to see more of that throughout the country.

I thank my friends for listening patiently. Let me say once more that there are those who are going to come in the days ahead wanting help for their States, for their regions. And never will I draw a line and say that is not West Virginia. Why should we in West Virginia, we taxpayers, pay to help you? Wherever there is misery, unemployment, deprivation, in this country, wherever it is, it hurts the whole country.

What hurts the low sulfur regions is going to hurt the high sulfur regions. I have said for many years to the high sulfur people and the low sulfur people, you had get better get together because if you do not, first it will be high sulfur. That is just the appetizer. They will be back after you next, the low sulfur region.

Daniel Webster, when he made his address at the laying of the Bunker Hill Monument in 1823, referred to "my country, one country," and I hope that Senators will think of that, and this as one country. It is pretty tough, may I say, to have to face the fact that your people are going to be cut out of work and that the Senate turned you down.

I call up the modification of my amendment.

AMENDMENT NO. 1329 AS MODIFIED

The PRESIDING OFFICER. The Senator has the right to modify his amendment, and the amendment is modified to reflect the changes that he previously submitted to the desk.

The amendment (No. 1329) as modified, is as follows:

On page 567 of the amendment No. 1293, on line 20, strike "dioxide." and insert: "dioxide.

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

COAL MINE WORKERS BENEFITS

SEC. 801. The Clean Air Act is amended by adding at the end thereof the following new title:

"TITLE VI—RELIEF FOR TERMINATED COAL MINE WORKERS

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Relief for Terminated Coal Mine Workers Act'.

"PURPOSE

"SEC. 602. The purpose of this title is to help minimize the effects on individuals employed as coal mine workers who are terminated from their employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"DEFINITIONS

"SEC. 603. As used in this title, the term—

"(1) 'terminated coal mine worker' means any individual employed as a coal mine worker on the date of the enactment of this title, and who, after having been employed, prior to or after such date of enactment, as a coal mine worker for a period in excess of 6 months, is terminated at anytime thereafter from such employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990; and

"(2) 'Secretary' means the Secretary of Labor.

"PROGRAM OF BENEFITS

"SEC. 604. (a) Prior to the expiration of the 180-day period following the date of the enactment of this title, the Secretary of Labor, by regulation, shall establish and carry out a program to provide benefits for coal mine workers in accordance with this title.

"(b) Prior to the issuance of such regulations, and from time to time thereafter, the Secretary shall consult with the appropriate Committees of Congress with respect to such regulations and the implementation of this Act.

"TERMINATION ALLOWANCES

"SEC. 605. (a) In promulgating regulations pursuant to section 604, the Secretary shall include provisions which assure that, under such program, a terminated coal mine worker shall be entitled to a monthly termination benefit computed as follows:

"(1) The monthly termination benefit for the first 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 80 percent of such worker's average monthly compensation determined by computing the total compensation received by the worker, including vacation allowance and monthly compensation guarantees, during the last 12 months immediately prior to his employment being terminated, and by dividing the total compensation by 12, thereby producing the average monthly compensation.

"(2) The monthly termination benefit for the second 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 70 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(3) The monthly termination benefit for the third 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 60 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(4) The monthly termination benefit for the fourth 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 50 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(b) Each monthly termination benefit to which a terminated coal mine worker is otherwise eligible under this section shall be reduced by an amount equal to the amount of any earnings of such worker from employment during the period for which such benefit is payable, and shall be further reduced by any benefits to which such worker is otherwise entitled as a result of having been employed as a coal worker.

"(c) A coal mine worker and his representative shall be furnished by the employer of such worker with such worker's average monthly compensation and average monthly time paid for, computed in accordance with the provisions of this title, together with the data upon which such computations are based, within 30 days after the worker notifies the Secretary in writing that he has been terminated from employment. The coal mine worker shall make such information available to the Secretary.

"RETRAINING AND EDUCATION PROGRAMS

"SEC. 606. At any time during the 4-year period described in section 605(a), any terminated coal mine worker while engaged in a full-time retraining or educational program certified by the Secretary, after consultation with the appropriate Committees of the Congress, as appropriate for purposes of this title, shall, while satisfactorily participating, receive, in addition to the benefit under section 605, an amount equal to 20 percent of the average monthly compensation of such worker computed in accordance with section 605(a)(1), for a period not to exceed 12 months.

"OTHER FINANCIAL ASSISTANCE

"SEC. 607. For the purpose of any law, other than this Act, providing Federal benefits or assistance to an individual based on need as determined by the earnings of that individual, benefits under this title shall be deemed earnings for the purpose of determining whether such individual qualifies for benefits or assistance under such law.

"TERMINATION OF BENEFITS

"SEC. 608. Benefits payable under this title shall cease on the date of the death of the individual entitled to such benefits.

"LENGTH OF BENEFITS

"SEC. 609. Any terminated coal mine worker shall be entitled to benefits, in accordance with this title, for the 48-month period following the date on which such worker first becomes a terminated coal mine worker, or for a period of months following such date equal to the number of months that such worker was employed as a coal mine worker prior to such termination, whichever is less.

"PAYMENT OF BENEFITS

"SEC. 610. (a) The Secretary shall be responsible for the payment of all benefits provided coal mine workers pursuant to this title.

"(b)(1) There are authorized to be appropriated to the Department of Labor, such sums as may be necessary, not to exceed $700,000,000 and such sums shall remain available until such sums are expended, to meet the obligations payable pursuant to this title. In any fiscal year, the Secretary shall limit the total benefits payable under this title to an amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

"(2) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to provide for additional administrative expenses to be incurred by the Secretary in carrying out his functions under this title.

"REPORTS

"SEC. 611. The Secretary shall report annually to the Congress with respect to the carrying out of the provisions of this title, together with the recommendations, if any, of the Secretary.

"REBUTTABLE PRESUMPTION

"SEC. 612. In the case of a claim for benefits under this title by any coal mine worker who is terminated from his employment on or after the date of the enactment of this title, there shall be a rebuttable presumption that such termination resulted from the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"RETROACTIVE CLAIMS

"SEC. 613. Claims based upon terminated employment must be filed not later than 180 days following the date on which such termination occurred. Claims for such termination which took place during the period beginning on the date of the enactment of this title and the date on which the program established by the Secretary pursuant to section 604 becomes operative may be made within the 180-day period following the date on which such program becomes operative.".

"LIMITATION ON APPLICATIONS

"SEC. 614. The Secretary shall not act on any application for benefits under this title filed on or after January 1, 1996.".

On page 3 of the amendment, immediately preceding line 1, insert the following:

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

Sec. 801. Coal mine worker benefits.

NATIONAL URBAN AIR TOXICS RESEARCH CENTER

Mr. BENTSEN. Mr. President, I was pleased to offer an amendment to clean air legislation which would establish a National Urban Air Toxics Research Center in Houston, TX. The amendment, which was passed by the Senate, provides for the Environmental Protection Agency to oversee the creation of a national urban air toxics research facility. The purpose of the center is to support the conduct of, and to evaluate, research and testing related to potential community health effects from air toxics.

That Texas is the site for such a center is altogether fitting. Texas has an expansive industrial base. The Houston metropolitan area has a large concentration of petrochemical plants and refineries. In fact, over one-half of our Nation's petrochemical capacity is located within the Houston-Freeport corridor. While Texas is fortunate to have such a strong industrial base, we also must face up to the problems, environmental and otherwise, associated with it. Hazardous air pollutants are serious and must be both curtailed and controlled. Last year, Texas led the Nation in amount of hazardous air emissions. That is a distinction the State can do without, and I want to see those emissions lowered. I do not think that we can any longer tolerate this level of emissions without knowing the precise health risks associated with them.

Another good reason for this center to be located in Texas is the extensive air quality monitoring that has been taking place in Houston since 1981. For the last several years, Houston has implemented a fairly comprehensive regional air quality monitoring program. The databank that has been created by this air quality monitoring program can be helpful in assisting health professionals, environmental experts, and policymakers at the Federal, State, and local levels assess the actual health effects of air toxics. Indeed this is a point to which the air toxics title of the bill speaks to, and I anticipate the research center established by my amendment will be a very useful tool to conduct some of the studies required by the legislation.

Finally, Texas is fortunate to have one of the finest medical facilities that can be found anywhere in the world. The research institutions that help to make up the Texas Medical Center have a demonstrated expertise in conducting studies related to biostatistics, toxicology, epidemiology, pulmonary medicine, pathology, and oncology among others.

This confluence of factors—large petrochemical and refinery industrial base, superior regional air quality monitoring program, and a first rate medical center and world renowned health professionals—combine to make Texas the most appropriate site for a national research center on urban air toxics. The information produced there can and will help the entire Nation find a better way of dealing with the air toxics problem as it relates to human health and environmental quality.

Mr. President, as the long debate on the air toxics title of the bill has shown us, we do not fully understand all the health problems or their seriousness that can be caused by toxic emissions. It is time we learned. A top flight research center, working closely with the research institutions in the Texas Medical Center, can help to focus our inquiry and develop answers to some hard questions. This center is supported by some of the major research institutions of the Texas Medical Center, such as the University of Texas Health Science Center, Baylor College of Medicine, M.D. Andersen Cancer Center, and the Texas A&M University system. That should give us great confidence in the quality of the work it will produce.

At the same time, for the center to serve us best, we have to be willing to support it. The Federal Government must do its fair share by providing at least 50 percent of funding for the facility. We have to ask the private or nonfederal sources to come up with its fair share to support the work of this research facility as well. The Greater Houston Partnership has assured me that it wants to play a leading role in assisting the administrator to oversee the establishment of this research center. I commend the work they have done and will do to make this national research center a national resource without peer.

Mr. MITCHELL addressed the Chair.

The **PRESIDING OFFICER.** The majority leader.

Mr. MITCHELL. Mr. President, we have had a long and productive day and a long and very interesting and informative debate.

Earlier, the distinguished Republican leader suggested that in discussions with the administration which have been ongoing for some time, with members of Senator BYRD's staff, and others, that the matter ought to be reviewed overnight. I think that prob-

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ably is good advice for Senators as well with respect to this issue.

I think we have had as full an exposition of this issue as we could hope and expect. And in view of the lateness of the hour, I am going to suggest that we retire for the evening, that there be no further rollcall votes, and that we return to this issue in the morning after everyone has had a chance to get a decent night's sleep, and the administration has had a chance to discuss the matter further.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MORNING BUSINESS

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:35 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 103. Concurrent resolution providing for a conditional recess of adjournment of the Senate from Friday, March 9, 1990, or Saturday, March 10, 1990, until Tuesday, March 20, 1990.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 398. Joint resolution to commemorate the centennial of the creation by Congress of Yosemite National Park.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 398. Joint resolution to commemorate the centennial of the creation by Congress of Yosemite National Park; to the Committee on the Judiciary.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, **March 8, 1990**, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 227. Joint resolution to designate March 11 through March 17, 1990 as "Deaf Awareness Week"; and

S.J. Res. 257. Joint resolution to designate March 10, 1990, as "Harriet Tubman Day".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2491. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on activities concerning the prepayment of mortgages insured under the National Housing Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2492. A communication from the Administrator of the Energy Information Administration, transmitting, pursuant to law, the annual report of the Energy Information Administration for calendar year 1989; to the Committee on Energy and Natural Resources.

EC-2493. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the annual report on incomplete water resources studies which have been authorized, but for which no funds have been appropriated during the preceding five full fiscal years (fiscal years 1985-89); to the Committee on Environment and Public Works.

EC-2494. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department of Labor on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2495. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2496. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the annual report of the Department of the Treasury under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2497. A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2498. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department of Health and Human Services under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2499. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the annual report of the Bank under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2500. A communication from the Postmaster General of the United States, transmitting, pursuant to law, the annual report of the Postal Service under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2501. A communication from the Acting President and Chief Executive Officer of the Oversight Board Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2502. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2503. A communication from the Secretary of Labor as Chairman of the Board and the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1989; to the Committee on Labor and Human Resources.

EC-2504. A communication from the Secretary of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the results of a determination of the Railroad Retirement Account's ability to pay benefits in each of the next five years; to the Committee on Labor and Human Resources.

EC-2505. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the third report of the Department of Health and Human Services on Alzheimer's disease; to the Committee on Labor and Human Resources.

EC-2506. A communication from the Chairman of the National Research Council, transmitting, pursuant to law, a report entitled "Volunteers in Public Schools"; to the Committee on Labor and Human Resources.

EC-2507. A communication from the Chairman of the Tennessee Valley Authority, transmitting, pursuant to law, a report on the implementation of the Inspector General Act Amendments of 1988; to the Committee on Government Affairs.

EC-2508. A communication from the Secretary of Energy; transmitting, pursuant to law, the Eighth Annual Revision of the Comprehensive Program Management Plan for Federal Ocean Thermal Energy Conversion Program; to the Committee on Energy and National Resources.

EC-2509. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, a report of a building project survey for the consolidation of the Internal Revenue Service National Office in suburban Maryland; to the Committee on Environment and Public Works.

EC-2510. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the third annual report on the status of the Radon Mitigation Demonstration Program; to the Committee on Environment and Public Works.

EC-2511. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, notice of a delay in the submission of the estimate of the applicable percentage increase for fiscal year 1991 for hospitals subject to the Medicare perspective payment system and for excluded hospitals; to the Committee on Finance.

EC-2512. A communication from the President of the United States, transmitting, pursuant to law, a review of the relationship of the arms control objectives of the United States to the responsiveness of research and development of monitoring systems for verification; to the Committee on Foreign Relations.

EC-2513. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Receipts and Disbursements of the Public Service Commission's Agency Fund for Fiscal Year 1989"; to the Committee on Governmental Affairs.

EC-2514. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Receipts and Disbursements for the People's Counsel Agency Fund for Fiscal Year 1989"; to the Committee on Governmental Affairs.

EC-2515. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1989; to the Committee on Judiciary.

EC-2516. A communication from the Archivist of the United States, transmitting, pursuant to law, the annual report of the National Archives and Records Administration under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2517. A communication from the Special Counsel, U.S. Office of Special Counsel, transmitting, pursuant to law, the annual report of the Office of Special Counsel under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2518. A communication from the Chief Administrative Officer, Office of the Secretary, Postal Rate Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2519 A communication from the Assistant Vice President (Government and Public Affairs,), National Railroad Passenger Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Informaiton Act for calendar year 1989; to the Committee on the Judiciary.

EC-2520. A communication from the Acting Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, the annual report of the System under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2521. A communication from the Assistant Administrator for Legislative Affairs, Agency for International Development, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2522. A communication from the Executive Director of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2523. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2524. A communication from the Chairman of the Resolution Trust Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2525. A communication from the Assistant Secretary of Commerce (Administration), transmitting, pursuant to law, the annual report of the Department of Commerce under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary, with amendments:

S. 865. A bill to amend the Sherman Act regarding retail competition (Rept. No. 101-251).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

S. 511. A bill to recognize the organization known as the National Academies of Practice.

By Mr. BIDEN, from the Committee on the Judiciary, with an amendment:

S. 2179. A bill to maintain funding for State and local law enforcement programs in the war against drugs and crime.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Harry F. Manbeck, Jr., of Connecticut, to be Commissioner of Patents and Trademarks;

Douglas B. Comer, of Virginia, to be Deputy Commissioner of Patents and Trademarks; and

John R. Dunne, of New York, to be an Assistant Attorney General.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. NUNN, from the Committee on Armed Services:

Charles M. Herzfeld, of New Jersey, to be Director of Defense Research and Engineering;

Gerald A. Cann, of Maryland, to be an Assistant Secretary of the Navy; and

Jacqueline E. Schafer, of Virginia, to be an Assistant Secretary of the Navy.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of July 12, 1989, November 13, 1989, January 25, 1990, February 6, 1990, February 20, 1990, and February 26, 1990 at the end of the Senate proceedings.)

** In the Army there are 80 promotions and appointments to the grade of colonel and below (list begins with Charles W. Baldock) (Reference No. 721).

* Lt. Gen. Orren R. Whiddon, USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 859).

** In the Army there are 1,263 promotions and appointments to the grade of lieutenant colonel (list begins with Crispin A. Abad) (Reference No. 884).

* Gen. Bernard P. Randolph, USAF, to be placed on the retired list in the grade of general (Reference No. 955).

* Lt. Gen. Spence M. Armstrong, USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 957).

* In the Air Force Reserve there are 19 appointments to the grade of major general and below (list begins with Don E. Follis) (Reference No. 964).

* Vice Adm. Albert J. Herberger, USN, to be placed on the retired list in the grade of vice admiral (Reference No. 972).

** In the Air Force there are 50 appointments to a grade and date of rank to be determined by the Secretary of the Air Force (list begins with Dale R. Agner) (Reference No. 1005).

** In the Navy there are 1,020 appointments to the grade of ensign (list begins with Warren Robert Abel, Jr.) (Reference No. 1011).

** In the Navy there are 1,897 appointments to the grade of ensign (list begins with Christopher M. Abell) (Reference No. 1012).

* Lt. Gen. Fred Hissong, Jr., USA, to be placed on the retired list in the grade of lieutenant general (Reference No. 1040).

* In the Army National Guard there are 2 appointments to the grade of major general (list begins with Gregory P. Barlow) (Reference No. 1041).

** In the Air Force there are 4,535 promotions to the grade of major (list begins with Howard P. Abel) (Reference No. 1043).

*Gen. John L. Piotrowski, USAF, to be placed on the retired list in the grade of general (Reference No. 1053).

*Lt. Gen. Donald J. Kutyna, USAF, to be general (Reference No. 1054).

*Lt. Gen. Donald J. Heinz, USAF, to be placed on the retired list in the grade of lieutenant general (Reference No. 1055).

*Maj. Gen. Thomas S. Moorman, USAF, to be lieutenant general (Reference No. 1056).

*Maj. Gen. C. Norman Wood, USAF, to be lieutenant general (Reference No. 1057).

**In the Air Force there are 248 appointments to a grade no higher than major (list begins with George M. Abernathy) (Reference No. 1069).

**In the Army there are 130 promotions to the grade of lieutenant colonel (list begins with John E. Baker) (Reference No. 1070).

**In the Navy and Naval Reserve there are 585 appointments and reappointments to the grade of commander and below (list begins with Harold G. Hatch, Jr.) (Reference No. 1071).

**In the Air Force and Air Force Reserve there are 43 appointments and promotions to the grade of colonel and below (list begins with Norman G. Pare) (Reference No. 1090).

**In the Air Force Reserve there are 31 promotions to the grade of lieutenant colonel (list begins with Lyle M. Andvik) (Reference No. 1091).

**In the Air Force there are 45 appointments to the grade of second lieutenant (list begins with David W. Barnes) (Reference No. 1092).

**In the Army there are 4 promotions to the grade of lieutenant colonel (list begins with Kenneth R. Close) (Reference No. 1093).

**In the Navy and Naval Reserve there are 39 appointments and reappointments to the grade of commander and below (list begins with Alan L. Mathis) (Reference No. 1094).

**In the Navy and Naval Reserve there are 35 appointments and reappointments to the grade of commander and below (list begins with F.F. Alvarez) (Reference No. 1095).

**In the Air Force there are 993 promotions to the grade of second lieutenant (list begins with Jay O. Aanrud) (Reference No. 1096).

**In the Army Reserve there are 85 promotions to the grade of colonel and below (list begins with Travis H. Acklin) (Reference No. 1097).

**In the Army, Navy and Air Force there are 4 astronauts for promotion to the grades of colonel in the Army and Air Force and captain in the Navy and below (list begins with James C. Adamson) (Reference No. 1105).

**In the Army there are 19 promotions to the grade of lieutenant colonel (list begins with Candice L. Castro) (Reference No. 1106).

Total: 11,137.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry:

La Verne G. Ausman, of Wisconsin, to be Administrator of the Farmers Home Administration; and

Gary C. Byrne, of California, to be Administrator of the Rural Electrification Administration.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. BIDEN, from the Committee on the Judiciary:

Robert H. hodges, Jr., of South Carolina, to be a Judge of the United States Claims Court for a term of fifteen years):

Rhesa H. Barksdale, of Mississippi, to be United States Circuit Judge for the Fifth Circuit;

Jacques L. Wiener, Jr., of Lousiana, to be United States Circuit Judge for the Fifth Circuit;

Gerald E. Rosen, of Michigan, to be United States District Judge for the Eastern District of Michigan;

Donald J. Lee, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania; and

Ronald L. Buckwalter, of Pennsylvania, to be United States District Judge for the Eastern Disrict of Pennsylvania.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself, Mr. Kennedy and Mr. Pell):

S. 2252. A bill to encourage and facilitate entry into the teaching profession, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 2253. A bill to amend the Water Resources Development Act of 1986 to deauthorize the Cross Florida Barge Canal, and to assist the State of Florida in preservation of the canal corridor as a greenway; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 2254. A bill to establish the Pecos National Historical Park in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself, Mr. Kerrey and Mr. Conrad):

S. 2255. A bill to express the sense of the Congress that the Secretary of Agriculture should take certain actions concerning the modification and effects of acreage reduction programs and to require the Secretary to use existing programs to maintain prices for the 1990 crop of wheat resulting from a program modification, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself, Mr. Bumpers, Mr. Hollings, Mr. Stevens, Mr. Rudman, Mr. Pryor, and Mr. Nunn):

S. 2256. A bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. PELL:

S. 2257. A bill to terminate the Ground-Wave Emergency Network [GWEN] program; to the Committee on Armed Services.

By Mr. BRYAN (for himself and Mr. Reid):

S. 2258. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that Act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for himself and Mr. Leahy):

S. 2259. A bill to authorize agricultural research programs, and modify agricultural research planning and priority setting mechanisms, and other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PRYOR (for himself, Mrs. Kassebaum, Mr. Gorton, Mr. Boren, Mr. Simon, Mr. Cohen, Mr. Heinz, Mr. Sanford, Mr. Conrad, Mr. Johnston, Mr. Reid, Mr. Sasser, Mr. Bumpers, Mr. Fowler, Mr. Kohl, and Mr. Bryan):

S. 2260. A bill to promote the formation of a private, non-profit organization to foster development of free market economies in Eastern Europe and the Soviet Union; to the Committee on Foreign Relations.

By Mr. CRANSTON:

S. 2261. A bill to amend the Internal Revenue Code of 1986 to allow employees to make voluntary contributions to finance Federal campaigns, to have employees collect such contributions, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, and Mr. Kennedy):

S. 2262. A bill to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the national wild and scenic rivers system; to the Committee on Energy and Natural Resources.

By Mr. GORTON:

S. 2263. A bill to authorize a certificate of documentation for the vessel *Captain Daryl*; to the Committee on Commerce, Science and Transportation.

By Mr. PELL:

S. 2264. A bill to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars; to the Committee on Rules and Administration.

By Mr. DOMENICI (for himself, and Mr. Wilson):

S. 2265. A bill to provide a comprehensive Congressional campaign financing reform to encourage grass roots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; to the Committee on Rules and Administration.

By Mr. BRADLEY (for himself, and Mr. Hatch):

S.J. Res. 270. Joint resolution to designate the period commencing February 23, 1991, and ending February 23, 1991, as "National Visiting Nurse Associations Week"; to the Committee on the Judiciary.

By Mr. WALLOP (for himself, Mr. Simpson, Mr. Symms, Mr. McClure, Mr. Baucus, Mr. Burns, Mr. Bond, Mr. Chafee, Mr. Cochran, and Mr. Gore):

S.J. Res. 271. Joint resolution to designate July 10, 1990, as "Wyoming Centennial Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. FORD, Mr. ADAMS, Mr. BURDICK, Mr. ROBB, and Mr. MITCHELL):

S. Res. 263. Resolution to express the Sense of the Senate regarding the need to establish a sound national transportation policy integrating all modes of transportation policy integrated all modes of transportation and maintaining a significant Federal role; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for Mr. MITCHELL):

S. Con. Res. 103. Concurrent resolution providing for a conditional recess or adjournment of the Senate from Friday, March 9, 1990, or Saturday, March 10, 1990, until Tuesday, March 20, 1990; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Mr. KENNEDY, and Mr. PELL):

S. 2252. A bill to encourage and facilitate entry into the teaching profession, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL TEACHER RECRUITMENT ACT

Mr. SIMON. Mr. President, today I am introducing a National Teacher Recruitment Act proposal that I am pleased to say my colleagues, Senator KENNEDY and Senator PELL, who provided so much leadership in this whole area, are cosponsoring.

We face problems in the quantity of teachers, the quality of teachers, and the recruitment of minorities.

Again I want to pay tribute to Senator KENNEDY, Senator PELL, and also Senator BOREN, Senator BUMPERS, and Senator BINGAMAN for their leadership in this whole area.

Senator BOREN, in testifying the other day before our committee, said, "I speak as the chairman of the Intelligence Committee. Let me tell you what our greatest security threat is, and that is our failure to develop the human resources of our country." I believe he is absolutely on target.

Our No. 1 competitor economically is Japan. In Japan, teachers are in the top 10 percent in terms of income. They are paid approximately the same as lawyers, doctors, and engineers. I do not need to tell you that is not the situation here today.

When the Presiding Officer, the distinguished junior Senator from Wisconsin, thinks of teachers, he probably thinks of someone who taught 20 or 30 years. The average teacher in this country today teaches 6½ years. Not only are we failing to keep people in teaching, we are not recruiting the ablest young people.

If you were to go to the high school you graduated from in Wisconsin, Mr. President, or any of my colleagues were to go to any high school and talk to the top 5 percent of the students and ask them what they want to become, I think you will find very, very few want to become teachers. And that clearly is not in the national interest.

In Japan, those going into teaching are testing very, very high, well above average on college entrance exams. I regret to say that is not the case in the United States.

So we are going to have to do something. We are going to have to do something about the quality and quantity of teachers, and about the need for minority teachers.

By the year 2000, one-third of the students in this Nation in our elementary and secondary schools will be minority students. If the present trends continue, 5 percent of the teachers will be minority teachers. Now, you do not need to be a great prophet to understand that that is not a good thing. In my State of Illinois, by the year 2000, 40 percent of the students will be minority students, but approximately 11 percent of the teachers will be minority teachers.

Harvard did a study some years ago using all the new modern devices on foreign language teaching, the audiovisual tools. They were trying to test what audiovisual tools, what really is effective, what is not. They came to a very interesting conclusion. If you have a good teacher, you learn well, and if you do not have a good teacher, you do not, no matter what all the equipment and everything else is. I think that is a pretty good lesson for us generally.

What my bill does is provide startup funds for national teacher job banks so schools can find out where you can get a good French teacher, where you can get a good physics teacher, whatever might be needed. It focuses on minority recruitment.

It doubles the obligation for the Paul Douglas teacher program. This is a program that makes up to $5,000 a year available to the top 10 percent in the high school graduating class for going into college. They pay back 2 years of teaching for every year they receive this scholarship. So if you get 4 years of assistance, you would have to teach 8 years. Obviously, there are two purposes: one, to get brighter young people into teaching; and, second, to try to retain them. We hope that many of those who then try teaching for a while would stay in the profession.

Our colleague, Senator BOREN, has a creative thing that I think meshes with this. He would go appreciably further and spend about $200 million, which sounds like a lot of money, but when you look at the immensity of the problem, it is not. I think we ought to examine what he has to say.

Then, I propose an expansion of the Christa McAuliffe teacher fellowship program. That program right now provides one teacher fellowship a year where teachers in each State, like Wisconsin, Illinois, and other States, can get a sabbatical at pay to do some creative things. Originally, the concept was there would be one teacher in each congressional district. My bill simply authorizes the funds to meet that goal.

Mr. President, this is part of the overall problem of our inattention to education. If we want to develop this Nation as we should, we are going to have to pay more attention to education.

When I was in fourth or sixth grade, or something like that, I remember studying that geography lesson, and in that geography lesson, I learned that we became a rich country in part because of our people, but in large part because we had these natural resources that we could develop. Well, all of the sudden, Mr. President, we are finding that the countries that are moving ahead very rapidly economically, Japan and South Korea, have almost nothing in natural resources. What they are doing is they are investing in their people. And we have to do the same.

Mr. President, this measure addresses the current and projected shortage of quality teachers in this Nation, and a more disturbing problem, the severe decline in the number of minorities going into teaching. I would like to thank my good friends and distinguished colleagues, Senators KENNEDY and PELL, who are cosponsoring this bill.

THE TEACHER SHORTAGE

According to the Department of Education, 2.2 million new teachers need to be hired over the next 10 years. To fill that need, nearly one-fourth of all college graduates would need to enter the teaching profession; yet, less than 9 percent are currently choosing that route.

In part, the overall teacher shortage stems from a demographic and historic coincidence: the babies of the baby boom generation are reaching the age of school attendance at the same time that many of the Nation's teachers are reaching the age of retirement. The shortage varies depending on the region of the country, type of school, and academic specialty. Illinois is not expecting the kind of overall teacher shortage that some States will have to face. However, some inner-city and rural schools are already having trouble filling positions, especially those for bilingual and special education teachers, and in subject areas like math and science.

But we also must look beyond the question of the quantity of teachers, to the quality of our teachers. Our top

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students are the least likely to enter the teaching profession, and are the most likely to leave. The average SAT score of high school seniors intending to major in education declined for 10 years—1974 to 1983. While this figure has begun to rise over the last few years, it is still below the national norm.

Senator KENNEDY and Senator PELL have held a numb of very enlightening hearings on this subject, and I am an original cosponsor of their measures to address the problem, S. 1675 and S. 1676. The idea in the bill I am introducing today come from some of the testimony at the hearings, and from additional research into the problems and potential solutions. I intend that this bill be complementary to S. 1675 and S. 1676, and hope that it will be included in the teacher recruitment and training package that will be developed over the next few weeks.

NATIONAL TEACHER JOB BANK

Many of you have probably seen the television public service announcements featuring Edward James Olmos in his movie role as calculus teacher Jaime Escalante. The Project Teach campaign, by Recruiting New Teachers, Inc., has been very successful in identifying people who would like to teach. The more than 250,000 calls generated by the project demonstrates that the task of teacher recruitment is not hopeless. But while Project Teach has done an outstanding job of drumming up a supply of eager teachers-to-be, more effort needs to go into matching them up with the demand for teachers in the almost 16,000 school districts across the country.

I am proposing that the Federal Government provide startup funds for a national job bank and clearinghouse, or a number of regional clearinghouses, to help find teachers for our Nation's schools. In addition to simply matching jobseekers with available positions, the job bank would inform the potential teachers about programs and financial aid to help them gain the training to become teachers, and would help States and school districts design effective teacher recruitment efforts.

Expand the Paul Douglas Teacher Scholarship Program. In 1983, as chairman of both the House Postsecondary Education Committee and a House task force on teachers, I worked with Representatives WYDEN and COLEMAN of Missouri to develop two programs: a scholarship program to encourage bright young people to go into teaching, and a study-sabbatical program to keep excellent teachers in the profession.

This year the scholarship program we created, now named for Paul Douglas, the eminent former Senator from Illinois, will award nearly 5,000 scholarships nationwide. In return, these students, who come from the top 10 percent of their high school class, have agreed to teach for 2 years. Having experienced the challenges and rewards of the teaching profession, many will stay in the classroom for much longer. In fact, a preliminary analysis of this young program indicates that 93 percent of the Paul Douglas scholars who have graduated and received their teaching certificates have actually entered the teaching profession.

Since this important program is up, running, and successful—every State now has a process for choosing Paul Douglas Scholars—I am proposing that we double its authorization. This way, we will be able to come closer to the goal, stated in the current law, of providing scholarships for 10,000 students a year.

Expand the Christa McAuliffe Fellowship Program. Each year, at least one teacher in every State receives a Christa McAuliffe Fellowship. These awards provide teachers with an opportunity to engage in a special project that benefits the school or their own professional development. The original goal of the legislation was to award one fellowship in each congressional district; my proposal would authorize the funding necessary to meet this goal.

MINORITY TEACHERS

The decline in the number of minority teachers in America is tragic. In 1977, the year that college attendance by minorities peaked, 17 percent of the Nation's teachers were minorities. Now, while more than one-fourth of our students are minorities, fewer than 9 percent of their teachers are minorities. In Illinois, minorities make up one-third of our student population, but only 15 percent of our teachers. And if Chicago and East St. Louis are excluded from the calculation, the percentage of minority student—16 percent—is 4 times the percentage of minority teacher—4 percent.

Unfortunately, there is evidence that the downward spiral is continuing. While the number of college students indicating an interest in teaching is beginning to increase, the number for minorities continues to decline. Between 1985 and 1987—just a 2-year period—the number of African-Americans awarded education degrees declined 22 percent; the number of Hispanic Americans earning education degrees declined 12 percent; and the number of Native Americans earning education degrees declined 6 percent.

If trends persist, by the year 2000, when one-third of our students will be from minority groups, only 5 percent of the teaching force will be minorities. Some analyses indicate that we are already down to 5 percent nationally. In Illinois, 40 percent of our elementary and secondary students will be minorities, while the number of minority teachers may decline to 11 percent.

If the decline was simply because more minorities are becoming engineers, doctors, and university professors, there would be less to worry about. But an analysis of the data indicates that this is not the case. The decline in the number of minority teachers represents, for the most part, a net decline in the number of minorities in the professions.

Why is it so important that we have more minority teachers? There are a number of reasons beyond the obvious equity concerns. A recent article in the Elementary School Journal cites research showing that black teachers are often the only positive black role models that black and white children have a sustained relationship with. White students need minority teachers as much as other students, to counter stereotypes perpetuated by ignorance, prejudice, isolation, and distortion in the media.

I have included persons with disabilities in my bill for the same reason. Teachers with disabilities not only provide disabled students with positive role models, but also promote the acceptance of people with disabilities in society by battling the ignorance and prejudice that leads to their isolation.

I am proposing three approaches to increasing the number of minority teachers and teachers with disabilities: First, a precollege program; second, a college program; and third, a community program.

YOUNG TEACHERS PROGRAM

Only a few high school-based teaching programs exist across the country. The most studied effort is the Teacher Cadet Program, a 1-year program for juniors and seniors, run by the South Carolina Center for Teacher Recruitment. An independent report found the program to be very effective. It not only attracts bright young people to teaching but also uplifts the image of teaching in the eyes of those who will and will not teach.

Whether or not it's part of an explicit teacher recruitment effort, involving students in teaching is an effective way of improving their learning. According to the Carnegie Forum on Education and the Economy:

> One-to-one tutoring is an exceptionally effective teaching method. With a trained tutor, an astonishing 98% of students academically outperform those who are taught in conventional classrooms with one teacher to 30 students.

And the tutors often benefit even more than the tutees. My staff recently visited the Teaching Professions Program at Coolidge High School here in Washington, DC. There, after an introductory course, students adopt a student in a nearby elementary school or child care center and work with the teacher in the classroom for a few hours a week. Immediately after starting their teaching experience, their own interest in learning was invigorated, and absenteeism was reduced. Even if none of them go into teaching, just the enthusiasm about school and learning engendered by the program makes it worth the effort.

Fortunately, many students who have the teaching experience do become interested in teaching as a career. As one student in the South Carolina program said: "I was able to test-drive my career, and I decided that I want to spend my life in the teaching profession."

Unfortunately, this type of success is most difficult to achieve among blacks. Of the 974 participants in the Teacher Cadet program last year, it was the black males who were least likely to intend to teach, even after the program.

> Those who were more likely to initially choose teaching and continued to want to teach at the end of the [program] were white females. And, those who were more likely to never intend to teach were black males.
>
> Black Cadets—when compared to their white counterparts—reported more career concerns about independence, salary, opportunities for advancement, job security and a flexible daily schedule.
>
> Black Cadets were more likely to assert that they had been discouraged by teachers from choosing teaching as a career.

These findings point to the need for long-term, comprehensive teacher recruitment programs focused on minority youth. In the South Carolina program, they have found a need to start working with minority children as early as junior high school. Of course, we should not be encouraging children to choose a life career at age 13. But we should help them to keep their options open, encouraging them to aim for college and not to rule out teaching as a possible goal, if not as a career, then at least for a few years after college.

The Chicago Urban League, in partnership with Northwestern University, has developed a math and science program that starts in the ninth grade and continues through high school. The program will both support math and science instruction with tutoring and community partnerships, and introduce students to teaching as a profession.

In order to encourage these types of efforts, my bill provides for long-term grants to school districts to create or expand programs that open students' eyes to the world of teaching and learning by involving them in teaching-related activities.

COLLEGE STUDENT TEACHING PROGRAM

But we can't stop at the high school level. Much more must be done to help more minority students to complete college, and to encourage those in colleges to consider teaching. To accomplish the first goal, we must reverse our disastrous shift from grants to loans in the Federal financial aid programs. That change has contributed to the decline in minority student college matriculation, and is part of the reason for the decline in the number of minority teachers.

Of those minorities who are in college, fewer are choosing teaching. Our teacher training institutions need to do more to reverse that trend. My proposal would help to create programs to get more minority students interested in teaching by having them work part-time in local schools, and by bringing excellent minority teachers to the college campuses to serve as role models for college students considering teaching. It's also important that we increase the college retention rates of minority students, and increase articulation from community colleges.

TEACHING APPRENTICESHIP PROGRAM

We need more minorities to enter teaching over the next 10 years than our colleges and universities can possibly provide. It is crucial, therefore, that we find ways to compensate for the lack of minority role models in schools, and that we tap our communities for people other than recent college graduates who we can encourage to become teachers. I am proposing a small demonstration program that would assist schools in these efforts.

In this apprenticeship program, and in the recruitment efforts of college teacher training programs, I would like to emphasize the need to create partnerships with businesses and organizations that employ or have contact with a large number of minorities. One source that we should not neglect is the sector, including the military. My friend Patricia Albjerg Graham, dean of the Harvard Graduate School of Education, pointed this out in an article on the shortage of black educators. Her assertion is seconded by an article in Educational Record:

> Most institutions realize that the military is now attracting brighter high-school graduates—those who could choose higher education—and that it is no longer appropriate to think of military personnel as underqualified for college. Still, we tend to think of them as "lost" if the military gets them first. Actually, we should see them as especially desirable candidates who have much to offer: financial resources for higher education, maturity, experience, discipline and many other worthwhile traits . . .
>
> Creative college recruiters should be familiarizing themselves with the military—offering their services for training, and telling military personnel about what the school has to offer during or after their active service.

Those in the military and in other pursuits have technical skills and practical knowledge that could be very valuable to a practicing teacher. We should encourage programs that bring these young people into schools as volunteer tutors and teachers' aides. After that experience, many of them will no doubt decide that they want to be teachers.

Mr. President, I have endeavored to write a bill that builds on our current efforts where appropriate, complements the excellent proposals I have cosponsored by the chairmen of the Labor Committee and the Education Subcommittee, and encourages innovation where needs are not currently met. I ask unanimous consent that a summary of my legislation, and the bill itself, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Teacher Recruitment Act of 1990".

SEC. 2. TABLE OF CONTENTS.

TITLE I—NATIONAL TEACHER JOB BANK

TITLE II—TEACHING APPRENTICESHIP PROGRAM

TITLE III—TEACHING EXPERIENCE FOR MINORITIES

Part A—Young Teachers Program

Part B—College Student Teaching Program

TITLE IV—FINANCIAL ASSISTANCE FOR FUTURE TEACHERS

Part A—Paul Douglas Scholarship Enhancement

Part B—College Work-Study Teaching Incentive

TITLE V—SPECIAL PROJECTS FOR OUTSTANDING TEACHERS

SEC. 3. FINDINGS.

The Congress finds that—

(1) schools in the United States will need to hire 1,800,000 new teachers by 1997;

(2) the existing and impending teacher shortage is a regional phenomenon, therefore, efforts must be made to direct the supply of teachers to the demand for teachers;

(3) low salaries and the declining status of the teaching profession has reduced the quantity and quality of individuals entering the teaching profession;

(4) the number of minority teachers has especially declined;

(5) cultural diversity in a school's teaching faculty is vital to the complete and effective education of both majority and minority students;

(6) extraordinary Federal efforts are necessary to encourage minority individuals to enter the teaching profession because—

(A) many opportunities are available which allow college-educated minorities to choose careers other than teaching;

(B) college entrance and retention rates of black Americans and hispanic Americans have declined, reducing the pool of potential minority teachers;

(C) "competency" tests for teachers introduced in the early 1980's have had a disproportionate effect on minorities and many prospective teachers are inappropriately refused entry into teacher-training programs

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for failing to pass the National Teacher Examination or other multiple-choice tests;

(D) as colleges and universities expand the length of teacher training programs to 5 years, low-income and minority students find it more difficult to afford the education required to become teachers;

(E) minority students have had too few teachers they can consider role models; and

(F) with the decline in the status of teachers and the teaching profession, teachers, parents and counselors often discourage students from entering the teaching profession.

(6) large numbers of individuals with disabilities traditionally have not entered the teaching profession;

(7) bringing talented individuals with disabilities into the teaching profession will not only aid the traditional education of students, but will also promote greater acceptance of individuals with disabilities in society; and

(8) more teachers with disabilities in classrooms will encourage children with disabilities to excel.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) the term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(2) the term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "State" means a State, the Commonwealth of Puerto Rico, Guam, the District of Columbia, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Federated States of Micronesia, or Palau;

(4) the term "State educational agency" has the same meaning given such term in section 1471(23) of the Elementary and Secondary Education Act of 1965;

(5) the term "State higher educational agency" means the State board of higher education or other agency or officer primarily responsible for the State supervision of higher education, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law; and

(6) the term "Secretary" means the Secretary of Education.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) TITLE I.—There are authorized to be appropriated $4,000,000 for fiscal year 1991, $3,000,000 for fiscal year 1992, $2,000,000 for fiscal year 1993, and $1,000,000 for fiscal year 1994 to carry out the provisions of title I.

(b) TITLE II.—There are authorized to be appropriated $3,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of title II.

(c) PART A OF TITLE III.—There are authorized to be appropriated $5,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of part A of title III.

(d) PART B OF TITLE III.—There are authorized to be appropriated $15,000,000 for fiscal year 1991 and such sums as may be necessary for each of the fiscal years 1992, 1993, and 1994 to carry out the provisions of part B of title III.

SEC. 6. COST SHARING.

The Secretary is authorized to seek cost-sharing by State and local entities, institutions of higher education, and nonprofit organizations for any program assisted under this Act.

TITLE I—NATIONAL TEACHER JOB BANK

SEC. 101. SHORT TITLE.

This title may be cited as the "National Teacher Job Bank Act of 1990".

SEC. 102. FINDINGS.

The Congress finds that—

(1) the existing and predicted teacher shortage affects particular regions of the Nation and types of schools more than others;

(2) prospective teachers do not have the contacts and resources to determine which of the almost 16,000 school districts in the country need the services of such prospective teachers;

(3) only the largest school districts can afford to recruit teachers outside their local area;

(4) every school district has different forms and processes for applying for a teaching job; and

(5) increased geographic representation on school faculties enriches educational opportunities.

SEC. 103. STATEMENT OF PURPOSE.

It is the purpose of this title to provide the start-up costs for establishing a clearinghouse which shall operate a national teacher job bank, or for establishing no more than six regional clearinghouses that together provide the services of a national teacher job bank to the entire nation.

SEC. 104. NATIONAL TEACHER JOB BANK.

(a) PROGRAM AUTHORIZED.—The Secretary shall contract with one or more State entities, nonprofit organizations, or institutions of higher education to pay the Federal share of the costs of establishing a National Teacher Job Bank Clearinghouse or Clearinghouses which shall—

(1) assist public and private education agencies in locating qualified applicants for teaching-related positions; and

(2) help individuals in locating teaching-related jobs or the job training necessary to enter the teaching profession.

(b) APPLICATION.—(1) Each entity desiring to enter into a contract with the Secretary for the establishment of a National Teacher Job Bank Clearinghouse shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(A) a demonstration of the capacity to efficiently and effectively handle a large volume of inquiries from employers and potential employees; and

(B) a description of support from public and private education agencies that are likely to use the services provided by the National Teacher Job Bank Clearinghouse.

(2) The Secretary shall give priority to applications submitted pursuant to paragraph (1) which demonstrate—

(A) an ability, and a realistic plan, to raise funds from foundations and other sources to provide the services of a National Teacher Job Bank Clearinghouse to users at no more than a nominal fee;

(B) an ability to continue providing the services of a National Teacher Job Bank Clearinghouse once federal support is unavailable; and

(C) an ability to develop and pursue innovative strategies to attract more than the traditional first-time teaching applicants to the services of a National Teacher Job Bank Clearinghouse.

(c) FEDERAL SHARE.—The Federal share—

(1) for the first year in which an entity, institution or organization receives financial assistance under this Act shall be 80 percent;

(2) for the second year in which an entity, institution or organization receives financial assistance under this Act shall be 60 percent;

(3) for the third year in which an entity, institution or organization receives financial assistance under this Act shall be 40 percent; and

(4) for the fourth year in which an entity, institution or organization receives financial assistance under this Act shall be 20 percent.

SEC. 105. AUTHORIZED ACTIVITIES.

Each entity, organization or institution receiving funds under this Act may use such funds to—

(1) develop, in consultation with local education agencies and other appropriate entities, standardized initial application forms for teaching jobs and related positions, and standardized forms and procedures for announcing available teaching positions;

(2) coordinate and assist State and local teacher recruitment efforts;

(3) publish and disseminate information about opportunities for teacher employment and teacher training;

(4) maintain a system for matching the supply of teachers with the demand for teachers among the States;

(5) promote the development of programs to recruit and train minorities and individuals with disabilities to become teachers;

(6) assist employers in checking the background of applicants;

(7) publicize the availability of scholarships, loans, and other programs that assist individuals wishing to pursue a teaching career;

(8) assist employers in the development of effective teacher recruitment programs; and

(9) conduct such other activities and services necessary to carrying out the purposes of this title in accordance with the provisions of this title.

TITLE II—TEACHING APPRENTICESHIP PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "Teaching Apprenticeship Program Demonstration Act of 1990".

SEC. 202. FINDINGS.

The Congress finds that—

(1) traditional routes to the teaching profession have not encouraged enough minority and individuals with disabilities to enter the teaching profession;

(2) the lack of role models for minority children and children with disabilities hampers the academic progress of all children;

(3) minority teacher recruitment efforts, even if phenomenally successful, will not ease the minority teacher shortage for at least a decade;

(4) the continued decline in the percentage of black Americans and hispanic Americans entering and finishing college reduces the pool of potential minority teachers;

(5) it is often difficult for an individual who is interested in teaching to get into a school to test such interest; and

(6) exposure to teaching-related activities often inspires people to seek the education and training necessary to enter the teaching profession.

SEC. 203. STATEMENT OF PURPOSE.

It is the purpose of this title to make demonstration grants to local educational agencies to establish, improve or expand programs that—

(1) compensate for the underrepresentation of ethnic and language minorities, individuals with disabilities, and gender among school faculty in the various academic disciplines; and

(2) help apprentices who show promise as teachers to acquire the education necessary to become employed full-time as teachers.

SEC. 204. PROGRAM AUTHORIZATION.

(a) In General.—The Secretary shall make grants to local educational agencies to establish programs in accordance with the provisions of this title.

(b) Award Basis.—The Secretary shall make grants to local educational agencies on the basis of—

(1) the underrepresentation of ethnic and language minorities, individuals with disabilities, and gender among school faculty compared with the student population;

(2) the degree to which the local educational agency demonstrates consultation in program design and implementation with parents, teachers, school administrators, nonprofit organizations representing minorities and individuals with disabilities, and local teacher labor organizations, where applicable.

(c) Priority.—The Secretary shall give priority in awarding grants under this title to local educational agencies that establish, or show evidence of establishing, partnerships with institutions of higher education or nonprofit organizations that help individuals who show promise as teachers to acquire the education necessary to become employed full-time as teachers.

(d) Special Rule.—For the purposes of this title the term "local educational agency" includes a local educational agency, a combination of local educational agencies, or a local educational agency in partnership with one or more institutions of higher education, nonprofit organizations, or government agencies.

SEC. 205. USE OF FUNDS.

Each local educational agency receiving a financial assistance under this title may use such assistance to—

(1) identify and recruit minorities and individuals with disabilities who have skills, knowledge, or experience that would make such individuals useful as part-time or full-time teacher aides or tutors;

(2) establish partnerships with private or public businesses and organizations, including the military, that employ individuals from groups underrepresented on school faculties to arrange for such individuals to take time from work to engage in teaching-related activities;

(3) provide training and teaching-related activities to individuals identified pursuant to paragraph (1);

(4) pay stipends, and transportation and other incidental costs to encourage and facilitate participation in teaching-related activities by individuals identified pursuant to paragraph (1);

(5) obtain equipment that may assist individuals with disabilities and other individuals in engaging in teaching-related activities;

(6) provide academic counseling to individuals who show promise as teachers to enable such individuals to acquire the education necessary to become employed full-time as teachers;

(7) assist individuals who show promise as teachers in securing financial aid to enable such individuals to acquire the education necessary to become employed full-time as teachers; and

(8) conduct such other activities and services necessary to carrying out the purposes of this title in accordance with the provisions of this title.

SEC. 206. APPLICATION.

Each local educational agency desiring a grant under this title shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

TITLE III—TEACHING EXPERIENCE FOR MINORITIES

SEC. 301. SHORT TITLE.

This title may be cited as the "Minority Teaching Experience Act of 1990".

PART A—YOUNG TEACHERS PROGRAM

SEC. 310. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) many young individuals have already decided that they do not want to be teachers by the time such individuals enter college;

(2) students who work as tutors and teacher's aides gain a renewed interest in their own learning and a new respect for the teaching profession; and

(3) students interested in teaching need to be encouraged to maintain such interest, and need support in entering and paying for college.

SEC. 311. STATEMENT OF PURPOSE.

It is the purpose of this part to establish, improve or expand long-term programs that encourage and support young individuals, especially minorities, individuals with disabilities, to become involved in teaching.

SEC. 312. PROGRAM AUTHORIZATION.

(a) In General.—The Secretary shall make grants to local educational agencies to establish or improve long-term programs in accordance with the provisions of this part.

(b) Award Basis.—The Secretary shall make grants to local educational agencies on the basis of the degree to which the local educational agency demonstrates consultation in program design and implementation with parents, teachers, school administrators, nonprofit organizations representing minorities and individuals with disabilities, and local teacher labor organizations, where applicable.

(c) Priority.—The Secretary shall give priority in awarding grants to local educational agencies which assist program participants who show promise as teachers to acquire the education necessary to become employed full-time as teachers.

(d) Special Rule.—(1) For the purposes of this part the term "local educational agency" means—

(A) a local educational agency in which no less than 30 percent of the children enrolled in the schools located within such local educational agency are eligible to be counted under chapter 1 of title I of the Elementary and Secondary Education Act of 1965; and

(B) a local educational agency, a combination of local educational agencies or a local educational agency in partnership with one or more institutions of higher education or one or more nonprofit organizations.

SEC. 313. USE OF FUNDS.

(a) Pre-Secondary School Activities.—Each local educational agency receiving financial assistance under this part may use such financial assistance to provide students not yet enrolled in secondary school with services and activities which include—

(1) offering a study unit that introduces students to teaching, learning, and schools;

(2) providing students with academic support and appropriate role models;

(3) involving students in teaching-related activities such as peer tutoring, teaching a brief lesson, or helping younger children;

(4) introducing parents to the idea of their children teaching for at least a few years after college;

(5) sensitizing teachers to the need to be effective role models for students who might consider careers; and

(6) involving students in a support club, such as a future teachers club.

(b) Secondary School Activities.—In addition to the activities described in subsection (a), each local educational agency receiving financial assistance under this part may use such financial assistance to provide secondary school students with services and activities which include—

(1) visiting colleges with teacher education programs;

(2) pairing students with teacher or college student mentors;

(3) encouraging student participation in summer enrichment programs, including programs specifically oriented to future teachers;

(4) offering education classes that include opportunities for students to observe classes in a variety of disciplines and grade levels, including special education classes;

(5) giving students a student teaching experience; and

(6) assisting students in planning for college, including securing financial aid.

SEC. 314. APPLICATION.

Each local educational agency desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

PART B—COLLEGE STUDENT TEACHING PROGRAM

SEC. 320. FINDINGS.

The Congress finds that—

(1) few colleges and universities have programs to encourage all students to consider teaching;

(2) many young individuals who thought they were not interested in teaching change their minds when such individuals try teaching;

(3) bringing exceptional minority teachers to college campuses rewards the teacher and provides college students with a positive role model in the teaching profession; and

(4) many veterans and individuals in the military would be excellent teachers, and have access to educational benefits that could be used to train such individuals for teaching.

SEC. 321. STATEMENT OF PURPOSE.

It is the purpose of this part to provide grants to institutions of higher education with existing teacher training programs to enable such institutions of higher education to recruit and retain minority students and students with disabilities interested in teaching.

SEC. 322. PROGRAM AUTHORIZATION.

(a) In General.—The Secretary shall make three-year renewable grants to institutions of higher education which have existing teacher training programs to pay the Federal share of the costs of additional teacher training program services and activities in accordance with the provisions of this part.

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(b) **Award Basis.**—The Secretary shall make grants to institutions of higher education on the basis of the demonstrated ability of the institution of higher education to attract and retain minority students or students with disabilities;

(c) **Priority.**—The Secretary shall give priority in awarding grants to institutions of higher education which have teacher training programs and which—

(1) enroll substantial numbers of minority students or students with disabilities; or

(2) are working in partnership with institutions of higher education or two-year community colleges which enroll substantial numbers of minority students or students with disabilities.

(d) **Federal Share.**—The Federal share of the cost of additional teacher training program services and activities assisted under this part shall not exceed 75 percent of the cost of such services and activities.

(e) **Definition.**—For the purposes of this part the term "institution of higher education" includes a consortium of institutions of higher education.

SEC. 323. USE OF FUNDS.

Each institution of higher education receiving financial assistance under this part may use such financial assistance to—

(1) identify, recruit, and select minorities and individuals with disabilities for participation in teacher education and training programs;

(2) provide, for a period prior to the entry of minorities and individuals with disabilities into a teacher training program, preliminary instruction designed to assist such individuals in successfully completing the regular teacher training program;

(3) provide students interested in teaching with academic and other support needed to keep such students in school, including helping students at two-year institutions of higher education prepare for, apply to, and socially and academically adjust to, four-year institutions of higher education;

(4) identify exceptional minority teachers to enable such teachers to speak with college students about teaching as a career;

(5) educate college faculty and counselors about teaching to enable such individuals to encourage promising students to consider teaching;

(6) create opportunities for college students to work at elementary schools, intermediate schools, and secondary schools;

(7) encourage veterans and individuals in the military who are minorities or individuals with disabilities to use their educational benefits to become teachers;

(8) recruit minorities, including minorities who work in professions other than teaching, into teacher training programs; and

(9) give minority students and students with disabilities the opportunity to earn academic credit by participating in teaching-related activities.

SEC. 324. APPLICATION.

(a) **In General.**—Each institution of higher education desiring a grant under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include a description of the increased enrollment in teacher training programs which is anticipated due to the activities and services to be assisted under this part.

(b) **Priority.**—For fiscal year 1994 and each fiscal year thereafter, the Secretary shall give priority to applications submitted pursuant to subsection (a) from applicants previously receiving assistance under this part and demonstrating substantially increased enrollment of minority students or students with disabilities in the applicant's teacher training programs.

TITLE IV—FINANCIAL ASSISTANCE FOR FUTURE TEACHERS

SEC. 401. FINDINGS AND PURPOSES.

(a) **Findings.**—The Congress finds that—

(1) many students do not consider entering lower-salary professions such as the teaching profession because of the excessive student loan debt such students have accumulated;

(2) the Congressional Teacher Scholarship Program has been successful in encouraging and supporting students who are interested in teaching; and

(3) college work-study jobs involving teaching-related work provide students with teaching experience, and help students pay for college.

SEC. 402. STATEMENT OF PURPOSE.

The purposes of this title are to—

(1) increase the number of students receiving Paul Douglas Scholarships;

(2) increase the maximum amount that junior and senior year students can receive each year under the Congressional Teacher Scholarship Program to $8,000;

(3) give a priority in awarding Paul Douglas Scholarships to individuals from groups that are underrepresented in the teaching profession; and

(4) encourage work-study jobs that involve college students in teaching-related activities.

PART A—PAUL DOUGLAS SCHOLARSHIP ENHANCEMENT

SEC. 410. PAUL DOUGLAS TEACHER SCHOLARSHIPS.

(a) **Purpose.**—Section 551(a) of the Higher Education Act of 1965 is amended to read as follows:

"Sec. 551. (a) **Purpose.**—It is the purpose of this subpart to make available, through grants to the States, scholarships during fiscal years 1991 through 1995 to individuals who are outstanding high school graduates and who demonstrate an interest in teaching, in order to enable and encourage such individuals to pursue teaching careers in education at the pre-school, elementary, or secondary level.".

(b) **Limitations on Amount and Duration.**—Section 554(a) of the Higher Education Act of 1965 is amended to read:

"Sec. 554. (a) **Limitations on Amount and Duration.**—Subject to subsection (c), each Congressional Teacher Scholar shall receive a $5,000 scholarship for each of the first two academic years of postsecondary education, and not more than $8,000 for each of two additional academic years of postsecondary education for study in preparation to become a preschool, elementary, or secondary teacher. No individual shall receive scholarship assistance for more than 4 years of postsecondary education, as determined by the State agency.".

(c) **Priority.**—Section 555 of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subsection:

"(c) **Priority.**—In selecting new Congressional Teacher Scholars under this subpart, the panel shall give priority to applicants who are members of groups underrepresented in the teaching profession, such as minorities and individuals with disabilities.".

(d) **Authorization of Appropriations.**—Section 502(d)(1) of the Higher Education Act of 1965 is amended by—

(1) striking "$13,500,000" and inserting "27,000,000"; and

(2) striking "1987" and inserting "1991".

PART B—COLLEGE WORK-STUDY TEACHING INCENTIVE

SEC. 420. WORK-STUDY PROGRAMS.

Section 443(b)(5) of the Higher Education Act of 1965 is amended by—

(1) striking "and" at the end of subparagraph (A);

(2) inserting "and" at the end of subparagraph (B); and

(3) inserting at the end thereof the following:

"(C) the Federal share of the compensation of students employed in teaching-related activities for schools and nonprofit organizations shall be 100 percent.".

TITLE V—SPECIAL PROJECTS FOR OUTSTANDING TEACHERS

SEC. 501. FINDINGS AND PURPOSES.

(a) **Findings.**—The Congress finds that—

(1) many excellent teachers leave the profession because of the lack of recognition and professional opportunities afforded such teachers; and

(2) the Christa McAuliffe fellowship program has provided at least one teacher in every State with funding for a study sabbatical or special project.

SEC. 502. STATEMENT OF PURPOSE.

It is the purpose of this title is to reward outstanding teachers by providing for at least one Christa McAuliffe fellowship to be awarded in each congressional district.

SEC. 503. CHRISTA McAULIFFE FELLOWSHIP ENHANCEMENT.

Section 502(d)(2) of the Higher Education Act of 1965 is amended by—

(1) striking "2,000,000" and inserting "14,000,000"; and

(2) striking "1987" and inserting "1991".

SUMMARY OF NATIONAL TEACHER RECRUITMENT ACT OF 1990

TITLE I: NATIONAL TEACHER JOB BANK

Purpose.—To help public and private schools find qualified applicants for teaching positions. A national clearinghouse, or a number of regional clearinghouses, will help match job-seekers with employers and teacher training institutions, will publicize financial aid programs and other efforts to increase the number and quality of teachers, and will assist states and school districts in designing effective teacher recruitment programs.

Structure.—Competitive grants will be available from the Secretary of Education to provide start-up funds for nonprofit organizations, state agencies, and universities applying to run the clearinghouse(s).

Authorized funding.—$4 million in fiscal year 1991, $3 million in 1992, $2 million in 1993, $1 million in 1994. The percentage of funding that must come from non-federal sources each year.

TITLE II: TEACHING APPRENTICESHIP PROGRAM

Purpose.—To create demonstration projects that bring minorities and individuals with disabilities from the community into school classrooms as volunteer tutors and teacher's aides. The programs would assist those who show promise as teachers in getting the education and training they need to become full-time teachers.

Structure.—School districts apply to the Secretary of Education for funding, and are selected based in part on the degree to which ethnic and language minorities and individuals with disabilities are underrepresented in the school faculty compared with the student population. Priority consideration goes to applicants that have established partnerships with universities that will train promising teaching apprentices to become teachers.

Authorized funding.—$3 million in fiscal year 1991, and such sums as may be necessary through fiscal year 1994.

TITLE III: TEACHING EXPERIENCE FOR MINORITIES

Part A: Young Teachers Program

Purpose.—To establish and expand long-term, school-based efforts that engage youth—especially minorities and students with disabilities—in teaching-related activities, introduce them to the idea of teaching after college, and help keep them college-bound.

Structure.—School districts apply for competitive grants from the Secretary of Education, with a priority for districts that help students who show promise as teachers obtain the education and training to become teachers.

Authorized funding.—$5 million in 1991 and such sums through 1994.

Part B. College Student Teaching Program

Purpose.—To establish and expand college programs that encourage minorities and individuals with disabilities to consider a teaching career. Programs would provide participants with academic support, and with opportunities to tutor or work as teachers' aides in local schools. The programs focus on student recruitment and retention, and articulation from community colleges.

Structure.—Colleges and universities with teacher education programs apply for competitive grants from the Secretary for funding, with a priority for institutions that assist in the articulation of students from predominantly minority community colleges, or for graduate-level teacher training programs that recruit from predominantly minority colleges and universities. Institutions that do not show significant results (20 percent enrollment increase in teaching programs) after three years would not be eligible for further funding.

Authorized funding.—$15 million in 1991 and such sums through 1994.

TITLE IV: FINANCIAL ASSISTANCE FOR FUTURE TEACHERS

Part A: Paul Douglas Teacher Scholarship Enhancement

Purpose.—The Paul Douglas Teacher Scholarship Program currently provides college scholarships of $5000 a year to top high school graduates who agree to teach for two years for every year of assistance they receive. This title increases the authorization for the program, increases junior and senior year scholarships to $8000, and gives a priority to applicants from groups that are underrepresented in the teaching profession.

Structure.—Scholarship funds are allocated to the States. Recipients are selected in each state by seven-member panels representative of school administrators, teachers, and parents.

Authorized funding.—Doubled to $27 million in fiscal year 1991 and such sums through 1994 ($16 million was appropriated in fiscal year 1990).

Part B: College Work-Study Teaching Incentive

Purpose.—To encourage college students who qualify for work-study jobs to tutor or work as teacher's aides in local schools.

Structure.—The federal government would pay 100 percent of the work-study wages of students who have teaching-related jobs.

TITLE V: SPECIAL PROJECTS FOR OUTSTANDING TEACHERS

Purpose.—The Christa McAuliffe Teacher Fellowship Program provides funding directly to outstanding teachers for special projects and study sabbaticals. While the goal of the program is to fund one fellow in every congressional district, its authorization and funding level has only provided for approximately one fellow in every state. This title would increase the program's authorization so it can meet its goal.

Structure.—Fellowships are awarded by seven-member state panels, representative of school administrators, teachers, parents, and institutions of higher education.

Authorized funding.—Increased to $14 million in fiscal year 1991 and such sums through 1994 (from a $2 million authorization and appropriation level in fiscal year 1990).

Mr. PELL. Mr. President, I am pleased to be an original cosponsor of Senator SIMON's National Teacher Recruitment Act of 1990. Both Senator KENNEDY and I have introduced legislation in this area and have held a series of 5 hearings on the pending problems in the teaching profession. I am most pleased that Senator SIMON has joined this discussion through his own legislation and through his active participation at our hearings.

The legislation introduced today adds another dimension to this discussion by adding new approaches to some of the problems we have uncovered through the hearing process. I look forward to working closely with Senator SIMON as the Subcommittee on Education crafts a comprehensive piece of teacher education legislation and very much appreciate his interest in this most important issue.

Mr. KENNEDY. Mr. President, I am pleased to join in sponsoring of the National Teacher Recruitment Act of 1990.

As we look toward the decade ahead, we are told that we will need to hire 2.2 million more public school teachers by the year 2000. That is as many new teachers as are currently teaching in our schools today. This estimate is from the Education Department's own projections, and it is up from 1.6 million teachers, the previous estimate in 1988.

Despite these bleak predictions, last week the Education Department declared in testimony before our Education Subcommittee that there would be no teacher shortage. They point to a reserve pool of former teachers, career changers, and retirees. They say that increasing percentages of applicants for teaching positions are not college graduates, but come from that reserve pool.

But this point simply underscores the fact that the number of college graduates going into teaching is shrinking, causing the proportion of other candidates to rise. It tells us nothing about whether enough teachers will be available to meet the current or future shortage.

Reports by the National Education Association, the Carnegie Commission, the Council of the Great City Schools, the Rand Corp., the American Association of Colleges of Teacher Education, the National Association of Bilingual Education, the National Association for the Education of Young Children, the National Science Teachers Association, and the National Science Board, among others, point to the existing and growing shortage of teachers. Every principal and superintendent I have spoken to tells me of their difficulty in filling teaching positions with qualified applicants.

In the next few weeks, the Labor and Human Resources Committee will be developing a series of initiatives to address the recruitment, training, and retention of teachers. The National Teacher Recruitment Act, introduced today, is a promising approach, and I commend Senator SIMON for his initiative.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2253. A bill to amend the Water Resources Development Act of 1986 to deauthorize the Cross Florida Barge Canal, and to assist the State of Florida in preservation of the canal corridor as a greenway; to the Committee on Environment and Public Works.

CROSS FLORIDA BARGE CANAL

Mr. GRAHAM. Mr. President, on behalf of my colleague, Senator MACK, I rise to introduce legislation which would deauthorize the Cross Florida Barge Canal.

Mr. President, this represents a significant change in the appreciation, almost in the definition of our State. From the earliest years of discovery, Florida was seen as a barrier and later Florida was conceived as a commodity. It was seen as a barrier by the Spanish to an easy movement of their ships of gold from South America back to the home country, and so the Spanish had the idea, the vision, of a water link that would allow the peninsula of Florida to be traversed.

That idea continued right through the British period in Florida, and from the earliest years of the United States, first territorial and later statehood.

The idea of a link of water across the peninsula took form in the 1900's with the establishment of the Cross Florida Barge Canal and the commencement of public works to construct such a canal.

After over 20 years of effort toward that end, it was gradually realized that the economic assumptions upon which the canal was originally predicated were becoming increasingly anachronistic, and that there was potential for

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some serious environmental and dissipation—environmental problems as a result of the completion of the canal.

So in the early 1970's, at the direction of President Nixon, further construction on the canal was terminated, and for almost 20 years the 80,000 acres that had been acquired for the canal, the works that were built with some $73 million of Federal funds, had been dormant.

I believe that now is the time for Congress to decide what will be the future of this project and of those lands. This represents a transition from seeing Florida as a barrier and a commodity being developed and merchandised and used to a new area of responsibility of a trusteeship for how to protect these valuable public properties.

The legislation that Senator MACK and I are introducing today has the following essential elements: First, it deauthorizes the barge canal project. It will no longer be a project the Corps of Engineers would have legal authority to pursue.

Second, it would transfer the property of the canal authority to the State of Florida. There are 80,000 acres in public ownership acquired for this canal purpose. Approximately 90 percent of that land currently belongs to either the State of Florida or one of the local counties in the route of the canal. Less than 10 percent belongs to the Federal Government.

Third, it would be stipulated that the primary use of that 80,000 acres would be to develop across Florida a greenway. This would be a recreational area unparalleled in our country. It would be 110 miles in length. It would contain approximately half of its length in some of the most beautiful and scenic waterways in North America.

The other part would be across the rolling hills of central Florida out to the Gulf of Mexico. It provides that where there is land that is either not contiguous to the corridor itself—and there was a considerable amount of that land acquired during the process of putting together the corridor—or where there is corridor land that is surplus to the purpose of the greenway, that it would be disposed of with the proceeds of that disposition being used, first, to reimburse the counties which had put forward money to assist in the acquisition of the corridor, and that would be approximately $32 million.

Second, to purchase the missing links that will be necessary in order to have a continuous corridor.

And third, to achieve the purposes of the greenway and to manage the greenway once it is established.

Mr. President, the adoption of this legislation will be an important point in Florida's history and particularly in the history of the environmental consciousness of our State.

In many ways, it was the Cross-Florida Barge Canal that galvanized the environmental community of Florida. That bringing together of persons who shared a common ethic about the future of our State has had tremendous benefits for Florida in many areas. To see that movement conclude with the package of this legislation would be very appropriate and significant action for this Congress to take.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2254. A bill to establish the Pecos National Historical Park in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

PECOS NATIONAL HISTORICAL PARK ACT

● Mr. BINGAMAN. Mr. President, I rise today to introduce legislation to establish the Pecos National Historical Park in New Mexico. The lands within the proposed historical park contain a wealth of unique Southwestern cultural and natural resources which should be protected for the enjoyment and benefit of the American people. This new unit of the National Park Service would expand a popular national monument and provide the public with a historic view of native American cultures and trade routes, Spanish exploration, French trading routes, Western expansion, and the western front of the American Civil War.

SIGNIFICANCE

The Pecos National Historical Park will include approximately 5,500 acres of the Forked Lightning Ranch and the existing Pecos National Monument which is surrounded by the ranch. Currently, the Forked Lightning Ranch enjoys the protection and stewardship offered by Greer Garson Fogelson. Threats to historic, natural, recreation, and scenic values have been minimal. These ideal conditions have helped to maintain the near-pristine beauty of the historical environment of rolling hills, pinon-covered mesa, and sweeping prairies and meadows. The rich resources associated with Pecos National Monument, but still part of the ranch, and the rich historic resources associated with the Sante Fe Trail and the Civil War Battle of Glorieta Pass, have also been preserved.

The Forked Lightning Ranch is now for sale and developers have been formulating plans which, if acted upon, would threaten to impair the historic scene of Pecos National Monument and the other invaluable historical features of the ranch. Surely these lands have values above those of golf courses, condominiums, airstrips, and shopping malls.

The Pecos National Monument was established in 1965 when Mr. and Mrs. E. E. Fogelson donated the majority of the land, an inholding in their Forked Lightning Ranch, to the Federal Government for a national park to protect a rich and fascinating assemblage of Spanish and Indian ruins.

Since Pecos' establishment, well over a million visitors have marveled at the park's rich resources, which features Cicuye (Pecos), a dramatic, fortress like Pueblo village dating from about 1450 A.D. The Pecos Pueblo had risen to a position of dominance in the Pueblo world as a result of its advantageous location between the Great Plains and the Pueblo agricultural lands of the Rio Grande.

HISTORICAL RELEVANCE

The Upper Pecos Basin forms a broad pass through the Sangre de Cristo Mountains. Similar to the impacts of the Cumberland and South passes on American history, the Pecos Basin molded the prehistory and history of the people of the Southwest. An annual cycle of trade evolved between the Pecos Pueblo and the Plains Indians at this relatively easy route—or gateway—through the mountains. When the Spanish arrived, they continued a long-established trade system along the well-known trade route. A wider use of the Pecos Basin as a trade route began as early as the 1730's, when French traders brought new goods to Spanish colonists. Eventually, a trading stampede developed between American St. Louis and Mexican Santa Fe, along the route that became known as the Santa Fe Trail. This gateway to Santa Fe was also used for military excursions during the Mexican War, as well as during the American Civil War. With the advent of railroads, the gateway provided a natural passage through the basin. Through time, all trails, roads, railroads, and highways followed the ancient trade and travel routes from the Plains to the Rio Grande Valley. Interestingly, over the years, the scene at this historic gateway has remained virtually unchanged.

The creation of a Pecos National Historical Park would add immeasurably to the significance, integrity, and protection of the area comprising what is today Pecos National Monument. It would also preserve the integrity of the natural scene that early Spanish and Indian inhabitants saw 300 years ago—which today makes up a major park experience for visitors. Equally important, establishment of a Pecos National Historical Park would add a broad spectrum of cultural, natural, and recreational resources for the use and enjoyment of all Americans. For instance, the expended area contains over 100 archeological sites, representing Paleo-Indians, Archaic, pithouse dwellers, Puebloans, Apaches, and Spaniards, all critical elements in the colorful Pecos history.

With the creation of a new Pecos National Historical Park, the broader story and significance of the Santa Fe Trail could be more forcefully interpreted through inclusion of significant trail ruts, stage stops, and other specific sites. The battle at Glorieta Pass could be more effectively perceived on the actual ground than at more distant parks.

LIMITED FEDERAL ACQUISITION

The legislation I introduce today specifically authorizes the National Park Service to acquire portions of the Forked Lightning Ranch through donation, exchange, or purchase with donated or appropriated funds. Mr. President, unlike many land acquisition bills that Congress considers, I fully expect that most of the land included in this legislation will be acquired through donations or easements which will significantly reduce potential Federal expenditures while meeting the objectives of preserving the historical features of the land in a National Historic Park. To help facilitate donations, I will work with the Park Service to actively encourage a number of groups to pursue public/private partnerships to acquire the lands. My efforts in concert with those of the National Park Service should result in a National Historical Park which represents a unique diversity of national significant historic treasures. Passage of this bill would allow us to pursue these efforts.

Similar legislation is being introduced today in the House of Representatives by Congressman BILL RICHARDSON.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of this bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pecos National Historical Park Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) land surrounding the existing Pecos National Monument known as the Forked Lightning Ranch are critical to the preservation of resource values of the national monument;

(2) because the Forked Lightning Ranch is for sale, the Federal Government can no longer depend on the outstanding stewardship provided by its owners for the protection of the resources on the ranch and concern for the future of the national monument;

(3) the Forked Lightning Ranch surrounding the national monument contains nationally significant prehistoric and historic resources important to the heritage of New Mexico and our Nation;

(4) there is widespread interest in protecting the integrity of the national monument and the resources of the adjacent Forked Lightning Ranch; and

(5) the Forked. Lightning Ranch is part of the old Pecos Land Grant, and it—

(A) includes extensive archeological sites relating to the purposes for which Pecos National Monument was established;

(B) includes excellent examples of ruts of the Santa Fe Trail and features that had a key role in the story of the Santa Fe Trail; and

(C) was the location for Union Army actions during the 1862 Civil War Battle of Glorieta.

(b) PURPOSE.—The purposes of this Act are—

(1) to recognize the multitheme history of the Pecos area and its "gateway" role between the Great Plains and the Rio Grande Valley; and

(2) to provide for the preservation and interpretation of the cultural and natural resources of the Forked Lightning Ranch by establishing the Pecos National Historical Park.

SEC. 3. ESTABLISHMENT OF THE PECOS NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve, for the benefit and enjoyment of present and future generations, the area in New Mexico known as the Forked Lightning Ranch surrounding the existing Pecos National Monument, there is established the Pecos National Historical Park (referred to as the "park").

(b) AREA INCLUDED.—The park shall consist of approximately 5,865 acres of the lands and interests in land generally depicted on the map entitled "Boundary Map—Pecos National Historical Park", numbered 430/80027 and dated February 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Secretary of the Interior (referred to as the "Secretary") may from time to time make minor revisions in the boundary of the park in accordance with section 7(c) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-9).

(c) ABOLITION OF MONUMENT.—The Act entitled "An Act to authorize the establishment of Pecos National Monument in the State of New Mexico, and for other purposes" approved June 28, 1965 (79 Stat. 195), is repealed, and any funds available for purposes of the Pecos National Monument shall be available for purposes of the park.

SEC. 4. ACQUISITION OF LAND WITHIN PECOS NATIONAL HISTORICAL PARK.

The Secretary may acquire lands, waters, and interest therein within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

SEC. 5. ADMINISTRATION OF THE PARK.

The Secretary shall administer the park in accordance with this Act and with the law generally applicable to the administration of units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

SEC. 6. GENERAL MANAGEMENT PLAN.

Within 3 full fiscal years after the date that funding is made available for the purposes of preparing a general management plan, the Secretary shall develop and transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives, a general management plan for the park consistent with the purposes of this Act, including—

(1) a general visitor use and interpretive program that fully considers the prehistoric and historic aspects of the national historical park, including the "gateway theme" and early Spanish settlement of New Mexico;

(2) a statement on the number of visitors and types of public uses within the park that can be reasonably accommodated in accordance with the protection of its resources; and

(3) a general development plan for the park, including the estimated cost of development.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.●

● Mr. DOMENICI. Mr. President, I rise today to join my distinguished colleague from New Mexico, Senator BINGAMAN, in introducing the Pecos National Historical Park Establishment Act, which will replace the existing Pecos National Monument.

Pecos National Monument, located in the Upper Pecos Basin in northern New Mexico, was originally designated in 1965 and currently encompasses 365 acres. It contains the ruins of the ancient Pueblo of Pecos and the remains of two Spanish missions, one built in the 17th century and the other built in the 18th century.

Recently, a proposal surfaced to subdivide and develop some of the land surrounding the national monument in the Upper Pecos Basin. The residents of the area were very concerned about this proposal and the effect it would have on the monument and surrounding lands in the Upper Pecos Basin. As a result of local opposition, the development proposal was dropped.

Mr. President, the people of New Mexico have spoken. They want Pecos National Monument and the Upper Pecos Basin protected. The Upper Pecos Basin is a classic example of the mixing of cultures that makes New Mexico so unique. It was the site of important events in the native American, Hispanic, and Anglo history of New Mexico. I am pleased that the legislation that we are introducing would protect the historic resources of Pecos National Monument and the Upper Pecos Basin.

The bill that Senator BINGAMAN and I are introducing today would abolish Pecos National Monument and establish in its place the "Pecos National Historical Park." The new park would consist of 5,865 acres. The lands to be added to the park by this bill contain sites associated with Native American history and prehistory, Spanish colonization, the Santa Fe Trail, and the Civil War Battle of Glorieta.

This legislation is a logical extension of legislation that I included in the El Malpais Act of 1987, Public Law 100-225. The El Malpais Act permits indi-

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viduals to donate land for incorporation into Pecos National Monument.

Although the National Park Service already has authority to expand the National Monument under the provision that included in the El Malpais Act, the bill that we are introducing today authorizes lands to be added to the park through purchase, donation, or exchange.

The lands that would be added to the park by this bill are currently owned by Greer Garson Fogelson. Mrs. Fogelson, along with her late husband Buddy Fogelson, has been a most generous benefactor of many projects in the State of New Mexico. In fact, the Fogelson's donated the majority of the land that contained in the current national monument and donated half the funds to construct the visitors center at the monument. I am not overstating the case when I say that, without the generosity of the Fogelsons, Pecos National Monument would not be the high-quality unit of the National Park Service that it is today.

It is my strong hope that those interested in seeing additional lands at Pecos protected will acquire Mrs. Fogelson's lands and then donate them to the National Park Service pursuant to the provision that I included in the El Malpais Act. I am aware that the Secretary of the Interior, Manuel Lujan, is currently exploring such an option.

Mr. President, even though the bill we are introducing would permit the National Park Service to purchase the land for the monument, donation of the land is the preferred option, and it is my expectation that the land will be donated, as provided for in the El Malpais legislation.

Mr. President, I am also concerned that the bill that we are introducing today would permit the National Park Service to condemn Mrs. Fogelson's land. I do not think that the Federal Government should condemn this land, especially in light of the great generosity of the Fogelsons. Therefore, when this measure is considered in committee, I intend to offer an amendment that would assure that the purchase of this land would be on a willing seller basis.●

By Mr. DASCHLE (for himself, Mr. KERREY, and Mr. CONRAD):

S. 2255. A bill to express the sense of Congress that the Secretary of Agriculture should take certain actions concerning the modification and effects of acreage reduction programs and to require the Secretary to use existing programs to maintain prices for the 1990 crop of wheat resulting from a program modification, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

COMMODITY PROGRAM CONTRACT MODIFICATIONS

● Mr. DASCHLE. Mr. President, I rise today to introduce legislation designed to ensure our Nation's wheat farmers receive the income from the 1990 wheat crop they were led to believe they could expect when the program was announced. The legislation addresses the very serious concern that the Secretary of Agriculture's wide discretion to modify our annual farm programs has been invoked to the detriment of our wheat farmers, and that the Secretary has avoided an adequate level of accountability for his actions.

While I would not want to hamstring the Department of Agriculture in operating these programs, recent experience has shown the need for Congress to mandate greater accountability for the Secretary's discretionary actions. Specifically, this legislation is designed to correct the inequities caused by the Secretary's decision to allow modifications to the 1990 wheat program contract.

Before describing the legislation it is necessary to give a little background on the circumstances that persuaded me to introduce this bill. On May 31 last year, Secretary Yeutter announced the details of the 1990 Wheat Program. The major element of that announcement was the inclusion of a 5-percent acreage reduction program [ARP]. At that time, there was still some question as to whether there would be a second year of drought affecting the 1989 wheat crop. The 5-percent ARP was a reasonable response to an uncertain situation: It would ensure some check on production in 1990 in the event there was a full crop in 1989, but allow for adequate supplies in the event of drought. When this decision was made, the Administration was projecting a 1990 season average price for wheat of $3.50 per bushel.

However, at the end of the 1989 harvest, USDA determined that wheat supplies had been curtailed by a second year of drought. On September 13 last year, Secretary Yeutter announced that producers in the 1990 wheat program would have the option to modify their contracts to plant on more than 95 percent of their program base, as had originally been announced. For every additional acre of production over the 95 percent, producers would have to forfeit an acre's worth of deficiency payments.

USDA cited emergency authorities under the 1985 Food Security Act as the legal basis of this action. This authority provides that contracts can be modified after a program has been announced to alleviate potential emergency commodity shortages. However, it is questionable as to whether the authority allows the Secretary to reduce the level of income protection previously announced as available to producers. Quite aside from the direct impact on program participant's income through decreased deficiency payments, the change would be expected to have an effect on the wheat market as a whole.

The program change certainly has had an impact on the wheat market. On September 12, 1989, the day before the announcement, July 1990 Chicago wheat futures were at $3.59 a bushel, and the administration's own estimate of the 1990 season average price for wheat was $3.50 a bushel. Yesterday, that same futures contract was at $3.37 a bushel and the administration's estimate of prices is $3.20. By the administration's calculations average market prices will drop by 30 cents a bushel, and the futures market has actually already shown a 22 cents a bushel drop. With a third year of drought possible, there is little reason to attribute this depression of the market to anything other than the administration's actions to modify contracts.

This conclusion illustrates a very simple fact: the Secretary of Agriculture's immense discretion in setting the programs can influence the market enormously. However, at a feedgrains hearing in the Senate Agriculture Committee that followed the contract modification announcement, a witness for the administration denied that the administration had any stocks or price goals that had prompted the change. Well, that simply doesn't wash. The contract modification was consistent with the way the administration has implemented the 1985 farm bill: take every action possible to keep prices as low as possible and keep stocks flowing through the market. The repeated use of the Findley amendment illustrates this better than anything else. The administration knows it can influence the market and uses its powers to do so.

If Congress gave the Secretary of Agriculture this much discretion and yet he denies the purposes to which it has been used, I believe we have little choice but to make him more accountable for his actions. And in the case of this specific decision on the 1990 wheat program, we must do what we can to salvage the devastating price decline his actions caused.

This is the essence of the legislation I am introducing today. The overall principle outlined in the bill is that, if and when the Secretary chooses to modify a program contract after the program has been announced, the modification must be designed to have no adverse effect on producers' income. The Secretary should explain the impact of the decision on production, marketing, and stocks levels that are expected to result, and what actions will be taken to ensure that producer income is maintained.

This kind of accountability is something that I and many of my colleagues expect to place great emphasis on as we write the 1990 farm bill. Despite the protestations of the administration, we all know that they have specific stocks and price goals in mind when they announce or modify programs. It is my intention to ensure that these intentions are acknowledged and made explicit in the future. The 1990 farm bill must contain language to achieve this.

Turning specifically to the 1990 wheat crop, the legislation I am introducing today requires the Secretary to use all the programs available to him, and especially stocks management tools, to ensure that average market prices for the 1990 wheat crop are maintained at the level USDA was projecting when they made the initial program announcement. It is not too late to recover that price, even though the futures market has taken a beating, and it is owed to our Nation's producers.

Mr. President, as I have worked on developing ideas for the 1990 farm bill, I have been pleased with the likemindedness of several of my colleagues from the Northern Plains on these issues. I am pleased that Senator KERREY and Senator CONRAD are cosponsors of this legislation, and I hope that other Members will work with us on this legislation to ensure that our wheat producers' livelihood is adequately maintained. Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2255

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATION AND EFFECTS OF ACREAGE REDUCTION PROGRAMS.

(a) MODIFICATION.—It is the sense of Congress that if the Secretary of Agriculture modifies an acreage limitation, set-aside, or land diversion program established for the 1990 or subsequent crops of wheat, feed grains, upland cotton, or rice because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities—

(1) the modification be designed to have a positive or neutral effect on the income of individual producers, relative to the program as previously announced;

(2) the Secretary of Agriculture should make an explicit statement of how the modification is expected to affect the production, marketing, and stock levels of the commodities involved; and

(3) the Secretary of Agriculture should state how programs available to the Secretary will be utilized to maintain individual producer income at or above the level projected prior to the program modification.

(b) EFFECTS.—It is the sense of Congress that, at the time the Secretary of Agriculture announces the options available under an acreage limitation, set-aside, or land diversion program established for the 1990 or subsequent crops of wheat, feed grains, upland cotton, or rice, the Secretary of Agriculture should also announce the estimates of the Secretary of how each of the options would affect production, stocks, and price levels of the commodities involved.

SEC. 2. USE OF PROGRAMS TO MAINTAIN 1990 WHEAT PRICES RESULTING FROM MODIFICATION.

The Secretary of Agriculture shall use such programs as are available to the Secretary (including an adjustment to the quantity of wheat held in the food security wheat reserve established under section 302 of the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1)) to ensure, to the extent practicable, that the average market price for the 1990 crop of wheat is not lower than the projected average market price for the 1990 crop of wheat used by the Secretary at the time of the announcement of the option for wheat producers to modify agreements entered into for the 1990 crop of wheat pursuant to section 107D(f)(7) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(f)(7)).●

By Mr. HARKIN (for himself, Mr. BUMPERS, Mr. HOLLINGS, Mr. STEVENS, Mr. RUDMAN, Mr. PRYOR, and Mr. NUNN):

S. 2256. A bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes; to the Committee on Labor and Human Resources.

FAIR TREATMENT ACT

● Mr. HARKIN. Mr. President, I am proud to join with my colleagues, Senators BUMPERS, HOLLINGS, STEVENS, RUDMAN, PRYOR, and NUNN, in introducing the Fair Treatment Act of 1990.

The Fair Treatment Act restores equity to the current formula that distributes the Alcohol, Drug Abuse, and Mental Health Services [ADMS] block grant funds to the States. The ADMS block grant provides the lion's share of Federal funds to the States for reducing the demand for drugs. This block grant also provides critical funds for States to treat alcohol abuse and for mental health delivery systems.

The current formula that divides funds among the States was established in the Anti-Drug Abuse Act of 1988. It's by no means a consensus formula, and it never was. The current formula unjustly skews funding toward States with a large urban population. It leaves small and rural States in the lurch.

The Fair Treatment Act redeploys ADMS funds so critical to the drug war, and to providing alcohol treatment and mental health services. It allows funds to flow to all States based on their population and ability to pay—as they should—but with no bonus for urban population.

The ADMS block grant wasn't originally intended to favor urban populations. We know all too well that drugs, alcohol, and mental health problems don't just happen in cities. There is no reason that Federal funds should favor urban populations.

Comprehensive studies of the ADMS formula have been conducted by the Department of Health and Human Services, and by the University of California. Neither of these proposed favoring States' urban population or using any other geographic measure for funding.

The Fair Treatment Act eliminates the urban weight factor in the ADMS funding formula, thereby allowing funds to flow based on a State's entire population, without regard to whether they live inside or outside of major cities.

The Fair Treatment Act makes no change in the scheduled phase-out of the hold-harmless provision. When the phase-out is completed, the distribution of ADMS funding will reflect accurately States' population and ability to pay.

The Fair Treatment Act isn't simply a rural State bill or a small State bill, even though such States benefit from it. The Fair Treatment Act would help 36 States this year alone. Up to now, these States have been penalized unfairly having their people counted once while other States' people are counted twice.

If the Census Bureau tried that trick, we'd hang them out to dry. And it's a crime to vote twice. Can it be any fairer for people living in cities to be counted twice in measuring State population? I don't think so, and no reasonable person can justify the double counting in the current ADMS formula.

By eliminating double counting and getting back to accurate measures of each State's population and ability to contribute its resources, the Fair Treatment Act of 1990 ensures that every State will get a fair shake from the Federal Government. This change is long overdue.

For my home State of Iowa, this formula change would bring another $3.5 million this year, increasing our share of the ADMS block grant from $7.8 million up to $11.3 million. Thirty-five other States would benefit from the equitable formula as well, and continue to benefit next year and beyond.

Mr. President, this bill is honest and fair. I urge my colleagues to support the legislation, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Treatment Act of 1990".

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SEC. 2. ALCOHOL, DRUG ABUSE AND MENTAL HEALTH BLOCK GRANT ALLOTMENT FORMULA.

(a) IN GENERAL.—Section 1912A(a)(4)(B) of the Public Health Service Act (42 U.S.C 300x-1a(a)(4)) is amended—

(1) by striking out clause (i);

(2) by redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively;

(3) in clause (i) (as so redesignated), by striking out "0.2" and inserting in lieu thereof "⅓";

(4) in clause (ii) (as so redesignated), by striking out "0.2" and inserting in lieu thereof "⅓"; and

(5) in clause (iii) (as so redesignated), by striking out "0.2" and inserting in lieu thereof "⅓".

(b) MINIMUM ALLOTMENT.—Section 1912A(b) of such Act is amended—

(1) in paragraph (1), by striking out "$7,000,000" and inserting in lieu thereof "$8,000,000"; and

(2) in paragraph (2):

(A) by striking out "and" after the semicolon in subparagraph (A);

(B) by striking out the period at the end of subparagraph (B), and inserting in lieu thereof "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) 25 percent of the cumulative percentage change in the amount by which the appropriations under section 1911 for the fiscal year for which the allotment is being made exceeds the amount appropriated under such section for fiscal year 1989.".●

Mr. RUDMAN. Mr. President, I am pleased to join Senators HARKIN, HOLLINGS, BUMPERS, STEVENS, NUNN, and PRYOR in cosponsoring legislation to revise the formula by which Alcohol, Drug Abuse and Mental Health Service [ADMS] block grant funds are distributed to the States.

Substance abuse is one of the most serious problems facing our country today and the ADMS block grant is the primary means by which the Federal Government assists the States in providing treatment to drug and alcohol abusers. It is a critical component in the demand reduction efforts of the war on drugs.

Mr. President, the Anti-Drug Abuse Act of 1988 (Public Law 100-690) authorizes new resources for the ADMS block grant and revised the formula by which those resources are distributed to the States. I have supported efforts in the Senate to increase the level of funding for the treatment of substance abuse believing that the war on drugs can only be won by curbing demand through a greater commitment to prevention, education, and treatment. Funding for the ADMS block grant has nearly doubled since fiscal year 1988 and the fiscal year 1991 budget proposes $1.29 billion to enable States to meet critical treatment needs. Unfortunately, the small and rural States have been largely overlooked during this period as a result of a formula which favors States with urban populations.

Despite the infusion of an additional $387 million for the block grant last year, seven States—Alaska, Maine, Montana, New Hampshire, South Dakota, Vermont, and Wyoming—received no additional funding for critical treatment needs. The reality of this situation is that without some revision in the formula to permit small States to share in increased resources, there are New Hamspshire citizens with alcohol and drug abuse problems who will not receive treatment because of waiting lists and there are special populations in New Hampshire that will remain unserved or underserved, including pregnant addicted women needing detoxification, and elderly, and handicapped, and the mentally ill chemical abuser.

This legislation will restore equity to the block grant by permitting small and rural States to share in the increased resources which are provided for treatment. I am hopeful that it will receive expeditious consideration.

By Mr. PELL:

S. 2257. A bill to terminate the Ground-Wave Emergency Network [GWEN] Program; to the Committee on Armed Services.

TERMINATION OF GROUND-WAVE EMERGENCY NETWORK PROGRAM

Mr. PELL. Mr. President, I am introducing today a bill to terminate the Ground-Wave Emergency Network [GWEN] Program of the Department of Defense.

The GWEN system is a coast-to-coast network of signal towers built by the Air Force and designed to survive electromagnetic pulses in the wake of a nuclear attack. Its purposes is to provide backup communications to Air Force bombers and land-based missile installations in the event regular channels of communications were disrupted.

So far, the Air Force has constructed some 54 out of a projected total of 96 GWEN towers, each of which costs about $1 million and stands 299 feet tall. But there is considerable redundancy built into the system, and the Air Force acknowledged 2 years ago that the system was then operational with 49 towers. Any extra towers, they seemed to say, would simply be added insurance.

Now, in the light of recent world events, the GWEN system appears to be an anachronism of marginal utility at the very best. The likelihood of nuclear conflict has been reduced so dramatically as to call into question the basic utility of the system, not to mention the need for further redundancy.

Moreover, a number of other considerations have come into play. We are told that GWEN may be made obsolete by satellite communications technology within the decade. And there is increasing concern about the possible health hazards of electromagnetic low frequency radiation emanating from the existing GWEN towers.

Finally, Mr. President, the GWEN towers have become an unconscionable irritant to the public. From the beginning, they were seen, particularly by those concerned about arms control issues, as an unwelcome symbol of the futility of nuclear war. Now, they seem to be rejected by large numbers of the general public as another military boondoggle of very dubious worth.

The Air Force's proposal to locate a tower in the State of Rhode Island drew resolutions of disapproval from both houses of the State legislature and from the town councils of the communities involved as well as the opposition of most of the political leadership of the State. The Attorney General of Rhode Island brought suit against the Air Force in Federal District Court, forcing the cancellation of construction at one of two possible sites.

Now, Mr. President, I am pleased to join my colleague Rep. RON MACHTLEY, a member of the House Armed Services Committee, in proposing legislation to terminate the GWEN Program. The bill I introduce today is identical to the Machtley bill H.R. 4118 which was introduced on February 27. It simply provides that no funds may be obligated or expended for contracts under the GWEN Program.

Shutting down the GWEN Program at this stage would save an estimated $60 million. This would of course be a very modest saving in terms of the overall defense budget, but the action, I believe, would have far greater value than could be measured by dollars alone.

Mr. President, I ask unanimous consent that a related article from the New York Times of January 31, 1990, entitled "If Congress Can't Cut This * * *" by Ronald Fraser, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 31, 1990]

IF CONGRESS CAN'T CUT THIS . . .

(By Ronald Fraser)

WASHINGTON.—As Congress takes up debate on the Pentagon budget, the members should think a moment about the confused people in Chelsea, Wis., Lovingston, Va., and dozens of other communities. These people are having trouble squaring the apparent end of the cold war with Air Force's continuing preparations for a retaliatory nuclear strike.

They can't quite reconcile 300-foot-high military towers sprouting in their backyards with President Bush's expressions of sympathy for Mikhail Gorbachev's political plight. Nor can they reconcile the towers with a recent proposal by Secretary of Defense Dick Cheney, the recommendation—quickly rejected by Mr. Bush—was to ground the President's airborne command center because the likelihood of a Soviet sneak attack is so remote.

Known as the ground wave emergency network, the Air Force program consists of a two-part network of relay towers stretching from Maine to California. The towers are designed to survive electromagnetic-pulse disruptions during the first 15 minutes of a Soviet nuclear sneak attack. If the primary military channels to Air Force land-based missiles and nuclear-armed bombers were cut, it would serve as a backup means to transmit Pentagon retaliation attack orders.

The network symbolizes the fate of many yet-to-be-built 80's-era weapons that, in Pentagonese, have been "overtaken by events." When these weapons were conceived, the Evil Empire was expected to last well into the next century.

If Congress is truly looking to carve out a "peace dividend" from the military budget, it might start here, with these small, often-overlooked programs. After that, it might be easier to extend the same logic to the larger weapons systems, such as the B-2 bomber and the Strategic Defense Initiative, which account for a much greater share of military spending.

The ground wave emergency network is rooted in President Ronald Reagan's 1981 National Security Decision Directive 12, which calls for a communications system that could survive a nuclear attack. A crude stop-gap measure, the network is to be replaced by a sophisticated satellite communications system in the late 1990's.

The Air Force is only now completing the first phase, a self-contained 56-tower network linking the Pentagon to bomber and missile command centers. The second phase, consisting of 40 more relay towers, is still on the drawing board.

People living in the shadow of the proposed second-phase towers wonder why, with peace breaking out across Europe, the Air Force needs 40 more towers. The Air Force's response: for insurance, in case an enemy destroys some of the first 56.

Actually, how many towers are enough was never resolved. In hearings before Congress in 1983, Donald Latham, then the Assistant Secretary of Defense for Command, Control and Communications, put the issue this way, in typical bureaucratese:

"How much survivability do you want to buy? . . . We can cover and get connectivity across the continental United States with about 45 nodes [towers]. But that is not enough if I really look at cutting up this network with a few weapons or a few terrorist attacks . . . How many nodes do you want in order to give you absolute assurance? I don't know the right answer to that. It is some number more than 45 and less than 500."

If Mr. Latham couldn't decide how many towers are enough while the cold war was still hot, how can the Air Force know the right number in this new postwar era? Uncertainty abounds. No one really knows whether an electromagnetic impulse would be a big problem or not in a nuclear war. So the value of the towers will always be speculative.

Besides, even if the impulse did temporarily disrupt communications with U.S. bombers and land-based missiles, that would hardly leave us defenseless. The President could retaliate with the 3,000 nuclear warheads aboard the 20 or so submarines we keep at sea at all times. These subs are invulnerable to Soviet attacks, and most experts agree that a few thousand surviving warheads would deter a first strike by the Soviet Union.

Yet, the Air Force persists in upsetting one community after another in its search for sites for the next 40 towers. And the illogic is stunning. Officials insist the towers are essential to U.S. security, even as current events discredit this rationale. Then they turn around and tell local folks not to worry, the chances are slim that this critical communications system would become a target for Soviet missiles in an all-out war. The people living near the towers are not so sure.

At $1.1 million a tower, the program is small potatoes compared with other too-late-for-the-war weapons like the B-2 bombers, at $530 million apiece. But far more than money is at stake here. In any bureaucracy, momentum tends to keep programs going long after they have lost their reason for being.

Now that our need for a big insurance policy to retaliate against a Soviet sneak attack is on a downward slide, what should become of the half-finished communications system?

Why not put the last 40 towers on hold, leaving the 56-tower system in place and ready to use, if needed? Why not wait and see if the $60 million insurance policy is really needed?

The real challenge posed by this program is plain. Congress needs to display the common sense to cancel a small, interim cold war insurance policy that has been overcome by events. If it can't do that, what are the chances that it will create a real peace dividend by halting the more costly war weapons that we no longer need?

By Mr. BRYAN (for himself and Mr. REID):

S. 2258. A bill to amend the Nuclear Waste Policy Act of 1982 to allow commercial nuclear utilities that have contracts with the Secretary of Energy under section 302 of that act to receive credits to offset the cost of storing spent fuel that the Secretary is unable to accept for storage on and after January 31, 1998; to the Committee on Energy and Natural Resources.

INDEPENDENT SPENT NUCLEAR FUEL STORAGE ACT

Mr. BRYAN. Mr. President, I rise today to introduce the Independent Spent Nuclear Fuel Storage Act of 1990.

When President Reagan signed the Nuclear Waste Policy Act on January 7, 1983, less than a week after I became Nevada's Governor, our Nation embarked on a costly scheme to resolve a vexing technological problem—how to manage for hundreds of thousands of years the most toxic and dangerous waste products that man has ever created.

The premise of the 1982 Nuclear Waste Policy Act was to fairly and scientifically evaluate a variety of sites and different geological formations so that the best solution to the high-level commercial radioactive waste disposal problem could be found. That act also contemplated a geographically balanced approach to ensure that no single area of the Nation would be unfairly burdened with the entire Nation's commercially generated radioactive waste.

A regionally balanced approach would also minimize the transportation of these lethal materials long distances and through communities never before touched by nuclear waste.

In the Nuclear Waste Policy Amendments Act of 1987, signed by President Reagan on December 22, 1987, a political decision was made to abandon the fairness and safety that was the premise of the 1982 act and to shift the national policy away from a scientific approach to solving our Nation's high-level nuclear waste problem.

That legislation targeted only one site—Yucca Mountain—for further consideration for a repository location.

This ill-conceived policy—abandoning science for politics when trying to solve a great scientific problem—was tangible evidence of the undue influence the commercial nuclear utility industry has had on the repository program since its inception.

The DOE and nuclear industry policymakers, however, underestimated the resolve of Nevada's citizens to rise up against this injustice. Even more fundamentally, the special interests were blind to the merits of the State's technical arguments that Yucca Mountain was a bad choice for further study.

Six years of scientific study by the State has been very revealing about the merits of the Yucca Mountain site. As our technical knowledge increases, Nevada's misgivings about the Yucca Mountain site are being confirmed. At least 32 active geological faults are associated with the site, and recent volcanic activity appears to have occurred—either of which indicate the site cannot be licensed by the NRC.

The geology, hydrology, volcanism, and mineral potential at Yucca Mountain all indicate it is unable to isolate these radioactive wastes from the environment for the tens of thousands of years necessary for the wastes to decay.

The repository program has been paralyzed by management, scientific, and legal deficiencies since the 1987 amendments were adopted. As a result, the target date for repository operations has slipped further with each passing year—first from 1998 to 2003, and now according to DOE's newest revised plan, no repository can open earlier than the year 2010.

As a result, utilities are having to face the reality of solving, at least on an interim basis, their own spent fuel storage needs.

Fortunately, technology has advanced the options available so that no fuel storage crisis looms. At reactor, dry cask storage has been proven to be safe and to require only minimal ongoing monitoring and maintenance when compared to existing spent fuel

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storage pools. Some reactors have already approached or exceeded their spent fuel storage pool capacity. even after installing more compact storage racks—reracking.

A growing number of utilities—out of necessity—are purchasing and planning on using NRC-licensed dry cask storage units at reactor sites to meet their interim storage needs.

The Nuclear Regulatory Commission has issued a proposed revision of its waste confidence rule which indicates that at-reactor spent fuel storage can be safely and effectively implemented for a period up to 100 years.

Thus the crisis that prompted the 1982 act and its deadlines DOE was unable to meet has now vanished with better technological approaches gaining acceptance.

Unfortunately. existing law does not protect utility ratepayers from having to finance both the faltering Federal effort and the interim storage that will be necessary because the Department of Energy will not be able to accept spent fuel for storage in 1998 as was promised in the original act.

The legislation I am introducing today corrects this inequity so that ratepayers only pay once for necessary waste storage efforts.

Currently. ratepayers finance the existing Federal program by paying more than $1 million per day into the Nuclear Waste Fund. This legislation allows a nuclear utility to retain a portion of their existing payments equal to the on-site storage expenses incurred so that the ratepayers receive the waste management and disposal service for which they are already paying. Without such a provision, ratepayers will continue to pay billions for the existing program, and will also have to pay for interim fuel storage needed to allow for continued reactor operations.

The remaining fees paid will accrue in the dedicated Nuclear Waste Fund to finance final storage once DOE has licensed a permanent disposal site.

Since the passage of the Nuclear Waste Policy Act in 1982, well over $2 billion have been wasted with no progress made toward solving this problem.

In the 7 years the program has operated, it has already required one major legislative revision in 1987. During those 7 years, the target date for repository operations has slipped by 12 years, and DOE itself has characterized the new target date for repository operations to begin—the year 2010—as optimistic.

It is time for the Nation to face the fact that expanded on-site storage will become a reality for most nuclear utilities during the 1990's, whatever the outcome of DOE's efforts to build a waste dump at some future time.

On-site storage minimizes transportation risks, allows spent fuel to cool, and allows needed waste management flexibility so that a sound, equitable, and scientifically based disposal policy for the Nation's nuclear waste ultimately may be achieved.

The legislation I introduce today will be a first step in setting the Nation's nuclear waste management policy on a fiscally sound course. Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Independent Spent Nuclear Fuel Storage Act of 1990".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Findings.
Sec. 5. Amendments to the Nuclear Waste Policy Act of 1982.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Commission" means the Nuclear Regulatory Commission; and

(2) the term "Secretary" means the Secretary of the Department of Energy.

SEC. 4. FINDINGS.

The Congress finds that—

(1) approximately 18,000 tons of spent nuclear fuel are now stored at 111 commercial nuclear reactors in the United States; by 1998, approximately 45,000 tons of spent nuclear fuel will be stored at commercial nuclear reactors;

(2) the deep geologic high level radioactive waste and spent nuclear fuel repository envisioned by the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101 et seq.) will not be constructed in time to permit the Secretary to receive and accept high level radioactive waste or spent nuclear fuel as contemplated by sections 123 and 302 of that Act (42 U.S.C. 10143, 10222), with the result that the Secretary will be unable to perform contracts executed pursuant to section 302(a) of that Act with persons who generate or hold title to high level radioactive waste or spent nuclear fuel;

(3) there have been no orders for the development or construction of civilian nuclear power generating facilities since the enactment of the Nuclear Waste Policy Act of 1982; several such facilities that were anticipated when the Act was enacted are not operating now;

(4) it does not now appear that a deep geologic high level radioactive waste and spent nuclear fuel repository will be available before the year 2010 or later;

(5) by the time a deep geologic repository is available many currently operating commercial nuclear reactors will need spent fuel storage capacity beyond the maximum now available in at-reactor spent fuel storage pools; nuclear utilities have spent and will spend major sums to construct facilities, including dry cask spent fuel storage facilities, for use in the interim before a deep geologic repository is available;

(6) the sums spent for the purposes described in paragraph (5) are the same funds that commercial nuclear utilities intended to contribute to the Nuclear Waste Fund established by section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222 (c));

(7) the technology for long term storage of spent nuclear fuel, including the technology of dry cask storage, has improved dramatically since the enactment of the Nuclear Waste Policy Act of 1982;

(8) the existing statutory jurisdiction of the Commission, under the Atomic Energy Act of 1954 (42 U.S.C. 2001 et seq.), the Energy Reorganization Act of 1974 (42 U.S.C. 5801 et seq.), Executive Order 11834 (42 U.S.C. 5801 note), the Nuclear Regulatory Commission Reorganization Plan No. 1 of 1980, and the Commission's various authorization Acts includes the jurisdiction to review and evaluate the spent fuel storage capability of commerical nuclear utilities that hold or seek licenses to receive and possess nuclear materials from the Commission;

(9) commercial nuclear utilities that hold licenses to receive and possess nuclear materials are generally well suited to maintain the institutional capability necessary to become long term stewards of spent nuclear fuel;

(10) the increased radioactive decay that will occur in spent nuclear fuel that has been stored for interim periods prior to delivery to the Secretary pursuant to section 123 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10143) will ease and facilitate its subsequent handling, transportation, and final disposal; and

(11) the median estimated cost to commercial nuclear facilities of acquiring or constructing at-reactor dry storage facilities, plus the long term operating cost, is approximately 0.56 mil per kilowatt-hour under average industry fuel burnup rates.

SEC. 5. AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT OF 1982.

Section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(a)) is amended by inserting at the end thereof the following new subsection:

"(f)(1) After January 31, 1998, if the Secretary does not have a facility available to accept spent fuel from persons holding contracts under this section, those persons may, through credits on fee payments under subsection (a)(2), offset the expenses of providing storage of spent fuel generated after that date (including expenses reasonably incurred before that date in anticipation of the necessity of providing such storage) and until the date of the Secretary's first acceptance of that persons's spent fuel at a storage or disposal facility authorized by this Act.

"(2) The credits described in paragraph (1)—

"(A) shall be deducted form each remittance of a person's fee payments to the Nuclear Waste Fund from the time that the person meets the conditions of paragraph (1) until the time that the Secretary first accepts that the person's spent fuel at a storage or disposal facility authorized by this Act; and

"(B) shall be in the amount of 0.56 mil per kilowatt-hour for electricity generated by the person's civilian nuclear power reactor and sold during the period the person is eligible for the credit.".

By Mr. DASCHLE (for himself and Mr. LEAHY):

S. 2259. A bill to authorize agricultural research programs, and modify agricultural research planning and priority setting mechanisms, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL RESEARCH AND EXTENSION PLANNING, PRIORITY SETTING, AND TECHNOLOGY ASSESSMENT ACT

Mr. DASCHLE. Mr. President, today I am introducing legislation on behalf of myself and the Agriculture Committee Chairman, Senator LEAHY, that will improve the direction and mission of the agricultural and extension system. The primary purpose of the bill is to modify the agricultural research priority setting process to address the needs of producers and consumers, and to improve coordination of federally funded agricultural research. The bill is the result of several hearings that the Subcommittee on Agricultural Research and General Legislation held regarding the agricultural research priority setting and planning process. The legislation also incorporates many of the concepts that are in a soon to be released report by the Office of Technology Assessment on "Agricultural Research and Technology Transfer Policies for the 1990's".

The current agricultural research and priority setting process resists change and is ineffective. It is based on consensus management and refuses to address new areas of research, or evaluate the effectiveness of its research. The research and priority planning process is comfortable with doing what it currently has the capability to do, but resists changing the focus of the research system. To illustrate this point, neither the Joint Council on Food and Agricultural Science or the National Agricultural Research and Extension Users Advisory Board addressed the plant genome project; the National Initiative for Research on Agriculture, Food and Environment; or America the Beautiful in their 1991 planning documents. All of these projects are major components of the President's 1991 budget. Since these major research and education initiatives were not considered by the current planning and priority setting boards, it raises serious doubts about their usefulness.

The agricultural research and planning and priority setting process is out of touch with needs of producers and consumers. Research and extension programs in the support of sustainable agriculture systems continue to be ignored by the USDA. Consumers are calling for farmers to use these systems and farmers themselves are searching for adequate information on how to implement sustainable production systems. However, the USDA continues to resist research that would support sustainable agriculture systems. Alternative crops and products and increasing the demand for existing crops is another major area of research that continues to be ignored by the USDA and its planning and priority setting process. Producers need other production options, not just higher yields of commodity program crops. The legislation that I am introducing will modify the planning and priority setting process so that needs of producers and consumers will be addressed by the agricultural research system. The legislation also contains goals and purposes that will help to clarify the agricultural research and extension systems mission.

A major emphasis of this legislation is to improve coordination of federally funded agricultural research programs. USDA is not the only Federal agency involved in agricultural research. This legislation recognizes that the National Institute of Health, the National Science Foundation, Department of Energy, and the Environmental Protection Agency are all actively involved in funding agricultural research. Improved research coordination will result in consistent priorities and greater efficiency in Federal funding for agricultural research.

There is considerable debate in the agricultural research community regarding new agricultural research developments and their influence on society. This legislation addresses those concerns by establishing an Agricultural Science and Technology Assessment Board to determine the influence of new and emerging agricultural science issues on society, the environment, and agricultural production. This board will function to evaluate the effectiveness of agricultural research and technology transfer programs and give direction to the system.

This legislation may seem controversial to the traditional agricultural research system. The system has served us well, however, it must realize the priorities that were driving the research system in the 1950's and 1960's are no longer the primary issues facing producers and consumers. This legislation will help the research system meet the needs of its true clientele, producers, and consumers.

Mr. President, I ask unanimous consent that a summary and full text of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2259

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Agricultural Research and Extension Planning, Priority Setting, and Technology Assessment Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purposes.

TITLE I—PRIORITIES FOR THE AGRICULTURAL RESEARCH AND EXTENSION SYSTEM

Sec. 101. Statement of purposes for agricultural research and extension.
Sec. 102. Application of purposes to agricultural research and extension projects.

TITLE II—AGRICULTURAL RESEARCH PLANNING AND PRIORITY-SETTING ENTITIES

Sec. 201. National Agricultural Research and Extension Users Advisory Board.
Sec. 202. Joint Council on Food and Agricultural Sciences.
Sec. 203. Agricultural Science and Technology Review Board.
Sec. 204. National Clearinghouse on Agricultural Scientific Talent.

TITLE III—AGRICULTURAL RESEARCH AND EXTENSION FUNDING PROGRAMS

Sec. 301. Competitive grants for agricultural, food, and environmental research.
Sec. 302. Sense of Congress regarding formula funding for agricultural research and extension.

(c) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or provision of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.), except to the extent otherwise specifically provided.

SEC. 2. FINDINGS.

Congress finds that—

(1) significant amounts of agricultural research and training of agricultural research scientists are being conducted outside of the land-grant university system and the traditional colleges of agriculture;

(2) significant amounts of Federal funding for agricultural research are being provided by Government agencies outside of the United States Department of Agriculture, such as the National Institutes of Health, the National Science Foundation, the Department of Energy, the Department of the Interior, the Department of Defense, and the Environmental Protection Agency;

(3) the present agricultural planning and priority setting mechanisms (the Joint Council on Food and Agricultural Sciences and National Agricultural Research and Extension Users Advisory Board) lack the scope and authority to perform adequate technology assessment of emerging agricultural priorities and research accomplishments;

(4) the federally supported agricultural research and extension system needs to develop a clearer vision of its mission, and more specificity and clarity in stating priorities for the system;

(5) planning and priority setting in the federally supported agricultural research and extension system is ineffective, in part, because there is no mechanism to assure followthrough on initiatives of the Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board;

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(6) agricultural scientists need to become more involved in multidisciplinary research;

(7) the federally supported agricultural research community is emphasizing basic research and this has resulted in decreased emphasis in areas of applied research and technology transfer;

(8) agricultural research has a profound influence on the structure of agriculture, the quality of rural life, and the environment;

(9) if publicly funded agricultural research and extension is to provide the maximum possible positive contribution to the betterment of society, research and extension priorities must be shaped to advance established societal goals, with the assistance of information provided by technology assessment;

(10) it is the historical policy of the United States to foster and encourage the family farm system of agriculture as essential to the social well-being of the United States and efficient agricultural production;

(11) such a system is best characterized by large numbers of small and moderate-sized, owner-operated, ethnically diverse, family farms that result in more socially and economically strong rural communities and high quality rural life;

(12) long-term food security would be enhanced by improved soil and water conservation, increased genetic diversity, and greater reliance on renewable resources for agricultural production;

(13) the agricultural production system, with its special reliance on the environment, is more susceptible than other industries to economic collapse if the natural biological systems fail to operate properly;

(14) increasing numbers of agricultural producers and urban consumers are concerned about farm profitability, soil erosion, water quality and quantity, and the impact of agricultural chemicals on human health and the environment;

(15) greater cooperation is needed among the public and private agricultural research and extension system to address these concerns; and

(16) diversified agricultural production reduces financial risk, the market consequences of overproduction, and expands agronomic crop management options.

SEC. 3. PURPOSES.

It is the purpose of this Act—

(1) to establish purposes and procedures for federally funded agricultural research and extension programs;

(2) to encourage the agricultural research and extension community to evaluate the technological consequences of the research that it performs, and to direct its research and extension activities toward advancing the purposes for agricultural research;

(3) to improve the present agricultural research planning and priority-setting entities; and

(4) to improve the competitive grant system used by the Secretary of Agriculture.

TITLE I—PRIORITIES FOR AGRICULTURAL RESEARCH AND EXTENSION SYSTEM

SEC. 101. STATEMENT OF PURPOSES FOR AGRICULTURAL RESEARCH AND EXTENSION.

The Act is amended by inserting after section 1403 (7 U.S.C. 3102) the following new section:

"SEC. 1403A. STATEMENT OF PURPOSES FOR AGRICULTURAL RESEARCH AND EXTENSION.

"(a) PRIMARY PURPOSE.—The primary purpose of Federal involvement in both basic and applied agricultural research and extension activities shall be to—

"(1) enhance the sustainability and competitiveness of the food production and agricultural system of the United States; and

"(2) best ensure that it maximizes competitiveness and the social, environmental, human health and food security interests of the United States.

"(b) SPECIFIC PURPOSES.—Subject to the varying conditions and needs of States, to carry out subsection (a), federally funded agricultural research and extension programs shall—

"(1) increase employment opportunities (especially self-employment) in agricultural and rural communities, strengthen the family farm system of agriculture, enhance the competitive position of small- and moderate-sized, owner-operated farms upon which the operators rely for a significant portion of their incomes, contribute to a more equitable rural, social, and economic structure, and enhance the social and economic vivacity and quality of life of rural communities;

"(2) protect the environment and natural resources, including reducing soil erosion, enhancing wildlife habitat and populations, protecting ground water and surface water from pollution from sediment, nutrients, synthetic chemicals, and other potential pollutants;

"(3) enhance human health by fostering the availability and affordability of a safe, wholesome, healthful, and nutritious food supply and by developing farming systems without adverse impacts on the health of consumers, farmers, farmworkers, and other persons involved in the food and farm system;

"(4) enhance the resiliency and competitiveness of the food and farm system to ensure long-term food security and affordability by—

"(A) reducing reliance on consumptive use of nonrenewable resources, including petroleum and other nonrenewable sources of energy;

"(B) preserving, enhancing, and sustaining the productivity of natural resources, including farmland;

"(C) maintaining genetic and species diversity; and

"(D) developing farming systems capable of meeting future food and farm product needs; and

"(5) enhance the efficiency, profitability, and competitiveness of United States agriculture through the development of production systems that address constraints facing producers and that allow the producers, through more intensive application and use of management, skilled labor, and other means to reduce production costs.

"(c) PROGRAMS.—To foster the purposes described in subsections (a) and (b), agricultural research and extension programs should emphasize—

"(1) development of farming systems that take greater advantage of natural processes and beneficial onfarm biological interactions so as to sustain and enhance the interactions for use in agronomic and livestock farm management, including—

"(A) enhanced management of fertilizers, pesticides, animal drugs, and onfarm inputs;

"(B) use and development of integrated pest management systems and biological controls for insects, weeds, and plant pathogens;

"(C) soil management systems that reduce soil erosion, use cover crops, crop residues, crop rotation, and legumes as nitrogen sources; and

"(D) environmentally sound application of animal manure;

"(2) agroecology research aimed at developing an understanding of the ecology of agricultural ecosystems and the interaction among living organisms, environmental conditions, and farming practices;

"(3) genetics research (using both traditional approaches and biotechnology) that result in crop varieties and livestock that enhance management options, farm productivity, use of onfarm inputs, and a diversity of products that can be marketed by the farm operator;

"(4) research to develop farming systems appropriate to an era of climatological uncertainty, including development of more drought tolerant plants and farming systems that conserve moisture, and plants and livestock that are adaptable to shifts in climate;

"(5) research to increase the demand for current farm products, and to develop new farm crops and enterprises, that are socially, economically, and environmentally advantageous and enhance agricultural diversity, including—

"(A) new crops and new uses for existing crops that can be grown on highly erodible land at acceptable rates of soil erosion;

"(B) new uses for existing crops and new crops that when added to rotations with major crops reduce soil erosion and the need for substantial off-farm inputs;

"(C) new crops and products that are environmentally sound and appropriate to small- and moderate-sized family farms; and

"(D) processing techniques for agricultural products that are appropriate to location on farms and in small rural communities;

"(6) research to enhance the profitability and productivity of soil conserving land uses and farming systems that rely on long-term perennial plant systems, including greater reliance on forages and development of livestock systems that improve the utilization of forage products;

"(7) research that develops—

"(A) rural development strategies that build on the entrepreneurial skills, self-employment tradition, and agricultural resource base of farm-dependent communities; and

"(B) extension programs to disseminate those strategies and provide technical assistance to grassroots, self-help rural community development efforts, including those aimed particularly at increasing economic opportunities of minorities and low income individuals;

"(8) innovative extension and education programs that transfer new technology to the agricultural community and to widely reach small- and moderate-sized family farmers, including potential beginning and minority farmers with limited resources (who might otherwise fail to keep pace with rapidly changing technology) to enhance their management capabilities and inform them of established and emerging technological and farming systems alternatives appropriate to small- and moderate-sized family farms; and

"(9) extension programs that are adequately funded and staffed and substantially involve a broad range of interested individuals, commodity groups, agri-industry groups, farm groups, rural organizations, community groups, farm worker groups, food groups, church groups, and environmental organizations to broaden input into research and extension priority setting.".

SEC. 102. APPLICATION OF PURPOSES TO AGRICULTURAL RESEARCH AND EXTENSION PROJECTS.

The Act is amended by inserting before section 1407 (7 U.S.C. 3122) the following new section:

"SEC. 1406A. APPLICATION OF PURPOSES TO AGRICULTURAL RESEARCH AND EXTENSION PROJECTS.

"(a) REGULATIONS.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations (in accordance with subchapter II of chapter 5, United States Code) interpreting and applying the purposes stated in section 1403A to agricultural research and extension projects administered by the Secretary and informing persons participating in the programs of the purposes.

"(2) COMMENT PERIOD.—The comment period for promulgation of regulations under paragraph (1) shall be not less than 60 days.

"(3) DISSEMINATION OF PROPOSED REGULATIONS.—In addition to publication in the Federal Register, the Secretary shall disseminate the notice of proposed rulemaking incorporating the proposed regulations required by paragraph (1) as broadly as possible to all persons who may wish to comment on the regulations.

"(b) IDENTIFICATION OF PURPOSES IN AGRICULTURAL RESEARCH AND EXTENSION PROJECTS.—Except as provided in subsection (c), whenever an agricultural research or extension project that is funded at a level of $10,000 or more by funds made available under Federal law is proposed to be undertaken or approved by the Secretary, the project proposal shall identify—

"(1) the purposes that the project seeks to further; and

"(2) the effects of the project on—

"(A) the purposes stated in section 1403A;

"(B) the purposes underlying the law authorizing the project; and

"(C) the annual and 5-year plan for research, teaching, and extension prepared by the Joint Council and the Advisory Board.

"(c) RELATIONSHIP TO OTHER LAWS.—Subsection (b) shall not override requirements for specifying objectives of projects to be funded that are prescribed under—

"(1) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.) (commonly known as the 'Hatch Act of 1887'); or

"(2) the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.) (commonly known as the 'Smith-Lever Act').".

TITLE II—AGRICULTURAL RESEARCH PLANNING AND PRIORITY-SETTING ENTITIES

SEC. 201. NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD.

Section 1408 (7 U.S.C. 1323) is amended to read as follows:

"SEC. 1408. NATIONAL AGRICULTURAL RESEARCH AND EXTENSION USERS ADVISORY BOARD.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Department of Agriculture a board to be known as the National Agricultural Research and Extension Users Advisory Board which shall have a term that expires September 30, 1995.

"(b) MEMBERSHIP.—The Advisory Board shall be composed of 16 members elected by their constituent groups, and serving staggered terms, in a manner determined by the Secretary, with

"(1) one member representing farm cooperatives;

"(2) two members representing general farm organizations;

"(3) two members representing crop and livestock commodity groups;

"(4) one member representing agricultural farm suppliers;

"(5) one member representing food and fiber processors;

"(6) one member representing food marketing interests;

"(7) one member representing animal health interests;

"(8) one member engaged in transportation of food and agricultural products to domestic or foreign markets;

"(9) one member representing labor organizations primarily concerned with the production, processing, distribution, or transport of food and agricultural products;

"(10) one member representing private nonprofit organizations and foundations involved in agricultural research, sustainable agriculture research, education, and extension;

"(11) two members representing consumer and environmental interests;

"(12) one member representing private sector organizations involved in development programs and issues in developing countries; and

"(13) one member representing agencies of the Department of Agriculture that do not have research capabilities.

"(c) CHAIRPERSON; VICE-CHAIRPERSON.—The Advisory Board shall select a chairperson and vice-chairperson from its membership at its first meeting each year, who shall serve in those positions for a term of 1 year.

"(d) MEETINGS.—The Advisory Board shall meet a sufficient number of times each year to carry out subsection (f). At least one meeting per year shall be a combined meeting with the Joint Council and with other representatives of Federal agencies that support agricultural research.

"(e) PANELS.—The Advisory Board may establish such panels as the Advisory Board considers appropriate to develop information, reports, advice, and recommendations for the use of the Advisory Board in meeting the responsibilities of the Advisory Board. Members of such panels may include members of the Advisory Board, Advisory Board staff members, individuals from the Department of Agriculture and other departments and agencies of the Federal Government, and individuals from the private sector who have expertise in the subject to be examined by the panel.

"(f) RESPONSIBILITIES.—

"(1) GENERAL.—The Advisory Board shall have general responsibility for preparing independent advisory opinions on the food and agricultural sciences. One member of the Advisory Board shall be elected annually to serve as liaison to the Joint Council.

"(2) SPECIFIC.—The Advisory Board shall have specific responsibility for—

"(A) reviewing the policies, plans, and goals of programs within the Department of Agriculture involving the food and agricultural sciences, and related programs in other Federal and State departments and agencies and in the colleges and universities developed by the Secretary under this Act;

"(B) reviewing and assessing the extent of agricultural research, teaching, and extension being conducted by the private sector and the relationships and coordination of such activities with federally supported agricultural research, teaching, and extension programs;

"(C) reviewing and providing consultation to the Secretary on national policies, priorities and strategies for agricultural research and extension for both the short and long term;

"(D) assessing the overall adequacy of, and making recommendations to the Secretary, Federal agencies, and private organizations who are contributing to agricultural research, extension, and education funding, with regard to the distribution of resources and the allocation of funds authorized by this Act;

"(E) identifying emerging agricultural research, teaching, and extension issues and suggesting programs and technology transfer solutions for use by the public and private agricultural science and education community;

"(F) evaluating the results and the effectiveness of research and extension programs as to their influence on long-term goals of agriculture expressed in section 1403A and consumer needs;

"(G) not later than July 1 of each year, providing an oral briefing to the Secretary (by the chairperson of the Advisory Board), and a written report of recommendations to Congress and the Secretary, concerning the allocation of responsibilities and levels of funding among federally supported agricultural research and extension programs, including—

"(i) a review and assessment of the allocation of funds for agricultural research and extension made for the preceding fiscal year by organizations represented by the members on the Joint Council;

"(ii) an evaluation of—

"(I) the effectiveness of coordination of Federal and private research initiatives;

"(II) new research and extension programs that need to be conducted by the research system; and

"(III) an evaluation of the effectiveness of the private and public research and extension system; and

"(iii) minority views, if timely submitted; and

"(H) not later than February 20 of each year, submitting a report containing—

"(i) an appraisal by the Advisory Board of the proposed budget of the President for the food and agricultural sciences for the fiscal year beginning in such year;

"(ii) the recommendations of the Secretary contained in the annual report submitted by the Secretary pursuant to section 1410; and

"(iii) separate views of members of the Advisory Board, if timely submitted,

to the President, the Committees on Agriculture and Appropriations of the House of Representatives, the Committees on Agriculture, Nutrition and Forestry and Appropriations of the Senate, and the Joint Council.

"(3) REPORTS.—Each report of the Advisory Board shall list the membership of the Board, including the organizational and employment affiliation of each Board member.

"(g) REPORT BY SECRETARY.—Not later than February 1 of each year, the Secretary shall submit a report to Congress that describes the manner in which the recommendations of the Advisory Board have been incorporated into the budget and programs of the Department of Agriculture.

"(h) SUPPORT.—

"(1) SECRETARY.—Except as provided in paragraph (2), the Secretary shall provide such support and staffing for the Advisory Board as is necessary to carry out this section.

"(2) PRIVATE SOURCES.—Notwithstanding section 1342 of title 31, United States Code, the Advisory Board may accept voluntary and uncompensated services, and private funds, to carry out this section.".

SEC. 202. JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.

Section 1407 (7 U.S.C. 3122) is amended to read as follows:

"SEC. 1407. JOINT COUNCIL ON FOOD AND AGRICULTURAL SCIENCES.

"(a) **Establishment.**—The Secretary shall establish within the Department of Agriculture a committee to be known as the Joint Council on Food and Agricultural Sciences which shall have a term that expires September 30, 1995.

"(b) **Membership.**—The Joint Council shall be composed of 18 members representing organizations or agencies that conduct or assist in conducting programs of research, extension, or teaching in the food and agricultural sciences (including State cooperative institutions, other colleges and universities having a demonstrable capacity to carry out food and agricultural research, extension, or teaching, agencies within the Department of Agriculture and other Federal agencies that have significant research, extension, or teaching responsibilities), including—

"(1) a representative of the National Institutes of Health;

"(2) a representative of the National Science Foundation;

"(3) a representative of the Department of Energy;

"(4) a representative of the Environmental Protection Agency;

"(5) the Director of the Agricultural Research Service;

"(6) the Director of the Cooperative State Research Service;

"(7) the Director of the Extension Service;

"(8) the Director of the Economic Research Service;

"(9) the Director of the Forest Service;

"(10) the Director of the National Agricultural Library;

"(11) the Assistant Secretary for Economics;

"(12) the Assistant Secretary for Science and Education;

"(13) the Chairman of the Experiment Station Committee on Policy established by land grant colleges;

"(14) the Chairman of the Extension Committee on Policy established by land grant colleges;

"(15) the Chairman of the Resident Instruction Committee on Policy established by land grant colleges;

"(16) the Chairman of the International Committee on Policy established by land grant colleges;

"(17) a representative of colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.); and

"(18) the Chairman of the American Association of Schools and Colleges of Agriculture and Renewable Resources (AASCARR).

"(c) **Chairperson.**—The Joint Council shall be chaired by the Assistant Secretary for Science and Education.

"(d) **Technical Panels.**—

"(1) **Establishment.**—The Joint Council may establish such technical panels as the Joint Council considers necessary to prioritize and accomplish research and technology transfer in accordance with this section.

"(2) **Duties.**—A panel shall—

"(A) define research and technology transfer needs;

"(B) delineate alternatives and recommend research and technology transfer approaches;

"(C) identify centers of expertise; and

"(D) make recommendations regarding the overall level and mix of available funding.

"(3) **Expertise.**—Members of the panels shall include expertise from the public and private sector on all dimensions of a priority area, including its basic science, applied research, education, economic, and social dimensions.

"(e) **Liaison to Advisory Board.**—One member of the Joint Council shall be elected annually to serve as liaison to the Advisory Board.

"(f) **Meetings.**—The Joint Council shall meet at least once during each 3-month period. At least one meeting each year shall be a combined meeting with the Advisory Board and with other representatives of Federal agencies that support agricultural research.

"(g) **Responsibilities.**—

"(1) **Primary.**—The primary responsibility of the Joint Council shall be to bring about more effective research, extension, and teaching in the food and agricultural sciences in the United States by improving planning and coordination of publicly and privately supported food and agricultural science activities and by relating Federal budget development and management program management to the activities.

"(2) **Additional.**—The Joint Council shall—

"(A) provide a forum for the interchange of information among the organizations represented by the members of the Joint Council that will ensure improved awareness among the organizations concerning the agricultural research, extension, and teaching programs, results, and directions of each organization;

"(B) analyze and evaluate the economic, environmental, and social impacts of agricultural research extension and teaching program conducted in the United States and determine high priority agricultural research areas with particular potential to advance the purposes expressed in section 1403A and submit annual reports identifying such high priority research areas to the Secretary and representatives of Federal agencies that support agricultural research;

"(C) develop and review the effectiveness of the system, for use by the Secretary and representatives of Federal agencies that support agricultural research, of compiling, maintaining, and disseminating information concerning—

"(i) federally supported agricultural research or extension projects; and

"(ii) to the maximum extent possible, private agricultural research and extension projects conducted by colleges and universities, foundations, contract research groups, business and others, except that information on private agricultural research and extension projects shall not be included in the system unless they are partially or entirely funded by the Federal Government or the organizations sponsoring the projects agree to the inclusion of information about such projects;

"(D) assist the parties in developing, reviewing, and evaluating memoranda of understanding or other documents that detail the terms and conditions between the Secretary and the participants in agricultural research, extension, and teaching programs under this Act and other Acts;

"(E) assist the Secretary and representatives of other Federal agencies that support agricultural research in carrying out the responsibilities assigned to the Secretary and the representatives of other Federal agencies that support agricultural research under this Act through planning and coordination in the food and agricultural sciences by—

"(i) using, wherever possible, the existing regional research, extension, and teaching organizations of State cooperative institutions to provide regional planning and coordination; and

"(ii) the development of recommendations and reports describing current and long-range needs, priorities, and goals in the food and agricultural sciences and means to achieve the goals;

"(F) on recommendations from the Advisory Board—

"(i) oversee and prioritize funds made available under Federal law for agricultural research, extension and teaching to promote the purposes of section 1403A and this section;

"(ii) provide an annual review and prioritize requests for agricultural related special research and construction grants;

"(iii) provide an annual review of the competitive grants made by the Secretary to determine priority research and grant categories and types which best advance the purposes expressed in section 1403A; and

"(iv) review and make budget recommendations on the research, extension, and teaching budgets for the Agricultural Research Service, the Forest Service, the Economic Research Service, the Extension Service, the National Agriculture Library, and the Cooperative State Research Service, except that the Joint Council may not make budget recommendations with respect to formulas that are used to allocate funds under—

"(I) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.) (commonly known as the 'Hatch Act of 1887'); or

"(II) the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.) (commonly known as the 'Smith-Lever Act');

"(G) submit a report—

"(i) not later than June 30 of each year, specifying—

"(I) the recommendations of the Joint Council on priorities for food and agricultural research, extension, and teaching programs;

"(II) suggested areas of responsibility among Federal, State, and private organizations in carrying out such programs; and

"(III) the levels of financial and other support needed to carry out such programs;

"(ii) not later than November 30 of each year, specifying—

"(I) ongoing research, extension, and teaching programs;

"(II) accomplishments of such programs; and

"(III) the levels of financial and other support needed to carry out such programs;

"(iii) not later than June 30, 1993, outlining a 5-year plan for food and agricultural sciences that reflects the coordinated views of the research, extension, and teaching community, and updating the plan every 2 years thereafter,

with each such report submitted to Congress, the Secretary, and the directors of Federal agencies who are supporting agricultural research, and with minority views, if timely submitted; and

"(H) coordinate with the Secretary in assessing the current status of, and developing a plan for, the effective transfer of new technologies to the farming community.

"(h) **Publicity of Meetings and Activities.**—The meetings of the Joint Council shall be publicly announced in advance and shall be open to the public. Appropriate records of the activities of the Joint Council shall be kept and made available to the public on request.

"(i) NONAPPLICABILITY OF OTHER FEDERAL PROVISIONS.—The Federal Advisory Committee Act (5 U.S.C. App. 2) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to the Joint Council.".

SEC. 203. AGRICULTURAL SCIENCE AND TECHNOLOGY REVIEW BOARD.

Subtitle B (7 U.S.C. 3121 et seq.) is amended by adding at the end the following new section:

"SEC. 1413B. AGRICULTURAL SCIENCE AND TECHNOLOGY REVIEW BOARD.

"(a) ESTABLISHMENT.—The Secretary, acting through the Joint Council, shall establish and oversee an Agricultural Science Technology Review Board (hereinafter in this section referred to as the 'Board').

"(b) MEMBERSHIP.—

"(1) COMPOSITION.—The Board shall be composed of 11 individuals, appointed by the Secretary, who have expertise in technology assessment, environmental sciences, rural sociology, international agricultural issues, the social sciences, agricultural sciences (both basic and applied), technology transfer, and education, including representatives of—

"(A) the Agricultural Research Service;

"(B) the Cooperative State Research Service;

"(C) the Extension Service;

"(D) private foundations and nonprofit organizations who have expertise in agricultural research, education, and technology transfer; and

"(E) private agricultural research and technology transfer firms.

"(2) PUBLIC RECOMMENDATIONS.—The Secretary shall appoint members of the Board based on recommendations of the public, in a manner determined by the Secretary.

"(3) PRIVATE SECTOR REPRESENTATION.—A majority of the members of the Board appointed under paragraph (1) shall be from the private sector.

"(4) TERMS.—Members of the Board shall serve for staggered terms of 3 years, as determined by the Secretary.

"(5) CHAIRPERSON.—The Board shall select a chairperson from its membership, who shall serve in that position for a term of 1 year.

"(6) SUPPORT.—The Secretary shall provide such support for the Board as is necessary to carry out this section.

"(b) TECHNICAL INTERPRETATION AND ASSESSMENTS.—

"(1) IN GENERAL.—The Board shall—

"(A) provide technical interpretation and translation of current and emerging agricultural and environmental science issues for use by the Joint Council and the Advisory Board in setting priorities and conducting evaluations; and

"(B) provide technology assessment of current and emerging public and private agricultural research and technology transfer initiatives, including emerging technologies from private industry and public institutions that would influence agriculture, environment, nutrition, and the broad social, economic, and health consequences on urban and rural communities.

"(2) PETITIONERS.—Any person or organization (including the Advisory Board and the Joint Council) may petition the Secretary to conduct an assessment or review of any agricultural research or extension project or program that is being conducted by the public or private sector.

"(3) PRIVATE SECTOR ANALYSES.—The Board may conduct an assessment of private sector agricultural research and technology transfer initiatives involving a private sector entity only to the extent the the entity is willing to cooperate in the assessment.

"(c) TECHNOLOGY ASSESSMENT REPORT.—

"(1) IN GENERAL.—Not later than December 31 of each year, the Board shall prepare a report that contains a technology assessment of emerging public and private agricultural research initiatives and activities, including—

"(A) recommendations on how such research would be best directed to advance the goals and purposes set forth in section 1403A; and

"(B) an assessment of activities conducted by the Joint Council, the Secretary, research components of public and private colleges and universities, and emerging private agricultural research initiatives.

"(2) RECIPIENTS.—The Board shall submit the report required under paragraph (1) to Congress, to the Secretary, to the heads of other Federal agencies who support agricultural research, and (on request) to private organizations who have a significant involvement in agricultural research.

"(3) MINORITY VIEWS.—The Board shall include minority views in the report, if timely submitted.".

SEC. 204. NATIONAL CLEARINGHOUSE ON AGRICULTURAL SCIENTIFIC TALENT.

Subtitle B (7 U.S.C. 3121 et seq.) (as amended by section 203 of this Act) is further amended by adding at the end the following new section:

"SEC. 1413C. NATIONAL CLEARINGHOUSE ON AGRICULTURAL SCIENTIFIC TALENT.

"(a) ESTABLISHMENT.—The Secretary, with assistance from the Joint Council, shall establish and oversee a National Clearinghouse on Agricultural Scientific Talent.

"(b) DUTIES.—The Clearinghouse shall—

"(1) collect, identify, and disseminate information on public and private sector agricultural scientific expertise, and the location of major centers of research and technology transfer expertise; and

"(2) identify and disseminate information on sources of agricultural research and technology transfer funding.

"(c) LOCATION.—The Clearinghouse shall be located at the National Agricultural Library located in Beltsville, Maryland.

"(d) FUNDING.—

"(1) FEDERAL.—Subject to paragraph (2), the Secretary and the heads of other Federal agencies involved in support of agricultural research shall provide such funds as are necessary to carry out this section.

"(2) PRIVATE.—The Secretary may solicit and accept funds to carry out this section from private organizations who are involved in agricultural research.".

TITLE III—AGRICULTURAL RESEARCH AND EXTENSION FUNDING PROGRAMS

SEC. 301. COMPETITIVE GRANTS FOR AGRICULTURAL, FOOD, AND ENVIRONMENTAL RESEARCH.

Section 2(b) of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes", approved August 4, 1965 (7 U.S.C. 450i(b)), is amended

(1) by inserting "(1)" after the subsection designation; and

(1) by striking the third sentence and all that follows and inserting the following new paragraphs:

"(2) For purposes of this subsection, the term 'high priority research' means basic and applied research that focuses on both national and regional research needs (and methods to transfer such research to onfarm or inmarket practice) in—

"(A) plant systems, including plant genome structure and function; molecular and cellular genetics and plant biotechnology; plant-pest interactions and biocontrol systems; crop plant response to environmental stresses; unproved nutrient qualities of plant products; and new food and industrial uses of plant products;

"(B) animal systems, including acquaculture, cellular and molecular basis of animal reproduction, growth, disease, and health; identification of genes responsible for improved production traits and resistance to disease; improved nutritional performance of animals; and improved nutrient qualities of animal products;

"(C) nutrition, food quality, and health, including microbial contaminants and pesticides residues related to human health; links between diet and health; bioavailability of nutrients: postharvest physiology and practices; and improved processing technologies;

"(D) natural resources and the environment, including fundamental structures and functions of ecosystems; biological and physical bases of sustainable production systems; minimizing soil and water losses and sustaining surface water and ground water quality; global climate effects on agriculture; forestry; and biological diversity;

"(E) engineering, products, and processes, including new uses and new products from traditional crops, animals, byproducts, and natural resources; robotics, energy efficiency, computing, and expert systems; new hazard and risk assessment and mitigation measures; and water quality and management; and

"(F) markets, trade, and policy, including optional strategies for entering and being competitive in overseas markets; new decision tools for onfarm and inmarket systems; choices and applications of technology; technology assessment; and new approaches to economic development and viability in the rural United States and developing nations.

"(3) In addition to making research grants under paragraph (1), the Secretary may conduct a program to improve research capabilities in the agricultural, food, and environmental sciences and award the following categories of competitive grants:

"(A) Grants may be awarded to a single investigator or coinvestagtors within the same discipline.

"(B) Grants may be awarded to teams of researchers from different areas of agricultural research and scientific disciplines.

"(C) Grants may be awarded to mutidisciplinary teams that are proposing research on long-term applied research problems, with technology transfer a major component of all such grant proposals.

"(D) Grants may be awarded to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching. The Secretary shall use not less than 25 percent, and not more than 40 percent, of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post- doctoral students for research in the agricultural sciences.

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"(E) Grants may be awarded to single investigators or coinivestgators who are beginning their research careers and do not have an extensive research publication record. To be eligible for a grant under this subparagraph, an individual shall have less than 5 years of post-graduate research experience.

"(F) Grants may be awarded to ensure that the faculty of small and mid-sized institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants.

"(4) The term of a competitive grant made under this subsection shall not exceed 5 years.

"(5)(A) To the extent applicable, the Federal Advisory Committee Act (5 U.S.C. App. 2), and regulations issued by the Secretary to carry out this subsection, shall govern the establishment and operation of peer review groups.

"(B) In seeking proposals for grants under this subsection and in performing peer and advisory review evaluations of such proposals, the Secretary shall seek the widest participation of qualified scientists in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

"(C) All proposals shall undergo review by a panel of experts who have demonstrated scientific expertise in the scientific category in which the proposal was submitted.

"(D) The panels shall evaluate the scientific and technical merit of grant proposals and make budget recommendations for each proposal but no final funding decisions.

"(E) A second level of review shall be conducted by an advisory review panel that shall be made up of a group of lay and scientific representatives of the agricultural community.

"(F) The primary function of the advisory review panel shall be to evaluate the proposal on the basis of meeting the broad priorities in agricultural research, extension, and higher education set forth in section 1403A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as established by the Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board, along with potential societal impact that the research may have.

"(G) The panel shall make final recommendations on funding.

"(H) The advisory panel shall be made up of an equal number of personnel who have expertise in the agricultural sciences, and members of the general public who are leaders in fields of agricultural public policy, social sciences, and technology assessment.

"(6)(A) All proposals submitted for competitive grants under this subsection shall contain an evaluation that addresses the potential benefits of the research in meeting the goals and priorities set forth in section 1403A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as established by the Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board.

"(B) A technology assessment shall be included for proposals with research goals that have the potential to influence farm scale implementation, rural communities, farm ownership, and environmental management of farm practices. Assistance in the preparation of the assessment may be provided by qualified individuals in the land grant university system or by private consultants who have expertise in the social sciences and technology assessment.

"(7) A grant made under paragraph (1) may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

"(8) The Secretary may not take the offer or availability of matching funds into consideration in making a grant under this subsection.

"(9) In consultation with the National Agricultural Research and Extension Users Advisory Board and an advisory review board established under paragraph (5)(E), the Joint Council on Food and Agricultural Sciences shall review research programs, grant types, and funding allocation levels of the competitive grant system and recommend to the Secretary modifications in program.

"(10) There are authorized to be appropriated to carry out this subsection $300,000,000 for each fiscal year, of which each fiscal year—

"(A) not less than 30 percent shall be available to make grants under subparagraph (C) of paragraph (3) for research to be conducted by multidisciplinary teams who are conducting mission-linked systems research;

"(B) not less than 10 percent shall be available to make grants under subparagraphs (D) and (F) of paragraph (3) for awarding grants in research and education strengthening and research opportunity; and

"(C) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.".

SEC. 302. SENSE OF CONGRESS REGARDING FORMULA FUNDING FOR AGRICULTURAL RESEARCH AND EXTENSION.

It is the sense of Congress that—

(1) any increase in the amount of funds made available for the program of competitive grants established by section 2(b) of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes", approved August 4, 1965 (7 U.S.C. 450i(b)), should not be derived from a reduction in funds for formula funding programs established under—

(A) the Act of March 2, 1887 (24 Stat. 440, chapter 314; 7 U.S.C. 361a et seq.) (commonly known as the "Hatch Act of 1887"); or

(B) the Act of May 8, 1914 (38 Stat. 372, chapter 79; 7 U.S.C. 341 et seq.) (commonly known as the "Smith-Lever Act"); and

(2) programs that are funded under such Acts should be funded at a level that will maintain an effective infrastructure to conduct applied agricultural research and technology transfer programs.

SUMMARY OF THE AGRICULTURAL RESEARCH AND EXTENSION PLANNING, PRIORITY SETTING, AND TECHNOLOGY ASSESSMENT ACT OF 1990

This legislation is designed to improve the direction and mission of the agricultural research system, and will be a major component of the research title of the 1990 farm bill. The primary purpose of the bill is to modify the agricultural research priority setting process to address the needs of producers and consumers, and to improve coordination of Federally funded agricultural research. The bill is the result of several hearings that the Subcommittee on Agricultural Research and General Legislation held regarding the agricultural research priority setting and planning process. The legislation also incorporates many of the concepts that are in a soon to be released report by the Office of Technology Assessment on "Agricultural Research and Technology Transfer Policies For the 1990s".

The bill begins with several findings regarding the agricultural research and extension system that support the need for changes in the agricultural research system. There are three titles in this bill:

Title:

(1) Priorities for the agricultural research and extension system

(2) Agricultural research planning and priority-setting entities

(3) Agricultural research and extension funding programs

Title 1—This title sets out broad social, environmental and producer-oriented goals for the agricultural research and extension projects and will give the agricultural research system a clearer sense of its mission. The bill states that the primary goals of research and extension are to enhance sustainability and competitiveness of the food production system, and to ensure social, environmental, human health and food security to the United States. Broad research and extension purposes are also listed. These purposes stress the need for agricultural research and extension programs which focus on maintaining the small and moderate-sized, owner-operated farm, and for protection of the environment. Specific research and extension projects are listed which would meet the purposes of the research system. These projects focus on improved management of agricultural inputs, and the development of alternative production systems.

The purposes and goals will be implemented by requiring agricultural research and extension professionals to address how projects are achieving the goals and purposes.

Title 2—This title modifies the present agricultural research planning and priority setting boards to better address producer and consumer needs, and to coordinate Federal research activities. Along with modifying the two present research planning boards (The Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board), and the legislation establishes an Agricultural Sciences and Technology Assessment Board.

The National Agricultural Research and Extension Users Advisory Board is modified so that groups of producers, processors, environmentalists and consumers are better represented on the Advisory Board. The responsibility of the Advisory Board is modified to improve its management recommendations over the entire research and extension system (both public and private). The accountability of the group is also upgraded to require the group to actively participate with the Secretary of Agriculture, the Joint Council, other Federal agencies who participate in the agricultural research system, and with the private agricultural research system.

The Joint Council on Food and Agricultural Sciences is modified to make the organization the primary coordinating mechanism for all Federally funded agricultural research. The responsibility of the Joint Council is also modified to allow the priorities that it sets, to be implemented. The membership of the Council has been reduced to allow the group to function as a planner and implementer of research and extension activities. Groups such as the National Institute for Health, National Science Foundation, Department of Energy, Environmental Protection Agency, all which are actively involved in the agricultural research system, are now included on the Council.

An Agricultural Science and Technology Review Board is also established. Considerable debate exists over new agricultural research developments and this board would be responsible for evaluating these new and emerging agricultural science issues. The Board would also be responsible for conducting technology assessment on research and extension projects to determine their effect on agriculture, the environment, and the social structure of urban and rural communities.

Title 3—This title deals with agricultural research and extension funding programs. The USDA competitive grant system is modified to broaden its scope and purpose. The programs called for in the bill support the National Research Council's report on "*Investing In Research*". The cap on competitive grants is raised to $300 million. Review processes and grant types are also modified to ensure that all universities and researchers can compete for the funds. At least 30% of the funds are directed toward mission-linked applied research projects which have a significant extension component. The bill also recognizes that formula funding programs must be maintained.

By Mr. PRYOR (for himself, Mrs. KASSEBAUM, Mr. GORTON, Mr. BOREN, Mr. SIMON, Mr. COHEN, Mr. HEINZ, Mr. SANFORD, Mr. CONRAD, Mr. JOHNSTON, Mr. REID, Mr. SASSER, Mr. BUMPERS, Mr. FOWLER, Mr. KOHL, and Mr. BRYAN):

S. 2260. A bill to promote the formation of the private, nonprofit organization to foster development of free market economies in Eastern Europe and the Soviet Union; to the Committee on Foreign Relations.

VOLUNTEER AMERICA FOR EASTERN EUROPEAN RECOVERY ACT OF 1990

Mr. PRYOR. Mr. President, in a few moments I will send a bill to the desk on behalf of myself, Senators KASSEBAUM, GORTON, BOREN, SIMON, COHEN, HEINZ, SANFORD, CONRAD, JOHNSTON, REID, SASSER, BUMPERS, FOWLER, KOHL, and BRYAN.

This legislation, Mr. President, declares it to be the public policy of the United States to create a nonprofit Federal entity to foster the economic development in Europe. This entity will become known as Volunteer America.

The Volunteer America Program we want to establish will send volunteers from the United States with business and agricultural skills to help the budding free market economies in Eastern Europe and the Soviet Union.

Volunteer America is the name, but it is also a call to action. It is a call for America to send its greatest resource of all to help Europe—our people.

A big point I want to make about our bill is that Volunteer America is not going to be a government bureaucracy. It is not going to be government at all. It is going to be led by private sector leaders and, apart from some startup funds, it will be self-sustaining and privately funded.

Volunteer America will create new volunteer programs and work with existing volunteer programs aimed at Eastern Europe.

Mr. President, in recent months, we have witnessed awesome global changes—particularly in Eastern Europe where the shackles of backward economies have been cast off.

I want us to be very careful in our reaction to these changes not to create huge new Government programs and flood Europe with United States foreign aid dollars.

First, we simply do not have the money to make huge new cash payments to any country. Just as important, Mr. President, I am afraid that much of the foreign assistance we do send to Eastern Europe, which is already enormous, is going to miss the target. Much of it will get tied up in bureaucratic knots and be wasted on expensive studies and reports.

That is why our Volunteer America plan will be led by private sector leaders from business, agriculture, and labor and will not be entangled with Government agencies.

Mr. President, in America we do have a deficit of dollars, but we also have a surplus of good Americans who are willing to give their time, their resources, and their skills to help Eastern Europe and the Soviet Union. All across my home State of Arkansas, when I talked about the need to send volunteers, and not just money, to Eastern Europe, the response has been truly overwhelming. I have received volunteer offers from a dentist in Benton, AR, an engineer in Jacksonville, and a water treatment specialist from Bentonville, to name just a very few.

There are retirees across our country with skills that could be put to use in Eastern Europe. There are existing executive loan programs in U.S. corporations that loan company managers to good causes for several months. Mr. President, there are hundreds of volunteer groups in America ready to go to work in Eastern Europe that can coordinate with, and get support, from the Volunteer America program.

I envision programs in Volunteer America that would allow a United States factory to adopt a factory in Poland, for instance; or permit a Lion's Club to sponsor a small businessman's trip to a sister city in Hungary to help start similar small businesses there.

Senator KASSEBAUM, Senator GORTON, and I have spent many hours talking about the Volunteer America idea with our colleagues and with top leaders in corporate America. I have personally met with leading agricultural groups, the U.S. Chamber of Commerce, and the Business Roundtable. Everyone, without exception, has been excited about Volunteer America, and they are certain that if we can keep Government out of the Volunteer America Program, private sector support will eagerly follow.

Mr. President, the possibilities for this program are endless. Our goal is not to Americanize Eastern Europe, but, rather, for our great country to share, at a momentus time in world history, our greatest resource—our people and their ingenuity.

Mr. President, the chairman of this board would be selected by the President of the United States. Volunteer America would be a nonpolitical, nongovernmental function. Volunteer America states that a Federal charter should be granted to incorporate Volunteer America at the present time.

In the coming weeks we will continue work with the private sector and to gather support for Volunteer America. We will also be working with existing volunteer groups, such as the International Executive Service Corps and Volunteers in Technical Assistance, to ensure coordination with their efforts in Eastern Europe.

Mr. President, at this time I do send the bill to the desk.

Mr. President, I have a very short one-page summary of the bill. I ask unanimous consent that it be printed immediately following the printing of the bill.

There being no objection, the summary and the bill were ordered to be printed in the RECORD, as follows:

SUMMARY OF VOLUNTEER AMERICA FOR EASTERN EUROPE RECOVERY ACT

(Recognizing the need for private, volunteer assistance to Eastern Europe, the bill encourages the establishment of a private, non-profit organization called Volunteer America.)

Volunteer America will work to develop efficient free market economies in Eastern Europe and the Soviet Union by:

Consulting with appropriate individuals in those nations to identify the need for overall business management and technical advice in areas such as agriculture, manufacturing, financial services, and mining;

Creating volunteer programs to be led by experienced business and labor executives to create on-going relationships with those countries to meet the identified needs; and

Operating mainly through private sector contributions of money, people and materials.

Features of the bill:

Allows the President to designate, after consultation with Congress, a lead in the business community who will initiate the formation of Volunteer America.

The chairman will select a board of directors whose membership will represent major business sectors, labor, and agriculture.

Volunteer America will be non-political and non-governmental.

Authorizes a one-time, start-up grant of $250,000 which will be used by the chairman to inaugurate Volunteer America.

States that a Federal charter should be granted to incorporate Volunteer America at the appropriate time.

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S. 2260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer America for Eastern European Recovery Act of 1990".

SEC. 2. STATEMENT OF FINDINGS.

The Congress finds that—

(1) the dramatic events taking place in Eastern Europe have created important opportunities for the fostering of democracy and free market economies;

(2) there is strong sentiment among the people of the United States to help the people of Eastern Europe and the Soviet Union to pursue successfully economic and political reform;

(3) a key element to the successful transition from command to market economies is United States private sector support and expertise;

(4) the skills and resources of American volunteers can contribute greatly to the economic growth and development of private enterprise in Eastern Europe and the Soviet Union, and

(5) there exists a need for a private sector organization that is capable of effectively marshalling and directing these skills and resources.

SEC. 3. DECLARATION OF POLICY.

The Congress declares that it is the policy of the United States to encourage the formation of a private, non-profit organization to foster economic development in Eastern Europe and the Soviet Union in accordance with the purposes of section 4. Such organization may be referred to as Volunteer America (hereafter in this Act referred to as the "organization"). Congress further declares that it is the policy of the United States to provide a "start-up" grant for initial operating costs after which it shall be self-supporting. Congress also declares that it is the policy of the United States, at which time it is appropriate, to incorporate the organization through the granting of a Federal charter.

The organization will be operated by individuals drawn from the private sector who shall create and support volunteer programs to help meet the business sector needs of those nations.

SEC. 4. PURPOSES OF THE ORGANIZATION.

The organization shall foster the development of efficient free market economies in the countries of Eastern Europe and the Soviet Union by—

(1) identifying through direct consultation with appropriate Eastern Europe and Soviet individuals those needs for overall business management and technical advice and skills in sectors, including but not limited to, agriculture, manufacturing, financial services, and mining that are not being met by current programs in Eastern Europe and the Soviet Union;

(2) creating volunteer programs, which will be led by select, experienced business and labor executives, and which will establish an orgoing relationship with similar sectors in Eastern Europe and the Soviet Union to meet those needs;

(3) providing leadership and coordination for existing private sector volunteer assistance to Eastern Europe and the Soviet Union;

(4) operation principally through private sector in-kind contributions; and

(5) coordinating closely, where appropriate, with United States Government officials on the activities of the organization and having the board of the organization functioning as a private sector advisory board to the Executive branch and Congress on these issues.

SEC. 5. ESTABLISHMENT OF THE ORGANIZATION.

(a) DESIGNATION BY THE PRESIDENT.—The President is authorized to designate one individual from the business community to initiate the formation of the organization. Such designation shall be made after consultation with Congress.

(b) BOARD OF DIRECTORS.—The individual designated in subsection (a) shall select a board of directors whose membership shall represent the major business sectors, including but not limited to, agriculture, manufacturing, financial services, and mining.

(c) COMPLETION OF THE ORGANIZATION.—A majority of the persons named under subsection (b) are authorized to complete the organization by the selection of officers and employees, the adoption of a constitution and bylaws consistent with this Act, and the doing of such other Acts as may be necessary for such purposes.

(d) NONPOLITICAL NATURE OF THE ORGANIZATION.—The organization shall not contribute to or otherwise support or assist any political party or candidate for public office.

(e) NONGOVERNMENTAL NATURE OF THE ORGANIZATION.—The organization shall be nongovernmental and, after the granting of funds set out in section 8, no futhre government funds shall be granted to the organization. Thereafter, the organization shall be self-financing through private sector contributions.

SEC. 6. "START-UP" GRANT.

(a) AUTHORITY.—The President is authorized to make a grant of $250,000 to the individual designated under Sec. 5(a) for the purposes of forming the organization.

(b) Authorization of Appropriations.—

(1) There are authorized to be appropriated to the President $250,000 to carry out subsection (a).

(2) Funds appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(c) Funds obligated pursuant to subsection (a) shall be subject to standard auditing and accounting procedures of the United States government.

Mr. GORTON. Mr. President, we have witnessed many exciting changes in our world in the last year. Only months ago the Berlin Wall remained the preeminent symbol of the inviolable separation of Western freedom and Soviet dominated oppression. Today, the tearing down of the wall ironically symbolizes the emerging freedoms of the people of Eastern Europe.

In my home State of Washington the enthusiasm has been overwhelming.

Time and time again as I traveled the State, people asked, "How can we help to support the changes in Eastern Europe and the Soviet Union?" It was clear to me that propping up socialism through direct aid to governments was not the answer.

Shortly before I returned to the Nation's capital for the beginning of the second session of the Congress, I received a letter from Prof. Wendell French of the University of Washington. Professor French had recently returned from a trip to the Soviet Union where he had met with local managers and educators. He returned convinced that what was most needed by these countries was not simply our money, but our expertise—especially skilled business management.

I agree wholeheartedly.

At the end of January, Senator PRYOR and I both spoke about the idea of an executive volunteer corps that would assist the developing economies of Eastern Europe and the Soviet Union. Since that time, Senator PRYOR, Senator KASSEBAUM, and I have worked to develop this idea, and today I am pleased to join them in sponsoring the Volunteer America for Eastern Europe Recovery Act of 1990.

Volunteer America will provide volunteer assistance in a wide range of fields to the developing economies of Eastern Europe, and do so with minimal interference and funding from the Government.

In particular, Volunteer America will serve two functions:

First, it will seek to identify needs for assistance in Eastern Europe and act as a coordinator for the many existing volunteer organizations.

Second, it will create programs to meet needs that are not currently being met by existing organizations.

The underlying concept of the program is to attract knowledgeable volunteers, either retired or on leave from their present jobs to assist Eastern Europeans in making the difficult transition from command to free market economies, and to do so, principally through private financial and inkind contributions.

The board, which will consist of 12 members, will have the flexibility to implement the broad goals put forth in this legislation in the way it sees fit. This is especially important if we are to be able to react to rapidly changing circumstances.

Mr. President, the Senate will soon debate how best to support the emerging democracies and economies of Eastern Europe. No amount of money—if spent unwisely—can help. Nor can we—or should we try—to barge in and do their work for them.

After all these years of repression, surely the citizens of Eastern Europe do not lack the will or capacity to create free societies. They need—more than anything—guidance. How better to show them how free markets—free societies—work, than to allow our individual citizens, acting on their own free will, to share their expertise.

This bill would facilitate and focus this process, and I urge my colleagues to support it.

Mr. President, volunteer America is a happy idea which has many, many parents. The distinguished Senator from Arkansas has outlined what its sponsors seek for it. They seek to harness the tremendous idealism of Americans delighted with the progress of change in Eastern Europe and Americans who have skills which can be offered to the people of Eastern Europe in changing from a closed society to an open one and from a planned economy to a free economy.

It seeks to harness that volunteer energy through a light Federal presence, a Federal presence led by an appointee of the President, but one which will not be under the direct control of the Government of the United States. It seeks to bring together literally thousands of volunteers and dozens of organizations which are already attempting to supply the kind of volunteer activities which are the focus of this bill, but to do it in a fashion which better coordinates their efforts and makes them available to and knowledgeable about more Americans and more people in the countries we seek to help.

The Senator from Arkansas has done a magnificent job in talking to people all across the country about this idea. I am tremendously pleased to join with him and the distinguished Senator from Kansas [Mrs. Kassebaum] as prime sponsors of this proposal. I urge its prompt consideration.

Mr. PRYOR. Mr. President, I thank my distinguished colleague, Senator Gorton. He has worked with me on this, along with Senator Kassebaum.

Mrs. KASSEBAUM. Mr. President, the dramatic changes taking place in Eastern Europe have sparked the interest of all of us here in Washington, as well as across the Nation, to help these countries in their struggle to shake off the shackles of communism.

As we review our first-aid package for Poland and Hungary and assess the requirements of a second-aid package for the rest of Eastern Europe, I believe we must keep several factors in mind.

Most importantly Mr. President, U.S. Government assistance alone will not help move these countries from their failed command economies to free market economies. U.S. private sector interest, investment, and expertise are vitally needed. As the old proverb says, if you give a man a fish you feed him for a day—if you teach him how to fish you make him self-sufficient.

Second, the American people are an abundant resource of business expertise and enthusiasm which we should find some way to tap to meet the needs in Eastern Europe.

I am joining my colleagues, Senators Pryor and Gorton, in offering this legislation, the Volunteer America Act for Eastern European recovery, which outlines a way to mobilize U.S. business skills in agriculture, manufacturing, mining, financial services as well as others, to aid Eastern Europe.

Basically, Mr. President, this bill encourages the formation of a nonprofit organization mainly funded by the private sector to identify the needs for business management and technical advice, and to create volunteer programs to meet these needs. The organization also will provide a leadership and coordinating role for other private volunteer efforts already underway, in order to avoid duplication and best provide aid to Eastern Europe.

The best we can do here in Washington is to encourage the private sector to create and fund such an organziation. We hope to achieve this goal by giving the President the authority to select an individual from the private sector to initiate such an effort. We also provide a startup grant of $250,000 to help get the organization off the ground.

Mr. President, with or without tight budget constraints, Eastern Europe can only successfully move to free market economies and democratic values with help from the U.S. Government and the U.S. private sector.

Our long experience in these areas combined with the volunteer spirit and skills of the American small and large business communities can offer unmatched help to Eastern Europe. Hopefully, the approach outlined in this bill will help in mobilizing these efforts, and also keep us from falling into the trap of thinking only government dollars are needed to promote development.

By Mr. CRANSTON:

S. 2261. A bill to amend the Internal Revenue Code of 1986 to allow employees to make voluntary contributions to finance Federal election campaigns, to have employers collect such contributions, and for other purposes; to the Committee on Finance.

VOLUNTARY CAMPAIGN CONTRIBUTION

Mr. CRANSTON. Mr. President, one of our most important post-Watergate campaign reforms, the Presidential election fund, is on the verge of bankruptcy. Just last week a House Appropriations Subcommittee heard testimony that the fund's future was in doubt, that by 1996 it was likely that the fund would be operating $76 million in the red. Since 1981, when a record high 28.7 percent of all 1980 1040 tax returns marked the $1 or $2 checkoff, the number of tax returns marking the checkoff has been decreasing at approximately 1 percent per year. Last year, about 20 percent of all returns—22 million tax returns—contributed $33 million to the Presidential fund. Given last year's contributions, the next 4 years would likely see $132 million poured back into the fund. However, when one considers that the 1988 Presidential elections absorbed $176 million from the Presidential fund—money which went to Democrats and Republicans for primary and general races, as well as for the respective national party conventions—it is easy to understand the concern over the fund's future.

In addition, if partial public funding is authorized in any new campaign financing reform law, the fiscal pressure on the existing fund will be dramatically increased.

I believe that there is a way in which we can assure the fiscal stability of the Presidential election fund, and yet avoid raising either taxes or the national debt. That is why I am introducing this bill, a voluntary campaign financing system which would allow citizens to contribute $1 per month to the financing of campaigns. This contribution would be nontax deductible and collected in the same manner as any other payroll deduction listed on the W-4 form. Any excess money raised through this mechanism would be, if authorized by any future campaign finance reform legislation, first allocated to the funding of congressional campaigns, and then to State parties for get-out-the-vote and voter registration activities.

Mr. President, the 22 million tax returns which contributed to the Presidential fund last year represent more than 22 million individuals because some of the returns were joint returns. However, even if only 22 million Americans would be willing to contribute $1 a month—rather than $1 a year—we would raise $264 million per year, well over the $132 million likely to be collected over the next 3 years, let alone the $33 million collected last year. Even if only half of the 22 million were to participate, we would raise $132 million—equal to the total likely to be collected over the next 4 years.

The amounts which could be raised could even exceed these projections if groups like League of Women Voters and Common Cause, as well as other public interest groups encourage greater participation by the public.

Mr. President, replenishing the Presidential election fund is a reasonable and important endeavor. It is an endeavor that is consistent with prior acts of Congress which have involved the functioning of our campaign system and our Government. I urge all my colleagues to join me in support of this legislation. I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VOLUNTARY EMPLOYEE CAMPAIGN FINANCE CONTRIBUTIONS.

(a) In General.—Subchapter A of chapter 24 (relating to collection of income tax at source on wages) is amended by adding at the end thereof the following new section:

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"SEC. 3407. VOLUNTARY EMPLOYEE CAMPAIGN CONTRIBUTIONS.

"(a) In General.—If an employee voluntarily elects to contribute by payroll deduction to the Presidential Election Campaign Fund, then the employer shall deduct and withhold $1 from the wages of such employee for each month for which the election is in effect.

"(b) Election.—

"(1) In general.—The election under subsection (a) shall be made on the withholding exemption certificate described in section 3402(f)(2) (commonly referred to as the 'W-4 withholding form').

"(2) Period for which election in effect.—The election under subsection (a) shall remain in effect for as long as the certificate described in paragraph (1) is in effect.

"(3) Manner of election.—The election under subsection (a) on a withholding exemption certificate described in section 3402(f)(2) shall be in such manner as the Secretary may prescribe.

"(c) Indemnification of Employer.—Every employer required to deduct and withhold the voluntary contribution under subsection (a) shall be liable for the payment of such contribution, and shall be indemnified against the claims and demands of any person for the amount of any such payment made by such employer.

"(d) Collection and Enforcement.—For purposes of collecting (and enforcement of the collection of) any amount required to be deducted and withheld under this section, such amount shall be treated for purposes of this title in the same manner as the tax required to be deducted and withheld under section 3402."

(b) Effective Date.—The amendments made by this section shall apply to wages paid after the date of the enactment of this Act.

SEC. 2. USE OF VOLUNTARY CAMPAIGN CONTRIBUTIONS.

(a) Allocation of Funds to Presidential Election Campaign Fund.—Section 9006(a) of the Internal Revenue Code of 1986 (relating to establishment of campaign fund) is amended by inserting "or amounts which are designated by individuals and deducted and withheld under section 3407" after "section 6096".

(b) Payments From Fund.—

(1) In general.—Section 9006(b) of such Code is amended by adding at the end thereof the following new paragraphs:

"(2) Congressional candidates.—To the extent the Secretary determines amounts in the fund exceed amounts necessary under paragraph (1) for the next presidential election, the Secretary shall pay out of the fund to candidates for Congressional offices the amounts certified by the Commission under the provisions of any Federal law providing for such payments enacted after the date of the enactment of this paragraph.

"(3) Voter registration and get-out-the-vote campaigns.—To the extent the Secretary determines amounts in the fund exceed amounts necessary under paragraphs (1) and (2), the Secretary shall pay out of the fund to State parties of major, minor, and new parties the amounts certified by the Commission under the provisions of any Federal law which—

"(A) provides for the payment of amounts under this paragraph to such State parties to conduct voter registration and get-out-the-vote campaigns; and

"(B) is enacted after the date of the enactment of this paragraph.".

(b) Conforming Amendment.—Section 9006(b) of such Code is amended by striking "Upon" and inserting:

"(1) Presidential candidate.—Upon".

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. KERRY (for himself and Mr. Kennedy):

S. 2262. A bill to designate segments of the Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the national wild and scenic rivers system; to the Committee on Energy and Natural Resources.

SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER STUDY ACT

Mr. KERRY. Mr. President, I rise today to introduce a bill which would designate parts of Massachusetts' Sudbury, Assabet, and Concord Rivers as a study area for inclusion in the National Wild and Scenic Rivers system. This bill would set in motion a 3-year study by the U.S. Department of the Interior, the Commonwealth of Massachusetts, and the eight towns that boarder these rivers to explore various methods of managing the river system.

Mr. President, throughout the history of this country, the Sudbury, Assabet, and Concord Rivers have shaped the lives of those who lived along them. These people have, in turn, been vital in the creation of this Nation. When one looks closely at the history of these rivers, one sees a microcosm of all that is positive in man's interaction with the American outdoors. There is archeological evidence that these rivers supported several Native American settlements. America's early industrial development was bolstered by the construction of an iron works company and a cotton mill on the Assabet River. The Revolutionary War, from which this Nation was born, began when the "shot heard round the world" rang out over the Concord River. Both Nathaniel Hawthorne and Henry David Thoreau spent time on and around these rivers, and enriched our literature and philosophy with the inspiration they gained from their experiences there. Today, thousands spend valuable time along these waterways enjoying one of our Nation's most unspoiled natural landscapes.

Clearly the historical legacy of these rivers is worth preserving. Yet, Federal dams, diversions, hydroelectric plants, and Army Corps of Engineer edifices pose a threat to this legacy and the delicate environmental balance from which it springs. Inclusion under the Scenic Rivers Act would protect the rivers, and the people who live near them, from such destructive incursions by the Federal Government, and enhances the environmental quality of these rivers.

It should be emphasized that this legislation only provides for a study. It does not set any limits or do anything to hinder future activities on the river. Any further step of having sections of the river be included under the Scenic Rivers Act of 1968 necessitates a separate designation bill. Such a designation bill will only be introduced if it is conclusively determined by all parties involved in the study that designation is in the best long-term interest of the region. Since 1968 there have been 25 similar studies, 6 of which have led to rivers being designated wild and scenic. In all instances, however, a study has provided an opportunity for local, State, and Federal officials to gain a better understanding of the situation and develop an informed plan for the preservation and use of valuable natural resources.

These rivers are such a valuable natural resource, and the prospects for their long-term preservation are uncertain. For example, hundreds of acres of marshlands exist around the rivers and their destruction would eliminate a crucial part of the rivers' ecosystem. The destruction of the marshes would doom fish and wildlife, and would deprive the region of an important environmental buffer. Our nation's wetlands are already under siege. We simply cannot afford to lose any more.

I understand the concerns of those who fear that designation would also prevent local communities from using the rivers to meet their water supply and waste treatment needs. Those fears should be assuaged by the fact that there are specific provisions in the bill that require the study to examine the water needs of all the local communities and to do nothing to restrict those needs. Moreover, although this is a bill that creates action at the Federal level, it does so only after tailoring those actions to needs of localities. In fact, this bill rather than taking power away from local towns, enhances their control relative to the Federal Government.

Mr. President, this is a well constructed bill that balances immediate needs environmental concerns and provides Federal resources without jeopardizing local jurisdiction. I urge others to join with me in supporting this bill.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudbury, Assabet, and Concord Wild and Scenic River Study Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) The Sudbury, Assabet, and Concord Rivers in the Commonwealth of Massachusetts possess resource values of national significance, such as outstanding wildlife and ecological values, historic sites, and a cultural past important to our literary heritage.

(2) Portions of this study segment have been listed on the Nationwide Rivers Inventory by the National Park Service;

(3) There is strong support among State and local officials and area residents and river users for a cooperative wild and scenic river study of the area.

(4) In view of the longstanding Federal practice of assisting States and local governments in protecting, conserving, and enhancing rivers of national significance, the United States has an interest in assisting the Commonwealth of Massachusetts and the appropriate local governments in studying and developing a resource conservation and management plan for the river, consistent with the Wild and Scenic Rivers Act.

SEC. 3. WILD AND SCENIC RIVER STUDY.

(a) Listing for Study.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraph at the end thereof:

"(106) Sudbury, Assabet, and Concord, Massachusetts.—The segment of the Sudbury from the Danforth Street Bridge in the town of Framingham, to its confluence with the Assabet, the Assabet from 1,000 feet downstream of the Damon Hill Dam in Concord to its confluence with the Sudbury, and the Concord from its confluence with the Sudbury and Assabet downstream to the Route 3 Bridge in the town of Billerica. The study of such river segments shall be completed and the report submitted thereon not later than at the end of the third fiscal year beginning after the date of enactment of this paragraph.".

SEC. 4. STUDY

(a) Study Committee.—At the earliest practicable date following the enactment of this Act, the Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall establish the Sudbury, Assabet, and Concord River Study Committee (hereinafter in this section referred to as the "Study Committee"). The Secretary shall cooperate with the Study Committee in the conduct of the study of the segments listed in section 3 of this Act and in the development of the natural and cultural resource and other information needed to determine the eligibility of such segments for inclusion in the national wild and scenic rivers system. The Study Committee shall terminate upon completion of the study of the segments listed in section 3 of this Act.

(b) Membership.—Membership of the Study Committee shall consist of 13 members appointed as follows:

(1) One member appointed by the Secretary from the United States Fish and Wildlife Service.

(2) Two members appointed by the Governor of the Commonwealth of Massachusetts, one from the Department of Fisheries, Wildlife, and Environmental Law Enforcement of that State and one from the Massachusetts Water Resources Authority.

(3) One member appointed by the Sudbury Valley Trustees.

(4) One member appointed by the Organization for the Assabet River.

(5) One member appointed by the Board of Selectmen (or comparable local governing body in the case of a town without a Board of Selectmen) of each of the 8 towns included in the study area.

(c) Administrative Provisions.—(1) A vacancy in the Study Committee shall be filled in the manner in which the original appointment was made. Vacancies in the membership of the Committee shall not affect its power to function if there are sufficient members to constitute a quorum under paragraph (3).

(1) The Chairman of the Study Committee shall be elected by the members of the Study Committee.

(3) 7 members of the Study Committee shall constitute a quorum.

(4) The members of the Study Committee shall serve without compensation.

(5) The Study Committee is authorized to accept services and other assistance from State and local governments.

(6) The provisions of section 14(b) of the Federal Advisory Committee Act (Act of October 6, 1972; 86 Stat. 776), are hereby waived with respect to this Advisory Commission.

(d) Technical Assistance From the Secretary for the Study of the River.—In consulting with the Study Committee in the conduct of the study of the segments listed in section 3 of this Act the Secretary shall provide such technical and financial assistance to the Committee as the Secretary deems necessary.

(e) Study.—In order to provide for a wide range of land and water uses and for scenic and recreational activities in a manner compatible with designation as a wild and scenic river, the study of the river segments listed under section 3 of this Act shall include detailed management alternatives for those segments and for their adjacent lands. Each such management alternative shall include, but not be limited to, each of the following—

(1) A statement with respect to its effectiveness in protecting the outstanding natural and cultural values of the river segments and their related areas and of recreation use goals and objectives.

(2) A description of its impact on important local needs, including possible use of the rivers to bolster drinking water supplies or receive discharges from existing sewage treatment facilities, or possible initiation of flood control and elevation control measures.

(3) A detailed natural, recreational, and cultural resource and land use inventory and assessment for the river segments and related land areas.

(4) An assessment of the attitudes of riverfront landowners, and local residents and officials toward present and future conservation management of the land and water resources of the river segments and their related land areas.

(5) Recommendations for existing and proposed land and water management to ensure conservation and preservation of the river segments.

(6) Specific guidelines for the implementation and administration of such alternatives, including a clear delineation of the responsibilities of the local, State, and Federal governments.

(7) A map showing the proposed boundaries and classification of the river and related land areas.

(8) Possible approaches to assuring that actions by any Federal, State, or local government agency are consistent with each management alternative.

(9) A financial strategy to identify public and private sources of revenue and assistance with respect to implementing a management plan.

(f) Study Not to Recommend Condemnation.—The study of the river segments listed under section 3 of this Act shall not recommend the acquisition by the United States by condemnation of any interest in lands subject to the study (including private lands and lands owned by a State or local government).

(g) Water Supply and Waste Discharge.—The study shall reflect the importance of the river segments subject to the study as drinking water supplies for the towns along the river and as routes for discharges from existing municipal waste treatment facilities, and nothing in the study shall recommend restricting the use of the river for the water or waste water treatment needs of such towns, consistent with sound water supply and waste water treatment planning and appropriate measures to protect the river consistent with section 7 of the Wild and Scenic Rivers Act.

(h) Submission of Study—Upon completion of the study of the segments listed in section 3 of this Act, the Secretary shall notify each of the towns located along any of the river segments subject to the study. The notice shall contain the recommendations which the Secretary proposes to submit to the Congress regarding such segments. If the Secretary proposes to recommend the inclusion of one or more of such segments in the national wild and scenic rivers system, and if one or more of the towns located along the segment concerned notifies the Secretary, within 60 days after the date on which the Secretary has notified the town of the Secretary's proposed recommendations, that the town does not concur in the recommendation to include that segment, the Secretary shall not recommend that Congress include such segment in the national wild and scenic rivers system until such time as the town concurs in the Secretary's recommendation.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out the purposes of this Act.

By Mr. GORTON:

S. 2263. A bill to authorize a certificate of documentation for the vessel *Captain Daryl*; to the Committee on Commerce, Science, and Transportation.

DOCUMENTATION OF VESSEL "CAPTAIN DARYL"

● Mr. GORTON. Mr. President, today I am introducing legislation that would remove certain restrictions on the vessel the *Captain Daryl*.

The *Captain Daryl* is a twin screw utility supply vessel. It was built at Steiner Shipyard in Bayou La Batre, AL, in 1981. It has lost its needed documentation as it was sold to Honduras nationals and reflagged in Honduras in 1985. The boat has now been purchased by an American and is back in Alabama. In November 1989, the Coast Guard mistakenly issued the vessel a coastwise license. This mistake was identified and the license was repealed. However, in the meantime, my constituent, Mr. Glen Tegen of Lilyblad Petroleum, Inc. of Tacoma, WA, signed a contract to purchase the vessel and work was begun to modify the vessel for its new purpose. Mr.

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Tegan hopes to use the vessel as a delivery unit for main engine lubricating oils to all the deep draft vessels that call in Puget Sound. I should note that the vessel has double bottoms and could also be used as an oilspill response vessel in the case of an emergency.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation for the vessel Captain Daryl, hull identification number 643920.●

By Mr. DOMENICI (for himself and Mr. WILSON):

S. 2265. A bill to provide a comprehensive congressional campaign financing reform to encourage grass roots campaign giving, lessen the role of special economic interests, prohibit the use of soft money, discourage candidate expenditures of personal wealth, and otherwise restore greater competitive balance to the congressional electoral process; to the Committee on Rules and Administration.

GRASSROOTS CAMPAIGNING AND ELECTION REFORM ACT

● Mr. DOMENICI. Mr. President, I send to the desk a bill that I believe will add constructively to the Senate's debate on the vital issue of campaign financing reform.

There is no doubt among those in this Chamber that our system of campaign financing requires change.

As I have studied the continuing debate over spending limits, political action committees [PAC's], and soft money, I have come to the conclusion that we need to take a fresh look at this issue, and dramatically alter the way candidates for the Congress of the United States raise campaign funds.

We certainly need to remove public doubts over undue influence from PAC's and other big-spending institutions. One thing we can agree upon, I believe, is the value to the political process if we could return campaign financing to the grassroots.

This bill is the result.

It is no secret that most of us in both the Senate and the House spend inordinate amounts of time raising money. It is not that we enjoy that chore, but we do it as protection money to scare off the opposition.

That is the way the system works now. I have done that. Every Member of this body has done that same thing.

How do we overcome that? Some in this Chamber, as well as outside it, argue that the answer is spending limits. Others say the American taxpayers must be bullied into financing us, as well as our opponents.

I reject both notions.

The problem is not spending. The problem is giving.

Let me restate that: "The American people are worried about contributions—not how contributed money is later spent."

Has anyone in this Chamber heard the American people say: "Spend my tax dollars on political campaigns"? The American people oppose that idea in every poll I have seen.

In fact, fewer and fewer Americans are checking off contributions to the Presidential campaign, a fact that should tell us something about how the American people feel about federally financed elections.

Nor do the American people insist on spending limits. Some special interests may like that idea—since it will strengthen their clout—but the American people are not saying that.

In the view of this Senator, we need to encourage more, not fewer, individuals to participate in the financing of elections. We particularly need to encourage our own constituents to contribute to us and—yes—to our opponents.

In other words, we need to spend all candidates back into retail politics.

While many of the proposals now before the Senate seek to achieve the goal of reform, many of those proposals do so in a fashion that we all know is unfair and partisan.

The approach I am offering today will give no party or individual an inherent advantage. It certainly will not give incumbents an advantage, since incumbents are the ones who do best in raising large sums of money from PAC's and out-of-State donors.

It is a proposal that will inherently wring a lot of money out of the process, but in a manner that leaves everyone playing on a level field.

That is what the American public wants, and that is what we must give them.

My bill makes four very specific changes in the law, each of which I believe the American people will support with enthusiasm:

My bill imposes a flat-out prohibition on House and Senate candidates raising money outside their home State:

My bill effectively eliminates PAC's;

My bill creates a strong disincentive to superwealthy candidates throwing masses of family money into a campaign; and

My bill eliminates the evil of "soft money," used by some groups to circumvent present controls of fund raising.

With that outline, let me describe the specifics of this legislation, in which I am joined by my good friend from California [Mr. WILSON]. I greatly appreciate his cosponsorships.

Section 1 of our bill is the short title, and a most accurate one: The "Grassroots Campaigning and Election Reform Act of 1990."

IN-STATE GIVING

Section 2 is the heart and soul of this new, omnibus approach to campaign reform.

First of all, section 2 leaves in place the existing $1,000 limit on individual donations, then places new, restrictive guidelines on those donations.

Section 2 says that, as of January 1, 1991, no candidate for the Congress—either the Senate or the House of Representatives—may raise any funds from outside the State in which that candidate is running.

If you are a candidate for the U.S. Senate in New Mexico, you must henceforth raise your money from contributors who live in Albuquerque and Farmington and Las Cruces and Roswell. You can no longer raise funds from persons or organizations in New York, Los Angeles, or Dallas.

If you are a candidate in Maine, you must depend on home folks in Portland and Bangor, not the big city PAC's.

Obviously, this will make it far tougher to raise large sums of campaign money in nearly every State. Therefore, this section will inherently reduce spending, which is the goal of so many in this Chamber.

But this section restrains campaign spending not with some arbitrary, partisan, federally imposed ceiling—one giving incumbents a great advantage. Nor does my approach use tax dollars to underwrite campaigns for Congress.

Section 2 simply requires that Members of the Congress return to our own constituents for our full support.

To this Senator, that represents a fair and reasonable approach.

This section also creates a fair system for dealing with carryover funds after the 1990 elections.

PAC'S

Section 3 of the bill is also vitally important. It essentially eliminates PAC's. My view is that if individuals want to give, let them give directly to their home State candidate.

When the American people are asked about campaign financing, there is no doubt that they state their strongest concerns over the role of PAC's [political action committees].

We must listen to the American people.

Section 3 prohibits PAC's established by banks, businesses, and labor unions, That is a flat-out prohibition.

And because of the constitutional problems involving other types of PAC's, my bill reduces to $500—from

$5,000—the amount that any other PAC can give to a candidate. I believe that will render such contributions relatively ineffective, particularly in conjunction with section 2 of the bill, which says a PAC must be headquartered in the candidate's State in order to give a legal contribution.

So section 3, in combination with section 2, eliminates PAC's as a player in the political effort to elect Members of the House and Senate. That is a wise course for the Congress to take. It is one the American people will applaud.

WEALTHY CANDIDATES

A growing problem in congressional politics, we know, is the specter of the superwealthy candidate buying a seat in this body, or the other body. There is no doubt that the danger of such a buy would be magnified under the contribution constraints of section 2.

So I have included section 4 to ensure fairness when a big-spending candidate runs against a candidate of more modest means.

As my colleagues recall, I introduced S. 597 on March 15 of last year. Section 4 of this bill is a modified version of S. 597.

When I introduced S. 597, I included a detailed analysis and justification for that legislation. I shall not repeat all those arguments now, but I do want to make a few specific points.

We all know the tremendous advantages available to the very wealthy candidate, when that candidate decides to spend large sums of his or her own money on the campaign.

Under the provisions of section 4, the current dollar limits on contributions—$1,000, plus the in-State limit—remain in effect and unchanged, so long as all candidates in a race restrain personal spending to certain limits: $250,000 when running for the Senate—or $100,000 for a House campaign—totals that include personal loans to the campaign.

But should a wealthy candidate unleash the family treasury, section 4 gives the opponent a chance to compete. In that case, section 4 eliminates the In-State requirements of section 2 in this bill, and it raises the individual giving limit for that specific race to $10,000.

These limits would be loosened for the opponent or opponents of the wealthy candidate, not the wealthy candidate.

Thus a wealthy candidate would cross that big spending threshold at his or her great peril. But that is his or her choice.

But let me reiterate: If all candidates hold to the family contribution limits I have cited, all other contribution limits will be maintained, and this section would have no impact whatsoever on that race.

Section 4 also deals with the problem of a last-minute deluge of money. It prohibits any—I repeat, any—personal contributions or loans by any candidate or the candidate's family during the final 90 days before any election, regardless of whether the candidate has breached the personal limitations prior to that date.

Thus, the wealthy candidate must make his or her play known by early August at the latest, giving the opposition time to compete in the political money markets.

Under this approach, every candidate can be assured that he or she will never confront a last minute avalanche of family money, money the poorer opponent could never offset with last-minute contributions.

SOFT MONEY

Section 5 controls another very pervasive problem in our political system, what has come to be called soft money—contributions for voter registration drives and other forms of spending designed to assist one party or one candidate.

We all know that huge sums of money are spent outside the regular process, but in full coordination with many candidates. That is money the public never hears about, but it is spending that often shows up in far larger chunks than anything an individual or a PAC can otherwise contribute.

This is money that truly distorts the system, and we need to bring it into the open, so it either disappears or becomes a contribution directly to the candidate, and reported to the public. Let the public judge to whom a candidate might stand beholden.

Section 5 says that banks, businesses, and labor unions no longer can distort the system with soft money. They won't like that, but the American people will.

BACKGROUND ON INSTATE GIVING

Three of the four concepts in this legislation have been on the table for some time, although they have never been packaged, I believe, in a single bill as I have done in this legislation.

But my in-state-giving provision—section 2—is new. For the benefit of my colleagues, I want to talk a bit more about that provision, as I believe it is greatly needed and will truly meet the demands of the American public.

All the statistics show that individual giving, as a percentage of total campaign funds raised, has dropped rather sharply over the years.

Individual contributions in 1974 accounted for 76 percent of the money raised by those running for the Senate that year. By the 1988 election cycle, the proportion of contributions from individuals had dropped to 59 percent.

It is impossible, I have discovered, to track individual contributions with any great accuracy, since records on instate and out-of-State contributions were not kept during most recent election cycles.

The Federal Election Commission collected such records on the contributions of $100 or more during the 1977-78 cycle, but it failed to break down donations again until the 1987-88 cycle, when it collected records on contributions of $500 or more.

The difference in just a decade is quite remarkable. It is clear that Senate candidates are becoming more and more dependent on out-of-State contributors, as opposed to their own constituents. And that doesn't count all the out-of-State PAC money or soft money given candidates.

In 1978, two out of three Senators got the bulk of their large, individual campaign contributions from instate donors. In 1988, more than half received the bulk of such contributions from out-of-State donors.

While these two sets of records are not fully comparable, an examination of the trends certainly is instructive.

Using those $500-or-more donations for the 1988 elections as a guide, it is clear that many Senate candidates depended very heavily on persons living outside their home State for a very large share of their total contributions.

Out of $35,693,000 that was raised by incumbents in individual contributions of $500 or more for the 1988 election, nearly half—$16,094,000—was raised from nonconstituents.

One candidate for the Senate in 1988, for example, received a total of $1,932,126 in individual contributions of $500 or more. Of that total, $1,383,401—72 percent—came from out-of-State donors—persons who were not the candidate's constituents.

Another successful 1988 Senate candidate received $3,479,589 from individuals giving $500 or more—$2,040,915—59 percent—from out-of-State contributors.

The greatest disparity involved a successful candidate who received $4,500 from instate donors of $500 or more, while that same candidate received $470,963 from out-of-State donors giving $500 or more.

Check those numbers: That candidate raised more than 99 percent of the candidate's large individual contributions from out-of-State donors.

There are of course, other candidates who depended heavily on instate contributors. One 1988 Senate candidate raised $4,396,197 from instate individuals contributing $500 or more, with a relatively modest, by comparison, $648,097 coming from out-of-State contributions of similar amounts.

But the reality is that a majority of the Senators running for reelection in 1988—15 of the 27 candidates—raised more from individuals living outside their State than they raised from their own constitutents, at least in contributions of $500 or more.

What about the records for the 1978 election when, incidentally, I was a candidate? Based on records for contributions of $100 or more made during the 1977-78 cycle, 16 of the 24 Senators running for reelection received the bulk of their individual campaign contributions from instate donors.

Only one candidate in 1978 raised as much as $500,000 from out-of-State donors, while 12 out of 24 raised less than $100,000 out of State. By 1988, 10 candidates raised more than $500,000 out of State, with only one raising less than $100,000 out of State.

To clarify this point further, Mr. President, I ask unanimous consent to insert in the RECORD at the conclusion of my remarks three charts:

A chart prepared at my request by the Federal Election Commission showing the breakdown on instate and out-of-State contributions of $100 or more for the 1978 election—for those who may be curious, this Senator appears as Candidate R in this 1978 listing;

A chart prepared at my request by the Federal Election Commission showing the breakdown on instate and out-of-State individual contributions of $500 or more for the 1988 election;

A chart provided by the Congressional Research Service showing the general breakdown on individual and other sources of campaign funds over recent campaigns.

Mr. President, I am convinced this bill represents an effective way to reform campaign financing, rebuilding that link candidates for the Congress should have with those we serve, our constituents.

Let me conclude, Mr. President, with an observation. As I have said, I believe this bill represents true reform, reform that would stimulate and excite the election process.

But it also brings with it some perils. While it will return candidates to their constituents in an effective manner, it will also render candidates far more dependent on receiving a fair shake from the media. An approach, such as this, may require additional legislation on questions such as broadcasting rates, which have in the past been used by some stations to assist one candidate over another.

For example, I have heard of one candidate, a sitting Member of this body, who when he ran for the Senate had to pay as much as five times what his opponent paid for identical television advertising time. That clearly is unfair, and must be rectified.

If there is any case for Federal dollars in a campaign, it may be needed to ensure that each candidate receives an opportunity to present his or her case fairly and meaningfully to the television audience.

I have not, however, sought to address that issue in this legislation, although I welcome ideas on how we might ensure greater fairness in media attention.

Mr. President, in order to help my colleagues evaluate the bill further, I ask unanimous consent that a copy of the legislation be printed in the RECORD following the charts to which I referred earlier.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Grassroots Campaigning and Election Reform Act of 1990."

RELIANCE ON IN-STATE CONTRIBUTIONS

SEC. 2.(a) Chapter 2 United States Code 441 is amended by inserting a new subsection (h), and relettering subsequent sections appropriately:

"(h)(1) It shall be unlawful for any candidate for the Senate of the United States or the House of Representatives of the United States to solicit or accept any fund for the purposes of election to the Senate or the House of Representatives from any individual, organization, or political action committee that does not reside or have its headquarters within the State from which such candidate seeks election.

"(2). Each contributor to a candidate under the terms of paragraph (1) of this subsection shall provide evidence of the state of residence of such contributor, pursuant to limits described in paragraph (3) of this subsection.

"(3)(A) For the purposes of determining the accuracy of any declaration of residence by a contributor, each candidate for the Congress of the United States shall maintain records of the home state of each contributor.

"(B) It shall be presumed that a contributor is a resident of the candidate's state if the contribution is made in the form of a check drawn on a bank within such state, and if the contribution is physically presented to the candidate or his agent in such state or mailed in an envelope postmarked in such state.

"(C) For any contribution in cash in excess of $99, such name and address shall be accompanied by a notarized statement attesting to the accuracy of such name and address.

"(D) Notwithstanding the provisions of subparagraph (B) of this subsection, any contribution in excess of $499 shall be accompanied by a notarized statement attesting to the accuracy of the name and address of the contributor.

"(E) Any contribution from a political party to a candidate shall be accompanied by a notarized statement as to the residence of the contributors of such funds.

"(4). Any contribution that fails to meet the criteria described in paragraph (3) of this subsection shall, within 10 days of receipt, be returned to the contributor, if known, or given to a non-political health or educational charitable organization of the candidate's choice within the candidate's state.

"(5). Each violation of this section shall subject the candidate to a civil penalty of $1,000."

(b)(1) As of January 31, 1991, each Member of the Senate of the United States elected in 1990 and each Member of the House of Representatives of the United States shall rebate to each Member's contributors, on a pro rata basis, all campaign funds retained as of January 1, 1991, or donate such funds to a non-political health or educational charitable organization of the Member's choice within the Member's state.

(2) As of January 31, 1991, each Member of the Senate of the United States who was not a candidate for election in 1990 shall rebate to the each Member's contributors, on a pro rata basis, all campaign funds raised as of such date, or donate such funds to a non-political health or educational charitable organization of the Member's choice within the Member's state.

(3) Any funds not rebated or contributed pursuant to this subsection shall subject the Member to a civil penalty equal to twice the sums involved.

LIMITATIONS ON POLITICAL ACTION COMMITTEES

Sec. 3(a). Chapter 2 United States Code 441b is amended by deleting all of the text following subsection (b)(2)(B).

(b) Chapter 2 United States Code 441a(a)(1) is amended by striking out "5,000" and inserting in lieu thereof "500" in subsection (A), and by placing a period after the word "committee" and striking all that follows in subsection (C).

(c) Chapter 2 United States Code 441b is amended by inserting the following as a new subparagraph "(C)":

"(c) It is unlawful for any bank, labor organization, or corporation referred to in subparagraph (a) of this section to make any contribution or expenditure for the establishment, administration, or solicitation of contributions to any political committee.".

USE OF PERSONAL WEALTH FOR CAMPAIGN PURPOSES

SEC. 4. Chapter 2 United States Code 441 is amended by inserting a new subsection (i), and relettering subsequent sections appropriately:

"(i)(1)(A) Within 15 days after a candidate qualifies for the ballot, under applicable State law, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend, in the aggregate:

(i) At least $250,000, if a candidate for the Senate of the United States, or

(ii) At least $100,000, if a candidate for the House of Representatives of the United States

from his personal funds, and the funds of his immediate family, and incur personal loans in excess of such amount, in connection with his campaign for such office.

"(B) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, sister, half-brother, or half-sister of the candidate, and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouse of any such person.

"(C) The statement required by this subsection shall be in such form, and shall contain such information, as the Commission may, by regulation require.

"(2) Notwithstanding any other provision of law, in any election in which a candidate declares that he intends to expend more than the limits described in subparagraph (A) of paragraph (1), or does expend and incur loans in excess of such limits, or fails to file the declaration required by this subsection, the limitations on contributions in subsection (h) of this section, as they apply to all other candidates in such election in such state, shall be waived and the limitations on contributions in subsection (a) of this section, as they apply to all other individuals running for such office shall be increased for such election as follows:

"(A) The limitations provided in subsection (a)(1)(A) shall be increased to an amount equal to 1000 percent of such limitation, and

"(B) The limitations provided in subsection (a)(3) shall be increased to an amount equal to 150 percent of such limitations, but only to the extent that contributions above such limitation are made to candidates affected by the increased levels provided in subparagraph (A).

"(3) If the limitations described in paragraph (2) of this subsection are increased pursuant to paragraph (2) for a convention or a primary election, as they relate to an individual candidate, and such individual candidate is not a candidate in any subsequent election in such campaign, including the general election, the provisions of paragraph (2) shall not longer apply.

"(4) Any candidate who—

"(A) declares, pursuant to subparagraph (1) of this paragraph that he does not intend to expend, in the aggregate, more than the limits described in subparagraph (1)(A); and

"(B) subsequently does expend and incur loans in excess of such amounts, or intends to expend and incur loans in excess of such amounts.

such candidate shall notify and file an amended declaration with the Commission and shall notify all other candidates for such office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending such notice by certified mail, return receipt requested. Failure to so notify and so file shall subject such candidate to a civil penalty equal to twice the funds so expended.

"(5) Any candidate who incurs personal loans in connection with his campaign under the Act shall not repay, either directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candidate, if such contribution was made following the date of such election.

"(6) Notwithstanding any other provision of law, no candidate under this title may make expenditures from his personal funds or the personal funds of his immediate family, or incur personal loans in connection with his campaign for election to such office at any time after 90 days before the date of such election, or 24 hours after the primary election for such office, whichever date shall later occur. The provisions of this paragraph shall apply to all candidates regardless of whether such candidate has reached the limits provided in paragraph (1) of this subsection. Violation of this paragraph shall subject such violator to a civil penalty three times the funds so expended.

"(7) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to assure compliance with the provisions of this subsection.".

SOFT MONEY

SEC. 5. (a) At the appropriate place in the Federal Election Campaign Act of 1971 (2 United States Code 441), insert the following new section:

"(—)(A) Any amount solicited, received or spent by a national, State, or local committee of a political party, directly or indirectly, shall be subject to the provisions of this Act, if such amount is solicited, received, or spent in connection with a Federal election. No part of such amount may be allocated to a non-Federal account or otherwise maintained in, or paid from, an account that is not subject to this Act. This section shall not apply to amounts described in section 431(b)(B)(viii) of title 2.

"(B) For purposes of this section, the term 'in connection with a Federal election' includes any activity that may affect a Federal election, including but not limited to the following:

"(1) Voter registration and get-out-the-vote activities;

"(2) Generic activities, including but not limited to any broadcasting, newspaper, magazine, billboard, mail, or similar type of communication or public advertising;

"(3) Campaign materials which identify a federal candidate, regardless of any other candidate who may also be identified.".

SEVERABILITY

SEC. 6. If any provision of this Act, or any amendment made by this Act, or the application of any such provision to any person or circumstance is held invalid, the validity of any other such provision, and the application of such provision to other persons and circumstances, shall not be affected thereby.

EFFECTIVE DATE

SEC. 7. This Act and the amendments made by this Act shall become effective January 1, 1991, and shall apply to all activities, contributions, and expenditures made following such date.

SENATORS WHO PARTICIPATED IN 1977–78 ELECTIONS

Candidate	PAC contributions	Party contributions	Individual contribution $100 or more home State	Individual contribution $100 or more out of State
Candidate A	$65,405	$15,000	$132,529	$9,200
Candidate B	170,724	10,942	29,752	38,750
Candidate C	213,435	21,280	90,882	173,257
Candidate D	126,100	10,000	64,200	167,681
Candidate E	135,145	3,500	266,806	37,090
Candidate F	161,873	15,500	32,178	29,300
Candidate G	217,710	17,116	735,416	132,673
Candidate H	214,777	17,750	97,182	177,922
Candidate I	152,664	11,000	57,101	41,963
Candidate J	206,705	17,500	483,770	137,648
Candidate K	166,594	19,500	61,042	92,371
Candidate L	203,767	16,394	224,773	91,093
Candidate M	307,944	23,902	523,751	118,182
Candidate N	198,847	18,605	396,901	130,975
Candidate O	36,020	9,000	40,774	10,252
Candidate P	102,450	15,000	72,547	33,580
Candidate Q	43,800	16,050	102,275	38,125
Candidate R	150,401	16,334	238,584	81,133
Candidate S	271,290	17,146	498,701	549,479
Candidate T	75,945	7,000	62,345	151,939
Candidate U	216,890	16,170	222,423	131,019
Candidate V	344,683	17,261	528,141	331,520
Candidate W	392,722	30,042	1,609,186	88,529
Candidate X	240,250	17,500	108,256	187,920

Note.—Some of these candidates lost in primaries. No information is available on individual contributions less than $100.

1987–88 ELECTION CYCLE CONTRIBUTIONS TO SENATE MEMBERS RUNNING FOR REELECTION

	PAC contributions	Party contributions	Total individual contributions	Individual contribution of $500 or more home State	Individual contribution of $500 or more out of State
Candidate:					
A	$989,181	0	$1,603,419	$550,691	$522,694
B	1,831,085	$30,499	9,187,165	4,396,197	648,097
C	935,823	25,955	1,456,739	445,655	492,950
D	773,046	15,000	1,037,362	433,550	211,622
E	429,149	0	359,666	83,503	66,925
F	784,528	16,189	2,110,438	506,354	240,342
G	735,141	5,241	970,159	176,569	416,345
H	600,858	25,000	796,276	185,145	294,809
I	325,991	17,500	2,865,868	548,725	1,383,401
J	1,274,738	5,125	1,695,507	304,685	956,123
K	1,514,798	21,037	3,260,540	429,723	403,714
L	1,175,156	16,028	2,651,190	1,014,833	477,947
M	807,544	17,500	375,484	30,000	112,750
N	895,504	23,653	2,279,583	814,074	397,014
O	1,017,047	17,443	1,775,338	525,270	869,284
P	1,404,242	19,400	5,060,472	1,438,674	2,040,915
Q	1,087,814	0	1,635,859	234,646	347,537
R	906,891	18,500	3,270,664	730,533	348,268
S	1,058,107	17,500	617,777	4,500	470,963
T	1,025,894	18,500	5,839,753	1,003,463	1,993,425
U	1,366,075	18,476	3,605,924	1,170,265	716,836
V	1,042,170	17,500	1,267,565	163,602	361,594
W	1,387,554	18,500	1,710,031	748,019	349,217
X	2,303,804	5,341	5,406,218	2,414,155	1,673,140
Y	1,153,218	15,000	2,522,983	88,000	838,633
Z	919,764	0	351,092	70,622	199,850
AA	933,287	17,493	473,729	83,937	259,275

Note.—The residence of individual contributors is known for contributions of at least $500 only. These contributors are not expected to be representative of individuals who contribute to candidates in smaller dollar amounts.

CRS-2 —TRENDS IN CAMPAIGN CONTRIBUTIONS TO SENATE GENERAL ELECTION CANDIDATES: 1974–88

[dollars in millions]

	1974	1976	1978	1980	1982	1984	1986	1988
Receipts [1]								
Total	$28.2	$39.1	$68.9	$83.7	$127.0	$156.2	$208.7	$199.7
Percent of total	100	100	100	100	100	100	100	100
Individuals [2]								
Total	21.4	26.9	50.6	52.4	70.3	95.7	125.4	118.5
Percent of total	76	69	73	62	55	61	60	59
PACs [3]								
Total	3.1	5.8	8.9	15.9	21.8	28.1	44.6	44.4
Percent of total	11	15	13	19	17	18	21	22
Parties [4]								
Total	1.7	1.4	4.1	7.7	12.2	11.3	18.1	18.0
Percent of total	6	3	6	9	10	7	9	9
All other [5]								
Total	2.0	5.0	5.3	7.7	22.5	21.1	20.6	18.8
Percent of total	17	13	8	9	18	14	10	9
Individuals [6] over $500								
Total	N/A	10.6	14.5	19.8	30.6	37.0	62.1	65.6
Percent of total	N/A	27	21	24	24	24	30	33

[1] Includes political party coordinated expenditures on behalf of candidates (as allowed under 2 U.S.C. 441a(d)).

[2] Total contributions from individuals.

[3] Total contributions from non-party political action committees.

[4] Includes both direct party contributions to candidates and coordinated expenditures on their behalf (as provided under 2 U.S.C. 441a(d)).

[5] Includes candidate contributions and loans, interest and dividends, transfers from affiliated committees, and refunds.

[6] Total contributions from individuals in amounts of $500 or more. This category was not provided in Conlan's work; these data are from the FEC Reports on Financial Activity, Final Report, U.S. Senate and House series for 1976–1988.

Note.—Percentages in columns may not add up to 100, due to rounding.

Sources: For all categories (other than "individuals over $500") for 1974–1984: Conlan, Richard P. "The Declining Role of Individual Contributions in Financing Congressional Campaigns." The Journal of Law and Politics, v. 3, Winter 1987, p. 491–495 [see notes to Conlan's tables for more detailed explanations]. For all categories in 1986–1988 and "individuals over $500" for all years: U.S. Federal Election Commission. Reports on Financial Activity, Final Report, U.S. Senate and House Campaigns, various years.●

By Mr. BRADLEY (for himself and Mr. HATCH):

S.J. Res. 270. Joint resolution to designate the period commencing February 17, 1991, and ending February 23, 1991, as "National Visiting Nurse Associations Week;" to the Committee on the Judiciary.

NATIONAL VISITING NURSE ASSOCIATIONS WEEK

● Mr. BRADLEY. Mr. President, I rise today to introduce a joint resolution establishing the week of February 17 to 23, 1991 as National Visiting Nurse Associations Week. This joint resolution, cosponsored by my colleague from Utah [Mr. HATCH] is intended to focus attention on the importance of home health care in the United States.

As many of my colleagues in this body know, Senator HATCH and I have been advocates for expanded home health care for a long time. Experience has demonstrated that providing health services to many kinds of patients in the comfort and security of their homes is a better alternative—physically and psychologically—than hospitalization or nursing home care. In many cases the delivery of health care in the home is more cost-effective, and, for the patient, far more comfortable.

The growth of home health care services in the past decade has been nothing short of phenomenal, due, in part, to the Government's encouragement as well as to a general recognition of the need for care in the home.

One organization, the Visiting Nurse Association, recognized that need more than 100 years ago. Originally called the District Nurse Association of Buffalo, NY, the Visiting Nurse Association was founded in 1885. It is the oldest continuously operated home nurse association.

In recognition of the care and support the VNA's have provided, we propose to name the week of February 17 to 23, as the National Visiting Nurse Associations Week.

I think it is important to note that the Visiting Nurse Associations generally remain in the background, doing their work quietly but efficiently, without fanfare. Every year, their trained professionals and community volunteers assist almost 1 million American men, women, children, and infants. Their services range from neonatal care, to hospice services, to physical therapy, to home IV therapy.

Home care providers have been in the forefront of working with AIDS, cancer, and ventilator-dependent patients.

One of the unique aspects of the VNA's is their strong community support. A board of directors composed of health care professionals and community leaders oversees each association to ensure high standards of care. The United Way, funded by contributions from local businesses, and individuals, is one of the primary financial backers for indigent care services provided by every VNA. United Way also monitors the quality of care provided by local VNA's. VNA services are supported by a combination of individual and corporate contributions within their communities, in addition to some Federal and State government funding.

Care is the primary responsibility of the VNA's, and the quality of that care is one of the hallmarks of the Visiting Nurse Associations.

But the VNA's provide more than health care. They also offer tender loving care, and for that and more they rely on volunteers in each community to assist the professional health care staff. These volunteers are engaged in such activities as cheering up patients with visits, delivering meals-on-wheels, reading to patients, and running errands. Volunteers do many of the little things that make a patient's stay at home more comfortable and uplift their spirits to make recovery a little speedier.

For all of these reasons, we today introduce this joint resolution commemorating the Visiting Nurse Associations and wish them well as they embark on their second century of service.●

By Mr. WALLOP (for himself, Mr. SIMPSON, Mr. SYMMS, Mr. MCCLURE, Mr. BAUCUS, Mr. BURNS, Mr. BOND, Mr. CHAFEE, Mr. COCHRAN, and Mr. GORE):

S.J. Res. 271. Joint resolution to designate July 10, 1990 as "Wyoming Centennial Day"; to the Committee on the Judiciary.

WYOMING CENTENNIAL DAY

Mr. WALLOP. Mr. President, it gives me great pleasure to introduce a joint resolution designating July 10, 1990 as Wyoming Centennial Day—honoring the day in which Wyoming became the 44th State in the Union 100 years ago. I am pleased to be joined in this effort by my friend and colleague from Wyoming, Senator SIMPSON and our House counterpart, Congressman CRAIG THOMAS.

Mr. President, when Wyoming proudly joined her 43 sister States in 1890, she at once became a staunch supporter and defender of this Nation. But she also retained a fierce sense of independence—her people taking great pride in their ability to maintain the traditions and values of the Old West while looking to the future and planning for the opportunities that it would provide. In that sense, 100 years has brought little change.

"In Wyoming, there is room for all, either in agriculture pursuits, mining, stock raising or other business," so said Wyoming Governor F.E. Warren in a report to the Secretary of Interior way back in 1889. "Our people are vigorous, industrious and of high character and we are becoming known as a resort for those in search of health and strength. We in Wyoming are of high average in education—the census of 1880 shows that we have the smallest percentage of illiteracy of any political division of the United States."

I ran across an article the other day, Mr. President, which reported on a national education assessment survey—one conclusion of which was that the average Wyoming 8th grade student now has a higher reading proficiency than the average 12th grader nationally. We were in the forefront of stressing educational excellence—in fact, we were the first to adopt a compulsory school law and I'm pleased to know that the value we place on education has gone unchanged.

Governor F.E. Warren, who later served as U.S. Senator from Wyoming, also took the time back then to include in his report remarks on the natural beauty of the State. He described the scenery of Yellowstone National Park as unequaled in the world. And he was right.

Thankfully, our beauty remains unspoiled and we continue to marvel resident and visitor alike with our wide open spaces, broken by striking mountain ranges, dramatic canyons and gorges, and clear rivers and streams. One-fourth of Wyoming has been set aside as national parks, forests, and monuments for all Americans to enjoy. It was wise of the Nation to do this and Wyoming led the way creating this world of protected values.

Although known by many as the "Cowboy State," the Wyoming State seal bears the words Equal Rights—recognizing the important role women played early on. In 1869, 21 years before Wyoming obtained statehood, we granted women equal suffrage. A year later, we appointed the first woman justice of the peace, Esther Hobart Morris of South Pass City. Her statue now stands here in the U.S. Capitol. And in 1924, Wyoming elected Mrs. Nellie Tayloe Ross as Governor—another remarkable first.

It was with a great deal of amusement, Mr. President, that I read through the CONGRESSIONAL RECORDS of 1890 that documented the Senate debate over Wyoming statehood. The free-thinking, independent people of Wyoming caused quite a commotion here in Congress by insisting that women have the right to vote—and the issue became quite contentious.

Senators debated the technical aspects of suffrage, such as how to get around the fact that the Constitution refers to Members of Congress as "he," not "she." They debated political perceptions, such as whether "a lady member from Wyoming" might not actually add to this Chamber by discouraging "nasty habits like smoking and chewing." They even debated philosophical and religious points, with one Senator going so far as to suggest that suffrage would "demoralize and destroy the woman herself, unsexing and unfitting her for the higher vocation for which God made her."

Mr. President, the heated debate on that observation alone clearly showed that no one had yet heard of "scrubbing the record."

Thankfully, national sentiment on women's rights has changed in the past century and the State of Wyoming has her rightful place among the pages of our history books.

On a personal note, Mr. President, this year marks the 100th year my family has lived and ranched in Big Horn, WY. Representing, protecting and promoting our great State is an honor. It is also a great pleasure—and my family and I couldn't be more proud than to have spent the last 100 years calling Wyoming home.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 271

Whereas on July 10, 1890, President Benjamin Harrison signed a proclamation admitting Wyoming as the 44th state in the Union.

Whereas Wyoming is known as the Equality State;

Whereas Wyoming was the first state to recognize the rights of women and allow them voting privileges;

Whereas Wyoming appointed the first woman Justice of the Peace, Esther Hobart Morris, whose statue now graces the U.S. Capitol;

Whereas Wyoming is the home of the first national forest, the Shoshone;

Whereas Wyoming elected the first woman governor, Mrs. Nellie Tayloe Ross;

Whereas Wyoming, which represents the ideal in outdoor recreation, became the home of our nation's first national park, Yellowstone National Park, the founding gem and is the site of the magnificent Grand Tetons;

Whereas Wyoming is also the home of America's first national monument, Devils Tower;

Whereas Wyoming is the site of the mother store of J.C. Penney's Department store in Kemmerer, founding a familiar fixture on mainstreets across America;

Whereas renowned inventor Thomas Alva Edison received the inspiration for the invention of the incandescent bulb while fishing and camping in Encampment, Wyoming;

Whereas Wyoming is home to the nation's largest rodeo, Cheyenne Frontier Days, "the Daddy of them all";

Whereas Wyoming's beautiful mountains, trees, ranches and natural resources are appreciated nationwide;

Whereas on July 10, 1990, the State of Wyoming will see the dawn of a new century: Now, therefore, be it.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 10, 1990, is designated "Wyoming Centennial Day", and the President is authorized and requested to issue a proclamation acknowledging the economic, social and historic contributions of the people of Wyoming to the United States of America over the past century.

ADDITIONAL COSPONSORS

S. 198

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 198 a bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs.

S. 354

At the request of Mr. EXON, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 354, a bill to provide that during a two-year period each item of any bill making appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President.

S. 434

At the request of Mr. REID, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 720

At the request of Mr. BOREN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 720, a bill to amend the Internal Revenue Code of 1986 to extend and modify the targeted jobs credit, and for other purposes.

S. 840

At the request of Mr. BOREN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 840, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for education loan interest incurred by doctors, nurses, and allied health professionals while serving in medically underserved areas.

S. 874

At the request of Mr. FORD, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and Congressional elections, and for other purposes.

S. 1515

At the request of Mr. MITCHELL, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1515, a bill to amend the Internal Revenue Code of 1986 to permit private foundations and community foundations to establish tax-exempt cooperative service organizations.

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S. 1829

At the request of Mr. Biden, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 1829, a bill to amend the Controlled Substances Act to further restrict the use of steroids and human growth hormones.

S. 1971

At the request of Mr. Thurmond, the name of the Senator from Kansas [Mr. Dole] was added as a cosponsor of S. 1971, a bill to establish a constitutional death penalty and strengthen and improve Federal criminal penalties and procedures.

S. 2009

At the request of Mr. Cranston, the names of the Senator from Rhode Island [Mr. Pell] and the Senator from North Dakota [Mr. Burdick] were added as cosponsors of S. 2009, a bill to limit the use of appropriated funds for the B-2 advanced technology bomber aircraft program.

S. 2039

At the request of Mr. Cochran, the names of the Senator from Pennsylvania [Mr. Specter] and the Senator from Virginia [Mr. Warner] were added as cosponsors of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2067

At the request of Mr. Kerry, the names of the Senator from Alabama [Mr. Heflin] and the Senator from Alabama [Mr. Shelby] were added as cosponsors of S. 2067, a bill to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

S. 2071

At the request of Mr. Packwood, the name of the Senator from New Hampshire [Mr. Humphrey] was added as a cosponsor of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2179

At the request of Mr. Levin, his name was added as a cosponsor of S. 2179, a bill to maintain funding for State and local law enforcement programs in the war against drugs and crime.

S. 2212

At the request of Mr. Roth, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 2212, a bill to minimize the adverse effects on local communities caused by the closure of military installations.

S. 2215

At the request of Mr. Harkin, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 2215, a bill to amend the Public Health Service Act to provide for the development and operation of centers to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes.

S. 2229

At the request of Mr. Dodd, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

S. 2232

At the request of Mr. Ford, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 2232, a bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from withholding tax requirements.

S. 2233

At the request of Mr. Ford, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 2233, a bill to amend the Internal Revenue Code of 1986 to provide that agricultural workers exempt from the Fair Labor Standards Act are exempt from certain employment and withholding tax requirements.

S. 2241

At the request of Mr. Levin, his name was added as a cosponsor of S. 2241, a bill to provide scholarships to law enforcement personnel who seek further education.

SENATE JOINT RESOLUTION 236

At the request of Mr. Wilson, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of Senate Joint Resolution 236, a joint resolution designating May 6, through 12, 1990, as "Be Kind to Animals and National Pet Week."

SENATE JOINT RESOLUTION 240

At the request of Mr. Bingaman, the name of the Senator from Maine [Mr. Mitchell] was added as a cosponsor of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multi-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 265

At the request of Mr. Dodd, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 269

At the request of Mr. D'Amato, the names of the Senator from Hawaii [Mr. Inouye], the Senator from North Dakota [Mr. Conrad], the Senator from New Jersey [Mr. Bradley], the Senator from South Carolina [Mr. Hollings], the Senator from Rhode Island [Mr. Pell], the Senator from South Dakota [Mr. Pressler], the Senator from Indiana [Mr. Coats], the Senator from New Mexico [Mr. Bingaman], the Senator from California [Mr. Cranston], and the Senator from Arkansas [Mr. Pryor] were added as cosponsors of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week".

SENATE CONCURRENT RESOLUTION 81

At the request of Mr. Symms, the names of the Senator from Florida [Mr. Mack] and the Senator from Minnesota [Mr. Boschwitz] were added as cosponsors of Senate Concurrent Resolution 81, a concurrent resolution expressing the sense of the Congress that it should be the policy of the United States to encourage an acceleration of growth in selected Third World nations in order to create new markets for advanced-country products and services.

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. Levin, his name was added as a cosponsor of Senate Concurrent Resolution 95, a concurrent resolution to urge the administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services [GATS], and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. Pressler, the name of the Senator from California [Mr. Wilson] was added as a cosponsor of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

AMENDMENT NO. 1324

At the request of Mr. Johnston, his name was added as a cosponsor of amendment No. 1324 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE CONCURRENT RESOLUTION 103—PROVIDING FOR A CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. BAUCUS (for Mr. Mitchell) submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 103

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Friday, March 9, 1990, or Saturday, March 10, 1990, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, it stand recessed or adjourned until 9 a.m. on Tuesday, March 20, 1990, or until 12 o'clock noon on the second day after Members are notified to reassemble pursuant to section 2 of this resolution, whichever occurs first.

Sec. 2. The majority leader of the Senate, after consultation with the minority leader of the Senate, shall notify the Members of the Senate to reassemble whenever, in their opinion, the public interest shall warrant it.

SENATE RESOLUTION 263—RELATIVE TO A NATIONAL TRANSPORTATION POLICY

Mr. LAUTENBERG (for himself, Mr. Ford, Mr. Adams, Mr. Burdick, Mr. Robb, and Mr. Mitchell) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. Res. 263

Whereas, on March 8, 1990, the President unveiled a National Transportation Policy (hereinafter referred to as "the National Transportation Policy");

Whereas an adequate, balanced national transportation system is essential to the economic well-being of the United States;

Whereas the ability to move people and goods is critical to maintaining state, metropolitan, rural and local economies;

Whereas rural states are critically dependent on a sound highway system to move people and goods;

Whereas existing traffic congestion is already threatening local economies, with an estimated two billion hours annually being spent in traffic delays;

Whereas the General Accounting Office has estimated that metropolitan traffic congestion could increase by more than three hundred percent over the next 15 years;

Whereas public transportation must play a major role in meeting national transportation needs;

Whereas intercity passenger rail service must play a major role in meeting national transportation needs;

Whereas increased use of public transportation and passenger rail service can also contribute greatly to meeting Clean Air goals and help address problems of global warming due to the burning of fossil fuels;

Whereas increased use of public transportation and passenger rail service can also reduce consumption of foreign oil, with a resultant positive impact on the Nation's trade balance;

Whereas the United States annually records 3.5 million passenger miles on railroads and 3.4 trillion ton-miles of freight rail traffic;

Whereas passenger and freight rail traffic is projected to grow by three percent annually;

Whereas it is projected that thirty-three airports in the United States will face more than 20,000 hours of annual flight delays;

Whereas a new generation of air traffic control systems is necessary to relieve congestion and improve air safety;

Whereas additional capacity is needed in the Nation's aviation system;

Whereas it is in the Nation's interest to maintain and enhance United States maritime operations;

Whereas the President's National Council on Public Works Improvements criticized national transportation spending as being inadequate to meet existing and future needs;

Whereas, over the last three decades, national spending on infrastructure as a percentage of Gross National Product has decreased by almost one-third, from 3.6 percent in 1960 to 2.6 percent in 1985;

Whereas the President's National Council on Public Works Improvements called for a doubling of spending on infrastructure needs;

Whereas the Federal government has had, and will continue to have, a major interest and role in establishing, maintaining, and promoting a balanced national transportation network;

Whereas the principal responsibility for establishing, maintaining, and promoting a balanced national, interstate transportation network lies with the Federal government;

Whereas the establishment, maintenance, and promotion of a balanced national transportation network is a national priority, for economic, environmental, energy, security and other reasons;

Whereas the National Transportation Policy fails to adequately address the issue of funding for basic transportation needs;

Whereas the National Transportation Policy would shift an inordinate burden for meeting transportation needs from the Federal government to State and local governments;

Whereas the National Transportation Policy does not adequately assess and promote the role of public transportation and intercity passenger rail service in meeting national transportation needs; and

Whereas Federal aviation and surface transportation programs are due to be reauthorized in the near future: Now, therefore, be it

Resolved, That it is the Sense of the United States Senate that—

(1) The Federal government should bear the principal responsibility for establishing, maintaining, and promoting a national, interstate transportation system;

(2) a balanced national, interstate transportation system should include all modes of transportation, as well as new modes now under development;

(3) a national policy on transportation should take into account the environmental benefits of enhanced spending on all modes of transportation, particularly public transportation and passenger rail service;

(4) a national policy on transportation should take into account the long-term impacts of inadequate spending on transportation needs;

(5) a national policy on transportation should take into account the impacts of shifting to State and local governments the responsibility for establishing, maintaining, and promoting a balanced national transportation system;

(6) a national policy on transportation should take into account the need to improve our national transportation system in order to maintain and enhance the Nation's competitive position in the global economy;

(7) a national policy on transportation should address the pressing funding needs related to inadequate infrastructure; and

(8) the President, in coordination with all appropriate Federal transportation, environmental, trade, and commerce officials, should—

(A) work to develop a national policy on transportation that better addresses the aforementioned issues; and

(B) work with the Congress to implement a national policy on transportation that adequately meets the needs of all areas of the National and addresses the critical issues of funding for such needs.

● Mr. LAUTENBERG. Mr. President, A year ago, we had high hopes for the future of transportation in this country. Sam Skinner, upon taking office, committed to a massive undertaking—to put together a comprehensive blueprint for meeting this country's massive transportation needs.

We all welcomed this initiative. For too long, we had been trying to meet our transportation needs with programs that were outdated. Our needs had overtaken our ability to meet them.

The Secretary launched an ambitious effort. From all indications, he was taking a hard look at tough issues. And he was going to make serious recommendations on how we should move into the next century.

But then, a few months ago, we began to hear that OMB was getting into the act. Today, the President unveiled the National Transportation Policy. And, unfortunately, the roads from that policy lead right to OMB.

This is a plan that's driven by budget considerations, not policy. It looks more like the same old story than a new beginning.

In the transportation world, we have ways of measuring progress: lower fatality rates; number of highway miles repaired; number of passengers delivered safely to their destination; cost per passenger; cost per mile.

While the policy does cite these types of figures in assessing the problems, they're not there when you look for solutions.

This administration has said a great deal about accountability. That's commendable. But, when you look at this policy, there's no accountability. In 5 years, we'll have no way of measuring how far we've come, or whether we've met the goals.

And nowhere in this document will you find estimates of the funding necessary to get us from here to there.

Dollars express goals, whether those dollars are paid at the Federal or State level.

This policy does say a lot of good things. I, too, want to see a sound financial base. We all want to expand the transportation system. We want a competitive transportation industry; we all agree that safety must be the highest priority. We all want to protect the environment and advance U.S. technology.

But there are problems with this policy.

This policy would shift too much of the burden for a balanced national transportation network to State and local governments. But, there is a role for the Federal Government. In my opinion, a large role.

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The success of the interstate highway system can largely be attributed to the Federal presence.

It was the Federal Government that designed the system, collected the taxes, set the engineering standards, and apportioned the funds to create a national system. Let us not forget that.

The problems of mobility and congestion do not stop at State or city boundaries. Air pollution and the need to conserve energy do not stop at State and city boundaries.

Second, at a time when bridges are falling down, roads are crumbling, and urban areas are choking on their own growth, this policy doesn't talk about the real funding issues.

The President is saying "no" to new Federal taxes. But he says "yes, yes" to higher State and local taxes in the form of increased gas taxes, higher tolls, and fare increases.

There's an old saying: If you want to dance, you've got to pay the fiddler. I don't think it's good policy or good politics to say that the President will dance while the Governors will have to pay the fiddler.

Mr. President, there may be more that State and local governments can do.

But, if we shift too much back to the States, we run the risk of losing the national aspects of the system. Not all States have the same resources or the same economic base. Without a strong Federal presence, there would be an uneven approach to our road systems, our air quality, and our transit systems.

That's not the policy we need. Our national economy is just too dependent on a uniform transportation system to allow a patchwork approach.

Transportation is a national responsibility. If we can't improve mobility in one region, the whole country suffers.

If farm products can't get to market because the roads are inadequate, everyone suffers. If urban commuters waste hours sitting in traffic, our economy suffers.

A national transportation should look at the big picture. It should look at the role transit can play in improving the environment, and boosting economies.

It should recognize the importance of Amtrak, in both urban and rural areas. And, it should consider the impact of pushing off funding responsibility onto State and local economies that are already too strapped to meet needs.

We need a national transportation policy. But this isn't it—not yet.

I look at this situation like a movie being shot. Secretary Skinner and his people set out to put together a quality product, maybe even an epic.

But then OMB started editing it. And like some movies, the best parts may have been left on the cutting room floor.

We need to go back and find those parts. And we need to splice them together with our views and recommendations.

Today, along with Senators ADAMS, FORD, BURDICK, ROBB, and MITCHELL, I am introducing a resolution. With cosponsors from the Committees on Appropriations, Commerce, and Environment and Public Works, it lays out some of our concerns, and some of our views about what needs to be done.

And we'll keep working to see that this country has a balanced, national transportation system.●

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

SYMMS AMENDMENT NO. 1327

Mr. SYMMS proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

At the appropriate place add the following:

"SEC. 112. (X) CERTIFICATION OF EQUIVALENT PROGRAMS.

(1) IMPORTS.—Effective twelve months after the date on which the Administrator promulgates emissions standards under subsection (d) of this section, it shall be unlawful for any person to import any products, goods or commodities if the production, manufacture or transportation of such products, goods or commodities results in emissions subject to regulation under this section unless the Administrator, in consultation with the Secretary of State (the Secretary), has published a decision, after notice and opportunity for public comment, certifying that the nations in which such products, goods or commodities were manufactured and imported have established and are fully implementing programs that require reduced production of hazardous air pollutants listed under subsection (b) on a schedule and in a manner that is at least as stringent as the reduction schedule for, and limitations on, domestic hazardous air emissions under this title.

(2) CERTIFICATION OF NATIONAL PROGRAM.—The Administrator shall not certify any national program under paragraph (1) unless it is determined that—

(A) the Nation has adopted legislation or regulations which give the emissions control schedule for each listed hazardous air pollutant the force of law; and

(B) the legislation or regulations include reporting requirements and enforcement provisions no less stringent than those specified in this title, and that the information contained in such reports is available to the Administrator and the Secretary.

(3) REVOCATION.—At least annually, the Administrator, in consultation with the Secretary, shall review each certification made under this section and shall revoke such certification, after notice and opportunity for public comment, unless it is determined that the applicable conditions of paragraphs (1) and (2) remain satisfied and that the reduction schedule for each hazardous air pollutant is in fact being carried out in such nations. Any such revocation shall take effect one hundred and eighty days after notice of the revocation has been published.

(4) INVESTMENT AND EXPORT.—(A) Within one year after enactment of this section, the President shall prohibit—

(i) the export of technologies used to produce goods, products or commodities that result in emissions of hazardous air pollutants in excess of standards promulgated under subsections (d), (f) and (g); and

(ii) direct or indirect investments by any person in facilities designed for or capable of production or manufacture of goods, products or commodities that emit hazardous air pollutants not certified under this section.

(B) Not later than January 1, 1992, and every two years thereafter, the President shall, after notice and opportunity for public comment determine whether there exists, for each class of goods, products or commodities produced or manufactured with a process that emits hazardous air pollutants, substitute products or manufacturing processes that do not rely on emissions of hazardous air pollutants; and promulgate regulations for each class of goods, products or commodities for which a positive determination has been made under this subparagraph. Such regulations shall prohibit direct or indirect investments by any person in facilities designed for or capable of emitting hazardous air pollutants in nations not certified under this section in quantities that will increase emissions of such hazardous air pollutants in any such nation, or manufacturing products that require the emission of a hazardous air pollutant in nations not certified under this section in quantities that will increase emissions of such hazardous air pollutants in any such nation.

(5) FOREIGN AID.—The President shall direct that no agency of the government provide bilateral or multilateral subsidies, aids, credits, guarantees, or insurance programs, for the purpose of producing goods, products or commodities where the manufacture or production of such goods, products or commodities will result in the emission of hazardous air pollutants listed under subsection (b) in excess of emissions standards under subsections (d), (f) and (g).

GORE AMENDMENT No. 1328

Mr. GORE proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the appropriate place, insert the following:

On line 12, page 15 of Amendment No. 1293, insert "carbon dioxide" after "particulate matter."

On line 3, page 17 of amendment No. 1293, add after "(xiv)," "(xv) programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality."

BYRD (AND OTHERS) AMENDMENT NO. 1329

Mr. BYRD (for himself, Mr. BURDICK, Mr. DANFORTH, Mr. FORD, Mr. SIMON, Mr. MCCONNELL, Mr. COATS, Mr. SHELBY, Mr. HEINZ, Mr. HEFLIN, Mr. SPECTER, Mr. ROCKEFELLER, Mr. BOND, Mr. METZENBAUM, Mr. GLENN, Mr. KENNEDY, Mr. MOYNIHAN, and Mr. DIXON) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra; as follows:

On page 567 of the amendment No. 1293, on line 20, strike "dioxide." and insert: "dioxide.

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

COAL MINE WORKERS BENEFITS

SEC. 801. The Clean Air Act is amended by adding at the end thereof the following new title:

"TITLE VI—RELIEF FOR TERMINATED COAL MINE WORKERS

"SHORT TITLE

"SEC. 601. This title may be cited as the 'Relief for Terminated Coal Mine Workers Act'.

"PURPOSE

"SEC. 602. The purpose of this title is to help minimize the effects on individuals employed as coal mine workers who are terminated from their employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"DEFINITIONS

"SEC. 603. As used in this title, the term—

"(1) 'terminated coal mine workers' means any individual employed as a coal mine worker on the date of the enactment of this title, and who, after having been employed, prior to or after such date of enactment, as a coal mine worker for a period in excess of 6 months, is terminated at anytime thereafter from such employment as a result of the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990; and

"(2) 'Secretary' means the Secretary of Labor.

"PROGRAM OF BENEFITS

"SEC. 604. (a) Prior to the expiration of the 180-day period following the date of the enactment of this title, the Secretary of Labor, by regulation, shall establish and carry out a program to provide benefits for coal mine workers in accordance with this title.

"(b) Prior to the issuance of such regulations, and from time to time thereafter, the Secretary shall consult with the appropriate Committees of Congress with respect to such regulations and the implementation of this Act.

"TERMINATION ALLOWANCES

"SEC. 605. (a) In promulgating regulations pursuant to section 604, the Secretary shall include provisions which assure that, under such program, a terminated coal mine worker shall be entitled to a monthly termination benefit computed as follows:

"(1) The monthly termination benefit for the first 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 80 percent of such worker's average monthly compensation determined by computing the total compensation received by the worker, including vacation allowance and monthly compensation guarantees, during the last 12 months immediately prior to his employment being terminated, and by dividing the total compensation by 12, thereby producing the average monthly compensation.

"(2) The monthly termination benefit for the second 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 70 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(3) The monthly termination benefit for the third 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 60 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(4) The monthly termination benefit for the fourth 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 50 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(b) Each monthly termination benefit to which a terminated coal mine worker is otherwise eligible under this section shall be reduced by an amount equal to the amount of any earnings of such worker from employment during the period for which such benefit is payable, and shall be further reduced by any benefits to which such worker is otherwise entitled as a result of having been employed as a coal worker.

"(c) A coal mine worker and his representative shall be furnished by the employer of such worker with such worker's average monthly compensation and average monthly time paid for, computed in accordance with the provisions of this title, together with the data upon which such computations are based, within 30 days after the worker notifies the Secretary in writing that he has been terminated from employment. The coal mine worker shall make such information available to the Secretary.

"RETRAINING AND EDUCATION PROGRAMS

"SEC. 606. At any time during the 4-year period described in section 605(a), any terminated coal mine worker while engaged in a full-time retraining or educational program certified by the Secretary, after consultation with the appropriate Committees of the Congress, as appropriate for purposes of this title, shall, while satisfactorily participating, receive, in addition to the benefit under section 605, an amount equal to 20 percent of the average monthly compensation of such worker computed in accordance with section 605(a)(1), for a period not to exceed 12 months.

"OTHER FINANCIAL ASSISTANCE

"SEC. 607. For the purpose of any law, other than this Act, providing Federal benefits or assistance to an individual based on need as determined by the earnings of that individual, benefits under this title shall be deemed earnings for the purpose of determining whether such individual qualifies for benefits or assistance under such law.

"TERMINATION OF BENEFITS

"SEC. 608. Benefits payable under this title shall cease on the date of the death of the individual entitled to such benefits.

"LENGTH OF BENEFITS

"SEC. 609. Any terminated coal mine worker shall be entitled to benefits, in accordance with this title, for the 48-month period following the date on which such worker first becomes a terminated coal mine worker, or for a period of months following such date equal to the number of months that such worker was employed as a coal mine worker prior to such termination, whichever is less.

"PAYMENT OF BENEFITS

"SEC. 610. (a) The Secretary shall be responsible for the payment of all benefits provided coal mine workers pursuant to this title.

"(b)(1) There are authorized to be appropriated to the Department of Labor, such sums as may be necessary, not to exceed $700,000,000 and such sums shall remain available until such sums are expended, to meet the obligations payable pursuant to this title. In any fiscal year, the Secretary shall limit the total benefits payable under this title to an amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

"(2) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to provide for additional administrative expenses to be incurred by the Secretary in carrying out his functions under this title.

"REPORTS

"SEC. 611. The Secretary shall report annually to the Congress with respect to the carrying out of the provisions of this title, together with the recommendations, if any, of the Secretary.

"REBUTTABLE PRESUMPTION

"SEC. 612. In the case of a claim for benefits under this title by any coal mine worker who is terminated from his employment on or after the date of the enactment of this title, there shall be a rebuttable presumption that such termination resulted from the enactment into law of the provisions of title IV of this Act, as added by the Clean Air Act Amendments of 1990.

"RETROACTIVE CLAIMS

"SEC. 613. Claims based upon terminated employment must be filed not later than 180 days following the date on which such termination occurred. Claims for such termination which took place during the period beginning on the date of the enactment of this title and the date on which the program established by the Secretary pursuant to section 604 becomes operative may be made within the 180-day period following the date on which such program becomes operative.".

"LIMITATION ON APPLICATIONS

"SEC. 614. The Secretary shall not act on any application for benefits under this title filed on or after January 1, 1996."

On page 3 of the amendment, immediately preceding line 1, insert the following:

TITLE VIII—RELIEF FOR TERMINATED COAL MINE WORKERS

Sec. 801. Coal mine worker benefits.

SPECTER (AND OTHERS) AMENDMENT NO. 1330

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. **Metzenbaum**, Mr. **Byrd**, Mr. **Lugar**, Mr. **Simon**, Mr. **Dixon**, Mr. **Bond**, Mr. **Coats**, and Mr. **Glenn**) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. **Mitchell**, (and others) to the bill S. 1630, supra; as follows:

At the appropriate place, insert the following new title:

TITLE —TAX CREDIT FOR ACID RAIN REDUCTION EQUIPMENT

SEC. . TAX CREDIT FOR EQUIPMENT TO MEET ACID RAIN REDUCTION STANDARDS.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end thereof the following new section:

"SEC. 30. ACID RAIN CONTROL EQUIPMENT.

"(a) Allowance of Credit.—

"(1) In general.—If qualified acid rain control property is placed in service during any taxable year, there shall be allowed as a credit for each taxable year in the credit period an amount equal to 6⅔ percent of the taxpayer's qualified investment in such property.

"(2) Credit period.—For purposes of paragraph (1), the term 'credit period' means, with respect to any qualified acid rain control property, the 3-taxable year period beginning with the taxable year such property is placed in service.

"(b) Qualified Acid Rain Control Property.—For purposes of this section—

"(1) In general.—The term 'qualified acid rain control property' means tangible property—

"(A) which—

"(i) is required to be installed by reason of the phase I sulfur dioxide emission limitations under title IV of the Clean Air Act (as in effect after the Clean Air Act Amendments of 1990), and

"(ii) reduces sulfur dioxide emissions by 65 percent or more at the source (or sources) in connection with which such property is installed, or

"(B) which is installed on or in connection with property described in subparagraph (A).

"(2) Only depreciable property eligible.—The term 'qualified acid rain control property' includes only—

"(A) property to which section 168 applies (without regard to any useful life), or

"(B) any other property—

"(i) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(ii) which has a useful life (determined at the time the property is placed in service) of 3 years or more.

"(3) Property must be new.—

"(A) In general.—The term 'qualified acid rain property' includes only property the original use of which commences with the taxpayer.

"(B) Reconstruction.—For purposes of subparagraph (A), a rule similar to the rule of the last sentence of section 48(b)(1) shall apply.

"(4) Certain other requirements.—In determining whether property is qualified acid rain control property, rules similar to the rules of the following provisions of section 48(a) shall apply:

"(A) Paragraph (2) (relating to property must be used predominately in the United States).

"(B) Paragraphs (4) and (5) (relating to exclusion of property of certain tax-exempt organizations, governmental units, and foreign persons and entities).

"(C) Paragraph (7) (relating to property completed abroad or predominately of foreign origin).

"(5) Termination.—The term 'qualified acid rain control property' shall not include property placed in service after December 31, 1996.

"(c) Qualified Investment.—For purposes of this section—

"(1) In general.—The term 'qualified investment' means, with respect to any qualified acid rain control property, the basis of such property as of the time such property is placed in service.

"(2) Limitations with respect to certain persons.—In determining qualified investment, rules similar to the rule of section 46(e) shall apply.

"(d) Limitation Based on Amount of Tax.—

"(1) Liability for tax.—The credit allowable under subsection (a) for any taxable year shall not exceed—

"(A) the sum of—

"(i) the taxpayer's minimum tax liability under section 55(a) for such taxable year, plus

"(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(B) the sum of the credits allowable against the taxpayer's regular tax liability under subparts A and D of this part and sections 27, 28, and 29.

"(2) Carryback and carryforward of unused credit.—

"(A) In general.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an acid rain control credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an acid rain control credit carry-forward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year beginning on or before the date of the enactment of this section, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 18 taxable years to which such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in paragraph (1), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) Limitations.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(e) Recapture Upon Disposition.—

"(1) In general.—If, during any taxable year, qualified acid rain control property is disposed of (or otherwise ceases to be such property with respect to the taxpayer) before the close of the 5-year period beginning on the date such property was placed in service, the tax under this chapter for such taxable year shall be increased by the recapture percentage of the aggregate decrease in the credits allowed under this section for all taxable years which would have resulted solely from reducing to zero the qualified investment taken into account with respect to such property.

"(2) Recapture percentage.—For purposes of paragraph (1), the term 'recapture percentage' has the meaning given such term by section 47(a)(5)(B).

"(3) Other rules.—Rules similar to the rules of section 47(a)(5)(D) and (a)(6) shall apply for purposes of this subection.

"(f) Other Limitations.—For purposes of this section—

"(1) Limitation in case of certain regulated companies.—No credit shall be allowed under this section with respect to any property which is public utility property (as defined in section 46(f)(5)) with respect to which a credit would not be allowed under section 38 if section 46(f)(2) (relating to cost of service and base rate reductions) applied to such property, except that subparagraph (B) of section 46(f)(2) shall be applied by inserting 'not' before 'reduced'.

"(2) Basis adjustment.—For purposes of this subtitle, if a credit is determined under subsection (a) with respect to qualified acid rain control property, the basis of such property shall be reduced by the amount of such credit (determined as if the entire credit with respect to such property was allowable in the taxable year such property was placed in service)."

(b) Conforming Amendments.—

(1) Section 196 of the Internal Revenue Code of 1986 (relating to deduction for certain unused business credits) is amended by adding at the end thereof the following new subsection:

"(e) Acid Rain Control Credit.—The provisions of subsections (a) and (b) shall apply in the same manner to the credit allowed under section 30(a)."

(2) Section 383(a)(2) of such Code (defining excess credit) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma and "and", and by adding at the end thereof the following new subparagraph:

"(C) any unused acid rain control credit of the corporation under section 30(d)."

(3)(A) Section 6411(a) of such Code (relating to tentative carryback and refund adjustments) is amended by inserting "by an acid rain control credit carryback provided in section 30(d)," after "section 172(b),".

(B) Section 6411(a) of such Code is amended—

(i) by inserting "unused acid rain control credit," after "net capital loss," and

(ii) by inserting "or an acid rain control credit carryback" after "business credit carryback".

(C) Sections 6411(b) and 6411(c) of such Code are each amended by inserting "unused acid rain control credit," after "net capital loss," each place it appears.

(4) Subparagraph (C) of section 6511(d)(4) of such Code is amended by inserting "or

any acid rain control credit carryback under section 30(d)" after "section 39".

(5) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting at the end thereof the following new item:

"Sec. 30. Acid rain control equipment."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 1990, in taxable years ending after such date.

SASSER (AND GORE) AMENDMENT NO. 1331

Mr. SASSER (for himself and Mr. GORE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 385 of the amendment, between lines 14 and 15, insert the following new section:

DEVELOPMENT OF REFUSE DERIVED FUEL PLANT

SEC. 309. The Tennessee Valley Authority, (hereinafter referred to as the "TVA") in cooperation with regional waste authorities in the Tennessee Valley is authorized and directed to develop a plan for the construction of a combination unit capable of using refuse derived fuel, with specific analysis of construction of the facility at the site of TVA steam generation plant located at Gallatin, Tennessee. The TVA shall submit to Congress not later than 90 days after the date of enactment of this Act a report setting forth its plan for completion of such a facility.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 1332

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Insert at the end of amendment No. 1293 the following:

The Administrator shall conduct a study of the causes of degraded visibility in southwestern New Mexico. The Administrator, in consultation with the Secretary of State, is encouraged to cooperate with the Government of New Mexico, other Federal agencies, and any other appropriate organization in conducting the study. Nothing in this section shall be construed as contravening or superseding the provisions of any international agreement in force for the United States as of the date of enactment of this section, or any relevant Federal statute.

BRYAN AMENDMENT NO. 1333

Mr. BRYAN proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the appropriate place, insert the following:

MOTOR VEHICLE FUEL EFFICIENCY

SEC. 206. (a) The Congress finds and declares the following:

(1) Improved efficiency in the consumption of petroleum is vitally important, not only because the worldwide supply is finite, but because the increasing dependence of the United States on foreign oil is a threat to our national security and adversely affects the trade balance.

(2) The light duty vehicle fleet is a significant user of oil, accounting for about 39 percent of United States oil consumption.

(3) Improvements in vehicle fuel efficiency between 1973 and 1987 amounted to a savings of 1.8 million barrels of oil per day and a savings to drivers of close to $30 billion. Conversely, the rollback of the corporate average fuel economy (CAFE) standard for the 1989 model year, from 27.5 miles per gallon to 26.5 miles per gallon, is expected to result in increased consumption of 900 million gallons of fuel over the life of the 1989 vehicles.

(4) Emissions of carbon dioxide, including those from the light duty vehicle fleet, contribute substantially to increased retention of heat in the Earth's atmosphere, and may cause long term global warming and disruption of climate-dependent activities.

(5) The United States, with only 5 percent of the world's population, is responsible for 20 percent of world carbon dioxide emissions. United States carbon dioxide emissions from gasoline alone are greater than the carbon dioxide emissions from all sources in each of the following countries and areas of the world: Latin America, Japan, the Middle East, West Germany, South and Southeast Asia, the United Kingdom, Africa, and France.

(6) The transportation sector is responsible for 31 percent of carbon dioxide emissions in the United States. Each gallon of gasoline burned results in the emission of 19.7 pounds of carbon dioxide.

(7) The rollback of the CAFE standard for the 1989 model year is projected to result in 9 million tons of additional carbon dioxide emissions during the life of the 1989 vehicles.

(8) Increased numbers of vehicles and vehicle miles traveled in the United States will necessitate a 3 percent annual increase in fuel efficiency merely to hold future carbon dioxide emissions at current levels. Therefore, substantial improvements in vehicle fuel efficiency will be needed to reduce these emissions.

(9) CAFE standards and the successful response of automobile manufacturers to those standards have been very effective in increasing vehicle fuel efficiency, resulting in a doubling of the passenger car fleet fuel economy between 1975 and the present. However, current law does not require improvement above a standard of 27.5 miles per gallon which became effective in 1985. In recent years, the average fuel economy of the fleets of certain manufacturers has actually declined.

(10) Light trucks were an insignificant part of the passenger vehicle market when CAFE standards were enacted in 1975, and have not been subjected to strict, legislatively-established, CAFE standards. As a result, there have been few major technological changes related to fuel efficiency in the standard size light trucks since 1982, and fuel economy in some light truck models has actually declined between 1982 and 1986. Light trucks have become increasingly popular for passenger use, and such vehicles now account for approximately one-third of new passenger vehicle sales.

(11) The Office of Technology Assessment and the Department of Energy agree that increased fuel efficiency is possible utilizing currently available technology and without significant changes in the size mix or performance of the fleet. With maximum use of conventional technologies, it is estimated by various experts that the fuel economy of the entire new car fleet could range from 33 to 38 miles per gallon by 1995.

(12) Over the long term, by utilizing technology currently in production or in prototype, additional increases in fleet fuel economy beyond 1995 estimates are achievable, from 40 miles per gallon to as high as 60 miles per gallon in the next decade.

(13) Gasoline prices currently are lower in real dollars than they have been since the early 1970s. Since there is at least some correlation between gasoline prices and consumer demand for fuel efficient vehicles, it is unlikely that the market alone will achieve significant improvement in fuel economy.

(14) An increase in fuel efficiency in the light duty vehicle fleet of 20 percent by 1995 and 40 percent by 2001 would save 49.1 billion gallons of fuel between 1995 and 2001. This level of improvement also would reduce carbon dioxide emissions by 483.5 million tons between 1995 and 2001.

(15) Use of a percentage improvement requirement is the only legislative approach that assures achievement of the environmental and energy security goals to be served by a fuel efficiency standard. Such an approach ensures that each manufacturer is required to achieve significant improvement in fuel efficiency. By contrast, use of the same numerical standard for all manufacturers provides no incentive for manufacturers of primarily small vehicles to improve the fuel efficiency of those vehicles, and in effect establishes no standard for such manufacturers. Establishment of separate standards for each size of vehicle does not prevent dramatic increases in the size and weight of the fleet as a whole. For that reason, a size-based standard cannot ensure any fuel savings, and could actually result in deterioration of the fuel economy of the fleet.

(16) Increased CAFE standards that require all manufacturers to improve by the same percentage are, therefore, both reasonable and necessary to ensure that improvements in fuel efficiency continue, in furtherance of the dual goals of the Nation's energy security and decreased carbon dioxide emissions.

(b)(1) Section 502(a) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)) is amended by striking

"1985 and thereafter .... 27.5."

and inserting in lieu thereof the following:

"1985 through 1994 .... 27.5.
"1995 and thereafter .... As provided in accordance with section 514 of this Act.".

(2) Section 502(a)(4) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(a)(4)) is amended by striking "The Secretary" and inserting in lieu thereof "Except in the case of standards established by sections 514 and 515, the Secretary".

(c) Section 502(b) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(b)) is amended by inserting "and which ends before model year 1995" immediately after "after the date of enactment of this title".

(d) Section 502(c)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(c)(1)) is amended—

(1) by striking "passenger" each place it appears;

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(2) by inserting "or subsection (b) or section 514 or 515" immediately before the period at the end of the first sentence; and

(3) by inserting "subsection (b) or sections 514 and 515" immediately before "is more stringent".

(e) Section 502(g)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(g)(1)) is amended by inserting "or section 514 or 515" immediately before the period at the end of the first sentence.

(f) Section 502(i) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(i)) is amended by inserting "or sections 514 and 515" immediately before the period in the first sentence.

(g) Section 502(j) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002(j)) is amended by inserting "or sections 514 and 515" immediately before "or any modification".

(h)(1) Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001 et seq.) is amended by adding at the end the following new sections:

"PASSENGER AUTOMOBILES

"SEC. 514. Notwithstanding any other provision of this Act, the average fuel economy for passenger automobiles manufactured by any manufacturer in model year 1995 and each model year thereafter shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:	
"1995 through 2000	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for passenger automobiles in model year 1988, plus an amount equal to 20 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988; except that such standard shall not be less than 27.5 miles per gallon and shall not exceed 40 miles per gallon.
"2001 and thereafter...	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for passenger automobiles in model year 1988, plus an amount equal to 40 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988, unless such standard is modified under section 516; except that such standard shall not be less than 33 miles per gallon and shall not exceed 45 miles per gallon.

"AUTOMOBILES OTHER THAN PASSENGER AUTOMOBILES

"SEC. 515. Notwithstanding any other provision of this Act, commencing with model year 1995 and each model year thereafter, the average fuel economy for automobiles other than passenger automobiles manufactured by any manufacturer in any such model year shall not be less than the number of miles per gallon established for such model year pursuant to the following:

"Model year:	
"1995 through 2000	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer for light trucks in model year 1988, plus an amount equal to 20 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988; except that such standard shall not be less than 20 miles per gallon and shall not exceed 30 miles per gallon.
"2001 and thereafter....	For each such manufacturer, the average fuel economy required shall be an amount determined by the Secretary to be equal to the average fuel economy achieved by that manufacturer in model year 1988, plus an amount equal to 40 percent (as measured in miles per gallon) of such average fuel economy achieved for model year 1988, unless such standard is modified under section 516; except that such standard shall not be less than 24 miles per gallon and shall not exceed 35 miles per gallon.

"MODIFICATIONS OF STANDARDS

"SEC. 516. (a) Any time after the beginning of fiscal year 1995, the Secretary may modify any average fuel economy standard established under this Act for model year 2001 and thereafter in accordance with this section. In response to a petition from any person that is filed at least 12 months in advance of the model year to which it is applicable, the Secretary shall conduct a rulemaking proceeding to determine whether to increase or decrease such standard to the level which the Secretary determines is the maximum feasible average fuel economy for that model year (taking into consideration the factors listed in section 502(e) and the need to reduce carbon dioxide emissions), except that the Secretary shall not reduce any such standard below a standard equal to a 30 percent increase over the average fuel economy achieved by the manufacturer involved for the applicable type (or class) of vehicles for model year 1988. The Secretary may also conduct such a rulemaking on the Secretary's initiative.

"(b) In determining the maximum feasible average fuel economy during a rulemaking proceeding under this section, the Secretary shall weigh equally each factor listed in section 502(e) and the need to reduce carbon dioxide emissions. In evaluating the economic practicability of the standard, the Secretary shall consider—

"(1) the economic impact of the standard on the manufacturers and on the consumers of the vehicles subject to such standard;

"(2) the savings in operating costs throughout the estimated average life of the vehicle compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the vehicles which are likely to result from the imposition of the standard;

"(3) the total projected amount of energy savings likely to result directly from the imposition of the standard and the economic impact of such energy savings;

"(4) any lessening of the utility or the performance of the vehicles likely to result from the imposition of the standard;

"(5) the impact of any lessening of competition or any change in foreign trade that is likely to result from the imposition of the standard;

"(6) the total projected amount of reduction in carbon dioxide emissions and the economic impact of such reduction; and

"(7) other factors the Secretary considers relevant."

(2)(A) Section 503(a)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(1)) is amended by inserting "and section 514" immediately after "and (c)".

(B) Section 503(a)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003(a)(2)) is amended by adding at the end the following: "Average fuel economy for purposes of section 515 shall be calculated in accordance with rules of the EPA Administrator that are based upon the method required in paragraph (1) for calculation of average fuel economy of passenger automobiles."

(i)(1) The Administrator of the Environmental Protection Agency shall conduct—

(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks by the Administrator performed in accordance with procedures in effect as of the date of enactment of this section, as compared to the actual performance of such passenger automobiles and light trucks when driven by average drivers under average driving conditions in the United States; and

(B) an assessment of the extent to which fuel economy deteriorates during the life of such passenger automobiles and light trucks.

Information on actual performance may be obtained through a survey of current vehicle owners.

(2) The Administrator shall, within 12 months after the date of enactment of this section and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of the study required by paragraph (1). The report shall include—

(A) a comparison between (i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of this section and (ii) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under paragraph (1);

(B) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

(C) any recommendations for legislative or other action.

(j)(1)(A) Paragraph (1) of section 506(b) of the Motor Vehicle Information and Cost

Savings Act (15 U.S.C. 2006(b)) is amended by adding at the end the following new sentence: "The Secretary of Energy shall distribute no less than 100 booklets each year to each dealer and shall distribute as many in addition to 100 booklets as are reasonably requested by dealers from time to time.

(B) The amendment made by subparagraph (A) shall apply to the 12-month period beginning on the first day of the first month after the date of enactment of this section and corresponding 12-month periods thereafter.

(2) Section 506(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006(e)) is amended by striking "Federal Energy Administrator" and inserting in lieu thereof "Secretary of Energy".

(k) The Secretary of Transportation shall provide for a review to be undertaken by the National Academy of Sciences, in consultation with vehicle manufacturers, representatives of environmental and consumer groups, appropriate State and local officials, and representatives of labor, of the current state of research and development in light truck fuel economy and passenger automobile fuel economy and an assessment of the remaining potential for improving the fuel efficiency and reducing the energy consumption of passenger automobiles and light trucks. The assessment shall include all aspects of vehicle design, including engines, drive train, component parts, auto body, tires, and any other aspect contributing to the reduction of energy consumption. The National Academy shall, not later than 2 years after the date of enactment of this section, submit a report to the Congress on the results of the review and assessment and in the report recommend research and development priorities that could result in the commercialization of fuel economy technology through the early years of the next century. The National Academy shall update the report every 5 years, beginning not later than 7 years after the date of enactment of this section, and shall submit each updated report to the Congress.

(l)(1) Section 508(b)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2008(b)(1)) is amended by adding at the end the following new subparagraph:

"(C) Any civil penalty assessed under this subsection for a violation of section 507(a) (1) or (2) in model year 1995 or thereafter against a manufacturer shall be doubled if—

"(i) the manufacturer violated section 507(a) (1) or (2) in the two model years immediately preceding the model year involved in the assessment; and

"(ii) during each of such preceding years and the year involved in the assessment, the applicable average fuel economy standard exceeded the average fuel economy of the vehicles manufactured by such manufacturer by five tenths of a mile per gallon or more.".

(2) Section 507(a)(1) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2007(a)(1)) is amended by inserting "including sections 514 and 515," immediately after "section 502(b)),".

(m) As used in this section, "passenger automobile" has the meaning given that term under section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) and "light truck" shall have such meaning as the Secretary of Transportation prescribes.

GORE (AND OTHERS) AMENDMENT NO. 1334

Mr. GORE (for himself, Mr. LEAHY, Mr. JEFFORDS, and Mr. WIRTH) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 532, line 4, strike "Feasibility Report On".

On page 532, lines 5 through 11, strike the text beginning with "Not later than" through "earlier—" and insert in lieu thereof "Except as provided in paragraph (1) of this subsection or in regulations promulgated to establish earlier dates—".

PART 2 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to modify Federal procurement practices to ensure that chemicals known to harm human health or the environment are not used as substitutes for chemicals that destroy the ozone layer.

On page 548, following line 22, insert the following new subsection:

"(d) FEDERAL PROCUREMENT.—

"(1) APPLICATION OF SECTION.—Each Federal agency or department shall comply with the requirements set forth in this subsection and any regulations issued under this section, with respect to any purchase or acquisition of an item where the purchase price of such item exceeds $10,000 or where the quantity of such items or of functionally equivalent items purchased or acquired in the course of the preceding fiscal year was $10,000 or more.

"(2) Within 12 months of enactment of this section, the Administrator of the General Services Administration (GSA), in consultation with the Administrator, shall develop a strategic plan for the procurement of substances as substitutes for those listed pursuant to section 504 (a) and (b) of this title.

"(3) No later than 36 months after enactment of this section, each agency or department of the Federal Government shall conform its procurement regulations and specifications to the strategic plan promulgated by the Administrator of the GSA or, if the Administrator of the GSA has not met the requirements of paragraph (2), to the requirements set forth in this subsection.

"(4) REQUIREMENTS FOR STRATEGIC PLAN.—

"(A) GENERAL.—The strategic plan referred to in paragraph (3) shall provide for Federal Government-private sector cooperation in research, development, and deployment of nonozone depleting technologies, processes, and chemical alternatives to the ozone depleting substances listed in section 504 (a) and (b). The plan shall provide greater regulatory certainty regarding alternatives to ozone-depleting substances by hastening the identification, development and deployment of alternative technologies with maximal environmental benefit. To ensure maximal environmental benefit, the strategic plan shall seek to maximize the use of alternative materials, process modifications, product redesign and substitution in order to minimize the use of materials and substances, including energy, which contribute to stratospheric ozone depletion, the creation of tropospheric ozone, global climate change, or which have been identified by an agency as a probable or known human carcinogen, or a known animal carcinogen.

"(B) SPECIFIC.—The strategic plan shall identify alternatives to categorical uses of substances listed in section 504 which meet the general criteria of subparagraph (A). The categorical uses, referenced in the preceding sentence shall be: air conditioning and refrigeration, solvents, rigid and flexible foam, fire extinguishers and other miscellaneous uses. The plan shall also include a list of persons and firms known to manufacture, sell, or utilize such alternatives.

"(5) PROCUREMENT PROGRAM.—Within 36 months after enactment of this section each agency or department of the Federal Government shall have in place an affirmative procurement program which will assure that future purchases of items known to use or be manufactured with substances listed in section 504 will, to the maximum extent practicable, conform to the requirements of this subsection. Each such procurement program shall, at a minimum, contain—

"(A) A preference program for alternatives which maximize the environmental benefit to be obtained by eliminating use of substances listed in section 504;

"(B) An agency promotion program to promote the preference program adopted under subparagraph (A);

"(C) Annual review and monitoring of the effectiveness of an agency's procurement program adopted in accordance with the requirements of this subsection.".

PART 3 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to prohibit export of CFC equipment and technology and investment in facilities capable of producing CFR's in any nation not in compliance with the Montreal Protocol.

On page 544, lines 6 and 7, strike "Within one year after enactment of this section" and insert. "Immediately upon enactment of this section".

PART 4 TO TITLE VII—OZONE DEPLETING CHEMICALS

An amendment to strike provisions in the Clean Air Act preempting States' efforts to control ozone depleting chemicals:

On page 557, line 10, strike "except as otherwise provided in subsection (c)".

On page 557, strike lines 11 through 25.

On page 558, strike lines 1 through 6.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 1335

Mr. LAUTENBERG (for himself, Mr. GORE, Mr. PELL, Mr. KERRY, and Mr. BRADLEY) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 230, line 3, insert "or mobile" after the word "stationary".

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Senate Committee on Veterans' Affairs and the House Committee on Veterans' Affairs, are scheduled to hold a joint hearing on March 15, 1990, in SH-216 at 9:30 a.m. to consider the legislative presentations of the Paralyzed Veterans of America, the Blinded Veterans Association, the Jewish War Veterans, the American

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Ex-Prisoners of War, and the Military Order of the Purple Heart.

NOTICE OF ADDITION TO PREVIOUSLY SCHEDULED HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. **BUMPERS**. Mr. President, I would like to announce that S. 1770, a bill to assess the suitability and feasibility of including certain Shenandoah Valley Civil War sites in the National Park System has been added to the list of measures to be considered at the hearing before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources scheduled for March 28 at 2 p.m.

For further information regarding the hearing, please contact David Brooks of the subcommittee staff at (202) 224-9863.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 9:30 a.m. The committee will hold a hearing on technology transfer and small business.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 2 p.m. The committee will hold a hearing on the President's proposed budget proposal for the Small Business Administration and on the reauthorization of the agency's programs.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, ENVIRONMENTAL OVERSIGHT, RESEARCH AND DEVELOPMENT

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Thursday, March 8, beginning at 9:30 a.m., to conduct a hearing to consider the effects of lead exposure on children's health and educational performance.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, March 8, 1990, at 10 a.m. to hold hearings on the legislative proposals to reauthorize the Defense Production Act of 1950.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, March 8, at 9:30 a.m., on the subject: Departments of Health and Human Services and Labor high risk management problems.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 8, 1990, at 11 a.m. to hold a hearing on the nomination of Donald R. Quartel, Jr., to be a Federal Maritime Commissioner.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on March 8, 1990, at 10 a.m. in SD-226.

I. NOMINEES

U.S. COURT OF APPEALS

Jacques L. Wiener, U.S. Court of Appeals judge for the Fifth Circuit.

Rhesa Barksdale, U.S. Court of Appeals judge for the Fifth Circuit.

U.S. CLAIMS COURT

Robert H. Hodges, Jr., U.S. Claims Court judge.

U.S. DISTRICT COURT

Ronald L. Buckwalter, U.S. District Court judge for the Eastern District of Pennsylvania.

Donald J. Lee, U.S. District Court judge for the Western District of Pennsylvania.

Gerald E. Rosen, U.S. District Court judge for the Eastern District of Michigan.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Robert W. Sweet, Jr., Administrator of the Office of Juvenile Justice and Delinquency Prevention.

PATENTS AND TRADEMARKS

Harry F. Manbeck, Jr., Commissioner of Patents and Trademarks.

Douglas Comer, Deputy Commissioner of Patents and Trademarks.

II. FEDERAL CHARTERS

S. 511—A bill to recognize the organization known as the National Academies of Practice—**INOUYE**.

III. BILLS

S.J. Res. 14: Joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation—**THURMOND**.

S.J. Res. 23: Joint resolution proposing an amendment to the Constitution authorizing the President to disapprove or reduce an item of appropriations—**DIXON**.

S. 594, a bill to establish a specialized corps of judges necessary for certain Federal proceedings required to be conducted, and for other purposes—**HEFLIN**.

S. 185, a bill to amend title 18 of the United States Code to punish as a Federal criminal offense the crimes of international parental child abduction—**DIXON**.

S. 198, a bill to amend title 17, United States Code, the Copyright Act to protect certain computer programs—**HATCH**.

S. 497, a bill entitled the "Copyright Remedy Clarification Act".—**DECONCINI**.

S. 3045, a bill entitled the "Copyright Remedy Clarification Act"—**KASTENMEIER**.

S. 1271, a bill to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments—**DECONCINI**.

S. 1622, a bill to amend title 17, United States Code, to change the fee schedule of the Copyright Office, and to make certain technical amendments—**KASTENMEIER**.

S. 1272, a bill to amend chapter 8 of title 17, United States Code, to reduce the number of Commissioners on the Copyright Royalty Tribunal, to provide for lapsed terms of such Commissioners, and for other purposes—**DECONCINI**.

H.R. 3046, a bill to reduce the number of Commissioners on the Copyright Royalty Tribunal, to change the salary classification rates for members of the Copyright Tribunal and the U.S. Parole Commission and for the Deputy and Assistant Commissioners of Patents and Trademarks, and for other purposes—**KASTENMEIER**.

S. 459, a bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1985, with respect to the use of inventions in outer space—**GORE**.

S.J. Res. 183, Joint resolution proposing an amendment to the Constitution relating to a Federal balanced budget—**SIMON**.

S. 396, a bill to amend title 11 of the United States Code, the bankruptcy code regarding swap agreements with an amendment in the nature of a substiute—**DECONCINI**.

S. 994, a bill to amend the Clayton Act regarding interlocking directorates and officers—METZENBAUM.

S. 995, a bill to amend the Clayton and Sherman Acts regarding antitrust procedures—METZENBAUM.

S. 1829, a bill to amend the Controlled Substances Act to further restrict the use of steroids and human growth hormones—BIDEN.

S. 1965, a bill to protect the rights of victims of crime, establish a Federal victims' bill of rights for children, and improve the response of the criminal justice system and related agencies to incidents of child abuse—BIDEN.

S. 2179, a bill to maintain funding for State and local law enforcement programs in the war against drugs and crime—SIMON.

S. 590, a bill to prohibit injunctive relief, or an award of damages against a judicial officer for action taken in a judicial capacity—HEFLIN.

S. 591, a bill to amend the Federal Rules of Criminal Procedure with respect to the examination of prospective jurors—HEFLIN.

S. 592, a bill to amend the Federal Rules of Civil Procedure with respect to the examination of prospective jurors—HEFLIN.

S. 982, a bill to repeal a provision of Federal tort claim law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths—REID.

S. 1931, a bill to prevent the discharge in a chapter 13 bankruptcy proceedings of certain debts arising out of the debtor's operation of a motor vehicle while legally intoxicated—DANFORTH.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 8, 1990, beginning at 4 p.m., in 485 Russell Senate Office Building, to consider and report the committee's recommendations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILY, DRUGS AND ALCOHOLISM

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Children, Family, Drugs and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 2:30 p.m. for a hearing on "Falling Through the Cracks: The Impact of Drug Exposed Children on Child Welfare.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 2 p.m. for a hearing to receive testimony concerning Senate Joint Resolution 154, to consent to certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. MITCHELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a meeting to mark up recommendations for veterans programs budget and possibly legislation to permit proposed VHS&RA reorganization on Thursday, March 8, 1990, at 9:30 a.m. in SH-216.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION OF PRICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, March 8, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address wheat issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet in executive session on Thursday, March 8, 1990, at 9:30 a.m. to discuss and act on certain unauthorized appropriations for fiscal year 1990; certain pending reprogramming requests; and the committee's recommendation to the Budget Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 8, at 2 p.m. to hold a hearing on pending European nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 8, 1990, to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUPPORT FOR CHILDREN'S CHARITIES BY AMERICA SINGS

● Mr. DODD. Mr. President, too often the only news we hear about or read about children is bad—children taking drugs, dropping out of school, or getting into trouble.

However, I would like to report some good news. Today, thanks to a nonprofit organization called America Sings!, thousands of young people across the country are being encouraged to use their talents for the benefit of other young people who are less fortunate.

Last April, over 15,000 young people from school choirs in 43 States, Canada, and Mexico gathered in Washington, DC to raise their voices in song to show their support for homeless children across America. I am very proud that singing groups from Cromwell High School, Broadview Junior High, Samuel Huntington School, Putnam High School, Flood Intermediate School, Stratford High, and Bunnell High Schools—all from my home State of Connecticut—joined in this effort.

Together, this amazing collection of young singers raised over $70,000 for charities working to improve the lives of homeless children and families. Just as the "America Sings" motto states, this contribution was made "to kids who feel they have no hope from kids with hope to share."

March 24-31 has been named as "America Sings Week." During America Sings Week, school choirs across the country will be performing public service activities and holding benefit concerts for local children's charities. I applaud each and every one of these talented young people, their choral directors, and America Sings.●

ELECTIONS IN NICARAGUA

● Mr. BOSCHWITZ. Mr. President, in recent months we have witnessed some monumental victories for freedom in Central America, an often-troubled part of the world. First, in January, the drug-running dictator of Panama, Manuel Noriega, was deposed from power and brought to this country to face justice. The Panamanian people finally have the democracy that Noriega had taken from them. Next came Nicaragua, where the people of that war-torn country went to the polls and, in a stunning display of bravery, voted to throw out the Communist leader Daniel Ortega and his Sandinista friends.

The victory of Violeta Chamorro in Nicaragua is an especially gratifying one. For many years our Nation's policy toward Nicaragua was a divisive issue. But it now appears that our eco-

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nomic boycott and our assistance to the Nicaraguan resistance fighters pushed the Sandinistas to the point that they agreed to elections.

There are many people to whom credit is due for the defeat of the Sandinistas. I want to take this opportunity to give some of that credit to former President Ronald Reagan, for he deserves it as much as any other single person. President Reagan's steadfastness, and his refusal to betray his instincts in the face of strong opposition and heavy odds, paved the way for these elections. President Bush also deserves credit for his efforts to form a policy in cooperation with the Congress, and for leading the effort to assist Mrs. Chamorro.

The victories for democracy in Panama and Nicaragua are only the two latest in a series that has swept Central America since 1980. At the beginning of that year Costa Rica was the only democracy in the region. Now, in 1990, all seven Central American countries are democracies. It's simply a remarkable record.

This contrast between the Central America of 10 years ago and that of today is nowhere more striking than in El Salvador. Many people have criticized our policy toward that country, as they did our approach to Nicaragua. However, I believe this policy is working, and we need to stick by and support this ally which is struggling to preserve its young and fragile democracy.

I want to commend to my colleagues attention an article written by Congressman VIN WEBER of my home State of Minnesota, which was published in the New York Times last December. Congressman WEBER quite accurately points out the great progress that El Salvador has made, and how the assistance that we give that Government is a good investment and should be continued.

The Congressman's message is plain: democracy can be a very fragile system, especially in its early stages; and we must stand by our friends who are besieged by the forces of tyranny. I ask that the article by Congressman WEBER appear in the RECORD at the conclusion of my remarks.

The article follows:

WE MUST HELP BESIEGED SALVADOR

(By Vin Weber)

WASHINGTON.—For more than a month, Americans have watched El Salvador turn ugly. Staring at the blood and chaos, Americans are now asking, once again, whether U.S. policy there is working.

It is.

Ten years ago, El Salvador was ruled by a military junta. Today, it is a working democracy that has held four fair elections.

Ten years ago, political killings skyrocketed to nearly 800 a month. Before the recent outbreak of violence, political murders—though still too frequent—had dropped to under 20 a month.

Ten years ago, El Salvador's criminal justice system was in tatters. Today, the rule of law, though still uneven, is taking root.

Some in and out of Congress have pointed to the recent violence as justification for limiting or cutting off U.S. aid. Instead, the attack on democarcy in El Salvador today makes our assistance even more critical.

U.S. policy has been successful in El Salvador because it has been bipartisan. And the continuing aid formula, which Ronald Reagan and Democratic leaders agreed to in the early 1980's ($3 in economic aid for every dollar in military help), has made a difference.

U.S. aid gave us the leverage to help El Salvador hold its first free election in decades, in 1984. And it has given us the leverage since then to help democracy last.

The proof: 56 percent of El Salvador's registered voters cast their ballots in 1989 (higher participation than our last Presidential election), despite widespread death threats from the rebels. International observers declared the election valid and the presidency changed party hands, peacefully, for the first time in El Salvador's history.

In fact, it is El Salvador's democratic success, not its failure, that motivated the latest rebel offensive. Watching their own influence decline as each election bestowed new legitimacy on the Government, the guerrillas concluded that they faced political extinction. Their surprise attack, like the Tet offensive in the Vietnam War, was designed to win a political victory even if it failed militarily.

We must not let that happen. The rebels showed their true stripes when they took American civilians captive at the Sheraton Hotel. Their reign of terror against small town mayors and sitting judges rivals that of the Colombian drug cartels. If there remained any doubt, the crash of a plane carrying Soviet-made surface-to-air missiles confirmed that the rebels are being supplied by Nicaragua. Such incidents, considered alongside their boycott of elections, make the rebels' call for peaceful negotiations dubious.

The leftist guerrillas will succeed only if we draw the wrong conclusion from the cold-blooded murder of six Jesuit priests. Those who argue that we should eliminate aid say that the killings overshadow the progress of the last 10 years.

In fact, just the opposite is true. Cutting off aid would undermine the rule of law, weaken the Government and siphon power to the extremes on the left and right. The result would mean more, not fewer, killings.

Instead, we need to renew our support for El Salvador's criminal justice system in order to track down, prosecute and punish those who commit such crimes. Though that system is fragile, U.S. aid is helping to improve it. For example, not one demonstrator has been killed in organized marches since 1986, thanks to improved training for El Salvador's police force, paid for with U.S. funds.

Reacting quickly to the latest killings, El Salvador's President, Alfredo Cristiani, immediately called in a U.S.-funded special investigative unit. So far, the unit's members have been slow to interview military units, a step the U.S. has insisted they take. We need to speed up that process. But if we eliminate U.S. aid, the unit will evaporate, along with our best chance of controlling extremists.

Less-than-perfect democracies often must contend with political violence; more than 100 were killed in the recent Indian election. Although violence has not disappeared in El Salvador, our policy is working. We must not forget the lessons of the last 10 years and abandon this fledgling democracy when its life is most threatened.●

DOD, THE LUNAR/MARS MISSION, AND THE INTERNATIONAL SPACE YEAR

● Mr. KOHL. Mr. President, yesterday we adopted Senate Joint Resolution 75, which encourages preparations for the International Space Year in 1992. We want this celebration to be a landmark. In 1492 Christopher Columbus' voyage forever changed our ideas about the limitations that geography imposes on us. The limitations we see today are not permanent either. The gulfs that divide people today are no more insurmountable than the Atlantic Ocean was to Columbus. The limits of our knowledge and experience are defined only by the depth of our desire and the courage of our conviction.

In that context, I would like to make a couple of comments about our Space Program. First, I want to bring to the attention of my colleagues a very disturbing report. According to the publication Space News, the Department of Defense commissioned the Rand Corp. to do an analysis of NASA's proposal on the Lunar/Mars mission. The draft recommendations in that report should put us all on alert, especially here as we consider the International Space Year. The report draft calls on DOD to carve out a significant role for itself in the proposed Lunar/Mars mission. I want defense planners to know that if they decide to act on this recommendation, they are going to meet stiff opposition from the public and from this Senator.

Mr. President, it is the job of our defense planners to prepare for any eventuality that may threaten the security of our country. And there may be some roles DOD ought to play in our Space Program. Surveillance satellites which help encourage stability and treaty compliance is an important role DOD fills right now. Further, the spinoffs from a Lunar/Mars mission would have a significant impact on the civilian economy and for defense technology. So I suppose there should be room for them to consider the security implications of space exploration.

But Mr. President, it is the job of statesmen, of leaders of nations, of people everywhere to try and find peace. And Mr. President, from everything we know about space, I think we can safely say that we live in a peaceful corner of the universe. The only wars that will occur out there are going to be those we bring with us. Mr. President, I do not think we should bring them.

Space holds for us the promise that we can leave behind the boundaries that separate nation from nation and people from people. That beautiful view of the blue planet, Earth, with which we have all become so familiar since the days of Apollo, does not include any political boundaries. We see ourselves as we really are—an extraordinary place bursting with life and culture in a cold universe. That picture has the power to transform the way we think about ourselves. And I think it has the power to change the way we think about war. Let us leave it behind, Mr. President. Let us not carry all our baggage with us.

It is possible that our space activity will even change the way we relate to each other on Earth. Twenty-three nations have already joined the Space Agency Forum on the International Space Year. Twenty-three nations have begun to cooperate when it comes to space activity. If we do it right, we can build on that cooperation. We already have international partners working together on space station freedom. And I think we can bet that the costs of a mission to the Moon and Mars are going to require some international partners as well.

But if we tell them that we want to bring the Marines with us, they would not want to go. And if we say we are having our military involved so we can keep watch on the Soviet Union or any other partner we might have some day, you can be sure the Soviets will have their military there too. Are we going to bring such confrontation with us, or will the cold confines of space be the workshop where we begin to learn how to trust each other and how to work together?

Mr. President, 500 years after Columbus we are not looking for new lands or people to conquer. Yes we are looking for materials and knowledge that may help us back home. And yes, we do care about our national prestige. But Mr. President, if we have learned anything in the past 500 years it should be that we do not like war. In fact it seems we hate it so much we have made sure that the next big one will be our last.

So let us let 1992 be a celebration of international cooperation. The International Space Year should be a departure point for a new era of human history. Together, we can use our resources to learn more about the Earth from looking down from space. Together, we can find out more about the universe. Together, we can explore new ways to get along with each other.

Mr. President, the United States will have a continuing presence in space exploration. I suspect that we will eventually find commerical reasons that we are going to propel us into orbit, and we all know that that is when space activity will really take off. We believe in our values of freedom, private property, and exploration of the frontier and we are going to carry those values with us. That's a good thing. But Mr. President, let us not lose this crucial opportunity, now when we are taking our first steps off the planet, to learn a few things about international cooperation. It might be one of the most important lessons we have learned since we found out the world was round.●

NAMIBIAN INDEPENDENCE

● Mr. DeCONCINI. Mr. President, on March 21, 1990, we are going to welcome into the swelling fold of free nations a small but proud country. It is particularly appropriate that the day of Namibian independence will fall on the day designated by the United Nations to commemorate the struggle against apartheid. After years of being illegally administered by South Africa and being subjected to the abhorrent apartheid system, this country of a little more than 1 million people will finally be free and independent.

In making this transition from apartheid to a nonracial democracy, Namibia is showing the road to freedom for the entire region. We can only hope that Namibia's neighbors, from Angola in the north to South Africa to the south, will follow its lead.

Under a United States-mediated agreement, Namibia held its first free elections in which all of its citizens could participate in November of last year. These elections for the Constituent Assembly resulted in bringing together a diverse spectrum of Namibia's population which deliberated over a new Constitution. The resulting document demonstrates what can be expected when free people are allowed to make a free choice. They chose democracy.

On February 9, 1990, the Constituent Assembly unanimously adopted a truly democratic and enlightened Constitution. The Constitution provides for a bill of rights, a two-chamber legislature, and a requirement for parliamentary approval for key Presidential appointments. Making a clean break with its apartheid past, the Constitution enshrines freedom of speech and the press, and outlaws the odious system of preventive detention. Finally, unlike the traditional African practice, it also limits the President to serving two 5-year terms. If practice follows principle, Namibia—Africa's last colony—is well on the way to becoming one of Africa's few liberal democracies.

As with other nations that have recently experienced swift democratic transformations, the United States must recognize and encourage the historic trends in Namibia. We should not underestimate the impact that a free and prosperous Namibia can have on the democratic transition in South Africa and the divisive and bloody civil war in Angola. If this small nation can shake off the legacy of apartheid, if the diverse peoples of this nation can work together in harmony, if the discrimination and oppression of the past can be ended without recrimination, it will serve as a shining example to all the people of Southern Africa.

We should not, however, understate the challenges this new nation will face. Years of neglect under apartheid have left the majority population with a backlog of unmet social needs ranging from education, to health care, to employment. South Africa's withdrawal will undoubtedly lead to a reduction in the large amounts of assistance South Africa has traditionally provided.

Fortunately, the international community seems ready to respond generously. In recent months, West Germany committed about $16 million in assistance to Namibia, the European Community $35 million, and Sweden $16 million. Thus far we have offered only token assistance, but I hope that Congress and the administration can consider doing much more in the coming year.

The United States has been the beacon of hope for emerging democracies in Eastern Europe, in Latin America, and now in Africa. The United States must be committed and creative as we encourage Namibia to foster its fledgling democracy. We must ensure that the people of Namibia, and the other people of the region, know that we stand dedicated to their freedoms.●

INDEPENDENCE IN NAMIBIA

● Mr. GRAHAM. Mr. President, on February 9 the Constitution for an independent Namibia was adopted by its newly elected Constituent Assembly. On March 21 Namibia will become independent and will have perhaps the most democratic Constitution of any new democracy in this incredible era of new democratic change throughout the world.

While this event may be taken for granted or even overlooked by a world which has been swept by startling political changes from Eastern Europe to Panama to South Africa to the Soviet Union, the independence of Namibia is a success story for people of good will which cannot be slighted by this Congress or the American people. For decades Namibia was racked by a guerrilla war led by Sam Nujoma and the Southwest Africa People's Organization [SWAPO] against South African administration of the area called Southwest Africa.

As recently as 2 years ago, one would be hard pressed to find any prognosticator of a peaceful solution to this war. But South Africa agreed to grant full independence to the territory in exchange for full Cuban troop with-

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drawal from Angola. The United Nations monitored, administered, and declared a free and fair election under U.N. Resolution 435 in which well over 90 percent of the people voted. The people gave SWAPO a 57-percent majority but elected a Constituent Assembly with diverse opposition parties which adopted a Constitution establishing separation of powers, checks and balances, a bill of rights, freedom of the press, and other measures to give Namibia a bright start to its future. Sam Nujoma of SWAPO has been unanimously elected by the Constituent Assembly as Namibia's first President.

In fact, the story of the process of independence in Namibia should be crucially important in the context of the future of South Africa and other countries which are evolving into democratic ideals.●

POLAND'S BORDERS ARE INVIOLABLE

● Mr. DECONCINI. Mr. President, I have been following the debate over the Polish-German border, and I would like to make a few observations. It seems to me that the two Germanys have a right to their own self-determination, a right that is clearly recognized in the Helsinki Final Act. The position of the United States has always been to support that right and the ideal of a unified democratic Germany. That was an ideal denied to us by the cold war and the Soviet dominance over the eastern part of Germany. We should welcome, therefore, the changed circumstances which make it seem possible, 45 years after the end of World War II, to realize this German right of self-determination.

Essentially, I believe this right to self-determination is a German question for the Germans to decide. That is, as long as and only so long as German reunification is effectuated within the existing German borders. The events of this week have demonstrated that Germans recognize this fact. Further, it is an encouraging sign of the times that, for the moment at least, the Poles and the Germans are sorting the situation out between themselves. However, even the slightest hint that any of the German borders might change would immediately bring this question of German reunification into the realm of interest of all 35 Helsinki signatory countries, especially those, like Poland, who have a legitimate and special concern regarding Germany.

Put another way, all the CSCE states have an interest in ensuring compliance with provisions of the Helsinki Final Act which provide that the borders of Europe are inviolable, and may only be changed through peaceful means. As long as both Germanys give appropriate and adequate assurances which meet the concerns of countries like Poland and Czechoslovakia or any of the other Helsinki states that reunification will take place within existing borders, this remains an issue for the two Germanys to decide. In the absence of such assurances, this matter should be raised and resolved within the Helsinki process.●

NATIONAL FOREIGN LANGUAGE WEEK

● Mr. DODD. Mr. President, March 4 through 10 of this year is National Foreign Language Week, sponsored each year by Alpha Mu Gamma, the National Foreign Language Honor Society, to raise awareness of the importance of foreign language study in the United States. This year's theme, "Opening New Avenues of Communication," is particularly appropriate in light of the sweeping changes taking place in Eastern Europe, Asia, Latin America, and Africa.

As we enter this last decade of the 20th century, it is vital that we focus on the issues of education, information, and communications if we are to address the problems of the environment, resources, security, and economic competitiveness that must be resolved soon if we are to have a livable world in the 21st century. A key element in addressing these concerns is a knowledge of other languages and cultures.

I would like to call to the attention of my colleagues some of the accomplishments which have taken place in the area of foreign languages in the 10 years since the President's Commission on Foreign Languages and International Studies called the Nation's lack for international skills "nothing short of scandalous"—accomplishments which begin to meet the challenges created by the sweeping changes and global dilemmas facing us now.

Ten years ago, foreign language enrollments were dangerously low, with only 10 to 20 percent of high school students taking a foreign language and with seven States reporting fewer than 10 percent of their students enrolled in foreign languages. Those that did study languages were only given the option of studying three or four different languages. Students of such critical languages as Chinese, Japanese, or Arabic could not be found at the precollegiate level. High school graduation requirements were unheard of, a few public universities had entrance requirements, and elementary foreign language study was virtually nonexistent.

I am happy to report that things have improved dramatically. Not one State has fewer than 10 percent of its students taking a foreign language. My own State of Connecticut is a leader in this regard, with almost half of its high school students studying a foreign language without being required to do so.

Language offerings have increased as well. Twenty-one States are offering Japanese, 17 offer Chinese and 5 offer Arabic at the pre-collegiate level. We are also seeing a greater emphasis placed on the learning of geography and world history than we have in many years.

The news is good. But there are many problems still to be overcome. There are not enough qualified teachers to meet the growing demands for foreign language instruction, particularly the less-commonly taught languages. Nor is proper training available for those teachers needed at the elementary school level. Rural and inner city school districts have a particularly difficult time finding teachers and maintaining diverse programs. A large portion of our Nation's students are being denied access to language instruction by virtue of where they live.

I have introduced legislation which addresses these concerns, and I would hope that my colleagues would consider supporting this effort. S. 1690, the Foreign Language Competence for the Future Act, provides summer institutes for language teachers to maintain and improve their language skills. It offers incentive grants to encourage college students to become foreign language teachers. It provides funds for distance learning programs to bring language instruction to hard-to-serve areas of the country. It establishes language and area studies consortia to promote collaborative efforts among schools and universities and, finally, it establishes foreign language institutes to assist small- and medium-size businesses seeking to enter export markets.

The legislation I have introduced could have a profound effect on the future of foreign language instruction. As we learned at a hearing on the bill last October, small amounts of Federal money can do large amounts of good. One of my constituents, Christine Brown, from the Glastonbury public schools, noted the seed money from the old National Defense Education Act in the 1950's was used to establish a Russian program there which is still going strong almost 40 years later. It regularly produces Russian speakers of exceptionally high quality and has resulted in a student exchange program with the Soviet Union. There can be no doubt that a small investment today can reap much larger rewards in the future.

We are making progress, true, but if we are to understand and confer with the new governments of Eastern Europe and Central America, if we are to comprehend events in China and the economic challenge from Japan, if we are to maintain open communications with our neighbors in South America in the war on drugs, we must make a concerted effort at the national level to ensure that the students of today are equipped with the necessary skills to make continued progress tomorrow.

I commend Alpha Mu Gamma, the foreign language profession, and hardworking teachers across the Nation for their successful efforts to produce increased enrollments and a new enthusiasm in the study of foreign language. I urge my colleagues to join them in celebrating National Foreign Language Week and in "opening new avenues of communication."●

SOVIET VISA DENIALS

● Mr. DeCONCINI. Mr. President, on March 1, the United States Commission on Security and Cooperation in Europe, which I chair, received word from Yevgeni Primakov, chairman of the Council of the Union of the U.S.S.R. Supreme Soviet, that Congressmen would not be permitted to travel to the Soviet Union during the current elections. According to Mr. Primakov, the Soviets were concerned about what appeared to them to be an a priori assumption on the part of the United States Congressmen that a violation of democracy would occur. We are not only disappointed and frustrated by the Soviet decision, but also puzzled by Mr. Primakov's concerns.

Two groups of Helsinki Commissioners and other Members of Congress were to travel to Ukraine for the March 4 elections and to Latvia and Estonia for the March 18 elections. I might add that four Canadian members of Parliament were also denied permission to travel to Ukraine and to Latvia for the elections. Earlier, a congressional delegation led by Representative DURBIN was allowed to go to Lithuania, but only the day after their February 24 elections.

The final Soviet visa denials came after about a week of mixed signals from Soviet authorities, during which time they indicated visas would have been issued only if we had received invitations from certain official bodies.

Cochairman HOYER and I have enjoyed an excellent relationship with the Supreme Soviet through our fruitful and productive parliamentary exchanges in November 1988, when we visited the Soviet Union, and in November 1989, when a Soviet delegation visited the United States. And yet as Chairman of the Helsinki Commission I have been denied entry into the Soviet Union. I regard my refusal and the refusal of my fellow Commissioners and colleagues in the House and Senate as a serious breach of the comity and cooperation developed over the last few years between the Congress and Supreme Soviet. These denials are incongruent with the opening up of Soviet society and the democratization process.

Mr. President, there is no reason why official arrangements should need to be made between the U.S. Congress and the Supreme Soviet to visit each other's elections. Soviet legislators do not need official invitations, or any invitations for that matter, to observe elections in the United States.

In the Soviet case, not only are invitations required, but even invitations to observe the elections in Ukraine from members of the national legislative body, the Congress of People's Deputies, were not deemed to be official or sufficient.

Our purpose in going to these elections, which we believe will inaugurate an era of more representative government in the Soviet Union, was to be able to observe the elections and report to our colleagues and constitutents about the democratic progress that has been made. Our goal was to familiarize ourselves with the issues and the key political actors in Ukraine, Lativa, and Estonia. We had also hoped to develop personal relationships with future legislators.

It was most assuredly not our purpose to attempt to influence the outcome of these elections nor to disrupt them in any way. Neither did we make any a priori assumptions there would be any violations in the election process.

I am also distressed to learn that several United States citizens have recently been denied permission to enter the Soviet Union. Estonian-Americans, who had received visas from Soviet authorities, were informed on a stopover in Stockholm that they would not be permitted to enter Estonia to attend a congress there. Two Ukrainian-Americans one of whom is a journalist, had been invited to visit during the time of the Ukrainian elections. They were also denied entry.

Mr. President, the Commission is currently engaged in a project to visit all East European countries as well as the Soviet Union and Baltic States in order to observe the elections there. Reports are being prepared upon return and, in fact, two reports—on the Lithuanian and Moldavian elections—have just been released. These reports, which were drafted by staff who were able to visit Lithuania and Moldavia, have been sent to Helsinki Commissioners and are available to Members upon request. While elections in Eastern Europe have not yet been held, the Commission anticipates no difficulty in being able to observe elections there.

I call upon the Soviet Government to reevaluate its decision to prevent legislators and private individuals from observing elections, especially in light of the improved relations between our two countries. In keeping with Secretary Baker's call for CSCE monitoring of such elections, I expect that the Soviet Government will allow United States and other legislators to witness future elections. I hope that our legislators would be welcome during elections in the Soviet Union, just as legislators from the Soviet Union and Baltic States are welcome here.●

TIBETAN NATIONAL DAY

● Mr. PELL. Mr. President, there is a popular misconception that dates human rights abuses in China from the June 4 massacre of Chinese students and the imposition of martial law in Beijing. But Tibetans have been subjected to the merciless oppression of China's occupation policies ever since their March 10, 1959, popular uprising failed to eject the Chinese from their country. This policy has obliterated their nation and threatens their survival as a people.

Congress has spoken out. We have carefully linked China sanctions legislation, and other protests against China's human rights policy, to the situation in Tibet. We have, in the vernacular of foreign policymakers, played a Tibet card by making the normalization of relations with China hinge upon improvements in Tibet. I respectfully suggest that we in Congress continue to use the spotlight created by Tiananmen Square to draw attention to the situation in Tibet. We should seek equal measures of improvement in China and Tibet, and equal expressions of concern from the administration.

For his personal philosophy of nonviolence and universal responsibility, the Dalia Lama was awarded the 1989 Nobel Peace Prize. By so doing, the Nobel Committee also recognized the merit of the Dalai Lama's five-point peace plan as a reasonable and realistic framework for negotiations between the People's Republic of China and Tibet. It calls for: First, transformation of Tibet into a zone of peace, second, abandonment of China's population transfer policy, third, respect for the Tibetan people's fundamental human rights and democratic freedoms, fourth, restoration and protection of Tibet's natural environment, and fifth, commencement of earnest negotiations on the future status of Tibet and of relations between the Tibetan and Chinese peoples.

Of equal importance, in recognizing the Dalai Lama's work, the Nobel Committee put forward the Tibetan struggle against Chinese oppression as an issue of stature equal to any of those of our time.

In light of the views of Congress and the Nobel Peace Prize Committee, the administration well may be persuaded

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to reexamine its policy toward China and Tibet. Further, I would hope that the President, as leader of a nation built on individual freedoms and respect for human rights, will express the congratulations of the United States to the Dalai Lama on his receipt of this prestigious award.

On March 10, 1959, the People's Liberation Army, after a protracted push westward from China, broke through the ranks of the Tibetan militia and took the city of Lhasa. The Dalai Lama fled to safety in India where he still resides 31 years later, along with thousands of his countrymen. Tibetans refer to this day as "Tibetan National Day," for it commemorates the final hours of their independent nation, and their last attempt to stave off Chinese occupation.

Today in Dharamsala, India, exiled Tibetans assemble freely to commemorate, by prayerful contemplation and political dialog, the status and future of their homeland. In Lhasa, some Tibetans may dare to give voice to their dreams of a free Tibet. Perhaps a few will gather in the Barkor, the town square, raising their fists in the air in defiance of Chinese rule. At the Jokhang Temple, many will pray for the health of their exiled leader.

It is my hope that peaceful protest will be met with tolerance and restraint by Chinese authorities and not with the unbridled use of force of years past. What has always been a bittersweet anniversary for the Tibetans is today joined with the anticipation of further bloodshed. Tragically, popular dissent in Tibet is quieted with the resounding finality of gunfire.

I quote from an eyewitness report from Lhasa describing the scene in and around the town plaza December 9, 1989—the day before the Dalai Lama was to be awarded the Nobel Peace Prize in Oslo—and, ironically, the same time of Mr. Scowcroft's mission to Beijing:

> In Lhasa there are four tanks and a very large number of cannons mounted on jeep chassis. All the roofs of the Barkor are covered by soldiers armed with automatic weapons. All arms are pointed at the Jokhang Temple.
>
> No outsider can enter the Barkor and even residents cannot circulate freely. Stores are obliged by order to remain open, but there are obviously no customers. Soldiers have shoot-on-sight orders for anyone with 'undersirable facial expression.' Sunday December 10 is declared a working day in order to keep students in school and workers in offices. The Sera and Drepung monks are locked in their monasteries.

In this age of instant information exchange the world seems deceptively small and accessible. In reality, the Tibetan people are hidden from us, not by the hugeness of the Himalayas but by the impenetrable walls of martial law, now in place for more than a year.

The Congress has been vigilant and consistent in its condemnation of repressive Chinese policies and unwavering in its support for human rights in Tibet. It is our best weapon against injustice in Tibet to be persistent in this cause, to raise our voices for those who dare not speak and cannot be heard. It is an integral part of this Nation's political philosophy, and foreign policy, that the desire for freedom and the courage and determination to achieve it be upheld and supported.

Last year's outbreak of democracy and the vast failure of communism throughout Eastern Europe has apparently brought the cold war era to an end. In his nobel lecture, the Dalai Lama said,

> What these positive changes indicate is that reason, courage, determination, and the inextinguishable desire for freedom can ultimately win. In the struggle between forces of war, violence and oppression on the one hand, and peace, reason and freedom on the other, the latter are gaining the upper hand. This realization fills the Tibetans with hope that some day they too will once again be free.●

WILLIAM J. BRENNAN—A JUSTICE FOR ALL SEASONS

Mr. KENNEDY. Mr. President, few members of the Supreme Court in this century have had a more profound—and beneficial—impact on the development of law and justice in America than Associate Justice William J. Brennan, Jr.

From his roots in Newark, NJ, the son of hard-working Irish immigrants, Justice Brennan distinguished himself, first in private practice, and then as a judge on New Jersey's courts. But it was not until he was nominated to the Supreme Court by President Eisenhower in 1956 that Justice Brennan's claim to judicial greatness became apparent.

In landmark opinions during his 34-year tenure on the Court, Justice Brennan has brought America closer to the Constitution's true promise of equal justice under law. He has shaped our understanding of many of the Constitution's most important guarantees—on freedom of speech and religion; on voting rights; on the great principles of due process of law and equal protection of the law. He has truly been a justice for all seasons, and America is a better and fairer land in 1990, because of his distinguished service on America's highest court.

An article by Nat Hentoff in the current issue of the New Yorker magazine provides an excellent analysis of Justice Brennan's career and his many contributions to our law and land. I commend it to my colleagues, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CONSTITUTIONALIST

In 1984, The National Review paid gloomy tribute to Supreme Court Justice William Brennan. "No individual in this country, on or off the Court, has had a more profound and sustained impact upon public policy in the United States for the past 27 years," it said. From the perspective of The National Review, the influence, made all the stronger by what it described as "his engaging personality," had been unfailingly pernicious: "A Catholic, he has played an instrumental role in the unfettered availability of abortion across the country; . . . appointed to the Court by a Republican because of his ostensibly conservative views and because of his experience as a state court judge, it is he who mandated the reapportionment of every state legislative system in the country; . . . the son of hard-working Irish immigrant parents, he nevertheless has made significant strides in elevating the welfare state to constitutional status."

This was hardly the first indictment of Justice Brennan as a powerful judicial activist. Years before, Brennan had even been disowned by the President who appointed him. Fred Friendly, the former head of CBS News, asked Dwight Eisenhower in 1961 if he had made any substantial mistakes during his Presidency. "Yes, two," Eisenhower said. "And they are both sitting on the Supreme Court." The Justices he had in mind were Earl Warren and William Brennan. Neither had turned out to be as restrained in his approach to the Constitution as Eisenhower had expected.

Brennan has not lacked celebrators. They agree with his critics that his influence on millions of Americans who know nothing about him has been wide-ranging and profound. In a 1987 article in The National Law Journal, Norman Dorsen, the president of the American Civil Liberties Union, observed, "We would be living under a very different Constitution if Justice Brennan were not on the Supreme Court." Brennan's many landmark opinions, Dorsen wrote, have greatly strengthened freedom of expression and the rights of criminal defendants, and have expanded and deepened the principle of the Fourteenth Amendment's "equal protection of the laws," especially for racial minorities and for women. Brennan has often been on the dissenting side—increasingly so in the Rehnquist Court—but on certain fundamental questions of individual liberty he has so profoundly redefined the framework in which the issues are discussed that he may well be the most influential member of the Court in this century. Burt Neuborne, a law professor at New York University, believes him to be the most influential Justice of the Supreme Court since John Marshall. "Brennan knew how to blend his political instincts with a pervasive legal theory that transcended his personal views," Neuborne says. "And he recognized the complexity of that task. That's why he has been so much more influential than, for example, Hugo Black or William O. Douglas. While Douglas was alive, he was so vibrant a figure that his vividness tended to overshadow the staying power of his work. But when he retired he left behind no legacy that transcended his death. By contrast, Brennan's influence is so great because he worked out a theory of the Constitution that will endure beyond the work of Douglas, Black, and many other Justices."

Brennan sees the fundamental purpose of the Constitution to be—as he told Bill Moyers in a 1987 public-television interview—"the protection of the dignity of the human being and the recognition that every individual has fundamental rights which government cannot deny him." It is because of this view of the Constitution that Brennan always enters a dissent against the imposition of the death penalty. He believes that it treats "members of the human race as nonhumans"—that "even the vilest criminal remains a human being possessed of common human dignity."

Brennan also believes in "the age-old dream," as he puts it, that eventually no one anywhere will be denied his or her inherent dignity and rights. "The dream, though always old, is never old, like the Poor Old Woman in Yeats' play 'Cathleen Ni Hoolihan,'" Brennan told me in his chambers at the Court one afternoon. "'Did you see an old woman going down the path?' asks Bridget. 'I did not,' replies Patrick, who came into the house just after the old woman left it, 'but I saw a young girl and she had the walk of a queen.'" He smiled. "That passage has always meant a great deal to me. I've used it often over the last thirty years."

William Joseph Brennan, Jr., was born in Newark, New Jersey, in 1906. His father, William Joseph Brennan, had come to New Jersey from County Roscommon, Ireland, in 1893. His mother, Agnes McDermott, was also an immigrant from Roscommon; she met her husband soon after moving, at age seventeen, to New Jersey to live with an aunt who ran a boarding house. "My father settled in Trenton, where he stoked the boiler in a factory, but he later found work as a coal heaver in the Ballantine Brewery in Newark," Justice Brennan told me. "In those days, they had those monster furnaces that were served by hand and shovel. In short order, my father became quite dissatisfied with the way things were going at Ballantine's. But before he could do anything about it he had to find a place to live, and he came upon the boarding house where Agnes McDermott was staying. They met, and they married. Back at work, my father felt that Ballantine's was treating the coal heavers and the other employees unfairly. Remember, those were the days before we had the Wagner Act or the Taft-Hartley Act, or any of the other laws that protected workingmen in their efforts to organize. My father got into a great deal of trouble, but he went on to become quite prominent in what there was of a labor movement in Newark."

By 1916, the elder Brennan had become a member of the Essex County Trades and Labor Council. "There was a transit workers' strike—trolleycar conductors and motormen," his son said. "They were up against a company owned by a family that you might say had a monopoly on the whole state. It was like a company state. One brother headed the biggest bank, another was in charge of the gas and electric companies, and the third had been attorney general. When the transit workers struck, the Newark police were on the side of the employers. My father came up with the idea 'My God, the only way we're going to be able to do anything about this is for labor to take over the city government.' He sponsored a movement that resulted in the abolition of the mayor-and-aldermen from the city government and replaced it with five commissioners, each of whom was assigned to supervise a department. In the 1917 election, my father ran as a labor candidate, with the prospect that if he won he'd be named the Director of Public Safety. That way, he'd have control of the Police and Fire Departments, so there'd be no more strikebreaking." Justice Brennan was clearly savoring the story. He smiled, and went on, "My father finished third out of eighty-six candidates, and was named Director of Public Safety. He headed not only the Police and Fire Departments but also the health-and-safety Licensing Department." The senior Brennan was reelected in 1921, 1925, and 1929. The last two times he ran, he finished first.

"There were eight of us," Brennan told me. "Four boys and four girls. One of the boys later became general counsel of Ballantine's. Raising a family that size on the kind of salary public officials got in those days was not easy. And my father was an honest man until the day he died. If there had ever been an honest official in the city of Newark, it was he. What got me interested in people's right and liberties was the kind of family and the kind of neighborhood I was brought up in. I saw all kinds of suffering—people had to struggle. I saw the suffering of my mother, even though we were never without. We always had something to eat, we always had something to wear. But others in the neighborhood had a harder time."

Brennan went to parochial grammar school and to public high school. He was a good student, and was also industrious outside school. Danial Crystal, a New Jersey attorney and a chronicler of Brennan's life, says that the Young Brennan made change for passengers waiting for trolley cars, delivered milk in a horse-drawn wagon, and worked in a filling station. After high school, Brennan attended the Wharton School of the University of Pennsylvania. He graduated cum laude in 1928 with a degree in economics, and the same year he married Marjorie Leonard, of East Orange. He entered Harvard Law School in the fall. Since the newlyweds required an income, young Mrs. Brennan stayed in New Jersey, working as a proofreader and secretary on a newspaper. In 1930, Brennan's father died, leaving little money to his children. Brennan successfully applied for a scholarship in order to finish law school, and waited on tables in a fraternity house. He received his LL.B. in 1931, graduating in the top ten percent of his class. One of his professors at Harvard Law School was Felix Frankfurter, who frequently urged his students, "Think for yourself." Later, when both were serving on the Supreme Court, they often differed, and Brennan remembers, with a chuckle, that Frankfurter would sometimes say, "I always wanted my students to think for themselves, but Brennan goes too far."

While Brennan was at Harvard, he was at odds with his father over a recent court case, Public Welfare Pictures v. Brennan. The Brennan was William Brennan Sr., Public Safety Director of Newark, and at issue was an educational film called "The Naked Truth." "It was one of those films intended to teach children about sex, and a movie outfit called Public Welfare wanted to show it," Justice Brennan told me. "'No sir,' my father said. 'Not that filthy thing!' He threatened to revoke the the theater's license if the film was shown. Public Welfare went into the court of chancery and got an injunction against my father. He was compelled to let that film open. And that became a case that we studied in class." On a visit home, young Brennan told his father that he believed that the court had ruled properly. "My father roared, 'WHAAAAAAAAT!'" Brennan told me, laughing. "I was never able to convince him that it was a good opinion. He was just as independent as a hog on ice. He had similar clashes with producers of plays and burlesque shows. He lost more of them than he won. He was an old-fashioned Irish Catholic who took a very dim view of the propriety of anything that touched on the sexual."

At Harvard, Brennan was president of the student legal-aid society, and his work there foreshadowed one of his chief concerns on the Supreme Court: making due process of law attend every defendant, including those defendants with the least resources. But after graduating from law school Brennan did not go into legal-aid work. Instead, he joined the large and distinguished Newark law firm of Pitney, Hardin & Skinner, sometimes known as "Pluck 'em, Hook 'em & Skin 'em," where he became an expert in labor law—that is, the management side of labor law.

One of his opponents in court was Morton Stavis, a labor lawyer and later a founder of the Center for Constitutional Rights. In the Passaic County Bar Association's journal, Stavis has recalled two of his encounters with Brennan when he himself represented the employees' union of the Phelps Dodge Corporation, of Elizabeth, New Jersey, and Brennan represented its management: "He was a vigorous, overwhelmingly able, and above all gracious opponent. I was inexperienced in litigation at the time and was guilty of a number of procedural oversights. Not only did he not take advantage of them but he went out of his way to help me correct the record so that the cases would be fairly tied on the merits. Result: he won one case, I won the other."

In 1942, Brennan took a leave from Pitney, Hardin & Skinner to join the Army, and was given the rank of major in its Ordnance Department. He was borrowed by the Army Air Forces to settle some severe labor problems in the aircraft industry on the West Coast, and after a year of negotiating he brought peace to the dispute. He went on to become a manpower troubleshooter in other areas of conflict, and by the time he left the service, in 1945, he had been promoted to colonel and had been awarded the Legion of Merit. He had shown such proficiency at managing men and affairs that one of his wartime colleagues later said, "I would have expected that he would have become the president of one of our great corporations."

Instead, Brennan went back to his law firm and resumed his practice. The firm was renamed Pitney, Hardin, Ward & Brennan, but in 1949 Brennan resigned to accept an appointment from Governor Alfred Driscoll to the Superior Court of New Jersey. The appointment meant a considerable cut in income, and the reason Brennan decided to take it was that his large and growing law practice seemed to be affecting his health and didn't leave him enough time for his family. He soon became an assignment judge in charge of the administration of justice in a number of courts, and after less than two years he was promoted to the Appellate Division of the Superior Court. There he became involved in devising ways to relieve the congestion in the New Jersey courts. His proposals impressed the Chief Justice of the state's Supreme Court, Arthur Vandenbilt, and in 1952, at Justice Vanderbilt's suggestion, Governor Driscoll appointed Brennan to that court. Brennan intensified his efforts to get cases to trial faster, working out a pretrial-conference system that shortened trials or, in many cases, made trials unnecessary by facilitating settlements. "Delayed justice is bad justice," he once told *Life* magazine, "for time has a way of blurring memories and killing witnesses."

While Brennan was on the New Jersey bench, he became known in legal circles for a particularly forceful dissent in State of New Jersey v. John Henry Tune. The defendant had been charged with murder, and the prosecution had a statement by him—made without a lawyer present—in which he confessed to the killing. Tune told his court-appointed lawyers that the statement had been extracted through force and through threats of violence to members of his family. His lawyers asked to see a copy of the confession before trial, but a majority of the New Jersey Supreme Court denied the request, on the ground that Tune might use the "opportunity to procure false testimony and commit perjury." Brennan's dissent emphasized the constitutional rights of defendants: "We must remember that society's interest is equally that the innocent shall not suffer, and not alone that the guilty shall not escape. . . . It shocks my sense of justice that . . . counsel for an accused facing a possible death sentence should be denied inspection of his confession which, were this a civil case, could not be denied."

Brennan might well have remained on the New Jersey Supreme Court for the rest of his career if Arthur Vanderbilt hadn't got sick shortly before he was to be the keynote speaker at a conference in Washington, D.C., on court congestion. "It was in May, 1956," Brennan recalls, "and the Attorney General of the United States, Herbert Brownell, had convened a large assembly of judges, scholars, and others interested in improving the administration of justice through better court procedures everywhere in the country. For some years, the No. 1 figure in that movement had been Arthur Vanderbilt. He became ill two days before the meeting, and I was pushed in to substitute for him. Having had so little time to prepare a speech, I spoke mostly off the cuff, for close to an hour."

Brownell was impressed by Brennan's performance, and four months later, when Supreme Court Justice Sherman Minton announced that he would retire in October, Brownell recommended Brennan as his successor, and President Eisenhower agreed. At the time, Brennan's qualifications were generally considered to include not only his ability but also the likelihood that in the forthcoming election the President might pick up some votes by nominating a Democrat who was also a Roman Catholic; furthermore, the bright, well-respected Catholic from New Jersey might take some of the play away from the rising Senator John F. Kennedy. When I asked Brennan about this, he laughed, and said, "Well, I must say that didn't dawn on me. I read all about it days afterward. John Kennedy had almost taken the Vice-President nomination from Senator Kefauver. And Arthur Kock, of the New York *Times*—he was such a big wheel then—was conjecturing that even though the prospect of Adlai Stevenson's defeating the President was not that likely, Herbert Brownell, smart politician that he was, was not going to take any chances, and wanted to fend off Stevenson by putting a Northeast Irishman on the Court. Well, I did read a lot about it, but nobody ever said a word to me about it."

One of the opponents of Brennan's nomination was Senator Joseph McCarthy. "He knew about me," Brennan said, chuckling. "In 1954, when I was on the New Jersey Supreme Court, I was asked to address the Charitable Irish Society of Boston on St. Patrick's Day, and I spoke of certain things going on that were reminiscent of the Salem witch-hunts." In 1955, Brennan spoke before the Monmouth Rotary Club, in New Jersey, on the subject of the Fifth Amendment, and said, "Frankness with ourselves must compel the acknowledgment that our resentment toward those who invoked its protection led us into a toleration of some of the very abuses which brought the privilege into being so many centuries ago. The abuses took on a modern dress, it is true—not the rack and the screw but the distorted version of the happenings at secret hearings released to the press, the shouted epithet at the hapless and helpless witness. . . . That path brings us perilously close to destroying liberty in liberty's name."

"Hell, when I made those speeches I had no idea I would ever get to sit on the Supreme Court," Brennan told me. "And those weren't the only times I paid my respects to Senator McCarthy. I made speeches calling him all sorts of names before other groups around Monmouth County. So when Eisenhower announced he was going to appoint me, McCarthy issued a statement saying that I was supremely unfit for the Supreme Court. And, though he wasn't on the Judiciary Committee, he asked to sit with that committee, so that he could interogate me. I had a recess appointment, so they didn't get around to my hearings until I'd been on the Court for some four months. At first, there was resistance to McCarthy's sitting in on the committee. He was in decline. He had already been censured, and he died not long after my hearings. I thought that those who were against his sitting with the committee were wrong. There's absolutely nothing in the Constitution which limits the advice-and-consent function of the Senate. Nothing. And, because each senator has to cast his own vote on the matter, he should be able to interrogate the nominee if he wants to. And any senator, furthermore, is entitled to ask any damn question he wants—about ideology or whatever the hell it may be."

I asked Justice Brennan what kinds of questions Senator McCarthy had asked.

"Oh, just the craziest things." Brennan's voice took on McCarthy's heavy cadences, including the ominous pauses: "'Do you mean to tell me you don't think the most important thing we can possibly do is rout out Communists, wherever they are?' "

During the hearings, McCarthy announced gravely to the committee that he had brought a document concerning the nominee. It turned out to be Brennan's St. Patrick's Day speech in Boston. "Do you approve of congressional investigations and exposures of Communism?" the Senator asked Brennan. "Show me one little word in any speech in which you ever approved of congressional investigations."

Brennan replied that he thought such investigations were a "vital function" of the Congress, but that since he was already on the Supreme Court his oath of office forbade him to make any comment on matters that might come before him. "I gather that those who heard the exchanges between us all that day did not think it was one of Senator McCarthy's finest hours," Brennan remarked to me.

Having been evaluated by the American Bar Association as "eminently qualified" at the time he was appointed to the Court, Brennan now received the approval of the Senate Judiciary Committee. On March 19, 1957, the United States Senate confirmed his nomination. The sole negative vote was cast by Joseph McCarthy. The new Justice told one reporter that he considered himself "the mule entered in the Kentucky Derby," and added, "I don't expect to distinguish myself, but I do expect to benefit from the association."

In a 1987 interview on National Public Radio, Brennan recalled his introduction to the other members of the Court this way: "Chief Justice Warren invited me to his chambers, and from there we went up to the third floor of the Supreme Court Building. In a small room, my seven new colleagues were sitting around a table having sandwiches. The room was dark, and he put on the light, and there they all were, watching the opening game of the 1956 World Series. I was introduced by the Chief to each of them, and someone said, 'Put out the light.' They put out the light, and they went on watching the game."

In a 1986 article on Brennan in the American Bar Association Journal, Joel Gora, a professor at Brooklyn Law School, noted that in 1956, when Brennan came on the Court, it "had no clear direction or identity," and he went on:

"The school desegregation decisions had not yet been implemented, and concepts like affirmative action had not even been articulated. First Amendment doctrine was mostly a function of ad hoc decisionmaking as the Court grappled with the issues posed by Communist Party advocacy and association. The rights of the accused, too, were determined by case-by-case adjudication, and the major reforms that would protect defendants against the excesses of local law enforcement were years away.

"Notions of using the Constitution to protect private choice on intimate matters such as contraception, abortion and sexual privacy or preference would have seemed visionary. Problems raised by grossly malapportioned state legislatures were viewed as political questions not subject to constitutional measure. Indeed, constitutional restraints seemed largely irrelevant to the conduct of government at the state and local levels.

"Through a blend of pragmatism and principle, with an ebullient, gregarious and easy personal manner, Judge Brennan helped change all that."

In the beginning, however, Brennan found it hard to feel comfortable on the Court. In a 1973 article in the University of Chicago Law Review, he wrote, "I expect that only a Justice of the Court can know how inseparably intertwined are all the Court's functions, and how arduous and long is the process of developing the sensitivity to constitutional adjudication that marks the role. One enters a new and wholly unfamiliar world when he enters the Supreme Court of the United States, and this is as true of a Justice who comes from a federal court of appeals as it is of a Justice, like me, who came from a state supreme court. I say categorically that no prior experience, including prior judicial experience, prepares one for the work of the Supreme Court."

When I read that statement to Justice Brennan recently, he laughed. "Did I say that? It's right, you know, every damn word of it. What I was talking about reflects, I expect, more of my own background as a state judge. Nonetheless, what I said is the sort of thing Felix Frankfurter also used to say. For example, when I was on the Jersey courts, the judges, at whatever level, had no occasion to keep abreast of the Supreme Court in that dimension of criminal law that has to do with the Bill of Rights. Those rights and liberties were not made applicable to the states until I got here. For instance, the exclusionary rule—that illegally obtained evidence cannot be used in a court, because it violates the Fourth Amendment—was not extended to the states until 1961. But even today's state judges who come here have difficulty adjusting to the Court at first. Take my colleague Justice O'Connor. She was an Arizona state judge at the trial court and the intermediate appellate court. Many of the cases she dealt with did have to turn on the application of the Bill of Rights—as we had decided here—to state law. But I know that even she will tell you that you simply don't feel comfortable in this seat until you've been here for a while. One of the reasons is that it's a pretty awesome feeling, believe me, to appreciate that something you're doing, when it's decided, will have an enormous impact among two hundred-odd million people. And that feeling never leaves you. It just never leaves you." Brennan smiled. "It takes a while you can become even calm about approaching a job like this. Which is not to say you do not make mistakes. In my case, there has been the obscenity area."

He looked at the red-bound volumes of his opinions, and said, "For sixteen years, it fell to me to write most of the obscenity opinions here. They were usually assigned to me. I won't say why, but they were."

"Why were they assigned to you?"

Brennan chuckled. "Because nobody else wanted to have anything to do with them."

Measuring obscenity against the First Amendment has been a challenge to Brennan since the days when he came home and argued with his father about censorship. Yet Brennan was not entirely at odds with his father: he believed that some forms of expression were indeed beyond the protection of the First Amendment. That notion bcame Supreme Court doctrine in Roth v. United States, for which Brennan wrote the majority opinion during his first year on the Court. A companion case, Alberts v. California, was decided the same day. Brennan's opinion, covering both cases, established him as the Court's spokesman on a complex, emotional issue that was then—as it is now—intently followed by religious groups, civil libertarians, politicians, complaining constitutents, book publishers, writers, and movie producers.

Samuel Roth had been convicted of mailing obscene advertisements and circulars as well as an obscene book. David Alberts had been convicted of "keeping for sale" obscene and indecent books and publishing an obscene advertisements for them. In his decision Brennan emphasized that "sex and obscenity are not synonymus," and he tried to make as narrow as possible that area of speech which could be penalized. "The door barring federal and state intrusion into [freedoms of speech and the press] cannot be left ajar; it must be kept tightly closed and opened only the slightest crack necessary to prevent encroachment upon more important interests," he wrote. His solution was to adopt what struck him as a fair and reasonable test. Expression would not be protected under the First Amendment if "to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest."

Brennan believed he had set a reasonable course by which the Court could draw a line between obscenity and speech that the Constitution intended to be free, yet what Justice John Harlan later described as "the intractable obscenity problem" only got worse. Ten years after Roth, Harlan observed, "The subject of obscenity has produced a variety of views among the members of the Court unmatched in any other course of constitutional adjudication." By then, the Court had decided thirteen obscenity cases, and there had been fifty-five separate opinions.

In a 1966 case, "Memoirs" v. Massachusetts, Justices, Brennan, Warren, and Fortas had used as a test of obscenity that the material in question be "utterly without redeeming social value." Justices Douglas, Black, and Stewart had concurred. In 1973, in Miller v. California, the Burger majority discarded the "utterly without redeeming social value" criterion, and, in effect, largely removed the burden of proof from the prosecutor. It was up to the defense to convince a judge or a jury that the indicted material had "serious literary, artistic, political, or scientific value."

The Miller decision came down on the same day as Paris Adult Theatre I v. Slaton. In a long dissent in that case Brennan took fundamental issue with the Burger majority, and, in a rather rare confession by a Supreme Court Justice, admitted that his long effort to figure out the difference between protected speech and obscenity had been a failure:

"I am convinced that the approach initiated 16 years ago in *Roth* v. *United States* . . . and culminating in the Court's decision today, cannot bring stability to this area of the law without jeopardizing fundamental First Amendment values, and I have concluded that the time has come to make a significant departure from that approach. . . . The essence of our problem in the obscenity area is that we have been unable to provide "sensitive tools" to separate obscenity from other sexually oriented but constitutionally protected speech, so that efforts to suppress the former do not spill over into the suppression of the latter. . . . It comes as no surprise that judicial attempts to follow our lead conscientiously have often ended in hopeless confusion."

At that point, Brennan seemed to throw up his hands:

"I am reluctantly forced to the conclusion that none of the available formulas, including the one announced today, can reduce the vagueness to a tolerable level while at the same time striking an acceptable balance between the protections of the First and Fourteenth Amendments, on the one hand, and on the other the asserted state interest in regulating the dissemination of certain sexually oriented materials. Any effort to draw a constitutionally acceptable boundary on state power must resort to such indefinite concepts as "prurient interest," "patent offensiveness," "serious literary value," and the like. The meaning of these concepts necessarily varies with the experience, outlook, and even idiosyncrasies of the person defining them. . . . I would hold, therefore, that at least in the absence of distribution to juveniles or obtrusive exposure to unconsenting adults, the First and Fourteenth Amendments prohibit the State and Federal Governments from attempting wholly to suppress sexually oriented materials on the basis of their allegedly "obscene" contents."

"I put sixteen years into that damn obscenity thing," Justice Brennan told me early one morning in his chambers. "I tried and I tried, and I waffled back and forth, and I finally gave up. If you can't define it, you can't prosecute people for it. And that's why, in the Paris Adult Theatre decision, I finally abandoned the whole effort. I reached the conclusion that every criminal-obscenity statute—and most obscenity laws are criminal—was necessarily unconstitutional, because it was impossible, from the statute, to define obscenity. Accordingly, anybody charged with violating the statute would not have known that his conduct was a violation of the law. He wouldn't know whether the material was obscene until the court told him."

Brennan has had greater success in broadening the definition of the First Amendment. One of his landmark decisions in that area was New York Times Co. v. Sullivan. In 1960, L.B. Sullivan, the police commissioner of Montgomery, Alabama, had sued the Times for publishing an advertisement signed by writers, actors, labor leaders, and black Southern preachers. The text of the ad accused Southern authorities of conducting a "wave of terror" against black students demonstrating for their civil rights, and also charged the police with trying to intimidate, Dr. Martin Luther King, Jr. Although Commissioner Sullivan's name was not mentioned in the ad, he claimed that he would be considered responsible for many of the actions listed there. A jury awarded him five hundred thousand dollars in damages.

Until New York Times Co. v. Sullivan, libel was left to the common law of each State, on the ground that it was a private matter. Reversing the verdict, Justice Brennan established—for the first time in United States history—that "the constitutional protections for speach and press limit a state's power to award damages in a libel action brought by a public official against critics of his official conduct." Brennan quoted the principal author of the First Amendment, James Madison: "The censorial power is in the people over the Government, and not in the Government over the people." And, in a passage that is widely quoted, Brennan stated, "We consider this case against the background of a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials."

Adding to the historic significance of the decision, Brennan addressed the Alien and Sedition Acts of 1798, which had criminally penalized speech defaming the government. In the hundred and sixty-six years since the passage of those statues, the Supreme Court had not explicitly declared them unconstitutional. Brenan finally did.

New York Times Co. v. Sullivan did not foreclose all libel suits brought by public officials, but, by insisting that such suits meet the "actual malice" test, the decision made them more difficult to win. Brennan wrote that a public official (and this was later broadened to include public figures in general) cannot recover "damages for a defamatory falsehood relating to his official conduct unless he proves that the statement was made with 'actual malice'—that is, with knowledge that it was false or with reckless disregard of whether it was false or not."

Another important First Amendment decision was Brennan's 1967 opinion on the right of New York State to impose loyalty tests on tachers in public schools, including public colleges and universities. The case, Keyishian v. Board of Regents of New York, involved a teacher named Harry Keyishian, an instructor in English at the State Univer-

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sity of New York at Buffalo, who had been threatened with the loss of his job, and indeed was not rehired the following year when he refused to comply with various "loyalty" provisions enforced by the New York State Board of Regents. Fifteen years before, the Supreme Court, by a six-to-three majority, had affirmed the constitutionality of the same set of loyalty tests in New York State. In his majority opinion Justice Minton, Brennan's predecessor, saw nothing injurious to the First Amendment in a statute that said that no one could be employed in the public-school system who spoke "any treasonable or seditious word or words." There was also a law requring the state's Board of Regents to compile a list of "subversive" organizations, membership in which would be "prima facie evidence of disqualification." The definition of "subversive" include the advocacy" of the overthrow of government by violent or any other unlawful means, and it also included the utterance of seditious words.

Brennan, in his opinion, wrote that the language in the anti-subversive statutes and regulations was unconstitutionally vague. Under the penal law involved, for instance, one commits the felony of advocating criminal anarchy if one "publicly displays any book . . . . containing or advocating, advising or teaching the doctrine that organized government should be overthrown by foce, violence or any unlawful means." Brennan asked, "Does the teacher who carries a copy of the Communist Manifesto on a public street thereby advocate criminal anarchy?"

The Civil Service law also penalized the teaching of subversive doctrines. Brennan asked, "Does the teacher who informs his class about the precepts of Marxism or the Declaration of Independence violate this prohibition? . . . And does the prohibition of the distribution of matter 'containing' the docrine [that government should be overthrown] bar histories of the evolution of Marxist doctrine or tracing the background of the French, American, or Russian Revolutions?" With all the vagueness of the interlocking statutory and regulatory langauge, Brennan said, "it would be a bold teacher who would not stay as far as possible from utterances or acts which might jeopardize his living by enmeshing him in this intricate machinery."

Brennan went on to focus on the particular reason for safeguarding First Amendment freedoms in this case: "Our Nations is deeply committed to safeguarding academic freedom, which is of transcendent value to all of us and not merely to the teachers concerned. That freedom is therefore a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom."

Concerning the New York State law that membership in the Communist Party was prima-facie evidence that a teacher was not qualified to remain in the educational system, Brennan emphasized that "mere knowing membership without a specific intent to further the unlawful aims of an organization is not a constitutionally adequate basis for exclusion from such positions as those held by appellants."

Twenty years later, Harry Keyishian was interviewed as part of the Bill Moyers series "In Search of the Constitution," on public television. Keyishian told Moyers that as an undergraduate at Queens College, in New York, he nad seen a number of his professors fired for failing a loyalty test, and he said, "What struck me at the time, what I still carried as a kind of burden into the nineteen-sixties, was a sense of frustration and importance, to watch there very decent, these intellectually talented and dedicated teachers vanishing from the system . . . and not being able to do anyting about it."

The day the Supreme Court decision came down, Keyishian was awakened by a friend who worked at the Times. He told Keyishian the news. It was a five-to-four decision, however, and Keyisihian told Moyers he had worried that the next time the issue can before the Court the decision might not stand; after all through the so-called McCarthy era had ended, the vote has been very close. As the years passed, and Brennan's opinion remained the law of the land, Keyishian realized that Brennan's "decisions have apparently been so well drawn and so well crafted that they've held up in very hostile environments in that Court, and I hope they'll continue to do so."

I saw Justice Brennan at the Supreme Court soon after he watched Harry Keyishian on the Moyers television program, and he was excited at having seen the actual person behind the name on the Court papers. "It was fascinating," he told me. "It was the first time I had seen him. Of course, it's rare that I ever see the people in the cases we deal with. The things he said on the program, the fight he and the other teachers put up— I had no idea how much they had to lose personnally if the case had gone the other way. They would have lost everything they had ever done as teachers."

I asked Justice Brennan one afternoon whether the occasionally sharp exchanges in the published opinions of the Court were reflected in the Justice's personal encounters in the Court's conference room, the chambers, and the corridors.

"It's hard to believe this, but none of that carries over—in the slightest—to our personal relationships," Brennan said. "It's remarkable, it really is, but it's absolutely essential in a small body of nine people who have to work as closely as we do, and out of sight of the public or the press or anyone else. You simply can't afford to let your convictions affect your personal relationships. I'm not saying it has never happened, but I can say this: I have sat now with about a fifth of all the Supreme Court Justices there have been, and I have never had a cross word with one of them. Not with a single one of them. On the other hand, there's no question that Bill Douglas's relationship with Felix Frankfurter was very much affected by their conflicting views. They were more than distant." Justice Brennan smiled, and added, "They were almost snarling at one another. You'll recall that when Felix came to the Court everybody expected that he was going to be the great liberal champion. Of course, he turned out to be anything but. But Bill, who came on the Court just after Felix, started out as the great financial expert, the chairman of the Securities and Exchange Commission. His first work on the Court consisted of a number of really brilliant opinions in that field, and then he became a real champion—with Hugo Black—of the Bill of Rights. Felix regarded him as a turncoat, much as Bill regarded Felix as a turncoat. Consequently, their relations were very strained, to put it mildly. Before that, there was Justice McReynolds, who would not shake hands with Louis Brandeis or Benjamin Cardozo, because they were Jews. So there has been animosity between the Justices in the past, but in my day—except for that between Felix and Bill—there has been none."

Brennan almost never shows resentment at anything written or said about him, but he does bristle when he is complimented for being the preeminent "politician" on the Court. "I am not a playmaker," he has told me a number of times. "I don't go around cajoling and importuning my colleagues to go along with my point of view. When I have been able to draw a consensus, I have done it by the drafts I circulated among my colleagues.

"Rather than try to talk something out with another Justice, I sit down and write concrete suggestions as to what I don't like about what he has done or what I do like about it. I suggest changes in their drafts, and other Justices will suggest changes in what I've written. Every Justice of this Court admits that holding on to a majority can be a very difficult thing, and what we all do is try to persuade each other by what we write to each other. From time to time, when I think I'm going to have a five-person majority, one of the four will write to me and say, 'I'll be happy to join with you if you delete this and this' If you can, you do it. But there are times when I have to write back and say, 'I don't think I should, because then it wouldn't be what I wanted to say.' It's quite important to get these differences out by written exchanges."

Jeffrey Leeds, who clerked for Justice Brennan from October, 1985, to October 1986, and is now an investment banker, says, "It's true that Justice Brennan doesn't go around buttonholing the other Justices, trying to persuade them to join one of his opinions. He doesn't have to do that. He gets us to do it; that is, he gets his clerks to talk to the other clerks and find out what their Justices are thinking."

I told Brennan what his former clerk had said, and he laughed loud and long. "Well, it's true," he said. "That's not the case with all my colleagues. Some of them hold tighter strings on their clerks' activities than I do. In my case, I'll take help wherever I can get it, and I think it's very helpful to have clerks exchange points of view with clerks in other chambers. It's helpful, when they know what I think about something, to attribute to me any view I may have. They're free to talk about anything we have here, about my position and their position, and anything else. I've worked that way every since I came here. It has always struck me as rather unfortunate that some Justices will not let their clerks do that sort of thing. They will tell their clerks on given cases not to say anything about how the Justice feels. I don't understand it. After all, we employ the clerks to help us. They are surrogates in a greater sense than is true of most associations."

A clerk beginning his tenure with Justice Brennan receives a series of short orientation speeches from his employer. One has to do with the Brennan chambers' dress code. "I walked into his chambers for the first time, and Justice Brennan said he was pleased to meet me," Leeds recalls. "Then he did this thing he does every year. He kind of grabs your necktie and says, 'Do you like wearing these things?' You say no. 'Then take it off,' he says. 'You'll spend plenty time working hard in this building. You might as well be comfortable.' "

There is also the five-finger speech. It generally comes when a new clerk asks, in dismay and outrage, how a majority of the Court has arrived at a decision he or she feels is flagrantly unjust. Justice Brennan holds up his hand, wriggles his five fingers, and says, "Five votes. Five votes can do anything around here."

All the more reason, before a final count in a case at hand, for his clerks to try to find out enough about the thinking going on in the other chambers. "While an opinion is being written in our chambers, we might talk to a clerk for a Justice who we knew would be a tough fifth vote," Leeds explains. "And we would ask this clerk what was really bugging his guy about Brennan's draft. This information-gathering can take place after oral argument in a case, when the Justices hold their conference. That's where the preliminary votes are taken, before drafts of opinions are circulated. Or it can happen before a conference. We might find out, from his or her clerk, where a Justice is leaning on a particular case. When we know what that Justice is thinking, we keep that in mind when we write out two-page summaries of each case for Brennan to emphasize at the conference. The points he hits may be pitched entirely to that one Justice."

Depending on the individual Justices, clerks have varying input in the shaping of the written opinions. A first draft is almost invariably written by a clerk. One of them describes the experience by saying, "You go back to your office, you take a deep breath, you stare at your computer screen, and you go, 'Holy shit, I'm going to write the law of the land.'" Brennan requires that all his clerks—he has four—and not only the author of the first draft, sign off on the analysis of the case before he sees it. That way, he gets a range of viewpoints. After he reads the draft, he tells the clerk in private what he feels is lacking or is just plain wrong. Brennan reads every word in every change, and at times engages in what one clerk calls "dramatic rewriting."

His clerks, Brennan told me, never write the final draft. "But all of us need to make use of the contributions of the clerks," he said. "If we didn't have the benefit of their writing and research, we couldn't handle the workload here." For his first fourteen years on the Court, Brennan had only two clerks, and so did each of the other Justices. The third clerk came in the 1970 term. "The reason is that John Harlan's eyes failed him, and his clerks had to read to him," Brennan explained. "We insisted that he had to have an additional clerk to help with the reading, and he was absolutely adamant that he would not take a third clerk unless the rest of us did. The reason we took the fourth clerk was Bill Douglas' stroke, in early 1975. He wasn't able to work, but he had already taken on new clerks, and we decided we didn't want those boys to lose out, so we just parcelled them among us. It was done on a seniority basis, and I was one of three Justices to get an extra clerk. Once some of us started with four, we said, 'Well, hell, everybody ought to have four.' A couple of us have cut down, but then we go back up again."

For his first dozen or so years on the Court, Brennan depended on Paul Freund, a professor at Harvard Law School, to send him the students he considered best qualified to be clerks. Brennan told me, "Then Paul came to me and said, Look, every law school in the country is madder than hell at you for taking law clerks only from Harvard. You ought to branch out.' So now I take them from everywhere. Hell, I've had them from night schools."

Brennan is proud of his alumni. He keeps in touch with them, and they gather for a reunion every three years,. bringing their husbands and wives. Among Brennan's former clerks are federal circuit judges, a state-supreme-count judge, and law professors at Harvard, Yale, Columbia, New York University, and Boalt Hall, at the University of California at Berkeley. "Out of more than a hundred clerks I've only had one lemon," he said. "Isn't that amazing? Only one who couldn't do the work. Every other one has measured up, and some of them brilliantly."

There was one exceptionally brilliant law student who, though he had been offered a clerkship by Brennan in 1966, was never able to serve, and some of the Justice's warmest admirers consider what happened to the student an uncharacteristic surrender by Brennan to political pressures. Michael Tigar, now a law professor at the University of Texas, was a law student at Boalt Hall, where he had participated in a demonstration against the House Un-American Activities Committee, and he had attended a youth festival in Helsinki, where some of the other participants were from the Soviet Union. Various right-wing individuals and organizations began to attack Trigar's appointment, and, with talk of a congressional inquiry, Brennan withdrew the offer. Instead, Tigar went to work for the powerful Washington law firm headed by Edward Bennett Williams.

In the spring of 1988, when I asked Justice Brennan about Michael Tigar and the lost clerkship, he said, "That was a very sad occasion for both of us at the time. Mike and I have remained good friends. He's a great guy, a wonderful lawyer. What actually happened was a deluge. The right wing deliberately set up a program—a system of pressure—that involved Abe Fortas, who was on the Court then; J. Edgar Hoover; and, more particularly, Hoover's right-hand man, Clyde Tolson. They bombarded me with all kinds of letters—all having to do with Mike's participation in the Helsinki youth meeting. Probably, if I had just continued to face it down, the investigation would never have happened. But they had twenty-eight or more congressmen protesting Mike's appointment. Clyde Tolson came over to see Fortas, and Fortas came in to see me to tell me that if I want through with this there might well be an inquiry, which would be most embarrassing to Tigar and to me—and to the Court."

I said that I was surprised at Fortas's role, in view of his strong record in support of the First Amendment.

Brennan laughed. "He was very supportive of the First Amendment, but he was also very close to Lyndon Johnson, and also to J. Edgar Hoover," he said. "They used Fortas for a lot of things."

"At what point did you begin to seriously reconsider your appointment of Tigar?" I asked.

"When it got to the point where they were going to talk about a congressional inquiry," Brennan said. "Remember, a little before this happened, the Senate came very close to passing the Jenner Bill, which would have stripped the Court of jurisdiction over cases involving the powers of congressional investigations, loyalty rules for teachers and federal employees, state anti-subversion laws, and state regulations for admission to the bar."

I asked Brennan if Chief Justice Warren had been involved in deciding what to do about Tigar's clerkship.

"No. Aside from Fortas, the only one of my colleagues who said anything about it was Bill Douglas. He was furious. Oh, he was absolutely furious at me for capitulating. He said, 'You've got to stand up to those people.'"

I asked Justice Brennan if he'd had second or third thoughts about whether he should have taken Douglas's advice.

"I must say I've had a number of second thoughts," he said. "I suppose I should have treated it as something that would go away, but I didn't. I was very much concerned that—in the atmosphere of those days—if we got into this kind of thing it certainly would not have done the Court any good. That's what I said in the discussion I had with Mike at the time. A clerkship simply could not have that much significance—if it was going to hurt the institution."

"Did Tigar understand that?"

"Oh, Mike understood it perfectly." Brennan paused. "That's the only instance of anything like that I've had in all my years here."

All that Professor Tigar will say is "I have enormous respect for Justice Brennan."

In a 1977 Harvard Law Review article, Brennan wrote:

"It was in the years from 1962 to 1969 that the face of the law changed. Those years witnessed the extension to the states of nine of the specifics of the Bill of Rights; decisions which have had a profound impact on American life, requiring the deep involvement of state courts in the application of federal law. The eighth amendment's prohibition of cruel and unusual punishment was applied to state action in 1962. . . . The provision of the sixth amendment that in all prosecutions the accused shall have the assistance of counsel was applied in 1963, and in consequence, counsel must be provided in every courtroom of every state of this land to secure the rights of those accused of crime. In 1964, the fifth amendment privilege against compulsory self-incrimination was extended. And after decades of police coercion, by means ranging from torture to trickery, the privilege against self-incrimination became the basis of Miranda v. Arizona [1966], requiring police to give warnings to a suspect before custodial interrogation.

"The year 1965 saw the extension of the sixth amendment right of an accused to be confronted by the witnesses against him; in 1967 three more guarantees of the sixth amendment—the right to a speedy and public trial, the right to a trial by an impartial jury, and the right to have compulsory process for obtaining witnesses—were extended. In 1969 the double jeopardy clause of the fifth amendment was applied. Moreover, the decisions barring state-required prayers in public schools, limiting the availability of state libel laws to public officials and public figures, and confirming that a right of association is implicitly protected, are significant restraints upon state action that resulted from the extension of the specifics of the first amendment."

One of Brennan's more difficult inner debates during this expansive change in the face of the law concerned the religion clauses of the First Amendment. The first clause prohibits "an establishment of religion." The second clause prevents the state from prohibiting the "free exercise" of religion. In a 1986 Times interview, Brennan was asked by Jeffrey Leeds, his former clerk, to describe the hardest decision he had had to make as a Justice. "The school-prayer cases," he said. "The 1963 Schempp opinion"—a concurring opinion by Brennan—"is some eighty pages long. The position I finally took took a long time to come around to. In the face of my whole lifelong experience as a Roman Catholic, to say that prayer was not an appropriate thing in public schools, that gave me quite a hard time. I struggled."

School District of Abington Township, Pennsylvania, v. Schempp addressed laws of the State of Pennsylvania requiring that "at least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day" and providing that "any child shall be excused from such Bible reading, upon the written request of his parent or guardian." The Supreme Court declared the laws unconstitutional, and Brennan ended his concurring opinion by going back to an 1856 speech on religious liberty by Jeremiah S. Black, a former Chief Justice of the Commonwealth of Pennsylvania. Brennan paid his respects to Justice Black's remarkably lucid analysis by quoting from it:

"The manifest object of the men who framed the institutions of this country, was to have a State without religion, and a Church without politics—that is to say, they meant that one should never be used as an engine for any purpose of the other, and that no man's rights in one should be tested by his opinions about the other. As the Church takes no note of men's political differences, so the State looks with equal eye on all the modes of religious faith. . . . Our fathers seem to have been perfectly sincere in their belief that the members of the Church would be more patriotic, and the citizens of the State more religious, by keeping their respective functions entirely separate."

Since the 1963 decision, Brennan has often emphasized in conversation that separation of church and state does not mean that the Constitution encourages hostility to religion. Nor, he points out, is he himself hostile to religion. Indeed, Brennan—a devout Catholic—still believes what he said in a speech he made before coming on the Court: "Whatever their religious belief, all Americans acknowledge with us the fitness in recognizing in important human affairs the superintending care and control of the great governor of the universe and of acknowledging with thanksgiving His boundless favors."

Brennan sees no contradiction between that belief and his votes against state-sponsored crèches and against permitting public-school teachers—paid by federal funds—to go into parochial schools to provide remedial instruction. To Brennan, most of these cases have a bright line of First Amendment law running through them. Every American, he says, is guaranteed a free choice of his or her own religion or the choice not to believe at all. And the other religion clause in the First Amendment, the establishment clause, prohibits the government from, as Brennan puts it, "sticking its nose into how individuals should make that choice."

The extraordinary strengthening of the Bill of Rights—from the religion clauses to the rights of criminal defendants—during the Warren Court and, to some extent, thereafter grew out of the very belated acknowledgment by the Supreme Court that the Fourteenth Amendment meant what it said. "The citizens of all our states," as Brennan puts it, "are also and no less citizens of our United States." Accordingly, "this birthright guarantees our federal constitutional liberties against encroachment by government action at any level of our federal system, and . . . each of us is entitled to due process of law and the equal protection of the laws from our state governments no less than from our national one."

Brennan talks and writes about the Fourteenth Amendment with undimmed enthusiasm. In the 1987 interview with Bill Moyers, he said that because of the amendment there was "really a brand-new Constitution after the Civil War." But Brennan's celebration of the Fourteenth Amendment is tempered by apprehension that the Supreme Court will increasingly weaken that "egalitarian revolution."

Another concern of Brennan's is safeguarding the constitutional rights of young people. No other Justice in the history of the Court has been more intensely involved in this area than Brennan. In one significant case in 1981, the Supreme Court denied a petition for a writ of certiorari from a fifteen-year-old girl. Such refusals to review a decision by the lower courts are common, of course. Uncommon, however, was Justice Brennan's public rebuking of his colleagues in a printed dissent. It takes four members of the Court to grant certiorari, and Brennan could not understand why he was the only Justice to feel strongly that the Constitution had been violated in this case. When cert is denied, the names of Justices who wanted to review the case are often listed, but only very rarely does one of them say why. And even rarer are dissents as long as Brennan's in Diane Doe v. Renfrow. "I was really mad," Brennan told me recently.

In 1979, Diane Doe, aged thirteen (her last name was not given, because she was a minor), was sitting in her classroom at Highland Junior High School, in Highland, Indiana. Next to that building was a senior high school. Suddenly, all the classrooms in both schools were entered by school and police officials—along with police-trained German shepherds—who were undertaking a mass search for drugs and drug paraphernalia. No students in particular were under suspicion; all of them were under general suspicion. For two and a half hours, the students had to sit quietly with their hands upon their desks and the contents of their desks in plain view. Reporters from newspapers and broadcast stations were present. Each student was inspected by a German shepherd. Justice Brennan wrote that when one of the dogs came to Diane it "sniffed at her body, and repeatedly pushed its nose and muzzle into her legs." By its concentrated attention, the dog had marked the girl as a person under suspicion. No drugs were found in her pockets, and she was taken to the nurse's office, where she was strip-searched. Again, no drugs were found. The German shepherd, it turned out, had smelled not marijuana but traces of a dog Diane had been playing with before she left for school.

Diane Doe sued several school district officials and the police chief, among others, claiming that her Fourth Amendment rights had been abused. No judge had issued a warrant for the dragnet operation, although the Fourth Amendment requires one for searches and seizures. It also requires, her lawyers argued, that the searchers have probable cause to believe that illegal behavior is taking place or has taken place on the premises, and that the persons to be searched are involved in this activity. (Although the lesser standard of "reasonable suspicion" can be used in searches of students by school officials, once police are brought in—as in this case—the "probable cause" standard applies, Brennan said in his dissent, to public-school students.) The Fourth Amendment also says that the place or the person to be searched must be "particularly"—that is, individually—described.

In their court papers Diane's lawyers wrote, "Being a teen-aged schoolgirl is neither a crime nor a cause for suspicion." The lawyers also charged that school officials, however well-intentioned they may have been, had converted public schools "into police checkpoints." A federal district judge threw out Diane Doe's case. The mass detention and inspection were constitutionally valid, he said, and, while the strip search was so intrusive as to violate the Fourth Amendment, he refused to award damages against the school authorities, because they had been acting in good faith and trying to keep the school safe. As for the German shepherds, the judge ruled that being sniffed by a dog is not a search as defined by the Fourth Amendment. The dogs' only function had been to compensate for the inferior olfactory sense of the school officials and the police. The judge thereby dismissed a point made by the student's lawyers: "If we are to understand the dogs' muzzles as mere extensions of the nostrils of the principal, then Highland's school administrators have been sticking their noses into some singular places. The dogs ran their noses along pupils' legs, between their shoes, and even into their crotches and buttocks, actually touching the bodies of the students. Surely it can be vouchsafed that no respectable school administrator would do the same."

Diane Doe appealed to the Seventh Circuit Court of Appeals, and it agreed with the lower court except for denying immunity to the school officials connected with the strip search. Justice Brennan approvingly quoted what the Seventh Circuit said about the strip search: "It does not require a constitutional scholar to conclude that a nude search of a thirteen-year-old child is an invasion of constitutional rights of some magnitude. More than that: it is a violation of any known principle of human decency. Apart from any constitutional readings and rulings, simple common sense would indicate that the conduct of the school officials in permitting such a nude search was not only unlawful but outrageous under 'settled indisputable principles of law.' . . . We suggest as strongly as possible that the conduct herein described exceeded the 'bounds of reason' by two and a half country miles."

In his dissent from the Supreme Court's denial of further review to the young woman, Brennan said that in his opinion the use of the dogs did indeed constitute a search. He recalled that Diane Doe had testified that "the experience of being sniffed and prodded by trained police dogs in the presence of the police and representatives of the press was degrading and embarrassing," and he wrote, "I am astonished that the court did not find that the school's use of the dogs constituted an invasion of the petitioner's reasonable expectation of privacy." Of the searches of all the students, Brennan said, "At the time of the raid, school authorities possessed no particularized information as to drugs or contraband, suppliers or users. Furthermore, they had made no effort to focus the search on particular individuals who might have been engaged in drug activity at school."

The last paragraph of Brennan's dissent was directed as much at his colleagues as at school authorities across the nation: "We do not know what class petitioner was attending when the police and dogs burst in, but the lesson the school authorities taught her that day will undoubtedly make a greater impression than the one her teacher had hoped to convey. . . Schools cannot expect their students to learn the lessons of good citizenship when the school authorities themselves disregard the fundamental principles underpinning our constitutional freedoms."

For Brennan, as for one of his predecessors, Justice Louis Brandeis, the expectation of privacy—the freedom from fear of arbitrary government invasion of that privacy—is at the core of the Fourth Amendment. In conversation, Brennan will sometimes recite the amendment, stressing each word: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." He repeats the phrase "probable cause," and says, "It's a high standard the Framers wanted. And it means that no search may be conducted unless the official knows of facts and circumstances that warrant a prudent man to believe that an offense has been committed."

In the National Public Radio interview with Brennan in 1987, Nina Totenberg, whom Brennan particularly respects among those who report on the Court, played the devil's advocate, asking him, "Why do you let some of these creeps go? They do such bad things, and on some technicality you let them go."

"Honestly," Brennan said, raising his voice, "you in the media ought to be ashamed of yourselves to call the provisions and the guarantees of the Bill of Rights 'technicalities.' They're not. They're very basic to our very existence as the kind of society we are. We are what we arc because we have those guarantees, and this Court exists to see that those guarantees are faithfully enforced. They are not technicalities! And no matter how awful may be the one who is the beneficiary time and time again, guarantees have to be sustained, even though the immediate result is to help out some very unpleasant person. They're there to protect all of us."

The essence of Brennan's fear that the Fourth Amendment is fading away can be found in a little-noted dissent to the Court's denial of review of a 1985 case, McCommon v. Mississippi. Brennan began by stating that "this Court has long insisted that the determination whether probable cause exists to support a search warrant be made by a 'neutral and detached magistrate.'" In McCommon v. Mississippi, he said, the judge who issued the search warrant "indisputably 'rubber stamped' the police request." The petitioner's car had been searched pursuant to a warrant, and a sizable quality of marijuana had been found in the trunk. Before trial, the owner of the car moved to have the evidence suppressed under the exclusionary rule, on the ground that there had not been probable cause for the issuance of the warrant. Brennan had carefully read the testimony from the pretrial hearing in Mississippi, and he quoted it in his dissent. The defense attorney asked the judge if he issued the warrant because officers of the law had asked for it rather than because of "any particular thing they told you." "That's right," the judge said. "If Sheriff Jones walked in there and said, 'Judge, I need a search warrant to search John Doe for marijuana,' or drugs or whatever—liquor or whatever it might be—I'm going to go on his word, because he's—I take him to be an honest law-enforcement officer and he needs help to get in to search these places and it's my duty to help him fulfill that."

Brennan then reminded his colleagues of what he had said in his dissent in United States v. Leon, the year before, the majority having ruled that an officer's execution of a defective warrant does not violate the Fourth Amendment if the officer did not know that the warrant was defective. "I warned that creation of a good faith exception implicitly tells magistrates that they need not take much care in reviewing warrant applications, since their mistakes will have virtually no consequence," Brennan wrote in his new dissent. "Today the Court tacitly informs magistrates that not only need they not worry about mistakes, they need no longer be neutral and detached in their review of supporting affidavits. The combined message of Leon and the Court's refusal to grant certiorari in this case is that the policy may rely on the magistrates and the magistrates may rely on the police. On whom may the citizens rely to protect their Fourth Amendment rights?"

In the years since, Brennan, in conversation, has continued to seem gloomy about the prospects of the exclusionary rule. Yet in January of this year, in a ruling so surprising that it made the front page of the Times, he succeeded in preventing a further expansion of the exclusionary rule—one that would have greatly weakened it. In James v. Illinois, the defendant in a murder case had made incriminating statements to the police when he was arrested. But the arrest had been made without a warrant and without probable cause, and, accordingly, those statements were not at first admitted at the trial. However, a friend of the defendant gave testimony at the trial which was directly contrary to what the defendant had told the police. The prosecution moved, successfully, to have the defendant's original statement admitted in order to impeach his friend's testimony, and this exception to the exclusionary rule was upheld by the Illinois Supreme Court. In reversing the Illinois Supreme Court, the Brennan majority include Justice Byron White, who, in the past, had voted for a number of restrictions of the exclusionary rule, and, indeed, was the author of the majority opinion in United States v. Leon, which had established the good-faith exception. I asked Brennan how he had persuaded White to join him, and he smiled. "It was hard," he said. "Very hard."

From the beginning of his time on the Court Brennan has been a persistent guardian of civil-rights protections for blacks. What is surely the most dramatic opinion he has drafted for the Court, Cooper v. Aaron (1958), was also signed by every other member of the Court—Earl Warren, Hugo Black, Felix Frankfurter, William O. Douglas, Harold Burton, Tom Clark, John Harlan, and Charles Whittaker. Chief Justice Warren said later that he did not recall that ever happening before; usually, even when the Court is unanimous, the opinion is signed only by its principal author, and joined by the other Justices. The reason for this show of unity was that the Court's unanimous 1954 decision, in Brown v. Board of Education, ruling that segregated public schooling is inherently unequal was being defied by Governor Orval Faubus, of Arkansas, and the Arkansas State Legislature. On September 2, 1957, Faubus had sent Arkansas National Guard units to block implementation of a plan by the Little Rock School Board to desegregate the public schools gradually, beginning with one high school. For three weeks, the soldiers, standing shoulder to shoulder, forcibly prevented nine black students from entering Central High School. On September 25th, the students finally got into the school, after federal troops were sent there by President Eisenhower. The following February, the school board decided it would be safer—in view of undiminished white hostility—if the integration plan was delayed, and the federal district court agreed to have the plan postponed for thirty months. In "Super Chief," a judicial biography of the Warren Court, Professor Bernard Schwartz, of the New York University Law School, describes what happened next: "The Court of Appeals for the Eighth Circuit reversed [the district court], but stayed its order thirty days to permit the School Board [to appeal]. . . . The black students then filed a motion in the Supreme Court to stay the court of appeals postponement." With the school term due to begin in September and the Supreme Court's term due to start in October, the Chief Justice called a rate Special Term of the Court, which heard oral arguments in August and September.

The Court's subsequent opinion, as it was constructed by Brennan, has been described by Professor Schwartz as "one of the classic statements of the rule of law under the Constitution." It was read aloud at the Court by the Chief Justice on September 29, 1958: "The controlling legal principles are plain. The command of the Fourteenth Amendment is that no 'State' shall deny to any person within its jurisdiction the equal protection of the laws. . . . Article VI of the Constitution makes the Constitution the 'supreme Law of the Land.' In 1803, Chief Justice Marshall, speaking for a unanimous Court . . . declared in the notable case of *Marbury* v. *Madison* . . . that 'It is emphatically the province and duty of the judicial department to say what the law is.' . . . That principle has ever since been respected by this Court and the country as a permanent and indispensable feature of our constitutional system. . . . No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it. Chief Justice Marshall spoke for a unanimous Court in saying that: 'If the legislatures of the several states may, at will, annul the judgments of the courts of the United States, and destroy the rights acquired under those judgments, the Constitution itself becomes a solemn mockery.' A Governor who asserts a power to nullify a federal court order is similarly restrained."

As for the Brown decision itself, Brennan wrote: "State support of segregated schools through any arrangement . . . cannot be squared with the [Fourteenth] Amendment's command that no State shall deny to any person within its jurisdiction the equal protection of the laws. The right of a student not to be segregated on racial grounds . . . is indeed so fundamental and pervasive that it is embraced in the concept of due process of law. . . . The principles announced in [the Brown] decision and the obedience of the States to them, according to the command of the Constitution, are indispensable for the protection of the freedoms guaranteed by our fundamental charter for all of us. Our constitutional ideal of equal justice under law is thus made a living truth."

The *Times* noted that the Court's opinion in Cooper v. Aaron was written in "clear and simple language, understandable even to the most fanatic segregationist."

Justice Brennan has also long regarded sex discrimination as violating the Fourteenth and Fifth Amendments, and he has been more insistent than any of his col-

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leagues that such discrimination be given a high level of constitutional scrutiny. His reasons are vigorously expressed in a 1973 case, Sharron and Joseph Frontiero v. Elliot Richardson, Secretary of Defense. Joseph Frontiero, attending college full time, was receiving a veteran's benefit of two hundred and five dollars a month. His wife, Sharron, was a lieutenant in the Air Force, and, claiming her husband as a dependent, she applied for an increased housing allowance and also for medical and dental benefits for her husband. Under federal law, male members of the uniformed services automatically received the increased housing allowance and the extra benefits for their wives, but a woman could qualify for the same extra housing and medical benefits only if she could prove that she was paying more than half her husband's living expenses. Sharron Frontiero was paying three-sevenths of her husband's living costs, and was denied the extra benefits.

Brennan's opinion for the Court went farther than some of his colleagues would have liked. The majority of the Court agreed that Sharron Frontiero had been subject to unconstitutional discrimination, but there was no majority for Brennan's view that discrimination by sex should be, like discrimination by race, examined by the Court with "strict judicial scrutiny." This is the highest standard in the Supreme Court classification of cases, and it places a heavy burden on the federal government or a state to justify unequal treatment. Although Brennan did not secure strict scrutiny for sex discrimination, he has, as the years have passed, come closer to getting a majority of the Court to at least look more rigorously at the constitutional implications of sex-discrimination cases. In the Frontiero case, he noted:

"There can be no doubt that our Nation has had a long and unfortunate history of sex discrimination. Traditionally, such discriminations was rationalized by an attitude of "romantic paternalism" which, in practical effect, put women, not on a pedestal, but in a cage. . . . Our statute books gradually became laden with gross, stereotyped distinctions between the sexes and, indeed, throughout much of the 19th century the position of women in our society was, in many respects, comparable to that of blacks under the pre-Civil War slave codes. . . .

"We can only conclude that classifications based upon sex, like classifications based upon race, alienage, or national origin, are inherently suspect, and must therefore be subjected to strict judicial scrutiny."

In his opinions, Justice Brennan often interchanges personal pronouns. That is, the case may concern a male defendant or plaintiff, but Brennan will refer to the principal as "she" at times and "he" at others. "I do it purposely," he told me. "I've been doing it for two or three years. Why? Well, why should we males be the only illustrious participants in whatever events we've been talking about?"

Of all the developments in constitutional law since he has been on the Court, Brennan regards as among the most significant the growing independence of the state courts. While a state cannot provide less protection of individual liberties than does the federal Constitution, any state can guarantee stronger protections for its citizens, and in January, 1987, for example, in an action warmly welcomed by Justice Brennan, Oregon's Supreme Court ruled that its state constitution mandates—the Supreme Court of the United States notwithstanding—that "obscene" material can no longer be prohibited or censored in the state. Oregon's Article I, Section 8, forbids the passage of any law restricting "the right to speak, write, or print freely on any subject whatever." And, the State Supreme Court said, "obscene speech, writing or equivalent forms of communication are 'speech.'"

I saw Brennan soon after that decision of the Oregon Supreme Court came down, and he started to reminisce about his role in the increasing independence of the state courts. He has been the primary force in getting more and more lawyers, legislators, and judges to think about the need for states to become aware of—and, if necessary, strengthen—their own constitutions.

"It all started around 1972," he said. "I initially suggested the idea in a speech very late at night to, I'm afraid, a quite inebriated meeting of the New Jersey State Bar Association. I was really concerned at the time about the way that things were going here at the Court—particularly in the area of the Fourth Amendment, but also in other areas of individual rights and liberties."

In 1977, Brennan wrote what proved to be a widely influential article, "State Constitutions and the Proteciton of Individual Rights," in the *Harvard Law Review*. "State courts cannot rest when they have afforded their citizens the full protections of the federal Constitution," he declared. "State constitutions, too, are a font of individual liberties, their protections often extending beyond those required by the Supreme Court's interpretation of federal law." Without "the independent protective force of state law," he said, "the full realization of our liberties cannot be guaranteed."

In 1986, addressing the American Bar Association's Section on Individual Rights and Responsibilities, in New York, Brennan was able to quote with satisfaction from a statement by Justice Hans Linde, of the Oregon Supreme Court: "A lawyer today representing someone who claims some constitutional protection and who does not argue that the state constitution provides that protection is skating on the edge of malpractice." Brennan, however, is far from entirely satisfied with the direction of constitutional law, state and federal. In the same speech he said something I have heard him say in his chambers and have read in many of his Court opinions, and particularly in his dissents: "We do not yet have justice, equal and practical, for the poor, for the members of minority groups, for the criminally accused, for the displaced persons of the technological revolution, for alienated youth, for the urban masses, for the unrepresented consumer—for all, in short, who do not partake of the abundance of American life. . . . The goal of universal equality, freedom and prosperity is far from won and . . . ugly inequities continue to mar the face of our nation. We are surely nearer the beginning than the end of the struggle."

Shortly before the 1988 Presidential election, I reminded Justice Brennan that a number of liberals and libertarians had expressed concern for the future of the Court. If George Bush was elected, they pointed out, he might have several seats to fill, among them the seat of Justice William Brennan.

"Look," Brennan said. "This is an institution that has had its ups and downs for over two hundred years. By and large, it has done well, I think. There have been downturns from time to time. God help us, there was Chief Justice Taney and the Dred Scott decision. But we survived all that. So I don't see anything that serious, by way of changing jurisprudence, in contrast with what has happened in the past. And that's why I refuse to get sick about who might win. Anyway, whatever is to be, hell, we're a democracy. The only way the citizens can have their views felt nationally is through the Congress and the Presidency. That's our system."

Also part of the system is access to justice, and of all the members of the Court in this century—and perhaps throughout its history—Brennan has been the most interested in making the courts accessible to as many people as possible. "I have always felt that the courthouse door has been closed to too many people on the ground that they don't have sufficient reason for being heard," he told me. "Take the execution of Gary Gilmore, in Utah, in 1977. Gilmore insisted he wanted to die. He didn't want any more appeals. He had no patience for it. But his mother brought a case here trying to prevent the execution, and the Court refused to hear her on the ground that she had no standing to be heard. Good God, we can't refuse to discharge our responsibility to decide whether he should die or not. Anybody ought to have a right to be heard in a case like that. I've taken that position in many other kinds of cases, besides the death penalty."

Whenever I tried to engage Brennan in a broader discussion of his influence on the Court's direction in the past thirty-three years, he demurred. He discourages such talk. Although he works, as he must, case by case, he is keenly aware of the slightest nuance in the changing dynamics of the Court, but it is not his habit to see himself as a figure in marble in its halls. He regards his job as one of trying to include as many people as possible within the protections of the Constitution and of determining how to get four other votes on the cases that will help do that.

Over the years, Justice Brennan has made an invaluable collection of private Supreme Court history. Each term, he documents the evolution of the Justices' opinions in major cases: included in his files are notes of what went on during conferences and so are draft opinions and memoranda circulated among the Justices. But, although historians have urged Brennan to make these histories available eventually, he is not sure what he will do with them. Just about every time I've talked to Brennan, I have asked him whether he has made up his mind about the fate of these histories, and so far he hasn't. "It's a very troublesome question for me as to what the hell to do with them," he said recently. "I have a very clear memory of how angry Hugo Black and Bill Douglas were when Alpheus Mason used Chief Justice Harlan Fiske Stone's private notes in a biography about him. They were memoranda of cases, histories of cases—the voting, the reactions of the members of the Court, and so forth. Just like my own. Black and Douglas were furious. They insisted that Stone's histories were one-sided and didn't tell the whole story. They said it was all a goddam lie. That's why Hugo Black insisted he was going to burn every damn paper of his. He said, 'I'm not going to have any colleague of mine in a position where he can say I've lied about what happened.' His instructions weren't carried out completely, but some of his papers were destroyed. What concerned Hugo Black bothers me, too. None of my colleagues have seen any of my memos. Nobody sees them except me. They cover the major cases from the time they're received at the Court. A lot of people want me to preserve them. For about ten years, I sat on the National Historical Publications Commission, and all my colleagues were very distinguished and well-known historians, and they were absolutely horrified at the thought that I might not preserve these histories."

"Me, too," I said.

"Well, there you are. One of these days, I'm going to have to make up my mind about what I'm going to do."

The conversation was interrupted by a telephone call, and while he talked I looked at the photographs of his children and his grandchildren lined up on a mantel behind his desk. After he hung up, he spoke with pride about his family. His elder son, William Joseph Brennan III, is a trial lawyer in Princeton, and is active in various bar-association committees. I asked the Justice whether, as I'd heard, William Brennan III is more conservative than his father.

Brennan laughed, and said, "Well, let me put it this way. In the coming election, we may be on different sides."

Another son, Hugh Leonard Brennan, is in the Department of Commerce, where he directs the Office of Procurement and Administrative Services, and Nancy Brennan Widman is the director of Baltimore's City Life Museums. "Hugh and Nancy are probably more like me," Brennan said.

The children's mother, Marjorie Leonard Brennan, died in December, 1982, after a long battle with cancer. In March of 1983, Justice Brennan wrote a memorandum to the conference—that is, to the eight other Justices—telling them that he had been married the day before to Mary Fowler, who had been his secretary for twenty-six years, and that they were on their honeymoon, in Bermuda. Brennan, whose health and spirits had declined during his first wife's illness and after her death, was clearly rejuvenated by his second marriage.

Mrs. Brennan, I had heard, often disagrees with her husband's opinions from the bench, feeling that the Justice is too liberal. I asked Brennan if that was so.

"Oh, she's a dear, dear, darling wife and a darling lady, and she just has her own ideas and she voices them," he said. "I love it. I love it."

The Brennans do not go out much in the evening. The Justice rises at five in the morning, spends half an hour on his Exercycle, reads the papers, has breakfast, and by eight is in his chambers, where he reads Court papers. He usually stays at the Court until four-thirty, and he takes work home every night. "It's hard work," he said. "It takes up practically all your waking hours."

"Have you ever thought of some other line of work you might have preferred?" I asked.

He laughed. "Not for me. Ever. I really mean it. There's nothing I can think of that would have given me anything like the satisfaction I've had from this."

He had another appointment in a few minutes. I rose. Brennan rose, too, and took me by the elbow as he escorted me out of his office and through the corridors of the Court. He seemed to know all the staff members, including the elevator operators and the guards, by name, and he stopped and talked to a few of them about their children and other matters of interest.

I asked if he thought at all of when he might retire.

"I'll go when the good Lord tells me it's time to go. But not before then. The satisfactions of this job have accelerated each year. It's just incredible being here—I mean the opportunity to be a participant in decisions that have such enormous impact on our society." Justice Brennan turned to go back to his chambers. "Incredible," he said.

I spoke to Brennan again at the end of the 1988-89 Supreme Court term. There had been a series of civil-rights decisions, all opposed by Brennan, that, in the words of Barry Goldstein, until last July the director of the Washington office of the N.A.A.C.P. Legal Defense Fund, were "not just decisions limiting affirmative action but cases limiting the ability of women and men to prove discrimination, limiting the remedies once discrimination is proved, and limiting the opportunity to settle."

A majority of the Court had also ruled it constitutional to execute murderers who are mentally retarded, and had decided that it is not "cruel and unusual punishment" under the Eighth Amendment to execute people who were sixteen or seventeen at the time they committed the crime. Moreover, the Court ruled that indigent prisoners on death row do not have a constitutional right to a lawyer to assist them in a second round of state-court appeals, even though such appeals often prove successful. I asked Brennan if he was still reasonably sanguine about the future of individual rights and liberties under the Court.

"Well, there is a pretty solid majority on the other side now, but it hasn't been an unbreakable coalition," he said. "I'm not discouraged to the point of giving up. I've selected my clerks for the next two years. I hope people don't overdo the suggestion that we're headed for perdition. This sort of thing has happened before, and the Court has finally righted itself." His voice brightened. "After all, Kennedy and Scalia joined me on the flag-burning case, for God's sake. And on a couple of others. As did O'Connor on some cases. I agree the emphasis of the Court is not in my direction, but I'm not going to walk out and say the hell with it."

Next to the abortion decision—Webster v. Reproductive Health Services, which gave power to the states to broaden restrictions on abortions, and in which Brennan dissented—the term's most controversial decision was Texas v. Johnson. Brennan, writing the opinion for a five-to-four majority, ruled that the First Amendment protects burning the American flag as an act of political protest. He wrote, "If there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive and disagreeable. . . . We decline, therefore, to create for the flag an exception to the joust of principles protected by the First Amendment."

It was characteristic of Brennan to use the word "joust." He sees his life's work as a continual battle for five votes to help the words of the Constitution leap off the page, as he once put it, and into people's lives.

"Look, pal," Justice Brennan told me at the end of our conversation. "We've always known—the Framers knew—that liberty is a fragile thing. A very fragile thing." He smiled, and went back to work.

SENATOR JENNINGS RANDOLPH: HAPPY 88TH BIRTHDAY

Mr. MATSUNAGA. Mr. President, look back to the year 1933 and you will find a dark, grim world far removed from today's spring of democratic hope and high expectations. In 1933, the caldron of hate and fear was beginning to be stirred in Europe with the ascent of Adolf Hitler to the Chancellorship of Germany; an America drained by a devastating Depression looked upon the inauguration of a new President, Franklin Delano Roosevelt, with unspoken doubts and an uncertain eye toward the future; and from the hills of Manchuria to the streets of Rome to Berlin's Reichstag, war clouds could be seen forming on the horizon.

During this dark and terrible period, however, a prescient historian just might have noticed a ray of light emanating from the humble political beginnings of a gentleman from West Virginia. Our former colleague and my longtime friend, Senator Jennings Randolph, entered the U.S. House of Representatives in 1933 determined to do all in his power to ease the daily burdens of life for the people who elected him. And for 14 years in the House (1933-47), 26 years in the Senate (1958-85), and during his "retirement " years—and I do say "retirement" in quotation marks—he has succeeded spectacularly by any measure.

Mr. President, Jennings Randolph celebrates his 88th birthday today. To attain such a venerable age is no small feat in itself. But to give you a full appreciation of this giant of a man, a true pioneer from the mountains of West Virginia, allow me to recount some of his major accomplishments over the last 88 years.

Jennings Randolph took the first tentative steps in forming a national energy policy in 1942 with the introduction of his Synthetic Liquid Fuels Act, which would allow coal and its products to be transformed into other useful energy forms. In November 1943, he flew a small, single-engine airplane from Morgantown, WV, to Washington, DC, to prove the viability of this new fuel. As a convert to his earliest dream of energy independence, I have picked up his banner and continue to press the search for alternative energies.

Then-Congressman Randolph was one of Roosevelt's key New Deal supporters, embodying all the values and hopes in the progress of man that FDR employed to inspire a nation to heal itself. Indeed, as the last of the surviving Roosevelt New Dealers to leave Congress at the end of the 98th Congress, Senator Randolph continued the tradition by reaching out to the handicapped and disadvantaged in our society. The Randolph-Sheppard Act for the Blind and the Education for All Handicapped Children and Adults Act have allowed countless blind and other handicapped Americans to earn a living with their independence, dignity, and self-respect held high.

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As chairman of the Senate's Public Works and Environment Committee for 14 years, Jennings Randolph worked tirelessly to introduce more and improved roads, bridges, schools, and health care facilities as well as opportunities for employment to the 13 Appalachian States.

For the Nation at large, our former colleague can be credited with expanding the Interstate Highway System, dramatically improving the access and safety of our Nation's airports through his Airport Authority Act, and establishing the Smithsonian's enormously popular National Air and Space Museum.

Jennings Randolph also proved himself to be a staunch friend of the environment. His efforts have resulted in the first Clean Air and Clean Water Acts and the Superfund Program to clean up toxic wastes.

Mr. President, our Nation's 18- to 20-year-olds may also nod their heads in appreciation to this remarkable gentleman from West Virginia for extending the right of suffrage to our youngest citizens. He reasoned that if an 18-year-old is mature enough to fight and to sacrifice his life for his country and is considered an adult under our laws, he should be given the opportunity to express his views through the ballot box.

I am also proud to point to Jennings Randolph as a key ally in the struggle to establish the U.S. Institute of Peace. Upon taking my seat in the Senate in 1977, I found only two other Senators who were willing to join me in the long and arduous effort to establish an Institute of Peace—Jennings Randolph and our colleague from Oregon, MARK HATFIELD. Senator Randolph in fact had been introducing bills to establish an Academy of Peace since the 1940's. The fact that a majority of the Senate finally cosponsored and passed our bill in 1984 was, I am sure, one of the happiest victories of his long career in public service. For a man whose compassion extends beyond national borders, the Institute is indeed a fitting tribute.

Time and again, Senator Randolph has demonstrated his commitment to championing the causes of the weak, the disadvantaged, and those who want only to live the decent life. He has worked tirelessly not for personal gain, not for glory, nor power, but in the realization that fate has given him the rare opportunity to dramatically improve the lot of the average citizen.

And so, Mr. President, I wish to extend a warm and fond Hawaiian birthday greeting to my friend and former colleague, Senator Jennings Randolph, on this, his 88th birthday: "Hauoli La Hanau," dear friend. The deep affection and respect of the people of this great land of ours will always be with you.

HAPPY BIRTHDAY, JENNINGS RANDOLPH

Mr. BURDICK. Mr. President, a friend and former colleague, Jennings Randolph, turns 88 today. I would like to take this opportunity to wish him a happy and healthy birthday.

Born in Salem, WV, on March 8, 1902, Jennings Randolph served in the House of Representatives from 1933 to 1947. He was elected to the Senate in 1958, where he served the State of West Virginia until his retirement in 1984. He is currently living in St. Louis.

Jennings Randolph accomplished great things during his years in Congress, particularly in his position as chairman of the Senate Environment and Public Works Committee from 1965 to 1980.

One of his top achievements was enactment of the historic Clean Air Act of 1970. As everyone who has worked on this difficult issue in the 101st Congress will recognize, clean air legislation requires commitment, cooperation, and compromises. Other landmark environmental legislation approved under Chairman Randolph's leadership includes the Clean Water Act, the Resource Conservation and Recovery Act and Superfund. He is even better known for his commitment to public works and creating the Federal Interstate Highway System. He also backed the right of 18-year-olds to vote and legislation to help the handicapped.

My father had the pleasure of working with Jennings Randolph in the House, and I am very proud to have been able to work with this great public servant. The Environment and Public Works Committee, which I now chair, still benefits from the fine bipartisan tradition he fostered. I ask my colleagues to join with me in wishing Jennings Randolph a very happy birthday. Thank you.

THE 88TH BIRTHDAY OF SENATOR JENNINGS RANDOLPH

Mr. NUNN. Mr. President, Senator Jennings Randolph, who served in this body for 26 years and in Congress for more than 40 years, liked to be thought of "the Old New Dealer." His motto was, "opportunity for all citizens, and social and economic progress for West Virginia and the Nation."

I am honored to occupy Senator Randolph's old office in the Dirksen Building. I am challenged every day by his example of public service.

Jennings Randolph was the last man to serve in the Senate who had been here during President Franklin Roosevelt's first 100 days. He came in with FDR and retired as President Reagan began his second term. In 1937, he chaired the first hearing on a transcontinental highway. Jennings Randolph knew what it was to have inadequate roads. Before they were married, his wife, Mary, had been a "welfare lady," in the West Virginia mountains. He recalled that at times she had to leave her car, don her swimsuit and swim the river to reach families in need of help.

Senator Randolph was elected to Congress 6 years before I was born, and to the Senate when I was half-way through college. Yet when I arrived here 17 years ago, his welcome was warm. Those of us who had the privilege of serving with Jennings Randolph recall his courtliness, his capacity for friendship, and his diligence in looking after the people of West Virginia.

As a young man he worked as a newspaperman, at one point editing his hometown paper, the Message, which proclaimed on the masthead that it was "published when occasion demands." Jennings always had a keen sense of what was demanded by any occasion.

He was a strong supporter of our Nation's defense and he remembered well one of his most important votes—when the draft was reestablished by one vote in the House of Representatives in August 1941.

Jennings first introduced an amendment to let 18-year-olds vote in 1944, believing that if a young man was old enough to fight for his country, perhaps die for his country, he was old enough to chose its officials. He often reminded me that Georgia led the way on that one. He would introduce that amendment 11 times over the next 27 years before it finally passed in 1971. The necessary 38 States then ratified it within 90 days.

When he was about 8-years-old, he came to Washington, DC, for the first time—but not to see the Capitol or the White House. He made the trip so he could see Georgia's baseball great, Ty Cobb, who was playing the Senators. That memorable experience helped to shape his lifelong love of sports.

As a college student at Davis and Elkins College—which his grandfather had founded in Salem—he played basketball. In 1923, he made 19 consecutive foul shots to win a game against West Virginia State by 1 point.

When Jennings graduated from high school, his mother gave him a Bible. Inscribed on the flyleaf were the words, "Each for the other and both for God." When he first came to Congress, his father wrote him, "Always remember the man and woman by the wayside of the road."

In 1973, in words that are as applicable today, he declared:

> The overriding challenge of America today is to build a life of quality, a life that offers an opportunity and something of grace for all—a life based not on an abundance of machines and buildings and gadgets, but on human dignity and individual worth.

That philosophy led him to fight for the people of West Virginia. He could not forget the mountain children who struggled to get an education in Salem. He could not forget the hungry families his Mary had been willing to swim a river to help. As his father had urged him, he always remembered "the man and woman by the wayside of the road."

Jennings is a devoted member of our Senate prayer group. We all have learned much from Jennings' words and example. Recently, I ran across a prayer he once sent to me that begins, "I said a prayer for you today. * * *" I won't quote it all, but it goes on to say:

I asked that He'd be near you at the start of each new day
To grant you health and blessings and friends to share your way!
I asked for happiness for you in all things great and small—
But it was for His loving care I prayed the most of all.

I can't sing a song for him, but for his 88th birthday, I'd like Jennings to know that we said a little prayer for him today, for health and blessings and happiness, and friends to share his way, and that God might be near him at the start of each new day.

THE PLIGHT OF A SOVIET JEWISH FAMILY NEARS AN END

Mr. MOYNIHAN. Mr. President, almost 18 years ago a young Jewish scientist, Dr. Vladimir Raiz, and his wife Carmella applied for a visa to emigrate from the Soviet Union to Israel. They were among the very first Soviet Jews to apply for the right to emigrate and they were among the first to have their application denied on the grounds of "access to state secrets." They and their two young children suffered through long years of harassment and persecution, but never gave up hope, even after almost every other long-term refusenik received permission to emigrate.

I know that my colleagues in the Senate are familiar with the heroism of Vladimir and Carmella Raiz. For many years their case was raised regularly in meetings and correspondence with Soviet officials.

In the 214 months since the Raiz family first applied to leave the Soviet Union in May 1972 over 357,000 Soviet Jews have received permission to emigrate. The plight of the Raiz family became increasingly anomalous with each new improvement in Soviet emigration policy.

I rise today with a welcome report from the ancient city of Vilnius. Vladimir Raiz has been informed that his family's travail is nearing an end and that they will be issued the long-awaited visas to emigrate on Tuesday of next week. I know that this exciting news will delight all Americans who cherish human rights. It provides one more dramatic example of how the Soviet Union of Mikhail Gorbachev is undergoing a profound transformation.

I understand that Algirbas Brazauskas, the President of the Supreme Soviet of the Lithuanian Soviet Socialist Republic, played an important part in this development for which he is to be congratulated. Others played instrumental roles, including the New York-based Coalition for Soviet Jewry and communal leaders such as Albert Reichman and Ronald Greenwald. The new mayor of New York, David Dinkins, has spoken out on behalf of the Raiz family repeatedly. He held a press conference with Carmella Raiz, who is visiting the United States on a tourist visa, just 2 days ago. Special thanks are due to former Secretary of State George Shultz who made a tremendous contribution to the cause of Soviet Jewry.

In February 1987 57 Members of the Senate joined in sending a letter to General Secretary Mikhail Gorbachev. We did so in an effort to encourage the important changes then underway in the Soviet Union.

We wrote at that time that the U.S. Senate considered human rights to be an issue of great importance. United States-Soviet relations could not be divorced from the fundamental American commitment to human rights. Further improvements in bilateral relations would depend to a large degree on progress in Soviet emigration policies.

It has become increasingly evident that the Soviet Union has made enormous strides in this area. It is for this reason that I introduced a resolution last June stating that, upon receiving appropriate assurances concerning future emigration, President Bush should exercise the waiver clause in the Jackson-Vanik legislation concerning most-favored-nation status for the Soviet Union.

I ask unanimous consent that our February 1987 letter to Mikhail Gorbachev and of my floor statement in introducing last June's resolution be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

Mr. President, the decision to grant emigration visas to the Raiz family is a joyous event which stands out even in this stunning year. It is also an event which reminds us of the tenacity of the human spirit. I send my warmest congratulations to the Raiz family and wish them every future success.

There being no objection the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, February 4, 1987.

General Secretary MIKHAIL GORBACHEV,
Central Committee, Communist Party of the Soviet Union, the Kremlin, Moscow, U.S.S.R.

DEAR GENERAL SECRETARY: Your government has taken several specific steps during the past year that have been welcomed by people throughout the world who cherish human rights. These events include the release of Anatoly Shcharansky, Yuri Orlov and David Goldfarb and the recent decision to allow Andrei Sakharov and Yelena Bonner to leave Gorky and return to Moscow. In addition, Americans have noted the important steps taken by the Soviet government to permit the reunification of certain previously divided families and the permission granted to several cancer-stricken Soviet citizens to seek treatment in the West.

These developments are heartening to all those who had hoped that the Soviet Union, under your leadership, would take increased initiatives in the crucial area of human rights. It is precisely because of these hopes that we had expected that the new Soviet provisions on emigration would further facilitate the emigration process. We are, accordingly, profoundly disappointed to learn that these new provisions, in fact, appear to obstruct the very process they claim to be assisting.

The new emigration provisions restrict the right to emigrate to particular cases of family reunification. These new regulations offer little hope for the hundreds of thousands, a very large number of them Jews, who have expressed their desire to leave the Soviet Union for religious or humanitarian reasons. These new provisions thus appear to contravene both the 1948 Universal Declaration of Human Rights and the 1975 Helsinki Final Act.

Mr. General Secretary, you certainly understand that we, in the United States Senate, treat the issue of human rights with great seriousness. The kind of historic and unprecedented improvements in United States-Soviet relations that are desired by the leaders and peoples of both our countries cannot be divorced from the fundamental American commitment to human rights. The entire valuable structure of American-Soviet cooperation is built upon a foundation that has deep roots in the area of human rights. The construction of much-desired further bilateral progress depends to a large degree on progress on emigration and related issues.

In order for us to reap the benefits of improved bilateral relations, vis-a-vis human rights, there must be a release of prisoners of conscience—those who are imprisoned for affirming religious, cultural and political beliefs that are protected under the aforementioned international treaties, progress on the 400,000 cases of Soviet Jewish citizens who have completed the first step in the emigration process but whose applications have not been processed, and affirmative action on the more than 11,000 cases of Soviet Jewish citizens who have repeatedly been refused permission to emigrate to Israel.

While the new emigration provisions are disturbingly restrictive they contain a measure of flexibility that might well permit progress on these sensitive issues. The Soviet Union permitted over 50,000 Soviet Jews to emigrate in 1979. A return to a similar emigration policy would be welcomed by all who believe in the great importance of enhanced American-Soviet relations.

Sincerely,

Daniel P. Moynihan, David L. Boren, Larry Pressler, John F. Kerry, James Sasser, John Chafee, Alfonse M. D'Amato, John Heinz, Edward Zorinsky, John C. Danforth, Albert Gore, Jr., Donald Riegle, John D. Rockefeller IV, Brock Adams.

U.S. AMBASSADOR ABRAM URGES UNITED NATIONS TO "ERASE THE LIE"

Mr. MOYNIHAN. Mr. President, I rise once again to bring attention to U.N. General Assembly Resolution 3379 equating Zionism with racism. The resolution was adopted in 1975, at which time I was serving as U.S. Permanent Representative to the United Nations. I denounced the resolution as one of the most pernicious lies of our day. It is a lie whose sole purpose is to delegitimize the existence of a nation. And it is a lie which corrupts the very ideals embodied by the United Nations.

A number of my colleagues have joined with me to cosponsor Senate Joint Resolution 246, a bill which urges the United Nations to repeal this infamous resolution. In 1987, I introduced a similar resolution, which was signed into law by President Reagan on the occasion of a visit by Israeli President Chaim Herzog.

Earlier this week, at the 46th session of the United Nations Commission on Human Rights, U.S. Ambassador Morris B. Abram made a most eloquent statement regarding the resolution. I ask unanimous consent that his statement be printed in the Record at this point.

There being no objection, the statement was ordered to be printed in the Record, as follows:

[The 46th Session of the U.N. Commission on Human Rights]

Agenda Item 21—Racism, March 6, 1990

(Statement by Ambassador Morris B. Abram)

Madam Chairman: As a young boy growing up in Fitzgerald, Georgia, I saw racism with my own eyes. I lived in a segregated world. We had racially segregated schools, drinking fountains, bathrooms, and restaurants. No area of public life was left untouched. Both the folkways and the laws of my state were completely fitted to this perverse ideology.

The basis of racism is the belief in the inherent superiority of a particular race and its right to domination. Webster's Dictionary defines racism as "the assumption that . . . traits and capacities are determined by biological race and that races differ decisively from one another." If you need a working definition of racism, look at Nazi Germany. As a young lawyer at the Nuremberg trials, I came face to face with the enemy. And that enemy was the ultimate manifestation of racism.

When I first sat on a segregated trolley, I knew that racism was evil. I knew it viscerally and I knew it intellectually. I saw that it debased and degraded the dignity of men—all men. I knew that racism was repugnant to me as an American, that it stood in direct opposition to the fundamental principles of American democracy.

But I am not only an heir to the tradition of Jefferson and Lincoln. I am also an heir to the tradition of Abraham, Isaac and Jacob. And as a Jew reared on the values of the Torah, the Jewish Declaration of Human Rights, I had an obligation to fight racism.

Why? Because the essential message of Judaism, its Golden Rule, diametrically opposes racism. The Commandment to love thy neighbor as thyself means—if it means anything—that all men are created equal. It means, as the Bible so often exhorts, that we extend kindness to the stranger. Exodus: "Thou shalt not oppress a stranger, seeing you were strangers in the land of Egypt." Leviticus: "You shall have one law, the same for the stranger as for one of your own country." This overwhelming concern for outsiders, the hallmark of the Jewish tradition, is the exact opposite of racism.

This empathy for the outsider exists notwithstanding the natural solidarity of Jews. As the Talmud says: "All Israel is responsible, one for the other." The Jewish commitment to the stranger stands out even more given the historical vulnerability of Jews. Each year on Passover, when Jews recall their deliverance from slavery, the Hagaddah reminds: "In every generation they arise to destroy us." Jews recognize that because their existence has been so precarious, they need a sanctuary—a place of refuge.

The Jewish connection to the land of Israel is primordial, continual and eternal. The name of this yearning is Zionism. It is as much an expression of the Jewish tradition as the belief in One God, and it has been at the center of the Jewish religion for three thousand years—long before its modern manifestation as an international political movement.

The meaning of Zionism lies in its name. The historic Zion was a hill in ancient Jerusalem. It became synonymous with the City that King David established, and with the place where King Solomon built the Temple. The psalmist sat by the waters of Babylon and swore "If I forget thee, O Jerusalem, let my right hand forget her cunning." And, in explaination of the unbreakable link between Judaism and Zionism, the Prophet Isaiah proclaimed: "And it shall come to pass in the last days . . . for out of Zion shall go forth the law, and the word of the Lord from Jerusalem."

In the modern era, Zionism became the name for the national movement of the Jewish people that gave political expression to these ancient religious strirrings. But Zionism is more than an expression of ethnic pride of an oppressed people striving for the same rights as any other. The mother of my five children, herself not a born Jew, captured the essence of the link between Judaism and Zionism where we were at Nuremburg in 1946. Upon seeing the remnants of Hitler's camps straggling through Germany, unwanted anywhere except by their own people in Palestine, she turned to me and said: "A Jew is either a Zionist or without a heart."

The dream of Zionism is one of universal peace. The Zionist view articulated by the prophets was not limted to the good of Israel. Rather, it had an important universal component. "Nation shall be not lift up sword against nation, neither shall they learn war anymore." Based as it is on these prophetic ideals, Zionism has been a model for all honorable national liberation movements. It has successfully embodied a yearning for, a striving for, and finally an achievement of, tolerant nationalism.

Madame Chairman: In my lifetime, I have known both racism and Zionism. The meaning of each term should be clear to all of us. And they are total contradictions.

The modern State of Israel is the realization of the Zionist idea. Whatever its failings, it cannot be branded racist. Anyone can be a Zionist. Indeed, anyone can be a Jew. There are black Jews and brown Jews, yellow Jews and white Jews. There are Jews from the East and Jews from the West. During the past ten years, Israel has absorbed several thousand black Jews from the horn of Africa, accepting them as full-fledged citizens. Would a racist country of white people have taken such action, at considerable expense and risk?

Moreover, Israel is a country more devoted to equal rights than any other in the Middle East. Christians and Moslems, Orientals and Westerners sit together in the Israeli Knesset. How many Jews, I wonder, sit in the Parliaments of those countries who are at war with Israel? As Senator Daniel Patrick Moynihan, the former United States Representative to the United Nations, so eloquently stated on the floor of the General Assembly: "In logic, the State of Israel could be, or could become, many things, theoretically including many undesirable things, but it could not be and could not become racist unless it ceased to be Zionist."

Nevertheless, the United Nations General Assembly on November 10, 1975, passed its infamous resolution 3379, which stated "that Zionism is a form of racism and racial discrimination." This is a lie as absurd and outrageous at the "Protocols of the Elders of Zion," which were distributed by the Czars, and which have resurfaced with every new wave of anti-semitism in Russia.

Nor is this infamous resolution a cluster of idle words. Its sponsors well knew that the International Convention for the Elimination of Racism brands racist acts a crime. They have attempted to classify the essence of Jewry and the Jewish State as infected with criminality, and thus to replay Hitler's themes. And it is more than coincidence that this disgraceful General Assembly vote occurred on the thirty-seventh anniversary of Kristallnacht, Hitler's massive visitation of death and destruction on German Jewry.

The United Nations was founded in the wake of the defeat of Hitler's crimes, the result, in part, of his pernicious brand of racism. It would be an awful twist of history if the United Nations became the executor of Hitler's prophecy, and incidentally, branded as a criminal Hitler's longest and most persistent opponent—Winston Churchill—who proudly proclaimed that he was a Zionist.

This resolution was—and is—a disgrace. It blights this organization and each of its sponsors. And it is a blot on the principles of the Charter of the United Nations.

As we enter a new decade, let us call upon the General Assembly to erase the lie that taints our organization just as surely as the segregation of my youth tainted the American democracy.

Thank you, Madame Chairman.

TRIBUTE TO THE LATE MAYOR FRANK GRAVES

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to a dedicated public servant. With the passing of Frank Graves, mayor of the city of Paterson, NJ, has lost one of its political leaders. Mayor Graves served his State with dedication and distinction for over 30 years. With his hands-on style, he fought hard for, and enthusiastically devoted himself to, the city he loved.

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I knew Frank since our grammar school days together in Paterson. He went on to attend the University of Virginia and William Paterson College. In Europe during World War II, Frank served as a corporal with the Army's 50th Armored Division in Europe. Wounded in action, he was the recipient of the Purple Heart.

He began his political career as a Paterson alderman and served as a Passaic County freeholder from 1955 to 1960. He was elected to consecutive 3-year terms as mayor under Paterson's old form of government, serving from 1961 through 1967. From 1974 through 1978, he served as Paterson City council president. In 1982 he was elected mayor and reelected in 1986. In 1977 he was elected to the Senate and reelected in 1981, 1983, and 1987.

Frank devoted his career to making the city of Paterson a safer and better place to live. A strong believer in law and order, he was often the first on the scene during any major incident in Paterson, and could be found at most major crime scenes. On one occasion, unarmed, he apprehended three accused bank robbers and held them until the police arrived.

I joined Frank in the effort to raise the drinking age and to stop the loss of life on our roads from drunk driving. As a Democratic State senator representing parts of Passaic and Bergen Counties, Frank was proud of the bill he sponsored that raised the State's drinking age from 19 to 21. The bill passed the legislature in 1981.

An advocate of firefighters and police, the Graves Act in 1981 set mandatory prison sentences for individuals convicted of using a gun during a crime; and legislation he introduced to ban assault weapons is pending in the legislature. He was also responsible for a bill that created special penalties for drug possession or sales within 1,000 feet of a school.

His dedication and commitment to his city were at the root of his efforts to preserve Paterson's historic heritage and to revive its economy. He helped build community pride in the city he loved. Under his leadership, Paterson has experienced an ongoing renewal. I joined with Frank at the reopening of the hydroelectric plant at the Great Falls and he was very proud of this accomplishment.

Admired and loved by family, friends, and colleagues, Mayor Frank Graves leaves a rich legacy of contributions to the State of New Jersey.

I extend my deepest sympathies to his wife, Ethel, and to his three daughters Linda DeJesus, Karole, and Nancy, and his two grandchildren. He was a friend, as well as a colleague. All of us will miss this dynamic man.

ORDERS FOR FRIDAY

RECESS UNTIL 10 A.M.; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. on Friday, March 9; that following the time for the two leaders, there be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, at 10:30 a.m. the Senate will resume consideration of the clean air bill.

RECESS UNTIL 10 A.M. TODAY

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and I see no other Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 10 a.m., on Friday, March 9.

There being no objection, the Senate, at 12:48 a.m., recessed until Friday, March 9, 1990, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 8, 1990:

THE JUDICIARY

ADRIANE J. DUDLEY, OF THE VIRGIN ISLANDS, TO BE A JUDGE OF THE DISTRICT COURT OF THE VIRGIN ISLANDS FOR A TERM OF 10 YEARS VICE ALMERIC L. CHRISTIAN, RETIRED.

DEPARTMENT OF JUSTICE

ARTHUR F. VAN COURT, OF CALIFORNIA, TO BE U.S. MARSHAL FOR THE EASTERN DISTRICT OF CALIFORNIA FOR THE TERM OF 4 YEARS (REAPPOINTMENT).

IN THE NAVY

THE FOLLOWING NAMED REGULAR OFFICERS, TO BE REAPPOINTED PERMANENT COMMANDER IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, UNDER THE PROVISIONS OF ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

MEDICAL SERVICE CORPS

To be commander

LAWRENCE JOSEPH BOLAND, JR
DEAN F GLICK
ROBERT LESLIE HOLDREDGE

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE

LINE OF THE AIR FORCE

To be lieutenant colonel

BARTON L. ABBOTT, 466-88-2345
MICHAEL D. ABEL, 316-56-6077
JEFFREY W. ACKERSON, 090-46-9986
MICHAEL D. ACRES, 555-70-5790
GEORGE W. ADAIR, 585-32-2804
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WILLIAM R. BYNUM, 457-98-1335
JOHN L. BYRD, 459-64-6966
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JOHN M. BYRNE, 016-38-4188
ROBERT H. BYZEWSKI, 530-36-7636
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GEORGE R. CARPENTER, 047-38-2011
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JEFFREY L. TYLEY, 502-60-2135
JOHN C. UFFORD, 542-66-4315
WILLIAM A. ULM, 321-48-7414
J. FLOYDRIDGE UNDERWOOD, 419-66-9588
VIRGIL F. UNGER, 508-70-5494
GREGORY UNNEVER, 043-46-0971
WILLIAM J. UPTON, 321-44-1156
DAVID P. URBANSKI, 271-52-7425
RUSSELL J. URDAHL, 456-88-4597
DENNIS R. VAILLANCOURT, 032-38-3751
DAVID L. VALENTA, 479-58-3706
LARRY N. VANBUREN, 491-52-4610
JOHN E. VANDENDRIES, JR., 115-46-7843
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RONALD M. VARLEY, 359-36-8309
JIMMIE N. VARNADO, 421-70-4720
GARRY C. VARNEY, 229-74-7254
ALAN J. VAUGHN, 571-92-5286
ROY C. VAUGHN, JR., 404-76-5156
KENNETH W. VECHIK, 225-78-7390
LESLIE A. VEDITZ, 364-60-5130
ROBERT D. VENTO, JR., 418-72-7113
EDGAR A. VERCHOT, JR., 418-72-7632
JOHN M. VEREB, 308-56-2196
JOHN O. VERLING, 530-36-0740
GERARD F. VESHOSKY, 266-08-1064
SELDEN W. VONDERHOFF, JR., 374-54-6868
JOHN R. VOSS, 464-86-5881
LARRY B. VOSS, 262-94-6812
JOHN C. VRBA, 273-48-1351
THOMAS P. WADDELL, 516-62-9523
EDWARD L. WADDY, JR., 230-78-4135
DARRELL P. WAGNER, 480-70-3816
FREDERICK E. WAIBEL, 191-40-1274
RONALD D. WALKER, 404-76-4110
SAMUEL A. WALL, 237-54-8078
CHARLES M. WALLACE, 417-50-6255
DAVID G. WALLACE, 143-48-0622
RICHARD W. WALLACE, 464-92-6231
ROBERT T. WALLACE, 450-04-5594
STEPHEN H. WALLINGFORD, 563-74-2283
STANLEY J. WALLOGA, 117-34-2295
GERALD L. WALZEL, 466-86-1238
ROBERT S. WARD, 075-40-8576
KENNETH M. WARE, 234-78-7313
HELEN J. WARNER, 523-78-2220
JAMES F. WARNER, 011-38-6761
MACK L. WARNER, 459-80-4083
BOBBY H. WASHINGTON, 245-84-3396
JOHN L. WASHINGTON, JR., 139-40-6174
THOMAS G. WASSON, 245-76-0482
HARRY J. WATERS, 493-50-7699
THOMAS R. E. WATERS, 321-34-7305
LARRY M. WATFORD, 461-80-4197
BURNIE M. WATSON, III, 461-84-4093
FRANK S. WATSON, 585-28-3203
RAYMOND F. WAWRZENIAK, 206-38-2499
JOHN W. WEAVER, 369-58-0701
THOMAS E. WEAVER, 279-42-6285
MICHAEL E. WEBB, 410-94-2692
STEPHEN B. WEBB, III, 436-76-1981
HENRY J. WEBER, 502-58-6152
PAUL A. WEBER, 443-42-8793
BRIAN M. WEISEL, 526-84-9839
STEVEN W. WEISS, 365-50-2503
DAVID L. WELCH, 231-62-7288
RICHARD W. WELCH, 538-54-6993
FRED L. WELLS, III, 289-44-7382
MICHAEL E. WELLS, 443-56-0174
JOHNNY C. WEST, 429-98-8737
MICHAEL S. WEST, 382-56-5570
CHARLES M. WESTENHOFF, 562-74-2285
WILLIAM C. WETZIG, JR., 490-54-9989
JOSEPH M. WHEATLEY, 519-62-8144
MICHAEL F. WHITAKER, 224-72-6497

MARSHA P. WHITE, 504-54-2156
MARVIN C. WHITE, 439-86-4350
MICHAEL T. WHITE, 196-42-2383
ROBERT L. WHITE, 536-44-5495
THOMAS J. WHITE, JR, 477-52-6332
JOHN E. WHITEFORD, JR, 217-62-7643
MARK D. WHITLOW, 498-50-2783
THOMAS J. WHITMIRE, 255-82-4805
RANDALL D. WHITMORE, 484-58-1085
KATHY S. WHITTEN, 465-90-4635
MICHAEL J. WILD, 223-72-3345
LINN E. WILDE, III, 267-02-1866
CATHERINE M. WILDS, 382-48-8525
DALE L. WILKEN, 524-74-0210
KENNY J. WILKERSON, 440-56-5070
HUGH B. WILLEFORD, 310-54-9077
ALAN P. WILLIAMS, 178-42-9216
CHARLES P. WILLIAMS, 522-68-3985
JAMES C. WILLIAMS, 521-82-4208
LINDSEY T. WILLIAMS, 422-64-5875
MYRON E. WILLIAMS, 248-96-4809
STEPHEN L. WILLIAMS, 484-56-2888
THOMAS G. WILLIAMS, 242-90-9796
WILLIAM A. WILLIAMS, 449-80-4112
CHARLES R. WILLIAMSON, 505-66-3595
KEITH E. WILLIAMSON, 513-48-9922
WARD T. WILLIS, 529-74-4451
LYNN R. WILLS, JR, 252-76-5064
CHARLES E. WILSON, 416-72-5822
DAVID S. WILSON, 409-92-0386
SHARON C. WILSON, 138-46-0865
NELSON R. WILT, 114-38-9649
LEO K. WINGATE, 412-78-4377
HORST P. WINKLER, 491-54-1574
WILLIAM M. WISE, 262-94-7459
ANIDA G. WISHNIETSKY, 242-74-2372
JOHN C. WITZEL, 456-94-4882
MICHAEL L. WOLFERT, 297-48-5911
JAMES E. WOODARD, JR, 416-58-9736
RUSSELL T. WOODMAN, 003-28-8397
ALAN H. WOODRUFF, 479-62-2474
ROSIE M. WOODS, 438-90-5100
GARY K. WOODSMALL, 325-44-8339
JOHN S. WOODWARD, 128-42-8720
RONALD D. WOODWARD, 546-82-1833
VAGOLA S. WOOTEN, 231-68-3460
ROBERT E. WORLEY, 226-66-4921
THOMAS R. WORSDALE, 067-46-0597
BRIAN D. WORTH, 466-98-3727
MICHAEL A. WRIGHT, 358-36-7020
MICHAEL E. WRIGHT, 213-56-7911
DONOVAN E. WYATT, 249-96-4467
JACK A. WYLIE, JR, 456-78-8469
WESLEY T. WYRICK, 454-94-9297
JOSEPH WYSOCKI, 372-60-6075
RONALD D. YAGGI, 304-62-2965
WESTLEY N. YAMASAKI, 575-50-6932
MARLON W. YANKEE, 411-86-9700
THOMAS S. YARBROUGH, 415-76-1932
ANTHONY S. YASKIN, 492-58-8745
WILLIAM D. YATES, 258-70-4766
PAUL D. YEOMAN, 313-52-5197
BEN F. YOUNG, JR, 253-96-5360
JOSEPH R. ZAHROBSKY, 118-38-3338
PAMELA J. ZENNER, 471-62-8021
DAVID J. ZIEGLER, 501-52-9413
R. D. ZIEHM, 539-48-0472
GEORGE M. ZINCK, 504-46-7364
JANE R. ZUKERBERG, 311-54-0284

CHAPLAIN CORPS

To be lieutenant colonel

GILLES J. R. BRAULT, 097-40-1691
DAVID E. BREEDING, 412-78-9157
KENNETH R. COLTON, 386-42-0313
DAVID L. CORNTHWAITE, JR, 217-64-0493
JOHN J. CUSACK, 099-36-9304
STEPHEN W. DEGWECK, 075-40-0020
CHARLES W. ECHOLS, 423-86-4731
JAMES R. GABLE, 197-40-9871
JOSE L. GARCIA, JR, 447-46-2836
JOHN G. GOODMAN, 431-86-1605
ROBERT M. GURR, 528-88-2519
ROBERT W. HADLEY, 294-38-1571
RAYMOND C. HART, 423-56-9286
THEODORE A. HENDERSON, 564-92-4673
RICHARD K. HUM, 567-90-4201
ROBERT F. IPPOLITO, 016-34-2438
RICHARD A. JOHNSON, 178-36-3774
EUGENE R. KRIEGER, 267-60-6420
CHARLES H. LOCKLIN, III, 426-78-1056
WILBERT L. MICKENS, JR, 225-74-4160
CARLO F. MONTECALVO, 039-30-2425
RONALD A. NEWLAND, 147-36-0034
THOMAS P. OLSZYK, 388-46-2593
DAVID M. PARK, 461-68-9708
GARLAND L. ROBERTSON, 426-92-1711
TRAVIS C. ROBINSON, 432-78-0044
WALLACE H. ROBINSON, 476-46-1088
DAVID C. SESSIONS, 251-80-9303
GLEN B. SHAW, 538-46-5103
STEVEN T. SILL, 441-56-5467
SHELBY B. TAYLOR, 432-94-4999
HENRY B. WILBOURNE, 227-64-1413
JON L. WUERFFEL, 478-54-1422

JUDGE ADVOCATE

To be lieutenant colonel

WILLIAM G. ANDERSON, JR, 152-40-8512
DONALD E. BAILOR, JR, 188-38-3654
MARK R. BELL, 311-58-2773
MARTHA H. BOWER, 045-48-9411
KEVIN L. DAUGHERTY, 411-94-0535
DAVID M. DAVIS, 427-92-8867
STEPHEN C. DONNELLY, 008-40-7208
VICTOR R. DONOVAN, 091-46-3589
FRANCIS H. ESPOSITO, JR, 406-74-8922
MARTHA E. FRED, 297-42-2323
BARRY L. GUTZMAN, 585-20-6344
BRENDA J. HOLLIS, 301-38-8619
DAVID E. JACKSON, 315-48-3753
ROBERT E. KASZCZUK, 326-38-9005
LESTER K. KATAHARA, 575-54-3794
LARRY A. KUDRLE, 477-50-2100
NOEL J. PHETTEPLACE, 508-56-9167
JOHN J. POWERS, 073-40-6976
MICHAEL J. ROLLINGER, 397-46-9589
JARISSE J. SANBORN, 214-58-1396
DAVID M. SCHNEIDERMAN, 031-38-7290
ROBERT S. SCHWARTZ, 059-42-6035
RICHARD E. SLIPSKY, 026-36-3601
MILTON L. SMITH, III, 136-42-1696
FELIX J. STALLS, III, 453-78-6736
CAROLYN S. STOEHR, 548-74-0017
JOSEPH J. TRAFICANTI, 374-48-6753
PATRICIA L. VANDENBROEKE, 472-68-4113
REBECCA S. WEEKS, 522-78-0443
LEO B. WEGEMER, 190-40-8272

NURSE CORPS

To be lieutenant colonel

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DEBORAH A. B. AIN, 024-42-5714
GARY E. ANDERSON, 392-44-5298
DORIS A. BATTLE, 240-90-9272
DONNA F. BEHL, 161-40-1391
LINDA G. BERTINASCO, 041-46-4191
CARLA BIEHL, 267-94-6785
NORMA K. BOLTON, 508-70-5051
JUNE E. BONK, 505-76-0542
CHESTER C. BOSTEK, 573-68-7773
LINDA L. BOYLE, 166-38-4637
TERRY D. CAMPBELL, 408-80-6186
CHARLES P. CLARK, 330-36-3437
MARY L. COLEMAN, 403-80-9298
BRUCE B. DAVENPORT, 397-54-7670
DEBORAH L. DICICCO, 288-48-2493
LINDA M. DOWNING, 400-74-2746
MARGARET L. EASTERLING, 009-38-7348
QUANNETTA T. EDWARDS, 369-58-4844
DONALD G. ELDRIDGE, 005-46-3475
PATRICIA E. FLOWERS, 452-70-7192
BRADLEY G. GAMMILL, 432-02-6857
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MARYEILEEN HARRISON, 034-42-2106
LINDA F. HENDERSON, 261-92-3621
KERBY L. HERTZ, 501-60-5155
CAROL A. HEWSON, 027-44-1502
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PATRICIA A. HOWARD, 526-86-9982
KATHERINE T. KLAUS, 085-42-8182
TERRENCE L. KLEIN, 473-60-7352
RICHARD J. KNECHT, JR, 210-38-0455
CATHY H. LANEY, 570-66-7129
DEBRA K. LESTER, 243-92-7273
NANCY L. LEWIS, 160-46-5031
LAUREL A. MCKEITH MARAZ, 262-86-7658
DENNIS C. MARQUARDT, 389-46-0242
MARSHA A. MATTHEWS, 384-58-1738
CAROL L. MCINTYRE, 012-40-9318
RALPH E. MINTON, 077-38-9381
BRENDA S. MUEGGENBORG, 233-74-3536
JACQUELINE E. MURDOCK, 030-38-7490
MARY A. OLSON, 502-42-0975
TERESA W. PAGE, 267-19-1460
ROBERT S. PATT, II, 176-40-2551
ALICIA A. POSLOSKY, 193-42-9299
RICHARD J. PROUDFOOT, 045-36-8740
LINDA M. PRUST, 477-60-5274
CAROL A. PURVIS, 259-90-3728
PAMELA M. ROBERTS, 548-80-2934
PAMELA A. RUSTVANG, 503-64-5016
EDITH S. SANDOVAL, 552-86-5199
DEBORAH A. SCHOBEL, 226-82-3783
RICHARD W. SCOTT, 303-52-7810
LINDA D. SIEGEL, 223-74-2357
SHIRLEY W. SLETTEDAHL, 214-60-4290
ANN L. SMITH, 188-38-7096
MARGARET M. STALLARD, 218-54-2660
CLAUDIA L. STORHOFF, 151-48-6038
MEREDETH A. STUCKY, 531-46-8739
BARBARA C. SUTTON, 400-74-6840
MARY THOMPSON, 110-44-9169
SANDRA J. TRIPP, 503-50-4604
NANETTE A. TRUMBULL, 467-06-6128
THOMAS A. VANN, 227-70-2585
GAYLE M. VELLUCCI, 265-92-7608
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CONSTANCE M. WHORTON, 156-40-2627
JUDITH A. WILLS, 003-42-9458
SARAH E. WRENN, 232-78-2937
DARLENE J. ZAK, 366-42-9995

MEDICAL SERVICE CORPS

To be lieutenant colonel

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RITA S. ATHERTON, 169-44-2670
RICHARD R. BANNICK, 531-46-8946
SCOTT J. CALL, 562-64-7671
JEFFREY W. COOPER, 267-84-9426
DALE W. DAVENPORT, 235-74-0170
THOMAS E. DAVENPORT, 279-38-7632
DONALD T. DAVIES, 354-36-7111
RONALD L. EVANS, 510-52-6100
ROBERT C. GELTZ, 282-40-8573
HERMAN R. GREENBERG, 076-38-0443
STEPHEN W. GRESSEL, 541-56-7792
MARTIN L. HARPER, 587-24-6555
MARTIN A. HAY, 564-82-8425
JOSEPH P. JENSEN, 257-72-6606
JOHN W. KENNEDY, 265-68-9023
RAY KINCY, 376-42-5932
WILLIAM B. KLEEFISCH, 494-46-3932
JOHN A. LEE, 260-74-8379
JEROME P. LUBY, 150-44-0948
NANCY L. MCDANIEL, 532-58-8492
THOMAS D. MCKINNEY, 260-74-0076
LANE A. ONGSTAD, 568-76-5716
MATTHIAS B. PISUT, III, 330-40-1040
FRANK E. SCHMIDT, III, 466-76-1423
DONALD W. SHIELDS, 502-66-1942
WILLIAM A. STONE, 234-76-0075
KERNIST T. STOVALL, JR, 239-90-8565
WORTH R. TAYLOR, 460-74-8934
PAUL L. THOMAS, 557-78-8560
DANIEL L. WEISKITTEL, 274-42-7027
KENNETH L. WHITAKER, 267-70-1231

BIOMEDICAL SCIENCES

To be lieutenant colonel

ROBERT C. ANDERSON, 194-36-5364
ALEXANDRA C. BAKARICH, 536-42-3183
PAULA A. BLOCK, 230-78-3960
BOBBY L. BOURLAND, 462-76-2439
DENISE M. BROWN, 152-46-7635
LEALLAN L. BUROUGH, 520-52-6903
WILLIAM G. CARGILL, 554-70-7081
THERESA M. CASEY, 445-62-8360
JAMES M. CHEATHAM, 235-76-2914
SANFORD M. CHESLER, 572-76-5684
TERRY A. CHILDRESS, 462-72-7304
LEWIS F. COX, 421-68-7165
DENTON R. CROTCHETT, 546-74-3655
DALLAS D. DIEDERICH, 499-48-9933
WILLIAM J. FODOR, 075-40-0004
JAMES F. GOODMAN, 411-80-2429
DAVID H. GWINN, 234-56-7283
KURT A. HAMMOND, 393-58-8124
HARRY C. HARSHBARGER, JR, 254-72-7608
NEIL D. HOROWITZ, 090-36-8428
DAVID L. KIRKPATRICK, 012-36-7046
THOMAS R. MALEY, 105-36-2354
ROBERT J. MCKENNA, 559-62-3044
TERRY J. MEIER, 389-48-2855
ELLIOT K. NG, 572-70-3408
DEBORAH S. PAGE, 578-62-4165
JOSEPH T. PATTERSON, 497-44-6442
PAUL L. PEARMAN, 317-42-9793
DALE A. PETERSON, 479-66-5640
MILTON J. PETRIN, 516-62-0443
TIMOTHY P. PHILPOTT, 310-44-4855
RICHARD G. PUGH, 529-72-5653
PAUL T. RAY, 266-96-8863
HAROLD D. ROSENHEIM, 076-40-7589
ROBERTA L. RUSSELL, 558-96-5744
BENIGNO SIERRAIRIZARRY, 584-24-8374
ISAAC C. SINGLETON, 267-58-6374
NELSON K. SMITH, 020-34-4520
RICHARD E. SMITHERMAN, 225-80-7125
WILLIAM C. TWEEDIE, 566-70-7542
CLIFFORD M. WALKER, JR, 256-68-8866
LAWRENCE C. WARREN, 491-50-6064
DALE E. WHITNEY, 528-70-3279
FRANK H. WIANS, JR, 034-34-8928
ROBERT L. WILLIAMS, 488-52-5809

IN THE ARMY

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

CHAPLAIN

To be colonel

RICHARD L. ADAMS, 560-56-4711
THOMAS T. BUNNETT, 558-44-6216
JOHN G. COTTINGHAM, 244-74-5810
JOHN J. KAISING, 281-30-2503
CHARLES E. MALLARD, 263-56-7464
JAMES D. MASTELLER, 146-34-6931
MARVIN A. MCROBERTS, 289-30-3243
MATTHEW A. QUINLAN, 122-30-3797
JESSE G. SADDLER, 414-64-2620
THOMAS R. SMITH, 416-48-8852

MEDICAL CORPS

To be colonel

ROBERT S. *, BAUSCH, 275-38-3400
ANDRE R. BOISSEVAIN, 174-26-7179
GARY R. *, BURCH, 066-32-3187
WILLIAM M. *, COLEMAN, 253-56-3060

PILARITA G. *. CORTEZ. 038-38-6500
RONALD J. *. EDWARDS. 220-46-5355
EDWARD C. *. ELSON. 496-40-5169
GERALD D. * EVANS. 503-56-5827
JOHN P. FOGARTY. 131-38-9819
CHARLES G. FRANK. 188-38-6301
STEPHEN D. *. GIBBS. 474-46-1719
JOHN R. *. HESS. 539-42-3385
MARVIN E. HILL. III. 410-86-3781
THOMAS C. HOPPER. 405-68-0773
GAYLE A. HUMM. 368-50-8235
FELICE M. IAPAOLO. 037-30-7174
JEAN T. JACKSON. 358-42-9632
WILLIAM D. JAMES. 514 56-0360
JAMES W. *. KIKENDALL. 409-80-4353
JAMES M. LAMIELL. 223-60-8861
GEORGE H. LOWELL. 080-36-6207
DAVID J. *. MAGELSSEN. 485-56-9224
CALVIN E. MEIN. 509-52-1766
DAVID L. * MICHAELS. 296-30-5670
MANUE *. MORALESCABRANES. 581-44-2087
WALTER M. *. NEWTON. 250-40-2463
JOSEPH E. PARISI. 066-38-7417
RONALD E. PRIER. 551-76-0173
ELIZABETH C. QUINLAN. 021-40-7308
SURYAKUMAR * RAJARAM. 218-78-9973
ROBERT L. *. RAMSEY. 230-60-5991
ROBERT L. *. REED. 147-28-0073
TIMOTHY D. SHEEHAN. JR. 520-48-0926
KARL S. SNYDER. 460-70-7415
THOMAS J. TAYLOR. 066-28-9754
MARY F. *. VAETH. 397-50-9101
PAULINO O. VASALLO. 579-58-0391
HOWARD A. WIENER. 075-36-8155

MEDICAL SERVICE CORPS

To be major

PAUL M. ADAMS. 178-48-9388
DOUGLAS C. * ANDERSON. III. 251-78-7551
RONALD E. *. ANDERSON. 247-04-7001
MARVIN C. ARNOLD. 493-48-0235
GARRY F. *. ATKINS. 377-54-2856
THOMAS M. *. BAILEY. 385-60-3288
STEVEN A. *. BAKER. 030-46-5343
LOUIE M. *. BANKS. III. 437-92-0693
STEPHEN T. * BECK. 208-52-3463
ROBERT S. *. BOROWSKI. 352-42-0253
MICHAEL G. *. BOWIE. 374-54-4403
ROGER B. *. BOYKINS. 238-92-7914
FRED H. * BROWN. JR. 215-50-0161
RALPH V. * BROWN. 301-50-8835
ROBERT R. *. CALDWELL. 500-50-5894
JOHN J. *. CIESLA. 468-74-2694
ANDRE D. * CLARK. 106-52-6428
ROBERT W. *. COLLINS. 453-82-2048
CATHERINE L. *. COOK. 246-08-7434
DAVID J. *. COREY. 065-48-9769
DAVID W. CRAFT. 225-80-1928
WILLIAM T. * CROSS. 048-52-4310
JAMES B. CROWTHER. 451-21-7352
GARNET R. *. DALE. 234-92-8425
GREGORY C. * DEMPSEY. 053-40-8217
JODI L. * DEUGER. 021-46-2379
KENNETH E. *. DICK. 528-82-2197
WILLIAM K. * DORR. 116-48-1180
CARLOS A. * DOUGLAS. JR. 462-17-1048
STEPHEN M. *. DOWNS. 268-64-6741
SHERMAN A. * DUNLOW. 161-52-8511
FREDDY D. *. EAVES. 465-76-8237
WALTER H. * EGENMAIER. 349-44-7915
DOUGLAS A. * EIDE. 330-46-8667
VICTOR C. EILENFIELD. 258-02-7038
MARC L. *. EISENMANN. 393-56-6044
TERRY V. * ELLINGSON. 501-58-9359
JOHN J. * ELSHAW. 296-44-6189
RONALD E. ESKEW. 248-11-4221
WILLIAM D. * EVANS. 379-56-0514
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FRANK C. FLORO. 173-42-3507
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BENJAMIN P. * FRENCH. 126-52-6510
KARL E. * FRIEDL. 046-50-6733
WILLIAM R. *. FRY. 291-54-8514
DEBRA D. *. GALLOWAY. 064-54-1098
FREDERICK J. GARGIULO. 437-92-0444
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JOHN D. * GRABENSTEIN. 216-72-6882
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WILLIAM H. *. RIVARD. III. 013-48-3669
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WARNER L. *. TYREE. 159-48-3300
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MICHAEL A. *. WEHNER. 255-76-7061
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THE FOLLOWING NAMED OFFICERS OF THE MARINE CORPS FOR PERMANENT APPOINTMENT TO THE GRADE OF COLONEL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

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CHARLES R. ARMSTRONG. 6003
HARRY K. BARNES. 0846
DONALD B. BEAVER. 4412
JENNINGS B. BEAVERS. II. 9055
JAMES H. BENSON. 6853
MARTIN R. BERNDT. 8515
DAVID F. BICE. 8140
WAYMAN R. BISHOP. III. 1498
REED T. BOLICK. 1064
DANIEL M. BRANNON. 4011
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SLADE A. BREWER. 2842
KENNETH J. BROWN. 4941
ROBERT R. BUCKLEY. 0398
LAURENCE K. BURGESS. 8420
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THOMAS R. CARSTENS. 0428
RICHARD W. CHAMBLISS. 1891
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JOHN T. CLINTON. 6189
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MICHAEL J. CROSS. 8484
WALTER F. DEHOUST. 9115
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WILLIAM H. FRIZELL. 6110
JAMES A. FULKS. 6967
MILTON J. GANIER. 3237
CHERYL A. GARBETT. 0132
JOSEPH C. GARBROUS. 3756
ROBERT J. GARNER. 8283
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LYLE D. GEARHART. 1555
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DAVID C. HAGUE. 7488
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WILLIAM HARLEY. 1222
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MICHAEL M. HENDERSON. 5105
THEODORE G. HESS. 1649
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DAN P. HOUSTON. 5058
PETER G. JACOBS. 1587
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EDWARD M. LEONARD. 1796
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JOHN M. SHOTWELL. 7039
TERRANCE L. SMITH. 5585
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CLIFFORD L. STANLEY. 4000
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ROBERT R. TYLER. 3179
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FREDERICK C. WILLIAMS. JR. 2766
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CHARLES F. YOUNG. 2497

EXTENSIONS OF REMARKS

U.S. POLICY IN THE MIDDLE EAST AND PERSIAN GULF

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. HAMILTON. Mr. Speaker, following is the prepared statement of Assistant Secretary of State for Near East and South Asian Affairs John H. Kelly before the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs.

The statement offers a good summary of where we are in the region in the peace process, in the United States dialog with the PLO, on the issue of Soviet Jewish emigration, in Lebanon and in the Persian Gulf.

The statement of February 28, 1990, follows:

STATEMENT OF JOHN H. KELLY, ASSISTANT SECRETARY OF STATE, BUREAU OF NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. Chairman, Members of the Subcommittee: Thank you, Mr. Chairman. I am pleased to appear before the subcommittee today. I will discuss a number of developments which have occurred in the Middle East and South West Asia since I last testified before the Subcommittee in November. Before going into the details of current developments, I would like to take a somewhat longer-term and broader view by examining the situation in which we find ourselves today compared to the situation just a little over a year ago at the start of the Bush Administration.

OVERVIEW

I do not want what I am about to say to be taken as too optimistic. The Middle East and South West Asia remain afflicted with tension. Too many people continue to die in senseless conflicts and acts of terrorism. If we compare the situation in the region now to what it was when President Bush first took office, we can find a number of developments in which we can take a measure of satisfaction.

This Administration has worked intensively with our friends in Egypt and Israel to advance the Middle East Peace Process. These efforts have begun to bear fruit; I believe that we are closer now to creating the conditions for an Israeli-Palestinian dialogue than than we have been since the creation of the state of Israel in 1948.

Lebanon remains plagued by internecine and inter-communal conflicts, but that country's parliamentarians were able with Arab League assistance to meet last fall at Taif, Saudi Arabia and reach a landmark agreement which marks the first constitutional change in that nation since 1943.

In North Africa, the governments of Morocco, Tunisia, and Algeria remain stable and U.S. relations with these states remain good. Our relations with the Arab states of the Gulf continue to be solid. We have maintained a commercial relationship with Iraq and established a political dialogue with that state.

PEACE PROCESS

We remain actively engaged in efforts to advance the Peace Process. In December I visited Israel and Egypt and discussed with the leadership in both countries our efforts toward peace. Since the Governments of Egypt and Israel agreed to our five point framework for progress toward an Israeli-Palestinian dialogue, we have actively been at work in the effort to put together the dialogue.

Secretary Baker has been in constant contact with Egyptian and Israeli leaders, and we have had a number of senior-level exchanges with representatives of both countries. In mid-January, Egyptian Foreign Minister Abdel Meguid led a team to Washington which, although focused on economic matters, allowed for detailed discussions of the Peace Process. Israeli Defense Minster Rabin was in Washington at the same time and we had a good exchange with him.

In these talks, we urge more rapid movement toward the dialogue. We also tried to advance the process during Israeli Foreign Minister Aren's visit here last week.

Our basic approach remains constant. We continue to endorse the Israeli Cabinet peace initiative of May 14, 1989 and are pursuing its objective of organizing elections in the occupied territories, leading to negotiations on interim arrangements and final status. As indicated in our five points, we seek, as a first step in this process, a meeting of the foreign ministers of Egypt, Israel, and the U.S. The objective of this meeting is to agree on the details of an Israel-Palestinian dialogue on elections, how to get to elections, the election modalities themselves, and how to link elections to the broader negotating process. The first session would be held in Cairo. This trilateral meeting has not yet been scheduled, but the time is now at hand for political decisions by the parties.

In our discussions with the Egyptians and the Israelis, we are dealing with a number of difficult issues, including the composition of a Palestinian delegation for the dialogue. We have been discussing general criteria for delegation members with both Israel and Egypt.

Another outstanding issue is the agenda for the dialogue. We favor a simple agenda providing for opening statements and then the start of discussions focusing on elections.

We are persuaded our current approach is the best opportunity for progress likely to become available. The Israeli and Palestinian leaderships must be encouraged to seize the opportunity for practical progress now before them and to move ahead to a dialogue and negotiations. These are difficult issues and there are many hard decisions to be made in order for the process to move forward. Political will must be found on all sides for this process to move forward.

PLO DIALOGUE

It is most important to recall the underlying premise and starting point of our dialogue with the PLO. It started because the PLO changed its position on three critical issues—renunciation of terrorism, recognition of Israel's right to exist, and acceptance of U.N. Security Council resolutions 242 and 338 as the basis of negotiations for comprehensive settlement. It was and remains in our interests to hold the PLO to the commitments it undertook in December 1988.

After more than a year, our dialogue with the PLO has helped to clarify to the PLO what is and is not possible in the Peace Process. The PLO has become more aware of the need for a practical approach that can produce results. The movement in the Peace Process which we now see reflects in part a PLO willingness to proceed in this fashion. In the final statement issued by the PLO Central Council in Baghdad on October 17, 1989, the PLO described direct Israeli-Palestinian talks as "a step toward achieving a just solution." We view the dialog as an important tool toward ending Palestinian radicalism, including terrorism.

The PLO has discussed seriously concepts such as elections, a transitional period, and direct Palestinian talks with Israel which, although still needing practical application, represent steps forward. The PLO's desire to maintain the dialogue has provided an incentive for further movement toward moderation and positive steps. Israel's own plan for elections requires finding a credible Palestinian delegation to begin a negotiating process.

The dialogue is important to the Arab nations whom we are also trying to influence toward peace and co-existence with Israel. It has been far easier to bring along Arab public opinion on peace issues—a major U.S. and Israeli goal—because the PLO, as a result of our dialogue, has adopted publicly more moderate positions. Our whole approach has been to engage the PLO in process—a process in which movement may be incremental but still tangible.

SOVIET EMIGRATION

Turning to another major development in this past year, as a welcome by-product of perestroika there has been a significant relaxation of Soviet policies on emigration. This has been an important American objective for decades. We welcome the new Soviet policy, as we firmly believe in the fundamental human right of freedom of movement for all peoples.

There has been a significant increase in Soviet emigration. In FY 90 the United States expects to admit some 60,000 to 70,000 Soviet emigrants, the majority of whom will be Jews, including refugees, immigrants and parolees. Nevertheless, many more Soviet Jews are leaving, and a large number of them are going to Israel.

The rise in Soviet Jewish immigration to Israel is potentially a profound historic event which we welcome. I am proud of our country's role in bringing this about. Furthermore, we want to support Israel's efforts to absorb and integrate these people into Israeli society. In this connection, we have already urged the Soviet Union to agree to direct flights between the USSR and Israel.

That said, there are serious potential consequences were Soviet immigrants to be resettled in the territories occupied by Israel in 1967. The Administration has made clear

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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its strong opposition to any settlement activity and, particularly to any settlement by Soviet Jews in these territories. Our position on this matter was stated by Secretary Baker when he testified before the full committee last Thursday that the best approach would be that there would not be more settlements or more settlement activity and that the Israeli Government issue a statement that Soviet emigres will not be settled in the territories occupied by Israel in 1967.

LEBANON

The Administration was dismayed by the renewal of fierce fighting inside the Christian enclave between units of the Lebanese Army loyal to General Aoun and the Lebanese Forces Christian militia. The fighting, which began in late January, has claimed hundreds of lives and injured several thousand, most of them non-combatants. We find General Aoun's initiation of the fighting and misuse of the Armed Forces reprehensible. The Taif agreement presents an internationally supported framework to begin a peaceful reconciliation in Lebanon. It provides for political restructuring that better reflects the composition of Lebanon's population. It also provides for the withdrawal of Syrian troops to be Biqa Valley within two years, and obliges the Syrian and Lebanese governments to reach an agreement on the date of final withdrawal. The Taif Agreement provides for a peaceful transition from the current state of conflict to a unified, independent state.

By contrast, the policies of General Michel Aoun are doomed to failure. Since the beginning of his "war of liberation" against Syria last spring, there are more, not fewer, Syrian troops in Lebanon. Over 1700 Lebanese have died and thousands more have been injured; tens of thousands of Lebanese have left Lebanon and the country's economy and basic infrastructure have been further devastated. In January, General Aoun clamped down on the press, shutting down several Beirut publications. He later cut off water and electricity to the citizens of West Beirut. Restricting press freedom and causing hardship to the civilian population are not acts of a man who has the best interest of Lebanon at heart.

The terrible carnage wreaked on the Christian enclave and Aoun's other irresponsible actions convince us that it is past time for him to step aside. The Administration continues to support President Hrawi and the Taif Agreement. We will continue to work closely with him to begin the process of reconciliation and reconstruction.

A Tehran newspaper has urged the release of Western hostages being held in Lebanon. We will continue to make clear to Iran, and to those in Lebanon with whom they have influence, that it is not words which count, but actions. The unconditional release or our hostages continues to be a high priority for this Administration. We intend to strictly adhere to our no-concession policy and will do all we can not to reward hostage-taking.

U.S. OIL DEPENDENCY

The U.S. economy has experienced sustained economic growth for over seven years, and with it total energy and oil consumption gradually have increased. Since 1983 there has been a 66% increase in our annual net oil imports. Continued low prices are accelerating our dependence on oil imports by diminishing price incentives for new exploration and development and reducing momentum for conservation. Net imports as a share of our total petroleum needs may grow from 42 percent in 1989 to the 50-60 percent range by the year 2000.

Approximately 53% of the increase in total U.S. imports of crude and refined petroleum products since 1985 has come from the Persian Gulf. In 1988, Saudi Arabia became our largest oil supplier, providing over 15 percent of U.S. imports; we now take about 20 percent of annual Saudi crude and refined products output. Gulf states—primarily Saudi Arabia and Iraq—could provide up to 28% of our imports in 1990, which would represent 14-15% of total U.S. oil consumption. By the year 2000, the Persian Gulf could conceivably account for approximately 37 percent of our total petroleum imports.

We do not expect major new oil finds outside the Gulf to reverse this trend in the foreseeable future. About 65% of the world's known recoverable oil reserves are located in the Gulf, only 2.6% are found in the United States and 1.9% in Western Europe. Persian Gulf producers also account for approximately 65-70% of the world's excess production capacity. Over the next 5-10 years, the Persian Gulf's share of total world crude oil production may range between 45 to 50%; it currently is 25%.

I do not anticipate another OPEC embargo and believe the producer states themselves now have built-in inhibitions against such an embargo. The Gulf states now have a real stake in the economic well-being of the U.S. and other Western nations. And we in turn have a stake in the stability of the Persian Gulf and the moderation of Gulf oil policies over the long-term. We must keep the issue of energy security before the public and continue to pursue an active policy of energy conservation. We also must continue to hone our bilateral relations with friendly Gulf states and secure stable sources of energy supply.

THE GULF

Earlier this month, I traveled to the six countries of the Gulf Cooperation Council—Saudi Arabia, Oman, the United Arab Emirates, Qatar, Bahrain, and Kuwait. I concluded the trip in Iraq. One of the strongest impressions I came away with was concern about instability in Iran, Iranian terrorism, and Iranian rearmament.

I also heard expressions of a new confidence in the U.S. as a result of our steady performance during the Gulf war, and a widespread appreciation for a continued U.S. naval presence in the Gulf. The protection of reflagged Kuwaiti tankers in 1987 greatly improved not only our bilateral relations with Kuwait, but our standing with all of our Gulf Arab friends. Most important was the fact that we stayed the course in the face of challenges and adversity.

Since the ceasefire between Iran and Iraq went into effect in August, 1988, the threat in the region has abated. No one should doubt, however, that we remain committed to deter threats in the Gulf and to maintain freedom of navigation to ensure unimpeded access to the region's oil resources and the stability and security of friendly countries in the area. We plan to maintain a naval presence for the foreseeable future.

Iraq has emerged strengthened after the Gulf War ceasefire, with increased military power and prestige in the Arab World to supplement its vast oil reserves. It is clear that Iraq seeks improved relations with the United States. Trade will be a key factor in our future relationship. Though the country faces a difficult period of reconstruction, I saw firsthand that the effort is well under way. There are important opportunities for American business in Iraq.

The problems in our relations remain, with regard to Iraq's poor human rights record and our concerns about weapons of mass destruction. We need to be able to speak frankly to the Iraqis about these concerns and about regional issues of mutual interest. This is not an easy relationship, but it is an important one in which we have made significant progress in recent years.

Finally, I want to say a few words about Iran. I wish I had better news to report; in a world which is changing almost everywhere for the better, Iran is a conspicuous exception. The Iranian Government continues to act in ways which are unacceptable; we are particularly concerned about Iran's support for groups which hold American citizens in Lebanon. In The Hague Claims Tribunal, our negotiations with Iran continue. There have been no large claims settlements since I last testified before you. When Iran is ready to discuss the issues which divide us seriously, we will be ready to respond.

CONCLUSION

Mr. Chairman, overall 1989 was not a bad year for the United States in the Middle East and South West Asia. There was marked progress made in a number of our endeavors in the region. We now are faced with the challenge of grasping the opportunities that have arisen to advance further toward our goals of fostering stability and peaceful reconciliation in this area of the world. This administration intends to meet that challenge.

TRIBUTE TO LARRY L. WOODARD, DALE TUNNELL, AND WILLIAM J. LEMAY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. RICHARDSON. Mr. Speaker, the Department of the Interior is honoring exceptional employees today at its annual Honor Awards Convocation Program at Department headquarters in Washington.

I am quite proud to report that three of these valued civil servants reside in my district. Today, I ask my colleagues to join me in saluting Larry L. Woodard and Dale Tunnell of the Bureau of Land Management and William J. Lemay of the Fish and Wildlife Service.

These valued men represent thousands of outstanding public servants working in New Mexico and elsewhere. These are the Government's foot soldiers—they are out on the front lines every day ensuring that the laws we pass and the programs we create are properly enforced.

I am attaching for my colleagues review a short description of the outstanding service being performed by Larry L. Woodard, Dale Tunnell, and William J. Lemay.

The Secretary of the Interior,
Washington, DC.

Secretary's Stewardship Award for Public Land Management—Larry L. Woodard

In recognition of a continuing career in the multiple-use management of Federal Lands and waters.

Mr. Woodard is the State Director of the New Mexico State Office in the Bureau of Land Management (BLM). He has made a significant number of outstanding accomplishments in the management of public lands. Under his direction, the Texas Acquired Minerals Project (TAMP) was the first Bureau effort to place computer-generated plats onto the offical BLM records system. This action has drawn the attention of other BLM offices and the National Archives Records Service (NARS). NARS has designated the New Mexico State Office as the pilot state in a study to look at the future of automated records as replacement for the more traditional paper formats. The completion of the NARS study is expected to lead to national standards to be used by other Federal agencies. Some other accomplishments that Mr. Woodard has achieved include the involvement with Congress to establish the El Malpais National Conservation Area and the initiation of dialogue with the Governors of Oklahoma and Texas to resolve a century-old boundary problem along the Red River. Mr. Woodard also recognized the tremendous public interest in 19th century military forts and overall interests in the State's historical legacy. A bill now before Congress singles out eight historic forts that have played a significiant role in the settlement of the American frontier. In late 1988, Mr. Woodard presented testimony which led to the Rio Chama officially becoming New Mexico's second Wild and Scenic River. In addition, through Mr. Woodard's initiatives, the BLM New Mexico Office has been helping prepare prison inmates for return to society through a cooperative prison wild horse training program with the State of New Mexico. Riparian management has been high on Mr. Woodard's priorities. In the spring of 1989, the BLM New Mexico Office coordinated the Bluewater Riparian Enhancement Project with other Federal and state agencies and the Izaak Walton Public Land Restoration Task Force. Over 300 volunteers worked along 20 miles of creek and lake shoreline. The Bureau's "outreach" to the public has been extensive. Several thousand elementary-age students are reached yearly Statewide through partnerships in education and environmental education program. For his continuing involvement and leadership in promoting and improving the multiple-use of Federal lands and waters, Larry L. Woodard is granted the Secretary's Stewardship Award for Public Land Management.

Manuel Lujan, Jr.,
Secretary of the Interior.

The Secretary of the Interior,
Washington, DC.

Secretary's Stewardship Award for War on Drugs—Dale Tunnell

In recognition of his exceptional efforts in the war on drugs.

As the Bureau of Land Management's (BLM) chief law enforcement officer in New Mexico, Mr. Tunnell is responsible for the Bureau's law enforcement operations in New Mexico, Kansas, Oklahoma, and Texas. Mr. Tunnell has established a viable drug enforcement program for the New Mexico office and has promoted effective relationships with other law enforcement agencies in the region. In May 1988, Mr. Tunnell initiated an undercover investigation lasting nearly 18 months in which he acted as the primary undercover operative. During that time, he developed the model for all future Bureau undercover operations. Mr. Tunnell also developed a small but unique and highly efficient Special Operations Group (SOG) designed to handle high-risk drug interdiction efforts. In one operation, the SOG assisted the Drug Enforcement Administration in a raid of one of the largest indoor marijuana growing operations in history. This team under Mr. Tunnell's guidance has provided continued assistance to numerous agencies. Mr. Tunnell also directed BLM's support and participation in regional drug task force as well as in an intelligence group designed to locate and track drug offenders and trafficking operations within his area. In addition, Mr. Tunnell directed and developed an approval of the first Memorandum of Understanding (MOU) for drug enforcement between the New Mexico National Guard and BLM. Because of Mr. Tunnell's expertise in this area, his efforts have been favorably recognized by other law enforcement agencies in the region. For his many accomplishments in the eradication of illegal drugs, Dale Tunnell is granted the Secretary's Stewardship Award for the War on Drugs.

Manuel Lujan, Jr.,
Secretary of the Interior.

The Secretary of the Interior,
Washington, DC.

Citation for Conservation Service—William J. Lemay

In recognition of his superior accomplishments in the protection and conservation of migratory bird resources.

The loss of migratory birds caused by their contact with oil or oil by-products has been identified as a serious resource problem. Conservative estimates indicate that over 100,000 ducks per year are lost in oil pits, brine pits, and open tanks throughout portions of the five-State area of New Mexico, Texas, Oklahoma, Colorado, and Kansas. To reverse these critical losses, the Fish and Wildlife Service initiated cooperative efforts with the oil and gas industry, State and Federal agencies, and private interests to develop and implement corrective action. William Lemay, Director of the New Mexico State Oil Conservation Division, played a vital leadership role in fashioning the critical link between Fish and Wildlife Service concerns for protecting and managing migratory bird resources, and providing the oil and gas industry an opportunity to play a key part in devising workable approaches to meet these concerns. Through his coordination of a working committee comprised of both the oil and gas industry and regulatory agencies, the problem was analyzed and regulatory improvements were recommended. Mr. Lemay subsequently conducted a series of legal hearings resulting in proposed new regulations to provide protection to migratory birds from sources of oil contamination. As a result of Mr. Lemay's outstanding efforts, new regulations were adopted on September 1, 1989. His leadership of a joint public and private sector commitment is resulting in significant reductions of waterfowl losses in New Mexico. The successful cooperative approach which he has fostered is serving as a model to other States in dealing with this problem. For his significant contributions to the mission of the Fish and Wildlife Service, William J. Lemay is granted the Conservation Service Award of the Department of the Interior.

Manuel Lujan, Jr.,
Secretary of the Interior.

TRIBUTE TO VINCENT LANE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. LIPINSKI. Mr. Speaker, I would like to take this opportunity to recognize the outstanding accomplishments of Vincent Lane, chairman and executive director of the Chicago Housing Authority [CHA]. Since being appointed to this position, Mr. Lane has vastly improved the quality of life for the more than 150,000 residents of the CHA.

Mr. Lane started his distinguished career as comptroller for Mount Sinai Hospital and Medical Center in Chicago. Soon after this, Lane distinguished himself with his outstanding abilities in finance. As a consultant to the Illinois Department of Public Aid, Lane instituted competitive bidding which saved the State $90 million in its first year. These accomplishments resulted in his appointment to the Cook County Health and Hospitals Governing Commission by Governor Thompson.

His career later excelled in the area of urban planning and development. After serving as senior vice president of the Woodlawn Community Development Corp., he founded Urban Services and Development, Inc. In this role, Lane managed residential and commercial properties. In 1988, Mr. Lane was appointed by Chicago Mayor Eugene Sawyer to his current position in the CHA.

In his devotion to Chicago civic affairs, Mr. Lane has served on a number of community organizations. Some of the groups he has been involved with include: The Metropolitan Planning Council, Leadership Council for Metropolitan Open Communities, Business and Professional People in the Public Interest, the Hispanic Housing Development Corp., and the Woodlawn Community Development Corp. He was also a member of the board of the Neighborhood Housing Services, Inc. and the U.S. Minority Business Opportunity Committee.

Mr. Lane's accomplishments have not gone unnoticed. In 1986, Mr. Lane received the Housing and Urban Development Regional Award for Minority Developer of the Year. In 1987, Chicago Mayor Harold Washington chose Mr. Lane to be on the mayor's advisory council on the CHA and was later appointed by Mayor Sawyer to the Mayor's Navy Pier Development Corp.

In light of his outstanding accomplishments and contributions to the Chicago community, I call upon my colleagues to join me in honoring Mr. Vincent Lane.

HONORING MILES S. EPLING

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. KOLTER. Mr. Speaker, I rise to honor and pay special tribute to Miles S. Epling, who was elected national commander of the American Legion during the closing session of the

71st national convention of the organization in Baltimore, MD, on September 7, 1989.

Mr. Epling, the circuit clerk for Mason County, WV, is the second Vietnam veteran to serve as the American Legion's national commander.

Mr. Epling served in Vietnam in 1968–69 as a marine infantryman. He was discharged after losing both legs as a result of stepping on a land mine. Upon his return to West Virginia, he became a member of American Legion Post 23, Point Pleasant, and has been an active member of the organization for the past 20 years.

His leadership positions in the American Legion include service as post commander, post adjutant, judge advocate, member of his post's board of directors, department commander, and at the national level as a national vice commander in 1985–86, and West Virginia's national executive committeeman. He also has served both the State and national organizations in a number of other capacities.

Mr. Epling and his wife, Diane, are the parents of two children.

Mr. Speaker, America needs leaders like Miles S. Epling with bravery, dedication, and firm strength of character, and that is why I rise today before the full U.S. House of Representatives to honor him.

TRIBUTE TO GERALD A. STARKEY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a dedicated educator and an outstanding individual, Mr. Gerald A. Starkey, of Mount Clemens, MI. Mr. Starkey is retiring as principal of Donald J. Yacks Elementary School after 29 years of service.

Born in Mount Clemens, MI, Mr. Starkey graduated from Mount Clemens High School in June 1949. He earned his bachelor and master degrees from Western Michigan University. Mr. Starkey also served in the Marine Corps during the Korean war from 1952 to 1954.

Mr. Starkey began his career with the L'Anse Creuse Public Schools in May 1960 as a substitute teacher. By 1961, he had become a full-time teacher at Herman Klix Elementary. His tenure as principal began in 1969.

In the past 29 years, Mr. Starkey has earned the respect of his colleagues and fellow citizens as a man of unselfish integrity. He has inspired his colleagues through his sense of pride in his students, staff and community. His dedicated perseverance will be missed as he retires from office.

Mr. Starkey has been active in numerous community activities. He has served 12 years as a committee person for Boy Scout Troop No. 75. He is a former Catechism teacher at St. Peter Catholic Church and an active lay minister at St. Louis Catholic Church. He holds memberships with the Michigan and National Associations of Elementary School Principals and with the World Wildlife Federation.

Everywhere Mr. Starkey has served, he has been a hard worker who gets the job done. Mr. Starkey's contribution as an educator will not be forgotten. I wish him the very best for a long and happy retirement.

MORGAN STATE UNIVERSITY STUDENTS SPEAK OUT

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MFUME. Mr. Speaker, 2 days ago on March 6, the students from my alma mater, Morgan State University, commenced a sit-in to protest inadequate State funding and the quality of student services. The full student body subsequently met yesterday with the president of Morgan and the school's entire administration.

The most pointed student concern stems from the inadequate funding levels Morgan State is afforded. Compared to the other State institutions, Morgan students argue that their share of the budget pie is proportionately lower. The students contend that other problems—that is, security, housing, faculty shortages, financial aid, and registration—are all concomitant affects of inadequate budget prioritization of Morgan's needs.

Mr. Speaker, yesterday our colleague from Maryland's Second District HELEN BENTLEY, made remarks from this well that somewhat reiterated what the students at Morgan State have been complaining about. Like Representative BENTLEY, I too sense the urgency of the hour and realize how important it is that we support both the students and the administration in their efforts to obtain parity with other colleges throughout the State.

The administration and the State of Maryland have planned a 3- to 5-year renovation and new construction project on the northeast Baltimore campus. However, as the students have demonstrated, some of their demands must be met now, and they are willing to discuss this situation with the university's administration and the Governor's office to come up with constructive solutions and alternatives to alleviate many of these problems.

Mr. Speaker, my relationship with Morgan State University spans more than 15 years. As a student leader 18 years ago I was very much a part of protests and demonstrations. As such, I know how deeply the students feel about their sense of purpose to make the university better. Now that I sit on the board of regents of this historically black university, I am in a unique position to observe this process and both learn from the students about their situation and teach them the importance of organizing their base and becoming more knowledgeable about the issues which they have put forth on their agenda.

The problems of historic underfunding at Morgan State did not occur overnight and will not be resolved in a short time either. The students of Morgan have provided the school's administration and the State of Maryland the unique opportunity to assess what the State's General Assembly and community leaders have thus far done for Morgan and what more can be done to alleviate the students' problems.

Now is the time to seize the opportunity and to confront the problems head on. Anything less fails to serve the best interests of their great university.

TRIBUTE TO ALICE HUTTO

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Alice Hutto, the national president of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States.

Alice is visiting Rhode Island and will make a 3-day tour of Rhode Island. On her tour, she will promote her theme, "Our Pledge to America," which reminds members of the ladies auxiliary of the importance of their work. The ladies auxiliary conducts 14 patriotic and community service programs each year. Last year, members raised over $3 million for cancer aid and research and served over 4 million hours as volunteers in hospitals nationwide. The members also conducted over 4,500 drug awareness seminars and awarded over $50,000 in scholarships. Overall, members donated over $27 million and over 21 million hours promoting patriotism, protecting veterans' benefits, and serving the community.

It is with distinct pleasure that I recognize Alice Hutto and the members she represents. The ladies auxiliary performs wonderful services for our Nation and I hope she enjoys her visit to Rhode Island.

INTERNATIONAL WOMEN'S DAY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Ms. PELOSI. Mr. Speaker, I rise today in honor of the celebration of International Women's Day. Today we honor women all over the world for their dedication and contributions to ensuring equality and justice in our society.

The first International Women's Day was observed in 1911 and was inspired by American women in their persistent quest for social justice. On March 8, 1907, American women workers from the garment and textile industries marched to protest low wages, a 12-hour work day and increasing workloads. A year later on March 8, 1908 working men and women of the middle class who were in sympathy with their cause, gathered in the heart of Manhattan's Lower East Side to demand the right to vote, the right to organize a protective union and an end to child labor.

It is the courageous women from our past that give young children, and adults, the inspiration to carry on the fight for equality and social justice. Today, across the world, we honor women from the past and the present for their contributions to our culture and society and for making the world a better place to live.

TRIBUTE TO ARTHUR SCHOENBECK

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. LIPINSKI. Mr. Speaker, it gives me a great deal of pleasure to pay tribute to an exemplary member of my Fifth Congressional District in Illinois, Mr. Arthur Schoenbeck. Recently, Mr. Schoenbeck celebrated his 90th birthday, an accomplishment worthy of special recognition.

Mr. Schoenbeck is a life long resident of the city he was born in—Chicago, IL. He attended Holy Cross Lutheran School until sixth grade and graduated from Holden Grammer School. His early working career was spent as a baking accessory salesman for S&H Co. and a manager of Peterson and St. Andrew's bowling lanes. Most of his working life was spent as a mutuel clerk at a number of Chicago race tracks. A life long sports enthusiast, Mr. Schoenbeck has been a devoted baseball fan since his attendence of the opening of Comiskey Park. He and his wife Elsie raised two lovely daughters. Mr. Schoenbeck's family now includes two daughters, two granddaughters, three great granddaughters, and two great grandsons.

I am sure that my colleagues will join me in expressing congratulations to Arthur Schoenbeck for his many years as a great Chicagoan. I hope his birthday brought him great joy and happiness with his family, and I wish him many more pleasant memories in his life.

PRESERVE OUR CULTURAL HERITAGE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mrs. BOXER. Mr. Speaker, I submit the following for the benefit of the Members:

TESTIMONY BY BARBARA GOLDSMITH

(Barbara Goldsmith, New York Public Library trustee and chair of the New York Public Library Permanent Paper Committee before the House Subcommittee on Government Information, Justice and Agriculture.)

Under the auspices of the New York Public Library we have gathered together a Permanent Paper constituency of over 2,000 of the United States' most respected trade book and University press publishers, writers, editors and literary agents. In addition, we have received the enthusiastic endorsement, active participation and support of the following organizations: PEN (Poets, Essayists, Novelists, Non-fiction writers), the Association of American Publishers, Poets & Writers, and the Authors Guild, Inc. These groups have added to our constituency thousands more concerned citizens who are dedicated to the preservation of the printed word. On behalf of the Permanent Paper Committee we urge the adoption of H.J. Resolution 226 mandating that all governmental printing of quality be on Permanent Paper.

Under separate cover you will be receiving the endorsement of Dr. Timothy Healy, The New York Public Library President. The large group we represent would also like us to include some basic facts about Permanent Paper: The use of Permanent Paper vastly helps eliminate the problem of future paper deterioration. The present cost of restoring a deteriorated brittle book can exceed $1500. Microfilming a single book can cost approximately $100. After mill conversion, Permanent Paper (that lasts approximately five hundred years) is usually less expensive to manufacture than acidic paper (that self-destructs in approximately three decades). The manufacture of Permanent Paper requires thirty percent less water than that of acidic paper and returns the water to its source in a less polluted condition. The entire process which uses an alkaline additive (calcium carbonate) is less corrosive and requires less electrical energy.

On behalf of the thousands of concerned individuals and members of the groups affiliated with our effort, we appeal to you to pass H.J. Resolution 226 to help preserve our cultural heritage for future generations.

INTRODUCTION OF THE MISCELLANEOUS HUMAN RESOURCE AMENDMENTS OF 1990

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. DOWNEY. Mr. Speaker, I am pleased to inform my colleagues that today I introduced the Miscellaneous Human Resource Amendments of 1990. I am joined in this endeavor by a number of my colleagues on the Ways and Means Subcommitee on Human Resources. This bill is a collection of provisions that were approved last year by the committee and the House as part of the budget reconciliation bill, but dropped—without prejudice—in conference with the Senate. Included are important minor and technical improvements in the supplemental security income [SSI], child support enforcement, child welfare, foster care, and unemployment compensation programs.

The Subcommittee on Human Resources is scheduled to mark up this bill on Tuesday, March 20, 1990. For the benefit of my colleagues, I would like to provide for the RECORD this summary of the measure:

SUMMARY OF MISCELLANEOUS HUMAN RESOURCE AMENDMENTS OF 1990

I. CHILD WELFARE AND FOSTER CARE PROVISIONS

Publication of Program Data.—Requires that the Secretary submit to Congress and make available to the public on an annual basis certain information relating to the IV-B and IV-E programs, including information on: (1) Federal reimbursement by State for expenditures under the IV-E and IV-B programs; (2) participation; (3) the schedule and result of compliance and fiscal reviews, and program audits; (4) IV-E to IV-B transfers; (5) rates of payment by State for foster care; (6) services funded under IV-B; (7) research, training and demonstration projects funded under IV-B; and (8) any other information the Secretary deems useful for monitoring operations of the programs under IV-E and IV-B.

427 Compliance Reviews.—Extends for an additional year the moratorium on collection of HHS disallowances made in connection with a triennial review of State compliance with the foster care protections outlined in section 427.

II. SUPPLEMENTAL SECURITY INCOME [SSI] PROVISIONS

SSI Benefit Increase.—Increases SSI benefits by $2 per month for individuals and $3 per month for couples.

Outreach Program for Adults.—Establishes a permanent SSI outreach program for adults with an annual report on the effectiveness of the program.

Presumptive Disability for Certain Children.—Requires the Secretary of HHS to presume a child under age 4 with a genetic or congenital impairment is disabled under the following conditions: (1) the medical severity of the impairment cannot be accurately determined by clinical or laboratory techniques because the child is too young; and (2) the Secretary determines it is probable that, when the child is older, medical professionals will be able to administer a test accurately demonstrating the child suffers from an impairment of sufficient medical severity to qualify the child for benefits. This presumption may be rebutted at any time by evidence that the child's impairment is not of the required severity.

Revised Childhood Listings of Impairments.—Requires the Secretary of HHS to issue final regulations based on the proposed regulations revising the childhood listings for mental impairments that were issued on August 14, 1989 by no later than January 1, 1991. Requires the Secretary of HHS to solicit advice from childhood disability experts on revisions to the children's listings of impairments so that they account for medical and functional rules that are appropriate to the age of the child. Requires publication of proposed revisions within 24 months from the date of enactment and final regulations 36 months after the date of enactment.

Treatment of Weekly or Biweekly Income.—Assures that an extra paycheck resulting from a 5-week month, will not result in SSI disqualification.

In-kind Support and Maintenance.—Deducts from the SSI benefit (up to one-third of the Federal benefit) all in-kind support and maintenance received by an SSI recipient. Repeals the one-third reduction for living in a household of another person.

Treatment of Victim's Compensation Payments.—Excludes from income victim's compensation payments that are for expenses incurred or losses suffered as a result of a crime when determining SSI eligibility and benefits. Unspent amounts would be excluded for up to 9 months after receipt of such compensation. Benefits may not be denied to any individual solely because of the refusal to accept a victim's compensation award.

III. CHILD SUPPORT ENFORCEMENT PROVISIONS

Extension of IRS Intercept for Non-AFDC Families.—Extends for five years present law that allow States to ask the IRS to collect child support arrearages of at least $500 out of income tax refunds otherwise due to non-custodial parents. Eliminates the minor child restriction for adults with a current support order who are disabled.

Medicaid Transition in Child Support Cases.—Revises the Medicaid transition in child support cases to correspond with the transition benefits available when a family leaves AFDC because of employment by increasing the child support transition to 12 months (current law is 4 months).

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IV. UNEMPLOYMENT COMPENSATION PROVISIONS

Optional Benefits for Certain School Employees.—Allows States the option of paying unemployment compensation to nonprofessional employees of educational institutions between academic terms or years.

Prohibition on Collateral Estoppel.—Requires State unemployment compensation laws to prohibit courts from stopping law suits on related employment issues based on a decision made in an unemployment compensation hearing.

Extension of the "Reed Act."—Makes the "Reed Act" permanent. This would give States the authority to use funds overflowing from the Federal unemployment trust fund accounts to the State accounts for administrative purposes or benefits. •

GUN CONTROL

HON. BILL GRANT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. GRANT. Mr. Speaker, we have heard much rhetoric on both sides of the gun control issue. I am happy to report today that my home State is providing some evidence that will be useful in evaluating that issue.

The Florida Assault Weapons Commission was established by State statute last year to determine the types of weapons and firearms which are being used in the commission of crime in Florida. The Commission's activities have thus far included a survey of law enforcement agencies in the State, asking for statistical information on weapons used in crime—with emphasis on the military-style semiautomatic rifles and pistols that are the subject of pending legislation.

The Commission's first report shows that so-called assault weapons represented approximately 3 percent of the firearms seized by Florida law enforcement between 1986 and 1989. Contrary to what we've heard from some, many of the firearms listed in Federal legislation or pictured in interest group advertising were not seized at all by Florida law enforcement during this period. These findings of the Florida Assault Weapons Commission also contradict a widely quoted newspaper article stating that so-called assault weapons are more likely to be used in crime than other firearms.

Mr. Speaker, the Florida Assault Weapons Commission has already succeeded in shedding some light on an issue that has been the subject of too much heat. It confirms my view that we need to spend less time looking at the instrument of crime and more time looking at the actors. I'm happy to share this view with many in law enforcement, including a police chief in a neighboring jursidiction. His words express, far better than mine, the need to focus on criminals—not law-abiding citizens and the firearms they choose to own. I urge my colleagues to read this letter I today submit for the RECORD.

POLICE DEPARTMENT,
Panama City, FL, February 8, 1990.

JOHN M. RUSSI,
Director, Division of Licensing, Department of State, The Capitol, Tallahassee, FL.

DEAR MR. RUSSI: I'm sorry I was unable to attend your meeting yesterday, but I would like to offer you some information that might be helpful. From 1985 through April, 1989, our officers confiscated 290 knives, 373 firearms (rifles, pistols and shotguns) and assorted other weapons. Less than six of the 373 firearms would be classified as true assault weapons.

It is my opinion that the problem in Florida and America is not assault weapons or any firearms, but rather the inability or unwillingness of our citizens to demand that criminals be dealt with surely and swiftly.

Florida Judges are hampered by sentencing guidelines.

The Florida Supreme Court is leaning to liberalism that protects the criminal at the expense of individual victims and our society.

Imprisonment is a joke because of gain time on top of gain time.

No one is looking at the root causes of crime or trying to break the criminal's repetitious cycle of criminal behavior.

When the assault weapons bill was originally proposed, a violation was to have been classified as a second degree felony. The mandatory statutory penalty for a second degree felony is 15 years imprisonment and up to a $10,000 fine. Under the sentencing guidelines, one could actually be given a sentence between "non-prison sanctions" (jail), to 3 year's incarceration.

If a criminal got the stiffest penalty of 3 years, he would serve less than 1 year because of credit for time served in jail and gain time. As you can see, even if assault weapons are outlawed, there is no deterrent for their possession or use. We will have another ineffective law that criminals laugh at.

Assault weapons, or any weapon for that matter, are not the problem. People are the problem and until we deal surely and swiftly with the criminal, our society and the quality of life will continue to deteriorate.

Sincerely,

ROGER C. HADDIX,
Chief of Police.

REFUSENIK'S PLEA

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. CARDIN. Mr. Speaker, today Carmella Raiz is demonstrating before the Soviet Embassy for the right of her family to emigrate from the Soviet Union. For 17 years Carmella Raiz and her family have been refuseniks on the trumped up charge that her husband possesses state secrets. I thought you would be interested to hear directly from Carmella, as published in the March 2, 1990 issue of the Baltimore Jewish Times.

A REFUSENIK'S PLEA

(By Carmella Raiz)

For the past 17 years my family and I have been refused permission by the Soviet authorities to emigrate and join my sister Dahlia and other relatives in Israel. My husband Vladimir continues to be denied the right to emigrate on the grounds that he allegedly possessed state secrets in a position he held over 25 years ago. In May, 1989, however, the Radio Ministry sent us a written clearance, confirming that there is no objection to his departure.

I am presently here in the United States on a short-term tourist visa with my oldest son, Moshe, 12, while Vladimir and my other son, Shaul, 7, remain in Russia. I have met many elected and appointed officials of the United States Government who have been kind enough to support our struggle for freedom. President Bush personally assured us that our family was at the top of the list of refuseniks presented to President Gorbachev at their meeting in Malta.

We welcome the new era of glasnost sweeping the Soviet Union while we fear the possibility of pogroms, fueled by the rise of nationalistic, anti-Semitic organizations like Pamyat (Memory). We are also extremely happy for the many Soviet Jews who can now emigrate more easily. We cannot understand, however, why we and other long-term refuseniks are still denied this basic human right of emigration.

Our dream is to live as free Jews in Israel. The best years of our lives have been spent in refusal. We have often been without work but never without the fear of the next knock on the door. Vladimir is a mathematician who has not been able to work in his field for many years. I am a concert violinist in the Lithuanian Symphony Orchestra.

The KGB in Vilna, Lithuania, where we live, placed a group of agents 12 years ago in the apartment right below ours. Their function continues to be the monitoring of our conversations and calls, the interception of our mail and the blocking of visitors.

Our worst troubles began at the time of Natan Sharansky's trial in 1977. The KGB interrogated Vladimir constantly and attempted to coerce him into testifying against Natan. When Vladimir refused, the KGB officer in charge told us that as long as he lived we would never be able to leave. Unfortunately, that same officer is now a general in the national KGB in Moscow.

The Soviet authorities have constantly tried to frighten and intimidate us as an example to others. But we cannot be broken because we are sustained by our faith in our heritage, our ideals of freedom, and our knowledge that we are not alone in our struggle. Over the years we have been privileged to be part of the revolution in Jewish education in the Soviet Union. We speak Hebrew and practice our religion as best we can under the circumstances. We are also privileged to teach and pass on to others the knowledge we have gained.

We were looking for spiritual roots in a time and place that forbid the study of our religion. The Torah we learned and our new-found inner faith become our strength and our solace against the cruel outer world, and led to our strong ties to our ancestral homeland Israel.

When I was a young girl of four at the end of the Stalinist period, my father told me that Carmella was a Jewish name. He spoke to me of a beautiful mountain, Mt. Carmel, for whom I was named. He said that he would probably never live to see the day, but that I and my children would someday live in the new state of Israel. The times were so precarious that my father, a physician, warned me never to reveal the meaning of my name. He instructed me to tell my teachers and classmates that my name stood for Karl Marx, Engels, and Lenin!

My children Moshe and Shaul were born in refusal and have suffered in refusal. Moshe will soon be 13 years old and will celebrate his Bar-Mitzvah in refusal unless we receive permission to leave. My children's cries to grow up as free Jews in our homeland Israel pierced my heart. My dear mother and father died during these long years of refusal, but our dream lives on.

We need your help. I plead with you and all the many good people of this wonderful country to help save our lives. I am constantly amazed by the freedom of people in this beautiful country to live how and where they wish. Please contact your Congressman, Senators and Administration officials on our behalf. Please write to Soviet Ambassador Yuri Dubinin (Soviet Embassy, 1 Sakharov Plaza, Washington, DC 20036) and to President Mikhail Gorbachev (Kremlin, Moscow, USSR 103132). Ask them to free us as well as the other long-term refuseniks.

We will not and cannot give up our dream of living in Israel. With your help and God's blessing we will soon succeed in our struggle and come home to Jerusalem.

INTRODUCTION OF LEGISLATION ESTABLISHING THE PECOS NATIONAL HISTORICAL PARK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. RICHARDSON. Mr. Speaker, New Mexico, the Land of Enchantment, is known for its scenic beauty, cultural heritage, and vast lands. These inherent qualities are typified in Pecos, NM, a small town just outside of Santa Fe. Locals enjoy the relaxed atmosphere of this small community and work together to preserve the natural values of the area.

One of the town's most attractive sites is the Pecos National Monument where visitors can gain a wealth of Spanish and Indian history. Strategically situated on top of a small mesa lie ancient Spanish and Indian ruins dated as far back as 1450. Here, the Pecos Pueblo and the Spanish Mission once overlooked the main gateway between the Great Plains and the Rio Grande Valley where an annual cycle of trade evolved.

Adjacent to the monument are the ranches owned by actress Greer Garson Fogelson and stepson Gayle Fogelson, known as the Forked Lightning and Los Trigos Ranches, respectively. Both ranches are currently for sale on the open market and have attracted quite a bit of attention. Most recently, developers proposed to purchase the ranches and establish a resort city entitled "Sante Fe East 2001." The resort would include an airstrip, a resort hotel, residential housing, a multinational shopping center, an athletic center, a convention center, a private hunting preserve, a health clinic, a shooting range, and two golf courses.

As you can imagine the development plans set a shock wave through the town of Pecos. Such development is unheard of in Pecos and threatens to destroy its very heritage. Immediately after learning of the development plans, residents of Pecos held a town meeting attended by over 400 people. A resolution was passed unanimously to oppose the development. Since this time Mrs. Greer Garson Fogelson and Mr. Gayle Fogelson have canceled the sale of their ranches to the developers. Certainly, these handsome lands have values above and beyond development.

Mr. Speaker, today I am introducing legislation that would authorize the establishment of the Pecos National Historical Park. The legislation would comprise the existing Pecos National Monument and approximately 5,865 acres of the Forked Lightning Ranch and establish the Pecos National Historical Park. I expect that most of the land included in this legislation will be acquired through donations or easements. I plan to facilitate donations so that Federal expenditures are minimized.

The National Park Service has long maintained that the Forked Lightning lands surrounding the Pecos National Monument are critical to the preservation of the national monument. The many prehistoric and historic resources located on the Forked Lightning Ranch would add significantly to the park. The ranch also contains many excellent examples of ruts from the Santa Fe Trail and historical locations from the 1862 Civil War Battle of Glorieta. The establishment of the Pecos Historical National Park is a natural extension of the Pecos National Monument and would preserve many historically significant sites for future generation to enjoy. I urge my colleagues to support this legislation.

A TRIBUTE TO FRED W. WAGNER

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. KOLTER. Mr. Speaker, I rise today to honor a native Pennsylvanian, Frederick W. Wagner, who is department commander of the Pennsylvania American Legion.

Mr. Wagner, who is married to the former Dorothy William of Oberlin, PA, was born in Pittsburgh in 1924 and joined the Marine Corps at age 17, where he remained until retirement in 1961, serving in the Pacific, the Far East, Middle East, Caribbean, a number of stations in the continental United States.

Following retirement from the Marine Corps he was employed at Olmstead Air Force Base, Middletown, PA, and after closing of the base in April 1965 was employed by the U.S. Postal Service from which he retired in 1989.

In 1945, while still on active duty, he joined his father's post, St. Clair Post 694, Pittsburgh. He also was a member of several Legion posts where he was stationed, and has been a member of Hummelstown Post 265 since his military retirement.

He served on many committees at post, county, district, and department levels, a number of times as chairman. He served four times as post commander, and a term as Dauphin County commander. After serving 5 years as a district deputy commander, he was elected to serve as 19th district commander, 1984–85.

Mr. Wagner served as department vice commander, general section, 1986, and was elected department commander at the 71st department convention, July 12 through 15, 1989, in Pittsburgh.

Mr. Wagner served as vice chairman of several department committees and served two terms—1987 and 1988—as department Americanism chairman. He also served on several national committees.

Mr. Speaker, I rise today before the full U.S. House of Representatives to honor Fred W. Wagner because of his dedicated and honorable service to this State and this Nation.

Fred W. Wagner, department commander of the Pennsylvania American Legion, is a man of honor and duty and I tip my hat to him today.

POLAND'S BORDERS MUST BE SECURED

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. BONIOR. Mr. Speaker, the historic changes sweeping across Eastern Europe have brought democracy to Poland and an end to the Berlin Wall. We must now prepare ourselves for a new world order, one based on peace, freedom, and democracy. In order to assure the stability of this new world, it is imperative that any agreement on German reunification include a formal German commitment to respect its current border with Poland. The agreement must also include a renunciation of all claims to former German territories.

The integrity of Poland's territory must be ensured so that we are not plunged into another devstating war in Europe. It was widely reported that Chancellor Kohl had said that the question of the Polish-German border was a matter for the united German Parliament to decide. I strongly disagree with this statement. Such a view can only bring to the surface deeply held and legitimate concerns of the Polish people and lead to future instability in Europe. I understand that Chancellor Kohl has reversed his position on the border issue. The United States must keep the pressure on Chancellor Kohl until such a guarantee is formally written into law.

Now that negotiations can finally begin on a treaty to end the division of Germany, the concerns of all the involved parties must be taken into account. Many aspects of these negotiations will directly affect the future security of Poland. As such, there should be a Polish presence at the reunification negotiations.

Mr. Speaker, old tensions and disputes must not be allowed to disrupt the tremendous progress toward freedom. During this time of historic opportunity, we must carefully and soberly lay the foundation for lasting peace in Europe. I call on the administration to actively engage itself in the reunification process and vigorously express these concerns to Chancellor Kohl.

TRIBUTE TO PETER BOYER

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to praise an outstanding young man from my

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district who has achieved excellence in the musical arts.

Peter Boyer, of Smithfield, RI, has been selected as one of 20 outstanding college students of 1990 by USA Today. He is currently a junior at Rhode Island College. Peter is also the only musician selected to this prestigious group.

Peter earned this award through his excellent academic record and more noteably for his musical skills. Peter has composed and orchestrated a requiem mass entitled "Requiem" for a 150-voice double chorus and 95-piece orchestra. This work will premier on March 11, 1990, at Rhode Island College.

I would like to congratulate Peter on his achievement and encourage him to continue his interest in music. Peter is truly a gifted young man and I hope that others may follow his example to achieve their best.

THE SUDBURY, ASSABET, AND CONCORD WILD AND SCENIC RIVER STUDY ACT

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. ATKINS. Mr. Speaker, for the past 2 years I have been working with concerned citizens in eight towns in Massachusetts to identify the best means for protecting and preserving segments of three rivers that make an immense contribution to the State's scenic, recreational, and historical heritage. The result of that work is a piece of legislation that Representative EDWARD MARKEY and I are introducing today: the Sudbury, Assabet, and Concord Wild and Scenic River Study Act. Senator JOHN KERRY has also worked to generate local support for this legislation and shares our desire to protect and preserve these rivers. He will be introducing identical legislation in the Senate, which will also be cosponsored by Senator EDWARD KENNEDY.

Six segments of the Sudbury, Assabet, and Concord Rivers have been identified on the nationwide rivers inventory by the National Park Service as possessing the characteristics necessary for wild and scenic river designation. However, after months of careful planning, a citizen study group, in conjunction with the National Park Service and my office, has decided to focus its efforts on a Y-shaped portion of the river basin beginning downstream in Billerica at the Route 3 bridge, continuing to the confluence of the Assabet and Sudbury at Egg Rock, and then stretching up the Assabet to the confluence of the power canal at Damon Mill in West Concord, and up the Sudbury to the Danforth Street Bridge in Framingham. The total length of these three river segments is 29 miles.

These river segments possess unique natural, recreational, and historical values that must be preserved at all costs. In 1775, "the shot heard 'round the world" was fired in the Concord River basin to launch the American Revolution. Henry David Thoreau rowed on the SuAsCo basin and wrote his first book about a weeklong trip on the Concord and Merrimack Rivers. Nathaniel Hawthorne bought the boat Thoreau used for that trip and did some exploring of his own, declaring of the Assabet that "a more lovely stream than this, for a mile above its junction with the Concord, has never flowed on Earth."

Today, the Sudbury, Assabet, and Concord Rivers provide a splendid means of recreational escape for the people who live in the Greater Boston area. Over 10 miles of the Concord and Sudbury Rivers flow through the Great Meadows National Wildlife Refuge, where a totally undeveloped wetland area provides exceptional waterfowl habitat. On a sunny spring day, one can find canoeists enjoying the serenity of the Sudbury, tourists inspecting the historic Col. James Barrett Farm on the Assabet, and schoolchildren learning about wildlife while hiking along the Concord in the Great Meadows Refuge.

Unfortunately, the features that make the SuAsCo watershed such a superb source of learning and enjoyment may not be around much longer. Serious water shortages are forecast for the Greater Boston area in the next decade, and the Massachusetts Water Resources Authority has listed diversion of the Sudbury as a possible option of meeting the region's water needs. A vast number of my constituents and I believe that diversion of the Sudbury River is not viable, and that it must be prevented. Lowered flow on the Sudbury would affect wells along the river and destroy the marshes that are crucial to the wildlife that inhabits the Great Meadows National Wildlife Refuge. Perhaps even worse, diversion would destroy the flood plain vegetation, where cattle first grazed in the 1630's and which was responsible for Sudbury's early settlement—right after Boston—in 1636.

Encroaching development poses another threat to the watershed's ecological health, as construction along the banks can be detrimental to scenic values and harmful to the rivers' ecosystem if the banks are altered or pollutants enter the water. Whether by wild and scenic river designation or some other means of conservation planning, such development must be kept in check.

Mr. Speaker, there are a number of reasons why these three segments of the Sudbury, Assabet, and Concord Rivers need and ought to be protected, and there are a number of reasons why they would make outstanding additions to the National Wild and Scenic Rivers System. That does not necessarily mean that wild and scenic river designation is the best means of protecting the rivers, nor does it represent the only means. It is my feeling, however, that wild and scenic river designation is such a promising option for ensuring that the natural beauty and scenic and historical attributes of the rivers and their banks remain untarnished that Congress should authorize a National Park Service study to explore that option.

I also believe that the study process itself would be invaluable as a mechanism for planning for the future use of the SuAsCo watershed. A study would look not only at the option of wild and scenic river designation, but also at other possibilities for protecting the rivers and their banks, including State protection, local land use controls and zoning amendments. The study would also provide valuable information about the ecology of the watershed which would help to identify what needs to be done to protect the rivers and what the impact of future development might be.

It is also important to note that all of this will be done in a setting that will encourage local participation and will bring disparate groups of people together to plan for the rivers' future. The Sudbury, Assabet, and Concord Wild and Scenic River Study Act calls for extensive local participation in the study process. The bill would set up a 13-member study committee that would include a representative from each of the affected towns to work with the Park Service during the course of the study. It would also direct the study to reflect the importance of local water supply and waste discharge needs, and it would expressly prohibit any recommendation for land acquisition by the Federal Government. Finally, the bill would allow each of the towns to review the study recommendation and to block a recommendation for designation in the National Wild and Scenic River System if the town does not concur in the recommendation.

Mr. Speaker, I urge my colleagues to support the Sudbury, Assabet, and Concord Wild and Scenic River Study Act so that coordinated local planning to preserve and protect the SuAsCo watershed can begin immediately.

AMERICANS HELD HOSTAGE IN LEBANON MUST BE FREED

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. COUGHLIN. Mr. Speaker, in recent days we have read numerous press reports indicating that an end to the captivity of Americans held hostage in Lebanon may be near. Earlier this week, an Associated Press report quoted an editorial in the Tehran Times, a paper said to be close to the thinking of Iranian President Ali Akbar Hashemi Rafsanjani, as saying "Our own assessment indicates that this thorny issue can be sorted out in the near future in a sincere spirit by sincere people." Other reports note that President Rafsanjani's brother, Mahmoud Hashemi, recently met with the Syrian Foreign Minister in order to coordinate efforts on the release of the hostages.

Of course, we have heard such optimistic reports before, and it behooves us to react with some caution. I am hopeful, however, that the Government of Iran, which has been a key sponsor of the Hezbollah, the parent organization of most if not all of the various groups that have claimed responsibility for the kidnaping of Americans in Lebanon, is now ready to move forward on this issue. I am equally hopeful that the Syrian Government, which has been heavily involved in the affairs of Lebanon, will lend its active support to efforts to resolve this situation.

Mr. Speaker, we can only guess at the amount of suffering inflicted on the 10 Americans still unaccounted for in Lebanon—my constituent Joseph Cicippio, William Buckley, Terry Anderson, Thomas Sutherland, Frank Reed, Edward Tracy, Alann Steen, Jesse Turner, Robert Polhill, and Col. Rich Higgins.

In fact, all indications are that William Buckley and Colonel Higgins were treated so inhumanely that they have died as a consequence.

We do know, however, just how much the families of these Americans have suffered. They, too, have been victimized by the cruelty and the deprivations inflicted upon the hostages, to almost the same degree. I know firsthand of the great distress imposed upon members of Joseph Cicippio's family, many of whom reside in the congressional district I represent.

And indeed, the greatest outrage of this wholly appalling episode is that the holding of hostages, for whatever reason, is not a sanction meted out against a government. Rather, it is a most extreme, inappropriate, and ruthless violation of the basic rights of individual human beings and their families.

Mr. Speaker, at this point it appears President Rafsanjani holds the key to the lock that keeps these innocent Americans in captivity. I believe the Congress identifies with the view espoused by President Bush that "good will begets good will"—that progress on this crucial matter will result in progress in United States-Iranian relations. It is certain, however, that in the absence of progress on the hostage issue, positive United States-Iranian relations cannot develop.

I know all of my colleagues in the House, and all Americans, hope that all those with influence over the kidnapers will use it to effect the immediate freedom of these individuals.

MEDICAL COMMUNITY HEALTH CENTER AND RURAL HEALTH CLINIC AMENDMENTS OF 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. STARK. Mr. Speaker, I rise to introduce H.R. 4233, the Medicare Community Health Center and Rural Health Clinic Amendments of 1990.

The Medicare Community Health Center and Rural Health Clinic Amendments would improve the availability of health services in both urban and rural communities by increasing Medicare support for community health centers and rural health clinics.

I am pleased to report that Senator CHAFEE will be introducing a similar bill.

There are currently 37 million Americans without health insurance coverage. Health care services provided to the indigent are supported through Federal assistance to community health centers, migrant health centers, and programs for the homeless.

Under these Federal programs, centers are required to provide primary care services at discounted rates, where the fee is a function of the patient's income. Because low-income Medicare beneficiaries receive care at the same discounted rates, the Medicare Program pays at reduced levels. Thus, Medicare does not pay its full share of the cost.

Provisions included in the House-passed version of the Omnibus Budget Reconciliation Act of 1989 would have corrected this. However, these provisions were not included in the conference agreement.

The Medicare Community Health Center and Rural Health Clinic Amendments includes the provisions relating to community health centers adopted by the House last year with some modifications.

The bill provides that Medicare would base its payments on an all-inclusive, cost-based rate, regardless of any discounting. Low-income beneficiaries would continue to have lower coinsurance costs from the discounted fees.

In addition, the bill would provide coverage for preventive health services required to be provided by these centers, and would allow centers to appeal their cost reports to the Provider Reimbursement Review Board [PRRB].

While some Americans don't receive the health care they need because they can't afford it, others can afford to pay but don't have access to services. This is particularly true in rural areas where communities may not have a physician available to provide care.

To improve access to care in rural areas, Medicare and Medicaid pay for services in rural health clinics. These clinics are staffed primarily by nonphysician professionals—physician assistants, nurse practitioners, and nurse midwives—under the general supervision of a physician. Currently, there are over 400 rural health clinics.

The bill includes provisions intended to encourage more clinics to seek rural health clinics status.

The bill requires the Secretary to act on a recommendation to certify a rural health clinic within 60 days. Under current law, a clinic can provide Medicare covered services after a recommendation has been made by the certifying agency to the Secretary. However, the clinic isn't paid for those services until after the Secretary formally certifies the clinic. This can take as long as 4 or 5 months. This bill would alleviate the cash flow problem by requiring the Secretary to act within a reasonable period.

The bill provides for a temporary waiver of certain staffing requirements for rural health clinics that, despite reasonable efforts, have been unable to hire the required staff due to the scarcity of trained personnel in rural areas.

The bill also provides for PRRB appeals of rural health clinics' cost reports which are the basis of their payments.

Finally, it has been suggested that some hospitals are excluding community health center physicians from their medical staff. This would make it difficult for community health centers to retain their physicians and discourages continuity of care.

At this time, we don't know how widespread this practice is, or what effect it has. This bill includes a study by the General Accounting Office. Once this study is completed, it will be possible to determine what action, if any, would be appropriate.

Community health centers and rural health clinics are important elements in the health care system for the poor and for people in rural areas. I urge my colleagues to join me and support this bill.

MEDICARE COMMUNITY HEALTH CENTER AND RURAL HEALTH CLINIC AMENDMENTS OF 1990

SECTION-BY-SECTION

Section 1. Title.

Section 2. Federally Qualified Health Center Services.

Provides for Medicare coverage of services provided Federally Qualified Health Centers (FQHC).

Defines an FQHC as an entity that either is receiving funds under Section 329, 330 or 340 of the Public Health Service Act, or meets all requirements to receive funds under such sections. FQHC services are defined as physician serivces, services incident to physician services, services provided by certain non-physician professionals, and such primary preventive health services required to be offered by such centers under the Public Health Service Act.

Provides for payments on the basis of an all inclusive rate, where such rates are based on the entities cost of providing covered services. Provides that the annual Part B deductible is waived for services provided in FQHCs, and permits centers to waive Medicare coinsurance requirements when providing services to individuals who qualify for subsidized services under the Public Health Service Act.

Section 3. Rural Health Clinic Services.

Provides that the Secretary must notify rural health clinics of the Secretary's approval or disapproval of an application for certification within 60 days of the State agency's determination that the clinic qualifies for rural health clinic status.

Provides for a temporary one-year waiver of certain staffing requirements for rural health clinics that, despite reasonable efforts, have been unable to hire appropriate personnel. Provides that productivity screens used in determining the productivity of rural health clinic personnel shall be based on the combined productivity of physicians and non-physician professionals.

Section 4. PRRB Review of Cost Reports for Federally Qualified Health Centers and Rural Health Clinics.

Provides that FQHCs and rural health clinics shall have the same appeal and hearing rights as other providers under Medicare.

Section 5. GAO Study of Hospital Staff Privileges for Physicians Practicing in Community Health Centers.

Provides for a GAO study of physicians working in community health centers and barriers that may exist to their obtaining admitting privileges at hospitals.

FAIR AUTO INSURANCE RATES RESOLUTION

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MFUME. Mr. Speaker, the affordability of automobile insurance is quickly becoming a critical issue in many parts of this Nation and those insured drivers who live in or near highly urbanized areas are beginning to feel the pinch from exorbitant auto insurance premiums. Many of my constituents want to know why they are being saddled with high premiums, while their neighbors in the surrounding suburban and rural counties often pay half the amount that many Baltimoreans pay.

In Baltimore, the difference between auto insurance premiums can be drastic just from one zip code to another. An excellent example of this zip-coding practice Ms. Sylvia

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Sybert, a retiree whose fixed retirement income forced her to move nine blocks from her apartment to a senior citizens highrise with lower rents. Upon notifying her insurance company, Firemans Fund, of her move from one zip code zone to another, Ms. Sybert was immediately informed that she now must pay $638 more a year for automobile insurance.

Mr. Speaker, I realize that the practice of redlining is illegal, but I believe that upon reviewing Ms. Sybert's story, that she may have very well been a deliberate victim of such a practice. A common question that has been raised by citizens who share this kind of outrage is how can such rates be justified, particularly since in many instances they may have been driving for many years without an accident or a traffic ticket? The rationale that is usually afforded these individuals is perhaps the essence of the debate—the classification rating system.

In many States like Maryland, the classification rating system, assesses factors such as marital status, age, sex, use of car, type of car, and territory. In Baltimore specifically, territoriality appears to be the predominant factor which determines the citizen's premium rates. Territoriality is the first level to which statewide need is distributed under the ratemaking system insurers use. After that, insurers then distribute to factors such as age, gender, marital status, and lastly, one's driving record.

The insurance industry makes the argument that territorial rating is a valid tool for evaluating risk because it permits the industry to estimate their exposure to economic loss. It is very difficult for the average consumer to understand such actuarial analysis or financial hocus-pocus. High premiums are the reality that many of our constituents must confront each time they mail in their payments. The unaffordability of auto insurance also serves as a disincentive to families or businesses contemplating a move to Baltimore.

I firmly believe that the time has come to debate nationally the need to search for a more equitable and creative way to determine auto insurance rates. For this reason, I am honored today to introduce the Fair Auto Insurance Premiums Resolution. My bill simply states that insurers should remove territoriality from their classification rating system and instead place greater emphasis on the motorists driving record, years of driving experience, and the nature of miles driven.

By redistributing these factors ahead of, or in lieu of territoriality, these variables can turn the ratings tide toward equitable billing and payments from consumers. Mr. Speaker, I hope that this House resolution motivates our colleagues to raise the issue within this Chamber and in their home States about how their automobile insurance rates are set. Something needs to be done to protect consumers and it is my desire to begin this dynamic change during the 101st Congress.

A TRIBUTE TO CAPT. JOHN PAGANELLI

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. KOLTER. Mr. Speaker, today I rise before the U.S. House of Representatives to honor Capt. John E. Paganelli, U.S. Navy, retired, on the distinguished occasion of his induction into the American Legion Post 778 Military Hall of Fame in Lyndora, PA, in my Fourth Congressional District.

Captain Paganelli began his military career in 1953, and received a commission as ensign—and his wings—in 1955. He was deployed aboard aircraft carrier U.S.S. *Intrepid* in 1957 and flew missions in support of United States troop landings in Lebanon.

In 1963 then-Lieutenant Paganelli was transferred to Fighter Squadron 101 for training in the A4 Skyhawk aircraft, a breakthrough in fighter technology capable of speeds in excess of twice the speed of sound. In 1965, Lieutenant Commander Paganelli was assigned to Attack Squadron 86 deployed to Southeast Asia where he flew 181 combat missions against the enemy.

Ordered to the U.S. Naval Post Graduate School in Monterey, CA, in 1968, he earned a degree in international relations and was promoted to commander.

Taking command of Attack Squadron 45 in 1971, he held responsibility for all air operations from carrier U.S.S. *Forrestal*, and under his leadership was judged best air department in the Atlantic Fleet.

Assigned to the U.S. Army War College in Carlisle, PA, in 1974, where he earned a military masters degree in diplomacy, Mr. Paganelli was promoted to captain and selected Executive Assistant to Adm. Howard Greer, commander of all naval air forces in the Atlantic Fleet.

In 1977, he assumed command of Fleet Tactical Support Wing One, Norfolk, VA, comprised of 12 squadrons with over 170 aircraft and 4,500 officers and men.

In 1982, Captain Paganelli was selected naval attaché to Brazil, later returning to the United States in 1985 after 32 years' service with an honorable discharge.

During his career, Captain Paganelli logged 7,200 hours of flight time with 931 carrier landings in 15 different types of aircraft. His personal decorations include: The Defense Superior Service Medal, Legion of Merit (two awards), Distinguished Flying Cross, Air Medal (nine awards), Navy Commendation Medal (three awards), Navy Unit Citation, Meritorious Citation (two awards), Battle Efficiency (two awards), the South Vietnamese Cross of Gallantry, and the Brazilian Presidential Naval Order of Merit.

An excellent representative of Lyndora, Captain Paganelli is married to the former Rosemarie Pasqualichio of Butler, PA, and the couple has four children: Debra, Pamela, Sandra, and John, Jr., who graduated from the Naval Academy in 1986 and received his Navy wings in 1987.

Mr. Speaker, I honor Capt. John Paganelli before the U.S. House of Representatives today, not only because of the fine example he provides for our young citizens and for Butler County, but because of the fine example he sets for Pennsylvania and the United States of America.

Because of his character, dignity, fairness, humility, and dedication to excellence, I hereby present the Certificate of Special Congressional Recognition to Capt. John Paganelli and honor him before the Congress today.

A TRIBUTE TO KATHLEEN BRUGGER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today an outstanding and dedicated community leader, Kathleen Brugger of Montclair, CA. On March 29, Kathleen will be honored as the outgoing president of the Montclair Chamber of Commerce for the 1989–90 term. Kathleen's husband, John, and her family all have reason to be proud of her achievements. Indeed, Kathleen Brugger's example defines the meaning of community service.

Kathleen has long been involved in the work of the Montclair chamber having served in a number of capacities. Prior to serving as chamber president, she served as first vice president in 1988–89, chairman of the legislative committee in 1987–89, and has served as a member of numerous other chamber committees.

In addition, Kathleen has also served in a number of civic and community leadership activities. Reflecting her deep interest in education, Kathleen serves as president of the Ontario-Montclair School Board. She has also held elected positions with the San Bernardino County School Board Association and the California School Board Association. In addition, she is the cofounder of the West End School Trustees Group and the founder of the San Bernardino County roundtable. Kathleen presently serves as a board member of the Ontario-Montclair YMCA and Montclair Kiwanis Club. She is also a member of Soroptimist International of Montclair, the American Association of University Women, and Zonta.

Mr. Speaker, please join me today in congratulating Kathleen Brugger for her outstanding achievements and for offering so generously her time to our community. Her commitment, leadership, and hard work has made and will continue to make a critical difference to the people of Ontario-Montclair.

INTERNATIONAL STUDENTS' ASSOCIATION OF OAKLAND UNIVERSITY, MICHIGAN

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. CARR. Mr. Speaker, I rise today to recognize the members of the International Students' Association of Oakland University, Michigan. Their extraordinary efforts in volunteering time for a positive and encouraging program to promote awareness of diverse cultures amongst schoolchildren of the Rochester Hills area are to be commended.

The "International Pals Program" involves Oakland University students from 18 countries—such as Japan, Poland, Tanzania, and Peru—who generously give of their time and energy to visit local elementary and middle school classrooms monthly to share the geography, education, history, language, customs and culture of their respective countries. At the present time, 36 international students have dedicated themselves to this cross-cultural program serving approximately 1,000 area children. This program is not only educational for the children, but more importantly, it introduces them to people of other ethnic backgrounds before negative stereotypes develop.

Our society is one of the most ethnically diverse in the world. However, the task of building racial tolerance both within our country and throughout the world generally is, regrettably, far from complete. As we move forward to the year 2000, it is evident that cross-cultural understanding will be crucial to the development of our Nation. This program is an excellent example of how understanding of cultural diversity can be improved in a way that is both enjoyable and educational for all concerned. I hope that other colleges will be inspired to follow Oakland University's example and establish similar programs which promote global education.

Finally, Mr. Speaker, I would like to commend, once again, the devoted students of the Oakland University International Students' Association for their commitment to improving the quality of education for schoolchildren in Rochester Hills area. In addition we applaud the innovative staff involved with the International Pals Program, in particular David Herman, dean of students at Oakland University and Carol Mims Foster, principal of Meadowbrook Elementary School, Rochester. They developed the program together with Barbara Meyers and Elaine Santa, teachers at Meadowbrook. Special appreciation should also go to Izzat and Vincent Khapoya, faculty members at Oakland University, who originally suggested improving multicultural education in the area's elementary schools; and to teachers at the other schools in the program—West Middle School, Rochester, and Brewster Elementary School, Rochester Hills. All those involved can be truly proud of their efforts, as we are proud to support and represent them.

MEMORIAL FOR DANIEL JOHNSON, SR.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. YOUNG of Alaska. Mr. Speaker, in the course of history, there are certain individuals who truly excel and whose contributions make a noticeable difference in their community. They are the leaders, pioneers, and visionaries to whom we look for guidance and results. One such man was Daniel Johnson, Sr., of Angoon, AK. On Saturday, February 10, 1990, Daniel Johnson passed away following an unsuccessful heart transplant operation.

Johnson was the first president of Kootznoowoo, Inc., serving from 1973 through 1977. He also served on the city council, as mayor of Angoon, on the school advisory committee, and was long active in the Tlingit-Haida Council and the Alaska Native Brotherhood.

John Norman, Kootznoowoo's corporate attorney since 1974 recalled that Johnson presided over the corporation at a time when there were few guidelines to follow. He is said to be the father of the corporation. "At that time the corporation was like a new baby learning to walk. It was Danny's good humor and encouraging words that helped that baby become the mature corporation that exists today," Norman said.

Johnson was chairman of the Board of Kanalku Development Corp., a subsidiary of Kootznoowoo. Sterling Bolima, president of Kanalku, credits Johnson with gaining Admiralty Island wilderness status. Under his leadership in the mid-1970's, Kootznoowoo began a lobbying effort in Washington, DC, to protect the island from logging. Johnson traveled to Washington several times to testify before congressional committees on behalf of his home island.

In a letter to Dan's wife, Verna, Guy Martin, a former Assistant Secretary of the Interior, expressed his respect for Johnson as a leader and a representative of his village. "During the difficult fight to preserve and protect Admiralty Island," Martin wrote, "Dan stood tall in the defense of his home and his lifestyle, even when criticism of the Angoon position came from the Alaska's congressional delegation, Alaska development interests, and other Native villages and corporations. Dan's courage, along with that of other important leaders from Angoon, finally paid off in the ultimate protection of Admiralty Island as a national monument."

He was one of the first Native leaders to blend Tlingit traditions with modern business. Fluent in the Tlingit language, Johnson was a member of the Bear Clan (Teikweidee).

Dan Johnson was born and raised in Angoon. He and his family lived in Juneau from 1957 to 1967 when Johnson worked for the Juneau Cold Storage and later for the Bureau of Indian Affairs. He is survived by his wife, Verna; and children Daniel Jr., Alvin, and Valerie James of Angoon; Melanie Fredrickson and Steven of Juneau; Donald of California; and sisters Virginia Kennedy of Angoon and Marie Beasely of Seattle.

Johnson underwent a heart transplant on Sunday, February 4, 1989. His prognosis was good until midweek when tissue rejection symptoms set in. Norman and others were stranded in Juneau, unable to attend the memorial service for Johnson because of a severe winter storm. Despite the weather, over 250 people attended the memorial ceremony in Angoon on Saturday, February 17. Dozens of individuals and groups performed gospel songs in honor of Johnson's love of music.

Daniel Johnson will certainly be missed. His contributions in the community of Angoon and the State of Alaska will be long appreciated. John Norman remembers, "in all of my contacts with Danny, he always had the best interests of the corporation at heart and he was always proud of his wonderful family. Most of all I will remember his warm personality and winning smile. I'll never be able to think of Angoon and Kootznoowoo Inc. without thinking of Daniel Johnson."

CANTORS GO TO HUNGARY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. SMITH of Florida. Mr. Speaker, it is my pleasure to congratulate the American Society for the Advancement of Cantorial Arts [ASACA] for being chosen to represent the United States at the 10th Annual Budapest Spring Cultural Festival which will be held on March 19 through 23, 1990. Gila and Haim Weiner founded the organization in 1987 to help form a greater awareness and appreciation for the traditional liturgy and music of Judaism. Additionally, it is their hope that the beauty and significance of the religious music that is sung by cantors will continue. The Weiners hope to rejuvenate the tradition of hazzanut—cantorial music—in Eastern Europe and to culivate renewed interest of young people to become accomplished cantors.

The art of cantorial music has its roots in Eastern Europe. Most of the melodies were composed in the 17th, 18th, and 19th centuries. These ancient prayers express a general message of goodwill and has deeply affected millions of people who have had the opportunity to experience these beautiful hymns. Unfortunately, only a small fraction of the 80,000 Jews who currently live in Hungary actually take an active part in Jewish life, for most are fully assimilated. The recent change in governmental policy in Hungary, however, guarantees religious expression and freedom. The cantors visit to this new democracy should help heighten an awareness of Jewish traditions that were lost or forgotten during the Communist reign of power.

We are living through a momentous time in history. The rapidly changing political climate of the world is a tribute to freedom and democracy. We must, however, be weary of some of the negative spinoffs of such rapid change—such as blind nationalism. The goodwill mission of the cantors will help educate and sensitize the hungarian people of the culture of Judaism.

I comment the Government of Hungary in their decision to invite ASACA to participate in the 10th Annual Budapest Spring Cultural Festival. This act signifies that Hungary is fast becoming a place where diversity of belief will not only be tolerated but encouraged. The cantors' visit serves to enhance an awakening of freedom and religious rights in this newly formed democracy.

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BUSH-REAGAN MIRACLES: FROM EUROPE TO CENTRAL AMERICA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. SOLOMON. Mr. Speaker, many Members of this body ought to be glad we don't live in a Communist society, where they make you stand up in a group and confess your errors.

There would be a lot of humbled Congressmen, forced to admit they were wrong about Ronald Reagan's foreign policy and wrong about his defense buildup.

It's because of those policies that a lot of countries are shedding their communism like last year's fashions.

Outside of Cuba and a few left-wing faculty lounges, there are about as many true Communists as there are people who believe the Earth is flat.

Marxism, Leninism, Stalinism, communism—call it whatever you'd like—has been repudiated by the greatest, most contagious outpouring of human spirit in modern history.

Mr. Speaker, after the allies won World War II, we found that we had merely replaced one totalitarian monster with another.

And although nazism died with its creator, communism proved to be the far greater danger.

By 1980, it had spread to four continents and seemed to many to be the wave of the future.

Then we elected Ronald Reagan.

He said he was going to rebuild our military, and he did.

It would have been very easy for Ronald Reagan to cave in to pressure.

Pressure from Congress to leave our defenses in their neglected state.

Pressure from left-wing pacifists who mounted a furious campaign not to put Pershing missiles in Europe to negate Soviet SS-20 missiles.

Pressure from the fainthearted not to liberate Grenada.

Pressure from Sandinista sympathizers not to support the Contras.

And pressure from pseudo-intellectuals to stop fighting the cold war.

Now, aren't we glad Ronald Reagan had the grace and vision and courage to resist that pressure?

And, Mr. Speaker, aren't we glad we still have a Reaganite in the White House in George Bush?

The operation in Panama was nothing more than a continuation of the Reagan foreign policy, which should now be called the Reagan-Bush policy, the policy of supporting freedom around the world, which some thought we had forgotten.

This is the greatest foreign policy triumph in American history. It's still going on, and we should all be celebrating.

As part of that celebration, Mr. Speaker, it is my pleasure to enter in today's RECORD a column by William Randolph Hearst, Jr., which appeared in the Sunday Albany Times-Union in my district.

The headline is "Bush-Reagan Miracles: From Europe to Central America."

And that, Mr Speaker, pretty much tells the whole story.

[From the Albany Times-Union, Mar. 4, 1990]

BUSH-REAGAN MIRACLES: FROM EUROPE TO CENTRAL AMERICA

(By W.R. Hearst, Jr.)

NEW YORK.—The great significance of the stunning electoral defeat of President Daniel Ortega's communist dictatorship is that America has brought democratic freedom to Nicaragua as it brought it to Eastern Europe, has started bringing it to the Baltic states, and will, I believe, eventually bring it to the Soviet Union.

History will surely record these epochal developments as among the most admirable achievements of our country since we won the war for independence.

Critics have consistently contended the United States lacked vision and competent leadership in world affairs under the Reagan-Bush administration.

The amazing success of the Reagan-Bush policies in handling the communist regimes in the Soviet Union and Nicaragua should confound with shameful embarrassment those who castigated President Reagan for spending so much money restoring America's military strength and who denounced both Republican presidents for supporting the freedom fighters in Nicaragua.

Now it is evident that President Reagan's challenge to the Soviet to outbuild them in the arms race, endanger their security with the Strategic Defense Initiative (SDI) program and hasten economic catastrophe in the Soviet empire prompted Mikhail Gorbachev to opt for an end to the Cold War and for freedom for Eastern Europe.

In the new edition of his book "Revolution," Martin Anderson, one of Reagan's closest White House advisers, revealed that at the first summit meeting with Gorbachev in Geneva in 1985, the president told the Soviet leader: "We can continue to disarm or we can continue the arms race. And I'll tell you now you can't win the arms race. There is no way." That view was shared by British Prime Minister Margaret Thatcher and French President Francois Mitterrand.

It soon led the Soviet leader to start making one concession after another in the nuclear and conventional arms talks, meeting nearly all the conditions set by Reagan and later by President Bush for arms cuts and troop withdrawals from Afghanistan and Eastern Europe.

When the freedom movement erupted in Eastern Europe, Bush urged Gorbachev not to use force to suppress it. Gorbachev not only pressured the communist leaders in Poland, Hungary, Czechoslovakia and East Germany to refrain from doing so, but he also instructed the Soviet supreme commander of the Warsaw Pact forces to order the military high command of the Eastern European communist countries not to use military force against the pro-democracy demonstrators. That forced the collapse of one communist government after another.

Both President Reagan and Bush were assailed for supporting the contra freedom fighters, but it was the latter, coupled with President Bush's liberation of Panama from the tyrannical regime of Manuel Antonio Noriega, that led the Nicaraguan dictator to risk free elections, although he did so with confidence he would win because the polls told him so. Most of the people polled didn't dare say they intended to vote against Ortega. President Bush's courageous intervention in Panama and apprehension of General Noriega clearly frightened Ortega, who publicly expressed fear Nicaragua would be the next in line for American military intervention.

Bernard Kaplan, our chief European correspondent, reported from Paris there was widespread European acclaim for America's role in helping bring about the restoration of democracy in Nicaragua.

A London Daily Telegraph editorial said: "If the proof of the pudding is in the eating, then America's policy toward the Sandinistas, beginning with Reagan's support for the contras, has been the correct one. Without the incessant pressure applied by the United States, who believes the Sandinistas would ever have agreed to a genuinely free election, even one they were completely confident they would win?"

Switzerland's leading newspaper, the Journal de Geneve, wrote: "The United States does deserve credit. Bush's political moves toward Nicaragua were a continuation by other means of the policy launched by Reagan of refusing to concede Marxist supremacy there. That policy has succeeded."

President Bush, who has established a close relationship with Gorbachev, persuaded the Soviet leader to strongly support free elections in Nicaragua. According to the Washington Post, "The most vital support for the (free) election process came from the Soviet Union."

President Gorbachev sent Bush a personal letter assuring him Moscow had suspended arms shipments to Nicaragua. The day after the democratic victory, the Soviet Foreign Ministry publicly made clear that Gorbachev supported the outcome of the elections and expected Ortega to facilitate the transfer of power. The Soviet government also offered to supply economic and military aid to the new democracy.

In view of the way Gorbachev's predecessors built up Ortega's military power to extend communist domination throughout Central America and acquire a second Cuba as a Soviet air and naval base to threaten the United States, President Bush's success in getting Gorbachev to help us end that danger is a tremendous tribute to his statesmanship.

It also encourages confidence in the sincerity of Gorbachev's assurances that he wants a new world order based on "individual freedom, independence, democracy and social justice." It is good news that the Soviet legislature voted overwhelmingly to strengthen Gorbachev's presidential authority. It is expected the legislation, which marks a historic shift in power from the Communist Party to the government, will be ratified by the Congress of People's Deputies in the middle of this month.

Bringing about the collapse of communist domination of Europe, the virtual end to the Cold War and the superpower arms race as well as restoration of democratic governments in Panama and Nicaragua will make proud chapters in the history of our country. For these almost miraculous changes, great credit will always be due Ronald Reagan and George Bush.

THE AFFORDABLE HOUSING AND FIRST HOME BUYER ASSISTANCE ACT OF 1990

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. SMITH of New Jersey. Mr. Speaker, as a member of the House Republican Study Committee Task Force on Housing, I am pleased to join with Mr. DOUGLAS, Mr. BARTLETT, and others to introduce the Affordable Housing and First Home Buyer Assistance Act of 1990. This legislation is the result of months of effort by the task force and should go a long way toward helping all Americans fulfill their dream of owning their own home.

Mr. Speaker, in the last 20 years we have witnessed a significant decline in home ownership. Overall, home ownership rates have been falling steadily from a high of 65.6 percent in 1980 to 63.7 percent in 1988. The decline has been most dramatic in young families trying to buy their first home. The percentage of young two-parent families owning homes dropped from 38.9 percent in 1973 to 29.1 percent in 1987. The percentage of young single parents owning homes has dropped by over 50 percent in the same time period.

As the price of homes has skyrocketed in many areas of the country, it has become increasingly difficult for young people to make the required downpayment. In 1984, it took the average first-time homebuyer an average of 1.8 years to save enough to make a downpayment. Today, it takes an average of 2.4 years; and in the Northeast the average is closer to 3.7 years.

Mr. Speaker, the Affordable Housing and First Home Buyer Assistance Act of 1990 will go a long way toward reversing this trend. Specifically, this legislation:

First, allows the creation of first home ownership accounts which individuals can use to save up to $20,000 tax free for the purchase of a first home;

Second, eliminates the capital gains tax on the sale of a principal residence;

Third, extends the mortgage bond program by 3 years to allow States and municipalities to continue raising funds for low-interest home ownership loans;

Fourth, allows HUD to insure mortgages for first-time home buyers up to 95 percent of the value of the property; and

Fifth, authorizes HUD to study the use of share equity plans to assist first-time buyers with price-level adjusted mortgages [PLAMS].

Mr. Speaker, this legislation was drafted after months of consultation with Government officials, private industry, and policy experts. It is designed to complement the efforts of Secretary Kemp and President Bush as outlined in their HOPE initiative. I am hopeful that the Congress will move swiftly on this legislation and make 1990 the year that home ownership once again became a reality instead of a dream for all Americans.

FAILURE TO FORMULATE A COHERENT POLICY RESPONSE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. FRANK. Mr. Speaker, the failure of the Bush administration to formulate a coherent policy response to the numerous changes taking place in Eastern Europe becomes more and more evident. With freedom having come to much of Eastern Europe, President Bush still has before us a budget which recommends that we spend billions of dollars to prevent Poland, Hungary, and Bulgaria from joining the Soviet Union in a land invasion of West Germany and France.

The President asks what our hurry is in cutting this obviously unnecessary spending. The answer is that we do not wish to wait to make real cuts in the deficit, nor do we wish to put off helping the elderly with medical bills or providing education benefits to children.

All of these objectives and others are hurt by the President's refusal to stop subsidizing our wealthy allies against nonexistent threats.

In today's New York Times, the editors make a powerful, detailed analogical proposal reflecting reality as baffling. I hope that the President and his budget staff will heed the good sense of the New York Times and others—including his own Director of Central Intelligence, Mr. Webster—unnecessary military expenditures.

Mr. Speaker, I ask that the thoughtful editorial from the New York Times be printed here.

[From the New York Times, Mar. 8, 1990]

A $150 BILLION A YEAR—WHERE TO FIND IT

It's as though America just won the lottery with Communism collapsing, the United States having defended the free world for half a century, now stands to save a fortune. Defense spending could drop by $20 billion next year and $150 billion a year before the decade ends.

What a precious moment; what a Heaven-sent opportunity for a political leader to capture attention and resources and do great good. President Bush, however, resists turning in his winning ticket. What will he do with this peace dividend? He says there won't be one—and besides, it will all have to be spent reducing the deficit.

The President is surely right not to react hastity to the upheaval in global politics. Yes, the cold war is over and the Soviet Union now looks inward. But it will take time to adjust the assumptions and relationships of two generations.

The peace dividend, however, is tangible, and for the President to recoil from it is baffling. It is not bleeding heart liberals who urge Mr. Bush to be the Education President; that's his own ambition for himself. It is not elitist ecologists who label him the Environment President; that's his own title for his own aspiration.

Why, having pinned himself between a desire for progress and a pledge not to raise taxes, does he shrink from the windfall? Shouldn't he, on his own terms, embrace it? By dismissing it, the President is twice mistaken. The peace dividend is real, and realistically achievable. And the best way to spend it is to promote productivity and growth.

In his own budget, Mr. Bush would reduce the $300 billion-plus total for defense by 2 percent a year. That would save $140 billion over five years—and Congress is sure to cut more. If the Soviet threat keeps dwindling, it's possible to envision a $150 billion Pentagon budget, in current dollars, by the year 2000.

Cuts that deep can only be achieved gradually, it takes time to close bases and production lines. And sensibly, reductions will start small, phasing in with evidence of reassuring change from the Soviet Union. But the sooner Mr. Bush begins to plan for cuts, the sooner savings will accrue.

THE PEACE DIVIDEND IS REAL

Close students of defense acknowledge that significant cuts can be made. William Kaufmann, who advised Republican and Democatic defense secretaries, has demonstrated in a recent study how to halve outlays in a decade. The time to begin is now, with the five-year defense budget the Pentagon will soon submit to Congress.

There are two principal tasks: Reduce conventional forces, and slow the introduction of new weapons, both conventional [see box] and nuclear.

Reduce conventional forces.—Ships, planes, tanks and troops are the place to start. They are where the money goes—four of every five defense dollars. Much of that is keyed to an improbable Soviet attack in Europe. Conventional force talks contemplate reducing U.S. troops from 305,000 to 225,000. Come 1992, that will save about $7 billion a year. Subsequent Soviet withdrawals could trigger more troop cuts, down to, say, 75,000, saving $12 billion more a year. And cutting six backup divisions in the U.S. would save $14 billion a year.

Meanwhile, with a diminished Soviet threat, it's absurd to insist that third world perils require 14 Navy carrier battle groups. Reducing 14 to 12 by 1994 would save $6 billion a year. Reducing to six by 2000 could save an additional $22 billion a year.

It is difficult to calculate the total savings for such cuts in force size because, beyond operating costs saved, there would be untold savings in hardware and personnel.

Slow Down Nuclear Modernization.—This year's bill for missiles and bombers is $52 billion, and present plans could make that $87 billion by 2000. By slowing modernization, outlays could be held below $30 billion a year. The Strategic Arms Reduction Treaty, expected to be signed this year, will help make cuts of this magnitude safe.

With the reduction in Soviet land-based missiles, there's less need to put 50 MX missiles on rail cars, or to buy more Trident submarines than Start permits. Canceling MX mobile basing would save $4 billion between 1991 and 1995; stopping at 18 Tridents and slowing deployment of new D-5 missiles could save $4 billion more.

The B-2 stealth bomber was designed to locate and destroy mobile missiles. Sixteen are already authorized. Deferring further procurement while continuing flight-testing would save $23 billion between 1991 and 1995. Procurement of the advanced air-launched cruise missile can also be deferred, saving nearly $3 billion in those years.

The Bush Administration asks $5.4 billion for Star War defenses this year, and more later, even though this mammoth program still lacks clear purpose and faces formidable technical problems. Robust research could be conducted for $3 billion a year, saving $16 billion between 1991 and 1995.

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Canceling the Army's anti-satellite weapon would save an additional $2 billion.

Apart from Pentagon spending on defense, the Department of Energy wants two new plants in which to manufacture nuclear weapons. But Start reductions will allow most nuclear material to be recovered from dismantled warheads. Canceling one of those plants would save $3 billion between 1991 and 1995, and cutting back warhead production, billions more.

The intelligence budget is secret but is thought to have doubled in the 80's, without commensurate benefit. Spy satellites are needed to monitor arms control agreements, but keeping a dozen or so in orbit will generate more pictures than analysts can assess. Canceling one imaging radar satellite and one photo satellite a year would save $2 billion.

There will not be easy agreement on all these cuts. But they are not reckless or speculative. A plausible plan of reductions could save $150 billion a year by 1999. Even if some cuts aren't made, any large part of $150 billion amounts to real money.

The next question is, what should America do with it? The President says, reduce the huge Federal deficit. So does the Senate. They're right that the deficit clouds the future and demands reduction. But the question here is what to do with the peace dividend windfall, and the best answer is, use it for positive investments in the future.

WHERE TO START

The Pentagon is building a number of new weapons useful primarily in the event of war in Europe. The weapons they would replace are already as advanced as any in the world. Here is what canceling or deferring acquisition would save in outlays, 1991 to 1995:

	Billion
Army light helicopter	$2
Advanced tactical missile	1
Forward area air defenses	3
C-17 cargo plane	12
Advanced tactical fighter	8
F-16 fighter plane (new model)	10
A-12 attack plane	12
Osprey tilt-rotor aircraft	8
Advanced air-to-air missile	4
DDG-51 guided missile destroyer	8
Seawolf attack submarine	9
Five-year total	77

THE PRESIDENT'S TRANSPORTATION POLICY NEEDS AN OVERHAUL

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MANTON. Mr. Speaker, today's news accounts of the administration's proposed transportation policies are deeply disturbing. Apparently, President Bush has decided not to accept the best aspects of Transportation Secretary Sam Skinner's plan to revitalize our national transportation system.

Mr. Speaker, I have great respect for the Secretary of Transportation and I was excited by his plan to unveil a comprehensive and meaningful transportation policy. Secretary Skinner's "draft" proposal on transportation was insightful and courageous. His plan would have been a step in the right direction for addressing the Nation's urgent transportation needs. Unfortunately, what has been unveiled by the administration is nothing more than a restatement of tired policies which would place the burden of revitalizing transportation on the backs of the States and local communities.

The administration's plan does not include Secretary Skinner's proposal to establish a much needed national airport-noise policy and the retirement of noisy aircraft. Communities located near major airport facilities are continuously subjected to deafening noise pollution. Airport noise is a serious problem in the neighborhoods I represent in Queens, NY near LaGuardia Airport. This problem can not be allowed to continue, and it will take a Federal effort to correct the problems. Unfortunately, the administration's plan is sorely lacking.

Mr. Speaker, the administration's proposal also makes no mention of Amtrak. I am not surprised the President chose to ignore Amtrak in this transportation plan because the administration has always taken a policy of neglect toward Amtrak. His fiscal year 1991 budget proposal would end all Federal support for our national passenger railroad system. Amtrak is a vitally important component of our Nation's transportation system and helps to ease the strain on our congested highways and overcrowded airports. In fact, Amtrak carries more than twice the number of passengers within the Northeast corridor than all airlines combined. Fortunately, Congress rejected the repeated attempts of the Reagan administration to terminate Amtrak. I hope Congress will continue to resist the efforts of the Bush administration to eliminate assistance for this important Government program.

Mr. Speaker, the President's transportation policy appears to be nothing more than a vague statement of general policy. The tough decisions have been ignored, or left for Congress to decide. I hope the President will take this plan back to the drawing board and start over. The problems we face in the area of transportation are too great to be glossed over in the manner of the announced proposal.

SOVIET REFUSNIK CARMELLA RAIZ

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. FROST. Mr. Speaker, 17 years ago, Carmella and Vladmir Raiz applied for exit visas to leave the Soviet Union and settle in Israel. They knew Israel would welcome them and would let them practice Judaism freedly and openly, without fear of harassment, discrimination, or imprisonment.

Today, the Raiz family remains captive in the boundaries of the Soviet Union. They are refused permission to emigrate because of state secrets—state secrets that Vladmir Raiz was allegedly privy to in a position he held 25 years ago. Over the years, the Raiz family has been promised permission many times, but it has never become reality. Today bureaucratic complications hinder the release.

So, today, if you go to the Soviet Embassy here in Washington, you will see something unusual. You will see Carmell Raiz and her son Moshe holding a vigil at Sakharov Plaza. Carmella and her son are here on a tourist visa. Her husband and her son, Shaul, remain in the Soviet Union—hostages to the oppressive system to ensure that Carmella and Moshe return to their legal residence. Amidst Members of Congress, religious organizations, and thousands of supporters from across the country, you will see Carmella Raiz pleading for the just release of her family.

As the spirit of glasnost ripples through Russia, we must wonder when it will cease being words and well wishes for some, and commence action and assistance for all. It was with tremendous relief that we witnessed the mass emigration of thousands of Jews this past year to Israel and America. We have been jubilant over the numbers, but it is not enough. There are still long-term refusniks pleading for relief.

Now, more than ever, we can not close our eyes, become complacent, or mollified by the sweeping changes of perestroika. The Soviet Jews need our help and we must speak out for them. Today, and until all the refusniks are free, we must call for relief—relief for Carmella Raiz, her family, and the many others who remain trapped in the Soviet Union against their will.

The words of the Talmud teach, "who can protest an injustice and does not is an accomplice in the act." Such is the maxim advocated by many different religions around the world. This is the time to protest. We cannot turn from our responsibility now.

MARKETING INTERNATIONAL WOMEN'S DAY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mrs. KENNELLY. Mr. Speaker, in 1977 the United Nations General Assembly passed a resolution inviting member states to proclaim a day of the year as United Nations Day for Women's Rights and International Peace. Today we observe that day simply as International Women's Day. I think, however, this is an appropriate occasion to reflect on the more formal title. Women have been on the forefront of so much of the peaceful international change. Ironically though, around the globe, women have yet to achieve basic human rights.

In Nicaragua, Violeta Chamorro showed the world that graceful resolve can lead to peaceful change. Hopefully, her example will spread peace throughout Central America. In South Africa, Winnie Mandela insisted that the prison walls which confined her husband did not confine the ideals for which he fought. Both of these women paid a high personal price to make a better world.

None of us can forget the exhilaration we felt as we watched those crowds in Budapest, Prague, and Beijing. Let us remember though that women added their essential voices to these popular revolutions. Their courage in rejecting the system that made their daily labors to work and care for a family unbearable, helped give these movements their energy.

Against this backdrop though, women continue to suffer great injustices. From the deprivation of rights to the burdens of poverty, great strides are necessary.

Let us celebrate the peaceful developments around the world by working for justice for those who have been on the front line—the women in the international community.

COMMUNITY BAPTIST CHURCH CELEBRATES 34 YEARS OF WORSHIP

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. DYMALLY. Mr. Speaker, on Sunday, March 11, 1990, the Community Baptist Church in Compton will be celebrating its 34th year of worship and service to the community.

It was Rev. E. Boyd Esters and a few others who started the vision to build a church where they could worship and praise God with others in the community. They were first located at 800 N. Nestor in the city of Compton with only a few members but has now grown to an estimated membership of 500 persons.

Community Baptist Church has been instrumental in spiritual instruction and leadership for its members as well as the youth and young adults. They are also involved in serving the community by sponsoring a home for senior citizens, providing food and shelter to those in need in the area, and assisting with the needs of the residents of the sick and elderly at Compton Convalescent.

I am proud to see the faithfulness and hard work that Rev. E. Boyd Esters and his congregation have done so that the Community Baptist Church can continue to be a place where people can worship and help the community of the 31st district as well.

A TRIBUTE TO JUDGE G.E. WEBB, JR.

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. DELAY. Mr. Speaker, I want to take this opportunity to pay tribute to a very special person in my district. That person is Judge G.E. Webb, Jr., of Brazoria County, TX. On Monday, March 5, Judge Webb passed away at his home. He was 80 years old. I was honored to represent this fine gentleman in Congress.

Judge Webb was born in Crowley, LA, and educated at the University of Arkansas and the Port Arthur Business School. In 1937, he settled with his new bride, Ruth, in Brazoria County to farm rice and later, open a small business. It was here where they raised their son and daughter.

Judge Webb, was elected six times to serve as justice of peace over the last 24 years. He dedicated his time in public service to the principle of equal and fair treatment under the law for everyone. At one time, the precinct he served covered more than 450 square miles.

The judge not only served the public unselfishly, but provided strong leadership in his community. He was a charter member and past president of the Alvin/Manvel Chamber of Commerce and the Rotary Club. In addition, he played a major role in the formation of the Visiting Nurses Association, Bay Area Alcoholic Council, and the Alvin Emergency Medical Service.

Judge Webb was an active member of the Grace Epscopal Church of Alvin and was best known as a kind and gentle man who loved his community and its people. He always strived to serve with dignity, compassion, and concern.

Today, I respectfully acknowledge and commend here in the U.S. House of Representatives, the service of this fine man from Brazoria County, TX.

I extend my sympathy to his wife, Ruth, his two children, George Edward Webb III and Janice Stiefel, and to all his other surviving relatives.

Judge Webb will be sorely missed.

ON THE NEED FOR OPENNESS IN DEFENSE CONTRACTING

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. BUSTAMANTE. Mr. Speaker, today, I am introducing legislation to amend the Competition in Contracting Act to require the Department of Defense to debrief competitors for major systems on reasons for their exclusion from a contract award. Under this bill, DOD will be required to inform unsuccessful offerors of their rights to be debriefed within 10 days of a contract determination. Additionally, no award will be permitted 10 days following the debriefing, and any contract awards made in violation of these requirements will be void.

Currently, DOD debriefings of unsuccessful offerors are optional—they are conducted only if requested. DOD debriefings are not mandatory requirements under the procurement process, and certainly it is not mandatory that they be given before contract award.

The procurement reforms enacted in 1984, in response to overpriced spare parts and other evidence of waste in the procurement process, established the principle that disappointed bidders ought to have an opportunity to challenge contract awards and decisions. The act did this by reinforcing the General Accounting Office's jurisdictions over contract protests and by creating a new forum for considering and deciding the bid protests of automatic data processing [ADP] procurements—the General Services Board of Contract Appeals. The underlying theory for these reforms was that the contracting community was in the best position to enforce compliance with procurement regulations, and that therefore they should be permitted to regulate themselves. Unfortunately, however, this system will work only if losing contractors are given timely and accurate information about the reasons why their bids and proposals were not adopted.

The legislation proposes a debriefing process which is similar to that now employed by the National Air and Space Administration. The legislation will ensure that competitors for a major system—as that term is defined in statute will receive full and open disclosure of the strengths and weaknesses of the governmental evaluation of their proposals. However, the debriefings called for in this bill are not intended to include any discussion of proprietary submitted by competing offerors.

Requiring a timely briefing from the DOD should work no hardship on the defense procurement system. Even today, DOD's proposal evaluation and award decisions must be supported by reasons and facts rather than by summary conclusions. This legislation would merely require the agency to give a detailed accounting of the basis for its decision earlier in the procurement process.

Mr. Speaker, I urge my colleagues on the Armed Services Committee to consider carefully this measure which attempts to introduce an element of fairness and openness in defense contracting.

THE 75TH ANNIVERSARY AT HARCUM JUNIOR COLLEGE

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. WELDON. Mr. Speaker, I am pleased to announce today the 75th anniversary of Harcum Junior College in Bryn Mawr, PA. Traditionally a women's college with an enrollment averaging 800 students per year, Harcum College educates those from the heartland of Pennsylvania.

Harcum boasts an outstanding 60 percent graduation rate. Seventy percent of those graduating students go into the workforce while 30 percent continue their education at a 4-year school. Harcum Junior College provides the opportunity of education to those who might otherwise stop after receiving their high school diploma. Those students who enter the workforce upon graduation are finding good paying jobs. As for those who chose to continue their education, Harcum College was their all-important stepping stone from high school to a 4-year college degree.

While the student body is the institution's main concern, the college is also very active in the community. Harcum College plays a leading role in many community improvement programs such as Upward Bound, a program to enrich the lives of impoverished children. The college has also had tremendous success in their attempts to improve adult literacy. The Harcum Junior College literacy effort began in the fall of 1988 as a volunteer program. Students went into the West Philadelphia community to educate illiterate adults. Today the program has grown tremendously and has gained State and national attention. A recent grant from the U.S. Department of Education makes this the only program of its kind to receive both State and Federal funding.

We salute Harcum Junior College for its outstanding efforts in the classroom and in the community. Those of us in the Philadel-

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phia area are very proud of Harcum's many achievements.

INTRODUCTION OF PRO-ESOP LEGISLATION

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. ANTHONY. Mr. Speaker, today I am introducing legislation to encourage employee ownership through ESOP's. This legislation is needed because as I move around the country I am convinced that the American people endorse employee ownership for a variety of reasons. First, employee ownership is fair. Second, common sense dictates that owners treat their property with respect and care. Third, only through ownership is real wealth created.

To my friends in the ESOP community, and to my colleagues who believe ESOP's work because they have seen the evidence in their own congressional districts and States, I say that we need to speak out for ESOP's and employee ownership, as some do not believe the good work that we see in ESOP companies throughout America.

Thus, I urge the supporters of ESOP's to come forward with a program to implement our beliefs, in a reasonable, and pragmatic manner. I urge my colleagues to sponsor the legislation I am introducing today.

In brief, my legislative proposal would provide for the following:

First, my legislation will permit the employees of subchapter S corporations to participate in employee ownership. Currently, these small closely held businesses, which do not tax income to individual shareholders at the corporate level, may not sponsor ESOP's because each employee would be deemed a direct shareholder, resulting in too many shareholders for subchapter S treatment. Because small closely held corporations have traditionally proven to be among the most productive and wealth building of ESOP companies, we believe employee ownership is proper in a subchapter S corporation. By applying a corporate level tax to the income attributable to the ESOP stock, our proposal is either revenue neutral or a revenue raiser.

Second, I would restore the ESOP exception to the 10 percent early withdrawal penalty tax. Current law requires the ESOP to distribute to terminated employees without regard to age. It is wrong to subject a mandatory distribution to a penalty tax.

Third, the legislation would permit ESOP contributions to employees earning less than $30,000 per year to be double the normal 25 percent of pay. Because ESOP's are designed to break the troublesome concentration of wealth in society, we believe the lower paid should have more stock where appropriate.

Fourth, the legislation would return the threshold of the size of the ESOP holdings from 50 to 30 percent in order for the lender to the ESOP to exclude one-half of the interest earned on the loan to an ESOP. Last year both the House and Senate adopted the 30-percent threshold, but the conference increased the percentage to 50 percent. The legislation would also cap the amount of the loan proceeds eligible for the exclusion at $50 million unless the ESOP owned more than 50 percent of the corporation's stock.

Fifth, I would permit payroll deductions for ESOP participants to contribute to political action committees established by an association promoting and protecting ESOP's.

As with any legislation, these proposals are only starting points. I am sure that many items in the bill will be improved, both in substance, and in technical and clarifying points, during the legislative process.

I want to note that 15 of my House colleagues have joined in introducing this legislation. They are: Congressmen Cass Ballenger, Dana Rohrabacher, Guy Vander Jagt, Harold Ford (TN), Phil Crane, Robert Matsui, Charles Hayes, Peter Smith (VT), Richard Armey, Gerald Solomon, John Duncan, Jr. (TN), Bill Paxon, Mervyn Dymally, Nick Rahall, and Jim Jontz. I note particularly the leadership of Congressmen Ballenger and Rohrabacher in helping to actually put this pro-ESOP legislation together.

By introducing this positive ESOP legislation, we believe we will move toward more employee ownership, which provides benefits to employees and their companies.

INTRODUCTION OF NATIONAL VISITING NURSE ASSOCIATIONS WEEK

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Ms. OAKAR. Mr. Speaker, it is with pleasure that I join my colleague, Mr. Burton of Indiana, today in introducing the resolution designating February 17 through February 23, 1991, as National Visiting Nurse Associations Week.

As we consider the recommendations of the Pepper Commission and the state of long-term care in this Nation, it is fitting that we pay tribute to those thousands of professionals and volunteers who, through the Visiting Nurse Associations, have been ministering to the health care needs of the home-bound for more than a century.

Each year, more than 1,500,000 men, women, children, and infants in this country receive home care and support services from Visiting Nurse Associations. The VNA's offer health care, physical, occupational, speech, and mental therapy, nutritional counseling, homemaking assistance, social services, and hospice care in urban and rural communities alike, regardless of the patient's ability to pay.

In every community, the professional nurses, therapists, and other care-givers of the VNA's are supported by local volunteers who raise funds for the organization, serve on their boards of directors, visit patients in their homes, assist at wellness clinics, deliver meals-on-wheels, perform errands for patients, and, perhaps most important of all, provide friendship, comfort, and loving care.

It's no secret that patients generally prefer to be treated in the comfort and security of their homes. VNA's help make such treatment possible.

Visiting Nurse Associations have been in the forefront of caring for AIDS patients, as well as in providing maternal child care, home intravenous therapy, and respiratory care. In many cities, they are assisting cocaine babies, born to addicted mothers, after they are released from hospitals. They also have organized special shelters for the homeless to receive medical assistance.

The designation of National Visiting Nurse Associations Week is important not only because it pays tribute to the dedication and contributions of the thousands of VNA professionals and volunteers, but because it allows the 464 VNA's nationwide to increase public awareness of the availability and value of home care, attract more volunteers, and raise local funds for much-needed indigent care. Through this resolution, we can thank the VNA's and help them to carry on their vital mission.

MR. HENRY INTRODUCES THE NATIONAL COLLEGE ATHLETICS ACCOUNTABILITY ACT

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. HENRY. Mr. Speaker, today I have introduced, along with Representative Goodling, Moody, and Rose, the National College Athletic Accountability [NCAA] Act. The efforts of Senator Bill Bradley, combined with the ongoing work of the Knight Commission on Intercollegiate Athletics, clearly indicate the need for disclosure and reform of our college and university athletic programs.

This act will not interfere with college or university self-governance in any manner. However, it will require that colleges and universities benefiting from the Higher Education Assistance Act disclose athletics-derived revenues on their general fund accounts, and make them subject to the same onbudget financial procedures applicable to all academic programs at their respective institutions.

This legislation strengthens self-governance because it enables boards of control and college presidents to actually bear responsibility for the athletic programs at their schools. It also establishes, for the first time, public accountability for this major area of an institution's spending policies.

At a time when we are trying to sharpen educational excellence in our entire academic environment, and at a time when we are rethinking our academic priorities, it is entirely appropriate to put athletics governance within the accountability of the overall institution.

H.R. 4222, THE BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. WAXMAN. Mr. Speaker, today I am pleased to introduce, along with Congressman MADIGAN, the ranking Republican of the Subcommittee on Health and the Environment, H.R. 4222, the Breast and Cervical Cancer Mortality Prevention Act of 1990. We are joined in this effort by 22 other members of the Committee on Energy and Commerce, including our chairman, JOHN DINGELL, and our ranking Republican member, NORMAN LENT, as well as Congressman SCHROEDER and SNOWE, the cochairs of the Congressional Caucus for Women's Issues and many other Members of the House. This legislation is also being introduced today in the Senate by Senators MIKULSKI and KASSEBAUM and several of their colleagues.

The purpose of this legislation, Mr. Speaker, is to establish a new Public Health Service grants program to provide preventive health screening and referral services for low-income women for breast and cervical cancer. In the case of breast cancer, these services would include both a physical examination of the breasts and a mammography; in the case of cervical cancer, these services would include a pap smear. Grants to provide these services would be awarded directly to the States. A more detailed description of the bill is provided below.

As we well know, Mr. Speaker, both breast and cervical cancer are killing thousands of American women each year. Breast cancer is now the most frequent cancer in women—affecting one of every 10 women in the United States—and is a leading cause of mortality among females under age 65. In 1989 alone, there were an estimated 142,000 new cases of this disease and 43,000 deaths associated with it. With appropriate screening, many of these deaths could have been avoided.

Gynecologic cancers are the fourth leading cause of cancer death for women in this county. Some 6,000 deaths from cervical cancer occur each year. Most of them could have been prevented, too, with proper screening and followup services.

H.R. 4222 is designed to reduce these numbers—particularly among low-income women. Such women are often unaware of the value of preventive mammography and pap smear screening services. But even when they are knowledgeable, access to these services is virtually nonexistent. This bill will help educate the public about the importance of these procedures and will help lower the barriers to care.

We have waited far too long, Mr. Speaker, to begin to address these health care problems. The tools have been at hand and public health and medical experts alike have been pushing for action, but the Federal Government has been slow to respond. I believe we are now ready to move forward and to make the prevention and control of breast an cervical cancer among our Nation's top health priorities. I believe H.R. 4222 represents an important first step in reaching that goal.

I would urge all Members to support H.R. 4222 and look forward to working with them on its enactment.

PAYING TRIBUTE TO GIANTS IN PHILADELPHIA LABOR MOVEMENT

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. FOGLIETTA. Mr. Speaker, I rise today to recognize two leaders in the city of Philadelphia, Marvin Shuman and Edward Coryell. These men will be honored at the AFL–CIO 41st Annual COPE Banquet this Saturday, March 10. They are to receive the George Meany Memorial Award. This award recognizes individuals in public life, who exemplify the qualities of the man who was the architect of the AFL–CIO, its leader, articulate spokesman and enduring symbol for 24 years. Both Ed and Marv have lived up to the tradition of the great George Meany.

Ed Coryell, president of the Carpenters Metropolitan District Council has provided invaluable dedication both to the forwarding of labor interests and to the well-being of his community and State. Literally, he has spent a great deal of his energy building Philadelphia and making it a better place to live. He serves as president of the Pennsylvania Council of Carpenters, vice president of the Philadelphia Council AFL–CIO, and a member of the Philadelphia Area Labor Management Committee. He has most recently been nominated to sit as a board member of Independence Blue Cross of Philadelphia.

Marvin Shuman, president, Philadelphia Federation of Teachers [PFT] Local 3, has distinguished himself in the forwarding of quality education and the interests of educators. As a teacher, Marvin was elected to the PTF Executive Board where he actively served for 21 years. He has also contributed from the positions of bargaining agent, PFT staff, PFT president as well as vice president of the American Federation of Teachers.

Marvin's commitment to education has not been limited to his work. He has been deeply involved in the community, serving on the mayor's, nationally respected commission on literacy as well as on the executive boards of the United Way, the Private Industry Council, the Urban Coalition, and other civic groups committed to achieving excellence in our city and State.

Both men have a well-established commitment to labor and moreover, to improving conditions for our future and our children. As we enter the 1990's we face new challenges to secure jobs, productivity, quality of life. I join with the Philadelphia Council of the AFL–CIO to congratulate these two men on their commitment to excellence, past and future.

TRIBUTE TO DR. JOSEPH A. ODDIS

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. DINGELL. Mr. Speaker, I am delighted to bring to my colleagues' attention the recent selection of Joseph A. Oddis, Sc.D., the executive vice president of the American Society of Hosptial Pharmacists [ASHP], as the 1990 recipient of the annual Remington Honor Medal Award presented by the American Pharmaceutical Association.

The timing of the award could not have been more perfect, since this year marks the 30th anniversary of Dr. Oddis' strong, guiding hand at the helm of ASHP. The society is the national professional association for pharmacists dedicated to advancing rational drug therapy within organized health-care settings.

The hallmark of this period is not merely the growth of a professional society from a membership of 3,000 to 24,000. Rather, it is through acceptance by the health-care community under the leadership of Dr. Oddis, that pharmacists practicing in this environment contribute significantly to the well-being of their patients through the delivery of specialized, clinical services.

Born and raised outside of Pittsburgh, Dr. Oddis received his pharmacy degree from Duquesne University in 1950. He was a hospital pharmacist for 6 years before deciding to turn his considerable organizational and humanitarian skills to association work in 1956. Four years later he was selected to lead the ASHP. Dr. Oddis and his wife Jeanne are the parents of two grown children.

Respected in both his profession and the association field, Dr. Oddis is also highly regarded internationally as president of the International Pharmaceutical Federation headquartered in The Hague. He holds four honorary degrees, numerous honorary memberships from around the world, and is the recipient of several lecture awards in the academic community.

Mr. Speaker, I ask my colleagues to join with me in congratulating a man whose professional career exemplifies that old maxim of leaving the world a better place than you found it: Joseph A. Oddis.

AVIATION SAFETY AND SECURITY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. CLINGER. Mr. Speaker, I bring to your attention Department of Transportation Secretary Samuel Skinner's very timely and much needed policy statement that will be of significant value as we face the transportation challenges that lie before us. This strategic plan sets the framework for future transportation investment and decisionmaking, reasonably outlines responsibilities for the Federal Gov-

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ernment, State governments, and local governments, and calls upon greater private sector involvement where the resources and innovations available in the private sector can help us solve our transportation problems.

Our current transportation system is badly in need of repair. Unless we commit ourselves to modernizing and expanding this transportation system, as outlined, in the Secretary's National Transportation Policy, our economic growth will be restricted and our Nation's international competitiveness will continue to deteriorate. By following the Secretary's plan, there will be only winners. However, if we fail to follow the Secretary's plan, if we fail to invest in the transportation infrastructure which underlies our Nation's and our personal economic prosperity, there will only be losers—all of us—and no winners.

One area of emphasis in the policy that I was particularly interested in seeing was aviation safety and security. The policy statement supports modernization of the air traffic control system through implementation of the FAA's National Airspace System plan and standardization of safety requirements on a worldwide basis. It also notes the aging aircraft problem and calls for continued surveillance to ensure that we continue to fly the safest aircraft in the world. Each of these policies will contribute to further increases in the safety of our air transportation system.

Also, as our economy becomes increasingly involved with international markets, our concerns about international terrorism continue to grow. The Secretary's policy recognizes this and calls for stepped up screening of passengers and cargo at our Nation's international airports, including installation of the newest technology explosives detection devices.

I urge my colleagues to commend Secretary Skinner for the thorough job he and his staff have done. I am confident that, with its implementation, our air transportation system will remain the safest in the world.

CONGRESSWOMAN MORELLA SALUTES JEWISH WOMEN AGAINST REFUSAL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mrs. MORELLA. Mr. Speaker, I extend my greetings to Carmella Raiz and all of the courageous members of Jewish Women Against Refusal, who despite the miles between them today are united in spirit by the determination to gain freedom for themselves, their families, and all Soviet Jews.

Today, in the United States and the Soviet Union, and around the world we are celebrating International Women's Day. We pause to recognize the many accomplishments of women, and to remember the contributions made by Rosa Parks, Susan B. Anthony, Golda Meir, Corazon Aquino, Benazir Bhutto, and so many others who have led the fight for men and women alike to live in freedom. And we stand in solidarity today with the women of JWAR, who are fasting in demonstration of their determination to win their freedom, and women around the world who are struggling for their rights.

Like Mrs. Raiz, I welcome President Gorbachev's reforms, which for Jews have held the promise of greater religious freedom, but more importantly the right to emigrate. And yet these reforms have also unleashed the most virulent strains of anti-Semitism seen in the Soviet Union for some time. So many Soviet Jews are living in fear, their new found "freedom" amounting to little. They have the right to feel secure in themselves and in their beliefs, and the great majority has shown that it would feel most secure in Israel.

And yet absurd and arbitrary "security" provisions have been placed in the paths of their flight to freedom. Mrs. Raiz and her family are trapped in the Soviet Union today based on the ridiculous notion that secrets to which her husband had access more than 25 years ago could somehow be technologically relevant to Soviet security in the much changed world of today.

President Gorbachev had promised that all long-term refuseniks would have been granted their exit permission by the end of 1989. We have not forgotten that promise.

I call on President Gorbachev to give Mrs. Raiz and her family their exit visas immediately, and to accelerate the process now under way so that every Soviet Jew who wants to emigrate may do so without harassment, intimidation, or delay.

REMEMBERING ANNE HUTCHINSON

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Ms. SCHNEIDER. Mr. Speaker, today, on International Women's Day, during Women's History Month, we are encouraged to reflect on the noted women in history at the State, national, and global level. Few of the women we study stand taller for freedom than Rhode Island's Anne Hutchinson.

When Anne Hutchinson and her family left Massachusetts in 1642 to seek a new home on Aquidneck Island, they brought with them a desire for religious freedom like that practiced by their friend Roger Williams on the mainland.

Anne was the guiding force of the Aquidneck settlement. With the support of her fellow settlers, she drew up the first declaration of absolute religious freedom in America and wrote it into law on Aquidneck.

Under the leadership of Anne Hutchinson and Roger Williams, Rhode Island became the haven and refuge of freedom loving souls throughout New England. Respect for the individual was the hallmark of their settlements.

Anne Hutchinson's pioneering work for religious freedom did not stop with Rhode Island. Founders of the French Revolution, and drafters of the Maryland and Pennsylvania constitutions drew on Hutchinson's work. The little path that Hutchinson hewed out in Rhode Island was to grow into the high road for human liberty. Her flame became a beacon for the world.

A leader among both men and women, Anne was a magnetic figure. She taught and practiced spiritual principles drawn from her own experience with strong emphasis on love and truth. Her courage in developing a system of belief based on her own experience, and her willingness to put her beliefs into practice are attributes we can all admire.

In many ways, Anne Hutchinson can be described as America's first female legislator. Her law, making religious freedom a basic fact of life in Rhode Island, encouraged a principle that 300 years later helped overthrow the grip of communism on the people of Eastern Europe.

Though the statue atop the Rhode Island Capitol is the Independent Man, it was a woman—Anne Hutchinson—who first wrote this principle into the laws of Rhode Island and America. I am proud to be a Rhode Islander, living in the settlement that was formed, in large part, by this noble woman.

A TRIBUTE TO THE FIRST LADY OF LAWNDALE, SARANN KRUSE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. LEVINE of California. Mr. Speaker, it is with distinct pleasure that I rise today to express my admiration, gratitude and respect for a unique woman, a great friend, a model citizen and a devoted public servant. After 6 years as a hard working Lawndale city councilwoman and 8 more as the city's first elected mayor, Sarann Kruse is retiring from public service. On Friday March 16, 1990, Sarann will be recognized for her many years of devotion to Lawndale with a dinner in her honor at the Hacienda Hotel in El Segundo.

During her 14 years at city hall, Sarann has been instrumental in initiating a number of model programs, including the City/School Child Care Program. She also helped to orchestrate the innovative financing of the Galleria at South Bay by bringing together two cities, private developers, and the Federal Government.

A devoted mother and grandmother, Sarann has been a South Bay resident since 1958. Busy with her career and family, Sarann and her husband Bob, nevertheless found time to actively participate in Democratic Party politics.

In addition to Sarann's many political achievements, she has enjoyed a long and productive career with Northrop Corp. During her 29 years with Northrop, Sarann became the first safety engineer in the aerospace industry and has actively promoted partnership programs with education and industry in manufacturing technology. She is the cofounder of the Southern California Aerospace Industry Education Council and the Georgia Aerospace Technology Education Council. Sarann's strong belief and support for technology education is demonstrated by her personal involvement in a number of advisory board committees and State task force committees for the community colleges and California Department of Education.

Mr. Speaker, Sarann Kruse is an exemplary American well worthy of the numerous plaudits she has received from many organizations such as the California State Assembly, the Los Angeles County Board of Supervisors, and Soroptimist International. I strongly urge my colleagues in the U.S. House of Representatives to join me in honoring my good friend Sarann Kruse for the many years she has selflessly devoted to the people of her community.

WE MUST REMEMBER AMERICANS HELD CAPTIVE IN LEBANON

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 8, 1990

Mr. MINETA. Mr. Speaker, despite the democratic revolutions which are today bringing world peace closer to reality, many Americans and citizens of other nations remain hostage to those who would not bring democracy and peace to Lebanon.

This year, vigils will again be held around our country so that we will not forget those of our fellow citizens who have been forced to spend years in captivity in Lebanon against their will, held by those who show utter contempt for law and human rights.

On March 16, 1990, a vigil will be held in San Jose. One of those who has worked tirelessly to make this event a reality, and to keep hope alive, is Rusty Ruth, cousin of hostage Terry Anderson.

Recently, I received a letter from Rusty, from which I wish to quote:

> It is impossible to believe that very soon, March 16th to be exact, my cousin, Terry Anderson, will have been held captive in Lebanon for 5 long years. I had hoped that last year's vigil would be the last, and that this year we would come together to celebrate the release and homecoming of these innocent men. However, it is obvious that this will not happen this year.
>
> "We have all much to be thankful for this year. We've survived a major earthquake. We have witnessed the beginning of the fall of communism in the world. We have seen thousands of people find the courage to rise up in protest against the unfair and inhuman treatment they have suffered for so long. Many peace movements are afoot in many lands. Our government is making great strides to rid our country of the horrible drug problem we have endured for so long. It is truly a time of great change! But it points up ever so clearly that the hostages in Lebanon have again been put on the back burner. They are old news. We cannot let them be forgotten!

Mr. Speaker, Rusty Ruth is absolutely correct. We must never let the hostages be forgotten. They must remain foremost in our hearts, and in our prayers.

Mr. Speaker, many people will come together in San Jose on March 16 to stand with Rusty as we remember Terry Anderson and all the other hostages in Lebanon. I ask that all my colleagues join with them in spirit and in deed to help free those Americans in Lebanon and return them to their families and friends.

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SENATE—*Friday, March 9, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska.

PRAYER

The Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

BAWRAK HASHEM

Be still, and know that I am God * * *.—Psalm 46:10.

* * * *in quietness and in confidence shall be your strength* * * *.—Isaiah 30:15.

Mighty God, we come to Thee in a moment of great pressure. Thou knowest our present situation—minds, bodies, nerves, emotions near their extremities. Through seemingly endless debate in matters which resist resolution, on the eve of a recess with plans in suspension, grant to the Senators, their families, and their staffs a sense of Your presence. In these frustrating hours give them the wisdom to rely on the relevance of Your supernatural resources. And infuse them with Your perfect peace.

The Lord bless thee, and keep thee: The Lord make his face to shine upon thee, and be gracious unto thee: The Lord lift up his countenance upon thee, and give thee peace.—Numbers 6:24-26.

Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 9, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable J. ROBERT KERREY, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KERREY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning following the time for the two leaders there will be a period for morning business not to extend beyond 10:30 a.m. with Senators permitted to speak therein for up to 5 minutes each. At 10:30, the Senate will resume consideration of the clean air bill with the modified Byrd amendment No. 1329 as the pending amendment. At 10:30, the Republican leader and I will propound a request that will result in a specific and finite list of remaining amendments. Any Senator interested in the agreement should be on the floor at 10:30 when we intend to propound this agreement.

This has been a product of work by staffs on both sides for the past day. We believe we have included on the list every conceivable amendment by every interested Senator. Any interested Senator can check with the staff on either side between now and 10:30 to make certain that he or she has been covered. If any Senator wishes to do so, of course, he or she should be present on the floor at that time.

I expect shortly after we resume consideration of the Byrd amendment I will have an announcement regarding the schedule for the remainder of the day with respect to this legislation.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

A TRIBUTE TO MS. ELLEN MARSHALL, BLOODHOUND OF THE SENATE

Mr. WIRTH. Mr. President, every 8 weeks or so the Red Cross Bloodmobile takes up station in the basement of the Russell Building. And, every 8 weeks or so Ms. Ellen Marshall, one of my trusted and long time legislative assistants, goes on patrol.

Ellen is a dedicated do-gooder, and I do not mean that as some sort of backhanded compliment, but to define someone who truly is interested in the welfare of others. She is the one in the office who organizes the food and clothes collection for the homeless. She is the one who gets us on the track for 10K charity runs. And she organizes the Recycling operation. And when the bloodmobile is in town, she is the one who get us to roll up our sleeves.

At first, there were only one or two of us who would accompany Ellen to the Russell Building's version of Dracula's chambers. But one by one, Ellen cajoled, threatened, persuaded, and otherwise dragged us down to the bloodbank. And guess what? We learned what Ellen had known for so long: that doing something good for others is what really counts in life.

So, though our office regularly dreads the poke of that long, long needle, we go willingly and with smiles. We are proud to do our part for the Red Cross and we are proud that we have had Ellen to show us the way.

This morning the Red Cross came in and made a presentation and award to our office for very good work that our bloodhound has done. I wish to commend Ellen Marshall at this point, Mr. President.

COMPTROLLER GENERAL'S TESTIMONY ON THE DEFICIT AND DEFENSE

Mr. WIRTH. Mr. President, earlier this week the Comptroller General of the United States, Mr. Charles A.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Bowsher, delivered to the Armed Services Committee absolutely devastating testimony on the true scope of the deficit overhang and the magnitude of cuts we will have to make in the defense budget in the next few years.

His message was simple: We are perpetrating a fraud on the American people. Our deficit for fiscal year 1991 is not $64 billion as the administration's budget would have us believe, but closer to $270 billion. By treating Federal trust funds, including Social Security, as general revenues, we are reducing the current deficit by increasing the national debt. We are deferring the day of reckoning by shifting the responsibility for the Federal deficit onto our children. It is unconscionable.

Mr. Bowsher's testimony outlines a startling set of statistics. By the mid-1990's, Mr. Bowsher predicts, interest payments may reach $335 billion—$335 billion in interest alone. And this will at that point constitute the largest element of the Federal budget—larger than Social Security, larger than defense. The largest element will be interest on the national debt, and this from the Comptroller General.

Continuing reliance on phony bookkeeping threatens to strangle our Nation in debt.

Let me read a few paragraphs of Mr. Bowsher's testimony for the benefit of my colleagues:

> The President's budget for fiscal year 1991 projects a deficit of $63.1 billion and a budget surplus by 1993. In my view, these projections are a result of creative bookkeeping; they do not portray the real situation. Using the Congressional Budget Office's numbers, I believe that the deficit will exceed $270 billion in fiscal year 1990 and will increase to over $300 billion by fiscal year 1995 if you exclude the surplus in trust funds from the deficit calculation.
>
> The true deficit situation is masked because we are using surpluses in the Federal trust funds (for Social Security, highways and other areas) to pay current expenses. By doing this, the Government creates the illusion that the deficit problem is being solved when it is actually getting worse. For example, in fiscal year 1990, the Government used $132 billion of the Social Security and other government trust funds to pay current operating expenses and cloud the true deficit situation. In fiscal year 1991, it is estimated that the Government will use about $136 billion of the trust funds to reduce the actual deficit.
>
> If we continue along this same path, we can expect the national debt to increase to $4.5 trillion by fiscal year 1995. A debt of this magnitude would require annual interest payments of over $335 billion and would represent the largest single item in the Federal budget.

That Mr. President, from the Comptroller General of the United States, Mr. Charles Bowsher.

That is a truly damning indictment of Federal stewardship. We are borrowing close to $300 billion a year in order to show that we are reducing the deficit. It is like balancing your Visa account by borrowing ever more heavily on your children's MasterCard.

Mr. President, in the Comptroller's statement to the Armed Services Committee, he addressed the scope of reductions in the 5-year defense plan.

I will address that a little bit later. That again is the second part of his testimony. The first part of what Mr. Bowsher had to say was about the delinquency of this Government and the dishonesty in which we have managed our affairs and the fact of the absolute lie of deficit reducing. The real numbers, of course, are how much money we have to borrow every year. That is the real debt, not the phoniness.

That is the real debt, not the phoniness of Gramm-Rudman, but the real debt is how much money does the Federal Government have to borrow any year?

Mr. President, the Comptroller General's statement to the Armed Services Committee today also addressed, in addition to the very, very alarming discussion of the overall budget patterns in the country, the scope of reductions in the 5-year defense plan.

The Bush administration's budget request for fiscal year 1991 only cuts defense outlays by $3 billion over the current services baseline and foresees a modest 2 percent real decrease annually in the years ahead. That is in stark contrast.

I think the expectations of the U.S. population is that we are going to have a peace dividend; that, with the changing world out there, we are going to see the U.S. defense budget declining. In fact, it is almost level under the request made to us by President Bush.

To conform to President Bush's defense budget, the Pentagon will have to cut $138 billion in budget authority in the next 3 years—roughly $45 billion each year for fiscal years 1992-93 and 1993-94. That corresponds to approximately $25 billion in outlays cuts in each of the next 3 years—just to match the Bush administration's defense budget topline.

Now, what does that mean, Mr. President? What that means is that just to stay even at where we are today at approximately $300 billion of defense spending, just to stay even we are going to have to cut approximately $45 billion in authorization or $25 billion in outlays.

Why? Because in the past what we have done is ramped up the defense budget with all of these commitments at the start. We start a whole variety of programs, make all kinds of commitments—that was done during the 1980's—and if we meet those commitments to pay for this, the defense budget gets bigger and bigger and bigger in the out years. This is the so-called bow wave effect that Mr. Bowsher showed to the Armed Service Subcommittee last year, which he came back with again this year. Our colleagues in the Senate and in the House and the American public must know what a severe situation we are in related to the budget.

Just to stay even, no peace dividend at all, Mr. President, just to stay even we have to cut $45 billion in defense authorization, $25 billion in outlays, over the next 3 years.

That is a very severe number. Most of our colleagues, Mr. President, believe if we cut $25 billion in outlays we are cutting off the current amount of money being spent by the Defense Department. That is not the case at all. If we cut $25 billion, that first $25 billion only goes to keeping us even. And the American public I think is going to be fooled by this as well. It is time we make sure they understand this.

Given many Americans believe we can and should make even deeper cuts in defense spending than proposed by the President, this $45 billion in outlays, or in authorization, $25 billion in outlays, represents the minimum amount that has to be cut annually. This also puts into context, Mr. President, the proposals being made by the chairman of the Budget Committee, Senator SASSER. He made this set of proposals on cuts in the defense budget. Everybody recoiled, or many people recoiled in horror on that. That does not even keep us even.

If we are going to be honest about the budgeting we are going to have to go further than that.

We need a road map to help guide us in building down the budget over the next 5 years. Unfortunately the Defense Department has not yet submitted its 5-year plan to the Congress. The Pentagon claims they cannot provide the 5-year plan because of the rapid changes in the world.

That is fine, but what the Pentagon is not saying is that the mismatch between weapons and wallet in the Department of Defense that has been well understood for the last 4 years is much, much greater than they are admitting.

The procurement bow wave problem which I have just described continues to choke the Pentagon and the problem will only become worse as we make the reductions we must.

Mr. President, under the Bush defense budget, in 1995, we will be spending nearly $40 billion more in constant dollars than we were in 1980. Under the Bush Defense Department budget we are going to be spending more than $40 billion more in constant dollars than we were in 1980.

The President knows, and I know, and the American people know that the world has changed significantly. Why, by 1995, should we spend $40 billion more, under this budget, than they were in 1980? I do not think that makes very much sense.

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We can and should reduce defense spending below the Bush request. But these cuts clearly are not going to yield a peace dividend of any size next year. Paring the procurement bow wave and reducing force structure will not yield big savings in fiscal 1991 but savings could begin to accrue in fiscal year 1992 and beyond as the overall demands on defense outlays shrink. But only if we are willing to make some strong and severe decisions now. The severity of the deficit and the dissolution of the Warsaw Pact make it essential that we begin in earnest to take the hard decisions on the defense build-down this year.

The administration in my opinion appears willing to accept a sequester this year which will cut defense outlays by $14 billion, while taking an even bigger slice from domestic spending. I think they are leading us right down this path, Mr. President. They are sticking very strongly to their $300 billion defense budget, saying that is absolutely what we have to have. That is going to get us down toward the end of the fiscal year, get us down toward the Gramm-Rudman falloff point and they are going to say well, we are going to take a sequester. They will take a sequester of $14 billion, which we ought to do anyway, but they get along with that a very significant cut in domestic spending, about 1.5 times the defense cut. So my colleagues as well should be aware of defense cuts.

We should take this as a clear message that defense reductions of that scope for fiscal year 1991 are going to be acceptable and work together to put together a package of defense reductions rather than allow ourselves to get pulled into the sequestration operation that invites the Gramm-Rudman meat ax.

I also urge, Mr. President, that our colleagues and their staffs study the material presented by Mr. Bowsher very carefully.

We have an extraordinarily difficult problem in keeping our fiscal house in order as it is. If we look at this bow wave of defense expenditures, Mr. President, it illustrates we are in even more severe difficulty than most of us understand.

There being no objection, the material was ordered to be printed in the Record, as follows:

Defense Budget and Program Issues in the Fiscal Year 1991 Budget

(Statement of Charles A. Bowsher,
Comptroller General of the United States)

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to testify today before this Committee to present GAO's views on the defense budget. The rapidly changing events in the world, particularly in Eastern Europe, are creating new challenges; and the Department of Defense (DOD) and the Congress are striving to cut defense spending while maintaining national security.

In this type of environment, hard decisions are even more difficult to make, but this environment also affords opportunities to reassess strategies and priorities. My statement today will focus on the following areas:

The prospects for deficit reductions in fiscal year 1991 and beyond; the relationship between the most recent Five Year Defense Plan and the 5-year budget projections for defense spending in the President's fiscal year 1991 budget submission; our observations on the management of defense activities and programs and a possible means to improve the management of these activities and programs; our views on the prospects for achieving the anticipated savings identified in the recently issued *Defense Management Report;* the results of our recently completed financial review of the Air Force; the vulnerability of certain DOD program activities to fraud, waste, and abuse and what we believe needs to be done to reduce these risks; and other program areas in which we have refocused our defense work to better respond to the rapidly changing political, military, and economic picture throughout the world.

PROSPECTS FOR DEFICIT REDUCTION IN FISCAL YEAR 1991 AND BEYOND

The President's budget for fiscal year 1991 projects a deficit of $63.1 billion and a budget surplus by 1993. In my view, these projections are the result of creative bookkeeping; they do not portray the real situation. Using the Congressional Budget Office's numbers, I believe that the deficit will exceed $270 billion in fiscal year 1990 and will increase to over $300 billion by fiscal year 1995 if you exclude the surplus in trust funds from the deficit calculation.

The true deficit situation is masked because we are using surpluses in the federal trust funds (for Social Security, highways and other areas) to pay current operating expenses. By doing this, the government creates the illusion that the deficit problem is being solved when in actuality it is getting worse. For example, in fiscal year 1990, the government used $132 billion of the Social Security and other government trust funds to pay current operating expenses and cloud the true deficit situation. In fiscal year 1991, it is estimated that the government will use about $136 billion of trust funds to reduce the actual deficit.

If we continue along this same path, we can expect the national debt to increase $4.5 trillion by fiscal year 1995. A debt of this magnitude would require annual interest payments of over $335 billion and would represent the largest single item in the Federal Budget.

RELATIONSHIP BETWEEN THE FIVE YEAR DEFENSE PROGRAM AND THE PRESIDENT'S BUDGET

The President's fiscal year 1991 budget request reflects a fiscal year 1990 to 1994 defense budget projection of $1.5 trillion. This is $212 billion less than the most recent Five Year Defense Program (FYDP) which was prepared in 1989.

To date, DOD has decided on reductions of $74.1 billion from the 1989 FYDP: $4.2 billion in fiscal year 1990, $22.4 billion in fiscal year 1991, $22.8 billion in the outyears, and $24.7 billion in anticipated savings related to the Defense Management Report. Even so, DOD is still faced with decisions on how and where to make reductions of another $137.9 billion ($212 billion minus $74.1 billion) between fiscal years 1992 and 1994.

DOD officials explained that rapidly changing events make it difficult, if not impossible, to make the decisions at this time on where and how these reductions will be made. For these reasons, a new FYDP has not been prepared. While we do not think that DOD should make hasty and premature decisions, it is important that these decisions be made soon. Until these decisions are made, program managers may be making decisions based on erroneous information. Resources that are now allotted to them in the FYDP may not be available. Furthermore, the Congress is faced with budget deicisons that will have long-term implications, but without an updated FYDP, it does not have the information necessary to fully assess alternatives.

THE NEED TO REASSES MAJOR WEAPONS ACQUISITIONS

The Congress will need accurate and timely information to use in scaling down the types and quantities of major weapons systems that enter DOD's inventory. In the President's budget for fiscal year 1991, 20 programs are scheduled for termination in fiscal year 1991. These programs account for about $3 billion of reductions in fiscal year 1991 and a total of $28.3 billion in reductions between fiscal years 1919 and 1994.

In view of the lessening tensions with the Soviets, the change in the types of conflicts we are likely to face in the future, and the increase in warning time that appears to have come about as a result of the reduced tensions, now is the time to rethink our entire weapon system acquisition strategy.

During the 1980s, numerous systems were approved for production before adequate testing had been done to ensure that the weapons did what they were supposed to do. This strategy of concurrent production and testing was designed to get systems in the field more quickly, but it often resulted in making extensive—and expensive—changes after the systems were fielded. In some cases, it resulted in systems that did not perform their mission. Several major systems acquisitions, such as the following, are now following this same path:

The B-2 Bomber Program: The B-2 acquisition strategy includes cost and schedule projections that rely on very high annual funding levels ($7.5 to $8.0 billion) and on ordering a large number of planes before the necessary testing is completed to demonstrate that the B-2 can perform its mission.

From 1986 to 1989, the B-2 cost estimate increased by a net $12 billion: cost increases are estimated at $18 billion, and projected future savings are projected at $6 billion. The final B-2 delivery was extended 3 years to 1999. Future schedule changes and cost increases will occur if projected annual funding requirements are not appropriated or if planned program savings are not achieved.

The flight test program has just begun. If current schedules are met, it will be at least 3 years before critical performance requirements have been fully tested. At that point in testing, problems are typically discovered, and under the current schedule, over $48 billion will have been appropriated, and 31 aircraft will have been ordered.

Major design changes early in the B-2's development caused manufacturing difficulties that have contributed to a slower production schedule and labor cost increases. Contractors have reported improvements in productivity and reductions in manufacturing defects, but these improvements are less than anticipated. Also, continuing design changes may further hinder manufacturing improvements.

In view of all of these uncertainties, as well as changing world conditions, we believe that it would be prudent to reduce the pace of the funding and production of the B-2 in order to limit up-front investment until the critical performance elements of the aircraft have been adequately evaluated.

Rail Garrison: Initial operational capabilities for the rebased Peacekeeper missiles is planned for 1992, and the full operational capability of all 50 missiles is planned to be achieved in 1994. To meet these milestones, an initial low-rate production decision for the missile launch cars is scheduled for February 1991.

At the time the initial production decision is scheduled to be made, no operational test and evaluation of the complete weapon system (including the missiles and rail launch cars) will have been conducted. Additionally, the Air Force plans to purchase about 73 percent of the launch cars after the initial production decision. Such a large purchase would, in effect, amount to full-rate production without any operational test or evaluation of the complete weapon system.

The Air Force considers the Rail Garrison to be a low technical risk because it views the program as basically an engineering effort to integrate proven missile systems into the existing rail industry. However, the Rail Garrison Test and Evaluation Master Plan identifies unique characteristics of the program that require testing. These include (1) the capability of the train to withstand missile launch, (2) the launch effects on commercial railroad trackbeds and the ability of the train to resume mobile operation after launch, (3) the capability of the guidance and control system to recover specified levels of accuracy following rail transit, and (4) the effects of horizontal basing and rail movement on Peacekeeper missile performance and reliability.

We have recommended that the initial production decision be deferred until the Air Force has conducted some operational test and evaluation of the complete weapon system. While the Air Force has delayed the initial production decision from April 1990 to February 1991, the first flight test of the complete weapon system is not scheduled until the third quarter of fiscal year 1992. Therefore, we believe that the $1.62 billion in the fiscal year 1991 budget for the procurement of the rail launch cars ($1.35 billion) and construction of the garrisons ($269 million) should be deferred pending completion of operational tests and evaluation of the test results. We also believe that the $102.6 million in advanced procurement funding and the $104.8 million in military construction funding, which was appropriated in fiscal year 1990, should be rescinded.

The M-1 Block II Program: The Army requested $166 million in fiscal year 1990 for advanced procurement to produce a costly and significantly modified Abrams M1A1 tank. The Army believed that the modified tank, called the "M1A2," was needed as an interim response to future Soviet threats. The Secretary of Defense has also requested funding in the fiscal year 1991 budget to produce 62 M1A2 tanks. With completion of these tanks in March 1993, production of the Abrams tank is planned to be terminated.

In December 1988, the Defense Acquisition Board conditionally approved the Block II program (the third in a series of block modifications to the Abrams tank) for development but placed a $300 thousand per-tank limit on the modifications. As currently designed, the modification package will cost about $532 thousand per tank with total program production costs of over $1.5 billion.

The Block II modifications are intended to improve the tank's survivability, fightability, and firepower, as well as to provide a linkage to the next generation of main battle tanks. However, the current package design does not include all the survivability, fightability, and firepower enhancements envisioned when the Army performed its cost and operational effectiveness analysis.

In an attempt to field an upgraded tank within the prescribed time frame, the Army adopted a compressed acquisition strategy, which is risky because key components of the modification package are in the early stages of development, and testing and evaluation will not be completed when certain production decisions are made. Thus, under the current plans, the Army will commit advanced procurement funds before test results are available.

We agree with the Secretary of Defense's decision to terminate the program.

The DDG-51: The DDG-51's contractor has experienced problems in designing and constructing the lead ship. Because of these problems and because the Navy has changed the contract's requirements, costs have increased substantially, and the expected delivery schedule has slipped about 17 months from the original estimate.

The target costs for the lead ship were initially established at $111 million for design and $157 million for construction. Target costs are now estimated at $247 million for design and $253 million for construction. These costs do not include government-furnished equipment, such as the AEGIS combat system.

Although the contractor estimates that about 50 percent of the lead ship is complete, the major job of outfitting the ship remains to be done. The combat system and other technical components have to be installed and integrated within the ship. Often, in the development of new systems, it is during the systems integration phase and subsequent testing that problems surface. The schedule and costs of follow-on ships are often affected.

Although the first follow-on ship is only 1 percent complete, the estimated cost to complete it is already over the ceiling price by 11 percent, according to the contractor, and by 22 percent, according to the Navy. In January 1990, we issued a report on the DDG-51 program in which we recommended that the Secretary of Defense delay the contract award for follow-on ships until he could provide assurance as to the development and affordability of the program.

Last week, the Navy awarded contracts for 5 follow-on ships and now has a total of 12 follow-on ships under contract. Furthermore, the Navy could have as many as 17 follow-on ships under construction or awarded before the lead ship has finished testing and has been delivered in February 1991. We believe that the DDG-51 program should be reexamined.

The Advanced Combat Systems for Submarines: To meet new Soviet threats and to ensure continued U.S. submarine superiority, the Navy has initiated the development of two new advanced combat systems. The AN/BSY-1 is to be installed in the improved SSN-688 class nuclear attack submarine, and the AN/BSY-2 is to be installed in the SSN-21. The life-cycle for the two systems is estimated at over $26 billion.

These two systems are experiencing problems. Problems with the AN/BSY-1 raise questions about when the improved SSN-688 will be fully mission capabile. In its overly ambitious development objectives and schedules for the combat development program, the Navy allowed insufficient time to resolve technical problems. While the AN/BSY-1 system will provide the SSN-688 with improved acoustics and weapons launch capabilities, the system will be less capable in other areas. Also, these improved capabilities will be delivered later and will cost more than originally planned.

Potential problems with the AN/BSY-2 are similar to problems the Navy has experienced in developing other advanced submarine combat systems, including the AN/BSY-1. In order to meet the SSN-21's construction schedule, the Navy also established overly ambitious objectives and schedules for the AN/BSY-2 program. As a result, the first combat systems will not have full capabilities when they are delivered to the shipbuilder. The contractor will not be able to deliver the first combat system with full capability to the Navy unitl November 1994, 1 year later than necessary to meet the scheduled delivery of the first SSN-21 in May 1995.

One of the major problems affecting the AN/BSY-2 system has to do with its computer software. The system involves the largest computer software development effort ever undertaken for a submarine. According to the contractor's software development plan, it will require 900 software personnel to develop and integrate 3.6 million lines of code written primarily in a computer language with which few experienced programmers are familiar. No consistent training program has yet been developed by the contractor. Also challenging will be (1) designing a system with sufficient reliability to ensure that mission needs are met; (2) developing, refining, and testing a model to accurately predict system performance; (3) ensuring that there is sufficient time for the government to witness software testing and to resolve identified problems; and (4) ensuring that independent verification and validation assessments are performed on the software.

DOD's automated information systems

Computers are a problem not only with weapon systems but with automated information systems as well. Our work on eight automated information systems being developed by the Army, the Air Force, the Navy, and the Defense Logistics Agency showed a disturbing pattern of cost growth, schedule delays, and performance shortfalls. Furthermore, the cost estimates provided to the Congress in budget submissions were not always accurate, current, or complete, and the systems generally lacked internal oversight to identify problems, such as the following, that needed to be corrected during the development phase:

All the systems have experienced significant cost growth, some in the hundreds of millions of dollars. As of September 1988, the estimated cost to develop and deploy the systems was about $2 billion—about twice the originally estimated cost.

Four of the systems have been in development for at least 8 years, and three of the eight systems' development efforts were abandoned after spending $330 million.

Budget submissions to the Congress have understated the total life-cycle costs for

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some of the systems because DOD components have not provided current, accurate, and complete cost information.

The oversight body within the Office of the Secretary of Defense has not rigorously enforced established policies, procedures, and criteria for reviewing major sytems to identify and resolve problems with system development and to curb cost growth and implementation delays.

DEFENSE MANAGEMENT REPORT SAVINGS IN THE FISCAL YEAR 1991 BUDGET

The recently issued Defense Management Report projects savings totaling $39 billion between fiscal years 1991 and 1995. Of this total, $2.3 billion is related to the fiscal year 1991 budget. Savings are anticipated by reducing and consolidating various functions and activities, streamlining the operations of organizations, and reducing the numbers of civilian and military personnel associated with these activities.

We have recommended many of these proposed cost saving measures in previous reports. For example, we previously recommended consolidating depots and maintenance facilities, centralizing payroll functions, reducing supply system costs, establishing realistic aircraft spares requirements, and streamlining the acquisition process.

I would like to emphasize that the anticipated savings are merely projections. To a large extent, the initiatives to achieve these savings are proposed in broad terms; statements on these initiatives do not contain the detailed plans or milestones that will be required to successfully implement the initiatives. Therefore, the savings referred to in the report are merely targets.

The initiatives DOD proposes in its Defense Management Report are commendable in that they offer opportunities to achieve significant savings. However, it is too early to tell whether these projected savings will be achieved. Furthermore, achieving these savings will require a sustained effort on the part of DOD's management over several years. DOD's track record in carrying out such long-term initiatives is somewhat questionable.

FINANCIAL REVIEW OF THE AIR FORCE

I would now like to briefly discuss the results of our most recently completed audit of the Air Force's financial operations.

The Air Force does not have accurate cost data for almost all of its non-cash assets such as inventory, equipment, aircraft, and missiles. Over 70 percent of the accounts on its consolidated statement of financial position were unauditable, and therefore, we were unable to express an opinion on the financial statements for fiscal year 1988. Also, because of these weaknesses, the financial information reported to the Office of Management and Budget and the Department of Treasury is not reliable.

There are many reasons that the accounts were unauditable. The Air Force does not have financial systems that produce reliable financial data. A number of large-dollar items—aircraft and accounts payable, for example—are not included in its accounting systems. A double-entry set of books with a general ledger is not maintained to establish full accountability over costs and assets. To balance its accounts, the Air Force has made a large number of adjustments—some over $1 billion—but Air Force officials could not explain the bases for these adjustments. The inventory systems do not provide reliable data to support either the quantities or the values of inventories on hand. Also, there is no accounting of the full cost of its weapons systems.

The Air Force is aware of some of its problems and has taken a number of actions to correct them on a case-by-case basis. Its initiative to prepare financial statements and have them audited is an important step. The Defense Management Report identifies initiatives that will address several of the Air Force's financial management weaknesses. However, cost-effectiveness and efficiency need to become Air Force priorities if meaningful and lasting improvements are to be achieved.

DEFENSE PROGRAMS THAT ARE VULNERABLE TO MISMANAGEMENT, FRAUD, AND ABUSE

Last summer, we launched a major effort to identify areas that are at risk to mismanagement, fraud, and abuse. Our objective in doing this was to identify troublesome programs and functions in hopes of preventing another scandal similar to the one that has ravaged the Department of Housing and Urban Development (HUD). Much of what happened at HUD could have been avoided if stronger internal controls and better financial management measures had been in place.

We have identified 14 "vulnerable" areas—2 in defense—and we have targeted them for special attention. The two areas in defense are DOD's inventory management systems and its major systems acquisition.

DOD's inventory management systems

DOD's inventories exceed $103 billion; about $34 billion of this amount is for items that are not needed to meet current operating or war reserve requirements. DOD's inaccurate inventory records and its failure to cancel requisitions and planned procurement actions for unneeded items also reflect serious financial management problems.

Inventory management has focused on filling orders and obligating funds—not on reducing costs or controlling or securing stock. The situation has evolved to the point that the services often do not know what or how much they have in inventory or on order. In this type of environment, the system is vulnerable to mismanagement, fraud, and abuse. In addition, storing stock that may not be needed is expensive and contributes to inventory management inefficiencies. When inventory must be relocated to make room for additional incoming inventory, the potential for losing control over stock location is increased. This, in turn, can result in increased material denials and unnecessary procurements because the needed stock cannot be found.

With the current pressure to reduce DOD's budget, this area provides a great opportunity for DOD to make major improvements in its inventory systems.

DOD's major systems acquisition

The total estimated cost of major systems currently being developed or produced exceeds $900 billion. As I have said before, enforcing established management controls to deliver capable and supportable weapons to the user when and where they are needed and at reasonable cost has been the exception rather than the rule. As a result, DOD continually buys systems that cost substantially more than originally estimated, are delivered much later than originally scheduled, and do not have the advertised capabilities. We plan to address the effectiveness of the initiatives being taken to solve these long-term problems and to achieve meaningful savings.

REFOCUSING GAO'S EFFORTS TO MEET CHANGING NEEDS

The rapid changes that continue to sweep Eastern Europe pose enormous challenges for U.S. policymakers and legislators who must make difficult decisions in the face of uncertainty. DOD planners must restructure defense forces without a clear definition of future security threats. U.S. arms control negotiators find themselves rushing to conclude agreements that are complicated by major revisions in their own negotiation positions, announcements of unilateral force withdrawals by NATO allies, and calls for the removal of Soviet troops by Eastern European nations.

While uncertainties about the future abound, continuing domestic budgetary pressures make the direction of the adjustments clear. U.S. forces that are withdrawn from Europe will probably be removed from the force structure. These withdrawals will require adjustments to logistical support, defense facilities both here and abroad, and major items of defense equipment. How well the United States plans for and manages the required adjustments during this transitional period will, in large measure, determine the strength of U.S. defense posture and the U.S. standing in the world well into the next century.

In making these tough decisions, we should not forget the lessons we learned in the post-Vietnam era when we cut readiness and sustainability. In my view, the defense forces would be better served by ensuring that a smaller force is well trained and equipped than by trying to maintain a larger force with no muscle.

In order to be in a position to respond to the many anticipated requests from the Congress, we have refocused much of our work in the defense arena. In many cases, our refocusing has consisted of accelerating the type of work we had already planned to do. In other cases, we have reoriented the scope of our work to accommodate the changes that have already taken place or are in the process of taking place. I would like to discuss some of these.

The first change relates to restructuring the armed forces. In so doing, we believe that sound planning will be essential if readiness and force quality are to be preserved during this turbulent period. Last year, in a report we issued on the U.S. military presence in Europe, we stated that more than 723,000 servicemen and women, U.S. civilian employees, dependents, and foreign national employees were stationed in Europe. The information in our report should be useful to your Committee in addressing the President's proposal to reduce U.S. forces in Europe and concerns about the costs associated with maintaining U.S. overseas commitments.

DOD's planning is complicated by a still-evolving definition of the threat, ongoing conventional and strategic arms negotiations, and budgetary pressures that may force deeper-than-anticipated cuts in defense spending. Budgetary savings will accrue from troop reductions in Europe but only if forces are removed from the force structure. We plan to monitor DOD's evolving plans and to report as necessary on the reasonableness of the criteria used in making major force restructuring decisions as well as the efficiency and effectiveness of other planned changes.

Restructuring the forces will also have major impacts, such as the following, on logistics, facilities, weapons acquisition programs, the defense industrial base, and strategy and doctrine:

The return of troops and equipment to the United States will alter deployment plans and require a reexamination of logistical support and strategic air and sealift requirements.

Proposals for U.S. and overseas base closures will force difficult decisions affecting local economies and plans for military construction and land acquisition. Closing bases will result in long-term savings but will entail costs in the short term.

Budgetary pressures will intensify debate over the future of key weapons acquisition programs and force modernization plans. These decisions could have major impacts on the U.S. defense industrial base.

The anticipated conventional and strategic arms control agreements will require a reassessment of basic military strategies and doctrine. Major decisions on naval force structure will need to be made as land forces are withdrawn from Europe. Restructuring may significantly alter the way reserve forces are employed, trained, and equipped.

Other major areas that will be affected by the changing events in Eastern Europe are arms control and the changing U.S. role in NATO. The ongoing conventional and strategic arms control negotiations are expected to result in major accords this year. Once these agreements are concluded, the focus will shift to implementation and verification. Costs as well as benefits will accrue from these accords. As political restructuring proceeds in Europe, the role of NATO will be redefined, and there may be adjustments to the U.S. role and its security commitments. We have a series of ongoing and planned assignments to address these issues as well.

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer questions at this time.

GAO MASKING THE FEDERAL DEFICIT WITH TRUST FUNDS

Dollars in billions	Fiscal year— 1985 (actual)	1986 (actual)	1989 (actual)	1990 (estimate)	1991 (estimate)	1993 (estimate)	1995 (estimate)
Revenue	$734	$769	$991	$1,067	$1,137	$1,277	$1,438
Outlay	946	990	1,143	1,205	1,275	1,418	1,555
Total deficit	−212	−221	−152	−138	−138	−141	−118
Federal fund deficit	−267	−283	−275	−270	−273	−297	−303
Trust fund surplus:							
Social Security	9	17	52	66	74	98	128
Other trust funds	45	45	71	66	62	59	57
Subtotal, trust fund surplus	54	62	123	132	136	157	185
Total deficit	−212	−221	−152	−138	−138	−141	−118

Note.—Totals may not add due to rounding.

Source: Fiscal years 1985 and 1986—OMB's Special Analysis for fiscal years 1987 and 1988. Fiscal year 1989—OMB's Budget for fiscal year 1991. Other Years—CBO's Economic and Budget Outlook, January 1990.

GAO Reductions in the Five Year Defense Program

[Dollars in billions]

April 1989 budget submission	$1,665.9
April 1989 FYDP adjustments	45.0
Subtotal	1,710.9
Jan. 1990 budget submission	1498.9
Total FYDP reductions	212.0
Reductions made:	
1990 Congressional reductions	4.2
1991 DOD budget reductions	22.4
1992-94 Impact of 1991 reductions	22.8
1991-94 DMR reduction goals	24.7
Total	74.1
Budget reduction decisions needed	137.9

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1990 AND 1991—REPORT

ADDITIONAL VIEWS OF MR. WIRTH

The Committee's consideration of the first defense budget of the 1990s comes at a time of profound change in East-West relations and for our own country. A decade ago, the Soviet invasion of Afghanistan rekindled the Cold War, and the United States under President Carter undertook an ambitious defense modernization program. Today, the Soviets are implementing unilateral force cuts in Eastern Europe, while the U.S. federal budget deficit has forced the fourth consecutive year of real decline in defense spending. These two factors—our deficit-limited resource base and previously unthinkable changes in East-West relations—define a new dynamic and set of challenges and opportunities for the national security debate of the 1990s.

During the 1980's, the U.S. experienced the largest defense expansion in our peacetime history. From 1980 to 1985, DoD's budget saw a 53 percent real growth in budget authority and a 100 percent real increase in investment accounts. Even at today's reduced level of spending, DoD's budget remains 36 percent higher in real terms than in 1980, and is still higher in constant dollars than it was at the height of the Vietnam War.

The result of this sharp increase in defense spending has been to obligate the United States to high defense expenditures in the 1990's in order to complete programs begun in the 1980's. The Bush Administration inherited a balance of prior year budget authority of $280 billion—and a shrinking resource base from which to fund these obligations. This so-called "bow wave" will place growing pressure on defense budgeting.

The Administration has begun to address this mismatch between fiscal reality and projected defense plans. According to General Accounting Office (GAO) estimates, DoD has already cut $311 billion from its planned spending for the FY88 and FY90 five year defense plans, mostly in future funding growth. Yet, according to the GAO, further reductions of $150 billion may be required in the FY90-94 FYDP to close the gap between likely funding and DOD's plans.

Additional spending cuts may be necessary for several reasons. First, the five-year defense plan (FYDP) for FY 1990-94 currently contains funding levels that exceed the President's own request by $45 billion. Given the optimistic economic assumptions already contained in the President's request, it is unlikely that an additional $45 billion above the President's request will become available.

Secondly, DoD's budget assumptions are based on an inflation rate that will begin at 3.6 percent in 1990 and steadily decline to a level of 1.7 percent by 1994. This projection contrasts with that of other government agencies, such as the Congressional Budget Office (CBO), which use an inflation rate of 4 percent over the next five years to calculate projected expenditures. If CBO estimates of future inflation rates prove to be more accurate than DoD predictions, the result will be another $48 billion in budget shortfall.

Thirdly, DoD budget figures are based on funding increases over the next five years of 1 percent over inflation in 1991 and 1992 and 2 percent over inflation in 1993 and 1994. In light of the continued need to cut the federal budget deficit and the difficult retraints those cuts will place on defense spedning, real increases in defense spending are unrealistic. If defense funding remains constant in real terms over the next five years, DoD will have to cut an additional $54 billion to stay within budget guidelines.

These three factors suggest that the current FYDP may be facing a shortfall of $150 billion. In addition, the growing backlog of environmental problems at DoD and DoE facilities will clearly result in the need for additional funding over the next five years and beyond. The Defense Environmental Restoration Account, the Pentagon's "Superfund" for clean-up at facilities such as the Rocky Mountain Arsenal, is underfunded in the FY90-94 FYDP by $5-10 billion. The DoE nuclear weapons complex environmental account will require at least $30 billion over the next twenty years, according to the DoE "2010 Study"; the severity of problems at DoE facilities such as Rocky Flats suggests that even more funding will be required if we are adequately to protect public safety and health. To this we must add the cost of environmental clean-up at the bases recommended for closure by the Base Closure and Realignment Commission.

At a minimum, these factors—the procurement "bow wave", the environmental clean-up backlog, and the optimistic assumptions contained in the current FYPD—will place continuing pressure on the defense budget.

Secretary Cheney deserves great credit for having begun a process of more realistic budgeting in his amended budget submission for FY90 and in his recent direction to the Services to base their FY91 budget submissions on "zero real growth".

But even this recognition may not be sufficient if the Gramm-Rudman-Hollings deficit reduction program forces sequestered cuts based on the true federal deficit. If current "on budget" trust fund accounts in surplus, such as Social Security, are taken "off budget" our national deficit approaches $280 billion. If we were to apply the Gramm-Rudman-Hollings deficit reduction goal of $100 billion in FY90 to such a true accounting of our national spending imbalance, nearly $90 billion in sequestered cuts would be imposed on defense accounts in FY90.

These continuing pressures on the defense budget coincide with an emerging opportunity to reduce the risks and costs of the military confrontation in Europe through arms control. The economic incentive for seeking deep reductions in conventional forces has been an explicit part of the Soviet Union's new approach to East-West relations. But we too have powerful economic incentives to reduce deployments and spending through mutual agreement.

When the Committee marked up last year's defense authorization bill, few would have predicted such rapid and dramatic progress in conventional arms control. General Secretary Gorbachev's speech to the U.N. last December outlining large unilateral Soviet force cuts in Eastern Europe transformed the debate on conventional arms control. Less than three months after the convening of the formal negotiations in Vienna, President Bush added further impetus to the process by urging completion of a treaty on Conventional Armed Forces in Europe (CFE)—including limits on manpower and combat aircraft—within six months to a year.

The Vienna negotiations represent a genuine opportunity to wind down the costly military confrontation that has divided Europe for four decades. Should agreement be reached at the CFE talks, we can expect to see significant real savings. President Bush's proposal to limit U.S. and Soviet stationed forces in Europe to 275,000 is estimated to save approximately $2 billion annually. Deeper cuts to 50% of current NATO levels, as proposed by former SACEUR Andrew Goodpaster and MBFR Ambassador Jonathan Dean, will make very significant savings possible. Further, the structure of our armed forces, much of which is dedicated to the NATO mission, will change if the military equation in Europe is altered through negotiations. Such changes will effect the mix of forces we dedicate to NATO continguencies, including U.S.-based reinforcements, as well as the overall structure of our defense establishment.

Such changes will not take place immediately, even in the accelerated CFE environment. Yet the pressures on our defense budget are immediate. The challenge we face in the 1990s will be to manage the defense build-down in a more responsible and thoughtful manner than the defense build-up of the 1980s.

TIM WIRTH.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I rise to address a subject of grave importance to the military men and women who serve our Nation. The Armed Services Committee has voted to approve the request of the Defense Department to reprogram or transfer $795 million into the military manpower accounts from other Department of Defense accounts.

Senator GLENN is the chairman of our Manpower Subcommittee. He has had hearings on this. He and Senator MCCAIN went into this subject in great depth, and then our full committee went into it and largely followed their recommendations. So we will hear from him as to the details.

But suffice it to say, the purpose of this reprogramming is very important because it is to offset the adverse effect of the Gramm-Rudman sequester on active duty military personnel and their families in fiscal year 1990.

The level approved by the committee is 85 percent of the total $935 million proposed by the Defense Department. In other words, we are giving them 85 percent of what they have asked for on the reprogramming, and we are not giving them 15 percent of what they asked for.

The funding approved by the committee means that the military services will not have to take involuntary, adverse personnel actions affecting serving military personnel in fiscal year 1990. Specifically, the military services told us if the reprogramming request was not approved, they would have to immediately freeze all promotions, stop all rotational moves, deny all first- and second-term reenlistments, stop paying reenlistment bonuses, and involuntarily separate personnel before they complete their normal term of service.

The military service has also told us there were some voluntary actions they would take, and those were to reduce the number of new people they would bring in for the remainder of this fiscal year and to allow personnel who have established separation dates between now and the end of the first quarter of fiscal year 1991 to voluntarily separate up to 90 days early.

In other words, there is a line here between involuntary action and voluntary action. What we are trying to do is stay on the voluntary side of that line. We are doing that based on the numbers the Department of Defense has given us. If these numbers are accurate, then there will not have to be any kind of involuntary disruption of our military personnel.

That does not mean, though, if someone would like to get out early, who is going to be getting out anyway, that he could not do that voluntarily. These voluntary actions are going to have to be encouraged by the Department of Defense. Also, we the Department of Defense will have to let people who had planned to enlist to choose not to remain with that commitment—they would have every opportunity to not continue that contract.

The reprogramming level we approved will require the military services to absorb 15 percent of the reprogramming request by taking a portion of these voluntary actions—reducing the number of new recruits without breaking enlistment contracts, and allowing some people to voluntarily separate 90 days before their term of service is up.

These actions have the effect of reducing military strength levels in fiscal year 1990. The number, I believe, is a reduction of 18,500 additional to the approximately 50,000 that the military services had already planned to reduce in fiscal year 1990.

We do, however, protect all of those—and Senator GLENN will emphasize this in more detail—but we are protecting all of those men and women who are currently serving in the military. Based on the information we have received, this is the result of our action.

Mr. President, in taking our action, I want to make it clear that we voted on the side of the men and women in the military who were put at risk by the administration's decision not to use its authority to exempt the military personnel accounts from the Gramm-Rudman sequester. This has been contrary to the actions of past administrations when a sequester was imminent.

This specific exemption for military personnel was put in the Gramm-Rudman law. The President has a chance to use it specifically in the law. The President and the Defense Department decided not to use it. And I think everyone ought to understand that because that is what has put at risk our military personnel in this fiscal year.

Mr. President, there is reason to believe that the military personnel accounts were not exempted from the sequester by President Bush and the Department of Defense because the Department of Defense made a conscious decision to exploit a loophole in the Gramm-Rudman sequester process.

Let me explain just for a moment how this loophole works. If the President had elected to exempt the military personnel accounts from the sequester, about $900 million, if he had said that personnel would not be part of the sequester, which he had the right to do, then the Defense Department would have had to make up for this $900 million in outlays from all other accounts with across-the-board cuts. The result would have been a $2 billion or $3 billion cut in budget authority from the rest of the slower spending DOD accounts to make up for the $900 million that would have been reduced in the military personnel accounts which are fast spending accounts.

It is very hard for people to understand this process, but it is very important that we have an increasing knowledge of it. Because, in the military, some accounts spend very fast in a fiscal year, some are stretched out over 2 or 3 fiscal years.

Personnel accounts are fast spending accounts, meaning if we cut personnel accounts, we cut outlays, we cut what is actually spent that year. But if we cut a ship or a plane that is being built, that outlay level is over a 2 or 3 year period because it takes that long for the equipment to be fully built and the money expended.

So by allowing the sequester to go into effect in the military personnel accounts, the Department of Defense dodged this bullet by getting full scoring credit for the high outlay savings for the military personnel accounts. They did not have to make the cuts in the military equipment accounts which would have been $2 or $3 billion.

After the sequester was applied across the board, the next step was for DOD to come in with a reprogramming request to transfer funds from the slower spending accounts into the military personnel accounts to offset the adverse effects of the sequester on the military personnel accounts.

Transfers and reprogrammings are not currently scored in the budget process. Therefore, the Department of Defense has been able to use the post-sequester transfer process to offset the $900 million in budget authority cuts equal to almost $900 million in outlays in the military manpower accounts with $90 million in procurement authority cuts which would be only $150 million to $200 million in outlays in the current year. Put another way, the transfer allows the DOD to mitigate the effects of a sequester on the military personnel accounts after the fact without making across-the-board cuts in the DOD budget which would otherwise have been required under Gramm-Rudman to achieve the full outlay savings in the next fiscal year.

The net result of all of this, the net result of the reprogramming proposal, will be to increase the deficit in the near term by at least $500 million and as much as $700 million in fiscal year 1900.

Make no mistake about it, that is what is happening. We are increasing the fiscal year 1990 deficit by $500 million to $700 million in order to do what the services are now pleading with us to do, which is to avoid taking very severe action against military personnel.

This maneuver placed the authorizing and appropriating committees in a very difficult situation. We are only one committee. There are four committees that have to approve this. Thousands of military personnel were put at risk here by the administration in an apparent effort to protect the investment accounts. In other words, people were risked to protect equipment. Unless we allow DOD to win this shell game this time, military families are going to be hurt through no fault of their own. So in the end we have voted for the men and women in uniform and their families.

Mr. President, at this point, I ask unanimous consent to enter into the RECORD the letter we sent to the Secretary of Defense approving the reprogramming request at the level I described earlier.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, March 8, 1990.

Hon. RICHARD B. CHENEY,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: The Armed Services Committee has carefully reviewed your reprogramming proposals to reduce the impact of the fiscal year 1990 Gramm-Rudman sequester on the military personnel programs in the Department of Defense. The Committee is very disappointed that the Administration's decision to not exempt military personnel from the effects of the Gramm-Rudman sequester has resulted in a situation creating significant uncertainty and concern among military members and their families.

The Committee approves the transfer of $795 million of the funds requested in these reprogramming proposals, subject to the identification of alternative funding sources in certain cases. In taking this action, the Committee understands that some savings can be achieved in these reprogramming requests from voluntary separations and reduced accessions in the military services in light of the reductions in the size of the military services proposed in your FY1991 budget. The Committee also understands that this level of funding will allow the military services to avoid adverse personnel actions affecting military personnel currently in service, such as promotion freezes, freezes on PCS moves, and budget driven involuntary separations. Therefore, the Committee directs that no such adverse personnel actions be taken in any military service during the remainder of fiscal year 1990 as a result of the Committee's action approving these reprogramming proposals. This direction does not preclude the involuntary terminations of accession contracts, if it becomes necessary to take such actions to avoid adverse actions directed toward members on active duty.

The Committee is concerned that the military services are not adequately planning for the reductions in the size of our military forces that are likely in the coming years. Therefore, the Committee directs that the Department of Defense carefully evaluate its current accession and voluntary separation policies for military personnel to determine if further actions can be taken in fiscal year 1990 to reduce the strength levels of the military services in anticipation of strength reductions substantially beyond those proposed in the FY1991 Budget request.

The Committee action on each of the reprogramming requests is summarized below:

Reprogramming Number 90-7PA, Military Personnel, Army, FY1990: The Committee approves the reprogramming of $197 million of the $232 million proposed. The Committee requests that alternate sources of $38.624 million be submitted for this reprogramming.

Reprogramming Number 90-8PA, Military Personnel, Navy, FY1990 and Military Personnel, Marine Corps, FY1990: The Committee approves the reprogramming of $315 million of the $370.8 million proposed. The Committee requests that alternate sources of $127.221 million be submitted for this reprogramming.

Reprogramming Number FY90-10PA, Military Personnel, Air Force. The Committee approves the reprogramming of $283 million of the $332.5 million proposed. The Committee requests that alternate sources of $30.059 million be submitted for this reprogramming.

The funding sources on the attached list are disapproved by the Committee for use in these reprogrammings. The Committee will promptly review any alternate sources of funding for these reprogrammings identified by the Department.

Sincerely,

SAM NUNN,
Chairman.

Proposed sources for reprogrammings disapproved by the Senate Armed Services Committee

[In millions of dollars]

Army reprogramming 90-7PA:	
SIMNET combat trainer	13.524
Army aircraft spares	12.600
Bradley enhancements	5.500
HAWK missile	42.000
Total Army	73.624
Navy/Marine Corps reprogramming 90-8PA:	
Weapons industrial facilities	4.500
AMRAAM	6.000
Sea lance (procurement)	1.799
Sea lance (R&D)	42.900
Offshore petroleum discharge system	16.500
M-1 tank advance procurement	111.300
Total Navy/Marine Corps	182.999
Air Force reprogramming 90-10PA:	
Airborne self protection jammer	31.800
Aircraft spares	5.300
MX inertial guidance	11.140
Defense meteorological satellite program	2.373
Adv. strat. missile system	448
Follow on tactical air recon system	5.998
Space boosters	22.484
Total Air Force	79.543

Mr. NUNN. I want to conclude by saying that I am concerned that the military services are not adequately planning for the reductions in the size of our military forces that are almost inevitably going to come in the coming years. The reprogramming that we have approved today will give them a little breathing room. But I think it is time for the military services and the Department of Defense to start thinking about making a downpayment now

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on strength levels in fiscal year 1991 that are almost certain to be substantially below the levels requested in the budget.

I think the Pentagon needs to start taking prudent actions now. Otherwise personnel are going to be hurt in fiscal year 1991. So the longer the procrastination goes on the more the damage is going to be to the people in the military.

The committee discussed the need for larger personnel cuts in detail, and this view is widely shared in our committee.

So I hope this word of warning will be heard by the decisionmakers in the Pentagon.

I want to thank Senator GLENN and also his counterpart, Senator McCAIN, for their leadership in this respect.

I yield the floor.

Mr. GLENN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. GLENN. Mr. President, I thank the distinguished Senator from Georgia and thank him also for his leadership in this particular area. We have worked very hard on this. The Subcommittee on Manpower and Personnel of the Armed Services Committee held a hearing Monday. I chaired that hearing. The ranking minority member, Senator McCAIN, was there also. I believe that I probably speak for both of us when I make my remarks this morning.

The subcommittee met on Monday to review the manpower portion of the fiscal 1991 amended budget request for the Department of Defense. We spent a good deal of time discussing DOD's request for the reprogramming that our committee chairman, Senator NUNN, has just outlined. Reprogramming of $830 million was requested in the manpower accounts of the military services to offset the effects of the Gramm-Rudman-Hollings sequester on military personnel.

Mr. President, the people from the Pentagon come over repeatedly and tell us how the number one thing that they are concerned about is people, that the personnel in the military are "our most valuable asset," and they are.

I wish they were following that up with action when it comes to the budget. But in this case, they did not. At our hearing DOD witnesses testified that the Pentagon leadership did not seek—I repeat, did not seek—to have military personnel exempt from the sequester even though it has been DOD policy to do that in the past when the sequester was imminent.

DOD witnesses also testified that they were aware—that they were aware—of the severe adverse effects that the decision not to exempt military personnel from the sequester would have on military personnel. They were aware of what would happen. These effects include freezing promotions, involuntarily separating personnel, denying reenlistments, stopping rotational moves, and other actions that affect military personnel and their families negatively

They did not request to have an exemption from that kind of a sequester. I was very disappointed. The military personnel accounts were held hostage in a high risk game of chicken. That basically is what it was—budgetary chicken.

I agree that this administration exploited the loophole, as Senator NUNN just described, in the Gramm-Rudman-Hollings law when it chose not to exempt military personnel, with the budgetary shell game, with us supposed to bail them out over there. In effect, the administration chose to protect its slower spending procurement accounts by putting at risk the manpower accounts and betting that Congress would bail them out through the reprogramming process, which we are in the process of doing. And I hope all of our military personnel note that DOD obtained full credit for the high outlay savings in this fast spending account. This saves big costs in budget authority which otherwise would have to have been taken in the slower spending accounts like procurement.

Senator NUNN basically outlined the budget authority, the outlay accounts, and all of that. So I will not go into that. That is a sort of inside the beltway interest here in Washington. But the bottom line is that people out there in the field are the ones who will get hurt if we do not do something to correct this situation.

I raised this in our hearing on Monday with the DOD witnesses. Not one of them disputed that this was a scheme that they used, and they used very deliberately. Not one person denied that. We get accused on this side of the river of micromanaging the Pentagon. That really makes my blood boil sometimes because the things we raise are legitimate questions, and they do not have answers. And yet we get accused of micromanaging. Then they come back and try to hoodwink us, and hoodwink the people in the services who they say are their most valuable asset, yet DOD does not treat them fairly. We have to bail them out. Then we get accused of micromanagement.

I hope all the people who write about this in the service press these days, about how we micromanage sometimes, also write that it is justified to protect the people in the services. That is what we are doing in this particular case.

The bottom line is that unless we provide some relief in approving at least some of the reprogramming that has been requested, military personnel will be severely and adversely affected.

The Pentagon chose to put their people in second place to some of the hardware they wanted; second place.

Let me defend President Bush on this. He has come in for some castigation on this. Let me defend the President. The President did not even know this because the Pentagon did not even tell him; they did not recommend an exemption from this sequester. I think that is unconscionable. I hope every man and woman in uniform realizes what is going on here.

So I defend President Bush on this. His people let him down. They let him down. I hope whoever is watching this over in the bowels of the Pentagon some place reports it straight upstairs so they know what we are saying; the Pentagon let the President down. He is taking a bum rap on this because those in the Pentagon are the ones who did not defend our military personnel from these adverse actions.

But we are going to reprogram it, as Senator NUNN indicated. We are keeping faith with those people out there. I can guarantee you that. I favored a higher percentage; I favored going up to 90 percent on this. The full committee settled on 85 percent.

But the problem is this: Some people in the other body indicated they do not feel we should go with any of this. They would let the administration live with it. The problem is that the people in military uniform suffer, and unnecessarily so. I think that this is wrong. This is flatout wrong. It means freezing promotions for people who have been denied promotions too long. It means denying reenlistment to those who planned their careers, but who would not be allowed to stay in. They kept good faith with this Government. They have given long service out there. Now we say, well, now, we had a little screwup in the Pentagon so we cannot do this for you. Sorry about that. You are out.

We are going to involuntarily extend tour lengths. What does this mean to carriers crews, and to other military people overseas without families, and so on? That does not deal with them fairly. It means involuntarily separating personnel. People who are now on active duty, who thought they were making it a career, some of them now are going to have to get booted out. Why? Because of a change in need? No. But just because of a foulup, a screwup in the Pentagon on how they tried to diddle us in the budget accounting process this year. That is not fair.

I think what we are doing is taking responsible action. We are not digging our heels in and saying, "Administration, eat it; do whatever you want to do with this thing; we are not going to bail you out. We are going to make the men and women in uniform suffer." We in the Senate and the Armed Services Committee are going to take this on and say we want to do the fair thing, the right thing for our people in uniform.

That is what we are doing with our action. While I would have preferred our approving 90 percent of the reprogramming requested instead of the 85 percent our chairman indicated, I certainly go along with the 85 percent. In fact I think figures we received from across the river the night before last indicates that that is something they can live with, and it will not cause any involuntarily separations, it will not mean involuntarily separation or adverse action on careers.

So I would just say this to the Pentagon: Do not do it to us again. Do not do it to us again. They may be screaming loud and hard this year, but do not try and play these little diddling budget games with us any more, because it is not right. What the Pentagon has done this year is to try and take it out of the hides of the men and women serving out there, quite often in arduous duty situations, and the Pentagon did not look out for them even though it was clearly needed.

It was not overlooked. It was denied. They never even made the recommendation to the President to exempt our military from the sequester. And that is not looking out for your personnel.

So the words that have come over to us from the Pentagon fall on rather deaf ears when they talk about looking out for their people, because they did not in this case, and we are pulling their chestnuts out of the fire.

All I say is do not do it again; work with us for the benefit of our people in uniform. We are keeping faith with them. We want the Pentagon to keep faith with them, too. So for all those reasons, I support very, very strongly, the actions our committee chairman, Senator NUNN, recommended just a few moments ago.

I thank the Chair. I yield the floor.

ACID RAIN COMPROMISE

Mr. BOND. Mr. President, it was exactly 1 month ago that the majority leader issued a call to all Senators to come forward to help him and the clean air negotiating group draft an acid rain compromise. He issued a special invitation to midwestern Senators urging them to become involved in the process.

After much debate in the group, our midwestern colleagues made a very difficult, but I think correct, decision to take him up on that offer. We realized the time had come to face the issue of acid rain and fulfill our responsibilities to help find solutions to the problem.

Under the able and dedicated leadership of Senator BYRD, we midwesterners had been meeting for many months to try to find a solution with which we all could live. We knew we could not live with the basic premise of S. 1630: that while the Midwest only contributes 50 percent to annual SO_2 emissions, it would have to make reductions under both phases of the bill which were extremely disproportionate to its contribution to the problem, with only limited and indirect cost sharing.

But complicating our efforts were the many differences of opinion within our own group. Contrary to what is commonly believed, the issues cut as many ways in the Midwest as they do in other parts of the country. Some of us had coal mining concerns, some had ratepayer concerns, and many of us were concerned about both issues. As a result, we grappled with the issues for a long time. However, there was one proposal which we were finally able to agree upon, and this is the plan which became known as the Byrd-Bond amendment.

Our proposal built upon the emission allowance trading program first proposed by the President and included in S. 1630 by providing several crucial incentives for States which either produce high-sulfur coal or have utilities which burn high-sulfur coal.

These provisions include, first, a 2-year extension from the phase I emissions deadline for plants which choose to install technology, such as a scrubber, in order to meet their SO_2 reductions;

Second, a 2-for-1 or double allowance credits for plants which chose, in the first phase, to reduce below the stringent level of 1.2 pounds of SO_2 per million Btu; and

Third, early reduction credits which allow plants using technology to bank the allowance credits they generate prior to January 1, 1997.

These provisions will not provide the direct form of cost sharing which many in the Midwest advocated. However, the Byrd-Bond plan clearly does more to alleviate the financial hardship imposed of acid rain reductions on midwestern ratepayers, businesses, and coal miners than either S. 1630 or the administration's bill. In addition, negotiated accommodations on allowances with the West and other areas that have recently installed scrubbers or which have new plants under construction. These were difficult negotiations, but I believe that all parties felt that they had achieved a fair compromise. It is this combination of the Byrd-Bond amendment, the committee compromise as proposed by the majority leader, and the Domenici-Simpson plan which has ensured acceptance of the acid rain title.

Mr. President, I would also like to highlight the important environmental benefits of our proposal.

First, it retains the 10-million-ton annual cap on SO_2 emissions which was included in both the President's bill and S. 1630. Second, it will achieve greater reductions in the first phase as compared with the other proposals because the double credit incentive will motivate utilities to achieve more reductions at an earlier date. Finally, according to a recent EPA study, our plan is as effective and timely as both of the other proposals in meeting the cumulative acid rain reduction goals.

I realize that many still believe that this bill does not go far enough in providing help to our part of the country and other areas which will be specifically targeted under the acid rain provisions. I understand this concern. That is why I support Senator BYRD's labor protection amendment and the Specter-Lugar-Metzenbaum amendment which will provide a 20-percent investment tax credit for utilities which chose to install technology during the first phase of the program.

Both of these amendments will provide the kind of help that the Midwest and other States utilizing and mining high-sulfur coal will need to cope with the large costs of acid rain reductions. I urge my colleagues to support both amendments.

I would like to speak for a moment about the other provisions of the bill. It has been strongly criticized by people at both ends of the environmental spectrum, some saying it is too weak, some saying it is too tough. I have even received criticism from some in my home State.

That criticism is fine. I figure if both sides are upset, then maybe we have achieved a workable, achievable compromise.

Mr. President, this is a tough and good clean air bill which imposes a wide variety of new and more stringent requirements on autos, nonattainment areas, and toxic emissions, to name but a few areas of new regulation.

Clearly, the give and take occasionally required to get things done is often scorned by those who wish for loftier solutions. I am glad to have taken part in the compromise which has broken the logjam on clean air.

Let me express my sincere gratitude to the majority leader, to Senator BAUCUS, to Senator CHAFEE, to our Republican leader, not only for inviting the Midwest to the table, but for the fair hearing they gave us and for the patience and tolerance they showed us during tough, tough negotiating sessions. They were good humored, diligent, and certainly patient in their efforts to work with us on a compromise. We would not be here today if it were not for their good faith and good will.

I also add a special thanks to my good friend, Senator DOMENICI, for his diligent and effective efforts on both the acid rain and toxic titles of the bill. He has been instrumental in making this entire agreement come together, and I believe we all owe him a large debt of gratitude.

Thanks are also due to the staff from the White House, OMB, EPA, and DOE, who represented the administration very effectively.

Obviously, the leadership of President Bush has been extremely important in moving us down the path toward a goal that I believe a vast majority of us here in the Senate and the people we represent believe is essential: passage of a tough and comprehensive clean air bill this year.

Finally, Mr. President, I say a special and heartfelt thanks to our midwestern colleagues, especially Senator BYRD; in spite of the great difficulty of this issue for him and his State, he was able to lead our group to consensus with the extraordinary skill and grace we all know he possesses. I am especially pleased and grateful to have had the opportunity to work so closely with all of my colleagues from the Midwest.

I urge my colleagues to continue to work together in the spirit of compromise so that we may achieve a good strong, clean air bill.

Thank you, Mr. President. I yield the floor.

THE SENATOR FROM JASPER

Mr. DANFORTH. Mr. President, last Sunday the senior member of the Missouri Legislature, Richard M. Webster, the Senator from Jasper County, died. It is difficult to deal with the death of a legend: already bigger than life, that largeness does not diminish with death, but rather, as legends should, it continues to grow.

Dick Webster served 42 years in the legislature, the last 28 in the Missouri Senate. Renowned for wit and oratory, his knowledge of our State's history and politics made him an unchallenged authority and earned him the reputation as the State's most influential legislator.

Dick was a Republican, the most recent Republican speaker for the Missouri House of Representatives. Beyond any party labels though, he was a politician, a good politician. And partisan politics for Dick Webster only meant partisan for the best interests of the people he represented from his beloved hometown Carthage, in the county of Jasper.

It is noted that he looked like Abraham Lincoln, whom he often emulated and always idolized. Remembering Lincoln's words, "The firey trial through which we pass, will light us down, in honor or dishonor, to the latest generation," Dick Webster will continue to walk with honor for generations to come.

TRIBUTE TO PAUL HOSTETTER

Mr. RIEGLE. Mr. President, on December 28, Paul Hostetter was cut down by cancer at the age of 56. His life here on Earth was all too short.

Born in Port Huron, he lived in Grosse Pointe, MI, and was president of his own sales business which served the automotive industry.

Paul's ideal fall day was to hop in his car and drive down to Ohio State University to watch his beloved Buckeyes in action. Along the way he and his wife Karen would stop for breakfast in Rising Sun, OH, for fried mushrooms. "Best ones you will ever have," he used to say. Then it would be on to Columbus and a pregame meal consisting of fried chicken and onion sandwiches accompanied by a Gilbert & Sullivan operetta on the car's tape recorder. He would always be in his seat by the time the Ohio State Marching Band burst into the stadium. If they stayed over in Columbus on Saturday night, Paul and Karen would stop in Delaware, OH, on their way home for Sunday lunch at Bun's Restaurant.

Paul had many friends. At his memorial service, several hundred were in attendance. Two of his closest friends, Fred Ollison and Mike Whyte, spoke of Paul's "style," integrity and concern for others. "He didn't care if you were a prince or a pauper", said Whyte who went on to add that Paul Hostetter was the only true "gentle man" he had known. Ollison talked about how Paul would laugh uncontrollably when told a good story.

Several years ago, Paul took a big chance and formed his own sales firm. Said Ollison, "Paul Hostetter proved that a nice guy can be a success in business."

Paul's wife Karen and his two sons, Thomas and Robert, can feel very proud of this truly "gentle man."

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,819th day that Terry Anderson has been held in captivity in Beirut.

OFFICE OF PROFESSIONAL RESPONSIBILITY

Mr. HEFLIN. Mr. President, in the Department of Justice there is an office known as the Office of Professional Responsibility, which has the duty to investigate complaints against officials of the Department of Justice relative to alleged improper activities. This Office of Professional Responsibility was created for the purpose of conducting investigations into the allegations of possible improper, illegal, or unethical conduct by offices or various officials of units of the Department of Justice. Over a number of years the work of the Office of Professional Responsibility has had a remedial effect, to some extent, relative to such improper, illegal or unethical activities. The presence of this office has deterred officials of the Department of Justice from questionable conduct in many instances.

The Committee on the Judiciary of the U.S. Senate frequently receives allegation of possible improper, illegal, or unethical conduct concerning offices and officials of the Department of Justice. These complaints historically have been referred to the Office of Professional Responsibility of the Department of Justice for their investigation. Generally, the Office of Professional Responsibility has done a good job of investigating such charges. But there are other reasons that the Committee on the Judiciary has followed the policy of referring charges and allegations of improper conduct to the Office of Professional Responsibility. Many charges and allegations may involve ongoing grand jury activity or other ongoing investigations that the Department of Justice deems to be secret, and because of such secret classification the Department will not make available to the committee on the Judiciary information on witnesses that are essential for the committee to make a complete investigation. The alleged necessity of secrecy has frequently been raised by the Department in many matters outside of grand jury activities. Without the cooperation of the Department of Justice in making documentary evidence, reports, and witnesses available, the Committee on the Judiciary finds that it is virtually impossible for it to thoroughly investigate such charges.

The Department of Justice has threatened to invoke the doctrine of executive privilege on occasions. The uncertainty of this doctrine is usually met with the prospect of extended litigation and thus far a court confrontation on this issue hasn't occurred since the Nixon tapes case.

The practice of referring investigations first to the Office of Professional Responsibility before a decision is made by the Committee on the Judiciary of the U.S. Senate has come about out of necessity and also because generally that office has done a competent job in most instances.

Around the middle of the year of 1989 the Committee on the Judiciary received a request to conduct an investigation into allegation of possible improper or unethical activity in connection with officials of the Department of Justice, including the FBI, related to elected black officials in Alabama. The chairman of the Committee on the Judiciary determined that the request for such an investigation should be referred to the Office of Professional Responsibility of the Department of Justice. There is ongoing at the present time an investigation into those charges and such investigation has not yet been completed. When it is complete, the Judiciary Committee will review it and determine what further action the Committee on the Judiciary should undertake.

Recently the Judiciary Committee received "A Report From the City of Birmingham, Alabama on the Harassment of African-American Birmingham City Officials by Offices of the U.S. Attorney, the Federal Bureau of Investigation, and the Internal Revenue Service (Criminal Division)." This report was submitted by Donald V. Watkins, Esq., special counsel to Richard Arrington, Jr., mayor of the city of Birmingham, AL. A copy of this report has been referred to the Office of Professional Responsibility of the Department of Justice since it relates to the ongoing investigation heretofore mentioned. The city of Birmingham has requested that a copy of this report be printed in the Congressional Record. I, therefore, ask unanimous consent that a copy of this report appear in the Congressional Record following my statement. In doing so I want it understood that the Committee on the Judiciary and no Member to my knowledge has passed judgment on any of the charges or allegation contained therein.

There being no objection, the report was ordered to be printed in the Record, as follows:

A Report From the City of Birmingham, AL, to the U.S. Senate Judiciary Committee on the Harassment of African-American Birmingham City Officials by Offices of the U.S. Attorney, the Federal Bureau of Investigation, and the Internal Revenue Service (Criminal Division)

(Submitted By Donald V. Watkins, Esq., Special Counsel to Richard Arrington, Jr., Mayor, Birmingham, AL, February 21, 1990)

I. INTRODUCTION

On July 21, 1989, the City of Birmingham, Alabama filed a formal complaint with the United States Senate Judiciary Committee. The complaint, in the form of a memorandum from Birmingham Attorney Donald V. Watkins to Committee Members, outlined the nature and scope of the harassment that City of Birmingham officials have experienced at the hands of the U.S. Attorney for the Northern District of Alabama, the Federal Bureau of Investigation ("FBI"), and the Internal Revenue Service, Criminal Division ("IRS").[1]

The City's complaint alleged that the above-mentioned federal law enforcement agencies selectively targeted, without probable cause, Birmingham Mayor Richard Arrington, Jr. and several City Council members, all of whom are African-American and Democrats. The complaint summarized several unsuccessful FBI/IRS "sting" operations aimed at Arrington and the Council members from 1987 through 1989. The City also expressed concern about the attitudes of investigating federal officials, some of whom reportedly referred to African-Americans as "dope heads", "niggers", and "nigger whores". The City also complained about the tactics employed by the investigating federal officials. For example, the 1987 and 1988–89 "sting" operations were launched against the Mayor despite warnings from two separate investigative sources that Arrington and other City officials were not involved in bribery activities and had no propensity for bribery. Another incident involved the display of Mayor Arrington's picture on the wall of the Birmingham IRS office in October 1988, with the word "corruption" written above it. Finally, the City complained about the steady stream of federal grand jury leaks regarding the alleged criminal conduct of several African-American elected officials which have surfaced with no resulting grand jury action.[2]

The City requested that the Judiciary Committee take the following actions on its complaint:

1. Hold confirmation hearings on the appointment of Frank Donaldson, James Wilson, and Jeff Sessions reappointment as President Bush's appointees for the office of U.S. Attorney in the Northern, Middle and Southern Districts of Alabama, respectively;
2. Undertake a thorough investigation to ascertain whether federal prosecutors and law enforcement agencies are engaged in a pattern and practice of selective prosecution of black elected officials; and
3. Undertake a thorough investigation into the existence and implementation of the FBI's "Fruhmenschen" policy.

The City has prepared and is submitting this report to the Judiciary Committee to aid the Committee in its consideration of the City's complaint. The City's investigation into these matters suffered a major setback when one of its cooperating sources, former FBI/IRS informant Robert Moussallem, was killed under mysterious circumstances. [3]

II. AN ANALYSIS OF THE HARASSMENT

A. Richard Arrington, Jr. was a 1972 FBI Cointelpro Target

Using a Freedom of Information Act request in 1988, Mayor Arrington received 292 pages of his 518 page FBI file. The documents were heavily censored by the Bureau. However, even these censored documents bear witness to a sad state of affairs for the Bureau.

The FBI file released to Arrington begins with a report of a January 26, 1972, through August 4, 1972, FBI "confidential" investigation of an organization called the Alabama Black Liberation Front (ABLF), which was said to be affiliated with the Black Panther Party. The report characterizes the investigation as an "extremist matter". The exact nature of the investigation is blackened out, but the report states that "disclosure of data could be prejudicial to the defense interests of the United States." The report is heavily censored, and links Arrington to the ABLF, the Black Panther Party, and a group called Concerned Citizens for Justice. While Arrington does not personally know why he was the subject matter of an FBI investigation at the time it was conducted, [4] the 1972 FBI report was made shortly after his election as a Birmingham City Council member in late 1971 and during a period when Arrington became an outspoken advocate for blacks who were victims of police brutality.

Arrington's civil rights activism in 1971 and 1972 came during a period when the FBI officially operated its infamous and well-documented racial counter-intelligence program COINTELPRO. [5] According to FBI documents, COINTELPRO was a FBI program which operated on an official basis during the late 1950s through the early 1970s. COINTELPRO selectively targeted, without cause, vocal black civil rights activists like Dr. Martin Luther King, Jr., Floyd McKissick, Stokley Carmichael, Richard Arrington, and others. COINTELPRO had a "Black Nationalist" operation which was formally established in the 1960s "to expose, disrupt, misdirect, discredit, or neutralize the activities of black nationalists . . . their leadership, spokesman, membership, and supporters". The long-range goals for COINTELPRO were: to prevent African-American groups (e.g., SCLC, CORE, SNCC, etc.) from forming coalitions, building their membership, gaining respectability, and developing charismatic leaders. Twenty-three FBI field offices participated in COINTELPRO-Black Nationalists, with the various special agents in charge assigning "experienced and imaginative" agents for "counter-intelligence coordinators". COINTELPRO's activities included, *inter alia*: (a) the "felonious" harassment of Dr. King and other African-American activists which, according to a Justice Department task force, "very probably" violated their civil rights; (b) the development of "target lists" of some 1,897 African-American activists during the 1960s and 1970s to be "neutralized"; (c) the drafting and mailing of obscene, racially offensive hate mail and tape recordings to family members, friends, and supporters of African-American activists; and (d) the planting of embarrassing stories in "friendly newspapers." [6]

The 1972 FBI report notes that Arrington, the Black Panther Party, the Alabama Black Liberation Front, and the Concerned Citizens for Justice "are included on the Administrative Index (ADEX)." It further states: "The Black Panther Party (BPP) is a Black extremist organization started in Oakland, California, in December, 1966. It advocates the use of guns and guerilla tactics to bring about the overthrow of the U.S. Government."

The Administrative Index (ADEX)[7] was the FBI's master listing of "white and black racial extremists" and "subversives," and included "four categories representing degrees of dangerousness." African-Americans were well represented on the ADEX. Category I listed the names of "national leaders of black extremist separatist organizations," along with "active participants (i.e., people who furthered the aims and purposes of the revolutionary or black extremist separatist organization with which affiliated." Category III listed "rank-and-file membership," along with the name of any "individual who, although not a member or a participant in activities of revolutionary organizations or considered an activist in affiliated fronts, has exhibited a revolutionary ideology." Category IV listed "individuals whose activities do not meet criteria of Categories I, II, or III." The categories were sufficiently and purposefully broad enough to cover "the new breed of subversive," the free-lance black radical who had "a seething hatred of the white establishment" and who might at any time "associate, explode, or otherwise destroy white America." A parallel reserve index incorporated into ADEX the names of persons who did not engage in subversive activities (e.g. "teachers, writers, lawyers,

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etc.") but "were nonetheless influential in exposing their respective philosophies."

Arrington's 1972 files are so heavily censored, it was difficult for the city to determine which ADEX category contained Arrington's name. However, the codes on Arrington's files and other information subsequently obtained by the City suggest that Arrington was a "Key Black Extremist" whose name was placed in the ADEX Category I index. The Key Black Extremist (KBE) Program, a division of COINTELPRO, had its roots in an October, 1970, racial conference.[8] Noting the need for "intensified coverage on a group of black extremists who are either key leaders or activists and are particularly extreme, agitative, anti-government, and vocal in their calls for terrorism and violence," the racial conference demanded the systematic identification and neutralization of such persons. "Certain elements" were simply "more likely to resort to or order terrorism as a tactic," and these types required "particular attention."

FBI headquarters solicited nominations of KBEs from the field and stressed the need for "initiative and imagination." In addition to a listing in the ADEX, the Bureau placed the KBE's pictures in the FBI's Black Nationalists Photograph Album; monitored their bank accounts and financial affairs; obtained handwriting specimens and tape recordings of thier speeches and statements, and kept them in "the national security file" at the FBI laboratory; "vigorously investigated" all "possible" violations of federal law; processed individual reports every ninety days; and checked federal income tax records annually. On this last point, when the FBI requested the tax returns of seventy-two KBEs, the IRS honored every request, without asking any questions.

Arrington continued to be a vocal advocate for Birmingham blacks throughout his tenure as a Birmingham City Council member (i.e. 1971-1979). In addition to fighting police brutality, Arrington led the effort in Birmingham City Hall during this period for fair employment practices in City government, the creation of the City's Minority Business Enterprise program, and fair housing opportunities. Arrington was a founding member of the Jefferson County Citizens Coalition, a grassroots broad-based predominantly black political organization in Birmingham that has significantly influenced the outcome of many State and local elections. These activities made Arrington a prime target for COINTELPRO surveillance and "neutralization."

Between 1972 and 1976, various U.S. Congressional Committees conducted hearings on domestic surveillance activities.[9] These committees focused on the FBI and its "racial matters" activities. During the same period of time FBI acting Director L. Patrick Gray, III became involved in the Watergate cover-up. Also, Congress passed amendments to the Freedom of Information Act in 1974. These developments gave traditional African-Americans targets of FBI COINTELPRO activities a temporary reprieve from the agency's harassment.

In April, 1978, President Jimmy Carter's Justice Department obtained indictments against Gray and two other FBI executives; Edward S. Miller and W. Mark Felt. These three were charged with conspiracy to violate the civil rights of friends and relatives of the Weather Underground—specifically, for authorizing burglaries of their homes. Felt and Miller were subsequently convicted. The government dropped its charges against Gray. In March, 1981, President Ronald Reagan pardoned Felt and Miller, without even bothering to read their trial transcript. This symbolic gesture signed a new era for FBI activities against Arrington and scores of vocal African-American political officials around the nation.

B. The FBI's 1985 "preliminary investigation" of Mayor Arrington

From August to October, 1985, the FBI conducted a "preliminary investigation of Mayor Arrington" to determine if a Hobbs Act violation had been committed.[10] This investigation covered virtually every aspect of Arrington's business, financial and political dealings. The investigation, which included an FBI interview with Arrington, was summarized, in part, in this November 7, 1985 memo.[11]

"* * * In February 1985, Mayor Arrington; Mayor's Aide, Willie Davis; and Tarlee W. Brown, who is an architect in Atlanta, Georgia, entered into a marketing and consulting business called ABD Marketing Corporation. This corporation represents the interest of Time-Energy Systems of Houston, Texas. ABD Marketing is involved in seeking out clients or customers for Time-Energy Systems in Alabama.

"In August 1984, Brown was hired by the City of Birmingham to do a feasibility study on the refurbishing of Boutwell Auditorium. In March 1985, Brown was paid $25,000 for his feasibility work. By August 1985, Brown had been paid a total of $49,105.00 and is expected to be paid $240,000 within the next nine (9) months for work on Boutwell Auditorium.

"In May 1985, Mayor Arrington and his wife, Rachael bought 40% of the stock in Chapel Funeral Services, Ensley, Alabama, from James H. Parker, who continues to own the 60% of the stock. Then in July 1985, the City of Birmingham sold a ten (10) story building in Ensley called the Ramsay-McCormick Building to Parker for $10,000 with Parker to assume mortgages totalling $240,000, which are payable at the rate of $4,000 per month * * *.

"Inspection of the Ramsey-McCormick Building reveals that it is in terrible disrepair. Large outlays of funds will be required to make it rentable. Thus far, only the 5th floor out of this 10 floor structure is rented. The building is located in the Ensley area of Birmingham which has been economically depressed since the steel mills closed six (6) years ago. . . .

"Numerous spot checks at Chapel Funeral Services tend to confirm that the funeral home is not doing any business.

"Mayor Arrington was interviewed and denied having any knowledge of the conveyance of the Ramsay-McCormick building to Parker until after the fact. Mayor Arrington denies that he has in any way benefited by the sale of the building to his funeral home business partner.

"Mayor Arrington stated that he has not done any work for ABD Marketing in Birmingham. According to Arrington, the only customer that he has found for Time-Energy Systems is Tuskegee Institute, Tuskegee Alabama. ABD Marketing was paid $9,000 by Time Energy as a finders fee.

"Arrington denied that he has ever received any monies from Tarlee W. Brown for any reason. Arrington said that he met Brown through Atlanta, Georgia, Mayor, Andrew Young, three or four years ago. Arrington gave the Boutwell contract to Brown simply to entice Brown, who is a minority, to open an office in Birmingham.

"On November 1, 1985, Chief Prosecutor Herbert H. Henry, III, Birmingham, stated that there is insufficient probable cause to seek Grand Jury subpoenas for financial records of Arrington, ABD Marketing Corporation, and/or Chapel Funeral Services. Chief Prosecutor Henry noted that his office will vigorously prosecute any corrupt public officials in this district including Mayor Arrington if any evidence of a crime is developed.

"Chief Prosecutor Henry stated that it is his opinion that based on the results of this preliminary inquiry there is no reason to believe that a federal crime has been committed. Therefore, there is insufficient probable cause to go forward with an investigation.

"No further inquiries into this matter are being made."

The FBI also investigated charges by former Arrington bodyguards Billy and Gwen Webb[12] that Arrington took bribes. Arrington was asked by the Bureau whether he had ever received money or anything of value for using his influence as Mayor to cause someone to receive a City contract or concession. His answer was "no". Furthermore, Arrington offered "to take a polygraph if asked to do so". He was never asked to do so by the Bureau or any other law enforcement agency.

The investigation also focused on Arrington's wife, Rachael, and a retail shoe store she operated until the spring of 1984. There is no indication in the FBI records as to what the store, Rae's Designer Shoes, had to do with a possible Hobbs Act violation.

An August 7, 1985, FBI memo states that the "preliminary inquiry" of Arrington *began on August 6, 1985*, after Birmingham SAC Cecil E. Moses, ASAC William W. Westberg and two other agents "discussed what appears to be improprieties and perhaps Hobbs Act violations in several recent business ventures entered into by Birmingham Mayor Richard Arrington, Jr." based upon a series of articles which began on August 1, 1985, and appeared in the *Birmingham News* and the *Birmingham Post Herald* newspapers.[13] However, the FBI had actually conducted a "discrete investigation", based on "innuendo and rumor", into the same matters before August 6, 1985.[14] The Bureau was concerned in February, 1985, that "an active investigation by the BH Division would result in additional controversy and possible embarrassment to the Bureau".[15]

During the period of the FBI's active "preliminary inquiry," a bugging device was found on one of the Mayor's office telephones.[16] The device was mounted inside one of Arrington's multi-button telephone sets and was connected to the T and R leads of the telelphone line. It was powered by South Central Bell's Central office and it appeared to be a microphone/transmitter approximately one inch square and about one-half inch thick. A spot check of other telephones throughout City Hall indicated that six other telephones had the same type of wiring clipped off where some type of bugging device had been previously installed. The apparent "bugging" of City Hall occurred in the following offices:

Mayor's Office-Staff area.
Mayor's Private Office.
Legal Department.
Finance Director's Office.
Personnel Director's Office.

The City has not been able to determine who deserves the credit for the bugging of City Hall. It does not know what conversations, if any, were monitored by the bugging devices.

On November 6, 1985, SAC Cecil Moses wrote Frank W. Donaldson, U.S. Attorney (N.D., Ala.), a letter which stated the following: "A preliminary inquiry was conducted between August and October, 1985 to determine if any federal public corruption laws may have been violated. There is no probable cause at this point to believe that any laws have been violated."

However, the "no probable cause" finding did not close the FBI's book on Arrington.

C. The 1987 FBI "Sting" Effort

On July 28, 1987, a consensually recorded conversation occurred between FBI Special Agent Clifford Cormany, Jr., (acting in an undercover capacity as Steve Hawkins) and then Fulton County, Georgia Commissioner A. Reginald Eaves, who is African-American. Eaves was under investigation by the Bureau for alleged violations of the Hobbs Act, 17 U.S.C. 1951(a),[17] during this conversation, Cormany introduced the subject of doing real estate development business with City Hall officials in Birmingham.[18] The relevant transcript portions of that meeting are as follows:

"CC: All right. All right. The, ah, when, what I wanted to talk to you about, are you, are you very strong over in Birmingham?

"ARE: I have some good contacts.

"CC: The reason I asked we've been over there looking for some property and * * *

(Pause.)

"* * * some people introduced me to a developer over in Birmingham and I don't really know him, I've never done business with him and, ah, but he tells me that he was involved in a project several years ago with a, ah, some investors out of Texas, and what they intended to do is put together a, ah, some kind of recreational water theme park in downtown in the city limits of Birmingham.

"ARE: Uh-huh.

"CC: (Clears throat) It involves a, evidently two hundred acres of land owned by the city. (Clears throat) Now the city, or evidently these investors or other developers out of Texas reneged (coughs), excuse me, reneged on a deal for whatever reason. (Clears throat) And, ah, the guy that we talked to claims that he has all the necessary contacts with the people in the city which we were, we were totally non-committal on one way or the other but, particularly, ah, with their story of this guy tells us about being involved with a group out of Texas that backed out at the last minute it just kind of, the question to me was what to this credibility would be with these people and it look like he's trying, ah, out of some probably some, somewhat of desperation of to find somebody to get back involved with him now (clears throat) and we don't need that guy but evidently there is this two hundred acres of land that the city is interested in having developed. And there, ah, according to some of the press, ah, from time to time over the last year, they have two hundred acres and, ah, they want, ah, someone to come in there and do something that I would guess, ah, promote the development and growth of, of the city overall.

"ARE: What kind of development, though? Multipurpose?

"CC: Well, ah, like I said the only thing I know that they were supporting from the outset was a recreational, ah, kind of water theme park. (Clears throat) but, according to this guy, they would, they'd support anything. I would I get the feeling Reggie that they're looking for something that, that, ah, could draw the people, tourist crowds and so forth * * *.

"ARE: (Unintel.). Downtown.

"CC: Yeah. But it's partially commercial and partially recreational this I don't know though. The only thing I feel fairly confident about is the fact that there evidently is two hundred acres and the city is, is gonna provide the land if they can get somebody to, ah, come in there and commit the resources to develop it. Now if they're providing the land, either turning the land, signing the land over or just providing a long-term, ah, lease or whatever, of course, that's sounds attractive to me and, ah, that, of course, would be one your major up-front costs to go into any city and buy that kind of acreage in the, ah, within the city limits. Now I haven't pursued it any further than that because, ah, I just didn't know what this guy's * * *.

"ARE: Where he was coming from.

"CC: * * * reputation was with, cause he had evidently, ah, rubbed some people the wrong way by bringing this guy in the first time and then having it fall through. So I got a feeling that his interest was two-fold: One to ah obviously get involved in something that he's gonna make some, some good money on, and number two-to reestablish himself with the ah * * *

"ARE: People (unintel).

"CC: With his contacts over there who * * *.

"ARE: What you can do is ah if you, (CC: Clears throat) want us to look at it if you could give me his name I can call Willie Brown, the Mayor's Deputy, who's friend of mine and just find out what the guy's ah reputation with them.[19]

"CC: Well now this guy mentioned ah, he mentioned the guy he wanted to introduce us to and, and that wasn't it was Willie something, but it wasn't Brown I don't think. Said he was in . . . Yeah I, well . . . The guy's name I talked to is ah Robert Moussallem,[20] it's, it's like a, I got a business card here.

"ARE: You can keep it, I just need his name.

"CC: MOUSSALLEM I don't know how you spell that.

"ARE: I got it.

"CC: That's that's ah phonetic ah you know I have no idea if that's the correct spelling. It sounds like Moose and Salem. (Clears throat)

"ARE: (Unintel)

"CC: Well he's one of these guys, he's, claims he's a developer and . . . "Whatta ya got going right now?" "Well you know I've got (unintel) I got a good idea here and a good idea there." Well what what do you have going now." "Well I really don't have anything going right at the minute but I have some excellent contacts" * * * all of which you know we, we run into all the time but the important, the thing that's really interesting to us and ah talking to some of my investors is the prospect of, of, of that much land being available, inasmuch as we are interested anyway in looking ah at that area.

"ARE: You know (unintel) Steve I, even if I can't make it, I'd like for you and your investors to let me set up a meeting.

"CC: Sure * * * the, look, if, I mean can you make a call over there and find out?

"ARE: Un-huh.

"CC: Cause, why I mean if the city's got the land and they're, they;re probably * * *

"ARE: I need to * * * .

"CC: * * * in development ah * * *.

"ARE: . . . I need to cash in with the mayor, I did him a big favor on a guy he wants to get into some zoning ah down here, we got it done for him.

"(Background noise from restaurant)

"ARE: And I've ah * * *

"CC: I've got to ask him for a favor.

"(PAUSE)

"ARE: Well if we, if this guy's anywhere close to accurate and then don't ah make sure they have a clear understanding that we're not in anyway associated with this guy because I don't if he's got a good repu— if he's got a good reputation we associate with him (ARE and CC both chuckle) but ah I just didn't have enough information about the guy to, to ah and I didn't try to get that much and just listening to the story it sounded like he might of, of hurt hsi credibility in dealing with these people and * * *

"ARE: Did he say why the Texas people pulled out?

"CC: If he did, I don't remember.

"ARE: Anybody doing business with Texas folk knew and I've got to be scared to death anyway.

"CC: I really, you know like you said if he did tell me, you gotta understand we got so many people that, that run these opportunities by us and out of the whole conversation with him the only thing I cam of it with was that feeling pretty confident that the city does have some pretty nice acreage there that they've wanting somebody to do something with and they're willing to provide the land if they get the right program put together.

"ARE: (Unintel).

"CC: You know that could be a heck of a project. Ah two hundred acres. Whatever they want. I'd like to find out, if, if (a) they do have the land, and if so what, what they would prefer we'd do with it and how, and how they would like to put it together and who we would work with over there (ARE clears throat) if anybody and, see what we can find out.

"ARE: I'll get some answers for you.

After that conversatin, Eaves inquired about the water theme park project and Robert Moussallem in a meeting with Arrington's then Chief Administrative Assistant, Willie Davis. On August 11, 1987, Eaves gave a report about this matter to Cormany, Special Agents Robert A. Hood (acting in an undercover capacity as Robert A. Howard), and James Vaules (acting in an undercover capacity as Jim Volpe). The FBI tape recording made on August 11, revealed that Eaves advised the above-mentioned agents that Birmingham City officials did not want to deal with Robert Moussallem or anyone else who was dishonest or who had a shady reputation.[21] The following are excerpts from transcriptions of the August 11, 1987 tape:

"ARE: * * * The last thing I think uh, I needed to mention to you, (UI) talk to you, is that I did have (UI) in there in the office the other day from Birmingham.

"CC: That's, uh * * *.

"ARE: WILLIE.

"JV: WILLIE DAVIS?

"ARE: Yes, and uh * * *.

"CC: He was here?

"ARE: Yes, he was in my office. As a matter of fact I tried to reach you but I forgot you were out of town. He said don't touch that man, he's dishonest. And that, that administration would not touch him.

"CC: Did he say what they want to develop on it?

"ARE: No, I didn't get into that.

"CC: But the city owns the land?

"ARE: I was more concerned about trying to determine whether or not this guy was legitimate. And he's not legitimate.

"CC: What'd he say about the guy, cause some of our people * * *

"ARE: Are still messing with him? Well in terms of city government uh, he's been going around uh, uh, using the mayor's name and uh, this guy, somebody contributed a million, five million dollars in some project and then all of a sudden all the money's disappeared. And uh, and what I said to him was uh, that I felt the best thing for him to do was to write a disclaimer, just sending out a letter telling him to stop doing that, because as a lawyer what I thought he was doing wrong * * * they were allowing him to do that and therefore could be interpreted as an Agent of the Mayor, so he got on the phone and dictated that letter to his secretary while he was in my office.

"CC: Huh?

"ARE: But uh, but uh, if you're gonna go to that administration he's the wrong person to use.

"CC: The guy that I met down there?

"ARE: Yes.

"CC: Is that right?

"ARE: He said but if you'll really interested uh, uh, if you have work from here then I'll there's a guy here that's, that's uh, the contact guy, I'll put you in touch with him or if you go into Birmingham uh, he will meet you and take you in to see the Mayor, but they really want to develop that area.

"CC: OK. But there is, what the guy told me about there being two hundred acres available is true?

"ARE: There is, and they're looking now to develop that.

Despite the above statements that Birmingham officials viewed Moussallem as "dishonest", agents Cormany and Hood launched Moussallem on a planned "sting" operation against Arrington in Birmingham. Still posing as Steven W. Hawkins and Robert A. Howard of Land Development Investments of Atlanta, Georgia, the FBI agents directed Moussallem to arrange a meeting with the Mayor for the purpose of structuring real estate transactions which directly involved Arrington. According to Moussallem, the FBI agents eventually wanted to gain the Mayor's trust and then offer him money for his role in a planned real estate development deal. At a later point, Moussallem provided the City with the phony business card used by Cormany and Hood as proof of his undercover work with the two agents. The business card is set-out below.

[Business card is not reproducible for the RECORD.]

In late August or early September, 1987, Moussallem sent a message to Mayor Arrington--if Moussallem came to see him, Moussallem would be accompanied by two FBI agents whom he would introduce to Arrington as contractors.[22] Moussallem later insisted that the agents wanted him to approach Arrington and involve him in real estate deals involving property purchases, re-zonings and leasing buildings to the City.[23] Somehow the agents learned that Arrington had been informed of their presence in Birmingham, and they did not go forward with the plans for a meeting with Arrington.[24]

D. The 1988-89 FBI/IRS Efforts To Entrap Arrington and Other City Officials

On March 25, 1988, FBI SA Stephen E. Branner swore before the Honorable Sam C. Pointer, Jr., United States District Judge (N.D., Ala.) that he had probable cause to believe that "Bobbie McDowell, Hugh Boles, Lewis Spratt, John Rogers, John E. Amari, Ed Porter, Sandra Escott, Sidney Laskow, Robert Gafford and others yet unknown" were participating in the affairs of the Bessemer Metropolitan Dog Track, Inc., "through a pattern of racketeering activities, that is briberies of public servants . . . in violation of Title 18, United States Code, Sections 1962(b), (c), and (d) 1983".[25] Branner went on to state in his affidavit that: "* * * There is also evidence which indicates that Earl Williard, Richard Arrington, Jim Folsom, Jr., John Pemberton, E.B. McClain, Pat Davis, and Jimmy Filler may be a part of the conspiracy."[26]

On the basis of Branner's sworn testimony, Judge Pointer entered an order authorizing wire taps on the telephones of McDowell, Boles, Spratt, and John Rogers.[27] The investigation into possible Hobbs Act violations muddled along despite the lack of any credible evidence of bribery and extortion with the Bessemer Dog Track enterprise.

At some point in early 1988,[28] federal law enforcement officials met in Alabama and developed a "hit list" of African-Americans elected officials (and others) they would target for public corruption probes. The criteria for selection and ranking of those officials was based upon who was most vocal, who was most visible, and who was most complained about by conservative watchdog groups in the Alabama area.[29] Mayor Arrington headed the list, State Senator Earl Hilliard was second, State Representative John Rogers was third, fourth and fifth (the correct order is uncertain) were Birmingham City Council members Jeff Germany and William Bell, and State Representative Pat Davis was sixth on the list.[30]

On October 25, 1988, the FBI, IRS (Criminal Division), and U.S. Attorney's Office in Birmingham began efforts to entrap Arrington and others. According to an IRS internal memo obtained by the City:

"On 10/25/88, IRS employee William E. Cooper met with Robert A. Moussallem at Shoney's Restaurant, 18th Street, South, Birmingham, Alabama in Cooper's vehicle. They traveled to the Office of the Regional Inspector, 500 22nd Street South, Birmingham Alabama. Moussallem was approached by inspectors and was advised he was not under arrest but that inspectors wished to question him. Moussallem was initially interviewed by William F. Coady, Assistant Regional Inspector, Internal Security Division, Southeast Region.

"After this inteview, Moussallem was interviewed by Inspectors M. H. Mullins and A. M. Hatcher * * *.

"Moussallem was told he was the subject of a criminal investigation involving bribery of an IRS employee. It was explained this was a very serious matter. Moussallem was advised he was being interviewed at the direction of the U.S. Attorney's Office and that his cooperation would be made known to them; however, no promises could be made to him * * *.

As mentioned earlier in this report, Robert Moussallem had worked with the FBI in its 1987 attempted sting of Arrington. This time, the IRS, FBI, and the U.S. Attorney wanted him to help set-up Arrington and others on the "hit list." According to Moussallem's sworn June 5, 1989 testimony:

"4. On October 25, 1988, I was summoned to a meeting in Birmingham at the 500 Building on 22nd Street South where I encountered a half-dozen or so Internal Revenue Service (IRS) and Federal Bureau of Investigation (FBI) agents. Among the agents present were persons later identified to me as Marshall Mullins (IRS), and James Kiel (FBI). I knew one of the other federal agents because of work I had done under his supervision before October 25, 1988.[31] In the room I entered, where the agents were present there was a black and white picture of Mayor Arrington on wall with the word "corruption" above it. I asked why was the Mayor's picture on the wall, but I did not receive an answer to this question. I was taken to another room where another agent was the only one present with me. That agent, whom to my knowledge I had never met before, told me that I had a golden opportunity to work [myself] out of a hole, and to stay faithful, and that he wanted me to work with two other agents. I was offered limited immunity from prosecution and told by this agent that if I did what was wanted, I would get full immunity from prosecution. He did not tell me at this time what I had to do to stay faithful.

"5. Later, I met with agents who identified themselves as Mullins and Kiel. I talked with them in Jefferson County, Alabama on several occasions. One one occasion they asked me whether I had ever given money to Mayor Arrington.[32] I told the agents that I had never bribed the Mayor. I was telling the truth.

"6. In November, 1988, I had a meeting in the Birmingham office of Bill Barnett (Assistant U.S. Attorney, Northern District of Alabama) with agents who identified themselves and Kiel, Mullins, and Allen. Barnett was present during part of the meeting. For the first time, Kiel and Mullins told me exactly what I had to do to get full immunity from prosecution. The agents said that they wanted me to set the Mayor up, but to do it under their direction. They told me to implement this scheme as follows:

"a. I was to get some property in Birmingham that was recently refused rezoning by the City Council.

"b. I was to approach the Mayor, Council President William Bell, Council member Jeff Germany, State Senator Earl Hilliard, and State Representative John Rogers to solicit their involvement and influence in getting the property rezoned.

"c. I was to offer each of these public officials a bribe, however, the Mayor was their number one priority.

"If I carried out this scheme successfully, I would get full immunity from prosecution. The agents explained to me that I could not have full immunity at that time, (November, 1988) because any resulting criminal charges would be too vulnerable to attack by defense attorneys if I received full immunity on the front end.

"7. On or about November 23, 1988, I received a letter from the U.S. Attorney, Mr. Frank Donaldson, offering me limited immunity for my role in the scheme.[33] Thereafter I started out my efforts to set up Mayor Arrington (and others named by the Federal agents), as directed by Mullins and Kiel:

"a. I got some property near the airport which I proposed to turn into an automall. The property had previously been submitted to the Council for rezoning and had experienced problems.

"b. I had a couple of meetings with an associate of John Rogers and with John Rogers, and one meeting with William Bell. I suggested to these persons that money would be made available in exchange for their influence in getting the property rezoned. Each declined the offer of money and seemed to be confused and irritated by my suggestion. All of these meetings occurred in Jefferson County, Alabama.

"8. I never talked to Mayor Arrington, Hilliard or Germany about the rezoning because the agents called me off after the meeting with Bell. They said that my role in the scheme was over, and that the deal for total immunity was dead. My part in the attempt to set-up the Mayor ended about March 1989.

"9. During the November, 1988 meeting in Barnett's office, Kiel and Mullins acknowledged that I had never bribed the Mayor. However, they said that I could pull off this scheme because they knew I got screwed on that Water Park deal. They said that, 'They [the blacks] all are bunch of dope heads.' "

Moussallem provided the City with copies of business cards from SA James E. Kiel and IRS agent Phillip L. Shobe.

"The City also obtained tape recorded conversations between Moussallem and Kiel, Shobe and Marshall Mullins his FBI and IRS handlers during 1988-1989. Transcripts of the tapes reveal an open understanding between the IRS and FBI agents and Moussallem with respect to setting-up Arrington. A March 30, 1989, taped telephone conversation between IRS Agent Marshall Mullins and Moussallem contains the following dialogue:

"M. Marshall, one more thing. I was asking Lynn. The Mayor, Mayor Arrington, he called me. Wants to have lunch with me. Do you still want me to do something with him?

"MM. What does he want to do?

"M. He just wants to have lunch with me cause what I prepared you know in the past.

"MM. Yeah

"M. What you told me to do he called and wants to have lunch.

"MM. Uh-huh.

"M. If you still want me to do something, tell me what you want me to do so I'll know what.

"MM. When does he want to have lunch?

"M. Next week.

"MM. You know what day? You just call him?

"M. Well I told him I'm gonna call him back and let him know what day would be a good day. I thought that way I would buy a little more time til I call you.

"MM. Is this the first time you heard from him in awhile?

"M. Yes.

"MM. What do you think he wants to talk about?

"M. Marshall I wouldn't know. I just thought maybe you, you know if you tell me what you wanted me to do or say or prepare. . . .

"MM. You gonna be here all this week and next. You going out of town anytime soon?

"M. No I'll be here.

"MM. OK, all right let's just hold off. Let me talk to Jim Kiel.

"M. Uh huh.

"MM. And talk to Bud Henry and Bill Barnett and then go from there.

"M. Yeah.

"MM. OK. OK then you get back with me?

"M. OK so you want me, I'm not gonna call him until Monday, Tuesday. Be best for me to call him Monday. I don't want to put if off and it make him feel like I don't want to meet him. I don't want to give him that impression.

"MM. So you need to call him by Monday?

"M. I'm just, just you know.

"MM. Yeah to let him know one way or the other.

"M. Yeah.

"MM. All right.

"M. But the reason you know as you told me before always buy a little time until I talked to you so you tell me what you know want me to do.

"MM. Right. On April 1, 1989, Mousssallam taped the following telephone conversation with James Kiel:

"M. OK. Uh, Mr. Kiel, I have a couple points to ask you, Un, No I, because you haven't you and I, we haven't spoken in quite a while, you definitely want me still, I mean you know, the way when you get into a discussion with the blacks, you kinda just left things, it's under your direction, but I just wanted to make sure that you still, cause one time you made a point to me and you said "whether it you know it happened or happens it counts."

"K. That's right.

"M. Yeah. And I'm doing this under your direction and nothing changed, it's just that, you know, you kinda left it at a standstill at the time and I just gotta let it sit there until you let me know something. But when I heard something I called you.

"K. OK.

"M. You know, uh but we are still wanta do something, is that right?

"K. If we can, that they got our pro shots

"M. They come from them.

"K. Yeah.

"M. Ok so that's the reason why when I approached you when the Mayor called, uh, that's the reason when I called you I picked the best time to call.

"K. Uh huh.

"M. Yeah, Uh, I won't call on Monday, Ok, I'll proceed with that. Ok?

"K. Yeah."

It is apparent from the two transcripts quoted in this report that Moussallem, Mullins and Kiel discussed a prior FBI/IRS operation involving Arrington which required the supervision and direction of these agents.

Several days after informing Arrington of the federal entrapment scheme, Moussallem was indicted by a federal grand jury. About four months later, he was tried and convicted of tax law violations.

A few weeks after his conviction and before his sentencing, Moussallem was killed by a shotgun blast which blew away most of his face. According to police reports of the September 26, 1989, homicide, Moussallem was meeting with several friends when he was shot by the owner of the office in which they were meeting. Mullins and Kiel were on the scene immediately after the killing, and a federal investigation of the incident ensued. Federal agents also confiscated audio tapes which Moussallem had made of some of his discussion with them, including those referred to earlier in this report. A July 3, 1989, *Newsweek* feature story on the entrapment efforts against Arrington and other African-American officials was found at the death scene in front of Moussallem. The story reported on Moussallem's involvement in the matter.

E. The "Fruhmenschen" Policy

The official FBI COINTELPRO program ended in the early 1970s. However, it was replaced quickly by an unofficial FBI policy and program which apparently continues to the present time under the code name "Fruhmenschen."

Fruhmenschen, as detailed in two 1987 affidavits of Atlanta attorney and former FBI undercover operative, Hirsch Friedman, is an FBI policy of selectively targeting African-American elected and appointed officials for investigation.[34] According to the Friedman affidavits, the basis for this policy was "the assumption by the FBI that black officials were intellectually and socially incapable of governing major governmental operations and institutions." Fruhmenschen is a German term for "primitive man."

The details of the Fruhmenschen policy, as outlined by Friedman, are strikingly similar to the components of the unsuccessful FBI and IRS sting operation outlined in the Moussallem affidavit. The pattern of harassment and attempted obstruction of Birmingham's governmental operations by Frank Donaldson's office and the federal agencies under his supervision appears to be unfairly focused on African-American officeholders. At the same time, white Republican officeholders appear to receive only scant scrutiny from these federal agencies.[35]

The city recognizes and respects the duty and responsibility of all law enforcement officials and prosecutors to investigate possible criminal violations, but only when there is a sufficient, unbiased justification to do so. The City is concerned that its working relationship with the U.S. Attorney's Office in Birmingham and the law enforcement agencies under its supervision has been undermined by the apparent implementation of the Fruhmenschen policy in Birmingham by the FBI and IRS under Frank Donaldson's supervision.

In a letter dated April 14, 1988, to the Honorable Peter Rodino, then Chairman, House Committee on the Judiciary, FBI Director William Sessions denied that his agency has an unofficial Fruhmenschen policy of routinely investigating black elected and appointed officials around the country. Sessions stated that the FBI's Undercover Operations Review Committee in Washington, which is composed of senior Department of Justice (DOJ) and FBI officials, has standards and oversight guidelines which preclude the agency's use of undercover operations for the purpose of discrediting political figures in public corruption cases. If Sessions is correct, then there are several major flaws in the FBI and DOJ's oversight system.

First, U.S. Attorneys in Alabama have an extremely low conviction rate against African-American elected officials and political leaders who were indicted and prosecuted during the 1980s. Of the twenty African-Americans indicted, three were found guilty, two pleaded guilty and fifteen were ultimately cleared of all criminal charges. This represents a 25% conviction rate. Most reputable prosecutors maintain conviction rates ranging from 90 to 95% in criminal cases. A history of African-American elected and political officials prosecuted by U.S. Attorneys in Alabama during the 1980s, compiled from federal court records, is shown on the next three pages of this report.

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SUMMARY OF BLACK ELECTED OFFICIALS AND POLITICAL LEADERS PROSECUTED BY THE U.S. ATTORNEYS IN ALABAMA DURING THE 1980'S

Year	Black elected officials and political leaders	Office/position	County	Federal court	Offenses charged	Judgment
Sept. 30, 1981	W.D. Johnston	County Commission	Macon County	Middle District	Racketeering, fraud and perjury	Not guilty
Nov. 10, 1982	Lee Allen Ivory	do	do	do	Mail fraud	Do
Nov. 10, 1982	Johnny R. Carter	do	do	do	do	Do
June 15, 1982	Benjamin Jordan	do	Bullock County	do	do	Guilty, reversed on appeal, indictment dismissed
June 15, 1982	Fred Crawford	do	do	do	do	Do
June 15, 1982	Alonza Ellis	do	do	do	do	Do
Jan. 25, 1985	Albert Turner	Dir./PCCLI	Perry County	Southern District	Conspiracy, mail fraud and violation of election laws	Not guilty
Jan. 25, 1985	Spencer Hogue, Jr	do	do	do	do	Do
Jan. 25, 1985	Evelyn Turner	Member/PCCLI	do	do	do	Do
June 10, 1985	Spiver Gordon	Dir./Comm. service block grant program	Greene County	Northern District	Conspiracy, elective franchise and fraud	Guilty, vacated and remanded on appeal, indictment dismissed
June 10, 1985	Frederick Daniels	Employee/Greene County Nursing Home	do	do	do	Not guilty
June 10, 1985	Bessie Underwood	Employee/Greene County BOE	do	do	do	Pled guilty, sentenced to 2 yrs. probation
June 10, 1985	James Colvin	Mayor/town of Union, AL	do	do	Conspiracy, elective franchise	Pled guilty, fined $1,000, sentenced to 2 yrs. probation
June 9, 1986	Douglas Wicks	County Commission	Mobile County	Southern District	Extortion	Guilty, sentenced to 15 yrs. Presently on appeal
June 16, 1988	Thomas Reed	State Representative	Macon County	Middle District	Extortion and interstate travel to facilitate an unlawful activity	Guilty, sentenced to 3 and 4 yrs
May 12, 1989	Bobbie McDowell	do	Jefferson County	do	Conspiracy to obstruct, delay and affect commerce by extortion	Not guilty
May 12, 1989	Edward McClain	do	do	do	do	Do
May 12, 1989	Lewis Spratt	do	do	do	do	Do
Oct. 16, 1989	Patricia Davis	do	do	Northern District	Interference with commerce by threats or violence	Guilty
Sept. 6, 1989	John W. Rogers, Jr	do	do	do	do	Not guilty

The dismal conviction rate for aforementioned indicted African-Americans suggests that an overwhelming majority of the cases were not brought by the Republican U.S. Attorneys with a sound belief that they would result in a conviction, but, rather, were initiated for the purpose of harassing the targeted African-Americans.

Second, the racial attitudes of State and local FBI (and DOJ) officials have not changed appreciably since the COINTELPRO days. In the 1960s, FBI Director Herbert Hoover referred to Dr. King as a "burrhead," "degenerate," "top alley cat," and a "notorious liar." Form 1986 to 1989, federal agents in Birmingham and around the State reportedly referred to African-Americans as "dope heads", "nigger whores," and "niggers".[36] Also, there have been several well publicized incidents around the country involving racial harassment and discrimination by white FBI agents against fellow African-Americans (e.g., Donald Rochon)[37] and Hispanic (e.g. Bernardo Perez, Leo Gonzales, and Fernando Mata, etc.)[38] agents.

Third, federal law enforcement officials continue to plant potentially embarrassing stories in "friendly newspapers." A classic example of leaking grand jury evidence to friendly news reporters occurred in June, 1989. Information was released to a reporter for the *Birmingham Post-Herald* and the publisher of the now defunct *Advocate* regarding two cashier's checks which were allegedly negotiated for payment in 1987 and which purportedly bore the endorsement of a former staff person in the Mayor's office. These checks were in the exclusive possession of the FBI and U.S. Attorney's Office. At the time these news organizations contacted the former staff person in pursuit of their news stories, the same cashier checks had not been provided by the U.S. Attorney's Office to another individual who was facing criminal tax evasion charges involving the checks.[39]

Fourth, FBI and DOJ officials continue to selectively target blacks for investigation even when, as mentioned earlier in this report, these officials were repeatedly forewarned by their informants and undercover surveillance activities that the targeted blacks abhor the prospect of political dealings with dishonest and shady individuals.

F. THE APPARENT IMMUNITY FROM PROSECUTION EXTENDED TO PROMINENT WHITE ALABAMA REPUBLICANS

According to the Hirsch Friedman affidavit, indictable cases against white public officials have been dropped and, in some instances, investigations continued altogether while the Fruhmenschen policy was applied in full force against African-Americans.

Two prominent examples of the apparent immunity afforded white officeholders under the Fruhmenschen policy are found in Alabama. One involves the Governor of Alabama, Guy Hunt. The second example involves U.S. Representative William Dickinson (R-Ala.). Both men are white, conservative and powerful Republicans. Hunt's election in November, 1986, marked the first time a Republican held the Governor's seat in Alabama in 112 years. Dickinson has served in Congress for more than two decades and is the ranking Republican on the House Armed Services Committee.

1. THE GUY HUNT MATTER

The City has learned that U.S. Attorney James Wilson (M.D., Ala.) and his predecessor in office, John Bell, both of whom are white Republicans, failed, declined or refused to prosecute or present to a federal grand jury possible criminal violations allegedly committed by Guy Hunt. This, despite overwhelming evidence of numerous acts allegedly committed by Hunt while he was Executive Director of the Alabama State Agricultural Stabilization and Conservation Service (ASCS), an appointed position Hunt obtained through the political generosity of then U.S. Senator Jeremiah Denton (R-Ala).

On March 1, 1985, Attorney Richard Allen, then Regional Inspector General for the U.S. Department of Agriculture issued a report to Thomas J. Burke, then Assistant Inspector General for Investigations. The report stated as follows: "The purpose of this memorandum is to request the immediate removal from office of Harold Guy Hunt, State Executive Director, Alabama State ASCS Office, Montgomery, Alabama. This request is based upon significant evidence of activities, and upon evidence of Hunt's repeated and continuing efforts to interfere with our ongoing investigation through direct and indirect contacts with subordinate ASCS employees and other witnesses seeking non cooperation and withholding of information by these persons. Additionally, we have information that Hunt has removed from the ASCS office information relative to certain witnesses of interest in this case * * *

The following is a brief summary of the evidence which prompts this request:

"In January, 1985, this office initiated investigation of a 'whistleblower' complaint, alleging that Hunt's official travel vouchers and other documents demonstrate violations of travel regulations, official telephone credit calls were made from his residence(s) at times when his vouchers show him to be at other locations, a pattern of frequent official travel to areas in and around his permanent residence in North Alabama, and engaging in prohibited political activities. By early February 1985, our examination of Hunt's travel vouchers and telephone credit call records confirmed his frequent official trips to the area of his permanent residence, and also confirmed the existence of a number of discrepancies relative to calls charged to his residence at times when travel vouchers show him to be at other locations.

"On February 11, 1985, Hunt was placed under oath by an agent of OIG, and questioned regarding any political activities in which he may have engaged during his tenure in ASCS. Under oath, Hunt advised that his 'friends' had formed a corporation in 1981, prior to his current appointment in May, 1981, to solicit funds to retire outstanding debts from his unsuccessful race for Governor of Alabama in 1978. He denied any personal involvement in this effort. He further denied that he had been actively involved in any political activities of any kind during his ASCS employment. He confirmed that he attended an 'appreciation dinner' in April 1982, wherein funds were collected to help pay his 1978 campaign expenses. He denied any active involvement in that effort, and he denied any knowledge of any use of Government resources, time or personnel regarding the 'appreciation dinner' or any ongoing effort by his 'friends' to prepare for a second race for Governor in 1986. He said he had 'considered' a second race for Governor, but denied that he had made any firm decision in this regard.

"On February 13, 1985, Hunt advised our agent that his 'personal' activities were not a matter of legitimate interest to OIG, and that any questions on matters other than his travel should be submitted in writing for review by his attorney. Three subordinates of Hunt advised they were given "direct orders" by Hunt to this effect. On February 21, 1985, Hunt advised our agent that he then understood, from advice which we believe to have been issued by national ASCS officials on February 15, 1985, that OIG was empowered to conduct the investigation. He further said he had rescinded the "direct orders" previously given his subordinates.

"Since February 21, 1985, six subordinates of Hunt have furnished signed statements under oath furnishing information indicating that, during the period from about March 1982, until the initiation of our investigation in January 1985, Hunt caused subordinates to prepare, on Government premises during official duty hours, voluminous political mailing lists, political correspondence, a political campaign budget, and listings of persons involved in his prior and current political campaign organizations; accepted political contributions received by mail at his office; gave a check to a campaign worker visiting at his office; was frequently visited at his office by persons determined to be directly involved in development of his campaign structure(s) and/or solicitation of funds; caused political fund-raising letters to be mailed to a number of his ASCS subordinates; requested from his subordinates information as to persons who might be contacted to participate in his current political campaign organization and/or political fund-raising efforts; interviewed at his office potential candidates for active roles in his current campaign effort; frequently mentioned to subordinates his participation in various social gatherings hosted by campaign workers off ASCS premises in efforts to raise campaign funds; and caused an ASCS subordinate to prepare typed correspondence containing instructions to campaign workers relative to such social gatherings."

We have signed sworn statements from an ASCS subordinate of Hunt, and from the father of this subordinate, stating that:

"In 1983 and 1984, Hunt asked the subordinate to arrange meetings with the subordinate's father; in late 1983 Hunt personally met the father at the latter's residence, accompanied by two persons he introduced as campaign workers; Hunt personally asked the father to assist in the current campaign by identifying potential campaign workers, soliciting campaign funds, and hosting social gatherings at which Hunt was to speak to the attendees, after which campaign workers were to solicit campaign funds; and the father was furnished campaign literature and funds/support solicitation forms. The father of a second ASCS subordinate of Hunt has advised:

"In late 1984, and again on February 6, 1985, he (the father of this ASCS employee) was present at two social gatherings at the residence of a member of the Alabama State ASCS Committee, wherein Hunt made remarks concerning his political views and plans to the attendees, and wherein political donations were solicited. This witness has also advised that he in fact made a donation of funds at the first of these two meetings. The witness informed that, in both instances, the member of the ASCS State Committee personally invited the witness to these gatherings.

"We have three sworn statements, and a number of oral statements, which we have not yet reduced to writing from ASCS subordinates of Hunt, delineating direct and indirect efforts by Hunt to initimidate, coerce, or persuade his subordinates to withhold full cooperation in the investigation and/or furnish misleading or false information if interviewed regarding this matter. Evidence shows that this activity began no later than February 15, 1985, and continued until at least February 28, 1985. Some examples of this activity follow:

"On February 15, 1985, Hunt suggested to his secretary that she should deny any knowledge of the matters under investigation.

"On February 19, 1985, Hunt instructed his secretary to contact two ASCS employees and advise the employees that, if questioned regarding this matter, their 'best answer' would be 'I don't know.'

"On February 20, 1985, Hunt told a group of perhaps 50 ASCS employees that, "by telling (the investigator) too much", these employees might discover that "the noose is around (the employees') neck(s)." Later that same day, Hunt told two clerical employees that they should respond to our investigator's questions by saying "yes, no, or I don't know."

"On February 21, 1985, Hunt asked one of the ASCS district directors to contact three ASCS employees, to advise them of the investigation, and to ask that they "be careful" in answering any questions associated with the investigation. Hunt told the district director that by this method, "if he (Hunt) were asked, he could say he had not talked with" these employees.

"On February 22, 1985, Hunt told another group of perhaps 50 ASCS employees, "when someone comes in asking questions, answer yes or no, and don't say, but * * * just remember, you may end up on the witness stand to testify about something you will be sorry about saying * * * We have come to the place that we should remember that if what we say will not do any good, we do not need to say it."

"On February 28, 1985, Hunt telephoned an ASCS employee known to have knowledge of his political activities, and advised this employee substantially, "The best way to handle this is not to know anything." On the same date, he telephoned two other persons, generally advising one of these persons of the ongoing investigation, and telling the other person substantially, "If the investigator tries to make an appointment to talk with you, put him off for a week. You're too busy. You can tell him to get off your property * * * You don't need to tell anyone I called and told you this."

"Also on February 28, 1985, Hunt directly asked his secretary if she had furnished a particular witness's telephone number to the investigator. He also asked if the secretary had any "personal telephone numbers" of interest to Hunt. After the secretary informed Hunt that the office rolodex file contained certain such telephone numbers and associated addresses, Hunt examined the file. Subsequently, the secretary observed that cards listing information as to two significant witnesses in this case had been removed.

"Within the past few days, Hunt has made a number of statements to subordinates to the effect that he was engaged in direct and continuing efforts to identify "the culprit who turned me in."

"We have identified a number of investigative leads which, in our opinion, are likely to result in substantial additional evidence of Hunt's direct and active participation in, and management of, development of a political campaign structure relating to his candidacy for Governor of Alabama in the 1986 election. We have copies of a number of records from the bank account set up to receive and disburse funds collected for retirement of Hunt's prior campaign debt, and we have identified the location and custodian of an account set up in August 1984, to receive and disburse funds associated with Hunt's current political aspirations. *If necessary, we are prepared to follow these leads to their logical conclusion.* However, there are indicatons that such investigation will likely escalate the sensitivity of this case to a point beyond the scope of our immediate interest; i.e., Hunt's involvement in prohibited political activities. As stated above, we believe that the evidence developed thus far is more than sufficient to require Hunt's immediate removal from Federal service." (Emphasis added).

Allen's report was the work-product of a federal government oversight agency willing to follow its "leads to their logical conclusion." His official investigation alleged that Hunt was using the power of his office to coerce ASCS employees to lie and to obstruct the investigation. Allen had obtained as many as nine sworn statements from Hunt's subordinates, including one from Hunt's secretary. Hunt was using his ASCS resources to aid "his candidacy for Governor of Alabama in the 1986 election," stated Allen.

Notwithstanding this wealth of documentary evidence and nest of potential witnesses who had already given sworn statements, the Hunt matter was "handled" politically—Hunt resigned his ASCS office several days later, and federal prosecutors looked the other way. To do that, Wilson and Bell had to forego a possible grand jury investigation into the following charges which might have been considered against Hunt: (1) *Extortion* in violation of 18 USC 872, (2) *Subordination of Perjury,* (3) *Perjury* in violation of 18 USC, 1621, (4) *Intimidation of ASCS employees* to secure a political contribution in violation of 18 USC 606 (5) *Solicitation* of political contribution in violation of 18 USC 602, (6) *Solicitation* or receipt of political contributions while an officer of a United States Department and in a building used in the discharge of official business in violation of 18 USC 603, (7) *Solicitation* of political contributions in violation of 18 USC 602, (8) The *submission of fraudulent travel* vouchers in violation of 18 USC 1001, and (9) *Obstruction of Justice* by impeding the investigation of his possible criminal misconduct.

The Republican United States Attorney(s) for the Middle District applied one standard of justice for Governor Hunt and another standard of justice for African-American Democrats in the 1989 case of State Representatives Bobbie McDowell, Lewis Spratt, and E.B. McClain. There, the U.S. Attorneys marshalled scores of agents, spent hundreds of thousands of dollars, tapped many phone calls, conducted numerous grand jury sessions, and enlisted the aid of the press and media, all at the behest of a single Republican informer. Each of these African-American defendants was tried and acquitted of all criminal charges. However, the same U.S. Attorney(s) deliberately ignored the overwhelming evidence gathered by another federal watch-dog agency against Republican Hunt because he needed their protection to remain in the Governor's office.

In contrast to the investigation against the African-American Democratic legislators, neither Attorney Allen nor any of the many witnesses who gave sworn testimony against Hunt have ever been called before a grand jury to testify, nor has any grand jury ever been impaneled to investigate the allegations.

The investigation into Hunt's alleged misconduct was stopped before it was started; it never went beyond Mr. Allen's report. This matter came to James Wilson's personal attention in late 1988 through a complaint filed by Doug Carter[40] with the United States Attorney's Office in Montgomery. Still, Wilson refused to present these charges and this matter to a grand jury.

In the final analysis, Guy Hunt was allowed to resign his ASCS job to avoid criminal prosecution and possible injury to his political career. No such offer was ever extended to any black elected or appointed official by Republican U.S. Attorneys during the federal investigations and prosecutions of blacks that swept Alabama in the 1980s.

2. THE WILLIAM L. DICKINSON MATTER

On October 15, 1986, Congressman William L. Dickinson entered into a joint venture with Montgomery, Alabama industrialist Ben C. Collier called the Montgomery Investment Club. The terms of the joint venture were as follows:

The joint interest will be ⅔ for Ben C. Collier, and ⅓ for William L. Dickinson. All profits and losses will be shared, ⅔ for Ben C. Collier and ⅓ for William L. Dickinson. Any loss of capital will be shared the same. (That is, William L. Dickinson agrees to indemnify Ben C. Collier for ⅓ of any loss sustained of the capital advanced to start the venture. No part of the capitalization is to be considered a loan.)

Ben C. Collier will contribute to the joint venture capital in the amount of $300,000. William L. Dickinson will use his capabilities to cause the capital to be invested in as profitable a way as possible.

This agreement can be terminated at any time by either joint venturer and refund and disbursements made within 30 days. At such time the entire capital advanced by Ben C. Collier will be returned to him first, plus ⅔ of any profits to Ben C. Collier and ⅓ of any profits to William L. Dickinson. If there is no profit, and a loss is sustained on any part of the capital that Ben C. Collier has advanced, William C. Dickinson will refund to Ben C. Collier ⅓ of any loss.

Any withdrawal of capital or profits can only be accomplished by a signed statement from each member of the joint venture requesting the same.

In the event of death of either joint venturer, this joint venture will cease and the agreement will be terminated in accordance with the above.

The Congressman and Collier also executed a separate "Agreement" on October 15, 1986, which named Steven E. Streit as "Trustee" of the $300,000 seed money for the joint venture. This trust agreement contained the following provisions:

Grantor has transferred and paid over, in trust, to the Trustee, the property identified in Schedule "A" [i.e. the $300,000]. Grantor may, with the consent of Trustee, subsequently transfer and pay over other property to the Trustee under this agreement. All of such property shall be referred to as the "Trust Estate" and subject to the provisions of this agreement. Trustee shall have full power and authority to control, manage, comingle with other Trust Estates, invest and reinvest the same as it, the Trustee, deems prudent in the course of its investment business * * *

Trustee's fee for managing these investments shall be 1% of the market value of investment computed annually * * *

This Agreement constitutes all that has been agreed between the parties hereunder and represents the Christian love each has for the other and to the glory of our Saviour, Jesus Christ.

The agreement was signed by Streit, Dickinson, and Collier.

In a letter dated October 8, 1986, and written on U.S. Congressional stationary, Dickinson directed Streit to send monthly statements of the $300,000 investment portfolio to Ben Collier at his Montgomery address, and to Dickinson at the following address: 2406 Rayburn HOB, Washington, D.C.[41] Dickinson also sent Collier an undated memo which states, "Ben—This is F.Y.I.. Hope our joint venture does as well. Bill."

In copyrighted stories which were published on October 4 and 5, 1989, by *The New York Times Regional Newspapers* in Tuscaloosa, Florence and Gadsden, Alabama, "Dickinson reportedly offered the 'know-how' to gain the greatest possible return on the investment made by businessmen Ben Collier * * *." In a September 21, 1989, interview at Dickinson's Washington office, Dickinson reportedly told *Times* reporter Norman Zumwalt that "there was no link between the partnership, which ultimately lost money to convicted Huntsville swindler Steven A. Streit[42] and contacts he made to help Collier obtain defense contracts." Dickinson was quoted by Zumwalt as saying, "I haven't done anymore for Ben than I would for any other business in my district * * * We're personal friends. That's got nothing to do with me pushing his business." Zumwalt further quotes Dickinson as saying, "I talked to Ben and said, I've got a good deal. You put up the money, and I'll put up the know-how" to increase Collier's $300,000 investment for the benefit of both men. Zumwalt reports that "Dickinson said he helped Collier obtain government contracts for a bankrupt uniform-producing firm in Selma,[43] but he said he did so at the request of U.S. Representative Claude Harris, Democrat-Tuscaloosa, and with the cooperation of the full nine-member Alabama Congressional Delegation." Dickinson is also quoted as saying, "I wrote most major defense contractors to say he (Collier) has a good product."[44]

Collier obtained Selma Apparel[45] in November, 1987. The renamed firm reportedly received its first government contract in January 1988, and picked up other contracts in April and July of that year.

After a series of October, 1989, news report of the Dickinson-Collier business arrangement were published in Alabama, U.S. Attorney James Wilson was questioned about any prior knowledge he had of this matter. He stated that he had none. Wilson also admitted that his office has conducted no investigation into this matter. To date, the City is aware of no grand jury investigation into the Dickinson-Collier joint venture by Wilson or any other U.S. Attorney in Alabama.

It is widely recognized and acknowledged in Alabama political circles that Congressman Dickinson was extremely influential in James Wilson's appointment to the position of U.S. Attorney, Middle District of Alabama.

African-American political leaders in Alabama are keenly interested in whether the U.S. Attorney's Office will subject Dickinson to the same scrutiny and prosecutorial vigor that was so dutifully afforded African-American State Representatives Bobbie McDowell, E.B. McClain, and Lewis Spratt. The perception is that Republican public officeholders like Dickinson will be allowed to continue business as usual.

G. The Department of Justice's (DOJ) Response to the City of Birmingham's Complaint

U.S. Attorney Frank Donaldson became aware of the City's concerns on May 2, 1989, when a cover letter from Attorney Donald Watkins and an April 27, 1989, affidavit executed by Mayor Arrington[46] were hand-delivered to his office. On May 5, 1989, Donaldson wrote Watkins a letter stating that he had dispatched a copy of the May 2nd letter and affidavit to the DOJ.

On May 18, 1989, the Watkins letter and the Arrington affidavit became public knowledge through various media stories. After an initial period of declining comment on Arrington's affidavit, Donaldson finally broke media silence by declaring that the matters set forth in Arrington's affidavit were "absurd."[47]

On June 7, 1989, Alabama's top elected African-American officials met in Montgomery and charged that federal prosecutors in Alabama disproportionately focused their public corruption and voter fraud investigations on African-American officeholders. In denying this charge, Donaldson was quoted as saying: "The answer * * * is clearly no, just plain N-O. The United States Attorney will look at facts. We base investigations and whether the matter should go to the grand jury on facts. I usually don't even know the color of those people who're investigated and those who're indicted, unless of course the person is prominent."[48]

When Arrington and other African-American political leaders in Alabama tried to schedule a meeting with U.S. Attorney General Richard Thornburgh in late June, 1989, Donaldson and James Wilson reportedly engaged in political maneuvering to block the appointment.[49] David Runkel, a spokesperson for Thornburgh, announced on the day before the scheduled June 29th meeting that it would not be appropriate for Thornburgh to meet with Arrington because Arrington's May 2nd complaint to Donaldson was under investigation by DOJ's Office of Professional Responsibility. Thornburgh did offer to meet with a smaller group of African-Americans hand-picked by him to speak on the federal harrassment of African-American officeholders. Those persons selected by Thornburgh refused to meet with him after Thornburgh black-balled Arrington and other African-Americans who were on the original list of representatives scheduled to talk with Thornburgh.[50]

In its July 3, 1989, issue, *Newsweek* ran an article entitled, "Backtracking in Birmingham," written by reporter Howard Manly. The article chronicled the plight of Arrington and other Alabama African-American officeholders who fought harrassment by various federal law enforcement agencies during the 1980s. The City has obtained a copy of a June 28, 1989, letter Frank Donaldson sent to Rick Smith, *Newsweek's* Editor. In the letter, Donaldson wrote:

". . . Since I became U.S. Attorney in 1981, the overwhelming majority of public corruption investigations have had white public officials as their subject. Relatively few black officials have been the subject of such an investigation. . . . Of the few black public corruption defendants that have been indicted in Alabama, most were convicted and the majority of those convictions are still standing."

A cursory review of the chart summarizing the history of prosecutions of African-American elected officials and political leaders in Alabama during the 1980s clearly demonstrates that the overwhelming majority of those African-Americans indicted were ultimately cleared of all criminal charges.

III. BIRMINGHAM'S PLAN OF ACTION

The City of Birmingham knows that there were a number of Congressional investigations during the 1970s regarding the harassment of African-Americans by the FBI, IRS, and other federal law enforcement agencies. The City also realizes that DOJ's Office of Professional Responsibility was created in the aftermath of these investigations to prevent and redress misconduct and abuse by federal prosecutors and the FBI. The City also knows that OPR's resources for carrying out its mission are limited when measured against the scope of the harrassment problem identified in this report.

Presently, the City is not asking the Judiciary Committee to draft legislation which would restrict the use and abuse of federal law enforcement activities. It is not asking any court to hold the federal officials identified in this report accountable for the actions taken against its Mayor and Council members. The City merely seeks to restrain the arbitrary and capricious interference with its municipal affairs by the law enforcement agencies mentioned in its complaint.

Until the hârassment ends,[51] the City plans to take several actions. First, the City will continue to nurture and expand its intelligence network within the federal law enforcement agencies. Second, the City will continue to expose prosecutorial misconduct and law enforcement harassment. Third, the City will closely monitor all law enforcement activities involving it and federal law enforcement agencies. Fourth, the City will actively participate in Congressional (and other governmental) hearings on the harassment problem. In this regard, the City is willing to be a field site for any such hearings.

At the heart of these planned actions is a recognition by Birmingham that it may have to stand alone in fighting for a uniform standard of federal law enforcement in public corruption investigations and prosecutions. It is ironic that the same Birmingham African-Americans who faced Bull Conner and his brand of law enforcement in the 1960s now have to restrain various federal law enforcement officials who represent the modern day threat to civil and constitutional rights. Police dogs and fire hoses are no longer used to intimidate and harass African-Americans in Birmingham. Today's harassment is administered through the use of FBI/IRS surveillance and "sting" attempts, "discrete" investigations, "preliminary inquiries", federal grand jury sessions, and grand jury leaks to the media. Indeed, these harassment activities have followed Mayor Arrington throughout much of his nineteen years as an elected public official.

While Birmingham's resources for safeguarding the civil and constitutional rights of its African-American officeholders are limited, its resolve is not. The City knows that the struggle to end the harassment of African-American public officials is a difficult one for most politicians to embrace, even for those politicians of interracial good will. However, the U.S. Constitution must be upheld, even when it is not politically expedient to do so. If Birmingham must stand alone in the protection of the rights guaranteed by the Constitution, so be it.

Respectfully submitted,

Donald V. Watkins, Esq.,
1205 North 19th Street, Birmingham, AL,
Special Counsel to Richard Arrington, Jr., Mayor, Birmingham, AL.

FOOTNOTES

[1] A copy of the City's complaint is attached to this report as Appendix "A". The Judiciary Committee also received a June 12, 1989 complaint on the same subject from the Alabama Black Elected and Appointed Officials' Legal Defense Fund, of which Mayor Arrington is a founding member and convener. These complaints have been assigned by the Judiciary Committee to the Department of Justice's Office of Professional Responsibility for an investigation.

[2] None of the targeted African-American Birmingham City officials has been indicted by any grand jury.

[3] Moussallem's September 26, 1989 death by a shotgun blast to his face is still under investigation by Birmingham Police Department homicide detectives.

[4] Arrington was not and has never been a member of the organizations mentioned in the FBI report.

[5] A thorough description of the COINTELPRO program is provided in *Racial Matters: The F.B.I.'s Secret File on Black America, 1960-1972*, by Kenneth O'Reilly, The Free Press, 1989. This report quotes heavily from the description of the COINTELPRO program which O'Reilly chronicles and documents in his book. Most references to the program are drawn directly from O'Reilly's book.

The COINTELPRO program is also well-documented in Pulitzer Prize-winning author David J. Garrow's 1981 book entitled, *The FBI and Martin Luther King, Jr.*, Penguin Books.

[6] As discussed in the July 21, 1989 complaint by the City to members of the U.S. Senate Judiciary Committee and this report, the same type of harassment activities by federal law enforcement agencies have continued in Alabama.

[7] The description of ADEX provided in this report is quoted directly from O'Reilly's *Racial Matters*, pgs. 338-339.

[8] The description of KBE provided in this report is quoted directly from O'Reilly's *Racial Matters*, pgs. 339-340

[9] In June 1972, the Congressional Black Caucus held hearings on government lawlessness. The House Subcommittee on Civil and Constitutional Rights, chaired by Representative Don Edwards (D.Cal.), conducted hearings on COINTELPRO in 1974. On January 27, 1975, the U.S. Senate established a Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the Church Committee), chaired by then Senator Frank Church (D-Ida). On February 19, 1975, the House created its own Select Committee (the Pike Committee), chaired initially by Lucien N. Nedzi (D-Mich.) and then by Otis Pike (D-N.Y.). The Church and Pike Committees completed their investigations in 1976.

[10] FBI LHM to the Director, dated July 31, 1985.

[11] The memorandum was heavily censored and was obtained by Arrington under the Freedom of Information Act.

[12] The Webbs were fired by the City in December, 1984 for making false allegations about Mayor Arrington. Their appeals for reinstatement before the Jefferson County Personnel Board and in federal court were unsuccessful.

[13] The articles referred to in this memo dealt with Arrington's business relationship with Tarlee Brown d/b/a ABD Marketing Corporation and James Parker d/b/a Chapel Funeral Home.

[14] Memo from SAC, BH to FBI Director, dated February 19, 1985. Approval for the "discrete investigation" was given by FBI Headquarters on January 11, 1985.

[15] *Id.*

[16] The City has never made this matter public before this time.

[17] In October, 1987, Eaves was charged with four violations of the Hobbs Act. After a plea of not quilty, Eaves was tried and convicted on three of the four counts. On appeal, his conviction with respect to two counts of extortion was affirmed and his conviction on the third count was reversed. See, *U.S.* v. *Eaves*, 877 F. 2d. 943 (11th Cir., 1989)

Eaves was interviewed by Donald Watkins on July 13, 1989, at Maxwell AFB Prison Camp in Montgomery, Alabama in the presence of his attorney, Mr. Chuck Floyd.

[18] At the time the FBI introduced this subject to Eaves, its investigation claimed that Eaves had accepted $5,000 from one Charles Woods on June 19, 1985 and an $8,000 payment from Cormany (as Hawkins) on July 2, 1985. Eaves was acquitted on the count involving the alleged $8,000 payment. Eaves was convicted on the count involving Woods.

[19] Eaves reference to "Willie Brown" was an erroneous reference to Willie Davis, who was then Chief Administrative Assistant to the Mayor of Birmingham. Eaves corrected the name later in the tape.

[20] Robert Moussallem was an FBI and IRS (Criminal Division) informant who had worked with those agencies for more than a year prior to this conversation. Moussallem had been under close scrutiny by the City since February 26, 1986, after city officials learned that he was an informant for various federal law enforcement agencies.

[21] At this point, Eaves still did not know he was talking to FBI undercover agents.

[22] Arrington did not know at this time that the message had come from Moussallem. He learned that Moussallem was the source of the message of April 25, 1989 when Moussallem visited his home to disclose his full involvement with the FBI, IRS, and U.S. Attorney's office.

[23] Arrington's affidavit, dated April 27, 1989, pgs. 2-3; Moussalem's interview (off the record) with Donald Watkins, dated May 15, 1989.

[24] *Id.*; Also, Arrington's Department of Justice, OPR, statement, dated July 11, 1989, pgs. 4-5.

[25] Branner was swearing to a Hobbs Act violation. McDowell, Spratt, Rogers, and Escot are black. The other persons named are white. As discussd in Section F, The "Fruhmenschen" Policy, McDowell, Spratt, and another black legislator, E.B. McClain, were indicted on May 12, 1989 on the Bessemer-Metropolitan Dog Track Hobbs Act charges. Federal prosecutors added Bessemer Mayor Ed Porter, a Democrat, as a defendant in that case only after the black defendants raised the issue of selective prosecution. All four defendants were tried together and acquitted in November, 1989 by a Montgomery, Alabama Federal Court jury. Rogers was indicted on an unrelated Hobbs Act charge in October, 1989, and was acquitted in December, 1989 by a Birmingham Federal Court jury.

[26] Hilliard, Arrington, McClain, and Davis are black. Davis was indicted in October, 1989 on an unrelated Hobbs Act charge, and was convicted by a Brimingham Federal Court jury in December, 1989. Her case is presently on appeal.

[27] It is not clear why white legislators mentioned in the Branner affidavit did not have their phones tapped and were not investigated with the same vigor that was directed toward the blacks. It should be noted that John Amari is a white Republican State Senator from Birmingham. Amari received only token scrutiny by the FBI compared to the focus placed by the Bureau on Arrington and other black elected officials.

[28] The City has not determined the precise date or place of the meeting.

[29] Arrington OPR statement, pg. 11.

[30] *Id.* The City also verified the "hit list" with reliable sources. These cources gave detailed information about the names on the list and their location on an FBI prepared investigative chart.

[31] Moussallem was referring to IRS agent William Cooper.

[32] The October 25, 1988 IRS memo states that Moussallem was asked by a business associate to approach Arrington with "a percentage" of a real estate company owned by the Business partner and two others in hopes of obtaining a land purchase commitment from the City. Although the IRS memo states that Moussallem met with Arrington several times after that instruction from his business associate. Moussallem "did not offer the Mayor any money because he knew Arrington would not entertain that action."

[33] Moussallem provided the City with a copy of a November 23, 1988 letter he received from Frank Donaldson. The letter stated as follows:

"I have been informed that on October 25, 1988, you expressed a desire to cooperate in an on-going criminal investigation. As a consequence of your cooperation, this office agrees as follows:

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"1. No criminal charges will be brought for any action taken by you after October 25, 1988 provided such action is at the specific direction and under the supervision of Inspectors of the Internal Revenue Service, Internal Security Division of Special Agents of the Federal Bureau of Investigation.

"2. Favorable consideration will be given to you when the number and type of charges are considered for ultimate presentment to the federal grand jury based upon your criminal conduct prior to October 25, 1988.

"3. The Court will be fully advised of the extent of your cooperation at the time the Court considers sentencing in the indictment resulting from paragraph 2 herein."

[34] The Friedman affidavits are attached in their entirely to the July 21, 1989 memo from Donald V. Watkins to the U.S. Senate Judiciary Committee. The memo and affidavits constitute Appendix "A" to this report.

[35] Section "F" of this report discusses the apparent immunity from prosecution extended by U.S. Attorneys in Alabama to prominent white Alabama Republican officeholders.

[36] OPR/DOJ Assistant Counsel David P. Bobzien and SSA Sarah Pickard, OPR/FBI sought information on these racial slurs in their July 11, 1989 interview with Mayor Arrington. They were informed that the City did not know at that time how it would handle the disclosure of the source(s) who reported these slurs. On September 11, 1989, Watkins wrote Bobzien advising him that he would check with his source(s) to see if they would meet with Bobzien. On October 5, 1989, Watkins wrote Bobzien and advised him that Robert Moussallem had been killed by a shotgun blast to the face and that his death "had made it difficult for us to get source(s) to come forward to meet with you." As discussed earlier in this report, Moussallem was an FBI/IRS informant who went public with his undercover activities. His death is still under investigation by the Birmingham Police Department Homicide Detectives.

During the pendency of the City's complaint with the U.S. Senate Judiciary Committee, SAC William Hinshaw, of the Mobile, Alabama FBI office was promoted to SAC of the Bureau's Atlanta Office. Hinshaw reportedly told a group of FBI agents from the Mobile and Montgomery offices being assigned to investigate alleged public corruption in the Alabama Legislature that the legislators should be fixed up with "nigger whores." Hinshaw's promotion while the City's charges were pending against him undermined the credibility, as far as the City's source(s) were concerned, of the OPR/DOJ and OPR/FBI investigation in this matter.

[37] DOJ and EEOC officials have already found that agent Donald Rochon was the victim of "blatant racial harassment" in the FBI's Omaha field office in 1983 and 1984.

[38] On September 28, 1988, U.S. District Judge Lucius D. Brenton (Texas) ruled that the FBI had systematically discriminated against its Hispanic agents by denying them promotions and detailing them to the least rewarding and, in some cases, the most hazardous assignments.

[39] In *U.S.* v. *Henry Johnson*, CR-89-PT-108-S (N.D., Ala), defense attorneys were ultimately provided copies of the checks by the U.S. Attorney's office in Birmingham. Also, the former employee in the Mayor's office has not been charged with any offense.

[40] Doug Carter was Guy Hunt's challenger in the 1986 Republican primary election.

[41] Carl A. Barranco, a Montgomery, Alabama C.P.A., who was an accountant for Ben Collier, also received a blind copy of the letter and agreements.

[42] Streit was convicted in State Court on two counts of securities fraud stemming from his investment practices in September, 1987, and sentenced to 10 years in prison. According to officials of the Alabama Securities Commission, Streit was engaging in a "Ponzi Scheme", involving hundreds of investors including the Montgomery Investment Club.

[43] The bankrupt firm was Selma Apparel Company, which is located in U.S. Representative Claude Harris' Congressional District. The firm went bankrupt in My, 1987, after the Defense Department suspended a government contract to make military uniforms.

[44] Dickinson (and other members of the Alabama Congressional Delegation) also signed a May 5, 1987 letter to Defense Department officials urging the Department to lift the suspension imposed on Selma Apparel.

[45] The firm was renamed American Apparel, Inc. by Collier. He is reported to be a minority stockholder in American Apparel with 45% of the stock. Montgomery accountant Carl Barranco and Atlanta Attorney C. Lask Harrison each own 27.5% of the stock.

[46] Arrington's affidavit details Moussallem's involvement in FBI/IRS efforts to "sting" Arrington. The Watkins cover letter requested an investigation into possible prosecutorial and law enforcement misconduct.

[47] Article entitled, "Arrington Not First Black Leader Under Microscope," by Stephen Kipp, *The Birmingham Post-Herald*, June 3, 1989.

[48] Article entitled, "Arrington Wants Probe of Federal Prosecutions," by Tom Lindsay, *Birmingham News*, June 8, 1989.

[49] The City's source for this statement is a prominent, conservative Republican insider with close ties to U.S. Attorney James Wilson. This source has been reliable and accurate on information given to the City in the past.

[50] Relations between the City and the U.S. Attorney's Office in Birmingham are so strained, it is questionable whether a meeting between the City's representatives and Thornburgh would be desirable or fruitful at this time.

[51] Unfortunately, the harassment of Arrington has continued to the present time. On January 17, 1990, the City learned that the U.S. Attorney's Office in Birmingham wanted an individual who was cooperating with one of its investigations to give "creative testimony" which would implicate Arrington in a 1985 real estate transaction. This matter was reported to OPR's David Bobzien on January 24, 1990, by Donald Watkins, along with a request for a cessation of this type of harassment.

APPENDIX "A"

THE CITY OF BIRMINGHAM, ALABAMA'S FORMAL COMPLAINT WITH THE U.S. SENATE JUDICIARY COMMITTEE

DONALD V. WATKINS, P.C.,
ATTORNEY-AT-LAW,
Birmingham, AL.

MEMORANDUM

To: Members, the United States Senate Judiciary Committee.

From: Donald V. Watkins, attorney for the city of Birmingham, Alabama.

Date: July 21, 1989.

Re: Nature and scope of the harassment problem by Federal law enforcement agencies.

The City of Birmingham has learned that the Federal Bureau of Investigation (FBI) and Internal Revenue Service, Criminal Division, (IRS) conducted an unsuccessful undercover operation, under the general supervision of the United States Attorney's Office (N.D., Ala.), from October 25, 1988 to April 1989. This undercover operation selectively targeted, without probable cause, the Mayor and several City Council members of the City of Birmingham, Alabama, all of whom are black.

The City has learned that the United States Attorney Frank Donaldson offered Birmingham real estate developer Robert Moussallem immunity from prosecution on November 23, 1988 for his cooperation in assisting the above-named federal agencies with their undercover operation in Birmingham. The details of the undercover operation are outlined in a sworn affidavit from Moussallem, dated June 5, 1989, which said affidavit is attached hereto.

The City is convinced that the attempted undercover operation, as outlined by Moussallem and supported by other evidence, demonstrates an attempt by federal agents to obstruct the City's governmental operations by (a) seeking to effectuate arbitrary and capricious governmental approval of zoning requests, and (b) attempting to undermine the Offices of Mayor and City Council member through unilateral efforts designed to induce corrupt governmental practices.

The City is also aware that the FBI conducted a prior unsuccessful undercover operation against the Mayor which involved two FBI agents posing as real estate developers seeking to structure a real estate deal with the City. This operation also involved Robert Moussallem and the City believes it was aborted sometime in 1987. This effort was undertaken by the FBI even though an extensive 1985 FBI investigation of the Mayor resulted in a finding by that Agency and the U.S. Attorney's office that no probable cause existed to believe that the Mayor had violated the Hobbs Act or any other criminal offense.

The United States Attorneys' Offices in Alabama have a history of selectively investigating and prosecuting blacks in the areas of political activities and governmental affairs, as evidenced by the 1984-86 Alabama voter fraud trials handled by U.S. Attorneys Frank Donaldson (N.D., Ala.) and Jeff Sessions (S.D., Ala.), wherein Donaldson and Sessions brought 210 charges of vote fraud against 8 persons, 7 of whom where black. The City has learned that Frank Donaldson and Jeff Sessions' investigation of the Alabama voter fraud defendants has been characterized as "racially motivated" because the same practices for which the defendants in the voter fraud cases were investigated and indicted had been carried out in an unfettered fashion for years by whites in these same counties. Also, the federal government responded to criticism at the time by promising a similar investigation of white voter fraud, but never did. The blacks indicted went to trial in 1985. Four were acquitted by juries, two pleaded guilty to minor misdemeanors to avoid trial and received probation, and one, Spiver Gordon, charged with 37 counts, was convicted on four counts following Court pressure on an all white jury. Gordon's convictions were reversed on appeal.

Frank Donaldson has termed the Moussallem allegations as "absurd," and reportedly has blocked the City's efforts to discuss this concern with the United States Attorney General.

FBI undercover operations to "neutralize," "completely discredit," "expose," and "destroy" black leaders can be traced back to the Bureau's well-documented efforts to destroy Rev. Martin Luther King, Jr., in the 1960's at a time when the FBI's belief and philosophy was that these efforts would leave blacks "without a national leader of sufficiently compelling personality to steer them in the proper direction" and would allow the FBI to gradually develop pre-selected blacks to assume "the role of leadership of the Negro people." According to FBI documents, the Agency wanted to groom former New York Attorney Samuel R. Pierce, Jr., to assume the premier leadership role. Pierce went on to become HUD Secretary under President Ronald Reagan. Pulitzer Prize winning author David J. Garrow, using voluminous FBI and Department of Justice records in his 1981 book entitled, "The FBI and Martin Luther King, Jr.," details the orchestrated efforts of the FBI to neutralize and discredit Martin Luther King, Jr., and other vocal black leaders.

Dr. Mary R. Sawyer, an assistant professor at Iowa State University, has authored two comprehensive and well-documented reports which detail the harassment of black elected and appointed officials by the FBI and other governmental agencies in the following publications:

A. "The Dilemma of Black Politics: A Report on Harassment of Black Elected Officials," published by the National Association of Human Rights Workers, 1977, and;

B. "Harassment of Black Elected Officials: Ten Years Later," published by the Voter Education and Research Action, Inc., 1987;

The City has learned that the FBI's activities in targeting black elected and appointed officials for investigation without probable cause is part of an "unofficial" policy called "Fruhmenschen," as detailed in a sworn 1987 affidavit of Atlanta attorney and former FBI undercover operative, Hirsch Friedman, which said affidavit is attached hereto. According to the Friedman affidavit, the basis for this policy was "the assumption by the FBI that black officials were intellectually and socially incapable of governing major governmental operations and institutions." "Fruhmenschen" is a German term for "primitive man." In early 1988, U.S. Representative Mervyn Dymally placed in the Congressional Record the sworn affidavit from Hirsch Friedman.

The details of the "Fruhmenschen" policy, as outlined by Friedman, are strikingly similar to the components of the unsuccessful FBI and IRS sting operation outlined in the Moussallem affidavit. The pattern of racial harassment and obstruction of governmental operations by Frank Donaldson's Office and the federal agencies under its supervision appear to be unfairly focused on black officeholders, while white officeholders enjoy relatively little scrutiny from these federal agencies.

The City recognizes and respects the right and responsibility of all law enforcement officials and prosecutors to investigate possible criminal violations when there is sufficient, nonbiased justification to do so. However, the City is now concerned that its working relationship with the U.S. Attorney's Office in Birmingham and the law enforcement agencies under its supervision has been undermined by the apparent implementation of the "Fruhmenschen" policy in Birmingham by the FBI and IRS under Frank Donaldson's supervision.

The City has attempted to discuss this matter with Mr. Donaldson's superior, United States Attorney General Richard Thornburgh in June 1989. This effort was unsuccessful.

The City is also concerned about the attitudes of investigating federal officials. It has been reported to the City that the federal investigators in Birmingham have referred to blacks as "dope heads". Lately, the City has learned that white FBI employees in Birmingham refer to black FBI employees as "niggers". Also, the City has learned that Mobile, Alabama SAC Bill Hinshaw reportedly told a group of FBI agents being assigned to investigate alleged public corruption in the Alabama Legislature that the legisislators should be fixed up with "nigger whores".

The City is also concerned about the tactics employed by investigating federal officials. Specifically, the City is disturbed by efforts to entrap its public officials. FBI tape transcriptions reveal that FBI undercover agents were warned by former Fulton County, Georgia Commissioner A. Reginald Eaves in August, 1987 that Birmingham City officials did not want to deal with Robert Moussallem or anyone else who was dishonest or who had a shady reputation. At the time, Eaves did not know that he was talking to undercover agents. IRS documents also indicate that the IRS (Criminal Division) and FBI agents were warned again on October 25, 1988 that Mayor Richard Arrington, Jr., and other City officials were not involved in bribery and had no propensity for bribery. Despite these two separate warnings, FBI and IRS agents embarked upon the sting operation outlined in the Moussallem affidavit.

The City finds it offensive that IRS officials, on October 25, 1988, had Mayor Arrington's picture on the wall of the Birmingham IRS office, with the word "corruption" written above it.

The City is dismayed at what appears to be a steady stream of federal grand jury leaks regarding the alleged criminal conduct by several black public figures in Birmingham. These leaks have gone on for several years with no resulting grand jury action. The latest episode of these leaks occurred in June, 1989, and involved the release of information to two news organizations regarding two cashier's checks which were allegedly negotiated for payment in 1987 and which purportedly bear the endorsement of a former staff person in the Mayor's Office. These checks were in the exclusive possession of the U.S. Attorney's Office. At the time these news organizations contacted the former staff person, the same cashier checks had not been provided by the U.S. Attorney's Office to an individual who is currently facing criminal tax evasion charges involving the checks. It was several days after the news media inquiries that the checks were provided to defense counsel in the pending criminal case.

Finally, the City recognizes that the harassment problem outlined in this memo is national in scope. While the City is concerned about those aspects of the problem which adversely affect its relationship with the federal agencies involved, the City also realizes that the problem should be investigated thoroughly from its national perspective. The City believes that the United States Congress is an appropriate agency to conduct such an investigation. The U.S Attorney General may show some interest in this problem at a future date. In any event, the City now believes it has discharged its affirmative duty to: (a) preliminary probe the harassment problem summarized in this memorandum, and (b) report its findings to governmental agencies with the power and authority to properly redress it.

State of Alabama, County of Jefferson

AFFIDAVIT OF ROBERT MOUSSALLEM

Before me the undersigned Notary Public, personally appeared Robert Moussallem, who being known to me, and who was duly sworn by me, deposes and says as follows:

1. My name is Robert Moussallem. I reside at 7927 Lakeshore Drive in Trussville, Alabama, 35173. I am a real estate developer and a U.S. citizen.

2. I have known Birmingham's Mayor Richard Arrington, Jr. on a personal basis for about 9 years. I campaigned for Mayor Arrington in the Roebuck area of Birmingham during his 1983 re-election campaign.

3. After Mayor Arrington's successful re-election campaign, my personal contact with him was infrequent and limited. At times, it would be several years between our meetings and conversations.

4. On October 25, 1988, I was summoned to a meeting in Birmingham at the 500 Building on 22nd Street South where I encounterd a half-dozen or so Internal Revenue Service (IRS) and Federal Bureau of Investigation (FBI) agents. Among the agents present were persons later identified to me as Marshall Mullins (IRS), and James Kiel (FBI). I knew one of the other federal agents because of work I had done under his supervision before October 25, 1988. In the room I entered, where the agents were present there was a black and white picture of Mayor Arrington on the wall with the word "corrupton" above it. I asked why was the Mayor's picture on the wall, but I did not receive an answer to this questiion. I was taken to another room where another agent was the only one present with me. That agent, whom to my knowledge I had never met before, told me that I had a golden opportunity to work [myself] out of a hole, and to stay faithful, and that he wanted me to work with two other agents. I was offered limited immunity from prosecution and told by this agent that if I did what was wanted, I would get full immunity from prosecution. He did not tell me at this time what I had to do to stay faithful.

5. Later, I met with agents who identified themselves as Mullins and Kiel. I talked with them in Jefferson County, Alabama on several occasions. On one occasion they asked me whether I had ever given money to Mayor Arrington. I told the agents that I had never bribed the Mayor. I was telling the truth.

6. In November, 1988, I had a meeting in the Birmingham office of Bill Barnett (Assistant U.S. Attorney, Northern District of Alabama) with agents who identified themselves as Kiel, Mullins and Allen. Barnett was present during part of the meeting. For the first time, Kiel and Mullins told me exactly what I had to do to get full immunity from prosecution. The agents said that they wanted me to set the Mayor up, but to do it under their direction. They told me to implement this scheme as follows:

a. I was to get some property in Birmingham that was recently refused rezoning by the City Council.

b. I was to approach the Mayor, Council President William Bell, Council Member Jeff Germany, State Senator Earl Hilliard, and State Representative John Rogers to solicit their involvement and influence in getting the property rezoned.

c. I was to offer each of these public officials a bribe, however, the Mayor was their number one priority.

If I carried out this scheme successfully, I would get full immunity from prosectuion. The agents explained to me that I could not have full immunity at that time (November, 1988), because any resulting criminal charges would be too vulnerable to attack by defense attorneys if I received full immunity on the front end.

7. On or about November 23, 1988, I received a letter from the U.S. Attorney, Mr. Frank Donaldson, offering me limited immunity for my role in the scheme. I thereafter started out on my efforts to set up Mayor Arrington (and the others named by the Federal agents), as directed by Mullins and Kiel:

a. I got some property near the airport which I proposed to turn into an auto-mall. The property had previously been submitted to the Council for rezoning and had experienced problems.

b. I had a couple of meetings with an associate of John Rogers and with John Rogers, and one meeting with William Bell. I suggested to these persons that money would be made available in exchange for their influence in getting the property rezoned. Each declined the offer of money and seemed to be confused and irritated by my

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suggestion. All of these meetings occurred in Jefferson County, Alabama.

8. I never talked to Mayor Arrington, Hilliard or Germany about the rezoning because the agents called me off after the meeting with Bell. They said that my role in the scheme was over, and that the deal for total immunity was dead. My part in the attempt to set-up the Mayor ended about March, 1989.

9. During the Noveember, 1988 meeting in Barnett's office, Kiel and Mullins acknowledged that I had never bribed the Mayor. However, they said that I could pull off this scheme because the blacks owed me and felt guilty because they knew I got screwed on that Water Park deal. They said that, "they [the blacks] all are a bunch of dope heads".

10. I am giving this affidavit voluntarily and in the presence of my attorneys. This is all my attorneys will allow me to say at this time. I have been promised no favors or special treatment by anyone for the testimony contained herein.

ROBERT MOUSSALLEM.

Sworn to and subscribed before me on this 5th day of June, 1989.

JOANNE R. BOWEN,
Notary Public.

[Criminal Indictment No. CR87-406-A in the United States District Court for the Northern District of Georgia, Atlanta Division]

UNITED STATES OF AMERICA *v.* A. REGINALD EAVES

AFFIDAVIT

The undersigned, Hirsch Friedman, having been duly sworn does hereby depose and state that the following is based upon his personal knowledge and is intended for use in connection with the above-captioned case:

1. I served in the United States Marine Corps during the period of March 1960, through September 1963, and left the service with an honorable discharge. Thereafter, I attended New York University at nights and obtained an A.A.S. (business) degree.

2. During the period of late 1963 through 1972, I was employed in various capacities in private industry. In 1976, I received a Juris Doctorate degree from John Marshall Law School and was admitted to practice law in the State of Georgia in June 1976.

3. In February 1979, I was requested to work in an undercover capacity with the Federal Bureau of Investigation (FBI) on a number of occasions. In 1979, I was approached by an Atlanta City official in a criminal case with a proposal whereby he would "fix" the case for the sum of five hundred dollars ($500.00) plus other considerations. The official was an individual named John R. Collicot, a Zoning Inspector for the City of Atlanta.

4. I advised the FBI of the incident and agreed to work in an undercover investigative capacity with the FBI for purposes of gathering evidence for use in connection with a criminal prosecution of Collicot.

5. Collicot and others were subjects of audio and video covertly recorded conversations with the undersigned and others. These recorded conversations were highly incriminating and were used by the FBI to persuade Collicot to become a cooperating witness for the government.

6. Collicot was originally promised that the charges which could be brought against him would be reduced in exchange for his complete cooperation. Collicot agreed to cooperate and participated with the FBI in an extensive program of covertly recorded video and audio tape-recorded conversations with numerous individuals.

7. The undersigned continued to work with the FBI in an undercover capacity up to and including January 1980, and through June 1982 in an advisory capacity. Throughout a major period of this time, the activities of the undersigned were under the control of Special Agent John C. McAvoy of the FBI, Atlanta office. I worked closely with McAvoy and several other Special Agents on a number of investigations. I was routinely admitted to the FBI offices throughout this time and was generally allowed access to FBI records and sources for their investigations. FBI reports regarding investigations in which I was involved were routinely shared with me.

8. The FBI throughout this time placed a high priority on the investigation of elected and appointed officials in local government. The undersigned understood that this priority was national in scope and not limited solely to the Atlanta office.

9. Shortly after I began working with the FBI in 1979, I was made aware of an "unofficial" policy of the FBI which was generally referred to by Special Agent John McAvoy as "Fruhmenschen." The purpose of this policy was the routine investigation without probable cause of prominent elected and appointed black officials in major metropolitan areas throughout the United States. I learned from my conversations with special agents of the FBI that the basis for this policy was the assumption by the FBI that Black officials were intellectually and socially incapable of governing major governments organizations and institutions.

10. An upshot of the FBI's Fruhmenschen policy in Atlanta was the investigation generally referred to in the Atlanta FBI field office as "Blue Eyes, Green Eyes, and Brown Eyes." This investigation specifically referred to: "Blue Eyes," Eldrin Bell, a top-ranking black police official in Atlanta who has blue eyes; "Green Eyes," Maynard Jackson, the black Mayor of Atlanta at the time who has green eyes; and, "Brown Eyes," A. Reginald Eaves, the Defendant in this case who has brown eyes. The investigation had targeted these particular individuals with the aim of prosecuting them if possible although there was no probable cause to have started the investigation.

11. The Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, Brown Eyes investigation were conducted throughout the period, 1979-1982, that the undersigned worked with the FBI in Atlanta as described herein. During this time, Special Agent John McAvoy was the first supervisor of the Eaves' investigations.

12. FBI agents and an Atlanta Police detective assigned to work with the FBI would routinely discuss the progress of their investigations with me. I understood that over a dozen indictable cases against white appointed officials and others in the Northern District of Georgia were dropped and investigations discontinued altogether during this period of time while great effort was put forth in connection with the Fruhmenschen policy and pursuit of the "Blue Eyes, Green Eyes, and Brown Eyes" case, notwithstanding the absence of indictable cases against these three particular targets.

13. In one instance during this period of time, information was received by the FBI that a then sitting Judge in the Appellate System had received the sum of $15,000.00 in exchange for the Judge's vote and the use of his influence in connection with a case then pending before the Court on which he was then a member. This information was considered reliable by the FBI. Special Agent John McAvoy was instructed by his superiors not to pursue an investigation of this matter because it was "too explosive." The Judge involved was white.

14. Special Agent McAvoy, in the presence of others, routinely made remarks regarding the targets of his investigative efforts which the undersigned took as strictly racist. An example of these remarks used in connection with his investigation of elected and appointed black officials in the Northern District of Georgia would be, "We've got to get the Fruhmenschen!"

15. In the fall of 1979, the undersigned was approached by an individual named Russell Weiss. Weiss wished to retain the services of the undersigned for assistance in connection with federal charges then pending against him as well as a conviction before District Judge William C. O'Kelley. Weiss had been sentenced to a prison term. The undersigned was advised by Weiss that Weiss understood the undersigned had "connections" within the FBI and that the undersigned might be able to assist Weiss in obtaining a favorable resolution of Weiss' federal problems.

16. I discussed Weiss with Special Agent John McAvoy who advised me that Weiss might be useful in the Blue Eyes, Green Eyes, Brown Eyes investigation.

17. Because I was working with the FBI at this time and because I had been retained as a private attorney by Russell Weiss to assist him in pursuing a favorable resolution of other federal criminal charges pending against him at that time, it was necessary for Weiss to formally waive any conflict of interest claim which he might have regarding the representation of the undersigned. In this regard, the undersigned appeared with the attorney handling the Eaves' investigation, and Special Agent John McAvoy before Judge William C. O'Kelley, the Judge who had sentenced Weiss.

18. At the meeting, Judge William C. O'Kelley reviewed the possible conflict which might exist in connection with the services rendered by the undersigned since the undersigned was then working with the FBI in an undercover capacity. In writing, Weiss had waived any claim which he might have had regarding any possible conflict. At that time, the undersigned and the Assistant United States Attorney requested that Weiss be allowed to assist the FBI pending the appeal of his criminal case in order that he might continue to assist the government in various undercover operations. The Court granted the request provided that it was advised from time to time regarding Mr. Weiss' activities and whether they were of any use to the government.

19. Russell Weiss was, prior to his conviction, a notorious nightclub owner in Atlanta. Because of that business, Weiss would from time to time have dealings with city and county officials regarding licensing, zoning and other problems. Weiss was directed by McAvoy to offer a bribe to A. Reginald Eaves in exchange for his influence in connection with a licensing matter fabricated for purposes of the attempted bribe. In late 1979, the undersigned, Russell Weiss, Special Agent John McAvoy and another agent traveled to the Fulton County Courthouse, Atlanta, Georgia, the location of the offices for the Commissioners of Fulton County. Weiss was provided with a tape recorder, microphone and transmitter that could broadcast conversations in which he was involved to a receiver which was lo-

cated in the auto occupied by the undersigned and Special Agent McAvoy. To conceal the transmitter and tape recorder, Weiss was armed by Special Agent McAvoy with a pistol and the equipment was placed behind the holster containing the pistol.

20. Weiss was able to meet with Commissioner Eaves and in the discussion which followed, Weiss described the artificial licensing problem which he and Special Agent McAvoy had created for purposes of the FBI's planned bribery attempt. When Weiss indicated that he wanted to pay Eaves money for the use of his influence, Eaves refused and stated that he was a public servant and was routinely available to assist taxpayers with any legitimate problem which they might have with the Fulton County Government and spurned the money that was proffered. Mr. Weiss then left Commissioner Eaves Office.

21. Sometime shortly thereafter, the undersigned together with the Assistant United States Attorney handling the cases and Special Agent John McAvoy advised Judge O'Kelley of Mr. Weiss' undercover activities including the one described herein. When Judge O'Kelley was advised that Weiss was permitted to carry a firearm by the FBI, the Judge became outraged and reprimanded both the Assistant United States Attorney and Special Agent McAvoy.

22. On other occasions in 1979 and 1980, the undersigned, at the direction of Special Agent John McAvoy, made extensive plans for the possible exchange of money for the official influence of Commissioner Eaves, with Commissioner Eaves' brother, Manuel. On each occasion, no evidence was produced to indicate an actual willingness to participate in such conduct.

23. I told Special Agent John McAvoy that there appeared no basis for believing that Commissioner Eaves was about to break any law involving the abuse of public office, and no basis for pursuing him. In light of that, I asked him why the FBI continued to focus on Eaves. His reply was simply that they would pursue an investigation because Eaves was a Fruhmenschen and would thus have to break the law. McAvoy used Fruhmenschen to describe black people. The undersigned understood from this and from his knowledge of the investigations by the FBI, that the investigation of Eaves and the other black elected and appointed officials in the Northern District of Georgia was based upon suspicion and racial bias and not upon reliable information or evidence.

24. As far as the undersigned is aware, the Fruhmenschen policy of the FBI and the Blue Eyes, Green Eyes, and Brown Eyes investigation of the FBI, were ongoing at the time the relationship between the undersigned and the FBI was terminated in 1982.

I have read the foregoing statement and hereby certify that it is true and accurate to the best of my knowledge and belief.

HIRSCH FRIEDMAN.

Sworn to and subscribed before me, this 1st day of December, 1987.

G.W. HOWARD,
Notary Public.

[Criminal Indictment No. CR87-406-A in the United States District Court for the Northern District of Georgia, Atlanta Division]

UNITED STATES OF AMERICA *v.* A. REGINALD EAVES

AFFIDAVIT

The undersigned, Hirsch Friedman, having been duly sworn, does hereby depose and state that the following is based upon his personal knowledge, is intended for use in connection with the above-captioned case, and supplements the Affidavit dated December 7, 1987, previously given by the undersigned in this case.

1. In Paragraphs 8 and 9 of my Affidavit previously tendered in this case, I referred specifically to the priority which the FBI placed upon the investigation of elected and appointed officials in local government. In that Affidavit I referred very specifically to an "unofficial" policy of the FBI which was generally referred to by Special Agent John McAvoy as "Fruhmenschen" or the routine investigation without probable cause of prominent elected and appointed Black officials in major metropolitan areas throughout the United States.

2. This so-called policy was discussed on numerous occasions with me by John McAvoy and on a few occasions in the presence of his FBI supervisor, Special Agent Michael P. Keown, Atlanta Police Officer Aubrey Melton, and other Federal, State and local police investigators with whom I worked during the time period described in my prior Affidavit. Specifically, McAvoy stated to me that it was the intent and express directive of the FBI to obtain indictments and prosecute Black elected and appointed politicians because, according to the belief of FBI officials, Blacks were intellectually inferior to white persons and hence prone to criminal activity. None of the other law enforcement investigators who were present during some of these discussions contradicted McAvoy or otherwise disagreed with his statements regarding the "Fruhmenschen" policy. At least one other Federal investigator present at the time agreed and made her own derogatory comments.

3. Attached hereto, as an Exhibit, are a few of the FBI 302 reports prepared in connection with the investigation of the Defendant in this case conducted by Special Agent McAvoy and in which the undersigned participated actively and about which he was regularly advised by McAvoy. These 302 reports were shared by McAvoy and with his co-workers and supervisors at the Bureau, including but not limited to Michael P. Keown. There are many more 302 reports which were accumulated by the FBI during this period regarding the Defendant in this case as well as other elected and appointed Black officials in the City of Atlanta and Fulton County generally. The Federal Bureau of Investigation should have copies of these and all other 302 reports regarding the investigation of this Defendant and other prominent elected and appointed Black officials within the City of Atlanta and Fulton County, which investigations were conducted during and since the time that the undersigned worked with the Bureau.

4. A review of the attached 302 reports demonstrates the fact of investigation and surveillance but does not indicate any basis for any reasonable belief that the Defendant Eaves or any other elected or appointed Black official in the City of Atlanta or Fulton County that was the target of an FBI investigation was engaged in any sort of criminal conduct, and in fact there was none.

5. John Collicot, who was identified in some of the attached 302 reports as an FBI informant, was at the time that the 302 reports were prepared a cooperating witness with the Federal Bureau of Investigation. At that time Mr. Collicot was a white appointed official of the City of Atlanta. Collicot was cooperating with the FBI because he had been caught extorting people while the subject of an FBI investigation and threatened with prosecution unless he did in fact cooperate with them in their investigation.

6. As a cooperating witness, Collicot was the subject of numerous video and audio recordings with other white City officials and white citizens who were engaged in unlawful conduct. None of these audio or video recordings were ever used to obtain a conviction or initiate a prosecution against any of the subjects of the said recordings. Moreover, as far as the undersigned is aware, the Federal Bureau of Investigation no longer has any of the video recordings in its possession, the same having been destroyed or otherwise disposed of by Special Agent John McAvoy.

7. One of the individuals who was the subject of audio recordings made by the FBI in connection with their use of Collicot as a cooperating witness in an undercover capacity was a white female who, at that time, was a senior member of the Atlanta Board of Zoning Adjustment. This person acted in concert with John Collicot relative to his extortionate activities. Prior to the time Collicot became a cooperating witness with the FBI and while under surveillance and investigation by the FBI, I went to dinner one evening with Collicot and this woman. I was accompanied by a female Special Agent of the FBI whom I pretended to escort for the evening. Both myself and the FBI agent wore recording devices for the express purpose of taping the conversation among the parties. Those tapes conclusively established that Collicot and the woman who worked with him were engaged in bribery and extortion. The tapes of the conversations recorded that evening by myself and the Special Agent who accompanied me are, to the best of my knowledge, no longer in existence. The cost of the dinner that evening was paid by the FBI and was at least several hundred dollars.

8. At about the same time, the FBI was using as undercover sources several individuals who had serious criminal felony records. These undercover sources made several contacts with various white suspects who were suspected by the FBI of engaging in unlawful activities, including but not limited to bribery and extortion. At least one of these sources brought to the Bureau specific instances of proof, verified by audio transcription, of incriminating conversations between themselves and the said white suspects. None of this information, however, was used by the FBI for purposes of obtaining indictments against any white person, regardless of convincing evidence that the white suspects had in fact violated Federal and State criminal law. Instead, all information so obtained was used, if at all, almost exclusively in furtherance of the "Blue Eyes, Green Eyes, Brown Eyes" investigation described in my earlier Affidavit.

9. In 1980, in the case of *United States* vs. *Roscoe Dean*, the undersigned's capability and trustworthiness as a source for the Federal Bureau of Investigation and the United States generally was the subject of considerable evidence presented on the part of the United States. Specifically, the United States in that case established through considerable testimony and other evidence that my character was good, my credibility was high, and my trustworthiness as a citizen and as an undercover operative was absolute. Very similar testimony was recently offered by Special Agents of the FBI during

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the case of *Friedman, Et Al* vs. *United States*, Case No. (N.D. Ga. 1987).

10. As early as 1979, I was convinced that the Defendant in this case would ultimately become the subject of an indictment brought by the United States and that the same would be based on the desire of the FBI Agents to prosecute Black officials. It appeared to be the attitude in the local office of the FBI and as expressed by John McAvoy that Eaves would eventually be prosecuted and indicted for "something." The attitude expressed at that time was one which the undersigned believed to be based exclusively upon the fact that Eaves was a prominent and outspoken Black elected official. This certainly was the tone and direction provided to the undersigned by Special Agent John McAvoy who was my control agent during the time I acted as an FBI operative. This tone and direction was particularly evident during the time that McAvoy supervised my actions in connection with the use of Russell Weiss and the attempted bribe of the Defendant in which I personally participated at the request and direction of the FBI and more particularly described in my prior Affidavit.

HIRSCH FRIEDMAN.

Sworn to and subscribed before me this 20th day of January, 1988.

SUSAN S. GOGER,
Notary Public.

TRIBUTE TO DR. W.G. WATSON

Mr. THURMOND. Mr. President, I rise today to mark a very important event—the 80th birthday of my good friend, Dr. W.G. "Curly" Watson—which will be celebrated at a surprise party this Friday in Augusta, GA. Dr. Watson, who is originally from my home county of Edgefield, SC, is an outstanding physician and a treasured asset to his community, State, and Nation. I join with his many friends and loving family members in wishing him a birthday filled with joy and happiness.

Dr. Watson was born on February 25 in the year 1910. After graduating from The Citadel in 1931, he taught school and coached football in Edgefield and Bainbridge, GA, enriching the lives of the many students who came under his tutelage. Dr. Watson then enrolled in the Medical College of Georgia's School of Medicine and graduated from there in 1943.

Heeding his Nation's call of duty, Dr. Watson then served 2 years in the U.S. Army and was stationed in Korea and the Philippines as a physician and athletic officer.

In 1946, Dr. Watson started his medical practice with my late brother, Dr. William Thurmond, in Augusta, GA. For over 43 years, Dr. Watson has selflessly and tirelessly served the people of the area, providing them not only with outstanding medical attention, but with the supportive ear and comforting shoulder of a true friend. Over the span of his career he has delivered over 15,000 babies and brought much joy into the lives of many proud parents.

In addition, Dr. Watson has devoted himself to teaching and supervising residents and interns from the Medical College of Georgia, and he now serves there as professor emeritus of obstetrics and gynecology. The residents at the Medical College voted him the 1983-84 teacher of the year. This award is only one example of the respect and affection for Dr. Watson which is so widely shared by the people of Augusta.

Dr. Watson's charming wife Audrey has been fully supportive of all his efforts and has lent inspiration and help at every opportunity. She deserves a large portion of credit for his success. We wish them both continued service to humanity and happiness in their personal lives.

Mr. President, Dr. Watson is a dedicated physician, committed family man, devoted Christian, and true patriot. I value highly his friendship, and I greatly admire his many attributes. My wife Nancy joins me in wishing him a very happy birthday.

REMEMBERING GENERAL GAVIN

Mr. KERRY. Mr. President, each of us carries within our heart our own meaning of love of country. In the United States, we have long understood that political dissent can be as patriotic as rallying around the flag; that what our Nation requires most of its citizens is a kind of integrity that says we will not just go along to get along. We will put ourselves on the line for what we believe.

Lt. Gen. James M. Gavin, who died this week in Baltimore, was one of the great 20th-century American patriots by any definition of the word.

Not just in war, but also in peace, General Gavin demonstrated the kind of courage and heroism on behalf of his country that has helped us in times of struggle to survive as a country.

James Gavin was a true American original, and a true American hero. He led the 82d Airborne Division during World War II making four combat jumps with his unit into Sicily, onto the beach of Salerno, behind enemy lines in Normandy on D-Day, and into The Netherlands.

They were some of the most dangerous and famous combat missions in the history of air warfare, and for them General Gavin was awarded many of the Army's highest awards—the Distinguished Service Cross, two Silver Stars, the Bronze Star, the Purple Heart. He was also awarded something equally important by his men—the honorable nicknames of "Jumpin' Jim" and "Slim Jim," because he was one general who commanded from the front, not behind it, with a carbine in his hand, strength in every gesture, and a claim that inspired every man and woman who had the opportunity of serving with him.

But General Gavin was not just a war hero. He recognized early that a strong defense could not just be measured by the purchase of fancy hardware, or the number of megakills that could theoretically caused by a nuclear weapon. He relied more on the basic commonsense notion that what is essential to national security are well-trained troops, given clear and winnable objectives, seeking to carry out an essential national goal.

Evidence of his realism and his vision was General Gavin's early insistence that the United States keep our conventional forces in Europe strong to contain the Soviets—a strategy that worked for 40 years, and which ultimately paid off in the changes that only took place in the final months of General Gavin's life.

Evidence of his integrity was General Gavin leaving the Army after service under President Truman and President Eisenhower, as a result of becoming discouraged by what he considered ineptitude in the Pentagon. He retired, not to a golf course, but to become chairman of Arthur D. Little in Cambridge, Massachusetts, one of our great think tanks.

Even then, General Gavin retained broad interests on behalf of his country. While at Arthur D. Little, he worked with Senator Hubert Humphrey to propose the creation of the Peace Corps.

General Gavin became one of President Kennedy's most trusted advisers on defense and his choice for Ambassador to France in two separate terms. General Gavin also decided early that the Vietnam War would be a tragedy for the United States.

Regardless of whether you believe we could have won the war or not, I think we all recognize that General Gavin was right—the war was a tragedy.

General Gavin's prescription for winning the war in Vietnam was to negotiate "by every means available," because he believed, and correctly, that Vietnam would be a quagmire, an unwinnable war that would sap America's energy to no purpose.

General Gavin always put his country first, but he wasn't willng to fit his conscience to the fabric of the day. He said what he believed, no matter what the cost might be to himself.

I remember how he was criticized for opposing the war. Lyndon Johnson himself couldn't understand how the man who commanded the 82d Airborne in fighting the Battle of the Bulge, the war hero whose regiment parachuted directly onto the embattled beach in Sicily and North Africa, could question this war.

But General Gavin recognized that true partiotism required him to keep his integrity, and to assert the truth, regardless of whether it happened to be convenient.

I owe a personal debt to General Gavin, because even in retirement, he continued to fight on behalf of his conviction that true patriotism, included the partriotism of dissent. When my patriotism was attacked during my campaign for Senate in 1984 by the John Birch Society, General Gavin, who was then already 77 years old, raised his voice in my defense, reaffirming that true patriotism was telling the truth and standing up for one's beliefs.

James Gavin brought to his Nation a rare mix of intellectual brilliance, integrity, strength of purpose, courage, and vision. We should be grateful for all he gave his Nation. We will not soon see his equal again.

NEW LEADERSHIP

Mr. DASCHLE. Mr. President, there is a new leadership in this body and in the other. It is the leadership of George Mitchell and Tom Foley and Dick Gephardt.

Theirs is a leadership new in its willingness to seek bipartisan cooperation for progress. It is a leadership willing to spend endless hard hours to fashion agreements for cleaner air and fairer taxes.

But bipartisanship bought at the cost of leadership is no deal to these men. Vision sacrificed, harmony in exchange for doing nothing, these are the wrong men for that.

At the Center for National Policy yesterday one of our new congressional leaders, my Midwestern neighbor and former colleague Dick Gephardt, spoke with force and courage about the kind of leadership in which we believe.

He spoke of vision for America and opportunities that must be grasped.

He spoke of the unbelievable, the breathtaking folly of having "spent trillions to contain communism," but then faltering in this brief moment when it becomes possible "to spend a miniscule fraction of that to consolidate democracy."

Mr. President, business as usual in the face historic opportunity is no leadership at all. There may be some who will tell my Democratic Party it should lower its sights and quiet its voice in the face the stand pat popularity now enjoyed by President Bush. Dick Gephardt rejects that advice in the certain knowledge he will draw controversy. And Dick Gephardt is right.

He is right because he demands for us a leadership that leads, not drifts—a vision aimed at the future, not the past.

He understands instinctively, as America also understands, that the deadly serious challenge of the 21st century comes from Sony and Subaru, not from the Soviet Union. He knows this challenge to be peaceful, a marketplace challenge from friends. But he knows as well that America simply cannot stand pat with 300 billion military dollars being sacrificed each year at the altar of past fear because he understands wasting those dollars guarantees loss of an economic contest whose outcome will determine the quality of our childrens lives for a hundred years to come.

That is why Dick Gephardt walks into the teeth of Presidential popularity polls with his appeal that America turn now to face her true challenge.

For the same reason George Mitchell risks so much to help America see what standing smugly pat on air pollution will mean to America, Dick Gephardt sounds his alarm on costly inaction in Eastern Europe.

It is called leadership.

So I ask unanimous consent that House Majority Leader Dick Gephardt's call to leadership before the Center for National Policy be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by Richard A. Gephardt, March 6, 1990

AN AMERICAN VIEW OF EASTERN EUROPE

Two months ago, I led a Congressional Delegation to Eastern Europe. As I traveled through Central and Eastern Europe this winter, I felt that I was witnessing history in the making.

In Czechoslovakia, especially, I was struck by the depth of the commitment to democracy. The nation that was founded by a former resident of Pittsburgh—the nation whose flag is red, white and blue—is the nation whose "Velvet Revolution" echoes the goals and aspirations of the American Revolution. In Prague I presented the leaders of the Civic Forum with a copy of the Bill of Rights. With tears in their eyes they told me of how the ideals embodied in that Bill of Rights inspired them while they were imprisoned for advocating basic human rights.

As I talked with those young patriots in the basement of a Prague beer hall, I was flooded with emotions. Yes, pride that these courageous young men and women look to America for inspiration. But more than a little anger, too. I was angry that at the very moment when the power of ideas for which America has fought are winning the world over, America may be losing its power to help secure and consolidate that victory.

I believe that America is at risk of losing its position of leadership in the world economy. I believe that if steps are not taken to recapture our strength and reassert our leadership we endanger not only prosperity at home, but stability around the world. And I believe the current Administration lacks either the vision to know what steps we must take, or the courage to take them.

The lens of bipolar ideological struggle through which we saw the last half-century has been shattered by events. Now through the broken pieces a pattern is beginning to emerge—a vision of a world in which economic competition will take precedence over military conflict.

Our first duty is to the truth of our circumstances. We must realistically assess our present situation—by asking whether or not the "long twilight struggle" of which John F. Kennedy spoke is truly over. Then we must candidly assess whether American foreign policy is adequately responding to the challenges and changes we face. Next we must begin to articulate what lies beyond. We must have a coordinated, coherent plan for making certain that the changes occurring are changes for the good. Finally we must be willing to take risks. We must have the vision to know what to do, and the courage to get it done.

IS THE COLD WAR OVER?

It's important to recognize that the policies we pursued to achieve our Cold War objectives—successful though they were—weren't handed down from Mt. Sinai on stone tablets, meant to be followed for the ages. Rather, they were a response to a set of events—a means to shape a safer world.

The Cold War itself was not inevitable. It evolved principally from three events or conditions:

First, the Western European democracies were no longer in a position to lead on world events. Second, Germany and Japan were in a state of ruin. And third, the Soviet Union solidified its hold on the nations its armies had swept through on the way to Berlin, with Stalin breaking his promise of free elections and refusing to allow participation in the Marshall Plan, the World Bank or the International Monetary Fund.

Today, each of those three conditions has fundamentally changed. Western Europe and Japan have strong, stable democracies and free economies; and the Soviet Union is tolerating free elections and free markets in Eastern Europe.

Let me state it plainly, once and for all: The Cold War as we have known it for four decades is over. It has ended just as the giants of a half-century ago knew it would. Surely if men of vision such as Churchill and Truman; DeGaulle and Marshall; Monnet and Spaak could somehow return today, they would be leading the fight to change the very structures they created. Because they intended them to serve a purpose, and that purpose has been served.

While retrenchment in the Soviet Union is always a possibility, the essential characteristics of the Cold War—a spiralling arms race and superpower competition for spheres of influence—have changed in fundamental ways.

Moreover, one of the main effects of the Cold War—a million troops facing off across the inner-German border—is changing as well. Even as we speak the process of German unification continues. The position of the United States on the issue of German unification is clear. It is a position I support. A unified and democratic Germany must be part of the community of free nations and allied with other democratic nations. We respect and support the right of self-determination, and believe the "two plus four" approach is well-suited to address the concerns of all of us who have been drawn into two European wars in this century. But it must be made unequivocally clear that the United States recognizes the existing border between Poland and Germany, and that the Germans do as well. The end of the Cold War cannot be a cause for resurrecting any of the conditions that led us into the last World War.

As we sail with breathtaking speed into the future, it is absolutely essential that we be guided by the constellation of democratic values. 1848 was called "the springtime of nations." I believe 1990 will be remembered as the springtime of *democracy*, with freedom in full bloom. With spring elections planned in the G.D.R., Hungary, Poland, Bulgaria, Romania, and in Czechoslovakia, we truly face a world that has changed.

If we have the fortitude and the determination to seize the day, we can ensure that the days of the Cold War will never return.

PRESIDENTIAL LEADERSHIP

Up until this point, however, the day has seized us, rather than the other way around. Thus far in these remarkable times, events have been happening to us, and we have been left groping for a reaction. To be sure, some of this is a function of the dizzying pace of change. But there is no escaping the conclusion that America's lack of leadership in this most critical moment of this half-century is due in large measure to the fact that our President is not providing the direction we need.

If the nature of the challenge is indeed self-evident, why is it unseen or unfathomable to our President? Why, for example, is he asking the American people this year to give him a military budget that consumes nearly one out of every three federal dollars—to meet yesterday's challenges? Why does he want to spend $112 million on the LANCE misile for West Germany when it can only reach East Germany? Why does he want to spend billions of dollars on armaments aimed at "communists" who don't want to be communists anymore—and yet has to be pushed into spending a tiny fraction of that to assist the anticommunist patriots that have replaced our old adversaries in Eastern Europe?

It's as though George Bush's Pentagon budget were written by someone who hadn't read a newspaper in a year. It was almost certainly written by someone who hadn't read William Webster's CIA analysis of the unlikelihood of a renewed Soviet threat—even if Mikhail Gorbachev is ousted by hardliners. Indeed the question on the minds of people everywhere is: With peace breaking out the world over, why is our President intent on beating plowshares into swords?

I believe the answer lies in the President's lack of vision. George Bush campaigned for the Presidency without any sense of what he disdained as "the vision thing." As his campaign and the early days of his Presidency showed us, he would much prefer to occupy his time and the nation's attention with issues like Willie Horton and yet another tax cut for the privileged. It's not that issues like crime and fiscal policy are not important—of course they are. But at some point it is the job of the President to summon the nation to meet new challenges on the horizon.

Thus far the President has failed to do so. Just last week he flew to California to pledge his opposition to crime, drugs—and traffic jams. As for the President's plans for the rest of 1990, the White House says, "We're going to spend more time on politics than you ever dreamed possible."

The country cannot afford that—events will force the President to react to important international matters. In the past, he has reacted—sometimes well, sometimes not—but react is all he has done.

And so, without the vision to see where we must go, the President is reduced to making every decison on the basis of polls and politics.

When Governor Earl Long of Louisiana was asked why he didn't favor prison reform, he said, "Because there ain't no votes in prison." I believe the reason President Bush hasn't done more to promote democracy in Eastern Europe is because there are no votes there. Indeed, there are votes to be lost by being too closely identified with what is disparagingly and inaccurately called "foreign aid." There are votes to be lost in taking a risk for peace, in appearing insufficiently "tough" on the Russians. And there are votes to be lost in calling on the American people to make some changes to adapt to the changing world.

So what we are left with is government of the polls, by the polls and for the polls. The President, who defends foreign policy choices by pointing at his soaring popularity polls, seems to take seriously the mocking words of Mark Twain, who said: "Its name is Public Opinion. It is held in reverence. It settles everything. Some think it is the voice of God."

The President's pollster is frequently trotted before the captive White House media. He criticizes Democrats for decrying the President's lack of leadership. He cites poll data as proof that the President is doing what the American people want.

Yes, the President is doing what America says it wants in his latest poll. But is he giving the American people the information they need to make an informed decision when his pollster calls? Of course, every politician has to listen to the voice of the people—there's nothing wrong with that. But the reason the American people seem reluctant to embrace the changes in Eastern Europe; the reason they oppose increased investment in democracy in that region; the reason they aren't sure if the Cold War is over, is because their President is not leading them. He is not explaining and interpreting these startling events for them. His not helping them understand the new world we live in—its challenges, its opportunities, its dangers.

The President's lack of vision, and America's lack of leadership, have consequences that are both real and grave. The President of the United States retreats from the world by failing to lead the American people to see our self-interest in the success of democracy and free markets in Eastern Europe and the Soviet Union. But his timid posture may well create a self-fulfilling prophecy that at best confirms the status quo and at worst condemns the fragile new democracies to failure.

In short, the Bush foreign policy is a policy adrift; without vision, without imagination, without a guiding light save precious public opinion polls. But if he wanted to, President Bush could seize the day and marshall the American people into a mighty army marching for change.

History teaches us that it can be done.

In 1947 the American people, having fought two world wars in thirty years, were loathe to be caught up in foreign entanglements. They desperately desired to focus their pent-up energies on domestic demands.

But President Truman and the wise men who advised him realized that the changing times demanded that we change with them. And so Truman shaped the change by proposing that America commit itself to building democracy and free enterprise in Europe. The Marshall Plan was a classic case of principal pragmatism.

But it was unpopular. In fact, the Gallup Poll of 1947, only 14% of the American people supported foreign loans and assistance. No wonder why—the American economy was only about one-fourth as large then as it is today, and the Marshall Plan represented an investment that would cost $82 billion today. One hardly needed Mr. Gallup to know such a proposal would face strong resistance.

President Truman was not in much better shape. To this day no President—not even Nixon in the depths of Watergate—has been as unpopular as Truman was as he headed into the election of 1948. Perhaps sensing the political advantage, mainstream Republicans like Robert Taft and extremist Republicans like Joseph McCarthy opposed Truman and criticized the Marshall Plan.

The record resounds with attacks like "socialistic", "dangerous", "simple-minded", and "giveaway." One Republican Senator—William Jenner of Indiana—summed up much of the opposition when he said: "It seems to be Mr. Truman's thesis that the international crisis can only be solved if we buy off the dangers of communism by giving large cash donations from the American taxpayer's pocket to already shaky European governments most of whom are, in fact, only a degree or two removed from the menace from which we are supposed to be protecting them."

But Truman did not flinch. He knew it was an investment that would reap tremendous benefits in new markets for America and more stability for the world. So he pressed on, despite the political repercussions. Ignoring the polls, Truman worked with the Republicans who controlled the Congress, especially Senator Arthur Vandenberg, and signed into law what one British newspaper called "an act without peer in history."

Harry Truman lived by Sam Houston's maxim: "Do right, risk consequences." The maxim of the Bush Administration seems to be: "Do polls, risk nothing."

There is no substitute for Presidential leadership. And given the fact that President Bush has record-high levels of popularity and more than two years to go before he faces re-election, he is in the perfect position to lead.

If he were to come to Congress the way Truman did, I can assure him we would work with him the way Vandenberg did. If he would use his bully pulpit to lead, the American people would follow. And if he would summon us all to the challenges we face, this country would rise to meet them. The American people *will* support democracy in Eastern Europe if our President tells us it's in our deep self-interest to do so. But we risk freedom dying on the vine if our President doesn't take the lead.

The President should carefully articulate to the American people the risks and benefits of the new world. He should remind us of how fragile young democracies are. He should distinguish today's circumstances from those of 1947—why it is we don't have to replicate the Marshall Plan—the Europeans don't need it, and we Americans cannot afford it. Of course, each nation is unique, but by and large the Eastern European countries have stronger physical foundations for their economies than the Western Europeans had in 1947—their dislocation was caused by the communist system, not by the destruction of war. However, while they have stronger economic bases than the Western Europeans had after the war, many Eastern European nations have weaker traditions of free government and free enterprise.

So the President should call on America not necessarily to spend a lot more on foreign aid—but to spend a lot smarter. For example, the new military base in Italy the President's budget calls for will cost more this year than the total amount of savings we will receive from all the proposed base closings here in America. But do we need another military base to defend Western Europe—or can we better advance freedom and democracy in all of Europe through economic, technical, political and moral support? By the same token, do we need an increase of almost a half a billion dollars in military assistance in our foreign aid budget, and converting another $400 million in military loans to grants, while at the same time reducing UNICEF emergency aid for children and United Nations Environmental Program assistance at a time when famine and disease and pollution are becoming more clear and present dangers than superpower conflict?

The President should lead America in reassessing and changing our priorities to meet the new challenges. Otherwise history will remember the Bush foreign policy as a latter-day Maginot Line. He should let us know that if we invest a small amount in freedom today, we can reap a tremendous benefit down the road—a benefit that can include billions of dollars in savings from defense, new markets for American products, new jobs for American workers, new freedom to address old domestic difficulties. But most of all we stand to gain peace and stability. We have an historic opportunity to lower the deadly levels of tension in the nuclear age, and pull our children farther back from the brink of Armageddon.

With the demise of the Cold War, the American people are awaiting a new vision—a new way of looking at the world and understanding these momentous events. In Eastern Europe and around the world, the challenge for the United States is to help free people consolidate their gains, and build nations that are free, prosperous and secure. Here at home the challenge is to reinvigorate the American economy and renew the American spirit. The most important tools for achieving both goals are economic rather than military.

America must once again assert itself as a leader. To do that we must change the way we think about national strength, and arm ourselves for the economic competition already underway. America must begin by helping to shape the change in Europe, or we will surely be a victim of it. To that end there is much that we can do right away.

THE AMERICAN ROLE

The Congress is taking steps to ensure that the tremendous risks taken by brave people are rewarded with the better future promised by free governments and free markets. We are making progress in granting many nations of what we used to call the "Eastern bloc" Most Favored Nation status.

Next we should expand the role American agriculture plays in encouraging change in Eastern Europe and the Soviet Union. I propose a Food for Freedom program that will share the strength of America's agricultural abundance with the Eastern European and Soviet people. There is no doubt that private ownership of farm land and the hard work of our family farmers are the keys to America's success in agriculture. But while Eastern Europe and the Soviet Union are moving in that direction, it is in our interests to help sustain them on that journey.

President Havel of Czechoslovakia made that very point about the Soviet Union in his recent address to Congress. If someone whose nation was invaded by Soviet troops, who was imprisoned by Soviet puppets, who was pinned under the boulder of Soviet domination for all his adult life can call on us to assist the Soviets in moving to democracy, the least we can do is listen.

I believe that support of the process of democratization in the U.S.S.R. is in America's self-interest. We have a stake in the success of peaceful change towards a pluralist system in that nation. A stronger Soviet economy will facilitate the process of peace. How can the Soviets pull Red Army troops out of Eastern Europe if they have no jobs and no homes for them to return to in Russia?

So America must think creatively and act boldly. Rather than pouring more and more money into weapons systems, we should be investing in our own self-interest. And stability, democracy and a market economy in the Soviet Union are in America's strong self-interest.

On this point I must say that President Bush has been right—as far as he's gone. He has lent important political and moral support to the process of reform in the Soviet Union. I'd like to enlist American farmers and business people to make more substantive investments as well. Anyone who has seen the lines outside the McDonald's in Moscow knows the Soviets would appreciate American food and American goods. And American farmers and workers would appreciate the markets. We should waive trade restrictions such as Jackson-Vanik and the Stevenson Amendment, relax restrictions on high-tech exports, and encourage private investment in the Soviet Union. We provide Export-Import Bank loans and OPIC assistance to China, why not to the Soviet Union?

Another aspect of President Havel's speech that moved me was his point that rather than a hand out, the people of Eastern Europe want a hand up. The United States can offer that hand through a series of exchanges on a scale never before seen.

We need a Freedom International program for the 1990's—a modern-day Berlin Airlift bringing planeloads of people across the Atlantic in both directions: religious, educational, and political leaders from Budapest and Bratislava coming to work in churches and schools and offices in San Francisco and San Antonio. If each of America's fifty states could offer scholarships to just forty Eastern European students, we will have doubled the number of Eastern Europeans studying in the U.S.

We should support conferences on issues affecting the environment, the arts and the military. We should encourage discussion of the sources and solutions of ethnic prejudice and religious intolerance. We have so much to learn from each other. So let the exchanges begin. The Congress will soon be considering a bill which will provide $190 million worth of technical assistance, Peace Corps programs, and exchanges to Central and Eastern Europe. In all, legislation currently before Congress will provide over a half a billion dollars in immediate investment in Eastern European democracy. And that is only the beginning.

America is well-positioned to take a leading role in providing the technical and managerial assistance the Eastern Europeans need. So much of the strength and the soul of our nation has its roots in Eastern Europe. How wonderful it would be if we could encourage experienced Americans—as part of a Free Enterprise Corps—to return to the nations from which their parents came to help a new generation have a new birth of freedom in their old countries. We in America would be benefitted by a return to those roots as well. The fight for freedom in Eastern Europe is rekindling the revolutionary spirit of America at a time when we badly need it. We have as much to gain from this as anyone.

"UNITED" FOR THE CHALLENGES OF THE FUTURE

But America cannot, need not and should not go it alone. History teaches us that a coordinated response from both sides of the Atlantic has been the answer to all the great challenges of this century.

For several years I have advanced the idea of forming an economic alliance as stable and as strong as the NATO military alliance. Over time, economic cooperation will be as indispensable as the military and political dialogue of the United Nations Security Council. As Trade Ministers become more vital to their nations' security than Defense Ministers, I would like to see more and more international dialogue and cooperation.

A Union of Nations for International Trade and Economic Development—UNITED—might be a means for giving structure to such cooperation. UNITED would bring together, on a regular basis, the leaders of the major trading democracies—the nations of the European Community, the United States, Canada, Japan and Australia. By working together, and discussing our problems and opportunities, we could bring more order and stability to issues of development, trade and competition—issues which threaten to divide us as much in the future as ideology did in the past.

UNITED would not be a new bureaucracy, but rather a new approach; an expansion and extension of what has worked so well for NATO and what is being done through G-7, the European Community, GATT, the IMF, the World Bank and others.

UNITED's mandate will be to coordinate, not to dictate. It can address so many of the topics facing leading nations today: from developing the economies of Eastern Europe to formulating new rules of international economic engagement to addressing the burden of Third World Debt.

The lessons of the past offer evidence that economic engagement can work—and that all sides can "win." The Marshall Plan's initial commitment to Europe has grown to the point where we invested some $1.2 trillion in the 1980's alone for the common defense of the Continent. Today we are in a position to realize a dividend from 40 years of prudent investing. We must reinvest a part of that dividend. It's just good sense. A nation that spent trillions to contain Communism must be willing to spend a minuscule fraction of that to consolidate democracy. Only a prosperous and peaceful Europe will allow us to reduce our military commitments without reducing our national security.

If we hesitate now, if our resolve falters just at the moment when we are about to realize the peace and prosperity that our fathers fought for, the consequences could be disastrous. I realize the political risk such reinvestment entails. But as President Kennedy said, "there are risks and costs to a program of action. But they are far less than the long-range risks and costs of inaction."

Ultimately the attention of the world must move beyond responding to individual crises and toward building vigorous and vibrant economies in the developing countries of the world—which will be the focus of so

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many of the new challenges we face. Herein lies the greatest challenge and the greatest opportunity of the next century. For too long we have allowed the threat of military confrontation between East and West to obscure the threat posed by the growing gulf between the superpowers and the superpoor.

CONCLUSION

Over time, I want to see a Europe in which America's young students have replaced our young soldiers; a Europe in which American technology has replaced American tanks; a Europe in which new American lasers replace aging American LANCE missiles.

But it is a grave mistake to think that the focus of history has shifted completely away from the United States and onto Europe. The difficulties we face here—and how we rise to meet them—will determine whether a strong America leads the world in the new era of economic competition, or a diminished and exhausted America shrinks from the challenges history has laid before it.

This is our new call to arms—to rebuild American strength, to restore Eastern European democracy, to redress the problems of unbalanced trade, and to reassure the world that the Berlin Wall that divided East from West is not succeeded by a chasm of poverty separating North from South. Economic engagement and competitive coexistence will be the watchwords of the new decade and the new century that will follow it.

The stakes could not be higher. The threat could not be more real. A hundred years from now the 1990's will be remembered as the time when America reinvented itself once again, and in so doing led the world into a new era of peace and prosperity—if we have the vision to see the change in the course of history, and the courage to adjust our course to meet it.

AGENT ORANGE: THE AIR FORCE DOES IT AGAIN

Mr. DASCHLE. Mr. President, it has been almost 2 years since I pointed out for the record some of the recurring problems related to the Air Force Ranch Hand study on the health effects of veterans' exposure to agent orange. The Ranch Hand Study, or "Air Force Health Study," is a longitudinal study of the mortality and morbidity rates for Air Force veterans who participated in the U.S. defoliation and crop destruction missions in Vietnam, Operation Ranch Hand.

Specifically, the Air Force has shown a clear tendency since 1984 to characterize the results of the Ranch Hand Study in a way that is intended to "reassure" veterans and, of course, quiet the calls for agent orange compensation, regardless of the study's actual findings. Unfortunately, the Air Force's release on February 23, 1990, of its 1987 Followup Examination Results fits very easily into the Air Force's consistent pattern of downplaying the importance—and sometimes denying the existence—of evidence related to the harmful health effects of exposure to agent orange.

Let me explain how we got to this point before I outline the significance of the Air Force's treatment of this most recent report.

RANCH HAND: 1984-88

In January 1984, the scientists in charge of the Ranch Hand Study issued a draft baseline morbidity report that described some very serious health problems in the Ranch Hand veterans and stated that the Ranch Handers, by a ratio of five to one, were generally less well than the veterans in the control group. The opening sentence of the draft report's conclusion was clearly stated: "It is incorrect to interpret this baseline study as 'negative.'"

After the Ranch Hand Advisory Committee, which operates under the White House Agent Orange Working Group of the Domestic Policy Council, got its hands on the document, the final report was changed in some very important ways. Most notably, the table and exposition explaining that the Ranch Handers were generally less well than the controls was omitted, and the final conclusion was altered substantially. The statement that the baseline study was not negative was completely omitted, and the study was described as "reassuring."

At the Air Force's press conference when the study was released, the Air Force tried to do exactly what the draft report had advised against—interpret the study as negative. Some of the major findings of the study were all but explained away—the increase in skin cancers was probably caused by overexposure to the Sun; and the birth defects in the Ranch Hand children, whose parents reported about twice as many abnormalities, seemed to be minor. The Air Force also suggested that the birth defects increase might have been caused by overreporting of defects by Ranch Hand parents. The birth defects would be studied further in a separate reproductive outcome report.

The Air Force scientist who designed the study and served as the chief statistician, apparently not realizing the constraints of Air Force politics, stated at the press conference that the study's findings were "of concern." He was subsequently removed from the project.

The day after the press conference, the news media all carried the same Air Force message—that the Ranch Hand Study was negative and that veterans should be "reassured." The actual contents of the study itself became virtually irrelevant.

By late 1984, the Air Force scientists had investigated the skin cancer and birth defect findings and concluded that, contrary to their earlier reports: First, the skin cancers were not caused by overexposure to the Sun; and second, the increase in birth defects was not due to overreporting by parents, nor were the birth defects necessarily minor. No public statement was made to correct the previous information. In fact, in late 1985, Col. William Wolfe, who heads the Ranch Hand Study, reinforced the incorrect information when he: First, was quoted in the press as saying the study results were "encouraging;" and second, repeated the 1984 press conference claims that the birth defects appeared to be minor and, very possibly, the result of overreporting by Ranch Hand parents.

That public statement in 1985 by Colonel Wolfe is even more troubling when it is pointed out, by Colonel Wolfe himself in a letter to me dated August 25, 1987, that "[a] report of the analyses of these data [the birth defects] was submitted to the Advisory Committee in 1984 but they recommended that it not be published." The Air Force has refused to release to me that draft reproductive outcome report, which found a doubling of birth defects in the Ranch Hand children, and has still not released the final report. I believe that veterans and the general public deserve timely, accurate information about anything that may affect their health or their children's health, and the Air Force delays with respect to this birth defects information constitutes a serious breach of the public trust. Unfortunately, the story doesn't end there.

In 1987, 2 years had gone by without an Air Force statement on the new findings. An updated morbidity report, "First Followup Examination Results," was released. Certainly one would expect to read in the Air Force's press release, or in the press clippings, some clarification of the 1984 assessment of skin cancers and birth defects, but none was to be found. The 1987 report did admit for the first time that the exposure index used in the Ranch Hand Study is limited, but it failed to emphasize how severe and important the limitations are, and the only mention of the issue was a few words buried in the report. There certainly was no press release—no effort to educate the public on the misleading statements of the past.

The 1987 report's executive summary concluded, "In full context, the results of this study must be viewed as additional reassuring evidence that, at this time, the current state of health of the Ranch Hand participants is unrelated to herbicide exposure in Vietnam." To understand just how irresponsible that statement is, we need to look beyond the fact that is was misleading in that the study actually found statistically significant group differences that showed the Ranch Hands to be less well than the control in some serious health areas. To understand just how irresponsible that statement is, we need to understand what the implications of the exposure index's limitations are.

As the Air Force scientists acknowledge, the effect of the exposure index's limitations, which have been described to me by the Air Force as severe, is misclassification. This means that the "control group" mistakenly includes people who were actually exposed to agent orange/dioxin, and that the "exposed" group mistakenly includes people who were never actually exposed. This misclassification dilutes both groups and has the effect of making their differences appear smaller than they acutally are. In some cases, group differences may be hidden completely. In other words, if the exposure index were accurate, more and bigger group differences would almost inevitably appear.

If the exposure index is not an accurate measure—or even a good measure—of exposure, and if group differences were identified in spite of that fact, then it is irresponsible to say that the group differences are "unrelated to herbicide exposure." Faced with the Air Force's apparent insistence on continuing to "reassure" veterans by glossing over these key facts, I decided to go straight to the source—the Air Force scientists.

In 1988, I met with Col. William Wolfe, the chief investigator of the Ranch Hand Study, Dr. Joel Michalek, a scientist who became a principal investigator after the 1984 report, and Dr. Richard Albanese, the previous principal investigator who had suggested that some of the findings were "of concern." We talked about the problem inherent in the exposure index and, therefore, the conclusions, and the fact that a new exposure index based on actual agent orange/dioxin levels in the blood would be developed so the data could be reanalyzed. We talked about the fact that the birth defects, skin cancers, and possibly the systemic cancers, were serious problems. We talked about the fact that there had been no public acknowledgement by the Air Force of this information that was available four years earlier.

In that meeting in my office, the Air Force agreed to publish a paper, which had been written in 1985 by Wolfe, Albanese, and Michalek, to announce this "new" information. The paper was published as an official Air Force document, but the names of Colonel Wolfe and Dr. Michalek were removed, and the Air Force did virtually all it could to discredit the report. Also, every Air Force press release or quote I have seen since that time ignores what I see as the very real need to get that information to veterans and the general public.

1990 RANCH HAND UPDATED

Incredibly, the Air Force's release on February 23 of its 1990 morbidity report, "1987 Followup Examination Results," looks like an instant replay of the events of 2 years ago. The 1990 report is the latest episode in the Air Force miniseries that pits the truth against administration and Air Force policy. As I said earlier, the Air Force management's handling of this most recent report displays their inability to be even-handed in the reporting of this important health information.

In spite of the facts reported in the study itself, Air Force rhetoric promotes the illusion that the study found "no evidence of a link" between the Ranch Hands' health and exposure to agent orange/dioxin. In spite of the substantial list of health problems found in the Ranch Hand veterans, Air Force rhetoric promotes the illusion that the Ranch Hands have no justification for their concerns.

Allow me to outline the findings of the 1990 report and compare them to the statements about those findings that made their way into the public arena.

In the "1987 Followup Examination Results" released by the Air Force in February 1990, statistically significant group differences with a harmful impact on the Ranch Hand veterans were detected in several health areas, including: All cancers—skin and systemic—combined, both verified and suspected; skin cancers alone; hereditary and degenerative neurological diseases; coordination abnormalities; psychological and sleep disorders; certain dermatologic disorders; pulse irregularities; increase in thyroid stimulating hormone [TSH]; among black Ranch Hands, higher mean counts for "natural killer cells" as compared to blacks in the control group; and among Ranch Hands who are heavy smokers, more abnormal composite skin reactions as compared to heavy smokers in the control group. These are not my interpretations; this information appears in the Ranch Hand report itself.

The report states that these and other problems cannot necessarily be related to agent orange/dioxin exposure, as they do not always show a "dose-response" relationship. Of course, a dose-response relationship cannot be established without knowing who has the dose. That is the key known weakness of this study. For perhaps the first time, the report clearly states that the exposure index used in the data analysis "is not a good measure of actual dioxin exposure," and I applaud the scientists for being straightforward on that issue. However, given the inadequacy of the exposure index and what we know about the effects of misclassification—that it artificially minimizes or completely masks real group differences—the report's statement that the troublesome findings cannot be related to agent orange/dioxin exposure is extremely misleading.

To be fair, I should point out that the Air Force scientists are well aware of this problem. That is exactly why they are pursuing a more accurate exposure index based on blood samples. They will reanalyze all the Ranch Hand Study data using the new index, and that is exactly what they should do. That report, which has also been delayed, is now scheduled for completion next year.

The upshot of this situation is that the first and second followup morbidity reports are essentially moot. They were both outdated before they were begun. I am not saying that they should not have been done, though that is certainly a legitimate question, but they have both been handled improperly by the Air Force.

Now, why should I say that if I just finished saying that, in the report, the Air Force finally admitted the inadequacy of the exposure index? Because most people do not see the actual report. They see the newspaper clippings describing the report on the basis of what the Air Force public relations staff tells the press. In the case of the most recent morbidity report, they have read that the Air Force report "finds no evidence of a link between the health of study participants and exposure to herbicides in Vietnam." What they have read is patently false. There is evidence, though it is not yet definitive, of a link between health problems and exposure, and that evidence will probably be stronger when the new exposure index is used in the data analysis.

One might say that this was an innocent mistake on the part of the Air Force—that these issues are very complicated and difficult to discuss in a way that the public can understand, or that, since I am constantly calling for the government to give veterans the benefit of the doubt, I should give the Air Force the benefit of the doubt. My answer to that is that I have given the Air Force the benefit of the doubt too many times already.

After meeting with me in 1988, the Air Force pledged to work with me to get the complete truth out to veterans who might be affected by the results of the Ranch Hand Study and to the general public. In spite of that pledge, and in spite of the actual findings of their research, the Air Force has consistently misrepresented the facts in their public statements, particularly in the press.

This is no innocent mistake; I have pointed out the "mistakes" repeatedly, and the Air Force, apparently belligerently, has continued to make them. It is hard to describe the frustration I feel at hearing the Air Force defend the integrity of its science and then make public pronouncements that undermine it. The only reasonable conclusion I can draw is that the Air Force is playing politics with an issue that affects the health and lives of American veterans and their families—

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as issue that could eventually impact all Americans.

In pursuing research on agent orange, the Air Force's job is not to present a certain posture or contribute to a particular Air Force or government policy with respect to government liability or compensation. It is not the Air Force's job to tell the scientists how to do their work or how to characterize their results. The Air Force's job is to pay for the research and to give capable, unbiased scientists the autonomy to present timely, accurate information to the public. I regret that Air Force management, with the help of the White House Agent Orange Working Group, has so far succeeded in doing what it should not do, and failed in doing what it should.

In conclusion, Mr. President, the Air Force's latest is more of the same. I anxiously await their upcoming data analysis that will be based on a new, more accurate exposure index, and I anxiously await their birth defects data that should have been released years ago. But, for now, I must express my profound disappointment that the Air Force has again chosen to sacrifice the truth for false reassurance.

I ask unanimous consent that the following supporting documents be printed at this point in the RECORD: First, a November 29, 1985, article from the San Antonio Express quoting Colonel Wolfe's comments about birth defects; second, an August 25, 1987, letter to me from Colonel Wolfe, Dr. Michalek, and Dr. Albanese regarding the 1984 moribidity results and birth defects data; third, a February 23, 1990, letter to me from Air Force Deputy Surgeon General James Sanders that accompanied the 1990 morbity update; fourth, the executive summary of the 1990 morbidity update; fifth, a UPI story quoting Air Force officials upon release of the 1990 morbidity update; and sixth, statements that Senator JOHN KERRY and I made on April 14, 1988, pointing out some of the previous discrepancies between Ranch Hand rhetoric and Ranch Hand reality.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STUDY DISPUTES EXPOSURE, AGENT ORANGE DEATH RATES

(By James Coburn)

Agent Orange exposure during the Vietnam War hasn't affected the death rate of men who were exposed the most, a new Brooks AFB study indicates.

Col. William H. Wolfe, a Brooks physician who has been a study leader since the Air Force began the investigation in October 1978, said in an interview Thursday that "results of what we have found so far are encouraging."

Noting that there have been fewer deaths among the 1,237 Air Force men exposed to the defoliant than among several camparison groups of non-exposed men. Wolfe expressed the hope that the latest report will "alleviate a lot of fear" among those exposed to Agent Organge.

Wolfe, chief of the Epidenology Division of the School of Aerospace Medicine at Brooks, said that researchers have "not found anything we can link directly to the herbicide since physical examinations began in January 1982 for the exposed group and a similar group of Air Force men who weren't exposed.

Some 12 million gallons of Agent Orange which contained trace amounts of doxin were sprayed from Air Force C-123 planes between January 1962 and April 1970 to destroy jungle canopies that concealed communist forces in Southeast Asia.

Limits were placed on the use of doxin because it caused problems in laboratory animals. Wolfe said, and defoliant used after April 1970 did not contain doxin.

Agent Orange also was used to destroy Viet Cong rice fields, but that use was ordered stopped after miscarriages were reported among Vietnamese women near the sprayed area.

More birth defects have been reported by parents in the exposed group than by parents in the unexposed comparison group, a previous study report revealed. It also was reported that the exposed group had more skin cancer.

Wolfe said Thursday, however, that the latest study had determined there was "no difference" between the two groups when only major birth defects were considered.

Another round of physical examinations for the two groups began in May and are scheduled for completion in March.

Wolfe said that the 1955–88 cost of the study, because private firms are under contract to perform the examinations, compile data and make surveys, is about $22.5 million.

Some 25-to-30 Epidemology Division personnel at Brooks are monitoring the study, scheduled to run until 2002.

Wolfe said that researchers currently are examining all birth defects that have occurred among the 7,000 children in both groups. The incidence of skin cancer is being examined to see if there was a difference between the groups in exposure to the sun, he added.

It is possible, he explained, that the exposed group is reporting minor birth defects that aren't being considered defects by parents in the unexposed group.

Wolfe said that some of the Air Force men being studied "were 1,000 times more exposed (to Agent Orange) than ground forces in a direct spray pattern on a one-time basis."

Bullets ruptured tanks holding the chemical, he said, and maintenance crews were "kneeling in the stuff" to repair the damage.

He added that the chemical worked well to clean off grease and men "cleaned their hands with it." The substance is "absorbed very rapidly through the skin," he noted.

At the height of its use, Wolfe said, 35 or 36 aircraft were spraying the defoliant on a daily basis.

Air crews also were exposed to the spray, he said since side doors normally were left open to reduce the heat and cockpit windows were left open to lessen the chance of injury from window fragments.

The spraying program was dubbed Operation Ranch Hand, so the study was named Operation Ranch Hand II.

The latest study report comes after a $180 million settlement by chemical companies that made the herbicide was approved early this year. More than 180,000 veterans filed claims for the money, with some 4,600 Texans filing the largest number.

Wolfe said that the companies may have settled to avoid the costs of lengthy litigation.

Also, President Reagan signed a bill in October that provides temporary compensation for two years to veterans who have developed a skin disease conclusively linked to Agent Orange.

Wolfe said that the disease, a severe facial condition called chloracne, was not present in the Air Force men exposed. He said that the skin eruptions, which aren't fatal, are predominately found among people who were exposed during industrial accidents involving the herbicide.

Mortality figures released with the latest report show 55 deaths (4.4 percent) among the Ranch Hand personnel and 285 deaths (4.6 percent) among the 6,171 men in the comparison group.

According to the mortality rate of the general U.S. Anglo male population, Wolfe added, there should have been about 90 deaths (7 percent) among Anglo men exposed to Agent Orange instead of the 51 that occurred.

A study of Army and Marine personnel who were exposed to Agent Orange is just beginning.

DEPARTMENT OF THE AIR FORCE,
USAF SCHOOL OF
AEROSPACE MEDICINE (AFSC),
Brooks Air Force Base, TX, August 25, 1987
Hon. THOMAS DASCHLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: In response to your recent letter concerning that Air Force epidemiologic study of the health effects of Agent Orange, Dr. Joel Michalek, Dr. Richard Albanese and I have prepared the following comments in response to your specific questions. Dr. Albanese was a study principal investigator from 1978 to 1984. Dr. Joel Michalek was a major study contributor from 1978 to 1984 and has been a principal investigator since, while I have served as principal investigator since 1978.

a. Reference your paragraph 1. Verification of all reported birth defects in the children fathered by the participants in our study was conducted using medical records and birth certificates in 1984. Sixty-one percent of the defects reported by the Ranch Handers and their wives and 63% of those reported by the comparisons were verified as being codable defects. These percentages were not statistically different, and there is no evidence of differential reporting of these data. The Ranch Hand children had increased numbers of birth defects, but the increase was in those children born to mothers who smoked during pregnancy. There was no evidence of any association with herbicide exposure but such an association cannot be said to have been ruled out. A report of the analyses of these data was submitted to the Advisory Committee in 1984 but they recommended that it not be published. The verification of all reported birth defects has resolved one source of possible bias in the study of reproductive endpoints (overreporting). However, potential bias from underreporting remains. The negative reports on the remaining 5,614 children are currently being verified by medical record review. This is a very time-consuming process due to difficulties in locating and obtaining records. Many of these "children" are now adults and their consent must be obtained before records can be requested. I anticipate completion of this effort by November 1988. The verified data will then be analyzed and the results will be released after review by the Advisory Committee appointed by the Agent Orange Working Group.

b. Reference your paragraph 2. A series of flight tests was performed in C-123 aircraft in 1981 by Major Stephen L. Meek as background for a master's degree thesis at the University of Washington School of Public Health. The results of his work were considered in the development of the exposure assessments used in our data analyses. Unfortunately, technical difficulties were encountered in the conduct of the study, and the data were not as helpful in clarifying exposure as we all had hoped. Further preliminary work was conducted by the Air Force Occupational and Environmental Health Laboratory to assess the feasibility of using glycerin as a simulant. However, full-scale simulations were not conducted due to operational difficulties. Additionally, significant difficulties were encountered in developing scenarios that accurately reflect the actual in-flight conditions prevailing during the 9 years the combat missions were flown. The recent development of a technique to determine dioxin levels in serum will provide a direct measure of individual exposure without reliance on the assumptions and uncertainties implicit in simulation studies.

c. Reference your paragraph 3. In May 1984, Dr. Bernadine Bulkley (formerly of the Office of Science and Technology Policy) asked that we verify several of the baseline report results. However, these verifications were already underway by our staff prior to her request. A meeting occurred with the staff of the Office of Science and Technology Policy in October 1986 to provide them with an update of the Air Force study. No technical direction was received at that time. They have acted as advocates of the program to obtain legislative support. The Air Force Surgeon General's office and the Air Force Systems Command (AFSC) headquarters have had no control over the science of the study. AFSC and intervening staff offices have managed funding and personnel resources, relieving the program scientists of these burdensome but important administrative tasks.

d. Reference your paragraph 4. The Advisory Committee for our study was appointed by the Agent Orange Working Group. The baseline report sent to the Advisory Committee was essentially the same as the published report. The committee recommended several editorial changes in writing style and emphasis but felt no additional data analyses were indicated. They felt the Executive Summary should be expanded, emphasis should be placed on an explanation of elements used in determining causality, and other minor "wordsmithing" changes should be made. The comments of the committee were included in the final report. The initial morbidity report contained "followup" analyses of data which, unfortunately, are subject to misinterpretation. This difficulty has been mitigated in the second morbidity report by strict adherence to a preset statistical protocol. Specifically, while the increment in Ranch Hand cancer appears limited to the skin, a systemic increase cannot be unambiguously ruled out. Similarly, the increased reported birth defect rate may not be confined to minor lesions.

e. Reference your paragraph 5. All interactions with the Advisory Committee have been purely technical in nature, dealing exclusively with epidemiologic and statistical issues. The concerns of veterans were foremost in the initial decisions in 1978 and 1979 to proceed with this study. Although a veterans' group representative was not on the committee, veterans' concerns are addressed. We are committed to caring for the Air Force community, including retired and separated Air Force veterans. Their welfare is our first priority.

f. Reference your paragraph 6. The Australian, Centers for Disease Control (CDC), and Air Force studies are relatively consistent in their conclusions. However, while they do not assert a causal relationship between Agent Orange and adverse health, a clear exoneration of the defoliant and its dioxin contaminant is not supported. All of these studies, including the Air Force-sponsored research, suffer from some limitations. The studies have been limited in their ability to accurately measure individual levels of exposure to the chemicals, and a more precise estimation of exposure is needed before definitive conclusions can be made. The CDC birth defect and Air Force studies are the only ones specifically addressing Agent Orange with dioxin exposure. The others are limited to the effects of Vietnam service, and the findings cannot be interpreted as the result of Agent Orange. All of these studies suffer from misclassification of exposure. The opportunity to make more accurate exposure assessments in our study is available with the serum dioxin assay. Design problems in the CDC and the Australian birth defect studies were apparent in their inability to control for the pre-Vietnam reproductive experience of the study groups. Similarly, the lack of medical verification of the birth certificate data is a significant weakness in these studies. Due to the small number of deaths occurring to date in these relatively young populations, all of the mortality studies suffer from low statistical power to detect increases in important disease categories. Despite their limitations, these six studies have been conducted as carefully and as scientifically as possible, and they have made major contributions toward the clarification of the Agent Orange/dioxin controversy.

g. Reference your paragraph 7. The weight of scientific evidence from epidemiologic studies in humans does not confirm a link between Agent Orange and adverse health nor does it rule out such a link. Continued surveillance is definitely indicated. Latency periods for malignant disease are just being reached, and studies have identified several findings which need to be reevaluated in subsequent examinations to determine their clinical relevance. At this time, Agent Orange cannot be implicated or exonerated.

h. Reference your paragraph 8. Additional work in establishing exposure through the use of the serum dioxin assay is needed. This assay will reduce uncertainties in estimating individual exposures and will significantly decrease any misclassification in the analysis of the data from the Air Force study. We are currently working with the CDC to implement this procedure for the analysis of the 1987 physical examination data. This procedure will improve our exposure assessments and should support more solid statistical and epidemiologic conclusions if it is applied *all* participants, including the comparisons. In the context of the Air Force study, the dioxin assay presents a unique opportunity to clarify the dioxin issue.

i. Reference your paragraph 9. The principal investigators in the Epidemiology Division have full and final responsibility for the science of the study. The Advisory Committee has scientific oversight of the study and works closely with the Air Force team. The Air Force management structure limits its impact on the study to purely administrative matters of funding, manpower and equipment management. In October 1984, the Commander of the USAF School of Aerospace Medicine resolved an impasse among the principal investigators concerning the format of the 1984 Mortality Report. It was later very clear that his solution was scientifically correct. All reports are released by the Air Force Surgeon General in the form approved by the Advisory Committee. The report of the 1985 physical examinations is currently being prepared for review by the Advisory Committee, and public release is expected in the fall of this year. Similarly, the 1987 update of the ongoing mortality study is expected in January or February 1988.

j. Reference your paragraph 10. The principal investigators have attended scientific meetings in this and other countries to freely exchange information on the Agent Orange/dioxin issue. Telephone and mail contacts are equally unrestricted. For a time after the release of the first morbidity report in February 1984, all public inquiries were coordinated through the Public Affairs Office; all questions were answered by designated individuals.

I hope this material is of assistance to you and your staff.

Sincerely,

William H. Wolfe,
Colonel, USAF, MC,
Chief, Epidemiology Division.

U.S. Air Force,
Bolling AFB, DC, February 23, 1990.

Hon. Tom Daschle,
Steering Committee, Vietnam Veterans in Congress, U.S. Senate, Washington, DC.

Dear Senator Daschle: I am pleased to provide you a copy of the summary of the third morbidity review of "The Air Force Health Study, An Epidemiologic Investigation of Health Effects in Air Force Personnel Following Exposure to Herbicides." This study, the 1987 Follow-up Examination Results (May 1987 to January 1990), compares the health of 995 Air Force members who conducted aerial herbicide spraying missions in Southeast Asia (Operation Ranch Hand) with a comparison group of 1,299 matched by age, race and occupation.

Like the earlier 1982 and 1987 studies, this follow-up again finds no evidence of a link between the health of study participants and exposure to herbicides in Vietnam. While relatively few health differences were found between the two groups, continued medical surveillance is warranted.

This report does not apply the results of the serum dioxin assays in the study participants. A complete report comparing the serum assay results to the medical findings of this study is expected next year.

Additional work is currently underway to evaluate the possible relationship between the serum dioxin levels of fathers and the presence of birth defects in their children. This report should be completed by the end of the year.

I will keep you apprised of our progress as our efforts continue. It is only through the work of our scientists that the many com-

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plex questons concerning Agent Orange can be addressed equitably.

Sincerely,

JAMES G. SANDERS,
Major General, USAF, MC,
Deputy Surgeon General.

EXECUTIVE SUMMARY—1987 FOLLOWUP MORBIDITY REPORT

The Air Force Health Study is an epidemiologic investigation to determine whether adverse health effects exist and can be attributed to occupational exposure to Herbicide Orange. The study consists of mortality and morbidity components, based on a matched cohort design in a nonconcurrent prospective setting with followup studies. The Baseline study was conducted in 1982, and the first two followup morbidity studies were performed in 1985 and 1987. The purpose of this report is to present the results of the 1987 followup.

In the Baseline morbidity study, each living Ranch Hand was matched to the first living and compliant member of a randomly selected Comparison set based on age, race, and military occupation, producing an approximate 1:1 contrast. The Comparisons had served in numerous flying organizations that transported cargo to, from, and within Vietnam but were not involved in the aerial spraying of Herbicide Orange. All previous participants and refusals, newly located study members, and replacements (marched on reported health status) were invited. Eighty-four percent (995/1,188) of the eligible Ranch Hands and 77 percent (939/1,224) of the eligible Original Comparisons participated in the 1987 followup examination and questionnaire process. Participation among those who were fully compliant at Baseline was very high. Ninety-two percent of the Ranch Hands and 93 percent of the Comparisons who were fully compliant at Baseline also participated in the 1987 followup. In total, 2,294 study subjects, 995 Ranch Hands and 1,299 Comparisons, participated in the 1987 followup.

The followup study was conducted under contract to the Air Force by Science Applications International Corporation, in conjunction with the Scripps Clinic and Research Foundation and the National Opinion Research Center. Most of the data were collected through face-to-face interviews and physical examinations conducted at the Scripps Clinic in La Jolla, California. Other data sources included medical and military records and the 1982 and 1985 data bases. As a contract requirement, all data collection personnel were unaware of each participant's exposure status, and all phases of the study were monitored by stringent quality control. The statistical analyses were based on analysis of variance and covariance, chi-square tests, Fisher's exact tests, general linear models, logistic regression, proportional odds models, t-tests, and log-linear models, all of which were specified in an analytical plan written prior to data analysis.

The questionnaire and physical examination data were analyzed by major organ system. The primary focus was on the assessment of differences between the Ranch Hand and Comparison groups based on data from the 1987 followup. Additionally, dose-response relationships within the Ranch Hand group were examined, and longitudinal assessments of differences in the changes of the two groups between the examinations were conducted for selected variables.

In the analyses in this report, Ranch Hand exposure to dioxin was quantified by use of a calculated index based on the quantity of herbicides containing dioxin sprayed each month and the number of Ranch Hands assigned to each occupational category in those months. The statistical relationships between the evaluated conditions and the calculated index were assessed for significance and patterns suggestive of dose-response. However, early results of serum dioxin studies in Ranch Hand personnel conducted at the Centers for Disease Control indicate the calculated index is not a good measure of actual dioxin exposure. Therefore, the results of analyses using the calculated exposure index should be interpreted with caution. A full report relating the serum assay results to the medical data contained in this report is expected in 1991.

The fixed size of the Ranch Hand cohort limits the ability of the study to detect group differences, particularly for the rare occurrences of soft tissue sarcoma and non-Hodgkin's lymphoma. The study has virtually no statistical power to detect low to moderate group differences for these malignancies. The study has good power to detect relative risks of 2.0 or more with respect to disease occurring at prevalences of at least 5 percent in the Comparison group, such as basal cell carcinoma.

Self-perception of health, appearance of illness or distress, relative age, and percent body fat were similar in the two groups. There has been a decline in the percentage of individuals reporting their health as fair or poor in both groups since the Baseline examination. A significantly greater percentage of Ranch Hands than Comparisons, however, had abnormal erythrocyte sedimentation rates. Only three participants (two Ranch Hands and one Comparison) had rates in excess of 100 mm/hr. The Comparison had lung cancer and died in early 1989. In neither of the Ranch Hands was a diagnosis established during the course of the 1987 followup. A significant difference was also detected at the 1985 followup examination, and it will be important to monitor the sedimentation rates in subsequent examinations.

For all verified neoplasms combined, Ranch Hands had a significantly greater frequency than the Comparisons. Ranch Hands also had a marginally significant greater frequency than the Comparisons when suspected neoplasms were included in the analysis. Because cancers fall into systemic or skin categories, group contrasts were performed within each category. Analyses restricted to systemic neoplasms revealed no significant differences between the Ranch Hands and Comparison groups. Focusing only on skin neoplasms, Ranch Hands had significantly or marginally significant higher frequencies for the following categories: all verified skin neoplasms, all verified and suspected skin neoplasms, all verified malignant skin neoplasms, and sun exposurerelated malignant skin neoplasms. Significant group differences for the sun exposurerelated malignant skin neoplasms are not surprising because approximately 90 percent of the participants with those neoplasms had verified basal cell carcinomas, and Ranch Hands had significant or marginally significant higher frequencies of verified basal cell carcinoma than the Comparisons.

The neurological assessment did not disclose significant findings detrimental to the health of the Ranch Hands, although several differences were noted. Of the six reported and verified neurological diseases and disorders, the only significant finding was that Ranch Hands had a higher incidence of hereditary and degenerative neurological diseases. Unadjusted analyses for the 30 physical examination variables showed marginally more balance/Romberg sign and coordination abnormalities in the Ranch Hand group than in the Comparison group. In the adjusted analyses, a significant difference in the relative risk for the cranial nerve index (without range of motion) occurred with insecticide exposure. Stratified results showed that among those who had never been exposed to insecticides, significantly more Ranch Hands than Comparisons were abnormal on this index. Of those who had been exposed to insecticides, the percentage of abnormalities on this index was marginally higher in the Comparisons. The adjusted analysis for coordination detected two significant group-by-covariate interactions (group-by-occupation and group-by-insecticide exposure). Stratified analyses found a significant group difference for enlisted groundcrew after excluding the group-by-insecticide exposure interaction, and a significant adjusted group difference overall after excluding both group-by-covariate interactions. Ranch Hands had significantly more coordination abnormalities than Comparisons for each analysis. The trend of increasing abnormality in the enlisted groundcrew for coordination will be more fully evaluated in the analyses of serum 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) levels.

The psychological assessment was based on the analysis of 52 variables, which included reported illnesses verified by medical record review, reported sleep disorders, and scores from two clinical psychological tests. The results showed that significant or marginally significant differences between the Ranch Hands and the Comparisons were found for some verified psychological disorders, reported sleep disorders, and the self-administered Symptom Checklist-90-Revised and Million Clinical Multiaxial Inventory psychological examinations. For these differences, the Ranch Hands generally manifested higher percentages of abnormalities or higher mean scores than the Comparisons. However, this is not surprising since individuals who perceive themselves as having been harmed might be more likely to report the symptoms found to be significant in this analysis. These results will be reexamined for positive correlations between the complaints and dioxin levels when the serum assay data become available. Additionally, significant group-by-covariate interactions were frequently observed in the adjusted analysis, which often made direct contrast of the two groups with adjustment for significant covariates difficult. The covariates of age, alcohol history, and presence of post-traumatic stress disorder showed strong effects on many of the psychological measurements. There was generally a lack of consistency in the findings of similar viables in the psychological tests.

The gastrointestinal assessment found no significant group difference for historical liver disease, historical and current ulcer, and current hepatomegaly. The Ranch Hand alkaline phosphatase mean was significantly higher than the Comparison mean, but group differences for the other laboratory examination variables (aspartate aminotransferase, alanine aminotransferase, gamma-glutamyl transpeptidase, total bilirubin, direct bilirubin, lactic dehydrogenase, cholesterol, high density lipoprotein [HDL], cholesterol-HDL ratio, triglycerides, creatine kinase, and fasting glucose) were not significant.

In the dermatologic assessment, no cases of chloracne were diagnosed. For participants with no history of acne before the start of the first Southeast Asia (SEA) tour, a greater percentage of Ranch Hands than Comparisons reported the occurrence of acne after the start of the first SEA tour. However, the anatomic pattern of these lesions was not suggestive of chloracne. No other significant group differences were detected in the remainder of the analyses. The exposure index and longitudinal analyses were also essentially negative; the few positive findings were inconsistent with dose-response effects and the available knowledge of current serum TCDD levels in the Ranch Hand group.

The cardiovascular evaluation showed that the health of the two groups was similar for reported and verified heart disease and central cardiac function. With regard to peripheral vascular function, the Ranch Hands manifested a marginally higher mean diastolic blood pressure than the Comparisons, but the percentage of individuals with a diastolic blood pressure above 90 mm Hg was not significantly different in the two groups. The Ranch Hands had a marginally higher percentage of individuals with carotid bruits, and there were also significant, or marginally significant, differences with respect to femoral pulses, dorsalis pedis pulses, and three aggregates pulse indices (leg, peripheral, and all pulses), as assessed by manual palpation. Significantly more pulse abnormalities in the Ranch Hands were also found at Baseline, when pulses were measured by manual palpation, but not in the 1985 followup, when both manual and Doppler measurements were utilized.

In the hematologic evaluation, red blood cell count, hemoglobin, hematocrit, mean corpuscular volume, mean corpuscular hemoglobin, and mean corpuscular hemoglobin concentration were not significantly different in the two groups. The mean white blood cell and platelet counts were significantly greater in the Ranch Hands than in the Comparisons, but the magnitude of the difference was small in each case. The difference in platelet counts was signficant despite that in the longitudinal analysis of the changes from Baseline to the 1987 followup examination, platelet counts in the Ranch Hands decreased to a significantly greater degree than in the Comparisons. The percentage of individuals with abnormally high platelet counts was also significantly greater in the Ranch Hand group, but the relative risk was less than 2. In addition, no platelet count was elevated into a pathologic range. Exposure index analysis did not generally support dose-response relationships.

The groups did not differ significantly in reported history of kidney disease/stones or for urinary protein, urinary occult blood, urinary white blood cell count, blood urea nitrogen, or urine specific gravity based on unadjusted analyses. In the adjusted analyses, there was no pattern of results that suggested a detriment to either group.

For the endocrinologic assessment, the Ranch Hand thyroid stimulating hormone (TSH) mean was marginally significantly higher than the Comparison TSH mean, but results of the TSH discrete analysis did not show statistically significant group differences. Mean levels for triiodothyronine percent (T_3 %) uptake, testosterone, and 2-hour postprandial glucose were similar between groups. The percentage of abnormal levels for each of these variables, and the composite diabetes indicator, was higher for the Ranch Hand group than for the Comparison group, but none of these differences was statistically significant. Self-reported data on current thyroid function and past history of thyroid disease were similar between groups. Also, the percentages of participants with thyroid or testicular abnormalities diagnosed at the physical examination were not statistically different between groups. Overall, the endocrinologic health status of the Ranch Hand group does not appear substantially different from the Comparison group.

For the immunologic assessment of the 1987 followup, Ranch Hands and Comparisons did not differ on the cell surface markers, functional stimulation tests, total lymphocyte counts, or quantitative immunoglobulins. Statistical analyses of the natural killer cell assay variables adjusting for covariate information were conducted within the Black and nonblack strata. These analyses showed that Black Ranch Hands had higher adjusted mean counts and average percent releases than the Black Comparisons for the natural killer assay measures. The meaning of this observation is unknown. Without adjusting for covariate information, significantly more Ranch Hands had a possible abnormal reading on the composite skin reaction test than the Comparisons. Adjusting for covariate information resulted in performing group contrasts on the composite skin reaction variable within strata of the lifetime cigarette smoking history variable. For the heavier smoking participants, significantly more Ranch Hands had a possibly abnormal reading on the composite skin reaction test than the Comparisons. Within the other strata, there were no significant differences.

The pulmonary health of the two groups was reasonably similar based on the analyses without adjustment for covariates, although the Ranch Hands had significantly more thorax and lung abnormalities and marginally higher prevalence rates for hyperresonance. When significant interactions involving group were ignored, no significant differences were found in the adjusted analyses. Exploration of the interactions did not identify a consistent pattern. The adverse effects of smoking were evident in all analyses.

The process of inferring causality is complex and must be based on careful consideration of many factors. Any interpretations of the data must consider the biological plausibility, clinical significance, specificity and consistency of the findings, and a host of statistical factors, such as strength of the association, lack of independence of the measurements, and multiple testing. Based on direct and indirect evidence, it is concluded that this study is free of overt bias and the measurement systems used to obtain the data were accurate and valid.

In summary, there is not sufficient evidence at this time to implicate a causal relationship between herbicide exposure and adverse health in the Ranch Hand group. No cases of chloracne or porphyria cutanea tarda, the two most commonly accepted effects of dioxin exposure, were detected in this study. There was a single case of soft tissue sarcoma in each group and one case of non-Hodgkin's lymphoma in a Ranch Hand. The differences noted indicate that reanalysis using dioxin body burden levels and continued medical surveillance are warranted.

Third Air Force Study on Agent Orange: "No Link"

(By Robert MacKay)

Washington, UPI.—The Air Force said Friday its third follow-up study has found again "no evidence of a link" between the health of Vietnam veterans and their exposure to the defoliant Agent Orange.

However, it said a separate collaborative study with the Centers for Disease Control in Atlanta to measure blood dioxin levels in Air Force study groups found "substantially elevated levels of dioxin" in the veterans who sprayed the chemical as compared to low levels for ground troops.

A report comparing those collaborative-study results to the medical findings in the Air Force's latest separate study is expected to be released in 1991, the Air Force said.

The Air Force study—based on questionnaires and physical examinations—compared the health of 995 Air Force members who conducted herbicide-spraying missions over Southeast Asia, "Operation Ranch Hand," with a comparison group of 1,229 men matched by age, race and occupation.

"Like the 1982 and 1987 studies, this follow-up again finds no evidence of a link between the health of study participants and exposure to herbicides in Vietnam," the Air Force said in a statement.

"Relatively few health differences were found between the 'Ranch Hands' and the 'Comparisons,'" the Air Force said.

No cases of the skin condition chloracne or the liver disease, porhyria cutanea tarda—the most commonly accepted effects of dioxin exposure—were detected in this study, the Air Force said.

"Since Vietnam, the Ranch Hands have had more basal cell skin cancer, a common and generally easily treatable form of cancer, often associated with sun exposure," it said. "No increases were evident in the occurrence of systemic cancer."

Agent Orange, sprayed during the Vietnam War on jungles to deny hideouts to the enemy, is blamed by veterans for causing a rash of diseases.

About 250,000 veterans and their dependents who claimed injuries from the dioxin-contaminated herbicide were awarded $215 million in an out-of-court settlement by seven companies in 1984 following a class-action suit.

However, the government has contended there is no evidence of a link between Agent Orange—the chief herbicide used in Vietnam—and diseases.

In the latest study, the Air Force said there was a single case of soft-tissue cancer in each of the two groups and one case of non-Hodgkins lymphoma cancer in a Ranch Hand member.

"Although few health differences were noted, continued medical surveillance is warranted," the Air Force said.

The Air Force study is part of a planned 20-year effort focusing both on the death rate and the disease rate of individuals who sprayed the defoliant over Southeast Asia from 1962-71 as part of Operation Ranch Hand.

Future physical examinations and medical record reviews will be conducted in 1992, 1997 and 2002 to further assess health effects, the Air Force said.

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[From the Congressional Record, Apr. 14, 1988]

Agent Orange and the Theory of Eternal Recurrence

Mr. **Daschle**. Mr. President, there is a saying that "history repeats itself." Nietzsche espoused the theory of "eternal recurrence," which, very simply stated, was that historical events are constantly repeated. Whether one wants to call it history repeating itself, eternal recurrence, or "deja vu," this concept is undeniably applicable to the Agent Orange story.

An Agent Orange history scholar would undoubtedly find a remarkable resemblance between past and present Agent Orange-related stories and events. The Government has historically claimed that there is not enough scientific evidence suggestive of a link between exposure to Agent Orange and diseases suffered by Vietnam veterans to justify compensation for those veterans. The Government continues to repeat that claim in spite of the numerous scientific studies that suggest such a link or, at the very least, cast reasonable doubt on the situation.

The Air Force Ranch Hand study is but one example of the eternal recurrence theory manifested through the Agent Orange story. In 1984, the Air Force released its baseline morbidity report concerning the health effects of exposure to Agent Orange and other toxic herbicides on Air Force personnel in Vietnam. The report was interpreted in various ways, but the Air Force and much of the press characterized the report as "reassuring to the Ranch Handers and to their families." While I and many other veterans expressed concern about many of the report's findings and dismay at the Air Force's apparent downplaying of those findings, the Ranch Hand study became widely viewed as a "negative" study. I and the other critics were called cynics looking for trouble where it did not exist.

Four years later, the Air Force has released a technical report reassessing the findings and conclusions of the 1984 study. The report cites group differences "in the direction of expected dioxin effects" and explains the severe limitations of the study's exposure index—limitations which, the Air Force admits, require that all the study's data be reviewed in the context of a new, improved exposure index.

It concludes that "dioxin is not exonerated as a causative agent because of the directionality of the observed group differences and the preliminary nature of the exposure index used in the * * * first morbidity report." The report also clarifies earlier data on cancers and birth defects, stating that cancers are not necessarily limited to the skin, that skin cancers were not caused by sun exposure, that birth defects are not limited to the skin, and that self-reported birth defects have been verified.

It took 4 years to clarify the interpretation of the 1984 morbidity report for the public. It took only 3 days to muddy the waters again.

Three days after the release of the Air Force technical report, a California clinic contracted to perform physical examinations of Ranch Hand personnel released a statement to the press quoting Air Force medical officials calling unidentified "updated results" of the Ranch Hand study "reassuring." Apparently the "updated results" are from the 6-month-old Ranch Hand first followup morbidity report. The statement does not mention the more recent technical report or the fact that the 1987 report is subject to the same criticisms facing the original morbidity study.

Mr. President, lest this all get too confusing, I ask that the following items be printed in the Record at the conclusion of my statement: First, a 1984 Washington Post editorial written upon the release of the original "reassuring" report, second, my response to the Washington Post editorial, third, a Newsday article outlining the troubling findings of the recently released Air Force technical report, and fourth, an Associated Press story, again calling the Ranch Hand findings "reassuring," written 1 day later.

If my colleagues will take the time to read these materials, I think they will quickly see why I am moved by the eternal recurrence theme. The events and arguments of 1984 have come back to haunt us, and we still have no definitive information about the relationship between Agent Orange exposure and negative health effects. We do know that Ranch Handers are suffering negative health effects in statistically significant numbers.

The studies will continue, as they should, so that we may someday have a clearer picture of the effects of exposure to Agent Orange and other toxic herbicides. In the meantime, disabled veterans wait for help and for the scientific evidence that we in Congress will consider conclusive enough to justify compensation. As policymakers, we must ask ourselves how long our Nation's veterans should be expected to wait.

Mr. President, I know that Senator Kerry also has something to say on this subject, and I want to take this time to thank him for his work on issues affecting America's veterans. He was a decorated combat veteran in Vietnam and has worked tirelessly on the myriad of issues facing the men and women who defended this country. I am very pleased to be working with him to address the Agent Orange issue.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 1, 1984]

New Findings on Agent Orange

Many Vietnam veterans have, for too many years, been suffering from uncertainty about the health effects of exposure to the herbicide Agent Orange. Now, at last, there is scientific evidence that should offer them some measure of comfort. The Air Force has released findings from a study of heavily exposed veterans that found no evidence of either higher death rates or of diseases most strongly suspected of being linked to the types of dioxin found as contaminants in Agent Orange.

The government has been very slow in providing Vietnam veterans with the evidence to which they are entitled about possible long-term effects of their service. As a result it is right that the Veterans Administration—under congressional direction—has already taken the precaution of providing full health care for all veterans exposed to Agent Orange who suffer any disability not attributable to another cause. And, of course, the government should continue its extensive research program.

It is always possible that further study of the Air Force study participants, or the larger studies of the entire Vietnam veteran population being done by the Centers for Disease Control, will provide evidence of linkages between Agent Orange exposure and certain illnesses. But it is certainly encouraging that comparisons between the so-called Ranch Hands—the pilots and crews continuously involved in the spraying operations—and carefully chosen comparison groups found that, with a few possible exceptions, the Ranch Hands do not seem to have been affected by their exposure.

The Ranch Hands did experience higher rates of non-melanomic skin cancer—the commonest form of cancer among the white population—and certain liver and circulatory disorders. They also reported more minor birth defects, neonatal deaths and physical handicaps among their offspring, although these results have not yet been verified. The Air Force plans further study to determine whether these differences can be explained by exposure to sunlight, cigarette and alcohol consumption and other known causal factors.

Most striking is that the study did not find a single case of soft-tissue sarcoma (a form of cancer), chloracne (a severe skin disorder known to be caused by exposure to heavy dose of dioxin) or porphyria cutanea tarda (a rare liver disorder) among the Ranch Hands. A bill passed by the House last month would entitle Vietnam veterans who suffer from these illnesses to the same monetary compensation they would receive if they had suffered direct injury in battle.

Congress is understandably eager to compensate veterans for service-caused injuries. When slow-developing diseases can be reliably linked to service, compensation is certainly justified. But it would be a mistake to undermine the basis for compensation systems—or for warranted extensions of those systems—by indemnifying illness without adequate scientific basis.

Ranch Hand Reality

(By Congressman Tom Daschle)

The Air Force claim that its Ranch Hand Agent Orange study findings can be viewed by Vietnam veterans and their families as reassuring is not supported by the study itself.

Let's again review what the study of personnel who handled Agency Orange in Vietnam actually found. In 5 of 13 health categories investigated, the Air Force Ranch Hand group's health compared unfavorably to that of the comparison group. These findings included higher rates of skin cancer, genitourinary cancers, throat cancer, as well as liver and circulatory disorders. Furthermore, increased rates of minor birth defects were verified in Ranch Hand children while significant increases in neonatal deaths (death within 28 days of birth) and physical handicaps were reported. This is hardly cause for jubilation.

Though the birth defect reports need further clarification, there is evidence for the first time that Vietnam veterans are fathering children who die at an inexplicably young age and are born with birth defects. Previously, these reports have been dismissed as anecdotal. This is no longer possible as the findings occurred in a group with a clear exposure history.

The Post's recent editorial makes much of the fact the Air Force Study found no cases of the three extremely rare conditions whose victims would be compensated under legislation enacted by the House earlier this year. You fail, however, to note these conditions are so rare in the general population that the discovery of even a single case among Ranch Handers would have been highly unusual. Soft tissue sarcoma, for example, appears at a rate of less than two persons per 100,000. Had the Air Force found just one sarcoma case among the 1,200 exposed Ranch Hands, that would have suggested a sarcoma rate nearly fifty times higher than is normal in the general public. It is little wonder the National Academy of Sciences said in 1979 that the Air Force study would, "lack the statistical power to uncover an effect of moderate strength, such as the uncommon disorders mentioned in the complaints of veterans."

You also question the wisdom of "undermining" the VA compensation system by indemnifying illness without adequate scientific basis. Nobody, of course, wants to undermine the VA compensation system or award monies without scientific basis. In the case of the three rare disorders covered by our legislation there is scientific basis for linking them with dioxin exposure. This evidence is not rebutted by the Ranch Hand study because that study lacked the statistical power to say anything one way or the other on the issue.

The premise of the legislation, a premise fully as valid today as it was the day before Ranch Hand was released, is that three rare diseases highly correlated to dioxin exposure should entitle the few veterans exposed to Agent Orange, and suffering from these maladies, to the presumption their disorders are service related. To offer them this presumption, and to offer it only until the thorough data promised by the CDC study now underway is available, is surely not too much to ask.

In fact, when entire cities are being bought out and evacuated because of dioxin contamination far lower than that found in Agent Orange, and when forty other conditions—some of which are less scientifically tied to military service than those covered by our bill—are already presumed service related under the current compensation system, I could forgive a Vietnam veteran who might think it too little.

(Congressman Daschle is Chairman of the Vietnam Era Veterans in Congress and is author of legislation to compensate veterans exposed to Agent Orange.)

[From Newsday, Mar. 24, 1988]

Study, Agent Orange May Be Culprit

(By Carolyn Colwell)

A new U.S. Air Force study edges closer to saying for the first time that Vietnam veterans' exposure to Agent Orange may have caused serious adverse health effects, particularly in the form of cancer and birth defects.

The report, released Monday by Sens. Tom Daschle (D-S.D.) and John Kerry (D-Mass.), was prepared by a physician at the U.S. Air Force School of Aerospace Medicine. It takes a new look at data from a 1984 study of personnel in Operation Ranch Hand, in which Agent Orange was sprayed from Air Force planes in Vietnam. In 1984, the data were used to reassure veterans exposed to Agent Orange that they apparently had nothing to worry about.

Agent Orange was a herbicide used to defoliate the jungle. For more than 20 years, veterans have been saying, that their exposure to the herbicide severely damaged their health. But they have been stymied in every effort—in courts in Congress and by the Veterans Administration—to win any compensation. Officials have said they have no scientific proof linking Agent Orange exposure and human illness.

Now, the Air Force has announced that the Ranch Hand sprayers, when compared with noncombat Air Force veterans of Vietnam, statistically have a significantly higher incidence of five of 11 conditions that animal and human studies have linked with exposure to the toxic chemical dioxin, and ingredient in Agent Orange. The five conditions are neoplasia (tumors), birth defects, psychological changes, liver damage and cardiovascular changes.

Dr. Michael Gochfeld, medical adviser to the New Jersey State Agent Orange Commission, said yesterday that the report's conclusions appear spectacularly different from the ones in 1984.

"What they're saying [now] is that if you thought dioxin caused health effects, they're saying that the evidence here says it probably does. Everything I heard in 1984 was that there were no health effects due to dioxin. This [newest study] could not be interpreted that way."

The latest report said dioxin cannot be ruled out as the cause of such conditions, but neither can it be blamed conclusively.

"Dioxin cannot be confidently identified as the causative agent of these findings," the report said. At the same time, it added, "dioxin is not exonerated as a causative agent . . ." The report said the data was not conclusive mainly because of problems documenting veterans' exposure to the dioxin in Agent Orange.

The Air Force hopes that these doubts will be eliminated by the analysis of new tests measuring dioxin levels in veterans' blood, said Air Force spokesman Col. William Wolfe, chief of epidemiology at the service's medical school at Brooks Air Force Base, Texas.

Those results will enable researchers to see if there is a correlation between the veterans whose blood shows a high level of dioxin and those who have developed cancers and other conditions believed to be related to dioxin exposure, Wolfe said. "That will answer the question for us," Wolfe said. "That will be the crowning touch. Once we're not locked into making assumptions, we'll be in an absolutely super spot."

The Air Force is seeking at least $2.2 million to do the blood testing, Wolfe said.

Whether the results reported Monday were old statistics with new meaning is being debated by veterans advocates and the Air Force.

The Air Force is saying the report essentially repeats the same statistical conclusions announced in its 1984 Ranch Hand study. The difference is that, for the first time, the Air Force is correlating these statistics with studies of the effects dioxin exposure has on animals and humans, and saying that the conditions that might be expected had developed, Wolfe said.

But the Air Force also concedes for the first time that the higher than normal incidence of skin cancer of Ranch Handers may not be caused by the sun, as it concluded in 1984, Wolfe said. The other new thrust is that the Air Force now believes that the reported higher number of birth defects in Ranch Hand families is more serious than originally assumed, Wolfe said. More research is under way on the birth defect question, he added.

Veterans advocates are greeting the study as the first confirmation by the military of what they've been saying all along—that Agent Orange injured veterans' health.

Vietnam Veterans Involved in Spraying Suffered No Ill Effects, Study Says

(By Sharon L. Jones)

La Jolla, Calif.—More than 1,000 Vietnam veterans involved in the spraying of the herbicide Agent Orange show no unusual health problems to date, according to updated results of a government study.

In a statement Thursday, U.S. Air Force medical officials called "reassuring" the findings that the chemical defoliant hasn't caused disease in Vietnam veterans, but warned that the results weren't conclusive.

"This is the definitive study on Agent Orange in Vietnam veterans, and so far it shows that disease is not related to apparent exposure, that there is no increased incidence of major long-term health effects," Dr. William Wolfe, senior investigator in the government's 20-year Agent Orange probe, was quoted as saying in the statement.

"These results are reassuring," said Wolfe, chief of epidemiology at the U.S. Air Force School of Aerospace Medicine at Brooks Air Force Base in Texas.

The findings reflect the latest tests of 2,309 veterans in the government's investigation into Agent Orange and its impact on soldiers who handled the dioxin-containing herbicide. The study will conclude in 2002.

Some Vietnam veterans are seeking compensation for ailments they say are tied to exposure to the toxic chemical.

"No matter how good this study is, it will never lay to rest the issue for people who argue they were hurt," said Dr. Arnold Gass, head of the Agent Orange registry operation at the La Jolla Veterans Administration Medical Center.

He said the study is scientifically sound but handicapped by its focus on Operation Ranch Hand, Air Force servicemen involved in handling and dropping the herbicide from aircraft.

"It doesn't answer the question about what happened to the man in the field," he said. "The Ranch Handers flew in, flew out. The men in the field were there for days. They didn't take showers."

Ranch Handers are used because they are assumed by the government to have had the greatest amount of exposure to the chemical.

The study, begun in 1982 and conducted for the past four years at Scripps Clinic and Research Foundation in La Jolla, examined 1,016 men involved in Operation Ranch Hand and 1,293 Air Force veterans not involved in the operation.

Scripps Clinic physicians assessed each participant for general health, malignancy, and the neurological, psychological, gastrointestinal, dermatological, cardiovascular, hematological, renal, endocrine, immunological, pulmonary and nervous systems.

"These examinations found no evidence of a relationship between Agent Orange exposure and adverse health," the statement said.

"A number of minor medical differences were seen but they appear to be unrelated to exposure to dioxin. They will be monitored and re-evaluated during the next scheduled examinations in 1992."

Last year, a Veterans Administration study found increased deaths due to lung cancer and certain lymph cancers among Vietnam veteran Marines, providing what veterans' groups called the first clear scientific data implicating Agent Orange.

The Scripps Clinic statement cautioned that the latest results are not conclusive because the study used estimated levels of herbicide exposure based roughly on amount of contact, not by actual bloodstream dioxin levels.

Scientists have recently discovered a way to detect dioxin levels in blood even years after exposure. Analysis of blood samples from 2,010 veterans is expected to be completed within two years.

Thursday's findings were released three days after an Air Force report admitted that an often-cited 1984 government study had been flawed because it didn't make clear that it couldn't exonerate the chemical from veteran's health problems.

New Concerns on Agent Orange

Mr. Kerry. Mr. President, a new report from the Air Force confirms what many Vietnam veterans have known for years—that there are serious health consequences associated with exposure to Agent Orange. The Air Force report was released last month to myself and Senator Tom Daschle. I would like to take this opportunity to commend Senator Daschle, himself an Air Force veteran, for his commitment and persistence in helping to obtain the release of this vital information for Vietnam veterans.

The new Air Force report shows that previous results from the Ranch Hand study on Agent Orange, released in 1984, are seriously flawed. The new report shows that cancers and birth defects among Vietnam veterans who were exposed to Agent Orange and their families are worse than previously reported.

For several years now, veterans have been told by the U.S. Government that there is nothing to worry about, that Agent Orange was not harmful to their health. The Ranch Hand study was often cited as being "reassuring" to Vietnam veterans. Now we are learning that the Ranch Hand study methodology was flawed, and that the results are not reassuring after all.

Many Vietnam veterans have suspected this truth all along. They have known what the Government has refused to tell them—that they are at greater risk of disease due to their service in Vietnam and their exposure to Agent Orange and other toxic chemicals.

Senator Daschle and I have introduced legislation which would begin the process of compensation of Vietnam veterans who are victims of Agent Orange. This is a long-overdue step which should be taken now, before it is too late for many veterans. While definitive scientific answers may never be available, there is still time to help veterans who are suffering. In a war which was questioned by many, Vietnam veterans gave their country the benefit of the doubt. Let us do the same for them.

I ask that articles from the New York Times and the Boston Herald about the Ranch Hand study be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Boston Herald, Mar. 22, 1988]

Agent Orange Studies "May Be Wrong"

(By Tom Squitieri)

Washington.—The U.S. Air Force, admitting its earlier Agent Orange studies minimized health risks, yesterday called for new research on the effects the defoliant had on Vietnam veterans.

A new report, based on four years of study, said previous tests on Agent Orange exposure should be done over "to get a truer picture of how exposure to dioxin affected the health of Vietnam veterans and their families."

Air Force scientists writing in the report called for major blood analysis of Vietnam veterans this year as the first step—using new technology to determine Agent Orange effects.

The news of the Air Force report, which was finished in February and released after pressure from U.S. Sens. John Kerry (D-Mass.) and Thomas Daschle (D-S.D.), brought a swift reaction from Vietnam veterans, none of whom have been compensated for any Agent Orange injuries.

"How many times are we going to go around and around the circle until they find a crack? We already have got enough evidence to justify compensating those people injured by Agent Orange," said Barry Kasinitz, a spokesman for the Vietnam Veterans of America. "The Air Force first said no problem, then, 'Whoops, we were wrong.' "

"We have to stop looking at this as a scientific issue and look at it as a political issue," Kasinitz said. "If you would have been wounded by being shot, you would have been compensated. If you were wounded by Agent Orange, it's time to start compensating."

The new information is certain to add public support to legislation introduced last October by Kerry and Daschle that would provide federal compensation to veterans exposed to Agent Orange.

The new report said that in two key areas—cancers and birth defects—errors were found in the original 1984 survey—known as the Ranch Hand Study. Only veterans who dumped the Agent Orange from the aircraft, the so-called "ranch hands," were examined for the 1979-to-1984 study, not veterans on the ground who were exposed to the toxin.

Until yesterday, the government has said the 1984 Ranch Hand study should be "reassuring" to veterans concerned about the negative health effects of exposure to Agent Orange.

But, according to the new report, cancers among the "Ranch Hand" veterans who were studied are not necessarily limited to the skin, as was concluded four years ago.

The new report also said the skin cancers found in the Ranch Hand veterans were not caused by exposure to the sun, as also suggested in the earlier study.

And birth defects among the Ranch Hand veterans' offspring also were not limited to the skin, as the 1984 report suggested.

"While dioxin cannot be conclusively (linked) to those clinical conditions, the study can no longer be seen as ruling out effects from dioxin exposure on human health," according to the new report.

Sources on Capitol Hill and elsewhere said the new Air Force research suggested there are links between exposure to Agent Orange and subsequent cancer and birth defects, but Air Force officials were not available for comment.

Kasinitz said the Air Force admission should finally push the federal government into compensating victims of Agent Orange. He said he did not expect it to have any impact on the $180 million out-of-court settlement veterans won from chemical companies in 1984.

"That was a sideshow. When the veterans realized the government was not going anywhere (in compensation) with nowhere else to go, the veterans thought they might get something," Kasinitz said. "But neither from that settlement fund nor from the V.A. has one dime been paid to veterans."

[From the New York Times, Mar. 23, 1988]

New Doubts Raised on Agent Orange

Washington, March 22.—A new Air Force report has raised questions about some conclusions of an often-cited 1984 Government study that was supposed to be "reassuring" for Vietnam veterans exposed to the herbicide Agent Orange.

The revised study said that while Agent Orange could not be "confidently identified" as the reason for a series of health problems among veterans who handled it, it could not be "exonerated" either. Agent Orange was used by American forces in the Vietnam War in an effort to defoliate areas in which the enemy operated.

The report, released Monday by two Democratic Senators, John Kerry of Massachusetts and Thomas A. Daschle of South Dakota, was hailed by advocates for veterans as a breakthrough.

"For the first time, the Air Force is saying in a major way that they cannot rule out dioxin as the cause of ill-health effects," said Barry Kasinitz, spokesman for Vietnam Veterans of America.

VETERANS' COMPENSATION SOUGHT

The Senators, both veterans of the Vietnam War, are pushing legislation to compensate veterans who suffer from certain conditions that may be linked to exposure to Agent Orange.

Dioxin, a contaminant of Agent Orange, causes cancer and birth defects in some animal species. Exposures to dioxin can cause skin ailments in humans, but most scientists say that links to cancer or birth defects in humans have not been proved.

The Air Force says it has never categorically ruled out a link between Agent Orange and health problems.

But critics say the 1984 study of Air Force personnel directly involved in spraying Agent Orange in Vietnam gave that impression when it said, "In the full context, the baseline study results should be viewed as reassuring to the Ranch Handers and their families at this time," Operation Ranch Hand was the Air Force's code name for the aerial spraying of Agent Orange.

"What they're doing is trying to reverse themselves without really saying so," said Eric Hamburg, an aide to Senator Kerry.

Laura Petrou, a Daschle aide, said, "We have gotten a clear sense that the Air Force wants to work with us to get the truth out."

SENATORS' CONTENTION REJECTED

The Air Force rejected the Senators' contention that the 1984 study was seriously flawed. "I think that's an overstatement," said Dr. William Wolfe, chief of epidemiology at the Air Force School of Aerospace Medicine at Brooks Air Force Base in Texas.'

"There are areas of that report that we have less confidence in the conclusions," said Dr. Wolfe, the senior Air Force investigator in the Agent Orange investigation. But he added that the bulk of the 1984 findings were upheld by the review.

The major problem with the original study, Dr. Wolfe said, was assumptions about exposure that failed to consider work habits. Government scientists now realize that some members of the armed forces were sloppier than others in handling Agent Orange, and therefore had a greater exposure that was not taken into account, he said.

Mr. Kerry and Mr. Daschle said the 1984 study incorrectly concluded that all birth defects were limited to the skin. They also said the revised study indicated that the 1984 study erred by saying the only type of cancer found among the Agent Orange veterans was skin cancer.

Dr. Wolfe defended the 1984 conclusion saying. "There is an increase in the skin cancer in the exposed group, but not in more serious forms of cancers."

AMERICAN STRENGTH IN A POST-COLD WAR ERA

Mr. DASCHLE. Mr. President, as freedom breaks out in Eastern Europe, there is more for the United States to celebrate than just the triumph of democracy over communism. The diminishing threat of a military challenge from a Communist state gives the United States a welcome opportunity to reflect on its own needs and priorities in a post-cold war era.

Regardless of Secretary Gorbachev's fate, traditional notions of strength as measured exclusively by missiles and warheads make little sense as we enter the 21st century. Strength will increasingly be measured in terms of our human and physical capital: the productivity of our workers, the state of our infrastructure, and the overall health and resiliency of our economy.

The choices are stark: we can continue to throw money at weapons systems of questionable utility, like SDI, or we can begin to offer basic medical care to the 30 million uninsured in our country. We can continue to dish out $500 million for each Stealth bomber, or we can repair crumbling bridges and roads whose condition will soon preclude the transport of goods and people across and within States. The list goes on. These are choices that we must face, for our resources are not limitless. We cannot have it all.

Most importantly, we can no longer afford to give defense the preeminence in our budget it has long enjoyed. It is time to redefine strength, and there is no better way to do this than to reallocate resources in our Federal budget. It is my hope that we can begin to use our budget to achieve the goal of a strong and efficient economy and an able, reliable defense capability, rather than just the assured military destruction of our cold war enemies. Our shortsighted strategy has taken too big of a toll for too long on the strength of our country.

An article from the Atlantic Monthly, "A Post-Cold War Budget," by Jack Beatty, describes very well the situation we face. I ask unanimous consent that the text of this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A POST-COLD WAR BUDGET

(By Jack Beatty)

This year Congress can make history by drawing up the first post-Cold War budget. It can miss its chance, of course, and continue with business as usual; and with polls showing that over 60 percent of Americans support the current level of defense spending ($291 billion), our politicians would not seem to have much political incentive to be statesmen. But the polls also show that growing numbers of Americans want this country to respond to the world-historical developments of what deserves to be called the Gorbachev era with something that matches them in scope. It's hard to see what that could be in foreign policy—after all, we have no Berlin Wall to tear down. To be sure, a strategic-arms-reduction treaty and a treaty reducing conventional arms in Europe would be signal achievements, and maybe if both treaties had already been signed, they would satisfy our wish to make the most of this historic moment. But perhaps looking for ways to match Gorbachev in foreign policy is missing the point of Gorbachev. As Paul Kennedy has argued, Gorbachev is the only practitioner of "grand strategy" on the contemporary world stage, and the essence of his strategy is a manifest willingness to subordinate foreign and defense policy to the domestic necessity of making the Soviet economy work. Just when what Kennedy calls "the metric of power" in world politics has begun to shift from military force to economic potential, the Soviet Union has been graced with a leader who appears to understand that shift, and who is embarked on a desperate gamble to restore the greatness of his country. Gorbachev's grand strategy makes possible the kind of change in our own national strategy that would have been unthinkable at any other point since the Cold War began.

The United States today faces no external threat from a rising "challenger state." The main threats to our international position are domestic in kind; they are to be found in the debt-ridden condition of the economy and the deteriorating state of so much of our physical and human capital. This is the realm in which we must establish our strength, for it is here that we will be tested in the post-Cold War era. The metric of power points home, and it is this new idea of strength that the White House and Congress have the chance to codify in the budget they are preparing now. They have a choice, really, between Cold War and post-Cold War ideas of strength, between yesterday and tomorrow. What follows is an outline of some of the choices open to them—and us.

We could build the Stealth bomber. At nearly $600 million per plane, the Stealth is notoriously exorbitant. It represents the Air Force's attempt to keep the manned bomber alive in the age of the cruise missile, or pilotless flying bomb. As such, it is an exercise in nostalgia, one that could easily cost $79 billion—the "if all goes well" cost of the 132 planes requested by the Air Force. So far, Congress has spent $22 billion on the Stealth. What has all this money been for? It's dismaying hard to tell. "The mission [of the Stealth] changes just about every week," says Representative John Kasich, an Ohio Republican who wants to kill the weapon in its gilded crib.

One mission is to hunt Soviet mobile missiles—but right there, having written those words, "hunt Soviet mobile missiles," I must stop and take a little detour. With freedom breaking out in Eastern Europe, the abstract logic of nuclear strategy, always absurd, looks downright ludicrous. The idea of nuclear war between the superpowers has never seemed so divorced from history as it does today. Thus arguments such as I am about to advance—arguments against weapons systems which are based on strategic need and military efficiency—run the risk of looking beside the point. Since peace is at hand, why bother with these pre-peace categories? In a recent interview French President François Mitterand gave a good answer to that type of question when he said, "If Mr. Gorbachev were to fail, nothing can guarantee that a new Soviet power—which might not be Communist—wouldn't still be military and totalitarian." That new Soviet regime, it is necessary to remind ourselves, would still have more than 10,000 nuclear warheads targeted on the United States. Marshall Goldman, of Harvard's Russian Research Center, thinks that Gorbachev has at most only three or four years left; a high European official at NATO headquarters predicts, "Unless he arrests the economic decline, he won't be there in two years." Cutting weapons systems on the grounds that Gorbachev has permanently halted the military competition between the superpowers might thus be letting the wish be father to the policy. We should cut them because we didn't need them before Gorbachev came to power, we don't need them with Gorbachev in power, and we won't need them if Gorbachev should fall from power.

To resume: one mission for the Stealth is to hunt Soviet mobile missiles. Leaving aside whether that would be a mission impossible (it probably would), attacking the Soviet mobile missiles would be a mission undesirable. Each side needs an assured survivable force to secure deterrence. We have one in our ballistic-missile-carrying submarines; the Soviets have one in their land-based mobile missiles. To threaten the other side's survivable force is to raise the specter of a successful first strike in which you will disarm his only means of retailiation, putting him under remorseless pressure to use his retaliatory weapons against you first or lose them.

Once you see the fallacy of this so-called counterforce strategy—that putting your adversary's deterrent force at risk reduces your own security—the responsible course is not just to stop a particular weapons system but to abolish a whole function for future weapons systems. For, inevitably, Stealth will have its "follow-ons." Inevitably, leaks from the CIA will hint that the Soviets are fielding "a new generation of anti-Stealth weapons." Inevitably, there will be a "Stealth gap." And, inevitably, the taxpayers of the future will be called on to redeem the $80-odd billion already spent on Stealth with yet more billions for improvements, modifications, enhancements, or replacements for a system that should not exist to be improved, modified, enhanced, or replaced in the first place.

Or we could insure the medically uninsured. Some 30 million to 37 million Americans fall into that category, and approximately 15 million every year are denied medical care because they cannot pay for it. Most of them hold down the kind of low-wage, no-benefits jobs that burgeoned in the 1980s. They are the people who deliver our papers, pump our gas, grill our hamburgers, carry our luggage, and care for our children. It is not their fault that they are trapped in sectors of the labor market that can't afford either to provide them with medical insurance as a fringe benefit or to pay them enough to insure themselves. And the work they do is socially necessary. Extending medical insurance to them as a form of social insurance would be a way of recognizing that. It would, to use a hoary word, be "just." It would also be expensive—estimates range from $25 billion to $50 billion a year. That sum would have to come out of

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taxes, but it would be only a small fraction of the $600 billion this society will spend on health care this year. And though it would be a dreaded "new social program," in the long run it would cost less than the system we have today. Society now does nothing for the pregnant teenage girl who avoids going to the doctor because she has no medical insurance. It patiently waits for her to present herself in the delivery room, and then spends $300,000 saving the life of her premature baby—a tragically shortsighted and profoundly wasteful result. Insuring the uninsured thus would strike a blow not only for social justice but also for economic efficiency.

We could continue to build and deploy the Trident II submarine-based ballistic missile. Tom Downey, a Democratic congressman from New York, says, "the Trident II will be the single most destabilizing first-strike weapon ever built." He may be right. Depending on how it is armed, each Trident II can be almost five times as destructive as the Trident I missiles now carried by our submarines. The Trident II will not only be superpowerful; it will be superaccurate, and thus able to hit and destroy Soviet missile installations. Its combination of destructive power and accuracy, when added to the quality of near-invulnerability conferred on submarine-based weapons, makes the Trident II a potential first-strike threat, one that would put Soviet nuclear forces under even greater "use it or lose it" pressure than Stealth. Trident II would force the Soviets to put their retaliatory forces on hair-trigger alert, and that would increase the danger of the only kind of nuclear war imaginable between the superpowers: an accidental one. From 1977 to 1984 there were more that 20,000 false indications of Soviet attacks on the United States; they must have had as many such indications from our side. Canceling Trident II would not only save $18 billion over ten years; it would absolve future taxpayers from the painfully unnecessary task of paying for Trident III.

Or we could return Federal aid to education to its 1980 level in percentage terms. Back before the advent of the Reagan Administration the federal government devoted 2.5 percent of its total spending to education: in 1989 the amount was 2 percent, or 22.8 billion. President George Bush originally proposed increasing education spending by $441 million, which may sound like a lot of money but is in fact $110 million short of what Michael Milken made in salary in 1987. To return federal spending to the 1980 percentage, the President would have had to top Milken by $5.5 billion.

What could we accomplish in education by according it the same priority it enjoyed ten years ago? We could, to begin with, fully fund Head Start, a program of enriched learning for poor pre-schoolers whose tonic effect on student achievement has been demonstrated in study after study for twenty years. Currently only 451,000 of the country's 1.7 million poor children are enrolled in Head Start. For about $1.2 billion more a year Head Start could be expanded to cover all eligible children for at least one year.

We could also serve every child eligible for aid under Chapter I of the Elementary and Secondary Education Act of 1965. Eight million children living in low-income census districts are theoretically eligible to receive the compensatory education called for under Chapter I, but in practice fewer than five million are getting it now. Under Chapter I, for $700 per child per year children who are at risk of repeating their grades receive remedial teaching. Every time a child repeats a grade, it costs the taxpayer $3,500, on average. Thus Chapter I doesn't just pay for itself; it saves the taxpayers money. Expanding Chapter I would cost nearly $3 billion. Former President Reagan has disparaged the idea that there is a convincing correlation between investment in education and a wider social gain. Yet a study done for the Committee for Economic Development found that money invested in education in fact paid off in the range of 7 to 11 percent after inflation.

Finally, if the level of federal aid to education were returned to what it was in 1980, more poor and middle-income young people could go to college. In 1979 Pell grants paid for 50 percent of a poor recipient's college costs, on average; now they cover only 29 percent. In a reversal of an encouraging trend of the 1970s, fewer and fewer young black men are going to college; the decline in federal support coupled with the rise in college costs is a big part of the reason why.

We could build the mobile land-based missile known as Midgetman. In the Atlantic last year R. James Woolsey, who is now President Bush's chief conventional-arms negotiator, likened the Midgetman to a pair of suspenders backing up the belt of our submarines. In fact, we already have one pair of suspenders: our fleet of manned B-52 and B-1 bombers. How much should a man with a perfectly good belt (in congressional testimony a spokesman for the CIA said that that agency didn't believe the Soviets could deploy any effective threat to our submarines in the 1990s) and a perfectly good pair of suspenders be willing to pay for another pair of suspenders?

The projected cost of Midgetman is a sobering $30 billion plus. This small mobile missile is supposed to remove from the minds of Soviet planners any idea of mounting a first strike. The question is, Without the land-based mobile missile, are we vulnerable to such a first strike? Joshua Epstein, a defense analyst at the Brookings Institution, has calculated that even if the Soviets mounted a "perfect first strike"—one that destroyed all the 1,000 land-based missiles we have deployed, all the bombers on all our bases around the world, and all the missile-shooting submarines in port—the 50 percent of our submarines that are always at sea and the 30 percent of our bombers that are always on alert could still unleash more than 4,000 warheads on the Soviet Union. Having assumed the incredible in his worst-case thought experiment, Epstein goes on to posit the unimaginable. Suppose, he says, that the same Soviet air defense that could not stop a West German teenager from landing his Cessna in Red Square managed to mount a "perfect" air defense, knocking out all our bombers and all the cruise missiles they fired. In that worst of worst-case scenarios, 2,800 warheads from our missile-carrying submarines at sea would still fall on the Soviet Union. Epstein has asked senators and congressmen who favor Midgetman to tell him why the certainty of 2,800 warheads falling on the motherland is not enough to deter the Soviets. "They can't even name enough targets for the twenty-nine hundred warheads," he says, "yet they want to add more. We don't need Midgetman to deter a Soviet attack. We don't need it, period."

Or we could help to reinvigorate the polish economy and give a fillip to Polish democracy. The Poles asked President Bush for $10 billion; he offered them $100 million. That pathetic response is a portent of America's decline as a great power. Poland, after all, is seeking to move from dictatorship to democracy, and from a command to a market economy. Two billion dollars from the United States now, coupled with the $8 billion in loans from the West as a whole that such a grant would make possible, would allow the Solidarity government to put the Polish economy on the path to self-sustaining economic growth. By giving the government the wherewithal to pay unemployment and resettlement allowances to workers displaced by the wrenching economic transition that Poland must undergo, an infusion of something more than what Senator Daniel Patrick Moynihan has derided as "walking-around money" would even help to legitimize democracy to the Poles. Yet a few million is all that an administration that wants to build the Midgetman and the Trident II and the Stealth bomber can do.

And we could cut cocaine production in Bolivia by 35 to 40 percent; that could be done with about $2 billion over three years, according to Jeffrey Sachs, a Harvard economist who has studied the problem. In 1986, before stopping drugs became the public's No. 1 demand of the federal government, Bolivia asked the Reagan Administration for money to finance a program of crop substitution and allied economic development. Pleading Gramm-Rudman limits on spending, Secretary of State George Schultz turned the country down. Suppose he had said yes. How much of the crack now tormenting mean streets from New York to Los Angeles would never have gotten into the country? Three hundred thousand Bolivian peasants work in the coca fields for their daily bread. The Bolivian government says that $2 billion from the United States, plus the loans thereby encouraged from others, would help it give those peasants a licit alternative to starvation. But the Bush Administration has asked Congress for only $261 million in military aid for the Andean countries (Peru, Colombia, and Bolivia) for fiscal 1990, and no economic aid at all until 1991.

And we could end the Third World debt crisis. That would take $5 billion, Jeffrey Sachs estimates. Under Sachs's plan the United States would withdraw $5 billion from the Treasury and place it in an account to guarantee interst payments to banks willing to make new loans to countries like Mexico and Brazil. But no money would actually be lost to the Treasury unless those countries defaulted on their loans, an eventuality that Sachs contends is unlikely. Thirty-nine countries with a total population of 850 million could thus be put on the road to recovery.

We could build the strategic defense initiative—at a great price not only in dollars (the research and development costs alone of SDI could run to $50 billion in the 1990s) but also in peace. The Soviets have agreed to go ahead with START, an arms-reduction treaty that would cut the long-range nuclear-weapons arsenals of the superpowers by half. They are reserving the right to break out of that treaty, however, if the United States goes ahead with SDI testing or deployment that violates the antiballistic-missile treaty of 1972. This stipulation probably dooms the more robust versions of SDI that were floated a few years ago, because it is unlikely that a majority of congressmen would vote to fund a program that would cause the Soviets to break out of a signed and ratified treaty. Even so, the House voted to spend $3.1 billion on SDI research last year, while the Senate voted $4.3 billion. In the promiscuous way of our politicians, they are apt to keep voting comparable sums for years, until SDI becomes a mortal threat to START, at which time they will pull the plug on SDI, having spent who knows how many billions to provide themselves with political cover and to ensure a steady flow of money from the political-action committees of defense contractors. Already SDI has absorbed $21 billion since Ronald Reagan launched the program, in 1983. That is enough, SDI was originally supposed to protect the U.S. population from Soviet attack. No one believes that is possible anymore. Now SDI is thought of as a system of partial defense for U.S. missile sites. It would strengthen deterrence, its proponents claim, by "complicating" Soviet attack plans. But do these plans need any more complicating? We have seen that even after a "perfect" Soviet first strike and a "perfect" Soviet defense against our retaliation, 2,800 warheads would be available to make the rubble bounce. Surely those 2,800 warheads constitute an inexorable complication. Congress should continue to fund research into the feasibility of defensive systems, but at about the rate devoted to this sort of deus ex machina before fear of Reagan and lust for PAC money made Congress back the escapist folly of SDI. A billion dollars a year should do it.

Would the elimination by this Congress of all funding for Stealth, Trident II, and Midgetman (along with its big brother, the rail-mobile MX: savings, $10.3 billion), and the reduction of SDI to the status of a modest research program, hamper the administration in the strategic-arms-reduction negotiations with the Soviets? Not to put too fine a point on it, no. The Soviets don't need the prod of U.S. bargaining chips to complete negotiations on START. Their collapsing economy gives them sufficient incentive to negotiate. In any case, it is most likely not the Soviets who have been holding up START but rather the U.S. Navy, which has had trouble making up its mind whether and how to ban nuclear-armed sea-launched cruise missiles. These so-called SLCMs, which, as noted in these pages a year ago ("Reagan's Gift," February 1989, *Atlantic*), constitute one of the chief obstacles to START, are the bargaining chips of arms negotiations past—only they were not bargained away but retained, to bedevil future efforts to work out verifiable arms-reduction agreements. The Pentagon uses bargaining-chip arguments to co-opt the arms-control lobby into supporting new weapons systems. The congressman who votes for systems like Stealth and Midgetman on bargaining-chip grounds is using the cant of nuclear diplomacy to mask his real, pork-barrel motivations.

With a billion of the $2 billion freed up by restraining SDI research, we could establish a national Police Corps. A Police Corps could add as many of 100,000 officers to overstretched police forces around the country. Enrollees would receive four years of guaranteed federal loans to cover college costs of up to $10,000 a year. In return, the 25,000 men and women selected each year, many of them members of minorities, would be expected to fulfill a four-year commitment to their local police force. When their term of service was over, the government would pay off their colleges loans. Since there are now 488,000 local policemen, the Police Corps would increase their ranks by an impressive 20 percent. "More significantly," Albert Hunt writes in *The Wall Street Journal*, "as the graduates would be placed almost exclusively on foot patrol, and not add to the police bureaucracies, the proposal should increase cops on the front lines by about 40 percent." The ratio of police officers to violent crimes has been tilting ominously toward violent crimes. In 1951, for example, there were 1,229 police officers and 361 violent crimes in the city of Buffalo, whereas in 1988 Buffalo had 970 police officers and 3,555 violent crimes. The strategic defense initiative will not defend the citizens of Buffalo. The Police Corps will.

We could continue to spend upwards of $150 billion every year defending Europe, the world's largest economic entity. Under the terms of the conventional-force-reductions talks now under way, the Warsaw Pact would cut its force in the Atlantic-to-Urals theater (Eastern Europe and the western military districts of the USSR) by 40 percent, but NATO would cuts its forces by only 10 percent. That won't save the American taxpayer much money. Joshua Epstein, of Brookings, addresses that problem in a plan he has presented at the Pentagon and on Capitol Hill. He has discovered something that other commentators have missed about the current talks: when forces designated for Europe but based in the United States are included, the proposed agreement will give NATO what NATO has never sought and does not need—quantitative superiority over the Soviets in two vital weapons categories, tanks and armored personnel carriers. NATO already spends $130 billion more than the Warsaw Pact countries every year to ensure that it retains its qualitative superiority in weapons. But NATO would need quantitative superiority only if it intended to invade Eastern Europe, and it has no idea of doing such a fantastic thing as that. Epstein recommends that NATO divest itself of this embarrassment of riches. He would follow up the conventional-force-reductions talks with negotiations about a further 50 percent cut on both sides. He would then make a unilateral cut by demobilizing the National Guard reinforcement brigades for the forces we would be withdrawing from Europe. The 50 percent cut on top of the 10 percent cut plus the unilateral cut in the National Guard would save at least $20 billion, every year. And it would leave NATO "much better off" defensively than it is today, Epstein claims. That is because with each cut in the size of the Soviet forces, the chances of a successful blitzkreig attack on Western Europe, a project as fully as fantastical as a Western invasion of the East, rapidly approach the infinitesimal.

With the $20 billion annually to be saved from NATO, we could make a down payment on the rebuilding of our infrastructure. It is in bad shape, our infrastructure. To see why, you have only to compare yesterday with today and the United States with Japan. In the 1960s we devoted 2.2 percent of all government spending to infrastructure, whereas by the late 1980s the level of investment had slipped to one percent. From 1973 to 1985 Japan spent five percent of its annual output on infrastructure, and it enjoyed an average productivity growth of 3.3 percent. Over the same years, the United States spent 0.3 percent on infrastructure, and it enjoyed—if that is the word—a 0.6 percent increase in productivity. Looking at these figures, David Alan Aschauer, of the Federal Reserve Bank of Chicago, concludes that government spending on infrastructure construction and maintenance spurs economic growth. And conversely: of the total U.S. productivity decline of 1.2 percent since 1970, fully one percent can be attributed to the neglect and deterioration of infrastructure, according to Aschauer. We need to invest $40 billion to $50 billion annually for a decade or more just to restore our extant physical capital. The Department of Transportation, to cite a resonant example, reports that the proportion of bridges that are defective rose from 10.6 percent in 1982 to 15.9 percent last year. Other estimates run as high as 40 percent. Maintenance work on bridges and on the interstate highway system will cost $300 billion over the decade.

Other vital infrastructure spending includes $25 billion for the modernization of the air-traffic-control system, $20 billion for the renovation of the existing stock of public housing, $200 billion for the cleanup and modernization of fouled nuclear-weapons-production facilities, and $15 billion for state-of-the-art computers and a new long-distance phone system for the government.

The bridge that does not collapse, the air-traffic-control system that manages to land planes safely, the highway whose potholes do not break your rear axle—these prosaic achievements of government will not make any headlines. But in this essential though unheralded realm prudent investment could make an enormous difference to our children.

We could continue to station 31,000 army and 12,000 air force members in South Korea, at an annual cost of $2.6 billion, thirty-five years after the end of the Korean War.

Or we could withdraw 10,000 of them, saving $600 million every year. Senator Dale Bumpers, an Arkansas Democrat, has called for such a troop cut. Bumpers points out that South Korea now boasts a GNP seven times as big as North Korea's, and a population twice as big. With the trade surplus it runs with the United States every year, South Korea can afford to pay more of the cost of its own defense.

With the money we would save by bringing home some of our soldiers from South Korea, we could expand WIC, the supplemental-food program for women, infants, and children. Currently 7.3 million women are eligible for food and medical care under the income criteria of this program, but only 4.4 million are served by it. They are served well. For $40 a month a poor pregnant woman enrolled in WIC is given access to nutritious food as a medical prescription—in other words, to get the food, she has to see a health-care professional, who provides her with nutritional counseling and helps her find prenatal care. The program works; it increases the birth weight of babies. It also saves taxpayers money. Studies have shown that every dollar spent on the prenatal component of WIC actually saves three dollars in *that same year*, since caring for a low-birth-weight baby in a neonatal clinic can run anywhere from $2,000 to $10,000 a day. WIC now costs $2.1 billion; for a billion more, it could be expanded to serve all the women eligible for it.

We could make no changes in social security or military pensions.

Or we could make substantial savings that would be relatively painless to pensioners and simple in every respect save the political. Under current tax law individuals with incomes of more than $25,000 and couples with more than $32,000 pay taxes on 50 percent of the Social Security benefits they receive. If they paid taxes on 85 percent of their benefits, that would generate $18 billion over five years. If those income thresholds were eliminated (a course not recommended here), $97 billion could be raised over the same period.

A change in the pensions of federal retirees could be almost as lucrative. Military retirees now get full pensions as soon as they leave the service—for many, in their early forties. Nearly all of them take new jobs, and their pension income on top of their salaries places 80 percent of them in the top two fifths of the population in earnings. Every year these well-off retirees receive full automatic cost-of-living adjustments in their pensions. If these COLAs were cut in half until the military retiree reached his sixty-second birthday—if, that is, instead of receiving a four percent increase in a year when inflation was four percent, he got a two percent increase—the Treasury would gain $5 billion annually within five years.

With the money saved through these reforms, we could end hunger in America. Some 20 million Americans go hungry sometime each month, according to J. Larry Brown, the chairman of the Physician Task Force on Hunger in America. There are half a million to a million malnourished children in America. Some 32 million Americans live below the poverty line (a measure directly tied to what it costs to feed a family), yet only 19 million Americans receive food stamps, the largest federal food program. No other Western society is so haunted by the medieval curse of hunger.

To feed the hungry would cost $4 billion to $5 billion over the $21 billion we already spend on food stamps, WIC, school breakfast and lunch programs, federal food programs for the elderly, and a few other small food-aid programs. To put these costs in perspective: for two days' subsidy of NATO, or one Stealth bomber, we could ensure that more than one million babies will not be born malnourished.

Because Social Security and military pensions bulk so large in the budget, we could also begin to house the nation's homeless (estimates of their number run up to three million) on the money freed up by these two modest reforms. A recent study found that 45 percent of all poor renter households pay 70 percent of their income in rent. And those incomes are poignantly small. "With median incomes of less than $100 per month or about $3.25 per day," writes one researcher on homelessness in Chicago, "even trivial expenditures loom as major expenses; for example, a round trip on Chicago's bus system in 1986 cost $1.80, more than half a day's income." Meanwhile, the wait for subsidized apartments in public housing averages five years. Experts on homelessness say that high rents, coupled with the small supply of subsidized housing, are the leading cause of homelessness. For an additional $17 billion to $19 billion a year the cost of rental housing for the poorest Americans could be reduced to 30 percent of their income. The program could be means-tested (like Medicaid) and be administered using vouchers, which the recipients would present to their landlords. It would not only reduce homelessness today but also restrain its future growth. Experts say that unless something is done, the federal government's failure to fund new public housing in the 1980s, combined with the gentrification of urban neighborhoods that were once America's Skid Row, will create an epidemic of homelessness by the turn of the century.

We could cut the capital-gains tax from its current rate of 33 percent to 19 percent, as the Bush Administration and many congressional Democrats want to do. That would increase the deficit by some $70 billion over the next decade.

Or we could raise the capital-gains tax at death and close loopholes for business and the wealthy. Thanks to Reagan-era changes in the law, heirs can escape paying taxes on the capital gains on their late parents' estates. As much as three quarters of capital gains thus go untaxed. Making heirs pay the same rate of taxation on their parents' unearned income as other taxpayers pay on their earned income would bring the Treasury upwards of $5 billion every year.

Then there is the 80 percent free lunch; it could be made only 50 percent free. Businesses can now write off 80 percent of the cost of "business-related" meals and entertainment. If a deduction of only 50 percent were allowed, the restaurant industry would not perish from the earth, and $6 billion would flow into the Treasury every year.

Nor should we fail to correct the anomaly by which those Americans with incomes between $50,000 and $200,000 pay income taxes at the marginal rate of 33 percent, whereas the fewer than one percent of Americans with incomes of $200,000 or above pay 28 percent. Taxing the most affluent at the same rate as the less-well-off would raise roughly $10 billion annually.

Finally, legal loopholes in the corporate income tax should be closed. One study of 250 companies found that if they had not taken advantage of these loopholes and had paid at the post-tax-reform rate of 34 percent of their income, the Treasury would have picked up $14 billion in new revenue in 1988 alone. Robert McIntyre, of Citizens for Tax Justice, calculates that closing tax loopholes, projected over all corporation, would raise $42 billion annually.

With the money thus gained we could raise the hardest-working people in our society out of poverty. They are the working poor, and there are more than eight million of them. The earned-income tax credit allows them to receive up to $950 in government aid, depending on the amount of their wages and the size of their families. An increase in that grant pegged to family size, along with the recent increase in the minimum wage, would raise most of the working poor out of poverty without placing an undue burden on small employers. Estimates are that this program of supplementing wages would cost $5 billion to $8 billion a year. Raising the earned-income tax credit would strengthen the work ethic and reinforce a message that must be got across to drug-ridden innercity neighborhoods: Work pays.

We could invest in the programs outlined here, or we could put the billions saved from Stealth and Trident II and Midgetman and Star Wars and NATO and South Korea and COLAs and tax loopholes directly into deficit and debt reduction. Each $50 billion reduction in the deficit would produce a one-point drop in real interest rates. It would also lower the trade deficit by $25 to $30 billion, because we would not need to borrow so much foreign capital to finance the budget deficit. Moreover, a $50 billion cut in the budget deficit would, by lowering interest rates, increase investment by $15 billion to $20 billion. That new investment would fuel economic growth, which in turn would lower the payout for unemployment compensation, welfare, and other expenses incurred by a sluggish economy. Higher growth, in its turn, would help us meet the interest payments on the national debt, which last year drained away $240.86 billion, more than what the government spent for any program, including Social Security. There are only two ways of dealing with this senseless waste of money: put the budget into surplus and retire the debt, or make the economy more productive so as to increase the size of the revenue pie from which we now take 14 percent for debt service (it was 8.5 percent before the era of "fiscal conservatism" dawned in 1989). The second path is the only feasible one. And that is why decreasing the deficit to lower interest rates (and increasing investment in education, infrastructure, and research) is the key to a solvent posterity. All that stands between us and the more evenly prosperous future made possible by the ending of the Cold War is the depressing machinery of electioneering and simplification that has got our political system in its mindless, suffocating grip. The Republic can survive its problems. The question is, Can it survive its politics?

FUTURE OF THE FEDERAL-AID HIGHWAY PROGRAM

Mr. BURDICK. Mr. President, the condition of our Nation's transportation system is of major importance. Highways are particularly vital to rural States like North Dakota, providing access to jobs as well as the primary means of moving goods from farm to market. In short, the economy of rural America depends on sound roads and bridges.

The Senate Committee on Environment and Public Works, which I chair, has jurisdiction over the Federal-aid Highway Program. I have a deep interest in its future and a commitment to ensuring that the transportation needs of rural States are met.

This week, the Bush administration released its proposed "National Transportation Policy." It would shift more of the financial burden for highways to State and local governments and the private sector. While wealthy, urban States may be able to tap additional revenue sources, many rural States don't have the tax base to do so and are already stretched close to capacity in generating revenues. The proposal says that rural connections must be improved, but those are just words without the necessary understanding and financial support for rural transportation programs.

North Dakota's highway system is aging. The abandonment of railroad branch lines has forced an increase in heavy truck traffic and additional wear and tear on roads. Efficient transportation of agricultural products and natural resources is critical. We must move essential products such as oil, coal, and wheat to national and world markets. We must have mobility for personal travel. We must maintain a strong Federal interest in the transportation of our Nation's people and goods.

Public works such as highways and bridges are aptly named—they are facilities built to serve the public. The Federal Government has a clearly defined responsibility for interstate commerce, national defense, and the general welfare. We have a Federal-aid Highway Program to meet the Nation's needs for an integrated network of roads and bridges. It is a long-standing partnership between Federal and State governments. I am committed to assuring that an equitable and efficient approach is found in reauthorizing the Federal-aid Highway Program next year.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293), to grant Administrator authority limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth/Armstrong amendment No. 1310 (to amendment No. 1293), to establish emission testing and research centers to monitor high altitude conditions.

(4) Wirth/Armstrong amendment No. 1311 (to amendment No. 1293), to establish a research and technology assessment center to provide for the development and evaluation of heavy duty vehicles.

(5) Wirth/Armstrong amendment No. 1312 (to amendment No. 1293), to establish a National Research Center for Environmental Lung Disease.

(6) Wirth/Armstrong amendment No. 1313 (to amendment No. 1293), to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

(7) Byrd amendment No. 1329 as modified (to amendment No. 1293), to provide benefits for terminated coal mine workers.

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, the staffs of the majority and minority have now completed discussions with all Senators, and the distinguished Republican leader and I have prepared two master lists of possible amendments to the legislation. We will submit these lists. It is not my intention to read them upon the completion of my request for unanimous consent.

Mr. President, I ask unanimous consent that the list of amendments to be sent to the desk be the only remaining amendments in order to S. 1630, other than the pending amendments; that no motions to recommit be in order; that where the subject matter is not specified, the amendments be relevant to the subject matter in amendment No. 1293, the Mitchell-Dole compromise amendment. I now send to the desk, along with the Republican leader, two master lists of the remaining amendments to S. 1630.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WIRTH. Reserving the right to object, I just want to make sure, is this the list that is going to be the definitive lists?

Mr. MITCHELL. Yes.

Mr. WIRTH. I have typed up our whole list. I want to make sure that that jibes with the list that the majority leader is sending forward, or we will just make sure that my list conforms with his list in terms of the unanimous-consent request.

Mr. MITCHELL. We will ask the staff to do that.

Mr. WIRTH. I have this list of 10, and I want to make sure it conforms with the Senator's list.

Mr. MITCHELL. Staff will do that.

Mr. CONRAD. Mr. President, reserving the right to object, and I shall not object, I have four amendments listed now, and I would like to add one unspecified amendment to the four that have been previously specified.

Mr. DOLE. Relevant to the clean air bill?

Mr. CONRAD. Relevant to the clean air bill.

Mr. MITCHELL. That addition will be made by the staff and included.

Mr. BYRD. Mr. President, reserving the right to object, and I may not object.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, I want to reserve the right to offer an amendment, if I need to offer an amendment, having to do with the subject matter of the pending modified Byrd amendment. I do not want to be shut out by a unanimous-consent agreement. I have no interest in interfering with the progress of the bill otherwise, and if the leader will include a provision that gives me that option, then I will have no objection.

Mr. MITCHELL. I have no objection to that. The list as now prepared identifies two Byrd amendments, including one pending on jobs. I propose that we simply add a third Byrd amendment identified as an additional jobs amendment.

Mr. BYRD. Mr. President, the majority leader does not need to add a third. I am not interested in offering a shirttail full of amendments. I am interested in offering another amendment, perhaps. I may not offer it, but if I do offer an amendment, it would be relevant or germane to the pending amendment.

Mr. MITCHELL. Mr. President, I have no objection to adding to the list a possible Byrd amendent that is relevant and germane to the pending Byrd amendment.

Mr. BYRD. Very well. With that understanding, Mr. President, further reserving my right to object, and I will not object, is there going to be a vote in relation to the Byrd modified amendment today? I was willing to vote last night. I knew that Senator KENNEDY would be gone today, but I did not interpose any objection to taking the matter over to today. I would like to know whether or not we are going to be ready to vote today. Some of the Senators who are voting with the Midwest and Appalachian States on this amendment are gone, but I am willing to let the dice roll.

Mr. MITCHELL. Mr. President, if I might, I would like to discuss that with the distinguished President pro tempore and the Republican leader privately following the approval of the unanimous-consent request.

Mr. BAUCUS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. As manager of the bill, I think it is only proper that Senator CHAFEE and I have listed at least two unspecified amendments, in case at a later date we would need to do so.

Mr. MITCHELL. We have included in here three unspecified leadership amendments, three on each side.

Mr. BAUCUS. That is fine.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The list is as follows:

S. 1630 (ORDER NO. 427)

Ordered, That the following amendments be the only remaining amendments in order to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, other than the pending amendments:

Democratic amendments.

Adams: (1) Visibility park.

Baucus: (1) Aviation use of halons (±1307), (2) Relevant, (3) Manager's technical package.

Bentsen: (1) International trade, (2) Strike possible blue slip material, (3) Tax subsidies (see Metzenbaum), (4) Tax credit (see Specter).

Biden: (1) Enforcement.

Bingaman: (1) Co-firing re: WEPCO, (2) Sanctions to cities not in compliance w/ emission caps (3) Heavy duty truck study.

Bumpers: (1) Co-firing w/natural gas.

Byrd: (1) Jobs (±1329 as modified pending), (2) Grandfather for first phase NO_x units, (3) Clean coal replacement, (4) Clean coal time extension, (5) Tech. amendment Section 405, (6) Tech. amendment Section

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404, (7) Allowance system technical, (8) Jobs related.

Burdick: (1) Acid rain.

Conrad: (1) NO_x, (2) Cyclone boilers, (3) Lig-nite boilers, (4) Pre-combustion CCT, (5) Relevant to clean air.

Cranston: (1) Extreme, ozone non-attainment areas.

Daschle: (1) Re-formulate gasoline provisions.

DeConcini: (1) Backsliding, (2) Air quality U.S./Mexico border, (3) Maintenance of State implementation plans.

Dixon: (1) Desulfurization, (2) Foreign competition.

Exon: (1) Lead in gasoline.

Fowler: (1) Allowances for renewables.

Glenn: (1) Hydroelectric subsidies (Zimmer power plant), (2) Acid rain reduction, (3) Acid rain compliance date.

Gore: (1) Air toxics, (2) Aftermarket (w/ Baucus) diagnostics, (3) Federal procurement of non-CFC products, (4) CFR report effective immediately, (5) Residual risk to current law.

Graham: (1) Redefine repowering (Tallahassee), (2) Mineral fibers, (3) Oil and gas units less than .4 in states w/25% population growth since 1980, (4) Extension for units who must now switch back to oil, (5) Municipal incinerator.

Harkin: (1) Utility efficiency pilot project, (2) Clean engine demonstration project, (3) Exception for pharmaceutical R&D labs from toxic controls.

Heflin: (1) Utility regulation under air toxics.

Inouye/Stevens: (1) Desulfurization.

Johnston: (1) Class of 85, (2) Allowance trade (Acid rain), (3) State permitting, (4) WEPCO, (5) Municipal waste incineration, (6) Outer Continental Shelf, (7) Air toxics, (8) Air toxics, (9) Stationary source non-attainment, (10) Acid rain, (11) Mobile sources Title II, (12) Mobile sources Title II.

Kennedy: (1) Health research, (2) Citizen suits (if Committee language stricken).

Kerry: (1) Title I—Non-attainment (with Wilson), (2) Sec 115 transportation boundaries pollution.

Kohl: (1) Gas volatibility, (2) Downwind 03 nina, (3) Dairyland, (4) Banking of allowances, (5) 405(g).

Lautenberg: (1) Air toxics, (2) Residual risk air toxics.

Leahy: (1) FIFRA.

Levin: (1) Acid rain, (2) Acid rain, (3) Acid rain, (4) Acid rain.

Metzenbaum: (1) Tax subsidies, (2) Unspecified, (3) Unspecified, (4) New plant construction, (5) Asbestos training program.

Mitchell: (1) Leadership, (2) Leadership, (3) Leadership, (4) Regulatory analysis.

Nunn/Hollings: (1) Utility boilers.

Reid: (1) R&D.

Sanford: (1) Minority owners power plants, (2) FERC incentives.

Shelby: (1) Clean coal fund, (2) New units under construction.

Simon: (1) Consumer solvents, (2) Fluorescent lamps, (3) Transportation control measures not mandated, (4) Federal fleet CAFE, (5) Feasibility of requiring oxygenated fuels.

Wirth: (1) Research Center on Environmental Lung Disease (#1312), (2) In-use testing at high-altitude, (#1310, (3) Research on heavy-duty trucks (#1311), (4) Reduce air pollution w/flex time (#1313), (5) Arkansas Valley Power Authority, (6) Reduction of Global vehicle emissions, (7) Clean car, clean fuels (Wirth/Wilson), (8) Restoration of 100,000 mile useful life, (9) Extending fleet provisions to carbon monoxide non-attainment cities, (10 Independent power producers.

Armstrong: (1) Relevant clean air amendment, (2) Relevant clean air amendment, (3) Relevant clean air amendment, (4) Relevant clean air amendment, (5) Relevant clean air amendment.

Bond: (1) Related to acid rain title, (2) Related to acid rain title.

Boschwitz: (1) Small business exemption, (2) International trade, (3) Air toxics, (4) Permits, (5) Mobile sources or enforcement.

Burns: (1) Coal to methanol.

Chafee: (1) Tech. in nature, (2) Tech. in nature, (3) Clean air relevant amendment.

Coats: (1) Emergency variance, (2) Heavy duty engines, (3) Air toxics, (4) Acid rain.

Dole: (1) Exemption for farmers (particulate), (2) Impact studies on small communities, (3) Process changes can result in exemption from MACT (air toxics), (4) FIFRA, (5) Leaded gas phase out, (6) Municipal waste incinerators, (7) Consumer solvents, (8) Use of codes by professional organizations, (9) PSD de minimus, (10) Redesignation for non-attainment, (11) CO cold start, (12) Leadership, (13) Leadership, (14) Leadership.

Domenici: (1) Fugitive dust, (2) Urban buses, (3) Visibility, (4) Oxygenated fuel, (5) Renewables/power plants.

Durenberger: (1) Municipal combustion—comprehensive, standards for modular units, drop product composition, (2) Chemical safety board—coordinate with OSHA, (3) Permits-reconcile title III with title V, (4) Particulate traps for diesel buses, (5) Definition of new source for air toxics program, (6) Technical corrections for air toxics, (7) Fuel quality—reconcile with alternative fuels, (8) Regulation of radionuclides, (9) Minority ownership.

Gorton: (1) Sense of Senate—international trade.

Gramm: (1) Clean air relevant amendment, (2) Clean air relevant amendment, (3) Clean air relevant amendment.

Grassley: (1) Strike leaded gas highway ban (section 215), (2) Technical corrections section 206.

Hatch: (1) Clean air relevant amendment, (2) Clean air relevant amendment.

Heinz: (1) Propriety information.

Helms: (1) Acid rain—high capacity grandfather units, (2) Electric utility boilers under air toxics, (3) Non-attainment EPA discretion for those with one exceedant in moderate areas, (4) HCFC's, (5) CFC labeling, (6) CFC non-essential use, (7) CFC's and HCFC's in relation to Montreal protocol, (8) CFC/methanol, (9) Methyl chloroform, (10) Methane assessment, (11) Internal cooperation.

Humphrey: (1) Acid rain.

Jeffords: (1) Chemical safety board.

Kasten: (1) Interstate ozone transport, (2) Emission allowances SO^2, (3) Clean air relevant amendment.

Lott: (1) Low NO_x burner.

Mack: (1) Exemption for utilities under FUA, (2) high-gross state allowance under acid rain, (3) Emergency exemption under acid rain provisions.

McCain: (1) Alternate energy incentives.

McClure: (1) Toxic credits, (2) Fuel quality, (3) Reid vapor pressure, (4) Clean coal tech, (5) Canadian electricity imports.

McConnell: (1) Power plant and industrial fuel act.

Murkowski: (1) Existing commitments, (2) Desulfurization, (3) Fuel volatility, (4) Fuel quality, (5) Acid rain, (6) Cold start, (7) Oxy- genated fuels, (8) Air toxics, (9) De minimus, (10) Clean coal tech.

Nickles: (1) Permitting and enforcement.

Roth: (1) Section 103 transportation measure in non-attainment, (2) Definition of sec. 415, (3) Minority ownership.

Simpson: (1) Fugitive dust, (2) EIS forest fire policy, (3) Auth. for acid rain monitoring, (4) Auth. for evaluation of buffering agents, (5) Tech. amdt. re: % reduction, (6) Possible dual regulation amendment, (7) Oxygenate study area.

Specter: (1) Tax credit, (2) No source performance standard, (3) Intellectual props., (4) Compounds on controlled substances.

Stevens: (1) Oxygenated fuels, (2) Cold temperature—section 202, (3) Halon, (4) Clean air relevant amendment, (5) Clean air relevant amendment.

Symms: (1) Small refinery diesel, (2) Plant closing referendum, (3) Return of fees to small gas stations and low income wood stove owners, (4) Dependence on S.A., (5) States to set speed limits if beneficial to air, (6) Strike methane emissions from live stock inventory, (7) Strike car pooling mandate, (8) Presidents bill, (9) Clean air relevant amendment, (10) Clean air relevant amendment.

Wallop: (1) Asbestos, (2) Air toxics, (3) Radon, (4) 2% set aside.

Warner-Nunn: (1) Rocket fuel testing.

Wilson: (1) Clean alternative fuels, (2) Implementation plan, (3) Authorization for above plan, (4) Clarification of SIP designation, (5) Acid rain, (6) Clean air relevant amendment, (7) Clean air relevant amendment, (8) Transportation, (9) Economic incentives.

Ordered further, That no motions to recommit be in order.

Ordered further, That where the subject matter is not specified, the amendments be relevant to the subject matter in amendment No. 1293, the Mitchell-Dole compromise amendment. *(Mar. 9, 1990.)*

Mr. MITCHELL. Mr. President, I now send the list to the desk. I thank my colleagues for their cooperation in this regard. It is now by intention to, as I indicated earlier, consult with the distinguished Republican leader, the chairman of the Appropriations Committee, and the administration, and I hope shortly to have an announcement regarding the schedule for the remainder of the day.

Mr. DOLE. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. DOLE. In addition to the agreement entered into, obviously, if one of our colleagues on either side of the aisle, through some misunderstanding, comes to the leadership and says, "My amendment was not included," we can both agree that we can include that.

Mr. MITCHELL. Certainly. No one should be shut out by virtue of misunderstanding or mistake. We have announced this publicly on several occasions, and all Senators have had ample opportunity and have been invited to come. But if there is a genuine misunderstanding certainly, if we agree, that should be done.

Mr. DOLE. I cannot believe that would be the case. I think 200 amendments are listed.

Mr. MITCHELL. About 225.

Mr. DOLE. I hope everything was included.

Mr. CHAFEE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. I wanted to ask the leaders, did I hear 125 amendments?

Mr. MITCHELL. 225.

Mr. CHAFEE. 225. Well, that is even worse.

Mr. MITCHELL. Let me say to the Senator that just before anybody gets too excited about that——

Mr. CHAFEE. I was braced against the desk when the Senator said that.

Mr. MITCHELL. It is my expectation that the number of controverted amendments that will require rollcall votes will be very few, only a small portion of that number, that the vast majority will not be offered. We are all familiar with this process. No one here will be surprised when a substantial portion of the possible 225 amendments are not ever offered. Many Senators have said, as the list came in, they just wanted to be protected in case they later think of some amendment. First, I expect that the number of amendments will be much smaller than that contained on the list; second, a large number will be noncontroversial and acceptable to the managers. Many Senators have indicated that they anticipate that, and I believe that will be the case; so that, third, I repeat the point that the number of contested amendments requiring a rollcall vote will not be large.

Mr. CHAFEE. We hope so. I want to say that I hope those Senators who have amendments out there that they believe can be compromised or worked out will get their staffs, during the recess, to work with the committee staff so that we can dispose of as many of these as possible. I certainly hope that we are not going to spend the whole week when we get back on this bill.

Mr. MITCHELL. Mr. President, no one hopes that more than I. The Senator has made a good point. We will be in recess, but the staffs will be here, and we will continue the clearing process that has been underway for amendments that are noncontroversial. So that staffs of all Senators who have amendments that they regard as noncontroversial, being in touch with their Senators, should be prepared to complete the clearance process, so that when we return a week from Tuesday, it is my hope and expectation that there will be a substantial number of amendments that will have been cleared, and we will be able to identify a much-reduced number that will require floor action.

In that regard, so that no Senator is unaware or unprepared when we return a week from Tuesday to consideration of this legislation, the previously announced scheduling processes will not be in force. That is, the constraints on the time of votes, the days of votes, the time of day on which votes will occur will not be enforced.

We will proceed to the consideration of this bill when we return, and we are going to stay on this bill until we finish. So every Senator ought now to understand that so they can adjust their schedules accordingly. There will be no windows, no exemptions, no delays, no free time after 7 p.m. Votes can, and I hope will, occur rather promptly when we get back, and we will proceed until we finish this bill.

Every Senator, I hope, is aware of that, and any staff listening should communicate to their Senator so that they are aware of that when we come back.

This is a major bill, and it is obviously controversial. It is complex, and every Senator ought to have a full opportunity to present his or her views, offer his or her amendment. This list indicates that most Senators take that responsibility seriously.

Mr. MURKOWSKI. Mr. Leader, for those of us who are on the west coast, Washington, Oregon, Alaska, and Hawaii, as he contemplates the schedule for coming back on Tuesday, would he give some consideration to votes on Tuesday, if he so desires, to coincide with our ability to get back; we can all get back prior to 4:15, but unless we leave on Monday, it is impossible to be here early.

Mr. MITCHELL. That is why we came in on Tuesday, so Senators could come back on Monday.

Mr. MURKOWSKI. I understand. But there are those Senators, obviously, that live closer that have the opportunity to do a few things at home as opposed to traveling. Senators from the west coast, in order to be here for a 2 o'clock vote must travel virtually all day Monday or all Monday night. The Senator is within 2 hours, and I am just passing on an observation for the west coast Senators, that we have a problem that others do not. I thank the leader.

Mr. MITCHELL. Well, I simply repeat what I said. Prior to the time that I said there would be no votes on Monday, everything that the Senator has just said about Tuesday was said about Monday. So in response to that, I said there would be no votes on Monday so that Senators could come back on Monday and be here for votes on Tuesday.

Mr. MURKOWSKI. The Senator from Alaska was referring to those votes normally scheduled at 2 or 3 o'clock.

Mr. MITCHELL. We will, as always, do our very best to accommodate every Senator. I tried to accommodate the west coast Senators as best I could. I do not want any Senator leaving here thinking, "I do not have to get back until 5 o'clock Tuesday now." Votes are possible at any time on Tuesday, although we will attempt, as we organize it—if my expectations materialize, there should be a substantial number of noncontroversial amendments to take up when we return on Tuesday that will, hopefully, have been cleared during the coming week. I hope we can do that, and then line up the others to accommodate the Senator.

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. DOLE. Mr. President, I ask unanimous consent that I may proceed as in morning business.

My leader time is reserved?

The ACTING PRESIDENT pro tempore. Yes. Without objection, it is so ordered.

"TOO BIG TO FAIL" DOCTRINE

Mr. DOLE. Mr. President, ever since the 1930's, the American people have relied upon the Federal Deposit Insurance Fund as a source of protection—a security blanket—for the hard-earned money that they deposit in our Nation's banks. The insurance fund has worked extremely well—backing deposits up to $100,000 with the full faith and credit of the United States.

DISTORTION OF FEDERAL DEPOSIT INSURANCE

In recent years, however, Federal banking regulators have distorted the original purpose of the insurance fund. They have made the insurance fund "regressive" by institutionalizing something called the "too big to fail" doctrine, which is nothing more than a shorthand way of saying that the big banks—and those depositors in the big banks—get preferential treatment when it comes to deposit insurance protections.

This preferential treatment artificially hinders the ability of small banks to attract depositors. It makes small banks less competitive. And it is particularly unfair, since it is the large banks—not the small banks—who pose the greatest risks to the overall Federal Deposit Insurance System.

THE DOCTRINE IN ACTION

We saw the "too big to fail" doctrine in action in 1984 when the Continental Illinois National Bank failed and all deposits—including deposits in excess of $100,000—were honored and paid off by the Federal Government.

We saw the doctrine in action again last year when the Bank of New England stood on the brink of bankruptcy, having no cash on-hand to cover some $180 million in commercial obligations then coming due. Like the Lone Ranger swoopinig down from the hilltop, the IRS came to the rescue, giving the bank a last-minute tax refund—just in time to help finance these debts.

THE NEED FOR EQUITABLE TREATMENT

Do not get me wrong. I am not suggesting that the Federal Government has no role to play in providing assistance to a large bank facing financially hard times. There are obviously legitimate policy reasons for ensuring that the very largest financial institutions in this country remain on solid financial footing.

But favorable treatment for the big banks should not mean unequal treatment for our Nation's smaller banks. The small banks of this country—the banks in Salina, KS; Ames, IA; Salisbury, NC—should receive the same treatment as the large money-center banks when it comes to enjoying the full protections of the Federal Deposit Insurance System. And depositors in small banks should face the same risks—not greater risks—than their counterparts in the big banks.

Mr. President, a rethinking of the "too big to fail" doctrine is not too much to ask for.

Equal treatment and equal risk under the Federal Deposit Insurance System—that should be the doctrine guiding our Federal banking regulators.

Mr. President, I ask unanimous consent that an article dated March 4, 1990, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ON THE BRINK IN BOSTON

(By Jerry Knight)

BOSTON.—They used to burn witches hereabouts and throw even minor miscreants into the stocks, in the belief that conspicuous punishment was the most effective deterrent to deviation from the norm.

Judgment just as public and puritanical is being imposed today by federal regulators on one of Boston's most venerable financial institutions, the 150-year-old Bank of New England.

Since a platoon of government bank examiners marched in a few weeks ago and uncovered more than $1.6 billion in bad real estate loans, the bank has been visibly teetering on the brink of failure, held up only by a federal lifeline that is more than a noose.

Under the lash of federal regulators, the bank has been forced to fire its top executive, stop paying dividends to its shareholders, curtail all new commercial real estate lending, dispose of almost one-sixth of its assets and put some of its most profitable operations up for sale.

What was, only last Christmas, the second-biggest banking company in New England with $31 billion in assets is now down to $26 billion and still shrinking. Bank of New England stock, worth $25 a share last year, has plunged to $4.50.

After the examination, the embarrassed bank was forced to disclose that it lost $1.1 billion last year but didn't know when it lost it. Bank of New England had reported profits for the first nine months of 1989, but the regulators said all the bad loans did not suddenly go sour in the last quarter, so the earlier financial reports have to be reviewed and revised.

Last Thursday, the Federal Reserve Board and the Office of the Comptroller of the Currency slapped the bank and its holding company with a pair of massive "cease and desist orders" that all but deposed the management. The orders give the government the right to veto the choice of a new chief executive and to approve in advance a variety of business transactions.

The regulators also gave the bank until May 31 to raise its capital to 3 percent of assets, a deadline that acting Chairman H. Ridgley Bullock immediately confessed "will not likely be met."

Usually the travails of troubled financial institutions are kept under wraps by mutual agreement of regulators and management in an effort to avoid shaking public confidence, but the Bank of New England drama has become a public spectacle that Boston bankers complain is damaging not only that bank but others in New England as well.

The intense exposure of Bank of New England's problems is also raising other questions about how federal regulators handle problems at banks that are regarded as "too big to fail" because of fear their failure might set off bank runs and damage other financial institutions.

When small banks go broke, the government shuts them down and the Federal Deposit Insurance Corp. pays off accounts of up to $100,000. With the biggest banks, however, the government arranges bailouts that protect not only insured depositors but also the corporations and other banks that have multimillion-dollar accounts.

As one of the nation's 25 largest bank holding companies—but shrinking too fast to rank precisely—Bank of New England clearly qualifies as "too big to fail."

But the "too big to fail" doctrine itself is facing increasing skepticism in Congress, where the savings and loan scandal has prompted demands for deposit insurance reform. Even supporters of the doctrine admit that special treatment of big banks is unfair to small banks and their customers.

On Friday, the American Bankers Association, the influential industry trade group, called on the government to abandon the "too big to fail" concept and adopt a policy of shutting down any bank that becomes insolvent and immediately paying off all creditors.

Deposits of up to $100,000 would be paid in full. Uninsured deposits and unsecured creditors would be paid based on the historical average loss suffered in bank failures, currently about 88 cents on the dollar. Making creditors and uninsured depositors bear some of the cost of failure would force them to be more cautious in doing business with troubled banks.

The rival Independent Bankers Association of America, however, is pushing the opposite approach: Insure all depositors.

That deposit insurance debate is influencing the way the Bank of New England's troubles are being handled, some Washington banking experts say. They speculate that regulators may be sending the message that even though they have no choice but to bail out Bank of New England, they are going to make the rescue as unpleasant as possible.

"It's sort of like people who want to execute people in public," said Brookings Institution banking specialist Robert Litan, one of many who believe the Bank of New England case has taken on an unusually high public profile because of the broader issues involved.

Banking regulators have become more aggressive in reaction to the heavy losses suffered in the last several years in bank and savings and loan failures in the Southwest, Litan and other banking experts agree.

The experience of the Southwest has also taught regulators that the threat of bank runs is exaggerated. In Texas—where nine of the 10 largest banks either failed or were taken over—depositors became so confident the government would protect them that they routinely left their money in financial institutions long after it became public knowledge the banks were insolvent.

These changes in regulatory philosophy are reflected in the regulators' tough treatment of Bank of New England, said Washington banking consultant Karen Shaw, who heads the Institute for Strategy Development. "In the new climate of aggressive regulation and full disclosure, they're permitting the bank to strangle to death," Shaw said.

Shaw and Litan are not as critical of the regulators' handling of Bank of New England as some in the industry are. One former senior regulator said he was appalled by public disclosure that banking examiners had moved into Bank of New England and were fanning out to Bank of Boston and Shawmut National Bank, the city's two other big banks. Revealing that examiners are on the way is "like passing sentence on someone before they've even been investigated," he lamented.

A group of the nation's most vocal experts on banking regulation issued a warning last week that the government is going too easy on Bank of New England, criticizing the regulators for keeping the bank afloat by letting it borrow on favorable terms from the Federal Reserve. The Shadow Financial Regulatory Committee—a self-selected group of a dozen academics and lawyers—criticized the Federal Reserve Bank of Boston for "lending more than $1 billion to New England institutions . . . at less than the market rate of interest."

The shadow committee has a policy of not commenting on the affairs of a particular institution, but the statement was obviously aimed at Bank of New England, the only bank known to be borrowing directly from the Boston Fed. Data released by the Federal Reserve on Thursday showed that the total borrowings had jumped to $1.62 billion, more than the government's $1.2 billion loan that bailed out Chrysler Corp.

Only a handful of banks have ever borrowed as much from the Fed on a long-term basis as has the Bank of New England, and none of them has survived without further federal intervention.

Direct loans from the Federal Reserve are the standard method used by federal regulators to prop up big banks, explained shadow committee spokesmen George J. Benston of Emory University in Atlanta and George G. Kaufman of Loyola University in Chicago.

All that such loans do, Kaufman said, "is give the uninsured depositors time to get their money out" in case the bank does go broke.

Benston said defenders of efforts by regulators to prop up failing banks "constantly overlook the fact the regulators don't do the right thing. They try to put it off, they hope to ride it through. They need incentives to act decisively."

The shadow panel is one of the originators of an idea now gaining credence in Congress that banking regulators should step in to seize failing banks before they go over the brink and become insolvent.

"They should be taken over when the capital starts to weaken," Benston said. "When you wait to the last minute you have all this crisis stuff."

Kaufman said the committee recommends that regulators take over when a bank's capital—the cushion against losses—shrinks to

2 percent of its total assets, measured by "generally accepted accounting principles," called GAAP. The accounting rules are so generous that "by the time you get to 2 percent GAAP," he said, "it is very likely that you're already insolvent. You're certainly a borderline case."

By that standard, Bank of New England is a borderline borderline case, with capital of 2.4 percent as of year-end. The minimum standard is supposed to be at least 5 percent, a level that Bank of New England exceeded before its big write-offs.

The regulators have given the bank until the end of next year to meet that standard, with a 3 percent minimum by the end of May. The Office of the Comptroller of the Currency won't say what will happen if—as bank officials have already warned—the 3 percent standard is not met on time.

Raising capital when a bank is in such conspicuous trouble is "extremely difficult," said James E. Moynihan Jr., senior vice president of Advest Inc., a big northeastern investment banking firm.

Moynihan, who has followed the fortunes of Boston's banks for 30 years, said Bank of New England Corp. grew through a series of mergers during the 1980s from a local Boston institution into the state's second-largest banking company, with nine separately chartered banks operating more than 450 branches in four states.

The headquarters of the holding company and the lead bank, Bank of New England NA, are in a 40-story granite skyscraper a couple of blocks above Boston's landmark Fanueil Hall. There are other smaller banks in Massachusetts, plus Maine National Bank in Portland, Maine; Connecticut Bank and Trust Co. in Hartford; and Bank of New England-Old Colony in Providence, RI.

The bank had some trouble integrating all the merged institutions, Moynihan said—among them incompatible computer systems and incompatible egos—but its biggest difficulties come from a decision to emphasize real-estate lending. The lead bank in Boston is ranked 26th in the nation in total assets but 13th in real-estate lending by Sheshunoff & Co., the Texas specialist in banking data.

About $700 million of those real estate loans had already gone bad by last fall, when the examiners came in and found another $1.6 billon in loans they said should be classified as "nonperforming," which usually means interest isn't being paid. Sources familiar with the bank's finances say about a third of those loans have not missed a payment yet, but they are considered doubtful by regulators because the financed projects or the borrowers are in some kind of trouble.

New England bankers object vociferously to being forced to set side reserves for such loans, but regulators say they adopted the practice after learning in Texas how to spot loans that were going bad.

If the New England real estate market continues to slip—as many Boston bankers and real estate people fear—further write-offs may be necessary at Bank of New England. The orders issued last week by the regulators require the bank to look into more loans for possible losses.

Under the circumstances, few people in Boston or Washington are willing to predict the future of Bank of New England.

"I'm a little more optimistic than I was," said one analyst, stressing that he was not optimistic enough to want to be quoted on that point.

Said Brookings economist Litan: "Only the regulators know for sure whether this bank is solvent, and maybe they don't even know."

DEAF AWARENESS WEEK

Mr. DOLE. Mr. President, I am pleased to join my colleagues in celebrating "Deaf Awareness Week." The world witnessed a revolutionary turn of events at Gallaudet University that second week in March 1988 when students, faculty, staff, and friends joined together in a united front to install its first deaf president. The "Deaf President Now" movement had worldwide impact for deaf people as well as other individuals with disabilities.

The message was simple yet spirited and one that permeated this Nation for months thereafter—that deaf and hard of hearing individuals are like everyone else, each with unique abilities and in control of their own destiny.

The "Deaf President Now" movement heralded a new beginning at Gallaudet with the installation of Dr. I. King Jordan as its first deaf president.

This historic event was made possible because people were committed to a cause that they believed to be just and right. The right of every person to pursue their goals and reach new heights. The world saw the capacity for excellence is not reserved for those who can hear.

Unfortunately deaf people know first hand what it is like to be discriminated against and shunned from the mainstream. Congress has responded to their just and right message with Senate passage of the Americans With Disabilities Act. I hope the House will soon follow in passing this historic piece of civil rights legislation which will bring this last and largest minority into a position of achieving equal opportunity, access, and full participation the American dream.

People with disabilities are often limited by the attitudinal barriers that society has imposed on us. It is my hope that through "Deaf Awareness Week," and passage of the ADA, we can correct the misperceptions that exist.

I am proud that this body recently passed legislation to insure closed captioning of the Senate proceedings which I introduced and will be implemented soon. We recognize that the knowledge gained from observing the legislative process in action makes for a more informed and involved citizenry. And they believe as I do, that as citizens and taxpayers, deaf and hearing impaired Americans are as entitled to witness the debates of their elected representatives as anyone else.

I would like to thank Rev. Gerald Tracone for providing interpreter services Thursday so that all deaf and hearing impaired citizens equally participated in yesterday's celebration.

What happened at Gallaudet was an inspiration to all of us with disabilities, and a challenge that should never be forgotten. As President I. King Jordan so eloquently stated "the only things deaf people can't do is hear"—when we stand united we can make a difference and we must be ever vigilant in our efforts to ensure an inclusive America.

Mr. President, I reserve the remainder of my time.

Mr. MURKOWSKI. Mr. President, I ask the leader if I may proceed for a few minutes on his time in morning business?

Mr. DOLE. Yes.

Mr. MURKOWSKI. I thank my colleague and I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 2285 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Thank you, Mr. President.

THE SENATE ARMED SERVICES COMMITTEE DECISION TO SUPPORT REPROGRAMMING OF FISCAL YEAR 1990 MANPOWER DOLLARS

Mr. McCAIN. Mr. President, in an ideal world, I would like the committee to have granted the Department even more reprogramming authority. Nevertheless, we have done what must be done to protect our military personnel against paying for the mistakes of the Department of Defense's senior civilian personnel officials. We have taken an essential step in keeping faith with those who kept faith with America.

We should never have been faced with the need to take this action, and it would never have come before us if the Department of Defense had given the President the proper advice. Nevertheless, we cannot balance the budget by punishing the men and women in our Armed Forces.

We are talking about an issue that rises far above partisan politics, and which affects the lives of several hundred thousand men and women in the military. To take only one example, the impact of failing to fund the manpower accounts through reprogramming would mean the accelerated separation of 18,000 Army, 22,000 Navy, 7,800 Marines and up to 19,800 members of the Air Force. All of their dependents will be equally affected and most would receive nothing like the

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unemployment benefits offered to civilians.

A failure to reprogram funding would keep up to 32,000 soldiers and sailors from moving their families this summer. Moves scheduled for June and July, the summer months, would not occur until October. This initially may seem unimportant but the human impact would be that delaying such moves until the beginning of the next fiscal year would mean moving thousands of children in the middle of a school year.

Children that would have started the school year with their classmates, will be thrown into a new and strange school, with no friends and many difficult adjustments to make, adjustments that can be made during the summer. We expect a lot from our men and women in uniform, but it is loathful to extend the suffering to the children of those that serve in the military.

A failure to reprogram would also mean a larger number of promotion delays. We would force over 60,000 of our men and women in uniform to delay their long awaited promotion even longer. This will negatively impact morale and indicate to the young Americans serving the military, that their well being is of little concern to Congress or the Administration. Military pay already lags behind its civilian equivalent by over 11 percent.

We need to make reductions in our forces, but we need to make them wisely, and in ways which do not punish our military for winning the cold war. Taking an ax to our manpower policies by sudden reductions in the wrong kinds of manpower, blocking necessary promotions, extending military tours in ways that disrupt careers and family life, and blocking the accession of the younger men and women we need, could shatter confidence in an All Volunteer Force structure.

A failure to grant most of the Department's reprogramming requesting will only compound the problems we face in making long-term cuts in our force structure. The military will be expected to perform missions for which it will not be properly manned. The responsibility will fall on those left. While the motto "Can Do" goes a long way, unless our military know they will be treated fairly, it will becomes a hollow sound and lead to a hollow force.

In short, the bipartisan action of the Senate Armed Service Committee is critical both in terms of fairness and in terms of national security. At the same time, I want to join my colleagues of both parties in notifying the Department of Defense that this must not happen again. The testimony we received early this week on the reasons why the Department failed to plan for cuts it knew were coming, and failed to seek exemption for manpower under the Gramm-Rudman Act, showed that the Department was attempting to excuse a failure to plan and act by the Department's senior civilian manpower officials.

We might well have reacted by failing to support this reprogramming because of this failure to pursue sound manpower policies if senior military personnel officers had not warned us all along about the real impact of sequestration all along. It was these officers who warned us about such impacts beginning last August and it is these officers that have made the case that persuaded the committee to endorse reprogramming.

We will need to take action to ensure that similar mistakes do not happen again this year, but we must not punish the innocent in the process. We must go beyond politics in this situation. We must rise above the finger pointing and come to grips with the lives that we are affecting and the trusts that we may be breaking. We have a tacit contract to provide for the welfare of those that have volunteered to make the military a career. A failure to approve this reprogramming by all four committees would be a fundamental violation of this contract.

Mr. President, we are going to face continuing cuts in military manpower. The draconian measures that are being taken in regard to the defense budget will force us to make further reductions in manpower in fiscal year 1991, and probably in each year through fiscal year 1996. Repeating the scenario which we just went through, which was the result of a failure on the part of the Department of Defense to sufficiently appreciate the effects of failing to exempt personnel accounts from the Gramm-Rudman Act, could have had an incredible impact on the morale of the men and women in the military, particularly those in enlisted ranks.

I think there are two things that need to happen very soon. The first is that all four committees, two in the House and two in the Senate, approve this reprogramming. The second is that we examine whatever legislation is necessary to prevent a reenactment of such reprogramming request, and ensure that we are not faced with this kind of crisis in the future.

As the Chair well knows, there is an incredible grapevine out there amongst the military. When they see their benefits cut, and their careers and families threatened by the kind of gridlock that now exists between the Department of Defense and the Congress, they become understandably concerned. These crises have a long-lasting effect on the morale and welfare of the men and women of the military.

Mr. President, let us not let this happen again.

Mr. President, I yield the floor.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER (Mr. ROBB). Without objection, the Senator is recognized as if in morning business.

BLACK LUNG PROGRAM

Mr. SIMON. Mr. President, I shall only take 5 minutes. I just wanted to comment briefly.

Last night, a couple of our colleagues commented about black lung legislation in commenting on the Byrd amendment that was pending. At 12:30 in the morning, I did not feel like standing up and correcting my colleagues on the black lung legislation. But I think everyone should know what the realities are.

Have there been abuses of the black lung program? Yes. When it was initially put into effect, there is no question a lot of people got benefits who should not have received benefits. I do not for a moment defend those initial abuses of the black lung program. But then we went to the other extreme.

Here let me just point out there have been studies, respected studies, that show that virtually every coal miner who works underground for 20 years or more has pneumoconiosis, which is the technical term for black lung.

We went from abuse to the point where it was almost impossible for people to get black lung benefits. Fewer than one-half of 1 percent of those who applied got black lung benefits. Then, under the leadership of Carl Perkins, the late Carl Perkins from Kentucky—and I was pleased to work with him, and then we modified it a little bit—about 20 percent of those who applied got black lung benefits. Now it is so restricted that only about 3 percent of those who apply get black lung benefits.

For those who think, well, this is an easy way for people to get money, black lung benefits are about 12 percent of what a coal miner earns, working in the coal mines. No one who is working actively in the coal mines applies for black lung unless they really have a problem. One does not need to be a physician to see the problem.

I know the Presiding Officer is from Virginia, which is a coal State. I am sure he has seen, as I have, particularly in my own district where people cough and you look at that handkerchief and you see that black dust, years after they have been in the coal mines.

Black lung disease, pneumoconiosis, is a real thing. We ought to be providing more adequately for those who have this black lung problem. There is no question there was abuse when the program started. I do not defend that abuse for a moment. But there is also no question, it is a real disease and we ought to, in some way, compensate those who sacrificed their health and their lives to bring us the coal and the energy for this Nation.

I yield the floor, Mr. President.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. **CHAFEE**. Mr. President, I do not think we want to replay the black lung problems here. But it is a program that I was involved with at the time that it was reauthorized in 1977. I was on the Labor and Human Resources Committee. Undoubtedly the Senator from Illinois was in the House at that time, or was involved with the program in some fashion. But let me tell my colleagues, there have been few programs that have ever gone through this Congress that had such loose qualification standards and where the program was more abused than the black lung program. There is no point in replaying it.

The fact is, yes, there are those who suffer from black lung disease. But I do not know where the Senator is getting his statistics from, that only 3 percent that apply for black lung payments are receiving them.

Let me just run through some of the statistics, briefly, on the black lung program. And I suppose there is not much to be gained by, as I say, replaying that drama once again because what took place was a tragedy for the U.S. Treasury.

The program started in 1970, with an estimated cost of $120 million. And, indeed, the program did only cost $110 million the first year. But, 10 years later it was not costing $120 million, it was costing $1.3 billion. And the story was if you had seen a coal mine you qualified for the benefits.

Obviously that was an exaggeration. But I can remember this incident. They told us that a miner was killed by one of the beams falling on his head. His family was eligible to collect the survivor's black lung payments. Why? Because if he had lived, he would have gotten black lung and would have qualified for the payments. So, therefore, his widow was entitled to the payments even though the death was in no way associated with the black lung problem that resulted from a mining accident.

When President Reagan came in we managed to enact some tightening. Prior to that, under the laws as we passed them in the late 1970's, the Government was not permitted to rebut the decision made by a local doctor from the area that the diagnosis was black lung. And the miner could go, not to one doctor, he could doctor shop, go wherever he wanted to find a doctor until he finally found a doctor who said: "You have black lung." And it was a nonrebuttable presumption; namely, that was the decision. And the Government was not entitled to rebut it.

Well, some tightening came along in 1982 or 1983 under the Reagan administration. But I will still just show the figures.

In the first years, 112,000 were collecting. Ten years later, 399,000 people were collecting—400,000. Five years later, 459,000 were collecting under it. That was before the changes were made.

Of course, the changes did not affect any of those who were collecting. It just dealt with prospective ones. And the program then peaked at $3 billion, not $120 million—$3 billion. It is anticipated next year it will be $1.8 billion. Currently it is running around $1.5 billion.

So all I can say about it is it illustrates the danger to the fiscal policies of the Nation when we put in these programs in which restraint is not exercised and where there are these rebuttable presumptions as is in the very amendment we are on now, because we discussed that last evening.

I would be very curious where this statistic has popped up that only 3 percent of those who apply for the benefits are currently receiving them, and I would be glad to review any material the distinguished Senator from Illinois has on this. It would come as a surprise, I must say.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Illinois [Mr. SIMON].

Mr. **SIMON**. I cannot give my colleague the precise authority for that right now but I will be pleased to get that information to him. I can tell my colleague, overwhelmingly people are turned down for black lung today. My own experience suggests to me that the 3-percent figure that was used last night by Senator BYRD is an accurate figure.

Let me, however, balance what my friend from Rhode Island has mentioned here. And, again, as I indicated earlier, there is no question there was abuse when the program started. I do not defend that abuse for a moment. But when we revised it in 1977—the Senator is correct, I was a Member of the House then and I helped to do it—we had over 100,000 people who had applied. And 148 were approved, out of more than 100,000. There is just no question. It just became almost impossible to get.

So we revised it. And now it has been tightened up. But I will search to try to get that figure, and I will share it with my colleagues, in the RECORD, and I will personally share it with the Senator from Rhode Island.

Mr. **CHAFEE**. Well, Mr. President, as I say, what is done is done. But it is just something I personally have been involved with. I was a freshman Senator. I went on the committee. At that time the Senator from New Jersey was chairman of that committee, Senator Williams. And along comes legislation to change the black lung program.

Nobody appeared from the administration. That drove home to me the importance of having somebody from the administration appear and be called on to testify. We just heard these horror stories from those who sought the expansion of the program. Nothing from those who administered it. And it whipped right through the committee and came to the floor.

I became interested in it and delved into the facts and was horrified it took place. I spoke against what took place then and what was provided in the legislation. I spoke against it on the floor, we had some votes, and we were overwhelmed. And the program then went on the rampage in which it was practically impossible to disqualify an applicant who sought the benefits.

It was absolutely true. The Government was forbidden from reviewing the records that came from the mine fields, from the doctors there. As I mentioned before there was this doctor shopping and in would come the reading of the X-rays and the diagnosis that it was black lung and that was it. And the benefits were paid.

Subsequently, as I mentioned, there was some tightening, but the program started out with a high estimate. This is a high estimate, $380 million.

This is what the program was going to cost, $380 million a year. Within 10 years, it was costing $1.3 billion and then went up to $3 billion. So beware of these programs that do not have restraints. I thank the Senator.

Mr. **SIMON**. Mr. President, I do not want to prolong this. This has nothing to do with the pending legislation. If the Senator from Rhode Island is suggesting to be prudent in these programs, I agree completely.

I would make one other slight correction in what he had to say. After that 1977 legislation, instead of just anybody getting it easily, it was 21 percent, as I recall, of those who applied received it; almost 80 percent of those who applied were turned down, even after the 1977 legislation.

Mr. **CHAFEE**. Mr. President, statistics have to be treated gingerly and examined carefully. If everybody who lives in Kentucky or West Virginia, their closest association being that their father was a coal miner, applies for black lung, then it may be that only 1 percent qualify. So be careful of these statistics.

All I can report to the Senate is—and I do not think anybody will question this—that there was no ability for the Government to question the diagnosis that were made in the local communities. And the rolls swelled, as I pointed out from the statistics; it went from 112,000 to 400,000 in 10 years.

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And when those amendments came in 1977, it was off to the races, everybody aboard. And, indeed, most everybody was able to climb aboard.

I thank the Chair.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1329, AS MODIFIED, TO AMENDMENT NO. 1293

Mr. DOMENICI. Mr. President, a parliamentary inquiry. Are we currently on the clean air bill?

The PRESIDING OFFICER. The Senator is correct. The pending amendment is the Byrd amendment.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to proceed for no longer than 5 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. DOMENICI. Mr. President, last night I was going to speak to this issue, as if in morning business, but we were engaged in a very interesting debate. So instead of speaking, I introduced a bill last night; I want to speak to it for a moment now.

I think its name reflects what I am trying to do and the principles that I have tried to establish in the bill. The bill is called the "Grassroots Campaigning and Election Reform Act."

Mr. President, it seems to this Senator that we may very well be reaching a point this year where we are going to be able, hopefully in a bipartisan manner, to reform the campaign activities for Senators and Members of the House.

I have been in the Senate now 17 years, and I have watched the spiraling costs of campaigns. We have a race for money, increasing each 3 or 4 years by 25 or 30 percent, as far as campaigns for the Senate and the House.

One thing that I have tried to do, and that I have put in to this bill as a principle, is to emphasize money raised from those we serve, residents of our own State.

Our democracy is built upon participation, and people voting. One way to encourage people to participate and to be interested is to ask them to contribute, even if it is small amounts of money, to a candidate of their choice.

So the last time the Senator from New Mexico ran for reelection I had, for a small State, perhaps as many as 18,000 individual contributors, which is maybe two or three times more than anyone in the history of the State.

I am introducing a bill that I hope will be part of the dialogue and the debate. It has four principles. They are very simple.

First, starting at the next election cycle, anyone running for the Senate or the House will be allowed to collect money for their campaign contributions only from residents of the State they represent—no overall limits, but only from residents. The limit would be individual contribution limits that we have established, $1,000 per campaign for an individual.

It seems to me that creates a pretty equal playing field and it gives direction for us to move away from Washington, DC and political action groups and traveling around the country. If we have to spend time raising money, we should spend it in our home States.

Second, my bill, S. 2265, recognizes there may be a danger that a very wealthy person would move into a State and run. S. 2265 has a provision which will make it a little difficult for somebody to fund their own campaign, and I think we have done so in a constitutional manner. We call it protection against the rich candidate. Actually, it is a series of notifications by that person, with the limits dramatically changed for the opponent who does not have the wherewithal or is not going to use his or her own money.

Three, S. 2265 gets rid of political action committee contributions and, four, it gets rid of soft money.

Mr. President, I know this is a very different approach than the ones many are taking. Some will question aspects in terms of the Valeo case, and some may question its constitutionality. I have looked at all of those. I am aware of them.

I thought it might be good to bring a bill down, introduce it, let it get referred—a bill with some basic principles in it. If we want, we can solve the constitutionality, and if we have the will, there is a way.

There is one aspect that I have not addressed. That it is the extremely expensive cost of running TV ads, whether it be from resident contributions or otherwise. I am not expert enough to pick between the four or five versions that are moving around, either in bills or in the idea arena. But clearly, there ought to be a fifth provision, and it ought to deal with making television time more accessible and more reasonably priced. That is probably necessary even for something along the lines that I am talking about, which does not set direct limits on contributions, but in a very real sense, Mr. President, dramatically reduces the natural threshold.

So I do this with full knowledge that no one has the best answer. None of these are easy issues, and in some respects, they go to the heart of our democratic process.

Some will say, why should not a Senator of national renown, from the State of Arizona, be able to collect contributions in New York? That is what being a U.S. Senator is all about. I understand. But you have to try to solve some problems, and in doing that you have to take some aspects of the current situation and give up on them. So mine sort of balance those. I am confident that sooner or later we are going to deal with these issues, we are going to encourage, to a much greater extent, resident contributions to the campaigns of Senators and Representatives. It is into that arena that I inject this bill and this concept, which contains basic and simple principles that everyone can understand and decide. I thank the Chair.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1329, AS MODIFIED, TO AMENDMENT NO. 1293

Mr. DURENBERGER. Mr. President, speaking on the bill, late yesterday evening during the debate on jobs and the Clean Air Act, the Senator from New Hampshire, Mr. RUDMAN, stood on the floor of the Senate and asked for a speech and mentioned my name, among others.

I was not on the floor at the time and was not able to respond to my colleague's request. I am not often asked for a speech by another Senator. So I am here this morning to comply with my colleague's request. I intend to start where we left off last night with the issue of jobs.

This is the issue that was raised rather dramatically by the amendment of the senior Senator from West Virginia. During the course of the late-night debate last night, a number of our colleagues were throwing around numbers on job losses which may result from the enactment of this legislation, and it got to the point where I think there was a dread fear around here that, if you voted for any amendment, you were going to put a lot of people out of work.

The numbers most frequently cited, and I think beginning with the initial statement here in objection to the amendment by the Senator from West Virginia, were taken from a study by two economists, Mr. Hahn and Mr. Steger. Their study was paid for by the industrial coalition which has been formed to oppose this bill.

Without any explanation, they are, as the Senator from New Hampshire said, very stunning numbers. With a full explanation and with some understatement, I would say they are pure poppycock. If you start with the fundamental concept in the study by Mr. Hahn and Mr. Steger, you figure out very quickly that they are not estimating jobs which will be lost as a result of this bill. They are estimating jobs that will be affected by this bill.

What is a job that is affected? If you work in the electric energy business at all, your job is potentially affected by this bill, according to Mr. Hahn and Mr. Steger. The acid rain figures will affect the electric utility industry, and so all electric energy jobs in America are at risk.

Is the acid rain bill which President Bush proposed going to pull the plug on America? Obviously not. There are too many of us that support it even where we may not agree with specifics.

In fact, probably the reality is there will be more people employed in America in the electric energy business just to operate the air pollution control systems that this bill is going to require than will be lost by the entire bill. But according to Mr. Hahn and Mr. Steger, and as quoted by the junior Senator from Texas here on the floor last night, all of the electric energy jobs in America are put at risk by the acid rain provisions of the bill.

The Hahn-Steger study also assumes that everybody who has a job in a small business that will need a permit under this bill is also at risk. Simply requiring a small business to get an air pollution permit is, in the view of the Hahn-Steger study, enough to put the jobs of all of the employees of the company at risk.

In our society, we require a lot of permits: to get married, to go fishing, to drive a taxicab, to run a tavern, to remodel our basement, for hundreds of life's activities. Somehow or other, life seems to go on without interruption.

But Mr. Hahn and Mr. Steger estimate that tens of thousands of jobs will be at risk if we require a permit for air pollution.

More to the point of air toxics programs, this study has a third definition of affected jobs. It includes as affected all of those who work in an industry where there is not current technology to reduce risks to 1 in 1 million. Around here, that is called 10 to the minus 6. That is their definition of affected jobs. If your company cannot get emissions down to a risk of 1 in 1 million using today's technology, your job, according to Mr. Hahn and Mr. Steger and what I heard here last night, is at risk. But the bill does not require that level of control.

It is only a goal. The requirement is 100 times less stringent than 1 in 1 million. It is 1 in 10,000, and it is not required for 15 years, until the year 2005. That is the bill.

The pending agreement, the substitute, is even less stringent than that. To put it directly, Mr. Hahn and Mr. Steger say that your job is an affected job if your company cannot do what this bill does not require.

Mr. Hahn and Mr. Steger are doing estimates on some piece of legislation that is not even before the Senate and has never been introduced in the Senate, and that is irrelevant to this debate. Your job is affected in their study if your company cannot reach a risk level that this bill does not require.

It seems to me that dragging studies like that onto the floor of the Senate is not particularly helpful, but at least needs clarification.

My junior colleague from Idaho presented these same numbers on charts here in the Senate 2 days ago—2½ million jobs at risk because of legislation, with each of the counties in the United States colored red, purple, or blue to indicate the severity of the impact.

Like many of my colleagues, I like charts, especially my colleague's charts. So I looked very carefully at his chart. The two basic assumptions behind those numbers were spelled out across the top of all of his charts. The first assumption was that the technology requirements in the Air Toxics Program would force reduction of 98 percent.

Mr. Hahn and Mr. Steger assumed that the so-called MACT standard in the bill would produce reductions of 98 percent. But that is not what the bill requires. It has a 90-percent benchmark. That is the MACT standard in the bill and in the substitute, not 98 percent.

To get these affected job statistics up there, Mr. Hahn and Mr. Steger created their own standard. We will call it the Hahn-Steger standard. After the 90-percent reduction actually required by the legislation, Hahn-Steger assumed the plant would be forced to do another 90-percent reduction in order to get from 90 to 98. That is in order of magnitude far beyond what we require.

Of course, that second hit, a hit not required by their bill, is immensely expensive. Hahn-Steger would be a real blow to the independent industry. The second assumption I have already mentioned. Their study assumes that the residual risk standard is based on 1 in 1 million risks. That is two orders of magnitude beyond what the bill before the Senate requires, because we have a standard of 1 in 10,000. But the Hahn-Steger air toxics bill is more stringent by a factor of 100, and not very helpful to a legitimate debate.

If you look at the whole package, the Hahn-Steger air toxic study overestimates the impact of this bill on jobs by about three orders of magnitude: one in the MACT phase, and two in the residual risk phase. Their assumptions are 1 thousandfold more stringent than the bill.

A job loss that may be 2,500 is inflated to a job loss of 2.5 million. These numbers are quoted like they are gospel. If that is the way debate is going to be carried on when we get back here, I am going to suggest now to my colleagues that we can do the same thing with health statistics.

We will start with cancer deaths from air toxics. A recent EPA study estimates that there are 3,000 cancer deaths per year in the United States from air toxics. We have heard that figure here on the floor a number of times. But the EPA study was based on only 20 chemicals, and in the bill and the substitute we regulate 200 air toxic chemicals, 10 times as many. Twenty, they studied; 180 air toxics EPA has never even looked at.

So let me inflate the cancer estimate by a factor of 10 to reflect the real scope of the problem. We now have 30,000 cancer cases per year. Our assumption is certainly as reasonable as the Hahn-Steger assumption that MACT will be 10 times tighter than the bill requires.

We can question the EPA cancer risk study in another way. There is a very good evidence to indicate that airborne carcinogens are more potent than EPA estimates. The State of California, where we always look for our sort of advanced technological analysis in this area, working with independent data, has analyzed two air toxics, two prevalent ones, benzene and chromium, and has concluded that EPA significantly underestimates the risks which these carcinogens pose to public health. California says in their studies that benzene is 10 times more potent a cancer-causing substance than EPA suggests.

So what was 30,000 cancer cases per year now becomes 300,000 cancer cases per year, and if we tinkered with that assumption just a little bit, we could easily say that 300,000 Americans die every year from exposure to airborne carcinogens. That is six times more than the number of traffic fatalities in America.

Is it a good number? The assumptions that I used were more reasonable than those used by Mr. Hahn and Mr. Steger. They are describing the effect of a bill a thousand times more stringent than any legislation introduced in the Senate. I assumed that we moved from 20 to 200 pollutants and used potency estimates developed by California rather than EPA, and all of this is fact.

What does this mean for a State like Texas? If 300,000 Americans die from air toxics each year, how many will occur in Texas every year? Texas produces one-quarter of the petrochemicals in the United States; maybe they suffer one-quarter of the effects. There are 75,000 deaths in Texas each year from exposure to the ill effects of air toxics. If that were true, this legislation ought to be the highest priority for anybody from Texas. They ought to set aside everything else they are doing in this place and get this bill passed. They ought to be offering amendments to get the health standards in place sooner. There is a cancer epidemic in Texas, if these estimates are correct. They are every bit as reasonable as the estimates used in the Hahn-Steger study.

As I said, some of us are prepared to engage in a debate using numbers, if that is what our colleagues would like to do. If Senators are only impressed with big numbers, I can get out two or three orders of magnitude beyond the reality of this bill, and I can do it just as easily as Mr. Hahn and Mr. Steger and the clean air working group. If I had $1 million to pay for consultants, I would expose every American now alive to the deadly effects of airborne toxics. The toll could be 3 or 30 million exposed to cancer. Ph.D.'s can be found in America who could give us the numbers.

Perhaps it is enough for most Senators to simply shed a little light on the assumptions made by Mr. Hahn and Mr. Steger. MACT is 10 times too stringent in their study. Residual risk is 100 times more. Every job in an electric utility in America is threatened by President Bush's acid rain bill. If your company does not have the technology, which this bill does not require, you are a goner for sure.

Thankfully, there is another set of numbers on job impacts which, if we must, we can turn to. In late January, the Bush administration prepared cost estimates on the bill, and their paper included an estimate of the jobs lost due to the air toxics provision. Eleven thousand to fourteen thousand jobs will be lost beginning in 2005, if we pass S. 1630 as reported from the Environment Committee. The residual risk standards we reported, which do not come into play until 2005 and which would be implemented over an 8-year period, would cost 11,000 to 14,000 jobs across the country, by the administration estimate. That is the bill as reported. It has been made more accommodating to industrial concerns as a result of the negotiatiopns with the administration. We eliminated the job losses, or at least the costs that the administration had estimated for job losses because of residual risk, as part of the negotiation. But even the estimate of 11,000 to 14,000 jobs lost on the original bill, which is not the bill we are going to act on, was too high. The administration paper on costs called their own estimates unreasonable, because it assumed that no new technology would be developed between now and the year 2005. "Unreasonable" is the word used, not by the Environment Committee to characterize these estimates of 11,000 to 14,000, but used by the administration about their own estimates.

The administration estimate of 11,000 to 14,000 jobs, total, is based on the unreasonable assumption that there will be no new technology for 15 years, and even that number is too high. We do not like to see any jobs lost. Environmental protection and job protection should not be competing interests. I believe that, given time and incentive, new technology will be developed to meet these standards without job loss at all. That is why this bill has a second phase for each of the major programs, to set a target that will push the development of new pollution control technology that will give industry in this industrial society of our the time they need to reach the target.

The 11 to 14,000 jobs beginning in 2005, spread over 8 years and over the whole economy, is not a large impact. By way of comparison, I would like to cite one final statistic published just this morning. Last month the number of net new jobs created by the United States economy was 370,000. That is job gains minus job losses, one month, which happened to have been a 28-day month, 370,000 net new jobs—30 times more new jobs than the administration estimates this bill would lose over an 8-year period, and beginning 15 years from now, and using assumptions which they themselves describe as unreasonable.

Mr. CHAFEE. Mr. President, I wonder if the Senator will yield a minute on that.

Mr. DURENBERGER. Yes.

Mr. CHAFEE. Those statistics are remarkable, and I think they are worthwhile repeating. People are talking about job loss of 5,000, 6,000, 12,000. Could the Senator repeat those statistics about how many new jobs have been created in this country of ours over the period he was describing?

Mr. DURENBERGER. Yes. I picked it out of the newspaper this morning. The figure for February, the month we just passed, 28 days of February, is 370,000 net new jobs.

Mr. CHAFEE. In other words, we added 370,000 new jobs in this country in 1 month, in a period where there has been a good deal of gloomy news about failure of housing starts, decline in automobile production, tightening up of loans by banks, failure of brokerage houses or of those going into chapter 11 bankruptcy, and yet, in that shortest month of the year we added 370,000 new jobs, net.

Mr. DURENBERGER. I said it, but I was repeating what the administration statistics have been reported for that month.

Mr. CHAFEE. The other point I think the Senator made was that the estimates of jobs lost under the air toxics section are 12,000 jobs over an 8-year period, starting in the year 2005. Those are the statistics. Do those check with those of the Senator?

Mr. DURENBERGER. The Senator is correct.

Mr. CHAFEE. So the idea that this legislation is going to have everybody out in the street is nonsense. I think it is so important to put not only the correct figures in there—these are estimates—well, actually, that estimate was made by the administration on the original committee bill, and the administration did not like the committee bill. Therefore, they certainly were not shaving those estimates on the low side. That was the high side estimate, clearly, or they would not have given it to us, because they were opposed to the legislation.

I thank the Senator for the contribution he is making to all of us and the statistics regarding the prospective deaths and the costs associated and stressing that this is a health bill.

Mr. DURENBERGER. I thank my colleague from Rhode Island.

Mr. President, I hope that these comments have been responsive to the concerns expressed articulately last night by our colleague from New Hampshire, and I hope they have been expressed in a way that is helpful.

I said that for all of us one way or another and, I think, particularly of those of my colleagues who have had the responsibility preceding this, as the Presiding Officer has, of being a governor of a State, that environmental protection and job protection simply should not have to be posited in a policy sense as competing interest where one wins and one loses.

I hope that all of my colleagues will go home and rethink the pending amendment of the senior Senator from West Virginia. I know that I will go home to a State which began in the late 1960's to deal with the issue of acid rain, which, at some alleged risk and perhaps some potential risk to people in certain businesses in that State and particularly in the electric energy business, began to deal over the last 20 years with the issues presented by this bill.

So with jobs affected, jobs put at risk, many of us in this country have dealt with this issue on airborne toxics, on acid rain, sulfur dioxide and a lot of other issues, some of the mobile source issues, over a period of time.

Watching the discussion in the working group preceding the substitute bill between the Western State Senators and the midwest Senators, I understand the issues of putting environment in presumed competition with job protection, the debates of clean coal technology and the debates over scrubbers and all of that. I recognize also that the majority leader in a different capacity 2 years ago, as has been said before, put in an awful lot of time, something like 34 meetings, as I recall, with the President of the United Mine Workers trying to negotiate a policy approach which did not force this body or this country into a position where it had to choose environment over jobs.

As I said earlier, also, Mr. President, the whole purpose of this bill is, wherever possible, to substitute, for artificial unascertainable standards of health or safety, technology standards that suit the economic progress of an industrial society.

I will, when I come back, oppose as strongly as I can the amendment of the Senator from West Virginia. I hope that it has either been substantially modified or in some way or other this body will have the courage to take a realistic look at job loss and at the environmental consequences of this legislation.

This bill and the substitute to this bill with certainty is not a threat to the economy of this country or to the economy of any State in this country. The only thing being threatened here on the floor of the Senate, particularly for a period last evening, was the truth about this bill. The debate last evening was quite dramatic. It is unfortunate that it was conducted on a plane that was just slightly removed from the reality of the legislation that is now pending before the Senate.

I think I understand why. I think I understand it as a deep concern on the part of many for the consequences.

But I also say, as one who has been so deeply involved with the bill for so long, this bill can stand a fair assessment. It is a bill that fairly balances our concerns for jobs, and our concerns for clean air.

I thank the Chair.

Mr. MITCHELL. Mr. President, the managers are here ready to receive amendments which have been agreed to and which are noncontroversial, of which I understand there are already a substantial number. So I encourage any Senator who has an amendment which is acceptable and is noncontroversial now to come to the floor and have that amendment accepted. They will remain here to do that for the next few hours to receive such amendments and we can thereby begin the process of reducing the lengthy list that was agreed upon earlier today.

There will be no more rollcall votes today. I have discussed the matter with the distinguished Republican leader, with the President pro tempore and others, and we hope to have an agreement later today setting a specific time for a vote on the Byrd amendment when we return following the recess. But there will be no more rollcall votes today.

I repeat what I said earlier with respect to scheduling. When we return on Tuesday, Senators can expect lengthy days and sessions and votes into the evening for so long as necessary to complete action on this bill.

Mr. President, I am going to add my compliments to those of the Senator from Rhode Island on the points the Senator from Minnesota has been making.

I have a statement and a number of documents to be introduced in the RECORD on that same subject and will follow his remarks with my own in that regard.

Mr. President, I commend my colleague from Minnesota and would like to add a few words of my own on the subject.

Last night there was considerable debate about potential job losses from air pollution control requirements. A study by Dr. Robert Hahn and Wilbur Steger indicated that there might be significant jobs lost if clean air legislation were enacted. And that study was referred to on several occasions during the debate last evening. Unfortunately, the study did not analyze the bill as reported by the Environment Committee nor did it analyze the compromise that is now before the Senate.

The study estimated that air toxics controls under a proposal similar to that supported by Representative Waxman in the House of Representatives would cost $18 billion a year. But the compromise now before the Senate should cost, based on previous administration estimates, between $5 and $6 billion a year, or about a third of that which the study analyzed. One reason for this differential is that the study assumed that plants would have to shut down if they presented a theoretical cancer risk of one in one million. But that requirement was not included in the Environment Committee's bill nor is it part of the compromise bill that is before the Senate.

The Hahn study also assumed that acid rain controls would be implemented through a full scrubbing bill similar to the legislation introduced by Senator Stafford several years ago. But the acid rain title of the compromise should cost far less than that assumed in the study and is a different approach.

So what we have, Mr. President, is a study that analyzed two bills that are not before the Senate and then is being used in the Senate in opposition to the bill that is before the Senate.

The Hahn study is not the only analysis of jobs impact that has been made on environmental legislation. An organization called Management Information Services has also done a study on the impact of pollution control requirements. MIS estimates that the pollution abatement and control industry is a new, $70 billion per year industry. For example, in 1985, pollution control requirements created an estimated 166,000 jobs. The acid rain provision of the measure before the Senate could create between $7½ billion and $13 billion in industry sales and between 101,000 and 195,000 jobs.

In addition, there are existing health and environmental costs from pollution which have not been much discussed here. The American Lung Association estimates that Americans spend $100 billion a year on health care costs associated with air pollution.

So that if we were to pass the bill, it would actually save our society money because the cost of implementing the requirements would be less than the cost of inaction.

Each of these studies is an estimate of possible costs. The story is not one-sided. There is an opportunity to make pollution control one of our stronger new industrial sectors. We can create jobs and export technology if we seize the opportunity. Many businesses are affected by pollution control requirements and many people, over half the American population are affected by breathing unhealthy air.

Mr. President, I ask unanimous consent that the MIS study and related documents be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF ALVIN A. COOK, MANAGEMENT INFORMATION SERVICES, INC., WASHINGTON, DC, JUNE 1987

SUMMARY

We analyze the economic costs, benefits, and impact on the U.S., on individual states, industries, and occupations, and on the nation's international competitiveness of acid deposition control legislation. The costs of recent Senate bills such as S. 95, S. 300, S. 316, and S. 321 will likely be between $4 and $9 billion annually and will be borne disproportionately by certain states and electric utilities, mining industries, and electricity-intensive sectors. We estimate these costs for each state and for 180 electric utilities. The benefits of the investments in acid rain control technologies will also be substantial: they will reduce sulfur dioxide emissions by two-thirds and create substantial profits for industry and jobs for workers. We estimate these benefits for 80 industries and 475 occupations within each state. In addition, acid rain control programs may create substantial export opportunities for U.S. companies.

OPENING STATEMENT

Mr. Chairman, members of the Subcommittee, it is a pleasure to present this statement to you on behalf of Management Information Services, Inc. MISI is a private economic consulting and data services firm in Washington, D.C., which over the past two years has conducted several major studies of the economic impact, costs, and benefits of acid deposition control legislation and related pollution abatement programs. This work was funded by MISI and was not financed by any industry, utility, environmental, or special interest group, and we consider our findings to be objective and unbiased. We discuss below some of the implications of our work.

WIDESPREAD CONCERN OVER THE ECONOMIC EFFECTS OF ACID RAIN CONTROL

A major reason for the acrimony in the debate over the control of acid rain is the notion that controlling and abating acid precipitation is extremely costly, imposes

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an enormous drain on industry profits, and depletes workers' jobs. Thus, in an era of record U.S. trade deficits, lagging productivity growth, and increasing concern over the "competitiveness" issue, many businessmen and government officials are reluctant to commit themselves to a program they perceive as detrimental to the nation's economy. This concern, however, may be misplaced, for we determined that a major effort to control acid rain would generate substantial sales and profits for U.S. businesses, provide many thousands of jobs for American workers, and enhance the U.S. international competitive position.

We recently analyzed the economic impact of two bills introduced last year in the U.S. Congress: H.R. 4567, the "Acid Deposition Control Act of 1986," and S. 2203, the "New Clean Air Act" (Exhibit 1). These bills had provisions similar to those introduced thus far in the Senate, such as S. 95 (Senator Kerry), S. 300 (Senator Stafford), S. 316 (Senator Proxmire), and S. 321 (Senator Mitchell), and the effects of these latter bills will be analogous. Ours is the first detailed study of the state-by-state industry and job effects of the two major acid rain control bills introduced during the last Congress.

We found that, while the overall economic benefits are strongly positive, the impact on some businesses, jobs, and states will be negative. We identified the sectors of the economy that would benefit and those that would be harmed. In addition, we categorized states into "winners" and "losers" on the basis of whether their economies will be affected favorably or unfavorably by the legislation. The major economic effects of the legislation are summarized in Exhibit 2.

ACID RAIN ABATEMENT WILL BE COSTLY AND WILL HAVE SIGNIFICANT EFFECTS ON ELECTRIC UTILITIES

Over a fifteen year period, any legislation similar to last year's H.R. 4567 or S. 2203 would cost electric utilities and their ratepayers $125 billion more than in the absence of the legislation. The disruptions caused in the coal mining industries and electricity-intensive sectors in some states, increasing unemployment in these and related industries, have been known for some time. These two issues—high costs and lost jobs—have been used successfully in arguments by opponents of the legislation.

However, conformity with the legislation would significantly reduce sulfur dioxide emissions—one of the principal elements of acid rain and one of the nation's most serious environmental problems—by as much as two-thirds by 1995. These estimated sulfur dioxide emission reductions, by state, are shown in Exhibit 3.

Nevertheless, bills such as S. 95, S. 300, S. 316, and S. 321, would be expensive for many electric utilities. We analyzed the effect of legislation on each of the 180 major U.S. electric utilities in the 48 contiguous states.[1]

Costs could be over $10 billion annually, forcing many electric utilities to raise current rates by as much as 30 to 60 percent over the next 15 years. Moreover, the costs are distributed unevenly among states, as illustrated in Exhibit 4. In California, New York, and Texas, for example, costs would rise little. Costs, however, would rise dramatically in other states such as West Virginia, Ohio, and Minnesota. The economic impact on individual electric utilities within a state also varies widely, ranging in some states from as low as 2 or 3 percent to as high as 50 or 60 percent for utility companies in the same state (see Exhibit 5).

We disproved two myths about the distribution of the costs of acid rain control legislation. One is that only electric utilities in a small group of Midwestern states, where high-sulfur coal is mined, would be adversely affected. However, Mississippi Power Company, for example, would face a rate increase well in excess of 20 percent, the customers of SCANA corporation in South Carolina face a 20 percent increase, the rates of Utah Power and Light would increase more than 10 percent, Rochester (New York) Gas and Electric Corporation rates may have to be raised 10 percent, and the Virginia Power Company may have to raise rates by 17 percent.

The second misconception is that all electric utilities in the Midwest would be adversely affected. This is not true. In Ohio and Wisconsin, for example, where most companies would be significantly affected, the impact on the Ohio Edison Company and the Wisconsin Public Service Corporation would be minimal.

Acid rain abatement legislation can pose a classic Catch 22 situation. Relying on the "polluter pays" maxim, with no subsidies to cushion rate increases for utility customers, may imply rate increases so drastic they are politically nonviable. On the other hand, if Federal subsidies are written into the legislation, they may be so large that they run up against current fiscal constraints. Legislation passed without significant subsidies, however, may imperil the financial viability of some of the nation's most important electric utilities, and many smaller ones as well.

By significantly increasing the cost of electricity from coal-fired power plants, the legislation would make other options—such as nuclear power—more attractive. This is not widely recognized.

THE INVESTMENTS REQUIRED TO ABATE ACID RAIN WILL CREATE SIGNIFICANT ECONOMIC BENEFITS

The costs involved represent one side of the debate. Thus, we found that implementation of the control legislation would be expensive, costing electric utilities and their customers as much as $125 billion to implement over a 15 year period. And it is true, as charged in arguments against the legislation, that the disruptions would increase unemployment in mining, electricity-intensive, and related industries in some states. These issues of high costs and lost jobs must be recognized and dealt with intelligently.

What few people recognize, however, is that the investment—between $4 billion and $9 billion per year—would be a significant stimulus to the U.S. economy and to the economies of most states. We found, for exxample, that acid rain abatement legislation will create between $7.5 and $13.1 billion in industry sales, $681 million to $1.4 billion in business profits, and 101,000 to 195,000 jobs (see exhibit 2).[2]

It must be emphasized that the picture is not uniformly positive. We estimated the distribution of the economic benefits and costs among 80 industries and 475 occupations within each state. In some instances, for example, demand for high-sulfur eastern coal will decline, and some businesses will suffer. And while the total number of jobs would increase under either bill, some workers in some occupations will lose their jobs.

Accordingly, the impact of acid rain control legislation on the industries and the labor markets in different states is a major concern. The prevailing notion is that such legislation would seriously damage states in the Midwestern and Appalachian regions, further exacerbating the already serious economic problems many of them face. It is from these parts of the nation that much of the most intense opposition to acid rain control programs arises. However, the reality is much more complex, and we found that the net economic effects on most states—including most Midwestern and Appalachian states—will be strongly positive, with the precise effects depending importantly on the specific legislation. These are summarized in Exhibit 6.

For example, the impact of H.R. 4567 would be adverse on Illinois and Montana, whereas the impact of the Senate bill on these states would be favorable. Conversely, the impact of S. 2203 on Alabama, North Dakota, and West Virginia would be negative, but the impact of the House bill on these states would be positive. These findings emphasize the folly of making blanket statements about the impact of generic acid rain control legislation on specific states or groups of states. Quite simply, the result often depends on the particular bill and the specific state in question.[3]

We determined that, in economic terms, 10 states would be major winners under most acid rain control bills: Arizona, California, Colorado, Connecticut, New Hampshire, Oregon, Rhode Island, Utah, Vermont, and Washington. Ten states will be major losers; Illinois, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, Ohio, Oklahoma, and Pennsylvania. Perhaps most interesting, 13 states have been classified as "paradoxes": Alabama, Michigan, Mississippi, Montana, Nevada, New Mexico, North Dakota, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and Wyoming. The economic impact on them would be favorable or negative depending on the specific provisions of the legislation. These state classifications are illustrated in Exhibit 7.

The likely economic impact on specific states of different acid rain control bills is not widely appreciated, often even by those intimately familiar with the legislation. We believe that this work provides important new information that will make a fundamental change in the focus of debate.

For example, we determined that Michigan ranks fifth among the states in terms of likely gains from the stringent S. 2203 provisions (the state would gain $1.1 billion in sales and 13,800 jobs) and Wisconsin ranks ninth (gains of $400 million in sales and 5,100 jobs), while both Tennessee (gains of $204 million in sales and 2,300 jobs) and Virginia (gains of $390 million in sales and 3,200 jobs) are among the major winners under H.R. 4567. Yet, ironically, officials from these states have often opposed acid deposition control legislation in the past as being harmful to their states' economies.

ACID RAIN ABATEMENT MAY STIMULATE U.S. EXPORTS AND REDUCE THE TRADE DEFICIT

Would acid deposition control legislation contribute to U.S. international trade difficulties and export-import imbalances? No, not necessarily, according to our analysis. We determined that the capital goods, industrial products, systems, and supporting goods, services, and processes required for acid deposition control and abatement are produced almost entirely by domestic U.S. businesses. Thus, 95 percent of the direct expenditures on the required abatement and control products and systems would accrue to U.S. firms and result in a signifi-

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Footnotes at end of article.

cant business and industry stimulus. The only notable foreign presence is the Mitsubishi Corporation, and it has less than a 3 percent U.S. market share.[4]

The jobs created would be almost entirely for American workers, often in high-skilled, well-paying manufacturing jobs. Further, since the acid deposition problem is probably even more acute in Europe and Japan than in the U.S., the expertise and economies of scale to be gained by U.S. firms offer large potential export opportunities.

There is another dimension to the international opportunities for U.S. businesses. Some of the largest and most lucrative opportunities for U.S. exports of environmental technology and services are with the rapidly industrializing Asian nations, such as Taiwan, South Korea, and Hong Kong, with which the U.S. presently has large trade deficits.[5] These nations, and others, will be spending heavily over the next decade to clean up their environment. American companies, using techniques and equipment developed over the past 20 years in U.S. pollution abatement and control efforts—including acid rain abatement, can obtain a large share of this Asian business. Indeed, for many of these companies the Asian market may represent a golden opportunity for further sales and profits. Success abroad will also narrow the nation's trade deficit as millions of dollars of equipment—from large electrostatic precipitators and hazardous-waste incinerators to delicate and sensitive monitoring instruments—are sold abroad.

This is one area in which U.S. companies still maintain a strong competitive advantage, and American companies have an excellent chance to capture a substantial share of the emerging Asian market. MISI estimates that the world-wide market for air pollution control equipment alone will reach $15 billion annually by 1995, with well over half of the total being spent outside the U.S. and Europe.

Waste management will be another high growth field, as small densely populated countries such as Taiwan, Hong Kong and Singapore are forced to cope with ever increasing amounts of refuse and hazardous wastes. To cite only one example, the pressing need for environmental cleanup in Taiwan, coupled with the country's low international debt, make it likely that the nation will lead the way among the rapidly industrializing nations in expenditures for pollution control and waste management.

U.S. consultants and engineers can play an especially important role in breaking into new international markets. If they win contracts to identify and propose solutions for pollution problems, it is likely that their proposals will be designed around American made equipment, giving American manufacturers an edge in bidding against their Japanese and European competitors.

At least as important, environmental issues are coming to the forefront in many underdeveloped nations as well. These countries see that their own growth and productivity are being hampered by urban pollution and declining agricultural yields.

These severe environmental problems have recently been recognized by the international community. The World Commission on Environment and Development, chaired by Gro Harlem Brundtland, the Norwegian Prime Minister, concluded that economic growth, poverty alleviation and environmental problems have to be considered as a whole.[6] Further, the World Bank has recently created an Environmental Directorate to coordinate and expand Bank funding for major environmental projects in developing nations.[7]

This increase in concern and funding has potential close links to Treasury Secretary Baker's international debt relief plan, which emphasizes that the only way for the third world to handle its debt burden is to grow economically with the aid of the wealthier industrialized nations. Thus the opportunities for U.S. exports are immense, and the industry stimulation, expertise, and economies of scale gained from acid deposition control programs will enhance these.

However, while the opportunities exist, they must be seized quickly. We have already noted the foothold the Mitsubishi Corporation has in the U.S. market. The experience of the past two decades should not, to say the least, make us sanguine about the potential for Japanese competition in both the U.S. and the international markets.

Further, the Canadians are also becoming keen competitors in this area. For example, Fenco Engineering, Ltd., of Toronto, is building a $50 million pollution control plant at the Nacozari copper smelter in Northern Mexico. The project is financed 80 percent by a loan from the Export Development Corporation, a Canadian government Crown corporation. The plant is one of the largest and most technologically advanced in the world and it will reduce by 90 percent the acid rain produced by the Smelter—which has been falling on the Southwestern United States. This illustrates that Canadian companies are in the forefront of acid deposition control technology and stand to profit handsomely if U.S. businesses fail to act expeditiously.

Indeed, Fenco executives note that the worldwide market for major engineering development projects has been declining in recent years and that pollution abatement control projects—such as the Nacozari smelter—are becoming increasingly important in maintaining business sales and employment.[8] Since most of the subcontractors and suppliers to Fenco are Canadian firms, this business has substantial multiplier effects throughout the Canadian economy—just as it would have in the American economy had a U.S. firm won the project.

CONCLUSION

In sum, while few Americans seriously question the ecological and environmental imperative for confronting acid rain, solving the problem has been hindered by our perception that the required remedy would be economically harmful to us. This is a misconception, for while the severe structural and regional costs must be recognized and dealt with, the United States stands to gain considerably from an ambitious abatement program.

FOOTNOTES

[1] Management Information Services, Inc. "Impact of Acid Rain Abatement Legislation on States and Electric Utility Company Costs and Rates." Washington, D.C., December 1986.

[2] Management Information Services, Inc. "The Net Costs and Benefits to Each State and to the Nation of Acid Rain Abatement Legislation." Washington, D.C. February 1987.

[3] For an analysis of the impact on Ohio see Alvin A. Cook and Jerome D. Rosenberg. "The Ohio Story: The Economic and Employment Benefits of Controlling Acid Rain," Amicus Journal, Fall 1986, pp. 5-7

[4] See "The Net Costs and Benefits to Each State and to the Nation of Acid Rain Abatement Legislation," op. cit., p. 68.

[5] Douglas R. Sease. "Asia's Industrial Waste Could Spell Profits for U.S. Firms," Wall Street Journal, June 9, 1987, p. 6.

[6] See Melvyn Westlake. "Trouble in the Third World's Environment," South, May 1987, pp. 18-21.

[7] See Constance Holden, "World Bank Launches New Environmental Policy," Science, May 15, 1987, p. 769.

[8] Alvin A. Cook and Jerome D. Rosenberg. "Acid Rain Cleanup Means Jobs for U.S., Canada, Toronto Star, May 12, 1987, p. 24.

EXHIBIT 1

COMPARISON OF THE MAJOR PROVISIONS OF H.R. 4567 AND S. 2203

H.R 4567 Acid Deposition Control Act	S. 2203 New Clean Air Act
Sulfur Dioxide Reduction Strategy	
Two phase reduction strategy: by Jan 1, 1993 utilities must meet a 2.0 lbs per MMBTU So_2 emission limit; by Jan 1, 1997 utilities must meet a 1.2 lbs per MMBTU SO_2 emission limit. Industrial plants must meet a statewide average limit of 1.2 lbs SO_2 per MMBTU by Jan 1, 1997	After Dec 31, 1991, each fossil-fuel electric power plant is limited to a maximum of 2 years of continued operation unless it meets an SO_2 limit of 0.7 lbs per MMBTU. Older industrial plants become subject to stricter new source standards by 1992
Nitrogen Dioxide Reduction Strategy	
Utility and industrial plants subject to a statewide NO_x emission limit of 0.6 lbs per MMBTU by Jan 1, 1997. Stricter stan-applied for new plants	By Jan 1, 1995 utility and industrial plants are subject to stricter standards to be set by EPA
Motor vehicles become subject to stricter emission standards	Motor vehicles become subject to stricter emission standards.
Tax and Subsidy Provisions	
Utilities whose residential customers experience a rate increase greater than 10 percent from the control program receive a subsidy financed by a fee on fossil fuel power plants.	None
Other Provisions	
Financial Assistance for innovative emission control technologies. Negotiations with Mexico on transboundary air pollution	Implementation of acid rain monitoring in the western U.S. Negotiations with Canada and Mexico on transboundary air pollution. Study by Treasury Department of tariffs on emissions to reduce air pollution.

Source: Management Information Services, Inc., Impact of Acid Rain

EXHIBIT 2

OVERVIEW OF 1995 BENEFITS AND COSTS OF ACID RAIN CONTROL LEGISLATION

[In millions of 1986 dollars]

	Investment expenditures	Net sales created	Net profits created	Net jobs created	Electric utility rate increase (percent)
H.R 4567	$3,820	$7,482	$681	100,839	2
S 2203	8,434	13,095	1,413	194,772	9

Source: Management Information Services, Inc.

EXHIBIT 3

REQUIRED SULFUR DIOXIDE EMISSIONS REDUCTIONS BY STATE IN 1995 UNDER H.R. 4567 AND S. 2203

[In thousands of tons]

State	1995 base	Reduction under H.R. 4567	Reduction under S. 2203	Percent reduction under H.R. 4567	Percent reduction under S. 2203
Alabama	560	180	367	32	64
Arizona	122	9	38	7	31
Arkansas	101	14	8	14	8
California	25	0	0	0	0
Colorado	92		5		5
Connecticut	31	8	2	28	9
Delaware	70	35	51	50	73
District of Columbia	6	1	2	19	29
Florida	772	100	298	13	39
Georgia	635	275	439	43	69
Illinois	1,142	624	885	55	77
Indiana	1,433	826	1,065	58	74
Iowa	326	145	185	44	57
Kansas	131	0	17	0	13
Kentucky	796	308	456	39	57
Louisiana	93	12	7	14	8
Maine	11	3	6	23	55
Maryland	301	0	139	0	46
Massachusetts	269	74	23	28	9
Michigan	598	196	393	33	66
Minnesota	230	62	113	27	49
Mississippi	135	43	87	32	64
Missouri	1,257	916	1,027	73	82
Montana	71	0	3	0	4
Nebraska	43	0	6	0	13
Nevada	90	11	14	12	16
New Hampshire	53	13	29	23	55
New Jersey	114	10	41	9	36
New Mexico	62	0	0	0	0
New York	499	45	181	9	36
North Carolina	714	333	504	47	71
North Dakota	79	0	14		17
Ohio	2,017	1,313	1,636	65	81
Oklahoma	142	20	12	14	8
Oregon	5	1	1	14	17
Pennsylvania	1,439	724	1,068	50	74
Rhode Island	5	1	1	28	9
South Carolina	349	162	246	47	71
South Dakota	26		4		17
Tennessee	761	458	609	60	80
Texas	586	21	110	4	19
Utah	87	27	11	31	13
Vermont	1	0	1	23	55
Virginia	207	40	60	19	29
Washington	106	14	18	14	17
West Virginia	1,042	622	770	60	74
Wisconsin	746	525	594	70	80
Wyoming	69		9		13
Total	18,458	8,167	11,555	44	63

Source: Management Information Services, Inc., 116 Fourth Street, S.E., Washington, D.C. 20003.

EXHIBIT 4

ELECTRICITY RATE INCREASES FOR EACH STATE FROM H.R. 4567 AND FROM S. 2203

State	Percent rate increase	
	H.R. 4567	S. 2203
Alabama	1	7
Arizona	1	2
Arkansas	1	4
California	0	1
Colorado	1	6
Connecticut	2	4
Delaware	2	7
District of Columbia	2	9
Florida	2	6
Georgia	3	9
Idaho	2	8
Illinois	3	9
Indiana	6	14
Iowa	4	10
Kansas	0	5
Kentucky	8	13
Louisiana	1	6
Maine	0	1
Maryland	3	8
Massachusetts	2	6
Michigan	3	9
Minnesota	1	9
Mississippi	0	9
Missouri	6	13
Montana	0	2
Nebraska	0	6
Nevada	0	1
New Hampshire	2	2
New Jersey	1	5
New Mexico	0	2
New York	1	3
North Carolina	2	10
North Dakota	0	1
Ohio	7	17
Oklahoma	2	4
Oregon	0	0
Pennsylvania	6	13
Rhode Island	2	6
South Carolina	2	8
South Dakota	0	1
Tennessee	4	11
Texas	0	3
Utah	3	5
Vermont	0	0
Virginia	2	11
Washington	1	1
West Virginia	5	37
Wisconsin	7	15
Wyoming	0	10
Average, all States	2	9

Source: Management Information Services, Inc., "Impact of Acid Rain Abatement Legislation on States and Electric Utility Company Costs and Rates," Washington, D.C., 1986.

EXHIBIT 5

IMPACT ON RATES OF SELECTED UTILITY COMPANIES OF THE TWO ACID RAIN CONTROL BILLS

Utility company	Percent rate increase	
	H.R. 4567	S. 2203
Alabama Power Company (Alabama)	5	16
Appalachian Power Company (West Virginia)	16	59
Arkansas Power and Light (Arkansas)	3	5
Associated Electric Cooperative (Missouri)	7	11
Basin Electric Power Cooperative (Wyoming)	0	9
Buckeye Power Company (Ohio)	11	31
Central Ill. Public Service Co. (Illinois)	17	25
Cincinnati Gas and Electric (Ohio)	8	19
Columbus and So. Ohio Electric Co. (Ohio)	8	16
Dayton Power and Light (Ohio)	9	24
Delmarva Power and Light (Delaware)	2	10
Detroit Edison Company (Michigan)	5	14
Duke Power Company (North Carolina)	3	14
Electric Energy Inc. (Illinois)	19	27
Georgia Power Company (Georgia)	9	21
Gulf Power Company (Florida)	9	21
Illinois Power Company (Illinois)	10	20
Indiana and Michigan Elec. Company (Indiana)	7	18
Indiana Public Service Company (Indiana)	20	30
Iowa Public Service Company (Iowa)	8	16
Iowa Southern Utilities (Iowa)	18	24
Kentucky Power Corporation (Kentucky)	21	29
Kentucky Utilities Company (Kentucky)	17	28
Louisville Gas & Electric Company (Kentucky)	8	10
Minnesota Power and Light (Minnesota)	1	6
Minnkota Power Cooperative (North Dakota)	1	2
Mississippi Power Company (Mississippi)	3	22
Monongahela Power Company (West Virginia)	15	63
Montana Power Company (Montana)	1	3
Nebraska Public Power (Nebraska)	1	8
New England Power Company (Massachusetts)	2	11
Northern Indiana Public Service Co. (Indiana)	17	22
Ohio Edison Co. (Ohio)	3	7
Ohio Power Co. (West Virginia)	8	40
Oklahoma Gas and Electric (Oklahoma)	1	2
Pacific Power and Light (Wyoming)	1	16
Pennsylvania Electric Co. (Pennsylvania)	20	32
Pennsylvania Power and Light (Pennsylvania)	9	26
Public Service Co. (Colorado)	2	14
Public Service Electric and Gas (New Jersey)	1	9
Public Service of New Mexico (New Mexico)	1	1
Rochester Gas and Electric Corp. (New York)	4	10
SCANA Corporation (South Carolina)	6	20
Seminole Electric Cooperative (Florida)	7	8
Tampa Electric Company (Florida)	7	10
Tennessee Valley Authority (Tennessee)	7	23
Union Electric Company (Missouri)	9	20
United Illuminating Company (Connecticut)	2	5
Utah Power and Light (Utah)	5	11
Virginia Power Company (Virginia)	4	17
Wisconsin Public Service Corp. (Wisconsin)	2	17
Average, all companies	2	9

EXHIBIT 6

NET JOBS AND SALES CREATED IN EACH STATE BY H.R. 4567 AND BY S. 2203

State	H.R. 4567		S. 2203	
	Jobs	Sales [1]	Jobs	Sales [1]
Total, all States	100,839	7,482	194,772	13,096
Alabama	2,186	203	7	−130
Alaska	221	15	486	33
Arizona	1,278	97	3,050	235
Arkansas	721	55	1,597	121
California	14,222	1,093	31,400	2,413
Colorado	2,140	192	13,946	1,530
Connecticut	2,365	188	5,234	416
Delaware	272	4	584	43
District of Columbia	443	29	983	64
Florida	3,468	255	7,416	541
Georgia	2,181	162	4,466	328
Hawaii	269	18	607	41
Idaho	313	23	726	55
Illinois	1,023	−115	6,423	252
Indiana	2,091	125	4,701	288
Iowa	854	56	1,934	130
Kansas	382	3	1,420	74
Kentucky	−2,513	−395	15,690	−2,218
Louisiana	1,150	82	2,457	182
Maine	369	28	817	62
Maryland	1,403	92	2,983	196
Massachusetts	3,552	277	7,860	614
Michigan	6,336	514	13,828	1,120
Minnesota	1,974	151	4,368	335
Mississippi	787	61	1,680	129
Missouri	1,543	90	3,628	226
Montana	−65	−17	291	14
Nebraska	557	41	1,242	91
Nevada	306	21	738	52
New Hampshire	554	44	1,225	97
New Jersey	3,538	266	7,395	553
New Mexico	352	25	2,058	207
New York	8,085	604	17,649	1,317
North Carolina	2,429	185	5,166	392
North Dakota	151	10	−303	−53
Ohio	1,275	−68	4,815	80
Oklahoma	915	60	2,066	138
Oregon	1,168	91	2,578	200
Pennsylvania	−1,516	−411	1,130	−368
Rhode Island	471	37	1,042	82
South Carolina	1,023	76	2,163	161
South Dakota	173	12	380	27
Tennessee	2,334	204	3,355	236
Texas	6,254	462	13,857	1,023
Utah	689	57	3,904	412
Vermont	246	19	544	43
Virginia	3,978	388	3,154	188
Washington	2,017	156	4,453	344
West Virginia	13,006	1,539	−2,010	−291
Wisconsin	2,305	181	5,100	400
Wyoming	1,567	179	5,777	668

[1] Sales in millions of 1986 dollars.

Source: Management Information Services, Inc.

1985 PRIVATE ENVIRONMENTAL INVESTMENTS CREATE NEW INDUSTRY WITH $19 BILLION IN CORPORATE SALES, 167,000 JOBS

Over the past two decades, amid national concern that protecting the environment damages the economy, a major industry—pollution abatement and control, or PABCO—has been born. The critical component of this new, $70-billion industry—12 percent, or $8.5 billion—represents private business capital investments in environmental protection. These are the recent findings of Management Information Services, Inc., a Washington, DC firm specializing in providing economic-impact information and analyses.

According to the MISI report, the first comprehensive study ever made of the cost and impact of environmental control investments: "If PABCO were a corporation, it would rank near the top of the Fortune 500." As a result, a significant sales-generating, profit-making, job-creating industry is now in place.

Analyzing the investment portion of the industry, the MISI report Economic and Employment Benefits of Investments in Environmental Protection estimates that the $8.5 billion capital spending for pollution abatement and control equipment created $19.3 billion in industry sales, $2.6 billion in corporate profits, and 167,000 jobs. The report also identifies the industries, occupations, and regions receiving the economic benefits.

MISI calculates the impact of the investments in each type of pollution control equipment. The study finds that some industries and occupations are affected significantly by PABCO investments, while others are affected slightly. These expenditures, however, play a greater role in the economy and labor market than is generally recognized: They provide support for some mature industries presently suffering from stagnant sales and foreign competition; they provide impetus to emerging high technology industries; they play a disproportionately large role in expanding the job market for selected scientific, engineering, and technical personnel.

The regional implications of these findings are of special significance, according to MISI, because environmental regulations can have adverse effects on individual regions and States. The study demonstrates, however, that investments in pollution control technologies will also create regional economic benefits that will, in many instances, offset the adverse impact of environmental regulations.

A good example is Ohio, which has a base of heavy manufacturing, petrochemical, and utility industries. Although these industries are often major polluters, many are also required to furnish the products and services needed to lessen the environmental impact of their own pollutants. The fact that industries that pollute may also benefit from environmental regulations is an argument rarely heard in the debate over the economic effects of environmental legislation.

MISI estimates that in 1985 business invested $4.2 billion in air-pollution control equipment, $3.2 billion in water-pollution control equipment, and $1.1 billion in equipment for disposal of solid waste. Investments in air pollution control created $10 billion in industry sales, $1.3 billion in corporate profits, and 85,000 jobs. Water-pollution control investments created $7.1 billion in sales, $900 million in profits, and 59,000 jobs. Investments in waste disposal technologies created $2.5 billion in sales, $300 million in profits, and 22,500 jobs.

The study shows the economic and employment benefits resulting from each type of pollution abatement and control investment, separating them into the direct and indirect impacts on 80 industries and 475 occupations for the U.S. as a whole and for different States and regions. MISI reports that per dollar of expenditure, air-pollution control investments create the most sales and profits, and investments in solid-waste disposal technologies create the most jobs.

1985 JOBS AND SALES CREATED IN EACH STATE BY POLLUTION ABATEMENT AND CONTROL INVESTMENTS

[Dollar amount in millions]

State	Jobs	Sales
Total	166,532	$19,293
Alabama	2,510	251
Alaska	340	58
Arizona	2,060	234
Arkansas	1,520	154
California	17,420	2,280
Colorado	2,570	280
Connecticut	2,490	328
Delaware	450	52
District of Columbia	240	39
Florida	7,390	869
Georgia	4,110	425
Hawaii	730	81
Idaho	680	66
Illinois	8,170	1,023
Indiana	3,790	417
Iowa	2,160	232
Kansas	1,840	212
Kentucky	2,480	239
Louisiana	2,780	328
Maine	810	77
Maryland	3,390	386
Massachusetts	4,580	540
Michigan	6,090	733
Minnesota	3,290	347
Mississippi	1,540	154
Missouri	3,490	386
Montana	590	58
Nebraska	1,230	116
Nevada	700	79
New Hampshire	780	78
New Jersey	5,550	742
New Mexico	900	95
New York	12,160	1,641
North Carolina	4,425	405
North Dakota	490	54
Ohio	8,580	963
Oklahoma	2,320	270
Oregon	1,970	205
Pennsylvania	8,010	965
Rhode Island	720	79
South Carolina	2,190	212
South Dakota	520	39
Tennessee	3,190	309
Texas	11,570	1,293
Utah	1,030	102
Vermont	410	37
Virginia	4,220	463
Washington	3,020	367
West Virginia	1,040	116
Wisconsin	3,600	367
Wyoming	400	44

[From the Wall Street Journal, Jan. 29, 1986]

JOBS AND VALUES

Americans spent $70 billion last year to control pollution, creating 167,000 jobs in the pollution-control industry, a Washington consulting firm called Management Information Services reported yesterday.

"This report illustrates that while environmental advocates, industry representatives, politicians, economists and others have been arguing over how badly environmental programs hurt the economy, a major profit-making, job-creating industry was being born," said the MIS report.

The findings are interesting, as are all the other discoveries MIS made in its computerized study. For example, the study estimates that $8.5 billion went for equipment alone, such things as stack scrubbers and earth-moving machines. If any politician wants to know how much income was generated in his state, the MIS computer model can tell him. But anyone assuming those impressive numbers might lay to rest the arguments over environmental policy is, it seems to us, drawing an unwarranted conclusion.

Any public policy that either spends public funds or requires private funds to be spent will generate jobs. But that does not obviate questions about the public benefits from the spending. Building pyramids in the Western desert would create innumerable jobs but hardly would be worthy of public support.

Environmental spending is not at all like building useless pyramids. Cleaning up the nation's air and water and ridding the countryside of other affronts to human health and comfort have enjoyed broad public support and clearly are a public good. The argument is now and will continue to be over what point a given project ceases to yield benefit commensurate with the costs.

It is interesting to observe, though, how the capitalist system has turned environmentalism into an industry of its own—with its own jobs, its own investments, its own need for markets and, let us not forget, its own vested interests.

[From the Economist, December 1986]

INDUSTRIAL WASTE: SLURRY FLURRY

WASHINGTON, DC.—America's enthusiasm for cleaning up its industrial waste is spawning a whole new industry. The Reagan administration recently set aside $8.5 billion to mop up the damage caused by the worst of America's thousands of toxic waste dumps. To free-marketeers, the so-called "Superfund" is the epitome of log-rolling legislation: a wasteful way of solving a problem that private enterprise—aided by a clearer legal code on liability—could do at a fraction of the cost. The dozens of new firms that are springing up to carry out the administration's wishes are laughing all the way to the muckheaps. To them the fund—and the tougher regulations on pollution that accompany it—are proving a bonanza.

A new study by Management Information Services, a research group in Washington, suggests that spending on pollution control and the abatement of industrial waste in America has grown from $18 billion in 1972 to nearly $70 billion in 1985. This is good news for manufacturers of such things as desulphurisation units ("scrubbers") for gas flues, solid-waste treatment plants, the breeders of bugs used to clean up polluted water, and contractors that specialize in shifting toxic rubbish from an unsafe place to a safer one.

Management Information Services calculates that, in 1985, private-sector investment of $8.5 billion by firms on pollution reduction generated sales of $19 billion, profits of $2.6 billion and some 167,000 jobs across the country.

Some of the biggest profits in the future are likely to come from America's obsession with the poor quality of its goundwater. Drinking water for half the country is drawn from groundwater contained in natural underground aquifers. Tough new regulations are forcing the companies that produce it and the municipal authorities in whose areas they operate to ensure that industrial waste does not leach into this water supply. Some of the best techniques used for cleaning polluted aquifers (eg. biotechnological cleansing) have been developed by small innovative companies.

Analysts at Kidder, Peabody, a stock-broking firm, estimate that the cleaning up of America's 1m industrial storage tanks (35% of which may be leaking into the groundwater) could alone grow to become a $1 billion-a-year business by 1990. That would involve an average annual increase in spending form today of 35%. In addition, Kidder, Peabody expects the business of removing waste from sites earmarked for treatment to increase by 25% a year; and that of analysing the make-up of hazardous waste to grow by 30% a year.

[From the EPA Journal, December 1986]

IS ENVIRONMENTAL CONTROL AN EXPENSE OR AN INVESTMENT?

(By Don Bronkema)

No social protest movement of the postwar era came of age as swiftly as environmental protection. Once the province of eccentrics, it became almost overnight the cause and commitment of the vast preponderance of the American people. Expenditures for pollution control soared as we

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tried to restore the bright skies and sparkling waters of pre-industrial times.

This commitment has never faltered. Between 1970 and 1984, we spent an estimated $433 billion in public and private funds to clean up our air and water. These billions have already paid substantial dividends. The major atmospheric contaminants have been dropping steadily—in some cases, dramatically—over the last decade. We have at the very least held our own, and in places even made great headway in cleansing our rivers and lakes of the so-called classical pollutants. We have laid a foundation for detoxifying abandoned waste dumps and for controlling active dump sites.

However, some still believe that pollution control is more of an expense than an investment and that we just can't afford to spend so much in this otherwise commendable effort. They blame environmental management for lowering the standard of living, throwing thousands out of work, raising the cost of products, cutting into productivity, driving some companies out of business, pushing entire industries over the brink, and giving an advantage to ruthless foreign competitors.

But, according to Management Information Services, Inc. (MISI), these arguments are essentially false. In a report published in January 1986, MISI concluded that pollution abatement has not only provided environmental benefits, it has also provided the impetus for a multi-billion dollar industry. If the industry were concentrated in one company, it would rank near the very top of the Fortune 500.

Last year, for example, managers invested $8.5 billion in abatement and control equipment. This in turn created $19.3 billion in sales and 167,000 jobs. The MISI report identifies the beneficiaries of these outlays by industry, occupation, and geographic region. It rebuts the notion that environmental programs are nothing but regulations, standards, compliance monitoring, and such-like bureaucratic paper pushing. In fact, some 80 percent of pollution-related spending is attributable to business activity, consumer goods, construction, and research and product development.

The MISI report confirms that some industries and communities have been gravely disrupted by pollution control. Especially old-line heavy industry in the rust belt. But control expenditures also provide contracts for certain mature companies that have fallen on hard times due to competition from other materials, poor sales, and foreign competition. They stimulate frontier companies in high-tech sectors that can help restore the balance of payments, and they have opened up broad opportunities for science, engineering, and technical personnel.

Total business investment in pollution control since the early 1970s, MISI estimates, is now over $100 billion, with much more still to come as the international market for control equipment expands.

The MISI report recognizes that generous spending on the environment probably reduces spending for some popular consumer items. But it notes that a clean and enjoyable environment is an essential feature of the modern standard of living and of contemporary expectations. Indeed, some observers insist that it is a precondition for the survival of the human race.

But what about the jobs and companies and industries that go down the drain? What about the towns and cities and states that can't afford to retrofit for environmental controls and get back into the mainstream? Again, MISI has come up with some surprising facts.

Take a state like Ohio, one beset with adversity as heavy industries like steel, industrial machinery, petrochemicals, and utilities have faced changing market demand, recession, technical obsolescence, and stiff competition from abroad. Ohio industry has doubtless been a major polluter, and it has had to pay out a lot of money for federally mandated improvements. But more often than not, says MISI, those very same industries have also been called upon to produce pollution control equipment and services.

In addition, industrial polluters confronted by tough standards not infrequently come up with innovations that not only help themselves, but inadvertently assist others as well. And, whenever new equipment and processes must be introduced in response to the aforementioned economic conditions, industry can wrap pollution controls into the system at lower cost than likely under complex retrofitting. In that case, cleaner air and water are a collateral benefit of investments that would have had to be made anyway.

The results, in any event, are beneficial. Pollution abatement and control created 8,577 new jobs in Ohio in 1985 and generated additional industrial sales of $963 million.

MISI estimates that in 1985 U.S. business spent $4.2 billion on air-pollution control equipment, $3.2 billion on water-pollution control equipment, and $1.1 billion on equipment for disposal of solid waste. Some $10 billion in industry sales, $1.3 billion in corporate profits, and 85,000 jobs were produced by investments in air-pollution abatement. Water-pollution control expenditures resulted in $7.1 billion in sales, $900 million in profits, and 59,000 jobs. Waste disposal created $2.5 billion in sales, $300 million in profits, and 22,500 jobs.

The study analyzes the economic and employment benefits resulting from each type of control investment, with direct and indirect effects on 80 industries and 475 occupations for the nation as a whole and for various states and regions. MISI reports that air-pollution control creates the most sales and profits per dollar of expenditure, while investment in solidwaste disposal technology generates the most jobs.

The MISI findings are by no means unique. The U.S. Department of Commerce Bureau of Economic Analysis has just reported that pollution control investments in 1984, their latest record, amounted to $69 billion—three-quarters of it private money for expenditures ranging from stack-gas scrubbers to catalytic converters for cars. The Bureau estimates that such expenditures had risen from about 1.5 percent of GNP in 1972 to 1.8 percent in 1984.

The conclusion seems inescapable: environmental management is a major positive element in the American economy. It is setting an example that is occuring in other developed countries and that is beginning to occur in developing countries. It is often at the cutting edge of technical innovation. It boosts productivity and will help make possible the preservation of the global ecosystem upon which life and civilization depend. It is one of those realities of the marketplace that is unlikely to go away.☐

[From Environmental Sciences and Technology]

ENVIRONMENTAL PROTECTION

(By Alvin A. Cook, Jr.)

To many people, a clean and healthy environment, although desirable in the abstract, is nevertheless a luxury. They argue that although a high level of environmental quality is desirable, pursuing this goal can damage the economy. We must therefore always be on guard against spending too much on wasteful environmental programs—wasteful because they destroy jobs, bankrupt businesses, decrease productivity, and produce a host of other real or imagined woes.

The latest manifestation of this phenomenon is the heated debate over acid rain. It is no longer credible to deny that the problem exists; rather, it is more fashionable for those opposed to dealing realistically with the problem to maintain that the costs of acid rain cleanup are too high. Again the litany of lost jobs, impoverished communities, and devastated industries is brought out, dusted off, and given a new face.

Supporters of environmental programs are almost invariably forced to defend the programs as necessary evils. Such arguments provide little solace to unemployed workers or bankrupt businesses who have been told that they are the ones who must pay the price of clean air and water.

Over the past two decades, protecting the environment has grown into a major sales-generating, profit-making, job-creating industry, largely unnoticed by the general public. Indeed, it has evolved into a driving force in the economy: In 1985 expenditures for pollution abatement and control (PABCO) totaled $70 billion. If PABCO were a controlled corporation, it would rank near the top of the Fortune 500.

We at Management Information Services recently analyzed the economic effects of an important element of this new industry: In 1985, $8.5 billion in private business capital was invested in environmental protection. We found that these investments resulted in total sales in the United States of $19 billion, that they generated business profits of $2.6 billion, and that they provided jobs for 167,000 persons. In view of the fact that business investments account for less than 15% of total 1985 PABCO spending, these data show the important role that environmental protection plays in the economy.

Many companies, whether they realize it or not, owe their profits—and in some cases their existence—to PABCO investments. Many workers would be unemployed were it not for these investments. So much for the contention that protecting the environment destroys industries and costs jobs.

It may be asked whether investments in environmental protection are unproductive. Wouldn't spending lots of money on anything—for example, building pyramids in the desert—stimulate industry and create jobs?

Investments in environmental protection, however, are not at all like building pyramids. They produce a healthier, safer, cleaner, and more livable environment. Environmental protection is an exemplary public good and, according to the Harris pollsters, this issue has consistently enjoyed wider and stronger public support than virtually any other over the past quarter century. Investments in plant and equipment that produce this strongly desired public good are as productive as those that produce the automobiles, television sets, golf balls, or defense systems that we are willing to pay for privately or through taxes.

Don't environmental standards penalize certain states and regions at the expense of others? Sometimes, yes. This point has been so overused, however, that almost any state or region suffering economic hardship places some of the blame on unreasonable environmental laws.

However, we have found that in every case industries in states that are negatively affected by environmental legislation are benefitting substantially from the sales, profits, and jobs created by PABCO investments. With respect to acid rain, therefore, the industries and regions creating acid rain pollution will in many cases help provide solutions to the problem. It is time that this argument is heard in the debate over the economic effects of environmental legislation.

According to our initial estimates, even a small-scale program of acid rain abatement will create 115,000 jobs and generate $1.5 billion in corporate profits. It is significant that many of these benefits will flow directly to states such as Pennsylvania, Michigan, and Illinois, where only the costs and disadvantages of acid rain legislation are readily apparent now.

We must recognize that funds spent on pollution abatement and control programs are not wasted. Investments in environmental protection contribute as much to the well-being of the nation as does money spent on other goods competing for scarce private and public funds.

[From Engineering News-Record, May 29, 1986]

Money and Jobs Tallied in Pollution Control

Pollution abatement and control may be a messy business but it creates lots of jobs and profits, according to an analysis by a group of Washington, D.C., economists.

"If pollution abatement and control were a corporation, it would rank near the top of the Fortune 500," says the report by Management Information Services Inc. "Clearly, providing the goods and services required for environmental protection has become a major U.S. industry with significant effects on the economy and labor market."

The study looked only at new business investments in 1985 for controlling pollution. These totaled $8.52 billion and created industry sales of $19.2 billion, 166,532 jobs and $2.6 billion in corporate profits. The total pollution market last year was $70 billion.

According to MISI, construction services relating to the investments totaled $418 million, creating 6,272 jobs for construction workers. Breaking employment data down by craft, MISI discovered that the jobs includes 1,139 laborers, 1,278 plumbers, 787 operating engineers, 204 structural metal craftsmen, as well as 185 surveyors and 142 inspectors. MISI notes that air pollution work created the most jobs for construction workers, followed by water and solid waste programs.

[From Environment Reporter, Aug. 1, 1986]

General Policy: Pollution Control Spending Good for Economy, Creating Jobs, Profits, Management Firm Says

The estimated $70 billion spent annually on pollution abatement in the United States should be viewed not as a drain on the economy, but as an investment in a new industry that generates jobs and corporate profits as well as cleaning up the environment, a management consulting group said in a new report.

Even states that already appear to be hard-hit by existing laws with the prospect of new environmental controls on the horizon, such as preventing acid rain, could benefit, Roger H. Bezdek, one of the report's authors and partner in the firm, Management Information Services Inc., told BNA July 11. Ohio, Michigan, Illinois, and other industrial states "might come out ahead" in the long term because they will manufacture most of the pollution control equipment, he said.

"That's based on existing industries already making those products," Bezdek added. New pollution control industries also are locating in the "Rust Belt," he said, because those states have excess manufacturing capacity and labor pools that suit those industries' needs.

Pollution control requirements helped create 8,577 new jobs in Ohio, according to the report. These included 516 machine operators, 234 heavy equipment mechanics, 198 assemblers, and 120 welders, as well as support staff, including 310 secretaries, 143 bookkeepers, and 124 accountants. The remainder of the new jobs, the report said, were created due to the multiplier effect of the new pollution control expenditure, increasing opportunities for bartenders, actors, and newspaper editors.

OHIO OFFICIAL VOICES SKEPTICISM

"I'm not 100 percent convinced" by the analysis, Edward C. Hopkins, environmental policy analyst for Ohio Gov. Richard F. Celeste, told BNA July 29. A conservative estimate of job losses in the state's coal industry from an acid rain bill now being considered by Congress (HR 4567) totals 7,000 jobs, Hopkins said.

In addition, higher state utility rates triggered by acid rain control measures could drive borderline companies out of business or out of the state, he said, costing the state even more jobs. Hopkins agreed, however, that pollution control measures have brought a degree of economic benefit to Ohio, including an improved quality of life for residents.

The job-gain data in the report were derived using a sophisticated matrix that projects how many jobs would be created indirectly based on a level of direct pollution control industry employment, Bezdek told BNA July 29. More than one-half of the jobs created were directly related to pollution control, he added.

167,000 JOBS CITED

Businesses across the United States spent $35 billion in 1985 for day-to-day operation of pollution controls, and capital investments by businesses accounted for another $8.5 billion in expenditures, the report noted. Governments spent $15 billion, and individuals spent $12.8 billion, according to data obtained from the Department of Commerce and analyzed by the consulting firm.

This spending generated $19.3 billion in industrial sales, $2.6 billion in corporate profits, and helped create 167,000 jobs in 1985, the report said.

The firm cited specific benefits to Ohio, where industries realized $963 million in sales driven by pollution control requirements. The largest beneficiaries were electric, gas, and water services, with $186 million in sales, followed by pertroleum refining at $109 million, iron and steel manufacturing at $91 million, and non-ferrous metals manufacturing at $64 million. Chemical firms were to have reaped $43 million in sales.

The metals industries produce the hardware needed for control measures, Bezdek explained, and the petroleum and chemicals industries provide the necessary chemicals.

The report was necessary, the authors said, because all too often the economic drain caused by pollution control measures is the only factor cited in debates over new and existing controls. The benefits of a clean environment are difficult to quantify, while the economic and employment benefits have hardly been studied at all, they said.

[From National Wildlife, Aug.-Sept. 1986]

A Breath of Fresh Air for the Economy

(By John Carey)

If you listen to critics of environmental regulations, the war against pollution is a giant brake on the engine of industry. Forced to install expensive treatment equipment, companies have watched productivity decline and losses mount. As a result, the critics charge, the economy has stagnated and millions of stalwart Americans have been put out of work. "Ninety percent of what you hear is how environmental regulations have cost people their jobs," says Alvin Cook of Management Information Services (MISI), a Washington, D.C., consulting firm.

Until recently, says Cook, "environmentalists have only been able to counter by saying: 'But the air and water are cleaner.' That may be true, but it's not a lot of solace to the guy who has lost his job."

Now, however, environmental watchdogs can respond with an argument that rings with the authoritative sound of cold cash. According to a recent study by MISI, the pollution abatement and control business (known affectionately as PABCO) is now a thriving industry in its own right. In 1985 alone, it invested $8.5 billion and created 167,000 jobs. "If PABCO were a corporation," says the study, "it would rank near the top of the Fortune 500."

The report, entitled "Economic and Employment Benefits of Investments in Environmental Protection," was born of the realization that money and jobs make good politics. "Whenever the Pentagon wants to sell a new weapon, it is quick to point out all the jobs that would be created," explains Cook.

MISI's researchers first collected Department of Commerce and trade association data on the value of the goods and services produced by the pollution control industry. Then they plugged the figures into a standard model that translates dollars spent into employment. They calculated, for example, that the industry needed to hire about 1,000 electrical engineers and 6,800 secretaries in 1985. "Whether they realize it or not, many workers would be unemployed today were it not for PABCO investments," says the report.

The companies spawned by environmental legislation range from manufacturers of smokestack emission control equipment to laboratories that test groundwater for chemical contaminants. Earlier this year, for instance, Boston's GSX Corporation was hired to clean up pesticides dumped years ago at the airport in Columbia, South Carolina. "If there were no environmental regulations, no one probably would have cleaned it up," observes Joseph Boren, a vice-president of GSX.

Another firm, Bird Machine Company, recently sold ten large centrifuges, used to remove solid waste from sewage water, to the city of Philadelphia. "In the last few years, water pollution control is one of the few industries that is really hot," says Peter Gouck, an executive at Bird.

Obviously, any regulations that force the private sector to buy expensive equipment will create jobs. But doesn't this spending still drive down productivity and hurt the economy? Not necessarily, argue MISI and many members of the PABCO industry. "Lots of people are finding that their waste, which they used to throw away, is a valuable resource," explains Richard Fortuna, director of the Hazardous Waste Treatment Council. As a result, says Cook, "many investments in environmental protection actually increase productivity—and are good for the economy in general."

[From the Engineering Times, August 1986]

Pollution-Abatement Industry Seeing Healthy Growth, Says Economic Benefit Study

Critics of environmental laws often blame those laws for their excessive costs to business. In truth, says a new report, environmental laws have led to an economic boom in pollution abatement and control—a boom that in 1985 alone stimulated $19 billion in sales, generated $2.6 billion in corporate profits, and created jobs for 167,000 Americans, 4491 of them engineers.

The study, titled "Economic and Employment Benefits of Investments in Environmental Protection," was conducted and financed by Management Information Services, Inc. (MISI), a Washington, D.C., consulting firm.

According to the report, "expenditures for pollution abatement and control have grown from $18 billion per year in 1972 to nearly $70 billion per year by 1985." If pollution abatement and control were under the umbrella of a single corporation, "it would rank near the top of the 'Fortune 500'," says Roger Bezdek, a MISI economist.

Expenditures in pollution abatement and control "play a greater role in the economy and labor market than is generally recognized," says Bezdek. "They provide support for some mature industries presently suffering from stagnant sales and foreign competition. They provide impetus to emerging high-technology industries. They also play a disproportionately large role in expanding the job market for engineering, scientific, and technical personnel.

ENGINEERING JOBS

The greatest numbers of the 4491 engineering jobs generated during 1985 by the pollution-control industry were in the fields of electrical (1022), industrial (681), mechanical (587), civil (509), and chemical (488) engineering, according to the MISI report. The industry also created new jobs for aeronautical, metallurgical, mining, and petroleum engineers, and for 4166 engineering and science technicians.

Some states and regions that have been hardest hit by the economic costs of pollution-abatement and -control requirements also have received some of the greatest benefits of environmental cleanup efforts, the study reports.

"We've found that investments in pollution-control technologies also will create regional economic benefits that will, in many years, offset the adverse impact of the regulations," says Bezdek. "It's time that this argument is heard in the debate over environmental legislation."

An example is the state of Ohio, with its base of heavy manufacturing, petrochemical, and utility industries. Although those industries often are major polluters, many also are required to furnish the products and services needed to lessen the environmental impact of their own pollutants.

Last year, pollution-abatement investments in Ohio generated $963 million in sales and created 8580 jobs. "The fact that industries that pollute may also benefit from environmental regulations is an argument rarely heard in the debate over the economic effects of environmental legislation," Bezdek notes.

The MISI study compared the economic impacts of spending on air, water, and solid-water pollution-control programs. Per dollar of expenditure, investments in air-pollution control programs create the most sales and profits, while spending for solid-waste disposal equipment creates the most jobs.

[From the Globe and Mail, Mar. 28, 1986]

Profits, Jobs Seen in Acid-Rain Cleanup

(By Donn Downey and Michael Keating)

A group of Washington economists says a serious U.S. effort to curb acid rain would cost about $5 billion but it would create huge profits for U.S. companies and many jobs for workers.

The company, Management Information Services Inc., states in a letter to the Canadian Coalition on Acid Rain that the economic fallout from pollution controls, which would be primarily linked to the coal industry, are a strong argument for going ahead with such works.

Management Information Services Inc. was incorporated earlier this year. It is privately financed by a group of economists who donated their time and money to produce a report on the economic effects of acid rain curbs, Dr. Jerome Rosenberg, its spokesman, said.

The company was recently hired by the consulting firm of Grant Thorton to help in a study of electrical generating needs in the New England states. It will split the profits of the contract with Grant Thorton.

The analysts say that by spending $5 billion on acid rain controls, the United States would generate $13 billion in sales, produce more than $1.5 billion in corporate profits and create about 115,000 jobs. It would also improve its environment and public health.

The letter has been made public a week after President Ronald Reagan promised Prime Minister Brian Mulroney that he would try to see that $5 billion was spent by the U.S. Government and industry on projects to demonstrate acid rain cleanup technologies.

However, the presidential statement did not say anything about specific pollution reductions under this program or exactly where all the money was to come from in a period of spending cutbacks.

In a report accompanying the letter to the acid rain coalition, Management Information Services says that it has studied the pollution controls and found great misconceptions about their effect on the economy.

It says that for years the imposition of such controls has been seen as a drain on the U.S. economy. In fact, the report says, pollution control has quietly become an industry worth nearly $70 billion. Last year it produced $2.6 billion in profits and was responsible for 167,000 jobs.

"There findings clearly refute the widely held belief that environmental programs hurt the economy, cripple industries and cost jobs. Just the opposite is the case."

However, some Washington experts do not entirely agree with the report's findings. Paul Portney of Resources for the Future, a non-profit research organization financed in part by the federal Government, said the 115,000 figure for new jobs was "complete baloney."

He said it was probably based on the assumption that the United States would purify its high sulphur coal, protecting the jobs of the miners. "We already have a lot of clean coal. Why not use it instead?"

In the past, several reports calling for the spending of billions of dollars on pollution controls have pointed out the economic losses of not stopping environmental degradation. However, this report shows that in addition to preserving valuable natural resources and protecting human health, the pollution controls have benefited the economy.

If all the U.S. spending on pollution abatement and control were concentrated in one corporation, the report says, "it would rank near the top of the Fortune 500" list of major U.S. companies.

"Clearly, providing the goods and services required for environmental protection has become a major U.S. industry with significant effects on the economy and labor market.

"Many companies—whether they realize it or not—owe their profits and in some cases their very existence to (pollution control) investments. Many workers . . . would today be unemployed were it not for these investments."

The report says that spending on pollution control grew from $18 billion a year in 1972 to nearly $70 billion in 1985, a rate of increase greater than that of the U.S. gross national product over the same time.

The report notes that certain industries and even regions have suffered as a result of pollution regulations but says this has been offset by the work created for others in cleaning up industry generally.

Even areas which face major expenditures to clean up their pollution can reap some benefit from the economic fallout.

For example, Ohio has long been identified as a major polluting area and the source of a significant amount of the acid rain falling on Canada. But many of the industries that are major polluters will also be able to sell pollution control products and services, says the report.

In the report, Management Information Services lists a wide range of jobs and services that benefit from spending on pollution controls, ranging from professional engineers and managers to laborers and office machine operators.

CBS Evening News With Dan Rather

(As broadcast over the CBS Television Network, Monday, Feb. 17, 1986)

Produced by CBS News.

Executive Producer: Lane Venardos.

Schieffer: United Steelworker members today began picketing the nation's four largest can-makers after rejecting management offers of $400 a year in [1] (bo—) bonuses [1] (to—) in place of a wage [1] (hike) [2] (increases). The strike involves 13,000 workers at some 75 plants [2] (around) [2] (across) the country and industry officials said no immediate shortages are expected.

A consulting firm today said efforts to clean up the environment and control pollution have produced a $70-billion-a-year industry that created more than 166,000 jobs last year. Management Information Services says that if pollution abatement and control were a corporation, it would rank near the top of the Fortune 500 list of major companies.

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[1] Words in parentheses in 6:30 P.M. EST edition.

[2] Words in parentheses added in 7:00 P.M. EST edition.

(Next: "Our Mother" Mandela)

(Winnie Mandela and crowd shouting)

(Announcements)

[Management Information Services, Inc.]

MEMORANDUM

From: Management Information Services, Inc.

Subject: Report on the Economic Benefits of Environmental Protection.

Thank you for your inquiry concerning our study of the economic and marketing aspects of investments in pollution abatement and control technologies. This study contains considerable information and data which will be of interest to you:

Overview and summary of the research project;

Description of how capital investments in environmental programs can be converted into output requirements from every industry in the economy;

Explanation of how National Income and Product Account, Input-Output, employment, and occupational data sets can be integrated to compute environmental protection economic impacts;

Description of how the state-by-state industry and employment effects of these investments can be estimated;

The complete detail of the 1985 impacts of environmental investments in the U.S. on sales, profits, and employment in 80 industries and on jobs for 475 occupations, disaggregated according to air, water, and solid waste pollution control programs;

The most comprehensive, focused bibliography (over 200 sources) compiled to date on the subject; and

Assessment of some of the broader issues involved, with reference to the contentious acid rain issue.

Some materials relating to this work are enclosed. The cost for the report is $140.00, check payable to Management Information Services, Inc.——

[FROM AMBIO, VOL. 18, NO. 5, 1989]

THE ECONOMIC AND EMPLOYMENT EFFECTS OF INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL TECHNOLOGIES

(By Roger H. Bezdek, Robert. M. Wendling and Jonathan D. Jones)

INTRODUCTION

During the past two decades, concern with protecting the environment has been a major policy priority in the U.S. For the most part, environment legislation that has been enacted has served to improve the environment significantly. In addition, the concern over the environment has fostered programs that should impact the U.S. economy and environment well into the next century.

Considerable attention has focused on assessing the economic consequences of the environmental legislation. In the past, environmental programs have been routinely blamed for a variety of economic ills. Included among these are unnecessarily increasing the costs of products, forcing entire industries into premature decline, and generally making the U.S. economy less competitive in the world marketplace [1],[2] Because of the ill effects associated with legislation that has targeted the enviroment, the debate over the economic effects of environmental protection continues [3],[4].

A largely overlooked fact in the debate is that since the late 1960s, concern with the environment has spawned a major industry in the abatement and control of pollution. Today, this industry represents an important driving force in the U.S. economy.

[Graphs not reproducible in the RECORD].

Figure I shows the record of growth in the environmental protection industry during the past decade-and-a-half. Expenditures for pollution abatement and control (PABCO) grew from USD 18 billion per year in 1972 to nearly USD 70 billion per year in 1985. During this period, the increase in PABCO expenditures actually exceeded the growth rate of GNP [5]. Clearly, the evidence suggests that providing the goods and services required for environmental protection has become a major U.S. industry and, as a consequence, the environmental protection industry exerts significant effects on the economy and the labor market. We estimate that in 1985, of the USD 70.5 billion in total pollution abatement and control expenditures, USD 12.8 billion were made by consumers, USD 43.0 by business, and USD 15.0 by government.

BUSINESS INVESTMENT IN POLLUTION ABATEMENT AND CONTROL

This paper discusses the economic and employment effects that resulted in 1985 from private business spending on new pollution abatement and control investments. Business investment in PABCO programs, while accounting from only 12-15 percent of total environmental protection expenditures, (Fig. 2), is nonetheless important for three reasons. First, these investments lead to immediate and visible improvements in the quality of the environment. Second, they represent capital expenditures by the private sector within the private sector; i.e. these investments are not government-run programs. Third, these programs have significant impacts on the capital intensive, high-technology industries and labor markets that are of particular importance to the growth potential of the U.S. economy.

The research summarized here estimates the industry and employment effects of new business for abatement and control of air, water, and solid-waste pollution made in 1985. These investments totalled USD 4.2 billion, 3.2 billion, and 1.1 billion, repectively. Figure 3 shows that business PABCO investments have increased rapidly since the early 1960s, with cumulative investments in all three PABCO programs totalling about USD 100 billion [6-9].

METHODOLOGICAL APPROACH AND SUMMARY OF FINDINGS

Three simulations were conducted to calculate the economic and employment effects associated with the investments made in 1985. The economic effects of the PABCO investment programs were computed using the Management Information Service, Inc. (MISI) data base and information system. The first step in the simulation is the translation of investments in a particular pollution-control program into per unit output requirements for every industry in the economy. This is determined by four major factors: (i) the 1985 state of technology; (ii) government regulations and Technology-based standards; (iii) the particular program (i.e. air, water, and solid waste); and (iv) the direct industry requirements structure. Although the MISI system contains 500 industries, the present study summarizes an 80-order industry scheme that was chosen for the analysis.

Second, the direct output requirements from every industry resulting from 1985 spending on PABCO investments are estimated. These direct industry output requirements are then converted into total requirements from every industry by means of economic inter-industry "inverse" equations. These equations show not only the direct requirements, but also the second, third, fourth, . . . nth round indirect industry and service-sector requirements resulting from the particular investment.[10]

Next, the total output requirements from each industry are used to compute sales volumes, profits, and value-added for each industry. Then, using data on manhours, labor requirements, and productivity, employment requirements within each industry are estimated. This allows computation of the total number of jobs created within each industry.

The final step required the conversion of total employment requirements by industry into job requirements for specific occupations and skills. To accomplish this, MISI uses data on the occupational composition of the labor force within each industry and estimates job requirements for the 475 specific occupations that make up the entire US labor force. This permits the estimation of the impacts of PABCO investments in air, water, and solid-waste programs on jobs for specific occupations and on skills, education, and training requirements.

Included in the simulations are investments in both air and water-pollution abatement, and control programs, as well as in programs for the disposal of solid wastes. Impacts were calculated on total output, sales, profit, and employment for 80 industries. In addition, attention was paid to the effects that the investments had on the composition of employment in the 475 occupations found in the US labor force. The complete detail of the sales, profit, and job estimates is contained in Management Information Services, Inc.[11] Table 1 and Figure 4 provide a summary of the major effects of investments in air, water, and solid-waste disposal.

The major findings can be stated as follows. In 1985, business investments of USD 8.5 billion made to decrease air, water, and solid-waste pollution resulted in total sales of USD 19 billion, USD 2.6 billion in corporate profits, and provided jobs for 167,000 workers. It should be noted that these estimates are gross, not net, estimates in that no adjustment is made to take into account the opportunity costs associated with the use of the resources in pursuing environmental pollution control. Also, no adjustment is made for the losses of jobs which would result from the higher costs and prices and reductions in output in the polluting industries. In addition, no consideration is given to the social benefits associated with improving the quality of the environment. Nonetheless, these figures serve to illustrate the important role that the environmental pollution control industry plays in the US economy today.

Footnotes at end of article.

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TABLE 1.—OVERVIEW OF THE ECONOMIC BENEFITS OF 1985 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL

Pollution control program	Investment spending (billions USD)	Total sales (billions USD)	Sales/investment multiplier	Profits (millions USD)	Jobs	Jobs per billion dollars investment
Total	$8.52	$19.29	2.27	2,576	166,532	19,547
Air	4.22	9.69	2.30	1,329	85,007	20,143
Water	3.19	7.13	2.24	944	59,029	18,504
Solid waste	1.11	2.47	2.23	303	22,496	20,266

There are some interesting differences among the economic and employment effects of the various PABCO programs. For example, investments in air pollution create USD 10 billion in industry sales, USD 1.3 billion in corporate profits, and 95,000 jobs. On the other hand, water-pollution-control investments created USD 7.1 billion in sales, USD 0.9 billion in profits, and 59,000 jobs. Finally, investments in waste-disposal programs resulted in USD 2.5 billion in sales, USD 0.3 billion in profits, and 22,500 jobs. In summary, per dollar of expenditure, investments in air-pollution-control programs created the most sales and profits (gross), while spending for solid-waste disposal equipment created the most jobs (gross).

While Table 1 provides an adequate summary of the major effects of PABCO spending on the economy (keeping in mind the caveat that the estimates are gross in nature), it fails to show the effects of such investments at a more disaggregated level. For example, we would like to be able to answer the following questions. Which sectors of the economy are likely to experience the largest increase in output and sales as a result of environmental protection investments? Which industries and corporations are likely to profit the most from these opportunities? In which occupations will jobs be concentrated? In which states and cities will the economic and manpower effects occur? These are questions to which we seek answers in the next sections.

IMPACTS ON GROSS INDUSTRY SALES, PROFITS, AND EMPLOYMENT

Table 2 presents how the USD 19.3 billion in increased sales and the additional 167,000 jobs associated with the PABCO investments for all industries are distributed by industry. As the numbers reveal, the output and employment effects are distributed unevenly.

TABLE 2.—TOTAL SALES AND JOBS CREATED BY 1985 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL

Industry group	Sales (millions USD)	Jobs
Total, all industries	19,287	166,532
Agriculture, forestry, and fisheries	240	4,177
Mining	2,960	10,855
Construction	418	6,272
Manufacturing	8,350	64,724
Textiles and apparel	96	1,564
Chemicals and petroleum	3,397	9,256
Fabricated metal products	261	3,379
Machinery	549	2,475
Transportation equipment	599	4,589
Other manufacturing	3,448	36,459
Transportation communications, and utilities	4,960	26,949
Wholesale and retail trade	364	12,468
Finance, insurance, and real estate	650	4,103
Services	693	18,304
Government enterprises	662	18,679

TABLE 3.—*Sales created by 1985 business investments in water pollution abatement and control*

Industry:	(millions)
Miscellaneous agricultural products	29
Nonferrous metal ores mining	19
Paperboard containers and boxes	54
Drugs and cleaning preparations	44
Paints and allied products	47
Glass and glass products	14
Iron and steel manufacturing	329
Screw machine products and stampings	34
General industrial machinery	40
Computers and office machines	23
Electrical transmission and distribution equipment	52
Optical, ophthalmic, and photographic equipment	10
Transportation and warehousing	237
Wholesale and retail trade	134
Business services	149
State and local government enterprises	121

It is also possible to analyze the data at a greater degree of disaggregation. The industry groups can be disaggregated by the three- and four-digit Standard Industrialization Classification (SIC) code level, and the impact on sales, profits, and jobs in each industry can be computed separately for air, water, and solid-waste PABCO programs. Most studies of the industrial effects of individual PABCO technologies consist of either a broad macroeconomic analysis of the entire economy, or of a macroeconomic analysis of the impacts of a particular regulation on one firm or industry. Few attempts have been made to examine the implications of one generic type of pollution control across various industries or occupations. Among the few studies attempting to do this are H and W Management Science Consultants [12] and Putnam, Hayes, and Bartlett, Inc.[13] The more highly aggregated data are useful in identifying the specific industries in which the impacts occur, while the more disaggregated data permit one to differentiate between the effects of different types of environmental-protection technologies and investment programs.

The importance of using increased industry detail in the analysis is illustrated in Table 3 and Figure 5. These show for selected industries the increase in sales brought about by business investments in water-pollution-control technologies that were made in 1985. The differential impacts of spending for water-pollution-contol programs are striking. For example, some industries such as optical, ophthalmic, and photographic equipment, are hardly affected at all, while the sales in other industries, such as iron and steel manufacturing and chemical products, increase substantially.

Another illustration of the usefulness of increased industry detail is given in Table 4. This table shows the creation of employment in selected industries by investments in air-pollution abatement and control programs. The employment generated by air-pollution-control investments varies greatly by industry. Although the average number of jobs created per industry is about 740, there is wide variation in the employment that is generated. In some industries, for example, engines and turbines (250 jobs) and stone and clay mining and quarrying (310 jobs), relatively little employment is created, while in other industries, such as iron and steel manufacturing (3012 jobs) and lumber and wood products (2303 jobs), a disproportionately large number of jobs is created. It is not possible to undertake a complete assessment of the costs and benefits of environmental regulations in a particular industry if only profit reductions and job losses are assessed, when the types of beneficial impacts outlined here are not considered.[14]

EFFECTS ON OCCUPATIONS AND JOBS

It is important to quantify not only total employment and employment within individual industries created by PABCO programs, but also the jobs created for specific occupations and manpower-skill categories. The analysis summarized here reports these estimates in Table 5. This table shows the total employment created in 1985 by each of the three PABCO programs for major occupational groups. The simulations that were conducted provide information on the labor market for the 475 occupations. The number of jobs created in a sample of these occupations by air, water, and solid-waste PABCO programs is shown in Table 6 and Figure 6. A note of caution must be introduced at this point with respect to the nature and interpretation of the occupational classifications used. Even though they are the standard Labor Department classifications, the occupational data are subject to a number of possible response errors, since they are based on household responses obtained from the *Current Population Survey.* Of greater import, the classification scheme is neither in concept nor in practice entirely appropriate for many purposes. The theoretical basis for the classification is "social-economic status", which is only roughly linked to the job performed and the requisite skills. In practice, each occupation contains a variety of jobs that are heterogeneous, and this further weakens the relationship between changing employment patterns and the implied need for changes in education, training, and skills. The MISI data base contains 900 occupations. However, in the study summarized here a classification scheme of 475 occupations was used.

TABLE 4.—*Employment created by 1986 business investments in air pollution abatement and control*

Industry:	Jobs
Agricultural, forestry, and fisheries services	383
Coal mining	1,463
Stone and clay mining and quarrying	310
Fabric, yarn, and thread mills	317
Lumber and wood products	2,303
Chemical and chemical products	1,700
Rubber and plastics products	1,290
Iron and steel manufacturing	3,012
Miscellaneous fabricated metal products	638
Engines and turbines	250
Metalworking machinery and equipment	380
Electric lighting and wiring equipment	475
Electric components and accessories	475
Communications	527
Finance and insurance	1,506
Health, educational, and social services	591

TABLE 5.—TOTAL EMPLOYMENT BY MAJOR OCCUPATIONAL GROUP CREATED BY 1986 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL

Occupational Group	Total	Air	Water	Solid waste
Total, all occupations	166,532	85,007	59,029	22,496

TABLE 5.—TOTAL EMPLOYMENT BY MAJOR OCCUPATIONAL GROUP CREATED BY 1986 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL—Continued

Occupational Group	Total	Air	Water	Solid waste
Professional, technical, and kindred	21.147	10 412	7,749	2,966
Engineers	4 491	2,155	1,760	576
Physicians, dentists, and related practitioners	236	121	79	36
Health workers	473	244	153	76
Teachers	437	218	136	83
Engineering and science technicians	4,166	2,050	1.586	530
Other professional and salaried workers	11.344	5,624	4,035	1.685
Managers and administrators	17.344	8.909	6.129	2.306
Sales workers	6.246	3,095	2.321	830
Clerical workers	28.279	14.810	9.462	4,007
Bookkeepers	2.904	1,519	994	391
Office machine operators	1.976	1,008	692	276
Stenographers, typists, and secretaries	7.935	4,126	2.737	1,072
Other clerical workers	15.464	8.157	5.030	2,268
Craftsmen and kindred workers	31,506	16,413	10,974	4,119
Machinists	2,202	1.108	921	263
Auto machanics	1,613	852	549	212
Other mechanics	6 500	3.320	2.314	886
All other crafstment	21,191	11,223	7,190	2,778
Operatives, except transport	26,243	13.576	10.975	3,692
Mine workers	2.647	1,299	960	388
Precision machine operators	1.431	729	556	146
All others	24.165	11.548	9,450	3.158
Transport equipment operatives	8,466	4,386	3.031	1,040
Nonfarm laborers	9.658	5,132	3.234	1,292
Construction laborers	1,139	642	342	155
Freight and materials handlers	2.036	987	774	265
All others	6 483	3,493	2.118	872
Private household workers	89	·42	27	20
Service workers	12,560	6.766	3,958	1,836
Cleaning service	2,598	1.156	1,017	425
Food service	2,529	1.272	904	353
Health service	193	96	80	36
Personal service	1.551	796	529	226
Protective service	5.689	3.447	1.448	794
Farmers and farm workers	2,994	1.466	1.169	369

Not surprisingly, the impact of PABCO investments differs across occupations among the environmental programs. Specific occupations will be influenced very differently by pollution-control investments, and the impact on jobs for these programs tends to be concentrated among certain occupations and skills. Interestingly, investments in air, water, and solid-waste PABCO programs have different implications for the same occupation. For example, although investments in air-pollution control created 40 percent more jobs in total than did spending for water-pollution control, more jobs for some occupations, such as chemical engineers and metal molders, were created by the latter program. Conversely, for other occupations, such as surveyors and excavating, grading, and road-machine operators, twice as many jobs were created by air-pollution control programs as by water-pollution control programs. The impacts of each of the three technologies on each of the 475 detailed occupations is given in Management Information Services, Inc.[11]

REGIONAL IMPLICATIONS

Although the US is a heterogeneous and exceedingly mobile society, it is nonetheless true that the nation's economic and employment problems are frequently regional in nature. Because of this, it is important to have some idea of how the economic and labor-market impacts discussed above are distributed among the different regions, states, and cities. The research undertaken here calculates the effects of PABCO investments according to region, state, and substate areas. Although an in depth discussion of these findings is outside the scope of this paper, the relevance of this type of regional analysis is illustrated in Figure 7. This figure shows the sales and jobs created by PABCO investments for selected industries and occupations in Ohio. The detailed impacts on sales and profits and jobs for Ohio and for other states are available from Management Information Services, Inc. (See Appendix Table.)

These results are particularly meaningful for a state such as Ohio, which has an economic base that includes heavy industrial, petrochemical, and utility industries. Although these industries are often intrastate as well as interstate pollution generators, many of them will be called upon to produce the products and services required to diminish the environmental impacts of the pollutants that they produce. The fact that the very industries creating the pollution problems will, in many instances, help provide solutions to the pollution problems is an argument not often heard in the debate over the economic effects of environmental legislation.[15, 16]

TABLE 6.—JOBS CREATED BY 1985 BUSINESS INVESTMENTS IN POLLUTION ABATEMENT AND CONTROL

Occupation	Total	Air	Water	Solid waste
Computer systems analysts	383	198	138	57
Chemical engineers	489	193	241	55
Electrical and electronics engineers	1,022	495	401	126
Metallurgical and materials engineers	53	24	24	5
Geologists	356	156	154	46
Operations research and systems analysts	504	254	183	67
Health technologists and technicians	169	95	50	24
Urban and regional planners	61	38	14	9
Adult and vocational education teachers	56	32	16	8
Biological science technicians	79	43	25	11
Industrial engineering technicians	24	10	11	3
Surveyors	185	100	57	29
Purchasers, wholesale retail trade	154	79	57	19
Construction inspectors	142	89	33	20
Manufacturing industries sales representatives	966	448	392	126
Bookkeepers	2.904	1.519	994	391
Secretaries	6.761	3.764	2.216	781
Shipping and receiving clerks	1,219	591	488	140
Excavating, grading, and road machine operators	787	440	234	113
Machinists	2.193	1.014	917	262
ADP machine repairman	89	40	37	12
Mechanic apprentices	38	15	19	4
Heavy equipment mechanics	3.775	1,904	1,368	503
Metal molders	303	130	148	25
Plumbers	1,278	704	403	171
Structural metal craftsman	204	110	66	28
Assemblers	2,811	1,264	1,232	315
Carpenters assistants	71	39	22	10
Longshoreman	83	36	37	10
Janitors	1,706	885	587	233

CONCLUSIONS

Environmental protection and the industry that has been created play a key role in the US economy today, and they will continue to do so well into the future. To date, most discussion of the economic impacts of environmental programs focuses on the negative effects of pollution abatement and control on sales, productivity, profits, employment, and growth. Little attention, if any, has been given to the positive side of the concern with the environment.

A proper assessment of the effects of environmental protection on the economy involves exceedingly complex issues, and the negative impacts have often been widely publicized. This paper identified some of the major positive economic effects of PABCO spending. It was shown that the business investments made in 1985 in air, water, and solid-waste pollution control and abatement created USD 19 billion in sales, generated USD 2.6 billion in corporate profits, and provided 167,000 job for workers of varying skills and occupations. The findings reported here can contribute useful and heretofore unavailable information to the current debate concerning the economic impacts of national policies designed to enhance environmental quality.

1985 JOBS AND SALES CREATED IN EACH STATE BY POLLUTION ABATEMENT AND CONTROL INVESTMENTS

State	Jobs	Sales [1]
Total	166,532	19,293
Alabama	2,510	251
Alaska	340	58
Arizona	2,060	234
Arkansas	1,520	154
California	17,420	2,280
Colorado	2,570	280
Connecticut	2,490	328
Delaware	450	52
District of Columbia	240	39
Florida	7,390	869
Georgia	4,110	425
Hawaii	730	81
Idaho	680	66
Illinois	8,170	1,023
Indiana	3,790	417
Iowa	2,160	232
Kansas	1,840	212
Kentucky	2,480	239
Louisiana	2,780	328
Maine	810	77
Maryland	3,390	386
Massachusetts	4,580	540
Michigan	6,090	733
Minnesota	3,290	347
Mississippi	1,540	154
Missouri	3,490	366
Montana	590	58
Nebraska	1,230	116
Nevada	700	79
New Hampshire	780	78
New Jersey	5,550	742
New Mexico	900	95
New York	12,160	1,641
North Carolina	4,425	405
North Dakota	490	54
Ohio	8.580	963
Oklahoma	2,320	270
Oregon	1,970	205
Pennsylvania	8,010	965
Rhode Island	720	79
South Carolina	2,190	212
South Dakota	520	39
Tennessee	3,190	309
Texas	11,570	1,293
Utah	1,030	102
Vermont	410	37
Virginia	4,220	463
Washington	3.020	367
West Virginia	1,040	116
Wisconsin	3.600	367
Wyoming	400	44

[1] Millions USDA

FIGURE 7.—*1985 jobs and sales created in Ohio by pollution abatement and control investments*

JOBS:

Accountants	124
Computer Specialists	53
Mechanical Engineers	40
Lawyers	42
Chemists	33
Labor Relations Workers	54
Draftsmen	44
Engineering Technicians	97
Financial Managers	47
Purchasing Agents	38
Statistical Clerks	31
Compositors and Typesetters	13
Electricians	89
Opticians	11
Millwrights	17
Sheetmetal Workers	12
Tool and Diemakers	69
Assemblers	196
Drill Press Operatives	27
Sewers	12

Fork Lift Operators	67
Truck Drivers	220
Freight Handlers	115
Guards and Watchmen	69
Total, all occupations	8,577
SALES:	*Millions*
Agricultural Products	$5
Coal Mining	25
Petroleum and Natural Gas	39
Construction	15
Lumber and Wood Products	6
Paper Products	38
Chemicals	43
Plastics	10
Rubber Products	22
Iron and Steel Mfg	91
Nonferrous Metals Mfg	64
Fabricated metal Products	27
Engines and Turbines	5
Electrical machinery	14
Metalworking Machinery	4
Trans and Warehousing	28
Electric Utilities	84
Wholesale and Retail Trade	15
Business Services	13
Total, all industries	963

FOOTNOTES

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[From Science News, Sept. 16, 1989]

BIG DIVIDENDS FROM POLLUTION CLEANUP

Annual U.S. Expenditures on pollution abatement and controls rose from $18 billion in 1972 to almost $86 billion in 1988. But a new analysis of the economic impacts of that spending does "not lend support to the widely held belief that environmental programs generally hurt the economy by crippling industries and increasing unemployment," three economists report in the current AMBIO (Vol. 18, No. 5).

Businesses fund about 60 percent of U.S. pollution control and cleanup. About a quarter of their antipollution spending goes into capital investments for pollution abatement and control technologies, such as stack-gas scrubbers and clean coal technologies. And those investments appear to yield handsome returns, conclude Jonathan D. Jones of the Treasury Department and Roger H. Bezdek and Robert M. Wendling of Management Information Services, Inc., a Washington, D.C., consulting firm. Using computer models, they estimated how 1985 investments in particular pollution control technologies translated into sales for each of 80 individual industries. Then they calculated derivative effects of these investments throughout the economy—such as increased sales by suppliers of parts and raw materials and increased transportation costs to haul those materials.

The group's findings suggest that industry's $8.5 billion investment in controlling air, water and solid-waste pollution in 1985 translated into corporate sales of $19 billion, profits of $2.6 billion and 167,000 new jobs. But benefits were distributed quite variably. Per dollar spent, investments in air pollution controls yielded the greatest sales and profits, while solid-waste disposal generated the most new jobs. Though these estimates do not account for the job and profit losses that some individual companies undoubtedly experienced, they also do not account for the social benefits of a cleaner, healthier environment Bezdek says.

[From the Atlanta Constitution, Mar. 14, 1988]

HOT AIR FROM THE BUSINESS ROUNDTABLE

Smoke-gets-in-your-eyes department: The Business Roundtable showed symptoms of advanced myopia this week as it isssued a nasty broadside against clean-air legislation pending in Congress. The Senate version, it harrumphed, could cost our economy at least $32 million a year and eliminate as many as 600,000 jobs. The Roundtable reckons the bill would deepen the trade deficit, stifle research and wreak general havoc.

Let's clear the air. A study conducted last year by an outfit known as Management Information Services confirmed that, yes, new clean-air requirements could run into money. Stringent acid-rain controls could cost up to $9 billion a year, it found. The high-sulfur-coal industry and manufacturers who rely on coal-fired boilers would feel a particular pinch.

But it didn't stop there. The net effect of acid-rain controls actually would be 194,000 more jobs and a $13 billion boost to the economy, it said. Companies that refit their plants will need new equipment and technology. Big industry overwhelmingly will use American expertise and ingenuity for the task—and the goods and services we develop will be exportable.

Oh, yes, there is one other advantage: cleaner air. That means healthier forests and better crops yields; both mean more income. It means that folks with respiratory trouble may breathe easier, and thus reduce medical expenses. It means a pleasanter environment for all Americans—even the captains of industry on the Business Roundtable.

Roundtable members probably think they're acting in their own self-interest as they oppose acid-rain and ozone-pollution controls. They're not. They're taking a shortsighted view of a persistent problem that will penalize even them. Ultimately, Americans will produce more and achieve more in a healthy, attractive environment.

Congress should ignore the blue-chip caterwauling and get on with its cleanup.

Mr. **MITCHELL**. Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from Tennessee is recognized.

Mr. **GORE**. Mr. President, I want to begin by complimenting the majority leader on the statement he just made and on similar comments he made yesterday, really taking apart some of these critical studies piece by piece. It has been a most impressive analysis.

As the chairman of the Science Subcommittee over at the Commerce Committee, I and my colleagues there have had a chance to deal with a lot of these scientific studies that come in, and some of them that are sort of advocacy pieces, need the kind of thorough analysis the majority leader has given the task. I, for one, want to express my appreciation.

Mr. President, on this occasion I would like to discuss an amendment which I am not going to offer today because, as I understand it, we will return to consider this bill and amendments thereto after the break, which will begin soon. But when we return and take up this bill again I plan to offer an amendment striking a provision in the substitute bill which would allow industrial sources that release cancer-causing toxic pollutants to comply with the bill, not by reducing their emissions, but by buying out the people who live nearby and creating a dead zone, a new toxic dump site, which they can then make uninhabitable and pretend they are complying with the necessity of reducing deadly pollution by that means.

I think this provision in the substitute bill is a particularly bad provision. Let me pause to say, as I have on some other occasions, that I deeply respect the job done by the negotiators. I do understand, I think fully, what they are saying when they point out the balance they believe they struck in making progress in some areas and losing ground in other areas and producing a product which, overall, represents an advance. I understand that and appreciate it. But, Mr. President, I sincerely believe that our negotiators miscalculated when they assessed the significance of this particular concession.

This feature of the substitute bill represents a complete departure from every other environmental law that we have passed and have on the books. My staff and I have searched. We cannot find any other environmental law where this kind of mitigation measure is allowed. I think it is completely inconsistent with what the American people would like to see done with respect to the environment.

This provision in the bill would seriously weaken the protection of the public health. Since 1970, the Clean Air Act has required sources that create unsafe exposures to control their pollution. The substitute proposes for the first time to allow industries to comply with that mandate, not by reducing the pollution, but by removing the people from the geographic areas into which they want to dump the pollution.

If a neighborhood, if a subdivision, is downwind from the factory and the factory is belching toxic air pollutants, proven to cause cancer, then this bill for the very first time would tell that polluter that he does not necessarily even have to worry about reducing the cancer-causing pollution that is belching out of the factory. But, instead, that polluter can go to the homeowners and tell them that they live in an area that will soon become a toxic waste dump, wait for the property values to plummet, and then buy them out, one after the other. They can create a dead zone; create a permanent scar on the face of this country, a permanent repository for toxic emissions, judged to be in compliance——

Mr. BAUCUS. Will the Senator yield?

Mr. GORE. I will be happy to yield if the Senator will just let me finish the sentence: Judged to be in compliance with the provisions of the bill, because the people have been bought out and removed from the area designated to accept the pollution.

Yes, I will be pleased to yield to the distinguished chairman of the subcommittee.

Mr. BAUCUS. I am curious about the Senator's assumption that this plant could emit toxic chemicals, air toxics, that would lower the property values.

Under this bill, plants cannot do so. Under this bill it is true that there is a mitigation provision. They could buy the property. But the property values would not lower, deteriorate because the plant cannot in the first place emit toxics after the MACT is applied and after the residual risk provisions are applied.

So I am curious about the assumption of the Senator that necessarily the property values are going to fall because the plant cannot emit those air toxics in the first place.

Mr. GORE. Until the property is bought out?

Mr. BAUCUS. The Senator stated, incorrectly I might add, that the property values are going to fall because—the Senator made the link—it is going to fall because the plant is going to emit air toxics. But the point I am making is, the plant cannot. Therefore property values will not fall.

Mr. GORE. OK, I think the question is an excellent question, and I appreciate it very much because I think it helps to highlight the point I am trying to make.

Let me refer, if I can, in responding to the question, to the first chart here, or picture, if you will, that I want to use to illustrate the concept.

Here is the plant emitting the toxic, cancer-causing pollution. The plant makes a calculation. The factoryowner is given the responsibility of coming up with the computer model, making the study. It and thousands of others will be reviewed by EPA, but in practical effect the plantowner will have responsibility for calculating which areas are going to get the toxic pollution.

The plantowner calculates that this area here is going to be downwind and that the heaviest concentrations of cancer-causing pollution will land right on top of these houses. So the plantowner goes to the owners of these houses and says, "We would like to buy you out. And, incidentally, these houses on the edge of this circle are not going to be bought out. And when the pollution starts flowing in here, these people may want to move, too."

The first neighbor sells. The psychology turns into a fearful situation, where they realize that their neighbors are selling and property values do begin to fall.

Let me give my colleague a specific example.

Mr. BAUCUS. If the Senator will yield, again the Senator is making the same assumption which is invalid.

Mr. GORE. I ask if my colleague will tell me which assumption is invalid.

Mr. BAUCUS. The assumption is, under the test applied to the substitute bill, that in fact that plant will be able to dump air toxics in that red circle there.

That is not the bill.

Mr. GORE. Let us talk about that for a moment with the cooperation of my colleague. Is it not the case that under this legislation, States will have the authority to grant permission for factories to comply through mitigation measures that include a buyout of nearby areas into which the toxic air pollution will be dumped?

Mr. BAUCUS. That is correct. However, there is no condemnation, and if the area does not want to be bought out, the plant cannot emit those air toxics and must meet the test standards in the bill. Therefore, A, the property values will not diminish in value, and; B, there is no condemnation.

Mr. GORE. Let me just say, the Senator's statement would be, in my opinion, absolutely on target except for the way in which the risk of cancer and the risk of toxic pollution is calculated. After the use of this maximum achievable control technology, a risk of 1 in 10,000 can remain. And if it does, then the plant has a choice of reducing its pollution or buying out the nearby properties. The plant is emitting that amount of pollution already.

In other words, if I can have the chairman's attention, he says the plant is not permitted to emit the pollution. They are permitted to put out an amount of pollution that is just below the 1 in 10,000 standard as calculated by the plant owners and reviewed by EPA, if they ever get around to it. And property values——

Mr. BAUCUS. If the Senator will yield?

Mr. GORE. If the chairman will let me complete this one sentence. If you are living in an area which is receiving toxic air pollution from a nearby factory and the level is just above the 1-in-10,000 risk threshold, as calculated by the company, do you not think your property values are going to begin to fall?

Mr. BAUCUS. If the Senator will yield, the Senator's argument is not with the buyout. The logic of the Senator's argument is with the standard; it is not with the buyout.

Following the Senator's analysis, the buyout provision is totally irrelevant to this Senator's analysis. If I hear correctly the Senator's complaint is it is not high enough, whatever. That is the consistent logical conclusion the Senator is arguing toward. It has nothing to do with the buyout provision because whether or not somebody living next to a plant is adversely affected really depends more upon what that standard is. That is, how tightly must that plant be regulated? That is what counts. The Senator's argument has nothing to do with the buyout provision.

Mr. GORE. Reclaiming my time, let me say I agree in part and disagree in part. I do have a problem with the standard itself. I think that also represents an unwise concession in the substitute, but I also have a complaint against the buyout provision. Let me just say that in some areas, without statutory authorization, just on a private basis, some of this has begun to take place.

Here is a factory, a part of Dow Chemical, which bought out Newellton in Louisiana. Here is what they offered to the property owners: A unique opportunity. All the property owners in the community received this, and they say this is a one-time unique opportunity with an early sign-up bonus of $3,000. The property owners are encouraged to sign up

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quickly and join the move to leave the area within the dead zone.

What happens when the company buys out the dead zone? The people have their homes purchased—I believe the property values would have already started to go down. I understand and respect my colleague's disagreement on that point, but let us move past that point and return to it.

Mr. BAUCUS. I do not want the Senator to put words in my mouth. I do not argue with that point. I argue with, again, his premise.

Mr. GORE. Does the Senator agree the property values would begin to go down if this pollution is covering the area?

Mr. BAUCUS. My point is that there is a standard in the bill and the standard is very rigid; it is very tight. We only get to this residual risk analysis, frankly, after 90 percent, after the air toxics that are emitted today are cleaned up by at least 90 percent.

Mr. GORE. Mr. President, I would like very much to continue this dialog with my colleague. I ask unanimous consent, however, that I be allowed to regain the floor after a period of time during which our colleague, the Senator from Pennsylvania, might be allowed to address the Chamber about some distinguished visitors.

The PRESIDING OFFICER (Mr. BRYAN). Is there objection?

Without objection, the request of the Senator is agreed to.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Pennsylvania [Mr. SPECTER].

VISIT TO THE SENATE BY MEMBERS OF THE IRAQI NATIONAL ASSEMBLY

Mr. SPECTER. Mr. President, I thank my colleagues for permitting a brief interruption in the proceedings on the clean air bill.

In accordance with our Senator practice, when there are visiting parliamentarians, we invite them on to our Senate floor. We have a very distinguished group of visiting parliamentarians today from Iraq. In the company of the distinguished Iraqi Ambassador to the United States, Dr. Mohammed Al-Mashat, are:

The Honorable Ghanim Aziz Khadduri, deputy speaker, head of the delegation;

The Honorable Ajeel Jalal Ismail, member of the National Assembly, Kurdistan area;

The Honorable Faiza Bazbane, member of the National Assembly, Kurdistan area;

The Honorable Adil Ibrahim Al-Hadithi, vice chairman, Oil Energy, Industry and Minerals Committee of the National Assembly;

The Honorable Dr. Safa Salih Al-Omar, vice-president of Arab and International Relations Committee of the National Assembly;

The Honorable Dr. Anwar Naim Quasirah, secretary of the Arab and International Relations Committee of the National Assembly;

Mr. Bassam Salih Kubba, counselor, Ministry of Foreign Affairs;

Qutaibah Abdul-Salam, third secretary, Ministry of Foreign Affairs;

Mr. Sadiq Salih Mustafa, interpreter; and

Riyadh Jawad.

Mr. President, if I might just add a word. Senator SHELBY and I had an opportunity to visit Iraq in January. We were greeted very warmly by the Iraqi Government, including an extended meeting with President Saddam Hussein.

When Senator SHELBY and I left Iraq, it was our view that exchanges between Iraq and the United States would be very helpful to promote a better understanding between our two countries. I had an opportunity to report to the President about the visit and had urged the President to take formal action with the State Department to extend those relationships, not to say there are not some differences between our two countries. Senator SHELBY and I had an extended meeting with the Ambassador from Iraq and discussed those.

It is my personal view that an extension of warm bilateral relations with Iraq will give us an opportunity to tell them our views on values which we prize—human rights, the issues of bacteriological warfare and perhaps, most of all, to urge Iraq to come into the Mideast peace process, because if we can bring in powerful countries like Iraq and Syria, then it is the view, at least of this Senator, that we would make very substantial advances in that regard. I think it is worth a moment of our time, and I urge our colleagues who are in the Chamber introduce themselves to this very distinguished delegation.

I thank the Chair and yield the floor.

[Applause.]

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. GORE] regains the floor.

Mr. GORE. Mr. President, I ask unanimous consent that I yield, without losing my right to the floor, to the distinguished Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. BOREN. Mr. President, I thank my colleagues from Tennessee for yielding to me.

AMENDMENT NO. 1336 TO AMENDMENT NO. 1293

(Purpose: To clarify that oil and gas production and exploration wells are not an area source category under section 112)

Mr. BOREN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Hearing no objection, the clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Oklahoma [Mr. BOREN], for himself, Mr. DOLE, Mr. BENTSEN, Mr. JOHNSTON, Mr. BREAUX, and Mr. NICKLES, proposes an amendment numbered 1336 to amendment No. 1293.

Mr. BOREN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 238 of the amendment, line 25, insert "except that the Administrator shall not list oil and gas production and exploration wells (with its associated equipment) as an area source category under this section" after "this section".

Mr. BOREN. Mr. President, I send this amendment to the desk on behalf of myself, the distinguished minority leader, Senator DOLE, Senator BENTSEN, Senator JOHNSTON, Senator BREAUX, and Senator NICKLES.

This amendment, according to my understanding, has been cleared by both sides of the aisle. The amendment would exempt oil and gas exploration of production wells and associated equipment from the area source definition in the air toxics portion of the bill.

I thank both sides of the aisle for recognizing that oil and gas production provides a crucial national security service to our nation without posing a threat to our national health through the very low level of emissions which result from oil and gas exploration and production. Had the low-emitting oil and gas facilities been subject to the standards set in the bill, we would have lost as a nation as much as 25 percent of the total number of producing wells due to the high cost of the original standards.

Mr. President, all of us are aware of the grave implications of the present energy shutdown situation. I once again thank my fellow colleagues for recognizing that oil and gas facilities do not need such regulations. We all know that we are in a time of declining energy production in this country. We have had a situation where for the first time in many years more than half of the total oil and gas used in this country is now coming from overseas sources. We have had an increase in the reliance on the Persian Gulf, for example, over the last several years. Something has to be done to stop this tragic decline.

Mr. President, most of these exploration wells, the drilling rigs, the small producing wells are in isolated areas of the country, usually located far away from human populations. They have very small emissions. To aggregate them and to treat them in the same way we would treat urban point sources, for example, simply is not necessary from the point of view of public health and we put an impossible burden both in terms of cost and in terms of regulation on many of these wells.

Many of these wells, Mr. President, are small stripper wells with very small amounts of production, less than 10 barrels per day, and we simply would have made those wells uneconomical were we to impose these regulations upon them. We would have the resulting tragic loss of another 25 percent of our production per day, as I have indicated. It would be a serious blow to our national security and to the national economic interest with really virtually no benefit to the public health as a result of the regulations. So I thank my colleagues on both sides of the aisle for their understanding of this situation.

I ask unanimous consent that I might yield to my colleague from Kansas to offer a comment about this pending amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The minority leader is recognized.

Mr. DOLE. I thank my friend from Oklahoma [Mr. Boren] and I am happy to join with him in this amendment. It is an important amendment for the reasons he has stated.

Consistent with other action we have taken to preserve and protect the small domestic oil and gas producer, I am cosponsoring this amendment that would remove oil and gas stripper wells from the definition of "area source" in title III of the bill.

Small oil and gas stripper wells, which make up a significant percentage of U.S. domestic production and a large portion of the oil and gas industry in Kansas, are in real danger of being too expensive to operate if they are overloaded with expensive regulations.

I believe that it is important for the energy security of America to keep the domestic oil and gas industry alive and viable. We are at a dangerous level of foreign imports—over 50 percent—and we cannot afford to let thousands of oil and gas wells be capped, plugged, and abandoned.

The oil patch has still not recovered. Many areas in my State of Kansas are still hurting from the crash of the oil and gas industry. I know the U.S. Senate wants clean air as soon as possible, but I also know that my colleagues want a secure, domestic energy supply for America.

I heartily support this amendment.

Mr. GRAMM. Will the distinguished Senator yield?

Mr. BOREN. I am happy to yield.

Mr. GRAMM. Mr. President, I ask unanimous consent that I might be added as a cosponsor of this important amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I congratulate our distinguished colleague from Oklahoma for his leadership in this area. I believe this amendment makes sense from the point of view of clean air. It certainly promotes the national security and the economic interest of the United States. I congratulate my colleague and I heartily support his effort.

Mr. BOREN. Mr. President, I thank my colleague from Texas. I am proud to have him listed as a cosponsor of this amendment and I appreciate the comments he has just made.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana, Mr. Baucus.

Mr. BAUCUS. Mr. President, the managers have had an opportunity to examine this amendment and we readily accept it.

Mr. CHAFEE. Mr. President, this amendment is acceptable. Currently listing area sources is discretionary. The area source concern, under the facts, is principally an urban problem. There are very few oil wells in urban areas. There is little evidence that emissions, benzene principally, from oil wells would add to the problem.

Furthermore, if this is a major source, the well is a major source, emitting anything more than 10 tons a year, it would fall under our definition anyway.

I congratulate the Senator from Oklahoma for his amendment. It is acceptable to this side.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment.

The amendment (No. 1336) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee [Mr. Gore] has the floor.

Mr. GORE. I thank the Chair.

Mr. President, for the guidance of my colleagues, let me just say I anticipate wrapping this up in about 5 minutes. I am going to try to get to the point of the statement which I began a moment ago. I ask the distinguished chairman of the subcommittee and, if possible, the distinguished Republican ranking member, if I could have their attention briefly. If I were to say that I accept the risk calculation of 1 in 10,000, and once determined that a source is emitting 1 in 10,000, the risk is still too high, if we move past that point. Let me just say that in my opinion it is offensive that a source can buy out the area polluted rather than reduce the emissions. If I could just ask for clarification on this point. If the mitigation measure is used that is permitted in the bill and the source of pollution calculates that the risk is going to be way above the permitted level in the bill in a particular area near the plant, it can comply by buying out the homeowners and creating a permanent scar on the face of this country, a brandnew Times Beach, a brandnew Love Canal, a brandnew toxic waste dump, justified because they have purchased the homes and moved the people out of the area.

Is that really good enough to protect the environment? Is that really as far as we can go? I do not think so. What happens when the plant shuts down, the owner goes bankrupt? The scar on the face of the Earth remains, permanently uninhabitable, a dead zone; a new Times Beach is simply left there. We have never done that in any environmental law we have passed, any law that is on the books thus far. We have never allowed this kind of mitigation measure.

Let me say again I understand the effort to balance, steps forward and steps backward, to come up with a package that can pass. I sincerely believe that in calculating the importance of this brandnew departure, the negotiators did not make the right step, in my opinion. I say this very respectfully. I think this is wrong.

Let me give you the problem with it. The calculation of where the dead zone is, where the scar is going to be located, where the toxic dump site is going to be created, is in the hands of the company. There will be thousands of such calculations, and EPA is going to have quite a task going around checking on these calculations.

What if the company is wrong? What if the property value is a little bit lower in this area and it is easier for them to buy out this area? What if they designated this as the dead zone and they turn out to be wrong and actually the weight of the toxic pollution lands here. The houses have not been purchased there. The people have not moved out. But that is where the excessive cancer-causing pollution is being dumped.

Under the provisions of the substitute, if this plant is 15 miles from the

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nearest airport—and that is where the weather station is—do you know what wind pattern they can use? They can use the wind pattern at the airport 15 miles away. They do not even have to accurately reflect which way the wind is blowing. They can look throughout the area near their plant and find a dead zone where the property values are lowest, where the fewest homes will have to be built, and then designate that as their dead zone when actually the pollution goes somewhere else.

The problem is with the very idea of letting them comply through buying out the people exposed to the pollution rather than reducing the pollution.

Mr. President, let me finish my statement. We will have a chance to return to this when the amendment is offered when we come back to the bill. But I did want to very sincerely state my concern because I have such deep respect for the managers of the bill.

In between now and the time the amendment is offered, I will look forward to private conversations. Perhaps there is some aspect of this that I do not fully understand that they can tell me about, and I will be happy to confess error, if in fact I am in error on this. I do not think I am.

I think what we are doing here is a big mistake. Let me point out one other final thing on this. Let us suppose the company designates a dead zone, and then production increases and they want to dump their pollution into this new toxic dump site. They can increase the amount of pollution by just buying out more property around the dead zone, and enlarging the dead zone, making the permanent scar even bigger.

Do you think the property values are not going to go down here? Of course they are. They will be able to buy out more and more homes at a cheaper cost. Then whenever it stops, if it stops, it will be left there, a permanent scar. I mean, I think it is unacceptable. I hope my colleagues will agree on this when we have a chance to consider this fully and vote on it.

In public health terms, the contrast between a buyout and controlling pollution is very sharp indeed. Under current law, when a source controls its emissions, cancer risks are reduced not only for the persons in these hot pockets of excessive risks, but also for everyone around the facility.

Not only is the most exposed person protected, but lives are saved in the entire surrounding population. But under the buyout scenario, no one outside the dead zone would benefit at all. At best, everyone else would continue to breathe the same level of cancer-causing pollution, and as the offensive emissions continue as the plant expands, these people will become subject to still higher levels of life-threatening toxic emissions. People all around the facility would continue to contract cancer and die.

If we look at this buyout option a little harder, even more unsavory problems emerge. Consider again this question of property values. How much are affected people going to get for their homes? Once word gets out that these homes are receiving the areas heaviest concentration of cancer-causing pollution, what will they be worth on the open market?

They can start right up to the 1 in 10,000 level before the first home is purchased, or as I say, they can just come up with a different calculation. If the only buyer of the home is the source of the pollution, you can bet the owners are not going to get top dollar. Where will they go?

Neighborhoods will be destroyed and neighbors scattered. Lives are bound up in the places where people live, in the friendships they form with neighbors, in the local schools, churches, synagogues, in social clubs where neighbors congregate.

What right does a company have to disperse all of that? To authorize industries to destroy the fabric of local communities simply does not comport with the values we extol in this Congress.

What will happen to the property values just outside the dead zone, right on the boundary? Nobody at all is going to want those homes. The cancer risks in this adjacent area will be just a shade under the 1 in 10,000 level again, as calculated by the polluter himself. No one, particularly families with small children, will want to move there, and the source creating this risk will not be obligated to buy those homes.

Consider also again what just a slight miscalculation in risk assessment could do if the area really exposed is located just, say, a quarter-mile northeast instead of northwest. If the source reduces its pollution, this slight error in the modeling would make no difference. The most exposed persons, though miseducated, would still be protected.

But if the source used the mitigation option, it would have bought out the wrong people, and those most at risk would have no protection at all. Consider also that with the mitigation option, a source could actually increase its cancer-causing emissions, and all it would have to do is buy out a slightly larger pocket of homes and remove the next most heavily exposed people.

Mr. President, in closing, let me say that I think this provision in the bill is a mistake. I hope there is a way to change it. I hope that a way can be found for those who have done such excellent work in these long negotiations to get this excluded from what they feel bound to accept. I think it is just unacceptable.

I hope that during the break people will focus on this, and that the managers of the bill will search for some way to support an amendment changing this provision.

Again, in closing, allowing a polluter to simply buy out the area where it wants to dump its toxic air pollution and the residue left on the ground and in the water is an unacceptable way for a polluter to comply with the limits that ought to be imposed in this bill.

After the break, I will propose this amendment and ask for my colleagues to support it.

I yield the floor.

Mr. **GRAMM** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Texas.

AMENDMENT NO. 1337 TO AMENDMENT NO. 1293

Mr. **GRAMM**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. Is there objection to setting aside the pending amendment?

Mr. **GRAMM**. Mr. President, I ask unanimous consent that the pending Byrd amendment be set aside.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1337.

Mr. **GRAMM**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

At the end of title I, insert the following new section:

SEC. . Subpart 1 of part D of title I of the Clean Air Act is amended by adding at the end there of the following new section:

"INTERNATIONAL BORDER AREAS

"SEC. 180. (a) IMPLEMENTATION PLANS AND REVISIONS.—Notwithstanding any other provision of law, an implementation plan or plan revision required under this Act shall be approved by the Administrator if—

"(1) such plan or revision meets all the requirements applicable to it under the Act other than a requirement that such plan or revisioin demonstrate attainment and maintenance of the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this Act, or in a regulation promulgated under such provision, and

"(2) the submitting State establishes to the satisfaction of the Administrator that the implementation plan of such State would be adequate to attain and maintain the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this Act, or in a regulation promulgated under such provision, but for emissions emanating from outside of the United States.

"(b) ATTAINMENT OF OZONE LEVELS.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that, with respect to an ozone nonattainment area in such state, such State would have attained the national ambient air quality standard for ozone by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the provisions of section 184.

"(c) ATTAINMENT OF CARBON MONOXIDE LEVELS.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator, with respect to a carbon monoxide nonattainment area in such state, that such State have attained the national ambient air quality standard for carbon monoxide by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the provisions of section 190.

"(d) ATTAINMENT OF PM-10 LEVELS.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that, with respect to a PM-10 nonattainment area in such state, such State would have attained the national ambient air quality standard for carbon monoxide by the applicable attainment date, but for emissions emanating from outside the United States, shall not be subject to the provisions of seciton 193."

On page 122, line 11, insert after "conditions" a comma and the following: "of emissions of PM-10 emanating from outside the United States,".

Mr. GRAMM. Mr. President, it is my understanding that this amendment is acceptable on both sides. It is not a controversial amendment, but it is a very important amendment. I want to thank our distinguished subcommittee chairman and the ranking member and their staffs for working with me on the amendment.

The amendment is very simple. Let me define it as briefly as I can.

We have problems all along America's border where pollution is generated across the border by sources that we exercise no control over. My State is obviously affected by Mexico.

Mr. President, we are making great progress in working with Mexico, in trying to develop joint efforts. For the first time ever this year, we have entered into a partnership to try to clean up the Rio Grande River. Congressman DE LA GARZA, Senator BENTSEN, and I have worked on that effort. We are now having success for the first time.

We hope that this joint cooperation will spread to the air pollution problem, but our basic problem is this: Take the city of El Paso and its sister city across the border, Juarez. No matter what El Paso does, it is affected by the level of air pollution that emanates from across the border.

It is unfair to hold El Paso accountable for pollution that is generated in a foreign country that they have no control over. So what this amendment does is says that in assessing whether or not the State implementation plan has been met, and when assessing the levels of ozone, carbon monoxide and particulates, pollution that is being generated across the border has to be taken into account so that our cities and regions will be judged based on what they do.

Unless we have a breakthrough dealing with Mexico, it is possible that we could do everything in El Paso, including having people stop breathing, and we still might not meet the standards that would be set out in this bill. It obviously is not our intention to put people in El Paso out of business who are trying to improve the environment, because people across the border are making no effort, not even at the primative level that we employed in this country 30 and 40 years ago. That is an international problem that has to be dealt with separately.

Let me also make it clear that under this amendment, it will be up to the State, the region, and the city to prove that they are in compliance, based on what they do. The burden of proof will not be on EPA. But they will have an opportunity to come to EPA and say that they are in compliance in terms of their emissions, that their failure to meet the overall standards is due to something that is happening in a sovereign foreign country over which they exercise no control. This amendment will give EPA the flexibility to address that problem.

I yield the floor.

Mr. BAUCUS. Mr. President, I think this amendment is useful and, frankly, I think it is necessary to communities in Texas that border the country of Mexico. It is clear that much of the pollution that faces some parts of the State of Texas originates not in Texas but in Mexico, and it is also true, as the Senator said, that our two countries are making great progress in cooperating with each other to try to mutually reduce much of the pollution that exists.

It is clear that cities like El Paso in the State of Texas do not have control of their own destiny themselves. Much of the air that affects them is from outside, from another country, over which the Senator said the State of Texas and EPA in this country has virtually no control.

This amendment is necessary to help El Paso and other communities do what they have to do in order to put themselves in attainment. I thank the Senator for offering this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1337) was agreed to.

Mr. GRAMM. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS I ask the manager of the bill, would this be an appropriate time for me to speak for 2 minutes as in morning business?

Mr. BAUCUS. Yes.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Chair.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 2267 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, since we are discussing and debating the clean air bill, it was my good fortune to read a speech by Adm. Richard Lawson, president of the National Coal Association at the University of Kentucky's Distinguished lecturer Series, on January 11, 1990.

I am reluctant to put anything very long in the RECORD, but this is so timely and so good, and I think it gives a broad—maybe a slightly biased, but very broad—view of what we are discussing here. Therefore, I ask unanimous consent, at the suggestion of my good friend George E. Evans, Jr., head of the Governor's Office for Coal and Energy Policy in Kentucky, that Admiral Lawson's speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ENERGY FOR AMERICA AND WORLD ECONOMIC COOPERATION: THE FIRST, FOREMOST CHALLENGE OF THE 1990S

(Remarks by Richard L. Lawson, President, National Coal Association)

Thank you, Dr. Lineberry. Chairman Saperstein, Chairman Patton, members and friends of the foundation, distinguished guests, ladies and gentlemen; I am honored to have been chosen to inaugurate your distinguished lecturer series.

There is a famous American document that begins with the phrase, "When in the course of human events . . ."

Seldom in history have human events moved faster or had as much potential for positive change in the world than they do today at the end of a very hard 20th century and on the eve of the 21st.

Today the Soviet Union, Eastern Europe and much of the world are touched by the spirit of that American document, the Declaration of Independence; their people are in ferment for the rights it sets out: "Life, Liberty and the pursuit of Happiness." This is not an accident of history.

So I want to show my respect for this occasion by talking tonight about a truly distinguished American of the century, the man whose foresight and understanding more than 40 years ago inaugurated the policies that are moving human events today, the late George C. Marshall.

I want you to consider ways in which America might finish the distinctly American work he began, what he called "the special task imposed on the United States to lead the fight for good." I will touch on some basic truths that ought to be—but are not yet—self-evident.

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COAL WILL SHAPE THE COURSE OF HUMAN EVENTS

So my purpose is not to discuss the techniques and technologies of mining, or the ebb and flow of energy markets; it is not even to discuss pending legislation and regulation that might affect coal, although these things are important.

Rather, I will speak of how Kentucky, a foremost American producer of coal, and the coal industry of the United States can help shape the future instead of how the future will shape coal.

Therefore, I ask you to join me for these few minutes in thinking about the course of human events as distinguished from the disjointed reports of current events that are all effect and no cause.

I want us to go beyond the evening news and morning headlines; to go behind the clamor attending conspicuous men and the thunderclaps of falling governments, and walls, to the mainstreams of this century's history; for the way we finish the 20th largely will determine how our children, our grandchildren and our great-grandchildren live in the 21st.

Neither the 1990s nor the next century will come out right by accident.

Kentucky coal and American coal will be important in making them come out right; energy will be a major factor in determining whether the world's future is one of peace and prosperity or strife and contention.

My remarks also will touch on some of the questions and problems that will precipitate our political discussions and debates in the 1990s. These have to do with reconciling the Nation's and the world's need for economic advancement with environmental concerns, which can be done.

All will influence the course of human events and do much to determine whether mankind can, after a century of trying, establish the worldwide economic foundation that is necessary for an enduring peace and for a better life, for the enjoyment of liberty and for the pursuit of happiness.

History seldom offers such opportunities, and human events are on the move.

FALLING WALLS, RISING ASPIRATIONS AND STRATEGIES

Little more than 10 years ago communism and the Soviet Union were still viewed by some as the wave of the future, and my job as a general officer of the U.S. Air Force was negotiating with our European allies on the placement of missiles to answer Soviet buildups.

Through much of the 1980s the policy of deterring and containing the reach of Soviet power was widely depicted in current events as a dangerous futility, and one of my responsibilities as commander of U.S. Forces in Europe was to deal with those who considered the American presence a provocation rather than a protection.

But, before the last year of the decade ended, the Soviet Union had turned inward to tend her troubles and to try to resurrect her economy while the Eastern European nations of the Warsaw Pact were in ferment and throwing off domination.

And, in the last Thanksgiving address of the decade, our own President would focus the Nation's attention on what he called "the era beyond containment" as he prepared for a short-notice summit with the Soviet leader.

That conditions exist for an American President to call for moving forward with the tide of events running so apparently strong in his favor is no accident of history. The tide is the direct result of 43 years of unstinting support and leadership by the United States of interlocking economic and military strategies.

ENERGY, ECONOMIC SUCCESS AND THE POSSIBILITY OF CHANGE

The military strategy provided the conditions requisite for the economic success of the free world; those conditions included secure, low-cost energy from the Persian Gulf and protection of the free world from military preemption by the Soviet Union.

Economic success in the West, contrasted with failure in the East, ignited the economic discontent that is behind the outcry for the benefits of freedom that is now sweeping the world, that makes the world ripe now for positive change.

When East Germans defect they do it for a better life that includes a higher standard of living and the freedoms which that standard upholds. When they climb the wall to go to West Berlin, among the things they do is shop.

Economic discontent drives the running tide. In Poland, where the only oranges most people see are in pictures, the demonstrations are over food. In Romania, where a pack of Kent cigarettes is more valuable than a double handful of the currency, it is a luxury simply to be warm in winter.

Aspirations are loose in the world and they are building up powerful currents of change.

But what we see now in Eastern Europe, and even the Soviet Union, should not be taken for something it has not yet become and may never become. Absent care, leadership and strategy, matters can regress as easily as progress; change can be for the worse as well as the better.

As a great leader of World War Two said at another turn of the tide: this is not the beginning of the end; it is only the end of the beginning.

POSITIVE CHANGE REQUIRES LEADERSHIP

If many perceive that an old order is changing, they also must realize that no new order has been established to take its place; and that the absence of order ultimately is chaos. The vacuums forming today are not unlike those which threatened the world at the end of World War Two.

World War Two exhausted the old order in Europe, overturned it and left nothing to replace it. In the political vacuum that followed the end of the fighting it appeared that freedom might have won all the battles but lost the objective of the war: the enjoyment of peace in freedom.

An ally in victory, the Soviet Union was moving to establish a new European order by force at the peril of the surviving European democracies; and the U.S. had all but packed up and gone home to demobilize, to celebrate and to enjoy doing business as usual.

Freedom was directly in harm's way. It looked as if the sacrifices of World War Two would only establish the conditions for World War Three, just as misjudgments in the vacuum of fallen orders after World War One led to World War Two.

Into this vacuum stepped Secretary of State George C. Marshall with what has come to be called the Marshall Plan. As a young staff officer for General Pershing he had seen first-hand the misjudgments after World War One that led to World War Two. U.S. Army Chief of Staff in World War Two, and the architect of victory, he understood the stakes and wanted no more of fighting.

The Marshall Plan went to the causes, not the symptoms, of the tensions that bring on war.

In the words he used to present the plan, "our policy is directed . . . against . . . hunger, poverty, desperation and chaos. Its purpose should be . . . a working economy in the world . . . to permit the emergence of political and social conditions in which free institutions can exist."

He concluded that, "without economic health there is no political stability and, thus, no assured peace."

THE MARSHALL PLAN AND POLITICAL STABILITY

As first put forward, the Marshall Plan was open to all European nations ruined by the war, including the Soviet Union and the defeated nations of Italy and Germany. Czechoslovakia sought to participate but was forced away.

The Soviet leader, Stalin, elected to pursue the expansion of power; in the tradition of conquest, Russia sought recovery by bleeding conquered nations and restored economic health by arranging trade within her new empire on terms exclusively favorable to the Soviets.

The Marshall Plan of economic assistance and free trade led directly to a revived Europe; to the North Atlantic Treaty Alliance and collective security for the free world; then to a revived Japan; then to economic cooperation and development; then to a successful world trading order; and, ultimately, to the rise in hope the world is experiencing today.

In the East, there was the Berlin blockade; the political division of Germany to exclude Western influence; the brutal consolidation of power over Eastern Europe; the crushing of the Hungarian Revolution in 1956; the Berlin Wall in 1961; and the repression of the Prague Spring in 1968. There was seldom enough food and the goods produced in the Eastern Block generally were shoddy.

In the West, there was the Berlin Airlift; the German economic miracle; the Japanese miracle; the formation of the European Economic Community; the coming economic union of Europe in 1992; and the rise of the nations of the Pacific Rim.

Now the literal wall is breached, its rubble sold as novelty items throughout the free world; and the figurative walls and iron curtains are subject to remove as well.

None of it happened by chance. It was the objective of interlocking strategies and 43 years of unstinting effort.

What George Marshall's insight and understanding put in motion in 1947 may have been more decisive in shaping the second half of the 20th century than any armed conflict could have been; and it certainly averted a third large war in a century that saw two world wars in its first half.

If an old order is to change, if free institutions are to flourish, the falling order must be replaced by something positive.

Right now, today, real change is only a possibility; it is neither fact not guaranteed. Absent care, matters can regress as quickly as they once seemed to progress.

Change also will require economic growth and trade, which rest on energy, for the aspirations must be satified it matters are to progress. Energy is critical. It must be abundant. Reliable and low cost to sustain economic activity.

ENERGY AND FUTURE STABILITY

The dominant form of energy in the world today—both in the free world and the nations that are aspiring to the benefits of freedom and free economic activity—is imported oil. It is neither reliable now low cost nor abundant.

Imported-oil dependence and energy is one of the items that will dominate our discussions and debates; it will either dominate them until solutions are found, or it will twist the future in ways destructive of progress.

During my tenure as commander of U.S. Forces in Europe I had to devote considerable attention to the energy security of the United States and her allies in the free world.

The object of that attention was to protect the production and deliverability of the Mid East oil that dominates a world market that in turn dominates a free-world economy in which imports provide almost 70 percent of the petroleum consumed by the principal nations; those of Western Europe, Japan and the United States.

Imported-oil dependence is subsidized at considerable cost to U.S. taxpayers in military preparedness to respond to surprise events in the Mid East, a region of political and religious instability, and of unending surprise. A military response was necessary only two years ago.

The problem is not imported oil per se. The problem is in the inescapable geographic distribution of the resource: that so few control it and that so many must have it to survive. The problem is that trends in use and reserves are making the control of the few stronger.

Almost two-thirds of the proved world oil reserves are controlled by the nations of the Persian Gulf and the Mid East. About 22 percent is held by other nations of the free world and 11 percent by the socialist nations.

Most Mid East producers are members of the Organization of Petroleum Exporting Countries (OPEC), but the cartel includes producing nations outside the Mid East. OPEC controls nearly three-quarters of the world's oil reserves. The Mid East controls 85 percent of OPEC's reserves and, thereby, all actions.

Outside the Mid East and OPEC, petroleum is being used up faster than it is being replaced by discovery.

The most recent edition of the British Petroleum Company's World Energy Review estimates that at present rates of production the U.S. has 10 years of petroleum remaining; Western Europe, 12; Canada, 14; and the socialist nations, 15. The Soviet Union soon will have oil problems in addition to its other problems. The average life of Mid East reserves was 43 years.

IMPORTED-OIL DEPENDENCE GUARANTEES INSTABILITY

Conservation and new discoveries may alter the figures, but not the trend.

The inescapable trend is toward concentraion of the power to control availability and price. The inalterable fact is that the nations with control also have political and economic agendas that do not consider the best interests of the U.S. or the aspirations of the other nations of the world.

The trend can be delayed, but not diverted, as long as the world's economies and the world's economic growth depend on imported oil.

America's import dependence is rising, world import dependence is rising. Increased economic activity in the United States and the world is hastening the trend and strengthening the power.

Those who use the most oil, and have the most at stake, have the least oil. Unless we change, demand across the board will be for more imported oil, not less.

America's imports began to exceed domestic production on a rather routine basis last year.

In the recent words of a former Saudi Arabian oil minister, "America is the best friend OPEC ever had."

Needed by all, controlled by a few, imported by most: oil has become more than a simple industrial commodity traded on a world market that is more-or-less free. It has shown this three times in little more than 15 years.

IMPORTED OIL: A STRATEGIC COMMODITY

In 1973, with the embargo, imported oil became a weapon of international politics, a means for exporting nations to exercise their political will. The first embargo failed but the point was made. Time is not on the side of the dependent.

In 1979, in the crisis that followed the fall of the Shah, imported oil was confirmed in the power to make and break economies. It set off a round of inflation and spawned economic problems that trouble the world today; this includes huge debt in the energy-poor, less-developed countries and huge trade imbalances.

Then in 1987, oil dependence proved its power to influence U.S. National Security Policy in the Persian Gulf deployment, and the U.S. got a foretaste of the high cost of deeper dependence as young Americans fought and died in the Gulf.

Imported oil has become a strategic commodity, one capable of making and breaking nations, of influencing their policies.

The inescapable fact is that in the future three of every four barrels of oil moving in world trade will be bent to the will of OPEC, which is bent to the will of the Mid East producers, who have political agendas.

Concentration of control and increased dependence are not conditions conducive to stability, to world economic growth or to mutually beneficial trade. Dependence is a weakness that invites exploitation. It is a real vulnerability.

THE TRUE COST OF IMPORTED OIL

We've had three oil surprises in less than 15 years due to failure to recognize in our policies the true nature of imported oil.

We can reasonably project a new surprise every few years unless, or until, the weakness is mended; and for as long as the power exists undeterred.

U.S. dependence can change the course of American economic, foreign and military policy. It can wrest vital decisions away from Presidents by forcing short-term action that contradicts or even destroys long-term interests.

The situation neither fits nor favors free-market philosophies that fail to consider the strategic-political power that dependence gives imported oil.

It's past time to quit pretending imported oil is just another commodity traded on a more-or-less free market. It is a strategic commodity. Imported oil is a hand around the throat of the United States and the free world; and it is stronger than the invisible hand of Adam Smith's free-market economics.

But Adam Smith also noted that the true cost of anything is the toil and trouble necessary to obtain it.

The true cost of imported-oil dependence is far higher than the cost of breaking it, whatever the cost. It's time to quit pretending the hand isn't there, just as it was in 1949 when the free world finally turned to collective security after the Berlin Blockage was broken by the Berlin Airlift.

The potential price of forever having to send young Americans to the Persian gulf to guard the oil lifelines for ourselves and our allies is too high, especially if alternatives exist or can be called into existence.

Policies that fail to recognize the true cost of imported-oil dependence reach beyond the illogical; policies that fail to search for alternatives reach towards the immoral.

U.S. COAL: SECURE, EFFICIENT AND CLEAN ENERGY

In America's 268-billion tons of recoverable coal reserves, which are the energy equivalent of 1-trillion barrels of imported oil;

In America's clean coal technology for electric generation and industrial use;

In just-over-the-horizon technologies to realize transportation fuels from coal, and for other applications, the United States has the means to deal with four of the chief challenges of the future. These are concerns about the environment; the need for growth that will draw the world together in mutually beneficial economic activity and trade; America's ability to compete in that world economy; and a secure source of energy to support all of that activity.

In terms of energy, the recoverable U.S. coal reserve is larger than the world's proved reserves of oil.

By using the clean coal technologies as they become ready for commercial deployment the United States can hold down demand for oil imports.

Indeed, since the crisis following the embargo of 1973, U.S. electric utilities have turned to coal to provide additional fuel in the equivalent of 3.1 million barrels of oil a day that did not need to be imported; it displaced much imported oil and also provided the means for growth. In the same, time national sulfur dioxide emissions were reduced by 25 percent; coal came to supply almost 25 percent of the Nation's energy; and the gross national product increased by 47 percent in terms of 1982 dollars.

Clearly, coal has had considerable success in moderating U.S. oil dependence while imparting economic strength and delivering environmental progress.

By advancing coal technologies that directly displace imported oil as a transportation fuel, and by using electricity to displace oil in the transportation sector, the United States can drive even more imported oil out of the domestic economy.

By making clean coal and other technology freely available to energy-poor nations, the United States can at once reduce worldwide demand for imported oil, establish energy efficiency in the economies of aspiring nations and help improve the worldwide environment.

Sulfur dioxide emissions are a major portion of the current acid rain dispute. Clean coal technology removes up to 99 percent of sulfur dioxide emissions in the generation of electric power, which means no legislation or limit on coal use is necessary to continue and speed up the dramatic and unbroken 17 year decline in sulfur dioxide emissions. All that is necessary is to provide for the unimpeded and economic deployment of the technology in the generation of electricity.

In addition, clean coal technology offers efficiency increases of up to 150 percent over conventional technology, which translates into international industrial competitiveness.

In its greater efficiency, clean coal technology can produce at least 20 percent less carbon dioxide than conventional technology, which goes to the heart of the global warming political controversy.

THE ENVIRONMENT AS A CONCERN OF POLICY

At this point, let me say clearly that I do not disparage the idea that the environment, as it may be influenced for better or worse by the activities of mankind, is a proper subject for government policy and action.

Indeed, everyone in the coal industry shares the public's concern about the environment. We, our loved ones and our posterity must live in this world. Nature happens to us all alike: like national economic decline, like the accompanying social disintegration, like war, the environment effects us all.

Global warming is only about two years old as a political controversy and a major cause in international environmental circles. Its foundation lies in the postulation that certain gases being emitted into the atmosphere are causing a warming of the earth via the greenhouse effect.

Some computer models of the earth's atmosphere have predicted a rise in the earth's temperature by 2050, but these computer models are crude and cannot make provision for all the ways in which the earth functions, or for all the things that affect its functioning.

For example, there is a credible assertion that sunspots may influence climate; the computer models don't know how to handle sunspots, or oceans, or clouds, or large urban areas, or a lot of other things. To date these models have not been able to duplicate actual weather events.

The conclusions of one leading model were tested against actual land temperatures for the period of 1950-1988, and it failed to come within 500 percent of explaining the past; it overstated what has happened by a factor of five.

In fact, over the last two years, refinements in computer modeling have led to a halving of the predicted temperature increases that set off the current debate.

The current debate was born in the record-setting heat and drought of two years ago: the assertion was made by one man before a committee on the Senate that global warming had begun. There were immediate companion assertions from lobbying groups that it is caused by carbon dioxide released in the combustion of fossil fuels; that it will melt the ice caps, cause coastal flooding and change the climate over wide areas of the earth; and that it can be staved off only by immediate worldwide reductions in the combustion of fossil fuels, which are the means of economic growth.

THE GLOBAL CONCERNS: WARMING, ECONOMIC HEALTH AND PEACE

In the ebb and flow of scientific current events, there is an evolving concensus of scientists that no global warming has begun.

Indeed, this past December a symposium on global warming in Washington had to be cancelled due to record-breaking cold. The nationwide cold wave caused electricity demand in several parts of the country to exceed the utilities' ability to deliver, and use reached levels not expected until the mid-1990s. Voltage reductions, power outages and rolling blackouts were not uncommon.

It clearly has not be established that the earth is warming, or that it will warm; that activities of man now seen by theory as driving elements will be, in fact, causitive; or that all the signs some interpret as indicators of warming are not, in fact, natural and normal fluctuations. Indeed, just a few years ago similar variations in temperature were being read as signs of a new ice age.

It is established, however, that the problem, if there is one, is global; that carbon dioxide is the least radiative of half-a-dozen man-made gases thought capable of trapping heat; that emissions of other so-called greenhouse gases are growing more rapidly; that these gases are many times more radiative; that carbon dioxide contributes less than one-half to the socalled greenhouse effect; that worldwide emissions from coal-fired electric generation contributes no more than eight percent of the total global production of greenhouse gases; and that U.S. coal-fired electric utilities account for no more than three percent of worldwide production greenhouse gases.

Nevertheless, there is serious domestic and international pressure to cap and reduce fossil fuel use to reduce carbon dioxide production that may, or may not, cause a warming that may, or may not, happen.

The first thoughts to be pressed forward in the debate are the regular and almost-ritualized responses that the organized pressure groups have to most economic activity; in this case it runs in a chain: carbon dioxide, economic activity, coal, caps, limits, carbon tax.

Every organized environmental pressure group driving this controversy would be happy to attack the three percent contribution of coal-fired electric utilities and let go the other 97 percent that isn't understood; that they don't know how to get at.

They don't know how to get at automobiles, and may fear the public reaction if they really try; but if carbon dioxide is the real concern, automobiles must be considered in ways other than raising gasoline mileage requirements: for automobiles are high on the list of aspirations of most people and every nation of the world. They don't know how to get at methane from belching cattle and rice paddies; but methane is one of the strongest and most rapidly increasing greenhouse gases, and these are among its major sources.

On one hand, there is much we don't know about the speculated-upon global warming in addition to whether it will happen. On the other, we do know that one result of caps and limits and punitive taxes is certain: economic activity of the kind that draws the world together will be curtailed dramatically.

TECHNOLOGY IS THE ANSWER TO THE GLOBAL CONCERNS

This is where energy technology, especially clean coal technology, becomes very important.

Becuase it can produce more energy at lower levels of carbon dioxide emissions, it provides time to apply painstaking science to determine if there is a global warming without resort to caps, curbs and limits. And, finally, if science indicates there is a global warming problem, it provides time to establish other, complementary technologies to deal with it.

Clean coal technology speaks to the public's concerns while benefiting the globe: it will contribute to the world's environmental and economic prospects in a positive way.

Clean coal technology, if deployed in the developing nations that have only coal, can alter the fears about future leaps in carbon dioxide release that are part of the concern. Nations such as China and India will use their coal whether the world likes it or not; they have to. The three-billion-person increase in world population forecast by the year 2010 will demand its use.

Reliance on this technology and American coal by the developing nations that have no energy but imported oil can give them a solid, secure and competitive basis for growth; and it can alter the projections for carbon dioxide release in the future.

The Soviet Union and the nations of Eastern Europe are struggling along with the most-polluting, least-efficient economies in the world.

If made available to these nations, clean coal technology would deliver impressive benefits to the global environment by dramatically lowering emissions from their industries at lower costs, which would also give them a basis to begin competing in the market economy of the free world.

If deployed logically in the Untied States, and encouraged in the industrialized nations, clean coal technology would go a long way towards establishing independence of action and flexibility in energy; and, once again, significantly reduce carbon-dioxide projections from coal-fired facilities.

Coal has kept 3.1 million barrels a day of imported oil out of the American economy, and it has influenced world demand for oil imports. With new technology this flexibility can be increased and expanded to other nations around the world who now must have oil to survive; and whose dependence is increasing the make-or-break power of the organized oil exporters.

U.S. clean coal technology is an alternative to imported oil that favors the environment and economic growth. It is the kind of concerted effort that could draw the nations of the world together in mutually beneficial, peaceful cooperation.

The alternative to the type of economic progress that has brought human events to their present stage of political stability and potential as a retreat into the tensions that marked past centuries, and dramatically marked the first part of this one with world wars.

Like the environment, like economic decline, war affects us all.

ENERGY FOR AMERICA IN THE 21ST CENTURY

The United States will need enormous amounts of energy to enter the 21st Century on sound footing. America's economy is the largest in the free world and still the major driving force of the world economy.

The United States Department of Energy now is engaged in developing a National Energy Strategy and taking public comment on what it should include.

The National Coal Association has put forward elements of a comprehensive strategy for independence of action in energy that relies on all of America's energy resources to reduce demand for imported oil; it stresses conservation, domestic oil and natural gas, nuclear power and the advancement of technology to make use of any resource that can be fitted to serve economically.

As far as the coal industry is concerned, there is no bad form of domestic energy. America will need every British thermal unit and kilowatt she can muster.

But independence of action in energy emphasizes reliance on America's most abundant fossil fuel, the 268-billion tons of recoverable coal that are the equal of 1-trillion barrels of oil, of more than the world's known reserves of oil.

Our proposal urges the establishment of an energy Marshall Plan of technology and

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energy assistance open to any nation—friend or former foe—to lessen the demand for imported oil and put it back in the category of just another industrial commodity.

We call it the energy Marshall Plan because it fits the category that General Marshall called the special American task "to lead the fight for good."

WE THE PEOPLE . . . THE STAKES IN ENERGY

There is another famous American document which begins with the phrase, "We the people of the United States . . ." The Constitution speaks of securing the "blessings of liberty to ourselves and our posterity."

We the people of the United States, and our allies, have done something in the last 40 years that is virtually without parallel in all of history.

General Marshall's emergence of conditions in which free institutions can flourish has begun. Achieving the hoped-for benefits of the "era beyond containment" will require a strategy no less sweeping or basic than the one he put on its feet.

Energy, as it has been from 1947 through the present, will be critical, both for us and for all the societies of the globe.

If the Soviet Union is to progress, rather than regress, it will need economical advancement and stability. No reform, no lowering of tensions will survive a confrontation between the U.S.S.R. and the U.S. over the availability of the Mid East oil that supports Western Europe, Japan, the developing world and, increasingly, America.

The economics-driven aspirations of Eastern Europe will have to find some success if the world is to move forward rather than backward to that time when Eastern Europe was the seedbed of war.

The billions in China and India, the millions more in the nations of Africa, Asia and Latin America: they all want to advance their standards of living by their work and wit; they are demanding it.

The world has been drawn to freedom after many years. The emergence must be encouraged; it must be led.

Absent achievement of aspirations, these nations will turn back onto paths we don't need computer models to try to predict; we have the examples of history. Impoverished nations grow desperate. Hungry nations grow chaotic. Both become reckless.

The future will not happen by accident. It will require political stability, which requires economic health, which requires basic energy that is abundant, reliable, secure and low cost.

Everything we know about imported oil and the concentration of control of the resource says it is none of these things. Everything we know about coal says it is all of these things.

AN ENERGY MARSHALL PLAN TO UNDERWRITE PROGRESS

An energy Marshall Plan centered on clean coal technology and coal—supported by the United States and the principal nations of the free world—would enable all nations to draw closer and ward off the causes of war.

The initiative need not, should not, be the unilateral undertaking of the United States. It could, and should, call upon all nations that have benefited from the original Marshall Plan and its driving concepts: free trade and economic development and cooperation.

Across the Atlantic, there are the nations of the Organization for Economic Cooperation and Development, especially those of the European Community, who will become the world's second largest economy with their economic union in 1992. Canada too is a member of the OECD and has a stake in continued progress.

Across the Pacific, there are Japan and rising nations such as South Korea and Taiwan; these nations now are strong enough to begin thinking of their own energy security and of helping other nations achieve it as well. Nations such as Australia and New Zealand have a stake in continued progress.

An international initiative could draw on global financial institutions, such as the World Bank; on regional institutions, such as the Asian, Inter-American and African development banks; on national institutions, such as the export-import banks of the United States and Japan and their counterparts in nations like France, Italy, the United Kingdom and the Federal Republic of Germany; and on the foreign aid programs of all developed nations; and, finally, on the private financial institutions of all nations benefiting from the free-world economy.

Consideration should be given to the specific establishment of an Eastern European development bank, whose special focus would be energy and helping the nations of that region rapidly integrate themselves into the free-market world economy; they have much to learn and the time of opportunity may be short.

My purpose is not to draw a blueprint of a working plan, but to point out the need and to discuss the possibilities. A working plan will require leadership from the U.S. government.

An energy Marshall Plan would go to the causes of war, not its symptoms.

At the same time, it would answer concerns about the environment, about carbon dioxide and the predicted global warming; it would provide time to determine if there is a problem; and, if there is one, to establish its magnitude; and then to find the technology to solve it.

All who benefited from the first Marshall Plan, and the concepts behind it, ought to be encouraged now to draw the world together at this moment of opportunity.

Secretary Watkins has said that coal and clean coal technology will be a part of the energy strategy, and that there will be an international component.

THE SELF-EVIDENT TRUTHS OF ENERGY

What ought to be self-evident—but is not yet—is this:

Neither America nor the other nations of the world can do anything about their political and economic problems by following policies that are concerned primarily with the most extreme of environmental apprehensions.

But America and all nations of the world can solve some serious polticial and economic problems by advancing energy technologies that respect the environment and treat the cause of tensions and public concerns.

America has run out of neither challenges nor history.

There is a link between energy and economic growth; a link between energy and political stability; a link between energy and the environment.

And, yes, most important, there is a link between energy and peace.

Those of you who produce coal, those of you who teach the mining of coal, those of you who will mine coal:

You may well be as valuable to future Presidents of the United States in the "era beyond containment" as the Air Force and the Army and the Navy and the diplomatic corps have been to Presidents in the era of containment.

You and all who labor to produce energy for America really labor to give Presidents the independence of action they must have to exercise policy in America's true best interest at all times: to act out of neither fear nor hope of favor.

LIBERTY AND FREEDOM AT THE BRINK OF SUCCESS

The world's hopes have had a hard century.

On the eve of World War One, England's foreign minister figuratively said, "the lamps are going out all over Europe; we shall not see them lit again in our lifetime."

Almost half-a-century and another world war later, John F. Kennedy summoned the Nation to "bear any burden . . . to assure the success of liberty" in the "long twilight struggle" of the cold war: the era of containment, of deterrence, of the Marshall Plan's taking hold and bearing first fruit.

Now, here at the end of the century, liberty is at the brink of success; the world's aspirations for peace, prosperity and the pursuit of happiness are flickering bright just as the lights do in that first, tentative surge of power after a long blackout.

I cannot foretell what will happen.

But I do know these things:

We the people of the United States, and our allies have won an opportunity that is rarer than once in a lifetime: it is a chance of the kind that comes only once in a century; or, quite possible, once in a millenium.

And it must not be written in the histories of the 21st century that in the 20th the nation that started it all was too busy with business as usual to take up that "special task of leading the fight for good."

George Marshall's understanding brought him the Nobel Peace Prize; he is the only soldier to have been so honored. Our challenge is to actually secure the peace his understanding made possible.

It would be contrary to the character of this Nation not to try to finish what we have begun so well: The establishment of an enduring peace based on a truly worldwide order of trade and economic cooperation that is open to all who will join. The possibilities for the future rest on energy.

In a real way the humble lump of coal from the mines of Kentucky and the vast reserves of the United States is one of the few things that can impart positive direction to the course of human events: the future can be one of global progress and peace or one of renewed rule by mankind's ancient enemies: hunger, poverty, desperation, chaos and war.

The future is up to us.

I cannot tell you how proud I am to be a member of this industy at this time. I hope you will feel the same pride as you go about your studies and your work. America needs your dedication at the cutting edge of the fight for good.

Thank you, and may God bless you all.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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Mr. BAUCUS. I ask unanimouns consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, is is so ordered.

AMENDMENT NO. 1338 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, on behalf of the Senator from New York [Mr. Moynihan] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment will be laid aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Baucus], for Mr. Moynihan, proposed an amendment numbered 1338.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Insert where appropriate:

"SEC. . EPA STUDY OF MAGNETIC LEVITATION.

"The Administrator of the Environmental Protection Agency shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later than 6 months after the date of enactment of the Clean Air Act Amendments of 1989.".

Mr. BAUCUS. Mr. President, this amendment has been cleared by both sides. It has also been cleared by Senator Hollings and Senator Exon from the Commerce Committee. Mr. President, it deals with the analysis of magnetic levitation, and I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana.

The amendment (No. 1338) was agreed to.

AMENDMENT NO. 1339 TO AMENDMENT NO. 1293

(Purpose: To make technical changes with respect to mobile sources)

Mr. BAUCUS. Mr. President, on behalf of the Senator from Indiana [Mr. Coats] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Baucus], for Mr. Coats, proposes an amendment numbered 1339.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 145 of the amendment, line 7, after "refueling." insert "Such study shall consider any special safety considerations which may arise in the use of onboard systems in recreation vehicles (as defined by the Secretary of Transportation)."

Mr. COATS. Mr. President, I have an amendment which would amend section 203 of S. 1630, the Clean Air Act amendments now on the floor, which requires motor vehicles to be equipped with onboard vapor recovery systems to capture vehicle refueling emissions.

As you know, a number of questions have been raised as to the safety of the onboard systems, and I am pleased to note that the Mitchell-Dole substitute amendment to S. 1630 now requires a study of the safety issues by the Secretary of Transportation. A few years ago, I attended a hearing where the director of the National Highway Transportation Safety Administration expressed serious concern about the possible fire hazards in relation to onboard refueling cannisters.

I believe these concerns are even more evident in regard to recreational vehicles. RV's, as I am sure you know, are used not only for transportation, but for a multitude of purposes. Most are equipped for living facilities, including eating, sleeping, and cooking with open flames. As you can understand, the safety issue regarding vapor recovery systems requires special consideration under these circumstances.

My amendment simply adds one sentence to paragraph 6(b) of section 203, referring to the safety impact study which is required of the Secretary of Transportation. The addition is, "The study will take into account any special safety considerations which may arise in the use of the onboard systems in recreational vehicles (as defined by the Secretary of Transportation)."

Mr. President, 1 in every 10 households in the United States owns a recreational vehicle. During the 1980's, nearly 3.4 million recreational vehicles were sold, and it is expected that the 1990's will bring similar sales. This is why I request that the Secretary of Transportation separately address the issue of recreational vehicles when studying the safety of onboard refueling cannisters.

I urge adoption of the amendment, and I yield the floor.

Mr. BAUCUS. Mr. President, this amendment in addition has been cleared by both sides. It is an amendment with respect to refueling consideration on onboard systems. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1339) was agreed to.

Mr. BAUCUS. Mr. President, I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN CARS/CLEAN FUELS AMENDMENT

Mr. WIRTH. Mr. President, I would like to place in the Record at this point the list of current sponsors of the Wirth-Wilson clean cars/clean fuels amendment: Senator Wirth and Senator Wilson, obviously, Senator Cranston, Senator Lautenberg, Senator Lieberman, Senator D'Amato, Senator Moynihan, Senator DeConcini, Senator McCain, Senator Harkin, Senator Rockefeller, Senator Gore, Senator Pell, Senator Bryan, and Senator Kerry.

Mr. President, I ask unanimous consent to have printed in the Record at this point a brief explanation of the Wirth-Wilson clean cars/clean fuels amendment, an article which appeared in the March 8 New York Times on clean fuels and clean air, and an article that appeared in the Rocky Mountain News on March 8 by Richard Ayers, the chairman of the National Clean Air Coalition, on the clean air controversy.

There being no objection, the material was ordered to be printed in the Record, as follows:

Wirth-Wilson Clean Cars/Clean Fuels Amendment

The proposal has five central elements:

(1) Requiring light-duty vehicles to meet new-car emission standards for 100,000 miles.

(2) Providing for a "second round" of tailpipe emissions reductions for vehicles in model year 2003, unless Congress votes to delay, reduce or cancel the second round. Expedited procedures are provided for such a vote.

(3) Use of reformulated gasoline required for all seriously polluted areas.

(4) Use of clean fuels and clean-fuel vehicles in government and commercial fleets in extreme, severe and serious ozone nonattainment areas beginning in 1994, with ultra-clean vehicles to be used beginning in 2000. Extends clean-fuel fleets program to serious carbon monoxide nonattainment areas.

(5) Use of clean-fuel vehicles in the general passenger car market in the Los Angeles area beginning in 1994; use of clean-fuel vehicles in severely polluted areas beginning in 1997; with the program shifting to ultra-clean fuels in 2003.

Both the fleet and passenger programs are fuel neutral. Clean fuel vehicles are defined as any vehicles that release ozone forming pollution and toxic pollution at half the level permitted for comparable conventional gasoline-fueled vehicles, and meet other standards set by EPA. Ultra-clean vehicles are those that emit ozone forming pollution and toxic pollution at half the level allowed for clean-fuel vehicles. Clean fuels are any fuels that enable vehicles to meet these standards. Methanol, ethanol and natural gas vehicles can meet these standards.

BACKGROUND ON THE PROPOSAL

This program is based on President Bush's original clean fuels proposal, but includes three modifications.

(1) It incorporates improvements suggested in a joint proposal by the states of California and New York to ensure that the program is fuel-neutral by using performance standards, and provides states with a greater role in shaping the program.

(2) It incorporates a program for early and expanded use of clean fuels in fleet vehicles. This program uses the same performance standards that clean-fuel passenger cars will have to meet, so that the fleet program will pave the way for possible use of clean-fuel passenger cars.

(3) Finally, a clean fuels program is added for existing vehicles, by requiring the use of reformulated gasolines in extreme, severe and serious ozone nonattainment areas.

REFORMULATED GASOLINE

By replacing toxic aromatic and olefin compounds that have been added to gasoline in recent years with lower polluting compounds such as ETBE, MTBE or ethanol, it is possible to produce a gasoline that will significantly reduce motor vehicle pollution from cars already on the road, and will reduce U.S. dependence on foreign oil. ARCO Oil Company is now marketing a low-polluting gasoline in Southern California that reduces ozone forming emissions by 20 percent. The fuel is sold for the same cost as regular gasoline.

This amendment directs EPA to establish regulations achieving the greatest reduction of ozone forming and toxic pollution possible through the reformulation of gasoline. The ozone forming potential of the gasoline is to be reduced by at least 20 percent. Limits are also to be established for minimum oxygen content (2.7 percent) and the maximum aromatic content (25 percent for regular gasoline) of the fuel. Fuel suppliers are required to sell only reformulated gasoline in nonattainment areas.

USE OF CLEAN AND ULTRA-CLEAN FUELS BY COMMERCIAL FLEETS

Centrally fueled commercial fleets offer an excellent starting point for the transition to clean burning fuels. The program would mandate that in areas of serious ozone pollution, commercial and governments vehicle fleets for which central refueling is practical begin phasing in the use of clean fuels with new vehicles they purchase in 1994. This program will shift from clean fuel vehicles to ultra-clean vehicles for new vehicles purchased after 2000.

A separate program is provided for those areas with serious carbon monoxide pollution problems (such as Denver, Phoenix, Albuquerque and Las Vegas), requiring fleet vehicles in those cities to reduce their carbon monoxide emissions.

Vehicles leased or rented to the general public, demonstration vehicles held for sale by motor vehicle dealers, and emergency vehicles are explicitly excluded from these programs.

USE OF CLEAN AND ULTRA-CLEAN FUELS IN THE PASSENGER CAR MARKET

California will pioneer the incorporation of clean-fuel vehicles and fueling facilities for passenger cars beginning in 1994, with the success of the program carefully studied. Based on that experience, states with severe ozone pollution problems are to incorporate the use of clean-fuel vehicles and ultra-clean vehicles in the air quality plans they prepare to guide their efforts to achieve air pollution health standards. Beginning in 1997, three years after clean-fuel vehicles are in fleet use, state plans are to call for the phased-in use of clean fuels in passenger vehicles. At least thirty percent of the new passenger vehicles in severely polluted areas are to be clean-fuel vehicles. Use of ultra-clean vehicles is to begin in the year 2003, once again three years after these vehicles are introduced for fleet use.

States with severe ozone pollution problems need not proceed to such a program if they achieve attainment through other means, if they revise their plans to achieve equivalent pollution reductions through other means, or if the clean-fuels program will not be effective.

EPA is to establish standards governing emissions from clean-fuel vehicles that will, at a minmum, require a fifty percent reduction in ozone-forming pollution and toxic emissions from all levels produced by conventional gasoline-fueled vehicles. Ultra-clean vehicles must meet standards reflecting an additional 50 percent reduction.

Automakers are mandated to produce and offer for sale adequate clean-fuel vehicles and ultra-clean vehicles to meet the fleet requirements and the passenger car requirements of this program. It is they, and not auto dealers, who bear responsibility for getting clean-fuel vehicles into the market. Automakers are required, if requested by a dealer, to provide these vehicles to dealers on a consignment basis.

Fuel producers and importers are required to supply adequate clean fuels to power these vehicles. It is they, and not service station owners, who have this responsibility. Service stations selling less than 50,000 gallons/year do not have to dispense clean or ultra-clean fuels.

[From the New York Times, Mar. 8, 1990]

CLEAN FUELS, CLEAN AIR

(By Timothy E. Wirth)

WASHINGTON.—As the Senate votes this week on proposals for amending the Clean Air Act, Americans' health and environment are on the line. If they are to be protected, the Senate must make long-overdue choices about fuels to be burned in cars and trucks.

The nation has fought a losing battle against urban smog since 1970. Deadlines for meeting Federal health standards have been missed repeatedly, despite local governments' use of every strategy available to meet them. The casualty list includes more than 100 major urban areas with unhealty levels of air pollution and tens of billions of dollars of avoidable health costs.

The single biggest culprit is the gasoline-fueled car. Standards enacted by Congress in 1977 have made new vehicles cleaner, but each year Americans buy more cars and drive more miles. These increases in vehicle miles traveled force polluted cities to run hard simply to stay in place, let alone make progress toward reducing air pollution.

There is just one way to escape this treadmill. We must break our addition to today's high-polluting gasoline and take advantage of new clean-burning fuels. As President Bush said, we must "reconcile the automobile to the environment."

That's what Mr. Bush proposed when he introduced his clean air bill last summer. Its centerpiece was a mandate for the production of a million clean-fuel vehicles yearly by 1997. William Reilly, Administrator of the Environmental Protection Agency, called this program "the most innovative and far-reaching" component of the bill.

New, proven technologies are already producing vehicles that run on low-polluting natural gas, ethanol and methanol. By early in the next century, nearly pollution-free vehicles powered by hydrogen, electricity and solar power should be available.

Clean fuels are good for the environment and the economy, and would enhance national security by reducing our dependence on foreign oil. We can reformulate gasoline to make it burn more cleanly, by replacing some imported oil with domestically produced alcohols and ethers, such as ethyl tertiary butyl ether, made from corn, wheat, barley and other crops. This shift would open up major new markets for our farmers, and it could save taxpayers millions of dollars in farm-price supports.

Domestically produced natural gas, a clean-burning fuel, can also be turned into methanol. The use of these fuels not only would displace foreign oils but also give a much-needed shot in the arm to domestic gas producers in Louisiana and the West.

Unfortunately, during recent closed-door negotiations on clean air in the Senate, oil and auto companies made quick work of the President's original proposal.

Aside from a very limited program for certain Federal and commercial fleets, the Senate compromise does not provide for a new generation of vehicles using natural gas, ethanol, methanol or electricity.

I hope the Senate will breathe new life into the President's original vision and put a strong clean-fuels program back in the Clean Air Act amendments.

Building on the Bush initiative, a successful clean-fuels program should have three central elements:

The first is to require that reformulated, clean-burning gasoline be sold in our most polluted cities. (It can be used in any car, no matter how old.)

The second is a program calling for large commercial fleets to begin using *special* super-clean fuels like natural gas and methanol in the mid-1990's. Fleet vehicles—taxis, garbage trucks, delivery vans—travel twice as many miles as private vehicles; thus they offer a cost-effective target for emission reductions. Since they are centrally fueled, they can be more easily converted to new fuels.

The third element is a program calling for these same special super-clean fuels to be used in passenger cars beginning in the late 1990's.

Congress must look beyond the auto and oil industries' preoccupation with the next quarter's profits. The Senate cannot afford to squander this opportunity.

[From the Rocky Mountain News, Mar. 8, 1990]

CLEAN AIR CONTROVERSY—BIG MONEY, BIG LIES ERODE ACT'S EFFECTIVENESS

(By Richard E. Ayres)

Closed-door talks forced upon the Senate by President Bush and U.S. industry have produced a product that would turn the Clean Air Act from a law to protect all of us into a law that would only protect most of us.

If this deal is enacted, the federal government would no longer be required to guarantee healthful air for all Americans and citizens would no longer be able to ask the courts to intervene where governments shirk their duty.

Furthermore, state and local governments would no longer have the threat of federal intervention to help them persuade reluctant local interests to clean up.

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For the 150 million Americans who live in areas with chronic smog and other unhealthy pollution, all this must be mystifying. It should be infuriating.

The Senate Environment Committee approved a responsible compromise last fall on a 15 to 1 vote. The bill, S 1630, has been debated on the Senate floor for nearly two months and survived its first test vote 95 to 2.

Yet the bill disappeared behind closed doors. Every provision was subjected to attack by unnamed and unidentified interests. Virtually every important provision was compromised or given away. All without a single vote. All without a single public debate, or even public access.

The mugging of the Clean Air Act has not happened by accident. Last fall, the Clean Air Working Group, an informal umbrella organization that shields the nation's big polluters, set out to delay consideration of S 1630 to allow time for its publicity apparatus to work.

Spending an estimated $1 million on newspaper advertising alone, and certainly millions more on other lobbying tactics, they have won the first round.

Their message—that S 1630, as passed by the Senate Environment Committee, is extreme, excessive and economically damaging—is a lie. But any cynic will tell you that even a lie is believable if it is repeated often enough. And the best lobbyists money can buy have been repeating these lies to our senators for the past two months.

Indeed, one could argue that S 1630 does not go far enough. Yet the big polluters managed to trap the Clean Air Act in a blind alley and force major weakening changes.

The deal would:

Eliminate the federal government's obligation to guarantee that every community achieve healthful air quality.

Delay new controls on motor vehicles, which are still the dominant cause of smog and carbon monoxide pollution. In addition, it would not guarantee a second stage of auto tailpipe controls, even if there are widespread smog problems after 2001.

Weaken protection from cancer-causing air pollutants by allowing major polluters to buy out and move nearby families, creating toxic pollution sacrifice areas.

Eliminate S 1630's program to control carbon dioxide emissions from automobiles—a down payment on a national response to global warming.

The Clean Air Act makes many senators uncomfortable because—like virtually no other legislation—it forces a direct choice between the short-term economic interests and the nation's long-term health and welfare.

Since business political action committees give more than $10 million a year to Senate campaigns, many senators doubtless prefer closed-door deal making to a public showdown.

The PRESIDING OFFICER (Mr. LEAHY). The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, are we in morning business at the moment?

The PRESIDING OFFICER. We are not in morning business. The Senate is considering the Clean Air Act.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that we be permitted to go into morning business for a period not in excess of 15 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, reserving my right to object, we are trying to work our way through some of these clean air matters. My question was whether the Senator from Nevada had something he was going to do in connection with clean air. Is that what my colleague was waiting for?

Mr. BRYAN. Mr. President, responding to the distinguished Senator from Rhode Island, I have a statement that I wanted to have printed in the RECORD. It has nothing to do with clean air. It commemorates a very distinguished Nevadan who recently passed away and I wanted the opportunity to do so.

I shall take less than 1 minute.

Mr. CHAFEE. I do not want to interfere between the Senator from Nevada and the Senator from Ohio. I was thinking, if a Senator was going to come forward with an amendment or something——

Mr. METZENBAUM. May I respond to my colleague? I had spoken with the manager of the bill. The Senator was not on the floor. I told him his matter has total priority. If there was nothing pending I would like to go forward in morning business.

Mr. CHAFEE. That is certainly fine. Maybe the Senator from Nevada can slip in here for a minute.

Mr. METZENBAUM. Without losing my right to the floor. I yield to the Senator from Nevada.

The PRESIDING OFFICER. Is there objection to the request for 15 minutes for morning business of the Senator from Ohio? The Chair hears none.

Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. The Senator from Nevada.

COMMEMORATING THE LIFE OF DR. HAROLD FEIKES

Mr. BRYAN. Recently, Mr. President, the citizens of my State were saddened to learn of the death of Dr. Harold Feikes. Dr. Feikes is a distinguished surgeon, one who devoted his career and his life to medicine, a career which distinguished itself in many different ways. He was an outstanding member of our community. And his legacy as a physician will be one that will benefit all Nevadans, and is a legacy that is being assumed by his son, who pursues a career in medicine as well.

Dr. Feikes began his career in medicine in 1958 when he graduated from the Loma Linda University College of Medicine. In his 25 years as a cardiovascular surgeon, Dr. Feikes has performed over 2,000 open heart surgeries, including the first in the State of Nevada in 1969. He also helped to pioneer the first intensive care unit in Las Vegas, at the Southern Nevada Memorial Hospital.

As a result of this leadership he has been recognized repeatedly for his accomplishments. He was a fellow of the American College of Surgeons and an outstanding member of many other medical organizations. He served as president of the Nevada Heart Association, and chief of staff of the Southern Nevada Memorial Hospital and the Sunrise Hospital. He was also a clinical professor of surgery at the Nevada School of Medicine.

Dr. Feikes has given new life to innumerable people in his career. For this the University Medical Center has named its surgical center in his honor. Moreover, the Clark County Medical Society named him the 1989 Physician of the Year as further recognition of his outstanding efforts.

The people of Nevada, as well as everyone who has benefited from modern cardiovascular medicine, owe Dr. Feikes their deepest admiration and respect. His contributions are perhaps most notably honored by the decision of the American Heart Association to award the 1990 Heart Gold to Dr. Feikes posthumously only a few days ago. He will be sorely missed, not only by those to whom he gave new life, but by all those in and out of the medical community, who recognize his contributions to our country's welfare.

The PRESIDING OFFICER. The Senator from Ohio.

INTIFADA OR INTRA-FADA?

Mr. METZENBAUM. Mr. President, I rise to mark a grim milestone that was recently reached in the Middle East. February 1990, marks the first time since the beginning of the so-called intifada that more Palestinians died at the hands of other Palestinians than as a result of Israeli police action.

Killing by anyone is tragic enough, and the Middle East has certainly seen its share of death. Yet, there is something particularly gruesome about this Palestinian-versus-Palestinian terror. I do not use this term—terror—lightly. In fact, what we are witnessing is the rise of another brand of political terrorism. Instead of Intifada, we now have Intra-Fada: Palestinians who intimidate, coerce, extort, terrorize, and kill any of their neighbors who step out of line.

The victims are mostly collaborators, according to PLO sources and the militants themselves. However, Israeli authorities say that only a fraction of those killed had any relationship with the Government. There are other victims that the PLO will not tell us about. There are those who favored a constructive dialog with Israel. There are those who, in the eyes of the fundamentalist gangs, were not religiously pure enough.

Mr. President, I have a different opinion of these victims. I believe that they are mostly the hapless targets of thugs—juvenile delinquents who have been charged by PLO organizers with enforcing the party line. The Washington Post of Sunday, March 4, describes the case of a woman, sexually abused by masked gang members one day, and then hacked to death with axes the next day.

Mr. President, I ask unanimous consent the entire text of that article be printed in the Record at this time.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 4, 1990]

Palestinians Turn Intifada Against Their Own People

(By Jackson Diehl)

Beit Furik, West Bank.—It has been more than two months since clashes between the Israeli military and Palestinian demonstrators in this fervently nationalist village, a stronghold of the Arab uprising in the occupied territories, have resulted in a fatality. But the killing in Beit Furik has not stopped.

Early last Tuesday morning, Ali Nasasra, 45, became the latest victim, killed by fellow Palestinians. Led by masked youths to the stony summit of the village mosque, he was forced to broadcast a statement declaring that he had collaborated with Israeli security forces. Then, he was handed to a crowd of villagers waiting outside.

"First, he was beaten with fists and iron bars," said a local leader of the Fatah wing of the Palestine Liberation Organization, which controls Beit Furik. "Then, when people saw that he was not yet dead, they took stones and threw them on him until he was buried in them. Everyone participated, even the little children."

To the dismay of moderate Palestinians, bloody spectacles such as this one in Beit Furik caried more weight in this 27th month of the *intifada*, the Arab name for the uprising, than the David-and-Goliath-style faceoffs of Israeli soldiers and stone-wielding youths that the rebellion has been known for.

For the second consecutive month, fatalities in February from clashes between Israeli forces and Palestinians dropped to a new low for the revolt: nine died, including only three in the West Bank.

At the same time, February was the first month in which more Palestinians were killed by Palestinians than by Israelis. In all, 15 such slayings occurred, including a number of grisly cases in which men and women—including one pregnant woman—were crudely stoned or hacked to death by masked gangs. All were accused of collaboration with Israeli security forces, although Israel contends that only a minority of them were actually its agents.

Nasasra, a native of Beit Furik, was the second Palestinian to be publicly killed in this village of 6,000 residents in less than two weeks. Early on the morning of Feb. 15, masked youths extracted a similar confession at the mosque from 53-year-old Muhammad Hatatbeh, then hacked him to death with axes on a street corner while a crowd looked on.

The inward turn of Palestinian violence, which has been increasing in intensity over the last year, is an illustration both of the growing desperation of Palestinians in the West Bank as well as the slipping hold of their leaders. For several months, PLO figures outside the country and the Unified Command of the Uprising have been appealing to Palestinians either to end the killings of alleged collaborators or carry them out only after receiving permission from senior authorities.

Yet both in militant West Bank sites such as Beit Furik and in refugee camps of the Gaza Strip, these instructions have been blatantly ignored. Asked about a reported recent appeal by Abu Iyad, deputy to PLO chairman Yasser Arafat in Tunis, to curtail the killings, a senior PLO activist in Beit Furik, Najeh Hatatbeh, responded this way: "With all due respect to Abu Iyad, he doesn't know what is happening in the field."

In fact, what is happening appears at odds with both the strategy and aims of the Palestinian leadership. Alarmed by the recent slackening of the intifada as well as by the incipient inpouring of Soviet immigrants to Israel, PLO leaders have become compliant with efforts by the United States and Egypt to set up a preliminary Israeli-Palestinian dialogue in Cairo.

For months, Arafat resisted the move toward talks, largely because it excludes formal participation by the PLO. But in recent weeks the PLO has agreed to a U.S. formula under which discussion of the PLO's demand for statehood would be deferred at the negotiations in favor of Israel's plans for elections in the territories. The PLO would be excluded even from announcing the membership of the Palestinian delegation, which would be selected in consultations between Egypt, Israel, and the United States.

With the outside leadership thus betting on the peace process, Palestinian leaders in the territories have similarly begun to emphasize a new strategy of winning over Israeli public opinion. While shuttling to speaking engagements and conferences inside Israel at which they are stressing an agenda of peaceful coexistence, these leaders concede they are hampered by the sometimes gruesome images of violence involving alleged collaborators in the territories—scenes to which Israeli media have devoted extensive coverage.

Still, the pragmatic considerations of modern politics, where media and public opinion are often more important weapons than conventional arms, are lost in the transition from the salons of East Jerusalem to the rocky hills of the West Bank, where two years of continuous violence have radicalized much of the population.

Hatatbeh, a veteran Fatah leader in Beit Furik who says he has been a fugitive from Israeli forces for two years, summed up the contradiction as he stood one morning on a street corner in his village, surrounded by youthful supporters. "The PLO is at a point where they are seeking a peaceful settlement, and so they can't say support killings," he said. "This is a political tactic.

"But our situation is different. I could be talking to you right now and a spy across the street could be calling to inform the military that I am here. We cannot allow this. As long as the intifada goes on, the liquidation of the collaborators will continue to be necessary."

Palestinian activists frequently argue that no alleged collaborator is killed without at least a rough form of justice as in many other national insurrectionary movements, ranging from the French resistance in World War II to the anti-apartheid movement in South Africa. In Beit Furik, Hatatbeh said, about two dozen persons had been interrogated for alleged acts of collaboration during the intifada, and all but the last two were pardoned after they pledged publicly to cease their activities.

Still, there are signs that the violence has gotten out of hand. In the Gaza Strip, masked men recently abducted a secretary in a law office, sexually abused her, then released her, only to return to her home a day later and hack her to death with axes, according to reports in the Israeli press. According to the daily Haaretz, the wife of another alleged collaborator was attacked and killed with ax blows—she was seven months pregnant.

In Gaza, which has provided with its squalid refugee camps both the birthplace and the most desperate violence of the intifada, the overall killing of alleged collaborators rose from 12 in 1988 to 88 last year and 13 in the first six weeks of this year, according to figures released by Israeli security forces. Since last September, these sources said, 25 Gazans have been killed by the Israeli army, and 52 by other Palestinians.

In Beit Furik, the local militants of Fatah are focusing their aim on three collaborators they said are responsible for the recent arrest of two of the movement's leaders in the village. The suspects, they said, had gone into hiding. "When we find them, they will suffer the same fate as the collaborators before them," grimly pronounced a youth wearing the black-and-white kerchief of Fatah.

Mr. METZENBAUM. Mr. President, this is a chilling milestone indeed. We have seen intermittent reports about political violence within the Palestinian community over the past 2 years. There has been peripheral coverage of the phenomenon of gang violence in the West Bank and Gaza Strip. But only in the past several months has there been any attempt to shed some light on these brutal killings.

The CBS Evening News on November 15, 1989, included a segment which focused on the rival gangs that control parts of Nablus, the largest city in the West Bank. The reporter described how gangs with names like "Red Eagles" and "Black Panthers" enforced their brand of order in the streets, stores, and homes of Nablus. They enforce the daily strike, which begins at noon. They even collect taxes. And on the day the CBS cameras showed up, they killed a 32-year-old busdriver who was an alleged collaborator. Just another day in gang-run Nablus.

This violence is sanctioned and endorsed by PLO leaders in Tunisia. In a May 1, 1989, report, the Miami Herald described the West Bank Terrorists' chain of command:

> The (Palestinian) militants described ad hoc trials and "sentences" passed on collaborators, with secret Palestinian "courts" considering testimony as well as confessions

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extracted in clandestine prisons. Conclusions are sent to Tunisia, where the Palestinian Liberation Organization has its headquarters, for final approval before punishment is meted out.

Mr. President, I ask unanimous consent that the entire text of the Miami Herald be printed in the order.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Miami Herald, May 1, 1989]

PLO Approves Killings—Arabs Face Death for Aiding Israel

(By Daniel Williams)

Ramallah, West Bank.—Officials of the PLO abroad have given formal approval to the killing of Arabs accused of collaborating with Israel in the occupied West Bank and Gaza Strip, pro-PLO Palestinian sources say.

In separate conversations held during the past week in Jerusalem and in the West Bank cities of Ramallah and Nablus, the activists defended the slaying of suspected collaborators as a measure needed to assure continuation of the Arab uprising against Israeli rule in the occupied areas. They claim that Israeli intelligence inroads, spearheaded by collaborators, have resulted in numerous arrests and ambushes and put key figures in the underground leadership at risk.

The militants described ad hoc trials and "sentences" passed on collaborators, with secret Palestinian "courts" considering testimony as well as confessions extracted in clandestine prisons. Conclusions are sent to Tunisia, where the Palestine Liberation Organization has its headquarters, for final approval before punishment is meted out.

In exceptional cases, when the collaborator is well-known, Palestinians dispense with the secret proceedings and stop short of involving the PLO. In one such case Friday, Kamel Saleh Abu Zand was shot to death in the main square of Nablus for having been a chief informer while serving a long jail term. He had been on the streets only two weeks after being freed.

A member of a self-styled "hit team" walked up to Abu Zand in daylight, witnesses said, tapped him on the shoulder and told him, "The revolution has condemned you to death," He shot Abu Zand twice in the head with a pistol and escaped into a maze of alleys in Nablus' old central neighborhood.

"It was absolutely necessary that he be liquidated publicly. The people must see justice being done and authority being asserted," a source close to the underground leadership said.

During the past 15 days, 11 accused collaborators have been assassinated in the West Bank and Gaza Strip. It has been the worst outbreak of Arab violence against Arabs during the intifada, as the uprising is called in Arabic.

The killings were seized upon by Israeli officials as proof that the PLO is wedded to terror and keeps a foothold in the West Bank and Gaza Strip only through threats of assassination. Israel has been trying to persuade the Bush administration to break off the dialogue it started with the PLO last year.

"There is a wave of terror," Foreign Minister Moshe Arens said. "Not a day passes without people being killed who are suspected of not being 100 percent supporters of the PLO line. People are burned alive, people are knifed, people are shot."

Arens blames the violence for the rejection by Palestinian leaders of Israel's plan to hold elections on the West Bank and Gaza Strip. Last week, 83 Palestinian leaders signed a document rejecting the election plan on grounds that it did not guarantee eventual independence.

Arens asserted that the signers "knew that if their names weren't put at the bottom of that piece of paper, they might suffer" a fate similar to that of accused collaborators.

Palestinians reject Arens' suggestion that the killings are aimed at politically silencing Arabs. "These are pure and simple cases of security. The collaborators provide names to the Israelis, they tell them about the organizations of the uprising. In short, they spy on their own people," said Ziad Abu Amer, a pro PLO political science professor at Bir Zeit University in Ramallah.

Added a street organizer in Ramallah: "No one is killed for the sake of killing. There is enough evidence. The collaborators are warned two, three times. This is not political assassination."

At least 32 accused collaborators have been killed in the nearly 17 months of the intifada. Since Jan. 1, 18 have been "executed" by a variety of means.

Mr. METZENBAUM. Mr. President, is this the type of justice Yasir Arafat would deliver to his long-sought Palestinian homeland? The PLO may claim to be a noble band of freedom fighters, but their actions contradict this claim.

Many of the Palestinian victims of PLO terror were not simply killed—if any type of killing can be called simple. There are regular instances of the gangs hacking their victims to death, and some having been burned to death. The more common cases of lynching seem bland in comparison. February's total of 15 killings included a pregnant woman.

Are these the people that the administration wants Israel to do business with? To negotiate peace and war with?

Mr. President, why are we learning about this savage brutality only now? It has been going on for 2 years. Other than the lone CBS piece I referred to, I have not seen anything on the evening news about the Intra-Fada. On the other hand, the reports of Israeli excesses, missteps, and other troubles in the territories appear almost every day. If not in the evening news, then in the morning papers. The American media aggressively reports one side of this story and blatantly ignores the other.

Mr. President, I want to know why a Palestinian death as a result of vigilante Palestinian gangs is less newsworthy than a Palestinian death due to Israeli police action. I want to know why every Palestinian shot by an Israeli soldier is memorialized on American TV, while Palestinians hacked to death—I repeat, hacked to death—by PLO thugs are remembered only by their own families.

Mr. President, in my view, the American media aren't the only ones guilty of a double standard. It seems to me that the Department of State and the White House have been ready and willing to point out Israel's diplomatic and strategic failings. Yet, the U.S. Government seems to lose its voice when the PLO kills its own people in the occupied territories, or Israelis in the ongoing terrorism campaign. The State Department devoted 12 pages of its annual human rights report to Israel's troubles in the territories. Of that, only a few paragraphs were allocated to Palestinian versus Palestinian violence. If the PLO gangs are not a human rights nightmare, then I do not know what is.

A death is equally painful, be it Palestinian or Israeli, resulting from PLO gangs or from Israeli police action. This Senator wishes to know why the American media, and apparently the Bush administration, fail to recognize this fact.

Mr. President, I would like to print one more article in the Record. It is my hope that it will illuminate the double standard problem more clearly.

There being no objection the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Feb. 21, 1990]

The Intifada You Don't See on TV

(By Steven Emerson)

Nearly one-third of all Palestinians killed last year in the West Bank and Gaza were murdered by fellow-Palestinians. Palestinian death squads roam the West Bank and Gaza, torturing and executing not only "collaborators," but also political rivals, moderates, criminals and women they consider promiscuous. The annual human rights report the State Department scheduled for release today might be expected to mention these facts. It does not. While the report devotes some 13 detailed pages to Israeli human rights abuses, it can spare just four paragraphs for Palestinian human rights abuses.

Perhaps the State Department has been watching too much television. It is from television that most Americans get their image of the intifada. And the U.S. networks have been complicit in a massive deception about the West Bank conflict.

U.S. reporters have acquiesced in Palestinian control over what gets filmed. "Fundamentalist groups never allowed us in certain areas in Gaza." says Amos Aynor an Israeli crewman who has worked for CBS. Tali Goder, an Israeli camerman who has also worked for U.S. networks, is even more blunt: "Everytime a crew came to film the Palestinians, the rule was 'Once you are here, you will cover what we want. You will not dig too much.' We know that if we aim the camera at the wrong scene, we'll be dead."

These apprehensions are not unrealistic. A November CBS story about death squads in the Arab town of Nablus was one of the few television pieces to show the reign of terror imposed by Palestinian gangs. Soon afterward, Israeli troops raided the casbah, killing several gang members and capturing others alive. The Israeli Army passed a warning to CBS bureau chief, Michael Rosenbaum, that radical Palestinians had issued a death threat against the CBS crew. CBS did not report the warning.

NOT NEWSWORTHY

If reports of threats by Palestinian gangs against a network's own crew are not newsworthy, it is perhaps unsurprising that other sorts of Palestinian violence have been ignored. Since the beginning of the uprising in December 1987, more than 175 Palestinians have been killed by fellow Palestinians. More than 25 have been burnt to death; another 20 have been strangled, lynched or suffocated; and others have been decapitated, dismembered and otherwise multilated. More recently, the ears of "collaborators" have been cut off. Israeli soldiers have killed 25 Palestinians in Gaza since September; Palestinian gangs have killed 47 Palestinians, according to Israeli military sources.

Israeli officials admit that one-third of the Palestinians killed by other Palestinians have assisted the authorities; the rest are people considered "impure" by the leaderships of the West Bank gangs or are people who have merely done business with Jews. In October, a Palestinian father of seven was knifed to death in Jericho for "collaboration." He had sold floral decorations to religious Jews building a ritual Succah.

"Death sentences" are kangaroo court killings by Palestinian gangs made up of classical juvenile delinquents and social outcasts who have suddenly found a legitimate way to kill. Homosexuals are frequent targets. Women who wear "too much" makeup or short skirts have been raped or burned with acid, if not killed outright. Yet in the more than 150 stories filed by U.S. networks from the West Bank last year, only half a dozen focused on the internecine killing of Palestinians by other Palestinians.

Amnesty International found the killing of Palestinians by other Palestinians so disturbing that in November it issued a strong condemnation of the "killing of alleged collaborators," noting that many had been "interrogated and tortured" by "special squads of Palestinians." Furthermore, Amnesty said, "Palestinian leaders have endorsed or failed to condemn the killing of collaborators."

Documents intercepted by Israeli intelligence—and whose authenticity has been confirmed by Palestinians themselves—indicate that the Palestine Liberation Organization approves and directs the killings of other Palestinians.

While Palestinian political terror on the West Bank fails to make the news, utter fabrications about Israeli brutality are reported uncritically. At the beginning of the intifada, for instance, the U.S. networks were called to el-Mokkasad hospital in Jerusalem to film a dying 15-year-old Palestinian boy named Rami el Aluk. His Palestinian doctor showed the boy hooked up to life-support tubes, and claimed that he had been savagely beaten by Israeli troops.

The networks gave the story wide publicity. On Feb. 8, 1988, Peter Jennings introduced ABC's piece by announcing, "In the Middle East today, United Nations officials say that the Israelis have beaten another Palestinian to death in the occupied territories." CBS said the boy had "received a blow to his head," and then quoted his doctor: "I think he will die soon." NBC reported on a "doctor's helplessness and a father's despair as this 15-year-old dies of head injuries received in a riot."

But the story wasn't true.

According to the pathology records of Rami's autopsy and other medical records, the boy died of a cerebral hemorrhage caused by high blood pressure. He had been sick for more than a year.

Another example is the story of Amjad Hussein Jabril, a 14-year-old Palestinian-American. He was found shot to death in El-Bireh on the West Bank last August. CNN quoted Palestinians charging that the boy had been lost with Israeli soldiers. When his body was found, it showed signs of torture and mutilation.

Despite the army's denials, the State Department pressured the Israeli government into a formal investigation. The family refused to turn over the corpse, so the army exhumed the body. An independent Scottish pathologist selected by the boy's family performed an autopsy. No evidence was found of any torture whatsoever. Amjad had died of a single gunshot wound in the back—from a low-calibre, low velocity gun. The Israeli Army regularly uses military high-velocity rifle bullets and high-calibre pistols.

The autopsy records for these and other Palestinian killings are kept in the Institute for Forensic Medicine, in Jaffa. After reviewing a number of reports, I asked its director Dr. Yehuda Hiss whether any American reporters had ever come to interview him. "None." Even human rights organizations have not bothered to ask for his files. The International League for Human Rights sent two lawyers to interview him on an investigation into Israeli brutality. But, Dr. Hiss said, "they came without any lists or names and left after an hour."

The networks prefer to get at truth by more dubious means. In the past year they have handed out at least 15, and perhaps as many as 25, Super-8 video cameras to Palestinians. These "cameramen" make their videos on their own and provide the networks with footage of riots, strikes and funerals. The cameras, according to a senior American television newsman "were distributed to the Palestinians on the basis that they bring us action. But I would be lying to you if I didn't admit that the whole thing makes me feel uneasy."

Asked about the practice of providing videocameras to Palestinians, ABC spokesman Scott Richardson said "ABC will not confirm or deny that we give out cameras to Palestinians. However our general policy in the world is that from time to time, we have given out equipment to local citizens for safety, legal or political considerations."

In fact, except for Eastern Europe—where fewer than five cameras were given out and each for only a limited period—the networks have distributed cameras nowhere else in the world.

Because few if any American television journalists speak Arabic, it is only natural that the networks seek out Palestinians who speak the language and who can help supply stories. But according to Israeli court records, many of the Palestinian journalists on staff or consultants to the American networks are active participants in the intifada. There is absolutely no way to insure the authenticity of what is filmed nor is there any way to stop the cameras from being used as a tool to mobilize a demonstration.

"Cameras don't lie" is the familiar refrain issued by reporters when confronted with criticism about their coverage. And there is no disputing that cameras have shown Israeli soldiers viciously beating and shooting Palestinians, sometimes without justification.

ABC News broadcast in December footage showing Israeli troops wounding "Palestinian stone throwers" without firing warning shots, contradicting the Israeli Army's version of the episode. The Israeli Army later suspended the troops.

STRICT GUIDELINES

Yet the networks also realize that cameras can distort events. It is not well-known, but each network has strict guidelines that are supposed to guide the use of cameras in civil disturbances.

CBS's Production Standards, which are typical of those used by every network, say that if "your presence is clearly inspiring, continuing or intensifying a dangerous, or potentially dangerous disturbance, cap your cameras and conceal your microphones regardless of what other organizations may do."

Furthermore, the guidelines warn reporters not to report "as factual, rumors, 'eyewitness' reports or statements by participants unless and until their accuracy has been separately and authoritatively confirmed."

In practice, television crew members concede, the guidelines are ignored. "When cameras are taken out, the crowd performs for us. The Palestinians know that we are their lifeline," says Mr. Aynor. "And the guidelines are good until your competitor gets the story you didn't. Then, it's get the story at all costs, forget the guidelines." ABC, in its guidelines, says it "would rather miss a story than mis-report it." If only ABC, or the other networks, truly meant what it said.

(Mr. Emerson, formerly an editor at U.S. News & World Report, is the author of "Secret Warriors: Inside the Covert Military Operations of the Reagan Era," Putnam, 1988.

Mr. **METZENBAUM.** Mr. President, the Wall Street Journal op-ed piece from February 21, 1990, entitled "The Intifada You Don't See on TV" offers a very interesting perspective. Steven Emerson, a former editor of U.S. News & World Report, describes how only 6 of the 150 television news stories filed by U.S. networks last year from the West Bank focused on Palestinian versus Palestinian violence. He goes on to uncover cases in which U.S. newworks eagerly filmed supposed victims of Israeli brutality, when in fact the victims died of other causes. In one example, a Palestinian teenager was reported to have died from an Israeli soldier's blow to his head. His Palestinian physician dutifully told American reporters that the Israeli Army was responsible for this. But the coroner's report said that death was caused by a cerebral hemorrhage, brought on by high blood pressure and a yearlong illness.

Mr. President, I do not have to tell you which part of this story—the autopsy report, or the doctor's commentary—appeared on all three network evening news programs back here in the United States.

Emerson offers an important piece of information that the networks have chosen not to share with us. It seems that United States television bureaus in Israel have been passing out video cameras to Palestinians in order to get

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better film footage. Emerson says that "at least 15, and perhaps as many as 25" such cameras have been handed out.

Mr. President, I understand that the networks may be concerned for the safety of their own camera crews, and I understand that they have a limited number of these crews. But I do not understand why we have not been informed of this practice.

Maybe I am missing something, but I do not see how TV journalism can be unbiased about the West Bank when the TV film is being shot by only one of the parties to the conflict. What would happen if the networks gave cameras to Israeli soldiers? I will tell you what would happen: Op-ed pages would explode with bitter complaints about a pro-Israel bias on American TV.

Exactly the opposite has happened, and I have not heard a single objection.

Mr. President, I object. It seems to me that from now on, when a network uses film shot by someone who has a personal interest in the story being reported, the viewers should be notified. It could be the journalistic equivalent of the warning label on cigarettes: "Warning: This report could be hazardous to your knowledge of the truth."

Mr. President, it seems to me that there is a bias in the American media's coverage of the Middle East, but I would suggest that it is not in favor of the truth.

Mr. President, I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Is a quorum call in effect?

The PRESIDING OFFICER. There is not.

Mr. HEFLIN. I ask unanimous consent that I be allowed to speak for 7 or 8 minutes in morning business.

The PRESIDING OFFICER. Is there objection?

The Senator from Alabama is recognized for 8 minutes in morning business.

TRIBUTE TO "JUDGE" JOHN WHITE

Mr. HEFLIN. Mr. President, I rise today to pay tribute to a truly great American, John H. White who died in December in Mobile, AL. He is known by young men as the father of the Key Club. He epitomized the values of Americanism as well as those of a very loyal friend.

John White was an outstanding citizen of Bay Minette, AL. He attended Baldwin County High School before eventually winning a scholarship to the University of Georgia School of Law at the age of 29. He graduated from law school while also becoming active as president of the Lambda Chi Alpha Fraternity. The fraternity later honored him by naming their library after him.

Although John never practiced law, his law background gave him his lifetime nickname of "Judge."

In World War II, Judge White served in the Army as a technical sergeant. Following the war, he worked as an organizer for Lambda Chi Alpha. Following this position, Judge White began his work with the accounting department at Newport Industries in Bay Minette. He served a long tenure at Newport Industries before retiring in 1968.

Many people knew Judge White best through his longstanding leadership in the Kiwanis Club and Key Club. In 1950, he was a charter member of the Bay Minette Kiwanis Club. He became the Key Club adviser for Baldwin County High School. In 1952, he led the effort to organize the district Key Club and became the district's first administrator. He held that position until 1968 when he became the district director, a position he held until 1985. In 1960, Judge White earned the Key Club "Key of Honor." Until his death, he held the title of Key Club Administrator Emeritus. Through his devoted efforts and caring words, Judge White touched thousands of lives. Each of these young people was better for having known a man who was driven by such unselfishness and love as well as the finest traits of Americanism.

One of Judge White's close friends and the present district Key Club administrator, Stanley Johnson says that Judge White provided the perfect example of Key Club training:

> He served his fellow man every day of his life, until his stroke. He worked not only with the youth. He worked with the senior citizens, and minority races to better their lot. His concern was total, as was his commitment. He did not sit around and talk about the problems, he addressed them, and he encouraged many other people to address them, too. He was always a shining example. Now that he is gone, his legacy can be an example to us.
>
> As I look back over the past 30 years with Judge, I see wonderful years. We have seen over 100 Key Clubs formed. We have seen the Alabama District grow from its formation to one of the outstanding districts of Key Club International. We have seen countless young people take up the mantle of leadership and service in their communities, their state, and their nation. We have seen the growth of the Sheriff's Ranch Program from just one home to seven well developed ranch sites serving hundreds of young people; probably the most successful program of its type in the world. We have seen thousands of projects completed which cover the spectrum of man's service to man.

Although I considered Judge White a close friend, Stanley Johnson knew him so much better than his reflections might give you more insight into this great man's character. Stanley wrote these paragraphs for the Key Club Convention program in 1986 after Judge had suffered a stroke:

> It would be impossible to numerate the hundreds of times Judge has helped out a Key Clubber, who lost his money on a convention trip; or quietly paid the bill from his own pocket, because he did not believe it fair to charge young people for certain things. It would be impossible to calculate the number of times he sat up all night, doing his Key Club work, then did a full day's work on the job. There is no way to compute the amount of his own money and time Judge has spent in the interests of Key Club.
>
> Judge has always been a simple person. He is an instant friend to all who meet him. He can walk into a room full of teenagers, who are strangers to him and have them doing his bidding in a matter of minutes. He has no idea what the words "Generation Gap" mean.
>
> We could easily write about Judge all day, and not begin to describe him. The elfish sense of humor. The total dedication to Lambda Chi and the University of Georgia. The immediate empathy felt for anyone in need. He is the richest man in the world in all of the things which count, yet he always carried his papers in a cardboard box.

Mr. President, Bay Minette could not have chosen a better person when in the early 1970's they named him their "Man of the Year." Perhaps the best indication of Judge White's impact on this area is the yearly Christmas charities giving program named "White Christmas" in his honor.

Judge White was a special individual and a devoted friend. I will miss him greatly as will the thousands of young people who became better Americans because of his inspiration.

Mr. President, I ask unanimous consent that an article from the Mobile Press Register about John White be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Mobile Press-Register, Dec. 10, 1989]

Civic Leader John White Dies at 86

Bay Minette, AL.—Prominent Bay Minette citizen John H. "Judge" White died Friday evening in a Mobile nursing home, according to authorities.

White, 86, reportedly suffered a stroke at Crowne Health Care on Friday.

White probably was best known for his longtime service in the Kiwanis Club and Key Club.

After moving back to Bay Minette in the 1940's, White became a member of the Bay Minette Kiwanis Club. When the Kiwanis Club sponsored a Key Club organization at Baldwin County High School in 1951, White took a leading role in working with young men. He remained one of the driving forces behind the Kiwanis and Key Club organizations in Baldwin County and in Alabama for more than 30 years. Key clubbers throughout the state admiringly referred to White as "The Great White Father" during the later years of his civic work.

He was so well known and liked in Bay Minette that the Christmas giving program was named "White Christmas" in his honor.

He held a law degree and also was employed for many years in the accounting department of Newport Industries in Bay Minette.

He is survived by one brother, Travis T. White of Foley, and a number of nieces and nephews.

Funeral services are scheduled for 2:30 p.m. Sunday from the chapel at Norris Funeral Home in Bay Minette. The Rev. Dr. Henry Cox and the Rev. Dewitt Thompson will officiate, with interment at Pine Grove Cemetery.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending question is the amendment offered by Senator Byrd to the Clean Air Act amendments.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER (Mr. Glenn). The Senator from Idaho.

Mr. SYMMS. Mr. President, I said to my colleagues last night that I thought, for the first time, the Senate focused on what really is at issue in this legislation. In addition to cleaner air for Americans to enjoy, the issue is really about people, about jobs, and it is very complicated, very complex.

If we really are going to improve the air quality in this country, the three most vital principles that I had stated in earlier debate, a month ago or so when this bill first came to the floor are the preservation of a free society where entrepreneurial innovation can thrive. We must have a firm adherence to sound science when establishing air quality standards. We must have substantial flexibility in allowing local decisions on how best to achieve those air quality goals.

As I said last night, this may be a great political compromise, it may be a good deal, but if you are the worker in Ohio or the worker in Pennsylvania or wherever who loses your job over this, you are not going to be quite so impressed.

An interesting fact was brought to my attention just a few moments ago about this particular bill. We have a list of amendments as do many other Senators. I said is it possible that we could craft an amendment that would reduce the number of tons, say, from 10 million tons to 8 million tons, for example, on SO_2's in the acid rain portion or stretch it out.

My staff directed me to page 408 of this bill, and I call this to the attention of my colleagues. With the complications that we have, you would need a high-speed computer with computer software experts that you could work with for a week to craft an amendment that would change this.

You talk about Federal intervention. I see the distinguished Presiding Officer, who has always been a personal hero of mine, sitting up there, so we will just read a little bit about Ohio.

This bill, on page 411, gets down to the specifics in phase I of sulfur dioxide allowances in tons, and so forth: For Avon Lake, unit 8, 11,650; phase II, 5,590. This is specific.

The reason I call that to the attention of Senators is that we are talking about some of the most complicated legislation that has ever been brought before the Congress, with the most far-reaching implications, and what heartened me last night was that we had good attendance in the Senate.

It has always been interesting to me that at 10 o'clock in the morning, you hardly ever have any Senators on the floor for a debate, but after 10 o'clock at night we draw a pretty good crowd. I guess that is the nature of our schedules. But it was very interesting to hear distinguished Senators like Senator Ford from Kentucky talking about the jobs aspect of the bill.

And his observation of Senator Dole's speech that he had given earlier—Senator Dole had made a speech on the bill—the best speech against the bill that he had heard yet. I have to say that I thought I would urge those members of the media to read the speech that is in the Record if they were not here last night that Senator Dole gave, because I think it got right to the heart of the matter of what this bill is all about.

I would also refer my colleagues to the Record last night of the employment numbers, the jobs at risk, that I inserted in the Record along with the study by the two distinguished economists and the economists' resumes, biographies, if you will, so that they will be able to have a look at that. Because I thought the debate last night was excellent. I want to refer to this page for my colleagues.

I refer this to the Senate staff people who might be watching this to get it out of the Record for my colleagues page S2448 of the Congressional Record of March 8.

The direct impact of proposed Clean Air Act amendments, jobs lost and jobs at risk, by Robert W. Hahn and Wilbur A. Steger, two Ph.D's, two very reasonable people. Mr. Hahn has been involved in this process for many years at the Council of Economic Advisers, his previous employment, and has been involved in what the impact would be in the development of the bill for the President.

So he is not someone that is not knowledgeable and he understands exactly what it is. I want to say again that in conclusion they say there is no doubt that across the several titles of the proposed Clean Air Act amendments studies there is a minimum of several hundred thousand jobs at risk, even with the more moderate proposals.

Furthermore, depending on the assumptions, the study leaves little doubt that a minimum of 200,000 jobs will be lost if this bill is effected as is here. And with the plant closings in dozens of States, it could exceed 2 million people.

I want to make a point about this compromise that was brought to my attention. Not only is it complicated and very difficult, and I think when people talk to Senators when they are home next week, it would be helpful if Senators would take a copy of this home. But the point that I want to make is about this compromise, so we have an idea of what we are talking about.

This compromise package is some 567 pages long. It was interesting, in going through the copies of the original text that was brought out of the back-room negotiations that were put together by the staff and by those Senators that are party to this, that 19 out of every 20 pages—we counted this—of the compromise package are the same as S. 1630, the original bill that caused so much revulsion on the Senate floor and so much astonishment by Senators to find out that a committee in this Senate could send a product to the floor of the Senate that would have no support from the rest of the Senate or the American people. But still within this package it is 19 out of 20 pages, in every instance. We counted them. One page is new, and 19 more are then the same text as the original bill.

So it may be slightly improved, but people should not be mislead into thinking that, if this bill passes, it will have substantially less impact in the negative on the American people.

But at any rate, Mr. President, I hope we can continue as happened last night to have the Senate focus on the other side of this story, the rest of the story, if you will, as the commentator Paul Harvey refers to it—that there are two side to this story. Reasonable people certainly can disagree on how we best solve these problems.

But I think we should recognize that we can have a clean environment in the United States. We are making great strides today in the United States toward a clean environment.

All you have to do is take a computer model and project what is happening with the fleet turnover of automobiles in most of the cities in this country that are out of attainment now, and you can see that within 5 years—if we can keep a strong economy, keep people working, and they keep buying new cars, recycling the old cars—many of those cities are going to come into attainment just by the common sense

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of people buying a new automobile, which is 120 times less polluting than the 20-year-old or the pre-1983 automobile that they were driving.

So I think there is hope. I hope when Senators are gone—I thank the majority leader for not having tried to push this bill forward over this weekend—during the recess, I say again to my colleagues, they encourage their staffs to review the minority views which are in the committee report starting on page 415 with an index on through to page 488, I believe it is, which this Senator submitted. It goes into depth and detail of what and how this bill is to be operated, and what we can expect from Federal intrusion. If people intend to support this legislation without major modifications they will have some idea of what it is they are imposing on the people of the United States.

Mr. President, I ask unanimous consent to proceed as though in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. SYMMS. I thank the Chair.

(The remarks of Mr. SYMMS pertaining to the introduction of S. 2272 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

WHY THE FIRE SALE?

Mr. SYMMS. Mr. President, on another subject on which I have spoken many times earlier in the Senate and have had printed the remarks of the two prominent economists, Keith Bronstein, from Chicago, IL, and Dr. Steven Hankin, of Johns Hopkins University, earlier this year in my own remarks, I see in today's Wall Street Journal an article on the same subject. It is an article on page A 12 under Review and Outlook, "Why the Fire Sale?" It starts out by saying, "What does the U.S. Government have against the dollar? is it Bush administration policy to make sure the Japanese get a better bargain on their next Rockefeller Center?"

Mr. President, I ask unanimous consent that this editorial, "Why the Fire Sale?" be printed in the RECORD along with the enclosed currency and gold price comparative chart that is with it.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY THE FIRE SALE?

What does the U.S. government have against the dollar? Is it Bush administration policy to make sure the Japanese get a better bargain on their next Rockefeller Center?

These are the questions raised by the new round of central bank intervention against the dollar. We can understand why the Japanese want a lower dollar, since their mercantilist era is slipping away in a domestic tax revolt, rising domestic interest rates and a diving yen. We can understand why the Germans want a lower dollar, since they are about to buy out East Germany at an exchange rate bound to weaken the deutsche mark. But we cannot for the life of us imagine what moves the U.S. Treasury and the Federal Reserve to join in the attack on their own currency.

Devaluation always finds proponents, of course, among industrialists faced with foreign competition. They imagine it will boost the dollar price of their competitors' products, thus increasing exports and decreasing imports to close the trade gap. In the 1950s and 1960s, the British spent an empire proving that this does not work. The chief problem is that devaluation causes domestic inflation, boosting the price of domestic products as well as foreign ones. Economic theories that posit benefits from a lower dollar fall the empirical test: While they predict a weaker dollar, the dollar has strengthened.

To whatever extent a lower dollar does help some domestic industries, in any event, it does so by hurting consumers with higher prices. Most important of all, a lower dollar cheapens the price of U.S. assets. Foreigners have to part with less of their own currency to buy American stocks, buildings, land and factories. When the American government attacks the dollar, it attacks the net worth of every American.

On our part, we do not care if the Japanese own an interest in Rockefeller Center. Even if they buy it outright they are not going to replace the Christmas tree with Shinto shrines, let alone move the buildings to the Ginza. The purchase of U.S. assets, like the penetration of U.S. markets, is merely another aspect of a globalized economy, surely a good thing.

Underneath the hysteria, though, lies one valid point: We should get our money's worth. When we sell part of Rockefeller Center to the Japanese, we should get enough yen to buy something of equal value in Japan. Since about the beginning of 1986 this has not been the case. The Japanese have maintained a strong yen, while Americans have spent a lot of time talking down the dollar. So the Japanese got U.S. assets on the cheap.

If a 20% interest in Rockefeller Center costs Y billion dollars, and a 20% interest in an equivalent office complex on the Ginza costs 170Y billion yen, and the exchange rate is 170 yen per dollar, then currencies reflect what economists call purchasing power parity. This is of course a hypothetical number, and economists can differ in estimating it. It does, however, give some analytical substance to the instinct that exchange-rate misalignment and volatility can upset the global economy. Movements toward PPP are stabilizing, movements away from it are destabilizing.

Maintaining PPP is, to our minds, the one valid reason for intervention in foreign exchange markets. We have been second to none in advocating exchange-rate stability; price signals cannot move efficiently in the global economy if exchange-rate movements swamp real-sector variables. But long-run stability cannot be found if central banks try to fight the market variables pushing values toward the same price for the same goods regardless of political borders.

CURRENCY AND GOLD PRICES

Plaza meeting	Louvre meeting	Purchasing power parity [1]	Current
Sept 22 1985 $1 = ¥225 25 $1 = DM2 6900	Feb 22, 1987 $1 = ¥153 65 $1 = DM1 8330	$1 = ¥155–¥175 $1 = DM1 9–2 1	March 7, 1990 $1 = ¥150 40 $1 = DM1.6985
Gold	Gold		Gold
$319 15/oz ¥77,011/oz DM912 77/oz	$403 20/oz ¥61 951 68/oz DM739 07/oz		$400 20/oz ¥60.190 08/oz DM679 74/oz.

[1] Current estimate by Stanford Professor Ronald McKinnon.

Note At the Plaza meeting finance ministers and central bankers agreed the high dollar was a problem

At the Louvre meeting they agreed the falling dollar was a problem.

This is what the central banks have been trying to do this week, which is why they've failed so spectacularly. It seems the G-7 finance ministers and central bankers will meet again on April 7, presumably to plot better tactics against the dollar. The American side, it seems, will have a few things to settle before that date.

At least, Federal Reserve Vice Chairman Manuel Johnson managed to lob in a dissent from a symposium in Tokyo yesterday. He said that the Fed would not support depreciation of the dollar because it would threaten higher U.S. inflation. Last September, Mr. Johnson and Governor Wayne Angell voted against an increase in the Fed's limit on dollar sales, needed to support the Treasury's intervention designs. If Mr. Johnson now speaks for the Fed consensus, as he seemed to tell the Tokyo audience, it portends a conflagration between the central bank and the Treasury.

Perhaps the festivities could start by dispelling the mystery. We need a clear statement from the Treasury: What, other than a fire sale on American assets, does it expect to achieve by keeping the dollar low?

Mr. SYMMS. In summary, after the article, Mr. President, I say that I think we need a clear statement from the Treasury on this. We, as Americans, need to ask overselves the question that if we somehow think we can solve our trade problems by having the G-7 intervene constantly, as the Japanese are currently inflating their currency, and then we are bailing them out on a weekly basis by selling dollars and buying yen to hold the price up of the yen and to try to drive the price of the dollar down, I wonder if we are trying to pattern our economic model after Brazil or Argentina, who have not had great success, or if we should not look back to a more common sense solution that tells us that any nation that ever debased its currency ended up in a great deal of problems.

I cannot, for the life of me, understand why it is that we sit by idly while there is a constant movement and effort made to try to prop up the Japanese yen and drive the American dollar down, which only makes our goods a better bargain for people who sell here.

In my State—we are a great exporting State in the Pacific rim—I hear many people come to me and say, "We want to keep the dollar down so we can sell our products out in Japan at a more favorable price." I make the point to them that they should be prepared to sell the farm with it, if we carry that too far. There is balance here that I think has gone too far, and I think this editorial in the Journal deserves the attention of all of our colleagues.

Mr. President, if there is no other Senator seeking recognition, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **REID.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST

ADDITIONAL AMENDMENTS TO S. 1630

Mr. **REID.** Mr. President, Mr. President, I ask unanimous consent that the following amendments be in order: Two amendments by Senator McClure, a Canadian amendment and an electricity imports amendment.

I further ask unanimous consent that the Cranston amendment be in order to modify the requirement for extreme ozone-nonattainment areas. This is cleared on both sides.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

AMENDMENT NO. 1340

(Purpose: To provide for asbestos abatement)

Mr. **REID.** Mr. President, I send an amendment to the desk on behalf of Senator Metzenbaum, and ask for its immediate consideration.

The **PRESIDING OFFICER.** Is their objection to setting aside the amendment? If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. Reid], for Senator Metzenbaum, proposes an amendment numbered 1340.

Mr. **REID.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the end of amendment No. 1293, add the following new title:

TITLE VIII—ASBESTOS ABATEMENT

AMENDMENTS TO TOXIC SUBSTANCES CONTROL ACT

Sec. 801. (a)(1) Section 206(a) (1) and (3) of the Toxic Substances Control Act (15 U.S.C. 2646) are amended by adding at the end of each the following: "or a public or commercial building.".

(2) Section 206(b)(1)(A)(i) of such Act is amended by inserting immediately before the period at the end thereof the following: "or who inspect for asbestos-containing material in public or commercial buildings".

(3) Section 206(b)(1)(A)(iii) of such Act is amended by inserting immediately before the period at the end thereof the following: "or public or commercial buildings".

(4) Section 207 of such Act (15 U.S.C. 2647) is amended by adding at the end thereof the following:

"(g) Any contractor who—

"(1) inspects for asbestos-containing material in a public or commercial building;

"(2) designs or conducts response actions with respect to friable asbestos-containing material in a public or commercial building; or

"(3) employs individuals to conduct response actions with respect to friable asbestos-containing material in a public or commercial building;

and who fails to obtain the accreditation under section 206 of this Act, or in the case of employees to require or provide for the accreditation required, is liable for a civil penalty of not more than $5,000 for each day during which the violation continues, unless such contractor is a direct employee of the Federal Government.".

(b) In exercising any authority under the Toxic Substances Control Act in connection with the amendment made by subsection (a) of this Act, the Administrator of the Environmental Protection Agency shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be considered to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

EFFECTIVE DATE

Sec. 802. Section 801 shall take effect upon the expiration of the 12 month period following the date of the enactment of this Act.

The Administrator may extend the effective date for a period not to exceed one year if the Administrator determines that accredited asbestos contractors are needed to perform school-site abatement required under The Asbestos Hazard Emergency Response Act (15 U.S.C. 2641), and such an extension is necessary to ensure effective implementation of Section 203 of this Act.

On page 3, immediately after the item: "Sec. 702. Stratospheric Ozone and Global Climate Protection.", insert the following:

TITLE VIII—ASBESTOS ABATEMENT

Sec. 801. Amendment to Toxic Substances Control Act.

Sec. 802. Effective date.

Mr. **METZENBAUM.** Mr. President, I rise to offer an amendment that will protect American workers and the public from unsafe and unsound asbestos removal practices. We are talking today about clean air. Not too long ago, in 1986, Congress passed comprehensive legislation to protect our children from breathing asbestos-contaminated air while they were in school. The Asbestos Hazard Emergency Response Act of 1986 [AHERA] was landmark legislation designed to clean up asbestos in our schools while at the same time protecting the workers who were doing the cleanup. Through its accreditation requirements, AHERA guarantees that only certified, trained contractors with certified, trained workers may remove asbestos from our schools.

But, Mr. President, we all know that the problem of asbestos-contaminated buildings is not confined to our schools. The Environmental Protection Agency estimates that there are over 700,000 public and commercial buildings in the United States that contain asbestos-contaminated materials. These buildings pose a health risk to the occupants and to the public at large.

Many building owners have recognized the potential hazards created by the presence of asbestos in their buildings, and they have acted to clean up their properties. Asbestos abatement is a booming business. News reports estimate that at least 150-200 contractors have each earned $5 million or more in the asbestos removal business. In 1988, building owners in the United States spent nearly $3 billion for asbestos abatement. The market for asbestos abatement in commercial buildings is expected to reach $8 billion by 1993.

The problem is that not all contractors and workers in the asbestos removal business know hat they are doing. Many are untrained or otherwise unprepared to undertake the complex and hazardous job of asbestos removal. Recently NBC news reported on incidents of improper abatement in the New York area. The network uncovered widespread violations of Federal, State, and city laws such as a lack of respirators during abatement, and the failure to train asbestos—removal workers. We are all to familiar with news reports of so-called "rip and skip" contractors who make huge profits doing asbestos abatement by ignoring the health and safety needs of their workers and the general public. These people quite frankly, do more harm than good.

The amendment I am proposing would extend the training and accreditation requirements of AHERA to inspectors, contractors and workers performing asbestos abatement work in all public and commercial buildings. It only makes sense that the thousands of workers involved in public and commercial asbestos-removal have the same training protections as those who work in our schools. The hazards are the same. The practices are the same. In fact, some of the workers and contractors may be the same. The only real difference is that one set of workers has an absolute right to comprehensive training and education before they set foot on the job, and the other set does not. My amendment will correct this inequity.

The amendment merely extends the training and accreditation provisions currently in law. It does not expand those training requirements. It does not impose additional requirements for public and commercial asbestos abatement. It merely extends one aspect of AHERA—the training and accreditation protections—to people doing asbestos abatement in public and commercial buildings.

Nothing in these amendments shall relieve a building owner from liability

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because an accredited person has been hired.

Nothing in these amendments shall be intended to relieve EPA of its obligation to initiate a rulemaking to address the issues of asbestos inspection and abatement in public and commercial buildings.

Mr. President, this is a modest, straightforward amendment that will have a substantial impact on safety and health for both workers and the general public. It is a small but significant first step toward addressing the need for a quality, comprehensive asbestos abatement program for public and commercial buildings. I urge my colleagues to support its adoption.

Mr. BAUCUS. Mr. President, this amendment extends current training and accreditation standards to workers that remove asbestos from public and commercial buildings.

There is no question that friable asbestos is a serious health hazard. For years, I have supported legislation requiring the removal of asbestos in schools. Legislation requiring training and certification of asbestos removal contractors, and legislation to provide asbestos loans and grants to schools.

I support better training. And I like my colleague from Ohio are committed to promote better training and protection of all asbestos abatement personnel. I think this amendment is important. But I want to be sure that it does not adversely affect school asbestos abatement projects.

It is my understanding that this amendment will not require any of the 46 States including Montana that already have contractor and/or worker training programs to be restructured? In other words, the training programs that have been established for school abatement personnel also would be used for asbestos workers in public and commercial buildings?

Mr. METZENBAUM. Yes. The Senator is correct. This amendment does not require the establishment of any new training programs. It is the intent that existing model contractor accreditation programs for schools abatement will be applied to public and commercial abatement worker.

Mr. BAUCUS. It is also my understanding that this amendment will not affect the work on schools abatement that is underway or planned. My understanding is that the effective date of this amendment is 1 year after enactment in order to minimize the impact on asbestos removal projects at schools.

Mr. METZENBAUM. That is correct.

Mr. BAUCUS. It is also my understanding that an additional 1-year extension is provided if there is a shortage of accredited contractors available for school abatement projects to ensure that progress continues to be made to remove asbestos from schools.

Mr. METZENBAUM. Senator BAUCUS is correct. This is intended to provide a smooth transition, especially in rural areas of the country, that need more time to ensure an adequate supply of accredited contractors. I thank the Senator.

Mr. BAUCUS. I thank the Senator for his clarification.

Mr. REID. Mr. President, I commend my colleague, Senator METZENBAUM, for bringing the issue of asbestos worker protection before the Senate. A tireless advocate of strong worker protection and safety laws, the Senator addresses the insidious perils to untrained and ill-equipped asbestos abatement workers with this amendment.

In recent months, national news documented the scandalous tactics of unscrupulous contractors who exploit unemployed and in some cases non-English-speaking workers by offering substandard wages, no training or protective equipment, and sending them in to remove or abate asbestos in the Nation's buildings. The workers, even if aware of the lethal nature of their work, are often powerless to do anything about it. For many, the subsistence income from this work is the difference between food and shelter and a life on the streets.

In the past year, many steps have been taken to address the health threat posed by asbestos. Since last May, EPA has conducted a series of public meetings and facilitated a series of dialogs involving the participation of all concerned parties to discuss ways to address asbestos in public and commercial buildings. Representatives of labor unions, building owners, public health groups, the real estate industry, the insurance industry, asbestos manufacturers, and many others have met to develop policy recommendations to EPA. It is my understanding that the dialog group is nearing completion of their work and will be making those recommendations in the near future.

Last summer, schools began to fully implement management plans to assure that the necessary steps are taken to protect our children against sources of asbestos in the classroom. In July 1989, EPA issued its final regulation to ban and phase out remaining uses of asbestos—a rule that took 10 years to complete.

By extending the worker training and certification requirements of the Asbestos Hazard Emergency Response Act [AHERA] to all asbestos abatement workers, the amendment offered by the Senator from Ohio makes another important stride in providing protection to those who face the biggest health risks through the daily handling and removal of asbestos.

I have long been concerned about the magnitude of the problem this Nation faces in addressing the presence of asbestos not only in schools, but in our public and commercial buildings and residences as well. The Toxic Substances, Environmental Oversight, Research and Development Subcommittee, which I chair, will be examining the array of asbestos issues in a hearing in April. I urge my colleagues to support the Metzenbaum amendment.

The grant and loan program for financial assistance to the schools expires this year. My colleague from New Jersey [Mr. LAUTENBERG] and I have sponsored legislation to increase the funding and extend the authorization for 5 years. On the basis of the April hearing, we may conclude that additional changes are needed. It is important to state however, that the amendment we are considering today will not affect or alter the requirements schools are presently following.

Mr. President, I have worked closely with the Senator from Ohio in perfecting the amendment we are considering today. I appreciate his attention to my concerns and am pleased to support the amendment.

Mr. REID. Mr. President, this amendment, has been cleared by both sides.

The **PRESIDING OFFICER** (Mr. CONRAD). The question is on agreeing to the amendment.

The amendment (No. 1340) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay that motion on the table agreed to.

WIRTH-WILSON AMENDMENT

Mr. WIRTH. Mr. President, I would like to take a few minutes this afternoon if I might to comment on an important amendment which will be up early next week, the Wirth-Wilson amendment on mobile sources.

If I look at the pieces of legislation in front of us, Mr. President, it seems to me that there are two major foundations to this piece of legislation. On the one hand, there are the very progressive acid rain provisions. And I will once again commend the President of the United States, commend his staff, commend the committee and all for working out what is a very creative and forwardlooking solution to an extraordinarily difficult problem, a problem which has resisted solution for a decade.

These provisions grew out of the forwardlooking work in economics and pollution control done by many individuals who were trying to look at acid rain control in a new and different way. Senator HEINZ and I put together a major study called Project '88, in which we attempted to look at environmental problems through the lens of the economy. How might we use market forces to solve many of the problems that we face?

Senator HENIZ and I believed that there was a lot of opportunity there for finding new solutions to these problems, and one of the major recommendations which we made related to emissions trading, particularly as it could apply to controlling acid rain. The environmental defense fund, among others, did a great deal of work on this.

All of this converged in the winter of 1989, when these themes were picked up by the White House and by EPA. The result was the President's clean air bill and the very important, and again I would say very creative and forwardlooking market-based approach to the acid rain problem. I am very supportive of that and I think that made all kinds of sense.

The other major part of the bill that I want to address is the mobile source provisions relating to autos, trucks and so on. Unfortunately that section of the bill does not look to the future. It does not develop alternative markets for American products. It does not move on the extraordinarily important and dangerous dependence on foreign oil that the United States is moving toward more and more. We are now importing about 53 percent of our oil. Fifty-three percent is now imported, higher than at any time since even before the Arab oil boycott.

We are in an extremely dangerous situation. And what we ought to be doing is looking forward and saying to ourselves, how are we going to develop alternative fuels? Ninety percent of our transportation is dependent upon oil. How do we develop alternatives in the area of transportation? How do we develop alternatives to oil?

We have not done anything of that in this legislation, Mr. President. There is very little in here, very little, that encourages ethanol. There is very little that encourages that family of alcohol fuels. There is very little that encourages a transition from oil to natural gas. Natural gas is a domestic fuel. Why not use our domestic fuel rather than going further and deeper into the cycle of imports?

These are some of the aspects of the bill that we ought to be reconsidering. And those are some of the aspects that Senator WILSON and I, and the other sponsors of our amendment, Republicans and Democrats from all kinds of different economic sectors and regions, have looked at. They are saying that our amendment makes good economic sense, and meets the test that the administration set of not putting a great burden on the American economy and the American consumer.

We do not do that at all. In fact we are creating new markets. We are doing just what the President did in the acid rain protection section of the bill, but did not do in the transportation section which came out of the negotiations.

The President started very well on the automobiles and transportation sector. He called for a major commitment to alternative fuels. That fell by the wayside. I do not know quite how that happened.

I suspect that what transpired was that we found enormous pressures coming in from traditional interests. And you know that those traditional and entrenched interests, the automobile industry and the oil industry, that have had a lot of power around here for a long time, reversed what had been a very progressive part of the bill. The second section of the bill, that on automobiles and transportation, emerged from the negotiating room looking in reverse, rather than looking to the future.

Overall, I think the bill is better than where we started. But, the purpose of the Wirth-Wilson amendment is to make it better and to see if we can think smarter, think more creatively, think more to the future, and not just react to the traditional naysayers that have dominated too much of the energy policy in this country and too much of our transportation policy.

I want to commend Senator MITCHELL and Senator CHAFEE, and Senator BAUCUS, and the distinguished Senator from Vermont, Senator JEFFORDS, who is here on the floor with us, for their hard work overall on this bill. It is better than the status quo. But it can be made much stronger. And Members of the Senate are going to have the opportunity, when we get to the floor in about 10 days, to look at the best amendment for cleaning up the air in their cities, for cleaning up the air in this country, and for looking to the future, looking to the 21st century and not reacting, as we have, too much to the pressures of the past.

Mr. JEFFORDS. Will the Senator yield?

Mr. WIRTH. I would like to finish my statement and then I would be happy to yield.

What we intend to do is look forward. We want to make gasoline-powered vehicles run cleaner, and we want to put a much better effort into cleaner alternative fuels. We call the amendment, Mr. President, the clean cars/clean fuels amendment.

The first thing that the amendment would do is to strengthen the useful life provisions of the compromise, and provide for a second round of auto emission standards, subject to disapproval by the Congress.

Why are these important? For Denver, for example, strengthening the useful life of the automobile is an extremely important element in keeping our city and cities like ours in compliance with the Clean Air Act.

What does that mean? You might anticipate, Mr. President, when you go out and buy an automobile that the emission control device in that automobile would work for the expected life of the car, about 100,000 miles. Most constituents, I suspect, most of our constituents buying an automobile would expect that the emission controls on that car would work and would work consistently for that whole 100,000 miles.

It seems to me if we are going to set up a lot of standards for automobiles, those ought to apply for the whole life of the car. Unfortunately, they do not. The compromise sets out one set of standards for 50,000 miles of the car, and then we drop off the edge and allow the car to be significantly dirtier in the second 50,000 miles.

What kind of sense does that make? Why should you have a car, or I have a car—and this is at a time in the United States when people are driving automobiles for a longer period of time—why should you have a car that is pretty clean for 50,000 miles and then get dirty for the second 50,000 miles? That is a question for which there is no answer in this so-called compromise.

The committee had a very good answer to it. The Senate Environment Committee came out with a very good answer. That was to require these emission control devices to work for the total useful life of the car, for 100,000 miles. That seems perfectly reasonable. It is economically feasible. Why not require it for all automobiles?

It would be, by the way, the single most cost-effective thing that we could do to clean up our automobiles.

Let us remember that all air pollutants add up. In anybody's city the air pollutants that come from automobiles or dry cleaners or come from coal-fired plants or whatever, they all add up.

So, the question is, What is the most cost-effective way of limiting the number of air pollutants? That is the question we all ought to be asking.

The most cost-effective way is the 100,000-mile, useful-life requirement. With that requirement, we eliminate a ton of air pollutants for about $500.

If a city cannot get those emission reductions, which would cost about $500, they have to go to cleaning up a lot of stationary sources. They have to go to small businesses like dry cleaning plants and get emissions reductions there. They have to do a lot of things. And how much does that cost to remove a ton of pollutants? Perhaps $5,000. The useful-life provision for automobiles is much more cost effective. Why was that not done? The Environment Committee thought it was a good idea. Almost everybody else

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thinks it is a good idea. But it got dropped out in the bill.

And why is that? Well, it got dropped out in the bill because some people think it is too expensive. People think we cannot afford that kind of commitment to make pollution control work for 100,000 miles. How much would it cost to make it go for 100,000 miles? About $25, Mr. President. For about $25, we take the single most effective way of cleaning up our air, about the cost of an ashtray in a new automobile.

Why do we not do it? I do not think there is a good answer to that at all. There is no good answer to it. It is the most cost-effective way of doing it. And, if, in fact, we are going to conform to the cost test that was set up for us by the White House, a very good one, saying we are not going to go above certain amounts of cost, let us go to 100,000 miles. It is exactly what the committee recommended. It is what almost every expert recommended. But somehow the pressures got put on so that does not happen.

In addition, Mr. President, in our amendment we believe we have to open the door to alternative fuels. Clean fuels offer us a remarkable opportunity, not only to reduce pollution in our cities and to help make them cleaner, but to put domestic fuels into use and slow down our dependence upon foreign oil.

As I noted earlier, our transportation sector is now 90 percent dependent on oil and increasingly that means that our transportation sector and our economy overall is increasingly dependent upon imported oil, now 53 percent of our total U.S. oil consumption.

Fifty-three percent of our oil today, Mr. President, is imported. That is serious. The Straits of Hormuz today are just as narrow as they were 5 years ago or 10 years ago or 15 years ago. Why do we not use this revision of our clean air law as an opportunity to do something about it?

Unfortunately, on this issue the so-called compromise is faltering and timid. Why are we being faltering and timid at a time when we are saying to the Czechs, change significantly; we are saying to the Soviets, change significantly; we are saying to the South Africans, change significantly.

What are we doing? Falling back on our same old ways of giving in to the entrenched interests, just precisely the opposite of where the rest of the world is going in the 1990's.

We are missing an extraordinary opportunity to break our addiction to foreign oil.

Obviously it is not going to be easy but we can put together an aggressive package of alternative fuels and clean-running automobiles and that can do an enormous amount, when we do this piece of legislation, to set a template, to set a model for the rest of this decade, and for well into the 21st century.

There is no reason why we cannot and should not do it. We can begin by having an aggressive program requiring commercial and government vehicle fleets to use alternative fuels. We have a very modest and retiring fleet program in the compromise, that is not nearly as broad as it ought to be. There are so many loopholes in it that we end up letting all kinds of people off the dime, which we should not do. We ought to be encouraging commercial fleets—not Hertz or Avis, or whatever, but delivery vehicles, utility vehicles, and others who are driving around in a given city. We ought to be encouraging them to go to alternative fuels.

By encouraging them, requiring them to go to alternative fuels, we create an alternative domestic market. It is an enormous opportunity there also to create a major demand for Detroit.

One of the arguments we heard in the negotiations was, well, if we go the way the President originally proposed and we only do 1 million cars, as he said, maybe there is no market for it. We can create a market by requiring these vehicles be purchased. And we can force the technology, something that we have always done in the United States. We have always pulled that technology and the genius of the American marketplace and American technology has responded.

We have the opportunity of doing that here too, Mr. President, not only to help our consumption of fuels but to significantly accelerate American technology.

The whole automobile emission control package is an American product. It was an American invention. We ought to be spreading that very broadly across, not only across the country, but across the world.

President Bush said in his statement introducing their Clean Air Act, that we have to: "reconcile the automobile with the environment."

He is exactly right. Unfortunately, his commitment of last June was lost somewhere between June and the so-called compromise. The reconciliation of the automobile with the environment has also fallen off the edge of the table.

It is too bad that happened. Senator Wilson and I, and this broad group of cosponsors representing different economies in different areas from all across the country, from New York to California, are going to provide Senators with the opportunity to make a very clear statement on the environment, on cleaning up our air, on cleaning up our cities, doing it in a very cost-effective fashion, doing it in a way that gives us the opportunity to encourage markets for new fuels, and doing it in a way that is going to achieve the most for the least cost to the American consumer.

We will hear all kinds of arguments about this on the other side. We will hear all kinds of arguments about how much this is going to cost and it is going to break the bank and so on. That is not the case at all.

We will be prepared to debate that. I bring this up at this hour, Mr. President, to place these comments in the Record, and to make sure that staffs of Senators who are looking at the Wirth-Wilson amendment have an opportunity to review this very carefully, understand what the amendment does, understand what the amendment does not do.

We hope they will be calling us. If they have questions let us know. This is going to be the most critical vote that Senators are going to have on the Clean Air Act.

Are we or are we not for clean air? Do we or do we not want to do it in a cost-effective way? Are we interested in developing an alternative fuels program? Are we interested in being serious about the future? Are we going to respond to the very clear demands of the American public that we commit ourselves and think smarter about the environment?

We can have positive answers to all of those questions, Mr. President, by voting for the Wirth-Wilson amendment when we all get back here after the break.

Mr. President, I ask unanimous consent to have printed in the Record at this point a side-by-side comparison between the so-called deal and the Wirth-Wilson proposal.

There being no objection, the material was ordered to be printed in the Record, as follows:

Issue	Deal provisions	Wirth/Wilson proposal
Useful life	Meet certain standard for 50K miles higher standard from 50K to 100K	Meet certain standard for 100K miles
Second round	Only if 12 cities with serious ozone problems outside of CA remain in noncompliance by 2001 standards would go in October 2003	Goes into effect unless Congress votes to stop it following EPA study in 1997
Reformulated gasoline	Either reformulated gasoline or slightly cleaner than normal cars required in 9 cities with severe ozone problems in October 1994	Required in 40 cities with severe or serious ozone problems in October 1994
Fleets	Clean-fuel standard to require 80% reduction in hydrocarbons and 75% reduction in toxics	Same standards as California alternative fuel cars—in 1994, 50% reduction in hydrocarbons and 50% reduction in toxics in 2003, 75% reduction in hydrocarbons and 75% reduction in toxics.
	Clean-fuel vehicles do not have to meet 1994 NO_x reductions applying to normal cars	No waiver of standards applicable to gasoline or diesel vehicles.

Issue	Deal provisions	Wirth/Wilson proposal
	Federal fleets in ozone nonattainment areas (69 cities) must purchase clean fuel vehicles	Federal fleets treated the same as local government and private (40 cities plus 8 CO cities as below)
	Covers private fleets above 20 vehicles, which are centrally fueled and maintained	Covers private fleets above 10 vehicles which are "capable" of being centrally fueled
	Applies in extreme and severe ozone nonattainment areas (9 cities) only	Applies in extreme, severe and serious ozone nonattainment areas (40 cities) plus serious CO nonattainment areas (8 additional cities) with additional CO reduction program
	Applies to 30% of new purchases. EPA increases percent requirement to "maximum feasible"	Applies to 30% of new purchases, phasing up to 70% over 3 years.
	Auto manufacturers who sell vehicles cleaner than the standard receive tradeable credits for excess reductions.	Same
	Starts in 1995 for federal fleets, 1997 for private fleets	Starts in 1994
Clean-fuel vehicles:		
Phase I	Phase I consists of reformulated gasoline proposal above—reformulated gasoline or slightly cleaner cars. California can do its own program	Automakers required to provide 150,000 vehicles 50% cleaner than normal standard in California in October 1994. Would require use of alternate fuels. More vehicles in subsequent years. Applies to severe ozone areas (8 cities) in 1997 unless other pollution controls adopted.
Phase II	Phase II consists of cars roughly equivalent to phase II tailpipe cars, or reformulated gasoline, or some mixture in each of 9 cities.	Automakers required to provide 30% of new vehicles an additional 50% cleaner than phase I in California in 2003, for participating cities.

Mr. WIRTH. Mr. President, I want to start by praising Senator **Mitchell**, Senator **Chafee**, Senator **Baucus**, Senator **Simpson**, and Senator **Breaux** for their hard work on the mobile sources provision of the Clean Air Act amendments.

The committee substitute represents very real progress. We can make progress, of course, without perfection. I believe we can make this piece of legislation stronger, and I believe that it is important that we do so.

There are two basic areas this amendment would address: making gasoline-powered vehicles run cleaner and setting up the kind of strong, directed effort we will need if we hope to truly open the doors to the use of fuels other than gasoline.

This amendment would strengthen the useful life provisions of the compromise, and it would provide for a second round of auto emission standards, subject to disapproval by Congress.

For Denver, strengthening the useful life provision is an important element in keeping Denver in compliance with Clean Air Act standards in the future.

We anticipate that a vehicle that you might buy or I might buy or most of our constituents would buy would last for approximately 100,000 miles. If that vehicle is going to be on the road for this period of time, I think we should also expect that vehicle to run cleanly for the entire 100,000 miles.

Unfortunately, in the current compromise legislation, we really have a two-standard approach for vehicles. For the first 50,000 miles or so of their life, the vehicles are required to run cleanly. But for the second 50,000 miles, they are allowed to drop off very sharply. That does not make any sense. There is no reason for us not to have the second 50,000 miles as clean as the first 50,000 miles. It is technically absolutely feasible.

The people who make the catalytic converters and the emission control devices actually say there is no problem with getting an emission control device to last that long. We can assure that we have clean cars for the entire 100,000 miles for less than the price of a hubcap. We ought to do that. Having cars meet standards for 100,000 miles was one of the key provisions in the bill reported by the Environment Committee, one I specifically supported at hearings on the legislation.

Earlier, I said we needed to open the door to alternative fuels. I want to return to that theme. Clean fuels offer us an incredible opportunity to reduce pollution in our cities and help make them healthier and more pleasant places to live. Just as importantly, clean fuels offer us an opportunity to begin to wean ourselves from our costly, dangerous and incredibly monolithic dependence on imported oil.

Our transportation sector is 90 percent dependent on oil. And increasingly, that means it is dependent on imported oil. Oil imports are by far the largest part of our foreign trade deficit, even at a time when world oil prices are relatively low.

How can we break this addiction? It is not going to be easy. It is not going to happen just by thinking about it. I believe that we will need a very aggressive program for the use of alternative fuels and clean-running automobiles. The inertia in this arena is truly enormous, and we will need a very aggressive program to overcome it.

What should we be doing to arrive at this? First, we should require the use of reformulated gasoline in all seriously polluted cities—31 cities with ozone pollution—smog—problems. If these new fuels can significantly reduce ozone pollution—and they can—then there is no reason to limit their use to only the worst polluted areas. Reformulated gasoline is made using domestically-produced ethanol or methanol.

Second, we should require that commercial and Government fleets convert to alternative fuels in most ozone and carbon monoxide nonattainment areas beginning in 1994. We should have a major fleet program for alternative fuels. Fleets are extremely important in this process.

Fleet vehicles are on the road day in and day out, throughout the whole day. While commuters drive to work in the morning and drive home at night, many fleet vehicles run all day long. In the Denver metropolitan area, fleet vehicles contribute about 20 percent of the total mileage driven on any day. If we can clean those miles up by 50 percent, we can take a major piece out of the overall pollution.

So what should we be doing with fleets? What we ought to be doing with fleets is requiring that those fleets convert to alternative fuels over a period of time. The advantages of this are numerous. First, by requiring the conversion to alternative fuels by fleets, we are creating a market about which Detroit can have a sense of certainty. Second, since many fleets already centralize their refueling, requiring fleets to use alternative fuels is the logical place to look to begin to establish sources for alternative fuels in our cities.

What fuels are we talking about? With well-known, existing technology, the standards for a first generation of clean fuel vehicles in my amendment can be met by reformulated gasoline using ethanol, by methanol, by methanol-gasoline blends, by compressed natural gas, by propane and probably some others.

For the ultraclean requirements this bill puts into place in 2003, we know that at least methanol, propane and compressed natural gas will work. We know that electric vehicles can play an important role. And there is increasing evidence that a variety of other fuels may meet the standards—if we get people to work on the technology.

Will this be expensive? In some cases, it may be less expensive. Natural gas, for example, in the Denver metropolitan area, is about half the price for gasoline, for equivalent fuel. So here is a case where we are saving money for the user; we are developing a market for Detroit; and third, we are developing the use of a fuel which is domestic, thereby limiting our dependence on imported oil. And it has great environmental benefits. This is a win, win, win situation.

Last, we need to promote the widespread use of clean-fuel vehicles by the general public in cities like Los Angeles, and Senator **Wilson** and Senator **Cranston** will be talking about that later today.

As President Bush said, we have to find a way to "reconcile the automobile with the environment." I think we can do that. I think we can be a lot more creative, a lot more imaginative and really approach the alternative fuel vehicle goal that the President set in his initial speech outlining his whole approach to the Clean Air Act—of putting large numbers of alternative fuel vehicles in our cities in the next decade.

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Mr. President, I want to thank the leadership for their forbearance. It has been very difficult to try to draft this amendment to the Mitchell amendment, and to try to cover all the details. I also want to thank the cosponsors of this amendment for their support and their patience as we have tried to work out the details of our amendment.

Mr. President, I am happy to yield to my distinguished colleague and old friend from health wars and clean air wars in House of Representatives.

Mr. JEFFORDS. I thank the Senator for yielding. I certainly want to commend him for his statement and, as he knows, I supported pretty much what he is going to attempt to do in his amendments. I am going to find myself in the same painful status that Senator CHAFEE did on the bill, the CO_2 aspects and global warming.

However, I would like to point out, just for the RECORD, that the bill that left the committee, S. 1630, had little if anything with respect to alternative fuels in it.

Those of us, Senator CHAFEE and I in particular, who felt it was important to do so, did obtain in the committee dealings with the administration a substantial move forward. I say he is quite correct in pointing out that the industries involved were the most, shall we say, desirous of not getting everything that was desired to be done there. The administration, in particular, wanted to do much more in the alternative fuels, as far as our mandating, as the Senator has pointed out.

It was not the administration who pushed not to have this done. It was representatives of the automobile industry who felt very strongly that the mandate would be very dangerous to the industry and, therefore, prevailed in the design of the bill which is presently before us.

However, I would like to clear up one thing with respect to the tailpipe standards which were adopted with the administration's sanction; that is, we adopt the California tailpipe, not in tier 1, which does have the 100,000-mile provision. The difference is actually we have a 0.06 gram less of the standard, instead of 0.25. It ends up at 0.31, and it does add a considerable amount of pollution which I agree in unfortunate. It is not that we do not have any 100,000-mile standard. Many of us fought to try and keep it down to the position that the Senator from Colorado wanted.

I point out also that although we were restricted in the desire to expand and to mandate essentially the use of alternate fuel vehicles, we leaned rather heavily on the desire of California to move forward. We do allow communities in the severe categories to opt no, or States in their SIP's, socalled. I am hopeful that we will be able to do what we had wanted to do more directly by expanding the use of alternate fuel vehicles.

In addition, I point out, and Senator LIEBERMAN got language in which also will try to urge to move forward to look at the ultracleans or ultra-ultracleans, why we cannot do something that is incredibly satisfactory to all, and the utilization of photovoltaics to convert to electricity or hydrogen and then utilize types of fuel that will have no detrimental or environmental effect at all. I hope we can strengthen that as the years go by.

Overall, I think the alternative fuels provisions we have certainly are much better provisions than we had in the Senate bill that came out and, therefore, is an improvement on the original bill.

With respect to gasoline, I will make a point that the reformulated gasoline aspects to me went too far in kind of dampening the enthusiasm for other alternative fuels. I was sad to see that. On the hand, by ensuring that the gasoline will get no dirtier than it presently is, we will prevent the further destruction of the environment by virtue of dirtier and dirtier gasoline which we have seen over the last two decades.

In addition to that, we do allow for the utilization of reformulated gas with improved standards. That has the advantage of not only affecting new cars, but affecting the cars that are out there in the fleets. So we should get some immediate advantages through the reformulated gas, especially in the severe areas. There are some really good points that I want to make sure we did not go over quickly.

Mr. WIRTH. Mr. President, I appreciate the comments of the distinguished Senator from Vermont who, throughout his career in the House and now in the Senate, has been on the right side. I cannot imagine any health issue or environmental issue that he and I have not voted on the same way. His heart on this matter is clearly in the right place as well. I can tell that from his comments.

Unfortunately, the Senator's heart got stopped a little bit by this so-called deal. The Senator says you are going to have to reluctantly oppose this. This brings up the whole process of a deal in which we find ourselves. Our job here is, in my opinion, to see what the majority of the U.S. Senate wants to do. And if an amendment such as mine represents a better idea than the legislation in front of us, then we move ahead with that idea. Our attempt is to find 51 percent of the votes for a stronger, future-looking package that has the characteristics that I earlier described.

I happen to think part of what was agreed on, as I pointed out earlier, is good; some of it is very good. But this particular section—on vehicles—could have been a lot better.

As the Senator pointed out, we have gotten to a point, he said, where gasoline does not get dirtier. Is that an achievement? It should not be an achievement. What we ought to be doing is not just assuring it does not get dirtier, but we should be making it cleaner. That is the whole purpose of this legislation.

A couple other points, if I might, on the California tailpipe standards in tier 2, going from 3——

Mr. JEFFORDS. Tier 1.

Mr. WIRTH. That is exactly right. We have a falling off in the second 50,000 miles of an automobile and have allowed it to get dirtier. There is no reason for that. We should stick by the 100,000-mile use for life, the same standard as when a car is new. It can be done.

Not very many clean air advocates would advocate allowing cars to get dirtier over their lifetime when, for almost no cost, we can make them so that they keep running clean. That can make an enormous contribution to cleaning up our cities. It is an issue we will get into. It is one my colleagues ought to understand. It is the most cost-effective step that we can take.

The problem on opt in is in there, allowing States and cities to opt in. In fact, what we are doing there is suggesting we are going to not take the heat and others are going to take the heat.

Why not put the requirement in there when we know it is going to be there? What would have happened, Mr. President, if we had an opt-in provision on unleaded gasoline? How many State legislatures do you suppose would have chosen to opt in for unleaded gasoline? Every State legislature would have been picked off by the auto industry and the oil industry, and we would have had even worse politics of high pressure on every State legislature. If we had this kind of opt-in provision, it would not have worked, and I think that that parallel and that history is something to learn from.

A final note on alternative fuels. We will be talking a great deal about this. I am a great supporter of the goals set by the President. I think he was exactly right. I think what we ought to do is go back and embrace his initial approach on alternative vehicles. That is very, very important. He was right about that. His negotiators were wrong, and the Wirth-Wilson amendment would allow us to go back to the very broad commitment made by the President of the United States. That is a commitment.

When we get to redistricting, Mr. President, when we get to redistricting in 1991, I think there are going to be 51 congressional seats in California. This is more than 10 percent of the membership of the House of Representatives, more than 10 percent of the population of the country. They want this provision, a clean air provision. Both the Senators from California are going to be supporting the amendment in a very outspoken way.

We have been barraged by telephone calls from Californians saying, "Help us out; please help us out." Why do you not help us out a little bit?" And I hope we find that people who go to the land of milk and honey to get help there will be willing to help California out when they are back here in this Chamber, helping out there as well.

I hope this is true of New York, too. This provision is also cosponsored by Senator MOYNIHAN and Senator D'AMATO who come from the second largest population center in the country. They want this provision. We ought to be having this provision. The President was right. We ought to have it.

In any case, Mr. President, it is getting late in the day. I did not mean in any way, shape, or form to take as much time as I have. I greatly appreciate the comments by the distinguished Senator from Vermont who is, again, I say, absolutely first rate on all of this.

I hope that maybe by the time we get to the end of this process he will be able to allow his very good instincts to play themselves out and vote for the Wirth-Wilson amendment.

I yield the floor, Mr. President.

Mr. JEFFORDS. Mr. President, I would like to wrap up on our conversation. I end by saying I think the experience of the last couple of days with the pending amendment is enough evidence of why it was necessary to reach certain agreements within the amended bill which we now have before the Senate. It was because of that kind of consternation and difficulties we had bringing a coalition together that we had to do some things, of which we were not in favor, at least some of us who were on the negotiating panel. However, we do have to get a bill, and in my mind the worst thing that can be done is end up this year without any bill. I am hopeful we have prevented that from happening with the agreements we reached.

I yield the floor.

Mr. LEVIN. I thank my friend who is the Republican manager of the bill this afternoon. I appreciate the cooperation of Senators BURDICK and BAUCUS and Senators JEFFORDS and CHAFEE and others and their leadership in putting together a bipartisan compromise, both within the committee and within the administration. That compromise was difficult to achieve. I have just a few questions of Senator JEFFORDS, because I think it will clarify some of the points made by Senator WIRTH earlier this afternoon.

First, would it be correct to say that the bipartisan compromise in the committee substitute that is before us avoids mandating sales and that the Wirth-Wilson amendment, so-called, would mandate the sales of automobiles, even though there would be no assurance of any buyer?

Mr. JEFFORDS. I say there is a considerable difference on the question of mandating in the Wirth amendment, as I understand it, and the amendment presently before us, which was as a result of the compromise. I cannot say as to what California will do, but it is anticipated they will be mandating sales.

However, that is not a provision, other than to say California has the authority to do what they desire to do. The only possibility of any mandating would be in the SIP's that other States might use in conjunction with their programs to try to improve the air quality in some of the more serious areas. But there is no specific mandate language in the present bill with the compromise amendment in that regard.

It is my understanding that the Wirth amendment will, as was originally proposed by the administration, provide for mandating in areas other than California.

Mr. LEVIN. And beyond the provisions of the SIP's?

Mr. JEFFORDS. That is correct.

Mr. LEVIN. That would run contrary to the very hard fought out agreement that we reached relative to production and sales mandates.

Mr. JEFFORDS. As the Senator well knows, this was a very hotly contested item in the compromise, and the Senator from Michigan was very adept in his reasoning as to why we should allow his position to prevail and, thus, it definitely was one which was done with the knowledge and the understanding that it was necessary in order to have a bill before us that would be one that we could feel secure in getting full passage on.

Mr. LEVIN. Is it fair to say that we understand that the Wilson-Wirth provision goes significantly beyond our bill in that area?

Mr. JEFFORDS. That is correct.

Mr. LEVIN. Is it also accurate, if my friend would say, that the provision that we had relative to the SIP's included some provisions to assure that there was demand created for the vehicles, and that would be certified by the EPA?

Mr. JEFFORDS. That is correct.

Mr. LEVIN. And that that is not part of the Wilson-Wirth amendment?

Mr. JEFFORDS. I am not that familiar with that.

Mr. LEVIN. Is it fair to say that the tier 1 provision that we have in our substitute goes beyond the requirements of California relative to tier 1?

Mr. JEFFORDS. That is my understanding. You might say it is an improvement. I would say it is an improvement over what was in the so-called California standards for that particular model.

Mr. LEVIN. Would my friend agree it is significantly different from what is in the California provision?

Mr. JEFFORDS. Yes, it is. It is somewhat different, and I guess you could label it significantly different.

Mr. LEVIN. This was very much fought over, as a matter of fact, during those deliberations and negotiations?

Mr. JEFFORDS. That is correct. It was more or less a compromise between what the committee bill was when it came out of committee and the California standards. It is somewhat in between those two.

Mr. LEVIN. Is it accurate to say that the California provision on the 0.31 grams of hydrocarbon is the same as is in our compromise?

Mr. JEFFORDS. That is correct.

Mr. LEVIN. And that the Wirth-Wilson provision is, therefore, in that regard, more stringent than the California provision and our own compromise?

Mr. JEFFORDS. That is correct. It is 0.25.

Mr. LEVIN. Finally, and I know my friend is trying to catch a plane, is it fair to say that from what we know of the Wilson-Wirth amendment, that that is significantly different from, in many regards—including the ones we have just talked about—the committee substitute which is before the Senate now?

Mr. JEFFORDS. It is correct that the Wirth amendment is significantly different from the bill which came out of the compromise amendment.

Mr. LEVIN. And in ways which were significantly negotiated.

Mr. JEFFORDS. There is no question that these items which are in the Wirth amendment are items which were severely contested within the compromise structure.

Mr. LEVIN. I thank my friend. The Mitchell-Dole amendment was the product of a compromise. I never thought the tier 2 provisions made any sense at all, in terms of their cost effectiveness. Some of us who believe that finally said, "OK, as part of a compromise, we would support a bill which had a tier 2, providing other things were done in that bill." Is it fair to say that this compromise that is before us was the product of give and take on both sides?

Mr. JEFFORDS. I would say of all the items that we have talked about, the one which required the most compromising and debate and time was with respect to the so-called tier 2 tailpipe in the year 2003. That probably extended the conference by at least a day or two as we tried to find a compromise position.

The one which resulted probably made no one happy, which probably

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indicates it was a fairly fair compromise. I know that it does not sit well with certainly those that desired to have an automatic tier 2 in the year 2003. On the other hand, I happen to feel that the compromise we did reach is one which has some logic and rationale to it and I certainly can defend that position.

Mr. LEVIN. And it was something the administration also fought very hard for.

Mr. JEFFORDS. It was one of their key items, primarily on the cost basis. And the solution that we arrived at is one in which they are so confident—and I hope they are so right—that we are going to do such a wonderful job cleaning up the air that there is no way the tier 2 would come in.

On the other hand, I think most of us are—not, perhaps, the Senator from Michigan—less optimistic and expect that perhaps we will see the tier 2 tailpipes come in.

Mr. LEVIN. I thank the Senator.

Mr. President, as I indicated before, I want to briefly comment on the amendment which Senators WIRTH and WILSON will be offering to the clean air bill. This amendment would rip apart the bipartisan compromise which was worked out between the committee and the administration.

It would undo the changes to the tier 1 tailpipe standard that were made in that bipartisan compromise. It would destroy the tier 2 tailpipe standard that was set forth in that bipartisan compromise. It would scrap the carefully negotiated alternative fuels program that is part of that compromise.

By the way, an alternative fuels provision was not in the original committee bill. This is a new provision that was added in this bipartisan leadership compromise and strengthens the original committee bill.

Each element of this amendment, which will be offered by Senator WIRTH, goes straight to the heart and destroys the matrix of that bipartisan compromise embodied in the Mitchell-Dole amendment. The authors of the amendment, Senators WIRTH and WILSON, are saying in effect they have half a loaf. Now they are going for the rest.

I want to comment briefly on one aspect of the presentation of our friend from Colorado, and that relates to the tier 1 tailpipe standard. There are going to be many points made about the amendment after we come back. There will be debate on many aspects of it.

Briefly this afternoon, I want to comment on one portion of the presentation of the Senator from Colorado. The tier 1 tailpipe standard in the Mitchell-Dole compromise represents a carefully crafted middle ground.

The basic tier 1 requirements are agreed to by all sides. They would require new cars to reach emission levels of 0.25 gram per mile of hydrocarbons. That is a reduction from the current 0.4 gram per mile of hydrocarbon.

The administration bill would have required that these standards be met for 50,000 miles in use. The original committee bill would have required that they be met for 100,000 miles in use. A compromise was reached under which the standards would have to be met for 100,000 miles. That was the tougher committee standard. But the automobile industry was allowed, as they are under California standards, a slightly higher level of emissions—31 grams per mile—in the second 50,000 miles because these cars deteriorate over time.

The higher levels which are permitted at 100,000 miles are identical to the toughest standards in the Nation. These standards were established by the State of California. And they are far tougher than the current Federal standard of 0.4 gram per mile, which applied only to 50,000 miles. So these cars will be cleaner at 100,000 miles than current cars are at 50,000 miles.

The standards that are set in the bipartisan compromise in other regards are tougher than those set in California—the home State, may I say, of two sponsors of this amendment.

The California standards require recall of vehicles only up to 7 years or 75,000 miles. The bipartisan compromise requires recall up to the full useful life of 10 years or 100,000 miles, so that this bipartisan leadership compromise is even tougher than California, already by far the toughest in the Nation in that regard.

The California standards contains an interim standard for in-use emissions which is slightly lower than the full tier 1 standard. The bipartisan compromise does not contain this interim standard either.

Now, why is it that you want to provide a slightly higher level, 0.31 instead of 0.25 between 50,000 to 100,000 miles? In defending the 0.31 standard which exists in California and in this compromise for between 50,000 to 100,000 miles, the deputy executive officer of the California Air Resources Board told the Senate Environment Committee that:

> We provided for somewhat of an additional cushion beyond 0.25 hydrocarbon for that second half of the life. We actually established a standard of 0.31 at 100,000 miles and we gave the manufacturers a phase-in period—some time to make a mistake and correct that mistake before they would have to meet their maker of the recall, which is so greatly and rightly feared by the automobile manufacturers."

So California has adopted the 0.31 range between 50,000 and 100,000. There is nothing tougher than California, and that is what the bipartisam compromise adopts, between 50,000 and 100,000 miles.

Now, our friend from Colorado says that you can go from 50,000 to 100,000 at 0.25, nothing to it; you can do it for "the price of an ashtray," to use his words. I do not know where he gets that.

I would rather take our expertise from the Office of Technology Assessment, which is the office of the Congress for these kinds of recommendations. OTA has not estimated the cost of this reduction because it cannot even identify currently known technology which will meet the 0.25 standard at 100,000 miles. So the OTA is unable to even identify the technology which will get us the 0.25 standard at 100,000 miles. But our friend from Colorado says, oh, that can be achieved for the price of an ashtray.

That is a critical difference on a hotly disputed issue, fairly resolved after intensive discussion between members of the committee, other Membrs of the Senate, and the administration.

And Sierra Research, which is used by the Office of Technology Assessment to give them an independent evaluation of these issues, in report after report has concluded that it is not technologically feasible to bring these in-use emissions down to those tier 1 levels at 100,000 miles in use.

Our friend from Colorado just glibly says this can be done for the price of an ashtray.

The independent assessment for the Office of Technology Assessment done by their contractor, Sierra Research, says over and over again they do not know how to bring these emissions down to that level, 0.25, at 100,000 miles in use. Let me quote:

> The ability of a manufacturer to comply with a particular set of emission standards during the certification process does not indicate an ability to meet the same standards in customer service.

In other words, you cannot compare the certification process, which is currently used, to an inuse requirement in this standard. The Sierra Research says it is not feasible for automobile manufacturers to achieve inuse emission levels which are equal to the most stringent standards that can be met during certification testing. Sierra Research says these requirements, 0.25 at 100,000 miles in use, exceed the limits of currently known technology, especially in an environment where the quality of motor vehicle gasoline and lubricating oil is insufficiently regulated. That is what the Sierra Research folks said. That is independent research. Price of an ashtray? Just casually, the price of an ashtry?

The bipartisan compromise was thoughtful, fair, and balanced, and differs in very significant ways from the proposal of our friends from Colorado and California. When we come back in a week or so there will be a great deal of debate on other aspects of this amendment because in many ways it tears apart that leadership compromise which is on the floor before us in the form of a substitute. But I just wanted to comment briefly this afternoon about the ashtray comment so that none of us leaves here this afternoon believing that there is any independent evidence that the requirement in the Wirth-Wilson amendment for 0.25 gram per mile in use at 100,000 miles can be achieved for the price of an ashtray. OTA does not know if it is technologically feasible. Its independent researcher says it does not know how to even achieve it. So let is throw that ashtray comparison out of the window and get to a more independent assessment of costs.

Mr. BIDEN. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BIDEN pertaining to the submission of Senate Concurrent Resolution 104 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I might proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME FOR A PLEBISCITE IN KASHMIR

Mr. HUMPHREY. Mr. President, the winds of change that are sweeping across Eastern Europe seem to have stalled over the Asian subcontinent. Every day brings new reports of violence in the disputed state of Kashmir. As the people of Kashmir assert their desire for self-determination, efforts to suppress that movement grow ever more anachronistic. The time has come for the United States to press for the implementation of a United Nations supervised plebiscite in Kashmir.

Mr. President, for more than 40 years the state of Kashmir has been relegated to the status of "disputed territory." Following the British withdrawal from the Asian subcontinent in 1947, the ruler of the Kashmir State chose to join neither Pakistan nor India. That situation led to heightened tensions between the newly formed Governments of India and Pakistan. By the fall of 1947, the situation had deteriorated to a bloody war. India alleged that Pakistan was arming "Muslim militants" seeking to liberate Kashmir. And in fact, by October Pakistani forces lent their assistance to the liberation movement in Kashmir. The Indians responded by deploying troops in exchange for an agreement by the ruling maharaja to accede to India.

In January 1948, the Government of India took the conflict to the newly formed U.N. Security Council. A series of resolutions were passed calling on both sides to halt the fighting. Finally in April 1948, the Security Council adopted a resolution that called for the withdrawal of forces from both countries, the establishment of an interim government, and an effort by the U.N. Commission on India and Pakistan to help restore peace and lay the groundwork for a plebiscite by the people of Kashmir.

By January 1949, the U.N. Security Council passed a resolution adopting the Commission on India and Pakistan's proposal for a plebiscite. Both India and Pakistan agreed to the proposals, but no action was taken. The issue has been stalled now for 40 years, with each side blaming the other for lack of progress.

Mr. President, it serves no purpose at this juncture to assign blame or reassess the tragic events of the past 40 years. The bottom line is that no plebiscite has been held. The promise has been broken. Three costly and destructive wars have been fought since 1947. And the people of Kashmir to this day, are still seeking an opportunity to choose their own government. In the absence of any progress, lives are being lost, violence is escalating, and tensions between Pakistan and India are boiling to a dangerous level.

In recent months, the State of Kashmir has appeared more like an occupied territory than a disputed state locked between two democracies. Last December the Indian Government deployed several thousand military police, and imposed a curfew in the capital city, Srinagar. The Economist magazine reported on January 27, 1990, "In the curfew-bound streets of Srinagar military vehicles, soldiers, and policemen stand at every big crossroads. The houses and shops are shuttered. But, ducking down a side street in the medieval warren of the old town, any journalist is mobbed by crowds of men, women, and children shouting slogans against the Indians."

Since then, the situation has only deteriorated. The Indian Government expelled all foreign journalists from Kashmir in late January, and in early February Pakistani protesters surged across the border where they were fired upon by Indian security forces. On February 19, Amnesty International called for an investigation into reports of indiscriminate killing of demonstrators including a 9-year-old boy. And on March 2, a U.S. State Department spokesperson called on the Government of India to "restrain its security forces from using deadly force against unarmed people." The State Department has also called for "political dialog" between India and Pakistan. In other words, Mr. President, the State Department has sought again as it has for 40 years to sweep the problem under the rug. This will not do. Mr. President, our Government has sought for decades to avoid dealing with this issue. But in my view it cannot afford any longer to seek to avoid the issue. The issue is coming to the fore.

The time has come for democratic nations of this world to play a much more active role in justly resolving the conflict in Kashmir. To this Senator, it appears that the sum and substance of our policy on Kashmir is a weakly worded paragraph issued at a State Department noon briefing. That is not much substance or principle. Perhaps the State Department has decided that the conflict is too complex, and the emotions are too heated, for the United States to play a constructive role. I hope that is not the case, but there has certainly been no leadership and, consequently, the crisis is spiraling.

The groundwork laid by the United Nations four decades ago is sound. Unfortunately, it was never implemented. But history has caught up with Kahmir. Efforts to suppress the Kashmir movement will only delay the inevitable at a cost of human lives and perhaps international conflict. It is time that the United States asserted leadership in this issue and acknowledged once again the validity of the U.N. resolution which calls for a plebiscite by which the people of Kashmir might achieve the same self-determination we have sought for the peoples in every part of the world. Therfore, I urge President Bush to consider naming a special envoy for Kashmir to initiate a political dialog to implement the U.N. plebiscite promised 40 years ago.

When the Senate returns from recess, I intend to submit a Senate resolution that supports the U.N. approach to a Kashmir settlement. In the meantime, I hope the President will send a special envoy to investigate the reported killings and to meet with the Prime Ministers of India and Pakistan to discuss a timetable for a plebiscite.

I thank the Chair.

Mr. President, if no other Senator seeks the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. What is the pending business, Mr. President?

The PRESIDING OFFICER. The pending business is amendment No.

1329, the amendment offered by the Senator from West Virginia.

Mr. JEFFORDS. I ask unanimous consent that the Byrd amendment be set aside temporarily for the purpose of offering two amendments which have been agreed to by both sides.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1341 TO AMENDMENT NO. 1293

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. Jeffords] for himself and Mr. Leahy, proposes an amendment numbered 1341.

On page 17, at the appropriate place, add the following:

"(xv) programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior.

Mr. JEFFORDS. Mr. President, I rise to offer an amendment on behalf of myself and Senator Leahy. This amendment is meant to pertain to urban areas and rural areas, attainment areas and nonattainment areas, without prejudice. It is not a mandatory control measure, nor is it meant to be.

The amendment simply says that the Administrator, in developing the list of transportation control measures to relieve stresses associated with motor vehicle traffic, should include measures for so-called greenways that would be separate from vehicle traffic corridors and for the exclusive use of pedestrian or other nonmotorized means of transportation.

Mr. President, I am talking about bike paths, walkways, rails-to-trails corridors that would provide people with access to open spaces close to where they live and link together the rural and urban spaces in the American landscape.

I do not mean to exclude even the most pristine areas, even though this bill is generally meant to address areas where the effects consolidated human activities have overburdened air resources. I believe that proper planning in advance of human congestion is an important element in ensuring that these areas do not become smog zones.

Nor does this measure preclude our most congested areas. Many cities have demonstrated an ability to convert abandoned railroad beds and other rights-of-way into paths for nonmotorized use.

I know that the Secretary of the Interior shares an interest in this issue because I have taken notice of at least one Vermont constituent who has met with the Secretary and has been successful in obtaining land and water conservation funds to promote such an idea in Vermont.

Mr. President, I ask unanimous consent that a letter from the Department of the Interior discussing this concept to be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Department of the Interior,
National Park Service,
Mid-Atlantic Region,
Philadelphia, PA, October 11, 1989.

Ms. Ann Lusk,
Stowe Recreation Path, Stowe, VT.

Dear Ann: First let me apologize for the delay in getting this letter to you. I have been on the road almost constantly since mid-September. I've tried to describe below, the sequence of events that led to Vermont being selected as one of two states involved in the Model Trails Planning Program this year.

Section 8(a) of the National Trails System Act calls for the Secretary of Interior to ". . . encourage states to consider in their Statewide Comprehensive Outdoor Recreation Plans and proposals for acquisition and development assistance for state and local projects submitted pursuant to the Land and Water Conservation Fund Act, the needs and opportunities for establishing park, forest and other recreational and historic trails on land owned or administered by states . . . and recreational and historic trails on land in or near urban areas."

In an effort to implement this provision of the National Trails System Act, the National Park Service's Division of Recreation Resources Assistance decided to establish a short term "model trails planning" program. The model trails planning program would treat trails as a "land use". The planning process therefore, would focus on the trail corridor and the resources within it rather than the trails "foot path" as in traditional trail planning. Also the model trails program would illustrate how trails planning can be done within the overall context of the states SCORP and therefore, gain strength and recognition from being part of the state's overall outdoor recreation plan.

Initially it was anticipated that the program would operate in two states. One state would exemplify the complexities of trails corridor planning in a state with large amounts of land in public ownership. The other would illustrate the trails corridor planning process in a state where most land is held in private ownership and raging development pressures threaten to consume even more land. NPS's intent was to have these two states conduct pilot programs, fine tune a methodology and transfer the methodology, as appropriate, to other states.

The State of Washington was chosen as the "public land" state and Vermont was chosen as the "private land" state. Initially the NPS central office was interested in choosing a private land state which was also highly urbanized; Massachusetts and Pennsylvania were considered. Vermont, however, had already developed an award winning SCORP process which included a trails component. In addition, Vermont's strong planning staff and citizen participation process, were factors in the final decision that Vermont had the best chance of developing a model trails corridor planning methodology for private land states.

I hope this sketch (which admittedly leaves out the maneuvering, arguing, innumerable meetings etc. that took place) gives you an overview of the model trails corridors planning program and its goals. If you need any more information please let me know. I can be reached at (215) 597-1570. I'll talk to you soon.

Cynthia Wilkerson,
Supervisor,
State Planning Program.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 1341) was agreed to.

AMENDMENT NO. 1342

Mr. JEFFORDS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. Jeffords] proposes an amendment numbered 1342.

On page 540, line 7, insert the following:

"(3) Demonstration programs.—At the request of any State, the Administrator, in consultation with a manufacturer or distributor of a product that uses alternative substances to CFC-12, may establish programs to demonstrate the technical feasibility and consumer acceptance of such alternative products in order to assist in the implementation of this subsection.".

Mr. JEFFORDS. Mr. President, this amendment gives EPA authority to assist manufacturers and consumers to make a smooth transition in moving away from CFC-dependent products to products that utilize safer alternatives. The amendment encourages States which are interested in forcing the necessary technological changes to consult with the Administrator, who in turn can develop demonstration programs with manufacturers who are interested in testing the technological feasibility and consumer acceptance of these alternatives.

My State of Vermont has enacted a law prohibiting the sale of automobile air-conditioners that use CFC-12 beginning with model year 1993. This bill has incorporated a similar provision modeled after the Vermont statute, except that the effective date has slipped 1 year, and the provision does not cover 100 percent of vehicle sales.

The purpose of this amendment is to take advantage of States like Vermont, which are prepared to move away from CFC-dependent products. Similarly, manufacturers and distributors of alternative products will be encouraged, under this and other provisions of this title, to consult with EPA and arrange demonstration programs to foster consumer acceptance of their products.

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Mr. President, the world has recognized a need to move away from ozone-depleting products. This amendment seeks to bridge the gap between those who produce the alternative products and those who desire to use them.

Under the bill, we will be requiring air-conditioners in automobiles in the model year 1994 not to have in them something which is damaging to the ozone layer, like CFC's. The State of Vermont is desiring to proceed earlier by 1 year, and this merely allows the Administrator, in working with the industries involved, to have a demonstration project, if feasible, in any State that so desires. Two States right now are in this category: Vermont and Hawaii. This has been cleared by both sides. I have no further comments.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont.

The amendment (No. 1342) was agreed to.

VISIBILITY STANDARDS

Mr. WIRTH. Mr. President, Senator ADAMS, as the Chair knows, has an amendment on the very important issue of visibility standards which relates to much of our Rocky Mountain region. The relationship obviously between air pollution and visibility is very significant.

I do not think the Chair can see these photographs, but they run all the way from pictures of the canyon country, absolutely beautiful, clear, luminescent views of the canyon country. It gets more cloudy, it gets so cloudy that you get to the point that you cannot see anything. These are just a sequence of four photographs which will not show up, Mr. President, in the RECORD, obviously, but they do give a very clear indication. You can see the outlines and the stark contrast of that down to absolutely nothing.

It is imperative that we deal with this issue, Mr. President.

As I travel around this great country, I have come in recent years to appreciate more than ever an extraordinary resource that we enjoy in the American West—our largely pollution free skies and nearly limitless visibility. The grandeur of the American West is not just the result of shimmering snow capped peaks of the central Rockies, or the vast panoramas of the canyon country throughout the Colorado plateau, but is also the result of our ability to experience these natural wonders. Without clean air and the ability to see nearly to the limits of the Earth's horizon, we would not be able to experience the full breathtaking scope of the Grand Canyon from the South Rim, or Colorado's mountain scenery.

The National Park Service research on visibility in the years since we added visibility protection for national parks and wilderness to the Clean Air Act in 1977 demonstrates that visibility in the American West is a world class resource. It is also an endangered resource.

In the Colorado plateau region of the West, average visibility exceeds 130 miles during the summertime. This compares with average visibility in the East of only 10 miles. Visibility in the West is as good as any in the world, including such pristine areas as the African Sahara, the Australian Outback or the Tibetan Plateau. This is a resource that draws millions of visitors from around the world each year to see and experience the natural wonders of the American West. I doubt many would come to ski Colorado's slopes or stand on the rim of the Grand Canyon if the grand scenic vistas we take for granted today were shrouded in pollution.

The Park Service research warns us that this is the future in store for us if we do not attend to the task of protecting this vulnerable resource. Forty-five years ago, we know that visibility in the East averaged 50 miles. Now it is only 10. This deterioration in visibility is no longer a mystery. It has followed from the large increase in sulfur pollution that has accompanied the installation of coal burning plants since World War II. Most of what is seen as visible haze in the East today is sulfate—acid rain pollution before it falls to Earth.

We can see the early warning signals of the same phenomenon occurring in the West. The National Park Service has been conducting visibility research and monitoring in Western parks for over 12 years. I have here the results of that work. These photographs demonstrate how manmade pollution contributes to visibility impairment in the Grand Canyon.

This first photo shows how the canyon looks 10 percent of the time. The way we would like it to look. The second photo shows how it looks about half of the time. The third photo shows how polluted it can be about 10 percent of the days during the summer, and this last photo shows that on some days visibility is reduced to the point where visitors cannot see across the canyon.

Fortunately, these extreme days do not happen too often, but the levels of pollution that occur 10 percent of the days clearly need to be improved. The current visibility needs improving.

But the Park Service warns that visibility is expected to deteriorate from current levels, not improve. Visibility today is as good as it has been since measurements began. Cleanup of copper smelter emissions in the United States and Mexico since 1985 has achieved measurable improvement in levels of sulfate and visibility in the Southwest. But those pollution levels are expected to increase again unless we address this problem.

This pollution problem is what EPA calls regional haze. In 1985 EPA prepared a regional modeling analysis that looked at regional visibility trends in the six southwestern States. That study showed that visibility in the region was expected to decline by 10 percent between 1980 and 1995. The National Park Service has also looked at future pollution trends in the West. Their research projects that bad pollution days in the Grand Canyon—shown in photo 3—will increase from only 9 days per summer today to about 30 days per summer by 2010 if expected increases in sulfate pollution occur.

Despite these findings, EPA has refused to move forward with the adoption of regional haze regulations under the 1977 visibility protection amendments. EPA has succeeded in defeating a citizen suit brought to require the adoption of these requirements, and as a result has effectively repealed the law. It is necessary that Congress intervene once again to require EPA to do what we thought we had required them to do in 1977.

This amendment is designed to ensure that Agency inaction and delay does not chance again frustrate implementation of effective protection for our national parks and wilderness. It gives EPA 3 years—plenty of time—to adopt guidance for the States to implement the visibility protections enacted in 1977. But then if EPA has not acted, the amendment would require controls on the largest sources of SO_2 located within 200 miles of a class I area. This is the pollutant that makes up about half of the regional haze pollution in the West. This way we are assured of making some progress in addressing this problem even if EPA fails to act once again.

The main reason for this deterioration in visibility was expected increases in pollution from sulfates and nitrates from electric power production.

THE KERRY-WILSON AMENDMENT

Mr. KERRY. Mr. President, the clean air compromise bill pending in the Senate is seriously flawed. It will not do the job the Clean Air Act set out to do—it will not achieve healthful air quality for our citizens. When we return to the bill following the recess, I intend to offer an amendment, along with Senator WILSON and others, to repair the damage the compromise would do to our national drive for clean air.

The substitute contains very important advances in the control of toxic air pollution and acid rain. But the primary reason we have a Clean Air Act is to protect the health of our citizens from the health consequences of smog, carbon monoxide, and other widespread air pollutants. In these areas, the substitute actually would

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weaken current law. Our amendments would address three areas:

First, Federal cleanup plans. The Clean Air Act now requires the Federal Government to take action to achieve healtful air quality in areas that do not do their job. This mandate to develop a Federal implementation plan is the single most important enforcement tool in the Clean Air Act. It is what makes the act a national pollution control law. The compromise would eliminate this mandate. Our amendment would restore the requirement of current law.

Second, delaying healthful air quality based on cost claims. The Clean Air Act now requires costs and social impact to be considered in the choice of pollution control technology, on a case-by-case basis, in every community. However, it does not permit progress toward healthful air to be delayed on this basis. The substitute would place costs and other factors ahead of clean air progress. Our amendment would restore current law.

Third, local authority to control existing pollution sources. Current law requires local control officials to clean up existing sources as necessary to attain healthful air quality. The compromise would exempt from Federal controls any existing sources smaller than 100 tons in seriously polluted areas, and existing sources smaller than 50 tons in severe and extremely polluted areas. These levels exclude most pollution sources from control—including some powerplants and many large industrial and commercial facilities.

According to a recent OTA report, stationary sources smaller than 50 tons account for roughly 45 percent of national emissions, and many States already control sources as small as 10 to 25 tons. Our amendment would restore current law in this area.

I want to emphasize, Mr. President, our amendments would repair these errors in the compromise proposal, not by adding new cleanup requirements, but simply by restoring the authorities in the current Clean Air Act. If the Senate cannot advance the war against smog control, at least we should not harm the current effort.

Our amendment enjoys bipartisan support. Indeed, the men and women responsible for implementing our Nation's clean air laws at the State and local level vigorously oppose the provisions of the compromise. No Senators advanced them on the Senate floor. No citizen, and to my knowledge, no industry group, champions their adoption. Indeed, the chief bar to passage of my amendments appears to be procedural—some would be supporters argue that they are bound to oppose my amendments because of agreements struck in other sections of the Clean Air Act.

Health protection was a promise we made to ourselves 20 years ago. For more than 100 communities, home to 150 million Americans, that promise remains unfulfilled.

Smog is a health problem in 101 communities, including our largest cities and more than a few helpless rural areas that suffer the consequences of living downwind from major urban areas. Carbon monoxide is a health problem in 44 communities. Fine particle pollution reaches unhealthy levels in more than 50 communities.

Air pollution shortens tens of thousands of lives every year and diminishes an untold number of others, despite the progress we have made since 1970. The American Lung Association says $100 billion is a reasonable estimate of the annual cost of this health damage.

I urge my colleagues to weigh very carefully the consequences of weakening our current law in the face of the health and economic burden of dirty air. We have heard much about the need to keep the compromise together. But we must not allow process considerations to blind us and consequently permit the compromise approach to force roadblocks to cleaner and healthier air.

What might happen if these provisions are allowed to become law?

First, cleanup requirements will be harder to enforce. State and local air pollution controllers will lose their best weapon against the forces opposed to control—the threat of Federal intervention.

Second, most pollution sources will be harder to control. In two dozen States, officials will lose their ability to pursue the sources of emissions that contribute approximately 45 percent of the Nation's smog problem. These States have laws that forbid, or policies that discourage, control requirements more stringent than Federal law. In the States that can pursue these sources, their action will not be backed by a Federal mandate, leaving them vulnerable to economic and political pressure to abandon their efforts.

Third, mayors and governors will be buried under an avalanche of spurious cost, techology, and "fairness" claims. Current law requires that costs and feasibility be considered in the choice of cleanup technology, on a source-by-source basis. No source is denied the opportunity to advance these arguments. The substitute would allow a second chance to raise these claims at the political level.

It would also institutionalize a finger-pointing exercise that would pit the furniture industry off against the metal finishers, printers against packagers, and so on, as each group sought to avoid controls at the expense of the other. And judicial review of the proposed political waiver would add yet another delay.

Fourth, worst of all, States would be vulnerable to extreme economic pressure as polluters demanded concessions. State would be pitted against State as powerful economic entities threatened to move. States seeking to maximize economic development would be tempted to establish pollution havens, attracting industry at the expense of States that pursued air quality goals responsibly.

Mr. President, these provisions would rob our Nation of clean air momentum too long delayed, institutionalize opportunities for avoidance, and penalize the States that do the best job of meeting the goal of healthful air quality.

Our Nation's air quality health problems are not an embarrassment to hide from, but a challenge to face and overcome. Yet the compromise would force the Federal Government to the sidelines just when real leadership is needed. States and polluted cities would be alone in an unequal competition for clean air. The losers will be the millions of Americans who are victims of unhealthy air.

Mr. President, I ask unanimous consent that a list of nonattainment areas be printed in the Record at the conclusion of my remarks. I urge Senators whose cities are on this list to examine their conscience carefully during the next week. Are the needs of the citizens who live in these areas to be set aside; are the safeguards in existing law to be repealed; is the health damage to continue indefinitely? The bargaining will be small comfort indeed to the victims of air pollution across our country.

There being no objection, the material was ordered to be printed in the Record, as follows:

Classification of Areas Violating Ozone Standard

Extreme area—
  Los Angeles-Anaheim-Riverside, CA.
Severe areas—
  Baltimore, MD.
  Chicago-Gary-Lake County, IL-IN-WI.
  Houston-Galveston-Brazoria, TX.
  Milwaukee-Racine, WI.
  Muskegon, MI.
  New York-New Jersey-Long Island, NY-NJ-CT.
  Philadelphia-Wilmington-Trenton, PA-NJ-DE-MD.
  San Diego, CA.
Serious areas—
  Atlanta, GA.
  Bakersfield, CA.
  Baton Rouge, LA.
  Beaumont-Port Arthur, TX.
  Boston-Lawrence-Salem, MA-NH.
  Charlotte-Gastonia-Rock Hill, NC-SC.
  Cincinnati-Hamilton, OH-KY-IN.
  Cleveland-Akron-Lorain, OH.
  El Paso, TX.
  Fresno, CA.
  Greensboro-Winston Salem-High Point, NC.
  Hancock Co, ME (Non-MSA, Acadia).

Hartford-New Britain-Middletown, CT.
Huntington-Ashland, WV-KY-OH.
Kewaunee Co, WI (Non-MSA).
Knox Co, ME (Non-MSA).
Louisville, KY-IN.
Memphis, TN-AR-MS.
Parkersburg-Marietta, WV-OH.
Pittsburgh-Beaver Valley, PA.
Portland, ME.
Portland-Vancouver, OR-WA.
Portsmouth-Dover-Roçhester, NH-ME.
Providence-Pawtucket-Fall River, RI.
Sacramento, CA.
Sheboygan, WI.
Springfield, MA.
St. Louis, MO-IL.
Visalia-Tulare-Porterville, CA.
Washington, DC-MD-VA.
Worcester, MA.

Moderate areas—

Albany-Schenectady-Troy, NY.
Allentown-Bethlehem, PA-NJ.
Altoona, PA.
Anderson, SC (Clemson).
Atlantic City, NJ.
Birmingham, AL.
Bowling Green, (KY Non-MSA Edmonson).
Buffalo-Niagara Falls, NY.
Canton, OH.
Charleston, WV.
Columbia, SC.
Columbus, OH.
Dallas-Fort Worth, TX.
Dayton-Springfield, OH.
Detroit-Ann Arbor, MI.
Erie, PA.
Essex Co, NY (Non-MSA).
Evansville, IN-KY.
Fayetteville, NC.
Grand Rapids, MI.
Greenbriar Co, WV (Non-MSA).
Greenville-Spartanburg, SC.
Harrisburg-Lebanon-Carlisle, PA.
Huntsville, AL.
Indianapolis, IN.
Jacksonville, FL.
Jefferson Co, NY (Non-MSA).
Johnstown, PA.
Kansas City, MO-KS.
Knoxville, TN.
Lafayette-West LaFayette, IN.
Lake Charles, LA.
Lancaster, PA.
Lewiston-Auburn, ME.
Lexington-Fayette, KY.
Lincoln Co, ME (Non-MSA).
Manchester, NH.
Miami-Fort Lauderdale, FL.
Modesto, CA.
Montgomery, AL.
Nashville, TN.
Norfolk-Virginia Beach-Newport News, VA.
Owensboro, KY.
Paducah, KY (Non-MSA inc. Livingston).
Phoenix, AZ.
Poughkeepsie, NY.
Raleigh-Durham, NC.
Reading, PA.
Richmond-Petersburg, VA.
Salt Lake City-Ogden, UT.
San Francisco-Oakland-San Jose, CA.
Santa Barbara-Santa Maria-Lompoc, CA.
Scranton-Wilkes-Barre, PA.
South Bend-Mishawaka, IN.
Stockton, CA.
Sussex Co, DE (Non-MSA).
Tampa-St. Petersburg-Clearwater, FL.
Toledo, OH.
Tulsa, OK.
Waldo Co, ME (Non-MSA).
York, PA.
Youngstown-Warren, OH and Sharon, PA.

Mr. LEVIN. Mr. President, I understand the Republican leader wishes to do some wrap up, and then I will come back for some remarks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMERICAN FOREIGN POLICY AND THE SEARCH FOR PEACE IN THE MIDDLE EAST

Mr. MOYNIHAN. Mr. President, I recently returned from a trip to the Middle East in my capacity as chairman of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs. While I was in Israel I met with a broad cross section of Israeli political and communal leaders and found that they had many different views on the peace process. There were, in fact, only two things on which they all agreed: there desire to see a meaningful and secure peace between Israel and her Arab neighbors and their anguish over the continued confusion of American policy concerning the city of Jerusalem.

President Bush has, I am afraid, added to this confusion this week with his declaration that the United States opposes new settlements in the West Bank or in East Jerusalem. The suggestion that there is a separate political entity known as East Jerusalem is most unhelpful to the quest for peace in the Middle East. It conjures up images of the years after May 1948 when the Jordanian Arab Legion drove the once flourishing Jewish majority out of the Old City at gunpoint. It suggests that Israel's eternal capital may once again be divided by barbed wire, mine fields and cinder block walls. It raises the frightful irony that a President who only 4 months ago celebrated the collapse of the Berlin Wall and the opening of the Brandenburg Gate might encourage the re-division of Jerusalem and the re-imposition of the infamous Mandelbaum Gate.

It is a reality that Jerusalem is and shall remain the State of Israel's capital—reunited and undivided. For America to equivocate on this issue paves the way to the failure of our policies.

By equivocating we have given, and continue to give, unintended succor and encouragement to those enemies of Israel who hope one day to be able to divide the United States from Israel. For as long as Israel's most important friend in the world refuses to acknowledge that Israel's capital city is its own—to the extent of refusing even to permit our Ambassador to Israel to set foot in parts of that capital city—we lend credibility and dangerous strength to the lie that Israel is somehow a misbegotten or illegitimate state. The United States thereby fosters intransigence and obstructionism.

At the same time the suggestion that the unity and security of Jerusalem is a proper subject for negotiations strengthens those elements in Israeli public life that fear that American peace proposals will lead to the dismembering of their historic capital. Equating East Jerusalem with the West Bank implies that the Wailing Wall and the Jewish Quarter of the Old City might be handed over just as easily as Nablus or Gaza.

Jerusalem has flourished under Israeli governance in a way that it did not under Jordanian suzerainty. Today Jerusalem stands as a model of successful modern urban management. Thanks largely to the enlightened administration of Mayor Teddy Kollek, Jerusalem provides an attractive model of the harmony and prosperity the whole of the Middle East might achieve were its people to live and work in peace. Since becoming mayor in 1965, Teddy Kollek has played a unique role in sustaining cooperation and pluralism despite Jerusalem's mosaic of religions and peoples. Today, Jerusalem is a city with a population in which 350,000 persons are Jews, 120,000 are Moslems, and 15,000 are Christians.

We would do well to remember that the Jewish presence in Jerusalem is not a recent phenomenon. No people on Earth are as inexorably linked to any city as the Jewish people are to the city of Jerusalem.

For more than three millennia, ever since King David declared it the capital of his Jewish Kingdom and bought the land on which his son Solomon would build his temple, Jerusalem has been the spiritual and cultural focal point of Jewish history. Yet Jerusalem's significance to the Jew goes back even further, for Jewish tradition states that Solomon's Temple was built on the very spot where Abraham was prepared to sacrifice his son Isaac and where Jacob, the third of the Patriarchs, dreamt of a ladder connecting Heaven and Earth.

When the Babylonian armies destroyed Jerusalem in the year 586 B.C. the exiled Jews sat by the waters of Babylon and swore—

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If I forget thee O Jerusalem may my right hand forget its cunning—may my tongue cleave to the roof of my mouth if I do not recall Jerusalem above my greatest joy.

For 2,600 years Jerusalem has not been forgotten. The devout Jew prays six times a day—thrice in his daily prayers and thrice in the grace after meals—for the city of Jerusalem. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover Seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers "Next year in Jerusalem."

Not only is Jerusalem central to Jewish prayer and religious practice but Jews throughout the centuries have risked their very lives to be able to live in, or at least visit, their Holy City. Conquering armies came and went—Roman, Byzantine, Arab, Crusader, Mongol, and Turk—but the Jewish community, despite depravation and persecution, remained in Jerusalem. Indeed, the first authoritive Turkish census of the city, in 1844 discovered that 7,120 of the Jerusalem's 12,510 inhabitants were Jewish—and this before there was a west or new Jerusalem. Thus even the Old City of Jerusalem had a Jewish majority well over a century ago.

I would emphasize that Israel's claim to Jerusalem as its capital has not been at the expense of the religious rights of other religious. The people and Government of Israel are keenly aware of the religious meaning of Jerusalem to Christians and Muslims. And their religious prerogatives have been scrupulously observed under the terms of the June 27, 1967 "Protection of Holy Places Law." There is no essential incompatibility between these differing needs. Israeli political possession of Jerusalem and absolute freedom of access to it by persons of all faiths have always been inseparable policies for the State of Israel.

Simply put, Jerusalem is the capital city of Israel. This is a fact. American foreign policy and the search for peace in the Middle East would be well served by our acknowledging that simply but important fact.

EXECUTIVE SESSION

THE EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session and consider the following nominations: calendar numbers 596, 635, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660 through 670, and 671; all nominations be placed on the Secretary's desk in the Air Force, Army, and Navy; and the nomination of Donald J. Yockey be reported today by the Armed Services Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I further ask unanimous consent that the nominee be confirmed en bloc, that any statements appear in the RECORD as if read, that the motions to reconsider be laid on the table en bloc, that the President be immediately notified of the Senate's action and that the Senate return to legislative session.

The PRESIDING OFFICER (Mr. CONRAD). Without objection it is so ordered.

The nominations considered and confirmed en bloc are as follows:

SECURITIES AND EXCHANGE COMMISSION

Philip R. Lochner, Jr., of Connecticut, to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1991.

DEPARTMENT OF DEFENSE

Charles M. Herzfeld, of New Jersey, to be Director of Defense Research and Engineering.

Gerald A. Cann, of Maryland, to be an Assistant Secretary of the Navy.

Jacqueline E. Schafer, of Virginia, to be an Assistant Secretary of the Navy.

IN THE AIR FORCE

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. Bernard P. Randolph, 434-46-9726, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Spence M. Armstrong, 526-54-2957, U.S. Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. Don E. Follis, 414-52-4005FG, Air National Guard of the United States.

Brig. Gen. Frederick R. Keith, Jr., 241-50-7720FG, Air National Guard of the United States.

To be brigadier general

Col. Gary C. Blair, 470-38-3737FG, Air National Guard of the United States.

Col. William P. Bland, Jr., 253-56-9506FG, Air National Guard of the United States.

Col. Hartwell F. Coke, IV, 223-44-3651FG, Air National Guard of the United States.

Col. Arthur B. Cornelius, 561-50-6807FG, Air National Guard of the United States.

Col. Joseph C. Daly, 520-32-8922FG, Air National Guard of the United States.

Col. Joseph A. Greenlee, Jr., 305-38-6751FG, Air National Guard of the United States.

Col. Dennis B. Hague, 518-38-7860FG, Air National Guard of the United States.

Col. John H. Hebl, 397-32-0061FG, Air National Guard of the United States.

Col. Allen J. Henderson, 502-36-9260FG, Air National Guard of the United States.

Col. Orville K. Hollenbeck, 500-40-7266FG, Air National Guard of the United States.

Col. Larry D. Lessly, 464-64-7865FG, Air National Guard of the United States.

Col. Timothy J. Lowenberg, 483-50-7542FG, Air National Guard of the United States.

Col. Robert V. Paschon, 141-30-1870FG, Air National Guard of the United States.

Col. Allen C. Pate, 248-56-3370FG, Air National Guard of the United States.

Col. James L. Pierce, 181-28-3561FG, Air National Guard of the United States.

Col. Lyle M. Rich, 520-30-3382FG, Air National Guard of the United States.

Col. Ralph D. Townsend, 519-40-0339FG, Air National Guard of the United States.

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. John L. Piotrowski, 378-28-6898, U.S. Air Force.

The following named officer for appointment to the grade of general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Donald J. Kutyna, 339-26-1935, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Edward J. Heinz, 471-32-4675, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Thomas S. Moorman, 230-50-7745, U.S. Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. C. Norman Wood, 461-56-5973, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Orren R. Whiddon, 446-52-8938, U.S. Army.

The following named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Freed Hissong, Jr., 284-28-4894, U.S. Army.

The following named officer for appointment in the United States Army National Guard to the grade indicated, under the provisions of title 10, United States Code, sections 593(a), 3385 and 3392:

To be major general, Adjutant General's Corps

Brig. Gen Gregory P. Barlow, 531-38-7763.

Brig. Gen. Stanley M. Heng, 507-42-1761.

IN THE NAVY

The following named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be vice admiral

Vice Adm. Albert J. Herberger, 051-22-0999/1110, U.S. Navy.

DEPARTMENT OF COMMERCE

Harry F. Manbeck, Jr., of Connecticut, to be Commissioner of Patents and Trademarks.

Douglas B. Comer, of Virginia, to be Deputy Commissioner of Patents and Trademarks.

DEPARTMENT OF JUSTICE

John R. Dunne, of New York, to be an Assistant Attorney General.

DEPARTMENT OF AGRICULTURE

La Verne G. Ausman, of Wisconsin, to be Administrator of the Farmers Home Administration.

Gary C. Byrne, of California, to be Administrator of the Rural Electrification Administration for a term of 10 years.

THE JUDICIARY

Rhesa H. Barksdale, of Mississippi, to be U.S. Circuit judge for the Fifth Circuit.

Jacques L. Wiener, Jr., of Louisiana, to be U.S. circuit judge for the Fifth Circuit.

Gerald E. Rosen, of Michigan, to be U.S. district judge for the Eastern District of Michigan.

Donald J. Lee, of Pennsylvania, to be U.S. district judge for the Western District of Pennsylvania.

Ronald L. Buckwater, of Pennsylvania, to be U.S. district judge for the Eastern District of Pennsylvania.

Robert H. Hodges, Jr., of South Carolina, to be a judge of the U.S. Claims Court for a term of 15 years.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, ARMY, NAVY AND AIR FORCE, NAVY

Air Force nominations beginning Dale R. Agner, and ending Cedric L. Wong, which nominations were received by the Senate and appear in the Congressional Record of January 24, 1990.

Air Force nominations beginning Howard P. Abel, and ending Thomas M. Zazeckis, which nominations were received by the Senate and appeared in the Congressional Record of January 25, 1990.

Air Force nominations beginning George M. Abernathy, and ending Michael E. Young, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 1990.

Air Force nominations beginning Norman G. Pare, and ending March R. Cobb, which nominations were received by the Senate and appeared in the Congressional Record of February 20, 1990.

Air Force nominations beginning Maj. Lyle M. Andvik, 502-52-7991, and ending Maj. Albert L. Sherburne, 026-38-7176, which nominations were received by the Senate and appeared in the Congressional Record of February 20, 1990.

Air Force nominations beginning David W. Barnes, and ending Matt T. Wells, which nominations were received by the Senate and appeared in the Congressional Record of February 20, 1990.

Air Force nominations beginning Jay O. Aanrud, and ending Wayne L. Zorn, which nominations were received by the Senate and appeared in the Congressional Record of February 20, 1990.

Army nominations beginning Charles W. Baldock, and ending Michael B. Vandewalle, which nominations were received by the Senate and appeared in the Congressional Record of September 12, 1989.

Army nominations beginning Crispin A. Abad, and ending 226a, which nominations were received by the Senate and appeared in the Congressional Record of November 13, 1989.

Army nominations beginning John E. Baker, and ending Terry L * Zettlemoyer, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 1990.

Army nominations beginning Kenneth R. Close, and ending Edwin D. Selby, which nominations were received by the Senate and appeared in the Congressional Record of February 20, 1990.

Army nominations beginning Travis H. Acklin, and ending Robert P. Thomas, which nominations were received by the Senate and appeared in the Congressional Record of February 20, 1990.

Army nominations beginning * Candice L. Castro, and ending Keith N. Steinhurst, which nominations were received by the Senate on February 23, 1990, and appeared in the Congressional Record of February 26, 1990.

Army, Navy and Air Force nominations beginning Lt. Colonel James C. Adamson, and ending Maj. Mark C. Lee, which nominations were received by the Senate on February 23, 1990, and appeared in the Congressional Record of February 26, 1990.

Navy nominations beginning Warren Robert Abel, Jr, and ending Stanley Anthony Zwolinski, which nominations were received by the Senate and appeared in the Congressional Record of January 24, 1990.

Navy nominations beginning Christopher M. Abell, and ending Douglas J. Zweerink, which nominations were received by the Senate and appeared in the Congressional Record of January 24, 1990.

Navy nominations beginning Harold G. Hatch, Jr, and ending Oakley Key Watkins, III, which nominations were received by the Senate and appeared in the Congressional Record of February 6, 1990.

Navy nominations beginning Alan L. Mathis, and ending David J. Harris, which nominations were received by the Senate and appeared in the Congressional Record of February 20, 1990.

Navy nominations beginning F. F. Alvarez, and ending Frank E. Thomas, which nominations were received by the Senate and appeared in the Congressional Record of February 20, 1990.

DEPARTMENT OF DEFENSE

Donald Jay Yockey, of California, to be Deputy Under Secretary of Defense for Acquisition.

STATEMENT ON THE NOMINATION OF RHESA H. BARKSDALE

Mr. COCHRAN. Mr. President, the Senate should confirm the nomination of Rhesa H. Barksdale to be U.S. Court of Appeals judge for the Fifth Circuit.

He is exceptionally well qualified. When he graduated from the Universtiy of Mississippi School of Law in 1972, his legal fraternity, Phi Delta Phi, selected him as the most outstanding law school graduate in the Nation.

Following graduation, Mr. Barksdale served as a law clerk to Justice Byron R. White of the Supreme Court of the United States.

Since 1973 he has practiced law in Jackson, MS, in the largest law firm in our State and has earned the reputation of being one of the finest lawyers in Mississippi.

Rhesa Barksdale is totally competent. He is very intelligent, and he has good common sense as well.

After he graduated from the U.S. Military Academy at West Point, he served in combat in Vietnam as an officer in the United States Army. His courage and leadership there were proven in the field. For his exemplary service, he was awarded the Silver Star, Purple Heart, Bronze Star for Valor, Bronze Star for Meritorious Service, and the Vietnamese Cross of Gallantry with Silver Star.

As a citizen, he has given much of this time to charitable, civic, and church activities, demonstrating his sincere concern for improving the life of his community and State.

I am proud to join with my colleague from Mississippi, Mr. LOTT, in recommending Rhesa H. Barksdale for confirmation as U.S. Court of Appeals judge for the Fifth Circuit.

STATEMENT ON THE NOMINATION OF ROBERT HODGES, OF SOUTH CAROLINA

Mr. THURMOND. Mr. President, it gives me great pleasure to speak on behalf of Mr. Robert Hodges, President Bush's nominee to be a judge on the U.S. Claims Court. Mr. Hodges was nominated on January 27, 1990, and his confirmation hearing was held on February 27, 1990.

Mr. Hodges is a native of Columbia, SC. He attended Wofford College and graduated from the University of South Carolina in 1966, with a bachelor of science degree. He earned his law degree from the University of South Carolina Law School in 1969. From 1963 until 1969, Mr. Hodges served in the U.S. Air Force Guard and Reserves. Following his graduation from law school, he worked on my staff as a legislative aide until 1971, at which time he joined the staff of Congressman FLOYD SPENCE, where he served until 1977. Mr. Hodges returned to South Carolina in 1977, and worked for the First National Bank of South Carolina as vice president and general counsel until 1985. From 1985 until 1986, he served as the executive vice president and general counsel to the South Carolina Bankers Association. Presently, Mr. Hodges is a partner with the law firm of Quinn, Arndt & Manning in Columbia, SC.

In summary, Mr. Hodges' professional career has prepared him well for a position on the claims court. He has extensive experience in banking, corporate, commercial, and consumer law, along with experience in legislative and administrative law.

Mr. President, the professional experience Bob Hodges possesses will be most valuable to him in the position to which he has been nominated. He is a man of outstanding ability and integrity. He possesses the knowledge, judgment, and judicial temperament to become an outstanding jurist. It is with considerable pride that I support his nomination and urge my colleagues to do so as well.

STATEMENT ON THE NOMINATION OF LAVERNE AUSMAN

Mr. **KASTEN**. Mr. President, I was privileged to introduce LaVerne Ausman to the Senate Agriculture, Nutrition, and Forestry Committee last month. And I am very pleased that the administration has chosen to nominate LaVerne to head the Farmers Home Administration.

LaVerne is an experienced farmer and an excellent nominee for this position. I got to know him personally back when he served in the Wisconsin State Assembly from 1974 to 1977; he impressed me as a knowledgeable and talented individual then, and he has been building on that talent and expertise ever since.

As Secretary of the Wisconsin Department of Agriculture Trade and Consumer Protection from 1981 to 1986, he managed a department of 740 employees—and oversaw the agriculture policy of America's dairyland, the State of Wisconsin.

He has been a distinguished official of the U.S. Department of Agriculture since 1986, first as Director of Intergovernmental Affairs and later as Deputy Under Secretary for Small Community and Rural Development. In that latter position, he gained hands-on experience in dealing with the problems and challenges facing the Farmers Home Administration.

LaVerne knows farming—his farm in Elk Mound, WI, consists of about 165 milk cows, along with beef and cash grain. And he knows Washington, too.

LaVerne Ausman is truly ready for the task the President has asked him to perform. His confirmation clears the way for him to shoulder the important responsibilities awaiting him at the Farmers Home Administration.

I am pleased that the Agriculture Committee has chosen to move swiftly and favorably on his nomination, and the full Senate is following the same course of action.

LEGISLATIVE SESSION

The **PRESIDING OFFICER**. Under the order, the Senate will now resume legislative session.

MESSAGES FROM THE HOUSE

At 11:32 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3315. An act to extend the authorization of appropriations for the Taft Institute; to the Committee on Labor and Human Resources.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3315. An act to extend the authorization of appropriations for the Taft Institute; to the Committee on Labor and Human Resources.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2526. A communication from the Under Secretary of Agriculture (International Affairs and Commodity Programs), transmitting, pursuant to law, the second quarterly country and commodity allocation table showing current programming plans for food assistance under Public Law 480 for fiscal year 1990; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2527. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the President's third special impoundment message for fiscal year 1990; pursuant to the order of January 30, 1975, as modified on April 11, 1986, referred jointly to the Committee on Appropriations, the Committee on the Budget, and the Committee on Armed Services.

EC-2528. A communication from the Secretary of the Army, transmitting, pursuant to law, a report on major defense acquisition programs and a report if a unit threshold has been breached; to the Committee on Armed Services.

EC-2529. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Navy's proposed letter of offer to Japan for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2530. A communication from the Secretary of Defense, transmitting, pursuant to law, the 1990 Joint Military Net Assessment; to the Committee on Armed Services.

EC-2531. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report of NASA on use of the metric system for fiscal year 1989; to the Committee on Commerce, Science, and Transportation.

EC-2532. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-2533. A communications from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess oil and gas royalty payments; to the Committee on Energy and Natural Resources.

EC-2534. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a Soil Conservation Service Plan for the South Fork of Little River Watershed, KY; to the Committee on Environment and Public Works.

EC-2535. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 day period prior to March 1, 1990; to the Committee on Foreign Relations.

EC-2536. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2537. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2538. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the second annual report on Department of Veterans Affairs furnishing contract services to eligible veterans; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-420. A concurrent resolution adopted by the Legislature of the State of Indiana; to the Committee on Armed Services.

"CONCURRENT RESOLUTION

"Whereas, There have been numerous reports of American servicemen of World War II held in captivity in the Soviet Union;

"Whereas, There have been reports of American servicemen of the Korean War held in captivity in Korea, China, and the Soviet Union;

"Whereas, There have been reports of American servicemen of the Vietnam War held in captivity in Vietnam, Laos, Cambodia, China, and the Soviet Union;

"Whereas, All but one of the 2,338 men and women missing in action in Vietnam have been declared killed in action;

"Whereas, Under the present law, our government has declared prisoners of war (POWs) and persons missing in action (MIAs) as dead based solely on the passage of time;

"Whereas, Congressman John G. Rowland introduced in Congress H.R. 1730, the "Missing Service Personnel Act of 1989," to remedy many of the deficiencies of the present law relating to persons missing in action;

"Whereas, H.R. 1730 provides the following:

"1. All family members have an equal standing when considering changing the status of a person who is missing in action to killed in action,

"2. All classified information pertaining to the missing service person must be declassified before a person can be declared dead, "3. All information pertaining to a missing service person must be in that person's file,

"4. All decisions pertaining to the status of a missing service person must be made by a board of inquiry and the members of the board must have certain qualifications,

"5. All missing personnel shall have legal representation at all boards of inquiry,

"6. All decisions of the boards of inquiry may be appealed in federal court,

"7. The press must be invited to all boards of inquiry and all family members must be invited to boards of inquiry, except the initial board that may be held in combat areas; and

"Whereas, All Americans are concerned about the welfare of those who serve our nation in times of war: Therefore, "Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives Concurring:

"Section 1. That we urge the Congress to enact H.R. 1730, the "Missing Service Personnel Act of 1989".

"Section 2. That copies of this resolution be sent to the President and Vice President of the United States and to each member of the Indiana Congressional delegation."

POM-421. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Finance:

"CONCURRENT RESOLUTION

"Whereas, Medicare was established by the federal government in 1965 for the purpose of creating a federal financing system that would provide elderly Americans with affordable access to health care services; and

"Whereas, Medicare beneficiaries in South Carolina pay social security premiums equal to persons in all other states, yet receive significantly less in benefits; and

"Whereas, the Medicare program originally contained features that provided "unusual, customary, and reasonable" reimbursement for services and minimized the program's impact on the then existing health care system; and

"Whereas, the South Carolina Medical Association and the American Medical Association have encouraged the United States Congress to address an indemnity payment schedule, which reflects valid and demonstrable geographic differences in practice costs and is based on an appropriate relative value scale, as a more acceptable Medicare payment system; and

"Whereas, it is important that the current funding level for Medicare is maintained; and

"Whereas, the United States Congress should keep its promise to provide high quality health care for the nation's elderly and disabled; and

"Whereas, it is especially fitting that Congress take this action on the occasion of Medicare's twenty-fifth anniversary. Now, therefore,

"Be it resolved by the Senate, the House of Representatives concurring: That the members of the General Assembly memorialize the United States Congress either to reduce South Carolina Medicare premiums or to equalize benefits to persons across the nation and to protect Medicare in its budget deliberations for Fiscal Year 1991.

"Be it further resolved that a copy of this resolution be forwarded to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the South Carolina Congressional Delegation."

POM-422. A resolution adopted by the House of Representatives of the State of Indiana; to the Committee on Finance:

"HOUSE RESOLUTION NO. 4

"Whereas, The United States Congress amended the Social Security Act in 1972 (Public Law 92-603) to increase retirement benefits to reflect cost-of-living increases; and

"Whereas, A technical flaw in the amended benefit formula overcompenstated people who retired after 1972; and

"Whereas, Congress corrected its error by amending the Social Security Act in 1977 (Pubic Law 95-2161) to bring benefits back to historical levels, and phased in the reduction over five years, affecting individuals born between 1917 and 1921, the so-called "notch" years; and

"Whereas, The phase-in period has not provided a smooth transition, but has resulted in "notch babies" receiving as much as $3,000 per year less in benefits than people who have similar work histories but were born in 1916; and

"Whereas, Members of Congress have for several years tried to pass legislation that would establish a uniform formula to treat those born in the "notch" years undermines public confidence in the Social Security system: Therefore,

"Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

"Section 1. We affirm our commitment to the equitable distribution of Social Security benefits by urging Congress to enact legislation correcting the "notch" in Social Security benefits paid to those born between 1917 and 1921.

"Section 2. We further urge the President of the United States to sign such proposed legislation so the Social Security system once again provides equal retirement benefits to all deserving individuals.

"Section 3. The Principal Clerks are directed to transmit copies of this Resolution to be respectfully presented to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to every member of the Indiana Congressional Delegation."

POM-423. A resolution adopted by the Erie County Committee of the American Legion, Buffalo, NY, favoring an amendment to the Constitution of the United States the prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Environment and Public Works without amendment:

H.R. 3311: A bill to redesignate the United States Post Office/Court House located in Salt Lake City, Utah, as the "Frank E. Moss Federal Building."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Donald Jay Yockey, of California, to be Deputy Under Secretary of Defense for Acquisition.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee on the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY:

S. 2266. A bill to promote the development of new and expanded markets for the export of United States agricultural commodities and products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SYMMS (for himself, Mr. McCAIN, Mr. PRESSLER, and Mr. BOSCHWITZ):

S. 2267. A bill to amend title II of the Social Security Act to exclude certain rental payments from self-employment income for the excess earnings test; to the Committee on Finance.

By Mr. FORD:

S. 2268. A bill to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airway improvements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN:

S. 2269. A bill to establish a comprehensive personnel system for employees of the Administrative Office of the United States Courts, and for other purposes; to the Committee on Governmental Affairs.

S. 2270. A bill to amend title 5, United States Code, to establish a pay schedule, to revise the rates of pay for Federal Fire Service personnel, and for other purposes; to the Committee on Governmental Affairs.

By Mr. ARMSTRONG:

S. 2271. A bill to continue the temporary suspension of the duty on certain aromatic color couplers and coupler intermediates; to the Committee on Finance.

By Mr. SYMMS:

S. 2272. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the authority of the Secretary of Health and Human Services with respect to regulating foods for special dietary uses as though they were drugs; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. HATFIELD):

S. 2273. A bill entitled the "Greens Creek Exchange Act"; to the Commitee on Energy and Natural Resources.

By Mr. GLENN (for himself and Mr. LAUTENBERG):

S. 2274. A bill to establish a Federal pay system with locality-based adjustments; to the Committee on Governmental Affairs.

By Mr. HEINZ:

S. 2275. A bill to grant temporary duty-free treatment to 3-Aminopropanol; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. McCONNELL, and Mr. BUMPERS):

S. 2276. A bill to amend the Food Security Act of 1985 to further enhance the conser-

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vation reserve program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 2277. A bill to amend the Federal Noxious Weed Act of 1974 to establish a Center for Noxious Weed Management and Data Collection, to provide for a coordinated management plan for the control of noxious weeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH:

S. 2278. A bill to establish an Office of Federalism Assistance within the Office of Management and Budget; to the Committee on Governmental Affairs.

By Mr. BOSCHWITZ:

S. 2279. A bill for the relief of Guillermo Edgardo Canizales-Leiva ; to the Committee on the Judiciary.

S. 2280. A bill for the relief of Rolando Martinez; to the Committee on the Judiciary.

S. 2281. A bill for the relief of Martin Huit; to the Committee on the Judiciary.

S. 2282. A bill for the relief of Victor Diaz; to the Committee on the Judiciary.

By Ms. MIKULSKI (for herself, Mrs. Kassebaum, Mr. Kennedy, Mr. Durenberger, Mr. Hollings, Mr. Dodd, and Mr. Pell):

S. 2283. A bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KASTEN (for himself, Mr. Kohl, and Mr. Boschwitz):

S. 2284. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term light or reduced fat butter, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI (for himself and Mr. Hatfield):

S. 2285. A bill to encourage nations to implement measures to prohibit international trade in certain fish unless such fish are accompanied by a valid Certificate of Legal Origin; to the Committee on Foreign Relations.

By Mr. HOLLINGS (for himself and Mr. Exon):

S. 2286. A bill to require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of a magnetic levitation transportation system; to the Committee on Commerce, Science, and Transportation.

By Mr. GORE (for himself and Mr. Hollings) (by request):

S. 2287. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DOMENICI (for himself, Mr. Boren, Mr. Johnston, Mr. Dole, Mr. Bingaman, Mr. Ford, Mr. Simpson, Mr. Wallop, and Mr. Burns):

S. 2288. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the application of credits for qualified nonconventional fuels, to equalize the treatment of tight formation natural gas, and to restore tax credits denied by operation of decisions by the Federal Energy Regulatory Commission; to the Committee on Finance.

By Mr. McConnell:

S. 2289. A bill to provide local commodity supplemental feeding programs with the authority to utilize assistance available for women, infants, and children for the benefit of eligible low-income elderly, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEINZ (for himself, Mr. Dole, Mr. Riegle, and Mr. Durenberger):

S. 2290. A bill to amend titles II and XVI of the Social Security Act to improve widow's and widower's eligibility for insurance benefits and children's eligibility for Supplemental Security Income benefits; to the Committee on Finance.

By Mr. RUDMAN (for himself, Mr. Roth, Mr. Stevens, and Mr. Boschwitz):

S. 2291. A bill to authorize appropriations to carry out the provisions of the Paperwork Reduction Act for fiscal years 1990, 1991, 1992, and 1993; to the Committee on Governmental Affairs.

By Mr. LUGAR:

S. 2292. A bill to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WILSON:

S. 2293. A bill to warn certain consumers in connection with the purchase of a Medicare supplemental policy; to the Committee on Commerce, Science, and Transportation.

By Mr. COCHRAN:

S.J. Res. 272. Joint resolution to designate March 30, 1990, as "National Doctor's Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LEVIN (for Mr. Mitchell (for himself and Mr. Dole)):

S. Res. 264. Resolution to authorize testimony in the case of United States v. Poindexter, et al. (D.D.C.); considered and agreed to.

By Mr. BIDEN (for himself, Mr. Dodd, Mr. Kennedy, Mr. Kerry, Mr. Moynihan, Mr. Pell, Mr. Simon, Mr. Cranston, Mr. Heinz, and Mr. Sarbanes):

S. Con. Res. 104. Concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY:

S. 2266. A bill to promote the development of new and expanded markets for the export of U.S. agricultural commodities and products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EXPORT ENHANCEMENT ACT

● Mr. GRASSLEY. Mr. President, today I am introducing the Agricultural Export Enhancement Act of 1990. There is more to the scope and aims of this bill than is suggested by its title. This bill should do more than simply increase America's agriculture exports. By focusing on increased exports of high value-added products, this bill will create new jobs. It will help our small businesses move into the international market place. And, of course, it will develop new farm markets both home and abroad.

These are the keys to rural economic development in the 1990's.

Mr. President, American farmers have worked hard to expand their markets overseas, and they have done an impressive job. Notwithstanding setbacks such as the Soviet grain embargo, and unfair trade practices of foreign competitors, the United States nevertheless leads the world with about a 33-percent share of world trade in bulk farm commodities. Moreover, one-third of America's farm production is exported, contributing $16 billion to the U.S. trade balance.

But this is not good enough. We could be doing a lot better. Better for our farmers, better for our businesses, and better for our workers.

This is not good enough because we are losing out on the world market for value added products. Our share is only 7 percent. This is a far cry from the 50-percent share enjoyed by the European Community.

This represents lost opportunity. And it is unacceptable.

According to a 1983 USDA study, we could create an additional 1 million jobs by simply expanding our share of high value agriculture exports by 5 percent. That's 1 million jobs.

Another report estimated that if we increased our present 7 percent world share to 15 percent, our GNP would increase by $50 billion and our Federal tax receipts would increase by $10 billion. That's no small chunk of change, and it would mean a great deal in fighting our deficit and in keeping our economy strong.

So, what's our problem, and what are we going to do about it?

Just recently the General Accounting Office told us what the problem is. The GAO in underscoring the fact that we had fallen far behind the European Economic Community in the export of high value and processed products, stated that: "Countries emphasizing sales of high-value products have developed partnerships between the Government and private enterprise reflecting a national comment to export marketing."

What can we do about it? My hope is that the Agricultural Export Enhancement Act of 1990 can serve as part of the solution. It can help us take a fair share of the world trade in high-value farm products—trade which is growing at a rate of 3 percent per year compared to only a 1-percent growth rate for bulk commodities,

Mr. President, along with the bill, I am submitting for the RECORD a copy of a summary that I shared with my colleagues a few weeks ago. But before closing, I would like to take a moment to once again highlight the new initiatives embodied in this bill, initiatives which should foster the partnerships and commitment to export marketing between the private sector and Government found in other countries which have been successful in this area.

First, this bill will enhance the flow of market information. The financial risk of conducting market research is great, particularly for small business. My legislation authorizes a market research loan program to help minimize this risk and to provide an incentive for such an investment.

Second, this legislation supports market development and promotion. Much of our export efforts so far have been aimed at countering unfair trade practices. There is no reason why we cannot devote resources to helping our businesses tap into markets with potential for growth.

Third, this bill will improve market intelligence. Presently, the United States only has 60 agricultural attachés and 15 agricultural trade officers worldwide. We need to bolster this force in order to allow more time and energy to be devoted to serving as a link, or liaison between foreign governments and businesses, and our own American producers and processors.

Finally, my bill modifies the scope of existing export programs in order to allow higher priority to the sales and marketing of value-added agricultural products.

Mr. President, I am introducing this legislation today, in hopes of providing my colleagues, particularly those on the Senate Agriculture Committee, a plan that can be incorporated into the 1990 farm bill. I have additional ideas to improve this bill, and will be sharing them later. But I wanted to get this bill out on the table, so to speak, so that we can begin focusing on resolving a problem—on finding a solution—to gaining a fair share of a growing world market for value added farm products.

Up until now, we have turned our back to real opportunity.

Opportunity to increase the number of American jobs.

Opportunity to improve rural and farm income.

Opportunity to reduce our deficit and increase GNP.

I urge my colleagues to give serious consideration to the Agricultural Export Enhancement Act of 1990, and urge your support.

Mr. President, I ask unanimous consent that the summary mentioned earlier be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE AGRICULTURAL EXPORT ENHANCEMENT ACT OF 1990

BACKGROUND

A General Accounting Office study released February 2, 1990, indicated that the United States has fallen far behind our European competitors in the export of high-value products. According to the GAO, the E.C. now holds a 41-percent share of the high value/processed product market. The United States share is only 9 percent.

The benefits of High-Value Product's trade accrue to more than just our farmers. By exporting bulk commodities as inputs to foreign processors, we have lost an opportunity to employ U.S. workers. According to a 1983 USDA study, expanding our share of world High Value Product's trade by 5 percent could mean 1 million more jobs for U.S. labor.

A report by the President's Agricultural and Trade Adviser states that the U.S. world share of Value-Added Product's trade could be increased from 7 up to 15 percent without a disruption of bulk commodity exports. The benefits of such an increase would mean: a $50 billion increase in the GNP; a $10 billion increase in federal tax receipts; and 1 million additional jobs.

The potential for growth in the area of Value-Added products is already great. World trade in High Value Products is growing at 3 percent per year compared to 1 percent growth for bulk commodities.

New markets for agricultural products are opening every day as the Communist nations of Eastern Europe evolve into Democratic societies. Combined, these factors demand that we rethink our current trade policy.

We need a 1990 farm bill that ensures the benefits of our international trade reach beyond the farm gate to help other sectors of our agricultural economy as well.

LEGISLATION SUMMARY

Market information

1. New Market Research Loan Program.

American processors can export to new markets if they know the demand, the cultural barriers, and the mechanics of dealing with a new country. This research is risky. The Market Research Loan Program is designed to minimize this risk so American processors can venture into new markets without fearing financial ruin.

The New Market Research Program, administered by the Foreign Agricultural Service, allows American processors to borrow 50 percent of the costs of a market research project (up to $50,000). Eligible activities permitted under the program include: economic studies, travel, label development, production of promotion materials, and test market expenses. Funding will be awarded by FAS based upon submission of a research plan by eligible applicants. Acceptable plans will be limited to markets not previously developed by the applicant. The plan may be amended with USDA approval.

Upon completion of the research, any sales which occur will constitute market development and trigger repayment of the loan. If research indicates sales will not be profitable in a specific market, the Administrator may forgive the loan.

Any market research which leads to market development will be kept proprietary for one year following research completion. All other market information collected under this program will become public information upon completion of the research.

2. New Market Task Force.

In addition to private market research, a great deal of information is collected by the U.S. government which could aid export-minded processors. The FAS, the U.S. Trade Representative, and the Commerce Department all have information which could be useful to U.S. businesses. We need a coordinated effort to compile and disseminate this information to people who can use it.

The legislation requires the Secretary of Agriculture to appoint a New Market Task Force made up of representatives from USDA, Commerce, USTR, SBA, and the Regional Trade Centers authorized by Congress under the Food Security Act of 1985.

The Task Force will develop a strategy for marketing processed products using market and government incentives. In addition, this body will be charged with collecting and disseminating available information on market opportunities, trade barriers, and marketing distribution systems.

Market promotion and development

1. Targeted Export Assistance Program.

The TEA program currently has wording that restricts its use to those countries that employ unfair trade practices. The world situation has changed dramatically, however, since 1985. New opportunities have developed in Eastern Europe and other countries around the world. In addition, the possibility of a GATT Agreement which eliminates direct trade subsidies will impact our current trade programs. The TEA program is a good tool to use in developing new agricultural markets.

This legislation would amend the TEA legislation by deleting the unfair trade practice provision and would permit uninterrupted multiyear market development programs.

Market intelligence

1. Market Intelligence Personnel.

The FAS currently has approximately 106 professional foreign service personnel overseas. Of these 106, 91 are attaches who spend approximately one-third of their time on reporting. Thus, there are only 15 Agricultural Trade Officers whose main responsibility it is to coordinate marketing efforts for U.S. agricultural exports. The government's overseas agricultural marketing force is much much too small to compete in the current world agricultural environment. Future GATT decisions could increase our reliance on these personnel.

Public Law 95-501 authorizes 25 Agricultural Trade Offices in other nations. However, hiring ceilings have provided for only 15 ATO's. This bill seeks to increase the Foreign Agricultural Service's hiring ceiling to accommodate ten more Agricultural Trade Offices and the personnel to run them.

Processed product export programs

1. Value Added Export Enhancement Program.

The Food Security Act of 1985 included directions to the Foreign Agricultural Service to place expanded emphasis on market development activities for value-added products. The bill also contained a mandate to use 15 percent of the Export Enhancement funds for the export of meat or meat products. The Department has missed on both counts.

The export of value-added commodities offers more than just additional jobs at home, it offers stability within our agricultural markets. Product loyalty, an intangible not associated with bulk commodity exports, will help U.S. exporters retain their share of foreign markets as subsidy levels decrease. The result will be long-term development.

The creation of the Value-Added Export Enhancement Program will ensure that processed and high-value products receive a share of our trade program funds proportionate to their importance in world markets. This legislation directs 25 percent of our currently authorized EEP funds toward the new program. Comparing current authorization with past spending levels, this mandate should not diminish the amount of funds currently available for the export of bulk commodities.●

By Mr. SYMMS (for himself, Mr. McCAIN, Mr. PRESSLER, and Mr. BOSCHWITZ):

S. 2267. A bill to amend title II of the Social Security Act to exclude certain rental payments from self-employment income for the excess earnings test; to the Committee on Finance.

EXCLUSION OF CERTAIN RENTAL PAYMENTS FROM SELF-EMPLOYMENT INCOME

Mr. SYMMS. Mr. President, under the 1985 farm bill, Congress has provided for rental payments to be made to farmers who would sign a 10-year contract with USDA to place certain lands in a conservation program. The Federal Government rents the land much the same way a neighbor might rent the land, and the owners pay for letting the Federal Government use it. The land is used for conservation, which is to say it is maintained in more or less a natural state under the supervision of the USDA.

The IRS has determined, however, that the payments made to the farmers under this program are not actually rental in the same way that payments by a tenant farmer or neighbor might be. Therefore, the IRS has regarded these payments from the Federal Government to farmers whose land is under long-term contract as earned income.

Mr. President, this ruling by the IRS has created a major injustice in the Social Security Program. The earnings test under Social Security requires that the pension of retirees between the ages of 62 and 70 be reduced by $1 for every $3 of earned income a retiree receives.

Since the conservation program pays the farmer $46 per acre for placing highly erodible farmland in the program, any farmer who retires and chooses to participate has to give up his Social Security pension check until he or she is 70 years old.

To make matters worse, Mr. President, farmers in my State are being misled by the program's characterization of the payments as rental payments. They are rental payments, and they are called rental payments in the 1985 farm bill. But the IRS has decided they are not rental payments for the purposes of Social Security.

Not only does the farmer lose the Social Security pension, if he puts more than 40 or 50 acres in the program—most farmers do put that many acres in the program, if they have any land at all—but the same farmer also has to pay 15 percent Social Security tax on their earned income. So it puts them in the highest marginal tax rate of Americans, Mr. President.

My bill does not attempt to fix every problem with the IRS interpretation of the rental payments under the Conservation Reserve Program as earned income, but I think this Congress should fix the injustice that takes away the Social Security pensions of farmers who retire and are participating in the program.

THE TREATMENT OF CONSERVATION RESERVE RENTAL PAYMENTS UNDER SOCIAL SECURITY

Mr. BOSCHWITZ. Mr. President, I rise today in support of my colleague and good friend from Idaho's legislation which would adjust the treatment of conservation reserve rental payments as earned income for the purpose of computing the Social Security earnings limit.

As my colleague said, the 1985 farm bill authorizes the Federal Government to rent farmland specifically for conservation. The Federal Government rents this, just like anyone rents farmland. There is no difference.

Unfortunately there is. The Internal Revenue Service has classified this income as earned income rather than rental payments as it should be.

Mr. President, this ruling subjects these farmers to an antiquated provision in Social Security law known as the earnings limit which has long outlived its usefulness. For every $3 of earned income, a farmer's Social Security is reduced $1. These retired farmer's are paying the highest marginal tax rate in the country. Once combined with other Federal, State, and Social Security taxes, their rate can be as high as 80 percent or more.

Many farmers in my State of Minnesota are being misled by the program's characterization of the payments as rental payments. And I see why. These payments from the Department of Agriculture are simply rental payments The 1985 farm bill describes these payments as rent, and quite simply this legislation would again clarify the original intent of Congress for this group. As Senator SYMMS said, this amendment does not fix every problem with the IRS interpretation, but I strongly believe this a step in the right direction. We must repeal the earnings limit for these farmers who receive conservation reserve rental payments.

These tax rates are simply unjust and unfair. The earnings test discriminates against older Americans and it must be changed. As a matter of fact, the Senator from Idaho and 18 others have cosponsored my bill to repeal this unfair seniors-only tax for all older Americans. The earnings limit penalizes our Nation's seniors for their productivity. It is a great disincentive to work, and it keeps hundreds of thousands, perhaps millions of retirees out of the labor market. The earnings test is not fair; it is outdated; and it has to go. Anything we can do to break apart this law is a step in the right direction, and I'm proud to support my friend from Idaho in his effort.

Therefore, Mr. President, I'm again proud to cosponsor this very fair legislation.

By Mr. FORD:

S. 2268. A bill to amend the Airport and Airway Improvement Act of 1982 for the purpose of extending the authorization of appropriations for airway improvements, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXTENSION OF CERTAIN PROGRAMS OF THE FEDERAL AVIATION ADMINISTRATION

Mr. FORD. Mr. President, I rise to introduce a bill to extend for a period of 2 years the authorization of some of the vital programs of the Federal Aviation Administration [FAA] through fiscal year 1992.

The Airport and Airway Improvement Act of 1982 authorized the FAA's capital equipment program and the research and development program through fiscal year 1990. This was done so that we might review these programs after 3 years to see how the FAA is progressing with the national airspace system plan.

The same act authorized the Airport Grant Program through 1992. The administration and some in the aviation community want to tackle the Airport Grant Program this year and make some major changes in it. Frankly, I don't see the sense of that. My bill would put all the FAA appropriations on the same cycle: all would then need to be reauthorized in 1992, and we would take a comprehensive look at everything at that time.

I understand the administration will be sending us a reauthorization proposal soon. After hearing and reading about the national transportation strategy yesterday, I am not optimistic about another administration proposal. For one thing, Mr. President, I understand that Secretary Skinner believes a solution to the airport capacity problem is to remove the prohibition against local airport head taxes. How anyone can suggest that passengers should be taxed further, with $7 billion already collected and unspent in the Airport and Airway Trust Fund, is beyond me. The administration's budget proposed raising the passenger ticket tax, the airline fuel tax, the international departure tax and others. Again, I find it incredible to suggest increasing revenues without spending what is already there.

My good friends in the airport business are advocating a head tax too. They, like everyone else, want an independent, dedicated revenue source. They don't want to answer to the Congress, or to the airlines as to how the head tax money is spent. But then they also want to continue to receive some funding from the Airport Grant Program. I suggest to them that they can't have it both ways; if head taxes are so important, then perhaps defederalization is what they should be pushing for.

Mr. President, all of this tells me that there are some major issues that need to be resolved before we start to tamper with the Airport Grant Program. In the meantime, we must address the technical programs of the FAA, and keep them moving ahead without interruption. The national airspace plan is a real, concrete, transportation strategy. It will modernize the air traffic control system and enhance safety. Most of the projects are under contract, and the FAA will be obligating large amounts from the trust fund in the next few years. We need to continue to encourage the FAA to do more research; that is where lives are truly saved and where safety improvements begin.

The administration may continue to talk and plan and develop national strategies; let us in the Senate and our colleagues in the House of Representatives see to it that the FAA continues with modernization, and assure that the flying public's tax money is spent for the intended purposes.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)(1)) is amended—

(A) by striking "and" immediately after "October 1, 1989,"; and

(B) by inserting immediately before the period at the end of the first sentence the following: ", and $14,625,200,000 for fiscal years ending before October 1, 1991, and $17,625,200,000 for fiscal years ending before October 1, 1992".

(b) Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)(2)) is amended—

(A) in subparagraph (B)(vii), by striking "and";

(B) in subparagraph (C), by striking the period at the end and inserting in lieu thereof "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) for fiscal year 1991, $260,000,000, and for fiscal year 1992, $260,000,000.".

(c) Section 506(b)(4) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)(4)) is amended—

(A) in subparagraph (A), by striking "and 1990" and inserting in lieu thereof "1990, 1991, and 1992"; and

(B) in subparagraph (B), by striking "and 1990" and inserting in lieu therof "1990, 1991, and 1992".

(d) Section 506(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(d)) is amended by striking "and 1990" and inserting in lieu thereof "1990, 1991, and 1992".

By Mr. LIEBERMAN:

S. 2269. A bill to establish a comprehensive personnel system for employees of the Administrative Office of the United States Courts, and for other purposes; to the Committee on Governmental Affairs.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS PERSONNEL ACT

● Mr. LIEBERMAN. Mr. President, today I am introducing the Administrative Office of the United States Courts Personnel Act of 1990, a bill which will establish an independent personnel system within the Administrative Office of the U.S. Courts.

The Administrative Office of the U.S. Courts is the administrative arm of the Federal Judiciary and an agency of the judicial branch of the Government. The personnel of the Administrative Office serve the U.S. courts, which comprise a coequal branch of the Federal Government under the Constitution. With few exceptions, judges and staff directly employed by the courts are not subject to personnel rules and regulations of the executive branch. Personnel within the Administrative Office, however, are largely subject to the control of the executive branch. Thus, under the current system, 22,000 judicial employees working in the courts are not subject to personnel regulations of the executive branch, while those working at the national administrative center for the courts are subject to executive control. This inconsistent treatment of personnel also has serious practical consequences: There are enormous problems in moving employees between the administrative office and the courts because of the separate personnel systems.

This legislation will address these problems. It will establish an independent, self-contained personnel management system within the administrative office, which is free from executive branch control and more similar to the personnel system for the rest of the judicial branch. This system will end the inappropriate and inconsistent intermingling of the two branches, and will facilitate the transfer of employees between the courts and the administrative office.

The personnel system to be created by this bill retains the safeguards of the executive branch personnel system for the employees of the administrative office. It will protect present appeal rights and benefits of current administrative office employees and set up new systems incorporating these rights for new employees. All administrative office personnel will remain in the health and life insurance programs, the Federal retirement system, and will retain the same benefits with regard to holidays, annual and sick leave, and worker's compensation.

Mr. President, I believe that under this legislation, the employees of the administrative office will benefit, the judicial branch will benefit, and the governmentwide personnel management system will benefit from the creation of a coherent judical branch personnel system. I look forward to favorable action on this legislation.

I ask for unanimous consent that the full text of the bill be printed in the Congressional Record immediately following this statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Administrative Office of the United States Courts Personnel Act of 1990".

SEC. 2. DEFINITIONS.

For purposes of this Act the term—

(1) "Director" means the Director of the Administrative Office of the United States Courts;

(2) "employee" means any employee of the Administrative Office of the United States Courts, except any employee referred to in section 603 of title 28, United States Code; and

(3) "Office" means the Administrative Office of the United States Courts.

SEC. 3. GENERAL PERSONNEL AUTHORITY.

The Director of the Administrative Office of the United States Courts may appoint, fix the compensation of, assign, and direct such personnel as the Director determines necessary to discharge the duties and functions of the Administrative Office.

SEC. 4. ESTABLISHMENT OF PERSONNEL MANAGEMENT SYSTEM.

(a) Establishment.—The Director shall establish a personnel management system for the Office—

(1) which provides for the appointment, pay, promotion, and assignment of all employees on the basis of merit; and

(2) to which the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive civil service, or the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates shall not apply.

(b) Personnel Management System.—The personnel management system established under subsection (a) shall, at a minimum—

(1) provide for a schedule of pay rates applicable to all employees;

(2) provide that the basic rate of pay of any person appointed under this section shall not exceed the rate of basic pay for

level V of the Executive Schedule, except as provided in paragraph (11);

(3) incorporate pay comparability principles as set forth under section 5301(a) of title 5, United States Code;

(4) provide for the adjustment of the pay of employees at the same time and in the same percentage amount as rates of basic pay are adjusted for General Schedule and prevailing rate employees, as appropriate;

(5) establish procedures for employee evaluations, the granting of periodic pay adjustments, incentive awards, and resolution of employee grievances;

(6) establish procedures for disciplinary actions, including reduction in grade or pay, suspension, and removal, based on unacceptable performance or misconduct, except that the Director may exempt from such procedures positions of a confidential or policy-determining character, not to exceed 4 percent of the authorized positions of the Office;

(7) establish procedures for premium pay (including overtime) similar to the provisions of subchapter V of chapter 55 of title 5, United States Code;

(8) include the merit system principles set forth under section 2301(b) of title 5, United States Code;

(9) prohibit personnel practices prohibited under section 2302(b) of title 5, United States Code;

(10) prohibit discrimination on the basis of race, color, religion, age, sex, national origin, political affiliation, marital status, or handicapping condition; and

(11) provide for the basic rate of pay of not more than 5 percent of the authorized positions of the Office (excluding the positions referred to in section 603 of title 28, United States Code) to be set at rates not to exceed the rate of basic pay for positions at level IV of the Executive Schedule.

SEC. 5. ADMINISTRATIVE PROVISIONS.

(a) WORK SCHEDULES.—In establishing procedures under section 4(b)(7) the Director may at his discretion implement flexible and compressed work schedules and may exempt the hours constituting such schedules from premium pay to the extent the Director determines necessary to implement such schedules.

(b) DISCRIMINATION COMPLAINTS.—In implementing the provisions of section 4(b)(10), the Director shall, no later than 6 months after the date of the enactment of this Act, promulgate regulations providing procedures for resolving complaints of discrimination by employees and applicants for employment.

(c) PAY LIMITATION.—Notwithstanding any other provision of this section, aggregate pay in any 1 year period (including basic pay and incentive awards) of any individual whose basic rate of pay is set under this Act may not exceed the annual aggregate pay computed at the basic rate of pay for the position of the Director.

(d) TRAVEL EXPENSES AND LEAVE FOR CERTAIN POSITIONS.—The Director may apply the provisions of sections 5723 and 6304(f) of title 5, United States Code, to the positions referred to under section 4(b)(11) and in section 603 of title 28, United States Code, including the Deputy Director.

(e) INCENTIVE AWARDS FOR CERTAIN POSITIONS.—The Director may provide for incentive awards for the positions referred to in section 603 of title 28, United States Code, including the Deputy Director, subject to the aggregate pay limitation under subsection (c).

(f) PAY, INCENTIVE AWARDS, AND TRAVEL EXPENSES OF DIRECTOR.—The Chief Justice of the United States or the Judicial Conference of the United States may grant incentive awards to the Director, except that the Director's aggregate pay for any fiscal year, including aggregate annual pay and incentive awards, may not exceed the aggregate annual pay of a United States circuit judge. The Chief Justice or the Judicial Conference may authorize application of section 5723 of title 5, United States Code, to the Director.

(g) TRAINING PROGRAMS.—The Director may develop and conduct programs to meet the short and long range training needs of the agency.

(h) EMPLOYEE GRIEVANCES AND APPEALS.—(1) Notwithstanding any other provision of law, an individual who is an employee of the Office on the day before the effective date of this Act and who, as of that day, was entitled to—

(A) appeal a reduction in grade or removal to the Merit Systems Protection Board under chapter 43 of title 5, United States Code,

(B) appeal an adverse action to the Merit Systems Protection Board under chapter 75 of title 5, United States Code, or

(C) file an appeal with the Equal Employment Opportunity Commission under 29 CFR, Part 1613,

shall continue to be entitled to file such appeal so long as the individual remains an employee of the Office.

(2) The provisions of paragraph (1) shall not apply to employees in positions referred to in section 603 of title 28, United States Code, or in positions of a confidential or policy-determining character described under section 4(b)(11).

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) APPLICATION OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5, United States Code, is amended—

(1) in paragraph (1) by adding "and" at the end thereof;

(2) by striking out paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(b) PROHIBITED PERSONNEL PRACTICES.—Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking out ", the Administrative Office of the United States Courts,".

(c) PERFORMANCE APPRAISAL.—Section 4301(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by adding "and" at the end thereof;

(2) by striking out subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(d) AWARDS FOR SUPERIOR ACCOMPLISHMENTS.—Section 4501(1) of title 5, United States Code, is amended—

(1) by striking out subparagraph (B); and

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively.

(e) PERSONNEL RESEARCH PROGRAMS AND DEMONSTRATION PROJECTS.—Section 4701(a)(1) of title 5, United States Code, is amended by striking out ", the Administrative Office of the United States Courts,".

(f) PAY AND ALLOWANCES CLASSIFICATION.—Section 5102(a)(1) of title 5, United States Code, is amended—

(1) by striking out subparagraph (B); and

(2) by redesignating subparagraphs (C) through (G) as subparagraphs (B) through (F), respectively.

(g) CLASSIFICATION OF GS-16, 17, AND 18 POSITIONS.—Section 5108(c) of title 5, United States Code, is amended—

(1) by striking out paragraph (1); and

(2) redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(h) PREVAILING RATE EMPLOYEES.—Section 5349(a) of title 5, United States Code, is amended in the first sentence by striking out "the Administrative Office of the United States Courts,".

(i) SEVERANCE PAY.—Section 5595 of title 5, United State Code, is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (C) by striking out "and" at the end thereof; and

(B) by adding at the end thereof the following new subparagraph:

"(E) the Administrative Office of the United States Courts, the Federal Judicial Center, and the courts named under section 610 of title 28; and"; and

(2) in subsection (b) by amending such subsection to read as follows:

"(b)(1) Under regulations prescribed by the President or such officer or agency as he may designate, an employee who—

"(A) has been employed currently for a continuous period of at least 12 months; and

"(B) is involuntarily separated from the service, not by removal for cause on charges of misconduct, delinquency, or inefficiency; is entitled to be paid severance pay in regular pay periods by the agency from which separated.

"(2) Notwithstanding the provisions of paragraph (1), the Director of the Administrative Office of the United States Courts may prescribe regulations to effect the application and operation of this section to the agencies specified in subsection (a)(1)(E) of this section.".

(j) BACK PAY.—Section 5596 of title 5, United States Code, is amended—

(1) in subsection (a)(2) by inserting ", the Federal Judicial Center, and the courts named by section 610 of title 28" after "Courts"; and

(2) in subsection (c) in the second sentence by inserting after "employees" a comma and "or to the agencies described under subsection (a)(2) of this section".

(k) CIVIL SERVICE RETIREMENT.—(1) Section 8331(1)(v) of title 5, United States Code, is amended to read as follows:

"(v) an employee of the Administrative Office of the United States Courts, of the Federal Judicial Center, or of a court named by section 610 of title 28, if excluded by the Director of the Administrative Office under section 8347(p) of this title.".

(2) Section 8347 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(p) The Director of the Administrative Office of the United States Courts may exclude from the operation of this subchapter an employee of the Administrative Office, of the Federal Judicial Center, or of a court named by section 610 of title 28, whose employment is temporary or of uncertain duration.".

(l) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—(1) Section 8401(11)(i)(I) of title 5, United States Code, is amended by striking out "(v),".

(2) Section 8402(c) of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(7) The Director of the Administrative Office of the United States Courts may exclude from the operation of this chapter an employee of the Administrative Office, of the Federal Judicial Center, or of a court named by section 610 of title 28, whose employment is temporary or of uncertain duration.".

(m) Compensation of Employees of the Office.—Section 602(a) of title 28, United States Code, is amended to read as follows:

"(a) The Director shall appoint and fix the compensation of necessary employees of the Administrative Office in accordance with the Administrative Office of the United States Courts Personnel Act of 1990.".

(n) Special Employees.—Section 602(b) of title 28, United States Code, is amended by striking out "604(a)(15)(B)" and inserting in lieu thereof "604(a)(16)(B)".

(o) Salary of Deputy Director; Leave of Director.—Section 603 of title 28, United States Code, is amended—

(1) in the second sentence by striking out "of the Deputy Director"; and

(2) by inserting after the first sentence "Notwithstanding any other provision of law, the Director shall not be an employee for purposes of subchapter I of chapter 63 of title 5, United States Code. The salary of the Deputy Director shall be 92 percent of the salary of the Director.".

(p) Redesignations.—Section 604(a) of title 28, United States Code, is amended—

(1) by redesignating the first paragraph (19) as paragraph (18);

(2) in paragraph (22) by adding "and" after the semicolon; and

(3) in paragraph (23) by striking out the semicolon and inserting in lieu thereof a period.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal year 1990 and for each year thereafter such sums as may be necessary to carry out the provisions of this Act.

SEC. 8. EFFECTIVE DATE.

The provisions of this Act shall take effect 60 days after the date of the enactment of this Act.●

By Mr. LIEBERMAN:

S. 2270. A bill to amend title 5, United States Code, to establish a pay schedule, to revise the rates of pay for Federal fire service personnel, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL FIRE SERVICE PAY SCHEDULE ACT OF 1990

● Mr. LIEBERMAN. Mr. President, today I am introducing the Federal Fire Service Pay Schedule Act of 1990. This bill is similar to legislation introduced on the House side by Representatives Hayes and Morella (H.R. 3831). The bill will establish a pay schedule for Federal firefighters which would be separate from the General Schedule and will revise the rates of pay for Federal firefighters.

The current pay schedule does not fairly and adequately compensate Federal firefighters who work, on average, a 72-hour workweek and perform unique, often very dangerous and specialized services in the Federal system. The General Schedule, by contrast, assumes a more standard 40-hour, 5-day workweek.

This bill would reduce the current 72-hour workweek to 60 hours and establish a separate pay schedule that will provide better pay and overtime for Federal firefighters. These provisions are fair and consistent with the services provided by firefighters, and they will make it much easier for the Federal Government to attract and retain a skilled fire service.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Congressional Record immediately following this statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2270

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Fire Service Pay Schedule Act of 1990".

SEC. 2. ESTABLISHMENT OF PAY SCHEDULE.

(a) Pay for Federal Fire Service Personnel.—Chapter 53 of title, 5, United States Code, is amended by adding at the end thereof the following new subchapter:

"Subchapter IX—Pay for Federal Fire Service Personnel

"§ 5391. Definition

"For the purpose of this subchapter 'employee' means any employee whose classification is determined and regulated by the Position-Classification Standard For Fire Protection and Prevention Series GS-081 (as authorized under section 5105 of this title), but shall not include any employee of the District of Columbia.

"§ 5392. Federal Fire Service Personnel Schedule

"(a)(1) The Federal Fire Service Personnel Schedule, the symbol for which is 'FS', is the basic pay schedule for positions to which this subchapter applies. Each employee to whom this subchapter applies, is entitled to basic pay in accordance with the Federal Fire Service Personnel Schedule.

"(2) The Federal Fire Service Personnel Schedule shall include—

"(A) a Federal Fire Service Personnel Schedule A (the symbol for which is 'FSA') which shall apply to employees described under section 5393(a); and

"(B) a Federal Fire Service Personnel Schedule B (the symbol for which is 'FSB') which shall apply to employees described under section 5393(b).

"(3) The Federal Fire Service Personnel Schedule is divided into 12 grades, each of which shall include 10 service steps.

"§ 5393. Establishment of pay schedule and rates of basic pay for Fire Service Personnel

"(a) Each employee as defined under section 5391 and who works a minimum of 60 hours per 7-day cycle or a minimum of 240 hours per 28-day cycle, or is covered by Veterans' Administration Department of Medicine and Surgery Supplement, MP-5, Part 1, Chapter 610 shall be assigned a grade and receive a rate of basic pay, under regulations prescribed by the Office of Personnel Management.

"(b) Each employee as defined under section 5391 and who works a minimum of 40 hours per administrative work week shall be assigned a grade and receive a rate of basic pay, under regulations prescribed by the Office of Personnel Management.

"§ 5394. Periodic step increases

"(a)(1) Subject to the provisions of paragraph (2), each employee whose pay is set under this subchapter who has not reached the maximum rate of pay for the grade in which his position is placed, shall be advanced in pay successively to the next higher rate within the grade at the beginning of the next pay period following the completion of—

"(A) each 52 calendar weeks of service in pay rates 1, 2, and 3;

"(B) each 104 calendar weeks of service in pay rates 4, 5, and 6; or

"(C) each 156 calendar weeks of service in pay rates 7, 8, and 9;

"(2) An employee shall be advanced as provided in paragraph (1), if—

"(A) the employee did not receive an equivalent increase in pay during that period; and

"(B) the work of the employee is of an acceptable level of competence as determined by the head of the agency.

"(b) Under regulations prescribed by the Office of Personnel Management, the benefit of successive step increase shall be preserved for employees whose continuous service is interrupted in the public interest by service with the armed forces or by service in essential non-Government civilian employment during a period of war or national emergency.

"(c) When a determination is made under subsection (a) of this section that the work of an employee is not of an acceptable level of competence, the employee is entitled to prompt written notice of that determination and an opportunity for reconsideration of the determination within his agency under uniform procedures prescribed by the Office of Personnel Management. If the determination is affirmed on reconsideration, the employee may appeal to the Merit Systems Protection Board. If the reconsideration or appeal results in a reversal of the earlier determination, the new determination supersedes the earlier determination and is deemed to have been made as of the date of the earlier determination.

"(d) An increase in pay granted by statute is not an equivalent increase in pay within the meaning of subsection (a) of this section.

"§ 5395. Additional step increase

"(a) Within the limit of available appropriations and under regulations prescribed by the Office of Personnel Management, the head of each agency may grant additional step-increases in recognition of high quality performance above that ordinarily found in the type of position concerned. An employee who is determined eligible under this section may receive only one additional step-increase within any 52-week period.

"(b) A step increase under this section is in addition to those under section 5394 of this title and is not an equivalent increase in pay within the meaning of 5394(a) of this title.

"§ 5396. Minimum hours of work; computation of overtime

"(a) Each employee, as defined under section 5391, who works a minimum of 240 hours per 28-day cycle, or is covered by Veterans' Administration Department of Medicine and Surgery Supplement, MP-5, Part 1, Chapter 610 shall have his pay set under section 5393(a). Any hours of work which exceed these minimums shall be deemed overtime and compensated under section 5542(b) (1) and (2) of this title.

"(b) Each employee, as defined under section 5391, who works a minimum 40 hour administrative work week shall have his pay set under section 5393(b). Any hours of work which exceed this minimum shall be

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deemed overtime and compensated under section 5542(b) (3) and (4) of this title.

"(c) Each employee whose pay is set under 5393(a) shall be scheduled to work in 24 hour shifts and for a minimum of 60 hours per 7-day cycle or a minimum of 240 hours per 28-day cycle, except that the head of the agency may modify the number of hours in the shifts if he determines that such a modification is necessary to the efficient operation of the agency.

"(d) Each employee whose pay is set under 5393(b) shall be scheduled to work in 8 hour shifts and for a minimum of 40 hours per administrative work week, except that the head of the agency may modify the number of hours in the shift, if he determines that such a modification is necessary to the efficient operation of the agency.

"§ 5397. Educational incentive service step increases

"(a) Each employee, as defined under section 5391, who has earned and been duly awarded, or earns and is duly awarded an associates degree in a fire science curriculum shall be advanced to the next service step within the grade at which the position is classified.

"(b) Each employee, as defined under section 5391, who has earned and been duly awarded, or who earns and is duly awarded a bachelors degree in a fire service curriculum shall be advanced two service steps within the grade at which the position is classified, except that if the employee was at any time advanced one service step for earning an associates degree, the employee shall be advanced one additional service step.

"(c) Employees who have already attained Service Step 10 within the grade at which his position is classified when that employee earns and is duly awarded either degree shall receive a cash award equivalent to the step increase.

"(d) The advancement to the next service step described under subsection (a) shall take effect on the first day of the first pay period beginning after the date on which the degree is awarded.

"(e) Nothing in this section shall be construed as a waiver of or limitation on any other advancement in service step to which an employee, who is advanced under this section, would otherwise be entitled under section 5394 and 5395 of this title.

"(f) Any advancement in service step under this section shall not be deemed to be an equivalent increase in pay under section 5335(a) of this title.

"§ 5398. Additional compensation for technicians

"(a) Each employee, as defined in section 5391, who successfully completes a specialized training course, including but not limited to emergency medical training and hazardous materials handling, shall be awarded a cash bonus equal to 2 percent of his annual wages at his current grade and service step.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of sections for chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"Subchapter IX—Pay for Federal Fire Service Personnel

"5391. Definitions.
"5392. Federal Fire Service Personnel Schedule.
"5393. Establishment of rates of pay for Federal Fire Service Personnel.
"5394. Periodic step-increases.
"5395. Additional step-increases.
"5396. Minimum hours of work; computation of overtime.
"5397. Educational incentive service step increase.
"5398. Additional compensation for technicians.".

SEC. 3. PAY COMPARABILITY.

(a) STATUTORY PAY SYSTEM.—Section 5301(c)(1) of title 5, United States Code, is amended by inserting before the semicolon the following: ", or subchapter IX of this chapter, relating to the Federal Fire Service Personnel Schedule".

(b) HIGHER MINIMUM RATES.—Section 5303(a)(1) is amended by inserting "or subchapter IX" after "5332".

(c) PRESIDENTIAL POLICIES AND REGULATIONS.—Section 5304 of title 5, United States Code, is amended by inserting "and subchapter IX" after "Subchapter III".

SEC. 4. OVERTIME PAY.

(a) OVERTIME RATES.—Section 5542 of title 5, United States Code, is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

"(b) Notwithstanding the provisions of subsection (a) of this section, each employee whose pay is set under subchapter IX of this title shall be compensated for overtime at the following rates:

"(1) For each employee whose pay is set by section 5393(a) of this title and who is paid no more than the pay set for Service Step 1 of FSA-8 of the pay schedule established by section 5393(a) of this title, the rate of pay for each hour of overtime shall be equal to one and one-half times the hourly rate of basic pay for each employee, and all that amount is overtime pay.

"(2) For each employee whose pay is set by section 5393(a) of this title and who is paid no more than the pay set for Service Step 1 of FSA-8 of the pay schedule established by section 5393(a) of this title, the rate of pay for each hour of overtime shall be equal to one and one-half times the hourly rate of basic pay set for Service Step 1 of FSA-8 and all that amount is overtime pay.

"(3) For each employee whose pay is set by section 5393(b) of this title and who is paid no more than the pay set for Service Step 1 of FSB-10 of the pay schedule established by section 5393(b) of this title, the rate of pay for each hour of overtime shall be equal to one and one-half times the hourly rate of basic pay for each employee, and all that amount is overtime pay.

"(4) For each employee whose pay is set by section 5393(b) of this title and who is paid no more than the pay set for Service Step 1 of FSB-10 of the pay schedule established by section 5393(a) of this title, the rate of pay for each hour of overtime shall be equal to one and one-half times the hourly rate of pay set for Service Step 1 of FSB-10 and all that amount is overtime pay.".

(b) DIFFERENTIAL PAY.—Section 5545(c) of title 5, United States Code, is amended by striking "an employee in a position" each place it appears and inserting in lieu thereof "an employee (other than an employee whose pay is set by subchapter IX of this title) in a position".

(c) HAZARD PAY.—Section 5545(d)(1) of title 5, United States Code, is amended by inserting after "employee" the following: "whose pay is set by subchapter IX of this title or who is".

SEC. 5. EXEMPTION FROM OTHER LAWS.

(a) APPLICATION OF CHAPTER 51 OF TITLE 5, UNITED STATES CODE.—Section 5102(c) of title 5, United States Code, is amended—

(1) in paragraph (27) by striking out "or" after the semicolon;

(2) in paragraph (28) by striking out the period and inserting in lieu thereof "; or "; and

(3) by adding at the end thereof the following:

"(29) employees who are Federal Fire Service Personnel and whose pay is set under subchapter IX of this title.".

(b) PERIODIC STEP-INCREASES.—Section 5335 of title 5, United States Code, is amended by adding the following new subsection:

"(g) This section shall not apply to the pay of an employee whose pay is set under subchapter IX of this.".

(c) ADDITIONAL STEP-INCREASES.—Section 5336 of title 5, United States Code, is amended by adding the following new subsection:

"(d) This section shall not apply to the pay of an employee whose pay is set under subchapter IX of this title.".

(d) LABOR PROVISIONS.—Section 13(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)), is amended—

(1) in paragraph (28) by striking "or" at the end thereof;

(2) in paragraph (29) by striking out the period and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(3) any employee whose pay is set under subchapter IX chapter 53 of title 5, United States Code.".

SEC. 6. RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331 of title 5, United States Code, is amended by adding the following new subparagraph:

"(L) an individual defined by section 5391 of title, United States Code;".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401(11)(A) of title 5, United States Code, is amended by striking out "or (K)" and inserting in lieu thereof ", (K), or (L)".

SEC. 7. INITIAL FEDERAL FIRE SERVICE PERSONNEL SCHEDULE PAY RATES.

(a) FSA RATES.—Subject to the provisions of section 8 of this Act and for purposes of implementing the provisions of this Act and the amendments made by this Act, on the effective date of this Act, the following rates of pay shall apply for the Federal Fire Service Personnel Schedule A:

Grade	Service step 1	2	3	4	5
FSA-1	$17,719	$18,310	$18,902	$19,494	$20,085
FSA-2	19,886	20,551	21,216	21,882	22,547
FSA-3	22,251	22,996	23,742	24,477	25,222
FSA-4	24,803	25,633	26,463	27,283	28,113
FSA-5	27,567	28,489	29,400	30,321	31,242
FSA-6	30,534	31,553	32,572	33,590	34,599
FSA-7	33,720	34,842	35,974	37,096	37,998
FSA-8	37,134	38,127	39,121	40,105	41,098
FSA-9	40,071	41,161	42,242	43,332	44,423
FSA-10	46,550	47,851	49,162	50,463	51,864
FSA-11	53,950	55,499	57,055	58,607	60,155
FSA-12	62,399	64,237	66,074	67,901	69,739

Grade	6	7	8	9	10
FSA-1	$20,677	$21,269	$21,851	$22,442	$23,034
FSA-2	23,202	23,868	24,553	25,198	25,864
FSA-3	25,967	26,712	27,448	28,193	28,938
FSA-4	28,943	29,773	30,593	31,423	32,253
FSA-5	32,163	33,085	34,006	34,917	35,838
FSA-6	35,617	36,636	37,552	38,371	39,180
FSA-7	38,901	39,805	40,699	41,603	42,506
FSA-8	42,092	43,076	44,069	45,063	46,046
FSA-9	45,513	46,603	47,684	48,774	49,865
FSA-10	53,175	54,376	55,688	56,989	58,290
FSA-11	61,704	63,263	64,812	66,361	67,909

Grade	Service step				
	1	2	3	4	5
FSA-12	71,566	73,404	75,241	77,069	78,906

(b) FSB Rates.—Subject to the provisions of section 8 of this Act and for purposes of implementing the provisions of this Act and the amendments made by this Act, on the effective date of this Act, the following rates of pay shall apply for the Federal Fire Service Personnel Schedule B:

Grade	Service step									
	1	2	3	4	5	6	7	8	9	10
FSB-1	$12,531	$12,949	$13,367	$13,785	$14,203	$14,621	$15,039	$15,457	$15,875	$16,293
FSB-2	14,067	14,536	15,005	15,474	15,943	16,412	16,881	17,350	17,819	18,288
FSB-3	15,738	16,263	16,788	17,313	17,838	18,363	18,888	19,413	19,938	20,463
FSB-4	17,542	18,127	18,712	19,297	19,882	20,467	21,052	21,637	22,222	22,807
FSB-5	19,493	20,143	20,793	21,443	22,093	22,743	23,393	24,043	24,693	25,343
FSB-6	21,590	22,310	23,003	23,750	24,470	25,190	25,910	26,630	27,350	28,070
FSB-7	23,946	24,641	25,436	26,231	27,026	27,821	28,616	29,411	30,206	31,001
FSB-8	26,261	27,136	28,011	28,886	29,761	30,636	31,511	32,386	33,261	34,136
FSB-9	28,852	29,814	30,776	31,738	32,700	33,662	34,624	35,586	36,548	37,510
FSB-10	34,580	35,733	36,886	38,039	39,192	40,435	41,498	42,651	43,804	44,957
FSB-11	41,121	42,492	43,863	45,234	46,605	47,976	49,347	50,718	52,089	53,460
FSB-12	48,592	50,212	51,832	53,452	55,072	56,692	58,312	59,932	61,552	63,172

(c) Adjustments.—Adjustments in the rates of pay described under subsections (a) and (b) shall be made under the provisions of subchapter IX of title 5, United States Code, (as added by section 2 of this Act).

SEC. 8 TRANSITION PROVISIONS.

(a) Pay Transition for Positions in FSA.—For transition purposes the pay of employees described in section 2(a) of this Act whose pay was previously set in the General Schedule and who work a minimum 60 hours per 7-day cycle or 240 hours per 28-day cycle, or is covered by Veterans' Administration Department of Medicine and Surgery Supplement, MP-5, Part 1, Chapter 610 shall be set in the Fire Service Personnel Schedule as follows:

(1) GS-3 shall correspond to FSA-1;
(2) GS-4 shall correspond to FSA-2;
(3) GS-5 shall correspond to FSA-3;
(4) GS-6 shall correspond to FSA-4;
(5) GS-7 shall correspond to FSA-5;
(6) GS-8 shall correspond to FSA-6;
(7) GS-9 shall correspond to FSA-7;
(8) GS-10 shall correspond to FSA-8;
(9) GS-11 shall correspond to FSA-9;
(10) GS-12 shall correspond to FSA-10; and
(11) GS-13 shall correspond to FSA-11.

(b) Pay Transition for Positions in FSB.—For transition purposes the pay of employees described in section 2(a) of this Act whose pay was previously set in the General Schedule and who work a minimum 40 hours per administration work week shall be set in the Fire Service Personnel schedule as follows:

(1) GS-3 shall correspond to FSB-1;
(2) GS-4 shall correspond to FSB-2;
(3) GS-5 shall correspond to FSB-3;
(4) GS-6 shall correspond to FSB-4;
(5) GS-7 shall correspond to FSB-5;
(6) GS-8 shall correspond to FSB-6;
(7) GS-9 shall correspond to FSB-7;
(8) GS-10 shall correspond to FSB-8;
(9) GS-11 shall correspond to FSB-9;
(10) GS-12 shall correspond to FSB-10; and
(11) GS-13 shall correspond to FSB-11.

(c) Initial Pay Adjustments.—In the initial adjustment of basic rates of pay pursuant to the amendment made by section 2(a)(1) of this Act, each employee to be paid under the pay schedule under subchapter IX of chapter 53 of title 5, United States Code, shall be placed at that step of the appropriate grade of such schedule which corresponds numerically to that step of the grade of the General Schedule at which such employee was paid immediately before the effective date of the amendments made by this Act.

(d) Step Increases.—An increase in pay by reason of an initial adjustment of pay under subsection (b) of this section shall not be deemed an equivalent increase in pay within the meaning of section 5335(a) of title 5, United States Code. For purposes of periodic step increases after the effective date of this Act, each employee shall be credited with all service as of the last periodic step increase he received under section 5335 of title 5, United States Code, before the effective date of this Act.

(e) Rule of Construction.—Nothing in this Act shall be construed to reduce any basic rate of pay which was in effect immediately before the date of the enactment of this Act.

SEC. 9 EFFECTIVE DATES.

The provisions of this Act and the amendments made by this Act shall be effective on the first day of the first applicable pay period beginning on or after 30 days following the date of the enactment of this Act.●

By Mr. ARMSTRONG:

S. 2271. A bill to continue the temporary suspension of the duty on certain aromatic color couplers and coupler intermediates; to the Committee on Finance.

TEMPORARY SUSPENSION OF CERTAIN DUTIES

● Mr. ARMSTRONG. Mr. President, I am introducing legislation to extend a duty suspension on color couplers and coupler intermediates used in the manufacture of photographic sensitized material. Under this bill, the suspension would be in effect until December 31, 1992. These chemicals are used in the production of medical x-ray products and lithographic plates. It is my understanding that the extension of the duty suspension is not controversial and that the International Trade Commission has been consulted and has no objection to the extension. I am hopeful that a way may be found for the extension to be included in the miscellaneous duty suspensions soon to be before the Senate.●

By Mr. SYMMS:

S. 2272. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the authority of the Secretary of Health and Human Services with respect to regulating foods for special dietary uses as though they were drugs; to the Committee on Labor and Human Resources.

FOODS FOR SPECIAL DIETARY USE ACT

Mr. SYMMS. Mr. President, I rise today to offer legislation to give the Food and Drug Administration a better legal definition for determining differences between healthy foods and drugs.

On July 20, 1989, the FDA seized the inventory of a company in Nampa, ID, called American Image Marketing, Inc. In my view, this was an unnecessary invasion of this corporation's rights. The company's entire inventory of food products was impounded for over a month before the FDA approved a new label for the company's chief product, "Barleygreen." Barleygreen, I'm told, is a nutritional powder which is being marketed nationally. Many people wrote to me describing how this product had greatly improved their health.

Why did the FDA do this? The answer lies in the law that FDA is trying to enforce.

In 1976, Congress enacted the Proxmire vitamin bill but neglected to exempt vitamins and other foods for special dietary use from the antiquated, overly broad definition of a drug. This situation forces the FDA to treat foods as though they were drugs when manufacturers make therapeutic claims about those foods. In other words, you can't advertise the health benefits of foods unless you are willing to go through an expensive, backlogged drug approval process.

This is why the strongest claim about the health effects of, say, oat fiber is that it is good for you. You cannot cite the many studies which show that switching from other fatty cold cereals to ones high in fiber can actually reduce a person's chances of getting cancer.

Ladies and gentlemen, oat fiber is not a drug. It should not be regulated like a drug. The food industry ought to be able to advertise the healthy affects of naturally healthy foods. This is why I am introducing a simple bill today to give a legal exemption to the definition of drugs for foods for special dietary uses.

Hopefully, the FDA will agree with me that a special definition for foods for special dietary uses should exist in the law so that food producers and suppliers can inform the public of the scientifically proven beneficial health effects of their products.

Called the Foods for Special Dietary Uses Act, the bill clarifies the ambiguous message Congress gave the FDA in 1976 when we passed the Proxmire bill. Without a change in the law, food companies will continue to be the target of FDA prosecution or threat of prosecution whenever they make a health claim regarding foods and food supplements which are specially formulated and marketed for special dietary uses. Even if such a claim is scien-

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tifically proven and believed to be true, the law compels FDA to prosecute the company. For example, my legislation would allow companies that sell bran cereals to notify consumers of the dietary benefits of such foods to mitigate diseases like cancer.

Another problem with the current law is that FDA officials are frustrated because the current law is so difficult to enforce uniformly. According to small food supplement companies, FDA appears to apply a double standard for small and large companies. Giant food companies have put health claims on millions of boxes of cereal with empty threats of prosecution by FDA. However, small businesses are vigorously prosecuted for selling "unapproved drugs" if they dare to mention similar health claims when marketing their products.

The current law is worse than unenforceable; it's bad policy. Uneven enforcement has caused widespread disrespect for both FDA and the law. Congress did not intend to encourage FDA to harass and threaten food companies which are trying to research and sell better, healthier foods.

Congress did intend that when a food or food supplement is sold for special dietary uses, its label should bear information that is "necessary in order to fully inform purchasers as to its value for such uses." Congress said these uses may include, but are not limited to "supplying a special dietary need that exists by reason of a physical, physiological, pathological, or other condition, including but not limited to the condition of disease * * *."

Logically, foods for special dietary uses should be exempt from the definition of a drug. They are not drugs. Health claims are not drug claims. Instead of prosecuting and intimidating food companies, I hope you agree with me that the Federal Government should encourage them to educate consumers on the best and least expensive ways to use wholesome and highly therapeutic special dietary foods to help attain optimum health and prevent disease.

I urge my colleagues in the U.S. Senate to join me as cosponsors of this legislation.

By Mr. GLENN (for himself and Mr. LAUTENBERG):

S. 2274. A bill to establish a Federal pay system with locality-based adjustments; to the Committee on Governmental Affairs.

FEDERAL PAY COMPARABILITY REFORM ACT

● Mr. GLENN. Mr. President, I rise to introduce a bill titled: the Federal Pay Comparability Reform Act of 1990. The legislation I am introducing today would revise the current pay-setting process for the white-collar work force established by the Federal Pay Comparability Act of 1970. The legislation is necessary because the pay adjustment processes used for the past several years have caused Federal pay rates to fall far behind the rates paid in the private sector for comparable jobs. Current law calls for pay comparability between the Federal and private sectors. However, every year since 1978, Presidents have proposed Federal pay adjustments at amounts lower than the pay received by private sector employees with comparable jobs. Even after considering the January 1990 pay increase, a gap of 25 percent still remains between Federal salaries and private sector rates.

The pay gap is a major cause of the recruitment and retention difficulties agencies across the board are experiencing. The Government simply is not competitive with other employers, especially in the high-cost, high-paying urban centers of the country where many Federal agencies are located.

A recent study by the Congressional Research Service found that the purchasing power of Federal salaries has declined by almost 25 percent since 1977 because pay increases have not kept up with inflation. Is it any wonder then that we hear complaints over and over again from Government officials about the difficulties they face in acquiring the staff they need to carry out their missions? A few examples of these are:

Law enforcement officials say that inadequate pay is hampering their efforts to attract and retain the people neede to fight the war on drugs.

Department of Energy officials say they cannot recruit the nuclear engineers they need to run their powerplants because pay is too low.

Securities and Exchange Commission officials say that low pay is the biggest problem facing the agency because it can no longer hire the attorneys needed to police the markets.

To address these problems, the bill takes a significant first step toward closing the pay gap by instituting a form of locality pay to make the Government more competitive in the areas where the pay gap is the greatest. It would add a locality adjustment to basic pay rates where non-Federal pay rates, both private sector and State and local governments, are above the national average. Using data from a commercial firm, the General Accounting Office made an analysis of the effects this could have when implemented. The attached analysis which is presented as an illustration shows that about 500,000 Federal employees would receive adjustments costing about $1 billion after considering offsets for special pay currently received.

The bill would also keep the overall gap from widening by mandating that annual adjustments in basic salary rates will be at least equal to the national average percentage increase in non-Federal salaries each year. The employment cost index [ECI] would be used to measure the changes in non-Federal salaries.

The bill contains provisions designed to give agencies more flexibility in their recruiting efforts when faced with unusual circumstances. Agencies would be authorized to appoint new employees at salary rates above the minimum rate of the appropriate grade when they meet certain criteria. The bill also broadens the circumstances under which an agency may request special pay rates. These circumstances would include remoteness of location and undesirable working conditions including exposure to toxic substances or other occupational hazards. In addition, the bill provides for 100 critical pay positions which could be paid up to the rate for executive level 1 in those instances where additional compensation is necessary to recruit or retain exceptionally qualified individuals.

Last year, Congress addressed the inadequate pay levels of Federal executives. It is time now to act on the problem of low pay for the rest of the work force. It is my hope that the Senate will act on this reform legislation this year.

I am pleased to have my distinguished colleague from New Jersey as cosponsor of this legislation.

Mr. President, I ask unanimous consent that the text of the legislation and a section-by-section analysis be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Pay Comparability Reform Act of 1990".

SEC. 2. POLICY.

Section 5301 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1) by inserting "within each pay area" after "work";

(B) in paragraph (2) by inserting "within each pay area" after "maintained"; and

(C) in paragraph (3) by striking out "pay rates for the same levels of work" and inserting in lieu thereof "and State and local government pay rates for the same levels of work within each pay area"; and

(2) in subsection (c)—

(A) in paragraph (2) by striking out "or" at the end thereof;

(B) in paragraph (3) by striking out the period and inserting in lieu thereof a semicolon and "and"; and

(C) by adding at the end thereof the following new paragraph:

"(4) chapter 54 of this title, relating to the performance management and recognition system.".

SEC. 3. LOCALITY-BASED ADJUSTMENTS.

(a) ADJUSTMENTS.—Chapter 53 of title 5, United States Code, is amended by inserting after section 5301 the following new section:

"§ 5302. Locality-based adjustments

"(a) Locality-based pay adjustments shall be determined by the Federal Pay Council established under section 5306 based on pay relative data determined by the Bureau of Labor Statistics under section 5305 for clerical and technical positions, professional and administrative positions, and other positions (including law enforcement officers). The adjustments shall be paid in wage areas determined by the Bureau of Labor Statistics and shall apply to each employee in a statutory pay system as defined under section 5301 whose permanent duty station is within the boundaries of the applicable wage area. An employee whose permanent duty station is not located within the boundaries of wage area surveyed by the Bureau of Labor Statistics shall receive that locality-based pay adjustment, if any, payable to employees in the nearest wage locality.

"(b) For purposes of pay retention under section 5363 of this title, that portion of a pay rate based on locality-based adjustments shall not be a rate of basic pay, if an employee transfers to a locality with a differing locality-based pay rate. Locality-based pay rates shall be part of basic pay for all other purposes, including retirement, life insurance, lump-sum leave payments, and severance pay.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5301 the following:

"5302. Locality-based adjustments.".

SEC. 4. HIGHER MINIMUM RATES; PRESIDENTIAL AUTHORITY.

Section 5303 of title 5, United States Code, is amended to read as follows:

"§ 5303. Higher minimum rates; Presidential authority

"(a) Whenever the President finds that the Government's recruitment or retention efforts with respect to 1 or more occupations in 1 or more areas or locations are significantly handicapped, due to any of the circumstances described in subsection (b), he may establish for the areas or locations involved, with respect to individuals in positions paid under any of the pay systems referred to in subsection (c), higher minimum rates of basic pay for 1 or more grades or levels, occupational groups, series, classes, or subdivisions thereof, and may make corresponding increases in all step rates of the pay range for each such grade or level (including under an alternative pay schedule). However, a minimum rate so established may not exceed the maximum pay rate prescribed by statute (or established under an alternative pay schedule, if applicable) for the grade or level. The President may authorize the exercise of the authority conferred on him by this section by the Office of Personnel Management or, in the case of individuals not subject to the provisions of this title governing appointments in the competitive service, by such other agency as he may designate.

"(b) Authority under subsection (a) may be exercised if the Government's efforts to recruit or retain well-qualified individuals are significantly handicapped by—

"(1) the remoteness of the area or location involved;

"(2) the undesirability of the working conditions or the nature of the work involved (including exposure to toxic substances or other occupational hazards); or

"(3) any other circumstances which the President (or an agency duly authorized or designated by the President in accordance with the last sentence of subsection (a)) considers appropriate.

"(c) Authority under subsection (a) may be exercised with respect to positions paid under—

"(1) a statutory pay system; or

"(2) any other pay system established by or under Federal statute for civilian positions within the executive branch.

"(d) Within the limitations applicable under the preceding provisions of this section, rates of pay established under this section may be revised from time to time by the President or by such agency as he may designate. The actions and revisions have the force and effect of statute.

"(e) An increase in a rate of pay established under this section is not an equivalent increase in pay within the meaning of section 5335.

"(f) The rate of basic pay established under this section and received by an individual immediately before a statutory increase, which becomes effective prior to, on, or after the date of enactment of the statute, in the pay schedule applicable to such individual of any pay system referred to in subsection (c), shall be initially adjusted, effective on the effective date of the statutory increase, under conversion rules prescribed by the President or by such agency as the President may designate.

SEC. 5. PRESIDENTIAL POLICIES AND REGULATIONS.

Section 5304 of title 5, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

"(1) reviewing and reporting to the President biannually the comparison of Federal pay rates with pay rates in private enterprise and State and local governments;";

(2) in paragraph (2) by striking out "annual comparison" and inserting in lieu thereof "annual general adjustment and locality-based adjustments"; and

(3) in paragraph (4) by inserting "and State and local government" after "enterprise".

SEC. 6. ANNUAL GENERAL ADJUSTMENT AND LOCALITY-BASED ADJUSTMENTS.

(a) ADJUSTMENTS.—Section 5305 of title 5, United States Code, is amended by striking out subsections (a) through (k) and substituting in lieu thereof:

"(a)(1) In order to carry out the policy stated in section 5301 of this title, the President shall—

"(A) direct the Bureau of Labor Statistics to determine in each fiscal year the increase in wages or salaries as reflected by the employment cost index (wages and salaries, white-collar occupations) based on information for the preceding 12-month period ending on September 30 of each year; and

"(B) direct the Bureau of Labor Statistics to determine pay relative data for each locality surveyed for the categories of positions in the General Schedule of—

"(i) clerical and technical positions;

"(ii) professional and administrative positions; and

"(iii) other positions including law enforcement officers.

"(2) The pay relatives shall be the average earnings for a certain employment group in a locality expressed as a percentage of the average earnings for that employment group in all wage areas combined. The wage areas surveyed shall be those areas determined by the Bureau of Labor Statistics in consultation with the Federal Pay Council. Each wage area shall be surveyed at least once every 2 years.

"(b) No later than November 1 of each year, the Bureau of Labor Statistics shall submit a report of the determinations made under subsection (a) to the Federal Pay Council established under section 5306.

"(c)(1) No later than December 31 of each year, the Federal Pay Council shall report to the President and the Congress the annual general adjustment which shall be that percentage adjustment to statutory pay rates which equals the increase in the employment cost index. The Council shall also report locality adjustments necessary to reflect the pay relative data determined by the Bureau of Labor Statistics. Such adjustments shall be included in the budget next transmitted under section 1105(a) of title 31, United States Code by the President to the Congress after the date of the submission of the Council's report.

"(2) The employment cost index adjustment described under paragraph (1) shall be rounded to the nearest tenth of a percent. The locality-based adjustment described under paragraph (1) shall be rounded to the nearest whole percent.

"(d) Except as provided in subsection (e) of this section, the President shall make adjustments in the rates of pay of each statutory pay system equal to the general annual adjustment and locality-based adjustment figures as reported under subsection (c) of this section and in accordance with the principles of section 5301(a) of this title, effective as of the beginning of the first applicable pay period beginning on or after October 1 of the applicable year.

"(e) The President shall prepare and report to the Congress in the budget transmittal described under subsection (c) of this section, a determination that the annual general adjustment or the locality-based adjustments should be limited or not implemented in the event of national emergency or economic conditions affecting the general welfare that requires the imposition of national wage-price controls. Any general adjustment or locality-based adjustment reduced or deferred by such a determination shall be implemented after the termination of such national emergency or wage-price controls.".

(b) REDESIGNATIONS.—Section 5305 of title 5, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (f);

(2) by striking out subsection (m); and

(3) by redesignating subsections (n) through (r) as subsections (g) through (k), respectively.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The heading for section 5305 of title 5, United States Code, is amended to read as follows:

"§ 5305. Annual general adjustment and locality-based adjustments.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by amending the item relating to section 5305 to read as follows:

"5305. Annual general and locality-based adjustments.".

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SEC. 7. FEDERAL PAY COUNCIL.

(a) FEDERAL PAY COUNCIL.—Section 5306 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) There is established as an independent establishment a Federal Pay Council, to be composed of 9 members including—

"(A) the Director of the Office of Personnel Management, who shall chair the Council;

"(B) the Secretary of Labor;

"(C) the Director of the Office of Management and Budget; and

"(D) six members who are not Federal employees, to be appointed by the President upon consideration of their knowledge and experience in the field of labor relations and pay policy, including three representatives from Federal employee unions or groups.

"(2) The President shall consult with the Chairmen and Ranking Minority Members of the Senate Committee on Governmental Affairs and the House Committee on Post Office and Civil Service in making the appointments of these six members.

"(3) The members described in subsection (a)(2) of this section shall be appointed for a term of 3 years, and such members appointed to fill a vacancy occurring before the end of the term of their predecessors shall serve for the remainder of those terms. When the term of a member described in subsection (a)(2) ends, that member may continue to serve until a successor is appointed.";

(2) in subsection (b)—

(A) by amending the matter preceding paragraph (1) to read as follows: "In order to carry out the policy under section 5301 of this title, the Council shall—";

(B) by amending paragraph (1) to read as follows:

"(1) receive the findings of the Bureau of Labor Statistics as reported under section 5305(a)(2), determine the general annual adjustment and locality-based adjustments necessary to maintain Federal pay consistent with the information gathered by the Bureau of Labor Statistics, and make recommendations to the Bureau of Labor Statistics concerning the number of boundaries of appropriate pay areas within the conterminous United States;";

(C) in paragraph (2)—

(i) by striking out "annual report of the President's agent" and inserting in lieu thereof "report from the Bureau of Labor Statistics"; and

(ii) by striking out ", the President's agent, other" and inserting in lieu thereof "and other";

(D) in paragraph (3) by inserting "and the Congress" after "the President";

(3) in subsections (c) through (h) by striking out "Committee" each place it appears and inserting in lieu thereof "Council" in each such place; and

(4) in subsection (g) by striking out "Each member of" and inserting in lieu thereof: "Each public member appointed under subsection (a)(2) of this section to".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The heading for section 5306 is amended to read as follows:

"§ 5306. Federal Pay Council".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by amending the item relating to section 5306 to read as follows:

"5306. Federal Pay Council.".

SEC. 8. PAY LIMITATION.

Section 5308 of title 5, United States Code, is amended to read as follows:

"§ 5308. Pay limitation

"Except for locality-based adjustments, pay may not be paid, by reason of any provision of this subchapter, at a rate in excess of the rate of basic pay for level V of the Executive Schedule. Pay adjusted in accordance with this subchapter, including any locality-based adjustment, may not exceed the rate of basic pay for level II of the Executive Schedule.".

SEC. 9. CRITICAL-POSITION PAY AUTHORITY.

(a) CRITICAL-POSITION PAY AUTHORITY.—Subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 5309. Critical-position pay authority

"(a) The Director of the Office of Management and Budget, in consultation with the Director of the Office of Personnel Management, may, from time to time, allocate and rellocate among the departments and agencies of the executive branch, critical-position pay authority for not to exceed a Government-wide total of 100 positions.

"(b) The head of an agency that receives an allocation of critical-position pay authority may exercise such authority for not to exceed the number of positions for which authority is received from the Director of the Office of Management and Budget under subsection (a).

"(c) For purposes of this section, 'critical-position pay authority' means the authority for the head of an agency, notwithstanding any other law, including any provision of this chapter, to fix the rate of basic pay for any position which such agency head determines to be a critical position at an annual rate that does not exceed the rate in effect for level I of the Executive Schedule, except that the aggregate annual amount paid (including any allowance, bonus, award, or other direct compensation) to an employee under this section during any fiscal year may not exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such fiscal year.

"(d) Critical-position pay authority for a position may be reexercised when a position becomes vacant and is refilled only upon a redetermination by the agency head that the position remains a critical position within the meaning of this section. Such authority may be reexercised only if the allocation made by the Director of the Office of Management and Budget required for such exercise under subsection (a) is reconfirmed by the Director of the Office of Management and Budget at the time of such reexercise.

"(e) In determining whether a position is a critical position to which this section shall apply, the head of the agency shall consider—

"(1) the extent to which the position requires scientific, technical, professional, or administrative qualifications; and

"(2) the extent to which additional compensation is necessary to recruit or retain exceptionally qualified individuals.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for subchapter I of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following:

"5309. Critical-position pay authority.".

SEC. 10. REPORTS BY THE FEDERAL PAY COUNCIL.

(a) REPORT ON LOCALITY-BASED ADJUSTMENTS FOR CERTAIN EMPLOYEES.—Within 2 years after the date of the enactment of this Act, the Federal Pay Council shall report to the President and the Congress on the feasibility of including within the scope of the locality-based adjustment plan those employees who are stationed outside the continental United States or in Alaska who receive allowances based on living costs and conditions of environment under section 5941 of title 5, United States Code.

(b) REPORT ON ADJUSTMENTS RELATING TO EMPLOYMENT PERFORMANCE.—Within 2 years after the date of the enactment of this Act, the Council shall report to the President and the Congress on the feasibility of linking all or part of the annual adjustments and locality-based adjustments to the employee's on-the-job performance.

(c) REPORT ON OTHER PLANS.—Within 3 years following implementation of the pay increases for fiscal year 1992, the Council shall submit a plan to the President and the Congress to close any remaining differences in Federal pay in comparison with private enterprise and State and local government pay rates.

SEC. 11. MINIMUM RATE FOR NEW APPOINTMENTS.

Section 5333(a) of title 5, United States Code, is amended by striking out "in GS-11 or above" and inserting in lieu thereof "in the General Schedule or other statutory pay system".

SEC. 12. EQUAL PAY PRINCIPLES.

Section 2301(b)(3) of title 5, United States Code, is amended by striking out "employers in the private sector" and inserting in lieu thereof "non-Federal employers".

SEC. 13. IMPLEMENTATION.

In the implementation of the amendments made under this Act for the fiscal year beginning on October 1, 1991, the Bureau of Labor Statistics may use pay relative and locality data from commercially available sources, as necessary.

SEC. 14. EFFECTIVE DATE.

The provisions of this Act and amendments made by this Act shall take effect on October 1, 1990, and the annual general adjustment and any locality-based adjustments under such amendments shall take effect on the first applicable pay period beginning on or after October 1, 1991. The provisions of title 5, United States Code, (before the amendments made by this Act) shall apply for pay adjustments made under section 5305 of such title before October 1, 1991.

SECTION-BY-SECTION ANALYSIS

The first section designates the bill as the "Federal Pay Comparability Reform Act of 1990."

Section 2 of the bill amends section 5301 of title 5, United States Code, to revise and restate the policy objectives under which pay will be fixed and adjusted for the General Schedule and the other statutory pay systems. In subsection 5301(a) the principle of equal pay for substantially equal work is modified to allow distinctions between different local pay areas. In subsection 5301(c) the definition of "statutory pay system" is amended to add the Performance Management and Recognition System to the list of statutory pay systems subject to the ECI-based annual general adjustment and the locality-based adjustments. The current statutory pay systems, which include the General Schedule, the Foreign Service, and the Veterans Health Services and Research Administration of the Department of Veterans Affairs, would also receive the annual general adjustment and the locality-based adjustments.

Section 3 of the bill adds a new section 5302 to title 5 which describes the locality-based adjustment mechanism. Under subsection 5302(a) and as more fully described in section 6 of the bill, the Bureau of Labor Statistics (BLS) is responsible for calculating the "pay relatives" for each designated locality for positions in the General Schedule and other statutory pay systems. These pay relatives would be calculated for positions as currently defined by the Office of Personnel Management and grouped as follows—technical and clerical positions, professional and administrative positions, and other positions (including law enforcement officers). Using the pay relative data, the Federal Pay Council, described more fully in section 7 of the bill, will be responsible for determining the locality-based adjustments necessary for each category in each pay area as well as recommending to BLS the boundies of the pay areas.

Under subsection 5302(b), locality-based adjustments shall not be protected under the pay retention provisions of section 5363 of title 5. If an employee transfers to another locality, the employee's locality-based adjustment shall be fixed at the rate, if any, in effect in the new locality. If a pay relative decreases as a result of a new survey in a pay area, the locality-based adjustment for the affected positions will be reduced or eliminated accordingly. However, the locality-based adjustment shall be considered part of the employee's basic pay for purposes other than pay retention, including retirement, life insurance, severance pay, and lump-sum leave payments.

Section 4 amends the existing authority in section 5303 of title 5 to set special rates of pay under certain circumstances. These circumstances would include: (1) the remoteness of the area or location involved; (2) the undesirability of the working conditions or nature of the work involved including exposure to toxic substance or other occupational hazards; or (3) any other circumstance which the President considers appropriate.

Section 5 amends section 5304 of title 5 describing the Presidential policies and regulations regarding statutory pay systems. The amended subsection 5304(a) changes the current provision which authorizes the preparation of a report on the annual comparison of federal pay rates with national average private enterprise rates (the Professional, Administative, Technical, and Clerical survey). This comparison of federal pay rates with private enterprise rates would be made every other year by BLS for the Federal Pay Council so that the effectiveness of the new ECI and locality-based mechanisms could be measured.

The amended subsection 5304(b) substitutes the terms "annual general adjustment and locality-based adjustment" for the term "annnual comparison" in describing the policy of obtaining and reporting on the views of employee organizations.

Section 6 amends section 5304 of title 5 by replacing the current pay comparability mechanism for adjusting federal pay with a new process for determining changes to statutory pay systems by an annual general adjustment and by locality-based adjustments.

Subsection (a)(1) of the amended section 5304 provides that an annual general adjustment shall be equal to the annual increase, if any, in the Employment Cost Index (ECI) for wages and salaries, white-collar occupations, as published by the Bureau of Labor Statistics. The ECI currently measures changes in wages or salaries in the private, nonfarm sector as well as state and local governments, and the BLS would be charged with gathering that data effective September 30 of each year.

Subsection (a)(2) requires BLS to calculate pay relatives for three categories of positions in the federal government in each of the pay areas. A pay relative is the average earnings for a given occupational category in a given pay area expressed as a percentage of average earnings for that job category in all pay areas combined. The pay relatives would be based on both private enterprise rates and state and local government rates.

Upon receipt of the data prepared by BLS, the Federal Pay Council will determine the annual general adjustment necessary to increase statutory pay rates for all employees by a percentage equal to the ECI increase, rounded off to the nearest tenth of a percent. The Council also will determine the applicable locality-based adjustments for each of the three categories of employees in each pay area. The locality adjustment figure will be rounded off to the nearest whole percent. There may be different locality-based adjustments within a given pay area for each category of employee, and where the survey data indicates that the ECI is less than zero or that a pay relative is below the national average, there will be no reduction in pay.

Subsection 5305(b) requires the BLS to report the applicable pay relative data to the Federal Pay Council by November 1 each year. It is intended that BLS would gather pay relative data each year in at least ½ of the pay areas, thus covering each pay area every 2 years.

Under subsection 5305(c), the Federal Pay Council, following receipt of the BLS information, reports to the President and the Congress by December 1 each year the annual general adjustment and locality-based adjustments necessary for the statutory pay systems.

Subsection 5305(d) provides that the annual general adjustment and the locality-based adjustments will be included in the President's budget next transmitted to the Congress and shall be implemented by the President effective the following October 1, unless limited or deferred under the provisions of subsection (e).

Subsection 5305(e) limits the current authority of the President to reduce or deny salary increases to federal employees. The annual general adjustment and/or the locality-based adjustments could be limited or deferred only if the President had imposed national wage-price controls. Once the wage-price controls were lifted, any general adjustment and/or locality-based adjustments would be implemented prospectively.

Subsection 6(b) of the bill continues certain provisions of the current section 5305 such as provisions concerning new rates of pay superseding prior rates, publication of the rates of pay in the Federal Register and Code of Federal Regulations, and increases in rates of pay not constituting an equivalent increase for purposes of periodic step increases.

Section 7 of the bill amends section 5306 of title 5 to abolish the President's Pay Agent and the Advisory Committee on Federal Pay. It creates a 9-member Federal Pay Council to be responsible for receiving the findings of the Bureau of Labor Statistics with respect to the pay relative data for those pay areas surveyed.

Subsection 5306(a) creates the Council and defines the membership to include the Director of the Office of Personnel Management, the Secretary of Labor, the Director of the Office of Management and Budget, and six members appointed by the President in consultation with the Chairmen and Ranking Minority Members of the Senate Committee on Governmental Affairs and the House Committee on Post Office and Civil Service. Three of the six members shall be union or employee representatives, and the Director of the Office of Personnel Management shall chair the Council.

The Federal Pay Council makes recommendations to BLS in planning the surveys and determining the number and boundaries of the pay areas to be surveyed. Upon receipt of the pay relative data gathered by BLS for each pay area surveyed that year, the Council determines what changes are necessary in the General Schedule and other statutory pay systems to reflect the changes in the ECI and the pay relative data reported by BLS. The Council reports its determinations to the President as well as to the Congress. Other changes in section 5306 provide the Council with some of the existing authority of the Advisory Committee to obtain information from other agencies, hire experts and consultants, and appoint and fix the compensation of personnel to assist the Council.

Section 8 of the bill retains the current pay ceiling on the General Schedule and other statutory pay systems at Level V of the Executive Schedule. Locality-based adjustments, when added to the statutory pay rate, are capped at Level II of the Executive Schedule.

Section 9 of the bill authorizes the Director of the Office of Management and Budget to establish up to 100 "critical pay" positions governmentwide. The annual rate for these positions could be set not to exceed level 1 of the Executive Schedule. These positions could be used in those instances where additional compensation is necessary to recruit or retain exceptionally qualified individuals.

Section 10(a) requires the Federal Pay Council to study the current cost-of-living allowance system for employees stationed in nonforeign areas outside the continental United States or in Alaska since the bill does not address locality-based adjustments in those areas. It is intended that within 2 years, the Council would recommend to the President and the Congress whether locality-based adjustments are feasible or desirable in those areas.

Section 10(b) requires the Federal Pay Council to study and report to Congress within 2 years of enactment of this law on the feasibility of linking the annual adjustments and locality-based increases to the employee's performance on the job. It is intended that the Council would study examples of existing pay-for-performance models in various agencies, such as the China Lake demonstration project and the pay system in place for certain positions in the U.S. General Accounting Office.

Finally, section 10(c) requires the Federal Pay Council to submit to the President and the Congress within 3 years a plan to close any remaining differences in pay in comparison with private enterprise and state and local government pay rates.

Section 11 amends section 5333(a) of title 5 which authorizes the appointment of certain individuals at rates above the minimum rate of the appropriate grade. Currently, section 5333(a) permits such appointments based on considerations such as the existing pay, the unusually high or unique qualifications of the candidate, or the special need of the government for that individual's services, but only for positions in grades GS-11 or above. The amended section 5333(a) would permit such appointments at all grade levels in the General Schedule or other statutory pay systems.

Section 12 amends section 2301 of title 5 which sets forth various merit principles. Pay comparability would be measured not just against private sector pay but also against pay in state and local governments which are surveyed by the Bureau of Labor Statistics.

Section 13 provides that the first annual general adjustment and locality-based adjustments will take effect in the fiscal year beginning October 1, 1991.

COST OF PAY RELATIVE-BASED LOCALITY PAY WITH CUTOFF AT 1.01

MSA	Number of GS employees	Average pay	White collar pay relative	Total cost (millions)	Average pay increase
Albuquerque	8,551	$30,405	0.95		
Anchorage	5,600	30,346			
Atlanta	24,503	29,972	1.01	$7.34	300
Austin	7,900	23,092	.95		
Baltimore	33,321	28,787	.99		
Boston	17,561	31,696	1.08	44.53	2,536
Bremerton	7,674	30,012	.90		
Charleston-N	8,421	27,240	.91		
Chicago	21,809	28,272	1.03	18.49	848
Cincinnati	9,225	24,001	.97		
Cleveland	9,092	30,502	.95		
Columbus	7,031	27,020	.88		
Dallas	11,242	30,695	.96		
Davenpt-Rock	6,446	30,083	1.04	7.76	1,203
Dayton	19,125	32,252	.83		
Denver	20,436	31,088	1.04	25.41	1,244
Detroit	13,801	29,155	1.13	52.31	3,790
El Paso	5,350	25,365	.87		
Fort Worth	6,740	32,092	.88		
Fresno	7,345	19,804	.80		
Harrisburg	10,707	26,504	.77		
Honolulu	13,896	28,016			
Houston	10,872	33,400	1.04	14.52	1,336
Huntsville	14,326	34,727	.88		
Indianapolis	10,784	28,330	.90		
Jacksonville	7,910	28,017	.80		
Kansas City	20,122	26,673	.91		
Los Angeles	26,360	29,147	1.10	76.83	2,915
Macon	9,453	28,160	.79		
Memphis	9,346	23,673	.78		
Miami	7,590	29,352	.92		
Minneapolis	7,660	30,069	.96		
Monmouth-Ocean	9,952	33,100	.99		
Nassau Suffolk	8,479	26,568	.99		
New Orleans	8,943	27,003	.88		
New York	24,664	29,436	1.13	94.38	3,827
Newark	9,540	31,537	1.05	15.04	1,577
Norfolk	30,641	20,930	.83		
Oakland	12,078	28,776	1.08	27.80	2,302
Oklahoma City	15,902	28,925	.79		
Oxnard Ventura	7,611	32,745	1.11	27.41	3,602
Pensacola	5,066	27,757			
Philadelphia	39,052	27,356	.95		
Phoenix	7,420	27,919	.92		
Pittsburgh	6,023	29,296	1.07	12.35	2,051
Portland	7,790	31,225	1.03	7.30	937
Richmond	8,775	26,595	.92		
Riverside	8,441	27,208	.89		
Sacramento	13,637	29,179	1.01	3.98	292
St. Louis	21,493	29,075	.96		
Salt Lake City	10,190	26,229	.91		
San Antonio	23,216	26,533	.84		
San Diego	18,571	27,147	1.00		
San Francisco	15,992	31,517	1.17	85.68	5,358
San Jose	5,697	33,208	1.21	39.73	6,974
Seattle	10,481	31,932	1.03	10.04	958
Tampa	5,410	26,041	.86		
Vallejo	5,109	29,326	.94		
Washington, DC	238,576	36,312	1.09	779.69	3,268
Totals	978,948			1,350.59	

Note.—Number of full-time employees (permanent and temporary) and average pay data for each MSA are as of March 31, 1989. Data for Anchorage and Honolulu are not included because they are under the nonforeign COLA program.●

● **Mr. LAUTENBERG.** Mr. President, I am pleased to join my colleague from Ohio in introducing the Federal Pay Comparability Reform Act of 1990. While existing law governing Federal pay is intended to assure comparability with the private sector, this legislative goal has not been achieved. On average, Federal employees around the country are paid 25 percent less than private sector workers doing comparable work. In the State of New Jersey, the minimum pay gap is 30 percent. For such professions as skilled medical care, it is as high as 60 percent.

This act seeks to bring the compensation of Federal employees closer in line with that received by workers in the private sector and State and local government in a particular region. This act also seeks to give Federal agencies the tools necessary to recruit and retain the most talented people for Government service. This act will enable the Federal Government to be a more competitive employer in areas of the country where the pay gap is the greatest.

In 1988, the Environmental Protection Agency reported that the average regional Superfund Office experienced a turnover rate of 13.77 percent of its employees. This manpower turnover significantly limited EPA's ability to manage the Superfund Program and cleanup our Nation's toxic waste sites. Why did these employees leave? Because they wanted more advancement opportunities and more money. Where did they go? They went to the private sector in jobs dealing with hazardous waste. What does that mean to the public? It means that the Superfund site down the road isn't going to be cleaned up as soon as it should be. It means that the public is exposed to hazards for a longer period of time than is necessary or safe.

An agency in the Treasury Department in Essex County, NJ has reported that the attrition rates of accountants has risen from 34 percent in 1986 to approximately 70 percent in 1988. The average cost to provide the most basic training during the first year of employment is $13,561 per accountant. The public lost $20 million in tax assessments because the Treasury Department did not have enough accountants to conduct audits. This is not to mention the loss for each newly trained accountant that went to the private sector.

Until today, the Senate has sought to remedy the Federal pay problem with ad hoc solutions for each agency's individual crisis. That has not worked well. A raise and relocation allowance was provided for FBI agents stationed in New York—including many New Jersey residents. But, when we attempted to extend those same benefits to FBI agents in Newark, NJ, we were rebuffed by House Members. And, of course, other Federal law enforcement personnel continue to be denied comparable increases. We succeeded in getting a pay demonstration program for the Federal Aviation Administration to staff certain facilities in high cost of living areas, but not others. Federal employees need a comprehensive solution.

Federal employees are one of out Nation's greatest resources. The public relies on them to care for our veterans, to protect their health and safety, to protect our children from drugs, and to keep our environment clean. Federal employees should not be forced to suffer from a compensation system that is inadequate and unresponsive to the increasingly high cost of living in many regions throughout the country.

Mr. President, the Federal Pay Comparability Reform Act of 1990 provides an excellent opportunity to begin to solve the Federal pay crisis. I urge my colleagues to support this legislation.●

By Mr. PRYOR (for himself, Mr. McConnell, and Mr. Bumpers):

S. 2276. A bill to amend the Food Security Act of 1985 to further enhance the Conservation Reserve Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SOIL AND WATER IMPROVEMENT AND MAINTENANCE ACT

● **Mr. PRYOR.** Mr. President, today I take great pride in rising to introduce the Soil and Water Improvement and Maintenance Act of 1990. This is a measure that will incorporate reason and balance in an attempt to improve conservation practices on farmland without disrupting production and eventually, food supply.

In the hope that we can continue to rest crop land due to environmental considerations and conservation practices, this bill would establish a program much like the Conservation Reserve Program, in that land would be bid into the program on a per acre basis, but only for a 3-year contract. This would enable us to restore land that otherwise will not be taken out of production for a period as long as 10 years. This would have a very real positive impact on the environment, and in the end, should prove beneficial to production. Obvious beneficiaries will be the soil, wildlife, farmers, and the consumer.

The second section of this bill provides for the construction of reservoirs for to serve as surface water storage facilities. As many are becoming painfully aware, our ground water supply is not replenishing itself as completely or as quickly as in years past. Constantly, we hear from producers who must drill deeper, purchase more irrigation equipment, and spend more money in an effort to secure water in order to produce this Nation's bountiful food supply. The water storage program would not provide incentive to the farmer by offering to share in the cost of constructing these ponds, but would provide the farmer with set aside credit instead. This allows the producer to effectively utilize his set-aside land, and it enables him to depend on a somewhat more stable water supply, all the while saving our ground water.

Finally Mr. President, this bill includes a provision that directs the Secretary of Agriculture to report to the respective agricultural committees in Congress on a plan that would provide for a means to enroll environmentally fragile lands in CRP that cannot otherwise be included due to a county's maximum enrollment of 25 percent.

Mr. President, these modest steps should provide constructive measures for simultaneously improving the environment and the U.S. agricultural production. I am indebted to my colleagues, Senators BUMPERS and McCONNELL for their contributions in this effort and wish to express my appreciation. I hope that our colleagues on the Senate Agriculture Committee will agree with us on the need and benefit of such a program, and join us in carrying this bill toward enactment.●

● Mr. McCONNELL. Mr. President, I join my colleague from Arkansas as we introduce a bill designed to enhance and expand this Nations' efforts in conservation. The Soil and Water Improvement and Maintenance Act of 1990 will allow farmers to target some specific problems by expanding authority under the Conservation Reserve Program.

The purpose of this bill is to encourage adoptions of filter strips for the protection of ground water quality which will also serve as a benefit to wildlife. A second section of the bill will allow producers to divert acreage into surface water storage reservoirs which would allow farmers to better manage available supplies of water. Also included in this bill is authority to begin a Soil Reserve Program. The purpose of which is the same as the Conservation Reserve Program, but allows the Secretary of Agriculture to enter into enrollment contracts of 3 years.

All three of these proposals allow farmers to build upon the progress of the past in order to assure a better future. In 1985, the Food Security Act intensified efforts within the Soil Conservation Service, an agency of the U.S. Department of Agriculture. Several new tools were introduced that provided defined objectives for protecting and preserving our Nation's soil and ground water supply.

Programs such as swampbuster, sodbuster, and especially the Conservation Reserve Program have all provided clear cut benefits to our environment. Also, since the enactment of the 1985 Food Security Act, conservation plans have been developed on over 88,000 farms including 3.3. million acres. These farm plans for various conservation practices will ensure that certain goals are met.

The swampbuster provisions protect true wetlands from being converted to other uses. My home State of Kentucky has an estimated 318,000 acres of wetlands and nationally there are nearly 99 million acres that can be classified as wetlands. Wetlands are one of our greatest natural resources and I agree with President Bush when he states that wetlands must be protected. However, I have a problem when numerous Government agencies begin to claim jurisdiction on this issue and farmers are lost in the battles over bureaucratic turf. While my legislation does not specifically address wetlands, it is my belief the Federal Government must concentrate all efforts on this and other environmental issues within the hands of a very few agencies. It should be the Soil Conservation Service within the Department of Agriculture that farmers work with in these areas.

Realizing that there is a growing public awareness about wetlands, I feel obligated to state that as a consequence we must proceed with common sense on any changes in current legislation. I would be opposed to any legislation that would remove large numbers of acres from agricultural production and force farmers to establish wetlands on land which has been farmed for many years. Maintaining wetlands remains a priority, but being fair to my State's 90,000 farmers and the 2 million farmers nationwide is a bigger priority.

Notice that the word fair was used. I do not condone nor do I support individuals that illegally cultivate true wetlands. Those individuals should be penalized. However, a broad redefining of wetlands that would shift millions of acres of very productive agricultural land to wetlands is not in the best interest of our country. We must never lose sight that this Nation was built on a strong agricultural industry which provides an abundant, high quality, safe supply of food and fiber. It is of paramount importance to remember that our Nation's future rests in the ability to maintain that agricultural industry.

It would logically follow that in order to maintain productivity the resources must be maintained or even improved. This is a very important objective of the Conservation Reserve Program. Since 1985 almost 34 million acres of environmental sensitive land has been idled and protected, over 400,000 acres of which are in Kentucky. This is the type of a successful program that we must build on in the future.

The Soil and Water Improvement and Maintenance Act of 1990 expands the Conservation Reserve Program to include additional eligibility criteria for fragile and sensitive areas. The inclusion of filter strips and buffer zones will add to the protection of ground water supplies. Additionally the Soil Reserve Program will allow farmers to enroll susceptible land in a 3-year version of the CRP.

Finally, the bill requests that the Secretary of Agriculture prepare a report that develops a plan to target additional fragile land for enrollment in the Conservation Reserve Program. It is time that agriculture took credit for the accomplishments of the past and set goals for the future. Protecting our natural resources is extremely important and this bill takes a step forward in preserving and protecting our environment.●

By Mr. BAUCUS:

S. 2277. A bill to amend the Federal Noxious Weed Act of 1974 and establish a Center for Noxious Weed Management and Data Collection, to provide for a coordinated management plan for the control of noxious weeds, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FEDERAL NOXIOUS WEEK ACT AMENDMENTS

● Mr. BAUCUS. Mr. President, today I am introducing legislation that will have a significant impact on American farmers. The legislation about which I speak will coordinate the war on weeds.

Weeds have become epidemic in proportion. The problem exists all over the United States. In Montana alone, 8.4 million acres are infested with noxious weeds; over one-half with spotted knapweed. Scientists predict that 70 million acres will be lost to knapweed if control measures are not taken. One Federal agency charged with the responsibility of controlling noxious weeds does not even consider spotted knapweed to be a noxious weed. You ask why? Because this agency does not fall within their definition of noxious weed. It is too widespread. In addition, every county in Montana has been infested with leafy spurge.

It is estimated that agricultural productivity decreases about 10 percent due to noxious weed infestation. This production loss together with the current cost of control is well over $20 billion annually in the United States. And in addition, weed spread is occurring at the rate of 7 to 10 percent per year.

A number of existing Federal statutes touch on this problem. Federal agencies sometimes work together or work with the States, but not in any organized, coordinated fashion. Neither statute nor agency approach noxious weeds control comprehensively. It is time to take control of this situation.

Some States have attempted to control noxious weeds within their borders. It is, however, a very difficult

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and expensive problem for a State to undertake. As an example, Montana has developed an innovative system to make funding available. My State has initiated a surcharge on motor vehicle registration. This provides some funding, but it is not enough. No matter how much money Montana raises for weed control, its program's success depends on what surrounding States are doing about the problem.

As widespread as this particular problem is there has never been a coordinated effort on the part of all of the parties involved to come up with a solution—until now. My legislation attempts to combat the problem of noxious weeds infestation in a systematic, cooperative manner. This legislation provides the framework from which Federal, State, and local governments, as well as, private landowners can move forward toward resolution of this problem.

My legislation first recognizes that the elimination of noxious weeds from all agricultural land and wilderness areas is highly unlikely. Bearing this in mind, we must therefore, approach noxious weeds from the perspective of limiting spread and infestation to an acceptable level. We must learn to live with minimal levels of noxious weeds.

It also recognizes that because of concern for the affects of the overuse of chemicals on the environment, on ground water, it is no longer possible nor wise to use this type of control method exclusively. We must in fact consider alternative types of control. We must incorporate cultural methods as well as biological control technology to achieve our ultimate goal of reaching an acceptable level of noxious weeds. We must truly develop an integrated management plan, on a national level, in order to control this problem.

My legislation establishes a policy to control noxious weeds. To carry out this policy it creates a center, to be located within a lead Federal agency, whose function is to both assess the extent of the noxious weed problem and to develop and monitor an integrated management plan on a national level. All parties, Federal, State, local government, and private landowner will be given the opportunity to offer suggestions as to the development of the integrated plan. These parties will also be expected to participate in the plan once it has been formulated by the center.

To conclude, it is clear that we have a significant problem in controlling noxious weeds throughout these United States. It seems that plant species which were originally exotic to the United States have set up housekeeping within our borders. As a result, a range of problems both agricultural and environmental have been created. In order to effectively eliminate these problems we must use a coordinated approach. Again, it does no good to attempt to eliminate weeds on one piece of land when the adjoining land continues to be infested. I believe my legislation will create a center that can both assess the extent of the problem and develop a coordinated plan to effectively deal with this problem on a national level.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2277

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Noxious Weed Act Amendments of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) noxious weeds are—

(A) contaminating Federal lands by taking over and encroaching on desirable plant species;

(B) polluting air, land, and water resources by increasing soil erosion and decreasing natural ground cover;

(C) spreading from Federal lands to contaminate State and private lands;

(D) causing wildlife species to migrate from Federal lands by taking over the natural habitat of those wildlife species;

(E) causing human health hazards through the spread of pollen, insects, and disease;

(F) costing farmers and ranchers millions of dollars in lost crops and range land; and

(G) out-competing the natural vegetation of the area that such weeds are present in and therefore have a considerable impact on domestic animals and wildlife foraging in such areas;

(2) unless noxious weeds are controlled or contained, they will—

(A) increase exponentially, causing further contamination and deterioration of wildlife habitat, recreational resources, and aesthetic values;

(B) increase soil, water, and air pollution;

(C) have a detrimental effect to human health; and

(D) further eliminate natural species of vegetation;

(3) even though there are numerous laws addressing the stewardship and management of Federal lands, those laws do not directly or effectively deal with the management of noxious weeds on Federal lands;

(4) the total eradication of noxious weeds is impossible, therefore resources should be used to develop measures that will decrease the numbers of noxious weeds to an acceptable level;

(5) concerns about ground water contamination and environmental impact argue in favor of a more ecologically sound approach to resolve noxious weed problems;

(6) to control noxious weeds, the focus must be on a coordinated management plan as opposed to the exclusive use of chemical control;

(7) a comprehensive, national noxious weeds management act will—

(A) protect our environment by preventing the pollution of air, land, and water resources and will reduce soil erosion by preventing the introduction and continuing the spread of noxious weeds on Federal lands;

(B) protect recreation uses and aesthetic values on Federal lands by reducing the risk of introduction of noxious weeds from one area to another;

(C) protect habitat for wildlife and domestic animals on the Federal lands by reducing the spread of undesirable plants which are detrimental to desirable vegetation;

(D) protect threatened and endangered species listed under the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) by reducing the infestation of noxious weeds in protected ecosystems;

(E) provide for the management, development, and enhancement of Federal lands by protecting those lands from the continuing spread of noxious weeds; and

(F) promote future technology for the development of biological mechanisms for the control of noxious weeds.

(b) Purposes.—It is the purpose of this Act—

(1) to establish a Center for Noxious Weed Management and Data Collection;

(2) to establish a coordinated management plan for the control of noxious weeds while minimizing the damage caused by such weeds, the cost of such control, and the detrimental impact on the environment; and

(3) to implement the plan on a nationally coordinated basis in order to systematically control noxious weeds.

SEC. 3. DEFINITION.

Section 3(c) of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2802(c)) is amended by adding at the end the following new sentence: "Not later than September 30 of each fiscal year, the Secretary, after consultation with the Director of the Center established under section 8A, shall publish a list of parasites or plants identified as noxious weeds that are, or may become, widespread and that are causing, or may cause, significant problems with domestic agriculture.".

SEC. 4. CENTER FOR NOXIOUS WEED MANAGEMENT AND DATA COLLECTION.

The Federal Noxious Weed Act of 1974 is amended by inserting after section 8 (7 U.S.C. 2807) the following new section:

"SEC. 8A. CENTER FOR NOXIOUS WEED MANAGEMENT AND DATA COLLECTION.

"(a) Establishment.—The Secretary shall establish, within the Animal and Plant Health Inspection Service, a Center for Noxious Weed Management and Data Collection, to be administered by a Director appointed by the Secretary.

"(b) Functions.—The Director shall—

"(1) not later than 180 days after the date of enactment of this section, determine the extent of the noxious weed problem in the United States;

"(2) accumulate and assess, on a continuing basis, data concerning types of noxious weeds and the acreage that such weeds are present in;

"(3) develop a coordinated management plan for the control of noxious weed species in accordance with section 8B;

"(4) monitor the effect of the plan on noxious weed control; and

"(5) perform any other activities that the Secretary shall determine appropriate.".

SEC. 5. COORDINATED MANAGEMENT PLAN.

The Federal Noxious Weed Act of 1974 (as amended by section 4 of this Act) is further amended by inserting after section 8A the following new section:

"SEC. 8B. COORDINATED MANAGEMENT PLAN.

"(a) Establishment.—Not later than 120 days after the Director determines the extent of the noxious weed problem in the United States under section 8A(b)(1), the

Secretary shall establish a coordinated management plan for the control of noxious weeds throughout the United States.

"(b) COMMENTS.—In developing the plan under subsection (a), the Secretary shall solicit the comments of other Federal agencies, State and local governments, and private landowners.

"(c) CONTENTS.—The plan developed under subsection (a) shall—

"(1) provide for an integrated management system for the control of noxious weeds through the establishment of minimum standards and requirements for the control of noxious weeds throughout the United States;

"(2) permit State and local governments to prescribe more restrictive standards and requirements than those established under paragraph (1);

"(3) emphasize the use of progressive agricultural methods to control noxious weeds, including the use of new biological control technology; and

"(4) contain any other information that the Secretary determines is appropriate.

"(d) PARTICIPATION OF FEDERAL AGENCIES.—

"(1) REQUIREMENT.—A Federal agency that carries out a program or activity that affects the control of noxious weeds shall—

"(A) comply with the plan established under subsection (a);

"(B) maintain staff adequately trained in the management of noxious weeds to develop and coordinate a program for the management of noxious weeds on Federal land under the agency's jurisdiction;

"(C) establish and adequately fund through the agency's budgetary process a program to manage noxious weeds on a continuing basis;

"(D) enter into and implement cooperative agreements with State agencies and local agencies regarding the management of noxious weeds on Federal lands under the agency's jurisdiction and on State and private lands adjacent to Federal land;

"(E) establish integrated management systems to control or contain noxious weeds targeted under cooperative agreements;

"(F) require that equipment (including road construction equipment, recreational vehicles, and farm or ranch equipment) and agronomic crops (including hay, alfalfa, straw, and other feed for livestock or wildlife), prior to entry onto Federal lands, be certified free of noxious weeds under certification standards set by the Federal agency in consultation with appropriate Federal and State agencies;

"(G) cooperate with State and local agencies to control or contain noxious weeds on land under the agency's jurisdiction; and

"(H) complete an environmental assessment or environmental impact statement that may be required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to implement noxious weed control or containment no later than 1 year after the necessity of preparing such an assessment or statement is ascertained.

"(2) REPORT OF FEDERAL AGENCIES.—Such agency shall submit an annual report to the Secretary that describes actions taken by the agency to comply with the plan established under subsection (a).

"(e) PARTICIPATION OF STATE AND LOCAL AGENCIES.—To be eligible to receive any assistance provided by the Secretary for the control of noxious weeds, a State or local agency shall comply with the plan established under subsection (a).

"(f) PARTICIPATION OF LANDOWNERS.—

"(1) COST SHARING.—The Secretary may provide grants to State and local agencies to enable such agencies to provide cost sharing incentives to local private landowners to encourage such landowners to participate in the plan established under subsection (a).

"(2) ELIGIBILITY.—To be eligible to receive any assistance provided by the Secretary for the control of noxious weeds, a State agency or local agency shall establish procedures to ensure that at least 80 percent of the landowners who are eligible to participate in the plan established under subsection (a) participate in such plan.

"(g) REPORT OF SECRETARY.—The Secretary shall annually prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report concerning—

"(1) the compliance of Federal, State, and local agencies with the requirements of the plan established under subsection (a); and

"(2) the progress of the coordinated management plan established under subsection (a) in controlling the existence and spread of noxious weeds.

"(h) DEFINITIONS.—As used in this section:

"(1) INTEGRATED MANAGEMENT SYSTEM.—The term 'integrated management system' means a system for the planning and implementation of a program using an interdisciplinary approach to select a method for containing or controlling noxious weeds using all available methods, including—

"(A) education;

"(B) preventive measures;

"(C) physical or mechanical methods;

"(D) biological agents;

"(E) herbicide methods;

"(F) cultural methods; and

"(G) general land management practices.

"(2) INTERDISCIPLINARY APPROACH.—The term 'interdisciplinary approach' means an approach to making decisions regarding the containment or control of noxious weeds that—

"(A) includes participation by personnel of Federal or State administrative agencies with experience in areas including weed science, range science, wildlife biology, land management, and forestry; and

"(B) includes consideration of—

"(i) the most efficient and effective method of containing or controlling noxious weeds;

"(ii) scientific evidence and current technology;

"(iii) the physiology and habitat of a plant species; and

"(iv) the economic, social, and ecological consequences of implementing the program.".

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Section 11 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2810) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end the following new subsection:

"(b) There are authorized to be appropriated to carry out sections 8A and 8B, $100,000,000 in each of the fiscal years 1990 through 1994.".●

By Mr. ROTH:

S. 2278. A bill to establish an Office of Federalism Assistance within the Office of Management and Budget; to the Committee on Governmental Affairs.

OFFICE OF FEDERALISM ASSISTANCE ACT

Mr. ROTH. Mr. President, today I would like to address an issue long ignored, but of fundamental importance to this Nation—the strengthening of federalism.

In recent decades we have witnessed an overreliance on the Federal Government for solving all our problems. There seems to be an expectation that for every challenge, for every concern, it is Washington that has the resources, the expertise—and indeed, the responsibility. This has become virtually an automatic response, even for those issues long thought to belong properly to the State and local governments. We have, in other words, forgotten our tradition of federalism.

American federalism rests on the notion that there are various levels of government, each with its own powers and its own set of responsibilities. That principle is part of the bedrock upon which this country was founded. It recognizes that the Nation's capital is not the font of all wisdom, and that better ideas often spring from those closest to the problem, within our State and local governments.

This understanding was perhaps no better stated than by Justice Louis Brandeis, who in 1932 wrote:

> It is one of the happy incidents of the Federal system that a single, courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

On the other hand, we do recognize that for some problems, there is shared responsibility between the Federal Government and our State and local governments. And we also know that, even for some largely non-Federal problems, many cities and States have had great difficulty finding satisfactory answers.

In both instances, when the Federal Government has gotten involved, it has been through either the imposition of mandates or the provision of financial assistance. However, the former is expensive to State and local governments, and the latter is very costly to the Federal Government.

Our challenge, then, is to find a way to assist cities and States that are both nonintrusive and cost effective.

I believe there is such a way. It is by getting serious about taking full advantage of the genius of federalism.

The State and local government laboratories are conducting thousands upon thousands of experiments all across this land. Some are great successes, and some are not. Meanwhile, the constant experimenting and tinkering and searching continues, as our cities and States discover new ways to deal with the challenges facing them. Some of those innovations might be applicable in communities elsewhere.

For example, San Diego is addressing a severe shortage of low-income housing through a comprehensive program of renovating and building more single room occupancy units, with

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shared bath and kitchen facilities. Illinois' Project Match is moving inner-city welfare families to economic self-sufficiency, through an innovative program of sustained caseworker involvement, multiple placements, and a tracking system to monitor each client's progress. Sunnyvale, CA, has stayed in strong financial shape through a unique budget system that projects all operating, maintenance, capital, and debt costs 10 years ahead, and that tracks the productivity trends of every city service.

Unfortunately, the results of far too few successful laboratory experiments are shared with those who might benefit. What sharing of innovation that does occur, is done on a very limited basis. There is little real effort to reach those communities most in need of the information, and in a format that is most useful. The fact is, we are missing a great opportunity to strengthen our Federal system, and to provide a real service to our cities and States.

Therefore, I am today introducing legislation to fill that void, and to help bring to fruition the full benefits of federalism.

The Office of Federalism Assistance Act would create within OMB an office charged with the responsibility of finding out what works and sharing that information. This office would begin by working with cities and States to identify the major problems facing those governments. It would then find, for each such problem, several examples of State or local innovations that have proven most effective. Detailed materials would be developed on the "how to's" of implementing each such successful innovation, and made available for a nominal fee. And particularly important, this Office of Federalism Assistance would periodically distribute to all State and local governments a listing of the materials available.

In addition, the office would work with other Federal agencies that run intergovernmental programs, helping them identify and publicize exemplary practices. Part of this effort would be the development of a catalog of Federal technology transfer programs useful to State and local governments. The office would also serve as an information resource for the Congress and the executive branch on which kinds of programs work best, and which Federal mandates are counterproductive and stifle innovation.

Many organizations, both public and private, are already engaged in recognizing successes in some types of State and local programs. Part of the role of the Office of Federalism Assistance would be to help those organizations be more effective in their efforts. It could assist them in finding examples of excellence, in developing more comprehensive instruction materials, and in distributing the information more broadly. This office could then target the unmet needs and the information gaps.

Step-by-step, federalism would be strengthened, as more problems are addressed and new innovations shared. This office would fund no programs, nor would it issue any mandates. Its intergovernmental assistance would be positive and cost effective. Its fundamental mission would be to help cities and States help themselves.

That this is an appropriate function of the Federal Government was expressly acknowledged in the President's recently submitted budget for fiscal year 1991. In it, the President states that—

> Across the broad range of domestic policy, the administration will: continue to encourage the "States as laboratories;" work with Governors, mayors, county officials and their various associations to foster innovation and identify obstacles to it; ensure sound evaluation of experiments and publicize lessons learned; and together with State and local governments, facilitate the more general application of the "state of the art" where innovation has shown the way to better results.

However, we need an organized, coordinated effort to oversee that responsibility. Otherwise, despite our good intentions, the results will continue to fall far short of what is needed and what is possible.

State and local governments everywhere are crying out for information on what works. Congress, and indeed many Federal agencies, ask that same question. And all the while, there are individual communities across this country that can tell us.

The fact that those communities have been able to experiment, to innovate, is a tribute to our federalist system. The fact that we have had no systematic way to take advantage of that creativity and the home grown solutions has clearly been a shortcoming. But we can change that.

On an important, practical level, there is a way to link those successful solutions with the many communities eager for assistance. It is through an Office of Federalism Assistance. Charged with spotlighting successes, that office will inspire creativity, experimentation, and a commitment to excellence. And in doing so, this office will also be making an important philosophical statement. It will be reaffirming a fundamental, founding principle of our Republic, by breathing renewed vitality into the spirit of federalism.

I ask unanimous consent that a copy of the bill be printed in the RECORD, along with this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Office of Federalism Assistance Act".

SEC. 2. PURPOSE.

The purpose of this Act is to strengthen federalism by—

(1) recognizing that State and local governments are laboratories of democracy, with many successful innovations that have proven effective in solving problems which may be duplicated elsewhere;

(2) enabling the Federal Government to help increase the capacity of State and local governments to solve problems by identifying and sharing those successful innovations;

(3) developing a central information resource for State and local governments on existing Federal technology transfer programs; and

(4) developing a central information resource for Federal agencies and the Congress on certain types of State and local programs that have proven to be most successful in solving identified significant problems to—

(A) improve the effectiveness of Federal aid programs; and

(B) reduce the imposition of counterproductive or impractical Federal mandates.

SEC. 3. ESTABLISHMENT.

(a) ESTABLISHMENT OF OFFICE.—There is established within the Office of Management and Budget the Office of Federalism Assistance (hereinafter referred to as the Office).

(b) ADMINISTRATOR OF THE OFFICE OF FEDERALISM ASSISTANCE.—There shall be at the head of the Office, the Administrator of the Office of Federalism Assistance (hereinafter referred to as the Administrator) who shall be appointed by the President, by and with the advice and consent of the Senate.

(c) ADMINISTRATOR AS LEVEL III POSITION.—Section 5314 of title 5, United States Code, is amended by adding at the end thereof:

"Administrator, Office of Federalism Assistance, Office of Management and Budget.".

(d) OTHER EMPLOYMENT POSITIONS AND EMPLOYEES.—No provision of this Act shall be construed as requiring the establishment of any employment position (other than the establishment of the Administrator under subsection (b)) or the hiring of any employee to carry out the provisions of this Act. All costs authorized pursuant to this act shall be provided by existing Federal departmental and agency operations.

SEC. 4. AUTHORITY AND FUNCTIONS.

The Office of Federalism Assistance shall have the authority to—

(1) identify the significant problems facing State and local governments;

(2) identify those specific programs of State and local governments that have proven most effective in solving problems faced by those governments and which may be appropriate for duplication or adaptation elsewhere;

(3) conduct studies of the most effective management practices and structures in use by State and local governments, including financial management systems, budget systems, and personnel practices;

(4) develop information and materials that explain the specific steps necessary to—

(A) implement the programs, practices, and systems identified as having proven to be most effective; and

(B) make such materials available to State and local governments and the public, at a reasonable fee;

(5) serve as a resource for Federal agencies and the Congress to acquire information on—

(A) the types of intergovernmental assistance programs that have been most effective; and

(B) Federal regulations and mandates that are most impractical or counterproductive for State and local governments to comply with, particularly the small local units of government; and

(6) sponsor or cosponsor State and local government excellence competitions and recognition programs.

SEC. 5. RESPONSIBILITIES.

(a) Responsibilities.—The Office of Federalism Assistance shall—

(1) in the fiscal year following the date of the enactment of this Act and at least every four years thereafter, conduct a survey of all State, county, municipal, and township governments, to determine which problems those governments identify as—

(A) being of a serious nature for which technical assistance is needed; and

(B) having been successfully addressed by that government in a way that might be applicable to other such governments;

(2) in the second fiscal year following the date of the enactment of this Act and at least every two years thereafter, distribute to key elected and appointed officials in all State, county, municipal, and township governments, and make available to the public, a document which includes—

(A) a listing of the significant problems faced by those governments;

(B) a summary of the several most effective programs or practices which have successfully addressed each such problem; and

(C) the price and method of acquiring specific, detailed information on the implementation of each summarized program or practice;

(3) compile and publish a catalog listing the existing technology transfer programs within the departments and agencies of the Federal Government; and

(4) consult with the Advisory Commission on Intergovernmental Relations, and with elected and appointed officials recognized as experts in developing innovative programs that have successfully addressed serious governmental problems.

(b) Definition.—For purposes of subsection (a)(3), the term "technology transfer programs" means programs that are designed to disseminate and facilitate the exchange of information on innovative methods of service delivery in State and local government.

SEC. 6. INTERAGENCY COORDINATION.

The Office of Federalism Assistance shall cooperate with other Federal departments, agencies, offices, and entities that have intergovernmental responsibilities and programs by—

(1) assisting in the identification of those exceptional uses of intergovernmental assistance that could serve as models for implementation elsewhere; and

(2) developing an agreement that coordinates the responsibilities for publicizing and disseminating information on the model programs.

SEC. 7. INTERGOVERNMENTAL COOPERATION.

The Office of Federalism Assistance may, in cooperation with any State or local government, or with any non-governmental entity, organization, or person—

(1) assist in the publication, information dissemination, or referral activities of any State or local government excellence competitions and recognition programs that are consistent with the purposes and provisions of this Act;

(2) sponsor or cosponsor conferences and workshops on ways to implement State and local government programs and practices that have proven to be successful; and

(3) contract for the provision of services, including any studies, surveys, analyses, programs, information, or materials authorized or required under this Act.

SEC. 8. ADMINISTRATIVE POWERS.

Upon the request of the Administrator of the Office of Federalism Assistance, each executive department and agency shall—

(1) make its services, personnel, and facilities available to the Office to the greatest practicable extent for the performance of functions under this Act; and

(2) except when prohibited by law, furnish to the Administrator and provide access to all information and records in its possession which the Administrator may determine to be necessary for the performance of the functions of the Office.

SEC. 9. TERMINATION OF THE OFFICE OF FEDERALISM ASSISTANCE.

The provisions of this Act and the amendment made by section 3(c) of this Act are repealed effective on September 31, 1995, and the Office of Federalism Assistance shall terminate on such date.

By Ms. MIKULSKI (for herself, Ms. Kassebaum, Mr. Kennedy, Mr. Durenberger, Mr. Hollings, Mr. Dodd, and Mr. Pell):

S. 2283. A bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer, and for other purposes; to the Committee on Labor and Human Resources.

BREAST AND CERVICAL CANCER MORTALITY PREVENTION ACT OF 1990

● Ms. MIKULSKI. Mr. President, I rise today with my colleagues from both sides of the aisle, Senators Kassebaum, Kennedy, Durenberger, Hollings, Dodd, and Pell to introduce life-saving legislation.

Mr. President, breast cancer is the most common form of cancer in women in the United States. It is also the second leading cause of death in women. About 1 out of every 10 women will develop breast cancer during her lifetime. Every 13 minutes a woman dies of breast cancer in the United States. Over 40,000 women each year die from breast cancer, and the numbers are growing. I know that many members of this body, sadly enough, have had loved ones fall victim to this terrible disease.

Cervical cancer is also a life-threatening disease. It strikes more than 13,000 women each year. This type of cancer is found most among low-income women, but all women are at risk.

While these deaths are tragic, the real tragedy is that much of the loss of life from these cancers could be prevented. Early detection is the best method of improving a woman's chance of survival. Mammography is a highly safe and reliable precedure which can detect breast tumors in their early stages. Regular screening mammographies can reduce breast cancer deaths by 30 percent. A pap test is a valuable and simple procedure that is very effective for detecting cervical cancer in its early stage. Yet a large percentage of women never have these tests. The problem is that many women don't have insurance coverage for preventive care.

It is time that Congress gets involved. The Breast and Cervical Cancer Mortality Prevention Act of 1990 authorizes grants to States for preventive health screening. The States would provide pap smears and mammograms, and then referrals and followup after the screenings. The State could also use this money to develop information and education programs about these preventive tests, and to train health personnel. Priority in this program would be given to low-income women.

Mr. President, earlier this year our country lost a truly special advocate for women's health with the death of Rose Kushner. Rose was a tireless fighter for the rights of breast cancer patients.

Rose lost her own battle with breast cancer after 16 years. But her legacy will live on and on. She saved the lives and preserved the dignity of thousands of women by increasing their awareness of breast cancer and the methods available to prevent and to threat it. This legislation will carry on her work.

Mr. President, we have a moving memorial to the 57,000 men who died in combat in the Vietnam war. Let this legislation be a memorial to Rose Kushner and to the 330,000 women who died from a cancer during that same 10-year period.

Mr. President, earlier today I held a hearing, with my colleagues Senators Adams, Cohen, and Levin, on cleaning up our clinical labs so women will not die needlessly from misread pap smears. While these labs are being cleaned up, however, we have to be certain that women are coming in for pap smears in the first place.

If this bill is enacted, we could save the lives of thousands of women each year. I believe that no woman should have to experience the devastations effect of cancer simply because she cannot afford to have routine health screening. It is time for Congress to consider breast and cervical cancer by encouraging these low-cost preventive

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procedures that work. We need to act now to lower the number of these early and tragic deaths.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2283

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Breast and Cervical Cancer Mortality Prevention Act of 1990".

SEC. 2. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES FOR PREVENTION AND CONTROL OF BREAST AND CERVICAL CANCER.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by inserting after title XIV the following new title:

"TITLE XV—PREVENTIVE HEALTH MEASURES WITH RESPECT TO BREAST AND CERVICAL CANCERS

"SEC. 1501. ESTABLISHMENT OF PROGRAM OF GRANTS TO STATES.

"(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control, may make grants to States for the purpose of carrying out programs—

"(1) to screen women for breast and cervical cancer as a preventive health measure;

"(2) to provide appropriate referrals for medical treatment of women screened pursuant to paragraph (1) and to provide appropriate follow-up services with respect to the effect of such referrals;

"(3) to develop and disseminate public information and education programs for the prevention and control of breast and cervical cancer;

"(4) to improve the education, training, and skills of health professionals (including allied health professionals) in the prevention and control of breast and cervical cancer;

"(5) to establish mechanisms through which the State can monitor the quality of screening procedures for breast and cervical cancer, including the interpretation of such procedures; and

"(6) to evaluate activities conducted under paragraphs (1) through (5) through appropriate surveillance or program-monitoring activities.

"(b) PREFERENCES IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to any State in which—

"(1) there is a substantial rate of mortality associated with breast or cervical cancer (relative to the national rate of such mortality); and

"(2) there is an inadequate availability of services or activities described in such subsection.

"(c) GEOGRAPHIC DISTRIBUTION OF GRANTS.—In making grants under subsection (a), the Secretary shall ensure that the grants are equitably distributed among the principal geographic regions of the United States.

"(d) GRANT AND CONTRACT AUTHORITY OF STATES.—A State receiving a grant under subsection (a) may expend the grant to carry out the purpose described in such subsection through grants to, and contracts with, public or nonprofit private entities.

"SEC. 1502. REQUIREMENT OF MATCHING FUNDS.

"(a) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees, with respect to the costs to be incurred by the State in carrying out the purpose described in such section, to make available non-Federal contributions (in cash or in kind under subsection (b)) toward such costs in an amount equal to not less than $1 for each $3 of Federal funds provided in the grant. Such contributions may be made directly or through donations from public or private entities.

"(b) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—

"(1) IN GENERAL.—Non-Federal contributions required in subsection (a) may be in cash or in kind, fairly evaluated, including equipment or services (and excluding indirect or overhead costs). Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(2) MAINTENANCE OF EFFORT.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the State involved toward the purpose described in section 1501 for the 2-year period preceding the first fiscal year for which the State is applying to receive a grant under such section.

"(3) INCLUSION OF RELEVANT NON-FEDERAL CONTRIBUTIONS FOR MEDICAID.—In making a determination of the amount of non-Federal contributions for purposes of subsection (a), the Secretary shall, subject to paragraphs (1) and (2) of this subsection, include any non-Federal amounts expended pursuant to title XIX of the Social Security Act by the State involved toward the purpose described in paragraphs (1) and (2) of section 1501(a).

"SEC. 1503. REQUIREMENTS WITH RESPECT TO TYPE AND QUALITY OF SERVICES.

"(a) REQUIREMENT OF PROVISION OF ALL SERVICES BY DATE CERTAIN.—The Secretary may not make a grant under section 1501 unless the State involved agrees—

"(1) to ensure that, initially and throughout the period during which amounts are received pursuant to the grant, not less than 60 percent of the grant is expended to provide each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers;

"(2) subject to subsection (b), to ensure that—

"(A) in the case of breast cancer, both a physical examination of the breasts and the screening procedure known as a mammography are conducted; and

"(B) in the case of cervical cancer, the screening procedure known as a pap smear is conducted;

"(3) to ensure that, by the end of any second fiscal year of payments pursuant to the grant, each of the services or activities described in section 1501(a) is provided; and

"(4) to ensure that not more than 40 percent of the grant is expended to provide the services or activities described in paragraphs (3) through (6) of such section.

"(b) USE OF IMPROVED SCREENING PROCEDURES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if any screening procedure superior to a procedure described in subsection (a)(2) becomes commonly available, any entity providing screening procedures pursuant to the grant will utilize the superior procedure rather than the procedure described in such subsection.

"(c) QUALITY ASSURANCE REGARDING SCREENING FOR BREAST CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for breast cancer conducted pursuant to such section and, in the case of mammography, will provide that—

"(1) the equipment used to perform the mammography will be specifically designed for mammography and will meet appropriate radiologic standards for mammography;

"(2) the mammography will be performed by an individual who—

"(A) is licensed by a State to perform radiological procedures; or

"(B) is certified as qualified to perform radiological procedures by an appropriate organization;

"(3) the results of the mammography will be interpreted by a physician who—

"(A) is certified as qualified to interpret radiological procedures by an appropriate board; or

"(B) is certified as qualified to interpret screening mammography procedures by an appropriate program for assuring the qualifications of the individual with respect to such interpretations; and

"(4) with respect to the first screening mammography performed on a woman for which payment is made pursuant to section 1501(a), there are satisfactory assurances that the results of the mammography will be placed in permanent medical records maintained with respect to the woman.

"(d) QUALITY ASSURANCE REGARDING SCREENING FOR CERVICAL CANCER.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will assure the quality of any screening procedure for cervical cancer conducted pursuant to such section and, in the case of the pap smear (or other cytological screening procedure replacing the pap smear pursuant to subsection (b)), will provide—

"(1) the maximum number of cytology slides that any individual may screen in a 24-hour period;

"(2) requirements that a clinical laboratory maintain a record of—

"(A) the number of cytology slides screened during each 24-hour period by each individual who examines cytology slides for the laboratory; and

"(B) the number of hours devoted during each 24-hour period to screening cytology slides by such individual;

"(3) criteria for requiring rescreening of cytological preparations, such as—

"(A) random rescreening of cytology specimens determined to be in the benign category;

"(B) focused rescreening of such preparations in high risk groups; and

"(C) for each abnormal cytological result, rescreening of all prior cytological specimens for the patient, if available;

"(4) periodic confirmation and evaluation of the proficiency of individuals involved in screening or interpreting cytological preparations, including announced and unannounced on-site proficiency testing of such individuals, with such testing to take place, to the extent practicable, under normal working conditions;

"(5) procedures for detecting inadequately prepared slides, for assuring that no cytological diagnosis is rendered on such slides, and for notifying referring physicians of such slides;

"(6) requirements that all cytological screening be done on the premises of an appropriately qualified laboratory;

"(7) requirements for the retention of cytology slides by laboratories for appropriate periods of time; and

"(8) requirements of periodic inspection of cytology services by persons capable of evaluating the quality of cytology services.

"(e) ISSUANCE BY SECRETARY OF GUIDELINES WITH RESPECT TO QUALITY OF MAMMOGRAPHY AND CYTOLOGICAL SERVICES.—

"(1) IN GENERAL.—The Secretary shall establish guidelines for assuring the quality of any mammography and cytological screening procedure conducted pursuant to section 1501(a). Such guidelines with respect to mammography shall include the provisions of paragraphs (1) through (4) of subsection (c), and such guidelines with respect to cytological screening procedures shall include the provisions of paragraphs (1) through (8) of subsection (d).

"(2) APPLICABILITY WITH RESPECT TO GRANTS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the State will, with respect to any mammography or cytological screening procedure conducted pursuant to such section, ensure that the procedure is conducted in accordance with the guidelines issued by the Secretary under paragraph (1).

"(3) RESPONSIBILITY OF STATES IN ABSENCE OF GUIDELINES.—With respect to circumstances in which a State receives a grant under section 1501 before the issuance of guidelines under paragraph (1), this subsection may not be construed to affect in such circumstances the obligation of the State pursuant to subsection (a)(1) to provide for screening procedures and referrals or the obligations under subsections (c) and (d) with respect to providing for quality in the screening procedures.

"SEC. 1504. ADDITIONAL REQUIRED AGREEMENTS.

"(a) PRIORITY FOR LOW-INCOME WOMEN.—The Secretary may not make a grant under section 1501 unless the State involved agrees that low-income women will be given priority in the provision of services and activities pursuant to paragraphs (1) and (2) of section 1501(a).

"(b) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that, if a charge is imposed for the provision of services or activities under the grant, such charge—

"(1) will be made according to a schedule of charges that is made available to the public;

"(2) will be adjusted to reflect the income of the woman involved; and

"(3) will not be imposed on any woman with an income of less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"(c) STATEWIDE PROVISION OF SERVICES.—

"(1) IN GENERAL.—The Secretary may not make a grant under section 1501 unless the State involved agrees that services and activities under the grant will be made available throughout the State, including availability to members of any Indian tribe or tribal organization (as such terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act).

"(2) WAIVER.—The Secretary may waive the requirement established in paragraph (1) for a State if the Secretary determines that compliance by the State with the requirement would result in an inefficient allocation of resources with respect to carrying out the purpose described in section 1501(a).

"(d) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that the grant will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

"(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

"(2) by an entity that provides health services on a prepaid basis.

"(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—The Secretary may not make a grant under section 1501 unless the State involved agrees that not more than 10 percent of the grant will be expended for administrative expenses with respect to the grant.

"(f) RECORDS AND AUDITS.—The Secretary may not make a grant under section 1501 unless the State involved agrees that—

"(1) the State will establish such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursal of, and accounting for, amounts received by the State under such section; and

"(2) upon request, the State will provide records maintained pursuant to paragraph (1) to the Secretary or the Comptroller of the United States for purposes of auditing the expenditures by the State of the grant.

"(g) REPORTS TO SECRETARY.—The Secretary may not make a grant under section 1501 unless the State involved agrees to submit to the Secretary such reports as the Secretary may require with respect to the grant.

"SEC. 1505. DESCRIPTION OF INTENDED USES OF GRANT.

"The Secretary may not make a grant under section 1501 unless—

"(1) the State involved submits to the Secretary a description of the purposes for which the State intends to expend the grant;

"(2) the description identifies the populations, areas, and localities in the State with a need for the services or activities described in section 1501(a); and

"(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services or activities of public or nonprivate entities.

"SEC. 1506. REQUIREMENT OF SUBMISSION OF APPLICATION.

"The Secretary may not make a grant under section 1501 unless an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in section 1505, and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this title.

"SEC. 1507. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

"(a) TECHNICAL ASSISTANCE.—The Secretary may provide training and technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to section 1501. The Secretary may provide such technical assistance directly or through grants to, or contracts with, public and private entities.

"(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

"(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1501, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out such section and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

"(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the grant under section 1501 to the State involved by an amount equal to the costs of detailing personnel (including pay, allowances, and travel expenses) and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

"SEC. 1508. EVALUATIONS AND REPORTS.

"(a) EVALUATIONS.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 1501.

"(b) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter, submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report summarizing evaluations carried out pursuant to subsection (a) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this title as the Secretary determines to be appropriate.

"SEC. 1509. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this title, there are authorized to be appropriated $50,000,000 for fiscal year 1991, and such sums as may be necessary for each of the fiscal years 1992 and 1993.

"(b) SET-ASIDE FOR TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES.—Of the amounts appropriated under subsection (a), the Secretary shall reserve not less than 20 percent for carrying out section 1507.

"(c) LIMITATION ON NUMBER OF INITIAL GRANTS.—For fiscal year 1991, the Secretary may not make more than 7 grants under section 1501.".●

By Mr. KASTEN (for himself, Mr. KOHL, and Mr. BOSCHWITZ):

S. 2284. A bill to amend the Federal Food, Drug, and Cosmetic Act to define the term light or reduced fat butter, and for other purposes; to the Committee on Labor and Human Resources.

LIGHT BUTTER LEGISLATION

● Mr. KASTEN. Mr. President, I rise today to introduce the light butter bill.

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This bill creates a national standard for light butter that would contain one-third less calories and at least one-third less fat than butter. Thanks to this measure, light butter will be able to meet the Federal standard for a reduced-calorie product.

Some States, including Wisconsin, already have standards on light butter, but there is no national standard—and that means that light butter cannot be marketed nationwide.

The bill I am introducing today would help create a new product that will appeal to consumers as less costly and lower in fat content. The introduction of this product into the marketplace would in turn benefit the Government by causing a reduction in the amount of butter purchased by the Commodity Credit Corporation.

Butter is the only dairy product that the CCC is currently purchasing. My measure could therefore result in substantial savings for both Government and consumers.

This new light butter would provide the taste of butter, but be a healthier product. It would perform the same culinary functions as butter (cooking, frying, and baking) and provide the same quality. It would be a genuine dairy alternative—a healthy compromise between butter and nondairy substitutes.

The language of my bill has been endorsed by the American Butter Institute and Land O'Lakes. The Cheese and Butter Committee of the Wisconsin Dairy Products Association has approved it as well.

I ask unanimous consent that the full text of the bill be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2284

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF BUTTER.

Section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321) is amended by adding at the end thereof the following new subsection:

"(bb) The terms 'light butter' or 'reduced fat butter' means a product with the same general appearance as butter but with not less than a one-third reduction in calories, that is made from milk or cream or both, that shall contain 52 percent milk fat, and that shall be made from safe and suitable ingredients and in accordance with good manufacturing practices. Such product may contain one or more of the optional dairy ingredients described in paragraph (3) and other optional ingredients described in paragraph (4). Light butter shall be considered a food for purposes of the Act.

"(2) To be classified as light butter under this subparagraph a product shall have vitamin A added, if necessary, to ensure that such product has 15,000 international units of such vitamin per pound.

"(3) Optional dairy ingredients referred to in paragraph (1) shall be limited to partially skimmed milk, skim milk, buttermilk, whey, and whey derived ingredients.

"(4) Other optional ingredients referred to in subsection (a) shall include—

"(A) water;

"(B) salt or salt substitutes;

"(C) bacterial cultures;

"(D) nutritive sweeteners;

"(E) emulsifiers and stabilizers;

"(F) safe and suitable color additives;

"(G) natural flavors; and

"(H) other safe and suitable ingredients that improve texture, prevent synereris, or extend the shelf life of the product.".●

By Mr. MURKOWSKI (for himself and Mr. HATFIELD):

S. 2285. A bill to encourage nations to implement measures to prohibit international grade in certain fish unless such fish are accompanied by a valid Certificate of Legal Origin; to the Committee on Foreign Relations.

INTERNATIONAL TRADE IN CERTAIN FISH

Mr. MURKOWSKI. Mr. President, the bill I am introducing today is an important step in controlling the international black market in salmon stolen from salmon-producing countries by outlaw drift net fishing vessels on the high seas.

As my friends and colleagues know, high seas drift netting—as it is currently practiced—is a dangerously efficient method of fishing that does not distinguish the type or quantity of marine life that it kills. In the North Pacific Ocean alone Japanese, Korean, and Taiwanese squidfishers lay out up to 30,000 miles of net almost every day. Although their targets are squid, a multitude of other marine life forms are also entangled in these nets, causing the death of hundreds of thousands of seabirds, marine mammals, immature salmon and steelhead trout each year.

These are unintended deaths, Mr. President, and can only be prevented by the eradication of this method of fishing. In support of this veiw, the U.N. General Assembly last year adopted a resolution of support for a moratorium on high seas drift netting starting in 1992. I strongly support this, and in fact, would like to see even more strength given to this effort by including a drift net ban provision when we take up the reauthorization of the Magnuson Act later this year.

Today, however, I want to address another facet of high seas drift netting. In recent years, an outlaw salmon fishery has come into being behind the facade of the legal squid fisheries. This fishery was and is established for one purpose and one purpose only—stealing and selling salmon during their migrations through the high seas. The losses this has caused to United States, Canadian, Soviet and Japanese fishermen is incalculable.

I want to emphasize that this is no mere mirage; the existence of such a fishery has been demonstrated over and over again. Just the other day, in fact, several Taiwnese citizens pled guilty in U.S. court to felony charges brought as a result of their involvement in the sale of over 1 million pounds of illegally taken fish, and this was just the tail of their total operation. The leader of this group, Patrick Lee, is facing a possible sentence of 30 years and a $1 million fine for money laundering, conspiracy, and violating the Lacy Act.

Over the last few years, I believe we have made significant strides in reducing the opportunities for such harvests both through bilateral agreements with fishing nations and through better U.S. enforcement. However, we have come nowhere near solving the problem.

As long as there is a profit to be made, there will be some individuals who want to make it.

Already there have been suggestions that high-seas fishermen whose activities have been restricted by their countries' agreements with the United States can simply change their base of operations, so as to sail under the flag of another country, rather than curtail their illegal actions.

We cannot address this kind of move by having our negotiators follow the outlaw fishermen around from country to country. We must instead attack the problem from more than one direction. Specifically, we must address the markets for illegally taken fish, as well as the illegal taking itself. The bill I am introducing today does just that.

First, of all, it calls upon the Secretary of State to open negotiations with the countries which purchase these illegally taken fish in an effort to secure agreements to require that imported salmon be accompanied by a Certificate of Legal Origin. This document would attest that the fish in question was in fact harvested according to law. To preclude the issuance of "certificates of convenience," valid certificates could only be issued by the government of the nation which has jurisdiction over the harvesting vessel or other means, and which conducts regular harvests of that species either within its own territory or under international agreements allowing it to harvest another country's fish.

Second, it requires the Secretary of Commerce to establish a system for issuing U.S. Certificates of Legal Origin, so that exports of U.S. fish are not interrupted when purchasing countries agree to require these documents. Further, because most U.S. salmon fisheries are regulated by the States, and it is not my purpose to encourage the formation of a new Federal bureaucracy, the bill specifies that the Secretary may delegate the authority to issue certificates to States, territories or possessions of the United States.

Third, it requires the Secretary of Commerce—after consulting with the

Secretary of the Treasury—to advise Congress as to whether any additional restrictions or changes are needed. The main question here is whether the United States should also require a certificate of origin for salmon imports. Because there have been cases where illegally harvested fish was imported with the intention of re-exporting it as a product of the United States, I believe we should adopt such a restriction. I acknowledge, however, that some U.S. traders could be impacted if their normal sources do not provide certificates of legal origin. Therefore, I also believe it is appropriate to ask the Secretary to explore this subject and report back to us before any such restrictions are imposed.

Finally, the bill provides access to the Pelly amendment certification and sanction process found in the Fishermen's Protective Act of 1967, in case any country continues to deal in illegally taken salmon. This is virtually the only fisheries-oriented sanction option available, but does not currently cover trade in illegally taken species. Frankly, Mr. President, I do not believe the Pelly process is sufficiently strong as it currently stands. I would like to see it amended to expand the range of sanctions available, but because I recognize that such an expansion is both controversial and the subject of other initiatives, I have not addressed it here.

This bill, as it now stands, is a simple, straightforward effort to bring our attention to bear on a black market that is seriously harming U.S. citizens and U.S. commerce. I urge my colleagues' support.

By Mr. HOLLINGS (for himself and Mr. EXON):

S. 2286. A bill ro require the Secretary of Transportation to lead and coordinate Federal efforts in the development of magnetic levitation transportation technology and foster implementation of a magnetic levitation transportation system; to the Committee on Commerce, Science, and Transportation.

MAGNETIC LEVITATION TRANSPORTATION ACT

●Mr. HOLLINGS. Mr. President, yesterday, President Bush issued the national transportation policy statement prepared by Secretary Skinner and the Department of Transportation. At a White House ceremony announcing the policy, the President spoke of the need to find means of improving the mobility of our citizens in the future. While there has been some criticism of the administration's newly released policy, I certainly agree that we need to do a better job of transporting people if we are to remain competitive as a nation.

One advanced concept specifically mentioned by the President is magnetically levitated transportation, or "maglev." With this in mind, I am introducing today, with Senator EXON, a bill that will for the first time establish a comprehensive Federal policy for the development of maglev within the United States. This bill provides a framework for a genuine partnership between the private and public sectors. It is directed toward research, development and utilization of maglev in this country. It will also promote the goal of a domestic maglev industry, rather than simply relying on foreign technology to meet United States and world needs.

For those unfamiliar with maglev, the technology involves the suspension, guidance, and propulsion of a vehicle by magnetic forces. There is no contact between the moving vehicle and the guideway, which allows for high speeds up to 300 miles per hour and beyond, with virtually no roadbed maintenance. Two types of technology are currently used: one is based on a magnetic attraction principle where a vehicle underframe is drawn to within 1/3 of an inch from a guideway, and the other is based on a repulsion principle, in which a vehicle is raised approximately 6 inches above the guideway.

Maglev technology was developed in the United States. Yet, as is the sad story of many of our technological advances, it is the Germans and the Japanese who have taken the lead in perfecting the current generation of maglev technology. Prior to the mid-1970's, maglev was viewed with a great deal of interest in this country. Yet, in 1975, Federal support for research ended, thereby causing U.S. industry justifiably to lose faith in the Federal commitment to this new technology. Since that time, the Germans and the Japanese, with substantial government support in each instance, have taken maglev technology and adapted it to commercial development in both countries and for export.

Now, we are looking toward the possibility of utilizing maglev within this country as a means of helping us meet our pressing transportation demands. We are also looking at research and development of the next generation of maglev technology. In my view, we need not be content to sit back as these developments occur and then simply buy back foreign systems for use in this country. We have a real chance for U.S. industry to move to the forefront of maglev efforts. However, this will not be accomplished without Federal support and—since the window of opportunity is narrow—it will not be accomplished unless we act quickly.

The bill I am introducing with Senator EXON will accomplish several goals. At the outset, it provides a statutory charge for the Department of Transportation to lead Federal maglev efforts in cooperation with other interested Federal agencies. This builds on the principles of the High Speed Ground Transportation Act, which since the 1960's has set for the Department the goal of promoting advanced methods of high speed transportation. In the Rail Safety Improvement Act of 1988, Congress further clarified the Federal Railroad Administration's authority to establish safety standards for maglev and other advanced transportation systems.

This bill also utilizes the provisions of the Stevenson-Wydler Technology Innovation Act to authorize the Secretary of Transportation to enter into cooperative research and development agreements with U.S. companies to conduct research to overcome technical and other barriers to the development and construction of the maglev systems. Under the bill, Federal funds authorized for this purpose—$50 million in each of the next 2 fiscal years—would be matched by the private sector as part of these research agreements. This public-private sector partnership should do much to ensure a solid commitment to this project.

Finally, this bill establishes within the Department of Transportation, and specifically the Federal Railroad Administration, a new office of High Speed Ground Transportation. This office will establish national uniform standards for both high-speed rail and maglev systems, regulate the design and construction of these systems to ensure conformity of standards on technology, safety and environmental quality, and make recommendations for legislative and administrative action to facilitate these projects.

All too often in transportation, we are faced with solving immediate problems, with putting out bonfires. It is rare that we have the opportunity to look forward. Maglev gives us this opportunity to be farsighted, to be visionary. Yet, maglev is clearly rooted in reality and can indeed help us meet our pressing transportation problems.

I am pleased to report that there is growing interest in maglev by the private sector and in government. Secretary Skinner, Federal Railroad Administrator Gil Carmichael, Senators MOYNIHAN, EXON, REID, BRYAN and others share with me an interest in further examining the potential for and, I hope, implementing maglev in this country. The legislation that I am introducing today should do much to advance this concept and move the United States and our transportation network into the 21st century. I look forward to working with my colleagues and the administration on this proposal.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2286

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Magnetic Levitation Transportation Act of 1990".

FINDINGS

SEC. 2. The Congress finds the following:

(1) An efficient, integrated transportation network is an essential element in assuring the economic progress of the United States.

(2) Our Nation's current transportation network faces increasing demands and limited capacity. The Federal interstate highway system is nearing completion and it has been over two decades since the construction of a major new airport in the United States.

(3) Conventional ground and air transportation systems rely heavily on fossil fuels, which are in limited supply.

(4) Magnetic levitation (maglev) is an energy efficient, high-speed transportation technology with the potential to supplement existing transportation modes, increase system capacity, and support economic growth.

(5) While maglev technology was pioneered in the United States, development since 1975 has been concentrated outside of this country.

(6) Cooperative research and development efforts among industry, the academic community, and government are necessary for the United States to regain a leadership role in the next generation of maglev and for maglev to become a reality in the United States. Federal efforts should be directed toward support for a domestic maglev industry and construction of viable maglev systems as part of an integrated transportation network.

(7) The Department of Transportation has been charged historically with promoting advanced transportation systems through the High-Speed Ground Transportation Act and has responsibility for the safety of maglev and newly emerging technologies pursuant to the Rail Safety Improvement Act of 1988.

(8) In order for maglev to achieve its potential within the United States, existing Federal efforts need to be strengthened, with the Department of Transportation leading these efforts in cooperation with the other interested agencies.

RESEARCH AND DEVELOPMENT

SEC. 3. The first section of the High-Speed Ground Transportation Act (79 Stat. 893) is amended by designating the existing text as subsection (a) and by adding at the end the following new subsection:

"(b) Pursuant to the authority under subsection (a) to undertake research and development in high-speed ground transportation, the Secretary, in consultation with the Secretaries of Commerce, Energy, and Defense, the Administrator of the Environmental Protection Agency, and the heads of other interested agencies, shall lead and coordinate Federal efforts in the development of magnetic levitation (maglev) transportation technologies and foster its implementation as an alternative transportation system.".

COOPERATIVE AGREEMENTS WITH UNITED STATES COMPANIES

SEC. 4. The High-Speed Ground Transportation Act (79 Stat. 893) is amended by inserting immediately after section 3 the following new section:

"SEC. 4. (a) In carrying out the responsibilities of the Secretary under the first section, the Secretary of Transportation is authorized to enter into one or more cooperative research and develoment agreements (as defined by section 12 of the Stevenson-Wydler Technology Innovation Act of 1980, 15 U.S.C. 3710a) with United States companies for the purpose of—

"(1) conducting research to overcome technical and other barriers to the development and construction of practical magnetic levitation transportation systems and to help create the basic generic technologies needed for these systems; and

"(2) transferring that research and basic generic technologies to industry in order to help create a viable commercial magnetic levitation transportation industry within the United States.

"(b) In an agreement under subsection (a), the Secretary may agree to provide not more than 50 percent of the cost of any project under the agreement. Not less than 5 percent of the non-Federal entity's share of the cost of any such project shall be paid in cash.

"(c) The research, development, or utilization of any technology pursuant to an agreement under subsection (a), including the terms under which such technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

"(d) At the conclusion of fiscal year 1991 and again at the conclusion of fiscal year 1992 the Secretary shall submit reports to Congress regarding research and technology transfer activities conducted pursuant to the authorization contained in subsection (a)."

AUTHORIZATION OF APPROPRIATIONS

SEC. 5. Section 11 of the High-Speed Ground Transportation Act (79 Stat. 895) is amended to read as follows:

SEC. 11. There are authorized to be appropriated to the Secretary $50,000,000 for fiscal year 1991 and $50,000,000 for fiscal year 1992, to carry out the provisions of this Act relating to magnetic levitation transportation.".

HIGH-SPEED GROUND TRANSPORTATION OFFICE

SEC. 6. Section 103 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(e) There is established within the Administration the High-Speed Ground Transportation Office, which shall be headed by a Director, who shall report to the Administrator. It shall be the function of the Office to—

"(1) establish national uniform standards for high-speed rail and magnetically levitated superconducting transportation system technology;

"(2) regulate the design and construction of regional high-speed transportation systems to ensure that they conform to national standards on technology, safety, and environmental quality; and

"(3) on an annual basis make recommendations for such legislative or administrative action as may be necessary to facilitate such projects.".

DEFINITION

SEC. 7. For purposes of this Act, the term "High-Speed Ground Transportation Act" means the Act entitled "An Act to authorize the Secretary of Commerce to undertake research and development in high-speed ground transportation, and for other purposes", approved September 30, 1965 (P.L. 89-220; 79 Stat. 893).●

● Mr. EXON. Mr. President, I am pleased to join the chairman of the Commerce, Science, and Transportation Committee, Senator HOLLINGS, as an original cosponsor in the introduction of the Magnetic Levitation Transportation Act of 1990. This legislation addresses the need for cooperative research and development efforts among industry, the academic community, and Government, if the United States is to reassert its technological prowess in the area of magnetic levitation (maglev) transportation systems.

As those of you familiar with maglev technology know, U.S. scientists pioneered maglev technology in the 1960's and 1970's. The High Speed Ground Transportation Act was passed in 1965 with the Federal Government initially providing research and development grants. In 1975, the Federal Government pulled out of the maglev race. Since that time, Japan and Germany have become leaders in the field.

Given the increasing demands being placed on our existing transportation arteries, the United States must resume its support of energy-efficient, high-speed technology—such as maglev—which has the potential to supplement existing transportation modes, increase system capacity, and foster economic growth.

This bill requires the Secretary of Transportation, in consultation with the Secretaries of Commerce, Energy, Defense, and the Administration of the Environmental Protection Agency, to lead and coordinate Federal efforts to develop maglev technologies and foster implementation. These efforts would be advanced by entering into cooperative research and development agreements with U.S. companies to conduct research to overcome technical and other barriers to the development and construction of these systems. The bill allows the Secretary to provide up to 50 percent of the cost of conducting this cooperative research and transferring these basic technologies to industry.

Additionally, this bill provides $50 million in fiscal year 1991 and $50 million in fiscal year 1992 to promote, in concrete ways, a viable U.S. commercial magnetic levitation transportation industry.

To accomplish this mission, the bill establishes a High-Speed Ground Transportation Office in the Federal Railroad Administration. This office will establish national standards on technology, safety, and environmental quality and ensure that the design and construction of these systems by regional systems conforms to these standards.

The "Statement of National Transportation Policy: Strategies for Action" released yesterday by the administration, highlighted the need to "provide seed money for research on new transportation systems and technology, and assist in assessing their feasibility." We must take this mission seriously if we hope to assure that viability and technological competitiveness of the U.S. transportation industry.

I urge my colleagues to join me as a cosponsor of the Maglev Transportation Act.●

By Mr. GORE (for himself and Mr. HOLLINGS) (by request):

S. 2287. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control and data communications, construction of facilities, and research and program management, and for other purposes; to the Committee on Commerce, Science, and Transportation.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

● Mr. GORE. Mr. President, today I am introducing, by request, the fiscal year 1991/1992/1993 NASA authorization bill. I am joined by the distinguished chairman of the Commerce, Science, and Transportation Committee, Senator HOLLINGS.

Mr. President, the President's proposed fiscal year 1991 budget request for NASA is $16,334.9 million including a one-time payment of $1.2 billion to pay off the remaining debt to the Federal Financing Bank for the Tracking and Data Delay System. The fiscal year 1990 operating plan is $12.3 billion. The fiscal year 1991 budget request, therefore, represents an increase of approximately $4.0 billion or 33%.

The fiscal year 1992 budget request of $17,636.8 million and the 1993 budget request of $19,256.8 million are NASA's best estimate of the run-out of the fiscal year 1991 budget request. However, OMB only allowed NASA to include the costs of two new starts in the fiscal year 1992 and fiscal year 1993 budget request—a lunar observer and lifesat—despite the fact other initiatives are more than likely. The only program that receives a request for a multiyear authorization is the Space Station Program that requests $2.4 billion in fiscal year 1991, $2.9 billion in fiscal year 1992, and $3.0 billion in fiscal year 1993.

Mr. President, based on the Science, Technology, and Space Subcommittee's preliminary review, there are no real surprises in the fiscal year 1991 budget submission. As anticipated, it requests funding for two new initiatives—the Earth Observing System and the Human Exploration Initiative (Moon/Mars)—plus significant increases for programs that are ongoing in fiscal year 1990 including the space station, CRAFT/CASSINI and AXAF. All in all, 98 percent of the fiscal year 1991 request is for ongoing initiatives and only 2 percent is for the new starts. However, the total estimated cost of the proposed new starts is not an insignificant matter. EOS has an estimated cost of $30 billion over the next 25 years. Moon/Mars, on the other hand, has an estimated cost of $400 billion over 30 years and raises serious questions about possible levels of resources in the outyears.

The good news in fiscal year 1991 is that the proposed authorization bill contains no new gimmicks. Third party financing schemes have been abandoned and funds have been requested for both the ACTS and Gravity Probe B programs—a space applications and space science initiative that the committee was required to support without administration support in the past.

The fiscal year 1991 budget also includes a new line item for the Earth probes program—a fiscal year 1990 congressional initiative that is a vital element of a U.S. Global Change Research Initiative.

In addition, the proposed authorization includes legislative language for reprogramming authorities traditionally included in the NASA authorization bill. With the exception of these authorities, the authority to pay the outstanding debt to the Federal Financing Bank (section 101(b)(4)) and the multiyear authorization request contained in section 102, the proposed bill primarily focuses on the fiscal year 1991 budget request.

Mr. President, the real issue for the committee and the Congress is the same issue that faced the Congress last year—how will the NASA budget request fare in the congressional budget process where it has been cut for the last 5 fiscal years?

Mr. President, fiscal year 1991 is a critical year for the Nation's civil space program and a critical test of the congressional commitment to this program. During the next few months, this Congress will be required to determine the level of funding for NASA in fiscal year 1991. More importantly, this Congress will be required to determine the scope and direction of the civil space program for the decade of the 1990's and even into the 21st century.

Mr. President, this is the year when the Congress will be required to decide if the civil space program is a national priority and, therefore, a budget priority. This is the year when the Congress will have to decide if we are willing to provide the resources and challenges needed to retain our talented civil servant base and to motivate our youth to pursue careers in science and engineering. This is the year when the Congress must decide if we are to honor our commitments to our allies and our promise to the American public to deploy a permanently manned space station.

Mr. President, the challenge that faces this subcommittee and the Appropriations Subcommittee on VA-HUD-Independent Agencies is enormous. Yes, the President requested adequate resources for NASA in his budget request. But we all know how he was able to do it. As a matter of fact, Mr. Robert Grady, Associate Director of OMB, was recently asked: "The NASA budget increase is one of the largest for any agency in government. Where is the money being drawn from?" He gave the most honest and thorough answer I have ever seen. To quote from his interview that appeared in "Space News":

> Four things allow this investment in the future. One is new revenues generated by the continued growth of the American economy—and that is worth some $83 billion in 1990–1991.
>
> Two, a handful of user fees will generate new revenues and new tax laws. Some are small ones; for example, the Corps of Engineers dredges channels around the country, and we slightly increased the fee that ships and barges pay to use the channels. The big one is the capital gains rate reduction. In total, these generate about $13 billion.
>
> The third category is interest rates. Very fortunately they are going down. And some of the (national) debt is retired from earlier years when interest rates were very high.
>
> Fourth are reforms in the mandatory section of the budget and in low-return programs. Such cuts were necessary. There is a reduction in Medicare. There are cuts in the agricultural programs. There are small cuts in areas like fossil energy research and development. The handful of mandatory program cuts total about $14 billion, with discretionary program savings of $15 billion.
>
> That totals $125 billion. We took $60 billion off the deficit, so that leaves $65 billion to fund new initiatives above 1990.

The problem is the identified sources of funding for NASA, along with defense spending issue, are the primary sources of contention this year in the congressional budget process. If we could agree on the economic forecast, user fees, revenue enhancements, and capital gains, we would have no problem providing $16.3 billion for NASA. However, after a decade of debate we still don't have a consensus on budget spending priorities and revenues. Therefore, the augmentations throughout the President's budget request for science and technology become targets for reductions.

Mr. President, I am convinced that we need to invest in America's future, not just to take care of the problems of today. But we need to make wise investment decisions—just like any prudent investor. As the subcommittee re-

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views the fiscal year 1991 budget request in a series of hearings, I intend to raise the level of debate over space spending to a new level. Instead of accepting the arguments that "we need it," "the President wants it," or "it's good for America," I intend to ask NASA repeatedly:

First, how increased funding of the space program will increase the U.S. share of the launch services, satellite and remote sensing markets;

Second, how increased funding of the space program will make the U.S. more competitive in emerging markets and in the development of critical technologies;

Third, how increased funding of the space program will help maintain our current base of scientists and engineers, as well as attract our youth to pursue science, mathematics, computer science, and engineering courses in their educational careers; and

Fourth, how increased spending for the space program will help shore up our industrial base of production as we reconvert our military capabilities to more civil/commercial applications.

Mr. President, this will be a challenging year. But I hope that Democrats and Republicans will work together to find the answers to these questions and to formulate an investment strategy in science and technology that will ensure the economic well-being, technological leadership, and intellectual base of this Nation.

I also hope that the civil space program will be a critical element of this investment strategy.●

● Mr. HOLLINGS. Mr. President, I support the comments of the subcommittee chairman and intend to work actively this year to get a fiscal year 1991 NASA authorization bill enacted.

Mr. President, the challenges that now face NASA are incredible due to the severe budget pressures that exist. While the Congress has been supportive of NASA over the last few years, we have not been able to fund fully the NASA budget requests. A proposed increase of $2.8 billion or 23 percent in fiscal year 1991, therefore, will be most difficult to obtain. However, when one realizes that 98 percent of the proposed budget request is to support ongoing programs already approved by Congress, it is apparent that a substantial increase is required in fiscal year 1991.

Unfortunately, most people focus on the major new initiatives included in the NASA bill and forget about ongoing activities such as AXAF, CRAF-CASSINI, space station, the space shuttle, the high-speed commercial transport and aerospace plane research, gravity probe-B, ACTS, life sciences and materials processing research, and the people and facilities needed to make these programs work. While we need to discuss the proposals for the new Earth Observing System and the Human Exploration Initiative—Moon/Mars—the focus of the program for the 21st century—it is critical that we meet our current obligations first. Unless we are successful in building the foundation and in fulfilling our current obligations today, our future options in space will be severely restricted.

During the course of the next few months, the Congress will be required to determine the scope and direction of the civil space program for the decade of the nineties and for the turn of the century. As we make those decisions, it is important that we understand the relationship of the civil space program to the technological leadership of the United States, to the development of critical technologies, and to the markets of tomorrow. It is important to realize that the race for space today is more than a race for national prestige or the pursuit of knowledge—although those are important aspects. Today's race is a race for new markets, new technologies, new advanced computers, and new advanced materials that will have space-based and Earth-based applications. Today's space race is more Earth-oriented than space-oriented; it is seen in the context of new jobs and new opportunities; it focuses on applying space technology to earthly concerns. Representative of this focus is the proposed mission to Planet Earth, a bold, new initiative that will use space-based technologies to understand better our Earth processes and global changes so that we can better protect our fragile planet.

Mr. President, it will be a challenging year for the civil space program and for NASA. However, we need challenges—both as individuals and as a Nation. The space station, the Mission to Planet Earth, and the eventual journey beyond are challenges that our Nation has established, and they are challenges that we can meet. Twenty years ago, people doubted that we could leave our footprints on the face of the Moon—but we did it. One year ago, people doubted the Iron Curtain would fall—but now there is no wall and there are fewer barriers between East and West. Ten years from now, I hope that people will be able to see the fruits of our labor and that the skeptics will be proven wrong again.●

By Mr. DOMENICI (for himself, Mr. Boren, Mr. Johnston, Mr. Dole, Mr. Bingaman, Mr. Ford, Mr. Simpson, Mr. Wallop, and Mr. Burns):

S. 2288. A bill to amend the Internal Revenue Code of 1986 to extend for 2 years the application of credits for qualified nonconventional fuels, to equalize the treatment of tight formation natural gas, and to restore tax credits denied by operation of decisions by the Federal Energy Regulatory Commission; to the Committee on Finance.

NONCONVENTIONAL FUELS PRODUCTION INCENTIVES ACT

Mr. DOMENICI. Mr. President, I rise to introduce the Nonconventional Fuels Production Incentives Act of 1990.

The purpose of this legislation is to help assure America's energy and economic future by stimulating the production of natural gas and oil from nonconventional sources. It would do so by extending for 2 years the period to qualify for the Internal Revenue Code's existing nonconventional fuels credit, and it would equalize the Code's treatment of "tight formation" natural gas with its treatment of the other types of nonconventional fuels.

Before I explain in more detail what my legislation does, let me first take a moment to explain why we need this legislation.

Today, there are some who believe that we no longer need be concerned about our energy future—that energy supplies will always be abundant and that prices will always remain stable; that energy will be there when we need it, in the quantities we need, and at the price we want to pay. That was the conventional wisdom the day before the 1973 Arab oil embargo—and we all know what happened as a result of that event.

As we should have learned from our experiences during the 1970's, we must take action today if we want to be sure to have on hand tomorrow the energy we need. Energy is the lynch pin of our economy; and we simply cannot take it for granted—that is, unless we want to relive the shortages, long gasoline lines, and school and business closings which marked the decade of the 1970's. And I, for one, do not.

Despite what some may believe, there is no question that we need to actively encourage domestic energy production. U.S. oil and gas production continue to decline in the face of increasing demand and, as a result, our foeign dependency is increasing by leaps and bounds. For example, just a few days ago the American Petroleum Institute reported that our imports of foreign oil hit a record-breaking peak of 54 percent of domestic consumption. As a point of comparison, at the time of the 1973 Arab oil embargo, the United States was less than 35 percent dependent on foreign oil.

Although part of our increase in foreign energy dependency is attributable to increased demand, a large part is the direct result of declining domestic production. Since 1973, U.S. crude oil production has fallen by 19 percent, with lower-48 production down an astounding 37 percent.

And all energy forecasts show that our foreign dependency will continue to grow—unless we take action. For example, the Department of Energy's 1990 Annual Energy Outlook predicts that over the next decade domestic crude oil production could fall as much as 33 percent, and that foreign oil imports could increase an additional 53 percent—making the United States two-thirds foreign oil dependent by the year 2000. If that were allowed to occur, our well-being would rest squarely in the hands of foreign producers who have shown time and time again that they put their interests first, not ours.

Because there has been a natural gas deliverability "glut" for the past decade, the situation with respect to gas does not appear today to be as dire as with oil. However, there are clear warning signs that the spare gas deliverability consumers have enjoyed for the past several years is rapidly disappearing, if not gone already. A recent American Gas Association study, for example, concluded that U.S. gas production capability has fallen by 16 percent since 1984; and that this year, for the first time in a decade, the United States will have no spare natural gas production capacity. With the President and the Congress committed to clean air legislation, along with legislation to address the global warming problem, we can anticipate a significant increase in demand for clean-burning fuels such as natural gas. Thus, unless we act now to stimulate domestic gas production, normal economic growth, in conjunction with new natural gas demand, will tighten the supply of natural gas, with obvious implications for consumers.

Mr. President, tax credits are not a give-away. There is clear and convincing data which demonstrates that production incentives—such as those which my legislation proposes—do, in fact, stimulate additional supply. For example, according to the Federal Energy Regulatory Commission, incentives have increased the production of tight formation gas by nearly seven fold, a particulary significant increase when compared to average gas production which has remained relatively constant over the period reviewed.

Mr. President, let me now explain what changes my legislation would make to existing law in order to stimulate the production of natural gas and oil from nonconventional sources.

The existing provisions of section 29 of the Internal Revenue Code provide tax credits for the production of energy from nonconventional sources, namely, oil produced from shale and tar sands; natural gas producd from geopressured brine, Devonian shale, coal seams, tight formations, and biomass; liquid, gaseous, and solid synthetic fuels produced from coal; certain processed wood fuels; and steam produced from certain solid agricultural byproducts.

Generally speaking, to qualify for the credit, the well or facility producing the energy must be drilled or put into service before January 1, 1991; and once qualified, the oil or gas will continue to receive the credit until January 1, 2001.

However, as a result of a Federal Energy Regulatory Commission action last month—Order No. 519—tight formation gas is now treated differently than the other types of nonconventional fuels. FERC's Order No. 519 has the effect of prematurely terminating the qualifying period for tight formation gas; instead of having until January 1, 1991 to qualify, it now only has until May 12 of this year to qualify—an 8-month reduction of the qualifying period. That was not intended, envisioned or desired by Congress, and FERC's action has unfairly left many producers off balance; producers who had a drilling program predicated on tax credits continuing pursuant to existing law. That problem will be corrected by my legislation. In this connection, I would note that I have written to the Commission to express my concerns about order No. 519, and I ask unanimous consent that my letter be printed at the end of this statement.

In addition, as a result of the Natural Gas Wellhead Decontrol Act of 1989, tight formation gas loses the credit on or before January 1, 1993, instead of January 1, 2001, as for other nonconventional fuels. This problem was recognized at the time but was intentionally left for a later time to correct. That is also accomplished by my legislation.

More specifically, section 2 of the bill extends by 2 years—from January 1, 1991 to January 1993—the period in which to qualify for the nonconventional fuels tax credits. Section 3 of the bill takes care of the FERC Order No. 519 problem by providing that tight formation gas which is produced from wells drilled after May 12, 1990 (the effective date of Order No. 519) continues to qualify for the tax credit, notwithstanding that FERC action. And it takes care of the problem unintentionally created by the Natural Gas Wellhead Decontrol Act by providing that tight formation gas which is receiving the credit as of May 12, 1990, can continue to receive the credit even if decontrolled subsequently.

It is important to note that this legislation is similar to the nonconventional fuels tax credit provisions contained in the reconciliation bill reported by the Senate Finance Committee in October 1989. The Senate Finance Committee proposal would have extended the credit for 2 years, as my legislation does; and it would have addressed the other problems my legislation also corrects. But, unfortunately, those provisions were stripped out of the reconciliation bill on the floor of the Senate along with the other revenue-negative items and so-called extraneous provisions.

Mr. President, there is no question that this legislation is in the overall public interest, and it is for that reason I am today introducing it and urging my colleagues' support for it.

I ask unanimous consent that the text of the bill a letter I wrote to FERC and the text of the bill be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonconventional Fuels Production Incentives Act of 1990".

SEC. 2. EXTENSION OF APPLICATION OF CREDITS FOR QUALIFIED NONCONVENTIONAL FUELS.

Subparagraph (A) of section 29(f)(1) of the Internal Revenue Code of 1986 is amended by striking "January 1, 1991" each place it appears and inserting "January 1, 1993".

SEC. 3. EQUALIZATION OF TREATMENT OF TIGHT FORMATION GAS.

(a) IN GENERAL.—Subparagraph (B) of section 29(c)(2) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) SPECIAL RULES FOR GAS FROM TIGHT FORMATION.—The term 'gas produced from a tight formation' shall only include gas from a tight formation which—

"(i) is produced from a well drilled after May 12, 1990, or

"(ii) is produced from a well drilled on or before May 12, 1990, but only if, on May 12, 1990, gas produced from such well was gas—

"(I) the price of which was regulated by the United States, and

"(II) for which the maximum lawful price applicable under the National Gas Policy Act of 1978 is at least 150 percent of the then applicable price under section 103 of such Act."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to gas produced after May 12, 1990.

COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, February 20, 1990.

Hon. MARTIN L. ALLDAY, *Chairman,*
Hon. CHARLES A. TRABANDT, *Commissioner,*
Hon. JERRY J. LANGDON, *Commissioner,*
Hon. ELIZABETH A. MOLER, *Commissioner,*
Federal Energy Regulatory Commission,
Washington, DC.

DEAR COMMISSION: I am writing to express my serious concern about the Commission's action in Order No. 519 to terminate incentive prices for certain tight formation natural gas, and to urge you to reconsider this action which is adverse to both gas producers and gas production. Not only will the Commission's action deny producers Congressionally authorized incentive prices for this gas, it will also prevent them from receiving tax credits provided by the Internal Revenue Code.

Order No. 519 terminates the Natural Gas Policy Act's section 107(c)(5) incentive prices for all tight formation gas where the

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well is spudded or recompleted after May 12, 1990, and all production enhancement gas where the enhancement work is begun after that date.

If the Commission elects to not reconsider this action, then I would strongly urge it to find a means of preserving the tight sands tax credit which Order No. 519 will otherwise terminate. And pending your decisions on these matters, I would also urge the Commission to stay the legal effectiveness of the final rule.

Section 107(c)(5) of the Natural Gas Policy Act of 1978 gave the Commission the authority to provide incentive prices to natural gas produced under such conditions as are found to present "extraordinary risks or costs." Pursuant to this authority, in 1980 the Commission issued an order which provided incentive prices for qualifying tight formation gas. These incentive prices were challenged and subsequently upheld in Federal Court.

There is no question that incentive prices for tight formation gas have benefitted our Nation. As the Commission observed in Order No. 519:

> The Commission was motivated in part to establish incentive price for tight formation gas because of the very large reserves of such gas in the United States and the desirable characteristics of those reserves.

Order No. 519 also provides data which demonstrates conclusively that section 107(c)(5) incentive prices have directly benefitted consumers by substantially increasing domestic natural gas supplies. The Commission's data show that incentive prices have increased the number of producing tight formation gas wells by nearly 9 fold, and the production of such gas by nearly 7 fold. And the data also show that even as late as the fourth quarter of 1989 incentive prices continue to materially stimulate tight formation drilling. And, Order No. 519 notes, that as a result of incentive prices, "Production of tight formation gas thus has grown in this decade, in contrast to average domestic production, which has remained relatively constant."

Three times subsequent to the 1978 enactment of the NGPA, Congress has explicitly reaffirmed the Congressionally established policy of providing incentives to promote tight formation gas production. The first was in 1980 with the creation of the tight sands tax credit; the second was in 1988 when the tax credit was extended; and the third was just last year when, as part of the Natural Gas Wellhead Decontrol Act, Congress elected not to eliminate section 107(c)(5) incentive pricing until January 1, 1993, the date on which all remaining price controls are eliminated.

In this connection, the Commission's assertion that passage of the Natural Gas Wellhead Decontrol Act of 1989 supports FERC's termination of section 107(c)(5) incentive prices is simply unfounded. Clearly, had Congress wanted to terminate section 107(c)(5) incentive prices in their entirety prior to January 1, 1993, it merely would have included a provision so providing; but Congress didn't.

The Commission's action in Order No. 519 not only denies incentive prices under section 107(c)(5) of the NGPA, it also makes such gas ineligible for the tight sands tax credit provided by the Internal Revenue Code, a clear frustration of Congressional intent. The tight sands tax credit does not expire until January 1, 2001.

Preserving these tax credits was an important element in the Senate consideration of the Natural Gas Wellhead Decontrol Act of 1989. This is reflected in the additional views of Senator Wallop appearing in the Sente Committee report on the Act:

> It is important that a favorable report of decontrol legislation not be construed as a statement of the Committee's intent to limit the section 29 credit. In no way are the Committee's actions intended to impair the continued viability of the tax credit for production of fuels from non-conventional sources. Indeed, I and many other supporters of gas decontrol believe that tax incentives for production of non-conventional fuels should be maintained and extended. (Senate Report No. 101-38; p. 35)

I would also note in this connection, that the Commission's action in Order No. 519 appears to be inconsistent with the Administration's recent proposals to provide energy tax incentives to stimulate the exploration and production of oil and natural gas needed to "help preserve the resource base and the human capital that may be needed in the future if the nation is to maintain a reasonable degree of energy independence."

I also am concerned that the legal effectiveness of the rule in mid-March, as well as the termination of the eligibility of price incentive on May 12, may have significant negative impacts on tight formation gas production subject to existing contracts which are tied to federal price incentive levels.

In conclusion, it is for these reasons that I would strongly urge the Commission to reconsider its action in this matter. At an absolute minimum the Commission must find a way to preserve the production tax credit for tight sands gas production, and pending action by the Commission on these issues, the Commission stay the legal effectiveness of Order No. 519.

Please make this letter a part of the proceedings in Docket No. RM82-32-002.

Sincerely,

PETE V. DOMENICI,
Ranking Republican Member, Subcommittee on Energy Research and Development.

By Mr. McCONNELL:

S. 2289. A bill to provide local commodity supplemental feeding programs with the authority to utilize unused assistance available for women, infant, and children for the benefit of eligible low-income elderly, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

ELDERLY PARTICIPATION IN FOOD PROGRAMS

● Mr. McCONNELL. Mr. President, every day thousands of elderly Americans are going hungry. It is a shame that in our wealthy Nation we are not providing for citizens who desperately need our help. Today, I am introducing legislation that will not solve our country's hunger problem but it will allow many of the elderly to receive food who otherwise would not.

In 1969, the Commodity Supplemental Feeding Program [CSFP] was created as a food distribution program for low-income, pregnant and postpartum women and infants and children. Thirteen years later, CSFP was expanded to serve poor elderly persons. The program was designed for benefiting women, infants and children, therefore, priority was and continues to be given to these families. CSFP is designed to prevent the onset and alleviate the effects of malnutrition on individuals likely to have poor diets due to low incomes. Through State and local agencies, participants receive supplemental nutritious foods donated by the U.S. Department of Agriculture. Thousands of people benefit each month from this program.

Unlike other nutrition programs, CSFP is not based on entitlement money, the number of persons that can be served by the program is determined by the funding available. Based on this money, USDA determines the maximum monthly caseload that the program can serve in a given fiscal year. Unfortunately, because of these funding limitations thousands of low-income elderly Americans are unable to receive monthly commodity distributions. In my State alone, 3,000 elderly are on a 2-year waiting list.

Over a year ago, one of my constituents requested CSFP benefits and was told she could not receive any commodities for 2 years unless there was an unexpected opening. Now, 1 year later, she still has another 2-year wait. Mr. President, because of insufficient income and the inability to work, many of these people are hardly able to make ends meet. Elderly participants depend on this program. In my State of Kentucky, elderly participants rarely fail to pick up their food packages.

Currently, hundreds of slots provided for women, infants and children are going unused. Because of the way current law is written, these unused slots are unable to be utilized for eligible low-income elderly. Without an agencies' ability to transfer unused caseload slots from women, infants and children to elderly, thousands of these individuals are unable to be served. I am not requesting that used caseload slots be taken away from eligible families, I am only requesting that some of these slots be transferred for the elderly if needed.

My legislation would amend the Food Security Act of 1985 to allow local community distribution agencies the authority to convert up to 25 percent of unused slots for women, infants and children to be made available for eligible low-income elderly. This bill still gives priority to women, infants and children. The only difference now is the number of eligible elderly served will increase.

Over the last 21 years, CSFP has been successful in directing its agricultural resources to those most damaged by chronic undernutrition—poor mothers, preschool nutrition and the elderly. This legislation is not intended to solve our elderly's hunger problem but only to utilize an existing program and emphasize the importance of the nutritional needs of our Nation's older Americans.●

By Mr. HEINZ (for himself, Mr. DOLE, Mr. RIEGLE, and Mr. DURENBERGER):

S. 2290. A bill to amend titles II and XVI of the Social Security Act to improve widow's and widower's eligibility for insurance benefits and children's eligibility for Supplemental Security Income benefits; to the Committee on Finance.

DISABLED CHILDREN'S AND WIDOW'S ELIGIBILITY REFORM ACT

● Mr. HEINZ. Mr. President, I rise today to introduce legislation which will benefit thousands of disabled children and widow or widowers. I am especially pleased that my colleagues Senators DOLE, RIEGLE, and DURENBERGER have joined me as original cosponsors. This bill will revise certain eligibility standards under the Supplemental Security Income [SSI] and Social Security programs, and ensure that all persons, regardless of age or sex, are treated equitably when they apply for disability benefits. This proposal bridges the generations to assist two extremely vulnerable groups of Americans—poor children and widows with physical and mental disabilities.

Last year I introduced legislation (S. 665) to reform the SSI program. One of the main components of this legislation addressed the Social Security Administration's [SSA] failure to treat the young and old alike when determining eligibility for disability benefits. According to HHS regulations in place since 1974, the eligibility process for children began and ended with a match of a child's primary disability against a rigid list of medical impairments. Absent a match, the child was denied benefits, without any consideration of the combined effect of impairments on the child's overall functional ability. Yet, adults applying for benefits are entitled to additional levels of review, in which their functional capacity and ability to work are assessed.

My legislation required simply that children receive an assessment of their functional abilities. I firmly believe that this was the intent of Congress when the SSI program was first signed into law.

Unfortunately, during last Fall's budget reconciliation negotiations, this body did not see fit to clarify that children are owed this equal protection. It took a Supreme Court decision this February 20 to sweep aside the dust gathered on congressional intent procedure and declare SSA's policy "manifestly contrary to the statute." The 7-2 Supreme Court decision in Secretary of HHS versus Brian Zebley was a spectacular moral victory for hundreds of thousands of poor, disabled children.

THREE CHILDREN'S ISSUES REMAIN

I commend the high court for its finding in this case. And I caution my colleagues against taking this finding as the final reform needed in the children's disability system. In fact, there are at least three major shortcomings that remain. My legislation specifically addresses these in the following ways.

First, the legislation would mandate that revisions of all childhood "listings" of medical impairments be completed by HHS within 12 months.

Mr. President, the agency has a totally unacceptable track record in the revision process. For example, revision of the Childhood Mental Listings were required in the 1984 Disability Reform Act, and they are only scheduled for final release in July of this year. Since SSA is already in the process of revising the disability listings, a year's time seems reasonable to complete the task. What we must strive for in the process is a more just and equitable evaluation process for these children.

Second, my bill would require that a pediatrician or a pediatric specialist, not a bureaucrat, review all childhood disability cases. This is a straightforward and logical requirement that has somehow evaded the administration's reasoning.

Third, under my legislation, children aged 0 to 4 with certain genetic disorders would be able to qualify for benefits on the basis of a "presumptive disability." Children with such documented disabling conditions as Down's Syndrome, spina bifada, cystic fibrosis, and congenital heart disease should not have to wait to receive SSI benefits until they have been developmentally devastated. Income and medical support at an early stage is crucial to alleviate suffering and to prolong the lives of these children—and the emotional and financial stability of their families.

I'd like to tell you how a beautiful child in Lancaster, PA, Leancey M., would have benefited from a presumptive eligibility standard. Leancey is a 4-year-old with congenital heart defects. Born with 2 holes in her heart, she has had two open heart surgeries and been in the hospital 17 times for heart and respiratory complications.

After a long struggle with the Social Security Administration, Leancey was only recently awarded SSI benefits. By awarding benefits retroactive to the first date of her application, SSA acknowledged that a mistake was made in determining her eligibility. Leancey's monthly $387 benefit check doubles her family's income—and makes a very obvious difference in her access to needed medications and rehabilitative services. Presumptive disability would keep other children with genetic conditions from suffering the same senseless wait.

DISABLED WIDOWS NEED ASSISTANCE UNDER SSDI

At the other end of our age spectrum, Mr. President, disabled widows have also been treated inequitably in the disability determination process—although the problem here lies with the Social Security disability law. Since 1967, disabled widows and widowers have been measured against an eligibility standard that is much more restrictive than that applied to wage-earners. We give widows the same catch-22 message we gave to disabled children under the SSI program: "if you don't have a work history, than you can't possibly be assessed on your functional capacity, yet we know many of you have no work history." The Supreme Court found such a claim to be "unconvincing," and stated in the Zebley decision "that a vocational analysis is inapplicable to children does not mean that a functional analysis cannot be applied to them." The Supreme Court strongly stated that children must be given an equal chance; Congress must take the next step to equalize the process for disabled widows.

In addition to this tougher standard, widows under SSA are subject to two other unfair restrictions. First, only widows between the ages of 50 and 60 can receive benefits on their spouses' accounts. A disabled widow under age 50 can only receive benefits if she is caring for a child under 16 or a child who was disabled before age 22. The mathematics of this alone escapes me; the logic is invisible. But the bottom line is that widows who don't match the seemingly convoluted formula don't get the benefits.

Yet another provision requires that the widow be disabled within 7 years of the spouse's death. The 7-year test assumes that widows could have obtained enough credits following her spouse's death to qualify for benefits on her own earnings record. However, not only is it likely to take longer than 7 years to establish sufficient quarters to be eligible for disability, but even if an earnings record is created, the benefits are likely to be much less than those available through the record of the spouse who died after a lifetime of earnings.

The Social Security disability standards seem all the more questionable when compared with the widows' standards for SSI. Curiously, despite the fact that SSDI and SSI are administered by the same agency, SSI allows for functional assessments of a widow's disabilities and SSDI doesn't. Most widows would receive greater benefits under the Social Security system, but Congress continues to block access through the application of inconsistent standards.

Mr. President, I understand that Congress tread uncharted waters back

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in 1967 when we enacted the disabled widow's legislation. Congress instituted a different test for disabled widows primarily because of the unknown cost potential of extending disability benefits to this population. But 23 years later we now have data about the size of the population affected. The 1967 rationale about unknown cost potential is no longer a valid argument for disparate treatment of widows.

Let me give you an example of the difficulties widows in my State have experienced. Mary W., widowed in her mid-50s, has been struggling to get Social Security disability benefits since 1986. A combination of disabling physical ailments has kept Mary out of the workforce. She has arthritis of the left knee and right shoulder, and disc abnormalities, which causes chronic back pain. As a result, she frequently loses sensation in both her feet and right leg, and requires a cane to walk. She also has high blood pressure and a hiatal hernia.

In 1987, Mary was awarded SSI benefits—an acknowledgement of her inability to work. Yet though her condition worsened, and a 1988 gall bladder operation left her with continual abdominal pain, she has been unable to obtain disability benefits under the Social Security Program. This double standard of assessment means a loss of $400 a month to Mary—the difference in what she gets from SSI and what she would be qualified to receive from SSDI.

WIDOW'S REFORM PROVISIONS

My legislation would reform the widow's eligibility standards with three straightforward provisions. I must footnote here, Mr. President, that while I refer to this legislation as widow's reform, it would also help widowers as well in the same ways.

Specifically, my bill would:

Make the disabled widow's eligibility standards the same as for wage earners, which would mean requiring a functional assessment if the widow does not meet the Listings.

Provide benefits to disabled widows at any age, instead of only between age 50 and 60.

Eliminate the requirement that the widow's disability must occur within 7 years of the spouse's death.

SSA estimates that if the definition is changed, an additional 8,000 widows and widowers would receive benefits in the first year, and an additional 4,000 each year thereafter. Changing the age requirement would add 12,000 more in the first year, with a trickle affect thereafter.

The legislation would provide one further protection by allowing widows who are switching from SSI to SSDI to retain their Medicaid eligibility, if they meet the SSI resource test. This provision is necessary because in most States, SSI recipients receive Medicaid. To a disabled widow, the Medicaid benefits are just as important as the slightly greater monetary benefits of receiving OASDI benefits. There is congressional precedent for protecting the Medicaid coverage of widows who were previously SSI eligible to retain their Medicaid coverage when required to accept benefits from the OASDI Program.

Mr. President, in the immortal words of Frederick Douglas, every American deserves a "fair start and an equal chance in the race of life." There are no two groups for whom this holds truer than our disabled children and widows. The Supreme Court played the first reform set for children with the Zebley decision. The ball is back in our court now and I urge my colleagues to join with me in returning a strong and sure shot for equity for every American in each of our disability programs.

I urge the expedient review of this bill in the Finance Committee and would ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disabled Children's and Widow's Eligibility Reform Act of 1990".

SEC. 2. REPEAL OF THE SEPARATE DEFINITION OF DISABILITY PRESENTLY APPLICABLE TO WIDOWS AND WIDOWERS.

(a) IN GENERAL.—Section 223(d)(2) of the Social Security Act (42 U.S.C. 423(d)(2)) is amended—

(1) by striking "(except a widow, surviving divorced wife, widower, or surviving divorced husband for purposes of section 202(e) or 202(f))" in subparagraph (A);

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

(b) CONFORMING AMENDMENT.—The third sentence of section 216(i)(1) of such Act (42 U.S.C. 416(i)(1)) is amended by striking "(2)(C)" and inserting "(2)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after the month in which this Act is enacted.

SEC. 3. BENEFITS FOR DISABLED WIDOWS AND WIDOWERS WITHOUT REGARD TO AGE OR INITIAL DATE OF DISABILITY.

(a) ELIGIBILITY FOR WIDOW'S INSURANCE BENEFITS.—Section 202(e) of the Social Security Act (42 U.S.C. 402(e)) is amended—

(1) in paragraph (1)(B), by striking "has attained age 50 but has not attained age 60 and";

(2) in paragraph (3)(A), by striking "after attaining age 50 if she was entitled before such marriage occurred" and inserting "after having been entitled";

(3) in paragraph (3)(B), by striking "after attaining age 50"; and

(4) in paragraph (4), by striking "age 60" and all that follows and inserting "age 60.".

(b) ELIGIBILITY FOR WIDOWER'S INSURANCE BENEFITS.—Section 202(f) of such Act (42 U.S.C. 402(f)) is amended—

(1) in paragraph (1)(B), by striking "has attained age 50 but has not attained age 60 and";

(2) in paragraph (3)(A), by striking "after attaining age 50 if he was entitled before such marriage occurred" and inserting "after having been entitled";

(3) in paragraph (3)(B), by striking "after attaining age 50"; and

(4) in paragraph (5), by striking "age 60" and all that follows and inserting "age 60.".

(c) CONFORMING AMENDMENT.—Section 226(e)(1)(A) of such Act (42 U.S.C. 426(e)(1)(A)) is amended by striking "sections 202(e)(1)(B)(ii), 202(e)(4), 202(f)(1)(B)(ii), and 202(f)(5)" and inserting "sections 202(e)(4) and 202(f)(5)".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to monthly insurance benefits under title II of the Social Security Act for months after the month in which this Act is enacted.

SEC. 4. ELIGIBILITY FOR MEDICAID BENEFITS FOR MONTHS IN WHICH INDIVIDUALS WHO ARE ELIGIBLE FOR DISABILITY INSURANCE BENEFITS BY REASON OF AMENDMENTS ARE NOT ELIGIBLE FOR MEDICARE BENEFITS ON SUCH BASIS.

Section 1634 of the Social Security Act (42 U.S.C. 1383c) is amended by adding at the end the following new subsection:

"(e)(1) In the case of any individual who in a particular month—

"(A) solely because of the change in the applicable definition of disability made by section 2 of the Disabled Children's and Widow's Eligibility Reform Act of 1990 (repealing the separate definition of disability previously applicable to widows and widowers), is eligible for widow's or widower's insurance benefits based on a disability under section 202(e) or 202(f) and is ineligible for benefits under this title,

"(B) would be eligible for benefits under this title in such month if the separate definition of disability referred to in subparagraph (A) remained in effect, thereby foreclosing eligibility for such widow's or widower's insurance benefits for such month, and

"(C) would be eligible for benefits under this title in such month if the amount of the benefits attributable to the change described in subparagraph (A) were disregarded,

such individual shall be deemed for purposes of title XIX to be an individual with respect to whom benefits under this title are paid in such month.

"(2) For purposes of this subsection, an individual is eligible for widow's or widower's insurance benefits under section 202(e) or 202(f) if such individual meets all requirements for entitlement to such benefits (other than application therefor).".

SEC. 5. REVISION OF LISTINGS OF IMPAIRMENTS FOR CHILDREN.

(a) EXPERT ADVICE REQUIRED.—Effective on the date of enactment of this Act, the Secretary of Health and Human Services shall solicit and obtain the advice of experts in childhood disability, including representative's of child disability advocacy organizations, for the purpose of reviewing and revising the medical criteria for the evaluation of impairments of children under age 18 years established by the Secretary pursuant to the Social Security Act, to take account of age-appropriate medical criteria and limitations on activities of daily living developed by such experts.

(b) Final Regulations.—By March 1, 1991 (July 31, 1990, in the case of criteria relating to mental and emotional disorders and Down's syndrome), the Secretary of Health and Human Services shall prescribe final regulations with respect to the revised listings described in subsection (a).

SEC. 6. PRESUMPTIVE DISABILITY FOR CHILDREN UNDER AGE FOUR WITH CERTAIN GENETIC OR CONGENITAL IMPAIRMENTS.

(a) In General.—Section 1614(a)(3)(C) of the Social Security Act (42 U.S.C. 1382c(a)(3)(C)) is amended—

(1) by inserting "(i)" after "(C)";

(2) by inserting ", except as provided in clause (ii)," after "mental impairment"; and

(3) by adding at the end the following new clause:

"(ii) In the case of any child under the age of 4 years with a genetic or other diagnosed impairment (including cystic fibrosis, Down's syndrome, epidermolysis bullosa, Hirschprung's syndrome, Tourette syndrome, Prader Willi syndrome, and spina bifida) the medical severity of which cannot be accurately determined by clinical or laboratory techniques because the child is too young, and with respect to whom the Secretary has determined that it is probable that, when the child is older, medical professionals will be able to administer a test that accurately demonstrates (by acceptable clinical and laboratory diagnostic techniques) that the child suffers from an impairment or impairments of sufficient medical severity to qualify the child for benefits under this title, the Secretary shall presume such child to be disabled or blind, as the case may be, for purposes of this part. Such presumption may be rebutted at any time by evidence that the child's impairment is not of the requisite severity.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to determinations made with respect to benefits for months after December 1990.

SEC. 7. PEDIATRICIAN TO BE INVOLVED IN DETERMINATION OF DISABILITY OF A CHILD.

Section 1614(a)(3) of the Social Security Act (42 U.S.C. 1382c(a)(3)) is amended by adding at the end the following new subparagraph:

"(G) In determining the eligibility or continuing eligibility of a child under the age of 18 for disability benefits under this title, the Secretary shall make every reasonable effort to assure that a qualified pediatrician or pediatric specialist evaluates the case.".●

By Mr. RUDMAN (for himself, Mr. Roth, Mr. Stevens, and Mr. Boschwitz):

S. 2291. A bill to authorize appropriations to carry out the provisions of the Paperwork Reduction Act for fiscal years 1990, 1991, 1992, and 1993; to the Committee on Governmental Affairs.

PAPERWORK REDUCTION ACT

● Mr. RUDMAN. Mr. President, I rise today to introduce a bill to reauthorize the Paperwork Reduction Act. This law was originally enacted in 1980, under the sponsorship of former Senator Chiles of Florida, with the goal of reducing the paperwork burden that the Federal Government requires of taxpayers. The law requires Federal agencies to consider the impact of their requests for information and to minimize the demands imposed on the public. It also created the Office of Information and Regulatory Affairs, known as OIRA, to oversee this process and other information management issues. Businesses, local governments, and individuals are all affected by Federal paperwork compliance, and the tax season now upon us is a reminder of the importance of limiting unnecessary requests.

The bill I am introducing today is straightforward. It reauthorizes the Paperwork Reduction Act for 4 years until September 30, 1993, and raises OIRA's authorized funding level from $5.5 to $6 million per year.

The authorization for the Paperwork Reduction Act, or PRA, expired September 30, 1989. The delay in renewing this important law has revolved around the role of OIRA, particularly with respect to their role on behalf of a President in reviewing regulations proposed by executive agencies. This is a sensitive issue which has been around for a decade. I will limit myself today to noting that in 1982, Senator Levin, Senator Durenberger, and I proposed and the Senate passed legislation governing this issue. Although that measure did not become law, it led to an agreement between Congress and OMB Director Miller in 1986 which the White House is still complying with today.

I have no problem with Congress choosing to revisit this issue. However, that debate should not come at the expense of the Paperwork Reduction Act itself, which has now been without reauthorization for 5 months.

As Members of Congress, we rely on regulatory compliance to ensure the effective execution of the laws we pass. Tax policy, occupational safety standards, environment law, and a myriad of other issues make the journey from broad legislation to real and substantive policy through the regulatory process. We expect individuals and businesses to recognize their obligation to be cooperative in these efforts. In exchange, we must be cognizant of and reduce the public impact of such Federal action.

Coming from New Hampshire, I am particularly sensitive to the needs of small businesses which have the hardest time with Federal paperwork compliance. Many of small businesses, must hire accountants and other specialists merely to understand Government forms, let alone to begin complying with them. When excess time and money is spent on Federal paperwork, it is diverting resources which could be applied to improve management and productivity. Small businesses employ 40 million people in this country and account for over half of new jobs. Stemming and reducing the burden of Federal paperwork does more than simply alleviate unnecessary or duplicative information requests; it is good for the entire economy.

The Paperwork Reduction Act has worked; even its opponents would be hard pressed to dispute the fact that the public burden of Federal paperwork would have been much higher over the last decade were it not for the existence of this act. Now the time has come once again for Congress to show that it is sensitive to federally imposed redtape upon the American public. This bill is the most direct and practical way to achieve this. Moreover, it avoids delving into other peripheral issues, such as information dissemination policy and regulatory questions, thus leaving Congress free to better focus on these matters if it so chooses, without undermining the basic law. I believe this bill is a sound approach to the issue at hand, and I urge its support.●

● Mr. ROTH. Mr. President, the Paperwork Reduction Act requires that all Federal paperwork—forms, surveys, reports, and recordkeeping requirements of all kinds—be approved by the Office of Information and Regulatory Affairs [OIRA], within the Office of Management and Budget. In addition, it requires such approval be recertified by OIRA every 3 years and contain a clearly identifiable OMB clearance number. Although there have been some problems and controversy with the implementation of the Paperwork Reduction Act in the past, overall the act has contributed significantly to our efforts at the Federal level to reduce the number of Federal forms and reporting requirements made of American citizens.

The act contains an important public protection clause which states that no person can be forced to fill out a form or respond to any information collection request from a Federal agency if the form of collection request has not been cleared and approved. It is my opinion that the Office of Information and Regulatory Affairs is a valuable protection, on behalf of the American citizen, from the excessive burdens of Federal information collections and should be continued.

It is with this thought in mind that I join with Senator Rudman, the ranking member of the Subcommittee on Government Information and Regulation, and Senator Stevens in introducing a simple reauthorization of OIRA.

I do this because I have not seen or heard anything to convince me that the 1986 amendments or the original 1980 act are not working, and feel that this is the best way to ensure that the current public protection remains intact. By the same token, recent Supreme Court decisions have changed the authority of OIRA which may require additional action by Congress. A

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straight reauthorization of the current act will give us a solid foundation from which we can review the mission of OIRA and the needed protection from undue paperwork burden of the American people.

It is important to remember how far we have come in the effort to eliminate unnecessary Federal forms and redtape. The Federal Reports Act of 1942, the predecessor to the Paperwork Reduction Act, was enacted when the President and Congress came to recognize that the Federal Government was imposing requirements on the private sector that, in many cases, were counterproductive and costly to the national economy. The 1942 act established for the first time a Federal policy for controlling paperwork. It created a formal mechanism for review and approval of all reporting requirements by the Bureau of the Budget, later OMB.

This act also had numerous gaps and limitations. It contained no enforcement mechanism to ensure that forms were in fact scrutinized and that those which were unnecessary were eliminated. The act's scope was unclear in several respects, and it contained explicit exemptions for many kinds of forms, such as tax and financial forms, which constituted over half of the public's reporting burden. Over time, the act was weakened further by legislative enactments excusing selected categories of forms and reports from control.

Congress began to realize that the existing methods for controlling paperwork were ineffective and in 1974, created through legislation a Commission on Federal paperwork. This Commission was chaired by Congressman Frank Horton of New York, currently the ranking minority member of the House Government Operations Committee, and included Federal and State officials and representatives of business, labor, and consumer groups. The Commission prepared reports covering such issues as tax policy, education and procurement. It made nearly 800 recommendations for reducing Federal paperwork. The Commission's final report, issued in 1977, found that the total cost of Federal paperwork might well exceed $100 billion annually, and that a good deal of the cost was unnecessary.

Following the Commission's report, the Governmental Affairs Committee held extensive hearings on the paperwork problem which resulted in the passage of the Paperwork Reduction Act of 1980. The act, for the first time, made sure that all kinds of Federal paperwork had to be scrutinized by Federal agencies to ensure that duplicative, unnecessary or excessively burdensome forms were eliminated. It required that every Federal agency, including previously exempted agencies like the IRS and independent regulatory agencies eliminate needless redtape and that all Federal paperwork requests be reconsidered every 3 years.

In 1986, issues similar to those facing us today were raised regarding executive branch use of OIRA to review agency regulations. The Congress, after hearings, enacted strong, comprehensive legislation. This reauthorization bill introduced today extends those 1986 amendments and the original provisions of the Paperwork Reduction Act, while providing a starting point for discussions on information issues into the future. I believe, on the whole, the Paperwork Reduction Act provides important protections for small business, State and local governments, and the general public from unnecessary, intrusive and costly Federal paperwork.●

● Mr. STEVENS. Mr. President, I am pleased to join my colleagues in sponsoring the Paperwork Reduction Reauthorization Act of 1990, a bill to simply reauthorize the Office of Information and Regulatory Affairs for 4 years.

The Office of Information and Regulatory Affairs [OIRA] has a massive mission—to reduce the burden of federally initiated paperwork on our citizens. That is not an easy task, but it is an absolutely necessary one.

The paperwork burden is felt by everyone at one time or another. We all complete IRS forms every year. Every 10 years we all participate in the decennial census. At some time, we all can expect to complete Social Security-related paperwork. These burdens are measured in our time and in our frustration levels.

The paperwork burden on business, however, is much greater. It is esimated that business in the United States spends from $166 to $330 billion per year responding to Federal paperwork requirements. In many cases, a business will spend more money filling out forms and filing reports than they pay in corporate income taxes.

The first priority of the Office of Information and Regulatory Affairs is reduction of that paperwork burden. It is OIRA's responsibility to review information collection requests to determine if the requested information is absolutely necessary, is in an understandable and workable format, and is not repetitive. It should also be OIRA's function to determine whether or not the requested information will actually be used by the Federal Government.

The Senate has before it other legislation to reauthorize the Paperwork Reduction Act. However, that proposal requires OIRA to become more involved in information management and dissemination. In my view, absent an increase in appropriations and staff, this additional responsibility would relegate the paperwork reduction function to a too low priority.

While coordination of the government's information management and dissemination is a necessary function which we need to address, there are too many questions which still need to be answered in my opinion. The reauthorization of this important agency can't wait.

OIRA needs to be reauthorized. So, let's simply reauthorize OIRA for 4 years. I urge my colleagues to join in cosponsoring this straightforward piece of legislation.●

By Mr. LUGAR:

S. 2292. A bill to extend and revise agricultural price support and related programs, to provide for agricultural export, resource conservation, farm credit, and agricultural research and related programs, to continue food assistance to low-income persons, to ensure consumers an abundance of food and fiber at reasonable prices, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SECURITY ACT

● Mr. LUGAR. Mr. President, on February 6, Secretary of Agriculture Yeutter transmitted to Congress the Bush administration's proposals for reauthorization of the Food Security Act of 1985. Today, I rise to introduce legislation to implement these proposals.

SUMMARY OF LEGISLATION

Mr. President, the Food Security Act of 1990 has been drafted with the assistance of the administration. It simply transforms the concepts embodied in USDA's "Green Book" into legislative language. The proposed act will continue the course charted in the 1985 Food Security Act—it will make U.S. agricultural policy more responsive to market signals and continue aggressive promotion of American exports, particularly in response to unfair trade practices by competing exporters. It will also continue to support farm incomes through the target price system.

I reserve the right, as our debate proceeds, to suggest modifications to the proposals outlined in this bill. For example, I am not quite prepared to say that crop insurance is a failed experiment and that a permanent disaster payment program should replace it. The administration, to its credit, has expressed willingness to work together with Congress on this and other matters.

THE AGRICULTURAL ECONOMY

The 1985 farm bill was founded on the idea that farm families needed an income safety net in order to pull through an extremely difficult economic period. At the same time, this very generous income safety net was to be accompanied by a sound and competitive farm policy that would prevent the recurrence of the farm problems once economic recovery had begun.

Though there are still trouble spots—especially in regions that have suffered successive droughts—the contrast between 1985 and today is indeed substantial: 1985 was a year of downturn and near despair; today, farmers are hopeful and most are prospering. The farm sector's performance under the Food Security Act of 1985 is strikingly different from our experience under the 1981 law that preceded it.

Net farm income increased from $32 billion in 1985 to $48 billion in 1989 and shows a 30-percent gain even when adjusted for inflation. Total farm debt fell by an average of nearly $10 billion a year between 1985 and 1989. From its high point of $192.7 billion in 1983, farm debt is now $136 billion. Farm equity has increased by 25 percent from a low $571.3 billion in 1985 to $713 billion in 1989.

U.S. farm real estate was valued at nearly $800 billion in 1981. While the 1981 farm bill was in effect, farm real estate values eroded by an average of $57.2 billion a year. After a final decline of $48.6 billion from 1985 to 1986, real estate values turned around and have increased by an average of $46.9 billion annually since then. Land prices have not, of course, returned to their 1981 levels in most cases, and probably will not anytime soon without a strong inflationary trend in our economy.

Reflecting the debt drawdown and the gains in asset values, farmers' average debt-to-asset ratio, which had reached a troubling 23.5 percent in 1985, has now declined to a more normal 16 percent.

The recovery in our agricultural exports has been as important as any other single factor in bringing better times to U.S. agriculture. From 1981 through 1986, U.S. farm exports fell from $43.8 billion to $26.3 billion—a drop in value of 40 percent. On average, exports declined 8 percent per year under the 1981 farm bill.

But overseas sales began to grow again once the 1985 Food Security Act was fully operational. Export value has grown 10.3 percent a year, rising from the low $26.3 billion mark of 1986 to a forecast $38 billion in fiscal year 1990—an aggregate gain of 44 percent.

For these reasons, Mr. President, the 1985 Food Security Act has been a success. We made the right choices in 1985; market clearing loan rates, aggressive export promotion, and a transition period of income protection for farm families. We passed a good farm bill.

THE WEAKNESSES OF THE 1985 FARM BILL

This is not to say, however, that the current farm bill cannot be improved. The act of 1985 has two flaws. First, it provided insufficient flexibility for farmers to make their own planting decisions, and has thereby raised production costs, hurt the environment, and damaged U.S. competitiveness in some commodities. Second, it continues to rely too heavily on large annual land-idling programs—it perpetuates the failed notion that somehow a business can remain competitive while idling a substantial portion of its productive capacity.

FLEXIBILITY PROVISIONS

With that preface, let me review briefly the chief components of the Food Security Act of 1990. The bill expands planting flexibility by creating a normal crop acreage [NCA] for each farm, comprising acreage bases for the program crops—wheat, feed grains, cotton, and rice—plus historic plantings of oilseeds—soybeans, sunflowers, and canola. ARP's, if necessary, are expressed as a percentage of individual crop bases, and paid diversions continue to be authorized. To qualify for program benefits, producers must limit their plantings to their NCA, while complying with ARP requirements for any crop for which they desire benefits.

Farmers would have substantial flexibility to choose the mix of crops they wish to plant. For example, on the acres allowed to be planted to program crop X, a farmer may plant any other program crop or oilseed, and still receive deficiency payments made for crop X, while preserving his base for that crop. My colleagues will recall this feature from S. 1926, the bill Chairman LEAHY and I introduced. Similarly, on acres idled under an ARP for crop X, farmers may plant that crop or certain other conserving and experimental crops, though not other program crops or oilseeds. For each ARP acre so planted, farmers would give up an acre's worth of deficiency payments. Authority to allow farmers to overplant their bases in the event of short supplies is also included. Individual bases would be calculated on a moving 5-year average, and program yields would be set at the 1990 level.

Planting flexibility is being widely discussed in all agricultural circles today, but some seem uncertain what it means or what it might require. So let us first define the term. To me, farm programs are genuinely flexible when farmers decide what to plant based on expected market returns, and not based on relative subsidy levels.

I suggested how this concept might be translated to actual policy in S. 1926, introduced last November with Chairman LEAHY. The administration has largely incorporated the basic concepts of S. 1926 into this proposal. I hope, therefore, that we can come to an early consensus on planting flexibility, and then proceed to other issues such as target prices and acreage reduction programs.

The most obvious example of the need for planting flexibility is in the soybean market. The United States has long been the dominant producer and exporter of soybeans. Through the late 1970's and early 1980's, U.S. market share routinely exceeded 80 percent. Soybeans were the "cinderella crop"—achieving success with few Federal subsidies.

However, the lack of subsidies proved costly for soybeans. Corn and soybean prices are related, inasmuch as farmers' planting decisions can often be predicted by the ratios between the respective prices. When grain prices plummeted in the mid-1980's, soybean prices also declined, and there was no deficiency payment to make up the difference. Corn and other program crops were, by comparison, more profitable and less risky.

And so, paradoxically, the supposedly market-oriented soybean crop did not respond to market signals. The low 1986–87 average price of $4.78 was succeeded by a significantly higher $5.88 in 1987–88 and $7.35 in 1988–89. Compared to the very low corn prices in these years, the soybean/corn price ratio was 3.2 in 1986–87, 3 in 1987–88, and 2.9 in 1988–89. Ratios above 2.4 have historically signaled producers to grow more soybeans.

But U.S.-harvested acreage of soybeans has been stagnant: 58.3 million in 1986, 57 million in 1987, 57.5 million in 1988, and 59.4 million in 1989. This was not the case with regard to our competitors. Foreign soybean production, which was less than 40 million metric tons in 1985–86, increased every single year since then, reaching 54.7 million tons in 1989–90.

For oats, the 1985 farm bill has had equally perverse effects. Despite the growing consumer demand for oat products, and high oat prices last year, planted acres have fallen each of the last 2 years. In what may be the ultimate irony of the 1985 farm bill, we have continued to run an acreage reduction program for oats while imports accounted last year for 21 percent of total use.

The real costs of current inflexible farm programs, however, go far beyond the loss of market share and competitiveness. From the farmer's perspective, perhaps the most alarming aspect of today's farm policy is that it forces farmers into monoculture, discouraging sound crop rotation, raising their production costs, and degrading the environment. Let me cite a few examples.

Most farmland in the United States is and should be in some type of crop rotation. Unfortunately, over half of all land devoted to cotton is being continuously devoted to that crop. Over a quarter of all corn acreage is devoted to continuous corn. There are a variety of reasons for not rotating, but one

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very obvious reason is the farm program: cotton and corn base acres are simply too valuable to give up willingly, and crop rotation by definition can reduce future acreage bases and future payments.

What does this rigidity mean for farmers' bottom line? First, it means lower yields. A study by North Dakota State University found that wheat planted after wheat yielded, on average, 31 bushels per acre, while wheat grown in a rotation yielded between 35 and 45 bushels. Even at the low end of the range, that means an extra $15 per acre in income.

We can also look at crop rotation's effects on production costs. A study by Iowa State University showed that corn after soybeans consistently yielded 5 to 10 bushels per acre more than continuous corn. Just as important, though, is the difference in cost per acre. Iowa corn production costs are $21 per acre lower in a corn-soybean rotation than in a corn-corn planting pattern. Of this $21, $14 is extra chemical cost, primarily nitrogen fertilizer and insecticide.

Clearly, then, we will derive important environmental benefits if we make our farm programs more flexible. Farmers will need fewer chemicals and will be better able to follow sound agronomic practices.

To summarize, farmers need flexibility in order to cut their production costs achieve higher yields, and practice better stewardship of the land. It follows that flexibility means higher farm income.

ACREAGE REDUCTION PROGRAMS

The 1985 farm bill has one other basic inconsistency. Fundamentally, I believe we have made a mistake by idling excessive amounts of productive acreage. Some farmland should not be farmed, and we are doing a good job of retiring that land under the Conservation Reserve Program. In today's competitive world market, though, the United States must maximize its use of our best acreage if we are to remain a preferred supplier of food and fiber, both at home and abroad.

Let us consider, especially, the case of wheat. In 1988, the target price of wheat was $4.23 and the ARP was 27.5 percent—that is, a farmer with 1,000 acres of wheat had to leave 275 acres unplanted.

The most striking developments among major wheat exporters since the late 1970's have been the emergence of the European Community as a large net exporter of surplus production, and the decision by the United States to idle huge amounts of productive land. U.S. production averaged 70.7 million metric tons per year from 1981 through 1985, but has averaged only 55.3 million tons since then. U.S.-harvested wheat acres have not exceeded 70 million since 1982, and since 1986 an average of 21 million wheat acres were idled every year. The production foregone through this land-idling policy is about 16 million metric tons of wheat per year—roughly the equivalent of annual European wheat exports.

While average annual U.S. wheat output was declining, the other major exporting countries were expanding their production. Average annual output from Argentina, Australia, Canada, and the EC during 1981-85 was 119.7 million tons a year, and from 1986 to the present has been 125.5 million tons. The EC produced 58.1 million tons in 1981, and increased output to 77.6 million tons in 1989. In other words, our competitors did not join us in our efforts to balance supply and demand; they continued to produce and generate economic activity.

Much the same picture emerges for feed grains. U.S. production fell from 246.2 million tons in 1981 to 222.1 million tons in 1989. Foreign production rose from 520.7 millon tons to 587.3 million tons in the same period. The United States gave up an average of 55.3 million tons per year of feed grain production from 1986 through 1989. Again, some of our acreage-idling programs were well advised, like the Conservation Reserve Program. But the lesson of the market in these years remains the same: the United States simply cannot export what it does not produce.

The opponents of a production-oriented policy have attempted to justify supply reductions on the grounds that demand is stagnant. This attitude is projoundly mistaken.

World demand for wheat and feed grains this year will exceed last year's demand by 1.3 billion bushels. That number of bushels equates to the entire U.S. winter wheat crop. It is the same number of bushels as the entire annual corn crop of Illinois. The picture for soybeans is much the same: world demand this year exceeds last year's demand by 260 million bushels, greater than the combined annual production of the States of Indiana and Arkansas.

In the face of growing world demand, it is unwise for America to continue an outdated, New Deal-era strategy of ideling our most productive land while other regions of the world are expanding rapidly.

Perhaps an even more compelling argument against idling productive land is simply that idled land does not create jobs in our jobs and economic activity in our rural areas. Chairman Leahy has been a strong advocate of rural development legislation, but these efforts will be futile unless rural America is put back to work.

The administration proposes that acreage reduction programs be triggered by certain stocks-to-use ratios. For wheat and feed grains, these triggers would be 40 percent and 25 percent of total use, respectively. Below these levels, my legislation would prohibit any ARP above 5 percent, while above these levels the ARP could be as high as 10 percent. For cotton and rice, stock-to-use targets of 30 percent and 20 percent respectively would be established, with ARP's set to attain those levels, but in no case higher than 20 percent. I must emphasize that the administration proposed higher maximum ARP levels for grains, so in this area my bill differs from their policy.

PRICE AND INCOME SUPPORT

Loan rates for grains would continue to be set using the formulas in the 1985 farm bill. The loan rate formulas for cotton and rice would be changed to conform to those for wheat and feed grains. These formulas may, for some commodities, mean slightly higher loan rates in the years ahead. I stress, however, that the high loan rates of a few years ago hurt our competitive position severely. I will oppose, as strongly as I know how, any efforts to take us back to the days of high, inflexible loan rates. One 1981 farm bill is enough.

My colleagues recall the administration did not make specific proposals on target prices. Under the bill I am introducing today, target prices would be set at their 1990 levels. This is a farm bill, not a budget reconciliation bill. Frozen target prices are consistent with baseline levels of spending projected by both the Congressional Budget Office and the Office of Management and Budget. Upon passage of a budget resolution, there will be time enough to discuss how we might make any required savings.

STOCKHOLDING POLICIES

The administration proposes several significant changes for the farmer-owned reserve and stocks policies. For example, the minimum price for cash sales of Government-owned commodities would be set at 110 percent of the loan rate, allowing commodities to move more freely into market channels. The food security wheat reserve would be retained at its present level, but the farmer-owned reserve would be capped at 600 million bushels of feed grains and 300 million bushels of wheat. The length of FOR contracts would be shortened to 9 to 12 months, storage payments would be made in quarterly installments, and release prices would be eliminated. Overall, these changes reflect a policy that encourages sales of surplus stocks in lieu of enormous Government-owned stockpiles that depress prices to farmers.

CONSERVATION AND ENVIRONMENT

The conservation title of the Food Security Act of 1985 for the first time tied soil and water conservation to farm program participation. Recent surveys of farmers' attitudes indicate significant support for these conservation provisions. Now, we should build upon the foundations laid in 1985.

One of the key achievements of the 1985 farm bill is the Conservation Reserve Program whose purpose is to retire highly erodible land. USDA estimates that the CRP will reduce erosion on the nation's cropland by 20 percent for a total annual soil savings of over 655 million tons.

USDA recognizes that we need to begin to consider what should happen when CRP contracts begin to expire. The American taxpayer has made a substantial investment in soil and water conservation through the CRP. In 1989, USDA spent over $1.3 billion on rental payments and cost sharing for conservation reserve contracts. It is important that this large public and producer investment be protected. For that reason, the USDA proposal would continue to protect a producer's base after contract expiration if a protective cover was maintained. For future contracts, the bill would also require CRP land to meet the soil erosion tolerance level before it could return to crop production. Through base protection, farmers would not be faced with an artificial incentive to plant on the land. Also, the bill would extend CRP signups until 1995.

Under current law, more than 7,000 acres of field windbreaks have been planted to protect against wind erosion and preserve soil moisture. This bill would allow windbreaks and shelterbelts into the CRP more easily. The bill provides that producers give an easement on the windbreak or shelterbelt for its useful life so that the public investment is protected.

As a result of the debate regarding global climate change, there has been increased interest in tree planting. The CRP had a goal of planting at least 12 percent of its acres in trees. We are not meeting this goal.

The bill offers landowners the opportunity to receive up to 15 year contracts on CRP acreas devoted to hardwood trees. The Department of Agriculture would also be authorized to provide cost-share payments for tree maintenance costs for at least the first 2 years of the contract. Finally, the bill authorizes existing CRP acres that have been planted to grasses to be converted to hardwood trees. Landowners choosing this option would be eligible for cost share payments and an extended contract period.

Since its inception, the types of land eligible for entry into the CRP have been expanded beyond highly erodible land to include other areas of environmental concern. For example, in order to reduce sediment loading into bodies of water, filter strips of grass or trees around streams, rivers and lakes are eligible to be entered. Also, scour lands with a potentital to be flooded and cropped wetlands are now eligible for entry.

More can be done. The Conservation Enhancement and Improvement Act, which I introduced in May, provided that a CRP-type program could serve other desirable conservation and environmental ends. USDA has recognized this as well.

Because of concern regarding surface and ground water quality, USDA has proposed to further broaden the criteria for entry of land into the CRP to include cropland within 1,000 feet of a State approved wellhead protection area; areas around sinkholes; State-identified serious agricultural nonpoint pollution sources; areas identified as posing a threat to endangered species; and other areas. The Secretary would encourage the use of permanent easements to halt the environmentally harmful practices on this sensitive land.

Significantly, the bill I am introducing today puts agriculture in the forefront of wetlands restoration. Wetlands are productive and valuable National resources. Wetlands constitute habitat crucial to many forms of wildlife and are also important in maintaining ground water supplies and water quality; in protecting shorelines from erosion; in storing floodwaters; and in trapping sediments.

This bill will allow former wetlands, which had been converted to crop production, to be restored to their original status. Producers would be offered permanent easements on the land. Such a program would make agriculture a leader in the national effort to achieve the President's goal of no net loss of wetlands.

This bill provides for multiyear setasides to improve soil fertility, improve habitat for wildlife and birds and have forage available during emergencies. The bill would add protections from excessive erosion on other idled acres. Also, the bill reauthorizes the Great Plains Conservation Program which has been successful in developing farm plans to limit erosion and conserve water resources.

INTERNATIONAL PROGRAMS

This bill continues the export enhancement and targeted export assistance programs which have helped the United States restore its export markets and promote the sale of new products overseas. In order to be most effective and make the most efficient use of EEP resources, the administration must have the flexibility to select the commodity and the situation where export bonuses are applied.

That is especially important this year, because we are in the final, crucial months of negotiating for fairer and freer trade in the Uruguay round. Our negotiators are working for an opening of markets and reduction of subsidies which will benefit producers and consumers alike. This legislation preserves the leverage our negotiators need to accomplish that objective.

The legislation also retains the export credit programs GSM-102 and GSM-103 at current levels. These two programs have facilitated annual exports of nearly $5.5 billion.

The Senate Agriculture Committee, after a comprehensive consultative process for which Chairman LEAHY and his staff deserve particular credit, is now drafting comprehensive food aid legislation, and we await the administration's promised recommendations. For that reason, I will defer offering specific food assistance legislation until I have had the chance to consult again with Chairman LEAHY and the administration.

CROP DISASTER ASSISTANCE

The administration has proposed replacing Federal crop insurance with a disaster payment program. Whether we end up with this program or some revision of crop insurance, it is clear that we can no longer allow both ad hoc disaster payments and subsidized insurance to coexist. Our challenge is not only deciding which program is better, but maintaining whatever program we put in place. Crop insurance was supposed to replace disaster bailouts, but it has not, because of its own shortcomings and farmers' belief in the generosity of Congress. Major disaster bills in 1986, 1988 and 1989 have not exactly discouraged farmers in this belief. If we do not have faith in the program, how can we expect it of our farmers? Less than 45 percent of eligible planted acres were covered by crop insurance in 1989. Participation has increased, but the majority of this increase has been due to mandating participation in the 1988 Disaster Assistance Program. If we are to encourage participation, then we must ensure that the program is one worthy of participation.

The administration's proposal would allow multiperil crop insurance to be offered by the private insurance sector, targeting Government's role to providing for widespread catastrophic crop losses. Even with the establishment of such a disaster program, there might still be recurrent demand to provide for those that are not covered.

The administration's bill is not the final word on crop insurance. In discussing alternatives, I hope we will all work for a risk management program for farmers that does not encourage annual overhaul by the Congress.

FOOD AND CONSUMER SERVICES

This bill reauthorizes the Food Stamp Program and the Temporary Emergency Food Assistance Program, known as TEFAP. The bill would also bring the Food Stamp Program into contact with the child support enforcement system, requiring households with an absent parent to cooperate with the local child support en-

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forcement agency to ensure that needy children receive the support to which they are entitled.

The bill also contains an initiative to improve access to the Food Stamp Program for the homeless and would allow homeless people, who do not have access to a kitchen, to use their food stamps in approved local restaurants.

Finally, the legislation reauthorizes and amends the Commodity Supplemental Food Program, the Food Distribution Program on Indian reservations and other special donation programs.

FARM CREDIT

The credit components of this farm bill send a strong, clear message: Financially irresponsible lending policies cannot and will not continue. Since the Farmers Home Administration was created, U.S. taxpayers have supported FmHA borrowers, through interest subsidies, writedowns and bad-debt reserves, to the tune of $72 billion. Even more alarming, $39 billion of those losses have occurred since 1985.

This legislation corrects problems and loopholes in the Agricultural Credit Act of 1987. Last year the Senate addressed one of these issues when it adopted S. 1894, mandating that FmHA borrowers seeking to have their loans written down or written off deal with the agency in good faith. That bill did not make it to the President's desk, and the administration is urging Congress to complete action on that measure. The administration also requests that Congress provide FmHA with the statutory authority to deny a borrower a buyout to the extent the borrower has other assets to satisfy the original terms of the loan. Not only is it proper stewardship of taxpayer resources to require repayment of loans if a borrower has assets to do so, it is responsible government.

Second, the administration proposal would redirect the activities of the agency for the next decade. The objective is to return the agency to its original mission as a lender of last resort, providing a source of temporary credit to needy, qualified borrowers. The administration proposes that borrowers graduate from FmHA lending to commercial lenders within 10 years.

This is an important redirection of the agency. GAO, in its February 8 report to our Credit Subcommittee, reported that nearly 35 percent of FmHA borrowers have borrowed continuously from the agency for 10 years or more. The administration believes, and I agree, that Government should not be a perpetual source of subsidized credit for a select group of independent businessmen.

RESEARCH

The national research initiative put forward by land-grant universities outlines a renewed effort to address the increasingly complex problems facing agriculture. The administration proposes increasing the Competitive Grants Research Program to $100 million to begin to implement the initiative. This is less than the initiative's original proposed $500 million increase, but is a start in recognizing the need to increase our commitment to agricultural research. Issues involving food safety, environment, and international markets are providing new challenges for American agriculture. Ongoing scientific research is essential to determine the parameters of these issues and their impact on the individual farmer. The Competitive Grants Program is not currently funded at a level to compete with other research grant programs. The national initiative proposes increasing the average amount of each grant as well as extending the amount of time a grant can be awarded from 3 to 5 years.

In addition to the Competitive Grants Program, I will be proposing a renewed commitment to regional priorities in the Special Grants Program. Out of the 95 projects funded in 1990, only 22 were for regional grant projects. Several States are faced with complex agricultural problems that can be addressed through combined research efforts. As research projects are determined, there is a need to identify regional areas of need and collaborate on research efforts that can benefit several States.

I am also proposing a change in language for the higher education component of the Department of Agriculture. These changes to the law will more accurately reflect the existing grant programs that are offered to encourage students and faculty in the study of food and agricultural sciences, including a desire to expand grant opportunities to minority students and Hispanic students.

Increased funding for the National Needs Fellowship Program, a grants program for graduate agricultural studies, is an absolute necessity in this farm bill. There is a strong demand for students to pursue graduate studies in agriculture sciences, but this is the only program that provides such funding. This program is in great demand by universities and students, but limited funding restricts the number of recipients and areas that can be supported. Additional funding can also be utilized to develop an international education program which would further encourage the exchange of agriculture research ideas among students and faculty on an international basis.

CONCLUSION

The Bush administration has submitted to Congress a detailed, realistic, market-responsive proposal. My intent is to put the administration blueprint on the table for discussion. I may later propose modifications to this bill, but in general I believe it is on target. The administration is prepared to work with the Congress to make key decisions about target prices, budget goals, disaster aid and other topics. This willingness to be flexible has led to some criticism that the administration was not specific enough in its proposals.

I can understand these criticisms, but the administration has made its presentation in a way that allows its package to be policy-oriented, not budget-driven. Surely this is a virtue. Having made fundamental decisions about the structure of farm programs, we can then work within the inevitable budget constraints to shape the exact parameters like target prices, payment acreage and all the rest. But let us take the longer view first. Let us rededicate ourselves to an agricultural policy that moves us squarely toward the market, not further into the morass of Government controls and redtape. Let us build on the success of the 1985 farm bill, correct it where it is deficient, and work together for a prosperous, competitive agriculture.

Mr. President, I ask unanimous consent a summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

Food Security Act of 1990

PLANTING FLEXIBILITY

1. Normal Crop Acreage (NCA): a total-cropland base assigned to each farm, equal to cumulative acreage bases for program crops (wheat, feed grains, cotton and rice) plus historical plantings of oilseeds (soybeans, sunflowers and canola).

2. Acreage Reduction Programs (ARPs): authorized for program crops if supplies are excessive (see "Triggered ARPs" below). Paid diversions also authorized. ARPs for oilseeds not authorized.

3. The NCA serves as an overall limit on planted acreage if producers want any program benefits. For particular crops, producers must also comply with any ARP requirement for that crop to be eligible for benefits.

4. Payment Acres: equal to the historic acreage base for any crop minus acres required to be idled under an ARP.

5. Producers can plant and harvest all program crops and oilseeds on their payment acres, without losing any deficiency payments. Conserving crops like alfalfa can be planted but not harvested, while some alternative crops may be allowed but would require forfeiture of some deficiency payments.

6. On acres idled under an ARP ("Acreage Conservation Reserve" or ACR), producers may plant the program crop for which the ARP is established, but not other program crops or oilseeds. For each program crop acre planted on ACR, farmers give up one acre of deficiency payments (as in the 1990 wheat program). Conserving, experimental and industrial crops can also be planted and harvested, and would also require offsetting loss of deficiency payments.

7. In the event of short supplies, producers may be permitted to overplant their NCA without penalty. In the event of excess supplies, a crop may be excluded from the NCA and assigned an individual base and ARP, just as in the current law.

8. Acreage bases would be five-year moving averages, and for program participants would effectively be frozen at 1990 levels. Payment yields would also be frozen at 1990 levels.

LOAN RATES

All loan rates will be set with a similar formula: 75-85 percent of a five-year moving average of market prices, dropping the high- and low-valued years. However, loan rates cannot drop more than 5 percent per year. An additional 20 percent cut (the so-called "Findley amendment") is made if necessary to make crops competitive.

This formula has been used for wheat, feed grains and soybeans during the 1985 farm bill. For soybeans, there is a $4.50 minimum loan rate, which the bill retains. For cotton and rice, marketing loans will be mandatory, as under current law, but present minimum loan rates (50c/lb. and $6.50/cwt respectively) will be eliminated.

TRIGGERED ACREAGE REDUCTION PROGRAMS

For wheat and feed grains, ARP levels are determined by the ratio of ending stocks (carryover) to total use. For wheat, ARPs are 0-5 percent if ending stocks are less than 40 percent of use, and 5-10 percent if stocks exceed that level. Feed grain provisions are identical except that the trigger level is 25 percent of use, not 40 percent. For cotton and rice, ARPs are to be set to achieve a stocks-to-use ratio of 30 percent for cotton and 20 percent for rice. The maximum ARPs for these crops are 20 percent.

TARGET PRICES

Target prices are set at 1990 levels for the duration of the farm bill.

GRAIN RESERVES AND STOCKS POLICY

1. Surplus commodities acquired by CCC can be re-sold when market prices are 110 percent of the loan rate or above.

2. The Food Security Wheat Reserve will be maintained at 4 million metric tons.

3. The Farmer Owned Reserve will feature 9-12 month contracts, instead of the current 3-5 year contracts. Farmers' incentive to enter the FOR will be fixed storage payments, paid quarterly. Instead of the current minimum levels for wheat and feed grains, a maximum level (300 million bushels for wheat and 600 for feed grains) will be established. Farmers could enter or exit the FOR freely, but storage payments could be discontinued when prices were above 140 percent of the loan rate.

DAIRY

The current program will continue, but with more discretion for the Secretary. Cuts or increases in the current support price will be determined by estimates of government purchases of surplus dairy products, under the following schedule.

Estimated Government purchases (billion lbs.)	Price support adjustment ($/cwt)
0 to 2.5	+.25 to +.50
2.51 to 5.0	.25 to +.25
5.01 to 7.5	−.25 to −.50
7.51 to 10.0	−.50 to .75
10.0 or more	−1.00

PEANUTS, HONEY, WOOL, AND MOHAIR

For some of these commodities, support rates have risen under the 1985 farm bill, instead of falling like target prices. For peanuts, the support rate will be set at 90 percent of the 1985 level, and present restrictions on selling or leasing production quotas will be eliminated. For honey, a target price/loan rate system would replace the current support structure, but a marketing loan would still be required. For wool and mohair, target prices would also be established, at 90 percent of the 1985 support prices.

CONSERVATION PROGRAMS

Producers' crop bases will be protected beyond the expiration of Conservation Reserve Program (CRP) contracts as long as the land is maintained in grass or trees. In order to protect water quality and provide vital wildlife habitat, the bill would allow former wetlands, which had been converted to crop production, to be entered into the CRP and restored to their wetland status. Under future CRP contracts, land must meet strict erodibility standards if returned to crop production.

The bill also provides incentives for increased planting of hardhood trees in the CRP, such as contracts for up to 15 years and expanded cost-share payments. Windbreaks and shelter belts will be allowed into the CRP and USDA will be authorized to enter CRP contracts during 1991-95. In this regard, special emphasis will be placed on contracts to improve water quality.

INTERNATIONAL PROGRAMS

The Export Enhancement Program (EEP) will continue without specific budgetary limits. The Targeted Export Assistance (TEA) program will continue at $200 million or less, the current authorized level. Export Credit Guarantees will be authorized at $5 billion for short-term credits and $1 billion for intermediate-term credits.

CROP DISASTER ASSISTANCE PROGRAM

The bill eliminates the Federal Crop Insurance Corporation, leaving multi-peril insurance to the private sector. A new disaster assistance program would be created, administered through ASCS, for all crops now covered by FCIC plus hay and forage.

Disaster payments would be available only in counties where yields fall below 65 percent of normal. Upon county eligibility, producers will receive payments if their own yields are below 60 percent of the county average yield. Payments will be 65 percent of the three-year average price, or 33 percent of the average price if producers were prevented from planting a crop.

FOOD AND CONSUMER SERVICES

The bill reauthorizes the food stamp program, with provisions aimed at preventing fraud and abuse by food stores, setting aside special grants to reach out to the homeless and require cooperation with local child-support agencies. The Temporary Emergency Food Assistance Program is also reauthorized.

FARM CREDIT

Eligibility for direct Farmers Home Administration operating loans will be limited to seven years, such loans being targeted to existing borrowers and beginning farmers. Some abuses of current "borrower-rights" provisions will be corrected by restricting eligibility for debt write-downs to loans made in 1987 and before, requiring that borrowers deal in good faith with FmHA to receive favorable buy-outs, and other measures.

SCIENCE AND EDUCATION

Most provisions in this section will complement the National Initiative for Research on Agriculture, Food and Environment proposed in the President's budget. This initiative would expand the competitive grants program, encouraging higher-quality research. The initiative will highlight research in advanced biotechnology and in such environmental and health topics as food safety, water quality, global change and sustainable agriculture.

MISCELLANEOUS PROVISIONS

The bill contains a variety of other provisions, notably (1) a requirement that exported corn be tested for aflatoxin and (2) a change in current calculations of acreage bases, so that there will be a one-year lag in the years used to make calculations. Thus, the 1991 crop bases would be determined by 1985-89 plantings, not 1986-90 plantings.●

By Mr. WILSON:

S. 2293. A bill to warn certain consumers in connection with the purchase of a Medicare supplemental policy; to the Committee on Commerce, Science, and Transportation.

MEDICARE SUPPLEMENTAL POLICY CONSUMER WARNING ACT

Mr. WILSON. Mr. President, I rise today to introduce legislation that will protect Medicare beneficiaries from being deceived or misled when purchasing a Medicare supplemental health insurance policy.

It is often assumed that the elderly have unlimited access to medical services through the Medicare Program. In reality, significant gaps in coverage exist for the 33 million Americans who depend on Medicare to meet their health care needs.

Last week, Congress received the report of the Pepper Commission, which recommended policies to expand access to one essential service not covered by Medicare and yet desired by most older Americans—long-term custodial care, which is to say care in a nursing home.

Unexamined by the Pepper Commission, Mr. President, are the significant gaps in Medicare's basic hospital, physician, and prescription drug coverage, gaps which have given rise to a multi-billion dollar per year branch of the private health industry. I refer to what is called Medicare supplemental health insurance, commonly known as Medigap. Concerned about escalating health care costs and fearful of ruinous expenses, four of five senior citizens now buy Medigap to supplement their Medicare coverage.

The need for seniors to own a Medigap policy diminished significantly with passage of the 1988 Medicare Catastrophic Coverage Act, a measure which filled some of the critical gaps in Medicare coverage. With the act's repeal, however, Medigap coverage is once again considered essential by many seniors to meet their health insurance needs.

Medigap represents a $10 to $15 billion investment by roughly 21 million older Americans. Yet much of that substantial investment, as much as perhaps $3 billion a year, according to an estimate of the House Committee on Aging, will not, in fact, give the protection that is sought. The victims of trickery, deception, and other abusive practices by insurance companies, far too many Medicare beneficiaries each year are deceived and misled to purchase policies that are not worth the paper on which they are printed.

Mr. President, senior citizens have been the targets of a wide range of unfair and deceptive practices by unscrupulous insurance representatives. Some agents sell seniors overlapping policies. Some present themselves falsely as being from a Government agency or from some legitimate independent senior organization. Still others exaggerate the coverage offered by policies and fail to disclose the limits and exceptions to policies they are selling.

What most seniors do not know can cost them dearly. And I am not talking just about the $3 billion that they have invested in policies which do not give them protection. Given the fact that Medigap policies are not standardized, it is very difficult to compare one package with another. As I earlier noted, Mr. President, the type of coverage desired by most older people—long-term care—is infrequently covered by Medigap insurance. Only rarely does it pay for nursing home care, for routine physical examinations, or dental care, dentures, eye care, foot care, or out-of-hospital prescription drugs. That is the sad, expensive truth. Too often seniors buy policies thinking exactly the reverse, thinking that those things are contained in the coverage they are buying.

There are a number of factors that make elderly consumers vulnerable to abuse in this area. First, seniors are concerned about getting sick, going into a nursing home, or becoming dependent on others. Second, few seniors understand the complexities of Medicare and private insurance coverage. Third, Medigap policies are not standardized, making it difficult for seniors to compare policies. Finally, there are few independent sources of information to which seniors can turn.

Currently, most of the information senior citizens receive about Medigap policies is through direct mail solicitations, television, and print media advertising. Much of this advertising is deceptive, playing on a senior citizen's fear of hospitals, nursing homes, and large medical expenses. These solicitations emphasize rising health care costs, cuts in Medicare, and the consequences of not buying insurance. Many exaggerate the benefits offered by Medigap policies, and minimize their exclusions and limitations by either failing to mention them or concealing them in fine print or obscure language.

Mr. President, the purchase of insurance policies ought to be based on fact—not on fear, fantasy, or blind trust in a well-paid celebrity salesperson. We cannot allow our Nation's seniors, as a result of deceptive marketing practices, to be lulled into paying for insurance policies that hide their limitations and minimize their exclusions in fine print or obscure, legalistic language.

As a caring society, one that venerates rather than victimizes our elderly, we must do more to protect seniors from insurance ripoffs.

To combat this problem, I am proposing legislation to require a warning label to be displayed on all policies, direct mail solicitations, electronic and print media advertisements involving the sale of any type of Medicare supplemental health insurance. Such a label would inform consumers that all health insurance policies contain gaps in coverage, and urge them to seek independent counsel from qualified Government officials prior to purchase. And it would do so in print that can be read without the use of a magnifying glass.

By all means, I urge seniors to get a second opinion, much as any reputable doctor would advise patients to seek additional counsel before proceeding with an important medical procedure. Seniors must be informed of how and where they can seek assistance. Further, accurate and accessible information must be readily available if elderly consumers are to make informed decisions when choosing a supplemental insurance product.

With this bill, Mr. President, seniors will be alerted to the importance of seeking additional information prior to purchasing supplemental insurance coverage and will be directed to their State insurance department or their local agency on aging office for information.

Further, my legislation complements and strengthens consumer counseling programs initiated in a number of States to educate Medicare beneficiaries about their health coverage needs and legislative proposals regarding Medigap now pending in Congress.

My own State of California, for example, has established an insurance counseling program that has proven to be very effective at helping guide the State's seniors through the staggering range of health insurance policy options. Not only has this program eased the minds of thousands of seniors from the anxieties of choosing health coverage consistent with their needs, but it has helped their pocketbooks as well, saving each of the over 5,000 seniors assisted annually an estimated $900.

Senators PRYOR, HEINZ, and others have introduced the Health Insurance Counseling and Assistance Act of 1990 which provides grants to States to provide the types of counseling and assistance services to Medicare beneficiaries that California currently provides. I am pleased to join my colleagues as an original cosponsor of this legislation and believe the bill will encourage States to establish or build upon programs to deliver needed information, counseling, and assistance to seniors regarding their health insurance needs.

There are, of course, a great many reputable and ethical insurance companies that do a good job at disclosing what their policies cover and what they do not. Both they and the insurance-producing public will benefit by this legislation. Hopefully, it will stimulate the insurance industry as a whole to undertake the high standards of disclosure now practiced by the best companies, which will in turn lead to a competition demanded by informed consumers to offer more comprehensive coverage.

At the least, Mr. President, we can hope to ease the doubts and calm the fears of seniors who deserve our gratitude and deserve honest information from an independent source. We must ensure that the elderly, worried over the cost of staying healthy and still more worried over the ruinous expenses of falling ill, do not fall prey to unscrupulous insurance companies that claim to sell peace of mind but in too many instances are instead selling a bill of goods.

The ultimate test of any society is how it treats its most vulnerable members. It is time for Congress and the insurance industry to pass that test.

By Mr. COCHRAN:

S.J. Res. 272. Joint resolution to designate March 30, 1990, as "National Doctor's Day"; to the Committee on the Judiciary.

DESIGNATING MARCH 30, 1990 AS NATIONAL DOCTOR'S DAY

● Mr. COCHRAN. Mr. Prsident, today I introduce a resolution designating March 30, 1990, as "National Doctor's Day" in recognition of the invaluable contribution physicians have made to the Nation and continue to make in our daily lives.

Physicians promote the science and art of medicine and the betterment of public health. Through their efforts—in practice, research, teaching, and medical administration—the discoveries and applications of medical science and medical knowledge become real for each of us.

Approximately 586,000 physicians in 37 specialties practice medicine in the United States today, each playing an important role in meeting America's medical needs. We all have felt the comfort of receiving care from a trusted family doctor and the confidence of having unusual medical questions answered by competent specialists.

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Doctor's Day was first observed regionally on March 30, 1935, when it was begun by the Southern Medical Association in St. Louis, MO. Since then, it has been observed yearly in many States to show appreciation for the role of physicians in caring for the sick, advancing medical knowledge, and promoting improved public health. Recognition of March 30, 1990, as "National Doctor's Day" would add significantly to this fine tradition.

I am pleased to sponsor this resolution, and I hope other Senators will support its passage.●

ADDITIONAL COSPONSORS

S. 330

At the request of Mr. **Pressler**, his name was added as a cosponsor of S. 330, a bill to amend the Federal Election Campaign Act of 1971 to prohibit direct contributions to candidates by multicandidate political committees, require full disclosure of attempts to influence Federal elections through "soft money" and independent expenditures, and correct inequities resulting from personal financing of campaigns.

S. 874

At the request of Mr. **Ford**, the name of the Senator from Wisconsin [Mr. **Kohl**] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 1006

At the request of Mr. **Leahy**, the name of the Senator from Pennsylvania [Mr. **Specter**] was added as a cosponsor of S. 1006, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

S. 1067

At the request of Mr. **Gore**, the name of the Senator from New Mexico [Mr. **Bingaman**] was added as a cosponsor of S. 1067, a bill to provide for a coordinated Federal research program to ensure continued U.S. leadership in high-performance computing.

S. 1325

At the request of Mr. **Riegle**, the names of the Senator from Nebraska [Mr. **Exon**] and the Senator from New York [Mr. **D'Amato**] were added as cosponsors of S. 1325, a bill to amend the Export Administration Act of 1979 to extend indefinitely the current provisions governing the export of certain domestically produced crude oil.

S. 1664

At the request of Mr. **Heinz**, the names of the Senator from Mississippi [Mr. **Lott**], the Senator from Mississippi [Mr. **Cochran**], and the Senator from Florida [Mr. **Graham**] were added as cosponsors of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1823

At the request of Mr. **Bentsen**, the name of the Senator from Alabama [Mr. **Shelby**] was added as a cosponsor of S. 1823, a bill to amend the Social Security Act to increase the amount of earnings exempt from reduction under the retirement test under title II of such act.

S. 1853

At the request of Mr. **Chafee**, the names of the Senator from Arkansas [Mr. **Pryor**] and the Senator from New Mexico [Mr. **Domenici**] were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1911

At the request of Mr. **Dodd**, the name of the Senator from New York [Mr. **Moynihan**] was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 2021

At the request of Mr. **Dole**, the name of the Senator from Arizona [Mr. **DeConcini**] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2037

At the request of Mr. **Levin**, the names of the Senator from Wisconsin [Mr. **Kohl**], the Senator from Vermont [Mr. **Jeffords**], the Senator from South Carolina [Mr. **Hollings**], and the Senator from North Dakota [Mr. **Conrad**] were added as cosponsors of S. 2037, a bill to prohibit for the purposes of meeting the Gramm-Rudman deficit targets the recognition of shifts in dates of making outlays enacted within the year preceding adoption of a budget.

S. 2041

At the request of Mr. **Symms**, the name of the Senator from Connecticut [Mr. **Lieberman**] was added as a cosponsor of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2050

At the request of Mr. **Kohl**, the name of the Senator from South Carolina [Mr. **Hollings**] was added as a cosponsor of S. 2050, a bill to amend title XVIII of the Social Security Act to provide toll-free hotlines for individuals receiving benefits under such title and to provide increased protection against fraud and abuse with respect to the marketing and selling of Medicare supplemental policies to such individuals, and for other purposes.

S. 2059

At the request of Mr. **Lieberman**, the names of the Senator from Utah [Mr. **Garn**] and the Senator from Utah [Mr. **Hatch**] were added as cosponsors of S. 2059, a bill to establish the Weir Farm National Historic Site in the State of Connecticut.

S. 2098

At the request of Mr. **Bentsen**, the names of the Senator from Maine [Mr. **Mitchell**] and the Senator from Louisiana [Mr. **Breaux**] were added as cosponsors of S. 2098, a bill to amend title XVIII of the Social Security Act to provide Medicare coverage of Erythropoietin when self-administered.

S. 2158

At the request of Mr. **Pryor**, the name of the Senator from South Carolina [Mr. **Hollings**] was added as a cosponsor of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2159

At the request of Mr. **Boschwitz**, the name of the Senator from Mississippi [Mr.**Cochran**] was added as a cosponsor of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2177

At the request of Mr. **Lieberman**, the name of the Senator from Tennessee [Mr. **Gore**] was added as a cosponsor of S. 2177, a bill to improve the collection and dissemination of information relating to the supply of winter heating fuels, and for other purposes.

S. 2178

At the request of Mr. **Lieberman**, the name of the Senator from Tennessee [Mr. **Gore**] was added as a cosponsor of S. 2178, a bill to amend title 18, United States Code, to establish a Federal criminal offense for illegal creation of a fuel shortage.

S. 2189

At the request of Mr. **Pryor**, the names of the Senator from Nevada [Mr. **Reid**], the Senator from Alabama [Mr. **Shelby**], the Senator from Iowa [Mr. **Grassley**], the Senator from South Dakota [Mr. **Pressler**], the Senator from Virginia [Mr. **Warner**],

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and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 2189, a bill to establish a grant program to provide health insurance information, counseling, and assistance to individuals eligible to receive benefits under title XVIII of the Social Security Act, and for other purposes.

S. 2191

At the request of Mr. JOHNSTON, the names of the Senator from Connecticut [Mr. LIEBERMAN] and the Senator from Idaho [Mr. MCCLURE] were added as cosponsors of S. 2191, a bill to amend part 3, title V, of the National Energy Conservation Act.

S. 2222

At the request of Mr. BRADLEY, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Oklahoma [Mr. BOREN], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of payments under life insurance contracts for terminally ill individuals.

SENATE JOINT RESOLUTION 228

At the request of Mr. FORD, the names of the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 228, a joint resolution to designate May 1, 1990, through May 31, 1990, as "Worldwide Bluegrass Music Month."

SENATE JOINT RESOLUTION 258

At the request of Mr. BRADLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 258, a joint resolution to authorize the President to proclaim the last Friday of April 1990 as "National Arbor Day."

SENATE JOINT RESOLUTION 261

At the request of Mr. LIEBERMAN, the names of the Senator from Tennessee [Mr. GORE], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Georgia [Mr. FOWLER] were added as cosponsors of Senate Joint Resolution 261, a joint resolution making dire emergency supplemental appropriations for low income home energy assistance.

SENATE JOINT RESOLUTION 262

At the request of Mr. CHAFEE, his name was added as a cosponsor of Senate Joint Resolution 262, a joint resolution designating March 1990 as "Irish-American Month."

SENATE JOINT RESOLUTION 269

At the request of Mr. D'AMATO, the names of the Senator from Virginia [Mr. WARNER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Michigan [Mr. LEVIN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. PRESSLER, the names of the Senator from Washington [Mr. GORTON] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

At the request of Mr. D'AMATO, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of Senate Concurrent Resolution 97, supra.

SENATE CONCURRENT RESOLUTION 99

At the request of Mr. PRYOR, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Louisiana [Mr. BREAUX], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DIXON], the Senator from Arizona [Mr. DECONCINI], the Senator from Michigan [Mr. RIEGLE], the Senator from Florida [Mr. GRAHAM], the Senator from Nevada [Mr. REID], the Senator from North Dakota [Mr. BURDICK], the Senator from Ohio [Mr. METZENBAUM], the Senator from Alabama [Mr. SHELBY], the Senator from Indiana [Mr. COATS], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. DURENBERGER], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Concurrent Resolution 99, a concurrent resolution expressing the sense of the Congress concerning the 25th anniversary of the Older Americans Act of 1965.

AMENDMENT NO. 1321

At the request of Mr. SIMON, his name was added as a cosponsor of amendment No. 1321 intended to be proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE CONCURRENT RESOLUTION 104—RELATIVE TO THE CASE OF THE BIRMINGHAM SIX

Mr. BIDEN (for himself, Mr. DODD, Mr. KENNEDY, Mr. KERRY, Mr. MOYNIHAN, Mr. PELL, Mr. SIMON, Mr. CRANSTON, Mr. HEINZ, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 104

Whereas on November 21, 1974, 21 innocent people were killed and 162 injured by two horrific bombings in Birmingham, England;

Whereas all right-minded people condemn and deplore such bombings and similar violence;

Whereas a climate of extreme anti-Irish bias, panic and hysteria was evident in England because of the Birmingham bombings and previous bombings in other cities;

Whereas six Irish nationals (hereinafter the "Birmingham Six"): Robert Hunter, Patrick Hill, John Walker, Richard McIlkenny, William Power, and Hugh Callaghan, were convicted and sentenced to life in prison for the Birmingham bombings;

Whereas the British authorities have acknowledged that the Birmingham Six were severely beaten after their arrest and those responsible have never been punished;

Whereas incriminating evidence in the prosecution of the Birmingham Six case consisted of dubious confessions beaten from the prisoners during their interrogation;

Whereas further evidence consisted of questionable and unreliable forensic evidence;

Whereas the West Midlands Serious Crime Squad, which investigated the Birmingham bombings, has been disbanded by its Chief Constable, who found that officers had concocted incriminating confessions in local crime cases;

Whereas five officers involved in the Birmingham Six inquiry are among those now under investigation;

Whereas a British Member of Parliament has personally interviewed persons claiming responsibility for the Birmingham bombings and those persons are not currently imprisoned;

Whereas there has been growing international support for a thorough review of the Birmingham Six case, including calls from the City Council of Birmingham and its Lord Mayor, the bishops of Birmingham, many Members of Parliament, the European Parliament, and Amnesty International: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the current inquiries into the activities of the British West Midlands Serious Crime Squad must be extended to cover the period of the Birmingham bombings;

(2) the British Prime Minister should call upon the British Home Secretary to reopen the case of the Birmingham Six and remit the case to the court of appeal, or an independent review tribunal should be established in accordance with the recommendations of the Home Affairs Committee of the British House of Commons; and

(3) the President of the United States should urge the British Prime Minister to call upon the British Home Secretary to reopen the case of the Birmingham Six.

Mr. BIDEN. Mr. President, today I am submitting along with Senators PELL, DODD, KENNEDY, KERRY, MOYNIHAN, SIMON, CRANSTON, HEINZ, and SARBANES, a resolution calling on the British Government to reopen the case of the so-called Birmingham Six, a group of Irish nationals who have spent the last 15 years in prison for a crime they probably did not commit. A similar resolution, House Concurrent Resolution 249, has been introduced in the other body by Representative BRIAN DONNELLY.

Mr. President, I will not take a lot of the Senate's time this afternoon, but it is I think critically important that we speak to this issue, because there may be six people languishing in prison, sentenced to life imprisonment for something they did not do.

Let me briefly review the facts of the case for my colleagues who may be unfamiliar with the case.

In the mid 1970's the Provisional Irish Republic Army waged a bombing campaign in England, to their great shame, I might add. The most horrific bombings occurred in Birmingham, England where two pubs were blown up—almost simultaneously—on November 21, 1974, killing 21 people and wounding 162.

The bombings set off an anti-Irish frenzy in England. Irish clubs and Irish-owned businesses were firebombed. Workers in British airports refused to handle flights to Ireland. A week after the attack, the Prevention of Terrorism Act—a Draconian piece of legislation which allows wide powers of search and seizure—was approved by the House of Commons in an emergency 17-hour sitting. The House of Lords was even more efficient, taking just 2 minutes to approve this legislation.

It was in this context that six men: Robert Hunter, Patrick Hill, John Walker, Richard McIlkenny, William Power, and Hugh Callaghan, each of them Irish nationals living in England, were arrested within hours of the bombings. The following summer they were convicted and sentenced to life in prison.

Mr. President, all rightminded people would agree with me in condemning IRA methods and the IRA itself. Quite frankly, I think the IRA is nothing more than a bunch of common criminals. Their effort to force 1 million Protestants in the north into a united Ireland at the point of a gun is terrorism, pure and simple.

But that is not the issue, Mr. President. The issue is justice, or, rather, the apparent lack of it. Since the conviction of the Birmingham Six in 1975, compelling evidence has come to light which strongly suggests that a great injustice has been done and that these men are innocent of the Birmingham bombings.

Our resolution simply urges the British Government to reopen the case.

The convictions of the Birmingham Six were based upon two facts—confessions signed by five of the six men and forensic evidence taken the night of their arrest. Those of us who practice criminal law understand the lack of utility in many instances of confessions. Confessions appear on their face to be the most compelling evidence but, quite frankly, over history have been shown—in many cases—to be the least significant and the least conclusive evidence because many times they are coerced. Since 1975, numerous allegations have been made that their confessions were in fact coerced, that the forensic evidence was unreliable, and that the police officers in the investigation committed perjury at the trial.

This is not meant to condemn the British police. It happens in every democracy, every independent nation, but it does happen on occasion.

To be sure, these are serious charges, but I am convinced they warrant another look. Let me give two examples. During the most recent appeal of this case, two police officers testified that they had witnessed other police officers assaulting the men, the so-called Birmingham Six, soon after their arrest. Incredibly, the judge at the appeal dismissed the testimony of these two officers.

Last summer the West Midlands Serious Crime Squad which investigated the Birmingham Six and many other serious cases, was disbanded by the British police authorities after it was discovered that the officers on the crime squad had engaged in a pattern of fabricating confessions.

Five of the men involved in the Birmingham Six inquiry are now under investigation—that is, five of the men who were on this squad back in 1975 when they investigated these bombings are themselves under investigation for having allegedly fabricated confessions in other cases.

Mr. President, I have not seen the evidence firsthand, and I do not believe I can say for certain that these men are innocent. In my heart, based on what I have read and know, I feel that they are. But I am certain that justice will not be served by a refusal to reopen the case.

Support for reopening the case is widespread. The Irish Government, many members of the British and European Parliaments, Amnesty International, a number of bishops in Britain and Ireland, even the city council of Birmingham and its lord mayor have all called for a thorough review of the Birmingham Six case.

This case has important ramifications for Northern Ireland. For 20 long years, the modern troubles, as the civil conflict there is known, have dragged on and, sadly, no immediate resolution is in sight.

An important obstacle to a peaceful resolution of the troubles is the lack of confidence, particularly among Roman Catholics, in the administration of justice. To put it quite bluntly, Mr. President, Catholics in Northern Ireland do not believe that they can get a fair trial in a British courtroom. The case of the Birmingham Six reaffirms that belief.

Prime Minister Thatcher has often argued that publicity is the "oxygen of terrorists." In other words, media attention devoted to the IRA contributes to their cause. Quite frankly, I think she is wrong, dead wrong, and I have indicated this to her personally. It is injustice that feeds the terrorist cause—injustice in the courts, injustice in equal opportunity of employment, and injustice in the laws of search and seizure. For the terrorist, the best weapon is the law that discriminates, a law that violates, a law that provokes injustice for some rather than promotes justice for all.

Mrs. Thatcher would do well to learn that lesson. And until she does, in my view, she cannot hope for real progress on the ground in Northern Ireland.

Mr. President, I suspect there is an overwhelming impetus and instinct, as would exist in our Government, for the sitting Government in Britain not to have this case reopened.

Mr. President, the case of the Birmingham Six should be reopened. Justice demands it.

As the second ranking Democrat on the Foreign Relations Committee, I have been involved in the issues relating to Northern Ireland for some time. From our perspective, we are not at all reluctant to point out those circumstances in other countries where we believe there are injustices. We have done the world good in doing so. But there is understandably, because of our special relationship, as it is referred to, with Great Britain, an overwhelming reluctance to acknowledge anything that may smack of injustice in Great Britain in its treatment of Northern Ireland.

Mr. President, I sincerely hope my colleagues and their staffs will take a look at this. All that we are asking in the resolution is that the British Government reopen the case.

Again, I thank my colleagues for allowing me time to speak. I want to emphasize I do not attest to the innocence of the men involved. I do attest to the fact that anyone schooled in English jurisprudence—the jurisprudence system that we inherited—would look at this case and say it warrants a second look.

I ask unanimous consent that an article from the Sunday Times of London be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

I ACCUSE * * *

(By Ludovic Kennedy)

On a November night 16 years ago, a group of Irish drinking companions sat playing cards on a train out of Birmingham as two IRA bombs caused dreadful carnage in the city centre. Within hours, accused of being the killers, they were gripped by a nightmare from which they have still not been released.

These men, the Birmingham Six, should not be in prison. The British legal system is keeping them there, having corrupted both the police and the judiciary into incarcerating them against common justice.

The six have maintained in court that false confessions were beaten out of them by the police, and witnesses have come forward to give evidence of their treatment. Yet the judiciary has refused to accept this.

Eminent counsel, who have fought in court on behalf of the prisoners, are known to have been left greatly shocked and angered by the rude and dismissive attitude of the bench towards their case, to the point where the reputation of justice came into question.

Now, at last, it can only be a matter of time before the home secretary decides the ordeal of the Birmingham Six must end (I understand he is considering fresh evidence on police violence) and for them to receive proper compensation for their years inside.

When that has happened, the three judges who had the evidence and the power to open the prison gates for them on appeal and yet failed to do so, and in whose integrity not only the public, but some members of their own profession, have now lost faith, might care to consider their positions. For, by their perverse findings, they have seriously undermined confidence in British justice.

Just over two years ago the Court of Appeal in the shape of Lord Lane, lord chief justice, Lord Justice O'Connor and Lord Justice Stephen Brown heard fresh evidence in the case of these six Irishmen: Patrick Hill, Hugh Callaghan, John Walker, Dick McIlkenny, Gerry Hunter and Billy Power, who had been serving life sentences for murder since 1975.

The evidence was led on the two main points that had resulted in the men's convictions: that it could no longer be concluded that any of them had been in contact with explosives, and that their alleged "confessions" had been obtained by threats and violence (as in the case of the Guildford Four, released last year from long prison sentences for IRA bombings).

The court rejected both submissions. "The longer this case has gone on," the judges said, "the more convinced this court has become that the verdict of the jury was correct." The appeals were dismissed.

So were the judges right in their judgment or wrong? In many murder cases where justice is later found to have miscarried, it often happens that quite early in their investigations the police light on some small but seemingly convincing piece of evidence that leads them to draw the wrong conclusions; and which, if pursued tenaciously, leads in turn to wrongful prosecution, conviction and sentence.

In the case of the Birmingham Six, their undoing was their association with an IRA bomber named James McDade who, on November 14, 1974, blew himself up while planting a bomb in the Coventry Telephone Exchange. Three of the six had been schoolfriends of McDade in the small Roman Catholic enclave of the Ardoyne in north Belfast, while McIlkenny and Callaghan, who were older, had been close friends of the McDade family.

All had come to Birmingham to seek work, mostly in the 1960's. Until McDade blew himself up, none of the six (with the possible exception of Walker) suspected that McDade was an IRA activist.

They were not members of the IRA or even of Sinn Fein. But they were staunch supporters of the republican cause. Several helped to raise money to send to dependents of Ulster fellow Catholics who had been imprisoned or interned.

On November 21, 1974, the body of James McDade was to be flown from Birmingham to Belfast, and five of the six agreed to combine attendance at his funeral with a visit to their families. Their friend Hughie Callaghan saw them off at Birmingham's New Street Station on the 7.55pm train which would connect with the night boat from Heysham.

At 8.17pm, the first bomb went off in the Mulberry Bush pub and a few minutes later the second exploded in the Tavern in the Town, both near the station. There were horrific casualties of 21 dead and 162 injured. Ports and airports were alerted, and when the booking clerk at New Street reported that he had sold tickets to a group of Irishmen travelling to Belfast, the Lancashire police were asked to interview them at Heysham.

The five reached Heysham at 10.45pm, having spent most of the journey smoking and playing cards and having been observed by a British Rail guard as being in good humour. Paddy Hill was out first and, after showing his luggage to the waiting police, was allowed through to the boat. There he settled in the bar to wait for the others. They were interrogated and had their luggage examined.

In Walker's coat were found Roman Catholic mass cards for the funeral of McDade. The local police called up the head of Lancashire CID, who ordered the men be taken to Morecambe police station for further interrogation, and for Dr. Frank Skuse to be there with his equipment for detecting traces of explosive. As the four men were being taken away, they asked what had happened to Paddy Hill. He was then taken off the ferry to join them.

If the six were guilty, there are already two things wrong with this scenario. First, as Lord Scarman has pointed out to me, as trained IRA men they would not have set the bombs to explode at a time which would give the police 212 hours to await their arrival at Heysham. Second, they would not have called the police's attention to the missing Paddy Hill.

On arrival at Morecambe they were put in different cells. In the small hours of the morning Skuse arrived, also Supt. George Reade from Birmingham and detectives from the West Midlands Serious Crime Squad (now disbanded during investigation of many of its officers).

One by one the five men were escorted to Skuse to have their hands swabbed in the Greiss test. This was regarded as a reliable method of detecting nitro-glycerine, but now, like Skuse himself, is considered unreliable. McIlkenny's, Hunter's and Walker's hands proved negative. But the right hands of Power and Hill proved positive. This, said Skuse, made him 99 percent certain that both Power and Hill had recently been in contact with explosives.

Before considering the "confessions" that followed, and the ruthless beatings the six say they received, let us follow the forensic evidence (which began with Skuse's findings at Morecambe) through to the final verdict at the Court of Appeal.

At the trial of the six in Lancaster, Mr. Justice Bridge said the forensic tests were one of two "absolutely critical" chapters in the prosecution's case. Yet Skuse, in evidence, had to admit that when he subjected the traces of Power's and Hill's right hands to two further tests (one of which, a gas chromatography mass spectometry, known as GCMS, was said to be far more sensitive than Greiss), both registered negative. But he stuck to his 99 percent certainty of the Morecambe tests.

Dr. Hugh Black, for the defence, said the Greiss test by itself was not adequate to detect the presence of nitro-glycerine.

In May 1985, the Granada Television programme World in Action invited David Baldock and Dr. Brian Caddy to carry out the Greiss test on a variety of common substances. They found that items such as lacquer, aerosol spray, cigarette packets and old playing cards all gave positive results. (The men were smoking and playing cards on their journey to Heysham.) Asked later if he was surprised that Skuse had been so certain of his findings at Morecambe, Baldock said he was amazed.

On appeal, the evidence of Baldock, Black and Caddy again clashed head-on with that of Skuse. The result was that the judges found themselves obliged to admit that, "in our judgment the Greiss test at Morecambe should not be regarded as specific for nitroglycerine". But, like shipwrecked sailors on a spar, the judges clung to Skuse's positive finding on Hill's hand in the GCMS test, and found another spar in the evidence of Dr. Janet Drayton who would go no further than to say of Hill's hand, "possible NG present, very small increase".

On this flimsy edifice the court announced: "So far from creating any doubt, the fresh evidence on this topic (Dr. Drayton's) makes us sure that Hill's hand is proven to have nitro-glycerine upon it, for which there is, and can be, no innocent explanation. That conclusion is fatal to the appellants."

Let us now turn to the "confessions". First it is necessary to look at the background circumstances in which the "confessions" were obtained.

When news became known of the pub bombings, with their appalling casualties, there was hardly a man in Birmingham (as well as a vast number outside it), who would not have been ready and willing personally to lynch any of those responsible. When the six arrived at Winson Green Prison on remand, only three days later, they were beaten up mercilessly. A number of prison officers were subsequently tried and acquitted of assault.

The question at the heart of this whole case is what happened to them while they were in police custody before being passed on to prison. They maintained at their trial that they were assaulted ferociously by detectives. They gave evidence of sustained policey brutality and callousness designed to break them down and make them confess.

Callaghan testified: "I was in a state of shock. I do not know what I said. They said things to me. I agreed. At the end one of the officers put a pen in my right hand, placed it over the paper and guided my hand as I signed." Similar assertions were made by the Guildford Four.

The "confessions" themselves were a mass of contradictions and untruths. Three of the four referred to the bombs being carried in plastic bags. In fact they had no plastic bags with them, and forensic examination of the remains showed that the bombs had been carried in holdalls or briefcases.

Callaghan said he put his bomb outside the Mulberry Bush public house on one side and that Hunter had put his outside on the other. Forensic evidence showed the bomb, or bombs, had been placed inside the pub.

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Despite Callaghan's claim that he and Hunter had bombed the Mulberry Bush, Walker claimed Hunter had been with him bombing the Tavern. Callaghan said there were six bombs, Walker and McIlkenny said three.

At their trial neither judge nor jury believed the allegations of beatings or disbelieved the "confessions". Mr. Justice Bridge spoke of the allegations against the police as being "of the most bizarre and grotesque character". If the defendants were telling the truth, he said, "I would have to suppose that a team of 15 officers had conspired among themselves to use violence on the prisoners and to fabricate evidence."

Poor innocent, he discounted how desperate the police can become for confessions.

The judge concluded: "All the police officers, who gave their evidence of the circumstances in which the statements were taken, impressed me as being straightforward and honest witnesses." But this is how police officers are trained to appear; that is why some lie and lie and know they will be believed.

In November 1977, the six men brought a civil action against the police and the Home Office for injuries they had received while in police custody. For fresh evidence they were relying on the findings of Dr. David Paul, a former police surgeon and City of London coroner and a specialist in the interpretation of injuries from photographs. Shown enlarged photographs of the six, taken while they were in custody at Queen's Road, he found signs of injuries on all.

The action was allowed and application made for legal aid. But the police appealed and, in an uncharacteristic judgment, Lord Denning upheld them. If the action were to succeed, he said, it would show evidence of police perjury and violence, and the six might have to be pardoned. This was such an appalling vista that the action could not be allowed to proceed. In other words, from the layman's point of view, between that the six rot in jail than to find there had been police wrongdoing.

But the supporters of the six, including some of the media, continued to press their case. In December 1986 a retired police officer by the name of Tom Clarke, who had been at Queen's Road at the material time, appeared on Granada Television to say what he has seen and heard. Seven weeks later, the home secretary announced he was sending the case back to the Court of Appeal and was ordering an inquiry by the Devon and Cornwall Police.

At the appeal hearing, Clarke confirmed the prisoners' claims of police intimidation and ill-treatment, even admitting that he himself had joined in verbal abuse of the prisoners ("I was thrilled to know we had got the right people").

He described one prisoner as having on his stomach a red weal turning bluish and measuring about 6in by 4in. "He had been hit so badly that, although I wanted to see him dead, I was worried about him." When he went off duty, he said, the prisoners were "scared out of their wits"; and when he came back he observed puffiness over and under their eyes and red faces. "They had," he told the court, "been hammered." By the time he left again, the prisoners were "all in a petrified state and physical wrecks".

Tom Clarke knew, when he came to give evidence, that he would be discredited as a witness for having been dismissed from the polic force for stealing Pounds 5 from a prisoner. He contests that verdict and, having read his papers on the case and spoken to him, I would say there could be a doubt in the matter. But he was supported in his Appeal Court evidence by a former member of his first aid team, Sergeant Brierley, who said Clarke had told him within weeks or months of the bombings that cell doors had been banged, the prisoners had been kept standing up and police dogs had been let into the cell block to bark at them.

Another former policeman, Paul Berry, told the court of having called in at Queen's Road at this time on a routine matter and seeing a prisoner "whose left eye and lip were puffed and swollen".

The most impressive withess for the appellants was Joyce Lynas, who was on duty at Queen's Road as a police cadet. She gave evidence to the court on two occasions. On the first she said that the prisoners had been intimidated but she denied having witnessed any prisoners being assaulted.

But a few days later she was back in court to say she had witnessed a prisoner being assaulted. Asked why she had not said so at her first appearance, she said she had been frightened off by two telephone conversations. The first had been in the summer when she rang Queen's Road and was told by an officer: "You know what you saw and heard, but remember we have families." The second had been an anonymous call to her home before the hearing began, with the message: "Don't forget you have children."

On the Saturday after her first appearance, she had seen a television programme about bullying in the army and people not reporting it. After talking to her husband and her church minister, she volunteered to return to court, even though it meant having to admit to perjury.

What new evidence did Joyce Lynas have to offer? Simply that when she took tea to officers who were interviewing the prisoners, she saw two officers holding one by the arms while a third kneed him in the groin. As she entered she heard the third man say: "This is what we do to murdering bastards," and what she called "other vile words".

There was other confirmatory evidence of the prisoners having been beaten up. Prison officer Brian Sharp of Winson Green was on duty when they arrived at the prison on the Monday morning. He said that when Walker undressed, "his torso from the neck to the middle had numerous amounts of bruising, purple, blackish, some had tinges of yellow".

How did the three Appeal Court judges respond to the overwhelming evidence that, over a period of three days, the appellants had been assaulted and intimidated by the police and their "confessions" were therefore no longer tenable?

Although most people who attended the court, particularly the appellants' counsel, believed the judges had decided early on to reject the appeal, they had not bargained for the manner in which their witnesses would be rubbished. This is what the judges said of them:

Tom Clarke: "A most unconvincing witness and an embittered man. His motive was * * * at first at least to make money and secondly to blacken the reputation of the West Midlands police force." (A year later the reputation of the West Midlands Serious Crime Squad had become so blackened that it had to be disbanded.)

Paul Berry, who had glimpsed a prisoner with a puffed and swollen face, was "mistaken". But how could he have been mistaken? All the cells were occupied by the appellants. There were no other prisoners.

Brian Sharp, who had said that Walker's body was covered with bruises on his arrival at Winson Green, was, the judges said, trying to conceal or minimize the violence that prison staff and inmates had inflicted on the prisoners. But Sharp had no motive to conceal anything. He had been tried for assaulting the appellants and been acquitted.

Joyce Lynas: the judges described her as "a witness not worthy of belief" and her reasons for changing her story were "not acceptable". Lynas is a committed Christian whose character, while in the police force, was assessed as "exemplary" and she was angered and distressed by these attacks on her integrity. "I did not have to go back," she told me. "I went because I felt I ought to, and I told the absolute truth."

For the judges to declare, in the light of all they heard, that the original verdicts were safe and satisfactory (which is the criteria the law sets) seems to me an abuse of the English language as well as an insult to anyone's intelligence. How could they possibly have come to believe, as they must have done, that the appellants' graphically detailed accounts of assaults by the police were a total invention? Why did they come to their conclusions?

I fear the harsh truth is that, just as some policemen corrupt themselves by their readiness to fabricate evidence against those who they have convinced themselves are guilty, so there are judges, otherwise honorable men, who corrupt themselves by refusing to recognize police fabrication, evenwhen it is staring them in the face.

"British justice is in ruins," said Lord Denning after the release of the Guildford Four. But it had been in ruins for a long time. Judges at trials of first instances as well as judges in the Appeal Court have consistently refused to entertain the ideas of police fabrication unless it is so clear-cut that they have no alternative.

Every judicial inquiry into miscarriages of justice in recent years preferred to accept dubious police evidence rather than give the people concerned a clean bill of health. In so doing they have done both themselves and British justice a grave disservice.

Yet, to be fair, it is less that the police and the judges have corrupted themselves as that the system has corrupted both of them. The adversary system, a comparatively late development in English criminal law, and which turns a trial into a kind of phoney sporting contest which each side feels it has to win, is no way to dispense justice. It invites corruption and the concealment of the truth.

What we need is a change to the inquisitorial system. In all serious criminal cases we need a judicial figure to oversee the police in their inquiries, interrogate suspects himself or herself and thus pre-empt "confessions" to murder by such as the Birmingham Six.

THE BIRMINGHAM SIX

Mr. **KENNEDY**. Mr. President, I support this concurrent resolution and I commend Senator Biden for his leadership. It is long past time for the British Government to ensure that justice is both done and seen to be done in the case of the Birmingham Six.

The issue is a matter of fundamental decency and respect for the rule of law and basic human rights. Great Britain deserves credit for reopening the case

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of the Guildford Four, releasing those defendants last November, and admiting that a gross miscarriage of justice had been done.

But the convictions of the Birmingham Six were based on evidence strikingly similar to that involved in the case of the Guildford Four. Great Britain has an obligation either to clear the air and dispel the allegations of injustice, or to release these defendants too.

This is a time when many other serious allegations are being made involving abuses by the British security forces in cases relating to the conflict in Northern Ireland. Many of us are deeply concerned about the numerous reports of collusion between British law enforcement officers and Protestant paramilitary death squads operating in that province.

I raised the issue of the Birmingham Six in January, when I met with Britain's Secretary of State for Northern Ireland, Mr. Peter Brooke, during his visit to the United States. At that time, Mr. Brooke informed me that the British Home Secretary, Mr. David Waddington, was currently considering the possibility of a further review relating to this case.

Following our discussion, I wrote to Mr. Waddington, encouraging such a review. Last week, I received Mr. Waddington's response, in which he states that he is "at present carefully considering further detailed representations submitted in December by the solicitor for the six men."

I urge the Senate to adopt this concurrent resolution, and I urge the British Government to take all appropriate steps to do justice for the Birmingham Six and to end these other unacceptable abuses.

I ask unanimous consent that my letter to Mr. Waddington and his response may be printed in the RECORD, along with a letter I recieved last year from Mr. John Walker, one of the Birmingham Six, describing the conditions of his imprisonment and asking for assistance in "reversing this grave injustice."

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JANUARY 29, 1990.

Rt. Hon. DAVID WADDINGTON, Q.C., M.P.
Home Secretary,
House of Commons, London.

DEAR MR. WADDINGTON: I have been meaning to write to you for some time to express my support for a further review of the Birmingham Six case.

Yesterday, I had the privilege of meeting with the Secretary of State for Northern Ireland, Peter Brooke, during his visit to Washington. One issue we had the opportunity to discuss was the case of the Birmingham Six. Mr. Brooke informed me that you are currently examining further evidence relating to this case, but I wanted to write to you directly about the issue.

Inevitably, the circumstances of the Guilford Four case call into question the convictions of the Birmingham Six. As you know, these six defendants were convicted and sentenced to life imprisonment under conditions similar to those involving the Guildford Four.

In the case of the Guildford Four, it is now clear that fabricated evidence was used against them at their trial, and the British Government deserves credit for rectifying this extraordinary miscarriage of justice.

The validity of the conviction of the Birmingham Six, however, continues to be challenged on similar grounds. It is my understanding that several former police officers have come forward to allege that the confessions used against the defendants at their trial were coerced by the police. In addition, I understand that forensic evidence used against them has also been discredited to some extent.

I also gather that evidence of police fabrication has recently surfaced in two other cases which led to the disbandment of the West Midlands Serious Crime Squad. Three of the officers involved in those two cases were also involved in the Birmingham Six case.

Although the convictions of the Birmingham Six were reviewed and reaffirmed last year by the same appeals court that overturned the Guildford Four convictions, the disturbing similarities to the Guildford Four case clearly warrant a current further review of the case, with a view to ensuring that justice is not only done, but seen to be done.

I look forward to hearing from you, and I appreciate your consideration of my views in this matter.

Sincerely,

EDWARD M. KENNEDY,
U.S. Senate.

FEBRUARY 28, 1990.

Hon. EDWARD KENNEDY,
U.S. Senate,
Washington, DC.

DEAR SENATOR KENNEDY: Thank you for your letter of 29 January about the case of the six men convicted of the public house bombings in Birmingham in 1974, and sentenced to life imprisonment.

It might be helpful if I explain the role of the Home Secretary in considering cases where it is alleged that there has been a miscarriage of justice. A basic principle of the system of justice in Britain is that the courts are wholly independent and free from any interference by the Government or its Ministers. Under the provisions of section 17 of the Criminal Appeal Act 1968, I can refer any case dealt with upon indictment to the Court of Appeal. Following my predecessor's practice, however, I would not normally do so unless some new evidence or other consideration of substance, which had not been before the courts and which cast doubt upon the safety of the conviction, came to light.

The convictions of the "Birmingham Six" were referred to the Court of Appeal in January 1987 by my predecessor, Douglas Hurd, after he had considered a number of representations about the safety of the convictions, some of which contained material not previously looked at by the courts. The new material included an allegation by a former West Midlands police officer that he had witnessed the police mistreating the six men while they were held in custody before appearing in court, and challenges to the accuracy of the forensic science evidence presented at the original trial.

After the case had been referred to the Court of Appeal, an independent police force (the Devon and Cornwall Constabulary) was invited to investigate the former police officer's claims. They also looked carefully into earlier allegations by the six men of misconduct by the police, both at the time of the initial arrest at Morecambe and in the West Midlands. This inquiry was completed before the appeal proceedings started, and the defense was provided with a copy of statements taken and other related material.

Once the Home Secretary refers a case to the Court of Appeal, it becomes for all purposes an appeal by the convicted persons. They thus have the opportunity to raise with the Court of Appeal any matters which they believe are relevant or important to their appeal. In this case, after a long and careful review of the convictions (including the scientific evidence and allegations that admissions had been made because of police duress) over a period of five weeks in November and December 1987, the Court of Appeal upheld the convictions, concluding that they were safe.

The court was able to consider all the evidence and associated argument in the case. I must therefore accept their decision. Nevertheless, I am always prepared to consider any representations about the safety of convictions, and I am at present carefully considering further detailed representations submitted in December by the solicitor for the six men.

The decision of the Court of Appeal in the Guildford and Woolwich cases does not, however, offer any grounds on which I would be justified in referring the Birmingham case to the Court of Appeal.

You have referred to the allegations that have been made about police officers who have served in the West Midlands Serious Crime Squad. Under the direct supervision of the independent Police Complaints Authority, the West Yorkshire police are at present investigating the activities of the Squad. I am in close touch with the progress of the investigation. Four members of the Serious Crime Squad at the time that it was disbanded had been involved in interviewing some of those convicted of the Birmingham public house bombings. But to date no improper behaviour by any of these officers has been established. All allegations about them—or any other police officer—will be fully investigated by the West Yorkshire police. The West Yorkshire investigation is concentrating on the period from January 1986, when complaints about the Squad first began to arise. But if a line of inquiry does extend back further, I would expect the police to pursue it.

If anything from these inquiries raises doubts about the safety of any conviction, I will carefully consider whether I would be justified in intervening.

Yours Sincerely,

DAVID WADDINGTON.

APRIL 21, 1989.

DEAR SENATOR KENNEDY: I am writing this letter from my prison cell where I continue to be forcibly held against my will by the British Government for crimes which I or my five other co-accused know nothing about.

My full name is John Frances Walker, better known as Johnny Walker, one of the Birmingham Six. The Birmingham Six are six innocent irish men whom the British Government fitted-up and railroaded into prison as scapegoats.

I considered whether or not you as an irish American would be prepared to enter into the campaign for the release of the Birmingham Six before I put pen to paper. I reached the conclusion that all irish American men and women of integrity have a heartfelt duty to their forefathers and their own children, to rise up and be counted and voice their total disgust towards British Government Policy of injustice employed against innocent irish men and women. Unless yourself and other distinguished irish Americans voice your outrage against this policy of injustice which is waged against innocent irish men and women then children of one year old and up-wards will be left fatherless for fifteen years or more as my young children were.

No man can fully comprehend the anguish and heartache of being incarcerated for fifteen years for crimes which he knows nothing about. To be physically beaten and brutalised, to wake up covered in blood and vomit, face the harsh reality of more Jackboots and baton attacks all because he's irish and innocent. To be denied food and water for four days, to be made to stand against the wall night and day until you collapse with total exhaustion. To wake up lying on a concrete floor covered in black and blue bruises with your teeth hanging out, then to have the cell door crash open and have to face the feeble-minded mental torturers screaming at you that your wife and children are in the hands of a lynch mob. To hear from these abnormal torturers that the house I lived in and furnished with hard earned honest money had been blinked out in a moment of madness by a crazed riotous mob whilst British police stood by and done nothing. I could only drop my head and look through glazed and swollen eyes at my hands which at one time were covered with blisters. Blisters which hard honest work caused, blisters which put the bread and butter on the table to feed my seven beautiful children. Never once did a dishonest penny cross my palm never once did I commit a crime. I served my Queen and Country and did my National Service. Yet there I was fifteen years ago looking at my hands and crying like a child because the ordinary good working class people of England had been grossly mislead by a total corrupt Government to believe that six innocent irish men were responsible for horrific crimes. To have psychological warfare tactics employed against you is an experience which no ordinary working class man should ever face. To be lying there bleeding with no medical care available to you and listen to a torturer screaming that your wife and children were dead is a burden no man can carry mentally. All this physical and psychological torture was a lever the British authorities used against six innocent irish men to extract a confession, a confession to ensure that those in authority got no mud slung in their faces.

Senator Kennedy, this must never be allowed to happen again. My family always comes first in my life as they are all I lived for. Fifteen years ago I held my one year old child during a visit and I can honestly say that no dictionary holds words to describe my broken heart. I am asking you from the bottom of my heart, as one irish man to another, please, please do everything in your power to reverse this grave injustice, thus ensure that the Birmingham Six are reunited as soon as possible with their families. Help to bring to an end all our suffering. Remember the British government don't believe we are innocent, they know we are innocent. Stand up please and let justice triumph.

Hoping that you will join the campaign for our release and that you will voice your concern in the corridors of power. Please acknowledge safe receipt of my letter.

Yours faithfully,

Johnny Walker,
Number 509494, H.M. Prison Long Lartin, South Littleton, Evesham, Worcestershire, WR11 5T7.

SENATE RESOLUTION 264—AUTHORIZING TESTIMONY IN A CERTAIN CASE

Mr. LEVIN (for Mr. Mitchell, for himself and Mr. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 264

Whereas, in the case of *United States* v. *Poindexter, et al.*, Cr. No. 88-0080-01, pending in the United States District Court for the District of Columbia, the Independent Counsel has requested testimony from Senator Dave Durenberger and Eric Newsom, an employee of the Senate, and the defendant has caused subpoenas for testimony to be served on Senator Durenberger, Senator Patrick J. Leahy, Mr. Newsom, Edward Levine, an employee of the Senate, and Bernard McMahon, a former employee of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Dave Durenberger, Senator Patrick J. Leahy, Eric Newsom, Edward Levine, and Bernard McMahon are authorized to testify in the case of *United States* v. *Poindexter, et al.*, Cr. No. 88-0080-01 (D.D.C.), except concerning matters for which a privilege should be asserted.

Sec. 2. That no Senator is authorized to testify pursuant to this resolution when his attendance at the Senate is necessary for the performance of his legislative duties.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

BOREN (AND OTHERS) AMENDMENT NO. 1336

Mr. BOREN (for himself, Mr. Dole, Mr. Bentsen, Mr. Breaux, Mr. Johnston, Mr. Nickles, and Mr. Gramm) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health-protective national ambient air quality standards, and for other purposes, as follows:

On page 238 of the amendment, line 25, insert "except that the Administrator shall not list oil and gas production and exploration wells (with its associated equipment) as an area source category under this section" after "this section".

GRAMM (AND BENTSEN) AMENDMENT NO. 1337

Mr. GRAMM (for himself and Mr. Bentsen) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

At the end of title I, insert the following new section:

Sec. . Subpart 1 of part D of title I of the Clean Air Act is amended by adding at the end thereof the following new section:

"INTERNATIONAL BORDER AREAS

"Sec. 180. (a) Implementation Plans and Revisions.—Notwithstanding any other provision of law, an implementation plan or plan revision required under this Act shall be approved by the Administrator if—

"(1) such plan or revision meets all the requirements applicable to it under the Act other than a requirement that such plan or revision demonstrate attainment and maintenance of the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this Act, or in a regulation promulgated under such provision, and

"(2) the submitting State establishes to the satisfaction of the Administrator that the implementation plan of such State would be adequate to attain and maintain the relevant national ambient air quality standards by the attainment date specified under the applicable provision of this Act, or in a regulation promulgated under such provision, but for emissions emanating from outside of the United States.

"(b) Attainment of Ozone Levels.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that, with respect to an ozone nonattainment area in such state, such State would have attained the national ambient air quality standard for ozone by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the provisions of section 184.

"(c) Attainment of Carbon Monoxide Levels.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator, with respect to a carbon monoxide nonattainment area in such State, that such State have attained the national ambient air quality standard for carbon monoxide by the applicable attainment date, but for emissions emanating from outside of the United States, shall not be subject to the provisions of section 190.

"(d) Attainment of PM-10 Levels.—Notwithstanding any other provision of law, any State that establishes to the satisfaction of the Administrator that, with respect to a PM-10 nonattainment area in such State, such State would have attained the national ambient air quality standard for

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carbon monoxide by the applicable attainment date, but for emissions emanating from outside the United States, shall not be subject to the provisions of section 193."

On page 122, line 11, insert after "conditions" a comma and the following: "or emissions of PM-10 emanating from outside the United States,".

MOYNIHAN AMENDMENT NO. 1338

Mr. BAUCUS (for Mr. MOYNIHAN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Insert where appropriate:

"SEC. . EPA STUDY OF MAGENTIC LEVITATION.

"The Administrator of the Environmental Protection Agency shall provide for the analysis of the health and environmental aspects of magnetic levitation technology, and shall report to the Congress and the President on such activity not later than 6 months after the date of enactment of the Clean Air Act Amendments of 1989.".

COATS AMENDMENT NO. 1339

Mr. BAUCUS (for Mr. COATS) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 145 of the amendment, line 7, after "refueling." insert "Such study shall consider any special safety considerations which may arise in the use of onboard systems in recreational vehicles (as defined by the Secretary of Transportation)."

METZENBAUM AMENDMENT NO. 1340

Mr. REID (for Mr. METZENBAUM) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of amendment No. 1293, add the following new title:

TITLE VIII—ASBESTOS ABATEMENT

AMENDMENTS TO TOXIC SUBSTANCES CONTROL ACT

SEC. 801. (a)(1) Section 206(a) (1) and (3) of the Toxic Substances Control Act (15 U.S.C. 2646) are amended by adding at the end of each the following: "or a public or commercial building.".

(2) Section 206(b)(1)(A)(i) of such Act is amended by inserting immediately before the period at the end thereof the following: "or who inspect for asbestos-containing material in public or commercial buildings".

(3) Section 206(b)(1)(A)(iii) of such Act is amended by inserting immediately before the period at the end thereof the following: "or public or commercial buildings"

(4) Section 207 of such Act (15 U.S.C. 2647) is amended by adding at the end thereof the following:

"(g) Any contractor who—

(1) inspects for asbestos-containing material in a public or commercial building;

(2) designs or conducts response actions with respect to friable asbestos-containing material in a public or commercial building; or

(3) employs individuals to conduct response actions with respect to friable asbestos-containing material in a public or commercial building;

and who fails to obtain the accreditation under section 206 of this Act, or in the case of employees to require or provide for the accreditation required, is liable for a civil penalty of not more than $5,000 for each day during which the violation continued, unless such contractor is a direct employee of the Federal Government.".

(b) In exercising any authority under the Toxic Substances Control Act in connection with the amendment made by subsection (a) of this Act, the Administrator of the Environmental Protection Agency shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), be considered to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

EFFECTIVE DATE

SEC. 802. Section 801 shall take effect upon the expiration of the 12 month period following the date of the enactment of this Act. The Administrator may extend the effective date for a period not to exceed one year if the Administrator determines that accredited asbestos contractors are needed to perform school-site abatement required under the Asbestos Hazard Emergency Response Act (15 U.S.C. 2641), and such an extension is necessary to ensure effective implementation of section 203 of this Act.

On page 3, immediately after the item:

"SEC. 702. Stratospheric Ozone and Global Climate Protection.", insert the following;

TITLE VIII—ASBESTOS ABATEMENT

SEC. 801. Amendment to Toxic Substances Control Act.

SEC. 802. Effective date.

JEFFORDS AMENDMENTS NOS. 1341 AND 1342

Mr. JEFFORDS proposed two amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

AMENDMENT NO. 1341

On page 17, at the appropriate place, add the following:

"(xv) programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other nonmotorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of Interior.

AMENDMENT NO. 1342

On page 540, after line 7, insert the following:

"(3) DEMONSTRATION PROGRAMS.—At the request of any State, the Administrator, in consultation with a manufacturer or distributor of a product that uses alternative substances to CFR 12, may establish programs to demonstrate the technical feasibility and consumer acceptances of such alternative products in order to assist in the implementation of this subsection.".

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold a full committee hearing on Friday, March 23, 1990, to examine small business trade opportunities with the Soviet Union and Eastern Europe. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 9:30 a.m. For further information, please call Scott Varady of the committee staff at 224-3052 or Ken Glueck of Senator LIEBERMAN's office at 224-9846.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on the "World Oil Outlook."

The hearing will take place on Monday, March 26, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to assess the outlook for the world oil market in the 1990's and its implications for U.S. energy, economic, and security interests. Topics to be addressed include future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.

For further information, please contact Karl Hausker, chief economist, at (202) 224-3329.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on March 9, 1990, at 10 a.m. to hold a hearing on S. 640, a bill to regulate interstate commerce by providing for uniform standards of liability for harm arising out of general aviation accidents.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the Subcommittee on Oversight of Government Management of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Friday, March 9, 1990, at 10 a.m. for a joint hearing on "Oversight of Implementation of the Clinical Laboratory Improvement Act of 1988."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate Friday, March 9, 1990, 1 p.m., for a hearing to receive testimony concerning S. 1908 and H.R. 737, legislation to amend the Stock Raising Homestead Act; and S. 1805, legislation to authorize the Secretary of the Interior to reinstate oil and gas lease LA 033164.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Friday, March 9, beginning at 9:30 a.m., to conduct a hearing on Federal participation in magnetic levitation transportation systems.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 9, 1990, at 9:30 a.m. to hold a hearing on the NASA fiscal year 1991 budget overview.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Friday, March 9, 1990, at 10 a.m. to hold hearings on the nomination of Robert Swan, of Utah, to be a member of the National Credit Union Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE BLACKBIRD'S GRACEFUL RETIREMENT

● Mr. GORE. Mr. President, in an era when criticism of the defense industry is routine, it was heartening to see the Air Force's SR-71 Blackbird soar to its retirement with such dignity and grace. The March 6 swan song for the SR-71 Blackbird brought emotions of awe and sadness: It traveled from coast to coast in a record-setting 68 minutes. Yet Wednesday's descent meant the last time the Blackbird would be allowed to fly.

For 26 years, this twin-jet, all black plane has served its country dutifully. The Blackbird has flown missions over North and South Vietnam in the 1960's, taking photographs and gathering electronic intelligence. It has watched North Korea's military buildup during the past 10 years with an eagle eye. And, in 1986, the Blackbird brought home the proof of the United States raid on Libya.

The Blackbird has literally been the ears and the eyes for the President and his national security advisers. Without information gathered by the Blackbird, the United States would not have know about certain activities in other countries. The SR-71 Blackbird was also the only reconnaissance plane able to penetrate and fly over certain territories, thus it has been our country's wings as well as our eyes and our ears.

The Blackbird is a class act. Anyone who's ever criticized cost overrun or shaken a finger at a defense contractor has to take notice. It's a plane we are retiring that broke the cross-country speed record, not a plane we are test flying. Imagine an 85-year-old man running a 4-minute mile. The Blackbird is an anomaly. It deserves the gracious and respectful send-off it received. We ought to tip our hats to the people who made it, the people who flew it, and the people who kept the Blackbird in the air.

Rightfully, the SR-71 Blackbird will be nested in the Smithsonian Institution's Air and Space Museum. There, people from around the country will be able to learn of its importance and its contributions to the Nation. Immortalized in the museum, the Blackbird with its emblem of a skunk on its tail—from the legendary "Skunk Works" in Burbank, CA, where it was created—will be an inspiration of what we have achieved and what we are capable of achieving in the future. When it was created, the Blackbird was one of the most magnanimous, prestigious jobs of the U.S. Air Force.

Budget cuts may have forced the Blackbird out of the air, but we will never forget its importance. And though the eagle is our country's mascot, I say the Blackbird soars close behind.●

SCHOOL BREAKFAST WEEK

● Mr. BOSCHWITZ. Mr. President, the American School Food Service Association has designated the week of March 4-10 as "National School Breakfast Week."

As the senior Republican on the Nutrition Subcommittee, I have been a strong supporter of the school lunch and school breakfast programs. Indeed, I have visited and eaten at many schools in Minnesota since I was elected to the Senate in 1978.

We have seen increasing attention focused on the School Breakfast Program over the past few years. Many schoolteachers have told me how difficult it is to teach a hungry student who has not had breakfast. However, many school districts have been slow to adopt the program. Objections to starting up a breakfast program, however well-intentioned, affect those least able to bear it—the children.

I have led efforts to increase school participation in the School Breakfast Program. A provision I offered to increase reimbursement for school breakfast was included in the Hunger Prevention Act enacted in 1988. The Child Nutrition and WIC Reauthorization Act of 1989, which I coauthored, provided funding for one-time expenses in starting up a school breakfast program. These funds will be awarded to States on a competitive basis.

It is fitting that we take a few moments this week to recognize that the School Breakfast Program is an effective and important nutrition program. I hope that educators or interested parents would ask their schools to look at the breakfast program and consider participation. I will continue to lend my support to initiatives that encourage more schools to offer breakfast to their students. The federally funded School Breakfast Program has been an excellent investment in preparing today's children to be tomorrow's strong, healthy, and well-educated leaders.●

THE PRESIDENT'S TRANSPORTATION PROPOSAL

● Mr. KERREY. Mr. President, yesterday President Bush and Secretary of Transportation Skinner presented their recommendations for a national transportation plan. During the press conference when he was introducing the President, Secretary Skinner selected a sports analogy to describe the plan:

> This is the end of the first quarter, he said, I was going to say it was the end of the first inning, but knowing the President's feelings about that subject I didn't.

Given the status of baseball at the moment it would have been a much more apt metaphor. This is a plan where there is no action and lots of words. It is a plan which calls for the Federal Government to continue a decade long squeeze play on the States and locals. It is a plan that would have a devastating impact on rural States like Nebraska. It is a plan that reminds me of a third base coach signaling his batter.

Mr. President, the most telling thing about this plan is what it almost was.

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It may become the defining description of President Bush's leadership: The administration that almost was.

In its original form, before political polls revealed that user fees and increased State taxes were more beneficial to the President, the plan called for a much stronger Federal partner. In the original plan President Bush was to say:

> It is an ambitious action oriented agenda for re-shaping our Nation's transportation system to meet the needs of the twenty-first century.

Unfortunately, the plan was cooked by pollsters who are guiding America today. The plan was placed upon their stove and simmered until the President's words were reduced to this:

> It will help our transportation system meet the needs of the twenty-first century.

In fact this may be truth in advertising. The plan may help * * * but it will not provide our children with the transportation system our parents gave us.

Here is the rough outline of the plan:

> Highways: A decreased federal role with increased State and local share. The feds will even be requiring States to develop infrastructure management plans before aid will be given. Translation: Less money with more strings attached. For those communities that are not on one of the designated high use routes—in other words, most rural states—no help is on the way.
>
> Aviation: A slightly more ambitious effort including the much needed completion of the upgrading of air traffic control systems. Still the financing formula is the same: Let the locals do the lifting.
>
> Mass Transit: The Bush administration is a no show. The Feds will dramatically reduce their contribution while asking States and locals to increase their share.
>
> Rail: We will end Amtrak subsidies.

Further, the Bush administration is proposing no significant spend down of the highway trusts which they are using to reduce the Federal deficit. Rather than looking to the future and calling upon Americans to invest in it, the President again has looked to the present and told us to grab all we can.●

SOVIET JEWISH EMIGRATION

● Mr. BOND. Mr. President, in the past several months, the Soviet Union under Mikhail Gorbachev has made great strides toward opening their society and improving their record on human rights.

One issue on which we all have been gratified to see some movement is the area of Jewish emigration. In recent months, thousands of Soviet Jews have been given permission to leave. Unfortunately, the millions who remain in the Soviet Union are not free from harassment. With the new freedom to speak freely, old ethnic conflicts are resurfacing. Outraged by their current economic situation, many Russian nationalist groups are turning to the traditional scapegoat, the Jew.

In the preglasnost era the party supported and encouraged anti-Semitism. However, while the practice of Judaism was prohibited by the state, anti-Semitism by the masses was controlled and suppressed through limitations on free expression. Now under glasnost, all control has been removed.

Anti-Semitic groups have taken root throughout the Soviet Union. Groups such as Pamyat have harassed and threatened Jewish citizens with pamphlets warning of pogroms. With the Soviet Government's recent failure to protect the lives of Armenians in Baku, many Soviet Jews fear for their lives. Some have already been beaten and killed by Pamyat thugs and most have been harassed. The Soviet Government does not appear to be directly responsible for this anti-Semitic behavior, but it continues to tolerate groups like Pamyat and to sanction groups with anti-Semitic platforms.

It is time for the Soviet Government to accept the responsibilities that follow democratic reforms, and take active steps to end this anti-Semitic behavior. President Gorbachev must begin by publicly condemning anti-Semitism and providing every Soviet Jewish citizen the opportunity to practice their religion or, if they wish, to emigrate. The Soviet Union cannot just ignore this grave situation, action must be taken.

Though the Soviets have made significant progress toward allowing free emigration, there are still some significant problems which must not be ignored.

Since 1987, I have been writing letters on behalf of Vladimir Raiz, a Soviet Jewish citizen. For the past 17 years, Mr. Raiz, a molecular biologist who was never involved in classified work, has been denied an exit visa from the Soviet Union due to his alleged exposure to state secrets some 25 years ago. The Soviet Government has denied emigration freedoms to several other Jewish citizens on the basis of national security as well. In most cases, these Soviet Jews, known as refuseniks, were exposed to so-called state secrets many years earlier and could not possibly pose a threat to Soviet national security.

Currently, legislation is pending before the Supreme Soviet that would limit to 5 years the amount of time persons with access to state secrets may be denied permission to emigrate. If passed this legislation would resolve nearly all cases involving refuseniks—including Vladimir Raiz—who have been denied exit visas for over 5 years. However, the Supreme Soviet has failed to even consider this bill. The Soviets must take action to free all refuseniks; and we in the United States must not forget them in our haste to move forward with new trade and economic relationships with the Soviets.

Recently, we have seen another problem arise for Soviet Jews. The Soviet Union, succumbing to heavy pressure from Arab nations, refused to permit El Al Airline direct flights between Moscow and Tel Aviv. This decision was made despite an earlier agreement reached in December between El Al and the Soviet airline Aeroflot allowing for direct flights from Moscow to Tel Aviv. Sources have indicated that more than 1 million Jews in the Soviet Union have begun the emigration process and over 300,000 are ready to emigrate; but with waiting lists up to a year long for departing flights, the ban on direct flights will mean that 15,000 to 20,000 Soviet Jews with permission to leave will be unable to do so. Every Member of this Senate has signed a letter to President Gorbachev urging him to implement the airline agreement. Doing so would enable more than 700 Jewish emigrants to leave the Soviet Union each day. But as of yet, Gorbachev and the Soviet Government continue to block direct El Al flights thus instilling in thousands of Soviet Jews the very real fear that progress in the Soviet Union will be reversed and they will be trapped in that country.

Mr. President, these are very real concerns and we must not ignore them especially as we consider proposals to waive or repeal the Jackson-Vanik amendment. I urge my colleagues to continue their critical efforts to make our concerns known to President Gorbachev and more importantly, I urge President Bush to continue to make Soviet Jewish emigration a top priority in all bilateral talks.●

ANTI-SEMITISM IN THE SOVIET UNION

● Mr. LAUTENBERG. Mr. President, today I want to speak about the recent and troubling upsurge of anti-Semitism in the Soviet Union. I would ask Senators to use every opportunity and contact with the Soviets to urge the Soviet leadership to take immediate steps to condemn and combat these outbreaks, and to assure that Soviet laws on ethnic incitement are fully enforced.

Although anti-Semitism has always existed in Soviet society, increasingly open expression of anti-semitism appears to be one of the undesirable by-products of President Gorbachev's glasnost. Increased freedom of expression has allowed groups and individuals who hold anti-Semitic views to come into the open and spread their vicious message of hate. Recent news articles as well as firsthand reports from refuseniks and Soviet emigres give us a chilling account of worsening anti-Semitism giving rise to fears of renewed pogroms. Many Soviet Jews presently believe that the growing anti-Semitism poses a real threat to their safety, security and well-being.

It is my understanding that most anti-Semitism stems from individuals and groups espousing nationalist and chauvinistic themes. While Pamyat (Memory) is the best known of these groups, it is not the only one. In general, anti-Semitism comes from those people who support conservative, nationalistic, and chauvinistic causes and ideologies. They have been able to spread their vicious message of hate through segments of the press controlled by conservatives. In addition, conservatives who oppose President Gorbachev's policies have probably sought to encourage those who espouse anti-Semitism to serve their own political ends and to make life harder for Gorbachev and his allies.

It appears that even in the last few weeks, reports of anti-Semitism have grown. Analysts attribute this to a number of factors. These include increasing political and economic instability in the Soviet Union, creating a need for scapegoats, growing interethnic tensions in the Soviet Union, and the pogroms against Armenians living in Azerbaijan. In addition, real uncertainty about the future political situation in the Soviet Union, and the large upsurge in Jewish emigration, have given rise to the argument that Jews enjoy special privileges.

Fortunately, there is little evidence that the present Soviet leadership either supports or has encouraged the activities of Pamyat or other organizations. In fact, Soviet authorities in Odessa recently issued a warning to leaders of popular front and ethnic associations that fanning racial hatred is a crime punishable by imprisonment.

In fact, I am heartened by the news that prosecutors in Moscow have begun a criminal investigation into the activities of Pamyat for its alleged anti-Semitism actions. According to Tass, the proceedings were started because of a Pamyat statement published in a small newspaper which called for a program to dezionize the country.

However, it appears that some in the Party apparatus and the government bureaucracy who oppose Gorbachev's policies have been willing to tolerate or give tacit encouragement to these groups. For instance, while some Jewish groups seeking access to meeting halls have been denied permission to use them, Pamyat and other such groups have succeeded in obtaining permission.

The recent occurrence of several high profile anti-Semitism events has heightened Soviet Jews' fears about safety. For instance, a Moscow writers meeting on January 16 was disrupted by a gang of intruders who broke in and shouted, "Yids, get out to your Israel" and "Russia's Jewish question must be raised at the appropriate level." The intruders then invited the audience of liberal writers to be punched by some of the intruders' 30 colleagues. After the interchange, the intruders made a leisurely exit with little interference from the police.

Further, anti-Semitism has been used as an election tactic in some of the local election campaigns now underway. Recently, in a debate of candidates for the Russian Republic Parliament, a member of the audience talked of fears about the growth of anti-Semitic agitation in the name of Russian nationalism. One of the candidates drew applause and laughter from the audience when he noted that the name of the person with the grievance was Lieberman.

In Leningrad, members of Pamyat and other nationalist groups have been reported openly picketing a subway station shouting anti-Semitic slogans and threatening to harm Jews. Some Jews there allege that these activities are being tacitly sanctioned by Communist authorities eager to exploit anti-Semitism to shore up their eroding power base. And, in a November issue of Ogonyok, a progressive weekly magazine, there was a transcript of a meeting of the national writers union in which the Jews were compared to a virus that was metastasizing.

Finally, rumors of a pogrom to occur on May 5 have circulated in Moscow, and dates for pogroms in other cities have been mentioned as well.

These reports are extremely serious, and we must actively make the Soviets aware of our deep concern. I urge my colleagues to express their opposition to these practices at every opportunity and urge Soviet officials to publicly oppose behavior of this type and let it be known that the law will be enforced.

I ask that a copy of various articles on the subject of anti-Semitism in the Soviet Union be included in the Record following these remarks.

The material follows;

[From The New York Times, Feb. 2, 1990]

Anxiety Over Anti-Semitism Spurs Soviet Warning on Hate

(By Francis X. Clines)

Moscow, Feb. 1—Renewed anxiety that anti-Semitism is surging once more in the Soviet Union has prompted Government officials to start cautioning nationalist and ethnic organizations against provocations toward hatred and pogroms.

The unusual warning that fanning racial hatred is a crime punished by imprisonment was issued this week by the authorities in Odessa, once a major center of Jewish life, to leaders of popular front and ethnic associations as a wave of fear and rumors of pogroms swept through Soviet Jewish circles across the country.

The latest anxiety is focused on a number of recent events, notably the disruption of a Moscow writers' meeting Jan. 18 by a gang of intruders campaigning for local elections who demanded: "Yids, get out to your Israel!"

"Russia's Jewish question mst be raised at the appropriate level," one of the intruders shouted through a bullhorn, inviting the stunned audience of Moscow's more liberal writers to come forward and be punched by some of his 30 colleagues. After the harangue and a scuffle, they made a leisurely exit from the capital's main writers' headquarters with little interference from the police.

Other events listed by fearful Jews include openly anti-Semitic agitation reported in centers like Leningrad and in various local election campaigns, and the rapidly rising tide of ethnic chauvinism that has the Government of President Mikhail S. Gorbachev in crisis.

Most particularly Jews have noted the recent experience of the violence in Azerbaijan, where the central Government waited a week before storming Baku to rescue Armenians who were victims of a pogrom. Jews say they were not targets of that violence, but the 20,000 Jews living in Baku now want to leave because of their fears of the majority's strident separatism.

ATTEMPTS TO EMIGRATE

It is not known how many people in the Soviet Union consider themselves Jews, since some traditionally sought to conceal the fact to avoid the penalties of bias. Official estimates now are fewer than 1.5 million, although consular officials have been reporting lately that more Soviet citizens have come forward intent on proving their Jewish ancestry in an attempt to emigrate.

With Government tolerance of Jews growing along with freedom of expression and movement, increasing numbers are using the freedom to opt out of this economically depressed nation, with a record outflow of scores of thousands heading this year to Israel.

Regular fears of anti-Semitic oppression, bolstered by the experience of actual pogroms, have been a fact of life for Russian Jews for centuries. In the Gorbachev era of freer speech for the common citizen, formal anti-Semitic crackdowns have not been seen, although Jews say the nation's institutional bias at universities and other establishment centers is as ingrained as ever.

LOCAL HATE GROUPS

What is new in the latest cycle of fear is that it has come to be fed more by local hate groups as political initiative has become decentralized and once-suppressed ethnic prides and enmities revive.

With local election campaigns now under way in many places in the nation's latest step toward democratization, anti-Semitism can be witnessed as an electioneering ingredient of some campaigns. For example, the other night in a debate of Moscow candidates for the Russian Republic Parliament, the hall resonated with enthusiasm for Russian nationalists and their sense of grievance at the hands of minority groups. One candidate, Viktor I. Anpilov, drew laughter and applause with his response to a voter's statement about fears about the growth of anti-Semitic agitation in the name of Russian nationalism. The candidate responded by merely noting the voter's name.

"Liberman," said the candidate, looking out at the crowd while denying being anti-Semitic himself.

Such incidents feed the surge of pogrom rumors, which, as in the past, bristle with very specific predictions among the nation's Jews.

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For example, the date of May 5 as the beginning of the feared pogrom is widely quoted not only in the anxious gossip flooding Jewish circles but, lately, in a few news accounts and Government warnings against pogroms, warning that some Jewish leaders are suspected of being anti-Semitic signals.

"Why is a warning issued in Odessa, where there are so few Jews, and not in Moscow, where the Jews are?" asked Mikhail Gorbachev, co-chairman of Vaad, a national umbrella organization of Jewish culture and social groups. He said the first serious mention of the anti-Semitism problem in Moscow, where there are 200,000 Jews, occurred today in the capital newspaper Moskovskaya Pravda. It published a long essay entitled "On the Difficult 'Jewish Question,'" a headline that Mr. Chlenov considered provocative.

The long article was by Valery Rabinovich, a Jewish scholar who said the history of the nation's anti-Semitism was rooted in "disgusting" notions tailored for "naive" citizens.

The essay was a response to a Muscovite who wrote: "My granddaughter is crying. Women are afraid to go out shopping. Filthy rumors are spreading about Jewish pogroms. Why are the papers silent? Why is there no word from Moscow authorities?"

OPPOSITION CRITICIZED

Opposition minority members of the national congress have criticized the police as passive and even sympathetic in the face of repeated violations of the law banning the fomenting of ethnic hatred. Last autumn, Pamyat, the Russian chauvinist group whose adherents often espouse anti-Semitism, managed to hold one of the rare public rallies allowed in Red Square, broadcasting its militant complaints while the police stood by.

"We have experienced these fears before, but the panic this time is far stronger," Mr. Chlenov said, "and the panic itself is dangerous because it can help bring on pogroms," he added, saying Kremlin leaders should openly discuss the problem before violent incidents occur.

He said the current widening exodus of Soviet Jews to Israel was not a factor in the situation. "Anti-Semitism is a reaction not to Jews, but to the inner crisis of Russian society," he declared.

The wave of fear thus far is rooted more in the reports of increasingly brazen behavior of anti-Semites rather than in any specific incidents of bodily harm. The raid on the writers' union was tape-recorded and has made for chiling retelling among Jews. A man who identified himself as Smirnov shouted: "Comrade Jews leave the hall! We're the masters of the country. The pogrom will come in a few months!"

One Jewish resident, Polina K. Epstein, said the level of fear was considerable, with her neighbors telling tales of new Pamyat members having to supply names and addresses of at least four Jews to their leaders. "We are preparing for a night of the long knives," she said.

In Leningrad, members of Pamyat and other nationalist groups have been reported openly picketing a subway station, shouting anti-Semitic slogans and threatening to harm Jews. Some Jewish residents content the activities are quietly sanctioned by local Communist leaders they say are interested in exploiting anti-Semitism and the nationalist issue as a way to shore up the local party's eroding popular support.

Roman E. Kreikhin, a Jewish resident here who is trying to help friends and relatives arriving from Baku, said that so many Jews are in transit in the nation and carrying their major possessions with them that the fear of thievery has grown. "Moscow is terrible and getting worse as more Jews head here," he said. "They are easy victims and racketeers watch the Israeli Consulate and try to steal their visas and demand ransom."

One Jewish area in a cooperative apartment house near Moscow's Leningrad market was reported to have been so fearful from pogrom rumors that they have requested and been receiving extra police patrols.

Jewish leaders have been debating whether to attempt to present a complaint to Secretary of State James A. Baker 3d when he visits here next week and urge him to prod Soviet leaders to speak out on the problem.

SOVIET JEWS BECOME FOCUS OF WEST BANK CONTROVERSY

(By Sergei Shargorodsky)

ARIEL, Occupied West Bank.—Only a few score Soviet Jews have settled in the occupied West Bank since the new immigration wave began, but their presence has drawn an outcry from the Arab world and aroused U.S. concern.

New arrivals say they fled anti-Semitism and did not come here to make a political statement.

"I did not find any difference between the (occupied) territories and Tel Aviv," said Kira Nefyodova, a short, bespectacled Leningrad chemist. "I'm very far from politics. I don't want anybody to think that I'm making a political move."

Alex Yankevitch, a construction engineer, and his wife Liuba, recalled finding a big yellow Star of David painted on their door in Leningrad one morning, the work of an anti-Semite.

"And what can I do in Leningrad when the pogrom starts? I can stand near my door and wait for the killers," he recalled, his lips trembling. "Here, the Jewish army will defend me and my family."

Even so, Palestinians view the presence of such Soviet emigres in Ariel, a hilltop settlement 25 miles north of Jerusalem, as a potential threat to their own survival.

In a protest to Western consulates, 25 prominent Palestinians said up to 1 million Soviet Jews could come to Israel and that settlement of Soviets in the occupied lands could undermine the peace process and put further strain on limited housing and jobs, forcing Palestinians to leave.

In Cairo on Saturday, Palestinian Liberation Organization Chief Yasser Arafat asked the Soviet Union not to allow Soviet Jews to emigrate if they are going to settle in occupied territories.

Jordan's King Hussein told The Jordan Times that settlement in the territories was "a serious and pending danger" to stability in the region.

Criticism also came from Egypt, the only Arab state to have a peace treaty with Israel.

Writing in the English-language Daily Mail, Cairo's former chief U.N. delegate, Ahmed Tewfik Khalil, accused the Americans and Soviets of colluding against Palestinians by failing to stop Jewish immigrants from settling in the disputed lands.

"Are we really seeking a just and durable peace, or is detente between the superpowers inadvertently sowing the seeds of a new conflict in the Holy Land? Khalil wrote.

[From the New York Times, Jan. 25, 1990]

A FEAR OF POGROMS HAUNTS SOVIET JEWS

(By William Korey)

At the historic Congress of Jewish Organizations held in Moscow in December, the most talked-about worry was the real possibility of pogroms in the near future. This month's slaughter of Aremenians by Azerbaijanis in Baku, which has repeatedly been described as a pogrom, suggests that during the nationalist unrest across the Soviet Union Jews could again become mob victims. Thus, Jews, recalling the bad old czarist days, are particularly worried by the Kremlin's continued cold silence about their fears.

When delegates from 126 Jewish cultural organizations in 70 cities assembled, the most important speech stressed a "sharp upsurge of public anti-Semitism," which is the filp side of glasnost.

Severe economic dislocations and political instability, the analysis noted, aggravate tensions and permit the Jew to be a scapegoat for the problems of perestroika.

Documentation was not difficult to come by: more than 50 desecrations of Jewish cemeteries, some 1,000 anti-Semitic rallies, and vitriolic hate leaflets in the thousands distributed everywhere. Moreover, some 60 goons from Pamyat, a chauvinist Russian national movement, greeted the delegates with cries of "Yid!" and "Jewish prostitute!"

Beyond these hate-spewing vulgarities, and reinforcing them, is the defense and promotion of Pamyat and anti-Jewish stereotypes by prominent and conservative nationalist publications.

Then, too, there are newly formed patriotic and religious organizations that would ostracize the Jew as "alien" and "cosmopolitan" (a resurrected Stalinist era code word meaning "traitor"), and populist novelists fill their books and essays with flagrant appeals to bigotry.

Only the Young Communist League newspaper has carried a Cassandra-like warning. Written by the Lithuanian Jewish writer Grigory Kanovich, a member of the Congress of People's Deputies, the article described "clouds of pogroms . . . gathering over our heads." He expressed dismay that "as this incitement to murder takes place before the eyes of all," the authorities "ignore the thugs and inciters."

From President Mikhail Gorbachev not a single word has come—no repudiation of Pamyat or of omni-present Jew-baiting. Last year, when Mr. Kanovich, joined by two members of the Academy of Sciences, Vitaly Ginzburg and Oleg Gazenko, submitted to the presidium of the Congress of People's Deputies a petition calling for a condemnation of anti-Semitism, and for creating a special committee to follow up on the issue, the petition was buried.

Even though the petition was signed by more than 200 deputies, and Mr. Kanovich is reported to have conferred briefly with Mr. Gorbachev on three occasions, urging him to make the appeal known to the Congress, not only was it not brought before the Congress, it was stricken from the list of petitions submitted to the presidium.

It is not that Soviet prosecutors are unware of Pamyat's provocations. In one instance, Pamyat's chief was summoned by the K.G.B. and warned against stirring up "national hatred." In another, the Leningrad city public prosecutor said he had brought an end to Pamyat's numerous rallies in one of the public parks because they violated the Soviet Constitution. Yet no arrests have been forthcoming anywhere and Pamyat's provocations remain undiminished.

The absence of any official public denunciation is especially disturbing. When anti-Jewish pogroms seemed to loom on the horizon in 1918, Lenin, the founder of the Soviet state, personally drafted the language in a decree requiring that "pogromists and persons inciting to pogroms be outlawed." Later, in a historic address broadcast to the Russian people, Lenin cried: "Shame on those who foment hatred toward the Jews."

President Gorbachev, glasnost's great advocate, has repeatedly insisted that he draws his inspiration from Lenin. He could take a leaf from his mentor's book by now forcefully expressing humane concern. It could even prove helpful to his program of perestroika. Certainly, he must be aware that his enemies on the right have no hesitancy in exploiting anti-Semitism in their attempts to turn back the clock.

(William Korey is director of international policy research for B'nai B'rith.)

[From the Washington Post, Feb. 18, 1990]

ANTI-SEMITISM: THE RETURN OF A RUSSIAN NIGHTMARE

(The following essay represents the sharpest public critcism to date by a senior Soviet official of the growing anti-semitism in the Soviet Union. It was written by Vitalii Goldanskii, a prominent Soviet scientist and director of the Semenov Institute of Chemical Physics of the Soviet Academy of Sciences. Goldanskii is a member of the Council of People's Deputies and the foreign relations committee of the Supreme Soviet. He wrote the following essay in English, with editing assistance from John P. Holdren, a professor of energy and resources at the University of California at Berkeley.)

(By Vitalii I. Goldanskii)

Supporters of President Gorbachev's *perestroika* are increasingly alarmed by the possibility that this program of restructuring and reforms may collapse. Should this occur—and it cannot be ruled out even in the near future—it would be a disaster not only for the Soviet Union but for all humankind.

Many of the difficulties being encountered by perestroika are well known outside the Soviet Union, as are some of the potential consequences if perestroika fails. But too little attention has been given, until now, to the special dangers posed by the growing aggressiveness in the Soviet Union of extreme right-wing virulently anti-semitic groups that seek to subvert perestroika, to blame the country's past and present problems on the Jews, and (as some of their propaganda states explicitly) to "finish what Hitler started."

These extremists are flourishing in the climate of spite, envy, scapegoating and hatred associated with the increasingly severe difficulties in the Soviet economy and growing ethnic tensions. They are perhaps already the strongest, and certainly the fastest growing, of the devisive forces pushing the country toward bloodshed and civil war.

The extremist groups go by a variety of innocuous-sounding names, of which the best known outside the Soviet Union is the "National Patriotic Front *Pamyat*" (pamyat means "memory"). A number of them recently entered into a confederation under the title of "Bloc of Social-Patriotic Movements of Russia." I prefer to call them Russian monarcho-Nazis (or monarcho-fascists), to reflect their combination of deep reverence for the autocratic csarist Russian empire and ferocious hatred of Jews.

Incredibly, the Russian monarcho-Nazis openly and widely condemn the Jews as the main culprits in all of the troubles of Russia from the October Revolution of 1917 up until the present—including genocide against the Russian people in the form of the millions of Russian deaths in civil war, collectivization and various purges; destruction of tens of thousands of Russian churches and historical monuments; and spiritual poisoning of the people through the introduction of decadent and corrupt Western culture alien to Russian tradition. They even accuse the Jews of ritual murders and a worldwide conspiracy against humankind, making reference to the disgraceful hoax, "The Protocols of the Elders of Zion."

There is striking similarity, in fact, between the views, programs and intentions of the Russian monarcho-Nazis and the original Nazi platform as laid out in Hitler's "Mein Kampf" and other infamous documents of the German Nazi period. This similarity, and the resemblance of the general situation in the Soviet Union in 1988-90 to that in Germany in 1931-33, have been publicized by progressive Soviet mass media. The newspaper Soviet Circus, for example, has printed a point-by-point comparison of Pamyat's manifesto with the program of the Nazi Party of the 1930s.

The main organization serving as a coordinator of the monarcho-Nazi forces is the Union of Writers of the Russian Federation (RSFSR). As outlets for their propaganda they have at their disposal such newspapers and journals as "Literaturnaya Rossiya" (Literary Russia), "Nash Sovremennik". (Our Contemporary), "Molodaya Gvardija" (Young Guards) and "Moscow." The leaders of this movement include many notorious writers, some scientists, some artists and others.

The Nazi-type speeches and publications of these groups are becoming routine features of everyday life in the Soviet Union. Their form and content were analyzed by Prof. Herman Andreyev from Mainz University in West Germany in a recent issue of the weekly magazine Ogonyok. He concluded that in Western European countries such statements would be treated as unconstitutional, the persons propagating them would be called to account and the organizations supporting them would be dissolved.

Yet the monarcho-Nazis seem to be meeting no serious opposition—indeed, more often sympathy and connivance—from important party and government leaders of the U.S.S.R. It is instructive, for example, that in the platform of the Soviet Communist Party on ethnic problems published in August 1989, not a single word was said about the anti-semitic campaign against so-called cosmopolites (1949), the shooting of leading Jewish writers and artists (1952), or the disgraceful "Doctor's plot (1953), while many other Stalin-era crimes against various nationalities of the Soviet people were scrupulously mentioned.

Similarly, an appeal by more than 200 people's deputies of the U.S.S.R. to the Presidium of the First Session of the Congress of People's Deputies in June 1989, expressing concern about the "growing wave of anti-semitic activities including open calls for violence that could lead to irretrievable consequences," went unanswered. That was also the fate of a letter written to Gorbachev on this subject by 10 distinguished scientists and writers in September 1989.

The explanation of such passivity on the part of the authorities seems quite simple. In addition to the evident sympathy of many authorities on different levels to the views of the monarcho-Nazis, others who do not sympathize nonetheless hesitate to act because of the way the growing aggressiveness of the monarcho-Nazis is linked to the bloody ethnic conflicts and intensifying separatist movements in nearly all of the outlying districts of the Soviet Union.

Specifically, the situation offers the monarcho-Nazis considerable opportunities for blackmail and intimidation of Gorbachev and his closest advisers, through the claim that, in conditions of the "decline of empire," the Russian heartland and her "genuine sons" constitute the only reliable basis for the preservation of Gorbachev's power. Such arguments are being used to push Gorbachev toward the right and to divide him from his true supporters on the left—the liberal intelligentsia. The result could be a repetition of the circumstances that produced the downfall of Khrushchev in 1964.

In parallel with their attempts to intimidate Gorbachev, the monarcho-Nazis have been openly attacking his foreign policy. They even have accused Gorbachev of being an agent in the service of the CIA and the Israeli intelligence service, the Mossad. With this two-pronged strategy of intimidation and direct attack, the Russian monarcho-Nazis hope to attain either a decisive influence over Gorbachev's policies or his removal and replacement at the seat of power by supporters of their movement.

What would that mean for Soviet Jews? The answer is all too clear from the similarity of the monarcho-Nazis' program to that of Hitler. The Russian monarcho-Nazis already possess their equivalent to Hitler's SA and SS, in the form of the Pamyat movement. This movement does not disguise its intentions to carry out pogroms against the Jews, to whom it refers using the insulting word *"zhidy"* (yids). In fact, members of Pamyat have been organizing well-attended meetings all over the country to call for pogroms—even in Moscow's Red Square on Nov. 12, 1989—and no one has stood in their way.

Hitler treated as Jews those who have more than one-quarter Jewish blood. Pamyat goes further. It has announced its intention to search for Jewish progenitors back to the 10th generation. New recruits to Pamyat are required to prove their "racial purity" and to provide to the organization the home addresses of five Jews—no doubt for the purposes of the pogroms to come. Opponents of the monarcho-Nazi movement who happen to be "racially pure" or "Aryan" are characterized, along with all liberal intelligentsia, as "masons" (or *"zhido-masons,"* i.e., supporters of Jews); and these are also the targets of pogrom propaganda.

The brazenness of monarcho-Nazi threats against Soviet Jewry has been increasing. In addition to anti-semitic rallies and the desecration of Jewish cemeteries around the country, which have been going on for some time, it now seems that meetings of liberal intellectuals are no longer safe from disruption by Pamyat thugs.

On the evening of Jan. 18 of this year, for example, a meeting of the progressive "April" group of writers at the Central House of Writers in Moscow was invaded by some dozens of Pamyat monarcho-Nazis with megaphones. They roughed up some of the writers, forcibly ejected others from the hall, shouted anti-semitic slogans and announced that their next visit will be with automatic weapons. They also designated St. George's Day, at the beginning of May, for a pogrom. The police were called but took their time in arriving, and there were no arrests.

Further increases in anti-semitic activities (especially, of course, actual violence) surely will lead to a mass exodus of Jews, people of partly Jewish extraction and "racially pure" liberal intelligentsia. This new wave of emigrants—refugees from monarcho-Nazi power—could reach several millions and would represent a serious brain-drain from the U.S.S.R.

As for the possibility of another Holocaust, it certainly could not reach the scale of earlier Nazi crimes: The world has changed too drastically in the last half century for that. But a wave of pogroms more or less along the lines of the infamous "*Kristallnacht*" cannot be ruled out—weaker if a government like the present one tries to oppose them, stronger if a successor government of the monarcho-Nazi stripe sympathizes with the pogrom lust.

What should be done? As a start, the world public should be informed of the activities and intentions of the new followers of Hitler in the Soviet Union and should be told their names. The famous "Brown Book" published by anti-fascists in 1933, after all, was the first important step in the exposure of the Nazi crimes of that era. Clearly, the publishers of newspapers, journals and books, and producers of electronic media, have an important role to play.

The stakes are high. If the monarcho-Nazis prevail and perestroika collapses in an orgy of chauvinism and racism, the results are likely to include not only a rapidly growing degree of anarchy in the Soviet Union, but even the outbreak of civil war. In a country still laden with tremendous stockpiles of nuclear and chemical weapons, as well as widespread network of nuclear power plants, such a chain of events could quickly become not just a national but an international catastrophe.

[From the New York Times, Nov. 13, 1989]

OLD-NEW ANTI-SEMITISM

(By Per Ahlmark)

STOCKHOLM.—Anti-Semitism is on the rise in Europe again. Since Israel's invasion of southern Lebanon in 1982, anti-Jewish headlines and articles have appeared in mainstream newspapers and magazines. Before 1982, anti-Semitic letters would have been thrown in the waste-basket. Now they are published. Before 1982, denying the Holocaust or trivializing it by cheap comparisons would have been unacceptable in the media. Now such comparisons are commonplace.

For the past two and half years, "Radio Islam," a radio station in Sweden, has openly promoted the concept of a worldwide Jewish conspiracy. Publishers, political leaders and the public seem unfazed.

The name Radio Islam is deceptive: The station's purpose is not to inform listeners about Islamic culture and religion but to expound major themes of traditional and contemporary anti-Semitism.

Astonishingly, Radio Islam exhaustively quotes extracts from the Protocols of the Elders of Zion, a forgery that originated in Czarist Russia, that claims the Jews want to dominate the world and that was often cited by Nazi Germany. According to Radio Islam, "Each and everyone who reads this book will be astounded to learn that almost everything in it has come to pass."

Radio Islam informs listeners that Israelis gas Arab women, Zionists in the West kill their opponents as they lie in hospital beds and Jews everywhere are potential quislings.

It lies . . . in Judaism's nature to collude, to weaken from the inside, and to ravage," says Radio Islam. "Judaism, the Torah and the Talmud stink of racism and contempt for other peoples."

The Nazis receive accolades in these broadcasts, which, ignoring contradiction, regret that Hitler did not finish off all Jews and deny the Holocaust ever took place.

Behind this propaganda stands an unknown Islamic group led by a former Moroccan military officer, Ahmed Rami, now a Swedish citizen.

Defamation of a people, a race or an ethnic group is forbidden by law. In early September, a trial opened in Stockholm, after the Attorney General obtained an indictment against Radio Islam.

A jury has found Ahmed Rami is guilty of breaking the law by claiming there exists a conspiracy among Jews to reach positions of power in order to dominate the world, and that Jews are religiously obligated to desecrate, kill, commit genocide and oppress others without mercy. He is to be sentenced Tuesday.

What disturbs me more than the hatred spread by this radio station is the lack of public reaction against it.

The largest daily newspaper in Scandinavia, Expressen, has written frequently about Radio Islam. Some members of Parliament have issued warnings. But such reactions are an exception; indifference is the rule.

Are we back to the "normal" European political climate, in which anti-Jewish statements were injected as acceptable contributions to a public debate? I do not know. But I do know that if we accept this old-new anti-Semitism as part of our culture and lives, we are taking a tremendous risk, because while Jews as a minority are often the first group to be denigrated, they are never the last.

Anti-Semitism has always been a way of attacking liberal values, democratic institutions and government-by-law.

Editors of newspapers and magazines must refuse to print anti-Semitic slanders. When they are made aware of such slanders, politicians and writers, without hesitation, must condemn them. It is embarrassing, 45 years after Auschwitz, that we have to remind those who influence public opinion about their basic duties.

[From the New York Times, Feb. 4, 1990]

SOVIET EMIGRÉS TO ISRAEL TELL OF HATE BACK HOME

(By Joel Brinkley)

TEL AVIV, Jan. 11—Most of the 221 Soviet Jewish immigrants boarding El Al Flight 368 from Budapast to Tel Aviv in the early hours of Wednesday morning said they were fleeing a vicious paradox, the dark side of glasnost.

Just as President Mikhail S. Gorbachev's program has freed many Soviet Jews to observe their faith, they say, so has it also allowed the country's neo-fascist and anti-Semitic organizations to come into the open.

"It's because of glasnost," said Meron Nekierman, a 60-year-old electrician who left behind everyone he knew, everything he owned, to take a gamble on a new life in Israel with his family.

AFRAID FOR THEIR FUTURE

Settling into a seat near the back of the packed Boeing 767 as El Al played traditional Jewish songs over the public address system, Mr. Nekierman explained: "There was always anti-Semitism. But before, people were a little afraid to say what they really thought. Now they can come forward and say, straightforward, exactly what they want. There's no longer any room in the Soviet Union for Jews."

Talks with dozens of Soviet Jews on board one of the almost daily flights to Israel, and with others who have only recently arrived, suggest they are not simply leaving but fleeing, afraid for their futures, even their lives.

Many told of a sudden rash of posters pasted to walls in Kiev, Riga, Leningrad and other cities warning Jews to get out, go to Israel."

Mr. Nekierman pointed to Anya, his 8-year-old granddaughter, who was asleep two rows back, and said, "just before we left, her teacher, right out in the open in the class, told her she should leave, she should go to Israel."

TELL OF PHYSICAL ATTACKS

Others told of physical attacks against themselves, relatives or friends. One man said his brother had been murdered and thrown into the river, bound head and foot, just because he was a Jew.

In Azerbaijan last week, "people were passing out notes door to door saying Jews have to leave by June 9, said Danik Morduchaev, a watchmaker who was on his way to Israel with seven other members of his family including his 78-year-old father. "I'm carrying with me packages of details for more than 40 families who want Israel to send them invitations right away. If it is possible, please make Israel issue the visas faster."

As new separatist nationalist movements sprout across the Soviet Union almost by the day, ethnic peoples crying out for their own homelands, tens of thousands of Jews in these republics are coming to two conclusions.

They are deciding there may be no future for them in nationalist Armenia, Latvia or the Ukraine. At the same time, Soviet Jews by the thousand seem to be coming to the realization that they already have an ethnic homeland of their own: Israel.

"MUST LIVE IN OUR OWN STATE"

"The situation for Jews is terrible now," said 29-year-old Oleg Roythman, who directed a computer software concern in Rigan, the capital of the Latvian republic. "You feel it every day. Now, with liberalization, the anti-Semitic organizations are growing stronger. Every Jew in Riga is trying to leave."

"Other people are asking for their own homelands," he added. "We Jews must live in our own state, too."

And so 4,585 Soviet Jewish immigrants arrived in Israel this month, 25 percent more than the month before. Almost twice as many arrived aboard just one flight on Jan. 23, as arrived during the month of January 1989.

There is no air service between the Soviet Union and Israel, and so immigrants must take direct flights to Budapest, Romania, to Budapest, or occasionally to other European cities including Vienna. Israel sends chartered El Al planes to pick them up and fly them to Tel Aviv free of charge. In the last few weeks the flights have been arriving at the rate of one or more almost everyday.

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The mass numbers are tearing the country's immigrant absorption system at the seams. Immigrant absorption. It is now clear, is not immune from the paralysis that seems endemic to most every facet of Israeli political and social life.

WORKING AROUND THE CLOCK

Despite the universal joy Israelis feel about so many new arrivals—proving, they believe, that their country is still attractive even in these troubled times—the nation still has done almost nothing to prepare.

The Absorption Ministry has been forced to call up retirees to help process the new arrivals and all the ministry's employees are working almost around the clock. Today the workers announced they were going on strike, demanding that more help be hired. That means arrivals from the Soviet Union may find few if anyone to serve them when they arrive, dead tired with little money and no place to go.

Sitting on the plane on Wednesday morning at about 3 A.M., one Soviet immigrant who could read English studied the front page of The Jersusalem Post and shook his head as he saw that the lead story was in a way about him.

"Immigration to determine fate of 64 billion shekel budget," the headline said. On Monday, Finance Minister Shimon Peres presented the nation's $32 billion budget for 1990 but acknowledged right away that it was outdated.

NEW SOURCES OF FUNDS SOUGHT

About $150 million was budgeted for the cost of absorbing new immigrants, but that figure was set last fall, when officials believed that about 40,000 Soviet Jews would move to Israel this year. Now the official projection is at least 100,000.

"Even as we present this budget today, we must think about additional potential sources for funds for immigrant absorption," Mr. Peres acknowledged on Monday.

The challenge for Israel is not just that more Jews are leaving the Soviet Union. In addition, a far greater percentage of those who leave are moving to Israel. Last July, only 14 percent of the 5,740 Soviet emigrants moved to Israel, a statistic that had been roughly stable for months. Nearly all the rest moved to the United States.

But by December, the percentage had shifted dramatically. About 46 percent of the 7,793 Soviet emigres moved to Israel that month.

CEILING OF 50,000 IN U.S.

There's little doubt that many thousands of these Jews would have moved to America, not Israel, had the United States not introduced strict new immigration controls last year. Some of the immigrants say it openly. Asked why she was moving to Israel, Lucy Coerev a 62-year-old chemical engineer shrugged and said, "America isn't letting us in anymore."

The United States admission ceiling for all refugees from the Soviet Union is 50,000 for this year. The number is higher than last year, but the Soviet Union is allowing many more people to leave and the United States is interpreting admissions more strictly.

At the same time, though, as many immigrants flee resurgent anti-Semitism in the Soviet Union, they also say they are not so sure they would be any safer in the United States than they were in their former homes.

On the plane, many Jews from various Soviet areas reported a rumor that there would be an anti-Jewish pogrom in the Soviet Union on May 5.

AN UNUSUAL WARNING

"It's not the first time there was a threat of a pogrom; there was one a year and a half ago, but everything was quiet then," said Alexander Ekel, a 30-year-old dental technician from Kiev. "But maybe now they are serious."

The Soviet authorities recently issued an unusual warning in Odessa, once a major center of Jewish life that fanning racial or religious hatred is a crime punishable by imprisonment.

"I always felt anti-Semitism in the Soviet Union," Mr. Ekel said. "But I've also read there's anti-Semitism in the U.S. I could have left before America closed the doors. But now I want to live in a country with Jews."

Nearly all the Soviet Jews say they are vicitims of anti-Semitism, even though almost none of the new immigrants are religious. Many know nothing about their faith.

"ONLY BY NATIONALITY"

"I'm not a Jew by belief, only by nationality" said Mark Gorhick, a 27 year old from Leningrad offering a view shared by many of the emigres. But in the Soviet Union, Mr. Gorlick's identity card identified his nationality as Jewish, guaranteeing, he and others said, that they face discrimination from birth to death.

"In the Soviet Union I got accustomed to institutionalized anti-Semitism," said Anya Kaminskaya, a 26-year-old electrical engineer from Moscow. "I didn't even apply to Moscow University because I know they don't accept Jews." And after completing a mid-level degree at the university that did accept her, she said, "My professor told me that I had reached the top level a Jew could achieve."

"The anti-Semitism coming from the Government is getting better," she added. "But from the people, it's getting worse."

She and others talked of the growth of a strong nationalist and virulently anti-Semitic Russian organization called Pamyat that has begun to hold large public rallies in several cities, including Moscow.

Mr. Roythman said: "Two or three years ago, before the real anti-Semitism started, maybe I would have gone to America. But now. . ." He shook his head. "There's anti-Semitism there, too."

"In Israel, maybe we have other dangers," he said. "But in Israel we can depend on ourselves."

[From the Washington Times, Aug. 11, 1990]

Soviet Tide of Antisemitism Reminiscent of '20s Germany

(By Martin Sieff)

Even as the Kremelin has notably liberalized its cultural and emigration policies toward Soviet Jewry in the past year grassroots antisemitism seems to be growing in the Soviet Union, fostered by hate groups and media encouragement.

Jewish organizations around the world report receiving increasingly alarming reports of this phenomenon.

"The new policy of openness, combined with emerging extremist forms of Russian nationalism, has liberated latent popular Russian antisemitism," and Pamela Cohen, president of the Union of Councils for Soviet Jews, a 100,000-member U.S. grassroots organization.

"The renewed expression of an archaic and crude pre-Revolutionary brand of antisemitism has been explosive in content, form and scope," she said.

Like the Nazis in 1920s Germany, such hate groups as Pamyat (Memory) and its offshoot Otechestvo (Fatherland)—thriving in the Russian heartland, in urban centers and Siberia—are using racial hatred and conspiracy theories to explain the crises afflicting their country.

"All that the propaganda refers to as mistakes—the introduction of troops into Afghanistan, the pollution of the Volga River and Lake Baikal, the Chernobyl nuclear plant—are no mistakes. They are the doings of the internal enemies Zionism and Masonry," one Pamyat leader, Alexander Shturmack, was quoted as saying in an English-language Radio Moscow broadcast June 5.

"Pamyat and a constellation of other antisemitic groups freely organize across the Soviet Union under Gorbachev's glasnost," said Glen Richter, president of Student Struggle for Soviet Jewry, the main U.S. student group concerned with the issue. "They mimic the government's pious defense that they're 'anti-Zionist', not antisemitic."

Soviet Jews also have reported to Western organizations that in many areas the antisemitic groups are encouraged by local officials.

Pamyat publicly claims to be active in at least 20 cities with tens of thousands of supporters and to have ties with neo-Nazi and antisemitic groups in Europe, the United States and the Arab world.

Its leader Dimitri Vassilier, repeatedly has accused Jews of performing human sacrifice, resurrecting the ancient blood libel. He tells Western newsmen "this Zionist idea was imported into the Nazi ideology by the Jew Eichmann, He was Jew, but he killed his own."

Pamyat is now compiling lists of all Jewish residents of Leningrad, the Soviet Union's second-largest city, according to reports reaching the London-based 35's Women's Campaign for Soviet Jewry. Pamyat members are demanding the names of Jewish residents from the managers of every apartment block in the city. Anyone there wishing to join the organization must now supply lists of Jews, they said. The Union of Councils for Soviet Jews said it has received similar reports.

This year, violent attacks against recently opened synagogues in Krasnoyarsk and, in April, in Irkutsk, the capital of Siberia, have been linked to such groups. The Latvian Jewish Friendship Society reported similar attacks in July in the city or Riga.

Another Pamyat official told the Perestroika Discussion Club in Moscow on Dec. 13: "We can't take responsibility for 80,000 dead in Armenia away from the Jewish people. A great number of Jews who work in the field of geophysics didn't foresee the disaster. That's why full responsibility lies on the Jewish people."

On May 14, the Public Committee Against Restoration of Diplomatic Relations With Israel, a Pamyat front group, held a rally, with permission of the Moscow authorities, in the Soviet capital.

Pamyat has been denounced by Soviet leaders, but only in mild terms. It enjoys privileges denied to Jewish groups, including access to printing and copying equipment and meeting facilities, and has been allowed to hold public rallies. By contrast, Soviet Jews have repeatedly been refused permission to hold rallies against antisemitism.

In the Congress of People's Deputies elections in March, Pamyat-linked candidates generally did very badly. But the Congress

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also saw the election of such ferocious anti-semitic figures as best-selling novelist Valery Belov.

In a manner reminiscent of the political climate in Germany before the Nazi takeover, liberal, democratic champions in general are being publicly and crudely attacked as Jews.

Vitaly Korotich, editor of the journal Ogonyok, one of the strongest voices in support of economic and democratic reforms in the Soviet Union, was repeatedly harassed by Pamyat supporters during his campaign for the Congress of People's Deputies. Hecklers repeatedly denounced him at public meetings as "a dirty Jew."

Mr. Korotich, in fact, is not Jewish but has a Russian Orthodox Church background.

REPORTS OF ANTI-SEMITIC ACTS

The following are confirmed reports of anti-Semitic acts received by the Union of Councils from contacts inside the Soviet Union:

July 16, 1989—A Hebrew teacher from Moldavia was abducted and beaten on his way to give a lecture at a weekly seminar. His abductor warned him to stop his Jewish activities and threatened his life. They repeatedly declared that all Jews should be murdered. They drove 5 kilometers and threw him from the car.

April 6, 1989—Alexander Kobrin, a producer in the video division of "Ogonok" who produced three films on repression and Pamyat, was beaten severely by several men on a Moscow street.

July 24, 1989—Three hooded men broke into the Leningrad apartment of Refusenik Yuri Mezeborsky and stabbed his mother in the stomach. Nothing was stolen.

July 4, 1989—Boris Gaft reported that Jewish activists discovered swastikas and a sign which read "kill Jewish people" at the site of the former synagogue in Riga where Jews were burned to death by the Nazis.

Sept. 10, 1989—One day after submitting his emigration documents, Igor Bochkov, was beaten in the street in Moscow. His assilants shouted, "Jews should be beaten and Russia should be saved this way. Igor was hospitalized. The militia representative, Mr. Melikiya, at Department No. 179 of the Militia Station in Moscow, refused to involve the militia in any further investigation.

October, 1989—Irina Shelenkova, formerly an editor of the Byelorussian Soviet Encyclopedia of Art and Literature, was fired for her attempt to rehabilitate Marc Chagall, according to a documentary film by Arkady Ruderman, "The Theatre in the Age of Perestroika and Glasnost". She had written an entry of Chagall following the Centenary Exhibit of his works two years ago in Moscow. Upon hearing that this entry was replaced with one written by the notorious anti-Semitic writer, Vladimir Begun, she protested and was dismissed. The Begun article has been withdrawn and she has filed a court suit but has not been reinstated.

August 1989—In response to the formation of Irgun Tsioni, a national Zionist organization, openly anti-Semitic articles appeared in the Moscow press. The Anti-Zionist Committee published a statement in Pravda (9/8/89) entitled, "There Must be No Place for Zionism".

Jan. 18, 1990—During a meeting of "April", the liberal writers' society, at the Central House of Writers in Moscow, a Pamyat group of 20-30 equipped with megaphones, broke into the hall and beat several of the writers. They shouted anti-Semitic slogans, "down with Zionism", "All Jews to Israel" and screamed "today we are here with loudspeakers, tomorrow we will come with guns". The militia took the offenders into the street where they were all released. Several writers went on to the militia office where they were told that the offenders were not criminals. "April" and the All Union Writers Society have appealed to the Procurator General for the opening of a criminal case.

Jan. 18, 1990—According to Baku Jewish activist Evgenii Sukholutskii, 30,000 Baku Jews are seeking Israeli invitations on an emergency basis. They fear that the ultranationalist Azeri movement, which is mainly Shi'ite, will turn against the Jews. Four Jews are known to have been killed in the crossfire. Reports of threats, beatings, and other acts of violence against Jews have already been confirmed.

Jan. 18, 1990—Rising anti-Semitism in schools and rumors of Pamyat-inspired pogroms are reported in "Literaturnaya Gazette". The programs, it says, will take place on May 13th.

Jan. 1990 (date received)—Deputy Sobchak an another member of Congress appeared on Leningrad television warning of the dangers of anti-Semitism and the possibility of pogroms.

January 29, 1990—The Patriots organization leafleted metro stations warning of pogroms in Leningrad said to take place on May 13th. Patriots claim that they are being distributed by the Zionists.

Jan. 29, 1990 (date received)—According to an emigree, a physician now residing in Boston, a postcard threatening a "huge" pogrom on February 18, 1990 was found in her mother's mailbox in Leningrad.

[From the New York Times magazine, Jan. 26, 1990]

RUSSIAN NATIONALISTS—YEARNING FOR AN IRON HAND

(By Bill Keller)

The Revolution Day Parade in the western Siberian city of Tyumen has dwindled in recent years from a two-hour spectacle to a perfunctory 45-minute exercise, reflecting the collapse of the Communist faith. Last Nov. 7 the Tyumen city fathers, desperate to boost their ratings, agreed to permit a small show of dissent.

The parade began, as usual, with the local army regiment marching stiff-legged past the reviewing stands on Lenin Plaza, where the Communist gentry of Tyumen stood swaddled in woolens and fur against the first bite of the Siberian winter. Then came worker delegations from the brick factory and the motor works and the Oil and Gas Ministry, all tugging balloons and banners and responding with desultory "oo-rahs" to chants from the loudspeakers mounted above the square.

Near the end, the dissenters strutted into view, led by a pudgy and intense 30-year old named Aleksandr P. Reptov. Reaching the square, they hoisted their banners high and slowed their pace to give spectators time to decipher the neat white lettering on their placards.

"Russia, Russia, save yourself!" exhorted one banner, fluttering in the icy wind alongside an icon of St. George the Dragon Slayer, a popular saint of Old Russia.

"They need upheavals, but we need a Great Russia!" proclaimed another, echoing a famous appeal uttered by the czarist minister Peter Stolypin in 1907, against the radicals then threatening the czar's government, and now directed against the radicals surrounding President Gorbachev. Then came this sonorous echo of czarist Russia: "For the faith, the people and the Fatherland!"

Repetov and his followers belong to a group called Fatherland, bent on saving ethnic Russian culture and values from the Communist melting pot. To them, Nov. 7—the anniversary of the Russian Revolution—is a day of infamy, marking the moment when Russia history was stopped brutally in its course and the Communists began their systematic extermination of Russian culture, the Russian church, the Russian soul.

Their presence here on this anniversary of the Communist state was not just an ironic protest, however, but a small sign of an intriguing political flirtation now going on between Russian nationalists and the conservative wing of the Communist Party, two forces that suddenly find themselves driven together by a common danger: Mikhail S. Gorbachev. More and more often during the past year, the children of the czar have found themselves marching alongside the children of Lenin.

In this era of glasnost, similar groups with names such as Fidelity or Renewal or Memory of Fatherland have sprouted in cities across the vast areas of the Soviet Union inhabited by ethnic Russians. These groups are usually tight-knit and avowedly apolitical, devoting themselves to the preservation of churches and old buildings, combating drunkenness, or reviving Russian choral folk singing.

In fact, they are a political rear guard. While much of the Soviet bloc seems to be lunging toward Western freedoms, the Russian nationalists—or Russian patriots, as they prefer to be called—deplore the chaos of Western-style democracy and the materialism of Western markets. They pine for a romanticized, patriarchal Russia.

"Let other countries surpass us in the technology of computer production," said Mikhail F. Antonov, an economist and leading Russian nationalist ideologue. "But only we can provide an answer to the question: Why? For whose sake? We are the only legitimate heirs to the great spiritual Russian culture. The saving of the world will come from Soviet Russia."

The Russian patriots are a disparate lot, ranging from the more paranoic factions of the Pamyat (Memory) society, whose members wear paramilitary-style black T-shirts or army greatcoats, to the cultural elite of the official Russian Writers' Union, now embroiled in a passionate light about whether to exclude the Leningrad chapter for supposedly being dominated by Jews. Nationalists provide much of the passion of the growing environmental movement in Russia, and have largely taken control of the officially sponsored temperance organizations and cultural societies.

The nationalist spirit burns with new intensity, too, in the Russian Orthodox Church, where some dissident priests are trying to revive the fundamentals of Russian faith smothered by decades of secular, Communist state dogma.

So far, the Russian patriots are too divided, too indecisive about their own priorities, too ill at ease in the ways of politics, to be considered a formidable political force. At a time when ethnic politics has inflamed the Soviet Union, it sometimes seems there are more committed nationalists among the 4.6 million Soviet Armenians, now mobilizing for civil war against their neighbors in Azerbaijan, or the 3 million Lithuanians coolly charting their exit from the Soviet Union, than among the 145 million Russians. But

Russian nationalism appeals to a deep conservative streak in the Russian psychology, a yearning for order and a distaste for individual ambition. And with the failure of Communism, it is the most potent idealogy on sale.

Among ethnic Russians what is going on now is a frantic search, first for a coherent Russian faith and then for the political means to execute it. What results from this search will be more than an academic question, for the Russians are both the dominant nationality in the Soviet Union and the most imposing obstacle to Gorbachev's campaign of modernization.

Westerners often think of the whole Soviet patchwork as "Russia," a mistake that is as offensive to a Russian nationalist as it is to a colonized Latvian or Georgian. Uzbekistan and Lithuania may be Soviet, but they are not Russian. Indeed, a devout Russian nationlist even wonders about parts of Russia itself. A Siberian, for example, will tell you that Leningrad is too "cosmopolitan" to be truly Russian, and that Moscow, now the capital of world Communism, has been profaned.

Geographically, Russia is the largest Soviet republic, the heart of an empire enlarged in this century by acquisitions from Eastern Europe and Muslim Central Asia. Ethnically, Russians are the largest Slavic race, kin to the Ukrainians, Byelorussians, Poles and Czechs. But Russian blood has been diluted since the Mongol invasions, and the Russian language has become the lingua franca of the empire rather than a badge of identity.

The Russian patriots consider themselves not the perpetrators of Communism, but its most punished victims. To them, the Communists are the villains who assassinated their monarch, who raped their precious villages and birch-forested tundra with some of the most heedless industrialization ever inflicted on any patch of earth. Under Communism, the traumas of crash urbanization, overcrowded housing, women entering the work force and easy abortion so reduced the Russians' birthrate that, according to the 1989 census, they have fallen to a bare 50.8 percent majority of the Soviet Union's population.

"Fifty-eight percent of Russian families have only one child," laments Sergei V. Vasilyev, a young Russian from Tyumen who has taken up the patriots' cause in the Congress of People's Deputies. "After another generation, we'll have nothing but costumes in museums."

The nationalists see a Russian countryside that has languished in poverty while Communist leaders colonized Central Asia and Eastern Europe; today they watch as Soviet leaders desperate for capital sell the Russian birthright—timber, oil, natural gas—to foreign bidders, and buy, in absurd exchange, meat from France, potatoes from China, wheat from the United States.

Under Communism, the Russian Orthodox Church, so central to the sense of what it means to be Russian, was humiliated, its houses of worship transformed into "museums of atheism" or smashed to the ground by wrecking balls, its hierarchy vetted and corrupted by the KGB.

In Tyumen, Aleksandr Repetov of Fatherland took me on a tour of the former Hyinsky Church, a 19th-century Russian Orthdox Church that was gutted during the late 1940's and fitted inside with a vodka factory. As bemused vodka bottlers looked on, Repetov and, I climbed to the cupola, where galvanized tanks of vodka drain down to a bottling machine that snakes through what used to be the nave. On the vaulted ceiling, a few splashes of gold paint remain. (One of Fatherland's Revolution Day slogans called for relocating the bottling plant—to Communist Party headquarters.)

This is what the Communists have done. And now, as the patriots see it, Gorbachev is allowing new currents of permissiveness and Western materialism to corrupt what remains of Russia's long-suffering spirit.

"The Revolution brought people to the fore who destroyed Russia," say Valentin Rasputin, a writer whose novels of Russian village life have made him a leading ideologist of Russian nationalism. "In the same way, this revolution—perestroika—is bringing forth figures who, willingly or not, are promoting the destruction of stability, and of the country."

Amid this continuing destruction, the Russian patriots feel themselves misunderstood. Either the word "Russian" is used as shorthand for the entire polyglot citizenry of the Soviet Union, and thus for the acts of aggression committed under the banner of Communism or, when the word is used correctly to describe a distinct people, that people is often caricatured as bellicose, superstitious, servile, lazy and anti-Semitic.

The most influential Russian manifesto of recent times is Igor Shafarevich's "Russophobia," a bitterly defensive tract serialized in the monthly magazine of the Russian Writer's Union, "Our Contemporary," a bible of the Russian patriots. Xerox copies have been distributed like scriptural tracts across Russia.

With bitter eloquence, Shafarevich describes the Russian-hater's stereo-type of the Russian: "A slave psychology, the absence of a sense of personal dignity, intolernace toward the opinions of others, a groveling mixture of spite, envy and the worship of authority.

"Since olden days, the Russians have loved strong and cruel authority, and have loved its very cruelty, throughout history they tended to slavishly submit to force. Even now, authority and a 'nostalgia for a master' dominates in the psyche of the nation . . . but the Russians are incapable of understanding the cause of their misfortunes. Regarding everything foreign with suspicion and hostility, they tend to accuse anyone at all of their trouble: the Tatars, the Greeks, the Germans, the Jews . . . anyone but themselves."

As Estonians, Lithuanians, Georgians and others have built there own nationalist movements and demanded greater independence from Moscow, the Russians who live in those republics have had to endure deliberate snubs, which have in turn helped galvanize Russian assertiveness. In Estonia and Moldavia, the Russian minorities have staged strikes to protest local language and voting laws aimed primarily at limiting the influence of Russian "occupiers" and "immigrants."

"The self-awareness of Russia is growing," Rasputin said, sitting in the bright, snow-filtered daylight at the Irkutsk Writers' Union. "Strange as it may seem, our republics have helped us with this: the Baltic republics, Armenia, Azerbaijan and others. When self-awareness started growing among these small people, accompanied to a certain extent: by the growth of Russophobia, it helped—or rather, it helps—us Russians too, to become aware of ourselves and to define our place in history."

Maybe, suggests Rasputin, not entirely facetiously, it is time for Russia to think of seceding from the Soviet Union. Get away from the ingrates. Preserve the integrity of Russia.

The crude caricature of the Russian, of course, leaves much unexplained. The greatness of Russian literature and music, the moral courage of an Aleksandr I. Solzhenitsyn or an Andrei D. Sakharov, or even the work ethic of a Gorbachev do not fit neatly into this Russian stereotype. But it also has elements of truth, and one is the Russian inclination to blame someone else. Self-pity is the life-juice of Russian patriotism. In their self-pity, the Russian nationalists look for culprits and they usually find the scapegoats of history: the Jews.

Russian nationalists never tire of reciting the names of Jews who played critical roles in the Bolshevik Revolution and in Stalin's terror. In Russian nationalist demonology, the belief that Lenin had a Jewish grandfather that Jews (who had suffered heavy persecution under the czar) predominated in the Bolshevik Party and of course, that Marxism itself was the eponymous product of a German Jew, make the Jews as a race responsible for the interruption of Russian history. That Jews were themselves cruelly victimized in Stalin's purges is overshadowed by the fact that Lazar M. Kaganovich, a Jew, helped mastermind the violence. Some Russian nationalists, in fact, are inclined to exonerate Stalin on the fantastic grounds that he was manipulated by the Jews around him.

It is not just the weird paramilitary order, Pamyat, that is obsessed by the Jews. In conversations with educated, cultured Russians who would never be caught dead wearing a black T-shirt, in the pages of official magazines and newspapers favored by the nationalists, and in debates at the Russian Writers' Union, "the Jewish question" looms large. And with the coming of glasnost, discussion of it has become much less inhibited.

"I think today the Jews here should feel responsible for the sin of having carried out the Revolution, and for the shape that it took," Valentin Rasputin, who had been chosen a member of the Congress of People's Deputies, to me in November. "They should feel responsible for the terror. For the terror that existed during the Revolution and especially after the Revolution. They played a large role, and their guilt is great. Both for the killing of God and for that."

The killing of God? Well, Rasputin said, that is an ancient sin, and no Jew today can be held responsible for the crucifixion of Christ. But the crimes of Communism are not so quickly forgiven.

"In this country those are Jewish sins," Rasputin went on. "Because many Jewish leaders took part in the terror, in the repression of the kulaks, of the peasants, and so on. The ideology was produced by Jews. But to make them answer for it and to say that we won't be able to coexist, is the wrong approach. We can't make all Jews emigrate, and it's not necessary, either, because they are the brains we need. And I think the two nations, Russians and Jews, have merged to such an extent that separation would be painful—painful for the Russian nation, too. With all their faults and merits, they need each other, because on the one hand it makes for a kind of spiritual competition, and on the other hand it spurs the Russian people out of their lethargy."

Shafarevich, in his tract, blames Jews for promulgating the current wave of Russophobia. Not surprisingly, many Russian na-

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tionalists see Jewish influence behind Gorbachev's reforms, and delight in searching out evidence of Jewish ancestry in the family trees of prominent Westernizing radicals. In Irkutsk, I heard locals complain about the prominence of Jewish Soviet emigres on the Russian-language Voice of America.

"We need to protect the independence of Russia, and to do that we need to limit the influence of these forces," says Aleksandr Turik, the leader of Fidelity, another patriotic group, based in Irkutsk.

At the Russian Federation Writers' Union meeting in mid-November, one of the stormiest disputes was over which of two rival Leningrad chapters to recognize—the established chapter, whose 436 members included a high proportion of Jews, or a breakaway faction of 60 Russian nationalists.

"How many Russian writers, the legitimate sons of the Russian land, native Russians, will moan under the heel of the oppressor, the usurpers," shouted the writer Tatyana Glushkova in defense of the Leningrad Russians, whom she imagined "begging and pleading like Palestinian children. We are obliged to help our brothers of the same blood, for they are in need."

The affection for Palestinians notwithstanding, the Russian patriots' distaste for Jews is rivaled by their horror of the Islamic peoples who populate the republics south of Russia. The Russians talk about their fertile neighbors as both a Yellow Peril and a White Man's Burden.

Other Russians, including many who are deeply devoted to Russian culture, find the incessant preoccupation with Jews and Muslims embarrassing or frightening.

"We cannot live in peace until we ourselves stop raising these artificial barriers," said Sergei Zalygin, the avuncular editor in chief of the country's leading literary monthly, Novy Mir (New World). Zalygin is close friends with many of the Russian nationalist writers, but he has refused to open his magazine to what he considers destructive polemics, and he does his best to avoid the nationalist quarrel.

What the Russian Nationalists want is to resume the history broken off in 1917.

Most of them do not advocate restoration of the monarchy, though they would probably agree with Rasputin that if revolution had not intervened Russia would have evolved into a constitutional monarchy, and would be better off today. (Many, like Rasputin, also believe that the last Czar, Nicholas II, and his family should be canonized as saints in the Russian-Orthodox Church.)

But if a return to monarchy is impractical neither do the nationalists have much use for Western-style democracy. They want order, stability, an end to permissiveness. Gorbachev, Rasputin says, is a capable man, but "he's completely confused. He doesn't know what move to make in order to lead the country out of this dead end." He paused, and a smile flickered across his lips. "A dead end which he brought us to in the first place."

Perhaps if Gorbachev had introduced freedom gradually, Rasputin says . . . "Instead, he threw everything at the people all at once. Just like when the czar used to throw money at the crowds during the carnival. The people would scramble, and there would be a lot of victims. The same thing happened here with perestroika."

"We need more use of troops to stabilize the situation, and thereafter stricter laws on public morality," he says. "We need to forbid the propaganda of repugnant things." Sex in the movies, rock-and-roll on television, ridicule of authority, pointless consumerism—these are the poisons of Western thinking.

Gorbachev has won over some of the Russian patriots by allowing them greater license to speak and publish and by loosening official controls on the church. But on the whole they believe Gorbachev and those around him are leading Russia into an imitation of the bourgeois West, egged on by new Russophobes and Westernizers.

"The light at the end of their tunnel is capitalism," declares Sergei Vasilyev, the deputy from Tyumen

Russian nationalists are against free markets, wealthy entrepreneurs and free trade zones that they believe will make Russia a colony of multinational corporations. They are against "the video-player culture."

"Material values are of secondary significance," says Rasputin. "We should have what we need, we should be well fed, we should not feel the lack of essential goods. But to bathe in luxury leads to nothing. . . . Russia should not live in poverty, but in moderation. It's difficult to restore spiritual values now, Russia being as poor as it is. But we need moderation. Wealth leads to the decrease of spiritual values."

During the last year, the Russian nationalists have tried to convert their wounded feelings into a political strength, so far with little success. The few candidates who ran openly Russian nationalist campaigns in elections last March, such as the novelist Yuri Bondarev in Volgograd, were soundly defeated. (Rasputin did not face the voters, but was elected to one of the seats reserved for the Writers' Union.)

In October, Vasilyev managed to assemble 51 Russian deputies in Tyumen to discuss a legislative program aimed at the special problems of Russia: promoting the language and culture, establishing a separate Russian Academy of Sciences and state television, committee, demanding a greater share of the national budget for Russia. Only 28 of those who came signed the document, not a formidable force in a congress of 2,250 members.

The fact remains, however, that the Russian nationalists offer a potent ideology to a people who long for something to believe in. They also appeal to that darker side of human nature, the yearning for someone to blame.

But Russia itself is too sprawling and diverse to be easily united, as conquerors have discovered over the centuries.

Moreover, the ascetic message of the Russian nationalists has not caught on with a materialistic younger generation, which, unlike its parents, does not remember a time when things were worse. Some young people have drifted to the Orthodox Church, others wear the black T-shirts of Pamyat. One of Leningrad's biggest young television heart-throbs, Aleksandr Nevzorov, anchor of the sensational nightly news digest "600 Seconds," sports a Russian flag on the lapel of his leather jacket and tells interviewers he reveres the monarchy. But this is all dwarfed by the fascination with the West. The new icons of the Russian young are Heineken beer cans and flip-top cigarette boxes.

The nationalists are also handicapped by their inexperience at politics, especially at the new, quasi-democratic politics Gorbachev has allowed.

"The Russian people could put forward marshals and thinkers," said Rasputin, "but they were least of all capable of putting forward politicians. This is probably related to the delayed development of democracy in Russia." Rasputin and Vasilyev, both members of the People's Congress, said they felt ill at ease in a forum they find too Western.

"I'm a deputy, I take part in the Congress, but it's foreign to me," Rasputin confessed. "These people are foreign to me. It's not my business to deal with legal matters, laws, which laws are going to work, which aren't. . . . I'm afraid there's a lot I don't understand, and which I never will understand, because for me, the most important law is the law on decency and justice. Like it used to be among the people according to God's law or not, just or injust."

During the past year, Russian patriots have begun cultivating support in three important constituencies.

One is the military. Several prominent nationalist leaders have ties to the military and are given favorable attention in military publications. Nationalist groups have increasingly included in their declarations a call for strengthening the military and police.

"The ring of American bases around our country has not weakened," warned the 28 deputies who gathered in Tyumen. They expressed "serious concern over the attempts to discredit the army, and the decline of superpower patriotism among our youth."

The campaign has not yet produced any conspicuous results, perhaps, says Vasilyev, because the military has been subservient to the Communist Party since Stalin liquidated the officer corps in the 1930's.

"The army could be a guarantor of stability," the young deputy said wistfully, as we drank tea in his Tyumen apartment. "But the young officers are demoralized by bad living conditions, and the old officers are afraid."

A more promising target is the working class. There have been efforts to merge Russian nationalism with a kind of blue-collar populism, a combustible combination if anybody finds the right spark. Russians are disproportionately represented among the machinists and truck drivers of Soviet society, and many are frightened that Mr. Gorbachev's program will leave them behind.

"Someone wants us to be Americans, or maybe Japanese," said a machinist at a Leningrad tractor factory last summer, explaining why he was sometimes drawn to Pamyat rallies at Rumyantsev Garden. "But we are Russians, and we must look out for each other."

Russian nationalism is evident in a new alliance of blue-collar groups, the United Workers' Fronts, which held its founding congress last September in the Ural Mountains industrial center of Sverdlovsk. This group joined with an array of nationalist clubs to form a United Council of Russia, which has attempted to find common ground among Russian nationalists, disgruntled blue-collar workers and party functionaries.

"They are too Marxist for our taste," said Aleksandr Turik of the Irkutsk patriotic group Fidelity. "But they actively oppose our opponents. We have serious differences with them, but we all understand that we are involved in the same business."

The third target of nationalist interest, and the most astonishing, is the Communist Party. This would be, perhaps, the ultimate marriage of convenience. The party apparatchiks, endangered by democracy, are desperately searching for an ideology that might win them a popular base, and some kind of national Communism might be the ticket.

In November, the Leningrad Party leader sponsored a rally of bused-in party workers where speaker after speaker railed against "millionaires" and Westerners, an orgy of populism with Russian nationalist overtones. In December, a plenum of Communist leaders in Moscow voted to start a separate party bureau of the Russian republic, a concession to nationalists. The Russian patriots in turn are looking for an institution that will give form to their faith. If the Communist Party drops its ban on religious believers and its "internationalist" slogans—both entirely possible—many Russian nationalists would feel at home.

"The party should be reborn on a patriotic, national basis," said Turik.

"I don't feel any love for the party," said Rasputin, a non-Communist. "I understand perfectly well the harm it did to the people and to the country. . . . But I think that in the present conditions, when everything is shifting, and when there's a rebellion against the past going on everywhere, when people completely disregard the past: I think we have no other way out than to reconcile ourselves with this party and to let it restore a certain stability.

"It seems to me," Rasputin went on, "that the situation in our country is so dangerous now that if we change the party, or even if we permit more than one party, it will only lead to greater danger. We need unification, even if it's based on this party. And then we'll be able to move on."

Vasilyev, a party member, agrees. Only 28, he has been a career functionary in the Communist Youth League, and he thinks the Russian patriots can pick up useful organizational skills.

"It is easier to reform the party than to replace it," he said.

When Alla Latynina, literary critic for the Literary Gazette, hears that kind of talk, it sends a chill up her spine.

She is one of a growing number of Russian intellectuals who are trying to find a liberal alternative to the Russian patriotic movement. They agree that the Revolution interrupted Russia's progress toward civilization, but disagree about where to resume that history. They are searching for a centrist position, combining the political and economic experience of Western civilization with what is humane in the Russian tradition.

"We have a different history, and different roots," Latynina said during a conversation in her living room, which is decorated with her husband's collection of Russian folk toys. "Despite all my affection for the Western world, I understand that we will never become France. In order to do that, 200 years of parliamentary work are needed. And we haven't done that. But I think we can become a state, a society with liberal economic models, a society where we can breathe freely and where our freedom is not denied."

The West, and the radical Westernizers here, tend to think of Russia's past as exclusively one of tyranny and serfdom. It is true that Russia never developed a property-owning middle class, the institutions of parliamentary democracy or a well-established rule of law. But as S. Frederick Starr, president of Oberlin College and an insightful observer of Soviet affairs, has pointed out Russia does have a fragile, liberal counter-tradition dating back to the early 18th century, when Peter the Great exposed young Russians to Western ideas.

"When The Moscow News in 1799 conducted a poll to determine the most significant figures of the waning century," Starr wrote in The New Republic, "George Washington and the American Founders headed the list."

Before the Communists seized power, the land reform of 1906 had given land to peasants, and the czars had encouraged a flourishing private industry and foreign trade. Russia at the beginning of this century, Starr points out, was beginning down a path that Western democracies had followed earlier, toward political and economic pluralism and the rule of law. The strength of these impulses is evident in the brutal force that both Lenin and Stalin used to suppress them. And even after that suppression, the yearning for Western civilization and markets lived on here in underground publications and the shadow economy.

Today, magazines like Novy Mir are conducting an intensive search for a more humane Russian tradition, reviving the work of pre-Revolutionary philosophers like Nikolai Berdyaev, who argued for a synthesis of Western and Slavic values, and recounting the experience of Russian capitalism at the turn of the century.

"Maybe the slogan 'Workers of the World, Unite' seemed romantic at the beginning of the workers' movement," said Latynina, "but I feel closer to those of our historic figures who never got caught up in this romantic notion of creating the kingdom of labor, but who saw that all that would end in disgrace. They knew this experiment would not be successful, they knew that one can't build a society on hatred and on unleashed elemental passions."

Latynina's nightmare is that an opportunistic clique within the Communist Party, seeking new elemental passions to exploit will seize on Russian nationalism—giving form to the raw emotion. As it becomes clear that Western-style democracy and markets will not instantly raise Russia from its economic slough, demagogues will find a wider audience.

An outsider who has watched the birth pangs of democracy here can only hope Latynina is wrong. But given how late the West recognized the political strength of the National Socialists in 1930's Germany or the Islamic Fundamentalists in 1970's Iran, it would be foolish to write off the Russian nationalists.●

REGARDING SECRETARY SULLIVAN'S PROPOSAL TO REFORM OUR FOOD NUTRITIONAL LABELING SYSTEM

● Mr. CHAFEE. Mr. President, on Wednesday, Secretary of Health and Human Services Sullivan revealed a comprehensive new initiative by the Food and Drug Administration to reform our food labeling system—if what we now have can be called a system. Food labeling reform is an issue in which I have long been active, and I am delighted with his action.

It certainly is timely. Today, we are bombarded left and right with fantastic claims about the miraculous properties of foods. Cholesterol-free, low calorie, lite, high fiber, natural—these terms are used so often that no consumer knows what they mean, or if they have anything to do with good nutrition.

Why does this happen? It is because the rules of the nutrition information game just are not clear. Anyone trying to maintain a healthy diet is lost in a sea of uninformative or downright misleading labeling. It is a shame, because good health depends on good nutrition, and today people are ready to learn more about eating right.

Last July, I joined with Senator METZENBAUM in introducing S. 1425, the Nutrition Labeling and Education Act of 1989. This legislation would make nutrition labeling mandatory, not voluntary. It would improve labeling by making labels easier to read and understand, and also by requiring disclosure of a food's amount of cholesterol, fiber, and fats. Furthermore, the measure would provide for clear, definite standards for the terms—like "lite" and "natural"—used in claims made about foods.

Secretary Sullivan yesterday proposed to do just that, and I applaud his actions. I intend to work closely with him and with my colleagues in the Senate to develop a comprehensive new system.

After all, you are what you eat.●

WORLD CONSUMER RIGHTS DAY

● Mr. LIEBERMAN. Mr. President, next Thursday, March 15, 1990, is World Consumer Rights Day, sponsored by the International Organization of Consumer Unions. I want to take this opportunity to recognize the importance of the consumer movement in a free society like ours and the critical role that govenment must play in protecting consumers.

Today, 170 consumer organizations from over 60 countries belong to the International Organization of Consumer Unions. And, as freedom and democracy spread throughout the globe, the world consumer movement is expanding significantly. In November, 13 consumer organizations from 6 Eastern European countries held a conference near Warsaw. They issued a "Warsaw declaration" stating that government must play an important role in ensuring a safe environment and protecting consumer rights. They obviously recognize what we sometimes take for granted—that few governmental functions are more important than helping protect the average person's environmental and consumer rights.

World Consumer Rights Day commemorates President Kennedy's message to Congress on March 15, 1962, which outlined a "consumer bill of rights" that he felt the Federal Government was bound to protect. It is worth reminding ourselves of these rights, which include: "the right to safety," to be protected against hazardous goods; "the right to be informed," so that consumer decisions are not influenced by fraudulent or misleading advertising or labeling or other deceptive practices; "the right to choose"—from a variety of competitive products and services; and "the right to be heard," to assure that government policy will always take into consideration consumer interests.

These rights are as relevant and important today as they were 28 years ago. For example, to protect the consumer's right to choose, President Kennedy advocated strengthening laws promoting competition and prohibiting monopoly. In the last decade, however, we have witnessed the dedication of too much of our corporate resources to merger mania, often at the expense of competition and long-term productive investment—a deeply disturbing trend that stemmed in part from the Federal Government's abdication of antitrust enforcement.

President Kennedy also sought to protect the consumer's right to be informed, by strengthening regulatory authority over food and drugs and calling for truth in packaging. Today, food packages are littered with blaring health claims, many of them bogus; clear, understandable nutrition and health information is still not consistently available. As Secretary Sullivan recently noted, our supermarkets today are a virtual Tower of Babel. We have long needed the FDA to establish strict, clear guidelines on food labeling, and the FTC to fulfill its counterpart role by establishing comparable guidelines on advertising claims.

The time has come to rededicate ourselves to the consumer's right to safety as well. The Consumer Product Safety Commission should be helping to protect consumers from hazardous products that can maime or kill. But the truth is, a combination of ideological attacks, legislative restrictions, and gross underfunding has left the agency handcuffed and virtually powerless. Congress has failed even to reauthorize the CPSC since 1981. We can help consumers this year by passing a strong reauthorization bill for CPSC and providing the agency with reasonable funding to enable it to do its job effectively.

The underlying premise of President Kennedy's consumer rights message was that consumer interest is a vital component of the national interest. As he put it:

> Consumers, by definition, include us all. They are the largest economic group in the economy, affecting and affected by almost every public and private economic decision. . . Fortunate as we are, we nevertheless cannot afford waste in consumption any more than we can afford inefficiency in business or Government. If consumers are offered inferior products, if prices are exorbitant, if drugs are unsafe or worthless, if the consumer is unable to choose on an informed basis, then his dollar is wasted, his health is threatened, and the national interest suffers.

As we enter the 1990's, it would do us well to recall that message.●

REAUTHORIZATION OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS

● Mr. BOSCHWITZ. Mr. President, I am pleased to be an original cosponsor of Senator RUDMAN's legislation to reauthorize the Office of Information and Regulatory Affairs [OIRA] through fiscal year 1993. OIRA was created by the Paperwork Reduction Act [PRA] to review the paperwork burdens of proposed agency regulations. The legislation being introduced today also authorizes $6 million to carry out the provisions of the PRA.

The purpose of the Paperwork Reduction Act is to assure that the Government gets the information it needs while protecting the public from unreasonable or unnecessary paperwork. OIRA maintains an inventory of Federal paperwork and allots a paperwork allowance to each department or agency annually. Any new Government form must be approved by OIRA and is assigned a control number by the Office of Management and Budget. The small business community strongly credits PRA and OIRA for reduced Government paperwork.

During the first session of this Congress, there was a request before the Subcommittee on Treasury, Postal Service, and General Government of the House Appropriations Committee to give no funds to OIRA unless the Office was reauthorized. Because of that, the Government Contracting and Paperwork Reduction Subcommittee of the Senate Small Business Committee held a hearing on the implementation of the Paperwork Reduction Act on September 7, 1989.

Witnesses representing many segments of the small business community emphasized the need for vigorous enforcement of the act to contain Government's insatiable appetite for information and regulations. They furnished numerous recent examples of how OIRA had successfully used the PRA to protect the small business community from unnecessary and unreasonable paperwork burdens proposed by various departments and agencies.

Following the hearing, 12 members of the Senate Small Business Committee, including myself, wrote to the chairman and ranking member of the Senate Appropriations Subcommittee on Treasury, Postal Service, and General Government. We requested that funding for OIRA be continued regardless of reauthorization. Fortunately OIRA was funded, but now it must also be reauthorized.

As ranking minority member of the Small Business Committee, I am very concerned about the burden Federal paperwork can have on the small business community. I am pleased to be an original cosponsor of this legislation and I thank my colleague from New Hampshire, Senator RUDMAN, for introducing it.●

PRAISE FOR A DEDICATED NURSE

● Mr. LIEBERMAN. Mr. President, a recent article in St. Raphael's Better Health magazine has drawn my attention to the outstanding contributions of Mildred "Molly" Levine, R.N., to the field of nursing and to the community at large. Mrs. Levine is the oldest of a group of eight employees at St. Regis Health Care Center, a geriatric care facility in Connecticut, who are 65 years of age or older.

At 76 years of age, Mildred Levine is still putting in a full day of work every day at St. Regis. The energy and dedication that she brings to her work are greatly admired by her younger coworkers. Even in an occupation as demanding as nursing, Mrs. Levine has never lost her enthusiasm for her job. When most people her age have long since retired, Mildred Levine continues to devote her time to the important tasks of geriatric care.

This extraordinary dedication comes from Mrs. Levine's strong work ethic. She believes that every member of the community must do their share, and she thrives on feeling she is needed. Certainly her patients at the St. Regis Health Center will attest to the fact that she is needed there. Mrs. Levine gets a great deal of satisfaction from knowing that she is making a positive contribution to the lives of others.

Mildred Levine's senior coworkers at St. Regis are: Muriel P. Brown, R.N.; Linda Giorgi, a recreation therapist; Nancy Mikosky, a nurse's aide; Leanna Moore, also a nurse's aide; George Redding, housekeeping supervisor; Ann Ryan, R.N., and Eileen Sweeney, senior housekeeper. I would like to take this opportunity to commend Mildred Levine and her coworkers for their continued service to the community. I admire their dedication and their healthy attitudes about life and work. Hopefully they will serve as an example to all of us.●

WISCONSIN STATE LEGISLATURE'S COMMEMORATION OF ARMENIAN GENOCIDE

● Mr. KOHL. Mr. President, today I would like to commend the Wisconsin State Legislature for an action that it took on February 27 of this year. On that date, the assembly and the Senate unanimously passed a resolution proclaiming April 24, 1990, to be a day of remembrance of the 75th anniversary of the Armenian genocide of 1915-23.

I am proud that my State has taken the initiative to recognize this tragedy and remember the victims of the Ottoman Empire's cruel campaign. Yet, at the same time, I am disappointed that Wisconsin's commemoration will not be part of a national memorial to the Armenians who died during this era. Only a few days before the Wisconsin Legislature made its decision, the U.S. Senate declined to invoke cloture on debate for a similar resolution, effectively killing its consideration.

The Armenian people suffered brutal persecution at the hands of the Ottoman Turks, and it is unacceptable that we cannot recognize this fact as a nation. I do not want to take up the Senate's time by repeating all of my reasons for supporting this resolution. But I do want to reiterate that I recognize the concerns of the current Turkish Government, and I would never have supported any measure that pointed a guilty finger at the Republic of Turkey. Both the resolution that we considered in this body and the one passed in Wisconsin clearly refer to the Ottoman Empire, and that is why I support both resolutions.

Mr. President, it is unfortunate that the U.S. Senate refused to recognize the crime of genocide perpetrated between 1915 and 1923. But I am pleased to inform Congress, the Armenian community and the rest of the country that Wisconsin has not forgotten this event. In my State, April 24, 1990, will be a day of remembrance for Armenian people. I hope that the commemoration of this event will help to ensure that no people ever suffer in this manner again.●

A LIFETIME OF FACES

● Mr. **LEAHY**. Mr. President, as a young attorney starting out in Vermont I always appreciated both the cordiality and sufferance of Vermont town clerks who must be among the most patient citizens in our land.

Many of our town clerks keep rather irregular hours. Their office is their home, and they are used to hunters, fishermen and youngsters in love showing up on their doorsteps from dawn to dusk seeking licenses to hunt, fish or begin the march to the altar.

Lawyers searching deeds might get stuck on the back roads during snow or mud season—and understanding clerks would keep the lights on and the vault open for them to search deeds for real estate closings.

It is indeed, a tradition that still exists today, and the town clerk is still the center of all municipal activity in many Vermont communities.

When a town clerk retires, the entire community is affected. One example happened recently close in my grandmother's home town when Bernadette "Bernie" Ferris retired at the age of 72 after 34 years of service.

The folks in Moretown say it is going to be quite an adjustment on the community's part to get along without Bernadette.

Not enough is written about town clerks, but an article about Bernadette, written by Julie K. Hall that appeared in the Times Argus of Barre-Montpelier on March 6, town meeting tay, is a wonderful tribute to both the profession and to "Bernie," as she is known to all her many friends.

I ask that it be printed in the RECORD so that Members of the Senate can read about this very special person who is loved and respected by the community she served.

The articles follows:

[From the Times Argus, Barre-Montpelier, VT., March 6, 1990]

A LIFETIME OF FACES—FOR 34 YEARS, BERNADETTE FERRIS HAS GIVEN MORETOWN MORE THAN A TOWN CLERK

(By Julie K. Hall)

MORETOWN—As Moretown Town Clerk Bernadette "Bernie" Ferris, 72, assumed her seat today to take her last set of notes at Town Meeting, she saw a lot more than the usual faces in the crowd.

In addition to the typical debates over deteriorating roads and increasing taxes, she will see the past 34 years of her own life flash by in a blur of memories.

Sure, the faces filling the rustic Town Hall are familiar. She knows them personally—has had lunch with them, gone to church with them, helped them in crisis, penalized them for zoning violations and written most of their birth and marriage certificates.

Over the years Ferris has become a comstant in a changing community. Since taking over the job from Florence Ward in 1956, she has answered questions that ranged from the mundane to the absurd, handed out countless permit applications and granted hundreds of hunting and fishing licenses.

Many times, callers couldn't wait for normal office hours and insisted on paying taxes, seeking a marriage license or, particularly during deer season, applying for hunting licenses at Ferris' home, which is conveniently located about two houses away from the town clerk's office.

As the pink rises in her cheeks, Ferris admits, "a good many of them have seen me in my bathrobe at home."

But she hasn't minded. No, she said with a warm smile, that feeling of community is one of the things that she will miss most when she steps down from the position today.

"We have become friends. I've known when families were going through sickness, death and hard times. I've seen the families dwindle from war. And I've known when there were births. And they knew the same about my family. we have always helped each other. That's part of the job I've loved. That's what makes us a community here."

She readily admits that her job has gotten a lot busier since she walked into the position in 1956.

Those days she brought her three-year old daughter and miniature poodle with her to work in the afternoons.

But over the years, the job has increased from part-time to full-time and she has been burdened with the additional title of town treasurer, a job that requires tedious tallying of town revenues and expenditures. She has seen the addition of a Planning Commission, Board of Adjustment, and lots more regulations and paperwork.

She receives more calls at home, spends more time figuring out new, "fancy" office equipment, shuffling paper and trying to answer legal questions. And lately she has learned that "truthfully, anybody who isn't geared up for change had better change themselves."

In an interview Monday, Ferris said she still looks out into the audience on Town Meeting Day and expects to see faces that were institutions in the town—those who created an uproar at the meeting; those who she worked with, and those whose death certificates she has had to sign.

The usually chipper woman grew somber for a moment to remember Florence Ward, the former town clerk who trained Ferris.

Ward, Ferris remembers, was as "forthright as she could be at town meeting. She had something to say about everything and was never afraid to speak her mind at town meeting. But people listened."

Ferris also said she usually looks out into the audience and expects to see former moderator Fred Howes. She remembers the year residents decided not to re-elect him and "he walked out of the meeting and didn't ever come back. I felt so bad for him I got choked up and couldn't say a thing."

Ferris, may not be the oldest town clerk in Vermont, and she may not be the oldest resident in Moretown, but villagers agree that she has become something of an institution over the years.

Folks in the Moretown General Store, the hub of the town, said it will probably be hard to adjust to a new face in the office after all these years.

And on Sunday, young and old residents joined state dignitaries in an open house to show their gratitude for her years of service.

While she made last preparations for town meeting on Monday, she received a steady stream of well-wishers that spilled into the office, bringing her flowers, cards, cake, and wishing her a happy retirement.

And she said that when she walks out of town meeting today, no matter who is elected to fill her position. "I won't need to worry about anything because the new town clerk will learn just like I had to learn. Anyways, I'll be right down the road if she needs me."●

REMEMBERING THE HOSTAGES IN LEBANON

● Mr. **PELL**. Mr. President, next Friday, while the Senate is out of session, another milestone will occur in a sad chapter of our Nation's history. March 16 will mark the fifth anniversary of the kidnaping of journalist Terry Anderson in Lebanon. This will be a day of deep sorrow for the friends and family of Mr. Anderson and the other United States hostages in Lebanon.

Last year, when the Nation marked a day of remembrance for the hostages in Lebanon, I remarked that the woeful lack of progress on the issue was evidenced by the taking of yet anothter hostage, Lt. Col. William Hig-

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gins. Colonel Higgins was kidnaped while fulfilling his duties with the United Nations peacekeeping force in Lebanon. In a blatant display of the depths to which humanity can sink, Colonel Higgins was brutally hanged by his captors.

Colonel Higgins' death serves as a painful reminder of how little we have achieved during the past year. It also serves notice that we cannot afford to let yet another year pass by without resolving the hostage situation.

At the present time, eight Americans are being held against their will in Lebanon, including Mr. Anderson, Thomas Sutherland, Jesser Turner, Joseph Cicippio, Alann Steen, Edward Tracy, Robert Polhill, and Frank Reed. These brave men continue to languish in captivity, despite the best efforts of the international community to free them. The time for their release is long overdue, and I urge the President and his administration to continue to make the matter of the hostages a priority in U.S. foreign policy.

Perhaps now, after years of dashed hopes and futility, there is cause for optimism. Notwithstanding the cruel hoax that was reported in today's papers about the hostage situation, recent reports in both the Western and Iranian press indicate that a breakthrough could be possible during the foreseeable future. Although such reports have surfaced in the past, we cannot but hope that there is substance at their foundation.

Mr. President, it is incumbent upon us to keep the issue of the hostages at the forefront of our Nation's consciousness. We must preserve the memory of the dignity and courage of Colonel Higgins, and we must recognize the heroism of Terry Anderson and the remaining hostages. But we also must never forget that as each day passes by, their captors refuse them the basic human right of freedom. It is our responsibility to secure them that right, and it is our shame that it has been denied for so long.●

PROTECTING LAW ENFORCEMENT OFFICERS AND THE COMMUNITY

● Mr. **BREAUX.** Mr. President, law enforcement plays an important role in the security and prosperity of our communities. In serving its citizens, these men and women take great pride in protecting the public. A strong relationship between a police force and the community it serves enables a sharing of law enforcement responsibilities.

Today, we recognize the citizens of Shreveport, LA, the surrounding area, and the Agurs Business Association for donating funds to their police department, the Caddo Parish Sheriff's Department, and Troop G of the Louisiana State Police.

These funds are being used to purchase bullet proof vests for the many officers who place their lives on the line every day to protect local citizens' lives, property, and businesses.

The 519 businesses and individuals that have participated in this effort provide an excellent example of how important local support is to the success of law enforcement's effectiveness. By providing $97,500 for this project, police officers are better protected and, as a result, can maintain protection and safety for residents.

I commend and compliment elected officials, law enforcement officers, the Agurs Business Association, and the local media for contributing to the success of this project. By opening a dialog, they have begun to fill a serious community need. They have acted to protect law enforcement agents and the community. They merit high praise and recognition. Their program serves as a model for others.

Every encouragement is extended to them to continue their exemplary service and to continue communicating openly, for the community's benefit.●

NONINDIGENOUS AQUATIC NUISANCE ACT OF 1990

● Mr. **GLENN.** Mr. President, on March 7, 1990, I introduced S. 2244, a bill to prevent and control infestations of the coastal and inland waters of the United States by the zebra mussel, and other nonindigenous aquatic nuisance species. I ask that the full text of this bill be printed at this point in the RECORD.

The text of S. 2244 is as follows:

S. 2244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nonindigenous Aquatic Nuisance Act of 1990".

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "ballast water" means any water taken aboard to be used for ballasting purposes (to manipulate the trim and stability of a vessel);

(2) "nonindigenous species" means any species that is not native to an ecosystem, including any such organism transferred from one country into another;

(3) "high seas" means waters outside of the exclusive economic zone of any nation;

(4) "environmentally sound" methods or techniques means methods or techniques that have a minimal impact on the natural ecology of an ecosystem, including integrated pest management techniques with an emphasis on nonchemical measures; and

(5) "aquatic nuisance" means a nonindigenous species which threatens the biodiversity, environmental stability, or the economic or recreational development of an infested water resource.

SEC. 3. FINDINGS.

The Congress finds that—

(1) the transport of untreated water between ports in the ballast tanks of ships results in unintentional introductions of nonindigenous species to fresh, brackish, and saltwater environments;

(2) when environmental conditions are favorable, nonindigenous species become established, successfully reproduce, and may disrupt the ecology and industry of an area;

(3) several nonindigenous species which could be transported into the waters of the United States in ballast tanks are known to be actual or potential threats to saltwater or freshwater ecosystems;

(4) the zebra mussel (Dreissena polymorpha) was unintentionally introduced into the Great Lakes in Lake St. Clair through ballast water exchange, and the species became established and rapidly spread downstream throughout Lake Erie and into Lake Ontario;

(5) if left uncontrolled, through downstream transportation of larvae and unintentional transport via boats and water transfers among drainage basins, the zebra mussel is expected to infest over two-thirds of the continental United States;

(6) the zebra mussel colonizes water inlet pipes (which causes reduced water flow), boat hulls (which causes increased drag), and other hard surfaces;

(7) the potential disruption of aquatic ecosystems by the zebra mussel, including adverse effects on biodiversity of lakes and reductions in fish populations (including sport and commercial fisheries, and other fish populations), could be severe;

(8) a coordinated research, control, and education effort is needed to attenuate the spread of the zebra mussel and other aquatic nuisance species throughout the United States;

(9) specifically, research is needed to explore environmentally sound approaches to control such nuisance species; and

(10) research is also needed on the basic biology of aquatic nuisance species, particularly the zebra mussel, and the environmental impacts of such aquatic nuisance species, including impacts on biodiversity.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to prevent unintentional introduction of nonindigenous species into waters of the United States through ballast water management and other requirements;

(2) to coordinate research, control activities, and information regarding aquatic nuisance species, and reduce the burden of these tasks from already overburdened State and local agencies;

(3) to contain the spread of the zebra mussel and other aquatic nuisance species in the waters of the United States through educational programs geared to early identification and control methods;

(4) to establish aquatic nuisance species research programs to develop environmentally sound control methods, monitor distribution, study the basic biology of such species, and investigate potential human health impacts of such species, as well as potential environmental and economic impacts;

(5) to minimize economic and ecological impacts of nonindigenous aquatic nuisance species if any such species become established (as has the zebra mussel); and

(6) to declare the zebra mussel an injurious species and to provide for further declarations of injurious species status as needed to prevent the intentional transport of aquatic nuisance species (other than for permitted research purposes).

TITLE I—UNITED STATES COAST GUARD REGULATIONS

SEC. 101. REGULATIONS TO PREVENT UNINTENTIONAL INTRODUCTION OF NONINDIGENOUS SPECIES INTO AND WITHIN THE WATERS OF THE UNITED STATES.

(a) IN GENERAL.—(1) The Secretary of the department under which the Coast Guard is operating (hereafter in this Act referred to as the "Secretary"), acting through the Commandant of the United States Coast Guard, and in consultation with—

(A) the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration;

(B) the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service;

(C) the Administrator of the Environmental Protection Agency; and

(D) the heads of other relevant departments or agencies (as determined by the Secretary);

shall, not later than 6 months after the date of the enactment of this Act, promulgate such regulations as may be necessary for the prevention and control of the transportation into the waters of the United States of viable biological materials in the ballast waters of ships.

(2) Except as provided in subsections (b) and (c), the regulations promulgated under this subsection shall—

(A) require a vessel to carry out a high sea exchange of ballast water prior to releasing ballast water into any of the waters of the United States; and

(B) allow for the use of alternative ballast water management methods in lieu of the method described in subsection (A) as such alternative methods are developed and recommended by the Secretary pursuant to paragraph (5) of subsection (d).

(b) REGULATIONS TO PREVENT UNINTENTIONAL TRANSFERS.—The Secretary, in consultation with the officials described in subparagraphs (A) through (D) of subsection (a)(1), shall promulgate such regulations as the Secretary determines to be necessary to prevent the unintentional transfer or introduction of nonindigenous species by ships operating exclusively within the territorial waters of the United States or contiguous coastal waters of North America (as defined by the Secretary). A ship described in this subsection shall not be subject to high seas ballast water exchange requirement described in subsection (a)(2).

(c) EXEMPTION FOR SHIPS THAT TREAT WATER.—A ship that is subject to requirements that prescribe the treatment of ballast water for the removal of chemical contaminants shall not be subject to the high seas ballast water exchange requirement described in subsection (a)(2).

(d) REQUIREMENTS FOR REGULATIONS.—The regulations promulgated under subsections (a) and (b) shall—

(1) ensure the right of any captain of a ship to protect the safety of his ship and the crew and passengers of such ship;

(2) apply to all foreign flag ships and United States flag ships; and

(3) for the purpose of reflecting the principle that the ballast water from one ship is sufficient for the introduction and establishment of an aquatic nuisance species, include an enforcement mechanism such as—

(A) mandatory return to deep sea ballast exchange areas;

(B) fines; and

(C) application of other environmentally sound ballast water treatment methods;

(4) provide for random sampling procedures to monitor compliance and for sampling for the biological content of ballast water (in cooperation with the appropriate officials of the United States Fish and Wildlife Service); and

(5) be revised as more methods are developed and recommended by the Secretary (in consultation with the officials described in subparagraphs (A) through (D) of subsection (a)(1)), on the basis of the findings of the report required under section 207 of the Coast Guard Authorization Act of 1989, or on the basis of other reports that the Secretary determines to be appropriate.

(e) CIVIL PENALTY.—The Secretary of Transportation is authorized to assess a civil penalty in an amount not to exceed $25,000 against the owner or operator, or both, of any ship in violation of regulations promulgated pursuant to this Act. All civil penalties assessed pursuant to this Act shall be available, as provided by appropriation Acts, to endow research on the control of nonindigenous species.

TITLE II—ZEBRA MUSSEL AND AQUATIC NUISANCE SPECIES RESEARCH, CONTROL, AND EDUCATIONAL PROGRAM

SEC. 201. COORDINATION OF RESEARCH.

(a) NATIONAL COOPERATIVE ACTION GROUP.—(1) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (hereinafter referred to as the "National Cooperative Action Group"), shall jointly take such action as may be necessary to coordinate national research, control, and educational efforts associated with the infestation of the zebra mussel and other aquatic nuisance species in the waters of the United States.

(2)(A) The National Cooperative Action Group is authorized to establish such regional commissions as the National Cooperative Active Group determines to be necessary to assist in carrying out the purposes of this Act.

(B) A regional commission described in subparagraph (A) shall be—

(i) established along the boundaries of one or more adjacent, similarly infested (with aquatic nuisance species) water resource region, as defined in the United States Geological Survey 1982 map of surface water and related land resource development in the United States and Puerto Rico; and

(ii) composed of not more than 15 members appointed by the National Cooperative Action Group as follows:

(I) 1 regional representative of the Department of the Interior;

(II) 1 regional representative of the Department of Commerce;

(III) 1 regional representative from the Environmental Protection Agency;

(IV) 1 representative from the raw water users industry (as defined by the National Cooperative Action Group), or an association of such raw water users industry;

(V) 1 representative from the recreational and sport fishing industry (as defined by the National Cooperative Action Group);

(VI) not more than 8 representatives of State governments and the governments of political subdivisions of States; and

(VII) not more than 2 representatives of regional organizations or authorities selected by the National Cooperative Action Group.

(3) The National Cooperative Action Group shall coordinate the regional commissions established under this section and facilitate the transfer of information among such regional commissions.

(4) Upon the request of the chairman of any regional commission, and after consultation with the National Cooperative Action Group, the head of any Federal department or agency is authorized to detail to such regional commission any of the personnel of such department or agency to assist the regional commission in the performance of the functions of such regional commission under this Act.

(5) The Secretary of the Interior and the Secretary of Commerce may provide to each regional commission such administrative and technical support services as the Secretary of the Interior and the Secretary of Commerce determine to be necessary for the effective functioning of such regional commissions.

(6) The Administrator of General Services is authorized to furnish each regional commission under this Act with such offices, equipment, supplies, and services as the Administrator is authorized to furnish to any other agency or instrumentality of the United States.

(7) The National Cooperative Action Group shall provide timely advice to the Secretary of State concerning aquatic nuisance species that infest water resources shared with other countries.

(b) ROLE OF REGIONAL COMMISSIONS.—Regional commissions established pursuant to this section shall—

(1) identify regional priorities with respect to aquatic nuisance species;

(2) make recommendations to the National Cooperative Action Group concerning aquatic nuisance species;

(3) coordinate programs established to carry out the purposes of the Act; and

(4) issue, on at least an annual basis, a report on regional research and education concerning aquatic nuisance species to the National Cooperative Action Group on regional research and education.

(c) ADMINISTRATIVE PROVISIONS RELATING TO REGIONAL COMMISSIONS.—(1) Members of a regional commission established pursuant to this section shall serve at the pleasure of the National Cooperative Action Group.

(2) Members of a regional commission shall receive no additional pay, allowances, or benefits by reason of service to the regional commission. Members who are not full-time Federal employees may be allowed travel expenses and per diem, in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service under subchapter I of chapter 57 of title 5, United States Code, to the extent funds are available for such expenses.

(3) A majority of the members of a regional commission shall constitute a quorum, but one or more members designated by the regional commission may hold hearings.

(4) Members of a regional commission shall select a chairman from among the members of the regional commission.

(5) Each regional commission shall meet in the geographical area of the regional commission at the call of the chairman of the regional commission or upon the request of a majority of the members of the regional commission.

(6) Each regional commission may establish committees or work groups of technical representatives of members of the regional commission to advise the regional commission on specific matters relating to the functions of the commission authorized under this Act.

(7) Each regional commission may nominate, and assign duties to, a coordinator and such other full-time and part-time employ-

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ees as the National Cooperative Action Group determines to be necessary for the performance of the functions of the regional commission.

(d) **Effect of Federal Advisory Committee Act.**—Except as otherwise provided by this Act, each regional commission shall operate pursuant to the Federal Advisory Committee Act (5 U.S.C. App).

(e)(1) **Regional Commission for the Great Lakes.**—Not later than 30 days after the date of the enactment of this Act, the National Cooperative Action Group shall establish a regional commission for the Great Lakes region described in paragraph (2).

(2) For the purposes of this subsection, the Great Lakes Region shall encompass the following regions (as designated in the United States Geological Survey 1982 map of surface water and related land resource development in the United States and Puerto Rico):

(A) Great Lakes Region 4;

(B) Ohio Region 5; and

(C) Upper Mississippi Region 7.

(3) The National Cooperative Action Group shall request that the Great Lakes Fishery Commission (established under the Great Lakes Fishery Act of 1956)—

(A) designate a representative to serve on the regional commission described in this subsection;

(B) advise, coordinate, and provide secretarial services on matters related to Great Lakes fisheries, related environmental concerns, and interactions with the Government of Canada; and

(C) provide technical services for any technical committee established by the National Cooperative Action Group to address matters described in subparagraph (B).

(4) The National Cooperative Action Group shall request that the Great Lakes Commission (established under article IV of the Great Lakes Basin Compact to which the Congress granted consent in the Act entitled "Granting the consent of the Congress to a Great Lakes Basin Compact, and for other purposes", approved July 24, 1968)—

(A) designate a representative to serve on the regional commission described in this subsection;

(B) advise, coordinate, and provide secretarial services on matters related to the economic impacts of the zebra mussel on the geographic area of the Great Lakes region (including impacts on industry), and interactions with the Government of Canada; and

(C) provide technical services for any technical committee established by the National Cooperative Action Group to address matters related to the economic impacts of the zebra mussel on the geographic area of the Great Lakes region (including impacts on industry).

SEC. 202. LEAD AGENCIES.

(a) **Role of the Secretary of Commerce.**—As part of the regional effort to address aquatic nuisance species infestations in the United States, the Secretary of Commerce, acting through the Administrator of the National Oceanic and Atmospheric Administration (who shall consult the head of the National Sea Grant College Program) shall, in response to the recommendations of the regional commissions established under section 201, serve as the head of the lead agency in connection with programs to—

(1) carry out administrative activities related to the regional commissions;

(2) investigate the basic biology of aquatic nuisance species;

(3) research, propose, and evaluate aquatic nuisance species control methods (with an emphasis on environmentally sound methods of control for industrial, commercial, and recreational users of infested waters);

(4) provide timely advice to the Administrator of the Environmental Protection Agency, the Director of the United States Fish and Wildlife Service, and the chairmen of the regional commissions established under section 201, concerning aquatic nuisance species control methods proposed or in use;

(5) develop and implement educational programs through Sea Grant Marine Advisory Services, and any other available resources that the Secretary of Commerce determines to be appropriate to inform the general public, State governments, governments of political subdivisions of States, and industrial and recreational users of aquatic resources in connection with matters concerning the identification of aquatic nuisance species, and control methods for such species, including the prevention of the further distribution of such species;

(6) notify State governments and the governments of political subdivisions of States, private raw water users (as defined by the Secretary of Commerce), and other interested or affected entities that the Secretary of Commerce determines to be appropriate, of projected rates and directions of spread of the zebra mussel and other aquatic nuisance species in a manner that will facilitate timely planning to avoid, prevent, or compensate for likely impacts of such aquatic nuisance species;

(7) investigate methods for minimizing the economic impacts of the zebra mussel and other aquatic nuisance species on public, commercial, and private waters;

(8) assist in efforts in the public and private sector to control economic impacts of the zebra mussel and other aquatic nuisance species; and

(9) maintain a current list of control methods in use within the region served by such regional commission and make the list available upon request.

(b) **Role of Secretary of the Interior.**—As part of the regional effort to address aquatic nuisance species infestations in the United States, the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, shall, in response to the recommendations of the regional commissions established under section 201, serve as the head of the lead agency in connection with programs to—

(1) investigate the basic biology of the zebra mussel and other nonindigenous species;

(2) research, and evaluate aquatic nuisance species control methods to protect biodiversity and the fisheries of infested waters (with emphasis on environmentally sound methods) and make recommendations concerning such methods;

(3) establish a program with the assistance of the United States Coast Guard for the random sampling of ballast tanks;

(4) monitor the distribution and spread of the zebra mussel and other aquatic nuisance species, generate projections on the rate and direction of spread of such infestations, and, with the assistance of personnel of Sea Grant Marine Advisory Services, notify regions where infestations are pending for the purposes of advanced planning;

(5) monitor the effects on human health of the zebra mussel and other aquatic nuisance species;

(6) research and monitor effects of the zebra mussel and other aquatic nuisance species on biodiversity of the infested regions; and

(7) advise the Administrator of the Environmental Protection Agency, the Administrator of National Oceanic and Atmospheric Administration, and the chairmen of the regional commissions concerning current aquatic nuisance species control methods proposed or in use.

(c) **Memoranda of Agreement Concerning Lead Agency Status.**—To maximize use of existing facilities, lead agency status within the boundaries of a given regional commission designation may be altered or shared by a mutual agreement between the departments or agencies described in subsections (a) and (b) through a memorandum of agreement filed not later than 60 days after the formation of the regional commission that is the subject of the memorandum of agreement. Such memorandum of agreement shall specify the activities for which the signatories to the agreement shall be responsible, and shall contain such provisions as are necessary to ensure the coordinated implementation of such activity. In the absence of a memorandum of agreement, lead agency status shall be determined pursuant to subsections (a) and (b).

(d) In regions for which inland waters (except for the Great Lakes) comprise the majority of the affected waterways (as in water resource regions 10, 11, 13, 14, 15, and 16 of the United States Geological Survey 1982 map of surface water and related land resource development in the United States and Puerto Rico) the United States Fish and Wildlife Service shall cooperate with Federal departments and agencies that implement other related programs in effect on the date of the enactment of this Act to fulfill all lead agency roles (as described in subsections (a) and (b)).

SEC. 203. RESEARCH RESTRICTIONS.

(a) **Location of Research Activities.**—The research activities authorized under this Act concerning an aquatic nuisance species shall be carried out only within drainage basins infested with such aquatic nuisance species.

(b) **Allocation of Funding.**—To the extent possible, funds for research authorized under this Act shall be allocated to existing facilities within the areas infested by the aquatic nuisance species subject to study.

(c) **Research Priorities.**—In funding research related to the basic biology of aquatic nuisance species, priority shall be given to research to advance the development of applied techniques of aquatic nuisance species prevention and control, and the funding of such research efforts should be carried out as soon as is possible.

SEC. 204. INTERACTIONS WITH FOREIGN COUNTRIES.

(a) The Secretary of State, in consultation with the National Cooperative Action Group and the Secretary, shall, to the extent allowable by law, initiate negotiations with the governments of foreign countries concerning the planning and implementation of prevention, research, education, and control programs related to aquatic nuisance species infesting shared water resources.

(b) In the case of the Great Lakes, the activities of the National Cooperative Action Group, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the regional commission for the Great Lakes established under section 201(e) of this Act, shall conform with the goals of the Boundary Waters Treaty of 1909 and the Great Lakes Water Quality Agreement as amended in 1987 and such agencies shall cooperate with the Great Lakes Fishery Commission in all matters affecting Great Lakes fisheries.

SEC. 205. REPORTS.

Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Cooperative Action Group shall submit a report to the appropriate committees of the Congress that—

(1) summarizes reports of the regional commissions established under this Act and includes a summary of the progress of the regional commissions in meeting the goals established for such commissions under this Act; and

(2) makes recommendations concerning prevention and control of aquatic nuisance species that the Cooperative Action Group determines to be appropriate.

SEC. 206. INJURIOUS SPECIES.

In accordance with section 42 of title 18, United States Code, the Secretary of the Interior shall declare the zebra mussel (Dreissena polymorpha) an injurious species.

SEC. 207. SEA GRANT SERVICES AND GRANTS TO UNIVERSITIES.

(a) GRANTS FOR UNIVERSITY RESEARCH.—The appropriate lead agency, as determined under this Act, shall allocate funds authorized under this Act for competitive university research grants to be administered through the Sea Grant College program to study aquatic nuisance species.

(b) EDUCATION AND ASSISTANCE SERVICES.—In addition to the education and assistance services described under this Act provided by Sea Grant Marine Advisory Services, the appropriate Sea Grant College Program is authorized conduct education and assistance services related to the prevention and control of aquatic nuisance species.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for fiscal years 1991, 1992, 1993, 1994, and 1995, in addition to any other amounts that may be authorized—

(1) $850,000 to fund research at the Great Lakes Environmental Research Laboratory and other laboratories of the National Oceanic and Atmospheric Administration (of which not more than $100,000 shall be used to fund administrative services by the Great Lakes Commission);

(3) $1,650,000 to fund Sea Grant competitive university research grants described in section 207 which are conducted in the Great Lakes Region (as defined in paragraph (2) of section 201(e) of this Act);

(4) $500,000 to fund Sea Grant College Program education and extension services described in section 207 which are conducted in the Great Lakes Region;

(5) $100,000 to fund administrative services of the Great Lakes Fishery Commission;

(6) $1,000,000 to fund research authorized under this Act conducted through the United States Fish and Wildlife Service in the Great Lakes Region;

(7) $3,300,000 to fund regulatory activities of the United States Coast Guard authorized under this Act;

(8) $500,000 to fund Sea Grant Marine Advisory Service national education and extension services;

(9) $500,000 to fund nationwide monitoring activities by the United States Fish and Wildlife Service; and

(10) such other sums as may be necessary to carry out the purposes of this Act.●

NATIONAL ENERGY CONSERVATION POLICY ACT AMENDMENTS

● Mr. JOHNSTON. Mr. President, I ask that my colleague, Senator LIEBERMAN, and the distinguished ranking member of the Committee on Energy and Natural Resources, Senator MCCLURE, be added as cosponsors to S. 2191, a bill to amend part 3, title V, of the National Energy Conservation Policy Act [NECPA].

I introduced this measure last week in order to provide the Committee on Energy and Natural Resources with an opportunity to consider several proposals regarding the Federal Government's Energy Management Program. These proposals had been raised in the context of the Clean Air Act. I expressed my concern, in last week's introductory remarks, that these proposals should be considered and developed in the context of NECPA, and by the committee which has jurisdiction over energy policy.

I appreciate Senator LIEBERMAN's support for S. 2191, and his cooperation in this approach. It was he who originally initiated this effort to update the Federal Energy Management Program and I understand his reluctance to pass up the pending Clean Air Act Amendments as a vehicle for their consideration.

I would like to assure the Senator that we will give speedy consideration to this measure in the committee, and that I support the goals of this legislation.

I share his concern for improving the Federal Government's performance in managing its energy consumption, and I look forward to working with him in developing these proposals.

Mr. LIEBERMAN. I thank the Senator, and appreciate his reassurance and his intention to move these proposals along in the process as quickly as possible.

I believe that we have an opportunity this year to enact legislation to improve the Federal Government's Energy Management Program, including the promotion of cost-effective energy efficiency, and alternative clean energy projects. I am pleased to hear that this measure has gained additional cosponsors, and that the administration is moving promptly on developing its official views. I look forward to working with the Energy Committee and other Members interested in this important legislation.●

LOW INCOME ENERGY ASSISTANCE PROGRAM

● Mr. FOWLER. Mr. President, I am pleased to join Senator LIEBERMAN and my other Senate colleagues in support of Senate Joint Resolution 261. I want to commend the distinguished Senator from Connecticut for his leadership here.

Senate Joint Resolution 261, a joint resolution making dire appropriations for the Low Income Energy Assistance Program [LIHEAP], calls for an additional $300 million to replenish the program's nearly exhausted funds. This is an essential program which helps provide for the needs of many American families as they struggle to pay the high and escalating cost of heating their homes. I wish we could guarantee that each and every low-income, elderly, or handicapped American who needed assistance under this program would have it. We cannot. This program currently serves only about one-third of those eligible for it and, as was the case during the Reagan years, President Bush has proposed deep cuts in this program—25 percent—for fiscal year 1991. Because LIHEAP now serves only our neediest families—averaging $7,000 a year on average—Congress must act to protect this program.

The severity of this winter's cold spell has created a real dilemma for many families. It meant that they had to make choices which no family should be faced with—between eating and staying warm. I submit to my colleagues that this issue is one which challenges our Nation's conscience. With passage of this initiative, Congress can begin to take meaningful steps toward preserving and strengthening this vital program.●

EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS LICENSE

● Mr. D'AMATO. Mr. President, I rise as a cosponsor to S. 1098, a bill to provide financial assistance to raise the literacy skills of commercial drivers.

On October 18, 1986, Congress enacted the Commercial Motor Vehicle Safety Act of 1986. The goals of this act are to improve driver quality, to remove problem drivers from the highway and to establish a system that will prevent operators of commercial motor vehicles, truck or bus, from having more than one driver's license. The establishment of the commercial driver licensing information system, CDLIS, is necessary because previously commercial motor vehicle drivers could hold multiple State licenses and accumulate large numbers of violations without fear of losing their licenses.

Under this law, almost 6 million truck and bus drivers nationwide must surrender all but one license. In my own State, there are over 218,000 commercial motor vehicle drivers. By April 1992, all commercial drivers must pass both a driving skills test and a written test. Most drivers will not have any

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problem passing the driving skills test since their years of experience have left them with an excellent driving record.

On the other hand, the written test presents another situation. Many of the drivers have not taken a written or oral test since high school. Many lack the literacy skills to prepare adequately. The study manual is 100 plus pages. Many need remedial literacy training in order to prepare and pass the written test. Without such training, we face the loss of experienced and valuable commercial drivers.

I believe we must encourage and promote literacy training for those commercial drives who need it. Not only is their experience valuable to our Nation's commerce but we must recognize their lifetime investment and commitment to this profession.

S. 1098, introduced by Senator Heinz, creates an education program for commercial drivers to increase the literacy skills which are necessary to successfully complete the written test requirements under the Commercial Motor Vehicle Safety Act of 1986. I strongly support action at the Federal level to promote literacy training for those who need it.●

THE YOUNG AMERICANS ACT

● Mr. D'AMATO. Mr. President, I am pleased to support legislation introduced by Senator Dodd, S. 1911, the Young Americans Act. The goal of this legislation is to coordinate Federal, State, and local programs to make them go as far as possible to assist our Nation's youth. Youth so often fall through the cracks for Federal assistance, and it is essential that we pull our forces together to make the most of the resources we have.

The numbers of homeless and runaway youth are sharply on the rise, and such individuals are constantly flirting with the dangers of living on the street. Often they are impoverished or have fled from an intolerable living situation such as being victims of physical abuse or negligence, or living with family members who are alcohol or drug abusers. Youths who do not have the benefit of a stable living evironment are often unable to maintain any sort of stability in their lives. For such young people, it is difficult to finish an education or hold a steady job. They frequently fall into the shelter system and increase their chances of being exposed to drug or alcohol abuse, physical or mental health problems, and street violence.

In any community, especially a city the size of New York City, it is difficult to provide troubled youth with adequate services. Programs designed to assist this group exist as separate entities at the Federal, State, and local levels. New York has multitudes of groups working hard at all levels to deal with such issues, but they could be so much more effective with the means to link together and coordinate their efforts to meet the service gap.

The Young Americans Act begins to address this problem in multiple ways. The first part of the bill establishes into law the Administration of Children, Youth and Families, ACYF, and makes its Commissioner directly responsible to the Secretary of the Department of Health and Human Services. This statutory base makes interagency communication mandatory while providing a Federal focal point for coordinating services for States and communities.

The legislation also authorizes two kinds of grants for State and community programs. The State grants encourage and assist State and local agencies to coordinate resources to develop and implement comprehensive, coordinated State and community services. The supportive services grants would be made to States under approved plans to demonstrate successful program approaches to fill service gaps identified through State and local area advocacy efforts.

The final portion of the bill creates a White House Conference on Young Americans to assess progress and make recommendations for further action to adequately provide for youth in need of assistance.

The bill lists a wide range of services that are necessary to address the needs of youths at risk. The Young Americans Act includes shelters for the homeless, transitional living services for those who are coming out of the shelter system and learning to live independently, healthcare, mental health services, education and job training programs, foster homes and services for the prevention of abuse and neglect.

The way the system is currently structured, the Federal, State, and local programs are each able to do a small part to improve the problem. The Young Americans Act seeks to combine the efforts of each dedicated individual to build momentum and make the combined energy go a lot farther. It is an opportunity for more research and implementation of programs rather than settling for one or the other because there are not enough resources to do both. It allows the strong Federal hand to coordinate its efforts with the local hand that more fully understands a specific community's problems. This type of teamwork will make greater strides to address the problems of our Nation's youth who need our help now.●

NAMIBIAN INDEPENDENCE DAY

● Mr. KERRY. Mr. President, the people of Namibia will realize a long-sought-after dream on March 21, 1990 when independence will be formalized and recognized by the international community.

The people of Namibia have suffered foreign domination and a long war. Yet, as we witness the startling events of recent months in Eastern Europe and most recently in Nicaragua, we should recognize the importance of Namibian independence which will be celebrated later this month.

Several years ago it would have been difficult to find experts on southern Africa who would have risked predicting that Namibia would have been able to successfully undertake an internationally supervised election under United Nations auspices. It would have been even more risky to have predicted that Namibia's two major political parties—the Southwest African People's Organization [SWAPO] and the Democratic Turnhalle Alliance [DTA]—would so expeditiously adopt a Constitution aimed at institutionalizing democratic practices and principles.

However, all of these events did occur and the Namibian people stand tall and proud as they approach their day of independence. If Namibian democracy works in practice, as well as principle, then other difficult political problems in southern Africa can be approached with an air of optimism. Namibia can stand as an example of a multiracial, democratic society that is committed to equality for all.

What the people of Namibia have accomplished in writing a bill of rights, in guaranteeing freedom of speech and of the press, separation of powers, and other democratic principles are worthy of admiration, assistance, and praise from this Congress and the people of our Nation. The people of Namibia have succeeded in a way that many thought would be impossible in the not too distant past. I salute these accomplishments and wish the people of Namibia all the best as they celebrate a new era which will dawn on March 21, 1990.●

THE FARM FLEXIBILITY ACT OF 1990

● Mr. BOSCHWITZ. Mr. President, I ask that S. 2251 be printed in the Record. The bill was not printed in the Record when I introduced it March 7, 1990.

The text of S. 2251 is as follows:

S. 2251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Farm Flexibility Act of 1990".

(b) Table of Contents.—The table of contents is as follows:

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TITLE I—WHEAT

SEC. 101. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF WHEAT.

The Agricultural Act of 1949 is amended—

(1) effective beginning with the 1991 crop of wheat, by repealing sections 107A, 107B, and 107D (7 U.S.C. 1445b, 1445b-1, and 1445b-3); and

(2) effective only for the 1991 through 1997 crops of wheat, by inserting after section 107 (7 U.S.C. 1445a) the following new section:

"SEC. 107A. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF WHEAT.

"(a) LOANS.—

"(1) RECOURSE LOANS.—The Secretary shall make available to producers recourse loans for each of the 1991 through 1997 crops of wheat at a level determined by the Secretary that is the higher of—

"(A) not less than 75 percent, nor more than 85 percent, of the simple average price received by producers of wheat, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of wheat, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(B) 95 percent of the level determined for the preceding crop.

"(2) NONRECOURSE LOANS.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of wheat at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) RELATIONSHIP BETWEEN RECOURSE AND NONRECOURSE LOANS.—

"(A) SAME QUANTITY.—The producers on a farm may not place the same quantity of wheat under both recourse and nonrecourse loans made under this subsection.

"(B) COMBINATION OF LOANS.—Subject to subparagraph (A), the producers on a farm may place a crop of wheat under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) REPAYMENT.—

"(A) IN GENERAL.—The Secretary may permit a producer to repay a loan made under this subsection for a crop at a level—

"(i) in the case of a recourse loan, that is the lesser of—

"(I) the recourse loan level for the crop, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(II) the prevailing world market price for the crop, as determined by the Secretary, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(ii) in the case of a nonrecourse loan, that is the lesser of—

"(I) the nonrecourse loan level for the crop; or

"(II) the prevailing world market price for the crop, as determined by the Secretary.

"(B) PREVAILING WORLD MARKET PRICE.—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(b) LOAN DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary may, for each of the 1991 through 1997 crops of wheat, make payments available to producers who, although eligible to obtain a loan agreement under subsection (a), agree to forgo obtaining the loan in return for the payments.

"(2) COMPUTATION.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of wheat the producer is eligible to place under loan.

"(3) MAXIMUM QUANTITY.—For purposes of this subsection, the quantity of wheat eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the 1990 crop year; by

"(B) the farm program payment yield established for the farm for the 1990 crop year.

"(4) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the nonrecourse loan level determined for the crop under subsection (a); exceeds

"(B) the level at which a nonrecourse loan may be repaid under subsection (a).

"(c) DEFICIENCY PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of wheat in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) PAYMENT RATE.—The payment rate for a crop of wheat under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of wheat prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) TARGET PRICE.—The target price for a crop of wheat under this subsection shall be not less than $4.00 per bushel.

"(4) ESTIMATED PAYMENT RATES.—

"(A) ESTIMATE.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) **Election.**—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under paragraph (2).

"(d) **Negotiable Certificates.**—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) **Reporting of Acreage.**—To be eligible to receive payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) **Production Control Programs.**—

"(1) **In general.**—Subject to title V, the Secretary shall not require participation in any production adjustment program for wheat as a condition of eligibility for the loans or payments authorized by this section.

"(2) **Land diversion payments.**—The Secretary may make land diversion payments to producers of wheat in accordance with section 426.

"(g) **Failure to Comply.**—

"(1) **Secretary.**—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) **Committees.**—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) **Regulations.**—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) **Commodity Credit Corporation.**—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) **Assignment of Payments.**—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) **Sharing of Payments.**—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) **Tenants and Sharecroppers.**—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.".

SEC. 102. NONAPPLICABILITY OF CERTIFICATE REQUIREMENTS.

Sections 379d through 379j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379d–1379j) (relating to marketing certificate requirements for processors and exporters) shall not be applicable to wheat processors or exporters during the period June 1, 1991, through May 31, 1998.

SEC. 103. SUSPENSION OF MARKETING QUOTAS AND PRODUCER CERTIFICATE REQUIREMENTS.

Sections 331 through 339, 379b, and 379c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1331 through 1339, 1379b, and 1379c) shall not be applicable to the 1991 through 1997 crops of wheat.

SEC. 104. SUSPENSION OF CERTAIN QUOTA PROVISIONS.

The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340) shall not be applicable to the crops of wheat planted for harvest in the calendar years 1991 through 1997.

SEC. 105. NONAPPLICABILITY OF SECTION 107 OF THE AGRICULTURAL ACT OF 1949 TO THE 1991 THROUGH 1997 CROPS OF WHEAT.

Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1991 through 1997 crops of wheat.

TITLE II—FEED GRAINS

SEC. 201. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF FEED GRAINS.

The Agricultural Act of 1949 is amended—

(1) effective beginning with the 1991 crop of feed grains, by repealing sections 105A, 105B, and 105C (7 U.S.C. 1444c, 1444d, and 1444e); and

(2) effective only for the 1991 through 1997 crops of feed grains, by inserting after section 105 (7 U.S.C. 1444b) the following new section:

"SEC. 105A. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF FEED GRAINS.

"(a) **Loans.**—

"(1) **Recourse loans.**—The Secretary shall make available to producers recourse loans for each of the 1991 through 1997 crops of corn at a level determined by the Secretary that is the higher of—

"(A) not less than 75 percent, nor more than 85 percent, of the simple average price received by producers of corn, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of corn, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(B) 95 percent of the level determined for the preceding crop.

"(2) **Nonrecourse loans.**—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of corn at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) **Relationship between recourse and nonrecourse loans.**—

"(A) **Same quantity.**—The producers on a farm may not place the same quantity of feed grains under both recourse and nonrecourse loans made under this subsection.

"(B) **Combination of loans.**—Subject to subparagraph (A), the producers on a farm may place a crop of feed grains under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) **Repayment.**—

"(A) **In general.**—The Secretary may permit a producer to repay a loan made under this subsection for a crop at a level—

"(i) in the case of a recourse loan, that is the lesser of—

"(I) the recourse loan level for the crop, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(II) the prevailing world market price for the crop, as determined by the Secretary, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(ii) in the case of a nonrecourse loan, that is the lesser of—

"(I) the nonrecourse loan level for the crop; or

"(II) the prevailing world market price for the crop, as determined by the Secretary.

"(B) **Prevailing world market price.**—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(5) **Other feed grains.**—The Secretary shall make available to producers loans for each of the 1991 through 1997 crops of grain sorghums, barley, oats, and rye, respectively, at such level as the Secretary determines is fair and reasonable in relation to the level that loans are made available for corn, taking into consideration the feeding value of the commodity in relation to corn and other factors specified in section 401(b).

"(b) **Loan Deficiency Payments.**—

"(1) **In general.**—The Secretary may, for each of the 1991 through 1997 crops of corn, grain sorghums, barley, oats, and rye, make payments available to producers who, although eligible to obtain a loan agreement under subsection (a), agree to forgo obtaining the loan in return for the payments.

"(2) **Computation.**—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of the feed grains the producer is eligible to place under loan.

"(3) **Maximum quantity.**—For purposes of this subsection, the quantity of feed grains eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the 1990 crop year; by

"(B) the farm program payment yield established for the farm for the 1990 crop year.

"(4) **Loan payment rate.**—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the nonrecourse loan level determined for the crop under subsection (a); exceeds

"(B) the level at which a nonrecourse loan may be repaid under subsection (a).

"(c) **Deficiency Payments.**—

"(1) **In general.**—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of corn, grain sorghums, oats, and, if designated by the Secretary, barley, in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2) or (4), as appropriate; by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) **Payment rate for corn.**—The payment rate for a crop of corn under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of corn prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (5)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (5)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) **Target price for corn.**—The target price for a crop of corn under this subsection shall be not less than $2.75 per bushel.

"(4) **Payment rate for other feed grains.**—The payment rate for grain sorghums, oats, and, if designated by the Secretary, barley, shall be such rate as the Secretary determines is fair and reasonable in relation to the rate at which payments are made available for corn.

"(5) **Estimated payment rates.**—

"(A) **Estimate.**—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) **Election.**—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under this subsection.

"(d) **Negotiable Certificates.**—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) **Reporting of Acreage.**—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) **Production Control Programs.**—

"(1) **In general.**—Subject to title V, the Secretary shall not require participation in any production adjustment program for feed grains as a condition of eligibility for the loans or payments authorized by this section.

"(2) **Land diversion payments.**—The Secretary may make land diversion payments to producers of feed grains in accordance with section 426.

"(g) **Failure to Comply.**—

"(1) **Secretary.**—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) **Committees.**—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) **Regulations.**—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) **Commodity Credit Corporation.**—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) **Assignment of Payments.**—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) **Sharing of Payments.**—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) **Tenants and Sharecroppers.**—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.".

SEC. 202. NONAPPLICABILITY OF SECTION 105 OF THE AGRICULTURAL ACT OF 1949 TO THE 1991 THROUGH 1997 CROPS OF FEED GRAINS.

Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1991 through 1997 crops of feed grains.

TITLE III—COTTON

Subtitle A—Upland Cotton

SEC. 301. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF UPLAND COTTON.

Effective only for the 1991 through 1997 crops of upland cotton, section 103A of the Agricultural Act of 1949 (7 U.S.C. 1444-1) is amended to read as follows:

"SEC. 103A. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF UPLAND COTTON.

"(a) **Loans.**—

"(1) **Recourse loans.**—The Secretary shall, on presentation of warehouse receipts reflecting accrued storage charges of not more than 60 days, make available for each of the 1991 through 1997 crops of upland cotton to producers recourse loans for a term of 9 months from the first day of the month in which the loan is made at such level, per pound, as will reflect for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States at a level that (subject to paragraph (5)) is not less than—

"(A) the smaller of—

"(i) not less than 75 percent, nor more than 85 percent, of the average price (weighted by market and month) of the quality of cotton as quoted in the designated United States spot markets during 3 years of the 5-year period ending July 31 of the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(ii) 90 percent of the average, for the 15-week period beginning July 1 of the year in which the loan level is announced, of the 5 lowest-priced growths of the growths quoted for Middling one and three-thirty-seconds inch cotton C.I.F. northern Europe (adjusted downward by the average difference during the period April 15 through October 15 of the year in which the loan is announced between the average northern European price quotation of the quality of cotton and the market quotations in the designated United States spot markets for Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9)); or

"(B) 95 percent of the level determined for the preceding crop.

"(2) **Nonrecourse loans.**—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of upland cotton at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) **Relationship between recourse and nonrecourse loans.**—

"(A) **Same quantity.**—The producers on a farm may not place the same quantity of upland cotton under both recourse and nonrecourse loans made under this subsection.

"(B) **Combination of loans.**—Subject to subparagraph (A), the producers on a farm may place a crop of upland cotton under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) **Repayment.**—

"(A) **In general.**—The Secretary shall permit a producer to repay a loan made under this subsection for a crop at a level—

"(i) in the case of a recourse loan, that is the lesser of—

"(I) the recourse loan level for the crop, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(II) the prevailing world market price for the crop, as determined by the Secretary, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(ii) in the case of a nonrecourse loan, that is the lesser of—

"(I) the nonrecourse loan level for the crop; or

"(II) the prevailing world market price for the crop, as determined by the Secretary.

"(B) **Prevailing world market price.**—The Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(5) **Adjustment.**—If for any crop the average northern European price determined under paragraph (1)(A)(ii) is less than the average United States spot market price determined under paragraph (1)(A)(i), the Secretary may increase the loan level to such level as the Secretary may consider appropriate, not in excess of the average United States spot market price determined under paragraph (1)(A)(i).

"(6) **Announcement.**—The loan level for any crop of upland cotton shall be determined and announced by the Secretary not later than November 1 of the calendar year preceding the marketing year for which the loan is to be effective. The level shall not thereafter be changed.

"(7) **Additional term.**—If authorized by the Secretary, loans provided for in this subsection may, on request of the producer during the 9th month of the loan period for the cotton, be made available for an additional term of 8 months.

"(b) **Loan Deficiency Payments.**—

"(1) **In general.**—The Secretary may, for each of the 1991 through 1997 crops of upland cotton, make payments available to producers who, although eligible to obtain a loan agreement under subsection (a), agree to forgo obtaining the loan in return for the payments.

"(2) Computation.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of upland cotton the producer is eligible to place under loan.

"(3) Maximum quantity.—For purposes of this subsection, the quantity of upland cotton eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the 1990 crop year; by

"(B) the farm program payment yield established for the farm for the 1990 crop year.

"(4) Loan payment rate.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the nonrecourse loan level determined for the crop under subsection (a); exceeds

"(B) the level at which a nonrecourse loan may be repaid under subsection (a).

"(c) Deficiency Payments.—

"(1) In general.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of upland cotton in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) Payment rate.—The payment rate for a crop of upland cotton under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of upland cotton prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) Target price.—The target price for a crop of upland cotton under this subsection shall be not less than $0.729 per pound.

"(4) Estimated payment rates.—

"(A) Estimate.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) Election.—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under paragraph (2).

"(d) Negotiable Certificates.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) Reporting of Acreage.—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) Production Control Programs.—

"(1) In general.—Subject to title V, the Secretary shall not require participation in any production adjustment program for upland cotton as a condition of eligibility for the loans or payments authorized by this section.

"(2) Land diversion payments.—The Secretary may make land diversion payments to producers of upland cotton in accordance with section 426.

"(g) Failure to Comply.—

"(1) Secretary.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) Committees.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) Regulations.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) Commodity Credit Corporation.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) Assignment of Payments.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) Sharing of Payments.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) Tenants and Sharecroppers.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(m) Special Limited Global Import Quota.—

"(1) In general.—Whenever the Secretary determines that the average price of Strict Low Middling one and one-sixteenth inch cotton (micronaire 3.5 through 4.9) in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, the President shall immediately establish and proclaim a special limited global import quota for upland cotton subject to the following conditions:

"(A) General quantity.—The quantity of the special quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available.

"(B) Successor quota.—If a special quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated as set forth in subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

"(C) Definitions.—As used in subparagraph (B):

"(i) Supply.—The term 'supply' means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

"(I) the carryover of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the special quota is established; plus

"(II) production of the current crop; plus

"(III) imports to the latest date available during the marketing year.

"(ii) Demand.—The term 'demand' means—

"(I) the average seasonally adjusted annual rate of domestic mill consumption in the most recent 3 months for which data are available; plus

"(II) the larger of—

"(aa) average exports of upland cotton during the preceding 6 marketing years; or

"(bb) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the special quota is established.

"(D) Entry of cotton.—When a special quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the effective date of the proclamation.

"(2) No overlap.—Notwithstanding paragraph (1), a special quota period may not be established that overlaps an existing quota period.".

SEC. 302. SUSPENSION OF BASE ACREAGE ALLOTMENTS, MARKETING QUOTAS, AND RELATED PROVISIONS.

Sections 342, 343, 344, 345, 346, and 347 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1342-1347) shall not be applicable to the 1991 through 1997 crops of upland cotton.

SEC. 303. MISCELLANEOUS COTTON PROVISIONS.

Sections 103 and 203 of the Agricultural Act of 1949 (7 U.S.C. 1444(a) and 1446(d) shall not be applicable to the 1991 through 1997 crops.

SEC. 304. PRELIMINARY ALLOTMENTS FOR 1998 CROP OF UPLAND COTTON.

Notwithstanding any other provision of law, the permanent State, county, and farm base acreage allotments for the 1977 crop of upland cotton, adjusted for any underplantings in 1977 and reconstituted as provided in section 379 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1379), shall be effective as preliminary allotments for the 1998 crop.

Subtitle B—Extra Long Staple Cotton

SEC. 311. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF EXTRA LONG STAPLE COTTON.

The Agricultural Act of 1949 is amended—

(1) effective beginning with the 1991 crop of extra long staple cotton, in section 103 (7 U.S.C. 1444)—

(A) in subsection (a), by striking the subsection designation; and

(B) by striking subsections (b) through (h); and

(2) effective only for the 1991 through 1997 crops of extra long staple cotton, by inserting after section 103A (7 U.S.C. 1444-1) the following new section:

"SEC. 103B. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF EXTRA LONG STAPLE COTTON.

"(a) Definition of Extra Long Staple Cotton.—As used in this section, the term 'extra long staple cotton' means cotton that is—

"(1) produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which American upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

"(2) ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

"(b) Loans.—

"(1) Recourse loans.—The Secretary shall, on presentation of warehouse receipts reflecting storage charges of not more than 60 days, make available to producers nonrecourse loans for each of the 1991 through 1997 crops of extra long staple cotton for a term of 9 months from the first day of the month in which the loan is made at a level determined by the Secretary that is the higher of—

"(A) not less than 75 percent, nor more than 85 percent, of the simple average of prices received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5-year period ending July 31 in the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

"(B) 95 percent of the level determined for the preceding crop.

"(2) Nonrecourse loans.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of extra long staple cotton at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) Relationship between recourse and nonrecourse loans.—

"(A) Same quantity.—The producers on a farm may not place the same quantity of extra long staple cotton under both recourse and nonrecourse loans made under this subsection.

"(B) Combination of loans.—Subject to subparagraph (A), the producers on a farm may place a crop of extra long staple cotton under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) Additional term.—If authorized by the Secretary, loans provided for in this subsection may, on request of the producer during the 9th month of the loan period for the cotton, be made available for an additional term of 8 months.

"(5) Announcement.—The loan level for any crop of extra long staple cotton shall be determined and announced by the Secretary not later than December 1 of the calendar year preceding the marketing year for which the loan is to be effective and the level shall not thereafter be changed.

"(c) Deficiency Payments.—

"(1) In general.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of extra long staple cotton in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) Payment rate.—The payment rate for a crop of extra long staple cotton under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of extra long staple cotton prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) Target price.—The target price for a crop of extra long staple cotton under this subsection shall be not less than $0.981 per pound.

"(4) Estimated payment rates.—

"(A) Estimate.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) Election.—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under paragraph (2).

"(d) Negotiable Certificates.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) Reporting of Acreage.—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) Production Control Programs.—

"(1) In general.—Subject to title V, the Secretary shall not require participation in any production adjustment program for extra long staple cotton as a condition of eligibility for the loans or payments authorized by this section.

"(2) Land diversion payments.—The Secretary may make land diversion payments to producers of extra long staple cotton in accordance with section 426.

"(g) Failure to Comply.—

"(1) Secretary.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) Committees.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) Regulations.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) Commodity Credit Corporation.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) Assignment of Payments.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) Sharing of Payments.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) Tenants and Sharecroppers.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(m) Recourse Loans.—In order to encourage and assist producers in the orderly ginning and marketing of their extra long staple cotton production, the Secretary shall make recourse loans available to the producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

"(n) References in Other Sections.—

"(1) Loan level.—References made in sections 402, 403, 406, 407, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the level of loans for extra long staple cotton under this section.

"(2) Loan operations.—References to the terms 'price support', 'price support operations' and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to the loan operations for extra long staple cotton under this section.

"(o) Future Application.—Notwithstanding any other provision of law, this section shall not be applicable to the 1998 and subsequent crops of extra long staple cotton.".

TITLE IV—RICE

SEC. 401. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF RICE.

Effective only for the 1991 through 1997 crops of rice, section 101A of the Agricultural Act of 1949 (7 U.S.C. 1444-1) is amended to read as follows:

"SEC. 101A. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 CROPS OF RICE.

"(a) Loans.—

"(1) Recourse.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of rice at a level determined by the Secretary that is the higher of—

"(A) not less than 75 percent, nor more than 85 percent, of the simple average price received by producers of rice, as determined by the Secretary, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period; or

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"(B) 95 percent of the level determined for the preceding crop.

"(2) Nonrecourse loans.—The Secretary shall make available to producers nonrecourse loans for each of the 1991 through 1997 crops of rice at a level that is not less than 80 percent, nor more than 100 percent, of the level determined for recourse loans under paragraph (1).

"(3) Relationship between recourse and nonrecourse loans.—

"(A) Same quantity.—The producers on a farm may not place the same quantity of rice under both recourse and nonrecourse loans made under this subsection.

"(B) Combination of loans.—Subject to subparagraph (A), the producers on a farm may place a crop of rice under recourse loans or nonrecourse loans, or any combination thereof, made under this subsection.

"(4) Repayment.—

"(A) In general.—The Secretary shall permit a producer to repay a loan made under this subsection for a crop at a level—

"(i) in the case of a recourse loan, that is the lesser of—

"(I) the recourse loan level for the crop, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(II) the prevailing world market price for the crop, as determined by the Secretary, plus the amount by which the recourse loan level exceeds the nonrecourse loan level; or

"(ii) in the case of a nonrecourse loan, that is the lesser of—

"(I) the nonrecourse loan level for the crop; or

"(II) the prevailing world market price for the crop, as determined by the Secretary.

"(B) Prevailing world market price.—The Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(b) Loan Deficiency Payments.—

"(1) In general.—The Secretary may, for each of the 1991 through 1997 crops of rice, make payments available to producers who, although eligible to obtain a loan agreement under subsection (a), agree to forgo obtaining the loan in return for the payments.

"(2) Computation.—A payment under this subsection shall be computed by multiplying—

"(A) the loan payment rate; by

"(B) the quantity of rice the producer is eligible to place under loan.

"(3) Maximum quantity.—For purposes of this subsection, the quantity of rice eligible to be placed under loan may not exceed the product obtained by multiplying—

"(A) the individual farm program acreage for the 1990 crop year; by

"(B) the farm program payment yield established for the farm for the 1990 crop year.

"(4) Loan payment rate.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the nonrecourse loan level determined for the crop under subsection (a); exceeds

"(B) the level at which a nonrecourse loan may be repaid under subsection (a).

"(c) Deficiency Payments.—

"(1) In general.—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of rice in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual farm program acreage for the 1990 crop year; by

"(C) the farm program payment yield for the crop for the farm for the 1990 crop year.

"(2) Payment rate.—The payment rate for a crop of rice under this subsection shall be the total of—

"(A) the amount by which the target price for the crop of rice prescribed under paragraph (3) exceeds the higher of—

"(i) the national weighted average market price received by producers during the first 5 months of the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the recourse loan level determined for the crop under subsection (a)(1); and

"(B) the amount by which the recourse loan level determined for the crop under subsection (a)(1) exceeds the higher of—

"(i) the national weighted average market price received by producers during the marketing year for the crop, as determined by the Secretary (subject to paragraph (4)); or

"(ii) the nonrecourse loan level determined for the crop under subsection (a)(2).

"(3) Target price.—The target price for a crop of rice under this subsection shall be not less than $10.71 per hundredweight.

"(4) Estimated payment rates.—

"(A) Estimate.—Prior to the time period for entering into a contract to participate in the program established for a crop under this section, the Secretary shall estimate the national weighted average market price to be received by producers during the marketing year for the crop.

"(B) Election.—During the time period for entering into such a contract, the producers on a farm may elect to have the estimated national weighted average market price used for determining the payment rate for payments made to the producers under paragraph (2).

"(d) Negotiable Certificates.—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(e) Reporting of Acreage.—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(f) Production Control Programs.—

"(1) In general.—Subject to title V, the Secretary shall not require participation in any production adjustment program for rice as a condition of eligibility for the loans or payments authorized by this section.

"(2) Land diversion payments.—The Secretary may make land diversion payments to producers of rice in accordance with section 426.

"(g) Failure to Comply.—

"(1) Secretary.—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) Committees.—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(h) Regulations.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(i) Commodity Credit Corporation.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(j) Assignment of Payments.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(k) Sharing of Payments.—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(l) Tenants and Sharecroppers.—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.".

TITLE V—OILSEEDS

SEC. 501. LOANS AND PAYMENTS FOR THE 1991 THROUGH 1997 OILSEED CROPS.

Effective only for the 1991 through 1997 crops of soybeans, sunflower seeds, flax, safflower, and rapeseed, title II of Agricultural Act of 1949 is amended—

(1) in section 201 (7 U.S.C. 1446)—

(A) in the matter preceding subsection (a), by inserting after "tung nuts," the following: "soybeans, sunflower seeds, flax, safflower, rapeseed,"; and

(B) by striking subsections (i) and (l); and

(2) by adding at the end the following new section:

"SEC. 204. LOAN AND PAYMENTS FOR THE 1991 THROUGH 1997 OILSEED CROPS.

"(a) Soybean Price Support.—

"(1) In general.—The Secretary shall support the price of soybeans through loans in each of the 1991 through 1997 marketing years at a level equal to not less than 75 percent, nor more than 85 percent, of the simple average price received by producers for soybeans in the preceding 5 marketing years, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period, except that the level of price support may not be reduced by more than 5 percent in any year.

"(2) Repayment.—

"(A) In general.—The Secretary may permit a producer to repay a loan made under this subsection for a crop at a level that is the lesser of—

"(i) the loan level determined for the crop; or

"(ii) the prevailing world market price for the crop, as determined by the Secretary.

"(B) Prevailing world market price.—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to determine the prevailing world market price for a crop; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for the crop.

"(3) Announcements.—

"(A) Preliminary announcement.—The Secretary shall make a preliminary announcement of the level of price support for soybeans for a marketing year not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) **Final announcement.**—The Secretary shall make a final announcement of the level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. The final level of support may not be announced later than October 1 of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(b) **Sunflower Seed Price Support.**—

"(1) **In general.**—The Secretary may support the price of sunflower seeds through loans and purchases for each of the 1991 through 1997 crops of sunflowers at such level as the Secretary determines will take into account the historical price relationship between sunflower seeds and soybeans, the prevailing loan level for soybeans, and the historical oil content of sunflowers seeds and soybeans.

"(2) **Repayment.**—

"(A) **In general.**—The Secretary may permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for the crop; or

"(ii) the prevailing world market price for sunflower seeds, as determined by the Secretary.

"(B) **Prevailing world market price.**—If the Secretary permits a producer to repay a loan in accordance with subparagraph (A), the Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for sunflower seeds; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for sunflower seeds.

"(3) **Loan Deficiency Payments.**—

"(A) **In general.**—The Secretary may, for each of the 1991 through 1997 crops of sunflowers, make payments available to producers who, although eligible to obtain a loan or purchase agreement under paragraph (1), agree to forgo obtaining the loan or agreement in return for the payments.

"(B) **Computation.**—A payment under this paragraph shall be computed by multiplying—

"(i) the loan payment rate; by

"(ii) the quantity of sunflower seeds the producer is eligible to place under loan.

"(C) **Loan payment rate.**—For purposes of this paragraph, the loan payment rate shall not be less than the amount by which the loan level determined for the crop under paragraph (1) exceeds the level at which a loan may be repaid under this subsection.

"(4) **Announcements.**—

"(A) **Preliminary announcement.**—If price support is to be provided under this subsection for a crop of sunflowers, the Secretary shall make a preliminary announcement of the level of price support for sunflower seeds for the marketing year for the crop not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) **Final announcement.**—The Secretary shall make a final announcement of the level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. The final level of support may not be announced later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(c) **Graduated Oilseed Payments.**—

"(1) **In general.**—The Secretary shall make available to producers payments for each of the 1991 through 1997 crops of soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola) (hereinafter in this section collectively referred to as 'oilseeds') in an amount computed by multiplying—

"(A) the payment rate determined under paragraph (2); by

"(B) the individual oilseed base for a farm determined under paragraph (3).

"(2) **Payment rate.**—The payment rate for a crop of oilseeds shall be the total of—

"(A) the amount computed by multiplying—

"(i) the amount by which $5.02 exceeds the higher of—

"(I) the national weighted average market price received by producers during the marketing year for soybeans, as determined by the Secretary; or

"(II) $4.50; by

"(ii) 30 bushels per acre; and

"(B) the amount computed by multiplying—

"(i) the amount by which $4.50 exceeds the higher of—

"(I) the national weighted average market price received by producers during the marketing year for soybeans, as determined by the Secretary; or

"(II) the support price of soybeans determined under subsection (a)(1); by

"(ii) the average county yield during the 1985 through 1989 crop years, excluding the year in which the yield was the highest and the year in which the yield was the lowest.

"(3) **Oilseed base.**—The oilseed base for a farm shall be the average acreage planted to oilseeds during the 1985 through 1989 crop years.

"(d) **Marketing Year.**—

"(1) **Soybeans.**—For purposes of this section, the soybean marketing year shall be the 12-month period beginning on September 1 and ending August 31.

"(2) **Sunflower Seeds.**—For purposes of this subsection, the marketing year for sunflower seeds shall be prescribed by the Secretary by regulation.

"(e) **Negotiable Certificates.**—The Secretary may make payments under this section in the form of negotiable certificates redeemable for a commodity owned by the Commodity Credit Corporation.

"(f) **Reporting of Acreage.**—To be eligible to receive loans or payments under this section, a producer shall report to the Secretary annually (by a date prior to harvest specified by the Secretary) the quantity of the farm acreage base that is devoted to the production of agricultural commodities or conserving uses.

"(g) **Production Control Programs.**—

"(1) **In general.**—Subject to title V, the Secretary shall not require participation in any production adjustment program for oilseeds as a condition of eligibility for the loans or payments authorized by this section.

"(2) **Land diversion payments.**—The Secretary may make land diversion payments to producers of oilseeds in accordance with section 426.

"(h) **Failure to Comply.**—

"(1) **Secretary.**—If the failure of a producer to comply fully with the terms and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure.

"(2) **Committees.**—The Secretary may authorize the county and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(6)) to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet the other requirements does not affect the program authorized by this section through the Commodity Credit Corporation.

"(i) **Regulations.**—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

"(j) **Commodity Credit Corporation.**—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

"(k) **Assignment of Payments.**—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)) (relating to the assignment of payments) shall apply to payments under this section.

"(l) **Sharing of Payments.**—The Secretary shall provide for the sharing of payments made under this section for any farm among the producers on the farm on a fair and equitable basis.

"(m) **Tenants and Sharecroppers.**—In carrying out the program established by this section, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.".

TITLE VI—GENERAL COMMODITY PROVISIONS

Subtitle A—Farm Acreage Bases and Nonprogram Crops

SEC. 601. FARM ACREAGE BASES AND NONPROGRAM CROPS.

Effective beginning with the 1991 crops, title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.) is amended to read as follows:

"TITLE V—FARM ACREAGE BASES AND NONPROGRAM CROPS

"SEC. 501. DEFINITIONS.

"As used in this title:

"(1) **County committee.**—The term 'county committee' means the county committee established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) for the county in which the farm is administratively located.

"(2) **Farm acreage base.**—The term 'farm acreage base' means the total of—

"(A) sum of the 1990 crop acreage bases of program crops of the farm; and

"(B) the oilseed base of the farm.

"(3) **Nonprogram crop.**—The term 'nonprogram crop' means a commodity other than a program crop or any crop included in the oilseed base.

"(4) **Oilseed base.**—The term 'oilseed base' means the average of the acreage planted during each of the 1985 through 1989 crops to soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola).

"(5) **Program crops.**—The term 'program crop' means any crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice.

"SEC. 502. FARM ACREAGE BASE.

"(a) **Establishment.**—The Secretary shall provide for the establishment and maintenance of farm acreage bases for each farm.

"(b) **Limitations.**—Notwithstanding any other provision of law, to be eligible for loans or payments under this Act, the producers on a farm—

"(1) may plant program crops, crops included in the oilseed base on acreage that is no more than the farm acreage base; and

"(2) shall devote to conservation uses all of the farm acreage base that is not planted to program crops or crops included in the oilseed base.

"(c) **Combination of Program Crops.**—The producers on a farm may plant any combination of program crops and crops included in the oilseed base, if the total acreage planted to program crops and crops included in the oilseed base does not exceed the farm acreage base.

"SEC. 503. NONPROGRAM CROPS.

"(a) **In General.**—The producers on a farm may plant and harvest nonprogram crops on acreage included in the farm acreage base if the producers forfeit program payments prorated on the basis of the crop acreage bases established for the 1990 crop year and the oilseed base that comprises the farm acreage base, except as provided in subsection (b).

"(b) **Conserving Crops.**—The producers on a farm may plant conserving crops on the farm acreage base of the farm without forfeiting program payments if the crops are not harvested.

"SEC. 504. FAILURE TO COMPLY.

"(a) **Secretary.**—If the failure of the producer on a farm to comply fully with the term and conditions of the program conducted under this section precludes the making of loans and payments, the Secretary may otherwise make the loans and payments in such amounts as the Secretary determines to be equitable in relation to seriousness of the failure.

"(b) **Committees.**—The Secretary may authorize the county committees to waive or modify deadlines and other program requirements in cases in which lateness of failure to meet the other requirements does not affect the operation of the program.

"SEC. 505. PLANTING AND PRODUCTION HISTORY OF FARMS.

"Each county committee, in accordance with regulations prescribed by the Secretary, may require any producer who seeks to establish a farm acreage base for a farm to provide planting and production history of the farm for each of the 5 crop years immediately preceding the 1990 crop year.

"SEC. 506. ESTABLISHMENT OF BASES BY COUNTY COMMITTEES.

"Each county committee may, in accordance with regulations prescribed by the Secretary, provide for the establishment of a farm acreage base with respect to any farm administratively located within the county if the farm acreage base cannot otherwise be established under this title. The bases shall be established in a fair and equitable manner, except that no such bases shall be established for a farm if the producer on the farm is subject to sanctions under any provision of Federal law for cultivating highly erodible land or converted wetland.

"SEC. 507. APPEALS.

"The Secretary shall establish an administrative appeal procedure that provides for an administrative review of determinations made with respect to farm acreage bases.".

Subtitle B—Land Diversion Payments

SEC. 611. LAND DIVERSION PAYMENTS.

Title IV of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end the following new section:

"SEC. 426. LAND DIVERSION PAYMENTS.

"(a) **In General.**—Notwithstanding any other provision of this Act, effective only for the 1991 through 1997 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, the Secretary may make land diversion payments to producers if the Secretary determines that the land diversion payments will not undermine United States agricultural competitiveness or lead to lower world market shares for affected commodities.

"(b) **Conservation.**—

"(1) **In general.**—The land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with the producers.

"(2) **Conservation reserve.**—For the purpose of paragraph (1), land placed in the conservation reserve program established under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) shall be considered devoted to approved conservation uses.

"(c) **Contract Offers.**—The amounts payable to producers under land diversion contracts may be determined through the submission of bids for the contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the potential benefits to soil and water conservation and wildlife.

"(d) **Contract Length.**—The term of a land diversion contract entered into under this section may be from 1 to 5 crop years.

"(e) **Limitations.**—Notwithstanding any other provision of law, the Secretary shall limit the total acreage to be diverted under contracts entered into under this section and the conservation reserve program established under subtitle D of title XII of the Food Security Act of 1985—

"(1) in any county or local community so as not to affect adversely the economy of the county or local community; and

"(2) to not more than 50,000,000 acres.".

Subtitle C—Miscellaneous Commodity Provisions

SEC. 621. PAYMENT LIMITATIONS.

(a) **In General.**—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(1) in paragraph (1)—

(A) by striking "1987 through 1990 crops" and inserting "1991 through 1997 crops";

(B) by inserting after "section)" the following: ", graduated oilseed payments,"; and

(C) by striking "and rice" and inserting "rice, soybeans, sunflower seeds, flax, safflower, and rapeseed (including canola)";

(2) in paragraph (2)(A)—

(A) by striking "1987 through 1990 crops" and inserting "1991 through 1997 crops";

(B) by inserting after "honey," the following: "soybeans, sunflower seeds, flax, safflower, rapeseed (including canola),"; and

(C) by striking "clause (iii)(II)" and inserting "clause (iii)"; and

(3) in paragraph (2)(B), by striking clauses (iii) through (vi) and inserting the following new clauses:

"(iii) any gain realized by a producer from repaying a loan for a crop of a commodity at a lower level than the original loan level established under the Agricultural Act of 1949;

"(iv) any deficiency payment received for a crop of wheat, feed grains, upland cotton, extra long staple cotton, or rice under the Agricultural Act of 1949 as the result of the national weighted average market price received by producers during the marketing year for such crop being exceeded by the recourse loan rate for such crop; and

"(v) any loan deficiency payment received for a crop of wheat, feed grains, upland cotton, or rice under the Agricultural Act of 1949.".

(b) **Foreign Persons.**—Section 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308-3(a)) is amended by striking "1989 and 1990 crops" and inserting "1991 through 1997 crops".

SEC. 622. ADVANCE DEFICIENCY AND DIVERSION PAYMENTS.

(a) **In General.**—Section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b-2) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following new paragraph:

"(1) If the Secretary determines that deficiency payments will likely be made for any of the 1991 through 1997 crops of wheat, feed grains, upland cotton, extra long staple cotton, or rice under this Act, the Secretary shall make advance deficiency payments available to producers for each of the crops.";

(2) in subsection (a)(2)(F), by striking clause (iii) and inserting the following new clause:

"(iii) not less than 40 percent, nor more than 50 percent, of the projected payment rate,";

(3) in subsection (a)(2)(J), by striking "acreage limitations or set-aside program" and inserting "annual program"; and

(4) in subsection (b)—

(A) by striking "1986 through 1990" and inserting "1991 through 1997"; and

(B) by striking "such payments" and inserting "the annual payments".

(b) **Conforming Amendment.**—Section 1002 of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1446) is amended by striking "Effective only for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice, section" and inserting "Section".

SEC. 623. COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.

Effective beginning with the marketing year for the 1991 crop, section 407 of the Agricultural Act of 1949 (7 U.S.C. 1427) is amended to read as follows:

"SEC. 407. COMMODITY CREDIT CORPORATION SALES PRICE RESTRICTIONS.

"(a) **In General.**—The Commodity Credit Corporation may sell any farm commodity owned or controlled by the Corporation at any price not prohibited by this section.

"(b) **Inventories.**—In determining sales policies for basic agricultural commodities or storable nonbasic commodities, the Corporation should give consideration to the establishment of such policies with respect to prices, terms, and conditions as the Corporation determines will not discourage or deter manufacturers, processors, and dealers from acquiring and carrying normal inventories of the commodity of the current crop.

"(c) **Sales Price Restrictions.**—The Corporation may not sell any of its stocks of commodities acquired through price support activities at less than—

"(1) 115 percent of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate; or

"(2) if the Secretary permits the repayment of loans made for a crop of a commodity at a rate that is less than the loan level determined for the crop, 115 percent of the average loan repayment rate that is determined for the crop during the period of the loans.".

SEC. 624. PRODUCER RESERVE PROGRAM FOR WHEAT AND FEED GRAINS.

(a) In General.—Effective beginning with the 1991 marketing years for wheat and feed grains, section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) is amended to read as follows:

"SEC. 110. PRODUCER RESERVE PROGRAM FOR WHEAT AND FEED GRAINS.

"(a) In General.—

"(1) Program.—The Secretary shall formulate and administer a program under which producers of wheat and feed grains may—

"(A) store wheat and feed grains when the commodities are in abundant supply;

"(B) extend the time period for their orderly marketing; and

"(C) provide for adequate, but not excessive, carryover stocks to ensure a reliable supply of the commodities.

"(2) Displacement.—The Secretary shall establish safeguards to ensure that wheat and feed grains held under the program shall not be utilized in any manner to unduly depress, manipulate, or curtail the free market.

"(3) Additional authority.—The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out producer loan and storage operations.

"(b) Terms and Conditions.—

"(1) In general.—In carrying out the producer storage program, the Secretary shall provide original or extended price support loans for wheat and feed grains under terms and conditions designed to encourage producers to store wheat and feed grains for a period not to exceed 18 months in order to promote orderly marketing when wheat or feed grains are in abundant supply. Loans made under this section shall be made at such level of support as the Secretary determines appropriate.

"(2) Participation.—The Secretary shall ensure that producers are afforded a fair and equitable opportunity to participate in each producer storage program, taking into account regional differences at the time of harvest.

"(c) Rate of Interest.—The rate of interest charged participants in the program authorized by this section shall be not less than the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Corporation may waive or adjust the rate of interest as the Corporation determines appropriate to effectuate the purposes of this section. The Corporation may increase the applicable rate of interest in such amounts and at such intervals as the Secretary determines is appropriate to encourage the orderly marketing of wheat and feed grains securing loans made under this section.

"(d) Repayment.—The Secretary may require producers to repay loans made under this section, together with accrued interest and such other charges as may be required by regulation, prior to the maturity date of the loan, if the Secretary determines that emergency conditions exist that require that the commodity be made available in the market to meet urgent domestic or international needs.

"(e) Announcement.—The Secretary shall announce the terms and conditions of the producer storage program shall be announced as far in advance of making loans as practicable.

"(f) Upper Limits.—The Secretary shall determine and establish upper limits on the total quantity of wheat and feed grains that may be stored under storage programs established under this section to be effective during the marketing year for such crop, as follows:

"(1) Wheat.—The upper limit on the total quantity of wheat that may be stored under such programs shall not exceed 30 percent of the estimated total domestic and export usage of wheat during the marketing year for the crop of wheat, as determined by the Secretary.

"(2) Feed grains.—The upper limit on the total quantity of feed grains that may be stored under such programs shall not exceed 15 percent of the estimated total domestic and export usage of feed grains during the marketing year for the crop, as determined by the Secretary.

"(g) Payments.—The program shall provide for the payment of storage payments to producers at rates equal to those paid by the Commodity Credit Corporation to commercial warehouses to encourage participation in the program. The Secretary may elect not to make the payments if the Secretary determines that the estimated market price for wheat or feed grains is in excess of 150 percent of the current price support rate applicable to the commodity.

"(h) Commodity Credit Corporation.—The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation. The Corporation may issue such regulations as are necessary to carry out this section.

"(i) Regulations.—The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.".

(b) Conforming Amendments.—Section 208(c)(2) of the Agricultural Act of 1980 (7 U.S.C. 4001(c)(2)) is amended—

(1) in subparagraph (A), by striking "the then current release price at which producers may repay producer storage loans on the commodity and redeem the commodity prior to the maturity dates of the loans, as determined under clause (5) of the third sentence of section 110(b) of the Agricultural Act of 1949" and inserting "the higher of 140 percent of the nonrecourse loan rate for the commodity or the established price for the commodity, as determined under title I of the Agricultural Act of 1949 (7 U.S.C. 1441 et seq.)"; and

(2) in subparagraph (B)(i), by striking "the then current level at which the Secretary may encourage repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (5) of the third sentence of section 110(b) of the Agricultural Act of 1949" and inserting "the higher of 140 percent of the nonrecourse loan rate for the commodity or the established price for the commodity, as determined under title I of the Agricultural Act of 1949".

SEC. 625. EXTENSION OF THE RESERVE.

Section 302(i) of the Food Security Wheat Reserve Act of 1980 (7 U.S.C. 1736f-1(i)) is amended by striking "1990" both places it appears and inserting "1997".

SEC. 626. ADVANCE ANNOUNCEMENT OF PROGRAMS.

Section 406(b) of the Agricultural Act of 1949 (7 U.S.C. 1426(b)) is amended—

(1) by striking "1987 through 1991" each place it appears in paragraphs (1) and (2) and inserting "1992 through 1998";

(2) in paragraph (3)(B)(ii)—

(A) by striking "1991" each place it appears and inserting "1998";

(B) by striking "1990" each place it appears and inserting "1997"; and

(C) by striking "Food Security Act of 1985" and inserting "Farm Flexibility Act of 1990".

SEC. 627. DETERMINATIONS OF THE SECRETARY.

Section 1017(b) of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1459) is amended by striking "1986 through 1990" and inserting "1991 through 1997".

SEC. 628. APPLICATION OF TERMS IN THE AGRICULTURAL ACT OF 1949.

Effective only for the 1991 through 1997 crops of wheat, feed grains, upland cotton, and rice, subsection (k) of section 408 of the Agricultural Act of 1949 (7 U.S.C. 1428(k)) is amended to read as follows:

"(k)(1) Reference made in sections 402, 403, 406, 407, and 416 to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the loan and purchase level for wheat, feed grains, upland cotton, and rice under this Act.

"(2) References made to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 401(a) shall be considered as applying as well to loan and purchase operations for wheat, feed grains, upland cotton, and rice under this Act.".

Subtitle D—Technical and Conforming Amendments

SEC. 641. CONFORMING AMENDMENTS.

The Agricultural Act of 1949 (7 U.S.C. 1441 et seq.) (as amended by sections 101 and 622 of this Act) is further amended by redesignating sections 107C, 107E, and 107F (7 U.S.C. 1445b-2, 1445b-4, and 1445b-5) as sections 107B, 107C, and 107D, respectively.

Subtitle E—Effective Date

SEC. 651. EFFECTIVE DATE.

Except as otherwise provided in title I through this title, such titles and the amendments made by such titles shall become effective beginning with the 1991 crop of a commodity.

TITLE VII—CONSERVATION RESERVE PROGRAM

SEC. 701. EXTENSION OF CONSERVATION RESERVE PROGRAM.

(a) In General.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a), by striking "1990" and inserting "1997"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (4);

(B) by striking the period at the end of paragraph (5) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(6) during the 1991 through 1997, a total of not more than 45 million acres, subject to section 426(e)(2) of the Agricultural Act of 1949.".

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(b) Trees.—Section 1232(c) of such Act (16 U.S.C. 3832(c)) is amended by striking "1990" and inserting "1997".

SEC. 702. INCLUSION OF ENVIRONMENTALLY SENSITIVE LAND IN CONSERVATION RESERVE.

Paragraph (2) of section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)(2)) is amended to read as follows:

"(2)(A) The Secretary shall include in the program established under this subtitle lands that are not highly erodible but that the Secretary determines pose an on-farm or off-farm environmental threat.

"(B) The Secretary may include in the program established under this subtitle lands that are not highly erodible but would, if permitted to remain in production, pose a threat of continued degradation of productivity due to soil salinity.".

SEC. 703. INCLUSION OF WETLANDS IN CONSERVATION RESERVE.

Section 1231(c) of the Food Security Act of 1985 (16 U.S.C. 3831(c)) is amended by adding at the end the following new paragraph:

"(3) The Secretary may include in the program established under this subtitle a field—

"(A) at least ⅓ of which is wetland or converted wetland; and

"(B) that has been annually planted, or considered to be planted, to produce an agricultural commodity (other than an orchard, vineyard, or ornamental planting) in at least 2 of the 1981 through 1985 crop years.".

SEC. 704. TREE PLANTING INCENTIVES.

(a) County Cropland Limitation.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended by inserting before the period at the end "or for new hardwood tree plantings".

(b) Term of Contract.—Section 1231(e) of such Act (16 U.S.C. 3831(e)) is amended by inserting before the period at the end the following: ", except that, in the case of land converted to the production of hardwood trees under a contract entered into under this subtitle (including a contract modified under section 1234(h)), the owner or operator of the land may, within the limitations prescribed by this section, specify the term of the contract".

(c) Cost-Sharing Payments and Period of Planting.—Section 1234 of such Act (16 U.S.C. 3834(b)) is amended by adding at the end the following new subsection:

"(g)(1) In the case of land converted to the production of hardwood trees under a contract entered into under this subtitle after the date of enactment of this subsection, the Secretary shall make cost-sharing payments to an owner or operator of the land for 50 percent of the reasonable and necessary costs, as determined by the Secretary, incurred by the owner or operator for maintaining new hardwood tree plantings (including the cost of replanting, cultivation, nutrient needs, and disease and insect control) during no less than the 2-year, and no more than the 4-year, period beginning on the date a tree is planted, as determined by the Secretary.

"(2) The Secretary may permit owners or operators who contract to convert at least 10 acres of land to the production of hardwood trees under this subtitle to extend the planting of the trees over a 3-year period if at least one-third of the trees are planted in each of the first 2 years.".

(d) Conversion of Certain Acres.—Section 1234 of such Act (16 U.S.C. 3834(b)) (as amended by subsection (c)) is further amended by adding at the end the following new subsection:

"(h) The Secretary shall permit owners and operators who have entered into contracts in effect under this subtitle on the date of enactment of this subsection to convert areas of highly erodible cropland that are planted to grass under the contract to the planting of hardwood trees, except that the owner or operator shall not require the Secretary, through the conversion, to incur any additional expense on the acres (including the expense involved in the original establishment of the vegetative cover) that is in excess of the average per acre hardwood tree planting expense in the same or similar bid pool. With respect to any contract on land to be planted to hardwood trees under the previous sentence, if the original term of the contract was less than 15 years, the owner or operator may extend the contract to a term of no more than 15 years.".

SEC. 705. INCLUSION OF SHELTERBELTS AND WINDBREAKS IN CONSERVATION RESERVE.

(a) Inclusion in CRP.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended—

(1) in paragraph (3)(B), by striking "establishment of—" and all that follows through "permanently" and inserting "establishment of permanently"; and

(2) by adding at the end the following new paragraph:

"(4)(A) In determining the acceptability of contract offers, the Secretary shall, under terms and conditions specified by the Secretary, accept contract offers that provide for the establishment of shelterbelts and windbreaks.

"(B) The owner or operator of the land may, within the limitations prescribed under section 1231(e), specify the term of the contract.

"(C) Any land designated for use in establishing a shelterbelt or windbreak shall be eligible for participation in the program established under this subtitle regardless of the soil erosion classification of the land as determined by the Soil Conservation Service.

"(D) An owner or operator using land under this paragraph for the purposes of the program established under this subtitle shall grant an easement to the Corporation on the windbreak or shelterbelt for the useful life of the windbreak or shelterbelt. Any deed on the land shall be encumbered with the easement for the useful life of the windbreak or shelterbelt.".

(b) Cost-Sharing Payments.—Section 1234(b) of such Act (16 U.S.C. 3834(c)) is amended by inserting after "conservation measures and practices" the following: "(including shelterbelts and windbreaks)".

(c) County Cropland Limitation.—Section 1231(d) of such Act (16 U.S.C. 3831(d)) is amended by adding at the end the following new sentence: "The limitation established under the preceding sentence shall not apply to cropland that is being used for the establishment of shelterbelts and windbreaks.".

SEC. 706. CONSIDERATION OF BENEFITS TO WILDLIFE.

Section 1234(c)(3) of the Food Security Act of 1985 (16 U.S.C. 3834(c)(3)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) take into consideration the potential benefits to wildlife."

SEC. 707. STUDY OF LAND USE FOR EXPIRING CONTRACTS.

(a) In General.—The Secretary of Agriculture shall conduct a study to examine means of allowing cropland subject to expiring conservation reserve contracts entered into under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) to be utilized according to its highest sustainable use. The study shall include consideration of—

(1) the renewal of the contracts in an manner that allows for certain sustainable economic uses of cropland in return for lower rental payments;

(2) the purchase of permanent easements permitting specified economic uses of cropland subject to the contracts;

(3) the purchase of the cropland subject to the contracts;

(4) the preservation of crop acreage bases associated with cropland subject to the contracts if the owner or operator continues to devote the cropland to conserving uses;

(5) the purchase of crop acreage bases associated with cropland subject to the contracts; and

(6) the expiration of the contracts.

(b) Report.—The Secretary shall report the results of the study (along with policy recommendations) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate not later than December 31, 1992.●

JOSEPHINE STONE AND BARJO'S RESTAURANT

● Mr. COHEN. Mr. President, it has been said that diamonds are pieces of coal that stuck to their job. You will find few better examples of how persistence and hard work have resulted in the creation of a true gem that Josephine "Jo" Stone and her restaurant, Barjo's in Norway, ME.

"Jo" is 86 and has not missed a day of work since the restaurant opened 58 years ago. She is as well known for her generosity as for her famous raspberry and custard pies and boiled dinners. She fed one poverty-stricken woman for 35 years and has given free meals to on duty area police officers for decades.

In recognition of her perserverance and kindness, the police officers of Paris and Norway ME, arranged for Mrs. Stone to travel to Boston to watch her beloved Boston Celtics basketball team last month. It was her first trip out of Maine since 1940. Stone was named the 1989 Maine Restaurateur of the Year and will be one of nine restaurateurs in the Nation to attend the 37th annual Salut Au Restaurateur at Florida State University in Florida on March 11.

An article detailing the accomplishments of this remarkable women appeared in the Lewiston Sun Journal. I encourage all of my colleagues to visit this jewel in Norway, ME, and I ask that the article be printed in the Congressional Record.

The article follows:

After a Half-Century, Norway Restaurateur Set for Sightseeing

(By Mary Delamater)

Norway.—"Josephine "Jo" Stone, 86, is going to hang up her apron next week and briefly close her landmark restaurant on Maine Street to take two excursions out of state. She has not been outside Maine since 1940, preferring instead to tend to her business, Barjo's, which her family has owned since 1932.

Stone's first trip will be to Boston Celtics basketball game in Boston. The Feb 28, trip is a gift from officers of the Norway and Paris police departments, who plan to chauffeur Stone and restaurant manager Emily Foster to the Boston Garden for the evening, with a stop for dinner along the way.

The second excursion is all the way to Florida, where Stone will be one of nine restaurateurs in the nation selected to attend the 37th annual Salut Au Restaurateur at Florida State University in Tallahassee. To get to the March 11 banquet, she'll be flying—for the first time in her life.

"Jo" admits she's apprehensive about leaving town and doesn't like being in the spotlight.

"I think it would be a good idea if someone else went," she said, but added that she accepted the university's invitation so that she could proudly repesent "a little restaurant from Maine" in a prestigious national program. The university is one of the leading food service schools in the nation.

Stone was named 1989 Maine Restaurateur of the Year and accepted the award at a banquet in Portland, a city she had not visited since World War II.

Also last year, she was named in the "Who's Who of Women Executives," a listing of America's top women leaders.

The trip to the Celtics game will offer Stone a chance to see the team she's cheered for since 1950. The 5-foot-tall former Norway High School basketball team guard will have the opportunity to see her favorite Celtic, Kevin McHale, the 6-foot-10-inch forward. Asked what she likes about him, she replied, laughing, "Oh, he's so handsome." If she were introduced to him at the game, she said, "I think I'd just faint away."

But the real reason for her admiration of McHale, she said, is his strong work ethic and unselfish style of play—character traits her admirers say she exemplifies. In the nearly 58 years she has been in business, she has closed Barjo's only once—for a two-week renovation project in 1972.

Stone begins her work day at 4 a.m. with cleaning from the front door to the back, and making her famous raspberry and custard pies, homemade soups and boiled dinners. The restaurant, which until two years ago was open seven days a week, closes daily at 9:30 p.m. on a Tuesday-through-Sunday schedule.

Stone can't remember missing a day of work since the restaurant opened 58 years ago with her sister Margaret McAllister, who still does the bookkeeping, and her brother Donald McAllister, both of Norway. She took over the operation herself in 1936, serving mostly ice cream and sandwiches in the 2½-story building constructed in 1805.

Stone has lost three husbands, and those tragedies, she said, caused her to fight for survival for her daughter and herself. Every time misfortune struck, "I would work harder and harder to overcome it," she said.

At the Florida banquet, which her daughter and son-in-law, Barbara and Henry Paradis, will attend, the businesswoman will participate in a panel discussion titled "Secrets of Their Success." Asked what she will share, Stone gave the credit to her manager and staff.

"I couldn't have been here without Emily," she said of the restaurant's manager. "There's no question about it.

"We've been blessed with Veda (Taker) and Gloria (Day)," she added, referring to two longtime waitresses.

"We've had a lot of school kids, and they've helped us as much as I've helped them," Stone explained about her kitchen help.

Over the years, Stone has been known for her generosity. She has given free meals to many customers, young and old. She fed one poverty-stricken woman meals for 35 years. And she has made it a practice for decades to feed area police officers while on duty; hence the reason for their gift to her.

"She's just a wonderful, kind woman who does so much," said Paris Police Chief Lloyd "Skip" Herrick. "She doesn't hesitate to give us her opinion" on local issues, events and the Celtics.

"We fight all the time," Stone said of her banter with officers about the basketball games.

"It's her strong character we admire," said Herrick. "If there's an opportunity to say thank you, we want to."

Herrick will be joined on the Boston trip by Paris officers Dane Tripp, Pat Donaghue and Larry Sanborn and Norway officer Alan Afflerbach. A local automobile dealer is offering the use of a van.●

IRISH-AMERICAN HERITAGE MONTH

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 262 regarding designation of March 1990 as "Irish-American Heritage Month."

The PRESIDING OFFICER. The clerk will report the joint resolution.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 262) designating March 1990 as "Irish-American Heritage Month."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. If there is no objection, the joint resolution is deemed read a third time and passed.

The preamble is agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 262

Whereas by 1776 nearly 300,000 natives of Ireland had emigrated to the United States;

Whereas, following the victory at Yorktown over the English, a French Major General reported that Congress owed its existence, and America, possibly her preservation, to the fidelity of the Irish;

Whereas at least 8 signers of the Declaration of Independence were of Irish origin;

Whereas Charles Thomson, born in Ireland, was Secretary of the Continental Congress;

Whereas Irish-born James Hoban designed the White House, the State and war offices, and assisted in the building of the United States Capitol;

Whereas on March 17th each year, St. Patrick's Day, 130 community parades honor the patron saint of Ireland;

Whereas more than 480 institutions of higher learning in the United States offer courses in Irish studies;

Whereas the Irish and Irish descendants have contributed greatly to the enrichment of all aspects of life in the United States, including military and government service, science, education, art, agriculture, business, industry, and athletics; and

Whereas, in the 1980 census, 40,700,000 individuals in the United States claimed to be of Irish descent: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1990 is designated as "Irish-American Heritage Month", and the President of the United States of America is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ENERGY POLICY AND CONSERVATION ACT EXTENSION AMENDMENT OF 1990

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 468, S. 2231, the Energy Policy and Conservation Act Extension Amendment of 1990.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2231) to amend the Energy Policy and Conservation Act to extend the authority for titles I and II.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection the Senate proceeded to consider the bill.

The PRESIDING OFFICER. If there is no objection, the bill will be deemed read the third time and passed.

The bill (S. 2231) is as follows:

S. 2231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

That this Act may be referred to as the "Energy Policy and Conservation Act Extension Amendment of 1990".

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SEC. 2. EXTENSION OF AUTHORITY.

The Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(a) in section 104(b)(1) by striking out "April 1, 1990" and inserting in lieu thereof "August 15, 1990";

(b) in section 171, by striking out "April 1, 1990" each place it appears and inserting in lieu thereof "August 15, 1990"; and

(c) in section 281, by striking out the term "June 30, 1990" each place it appears and inserting in lieu thereof "August 15, 1990".

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING TESTIMONY IN THE CASE OF UNITED STATES VERSUS POINDEXTER ET AL.

Mr. LEVIN. Mr. President, on behalf of the majority leader and the distinguished Republican leader, Mr. DOLE, I send to the desk a resolution on authorization of testimony and ask for its immediate consideration.

The PRESIDING OFFICE. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 264) to authorize testimony in the case of United States versus Poindexter et al.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, on March 7, the Senate agreed to Senate Resolution 260 to authorize the production of documents in response to subpoenas from the defendant in the trial of John Poindexter. Additionally, the parties are seeking testimony from the former chairman of the Select Committee on Intelligence, Senator DURENBERGER, and the former vice chairman of the select committee, Senator LEAHY, and also from present and former staff of the select committee. As I indicated in my statement on Senate Resolution 260, the matters for which information is being requested relate to briefings that Mr. Poindexter gave to the Congress in November 1986 concerning the revelation that the United States had sold arms to Iran. Three of the counts on which Mr. Poindexter is standing trial include allegations that Mr. Poindexter deliberately made a false statement to the Select Committee on Intelligence in one of these briefings, held on November 21, 1986.

While testimony from all of the individuals who have been subpoenaed may not be necessary, this resolution is being offered at this time in order to ensure that the Senate has acted in a timely fashion to permit testimony that is determined to be necessary to this proceeding to be provided under the schedule determined by the court and as the trial progresses. The resolution does not authorize Senators to testify when their attendance is required at a session of the Senate or at a committee meeting. We trust that the parties will seek to avoid any duplicative testimony that would impose an unnecessary burden on the subpoenaed individuals and on the Senate and that they will act to ensure that any appearances of Senators that may prove to be necessary in this proceeding are scheduled to permit those Senators to continue to meet their responsibilities to attend to the work of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 264) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 264

Whereas, in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01, pending in the United States District Court for the District of Columbia, the Independent Counsel has requested testimony from Senator Dave Durenberger and Eric Newsom, an employee of the Senate, and the defendant has caused subpoenas for testimony to be served on Senator Durenberger, Senator Patrick J. Leahy, Mr. Newsom, Edward Levine, an employee of the Senate, and Bernard McMahon, a former employee of the Senate;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself from the service of the Senate without leave;

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Dave Durenberger, Senator Patrick J. Leahy, Eric Newsom, Edward Levine, and Bernard McMahon are authorized to testify in the case of United States v. Poindexter, et al., Cr. No. 88-0080-01 (D.D.C.), except concerning matters for which a privilege should be asserted.

SEC. 2. That no Senator is authorized to testify pursuant to this resolution when his attendance at the Senate is necessary for the performance of his legislative duties.

NATIONAL ACADEMIES OF PRACTICE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 479, S. 511, regarding the National Academies of Practice.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 511) to recognize the organization known as the National Academies of Practice.

The PRESIDING OFFICER. Is there objection to the request of the Senate from Michigan?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Without objection, the bill is deemed read a third time and passed.

The bill (S. 511), is as follows:

S. 511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

CHARTER

SECTION 1. The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. The National Academies of Practice (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, and other health care professions, and to improve the practices in these professions by disseminating information about new techniques and procedures.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(64) National Academies of Practice.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit for such fiscal year required by section 3 of the Act referred to in section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this charter is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall terminate.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. LEVIN. Mr. President, I ask unanimous consent that committees may file reported Legislative and Executive Calendar business on Thursday, March 15, from 12 noon to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the minority leader.

CAMPAIGN FINANCE REFORM

Mr. DOLE. Mr. President, after we finish action on the clean air bill, the Senate will take up another, perhaps equally, contentious issue—campaign finance reform.

Normally, the simple mention of these three words would send shivers down our partisan spines. Congress has a track record on this issue, and it is a record strewn with accusation, with bluster, and high-pitched partisanship.

CAMPAIGN FINANCE REFORM PANEL

Last month, Senator MITCHELL and I tried to improve this record by commissioning a six-member bipartisan panel of experts to review our current system of campaign financing, and to develop, if possible, some new approaches that could serve as the basis for breaking the partisan deadlock here in the Senate. Earlier this week, the panel formally transmitted its recommendations to me and to the majority leader.

I have called the panel's report a potential breakthrough. Some have characterized my description of the report as guarded, as cautious, but a potential breakthrough on an issue like campaign finance reform is very significant and should not be downplayed.

I am pleased that the panel has completely rejected the idea of direct public financing of congressional campaigns. I am pleased that the panel has recognized the need to strengthen and enhance the role of the political parties in Federal elections.

I am pleased that the panel recognizes the special importance of in-State contributions—contributions, in other words, from the people who elect us, the people who send us here to Congress.

And I am pleased that the panel has shifted the reform debate away from the fixation on artificial—arbitrarily determined—spending limits, and toward the real culprit in the campaign finance debate—the sources of campaign funds.

FLEXIBILE SPENDING LIMIT

There has been much discussion of the panel's proposal of a flexible spending limit. I must admit that I am intrigued by the idea, and I am considering it.

But as I have said many, many times before, an absolute—fixed—cap on campaign spending is nothing more than a prescription for incumbency protection. Incumbents already enjoy a number of tangible benefits not available to challengers—paid professional staff, the franking privilege, access to free media coverage—and they do not need yet another weapon in their arsenal against challengers.

Fortunately, the panel rejected the idea of an absolute—fixed—cap on campaign spending, and opted for a considerably more flexible approach.

THE PANEL RECOMMENDATIONS: NOT FAR ENOUGH

Let me just say that in two key areas—PAC money and soft money—the panel did not go far enough.

The panel calls for a cap on aggregate PAC contributions, and for a modest reduction in the maximum individual PAC contribution. It would also prohibit union and corporate PAC's from engaging in the practice known as bundling, and from making so-called independent expenditures.

These are all excellent recommendations, and I am proud to say that they have been part of the republican approach from the beginning. But republicans would go even further. If we are really concerned about the corrupting role of PAC money in the campaign process, then let us do it the right way. Let us cut the maximum PAC contribution from $5,000 to $1,000, or perhaps even lower: no confusing formulas, no caveats. Just a simple, significant, cut in the maximum allowable PAC contribution. I know that common cause rarely sides with us republicans—but on this issue, I believe, we share a common agenda.

SOFT MONEY

On another issue—the issue of soft money—the panel recommends full disclosure of all soft money expenditures. The panel also recommends certain restrictions on the expenditure of soft money by national and state political parties.

It goes without saying that increased public disclosure leads to increased public accountability. And increased public accountability is fundamental to the integrity of the entire electoral system. There's no dispute on that point.

But the real problem—the real sewer money—is not the money that comes from the political parties. It is the money that comes from the private interests who feel that they can get

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something from us by making soft money expenditures.

So, if we are really concerned about solving the soft money problem, if we are really concerned about cleaning up the sewer, then let us do it. Let us prohibit banks, savings and loans, unions, and other businesses from making soft money expenditures. Pure and simple. an outright prohibition.

I know that my distinguished colleague, Senator DOMENICI, introduced a bill yesterday that contains this very proposal.

REPUBLICAN COMMITMENT TO REFORM

So, despite what you read on the editorial page of the New York Times and the Washington Post, Senate Republicans have always been committed to meaningful campaign finance reform. Take another look at S. 7—my bill—and S. 1727—the President's bill—and my colleagues will see that both bills contain many of the proposals recommended by the bipartisan panel.

THE NEED FOR BIPARTISANSHIP

But let us face it: If Congress is to pass comprehensive campaign finance reform legislation, it must do so on a bipartisan basis. And if the eight cloture votes on campaign finance reform legislation during the 100th Congress have taught us anything, they have taught us that partisanship just will not work when it comes to cleaning up the campaign finance mess.

So, I sincerely hope that the bipartisanship exemplified by the panel will spill over to us in Congress. It is about time to stop playing the partisan game and get down to serious bipartisan negotiations—perhaps using the framework outlined in the panel's recommendations.

I would be remiss if I did not contrast the panel's bipartisanship with the partisan proposals contained in S. 137, the bill that was reported out of the Rules Committee yesterday on a straight party-line vote. S. 137 is like a tired old dog that just will not give up—and it is a partisan dog to boot. Let me just add that there are more than enough votes on the Republican side to defeat a cloture motion on S. 137—but, again, I hope that we do not have to go down that weary road yet another time.

CONCLUSION

Mr. President, although more review is certainly needed, the bipartisan panel's recommendations can be—in fact, should be—the starting point for real, bipartisan reform.

As a result, I intend to spend the recess discussing the recommendations with my Senate Republican colleagues. I am, obviously, very interested in hearing their views. And I encourage my colleagues on the other side of the aisle to take a close look at the recommendations as well.

Hopefully, it will not be too long before we can all roll-down our sleeves and take a seat at the negotiating table and work out, in the proper spirit, campaign finance reform.

It is long overdue. The American people are ready for it, have been ready for it, think we are ready for it. We have to keep in mind we are talking, not just about incumbents, not about our own seats, but about those who may be in the Senate, 10, 20, 30, 40 years from now.

So, we have to be objective and, if we can be objective in my view we can pass a bill in a nonpartisan, bipartisan basis, rather quickly.

Mr. President, I wish to speak on another subject.

STRATEGIC DEFENSES IN THE 1990'S

Mr. DOLE. Mr. President, a few weeks ago the President visited Lawrence Livermore Laboratory in California. Among the issues he discussed there was strategic defenses. In his remarks to the employees of the lab he made a point regarding strategic defenses which merits serious consideration.

He said, "In the 1990's, strategic defense makes much more sense than ever before, in my view." Moreover, the President offered three significant reasons why this is the case: First, strategic defenses contribute to deterrence; second, strategic defenses underlie effective arms control by diminishing the advantages of cheating; and third, strategic defenses can defend us against accidental or unauthorized launches or attacks from many other countries that are acquiring ballastic missile capabilities.

I believe that the President is right on target. Strategic defenses are the wave of the future, and they will complement the steps we are taking today in the area of arms control and strategic modernization.

Strategic defenses makes sense in the 1990's because they can preserve and enhance deterrence as we move to lower levels of offensive weapons under a START regime. Why is this so? Well, fewer offensive weapons under START will mean a smaller retaliatory capability. A credible retaliatory capability is stabilizing because it reduces the incentive to strike first. In other words, it deters.

So, if we are left with a smaller retaliatory capability, we need to make sure it remains credible. Adding defenses to the force structure would do this, thus, preserving stability at lower levels of offensive nuclear weapons. And we can do so without adding weapons that can be used against people. Strategic defenses target missiles, not people.

Defenses present us with a nonthreatening stabilizing opportunity perfectly tailored to the present state of United States-Soviet relations. Yes, we are moving toward greater cooperation, but United States-Soviet relations are in a transition—a gray area. We must preserve stability in this period—as we cannot now know how long it will be. That much is certain.

For years some have said that we should not pursue strategic defenses because the Soviets are opposed to SDI. SDI was presented as an obstacle to the INF Treaty and then to START. Well, we got INF, and now the Soviets have signaled they will not hold up START over SDI either. Delinkage was the unequivocal result of the Moscow ministerial. We cannot ignore that.

But, I will not be surprised if the Soviets moan and groan about SDI in their rhetoric and news conferences. That is the Soviet style. They may even try to get the Congress to give them what they could not get at the negotiating table. The Soviets have tried that before. But, the bottom line remains the same, the Soviets have officially delinked.

Delinkage is great news and not just with respect to reaching agreement on a START Treaty, but in larger terms of achieving greater strategic stability as we move to lower levels of strategic nuclear weapons.

I hope that this Soviet turnaround will clear the way for movement on a cooperative United States-Soviet transition toward greater reliance on defenses. This, in fact, is the U.S. objective at the negotiations on defense and space in Geneva.

A cooperative transition to greater reliance on defenses is clearly in the United States and Soviet strategic interest. Under a START regime, defenses will not only enhance stability and provide a hedge against cheating, but will protect against an accidental and/or unauthorized launch of ballistic missiles.

However, strategic defenses address another common United States and Soviet concern: ballistic missile proliferation. In little over a decade, about 15 nations will have the capability to launch ballistic missiles—many of the countries developing ballistic missile technology are located on or close to the Soviet Union's borders. And, let us not forget that not all of these nations are our friends.

The United States and the Soviet Union are forging a new relationship. In my view, our shared concern about missile proliferation provides us with an opportunity to work together toward solutions—one obvious and achievable solution is strategic defense.

President Bush emphasized that strategic defense is, as its name states, defensive. He said,

> This purely defensive concept doesn't threaten a single person anywhere in the world * * * God forbid, if it ever had to be

used, it would be used against missiles, not against people.

Mr. President, many of my colleagues have called for new thinking about defense. Well a good place to start is strategic defense.

Mr. LEVIN. Mr. President, I ask unanimous consent that following Senator SIMPSON's remarks, Senators SIMON and GORTON be recognized for up to 5 minutes each, and that at the conclusion of Senator GORTON's speech, the Senate recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, my friend from Wyoming, as always, is patient and smiling, and I am happy to yield the floor so he can seek recognition.

Mr. SIMPSON. Mr. President, I thank my colleague from Michigan, who really presents us with some remarkable technical information which is so absolutely critical to his State, and it is very important that throughout the debate in days to come we remember how terribly painful this bill is in some areas of the country. He recognizes that.

I have my own situation like that. All of us do. Senator BYRD. We must hear each other. And that is a very fine presentation of a tough personal problem in representing the largest industrial base of automobile manufacturing in the United States. Since I know him so well and came here with him, I know how capably he does that.

Let me yield the floor to my friend from Illinois, who has just a few minutes of time under this period of business. Then I will take the floor at the conclusion of his remarks, Mr. President, if I may.

Mr. SIMON. Mr. President, I ask unanimous consent to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. I thank my colleague from Wyoming for his courtesy. I would make one minor correction to my friend from Michigan, if I may have his attention. He referred to the Senator from Wyoming as always patient and smiling. I am confident the Senator from Michigan does not serve on a committee with the Senator from Wyoming.

Mr. LEVIN. I would ask the right to revise and extend my remarks, Mr. President.

REPEALING THE RAILROAD RETIREMENT ACT

Mr. SIMON. Mr. President, we have a very fine Secretary of Transportation, Sam Skinner, from my State. He has put together a series of recommendations in the field of transportation, frankly, dictated in part I think by our budget, and our Federal budget office, rather than by what he really believes ought to be done in the field of transportation. But two errors are made that are important to the people of the States represented here on the floor and important to the people of Wisconsin, Mr. President. One is to do away with the Railroad Retirement System. Frankly, that is an old proposal that we have heard before. It came up about 6 or 8 years ago. It is unfair to railroad workers working now and to the retirees.

We treat railroads differently. We treat the transportation field differently than any other kind of business because it is so essential. When we set up the Railroad Act, we also set up a special retirement system for them. They have paid in more than those of us who pay in on Social Security and we have given them certain promises. We ought to live up to those promises.

It is particularly untimely because there is a Presidential commission that is working on the whole question of railroad retirement. My hope and my belief is that we will quickly disregard and turn down the request of Secretary Skinner to repeal railroad retirement.

The second suggestion is that we do away with the Federal Employers' Liability Act [FELA] in terms of dealing with railroad workers. This system has worked successfully for over 80 years. Railroad workers overwhelmingly support this system, and it is wrong for the railroads to try to save money by taking it from the pockets of employees who have been injured as a result of the railroad's negligence.

Railroading is a dangerous business and rail shipments are increasingly involved in toxic and nuclear waste. FELA acts as a safety incentive in what can be an extremely dangerous industry. Opponents of FELA claim that the system is more adversarial than State workers compensation systems; however, it is very interesting that a study by the American Association of Railroads recently concluded that 85 percent of the claims filed were settled without the involvement of an attorney. And even where you go through the process of an attorney, ultimately less than one-half percent ever went to a jury.

I think we ought to keep the system of handling injuries of railroad employees and the present Railroad Retirement System.

Mr. President, I yield the floor to my colleague from Wyoming. I thank him for his courtesy. While he may not always be patient and smiling, he is always courteous, and I am grateful to him.

Mr. SIMPSON. Mr. President, I thank my colleague. In 1971, Senator SIMON and I were both new State legislators in Illinois and Wyoming, respectively. I remember that distinctly. I have enjoyed nearly 20 years of legislating with the Senator.

COMMEMORATING 100TH ANNIVERSARY OF WYOMING STATEHOOD

Mr. SIMPSON. Mr. President, yesterday my senior colleague from Wyoming [Mr. WALLOP] introduced a joint resolution to commemorate the 100th anniversary of Wyoming statehood on July 10, 1890. I wanted to be here soon after that presentation, but my work with the Clean Air Act prevented that. I personally want to take a few minutes to talk about the significance of that anniversary.

My great-grandfather came to Wyoming in 1862. He was a PX man. He sold the soldiers tobacco, shoes, and booze, things they did not usually get down at the local GI issue center. He was a very remarkable man. He was part of the history, the early history of Wyoming. He lived to the age of 93. He contributed in so many ways, as a very beloved businessman and statesman, if you will, if I may say that, selfishly.

The history of our State is very rich and very deep.

Wyoming has led the Nation in so many important areas and will continue to be a Western beacon for freedom and all those things we hold dear as American values.

Let me take a moment to tell this body about a few of the things in which Wyoming, indeed the entire Nation, takes such great pride.

Lewis and Clark returned from their famous expedition and told of Wyoming's marvels. Few believed those tales were true. But many people came to see those marvels for themselves. The Oregon Trail, which traverses the length of our fair State, was the highway west that most travelers used in those early days.

Father Pierre DeSmet, known to the Indians as Black Robe, was a member of the Society of Jesus and one of the remarkable men of the history of Wyoming. On one of those early treks, he named a granite monolith the Register of the Desert. Independence Rock in south-central Wyoming became a way station and a place of rest and refreshment for 300,000 people who were headed west between 1840 and 1860.

Eventually, in 1868, Wyoming Territory was established. There is a story about how President Ulysses S. Grant sent Sherman to the West and he said, "Find out what is out there. We do not understand what is there. We need to know what to do to develop it."

After Sherman went, he wired Grant: "All this place needs is good people and water." President Grant is said to have wired back, "That is all hell needs."

So, Mr. President, water came to Wyoming, and when it did, it enabled us to develop our agricultural production.

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Mr. President, I am especially pleased to inform the body that Wyoming now has some good people. We still need more water, and we are working on that, too. It did not take long to get the good people out there, but it has taken a good while longer to get the water.

There are many firsts in many different places, but I think those "firsts" in Wyoming are really dramatic. Our State is perhaps best known for being the site of the country's first national park, Yellowstone National Park, the crown jewel established in 1874, 16 years before Statehood Day. Yellowstone is the site of our Nation's most famous and faithful geyser.

Our country's first national monument, Devil's Tower, near the Black Hills in northeast Wyoming, was established in 1906. As an aside, Wyoming was the site of the mother store of the J.C. Penney Co. That chain of remarkable national mercantile establishments started in Kemmerer, WY. It is the mother store of the Penney chain.

Thomas Alva Edison was a frequent visitor to Wyoming. He loved the mountains and the serenity they provided. It was at Battle Lake, near Encampment, WY, that he found his inspiration for his idea for the incandescent bulb. He was fishing and saw the filament and saw the hook in the water. The reflection on the water of lightning was the catalyst for the great invention. That is an interesting little vignette of history.

Wyoming is also home to the largest national elk refuge—which, as I mentioned last night, we ought to keep fenced properly. Jackson Hole is in the shadow of the Grand Tetons, a beautiful mountain range, where national leaders met just last year to discuss matters of world peace and cooperation. Great things were achieved during that summit last year in the shadow of that most famous mountain range.

I know the occupant of the chair, Senator KOHL, also has a place of rest and recreation in Jackson Hole. We consider him a fine citizen of our State, if we may adopt him.

Wyoming is much more than rocks, trees, sagebrush, and wildlife. Our State is not called the Equality State without foundation. Another one of Wyoming's most dramatic firsts is that Wyoming, while still a territory in 1869, was the first to recognize women as having an equal voice in politics. Wyoming was the first govenment in the western world to grant women the right to vote.

Wyoming then had the first female jusdicial officer, Esther Hobart Morris, of South Pass City. She was the first woman to be appointed justice of the peace. A statue of that courageous lady graces the State capitol in Cheyenne, and is our only statue in Statuary Hall.

In 1894, Mrs. Cort F. Meyer (Estelle Reel) was the first woman in the United States to be elected to State office, the State superintendent of public instruction.

Sixteen years later, Willis Van Devanter, a Wyoming lawyer, was named to the U.S. Supreme Court, the Wyoming constitution was ratified, and the first woman was elected to the Wyoming legislature. Her name was Mary G. Bellamy.

These are firsts throughout the western world, not just the Western United States or the whole United States.

In 1925, Mrs. Nellie Tayloe Ross, a Democrat, was elected the first woman Governor in the United States. So it was that the State of Wyoming developed character and institutions and a fine State government, where I had the honor of serving as a State legislator for 13 years.

Today, I am especially proud to be a U.S. Senator in the company of such fine men as my distinguished senior colleague, Senator WALLOP, and Congressman CRAIG THOMAS, who serves so capably in the House. MALCOLM and I served together in Cheyenne. We have known each other for nearly 35 years. Our families came to Wyoming in those early years. His family came to Wyoming to raise horses to provide to the Boer War in South Africa. That was in the early period of our history.

Wyoming has a history of providing some very unique and thoughtful and effective leaders for our State, and indeed for our Nation. Defense Secretary Richard Cheney, a native of Wyoming, as you well know, is a former Congressman from our great State, and very able, able man.

One hundred years ago, Wyoming's first two Senators, braving bitter winter weather, "saddled up" and began their 1,600-mile journey to the Nation's Capital. They really did not saddle up, but used the stage and rail system available at that time.

Senators Joseph M. Carey and Francis E. Warren participated in the birth of this fledgling State and they worked tirelessly to introduce Wyoming's unique qualities to the other 43 United States. Carey and Warren were an inspiration to those of us who followed in their footsteps, attempting to "fill their boots." Senator WALLOP and I follow 16 other Senators in representing the rugged State of Wyoming in our National Congress.

We continue the legacy that was started by these men. That history of the "Wyoming seats" in the U.S. Senate is a most interesting one. Senator Carey had practiced law in Philadelphia until the Territory of Wyoming was organized in 1869, when he became the U.S. attorney for the territory. He was a Wyoming rancher and also served in various elected positions—including major of Cheyenne—until he was elected to Congress as a delegate from the Territory of Wyoming in 1885. When Wyoming attained statehood in 1890, he was appointed a Republican Senator and served in that role until 1895.

Senator Carey is only one of two Wyoming Senators, along with my dear and remarkable father, Milward L. Simpson, to see his son also serve in the U.S. Senate. Robert Davis Carey entered the Senate 40 years after his father. I entered the Senate 12 years after dad did.

Francis Emory (F.E.) Warren served in the Massachusetts Volunteer Infantry during the Civil War and later received the Congressional Medal of Honor for gallantry on the battlefield. After the war, Warren moved to Wyoming, then a part of the Territory of Dakota. He served in various official positions, including Governor of the Territory of Wyoming. In 1890, Warren was elected as our State's first Governor, but resigned in November of that year when he was appointed as a Republican to the U.S. Senate. He served until 1893, and again in 1895 when he was reappointed to the seat vacated by Carey. F.W. Warren remained in the Senate until his death in Washington, DC, in November 1929. That was 39 years after he first assumed the responsibility as Senator from Wyoming.

Another significant segment of Wyoming citizens deserve special mention here, Mr. President. Wyoming has an especially rich history and has special significance to Native Americans. The Indian citizens of our fine State can trace their roots back to ancient times. On the crest of the Big Horn Mountains in northern Wyoming is an ancient medicine wheel. This was an ancient shrine of stone built by the hands of some long-forgotten tribe. Today, this shrine still has strong religious significance to our American Indian population.

Nearly 20 percent of our area of Wyoming is encompassed by one of our Nation's oldest and most successful Indian reservations, the Wind River Reservation. Native Americans have a deservedly special significance in Wyoming.

The Wind River Reservation is the home of the Shoshone Indians and the Northern Arapaho Tribes, and that reservation continues to grow and develop in the finest traditions of the Native American people.

We are very proud of that reservation and proud to call these fine individuals our neighbors and fellow "Wyomingites."

So you see, Mr. President, there is good reason to bring the special attention of our colleagues to this significant milestone in Wyoming's history;

that is, the centennial of this great State. The U.S. Postal Service issued a centennial commemorative stamp. It is on the market. It is a real piece of artwork in itself. Each singular stamp is indeed a billboard of the Grand Teton Mountains. The scene on that stamp could not have been a better choice. In a single picture, spirited with startling clarity from a Connie Schweiring painting, and the dogged and determined effort of another Wyomingite, a man named Jack Rosenthal, whom I have known nearly my entire life, a great benefactor of Wyoming and of the University of Wyoming and a collector with a vigorous, vigorous booming voice of boosterism for Wyoming. He designed that stamp. The stamp captures the very essence of Wyoming, and it truly represents the authentic quality of Wyoming life: The spirit of independence, and true freedom.

Thank you, Mr. President. I am truly excited about this joint resolution commemorating Wyoming's 100th birthday as a State in our great Nation. I thank all of my distinguished colleagues of the Senate for their support of that.

Mr. President, I know my friend from Washington is ready to address us with a unique and remarkable situation that he will describe to you, but let me take a few more moments, if I may. I told the Senator from Washington that I would take a few more minutes. I want to say something very seriously, and I have a bent to do that. Humor is my sword and my shield.

REPRESENTATIVE RICHARD GEPHARDT

Mr. SIMPSON. The subject of my remarks at this moment is Congressman RICHARD GEPHARDT, Democrat of Missouri. I do not usually spend any time talking about individual colleagues and fellow Congressmen on this floor. I now deviate from that personal policy.

It seems that Congressman GEPHARDT has apparently chosen to be the designated, self-appointed "Bush-basher" of our present times. He has taken some pretty personal pot-shots at the President. He seems to delight in that. I think it is time to take a swift look at the institutional life of this frustrated font of trivia about our fine President.

It was our revered former colleague, Senator John Stennis, Democrat of Missouri, President pro tempore, known to us as "Mr. Chairman," whether in the majority or the minority, who said to me one day with that great twinkle in his eye:

> Alan, I have been here a long time. I have observed one very clear thing about legislators and those in public service, and it is this: Some grow and some swell.

He went on to say that some are doers and others are just talkers, those who come here to work and those who come here to raise partisan hell. It is usually those who are not as interested in "doing," that are the biggest talkers. It is a lot easier. It does not take any brains to be a critic—anyone can qualify. All you need is a shrill voice and usually a human target. When the target happens to hold the job that the critic desperately lusts for, and has consistently been denied, even by his own party, then the frustration levels must be enormous indeed, like the surging water behind the pent-up dam. The intensity of the attack is therefore that much higher in decibel and degree.

It is quite odd to me that a gentleman who presented himself to the public as a Presidential candidate and who was swiftly sent packing, would have the verve and the nerve to continually assail the chap whom the public did accept. The public is not that dimwitted. They made a clear choice. They picked the man who they thought presented the best vision—the "vision" thing again—for America's future, the best leadership, and they seem to feel that they made an awfully good choice.

Our President's popularity is absolutely soaring. RICHARD GEPHARDT ought to try to resist the desire to have the camera lights bleach his suits out while he rails on in a quest for personal aggrandizement, trying again for the big brass ring—and wait until he has thought things through just a bit more. Even thoughtful members of his own party are giving him that good counsel.

Of course, we know of the extent of the President's popularity because of the polls. I seem to remember DICK GEPHARDT used polls every inch of the way in his Presidential quest. In fact, he never formed his opinions until he read the polls. No wonder he hates polls. They brought him down. People were waiting for original ideas from this very bright and thoughtful man, and they were waiting for thoughtful leadership, and all they got was reprocessed cud, such as that produced by the bovine members of the quadrupeds.

He assails the President for paying attention to the public on major issues, as if somehow that is a defect in character. Good grief. That is what keeps a President in touch. That is what makes him a leader. Polls do not keep people from leading, unless they have no original ideas. Polls do not keep people from taking tough stands and being statesmen, unless they just choose to be solely partisan politicians. Polls keep Presidents in touch with public sentiments and goals and choices, and even things like who they prefer to be their President. Even people who do not pay attention to the polls know when endless posturing and positioning and jockeying for some future Presidential race seems to become the obsessive and overweening objective of life.

Some politicians do not think people see that. People "out there" are pretty savvy. They watch those of us who stare into the tube like a denture salesman, and they know they are never going to buy a thing from that person, and the purveyors often never get the word or the hint.

If the Congressman paid attention to the polls, he would discern that about two-thirds of the American people oppose providing substantial economic assistance to the Soviet Union at this time. Beyond that, the U.S.S.R. has not even asked for it. Get that. Now, that is a great way to make friends if we want to do things in the world. You walk in the door of the other guy's house, checkbook in hand, and announce to them that their country is absolutely so screwed up that we are here to write a check to get them corrected and bail them out. That is paternalistic and gratuitous conduct, unbecoming of a great nation.

It is not that Americans are not extraordinarily generous. Remember that our debt limit has been extended to $3,122 billion. Yet, nearly two-thirds of our citizens support aid to Panama—we will also want to support Nicaragua and its new and emerging democratic government. We should do those things. But the American people simply recognize that aid to the Soviet Union is wholly premature. They also recognize that people are out there who are hacking at the administration, or saying that there is no leadership in America, when 83 percent of the people think there is, that those people are driven by a powerful need to be at the cutting edge of something—anything—for God's sake, at any cost.

If RICHARD GEPHARDT were really more interested in thoughtfully raising issues—if that last one was all he has in his old kit bag, we are all in trouble—instead of just raising hell, he might spend more time doing the job he was hired on to do by the electorate. In 1986, his voting percentage in the House was 70 percent, compared with the House average of about 94 percent. In 1987, his voting record was 18 percent. Does that make the people of his district in Missouri pleased? Did that please them? Obviously. He is here, and it certainly did not displease them. But is that what they hired him on to do? That is a question for them to answer, not me. Does he really have a role in the legislature, other than that of a carping partisan critic?

I must say I got a kick out of the last news release from his Presidential operation saying that his staff was worried he might become known as a "carping partisan." I almost chuckled

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and fell off the camp stool into the fire on that one. That is all the people have known him for since he has been here. What is new? He did get tangled up in Japan-bashing for a while, but he cooled it on that because the people of this district really were not too tuned to the fact when he would say:

> I have a great deal for you here. We are going to go to protectionsim, and I am going to help you out. I am going to assure that you will never again find it necessary to buy shoes from Korea at 16 bucks a pair. You will have to buy shoes from Missouri at 40 bucks a pair. How is that for a deal for you? Then you will not have to go to K-Mart any more and buy blouses made in Singapore or Korea for 8 bucks. You get to buy blouses made in Massachusetts for 18 bucks. I am here to help, like the guy from the IRS.

That is why his stuff does not ring true. People are in extremity in some places in his own State, and in my State. The reason we have a trade imbalance is because people like to buy the stuff. That is why. Because they need to, because it is cheaper. That is why. They need to do that in their own personal and everyday lives, economically, and there is nothing too mysterious about that.

I think we can all understand why RICHARD GEPHARDT is frustrated. First, he is not the President; second, the American people are standing pretty well four square behind the man who got the job. Three-quarters of them like the way that George Bush is doing the job. They like the things he does, and they like his leadership, and they like his personality, and they like his persona. Big majorities approve of the fine way he is handling every single major issue: the economy, the environment, foreign policy, drugs.

Old RICHARD is just going bananas. And here is more of the reason. Because among Democrats, Bush's approval stands at 66 percent. Among blacks, the Democratic Party's most loyal constituency—and one they lose more of each and every day—it stands at 74 percent. Among young voters—the ones who will decide the elections of the future—Republicans have a 14-point advantage. No wonder RICHARD GEPHARDT does not like polls. They do not tell him what he wants so desperately to hear. I said the other day he has the "burning bosom snydrome" here. He wants that big brass ring and that residence down at the end of Pennsylvania Avenue so badly he can taste it. So he vents his seething frustration by attacking the President, continually, for somehow not knowing what the people want and for not being a leader.

And you may be sure that if President Bush expressed a disregard for public opinion—or the polls—the Presidential candidate Congressman from Missouri would assail him as being detached, out of touch and aloof. It ain't George Bush who is out of touch!

I think Mr. RICHARD GEPHARDT needs to decide whether he is going to be a protectionist—a primary theme in his last campaign—that turned into a bummer—or whether he is going to dump taxpayer's money in various forms into newly elected democratized nations faster than they can even accept it or assimilate it. We do not yet even know who to write the check to in many of those countries. And we helped them immensely before we left in November and all of us helped on both sides of the aisle.

He needs to decide whether to be a weathervane or a statesman. The recent, orchestrated baying at the President appears to make his decision quite obvious. Those of us who have watched him knew what it would be.

But George Bush has extended the hand of bipartisanship. It is most often accepted by the thoughtful and accessible leader of the House of Representatives, TOM FOLEY, and by the fair and steady leader of the Senate, GEORGE MITCHELL, a superb man in what he tries to do for us here. And when that hand of bipartisanship and friendship is accepted, there is just tremendous more we can be doing for this country. And we are getting it done—largely because of the fact that TOM FOLEY is the spokesman for the U.S. House of Representatives and Congressman GEPHARDT is not. Thank heaven for TOM FOLEY and BOB MICHEL.

If the Dick Gephardts of Congress prefer a policy of slashing personal attacks on the President, not so much the last one, that was kind of low key, but a continual drumfire of that during a time when—compared with the last Democratic administration—things are quite extraordinarily and remarkably better than they are now—I think it will go back to what the President said during his inaugural address, that the people did not elect us just to bicker. They expected to see something done. And they expect us to do it. And the citizens of this country expect a lot more than this of us. And they surely deserve it.

The day will come when all of us who have been RICHARD GEPHARDT watchers and—see the tremendous possibilities and the potential of this fine man. I was on a radio program with him years ago, Tip O'Neill and I were present with him. Here was this articulate and exceedingly conscientious young man—and to see him suddenly become the Bush basher of our time, well, that is fascinating.

I think he has better things to do with the abilities that I see in him. Will we actually begin to see him walk the walk in his official duties and his legislative activities instead of just talking the talk as this self-appointed trasher of the administration?

The reason his stuff falls flat on its face is because he was not elected to that role by his partisan peers. He has just taken it up on his own. When RICHARD GEPHARDT gets in and gets wet all over and starts to legislate and help us put some good laws on the books, I will know I have seen the Moon from both sides. I will expect to see some extraordinary things of him because he is a remarkably adept young man with a great future.

But not in the role of Bush basher. Thank you.

APPEARANCE BEFORE CONGRESS OF ESTONIA DENIED

Mr. GORTON. Mr. President, this evening I was to depart for Tallinn, Estonia, where I have been asked to address the newly elected Congress of that nation.

Unfortunately, I will not be on my way to Estonia tonight because the Soviet Government, for reasons yet to be ascertained, failed to grant me a visa.

Mr. President, I would be less than candid if I did not express dismay over the recent actions of the Soviet Government with respect to United States congressional travel in the Soviet Union. By denying me and others the right to observe, first hand, the ongoing process of political reform in that country, the Soviet Union undermines its commitment to reform and to the nation of glasnost.

Mr. President, since I cannot deliver my address in person before the Congress of Estonia, I will deliver my speech before the U.S. Senate and the American people, with the design that it will reach the people of Estonia.

As a climax to a long political career, it is a unique honor to have been asked to address a Congress of the people of Estonia, designed to reestablish its rightful place among the independent nations of the world. The small, but dedicated Estonian community in the United States has never given up that vision and constantly reminded those of us who hold elective office of the injustices of 1940. The United States itself, of course, has never recognized the annexation of the Baltic States by the Soviet Union and so there has always been a small Estonian Embassy in Washington, DC.

I represent the people of the State of Washington in the Senate of the United States. Like the Baltic, the Northern Pacific is cold, and we are no strangers to the color gray. We have snowcapped mountains that rise more than 4,000 meters from the sea, vast deserts, sometimes angry volcanoes, and, with Alaska, perhaps the richest fisheries in the world. The western portion of the State is always green, and on the immediate outskirts of cities where we manufacture aircraft, computer software, and a wide range of food products, are ancient forests and unspoiled rivers.

I am a Member of the U.S. Senate, which has been a continuing body for 201 years, debating issues and passing laws for a nation which began with 3 million people and how has roughly 250 million. These people and their ancestors come from every nation in the world. The Senate is a forum in which their interests and aspirations have been presented successfully and constructively, with the single exception of a Civil War over slavery and secession, for that entire time.

I do not pretend that we always have amity, or even equity, but, rather, that we strive for them. On the whole, things go rather smoothly and well.

Perhaps the most remarkable thing about parliamentary, democratic, truly representative governments is how seldom they have been the cause of war or civil unrest, and how often and well they have brought to fruition the full potential of their peoples, economically, culturally, and, not least, spiritually.

One of the great features of this kind of government is the inimitable sense of privacy and serenity that it grants its people, for it allows them lives of their own. You are free to participate, or not to participate; to agree, or to disagree; to withdraw, free not to think of politics, to live as though they were never invented. But, paradoxically, participation in politics can be a great joy when you know it is designed so as not to dominate the rest of one's life.

The parliamentary systems of the West have been a prescription for success, and, almost in an evolutionary sense the guide and spur to the best collective impulses of mankind; those which are just, elegant, and not overbearing.

Almost two centuries ago, reflecting on the French Revolution, the English poet William Wordsworth wrote:

> Bliss was it in that dawn to be alive
> When reason seemed the most to assert her rights.
> What temper at the prospect did not wake
> To happiness unthought of?

You live in such a time.

As you begin the wonderful, challenging, and dangerous task of creating your nation anew, remember, however, that the revolution Wordsworth celebrated ended in tyranny, death and war. You seek not to make such a revolution but a wonderous one, like ours in America. So, perhaps a few thoughts from a Senator who has been the inheritor of the most successful political system in the history of the world may be in order.

What are the essentials of managing a parliamentary system, so that it does not derail? How do they bear upon this great moment of your history?

The first requirement for a free and successful society is that it be ruled by law and that the law be the product of the people's duly elected representatives. Ruled by whim, by fiat, or even by a party aristocracy which does not represent all of the people is simple tyranny no matter how disguised. Representative government is the key to success.

A second requirement is equality before the law, full participation, inclusion. What could be more destructive than to ignore the sanctity of the individual in favor of the sacrilege of class? God did not create people in classes but as separate souls, and never is the soul of a man or a woman sufficiently defined merely by reference to class. In this, I urge you to practice as fully as you can, the politics of inclusion.

By inclusion I mean full rights for everyone and special privileges for none.

A Russian minority is in your midst, partly as a result of a terrible injustice. But as individuals they are innocent, and if you welcome them as individuals and accord them full rights within the context of Estonian sovereignty, you will strengthen Estonia.

If, on the other hand, they are forced into a lesser status with lesser rights, or if they are expelled, you will increase the dangers to yourselves, both from without and from within.

Nations divided cannot stand. What is needed here is an active transfiguration that will lift your chances of success over the many barriers of negative probability. And it can only be accomplished with a certain grace, a grace I am sure you understand.

Throughout history, and at any period, the most successful society has been that which utilized the talents of the largest share of its people. America's success is due to the fact that it has constantly welcomed new people into its midst, and has offered them the opportunity to become Americans and to grow with the country.

We are still far from perfection in this regard, but it is our aspiration and our direction, and it is our glory that we have come so far, not in spite of our diversity but because of it.

One particularly important aspect of equality before the law and equality of opportunity is its relationship to half or more than half of the population of every society, our women. Through most of history and in most societies, women have been and still are severely limited in their opportunity to live up to their full potential. This is profoundly unjust, both to women and to men, and may be the greatest inhibition to the success of human society.

Even we Americans have not yet fully conquered that discrimination. But we do provide greater opportunities for women than does any other nation, and we are, and will continue to be, richly rewarded for that quality.

Third, it is vitally important in your political system, and in this body and in its successors, that you establish rules of conduct and abide by them, abiding by them, even when it is to your individual or group disadvantage to do so. When you lose, you lose. The survival of the free society depends upon your willingness to recognize and to accommodate to such losses.

My own personal political experience includes just such a loss. A first losing election after 28 years of success, after one 6-year term in the U.S Senate. By my presence here with you is an illustration of the fact that in a free society, just as no victory is forever, neither is any loss.

Two years after that personal defeat, another opportunity presented itself and I was successful in grasping it.

In this connection, civility is a vitally important quality. Civility is self-restraint. Civility to the point of abdication. Civility sometimes even to the point of self-abnegation. In Congress, when our time is up, we cede the floor, and this happens dozens of times a day. It is one of the sacraments of government for it is both practice for and the metaphor for the release of power. When the people instruct the government to change, the government has always done so without missing a beat.

It is often the traditions that set the tone. In the same way, in the Senate we refer to one another in the third person, and by honorifics which even if sometimes they may seem insincere, create a climate of mutual respect and tolerance. If history teaches anything, it is that human passions and certainties, must be tempered by civil forms.

My fourth and final recommendation concerns ethics. Parliaments that are corrupt, fail. For corruption is the theft of representation, the essential premise of any parliamentary body. The magic of democracy has never been sufficient to ward off corruption. For that purpose, we maintain with varying degrees of success several excellent institutions: a free press, open access to officials and documents, a separate judiciary.

In the first blush of a parliament, corruption is seldom a problem. The high degree of participation is like a powerful stream that scours the halls of government clean. Only with success, stagnation, and apathy does the moss begin to consume the rock.

You Estonians are a small nation in what much of the rest of the world regards as a far corner. It has been your fate to be fought over by Russians and Swedes, by Poles and Germans, for more than a millenium. You now have a magnificent, perhaps an unparalleled, opportunity to assert yourselves and to reestablish your nationhood by reason of a balance among the neighbors who have historically sought to dominate you.

The assertion and preservation of your liberties as a result requires even

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greater wisdom and greater discretion than does the preservation of the liberties of a large nation like the United States.

As your nation is reborn, you must take care not to have it broken once again.

For this, you need nothing, if not self-restraint. I have mentioned already what I think to be the best course with regard to the Russians among you. Given the delicacy of the situation and the narrow window through which you must pass, I suggest that you look across the Gulf of Finland. And you may need to go a step further even in Finlandization, and, given what you have been through, it may not seem that demanding.

What if you were to offer the Soviet Union a long-term agreement in regard to the leasing of military bases? The presence of a foreign power's military forces upon one's soil may not be ideal, but it is variable and need not be demeaning, especially if it is the price one must pay for reclaiming one's rightful sovereignty.

The Soviet Union does have legitimate security concerns. Perhaps if you help it to feel secure, your generosity will prompt it. In the United States, we recognize the imperative of national sovereignty. We understand the urge to freedom, and we salute you in your great moment.

In the end, the choice of nationhood is yours, as once it was ours. In the life of nations, these moments come but rarely. They are to a nation as the sacraments are to an individual. They not only clarify and elevate history, but they clarify and elevate the soul. For this, many and perhaps all risks are worthwhile.

In the years leading up to our terrible American Civil War and to the freeing of the slaves which was the great result of that war, an American poet, James Russell Lowell, wrote what later became a hymn at my church. I should like to share a verse of that hymn with you:

> Once to every man and nation comes the moment to decide, in the strife of truth with falsehood, for the good or evil side; some great cause, God's new Messiah, offering each the bloom or blight, and the choice goes by forever, twixt that darkness and that light.

This is the place. Now is the time. You are those men and women. Decide.

ORDER FOR RECESS UNTIL MARCH 20, 1990, AT 9 A.M. UNDER PROVISIONS OF SENATE CONCURRENT RESOLUTION 103

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess under the provision of Senate Concurrent Resolution 103, until 9 a.m., Tuesday, March 20.

The PRESIDING OFFICER. Without objection, it is so oredered.

ORDERS FOR TUESDAY, MARCH 20, 1990

MORNING BUSINESS, RECESS FROM 12:30 P.M. TO 2:15 P.M.

Mr. LEVIN. Mr. President, I ask unanimous consent when the Senate convenes at 9 o'clock Tuesday, March 20, that following the time for the two leaders, there be a period for morning business not to extend beyond 10 o'clock; that Senators be permitted to speak therein for up to 5 minutes each. I further ask unanimous consent that on Tuesday, March 20, the Senate stand in recess from 12:30 to 2:15 p.m., in order to accommodate the party conference luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. Mr. President, on Tuesday, March 20, the Senate will resume consideration of the clean air bill at 10 a.m. As the majority leader indicated earlier today, all the previous schedule restrictions relative to late nights and when votes might occur will not apply upon our return to the clean air bill.

RECESS UNTIL TUESDAY, MARCH 20, 1990, AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess pursuant to the provisions of Senate Concurrent Resolution 103.

Thereupon, the Senate, at 4:12 p.m., recessed until Tuesday, March 20, 1990, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 9, 1990:

DEPARTMENT OF TRANSPORTATION

BARRY LAMBERT HARRIS, OF MAINE, TO BE DEPUTY ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION.

SECURITIES AND EXCHANGE COMMISSION

PHILIP R. LOCHNER, JR., OF CONNECTICUT, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 5, 1991.

DEPARTMENT OF DEFENSE

CHARLES M. HERZFED, OF NEW JERSEY, TO BE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.

GERALD A. CANN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

JACQUELINE E. SCHAFER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

DONALD JAY YOCKEY, OF CALIFORNIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR ACQUISITION.

DEPARTMENT OF JUSTICE

JOHN R. DUNNE, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL.

DEPARTMENT OF AGRICULTURE

LA VERNE G. AUSMAN, OF WISCONSIN, TO BE ADMINISTRATOR OF THE FARMERS HOME ADMINISTRATION.

GARY C. BYRNE, OF CALIFORNIA, TO BE ADMINISTRATOR OF THE RURAL ELECTRIFICATION ADMINISTRATION FOR A TERM OF 10 YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF COMMERCE

HARRY F. MANBECK, JR., OF CONNECTICUT, TO BE COMMISSIONER OF PATENTS AND TRADEMARKS.

DOUGLAS B. COMER, OF VIRGINIA, TO BE DEPUTY COMMISSIONER OF PATENTS AND TRADEMARKS.

THE JUDICIARY

RHESA H. BARKSDALE, OF MISSISSIPPI, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

JACQUES L. WIENER, JR., OF LOUISIANA, TO BE U.S. CIRCUIT JUDGE FOR THE FIFTH CIRCUIT.

GERALD E. ROSEN, OF MICHIGAN, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN.

DONALD J. LEE, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA.

RONALD L. BUCKWALTER, OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

ROBERT H. HODGES, JR., OF SOUTH CAROLINA, TO BE A JUDGE OF THE U.S. CLAIMS COURT FOR A TERM OF 15 YEARS.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. BERNARD P. RANDOLPH, 434-46-9726, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. SPENCE M. ARMSTONG, 526-54-2956, U.S. AIR FORCE.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTIONS 593, 8218, 8373, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. DON E. FOLLIS, 414-52-4005FG, AIR NATIONAL GUARD OF THE UNITED STATES.

BRIG. GEN. FREDERICK R. KEITH, JR., 241-50-7720FG, AIR NATIONAL GUARD OF THE UNITED STATES.

To be brigadier general

COL. GARY C. BLAIR, 479-38-3737FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. WILLIAM P. BLAND, JR., 253-56-9506FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. HARTWELL F. COKE, IV, 223-44-3651FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ARTHUR B. CORNELIUS, 561-50-6807FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOSEPH C. DALY, 520-32-8922FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOSEPH A. GREENLEE, JR., 305-38-6751FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. DENNIS B. HAGUE, 518-38-7860FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JOHN H. HEBL, 397-32-0061FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALLEN J. HENDERSON, 502-36-9260FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ORVILLE K. HOLLENBECK, 500-40-7266FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. LARRY D. LESSLY, 464-64-7865FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. TIMOTHY J. LOWENBERG, 483-50-7542FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ROBERT V. PASCHON, 141-30-1870FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. ALLEN C. PATE, 248-56-3370FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. JAMES L. PIERCE, 181-28-3561FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. LYLE M. RICH, 520-30-3382FG, AIR NATIONAL GUARD OF THE UNITED STATES.

COL. RALPH D. TOWNSEND, 519-40-0339FG, AIR NATIONAL GUARD OF THE UNITED STATES.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be general

GEN. JOHN L. PIOTROWSKI, 378-28-6898, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. DONALD J. KUTYNA, 339-26-1935, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. EDWARD J. HEINZ, 471-32-4675, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS S. MOORMAN 230-50-7745, U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601.

To be lieutenant general

MAJ. GEN. C. NORMAN WOOD, 461-56-5973, U.S. AIR FORCE.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ORREN R. WHIDDON, 464-52-8938, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. FRED HISSONG, JR., 284-28-4894, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 593(A), 3385 AND 3392:

To be major general, adjutant general's corps

BRIG. GEN. GREGORY P. BARLOW, 531-38-7763.

BRIG. GEN. STANLEY M. HENG, 507-42-1761.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be vice admiral

VICE ADM. ALBERT J. HERBERGER, 051-22-0999/1110, U.S. NAVY.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DALE R ANGER, AND ENDING CEDRIC L WONG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

AIR FORCE NOMINATIONS BEGINNING HOWARD P ABEL, AND ENDING THOMAS M ZAZECKIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 25, 1990.

AIR FORCE NOMINATIONS BEGINNING GEORGE M ABERNATHY, AND ENDING MICHAEL E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 6, 1990.

AIR FORCE NOMINATIONS BEGINNING NORMAN G PARE, AND ENDING MARCK R COBB, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

AIR FORCE NOMINATIONS BEGINNING MAJOR LYE M. ANDVIK, 502-52-7991, AND ENDING MAJOR ALBERT L. SHERBURNE, 026-38-7176, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

AIR FORCE NOMINATIONS BEGINNING DAVID W BARNES, AND ENDING MATT T WELLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

AIR FORCE NOMINATIONS BEGINNING JAY O AANRUD, AND ENDING WAYNE L ZORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

AIR FORCE NOMINATIONS BEGINNING , AND ENDING , WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF , 1990.

AIR FORCE NOMINATIONS BEGINNING JAY O AANRUD, AND ENDING WAYNE L. ZORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

IN THE ARMY

ARMY NOMINATIONS BEGINNING CHARLES W BALDOCK, AND ENDING MICHAEL B VANDEWALLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF SEPTEMBER 12, 1989.

ARMY NOMINATIONS BEGINNING CRISPIN A. ABAD, AND ENDING 226A, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF NOVEMBER 13, 1989.

ARMY NOMINATIONS BEGINNING JOHN E BAKER, AND ENDING TERRY L • ZETTLEMOYER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 6, 1990.

ARMY NOMINATIONS BEGINNING KENNETH R. CLOSE, AND ENDING EDWIN D. SELBY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

ARMY NOMINATIONS BEGINNING TRAVIS H ACKLIN, AND ENDING ROBERT P THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

ARMY NOMINATIONS BEGINNING • CANDICE L. CASTRO, AND ENDING KEITH N. STEINHURST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON FEBRUARY 23, 1990, AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1990.

IN THE ARMY, NAVY AND AIR FORCE

ARMY, NAVY AND AIR FORCE NOMINATIONS BEGINNING LT. COLONEL JAMES C. ADAMSON, AND ENDING MAJOR MARK C LEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE ON FEBRUARY 23, 1990, AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 26, 1990.

IN THE NAVY

NAVY NOMINATIONS BEGINNING WARREN ROBERT ABEL, AND ENDING STANLEY ANTHONY ZWOLINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

NAVY NOMINATIONS BEGINNING CHRISTOPHER M ABELL, AND ENDING DOUGLAS J ZWEERINK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 24, 1990.

NAVY NOMINATIONS BEGINNING HAROLD G HATCH, JR. AND ENDING OAKLEY KEY WATKINS, III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 6, 1990.

NAVY NOMINATIONS BEGINNING ALAN L MATHIS, AND ENDING DAVID J. HARRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

NAVY NOMINATIONS BEGINNING F. F. ALVAREZ, AND ENDING FRANK E. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 20, 1990.

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HOUSE OF REPRESENTATIVES—*Monday, March 12, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your love to us is overflowing and undeserved, that Your care and support for every person is without end. As we contemplate all the needs of the day with demands for resources and all the requests for attention, may we not lose the meaning and purpose of this gift we call life. In this our prayer, O God, we express the thanksgiving of our hearts and souls for Your providence to us, your constant benediction upon us in good times and bad, and for Your love that never lets us go. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska [Mr. Bereuter] please lead the House in the Pledge of Allegiance.

Mr. BEREUTER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks announced that the Senate had passed bills, joint resolutions and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 511. An act to recognize the organization known as the National Academies of Practice;

S. 1543. An act to authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason in the District of Columbia;

S. 2231. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II;

S.J Res. 75. Joint resolution relating to NASA and the International Space Year;

S.J. Res. 262. Joint resolution designating March 1990 as "Irish-American Heritage Month"; and

S. Con. Res. 92. Concurrent resolution to to Commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand.

INDEPENDENCE FOR LITHUANIA A TIME FOR REJOICING AND HELP—NOT TIMIDITY

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, I welcome with joy and delight the new and free and independent and sovereign Republic of Lithuania. However, I find the administration's tepid, timid, lukewarm, and awkward response to this—yet another—historic event to be both dismaying and discouraging.

The democratic transformation in Eastern Europe has been met with caution and vacillation, while the administration has made major concessions to the Chinese. Would it not have been better to send Mr. Scowcroft to raise his glass to salute the long-suffering Baltic peoples, rather than toast the bosses of Beijing?

We should give credit to President Gorbachev for acquiescing in principle to the independence of Lithuania. A long road of tortuous negotiations clearly lies ahead between the tiny Republic of Lithuania and the huge Soviet Union. But if our bipartisan foreign policy of over four decades has any principled basis, our Nation must clearly welcome and applaud and encourage and assist the freedom loving people of Lithuania to achieve full independence in fact.

UNITED STATES RECOGNITION OF LITHUANIAN INDEPENDENCE URGED

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, yesterday, 124 brave Lithuanians did what 56 brave Americans did long ago when they signed the Declaration of Independence.

With raised hands, for all the world to see, Lithuania declared its independence from a great military power.

The American people have recognized their courage; the American Government should now recognize their independence.

Some will argue caution. But America must not be afraid to project its ideals. We must show the world that we place the same faith in self-determination that we did 200 years ago.

By recognizing Lithuania, America would simply recognize reality. Mr. Gorbachev should as well.

We in America have high hopes for Gorbachev. How he reacts to Lithuanian independence will show whether America's faith in him has been justified.

WRONG-WAY QUAYLE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, the taxpayers sent Vice President Dan Quayle all the way to Chile for the inauguration of the first democratically elected President in 20 years, and he paid his respects to the wrong President.

Instead of promoting the inauguration of Patricio Aylwin and the restoration of democracy in Chile, Vice President Quayle promoted defeated dictator Augusto Pinochet. Worse, Quayle gave Pinochet a forum to deliver a perverse justification for his brutal dictatorship.

Our distinguished Vice President spent the rest of his trip waving and smiling at jeering Chileans and shopping for peculiar souvenirs.

Will Rogers once explained that "there's no trick to being a humorist when you have the whole Government working for you." Times have certainly changed. Today we have one Government official, Vice President Quayle, supporting a battalion of comics, from Jay Leno to the entire cast of "Saturday Night Live."

The comics should pay for Quayle's trips, not the taxpayers.

COURAGE IN LITHUANIA

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, 50 years ago Joseph Stalin struck an infamous deal with Nazi Germany. Under this agreement—the Molotov-Ribbentrop Pact—Central Europe was to be divided between the two totalitarian regimes. It was agreed that Adolf Hitler would conquer Poland, and the Soviet Union would have a free hand to annex the Baltic nations of Estonia, Latvia, and Lithuania.

While Germany's conquest of Poland ended with the close of the Second World War, the Soviet Union

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

kept a firm grip on the Baltic nations. At least, that was the case until this week.

In an unprecedented and courageous act of self-determination, the newly elected legislature of Lithuania has unanimously announced its independence. By a vote of 124 to 0, the Lithuanian legislature has expressed its unswerving determination to restore the independence that it lost in 1940.

Mr. Speaker, the new leadership of this fledgling State is not naive—it cannot afford to be. Lithuanians know they must be pragmatic as well as bold. The new government understands that it has to work with Moscow if its expressions of independence are to be more than empty words. The newly elected President, Dr. Vytautas Landsbergis—whom this Member has had the pleasure of meeting and talking with at length has expressed his willingness to cooperate with Moscow to ease this transition. According to President Landsbergis, "We have to sit down at the table. We are not going to be beating our fists, but we have to start settling accounts."

Mr. Speaker, because of the illegal annexation of the Baltic States 50 years ago, Lithuania has an unmistakable right to move to independence. The United States has never recognized the legitimacy of the Soviet occupation of Lithuania, Latvia, and Estonia. Their status within the Soviet Union, therefore, differs from the other republics of the U.S.S.R. During the dark decades of Baltic subjugation, the Baltic States have maintained their legations in Washington. It is altogether fitting, therefore, that we should rejoice with Lithuania at its moment of courageous action.

The Bush administration has demonstrated commendable leadership and diplomacy on this issue. While urging the Soviet Union to respect the wishes of the citizens of Lithuania, President Bush has called upon all parties to proceed carefully. According to the President:

> The United States believes it is in the mutual interest of Lithuania, the Soviet Union, and all CSCE countries to resolve this issue peacefully. We call upon the Soviet government to address its concerns and interests through immediate constructive negotiations with the government of Lithuania.

Mr. Speaker, as ranking Republican on the Subcommittee on Human Rights and International Organization, this member would issue his congratulations to the newly independent State of Lithuania and its President, Dr. Vytautas Landsbergis. This member would also echo the pragmatic words of caution expressed by President Bush. It is in the Soviet interest to correct this 50-year-old wrong, and it is in Lithuania's interest while remaining steadfast in its assertion of independence, to act with all due prudence as it rejoins the family of independent and democratic nations.

UNIVERSITY OF CONNECTICUT BIG EAST CHAMPIONSHIP

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute.)

Mr. GEJDENSON. Mr. Speaker, first I would like to join with my colleagues in taking note of the great achievement in Lithuania as one of the few Members of the House with Lithuanian heritage. It is an exciting moment for us to watch the great victory of democracy and the people's commitment to freedom and independence in Lithuania.

But today I come to the floor with bragging rights. I am not a sports enthusiast, so I generally do not deal with sporting issues in the well of the House here.

Then I thought, second, there are not often times when Connecticut teams are quite as incredible as the team of the UConn Huskies are this season. Anyone who watched the final game of the Big East Championship and watched the defeat of Syracuse in a heart stopping 78 to 75 score understands what a great team this is.

For all of us, for myself in particular as a graduate of the University of Connecticut and as the Representative in Congress from Storrs, this is something that all of us are thrilled by and we wish them great luck and success in the NCAA tournament. They have done a great job so far and we are confident they are going to go all the way.

As an alumnus of the University of Connecticut and life-long fan of the Huskies, I would like to extend my congratulations to coach Jim Calhoun, 1990 Big East Coach of the Year, assistant coaches Howie Dickenman, Dave Leitao, Glen Miller, Scott Wissel, and to the proud players Chris Smith—the Tournament Most Valuable Player, Scott Burrell, Dan Syrulik, Lyman Depriest, Tate George, John Gwinn, Nadav Henefeld, Oliver Macklin, Steve Pikiell, Tim Pikiell, Rod Sellers, Marte Smith, Marc Suhr, Toraino Walker, and Murray Williams.

DEMOCRATS OFFER NEW IDEAS ON BUDGET, FOREIGN POLICY, AND SOCIAL SECURITY

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, what do DAN ROSTENKOWSKI, DICK GEPHARDT, and PAT MOYNIHAN have in common? Three things.

One, they are offering new ideas on the budget, foreign policy, and Social Security.

Two, they are Democratic Members of the U.S. Congress. And three, they are driving the White House and the Republicans crazy.

While the Democrats in Congress unveil fresh, bold, new initiatives, it is the White House that responds—not with substance—but often with personal attacks against our Members.

Chairman ROSTENKOWSKI's bold proposal to reduce the deficit, involving revenue, involving taxes, involving massive deficit reduction, a bold plan.

The gentleman from Missouri [Mr. GEPHARDT], new foreign policy initiatives with the Soviet Union, doing more with Eastern Europe, recapturing the high moral ground.

PAT MOYNIHAN, reducing the payroll tax, doing something about Social Security, making it easier for every middle income American.

Mr. Speaker, these are bold proposals. Let us have constructive dialog with the White House. Let us really reduce some of these problems instead of always trashing them.

My hat is off to these men. They are the reasons why I am so proud and honored to be a Democratic Member of this esteemed body. It is the U.S. Congress that more often than not is providing the leadership in today's government. It is here where brave men and women are proposing original and creative solutions to the pressing problems facing our Nation.

☐ 1210

ADMINISTRATION'S NATIONAL TRANSPORTATION PLAN DOES NOT IMPROVE TRANSPORTATION SYSTEM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, last week the administration announced its new national transportation policy.

The President and Transportation Secretary Skinner called this a plan to improve the Nation's transportation system, but I sure do not, nor does Kentucky Gov. Wallace Wilkinson, chair of the National Governors Association's Transportation Committee.

Last Week Governor Wilkinson said that this plan, this new transportation plan, called for too much funding from the States and local governments and, conversely, relieved the Federal Government of too much of its historical finanical support for creating and maintaining a national transportation system.

Mr. Speaker, in addition, there is one particular proposal in the plan which causes me concern, representing Louisville and Jefferson County, KY. The proposal would eliminate Federal operating assistance for urban mass transit systems.

All urban areas of the Nation need an affordable, reliable mass transit system, such as that provided by TARC, the Transit Authority of River City. It is especially important for residents of urban areas to have affordable and reliable public transit, because they tend to be older and less affluent than their suburban counterparts.

Mr. Speaker, it is clear to me that Congress must take a long, careful look at this plan before allowing it to become effective and, Mr. Speaker, I guess any national transportation plan is better than no plan at all, but in this case just barely.

COURAGEOUS BUDGET PLAN UNVEILED

(Mr. STARK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, today is the beginning of a whole new budget debate because of a courageous plan unveiled over the weekend by our colleague, the gentleman from Illinois [Mr. Rostenkowski].

In this plan, he asks the President to spend some popularity. I would turn that around and ask the President to invest some of his popularity, invest it in the education he talks about, stop talking about it, and spend.

I was as impressed with the specifics of the plan by the gentleman from Illinois [Mr. Rostenkowski] as I was by its broad scope. The reliance on environmental taxes that simultaneously provide revenue and encourage a cleaner society is a step in the right direction, and a theme woven throughout the fabric of this comprehensive plan which will get us to a surplus by 1995.

It is a challenge to all of us in government. It asks whether we are serious about getting the deficit down, and it asks whether we are ready to abandon the blue smoke and mirrors that have obscured the facts in this debate previously. It asks us, all of us, whether we have the courage to govern, and, Mr. Speaker, I suggest that we accept the challenge by the gentleman from Illinois [Mr. Rostenkowski] and support his plan and move ahead to eliminating the deficit.

INTRODUCTION OF SENSE-OF-CONGRESS RESOLUTION RECOGNIZING MEMBERS OF ARMED FORCES

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, today I am introducing a resolution, which will express the sense of Congress that all members of the Armed Forces, male or female, who engage in combat should receive formal recognition for that service.

Mr. Speaker, women are playing an increasingly important role in our Armed Forces and although they are not allowed to join combat infantry units, they, nevertheless, are putting their lives on the line and this country should express its appreciation.

In Panama, male and female MP's, taking part in the action to liberate that country, put their lives in jeopardy, and conducted themselves with courage and professionalism. They deserve recognition for their gallantry. Similarly, those Americans, regardless of gender, who engage in combat in the future should receive the accolades and honors due individuals who take the ultimate risk for the sake of our country.

I hope my colleagues will join me in urging our military to ensure those who are defending this country, men and women, get fair recognition for their service in combat.

BRIGADIER GENERAL DONOHUE TO RECEIVE PROMOTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. Lowey] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to recognize the outstanding achievements of Brig. Gen. Francis T. Donohue. On March 17, 1990, Brigadier General Donohue will be promoted to the rank of major general in the U.S. Army Reserve. His promotion is recognition of his longstanding commitment to the U.S. Army and to his local community.

In 1989, Brigadier General Donohue was appointed to the post of commander of the 77th U.S. Army Reserve Command at Fort Totten in New York City, where he serves with distinction. As the second deputy district attorney, he has taken great interest in the administration of justice in Westchester County. He has been actively involved in civic, business, and community affairs in Westchester County, and throughout the New York area.

Brigadier General Donohue's commitment to the U.S. Army and to the community has been unceasing for over three decades. His promotion is a great honor. It is an honor which is well deserved. I want to congratulate him here today, and wish him all the best in the future.

INTRODUCTION OF LEGISLATION CREATING UNITED STATES-PANAMA FREE-TRADE AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. Richardson] is recognized for 10 minutes.

Mr. RICHARDSON. Mr. Speaker, I wish today to talk about an issue that has faded away in the minds of many Americans, and that is the United States relationship with Panama.

I have introduced legislation recently that creates a United States-Panama free-trade agreement. It is the idea of Rogelio Novey, a Panamanian living in Washington and working at the Organization of American States.

Mr. Speaker, the needs of this country that has been devastated by Noriega and the economic embargo are very apparent, and the United States has, in my judgment, an obligation to help. Panamanian officials have suggested it is going to take over $2 billion in foreign assistance from all countries to restore their nation's shattered economy and repair the damages incurred during the American invasion.

Recently President Bush unveiled a more reasonable proposal, $500 million in assistance and an equal amount in loans and investment guarantees.

The first portion of this package, $42 million worth, was approved by the Congress on February 7. While Mr. Bush's package is likely to gain support in the Congress, the burgeoning deficit and competing claims from Eastern European reform governments are going to surely limit the size of any approved package.

□ 1220

In any event, it is unlikely that United States aid alone is going to be large enough to reinvigorate the Panamanian economy.

Despite this bleak picture, there is something the United States could do to give the Panamanian economy an effective boost without significant cost. The Bush administration should move to negotiate a free-trade agreement giving Panamanian-produced goods duty free access to American markets. This agreement should be consistent with the generalized system of tariffs and trade and could be limited to a specific period of time or expire once Panama's economy has shown recovery.

By providing unimpeded access to American markets for Panamanian business, the United States would be giving particular help to the private sector, that segment of the Panamanian economy most devastated by the events in the past 2 years.

Duty free status for Panamanian goods would again make Panama an attractive center for foreign investors. In turn, increased foreign investment would help address two of Panama's other major problems: unemployment and foreign debt, now close to $4 billion. The private sector, fueled by foreign capital and free access to United States markets, will undoubtedly grow and provide the jobs Panama's growing population desperately needs.

As more of its citizens are employed and the private sector strengthens, the

Panamanian Government would be better able to resolve its balance of payments crisis without neglecting the needs of its people.

This program to spur economic growth would yield important political benefits as well. The coalition government of President Guillermo Endara would show proven gains in the face of tremendous odds. Such gains would not be lost on the electorate.

More importantly, one would expect economic stability and growth to translate into political stability. A growing economy would help Panama avoid the problems of Latin America's other democracies, desperately attempting to consolidate democratic institutions in the face of economic disaster.

Concerns could be raised about the agreement's impact on American industries. However, due to the small quantity of Panamanian exports to the United States, $340 million in 1987, the year prior to United States sanctions, the impact on American industries would be minimal.

A more valid concern is that this agreement might allow third country producers to benefit from duty free status by transhipping their products through the isthmus. To prevent such abuses, the agreement should stipulate that the product must be entirely Panamanian-produced or have had considerable value added in Panama.

Prior to United States sanctions in 1988, Panama enjoyed reduced United States duties through the generalized system of preferences and the Caribbean Basin Initiative. While the United States has already moved to eliminate sanctions and restore Panama to these important programs, the trade agreement outlined here should be more comprehensive, taking into account both Panama's pressing needs and the United States' special relationship to that nation.

Congress can, and should, improve a major package of foreign assistance for Panama's economy. It is unlikely, however, that this package alone will be large enough to rebuild the Panamanian economy. By entering into an agreement allowing Panamanian goods unimpeded access into its markets, the United States could take a major step toward revitalizing the private sector in Panama. We would, in effect, help the Panamanians help themselves.

Mr. Speaker, at this very moment, the President of Panama is fasting. He is fasting to demonstrate the extreme concern that he feels with the dire economic situation in his country. He is appealing for assistance.

The kind of assistance that I am proposing is a free-trade agreement. It is not a handout. It is not an aid package. It is simply an economic free trade pact that would be of benefit to both countries.

Mr. Speaker, I also wish to make another point about the entire episode in the relationship between the United States and Panama. A lot of people have taken credit for the situation in Panama today without Noriega. President Endara is bringing democracy back and progress to the people of this great country.

I think President Bush deserves credit for this, as well as many others in the executive branch and the Congress. The gentleman from Connecticut [Mr. GEJDENSON], the gentleman from Florida [Mr. FASCELL], the gentleman from Michigan [Mr. BROOMFIELD], Mr. HELMS, Mr. D'AMATO, and Mr. DODD, and many Latin Americanists in the House and the other body that have made a difference help with the situation, with this important strategic country and neighbors of ours.

But, Mr. Speaker, there is no one both in Washington and Panama that deserves more credit than Rogelio Novey in assisting United States policymakers in Congress, the media, and the executive branch of the perils of the Noriega year. Once again, the unsung hero is Rogelio Novey of the Organization of American States, a Panamanian. For the past 10 years, he actively was involved in the Panamanian resistance in this country, providing information to Members of Congess, strategizing about legislation in the Congress, providing advice to the executive branch, but in addition to that, making a real determined effort to give Panama opposition leaders when they came to Washington the needed exposure to the American media and American policymakers.

Mr. Speaker, I have not seen the name of Rogelio Novey as one of the heroes of this new United States-Panama relationship and new situation in Panama, perhaps because he is an employee of an international organization and because he never sought credit or headlines. But credit must be given.

His actions on behalf of his country have been as timely and effective, working both sides of the aisle. Rogelio also deeply understands the United States, since he was educated here and is married to a lovely American from Wisconsin. Without Novey, key embargo legislation against Noriega would not have passed. Without Novey, the Endara government would not have obtained early credibility in the United States.

But, Mr. Speaker, I made this statement because I have not seen the name of Rogelio Novey as one of the true heroes of the new Panama.

This free trade agreement is his idea and it is the best one yet to rebuild that country. Many legislative ideas affecting Panama and the United States Congress have been his. He is somebody that deserves credit, not just from this Congress, but from his own government.

Mr. Speaker, I wish to once again acknowledge the major role played by this individual in easing this transition of Panama from being a dictatorship, a country that was devastated by Noriega, into a fragile democracy that needs our help.

Mr. Speaker, I wish to include a copy of my "Voices" essay, as well as a copy of H.R. 4091:

FREE-TRADE PACT WITH PANAMA WOULD REPAIR SHATTERED ECONOMY

(By Bill Richardson)

Panamanian officials have suggested it will take over $2 billion in foreign aid to restore their nation's shattered economy and repair the damages incurred during the U.S. invasion. Recently, President Bush unveiled a more reasonable proposal: approximately $500 million in aid and an equal amount in loans and investment guarantees. The first portion of this package, $42 million worth, was approved by Congress on February 7th.

While Mr. Bush's package is likely to gain support in Congress, the burgeoning deficit and competing claims from East European reform governments will surely limit the size of any approved package. In any event, it is unlikely that U.S. aid alone will be large enough to reinvigorate the Panamanian economy.

Despite this bleak picture, there is something the U.S. could do to give the Panamanian economy an effective boost without significant cost.

The Bush Administration should move to negotiate a free-trade agreement giving Panamanian produced goods duty-free access to U.S. markets. This agreement should be consistent with the Generalized System of Tariffs and Trade and could be limited to a specific period of time or expire once Panama's economy has shown recovery.

By providing unimpeded access to American markets for Panamanian business, the U.S. would be giving particular help to the private sector, that segment of the Panamanian economy most devastated by the events in the past two years.

Duty-free status for Panamanian goods would again make Panama an attractive center for foreign investors. In turns, increased foreign investment would help address two of Panama's other major problems: unemployment and foreign debt (now $4 billion). The private sector, fueled by foreign capital and free access to U.S. markets, will undoubtedly grow and provide the jobs. Panama's growing population desperately needs.

As more of its citizens are employed and the private sector strengthens, the Panamanian Government would be better able to resolve its balance of payments crisis without neglecting the needs of its people.

This program to spur economic growth would yield important political benefits as well. The fragile coalition government of President Guillermo Endara would show proven gains in the face of tremendous odds. Such gains would not be lost on the electorate.

More importantly, one would expect economic stability and growth to translate into political stability. A growing economy would help Panama avoid the problems of Latin Ameria's other democracies, desperately at-

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tempting to consolidate democratic institutions in the face of economic disaster.

Concerns could be raised about the agreement's impact on U.S. industries. However, due to the small quantity of Panamanian exports to the U.S. ($340 million in 1987, the year prior to U.S. sanctions), the impact on American industries would be minimal.

A more valid concern is that this agreement might allow third-country producers to benefit from duty-free status by transshipping their products through the isthmus. To prevent such abuses, the agreement should stipulate that the product must be entirely Panamanian-produced or have had considerable value added in Panama.

Prior to U.S. sanctions in 1988, Panama enjoyed reduced U.S. duties through the Generalized System of Preferences and the Caribbean Basin Initiative. While the U.S. has already moved to eliminate sanctions and restore Panama to these important programs, the trade agreement outlined here should be more comprehensive, taking into account both Panama's pressing needs and the United States' special relation to that nation.

Congress can, and should, approve a major package of foreign assistance for Panama's economy. It is unlikely, however, that this package alone will be large enough to rebuild the Panamanian economy. But entering into an agreement allowing Panamanian goods unimpeded access into its markets, the U.S. could take a major step toward revitializing Panama's private sector. We would, in effect, help the Panamanians help themselves.

H.R. 4091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSULTATIONS REGARDING A UNITED STATES-PANAMA FREE TRADE AREA.

The President is urged to initate consultations with the Government of Panama to determine the feasibility and desirability of negotiations with such Government under the authority of section 1102(c) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902(c)) for the purpose of entering into a reciprocal and mutually advantageous trade agreement creating a free trade area between the United States and Panama.

SEC. 2. SPECIAL PROVISIONS.

(a) DURATION OF AGREEMENT.—A trade agreement referred to in section 1 may not have effect after the 10th anniversary of the date on which it enters into force between the United States and Panama.

(b) WAIVER OF NEGOTIATION REQUEST BY PANAMANIAN GOVERNMENT.—Section 1102(c)(3)(B) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2902(c)(3)(B)) does not apply to a trade agreement referred to in section 1.

TV MARTI: A BAD IDEA

The SPEAKER pro tempore (Mr. SKAGGS). The gentleman from Washington [Mr. SWIFT] is recognized for 30 minutes.

Mr. SWIFT. Mr. Speaker, I was informed late last week by the U.S. Information Agency that today or tomorrow they will conduct the tests that are required under law to demonstrate the technological feasibility of TV Marti. I think most Members are unaware that in fact we even authorized a TV Marti. It was a provision buried deep in a bill that we passed some time ago.

Yet I think there are factors that come to bear here that should be laid out on the record for the body prior to final decisions being made to authorize and put TV Marti on the air. Let us go back and have a little history.

A number of years ago we authorized Radio Marti. That radio service to Cuba is on the air and has been for some time, essentially replacing a signal for Voice of America into the area with a different service that is aimed specifically at Cuba, carrying news, information, and entertainment programming designed specifically for consumption by the citizens of Cuba.

Radio Marti, there is evidence, has been effective. In a visit to Havana shortly before Christmas of last year I developed the definite impression that Radio Marti has provided a contrast with local indigenous broadcasting that has done a couple of things that are positive. One, I am told it has specifically improved the quality of Cuban radio. I am sure that the taxpayers of the United States are happy to have contributed to improving the quality of Cuban broadcasting to the Cuban people.

Perhaps more importantly, Cuban radio was carrying significant and relatively objective reports on the events in Eastern Europe, for example. One can reasonably question whether those reports would be as complete and objective, were it not they could have easily been impressed with information that was coming to Cubans on Radio Marti.

Now we have proposed TV Marti. Very frankly, I have the impression that it was proposed by people who think that TV is just an AM radio signal with pictures. There are some significant differences, primarily technical.

Certainly I can understand that someone might say if Radio Marti has been effective, let us make it more effective by adding pictures, by adding television. But the fact is it is not that simple. The reason that the tests that are taking place today or tomorrow are going to be so important is that a rather innovative method has been proposed for getting television signals into Cuba. I think it would not be too cruel to suggest that the proposal that is being made is clear proof that Rube Goldberg still lives.

□ 1230

Here is the program. An AM signal particularly, and a clear channel can travel for literally thousands of miles. A 50,000-watt AM station on a clear channel can broadcast halfway across the Pacific Ocean, and it can broadcast, if it does not run into mountains and so forth, across many, many States in this country. An AM signal on United States territory can be received throughout Cuba.

A television signal does not travel that far. A television signal that is many hundreds of thousands of watts simply does not have the capacity to travel as far as an AM signal. One cannot get a reliable television picture into Cuba from a television station located in the gulf or even in Florida.

So what is being tested today is a television transmitter hung from a balloon tethered 10,000 feet in the air. We should not prejudge the tests. They will show whatever they will show. I am sure that USIA and the State Department will be honest in reporting the technical success or failure of this proposal.

But it does occur to anybody who has ever worked in a radio or a television station that this is going to be an extraordinarily difficult job to get a reliable and quality television signal into Cuba from a balloon hanging 10,000 feet in the air. If they use an omnidirectional signal, that is one that transmits equally in all directions, the signal will certainly come back and interfere with the broadcast signals of domestic television stations on that channel. If they use a directional signal aimed discretely at a certain point, it is difficult to understand how one stabilizes such a directional antenna from a balloon hanging 10,000 feet in the air.

The tests will, nevertheless, give us some indication on whether Rube Goldberg is going to work in this case.

What difference does it make to us? Is there anything at stake here? Clearly there is ample evidence that the Cuban Government is extraordinarily disturbed by this proposal. Why should we care? If it does not do anything to hurt the United States, one could argue rather strongly that there is no reason at all that we should care.

Let us see what the avenues are, what are the options that Fidel Castro would have if he chose to take some of the action that his government has indicated they will take if we begin regular broadcasts into Cuba.

First of all, he can jam the TV signal. That is not hard to do. We will have spent, I am told, $18 million by the time this gets on the air to deliver television pictures to Cuba which they can jam at a substantially smaller cost than that. So what we have is confrontation, not pictures in Havana.

So what? It still does not hurt us beyond the expenditure of the $18 million.

He can also, and has always had the technical ability to jam Radio Marti, so that it cannot be received by Cuban citizens. When Radio Marti was put on the air the Cubans responded in a number of ways, including new limitations on travel to Cuba by former

Cuban citizens. But essentially they did not choose to jam Radio Marti's signal, but they can do that. Again, it is not technically difficult particularly or a complicated thing to do.

So now we are beginning to lose something on our side, because Radio Marti is a service that is working technically, and is effective on the basis of information, and we can lose that.

In addition to that, Fidel Castro has suggested that if we are going to send what he would consider unwanted signals into his country, he would want to also educate American citizens by jamming signals here.

He cannot jam our television signals for the same reason we are having to hang a balloon in the air to even get a signal as far as Havana. The signal simply will not reach that far. But let us go back to those AM signals.

If we can reach halfway across our continent on a north/south basis with a clear channel radio signal of 50,000 watts, what can we do with 300,000 watts or 500,000 watts? It has already been demonstrated that we can do a lot of damage.

The evening signal, the night signal of WCCO in Minneapolis is currently being interfered with by broadcasts from Cuba. Minneapolis, MN, the Canadian border, broadcasts from Cuba. It is within the technical capacity, the demonstrated technical capacity of the Cuban Government to interfere massively in AM broadcasts in this country, particularly up the Mississippi River Valley clear to the Canadian border, but in a very real way virtually all over the United States this side of the Rocky Mountains.

Will the Cuban Government do that? We do not know. But I asked the State Department if they would come up and talk with me, and let me pass on to my colleagues some of the things that they suggested. I laid out to them what I have laid out here; no significant disagreement in any of those facts.

I asked: "Do you believe that Cuba is serious? Are they just huffing and puffing or are they serious about retaliation if in fact we put the TV Marti on the air?" Our State Department said that they had a number of options, the Cubans did, with regard to what they might do. But retaliation by jamming commercial AM radio stations in this country was certainly among them, and that it was entirely possible. They also agreed that the jamming of our television signals was probable, and that the jamming of Radio Marti was likely.

Then they said, however, it has been our experience with Radio Free Europe and the Voice of America and similar services that are provided that once a nation jams we must continue to send the signal. We must send it as long as is necessary until they stop jamming it, an article of policy in this country with regard to these types of broadcasts.

If one thinks this through, if we broadcast and Fidel Castro jams the signal, we do not get television pictures into Cuba. If he jams Radio Marti, we then lose something we had, which is radio broadcasts into Cuba. And then if, as is likely, he also jams AM signals throughout the United States, we have lost a great deal in return for which we have confrontation, but no information getting into Cuba.

There is a very great sense that we are set on a path in which this Government, our Government, is volunteering the AM radio industry to be the shock troops in confrontation with Cuba.

□ 1240

They are also volunteering all of the Americans who listen to those radio stations to join in the effort of being shock troops in this confrontation.

It seems to me that it would be no problem whatever for this administration or any administration for that matter, should we find massive disruption in our AM signals, to blame that on Fidel Castro. He is not one of the more popular political figures in the United States. We would be happy to believe ill of him.

In fact, for some of the human rights violations that are going on these days in Cuba, we should.

But what do you do then once those AM signals are interfered with? Once the owners of those stations are registering protests, once the listeners to those stations are registering protests, what is it you say next?

It seems to me someone is going to say to the President, "Do something about it." And that raises the very serious question of what, in fact, do we do? That type of confrontation is one in which I think we all would want to measure with some care what are the positives and what are the negatives for us: The $18 million expenditure, the inability of getting a television signal to Havana, the potential of losing what is working, Radio Marti's signal throughout Cuba, and the very great likelihood of disruption of AM commercial signals throughout our own country.

Here we are in the day when the Communist world is collapsing and when the Cuban Government must be feeling increasingly lonely day by day. Not a weekend goes by, this last weekend did not go by, without major changes that indicate an increased weakening of the Communist world.

What I believe that we as Members of Congress need to do is examine this very carefully, those of us who voted on the legislation, though many of us not even knowing that this particular provision to authorize Television Marti was within the legislation, need to understand that equation: What we have to gain, what we have to lose, the potential for confrontation, and ask the question, "Is this confrontation over anything significant?"

I do not think it has had that kind of analysis. I call my colleagues' attention to it today, hope that they will make those evaluations and that they will listen very carefully for the report by this administration on the technological feasibility of this plan, that these things are known by this body and understood by this body, before we suddenly find ourselves in a confrontation from which it is going to be difficult for either side to withdraw.

The time to make that evaluation was probably several months ago. It is still not too late. But, depending on those tests today or tomorrow, we will reach the point of no return very soon indeed. We should not do so without having thought it through, which is something I submit, unfortunately, this body has not at this point had an opportunity to do.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Vermont) to revise and extend their remarks and include extraneous material:)

Mr. RITTER, for 60 minutes, on March 13.

Mr. DANNEMEYER, for 60 minutes, on March 20.

Mr. WALKER, for 60 minutes, each day on March 13 and 14.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. RICHARDSON) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. LOWEY of New York, for 5 minutes, today.

Mr. RICHARDSON, for 10 minutes, today.

Mr. SWIFT, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SMITH of Vermont) and to include extraneous matter:)

Mr. YOUNG of Alaska.

Mr. LEWIS of California.

Mr. CHANDLER.

Mr. GRADISON.

Mr. RINALDO in two instances.

(The following Members (at the request of Mr. RICHARDSON) and to include extraneous matter:)

Mr. LAFALCE.

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Mr. Dingell.

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Stark.

SENATE BILLS, JOINT RESOLUTIONS, AND A CONCURRENT RESOLUTION REFERRED

Bills, joint resolutions and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 511. An act to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

S. 1543. An act to authorize the Board of Regents of Gunston Hall to establish a memorial to George Mason in the District of Columbia; to the Committee on House Administration.

S.J. Res. 75. Joint resolution relating to NASA and the International Space Year; to the Committees on Foreign Affairs and Science, Space, and Technology.

S.J. Res. 262. Joint resolution designating March 1990 as "Irish-American Heritage Month"; to the Committee on Post Office and Civil Service.

S. Con. Res. 92. Concurrent resolution to commemorate the Treaty of Amity and Commerce of 1833 between the United States and Thailand; to the Committee on Foreign Affairs.

BILLS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On March 7, 1990:

H.R. 2742. An act to extend and amend the Library Services and Construction Act and for other reasons.

On March 8, 1990:

H.R. 4010. An act to provide the Secretary of Agriculture authority regarding the sale of sterile screwworms; and

H.R. 2749. An act to authorize the conveyance of a parcel of land in Whitney Lake, TX.

ADJOURNMENT

Mr. SWIFT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 13, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2680. A letter the Acting Comptroller General of the United States, transmitting a review of the President's third special impoundment message for fiscal year 1990, pursuant to 2 U.S.C. 685 (H. Doc. No. 156); to the Committee on Appropriations and ordered to be printed.

2681. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to modify the physical examination requirement for members of the Ready Reserve of the Armed Forces; to the Committee on Armed Services.

2682. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to improve the quality and efficiency of the military judicial system; to the Committee on Armed Services.

2683. A letter from the Acting General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations to implement title III of the Stewart B. McKinney Homeless Assistance Act, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

2684. A letter from the Secretary of Education, transmitting a copy of Handicapped Special Studies Program—notice of final annual evaluation priorities, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2685. A communication from the President of the United States, transmitting his determination that continued nuclear cooperation with the European Atomic Energy Community [Euratom] is needed in order to achieve U.S. nonproliferation objective, pursuant to 42 U.S.C 2155(a)(2) (H. Doc. No. 154); to the Committee on Foreign Affairs and ordered to be printed.

2686. A letter from the Acting Administrator, Panama Canal Commission, transmitting the annual report of its compliance with the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2687. A letter from the Inspector General, Department of Health and Human Services, transmitting the third edition of the Program and Management Improvement Recommendations (the Orange Book); to the Committee on Government Operations.

2688. A letter from the General Counsel, Office of Administration, Executive Office of the President, transmitting the annual report on activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2689. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the annual report of its activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2690. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2691. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice, transmitting a draft of proposed legislation to improve the administration of bankruptcy cases and to curb abuses by debtors; to the Committee on the Judiciary.

2692. A letter from the Director, Office of Personnel Management, transmitting notification of approval of a final demonstration project submitted by the Department of Agriculture, pursuant to 5 U.S.C. 4703(b)(4)(B), (6); to the Committee on Post Office and Civil Service.

2693. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to make effective the Department of Transportation antidrug program rule for recipients of Federal mass transit assistance; to the Committee on Public Works and Transportation.

2694. A letter from the Under Secretary, International Affairs and Commodity Programs, Department of Agriculture, transmitting the second quarterly country and commodity allocation table showing current programming plans for food assistance under title II of Public Law 480, for fiscal year 1990, pursuant to 7 U.S.C. 1736b(a); jointly, to the Committees on Agriculture and Foreign Affairs.

2695. A communication from the President of the United States, transmitting his findings that substantial progress has been made in telecommunications trade talks conducted under section 1375 of the Omnibus Trade and Competitiveness Act of 1988, pursuant to Public Law 100-418, section 1376(c)(2)(B) (102 Stat. 1221)(H. Doc. No. 155); jointly, to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

2696. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the annual report on the ability of the railroad retirement account to pay benefits in each of the next succeeding 5 years, pursuant to 45 U.S.C. 231u(a)(1); jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MOAKLEY: Committee on Rules. H.R. 849. A bill to amend title 1 of the United States Code to define the type of adjournment that prevents the return of a bill by the President, and to amend the Rules of the House of Representatives to require the Clerk to make certain notifications to the Speaker; with amendments (Rept. 101-417, Pt 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHANDLER:

H.R. 4240. A bill to require the Commissioner of Customs to provide annual national trade and customs law violation estimates and enforcement strategies; to the Committee on Ways and Means.

By Mr. GILMAN:

H.R. 4241. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age, and to provide for an increase in the exempt amount under the earnings test for beneficiaries who have not attained retirement age; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 4242. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax with respect to the issuance of Medicare supplement insurance policies which do not meet Federal standards, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Ms. OAKAR:

H.R. 4243. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for contributions made to candidates for public office; to the Committee on Ways and Means.

By Mrs. SCHROEDER (for herself and Mr. Martin of New York) (both by request):

H.R. 4244. A bill to authorize certain construction at military installations for fiscal year 1991, and for other purposes; to the Committee on Armed Services.

By Mr. ROHRABACHER:

H. Con. Res. 284. Concurrent resolution expressing the sense of the Congress that all members of the Armed Forces who were engaged in combat in Panama should receive an appropriate combat badge in recognition of their service to the United States; to the Committee on Armed Services.

By Mr. ROTH (for himself and Mr. Gray):

H. Con. Res. 285. Concurrent resolution concerning the status of Namibia under the Comprehensive Anti-Apartheid Act of 1986; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

323. By the SPEAKER: Memorials of the Legislature of the State of Alabama, relative to the proposed closure of Ft. McClellan in Anniston, AL; to the Committee on Armed Services.

324. Also, memorial of the Legislature of the State of Maine, relative to aiding the peoples of Eastern Europe and elsewhere to continue their efforts for freedom; to the Committee on Foreign Affairs.

325. Also, memorial of the Legislature of the State of Maine, relative to Social Security trust funds currently being used to fund general government expenses; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 796: Mr. Broomfield.

H.R. 905: Mr. LaFalce.

H.R. 1180: Mr. Mrazek.

H.R. 1360: Mr. Roybal.

H.R. 1505: Mr. Eckart.

H.R. 1582: Mr. Dwyer of New Jersey.

H.R. 1676: Mr. McNulty.

H.R. 2500: Mr. Towns and Mr. Rangel.

H.R. 2926: Mr. McMillen of Maryland and Mr. Kolter.

H.R. 2956: Mr. Gibbons, Mr. Markey, Mr. Conyers, Mr. Porter, Mr. Morrison of Connecticut, Mr. Nagle, Mr. Fish, and Mr. Wyden.

H.R. 3088: Mr. Condit.

H.R. 3089: Mr. Condit.

H.R. 3090: Mr. Condit.

H.R. 3336: Mr. Walsh.

H.R. 3349: Mr. Dingell and Mr. Hunter.

H.R. 3383: Mr. Pallone, Mr. Sikorski, and Mr. Markey.

H.R. 3732: Mr. Aspin, Mr. Bateman, Mr. Anthony, Mr. Weldon, Mr. Flippo, Mr. Carr, Mr. Feighan, Mr. Jacobs, Mr. Clinger, Mr. Kastenmeier, and Mr. Dreier of California.

H.R. 3733: Mr. Kennedy, Mr. Bryant, Mr. Boucher, Mr. Kanjorski, Mrs. Kennelly, and Mr. Rangel.

H.R. 3751: Mr. Owens of Utah, Mr. Penny, Mr. Roybal, Mr. Rowland of Connecticut, Mr. Bennett, Mr. Lantos, Mr. Bates, Mr. Johnston of Florida, Mr. Matsui, Mr. Rinaldo, Mr. Lancaster, Mr. Lehman of California, Mr. Wyden, and Mr. Grant.

H.R. 3906: Mr. Lagomarsino, Mr. Emerson, Mr. Walsh, Mr. Savage, Mr. Donald E. Lukens, Mr. Hatcher, Mr. Volkmer, Mrs. Bentley, Mr. Weber, Mr. Smith of Vermont, Mrs. Collins, Mr. Sangmeister, and Mr. Roe.

H.R. 3933: Mr. Wise, Mr. Kastenmeier, Mr. Lewis of Georgia, Mrs. Morella, Mr. Frost, Mr. Kennedy, Mr. Smith of Florida, Mr. Kolter, Mr. Studds, Mr. Downey, and Mr. DeFazio.

H.R. 4118: Mr. Neal of Massachusetts.

H.R. 4238: Mr. Kildee.

H.J. Res. 54: Mr. Gonzalez.

H.J. Res. 156: Mrs. Meyers of Kansas and Mr. Bustamante.

H.J. Res. 413: Mrs. Boxer, Mr. Browder, Mr. Combest, Mr. Dicks, Mr. Dixon, Mr. Emerson, Mr. Geren, Mr. Hochbrueckner, Mr. Jacobs, Mr. Kildee, Mr. Levin of Michigan, Mr. Lewis of Florida, Mr. Lipinski, Mr. McCloskey, Mr. McHugh, Mr. Murtha, Mr. Nielson of Utah, Mr. Regula, Mr. Rhodes, Mr. Skeen, Mr. Smith of Florida, Mr. Smith of New Hampshire, Mr. Spence, Mr. Tauzin, Mrs. Unsoeld, and Mr. Walsh.

H.J. Res. 439: Mr. Bonior.

H.J. Res. 457: Mr. Yatron, Mr. Solarz, Mr. Schumer, and Mr. Shaw.

H.J. Res. 486: Mr. McNulty, Mr. Dwyer of New Jersey, Mr. Towns, Mr. Bates, Mr. Rowland of Georgia, Mr. Fauntroy, Mr. Thomas A. Luken, Ms. Pelosi, Mr. Rangel, Mr. Coughlin, Mr. Clement, Mr. Foglietta, Mr. Smith of Florida, Mr. Volkmer, Mr. Levin of Michigan, Mr. Hefner, Mr. Pallone, Mrs. Boxer, Mr. Price, Mr. Hughes, Mr. Neal of North Carolina, Mr. Walsh, Mrs. Saiki, Ms. Kaptur, Mr. Geren, Mr. Ford of Tennessee, Mr. Smith of New Jersey, Mrs. Meyers of Kansas, and Mr. Frost.

H. Con. Res. 173: Mr. Gibbons, Mr. Markey, Mr. Conyers, Mr. Porter, Mr. Morrison of Connecticut, Mr. Nagle, and Mr. Wyden.

H. Con. Res. 259: Mr. Kastenmeier, Mr. Penny, Mr. Yates, Mr. Jacobs, Mr. LaFalce, Ms. Schneider, Mr. Dellums, Mr. Stark, Mr. Fauntroy, Mr. Scheuer, Mr. Bereuter, Mr. Foglietta, Mr. Carper, Mr. Panetta, Mr. Gejdenson, Mr. Gray, Mr. Brown of California, Mr. Dorgan of North Dakota, Mr. Mrazek, Mr. Oberstar, Ms. Pelosi, Mr. Nowak, Mr. Kildee, Mrs. Roukema, Mr. Gilman, Mr. Johnson of South Dakota, Mr. Faleomavaega, Mr. Borski, Mrs. Morella, Mr. Jontz, Mrs. Unsoeld, Mr. Sikorski, Mr. Wyden, Mr. Moakley, Mr. Mazzoli, Ms. Kaptur, Mr. Leach of Iowa, Mr. Henry, and Mr. Sabo.

H. Con. Res. 270: Mr. Gray, Mr. Weiss, Mr. Studds, Ms. Pelosi, Mr. Moakley, Mr. Miller of California, Mrs. Lowey of New York, Mr. Murphy, Mr. Brown of California, Mr. Bryant, Mr. Lehman of Florida, Mr. Downey, Mr. AuCoin, Mr. Brennan, Mr. Shays, Mr. Smith of Vermont, Mr. Borski, Mr. Roe, Mr. Stark, Mr. Swift, Mr. Oberstar, Mr. Dyson, Mrs. Kennelly, Mr. Moody, Mr. Bruce, Mr. Engel, Mr. McHugh, Mr. Fish, and Mr. Scheuer.

H. Con. Res. 271: Ms. Long, Ms. Pelosi, Mrs. Lowey of New York, Mr. Miller of California, Mr. Wolpe, Mrs. Boxer, Mr. Lewis of Georgia, Mr. Durbin, Mr. Edwards of California, and Mr. Lantos.

H. Con. Res. 273: Mr. Panetta and Mrs. Lowey of New York.

H. Con. Res. 281: Mr. Gallo, Mr. Huckaby, Mr. McNulty, and Mr. Walsh.

H. Res. 314: Mr. Kolbe.

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EXTENSIONS OF REMARKS

THE MEDIGAP REFORM ACT OF 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. STARK. Mr. Speaker, I rise today to introduce the Medigap Reform Act of 1990. This bill is designed to make three major improvements in the quality of policies sold in the private Medigap market.

First, it is designed to improve the financial value of private health insurance policies that may be sold to older Americans.

Second, it is designed to minimize unnecessary confusion among consumers about the benefits and value of private health insurance.

Third, it would eliminate unnecessary and costly duplication of coverage.

Four out of five senior citizens today own one or more private insurance policies to supplement Medicare coverage. The majority of these policies are commonly known as Medigap. They typically cover Medicare deductibles and copayments, and often cover benefits that are not covered by the Medicare Program, such as prescription drugs.

With Medigap premiums for comprehensive policies running as high as $1,200 per year, seniors are forced to make fundamental sacrifices to purchase adequate financial protection.

The Federal Government has a basic responsibility to establish and enforce meaningful standards to provide consumers with minimum protection. After all, the Medigap industry developed as a direct response to gaps and changes in the Medicare Program.

To improve the value of Medigap policies sold to seniors, this bill would raise the minimum loss ratio standards required of individual and group policies, and would make substantial improvements in the enforcement of these minimum loss ratio standards. The minimum loss ratio for group policies would be increased from 75 to 80 percent. The minimum loss ratio for individual policies would be increased from 60 to 70 percent.

Issuers of Medigap policies would be required to file information needed to monitor compliance with loss ratio standards with the Secretary of Health and Human Services [HHS]. This information has already been defined by the National Association of Insurance Commissioners [NAIC] for purposes of reporting to States. The U.S. General Accounting Office [GAO] would perform periodic audits to determine loss ratio compliance and would report its findings to the Secretary.

The current regulatory structure for Medigap insurance is not working to promote consumers interests in most States. Despite NAIC efforts to improve the enforcement of minimum loss ratio standards, a substantial number of companies are still unable to meet the NAIC targets and are nonetheless able to continue selling their products.

According to a recent study by the GAO, the 1988 loss ratios reported by one-third of commercial companies from individual policies were below the minimum standard of 60 percent. In other words, one-third of the companies were paying out less than 60 cents in benefits for every $1 of premiums they received from their customers. Thus, in these cases, more than 40 cents per dollar is taken up in sales commissions, overhead, profits, you name it.

For group plans, GAO reported that two-thirds of commercial companies and one quarter of Blue Cross/Blue Shield plans were below the minimum standard of 75 percent.

Loss ratio standards, for better or worse, are essential for controlling rising Medigap premiums. Many seniors have recently expressed concern about the rising cost of their Medigap policies.

Last November, the GAO indicated that Medigap premiums were likely to rise 18 percent as a result of repealing of the Medicare catastrophic coverage program. Unfortunately for seniors, Medigap rates have increased as predicted. In some cases they have risen by more than 50 percent.

Mr. Speaker, Medigap premiums have increased for a number of reasons, including the rise in Medicare spending and the repeal of the Medicare catastrophic coverage program. However, premiums should not be permitted to increase because insurers are unable to control costs to meet minimum loss ratio standards.

The current State-run system for maintaining the value of policies for consumers through loss ratio minimum standards is not working. Meaningful enforcement of loss ratio standards would slow the increase of Medigap premiums.

The loss ratio provisions of this bill assume that seniors are entitled to a reasonable return on their insurance investment.

The Medigap Reform Act of 1990 would also minimize unnecessary confusion experienced by older consumers when they purchase or compare Medigap policies.

Under the provisions of this bill, all benefits covered by a Medigap policy would be defined with uniform language and in a uniform format. These provisions would help consumers compare policies.

This bill would build upon the NAIC model regulation and statute by requiring all Medigap policies to cover the minimum core of benefits.

In addition, policies would be permitted but not required to cover additional benefits defined by the Secretary.

Mr. Speaker, we all know how complicated the insurance market can be—even for educated consumers. But meaningless differences and unnecessary complications can and should be eliminated.

An example provided by the 1990 Minnesota Medigap insurance cost comparison study demonstrate the wide variation in premiums for identical coverage.

Example No. 2: An 85-year-old man who smokes would pay between $328 per year—Blue Cross and Blue Shield of Minnesota—and $650 per year—Continental General Insurance Co.—for identical basic coverage before riders.

He would pay $1,468 per year—Minnesota Comprehensive Health Association—or $2,527 per year—Mutual of Omaha—for identical extended basic coverage.

The Medigap Reform Act of 1990 would help consumers compare policies that cover identical or similar benefits. Consumers would have enough information to understand why premiums between policies differ. At long last, consumers would be given sufficient information to make informed purchasing decisions.

The Secretary of HHS would be required to define benefits that could be included in a Medigap policy including: coverage for the Medicare part A deductible; the part B deductible; copayments for skilled nursing facility days, coverage of prescription drugs; coverage of allowable charges under part B that exceeds the amount recognized under part B, and coverage for expenses incurred while travelling outside the United States.

Moreover, to recognize and promote innovation, an issuer of Medigap could apply to the Secretary for benefits not previously recognized by the Secretary as optional Medigap benefits.

Unnecessary and costly duplication is a third concern this bill is designed to address.

Seniors are buying more coverage than they need. A report recently issued by the American Association of Retired Persons found that 24 percent of seniors with private insurance in addition to Medicare have two or more policies. Even the Health Insurance Association of America, in its own 1989 survey, reported 15 percent of policy owners have two or more policies.

While the NAIC, in its consumer amendments adopted in 1989, recommended changes to limit the sale of duplicate policies, the NAIC's changes are virtually impossible to enforce unless a consumer files a complaint with the State insurance commissioner. It is hard to imagine that consumers would complain if he or she has been told that the new policy is necessary for some reason or another.

Even more troubling to me is the extent of Medigap sales to individuals enrolled in the Medicaid Program.

According to the American Association of Retired Persons, a staggering 51 percent of Medicaid beneficiaries also purchase private health insurance. This represents between 1.5 to 2 million seniors nationally. Medicaid typically covers the very benefits offered by most

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Medigap policies, such as deductibles and copayments. By definition, a Medigap policy would duplicate Medicaid coverage.

The Medigap Reform Act of 1990 would prohibit the sale of conforming Medigap policies to owners of another conforming Medigap policy. It would also prohibit the sale of a Medigap policy to an individual entitled to Medicaid coverage.

Insurers would be required to certify, based upon the signed statement of the policyholder or certificate holder, that coverage was not duplicative. To enforce antiduplication provisions, the sale of all policies would be registered with the Secretary of HHS.

This bill also builds upon a number of consumer protection amendments adopted recently by the NAIC. For example, the bill would codify NAIC provisions pertaining to treatment of preexisting conditions, automatic change in benefits, guaranteed renewable policies, terms of cancellation, conversion right on termination of group policy and replacement of group policies. In addition, the bill would prohibit medical underwriting.

The provisions of this legislation would ultimately be enforced by a tax on noncomplying policies. The bill is designed to create meaningful incentives to promote compliance. It is structured to give insurers an opportunity to comply with Federal standards before a tax would be imposed. For example, companies that fail to comply with loss ratio standards would be permitted to provide refunds to policy or certificate holders before a tax would be imposed.

This bill would also limit the future sale of hospital indemnity and dread disease policies to senior citizens by requiring such policies to meet Federal Medigap standards. Current owners of such policies would not be affected.

The Medigap Reform Act of 1990 would establish minimum Federal standards and a Federal enforcement mechanism to be sure that standards are rigorously maintained. States would in no way be prohibited from pursuing other efforts to promote customer interests so long as the State activities complied with minimum Federal standards.

Mr. Speaker, there has not been a comprehensive, Federal initiative to reform the Medigap market since the Baucus amendments of 1980. While the Baucus amendments began to set standards for the market, we know all too well that problems persist.

Before closing, I would also note that I am receiving more and more complaints from non-Medicare beneficiaries—younger workers and their families—about misleading and deceptive health insurance policies.

This is another area and another issue, but if these complaints continue, I am sure that Federal legislation will soon be developed. These complaints involve such items as:

Health insurance provided to an employee through a company plan which provides that once an employee is disabled and laid off—that is, very sick—the insurance is canceled, a fact that was never explained to the employees;

The surprise withdrawal of health insurance companies from whole States or regions, leaving people with ongoing conditions—pregnancy, cancer, et cetera—uncovered and uninsurable.

Mr. Speaker, I urge my colleagues to join me in support of the Medigap Reform Act of 1990 to establish and enforce meaningful standards that would protect customers of Medigap policies.

PORTNOY AWARD TO PERRY SUMAS

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. RINALDO. Mr. Speaker, I rise to offer a tribute to an outstanding community and business leader from Springfield, NJ, Mr. Perry Sumas. He has been honored by the Phil Portnoy Association with its annual Humanitarian Award for his many generous acts of kindness to people and institutions in New Jersey.

As president and chief executive officer of Village Supermarket, Inc., Mr. Sumas has distinguished himself as a leader in the food industry that employs thousands of men and women and provides our consumers with the widest possible selection of food in the world.

But Perry Sumas has given more to the community than his business expertise. Through his generosity, many fine institutions and charities in the Seventh Congressional District have been able to help the handicapped, provide wholesome recreation activities for the young and old, and establish themselves as outreach centers for families in need.

For his extraordinary efforts and generosity, Perry Sumas has been honored by such esteemed organizations as the American Cancer Society, the Valerie Fund, the Association for Retarded Citizens, Union Memorial Hospital, the United Cerebral Palsy League, B'nai B'rith, UNICO, the Union Police Benevolent Association and the Union County Police Chiefs Association.

Additionally Perry Sumas has received recognition from St. Constantine, St. James, St. Helen and Holy Trinity Churches in Union and Essex Counties for his unselfish and generous support of their parish programs.

I am pleased to join with my fellow citizens and members of the Phil Portnoy Association in honoring this distinguished and generous businessman and in congratulating Perry Sumas and his wonderful family on receiving this prestigious honor as the Humanitarian of the Year.

CONGRESSMAN KILDEE HONORS MARY ANN CORNING

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. KILDEE Mr. Speaker, I rise today to urge Members of the House of Representatives to join me in honoring Mrs. Mary Ann Corning, a retired educator who has served the people of Michigan and the Flint area with great distinction for more than 30 years.

After graduating from Central Michigan University with majors in art and English. Mary Ann Corning continued her graduate work at both Central and Eastern Michigan Universities. She taught for 2 years in the Carman Ainsworth School District, and has been teaching art at Davison High School for the past 28 years. Over the past three decades, Mrs. Corning has earned a reputation for working diligently and doing her best to help as many children as she possibly could. She has continually gone above and beyond what is normally expected of educators, donating much time to helping children after school hours and supporting extracurricular activities. In addition to her teaching duties, Mrs. Corning has served with distinction in such roles as a class advisor, cheerleading coach, and art adviser for musical productions and other school functions. She has served as a judge in numerous homecoming parades, conducted art contests and served on the board of the Flint Institute of Arts and the Eastern Star.

Countless students who have come into contact with Mrs. Corning have come away with not only increased knowledge, but with a greater love of learning. The great enthusiasm she has shown in her teaching has served as a beacon for students and teachers alike.

On most afternoons, Mrs. Corning could be found working individually with students, helping them explore and become acquainted with the total art spectrum. Mrs. Corning is adored by her students and their parents. Her colleagues at Davison High School have benefitted infinitely by working with her, and they hold her in very high esteem for her excellence in teaching and the personal affection she has shown each and every child she has worked with.

Mr. Speaker, before I was elected to public office, I was a school teacher in Flint, MI. I always tried to be a teacher like Mary Ann Corning. She is truly a shining example of the kind of dedicated, caring educator that our Nation needs more of. She has certainly made a positive difference in the lives of many people in a manner that we all should emulate. We in the Flint area are indeed blessed to have a person like Mrs. Corning living in our community, and we look forward to continue working with her to improve the quality of life for the people in this area.

THE RAIZ FAMILY—REFUSENIKS FIGHTING FOR EXIT VISAS

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. STOKES. Mr. Speaker, I want to thank my colleagues, the gentleman from Pennsylvania [Mr. KOSTMAYER] and the gentleman from Washington [Mr. MILLER], cochairmen of the Congressional Call to Conscience Vigil for Soviet Jews, for their part in organizing the 1990 vigil. This annual event provides us the opportunity to bring to our colleagues' and the Nation's attention the plight of prisoners of conscience and other persons who are seeking freedom and emigration from the Soviet Union.

Last year, 71,196 Jews received permission to emigrate, the highest recorded figure since

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1968. Yet many remain behind. Today, I want to share with my colleagues the plight and our concern for Dr. Vladimir Raiz, his wife Carmella, and their two children who have repeatedly been denied exit visas.

The Raiz family who first applied for visas in 1972, are reportedly the longest standing refuseniks, having been denied permission to emigrate for over 17 years. Dr. Vladimir Raiz was employed as a molecular biologist at the Moscow Institute of Molecular Biology until his dismissal in June 1972. Raiz' application for an exit visa has been denied on the grounds of access to state secrets, even though he has not dealt with classified material since 1965. Twenty-five years have passed and after so many years the information to which he may have been exposed would certainly be of little value. In fact, the Moscow Institute has certified that the research he conducted is no longer classified.

During their years in refusal, Vladimir and Carmella have become religiously observant and serve as leaders in the refusenik community. They have organized seminars on Jewish culture, religion, modern Israel and Hebrew. For this, the family has been targets of slanderous articles and impromptu raids by the KGB. Their personal property and Hebrew teaching materials have frequently been confiscated. It is obvious that the treatment of the Raiz family is, at best, inconsistent with the general trend of reform now occurring in the Soviet Union.

Mr. Speaker, during their 18 years in refusal, the Raiz family has displayed tremendous faith that they will someday be allowed to emigrate to Israel. As individuals committed to the struggle for human rights in our country and around the globe, we must continue our efforts to secure their release. We know that relations between our Nation and the Soviet Union can never be satisfactory until Soviet refuseniks are allowed to live where they wish, in peace. Allowing the Raiz family to emigrate would be a significant gesture toward the achievement of this goal.

Mr. Speaker, I again commend my colleagues for their leadership and this opportunity to address this important issue.

REPEAL OF SOCIAL SECURITY EARNINGS TEST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to a bill I have introduced today, H.R. 4241, which eliminates the earnings test for Social Security beneficiaries over the age of 65. This legislation will also raise the cap on outside earnings for those Social Security beneficiaries between the ages of 62 and 65.

Under current law, Social Security beneficiaries under the age of 70 who are employed or self-employed receive their full benefits unless their earnings exceed the annual earnings limitation. My bill eliminates the earnings test for senior citizens over the age of 65, and raises the present limitation on exempt income from $6,840 to $8,949 for senior citizens between the ages of 62 and 65.

Currently senior citizens over the age of 65 lose $1 for every $3 which they earn over the income cap. While this is an improvement over the previous 1:2 reduction—a reduction that those seniors under the age of 65 are still subject—the reduction translates into a draconian tax rate of 33 percent for our Nation's seniors. A tax rate that our seniors are little able to afford.

One needs only to consider the aggregate tax rate for seniors to see the unfairness of the earnings test. For example, a senior over the age of 65 earning a modest amount just over the earnings cap is subject to the earnings test 33 percent marginal tax. When the income and Social Security taxes that seniors pay are added, the total tax bill can reach 60 percent of a senior's earnings.

Our Nation's senior citizens are also skilled, knowledgeable, reliable, and eager to work, and our Nation is experiencing a shortage of workers in many industries; shortages which seniors can alleviate. Furthermore, allowing seniors to return to work would reduce not increase the Federal budget deficit.

The Social Security earnings test originated with the creation of the Social Security System in 1935. One purpose was to remove older workers from the labor force in order to create jobs for the young.

However, today's labor situation is significantly different from the industrial society of the early 20th century. In particular, our seniors are able to meet the increasing demand for service-oriented workers, and they enjoy working.

Allowing seniors to return to the work force provides many benefits to our Nation such as increased tax revenues, and alleviating the depression and loneliness that often accompanies the later years in an individual's life.

And, most importantly, a study conducted by the Institute for Policy Innovation and the National Center for Policy Analysis reveals that the revenue-maximizing point for the earnings test occurs at nearly $40,000, generating a new Federal revenue of $3.2 billion.

With well over 200 Members of Congress currently in favor of changing the earnings test, we have the opportunity and the moral obligation to help our Nation's seniors.

Mr. Speaker, I insert the full text of H.R. 4241 at this point in the Congressional Record, and I invite my colleagues to cosponsor this vital measure:

H.R. 4241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Social Security Earnings Test Amendments of 1990".

SEC. 2. ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) In General.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(1))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(1))";

(3) in subsection (f)(3), by striking "33⅓ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(1))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(1))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(1))".

(b) Conforming Amendments.—

(1) Elimination of redundant references to retirement age.—Section 203 of the Social Security Act (42 U.S.C. 403) is amended—

(A) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60.'; and

(B) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60,".

(2) Conforming amendment to provisions for determining amount of increase on account of delayed retirement.—Section 202(w)(2)(B)(ii) of such Act (42 U.S.C. 402(w)(2)(B)(ii)) is amended—

(A) by striking "either"; and

(B) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

SEC. 3. INCREASE IN EXEMPT UNDER EARNINGS TEST FOR BENEFICIARIES UNDER RETIREMENT AGE.

(a) In General.—Section 203(f)(8)(D) of the Social Security Act (42 U.S.C. 403(f)(8)(D)) is amended to read as follows:

"(D)(i) Notwithstanding any other provision of this subsection, the exempt amount which is applicable to an individual shall be $745.75 for each month of the individual's taxable year ending after 1990 and before 1992.

"(ii) For purposes of subparagraph (B)(ii)(II), the increase in the exempt amount provided under clause (i) shall be deemed to have resulted from a determination which shall be deemed to have been made under subparagraph (A) in 1990.".

(b) Conforming Amendments.—

(1) Section 203(f) of such Act (42 U.S.C. 403(f)) is further amended—

(A) in paragraphs (1), (3), and (4)(B), by striking "the applicable exempt amount" and inserting "the exempt amount";

(B) in paragraph (8)(A), by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be effective"; and

(C) in paragraph (8)(B)—

(i) by striking "the exempt amount" and all that follows through "whichever" in the matter preceding clause (i) and inserting "the exempt amount for each month of a particular taxable year shall be whichever";

(ii) by striking "corresponding" in clause (i); and

(iii) by striking "an exempt amount" in the last sentence and inserting "the exempt amount".

(2) Section 203(h)(1)(A) of such Act (42 U.S.C. 403(h)(1)(A)) is amended by striking "the applicable exempt amount" and inserting "the exempt amount".

(3) Section 223(d)(4) of such Act (42 U.S.C. 423(d)(4)) is amended by striking "which is applicable to individuals described in subparagraph (D) thereof" and inserting "which would be applicable to individuals described in subparagraph (D) thereof as in effect on December 31, 1989, but for the amendments made by the Social Security Earnings Test Amendments of 1990".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to taxable years beginning after December 31, 1990.

MEMORIAL FOR DANIEL JOHNSON, SR.

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. YOUNG of Alaska. Mr. Speaker, in the course of history, there are certain individuals who truly excel and whose contributions make a noticeable difference in their community. They are the leaders, pioneers, and visionaries to whom we look for guidance and results. One such man was Daniel Johnson, Sr., of Angoon, AK. On Saturday, February 10, 1990, Daniel Johnson passed away following an unsuccessful heart transplant operation.

Johnson was the first president of Kootznoowoo, Inc., serving from 1973 through 1977. He also served on the city council, as mayor of Angoon, on the school advisory committee, and was long active in the Tlingit-Haida Council, and the Alaska Native Brotherhood.

John Norman, Kootznoowoo's corporate attorney since 1974, recalled that Johnson presided over the corporation at a time when there were few guidelines to follow. He is said to be the father of the corporation. "At that time the corporation was like a new baby learning to walk. It was Danny's good humor and encouraging words that helped that baby become the mature corporation that exists today," Norman said.

Johnson was chairman of the board of Kanalku Development Corp., a subsidiary of Kootznoowoo. Sterling Bolima, president of Kanalku, credits Johnson with gaining Admiralty Island wilderness status. Under his leadership in the mid-1970's, Kootznoowoo began a lobbying effort in Washington, DC, to protect the island from logging. Johnson traveled to Washington several times to testify before congressional committees on behalf of his home island.

In a letter to Dan's wife, Verna, Guy Martin, a former Assistant Secretary of the Interior, expressed his respect for Johnson as a leader and a representative of his village. "During the difficult fight to preserve and protect Admiralty Island," Martin wrote, "Dan stood tall in the defense of his home and his lifestyle, even when criticism of the Angoon position came from the Alaska's congressional delegation, Alaska development interests, and other Native villages and corporations. Dan's courage, along with that of other important leaders from Angoon, finally paid off in the ultimate protection of Admiralty Island as a National monument."

He was one of the first Native leaders to blend Tlingit traditions with modern business. Fluent in the Tlingit language, Johnson was a member of the Bear Clan (Teikweidee).

Dan Johnson was born and raised in Angoon. He and his family lived in Juneau from 1957 to 1967 when Johnson worked for the Juneau Cold Storage and later for the Bureau of Indian Affairs. He is survived by his wife, Verna, and children Daniel Jr., Alvin, and Valerie James of Angoon; Melanie Fredrickson and Steven of Juneau; Donald of California; and sisters Virginia Kennedy of Angoon and Marie Beasley of Seattle.

Johnson underwent a heart transplant on Sunday, February 4, 1990. His prognosis was good until midweek when tissue rejection symptoms set in. Norman and others were stranded in Juneau, unable to attend the memorial service for Johnson because of a severe winter storm. Despite the weather, over 250 people attended the memorial ceremony in Angoon on Saturday, February 17. Dozens of individuals and groups performed gospel songs in honor of Johnson's love of music.

Daniel Johnson will certainly be missed. His contributions in the community of Angoon and the State of Alaska will be long appreciated. John Norman remembers, "In all of my contacts with Danny, he always had the best interests of the corporation at heart and he was always proud of his wonderful family. Most of all I will remember his warm personality and winning smile. I'll never be able to think of Angoon and Kootznoowoo, Inc. without thinking of Daniel Johnson."

TRIBUTE TO THE NEW JERSEY WING OF THE CIVIL AIR PATROL

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. RINALDO. Mr. Speaker, I would like to bring to the attention of my colleagues in the House the outstanding achievements of the New Jersey Wing of the Civil Air Patrol. These fine young men and women reached for the skies and captured the national championship of the Cadet Drill Team competition held at Maxwell AFB, AL, on December 29, and those of us from the State of New Jersey are very proud of them.

This effort capped a great deal of hard work for those motivated young people, hard work that often goes unrecognized. For many years, the Civil Air Patrol has been carefully molding tomorrow's leaders; teaching responsibility, dedication, skills, and the value of teamwork. Through their involvement in the Civil Air Patrol, these volunteers help to perform valuable emergency services and serve to educate people about aviation and aerospace issues. So today, I would like to extend congratulations, not just to the members of New Jersey's Dragon Drill Team, but also to all Civil Air Patrol members across the country.

KILDEE HONORS RECIPIENTS OF THE WALTER REUTHER DISTINGUISHED SERVICE AWARD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. KILDEE. Mr. Speaker, I rise today to honor seven exemplary members of United Auto Workers Local 599 who have shown great loyalty and commitment to their union and community for over 20 years.

For the last 14 years, UAW Local 599 in Flint, MI, has honored individuals who have held important leadership positions in the union for at least 20 years. On March 18, 1990, local 599 will present the "Walter Reuther Distinguished Service Award" to an additional six union members. Receiving the prestigious Walter Reuther Medallion are C.L. Anderson, Jesse G. Blueitt, Lamont M. Brown, Ronald Cook, Ted Ledbetter, and Theodore Maule, Sr. Each of these fine citizens of the Seventh Congressional District have made considerable sacrifices and contributions to local 599 and the community of Flint. They have all worked to improve the working conditions in our auto plants in Flint and they have collectively and individually made our city a better place to live.

Mr. Speaker, as we all know, Walter Reuther epitomized all that was good in our society. He was compassionate, he believed in a sense of justice and freedom, and he continually worked to protect and enhance human dignity. Walter Reuther would certainly be proud of the recipients of the award that bears his name.

Also on this day, local 599 will also honor Mr. Preston Schmidt, who will be presented with a special plaque in recognition of his remarkable record of service to the union and our community. While a member of local 599 for the past 40 years, Mr. Schmidt went on to serve the community in many other ways such as serving as a Flint Township constable, a Genesee County commissioner, and as chairman of the Genesee County Road Commission. Both Flint and local 599 have been extremely fortunate and have benefited from the involvement and services of Preston Schmidt.

Mr. Speaker, I urge the House of Representatives to join me, local 599, and the Flint community in honoring these extraordinary citizens who have set a standard that we should all try to emulate. I know they will continue their good work in the future, and I thank them for all they have done in the past. It is caring individuals such as these that have made the Seventh Congressional District in Michigan a better place to work, live, and raise families.

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NATIONWIDE REGULATIONS FOR CARGO INSPECTIONS

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. CHANDLER. Mr. Speaker, the Ways and Means Subcommittee on oversight recently conducted a 2-year investigation of the U.S. Customs Service commercial operations. During the course of this study I became increasingly concerned that there is no uniform program for inspection of cargo brought across our borders.

For example, at the port of Seattle, 12 percent of cargo is selected for inspection. Only 8 percent is selected in Los Angeles. Shippers are better off bringing their cargo through Los Angeles and similar ports where the chance for inspection and the ensuing cost is much lower. This discrepancy leaves our country more vulnerable to the entry of drugs and other illegal cargo at ports with less stringent inspection procedures.

Today, I am introducing legislation to direct customs to establish Nationwide regulations for cargo inspections. The process used to select cargo for inspection would be based on an assessment of the likelihood of violations of international trade and narcotics laws enforced by Customs.

The criteria used to assess the threat of cargo would include an examination of the cargo's source—country of origin, manufacturers, importers, commodities—and the relative threat between ports of entry and region.

In addition, the data collected would be used to provide statistics on the number of examinations performed, the reasons for the exam, the depth of the exam and the results of the exam, by port and region. These findings would be compiled annually and sensitive law enforcement information would be kept confidential.

I encourage my colleagues to join me in this effort to keep drugs and illegal cargo out of the United States.

The bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL TRADE AND CUSTOMS LAW VIOLATION ESTIMATES.

(a) IN GENERAL.—Not later than 30 days before the beginning of each fiscal year after fiscal year 1991, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this Act referred to as the "Committees") a report that contains estimates of—

(1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) that will likely occur during the fiscal year; and

(2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) APPLICABLE STATUTORY PROVISIONS.—The Commissioner of Customs, after consultation with the Committees—

(1) shall, within 60 days after the date of the enactment of this Act, prepare a list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) will apply; and

(2) may from time-to-time amend the listing developed under paragraph (1).

SEC. 2. NATIONAL ENFORCEMENT STRATEGY.

Within 90 days after submitting a report under section 1 for any fiscal year, the Commissioner of Customs shall—

(1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and

(2) submit to the Committees a report setting forth the details of the strategy.

SEC. 3. CONFIDENTIALITY OF REPORTS.

The contents of any report submitted to the Committees under section 1 or 2(2) are confidential and disclosure of all or part of the contents is restricted to—

(1) officers and employees of the United States designated by the Commissioner of Customs;

(2) the chairman of each of the Committees; and

(3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

HOUSE JOINT RESOLUTION 305

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. BEVILL. Mr. Speaker, on June 22, 1989, I introduced House Joint Resolution 305, a measure calling for a constitutional amendment to make desecration of the American flag illegal. Over 70 of my colleagues joined me in cosponsoring this bill. Among those who cosponsored this bill was my good friend and colleague, BILL NELSON of Florida. BILL believed as I did that it was important to have legislation which assured that our national symbol was protected.

Unfortunately, due to a clerical error Congressman NELSON's name was not added as a cosponsor until February 6, 1990. I know that he felt strongly about this issue and I regret that his name was not added immediately after he contacted me on August 1, 1989.

BILL is one of the finest individuals serving in the House of Representatives today. His work in Congress and with the Space Program set him apart as an outstanding public servant and I am proud to count him as a friend.

A TRIBUTE TO THE 63D SECURITY POLICE SQUADRON

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the critical role played by the 63d Security Police Squadron of Norton Air Force Base in San Bernardino, CA, in the recent United States intervention in Panama. On March 23, 1990, the 63d is being appropriately honored by chapter 67 of the International Footprinters Association for its role in this successful mission.

On December 18, 1989, the men and women of the 63d Security Police Squadron arrived in Panama to serve as an integral part of "Operation Just Cause." The responsibilities of this unit were critical to the overall success of the United States military mission in Panama. These responsibilities included providing air base ground defense for Howard Air Force Base in Panama, providing necessary guard duty to the Bridge of Americas, and playing a direct role in the capture of Panamanian dictator Manueal Noriega. Most importantly, through the combined efforts of the 63d Security Police Squadron and other branches of the Armed Forces, the United States helped return Panama to its people and its government to those freely elected by the people to lead it.

Mr. Speaker, I hope you will join me today in commending Lt. Col. Mike De Capua and the members of his squadron for their dedication and heroism in fulfilling the mission of "Operation Just Cause" while serving their country. These brave men and women of the 63d Security Police Squadron include the following: A1c. Jeffrey A. Almgren; T. Sgt. Richard Alvarez; Amn. Paul R. Beuchat; A1c. Kirt J. Brooks; Sra. Ronald E. Butryn, Jr.; A1c. Stanley F. Caldwell; T. Sgt. Jose L. Candia; Sgt. Barry Cannon; S. Sgt. Stephen B. Cheatham; S. Sgt. Curt T. Cloud; A1c. Joaquina M. Contreras; A1c. Patrick L. Ellis; M. Sgt. Robert A. Flatt; Sra. Todd A. Grebel; A1c. Michail Grizkewitsch, III; Sra. David W. Hardy; A1c. Wesley J. Howell, III; S. Sgt. Larry C. Ingham; A1c. Bashuan J. Isom; A1c. Mark S. Kennedy; Sgt. Joel A. Ketch; S. Sgt. Roscoe D. Lowe; A1c. Steven F. Manginell; A1c. Sarah L. McClure; A1c. Adrian S. McClain; Sra. Donald A. McQuarie; S. Sgt. Reginald Morrison; A1c. Maurice L. Mullinax, Jr.; Sra. Denise A. Nelson; Amn. John W. Parr, Jr.; A1c. Mark E. Perry; Amn. Kim M. Piskacek; S. Sgt. Kenneth V. Rice; A1c. Mark R. Searles; S. Sgt. Lauro Segura, Jr.; Capt. James L. Setzers; Amn. Doral D. Sharps; A1c. Terrence P. Shibata; S. Sgt. Ricky P. Smith; A1c. Jeffrey L. Spray; S. Sgt. Martin D. Stutzman; Sgt. Shane K. Thwaites; A1c. James J. Wolfe; and A1c. Brian C. Wolken.

A TRIBUTE TO JEROME O'ROURKE OF FLINT, MI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues in the U.S. House of Representatives to join me in paying tribute to an outstanding citizen of my hometown of Flint, MI, Mr. Jerome O'Rourke. The Genesee County Bar Association has chosen to honor Jerry O'Rourke on March 13, 1990, for his many years of outstanding legal service to the Flint community.

Jerry O'Rourke has practiced law for 39 years in the Flint area. In addition to his success as a private attorney, Jerry served his community in public office. He served for three terms as prosecuting attorney for Genesee County from 1955 to 1960, a time of great changes and challenges for our Nation and our community.

Jerry has also been an active member of numerous professional organizations including the American, the Michigan and the Genesee Bar Associations, the Association of Trial Lawyers of America, the National Association of Defense Lawyers in Criminal Cases, and the Michigan Trial Lawyers Association. He is a past president of the Genesee County Bar Association, and he has chaired important peer review committees for the Michigan Bar Association. He is also a fellow of the American Bar Foundation.

While Jerry O'Rourke has been most active with professional organizations, he has still found time to be active in his community. He currently serves as a trustee of the Charles Stewart Mott Community in Flint. He has been a member of the President's Club of the Democratic Party, a member of the Century Club of the Democratic Party and is a past chairman of the Genesee County Democratic Party.

There is no doubt that Jerry O'Rourke is an outstanding individual who has left his mark on Flint, MI. Our community has been a better place due to his commitment and hard work. It is truly fitting that the Genesee County Bar Association honor an individual of such high integrity and moral character as Mr. Jerome O'Rourke.

SCIENTIFIC EVIDENCE AND ACID RAIN

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 12, 1990

Mr. GRADISON. Mr. Speaker, much of the discussion concerning the reauthorization of the Clean Air Act and a solution to the acid rain problem has focused on the politics of the issue and what it will take to reach a compromise that can clear Congress and be signed into law by the President. Recently, the Senate has taken a major step toward that goal.

I concur with many of my colleagues who see the need for strong statutes to protect the environment. These protections, however, have a cost and the costs need to be weighed against the benefits. I remain disturbed about the continuing dispute within the scientific community about the nature of acid rain and the relative significance of acidic deposition to our environmental problems.

In the March 6, 1990, edition of the Wall Street Journal, S. Fred Singer, a professor of environmental sciences at the University of Virginia, who has written widely on the subject, discusses the current scientific evidence on acid rain and asks important questions about whether we have adequately addressed the cost-benefit issue. Before this train leaves the station on a fast track, Congress needs to be certain that the scientific evidence supports its assumptions about the problem and that the costs of compliance are reasonable when weighed against the benefits that we are likely to realize.

THE ANSWERS ON ACID RAIN FALL ON DEAF EARS

(By S. Fred Singer)

A billion-dollar solution for a million-dollar problem: This is perhaps a facile way to summarize the acid-rain issue, but it's not far from the truth. The proposal to control emissions that could spur acid rain—now being debated on the Senate floor as part of the Clean Air bill—could cost $5 billion to $10 billion a year; the benefits, in terms of reduced damage, are uncertain and, at best, quite small.

This appears to be the conclusion of the National Acid Precipitation Assessment Program (NAPAP), which is just completing a 10-year scientific study. This monumental federal program may be worth every penny of the half billion dollars spent—if only it substantiates that the ecological damage from acid rain would take decades, not years, to occur, if it occurs at all. There is time for measured responses that avoid the costly mistakes that come from panicky over-reaction.

Acid deposition, commonly referred to as acid rain, occurs when sulfur dioxide and nitrogen oxides, emitted from fuel-burning power plants, motor vehicles and other man-made and natural sources, are transformed into acid compounds. Carried by the winds, they either fall out in dry form or rain out in water droplets, often quite far from their sources of emission. The scientific debate has been about the precise relationship that the levels and locations of emissions have with the acidity and locations of the rain, and about the severity of the ecological effects. The policy debate has been about the degree and timing of emission control and about who—and what sectors and what regions—should pay the bills (read: billions) that ultimately are passed on to consumers.

NAPAP brings some answers to these debates. First, America's best-kept secrets: From 1973 to 1988, sulfur dioxide emissions decreased 23%, to 24 million tons, despite a 45% increase in coal use; nitrogen oxides have declined 14% since a 1978 peak. Both decreases are the result of current clean-air laws.

And now the kicker, the outcome of this grand experiment in emissions reduction: "No apparent trend in the acidity of rainfall has been detected," according to James Mahoney, director of NAPAP, in October testimony before Congress. "Because of complex atmospheric reactions, percentage reductions in emissions may not result in similar percentage reductions in depositions," he added. Thus the relationship is not at all proportional—as was claimed in a 1983 National Academy of Sciences report, widely used as the basis for proposals to cut sulfur dioxide emissions, including the Senate bill.

NAPAP also counters the common wisdom that acid rain effects are caused only by sulfur dioxide from industrial sources. The Adirondacks, Catskills and Poconos are all downwind from major sulfur dioxide sources in the Midwest, yet according to NAPAP, only 11% of the lakes in the Adirondacks and 2% of those in the Catskills/Poconos have enough acidification to damage fish. Mostly small lakes are affected, further suggesting that local geology and soil drainage may be a contributing factor in acidification.

Another surprise: Except for red spruce at high elevations, acid rain hardly seems to bother trees, and may even contribute to fertilization. Similarly, agricultural crops are sensitive to ozone, but not to acid rain. Acid rain's effects on materials, buildings and statues are difficult to quantify. In spite of lurid claims by the American Lung Association, there is no solid evidence on health effects. Finally, acid droplets do cause some deterioration of visibility, but so do all particulates, including sand and dust.

So what's all the fuss about? Asking this question about the emperor's clothes got a former NAPAP director into trouble. His successor, Mr. Mahoney, had to admit to Sen. Daniel Patrick Moynihan (D., NY) at the October hearing that even heroic efforts to reduce emissions may not improve small lakes located in acidic drainage basins—certainly not very quickly. Treating these lakes with lime every few years would be far more cost-effective.

Acid rain has become a symbol of national rain—the sin of prosperity—calling, it seems, for national explanation. We offer in sacrifice jobs and economic growth. Scientific evidence no longer seems to matter; nor does an analysis of the cost of controls vs. the benefits that might be achieved. The odds are that the debate in Congress on the Clean Air bill will continue to ignore the NAPAP results—the only scientific basis for determining benefits—since NAPAP doesn't produce the answer that regulators want to hear.

Why does the bill still call for a sulfur dioxide reduction of 10 million tons? Why not two million, or five million, or even all 24 million tons? It's hard to answer this when there is no cost-benefit analysis to guide policy. Yet everyone knows that as the degree of control is raised, costs escalate wildly while benefits increase only slightly.

The proper course is not hard to find. With no impending catastrophe on the horizon, the currenct improvements due to existing clean-air laws and should be speeded up by easing certain restrictions rather than by imposing new ones. For example.

Encourage policies that lead to a more rapid repalcement of old power plants and of older, heavily polluting cars.

Allow a free choice of the technology or of any measure to reduce emissions, coupled with an expanded system of flexible emissions trading.

Increase the utilization of existing nuclear plants.

Conserve more energy wherever it makes economic sense.

Only after the first stage of emission reductions has been exhausted, and any reduction in acid rain documented, should legislators even consider the more drastic control measures that threaten the economic well/being of Americans.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

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As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 13, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 15

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review legislative recommendations of the Paralyzed Veterans of America, the Jewish War Veterans, the American Ex-Prisoners of War, the Blinded Veterans Association, and the Military Order of the Purple Heart.

SH-216

10:00 a.m.

Joint Economic

To resume hearings on the economic outlook for 1990, and on the President's proposed budget request for fiscal year 1991.

B-352 Rayburn Building

MARCH 20

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.

SD-192

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-138

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.

S-128, Capitol

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Information Agency.

S-146, Capitol

Environment and Public Works

Water Resources, Transportation, and Infrastructure Subcommittee

To hold oversight hearings on the Public Buildings Program of the General Services Administration.

SD-406

2:00 p.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Departmental Offices.

SD-192

Energy and Natural Resources

To hold hearings on S. 2088, to extend authority for Titles I and II of the Energy Policy Conservation Act (P.L. 94-163), to expand the strategic petroleum reserve (SPR) to one billion barrels, and to provide for predrawdown diversion authority for SPR oil.

SD-366

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

2:30 p.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.

SD-116

MARCH 21

9:30 a.m.

Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.

SR-332

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on the Federal Communication Commission's syndicated exclusivity rules.

SR-253

Governmental Affairs

To hold hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.

SD-342

Small Business

To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.

SR-428A

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.

SD-116

Finance

To hold hearings on proposed legislation to examine the effects of short-term trading on long-term investments, including S. 1654, to impose an excise tax on the gain of the sale of pension investment assets held for a short term.

SD-215

Judiciary

Constitution Subcommittee

To hold hearings S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.

SD-226

2:00 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.

SD-138

Commerce, Science, and Transportation

Surface Transportation Subcommittee

To hold hearings on S. 1898, to provide Federal government guarantees of investments of state and local government pension funds in high-speed intercity rail facilities.

SR-253

MARCH 22

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.

SR-332

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-138

Governmental Affairs

To continue hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.

SD-342

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.

SD-192

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the World Bank and the debt crisis.

SD-106

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.

SD-116

Finance

To resume hearings on proposed legislation for deficit reduction and spending initiatives contained in the President's fiscal year 1991 budget.

SD-215

2:00 p.m.

Armed Services

Readiness, Sustainability and Support Subcommittee

To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.

SR-222

MARCH 23

9:30 a.m.

Small Business

To hold hearings on small business opportunities with the Soviet Union and Eastern Europe.

SR-428A

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.

SD-138

Finance

Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee

To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.

SD-215

MARCH 26

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the outlook for the world oil market in the 1990s and its implications for U.S. energy, economic, and security interests, focusing on future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.

SD-366

10:30 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.

SD-192

MARCH 27

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.

SD-192

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-138

Energy and Natural Resources

Energy Regulation and Conservation Subcommittee

To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.

SD-366

10:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.

S-126, Capitol

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.

S-128, Capitol

11:15 a.m.

Environment and Public Works

To hold hearings on the nominations of L. Joyce Hampers, of Massachusetts, to be an Assistant Secretary of Commerce for Economic Development, and Brigadier Gen. Arthur E. Williams, to be a Member and President of the Mississippi River Commission.

SD-406

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.

SD-366

MARCH 28

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 2227, to revise the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104) governing exported pesticides.

SR-332

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.

SR-253

Environment and Public Works

Toxic Substances, Environmental Oversight, Research and Development Subcommittee

To hold oversight hearings on the regulation of lawn chemicals.

SH-216

Veterans' Affairs

To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.

SR-418

10:00 a.m.

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.

SD-116

2:00 p.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.

SR-332

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on miscellaneous public lands measures, including S. 456, H.R. 1109, S. 465, H.R. 1159, S. 1756, S. 1864, H.R. 76, S. 2059, S. 2208, and S. 1770.

SD-366

MARCH 29

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.

SR-332

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.

SR-253

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.

SD-366

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10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and

the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

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MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

CANCELLATIONS

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

HOUSE OF REPRESENTATIVES—*Tuesday, March 13, 1990*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, for all Your gifts and we specially pray for the gift of courage. As we seek to gain wisdom to know the way we should walk, so we would claim the courage to do the right, to speak the truth, to risk much for the common good, to rise above selfish or personal gain and to seek to do the works of justice for all people. We are grateful, O God, for the gift of courage, in all its manifestations, and pray that it's spirit will be with us always. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. DURBIN] please come forward and lead the House in the Pledge of Allegiance?

Mr. DURBIN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

VOODOO ECONOMICS HAS FAILED

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, after a decade of Republican tax gambles, it is time to take a long, hard look at what exactly these policies have meant for working Americans.

CBO found that 9 of 10 American families are paying more taxes today than they did before the supply-side tax cuts of 1978 and 1981. Despite the talk of across-the-board tax cuts and claims of the success of the trickle-down theory, taxes have not been reduced for most Americans. In fact, CBO found that only the richest 10 percent of Americans has enjoyed a reduction in taxes. Consequently, during the 1980's, the rich got richer; the poor got poorer; and, the middle class wound up supporting them both.

The evidence is clear. Voodoo economics has failed. Yet, we still have a President who is only too eager to provide further tax relief for the wealthiest Americans by reducing the capital gains tax rate. The trickle-down theory didn't work before, and it won't work now. How long do we have to wait for this President to become an advocate for working taxpaying Americans?

WILL MRS. CHAMORRO INHERIT AN EMPTY SHELL?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, President Bush's request for aid to Nicaragua gives us the chance to help Mrs. Chamorro build on her amazing electoral victory. But we have to work quickly.

According to the Washington Post, the Sandinistas, still in control of the legislature, are quickly passing laws to practically guarantee Sandinista leaders and their followers a considerable degree of personal security and privilege.

In this morning's New York Times, an article mentions the fact that the Sandinistas somehow disposed of a full year's supply of Soviet oil in the last 3 months. The Sandinistas either used or sold most of the oil, and Nicaragua used to get large amounts of oil from Mexico and Venezuela, but supplies were cut off because Managua did not keep up with its payments.

Mr. Speaker, unless we act with conviction and speed, Mrs. Chamorro could inherit a country that is a hollow shell, bankrupt, looted, despoiled and ungovernable. The House should let the Sandinistas know that we are watching.

I believe, Mr. Speaker, international observers in Nicaragua are needed after the election, as much as before, and there must be an international effort of all the industrial democracies to help Mrs. Chamorro with abundant aid. Nothing less will suffice.

Finally, I particularly urge those Members on the other side of the aisle, who so often helped Presidents Reagan and Bush keep the flame of Nicaraguan freedom alive, to help once again.

The article from the New York Times follows:

[From the New York Times, Mar. 13, 1990]

BUSH TO SEEK $300 MILLION IN FUNDS FOR CHAMORRO

(By Robert Pear)

WASHINGTON, March 12.—President Bush will ask Congress this week to provide the newly elected government of Nicaragua with $300 million in assistance to rehabilitate the country's war-ravaged economy, Administration officials said tonight.

They said Mr. Bush would ask Congress to appropriate the money before April 25, when President-elect Violeta Barrios de Chamorro is scheduled to be inaugurated.

That would require extraordinarily fast action by Congress. Administration officials said they wanted Congress to vote for the aid, if possible, before lawmakers leave town for an Easter recess that runs from April 6 through 17.

White House officials said that Mr. Bush would probably make a televised appeal for the aid to Nicaragua in the next day or two. A State Department official said: "This aid package absolutely has to be on a fast track. If it's not, it will be too late."

Battered by more than a decade of war, Nicaragua is in the midst of an economic crisis, with high inflation, high unemployment and shortages of basic commodities. Agricultural output and export earnings have fallen as a result of the war and a trade embargo imposed by the United States.

Mr. Bush is also expected to announce this week that he will lift economic sanctions imposed on Nicaragua by President Reagan in May 1985. The sanctions prohibit the import of Nicaraguan goods into the United States, forbid the export of most products from this country to Nicaragua and bar Nicaraguan air carriers from the United States.

Of the $300 million aid package, $30 million is earmarked for demobilization and repatriation of Nicaraguan guerrillas camped in Honduras, White House officials said. The United States has been providing food, clothing, shelter and medical supplies to the contras and has also been urging them to return to Nicaragua.

Mrs. Chamorro's chief economic adviser, Francisco Mayorga Balladares, visited Washington last week and outlined her "agenda for economic recovery." He said that the plan would include economic incentives for the contras to return to Nicaragua.

"STARTER KITS"

The incentives could include small plots of land and "starter kits" containing farm tools, seeds and fertilizer, Administration officials said.

Mrs. Chamorro led a 14-party alliance that crushed the Sandinistas in elections on Feb. 25. Many Nicaraguans cited dissatisfaction with the state of the economy as a reason to vote for her. About two-thirds of the $300 million in Mr. Bush's request is for oil and for agricultural commodities like seeds and fertilizer.

Administration officials said that the Sandinistas had somehow disposed of a full year's supply of Soviet oil in the last three

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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months. The Sandinistas either used or sold most of the oil, they said. Nicaragua used to get large amounts of oil from Mexico and Venezuela, but the supplies were cut off because Managua did not keep up with its payments, the Administration said.

Paul S. Reichler, a Washington lawyer who has represented the Sandinista Government of Nicaragua since 1979, said that in recent years Managua has been getting most of its oil at little or no charge from the Soviet Union.

Mr. Reichler said that the President of Nicaragua, Daniel Ortega Saavedra, "supports U.S. aid for Nicaragua and will cooperate in efforts to expedite delivery of such aid."

"I have been instructed by the Nicaraguan Government to lend my support to lobbying efforts to get U.S. economic assistance for Nicaragua and to collaborate with Mrs. Chamorro's people in these efforts," Mr. Reichler said.

Administration officials said that under Mr. Bush's proposal the money for Nicaragua would be taken from Defense Department accounts. Officals at the State Department and the Office of Management and Budget said tonight they were still trying to identify the specific Pentagon accounts that would be used.

The officials said Mr. Bush would ask Congress to add the aid for Nicaragua to a bill that includes $500 million in economic assistance for Panama.

PENTHOUSE PARTIES SUBSIDIZED BY GROUND FLOOR DWELLERS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, the Democratic Party favors a strong national economy. The foundation of this economy rests squarely on the shoulders of those who work in America.

Unfortunately, Mr. Speaker, Republican tax policy of the past decade has weakened this foundation. For all of their talk about not raising taxes, Republicans have found time to raise the tax of 80 percent of all American families during the 1980's.

Mr. Speaker, those occupying the penthouses, the richest one-fifth of Americans, received generous tax cuts as our Nation piled up the largest debt in its history, and I am one American who is sick and tired of subsidizing penthouse parties at the expense of those who live on the ground floor.

In order to have a strong economy, the backs of the Americans must be kept strong. We must not add weight to the heavy load that they already carry. Tax policy, like President Bush's capital gains reduction, will only continue this trend. The super-rich will get richer, and everyone else will get poorer.

THE BECK DECISION AND CAMPAIGN REFORM

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DELAY. Mr. Speaker, I read recently in Roll Call that there now may be two separate campaign reform packages—a Republican package and a Democrat package, rather than one bipartisan bill. Obviously negotiations seem to be proceeding at a rapid pace, and there seems to be some kind of unwritten agreement that there may be a bill or bills on the House floor by April.

I do not mind the speed, Mr. Speaker, but I am deeply disturbed by the lack of any reference to including provisions to enforce the Beck decision to protect workers' rights as a part of any campaign reform package. What is the use of rushing a package to the floor if it does not contain the one provision that would protect the political rights of American workers?

The President has said that he supports enforcement of the Beck decision as an essential part of any campaign reform package. He has included the provisions of my bill, H.R. 2589, the Workers' Political Rights Act which codifies this decision, in his campaign reform proposal.

I for one want to make it very clear to all my colleagues that I will not support any campaign reform package unless it includes provisions to enforce the Supreme Court's Beck decision to protect the political rights of American workers. In my book, there is no campaign reform without Beck.

□ 1210

TIME FOR AMERICAN PEOPLE TO LEARN TRUTH ABOUT TAX POLICIES OF REAGAN AND BUSH ADMINISTRATIONS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, the time has come for the American people to learn the truth about the so-called supply side, trickle-down tax policies of the Reagan and Bush administrations.

George Bush had it just about right, actually, 10 years ago when he termed Ronald Reagan's tax policies voodoo economics. Today the President is practicing "deja voodoo" economics, playing witch doctor for the rich, because the rich are getting tax breaks and working Americans are getting soaked.

Over the last 12 years, the tax rate for the wealthiest 1 percent of Americans, those who make more than half a million dollars a year, has gone down by 15 percent. Aftertax income is up by 110 percent. Over the same period, the tax burden for 90 percent of American families has increased 11 percent. Aftertax income is down.

And to add injury to insult, this policy costs us $70 billion a year in revenue. We could fix a lot of roads and bridges, help a lot of kids, create a lot of new jobs with that, fix the deficit. But if you read his lips and you are not rich, you are in trouble.

TIME FOR REREGULATION OF AIRLINES

(Mr. BUNNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUNNING. Mr. Speaker, I have always been a supporter of airline deregulation. I thought it was working, but this weekend I went to Detroit for a 12-hour visit. It took me 22 hours and an assist from Delta Airlines to get me back here. Unfortunately, I was scheduled to fly Northworst—I mean, Northwest.

Now I am convinced as long as Northwest is flying, there is a strong argument for reregulation.

OK, there was some fog. There was some confusion and there was chaos, but the decision of the management of Northwest that lying to passengers was better than telling the truth; from the top management to the people at the ticket counters, to the agents at the flight desk, I was lied to this weekend at least on four occasions. Four times I was told that we were going to leave and four times there was no crew for the aircraft.

If this is the result of deregulation and this is what our constituents have to put up with on a daily basis, maybe we should rethink the whole issue.

LITHUANIA'S DECISION TESTS VALUES AND LEADERSHIP OF UNITED STATES

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, Lithuania's declaration of independence does more than test the courage of this tiny nation. It tests the values and leadership of the United States. For 50 years we refused to recognize the Soviet annexation of Lithuania, when that refusal was in the best interests of the United States. Our policy embarrassed Moscow, with a constant reminder of the Hitler-Stalin Pact, which allowed the enforced incorporation of the Baltic nations; but now the relations between Moscow and Washington have warmed. Some would have us take care not to push Mr. Gorbachev too hard, too fast. Such caution might be justified were it not for 3½ million Lithuanians who are risking their lives for freedom.

In Vilnius, the capital of Lithuania, there is a square with 15 flagpoles. Until recently those flagpoles were used to display the flags of the Soviet Republic. Those flags have been removed.

During a recent trip to Lithuania I was told by a newly elected parliamentarian that these flagpoles are now reserved for the nations which come forward to recognize Lithuania as an independent and free nation.

I fervently hope that the first flag in the square at Vilnius will be our own Stars and Stripes.

I say to the President, the fate of the future of Lithuania may be tied to our response. After 50 years of standing with Lithuania, I say to the President, we cannot let them down at this decisive moment.

BECK CASE PIVOTAL TO CAMPAIGN REFORM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, enforcing the Supreme Court's decision in the Beck case is pivotal to true campaign finance reform.

The problem with using workers' union dues or fees to support congressional and Presidential candidates is profound. In many cases, that money is not paid voluntarily, but is coerced from workers who are required by law to pay a fee to the union or lose their jobs. No other group—certainly no corporation or private sector business—enjoys a Federal law which requires workers to pay them money as a condition of employment.

The worst irony is that there are many of these workers who oppose the political issues and candidates that the union officials spend the workers' hard-earned money on. While the principle at stake is the basic freedom of American workers, the money and the political power that this money represents is also significant.

Litigants in the Beck case were returned amounts as high as $6,000 in excess, illegally charged dues and fees. Department of Labor statistics indicate that over 15 million Americans currently work under compulsory union contracts, paying an average of $300 a year each in compulsory dues and fees to the union. That amounts to billions collected annually from workers. No wonder big labor is not broadcasting the Supreme Court's decision in Beck.

THE FAMILY AND MEDICAL LEAVE ACT

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, when it comes to the Family and Medical Leave Act, some of our colleagues take the untenable position that they just oppose mandates. How can anyone be serious in this day and age and oppose job security for working families when a serious illness strikes?

Well, for my colleagues who either misunderstand or have not focused on the issue, I want to tell them what happened in New Jersey. We had an election last November, a gubernatorial election, a legislative election. Before that election was held, the family and medical leave bill in New Jersey was considered dead. It could not be passed. After the election, in a lameduck session, the bill sponsored by a Republican State senator was passed in both houses and signed by a Republican Governor.

New Jersey's family leave law is one of the most progressive among the seven States which give employees comprehensive job security during a family medical crisis.

The New Jersey experience ought to tell my colleagues who oppose the Family and Medical Leave Act something, and let me tell you what that something is. That something is, as last year's round of gubernatorial elections shows, the electorate is very volatile when it perceives insensitivity to issues affecting women and families.

Family and medical leave is perhaps the most important work and family issue of our day, and those who turn their backs on the American family do so at their peril.

CHAIRMAN OF WAYS AND MEANS COMMITTEE HAS PROVIDED US A WAKE-UP CALL ON THE DEFICIT

(Mr. DOWNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY. Mr. Speaker, I do not know about the Speaker and the rest of my colleagues, but I happen to like the Rostenkowski plan. I do not agree with absolutely everything that is in it, but it took guts to do it. It took guts to say it.

We know that in the Cloakrooms we have been talking about what the gentleman from Illinois [Mr. ROSTENKOWSKI] has proposed, but no one has had the courage to come forward and say it all and put it all together in one piece. He has.

It is about time that this Congress got a wake-up call. The chairman of the Ways and Means Committee has provided us one, and I hope we listen to what he has to say.

NICARAGUA CELEBRATES A SECOND TIME

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the people of Nicaragua today are celebrating for the second time within 2 months. Last month, as the whole world knows, they celebrated their entry into democracy, their entry into the freedom-loving peoples of the entire world.

Today they are celebrating for a second time, because the President of the United States has announced that he will lift the trade restrictions that have for so long kept our two countries separate and apart, and rebind them together with the economic aid that the President has promised.

□ 1220

We, the American Congress, in response to the American people, will now respond to the people of Nicaragua, thus making certain that that portion of Central America will maintain itself in the posture of democracy for which the world has so long yearned.

UNITED STATES MUST SUPPORT EFFORTS OF LITHUANIA

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, it was once written that: "The greatest glory of a free-born people, is to transmit that freedom to their children." Having fought for this basic human right over 200 years ago, the United States can well understand the desire for self-determination and independence that has been burning in the hearts of the Lithuanian people since the Baltic States were illegally incorporated in the Soviet Union in 1940.

The human spirit is unbeatable in its thirst for freedom and democracy. It is my sincere hope that freedom is no longer just a memory in Lithuania. With its recent declaration of independence, Lithuania has restored the exercise of Lithuania's sovereign powers to its rightful owners. During a half-century of alien rule and Soviet slavery, the Lithuanian people maintained their identity as a sovereign people and their will was never broken. Last month's multiparty elections were Lithuania's first step toward independence. The opportunity to vote is something that we as Americans often take for granted. The people of Lithuania, however, have worked long and hard for this very

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basic right. I applaud the valiant efforts of a truly persevering people.

Despite his recent stated reaction to Lithuania's move toward greater independence, I hope that General Secretary Gorbachev will realize the basic rights of individuals to self-determination.

The fever for democracy continues to spread throughout Eastern Europe and the Baltic States. The newly independent Republic of Lithuania has a non-Communist leader for the first time in 50 years and a multiparty parliament. These changes are truly remarkable, but the road toward independence is filled with hard work and broken dreams. As the democratic leader of the free world, the United States must continue to support the efforts of Lithuania and act as a beacon for those seeking democracy.

INTRODUCTION OF LEGISLATION TO REPEAL MANDATORY TAX WITHHOLDING FOR FARM EMPLOYERS

(Mr. ROGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS. Mr. Speaker, America's farmers are the most productive in the world. The family farm has been among the foundations of our Nation since the day the Pilgrims landed at Plymouth Rock.

But a half-page provision in last year's 1,000-page budget bill threatens America's farmers with onerous, unnecessary, and expensive bureaucratic hassles and effectively cuts the pay of America's seasonal farmworkers.

I am talking about mandatory tax withholding for farm employers. It is an injustice, and I have introduced H.R. 4121 to repeal it.

The family farm that hires a few seasonal workers to help plant and harvest crops cannot afford the new burdens mandatory tax withholding will cause.

Moreover, when taxes are withheld from our seasonal farmworkers, many of whom earn so little income that they would have no tax liability, the Government is, in effect, funding itself with money that our poorest citizens need to feed their own families.

It is time for Congress to act to keep American agriculture strong. It is time to show compassion upon America's farmworkers.

It is time to repeal mandatory tax withholding for farm employers by supporting H.R. 4121.

AMERICAN TAXPAYER SUFFERING FROM TAX MORT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, President Bush wants $500 million for Panama, $300 million for Nicaragua, and he says he plans to shift this money from defense.

I now ask here today: When did Congress or anybody in Washington ever shift any money from defense for America's needs such as housing or education? Think about it. Who do we here in Washington really represent anymore?

All the bills we get on the floor are more money for foreign countries. The President said that Panama and Nicargua have huge debts. Did anyone ever remind him that we are the leading debtor nation of the world, $3.3 trillion? Who is helping America?

We have senior citizens eating dog food, people sleeping on steel grates, 20,000 murders a year, roads and bridges falling apart, but now we need $800 million to save the rest of the world.

This is not a shift. This is a pure and simple shaft to the American taxpayer who is suffering from an incurable disease. Folks, it is called tax mort, tax mort.

PROHIBIT USE OF COMPULSORY UNION DUES FOR POLITICAL PURPOSES

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, I recently circulated a letter enclosing a news article from a paper about 2 weeks ago in which there was an article written up that some organized labor unions were using compulsory union dues to pay people to go out and to demonstrate in favor of pro-choice, for abortion.

I do not care where Members stand on the issue. It is unconscionable to use checkoff union dues to get out and support either side of this issue.

Almost 10 years ago this day I introduced legislation to address a grave violation of workers' rights, the use of compulsory union dues for political purposes.

The Beck decision says that they cannot do this, but there are tremendous loopholes in the law.

I would hope that any finance reform, any reform for financing Federal elections, would include something that would preclude the taking away of union dues and using them for things for which the employees never agreed.

Almost 10 years ago to this day, I introduced legislation to address a grave violation of worker's rights—the use of compulsory union dues for political purposes.

The Federal Election Campaign Act of 1971 prohibits the use of compulsory dues for direct cash contributions to political candidates, but it does not prohibit the use of forced union dues for a number of other indirect means of supporting union political causes and candidates.

While the Federal Election Campaign Act generally prohibits expenditures by labor organizations in connection with Federal elections, it leaves huge loopholes for this money to get into the electoral process, such as mailings, nonpartisan registration and get-out-the-vote campaigns, as well as PAC administration costs.

This is a way for dissenting union members to avoid supporting the union officials' campaign agenda. Unfortunately, most workers are unaware of this right.

Dissenting union members have faced the prospect of ridicule and persecution by the union, or the loss of their job in the past. However, the Supreme Court has ruled in Communication Workers of America versus Harry Beck—and other cases—that a worker can pay only those costs that directly relate to collective bargaining.

That is why the administration, Republican leadership, and I support—and ask my colleagues to support—H.R. 3798, which would codify the Beck decision in Federal elections. Any election law reform package that does not include these provisions is unacceptable.

NEGOTIATIONS ON THE CHEMICAL WEAPONS BAN

(Mr. LANCASTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANCASTER. Mr. Speaker, as an observer to the negotiations to ban chemical weapons appointed by the Speaker, I recently attended two plenary sessions in Geneva and met individually with the ambassadors of the United States, Great Britain, West Germany, China, Sweden, the Soviet Union, Brazil, France, Australia, Israel, the Netherlands, Pakistan, and Egypt. I would like to share with my colleagues, in a general way, my impressions of these sessions and meetings.

Since my visit to Geneva as an observer last August, significant progress has been made. Optimism is the prevalent attitude of all involved, and the momentum seems to be favorable for the completion of a chemical weapons convention within the next 2 years. Some of the ambassadors are optimistic enough to feel that the work can be completed this year.

Verification continues to be the most difficult issue still to be resolved. Since this issue is the most important concern to our country, it remains our responsibility to fashion verification regimes which will be acceptable to our political and military leaders and to the other countries involved. The other issues involved, such as the makeup of the executive council, the schedule of chemicals to be banned, the order of destruction of the chemicals, et cetera, are all fairly technical, but easily resolved once the larger issue of verification is decided.

The largest impediment to arriving at a convention continues to be the lack of a forceful enough indication of our resolve to conclude the negotiations. Several ambassadors indicated that a visit to Geneva by the President would be an important signal of the priority our country places on a quick conclusion to the negotiations.

The consensus among the ambassadors was that our insistence on maintaining a stock of 2 percent of existing stocks after the signing of the convention and until all chemical-capable countries have signed the convention remains the major stumbling block to the negotiations. Furthermore, most ambassadors feel that this position will lead to more proliferation since chemical capable countries will want to match our stock ton-for-ton. A slightly less important stumbling block, in their opinion, is our continued insistence on the right to use chemical weapons in retaliation of their use by any other country. In the opinion of most participants, the convention would be concluded within a matter of months if President Bush would drop these two preconditions.

Continued production of chemical weapons pending the completion of the convention is a less critical impediment. Two of our closest allies in the negotiations indicated that our chemical weapons modernization program has been an important factor in bringing the negotiations to this point, but even they did not think that continued production was helpful in concluding the negotiations.

In my discussions with the chief negotiator from the Soviet Union, Minister Serguei Batsanov, we developed the idea to present to the Committees on Armed Services and Foreign Affairs and the leadership of the House the notion of an interparliamentary meeting in Geneva this summer. Such a meeting would bring together approximately 10 Members of our Congress and 10 members of their Supreme Soviet and Chamber of Deputies. Minister Batsanov is anxious to have his countrymen visit Geneva and is also anxious for them to meet jointly with Members of Congress.

We decided that the best way to achieve both goals was to have that meeting occur in Geneva, probably during the 4th of July recess. We both believe that a better understanding of the issues involved will be helpful in the ultimate approval of the chemical weapons convention once negotiations are concluded. Both countries need to elevate the understanding of and support for a chemical weapons ban among our colleagues who must ultimately approve and implement the convention.

I have made this proposal to the House leadership and Minister Batsanov has made it to the Supreme Soviet leadership. If this exchange is approved, I encourage my colleagues to take advantage of this opportunity to learn more about these negotiations.

ROSTENKOWSKI PROPOSAL HAS MERIT

(Mr. CHANDLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHANDLER. Mr. Speaker, even the dullest among us knows that if we are going to balance a budget we can do one of three things: we can either cut spending, we can raise taxes, or we can do both.

Once we balance that budget, in order to keep it in balance, if we are going to create new programs, then we either have to cut another one, raise new taxes, or do both, and that is the essence of what our chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], has suggested, and I think his plan has merit, and it ought to be seriously considered.

The leaders of the House, the Senate, and the President ought to sit down with the Rostenkowski proposal as a basis and begin negotiations from there. Frankly, I think both parties, and I say both parties, need to throw off the shackles of campaign rhetoric and get realistic about the deficit reduction.

There is no constituency for a sacrifice, and we are not going to get letters about any particular parts of the Rostenkowski proposal saying it is a great idea. But if we can develop a package and make it nonpartisan as we did with the 1983 Social Security package, we can pass it, we can balance the budget, and we can go home and defend that action and get reelected all at the same time.

RECOGNIZE LITHUANIA

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, we are witnessing, with the declaration of independence in Lithuania, the beginning of the end of the Communist Party as we know it. We are seeing a small country, 3½ million people, asking our country to recognize them as a free and independent country.

I recently had the privilege to go to Lithuania, and I saw that spark that led to a fire for their determination to enjoy the freedoms and opportunities we enjoy today. I saw a Catholic cardinal who had been in prison for 23 years and was finally released and came to his church and found that it was an atheist museum, took the material out and began practicing religion once again.

I saw the thirst for freedom of speech, the freedom of press, for the opportunity to pass on to their children the opportunity to dream dreams and to make those dreams come true, and all they want from us is not a handout, not money, but recognition. They want to be recognized as a free and independent country, and I challenge the President to give them that recognition.

□ 1230

AMERICA NEEDS A RESPONSIBLE BUDGET, NOT MORE TAXES

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, what America needs is not higher taxes. What America needs is responsible Federal spending programs. We have to close obsolete military bases, give the President a line-item veto, follow the Grace Commission report in cutting waste, cleanup the HUD scandal, and cleanup the debacle in the savings and loan industry, which will wind up costing American taxpayers over $500 billion.

The Rostenkowski plan, translated, means tax increases all down the line. The Rostenkowski plan reflects the age-old plea of the liberal welfare state: tax, tax, tax; spend, spend, spend; elect, elect, elect. This plan is just a liberal tax increase plan. The American people do not want the liberal welfare state to continue. It has been a proven failure all over the world.

Let us restore common sense to American government and let us not buy another pig in the poke: more liberal welfare state hype.

CONCERN OVER LACK OF CLASSES IN WEST VIRGINIA

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, I rise today to express my concern with the lack of classes in West Virginia. Classroom teachers in West Virginia have gone from 33rd in the Nation to 49th in the Nation in the last decade. They have gone without any salary increases during several of the past few years, but they had hoped that there would be some improvement this year. Unfortunately, that did not happen. The first strike by teachers in the history of the State is occurring right now.

Last week I contacted the Governor to urge him to meet with representatives of the teachers. He is doing that now. I am hopeful that there will be agreement reached.

All things considered, the education system in West Virginia is good. Given the modest budget it gets to operate, it is excellent. The system is good because there are thousands of dedicated teachers fighting not only for themselves, but for the betterment of education across the State.

Many teachers and parents have contacted me urging my support. They have it. As I told the Governor, the children are the victims. It is our responsibility to see they are served by the best education system we can provide. West Virginia must do more to make a system, loaded with good teachers, better.

CASTRO MUST READ THE WRITING ON THE WALL

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute.)

Mr. LIVINGSTON. Mr. Speaker, at the beginning of the 1980's, only about 10 percent of Latin Americans lived in democratic societies. Today, that figure is over 90 percent.

What has transpired there over the last 10 years is nothing short of a democratic renaissance. One by one, countries broke the chains of military or dictatorial rule and established truly representative societies. Argentina, Guatemala, El Salvador, Honduras, Colombia, Peru—to name only a few—all have bridged the chasm between dictatorship and democracy.

But, Mr. Speaker, there remains one government that stands in the way of this rising democratic tide—one government that obstinately refuses to submit itself to the will of the people.

Fidel Castro has ruled Cuba with an iron fist for nearly 30 years and in the process has turned the once-prosperous island into something bordering on a giant Alcatraz. He has sent his army around the world to further the cause of world communism. He has bankrupted the domestic economy. He has running drugs into America at a rate that would have made Manuel Noriega envious.

Mr. Speaker, it is time for Castro to read the writing on the wall. It's time he allowed his countrymen the right to vote. If he truly represents them—as he claims—then he has nothing to fear.

As the events in Romania last December showed us, woe betide the Stalinist leader who deludes himself into thinking he has the support of his people. The elections in Nicaragua bring the democratic momentum into this hemisphere.

And if Castro does not heed the warning signs now, Mr. Speaker, mark my words, Nicolae Ceausescu will not be the only leader to meet his maker at the hands of his supposedly loyal followers.

TIME TO GET SERIOUS ABOUT THE BUDGET

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, the story of our Federal budget during the 1980's is a story of big deficits and big loans from foreign investors. It is a story of not meeting our responsibilities and passing on IOU's to our children.

It is time for dramatic change in our attitude. It is time to get serious about the budget. Nothing less than the future standard of living of our children is at stake.

This is why I have proposed a serious plan to deal with the problem. It is a comprehensive package of spending cuts and revenue increases that would reduce the anticipated deficit by more than $500 billion over the next 5 years.

The basic components are a 1-year spending freeze for all nondefense programs, accompanied by a 3-percent annual cut in defense spending. These spending changes comprise 60 percent of the package.

The other 40 percent consists of revenue increases, including increases in consumption taxes and a higher income tax rate for the richest 1 percent of our society.

This plan is both bold and balanced, asking for modest sacrifices by all Americans. I urge my colleagues to study it carefully. Others may come up with alternative approaches for reaching this goal. I welcome the other options, but urge that they also be comprehensive. We face big problems that cannot be solved with nickel and dime solutions. This plan is a challenge that can start a serious debate about getting the job done. That will be a major step forward.

PRESENT-DAY TAX POLICIES WERE A BIPARTISAN EFFORT

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Mr. Speaker, I am a new Member of this body. I was elected in 1988. I know that I still have a great deal to study.

One of the areas that I am studying is our tax policy. I have heard the charges made by several speakers from the other side of the aisle that our tax policies mean that the poor pay more and the wealthy pay less.

Mr. Speaker, tax policy is very complex. But I am informed that our tax policy can be largely found today in the 1983 Social Security compromise and in the 1986 tax reform package. I am informed that both of these bills when passed enjoyed bipartisan approval.

Now, if these policies were in error, and I stress the word "if," I cannot understand how speakers form the other side of the aisle can come up here now and say these are Reagan-Bush policies, when they endorsed and supported these very same policies at the time.

ROSTENKOWSKI PROPOSAL A BOLD DEFICIT REDUCTION PACKAGE

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, I rise today to commend one of our colleagues, Chairman DAN ROSTENKOWSKI, for having the courage to come forth with a very bold deficit reduction package. Mr. Speaker, I would observe that unlike the President's deficit plan, this plan is real. It proposes $55 billion in deficit reduction for fiscal year 1991 and $500 billion in deficit reduction over the next 5 years.

One of the most incredible parts of this is the fact that if we would do this, we would save $60 billion in interest payments over the next 5 years. Think about it, my friends, $60 billion.

Now, we may not all agree with all the specifics of the Rostenkowski plan, but I hope that the President and congressional leaders will use it as a guide when they sit down to discuss deficit reduction this year.

My friends, if we would pass the Rostenkowski plan or something as bold and comprehensive as it, we could see I believe a significant reduction in our dependence on foreign credits and lower interest rates. We would reduce the trade deficit. We would improve national savings. But most of all, Mr. Speaker, we would meet our fundamental moral obligation to our children and grandchildren to protect their standard of living and not see it reduced by the enormous bills that we are handing to them.

So, Mr. Speaker, I hope that this institution can find the courage to come up with at least an alternative to the real deficit reduction plan that our courageous chairman of the Committee on Ways and Means has put forth.

LITHUANIAN DECLARATION OF INDEPENDENCE: A CAUSE FOR REJOICING

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, last Sunday the elected representatives of the Lithuanian people voted to declare independence. This is something that Lithuanians are rejoicing about. It is something that Lithuanian-Americans should rejoice about. It is something that all Americans should rejoice about.

Why? Because whenever any group of people seeks self-determination, democracy, freedom and independence, it is a cause for rejoicing in the United States.

Several Members visited Lithuania a couple of weeks ago. We were thrilled with discussions that we had with members of the new Parliament on constitutions and declarations of independence, and their interest in our Constitution, in our Declaration of Independence, those dreams of our Founding Fathers, those dreams of 1776. They are alive and flourishing in Eastern Europe and in Lithuania today.

RUSH ON TO UNEMPLOY MORE APPALACHIAN COAL MINERS

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLEGATE. Mr. Speaker, the rush is on to unemploy more Ohio and Appalachian coal miners, practically all of them, and also to increase utility bills for all of America.

The President wants an acid rain bill on his desk by April 22, Earth Day. This is in spite of a $500 million study called NAPAP that is going on, begun in 1980 and to be concluded this year, which will say where the problem is, if there is any.

☐ 1240

Your tax dollars are being thrown away, and what are they afraid of? Why are they afraid of this? Why not just wait another 6 months?

You can thank the Northeast quadrant of the United States and their Congressmen and their U.S. Senators. You can thank the Western coal interests who stand to profit greatly by this. You can thank the Canadians who are going to profit tremendously, and the environmentalists who brought you snail darters, and this year are bringing you snail darters II, the acid rain bug.

Let us use common sense and give the taxpayers a break.

FIGHTING THE DRUG WAR ON ALL FRONTS

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, are we really in a war on drugs? Many people question that around this country.

The President has a three-pronged approach to deal with the drug crisis. One is education, to educate our young people, to cut the demand for drugs in this country. The second thing that we are going to do is try to interdict more drugs. We are getting I think over 600 to 800 metric tons of cocaine into this country each year. We intercepted 42 metric tons in a 1-month period, and it did not make a dent in the street price. But interdiction is the second very essential part of this program. The third thing is strong laws to make sure that drug dealers pay the price for their crimes, including the death penalty for major drug dealers.

But there is a fourth part that is not being incorporated into the program, and that is the eradication of the drugs at their source. In the Upper Huallaga Valley in Peru, we know in that one valley 200 miles long by 25 miles wide, two-thirds of the world's coca leaf is grown, and we are doing nothing to stop that growth or that production. We need to eradicate those drugs at their source.

If they do not grow the coca leaf, they cannot make the cocaine paste. If they cannot make the cocaine paste, they cannot make crack and cocaine that is coming into this country. So we need to have that fourth ingredient if we are to kill this drug monster. That is eradication at the source.

OMB ANTICIPATES NO "ACTS OF GOD" THIS YEAR

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, natural disasters were big in 1989, the San Francisco earthquake and Hurricane Hugo.

This administration seems confident, however, that we have placed all of these tragedies behind us. So confident, in fact, that the Office of Management and Budget has cut all funds for disaster relief.

No "acts of God" are anticipated for this coming year, and OMB anticipates no need to spend money on any disasters.

At OMB in fiscal year 1990, that adds up to no money for Small Business Administration disaster loans, and no money for so-called unanticipated disasters.

We can read OMB's lips on this one: No new disasters.

Mr. Speaker, while their budget thrift is commendable, what will happen if OMB's confidence is misplaced?

REAUTHORIZATION OF THE SURFACE TRANSPORTATION ACT

(Mr. PEASE asked and was given permission to address the House 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, the Subcommittee on Surface Transportation of the House Public Works and Transportation Committee has now commenced action on the reauthorization of the Surface Transportation Act. This action will reauthorize for the next 5 years the Federal aid highway formulas which govern how Federal funding is allocated through the primary, second and urban aid programs. Similar action will also occur in the U.S. Senate.

What takes place this year could have important and far-reaching implications for donor States such as Ohio, California, Texas, Michigan, and Florida—all of which contribute more to the highway trust fund than they receive in return—and our national economy.

Highway funding is administered unfairly because it is based on archaic factors and formulas. Such factors as land area and postal mileage are no longer relevant. Population figures are calculated only once very 10 years and do not take into account fluctuations in growth in those years.

In its 1986 report on how highway funding is distributed, the GAO recommended that Congress take steps to update these factors. Such action is long overdue. Now is the time for us here in Congress, especially Members from donor States, to act on those recommendations and to ensure a fair and equitable return for all States and our economy as a whole.

Transportation is an important component of the economic development equation. If goods cannot be shipped, industry suffers. If industry suffers, the economy suffers. If the economy suffers, we all suffer.

BALANCING TAXATION

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, it is unacceptable to continue to raise the Social Security income tax when the entire American tax system, a system which appears increasingly regressive, is so imbalanced. A raise in the payroll tax literally takes money from the pockets of America's working class as they provide an increasingly unfair share of the revenues of the Federal Government.

The tax system in this country was manipulated based on the argument of increasing the incentive for the rich to provide more revenue by reducing the marginal tax rate. However in fact

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from 1980 to 1988, Social Security tax revenues as a percentage of total Federal revenues rose by 23 percent. By comparison, corporate income tax revenue as a percentage of total Federal revenues actually declined by 23 percent. This system virtually robs the Nation's poorest and middle class to hand the richest few another Porsche and a beach house or vacation condo. We can no longer be blind to this tax system which fosters an environment that promotes welfare for the rich. Despite the promises and rhetoric of an administration against raising taxes for working Americans, overall taxes went up 5.5 percent during the 1980's for these people.

Let us give the working Americans a fair break and an opportunity to save. We must make an effort to make taxes intelligently progressive, not oppressively regressive.

SAVINGS AND LOAN PAC MAN

(Mr. McMILLEN of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, the game of Pac Man is alive and well in our Nation's Capital. This version of Pac Man has the Federal Government gobbling up savings and loans at a billion dollar pace. However, this game of Pac Man does not cost 25 cents and will not turn off.

Rather, the costs of the thrift Pac Man game goes on and on. The Congressional Budget Office has now predicted that the cost of the S&L bailout is expected to rise $25 to $30 billion beyond the administration's over optimist original estimate.

The Resolution Trust Corporation [RTC], the agency entrusted with digesting these troubled thrifts, is enmeshed in a bureaucratic gridlock. The RTC is effectively nationalizing the thrift industry, taking on billions in real estate and junk bonds. It has been estimated that when all is said and done, the RTC will hold real estate equal in size to four Rhode Islands—having more assets then any backing entity in the world.

It is time for the RTC to turn these assets over to the professionals in the private sector, as required by the FIRREA legislation, and stop trying to reinvent the wheel. It is in the private sector that these troubled thrift assets will be managed most efficiently, not by the Federal Government. Only when the RTC recognizes this, will this costly game of Pac Man end.

THE ROSTENKOWSKI TAX PROPOSAL

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, the lead editorial in the morning Baltimore Sun is entitled "Good for Rosty." The subject of the editorial, of course, is the proposal put forward by the chairman of the Ways and Means Committee that would bring Federal spending into balance, indeed into surplus within 1995.

The Rostenkowski plan is simple and direct. We all know there are only two ways to reduce the Federal budget deficit: cut spending and raising taxes. This plan does both. The measure is strong enough to get the job done. It is the first comprehensive plan that has been brought forward that does this.

Magic acts require blue smoke and mirrors. The Rostenkowski plan is no magic act, but is instead, as the chairman said, a blueprint for a strong and resurgent American economy.

Although we may disagree with some of the specifics let us use the blueprint to develop a plan that really reduces our Federal budget deficit.

As the Baltimore Sun said, "Good for Rosty." Let us say let the debate begin.

ADMINISTRATION AGAINST MOTHERHOOD

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I am startled that the Republicans are insisting on continuing to be the party against motherhood. Their position is that no one should have a child, I guess, unless they can afford to stay home and take care of that child.

I wish we had the kind of economy where that was possible. Unfortunately, the statistics are such that many people must go back to work, and rather than help us get them a short job-protected leave to try and bond with that child and get that child off to a good start, they are saying they will veto any such thing.

I think we have to be very serious about what we will be doing. We will really be creating more criminal problems, more drug abuse problems and everything else. All the statistics, all the pediatricians and everyone else tells us that if we do not get that bonding right in the early days of life, we have problems for the rest of our life.

□ 1250

And so I am very surprised that they are coming out on that side. I do not think we want to create infant day care for little, tiny babies. There is no way you can do that.

We are going to find out that we do not have it anyway. But I do not want to do that. I think we ought to have family medical leave, and I am very, very shocked that they disagree.

BANNING DOMESTICALLY MADE AUTOMATIC OR SEMIAUTOMATIC ASSAULT WEAPONS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I am proud to cosponsor, along with the gentleman from New Jersey [Mr. HUGHES], a bill which will restrict the availability of domestically made semiautomatic assault weapons similar to the kind that was used in the terrible killings last September at the Standard Gravure plant in my hometown of Louisville.

We have known for a long time that semiautomatic assault weapons are the weapons of choice of drug dealers and they have caused many horrible slayings in the urban areas of our country. But I guess not until the terrible killings at Stockton, CA, followed up by the assault that left 9 people dead and 13 people wounded at Standard Gravure in Louisville, have we realized the need to get these weapons off the streets of our smaller communities.

To the President's credit, 43 kinds of automatic weapons cannot be imported. We would now, in this bill, give that same authority to the Secretary to designate domestically made semiautomatic assault weapons for the same type of handling. They should be banned. There is no place in America's cities for these kinds of weapons. The quicker we can get them out of the premises, the better.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 1990.

Hon. THOMAS S. FOLEY,
U.S. House of Representatives,
Washington, DC

DEAR MR. SPEAKER: This is to inform you pursuant to rule L(50) of the Rules of the U.S. House of Representatives that a subpoena has been served upon me, in my capacity as Clerk of the House, requiring the production of certain official documents in the United States District Court for the District of Columbia. In consultation with the General Counsel to the Clerk I have determined that compliance with the subpoena would be appropriate and consistent with the privileges and rights of the House.

Sincerely,

DONNALD K. ANDERSON,
Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

PANAMA CANAL ACT AMENDMENTS OF 1990

Mr. DYSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1347) to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Act Amendments of 1990".

SEC. 2. COMPENSATION FOR BOARD MEMBERS.

Section 1102(b) of the Panama Canal Act of 1979 (22 U.S.C. 3612(b)) is amended in the last sentence by striking out "grade GS-18 of the General Schedule under section 5332" and inserting in lieu thereof "level V of the Executive Schedule under section 5316".

SEC. 3. COMPENSATION FOR DEPUTY ADMINISTRATOR AND CHIEF ENGINEER.

Section 1104(b) of the Panama Canal Act of 1979 (22 U.S.C. 3614(b)) is amended in the last sentence by inserting immediately before the period at the end thereof the following: ", and, if eligible, the overseas recruitment or retention differential provided for in section 1217 of this Act".

SEC. 4. RETIREMENT.

(a) ELIGIBILITY.—Section 8336(i) of title 5, United States Code, is amended by redesignating paragraph (3) as paragraph (4), and by inserting after paragraph (2) the following:

"(3) An employee of the Panama Canal Commission who was not employed at any time during the period beginning March 31, 1979, and ending September 30, 1979, by the Canal Zone Government or the Panama Canal Company, or by an Executive agency at a permanent duty station in the Canal Zone, who is separated from the service before January 1, 2000, and who has at the time of separation at least 11 years of continuous service with the Panama Canal Commission (disregarding any break in service of 3 days or less) is entitled to an annuity if the employee is separated from the Panama Canal Commission—

"(A) involuntarily, after completing 20 years of service or after becoming 48 years of age and completing 18 years of service if the separation is the result of the implementation of any provision of the Panama Canal Treaty of 1977 and related agreements; or

"(B) voluntarily, after completing 23 years of service or after becoming 48 years of age and completing 18 years of service.".

(b) COMPUTATION. Section 8339(d) of title 5, United States Code, is amended by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively, and by inserting after paragraph (2) the following:

"(3) The annuity of an employee retiring under this subchapter who is employed by the Panama Canal Commission at any time during the period beginning October 1, 1990, and ending December 31, 1999, is computed, with respect to any period of service with the Panama Canal Commission, by adding—

"(A) 2½ percent of the employee's average pay multiplied by so much of that service as does not exceed 20 years, plus

"(B) 2 percent of the employee's average pay multiplied by so much of that service as exceeds 20 years.".

(c) UNFUNDED LIABILITY. Section 8348(i)(1) of title 5, United States Code, is amended by striking "1979." and inserting "1979, and the amendments made by section 4 of the Panama Canal Act Amendments of 1990.".

SEC. 5. AMENDMENTS TO PANAMA CANAL COMMISSION COMPENSATION FUND ACT OF 1988.

Section 5 of the Panama Canal Commission Compensation Fund Act of 1988 (102 Stat. 4685; 22 U.S.C. 1715c) is amended—

(1) by striking out "Upon the termination of the Panama Canal Commission:";

(2) in subsection (a)—

(A) by striking out "The Secretary of Labor" and inserting in lieu thereof "Upon the termination of the Panama Canal Commission, the Secretary of Labor"; and

(B) by striking out the last sentence;

(3) in subsection (b) in the first sentence—

(A) by inserting "under subsection (a)" after "Labor"; and

(B) by striking out "Employees Compensation"; and

(4) by adding at the end thereof the following:

"(c) CONTINUITY OF THE FUND. (1) Amounts in the Fund (including amounts transferred as a result of the final determination made under subsection (a)) shall be maintained by the Secretary of the Treasury, shall be available for transfer to the Employees' Compensation Fund in such amounts as are requested by the Secretary of Labor pursuant to section 4 of this Act, and may be discontinued only in accordance with paragraph (2).

"(2) At such time as the Secretary of Labor certifies that no further liability exists for workers compensation benefits or other payments described in section 3(a), the Secretary of the Treasury may discontinue the Fund in the manner provided by law.".

SEC. 6. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on October 1, 1990.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Maryland [Mr. DYSON] will be recognized for 20 minutes and the gentleman from Texas [Mr. FIELDS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us today makes several small, technical changes relating to the Panama Canal Commission's personnel compensation.

That they are small changes doesn't make them any less important to the Commission's future.

Let me make two points before going into the details of this legislation. First, nothing contained in H.R. 1347 has anything to do with the Canal Treaty of 1977 or the transfer process agreed to therein. It does not change, abrogate, or have any effect whatsoever on any agreements between this country and Panama. The legislation is directed solely to the improvement of the canal operations.

Second, nothing in this legislation will require the use of any U.S. taxpayer funds. The canal is and will continue to operate without taxpayer funds of any kind whatsoever.

The canal is now, and will continue to be, entirely self-funded and self-financing. Every change included in H.R. 1347 will be paid for out of the Commission's normal operating revenues.

Now to the legislation before us. H.R. 1347 has four substantive provisions that improve current personnel arrangements.

First, it allows for members of the canal's board of directors to receive per diem compensation while conducting canal business at the level of a grade V of the executive schedule.

These members serve without pay, other than the per diem compensation for the days that they are actually conducting canal business. On a normal year, this amounts to the four, quarterly board meetings that usually consume three business days each.

At this time, board members are reimbursed for their time away from their normal duties at the rate of GS-18 officials. The change contemplated by H.R. 1347 would in effect grant a higher per diem. It is justified by the fact that we are asking the most experienced men and women in their field to donate considerable attention and time to canal business. Their time is worth considerably more than the per diem we would be granting under H.R. 1347, and would reflect the value that we attach to their services.

The second change extends to the existing tropical recruitment and retention pay allotment to the position of the Commission's deputy administrator. The need for this arises from an oversight contained in Public Law 96-70, the Panama Canal Act of 1979.

At the time that act was passed, the deputy administrator was a Panamanian citizen and so that post was not granted a tropical recruitment and retention benefit. The act also noted that a U.S. citizen would be appointed to this post in the year 1990, but it failed to make an allowance for ex-

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tending the tropical recruitment and retention benefit to the U.S. citizen holding the post at that time.

A U.S. citizen will soon be appointed to the deputy's post. Unless we authorize the deputy to receive the tropical benefit, he will be supervising less senior officials who do receive this benefit and who therefore will have higher salaries than the deputy. It may sound like a minor problem, but I believe it is clearly the case that it should be corrected.

The third improvement relates to the Canal Commission's workmen's compensation program. This too corrects a minor oversight contained in legislation passed during the 100th Congress. That legislation establishes guidelines for administering the Panama Canal Commission's workman's compensation trust fund after the Commission is dissolved in the year 2000.

The subcommittee has received no complaints about the fund, its capitalization or the procedures for meeting its obligations. But we have learned that there is no mechanism for liquidating the fund after the year 2000.

The provisions of H.R. 1347 correct this oversight. They require the Secretary of Labor to certify that the worker's compensation trust fund has enough capital, including future interest accruals, to meet all future compensation payments. It also directs that the accounts be maintained by the Secretary of the Treasury, until such time as all claims have been satisfied. At that point, the Treasury Secretary can terminate the fund. Any expended balances will revert to general revenues.

I have saved the bill's most important change for last. Its fourth and final provision makes an extremely important change in the Canal Commission's existing retirement programs.

U.S. citizens working for the Canal Commission are in a unique situation. Their employing agency will be dissolved on December 31, 1999. Their employment will thus be terminated.

The Commission retirement program operates in accordance with title V of the United States Code, which lays out the rules of the Civil Service Retirement Program.

Under section 8336 of title V, employees working at the Canal Commission as of September 31, 1979, are entitled to receive an annuity if they are separated voluntarily after completing 23 years of service or after reaching age 48 after completing 18 years of service.

A subsequent section specifies how that annuity is to be computed.

At the time that Congress enacted Public Law 96-70, no thought was given to the possibility that the Commission would have to employ additional U.S. citizens. In fact, between October 1979 and mid-July 1982, the Commission added 25 new employees, most of whom are canal pilots.

These pilots are currently excluded from the Commission's early retirement program. As the date of the Commission's termination approaches, these pilots are having to make career decisions about their future employment, either at the canal or elsewhere.

Both the Office of Personnel Management and the Canal Commission have identified these pilots as a critical component of the canal's work force. In testimony before my subcommittee, the representative from OPM declared "these are pilots whose retention in the service is essential to the operation of the canal."

The provisions in H.R. 1347 relating to canal retirement benefits simply offers to these 25 pilots the same benefits enjoyed by their colleagues, both United States and Panamanian employees who are otherwise eligible for retirement under the normal rules of title V.

When these pilots have acquired 11 years of canal service or 20 years of Government service, or after reaching age 48, have accumulated 18 years of Government service and 11 years of canal service, they will be eligible to collect the same sort of annuity for which other canal employees are eligible.

These workers are absolutely vital to the continuation of canal operations. They have proven themselves, quite literally under fire, to be devoted and dedicated to the canal's future.

Their eligibility for these benefits, dependent as it is entirely on their continued service at the canal, is a strong incentive for their remaining in Panama. It is fair, in that it puts them on an equal footing with those colleagues employed at the canal prior to 1979.

And it is justified given the enormous strain and considerable danger they have faced in their work at the canal. That danger, I might add, will continue to affect their living conditions for the foreseeable future.

Mr. Speaker, the legislation before us was drafted by my colleague on the subcommittee, the Honorable JACK FIELDS of Texas. The Subcommittee on the Panama Canal and the Outer Continental Shelf has taken testimony and recommended its adoption.

It has been referred to the Post Office and Civil Service Committee, where it was reviewed by the Subcommittee on Compensation and Employee Benefits. The chairman of that subcommittee, the Honorable GARY ACKERMAN, studied this bill, has made some technical improvements, for which I am appreciative, and has reported the bill out with the recommendation that it pass. That recommendation is supported by the full Post Office and Civil Service Committee.

Mr. Speaker, I know of no opposition to the bill, and urge my colleagues to support the motion to suspend the rules and pass it.

Mr. Speaker, that concludes my formal statement. But before I yield to my colleague from Texas, who has been, obviously as the sponsor of this legislation, an advocate for the pilots in the canal. I also want to recognize the gentleman from New York [Mr. ACKERMAN], whose committee has had jurisdiction also over this matter and has added greatly to the bill.

Mr. FIELDS. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FIELDS asked and was given permission to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, I would like to thank my full committee chairman, WALTER B. JONES, and my subcommittee chairman, ROY DYSON, for their outstanding leadership in moving this legislation. I would also like to express my appreciation to Chairman GAY ACKERMAN for his efforts in shepherding H.R. 1347 through the House Post Office and Civil Service Committee.

While this bill will not solve all of the problems facing the Panama Canal Commission, it does make several important improvements in the Panama Canal Act of 1979, Public Law 96-70.

Let me briefly describe the provisions of H.R. 1347. First, this bill will increase the level of compensation for the nine members who serve on the Panama Canal board of directors. While this financial support will be limited to only those occasions when a board member is on official Panama Canal business, this change will ensure that these individuals receive adequate compensation for serving on this important supervisory board, which is responsible for the overall operation of the Canal.

Second, H.R. 1347 will allow the deputy administrator, who became an American as of January 1, 1990, to receive what is referred to as a tropical retention or differential allowance.

Mr. Speaker, since the previous deputy administrator was a Panamanian, the issue of the tropical differential was not addressed and was, in fact, simply overlooked in the drafting of Public Law 96-70.

Without this tropical differential, the deputy administrator will receive considerably less financial compensation than a number of his or her subordinates.

Mr. Speaker, this situation must be corrected and the deputy administrator must be elevated above those who serve as division chiefs or in other high-level PCC administrative positions.

Third, H.R. 1347 will correct a serious oversight in the Panama Canal

Compensation Fund Act of 1988. Unfortunately, despite our best efforts, there remains confusion as to how long this fund will be available to compensate those workers injured prior to the transfer of the Panama Canal.

This bill will end that confusion and it will ensure that these funds are held in an interest-bearing account until they are disbursed sometime after the year 2000.

Finally, H.R. 1347 will allow some 25 Panama Canal Commission employees, who were hired after October 1, 1979, to participate in the Panama Canal Commission's early retirement system.

Mr. Speaker, this change, which is the most important contained within the bill, would be implemented at no cost to the U.S. taxpayer. In fact, the Panama Canal Commission has already established a retirement account which is entirely funded by tolls and other user fees.

While this change will not cost the Commission a great deal of money, it will serve as a powerful incentive for keeping these key personnel, who are primarily Panama Canal pilots, on the job until the year 2000.

Based on my 9 years' experience on the Panama Canal Subcommittee, I am convinced that without these retirement provisions, these individuals will simply seek other employment.

In fact, the branch agent for the Panama Canal pilots has stated to me that:

> Most post-treaty pilots feel strongly that without the early retirement they have no choice but to leave what is now, for them, a dead-end job—and the entire retirement provision is an empty shell without the voluntary aspect.

Mr. Speaker, for the past 2 years the employees of the Panama Canal Commission, including the 25 affected by H.R. 1347, have worked under extraordinary conditions. They have lived in a state of fear and they have been subjected to threats, intimidation, and constant harassment. Their homes have been robbed, they have been beaten, and in the case of Mr. William Joyce, the acting chief financial officer of the Panama Canal Commission, his life was tragically ended.

Despite living in a virtual war zone, these employees went to work each day and managed to keep the Panama Canal open and operating smoothly. This was indeed a remarkable achievement.

While Noriega is now gone, living in the Republic of Panama will continue to be a difficult and arduous experience. In fact, the chief economist of the Panama Canal Commission, Mr. Richard Wainio, noted in a January 8, 1990, Newsweek article that:

> Canal officials are also worried that security concerns may make it more difficult to recruit and to retain experienced personnel. We are looking at the possibility that Panama will be a dangerous place to live for a long time to come.

Mr. Speaker, these employees, especially the pilots, are willing to continue to make the daily sacrifices necessary to keep the canal enterprise operating efficiently. In return, they only ask to be treated fairly and equitably like those hired by the Commission before October 1, 1979.

Under H.R. 1347, these employees will be eligible to receive the same retirement benefits, based on their service, as those hired prior to the treaty implementation date. They will receive nothing more and nothing less.

You now have the situation where one employee hired on September 30, 1979, is guaranteed early retirement benefits while the second employee, hired just 1 month later, is guaranteed nothing. One might ask who cares whether all of these employees leave Panama tomorrow.

Mr. Speaker, this Nation has a treaty obligation to operate the canal until the year 2000 and the Commission desperately needs its pilots to get the job done.

While one might think the Republic of Panama would have a strong maritime tradition, unfortunately it has almost none. The vast majority of Panamanian pilots have had to spend at least 10 years of education and training to become fully qualified senior canal pilots.

On the date of treaty implementation, there were four Panamanian pilots. Today, there are 61. By the year 2000, the Commission expects that most, if not all, of its 240 canal pilots will be Panamanians. It is the next 10 years of transition which are the most critical.

Mr. Speaker, H.R. 1347 will give these employees the incentive and a beacon of hope for the future. With the voluntary and involuntary provisions, these employees will have the assurance that if life in the Republic of Panama remains difficult or unbearable, they will have some financial security in the year 2000.

Mr. Speaker, in summary, the overall purpose of this legislation is to allow the Panama Canal Commission to more efficiently operate the canal in the days ahead. It does not abrogate, change, or affect any provision of the Panama Canal Treaties of 1977.

In addition, any expense involved in implementing these changes will be paid for entirely from Panama Canal tolls or other revenues collected by the Panama Canal Commission. No U.S. taxpayer dollars are involved, nor will they be in the future.

Mr. Speaker, I am pleased that we are considering this legislation, and I urge my colleagues to overwhelmingly approve H.R. 1347.

□ 1300

Mr. DYSON. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. ACKERMAN], the chairman of the Subcommittee on Compensation and Employee Benefits, of the Committee on Post Office and Civil Service. The gentleman from New York has done a tremendous job in helping Members move this legislation along.

Mr. ACKERMAN. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, H.R. 1347, the Panama Canal Act Amendments of 1990, would authorize early retirement for employees of the Panama Canal Commission hired after September 30, 1970. These employees would be eligible to retire voluntarily at age 48 after completing 18 years of service, or at any age by completing 23 years of service. Additionally, the bill would make these employees eligible for involuntary retirement at age 48 after completing 18 years of service, or at any age, by completing 20 years of service. The employees covered by the bill would also be eligible to receive an enhanced annuity based on 2½ percent of their high-three salary earned during Panama Canal service.

Mr. Speaker, the amendments to H.R. 1347 that were approved by the Committee on Post Office and Civil Service, retain the early retirement benefits I just outlined and make technical and conforming changes to the bill. The amendments require the Panama Canal Commission to pay for any increase in the unfunded liability caused by the additional benefits.

The amendments also strike "1989" from the short title of the bill and replace it with "1990".

Last, the amendments change the effective date of the bill to October 1, 1990.

Mr. Speaker, I urge my colleagues to support H.R. 1347.

Mr. FIELDS. Mr. Speaker, will the gentleman yield?

Mr. ACKERMAN. I yield to the gentleman from Texas.

Mr. FIELDS. Mr. Speaker, I appreciate the gentleman yielding, and I want to compliment the gentleman publicly for the way in which he conducted the hearings. As the gentleman is aware, there were at least four pilots, four Americans who came to testify. I thought the gentleman was very gracious, and certainly expeditious. I just wanted to publicly thank the gentleman for the way he treated our employees in the Canal Zone.

Mr. ACKERMAN. Mr. Speaker, I thank the distinguished gentleman from Texas for his comments. I want to thank the gentleman for his abiding interest in the work that these great Americans have been doing, the services that they have performed for our country and for humanity in general, and for the major contribution the gentleman made to those hearings.

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Mr. FIELDS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. **Walker**].

Mr. WALKER. Mr. Speaker, I rise in favor of the bill, although I must say I understand the administration has some concerns about the retirement provisions that are being talked about here, and probably will seek to amend them in the Senate. However, it is my understanding that they do not oppose the passage of the bill in the House. I certainly do not either.

However, I do want to make a point while we are discussing the Panama Canal and the Commission that runs that canal. That point is this: that that canal is absolutely dependent upon the stability of Panama. Now, while I realize it is not the problem of this particular committee that brings this bill to the floor today, the fact is that this Congress is responsible, right now, for undermining the security and the stability of Panama by not moving forward with the President's aid package to that country. We have had now, the President's aid package that was suggested, about the beginning of the year, languishing in the committees of this Congress for several weeks. Now, we have been lectured here without the last few weeks, the last few days, by the majority leadership who told Members that it is time in foreign policy for the President to become bold, for the President to give up his timidity, and for the President to demonstrate new thinking.

Let me suggest one of the things that Congress could do to help move forward a foreign aid policy aimed at new thinking is to help some of our friends where we have vital national interests at stake. One of those places is certainly in Panama.

Now, the President has proposed to put forward an aid package to help that nation, that comes basically out of military expenditures. So he, therefore, is demonstrating new thinking. He is demonstrating the world is changing. We ought to take money we previously put into military expenditures and help free nations like Panama.

□ 1310

Mr. Speaker, we cannot get that bill moving here in the Congress, and in my opinion we will undermine the security of the canal treaty if we allow a free Panama to further have major problems as a result of our inability to act. Instead, what we have been doing over the last several weeks is diddling and dottling here in the Congress. We go week after week doing little of substance here on the House floor while giving matters of substance little consideration.

Mr. Speaker, brave men and women risked their lives and gave their lives in order to free Panama. The next step is for this Congress to help Panama, to help that free Panama become a stable and secure Panama. They need our help now, not sometime next month, not sometime next year, not sometime in the middle of this year. They need the help right now.

We need to bring this package to the floor. We need to act on this during these days where we are finding ourselves adjourning at 2 o'clock in the afternoon. We certainly could find time to bring the bill to the floor, get the aid package flowing to Panama.

So, while again I understand that is not a problem of this bill, it is not a problem of this committee, and it is something that we ought to be concerned about as we bring this kind of legislation to the floor, that we are not doing everything possible to make certain we have a safe and secure canal now and for the future.

Mr. DYSON. Mr. Speaker, before I conclude I would like to thank the gentleman from Minnesota [Mr. **Vento**] for allowing us to go first today. I very much appreciate it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FIELDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will be very brief. I want to clarify what I believe to be the administration's position.

As I understand, Mr. Speaker, the only concern came from the Office of Personnel Management, and the issue at controversy is the incentive for people to stay. It is the belief of people like myself, the gentleman from Maryland [Mr. **Dyson**], the gentleman from New York [Mr. **Ackerman**], the Republicans on Chairman **Ackerman**'s committee, the belief of the Panama Canal Commission, that the 25 people that we are talking about, who are affected by these early retirement provisions; we believe that there is an incentive to stay, if we provide equity. The White House believes that this is incentive to leave. There is an honest disagreement there. I personally do not think that there will be change in the Senate. I hope there is not, and I encourage all of my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. **Mazzoli**). The question is on the motion offered by the gentleman from Maryland [Mr. **Dyson**] that the House suspend the rules and pass the bill, H.R. 1347, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1347, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ESTABLISHING THE KINO MISSIONS NATIONAL MONUMENT IN THE STATE OF ARIZONA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2843) to establish the Kino Missions National Monument in the State of Arizona, as amended.

The Clerk read as follows:

H.R. 2843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TUMACACORI NATIONAL HISTORICAL PARK.

(a) **Establishment.**—In order to protect and interpret, for the education and benefit of the public, sites in the State of Arizona associated with the early Spanish missionaries and explorers of the 17th and 18th centuries, there is hereby established the Tumacacori National Historical Park (hereinafter in this Act referred to as the "park").

(b) **Area Included.**—The park shall consist of the existing Tumacacori National Monument, together with (1) the ruins of Los Santos Angeles de Guevavi, the first mission in Arizona (consisting of approximately 8 acres) and (2) the Kino visita and rancheria ruins of Calabazas (consisting of approximately 22 acres), each as generally depicted on the map entitled "Boundary Map, Tumacacori National Historical Park", numbered 311/80018, and dated February 1990. The map shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

(c) **Abolition of Monument.**—The Tumacacori National Monument is hereby abolished and any funds available for purposes of the monument shall be available for purposes of the park.

SEC. 2. ADMINISTRATION.

(a) **In General.**—The Secretary of the Interior (hereinafter referred to as the "Secretary") shall administer the park in accordance with this Act and with the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1-4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461-467). The Secretary may acquire lands or interests in land within the boundaries of the park by donation, purchase with donated or appropriated funds, or exchange.

(b) **Donations.**—Notwithstanding any other provision of law, the Secretary may accept and retain donations of funds, property, or services from individuals, foundations, corporations, or public entities for the purpose of providing services and facilities which he deems consistent with the purposes of this Act.

(c) Separate Units.—The Secretary shall provide for the identification of the Guevavi, Calabazas, and Tumacacori sites as three separate units of the park.

(d) Recognition of Father Eusebio Francisco Kino's Role.—In administering the park, the Secretary shall utilize such interpretative materials and other devices as may be necessary to give appropriate recognition to the role of the Jesuit Missionary Priest, Father Eusebio Francisco Kino, in the development of the mission sites and the settlement of the region.

The SPEAKER pro tempore. Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes, and the gentleman from California [Mr. Lagomarsino] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2843.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2843, sponsored by our colleague Morris Udall would authorize the addition of the Guevavi and Calabazas mission sites to the existing Tumacacori National Monument located in southern Arizona. As reported by the Committee on the Interior and Insular Affairs, the combined sites would be designated as the Tumacacori National Historical Park.

While the Tumacacori, Guevavi, and Calabazas sites functioned as missions to the Pima Indians of the area, their establishment also served to further advance the exploration and settlement of the Southwestern United States. The three sites share a common history beginning with their founding under the direction of the Jesuit priest, Father Eusebio Francisco Kino. Father Kino himself was a figure of historical note. Italian born and German educated, he became an important missionary in the Spanish Empire. H.R. 2843, as amended, provides for commemoration and interpretation of Father Kino's accomplishments as part of the redesignated national park unit.

Last week, the House took action on legislation (H.R. 1159) to designate the Juan Bautista de Anza National Historic Trail. That trail passes through or is adjacent to each of the three mission sites encompassed in H.R. 2843 and is yet another example of the interrelated history these sites share.

Following hearings in the committee on H.R. 2843, I had the opportunity to inspect the existing Tumacacori National Monument, as well as the Guevavi and Calabazas sites to learn first hand more about the particular attributes of these mission remnants. These sites are rich historical and archeological treasures but it is clear they need the care and management that the National Park Service can provide if we are to maintain their national significance and provide for appropriate interpretation.

Mr. Speaker, I want to take this opportunity to commend my committee chairman Representative Udall, the sponsor of H.R. 2843, for putting together this proposal, his interest and leadership on this matter. The Guevavi and Calabazas sites have been the subject of several historical reviews. Together with the existing Tumacacori National Monument they will provide important links to the early history of the Spanish missions and the exploration and settlement of the Arizona frontier. I believe it is appropriate to go forward at this time to designate the combined sites as a national historical park for the benefit of the American public and I urge the adoption of H.R. 2843, as amended.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself 1 minute.

(Mr. LAGOMARSINO asked and was given permission to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 2843, an act to establish the Tumacacori National Historical Park. This measure expands an existing unit of the National Park System to incorporate two historic adobe ruins in the near vicinity. With the addition of these areas, the National Park Service will be able to more fully present to the public the role of the Spanish missions in the settlement of the State of Arizona.

Mr. Speaker, it is my understanding that title to these lands will be conferred to the Federal Government at a minimal cost. Based on reports from a recent field inspection of these two sites by the subcommittee chairman, I am aware of the urgent need to provide for the protection of these two sites, before further resource degradation occurs. Therefore, I urge my colleagues to join me in supporting this measure and I thank my colleagues from Arizona, [Mr. Kolbe], and the committee chairman, Mr. Udall for bringing this measure forward for action.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. Udall], our distinguished chairman of the Committee on Interior and Insular Affairs and the sponsor of this legislation.

Mr. UDALL. Mr. Speaker, H.R. 2843 would add two sites to the existing Tumacacori National Monument in southern Arizona. The addition of these sites will improve both the monument and the public's enjoyment and understanding of the important period of Spanish settlement of Arizona and the West that are represented there.

As originally introduced the bill proposed to change the name of the monument to the Kino Missions monument. At the time, I stated that this name change might meet with some objection in southern Arizona and that I was not wedded to it. The new name did, in fact, meet with very considerable opposition from those who felt it was not historically accurate and those who preferred the Pima Indian name of Tumacacori. So I am very happy that the bill before us today retains the existing name.

I also think that the provision calling for better interpretation of the important role of Father Kino in the history of these missions and the development of this region of the country is very meritorious and reflects what we were trying to get at under our original suggestion to alter the name.

I would underscore for my colleagues that the addition of these two sites will come at minimal cost to the taxpayers. The Calabassas site is owned by the Arizona State Historical Society which has indicated its intention to donate it to the National Park Service. The Guevavi site is now owned by The Archeological Conservancy and will be acquired for the price of the conservancy's administrative expenses only. Guevavi is located on a ranch previously owned by John Wayne and a very generous Arizonan, Mr. Ralph Wingate.

Mr. Speaker, the expansion of Tumacacori will be an important step forward in the public understanding of the history of the Southwest and H.R. 2843 deserves the support of the entire House.

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Mr. LAGOMARSINO. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. Kolbe], the primary cosponsor of the bill.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank my colleague, the gentleman from Arizona, the chairman of the committee and the chairman of our subcommittee for their work on this bill.

Mr. Speaker, I would like to take this opportunity to talk about this legislation which will expand the Tumacacori National Historical Park.

It is my belief that this monument should be known by a geographical title with the Native American and

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Spanish names of these sites preserved. The Spanish mission ruins of Calabazas and Guevavi were linked with the mission at Tumacacori during some of the most crucial years of the Spanish Colonial Period in southern Arizona from around 1689 to 1820. All three were important gathering points for the Spanish colonists and Native American populations of the middle and the upper Santa Cruz River Valley, and together they represent a very significant historic resource that we should preserve for the future.

In the course of the committee deliberations the name was changed back to its historic Pima Indian name—Tumacacori National Historical Park. I would have preferred Pimeria Alta National Monument because it reflects the historic name used for this entire region. However, Tumacacori is a good compromise, since it attaches the name most commonly associated with this group of missions. The three individual missions should continue to be known by their historic names, and I would propose that the expanded monument include three components known as the Tumacacori Unit, the Calabazas Unit and the Guevavi Unit.

The three mission ruins are situated in an area that has been continuously inhabited for more than 8,000 years, and many archeological and historical sites exist in the vicinity of this new monument. The ruins of Guevavi represent the remains of the Cabecera, or head church, of Los Santos Angeles de Guevavi. This site is the earliest Jesuit mission ruin in Arizona. Calabazas and Tumacacori were both visitas, or places where religious services were occasionally held, and both were technically under the authority of the priest stationed at Guevavi. After a period of time, the Cabecera was moved from Guevavi to Tumacacori. Calabazas was actually only a minor chapel within a rancheria associated with the famous Gandara family of Sonora, Mexico. The three mission sites reflect the unique social, cultural, religious, educational, and commercial nature of the colonial missions and settlements that highlight the Southwestern United States.

The ruins this legislation joins together are manifestations of the diverse spiritual heritage of the Pimeria Alta as well as the sacrifices and dedication of the colonial and Native American settlers in this region.

John L. Kessell, in his book, "Mission of Sorrows Jesuit Guevavi and the Pimas 1691-1767," wrote about these missions:

> For seventy-six and a half years, on and off, the cluster of brush-and-earth and adobe houses that was Guevavi served as a focal point of missionary endeavor * * * It was a dynamic * * * outpost of two empires, the Jesuit's missionary empire and the larger, coexistent Spanish colonial empire.

The expanded national monument made possible by this legislation will commemorate this missionary endeavor and the dynamic fusion of cultures so characteristic of the Arizona-Sonora border region.

Mr. LAGOMARSINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Mazzoli). The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the bill, H.R. 2843, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "An Act to establish the Tumacacori National Historical Park in the State of Arizona."

A motion to reconsider was laid on the table.

VACATING OF SPECIAL ORDERS

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the 60-minute special orders granted to the gentleman from Indiana [Mr. Burton] for March 13, 14, and 15, be vacated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

CONGRESS ABOUT TO HAVE ITS ANNUAL ENCOUNTER WITH BUDGETARY COURAGE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MILLER of California. Mr. Speaker, Congress is about to have its annual encounter with budgetary courage. Once again we are tempted to draw on the bottomless well of fiscal chicanery and order up more blue smoke and mirrors and another slide-by budget and throw in the continued misuse of Social Security trust funds to cover up the real size of the deficit.

But if we really want to slash the deficit, if we really want to send a message of fiscal restraint to the financial community, and if we want to show the American people that we are prepared to stop the erosion of our economic sovereignty, then let us consider the recipe for budgetary honesty offered by the chairman of the Ways and Means Committee, the gentleman from Illinois [Mr. Rostenkowski].

It is easy to condemn the Rostenkowski plan if you want to engage in politics rather than deficit reduction. It includes taxes, but reasonable taxes that are fiscally sound and politically fair. It includes sacrifice, but equitable sacrifice by all Americans. It makes deep reductions in military spending, only to reflect the new world order.

In this premature spring, the Rostenkowski plan may be an unwelcome blast of cold air, but it is also a welcome breath of fresh air that puts a premium on political courage and doing the right thing. It deserves to be seriously considered and thoroughly debated by the House.

Mr. Speaker, I include an article by Mr. Rostenkowski from the Washington Post of March 11, page B-1.

[From the Washington Post, Mar. 11, 1990]

Cold Turkey: How To End The Deficit In 5 Years

(By Dan Rostenkowski)

Up here on Capitol Hill, we're headed toward a tax-cut war. This is a war America can't afford to wage.

Republicans keep on making political hay by warning about Democrats' "tax and spend" policies of bygone decades, never mind that the deficit was then miniscule by today's standards. Democrats, understandably angry at Republicans whose "borrow and spend" policies have tripled our national debt to $2.2 trillion in less than a decade, are now tempted to follow their lead. So we're offering tax cuts of our own—payroll tax cuts and middle-income "savings incentives"—to counteract the political payoff from the new blandishments offered by the White House.

Nothing could be more damaging to our national interests at a time when the yawning gap between our government's commitments and the revenues available to pay for them has become a national embarassment. Our budget deficit limits our ability to deal with problems at home and abroad. It provides a ready excuse to our competitors to delay their own needed reforms. It reveals our leaders, in both Congress and the White House, as shortsighted and impotent.

For all the Republican rhetoric, federal spending wasn't cut at all in the last 10 years, it was merely "rearranged." Paying interest on our national debt is now the third largest category of spending, led only by defense and Social Security. Let's get this problem off the national agenda so we can get on with building our future.

I admit my responsibility to do more than belly-ache about the lack of government leadership. As chairman of the House committee dealing with both taxes and entitlements, I've participated in the binge of irresponsibility. I have embraced budgets that duck tough decisions, protected programs of special interest to my constituents. But no more.

Here's my challenge. Adopt my plan to fix the budget deficit—or come up with a better one. But any competitor will have to measure up to what my plan offers: No smoke and mirrors; no "feel good" promises or slide-by budgeting; no picking out one or two small-potato items that wouldn't make a perceivable dent in the deficit, leaving the hard part to be worked out later by a "budget summit." Just solid proposals—including some that I, as a Democrat, traditionally opposed—that produce substantial, incontestable savings calling for modest sacrifices by nearly every American.

Here's my five-year plan:

Freeze program spending for one year. Really freeze it. The freeze would include cost-of-living adjustments in all programs excepting only means-tested programs for our poorest citizens. Savings: $105 billion over the next 5 years.

Earmark the "peace dividend" for deficit reduction. Defense spending should be fundamentally restructured and rationally reduced—gradually falling by about 3 percent below inflation each year—to reflect the rapidly-changing events in Central and Eastern Europe as well as in the Soviet Union. But the money—$150 billion over five years—should be saved. New spending on critical or neglected needs should be financed on a "pay-as-you-go" basis. If we want to spend more on drug-abuse control or aid to Poland or Czechoslovakia, we must find a way to pay for it by cutting other programs or raising new revenues.

Freeze tax-indexing. Place a similar one-year freeze on inflation adjustments of the tax code—including indexing of the personal exemption and tax brackets. The only exception would be the earned income credit for lower-income families. The impact on individual taxpayers would be modest, but the aggregate revenue gain would be substantial—$50 billion over 5 years.

Eliminate the income-tax "bubble." Add an explicit third bracket with a 33-percent rate. As it is, because of a surtax imposed on individuals with incomes between $47,050 and $109,100 and families with incomes between $78,400 and $185,730, the effective rate on taxable income rises from 28 to 33 percent and then falls back to 28 percent for the wealthiest taxpayers. It is absolutely ludicrous that people with incomes in the millions now have a lower marginal tax rate—and pay lower capital gain taxes—than people earning $70,000. Keeping the rate at 33 percent would raise $44 billion over 5 years.

Increase consumption taxes on oil, pollutants, alcohol and tobacco. We currently import about half of our petroleum from abroad. An increase in the gasoline tax would result in lower oil imports, greater energy conservation, an improved trade balance and reduced national vulnerability to any future embargo of foreign oil supplies. Pollution taxes would reduce noxious emissions, create incentives to protect the environment and recoup social costs associated with current pollutants. In addition, tobacco and alcohol impose enormous health-care costs beyond the tragic statistics of human fatalities. Excise taxes tend to hit hardest on people with modest incomes, but this result can be offset with further expansions of the earned income credit. This could easily raise $100 billion over five years even assuming increases in the earned income tax credit.

Reject all tax cut proposals. All of us, Democrats and Republicans alike, want to improve savings, stimulate productivity and encourage growth. However, tinkering with the tax code is not the solution—the historical facts simply do not support the rhetoric. President Reagan's 1981 "riverboat gamble" tax reduction demonstrated just how ineffective and inefficient tax "incentives" are. That measure dramatically reduced marginal tax rates for both individuals and corporations, cut the capital gains rate to 20 percent, made IRAs available to everyone, indexed the tax code to eliminate "bracket creep," provided "All Savers Certificates" to encourage savings and vastly accelerated business depreciation to encourage business investment. What happened? Our national savings rate went down—and dramatically so. Is it any wonder why many of us are skeptical about the administration's proposals to cut the capital gains tax and provide new savings incentives? Sure these proposals are popular. So are proposals to cut Social Security taxes. But will any of them work as advertised? Is "popularity" the standard by which we should legislate? No, on both counts.

The best way to increase our national savings rate is to cut our national budget deficit. The worst thing we could do is engage in another class "bidding war" reminscent of 1981, only this time bidding capital gains against Social Security tax cuts. What we need is a rational budget policy and a stable tax policy, not a fiscal popularity contest between Democrats and Republicans.

Repeal Gramm-Rudman. The above recommendations would reduce the deficit by roughly $510 billion over a five-year period. By Congressional Budget Office estimates that would erase almost 80 percent of the debt we would otherwise accumulate over this period and produce a healthy net surplus of $34 billion in the 1995 budget—rendering Gramm-Rudman irrelevant.

Gramm-Rudman is a crutch, a collective confession of our inability to lead and our unwillingness to face up to our responsibilities. We didn't have Gramm-Rudman for the first 209 years of the Republic. Let's repeal it and govern the old-fashioned way—elected officials, representative of the people, exercising their judgment, making decisions in the national interest and honestly paying for the cost of government that their constituents demand. Has it been so long ago that we've forgotten how to do it?

With this fiscal strategy in place we could turn our attention from the excesses of the past to the challenges of the future. The president has prepared an impressive list of critical needs ranging from the war on drugs to improving education, science and the environment. We have a collective responsibility to expand medical care, invest more in our children and repair our highways, airports and other public facilities. If these are true national priorities, then let's accept the responsibility for financing them. More massive borrowing or continued conscious neglect aren't solutions but a prescription for national decline.

The story of America is a tale of turning incredibly ambitious dreams into reality. The job of government is to help make such dreams come true. The essential question for all of us, for the president, for my colleagues in Congress and for everyone in this country is whether we're still up to that challenge. Are we ready to send a message to our trading partners and financial markets that this country is serious about reducing its deficit and properly funding the critical needs of its citizens? Are we ready to make a modest sacrifice now to leave a better legacy to our children than a pile of unpaid bills? Do we, in both parties, have enough vision to look beyond the next election?

Contrast our decade of indulgent dallying with our fiscal problems to the courage shown by leaders abroad—from a playwright in Prague to a dockworker in Gdansk. Over there, from Prague to Warsaw, and even in Moscow and Pretoria, there is candid debate and failed policies are being jettionsoned. Surely U.S. politicians can show the same courage—and be able to count on the American people to show the same maturity in accepting modest sacrifice that people abroad have shown when faced with far sterner challenges.

THE ROSTENKOWSKI CHALLENGE

[Budget proposal in billions of dollars]

	1991	1992	1993	1994	1995	Total 1991-95
Projected deficit[1]	161	124	132	121	110	648
ROSTENKOWSKI PROPOSAL.						
Defense (freeze plus 3 percent decline)	−10.0	−20.0	−30.0	−40.0	−50.0	−150.0
Freeze programs	−5.4	−8.5	−9.7	−10.7	−11.5	−45.8
Freeze cost-of-living adjustments (except means-tested programs)	−9.0	−12.3	−12.5	−12.5	−12.4	−58.7
Eliminate the tax bubble	−4.2	−8.2	−9.3	−10.6	−12.0	−44.3
Suspend tax indexing for 1 yr (except EITC)	−5.4	−10.2	−10.8	−11.4	−12.0	−49.8
Consumption and pollution taxes (with low-income offset)	−19.4	−20.5	−20.3	−20.4	−20.5	−101.1
Interest savings	−1.6	−5.7	−11.2	−17.8	−25.6	−61.9
Total deficit reduction	−55.0	−85.4	−103.8	−123.4	−144.0	−511.6
Net new spending	(2)	(2)	(2)	(2)	(2)	(2)
Resulting deficit	106	39	28	[3] (2)	[3] (34)	137

[1] Congressional Budget Office estimate

[2] None

[3] Parenthesis denotes surplus

AMERICA'S STRENGTHS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from South Carolina [Mr. TALLON] is recognized for 5 minutes.

Mr. TALLON Mr. Speaker, the United States is in a difficult economic situation, but it is not nearly as bad as some people like to portray.

The fact of the matter is that the key to American competitiveness is one thing: the uniqueness of the United States.

We are not Germany.

We are not France.

We are not Japan, nor should we try to be.

America is different.

We have to understand what Ameria's assets in the world are and then figure out a way to leverage them.

The United States has many, many assets.

The more I travel in the world, the more that I hear from people abroad that they think that we have the best marbles in the world.

We just do not know what to do with them.

The fact of the matter is the United States has two basic assets compared to our competitors.

First, we are the only advanced, large-scale industrial Nation in the world with vast natural resources.

Second, we have the most entrepreneurial economy in the world. Using these strengths, I think we can devise a strategy that is based not on emulating the Japanese or the Germans but on figuring out what our strengths are and then leveraging them.

In natural resources, we have to understand we have a key asset. One of the reasons why the United States receives the foreign investment it does is that it is the only stable democracy and large industrial economy that also has natural resources and land. We have

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30 times the land mass of Japan, 360 times its coal, 1,300 times its oil.

Why do the Japanese invest?

Do you think that they are going to take the Rockefeller Center in New York, put it on a barge and take it back to Japan?

No.

The reason the Japanese invest is that, as one Japanese investor said to me, there are no unturned rocks left in Japan. There is nowhere to put the money.

The Japanese invest for the same reasons the British capitalists invested in the United States very heavily at the turn of the century and are still doing it today.

Small, capital-rich nations have to invest their money somewhere. The best candidate for that money has been the United States.

Let us look at factory land. The Japanese are building factories here. It is not just protectionism. The Japanese factory land is 30 times higher than American factory land. Energy prices are at least three times more expensive. The return on investment are simply higher here.

So basically, the United States is historically what has been called the land of optimal economic opportunity.

Now, how do we take advantage of this? Getting the money from abroad is a good thing, but we cannot become totally dependent on it.

The Japanese, the Germans, the English, will continue to invest in our country only if we are willing to invest our infrastructure so we can take advantage of our natural resources and our size.

The second major advantage that we have are the entrepreneurs. If we take a look at the entrepreneurial segment of this country, these are the people who are providing most of the new jobs.

They are also increasingly important for factories.

Forty-two percent of all American manufacturing workers in 1974 worked in companies of less than 100 employees. It was 46 percent by 1987. It should be over 50 percent of the 1990's.

Sixty percent of all the recent manufacturing wage gains were made in companies with less than 100 employees. All over the country, it is small companies who are making the industrial expansion.

If you take metal working firms, in 1976, 46 percent of the output came from companies with under 100 employees. Today 66 percent, $2 out of every $3, in metal forming comes from companies with less than 500 employees.

So, fundamentally, what we have to do is refocus on our strengths, on who we are and how we got here. That will take us successfully into tomorrow.

THE TRAGEDY OF CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. COYNE] is recognized for 5 minutes.

Mr. COYNE. Mr. Speaker, we are living in a remarkable period when several nations that have been divided for years—Germany, Korea, South Africa—are taking important steps toward reconciliation. Thus, it is especially tragic to see that the division of Cyprus into two parts is continuing with no end in sight.

Let us review some of the background of that troubled island. Cyprus has been divided since 1974. Greek Cypriots—about 80 percent of the island's population—are in the southern two-thirds of the island ruled by the Republic of Cyprus. Turkish cypriots live in the other one-third of the island under the jurisdiction of the so-called Turkish Republic of Northern Cyprus, which is recognized only by Turkey. Indeed, that "government" is by any definition a client of Turkey and is propped up by some 30,000 Turkish troops.

The United Nations has been promoting a negotiating process aimed at ending the military occupation of Cyprus and creating a new federal republic on the island, with extensive contacts and free movement between the Greek and Turkish zones. The United States has supported the negotiating process and its goals.

In principle, both Greek and Turkish Cypriots accept that such a republic should be a bicommunal, bizonal, nonaligned, and independent state. But there is alarming evidence that the Turkish Cypriot leadership under Rauf Denktash is trying to perpetuate the island's current division.

Last August, for example, Mr. Denktash—with Turkish Government support—rejected U.N. Secetary General Perez de Cuellar's document regarding the settlement of Cyprus. He also rejected the proposal of the Secretary General for 15 days of intensive negotiations with Cyprus President Vassiliou, to be held under United Nations auspices; Denktash would agree to only 2 or 3 days.

It seems to me that the best United States policy toward Cyprus would be to continue our commitment to the framework of a federal republic, and to reaffirm our political support for the United Nations negotiating process. In addition, it may eventually be appropriate for us to review our aid to Turkey in light of the Turkish Government's role in the Cypriot problem.

I am sure that in any event, my colleagues join me in hoping that peace and harmony return to the island of Cyprus. Both Turkish and Greek Cypriots have suffered far too much already because of the conflict there. The time for reconciliation is long overdue.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS SUPERVISION, REGULATION AND INSURANCE TO HOLD HEARINGS ON S&L BAILOUT LAW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, Congress adopted legislation last year to restore and restructure the savings and loan industry which was in the worst financial crisis since the Great Depression. President Bush signed the measure into law on August 4. In the past 7 months, events have not moved as expeditiously as Congress had hoped.

Shortly after the law became effective, there were reports of interagency and intracorporation bickering. We have been told the disagreements have been resolved. Since then, there have been further reports of the new agencies dragging their feet. That may be caused by the lack of key appointments which the President has not made, the resignation of other officials and the refusal of highly qualified persons to join the administration.

Mr. Speaker, there must be as many reasons for the slow start as the number of people asked about it. Each has a different answer. But it is the obligation and duty of Congress to find out if the bailout law has helped or caused problems for the thrift industry.

Therefore, the House Banking Subcommittee on Financial Institutions Supervision, Regulation and Insurance, which I chair, will begin oversight hearings on the bailout law on Wednesday and Thursday of this week and continue them on March 27, 28, and 29.

I go into these hearings with no preconceived ideas. I have no agenda. I am going to attend the hearings as a listener. I just want to find out how the law is working. We will cover all aspects of the law.

The witnesees tomorrow will include Comptroller of the Currency Robert Clarke, FDIC Chairman William Seidman, the Delaware State Banking Commissioner, Keith Ellis, who will be representing the Conference of State Bank Supervisors, and the Superintendent of the Savings and Loan Division of the Iowa Department of Commerce who also is the chairman of the American Council of State Savings Supervisors.

On Thursday, the Financial Institutions Subcommittee will hear the chairman of the U.S. League of Savings Institutions, Ken Seaton, and David J. Sullivan Jr., president and chief executive officer of the Mechanics & Farmers Savings Bank in Bridgeport, CT, and who also serves as the chairman of the National Council of Savings Institutions.

Mr. Speaker, the weekly newsmagazine, Time, in its March 12 editions, has an interesting article entitled, "This is a Rescue?" in which it describes the first 7 months of the S&L law. I am enclosing the article with my remarks for inclusion in the RECORD.

THIS IS A RESCUE? THE S&L BAILOUT IS FALTERING—AND THE METER KEEPS RUNNING

(By Christine Gorman)

The rescue seemed bold and sweeping. Only 17 days after taking office last year, President Bush presented a plan to clean up the devastated savings and loan industry once and for all. By August, Congress turned that proposal into law. A new agency, the Resolution Trust Corporation, was formed to sell the assets of hundreds of failed thrifts. Cost to taxpayers: an estimated $166 billion over ten years. Against all odds, the Government was tackling the worst financial disaster since the Depression.

Seven months into the cleanup, however, the rescue effort has barely got off the ground. Only 50 of the 386 thrifts taken over by the RTC have been closed or sold. Seized assets are piling up faster than the Government can sell them or even assess their value. By one estimate, the RTC owns 26,800 homes, 773 office buildings, 158 hotels, 205 resorts, 51 restaurants, 236 industrial facilities and 43 mines, among other properties. And the backlog will only get worse, since the agency may need to bail out another 600 institutions. That would bring the total to 1,000 thrifts, twice as many as Bush's plan estimated. "It's blowing up in our face," says an Administration official. "It's one of those things that's so bad that nobody wants to talk about it."

The slow start is costing the U.S. an estimated $14 million a day in operating losses and other expenses. Moreover, as seized property slowly deteriorates under Government ownership, its market value is ebbing. The RTC's commitment to sell several hundred billion dollars' worth of real estate hangs over the market, depressing prices and even harming the loan portfolios of the remaining 2,600 S&Ls. And since the Government is counting on proceeds from the property sales to offset some of the costs of the bailout, sluggish disposal of the real estate could help push the total cost of the rescue to more than $300 billion during the next 30 years. "The cost of carrying that stuff is going to kill you and me as taxpayers," says Richard Kneipper, a Dallas thrift lawyer.

One reason for the delay is the enormous task of building a new bureaucracy. Many RTC offices have only just opened and are operating far below capacity. About 2,300 staffers have been hired and trained so far, but the agency will need thousands more, and finding talented employees has been difficult. "They do a lot of clock watching and bean counting," says a Houston real estate agent. "Everybody's so afraid of making a mistake that you can't get an answer. It's a mess.

Many thrift experts attribute the near paralysis to the way Congress—at the Administration's insistence—split responsibility for the rescue between the two groups. The RTC's operations are supervised by William Seidman, head of the Federal Deposit Insurance Corporation, an independent agency that policies the banking industry. But a separate panel called the RTC Oversight Board, which is chaired by Treasury Secretary Nicholas Brady, decides RTC policy and controls its funding. Congress agreed to give the Treasury a role so that the Administration would have a major stake in the bailout, but dividing responsibility has prompted feuding between the Treasury and the FDIC. "It is a perfect setup for blaming someone else," complains Seidman.

Real estate experts argue that the bailout law is fraught with over-cautious rules, largely designed to prevent the appearance of a gigantic giveaway to developers and financiers, that have slowed the process unnecessarily. To avoid setting fire-sale prices in shaky markets, the Government is bound to sell assets at no less than 95% of their appraised value. The restriction has scotched many deals, since buyers can often find better prices elsewhere. Another drawback is the agency's refusal to fix up old properties or provide loans for potential buyers. With enough troubles of their own, many banks and thrifts refuse to grant mortgages on such tainted properties. "If the RTC won't pay for a new roof and fresh coat of paint, and no one will lend on it, how am I going to sell it?" asks Dallas real estate agent Jenny Capritta.

Many of the Government's properties are white elephants of the most unwanted breed. One such mammoth is the 24,000-acre Banning-Lewis Ranch, situated just outside vastly overbuilt Colorado Springs. A developer paid $200 million for the parcel in the mid-1980s as the future site of several planned communities, but now the land is virtually useless because the city has de-annexed it. As a result, anyone who wishes to develop the former ranch can no longer count on municipally priced water.

Sorting out the assets would be hard enough if they had been in the hands of honest businessmen, but many failed thrifts were ruined by larcenous schemers who took advantage of lax S&L rules and poor supervision during most of the 1980s. Testifying before Congress last week, Seidman said criminal fraud had been discovered in 60% of the S&Ls seized by the Government during the past year, almost triple the rate in commercial bank failures. Some of the wrongdoing may even be traced to the CIA. According to the Houston Post the intelligence agency had connections with 22 now failed thrifts, whose officers used depositors' funds for loans to CIA operatives involved in "gunrunning, drug smuggling, money laundering and covert aid to the Nicaraguan contras." The House Select Committee on Intelligence promised last week to look into the charges, which the CIA has denied.

The bailout's creditibility is also being hurt by the Government's problems in finding and keeping top talent to lead the rescue, which many potential candidates view as a thankless job. Daniel Kearney, a real estate expert with Wall Street and Washington experience, seemed an ideal choice for chief executive of the Oversight Board. But Kearney quit in February after just four months on the job, citing a lack of authority "essential to be effective in this process." At the same time, the Treasury Department is having trouble replacing M. Danny Wall, the head of the Office of Thrift Supervision, who oversees the surviving S&Ls. Wall resigned in December but has been asked to stay on, even though he was sharply criticized last year for giving overly generous Government guarantees to buyers of crippled S&Ls.

At least two Democrats are already calling for an overhaul of the bailout. Minnesota Congressman Bruce Vento and Nebraska Senator Bob Kerrey proposed bills last month that would scrap the Oversight Board and concentrate all responsibility for the rescue effort within one agency. Says Kerrey: "This is the No. 1 domestic, problem, and it isn't being given the attention it deserves. Bush has dropped the ball." Even so, Congress and the Administration are likely to avoid returning to the S&L problem this year. Almost no one wants to admit defeat on a much applauded plan so soon after enacting the original legislation. As they look the other way, the meter is running higher and higher on a faltering campaign.

U.S. FOREIGN AID

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from New York [Mrs. LOWEY] is recognized for 5 minutes.

Mrs. LOWEY of New York. Mr. Speaker, I rise to address an issue which is of fundamental importance to our Nation and the world—the issue of United States foreign aid at a time of enormous change in the Soviet Union and Eastern Europe.

The changes in the Soviet Union and Eastern Europe have exceeded the expectations of even the most optimistic among us. As the Berlin Wall toppled, the Western World looked on in amazement. As Communist regimes in Eastern Europe crumbled one by one, the Western World looked on in awe. When the democratic opposition prevailed in the Nicaraguan elections, many were stunned. Now, with budding democracies in place throughout Eastern Europe, it is clearly in the self-interest of the United States to support and assist these nations as they struggle to meet the challenge of difficult social and economic problems created by decades of oppressive rule.

Senator BOB DOLE, among others, has urged that the United States reallocate foreign aid funds that are currently earmarked for Israel, Egypt, Pakistan, the Philippines, and Turkey, in order to assist these new democracies. But the Dole plan would be an enormous step backward for the United States and for the nations which are targeted for reductions by the Dole plan.

Senator DOLE is right to insist on a United States role in assisting the new democracies of Eastern Europe and the transitions to democracy in Nicaragua and Panama. But he is wrong to suggest taking the funds from other nations in order to accomplish this purpose.

The current major recipients of U.S. foreign aid are receiving that aid for good reasons. They need this aid in order to maintain their own security in the face of strong threats. In addition, their security is of essential importance to the United States.

The case of Israel is particularly instructive. The winds of change in Eastern Europe have not yet blown as far as the Middle East. Israel continues to be severely threatened by many of its Arab neighbors, who have spent massive sums in recent years engaging in an enormous military buildup, supported in part by continued aid from the Soviet Union.

Since the 1973 Yom Kippur war, the Arab countries directly involved in the Arab-Isareli conflict have spent over $170 billion purchasing weapons. Many of these nations now possess sophisticated ballistic missiles and chemical weapons which are capable of reaching Israeli targets. And the purchase of sophisticated weaponry by these nations continues unabated.

For this same reason, the strategic importance of Israel to the United States is growing, rather than shrinking. As East-West tensions ease, the importance of regional conflicts is greater than before. As the only long-trusted ally of the United States in the Middle East, Israel has a unique role to play in advancing United States interests in this region.

As United States defense budgets are reduced in the coming years, close cooperation with Israel on security matters will be of more and more importance. As the only democracy in the Middle East, Israel has played a crucial role in fighting the antidemocratic movements of Islamic fundamentalism that have threatened basic human rights and United States interests throughout the region. In addition, Israel is particularly skilled in combating international terrorism, which so often targets innocent Israeli or American citizens.

While the threat to Israel has been growing, and Israel's importance to the United States has been growing, United States foreign aid to Israel has been held constant over a period of several years. This means that our aid to Israel has already been reduced in real terms

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due to the effects of inflation. To further reduce this aid at this stage would make it extremely difficult for Israel to meet the enormous challenges it currently faces.

The same is true of the many other nations which are targeted for reductions in foreign aid by the Dole plan. These nations face significant threats to their own security, and they serve vital U.S. interests abroad. That was the basis for decisions which led to the current aid levels, and those circumstances have not changed to a very significant degree. Cutting aid to these nations at this stage would be counterproductive.

The Dole plan would provide scant resources to meet the needs of the nations of Eastern Europe, Nicaragua, and Panama, let alone the other nations of the world that are tackling problems of enormous magnitude. Rather than pit the security and humanitarian needs of critical allies against each other in a fight for resources that cannot meet their compelling needs, as Senator DOLE would have us do, we would do better to joint together in coalitions aimed at responding reasonably and rationally to pressing foreign policy priorities.

Precisely because of the changes in Eastern Europe and Central America, our security needs are far different this year than in prior years. The threat from the Soviet Union and the Eastern bloc has waned considerably. The ill-advised policy of funneling massive funds to the Contras should give way to aiding constructive development of the shattered Nicaraguan economy. It is readily apparent that our military budget can be reduced by significant amounts without threatening our security. This peace dividend, as it has come to be known, should be used for a variety of purposes, including deficit reduction and meeting urgent human needs at home. But a portion of it logically should also be used to invest in world peace by providing emergency assistance to foreign nations in order to further the cause of democracy and the cause of preserving human life.

I urge my colleagues to join me in opposing the Dole plan to reallocate existing foreign aid funds as we seek to assist the budding democracies of Eastern Europe and Central America. Instead, let us rise to one of the most important challenges that faces us as a world power in 1990. Let us work hard to promote democracy and freedom around the globe without ignoring strategic decisions which have led to commitments we must not undermine.

GEOGRAPHY AWARENESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I rise today to introduce a resolution declaring November 11 through 17, 1990, as "Geography Awareness Week." I was pleased to be an original cosponsor of this legislation for the past 3 years in the U.S. House of Representatives. It has been commemorated with Members of Congress, Governors, State education officials, librarians, students, teachers, and parents all over the country participating in numerous exercises designed to improve and promote geographic literacy. I am proud to be introducing this legislation again this year along with my esteemed friends and colleagues, Representatives BILL GREEN and DALE KILDEE. This resolution is another expression of my strong belief in the importance of foreign langauge and international education.

During Geography Awareness Week last year, there were thousands of activities across the country focusing on geography and its importance. At this time, I would like to commend the National Geographic Society and its president, Gilbert Grosvenor, for their continued interest and support in this resolution. Last year they sponsored a Student Environmental Summit with Environmental Protection Secretary William Reilly to highlight student projects in honor of the geography awareness theme, "Geography: Key To Our Environment." The society is planning many activities again this year in connection with Geography Awareness Week. I am certain that even more interest and exciting events will be generated again this year.

We can see the immediate need to increase our attention to this fundamental subject. A recent survey conducted by National Geographic highlights our lack of ability in this area. American students aged 18 to 24 ranked last in an international comparision of geographic knowledge, and American adults of all ages scored among the bottom third. Thirty percent of the students surveyed at a U.S. university could not locate the Pacific Ocean on a world map. Nearly half of the college students in a California poll could not locate the Pacific Ocean on a world map. Nearly half of the college students could not identify the location of Japan. In addition, 75 percent of Americans surveyed could not locate the Persian Gulf on a map.

This news is shocking. Our geographic illiteracy places the United States at a significant disadvantage as a nation with worldwide involvements and aspirations, one whose global influence and responsibilities demand an understanding of the lands and cultures of the world. This ignorance severely hampers our ability to effectively compete and participate in the international marketplace. We cannot expect to remain a world leader if our populace does not even know who the rest of the world is!

In 1980, a Presidential Commission found that U.S. companies fare poorly against foreign competitors partly because Americans are often ignorant of things beyond our borders. As Governor Baliles said in a Southern Governors Association report, "Americans have not responded to a basic fact: the best jobs, largest markets, and greatest profits belong to those who understand the country with which they are doing business."

This year, both the Congress and the President, in his State of the Union Address, assigned top priority to improving our Nation's productivity and position in the global economy. Improving our knowledge of the geography, language and culture of other lands is a concrete, attainable and important goal in the context of international trade and our place in the world economy.

The understanding necessary to accomplish this, as I have said, can come only from knowledge of the peoples, cultures, resources and languages of other nations. This is the sort of knowledge that geography seeks to impart. Alarmingly, in spite of this, the discipline of geography has become seriously endangered in this country. Departments of geography are being eliminated from many institutions of higher learning, and less than 10 percent of elementary and secondary school geography teachers have even a minor in the subject. However, there are hopeful indicators that geography education is beginning to experience a long-awaited and badly needed resurgence. Among these:

The National Geographic Society has instituted the National Geography Bee, which attracted a million student participants across the United States.

The Jason project, which thrilled scores of classes at National Geographic Society headquarters in Washington, DC, and other auditoriums with live television telecasts from the bottom of the Mediterranean Sea.

In California, the State board of education, after finding that students were sorely lacking in their knowledge of geography, adopted a new, statewide history social studies framework in which geography will be studied at each level. This is considered a potential landmark step, one that will hopefully initiate a broad movement for improving geography education throughout the country.

Mr. Speaker, we are a nation with worldwide involvements. Our global influence and responsibilities demand an understanding of the lands, languages and cultures of the world. It is for this reason that I strongly urge my colleagues to support this resolution focusing national attention on the integral role that the knowledge of world geography plays in preparing our citizens for the future of our increasingly interdependent, interconnected world. It is my hope that again passing this resolution will be just one more step in a revitalization of the study of geography in this country. All of our citizens should have access to the type of education that will help them succeed and appreciate the beautiful diversity in this country and in this world.

The text of the resolution follows:

H.J. RES. 512

Whereas geography is the study of people, their environments, and their resources;

Whereas the United States is a truly unique Nation with diverse landscapes, bountiful resources, a distinctive multiethnic population, and a rich cultural heritage, all of which contribute to the status of the United States as a world power;

Whereas the leadership of the United States in world affairs is threatened by a lack of understanding of the locations and significance of historic changes occurring around the globe;

Whereas a knowledge of geography provides a "Window on a Changing World" and a way in which to understand events and their impact on the United States;

Whereas the United States is a Nation of worldwide involvements and influence, the responsibilities of which demand an understanding of the lands, languages, and cultures of the world;

Whereas geography today offers perspectives and information in understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world;

Whereas the first federally funded National Assessment of Educational Progress survey revealed a "disturbing geography knowledge gap" among 12th graders in the United States;

Whereas this survey also indicated that many students did not know that the Mississippi River flows into the Gulf of Mexico, or that the Panama Canal shortens sailing time between the east and west coasts of the United States, nor could they identify Jerusalem on a regional map, or name the three oceans moving east around the globe from Africa;

Whereas departments of geography are being eliminated from institutes of higher learning in the United States, thus endangering the discipline of geography in this country;

Whereas, while geography as a distinct discipline has virtually disappeared from the curricula of schools in the United States, it is still being taught as a basic subject in other countries, including the United Kingdom, Canada, Japan, and the Soviet Union;

Whereas an ignorance of geography, foreign languages, and cultures places the United States at a disadvantage with other countries in matters of business, politics, the environment, and global events;

Whereas one-third of adults in the United States cannot name four of the sixteen North Atlantic Treaty Organization member nations, and another one-third cannot name any; and

Whereas national attention must be focused on the integral role that knowledge of world geography plays in preparing citizens of the United States for the future of an increasingly interdependent, interconnected, and rapidly changing world: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of November 11 through 17, 1990, is designated as "Geography Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

ENERGY AND WATER CONSERVATION TAX OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, I am pleased to introduce today a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to encourage the use of energy and water conservation measures.

This proposal will reenact an expired conservation incentive contained in the National Energy Conservation Policy Act of 1978 [NECPA], and extend it to make it even more effective as a conservation program.

Rebate programs are an increasingly popular and effective method of encouraging customers to purchase more energy efficient appliances, air-conditioning systems, lighting products, motors, and other conservation measures. In 1987, the Consumer Energy Council of America Research Foundation and the American Council for an Energy-Efficient Economy surveyed utilities across the country and found that of the 132 utilities that responded to the questionnaire, 59 had rebate programs. The study concluded that 35 percent of the Nation's electric utility customers are served by utilities that have some form of an energy efficient rebate program.

Rebate programs are widely used because they work to conserve energy in a cost-effective manner. A number of utilities have conducted studies on how financial incentives influence program participation. These studies demonstrate that financial incentives can significantly increase purchases of high-efficiency appliances and other conservation measures. The New York State Electric and Gas Corp., for example, found that the market share for efficient refrigerators was nearly 60 percent in the area in which a $50 rebate was provided, compared to 49 percent in the $35 rebate area, 35 percent in the advertising-only area, and 15 percent in the control area with no rebates or advertising.

According to this study and others, customers are very responsive to the amount of the rebate offered by utilities. Taxing these rebates is a major disincentive to invest in conservation because consumers are generally unwilling to pay a little more money up front to save more money in the long run. Customer rebates can play a significant role in overcoming this by "buying down" the original cost of conservation efforts. By this means, utilities can encourage activities that benefit the entire energy and water customer base, and reduce the sources of pollution in the future.

While residential customers were allowed this exclusion under NECPA up until June 30, 1989, this provision has unfortunately expired. As it stands right now, payments made from a utility to a residential customer for conservation must be counted as gross income. Moreover, even when the provision was in effect, it did not include industrial or commercial customers. The legislation I am introducing today will reinstate this exclusion and expand it to include industrial and commercial customers because the cost of energy saved is cheaper with commercial and industrial customers. Commercial and industrial lighting rebate programs, for instance, appear to be the most cost-effective conservation investment on the basis of cost per kW of peak demand saved.

This legislation would also encourage the installation of water conservation devices which are very important to some areas of the country.

Mr. Speaker, I hope that my colleagues will support this legislation and that we will be able to consider it promptly during the current session.

EARTH DAY 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BENNETT] is recognized for 5 minutes.

Mr. BENNETT. Mr. Speaker, as we enjoy the glorious springlike weather of yesterday and today, I am reminded of what a beautiful world we live in, and look ahead to Earth Day, the annual celebration of our planet, which is only 40 days from today.

I am going to take this opportunity to talk with you about wetlands. As I begin, I would like to read to you the introductory paragraph of "A Citizens' Guide to Protecting the Wetlands," authored by Jan Goldman-Carter of the National Wildlife Federation.

> What would our lives be like without the chorus of spring peepers on an early spring evening, or the V-shaped wake of the industrious muskrat crossing the marsh at sunset? Would life be the same without the seasonal comings-and-goings of the blue-winged teal and the bobbing yellowlegs? Would we miss the lacey domes, buttressed columns, and protruding knees of the bald cypress swamp, or the wide expanses of salt marsh filtering and feeding the tides and the sea life that depend on them? Would we note the absence of the arching roots of the mangrove forest, anchored in the coastal sands with fish, shrimp, crabs, snails, and other inter-tidal explorers weaving their way through the maze?

Perhaps many of us have enjoyed these experiences. These experiences, and others like them, are made possible by our life-giving wetlands. Wetlands are immensely important to both the environmental and economic health of our Nation. They provide habitat for a great variety of wildlife. They provide seasonal resting spots for migrating birds. They support recreation and fisheries. They help reduce flood damages, and their natural sifting abilities abate water pollution.

Yet, in spite of these benefits, we are losing wetlands at the rate of almost ½ million acres each year. Legislation that I have introduced, H.R. 1746, would stem the loss of wetlands without halting development. I encourage my colleagues to join me so we may continue to enjoy "the chorus of spring peepers on an early spring evening."

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KOLBE) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 5 minutes, on March 15.

Mr. DELAY, for 5 minutes, today.

Mr. ARMEY, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes each day, on March 14 and March 15.

(The following Members (at the request of Mr. VENTO) to revise and extend their remarks and include extraneous material:)

Mr. TALLON, for 5 minutes, today.

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

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Ms. Lowey of New York, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mrs. Kennelly, for 5 minutes, today.

Mr. Bennett, for 5 minutes, today.

Mr. Feighan, for 60 minutes, on March 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Kolbe) and to include extraneous matter:)

Mrs. Saiki.
Mr. McDade.
Mr. Gekas.
Mr. Thomas of Wyoming.
Mr. Rogers in two instances.
Mr. Gilman.
Mr. Gunderson.
Mr. Gallo.
Mr. Leach of Iowa.

(The following Members (at the request of Mr. Vento) and to include extraneous matter:)

Mr. Neal of Massachusetts.
Mr. Kennedy.
Mr. Lantos.
Mr. Panetta.
Mr. McMillen of Maryland.
Mr. Dellums.
Mr. Frank.
Mrs. Kennelly.
Mr. Bryant.

ADJOURNMENT

Mr. VENTO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 14, 1990, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2697. A communication from the President of the United States, transmitting a request for supplemental appropriations for fiscal year 1990, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-157); to the Committee on Appropriations and ordered to be printed.

2698. A letter from the Acting Assistant Secretary for Financial Management, Department of the Army, transmitting a report on the value of property, supplies, and commodities provided by the Berlin Magistrate for the quarter October 1, 1989, through December 31, 1989, pursuant to Public Law 101-165, section 9008 (103 Stat. 1130); to the Committee on Appropriations.

2699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-157, "District of Columbia Traffic Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-158, "Christ Church of Washington Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-159, "Church of the Living God Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2702. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-160, "Mt. Rona Missionary Baptist Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2703. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-161, "District of Columbia Taxicab Commission Adjudicatory Authority Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2704. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-162, "Buddhist Congregational Church of America Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2705. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-163, "Hemingway Temple A.M.E. Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2706. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-164, "American Association of University Women Educational Foundation Real Property Tax Exemption Amendment Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2707. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-165, "Arts Club of Washington Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2708. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-166, "Fifteenth Street Presbyterian Church Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2709. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-167, "The Phillips Collection Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2710. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-168, "Spiritual Assembly of Baha'is of Washington, D.C. Equitable Real Property Tax Relief Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2711. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-169, "Officer Dana E. Harwood Memorial Pier Designation Act of 1990," and report, pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2712. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-170, "Asbestos Licensing and Control Act of 1990," pursuant to D.C. Code Section 1-233(c)(1); to the Committee on the District of Columbia.

2713. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled "Review of Rent Expenses for the Presidential Building—415 12th Street, N.W.," pursuant to D.C. Code Section 47-117(d); to the Committee on the District of Columbia.

2714. A letter from the Chairman, James Madison Memorial Fellowship Foundation, transmitting the 1989 annual report of the Foundation, pursuant to Public Law 99-591, section 814(b) (100 Stat. 3341-81); to the Committee on Education and Labor.

2715. A communication from the President of the United States, transmitting a copy of the Executive order terminating the national emergency with respect to Nicaragua (H. Doc. No. 101-158); to the Committee on Foreign Affairs and ordered to be printed.

2716. A letter from the Attorney General, transmitting a report of actions taken to increase competition for contracts, fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2717. A letter from the Assistant Secretary for Policy Management and Budget, Department of the Interior, transmitting the annual report on activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2718. A letter from the Assistant Vice President for Government and Public Affairs, National Railroad Passenger Corporation, transmitting the annual report on activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2719. A letter from the Chairman, Resolution Trust Corporation, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2720. A letter from the Secretary, Naval Sea Cadet Corps, transmitting the annual audit report of the Corps for the year ended December 31, 1989, pursuant to 36 U.S.C. 1101(39), 1103; to the Committee on the Judiciary.

2721. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend title 39, United States Code, to curb abuses of postage subsidies, to provide more equitable rates for Government mail, and for other purposes; to the Committee on Post Office and Civil Service.

2722. A letter from the Secretary of Commerce, transmitting his outline of the financial problems of the Census Bureau; to the Committee on Post Office and Civil Service.

2723. A letter from the Chairman, Arctic Research Commission, transmitting activities and accomplishments of the Commission for the period October 1, 1988–30 September 1989, pursuant to 15 U.S.C. 4103(b); to the Committee on Science, Space, and Technology.

2724. A letter from the Secretary of Agriculture, transmitting the Forest Service report on the progress of management activities concerning the northern spotted owl and timber sales for national forest lands in the States of Oregon and Washington, pursuant to Public Law 101-121, section 318(h); jointly, to the Committees on Agriculture, Appropriations, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2843. A bill to establish the Kino Missions National Monument in the State of Arizona; with amendments (Rept. 101-418). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GONZALEZ (for himself and Mr. Wylie) (both by request):

H.R. 4245. A bill to amend Federal laws to reform housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DAVIS (for himself (by request), Mr. Jones of North Carolina, and Mr. Lent):

H.R. 4246. A bill to authorize appropriations for the fiscal years 1991 and 1992 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CHANDLER (for himself, Mr. Stark, and Mr. McDermott):

H.R. 4247. A bill to amend title XVIII of the Social Security Act to provide for coverage of self-administered erythropoietin under the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. DOUGLAS (for himself, Mr. Bartlett, Mr. Weber, Mr. Gallo, Mr. McEwen, Mr. Smith of New Jersey, Mrs. Vucanovich, Mr. Bliley, Mr. Gunderson, Mr. James, Mr. Donald E. Lukens, Mr. Paxon, Mr. Duncan, and Mr. Cox):

H.R. 4248. A bill to assist first-time homebuyers to purchase homes through first home ownership accounts, elimination of the capital gains tax on the sale of a principal residence, extension of mortgage bonds, modified FHA authority, and downpayment and share equity plans; jointly, to the Committees on Ways and Means and Banking, Finance and Urban Affairs.

By Mrs. KENNELLY (for herself, Mr. Chandler, Mr. Matsui, Mr. Thomas of California, Mr. Sharp, and Mr. Swift):

H.R. 4249. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 4250. A bill to amend the Outdoor Recreation Act of 1963 to provide for multiobjective river corridor planning and assistance; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Public Works and Transportation.

By Mr. LEACH of Iowa:

H.R. 4251. A bill to abolish the Office of the Director of Thrift Supervision and transfer the functions of such Office relating to Federal savings associations to the Comptroller of the Currency, the functions relating to State savings association to the Federal Deposit Insurance Corporation, and the functions relating to savings and loan holding companies to the Board of Governors of the Federal Reserve System, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MARTIN of New York (for herself, Mr. Smith of New Hampshire, Mr. Dickinson, and Mr. Saxton):

H.R. 4252. A bill to authorize the Secretary of the Air Force to purchase certain property at Pease Air Force Base, NH; to the Committee on Armed Services.

By Ms. OAKAR (for herself, Mr. Stokes, Mr. Rahall, Mr. Fauntroy, and Mr. Hayes of Illinois):

H.R. 4253. A bill to provide for an equitable and universal national health plan administered by the States, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. OLIN:

H.R. 4254. A bill to amend the Agricultural Act of 1949 with respect to the level of milk price support in effect for 1991 through 1995; to the Committee on Agriculture.

By Mr. PANETTA:

H.R. 4255. A bill to amend the Federal Water Pollution Control Act to add Morro Bay, CA, to the priority list of the National Estuary Program; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

By Mr. ROBERT F. SMITH:

H.R. 4256. A bill to provide for the funding of certain wildland fire programs of the Department of Agriculture and the Department of the Interior, and for other purposes; jointly, to the Committees on Agriculture, Interior and Insular Affairs, and Appropriations.

By Mr. BONIOR:

H.J. Res. 511. Joint resolution to lift the United States embargo on trade with Nicaragua; to the Committee on Foreign Affairs.

By Mr. PANETTA:

H.J. Res. 512. Joint resolution designating November 11 through 17, 1990, as "Geography Awareness Week"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

326. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to the Clean Air Act Amendments of 1989; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 41: Mr. Mazzoli.

H.R. 81: Mrs. Boxer.

H.R. 784: Mr. Geren.

H.R. 933: Mr. Price, Mr. Geren, and Mr. Hatcher.

H.R. 961: Mr. Leath of Texas, Mr. Gallegly, Mr. Faleomavaega, Mr. Packard, Mr. McNulty, Mr. Bliley, Mr. Miller of Washington, Mr. Bonior, Mr. Rohrabacher, and Mr. Lent.

H.R. 993: Mr. Fuster.

H.R. 1055: Mrs. Lowey of New York, Mr. Owens of Utah, Mr. Payne of New Jersey, Mr. Dornan of California, and Mr. Thomas A. Luken.

H.R. 1092: Mr. Levine of California and Mr. Glickman.

H.R. 1122: Mr. Owens of New York.

H.R. 1180: Mr. Moakley.

H.R. 1593: Mr. Walsh, Mr. James, and Mrs. Byron.

H.R. 1865: Mr. Hiler.

H.R. 2460: Mr. Broomfield, Mr. Brown of Colorado, Mr. Coleman of Missouri, Mr. Davis, Mr. Pursell, Mr. Roberts, Mr. Shuster, and Mr. Bates.

H.R. 2575: Mr. Bilirakis, Mr. Bonior, Mr. DeWine, Mr. Dornan of California, Mr. Gray, Mr. Hall of Texas, Mr. Hefley, Mr. James, Mr. Kleczka, Mr. Lent, Mr. Lewis of California, Mr. Thomas A. Luken, Mr. Mazzoli, Mr. Moakley, Ms. Pelosi, Mr. Roth, Mr. Schaefer, Mr. Sikorski, Mr. Skaggs, Mr. Tauzin, Mr. Whitten, Mr. Hawkins, Mr. Solomon, Mr. McEwen, Mr. Morrison of Washington, and Mr. Kildee.

H.R. 3236: Mr. Livingston, Mr. Rangel, Mr. Richardson, Mr. McNulty, Mr. Fuster, Mr. Mrazek, Mr. James, Ms. Pelosi, Mr. Lantos, Mr. Jontz, Mrs. Morella, Mr. Bustamante, Mr. Hughes, and Mr. Horton.

H.R. 3292: Mr. Hubbard.

H.R. 3461: Mr. Bates, Mr. Dymally, Mr. Blaz, and Ms. Kaptur.

H.R. 3508: Mr. Brennan.

H.R. 3582: Mrs. Saiki and Mr. Skeen.

H.R. 3651: Mr. Frank, Ms. Schneider, Mr. Bustamante, Mr. Schiff, and Mr. Gejdenson.

H.R. 3684: Mr. Vento.

H.R. 3859: Mr. Kildee, Mr. Martinez, Mr. Sawyer, Mr. Horton, and Mr. Perkins.

H.R. 3895: Mr. Towns, Mr. Jontz, Mr. Thomas A. Luken, Mr. Costello, Mr. Bruce, Mr. Johnston of Florida, and Mr. Mrazek.

H.R. 3922: Mr. Combest, Mr. DeFazio, Mr. James, Mr. Bosco, Mr. Sundquist, Mr. Lagomarsino, Mr. Lancaster, Mr. Gejdenson, Mr. Boehlert, Mr. Fuster, Mr. Johnson of South Dakota, Mr. Coleman of Texas, Mrs. Vucanovich, Mr. Saxton, Mr. Smith of New Hampshire, Mr. Fauntroy, Mr. Towns, Mr. Bateman, Mr. Horton, Mr. Markey, Mr. Roe, Mr. Shaw, and Mr. Gunderson.

H.R. 3923: Mr. Kolter, Mrs. Collins, Mr. Lewis of Florida, Mr. Slaughter of Virginia, Mr. Gallo, Mr. Kolbe, Mr. Roe, Mr. Rhodes, Mr. Shumway, Mrs. Vucanovich, Mr. Saxton, Mr. Lancaster, Mr. Mavroules, Mr. Bunning, Mrs. Saiki, Mr. Gunderson, Mr. DeFazio, Mr. Smith of Texas, Mr. Hughes, and Ms. Long.

H.R. 3978: Ms. Oakar, Mr. Dwyer of New Jersey, Mr. Mfume, Mr. Bruce, Mr. Mazzoli, Mr. Jacobs, Mr. Espy, Mr. Boucher, Ms. Slaughter of New York, Mr. Jones of North Carolina, Mr. Bonior, Mr. Oberstar, and Mr. Green.

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H.R. 4041: Mr. Schiff.

H.R. 4042: Mr. Walker, Mr. Moody, Mr. Crane, Mr. Pease, and Mr. Fauntroy.

H.R. 4048: Mr. Owens of New York, Mr. Studds, Mr. Towns, Ms. Long, Mr. Evans, Mr. Mrazek, Mr. Bosco, Mrs. Lowey of New York, Mr. Gejdenson, Mr. Hayes of Illinois, Mr. Clement, and Ms. Slaughter of New York.

H.R. 4060: Mr. Brown of California, Mr. Levin of Michigan, and Mr. Bonior.

H.R. 4109: Mr. Roe, Mr. Rangel, Mr. Lagomarsino, Mr. de la Garza, and Mrs. Boxer.

H.R. 4110: Mr. Frank, Mr. Durbin, Mr. Mineta, Mr. Smith of Florida, Mr. Fazio, Mr. Walsh, Mr. Markey, Mr. Donald E. Lukens, Mr. Roe, Mr. Scheuer, Mr. Johnson of South Dakota, Mrs. Lowey of New York, Mr. Bonior, Mr. Nowak, Mr. Lantos, Ms. Pelosi, Mr. Upton, Mr. Vento, Mr. Frost, Mr. Walgren, Mr. Dorgan of North Dakota, Mr. Gilman, Mr. Ackerman, Mr. Dellums, Mrs. Boxer, and Mrs. Morella.

H.J. Res. 54: Mr. Owens of Utah.

H.J. Res. 125: Mr. Holloway.

H.J. Res. 441: Mr. Kolter, Mr. Coleman of Texas, Mr. Kanjorski, Mr. Flippo, Mr. Hoyer, Mr. Lewis of Georgia, Mr. Jontz, Mr. Inhofe, Mr. Gonzalez, Mr. Madigan, Mr. McGrath, Mr. Skelton, Mr. Stenholm, Mr. Miller of Ohio, Mr. McNulty, Mr. Schumer, Mr. Bateman, Mr. Bosco, Mr. Weldon, Mr. Fawell, Mr. McEwen, Ms. Kaptur, Mr. Cox, Mr. Boehlert, Mr. Shaw, Mr. Whittaker, Mr. Bilirakis, Mr. Smith of Florida, Mr. Dellums, Mr. Petri, Mr. McHugh, Mr. Ballenger, Mr. Hammerschmidt, Mr. Engel, Mr. Payne of Virginia, Mr. Schuette, Mr. Oberstar, Mr. Gordon, and Mr. Thomas of Georgia.

H.J. Res. 474: Mr. Akaka, Mr. AuCoin, Mrs. Bentley, Mr. Bevill, Mr. Boehlert, Mr. Boucher, Mrs. Boxer, Mr. Browder, Mr. Bruce, Mrs. Byron, Mr. Carr, Mr. Chapman, Mr. Clarke, Mr. Clement, Mr. Coleman of Missouri, Mr. Combest, Mr. Condit, Mr. Costello, Mr. Courter, Mr. Craig, Mr. de Lugo, Mr. DeFazio, Mr. Dorgan of North Dakota, Mr. Durbin, Mr. Emerson, Mr. Espy, Mr. Fascell, Mr. Frost, Mr. Fuster, Mr. Gejdenson, Mr. Geren of Texas, Mr. Gordon, Mr. Grandy, Mr. Grant, Mr. Gunderson, Mr. Harris, Mr. Hastert, Mr. Hatcher, Mr. Henry, Mr. Herger, Mr. Hochbrueckner, Mr. Hopkins, Mr. Horton, Mr. Houghton, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Jontz, Ms. Kaptur, Mr. Kasich, Mr. Kastenmeier, Mr. Kildee, Mr. Lancaster, Mr. Laughlin, Mr. Lehman of California, Mr. Lewis of Florida, Mr. Lightfoot, Mr. Livingston, Mr. Martinez, Mr. Matsui, Mr. McDade, Mr. McHugh, Mr. McNulty, Mr. Murphy, Mr. Nagle, Mr. Neal of North Carolina, Mr. Nielson of Utah, Mr. Olin, Mr. Oxley, Mr. Pallone, Mr. Parker, Mr. Pashayan, Mr. Paxon, Ms. Pelosi, Mr. Poshard, Mr. Quillen, Mr. Ravenel, Mr. Roberts, Mr. Roe, Mr. Roth, Mr. Rowland of Georgia, Mr. Savage, Mr. Schuette, Mr. Sharp, Mr. Shumway, Mr. Shuster, Mr. Skeen, Mr. Skelton, Mr. Slattery, Ms. Slaughter of New York, Mr. Denny Smith, Mrs. Smith of Nebraska, Mr. Spence, Mr. Staggers, Mr. Stenholm, Mr. Stokes, Mr. Tallon, Mr. Tauke, Mr. Towns, Mr. Traficant, Mr. Traxler, Mrs. Unsoeld, Mr. Valentine, Mr. Vento, Mr. Walgren, Mr. Walsh, Mr. Weber, Mr. Wolf, Mr. Wolpe, Mr. Wyden, Mr. Yatron, Mr. Johnson of South Dakota, Mr. Hammerschmidt, and Mr. Morrison of Washington.

H.J. Res. 495: Mr. McNulty, Mr. Quillen, Mr. Horton, Mr. Bonior, Mrs. Boxer, Mr. Bustamante, Mr. Campbell of Colorado, Mr. Carper, Mr. Clarke, Mr. Coleman of Texas, Mrs. Collins, Mr. Brown of California, Mr. Spence, and Mr. Crockett.

H.J. Res. 500: Mr. Grant, Mr. Baker, Mr. Fuster, Mr. McDade, Mr. Thomas of Wyoming, Mr. Machtley, Mr. Fawell, Mr. Horton, Mr. DeWine, Mrs. Martin of Illinois, Mr. Vander Jagt, Mr. Schiff, Mr. Wyden, Mr. Bunning, Mr. Robinson, Mr. Leach of Iowa, Mr. Lowery of California, Mr. Donald E. Lukens, Mr. Rinaldo, Mr. Tauke, Mr. Roe, Mr. Gradison, Mr. Borski, Mr. Denny Smith, Mr. Weldon, Mr. Rogers, Mr. Neal of Massachusetts, Mr. Fascell, Mr. Mavroules, Ms. Long, Mr. Lehman of Florida, Mr. Smith of Florida, Mr. Levin of Michigan, Mr. Annunzio, Mr. McNulty, Mr. Scheuer, Mr. Kostmayer, Mr. Skeen, Mr. Carr, and Mr. Martin of New York.

H. Con. Res. 66: Mr. Conyers.

H. Con. Res. 155: Mr. Fish and Mr. Lancaster.

H. Con. Res. 267: Mr. Michel, Mr. Upton, Mrs. Meyers of Kansas, and Mr. Condit.

H. Res. 139: Mr. Horton.

H. Res. 171: Mr. Frost, Mr. Parker, Mr. Scheuer, Mr. Richardson, Mr. Frank, Mr. Pickett, Mr. Vento, and Mr. Durbin.

H. Res. 283: Ms. Slaughter of New York.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3581

By Mr. BOEHLERT:

—Page 58, after line 12, insert the following:

SEC. 604. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) Research Grants.—

"(1) In general.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) Limitation on authorization of appropriations.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended."

Redesignate succeeding sections accordingly.

By Mr. DERRICK:

—Page 21, line 17, insert "(other than sections 8(b) and 10 thereof)" after "Act".

By Mr. DORGAN of North Dakota:

—Page 81, after line 6, insert the following:

SEC. 807. SENSE OF THE CONGRESS REGARDING PROPORTIONAL DISTRIBUTION OF FEDERAL CONTRACTS AMONG THE REGIONS AND STATES.

It is the sense of the Congress that the Office of Management and Budget should develop a plan under which, by 1995, Federal contracts will be distributed among the regions and States of the United States so that the value of Federal contracts received by persons located in any such region or State is roughly proportional to—

(1) the aggregate value of all Federal contracts; multiplied by

(2)(A) the number of persons in such region or State; divided by

(B) the number of persons in the United States.

Redesignate succeeding sections accordingly.

—Page 81, after line 2, insert the following:

SEC. 806. PROPORTIONAL DISTRIBUTION OF FEDERAL CONTRACTS AMONG THE STATES.

Section 901(b) of the Agricultural Act of 1970 (42 U.S.C. 3122(b)), is amended—

(1) by inserting "(1)" before "Congress"; and

(2) by adding after and below such provision the following new paragraph:

"(2) The Office of Management and Budget shall develop a plan under which, by 1995, Federal contracts will be distributed among the States so that the value of Federal contracts received by persons located in a State is roughly proportional to—

"(A) the aggregate value of all Federal contracts; multiplied by

"(B)(i) the number of persons in the State; divided by

"(ii) the number of persons in the United States.".

Redesignate succeeding sections accordingly.

By Mr. DUNCAN:

—On page 75, after line 24 add the following new section and redesignate each succeeding section accordingly:

"Sec. 802. (a) For the purposes of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture shall, to the maximum extent practicable, not carry out any commercial activity using government employees to provide a service or product that can be procured from private enterprise through ordinary business channels.

(b) The Secretary shall develop and implement a plan that will result in increasing the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of this Act."

By Mr. STAGGERS:

—Page 15, line 25, strike "and".

—Page 16, line 6, strike the period and insert a semicolon.

—Page 16, after line 6, insert the following:

"(iii) ensure that all rural residents in the State are informed about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361;

"(iv) provide information to State residents, on request, about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361; and "(v) coordinate the efforts of interested rural residents with the State rural economic development review panel.

By Mr. STALLINGS:

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE: TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Rural Economic Development and Education Partnership Act of 1990".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.
Sec. 1002. Purposes.
Sec. 1003. Program of grants for rural economic development and education projects.
Sec. 1004. Consideration of projects by review panels.
Sec. 1005. Administration of grant program.
Sec. 1006. State allotment formula.
Sec. 1007. Limitations on authorization of appropriations.
Sec. 1008. Regulations.
Sec. 1009. Definitions.

SEC. 1002. PURPOSES.

The purposes of this title are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas; and

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas.

SEC. 1003. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) In General.—The Administrator shall make grants in accordance with this title to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) Rural Economic Development and Education Projects.—A project is eligible for a grant under this title if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural areas in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas; or

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas.

(c) Rural Economic Development and Education Partnerships.—A partnership is eligible for a grant under this title if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and an institution of higher education;

(2) is governed by an agreement which provides that—

(A) an institution of higher education in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this title; and

(ii) accounting for the funds of such projects; and

(B) a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) Application Requirements.—Each application by a partnership for a grant under this title shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant;

(5) a copy of all agreements governing the division of functions within the partnership;

(6) a description of how the project will be evaluated; and

(7) such other information as the Administrator may reasonably require.

SEC. 1004. CONSIDERATION OF PROJECTS.

(a) Review of Applications.—

(1) Review by administrator.—The Administrator shall—

(A) review each application submitted pursuant to section 1003(c)(3);

(B) determine whether or not the application meets the requirements of section 1003(d);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) Review by state review panels.—

(A) In general.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economical adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Consultation with state educational agency.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(C) Authority to obtain information from applicants.—Each partnership which submits an application for a grant under this title shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of a partnership for a grant under this title, request the partnership to modify the project described in the application.

(b) Ranking of Applications.—

(1) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this title, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services or facilities, the reasons therefor.

(2) Grouping of applications.—The review panel shall separate into 2 groups the applications received during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(3) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(4) Written policy and criteria.—The review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(c) Transmittal of Ranked Applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

SEC. 1005. ADMINISTRATION OF GRANT PROGRAM.

(a) Authority to Make Grants to Eligible Projects.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1004(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1003; and

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(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1006, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such projects are ranked by the review panel under section 1004(b).

(b) Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator intends to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended, and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) Monitoring of Use of Grants.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this title are used in accordance with the approved grant applications.

(d) Informational Efforts.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this title, including application procedures and deadlines.

(e) Program Evaluation.—

(1) Report required.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this title and the social and economic effects of the program.

(2) Contents.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this title

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) Submission of report.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1006. STATE ALLOTMENT FORMULA.

(a) Formula.—From the sums appropriated for any fiscal year to carry out this title, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State); and

(b) Primary Definitions.—As used in subsection (a):

(1) Sparsity factor.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) School sparsity index.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) Secondary Definitions.—As used in subsection (b):

(1) Nonurban population.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) Public school.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) Total area.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) United states.—The term "United States" means all of the States.

SEC. 1007. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this title, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

SEC. 1008. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under this title, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1009. DEFINITIONS.

As used in this title:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Institution of higher education.—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(3) Regional education laboratories.—The term "regional education laboratories" means the regional education laboratories described in section 405(d)(4)(A)(i) of the General Education Provision Act.

(4) Review panel.—The term "review panel" means with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(5) Rural area.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(6) Rural school district.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(7) State.—The term "State" has the same meaning given such term by section 360(b)(5) of the Consolidated Farm and Rural Development Act.

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Rural Education, Health Care, and Business Partnership Act of 1990".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Economic Development and Education Partnership

Sec. 1011. Short title.
Sec. 1012. Purposes.
Sec. 1013. Program of grants for rural economic development and education projects.
Sec. 1014. Consideration of projects by review panels.
Sec. 1015. Administration of grant program.
Sec. 1016. State allotment formula.
Sec. 1017. Limitations on authorization of appropriations.
Sec. 1018. Relationship to State law.
Sec. 1019. Regulations.
Sec. 1020. Definitions.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

Sec. 1051. Short title.
Sec. 1052. Rural telecommunications zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Economic Development and Education Partnership

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

SEC. 1012. PURPOSES.

The purposes of this subtitle are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas; and

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas.

SEC. 1013. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) In General.—The Administrator shall make grants in accordance with this subtitle to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) Rural Economic Development and Education Projects.—A project is eligible for a grant under this subtitle if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural area in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas; or

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas.

(c) Rural Economic Development and Education Partnerships.—A partnership is eligible for a grant under this title if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and an institution of higher education;

(2) is governed by an agreement which provides that—

(A) an institution of higher education in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this title; and

(ii) accounting for the funds of such projects; and

(B) a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) Application Requirements.—Each application by a partnership for a grant under this subtitle shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant;

(5) a copy of all agreements governing the division of functions within the partnership;

(6) a description of how the project will be evaluated; and

(7) such other information as the Administrator may reasonably require.

SEC. 1014. CONSIDERATION OF PROJECTS.

(a) Review of Applications.—

(1) Review by administrator.—The Administrator shall—

(A) review each application submitted pursuant to section 1013(c)(3);

(B) determine whether or not the application meets the requirements of section 1013(d);

(C) approve each application which meets such requirements;

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) Review by state review panels.—

(A) In general.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Consultation with state educational agency.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(c) Authority to obtain information from applicants.—Each partnership which submits an application for a grant under this subtitle shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of a partnership for a grant under this subtitle, request the partnership to modify the project described in the application.

(b) Ranking of Applications.—

(1) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this subtitle, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services, the reasons therefor.

(2) Grouping of applications.—The review panel shall separate into 2 groups the applications received during a fiscal year. The first group shall consist of the applications received during the first 6 months of the fiscal year. The second group shall consist of the applications received during the second 6 months of the fiscal year.

(3) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(4) Written policy and criteria.—

(A) In general.—Subject to subparagraph (B), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(B) Prohibition against development or acquisition of telecommunications transmission facilities.—The policy and criteria developed under subparagraph (A) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

(c) Transmittal of Ranked Applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

SEC. 1015. ADMINISTRATION OF GRANT PROGRAM.

(a) Authority To Make Grants to Eligible Projects.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1014(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1013; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1016, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such

projects are ranked by the review panel under section 1014(b).

(b) **Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.**—If the Administrator intends to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) **Monitoring of Use of Grants.**—The Administrator shall take such steps as may be necessary to ensure that the grants made under this subtitle are used in accordance with the approved grant applications.

(d) **Information Efforts.**—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this subtitle, including application procedures and deadlines.

(e) **Program Evaluation.**—

(1) **Report required.**—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this subtitle and the social and economic effects of the program.

(2) **Contents.**—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this subtitle;

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) **Submission of report.**—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1016. STATE ALLOTMENT FORMULA.

(a) **Formula.**—From the sums appropriated for any fiscal year to carry out this subtitle, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State).

(b) **Primary Definitions.**—As used in subsection (a):

(1) **Sparsity factor.**—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) **School sparsity index.**—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) **Secondary Definitions.**—As used in subsection (b):

(1) **Nonurban population.**—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) **Public school.**—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) **Total area.**—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) **United states.**—The term "United States" means all of the States.

SEC. 1017. LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS.

For grants under this subtitle, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

SEC. 1018. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under this subtitle, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1019. DEFINITIONS.

As used in this subtitle:

(1) **Administrator.**—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) **Educational communications entity.**—The term "educational communications entity" means—

(A) an entity licensed by the Federal Communications Commission to operate a noncommercial educational television station;

(B) a telecommunications partnership organized on a multistate basis which meets the requirements of section 904 of the Education for Economic Security Act; or

(C) an institution of higher education with an advanced telecommunications ability.

(3) **Institution of higher education.**—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(4) **Interactive video equipment.**—The term "interactive video equipment" means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

(5) **Regional education laboratories.**—The term "regional education laboratories" means the regional education laboratories described in section 504(d)(4)(A)(i) of the General Education Provisions Act.

(6) **Review panel.**—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(7) **Rural area.**—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(8) **Rural school district.**—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(9) **State.**—The term "State" has the same meaning given such term by section 360(b)(5) of the Consolidated Farm and Rural Development Act.

(10) **Telecommunications terminal equipment.**—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(11) **Telecommunications transmission facilities.**—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvement Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) **Lists of State Rural Telecommunications Zones.**—

(1) **Preparation of list.**—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPTIONS.—Any Federal agency that is considering relocation a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocationg the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rural Economic Development and Education Partnership Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Education and Business Development

Sec. 1011. Short title.

CHAPTER 1—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

Sec. 1021. Purposes.
Sec. 1022. Program of grants for rural economic development and education projects.
Sec. 1023. Consideration of projects by review panels.
Sec. 1024. Administration of grant program.
Sec. 1025. State allotment formula.
Sec. 1026. Limitations on authorization of appropriations.

CHAPTER 2—BUSINESS DEVELOPMENT

Sec. 1031. Purposes.
Sec. 1032. General requirements.
Sec. 1033. Loans for business telecommunications partnerships.

CHAPTER 3—GENERAL PROVISIONS

Sec. 1041. Relationship to State law.
Sec. 1042. Regulations.
Sec. 1043. Definitions.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

Sec. 1051. Short title.
Sec. 1052. Rural telecommunications zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Education and Business Development

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

CHAPTER 1—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

SEC. 1021. PURPOSES.

The purposes of this chapter are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas;

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas; and

(4) provide educational service providers with access to advanced telecommunications services and computer networks for training and retraining of the workforce in order to improve job opportunities and the business environment in rural areas.

SEC. 1022. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) In General.—The Administrator shall make grants in accordance with this chapter to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) Rural Economic Development and Education Projects.—A project is eligible for a grant under this chapter if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural area in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas;

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas; or

(7) provide instruction and other educational opportunities for rural school districts using interactive audio, video, and computer technologies between distant locations, including—

(A) acquiring, through lease or purchase—

(i) computer hardware and software;

(ii) audio and video equipment;

(iii) telecommunications terminal equipment; or

(iv) interactive video equipment;

(B) developing rural distance learning curricula or computer software; and

(C) providing technical assistance and instruction for the development or use of rural distance learning curricula.

(c) Rural Economic Development and Education Partnerships.—A partnership is eligible for a grant under this chapter if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education; or

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), an educational communications entity;

(2) is governed by an agreement which provides that—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects;

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), a single member of the partnership shall be responsibile for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects; and

(C) in the case of any partnership, a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) Application Requirements.—Each application by a partnership for a grant under this chapter shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant;

(5) in the case of an application with respect to a project that includes any activity described in subsection (b)(7)—

(A) a copy of a binding commitment entered into between the partnership and each entity which is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the partnership receives the grant the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(B) an assurance that the partnership will use not less than 25 percent of the amount of the grant for instructional curriculum development and programming (including programming or software systems development to assist students, instructors, or teachers at elementary and secondary schools and at adult and vocational education and training centers), with priority given to programs in mathematics, science, writing skills, and foreign languages;

(6) a copy of all agreements governing the division of functions within the partnership;

(7) a description of how the project will be evaluated; and

(8) such other information as the Administrator may reasonably require.

SEC. 1023. CONSIDERATION OF PROJECTS.

(a) Review of Applications.—

(1) Review by administrator.—The Administrator shall—

(A) review each application submitted pursuant to section 1022(c)(3);

(B) determine whether or not the application meets the requirements of section 1022(d);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) Review by state review panels.—

(A) In general.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Consultation with state educational agency.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(C) Authority to obtain information from applicants.—Each partnership which submits an application for a grant under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of a partnership for a grant under this chapter, request the partnership to modify the project described in the application.

(b) Ranking of Applications.—

(1) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this chapter, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services, the reasons therefor.

(2) Grouping of applications.—The review panel shall separate into 2 groups the applications received during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(3) Competition among applications.—The review panel shall consider each appli-

cation in a group to be competing only with the other applications in the group.

(4) Written policy and criteria.—

(A) In general.—Subject to subparagraph (B), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(B) Prohibition against development or acquisition of telecommunications transmission facilities.—The policy and criteria developed under subparagraph (A) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

(c) Transmittal of Ranked Applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each list received by the State coordinator.

SEC. 1024. ADMINISTRATION OF GRANT PROGRAM.

(a) Authority To Make Grants to Eligible Projects.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1023(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1022; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1025, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such projects are ranked by the review panel under section 1023(b).

(b) Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator intends to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) Monitoring of Use of Grants.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this chapter are used in accordance with the approved grant applications.

(d) Informational Efforts.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this chapter, including application procedures and deadlines.

(e) Program Evaluation.—

(1) Report required.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this chapter and the social and economic effects of the program.

(2) Contents.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this chapter;

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) Submission of report.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1025. STATE ALLOTMENT FORMULA.

(a) Formula.—From the sums appropriated for any fiscal year to carry out this chapter, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State).

(b) Primary Definitions.—As used in subsection (a):

(1) Sparsity factor.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) School sparsity index.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) Secondary Definitions.—As used in subsection (b):

(1) Nonurban population.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) Public school.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) Total area.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) United states.—The term "United States" means all of the States.

SEC. 1026. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this chapter, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

CHAPTER 2—BUSINESS DEVELOPMENT

SEC. 1031. PURPOSES.

The purposes of this chapter are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1032. GENERAL REQUIREMENTS.

(a) Application Process.—

(1) Submission of application.—Any entity desiring a loan under this chapter shall submit an application therefor to the Administrator.

(2) Contents of application.—Each application for a loan under this chapter shall include—

(A) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

(B) a description of the manner in which the proposed project is to be funded;

(C) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(D) a description of the manner in which the applicant intends to use the loan requested in the application;

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(E) a description of how the proposed project will be evaluated; and

(F) such other information as the Administrator may reasonably require.

(b) Consideration of Applications.—

(1) Review by administrator.—The administrator shall—

(A) review each application submitted pursuant to subsection (a)(1);

(B) determine whether or not the application meets the requirements of subsection (a)(2);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

(2) Review by state review panels.—

(A) In general.—The review panel of a State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Authority to obtain information from applicant.—Each entity which submits an application for a loan under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

(C) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of an entity for a loan under this chapter, request the entity to modify the project described in the application.

(3) Ranking of applications.—

(A) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this chapter, in an order which takes into account—

(i) the results of the review conducted under paragraph (1);

(ii) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented; and

(iii) in the case of a project which would duplicate existing services, the reasons therefor.

(B) Grouping of applications.—The review panel shall separate into 2 groups the applications for a loan under this chapter received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(C) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(D) Written policy and criteria.—

(i) In general.—Subject to clause (ii), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(ii) Prohibition against development or acquisition of telecommunications transmission facilities.—The policy and criteria developed under clause (i) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

(3) Transmittal of ranked applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to paragraph (2) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinators.

(c) Priority.—The Administrator shall establish procedures to target assistance under this chapter to the rural areas and applicants that demonstrate the need for such assistance, taking into consideration—

(1) the relative needs of all applicants;

(2) the needs of the affected rural areas;

(3) the financial ability of the applicants, without such assistance, to use telecommunications for in the case of loans under section 310B(i) of the Consolidated Farm and Rural Development Act, the business purposes for which such loans may be made; and

(4) the recommendations of the review panels for the States in which such areas are located.

(d) Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator intends to provide loans under this chapter to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

(2) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(e) Monitoring of Use of Aid.—The Administrator shall take such steps as may be necessary to ensure that aid provided under this chapter is used in accordance with the approved application therefor.

SEC. 1033. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i)(1) The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment (as defined in section 1043(10) of the Rural Economic Development Act of 1989), computers, computer software, and computer hardware.

"(2) Sections 1032, 1041, and 1042 of such Act shall apply to the loan program established under this subsection.

"(3) For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2) of this Act.

"(4)(A) For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

CHAPTER 3—GENERAL PROVISIONS

SEC. 1041. RELATIONSHIP TO STATE LAW.

This subtitle shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

SEC. 1042. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under chapter 1 and the aid programs established under chapter 2, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1043. DEFINITIONS.

As used in this subtitle:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Educational communications entity.—The term "educational communications entity" means—

(A) an entity licensed by the Federal Communications Commission to operate a noncommercial educational television station;

(B) a telecommunications partnership organized on a multistate basis which meets the requirements of section 904 of the Education for Economic Security Act; or

(C) an institution of higher education with an advanced telecommunications ability.

(3) Institution of higher education.—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(4) Interactive video equipment.—The term "interactive video equipment" means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

(5) Regional education laboratories.—The term "regional education laboratories" means the regional education laboratories described in section 405(d)(4)(A)(i) of the General Education Provisions Act.

(6) Review panel.—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(7) Rural area.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(8) RURAL SCHOOL DISTRICT.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(9) STATE.—The term "State" has the same meaning given such term by section 360(b)(5) of the Consolidated Farm and Rural Development Act.

(10) TELECOMMUNICATIONS TERMINAL EQUIPMENT.—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(11) TELECOMMUNICATIONS TRANSMISSION FACILITIES.—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvements Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPTIONS.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rural Economic Development and Education Partnership Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1010. Short title, table of contents.
Subtitle A—Rural Education and Business Development
Sec. 1011. Short title.
CHAPTER 1—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP
Sec. 1021. Purposes.

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Sec. 1022. Program of grants for rural economic development and education projects.
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Subtitle A—Rural Education and Business Development

SEC 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

CHAPTER 1—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

SEC. 1021. PURPOSES.

The purposes of this chapter are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas;

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas; and

(4) provide educational service providers with access to advanced telecommunications services and computer networks for training and retraining of the workforce in order to improve job opportunities and the business environment in rural areas.

SEC. 1022. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) In General.—The Administrator shall make grants in accordance with this chapter to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) Rural Economic Development and Education Projects.—A project is eligible for a grant under this chapter if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural area in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas;

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas; or

(7) provide instruction and other educational opportunities for rural school districts using interactive audio, video, and computer technologies between distant locations, including—

(A) acquiring, through lease or purchase—

(i) computer hardware and software;

(ii) audio and video equipment;

(iii) telecommunications terminal equipment; or

(iv) interactive video equipment;

(B) developing rural distance learning curricula or computer software; and

(C) providing technical assistance and instruction for the development or use of rural distance learning curricula.

(c) Rural Economic Development and Education Partnerships.—A partnership is eligible for a grant under this chapter if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education; or

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), and educational communications entity;

(2) is governed by an agreement which provides that—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education; in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects;

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), a single member of the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects; and

(C) in the case of any partnership, a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) Application Requirements.—Each application by a partnership for a grant under this chapter shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant; and

(5) in the case of an application with respect to a project that includes any activity described in subsection (b)(7)—

(A) a copy of a binding commitment entered into between the partnership and each entity which is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the partnership receives the grant the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(B) an assurance that the partnership will use not less than 25 percent of the amount of the grant for instructional curriculum development and programming (including programming or software systems development to assist students, instructors, or teachers at elementary and secondary schools and at adult and vocational education and training centers), with priority given to programs in mathematics, science, writing skills, and foreign languages;

(6) a copy of all agreements governing the division of functions within the partnership;

(7) a description of how the project will be evaluated; and

(8) such other information as the Administrator may reasonably require.

SEC. 1023. CONSIDERATION OF PROJECTS.

(a) Review of Applications.—

(1) Review by administrator.—The Administrator shall—

(A) review each application submitted pursuant to section 1022(c)(3);

(B) determine whether or not the application meets the requirements of section 1022(d);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) Review by state review panels.—

(A) In general.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Consultation with state educational agency.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(C) Authority to obtain information from applicants.—Each partnership which submits an application for a grant under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of a partnership for a grant under this chapter, request the partnership to modify the project described in the applications.

(b) Ranking of Applications.—

(1) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this chapter, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services, the reasons therefor.

(2) Grouping of applications.—The review panel shall separate into 2 groups the applications received during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(3) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(4) Written policy and criteria.—The review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidaed Farm and Rural Development Act.

(c) Transmittal of Ranked Applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

SEC. 1024. ADMINISTRATION OF GRANT PROGRAM.

(A) Authority To Make Grants to Eligible Projects.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1023(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1022; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1025, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such projects are ranked by the review panel under section 1023(b).

(b) Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator intends to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administraor—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) Monitoring of Use of Grants.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this chapter are used in accordance with the approved grant applications.

(d) Informational Efforts.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this chapter, including application procedures and deadlines.

(e) Program Evaluation.—

(1) Report required.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this chapter and the social and economic effects of the program.

(2) Contents.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this chapter;

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) Submission of report.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1025. STATE ALLOTMENT FORMULA.

(a) Formula.—From the sums appropriated for any fiscal year to carry out this chapter, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State).

(b) Primary Definitions.—As used in subsection (a):

(1) Sparsity factor.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) School sparsity index.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) Secondary Definitions.—As used in subsection (b):

(1) Nonurban population.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) Public school.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) Total area.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) United states.—The term "United States" means all of the States.

SEC. 1026. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this chapter, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

CHAPTER 2—BUSINESS DEVELOPMENT

SEC. 1031. PURPOSES.

The purpose of this chapter are to—

(1) provide funds to improve telecommunications service in rural areas; and

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(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1032. GENERAL REQUIREMENTS.

(a) Application Process.—

(1) Submission of application.—Any entity desiring a loan under this chapter shall submit an application therefor to the Administrator.

(2) Contents of application.—Each application for a loan under this chapter shall include—

(A) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

(B) a description of the manner in which the proposed project is to be funded;

(C) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(D) a description of the manner in which the applicant intends to use the loan requested in the application;

(E) a description of how the proposed project will be evaluated; and

(F) such other information as the Administrator may reasonably require.

(b) Consideration of Applications.—

(1) Review by administrator.—The Administrator shall—

(A) review each application submitted pursuant to subsection (a)(1);

(B) determine whether or not the application meets the requirements of subsection (a)(2);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

(2) Review by state review panels.—

(A) In general.—The review panel of a State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Authority to obtain information from applicants.—Each entity which submits an application for a loan under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

(C) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of an entity for a loan under this chapter, request the entity to modify the project described in the application.

(3) Ranking of applications.—

(A) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this chapter, in an order which takes into account—

(i) the results of the review conducted under paragraph (1);

(ii) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented; and

(iii) in the case of a project which would duplicate existing services, the reasons therefor.

(B) Grouping of applications.—The review panel shall separate into 2 groups the applications for a loan under this chapter received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of applications received during the 2nd 6 months of the fiscal year.

(C) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(D) Written policy and criteria.—The review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(3) Transmittal of ranked applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to paragraph (2) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

(c) Priority.—The Administrator shall establish procedures to target assistance under this chapter to the rural areas and applicants that demonstrate the need for such assistance, taking into consideration—

(1) the relative needs of all applicants;

(2) the needs of the affected rural areas;

(3) the financial ability of the applicants, without such assistance, to use telecommunications for in the case of loans under section 310B(i) of the Consolidated Farm and Rural Development Act, the business purposes for which such loans may be made; and

(4) the recommendations of the review panels for the States in which such areas are located.

(d) Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator intends to provide loans under this chapter to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after forming such intent, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

(2) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(e) Monitoring of Use of Aid.—The Administrator shall take such steps as may be necessary to ensure that aid provided under this chapter is used in accordance with the approved application therefor.

SEC. 1033. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i)(1) The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment (as defined in section 1043(10) of the Rural Economic Development Act of 1989), computers, computer software, and computer hardware.

"(2) Sections 1032, 1041, and 1042 of such Act shall apply to the loan program established under this subsection.

"(3) For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2) of this Act).

"(4)(A) For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

CHAPTER 3—GENERAL PROVISIONS

SEC. 1041. RELATIONSHIP TO STATE LAW.

This subtitle shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

SEC. 1042. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under chapter 1 and the aid programs established under chapter 2, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1043. DEFINITIONS.

As used in this subtitle:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Educational communications entity.—The term "educational communications entity" means—

(A) an entity licensed by the Federal Communications Commission to operate a noncommercial educational television station;

(B) a telecommunications partnership organized on a multistate basis which meets the requirements of section 904 of the Education for Economic Security Act; or

(C) an institution of higher education with an advanced telecommunications ability.

(3) Institution of higher education.—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(4) Interactive video equipment.—The term "interactive video equipment" means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

(5) Regional education laboratories.—The term "regional education laboratories" means the regional education laboratories described in section 405(d)(4)(A)(i) of the General Education Provisions Act.

(6) Review panel.—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(7) Rural area.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(8) Rural school district.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(9) State.—The term "State" has the same meaning given such term by section 360(b)(5) of the Consolidated Farm and Rural Development Act.

(10) Telecommunications terminal equipment.—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(11) Telecommunications transmission facilities.—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvements Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) Lists of State Rural Telecommunications Zones.—

(1) Preparation of list.—Not later than July 1 of each calender year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) Number of rural areas per state in list.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) Provision of Report To Federal Agencies Considering Relocating Data Processing Operations.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) Agencies Required To Analyze Costs and Benefits of Certain Relocation Options.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) Regulations.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Rural area.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) In General.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) Maximum Grant Per Local Government.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) Maximum Amount of Grants Per Year.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) Limitation on Authorization of Appropriations.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,00 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) Definitions.—As used in this section:

(1) Eligible government.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) Emergency public safety telephone answering system.—The term "emergency public safety telephone answering system" means a telecommunication system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) Under secretary.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) In General.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievement and shortcomings of the programs established under this title and the amendment made by this title.

(b) Coordination.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) Recommendations.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives,

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and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) **Rural Area Defined.**—As used in this section, the term "rural area" means a county with a urban population of fewer than 25,000 individuals.

By Mr. STANGELAND:

Page 93, after line 8, insert the following:

TITLE X—RURAL ENTERPRISE ZONES

SEC. 1001. SHORT TITLE; AMENDMENTS OF 1986 CODE.

(a) **Short Title.**—This title may be cited as the "Rural Enterprise Zone Act of 1990".

(b) **Amendment of 1986 Code.**—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 1002. PURPOSES.

It is the purpose of this title to provide for the establishment of enterprise zones in order to stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and to promote revitalization of economically distressed areas primarily by providing or encouraging—

(a) tax relief and regulatory relief at the Federal, State, and local levels; and

(b) improved local services and an increase in the ecomomic stake of enterprise zone residents in their own community and its development, particularly through the increased involvement of private, local, and neighborhood organizations.

Subtitle A—Designation of Enterprise Zones

SEC. 1011. DESIGNATION OF ZONES.

(a) **General Rule.**—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

Subchapter D—Designation of Enterprise Zones

"Sec. 7881. Designation.

"SEC. 7881. DESIGNATION.

"(a) **Designation of Zones.**—

"(1) **Definition of Enterprise Zone.**—For purposes of this title, the term 'enterprise zone' means any area—

"(A) which is nominated by one or more local governments and the State or States in which it is located for designation as an enterprise zone (hereinafter in this section referred to as a 'nominated area');

"(B) which is designated as an enterprise zone by the Secretary of Housing and Urban Development after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and the Treasury, the Director of the Office of Management and Budget, and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior; and

"(C) which has a population of 100,000 or less and is outside of a metropolitan statistical area.

"(2) **Number of designation.**—The Secretary of Housing and Urban Development may designate not more than 100 nominated areas as enterprise zones.

"(3) **Designation to be based solely on degree of poverty, etc.**—

"(A) **In general.**—Except as provided in subparagraph (B), the Secretary of Housing and Urban Development shall designate those nominated areas with the highest average ranking with respect to the criteria described in subparagraphs (C), (D), (E), and (F) of subsection (c)(3). For purposes of the preceding sentence, an area shall be ranked within each such criterion on the basis of the amount by which the area exceeds such criterion, with the area which exceeds such criterion by the greatest amount given the highest ranking.

"(B) **Exception where inadequate course of action, etc.**—An area shall not be designated under subparagraph (A) if the Secretary of Housing and Urban Development determines that the course of action referred to in subsection (d) with respect to such area is inadequate.

"(4) **Limitation on designations.**—

"(A) **Publication of regulations.**—Before designating any area as an enterprise zone, the Secretary of Housing and Urban Development shall, within 4 months after the date of the enactment of this section, after consultation with the officials described in paragraph (1)(B), prescribe by regulation—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of an enterprise zone, and

"(iii) the manner in which nominated areas will be evaluated based on the criteria specified in subsection (d).

"(B) **Time limitations.**—The Secretary of Housing and Urban Development shall designate nominated areas as enterprise zones only during the 36-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) July 1, 1989.

"(C) **Procedural rules.**—The Secretary of Housing and Urban Development shall not make any designation under paragraph (1) unless—

"(i) the local governments and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as an enterprise zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary of Housing and Urban Development that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary of Housing and Urban Development shall by regulation prescribe,

"(iii) the Secretary of Housing and Urban Development determines that any information furnished is reasonably accurate, and

"(iv) such State and local governments certify that no portion of the area nominated is already included in an enterprise zone or in an area otherwise nominated to be an enterprise zone.

"(5) **Nomination process for Indian reservations.**—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) **Period for Which Designation Is in Effect.**—

"(1) **In general.**—Any designation of an area as an enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 24th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided for in their nomination pursuant to subsection (a)(4)(C)(ii), or

"(C) the date the Secretary of Housing and Urban Development revokes such designation under paragraph (2).

"(2) **Revocation of designation.**—The Secretary of Housing and Urban Development may, after consultation with the officials described in subsection (a)(1)(B), and a hearing on the record involving officials of the State or local government involved, revoke the designation of an area if the Secretary of Housing and Urban Development determines that the local government or the State in which it is located is not substantially complying with the State and local commitments pursuant to subsection (d).

"(c) **Area and Eligibility Requirements.**—

"(1) **In general.**—The Secretary of Housing and Urban Development may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) **Area requirements.**—A nominated area meets the requirements of this paragraph if—

"(A) the area is within the jurisdiction of the local government,

"(B) the boundary of the area is continuous, and

"(C) the area—

"(i) has a population, as determined by the most recent census data available, or at least 1,000, or

"(ii) is entirely within an Indian reservation (as determined by the Secretary of the Interior).

"(3) **Eligibility requirements.**—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments within whose jurisdiction it is located certify, and the Secretary of Housing and Urban Development after such review of supporting data as he deems appropriate, accepts such certification, that—

"(A) the area is one where there is evidence of poverty, unemployment, and general economic distress,

"(B) the area is located within the jurisdiction of a local government that is experiencing a high number of farm or small business bankruptcies, loss of private investment in the business sector, or other factors determined to be relevant in assessing the comparative degree of economic deterioration in the rural area;

"(C) the unemployment rate, as determined by the appropriate available data, will be reduced or stabilized for the period of designation,

"(D) the poverty rate (as determined by the most recent census data available) for each populous census tract (or where not tracted, the equivalent county division as defined by the Bureau of the Census for the purpose of defining poverty areas) within the area was at least 7 percent for the period to which such data relate,

"(E) a substantial number of the households living in the area have incomes below 70 percent of the median income of households of the local government, and

"(F) the population of the area decreased by at least 3 percent between 1970 and 1980 (as determined from the most recent census available).

"(d) **Required State and Local Commitments.**—

"(1) **In general.**—No nominated area shall be designated as an enterprise zone unless the local government and the State within whose jurisdiction it is located agree in writing that, during any period during which the area is an enterprise zone, such governments will follow a specified course of action designated to reduce the various burdens borne by employers or employees in such area. A course of action shall not be treated as meeting the requirements of this paragraph unless the course of action include provisions described in at least 4 of the subparagraphs of paragraph (2).

"(2) **Course of action.**—Any course of action described in paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the enterprise zone,

"(B) an increase in the level of efficiency of local services within the enterprise zone; for example, crime prevention (particularly through experimentation with providing such services by nongovernmental entities),

"(C) actions to reduce, remove, simplify, or streamline governmental requirements applying within the enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment for such private entities to provide jobs and job training for, and technical, financial, or other assistance to, employers, employees, and residents of the nominated area,

"(E) the allowance of a deduction from State or local income taxes for fees paid or accrued for services performed by a nongovernmental entity but which were formerly performed by a governmental entity,

"(F) the giving of special preference to contractors owned and operated by members of any minority, and

"(G) the gift (or sale at below fair market value) of surplus land in the enterprise zone to neighborhood organizations agreeing to operate a business on the land.

"(3) **Recognition of past efforts.**—In evaluating course of action agreed to by any State or local government, the Secretary of Housing and Urban Development shall take into account the past efforts of such State or local government in reducing the various burdens borne by employers and employees in the area involved.

"(e) **Definitions.**—For the purpose of this title—

"(1) **Governments.**—If more than one government seeks to nominate an area as an enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) **State.**—The term 'State' shall also include Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other possession of the United States.

"(3) **Local government.**—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State,

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development, and

"(C) the District of Columbia."

(b) **Conforming Amendment.**—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter D—Designation of Enterprise Zones.

SEC. 1012. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the fourth calendar year after the year in which the Secretary of Housing and Urban Development first designates areas as enterprise zones, and at the close of each fourth calendar year thereafter, the Secretary of Housing and Urban Development shall prepare and submit to the Congress a report on the effects of such enterprise zones' designation in accomplishing the purposes of this title.

SEC. 1013. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) **Tax Reductions.**—Any reduction of taxes under any required program of State and local commitment under section 7881(d) of the Internal Revenue Code of 1986 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) **Coordination With Relocation Assistance.**—The designation of an enterprise zone under section 7881 of the Internal Revenue Code of 1986 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) **Enterprise Zones Treated as Labor Surplus Areas.**—Any area which is designated as an enterprise zone under section 7881 of such Code shall be treated for all purposes under Federal law as a labor surplus area.

Subtitle B—Federal Income Tax Incentives

CHAPTER 1—CREDITS FOR EMPLOYERS AND EMPLOYEES

SEC. 1021. CREDIT FOR ENTERPRISE ZONE EMPLOYERS.

(a) **Credit for Increased Enterprise Zone Employment and Employment of Disadvantaged Workers.**—Subpart B of part IV of subchapter A of chapter 1 (relating to foreign tax credit, etc.) is amended by inserting after section 29 the following new section:

"SEC. 30. CREDIT FOR ENTERPRISE ZONE EMPLOYMENT.

"(a) **In General.**—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) the economically disadvantaged credit amount of the taxpayer for such taxable year.

"(b) **Limitations Based on Amount of Tax.**—

"(1) **In general.**—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability for the taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, and 29, over

"(B) the tentative minimum tax for the taxable year.

"(2) **Carryback and carryover of unused credit.**—

"(A) **Allowance of credit.**—If the amount of the credit determined under this section for any taxable year exceeds the limitation provided by paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an enterprise zone employment credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an enterprise zone employment credit carryover to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit by this section for such years. If any portion of such excess is a carryback to a taxable year beginning before January 1, 1989, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. This entire amount of the unused credit for an unused credit year shall be carried to the earliest of the 18 taxable years to which (by reason of clauses (i) and (ii)) such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in subparagraph (B), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) **Limitation.**—The amount of the unused credit which may be added under subparagraph (A) for any preceding or succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under this section for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(c) **Qualified Increased Employment Expenditures Defined.**—For purposes of this section—

"(1) **In general.**—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) **Limitations as to qualified wages taken into account.**—

"(A) **Dollar amount.**—The amount of any qualified wages taken into account under paragraph (1) for any taxable year with respect to any qualified employee may not exceed 2.5 times the dollar limitation in effect under section 3306 (b)(1) for the calendar year with or within which such taxable year ends.

"(B) **Application with economically disadvantaged credit amount.**—Qualified wages shall not be taken into account under paragraph (1) if such wages are taken into account in determining the economically disadvantaged credit amount under subsection (d).

"(3) **Base period wages.**—

"(A) **In general.**—The term 'base period wages' means, with respect to any enterprise zone, the amount of wages paid to employees during the 12-month period preceding the date on which the enterprise zone was designated as such under section 7881, or the date on which the enterprise zone is designated under State law, enacted after Janu-

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ary 1, 1981, if earlier, which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) Rules of special application.—For purposes of subparagraph (A)—

"(i) subsection (f)(1) shall be applied by substituting '12-month period' for 'taxable eyar' each place it appears, and

"(ii) the dollar limitation taken into account under paragraph (2) in computing qualified wages shall be the amount in effect for taxable year for which the amount of the credit under subsection (a) is being computed.

"(d) Economically Disadvantaged Credit Amount.—For purposes of this section—

"(1) In general.—The term 'economically disadvantaged credit amount' means the sum of the applicable percentage of qualified wages paid to each qualified economically disadvantaged individual.

"(2) Applicable percentage.—For purposes of paragraph (1), the term 'applicable percentge' means, with respect to any qualified economically disadvantaged individual, the percentage determined in accordance with the following table:

'If the qualified wages are paid for services performed during:	The applicable percentage is:
The 1st 3 years after starting date	50
The 4th year after the starting date	40
The 5th year after the starting date	30
The 6th year after the starting date	20
The 7th through 20th year after the starting date	10
The 21st year after the starting date or later	0.

"(3) Starting date; breaks in service.—For purposes of this subsection—

"(A) Starting date.—The term 'starting date' means the day which the qualified economically disadvataged individual begins work for the employer within an enterprise zone.

"(B) Breaks in service.—The periods described in the table under paragraph (2) (other than the first such period) shall be extended by any period of time during which the individual is unemployed, and by any period of time during which the individual is employed by a taxpayer in an enterprise zone designated under State law enacted after January 1, 1981, if such designation occurs prior to the designation of the enterprise zone under section 7881.

"(e) Qualified Wages Defined.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) Reduction for certain federally funded payments.—For purposes of this section the wages paid or incurred by an employer for any period shall not include the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) Special rules for agricultural and railway labor.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(f) Qualified Employee Defined.—

"(1) In general.—For purposes of this section, the term 'qualified employee' means an individual—

"(A) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in an enterprise zone, and

"(B) who performs at least 50 percent of his services for the employer during the taxable year in an enterprise zone.

"(2) Exception for individuals with respect to whom credit is determined under section 51(a).—The term 'qualified employee' shall not include an individual with respect to whom any credit for the employer is determined under section 51(a) for the taxable year (relating to targeted jobs credit).

"(g) Qualified Economically Disadvantaged Individual.—

"(1) In general.—For purposes of this section, the term 'qualified economically disadvantaged individual' means an individual—

"(A) who is a qualified employee,

"(B) who is hired by the employer during the period a designation under section 7881 is in effect for the area in which the services which qualify such individual as a qualified employee are performed, and

"(C) who is certified as—

"(i) an economically disadvantaged individual,

"(ii) an eligible work incentive employee (within the meaning of section 51(d)(9)), or

"(iii) a general assistance recipient (within the meaning of section 51(d)(6)).

"(2) Economically disadvantaged individual.—For purposes of paragraph (1)—

"(A) In general.—The term 'economically disadvantaged individual' means any individual who is certified by the designated local agency as being a member of a family that had a combined family income (including the cash value of food stamps) during the 6 months preceding the month in which such determination occurs that on an annual basis, was equal to or less than the sum of—

"(i) the highest amount which would ordinarily be paid to a family of the same size without any income or resources in the form of payments for aid to families with dependent children under the State plan approved under part A of title IV of the Social Security Act for the State in which such individual resides, plus,

"(ii) the highest cash value of the food stamps to which a family of the same size without any income or resources would be paid aid to families with dependent children under such State plan in the amount determined under clause (i). Any such determination shall be valid for the 45-day period beginning on the date such determination is made.

"(B) Special rule for families with only 1 individual.—For purposes of clause (i) of subparagraph (A), in the case of a family consisting of only one individual, the 'highest amount which would ordinarily be paid' to such family under the State's plan approved under part A of title IV of the Social Security Act shall be an amount determined by the designated local agency on the basis of a reasonable relationship to the amounts payable under such plan to families consisting of two or more persons.

"(3) Certification.—Certification of an individual as an individual described in paragraph (1)(C) shall be made in the same manner as certification under section 51.

"(h) Special Rules.—For purposes of this section—

"(1) Application to certain entities, etc.—Under regulations prescribed by the Secretary, rules similar to the rules of section 52 (other than subsection (b) thereof) and section 30(f)(3) (as in effect before the enactment of the Tax Reform Act of 1986) shall apply.

"(2) Periods of less than a year.—If designation of an area as an enterprise zone under section 7881 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year—

"(A) the limitation specified in subsection (c)(2)(A), and the base period wages determined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (e)(2) and the 90 percent and 50 percent tests set forth in subsection (f)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as an enterprise zone is in effect.

"(i) Phaseout of Credit.—

"(1) In general.—Except as provided in paragraph (2), in determining the amount of the credit for a taxable year under subsection (a) with respect to qualified wages paid or incurred for services performed in an enterprise zone—

"(A) the following percentages shall be substituted for '10 percent' in subsection (a)(1):

"(i) 7.5 percent in the earlier of—

"(I) the taxable year which includes the date which is 21 years after the date on which such enterprise zone was designated under section 7881, or

"(II) the taxable year which includes the date which is 4 years before the date (if any) on which such enterprise zone ceases to be a zone under section 7881(b)(1)(B),

"(ii) 5 percent in the next succeeding taxable year,

"(iii) 2.5 percent in the second next succeeding taxable year, and

"(iv) zero thereafter, and

"(B) the amount determined under subsection (a)(2) shall be reduced by—

"(i) 25 percent in the case of the taxable year described in paragraph (1)(A),

"(ii) 50 percent in the next succeeding taxable year,

"(iii) 75 percent in the second next succeeding taxable year, and

"(iv) 100 percent thereafter.

"(2) Revocation of designation.—If the designation of an area as an enterprise zone is revoked under section 7881(b)(2), such area shall continue to be treated as an enterprise zone for the period of 3 taxable years beginning after the date of such revocation except that only the allowable percentage of the amount of the credit which would (but for this paragraph) be allowable under this section for such a year shall be allowed. For purposes of the preceding sentence, the term 'allowable percentage' means the amount determined in accordance with the following table.

"If the taxable year beginning after the revocation is:	The allowable percentage is:
The first such year	75
The second such year	50
The third such year	25.

"(j) Early Termination of Employment by Employer in Case of Qualified Economically Disadvantaged Individuals, Etc.—

"(1) General rule.—Under the regulations prescribed by the Secretary, if the employment of any qualified economically disadvantaged individual with respect to whom qualified wages are taken into account under subsection (a) is terminated by the taxpayer at any time during 270-day period beginning on the date such individual begins work for the employer, the tax under this chapter for the taxable year in which such employment is terminated shall be increased by an amount (determined under such regulations) equal to the credit allowed under subsection (a) for such taxable year and all prior taxable years attributable to qualified wages paid or incurred with respect to such employee.

"(2) Subsection not to apply in certain cases.—

"(A) In general.—Paragraph (1) shall not apply to—

"(i) a termination of employment of an employee who voluntarily leaves the employment of the employer,

"(ii) a termination of employment of an individual who, before the close of the period referred to in paragraph (1), becomes disabled to perform the services of such employment, unless such disability is removed before the close of such period and the employer fails to offer reemployment to such individual,

"(iii) a termination of employment of an individual, if it is determined under the applicable State unemployment compensation law that the termination was due to the misconduct of such individual, or

"(iv) a termination of employment of an individual due to a substantial reduction in the trade or business operations of the employer.

"(B) Change in form of business, etc.—For purposes of paragraph (1), the employment relationship between the employer and an employee shall not be treated as terminated—

"(i) by a transaction to which section 381(a) applies, if the employee continues to be employed by the acquiring corporation, or

"(ii) by reason of a mere change in the form of conducting the trade or business of the taxpayer, if the employee continues to be employed in such trade or business and the employer retains a substantial interest in such trade or business.

"(3) Special rule.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit allowable under Subpart A.

"(k) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the abuse of such purposes by denying the credit allowable under this section to employers which relocate their businesses in an enterprise zone while displacing former employees or which otherwise conduct their businesses so as to take advantage of the credit allowable by this section without furthering such purposes."

(b) No Deduction Allowed.—Section 280C (relating to disallowance of deductions for certain expenses for which credits are allowable) is amended by adding at the end thereof the following new subsection:

(c) Rule for Section 30 Credits.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 30 (relating to the employment credit for enterprise zone businesses). This subsection shall be applied under a rule similar to the rule under the last sentence of subsection (a)."

(c) Technical Amendments Related to Carryover and Carryback of Credits.—

(1) Carryover of credit.—

(A) Subsection (c) of section 381 (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

(27) Credit under section 30.—The acquiring corporation shall take into account (to the extent proper to carry over the purposes of this section and section 30, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 30 in respect to the distributor or transferor corporation."

(B) Paragraph (2) of section 383(a) (relating to special limitations on certain excess credits, etc.) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) any unused enterprise zone employment credit under section 30,".

(2) Carryback of credit.—

(A) Subparagraph (C) of section 6511(d)(4) (defining credit carryback) is amended by inserting "any enterprise zone employment credit under section 30(b) and" after "means".

(B) Subsection (a) of section 6411 (relating to tentative carryback and refund adjustments) is amended—

(i) by inserting "by an enterprise zone employment credit carryback under section 30," after "172(b)," in the first sentence, and

(ii) by striking out "net capital loss" the first place it appears in the second sentence and all that follows before "in the manner and form" and inserting in lieu thereof the following: "net capital loss, unused enterprise zone employment credit, or unused business credit from which the carryback results and within a period of 12 months after such taxable year or, with respect to any portion of an enterprise zone employment credit carryback or business credit carryback attributable to a net operating loss carryback or a net capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year or, with respect to any portion of a business credit carryback attributable to an enterprise zone employment credit carryback from a subsequent taxable year within a period of 12 months from the end of such subsequent taxable year,".

(C) Paragraph (1) of section 6411(a) is amended by inserting "unused enterprise zone employment credit," after "net capital loss,".

(d) Clerical Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 29 the following new items:

"Sec. 30. Credit for enterprise zone employment."

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1988.

SEC. 202. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 (relating to credits allowable), as amended by section 201, is amended by adding after section 30 the following new section:

"SEC. 30A. CREDIT FOR ENTERPRISE ZONE EMPLOYEES.

"(a) In General.—In the case of a qualified employee, there is allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 5 percent of the qualified wages for the taxable year.

"(b) Definitions.—For purposes of this section—

"(1) Qualified employee.—The term 'qualified employee' means an individual—

"(A) who is described in section 30(f)(1), and

"(B) who is not the employee of the Federal Government or any State or subdivision of a State.

"(2) Qualified wages.—

"(A) In general.—The term 'qualified wages' has the meaning given to 'wages' under subsection (b) of section 3306, attributable to services performed for an employer with respect to whom the employee is a qualified employee, in an amount which does not exceed 1½ times the dollar limitation specified in such subsection.

"(B) Exception.—The term 'qualified wages' does not include any compensation received from the Federal Government or any State or subdivision of a State.

"(3) Enterprise zone.—The term 'enterprise zone' means any area with respect to which a designation as an enterprise zone is in effect under section 7881.

"(c) Phaseout of Credit.—In determining the amount of the credit for the taxable year under subsection (a) with respect to qualified wages paid to qualified employees for services performed in an enterprise zone, the following percentages shall be substituted for '5 percent' in subsection (a):

"(1) 3¾ percent in the taxable year in which the date which is—

"(A) 21 years after the date on which such enterprise zone was designated under section 7881 occurs, or

"(B) if earlier, the date 4 years before the date the zone designation is to expire;

"(2) 2½ percent in the next succeeding taxable year;

"(3) 1¼ percent in the second next succeeding taxable year; and

"(4) zero thereafter.

"(d) Application With Other Credits.—The credit allowed by subsection (a) for a taxable year shall not exceed the excess (if any) of—

"(1) the regular tax liability for such taxable year reduced by the sum of the credits allowable under subpart A and sections 27, 28, 29, and 30, over

"(2) the tentative minimum tax for the taxable year."

(b) Conforming Amendment.—The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 30 of the following new item:

"Sec. 30A. Credit for enterprise zone employees."

(c) Effective Date.—The amendments made by this section shall apply to taxable years after December 31, 1988.

CHAPTER 2—CREDITS FOR INVESTMENT IN TANGIBLE PROPERTY IN ENTERPRIZE ZONES

SEC. 1031. INVESTMENT TAX CREDIT FOR NEW ENTERPRISE ZONE CONSTRUCTION PROPERTY.

(a) Section 38 Property.—Paragraph (1) of section 48(a) (defining section 38 property) is amended by striking out "or' at the end of subparagraph (F), by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or", and by adding after subparagraph (G) and inserting in lieu thereof "; or", and by adding after subparagraph (G) the following new subparagraph:

"(H) new enterprise zone construction property (within the meaning of subsection (t)) which is not otherwise section 38 property."

(b) Amount of Credit.—

(1) In General.—Subsection (a) of section 46 (relating to amount of investment tax credit) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(4) in the case of new enterprise zone construction property, the enterprise zone percentage."

(2) Enterprise zone percentage defined.—Subsection (b) of section 46 is amended by adding at the end thereof the following new paragraph:

"(5) Enterprise zone percentage.—

"(A) In general.—The enterprise zone percentage is 10 percent.

"(B) Phaseout of credit as enterprise zone ends.—Suparagraph (A) shall be applied by substituting the following percentages for 10 percent:

"(i) For the taxable year described in section 30(i)(1)(A)(i), 7.5.

"(ii) For the next succeeding taxable year, 5.

"(iii) For the second next succeeding taxable year, 2.5.

"(iv) For any subsequent taxable year, zero."

(3) Conforming amendment.—Section 48(o) (defining certain credits) is amended by adding at the end thereof the following new paragraph.

"(4) Enterprise zone credit.—The term 'enterprise zone credit' means that portion of the credit allowed by section 38 which is attributable to the enterprise zone percentage."

(c) Definitions.—Section 48 (relating to definitions and special rules) is amended by redesignating the last subsection as subsection (u) and by inserting after subsection (s) the following new subsection:

"(t) New Enterprise Zone Construction Property.—

"(1) In general.—The term 'new enterprise zone construction property' means property which is—

"(A) located in an enterprise zone,

"(B) nonresidential real property, residential rental property, or real property which has a class life of more than 12.5 years (as such terms are defined in section 168),

"(C) used by the taxpayer predominantly in the active conduct of a trade or business wihtin an enterprise zone, and

"(D) either—

"(i) the construction, reconstruction, rehabilitation, renovation, expansion, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7661, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

"(2) Special rules.—

"(A) Property ineligible if acquired from related persons.—The term 'new enterprise zone construction property' shall not include property acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)).

"(B) Only basis attributable to construction during period taken into account.—In applying section 46(v)(1)(A) in the case of property described in paragraph (1)(D)(i), there shall be taken into account only that portion of the basis which is properly attributable to the activities described in such paragraph carried on during such period.

"(3) Real estate rental.—For purposes of this section, ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone."

(d) Lodging To Qualify.—Paragraph (3) of section 48(a) (relating to property used for lodging) is amended—

(1) by striking out "and" at the end of subparagraph (C),

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof ", and," and

(3) by adding at the end thereof the following new subparagraph:

"(E) new enterprise zone construction property."

(e) Recapture.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end thereof the following new paragraph:

"(10) Special rules for new enterprise zone construction property.—

(A) In general.—If, during any taxable year, property with respect to which the taxpayer claimed an enterprise zone credit is disposed of the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) Amount of increase.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(4) for all prior taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period under section 168(g)."

(f) Basis Adjustment To Reflect Investment Credit.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) Special rule for qualified rehabilitation and enterprise zone expenditures.—In the case of any credit determined under section 46(a) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new enterprise zone construction property (within the meaning of section 48(t)(1)),

paragraphs (1) and (2) of this subsection and paragraph (5) of subsection (d) shall be applied without regard to the phrase '50 percent of'."

(g) Effective Date.—The amendments made by this section shall apply to periods after December 31, 1988, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986.

CHAPTER 3—NONRECOGNITION OF QUALIFIED ENTERPRISE ZONE CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY

SEC. 1041. NONRECOGNITION OF QUALIFIED ENTERPRISE ZONE CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY.

(a) In General.—Part III of subchapter O of chapter 1 (relating to nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1043. NONRECOGNITION OF CAPITAL GAIN WHERE ACQUISITION OF ENTERPRISE ZONE BUSINESS PROPERTY.

"(a) Nonrecognition of Gain.—If—

"(1) any property is sold and there would (but for this section) be recognized gain with respect to such sale,

"(2) Within the 1-year period beginning on the date of such sale qualified replacement property is acquired by the taxpayer, and

"(3) the taxpayer elects the application of this section with respect to such sale,

such gain from such sale shall be recognized only to the extent that the amount realized from such sale exceeds the cost to the taxpayer of such replacement property.

"(b) Qualified Replacement Property.—For purposes of this section—

"(1) In general.—The term 'qualified replacement property' means—

"(A) any tangible personal property used predominantly in an enterprise zone in the active conduct of a trade or business within such enterprise zone,

"(B) any real property located in an enterprise zone used predominantly in the active conduct of a trade or business within such enterprise zone, and

"(C) any interest in a corporation, partnership, or other entity if, for the 3 most recent taxable years of such entity ending before the date of the purchase of such interest, such entity, was a qualified business.

"(2) Qualified business.—The term 'qualified business' means any person—

"(A) which is actively engaged in the conduct of a trade or business within an enterprise zone during each of the 3 most recent taxable years of such entity ending before the date of sale of the interest,

"(B) with respect to which at least 80 percent of such person's gross receipts for the taxable year are attributable to the active conduct of a trade or business within an enterprise zone, and

"(C) with substantially all of its tangible assets located within an enterprise zone.

"(3) Real estate rental.—Ownership of residential, commercial, or industrial real property within an enterprise zone for rental shall be treated as the active conduct of a trade or business in an enterprise zone.

"(c) Special Rules.—For purposes of this section—

"(1) Exchange treated as sale.—An exchange by the taxpayer of property for other property shall be treated as a sale of the first property, and the acquisition of any qualified replacement property on the exchange of property shall be treated as a purchase of such replacement property.

"(2) Section not to apply to ordinary income.—Subsection (a) shall not apply to any gain to the extent such gain is treated as ordinary income under any provision of this chapter.

"(d) Reduction in Basis.—Where the purchase of any qualified replacement property results under subsection (a) in the nonrecognition of gain on the sale of any other property, the basis of such replacement property shall be reduced by an amount equal to the amount of gain not so recognized on the sale of such other property. Where the purchase of more than 1 qualified replacement property is taken into account in the nonrecognition under subsection (a) of gain on the sale of a property, the preceding sentence shall be applied to each such replacement property in the order in which such properties are purchased.

"(e) **Statute of Limitations.**—If the taxpayer during any taxable year sells any property at a gain, then—

"(1) the statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of the 3-year period beginning on the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's cost of purchasing any qualified replacement property which the taxpayer claims results in nonrecognition of any part of such gain,

"(B) the taxpayer's intention not to purchase any such investment within the 1-year period described in subsection (a), or

"(C) the failure by the taxpayer to purchase any such replacement property within such period; and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment."

(b) **Holding Period.**—Subsection 1223 (relating to holding period of property) is amended by redesignating paragraph (14) as paragraph (15) and by inserting after paragraph (13) the following new paragraph:

"(14) In determining the period for which the taxpayer has held any qualified replacement property the acquisition of which resulted under section 1043 in the nonrecognition of any part of the gain realized on the sale or exchange of any other property, there shall be included the period for which the property sold or exchanged had been held as of the date of such sale or exchange."

(c) **Basis Adjustment.**—Subsection (a) of section 1016 (relating to adjustments to basis) is amended by striking out "and" at the end of paragraph (24), by striking out the period at the end of paragraph (25) and inserting in lieu thereof "; and", any by adding at the end thereof the following new paragraph:

"(26) in the case of any qualified replacement property the acquisition of which resulted under section 1043 in the nonrecognition of gain on the sale or exchange of other property, to the extent provided by section 1043(d)."

(d) **Clerical Amendment.**—The table of sections of part III of subchapter O of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 1043. Nonrecognition of qualified enterprise zone capital gain where acquisition of enterprise zone business property."

(e) **Effective Date.**—The amendments made by this section shall apply to sales and exchanges after December 31, 1988, in taxable years ending after such date.

CHAPTER 4—DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK

SEC. 1051. DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK.

(a) **In General.**—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by adding at the end thereof the following new section:

"SEC. 197. DEDUCTION FOR PURCHASE OF ENTERPRISE STOCK.

"(a) **In General.**—As the election of the taxpayer, there shall be allowed as a deduction the aggregate amount paid during the taxable year for the purchase of enterprise stock on the original issue of such stock by a qualified issuer.

"(b) **Maximum Deduction.**—

"(1) **In general.**—The maximum amount allowed as a deduction under subsection (a) to a taxpayer for the taxable year shall not exceed $100,000.

"(2) **Controlled groups.**—For purposes of paragraph (1), the taxpayer and all persons who are related persons with respect to the taxpayer shall be treated as 1 person, and the $100,000 amount in paragraph (1) shall be allocated among the taxpayer and such persons in proportion to their respective purchases of stock during the taxable year for which credit is allowable by this section.

"(3) **Allocation of deduction where more than $100,000 of stock purchased.**—If the amount of stock purchased by any person exceeds the limitation under this subsection with respect to such person, the deduction allowed under this section shall be allocated pro rata among the stock so purchased in accordance with the purchase price per share.

"(c) **Dispositions of Stock.**—

"(1) **Gain treated as ordinary income.**—If any enterprise stock with respect to which a deduction was allowed under this section is disposed of by the taxpayer, then the lesser of—

"(A) the excess of—

"(i)(I) in the case of a sale or exchange, the amount realized, or

"(II) in the case of any other disposition, the fair market value of the stock, over

"(ii) the adjusted basis of such stock, or

"(B) the amount of the deduction allowed under this section with respect to such stock,

shall be treated as ordinary income. Such gain shall be recognized notwithstanding any other provision of this subtitle.

"(2) **Interest charged if disposition within 3 years of purchase.**—

"(A) **In general.**—If any enterprise stock is disposed of before the end of the 3-year period beginning on the date such stock was purchased by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by the enterprise stock recapture amount.

"(B) **Enterprise stock recapture amount.**—For purposes of subparagraph (A), the term 'enterprise stock recapture amount' means an amount equal to the amount of interest (determined at the underpayment rate applicable under section 6621) which would accrue—

"(i) during the period beginning on the date such stock was purchased by the taxpayer and ending on the date such stock was disposed of by the taxpayer,

"(ii) on the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this section with respect to the stock so disposed of.

"(d) **Treatment Where Issuer Ceases To Be Qualified.**—

"(1) **In general.**—If—

"(A) any qualified issuer with respect to the stock of which any taxpayer has made an election under this section ceases to meet the requirements of subsection (e)(2)(A) (i), (iii), or (iv), and

"(B) such cessation occurs at any time before the close of the 5th taxable year ending after the date such stock was issued,

the tax treatment described in paragraph (2) shall apply to the taxable year of the taxpayer in which such cessation occurs.

"(2) **Tax treatment of taxpayer.**—The tax treatment described in this paragraph for any taxable year is—

"(A) the taxpayer shall include in income as ordinary income the amount of the deduction allowed under this section with respect to such stock,

"(B) the tax imposed by this chapter for such taxable year shall be increased by an amount equal to the amount of interest (determined at the underpayment rate applicable under section 6621) which would accrue—

"(i) during the period beginning on the date such stock was purchased by the taxpayer and ending on the disqualification date,

"(ii) on the aggregate decrease in tax of the taxpayer resulting from the deduction allowed under this section with respect to the stock.

"(3) **Disqualification date.**—For purposes of paragraph (2), the term 'disqualification date' means the earlier of—

"(A) the date of the issuance by the qualified issuer (or any related person with respect to such issuer) of any regulated security, or

"(B) the last day of the taxable year of the qualified issuer in which the requirements of subsection (e)(2)(A) (i) or (iv) ceased to be met.

"(e) **Definitions.**—For purposes of this section—

"(1) **Enterprise stock.**—The term 'enterprise stock' means common stock issued by a qualified issuer but only if the proceeds of such issue are used by such issuer in the conduct of a qualified business (as defined in section 1043(b)(3)(B).

"(2) **Qualified issuer.**—

"(A) **In General.**—The term 'qualified issuer' means any C corporation which, at the time of issuance of the stock involved—

"(i) is conducting a qualified business described in section 1043(b)(3)(B),

"(ii) does not have a net worth (either before or immediately after the issuance of the stock involved) exceeding $2,000,000,

"(iii) has not had at any time during the 5-year testing period any outstanding regulated securities issued by such corporation, and

"(iv) has derived during the testing period more than 50 percent of its gross receipts during such period from sources other than royalties, rents (other than rents from real estate described in section 1043(b)(3)(C)), dividends, interest, annuities, and sales and exchanges of stock or securities.

"(B) **Related persons taken into account in certain cases.**—For purposes of clauses (ii) and (iii) of subparagraph (A), the issuer and all persons who are related persons with respect to such issuer shall be treated as 1 person.

"(C) **Testing period.**—For purposes of subparagraph (A), the term 'testing period' means the period beginning on the first day

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of the 5th taxable year beginning before the issuance of the stock involved and ending on the date of such issuance.

"(3) Regulated securities.—The term 'regulated securities' means any security—

"(A) registered on a national exchange under section 12(b) of the Securities Exchange Act of 1934, or

"(B) registered (or required to be registered) under section 12(g) of such Act (determined without regard to section 12(g)(2) of such Act).

"(4) Related person.—A person is a related person to another person if—

"(A) such persons are treated as a single employer under subsections (a) and (b) of section 52, or

"(B) in the case of individuals, such persons are husband and wife.

"(f) Special Rules.—

"(1) Amount paid after close of taxable year.—An amount paid after the close of the taxable year for the purchase of enterprise stock shall be treated for purposes of subsection (a) as paid during such year if—

"(A) such amount is so paid not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof), and

"(B) the taxpayer was under a binding contract as of the close of such taxable year to purchase such stock.

"(2) Limitation on amount of deduction.—If—

"(A) any enterprise stock is issued in exchange for property,

"(B) the basis of such stock in the hands of the taxpayer is determined by reference to the basis of such property, and

"(C) the adjusted basis (for determining gain) of such property immediately before the exchange exceeded its fair market value at such time,

then the deduction under this section, and such adjusted basis, shall both be reduced by the excess described in subparagraph (C).

"(g) Basis Adjustment.—For purposes of this subtitle, if a deduction is allowed under this section with respect to the purchase of any stock, the basis of such stock (without regard to this subsection) shall be reduced by the amount of the deduction allowed with respect to the purchase of such stock."

(b) Exception From 2 Percent Floor on Miscellaneous Itemized Deductions.—Subsection (b) of section 67 (relating to 2-percent floor on miscellaneous itemized deductions) is amended by striking out "and" at the end of paragraph (12), by striking out the period at the end of paragraph (13) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(14) the deduction under section 197 (relating to deduction for purchase of enterprise stock)."

(c) Technical Amendment.—Subsection (a) of section 1016 (relating to adjustments to basis), as amended by this subtitle, is amended by striking out "and" at the end of paragraph (25), by striking out the period at the end of paragraph (26) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(27) to the extent provided in section 197(g), in the case of stock with respect to which a deduction was allowed under section 197."

(d) Clerical Amendment.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 197. Deduction for purchase of enterprise stock."

(d) Effective Date.—The amendments made by this section shall apply to stock purchased after December 31, 1988.

CHAPTER 5—RULES RELATING TO INDUSTRIAL DEVELOPMENT BONDS

SEC. 1061. INDUSTRIAL DEVELOPMENT BONDS.

(a) Limitation on Accelerated Cost Recovery Deduction Not To Apply to Enterprise Zone Property.—Subparagraph (C) of section 168(g)(5) (defining tax-exempt bond financed property) is amended by inserting before the period "or any new enterprise zone property (within the meaning of section 48(t))."

(b) Termination of Small Issue Exemption Not To Apply.—Paragraph (12) of section 144(a) (relating to termination of small issue exemption after December 31, 1986) is amended by adding at the end thereof the following new subparagraph:

"(D) Enterprise zone facilities.—This paragraph shall not apply to any obligation which is part of an issue substantially all of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7881."

(c) Certain Small Issue Volume Caps Modified.—

(1) In general.—Subsection (a) of section 144 is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

"(12) Dollar limitations not to apply to enterprise zone facilities.—The dollar limitations described in paragraphs (1) and (4) shall not apply to any obligation which is part of an issue 95 percent or more of the proceeds of which are used to finance facilities within an enterprise zone if such facilities are placed in service while the designation as such a zone is in effect under section 7881 (without regard to the subsequent revocation of such designation under section 7881(b)(2))."

(2) Aggregate limit per taxpayer with respect to enterprise zone facilities.—Paragraph (10) of section 144(a) (relating to aggregate limit per taxpayer for small issue exception) is amended by adding at the end thereof the following new subparagraph:

"(F) Separate $40,000,000 limitation for enterprise zone facilities.—This paragraph shall be applied separately with respect to—

"(i) bonds used to finance facilities located within enterprise zones, and

"(ii) bonds used to finance facilities not located within enterprise zones."

(d) Portion of State Volume Cap Set Aside for Enterprise Zone Facilities.—Section 146 (relating to volume cap) is amended by adding at the end thereof the following new subsection:

"(o) State Ceiling Set-aside for Enterprise Zone Facilities.—For any calendar year, 5 percent of the State ceiling applicable to any State with 1 or more enterprise zones shall be set aside for use only in such enterprise zones in such State.".

(e) Effective Date.—The amendments made by this section shall apply to obligations issued after December 31, 1988, in taxable years ending after such date.

CHAPTER 6—ORDINARY LOSS DEDUCTION FOR SECURITIES OF ENTERPRISE ZONE BUSINESS WHICH BECOME WORTHLESS

SEC. 1071. ORDINARY LOSS DEDUCTION ALLOWED FOR SECURITIES OF ENTERPRISE ZONE BUSINESS WHICH BECOME WORTHLESS.

(a) General Rule.—Subsection (g) of section 165 (relating to losses) is amended by adding at the end thereof the following new paragraph:

"(4) Securities of enterprise zone business.—If any security of a qualified business (as defined in section 1043(b)) which is a capital asset becomes worthless during the taxable year—

"(A) paragraph (1) shall not apply, and

"(B) the loss resulting therefrom shall, for purposes of this subtitle, be treated as a loss from the sale or exchange, on the last day of the taxable year, of property which is not a capital asset."

(b) Effective Date.—The amendment made by subsection (a) shall apply to losses sustained after December 31, 1988, in taxable years ending after such date.

CHAPTER 7—INCREASE IN RESEARCH CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONES

SEC. 1081. INCREASE IN RESEARCH CREDIT FOR RESEARCH CONDUCTED IN ENTERPRISE ZONES.

(a) In General.—Section 41 (relating to credit for increasing research activities) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) Increase in Credit for Research Conducted in Enterprise Zone.—Subsection (a) shall be applied by substituting '30 percent' for '20 percent' each place it appears with respect to the excesses described in subsections (a)(1) and (e)(1)(A) (or, if lesser, excesses which would be described in such subsections if only research conducted in enterprise zones were taken into account). For purposes of the preceding sentence, an area shall be treated as an enterprise zone for a base period with respect to a taxable year if such area is designated as an enterprise zone for such taxable year."

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1986, and to base periods with respect to such taxable years.

CHAPTER 8—SENSE OF THE CONGRESS WITH RESPECT TO TAX SIMPLIFICATION

SEC. 1091. TAX SIMPLIFICATION.

It is the sense of the Congress that the Secretary of the Treasury should in every way possible simplify the administration and enforcement of any provision of the Internal Revenue Code of 1988 added to, or amended by, this subtitle.

CHAPTER 9—REGULATIONS

SEC. 1099. REGULATIONS.

The Secretary of the Treasury or his delegate shall issue such regulations as may be necessary to carry out the amendments made by this subtitle not later than 6 months after the date of the enactment of this subtitle.

Subtitle C—Regulatory Flexibility

SEC. 1101. DEFINITION OF SMALL ENTITIES IN ENTERPRISE ZONES FOR PURPOSES OF ANALYSIS OR REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (5); and

(2) by striking out paragraph (6) and inserting in lieu thereof the following:

"(6) the term 'small entity' means—

"(A) a small business, small organization, or small governmental jurisdiction within the meaning of paragraphs (3), (4), and (5) of this section, respectively; and

"(B) any qualified business; any governments which designated and approved an area which has been designated as an enterprise zone (within the meaning of section 7881 of the Internal Revenue Code of 1986) to the extent any rule pertains to the carrying out of projects, activities, or undertakings within such zone, and any not-for-profit enterprise carrying out a significant portion of its activities within such a zone; and

"(7) the term 'qualified business' means any person, corporation, or other entity—

"(A) which is engaged in the active conduct of a trade or business within an enterprise zone (within the meaning of section 7881 of the Internal Revenue Code of 1986); and

"(B) for whom at least 50 percent of its employees are qualified employees (within the meaning of section 30(f) of such Code)."

SEC. 1102. WAIVER OR MODIFICATION OF AGENCY RULES IN ENTERPRISE ZONES.

(a) Chapter 6 of title 5, United States Code, is amended by redesignating sections 611 and 612 as sections 612 and 613, respectively, and inserting the following new section immediately after section 610:

"§ 611. Waiver or modification of agency rules in enterprise zones

"(a) Upon the written request of the governments which designated and approved an area which has been designated as an enterprise zone under section 7881 of the Internal Revenue Code of 1986, an agency is authorized, in order to further the job creation, community development, or economic revitalization objectives of the zone, to waive or modify all or part of any rule which it has authority to promulgate, as such rule pertains to the carrying out of projects, activities, or undertakings within the zone.

"(b) Nothing in this section shall authorize an agency to waive or modify any rule adopted to carry out a statute or Executive order which prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, sex, marital status, national origin, age, or handicap.

"(c) A request under subsection (a) shall specify the rule or rules to be waived or modified and the change proposed, and shall briefly describe why the change would promote the achievement of the job creation, community development, or economic revitalization objectives of the enterprise zone. If a request is made to an agency other than the Department of Housing and Urban Development, the requesting governments shall send a copy of the request to the Secretary of Housing and Urban Development at the time the request is made.

"(d) In considering a request, the agency shall weigh the extent to which the proposed change is likely to further job creation, community development, or economic revitalization within the enterprise zone against the effect the change is likely to have on the underlying purposes of applicable statutes in the geographic area which would be affected by the change. The agency shall approve the request whenever it finds, in its discretion, that the public interest which the proposed change would serve in furthering such job creation, community development or economic revitalization outweighs the public interest which continuation of the rule unchanged would serve in furthering such underlying purposes. The agency shall not approve any request to waive or modify a rule if that waiver or modification would—

"(1) directly violate a statutory requirement (including any requirement of the Fair Labor Standards Act of 1938 (52 Stat. 1060; 29 U.S.C. 201 et seq.); or

"(2) be likely to present a significant risk to the public health, including environmental health or safety, such as a rule with respect to occupational safety or health, or environmental pollution.

"(e) If a request is disapproved, the agency shall inform the requesting governments in writing of the reasons therefor and shall, to the maximum extent possible, work with such governments to develop an alternative, consistent with the standards contained in subsection (d).

"(f) Agencies shall discharge their responsibilities under this section in an expeditious manner, and shall make a determination on requests not later than 90 days after their receipt.

"(g) A waiver or modification of a rule under subsection (a) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of this title. To facilitate reaching its decision on any requested waiver or modification, the agency may seek the views of interested parties and, if the views are to be sought, determine how they should be obtained and to what extent, if any, they should be taken into account in considering the request. The agency shall publish a notice in the Federal Register stating any waiver or modification of a rule under this section.

"(h) In the event that an agency proposes to amend a rule for which a waiver or modification under this section is in effect, the agency shall not change the waiver or modification to impose additional requirements unless it determines, consistent with standards obtained in subsection (d), that such action is necessary.

"(i) No waiver or modification of a rule under this section shall remain in effect for a longer period than the period for which the enterprise zone designation remains in effect for the area in which the waiver or modification applies.

"(j) For purposes of this section, the term 'rule' means (1) any rule as defined in section 551(4) of this title or (2) any rulemaking conducted on the record after opportunity for an agency hearing pursuant to sections 556 and 557 of this title."

(b) The table of sections for such chapter is amended by redesignating "Sec. 611." and "Sec. 612." and "Sec. 613.", respectively, and inserting the following new item immediately after "Sec. 610.":

"Sec. 611. Waiver or modification of agency rules in enterprise zones."

(c) Section 601(2) of such title is amended by inserting "(except for purposes of section 611)" immediately before "means."

(d) Section 613 of such title, redesignated by subsection (a) of this section, is amended by—

(1) inserting "(except section 611)" immediately after "chapter" in subsection (a); and

(2) inserting "as defined in section 601(2)" immediately before the period at the end of the first sentence of subsection (b).

SEC. 1103. COORDINATION OF HOUSING AND URBAN DEVELOPMENT PROGRAMS IN ENTERPRISE ZONES.

Section 3 of the Department of Housing and Urban Development Act is amended by adding at the end thereof the following new subsection:

"(d) The Secretary of Housing and Urban Development shall—

"(1) promote the coordination of all programs under his jurisdiction which are carried on within an enterprise zone designated pursuant to section 7881 of the Internal Revenue Code of 1986;

"(2) expedite, to the greatest extent possible, the consideration of applications for programs referred to in paragraph (1) through the consolidation of forms or otherwise; and

"(3) provide, whenever possible, for the consolidation of periodic reports required under programs referred to in paragraph (1) into one summary report submitted at such intervals as may be designated by the Secretary."

Subtitle D—Establishment of Foreign-Trade Zones in Enterprise Zones

SEC. 1201. FOREIGN-TRADE ZONE PREFERENCES.

(a) Preference in Establishment of Foreign-Trade Zones in Revitalization Areas.—In processing applications for the establishment of foreign-trade zones pursuant to an Act entitled "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," approved June 18, 1934 (48 Stat. 998), the Foreign-Trade Zone Board shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a foreign-trade zone within an enterprise zone designated pursuant to section 7881 of the Internal Revenue Code of 1986.

(b) Application Procedure.—In processing applications for the establishment of ports of entry pursuant to an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and fifteen, and for other purposes," approved August 1, 1914 (38 Stat. 609), the Secretary of the Treasury shall consider on a priority basis and expedite, to the maximum extent possible, the processing of any application involving the establishment of a port of entry which is necessary to permit the establishment of a foreign-trade zone within an enterprise zone.

(c) Application Evaluation.—In evaluating applications for the establishment of foreign-trade zones and ports of entry in connection with enterprise zones, the Foreign-Trade Zone Board and the Secretary of Treasury shall approve the applications to the maximum extent practicable, consistent with their respective statutory responsibilities.

Subtitle E—Enterprise Zone Business Incubator Program

SEC. 1211. BUSINESS INCUBATORS.

(a) In General.—The Secretary of Housing and Urban Development shall establish a business incubator program.

(b) Elements of Program.—

(1) In General.—The program established under subsection (a) shall provide loans and grants to State and local governments to provide start-up assistance to small businesses located in distressed rural areas.

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(2) STATE OF LOCAL GOVERNMENTAL ENTITY TO DEVELOP PROGRAM.—Funds shall be provided under this section to a State or local governmental entity only if—

(A) such entity submits to the Secretary of Housing and Urban Development (at such time and in such manner as the Secretary may prescribe) an application outlining its program for carrying out the purposes of this section, and

(B) the Secretary approves such program.

(3) MATCHING FUNDS REQUIRED IN CERTAIN CASES.—

(A) Except as provided in subparagraph (B), the amount of funds provided under this section to a State or local governmental entity for any period shall not exceed the amount of funds provided from non-Federal sources by such entity for use under such program for the period specified by the Secretary.

(B) Subparagraph (A) shall not apply to funds provided under this section, as determined under regulations issued by the Secretary, which are to be used for the acquisition, construction, or use of real property of a character subject to the allowance for depreciation.

(4) DISTRESSED RURAL AREA.—For purposes of this subsection, the term "distressed rural area" means an area, as determined by the Secretary after consultation with the Secretary of Agriculture—

(A) which has a population of 100,000 or less and is outside of a metropolitan statistical area, and

(B)(i) for which a designation as an enterprise zone is in effect under section 7881 of the Internal Revenue Code of 1986, or

(ii) which is a distressed area bases on the criteria specified in section 7881(c)(3) of such Code.

—On page 84, after line 18 insert the following:

"SEC. 808. ENCOURAGEMENT OF THE DEVELOPMENT OF RURAL ENTERPRISE ZONES.

"(a) Congress finds that—

"(1) Scores of rural areas in the United States are economically distressed and suffering from emigration and need the coordination of federal governmental policies to stimulate economic opportunity and growth;

"(2) There is an increasing need for rural economies to diversify;

"(3) There are numerous innovative businessmen, and entrepreneurs who would locate their businesses in economically depressed areas if provided meaningful incentives by the federal government;

"(4) The establishment of federal rural enterprise zones would stimulate the creation of new jobs, particularly for disadvantaged workers and long-term unemployed individuals, and promote revitalization of economically distressed rural areas by providing or encouraging tax relief, regulatory relief and trade incentives at the federal, state, and local levels;

"(5) Rural enterprise zones have already proven effective at the state level by creating capital investment; encouraging new business starts; preventing business closures; and creating or saving jobs;

"(6) Approximately 50 percent of all jobs created or saved through existing state rural enterprise zones are filled by low-income and unemployed workers.

"(b) Be it therefore resolved, that the Congress of the United States supports the policy of rural enterprise zones in order to further foster the development of rural communities. Thus, the Congress encourages the Committees of proper jurisdictions to grant every consideration to initiatives designed to establish federal rural enterprise zones."

By Mr. TALLON:

—At the end of title VIII of the bill insert the following new section:

SEC. . EXTENSION AND TARGETING OF QUALIFIED SMALL ISSUE BONDS.

Section 144(a)(12)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 144(a)(12)(B)) is amended to read as follows:

"(B) BONDS ISSUED TO FINANCE MANUFACTURING FACILITIES AND FARM PROPERTY IN RURAL AREAS.—(i) In the case of any bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used in a rural area to provide—

"(I) any manufacturing facility, or

"(II) any land or property in accordance with section 147(c)(2),

subparagraph (A) shall be applied by substituting 'September 30, 1995' for 'December 31, 1986'.

"(ii) For the purposes of this subparagraph, the term 'rural area' shall have the same meaning as in section 306(a)(7) of the Consolidated Farm and Rural Develoment Act (7 U.S.C. 1926(a)(7)).".

—On page 15, strike line 11 and all that follows through page 16, line 12, and insert the following:

"(3) ELIGIBLE STATE.—The term 'eligible State' means a State that has established an advisory rural economic development review panel meeting the requirements of section 361 not later than the effective date of this section.";

—On page 16, strike line 23 and all that follows through page 17, line 2 and insert the following:

"(5) STATE COORDINATOR.—The term 'State coordinator' means, with respect to each State, the individual appointed by the Secretary pursuant to subsection (c)(7).";

—On page 18—

(A) line 15, insert "a State coordinator or" after "is";

(B) line 19, delete "and";

(C) strike lines 20 through 25, and insert the following:

"(7) appoint an officer or employee of the Department of Agriculture to serve as State coordinator of each State rural economic review panel, who shall—

"(A) manage, operate, and carry out the instructions of, the State rural economic review panel;

"(B) serve as a liaison between the panel and the Federal and State agencies involved in rural development; and

"(C) transmit to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6); and

"(8) designate an agency within the Department to provide the panel and the State coordinator with support for the daily operation of the panel described in subsection (b)(3)."; and

—On page 33, line 19, insert "State coordinator or" after "each".

By Mr. THOMAS of Wyoming:

—Page 81, after line 2, insert the following:

SEC. 806. GRANTS TO RURAL AREAS TO ENSURE CONTINUED ACCESS TO MOTOR FUELS.

"(a) FINDINGS.—The Congress finds that the deteriorating condition of fuel storage tanks in rural areas combined with the increasing unavailability of insurance for business enterprises operating such tanks threatens the continued availability of motor fuels in such areas.

"(b) GRANT AUTHORITY.—Section 310B(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)) is amended by adding at the end the following: "From the amounts made available under this subsection, the Secretary may make grants to private business enterprises for the replacement and repair of fuel storage tanks, and for other expenses necessary to enable such enterprises to meet Federal requirements with respect to the prevention and detection of leaks in such tanks.

Redesignate succeeding sections accordingly.

By Mr. TRAFICANT:

—Page 81, after line 2, insert the following:

SEC. 805. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, no less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts which (but for this section) would have been awarded to foreign firms under this Act and the amendments made by this Act.

(e) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

—Page 81, after line 2, insert the following:

SEC. 805. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representatives to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts which (but for this section) would have been awarded to foreign firms under this Act and the amendments made by this Act.

(e) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—The Secretary of Commerce shall declare any person ineligible to bid for a federal contract for a period of 3 to 5 years who intentionally affixes a label bearing a "Made in America" inscription to any product sold or shipped to the United States that is not made in America and may bring action against such person to enforce this section in any U.S. district court.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—the term "foreign firm" means a business entity not described in paragraph (2)

(4) PERSON.—The term "person" means a person or individual, corporation, partnership, limited partnership, joint venture and all and any business entity engaged in a business transaction with the U.S. federal government.

By Mr. VOLKMER:

—Insert at the end of Title II the following:

"SEC. . PENDING PROJECT APPLICATION.

"(a) Nothing in this Act or the amendments made by this Act shall affect any determination by the Secretary of Agriculture concerning the funding of any application for a rural wholesale water system that proposes to furnish potable water to at least five cities with populations of not more than 2,000 persons each and to public water supply districts if the project applicants have signed contracts assuring the availability of water for such project on or before the effective date of section 201 of this Act.

"(b) Notwithstanding any other provision of this Act or the amendments made by this Act, there shall remain available until one year after the effective date of section 201 of this Act, for obligation to fund the applications specified in subsection (a), funds in the amount of $20,000,000 under the water and waste disposal loan program under section 306(a) of the Consolidated Farm and Rural Development Act pending final determination by the Secretary on such applications.".

By Mr. WISE:

—At the end of the bill, insert the following:

TITLE X—RURAL TELECOMMUNICATIONS INFRASTRUCTURE IMPROVEMENTS

SEC. 1001. RURAL TELECOMMUNICATIONS ZONES.

(a) LISTS OF STATE RURAL TELECOMMUNICATIONS ZONES.—

(1) PREPARATION OF LIST.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) NUMBER OF RURAL AREAS PER STATE IN LIST.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and (B) 3.

(b) PROVISION OF REPORT TO FEDERAL AGENCIES CONSIDERING RELOCATING DATA PROCESSING OPERATIONS.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) AGENCIES REQUIRED TO ANALYZE COSTS AND BENEFITS OF CERTAIN RELOCATION OPERATIONS.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) REPORT REQUIRED IF AGENCY DOES NOT RELOCATE DATA PROCESSING OPERATION TO AREA SELECTED FROM LIST.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) REGULATIONS.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1002. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) **Maximum Grant Per Local Government.**—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) **Maximum Amount of Grants Per Year.**—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) **Limitation on Authorization of Appropriations.**—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) **Definitions.**—As used in this section:

(1) **Eligible government.**—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) **Emergency public safety telephone answering system.**—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) **Under secretary.**—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

(4) **Under secretary.**—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1003. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) **In general.**—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title.

(b) **Coordination.**—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) **Recommendations.**—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) **Rural Area Defined.**—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

—Amend section 1001 to read as follows:

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) **Short Title.**—This title may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990"

(b) **Table of Contents.**—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

SUBTITLE A—RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP

Sec. 1011. Short title.
Sec. 1012. Purposes.
Sec. 1013. Program of grants for rural economic development and education projects.
Sec. 1014. Consideration of projects by review panels.
Sec. 1015. Administration of grant program.
Sec. 1016. State allotment formula.
Sec. 1017. Limitations on authorization of appropriations.
Sec. 1018. Regulations.
Sec. 1019. Definitions.

SUBTITLE B—MISCELLANEOUS RURAL TELECOMMUNICATIONS PROVISIONS

Sec. 1051. Short title.
Sec. 1052. Rural telecommuncations zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

After section 1001, insert the following:

Subtitle A—Rural Economic Development and Education Partnership

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

Redesignate sections 1002 through 1009 as sections 1012 through 1019, respectively.

In subtitle A of title X, as so redesignated, strike "this title" each place such term appears and insert "this subtitle".

In section 1014(a)(1)(A), as so redesignated, strike "section 1003(c)(3)" and insert "section 1013(c)(3)".

In section 1014(a)(1)(B), as so redesignated, strike "section 1003(d)" and insert "1013(d)".

In section 1015(a)(1)(A), as so redesignated, strike "section 1003" and insert "section 1013".

In section 1015(a)(3), as so redesignated—

(1) strike "section 1006" and insert "section 1016"; and

(2) strike "section 1004(b)" and insert "section 1014(b)".

After subtitle A of title X, as so redesignated, insert the following:

Subtitle B—Rural Telecommunications Infrastructure Improvements

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvements Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) **Lists of State Rural Telecommunications Zones.**—

(1) **Preparation of list.**—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar years, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) **Number of rural areas per state in list.**—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) **Provision of Report to Federal Agencies Considering Relocating Data Processing Operations.**—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) **Agencies Required To Analyze Costs and Benefits of Certain Relocation Options.**—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) **Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.**—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) **Regulations.**—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) RURAL AREA.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) IN GENERAL.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) MAXIMUM GRANT PER LOCAL GOVERNMENT.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) MAXIMUM AMOUNT OF GRANTS PER YEAR.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) DEFINITIONS.—As used in this section:

(1) ELIGIBLE GOVERNMENT.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEM.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

(4) UNDER SECRETARY.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements of shortcomings of the programs established under this title.

(b) COORDINATION.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) RECOMMENDATIONS.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) RURAL AREA DEFINED.—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

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EXTENSIONS OF REMARKS

REMARKS OF KEITH W. ECKEL

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McDADE. Mr. Speaker, Keith W. Eckel, president of the Pennsylvania Farmers Association, shared his thoughts on the 1990 farm bill with the Pennsylvania congressional delegation and 200 visiting members of the PFA at a breakfast meeting last week in Washington.

Mr. Eckel is a respected voice in the agricultural community, and I know my colleagues would benefit from his comments as the farm bill debate continues. He is a lifelong farmer who currently grows vegetables and grain in Lackawanna County, PA. He has been president of PFA since 1981 and is a member of the board of directors of the American Farm Bureau.

Mr. Speaker, I submit Mr. Eckel's remarks to be inserted in the RECORD, and I commend his speech to all of my colleagues:

SPEECH BY KEITH W. ECKEL, PFA PRESIDENT

What a year we've seen for the development of peace and democracy! Certainly it has been a year of strong testimony for the free capitalistic system advocated by the United States since its founding over 200 years ago.

Our great statesman, one of our founding fathers, Thomas Jefferson wrote: "Nothing is more certainly written in the book of fate than that these people are to be free."

Eastern Europe is experiencing a rebirth . . . a rejuvenation. Its peoples have come alive with the freedom to choose democracy as a way of life. By and large it has been a peaceful revolution with the exception of a few violent eruptions such as in Rumania. The charge to democracy has been led by the people of Poland, Hungary, Czechoslovakia, Bulgaria, East Germany, and now the Soviet Union.

This charge, this stampede toward democracy is demonstrating anew the desire to work under the guidelines of capitalism with many of the personal freedoms that we take for granted. Many anti-capitalists have become outspoken advocates of our system.

Who could have predicted this assault on socialism and the communistic way of life? If anyone had such foresight, would they have guessed that the President of the U.S.S.R. would be the person leading, or at least making it possible for this rush to freedom.

I can remember Nikita Khrushchev pounding on his U.N. desk with his shoe, and later making the ultimate threat, "We will bury you!"

West Germany might be in the process of seeing that prediction come true, because it is being buried with a flood of East German refugees seeking the rewards and opportunities of capitalism and freedom.

I recall on a visit to Germany, John Kennedy captured the essence of the American commitment to all freedom loving people as he stood at the Berlin Wall, the great barrier to democracy over which people were shot trying to escape, and proclaimed, "Ich bin ein Berliner!". Who this last August could not feel the tremendous emotional relief as Berliners scaled the wall, stopped to dance on its heights, and ran to openly embrace their family members and fellow countrymen in West Germany. The ever present physical barrier to democracy and communism . . . capitalism and socialism . . . could not withstand the people's desire for freedom.

I read the other day that most of the guard dogs pulling sentry duty along the great wall were fakes. They were not trained killers, but lambs in lions' clothing. As we look at the communistic world today that's very symbolic—its perceived strength was its weakness, while its perceived weakness is its strength . . . its people seeking freedom with the right to chart their own destiny.

Yes, in the words of Thomas Jefferson, "Nothing is more certainly written in the book of fate than that these people are to be free."

Freedom, our heritage, is spreading like a prairie fire, whipped by the winds of man's basic desire to be free.

Farming, agriculture in general, in the United States has been the beneficiary and the shining example of the success under our system of government. We have not just survived, but we have progressed and freed our population to pursue other professions and avocations.

Our system of freedom, capitalism and democracy works to the advantage of the individual and eventually the state.

In America we spend more on recreation than most nations have to spend on food and fiber. We worry ourselves about quality, while they worry about quantity.

We must be thankful for our freedoms and forever cautious in protecting these rights. As former President Ronald Reagan said even after his most successful negotiations in his quest for peace, "Trust, but verify".

The freedom to choose; the opportunity to succeed; the freedom to fail . . . all are precious and absolute necessities for the future of our democracy. Securing just the right combination . . . the proper mix is difficult. For example, the proposed farm legislation now before you, the Congress.

The 1985 Food Security Act becomes history this year and will be replaced by new legislation which you are developing.

The American Farm Bureau Federation and the Pennsylvania Farmers' Association have been strong supporters of the 1985 Food Security Act for very good reasons.

It has moved agriculture toward greater market orientation that allows our products to compete in domestic and international markets while maintaining a safety net for farm income.

A proper mix was achieved and resulted in reducing the burdensome surpluses of commodities that had suppressed farm prices. Farm exports increased and so did farm income.

The new farm bill will include programs for commodity price and income support, commodity supply control, conservation provisions, trade measures, research, credit programs, food stamps and other related public policies.

Although we support the general direction set by the 1985 farm bill, some modifications need to be made. These changes that we are recommending would enhance market orientation and allow farmers to manage their operations in response to economic, environmental and technical considerations and opportunities.

We want all programs though to meet three overall objectives: (1) reaffirm our commitment to competitiveness; (2) assure the opportunity for an adequate level of farm income; and (3) maximize freedom for farmers to respond to market conditions.

Yes, the proposed farm program should not impede the economic growth of production agriculture, and needs to live within budgetary guidelines.

The farm legislation that you eventually approve will set the tone for the business of U.S. agriculture, and will establish the game rules for most of the world.

The issue at hand is extremely important.

Quickly, let's examine some of the program components which need some revision.

Target prices should be frozen at 1990 levels. Additional reductions would result in eliminating the safety net level of current target prices that have been reached after five years of steady reduction.

Acreage flexibility should permit farmers to plant other program crops or approved non-program crops on permitted acreage for the crop which has a base acreage. Deficiency payments and loan eligibility will be restricted to the original program crop.

Dairy support price adjustments need to be made in the calculation of milk equivalents so that increases and decreases more accurately reflect current demand. Government purchases for federal use and programs should not be used in calculation of surplus. Stand-by supply control programs should mitigate impacts on and make restitution to all affected commodities.

Conservation reserve program land should meet conservation compliance plans at the conclusion of the contract. Farm Bureau supports the farmer having the option of returning his land to production, or bidding it back into the reserve.

Crop Insurance must not be linked to farm program participation; be available on an equitable basis for all program and non-program crops; coverage must be increased, and the program must be simplified. It seems illogical in this day and time to eliminate crop insurance as proposed by the Bush Administration. Without crop insurance, agriculture turns to the Congress for bailouts during natural disasters. Crop insurance is the business approach versus the political approach.

Research must be expanded to increase product markets, solve environmental concerns and lower production costs. We as farmers continue to seek new techniques in which to cut our dependency on farm chemicals, but cutting traditional research funds is not the way to accomplish this ultimate goal.

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We urge you to take these factors into consideration in the formation of a new farm bill, and we pledge ourselves to work diligently with you in the development of the best possible farm program.

At our national convention, we initiated a petition urging Congress to support legislation to slash the current capital gains tax.

We need to enact legislation to restore the capital gains tax exclusion to all capital assets including land, livestock and timber.

There is not any justification for a capital gains tax from an economic standpoint. One accurate description of a capital gains tax is an inflation tax. Any tax on capital gains is ultimately a tax on jobs and opportunity.

Farmers who sell their land would be among many other beneficiaries. A lower capital gains tax will increase the sale of assets and allow people to reinvest their funds in more productive alternatives.

Everybody wins with a cut in capital gains taxes because more jobs are created with increased total federal tax revenues. The cut in capital gains taxes would also foster international competitiveness, raise venture capital and help stimulate small business growth.

There should be a rate reduction of capital gains taxes for the sale of land, livestock, forestry products, nursery stock and other depreciable assets.

Some leaders claim capital gains tax cuts are a "boon for the wealthy." In 1985, almost 70 percent of the taxpayers who paid a tax on capital gains had reported earnings of less than $50,000. Another three million that earned less than $20,000 also reported capital gains.

Congress and the Administration have treated agriculture fairly well in recent years. You have made it possible for agriculture to look to the market place for its income. You have made it possible for agriculture to come out of a servere slump through your policy positions enacted into the Food Security Act of 1985.

We do not wish to return to heavy government involvement in the business of agriculture. In all fairness, such a move can not be justified. Hold the Food Security Act's major thrust, and fine tune it. Agriculture is on the path of economic recovery. Don't make us stumble by placing government hurdles in our way, or by failing to eliminate others like a cut in the capital gains tax.

Resist the pressure of fringe groups, reacting to emotional beliefs rather than to scientific and medical facts, who are pushing for crippling regulations that would transform the greatest and most efficient agricultural system into a centrally planned, inefficient agriculture incapable of feeding this nation, let alone the world.

In the name of misinformed sensitivity to the well-being of our environment and to the safety of our constantly growing world population, these fringe groups would stifle technological progress and prohibit the use of vital production inputs while removing all opportunities for private decision making.

Is there anyone in this room who would wish to deny one of our family members the use of insulin in their fight against the debilitating disease, diabetes, because it is a product of biotechnology just as BST is.

Is there anyone in this room who would prohibit the use of a cancer fighting chemotherapy treatment because it is a product of the chemical industry?

Is there anyone in this room who would divert research dollars dedicated to plant genetic development which has produced hybrid seeds that have enabled hundreds of millions of people to escape starvation in the third world during the Green Revolution?

And who would compel America's family farmers, their productivity the envy of the world, to exchange their freedom of choice, free enterprises, for mandated, centrally planned farming operations while the rest of the world rushes to copy our system.

You, the members of Congress, must apply a cost-benefit test to all proposals being surfaced surrounding the 1990 Farm Bill. Don't be swayed by emotion! Analyze the facts. Strengthen our system! Don't cripple it!

Yes, fine tune the farm legislation to provide the proper atmosphere for us to succeed and fail, the same atmosphere the rest of the world is striving to achieve. Thank you for your efforts to improve the competitiveness of American agriculture, and for making it possible to compete on an international basis while providing the safest and highest quality food in the world.

HAWAII STUDENT'S VIEW ABOUT RACE RELATIONS

HON. PATRICIA F. SAIKI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mrs. SAIKI. Mr. Speaker, I am pleased to introduce a "Poem About Bliss," written by a little girl from Hawaii, which encompasses the ideals of the "aloha spirit." Sabrina Hall is 9 years old and completed the following as part of a class assignment. She and her family recently moved here from Hawaii.

Poem About Bliss

(By Sabrina Hall)

I grew up in Hawaii far across the sea. Where kids of all races lived together happily. There were Japanese, Chinese and Koreans. But we all knew we were human beings.

We played games. We never called each other names. I even have two half-brothers that are "hapa." That means their mama is a different race than their papa.

Tongans and Samoans were the giants in our school. But with all of us, brotherhood was the rule. Whoever we passed along the lanai, we'd be sure to give a happy "hi".

Race was not something we thought much about. We just plain liked each other without a doubt. Everyone there liked people the same. So when it came to party, everyone came. I wish that everyone would be like this. Then the whole world will be closer to bliss.

THE 50TH ANNIVERSARY OF MARYLAND JAYCEES

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, today I rise to salute the Maryland Jaycees which will be celebrating its 50th anniversary this month. Since the issuance of their State charter on June 12, 1940, the Maryland Jaycees have committed themselves to improving the quality of life in Maryland by utilizing the dedication and diverse skills of the young men and women of Maryland. Their distinguished tradition continues today through the efforts of its 5,200 members in 88 chapters throughout the State.

Community service and leadership training are two phases that Maryland has come to associate with the efforts of our jaycees. Whether raising funds for charities, sponsoring community improvement programs, or working on individual development programs, Maryland can count on its Jaycees to be there. Their work on "just say no" drug programs, the Outstanding Senior Citizen's Award Program, the Outstanding Young Marylander's Program, and the millions of dollars they have raised over the years for muscular distrophy and other important charities are but as brief list of their contributions to the welfare of Maryland.

We cannot begin to thank the Maryland Jaycees for their years of service to Maryland. I ask my colleagues to please join with me in saluting their lengthy achievements and accomplishments.

IN MEMORY OF GEORGE A. JOPLIN III

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. ROGERS. Mr. Speaker, proverbs tells ut that the greatest evidence of a man possessing true wisdom is his quiet discipline—having and using his knowledge for the good of his community, while remaining approachable so that people may learn from his ways.

Such a man was George A. Joplin III, of Somerset, KY, who was called from this Earth Tuesday, February 14, 1990.

Jop's 31 years as managing editor, then publisher of his family's Somerset Commonwealth-Journal—formerly the Commonwealth—established his reputation as a seeker of truth, a father of his community, and a newspaperman's newspaperman. He served as president not only of the Kentucky Press Association, but also of the National Newspaper Association. He quietly and persistently built his newspaper to serve as the mirror of southern Kentucky's past, so that the community could prudently gauge its path toward the future.

Scouting was another of the passions of this quiet man. The Boy Scouts are by their very nature not an organization of superstars, but a haven for maturing young men who instintively become part of a team. Scouting bestowed on Jop many high honors. However, none of the honors meant as much to him as knowing that in his devotion to Scouting, he nurtured young men and women in quiet and selfless discipline so that they could improve all the lives of Kentucky's sons and daughters.

Jop, ever the team player, also was a devoted Rotarian, scarcely missing a single meeting of his Somerset Club for two decades running. He savored the comradery of the Rotary Club, as well as its opportunities for

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building coalitions of people to improve his community.

His wisdom and his dedication to building character in young people also led to his lifelong involvement in the affairs of his alma mater, Centre College in Danville, KY.

His immense knowledge of the community and his selfless character built Jop a reputation as a sage advisor to many people, including myself. Jop's door, in the Commonwealth-Journal Building across the street from my office, was always open to me. The people who relied upon him as a confidant trusted him greatly because his words were borne of a lifetime of wisdom, knowledge, and prudence.

Jop devoted his life to what would last: his family, his church, the truth in his newspaper, the Boy Scouts, the Center College community, and of course his beloved hometown of Somerset, KY. Upon his passing, the people he touched are left with his words, his legacy of quiet wisdom, and his devotion to his community and his fellow citizens.

May your soul rest in peace, George Joplin. I know that your greatest wish would be that Kentuckians and all Americans learn from and practice the high standard you set—by patiently seeking the truth, and using that truth to establish an honorable community for the better welfare of men and women, and their sons and daughters.

THE 50TH WEDDING ANNIVERSARY OF JOHNNIE AND GLADYS WELLS

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FIELDS. Mr. Speaker, in these times when little is permanent, I would like to ask you to join me in observing the recently observed 50th wedding anniversary of Johnnie and Gladys Wells of Houston, TX.

While I was not able to be with Mr. and Mrs. Wells at their 50th wedding anniversary reception held at the Memorial Baptist Church in Houston, I certainly would have liked to have had the opportunity to do so. I would have liked to have met these two remarkable individuals who have successfully weathered the many trials and tribulations which tear so many marriages apart.

Both Mr. and Mrs. Wells are in their early seventies. They were married on December 11, 1939, in Nacogdoches, TX, where they lived for several years. But in 1945, following World War II—in which Mr. Wells served in the U.S. Army—the couple decided to move to Houston.

Once settled in Houston, Mr. Wells operated a series of small businesses in the Aldine area. He built horse trailers, then operated an antique shop and then owned a welding business. Today, he still deals in antiques from his home. During much of this time, Mr. Wells served as a member of the Harris County Sheriff's Mounted Posse, eventually rising to the rank of first lieutenant in that voluntary law enforcement organization.

Mrs. Wells formerly worked for an attorney in Nacogdoches, but chose to become a housewife following her marriage. The couple have one son, Johnny, Jr., who lives with them.

Mr. and Mrs. Wells serve as an example to those around them. They demonstrate that love can endure, and can bring happiness to a man and a woman for 5 years, 10 years, 15 years and even 50 years and more. Johnnie and Gladys Wells are proof of that, and all of us can learn valuable lessons from this wonderful couple.

Mr. Speaker, the verse which comes to mind when I think of Johnnie and Gladys Wells is that often-quoted, but never truer line that describes how love can endure over time: Grow old along with me/The best is yet to be,/The last of life, for which the first was made.

Mr. Speaker, thank you for this opportunity to recognize—belatedly—the golden wedding anniversary of Johnnie and Gladys Wells of Houston, TX. I know that you join with me, and all who love them, in wishing them much happiness and good health for many, many more year to come.

TRIBUTE TO DR. FRANÇOIS-AUGUSTE DE MONTEQUIN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is a pleasure and an honor to share with you the achievements and accomplishments of Dr. François-Auguste de Montequin. Dr. de Montequin is professor of Art History and chairman of the Department of Art History at Virginia Commonwealth University in Richmond, VA. He is a true gentleman and a dedicated scholar who has contributed so much to the study of art history, architecture and colonial art in Latin America.

Dr. de Montequin was born in Santa Clara, Cuba, of French and Spanish origins. At age 12, on January 4, 1961, he left Cuba for Miami. He left his parents, siblings, and all that he knew behind, for a new life in the United States. He lived in the Kendall Refugee Camp and later was sent to an orphanage in Pennsylvania. He later returned to Florida, and was eventually moved to a home for exiled Cuban children in Albuquerque, NM. Three years after arriving in the United States, in 1964, he was finally reunited with his mother, and eventually his entire family was brought together. He became an American citizen in 1970.

Dr. de Montequin received a B.A.F.A. from the University of New Mexico, magna cum laude, specializing in history of art and architecture. During his undergraduate years he studied at the Universitá Italiana per Stranieri and the Accademia di Belle Arti Pietro Vannucci in Perugia, Italy. He received a doctorate degree in history and theory of architecture and art from the University of New Mexico in 1974. During his years of graduate study, Dr. de Montequin studied at the Universidad Complutense de Madrid, in Madrid, Spain, with a concentration in the history and theory of architecture and art of Medieval Spain (Muslim), Latin America, and Ancient America.

Dr. de Montequin has dedicated his life to academia. He has taught at the University of New Mexico, Hamline University in Minnesota, Skidmore College in New York, the University of Georgia in Athens (where he also served as chairman of the Art History Department), as well as his present position at the Virginia Commonwealth University. Among them are: "Forms and Expression in Pre-Columbian Art", "Spanish Colonial Urban Planning: The Fortified Coastal City of Campeche in New Spain"; Dr. de Montequin has also written articles such as "Spanish St. Augustine During the Colonial Period: Evolution of the Oldest City in the United States," "Colonial Cities of Spain and France in the United States: Documentation and Methodology of Research," and "The Essence of Urban Existence in the World of Islam," for which he received an "Honorable Mention," the Creswell Award for Islamic Art from the American University of Cairo.

Outside of his academic work, Dr. de Montequin has organized and consulted in several art exhibitions, among them: "Art of the Eastern World" at the Skidmore College Art Gallery; "Black Kingdoms," at the Minneapolis Institute of Arts, and "The Gregorian Collection of Antique Oriental Rugs," at the Hamline University Art Galleries.

Mr. Speaker, I believe Dr. de Montequin is an example of the American dream come true. He has recently been awarded a Fullbright Scholarship to spend a year in Santo Domingo, Dominican Republic. Dr. de Montequin is a true Renaissance man, and I am most proud to share his achievements with my colleagues.

CONGRESSIONAL CALL TO CONSCIENCE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MRAZEK. Mr. Speaker, I would like to share with the House an account of how one family has been split by an uncaring bureaucracy engendered by the anti-Semitism prevalent in the Soviet Union.

David Mikhalev, a Soviet mathematician, first applied for an exit visa in 1978. Not only was he refused a visa—he lost his job as well. Unable to find work in his field, Mr. Mikhalev barely kept his small family fed through a series of odd jobs.

He applied again in 1979, 1980, 1981, 1982, 1983, and 1988. No go, said the Soviet authorities: He had worked for the Institute of Communications until 1975, and Mr. Mikhalev could not be allowed to leave the country as a "matter of security," they said.

The truth is, being an applied mathematician, Mr. Mikhalev never dealt with secret information during his tenure at the Institute of Communications. He never was engaged in any purely technical studies. And he has not held a job that required a security clearance since 1975. The charges that he holds secret information are a total fabrication.

If anything, Mr. Mikhalev has been denied work in his field and has faced constant harassment because he was born a Jew in a state that historically has persecuted Jews. And that same state will not allow him to leave, either.

During these years, Mr. Mikhalev, his wife and daughter lived hand-to-mouth from whatever work he could find. Held up in Moscow, Mr. Mikhalev gave his time to the struggle of other refuseniks for their rights to emigrate. He has been an active member of the Refusenik's Law Seminar and is cochairman and secretary of the Public Council of Refuseniks.

However, his daughter fell ill and was diagnosed with a rare genetic disorder that leaves the body underdeveloped. Treatment for this disease is available only in the United States, and Soviet authorities would not allow the family to emigrate despite these circumstances.

Seeing no other alternative, the couple had to obtain a divorce so the mother and daughter could seek treatment in the United States in 1988. Mr. Mikhalev has been granted U.S. refugee status, but still needs a visa.

Mr. Mikhalev's case was referred to Soviet leader Mikhail Gorbachev on a short list of refuseniks during the Malta summit in December. Now he has been told he needs to reapply for a visa. Some human-rights observers say that's a stalling tactic.

Mr. Speaker, the plight of Mr. Mikhalev and his family is not an isolated incident, but an unfortunate, widespread tragedy—50,000 Jews applied for exit visas from the Soviet Union in October alone, each for his or her own personal reasons, in many cases similar to the Mikhalev family's circumstances. In my own district, concerned constituents have brought to my attention the plight of individual families, such as the family of Gennadi Babyrov; the family of Esther Brustein; the family of Mark Kaganov; the family of Mikhail Raikhman; the family of Alexander Schlain; the family of Svetlana Sorkin; and the family of nuclear physicist Boris Vugmeister. Their names are only part of a rollcall that grows too long each day.

U.S. intercession on behalf of refuseniks has achieved positive results. We must keep the pressure on the Soviet Union to follow through on its promises to respect the basic rights of humans. Let us not forget these families, for if we forget them, the Soviet Government most certainly will, also.

HOUSE MAJORITY LEADER RICHARD GEPHARDT'S ADDRESS ON U.S. FOREIGN POLICY: "AMERICAN LEADERSHIP IN THE NEW WORLD"

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. LANTOS. Mr. Speaker, 2 months ago, I had the great pleasure of joining our distinguished Majority Leader DICK GEPHARDT for a visit to Eastern Europe where we witnessed first hand the incredible transformation that is taking place in that region. Last week, the majority leader delivered an outstanding address here in Washington in which he discussed these historic changes and their significance for the United States. He made a series of thoughtful and perceptive criticisms and proposals regarding how our Nation should respond to these new circumstances.

This excellent address was greeted with harsh criticism by some Members, including prominent leaders of the other party. An impassioned exchange took place here on the floor of this House, and the television networks and the other news media were abuzz over the weekend with stories about the controversy.

Mr. Speaker, our majority leader's careful proposals deserve thoughtful consideration. Instead, what we have seen is a vicious personal attack on the majority leader for raising these issues. Criticizing the person who advanced an idea is not a reasonable and responsible approach to political dialogue.

Mr. Speaker, I insert the full text of the majority leader's excellent speech in the RECORD, and I urge that my colleagues in the Congress give his proposals and ideas the serious and thoughtful consideration and evaluation they deserve:

AMERICAN LEADERSHIP IN THE NEW WORLD

(Remarks by Majority Leader Richard A. Gephardt)

AN AMERICAN VIEW OF EASTERN EUROPE

Two months ago, I led a Congressional Delegation to Eastern Europe. As I traveled through Central and Eastern Europe this winter, I felt that I was witnessing history in the making.

In Czechoslovakia, especially, I was struck by the depth of the commitment to democracy. The nation that was founded by a former resident of Pittsburgh—the nation whose flag is red, white and blue—is the nation whose "Velvet Revolution" echoes the goals and aspirations of the American Revolution. In Prague I presented the leaders of the Civic Forum with a copy of the Bill of Rights. With tears in their eyes they told me of how the ideals embodied in that Bill of Rights inspired them while they were imprisoned for advocating basic human rights.

As I talked with those young patriots in the basement of a Prague beer hall, I was flooded with emotions. Yes, pride that these courageous young men and women look to America for inspiration. But more than a little anger, too. I was angry that at the very moment when the power of ideas for which America has fought are winning the world over, America may be losing its power to help secure and consolidate that victory.

I believe that America is at risk of losing its position of leadership in the world economy. I believe that if steps are not taken to recapture our strength and reassert our leadership we endanger not only prosperity at home, but stability around the world. And I believe the current Administration lacks either the vision to know what steps we must take, or the courage to take them.

The lens of bipolar ideological struggle through which we saw the last half-century has been shattered by events. Now through the broken pieces a pattern is beginning to emerge—a vision of a world in which economic competition will take precedence over military conflict.

Our first duty is to the truth of our circumstances. We must realistically assess our present situation—by asking whether or not the "long twilight struggle" of which John F. Kennedy spoke is truly over. Then we must candidly assess whether American foreign policy is adequately responding to the challenges and changes we face. Next we must begin to articulate what lies beyond. We must have a coordinated, coherent plan for making certain that the changes occurring are changes for the good. Finally we must be willing to take risks. We must have the vision to know what to do, and the courage to get it done.

IS THE COLD WAR OVER?

It's important to recognize that the policies we pursued to achieve our Cold War objectives—successful though they were—weren't handed down from Mt. Sinai on stone tablets, meant to be followed for the ages. Rather, they were a response to a set of events—a means to shape a safer world.

The Cold War itself was not inevitable. It evolved principally from three events or conditions:

First, the Western European democracies were no longer in a position to lead on world events. Second, Germany and Japan were in a site of ruin. And third, the Soviet Union solidifed its hold on the nations its armies had swept through on the way to Berlin, with Stalin breaking his promise of free elections and refusing to allow participation in the Marshall Plan, the World Bank or the International Monetary Fund.

Today, each of those three conditions has fundamentally changed. Western Europe and Japan have strong, stable democracies and free economies; and the Soviet Union is tolerating free elections and free markets in Eastern Europe.

Let me state it plainly, once and for all: The Cold War as we have known it for four decades is over. It has ended just as the giants of a half-century ago knew it would. Surely if men of vision such as Churchill and Truman; DeGaulle and Marshall; Monnet and Spaak could somehow return today, they would be leading the fight to change the very structure they created. Because they intended them to serve a purpose, and that purpose has been served.

While retrenchment in the Soviet Union is always a possibility, the essential characteristics of the Cold War—a spiralling arms race and superpower competition for spheres of influence—have changed in fundamental ways.

Moreover, one of the main effects of the Cold War—a million troops facing off across the inner-German border—is changing as well. Even as we speak the process of German unification continues. The position of the United States on the issue of German unification is clear. It is a position I support. A unified and democratic Germany must be part of the community of free nations and allied with other democratic nations. We respect and support the right of self-determination, and believe the "two plus four" approach is well-suited to address the concerns of all of us who have been drawn into two European wars in this century. But it must be made unequivocally clear that the United States recognizes the existing border between Poland and Germany, and that the Germans do as well. The end of the Cold War cannot be a cause for resurrecting any of the conditions that led us into the last World War.

As we sail with breathtaking speed into the future, it is absolutely essential that we be guided by the constellation of democratic values. 1848 was called "the springtime of nations." I believe 1990 will be remembered as the springtime of democracy, with freedom in full bloom. With spring elections planned in the G.D.R., Hungary, Poland, Bulgaria, Romania, and in Czechoslovakia, we truly face a world that has changed.

If we have the fortitude and the determination to seize the day, we can ensure that the days of the Cold War will never return.

PRESIDENTIAL LEADERSHIP

Up until this point, however, the day has seized us, rather than the other way around. Thus far in these remarkable times, events have been happening to us, and we have been left groping for a reaction. To be sure, some of this is a function of the dizzying pace of change. But there is no escaping the conclusion that America's lack of leadership in this most crucial moment of this half-century is due in large measure to the fact that our President is not providing the direction we need.

If the nature of the challenge is indeed self-evident, why is it unseen or unfathomable to our President? Why, for example, is he asking the American people this year to give him a military budget that consumes nearly one out of every three federal dollars—to meet yesterday's challenges? Why does he want to spend $112 million on the LANCE missile for West Germany when it can only reach East Germany? Why does he want to spend billions of dollars on armaments aimed at "communists" who don't want to be communists anymore—and yet has to be pushed into spending a tiny fraction of that to assist the anticommunist patriots that have replaced our old adversaries in Eastern Europe?

It's as though George Bush's Pentagon budget were written by someone who hadn't read a newspaper in a year. It was almost certainly written by someone who hadn't read William Webster's CIA analysis of the unlikelihood of a renewed Soviet threat—even if Mikhail Gorbachev is ousted by the hardliners. Indeed the question on the minds of people everywhere is: With peace breaking out the world over, why is our President intent on beating plowshares into swords?

I believe the answer lies in the President's lack of vision. George Bush campaigned for the Presidency without any sense of what he disdained as "the vision thing." As his campaign and the early days of the Presidency showed us, he would much prefer to occupy his time and the nation's attention with issues like Willie Horton and yet another tax cut for the privileged. It's not that issues like crime and fiscal policy are not important—of course they are. But at some point it is the job of the President to summon the nation to meet new challenges on the horizon.

Thus far the President has failed to do so. Just last week he flew to California to pledge his opposition to crime, drugs—and traffic jams. As for the President's plans for the rest of 1990, the White House says, "We're going to spend more time on politics than you ever dreamed possible."

The country cannot afford that—events will force the President to react to important international matters. In the past, he has reacted—sometimes well, sometimes not—but react is all he has done.

And so, without the vision to see where we must go, the President is reduced to making every decision on the basis of polls and politics.

When Governor Earl Long of Louisiana was asked why he didn't favor prison reform, he said, "Because there ain't no votes in prison." I believe the reason President Bush hasn't done more to promote democracy in Eastern Europe is because there are no votes there. Indeed, there are votes to be lost by being too closely identified with what is disparagingly and inaccurately called "foreign aid." There are votes to be lost in taking a risk for peace, in appearing insufficiently "tough" on the Russians. And there are votes to be lost in calling on the American people to make some changes to adapt to the changing world.

So what we are left with is government of the polls, by the polls and for the polls. The President, who defends foreign policy choices by pointing at his soaring popularity polls, seems to take seriously the mocking words of Mark Twain, who said: "Its name is Public Opinion. It is held in reverence. It settles everything. Some think it is the voice of God."

The President's pollster is frequently trotted before the captive White House media. He criticizes Democrats for decrying the President's lack of leadership. He cites poll data as proof that the President is doing what the American people want.

Yes, the President is doing what America says it wants in his latest poll. But is he giving the American people the information they need to make an informed decision when his pollster calls? Of course, every politician has to listen to the voice of the people—there's nothing wrong with that. But the reason the American people seem reluctant to embrace the changes in Eastern Europe; the reason they oppose increased investment in democracy in that region; the reason they aren't sure if the Cold War is over, is because their President is not leading them. He is not explaining and interpreting these startling events for them. His not helping them understand the new world we live in—its challenges, its opportunities, its dangers.

The President's lack of vision, and America's lack of leadership, have consequences that are both real and grave. The President of the United States retreats from the world by failing to lead the American people to see our self-interest in the success of democracy and free markets in Eastern Europe and the Soviet Union. But his timid posture may well create a self-fulfilling prophecy that at best confirms the status quo and at worst condemns the fragile new democracies to failure.

In short, the Bush foreign policy is a policy adrift; without vision, without imagination, without a guiding light save precious public opinion polls. But if he wanted to, President Bush could seize the day and marshal the American people into a mighty army marching for change.

History teaches us that it can be done.

In 1947 the American people, having fought two world wars in thirty years, were loathe to be caught up in foreign entanglements. They desperately desired to focus their pent-up energies on domestic demands.

But President Truman and the wise men who advised him realized that the changing times demanded that we change with them. And so Truman shaped the change by proposing that America commit itself to building democracy and free enterprise in Europe. The Marshall Plan was a classic case of principled pragmatism.

But it was unpopular. In fact, in the Gallup Poll of 1947, only 14% of the American people supported foreign loans and assistance. No wonder why—the American economy was only about one-fourth as large as it is today, and the Marshall Plan represented an investment that would cost $82 billion today. One hardly needed Mr. Gallup to know such a proposal would face strong resistance.

President Truman was not in much better shape. To this day no President—not even Nixon in the depths of Watergate—has been as unpopular as Truman was as he headed into the election of 1948. Perhaps sensing the political advantage, mainstream Republicans like Robert Taft and extremist Republicans like Joseph McCarthy opposed Truman and criticized the Marshall Plan.

The record resounds with attacks like "socialistic", "dangerous", "simple minded", and "giveaway." One Republican Senator—William Jenner of Indiana—summed up much of the opposition when he said: "It seems to be Mr. Truman's thesis that the international crisis can only be solved if we buy off the dangers of communism by giving large cash donations from the American taxpayer's pocket to already shaky European governments most of whom are, in fact, only a degree or two removed from the menace from which we are supposed to be protecting them."

But Truman did not flinch. He knew it was an investment that would reap tremendous benefits in new markets for America and more stability for the world. So he pressed on, despite the political repercussions. Ignoring the polls, Truman worked with the Republicans who controlled the Congress, especially Senator Arthur Vandenberg, and signed into law what one British newspaper called "an act without peer in history."

Harry Truman lived by Sam Houston's maxim: "Do right, risk consequences." the maxim of the Bush Administration seems to be: "Do polls, risk nothing."

There is no substitute for Presidential leadership. And given the fact that President Bush has record-high levels of popularity and more than two years to go before he faces re-election, he is in the perfect position to lead.

If he were to come to Congress the way Truman did, I can assure him we would work with him the way Vandenberg did. If he would use his bully pulpit to lead, the American people would follow. And if he would summon us all to the challenges we face, this country would rise to meet them. The American people will support democracy in Eastern Europe if our President tells us it's in our deep self-interest to do so. But we risk freedom dying on the vine if our President doesn't take the lead.

The President should carefully articulate to the American people the risks and benefits of the new world. He should remind us of how fragile young democracies are. He should distinguish today's circumstances from those of 1947—why it is we don't have to replicate the Marshall Plan—the Europeans don't need it, and we Americans cannot afford it. Of course, each nation is unique, but by and large the Eastern European countries have stronger physical foundations for their economies than the Western Europeans had in 1947—their dislocation was caused by the communist system, not by the destruction of war. However, while they have stronger economic bases than the Western Europeans had after the war, many Eastern European nations have weaker traditions of free government and free enterprise.

So the President should call on America not necessarily to spend a lot more on foreign aid—but to spend a lot smarter. For example, the new military base in Italy the

President's budget calls for will cost more this year than the total amount of savings we will receive from all the proposed base closings here in America. But do we need another military base to defend Western Europe—or can we better advance freedom and democracy in all of Europe through economic, technical, political and moral support? By the same token, do we need an increase of almost a half a billion dollars in military assistance in our foreign aid budget, and converting another $400 million in military loans to grants, while at the same time reducing UNICEF emergency aid for children and United Nations Environmental Program assistance at a time when famine and disease and pollution are becoming more clear and present dangers than superpower conflict?

The President should lead America in reassessing and changing our priorities to meet the new challenges. Otherwise history will remember the Bush foreign policy as a latter-day Maginot Line. He should let us know that if we invest a small amount in freedom today, we can reap a tremendous benefit down the road—a benefit that can include billions of dollars in savings from defense, new markets for American products, new jobs for American workers, new freedom to address old domestic difficulties. But most of all we stand to gain peace and stability. We have an historic opportunity to lower the deadly levels of tension in the nuclear age, and pull our children farther back from the brink of Armageddon.

With the demise of the Cold War, the American people are awaiting a new vision—a new way of looking at the world and understanding these momentous events. In Eastern Europe and around the world, the challenge for the United States is to help free people consolidate their gains, and build nations that are free, prosperous and secure. Here at home the challenge is to reinvigorate the American economy and renew the American spirit. The most important tools for achieving both goals are economic rather than military.

America must once again assert itself as a leader. To do that we must change the way we think about national strength, and arm ourselves for the economic competition already underway. America must begin by helping to shape the change in Europe, or we will surely be a victim of it. To that end there is much that we can do right away.

THE AMERICAN ROLE

The Congress is taking steps to ensure that the tremendous risks taken by brave people are rewarded with the better future promised by free governments and free markets. We are making progress in granting many nations of what we used to call the "Eastern bloc" Most Favored Nation status.

Next we should expand the role American agriculture plays in encouraging change in Eastern Europe and the Soviet Union. I propose a Food for Freedom program that will share the strength of America's agricultural abundance with the Eastern European and Soviet people. There is no doubt that private ownership of farm land and the hard work of our family farmers are the keys to America's success in agriculture. But while Eastern Europe and the Soviet Union are moving in that direction, it is in our interests to help sustain them on that journey.

President Havel of Czechoslovakia made that very point about the Soviet Union in his recent address to Congress. If someone whose nation was invaded by Soviet troops, who was imprisoned by Soviet puppets, who was pinned under the boulder of Soviet domination for all his adult life can call on us to assist the Soviets in moving to democracy, the least we can do is listen.

I believe that support of the process of democratization in the U.S.S.R. is in America's self-interest. We have a stake in the success of peaceful change towards a pluralist system in that nation. A stronger Soviet economy will facilitate the process of peace. How can the Soviets pull Red Army troops out of Eastern Europe if they have no jobs and no homes for them to return to in Russia?

So America must think creatively and act boldly. Rather than pouring more and more money into weapons systems, we should be investing in our own self-interest. And stability, democracy and a market economy in the Soviet Union are in America's strong self-interest.

On this point I must say that President Bush has been right—as far as he's gone. He has lent important political and moral support to the process of reform in the Soviet Union. I'd like to enlist American farmers and business people to make more substantive investments as well. Anyone who has seen the lines outside the McDonald's in Moscow knows the Soviets would appreciate American food and American goods. And American farmers and workers would appreciate the markets. We should waive trade restrictions such as Jackson-Vanik and the Stevenson Amendment, relax restrictions on high-tech exports, and encourage private investment in the Soviet Union. We provide Export-Import Bank loans and OPIC assistance to China, why not to the Soviet Union?

Another aspect of President Havel's speech that moved me was his point that rather than a hand out, the people of Eastern Europe want a hand up. The United States can offer that hand through a series of exchanges on a scale never before seen.

We need a Freedom International program for the 1990's—a modern-day Berlin Airlift bringing planeloads of people across the Atlantic in both directions: religious educational, and political leaders from Budapest and Bratislava coming to work in churches and schools and offices in San Francisco and San Antonio. If each of America's fifty states could offer scholarships to just forty Eastern European students, we will have doubled the number of Eastern Europeans studying in the U.S.

We should support conferences on issues affecting the environment, the arts and the military. We should encourage discussion of the sources and solutions of ethnic prejudice and religious intolerance. We have so much to learn from each other. So let the exchanges begin. The Congress will soon be considering a bill which will provide $190 million worth of technical assistance, Peace Corps programs, and exchanges to Central and Eastern Europe. In all, legislation currently before Congress will provide over a half a billion dollars in immediate investment in Eastern European democracy. And that is only the beginning.

America is well-postioned to take a leading role in providing the technical and managerial assistance the Eastern Europeans need. So much of the strength and the soul of our nation has its roots in Eastern Europe. How wonderful it would be if we could encourage experienced Americans—as part of a Free Enterprise Corps—to return to the nations from which their parents came to help a new generation have a new birth of freedom in their old countries. We in America would be benefitted by a return to those roots as well. The fight for freedom in Eastern Europe is rekindling the revolutionary spirit of America at a time when we badly need it. We have as much to gain from this as anyone.

UNITED FOR THE CHALLENGES OF THE FUTURE

But America cannot, need not and should not go it alone. History teaches us that a coordinated response from both sides of the Atlantic has been the answer to all the great challenges of this century.

For several years I have advanced the idea of forming an economic alliance as stable and as strong as the NATO military alliance. Over time, economic cooperation will be as indispensable as the military and political dialogue of the United Nations Security Council. As Trade Ministers become more vital to their nations' security than Defense Ministers, I would like to see more and more international dialogue and cooperation.

A Union of Nations for International Trade and Economic Development—[UNITED]—might be a means of giving structure to such cooperation. UNITED would bring together, on a regular basis, the leaders of the major trading democracies—the nations of the European Community, the United States, Canada, Japan and Australia. By working together, and discussing our problems and opportunities, we could bring more order and stability to issues of development, trade and competition—issues which threaten to divide us as much in the future as ideology did in the past.

UNITED would not be a new bureaucracy, but rather a new approach; an expansion and extension of what has worked so well for NATO and what is being done through G-7, the European Community, GATT, and IMF, the World Bank and others.

UNITED's mandate will be to coordinate, not to dictate. It can address so many of the topics facing leading nations today: from developing the economies of Eastern Europe to formulating new rules of international economic engagement to addressing the burden of Third World Debt.

The lessons of the past offer evidence that economic engagement can work—and that all sides can "win." The Marshall Plan's initial commitment to Europe has grown to the point where we invested some $1.2 trillion in the 1980's alone for the common defense of the Continent. Today we are in a position to realize a dividend from 40 years of prudent investing. We must reinvest a part of that dividend. It's just good sense. A nation that spent trillions to contain Communism must be willing to spend a minuscule fraction of that to consolidate democracy. Only a prosperous and peaceful Europe will allow us to reduce our military commitments without reducing our national security.

If we hesitate now, if our resolve falters just at the moment when we are about to realize the peace and prosperity that our fathers fought for, the consequences could be disastrous. I realize the political risk such reinvestment entails. But as President Kennedy said, "there are risks and costs to a program of action. But they are far less than the long-range risks and costs of inaction."

Ultimately the attention of the world must move beyond responding to individual crises and toward building vigorous and vibrant economies in the developing countries of the world—which will be the focus of so many of the new challenges we face. Herein lies the greatest challenge and the greatest opportunity of the next century. For too long we have allowed the threat of military

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confrontation between East and West to obscure the threat posed by the growing gulf between the superpowers and the superpoor.

CONCLUSION

Over time, I want to see a Europe in which America's young students have replaced our young soldiers; a Europe in which American technology has replaced American tanks; a Europe in which new American lasers replace aging American Lance missiles.

But it is a grave mistake to think that the focus of history has shifted completely away from the United States and onto Europe. The difficulties we face here—and how we rise to meet them—will determine whether a strong America leads the world in the new era of economic competition, or a diminished and exhausted America shrinks from the challenges history has laid before it.

This is our new call to arms—to rebuild American strength, to restore Eastern European democracy, to redress the problems of unbalanced trade, and to reassure the world that the Berlin Wall that divided East from West is not succeeded by a chasm of poverty separating North from South. Economic engagement and competitive coexistence will be the watchwords of the new decade and the new century that will follow it.

The stakes could not be higher. The threat could not be more real. A hundred years from now the 1990's will be remembered as the time when America reinvented itself once again, and in so doing led the world into a new era of peace and prosperity—if we have the vision to see the change in the course of history, and the courage to adjust our course to meet it.

CALIFORNIA'S FIRST AMERICANS: STILL LAST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MILLER of California. Mr. Speaker, the history of Federal Indian policies contains many dark chapters. However, no chapter is darker than the treatment provided California Indian tribes.

The Federal Government's inexcusable treatment of California Indians is a story filled with empty promises, deceit, neglect, and on occasion, open dishonesty.

John Echohawk, the executive director of the Native American Rights Fund, has published a thoughtful article summarizing the history of Federal Indian policy in California. Mr. Echohawk's article accurately describes the Federal Government's neglect and the cumbersome process being used to stifle efforts by California Indians to obtain Government services.

I would like to urge my colleagues to take a few moments to review Mr. Echohawk's article.

Mr. Speaker, I insert the article at this point in the RECORD:

THE FIRST CALIFORNIANS ARE STILL LAST

(By John E. Echohawk)

President Bush and members of his Administration like to use the old saw: If it walks like a duck and quacks like a duck, it's a duck. Their criteria for acknowledging Indian tribes, however, are significantly more demanding.

Consider the dilemma faced by 21 tribes in California. The federal government signed 18 treaties with California tribes in the 1800s, but the U.S. Senate caved in to political and economic pressure and refused to ratify them. In the fashion of the times, the Senate then concealed for 50 years the embarrassing fact that the treaties had even been made. For many more years, the federal government continued to abrogate its responsibility to protect Indian groups from the local non-Indian population. As a result, most of the California tribes were driven off their lands, relocated away from populated areas and forced into indentured service. Their culture was brutally repressed and, to escape total destruction, they took to the hills. Some were crowded onto what was left of the Spanish ranchos after statehood, and then left homeless when the lands were sold or lost in tax sales.

Now in a presidentially proclaimed kinder, gentler nation, the descendants of those Indians are asking the federal government to formally acknowledge them as tribes. Such recognition is critical to their economic and cultural survival because only recognized tribes are entitled to participate in federal housing, health and education programs, and to maintain their rightful government-to-government relationship with Washington.

These tribes are now required to prove their existence with genealogical records, historical documentation, anthropological studies, demonstration of uninterrupted political authority and minutiae of detail that are nearly impossible to come by. In an ironic twist, the tribes' documentary records depend almost exclusively on studies by non-Indians.

Contrary to popular opinion, the federal government's inexcusable treatment of Native Americans didn't end in the 1800s. In the 1950s and '60s, Congress "terminated" numerous Indian tribes by liquidating their property and administratively disfranchising them by applying new terms such as "adult Indian communities," or "descendancy groups." In California alone, three termination acts of Congress wiped away at least 37 rancherias and 61 tribes and bands. In more recent years, the Bureau of Indian Affairs has unilaterally "de-recognized" tribes that have participated in federal programs for years simply by stopping their appropriations. In fact, one BIA official testified, an Indian treaty confers recognition on a tribe only "on the day it was made." After that, recognition continues only so long as the BIA decides that the tribe is still Indian enough.

Since 1978, when the Interior Department set up an administrative procedure to "acknowledge" Indian groups, 21 California tribes and 93 others have sought to reassert their rights by petitioning the BIA for formal acknowledgment of their status as Indian tribes. To date, only 19 petitions have been acted on, and 12 of them were rejected. Tribes have spent, on average, more than $250,000 each to meet the BIA's burdens of proof.

Inexcusable delays and unrealistic requirements have further plagued the petitioners. In California, the lone Band of Miwok Indians have been trying since 1916 to obtain federal approval. The Mono Lake and Antelope Valley Indian communities have been jumping through BIA hoops since 1976.

What's the harm in recognizing a limited number of tribes?

Unfortunately, like most problems in our society, it boils down to money. According to the federal budget office, if the BIA acknowledges more Indian tribes, there won't be enough money to go around. Besides, who wants to open the federal coffers to new claims when the deficit is so bad? This rationale neatly and unfairly pits recognized tribes against unrecognized ones. It also feeds the misguided perception that the federal government is somehow doing a favor for the poor, incapable Indians, as if this were charity and not a matter of treaties signed in good faith. Governmental debts and obligations cannot be ignored just because it suits some to do so.

Fortunately, Sen. Daniel K. Inouye (D-Hawaii) has devised a solution that can and should pass Congress. It would establish uniform criteria for federal recognition, set deadlines for consideration of petitions, provide an independent appeal procedure, and take federal recognition onto a more fair playing field.

This will not be the kinder, gentler country that President Bush envisions until the government rights this moral and legal wrong that has festered for almost two centuries.

CRS REPORT ON TRUST FUNDS AND THE FEDERAL DEFICIT

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FRENZEL. Mr. Speaker, on February 26, the Congressional Research Service completed a report, "Trust Funds and the Federal Deficit" which sheds some much needed light on both subjects. The report clearly explains budgeting and accounting features of trust funds, such as government payments and special issues securities whose impact on Federal deficits are often confused.

The report's central thesis is that trust fund surpluses do not mask the real deficit and further, that trust funds in the aggregate are in deficit themselves and, therefore increase the Federal deficit. It, therefore, can be argued that by operating deficits, trust funds have in fact, added to the debt.

In light of all the debate on trust funds, especially Social Security, I hope that every Member of Congress will review this excellent report. The summary of the report follows:

TRUST FUND PROGRAMS AND THE FEDERAL DEFICIT

SUMMARY

The treatment of trust fund programs in the Federal budget is complicated and confusing. As a result, the impact of these programs on the financial condition of the Government is often misunderstood. Perhaps the biggest misconception today is that these programs are offsetting the Federal deficit by $124 billion and thereby masking the true size of the deficit. Although attention has been drawn to the large social security surpluses, trust fund programs overall actually have been running cash deficits.

This aggregate cash deficit is not at first visible. Official budget documents show that overall income credited to Federal trust funds in FY 1989 exceeded the spending posted against them by $124 billion—an apparent surplus. However, what is commonly called trust fund income is not just the amounts of receipts from the public generated by these programs. Trust funds also receive credits from the Treasury, what might be called paper income. It can be misleading to treat this paper income like cash when assessing the Federal deficit, which is the gap between total cash income and total expenditures in any given year. When only receipts from the public for trust fund programs—cash income—are compared to Federal spending for them, a deficit emerges; spending exceeded receipts by $18 billion.

Moreover, this is not an aberration. On the whole, trust fund programs ran deficits in their cash transactions with the public in 19 of the last 21 years. Even social security went through a long period when its expenditures exceeded its revenues. And even social security receives paper credits that make its current surpluses appear larger.

Because the official or traditional approach to accounting for Federal trust funds shows them to be running surpluses, the blame for the Federal deficit frequently is placed on the rest of the Government. Thus, all the Government's borrowing is usually attributed to its non-trust fund activities, and the interest expense or debt service is generally considered part of this category. However, because trust funds have regularly run operating or cash-flow deficits, they, too, can be considered responsible for the Government's need to borrow—i.e., for increasing the debt and the resulting interest expense. If interest expense were not included in the "rest of the Government" category of the budget, this category would show a surplus. The point is that no one program or sector of the Government is responsible for deficits and the resulting buildup of Federal debt. The Government borrows as it needs to, for whatever obligations it has to meet.

Trust fund programs are a major part of what the Government does. In FY 1989 they generated 39 percent—some $386 billion—of the Government's tax revenues and were responsible for 35 percent—$403 billion—of its spending. If deficit reduction efforts are based on the erroneous assumption that trust funds overall are generating actual cash surpluses for the Government, the result may be to distort the process by which Congress determines fiscal priorities—what Congress wants to spend money on and how it will raise the resources to do so.

THE UNITED STATES AND IRAN AND RECIPROCITY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. HAMILTON. Mr. Speaker, in January, I wrote the Department of State concerning diplomatic representation and dealings between the United States and Iran who do not have diplomatic relations.

I was concerned about the lack of reciprocity in our relations. There are apparently close to 30 Iranians working in Washington at the Iranian Interests Section of the Algerian Embassy and Iran often charges Americans for visas to go to Iran. The United States does not charge Iranians for visas and we do not have any representation in Tehran, relying on a few Swiss diplomats to carry out our business.

Attached is correspondence I had with the State Department on this issue, my letter of January 24, 1990 and the reply of the State Department of February 23, 1990. There are reasons for the lack of reciprocity but I believe that we should move to stricter reciprocity.

I would like to bring this exchange to the attention of my colleagues. The correspondence follows:

U.S. Department of State,
Washington, DC, February 23, 1990.
Hon. Lee H. Hamilton,
Chairman, Subcommittee on Europe and the Middle East, House of Representatives.

Dear Mr. Chairman: Thank you for your letter of January 24, 1990 to the Secretary. I am pleased to respond, on the Secretary's behalf, to the questions you raised regarding the Iranian Interests Section of the Algerian Embassy and the issue of visa reciprocity with Iran.

With regard to the Iranian Interests Section, you are right that there is not strict equivalence in the arrangements which exist here and in Tehran. The American Interests Section of the Swiss Embassy in Iran consists of three Swiss diplomats and about 10 Iranian employees. They provide consular services to the Americans who live in Iran. By the last estimate, there were about 2,300 of them, including about 2,250 dual nationals.

In the United States, by contrast, there are approximately 500,000 Iranians, many of whom require consular services such as the issuance of new passports, registration of births, and so on. Since 1981, we have accepted an arrangement whereby these services are provided by the Iranian Interests Section of the Algerian Embassy, which is required to employ legal permanent residents of the United States or U.S. citizens only. None of the employees in the Iranian Interests Section has any diplomatic status.

On the question of visa reciprocity, the problem is that Iranian practice around the world does not appear to be uniform. The Iranian Interests Section here says that it does not charge for visas. We have canvassed our posts, however, and it appears that in some places Iranian embassies do charge fees for visas to Americans, ranging from $10–$15. We will take appropriate action when we are sure that this is prevailing Iranian practice.

Sincerely,
Janet G. Mullins,
Assistant Secretary, Legislative Affairs.

Committee on Foreign Affairs,
Washington, DC, January 24, 1990.
Hon. James A. Baker III,
Secretary of State, Department of State, Washington, DC.

Dear Mr. Secretary: I write regarding certain aspects of United States dealings with Iran and the principal of reciprocity.

It is my understanding that there are close to 30 Iranians working in the Iranian Interests Section of the Algerian Embassy and that, on a separate issue, Iran is charging American citizens close to $15 dollars for a visa. It is further my understanding that we are not charging Iranians for visas and that our Interests Section in the Swiss Embassy certainly does not have the personnel, American or third country national, that Iran has here.

I would like to know why there is not reciprocity, why we do not charge Iranian nationals for visas and why we allow there to be nonreciprocal representation in the two countries. The continued lack of reciprocity, in my view, sends the wrong signal to Iran.

Your consideration of this matter is appreciated and I hope this situation can be rectified.

With best regards,
Sincerely,
Lee H. Hamilton,
Chairman, Subcommittee on Europe and the Middle East.

H.R. 4250

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McDADE. Mr. Speaker, I am introducing today H.R. 4250, the State and Local Multi-Objective River Corridor Assistance Act to promote the wise use of one of our Nation's most treasured resources—the 3.5 million miles of rivers and their adjacent lands.

The legislation is the result of an intensive yearlong effort to assist State and local communities develop balanced policies to preserve and enhance our country's river corridors for a multitude of uses. This effort involved extensive input from Federal agencies, public and private groups, river management experts, public officials, and private landowners.

The centerpiece of this effort was six regional workshops held early last year in Boston, Atlanta, Denver, San Francisco, Washington, and Omaha. As a result of these workshops and from hundreds of written comments received nationwide, it became clear that States and local communities want to improve the quality and uses of their river areas, but find it difficult to achieve balance between competing river uses. Communities also stressed that financial and technical assistance from the Federal Government is limited and complicated Federal regulations oftentimes impede State and local efforts to revitalize these areas.

Any community currently taking an action in a river corridor must deal with a bewildering multitude of Federal agencies and regulations. There is no unified approach or contact for advice and assistance, no assurance that the technical information provided is state-of-the-art data, and no defined formula which aids communities in a reasoned participatory decisionmaking process.

Rivers truly are the life blood of the Nation, providing major transportation corridors, drinking water, wetlands, waste dissemination, hydroelectric power, agricultural irrigation, timber management, recreational needs, wildlife habitat, and areas of contemplation and relaxation. The adjacent lands possess equally important qualities such as wetlands, floodplains, natural areas, urban waterfronts, historic communities, and places for fishing and hiking.

The importance and complexity of river values clearly warrants a carefully considered and well-reasoned balance among the competing users. In order to achieve balance, future river efforts must recognize all legitimate beneficial public uses, encourage decisions which result in the maximum public benefit, and, most importantly, encourage consensus building and input from all interests and at all stages of the decisionmaking process.

Congress has passed landmark legislation over the past 20 years affecting rivers. And while the Clean Water Act, Wild and Scenic Rivers Act, and the Coastal Zone Management Act, to name just a few, are important, there are still many other rivers and river segments which need additional Federal assistance. These areas are subject to many competing uses, and in many instances, decisions are being made with little regard to reviewing all significant river values and uses and most importantly, without consensus from all user groups in a community.

What public laws and regulations sometimes fail to recognize is that river values and uses are quite broad. The spectrum of interest stretches from preservation of rivers in their natural state to multiple use, which historically and practically, have been the most acceptable use throughout history.

While advocating a policy which recognizes and balances conservation needs with high quality economic uses seems logical, achieving the goal is often quite difficult for communities.

The legislation I am introducing today was drafted to recognize and promote a wide variety of river uses—recreation, fishing, wildlife habitat, and economic revitalization. It also is designed to help local communities control sources of pollution, reduce flood and stormwater losses, and preserve the historical and heritage values of their rivers and waterfronts. Most importantly, the bill is intended to make Government more responsive to the State and local communities it serves through a combination of matching grants, technical assistance, and interagency cooperation.

A four-pronged legislative approach is used to achieve these objectives:

First. Matching grants and technical assistance to States, local governments, and private nonprofit groups. Eligible projects would include river restoration, greenway and heritage parks, individual river corridor projects, in urban, suburban and rural areas, and statewide river assessments.

Major criteria for eligibility area:

All significant public and private values and uses of land and water must be considered.

Decisionmaking process which reflects a high degree of consensus at all stages of decisionmaking process and includes input from local landowners.

The project shall be publicly supported and reflect significant commitment by States, local government, and private interests of the area.

Second. A multiobjective River Corridor Council would be established. Members would be the Secretary or Department heads of the Departments of Interior, Agriculture, Transportation, Commerce, Housing and Urban Development, the Environmental Protection Agency, Federal Emergency Management Administration, Tennessee Valley Authority, and Army Corps of Engineers.

Major responsibilities of the Council would be:

Cutting Federal redtape.—Review current programs and recommend opportunities to improve their effectiveness, promote interagency coordination, and eliminate inconsistencies in Federal programs.

Developing interagency training programs to provide the specialized Federal personnel to assist State and local communities find solutions to their problems. This assistance would provide a range of innovative, cost-effective options to local communities.

Third. A national clearinghouse of information on funding sources, technical assistance, model programs, and practical state-of-the-art technical data.

Fourth. Create a National River Register which would formally recognize rivers or segments exemplifying successful multiobjective approaches. Nominations would be made by the States. All recipients of the award will be eligible for matching implementation grants.

One of the most significant portions of the bill concerns the protection of private property rights. Section 205 mandates that:

> Each Federal agency in the Council and all recipients of assistance under this title shall, in their planning, implementation, and management of river corridors involving private lands, give full consideration to (1) the concerns of private landowners, groups and nonprofit organizations; (2) continued private traditional and new use of river corridor lands where such uses are consistent and compatible with established goals and the wise use of significant river resource values; and (3) the creation of a project task force which includes representative private landowners to assist in decisionmaking.

I urge my colleagues to sign on as cosponsors of this local river initiative. The legislation is innovative, cost effective, and balanced. It acknowledges the need for national leadership which encourages cooperative partnerships with State and local communities.

This is a bill that recognizes that river revitalization efforts begin with local community initiatives and that the Federal Government should be a cooperative partner in those efforts.

This multiobjective approach is certainly not a new concept, but the issues, concerns, needs, and proponents for such an approach and the new innovative techniques available in the 1990's are far different than in the past.

Because of these factors and the continued reduction in Federal dollars, it is even more critical that we begin to broaden the traditional Federal role of acquisition and regulation to include the encouragement of informed, balanced State and local river corridor decisionmaking. Our goal should be developing a cooperative approach that will garner the experience and expertise of our Federal agencies and integrate this know-how with the needs and sensitivities of State and local governments and the citizenry they serve.

IN RECOGNITION OF INNOVATIVE EFFORTS IN HAWAII CHILD CARE

HON. PATRICIA F. SAIKI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mrs. SAIKI. Mr. Speaker, as the Congress continues its lengthy debate on child care, corporations and States are successfully attempting to resolve their own child care problems. Hawaii is a stellar example of how determination, ingenuity, and dedication can accomplish what Congress has been unable to achieve even after years of trying.

Hawaii is fortunate in that we have a well-established network for parents in search of care for their children. This network is part of a group called PATCH—or People Attentive to Children. PATCH serves hundreds of families each month and successfully places many children in quality and affordable child care. However, their success would not be so dramatic without support from the private sector.

An example of a very creative type of program are those facilities which provide care to sick children. The Queens Medical Center sick child care program reserves a number of beds for the benefit of local working parents whose children are not seriously ill, but sick enough to prevent attendance at school or child care.

Castle Medical Center offers a unique opportunity for parents with infants and toddlers, the most difficult population for which care can be found. The program is for the benefit of Castle employees and is run out of a cottage on hospital grounds, thereby making it accessible to parents during work hours.

Mauna Lani Resort in Hawaii has joined the child care effort since determining that child care is a major factor in attracting and maintaining employees. In response to the growing need for care for pre-school children, Mauna Lani will be completing an on-site center for 100 of its employees' children by September. The program is to be education-based and will be open for 16 hours a day so that all employees will be able to take advantage of its services.

Another outstanding idea was recently piloted by First Hawaiian Inc. First Hawaiian has established a program where an employee can contribute to a special pre-tax child care account to which the company will deposit up to $200 per month. In addition, this bank holding company will reimburse employees for the cost of care at a Queens sick child care facility. With this type of system, families have the opportunity to select any type of child care they prefer.

The State of Hawaii recently implemented a revolutionary statewide afterschool program for latchkey children called A+. Thousands of children are currently enrolled and are benefiting from afterschool learning activities for only $1 a day.

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All of Hawaii's fine child care programs deserve recognition, but more importantly, they deserve assistance under a Federal child care plan as well. To quote Maui Land and Pineapple Co.'s benefits administrator, Alec McBarnet, "* * * child care should no more be considered a luxury item than should a quality public education system. * * * Rather it is a necessity in order to live and work in Hawaii."

Mr. Speaker, please bring a child care conference report to the House floor for a vote so that all American families can have access to convenient, affordable, and high-quality care.

THE 50TH ANNIVERSARY OF THE HAMMOND HARWOOD HOUSE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to acknowledge a national historic landmark, the Hammond Harwood House, a museum that has preserved the heritage of 18th-century Annapolis for the past 50 years. I also wish to commend the efforts of the Hammond Harwood House Association, a volunteer group that has taken it upon themselves to purchase and restore this historical site.

In 1774, Mathias Hammond commissioned the renowned English architect William Buckland to design this home. The house remained in the family until the death of the last heir in 1924, when St. John's College became the owner. The house remained relatively empty until 1938 when the Hammond Harwood House Association was created with the goal of restoring and purchasing the historic home. In 1940, through its dedication, it raised enough funds so that it was able to purchase the Hammond Harwood House from St. John's College.

Since 1940 the Hammond Harwood House Association has been committed to restoring this Golden Age monument as closely as possible to its original 10 century atmosphere. The architecture retains its original carved woodwork, without any modern alterations, and the house also retains contents original to the era. Notably, the works of local craftsman John Shaw, and Charles Willson Peale, an 18th-century Annapolis artist, are displayed. In the drawing room, a formal colonial music program is offered which allows opportunities for the public to learn about music of the time period and local musicians to perform music of the 18th century. This exact preservation allows the community to fully experience this era.

It is with great pride that I extend my sincerest congratulations to the Hammond Harwood House Association for their 50 years of historic community service. I know that my colleagues will be pleased to join me in offering best wishes for the continued preservation and success of this prestigious landmark.

RETIREMENT OF JOHN DOUGLAS PHELPS, A TRUE PUBLIC SERVANT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. ROGERS. Mr. Speaker, President Woodrow Wilson said that "there is no idea so uplifting as the idea of the service to humanity."

John Douglas Phelps, throughout his career, has put himself in the service of humanity. His mission as a public servant was to enable others to help themselves; and so upon his retirement early this summer, the work of John Phelps will continue in the lives of the many people he served.

His beginnings were modest, having grown up on a Russell County, KY, farm and begun his education at the one-room schoolhouse in the tiny farm community of Esto. In the rolling hills of southern Kentucky, John grew up learning the ability to build a team, to work for the benefit of people, whether it would be harvesting the family's crops, repairing a neighbor's barn, or participating in a church service project.

John Phelps never got rural southern Kentucky out of his blood. Fortunately, for the many people he helped in the region, southern Kentucky never loosened her grip on John Phelps. Except for his 3 years in service of his country in the military service, John Phelps has been a lifelong Kentuckian, and a southern Kentuckian for most of that.

His professional career in service to Kentuckians began in 1963, when he was employed as a social worker for the State of Kentucky. By 1967, John Phelps accepted an opportunity to further build people to help themselves, as assistant director, then director, of the West Lake Cumberland Community Action Agency. His experience with Government-related social and community programs led him to become the Federal Programs Director of the Lake Cumberland Area Development District [LCADD], a 10-county community development organization, in 1973. Nine years later, he was promoted to the LCADD's executive directorship. His work at LCADD was instrumental in the development of scores of economic development projects and the construction of facilities to help improve the lives of southern Kentuckians, and to teach them to help themselves.

But the professional career of John Phelps does not begin to describe the depth of his integrity and his dedication to strengthening his beloved southern Kentucky home. Yes, he served with distinction on several important civic and corporate boards. And through his career, he placed a high emphasis on improving his education far beyond his studies at Campbellsville, KY, College and the University of Kentucky. Moreover, his work drew honors from organizations such as the Russell County Farmers Market and the chamber of commerce.

In his service to southern Kentuckians, and in his own family, John Phelps has had an instinct for practicality, and an astute sense of the possible. His knowledge, his common sense, and his uncanny talent for stretching people's abilities beyond their ordinary means made him a valuable adviser and dear friend to many people, especially myself.

In his retirement, I am quite sure John Phelps shall never resign his nature of helping his fellow man. I personally will miss his frequent visits to my Washington and my Somerset offices on behalf of southern Kentucky projects. Now that John Phelps is retiring, perhaps he can stop by more often, bearing wisdom and sound advice in his own warm, inimitable way.

WELCOMING THE AMERICAN FILTRATION SOCIETY NATIONAL CONVENTION TO WASHINGTON, DC

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FIELDS. Mr. Speaker, the American Filtration Society will hold its annual national convention here in Washington from March 18–22. I would like to take a moment to salute this organization and its members for the many important services they provide in the fields of environmental engineering, minerals and material science, oil well and reservoir technology, ceramics, pulp and paper, the food and beverage industry, clean rooms, air-conditioning, hydraulic fluids, plating, medicine and biotechnology, and the chemical industry.

The American Filtration Society unites practitioners in these and other diverse fields who are involved in fluid-solid separation. Currently, the AFS has approximately 800 individual members and more than 40 corporate members; 10 chapters, including one in my home State of Texas; and its well-respected Fluid-Particle Separation Journal.

The first chapter of the American Filtration Society was organized in Texas in 1968, when several individuals with shared interests decided to get together on a regular basis to discuss filtration issues. Since then, additional chapters have come into existence.

The society consists of individuals and corporations involved in the separation of particles from fluids. Fluids may be gases or liquids, and particles include solids, liquids within liquids, bubbles, mists, and foams. The size of these particles may be as ionic, as in reverse osmosis; macromolecular, as encountered in biotechnology; in the micron range, as typified by clays and aerosols; or larger.

The society's objectives are as diverse as its members. The society strives to:

Chart a path leading to the recognition of fluid/particle processing and separation as a recognized science and engineering;

Facilitate the transfer of technology among manufacturers and users of fluid/particle separation equipment;

Provide guidance to industry and government concerning fluid/particle separation and its significance in preserving man's quality of life through protection of the planet's environment;

Assist members to solve existing problems, exchange information with individuals having

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similar interests, and to strengthen and expand their technological knowledge; and

Support organized programs of study and research at the university level in fluid/particle systems.

While few of us here in the House are likely to fully appreciate the benefits we receive on a daily basis as the result of fluid/particle separation, there is no denying that fluid/particle separation plays an integral role in a variety of industries. The scientists, engineers, and technologists who belong to the AFS are among our brightest product designers, research personnel, consultants, academicians, end users, and distributors.

The society conducts a variety of technology meetings each year, attracting participants from across the United States and from abroad as well. For example, in March 1988, an International Technology Conference was held in Ocean City, MD, and additional conferences were held last year in Pittsburgh and Houston. The annual meeting of the AFS in Washington later this month will be a major international conference.

I would like to congratulate one of my constituents—Guy E. Weismantle, president of Weismantle International of Kingwood, TX, who serves as executive secretary of the American Filtration Society.

Mr. Speaker, I hope you and my colleagues will join me in welcoming the members of the American Filtration Society to their conference in Washington, and join me in saluting all that the organization—and its members—does for our country.

Thank you, Mr. Speaker, for the opportunity to recognize the American Filtration Society, its members, and its upcoming annual meeting to be held here in Washington, DC.

MARJORY STONEMAN DOUGLAS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on behalf of the Floridians who take great pride in preserving our abundant natural resources, it is my honor to highlight an outstanding activist from Miami, FL. Marjory Stoneman Douglas has spent most of her life preserving the natural beauty of south Florida.

With a tremendous history behind her, Ms. Marjory Stoneman Douglas is celebrating her 100th birthday on April 7, 1990. As a graduate from Wellesley College in 1912, Ms. Douglas started her professional career as an educational director for department stores from Missouri to New Jersey. After her marriage, she came to Florida in 1915 and soon became the society editor of the Miami Herald. Ms. Douglas was the first woman from Miami to join the U.S. Navy in World War I. She served with the American Red Cross in Paris, France, during the war.

After returning from overseas in WWI, Marjory Stoneman Douglas initiated what turned into a brilliant writing career. She was the assistant editor to the Miami Herald and a freelance writer to many magazines including the Saturday Evening Post. She has also written numerous articles, essays, novels, and a play entitled, "The Gallows Gate."

Writing one article about the Miami River led many publishers to request further articles on environmental issues. As a journalist she gathered facts that led her to become a key leader for the environment in south Florida. Her most famous book, "Everglades: River of Grass," helped raise our awareness of the beauty and majesty of the Everglades and Florida's wetlands. Ms. Douglas served on the original committee to establish Everglades National Park. The first session of this Congress recently enlarged Everglades National Park.

Today Marjory Stoneman Douglas is president of the Friends of the Everglades, which is an organization that protects endangered species and water quality in the Everglades. Her current project is studying and supporting the Florida Kissimmee-Okeechobee-Everglades basin.

I would like to thank Ms. Douglas. The State of Florida owes a debt of gratitude to Ms. Douglas for all her dedicated, hard work. I am delighted to wish Ms. Marjory Stoneman Douglas a very happy 100th birthday.

TRIBUTE TO INGRID SOWLE

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MRAZEK. Mr. Speaker, I rise today to pay tribute to Ingrid Sowle, a fine medic with the Port Washington, NY, Fire Department, who was killed in the line of duty on February 19, 1990.

Ms. Sowle was hit and killed by a hit-and-run driver while she was returning to her car after assisting the rescue squad at an accident scene. She was 52 years old and had been a member of the rescue squad of the Port Washington Fire Department for the past year.

Mr. Speaker, this is the second such tragedy in a period of 15 months for the Port Washington Fire Department. In November of 1988, Lt. Robert Dayton was killed while battling a fire.

The tragic death of Ms. Sowle underscores the great sacrifices of the men and women who make up our volunteer fire departments. Each day, often without any recognition or fanfare, these people give of their time, effort, and sometimes their lives to serve their communities.

Mr. Speaker, at this time I request permission to enter in the Record excerpts of an article that appeared in the Port Washington News on February 22, 1990, which contained some of the many words of tribute for Ms. Sowle from her colleagues:

Fire Medic Killed by Drunk Driver

(By Christina Cronin Southard)

Ingrid Soule, 52, a fire medic with the Port Washington Fire Volunteer Fire Department, was killed in the line of duty in the early hours of Monday, Feb. 19. She was fatally struck down by a hit-and-run drunk driver on Roslyn West Shore Road near Bar Beach as she was walking back to her car after responding to a call at another accident.

Linda Popeleski, a close friend and fire medic, was with Ms. Sowle at the time of the accident. She said, "Ingrid has a heart of gold. She joined the fire medics because she wanted to give more to others. She was always making desserts for the Company. She was always there for everyone. She was sincere, kind, and loving."

Fire Chief Peter Zwerlein said, "We are very saddened. It hits home again because we just lost Bobby Dayton and some of our members are still recovering from the Avianca air crash rescue, she was a good member who was always available when needed. She was a typical volunteer firefighter. She was professional in her actions, dedicated and wanted to help the community."

Ed Oldak, president of the Port Washington Fire Medics, said, "Ingrid joined us a year ago. Her application said she wanted to serve the Port Washington community. She put in a lot of hours. She enjoyed her work and was proud of her membership in the fire medics."

CONGRESSIONAL SALUTE TO THE GERACI LEAGUE OF PASSAIC COUNTY, NJ, ON ITS 60TH ANNIVERSARY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. ROE. Mr. Speaker, it is with the greatest pride that I rise today to salute a truly outstanding fraternal organization based in my Eighth Congressional District of New Jersey which, in 1990, is celebrating 60 years of making its community, its State, our Nation, and our world a far better place to live.

I am speaking of the Geraci Citizens League of Passaic County, NJ, which will be marking this historic milestone with its 60th Annual St. Joseph Dinner Dance on March 16, 1990, at the Princess in Lodi, NJ. I know that, as it always is, this exceptional event will be well attended, for the Geraci League has truly established a reputation that has made it a special organization while at the same time being a vital part of the community.

Mr. Speaker, as a means of conveying to you and our colleagues the rich background of the Geraci Citizens League, I would like to insert into the Record a copy of the official history of this distinguished organization.

The Geraci Citizens League of Passaic County, NJ

The Geraci Citizens League, founded in 1930, today is one of the most unique fraternal organizations in the North Jersey area. Its membership comprises American citizens whose families emigrated from the mountain village of Geraci Siculo, hidden high in the mountains in North Central Sicily, or who were themselves emigrants.

At the turn of the century, when the tides of immigration reached American shores, many Geracese settled in the Passaic area; others traveled westward to Colorado, Texas and California. Today, there are hundreds of descendants of the original settlers living in the North Jersey area and thus, it can be said, there are more Geracese living in New Jersey than in the historic village of Geraci.

The population of the beloved village is a scant 3,000.

Although, today, Geraci sleeps gently atop an impressive rock mountain almost as high as Colorado's city of Denver, there was a time when it was historically to be reckoned with. Legend tells us that in the early days of Greek colonization, about 550 B.C., it was known as "Jerax", meaning high habitat of the eagle vulture. Its coat of arms shows the huge bird astride two scaling ladders, signifying that even that fabulous creature required the use of ladders to soar to the heights of the commune.

Through the centuries, the island of Sicily was criss-crossed by warring powers—Greeks, Carthaginians from Africa, Romans, Vandals from Central Europe, Byzantines, and the Saracens who brought with them the Muslim culture which is still in evidence in parts of the Island. Although its status has definitely changed over the centuries, Geraci was once recognized as more than a village—it had the status of a city-state or province.

Most notable of the events were those which transpired from the eleventh century. It was 1061 when Roger de Hauteville (Altavilla), one of twelve sons of Tancred of Normandy, invaded Sicily where he instituted law and learning and advanced the teachings of the Catholic Church. His son, Roger II, who reigned from 1105 to 1154, continued and expanded the enthusiastic patronage of his illustrious father. During that Norman regime, castles and fortifications, chapels and cathedrals, and institutions of learning were founded and constructed. The ruins of such a castle and its contiguous chapel are found near the church of San Giacomo at the highest point in Geraci. The chapel of St. Ann was constructed first to house the forehead relic of the Saint, which was brought to Geraci by the Ventigmiglia family and later transferred by them to a mother church in nearby Castelbuono. Castelbuono, originally Bel' Vedere, was a small community which the Ventimiglia family set up as another homestead. Roger II was also known as the Great Count because of his sincere concern for his constituents, and the many ecclesiastical and educational improvements he brought about in the island communities.

Count Serlone of Geraci was a nephew of the Great Count and his daughter Eliusa married Roger of Barneville, related to the Altavilla family, and a crusader in the liberation of Antioch from the infidels.

The mother church of Geraci, St. Maria Maggiore, has undergone several renovations since it was first constructed about 1100 and portions of the "matrice" can still be recognized in their original form.

Members of the Geraci Citizens League have been instrumental in some of the more modern changes which have taken place in the mother church. The late Salvatore Lomauro, a well-known building contractor in the North Jersey area, and his son-in-law, Michael N. Corradino, managing owner of the Dixon Press, contributed the complete cost of renovating the front entrance of the church and still retaining the artistic appearance of the overall structure. Rudolph Intelisano, a long-established mortician, contributed the cost of two new confessionals in the church, and Mrs. Rose Giaconia contributed the cost of a new chair for the vicar. A strong sense of devotion to the ancient village still prevails among those who live in America.

Another indication of that devotion was evident when the vicar of Geraci asked financial aid in the restoration of the chapel of St. Ann and responding to that call were a group of young men whose parents were members of the Geraci Citizens League. Their contributions successfully transformed the old abandoned chapel into a delightful setting for religious services. Doing their bit for the village of their forebears were: Michael N. Corradino, Ronald W. Giaconia (son of Rose), Stephen Leonardo, S. Terry La Corte, G. Dolph Corradino, Rudy Intelisano, Vincent Neglia, Mrs. Robert Damiano, Dominick Giordano, Frank Leonardo, Richard Alaimo and Dr. Vincent Lanteri, whose efforts have given the townspeople a boost in morale.

There is little else to be known about the mountain village with its steep cobbled streets winding precariously between ancient and modern houses. Geraci is poor in industry but rich in the culture of its chapels and churches with their magnificent statuary and paintings and religious articles and robes, some of which go back almost a millenium. There is no commerce but dozens of little shops peek-a-booing from the recesses of ancient buildings. Young people leave to seek their fortunes in the industry of northern Italy, or other countries, or even other continents. And so we find the elderly man and woman leisurely running the small shop or basking in the sun that hovers over the Piazza del Popolo, or taking care of that delightful agricultural setting, owned and run by the family, known as "la campagna".

It was perfectly natural as the nineteenth century drew to a close that young people would emigrate to that great land of opportunity across the sea. Letters from America were eagerly looked for—there was always news about how well the writers were doing, how much money could be made, how good life was! And in the early 1890's, the tide of immigration began to beat against the American shores. Many young emigrants landing in New York took up residences in the area—boarding with family or friends. Others with family ties elsewhere went westward—to Colorado, California and Texas. They mined coal, built roads and railroads, drove herds of cows across the plains, ran small general store operations with peddler-wagon delivery service—and survived.

The numbers increased many-fold after 1900 and we make note here of an interesting event. On April 4, 1903, a mutual aid society was formed, known as the "Societa di M. S. Geracese", by Rosario F. Lomauro, father of the previously mentioned Salvatore, and grandfather of Rosario F. Lomauro, attorney and a past president of the Geraci Citizens League. Those who left families in Geraci found employment and out of meager stipends put away enough to be able to send for their loved ones. In later years, those who went back to visit were to relate stories of great successes in their adopted land. Others never went back—never saw their families again and still others achieved prominence and success in business and the professions in the new land.

And so the colony of Geracese continued to grow and the Passaic area seemed to be the center of that growth. It soon became evident that a firmer link was needed to keep friends together. The answer was evident—a league—an organization representative of all those emigrants who had come from Geraci to a new future on American shores.

Bartolo Paruta, a distinguished white-haired barber, spoke to a small group of friends and the more he talked the more convincing his point of view. Those who listened intently and agreed were merchants, builders, bakers, tradesmen, pasta manufacturers and an attorney. And so it came about—the birth of a new brotherhood in a new country with fourteen Geracese pledging themselves to assist new arrivals. The Sicilian name was "Lega di Cittadini Geracese" and its English equivalent adopted officially in later years was the "Geraci Citizens League". With Paruta were Giovanni Torregrossa, Giuseppe Filippone, Domenica Mangia, Filippo J. Silvestri, Marianno Baldanza, Francesco Lomauro, Salvatore Lomauro, Pietro Chici, Domenico Paruta, Giuseppe Castella, Giacomo Sammarco, Ignazio Cancellieri and Natale Savasta.

It became an official family, with constitution and by-laws properly drawn up in 1930—the height of the American depression The bond that brought that first group together has endured for over six decades. The League became involved in local matters that concerned Italians generally and Geracese particularly. Its presence was felt and respected in both the Italian and the American communities. Some of its sons reached professional heights that brought respect, and recognition. The first choice to lead the organization as its first president was attorney Filippo J. Silvestri, who set a firm foundation for those who were to succeed him over the coming decades.

Two years later, in 1932, wives, daughters and sisters of the male members decided to form an auxiliary and Mrs. Rosa Baldanza was its first president. In later years, the women's auxiliary and the men's League were to merge into one.

The League organized and sponsored family picnics, Italian "Carnevale" parties, evening serenades, Mother's Day parties—and most notable of all—the continuation of the St. Joseph "devozione", the devotional supper and dance for which the League would gain an enviable reputation. The women spent countless hours preparing tomato sauce, fennel and fish; cooking, cleaning, and getting the Club's headquarters (a three story walk-up) ready for the big event. And as the years went by, the response to the St. Joseph devotion kept growing and it became necessary to find a larger dining area. The tradition is still continued after all these many years and there is no indication of any loss of interest on the part of the Geracese or their friends who look forward to attending. In 1939, a group of young people anxious to follow in the footsteps of their elders, formed the Geraci Junior League, later known as the Geraci Youth Organization. The first president of the young group was Michael N. Corradino. Following the beginning of World War II, the group disbanded as its young men and women left for military service. On May 9, 1943, the Geraci Citizens League dedicated the honor roll to the Geraci youth "in service"—109 sons and 1 daughter. Six of the sons were of the Joseph Gangi family—all in military service at the same time.

Members of the League responded generously to the War. Relief Drives for Italy. And when the Italian government was faced with the threat of a communist takeover, hundreds of letters sent by League members resulted in a 30-1 victory over the communist party in Geraci, which also helped to turn the tide throughout Italy. A pet project of the League over the years was the support of the Orphanage of St. Anthony in Geraci. Clothing in abundance and thou-

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sands of dollars were raised to help ease the financial problems of the home for children.

As the years have sped by, older members have passed away and new, younger Geracese, some freshly arrived from the old "paese", have stepped in to fill the gap. Today, after sixty years, the Geraci Citizens League continues as a strong and viable organization of men and women, who still feel the need for sustaining a common bond—and who find pleasure in filling that need. Their reasons are still the same as those formulated by the original fourteen founders, whose vision has stood the test of time.

Mr. Speaker, I appreciate the opportunity to present some of the rich history of a special and outstanding organization that has truly made its community, State, Nation and world a better place to live, the Geraci League of Passaic County, NJ, celebrating its 60th anniversary in 1990.

A $150 BILLION A YEAR—WHERE TO FIND IT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FRANK. Mr. Speaker, The failure of the Bush administration to formulate a coherent policy response to the numerous changes taking place in Eastern Europe becomes more and more evident. With freedom having come to much of Eastern Europe, President Bush still has before us a budget which recommends that we spend billions of dollars to prevent Poland, Hungary, and Bulgaria from joining the Soviet Union in a land invasion of West Germany and France.

The President asks what our hurry is in cutting this obviously unnecessary spending. The answer is that we do not wish to wait to make real cuts in the deficit, nor do we wish to put off helping the elderly with medical bills or providing education benefits to children.

All of these objectives and others are hurt by the President's refusal to stop subsidizing our wealthy allies against nonexistent threats.

In the New York Times of March 8, the editors make a powerful, specific, logical case for military cuts and note that President Bush's refusal to reformulate his outdated budget is "baffling." I hope the President will heed the good sense of the New York Times and others—including his own Director of Central Intelligence, Mr. Webster—and help us reduce unnecessary military expenditures.

Mr. Speaker, I insert the thoughtful editorial from the New York Times here:

[From the New York Times, Mar. 8, 1990]

A $150 BILLION A YEAR—WHERE TO FIND IT

It's as though America just won the lottery with Communism collapsing, the United States having defended the free world for half a century, now stands to save a fortune. Defense spending could drop by $20 billion next year and $150 billion a year before the decade ends.

What a precious moment; what a Heaven-sent opportunity for a political leader to capture attention and resources and do great good. President Bush, however, resists turning in his winning ticket. What will he do with this peace dividend? He says there won't be one—and besides, it will all have to be spent reducing the deficit.

The President is surely right not to react hastity to the upheaval in global politics. Yes, the cold war is over and the Soviet Union now looks inward. But it will take time to adjust the assumptions and relationships of two generations.

The peace dividend, however, is tangible, and for the President to recoil from it is baffling. It is not bleeding heart liberals who urge Mr. Bush to be the Education President; that's his own ambition for himself. It is not elitist ecologists who label him the Environment President; that's his own title for his own aspiration.

Why, having pinned himself between a desire for progress and a pledge not to raise taxes, does he shrink from the windfall? Shouldn't he, on his own terms, embrace it? By dismissing it, the President is twice mistaken. The peace dividend is real, and realistically achievable. And the best way to spend it is to promote productivity and growth.

In his own budget, Mr. Bush would reduce the $300 billion-plus total for defense by 2 percent a year. That would save $140 billion over five years—and Congress is sure to cut more. If the Soviet threat keeps dwindling, it's possible to envision a $150 billion Pentagon budget, in current dollars, by the year 2000.

Cuts that deep can only be achieved gradually, it takes time to close bases and production lines. And sensibly, reductions will start small, phasing in with evidence of reassuring change from the Soviet Union. But the sooner Mr. Bush begins to plan for cuts, the sooner savings will accrue.

THE PEACE DIVIDEND IS REAL

Close students of defense acknowledge that significant cuts can be made. William Kaufmann, who advised Republican and Democratic defense secretaries, has demonstrated in a recent study how to halve outlays in a decade. The time to begin is now, with the five-year defense budget the Pentagon will soon submit to Congress.

There are two principal tasks: Reduce conventional forces, and slow the introduction of new weapons, both conventional [see box] and nuclear.

Reduce conventional forces.—Ships, planes, tanks and troops are the place to start. They are where the money goes—four of every five defense dollars. Much of that is keyed to an improbable Soviet attack in Europe. Conventional force talks contemplate reducing U.S. troops from 305,000 to 225,000. Come 1992, that will save about $7 billion a year. Subsequent Soviet withdrawals could trigger more troop cuts, down to, say, 75,000, saving $12 billion more a year. And cutting six backup divisions in the U.S. would save $14 billion a year.

Meanwhile, with a diminished Soviet threat, it's absurd to insist that third world perils require 14 Navy carrier battle groups. Reducing 14 to 12 by 1994 would save $6 billion a year. Reducing to six by 2000 could save an additional $22 billion a year.

It is difficult to calculate the total savings for such cuts in force size because, beyond operating costs saved, there would be untold savings in hardware and personnel.

Slow Down Nuclear Modernization.—This year's bill for missiles and bombers is $52 billion, and present plans could make that $87 billion by 2000. By slowing modernization, outlays could be held below $30 billion a year. The Strategic Arms Reduction Treaty, expected to be signed this year will help make cuts of this magnitude safe.

With the reduction in Soviet land-based missiles, there's less need to put 50 MX missiles on rail cars, to buy more Trident submarines than Start permits. Canceling MX mobile basing would save $4 billion between 1991 and 1995; stopping at 18 Tridents and slowing deployment of new D-5 missiles could save $4 billion more.

The B-2 stealth bomber was designed to locate and destroy mobile missiles. Sixteen are already authorized. Deferring further procurement while continuing flight-testing would save $23 billion between 1991 and 1995. Procurement of the advanced air-launched cruise missile can also be deferred, saving nearly $3 billion in those years.

The Bush Administration asks $5.4 billion for Star Wars defenses this year, and more later, even though this mammoth program still lacks clear purpose and faces formidable technical problems. Robust research could be conducted for $3 billion a year, saving $16 billion between 1991 and 1995. Canceling the Army's anti-satellite weapon would save an additional $2 billion.

Apart from Pentagon spending on defense, the Department of Energy wants two new plants in which to manufacture nuclear weapons. But Start reductions will allow most nuclear material to be recovered from dismantled warheads. Canceling one of those plants would save $3 billion between 1991 and 1995, and cutting back warhead production, billions more.

The intelligence budget is secret but is thought to have doubled in the 80's, without commensurate benefit. Spy satellites are needed to monitor arms control agreements, but keeping a dozen or so in orbit will generate more pictures than analysts can assess. Canceling one imaging radar satellite and one photo satellite a year would save $2 billion.

There will not be easy agreement on all these cuts. But they are not reckless or speculative. A plausible plan of reductions could save $150 billion a year by 1999. Even if some cuts aren't made, any large part of $150 billion amounts to real money.

The next question is, what should America do with it? The President says, reduce the huge Federal deficit. So does the Senate. They're right that the deficit clouds the future and demands reduction. But the question here is what to do with the peace dividend windfall, and the best answer is, use it for positive investments in the future?

WHERE TO START

The Pentagon is building a number of new weapons useful primarily in the event of war in Europe. The weapons they would replace are already as advanced as any in the world. Here is what canceling or deferring acquisition would save in outlays, 1991 to 1995:

	Billion
Army light helicopter	$2
Advanced tactical missile	1
Forward area air defenses	3
C-17 cargo plane	12
Advanced tactical fighter	8
F-16 fighter plane (new model)	10
A-12 attack plane	12
Osprey tilt-rotor aircraft	8
Advanced air-to-air missile	4
DDG-51 guided missile destroyer	8
Seawolf attack submarine	9
5-year total	77

BASE CLOSURE PROPOSAL

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. TALLON. Mr. Speaker, I would like to share with the Members my testimony to be given on base closings:

Congressman Tallon's Testimony on Base Closure Proposal

Madam Chair, as much as I'd like to say so, it is not a pleasure for me to be here today. But I do want to express my sincere gratitude to you and to the Subcommittee for allowing me to testify on this terrible issue of closing military bases.

We are fortunate, to be witnessing a dramatic reversal in military tension in the world—especially in Europe. America is fortunate in these events not only because democracy has finally prevailed over communism, but because all of this has happened at a point when it is critical for this nation to make a dramatic commitment to cutting spending—especially defense spending.

But I don't see the Air Force, the Department of Defense, or the President seizing this opportunity. They've just got out their machetes and they are slashing away at "tried and true" military bases with no rhyme or reason. And at the same time they've found the money to increase Star Wars by 22 percent and they want more for the B-2.

The Administration is asking for a $301 billion for the defense budget this year when it spent only $296 billion last year. How can the Pentagon expect local communities to cough up savings that don't show up in the big picture?

I am here to try to spare the Myrtle Beach Air Force Base in my district from the capriciousness of the perverse base closing process that is a part of this disappointing budget. We've got a great base that can do a lot more for this nation's defense and I'm angry that the Pentagon refuses to acknowledge one of their most valuable assets.

The United States military has been a part of the Myrtle Beach Community since 1940 when the Municipal Airport became part of our national defense program. During World War Two, Myrtle Beach became a critical training ground for Army fighter squadrons. In 1954, the Air Force located at Myrtle Beach to become the installation's first tenant unit.

The versatility of the base is reflected in the many missions the base has accommodated in the past. It has been the home base for B-25s, T-33s, C-45s, F-80s, SA-16s, and the F-100 Super Saber jets. Towards the end of the Vietnam War, the base became home to the A-7D Corsair II weapons system. By 1978, the 354th Tactical Fighter Wing at Myrtle Beach Air Force Base was the first combat ready A-10 wing in the Air Force and has served as back-up to NATO and a member of the Rapid Deployment Force.

The Myrtle Beach Air Force Base continues to be a viable national defense facility. It often wins major efficiency and productivity awards. For example, it is now the Air Force representative in competition for the commander-in-chief's installation excellence award. It is not unusual for the Base to receive Tactical Air Command and Air Force awards in many areas, both in combat readiness and in areas such as accounting, finance, recreation and dining rooms. The efficiency of the base in unchallenged.

Geographically, the Myrtle Beach Air Force Base is an ideal location for future military uses in the face of a changing European front. We will no doubt need a more state-side defense structure in the coming decades.

As ground to air support for missions at Fort Bragg, Fort Stewart, and Fort Benning, Myrtle Beach will continue to play a great role in our Southeastern defense.

The flight conditions are excellent due to the mild climate and the lack of civilian flight traffic over Horry County. It has all the advantages of training troops near a civilian population without being a threat. While the base is located in the heart of the city, its proximity to the ocean means that flight maneuvers can be safely carried out over water. The water would also open up the prospect for training in air-to-air refuelling.

The base has a huge tract of land which is the only strip of land on our demestic bases available to train troops for a European combat scenerio. Presently, this training ground is under-used but it could become invaluable when we begin troop withdrawal from Europe.

There are many other plusses of the Base to the Air Force and to the military, but the main one is the support from the Myrtle Beach community. The Air Force Base is the largest employer in Horry County and has a significant economic impact on the surrounding South Carolina counties of Georgetown, Marion, Dillon, Williamsburg, and Florence. As well, Brunswick and Columbus countries in North Carolina benefit. If we were to lose the base, it would result in a 12 percent loss in the average per capita income for Horry County.

Unlike bases in other parts of the country, we are proud to have the Air Force in the heart of our city, Myrtle Beach. Located in a resort area, it is one of the Air Force's showcase bases. The base is host to over 75,000 visitors annually. It has a hospital and commissary facilities which are the best the Air Force has to offer. If all bases afforded their personnel such an environment there would be a lot higher retention rate in our military.

The base has more than 3,400 active duty members and over 7,600 military dependents that rely on the base. In addition, we have almost 900 civilian employees on the base. In a relatively small area, these base employees and their dependents make up a very viable part of the economic activity of Horry and surrounding counties.

Unlike bases across the country, the personnel on the Air Force Base are a highly active part of our community. Many families choose to live off-base. If these employees left the area, we would have 1,500 extra housing units left empty in a housing market which already has more units than our population needs. We expect that utility rates for the community would jump anywhere between five and ten percent if the base were to close.

For all these reasons and more, it is not the time to close the Myrtle Beach Air Force Base. Still, the Pentagon has chosen to embark on a political collision course by targeting bases in an antiquated and insufficient process.

There are 32 communities nation-wide that are in for a long up-hill battle that will last at least two years because of the whimsy of this process. Our bases will be "studied" for their environmental, financial, and economic impact for at least a year. Then the President will propose actual closure at the initiation of a future budget cycle. Then we face a heated political battle throughout Congress to determine the fate of the base.

What happens to our base and our local community in the meantime? Well, things will deteriorate. The Pentagon has already stopped construction on two projects currently under construction pending final resolution of the base closure. One is the construction of the Base Civil Engineering Administration Facility and the other project is an upgraded to the heating, ventilation, and air conditioning systems in various buildings on the base. In short, the Pentagon is discriminating against bases being studied for closure by making sure it doesn't spend any money for the general up-keep of the base.

The communities will also suffer if we continue on the present base closure alternative. In our case, the Air Force Base has been a great asset for the large retirement population of the area with a military retiree population of 4,110 which depend on the base for health care and commissary services. If they keep hearing that the base is on the hit-list, many of these retirees will choose to locate elsewhere. In addition, real estate prices will plummet if there is continued speculation about the closure of the base.

The process just doesn't make sense. The Air Force says that they are preparing for the elimination of the A-10 and yet I don't see them realigning or closing the other domestic and foreign bases that have the A-10 aircraft.

For the past year, I have joined with the Myrtle Beach community in working with local base officials as well as officials in the Pentagon to see that the Air Force presence remains in the Grand Strand by encouraging the Air Force to expand and diversity its role at our base.

The Pentagon now tells me that it cannot give the Myrtle Beach Air Force Base another mission because there will be fewer missions in the future. Yet they have failed to come up with a complete list of missions that will be changing or the aircraft they are going to expand, eliminate, or realign.

I think they just don't know what they have. They lack a plan. They lack a vision of what our national defense should look like in the next five to ten years. That is a dangerous oversight in light of our changing world.

In a perverse sort of reasoning, the Pentagon is bucking it off on Congress to decide what our long-term defense priorities should be. They have given us no alternative but to reject their base closing proposals wholesale.

Besides, we all know what works in shutting military installations—a commission. We closed over 80 bases as a result of the 1988 base closing commission's impartial work. Sure there were some problems, some communities fought the closure, but over-all the Commission's actions were a success in overcoming the highly politicized act of closing unnecessary military bases.

I commend Chairman Aspin for introducing new Base Closing Commission legislation because it improves on last year's effort. The Commission would make changes in both domestic and foreign installations in response to a defense strategy for the 1990's. The Commission will be given an ample period of time to decide on closures. Most importantly, the Commission would be

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insulated from the highly charged political games which plagues the current process.

It is my wish to ensure that the Aspin Base Closure Commission legislation establish a moratorium on the current closure process in order that the installations now targeted for closure would be given a fair trial by a non-partisan Commission process.

My constituents want the base to stay open until it can be proven that the national defense can best be served by its closure in the perspective of a long-term defense strategy. Secretary of Defense Cheney does not expect to complete his strategy until at least nine months to a year from now. As a member of Congress with a responsibility to the pursestrings of the government, I am ready to do whatever I can to ensure that we shut our bases in a rational and cost-effective way.

INTRODUCTION OF THE SAVINGS ASSOCIATION REGULATORY RESTRUCTURING ACT OF 1990

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. LEACH of Iowa. Mr. Speaker, today I am introducing the Savings Association Regulatory Restructuring Act of 1990 to abolish the Office of Thrift Supervision and transfer its authorities and responsibilities to existing Federal bank regulators.

Last year, with the passage of FIRREA, Congress transformed the old thrift regulator, the Federal Home Loan Bank Board, into a new agency, the Office of Thrift Supervision, under the umbrella jurisdiction of the Department of the Treasury. During consideration of FIRREA, the Senate rejected an amendment of mine which the House had accepted giving the FDIC, as the Federal regulator of State-chartered banks, primary jurisdiction over State-chartered thrifts. If it had been accepted by the Senate, this provision would have made the regulatory structure for thrifts similar to that of banks, thereby protecting the historical dual system of banking, giving more regulatory authority to the insurer—rather than charterer—and preventing expensive and redundant duplication in regulatory oversight.

It is becoming increasingly apparent that in an effort to acquiesce to the siren calls of over-stretched thrift managers who preferred to maintain a semblance of the old clubbish regulatory apparatus and the concerns of those in the political arena who wanted to protect a single regulator's job, Congress erred.

Today, less than a year after passage of FIRREA State-chartered thrifts are rushing to convert themselves into federally chartered thrifts. In my home State of Iowa, for example, there are only a handful of State-chartered institutions left, and in California, where approximately one-quarter of all thrift deposits exist, the State thrift regulator is being dismantled because so few institutions prefer to retain their State charters.

The State-chartered thrifts that do still exist in some cases have been subject to examination by three different regulators—the FDIC, the OTS, and the State regulator—and thus have to pay for extra costly examinations. At a time when thrifts are working hard to bring their capital levels up, these extra examinations are an unwelcome expense and, as importantly, a redundant regulatory burden.

Accordingly, I am introducing legislation not only to give the FDIC supervision of State-chartered thrifts, but also to dissolve the OTS and give the Office of the Comptroller of the Currency, which now regulates federally chartered banks, supervision of federally chartered thrifts. The bill also gives the Federal Reserve authority over thrift holding companies.

These changes will provide a symmetrical regulatory framework more in tune with changing market conditions and the need for effective governmental oversight. The changes, in addition, will help propel more homogeneous regulation between two industries more alike than dissimilar.

Philosophically, these changes underscore the principle of institutional accountability. In the private sector, when mistakes are made, businesses go out of existence. In the public sector, analogous discipline is lacking. In the wake of the biggest institutional failure in modern history—one that will cost every man, women, and child in America upwards of $1,000 each over the next 30 years—Congress moved not to dismantle, but to rename; not to take authority away from a failed regulator, but to give him more power.

The 1980's have taught us that comparability of financial regulation is an imperative social goal because deposit growth will always be impelled in institutions with the weakest regulatory oversight. A system in which the strongest are restrained and the weakest given a green light to grow is a system which puts the taxpayer most at risk.

Competition should be the hallmark of the private sector, not government agencies. When regulatory agencies develop too close ties to the institutions they regulate and a vested interest in their growth, a tendency develops to acquiesce to imprudential rules, regulations, and oversight. Hence, the appropriateness of regulatory comparability. Hence, too, the appropriateness of rewarding the regulatory institutions with firmer rules and holding accountable those responsible for forcing the taxpayer to pick up a multibillion dollar tab for a macroeconomic peacetime recessionless mistake.

The introduction of the Savings Association Regulatory Restructuring Act of 1990 is not intended to imply that the thrift industry should be abolished. While Congress in FIRREA clearly mandated the goal of making thrift and bank standards and regulation symmetrical, it wisely did not call for abolition of the industry. There still is a place in the American financial services sector for a locally oriented lending institution the primary mission of which is the making of home mortgages.

Neither does introduction of this bill reflect unhappiness with the vast majority of employees at the OTS. Line employees are not responsible for "too" political appointments at the top or the loose laws passed by legislative bodies. Consequently, this bill encourages quality employees to transfer to the appropriate Federal banking agencies.

Finally, let me underscore a point made earlier: Enactment of this bill is intended to send a signal to the American public, and to all Government bureaucracies, that if an agency fails in its mission, it will be held accountable. That is the way it works in the private sector; it should be no different in the public.

MOSAIC—JEWISH LIFE IN FLORIDA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to call the attention of my colleagues to the merits of a Florida project called Mosaic. The individuals involved in this project explored the role of Jews in Florida history. Of special interest to me, is the study of how Hispanic Jews worked over five decades to help create the Florida we know today.

"Mosaic—Jewish Life in Florida" is a special traveling exhibit which will be exhibited at 8 cities throughout Florida during the period of 1990 to 1992. This exhibit will include the specific processes of the American immigrant experience as illustrated by the history of one group, the Jews. The exhibit will focus on their interactions with the larger, and diverse, population of non-Jews in the formation and development of Florida. The exhibit will examine the socio-cultural pressures which flavor assimilation into the mainstram of American life.

As well, Mosaic is an official Columbus quincentenary project. In 1992, Americans will celebrate the quincentenary of its discovery. Americans will pay homage to the numerous groups which have forged its strength and its unique character. The organizers of the exhibit feel that we must begin to understand our multicultural roots in order to "reconnect" with our collective cultural memory.

I commend the project director, Dr. Henry Green, and the State coordinator, Marcia Zerivitz, for their colossal effort on this project. Mosaic is an exciting opportunity that contributes in making America still greater.

COSPONSORS OF THE MEDICARE IMPROVEMENT ACT OF 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. STARK. Mr. Speaker, I am pleased to report that we now have 107 cosponsors of the Medicare Benefit Improvement Act of 1990. This bill would provide for new mammography, home health, hospice, and respite care benefits under Medicare at a cost of 80 cents per month in additional part B premiums in the first year.

We hope that other Members of the House will be joining us in cosponsoring this important legislation. The mammography benefit, for example, is estimated to result in the saving of some 4,000 lives per year.

The list follows:

Rep. Pete Stark (D-CA).
Rep. Bill Gradison (R-OH).

Rep. Henry Waxman (D-CA).
Rep. Edward Madigan (R-IL).
Rep. Bill Coyne (D-PA).
Rep. J.J. Pickle (D-TX).
Rep. Sander Levin (D-MI).
Rep. Jim Moody (D-WI).
Rep. Ben Cardin (D-MD).
Rep. Nancy Johnson (R-CT).
Rep. Charles Rangel (D-NY).
Rep. Harold Ford (D-TN).
Rep. Ed Jenkins (D-GA).
Rep. Tom Downey (D-NY).
Rep. Beryl Anthony (D-AR).
Rep. Ronnie Flippo (D-AL).
Rep. Mike Andrews (D-TX).
Rep. Raymond McGrath (R-OH).
Rep. James Scheuer (D-NY).
Rep. Doug Walgren (D-PA).
Rep. Gerry Sikorski (D-MN).
Rep. Jim Bates (D-CA).
Rep. Cardiss Collins (D-IL).
Rep. Mike Synar (D-OK).
Rep. Gary Ackerman (D-NY).
Rep. Bill Alexander (D-AR).
Rep. Daniel Akaka (D-HI).
Rep. Douglas Applegate (D-OH).
Rep. Chester Atkins (D-MA).
Rep. Les AuCoin (D-OR).
Rep. Sherwood Boehlert (R-NY).
Rep. Barbara Boxer (D-CA).
Rep. Bill Clinger (R-PA).
Rep. Gary Condit (D-CA).
Rep. Silvio Conte (R-MA).
Rep. Lawrence Coughlin (R-PA).
Rep. George Crockett (D-MI).
Rep. Peter DeFazio (D-OR).
Rep. Ron deLugo (D-VI).
Rep. Butler Derrick (D-SC).
Rep. Richard Durbin (D-IL).
Rep. Don Edwards (D-CA).
Rep. Lane Evans (D-IL).
Del. Walter Fauntroy (D-DC).
Rep. Edward Feighan (D-OH).
Rep. Tom Foglietta (D-PA).
Rep. Barney Frank (D-MA).
Rep. Sam Gejdenson (D-CT).
Rep. Ben Gilman (R-NY).
Rep. Bart Gordon (D-TN).
Rep. Charles Hayes (D-IL).
Rep. Larry Hopkins (R-KY).
Rep. Tim Johnson (D-SD).
Rep. Harry Johnston (D-FL).
Rep. Walter Jones (D-NC).
Rep. Marcy Kaptur (D-OH).
Rep. Paul Kanjorski (D-PA).
Rep. Bob Kastenmeier (D-WI).
Rep. Dale Kildee (D-MI).
Rep. Gerald Kleczka (D-WI).
Rep. Jim Kolbe (R-AZ).
Rep. Peter Kostmayer (D-PA).
Rep. Martin Lancaster (D-NC).
Rep. Tom Lantos (D-CA).
Rep. Bill Lehman (D-FL).
Rep. John Lewis (D-GA).
Rep. Marilyn Lloyd (D-TN).
Rep. Nicholas Mavroules (D-MA).
Rep. Jim McDermott (D-WA).
Rep. Matthew McHugh (D-NY).
Rep. Mike McNulty (D-NY).
Rep. George Miller (D-CA).
Rep. John Miller (R-WA).
Rep. John Joseph Moakley (D-MA).
Rep. Alan Mollohan (D-WV).
Rep. Connie Morella (R-MD).
Rep. Richard Neal (D-MA).
Rep. Steve Neal (D-NC).
Rep. Mary Rose Oakar (D-OH).
Rep. James Oberstar (D-MN).
Rep. Wayne Owens (D-UT).
Rep. Leon Panetta (D-CA).
Rep. Nancy Pelosi (D-CA).
Rep. Tim Penny (D-MN).
Rep. Thomas Petri (D-WI).
Rep. David Price (D-NC).
Rep. Ralph Regula (R-OH).
Rep. John Rhodes (R-AZ).
Rep. Bill Richardson (D-NM).
Rep. Robert Roe (D-NJ).
Rep. Charlie Rose (D-NC).
Rep. Edward Roybal (D-CA).
Rep. Patricia Saiki (R-HI).
Rep. George Sangmeister (D-IL).
Rep. Gus Savage (D-IL).
Rep. Claudine Schneider (R-RI).
Rep. Christopher Shays (R-CT).
Rep. Louise Slaughter (D-NY).
Rep. Christopher Smith (R-NJ).
Rep. Robert Torricelli (D-NJ).
Rep. Morris Udall (D-AZ).
Rep. Jolene Unsoeld (D-WA).
Rep. Bruce Vento (D-MN).
Rep. Chalmers Wylie (R-OH).
Rep. James Walsh (R-NY).
Rep. Howard Wolpe (D-MI).
Rep. Sidney Yates (D-IL).

SHIPPING OUT OUR SECURITY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MACHTLEY. Mr. Speaker, every so often, a Federal agency makes a decision or contemplates an action which is so outrageous as to be totally inexplicable. Based on what I have just learned, the Maritime Administration is on the verge of making such a decision, a decision totally unsupportable from a national security, economic and employment, and maritime policy perspective.

I am referring to the conditional approval given by the Maritime Administration to a request filed on behalf of a foreign shipyard to sell one of only three U.S.-flag passenger vessels to a foreign shipping concern. This vessel, the SS *Monterey*, represents one-third of the U.S. fleet of vessels capable of providing the troopship capability and support our Nation must have at its disposal and under its direct control in time of war or emergency.

Mr. Speaker, there is no question that America's maritime industry is at its lowest since the end of World War II. Many of us in Congress, in concert with the leadership of the Committee on Merchant Marine and Fisheries, want to work with the Administration to fashion a maritime policy that revitalizes our Nation's fourth arm of defense. This decision by the Maritime Administration, if allowed to become final, will be a serious setback to these efforts. We simply cannot have a strong merchant marine if the Maritime Administration is allowed to routinely sell-off American ships to the highest foreign bidder.

I urge Maritime Administrator Capt. Warren Leback to reject this application and to keep the SS *Monterey* under our flag and under our control. Our security demands no less.

I would also like to take this opportunity to enter into the RECORD a letter signed by myself and 17 of my colleagues which was sent last week to Capt. Warren Leback, Maritime Administrator:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 6, 1990.

Hon. WARREN G. LEBACK,
Administrator, U.S. Maritime Administration, Washington, DC.

DEAR CAPTAIN LEBACK: As Members of Congress concerned about our nation's defense and sealift capability, we would like to strongly urge the Maritime Administration to deny any application filed under Section 9 of the Shipping Act of 1916 to sell the United States-flag vessel SS *Monterey* for operation under a foreign flag.

Captain Leback, there can be no justification, from a national defense or American maritime policy perspective, for allowing this vital sealift asset to operate under a foreign flag and to leave the control of the United States. We believe very strongly that you should end any confusion about the future of this passenger vessel by unequivocally stating that the position of the Maritime Administration is against any foreign operation of this ship in order to best protect the national security of the United States.

As you know, the SS *Monterey* is one of only three operational United States-flag passenger vessels. As such, it is one of only three vessels under the direct control of the United States capable of supporting a military contingency or emergency, through the transport of troops and supplies.

It is our understanding that there are Americans ready and financially able to purchase this ship for operation under the United States flag, employing American workers, generating revenues for U.S. taxing authorities and keeping American tourist dollars in this country. In order to obtain these benefits, the Maritime Administration must make clear that the foreign sale of this vessel would be inconsistent with the purposes of the Merchant Marine Acts of 1916 and 1936, and detrimental to our national defense. Unless such a determination is issued, foreign interests will continue to structure proposals which may serve the financial interests of some associated with the SS *Monterey* but which do not serve the best interests of the American merchant marine, our security, our economy or our nation.

Since this vessel is scheduled to be auctioned on Thursday, March 15th, we would certainly appreciate your immediate attention to this important matter. Your prompt response is critical.

We look forward to hearing from you.

Sincerely,

Billy Tauzin, Jack Fields, Helen Delich Bentley, Herbert H. Bateman, Curt Weldon, Ron Machtley, Roy Dyson, Tom McMillen, Harley O. Staggers, Jr., Chris Smith, Carroll Hubbard, Mike Parker, Clyde C. Holloway, Eliot L. Engel, Donald M. Payne, Joe Kolter, Robert Torricelli, George Hochbrueckner.

THE INDOOR AIR QUALITY ACT OF 1989

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. KENNEDY. Mr. Speaker, thanks to the hard work and dedication of the members of the House Committee Science, Space and

Technology Subcommittee on Natural Resources, Agriculture Research and Environment, on Thursday, March 8, 1990, the Indoor Air Quality Act of 1989, H.R. 1530, took a giant step forward. The subcommittee markup represents the first vote on indoor air quality in the House of Representatives since the bill's initial introduction in the 100th Congress. I personally want to commend Chairman JIM SCHEUER and ranking minority member, CLAUDINE SCHNEIDER for their leadership on this legislation along with their commitment and sincere interest in seeing the indoor air quality issue addressed.

Much of the focus of clean air lately has been directed at cleaning up outdoor air pollution. Certainly, this is one of the most pressing environmental problems facing our Nation and world, but at the same time, I feel the right of an individual to breathe clean air does not end the moment they walk indoors. Pollutants in indoor air can be 1,000 times higher in concentration than outdoor air. At the same time, Americans spend over 90 percent of their time indoors, placing them at much higher risks for adverse health effects due to exposure of pollutants found indoors versus outdoors.

The Environmental Protection Agency admits that the indoor air quality problem is the No. 1 environmental health problem facing this country, ahead of exposure to outdoor air pollutants or hazardous wastes. Yet, the indoor air problem receives only $2.5 million in funding and we are spending millions if not billions on the latter programs. The time for action is now in order to protect Americans by reducing this major public health threat.

We have yet to see any action in the Committee on Energy and Commerce in this legislation's 3-year history—not even a hearing. I am calling on all Members in Congress, especially the members of the Committee on Energy and Commerce, to take a good hard look at this problem as this issue affects millions of Americans annually in the form of cancer, respiratory illnesses, fatigue, headaches, blurred vision, and so forth.

I applaud this good work of the Subcommittee on Natural Resources, Agriculture Research and the Environment, and urge the members of the Committee on Energy and Commerce to follow in their lead.

CHIEF AUTO PARTS IN THE VANGUARD OF RECYCLING

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. BRYANT. Mr. Speaker, Chief Auto Parts, a Dallas-based company, has initiated an innovative new program of recycling that should set an example for corporate and personal responsibility.

For too many years, too many American businesses and citizens have created ever increasing quantities of waste that have required ever more complicated and expensive disposal.

An estimated one-third of the 700 million gallons of motor oil used each year in the United States is disposed of improperly. That means do-it-yourself oil changers and others dump 35 times more oil into our soil and streams than was spilled by the Exxon *Valdez*.

One expert contends that crankcase oil is the single most serious pollutant of the Trinity River that runs through the heart of Dallas.

Chief Auto Parts and its president, Mike Manor, understand that all of us and future generations will pay dearly in dollars and the quality of life for the damage we do to the environment today.

Chief Auto Parts has established a program to receive at many of its stores used motor oil, which it will then have re-refined for use again as motor oil, tar products, road material, or ship fuel.

What this company has begun to do helps our world in two important ways. It will slow this common way of polluting our environment, and it will conserve a dwindling natural resource, for which we are increasingly relying on foreign sources.

I could not agree more with a recently editorial salute in the Dallas Times Herald, which observed:

> The Chief Auto Parts program is an excellent example of the kind of corporate and personal responsibility needed if real headway is ever to be accomplished in the battle for the planet. The bottom line in that battle must be a new morality for all mankind—a morality by which people are willing to take a few extra moments from their own lives in order to preserve life itself.

I hope this fine example by a good corporate neighbor takes root and inspires all of us.

I call to the attention of my colleagues a news story about the program which appeared recently in the Dallas Morning News: "Oil's Well That Ends Well."

[From the Dallas Morning News, Feb. 4, 1990]

OIL'S WELL THAT ENDS WELL: AREA CHIEF STORES BEGIN PROGRAM OF RECYCLING

(By Joe Simnacher)

SEAGOVILLE.—Chief Auto Parts Inc. is expanding its motor oil recycling campaign to include Dallas-Fort Worth by March 1.

The former Southland Corp. unit began testing the concept Nov. 21 in California. Now it's preparing Chief Auto Parts stores selected in Texas, Arizona and Nevada for expansion of the program.

By month's end, 18 Chief stores in Dallas and Tarrant counties, plus one store in Denison, Grayson County, will accept used oil. Eventually, about half of Chief's outlets will be in the program.

Chief Auto Parts president Michael Manor said the oil recycling program grew out of a lunch conversation with a friend last spring. "Once we found the amount of oil that was being dumped into the environment . . . we became more and more convinced it was the right thing to do," Mr. Manor said.

Molly Seay, the Sierra Club's reycyling coordinator in Dallas, said the Chief move is significant if the company adopts recycling as corporate policy. While many auto-service centers and quick-change franchises accept used motor oil, inconsistency makes recycling used oil a hit-and-miss proposition at best, she said.

"One problem we're encountering is people will tell us that they are going to do it but different branches of the same company will accept things and others won't," Ms. Seay said. "And different people at the same location will tell you different things. If they (Chief) will make it a standard public policy, then that really will be nice."

An estimated one-third of the 700 million gallons of used motor oil generated in the United States each year is improperly disposed, according to environmental groups.

About 95 percent of oil dumped or put in landfills is from do-it-yourselfers. Put another way: 35 times more oil is improperly disposed of each year than was spilled by the Exxon Valdez last March.

It costs Chief about $400 to set up a store to receive used motor oil and $20 per 50-gallon barrel to haul it to a recycle facility, Mr. Manor said. The used oil is re-refined and used again as motor oil, in making tar products, road materials and as fuel for ocean-going ships.

Chief officials quickly discovered that oil recycling was more complex than they originally thought. But they also decided they could not ethically turn away from the project.

"As we found more and more about the downside of what was happening to this oil, it became one of these situations we just couldn't turn our back on," Mr. Manor said.

Used motor oil is the largest source of water pollution, responsible for an estimated 40 percent of the environmental damage to harbors and waterways, according to the Department of Energy. As the oil breaks down, it kills fish and waterfowl. The used oil is contaminated with lead, heavy metals and other poisonous and carcinogenic byproducts of engine combustion.

"It's really bad when people pour it down the drain, down the gutter, on the ground or whatever," Ms Seay said. Many do-it-yourselfers put their used oil in the garbage, which is also environmentally unsound, she said.

Despite increasing efforts to recycle glass, paper and aluminum, oil recycling has dropped drastically over the past three decades.

Only 10 of the 150 used-oil plants operating 30 years ago remain open, Christopher Bryant, and analyst with a Washington law firm specializing in environmental law, said in the November issue of Resource Recycling. Oil lost to dumping is especially costly, because it takes 42 gallons of crude oil to produce 2½ quarts of lubricating oil, but only one gallon of recycled oil, he said in the recycling trade journal article.

Mr. Manor is pleased with the pilot program in California. Within 45 days, the 10 California stores collected 3,100 gallons of oil.

"The customer has really responded, which indicates there is a real need," Mr. Manor said. "Given a convenient, safe and accessible, disposal system, people will basically do the right thing."

Although some of the initial surge is due to individuals who had been holding oil with no safe or easy means of disposal. Chief estimates it is recapturing 16 percent of the oil it sells. "We're starting to get regular customers, those who come in to buy things to change their oil. We're encouraged by the amount of oil because we haven't done any big promotion."

Chief researched its program, learning the rules and regulations, then did a background check on 16 companies that could pick up the oil at Chief stores. "We didn't want to get involved with someone who had improperly disposed of oil," Mr. Manor said, "We got down to three companies that had pretty pristine records."

Chief is launching its initial recycling effort at company-owned stores to avoid possible negative reaction of landlords at leased outlets. With an operating history, Chief hopes property managers will be accommodating.

"The purpose of the test was to test our procedures, not test whether we were going to get involved," Mr. Manor said, "Once you get educated on it, you can't walk away."

The Chief program could be jeopardized by other efforts to control the hazards of used oil, Mr. Manor said. Last month, the Chief executive testified before a Senate subcommittee on transportation and hazardous materials. Adding used oil to the federal list of hazardous materials would increase the handling expense, he said.

"I am here to tell you that's the worst thing you could do, because it would vastly increase the expense of handling used oil and put recyclers in an insurance risk category that is absolutely cost-prohibitive," he testified.

Service stations already have been exempted from Superfund liability, a status Mr. Manor would like to see recycling retailers receive. "We want any retailer who recycles, and any retail property where used oil is collected to be considered a service station," he said. "Without this protection, you simply will not see retailers decide to recycle oil."

Mr. Manor also asked the subcommittee to begin a recycling credit program that would add to the economic value of used oil.

Separately, Chief introduced a line of more environmentally safe automotive products just before the oil recycling campaign.

Following 10 years as a Southland Corp. unit, Chief Auto Parts will complete its second year as an independent company in April. The auto parts business was sold as part of Southland's leveraged buyout.

Chief is the nation's third-largest auto parts retailer, with more than 500 stores in nine states. It sells 7 million gallons of motor oil each year, most of it to do-it-yourselfers.

Chief executives led a leveraged buyout of the auto-parts company with Shearson Lehman Hutton and General Electric Capital Corp. handling the debt. The company is ahead of schedule on repaying its debt, which is on a seven-year pay back.

A STRONG EXPORT-IMPORT BANK STRENGTHENS AMERICA

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. GALLO. Mr. Speaker, the dramatic changes taking place in Eastern Europe, Central America, and hopefully, southern Africa, and the emergence of new global markets present us with opportunities to invest in our future economic prosperity at home by promoting stability and free enterprise in countries where it has not existed for more than 40 years.

These countries need private investment, goods and services, as well as assistance in streamlining their banking and investment laws and systems.

These countries are not asking for handouts. They have spent 40 years with controlled economies and they are not interested in becoming indebted to us. They are looking for trading partners, not surrogate father figures, as expressed by both Polish Solidarity leader Lech Walesa and President Havel of Czechoslovakia in recent addresses to Congress.

There are problems in these countries and many unknowns. But, in Eastern Europe alone, there are 136 million consumers who will want everything from french fries to telephones, computers to clothing. The success of the reform movements in these countries depends largely on these needs being met.

Although these events may seem far removed from the citizens of the United States, the results will reach each and every one of us. It means the opening of new markets for our goods and services.

American private enterprise can lead the way in this effort. The Commerce Department sees particular opportunities in the agriculture, health care, telecommunications, energy, tourism, and housing markets. Already, the number of United States firms requesting licensing and other information to do business in Eastern Europe has increased tenfold.

With the U.S. trade deficit still running at more than $100 billion annually, it is important that we are able to compete successfully in emerging markets. One private study indicates that the Soviet Union alone may generate $200 billion in trade opportunities by the year 2010.

In order for the United States to win these partnerships, rather than lose these opportunities to the Japanese and others, we have to change the way we think about foreign aid—because in the 1990's aid and trade should go hand in hand. The world has changed and we must respond to ensure our participation in the global economy.

While there is a lot of talk in Congress about competitiveness, trade deficits, and newly emerging markets, the key to making it happen is adequate and available export financing.

U.S. companies, whether large or small, are confronted with foreign competition that always seems to have a leg up on financing their ventures. One only has to compare the size of the Japanese Export-Import Bank and the United States Export-Import Bank: $4.4 billion Japanese Ex-Im Bank, $615 million United States Ex-Im Bank.

As a member of the Budget Committee and the Foreign Operations Subcommittee of Appropriations, I believe we can meet the new demands on foreign assistance within our limited resources and, at the same time, improve the competitive advantage for U.S. business in new emerging markets throughout the world.

There are pressures on all areas of the Federal budget, but the foreign assistance account faces some of the most formidable—with new aid packages to Panama, Nicaragua, and Eastern Europe. We all know that there is no broad based support for foreign aid and an overall increase in foreign aid will be difficult at best.

But, there is strong bipartisan support for American competitiveness and for reducing the massive trade deficit.

When we look at ways to assist Eastern Europe, our traditional form of aid will simply not be effective. I would even venture to say that in other areas of the world, such as Africa, our traditional forms of assistance could use revision and more emphasis should be placed on private sector development.

Therefore, I believe the most appropriate vehicles for the United States to provide this assistance are the Export-Import Bank, the Overseas Private Investment Corporation, the Trade Development Program and the International Finance Corporation [IFC].

In light of these growing needs and the potential benefit to the U.S. economy from greater exports, the fiscal year 1991 budget request for the Export-Import Bank's Direct Loan Program is totally inadequate.

With the increased demands on foreign aid and the need for foreign aid that is flexible, innovative and geared to the private sector, now is the time to strengthen programs such as the Export-Import Bank, not weaken them. We must restore the Export-Import budget back to a level that meets the growing demand for its services.

American industry cannot afford to be sidelined in the international market. It took McDonald's 14 years to set up shop in Moscow, but no-one will ever be able to compete now with Bolshoi Macs.

It is alarming when the Congress hears that the American presence in Eastern Europe is something like the Stealth bomber—we believe it's there but we cannot see it—as it was described to us in a recent hearing in foreign operations.

U.S. companies can and should be a major player in our policy goals. Congress should do its part to help with the means and American business needs to show the initiative and the commitment. Working together, we can compete effectively in these emerging markets.

INTRODUCTION OF LEGISLATION TO GIVE PRIORITY CONSIDERATION FOR THE INCLUSION OF MORRO BAY, CA IN THE NATIONAL ESTUARY PROGRAM

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. PANETTA. Mr. Speaker, I rise today to introduce legislation which amends the Federal Water Pollution Control Act to direct the Environmental Protection Agency [EPA] to give priority consideration to Morro Bay, CA, for inclusion in the National Estuary Program.

The Morro Bay estuary, which is in my congressional district, contains the most significant wetland system of the central California coastline. Because of the bay's interconnected ecosystems associated with its saltwater and freshwater wetlands, Morro Bay has an unusually diverse habitat. The bay's intertidal areas support one of the largest bay wildlife habitats on the California coast and is home to many threatened or endangered species of birds and marine mammals, including the southern sea otter. These features combine to make Morro Bay an estuary of national significance.

In addition, Morro Bay is of great economic importance to the local community and the

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Nation as a whole. The bay supports a thriving commercial fishing industry and many other industries which are dependent on the health of the bay, such as tourism and mariculture. As one of the few relatively intact natural estuaries along the Pacific coastline, Morro Bay attracts approximately 1.5 million visitors a year.

Despite the importance of Morro Bay to both the Nation and the local community, its well-being is threatened by a variety of pollutants and fragmented management. Serious sedimentation, as well as significant amounts of urban runoff, are threatening the survival of the estuary.

Management of the bay is currently divided among numerous governmental entities, none of which executes singular authority over the management and protection of the estuary. The variety of threats to the bay and the fragmented management have made it difficult to develop a comprehensive approach to addressing the needs of the bay.

The National Estuary Program appears to be ideally suited for solving the problems associated with the preservation of the Morro Bay estuary. The National Estuary Program would bring together those agencies responsible for management of the bay and help them develop a meaningful plan for long-term management of this important and sensitive estuary. Furthermore, the management plan developed for Morro Bay could serve as a model management plan for the other threatened small estuaries along our Nation's coastline.

Clearly, the Morro Bay estuary is worthy of inclusion in the National Estuary Program. The program offers Morro Bay a real chance to develop an approach which will ensure not only that the estuary survives, but that it flourishes. I urge my colleagues to join me in this effort by supporting the adoption of this legislation.

THE SPIRIT OF DEAF CULTURE

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. GUNDERSON. Mr. Speaker, today I wanted to address the spirit of deaf culture. It is fitting, indeed, that today, the second day of Deaf Awareness Week we pause to ponder a "silent" culture. In doing so I mean not to suggest that it is opposed to or in competition with American culture. Rather, deaf culture, as you may know or as you will see, flows from our American ingenuity and complements its heritage. Nonetheless, deaf culture, because of its rich symbolic nature, has vast lessons from which the "hearing" world can learn.

In their impressive book, "Deaf in America: Voices From a Culture," Carol Padden and Tom Humphries, themselves both deaf, speak of deaf culture in this way.

> Deaf people have accumulated a set of knowledge about themselves in the face of the larger society's understanding—or misunderstanding—of them. They have found ways to define and express themselves through their rituals, tales, performances, and everyday social encounters. The richness of their sign language affords them the possibilities of insight, invention, and irony.

Indeed, it is this insight, invention and, yes, irony, that have typified my interaction and experience with the deaf and hearing impaired. I think that at times those of us who hear and converse with the audible word are prone to grow lackadaisical in our exchanges. Many words have lost their meaning, and conversation often occurs amongst distraction. It is, in the end, the necessity of being present—of being directly attentive and interested in another—that we need to learn and can learn from deaf culture.

As many of the Members of this House know, deaf culture is of a special interest to me. I have a niece who is deaf and each interaction with her is a learning experience which I have come to treasure. Furthermore, I am a trustee on Gallaudet's board of trustees with our colleague, DAVE BONIOR. That, too, has proven to be an experience rivalled by few. Finally, I have had the opportunity to employ deaf students on my staff. That has been and continues to be a source of great humility.

Each instance of exchange with deaf and hearing impaired individuals has brought a new appreciation for and understanding of both deaf culture and humanity at large.

> Deaf culture is a powerful testimony to both the profound needs and the profound possibilities of human beings. The fact that the culture of deaf people has endured, despite indirect and tenuous lines of transmissions and despite generations of changing social conditions, attests to the tenacity of the basic human needs for language and symbol. (Padden and Humphries.)

It is a difficult task to stand before this House and adequately explain to my colleagues the espirit of deaf culture. It is an experience better experienced than explained and it is an experience I hope all of you will soon have.

Tomorrow, I will be introducing a resolution that would increase access for the deaf, hearing-, and speech-impaired to myself and my colleagues. Communication is the first necessity if we are to experience one another's heritage and learn from one another's experiences.

A TRIBUTE TO JACK BONO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. PORTER. Mr. Speaker, I ask my colleagues to join me in paying tribute to a distinguished constituent of mine, Mr. Jack Bono, who is retiring after an outstanding 44-year career with Underwriters Laboratories, Inc. [UL]. For the last 12 years, Jack has been president of UL. On March 22, 1990, Jack will be honored by his friends and coworkers at a dinner commemorating his achievements.

Jack began his career with UL in 1946, following his honorable discharge from the Navy and his graduation from Northwestern University. In succeeding years, he held various engineering and management positions at UL, and in May 1978, he was named president.

Jack Bono has been an important part of the established U.S. safety system which is dedicated to protection of the public. He has contributed to the American economy through UL's standards development programs, work on national safety codes, and the development of operational practices and policies that have led to the safety certification of billions of products that are used every day by American consumers.

His work, and the work of UL, is a critical building block in the foundation upon which the U.S. safety system has been built.

Jack is also a member of the board of directors of the National Fire Protection Association [NFPA], a past president and fellow of the Society of Fire Protection Engineers and a former member of the boards of directors of the American National Standards Institute [ANSI], and the American Society of Testing and Materials [ASTM].

I extend my best wishes to Jack and his lovely wife, Bette, for a long, happy, and healthy retirement, and I commend him on his distinguished career with UL.

MAINTAIN AMERICA'S MARITIME CAPABILITY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. TORRICELLI. Mr. Speaker, I am very pleased to see that the newly released national transportation policy recognizes the important role the U.S. maritime industry plays in our national defense planning. I agree wholeheartedly that "a viable and competitive merchant marine is essential to meeting the Nation's military sealift requirements."

The report further notes—correctly, I might add—that the present sealift capacity of the U.S. merchant marine is inadequate to support national defense needs in a national emergency. This shortfall is particularly acute in the area of troopship capability, that is, to have the passenger vessel capacity under our own flag and control to move troops anyplace in the world.

For this reason, I find it shortsighted and dangerous that the Maritime Administration is apparently succumbing to the wishes of foreign interests to sell one of our three passenger ships to a foreign buyer for operation under foreign flag.

There is no valid reason whatsoever why the Maritime Administration should choose to act as an agent of foreign shipping interests rather than as an agent of the American people. This is the worst kind of dereliction of duty. Marad should have immediately rejected the request to sell a national security asset to the highest foreign bidder. It should and must promote and preserve our maritime industry and not worry about promoting the bottom line of foreign maritime interests.

The law is clear. U.S.-flag vessels may not be sold for operation under a foreign flag if the sale is inconsistent with national maritime policy or otherwise detrimental to the best interests of the United States. The national interest must be the controlling factor when making such a determination, not the economic gain to the vessel's owners.

Mr. Speaker, it is not too late for this situation to be corrected. Maritime Administrator Capt. Warren Leback has not given final approval to the foreign sale request. He still has the opportunity to maintain this sealift capability under the American flag; to preserve the more than 250 shipboard jobs for American workers; to ensure that American shipyard have the drydock work; to keep tourist dollars in the United States; and to generate revenues for American taxing authorities. All these benefits will be achieved at no cost to the U.S. Government. All these benefits will be lost at the expense of the U.S. Government, the maritime industry, and the American people if the *Monterey* is sold to foreign interests.

The ultimate outcome of this case will say a great deal about the future of our merchant marine. If the Maritime Administration is going to cavalierly dispose of modern, operational American ship and sabotage efforts in the private sector to increase the size of our fleet, then it will be virtually impossible to implement a meaningful national maritime policy. If the Maritime Administration no longer believes our Nation's security demands a U.S.-flag merchant marine, then our whole approach to sealift must be reexamined.

I strongly support the policy that only ships flying our flag and crewed by American citizens can be relied upon to respond to our country's needs in time of war or national emergency. By his action on the *Monterey*, Maritime Administrator Leback will clearly and loudly let us all know whether he agrees with this policy and whether he supports an American merchant marine.

I strongly urge all my colleagues to urge the Maritime Administrator to keep our Nation strong by keeping U.S. vessels afloat. I would also request that if this ship is sold to foreign interests, the leadership of the Committee on Merchant Marine and Fisheries investigate the process and the purpose which led to the administrative dismantling of our merchant marine.

GOING, GOING, GONE?

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. BATEMAN. Mr. Speaker, late last week, I was shocked to learn of the Maritime Administration's plans to allow the sale and transfer of the U.S.-flag passenger vessel, SS *Monterey*, to foreign citizens. This misguided decision clearly contravenes our longstanding national policy of promoting a strong merchant marine fleet capable of fulfilling our Nation's security and defense requirements.

The SS *Monterey* is one of only three oceangoing passenger vessels flying the American flag. Such vessels are a vital component of our sealift resources. The Commission on Merchant Marine and Defense concluded that our current sealift capability is inadequate for defense purposes, even if all available assets were to be used. In the area of troop sealift, the problem is particularly acute. The Commission projected a significant shortfall in total troop lift capacity by the year 2000. Mr. Speaker, it is patently ridiculous to allow such an important sealift asset to be transferred to foreign control.

The *Monterey* is scheduled to go on the auction block on Thursday, March 15. It is my understanding that there is serious American interest in the vessel. However, the actions of the Maritime Administration have made it difficult, if not impossible, for these American interests to receive serious consideration.

Mr. Speaker, the foreign transfer of the SS *Monterey* is inimical to the bests interests of the United States. I urge my colleagues to join me in doing all that is possible to have the Maritime Administration rescind its approval.

STUDENTS FOR WORLD PEACE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. GILMAN. Mr. Speaker, I stand here today in order to commend the students of Ramapo Senior High School upon the occasion of their visit to the Soviet Union, April 6, through April 18, 1990.

This high school located in my own 22d Congressional District in Spring Valley, NY, has for the past 6 years traveled to the cities of Moscow, Minsk, and Leningrad. During these visits, Ramapo High School has maintained contact with two Soviet high schools and will again this year meet with their Soviet counterparts.

Mr. Speaker, at their recent meeting, President George Bush and President Mikhail Gorbachev agreed to a renewed program of increased contacts between the citizens of both the United States of America and the Union of Soviet Socialist Republics, and further agreed and urged that educational exchanges at the earliest level be encouraged and fostered.

Moreover, Mr. Speaker, we have and now continue to feel the changing climate toward global peace. The maintenance and achievement of this peace will require mutual knowledge and understanding of the history, culture, and peoples of our two nations.

Accordingly, I would like to commend the public schools of Rockland County for their active educational programs of global studies, including the history, culture, people, and language of the Soviet Union. In addition, I applaud both the students from Ramapo High School and their Soviet counterparts as they continue to serve as young ambassadors.

By their diligent commitment to a greater understanding of the people of the Soviet Union, the students of Ramapo High School have demonstrated the spirit of international brotherhood necessary for the foundation of global peace.

DESIGNATING JULY 10, 1990, AS "WYOMING CENTENNIAL DAY"

HON. CRAIG THOMAS

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. THOMAS of Wyoming. Mr. Speaker, I rise to speak in favor of a resolution giving official Presidential, congressional, and national attention to a great event that made and continues to make a significant contribution to this Nation: The day of Wyoming's statehood.

On July 10, 1890, President Benjamin Harrison signed a proclamation admitting Wyoming as the 44th State in the Union. Now, 100 years later, with a legacy of firsts and a lasting spirit of rugged individualism, Wyoming is what America was—plus a whole lot more. And, for me, it is a particular honor to serve the people of the State in my first term in Congress during Wyoming's centennial year.

This resolution touches on some of the outstanding features in Wyoming's past and present. A proud past. A vital part of the United States. It is our future that will also be closely watched and I believe celebrated. In this next 100 years, Wyoming will use its bountiful reserves to provide energy for people throughout the country. At the same time, giving many Americans their first real experience with nature. The pristine beauty of the Tetons. The solitude of the open space in the Red Desert. The quiet way of life, the proud, pioneering way of life that is Wyoming. This centennial is an opportunity to review the past, present, and future of Wyoming. Wyoming's lasting legacy to this Nation is a spirit and determination of the true West. God bless the great State of Wyoming, the 44th State of the United States.

A TRIBUTE TO ELSIE B. HOWERTON

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. DELLUMS. Mr. Speaker, I would like to share with my colleagues my congratulatory message to Mrs. Elsie B. Howerton, a distinguished citizen of the Eighth California Congressional District, and the wife of an equally distinguished constituent, Mr. Joseph L. Howerton.

Mrs. Howerton is a 34-year resident of the city of Berkeley. She presently serves as the elected president of the Congress of California Seniors, the elected president of North Berkeley Senior Center Advisory Council, and is a volunteer to the Lawrence Hall of Science Intergenerational Science Program wherein she participates in weekly biology workshops for fourth-grade students at Malcolm X School. Mrs. Howerton is also a member of the Commission on Aging for the city of Berkeley which she has chaired for a 5-year period, and is a participant in the Retired Senior Volunteer Program of Alameda County

[RSVP], sponsored by Peralta Community College District.

On March 14, 1990, Mrs. Howerton will be honored at an event sponsored by the Commission on the Status of Women. We wish to join our constituents in congratulating Mrs. Howerton and in commending her for her distinguished service to her city, her State, and to this Nation.

TRANSPORTATION TRUST FUNDS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. McEWEN. Mr. Speaker, the Washington Post recently ran a feature article on Secretary Skinner and the ambitious transportation policy he has developed. I commend the Secretary for taking the initiative and developing this critical plan for the future, and I hope to be of assistance in seeing the plan come to fruition. However, I am convinced that in order to meet targeted infrastructure priorities we will need to make full use of the transportation trust funds.

The article about Secretary Skinner raised the question of the trust funds: Why do we have large balances in the trust fund accounts when infrastructure needs are clearly going unmet? Federal Highway Administrator Tom Larson's response was, "It's a dicey question that we've danced around." I am encouraged by that response, after years of denying even the existence of the surplus, maybe the administration will finally admit that the enormous balances in the trust funds accounts should be spent as soon as possible in order to protect our infrastructure investment. For both safety reasons and economic reasons our infrastructure needs are now critical, and we can no longer afford to use the trust fund money to hide deficit spending in other programs.

I look forward to the upcoming Public Works and Transportation Committee action on the highway program as well as the national transportation policy, and I look forward to working with the administration to resolve the trust fund issue.

MASSMUTUAL: HELPING TO DEFINE FAMILY VALUES

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, one of the beliefs that unifies our society is that there exists a core set of values on which the overwhelming majority of Americans agree. On this belief rests the justification for a number of the actions that are taken by government, actions which affect virtually every aspect of our lives. If asked to enumerate those values, I think most Americans would mention many which could be collectively labeled as "family values." While there may be agreement that family values exist, however, the composition of those values has been the subject of much discussion but little attempt at quantification.

A company headquartered in my congressional district, the Massachusetts Mutual Life Insurance Co., recently commissioned a study to attempt to crystallize this notion of family values. This study, the MassMutual Family Values Program, included a survey of 1,200 randomly selected Americans from across the country, and revealed that there are universally held values in America, values which transcend the boundaries of geography, demography, or politics. Chief among these values is the importance of family, as a source of pleasure, and responsibility, and a cause of concern. The preeminent status of family attaches without regard to marital status and applies primarily in emotional, rather than legal terms.

The MassMutual Family Values Program also revealed that Americans see the family as the wellspring of emotional support, and the primary teacher of the fundamental skills by which a person successfully relates to society. In this regard, the study seems to me to mark rather clearly areas in which government may be of assistance, and areas in which it may not intrude.

Mr. Speaker, I believe MassMutual should be saluted for the valuable public service it has performed in undertaking this survey of America's family values. The results should be considered by government at all levels in developing and implementing social policy. I commend the survey and its findings to the attention of my colleagues.

CONGRESSIONAL SALUTE TO LIBERATO "CHIP" PARILLO

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. FOGLIETTA. Mr. Speaker, it is with great enthusiasm that I rise today to salute Mr. Liberato "Chip" Parillo. Mr. Parillo brought his long career of public service to a close this year. January 1990 marked the end of a career spanning over 50 years. I want to take this opportunity to honor Mr. Parillo's strong commitment to our Nation.

Mr. Parillo enlisted in the U.S. Army in 1936. For the next 25 years he served proudly—in World War II, Korea, Canada, China and elsewhere around the world. He has served in 11 Army camps in the United States as well. While in the Army, Mr. Parillo earned many medals and ribbons including the Combat Medical Badge for excellent performance of duty on the battlefield.

After retiring from military service, Mr. Parillo joined the U.S. Customs Service. From 1964 until this year, he served in Philadelphia as an inspector. Recently, he was honored at a retirement party by coworkers, family, and friends who saluted his five decades service in several branches of the U.S. Government.

Mr Speaker, I congratulate Mr. Parillo upon his retirement from the U.S. Customs Service and salute his outstanding service to our country. I wish him good luck and continued success.

THE SALE OF SS "MONTEREY"

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. DYSON. Mr. Speaker, I am absolutely appalled to learn that the Maritime Administration is giving the go-ahead to sell to foreign buyers an American flag, Jones-Act-eligible passenger vessel. This vessel, the SS *Monterey*, is precisely the national defense and sealift asset that everyone—from the President's Commission on Merchant Marine and Defense to those within the Defense Department responsible for sealift requirements—states we must have under our flag and under our control.

Under the Shipping Act of 1916, the Maritime Administration has the responsibility to protect the national interest by ensuring that U.S.-flagships are not routinely sold to the highest foreign bidder. This law is in place to guarantee that American vessels which have recognizable miliary and economic value to the United States are not sold off simply in order to increase the profits of foreign shipping interests. Our national security demands that the interests of the United States take precedence over the bottom line of foreign concerns.

In this case, Mr. Speaker, the Maritime Administration is abrogating its responsibility. It is choosing to act as an agent for foreign interests looking to maximize profits at the expense of the American Merchant Marine, rather than as an agent for the American people.

In February of this year, Maritime Administrator Capt. Warren Leback told the National Defense Transportation Association that, "Defense and transportation are links in the same chain. The civilian commercial transportation industry is a major part of our national defense readiness structure." Mr. Speaker, I totally agree with Captain Leback's assessment and I urge him to reject the foreign transfer application when it reaches his desk.

TRANSFER TO FOREIGN OWNERSHIP OF THE SS "MONTEREY"

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. EVANS. Mr. Speaker, I have been made aware recently of an action about to be taken by our own Maritime Administration which will, if it is allowed to be carried out, severely damage our maritime industry and our military readiness. What I am referring to is the pending approval for transfer to foreign ownership of the U.S.-built and -flagged passenger ship—the SS *Monterey*.

The *Monterey* is one of only three U.S.-flagged, Jones-Act passenger vessels operational today. It would serve our national interest by carrying U.S. troops in time of war—an advantage we do not have with those non-U.S.-flag vessels which sail from our ports.

Currently on the auction block, the *Monterey*, when operating, employs more than 250 American citizens operating cruises within the United States. Those citizens employed on the vessel pay taxes and the company pays taxes—all money which is returned to the United States.

Operating from a U.S. port, the *Monterey* creates additional jobs: dockworkers and marine support personnel are put to work. More jobs are available for food service companies, linen suppliers, tour companies and a host of other businesses which employ Americans and pay taxes in America. It contributes to the trickle-down effect in our society. What is good for us and our national security is also good for our economy—it keeps the money at home.

What do we gain by allowing this uniquely American vessel to be sold to foreign interests? This is a question I cannot answer. We lose—we lose tax revenues, we lose American jobs, we lose security. Who gains then? MarAd gains nothing by this sale—they have no financial stake in the vessel. The only winners in this hand are foreign interests. They will have the ship and all of the related revenues it generates.

Mr. Speaker, one the SS *Monterey* is gone, we cannot retrieve it. If we need an additional vessel for troop transport, it will be too late and we will have sold ourselves and our constituents short. I urge all of my colleagues to call Maritime Administrator Warren Leback and insist that the *Monterey* remain at home.

IN MEMORY OF STATE REPRESENTATIVE ED COOK

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. JONTZ. Mr. Speaker, today the 106th session of the Indiana General Assembly will draw to a close and for the first time in 16 years, State Representative Ed Cook will not be present when the speaker of the house announces "The house is adjourned, sine die."

On February 15, Representative Cook suffered a severe stroke and lapsed into a coma from which he never recovered. He passed away 5 days later.

Although Ed and I were both elected to the Indiana House of Representatives in 1974, Ed had more experience in public service having served several terms as a member of the Marshall County Council. Our districts bordered one another in north central Indiana and we joined forces many times to bring the needs of our area to the attention of the legislature.

No one knew the needs of the district he represented better than Ed. As co-owner of Cook Brothers Furniture in Plymouth, Ed brought the common sense and community values of his hometown to the general assembly. He was appreciated on both sides of the aisle for his straightforwardness and his love of a good joke.

Despite declining health in recent years, Ed never tired of representing the people who elected him. He will be missed, both in his district and in the halls of the Indiana state house.

OPERATION JUST CAUSE

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. MURTHA. Mr. Speaker, last week, the news media reported extensively on allegations that United States military personnel in Panama had been used to smuggle drugs into the United States. It was even reported that our troops sent to Panama last December as a part of Operation Just Cause were involved, even though they were in Panama for only a few weeks.

Mr. Speaker, unfortunately, it appears that a handful of the thousands of troops who are permanently stationed in Panama may indeed have been corrupted by the drug lords. However, I have been assured by both the Department of Defense as well as the Drug Enforcement Agency that there is no evidence that even one military person sent to Panama with Just Cause was involved in this unfortunate incident.

It is regrettable that the media did not wait until the facts were known before erroneously reporting that Just Cause personnel were involved.

I urge the media to make it clear to the American people that our brave troops, who fought and died to restore democracy in Panama, were unfairly maligned.

THE BENEFITS OF OLDER WORKERS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 13, 1990

Mr. GEKAS. Mr. Speaker, I ask my colleagues to join me in recognizing a very special effort in my congressional district.

This week marks "National Employ the Older American Week," a chance for all employers to examine the advantages of hiring our senior citizens. The benefits of exploring this largely untapped resource are many. These workers have a lifetime of experience. They understand the needs of employers as well as those of the customer or client. I think it is valid to say that older individuals are dependable, honest, conscientious, and enthusiastic about their jobs.

There is a program in Williamsport that seeks to match older workers with local businesses. Known as STEP [Social Service Training Employment Programs], it is a comprehensive service that assists seniors in finding work. One of the incentives STEP offers is participation in the Pennsylvania Hall of Fame of Champions of Older Workers Council. Employers who have outstanding records of dealing with older workers in the labor force are nominated for the Hall of Fame. I am proud to say that STEP has nominated two such employers from Lycoming County in the 17th Congressional District: Victor's Auto Sales, and Clark's Farm Store.

I commend these employers and STEP for the compassion and understanding to appreciate the wide range of skills older workers have to offer.

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HOUSE OF REPRESENTATIVES—*Wednesday, March 14, 1990*

The House met at 2 p.m.

The Reverend Neil Gilmour, Grace Presbyterian Church, Ocala, FL, offered the following prayer:

David Livingston was a tough, intelligent, and inquisitive Scot. He is famous for his pioneering of medical missions. On one occasion an English friend wrote to him and said:

> We would like to send other men to you. Have you found a good road into your area yet?

Livingston replied with these words:

> I only want men who are strong and courageous and who will only come if there is no road at all.

May I suggest that that should be the thrust of our prayer today for our great Nation?

Let us pray.

God bless America. God bless America with pioneers, with pioneers who, with courage, will build new roads of personal integrity, who with wisdom will harness ethnic energies, who with passion will restore pride and peace to our cities, and towns and villages. In Christ's name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule 1, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arizona [Mr. RHODES] please come forward and lead the House in the Pledge of Allegiance?

Mr. RHODES led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REV. NEIL GILMOUR

(Mr. STEARNS asked and was given permission to address the House for 1 minute).

Mr. STEARNS. Mr. Speaker, I just want to tell the House that I am delighted to have my pastor, Neil Gilmour, give the prayer today.

Neil was born and raised in County Antrim in Ireland; unique individual, one of eight children, the oldest child. He put himself through Trinity College in Dublin, and then he went on to the Westminster Academy in Philadelphia.

What is unique about this individual, my colleagues, is he has decided to become a U.S. citizen on March 30, and he has taken all the classes. He is prepared to do it, and here we have St. Patrick's Day on March 17, and it is appropriate that we have an Irish-American come to this great House to give the prayer.

Mr. Speaker, I hope my colleagues will welcome with me my pastor, Neil Gilmour.

CALL OF THE HOUSE

The SPEAKER. Without objection, a call of the House is ordered.

There was no objection.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 23]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harris
Hastert
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nielson
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1425

The SPEAKER. On this rollcall, 400 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to announce that we are about to take the official photograph of the House. Members are requested to take seats, except that those seats marked with a red stripe will be outside the range of the camera.

Members will face the camera, something I know they are not accustomed to doing. There will be about 11 flashes of the strobe lights, and the process will require about 15 minutes.

Five minutes after the conclusion of the photograph, the House will resume its sitting.

RECESS

The SPEAKER. Without objection, the House will now stand in recess.

There was no objection.

Accordingly (at 2 o'clock and 26 minutes p.m.), the House stood in recess, subject to the call of the Chair.

□ 1442

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 41 minutes p.m.

APPOINTMENT OF MEMBER TO U.S. HOLOCAUST MEMORIAL COUNCIL

The SPEAKER. Pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84, the Chair appoints on the part of the House the gentleman from California [Mr. Lantos] to the U.S. Holocaust Memorial Council to fill the existing vacancy thereon.

APPOINTMENT OF DELEGATION TO ATTEND INTERNATIONAL PARLIAMENTARY CONFERENCE ON GLOBAL ENVIRONMENT

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, I am today appointing the following delegation of the House to attend the International Parliamentary Conference on the Global Environment sponsored by the U.S. Senate, to be held here in the District of Columbia on April 29 through May 2, 1990:

Mr. Dingell of Michigan;
Mr. Fascell of Florida;
Mr. Jones of North Carolina;
Mr. Roe of New Jersey;
Mr. Scheuer of New York;
Mr. Green of New York;
Mrs. Martin of Illinois;
Mr. Brown of Colorado;
Ms. Schneider of Rhode Island;

As alternate delegates on the majority side:

Mr. Brown of California;
Mr. Downey of New York; and
Mr. Miller of California.

And as alternate delegates on the minority side:

Mr. Rowland of Connecticut and
Mr. Schuette of Michigan.

TIME TO END FREE RIDE OF THE RICH

(Mr. CHAPMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAPMAN. Mr. Speaker, recent studies have shown that in the past decade under the Reagan and Bush administrations, our tax system has become greatly skewed in favor of wealthy Americans. The top 1 percent of our population now with average incomes of $549,000 each have enjoyed $82,000 a year in tax reductions, compared to the pre-1978 Federal tax system, adjusted for inflation. That is a 36-percent drop in taxes.

Yet, the typical middle-income family that is earning $31,000 pays $409 more, or 7 percent more in taxes, under current law.

The poorest 20 percent of all families in America pay 21 percent more in taxes today than they did in 1978.

In effect, the U.S. Treasury has been handing over the hard-earned moneys of working families in this country to the very wealthiest of Americans. Consequently, not only have working families lost out, but the Federal Government has lost nearly $70 billion in revenues in this period of time.

Mr. Speaker, it is time these shenanigans stopped. It is time to fight for the working people in America. It is time to stop letting the rich get off the hook and have a free ride to the detriment of the Government and the rest of the American working people.

A DAY OF HOPE FOR THE HOSTAGES

(Mr. HENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENRY. Mr. Speaker, on behalf of the 18 hostages being held in Lebanon, I ask my colleagues to give 1 day. One day to unite in our thoughts and prayers as we remember their plight.

This Friday, March 16, marks the fifth anniversary of captivity for the longest-held hostage, American journalist Terry Anderson. At noon, in Lafayette Park, this grim milestone will be marked with a Ceremony of Hope. I urge my colleagues to attend this gathering with the families and friends of the hostages. And I urge all of us to use this Friday as a time to rekindle hope, to renew our resolve that these innocent prisoners will not be forgotten.

One day, Mr. Speaker, to remember the 1,825 days Terry Anderson has spent in chains, darkness, and terror. One day to remember the seven other Americans, the four Britons, the two West Germans, the two Swiss, and the Irish and Italian hostages.

One day to rededicate the rest of our days to the principles of freedom and justice throughout the world.

THE GREAT "RIVER-BOAT GAMBLE"

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, David Stockman was right.

It was Mr. Stockman, you will recall, who, while serving as Ronald Reagan's Budget Director, described Republican supply-side tax initiatives of the past decade as nothing more than a "Trojan horse," designed not so much to balance the budget as to cut taxes for the wealthy.

And that is exactly the way it worked.

Over the past decade, Republican tax policies gave the wealthiest 10 percent of Americans a 36-percent tax cut. The other 9 out of 10 Americans—and this includes 100 percent of America's working families—got a tax hike.

And for the poorest 20 percent, that tax increase amounted to 21 percent.

Now, I hesitate to criticize President Bush for offering a real proposal because he does it so rarely. But the President's capital gains tax proposal does not fix this problem. It makes it worse. Eighty percent of the benefit goes to that tiny slice of America which earns $200,000 or more annually. Yet that is George Bush's No. 1 legislative priority this year. And it is all offered—where have we heard this before—to stimulate investment.

The Republicans want the great river-boat gamble to roll on, even though it is now obvious to everyone working Americans lose every time the Republicans throw the dice.

MANDATED FAMILY AND MEDICAL LEAVE: A NECESSITY

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, I stand here in absolute amazement at

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the opposition to the Family and Medical Leave Act.

On the one hand some of my colleagues and some voices in the administration say: "We oppose mandates on business."

But, those same people are enthusiastically supporting other very costly mandates on business.

For example:

First, a child care bill that not only mandates but will cost a good $5 billion per year; and

Second, the Americans with Disabilities Act which mandates costs to business of every size, complete with costs too high to calculate.

Yet there is no concerted opposition to these bills.

But along comes family and medical leave—a bill that takes one small step toward protecting the jobs of working family members at a minimal cost—and the hue and cry goes up: "No mandates."

Tell me, Mr. Speaker, how can anyone in this day and age oppose saving a job for working people when a serious illness strikes a family?

ECONOMIC JUSTICE: A FAIR AND PROGRESSIVE TAX SYSTEM

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKAGGS. Mr. Speaker, it used to be that we as Americans embraced the ideal as a people that each generation should look forward to some basic improvement in their financial circumstances. We called it economic justice. An essential factor in achieving that ideal of economic justice was a fair and progressive tax system.

Contrary to that ideal over the last 10 years Federal tax rates have risen for the poorest taxpayers in this country while falling for the wealthiest.

□ 1450

Today a family getting by on $20,000 a year pays 6 percent more in Federal taxes than they did in 1980, while a family at the $100,000-a-year level is paying over 11 percent less. It is simply not right that an increasingly larger share of our tax burdens falls on those least able to pay. Instead of being rewarded for their hard work, low- and middle-income families in this country are finding themselves falling farther and farther behind, unable to buy that first home, send their kids to school.

Now is the time to quit shortchanging working families in this country and restore a progressive and fair tax system.

PROPOSED CLEAN AIR ACT PENALIZES MIDWEST HARDER THAN ANY OTHER AREA

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I rise in opposition to the newly proposed Clean Air Act currently working its way through both Houses of the U.S. Congress.

Both the White House and EPA are currently projecting costs of somewhere around $21 billion, but under the Senate provisions alone they are estimating $35 billion, $40 billion.

If I thought this would give us cleaner air, I would certainly support the act. In its current form it hits the Midwest harder than anybody else. There are no experts in the country who are not estimating a cost of at least $40 to $50 billion. There will be $20 to $25 billion cost in compliance alone.

I would not mind that cost if I thought it solved the problem. But all it is going to do is it would be open season for lawyers and suits.

What we have done is give a boost to the East European industrialization, to our competitors.

The Office of Technology Assessment already says the U.S. industry is in the worst shape it has ever been in competitively. Yet we are going to go ahead with a bill for which there was no body of empirical evidence that says the bill is going to solve the problem. We are going to have the same level of acid rain in the year 2000 if we did nothing but put in new plants and give tax credits to the companies building them.

I ask for a study of this bill which does nothing but destroy the industrial base of the Midwest.

THE GOLDEN PARACHUTE LIMITATION ACT OF 1990

(Mr. PRICE aasked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE. Mr. Speaker, today, I am introducing legislation to give the Federal Deposit Insurance Corporation [FDIC] the authority to prohibit or limit excessive or abusive golden parachutes given to executives, officers, and shareholders of federally insured depository institutions.

Like many people, I was appalled by the stories surrounding the bankruptcy of Drexel Burnham. News accounts reported that Drexel managed to pay $196 million in cash bonuses to its executives in the 2 months before the firm filed for bankruptcy.

Currently, the same possibility for abuse exists in the banking system. During the hearings last year on the Financial Institutions Reform, Recovery, and Enforcement Act, I questioned FDIC Chairman Seidman about the FDIC's authority with respect to golden parachute arrangements. I was told that FDIC had sufficient authority, in their role as conservator or receiver of an institution, to disaffirm or repudiate contracts, including golden parachutes.

However, in further discussions with the FDIC and in testimony given to the Financial Institutions Subcommittee today, Mr. Seidman acknowledged the need to give FDIC further authority if they are to prevent all excessive or abusive golden parachutes especially those in institutions that have not yet closed or failed.

My legislation will give the FDIC this authority. It is imperative that we prevent corporate fatcats from lining their pockets and then walking away from an institution that may fail 6 months later. I hope my colleagues will join me in stopping this disgusting and destructive greed from continuing. There is no rationale for providing the management or others involved with a depository institution with a windfall when the taxpayer may eventually have to pick up the tab.

TELECOMMUNICATION DEVICES FOR THE DEAF [TDD]

(Mr. GUNDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUNDERSON. Mr. Speaker, you cannot hear me because I am signing. But that is how 14 million Americans, who are deaf, live every day.

Ten percent of Americans cannot call us with their concerns or with their problems. They are not hearing, they do not use telephones but telecommunications devices for the deaf [TDD]. I believe our democracy and the deaf/hearing impaired's hopes are based upon communication, communication they do not have with us.

Today, on the fourth day of Deaf Awareness Week, I am introducing a bill to direct the Clerk of the House to purchase a TDD for each Member of the House.

I hope the House will quickly pass this resolution.

A BUSH GRAIN EMBARGO AGAINST THE SOVIETS?

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, I pray President Bush is not contemplating a grain embargo against the Soviet Union. Why do I have that fear?

Let me quote from his news conference yesterday in response to a question about extending United States aid to the Soviet Union and Eastern Europe:

> We have no request for food aid to the Soviet Union—do you just want to put it on a ship and send it over there? No I don't think that's a particularly brilliant idea.

Interestingly, just as Mr. Bush was saying he does not think it is a good idea to ship food aid to the Soviet Union, news wires were carrying results of a General Accounting Office study showing that under the Reagan-Bush administrations, the United States has spent over $481 million to subsidize food shipments to the Soviet Union in 1987, 1988, and 1989.

Well, I think sending U.S. food aid to the Soviets is a brilliant idea, so do American farmers and I am a strong supporter of the program which has been responsible for these shipments. I thought Mr. Bush was, too. When he was campaigning Mr. Bush pledged no grain embargoes during his administration, and said he too supported sending subsidized food shipments to the Soviet Union. Why the sudden change of heart, Mr. President?

Mr. Speaker, I am troubled that these remarks hint at a policy being considered by the administration that would have devastating effects on American agriculture. I am troubled by the confusion the President's remarks cause by contradicting long-standing policy, including his own previous pledges. And, finally, I am troubled that I fear that Mr. Bush may be letting personal partisan feelings color his policy pronouncements. I hope the President will clarify these remarks in the strongest possible terms.

NOTHING NEW IN MAJORITY'S BUDGET PLAN

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, I welcome the debate launched by the chairman of the Ways and Means Committee seeking to craft a solution to our deficit problem. I am disappointed, however, to see that it primarily is a restatement of the policy goals the Democrat majority has sought for the last 9 years.

Moreover, a 1-year budget freeze which excludes major spending categories such as means tested entitlements is a very small reward for, No. 1, eliminating Gramm-Rudman, the one tool we have found so successful in reducing the deficit by $98 billion over the last 5 years, No. 2, for the massive tax increase this proposal represents for a true compromise on the deficit, we need to move away from more of the same tax-and-spend policies of the majority party which have created the impasse we seek to resolve, and which have been so soundly rejected by voters throughout our Nation.

CONGRESS SHOULD REGULATE COMMERCE WITH FOREIGN NATIONS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the trade deficit is really down; it is down to $106 billion. Almost $9 billion per month, and everybody is cheering.

Now let us take a look at this: In 1980 there was no trade deficit. Seven years later, $160 billion. The Fed drove down the dollar. We negotiated. We threatened. We passed token laws. The President had a summit.

Ladies and gentlemen, we have done everything here in the Congress except do our job. Article 1, section 8, paragraph 3 says, "Congress is empowered to regulate commerce with foreign nations." Now, if that is regulation, let me tell you what, we need a new Congress.

PUERTO RICO'S FUTURE RELATIONSHIP WITH THE UNITED STATES

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, I want to commend subcommittee chairman, RON DE LUGO, for his leadership throughout the marathon of hearings just completed in Puerto Rico regarding Puerto Rico's future relationship with the United States. I also want to commend the Government of Puerto Rico and the three political parties for providing logistical support and opportunities to meet with the people of Puerto Rico to obtain their candid views of the status issues.

Many of the over 100 testimonies were passionate and charged with emotion and patriotism. I was stirred by the nearly unanimous appeal for the Congress to take action to authorize a referendum on political status. Their requests are properly directed as the Constitution specifies the Congress is to make all needful rules and regulations regarding the territory of the United States.

It has been 92 years since U.S. Army Gen. Nelson Miles invaded the islands and told the people he had come not to wage war but to obtain for the people of Puerto Rico the privileges and blessings of the United States. I strongly urge all Members to support the enactment of legislation to provide a referendum which allows the people of Puerto Rico the opportunity to chose the type of relationship they prefer with the United States.

□ 1550

UNIFICATION FOR JERUSALEM

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the peace process in the Middle East and Government of Israel were dealt an unfortunate blow by some comments by the President 11 days ago.

By calling into question the unification of Jerusalem, a city whose unification the Republican's own platform called for, the President has thrown a large obstacle on the road to peace.

There should be no misjudging the importance of this issue.

The Jewish community here and in Israel, stand together in the belief that a unified Jerusalem is the integral and indivisible capital of the State of Israel.

In May 1948, the Jordan Arab League drove jews out of the old city by force. Jews were not allowed to visit their holy sites until 1967, many of which were desecrated and destroyed during the occupation. The rest of the world went tsk tsk; but did little. Israelis of all political styles have resolved that will never happen again.

The President's comments were an unneeded, and destructive influence on the peace process. They are inconsistent with the purpose and practice of past U.S. policy,

I hope he and Secretary Baker will reconsider and return to more useful approaches to bring peace to the Middle East.

OIL DRILLING PETITIONS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, these petitions—containing almost 10,000 signatures and counting—are from ordinary citizens in southwest Florida. Today I am delivering their message to Congress: Ban oil drilling in the environmentally sensitive waters off the gulf coast of Florida.

These signatures are not the product of a national lobbying group's organized petition drive. They have been collected by a local citizens' group based in Bonita Beach, FL.

Their mission is to convince the powers-that-be in Washington that the risks of oil drilling in our region pose a serious threat to the quality of life in southwest Florida—and the economic well-being of the entire State.

I applaud and support the efforts of these hard-working Floridians. Their petitions offer a glimpse of the deep concern that offshore oil drilling in our gulf coast waters could jeopardize the clean white beaches, clear blue

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waters, mangrove forests, coral reefs and exotic wildlife that make Florida special for its residents—and the millions of tourists who visit every year.

Mr. Speaker, many of us have been working to ban drilling in the sensitive waters south of 26 degrees north latitude. As President Bush nears a final decision on this issue, I urge consideration for these petitions—and the widespread sentiment among Floridians they represent.

DOMESTIC TEXTILE INDUSTRY ANNIVERSARY

(Mrs. LLOYD asked and was given permission to address the House for 1 minute.)

Mrs. LLOYD. Mr. Speaker, I rise today to bring to the attention of the House a significant anniversary which we are celebrating this year. This is the 200th anniversary of the founding of the domestic textile industry.

Following on the success of a man named Samuel Slater, who began producing cotton yarn in Pawtucket, RI, in 1790, the American textile industry provided the foundation for the American industrial revolution and has been an integral part of our socioeconomic heritage. Today, the domestic textile industry complex employs over 2 million workers in all 50 States.

In recognition of this 200th anniversary of America's first basic industry, and as chairman of the Congressional Textile Caucus, I am proud to introduce today a resolution designating the week of October 13-20, 1990, as "American Textile Industry Bicentennial Week." I am especially pleased to be joined in this effort by my colleague, RON MACHTLEY, in whose Rhode Island district the industry got its start 200 years ago. I would urge my colleagues to join us in celebrating this important milestone.

BECK ENFORCEMENT NECESSARY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, let's be realistic. The Supreme Court's landmark decision in the Beck case cannot help a single worker unless it is enforced. And unfortunately, the decision is not being enforced.

While the High Court upheld the rights of workers, it did not hammer out a detailed remedy as a part of its decision. Not surprisingly, Big Labor has ignored the Supreme Court's decision.

It is obviously a mistake to assume that abolishing or restricting PAC's will address this issue. Even if the mistake were made of restricting or abolishing PAC's, hundreds of millions of dollars of unreported in-kind expenditures would still be made by labor union officials—using money that comes from workers' compulsory fees.

Enforcement of the Supreme Court's decision in the Beck case must be the made the major component of any campaign finance reform effort. The White House includes such provisions in its campaign reform package. The Republican Study Committee issued a policy statement calling for Beck enforcement to be included in any campaign reform package. And I reaffirm my support of this position: We should support no campaign reform measure unless it also includes provisions that would assure enforcement of the Beck decision.

SAVE THE SS "MONTEREY"

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, I rise to express my deep displeasure and opposition to the Maritime Administration's proceedings to permit the sale of the U.S.-flag vessel SS *Monterey* for operation under a foreign flag.

The SS *Monterey* is a valuable asset to our country and particularly to the State of Hawaii. It generates many jobs and a great deal of revenue. Its sale for operation under a foreign flag would remove the SS *Monterey* from this trade and result in a great financial loss to my State, not to mention the loss of jobs of the Hawaii residents employed on board the vessel or others who depend on this vessel for their livelihoods.

American interests are ready and able to purchase this ship for operation under the U.S. flag, thereby ensuring the employment of American workers and generating tax dollars for the United States and Hawaii. The Maritime Administration's actions make it impossible for potential American buyers to negotiate with the mortgage holder for purchase of the SS *Monterey.* This is totally inconsistent with the purposes of the Merchant Marine Acts of 1916 and 1936.

The Bush administration had declared policy to rebuild our vital and essential U.S.-flag merchant marine. The disposition of the SS *Monterey* will demonstrate the degree of commitment by the administration to restoring the strength of our merchant marine. Let us abide by our policy. Let us move in the right direction. Let us save the SS *Monterey.*

SUPPORT URGED FOR PRIVATE SECTOR LONG-TERM HEALTH CARE LEGISLATION

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER. Mr. Speaker, in the wake of the Pepper Commission's failure to present to workable long-term care plan for America's seniors, it is clear that at this time there is no consensus for a new and costly Federal entitlement program. But Congress can take immediate steps to help our seniors afford long-term care by encouraging the further development of private sector long-term care insurance policies.

Congress can stimulate the private sector by allowing tax-free withdrawals, from individual retirement accounts and tax-free conversion of life insurance policies if the funds are used to pay long-term care insurance premiums. Congress can also authorizes the Federal Government, as the Nation's largest employer, to offer a long-term care benefit to our Nation's civil servants at no extra cost to the Federal Government. These practical steps to expanding access to long-term care are embodied in three bills I have introduced: H.R. 2132, H.R. 2133, and H.R. 820, respectively.

Mr. Speaker, it appears doubtful that a new Federal long-term care plan will be enacted this Congress, and in any case, the Federal Government will need help from the private sector in meeting this need. I therefore urge my colleagues to cosponsor my legislation to encourage the development of affordable private-sector long-term care policies.

STATUS OF PUERTO RICO

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, I wish to thank the gentleman from California [Mr. LAGOMARSINO] for the kind words earlier.

I returned yesterday from leading a delegation to Puerto Rico for hearings on legislation to authorize a referendum between enhancing the island's current commonwealth and granting statehood or independence to commit the Federal Government to implement the results.

In addition to eight members and staff of the Interior and Insular Affairs Committee, the delegation included your representative, Mr. Speaker, and representatives of the minority leader and the majority and the minority on the Rules Committee, demonstrating the seriousness the House attaches to this issue.

The trip followed a hearing here in Washington at which the presidents of Puerto Rico's three status-based political parties expanded on their joint request for this legislation, which has been endorsed by President Bush.

In Puerto Rico, well over 100 witnesses appeared during some 19 hours of hearings. We heard additionally from leaders of the three parties in meetings of about 4 hours each.

The clear consensus that Puerto Rico's political status needs to be developed was also indicated by the participation in our visit, in a real sense, of millions of other people.

An estimated 120,000 demonstrated for statehood. Others followed the hearings through extensive television, radio, and newspaper coverage.

Congress has a constitutional—and moral—responsibility to act on their petition. I will try to get this House to do so as soon as possible after the Senate acts on a bill which has been reported by our counterpart committee on the other side of the Capitol.

I want to thank the presidents of Puerto Rico's parties and their representatives, including Gov. Rafael Hernandez Colon and his counselor, Jose Berrocal, of the Popular Democratic (commonwealth) Party; former Gov. Carlos Romero Barcelo and former Representative Benny Frankie Cerezo of the New Progressive (statehood) Party; and former Senator Ruben Berrios Martinez and Senator Fernando Martin Garcia of the Independence Party for their cooperation. I also want to thank the many officials of the Puerto Rican Government, the Air Force, and this House who helped us to carry out our mission.

□ 1510

AMERICANS CANNOT AFFORD A TAX INCREASE

(Mr. DeLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeLAY. Mr. Speaker, here we go again. There is no end to this story. Last weekend, the Ways and Means chairman blew the dust off the same old Democrat proposal of tax and let us spend.

He proposes a modest spending freeze on only some programs and then demands massive new tax increases. How many times do conservatives have to point out that you cannot reduce the deficit by increasing taxes. Studies of Congress have clearly demonstrated that every time we increase taxes by one dollar, the big spending liberals manage to spend $1.58.

Raising taxes only increases the deficit and the American people are tired of it.

Obviously, the real agenda of the Democrats proposal is to massively increase government spending and demand higher taxes, while at the same time they want to repeal Gramm-Rudman which is the only real restraint on congressional urges to increase spending.

Mr. Speaker, please have the Democrats put that tired tax and spend proposal back on the shelf to collect more dust. The American people don't want it and more importantly, they cannot afford it.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2584

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2584. Due to staff error, I was inadvertently added to the list of cosponsors.

The SPEAKER pro tempore (Mr. FEIGHAN). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE NORTH PACIFIC FISHING INDUSTRY THREATENED BY DRIFT NET FISHING

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, the health of our North Pacific fishing industry and our fragile marine environment are now threatened by a vast and destructive foreign technology, drift net fishing.

The 800-vessel drift net fleet of Taiwan, Japan, and South Korea lays a curtain of death, dragging the North Pacific with these drift nets, some 30 to 40 miles long, stealing our fish and indiscriminately, killing tens of thousands of dolphins, porpoises, and sea birds.

While the United Nations has called for a worldwide ban on drift nets, the administration is entering into agreements with the driftnetting countries to allow the slaughter to continue. In some cases these negotiations have actually opened new fishing grounds to the drift net fleet.

The House of Representatives has acted. We voted overwhelmingly for a drift net ban, which passed as part of the Magnuson Act. Now, we must prompt our colleagues in the other body to reauthorize the Magnuson Act and free our oceans and fisheries of this destructive technology.

THE COTTON COMMEMORATIVE: 200 YEARS OF TEXTILES IN AMERICA

(Mr. MACHTLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MACHTLEY. Mr. Speaker, today I am pleased and proud to join the gentlewoman from Tennessee [Mrs. LLOYD] in the introduction of a resolution to commemorate the 200th anniversary of the textile industry in America.

Mr. Speaker, Rhode Island was the beginning of the growth of textiles in America. Pawtucket, RI, is the home of Slater Mill, now the most historic industrial structure in the country. Built by Samuel Slater in 1793 on the banks of the Blackstone River, Slater Mill is the oldest cotton textile factory in America. Samuel Slater began the industrial revolution for this country.

Mr. Speaker, it is on the banks of the Blackstone River in Pawtucket where the American textile industry was brought to life and changed the future of this country. Today Slater Mill is a national historic landmark and the cornerstone of the Blackstone Valley National Heritage Corridor in Rhode Island and Massachusetts.

Rhode Islanders are proud of the important labor and manufacturing history behind Slater Mill, and I am pleased that the entire textile industry can be commemorated in the resolution we introduce today.

Mr. Speaker, textile workers continue to be some of the most hard workers in America in the industry they represent. I hope my colleagues will join us in cosponsoring this resolution.

THE FIGHT DRUGS ACT

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, today I am introducing legislation, the Federal Incentives Going To Help Towns Fighting Drugs Act of 1990 or the FIGHT Drugs Act, which would provide taxpayers with the opportunity to fight drug abuse on the local level.

Through a Federal tax checkoff, taxpayers can contribute directly to the antidrug abuse efforts in their own communities. Contributions would be strictly supplemental to other antidrug abuse funding. The spending decisions would be left to local governments in order to meet local needs. Money could be spent on law enforcement, education, treatment, or rehabilitation.

While private and charitable efforts reach only a limited number of people, a tax checkoff would be extremely effective at raising funds at the local level for local initiatives. Fighting drug abuse is clearly a top priority of most Americans. The FIGHT Drugs Act of 1990 would give individuals a greater voice in directing how their tax dollar gets spent.

I urge my colleagues to support this important legislation.

DO NOT WEAKEN AMERICA'S SEALIFT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute.)

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Mrs. BENTLEY. Mr. Speaker, the U.S. Maritime Administration is embarked on a course of action which, in my opinion, will seriously set back our efforts to maintain a U.S. flag merchant marine adequate to serve as a useful naval auxiliary in time of war or national emergency.

The SS *Monterey* is one of only three operational oceangoing passenger vessels under the U.S. flag and only one of four qualified to fly the U.S. flag. The *Monterey* recently was laid up and is scheduled to be auctioned this week.

Instead of immediately and conclusively rejecting the application filed under the Shipping Act of 1916 to sell this ship for foreign operation, the Maritime Administration chose to turn the process into one where foreign economic interests could take precedence over America's security and economic interests.

I sincerely hope Maritime Administrator Capt. Warren Leback will truly promote the American merchant marine by insisting that the *Monterey* remains under the U.S. flag.

FOREIGN AID: QUESTIONS AND SUGGESTIONS

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DORGAN of North Dakota. Mr. Speaker, I find it interesting that any time the President and his advisers get an inclination to send some money out of the country, such as $1 billion to Panama, or $300 million to Nicaragua, they sort of swagger around like sailors on shore leave. They wave that money around like it grows on trees.

Sure we have some responsibilities to help our neighboring countries, but I would like to pose a couple of questions about the President's plan.

First, why give it in cash? Why not food, commodities, and equipment—the things that folks in other countries need. Our experience in foreign aid is if we send it in cash, it's going to end up in a Swiss bank. Dye our foreign aid money purple and the Swiss bank vaults will be stained purple in a week.

Second, the President says he can just rearrange some spending in defense, and come up with several hundred million for Nicaragua. If that is the case, why didn't they rearrange that money in defense 6 months ago, and use it to reduce the deficit. If this is money we didn't need, do we give it up only if we are willing to send it out of the country? How many other chunks of $300 million are in the defense budget that we don't need. Maybe we can send some to help central America here in the U.S.A.—North Dakota, Kansas, Iowa—those States who have not been able to participate in the American economic expansion.

Third, since our country has a Federal deficit over $200 billion this year—that's the real deficit—and a $3 trillion debt, and since we will be borrowing nearly $150 billion from the Japanese and other allies to finance this, I'm wondering if it wouldn't be better, rather than borrowing money from Japan to pay Nicaragua, just asking Japan to give Nicaragua and Panama a little help directly. Sometimes it's cheaper to eliminate the middleman.

Oh, I know these are impertinent questions and this is a serious business. But I raise these questions about the priorities of this administration because some of them seem to think it's old fashioned to invest here in America. We need to start paying same attention to rebuilding at home. I'd like to see the some enthusiasm for investment here in the United States of America.

□ 1520

INTRODUCTION OF LEGISLATION TO IMPLEMENT ADMINISTRATION'S TRANSPORTATION POLICY

(Mr. HASTERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTERT. Mr. Speaker, today, I am introducing, with the support of many of my colleagues, the first legislation to implement a portion of the administration's transportation policy.

This legislation recognizes that we as consumers pay more than we need to for the transportation of almost every product we buy. In 1980 we started to solve the problem of excessively high transportation costs by deregulating interstate truck shipping. Consumers have saved about $11 billion annually as open competition brought down motor freight rates. Yet, 42 States continue to maintain some type of control over motor freight rates, and it is costing us a bundle. Estimates show that we may save twice as much—another $11 billion—by removing remaining State controls on motor carrier freight.

Intrastate burdens on the transportation of goods add up every time we buy groceries or clothes for our families. These hidden costs of goods also place us at a competitive disadvantage internationally.

The Secretary of Transportation, in his national transportation policy, make the completion of motor carrier deregulation at the State level a priority. I am hopeful that this legislation can accomplish that goal.

WHAT WILL THE CONSERVATIVES DO NOW?

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, about a week ago one of the stalwart liberals in this House about 10 feet to the west of me approached me and said, "What are you conservatives going to do now that communism is dead?"

I would like to put a brass plaque there, because that theme has spread all across the country and even into Western Europe, that we do not know what to do with ourselves now. I guess he never heard of North Korea, Angola, Ethiopia, Albania or China or Castro; China with 1,250,000,000 people, and we just made the top of Beijing's enemies' list.

Here is today's paper, just one little paper. First page:

> Barry. He is back. D.C. still in chaos. He has never let the word cocaine or crack come out of his lips.

Here is Gorbachev at the top of the page, has more power than any Russian leader since Stalin.

Turn inside, here is a rally set to protest U.S. policy. William Sloan Coffman is back. My one-time opponent, Ron Kovic, Rauol, Daniel Elsberg is back on the scene, Ed Asner, they are all going to protest our policy in Central America. They cannot stand victories for democracy in all those countries. They hated Grenada. They hated Panama.

Another page:

> Sexual pioneers come into town, yearn for the good old days, the myth of homosexual AIDS will be one theme, anxious pleasures, the sex lives of the Amazonian people, a field guide to outdoor erotica.

We are looking forward to the nineties when we can bring back reassertion of creative sex, maybe more syphilis, more gonorrhea, more chlamydia, more venereal warts. I always loved the ring of that one.

Another AIDS plague. Phone up the green monkeys. Tell us that they have a good fatal, always fatal disease to spread around.

Then you turn to what is happening in Europe, London. Here it is. A British group tells of child sex rings, pornography used to lure, by modern day Fagins, more kids into sex.

Are you liberals kidding? What did the rooster say when faced with a thousand chickens? "So much work to do, so little time." I hardly know where to start.

I love it that Eastern Europe is free. It frees me up to beat up on liberal philosophy and about a thousand other areas where they wrecked modern American life.

God bless you, Mr. Speaker.

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RURAL ECONOMIC DEVELOPMENT ACT OF 1989

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 355 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 355

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3581) the Rural Economic Development Act of 1989, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Agriculture printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of section 303(a)(1) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177) are hereby waived. No amendment to said substitute, except pro forma amendments for the purpose of debate, shall be in order except those printed in the Congressional Record prior to their consideration. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FEIGHAN). The gentleman from South Carolina [Mr. DERRICK] is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from Illinois [Mrs. MARTIN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 355 is a modified open rule providing for the consideration of H.R. 3581, the Rural Economic Development Act of 1989. This is a bill that reorganizes the Department of Agriculture's rural development activities and provides for a new means of prioritizing Federal rural development project funding.

House Resolution 355 is a modified open rule providing for 1 hour of general debate, with the time to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. The rule makes in order the Agriculture Committee amendment in the nature of a substitute now printed in the bill as original text. The bill is to be considered by titles, with each title considered as having been read.

The rule waives section 303(a)(1) of the Congressional Budget Act against the substitute. This provision would prohibit the consideration of any bill containing new budget authority in a fiscal year prior to the adoption of the budget resolution for that fiscal year. This waiver is necessary for the consideration of this bill as no budget resolution has yet been passed for fiscal year 1991.

The rule also provides that no amendments to the substitute, except pro forma amendments for the purpose of debate, are in order except those printed in the CONGRESSIONAL RECORD prior to their consideration. An announcement of this restriction was made by Representative FROST on Wednesday of last week.

Finally, Mr. Speaker, House Resolution 355 provides for one motion to recommit this bill, with or without instructions.

Mr. Speaker, this rule provides for the consideration of a bill that would establish a new Rural Development Administration to administer Department of Agriculture rural development programs. The bill would provide for a new mechanism of delivery of Federal rural development assistance. The measure would also make a number of changes in the Agriculture Department's existing water and sewer, business and industry, and rural electrification programs.

Mr. Speaker, House Resolution 355 is a straightforward rule that provides for the adequate consideration of the Rural Economic Development Act of 1989. I urge my colleagues to adopt this rule.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I am pleased after the exciting 1-minute speeches to continue the excitement by bringing to the Members, House Resolution 355, which is a modified open rule providing for the consideration of H.R. 3581, the Rural Economic Development Act of 1990. The rule provides for 1 hour of general debate to be divided between the chairman and ranking minority member of the Committee on Agriculture. The rule goes on to make the committee amendment in the nature of a substitute in order as original text for the purpose of amendment under the 5-minute rule, and waives section 303(A)(1) of the Budget Act against the substitute.

Section 303(A)(1) of the Budget Act prohibits the consideration of any bill which provides budget authority prior to the adoption of the budget resolution for that fiscal year. Section 802 of the substitute would make borrowers eligible for lower interest rates on rural health care facility loans from the Farmers Home Administration. In so doing, it lowers receipts in the revolving fund by $1 to $2 million a year and permits Farmers Home to borrow an offsetting amount from the Treasury.

As a result of these lower interest rates, the fund will require additional budget authority and higher outlays. Because we have not yet adopted the budget resolution for fiscal 1991, the bill stands in violation of section 303(A)(1) of the Budget Act. However, the Rules Committee has received a letter dated March 7 from the Budget Committee chairman in which he indicated that a majority of the committee supports a waiver of this section to permit consideration of the bill. The Rules Committee consequently granted the necessary waiver.

Mr. Speaker, the rule on this bill goes on to require that all amendments to the bill, except pro forma amendments, must be printed in the CONGRESSIONAL RECORD prior to their consideration. Since the bill will be under consideration for amendments tomorrow, that means that Members should have their amendments in the RECORD no later than today to be protected.

Mr. Speaker, I must object to this unnecessary restraint on the right of Members to offer germane amendments. While it is true that the Rules Committee announced this amendments policy on the floor of this House last Wednesday, I nevertheless think it puts Members at a severe disadvantage. This is especially so when you consider that the report was filed on the same day we granted the rule and was not available until this Monday. And the printed substitute was not available from the documents room until Friday. Many, if not most, Members of the House have not had a chance to look at this bill, let alone develop amendments, until their return to the House yesterday. I would hate to think that we might be precluding sincere and worthy efforts to improve the legislation by this rule. And yet, that could well be the case.

I know my chairman and other Rules Committee colleagues share my distaste for such a preprinting requirement for amendments and were reluctant to grant the Agriculture Committee's request for such a restrictive rule.

Mr. Speaker, in recent months there has been some movement away from restrictive rules, and I commend the new Speaker and the new Rules Committee chairman on this positive trend toward more procedural openness and fairness. But this rule represents a backward step in that regard. As of

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today, some 45 percent of the rules we have granted in this Congress have been restrictive, compared to 46 percent in the last Congress. For the information of my colleagues I will be inserting at the end of my remarks the most recent data on open and restrictive rules. I hope this rule represents only a temporary lapse and not a retreat from our recent march to procedural daylight and sunshine.

Mr. Speaker, the final feature of this rule that I want to call to the attention of my colleagues is that it does permit a motion to recommit, with or without instructions. Those terms protect the minority's traditional prerogative to offer a final amendment prior to final passage.

Mr. Speaker, I want to commend the Committee on Agriculture for bringing forward H.R. 3581, the Rural Economic Development Act. As one who represents a predominantly rural district in Illinois, I am acutely aware of the needs of our rural areas and the contributions our Federal Government has and can continue to make to their development.

The pending bill should further facilitate that effort by allowing for the pooling of existing funds under a new umbrella Rural Development Administration within USDA. At the same time, the legislation recognizes the need for giving greater flexibility to the States in targeting assistance to their unique problems and needs. The bill accomplishes this by providing for the creation of State rural economic development review panels to assist in allocating their share of funds to designated projects which they determine are worthy of assistance. My main concern is that these review panels include adequate representation by small rural businessmen and farmers—something which seems at present in the panels' makeup.

Mr. Speaker, I do not want to take further time on this rule to discuss the substance and merits of the bill. There will be ample time for that under general debate and the amendment process. Let me simply say that on balance I think the Agriculture Committee has done an outstanding job in shaping a compromise that will advance the cause of economic development in our Nation's rural areas. The committee is to be saluted both on its work product and the bipartisan manner in which it has been brought to us.

OPEN VERSUS RESTRICTIVE RULES, 95TH-101ST CONGRESSES

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		Number	Percent	Number	Percent
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	49	27	55	22	45

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole.

[Note.—The above data differs slightly from that published in previous Congresses because it is based on a rule-by-rule examination and not just on summary tables from committee surveys for the 95th-99th Congresses as was previously done. Moreover, appropriations rules (which only provide for waivers) and original jurisdiction measures are no longer counted.]

Sources: Rules Committee Calendars & Surveys of Activities, 95th-100th Congresses; "Notices of Action Taken," Committee on Rules, 101st Congress, as of March 9, 1990.

[Prepared by the Minority Counsel, Subcommittee on the Legislative Process, Committee on Rules.]

RULES GRANTED IN THE 101ST CONGRESS

[Providing for the initial consideration of legislation]

Rule No. H. Res.	Date granted	Rule type	Bill No. and subject
108	Mar. 14, 1989	MO	H.R. 1231, Emergency Strike Board
111	Apr. 21, 1989	O	H.R. 1369, Mansfield Business Center
112	Mar. 21, 1989	MC	H.R. 2, Minimum Wage
117	Apr. 4, 1989	O	H.R. 18, Uniform Voting Time
126	Apr. 11, 1989	MO	H.R. 1487, State Dept. Authorization
127	Apr. 12, 1989	C	H.R. 1750, Contra Aid
135	Apr. 25, 1989	O	H.R. 2072, Supplemental Appropriations
138	Apr. 25, 1989	O	H.R. 1486, Maritime Adm. Authorization
143	May 2, 1989	O	H.R. 7, Voc. Ed. Act Extension
145	May 2, 1989	MC	H. Con. Res. 106, Budget Resolution
155	May 16, 1989	O	H.R. 643, Oil Shale Claims
160	May 23, 1989	C	H.R. 2442, SDI for Drugs Transfer
161	May 23, 1989	O	H.R. 2392, Oil Shale Claims
165	June 1, 1989	MC	S.J. Res. 113, FSX Agreement
173	June 13, 1989	MC	H.R. 1278, Financial Institutions Reform
179	June 20, 1989	MO	H.R. 2655, Foreign Aid Authorization
195	July 11, 1989	O	H.R. 2022, Soviet & Indochinese Refugees
196	July 11, 1989	O	H.R. 989, Tongass Timber Reform Act
198	July 13, 1989	O	H.R. 1549, NRC Authorization
199	July 13, 1989	O	H.R. 1484, Park System Review Board
200	July 13, 1989	O	H.R. 828, BLM Authorization
202	July 17, 1989	O	H.R. 1056, Federal Waste Disposal
211	July 21, 1989	MO	H.R. 2461, DoD Authorization
217	July 28, 1989	C	H.R. 3024, Debt Limit Increase
224	Aug. 4, 1989	O	H.R. 1668, NOAA—Coastal Authorization
228	Aug. 4, 1989	C	H.R. 1594, MFN Status for Hungary
230	Aug. 4, 1989	O	H.R. 2427, NOAA—Satellite Authorization
234	Sept. 7, 1989	O	H.R. 1759, NASA Authorization
235	Sept. 7, 1989	O	H.R. 2869, Commodity Futures Improvements
236	Sept. 7, 1989	O	H.R. 1659, Aviation Security Act
245	Sept. 21, 1989		H.R. 3299, Budget Reconciliation
249	Sept. 26, 1989	MC	
246	Sept. 25, 1989	C	H.J. Res. 407, Continuing Appropriations
254	Oct. 3, 1989	O	H.R. 2748, Intelligence Authorization
255	Oct. 3, 1989	O	H.R. 1495, Arms Control Authorization
256	Oct. 3, 1989	C	H.R. 3385, Nicaragua Election Assistance
266	Oct. 17, 1989	O	H.R. 3402, Polish/Hungarian Initiative
267	Oct. 17, 1989	O	H.R. 2494, International Development
270	Oct. 19, 1989	O	H.R. 2459, Coast Guard Authorization
271	Oct. 23, 1989	MC	H.J. Res. 423, Continuing Appropriations
273	Oct. 24, 1989	C	H.R. 45, Central American Studies
275	Oct. 26, 1989	O	H.R. 3443, Airline Acquisition Review
277	Oct. 31, 1989	O	H.R. 1465, Oil Spill Liability
278	Oct. 31, 1989	C	H.R. 2710, Minimum Wage
289	Nov. 13, 1989	O	S. 974, Nevada Wilderness
290	Nov. 15, 1989	C	H.R. 3660, Ethics Reform Act
295	Nov. 19, 1989	MC	H.R. 3743, Foreign Assistance Appropriations
309	Jan. 30, 1990	MC	H.R. 2190, Voter Registration Act
338	Feb. 20, 1990	O	H.R. 2570, Arizona Wilderness Act
355	Mar. 7, 1990	MO	H.R. 3581, Rural Economic Development

Code: A completely open amendment process is provided by an open rule (O). Restrictive rules are those which provide for less than a completely open amendment process and include closed rules (C), modified closed rules (MC) and modified open rules (MO).

□ 1530

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL], the ranking member of the Committee on the Budget.

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the rule providing for consideration of the bill, H.R. 3581, the Rural Development Act of 1989. This rule waives section 303(A)(1) of the Budget Act because the measure contains $1 million of new budget authority effective in fiscal year 1991, and Congress has not yet adopted a budget resolution for fiscal year 1991.

The Budget Act does not allow consideration of measures providing new direct spending or revenue changes for a fiscal year prior to the adoption of a budget resolution for such fiscal year. Otherwise spending decisions can be made outside of the control of the budget process. In a poll of Budget Committee members I did not support waiving this section of the Budget Act; however, the Rules Committee decided to grant such a waiver.

Furthermore, in addition to the $1 million in direct spending, which results from the Farmers Home Administration lending money to rural health care facilities at more preferable rates, the bill authorizes large sums of money for new programs and expansion of existing programs. In fiscal year 1991 the bill authorizes $540 million in budget authority which expands to a 5-year total of $2.5 billion. The bill also creates a new bureaucracy by establishing a new rural development administration within the U.S. Department of Agriculture.

The administration strongly opposes enactment of H.R. 3581 because of its costly provisions, because it provides additional Federal subsidies to financially healthy telephone borrowers, and because it allows REA borrowers to defer scheduled debt payments if they made loans for rural development purposes.

I must agree with the administration's position. I oppose this bill because it violates the Budget Act and is much too costly. Congress should be thinking of fiscal restraint rather than expansion. Members who vote for H.R. 3581 can be assumed that they are helping to increase the deficit.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Speaker, I rise today to urge your support of H.R. 3581, the Rural Economic Development Act of 1989. This bill addresses the very real and immediate needs of rural areas across the country. Of particular importance to my district is a provision to make available $60 million in direct grants and loans to residents of colonias. Colonias are poverty-stricken rural subdivisions found along the Texas-Mexico border, many of which lack basic human services such as water and sewage. These moneys will enable colonias residents to gain access to a clean water supply and sanitary waste disposal services. I thank Chairman DE LA GARZA for his hard work in getting this provision into the bill. I must express here my distress with the administration's opposition to this and other provisions in H.R. 3581. A statement from OMB says that the moneys for the colonias are not necessary. Water and sewage hookups are not necessary? Basic services for the poorest people in the richest nation of the world are not necessary? I strongly disagree. I urge my colleagues to support H.R. 3581. Not only will you be helping all rural residents, you will be helping the poorest of America's poor as well.

Mrs. MARTIN of Illinois. Mr. Speaker, it is always a pleasure to hear my seatmate from the Committee on Armed Services, the gentleman from Texas [Mr. BUSTAMANTE], talking about his district.

Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I want to rise in opposition to this rule. The gentleman from Minnesota and the gentlewoman from Illinois have pointed out many of the objections that I have to this particular rule, but I think we do need to raise the question of why in the world this bill had to come out under a closed rule.

□ 1540

It seems to me that this is a piece of legislation where there is no earthly reason for preventing Members from having an opportunity to amend the bill on the floor, if that is their want. Why have we had to have a provision such as that in the rule, and I read:

> No amendment to said substitute, except pro forma amendments for the purpose of debate, shall be in order except those printed in the CONGRESSIONAL RECORD prior to their consideration

The problem with that is that that left Members with very little time to get a copy of the final version of this bill and write amendments which were then in order on the floor. I just do not see any reason why on a bill where there is considerable controversy about individual provisions that we had to have such a closed rule.

I hope that this is not precedent setting. I hope that the Committee on Rules is not moving toward more and more restriction of the means of debate on the floor and the ability of Members to amend bills.

The bill was not available for early consultation, and so therefore many of the objections of the administration were really not known by the Members until yesterday. Now the administration has come forward with almost a page full of paragraphs indicating objections to the bill. It would be very, very well I think for Members to have an opportunity to amend those.

It is my understanding that a good portion of the administration's objections have not been committed to amendment, and therefore will not be eligible to be debated on the floor today. I think that is a shame. I think it would have been very, very useful to have this bill out here under a complete open rule and have an open discussion.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Texas [Mr. DE LA GARZA], the chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding. This is to assure the gentleman, as the gentleman well knows, that this is not the practice of the Committee on Agriculture. Ordinarily we have an open rule.

The problem here was that there are areas with amendments of a highly technical nature, not necessarily generated from within our committee, but by Members outside the committee. For the protection of other committees, such as the Committee on Ways and Means and/or the Committee on Energy and Commerce, for example, that we would not have on the floor a Member just writing in his own handwriting at the last minute something in a highly technical area.

It is in cooperation with them and for their protection, as well as ours in those areas. Otherwise my statement to the Committee on Rules was it is not a matter of life and death for us. Ordinarily we ask for it. But there could have been amendments and will be of a technical nature that need to be worked out, and we have.

Mr. WALKER. If the gentleman from Texas [Mr. DE LA GARZA] will allow me to reclaim my time, I understand his point. But if amendments are not germane there are already rules in the House to stop nongermane amendments from being offered. If the amendments are germane to the bill and can be offered on the floor, I see no reason why we ought to pay more attention to the sensibilities of committees than we do to the ability of individual Members to bring an amendment to the floor.

There are already plenty of protections. If a Member offered an amendment that was not germane, it seems to me we ought to protect the Members. In this particular instance what we are failing to do is protect the individual rights of Members to offer amendments that they would regard as in order.

Mr. COLEMAN of Missouri. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Both sides of the aisle asked and requested the Committee on Rules to provide for the opportunity to have notice of amendments. The only way we can do that is to require them to be published in the RECORD. The reason for that is that this bill really hits on a number of sections of current law that are really technical in nature. If one does not know and does not have the opportunity to see some of these things in advance, one could really do much greater harm than the gentleman from Pennsylvania [Mr. WALKER] thinks might be done by this procedure, because some of them would trigger some very large expenditures or movements within current law.

I am not saying other things we bring here are not complex. But to answer the gentleman's question about the concern of the administration, the administration has been involved in this whole process. I know that they have some objections, and I have noted those. The thing is if they want to provide those changes, they can go ahead today and find Members to introduce them.

Mr. WALKER. Mr. Speaker, reclaiming my time, under this rule Members cannot introduce those amendments. That is exactly my point. The administration does have these objections and they brought them forward. There is no way under this rule those objections can be brought to the floor today other than as part of the motion to recommit. They would have to include probably the entire package, which probably means the motion to recommit fails.

This gives us a process for us to have an opportunity to bring those out as

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individual amendments, is the point I am making.

Mr. COLEMAN of Missouri. If the gentleman will yield further?

Mr. WALKER. I yield to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, we had up through yesterday to do that. The administration, I do not believe they are pushing some of their objections, if one wants to know the truth.

Mr. WALKER. Reclaiming my time, I thank the gentleman for his opinion on it, but the point is there are objections which are on the record. Under any orderly procedure in the House that makes any sense, there should be open debate on some of these things, which are good objections. That is what Members are prevented from doing.

I just do not understand why we had to have a closed rule in this instance. I would suggest to Members that voting against this closed rule would be very appropriate.

Mr. Speaker, I thank the gentlewoman from Illinois [Mrs. MARTIN] for yielding the additional time.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, in my earlier remarks I should have said, as was stated by another Member, the Committee on the Budget did request a waiver of the Committee on Rules, so I cannot lay the blame at the feet of the Committee on Rules for providing us with what I think is a rule that should be opposed.

I would further state that while I must disagree with the rule, I do not want to do so disagreeably. Because like the gentlewoman from Illinois [Mrs. MARTIN], I have noted the new spirit prevailing in the Committee on Rules this year. We on the Republican side appreciate the camaraderie and openness with which that committee has approached its work this year. I am considering this a temporary aberration, and that the Committee on Rules will return to its normal good sense and clear direction as soon as this rule is completed.

Mrs. MARTIN of Illinois. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER], who wishes to make a correction.

Mr. WALKER. Mr. Speaker, I thank the gentlewoman for yielding. In our discussion a moment ago the gentleman from Missouri [Mr. COLEMAN] rightly pointed out this bill is going to be taken up tomorrow under the 5-minute rule. Therefore, amendments could yet be presented in the RECORD today that would be eligible for consideration tomorrow. I am very happy to correct the RECORD in that regard.

It still strikes me that we would be better off to be able to bring the amendments to the floor as we want to tomorrow. But the gentleman is absolutely correct with the schedule that has now been outlined.

Mrs. MARTIN of Illinois. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. WALKER] for his remarks.

I want to say to the gentleman from Minnesota [Mr. FRENZEL] that the Committee on Rules is always very, very appreciative of any little crumbs of recognition that we might receive, and we thank him for that.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. AUCOIN). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 315, nays 99, not voting 17, as follows:

[Roll No. 24]

YEAS—315

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Barton
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clement
Coleman (MO)
Coleman (TX)
Condit
Conyers
Cooper
Costello
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Inhofe
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ray
Richardson
Ridge
Roberts
Robinson
Roe
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Sharp
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Smith, Robert
(OR)
Snowe
Solarz
Solomon
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tanner
Tauke
Tauzin
Taylor
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)

NAYS—99

Archer
Armey
Baker
Ballenger
Bartlett
Bentley
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Coble
Combest
Conte
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
DeLay
Dickinson
Dorgan (ND)
Dornan (CA)
Douglas
Dreier
Fawell
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goss
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hopkins
Houghton
Hunter
Hyde
Ireland
James
Kasich
Kolbe
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Livingston
Lowery (CA)
Lukens, Donald
Marlenee
McCandless
McCollum
McMillan (NC)
Meyers
Moorhead
Packard
Paxon
Petri
Porter
Pursell
Regula
Rhodes
Rinaldo
Ritter
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schiff
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Smith (TX)
Smith, Denny
(OR)
Smith, Robert

(NH)
Spence
Stearns
Tallon
Thomas (CA)
Upton
Vucanovich
Walker
Weldon
Williams
Young (FL)

NOT VOTING—17

Bateman
Brooks
Clay
Clinger
Collins
Flippo
Ford (TN)
Hammerschmidt
Kennelly
Leath (TX)
Mavroules
Nelson
Ravenel
Savage
Stump
Wilson
Yates

□ 1610

Mr. TALLON changed his vote from "yea" to "nay."

Mr. WEBER and Mr. MILLER of Washington changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. Unsoeld). Pursuant to House Resolution 355 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3581.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," with Mr. Traxler in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Texas [Mr. de la Garza] will be recognized for 30 minutes and the gentleman from Missouri [Mr. Coleman] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, the economic condition of many towns in rural America was summed up a year ago in a Time magazine article entitled "Small-Town Blues." The subheading of the article was equally depressing, it read: "The trains don't stop anymore, jobs are vanishing and young people are moving away. Now America's rural hamlets are fighting to stay on the map."

Rural development has become a matter of economic survival for many towns in rural America. Rural America did not share in the economic recovery of the 1980's. In fact, over the past decade, the Federal Government has neglected the problems faced in rural America.

Five million people left rural areas during the past decade. Many were young people—bright, well-educated hard-working men and women.

These former rural residents go to our cities overburdening urban transportation systems, schools, and other public facilities. Individually, they left for many reasons. But collectively, they left for one basic, overriding reason—they were in search of a job—of economic opportunity—of personal advancement.

For those who remain in rural areas, the current situation and the future prospects are not good.

These Americans face higher rates of unemployment, poverty, malnutrition, and are on average less educated than their city cousins.

Rural America's infrastructure is crumbling as roads and bridges go unrepaired for lack of funds. Rural America's tax base shrinks each time a Main Street business or a small factory closes. The quality of education and health care are deteriorating.

It is time to turn this around. It is time to change these alarming trends. It is time to reinvest in rural America. It is time to give rural communities an opportunity to survive.

Some equate rural development with farm programs. They say, the farm economy has recovered, why not rural towns? The fact of the matter is the economic health of American agriculture can no longer be viewed as synonymous with the health of rural America.

A quarter of our Nation's population live in rural areas, but less than 3 percent derive their livelihood directly from farming. More than 50 percent of the Nation's farm families derive more than half of their income from off-farm jobs.

This means farm programs cannot solve the problems of rural communities. In fact, farm income is no longer the dominant source of income in most rural counties.

We need to provide a spark to ignite new economic activity in the Nation's rural areas. We cannot stand by and watch our rural communities turn into ghost towns.

Yes, America's rural towns are fighting to stay on the map. It's time Congress recognized their situation and begin to help them get back on their feet.

Unfortunately, we do not have any new money to plow back into rural America—investment which is needed so desperately.

But we can give residents the tools and the opportunities they need to help improve the quality of rural live—to increase investment in rural America. That is the least the Federal Government should do.

This bill, the Rural Economic Development Act of 1990, renews our commitment at the Federal level to help bring economic opportunities and development to our rural communities.

This legislation recognizes that rural economic development is a local process of seeking local opportunities. The Federal Government cannot mandate where jobs are to be created.

But the Federal Government can, through a cooperative effort with other levels of government and with the private and nonprofit sectors, create a more favorable environment for economic development.

I want to acknowledge and commend the work of Mr. English, the chairman of the House Agriculture Subcommittee on Conservation, Credit and Rural Development, and Mr. Coleman, the ranking minority member on that subcommittee, for the many hours of hearings, study, and work put into H.R. 3581.

I would also commend all the members of the subcommittee and the full committee who contributed to this bill.

Government can and should support efforts to spur rural economic development.

This bill provides the seed money needed to create jobs and income opportunities for rural Americans. It will consolidate the USDA rural development programs and facilitate the delivery of resources and assistance.

This bill is cost effective and will not create duplicative services. And most importantly, this bill recognizes the need for program flexibility. It seeks to meet the needs of the individual States, within regions of States, and at the local level.

It's up to this Congress to ensure the rural development legislation we are considering does the best possible job of directing our limited resources to meet the economic development needs of rural America. Our collective goal today is ensure that the legislation does this in as fair, equitable, and workable manner as possible.

The Federal Government has a long history of concern for rural America. It dates back to President Theodore Roosevelt who set up the Rural Life Commission in 1908.

The work of the Rural Electrification Administration and the Nation's rural electric cooperatives since the 1930's are also evidence of the Federal Government's efforts on behalf of rural America. I have in the past and will continue to be a strong supporter of our rural electrification programs.

Today, we have an opportunity to renew our commitment to preserving rural communities and giving them the opportunity to grow and prosper in the 21st century.

The Office of Management and Budget says the administration strongly opposes H.R. 3581. But earlier this year the administration sent this Congress a budget that said we must invest in our future.

This bill follows up on the President's commitment to invest in our future. More importantly, this bill says there is a future in rural America.

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We cannot turn our backs on the 25 percent of our population living in rural areas.

This bill may not be perfect—seldom will legislation in our democratic process satisfy each and every person. But this bill on balance is reasonable, it recognizes the need for budget restraint, and most of all it sends a message of hope to the people living in rural towns throughout the Nation. I once was told by a lady from Colorado who was losing her farm and wanted to stay—"Mr. Chairman, we can't all move to Denver."

This bill makes the commitment to reinvest in rural America. I urge my colleagues to support the committee during consideration and final passage of H.R. 3581.

Mr. Chairman, I want to commend the chairman of the subcommittee, the ranking minority member on the subcommittee, all of the members on the subcommittee, and the members of the committee that have worked so diligently and so hard. We will have some amendments down the line, none that we will not be able to work out; with Members' support, we will handle them satisfactorily so that they may not in any way destroy or alter the thrust of this legislation.

Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. English], chairman of the subcommittee.

Mr. ENGLISH. Mr. Chairman, as the chairman of the committee pointed out, over the past decade we have lost some 5 million people in rural America. This is coming at a time when the rest of this Nation has been growing. Unfortunately, that loss has come from the most vital element—namely, rural America's young people. This is a tragedy, not only for the 1980's, but certainly does not bode well for the 1990's and beyond, for our future.

It underscores the fact that the rural development bill, the rural development legislation as it exists today has not been working and needs to be changed. In response to this fact, the Subcommittee on Conservation, Credit, and Rural Development held some 14 hearings. Many of these hearings were in various regions across the country, and we heard from over 242 witnesses, many of whom were local rural development people, people involved with growth in rural America.

The questions that were asked, What is it that we need for success for rural America? Of course, the first response was, "We need money, and we need a lot of it." We all recognize that the reality is, it is highly unlikely we are going to see huge amounts of money available for rural development or any other program through the 1990's. That is the budget reality that we are facing. They came back and said, "If you can't help us with large amounts of new money, then at least give us flexibility to deal with the problem as it exists today." Certainly, we found that in moving across the country, rural development means different things to different people. Different States have different needs. When they spoke of flexibility, that is what they were pointed to. We have a program today that straitjackets the entire Nation, all of rural America, into one set program. That set program does not work for most areas of rural America. Flexibility will allow people involved in rural development, involved in rural communities, to make the best possible use of every rural development dollar.

The heart of the legislation that we are considering today focuses upon the involvement of local people. It sets up panels in each and every State, to work with what will be the Rural Development Administration, that portion of the Farmers Home Administration that deals with rural development. These panels consist of Federal, State, and local elected officials, as well as people from rural water, from rural telephones, from power, from health, from banking, and from rural development. It covers the entire spectrum of each and every State, of statewide organizations involved in the success of growth in rural America.

The charge of these panels is to prioritize the various projects that are being applied for. The processes that we are following today would continue to be followed as far as the requirements of the law, the qualifications for approval. However, the panel then will look at the projects on the basis of merit, and where they think we can get the greatest amount of growth, rather than existing on a first come, first serve, whatever application happens to be on the top of the stack as being the one that is approved. It would be up to this panel to determine where is it that we can get the most for every dollar. It would allow targets, it would allow areas to be built up, and it would allow the focus of the resources of not only Federal dollars, but also those of the private sector.

Mr. Chairman, the allocations of the Farmers Home Fund fall into the categories of rural, water and sewer grants, community facility loans, rural water and sewer loans, business and industry loans.

All of these programs need to work in concert, as opposed to the scattergun approach we have been taking over the past number of years. Under this legislation, for the first time we bring all the resources together; we concentrate on and focus on where we can get the most for every dollar and where we can get the greatest amount of growth.

Without question, Mr. Chairman, this Nation needs a new approach. We need a new rural development bill. We need to make the most of the very scarce resources we have, and, Mr. Chairman, this legislation sets us on that road.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it has been a pleasure to work with the chairman of the Subcommittee on Rural Development, Mr. English, in constructing what we firmly believe is the blueprint for a more stable, prosperous rural America. This legislation represents years of work, not only by me and Congressman English, but by many others who know and are committed to our Nation's small communities. It represents some of the best thinking ever given to the challenges that face the people who work and live in rural areas.

We have had a patchwork history of rural development policy. We know that rural development efforts have waxed and waned, mostly with the economic conditions of our farmers. During the good times, few voices for rural development could be heard; during bad times, many in Congress thought that traditional commodity programs would address rural development needs.

Of course, they didn't. Traditional support programs do not encourage the job development, knowledgeable rural development leadership, modern infrastructure, or technical know-how essential to promoting economic diversity.

H.R. 3581 will do those things, and more.

I believe this legislation represents an historic opportunity for this Congress to put aside the old way of doing things for a fresh, new approach to address the issues that will shape rural America well into the next century.

I believe this because H.R. 3581 is a well-thought-out bill that is comprehensive in scope while recognizing that the Federal Government doesn't have all the answers. This legislation neither overpromises nor denies the hard choices to be made. But it gives those most affected—rural Americans—the tools they need to focus our resources on the problems they deem to be priorities for their communities. This legislation recognizes that just as there are many different rural Americas there must be many different approaches to solving their problems.

I believe that if we make this bill Congress' consensus on approaching rural development we can forge a strong, working relationship with the administration.

Recently, the President's Economic Policy Council Working Group on Rural Development, at the direction of the President, released its report, Rural Economic Development for the 90's. The report promotes an approach very compatible to the thrust of the bill we are considering today. Its basic points are:

Rural America needs help;

Federal rural development programs must look beyond traditional farm programs;

Rural development is essentially an economic issue;

Economic stress hurting most rural communities is primarily nonagricultural in nature and global in scope;

Rapid change in rural America demands tighter coordination of Federal rural development programs; and

Local community leadership is at the heart of any successful rural development program.

Clearly, we agree with the administration that rural America needs help, and do not think we need more studies. Clearly, the time for studies has passed. Let's take what we know and act on it.

First, building on what we have known for years, our bill recognizes that the crisis in our rural communities does not end at the farm gate. Because an effective rural development policy must address problems traditional farm programs were not intended to solve, our bill will institutionalize rural development policy as a major function in the Department of Agriculture. We do this by creating a Rural Development Administration to bring focus and direction to Federal rural development policy.

Second, like the administration's report, this bill recognizes that rural development is essentially an economic issue. My rural constituents want to stay in their communities to live and raise their families. But to do this, they need the jobs that mean being able to support themselves, local services, and good schools for their children. This bill encourages incentives for maintaining and attracting rural businesses and job training programs to provide them a supply of skilled workers.

Third, this bill would harness modern technology to address the problems of rural America. It recognizes that technology is a primary tool in overcoming the barriers of time and distance that have in the past handicapped small communities in competing for development and jobs. In providing for rural data sharing and technology transfer centers which would develop and apply new ideas for rural businesses and markets, this bill will help smalltown America become more competitive in today's global economy.

Fourth, H.R. 3581 was far ahead of the task force report in calling for a more focused Federal rural development policy. Our legislation does that, but goes further to ensure that local communities and local community leaders have the major role in determining development priorities. Our bill will to a certain extent pool rural development funds to allow available resources to be tailored to local needs. We would correct the situation where funding levels decided in Washington for particular programs handcuff those who have to set local priorities. Those priorities would be established at the local level and decisions be made according to local and State rural development priorities. This approach will promote cooperation at all levels of Government and between Government and the private sector. It will promote cooperation rather than competition between local communities, and encourage regional approaches to addressing rural problems.

Fifth, H.R. 3581 and the administration both strongly agree that effective local community leadership is the key to successful rural development programs. We know that whatever we may do here in Washington, rural development depends on local leadership for success. That is why a very significant provision of our bill establishes a national leadership program for rural community development leaders. This program will cultivate rural development by providing local leaders knowledge of entrepreneurship, small business creation, self-employment, advanced management techniques, and financial planning.

Mr. Chairman, H.R. 3581, the Rural Economic Development Act, is the right approach at the right time. I urge my colleagues to act today to shape America's rural communities for tomorrow.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act.

I would also like to take this opportunity to thank my colleague, Chairman DE LA GARZA, and members of the committee for including provisions which are so important to me and our fellow colleagues whose districts include impoverished areas.

At least two of these provisions are very similar to legislation I initially introduced back in the 100th Congress and again in this Congress to assist these poor communities along the United States-Mexico border.

There are people in our country living in Third World conditions because they lack a simple necessity—water.

Lack of an adequate water supply and wastewater disposal system exposes the residents of these colonias to health risks and disease.

Section 806 of H.R. 3581 would authorize $30 million in grants, and $30 million in loans to assist communities that do not have a decent water supply.

I find it a shame that in this great country we cannot find a way to ensure that our citizens have just the barest essentials.

Perhaps, in the form of H.R. 3581 we can find relief.

I urge my colleagues in joining me in supporting the Rural Economic Development Act and hope that this will be the first step of many that will address the growing problems of poor health care and disease located along our border.

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Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Chairman, I rise in support of this legislation, which can bring needed help to communities that depend on national forest timber for their economic base.

Years ago I worked as a logger, and I know the people who work in our forests and our sawmills. Many of them have built their lives around the forest products industry. Sometimes their employers have cared a lot more about profit than about either the forests or their own employees.

Washington's timber communities went through a devastating recession in the early 1980's, when interest rates squeezed the housing market and lumber prices dropped. Unemployment in some of our rural communities rose above 20 percent and stayed there for years.

Now the rural Northwest faces another crisis—the realization that past forest management policies have fragmented the last remaining old growth areas, to the point where major harvest level reductions have become inevitable. The short-term compromise in this year's Interior appropriations bill can only postpone—not prevent—the inevitable decline in timber harvest from our Northwest national forests.

No one in my State wants to see logging and mill communities suffer because past management policies were irresponsible. The environmental groups that have insisted on ancient forest protection are among the most active in working for economic help to these distressed communities.

No one understands the need better than my friend and colleague, SID MORRISON, who has worked so hard for the economic diversification program in title 9 of this bill. I am proud to have cosponsored these provisions as separate legislation along with the rest of our delegation.

As we work to resolve the environmental and economic conflicts over Northwest old growth forest, legislation like this will be critical to real solutions. I urge Members who care about forest protection to support this bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. Mr. Chairman, I rise in support of the Rural Economic Development Act of 1990 in its original, unamended version.

Further, Mr. Chairman, I rise in support of a colleague from the other side

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of the aisle whose work I greatly respect, the gentleman from Washington [Mr. Morrison].

Mr. Chairman, the gentleman from Washington [Mr. Morrison] has taken a bold step. I speak of his legislation, title IX, the National Forest-Dependent Rural Community Economic Diversification section of the act.

We in the Northwest have had a crisis caused by a timber shortage. The economic consequences are wreaking havoc to families and communities. Anyone who has followed this issue knows that the wave of the future must bring economic diversification, and what the gentleman from Washington [Mr. Morrison] has done is to allow those communities to make that first gradual step toward this necessary diversification.

Mr. Chairman, I am saddened, but not surprised, that the administration has strongly opposed the National Forest-Dependent Rural Communities Economic Diversification Act. Strangely, the reason given by the Office of Management and Budget for its opposition, is not the cost, but the notion that the role of the Forest Service is strictly to manage land.

I disagree and assert two facts in opposition.

First, one of the original Forest Service missions was to protect communities from the ruinous cutting practices of early timber companies who cut wide swaths through our forests—and then left communities behind, stranded and without resources.

Second, currently, today, right now, the Forest Service is at work promoting community stability through a program entitled "Pacific Northwest Strategies." One of the goals for this Forest Service program is, and I quote "to reaffirm our traditional partnership role with people living in and using the natural resources of the Pacific Northwest."

Title IX, like the Forest Service's ongoing program, can help the people of Northwest ease away from strict timber dependence and toward a more diversified, balanced, and sustainable economy.

We arrive at this place in Northwest history after last year's action when this body forged an historic compromise for management of Northwest National Forests. This compromise protected large, contiguous stands of old growth timber, while assuring a sustainable level of harvest for our forest communities.

We created this compromise because in a time of crisis, long-term solutions to the timber shortage remained elusive. We recognized the agreement was only a small Band-Aid stretched to cover an enormous injury—an injury we knew we would have to address in the near future.

That near future is upon us. We must resume talks and come together in support of our timber dependent communities. Mr. Speaker, we saw the need to encourage community diversification and development and we funded it—to the tune of $495,000. The Forest Service's "Pacific Northwest Strategies" is an excellent start in implementing economic diversification.

The Strategies Program draws on a wide range of talents, interests, and leaders at the Federal, State, and local levels. It appears to be a bold, creative approach by the Bush administration to help communities adjust to changing Forest Service resource policies. Yet just as it is getting off the ground, the administration changes its mind. No, the Forest Service does not, should not, and will not keep its commitments to communities dependent upon national forest lands, claims the administration.

I take exception to that abdication of responsibility. Members of each party, legislators and adminstrators, environmentalists and timber companies, local officials, and Federal officials, all see the need. Now we have a proposal in front of us. His legislation has won the support of the Sierra Club and the Wilderness Society. They, too, want to support jobs in our beleaguered timber communities. Title IX would provide some vital "light at the end of the tunnel" for desperate communities.

Specifically, the National Forest-Dependent Rural Communities Act would enlist Forest Service expertise in assisting dependent communities to diversify their economies, thereby lessening their dependence upon national forests. The bill creates action teams who, at the request of communities, would prepare technical assistance plans to assist communities in utilizing Federal, State, local, private, and nonprofit economic development programs. In addition, the bill requires the Secretary of Agriculture to establish loan programs which would provide assistance in the development and implementation of the newly created action plans. These programs would be funded with 5 percent of the receipts received for the sale of timber and other national forest products.

Mr. Chairman, I urge my colleagues to help provide assistance and hope for these communities. This economic development proposal is just a piece, but an important piece, of a package of legislation needed to protect communities and forests in the Northwest. Other pieces of the package must include real protection for old growth ecosystems, redirected log export policies, incentives for private landowners, and, of course, new directions for Forest Service timber management.

Mr. Chairman, for now I urge my colleagues to support title IX, the National Forest-Dependent Rural Communities Economic Diversification Act of 1990's ongoing program, and let us move into the future with diversification.

Mr. de la GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. Campbell], a distinguished member of our committee.

Mr. CAMPBELL of Colorado. Mr. Chairman, I rise in support of the English-Coleman (H.R. 3581) rural development package. This bill will provide much-needed flexibility to States and localities in the administration of rural development programs, and I wish to commend Mr. English and Mr. Coleman for their fine work on this measure.

It is no secret that rural development programs have never commanded more than a few scattered crumbs of the budetary pie. For many years it was simply assumed that if you pumped enough money into agriculture, rural development would take care of itself.

Recent history, however, has shown that the problems of rural America are not so easily solved. Even with farm production up by some 43 percent and farm income up by 133 percent this decade, rural America continues to face serious economic difficulties.

The rural development bill introduced by Representatives English and Coleman recognizes this essential fact. In addition, the bill recognizes a more essential fact; that our current budget situation combined with the President's no new taxes pledge effectively means no new help for rural America.

Given this unfortunate situation, the English-Coleman rural development bill seeks to put our current rural development funds to the best possible use by providing States with greater flexibility in the oversight and disbursement of these limited funds.

Under this bill, State economic review panels will be established to help address each State's unique rural development priority needs.

While the State panels will continue to receive funds under the three main rural development programs—water and sewer, business and industry, and community facilities—these panels will now have the authority to move funds between these accounts as demand and need dictate.

I see this flexibility as a great boon to our current rural development efforts. Under current law, funds sent to a State must stay within the rigid formula set by the USDA.

The English-Coleman package will allow States to respond to demand within their States, and makes the best use of our limited rural development funds.

In closing, this package is a crucial first step in recognizing the diverse

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needs of rural America. The framework established in this bill will greatly enhance our current development efforts, and will prepare us for a future when rural development commands enough respect to earn not just crumbs, but a small yet significant piece of the budget to call its own.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2½ minutes to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Chairman, as we have heard from our distinguished leader of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA], a lot of Americans are leaving the rural parts of our country, moving to the big cities. Those big cities are getting bigger, and of course we see more and more problems which cost more and more money. We think it is time to reverse that trend with this legislation.

Mr. Chairman, I have a very special interest in title IX which I would like to share with members of the committee. Our concern is for national forest-dependent communities, and they are a separate package in this particular bill. I think these are often the least sophisticated of the communities that we seek to help through rural development.

Mr. Chairman, these communities face now a very special economic problem, and that is that there are changing attitudes in this country toward the harvest of old-growth forests and concern about endangered species that are really sending economic shock waves through these communities. These communities, by the way, have served the United States very effectively. They have harvested, they process, national forest timber which returns billions of dollars to the U.S. Treasury.

The title IX provisions utilize the U.S. Forest Service. These are the people that should be involved in these communities. They know what the forest plans are for the future. They can best predict what is going to happen, and under our plan they work with local, and Government and State government leaders. They come up with an action plan at the request of the communities involved, and it utilizes a number of tools with which we are familiar in economic development, partnerships, cost-sharing loans and grants, all subject to approval by the Secretary of Agriculture. The goal is to understand their future and the options, to retool local mills, if that is in their future, and it is the most efficient step in encouraging the development of new industries and new job opportunities and provide retraining.

Mr. Chairman, this measure brings its own source of funding to rural development by utilizing some of the timber revenues actually generated by these communities that do not overlap with the remaining features of the bill. In other words, we are not tapping the same source of funds twice.

Mr. Chairman, I think it is high time that we provide recognition to these timber dependent communities that have served our country so well. They perform a vital service, as I have indicated, and now they desperately need help, and I am pleased with the leadership we have seen in the Committee on Agriculture in giving us this opportunity.

The U.S. Forest Service has had rural development packages and authority in the past. Those are terminated in the 1991 budget, so this plan steps in to take the place of that particular loss.

Mr. Chairman, I appreciate this opportunity to express these views and thank the gentleman from Texas [Mr. DE LA GARZA], the gentleman from Oklahoma [Mr. ENGLISH], and the gentleman from Missouri [Mr. COLEMAN] for their leadership on this issue.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to our distinguished colleague, the gentleman from Maryland [Mr. DYSON], a valued member of our committee.

Mr. DYSON. Mr. Chairman, I rise today in strong support of H.R. 3581, the Rural Economic Development Act of 1990. I want to commend my colleague from Oklahoma, the distinguished chairman of the Subcommittee on Conservation, Credit and Rural Development, for his leadership on this important issue.

As the Representative from the largest rural district in Maryland, I have witnessed the hardships experienced by rural Americans in the 1980's. While most of the United States has experienced unprecedented economic growth in the last decade rural America by and large has been left behind. Even rural regions which have experienced reasonable growth have been disadvantaged by a deteriorating and neglected infrastructure.

The reality of this inequity is that many rural communities have not been able to share in the Nation's economic recovery of the 1980's. In the First District of Maryland, Dorchester and Somerset Counties are two regions in need of Federal assistance. Both of these counties have annual unemployment rates in excess of 8 percent. However, the sad fact is that almost 40 percent of all rural communities in the United States have unemployment rates of 8 percent or greater. Most Federal funds are in the form of transfer payments and only 6 percent of Federal research money goes to rural America.

Without the most basic of public work improvements required to sustain continued economic growth, the Dorchester and Somerset Counties of our Nation find themselves in a catch-22 situation: the communities must provide the infrastructure necessary to create expansion; but they must first find a way to expand the tax base in order to pay for its infrastructure improvements.

Obviously, many of our struggling rural communities need a "kick start" to get back on the road to prosperity. I believe that H.R. 3581 serves this purpose. Through the establishment of the Rural Development Administration, H.R. 3581 will allow America's rural heartland to catch up with the rest of the country, and at the same time increase U.S. competitiveness in the global economy.

This legislation also encourages greater State and local participation and flexibility in determining how Federal funds should be allocated. Delegating this authority is a means of granting State and local governments the autonomy to decide for themselves how to spend the Federal funds to best suit their individual needs.

By harnessing funding already available in existing water and sewer development programs, this bill requires little in new funding, thus respecting America's need to resist new spending as we work to reduce the budget deficit.

Mr. Chairman, the people of the First District are a hardworking people who possess a proud tradition that dates back to the earliest days of our Nation's settlement. While they may not have as many funding opportunities as our urban areas have, the limited funding that is available to the rural areas must be spent in the most beneficial manner.

I urge my colleagues to support H.R. 3581. Passage of this bill will ensure that America's rural population continues to make a positive contribution to our Nation's economic growth.

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Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN] in order that he might ask a question and participate in a colloquy with the gentleman from Texas on clarifying some language in the legislation.

Mr. COLEMAN of Texas. Mr. Chairman, I would like to take this opportunity to recognize the chairman of the House Agriculture Committee for the fine leadership he has provided in bringing this bill to the floor, which if passed will provide some of the neediest individuals in the United States an opportunity to live with basic necessities of life most of us take for granted, such as potable water and sewage collection.

I would appreciate the chairman clarifying an issue that may arise in the implementation of section 804 of this bill, the section providing water and waste facility loans and grants to alleviate health risks. As we know, Mr. Chairman, a characteristic of colonias as we understand them along the border, is their unincorporated status. As such, it does not make much difference whether communities are 10 miles from an urban center or 100 miles from an urban center, they still do not have the resources to install water or wastewater collection systems. One of the most important aspects of this legislation is that it would allow individual colonia residents to receive funds for their residences to be hooked up to any existing systems.

As this issue has been addressed over the last couple of years, we have tried to impress upon the Farmers Home Administration and other administrative agencies that as used in colonias legislation, the terms "rural" and "rural area" include any unincorporated area outside the city limits characterized by substandard housing, inadequate roads and drainage and a lack of adequate water or wastewater facilities.

Is it the understanding of the Chairman that insofar as appropriated funds allow, and as long as the county in which these communities are located meet the income and unemployment criteria set forth in this title, all colonias are eligible for assistance under this legislation?

Mr. DE LA GARZA. Mr. Chairman, if the gentleman will yield, the gentleman from Texas makes a good point. In the Southwestern United States, for example, hundreds of thousands of people live in colonias. Some of these are truly isolated areas, while others are outside the city limits of major cities such as El Paso, in the gentleman's district. Because they are unincorporated, and are not actually part of the cities or towns, however, they are not provided services by adjoining municipalities. This title seeks to provide assistance to all identified colonias which have substandard housing, inadequate roads and drainage, and a lack of adequate water or wastewater facilities. In addition, this provision will benefit the individual colonia residents by allowing them to borrow funds for badly needed hookups into existing water delivery and wastewater collection systems.

Mr. COLEMAN of Texas. Mr. Chairman, I want to once more commend the chairman and thank him for his participation.

Mr. Chairman, I rise today in support of a section in this legislation that is very important to the people in my congressional district and all people along our country's southwestern border.

During the last 3 years, I have addressed this House several times and have introduced legislation attempting to improve living conditions in unincorporated communities along the border commonly known as colonias. These residents live in homes without running water or sewage collection facilities, necessities of life which most of us take for granted. This situation has been the result of a growing population and a continued scarcity of housing. Colonia residents are thus forced to drink, cook, and bathe without safe water, and as a result experience high rates of diseases that have been eradicated in other parts of our country. A study of a community in my district, for example, found that 67 percent of the residents in the area have been infected with hepatitis A, commonly caused by poor sanitation, contaminated food and water. Furthermore, since lots are typically small and residents are not aware of the consequences of doing this, many residents do not adequately separate their septic systems from their wells and end up contaminating their ground water with their own sewage.

The conditions in the colonias have existed since the 1960's, when developments were established outside the city limits as developers sold lots at low monthly payments to poor individuals eager to own their home. Unfortunately, many of these people bought land believing that adequate water and sewage systems would eventually be furnished, which did not occur. Often colonia residents could not afford rents within the city limits and found no hope of public housing because of swelling waiting lists for these units. They opted instead to purchase lots outside the city limits and move into communities where they would be able to raise their children as they sought. In my congressional district alone, it is estimated that 53,000 people live without sewage disposal facilities and 28,000 live without running water. According to estimates by the Congressional Research Service, hundreds of thousands of people—predominantly Mexican-American—live in these deplorable conditions along our country's southwestern border.

Some progress has occurred in improving the lot of colonia residents since this issue first came to the forefront, but for those of us who represent border States, it is clear that a great deal remains to be done. Aside from the inadequate water supply and wastewater collection systems found in colonias, residents suffer from intolerable health conditions, experiencing exorbitant rates of disease that have played a role in preventing children from achieving good attendance records in school.

This bill would provide assistance to colonia residents to alleviate these health risks. Additional assistance is necessary because existing Federal programs have not been sufficient given the extent of the need found in the area and because of administrative limitations to the application of these programs. When constituents of mine who are colonia residents contacted me about Federal assistance for their plight, they realized that commitment to improving their homes was also necessary from the State and local governments. For its share, the State of Texas passed legislation last year which resulted in the passage of a bond issue to provide funds for colonias. The county of El Paso, which I represent, has attempted to curb the growth of colonias by enforcing requirements on developers before land is sold in lots.

The bill under consideration today utilizes existing programs under the Farmers Home Administration by providing a $30 million grant program and a $30 million loan program for colonia residents. It also corrects a regulation that has prevented some residents in the area from participation in this program. An important component of this legislation is to make eligible for this assistance all colonia communities that have been identified by the Secretary as having significant health risks, regardless of whether they technically meet the "rural" or "rural area" definition under FmHA programs, which in the past has served to prevent colonia residents from participation in FmHA programs. I would like to thank my colleague, the chairman of the House Committee on Agriculture, for including this language, which will be particularly helpful to colonias in my congressional district.

I also want to commend my colleagues from Texas, SOLOMON ORTIZ, JOHN BRYANT, and ALBERT BUSTAMANTE, who have contributed a great deal to passage of assistance for colonias. I urge all my colleagues to support this legislation.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON], who is a leading proponent of rural economic development in the committee.

Mr. GUNDERSON. Mr. Chairman, let me begin by thanking both our chairman of the subcommittee and the ranking member of the subcommittee for their work and cooperation in this area. Anyone who has watched rural America in the last 10 years certainly knows that there has been a major transition in rural America.

Very frankly, we do not have as many farmers today as we did 10 years ago, for a lot of different reasons.

Without reflecting on the past, however, we have a chance here today to focus on the future, and as we focus on that future we can talk about rural development, and as we talk about rural development one of the main foundations of this legislation is that we will work within the USDA to have a rural development administration which has that separate unique focus on those elements which are geared toward economic development.

The second key part of this legislation which I think is so important is the flexibility that follows that focus, flexibility that allows the Department of Agriculture and their respective State agencies to pool money when it becomes necessary, to move money back and forth from various programs to meet the needs of that particular State.

Now, in order to get that funding, something else is required that becomes important. As a result of this legislation, people will no longer simply be applying for funds by themselves. You will need a plan, an economic development plan. That is a requirement. That is a good investment.

Mr. Chairman, I support the bill.

Mr. Chairman, I want to thank Mr. ENGLISH and Mr. COLEMAN for their excellent work in refocusing our rural development efforts in the Rural Economic Development Act of 1990. Through your efforts, our rural development delivery system will be enhanced with more local control in charting rural development.

I am confident this new delivery system will encourage new employment, improved infrastructure of water and waste systems, electricity and telephone services, health care service, and education for rural America.

Included as part of this package is an amendment I offered which makes it possible for rural development to take place on a regional basis, by making regional development organizations eligible to apply for rural development funds. This compliments the local delivery efforts as the basis of this legislation.

The diversity of rural conditions in the small towns and communities of the United States is reflected in the paths they set for economic and infrastructure development efforts.

No two communities are the same; therefore, communities will choose diverse paths for their own economic viability. Some communities will seek to transform and diversify their economics from goods producing to services. Still, other communities may specialize in residential and consumer service activities, while others may stress health care services and education. Other communities will take advantage of natural resources and cultural diversity.

Regardless of what path communities choose, the fact remains that increasingly, rural communities are more and more interrelated. A regionalized approach to revitalizing the communities of western Wisconsin, the State of Wisconsin, and of all rural America is a concept whose time has come.

Western Wisconsin, like other regions of rural America, face numerous challenges in the future. With western Wisconsin's population expected to grow 9 percent in the next 10 years and 19 percent by the year 2020, we will need to not only continue to enhance the agriculture economy, we will need to diversify employment opportunities and provide reliable and adequate water and sewer systems, expand power service, enhance job training programs, stabilize health care institutions, and expand educational opportunities.

The overall challenges western Wisconsin and the whole State face are different than the rest of rural America, with the needs of each community, each county, each region, differing. We will strengthen the role of our local and State organizations in charting their future and we also allow for regional efforts as well to capitalize on our human and natural resources, to diversify our economies so rural America can share in prosperity.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Missouri [Mr. Emerson].

Mr. EMERSON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, first of all, I want to compliment the chairman of the Committee on Agriculture, the gentleman from Texas [Mr. de la Garza] for bringing this bill to the floor early in this session as promised. Of course, that would not have been possible were it not for the diligent efforts of the gentleman from Oklahoma [Mr. English], the chairman of the subcommittee, and the ranking member, the gentleman from Missouri [Mr. Coleman], for all the good and diligent work they put into this piece of legislation in the first session of this Congress. I think the gentleman from Oklahoma [Mr. English] and the gentleman from Missouri [Mr. Coleman] are to be commended very highly for producing an exceedingly good work product out of their subcommittee. I think we all owe them a debt of gratitude.

Mr. Chairman, rural America now stands at the threshold of a new decade brimming with both great promises and crucial challenges. Concerns surrounding the improvement of our rural infrastructure and the need to generate more local businesses and investment capital have given rural America cause for concern.

H.R. 3581, the Rural Economic Development Act gives rural areas some necessary tools that will allow infrastructure and business development to occur—development that is so vital to the future of our rural towns and communities. This bill also creates a more systematic, prioritized approach to rural economic development by requiring and supporting State and local planning processes. Through the local planning process, the priorities of communities can be more effectively identified, and this will facilitate statewide prioritization of local funding needs.

This rural development initiative is a positive move in the direction of allowing local communities to develop their full potential. By providing incentives for that growth, we will help spur the recovery of rural areas and create new opportunities by which rural families and businesses can prosper. I urge my colleagues to suport this measure and put rural America on a positive growth course for the future.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for his kind remarks.

Mr. Chairman, I yield 2 minutes to our colleague, the gentleman from New York [Mr. Walsh], a Member who is exceedingly interested in this subject matter as well.

Mr. WALSH. Mr. Chairman, as a member of the Committee on Agriculture, I rise in support of H.R. 3581, the Rural Economic Development Act of 1990. I commend Mr. English and Mr. Coleman for presenting the full committee with such a fine bill. I commend Chairman de la Garza for speedily bringing this bill to the floor.

I support this bill for several reasons. It addresses the needs of our poorest communities which are not served by the most basic necessities as running water and sanitary facilities within their homes. Those from more urban areas probably cannot imagine life without these basic necessities. Yet, there are pockets of devastation within our country that will be helped by this bill. Furthermore, meaningful rural economic development is nearly impossible without infrastructure funds for projects like sewer and waste water treatment facilities. For these reasons, I will be also supporting the upcoming Rose amendment.

Budgetary concerns are certainly noteworthy and deserve our attention. However, these basic human needs require that we spend some money to save money in the future dues to sickness and disease.

The other important point in this bill is a compromise worked out in the report language, redefining "rural" to include areas such as Madison County in my district in New York State, as well as many other rural areas within my State and the northeast region. We were careful to allow for membership on the rural development panel from rural areas without dominating the board with members of more urban areas. The panel is crucial in determining priorities for the distribution of rural development funds. This compromise protects all interests.

With these thoughts in mind, I urge my colleagues to support this rural development initiative and help those segments of our country who are relying on this assistance.

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Mr. COLEMAN of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. Upton].

Mr. UPTON. Mr. Chairman, I am pleased to be here to support rural development legislation before the House today. I am glad that the Agriculture Committee has recognized the unique needs of rural America, and decided to address this issue separately from the 1990 farm bill.

Last summer, the House Agriculture Committee began a series of hearings on the needs facing rural America. Needs and problems such as:

Rural unemployment levels 33 percent higher than urban unemployment;

Rural poverty levels 33 percent higher than urban poverty; and

Rural income per capita 25 percent lower than urban income.

These hearings began with testimony of Members of Congress concerned about rural America. I was pleased to participate in these hearings. I stated that we must act now to address the identified needs, or perhaps lose the chance altogether. The approach I stressed was that we must first examine the effectiveness of current Federal programs affecting rural development—before authorizing new Federal programs. During the hearings, the committee heard from many quarters that the current array of Federal rural development programs could be improved, especially in light of the budgetary restraints.

The committee also heard from many witnesses on the need for more flexibility at the State and local level to determine priorities for Federal rural development assistance.

I applaud the committee for its innovative and responsive approach to the needs and suggestions it heard during the hearing process. As the centerpiece of this bill, the committee proposes consolidating the Agriculture Department's rural development programs under the umbrella of a new Rural Development Administration, and brings local input into the funding process for these programs.

I agree that the people most affected by rural development programs should help decide where that money would be best spent. I also agree that rural development functions of the Department of Agriculture should be separated from the agricultural credit functions. It has been apparent for some time that the prosperity of all rural America does not necessarily coincide with the status of agriculture enterprises.

I also applaud sections of the bill which would increase the capital available for very small businesses located in rural America, that would turn the Rural Information Center of the National Agriculture Library into a one-step shop for information on rural development programs and initiatives, and that would enhance Cooperative Extension's existing work on behalf of rural communities and individuals.

Furthermore, I urge every Member's support for the amendments of my esteemed colleague from Minnesota, Representative ARLAN STANGELAND regarding the establishment of 100 rural enterprise zones. I am a proud cosponsor of Representative STANGELAND's freestanding bill to authorize HUD to establish 100 rural enterprise zones, and strongly believe that this type of Federal incentive would greatly encourage job creation in rural areas. I urge all supporters of the enterprise zone concept to vote in favor of the amendments I understand Representative STANGELAND will offer tomorrow.

I must say that I am concerned that certain elements of the bill detract from the committee's desire to centralize rural development efforts. Not all of the Department of Agriculture's rural development programs are incorporated into the new Rural Development Administration, and the need for authorizing newly duplicative programs is questionable. I am also concerned that the State review panels may not be able to process proposed business development loans quickly enough, and would hate to see funding decisions based on anything other than addressing the needs of rural America.

Despite some reservations about certain aspects of this bill, I am pleased to rise in support of addressing the needs of rural America. Hopefully, the House and the Senate will address some of these shortcomings during the conference on this bill. I know that all the supporters of rural America hope that a final rural development bill will be signed into law sometime this year. Favorable action on this bill will help to make the 101st Congress remembered as a banner session for rural America.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], who is interested in this subject.

Mr. GILMAN. Mr. Chairman, I rise today in support of rural America and H.R. 33581, the Rural Economic Development Act. I thank the distinguished committee chairman, the gentleman from Texas [Mr. DE LA GARZA] and the ranking Republican member, the gentleman from Illinois [Mr. MADIGAN], and the subcommittee chairman the gentleman from Oklahoma [Mr. ENGLISH] and the ranking minority member, the gentleman from Missouri [Mr. COLEMAN] for their diligent efforts to bring this legislation before the Congress.

Mr. Chairman, in recent years those of us who represent rural districts have seen a rise in unemployment, as well as a lack of quality telecommunication facilities, and health care facilities. Though in the Congress we have set up numerous programs aimed at improving infrastructure and enhancing economic development in rural America, the fact remains that little coordination exists among Federal efforts to create a comprehensive plan for assisting our Nation's rural communities. In fact, much of the current assistance offered to rural communities has been inflexible and has lacked necessary local input, leaving many critical projects necessary for our local areas to be unfinished and unfunded.

Mr. Chairman, we in Congress often legislate grand policies at the Federal level to assist our local communities; however, many times the ultimate affect is less than expected.

We are now about to embark upon a new policy to revitalize rural America, yet we lack a provision which will allow Congress to follow up and view how well we have done.

Accordingly, Mr. Chairman, I offer my support to an amendment offered by my Republican colleague, Mr. SHERWOOD BOEHLERT, of New York. This amendment will authorize the Secretary of Agriculture to establish a modest competitive grants program to land-grant colleges and universities, research foundations, State agricultural experiment stations, and all colleges having rural development research capability, to evaluate the impact of Federal and State economic policies and programs on rural economies.

Mr. Chairman, though the legislation before us today offers a new and enlightened policy for revitalizing rural America, I believe it necessary to point out that today we are not going far enough. If we are truly interested in battling the unfortunate plight of our Nation's rural communities, it will be necessary to generate more capital to assist these economically struggling areas.

Mr. Chairman, today's legislation is an important step in the right direction. For this reason, I urge my congressional colleagues to support, H.R. 3581.

Mr. COLEMAN of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion, before I yield back the balance of my time, we will take up the 5-minute rule tomorrow, and Members will have an opportunity to have several amendments placed before us.

While this sometimes is an esoteric subject because we are getting into some programs that have some wide-ranging ramifications, I hope the Members will listen to the debate tomorrow and recognize that we have worked on this proposal for several years and hope to expedite things tomorrow. But we may have some amendments that will take some time.

I think we have a good work product. I think it is different, and it is nontraditional, which may breed some interest by people, because we are doing something different. We need to do something different, because the circumstances require that we do.

I am delighted with all the positive things that were said today. I did not hear a negative thing said about our bill. I am thankful for that. I appreciate those positive comments toward myself and, I am sure, the other gentleman as well.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I echo and associate myself with the words of our distinguished colleague from Missouri [Mr. COLEMAN], who has done very diligent work on this issue, and I repeat what he has stated that tomorrow the House convenes at 11 a.m., and as soon as the leadership allows us, we will commence the 5-minute period on this legislation.

There are some amendments. We hope that the membership would support the committee. Some we can accept. Some deal with other committees that they are trying to work out some agreement, and others that might just deviate the thrust of this legislation that I would hope the Members would cooperate with and sustain the actions of the committee.

We hope that we might be able to accelerate the process, that we may not have votes, if not necessary, and that hopefully we would finish the deliberations before 3 o'clock tomorrow afternoon.

That is basically the plan for tomorrow.

Mr. WATKINS. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act of 1989. This is a great day for rural America. Today, the House will help forge the future of the rural areas of our country. The last major rewrite of rural development policy and implementation elements of that policy was completed in 1972.

I want to commend my colleague and friend from Oklahoma, Chairman ENGLISH, ranking minority member Mr. COLEMAN, and Chairman DE LA GARZA and all the other members of the Agriculture Committee who have worked to bring this legislative package to the Floor.

The last 10 years have been devastating to rural America. The facts are that over 5 million Americans have left rural America. The undercommitment of resources to rural areas has resulted in out-migration to more populated areas already plagued with socio-economic problems, thus exacerbating such problems for rural citizens. Rural unemployment rates which were historically lower than urban rates, are now higher. The gap between rural and urban incomes has widened and rural poverty rates are now substantially above metropolitan area rates. And, most important—the necessary principal and gap financing for industrial and economic development to produce off-farm jobs are non-existent in most rural areas.

After 10 years, the Department of Agriculture and others have focused on the fact that off-farm jobs are crucial even to production agriculturists in rural areas. And, the proportion of people living in rural areas who do not derive their livelihood solely from producing agricultural commodities, but who also have part-time off-farm jobs is growing.

The 1972 rural development package dealt primarily with basic infrastructure necessary for a good life in rural areas and emphasis in basic infrastructure for rural industrial economic development.

Today we are crossing a new threshold. A new dimension if you will. We have laid most of the basic framework to now work toward applied rural industrial economic development. The foundation has been poured and the house has been framed. It is now ready to be finished. Make no mistake, there is a difference between rural development and rural economic development. While the 1972 act principally focused on rural development, H.R. 3581 as does S. 1036 focus on building upon the foundation that has been laid.

I am optimistic that as a result of this legislation we will move forward and go beyond only planning and policy development. Whatever package this body should adopt now or later as reconciled by both chambers should have the principal focus of off-farm jobs, anything less sells rural America short.

I'm encouraged that the committee has adopted many of the provisions that I have advocated for most of the 14 years that I have been in Congress.

Among those things that have been adopted include the streamlining of the Department of Agriculture's rural development activities and the establishment of a new Rural Development Administration [RDA] within the Department. This will provide for direct accountability, responsibility for the mission of urgency to build rural areas and a more effective delivery of rural programs.

I'm hopeful that the new RDA under the restructured Department will place additional emphasis on key growth centers with identified resources that can be expanded, such as with regional industrial airparks. Targeted investment into these areas and similar areas can provide for the maximum return in off-farm jobs. These sites will provide for a jump start for rural America in economic development.

Title IV of the bill builds upon H.R. 4331 (Public Law 99–409) which I authored and got passed in the 99th Congress. The language within this section focuses on rural technology transfer centers and actually utilizes language from the bill I originally introduced where the concept of rural technology centers was first proposed. The purpose of this authorization is to help new or expanding business and industry to build off-farm jobs in economically depressed areas.

Utilizing title V of the bill that focuses on the Extension Service and the use of the Service for more involvement in hands-on applied assistance to business and industry can be coupled with rural technology centers. Rural technology and innovation centers at a land-grant college and university may be directly associated with the Extension Service for delivery of information in a progressive push manner to rural areas. The centers may be tied to the network of Federal laboratories, universities, voctech schools, and technology education classes, and available technologies and existing technology transfer efforts.

The county level of the Extension Service can help implement under the new structure of the RDA. Assistance needed or new products and processes to be evaluated from local people at the county level would be feed back through the chain to the rural center where a response would be generated. I believe the authority gives the Service the flexibility to take the active role of pushing rural development and the creation of job opportunities that will result in the growth and preservation of rural areas.

Existing non-profits, not related to the university can continue as well to provide the same assistance as well in the creation of jobs through technology assistance to new or expanding industry.

While I cannot cover every segment of this bill, I will conclude by saying that I believe that we have the basic elements for helping rural areas in this bill. I believe that the elements of this bill combined with the financing elements in the Senate rural development bill will result in a positive, progressive legislative package.

While the package before us today falls far short of the Marshall plan for the 65 million Americans living in rural areas, which I have advocated, I'm encouraged nevertheless with the progressive steps in that direction. I would like to think that this is to assist in continuing the basic and industrial framework for rural areas and that as part of a Marshall plan at a later date we will help detail and furnish the house we have built.

Mr. ROBERT F. (BOB) SMITH. Mr. Chairman, I rise today in support of H.R. 3581—the Rural Economic Development Act. I believe the best way to ensure a healthy rural economy is to provide for sound Federal agricultural policy. We will all have an opportunity to play a role later in the session when we take up the Food Security Act of 1990, or farm bill. In my hometown in eastern Oregon the people are fighting for the survival of the only hospital in the county. Moreover, Oregon has given back 62 percent of its available rural development moneys to the Federal Government over the past 3 years under the three categories included within this legislation—water and sewer; communities facilities; and, business and industry. Many of our Nation's rural areas are staring into the face of economic disaster. Hospitals are closing, businesses are failing, jobs are being lost, and citizens are packing up their belongings and moving to the big city in search of the American dream. Why should rural folks have to leave their homes and change their lifestyles to find prosperity? The answer is, they shouldn't have to.

Mr. Chairman, my colleagues on the House Committee on Agriculture have worked diligently to attempt to remedy this situation. Although I retain some concerns about a few provisions in H.R. 3581, this legislation should provide States' the needed flexibility to set their own rural economic development priorities.

As my colleagues on the committee know, I supported a committee amendment to the bill that would have maintained current Farmers Home Administration loans and grants for water and sewer projects—which are essential to the survival of rural communities. After all, a business or hospital cannot function if life-giving drinking water is flowing with muck. The committee's action to increase the authorization for water and sewer from $155 million to $500 million, as well as a separate water and sewer pool of $34 million is at least a step in the right direction.

My second concern with this bill dealt with the new rural development panels that will set each State's priorities. As I expressed to the Subcommittee on Conservation, Credit and Rural Development—I wanted to assure that rural representatives do indeed serve on those panels. After lengthy deliberation on both the subcommittee and full committee, we reached an agreement that voting panel members shall come from cities with a population less than 17,500. This report language is based on the Consolidated Farm and Rural Development Act, which Farmers Home often utilizes.

Finally, I would like to thank my colleague from Washington State, who put forth a provision in the bill that will encourage timber-dependent rural communities to diversify economically. This provision authorizes the USDA to establish "action teams" that would provide technical assistance to assist these communities by utilizing up to 5 percent of the general fund moneys from timber receipts. The Pacific Northwest should benefit significantly from this proposal.

In all, Mr Chairman, H.R. 3581 will provide the mortar needed between the cracks to spur economic growth in rural areas largely unaffected by America's economic recovery. I rise in support of this legislation.

Ms. SNOWE. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act and I urge my colleagues to join me in support of this important initiative for rural Americans. I believe that this legislation takes an important step in identifying and addressing the issues affecting successful rural economic development.

I commend the work of the members of the Agriculture Committee for their efforts in drafting legislation which takes a new and dynamic approach to rural economic development. The old approaches to this problem have not worked—it is time that we try a new approach that allows rural Americans to move forward and to determine their own future.

H.R. 3581 significantly expands the role of the States in establishing funding priorities for rural assistance projects. It establishes the Rural Development Administration within the U.S. Department of Agriculture which would be responsible for the overall coodination of rural development programs. Furthermore, by requiring States to establish an advisory review panel, the States will be able to review development plans and applications for assistance under rural economic development programs and to establish coordinated funding priorities. In addition, H.R. 3581 recognizes that priority must be given to projects that will benefit the public health. H.R. 3581 also will increase the authorization for water and waste disposal grants from $154.9 to $500 million annually.

These are important steps toward improving our commitment to rural Americans. However, this is only a step and the real test of our commitment will be our willingness to provide the resources to achieve the necessary improvements in our rural communities. We must provide the financial assistance that will allow rural towns to protect their drinking water; to install, expand, or improve their sewer systems; and to allow small businesses and industries to expand or open business ventures in these towns.

In the State of Maine, many rural communities are faced with budgetary burdens that prevent them from addressing such pressing problems as the expansion or improvement of their sewer systems. Federal funding for rural waste water improvements has been cut in half during the eighties while the regulation of waste water systems has steadily increased.

As we seek to improve the health and quality of life of rural Americans through the Rural Economic Development Act, I believe that we must also look toward providing greater Federal assistance to this segment of society.

Mr. Chairman, I know what Maine's rural communities can achieve. I have seen the economic successes that come with carefully planned and supported economic development. I know the pride that my rural constituents feel in their communities and I know the degree to which they are willing to work to make these towns healthy and prosperous for their families. They have been denied the additional Federal assistance and improved coordination that will allow increased rural economic development. I hope that my colleagues will join me in support of H.R. 3581 and I hope that they will view this legislation as I do: as the first step in our renewed commitment to rural America.

Mr. KASTENMEIER. Mr. Chairman, I rise in support of H.R. 3581, the Rural Economic Development Act of 1990.

Consideration of this legislation on the floor of the House represents the culmination of years of effort. We meet today to attempt to finally reach agreement on a mechanism to more effectively marshal the resources available to us into developing our rural economies and enhancing the quality of life in our rural area.

I want to thank the chairman and ranking minority members of the Subcommittee on Conservation and Credit for the long, hard work they have put into the development of this bill, and for allowing me to cosponsor it with them. I would also like to note the efforts of the former chairman of the committee, Representative Ed Jones of Tennessee, for his own, past efforts on behalf of rural development.

This bill is not perfect, and it is not the bill I would design on my own. But I will support it because it does provide us with the means of focusing our efforts in rural America by calling on all of the resources available to us.

This legislation will combine the efforts of the Federal, State, and local governments in a coordinated fashion. It will call on leaders from cooperatives, local businesses, utilities, the communities, the local electric cooperatives, the extension service, local academics and schools of agriculture, and business, to work together in an organized and orderly fashion to identify, confront, and solve problems deterring economic development. And to recognize and seize opportunities to promote that development.

I'm pleased at the interest that has been demonstrated by the Nation's cooperatives as we have developed this legislation. The Wisconsin Federation of Cooperatives, particularly its executive director, Mr. Rod Nilsestuen, has played a real leadership role, and I'm happy to support those efforts today.

The National Rural Electric Cooperative Association has also been a major catalyst behind this legislation, and we should thank our former colleague and former Secretary of Agriculture Bob Bergland for the role he has played.

Over the years, I have been disappointed that the scale of our approach to rural development legislation has been diminished. This bill will allow us to concentrate our efforts by working together in a more organized fashion, but it provides no new resources, it does not increase the magnitude of that effort. It is the product of a compromise between what we would like to do and what we can affort to do. In light of that, I find the administration's continued opposition to it to be most disappointing.

We will pass this bill, and I hope we can improve it when we go to conference with the Senate. But our efforts must not be swayed by the objections of the administration to a bill that has enjoyed so much bipartisan effort and support.

I urge my colleagues to join with me in supporting the bill.

Mr. RICHARDSON. Mr. Chairman, I rise today to express my support for H.R. 3581, the Rural Economic Development Act.

Mr. Chairman, when this bill was first introduced, I started to receive a lot of mail from the rural water groups in my district expressing their concerns over certain provisions in this bill. I am glad to see that these concerns have been addressed and that these groups have now signed off on this bill. I believe that this legislation will provide an innovative and valuable approach in addressing the development needs of rural communities by allowing local areas greater input into the allocation of Federal funds for rural development.

The current economic condition of rural America threatens the stability of our rural residents. Rural unemployment rates are 31 percent higher than the rest of the Nation and rural job growth continues to lag well behind the job growth in urban areas. The quality of health care and education in these areas also continues to suffer.

In my district over 200,000 of the individuals I represent live in rural areas. With many of these areas suffering from a depressed economy, the unemployment rate in my district overall is 8.2 percent, with some of the more rural counties, like Mora, ranging to 27 percent. Although New Mexico as a whole is experiencing some growth, it is predominantly in the urban communities. Industries and services are not moving into the depressed rural communities where they are needed to stimulate the economy; instead they are locating in more economically stable and prosperous areas—urban communities.

While we all may realize the importance of helping our country's rural areas, we also realize that our Federal budget simply does not have the additional funding needed for these programs. In an effort to address the problems being experienced in these rural communities, I agree that what is needed is a reorganization of the current funding process of these programs. That is exactly what the Rural Economic Development Act would do—reorganize the process in which these funds are applied for and provide rural areas with the flexibility needed to use Federal money for projects that are important to the local community. This legislation will give those communities more of a say in how these Federal funds should be spent.

Our rural citizens are trying to cope with their unstable economic conditions. I believe that it is important for Congress to do what it can to help our rural communities by developing a more efficient way of administering funding for these programs. Mr. Chairman, I hope my colleagues will join me in supporting this much needed and important piece of legislation.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the bill, H.R. 3581, the Rural Development Act of 1989. This rule waives section 303(a)(1) of the Budget Act because the measure contains $1 million of new budget authority effective in fiscal year 1991, and

Congress has not yet adopted a budget resolution for fiscal year 1991. The Budget Act does not allow consideration of measures providing new direct spending or revenue changes for a fiscal year prior to the adoption of a budget resolution for such fiscal year. The rule allows this spending decision to be made outside of the control of the budget process. It was a mistake to adopt a rule that violates the Budget Act.

This bill creates $1 million in immediate, direct spending, which results from the Farmers Home Administration lending money to rural health care facilities at more preferrable rates. This is a clear violation of the Budget Act. The bill also authorizes enormous sums of money for new programs and expansion of existing programs. In fiscal year 1991 the bill authorizes $540 million in budget authority which expands to a 5-year total of $2.5 billion.

In addition to adding $2.5 billion to our Federal deficit, the bill also creates a new bureaucracy by establishing a new rural development administration within the U.S. Department of Agriculture. The growth of government goes on.

The administration strongly opposes enactment of H.R. 3581. So do I. It is too expensive; it provides additional Federal subsidies to financially healthy telephone borrowers; it allows REA borrowers to defer scheduled debt payments if they made loans for rural development purposes.

I shall oppose this bill because it violates the Budget Act, and because it is much too costly. Members who vote for this bill can be assured that their efforts will make the deficit rise. This is a time for restraint, not expansion. I urge a vote against H.R. 3581.

Mr. TOWNS. Mr. Chairman, I want to lend my support to the passage of H.R. 3581, the Rural Economic Development Act of 1989. Although I represent an urban district, I believe that if we are to move forward as a Nation, all sectors of our society should move forward together. Rural Americans have just as much desire for economic vitality in their communities as the Americans who live in our inner city neighborhoods.

But today rural America is in trouble. In fact, without Government support, rural America may cease to exist. It is a sector which has been victimized by the farm crisis, increasing urbanization, and dwindling economic resources. Yet, there are many Americans who prefer rural living to life in the big city. Without an infusion of resources, however, it will be impossible to maintain a viable, rural America.

Today's legislation will hopefully bring the necessary resources together to spur a revitalization of this important sector. H.R. 3581, while acknowledging the role that agriculture plays in a strong rural America, also recognizes that there are other elements which are needed for revitalization. Last summer, the Oklahoma rural electric cooperatives sponsored a trip for congressional offices to demonstrate the vital links between the transfer of technology, rural businesses and agriculture. I am pleased that my staff was able to participate in this trip. I certainly gained a greater recognition of the contribution of entities like the rural electric cooperatives in building viable and strong rural areas.

Finally, I am hopeful that the U.S. Department of Agriculture will use this legislation as an opportunity for diverse communities to participate in the revitalization of rural America. One means of ensuring that all of rural America benefits from this legislation is to encourage the participation of 1890 land-grant colleges and universities as well as community-based organizations with established experience in working with economically and socially disadvantaged individuals. If these institutions and organizations participate in the grant programs authorized by this bill, I believe that we will be able to guarantee that economic development will reach all rural Americans. I would urge all of my colleagues to support the passage of this legislation.

Mr. SYNAR. Mr. Chairman, the economic problems of rural America are great. Changes in Medicare reimbursement policies have threatened the financial status of hundreds of rural hospitals exacerbating health care access problems in rural areas. Some 5 million Americans have left their rural communities during the last decade. According to the Center on Budget Policy and Priorities poverty levels among working poor families in rural areas are twice as high as those in urban areas. Rural unemployment rates are 31 percent higher than those in urban areas. The per capita income of rural residents is 25 percent lower than urban residents. Rural Americans are five times more likely be uninsured than their urban counterparts.

There is no easy answer to these problems. Through my work on the House Rural Health Care Coalition, I have learned that comprehensive solutions to the problems facing rural America are difficult. However, passage of H.R. 3581, the Rural Economic Development Act, is a step in the right direction. This bill represents what I have always believed—that local people know best how to solve local problems. The reorganization of USDA programs and the reliance on local citizens to prioritize funding needs in the States should ensure that Federal dollars are spent more effectively and are coordinated with State rural development efforts. The Federal Government's role in initiating economic development in rural areas is limited. However, the USDA does provide $1 billion a year through various grant and loan programs to help build the infrastructure of rural areas. Regrettably, it hasn't been easy for many local communities to take full advantage of these programs in the past. The Rural Economic Development Act provides much needed flexibility to these programs to ensure that states can actually take advantage of these Federal funds.

The bill's provisions increasing the role of rural electric cooperatives and rural telephone companies is also important. Permitting rural telephone companeis and electric cooperatives to make financial investments in small businesses in their communities is a key ingredient to promote economic development in rural America. For rural entrepreneurs finding capital can be difficult. The economic depression in rural areas has affected many commercial lenders ability to finance new business projects.

Even though I support H.R. 3581, I am compelled to comment on one section of the bill which I think sets a bad precedent. Title IX of the legislation provides relief on an industry-specific basis. While I am sympathetic to the economic disruptions in rural areas as a result of declining timber sales, singling out these areas for special treatment ignores the tremendous economic disruptions in rural economies resulting from the downturn in the mining and energy and industries.

Furthermore, the cost of this program will be substantial. Contrary to the Forest Service's assertions, the Government doesn't make money by selling its timber. In fact, the Subcommittee on Energy, Environment and Natural Resources, which I chair, has learned that the Government loses $400 million every year on timber sales because they are priced well below cost. The fact that this program is funded with 5 percent of the receipts from Government timber sales means nothing since the Government doesn't make anything from U.S. timber sales. I hope that the flaws with this provision will be addressed during the conference committee.

My concern over this provision aside, I do support the goals of H.R. 3581 and encourage the members of the conference committee to resolve the differences between the House and Senate version of these bills as quickly as possible.

Mr. CLINGER. Mr. Chairman, I rise today to express my views on the bill H.R. 3581, the Rural Economic Development Act.

Although there is much merit in the creation of a Rural Development Administration within the U.S. Department of Agriculture, I cannot support the rural development bill as it is written.

I have spent much of my public career specializing in matters as they relate to economic development and our Nation's infrastructure, and feel proud of my record of accomplishments.

I feel strongly, and many of my colleagues would agree, that most jobs are created by small businesses and that most successful small businesses are "home grown". To spur their growth, it is essential that these businesses receive help in a timely fashion. Small, rural business can simply not afford the luxury of time.

Regional development which has been established and promoted by the Economic Development Administration [EDA] deserves our continued support. The EDA created Local Development Districts [LDD's] which serve the development needs of much of our nation. A regional concept makes good sense—local involvement is secured because local governments make up the governing boards of LDD's. Yet, rural governments must work together in establishing economic goals in the interest of the region. Local, political influence is thus minimized. Moreover, unlike at the State level, the region has a better "grass-roots" understanding of its development needs and may better provide for these needs with the limited available funds. These LDD's know and understand economic development have still made positive strides despite the constraints of the budget.

Besides organizing USDA's economic development programs under a single roof, this bill provides nothing new to promote the growth of small businesses or to improve our

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Nation's rural infrastructure needs; rather, it creates additional layers of bureaucracy which only serve to impede the development process which already exists.

I have worked closely with the Farmers Home Administration's [FmHA] Business and Industry and Community Facilities Programs for over a decade. My rural district has benefited a great deal from the programs and staff of FmHA. Their many programs have been well thought out and have played key roles in providing jobs and improving the quality of life in rural Pennsylvania.

Why our Nation can't used the tools which are already available for development rather than "re-inventing the wheel" is puzzling. We don't need more money for review or study committees—we need more dollars for bricks and mortar. Plain and simple, constructive programs which will give fledgling businesses the funds they need to grow, and small communities the necessary sewer and water assistance are the right places to channel our resources.

I have all too often seen good programs, with good intentions, fail because of the burdening requirements placed upon them. Already, many of the FmHA's programs must process a multitude of papers to meet a variety of considerations. This bill would expand the review process a project must undergo even further. This just doesn't make sense.

To aid rural development, we need to invest real dollars and provide flexibility and speed in the delivery of these dollars. The mechanism is already in place through the LDD's that serve a great majority ot this Nation. If we are serious about economic development, then we should provide the limited funds we have to these LDD's and continue to use the FmHA programs to promote real economic development rather than spend money on more studies or more reviews and more information gathering in an effort to placate all the special interests.

I believe this is a flawed bill, it creates roadblocks that serve only to retard and not promote economic development. I urge all of my colleagues to look closely at this bill and join me in voting against it.

Mr. SCHUETTE. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act of 1990. This piece of legislation is a key component of reviving and strengthening our rural areas. I commend Mr. ENGLISH and Mr. COLEMAN for the outstanding job they have done to address the problems rural areas now face.

At the time our country was founded more Americans resided in the country than in cities and towns. This trend continued throughout 150 years of our history. In the early 1900's the number of Americans living in rural America was the highest it had ever been and it looks as though that record will hold. Today the numbers of rural residents are dwindling rapidly. In recent years, nearly 400,000 people have left rural America to seek better opportunity and advancement in urban areas.

The continued deterioration of our rural areas needs to be addressed as soon as possible. H.R 3581 has responded to the cries of those rural communities which are desperately seeking assistance from the Federal Government as never before. We have, as Members of Congress, the responsibility to provide monetary, technical, and moral support to those trying to develop their communities and towns. The next few years are critical to rural areas of America.

Current programs assisting the rural communities of America haven't necessarily kept pace with particular State or local community needs. Federal Government involvement comes in the form of those in Washington deciding what Ovid, MI, should do with its schools, health care facilities, and other infrastructure projects. What does the administration here in Washington know that the rural citizens in Ovid don't? Those citizens in Ovid should be able to determine how the community can become a strong and viable place to live and decide their own destiny.

Rural communities will be much more productive if plans and decisions are made at the local level. Reorganizing USDA to establish a new Rural Development Administration and consolidate Department activities with regard to rural development is critical. Additionally, the powers currently held by the Farmers Home Administration [FmHA]—such as the water and sewer, business and industry, and community facility loan and grant programs—will be transferred to the Rural Development Administration.

Creating State review panels will facilitate the involvement of local participation whereby the rural communities prepare local or regional economic development plans to address their most critical needs. Projects to achieve the goals of the local or regional economical development plans are submitted to the State review panel for approval. Funding is then assigned based on how a particular project ranks compared to others that were submitted. This method of deciding a community's future could not be any better. Allowing the State and its localities to set their own agenda and work towards achieving it is definitely the right step in the right direction.

The bill increases the amount of funds that will be available to communities to improve or create new rural water and wastewater systems. Capital for State revolving loan funds that would make loans to support very small business ventures is included in this bill. Health care and related facilities would receive interest rates based solely on the income of the area that will be served by the facility. A technical assistance unit within the Rural Electrification Administration [REA], which would provide advice and assistance to rural electric and telephone borrowers, will be established. In addition REA will have the authority to allow borrowers to defer payment of principal and interest on certain loans for up to 10 years. However, to defer payments the borrowers must invest the loan proceeds in rural development projects.

Another provision which is definitely important to the northern region of Michigan is the Forest-Dependent Communities title. Encouraging economic diversification in rural communities that are economically dependent on forest resources, particularly those areas adversely affected by Federal land management practices. Technical assistance is what many of these timber dependent communities need to diversify their economic potential. So-called Action Teams would be the avenues used to provide those timber communities with the needed technical assistance.

In conclusion, I strongly support the bill as it now stands and will also support a few possible amendments that would address the very few things what it doesn't already. H.R. 3581 will give rural America the booster shot needed to survive the ailments brought on by urban expansion.

Now having the benefit of hindsight I would like to add a few remarks regarding the amendment that basically gutted H.R. 3581. I will agree with Chairman DE LA GARZA that many Members voting in favor of the Rose amendment were given misleading information with regard to what H.R. 3581 is intended to do for rural America. I urge the Chairman to reconsider H.R. 3581, if the differences between the opponents and proponents of H.R. 3581 can be resolved. Rural America is running out of time.

Mr. WILLIAMS. Mr. Speaker, I was pleased to work with my colleague GLEN ENGLISH on H.R. 3581, the Rural Economic Development and Education Partnership Act of 1990. As he knows, I would have preferred adding a rural education component to this package, but the rule didn't allow me to offer it.

Nevertheless, were I not on important business in Montana, I would be joining Mr. ENGLISH, both in working and voting for this bill.

Mr. DE LA GARZA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

□ 1700

Accordingly the Committee rose; and the Speaker pro tempore (Mr. TAUZIN) having assumed the chair, Mr. TRAXLER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3581), entitled the "Rural Economic Development Act of 1989," had come to no resolution thereon.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3581, the bill just considered.

The SPEAKER pro tempore (Mr. TAUZIN). Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. CLINGER. Mr. Speaker, had I been present for the vote on the rule to H.R. 3581, the Rural Economic Development Act, I would have voted "no."

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "present" on rollcall 23 and "aye" on rollcall 24.

NATIONAL PREVENT-A-LITTER MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 229) to designate April 1990 as National Prevent-a-Litter Month, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. GALLO. Mr. Speaker, I am very pleased that the House is considering today House Joint Resolution 441, which will designate April 1990 as National Prevent-a-Litter Month.

This resolution will call attention to the nationwide crisis of pet overpopulation, promote responsible pet ownership, and focus on the primary solution to this problem—the spaying and neutering of pet dogs and cats.

Today, 70,000 dogs and cats will be born in the United States. Sadly, before the day is over, more than 20,500 dogs and cats will be destroyed because there is not enough homes for them.

The annual cost of our Nation's communities for animal control and animal shelter programs approaches $800 million.

If pet owners would take the safe and humane step of spaying and neutering their pets, this overpopulation problem could be substantially reduced.

I would like to thank my 229 colleagues who cosponsored this resolution, making it possible for the House to consider designating April 1990 as National Prevent-a-Litter Month.

Mr. GILMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 229

Whereas the irresponsibility of some dog and cat owners in allowing uncontrolled breeding of their pets has created a pet overpopulation problem in the United States;

Whereas the pet overpopulation problem results in the destruction of millions of dogs and cats each year;

Whereas the pet overpopulation problem results in other cruelties to pets caused by neglect, such as abandonment, starvation, and injury;

Whereas the cruelties inflicted on pets result not only in lost animal lives but also in lost resources spent by thousands of communities to shelter neglected and displaced pets;

Whereas the pet overpopulation problem can be solved only by active promotion of pet owner responsibility programs that include spaying and neutering of pets, proper care and sheltering of pets, and compliance with animal control regulations; and

Whereas the people of the United States should commit themselves to preventing the needless destruction of pets by practicing responsible pet ownership and by spaying and neutering pets as a means of combating the problem of pet overpopulation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1990 is designated as "National Prevent-A-Litter Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 243) to designate March 25, 1990, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House the minority has no objection to the legislation presently being considered.

Mr. SAWYER. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Speaker, I rise in support of S.J. Res. 243, to designate March 25, 1990, as Greek Independence Day: A National Day of Celebration of Greek and American Democracy.

Greece and the United States share a rich history. We are indebted to the Greek nation for bestowing on us such a liberating philosophy as democracy. To quote Pericles in an address made in Greece 2,000 years ago, "Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people." Clearly, our Founding Fathers relied heavily on the Greek philosophy of democracy when drafting the Declaration of Independence.

That is why I am honored to recognize the Greek struggle for independence through this resolution. After all, it is the same principle for which our forefathers fought so vehemently 200 years ago. And in the 1820's, it was the United States that served as a role model for Greece during its fight for independence from the Ottoman Empire. The Greeks translated our Declaration of Independence and used it as their own.

Since our pioneering years, Greece and the United States have come to enjoy close, friendly relations, which is evident in world affairs and the growth of the Greek-American community in this country.

In every walk of life, we find Greek-Americans making invaluable contributions to the maintenance and advancement of our own society. All of us who share the common bond of the understanding that we as a nation are bound together, not so much by common blood but by common belief, have reason to celebrate this very special independence day this month, because to the degree that we are all bound by that common faith in the rule of law, we are all Greek-Americans in one sense or another.

Finally, Mr. Speaker, I thank my colleague, Congressman Bilirakis, who is the sponsor of the House companion measure, for providing us with an opportunity to display the appreciation that we all share for the longstanding relationship between the United States and Greece.

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I too would like to rise in support of the measure. March 25, 1990, marks Greek Independence Day. We should bear in mind that 1990 is the 2,500th anniversary of the birth of democracy. Our Founding Fathers drew heavily upon the political and philosophical experiences of ancient Greece.

March 25, 1990, also marks the 169th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire. So I think it is appropriate that we recognize both of these events, as well as celebrate Greek and American democracy.

Mr. BILIRAKIS. Mr. Speaker, as the principal sponsor of the House companion measure to this bill, I, would like to express my deep gratitude to Tom Sawyer, chairman of the Subcommittee on Census and Population, to Tom Ridge the ranking Republican on that subcommittee, and to Chairman Ford of the Post Office and Civil Service Committee for moving so expeditously to bring this bill to the floor.

March 25 is a very special day in the hearts of Greek-Americans—and to all freedom-loving Americans. It heralds both the anniversary of the independence of Greece and its role as the cradle of democracy for the entire world.

This year is an especially relevant year in this regard—a year in which the Berlin Wall is being torn down and freedom is spreading throughout Eastern Europe, it also marks the 2,500th anniversary of the practice of demo-

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cratic government, first seen in Athens in 510 B.C.

Indeed, the spirit of March 25 lives on in defense of the principles for which so many of the free world's people have given their lives. These principles are embodied in the Greek words "eleftheria i thanatos"—liberty or death.

The ancient Greeks forged the very notion of democracy, placing the ultimate power to govern in the hands of the people themselves. Of course, our Founding Fathers drew heavily on the political and philosophical experience of ancient Greece in forming our Government, and I thank all of my colleagues here today for passing this legislation in commemoration of the democratic heritage shared by the United States and Greece.

Mr. **GILMAN**. Mr. Speaker, I withdraw my reservation of objection.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 243

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas 1990 marks the 2,500th anniversary of the birth of democracy;

Whereas the Founding Fathers of the United States drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1990, marks the 169th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire;

Whereas democratic ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate our ideals with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1990, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **SAWYER**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 243 and Senate Joint Resolution 229, the Senate joint resolutions just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANTI-SEMITISM ON THE RISE IN THE SOVIET UNION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. Lent] is recognized for 5 minutes.

Mr. **LENT**. Mr. Speaker, in conjunction with the Congressional call to conscience vigil for Soviet Jews, I rise to voice concern about the current situation for Jews in the Soviet Union. I would like to note that in the past I have participated in this event to speak out on the plight of a single Jewish individual or family. However, at this time, circumstances are such that I believe it is imperative to discuss the threats facing the entire Soviet Jewish community.

In 1990, more Jews will be allowed to leave the Soviet Union than during any previous year. While this is certainly good news, it has become clear that the conditions that have long made life difficult for Soviet Jews are now deteriorating further. For some Soviet citizens, glasnost only represents an opportunity to practice a long suppressed hatred toward Jews. Virulently anti-semitic nationalist groups like PAMYAT have grown and prospered as the Soviet economy has declined and as the disaffected have searched for scapegoats.

Recently, Vitalii Goldanskii, a member of the Supreme Soviet and the Council of People's Deputies wrote in the Washington Post of the very real dangers posed by the hate groups. Mr. Goldanskii noted that PAMYAT and similar organizations have wholeheartedly endorsed the perverted goals and violent tactics of the Nazis. Most alarmingly though, Mr. Goldanskii explicitly warned of the possibility that these groups are preparing a wave of pogroms across the Soviet Union similar to the infamous Kristallnacht.

In fact, one Russian nationalist group has been so bold as to publicly announce its intention to launch a pogrom on May 5, 1990. The world and the beleaguered Soviet Jewish community now wait for prompt and positive action by Soviet President Gorbachev to head off these threats.

However, if the Soviet government's suspension of an agreement to begin direct flights between the Soviet Union and Israel is any indication of what is to come, there is every reason to be fearful. Like many, I had hoped the direct flights would greatly reduce the 1-year wait emigrating Jews face as they seek leave the Soviet Union. The suspension decision sends the entirely wrong message to the hate groups and will only encourage their nefarious activities.

I urge my colleagues to join me in calling on President Gorbachev to forcefully denounce anti-semitism, take all legal action against neo-Nazi groups, and expedite the departure of Jews wishing to emigrate by implementing the direct flights agreement. President Gorbachev and other Soviet leaders should know that the treatment of Jews in the Soviet Union is and will continue to be a deep concern to the American people and to their representatives in this institution.

SUPPORT ESTONIAN DEMOCRACY AND MOVES TOWARD INDEPENDENCE

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. Glickman] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, only a few months ago, I met in my Washington office with Mr. Tunne Kelam, an Estonian intellectual, and Veronica Tarm, an Estonian-American from Hutchinson, KS. Mr. Kelam told me about his dream of independence for his country. It seemed at the time, that he was, indeed, dreaming. Last year, when I traveled to the Soviet Union and asked a government official whether the Baltic States would be granted independence, he treated the question as almost laughable. Today, the issue of independence for Lativa, Lithuania, and Estonia is one that Soviet President Gorbachev can't ignore any more.

I want to salute Mr. Kelam, who, since his visit to the United States last year, has been elected chairman of the Estonia Citizens' General Committee, and a member of that country's new congress which met this week for the first time. The members of the Estonian Congress were democratically elected by 590,000 citizens of Estonia, over 90 percent of the eligible voters, on February 24 of this year. The drama and importance of this event may have been overshadowed by other incredible world events of the last few months. The Congress of Estonia will provide its people with their first independent voice in nearly 50 years of Soviet domination.

Lithuania has received more news coverage than Estonia, because its Congress has boldly declared itself independent of the Soviet Union and its delegates to the Soviet Congress of People's Deputies have refused to participate in recent votes on presidential powers. Estonia, however, has tried to facilitate negotiations with Mr. Gorbachev by cooperating with his efforts to enhance his presidential powers and by not unilaterally seceding from the Soviet Union.

I believe it is wise, given the pace of change over the last 6 months, to not promote a confrontation with the Soviet President as long as he remains willing to begin to discuss the withdrawal of Soviet troops from Estonia and recognition of the new congress. Gorbachev may be looking for a way to save face while offering some form of independence. As the last countries still occupied since World War II, independence for Estonia, Latvia, and Lithuania should be a top priority for Gorbachev's program of perestroika. The loud and persistent cries for freedom from the

Baltic States ensure that the issue will not go away.

The struggle of the Baltic States to reclaim their independence has only begun, and they need the support of the United States. The illegal 1940 pact between Stalin and Hitler annexed the Baltic States to the Soviet Union overnight, but it will take considerably more difficult and complicated efforts to unravel it in a legal and peaceful manner. I ask my colleagues to take note, and salute the bold, peaceful, efforts of the Estonian people to find democracy and regain their lost independence.

COST-SHARING IS THE RIGHT APPROACH FOR CLEAN AIR BILL

The **SPEAKER** pro tempore. The gentleman from Illinois [Mr. POSHARD] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, I'm here again today to urge compromise in the clean air bill to avert what will surely be a disaster in Southern Illinois and about six other States if we don't.

I do not oppose clean air legislation in principle. I do oppose legislation in form that forces one area of the country to shoulder the burden for the entire country.

There is a tremendous historical context for a cost-sharing approach.

It's the foundation of our system. We know that what affects one of us most likely affects all of us.

Let me point out Monday's Roll Call magazine. On the second page is an ad by the Coalition for Acid Rain Equity which eloquently states the case for cost-sharing.

Let's look at a recent example referred to in this ad—the Financial Institution Reform, Recovery, and Enforcement Act of 1989—which we're learning will need another huge infusion of cash.

We see this as a national problem, requiring a national solution, even though the situation at its worst is isolated in a few States.

According to the coalition for acid rain equity—if the savings and loan bailout had been parceled out proportionally—taxpayers in California would pay $2,000; Texans $4,400; Arizonans $7,000 each in the rescue of these failed institutions.

It was a problem clearly identified as being most serious in several regions of the country—often a result of lax State regulation.

But instead of accountability being taken on a regular basis—each American taxpayer is being billed roughly $1,100 for the rescue. The great majority of that money goes to only a very few States.

How is it that a savings & loan bailout, centered in only a very few States is a national problem requiring a national solution, while cleaning up coal, which is our most abundant national energy source is a regional problem to be borne by the eight or nine States where high sulfur coal exists?

My district was the recipient of assistance for what might be seen as a regional problem but was considered a national problem—the farm crisis of the mid-1980's.

When the farm belt was reeling from foreclosures and bankruptcy President Reagan came to a town in my district, Du Quoin, IL, to announce a package of relief. We don't see auctions and sales at the barn door these days and that's a refreshing change.

A change made possible by our willingness to approach this problem on a national level. When the farm economy is in danger it affects all of us, so we took prudent steps to correct the situation. We should do the same to provide clean air for all of us to breathe.

The outstanding Senator from Ohio, Senator METZENBAUM, made some of these same arguments quite expertly during debate in the other body January 31.

You can find his remarks at S624 in the CONGRESSIONAL RECORD of that day, and I urge you to examine his arguments. They speak volumes to the point I urge my colleagues to consider.

When the earthquake rocked the bay area, we didn't question how much it would cost so much as how quickly we could help. When Hurrican Hugo turned lives upside down in Charleston and surrounding areas people in Southern Illinois didn't say "too bad, that's their problem."

That's because my area has been there. In 1982 the Marion tornado killed 10 and did millions of dollars in damage. We were helped by generous support from across the country. That made a difference. We knew that somehow we mattered—that people we'd never met felt close to us—and were willing to help. I assume the same will happen for the victims of yesterday's tornados in Kansas.

That's the American spirit. And when those things happen we don't say "that's the risk you take living next to the sea—in a fault zone—near a volcano—or along the banks of a river." When disaster strikes we move as a nation to help.

Don't turn to the people of southern Illinois or western Kentucky or southern Ohio and say "that's too bad you live on top of all that high sulfur coal. We're going to shut you down."

The coal miners and electric rate payers of southern Illinois are just as deserving of your support as the lakes and forests of the Northeast we seek to protect.

We are not islands of good fortune or pits of despair in the United States. We work for the common good of each other. Please don't abandon that principle. Fairness and justice demand at least that much.

□ 1710

UNITED STATES SHOULD IMMEDIATELY ASSIST LITHUANIA

The **SPEAKER** pro tempore (Mr. TAUZIN). Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the recent events in Eastern Europe are a triumph for the human spirit and democracy. Our Nation must be prepared to offer these fledgling democracies the assistance they need in their transition from command to market economies. Nowhere is my belief is assisting these reform-driven countries stronger than in the newly created Republic of Lithuania.

On Sunday, March 11, 1990, the Lithuanian legislature voted by an overwhelming majority of 124 to 0 to pass a measure declaring independence from the Soviet Union. The Soviet Union has illegally occupied Lithuania for some 50 years, and the time has come for Lithuania to reestablish sovereignty. Newly elected Lithuanian President Vytautas Landsbergis, a non-Communist, has said that by declaring independence "we are acting on our own will, according to the dictates of our own consciences." I fully support President Landsbergis' statement for no other reason than if it is the will of the people to be free, Lithuania must be allowed to secede from the Soviet Union.

Unlike a secessionist movement of 130 years ago in the U.S. Civil War, the Lithuanians never asked to join the "union." The Lithuanians were crushed by Stalin's armies in 1940. Lithuania has established the illegality of the Molotov-Ribbentrop Pact, the non-agression accord between the Soviet Union and Nazi Germany under which the Baltic States were incorporated into the Soviet Union in 1940, and therefore, Mr. Gorbachev should respect their wishes.

The Lithuanians realize that in the months ahead, there will be intense pressure from Moscow urging them to fall back into line. President Landsbergis has said that the act was intended to establish Lithuania's legal position and popular will along with the Republic's ability to write its own laws and conduct its own foreign policy. I firmly believe that the Lithuanians will not succumb to this pressure and they will ultimately break off from the Soviet Union.

Although the United States should be cautious in dealing with the Soviet Union, there is no question in my mind that we should recognize and support the Republic of Lithuania. The United States, as the global leader in democratic ideals, has the duty and responsibility to help the new Republic in any way possible.

Similarly, the United States has a duty to support the Baltic Republics of Estonia and Latvia, which are also demanding independence and relief from Soviet occupation. Movements toward independence are gaining momentum in several other Soviet Republics, including Georgia and Azerbaijan.

The United States State Department has called for Moscow to respect the wishes of the Lithuanian people, but I do not think that

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the message is nearly as clear and direct as it should be.

There is no time to waste in declaring our formal position. Therefore, I strongly urge the Bush administration to clearly and concisely declare that the United States will recognize and support the independence of the Republic of Lithuania.

Like the Americans struggling for independence two centuries ago, Lithuanians should be able to live free while democratically governing themselves. I hope, however, that the Lithuanians will not be forced to fight for their freedom like our ancestors. Bloodshed should be avoided and peaceful solutions that are based on democracy and freedom should be sought.

A 50TH ANNIVERSARY SALUTE TO ALAMEDA NAVAL AIR STATION

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. STARK] is recognized for 5 minutes.

Mr. STARK. Mr. Speaker, I am pleased to offer my congratulations to the civilian and military employees of the Alameda Naval Air Station. Throughout its 50 years of service, Alameda NAS has offered a high level of professionalism to the defense of the Nation.

On this, the 50th anniversary of its commission, it is appropriate to reflect upon the accomplishments of the people that have served and worked at the station.

During World War II, the station was the doorway to the Pacific theater. In that time Alameda was the home for some of the great names in U.S. naval history. The U.S.S. *Midway*, U.S.S. *Coral Sea* and U.S.S. *Enterprise* all had Alameda as their home port. The base was also the original staging area for Colonel Doolittle's famous mission to bomb Tokyo.

Perhaps the greatest contributions that the station had to the war effort were the repair of aircraft and the shipment of materials. By the war's end the station was responsible for the repair of 53 types of aircraft and 21 varieties of engines. The station also shipped countless tons of supplies.

In 1967, the station was officially proclaimed Naval Air Rework Facility, Alameda. From this time until the present, the station has continued to maintain its reputation by asserting the same characteristic—quality work.

The technology and art of aircraft repair has moved along with the times. In the years 1967 through 1987 the P-2V Neptune, A-1 Skyraider, F-1 Fury, A-4 Skyhawk, C-118, A-3 Skywarrior, P-3 Orion, A-6 Intruder, EA-6B Prowler, and the S-3 Viking have all been customers at the reworking facilities.

Recent history has shown that the station will continue to be a vital member of the Navy team. In the first quarter of fiscal year 1990, Alameda NAS posted a 98.9-percent rate of perfection in the quality of work they do on aircraft and other systems. That's an even more impressive statistic when one considers the volume of work done at the base. For example, last year 54 aircraft, 1,069 missiles, and 362 engines were reworked at the station. The base was recently awarded the T. Blair Evans Quality Enhancement Award by the San Francisco Bay Federal Executive Board for the establishment of a total quality management program.

The contribution that the station makes for national defense makes its own statements about high standards. Little more needs to be said about the commitment that the personnel of NAS have to the continued pursuit of excellence.

The station has shown itself to be a full time partner in the area of community service. The Partnership in Education Program has involved the station with local schools and is just one successful example of community-base relations. The interest that the station shows in the community is reflected in the numerous awards it has garnered in the past years. Alameda NAS has been the recipient of awards from the Alameda Unified School District Workability Program and the Center for Independent Living for its hiring of the handicapped. The station's involvement with the homeless and disabled in the Alameda area also merits praiseworthy attention.

I wish everyone at Alameda Naval Air Station continued success and good fortune as they continue to contribute to the defense of our country.

CLARIFICATION OF FAIR USE DOCTRINE UNDER THE COPYRIGHT LAW

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill to resolve a serious issue relating to copyright and the first amendment. This issue arises because of a series of cases decided by the U.S. Supreme Court and the U.S. Court of Appeals for the Second Circuit.

Last month, the Supreme Court denied certiorari in New Era Publications versus Henry Holt, a copyright infringement case involving the use of the late L. Ron Hubbard's unpublished writings in an unflattering biography. The case the High Court refused to hear involved a dispute between two authors. The first author—Scientology head Hubbard—wrote certain materials that his estate did not want publicly released. The second author sought to use those materials in a biography critical of Mr. Hubbard.

The Court refused to review a decision of the second circuit, in whose jurisdiction most of the publishing community is based. The second circuit found that the materials used were unpublished within the meaning of the Copyright Act. Its opinion suggests that an author's copyright in unpublished materials is infringed by subsequent uses, such as in histories or biographies, that those uses are not fair use under the 1976 Copyright Act, and that an injunction is appropriate to prevent publication.

Hubbard's representatives lost the case because they waited too long to sue, but the Supreme Court's failure to disapprove the lower court's language has caused an uproar in the academic and publishing communities. It has led distinguished authors to raise the spectre of outside censorship, or worse, to predict unwillingness even to take on controversial but important critical writing. Scholars across the country fear that the copyright laws will be used to prohibit them from quoting primary sources, the basic building blocks of history and biography, that their ability to fully explore controversial topics will be limited, and that in the end the public will be the loser.

The second circuit's decision in New Era was only one of a series of cases dealing with the appropriate uses of unpublished works. These cases implicate important copyright, first amendment, and privacy concerns. The Judiciary Committee Subcommittee on Courts, Intellectual Property, and the Administration of Justice, which I chair, has jurisdiction over all of these issues.

I am deeply concerned about the situation arising out of the New Era case. In particular, it appears that the second circuit has adopted a virtual per se rule against fair use of unpublished works and has, moreover, treated unpublished work in a monolithic fashion.

In addition, it appears that the court has also established a similar rule requiring that an injunction be issued when unpublished material is used. This raises troubling questions of prior restraint on publications, which may well violate the first amendment.

My bill is intended to give the courts sufficient flexibility in making both a fair use determination and a decision about whether injunctive relief is appropriate. Some of the difficulties courts have had about the application of fair use to unpublished works may stem from a conflict between the statutory fair use language and the legislative history to the 1976 act.

New Era's genesis was the U.S. Supreme Court's decision in Harper & Row versus Nation, where the Nation magazine published excerpts from President Gerald Ford's memoirs just before Harper & Row was scheduled to publish them in book form. The Court concluded that:

> [I]t has never been seriously disputed that "the fact that the plaintiff's work is unpublished * * * is a factor tending to negate the defense of fair use." Publication of an author's expression before he has authorized its dissemination seriously infringes the author's right to decide when and whether it will be made public, a factor not present in fair use of published works. * * * We conclude that the unpublished nature of a work is "[a] key, though not necessarily determinative, factor" tending to negate a defense

> of fair use. * * * The obvious benefit to author and public alike of assuring authors the leisure to develop their ideas free from fear of expropriation outweighs any short-term "news value" to be gained from premature publication of the author's expression.

The second circuit expanded upon the opinion in the Nation case in Salinger versus Random House, which involved the use of the author J.D. Salinger's unpublished letters in a biography. The court concluded that if a biographer "copies more than minimal amounts of (unpublished) expressive content, he deserves to be enjoined." It therefore preliminarily enjoined the galleys of the biography.

In New Era, the second circuit once again extended the high court's Nation opinion, finding that:

> The fair use doctrine encompasses all claims of first amendment in the copyright field [and that, citing *Salinger*] copying of 'more than minimal amounts' of unpublished expressive material calls for an injunction * * *.

In a denial of a rehearing in New Era, its author did clarify his original opinion, stating that an "injunction is not the automatic consequence of infringement and that equitable considerations always are germane * * *." He amended the opinion so that it now reads:

> * * * *under ordinary circumstances* the copying of "more than minimal amounts" of unpublished expressive material calls for an injunction * * * [added words italic.]

In addition, the author of the Salinger opinion used the same opportunity to clarify that opinion. The original language he used was: "If [the biographer] copies more than minimal amounts of (unpublished) expression, he deserves to be enjoined." Instead, he wrote, the latter phrase should have read "he deserves to be found liable for infringement."

While these clarifications are important, they have not stemmed the controversy. The concerns continue to be ardently expressed.

At its core, these cases implicate important societal conflicts. In the Nation case, the Supreme Court noted that

> The Framers intended copyright * * * to be the engine of free expression [and that it] is intended to increase and not impede the harvest of knowledge.

The constitutional mandate to create copyright laws represents a careful balance between the rights of authors, publishers, and the public. That mandate, and those laws, encourage free and open expression, and the fullest possible public access to that expression. Sometimes these goals are inherently in conflict, and those conflicts are seemingly irreconcilable. Moreover, we cannot ignore cherished rights of privacy that may also be affected.

The approach to the fair use doctrine taken in this series of cases appears to be at odds with Congress' intent in codifying the fair use doctrine in the 1976 Copyright Act. Copyright law encourages creativity by granting authors a limited monopoly in their works. Through the "fair use" doctrine, however, some copyrighted material may be used despite the wishes of the copyright owner. Fair use (17 U.S.C. 107) is an equitable doctrine, promoting society's interests by encouraging a second author's use of reasonable portions of a first author's work. Its application is to be decided case-by-case, taking into account various, and often conflicting, interests, including the nature of the work and its subsequent use, the amount used by the second author, and the harm to the first author's market.

At the heart of the controversy is the struggle to formulate a flexible yet articulate standard of fair use. We want fair use to be broadly defined so that judges can apply it to fit the facts of a particular case. Yet the laws must also give citizens a concrete idea of what is permissible behavior and what is not. In the current controversy, authors claim that the courts have been too rigid in excluding unpublished works from application of the fair use doctrine. There is a fear that the uncertainty engendered by this series of cases will lead to self-censorship to avoid lawsuits and restraints on publication.

I understand that a broad consensus within the publishing community has developed in support of the legislation I am introducing today. Individual authors, and representatives of PEN, the Authors League, the Association of American Publishers, and others similarly situated, have joined together to urge an amendment to section 107. This amendment would clarify that section 107 applies equally to unpublished as well as published works. It does not mean that all uses of unpublished works will be considered fair use, just as not all uses of published works are now considered fair use. It does, however, mean that the same guidelines, set forth in section 107, will apply to published works and to unpublished works, and that these factors apply equally to all such works.

While I have heard from a great many members of the publishing community, I have not heard from all parties who might have an interest in this legislation. Therefore, I am introducing this legislation not only because I believe that these decisions warrant legislative review, but also because hearings will permit the Congress to hear all views and to consider many important questions. For example, should the term "unpublished" be specifically defined? How does this proposed amendment square with the Berne Convention, the international copyright treaty to which the United States adhered just last year? In what instances is injunctive relief appropriate, especially when the first amendment is implicated? Most importantly, how do we balance the interests protected by the copyright laws with legitimate privacy concerns, and with the dictates of the first amendment?

James Madison once noted that "knowledge will forever govern ignorance. And a people who mean to be their own Governors, must arm themselves with the power which knowledge gives." We can all agree that free access to information is essential to democracy. I believe that this country's long held tradition against publication restraints is well founded and that limits on access to information are hallmarks of totalitarian societies, not of democracies. While there is no specific first amendment exception to the copyright law, there are important first amendment interests, and other equally important equitable principles, that must be considered in deciding whether to enjoin an infringing publication.

Whether or not the laws have been correctly interpreted, the chilling effect of the New Era decision is obvious and it is real. My subcommittee will soon hear from all sides in this matter to determine how best to protect and encourage scholarly efforts, while still acknowledging the copyright and privacy interests involved. We cannot condone a situation where our finest writers are deterred from doing what they do best, and from what we, as a free and self-governing country, want them to do. I introduce this legislation to start this important debate, and I look forward to hearing the views of all interested parties.

FIDEL CASTRO'S TYRANNY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I read an article in the Indianapolis Star on Monday of this week by a Ms. Mona Charen regarding Cuba, and I think it needs to be read to the entire American people. It goes like this, Mr. Speaker:

> The progressive isolation of Castro's Cuba entered a new stage last week when former communist allies Hungary and Bulgaria, with Poland and Czechoslovakia joining as non-voting members, supported a United Nations resolution condemning Cuba's human rights record.
>
> The balding Fidel Castro was splenetic, hurling curses at Moscow and the Eastern Europeans "traitors" who are "slandering socialism, destroying its values, discrediting the party and liquidating its leading role, doing away with social discipline and sowing chaos and anarchy everywhere."
>
> Those in the smart set tend to regard the falling out between Fidel Castro and Mikhail Goroachev as amusing. Castro is seen as the quaint embodiment of a bygone era. That's not the way it seems to Cubans.

And I will bet right now that when Cuba blows—as she will within 12 months—the stories that emerge from our close neighbor will chill us to the bone. The model will be Romania, not Czechoslovakia. Those who never quite overcame their romantic image of the bearded tyrant will fall silent at the stench that will rise from those ashes.

In 1986, an eon ago, the human rights group Resistance International convened a "Tribunal on Cuba" in Paris. Survivors of Castro's prisons came forward to tell their stories.

Teresa Mayans was a star of Cuban television and radio. After attempting to leave the country she was arrested. "I was put in a cell with a criminal who had murdered her own mother with an ax. * * * This murderer had been instructed by the Political Police to terrorize me. I thought I would go mad with fear. Of the 32 prisoners where I was, many had syphilis, tuberculosis and parasites. * * * It was useless to ask for medical assistance. Suicide was constant. The poisonous liquid for killing the lice was used."

The use of mad prisoners to terrorize the sane is a trademark Castro technique. In 1980, when thousands fled to the United States in the Mariel boatlift, it was Castro's idea to send criminals and the insane along too.

Another survivor, Tony Bryant, had an ironic tale to tell. He is an American, a former member of the Black Panthers. In 1969, no doubt furthering the revolution, he hijacked a plane to Cuba. But once there, he was arrested and charged with espionage. "I was put in a cell built to hold about 80 men. We were 230 prisoners heaped together there. A hole in the floor in which to defecate was the only sanitary installation. The water was rationed to such an extent that we often spent up to two days in appalling thirst. We were harassed by plagues of lice, cockroaches and mice.

"We spent 23 hours a day shut up, only going out to eat a little rice, bread and soup. They moved me to a hard labor camp called Aguica * * * I shall never forget the night when the guards came in with dogs which they let bite the prisoners while beating them savagely."

Other choice tortures included biological experimentation—prisoners were denied certain nutrients to test the effects on the human body—electric shock, rape, sexual mutilation, starvation and machete attacks. Dr. Ana Lazara Rodriguez recalled that the women prisoners would be beaten in front of their mothers on visiting day.

But the world is seeming Alice in Wonderland-like now. On the Soviet evening news program Vremya, Castro is all but labeled a Stalinist. Moscow News, another official organ, mocks his claims to socialist orthodoxy. "Such categorical attitudes coexist with a system of rationing coupons on all merchandise. Cuban women are in no danger of replacing revolutionary consciousness with mercenary spirit as long as they are allowed a choice of one bra or two pairs of underwear (but not both, and only the size available at the moment)."

The clock is ticking. More than 15 dissident groups—that we know of—have formed in Cuba. The Soviet subsidies are draining away. The only question now is: When the inevitable day comes that Castro orders his troops to fire on his people, will the soldiers, remembering Ceausescu, obey?

Mr. Speaker, I hope every American reads editorials like this and realizes what a horrible tyrant Fidel Castro is, and we ought to do everything in our power to liberate that island, to make sure those tyrannies end.

□ 1720

A REVIEW OF THE ADMINISTRATION'S TRANSPORTATION POLICY IN THE NINETIES

The SPEAKER pro tempore (Mr. TAUZIN). Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. LIPINSKI. Mr. Speaker, our special order this evening is going to be on President George Bush's national transportation policy.

Mr. Speaker, I am joined tonight in this special order by three of my colleagues from the State of Illinois, the gentleman from Illinois [Mr. POSHARD], the gentleman from Illinois [Mr. EVANS], and the gentleman from Illinois [Mr. SANGMEISTER].

The first up to speak, Mr. Speaker, this evening will be the gentleman from Illinois [Mr. POSHARD], and I yield to him at this time.

Mr. POSHARD. Mr. Speaker, I appreciate my colleague, Congressman LIPINSKI, taking this special order and allowing me to participate in it on the national transportation policy.

Mr. Speaker, transportation policy in this country for the next decade is a real challenge, because we will have to meet expanding demands in our cities, and match them with demands for a more livable environment. Congress should be ready to deal with that.

One thing I don't want us to forget is the reliance rural areas also have on mass transit. I know that may sound a little puzzling, mass transit in rural areas, but it exists, and people rely on it.

I talked with Betty Green who operates the Rides Public Transit System in the southeastern part of my district. I wanted to let you know a little about her service because it represents what's going on in rural transportation programs.

Rides serves people in Pope, Hardin, Gallatin, Saline, and White Counties, a total of about 60,000 people over 1,500 square miles.

This is not a specialized service. Rides operates under section 18 of the Urban Mass Transit Act to provide mass transit in rural areas.

The general public uses this service and the agency also contracts with a host of local programs and organizations for transportation services. And when they do that they create another route for the general public to ride. Slowly but surely Rides is creating a rural network of bus routes through the villages and towns of southern Illinois.

The greatest need for this service is helping people get to work. In Pope and Hardin Counties where unemployment is well into the double-digits, 25 percent of the riders are people getting to jobs.

In that part of my district, if you have special skills or a particular profession, if you can't get to your job, you cannot just walk across the street to the next office building and catch on there. In my area if people can find a job they keep it and if it's several miles away they have to find a way to get there. That's where rural mass transit plays a vital role.

Rides also works with general assistance recipients who are required to work out part of their grant with local service agencies. This transit system helps people who need a ride, or who are without the means to have a car, to make their appointments. In one case a person on general assistance performed so well they were hired on full time. The Rides Program helped make that happen.

Rural areas are under a tremendous medical emergency. In southern Illinois you may have to go 70 miles to find a doctor to deliver your baby. Patients needing specialized cancer or surgical treatment need to go to regional medical centers which are miles away. This is really a lifeline for people in southern Illinois, more than just a convenience.

Students at Southeastern Community College are making four trips a day and would fill up a fifth if Rides could afford another bus and driver.

But it can't.

And that's where the Federal Government needs to recognize the importance these rural systems play. We send money to the States to administer these programs.

But in Illinois money is running short, freezes are in effect, and an increase in the local matching share of this transmit money is under consideration. That's difficult for transit authority employees who work all day to provide service and are then working at night to raise the local money needed.

I appreciate Secretary Skinner's commitment to developing a superior transportation system in the United States. To stay competitive that will have to be a priority.

But I want us to remember the important part transit plays in rural areas and what it means to have that service available. As a Member from a rural district I am interested in helping our urban friends provide for the transportation they need. I very much hope they will do the same for us.

Again let me thank my colleague for allowing me to participate in this special order.

Mr. LIPINSKI. Mr. Speaker, I am very happy that the gentleman from Illinois [Mr. POSHARD], participated in this special order. I think the information he brought to our attention this evening about rural transportation is very insightful and thank him for his contribution to our special order.

Next, Mr. Speaker, I yield to the gentleman from western Illinois [Mr. Evans], my very good friend.

Mr. EVANS. I thank the gentleman for yielding.

Mr. Speaker, I am pleased to join my colleague from Illinois in bringing attention to these important issues concerning the Bush transportation policies.

Mr. Speaker, while one bridge collapses every 2 days in this country, and Americans deal with increasingly inadequate highways and airports, President Bush has announced that his administration plans to reduce the Federal Government's commitment to our transportation system—a system that is already sadly deteriorated from the neglect of the past administration.

Today on the House floor, we debated the rural development bill. I can tell you that nothing is more important to rural development than adequate transportation. The area I represent in west central Illinois is beginning to recovery from the recession of the eighties. I cannot tell you what kind of boast that area would get from a project like the Avenue of the Saints, a proposed highway from St. Paul, MN, to St. Louis, MO.

At the same time that President Bush says "read my lips" on taxes, he would increase user fees that are already accumulating in trust funds that are masking the Federal deficit rather than being spent on projects for which they were intended. The highway trust fund has a current surplus of $10 billion and the aviation trust fund has a surplus of $7.6 billion. These funds should be used for the purpose for which they were established not to balance the budget. I believe that we should keep our transportation user fees where they belong—expanding and improving our transportation network. This network links our Nation's cities, farms, mines, and manufacturing, and it is crucial that we protect this important component of our infrastructure from neglect. How can our businesses and industry hope to be able to operate efficiently and compete internationally if our transportation system is crumbling around us.

We have the opportunity to recover from years of neglect and prepare our country for the future. I hope that we will reject President Bush's proposal and put our transportation projects at the top of our national priority list where they belong.

Mr. Speaker, I am pleased to have joined in this special order with the gentlemen from Illinois.

Mr. LIPINSKI. I thank Congressman Evans for joining us this evening. Many of the points he makes I agree with categorically.

Mr. Speaker, the next gentleman I would yield to is my very good friend from a district near me, the gentleman from Illinois [Mr. Sangmeister].

Mr. SANGMEISTER. Mr. Speaker, last week it became very clear to me why the President does not refer to himself as the transportation president. The national transportation policy statement unveiled at the White House on March 8 by the Secretary of Transportation Samuel Skinner, demonstrates that the President does not believe it is a priority to improve the Nation's infrastructure. I do not find any encouraging signs from this statement which would lead me to believe that areas like mass transit are going to be seriously addressed. From what I have been able to decipher, the President's so-called solution to transportation problems is to shift the entire responsibility of solving them back to the State and local level. It is unfortunate that a distinguished Illinoisan such as Secretary Skinner has been put in a position where he has to defend this policy. Secretary Skinner has been given a car with no wheels and told to drive. If the Congress accepts this proposal, hope for a better national transportation system will go about as far as a car with no wheels.

What makes this situation very difficult to accept, is that the administration's own 1991 budget cited a $19 billion uncommitted balance in the highway trust fund and $7 billion in the aviation trust fund. Mr. Speaker, these are the same sort of games that have been going on for some time with the Social Security trust fund. This Government has a habit of raising money for one thing and spending it on another. Now I ask you, is this the way a responsible government should operate? Because the President has refused to display the leadership which is necessary to tackle and solve the problem of the budget deficit, he continues to take advantage of this disguised method of financing the deficit through the transportation and Social Security trust funds, of which I'm sure most taxpayers are not aware. The President is telling us that he has no new tires for our car when he has a stack of them stored away and is giving them away to others.

I would like to cite just a few of the Department of Transportation's own statistics; 42 percent of the Nation's highway bridges are structurally deficient or obsolete; 65 percent of peak-hour travel on urban interstate highways was congested in 1987; 11 percent of the 1.2 million miles of principal highways—these are the highways that handle over 87 percent of all highway traffic—are deficient; and 21 primary airports have more than 20,000 hours of flight delay a year. Added to all these problems, we must begin to seriously deal with bringing the cost of transportation down and to clean up our air. We must act now to have a cost-effective, environmentally clean national mass transit policy implemented in this decade. I fail to see how the President's plan to take away all Federal funding for the Amtrak national passenger railroad is a step toward improving our mass transit system.

This new national transportation policy just does not make any sense and I believe it is time for the President to rethink his position and get down to the serious business of creating a national transportation policy that fits the needs of the 21st century.

□ 1730

Mr. LIPINSKI. Mr. Speaker, as a member of the House Committee on Public Works and Transportation eager to begin the reauthorization of our national aviation and highway programs, I anxiously awaited the administration's national transportation policy which was announced last week.

First, I think it is important to commend my good friend Sam Skinner for the Department of Transportation's ambitious and important project of creating a national transportation policy. The Secretary conducted an exhaustive series of field hearings throughout the country, allowing every local government and interested party to participate in the planning process.

I also trust that the Secretary truly understands the many varied needs of our national transportation system, and knows these problems demand high priority by our administration. The safety and efficiency of our transportation infrastructure, our highways and airports, directly affects every American as much as any Federal program can. Secretary Skinner's report reflects these realities. Unfortunately, it also reflects another reality in the White House: The OMB, in its refusal to commit resources to the country's needs, has effectively undermined the potency of the national transportation policy.

The transportation policy which President Bush outlined last week is all too familiar: It is completely consistent with his other policies we have seen since he took office. The "Moving America" report adequately points out the crisis of the American transportation system—crumbling bridges, traffic congestion, airport delays, the need for clean air, the increasing costs of infrastructure maintenance. Next, the report offers a much needed call for action—a call to place competitive transportation on the top of the national agenda. But in the end, the policy statement turns its back on any serious commitment. The administration calls for transportation to top the national agenda, but then proceeds to remove transportation from the Federal agenda.

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At a time when transportation needs are admittedly growing, the administration has taken a dangerous turn in direction. Rather than recognize the need for national leadership with a serious commitment and serious funds, the administration calls for increased local and State responsibility as well as increased privatization of transportation services.

Above all else, I find the logic of this report staggering. It seems remarkable that the administration could spend months compiling the transportation needs of our country, determine that those needs are tremendous, and then proclaim the answer lies in scaling back the Federal role. Transportation should remain a national priority for precisely the reasons Secretary Skinner conducted his review—it affects every American's quality of life, every businesses' efficiency, and our Nation's global competitiveness. Virtually everyone agrees that the Interstate Program launched by Eisenhower in 1956 has been a fantastic success. Now we are faced with new highway needs, and the President sees no Federal role.

Instead, the national transportation policy claims that the Government need only concentrate on "roads of national significance," such as interstates and highways vital to national defense. The interstate system guaranteed the passage of people and products between major population centers. Faced with gridlock in our cities and suburbs, why shouldn't the government have a similar Federal focus on transportation to, from, and within our cities. I believe the Department of Transportation will run into some problems when they tell the 80 percent of the American population which resides in urbanized areas that their highway projects are not worthy of funding because the roads are not of national significance.

The call for a greater local and State role in transportation funding is not surprising from a Republican administration. However, it too is completely inconsistent with a real commitment to national transportation. The reason transportation infrastructure needs have reached crisis proportion is precisely because Republican administrations have increased State and local funding responsibilities through the 1980's. The State of Illinois does not have the billions necessary to address 370 miles of congested highways in the Chicago area. A national policy statement calling for State responsibility and State taxes will not make things better. In Illinois we have already passed a 6-cent gasoline tax increase to meet existing needs. If the Federal Government turns its back on our highways, those needs will be much greater.

Finally, the grand vision of privatization as the answer to our transportation needs is particularly frightening. But it also may be the one provision which ensures that this OMB version of a national transportation policy does not gather steam. I am convinced that the American people will not stand for toll booths at every exit ramp. Furthermore, mass transit run by the free market will soon be no mass transit at all. Yes, I agree that unleasing private resources can play a significant role in a national transportation policy, but it should not be the cornerstone of that policy.

Overall, Secretary Skinner should be commended for his extensive effort to create a national transportation policy. The report highlights the need for action and will raise the country's conscience level regarding transportation needs. But instead of real commitment and real solutions and real funding, it offers a shirking of Federal responsibility. It is obviously up to Congress to determine the real solutions. I look forward to doing so and I look forward to working with Secretary Skinner in implementing those policies.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding, although this statement is a disconnect.

I wanted to raise the point that the gentleman agreed a couple of minutes ago, in criticizing the administration for not fully utilizing the highway trust fund and using that as a way of helping to deal with the deficit. I think within the last couple of days the gentleman's colleague from Illinois [Mr. ROSTENKOWSKI] has come out for a substantial increase in the gasoline tax. I think he wants to take the gasoline tax up to 25 cents a gallon.

Now, if we are going to criticize the administration on that, I assume the gentleman is ready to criticize Mr. ROSTENKOWSKI because he was talking about this as a way of bringing down the deficit. There is only one of two ways we can do that.

□ 1740

Either the 25-cent-a-gallon gasoline tax he proposes will no longer go into the highway trust fund or we will have the additional money piling up in the highway trust fund as a balance against the deficit. So while the gentleman certainly is welcome to criticize the administration for whatever they are doing in that regard, it seems to me that there is also a problem with some of the proposals that are coming forth from the Democratic leadership that propose to do exactly the same thing.

Mr. LIPINSKI. Mr. Speaker, I thank the gentleman for his participation.

First of all, I would like to say that as far as I know, the Democratic position is and will continue to be to draw down on the highway trust fund and the airport trust fund as rapidly as possible because those needs are out there throughout this Nation.

Second, I would like to say that as far as the call by the gentleman from Illinois [Mr. ROSTENKOWSKI] for an increase in the gasoline tax is concerned, he has been calling for that for quite a long period of time, and that goes along with other numerous areas he has talked about, just as he did last Sunday, with regard to balancing the budget and the deficit. I do not know that he has said anything about utilizing that money to help the budget deficit. As far as I know, his particular aim in regard to the gasoline tax is to suppress consumption so that we are less and less dependent on foreign oil.

Mr. Speaker, I now yield to the chairman of the Committee on Public Works and Transportation, the gentleman from California [Mr. ANDERSON].

RECOGNITION SOUGHT FOR SURVIVING VETERANS OF WORLD WAR I

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, throughout the past year, Americans have watched unbelievably as unprecedented social developments have restructured the entire political landscape of Europe. For the first time since World War II, the world can envision a free and sovereign continent. These fast-paced developments remind all Americans that peace has not come easy and generates a renewed sense of appreciation for the brave young men and women who have fought and died there in behalf of our country. Just five decades have passed since Americans were last asked to do battle on the fields of Europe to rid the world of a monstrous evil.

It was a point in time when the world was not so certain, America's place in it not so ordained, and the future of mankind hung in the balance. We are just beginning to see the kind of Europe these men fought to establish. Appropriately, this year will offer numerous occasions to reflect back on their efforts with pride and honor.

However Mr. Speaker, I have come before this honorable body today, not to belabor how deserving the veterans of World War II are of our respect, for that goes without saying. Rather, I stand before you to bring to your attention the plight of an equally brave and dedicated group of men and women whose selfless actions and gallantry under fire precipitated that of those in the Second.

Though their commitment to the task at hand was unswerving and their sacrifices just as great, these American soldiers, sailors, and marines, were never adequately honored, recognized, or compensated for their unceasing efforts to restore peace to a world shattered by war. They received no education benefits, no home loans, or small business loans that veterans of later wars would receive, but instead, found themselves penniless and jobless in the heat of the Great Depression with no pension whatsoever for their services. In light of their victory this was not fair at all.

President Abraham Lincoln, in his second inaugural address, summed up his commitment to the veterans of the Civil War, and in a sense all wars, by declaring that this Nation should "care for him who shall have borne the battle and for his widow and his orphan". In the spirit of those beautiful words, I firmly believe the United States has an obligation to care and provide for the men it sends to war. Our veterans are one of this country's most precious resources and we should always be sensitive to their needs. They exemplify the highest degree of devotion to this country that we Americans admire and respect.

That is why in January 1989, as I have the past several Congresses, introduced H.R. 1918, to reverse the injustice done to the World War I veterans and to recognize the debt this country owes to them by awarding them a small monthly pension. Please realize that in 1984 when the last cost evaluation of this bill was done, there were just 397,000 World War I veterans still alive. Today, there survives only 90,000 with the majority being cared for in hospitals and nursing homes. Is this how we choose to repay these men for risking their lives in behalf of their country? When the final World War I veteran passes away, you can bet he will be laid in "State" in the rotunda and accorded full military honors.

Yet eloquent words, emotional speeches, and pomp and circumstance cannot atone for decades of neglect, nor justify to the country why Congress failed to take action on behalf of our oldest warriors.

Recently, H.R. 1918 has grown stagnant in committee. I understand the budgetary constraints that may prohibit the enactment of this legislation. I am also aware that the bill's opponents have argued that funding is unfeasible. However, let me reiterate the declining numbers of veterans. H.R. 1918's total cost for implementation has decreased by millions of dollars since it was first introduced. Further, the cost of maintaining this program will drastically reduce each succeeding year for the next few years. H.R. 1918 accomplishes far more than distributing pension awards for the deserving veterans, it sends a clear signal to all our veterans that we as a country appreciate what they did and we will live up to our historical responsibility to them.

I would also like at this time to urge the distinguished chairman of the House Veterans' Affairs Committee, who himself has felt the sting of battle in Europe, to reevaluate H.R. 1918 and proceed to hold hearings on this bill. Time is of the essence so I would ask the chairman to adjudicate this matter as expeditiously as possible.

Why do I feel so strongly about this bill? Because I have had the privilege of meeting and talking with many World War I veterans and have listened to their story. Their bodies may be aged but their minds still recall when as young boys they marched off to France to fight someone called Kaiser Wilhelm. They speak candidly of longs days and longer nights, of wet mud and insufferable periods of waiting shattered by moments of sheer fright and the attacking enemy, but most of all, they speak of their love of country and their steadfast conviction to the cause for which they fought.

When they returned home after the war, they found the United States much how they had left it, only their perceptions of it had changed.

The experiences of war had taken their toll, and for many veterans readjusting to civilian life and making up for lost time proved difficult. Without pensions or proper medical services, they were left up to their own devices to survive.

Of the 4,477,000 troops that served during World War I, 90,000 are still alive. Some died from their wounds, some died during the Depression, some survived the First World War only to be killed in the Second. Accidents, illness, and age have claimed the rest. By the time Members of Congress are sworn into office next January, that number will half. It is imperative that Congress take action now. When this Nation needed its best at places like the Argonne Forest, Bellau Wood, Aisne-Marne, they answered our call. The question I would ask my colleagues is, are we going to be there for them now that they are calling us?

And finally, Mr. Speaker, I would like to share with you a short story if I may. The story is about Gunnery Sgt. Dewitt Weible, a "Marine's Marine" from St. Louis, MO. Almost 2 years ago, the citizens of Long Beach, CA, got together and held a public ceremony to dedicate a beautiful stone monument paying tribute to the marines and sailors who were killed in fighting at the island atoll of Tarawa during World War II.

Sergeant Weible, one of the oldest surviving marines from World War I, was asked to attend as a guest. In the most emotional point of the ceremony, Sergeant Weible marched in front of the vast crowd wearing his original World War I uniform. You could see the tears in his eyes when the "National Anthem" and "Marine Hymn" was played and he saluted the flag with a sense of loyalty we all wish there was more of today. He was so proud to be there and he looked so grandiose with all his medals pinned on that old uniform. Sergeant Weible would later call the ceremony "the finest military event I ever attended". Sadly, 2 months later, Sergeant Weible passed away. He leaves but a few remaining comrades behind.

It is for them and all the Sergeant Weibles no longer with us, that we must pass H.R. 1918. I urge my colleagues to please cosponsor H.R. 1918 and work with me to see that it is enacted during this session.

□ 1750

STUDENT LOAN DEFAULTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, last November, when Congress adopted several unnecessarily harsh measures to deal with something that only had the appearance of a problem, I predicted that the action would have tragic effects.

Unfortunately, Mr. Speaker, I was all too correct.

Let me explain what I mean. Last year, there was concern that the Supplemental Loan for Students [SLS] Program was growing too fast and might produce the same kinds of defaults that currently exist in the Stafford Loan Program, formerly the Guaranteed Student Loan Program.

In response to that perception, the Congress chose not to address the underlying reason of why students default; namely, the gross imbalance of grants to loans.

Instead, the Congress decided to limit eligibility for the SLS Program. It was decided that applicants for SLS loans have to have a high school diploma or general equivalency diploma [GED], that applicants could attend only those institutions that had a student loan default rate of less than 30 percent, and, finally, that the amount of the SLS loan would be directly tied to the length of the educational program.

All three of these limitations reduce access and choice to postsecondary programs and are specifically targeted at students in an extremely vital sector of higher education—career training.

Probably the most harmful of these limitations is the 30-percent cutoff. It is arbitrary, discriminatory, and, worst of all, completely ludicrous.

Before I go any further, let's understand two things. First, the default rate is calculated by the Department of Education from information it receives from the lenders, servicers, and the agencies that guarantee the loans, and, second, these rates may not be as accurate as they could be, or should be.

Let me tell you about one school—American Transportation Education Centers [AMTEC], for example. Virtually 85 percent of the defaults charged to them, by the Department of Education, are listed as being in repayment to the guarantor of the loans.

AMTEC sent me a copy of an intraschool memo from their loan repayment department that further exemplifies a serious lack of communication between all of the people who service the loans before they go into repayment.

Out of 64 students that were reported to the school as being 45 to 70 days delinquent in their loan payments—

Eleven had canceled checks or other physical evidence proving the payments were made and their accounts were not delinquent.

Thirty-four had received between four and six different loan coupon books.

Thirteen had circumstances which entitled them to deferment but were told to make full payments instead.

Two had requested forbearance but the servicer could not find any record of either request.

One requested forms to consolidate his loans but was told he couldn't. Later the school called the servicer and the servicer said he would put the forms in the mail immediately.

And another student was denied an unemployment deferment because the servicer said he was more than 180 days delinquent. After this last student's account was researched, it was found that the account was 90 days delinquent at the deferment receipt date so the student now has to send the entire bundle back to the supervisor's attention.

This is only one of many schools whose students have these same problems. To me, this shows a terrible lack of communication that makes me hesitant to swallow the Department's default calculations hook, line, and sinker.

The amount of inaccuracy is truly pathetic. My sympathy really goes out to those students who are put in the position where they have to make some sense out of their loan history when their accounts are riddled with errors. But while these students are trying to straighten it all out, the people who made the mistakes to begin with are taking steps to destroy the students' credit records.

Can you imagine what a nightmare it would be to go to your mailbox one day and see four or five coupon books from different mortgage companies or banks with a note from each one saying they are the sole owner of your home loan and telling you to remit your first payment immediately? Or, even worse, can you imagine finding four or five letters from different financial institutions saying that you are extremely delinquent on your mortgage payments and you must pay the full balance, pay a penalty, or face legal proceedings?

For years too many students have been pulling their hair out trying to figure out who owns their loans and where they are supposed to send their payments. It's a living nightmare for them, their parents, and their financial aid counselors.

The problem has been getting steadily worse because the number of loans has continued to climb as loans continued to replace grants and higher eduction gets increasingly more expensive.

Perhaps the most striking example of this can be seen in the Department of Education's most need-focused grant program—the Pell grants. Assuming education costs have increased by an average of 8 percent over the past 14 years, the maximum Pell grant should be more than $4,000. Instead it is $2,300, so even the most needy students must rely on loans to finance most of their educational expenses.

Students today have had to go farther in debt than their fellow students of a few years ago in order to receive any education past the high school level. By the time they graduate, most have accumulated thousands of dollars of debt.

For most, it is their first loan experience. The process, at best, can be very intimidating and confusing, but for many of these students it is even more so because of all the problems they are running into with the people who are supposed to be keeping accurate track of their loans.

The inspector general of the Department of Education made several points in his recent testimony about the people and organizations we have entrusted to services our students' loans—lenders, third-party servicers, and secondary markets.

Let's talk about the secondary markets first. According to the inspector general, secondary markets held $18.4 billion in outstanding loans—or 40 percent of all outstanding loans as of September 1988.

Despite the overwhelming presence of secondary markets in the student loan programs, the Department of Education has not systematically received audits of the secondary markets administration of the program, nor has it provided systematic program review of these organizations. The fact is, the Department of Education doesn't even know how many secondary markets exist or whether anyone is evaluating their performance.

When discussing third-party servicers, the inspector general raised the concern that many servicers are affiliated with guarantee agencies. He went on to say that because of this relationship, their exists a very real potential conflict of interest in guarantee reviews of servicers.

The inspector general outlined three risks involved with not accurately monitoring servicers: One, payment of inaccurate interest and special allowance billings; two, reduced collectability of loans; and three, reinsurance payments on ineligible claims and wrongful harm to borrowers' credit ratings.

When talking about lenders the inspector general highlighted concerns related to performance of due diligence requirements and payment of origination fees to the Department of Education.

Although due diligence requirements have been in effect for 3 years, lender reviews performed by guarantee agencies show a high level of noncompliance especially in repayment and collection of loans. The Inspector General's Office analyzed results of 101 lender reviews conducted by 13 guarantee agencies during 1987 and 1988 and found that 87 percent of lender files reviewed contained due diligence exceptions.

To think that the Department of Education calculates a school's default rate and pays out subsidies and special allowance based on often mistake-riddled information it receives from these organizations is scary. To expect that information to be accurate enough to establish a policy whereby students who attend schools with a default rate over a specific percent are not eligible to participate in the SLS Program is totally outrageous.

But that is exactly what we've done.

As a result, according to the best estimates available, students at over 1,000 schools are now ineligible to participate in the SLS program because the student default rate at those schools is over 30 percent. As of January 24, the Department of Education said 80 percent of those schools are career training schools.

This means students not only continue to have to deal with the nightmare of trying to find out who owns their loans so they know where to send their payments and trying to correct mistakes in their accounts. Now, they also have a bad policy that dictates which schools they can go to to receive higher education and what types of educational programs they can pursue.

The Department has said that these numbers may change, but they also say they can't predict if the figures are going to change upward or downward. From what we've seen so far, I'll bet they will change upward and the future will be even more grim for even more Americans who would like to rise above their circumstances.

Although no one can say for sure exactly how many students are no longer eligible to participate in the SLS Program because of the default rate

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cutoff, we can assume the number is in the hundreds of thousands.

From talking to just three of the eight organizations that accredit career training schools who helped my staff establish some figures by using default rates published by the Department, we know that at least 218,000 students are now ineligible to participate in the SLS Program.

The National Association of Trade and Technical Schools [NATTS], at last count, said 147 of their 1,283 schools, or about 11.5 percent, have default rates over 30 percent. NATTS estimates about 90,000 students are no longer eligible to participate in the SLS program.

The Association of Independent Colleges and Schools [AICS], at last count, said 164 of their 1,000 schools, or 16.4 percent, have default rates over 30 percent. Because the average AICS school has 680 students, we estimate about 112,000 students are no longer eligible.

The National Accrediting Commission of Cosmetology Arts and Sciences was able to arrive at a rough estimate that 149 of their schools, or 8 percent, have default rates over 30 percent. NACCAS estimates roughly 16,000 students dependent on SLS loans are no longer eligible.

Targeting these schools and cutting financial aid to students at them was a grave mistake for three reasons. First, students who attend career training schools instead of other institutions of higher education are more likely to complete their coursework and find jobs. Second, career training schools are easier on the taxpayers' pocketbooks. And, third, career training schools play an important role in keeping American businesses in business.

Students who attend career training schools are more likely to complete their coursework and find jobs than students who enroll in any other sector of postsecondary study because career training schools have the highest completion and placement records of any other sector of higher education—61 percent of career training students successfully complete their coursework compared to 33 percent in the Job Corps, 43 percent at public community colleges, and 58 percent at 4-year colleges.

The placement rate of career training schools is 81 percent. This rate is not only higher than any other sector in higher education, but is also more reliable because it is considered to be a "hard" figure.

Career training schools have been required for some time now to track their graduates in order to document their placement rates and, as of December 1, 1989, have been required to put them on paper, notify their students of them, and have the students sign the paper. In addition, most of the training schools are required to prove their rates to their accrediting bodies.

Starting December 1, 1989, vocational programs in the community college sector were required to begin tracking their graduates to develop hard figures for their placement rates. Right now, this sector's best guesstimate for placement, of nearly 80 percent, is still lower than the career training sector's documented figures.

The placement rate for 4-year colleges, at 70 to 75 percent, is not only another soft figure, but may even be a little misleading due to job titles.

To calculate their placement rates, most 4-year colleges look at what jobs their students have 2 years after graduation. A graduate is considered placed if he has a job considered to be on an appropriate level for students with degrees.

Who decides what jobs are considered to be an appropriate level and what criterion are they basing it on? Are they getting in touch with each graduate 2 years after graduation and asking each one what his specific job duties are, or are they using job titles provided by the graduate to the alumni association?

Career training schools are easier on the taxpayers' pocketbooks than any other sector of higher education.

Using figures calculated from a National Association of State Scholarship and Grant Programs report, it is estimated that for 1 year of education in a private career school, taxpayers save $2,975 compared to the costs of educating a student in a 4-year college for the same time period and $1,119 compared to the cost of educating a student in a community college for a similar time period.

A 1989 report done by Shearson-Lehman-Hutton argues that taxpayers save $17,938 per student per year for every American who finishes a training program and gets a job earning $15,000. They say the money is saved through programs such as welfare, food stamps, women and infant care, housing, health care, and taxes on that $15,000-a-year job.

Career training schools play an important role in keeping businesses in business.

Students choose the shorter career training programs as opposed to longer programs that combine academic and training courses because they want to enter the work force as fast as possible and they want more hands-on training.

These same two reasons of why students choose career training schools are how businesses benefit tremendously by hiring recent training school graduates. Businesses can fill their employment openings faster and not have to spend as much time and money to train them compared to hiring recent graduates from other sectors of higher education.

I have received many letters from businesses who regularly hire career training school graduates praising the graduates and the schools who educated them. These same business men and women also tell me how much they rely on the schools to provide them with a continuous supply of readied workers, and, frankly, some of the businesses don't know where they are going to find skilled people to fill the new job slots that are opened up in their industries every day.

Department of Labor statistics indicate that in the near future all types of businesses will be needing an even more technically skilled labor force. Three out of four jobs already require technical skills and the three fastest growing occupations, percentagewise, to the year 2000—paralegal, medical assistant, and physical therapist—all require some form of career training.

By knocking career training schools out of the picture through these recent policy changes, we are seriously hurting our businesses and lowering the overall quality of our Nation's labor pool.

This is especially true in the trucking industry. There already is a shortage of drivers and the industry needs an additional 450,000 new drivers every year, according to the Hudson Institute.

A projected estimate calculated before the policy changes were adopted indicated the driver shortage would exceed 300,000 by the year 1991, but, so far, no one has been able to tell my staff what the driver shortage will look like now because it is too soon to tell what the full effects of the policy changes will mean.

George Beaulieu, president of the National Association of Truck Driving Schools [NATDS], says the driving schools that have been able to survive so far are struggling under the new changes and the trucking industry as a whole is already feeling the effects of them. He predicts the driver shortage will become alarming over the next 1½ years as companies scramble to find enough drivers to keep their trucks on the road.

Too many transport companies already have trucks sitting idle. They have plenty of customers, but are having an increasingly harder time finding qualified people to drive them. Some people in the industry are becoming very concerned that as the problem gets worse, companies will be either forced out of business because they don't have enough drivers, or will be looking to hire any warm body to sit in the driver's seat regardless of that person's ability to safely operate the vehicle.

Each one of the three policy changes, taken separately, is having

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terrible effects on all of the training schools, but the three combined seem to have been custom-designed to destroy the trucking industry.

Now let's consider the other two policy changes—the GED requirement and prorating the amount of the SLS loans—and relate them to just the truck driving schools.

It has been estimated that at least 45 percent of students who attend truck driving schools don't have a high school diploma or a GED. They are no longer eligible for SLS loans.

Out of all of the Americans who want to better themselves through higher education, these are the ones we should be encouraging the most. Instead, we are telling them we don't have enough faith in them, or their abilities, to better themselves.

These men and women have deliberately chosen to attend a career training school instead of pursuing an academic education. For whatever reason, they don't want an academic education. They want to learn a skill, get a job, support their families, and find a productive place in our society.

Instead of encouraging their drive and ambition, we condemn them to only academic programs. The same programs they have already dropped out of.

This sure doesn't make sense to me because most researchers agree these are the very students who benefit the most from career training.

And, as if we don't have enough with the first two policy changes to spell disaster, we now also prorate the amount of the SLS loan, for those few students who are still eligible, depending on the length of the educational program.

I don't know which bright star thought this one up, but this is almost as discriminatory and ludicrous as the 30-percent cutoff.

It costs much more to operate a 6- to 8-week truck driving school with behind-the-wheel training and a low pupil-teacher ratio than it does to have one teacher stand in front of as many as 100 students and give lectures on philosophy or English for a year.

It costs about $40 to $50 an hour to operate a truck and the industry recommends that each truck driving student have an average of 45 to 50 hours of behind-the-wheel driving time. This adds up to $1,800 to $2,500 per student. That's before the instructor is paid, and the initial cost of the tractor-trailer is considered. Then you have to figure in the cost to insure the trucks being used by these student drivers who have no driving experience. Keep in mind also, we have to add in room and board because most truck driving schools are located far enough off the beaten path to give the students plenty of room for error so they don't end up taking out street signs and toppling electrical poles. Their locations make commuting impossible for most of the students.

Do you think a bank would lend more money to someone who wants to buy a blue Dodge and less to someone who wants to buy a red Mercedes simply because they decided to base their policy on colors instead of actual costs?

The very idea is completely absurd, but that's exactly what we've done by tying the amount of the SLS loan to the length of the program.

The botton line is, despite generalized accusations and perpetuations of those accusations based on isolated instances, the majority of career training schools work and can lay invaluable foundations on which many talented individuals have already based careers, and which many more can if we only give them the opportunity.

Let me tell you about some career training school graduates who demonstrate what I mean.

When Beverly Currin graduated from high school, she wanted to pursue a career in interior design.

Ms. Currin worked two part-time jobs to pay tuition at the Art Institute of Atlanta. After she graduated in 1973, she worked for smaller design houses before joining an architectural firm in 1978.

Today, she is a partner in the firm and enjoys a reputation as one of the leading interior designers in the Southeast.

Craig Belmondo said his education at a career training school "provided the basic knowledge and initial training that assisted in my growth in the ever changing and exciting airline industry."

Mr. Belmondo graduated from Washington State University with a major in business administration, but found he still lacked the necessary skills to get into the airline business. He attended the International Air Academy in Vancouver, WA. After completing the Airline Reservations and Airport Service Program at the academy, he was hired as a reservations clerk for an airline, was appointed to develop the sales and marketing department of one of the company's daughter airlines, WestAir Airlines, and was later named vice president of sales and marketing in 1983.

Today, he is president of North Pacific Air and is chief operating officer responsible for flight operations, ground operations, maintenance, customer service, marketing, sales, finance, and administrative functions of the airline.

Joseph Casey said his training at a career school, "Whet my appetite for electronics * * * I was eager to learn more."

Mr. Casey was a young man from Chicago's inner city when he graduated with honors from a radio/TV repair course at Coyne Electrical Institute in 1956, after which he attended a junior college and served in the U.S. Air Force. He left the Air Force as a captain and then continued with his education, receiving a bachelor's degree in physics and a master's degree in engineering.

Today, he is principal engineer for Equipment Corp. and is responsible for providing technical consulting in marketing and logistics and providing corporate support for a staff of 15,000 field engineers.

After Frank Fanto received his aircraft engine mechanic license from the Pittsburgh Institute of Aeronautics in 1948, he began working as production assembler and flight line mechanic.

Today, he is director of production operation for Lockheed Aeronautical Systems Co. in Georgia and is directly responsible for production of the C-5B program which is an airlift system of vital importance to the country's national security.

Joseph Leroy Williams, one of nine children in a sharecropper's family in Arkansas, had to quit school and go to work at the age of 17 when his father died.

He went to St. Louis and performed several menial jobs while sending money home to his family, but, at the age of 30 he had to quit his job of 9 years due to health problems related to his work. He continued to support his family by housepainting and light hauling while he completed a course at Vatterott Educational Center.

After studying building systems repair, plumbing, heating, and air-conditioning, he started his own business—J.L. Williams Contracting Co. Although his first year's revenue was only $13,000, he continued to work hard.

Today, Mr. William's company grosses more than $1 million annually and is bonded up to $600,000. He was also named the "most successful minority contractor of the year" for 1987 by the Minority Enterprise Networking Association.

George Husar, Sr., was 46 years old when an injury made it impossible for him to continue operating heavy equipment. He went to the Refrigeration School in Phoenix, AZ looking for a new career.

After graduating, he wanted to be self-employed. So in 1974 he and his wife, Genie, started Genie Aire—an air-conditioning, refrigeration, and heating service company.

Mr. Husar was so impressed with the education he received at the school, he sent four family members there. Sons, Earl and Ernie Duskey graduated in 1974 and 1976, respectively, and 10 years later, they started their own company, Duskey's Heating and Air-Conditioning. In 1981, son-in-law Laurence Chausse graduated and joined

Genie Aire, followed by George, Jr., in 1985.

In the meantime, Mr. Husar had started another company, Cryo Refrigeration, in 1980. The new company deals with the ultra low temperature techniques of cryogenics.

These are just a handful of graduates who have benefited tremendously from career training school.

I am not saying that every American should attend a career training school instead of any other type of post secondary institution, but career training schools have an extremely valuable place in the higher education community. The schools and the students who attend them should not be made targets for bad policy decisions.

□ 1820

DO NOT DESTROY SOCIAL SECURITY FOR THE FUTURE

The SPEAKER pro tempore (Mr. Tauzin). The gentleman from Pennsylvania [Mr. Walker] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, just a few weeks ago the President of the United States came to this Chamber and delivered his State of the Union Message. The President said a number of things which focused on our needs in this country for the future. One of the points that he made, which received the loudest applause in this Chamber that evening, was when he implored this body not to mess with Social Security.

When the President made that statement, it was in light of the fact that a senior member of the Democratic Party on the other side of the body had come forward with a proposal that aimed at breaking the agreement of 1983 designed to shore up the Social Security system and preserve it into the next century.

Mr. President, having heard those remarks, came to this Chamber and told us that we ought not break that agreement, that we ought to hold Social Security inviolate for our future.

The reaction in this body was stunning. Immediately the Members on the Republican side of the Congress rose in a standing ovation for the President's position. After a moment of hesitation, and then realizing that there could be a political downside to also not being seen as supporting what the President was saying, the Members on the Democratic side came to a standing ovation, including Senator Moynihan himself, who had originally made the proposal to break the 1983 agreement.

The problem is that despite that standing ovation on the House floor that night, and despite the President's eloquent plea that we not mess with Social Security, there has been a whole lot of messing going on. Because since that time we have moved ahead in several quarters in the Congress messing with Social Security.

Despite the President's call for us not to break the 1983 agreement, not to mess with Social Security, the Senate held hearings on the Moynihan proposal. The Democratic majority in the Senate decided to go ahead and hold hearings, and they did so.

There are still people in this town talking about proceeding with what Senator Moynihan proposed, or some version of the Moynihan proposal. Understand, the Moynihan proposal was that we would reduce the taxes for Social Security this year in order to bring down the surplus, which Moynihand says is going to pay off the deficit.

Well, while there are snatches of truth in what was proposed there, the problem is that the solution is all wrong. What Senator Moynihan would do to Social Security is he would break the contract with retirees of the future. What he was really saying was we will go on a pay-as-you-go basis, assuring that some time in the next century that the people who retire, those who are working now, who are going to depend upon that system in the future, will not have sufficient funds to meet the obligations. That is a terrible decision for us to make, that we are going to destroy Social Security for future generations, and that is the essence of the Moynihan proposal that worries many Members of Congress.

□ 1830

It is true, Senator Moynihan says, that the money that comes into the Social Security trust fund at the present time is utilized to buy government bonds. There was a special issue of Government bonds that was created for us to purchase.

The question one has to ask is if that is not something which is appropriate to do, how would we build reserves for future use by the Federal Government? Would we have to take the money and go immediately into the market? That could have disastrous results, and the Federal Government would literally control the purchases in the stock market, plus the fact that we would be in the position of perhaps losing all of the money at some point. We by law have said that we are going to buy Government bonds with the money in order to put the money into the safest investment that the world knows.

Why do people around the world want to invest in Government securities? It is because it is the world's safest investment. That is what we do with our Social Security trust fund money, we put it into the world's safest investment.

The fact is that the Government is running on a deficit, and those bonds are used to pay the bills of the Government, sure. But the reason for doing that is not to cover up the deficit. The reason for doing it is to put the money in the safest possible investment.

Senator Moynihan says he does not like that way of trading off on the deficit. There is one way around that. Let us just take the whole Social Security trust fund off budget and make it real, buy down debt that presently exists for all of the money we put into Social Security bonds. That way we would not have the penalties that Senator Moynihan claims are inherent in the system, and at the same time would be preserving the security of the Social Security system that we anticipated in 1983. That is one way in which we were messing with Social Security at the time the President spoke. We continue to have people who think it would be a good idea to mess in that way.

However, it goes beyond that. We have now the proposal being brought forward by the chairman of the Ways and Means Committee, the single most powerful man in the House in terms of making decisions about Social Security, who has now proposed that we eliminate for at least one year the cost-of-living raise for Social Security recipients. That is messing with Social Security. The problem with that particular proposal is he does it in a proposal where he also anticipates raising the cost of inflation to those very same Social Security recipients.

What do I mean by that? For example, the Rostenkowski proposal calls for raising the gas tax to 25 cents a gallon. In other words, taking the gasoline prices back to Jimmy Carter rates.

What would that mean? That would mean massive inflation in the economy. One of the problems with the gas tax is that it spreads across the entire economy immediately. When we have a gasoline tax increase, it affects all of transportation. All of transportation means that it goes into every good that we buy. It means that it has a broad-based inflationary impact. If inflation goes up, guess who gets hit? It is people who are retired and living on fixed incomes.

What else does the Rostenkowski proposal say? It says that we are not going to give them cost-of-living increases, we are going to freeze them as part of the proposal. That I would say is messing with Social Security, and messing in all the wrong ways.

But that is not the only thing that has been going on. We do not just have the Moynihan plan to destroy the 1983 compromise on Social Security. We do not just have the Rostenkowski plan to eliminate the cost-of-living raises for Social Security recipients. We also have a series of Demo-

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crats coming to the floor who are delivering the leadership message of the day.

The leadership message of the day has not talked about Social Security. Funny that it has not, because what they are saying is a Social Security message in code. What they have been talking about is something called tax fairness, and what they have been saying regularly on the House floor is that if we look at what happened during the 1980's that taxes on middle-income America actually went up, not down, and so somehow President Reagan and President Bush have been prevaricating with the American people when they talk about tax reductions.

The only way that we can get to these statistics is to include the Social Security tax increases. It is true that Social Security taxes went up during the 1980's, and that had an impact on middle-income America, on low-income America, no doubt about it. But I would remind my colleagues that the reason why they went up was as a result of the 1983 compromise, which was a bipartisan compromise, which was hailed by both President Reagan and Speaker O'Neill, and was done in a way to preserve the Social Security retirement system. We decided that those increased taxes were in fact necessary for the future of the program.

Now we have Members, evidently speaking for the Democratic leadership in the Congress, who are coming to the floor of the House and are raising questions about those tax increases that were meant to preserve Social Security. That has to raise questions in our minds. Did they not mean it in 1983? Did they not really want to preserve the Social Security system in 1983? Was that all a political ploy that now 7 years later that they want to back out on? Or are they just attempting to play some games with the figures here in order to get themselves out of the tax mess that they now find themselves in?

It is true, the American people have now figured out that there is one party around here that likes to tax them for nearly everything, and that is the Democratic Party. So the Democrats are trying to find themselves a way out of the tax box. So they have come up with the so-called tax fairness issue.

If in fact they mean what they are saying, that what they want to do is to do something about the problem of rising taxes for the middle-income and the low-income people, and the way in which they are arriving at those figures is using the Social Security taxes as a part, one has to assume that they have a plan there which is ultimately going to come forward that would reduce the Social Security tax in some way, going back to the Moynihan plan.

There is a problem with that, however. Social Security is not truly a tax. Social Security was meant as an insurance system. It is a payment that one is making now, much as they would do in a pension system in order to receive benefits somewhere downstream. And what has happened in recent years is that the payments downstream are more, on the average, than the money that was paid into the system. So the people who are paying the so-called Social Security tax today are paying with the idea of anticipated benefits at some later date.

That is the insurance compact that has always been a part of the Social Security system. Do the people who are now talking about changing that want to break that compact? Do they want to make this something other than insurance, because what it sounds like they are saying is that they want to begin for the first time to differentiate between what some people pay into Social Security and what other people pay into Social Security. It is beginning to sound as though they want to lower the taxes on some or lower the payment by some and raise the payment on others.

Remember, what one gets back from Social Security depends upon the earnings history. Your earnings history is based upon what you paid into the system. If we begin to differentiate the numbers, we will have some people eligible for lower, much lower payments, and some people eligible for higher payments.

It is true of the system today that some people get more than others, but it is based upon their real earnings history.

One reason why we cap the amount of money on which we tax for Social Security is to assure that there is not a great disparity, because remember, under the present system if we had everybody pay on every dime of income, we could have millionaires paying on all of the money that they made, and thereby being eligible for thousands of dollars a month in Social Security payments at the end. That would make no sense, and that is one reason why early on in the Social Security system we capped the amount of income that you paid your Social Security on, and we also assured that everybody paid in equally. That was so that when you began receiving payments, they were received equitably and evenly.

Why did we do that? Because we wanted Social Security to be an insurance system, not a welfare system. We did not want Social Security to become just another welfare system, a differentiated payment. We wanted to have people collect Social Security with the honorable understanding that they had paid for this insurance themselves, that it was something that they had a right to, it was something that was theirs by virtue of the fact that they had paid in during their working lives, and it was based upon their earnings history that they were getting back the money.

Now we have people who are beginning to talk as though they are willing to differntiate the payments. When we do that, we convert Social Security into just another welfare system.

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I am beginning to hear people who sound suspiciously like they are willing to have Social Security become just another welfare system, and I have got to tell you it worries me. It ought to worry the other Members in this House that there are people who are beginning to talk about differing levels of payments which thereby would make for a means-tested program somewhere at the end. That is a welfare program.

Social Security should not be allowed to become another welfare program. We ought not let the Democrats and the liberals in this body, on the idea of tax fairness, convert Social Security into another welfare program. They are already seen by the American public as wanting to convert everything into welfare programs. We ought not let them do it to Social Security.

They do not want to talk about it in those terms, but that is what they are really saying when they come to the floor and talk about this level of taxes that somehow is going up during the 1980's. They have got to use Social Security as a part of that calculation, that is the only way it works. And when you start differentiating, you convert Social Security into a welfare program. That would be wrong.

The President again told us, "Don't mess with Social Security." Now maybe you understand why the President thought we ought not mess with Social Security, because you have the Rostenkowsi proposal to eliminate the cost of living, you have the proposal by Mr. MOYNIHAN to destroy the 1983 compromise and now you have people evidently speaking for a leadership proposal that is being cooked up somewhere on tax fairness, talking as though Social Security is going to be made into just another welfare program. We ought not be messing in that way.

There are a couple of other scary things that retirees ought to be concerned about, too. The majority whip last night, in speaking to a group, made a statement that worried me a little bit. He suggested that one way that we could begin improving the infrastructure in this country, rebuilding the infrastructure was to take the money out of pension funds. What he suggested was, and he did not use these terms, I am using the terms, that we raid the private pension funds for—I am sorry—raid the public pension funds for certain amounts of money so that we could improve the infrastructure. In other words, converting pension money into pork.

I think retirees ought to be very worried about that.

If we are going to destroy Social Security and then in addition we are going to destroy the pension programs in this country, that could get very worrisome for retirees in the future.

Well, I am worried. I am afraid what is going on in Congress endangers a whole generation of present retirees; I think it could well endanger several generations of future retirees. I think we ought to go back to what the President said earlier this year. We ought not mess with Social Security. We ought not mess with these programs that are vital to the needs of retired Americans and future generations of Americans who hope to retire in dignity.

It is time, I think, to take Social Security off the table. We hope, I hope we can follow the President's advice: For the rest of this Congress, "Don't mess with Social Security."

JERUSALEM MUST NOT BE DIVIDED

The **SPEAKER** pro tempore (Mr. TAUZIN). Under a previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 60 minutes.

Mr. **FEIGHAN**. I thank the Speaker, and at the outset of this special order I would like particularly to thank our colleague from Indiana, Congressman BURTON, who has joined me in organizing this special order this afternoon and spoke with many of our colleagues, many of whom had hoped to participate, thinking that the special order would have been conducted somewhat earlier in today's schedule. But because of the wide interest in a number of topics, we were not able to do so.

I would also like, Mr. Speaker, to just mention two of our colleagues who have been instrumental in organizing this special order and were very eager to participate but because of the lateness of the hour were unable to do so.

One is the gentleman from California [Mr. LEVINE], who has been a very active member of the Committee on Foreign Affairs, particularly the Subcommittee on Europe and the Middle East in dealing with the wide range of complex issues in the fashioning of American foreign policy in the Middle East. He is submitting an extension of his remarks at a later date.

GENERAL LEAVE

Mr. **FEIGHAN**. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. **FEIGHAN**. Mr. Speaker, I also would like to mention a colleague of ours who serves on the Committee on Appropriations, the gentleman from Florida [Mr. LEHMAN], who also wanted to participate today. I will be submitting his lengthy statement into the RECORD. He is someone who has been of enormous help and tremendously responsible in helping us to fashion an appropriate American policy.

Mr. Speaker, during the past 23 years—since 1967—there have been certain hallmarks in U.S. Middle East policy that have remained constant. One has been that any peace agreement involves mutual recognition and secure borders for Israel. Another has been that in exchange for full peace and recognition Israel might have to yield some of the territory that was won after the Arab States attacked in 1967. A third was that the city of Jerusalem must remain united and would not be returned to the divided status of the pre-1967 period.

However, on March 3, President Bush seemed to break with the consensus that had existed since 1967 when he stated that his administration opposed new Israeli settlements "in the West Bank or in East Jerusalem." Initially, it was thought that the President misspoke and that he had meant to say "the West Bank and Gaza." It seemed unlikely that the President would have intended to put Israel's capital city in the same category as the administered territories.

But, as Tom Friedman pointed out in the New York Times of March 9, that was his intention. "Officials say," Friedman wrote, "that Bush intentionally added East Jerusalem to make sure that the Israelis understood that it was still viewed as occupied territory by the United States * * *." The President stated just yesterday that he stands by his March 9 statement.

The President has made a blunder, one that is already reverberating throughout the Middle East. The first mistake was in the timing of his remark on Jerusalem. At the time he made his statement, the administration was trying to convince the Israeli Government to enter into negotiations with the Palestinians—negotiations that would lead to elections in the West Bank.

The Shamir government was resisting, in part because of the administration's insistence that Arab residents of Jerusalem be allowed to participate both in the negotiations and in any future election. Israelis feared that allowing residents of Jerusalem to participate—as if Jerusalem was just another part of the West Bank—might lead to a situation where Israel was being pressured to relinquish sovereignty over its own capital.

This fear was only fueled by the President's statement which is a departure from traditional U.S. policy. The United States has always made a distinction between Jerusalem and the territories. American policy on the West Bank and Gaza is governed by U.N. Security Council Resolution 242 and the Camp David accords, both of which envision at least partial Israeli withdrawal in exchange for full peace and security.

However, neither of those documents makes reference to Jerusalem and deliberately so. The United States Ambassador to the United Nations at the time 242 was drafted stated that "Resolution 242 in no way refers to Jerusalem * * * Jerusalem was a discrete matter, not linked to the West Bank." As for Camp David, the accords drafted there include separate letters stating the Egyptian, Israeli, and American positions on Jerusalem. These separate side letters were included simply because the three sides could not reach agreement on Jerusalem's future.

Subsequent United States administrations have made clear, over and over again, that the land for peace formula does not apply to Jerusalem. Israelis would not be asked to accept the redivision of Jerusalem.

Nor should they. Jerusalem is Israel's capital. The concept of settlements in Jerusalem is nonsensical. Israelis do not settle in their capital. They live there. Jerusalem is not occupied territory.

The Bush statement reveals a troubling aspect to United States policy toward Jerusalem. In his March 9 statement the President indicated that the administration considers East Jerusalem to be occupied territory, that is, territory that Israel would be asked to give up in the context of peace negotiations.

In a March 13 letter to Mayor Teddy Kollek of Jerusalem he stresses that Jerusalem must "never again be a divided city," but at the same time states that it is "our view that the final status of this most special of cities should be decided by negotiation * * *."

The logic here is inescapable. The administration believes that Jerusalem must remain one city but that its final status is up for grabs. Israel will be asked to negotiate not only over the future of East Jerusalem—the part of the city that was gained in the 1967 war—but also over West Jerusalem, which has always been part of Israel.

Mr. Speaker, the administration's policy toward Jerusalem is precisely half right. Jerusalem must never again be divided. However, it is most certainly not up for grabs. Jerusalem, East

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and West, will remain Israel's capital. Now and forever.

This is not to say that there can be no negotiations over Jerusalem's final status. At the end of the day, when the other outstanding issues dividing Israelis and Palestinians are resolved, there should be discussions over the holy places and other sites of particular historic or religious interest.

However, raising the Jerusalem question at this time is counterproductive. It unnecessarily alarms the Israelis and raises the expectations among Palestinians and other Arabs that the United States will join in the effort to wrest Jerusalem from Israel. That is not going to happen. And it shouldn't happen. It's President Bush who should convey this message to Arabs and Israelis alike. Only then will this needless controversy be laid to rest.

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Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana [Mr. BURTON] who has joined me this afternoon in calling for and organizing this special order.

Mr. BURTON of Indiana. Mr. Speaker, I am a very strong supporter of President Bush, and I think many of my colleagues are. However, we believe, I think many Members believe, that an unfortunate error was made by the President recently when he made the statement that "We do not believe that there should be new settlements in the West Bank or in East Jerusalem."

Jerusalem, the ancient capital of Israel, represents the heart and soul of the Jewish people. It has been the focus of Jewish national and religious yearning for 3,000 years. Jews have always lived there. And, since the 19th century, a plurality of its residents have been Jewish.

Ever since King David established Jerusalem as the capital of the kingdom of Israel, Jerusalem has been close to the heart of the Jewish people.

Through all the years of exile, Jerusalem was the focus of Jewish prayers. At Passover, Jews have always prayed "next year in Jerusalem." One of Judaism's most fervent prayers reads like this:

> If I forget thee O Jerusalem, let my right hand forget its cunning. Let my tongue cleave to the roof of my mouth, if I do not remember thee, if I do not raise Jerusalem above my highest joy.

We must remember Jerusalem was divided for 19 years because of war imposed by Arab neighbors, and Jews were not allowed into East Jerusalem for that time, even to pray at the holy shrines. Jewish gravestones were desecrated, and some used for latrines, and some used for road construction. Israel pleaded with Jordan not to enter the 1967 war. Jordan, instead, chose to enter the war started by Syria and Egypt. As a consequence, Israel found itself in control of all of Jerusalem and the West Bank. In order words, these were areas seized in a war of self defense. The very fact that Israel is being asked to relinquish those territories is a reflection of the hypocrisy of the world community. What other country in the world is expected to give up land it won in a war? Especially a war of self defense. Can Members imagine the United States giving Texas back to Mexico? Can Members imagine Poland returning territory to Germany? I think not.

How could anyone who has been to Israel not be awed and impressed by what the Israelis have done in Jerusalem? It is a free city, where Jews, Arabs, and everybody else enjoys freedom. Mayor Teddy Kollek, a great statesman, has done a tremendous job in unifying that city. The Arabs who live there are entitled to full citizenship and have all benefited from a higher standard of living, better education, better health care, better job opportunities and so forth. Most Arabs in any other country in the Middle East do not enjoy anywhere near the same advantages. Anyone who has been to Israel who has seen the West Bank knows how vulnerable Israel is, how narrow the country is at the waist. A person can fire a rocket from the West Bank all the way across the country into the Mediterranean Sea. It is surrounded by hostility. We ought to have maximum understanding for Israel's situation.

However, Jerusalem is in a category by itself. Recently, unfortunate statements have been made about the Israeli settlements in Jerusalem, which I alluded to, by the President, a few moments ago. Let all Members make it clear that we do not understand that language, on both sides of the aisle. Jerusalem is the eternal, indivisible capital of Israel. As a matter of principle, we really should move our Embassy to Jerusalem. Israel is the only country in the world where the United States Embassy is located in a city other than its capital, and Israel is our strongest ally in the Middle East. But at the very least, let Members speak with one voice concerning our feelings about Jerusalem. Let no one, be it friend or foe, doubt our strong support for Israel, and our strong conviction about the centrality of Jerusalem as Israel's eternal, united, and free capital city.

I would just like to end by saying since 1967, successive administrations have been sensitive to the special status of the city. According to Arthur Goldberg, one of the drafters of the U.N. Security Council Resolution 242, that resolution "in no way refers to Jerusalem, and this omission was deliberate * * * Jerusalem was a discrete matter, not linked to the West Bank."

Mr. Speaker, I hope that the President, whom I support almost 100 percent of the time, will reevaluate his position on this issue so that this Congress can speak with one voice with the administration in helping preserve, protect, and defend Israel, our allies, work with them and work with their capital city, Jerusalem.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for his forceful statement this afternoon, and again for his participation in organizing today's special order.

I yield to the gentleman from New York [Mr. GILMAN], the ranking member on the Subcommittee on Europe and the Middle East, who has been one of the most effective and responsible voices on American foreign policy in the Middle East.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Ohio, [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] for arranging this special order so that we may be able to comment on the status of Jerusalem.

Mr. Speaker, for over 3,000 years, Jerusalem has been the center of religious, historic, and political identification for Jews throughout the world. The people of Israel and both major Israeli parties are united in their conviction that Jerusalem is and will remain the undivided capital of the State of Israel, just as it has been for more than four decades.

Jerusalem is the heart and soul of the Jewish people. For thousands of years it has been the focus of Jewish national and religious yearning. Jews have always lived in Jerusalem, and since the 19th century, a plurality of its residents have been Jewish.

On December 5, 1949, David Ben Gurion, first Prime Minister of Israel, declared in the Knesset that:

> * * * Jewish Jerusalem is an organic and inseperable part of the State of Israel, as it is an inseparable part of the history of Israel, of the faith of Israel, and of the very soul of the Jewish people. Jerusalem is the heart of hearts of the State of Israel * * *.

Those words, so articulately spoken by Ben Gurion, loudly proclaimed to the entire world that Jerusalem is the only religious and national center that Jews have ever had. If all of this is so obvious, and so critically important to Israel and her citizens, I question why our administration has not been more sensitive to this issue?

It is inconceivable for any Israeli Government to agree to the redivision of Jerusalem under any circumstances. In 1967, a Labor government was responsible for reunifying the city and a labor controlled Knesset legislated Israeli jurisdiction over all parts of the city. This commitment was reaffirmed when the Knesset enacted the basic law on Jerusalem in July 1980, which declared that "Jerusalem, united in its entirety is the capital of Israel."

Since 1967, successive administrations have been sensitive to the special status of Jerusalem. It is significant to note that according to Arthur Goldberg, one of the drafters of U.N. Security Council Resolution 242, commented on the omission of Jerusalem in that resolution, stating: "that resolution in no way refers to Jerusalem, and this omission is deliberate * * *. Jerusalem is a discrete matter, not linked to the West Bank."

The 1980 Republican Party platform called for Jerusalem to "remain an undivided city with continued free and unimposed access to all holy places by people of all faiths."

President Reagan on a number of occasions voiced support for keeping Jerusalem "undivided under Israeli rule."

I believe that President Bush is dearly committed to the important strategic relationship with our one stable, resolve any in the Middle East: the State of Israel. In fact, President Bush's 1988 Republican Party platform was the most pro-Israeli political document ever produced by a major American party.

Lately, however, something appears to have been lost in the translation and most recently there has been a plethora of mixed signals with respect to United States policy toward Israeli Jews living in east Jerusalem.

Earlier this month, President Bush stated "we do not believe that there should be new settlement in the West Bank or in east Jerusalem."

By departing from a longstanding United States policy regarding the special status of Jerusalem, President Bush has raised doubts about our Nation's credibility at an extremely sensitive time in the peace process.

Jerusalem's mayor, Teddy Koller, observed that the administration's recent statements "have harmed the peace process and have caused a furor throughout Israel" and I might add throughout the American Jewish community.

Accordingly, Mr. Speaker, I call upon our President to review and clarify the official United States position with regard to Jerusalem and particularly with regard to the Jewish population in east Jerusalem, as a further demonstration of our commitment to and support for Israel.

Mayor Teddy Koller noted there have been no Jewish settlements in Jerusalem.

A.M. Rosenthal, in his comments in the NY Times on March 8, 1990 stated:

> The very use of the word "settlement" to describe Jews moving into Jewish neighborhoods in Jerusalem is insulting. Should Israelis declare a Jewish quota for the eastern part of their capital?

Mr. President, you have been a staunch supporter of peace in the Middle East. Do not allow your recent east Jerusalem comments to undermine all of your good works.

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Mr. FEIGHAN. Mr. Speaker, I thank the gentleman for his very thoughtful and scholarly presentation on this issue.

Mr. Speaker, I yield to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Speaker, I thank both the gentlemen from Ohio [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] for taking this special order.

If President Bush's comments were not so serious, if his misstatement of U.S. policy were not so severe, one could almost find a humorous aspect to what he has done. With the Israeli body politic, which is so divided and so split up and so fractious and tumultuous right now, he has managed to unify Israelis from the left to the right and from Labor to Likud with his very, very unfortunate comments.

The sad part of this and the thing that takes the humor away is the serious repercussions and implications which will come from all of this. The President has misstated U.S. policy toward Jerusalem. Jerusalem has always, under Republican administrations and Democratic administrations, been considered a separate issue from the question of the West Bank and Gaza. Jerusalem has been accorded a special status by the U.S. Government, at least until last week. The United States has always until last week been very careful to refrain from taking a position on the final status of Jerusalem. But always the U.S. position has been that Jerusalem is to be a unified entity.

The separation between 1967 and post-1967 was not to apply to Jerusalem. The green line did not run through the middle of Jerusalem.

The irony of the President's statements implying that Jews should be restricted from living in certain areas of the Holy City, in addition to being deeply offensive to Israelis of all political persuasions, Jews of every nationality, and many other Americans, is that Jerusalem is one city where the residents, be they Muslim, Christian, or Jew, Arab Israeli or Jewish Israeli, could live anywhere. No one has ever suggested restrictions on the ability of Arab Israelis who lived in what was known as East Jerusalem before 1967 to move anywhere within Jerusalem or anywhere within Israel as it existed before 1967. This has never been a question for Muslims or for Christians.

Now President Bush all of a sudden suggests and raises the question that it should be an issue of where Jews can live in Jerusalem. Each year at Passover, Jews worldwide pray, and they pray next year in Jerusalem, remembering that particularly in recent years Soviet Jews were unable to conduct services for themselves. For 2,000 years the return to the Holy City has been the highest spiritual aspiration for Jews.

That is why the President's statements are especially distressing to Soviet Jews. Having finally escaped decades of persecution in the Soviet Union, they discover now that our Government is seeking to discriminate against them on the basis of religion. As we applaud the collapse of the Berlin Wall, it might be intolerable for us to support the erection of a similar divisive edifice in Jerusalem.

I have been one who has been supportive of the administration's efforts in pursuing the peace process in the Middle East. The administration has played a very useful role in trying to implement the Shamir peace initiative, and in doing so, I think, has given hope to all of us that we may bring this spiraling escalation of hatred to an end, turn this around, and move forward in the peace process. But when they raise the kind of issue like the final status of Jerusalem in such a fashion as President Bush just did, it is the kind of ill-considered, hasty action that brings negotiations of such sensitivity to a standstill.

There are three theories for what the President has done. One is that it was a misstatement. If it was a misstatement, he had ample opportunity to correct it, but he chose instead to reiterate it. Another suggestion has been that he is trying to make a purposeful change in our position with respect to Jerusalem. If that is his intent, he should put it forth as such, defend it as such, and explain why what he is doing serves our national interest.

Finally, it is the view of some that this is the result of pique or irritation at some Israeli action in the peace process. That is not an appropriate response for the President of the United States.

Mr. Speaker, moving the peace process backward by this kind of comment is a very terrible responsibility for the administration to bear, and I hope they do everything they can as soon as they can to rectify the situation.

Mr. FEIGHAN. Mr. Speaker, I thank the gentleman from California [Mr. BERMAN] for his remarks and for joining us this afternoon.

Mr. Speaker, I yield now to the gentleman from New York [Mr. PAXON].

Mr. PAXON. Mr. Speaker, I thank the gentleman for yielding, and I would like to thank and commend my colleagues, the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] who have taken the time this evening to ask us to come over and talk about an issue of very great importance and personal interest to me.

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Last August I had the opportunity to visit Israel for the first time. While I was there, I spent several days touring the ancient city of Jerusalem, the center of Jewish history. Although the short time I was there was not nearly enough to fully experience life in Jerusalem, I was able to speak to many people, not just leaders of the government but ordinary citizens as well.

I was told by these men and women of the days when Jerusalem was a divided city, when the city, held sacred by not only Jews but by Christians and Muslims as well, was divided by walls and barbed wire, machine guns, and mines. My friends in Israel, those old enough to remember, told me of the pain they felt knowing that they could not go to East Jerusalem to visit the many places holy to them and to their religion.

After the Jewish sector of the partitioned city came under attack in the Six Days War in 1967, the Israelis were able to reestablish control and order in all parts of that Holy City.

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Mr. Speaker, when the Israelis reunited all parts of Jerusalem, they undertook measures to guarantee that in the future all holy places would be protected from desecration and that access to them would be free to all members of all faiths, and, my colleagues, that has been the case ever since, regardless of religious background.

On that afternoon of the reunification of Jerusalem in 1967, standing at the Western Wall, Defense Minister Moshe Dayan said, "We have returned to our holiest places. We have returned, never to be parted again."

Mr. Speaker, when I was in Jerusalem, I went and prayed at that Western Wall myself. I joined with others in our group and from all over the world at that wall to pray that Jerusalem never again would be divided. I prayed for a just and lasting peace in Israel and the Middle East.

However, my colleagues, now I fear that these prayers and these concerns of myself and so many others might go unanswered. The United States policy toward the division of the city of Jerusalem and Israeli sovereignty over Jerusalem as expressed in recent days by our administration is at very best unclear. We must explore every opportunity for achieving peace, and we must demonstrate our unwavering commitment to Israel with a unified Jerusalem as its capital.

I have been a strong supporter for the State of Israel for a very long time, for Israel is our only real democracy and our only real ally in the turbulent Middle East. But I have also been among the strongest supporters and friends of the Bush administration in this House. As a result, I today urge my friends in the administration to carefully reflect on the issue of Jerusalem and then join with us in standing up for a united, free, and strong Jerusalem and Israel.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New York [Mr. Manton].

Mr. MANTON. Mr. Speaker, I would like to thank my colleagues Mr. Feighan and Mr. Burton for reserving this time to discuss President Bush's policy toward Jerusalem.

Mr. Speaker, I am here to voice my deep concern about President Bush's recent statement that the administration is opposed to new Israeli settlements in East Jerusalem. The President's remarks are troubling to me and to friends of Israel everywhere because they signal a complete shift in United States policy toward Israel. No other United States president has ever challenged the rights of Jews to live in Jerusalem, the ancient capitol of Israel. The President's statement also represents a complete reversal of his own previously stated policy on this issue.

One reason I am concerned about the President's remarks is that they seem to represent a lack of understanding of Israel's history. I am troubled that the President linked the very different issues of the West Bank and Jerusalem. It is inappropriate to refer to the Israeli community in Jerusalem as a settlement because Jerusalem is part of Israel, and has been since 1967.

During his news conference yesterday, President Bush said he did not regret his remarks about Jerusalem. He added that the political situation in Israel was so sensitive and emotional he would not talk about it further. I think we need to urge the President to change his mind. These statements need to be talked about. We need to know what other departures from longstanding U.S. policy the President has in mind with regard to the Middle East.

Although the President's policy toward Jerusalem remains ill defined, the effect of his statements is painfully clear. In a single remark, the President has done a great deal to undermine confidence in his administration's intentions regarding the Middle East peace process and in political stability in Israel.

Mr. Speaker, the outlook for peace in the Middle East looked bright 2 weeks ago. Both the Likud and Labor Parties seemed poised to agree to begin peace talks with Palestinian representatives in Cairo. Unfortunately, things have changed a great deal in 2 weeks. Today, Likud Prime Minister Yitzhak Shamir fired his Vice Premier, Labor Party Leader Shimon Peres, thereby signaling the end of Israel's coalition government. Regrettably, President Bush's introduction of the Jerusalem issue into the peace talks debate precipitated this breakdown.

When asked a question about the Soviet Union at yesterday's news conference, the President said that he stayed out of the internal affairs and deliberations of the Soviet Union. Yet the administration has shown no such constraint in making pronouncements about Jewish neighborhoods in the Israeli city of Jerusalem. I only wish the President felt that his administration owed Israel the same courtesy he feels is due the Soviet Union.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentlewoman from Florida [Ms. Ros-Lehtinen].

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman from Ohio [Mr. Feighan] for yielding, and I would like to commend my colleagues, the gentleman from Ohio [Mr. Feighan] and the gentleman from Indiana [Mr. Burton] for having the energy, and the foresight and everything, the dedication of putting this special order together, and it is a real privilege and an honor for me to be able to participate tonight in this very important discussion.

Mr. Speaker, today we are at a point where one could envision peace in the Arab-Israeli conflict as a result of this new world.

Congress continues to debate many issues of concern to Israel. Policy regarding Soviet refugees, terrorism, foreign aid, and the Middle East peace process justifiably demand our complete attention.

There is, however, a more pressing issue on our collective agenda, an imperative concern to the ongoing search for a lasting peace—it is Israel's capital, Jerusalem.

Jerusalem is the embodiment of Jewish history, the heart and soul of the Jewish people. For 3,000 years, Jerusalem has been the focus of their national and religious yearning. It is a city in which Jews have always lived. However, it is a city that Israel has granted freedom of access to all.

Jerusalem is worshiped as a holy city; a well of spiritual opportunity for Jews, Christians, Moslems, and other religious groups. The Israeli Government guarantees each religion the authority to oversee their own holy places. The history, culture, and tradition of this land are unparalleled and give one an understanding of why so much of man's past and present existence has been focused in this part of the world. Israel recognizes Jerusalem's special significance and has made great efforts to preserve this multiple identity. One can therefore not help but have an intense love for this land and her people.

In the year 1000 BCE [before the common era] King David established Jerusalem as the capital city of the Jewish state, serving as the symbol and most profound expression of the Jewish people's identity as a nation. The return to Israel has continued throughout the centuries, and 78 years of nation-building, beginning in 1870 culiminated with the reestablishment of a Jewish state.

History has demonstrated the need to ensure Jewish security through a national homeland with a national capital—Jerusalem.

Mr. FEIGHAN. Mr. Speaker, I yield now to our very distinguished colleague, the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I appreciate the initiative of the gentleman from Ohio [Mr. FEIGHAN] in taking out this special order. It is very important because our purpose here is not simply to reaffirm what I believe is the policy overwhelmingly supported by the Congress of the United States; that is, the recognition that Jerusalem united is the capital of Israel.

Actually, Mr. Speaker, I was somewhat puzzled when the President said at one point that he agreed that the Jewish people should be united, but they apparently only were not sure that it should be part of Israel. I do not know whether the implication is that Jerusalem is supposed to move entirely someplace else. I think that illustrates the lack of thought that went into the President's position.

So, Mr. Speaker, we are here to reaffirm our commitment to the legitimacy, indeed the essentiality, of Jerusalem as Israel's capital. We are here to once again praise Israel because only under Israeli rule have all of the holy places been fully opened to all. Prior to Israel taking over, in all of Jerusalem Jews were denied access. The Jewish people running Jerusalem have not denied access to anyone, as they should not have.

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But it was a particular disaster for the President to have gratuitously injected the sensitive issue of Jerusalem into the political arena at this point.

American policy for some time has been trying to advance the peace process in the Middle East, and I have agreed with some aspects of that policy. I was one who believed that it was in the interests of peace and justice when Prime Minister Shamir came forward with an electoral proposal, which was quite a good proposal. I was sorry that it seemed to be bogging down. I was hoping that we would get an agreement with Israel and Egypt and the United States so that the talks could begin leading to an election so that there could be an elected autonomous body in the elected territories to see whether out of that could evolve a true peace. At that point, when this government was asking elected democratic leaders in Israel to take political risks and to take risks to some extent with the security of their state, for the President to have called into question Israel's right to Jerusalem was the biggest diplomatic gaff I can remember having been made since I have come to Congress.

What the President did was not simply to call into question something that should not be questioned, but he did it at a time when it was guaranteed to retard the very peace process that he was apparently trying to help, because what has he done? He has given those in Israel who are resistant to any degree of compromise the argument that if you give in to the Americans, you are going to be calling Jerusalem into question. I do not think that is accurate.

I think it is very important that we here show overwhelmingly that the United States Congress does not agree with that, that we are not asking Israel in any way, shape or form, to sacrifice their control over their sovereignty over all of Jerusalem; but the President of the United States has given some credibility to those who would argue that putting the peace process forward would somehow call Jerusalem into question. The President's objection to Jerusalem at this point undoubtedly contributed to the political crisis in Israel, and it is not just a political crisis, it is a political crisis which may lead to an election in which some will be portraying an American initiative as one which calls Jerusalem into question as the capital of Israel. It cannot be the interests of anyone who wants peace in the Middle East. It cannot be in our interests, so what the President said was not simply wrong, factually wrong, politically wrong and morally wrong in doubting Israel's right to have a united Jerusalem as its capital. It was as I guess Tallyrand said, even worse than a crime. It was a stupidity. It was an error of a very grave sort, compounded the other day when the President was asked if he wanted to take it back, he said, "I don't want to take it back because it is too sensitive to discuss it. It is too delicate."

Mr. President, if it was so sensitive and so delicate, why did you bring it up in the first place?

He was the one who injected this bomb into the process. Then he pleads the delicacy of the subject as a reason not to clarify what he said.

The President has got to understand, it is not simply that we believe as a matter of right that Israel can have Jerusalem as its capital. If the President continues to allow there to be doubts about America's recognition of Israel's right to a unified Jerusalem, he will be putting a serious obstacle in the way of the peace process that he says he wants.

The President at this point, as I say, has created an enormously difficult diplomatic situation. We are trying to minimize the damage. Only he can totally undo it, and I hope that he will, and I thank the gentleman from Ohio.

Mr. FEIGHAN. Mr. Speaker, I yield to our colleague, the gentleman from New York [Mr. SCHEUER] whose recent visit to Israel and the region I think underscores his experience and perspective on this issue and the whole range of issues regarding the peace process.

Mr. SCHEUER. Mr. Speaker, I thank the gentleman from Ohio for yielding to me. I thank the gentleman from Ohio [Mr. FEIGHAN] and the gentleman from Indiana [Mr. BURTON] for having had the leadership and thoughtfulness and sensitivity to arrange for this important special order, and I would like to thank the broad range of our colleagues who have spoken before me. They really said it all. There is really not very much for me to add. I have enjoyed their remarks.

Mr. Speaker, I was asked this afternoon in various conversations with the press, did President Bush mean to upset the peace process? Did he mean to sabotage the negotiations? Did he mean to cut Prime Minister Shamir down to size with this monkey wrench or this bomb that he threw into the negotiations, Of course not. Nobody thinks that. Nobody questions President Bush's essential decency, his essential honor, his bona fides; but this was an awful gaff. This was an awful boomer.

To link Jerusalem with settlements is a non-starter in the first place. I just got back from Jerusalem 60 days ago. The gentleman from Ohio [Mr. FEIGHAN] was there on a mission. We met there. Anybody who has ever been in East Jerusalem would be appalled by the application of the word settlements to East Jerusalem.

Mr. Speaker, East Jerusalem is a very densely occupied urban place. Settlements are placed on rocky mountainsides. Settlements are placed in empty fields. Settlements are not placed in densely occupied urban areas, and this is an urban area that has been densely occupied by Jews and Arabs, living together amicably for most of the last 3,000 years.

There is a difference, though. Jews look upon Jerusalem and always have as the centrality of their ethos, of their morality, of their religion, of their body and soul. A united Jerusalem is totally central to the Israeli persona, both as individuals and the persona of the Israeli state. It has been the capital of Israel for the last 42 years, and for several thousand years Jews have been saying every year on the occasion of Passover, "L'Chaim." "Good health. Next year in Jerusalem."

And we say, "If I forget thee, O Jerusalem, may my right hand lose its cunning." And we have been saying that for 3,000 years.

It is totally central to the Jewish being.

Now, I guess Jerusalem is of significance to Arabs, to the Arab culture. It is never mentioned in the Koran, not once, while Jerusalem is mentioned in the Bible, in the Torah 700 times. There has never been an Arab state of which Jerusalem was its capital, and indeed over the years Mecca and Medina have been the two central cities that are most holy to the Arabs, with Jerusalem coming in a poor third. Not so with the Jews. Jerusalem was the one and only holy place, the one and only capital, the one and only center of the heart and the mind of the Jewish people, extending back 3,000 years.

Now, I do not think President Bush, I do not believe President Bush meant to disrupt the peace process, but it was his thoughtless act—I credit him with bona fides, but this was a thoughtless, ill-considered act, and it was mischievous. It was destructive. It spread confusion and doubt and chagrin and dismay throughout the Middle East. It was very painful for the Jewish community and it was very confusing for the Arab community, because the Arabs are going through a very traumatic situation now. Their friends and mentors and suppliers and financiers of 40-odd years are disappearing into the morning mist. Russia, the East European states, the central European states, who have supplied arms to the Arabs, who have provided intelligence for the Arabs, who have been giving training to the Arabs, they have totally departed the Arab camp.

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Poland, Hungary, Czechoslovakia, and Romania, all in the last few weeks, have recognized the State of Israel. Incidentally, so have eight African states.

No longer can Syria look to the Soviet Union for state-of-the-art armaments of all kinds, no longer can the PLO look to the Soviet Union and the Eastern European countries for assistance, financial underpinning, advice, counsel, training in terrorism and so forth. That is all a thing of the past.

It has been a very difficult period for the Arabs. The Arabs are reaching for straws, understandably. It is a painful period for them. So when the President threw this little bomb into the negotiation process and talked about no settlement in Jerusalem, the Arabs understandably grasped at that straw; understandably they felt that America was sending very mixed and confused signals about America's support for Israel and America's support for Jerusalem as the centrality of the Jewish existence. So it is going to take some time for a new equilibrium to be achieved.

Mr. Speaker, I am convinced that in the fullness of time this little contretemps, this little confusion will be viewed as a blip on the radar screen, but now it is not.

The very reasons that President Bush used not to apologize or the reason that he used as not having regrets over this was because it was a sensitive and an emotional subject. My colleagues, this is precisely and exactly the reason why President Bush never should have made the comment in the first place, why it was so wholly ill-advised. It was blurted out. I am sure that the President would not make that statement again, nor would the Secretary of State.

We will get negotiations back on an even keel when a new government in Israel is established. We all hope and pray that they will be open-minded, open-hearted, and magnanimous in dealing with their Arab brothers. They are all Semites under the skin. They are a bunch of scorpions located in a bottle; they must learn how to live together, and we all pray that that process will be sooner rather than later.

Surely this ill-considered episode did not add anything to the process.

Mr. FEIGHAN. Mr. Speaker, in view of the short length of time remaining, I am going to ask the subsequent speakers if they could confine their remarks within a 2-minute timeframe.

Mr. Speaker, I yield to the gentleman from New York [Mr. HOCHBRUECKNER].

Mr. HOCHBRUECKNER. Mr. Speaker, on March 3, President Bush stated his opposition to new settlements "in the West Bank or in East Jerusalem." The administration has confirmed that the President's remarks were intended to make it clear to the people of Israel that administration policy still viewed East Jerusalem as occupied territory.

I want to take this opportunity to clearly state my disagreement with the President's statement. I think that it is unfortunate that the President has forsaken his strategy of sitting on the sidelines of world events just in time to disrupt the prospects for negotiations between Israel and the Palestinians living in the West Bank and the Gaza Strip.

In the past, the United States has stated that it supports a united Jerusalem whose final status would be determined by negotiations. The status of Jerusalem, the capital of the State of Israel, has always been considered a separate issue from the treatment of the West Bank and the Gaza Strip—territory which came under the control of Israel after the Six-Day War in 1967.

The separation of Jerusalem into east and west portions was the result of the battle lines existing at the end of Israel's war for independence in 1949. Prior to this, the United Nations parition plan, accepted by the Zionists and rejected by the surrounding Arab States, had called for Jerusalem to become an international city under U.N. control. Instead, the Arab countries attacked the newborn State of Israel and at the end of the fighting, the Kingdom of Jordan controlled a portion of the city of Jerusalem.

Over the next 18 years, the city of Jerusalem grew up around the battle lines. New communities grew up on all sides of Jerusalem to house the hundreds of thousands of Jewish refugees and immigrants who came from all over the world. In 1967, after a number of belligerent acts by President Nassar of Egypt, Israel launched a pre-emptive attack against Egypt. Armies from Jordan and Syria joined Egypt in the fight against Israel. In the ensuing battles, Jordan lost control of its portion of Jerusalem.

The Six-Day War allowed the reunification of the city of Jerusalem. Since that time, the city has continued its growth in all directions. Today, it is impossible to clearly delineate what is east or west Jerusalem. It has grown as a single city. It should not be considered as a part of the West Bank.

When I visited Israel in 1988, I had the opportunity to talk with an American citizen who was living in Jerusalem. This person had recently tried to register his newborn son as an American citizen at the United States consulate in Jerusalem. At the consulate, when filling out the appropriate forms, this person came to the question, "place of birth." He filled in the answer "Jerusalem, Israel." A consulate official told him that that was not an acceptable answer—essentially, the consulate officials said there was no such place. This must have come as a great shock to this individual and to his friends who has been successfully sending letters to this address that the United States was claiming did not exist.

United States refusal to recognize Jerusalem as the capital of Israel denies the reality of the situation and continues debate on an issue that never should have begun in the first place. President Bush, in equating Jerusalem with the West Bank and Gaza Strip has only served to break up the government of national unity which had been working toward negotiations with West Bank and Gaza Palestinians and strengthened the hand of groups such as the PLO which have no interest in a resolution of this conflict.

Jerusalem is the capital of Israel. This fact should be recognized by the administration. It is an odd fact that Israel, one of our most loyal international allies, is the only country in which the United States purposely does not locate its Embassy in that nation's capital. I think it is time to change that.

I hope that President Bush will reconsider his position and clearly state United States support for a unified Jerusalem as the capital of Israel.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New York [Mr. Schumer].

Mr. SCHUMER. Mr. Speaker, I thank very much the gentleman from Ohio and the gentleman from Indiana for taking out this special order and their leadership.

Much of what has to be said has already been said. This was a cosmic blunder. This united the American community and the community in Israel behind a very justifiable and worthy goal that I believe just about all Americans would support, and that is that Jerusalem be united, Jerusalem be Israeli.

Many of us cannot forget the time between 1947 and 1967, or 1948 and 1967, when the Jordan Arab League pushed the Jews out of East Jerusalem. Was there an open city as there is today where Arabs and Christians and others can come and worship and even run their own shrines? No way. No Jew was allowed. Jews could not visit the Wailing Wall, Jews could not visit the old temple, Jews could not visit vital parts of their history, and in fact in 1967 when the areas were finally liberated, what was found was that many of these holy places had been desecrated.

Jews and many others throughout the world said after discovery of this desecration, "Never again." We say to the President, "Perhaps you did not know the chord you were striking. Perhaps you did not understand how the centrality of Jerusalem is to Jews throughout the world as well as in Israel. Perhaps it was, indeed, a slip of the tongue. Unfortunately, the damage has been done. The clocks cannot be turned back. The peace process has been at the very least temporarily derailed and, Mr. President, the only thing that I can think of that you can do to change, to undo, this slip of the tongue that had such terrible consequences is once and for all do what the Republican platform says ought to be done, and that is that there ought to be one city, a unified city of Jerusalem under Israeli control with international guarantees of the holy places so that all religions can be there."

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Mr. FEIGHAN. Mr. Speaker, I thank the gentleman from New York for his participation this afternoon.

Mr. Speaker, I would like to recognize the gentleman from Maryland [Mr. Dyson].

Mr. DYSON. Mr. Speaker, I rise today to join my colleagues in voicing our concern over alarming deficiencies in the Bush administration's position on Jerusalem. I wish to thank my distinguished colleagues from Ohio and Indiana for arranging time today for this purpose.

All of us are by now aware of the dismal chain of events which began on Saturday, March 3. Breaking with the policy of his predecessors, President Bush included East Jerusalem as an area in which he opposed "new settlements" of Jews.

In the days preceding that unfortunate remark, the prospects for peace in the Middle East looked brighter than they had for some time. The resignation of hard-line Cabinet Minister Ariel Sharon gave the Israeli Government room to maneuver. Prime Minister Shamir seemed ready to lead the moderates in his Likud Party to join with their coalition partners from the Labor Party and launch a viable peace process.

With his ill-considered remarks, President Bush destroyed this promising opportunity and seriously jeopardized the chances for a U.S. brokered solution in the region. Today, the Israeli Government stands on the verge of collapse.

What troubles me the most about the President's statement is his apparent failure to recognize its consequences. President Bush denies having misspoken and has stood by his remarks. At the same time, his administration refuses to acknowledge the drastic shift in U.S. policy which they portend.

Ten years ago, when the Carter administration voted for a U.N. resolution opposing all settlements "including Jerusalem," they were severely criticized by a Vice Presidential candidate by the name of George Bush. President Carter had the courage to repudiate this vote, and Secretary of State Cyprus Vance publicly apologized for "the breakdown in communications" which led to this lapse in judgment. I ask today how President Bush can justify a refusal to do the same.

Recent events only underline the need for a fundamental reassessment of U.S. policy toward Jerusalem How much longer will we ignore the reality that Jerusalem, as the spiritual capital of the Jewish people, is and must remain an integral part of the sovereign State of Israel? The sooner the United States recognizes this reality by moving its embassy from Tel Aviv and ending the futile and counterproductive debate over the status of Jerusalem, the sooner we can address the real issues which span the Arab-Israeli divide.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New York [Mr. Engel].

Mr. ENGEL. Mr. Speaker, I rise today to express my strongest opposition to the stance Mr. Bush and the administration has taken on the issue of Jerusalem. Jerusalem is the heart and soul of Israel and, as previous administrations have maintained, should under no circumstances be divided. Mr. Bush's recent statements have cast serious doubt on this longstanding American policy and have come at a very delicate time in the peace process. At this juncture the Israeli Government needs assurances of solid and unambiguous American support, not unnecessary and destructive equivocations about the status of Israel's capital city.

Mr. Bush's statements have also cast doubt on the administration's commitment to freeing Jews still trapped in the Soviet Union. The Israeli Government has provided assurances that no American funds will be used for the settlement of Soviet Jews in the territories and that American funds will not be used to expand shekel-funded programs either. There is no reason to link further United States funding to Israeli settlement policies. With rising anti-Semitism in the Soviet Union, the administration must do all it can to expedite resettling of these Jewish refugees and not hinder this effort.

The PLO is delighted at the current turn of events. Instead of the United States clearly supporting our ally Israel, the PLO sees the administration applying heavy handed pressure. This is a time for solidarity with Israel, not a time for pandering to the interests of a terriorist organization that has for years and years committed itself to the complete annihilation of the state or Israel. The Israelis know best what is necessary for the security of their homeland and should not be coerced into accepting unreasonable negotiating positions by irresponsible American rhetoric.

Mr. Speaker I urge the President and my congressional colleagues to support Israel during this critical time as it moves toward the peace process. Further statements of the President or the administration to pull the rug out from under the Israelis regarding Jerusalem, will only make it more difficult for the Israelis to negotiate and take real risks for peace. The future of Israel cannot be jeopardized by a thoughtless and inconsistent shift in American foreign policy.

The SPEAKER pro tempore (Mr. Tauzin). The Chair is obligated to caution all Members that under the rules it is impermissible to direct comments directly to the President of the United States. All comments must be directed to the Chair.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New Hampshire [Mr. Douglas].

Mr. DOUGLAS. Mr. Speaker, I rise to make clear tonight this is a bipartisan concern and that we clarify Ameri-

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can policy with regard to the citizens of Jerusalem.

In 1947 it was the Arabs who rejected a plan to internationalize that city. A year later when Israel became independent, Jordan moved in troops and occupied what is known today as East Jerusalem. For 20 years thereafter, Jews were not free to travel to East Jerusalem.

In 1967 that ended when the war occurred after Jordan invaded Israel and Israeli forces drove out the Jordanians. Ever since that time Israel has granted to all religions equal access to their holy shrines in Jerusalem.

A year ago this month I had the privilege of being in Israel and going to Jerusalem. The only thing I can describe is a city not unlike Washington, DC, a city of industry, of hotels, of residences, an urban area where you cannot tell the difference between East or West Jerusalem any more than you can tell the difference between northeast and southeast Washington, DC.

East Jerusalem is not Arab. It is part of the united capital of Israel and is home to an equal number of both Jews and Arabs, and the Jews and Arabs are equal citizens in that city.

Our own government has always made a distinction between Jerusalem and the terroritories. For instance, West Bank policy is governed by United Nations Resolution 242 and Camp David, both of which envision some kind of Israeli withdrawal in exchange for peace and security down the road. But we have indicated over and over again that while there may be play in the joints and negotiation in what is called the West Bank, and I happen to disagree with that policy, but assuming there is some play in the joints there, it is very clear: Jerusalem is one city. It is Israel's capital.

Therefore, Jews who go to Jerusalem are not engaged in settlements, they are engaged in moving into neighborhoods. I think that is what we have to clarify. That is what I urge, that it be clarified as soon as possible. Anyone who has been to Jerusalem clearly knows that it is one city, indivisible, and Jews and Arabs equally should be free to move and live in that city, which is the capital of the nation of Israel.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I would like to thank the gentlemen from Ohio and Indiana for bringing this important issue to our attention and giving Members the opportunity to address and focus on Jerusalem.

There are those who might use their time to dilute the importance of Jerusalem, to criticize or to discuss this on a partisan basis. But let it be clear that there is bipartisan support for not only the greater security of Israel, but for a united Jerusalem.

It is in that vein that I wish to use my time to persuasively and passionately argue that, first, we should have a renewed commitment for the greater security of Israel, and, second, that we must recognize that Jerusalem is the capital of Israel and that the Jewish people have inextricably committed themselves to that issue.

From King David, Jerusalem has in fact been the symbol of the Jewish people. It has been the profound expression of the essence of the Jewish people. It has been their identity.

During the time from King David there have been many foreign rulers who have ruled this city, but only the Israelis, the Jewish people have made Jerusalem their capital.

In August I visited Jerusalem, and in the early morning I ran through its streets, streets that knew no division, streets that were in a united city, streets that were filled with the history of the Jewish people. As my heart pounded running through the streets, I came to the conclusion that I no more could run through the streets without a heart than Israel could exist without its capital. In fact, Jerusalem is more than just a thriving city. Jerusalem is more than just the capital of Israel. Jerusalem is Israel, and let us pledge that Jerusalem, as a united city shall remain the capital of Israel.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, last December, I made my first visit to Israel, which included several days in Jerusalem. Through my entire stay in Israel, I was struck repeatedly by how little room the Israelis have to maneuver in terms of their own security. This was made especially clear to me during my stay in Jerusalem, a densely populated area lacking any surrounding buffer zone to protect its inhabitants from hostile or unstable neighbors. If, as the President seemed to suggest, we were to begin negotiating away Israeli sovereignty and jurisdiction of any portion of the Jerusalem area, we would be guilty of bringing an extremely dangerous and rampant form of instability to this historic and glorious city.

The current status of Jerusalem has benefited its Arab inhabitants, as well as Jewish residents of the city. A unified Jerusalem allows for a more normal flow of commerce and people that has benefited all Jerusalemites. Under Israeli administration, religion shrines of all faiths have been protected and maintained, and access has been granted to all—which is much more than can be said of the years of Jordanian control, when Jews were prevented from going to the Western Wall, the holiest site in Judaism.

Last year, we all rejoiced when the wall separating East and West Berlin came down. We should not be in the position of rebuilding the wall that separated East and West Jerusalem during those dangerous years when a highly militarized "green line" cut through the heart of ancient neighborhoods. Furthermore, the administration should not be reversing years of American diplomatic practice, which has recognized East Jerusalem as distinct from the West Bank and Gaza. Israel continues to be one of our staunchest and most reliable allies. We owe it to the Israelis to speak up for their security concerns. And we owe it to them not to abruptly surprise them with sudden and unwise policy shifts.

Mr. FEIGHAN. Mr. Speaker, I yield to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise to join in this very important discussion of the Middle East peace process and the status of the city of Jerusalem.

It is the responsibility of the United States to do what we can to help achieve a lasting peace in the Middle East that preserves the security of our close friend and ally, Israel.

However, the statements and actions of the Bush administration in recent days have harmed, not helped, the peace process.

In the midst of delicate negotiations designed to get the peace process moving in the Middle East, the Bush administration made ill-timed, counterproductive statements about the status of the city of Jerusalem. Not only did these statements derail the peace process, but they also represented a dramatic departure from previous U.S. policy on this question. They have raised serious questions about the Bush administration's commitment to provide strong support for our closest ally in that region of the world.

Previous U.S. administrations have always considered Jerusalem's status a subject that will be raised after most other outstanding issues have been resolved. By raising this delicate issue before negotiations have even started, the Bush administration unnecessarily complicated the peace talks. The result has been the collapse of the Israeli coalition government, which will substantially delay any actual peace negotiations.

In addition, these statements—which President Bush has confirmed are an accurate portrayal of his administration's position—represent a dramatic departure from previous United States policy on the status of Jerusalem. No administration has ever questioned the right of Jews to live in Jerusalem, and no administration has ever equated the status of Jerusalem with the status of the West Bank and the Gaza Strip. In fact, every U.S. administration has repeatedly insisted that Jerusalem must remain united under any final peace agreement.

The Bush administration's position in this regard is unfortunate and ill-advised. Jerusalem is the holiest site and the spiritual capital of the Jewish people, and the right of Jews to live anywhere in Jerusalem should not be questioned by the United States.

That notwithstanding, this issue should not even be on the bargaining table. Nor should the Bush administration ever have suggested that the political capital of the State of Israel is simply another piece of territory to be bargained once such negotiations begin.

Rather, the United States should focus on the more immediate steps that can be taken to achieve real progress toward peace in the Middle East. And we should express our strong support for a united Jerusalem as the capital of the State of Israel.

Mr. Speaker, I regret that the Bush administration has taken this counterproductive stance toward the Middle East peace process. Those of us who are strong supporters of a secure Israel believes deeply that this path will not contribute to a solution of the Middle East conflict. Rather, I urge the administration in the strongest possible terms to reverse its position, express strong support for a united Jerusalem, and get on with the task of reinvigorating the Middle East peace process.

Mr. FEIGHAN. Mr. Speaker, for the purposes of bringing this special order to a conclusion, I yield to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Ohio and congratulate and compliment the gentleman from Ohio and the gentleman from Indiana [Mr. BURTON] for making it possible for all of us to express our views on this very important issue. It has been restated here many times this evening that President Bush's statement, "We do not believe that there should be new settlements in the West Bank or in East Jerusalem," is a mistake, plain and simple.

By raising questions about Israel's claim to East Jerusalem at this very sensitive point in the negotiations, the President may have helped torpedo early prospects for an Israeli-Palestinian meeting on elections for the West Bank and Gaza.

Such an outcome would be a tragedy. The administration has worked very hard over the last year to help move the Middle East peace process forward. All of us applaud Secretary of State James Baker's efforts to bring the Israelis, Egyptians, and Palestinians together to devise an elections plan that can produce a Palestinian leadership able to negotiate a peaceful resolution of the Middle East conflict. Unfortunately, the President's statement on Jerusalem has served to undercut all of these efforts by raising sensitivities over one of the most difficult and sensitive issues to be resolved in future negotiations.

While United States policy has not officially recognized Israeli control over East Jerusalem, no other President has ever before challenged the right of Jews to live in the historic capital of Israel. Since the late 1960's, successive American Presidents have been sensitive to the special status of the city. It is for this reason that the United States has long emphasized that it favored an undivided Jerusalem, whose final status would be decided through negotiations. Jerusalem is not the same as the West Bank and Gaza, and a United States policy which equates Jewish settlements in the territories and Jewish housing in East Jerusalem is wrong-headed.

Mr. Speaker, in the last few months the world has watched in wonder as the wall which divided Berlin was finally torn down—signaling the end of the cold war and the division of Europe. The last thing we should be doing is raising fears about new walls and dividing other cities.

Mr. Speaker, I believe that a terrible mistake has been made, and the administration should reverse its position so that it can be clear that the historic position our country has taken on Israel remains intact.

I again congratulate the gentleman from Ohio and the gentleman from Indiana.

Mr. FEIGHAN. Mr. Speaker, that concludes our special order. I want to thank the Speaker personally for his patience and generosity in presiding over this special order tonight, as well as the patience of our professional staff.

Mr. LEHMAN of Florida. Mr. Speaker. I was very dismayed by the gratuitous comments that President Bush made about East Jerusalem recently. I was hoping they were made in error, especially since most of us who know the history of East Jerusalem know that there are no settlements there. The unfortunate impression that is left by those untimely remarks is that United States policy is against Jews living in East Jerusalem.

I have never before heard a President suggest that Jews were not welcome in all parts of Jerusalem. In fact, the freedom of Jews to live anywhere in Jerusalem had not been an issue until Jordan annexed East Jerusalem in 1950. Until then, and prior to the creation of modern Israel, Palestinian Jews lived alongside Moslems and Christians in the eastern part of Jerusalem. During the war of 1948, many of these Palestinian Jews fled to the western part, leaving property they had owned for generations. It was only when East Jerusalem was liberated in a defensive war in 1967 that the former Jewish residents of the eastern part of the city could return to their homes.

East Jerusalem is an intrinsic part of Jerusalem and as Israel's first prime minister David Ben-Gurion said, an "inseparable part of Israel." After 19 years of annexation by Jordan, during which time the Jewish quarter of the Old City was destroyed, the sacred burial place, the Mount of Olives, was desecrated, and holy sites were inaccessible to Jews, Christians, and even Moslems, it was the Israeli Government that passed a resolution protecting all holy places. The right of all religions to worship at their respective holy sites was reinstated and is honored to this day.

While United States policy has been unclear as to the final legal status of Jerusalem, leaving its resolution to further negotiation as stipulated in a side letter to the Camp David accords, our Government has distinguished between the sui generis issue of Jerusalem and the administered territories of the West Bank and Gaza.

The one issue on which the major Israeli political parties and world Jewry agree is a Jerusalem undivided. I urge the Bush administration to take note of this fact and to take an approach that will facilitate the commencement of negotiations between Israel and the Palestinians instead of making it more difficult.

Mr. OWENS of Utah. Mr. Speaker, President Bush made a serious political blunder last week when he condemned Jewish settlements in East Jerusalem. Inadvertently, it seems, he enunciated a change in United States policy and precipitated a major political crisis in Israel. The fall of the National Unity Government was inevitable, it seemed to me as 3 weeks ago when I last visited Jerusalem. The real crisis which threatens the peace process, however, was caused by the President's miscalculation of how a simple, unfortunate misstatement could precipitate a sea-change in Israeli public opinion.

By calling into question the right of Jews to settle in a unified Jerusalem, the President angered not only Israelis, but supporters of Israel in this country and around the world. Prior to the President's statement, Israel's friends were secure in the knowledge that American policy was unequivocal in its support for an undivided Jerusalem whose ultimate status would be determined by negotiation.

Jerusalem issues are unquestionably the most difficult to resolve and the most explosive in a possible Middle East peace settlement. They must be dealt with only after all others are resolved. Secretary of State Baker's five-point plan was gaining momentum in Israel because Israelis felt that this process would not call Jerusalem's status into question. After all, Baker's plan is simply the implementation of the Shamir proposal of last April.

Much to the credit of this administration, support for Baker's five points has been steadily growing in Knesset, most notably among religious party members who were strongly aligned with Likud. The Shas party, for example, was becoming increasingly disillusioned with the stalled peace process, and was preparing to join a narrow labor coalition. The prospects for repairing the rift in the unity government or for labor gaining a necessary majority to form a coalition may have been fa-

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tally jeopardized by Bush's misjudgment. This, in turn, could prove to be a major setback for the peace process.

It must be hoped by all who support peace in the Middle East that the Shamir proposal can go forward. Ironically, it is labor and non-aligned Knesset members who are prepared to carry through with Shamir's suggestion. The double irony is that Baker's plan may have been sabotaged by his well-meaning President.

There is still time, however, to avoid a political catastrophe in Israel if the President will clarify that his statement was not intended to alter long-standing American policy on the issue of Jerusalem. Rather, he should reiterate that he strongly supports the traditional position that Jerusalem must never again be divided. Moreover, he should reaffirm that American policy does not oppose Jewish residences in East Jerusalem, nor does it oppose establishment of homes by Moslems or Christians, or for that matter, Hindus or Buddhists.

It is in no one's interest to deal with this matter in an ambiguous way. It does not even serve the Palestinians' cause, because it threatens the progress toward peace which Baker's activities have achieved. The traditional American policy has not obstructed the peace process, so it should not be interposed as a roadblock at this time.

Mr. FROST. Mr. Speaker, in the midst of a crisis within the Israeli coalition government, President Bush has further aggravated the peace process and shocked the American-Jewish community with his remarkable ignorance and insensitivity. The city of Jerusalem is the historical and cultural capital of Israel—and it remains it's strength and spirit. For the survival of Israel, Jerusalem can never be divided. With a few manipulative words of warning on March 3, President Bush seriously damaged United States relations with Israel, perhaps beyond repair. Mr. Speaker, on this matter, the administration can not and will not be allowed to prevail. As Mayor Teddy Kolleck noted, "on Jerusalem, we are united."

Israel is the recognized Jewish state and Jerusalem is the capital. When Jews move to their own homeland, they are not settlers, they are not visitors, and they are not subject to the callous whims of President Bush. The administration responded to the mass emigration of Soviet Jews to the United States by capping the number in absurd disproportion to the amount of Jews being permitted to leave the Soviet Union. President Bush wisely suggested Soviet Jews go to Israel instead. So they did. The Soviet Jews sought their motherland and she welcomed them with open arms. Now President Bush has the gall to declare East Jerusalem off limits to Soviet Jews.

The Israeli coalition government has disintegrated and President Bush provoked the collapse. The Bush administration has departed sharply from traditional United States policy on Jerusalem in an effort to dictate the rules and completely control the peace process. By deliberately overlooking the special status of Jerusalem and by coupling Jerusalem with the West Bank, President Bush has effectively denied the legitimacy of the Israeli capital and linked it to occupied territories. Jerusalem can not be a bargaining chip in the peace talks. Yet this administration seems intent on distinguishing between East and West Jerusalem and on dividing the very heart and soul of Israel.

Mr WOLPE. Mr Speaker, I sincerely appreciate the opportunity afforded Members of the House today to discuss the issue of the status of Jerusalem in the Middle East peace process.

No discussion of Jerusalem can be divorced from the facts of history.

Israel liberated Jerusalem in 1967, in a war that was not Israel's choosing, in response to an attack that was not of Israel's making. The kingdom of Jordan was warned not to enter hostilities with Israel in those fateful days, but King Hussein could not resist, and the eastern part of the city fell to Israel.

Those developments meant the reunification of Jerusalem—the restoration of its normal status. It has been divided since Israel's war of independence some two decades previously. The division of Jerusalem, and the exercise of control by Jordan over the eastern part of the city, should hardly serve as a source of pride or inspiration to Jordanians or Palestinians. Jews were denied access to holy places to worship—denied the ability to visit and pray at sites whose meaning date to biblical times. Holy places were also systematically desecrated. The Jewish cemetery on Mount of Olives still bears the marks of the wholesale destruction of headstones by the Jordanian authorities. Some headstones were used to construct latrines. Slums were permitted to be built abutting the Western Wall of the Temple Mount—the holiest site in Judaism. An alley, with a sewer in its middle, was next to the wall. These were the conditions found by Israel's soldiers on the day of the liberation of Jerusalem in 1967.

Since that time, several important things have happened. First, Jerusalem is a completely open city. Anyone can live there—be they Israeli or Palestinian. Second, anyone can worship there—without any restrictions. Third, all holy sites are open and protected in their sanctity with the full force of law from desecration. Israel has created an environment of respect for the full exercise by peoples of all faiths of their ability to worship in Jerusalem at the places they deem holy.

Jerusalem is the capital of Israel—as it has been since the day of independence in 1948.

Most importantly, Israel has determined, with unanimity, that Jerusalem shall not be divided again. The previous division of Jerusalem meant its spirital and material dismemberment. That cannot and will not be repeated. The city is now an organic whole, rich with the diversity of ethnicity, religion, and heritage of peoples from throughout the world. Its municipal structure, under the leadership of Mayor Teddy Kollek, is truly remarkable. The administration of the city under Teddy Kollek is dedicated to preserving the rights of all who live in Jerusalem.

In recent days, a controversy has erupted, promoted by remarks by the President and the Secretary of State, over the future of Jerusalem and the issue of Israeli settlements and development in the city. These remarks were inappropriate and harmful to the peace at a most sensitive moment. The entire point of the efforts to breathe life into Israel's proposal for elections to establish a Palestinian delegation for dialogue with the Israeli Government was to make the process of peace work—not to immediately grapple with the hard issues involved. By placing Jerusalem front and center, however, not only has the administration exposed the rawest of Israeli nerves, but done so gratuitously.

Again, Jerusalem is one city, and Israelis can and will live throughout that city. If there is a question over Palestinian representation in the governance of the city, or access to holy sites, or some other matter involving fundamental civil liberties and respect for their protection, these matters should certainly be on the table for discussion at the appropriate time.

But no one, including the President, should make a mistake in assuming, for a moment, that it is illegitimate for Israelis to settle in Jerusalem or that there is something unsatisfactory in Israel's governance of Jerusalem.

A small miracle, the reunification of Jerusalem, has been forged by the goodwill of Israelis and Palestinians alike. It is something to cherish—not question. None should doubt the resolve of us in the Congress to do everything in our power to affirm that it is the unequivocal policy of the United States that Jerusalem is and should remain united as Israel's capital.

Mr. BUSTAMANTE. Mr. Speaker, I want to thank my colleague from Ohio, Mr. FEIGHAN, for calling this special order on Jerusalem. I am disturbed by the recent White House statements about Jerusalem, Israel's undeniable and indivisible capital. Jerusalem is no more occupied territory than Texas is. I think our failure to recognize Israel's right to designate its own capital is a shame; our Embassy should be there too, not in Tel Aviv.

I have been to Jerusalem. I have seen the beautiful things Mayor Teddy Kollek has accomplished throughout the entire city for Jews and Arabs, Moslems and Christians. The Israelis have treated that city like the precious jewel that it is to us all—guaranteeing the right of free access to all holy places.

How could President Bush, then, imply that Jews should be prevented from living anywhere in their capital? That was exactly the situation for 19 years during Jordan's occupation, when King Hussein set out to systematically eliminate all traces the city's Jewish heritage. Jews of all nationalities and Israelis of all religions were barred from their holy sites. The vibrant, growing Jewish neighborhoods built since the city was reunited in 1967—when Jordan and the Arab confrontation states failed in their second full-scale attempt to destroy Israel—are a living symbol of the commitment to protect against the severing of Jerusalem from the Jewish people ever again.

The timing could not have been worse. Ten days ago the administration was saying that the national unity government was close to accepting the Baker formula for a tripartite meeting in Cairo; now the Israeli Government is falling apart over this issue. And, the President's remark about Jewish settlement in East Jerusalem was just one more in a series of confidence-eroding statements made by the Bush administration that indicate a dangerous inclination to lean on our ally, Israel, but stroke the PLO. Its time for confidence building measures from this administration—like holding the PLO's feet to the fire on its commitment to end terrorism and insisting that the Arabs end their boycott of Israel now.

Finally, I am alarmed by the linkage between the question of settlements and the urgent imperative to get Soviet Jews out of Russia. Where do we come off toying with their lives while we tinker with relatively minor differences between Washington and the Government of Israel? The administration should be moving full speed ahead on the Housing Loan Guarantee Program.

Mr. JOHNSTON of Florida. Mr. Speaker, the complex political and emotional situation in the Middle East lends itself to many interpretations. And it is not uncommon or inappropriate for Israelis, Americans, and friends of Israel throughout the world to express differing opinions on the proper course for peace negotiations and strategic planning for Israel's future.

But there is one thing upon which virtually all Israelis and their allies agree: Jerusalem is the soul of Israel. Jerusalem is a symbol for Jews throughout the world, and a spiritual center for people of many faiths. As the celebration of Passover approaches, Jews throughout the world will reaffirm the importance of this holy city by proclaiming "next year in Jerusalem."

That is why President Bush miscalculated so drastically when he equated East Jerusalem with the West Bank and said that there should be no new settlements of Jews in either area. That is why the Government of Israel is racked with dissension. That is why Americans who support Israel are in a state of shock.

President Bush, we are all united in our desire to see a lasting peace achieved in this vital portion of the world. And we are disheartened that your words over the last few days may have dealt a severe blow to the painstaking efforts toward peace in the Middle East.

Mr. GLICKMAN. Mr. Speaker, Israel's coalition government broke up yesterday because of differences over how to proceed with a United States plan to open Israeli-Palestinian peace talks. The major parties are divided over this broad issue, but they are united on the issue of the need for a united Jerusalem as the capital of Israel.

Since 1967, the U.S. administration has acknowledged the special status of Jerusalem, and the fundamental need to preserve the status quo. The willingness to move toward talks with the Palestinians rests on that foundation. President Bush has introduced a new, destabilizing factor into the negotiations for peace in the Middle East. Whether the ruling Israeli Government is "Labor, Likud or National Unity," any agreement that leaves open the status of a united Jerusalem is a nonstarter.

I hope the President will reassess or clarify his remarks, and continue to foster a dialog that will achieve peace without undermining the status of Jerusalem. But I wonder, as did the mayor of Jerusalem, "Why did the White House have to bring it up?"

Mr. ANNUNZIO. Mr. Speaker, I rise to join with my colleagues in the House of Representatives in expressing my deep concern about President Bush's recent remarks in which he stated his opposition to new settlements on the West Bank and in East Jerusalem.

The city of Jerusalem is not just a territory, and the President's comments alluding to restrictions on the right of Jews to enter and live in the holiest of cities is an affront to most Members of Congress. It signals an unwelcome and totally unacceptable change in U.S. policy. In the text of United Nations resolutions and even the Camp David accords, Israel and the United States have always made a careful distinction between the city of Jerusalem and the occupied territories on the West Bank and Gaza.

Our Government, and especially the State Department, has had a long history of nonrecognition of Jerusalem as the capital of the State of Israel. Our United States Embassy is in Tel Aviv, and Israel is the only country where our Embassy is not located in the capital city. For years, along with many of the Members in Congress, I have urged the United States to recognize formally the city of Jerusalem as the capital of the State of Israel, and relocate our Embassy in the capital city. Yet the State Department still has not acted, and the latest statement by the President appears to be a step backward complicating the already delicate peace process.

It was the Arab States in 1947 which rejected a plan that would have made Jerusalem an international city, and after Israeli independence, it was Jordan which forcibly occupied East Jerusalem, throwing Jews out of their homes, and prohibiting Jews from entering this area. As a divided city under Jordanian occupation, what followed was a despicable history of desecration and destruction of Christian and Jewish holy sites by the Moslems. It was not until the Arabs decided to attack Israel during the Six-Day War in 1967 that Israel was able to regain control of the eastern part of Jerusalem, and Jews were able to reoccupy and rebuild neighborhoods in the Jewish quarter and Mount Scopus where they previously had lived.

Under the control of the State of Israel, Jerusalem is a united city, and the Israeli Government has shown the ultimate in respect for all holy sites. Jerusalem is truly an international city with Christian, Moslems and Jewish denominations having absolute control and authority over their own respective sites.

Mr. Speaker, the eastern portion of the city of Jerusalem is not an occupied territory, and cannot be linked and grouped with the West Bank and Gaza in any discussions or peace negotiations. By linking East Jerusalem to occupied territories the President has not only departed from a longstanding United States policy, but also has impeded the already slow moving peace process.

I join with my colleagues in the House of Representatives in urging the President to clearly and unambiguously retract his statements, which ignore the history of Arab occupation and desecration of the city of Jerusalem, and are counterproductive to the peace process.

Mr. JOHNSON of South Dakota. Mr. Speaker, I am dismayed by the recent statements of President Bush regarding East Jerusalem. On March 3, the President stated, "We do not believe that there should be new settlements in the West Bank or in East Jerusalem." Then yesterday, the President declared that he did not regret expressing this sentiment and questioning the right of Jews to settle in East Jerusalem. I am very concerned about the intent of the administration on this issue. First, I do not believe that settlement in the West Bank and in East Jerusalem is equivalent, and the two should not be linked. Second, I am very concerned about the impact of these ill-thought statements on the Government and the people of Israel as well as the negative impact on the Middle East peace process.

The view expressed by President Bush is a departure from traditional United States policy, which has always made a distinction between Jerusalem and the territories. Every administration since 1967 has been sensitive to the special status of Jerusalem and the need to address this issue with great thought and sensitivity as well as innovative proposals. Policy that may apply to the territories does not necessarily correlate to the policies we need to advocate for East Jerusalem. To make such a parallel is misguided and simplistic at best. West Bank policy is governed by U.N. Resolution 242 and Camp David, both of which envision at least partial Israeli withdrawal in exchange for full peace and security. At the same time United States officials have indicated, over and over again, that Jerusalem cannot be returned to the pre-1967 status quo, that it must remain united.

Likewise, United States efforts to initiate Israeli-Palestinian dialog, which is always an extremely sensitive issue, have been hampered by the President's statements. I am only hopeful that these peace efforts have not been irreversibly damaged. Instead of working to divide, we need to encourage the peace process. The divisions in the Israeli Government following the President's statement leave the peace negotiations in limbo for the present time. Certainly the Israeli people, who stand united in their support for Jerusalem, must also be distressed about the President's treatment of the ancient capital of Israel.

In closing, I want to again express my deep concern for the statements by President Bush on East Jerusalem. I am hopeful that the administration will carefully review this position and clarify its intent. I am also hopeful that the administration will come to the realization that President Bush's statement is both inconsistent with past policy and damaging to the peace process as well as detrimental to our close friendship with Israel. The status of Jerusalem should be an item of final negotiations in the peace process and should not be the subject of simple pronunciations at a news conference. I urge the administration to treat East Jerusalem with the respect and sensitivity that the issue deserves. Furthermore, I urge the administration to think twice in the future about the ramifications of its statements on critical foreign policy issues such as this.

Mr. GREEN. Mr. Speaker, I commend my colleagues, Representatives FEIGHAN and BURTON, for calling this special order today. Negotiators seeking peace in the Israeli-Palestinian conflict must not forget the important history which surrounds the special status of Jerusalem.

Jerusalem is the Capital of Israel and Judaism's holiest city. When the United Nations

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recommended that Jerusalem be internationalized in 1947, the Jewish Agency accepted that proposal. It was the Arab States who rejected the United Nations decision, choosing instead to attack the Jewish state. From 1948 to 1967, Jerusalem was divided. Jews were denied visits to the Wall, Judaism's holiest shrine, and other holy sites such as the Mount of Olives Cemetery. Christians, too, were often denied access to their holy places. In 1967, after the Arab Legion again attacked Jerusalem, Israel came to control the Old City. Since 1967, the holy places of Jerusalem have been cared for by an Israeli administration which protects religious freedom for all—Jews, Moslems, and Christians alike.

The provisions of United Nations Resolution 181, including the internationalization of Jerusalem, were nullified by the aggression of the Arab States themselves. Only Pakistan and the United Kingdom recognized Jordan's 19-year claim to the sovereignty over Jerusalem.

The United States has always maintained a solid commitment to a united Jerusalem and, since 1967, successive administrations have been sensitive to the special status of the city. In recent weeks, however, President Bush has made disturbing statements regarding East Jerusalem which seriously undermine the integrity of the United States' commitment to a unified city. The President asserts that his recent statements on East Jerusalem are "reiterating United States policy." Surely he recalls that under President Reagan, that administration never viewed Israeli administration of Jerusalem to be in violation of the fourth Geneva Convention, and did not attempt to restrict Jewish settlement there.

In absence of a tenable legal argument, does the current administration really take the position that there are areas in which no Jew should be allowed to live? That would plainly be a violation of the 1968 Civil Rights Act in our own country. In a related issue, Secretary of State Baker's proposal that no housing loan guarantees under existing United States law be made available to Israel to house Soviet refugees unless Israel prevents any Jews—not just Soviet refugees—from settling in the administered territories is very offensive. How can Secretary Baker support that redlining in the administered territories?

The growth of anti-Semitism in the Soviet Union makes it more urgent than ever that the United States not throw roadblocks in the way of emigration from the Soviet Union. Since the Bush administration has chosen to limit Soviet Jewish emigration to the United States, it is inexcusable that Secretary Baker should now throw intolerable obstacles in the way of emigration by Soviet Jews to Israel. Because I know Secretary Baker to be a decent, honorable, and unprejudiced human being, I hope that he is reconsidering his position on this issue.

To further the cause of peace in the Middle East, the United States should not call into question Jerusalem's current status as a unified city open to people of all religions.

Mr. FASCELL. Mr. Speaker, the Jewish people have been inextricably bound to Jerusalem for 3,000 years. There has been a continuous Jewish presence in the city despite numerous conquests and persecutions.

Jerusalem is revered as a holy city by the world's three great monotheistic religions, Judaism, Christianity, and Islam, but only since Israel gained control of the city in 1967, have worshippers of all faiths enjoyed free access to the holy sites.

Mr. Speaker, the United States should not presume to advise the Israelis what the capital of their country should be. Only the Israelis can make that determination.

Mr. LAUGHLIN. Mr. Speaker, with the increasing peace and unification events occurring throughout the world, it is only sensible that we support the people of Israel in keeping Jerusalem the undivided Capital of the Jewish State.

Jerusalem is the ancient Capital of Israel and it represents more than 3,000 years of national and religious yearning of the people who lived there. The Jewish and Israeli people suffered heavy discrimination and witnessed the desecration of their burial sites. These people must not be denied their right to access their holy sites, which are the foundation of their civilization, nor should they be subjected to what they suffered during Jordan's 19-year occupation.

I ask that we recognize and support the established status of Jerusalem as the undivided capital of Israel; with free access of all holy sites to the people of all religious denominations who live there. I understand their views because we Americans would not tolerate people in other countries telling us where to locate the capital of our Nation.

Mr. LENT. Mr. Speaker, I would like to take this opportunity to join those of my colleagues who have chosen today to speak out on the status of Jerusalem, the Capital of the State of Israel. It has been the longstanding policy of the United States to recognize the eastern portion of Jerusalem as separate from the West Bank territories and as a nonnegotiable item in peace talks. I strongly support this policy and believe that it should be a cornerstone of the administration's ongoing efforts to advance the Middle East peace process.

Jerusalem was the ancient Capital of Israel and has always been a central part of the national and religious aspirations of the Jewish people. In fact, next month when Jews around the world observe Passover, their ritual meal will be closed with the hope that it will take place "next year in Jerusalem."

Under the promise of the United Nation's 1948 partition plan, Jerusalem was to become an international city in which all faiths were free to worship. However, the plan was scuttled following the refusal of Palestinian Arabs to recognize Israel and the unprovoked attacks on the infant Jewish state by five Arab armies.

Jerusalem was occupied by Jordan for 19 years during which a vigorous campaign was undertaken to eliminate all vestiges of the city's historic ties to the Jewish people. Jewish cemeteries were desecrated and shrines important to the Jewish people were defaced. However, the suffering during this period was not limited strictly to Jews; people of all faiths were discriminated against and denied access to their holy sites. In response, it is estimated that 20,000 Christians fled Jerusalem between 1948 and 1967.

Jerusalem became a united city in the aftermath of the 1967 Six-Day War. Since the liberation, the rights of all faiths to worship freely have been scrupulously protected by the Israeli Government. Israel has ensured that every religion has access to and can oversee its own shrines.

It would be a grievous error to view Jerusalem simply as a bargaining chip in peace negotiations. To do so would be to jeopardize the hard-won freedoms which all faiths have enjoyed there for the last 23 years. As the Middle East peace process advances, it is imperative that the United States continue to fully support the special status of Jerusalem.

Mr. ACKERMAN. Mr. Speaker, I salute Congressman FEIGHAN's leadership in arranging this special order so that we in the U.S. Congress may address a very important issue: the status of Jerusalem.

More than 40 years have passed since the Arab States and the Palestinian Arabs rejected the United States partition plan, which called for an internationalized Jerusalem. In 1948, five Arab armies invaded the Jewish State, including the Jewish section of Jerusalem. The Arab legion severed the city, separating the Western Wall and the Jewish quarter from the rest of Jerusalem. Those Jews who survived the attack were expelled from the city.

During Jordan's 19-year occupation, King Hussein sought to systematically eliminate all traces of the city's Jewish heritage. Jews of all nationalities and Israelis of all religions were denied access to their holy sites. Jewish cemeteries were desecrated; Jewish gravestones were used to build roads and latrines.

Since the reunification of the city by Israeli forces in 1967, after the Arab States failed in their second full-scale attempt to destroy Israel, Jews have been living in the Jewish quarter, praying at the Western Wall, and attending school at the Hebrew University on Mount Scopus. And since 1967, Christians and Arabs have had the same access to their holy sites in Jerusalem as have had the Jews; in fact, Israel has welcomed religious pilgrimages from around the world.

I am puzzled as to why this issue has suddenly come under international scrutiny. As Israel was poised, some thought, to accept the Baker proposal to move the peace process forward, our own President jumped in with a statement probably designed to force Shamir's hand in accepting the Baker proposal. But what it has done instead is destabilize the Labor-Likud coalition government, and probably caused its collapse.

Since 1967, successive administrations have been sensitive to the special status of Jerusalem. In fact, Arthur Goldberg, one of the drafters of U.N. Security Council Resolution 242, said that that resolution "in no way refers to Jerusalem, and this omission was deliberate * * * Jerusalem was * * * not linked to the West Bank."

Most countries around the world have, at one time or another, annexed land which they took during a war. The United States, in fact, annexed Texas in 1845, almost 10 years after Santa Anna was defeated at San Jacinto. Have I heard anyone ask the United States to give Texas back to Mexico? Why does the

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rest of the world hold Israel to a standard that they themselves are unwilling to uphold?

Jerusalem is not up for negotiation. Just as the Moslem world would unify itself should the Israelis ever try to rebuild the Second Temple on the sight of the Dome of the Rock, the Moslems third holiest shrine, so will the Israelis, and their American supporters, react to the division of Jerusalem. On this issue all sides are in agreement; Jerusalem is not a territory and will not be divided.

Mr. BROWN of Colorado. Mr. Speaker, as the United States plays a central role in the Middle East peace process, it is imperative that we keep in mind the special status of the undivided Capital of Israel. It is important that the United States not sidetrack the peacetalks by interjecting divisive issues. Jerusalem is not an occupied territory. It is the united, political Capital of Israel as well as the spiritual home for Jews across the world.

Contrary to PLO chairman Yasir Arafat's declaration that East Jerusalem is Arab and will be the future PLO state, an equal number of Jews and Arabs live in East Jerusalem. Arab residents are entitled to Israeli citizenship, and are granted the right to vote in municipal elections even if they are not citizens. We must give the PLO the message that the United States Congress firmly recognizes Jerusalem as the unified capital of the Jewish state, and will not support any attempt to bargain it away. Jerusalem must remain the undivided Capital of Israel.

Mr. CARDIN. Mr. Speaker, Jerusalem has always played a central role in Jewish religious and political life. For over 3,000 years, since the time when King David made it his capital, Jerusalem has been home to Jews. The Western Wall in Jerusalem, part of Herod's temple over 2,000 years ago has been the focus of Jewish prayer and veneration. The entire city is central to the Jewish people's religious faith, tradition, and to Israel's historic culture.

In 1947 the United Nations recommended that the city of Jerusalem be internationalized. The Jewish Agency was willing to accept this plan with the hope that the city would be spared from conflict. As we all know, the Arab States were adamantly opposed to the internationalization of the city just as they were to partition.

When Jordan controlled Jerusalem from the year 1948 to 1967, Jews were not granted access to Jewish holy places like the Western Wall or the Mount of Olives. The Jordanian-controlled parts of Jerusalem were not closed to Jews only. In fact, Christians from Israel were allowed to enter the Old City for Christmas and Easter, but Israeli Moslems were not permitted to enter.

Under Jordanian control the Jewish cemetery at Hebron was destroyed, the Jewish Quarter was sacked, and 34 Jerusalem synagogues, some of which were centuries old, were also destroyed. Two great institutions, Hadassah Hospital and the Hebrew University remained idle on top of Mount Scopus for 20 years.

On the second day of the Six-Day War, Jordanian King Hussein ignored Israeli appeals to stay out of the war by firing the opening shots on Jerusalem. They lost the Old City to Israel. Under Israel control all people of all religious faiths are permitted access to holy sites. Religious freedom has thrived since 1967.

A number of times during his Presidency, former President Ronald Reagan expressed his desire for Jerusalem to remain under Israeli authority. I do not often hope for a continuation of Reagan policy, but to President Bush I say, follow the policy of your predecessor.

Mr. Speaker, Jerusalem is the Capital of Israel. Anyone who has ever been there knows that it is the heart and soul of the Jewish state. Although official United States policy recognizes that there be a unified Jerusalem to be the subject of negotiations, to me the issue is as clear as a Jerusalem skyline when the sun sets on the whiteness of the Jerusalem stone and the true meaning of Jerusalem, city of gold, hits home—Jerusalem and Israel are inseparable.

Mr. WAXMAN. Mr. Speaker, the President has recently stated that Jerusalem, the ancient capital of Israel, should be considered in the same light as the administered territories of the West Bank and Gaza. This apparent reversal of our Nation's longstanding policy toward Jerusalem ignores the history of that holy city and its importance to the State of Israel.

Since Biblical times, Jerusalem has been the single geographical focal point of Jewish prayer, theology and national aspirations. Until the President's recent statement, U.S. policy has consistently supported an undivided Jerusalem.

The President's recent statements ignore the history of the region and fail to take into account the present day realities of Israel. The belief that Jerusalem must always remain whole and under Jewish sovereignty is a belief that unites Israelis of all political and religious persuasions.

We must remember that turning over any portion of Jerusalem to Arab rule would not be a new experiment but the repetition of a serious mistake, the results of which are a matter of record. Many gross abuses of Jerusalem's holy sites occurred during the years of Jordanian rule from 1948 to 1967. Jews not killed during the Jordanian invasion were expelled from the city. Both Arab and Jew alike were barred from visiting their holy sites. Along with this, Jordan pursued a systematic attempt to eliminate all traces of the city's Jewish heritage.

Since the time of Israel's liberation of Jerusalem in 1967, Arabs and Jews have lived side by side. Arab residents have also been entitled to Israeli citizenship. All residents, regardless of their citizenship, have been granted the right to vote in municipal elections. Israel has granted each religion and denomination the authority to oversee its own shrines. It has also assured complete freedom of access to all people.

President Bush now speaks of Jerusalem and its Jewish residents as simply another West Bank style settlement. Israelis do not "settle" in their capital. They live there. Furthermore, no Government of Israel can consider the renewed division of Jerusalem and expect to survive.

I deeply regret that the President's statement on Jerusalem has endangered the very peace process that his administration, the Israeli Government, and Egypt have been working to promote. I ask the President to consider the danger of a policy that may leave our Nation unable to promote policies that will advance the peace process rather than hinder it.

I was present at the signing of the Camp David Peace Accord. I look forward to the day when a new agreement is signed between the warring parties of the region and its people can live in peace. This peace that can only come if our administration accepts that the city of Jerusalem must remain unified and under Israeli democratic and beneficent rule.

Mr. GRANDY. Mr. Speaker, I appreciate the gentleman taking the time this evening. I wish to submit the remarks of Mayor Teddy Kollek who recently wrote President Bush expressing his concerns over the question of Jerusalem's future. I was privileged to meet with Mayor Kollek earlier this year and see first hand the integrated Jerusalem he refers to in his letter. His comments reflect my own and I commend them to the membership.

MAYOR OF JERUSALEM,
March 8, 1990.

MR. GEORGE H.W. BUSH,
The President of the United States of America, The White House, Washington, DC.

DEAR MR. PRESIDENT: In these days when all Israelis are united in their deep concern over recent American statements on Jerusalem, I am encouraged to write you as I recall the privilege I had of taking Mrs. Bush and you through the city on your visit in Israel in 1986.

In June 1987, in spite of our messages to King Hussein through your ambassador and through the United Nations that Israel had no intention of initiating hostilities against Jordan, we were unprovokedly attacked from the Jordanian occupied part of Jerusalem, an occupation followed by an annexation that was not recognized by any country except Pakistan. After the war ended, the city was united as it had been for 4000 years and its municipal boundaries were somewhat enlarged, in the main incorporating uninhabitated areas of rocky hills. In the past 22 years, the city has grown considerably. The number of Jews has increased from almost 200,000 to 340,000 and the Arab population has doubled from 75,000 to 150,000. This necessitated a massive effort to build housing for both Jews and Arabs. Homes for the Jewish population were built all over the city including in areas that had been under Jordanian occupation. Over 30,000 families now live in these areas. No Arabs were dispossessed in order to build these homes. Parts of this land had been Jewish owned before. In the northern extremity, within the new municipal borders, Jewish villages existed prior to 1948, when their inhabitants were forced to leave by the invading Jordanian army.

While the Jewish settlers in the occupied West Bank did get considerable incentives, none were given to families who made their homes within the city's boundaries. They acquired their homes under the same conditions as those living in Tel Aviv, Haifa and other parts of the country. A certain number of Russian immigrants, as well as immigrants from other countries, including many from the United States, now live in these neighborhoods. It is a fact that these new neighborhoods have become an integral part of the undivided city and are quite distinct from the settlements in the West Bank, the nearest of which is miles away.

I am aware of the policy of the United States toward the City of Jerusalem, namely "that the city remain united but that its status be determined in the negotiations." In my opinion there is no conflict between this policy and the actual state of affairs. While there is a difference between Israel's thinking that united Jerusalem is and shall remain the capital of Israel under Israel's sovereignty and American policy that leaves the city's ultimate status open, no conflict needs to arise from the existence of the new urban neighborhoods that have gone up in the last 22 years.

The Arab uprising over the last 2 years has also had its repercussions in Jerusalem, but to a much lesser extent than in the West Bank and Gaza. Work and life go on here, the schools are open and tourists and pilgrims are visiting the city. There is a certain amount of Arab strikes and some cars have been stoned or torched, but the level of violence, if at all, is small. To give just one figure, in 1989 there were altogether 11 homicides in Jerusalem, 6 of them of a criminal nature, while 4 Jews and 1 Arab were killed in terrorist acts. Indeed, the number is smaller than it was 10 or 15 years ago. I wrote to Mrs. Bush a year ago about the city's illiteracy program for Arab women. This and many other social and development activities in the city's Arab neighborhoods are going on as before.

There is one further point I would like to mention. Jerusalem is the center of Palestinian political activity. In 1967, before the city was reunited, not a single Arab newspaper was published here. Today there are 4 Arab dailies and a great number of weeklies and monthlies published which are free to attack the Israeli government and, at times, even challenge Israel's right to exist. Palestinians, who in spirit, if not organizationally, represent the PLO, address freely meetings at the Hebrew University attended by Israeli and Arab students and the general public. Similar activities could not take place in Amnan, Damascus or Bagdad, where no criticism of the authorities is tolerated.

Differences over Jerusalem's future status are bound to come to the fore at some stage of the negotiations between Israel and the Palestinians. I do, however, firmly believe that this issue should be discussed as late as possible, and only after all other outstanding issues are settled. It would be particularly unfortunate if at this early but critical stage, when Israel must decide whether it will agree to a dialogue with a Palestinian delegation with one or two West Bank Palestinians who also have a Jerusalem address, other much more crucial questions concerning the future of Jerusalem should becloud the issue. In particular, no question mark should be permitted to hover over the new Jerusalem neighborhoods.

I would like to add, Mr. President, that we are grateful for the efforts of the United States government, and to you personally, to promote a peace settlement and to enable Russians Jewry to return to their homeland.

Please forgive me for taking up some of your valuable time, but I do this in the hope that I am contributing to the good relations between our two nations by expressing these thoughts to you.

With best personal regards,

Yours sincerely,

Teddy Kollek.

Ms. SCHNEIDER. Mr Speaker, Jerusalem represents the historic center of the Jewish State. The people of Israel and both the Labor and Likud parties consider Jerusalem the undivided capital of Israel. Since 1967, Jews have returned to historically Jewish neighborhoods in East Jerusalem.

Recent discussions of the status of East Jerusalem may unfortunately complicate the peace process in Israel. At a particularly crucial point in the peace process, it would seem more advantageous to postpone discussion of this divisive issue until the larger issues of the Israeli-Palestinian conflict are resolved.

Although U.S. policy has never officially recognized the 1967 reunification of Jerusalem, previous administrations have always supported a united Jerusalem.

It is my hope that the discussion of the status of East Jerusalem will not unnecessarily complicate the difficult peace process. Secretary Baker and the Bush administration have been stalwart in promoting a constructive solution to end the uprising. I am confident that once the larger issues have been addressed, the sensitive issue of East Jerusalem can be resolved.

Mr SCHUETTE. Mr. Speaker, I wish to thank my colleagues, Mr. Feighan and Mr Burton, for holding this special order.

Last weekend, President Bush expressed his opposition to new Jewish immigration to East Jerusalem. As much as I support the President's foreign policy views, I feel compelled to object to this statement. Maintaining a united Jerusalem transcends philosophical differences between the political parties within the Israeli Government and touches the very heart and soul of the Jewish people.

With the recent breakup of the Israeli governing coalition, it is important that statements from the United States not be used to heighten volatility in an already dangerous region. The United States should not stray from its longstanding policy that Jerusalem should never again be divided. Jerusalem should be a free and open city, where people are welcome to live wherever they choose without regard to their religious faith.

As the Israelis have contended, Jerusalem is the rightful capital of their nation. Currently, the United States Embassy to Israel is located in Tel Aviv. Mr. Speaker, I believe that Jerusalem, as the rightful capital of Israel, should be host to our Embassy.

Further, the issue of the division of Jerusalem should not be a factor in the negotiations of the Palestinian-Israeli peace talks. The Israelis have sent a clear message that the division of Jerusalem will never be an acceptable concession—and, I, too, find this unacceptable.

Mr. WAXMAN. Mr. Speaker, the President has recently stated that Jerusalem, the ancient capital of Israel, should be considered in the same light as the administered territories of the West Bank and Gaza. This apparent reversal of our Nation's longstanding policy toward Jerusalem ignores the history of that holy city and its importance to the State of Israel.

Since Biblical times, Jerusalem has been the single geographical focal point of Jewish prayer, theology, and national aspirations. Until the President's recent statement, U.S. policy has consistently supported an undivided Jerusalem.

The President's recent statements ignore the history of the region and fail to take into account the present day realities of Israel. The belief that Jerusalem must always remain whole and under Jewish sovereignty is a belief that unites Israelis of all political and religious persuasions.

We must remember that turning over any portion of Jerusalem to Arab rule would not be a new experiment but the repetition of a serious mistake, the results of which are a matter of record. Many gross abuses of Jerusalem's holy sites occured during the years of Jordanian rule from 1948 to 1967. Jews not killed during the Jordanian invasion were expelled from the city. Both Arab and Jew alike were barred from visiting their holy sites. Along with this, Jordan pursued a systematic attempt to eliminate all traces of the city's Jewish heritage.

Since the time of Israel's liberation of Jerusalem in 1967, Arabs and Jews have lived side by side. Arab residents have also been entitled to Israeli citizenship. All residents, regardless of their citizenship, have been granted the right to vote in municipal elections. Israel has granted each religion and denomination the authority to oversee its own shrines. It has also assured complete freedom of access to all people.

President Bush now speaks of Jerusalem and its Jewish residents as simply another West Bank style settlement. Israelis do not "settle" in their capital. They live there. Furthermore, no government of Israel can consider the renewed division of Jerusalem and expect to survive.

I deeply regret that the President's statement on Jerusalem has endangered the very peace process that his administration, the Israeli Government and Egypt have been working to promote. I ask the President to consider the danger of a policy that may leave our Nation unable to promote policies that will advance the peace process rather than hinder it.

I was present at the signing of the Camp David peace accord. I look forward to the day when a new agreement is signed between the warring parties of the region and its people can live in peace. This peace that can only come if our administration accepts that the city of Jerusalem must remain unified and under Israeli democratic and beneficient rule.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Stump (at the request of Mr. Michel) for today and the balance of the week on account of family medical emergency.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Gilman) and to revise and extend their remarks and include extraneous material:)

Mr. Lent, for 5 minutes, today.

Mr. DeLay, for 60 minutes, today and 60 minutes on March 20.

Mr. Burton of Indiana, for 60 minutes, on March 20, 21, and 22.

Mr. Bilirakis, for 60 minutes, on March 21.

Mr. Armey, for 60 minutes, on March 20.

(The following Members (at the request of Mr. Evans) to revise and extend their remarks and include extraneous material:)

Mr. Mazzoli, for 5 minutes, today.

Mr. Glickman, for 5 minutes, today.

Mr. Engel, for 5 minutes, today.

Mr. Poshard, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Crockett, for 5 minutes, today.

Mr. Stark, for 5 minutes, today.

Mr. Kastenmeier, for 5 minutes, today.

Mr. Skaggs, for 5 minutes, on March 15.

Mr. Skelton, for 30 minutes, March 15.

Mr. Gaydos, for 60 minutes, March 15.

Mr. Owens of New York, for 60 minutes, on March 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, and 60 minutes on April 2, 3, 4, and 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Gilman) and to include extraneous matter:)

Mr. Broomfield.
Ms. Ros-Lehtinen.
Mr. DeLay in two instances.
Ms. Snowe.
Mr. Machtley.
Mr. Pursell.
Mr. Gunderson.
Mr. Douglas.
Mr. Wolf.
Mr. Gallegly in two instances.
Mr. Ireland.
Mr. Miller of Washington.
Mr. Conte.
Ms. Schneider.
Mr. Schuette.
Mr. Gingrich.

(The following Members (at the request of Mr. Evans) and to include extraneous matter:)

Mr. Mrazek.
Mr. McMillen of Maryland.
Mr. Kleczka.
Mr. Hamilton.
Mr. Eckart.
Mr. Lipinski.
Mr. Smith of Florida.
Mr. Rangel.
Mr. Kastenmeier.
Mr. Wyden.
Mr. Dymally.
Mr. Dwyer of New Jersey.
Mr. Pallone.
Mr. Hawkins.
Mr. Dorgan of North Dakota.
Mr. Tallon.
Mr. Neal of Massachusetts.
Mr. Ackerman.
Mr. Richardson.
Mr. Downey.
Mr. Frank.
Mr. Traficant in two instances.
Mr. Mazzoli.
Mr. Kanjorski.
Mr. Stark.
Mr. Dellums.
Mr. Dixon.
Mr. Penny in two instances.

ADJOURNMENT

Mr. FEIGHAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly, (at 8 o'clock p.m.) the House adjourned until tomorrow, Thursday, March 15, 1990, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2725. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles (Transmittal No. 90-28), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

2726. A letter from the Secretary, Department of Defense, transmitting the 1990 report on allied contributions to the common defense, pursuant to 22 U.S.C. 1928 nt.; to the Committee on Armed Services.

2727. A letter from the Chairman, Council of the District of Columbia, transmitting, a copy of D.C. Act 8-173, "Tax Amendment Act of 1990," and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2728. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-171, "Judiciary Square Detention Facility Construction Act of 1990", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia, March 14, 1990.

2729. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-172, "Abandoned Property Amendment Act of 1990", and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2730. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification that the Department provided the defense articles, services and training to Colombia under the authority of P.D. 89-24, pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs, March 14, 1990.

2731. A letter from the Acting Director, Defense Security Assistance Agency; transmitting notice of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services estimated to cost $120 million (Transmittal No. 90-28), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2732. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services estimated to cost $36 million (Transmittal No. 90-27), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2733. A communication from the President of the United States, transmitting the 1989 annual report of the U.S. Arms Control and Disarmament Agency, pursuant to 22 U.S.C. 2590; to the Committee on Foreign Affairs.

2734. A letter from the Attorney General, Department of Justice, transmitting a report in compliance with the requirements of the internal accounting and administrative control system, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2735. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2736. A letter from the Overseas Private Investment Corporation, transmitting a report on compliance with the requirements of the internal accounting and administrative control system for fiscal year 1989, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

2737. A letter from the Secretary, Postal Rate Commission and Agency, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calender year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2738. A letter from the Chief Administrative Officer, Postal Rate Commission and Agency, transmitting the annual report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2739. A letter from the Postmaster General, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2740. A letter from the Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2741. A letter from the Director, U.S. Office of Personnel Management, transmitting a report of actions taken to increase competition for contracts for fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2742. A letter from the Special Counsel, U.S. Office of Special Counsel, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2743. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting a copy of the 1989 activities report to the President and Congress, pursuant to 16 U.S.C. 470(b); to the Committee on Interior and Insular Affairs.

2744. A letter from the Girl Scouts of the U.S.A., transmitting the 1989 annual report and financial audit, pursuant to 36 U.S.C. 1101(24), 1103; to the Committee on the Judiciary.

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2745. A letter from the Acting Administrator, General Services Administration, transmitting a report of a building project survey on the Pentagon renovation, pursuant to 40 U.S.C. 610(b); to the Committee on Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DYMALLY (for himself and Mr. Fauntroy):

H.R. 4257. A bill to create a supreme court for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. APPLEGATE (for himself and Mr. McEwen) (both by request):

H.R. 4258. A bill to amend title 38, United States Code, to provide that former prisoners of war are entitled to outpatient care from the Department of Veterans Affairs for any disability; to the Committee on Veterans' Affairs.

By Mr. COBLE (for himself and Mr. Frenzel):

H.R. 4259. A bill to extend the existing suspension of duty on m-Toluic acid until January 1, 1994; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 4260. A bill to provide for the restoration of H.B. Plant Hall at the University of Tampa; to the Committee on Interior and Insular Affairs.

By Mr. HASTERT (for himself, Mr. Clinger, Mr. Packard, Mr. Emerson, Mr. Craig, Mr. Duncan, Mr. Hancock, Mr. Cox, Mr. Grant, Mr. DeLay, and Mr. Hefley):

H.R. 4261. A bill to amend titles 23 and 49, United States Code, relating to motor carrier transportation, and for other purposes; jointly, to the Committees on Public Works and Transportation and the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Moody, and Mr. Craig):

H.R. 4262. A bill to amend title XVIII of the Social Security Act to adjust the base year applied to determine the amount of payments made to rehabilitation and long-term hospitals under part A of the Medicare Program; to the Committee on Ways and Means.

By Mr. KASTENMEIER:

H.R. 4263. A bill to amend section 107 of title 17, United States Code, relating to fair use, to clarify that such section applies to both published and unpublished copyrighted works; to the Committee on the Judiciary.

By Ms. LONG (for herself, Mr. Jacobs, Mr. Burton of Indiana, Mr. Penny, Ms. Oakar, Mr. Evans, Mr. Ackerman, Mr. Mfume, Mr. Gordon, Mr. Sawyer, Mrs. Unsoeld, Mr. Jontz, Mr. Perkins, Mr. McCloskey, Mr. Chapman, Mr. Morrison of Washington, Mr. Sharp, Mr. Stallings, and Mrs. Patterson):

H.R. 4264. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate $1 of their income tax liability for purposes of assisting local antidrug programs; jointly, to the Committees on Ways and Means, the Judiciary, and Energy and Commerce.

By Mr. McEWEN:

H.R. 4265. A bill to restore prior law with respect to the treatment of agricultural workers under wage withholding; to the Committee on Ways and Means.

By Mrs. MORELLA:

H.R. 4266. A bill to amend title 5, United States Code, to provide higher rates of basic pay for Federal employees within the consolidated metropolitan statistical area of which the District of Columbia is a part; to the Committee on Post Office and Civil Service.

By Mr. OWENS of New York (for himself, Mr. Markey, Mr. Gunderson, Mr. Bonior, Mr. Berman, Mrs. Lloyd, Mr. Slattery, Mr. Synar, Mr. Wyden, Mr. Bilirakis, Mr. Chandler, Mr. Madigan, and Mr. Oxley):

H.R. 4267. A bill to require new televisions to have built in decoder circuitry; to the Committee on Energy and Commerce.

By Mr. PRICE (for himself, Mr. Annunzio, Mr. Barnard, Mr. Carper, Mr. Flake, Mr. Hoagland, Mr. Kennedy, Mr. Kleczka, Mr. Leach of Iowa, Mr. McDermott, Mrs. Patterson, Ms. Pelosi, Mrs. Roukema, and Mr. Schumer):

H.R. 4268. A bill to amend the Federal Deposit Insurance Act to authorize the Federal Deposit Insurance Corporation to prohibit the payment of any golden parachute by any insured depository institution; to the Committee on Banking, Finance and Urban Affairs.

By Mr. REGULA (for himself, Mr. Roybal, Mr. Rinaldo, Ms. Oakar, Mrs. Unsoeld, Mr. Bilbray, Mr. Crockett, Mr. Staggers, Mr. Clarke, Mr. DeFazio, Mr. Blaz, Mr. Ford of Tennessee, Mrs. Morella, Mr. Borski, Mr. Duncan, Mr. Lewis of Georgia, Mr. Skelton, Mr. Hughes, Mr. Wise, Mr. Saxton, Mrs. Bentley, Ms. Schneider, Mr. Sisisky, Ms. Snowe, Mr. Erdreich, Mr. James, Mr. Spence, Mr. Boehlert, Mr. Jontz, Mrs. Byron, Mr. Volkmer, Mr. Hertel, Mr. Smith of New Jersey, Ms. Slaughter of New York, Mr. Hammerschmidt, Mr. Pallone, Mr. Clinger, Mr. Lantos, Mr. Rhodes, and Mr. Downey):

H.R. 4269. A bill to establish the Comprehensive Preventive Health Program for Medicare Beneficiaries; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. ROBERTS:

H.R. 4270. A bill to authorize the reformulation of the Cedar Bluff Unit of the Pick-Sloan Missouri Basin Program, Kansas, to provide for the amendment of water service and repayment contracts; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. TAUKE (for himself, Mr. Lightfoot, Mr. Leach of Iowa, and Mr. Grandy):

H.R. 4271. A bill to require the construction of a demonstration highway project between St. Louis, MO, and Minneapolis/St. Paul, MN; to the Committee on Public Works and Transportation.

By Mr. WALGREN:

H.R. 4272. A bill to continue until January 1, 1994, the existing suspensions of duty on certain chemicals; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself and Mr. Nielson of Utah):

H.R. 4273. A bill to amend the Public Health Service Act to extend the program of grants for preventive health services with respect to tuberculosis, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WYDEN (for himself, Mr. Craig, and Mr. Thomas of Wyoming):

H.R. 4274. A bill to provide incentives to health care providers serving rural areas, to eliminate the Medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, and the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. Annunzio, Mr. Bustamante, Mr. Towns, Mr. Horton, Mr. Nielson of Utah, Mr. Wolf, Mr. Pashayan, Ms. Kaptur, Mr. Lancaster, Mr. Kolter, Mr. Mineta, Mr. Walsh, Mr. Geren, Mr. Quillen, and Mr. Ford of Tennessee):

H.J. Res. 513. Joint resolution designating November 16, 1990, as "National Philanthropy Day"; to the Committee on Post Office and Civil Service.

By Mr. DAVIS:

H.J. Res. 514. Joint resolution to designate the week beginning May 6, 1990, as "National Correctional Officers Week"; to the Committee on Post Office and Civil Service.

By Mr. FROST:

H.J. Res. 515. Joint resolution designating the week beginning September 16, 1990, as "National Give Kids a Fighting Chance Week"; to the Committee on Post Office and Civil Service.

By Mr. HUGHES (for himself, Mr. Frenzel, Mr. Gekas, Mr. McGrath, Mr. Owens of New York, Mr. Pallone, Mr. Skelton, and Mr. Solomon):

H.J. Res. 516. Joint resolution to designate the week beginning June 10, 1990, as "National Scleroderma Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of California (for himself and Mrs. Byron):

H.J. Res. 517. Joint resolution designating May 1990 as "National Physical Fitness and Sports Month"; to the Committee on Post Office and Civil Service.

By Mrs. LLOYD (for herself and Mr. Machtley):

H.J. Res. 518. Joint resolution designating October 13 through 20, 1990, as "American Textile Industry Bicentennial Week"; to the Committee on Post Office and Civil Service.

By Mr. SLATTERY (for himself, Mr. Payne of New Jersey, Mr. McDermott, Mr. Lehman of Florida, Mr. McGrath, Mrs. Collins, Mr. Fish, Mr. Rangel, Mr. McNulty, Ms. Pelosi, Mr. Hughes, Mr. Hatcher, Mr. Fazio, Mr. Coughlin, Mr. Stokes, Mr. McDade, Mr. Foglietta, Mr. Conyers, Mr. Kolter, Mr. Horton, Mr. McMillen of Maryland, Mr. Fauntroy, Mr. Hawkins, Ms. Kaptur, Mr. Towns, Mr. Savage, and Mr. Johnson of South Dakota):

H.J. Res. 519. Joint resolution designating April 16, 1990, as "National Sarcoidosis Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. LENT:

H. Con. Res. 286. Concurrent resolution authorizing the 1990 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Public Works and Transportation.

By Mr. YATRON (for himself, Mr. Gejdenson, Mr. Goss, Mr. Clarke, Mr. Owens of Utah, Mr. McCloskey, Mr. Roth, Mr. Faleomavaega, Mr. DeWine, Mr. Kostmayer, Mr. Smith of Florida, Mr. Fascell, Mr. Hamilton, Mr. Studds, Mr. Levine of California, and Mr. Fuster):

H. Con. Res. 287. Concurrent resolution calling for a U.S. policy of promoting the continuation, for a minimum of an additional 10 years, of the International Whaling Commission's moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations; to the Committee on Foreign Affairs.

By Mr. DOWNEY (for himself, Mr. Gordon, Mr. Sabo, Mr. Lehman of California, Mr. Oberstar, Mr. Johnson of South Dakota, and Mr. Smith of Florida):

H. Res. 357. Resolution expressing the sense of the House of Representatives that the owners and players of the major league baseball teams should settle their differences expeditiously, begin spring training, and start the regular baseball season as soon as possible; to the Committee on Education and Labor.

By Mr. GUNDERSON (for himself, Mr. Bonior, Mr. Bilirakis, Mr. Skelton, Mr. Wheat, Mr. Petri, Mr. Schuette, Mr. Owens of New York, Mr. Dellums, Mrs. Morella, Mr. Towns, Mr. Fauntroy, Mr. Rowland of Connecticut, Mr. Brown of California, and Mr. Walsh):

H. Res. 358. Resolution providing for acquisition of telecommunications devices for the deaf for use in offices of Members of the House of Representatives; to the Committee on House Administration.

By Mr. SCHUETTE (for himself, Mr. Lewis of Florida, Mr. Solomon, and Mr. Holloway):

H. Res. 359. Resolution expressing the sense of the House of Representatives that any funds from spending reductions in the budget for defense should be applied to deficit reduction and taxpayer relief; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII,

327. The SPEAKER presented a memorial of the Legislature of the State of South Carolina, relative to textile and apparel imports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EMERSON:

H.R. 4275. A bill for the relief of Oscar H. McCormack; to the Committee on the Judiciary.

By Mr. TALLON:

H.R. 4276. A bill to authorize coastwise documentation for the vessel HMS *Bounty*; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. Wheat.

H.R. 173: Mr. Downey, Mr. Jacobs, Mr. Weldon, Mr. Schaefer, Mr. Ravenel, and Mrs. Lloyd.

H.R. 182: Mr. Gejdenson.

H.R. 379: Mr. Nagle, Mr. Scheuer, Mr. Nowak, Mr. Mrazek, Mr. Weiss, Mr. Schumer, Mr. Downey, and Mr. LaFalce.

H.R. 413: Mr. Sawyer.

H.R. 467: Mr. Nelson of Florida.

H.R. 790: Mr. Tauke.

H.R. 815: Mrs. Lowey of New York.

H.R. 820: Mrs. Johnson of Connecticut.

H.R. 855: Mr. Cardin, Mr. Sangmeister, and Mr. Durbin.

H.R. 995: Mr. Towns, Mr. Geren, Mr. Lipinski, Mr. Brennan, and Mrs. Johnson of Connecticut.

H.R. 1167: Mr. Espy.

H.R. 1205: Mr. Bilirakis and Mr. Pickett.

H.R. 1276: Mr. Johnson of South Dakota.

H.R. 1400: Mr. Sangmeister, Mr. Sawyer, Mr. Packard, Mr. Huckaby, Mr. Clarke, Mr. Crockett, Mr. Pease, Mr. Parris, Mr. Upton, and Mrs. Schroeder.

H.R. 1730: Mr. Lewis of Florida, Mr. Neal of North Carolina, and Mr. Jones of North Carolina.

H.R. 2132: Mr. Walsh.

H.R. 2133: Mr. Walsh.

H.R. 2209: Mr. Rogers, Mr. Robinson, and Mrs. Meyers of Kansas.

H.R. 2418: Mr. McDermott and Mr. Yatron.

H.R. 2545: Mr. Porter, Mr. Engel, and Mr. Borski.

H.R. 2584: Mr. Rahall, Mr. Jenkins, Mr. Nelson of Florida, and Mr. Coyne.

H.R. 2608: Mr. Wolpe, Mr. Eckart, and Ms. Oakar.

H.R. 2611: Mr. Tauzin.

H.R. 2870: Mr. Flake, Mr. Payne of Virginia, Mr. Hyde, Mr. Schumer, and Mr. Gejdenson.

H.R. 2996: Mr. Neal of Massachusetts.

H.R. 3004: Mrs. Morella and Mr. Sangmeister.

H.R. 3051: Mr. Faleomavaega.

H.R. 3154: Ms. Schneider and Mr. Savage.

H.R. 3158: Mr. Borski, Mr. Dicks, Mr. Boehlert, Mr. Gallo, Mr. Conte, and Mr. Johnson of South Dakota.

H.R. 3200: Mr. Panetta, Mr. Gonzalez, Ms. Slaughter of New York, Mr. Tallon, Mr. Walsh, Mr. Dixon, Mr. Berman, Mr. Bruce, Mr. Rahall, Mr. Dwyer of New Jersey, Mr. Bennett, Mr. Traxler, Mrs. Kennelly, Ms. Pelosi, Mr. Savage, Mr. Hayes of Louisiana, Mr. Weiss, Mr. Feighan, Mr. Borski, Mr. Fish, Mr. Owens of Utah, Mr. Towns, Mr. Tauzin, Mr. Boehlert, Mr. Ford of Michigan, and Mr. Payne of New Jersey.

H.R. 3243: Mr. Laughlin, Mr. McCurdy, Mr. Bevill, and Mr. Montgomery.

H.R. 3267: Ms. Pelosi.

H.R. 3270: Ms. Pelosi, Mr. Hoagland, Mr. Courter, Mr. Ray, Mr. Montgomery, Mr. Miller of California, Mr. Gilman, Mr. Chapman, Mr. Wilson, Mr. Hubbard, Mr. Hastert, Mr. Barton of Texas, Mr. Derrick, Mrs. Roukema, Mr. Fauntroy, Mr. Gingrich, Mr. Leach of Iowa, Mr. Bustamante, Mr. Livingston, and Mr. Condit.

H.R. 3386: Mr. Mineta and Mr. Anderson.

H.R. 3401: Mr. Applegate, Mr. Packard, Mr. Nielson of Utah, Mr. Frost, Mr. McGrath, Mr. Solomon, Mr. Bruce, Mr. Robinson, Mr. Schiff, Mr. Towns, Mr. Geren, Ms. Long, Mr. Brown of California, and Mr. Dixon.

H.R. 3440: Mr. Hiler.

H.R. 3475: Mr. Wolpe.

H.R. 3484: Mr. Rinaldo.

H.R. 3498: Mr. Cox, Mr. Pease, Mr. Hutto, Mrs. Collins, Mr. Burton of Indiana, Mr. Hefley, and Mr. Bilbray.

H.R. 3501: Mr. Wolf.

H.R. 3528: Mr. Pickett.

H.R. 3643: Mr. Lent, Mr. Marlenee, Mr. Rhodes, Mr. Oxley, and Mr. Tallon.

H.R. 3652: Mr. Thomas A. Luken, Mr. Condit, Mr. Bosco, Mr. Eckart, Ms. Schneider, Mr. Hunter, Mr. Gallo, Mr. Bilirakis, Mr. Henry, Mr. Horton, Mr. Oxley, Mr. Hyde, Mr. Montgomery, Mr. Rangel, Mr. Sundquist, Mr. Bennett, Mr. Parker, Mr. Parris, and Mr. Jontz.

H.R. 3656: Mr. Slattery.

H.R. 3657: Mr. Slattery.

H.R. 3665: Mr. Sangmeister, Mr. Towns, Mr. Boucher, Mr. Lancaster, Mrs. Schroeder, Mr. Chapman, and Mr. Wise.

H.R. 3686: Mr. Dannemeyer, Mr. Hansen, Mr. Lagomarsino, and Mr. Herger.

H.R. 3705: Mr. Conte.

H.R. 3732: Mr. Smith of Texas, Mr. Upton, Mr. Hansen, Mr. Valentine, and Mr. Hall of Texas.

H.R. 3734: Mrs. Johnson of Connecticut, Mr. Morrison of Connecticut, Mr. Borski, Mr. Sundquist, Mr. Smith of Florida, Mrs. Lowey of New York, Mr. Condit, and Mr. Penny.

H.R. 3735: Mr. Edwards of California.

H.R. 3789: Mr. Bennett, Mr. Bosco, Mr. Bruce, Mr. Costello, Mr. Dixon, Mr. Coyne, Mr. de Lugo, Mr. Fuster, Mr. Horton, Mr. Hughes, Mr. Jontz, Mr. Kleczka, Mr. McNulty, Mr. Miller of California, Mr. Morrison of Connecticut, Mr. Richardson, Mr. Rose, Mr. Rowland of Connecticut, Mr. Sikorski, and Mr. Udall.

H.R. 3817: Mr. Fish.

H.R. 3835: Mr. Wise.

H.R. 3836: Mr. Gingrich, Mr. Johnston of Florida, Mr. Guarini, Mr. Owens of Utah, Mr. James, Mr. Hughes, Mr. Tauke, Mr. Jontz, Mr. McDade, Mr. Smith of New Hampshire, Mr. Courter, Mr. Roe, Mr. Pease, Mr. Savage, Mrs. Meyers of Kansas, Mr. Waxman, Mr. Panetta, Mr. Hoagland, Mr. Feighan, Mr. Carper, and Mr. Mrazek.

H.R. 3852: Mr. Fish.

H.R. 3858: Mr. McNulty, Mrs. Collins, Mr. Lightfoot, Mr. Mfume, Mr. Armey, and Mr. Slattery.

H.R. 3859: Mr. Engel and Mr. Scheuer.

H.R. 3869: Mr. Towns.

H.R. 3880: Mr. Neal of Massachusetts, Mrs. Lloyd, Mr. AuCoin, Mr. Conte, Mr. Brennan, and Mr. Smith of Vermont.

H.R. 3889: Mr. Donald E. Lukens, Mr. Lent, Mr. Costello, Mr. Towns, Mr. Smith of New Hampshire, Mr. Dornan of California, Mr. Fuster, Mr. Rangel, Mr. Schiff, Mr. Horton, Mr. Shumway, Mr. Kolbe, Mr. Frost, Mr. Jones of Georgia, Mr. McDermott, and Mr. Hyde.

H.R. 3901: Mr. Hubbard, Mr. Fazio, Mr. Bustamante, Mr. Neal of North Carolina, Mr. McDermott, and Mr. Hyde.

H.R. 3940: Mr. Rahall, Mr. Walsh, and Mr. Watkins.

H.R. 3961: Mr. Rowland of Georgia, Mr. Parker, Mr. Payne of Virginia, Mr. Costello, Mr. Applegate, Mr. Boehlert, Mr. Hancock, Mr. Towns, Mr. Stark, Mr. Horton, Ms. Kaptur, Mr. Traficant, Mr. Fauntroy, Mr. Edwards of California, Mr. Kanjorski, Mr. Bryant, Mr. Hertel, Mr. Rangel, Mr. Thomas A. Luken, Mr. Gordon, Mr. Lipinski, Mr. Wheat, Mr. Gilman, Mr.

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Pallone, Mr. Clinger, Mr. Foglietta, Mr. Scheuer, Mr. Valentine, Mr. Dornan of California, Mr. McMillen of Maryland, Ms. Pelosi, Mr. Smith of Florida, Mr. Kolter, Mr. Jones of Georgia, Mr. Hughes, Mr. Walsh, Mr. Neal of North Carolina, Mr. Emerson, Mr. Hoyer, Mr. Laughlin, Mr. Roe, Ms. Long, Mr. Hyde, Mr. Fazio, Mr. Ray, Mr. Evans, and Mr. Mineta.

H.R. 3980: Mr. Lancaster and Mr. Ravenel.

H.R. 3992: Mr. Evans, Mr. Jontz, Ms. Long, Mr. Bonior, Mrs. Schroeder, and Mrs. Collins.

H.R. 3998: Mr. Paxon, Mr. Scheuer, Mr. Martin of New York, Mr. Horton, Mr. McHugh, Mr. McNulty, Mr. Mrazek, Mr. Walsh, Mr. Green, Mr. Towns, and Mrs. Lowey of New York.

H.R. 4004: Mr. Towns and Mr. Murphy.

H.R. 4025: Mr. Smith of Florida, and Mr. Dwyer of New Jersey.

H.R. 4026: Mr. Johnson of South Dakota, Mr. Penny, Mr. Derrick, Mr. Espy, Mr. Roe, Mr. Smith of Vermont, and Ms. Kaptur.

H.R. 4031: Mr. Aspin.

H.R. 4032: Mr. Aspin.

H.R. 4033: Mr. Aspin.

H.R. 4042: Mr. Green.

H.R. 4064: Mr. Hyde.

H.R. 4065: Mr. Walgren.

H.R. 4075: Mr. Smith of Florida, Mr. DeFazio, Mr. Cooper, Mr. Traficant, Mr. Owens of Utah, Mr. Akaka, Mr. Roybal, Mr. Wolpe, Mr. Campbell of Colorado, Mr. Morrison of Washington, and Mr. Wheat.

H.R. 4083: Mr. Vento.

H.R. 4098: Mrs. Patterson and Mr. Thomas of Georgia.

H.R. 4106: Mr. Bliley, Mr. Hyde, and Mr. Condit.

H.R. 4131: Mr. McCloskey.

H.R. 4132: Mr. McCloskey and Mr. Gejdenson.

H.R. 4146: Mr. Hiler, Mrs. Johnson of Connecticut, and Mr. Crane.

H.R. 4157: Mr. Solomon, Mr. Bevill, Mr. Barnard, and Mr. Frank.

H.R. 4177: Mr. Ford of Tennessee.

H.R. 4208: Mr. Kastenmeier.

H.R. 4233: Mr. Rahall.

H.J. Res. 15: Mr. Holloway.

H.J. Res. 156: Ms. Kaptur.

H.J. Res. 364: Mr. McDermott, Mr. Sangmeister, Mr. Clinger, Mr. Solomon, Mr. Hiler, Mr. Nelson of Florida, Mr. Schuette, Mr. Bates, Mr. Callahan, Mr. Conyers, Mr. Fascell, Mr. Schiff, Mr. Panetta, Mr. Neal of North Carolina, Mr. Robinson, Mr. Nielson of Utah, Mr. Payne of Virginia, Mr. Lent, Mr. Hayes of Louisiana, Mr. Wolpe, Mr. Coyne, Mrs. Patterson, Mrs. Byron, Mr. Hawkins, Mr. Traficant, Mr. Hunter, Mr. Shumway, Mr. Udall, Mr. Sikorski, Mr. Volkmer, Mr. Martinez, Mr. Frank, Mr. Michel, Mrs. Lowey of New York, and Mr. Morrison of Connecticut.

H.J. Res. 406: Mr. Payne of New Jersey, Mr. Hall of Ohio, Mr. Bartlett, Mr Derrick, Mr. Frenzel, Mr. Lehman of California, Mr. Studds, Mr. Hastert, Mr. Goodling, Mr. Valentine, Ms. Snowe, Ms. Slaughter or New York, Mrs. Martin of Illinois, Mr. DeLay, and Mr. McNulty.

H.J. Res. 417: Mr. Frank.

H.J. Res. 431: Mr. Fish, Mr. Condit, Mr. Neal of North Carolina, Mr. Jones of Georgia, Mr. Payne of New Jersey, Mr. Smith of New Jersey, Mrs. Meyers of Kansas, Mr. Hochbrueckner, Mr. Inhofe, and Mr. Grant.

H.J. Res. 441: Mr. Bunning.

H.J. Res. 467: Mr. Madigan, Mr. Payne of Virginia, Mr. Coughlin, Mr. Nelson of Florida, Mr. McGrath, Mr. Hawkins, Mr. Bilbray, Mr. AuCoin, Mr. Hiler, Mr. Towns, Mr. Erdreich, Mr. Frazio, Mr. Bruce, Mr. Faleomavaega, Mrs. Vucanovich, Mr. Shumway, Mr. Boehlert, Mrs. Meyers of Kansas, and Mr. Hamilton.

H.J. Res. 473: Mr. Wyden, Mr. Gilman, Mrs. Boxer, Mr. Crane, Mr. Lewis of California, Mr. Jones of North Carolina, Mr. Moody, Mr. Nielson of Utah, Mr. Aspin, Mr. Hamilton, Mr. Anderson, Mrs. Kennelly, Mr. Skaggs, Mr. Lehman of Florida, Mr. Rowland of Georgia, Mr. Stark, Mr. Visclosky, Mr. Richardson, Mr. DeLay, Mr. Green, Mr. Bonior, Ms. Kaptur, Mr. Sawyer, Mr. Whittaker, Mr. Harris, Mr. Nowak, Mr. Berman, Mr. Clarke, Mr. Durbin, Mr. Gaydos, Mr. Gonzalez, Mr. Lantos, Mr. Lent, Mr. Matsui, Mr. Schaefer, Mr. Russo, Mr. Schiff, Mr. Schumer, Mr. Walgren, Mr. Weber, Mr. Fascell, Mr. Madigan, Mr. Hefner, Mr. Inhofe, Mr. Ackerman, Mr. Chapman, Mr. Frost, Mrs. Lowey of New York, Mr. Donald E. Lukens, Mr. Murphy, Mr. Towns, Mr. Spence, Mr. Courter, Mr. Coughlin, Mr. Price, Mr. Hertel, Mr. Savage, Mr. Tauzin, Mr. Tallon, Mr. Miller of California, Mr. Wylie, Mr. Grant, Mr. Vento, Mr. Mineta, Mr. Nagle, Mr. Tanner, Mr. Johnson of South Dakota, Mr. Wise, Mr. Davis, Mr. Kastenmeier, Mr. Scheuer, Mr. Smith of Florida, Mr. Weiss, Mr. Gejdenson, Mr. McGrath, Mr. Fish, Mr. Levine of California, Mr. Borski, Mr. Shaw, Mr. Ortiz, Mr. LaFalce, Mr. de la Garza, Mr. Wolpe, Mr. Young of Florida, Mr. Volkmer, Mr. Boehlert, Mr. Spratt, Mr. Hall of Ohio, Mr. Solarz, Mr. Clinger, Mr. Rahall, Mr. Skeen, Mr. Dixon, Mr. Petri, Mr. Udall, Mr. Morrison of Connecticut, Mr. Sundquist, and Mr. Traxler.

H.J. Res. 482: Mr. Russo, Mr. Ackerman, Mr. Walgren, Mr. McDade, Mr. Pallone, Mr. Annunzio, Mr. Fuster, Mr. Moorhead, Mr. Fauntroy, Mr. Coyne, Mr. Poshard, Mr. Volkmer, Mr. Robinson, Mr. Thomas A. Luken, Mr. Rinaldo, Mr. Sisisky, Mr. Smith of Florida, Ms. Kaptur, Mr. Neal of Massachusetts, Mr. Solarz, Mr. Walsh, Mr. Yatron, Ms. Pelosi, Mr. Hiler, Mr. Hughes, Mr. McNulty, Mr. Rangel, Mrs. Bentley, Mr. Bustamante, Mr. Carper, Mr. Evans, Mr. Kennedy, Mr. Lent, Mr. Markey, Mr. Moakley, Mr. Murphy, Mr. Owens of New York, Mr. Machtley, Mr. Weldon, Mrs. Lowey of New York, Mr. McDermott, Mr. Traficant, Mr. McHugh, Ms. Slaughter of New York, Mr. Towns, Mr. Levin of Michigan, Mr. Schumer, Mr. Roe, Mr. Torricelli, Mr. Dwyer of New Jersey, Mr. Kostmayer, Mr. Rowland of Connecticut, Mrs. Martin of Illinois, Mr. Sawyer, Mr. Bonior, Mr. Frost, Mr. Gordon, Mr. Lehman of California, Mr. Hyde, Mr. Lantos, Mr. Flippo, Mr. Brennan, Mr. Kolter, Mr. Anderson, Mr. Fazio, Mr. Crane, Mr. McEwen, Mrs. Boxer, Mr. Vento, Mr. Slattery, Mr. Wolf, Mr. Clement, Mr. Fascell, Mr. Madigan, Mr. Mavroules, Mr. Downey, Mrs. Kennelly, Mr. Skeen, Mr. Feighan, and Mr. Solomon.

H.J. Res. 495: Mr. Bliley, Mr. Fazio, Mr. Dwyer of New Jersey, and Mr. Akaka.

H.J. Res. 500: Mr. Solarz, Mr. Coleman of Texas, Mr. Spratt, Mr. Manton, Mr. Dicks, Mr. Fazio, Mr. Bennett, Mr. Clement, Ms. Kaptur, Mr. Carper, Mr. Kolter, Mr. Guarini, Mr. Conyers, Mr. Gallo, Mrs. Morella, Mr. Henry, Mr. Shays, Mr. Coughlin, Mr. Gekas, Mr. Lagomarsino, Mr. Rowland of Connecticut, Mr. Gingrich, Mr. Lewis of California, Mr. Hunter, Mr. McCollum, Mr. Ireland, Mr. McEwen, Mrs. Johnson of Connecticut, Mr. Archer, Mr. Courter, Mr. Quillen, Mr. Lewis of Florida, Mr. Hayes of Illinois, Mr. Regula, Mr. Conte, Mr. Frenzel, Mr. Livingston, Mr. Porter, Mr. Madigan, and Mr. Bliley.

H. Con. Res. 62: Mr. Chandler, Mr. Clay, Mr. Solomon, and Mr. Brennan.

H. Con. Res. 98: Mr. McDade, Mr. Udall, Mr. Lagomarsino, Mr. Porter, Mr. Vander Jagt, Mrs. Saiki, Mr. Dannemeyer, Mr. Miller of Washington, Mr. Nelson of Florida, Mr. Burton of Indiana, Mr. Gunderson, Mr. Harris, Mr. Frost, and Mr. Jenkins.

H. Con. Res. 123: Mr. Paxon.

H. Con. Res. 149: Mr. McCloskey.

H. Con. Res. 246: Mr. Fawell, Mr. Espy, Mrs. Unsoeld, Mr. Hughes, Mr. Whittaker, Mr. Rahall, Mr. Schaefer, Mr. Hefner, Mr. Carper, Mr. Sikorski, Mr. Pallone, Mr. Machtley, Mr. Lightfoot, Mr. Boucher, Mrs. Johnson of Connecticut, Mr. Neal of North Carolina, Mr. Solarz, Mr. Kastenmeier, Mr. Moakley, Mr. Owens of New York, Mr. Horton, Mr. Jones of Georgia, Mr. Harris, Mr. Baker, Mr. Pashayan, Mr. DeFazio, and Mr. Williams.

H. Con. Res. 249: Mr. McNulty, Mr. Faleomavaega, Mr. Roe, Mr. Kennedy, Mr. Martinez, Mr. Conyers, Mr. Gilman, Mr. Stokes, Mr. McCloskey, Mr. Madigan, and Mr. Wise.

H. Con. Res. 261: Mr. Kolbe.

H. Con. Res. 264: Mr. Atkins, Mr. Campbell of Colorado, Mr. Fazio, Mr. Hefley, Mrs. Johnson of Connecticut, Mr. Johnston of Florida, Mr. Kostmayer, Mr. Lancaster, Mr. Lent, Mrs. Lowey of New York, Mr. Owens of New York, Mr. Solarz, Mr. Stokes, Mr. Weiss, and Mr. Wolpe.

H. Con. Res. 265: Mr. Lipinski and Mr. Upton.

H. Con. Res. 281: Mr. Bennett, Mr. Dwyer of New Jersey, Mr. McGrath, Mr. Rostenkowski, and Mr. Weiss.

H. Res. 159: Ms. Slaughter of New York, Mr. Hayes of Illinois, Mr. Anderson, Mr. Frenzel, Mr. Lehman of Florida, Mrs. Bentley Mr. Mineta, Mr. Wolpe, Mr. Rangel, Mr. Levin of Michigan, Mr. Mavroules, Mr. Kolter, Mr. Skeen, Mr. Weber, Mr. Nielson of Utah, and Mr. Kennedy.

H. Res. 354: Mr. Bereuter, Mr. Kostmayer, and Mr. Green.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2584: Mr. Ballenger.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3581

By Mr. de la GARZA:

—(1) On page 11, line 10 strike "on the first day of the fiscal year immediately following the enactment of this Act" and insert "October 1, 1991".

—(2) On page 15—

(A) line 11, insert "(A) Requirements.—" before "The term";

(B) strike line 12 through line 14 and insert the following: "means, with respect to a fiscal year, a State with respect to which all of the following apply not later than the first day of the fiscal year:"

(C) line 15, strike "(A)" and insert "(i)";

(D) line 20, strike "(B)" and insert "(ii)";

(E) line 23, strike "(i)" and insert "(I)"; and

(F) line 24, strike "subparagraph (A)" and insert "clause (i)".

—(3) On page 16—

(A) line 1, strike "(ii)" and insert "(II)";

(B) line 7, strike "(C)" and insert "(iii)";

(C) line 11, strike "subparagraph (A)" and insert "clause (i)"; and

(D) after line 12, insert the following:

"(B) Good faith exception.—Notwithstanding the requirements of subparagraph (A), the Secretary of Agriculture may determine, no later than the first day of the fiscal year, a State to be an eligible State under this paragraph for the fiscal year if the Secretary determines that the State has made a good faith effort to meet, and has substantially met, such requirements.".

—(4) On page 18—

(A) line 19, strike "and"; and

(B) line 25, strike the period and insert ";" and

"(8) appoint a member to the State rural economic development review panel as provided under section 361(c)(1)(P).".

—(5) On page 32, after line 24, insert the following:

"(4) Failure to appoint panel members.—The failure of the Governor, the Secretary of Agriculture, or an association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) to appoint a member to the panel as required under this subsection shall not prevent a State from being determined to be an eligible State as defined under section 360(b)(3).".

—(1) On page 17, line 20 strike "great weight" and insert "consideration".

—(2) On page 18, lines 4 and 5, strike "not assisting any project ranked higher in priority by the panel" and insert "that determination".

—Page 64, strike line 8 and 11 and all that follows through line 17 and insert the following:

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use—

"(A) with respect to items for which the regulatory authority with jurisdiction over the provision of such services has approved the depreciation rates used by the borrower, such approved rates; and

"(B) with respect to other items, the average of the depreciation rates used by borrowers of telephone loans made under this Act;

"(3) annually determine and publish the average described in paragraph (2)(B); and".

—Page 64, line 18, strike "(3)" and insert "(4)".

—Page 67, line 18, strike "is made" and insert "application if submitted".

—Page 81, line 19, insert the following:

(2) in paragraph (3), by striking "paragraph (1) and (2)" and inserting "paragraphs (2) and (3)";

—Page 81, line 18, strike "(2)" and insert "(3)".

—Page 81, line 22, strike "(3)" and insert "(4)".

—Page 82, line 17, strike "and".

—Page 82, after line 17, insert the following:

(vi) in paragraph (d), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

—Page 82, line 18, strike "(vi)" and insert "(vii)".

—Page 83, strike lines 9, 10, 11, 12 and 13 and insert the following:

"(f) Section 343(a) Amendments.—Section 343(a) of such Act (7 U.S.C. 1991(a)) is amended—."

—Page 83, line 19, strike "(h)" and insert "(g)".

—Page 83, line 22, strike "(c)" and insert "(C)".

—Page 84, line 16, strike "(i)" and insert "(h)".

By Mr. GINGRICH:

—Page 81, redesignate section 807 as section 808 and insert after line 6 the following:

SEC. 807. INDUSTRIAL HOMEWORK.

Effective on or after the date of the enactment of this Act, industrial homework in the women's apparel industry may be performed without regard to the requirements of the regulations of the Secretary of Labor issued under section 11(d) of the Fair Labor Standards Act of 1938 (29 C.F.R. 530 et seq.).

—At the end of the amendment, add the following:

Chapter 4—Alternative Teacher and Principal Certification

SEC. 1061. ALTERNATIVE TEACHER AND PRINCIPAL CERTIFICATION.

(a) Authorization of Appropriations.—For the purpose of carrying out this section, there are authorized to be appropriated $10,000,000 for fiscal year 1991. Amounts appropriated pursuant to this section shall remain available until expended.

(b) Use of Funds.—From the amounts appropriated to carry out this section, the Administrator is authorized to enter into grants with States to assist in supporting programs, projects, or activities that develop and implement new, or expand and improve existing, alternative teacher and principal certification requirements for teachers, including part time teachers, and principals located in rural areas in the State.

(c) State Applications.—Any State desiring to receive a grant under this section shall submit an application at such time, in such manner, and containing such information, as the Administrator may reasonably require.

(d) Effective October 1, 1992, this section is repealed.

By Mr. GRANDY:

—At the end of title VIII, on page 84, after line 18, insert the following new section:

SEC. 808. NONPROFIT NATIONAL RURAL DEVELOPMENT AND FINANCE CORPORATIONS.

Section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note) is amended as follows—

(1) in subsection (a)(1), by inserting "or directly to an affiliated statewide rural development and finance program" after "programs";

(2) by adding at the end of subsection (a) the following new paragraphs:

"(6) Notwithstanding any other provision of law, lenders that have provided loans that are guaranteed under this subsection shall have limited reporting responsibilities, as determined by the Secretary, concerning such loans, and the National Rural Development and Finance Corporation or its State affiliate shall be primarily responsible for the issuance of final reports concerning such loans.

"(7) Notwithstanding any other provision of law, loan guarantees provided under this subsection shall be for a period not to exceed 15 years."; and

(3) in subsection (b)(1)—

(A) by striking "from funds transferred under paragraph (2)";

(B) by inserting "or expanding" after "establishing"; and

(C) by adding the following new sentence at the end thereof: "Such grants may also be made directly to affiliated Statewide programs if the corporation certifies to the Secretary that they are able to establish effective, ongoing State programs on rural development and revolving finance."; and

(4) by adding at the end thereof the following new subsection:

"(c) Nonprofit national rural development and finance corporations and affiliated Statewide programs that receive grants under subsections (a) or (b) may use an amount, not to exceed 10 percent of the amount of such grants over a 2-year period, for program operation and administration costs."

By Mr. ROSE:

—(1) On page 19, line 10, strike "Limited transfer authority.—(A)".

—(2) On page 19, strike line 18 and all that follows through page 21, line 6.

—(3) On page 21, line 7, strike "(3)" and insert "(2)".

—(4) On page 34, strike line 18 and all that follows through page 38, line 7.

—(5) On page 45, after line 9, insert the following:

SEC. 308. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act".

—(1) On page 19, line 10, strike "Limited transfer authority.—(A)".

—(2) On page 19, strike line 18 and all that follows through page 21, line 6.

—(3) On page 21, line 7, strike "(3)" and insert "(2)".

—(4) On page 34, strike line 18 and all that follows through page 38, line 7.

—(5) On page 45, insert after line 9 the following:

SEC. 308. INCREASED AUTHORIZATION FOR RURAL DEVELOPMENT PROGRAMS.

There is authorized to be appropriated, in addition to amounts appropriated under any other provision of law, $34,500,000 to be used for programs carried out under section 306(a) or subsections (a) through (f) and (h) of section 310B of the Consolidated Farm and Rural Development Act or under section 1323 of the Food Security Act of 1985.

SEC. 309. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act".

By Mr. STAGGERS:

—Page 35, line 4, insert ", and business incubators," after "business".

—Page 38, after line 7, insert the following:

(h) Definition.—As used in this section, the term "business incubator" means a facility or management system which functions as an umbrella organization to provide new small businesses with shared support services, overhead expenses, and technical assistance.

By Mr. TALLON:

—Section 201 of H.R. 3581 adds a new section 361 to the Consolidated Farm and Rural Development Act. That section is amended by inserting at the end of section 361(c) (on page 32 of H.R. 3581 as reported by the House Agriculture Committee) the following:

(4) **INVESTMENTS IN RURAL ECONOMIC DEVELOPMENT BY STATE GOVERNMENTS.**—(A) Not later than fifteen days after the end of each fiscal year, the Governor shall submit a report to the Secretary including the amount of State funds expended to assist rural economic development projects that would qualify for assistance under designated rural development programs as defined by section 360(b)(2), including direct contributions of funds to be available for applications considered by the State Rural Economic Development Review Panel, and funds not available for consideration by such review panel.

(B) Notwithstanding any other provision, the State Rural Economic Development Review Panel for a State during a fiscal year shall not include the members listed in subsection (c)(1) (A) and (B) if—

(i) during such fiscal year, the State does not contribute an amount equal to or greater than 10 percent of the total federal funds available for the consideration of the State Rural Economic Development Review Panel and permit such funds to be available for the consideration of such panel in funding designated rural development programs; or

(ii) the total amount of expenditure by such State as specified in paragraph A shall be less during the preceding fiscal year than the lower of the amount of such expenditure during the second preceding fiscal year or the amount of such expenditure for the average of the second, third and fourth preceding fiscal years (except that such conditions shall not apply if the amount of such expenditure by such State for such fiscal year shall be equal to or greater than the amount of federal funds available for the consideration of such review panel).

(C) The Secretary may waive the requirements of paragraph (B) if, upon receiving a request for such waiver from the Governor, the Secretary finds that the expenditures required by such paragraph would create a hardship for such State.

—At the end of title VIII of the bill insert the following new section:

SEC. . EXTENSION OF QUALIFIED SMALL ISSUE BONDS.

1(a) **EXTENSION.**—Section 144(a)(12)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 144(a)(12)(B)) is amended by striking '1990' and inserting '1995'.

EXTENSIONS OF REMARKS

THE END OF THE FEAST

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, David Halberstam has written an article in the Business Quarterly entitled, "The End of the Feast."

It is a masterful description of the financial excess of the 1980's and is an appropriate antidote to the "What, Me Worry?" Charlie Brown syndrome that has gripped so many here in Washington, DC. The article by Mr. Halberstam is printed below:

THE END OF THE FEAST

I have a friend who has done very well off the economy in the last 10 years. He is an arbitrageur with a nice touch, a good sense of humor, and an inherent belief that in the end, arbitrage, is just a game that by chance he plays well. He has consistently been a winner in the decade of the Great Casino, and if I were venturing estimates of his wealth, I would begin at around $400 million.

I have always thought, based on some of my friend's own description of his work habits, that essentially he has been a skilled and nimble predator working over the tired carcass of an ailing economy. "I got here at a moment when the place was filled with remarkable bargains," he once said. "It was luck." A healthier economy would have provided fewer easy targets and much slimmer pickings. The bargain hunting would never have taken place. In better days the ruling class of America's financial houses might not have tolerated a stock market designed more for the pleasure of arbitrageurs than for manufacturers.

A few weeks ago my friend and I had dinner, and he, to my surprise, seemed even more pessimistic about the American economy than I. He did not like any of the current trends; they seemed, more than ever, aimed at short-range exploitation of companies' assets. In recent years it had simply been the arbitrageurs and the bigger companies who had fed the takeovers. Now, he added, it was even worse. In the last year or so, the ailment had gotten into the management of the companies.

He cited the RJR Nabisco fiasco, where the greed of the management team had opened the door to a hostile takeover. The fever is in the bloodstream of management now, he said; management wants in on a good thing. In his phrase, the greed today was like a genie that had escaped from the bottle; there was now an institutionalized vested interest in the country in continuing the way we are going, destructive or not. He said this entirely without irony, and perhaps there is no irony to it; it was inevitable, I suppose, that managers with limited loyalty to their product and to their employees, and with greater loyalty to themselves than to their stockholders, had looked around, had seen what was happening, and had gotten in line for their share.

Others of my fellow Americans are also getting rich, yet I remain pessimistic about the economy and its future. I should be more specific: not the economy as a near-term game that one can play and manipulate—I suspect it remains a wonderful free-fire zone—but the economy as part of the long-range social contract of the nation; as a next-century successor to the dynamic economy I knew growing up, and which, when I was a young man, generated a kind of broadly based wealth never seen before in the world.

I realize that the past decade is one in which a great many people have made astonishing amounts of money (I suspect more wealth has been taken out of the economy in a shorter time in stock deals and put aside for personal use by men who are essentially speculators, not investors, than at any other moment in history).

But when I hear the official optimism about the economy, I feel oddily as I did some 27 years ago when I was a young reporter in Saigon, being bombarded every day by the American military headquarters with statistics proving that we were winning the war. Everything I knew and sensed told me that we were losing it, indeed were barely fighting it; everyone whom I personally respected told me, when we were talking off the record, that the war was a disaster. I have the same sense today about the economy.

Certainly a great many people are making excessive amounts of money off the economy, amounts that dazzle the mind. But underneath the surface, almost everything I sense is negative. Many of those who benefit from this unparalleled windfall talk privately of the darkness just around the corner, of the vulnerability of a nation that has made itself so dependent upon the support of foreign investment. Sometimes they are extremely critical of the very things that enrich them. While true productivity and performance lag even more behind, there is more pressure than ever on companies for paper performance.

That means that the premium action still lies from power and the price of oil nearly quadrupled. By the end of the war we were the new superpower, fueled by cheap oil, protected by two oceans in an age when weaponry could not cross an ocean. We ended the war far more powerful, far richer, and far more confident than when we began it.

The rest of the world was in ashes. Our allies and adversaries alike had been ravaged in some way or another by the war. Britain emerged a victor but still bore the burden of its losses in World War I upon those it suffered in World War II, and it was about to shed its colonies. France was a victor, albeit a humiliated one; it too was about to lose its colonies. Germany was a loser, devastated and divided, with millions dead. The Soviet Union was a ravaged victor, losing five times as many people as Germany, and burdened by an economic system that demonstrably did not work. For Japan the defeat in the war was as much a psychic loss, a loss of faith, as it was one of men and materiel.

We were more confident than ever, more economically (and educationally) democratic than ever, thanks to the war, the New Deal, and the GI Bill. Our richness was so great, a richness caused by historical forces largely outside our doing, that it was like a giant tide lifting everyone in our society. Everyone was both worker and consumer, living in a society where, with the powerful new commercial television networks, there was the most ferocious pressure to consume ever known to man. Perhaps the most miraculous thing of all came in the mid-1950s: we were a nation so rich that even our children became a formidable part of the consuming economy. By the end of the '50s we had not one or two cars in our suburban garages, but often three.

There were two things that came out of that great moment: first, an abiding belief that whatever it was that was going to be manufactured, America would set the standard and would do it first and do it best; and second, because the period last so long, a belief that our hegemony would go on forever—a belief that God takes care of America. We as a nation did not see that remarkable period as the result of a confluence of historical forces far outside our own control; we saw it as our due, something we had earned by dint of being Americans. As such, we thought that which was a historical fluke—America's great affluence and unmatched economic growth after the war—should be a permanent condition.

That explains a good deal about our current inability to adjust to changing circumstances in a changing world. Forty years of immunity to all the normal crises and vulnerabilities creates a kind of arrogance of entitlement. The pre-World War II wariness of our grandparents and parents, raised as they were in harder times and touched by the Depression, have lapsed from family memory. Our parents hated to owe anything; our children get credit cards in their teens. Now, facing an uncertain future, we intend to live as we always have; it is nothing less than our due. Ours has become an economy governed not so much by need as by expectation.

We took that period of remarkable affluence for granted. Because of our wealth, we became a nation that felt it never had to make choices or sacrifices. Most notably, when Lyndon Johnson gave us both the Vietnam War and the Great Society during the '60s, we were confident that we could pay for both.

Since the end of World War II, we have been like a nation racing through our inheritance. What is troubling is not so much that we went through it so quickly, but that we cannot discipline ourselves now that it is over. Our economy today—with the leveraging of money and unfriendly mergers—is based not on productivity, but on exploiting a moment when the society is declining, or at the very best, stagnant.

What is even more chilling about our condition is our political paralysis in the face of these changed circumstances. There were signs 20 years ago that we were facing fierce competition in a number of critical areas—most prominently from Japan, with its

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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system of state-guided communal capitalism. Japan had pulled ahead of us in the shipbuilding and steel industries by the late '60s. During the '70s, American consumers increasingly bought the high-quality cameras, cars, and television sets that Japan was sending over. All those warning signals were going off, but few paid attention to them.

Now in the '90s, we remain politically and socially paralyzed by events around us. We live in a world where those who are our competitors are now more disciplined than we and perceivce us as a nation of people spoiled by its good fortune. We consume more than ever, and because we increasingly prefer foreign products, we consume foreign goods and thereby export our dollars. We have gone in a stunningly short time from creditor nation to debtor nation. The Reagan years, in keeping with an age given more to successes in marketing than in production, were more about the triumph of image than they were about the triumph of substance. The most interesting thing about the Reagan years is that Reagan turned out to be such a poor conservative. By that I mean conservative in the classic derivation of the word *conserve*.

His policies, such as they were, fueled an almost reckless spree of indulgence. If there was an essential message to his presidency, it was that nothing was really wrong with America; all we had to do was feel better about our country (and about him as president of it) and about being Americans. Millions did; they felt better about him and their country, and he left office more popular than when he arrived in it, and the trade deficit grew, and the national debt grew.

IGNORING THE WARNING SIGNS

In the most basic way, our political system failed to keep up with the changed circumstances of our economic realities. That which we should have been reevaluating underwent no scrutiny. We lived by televised platitudes. There was no attempt to measure ourselves against our competitors to define our strengths and vulnerabilities. It is true that a great many people who call themselves conservative in America applauded Reagan's election, and in many cases benefited significantly from changed tax laws, and indeed would quite gratefully have voted for him again.

Reagan seemed to have little sense of the historic forces that were at work and that had catapulted him into the presidency. He cut sharply federal aid to our best science graduate students. He had little interest in pinpointing those forces that were undermining the strength of the American economy or in recognizing new challenges. In Clyde Prestowitz's book *Trading Places*, there is a particularly chilling story of the Reagan years. in fall 1985, some of the senior people in the Commerce Department were trying to get the president to aid the American semiconductor industry, then hearing the brunt of a fierce, and to some unfair, Japanese trade assault. That is, the American manufacturers were competing with Japanese manufacturers whose domestic market was protected from us, but they were treating the U.S. market as a free-trade zone. This gave the Japanese a protected base where they could lower costs.

To many in the Commerce Department, the situation was symbolic of that aspect of Japanese trade policy that is so unfair, and it was taking place against one of the best, most modern, and least inflated of American industries, one critical to American national security. Neither anyone in the president's inner circle nor the president himself seemed very concerned about the quantum difference between free trade as defined by most Western nations and free trade as defined by the Japanese. "If our guys can't hack it," Prestowitz quotes a high-level Reagan adviser as saying, meaning the inability of the American chip manufacturers to compete, "we ought to let them go." (That is, die.)

Those years are now gone: at a time when the nation needed to make choices and to make sacrifices, it made neither. It was, as Senator Pat Moynihan has said of the '80s, a moment when we borrowed a trillion dollars from the Japanese and gave a very good party for ourselves. Not surprisingly, a decade later the Japanese remain the symbol of our frustration. They irritate us, but we are dependent upon them to buy our Treasury bills and to keep us from hitting the wall. Their protectionism infuriates us, but the more we make our economy dependent upon theirs and upon their liquidity, the less forceful both politically and morally we are in getting them to open up their markets and end those practices that are most demonstrably unfair. There is a lesson here: we cannot discipline others if we cannot discipline ourselves.

What is astonishing is how little debate there is on so crucial a subject. It is here that we seem so numbed. Three presidential elections have come and gone, and none of this has really been an issue. It is as if the idea that the easy times are over is so alien and threatening that to raise it in an election is to seem anti-American and to guarantee a loss of votes. Our last election, at a time when economic issues should have been at the forefront of our national debate, was a farce; that which should have been a major issue—the crisis in our economy—was barely mentioned. During the prolonged 1988 primary battles and general election, it struck me that the election would have been better focused if one of the endless debates had been held in Tokyo or Seoul.

Regrettably we are now part of a world economy where our competitors bring a long-range view of what success and failure represent. The ascent of the new Confucian nations of Asia, Japan, and the little Japans is the most obvious reflection of the new international economy; but Western Europe too is preparing for greater economic unity and anticipating genuine growth created by genuine energy. My instincts tell me that if the changes in the Soviet Union continue, and if there is the continuation of increased political freedom with attendant economic freedom, then the prime beneficiary will be the West Germans, and West Germany might become the Japan of the next decade. If the Russians retreat politically and economically and the vacuum they leave behind is filled, I suspect that it will be the West Germans who will fill it. They have been quietly, carefully, dutifully seeding the terrain for some 30 years, and they still have a primacy of making things in their companies, not marketing through television.

We by contrast will watch something happen that we always wanted to take place: the growing political and economic integration of Europe and the concurrent decline of Soviet political influence. And we may end up bit players instead of true participants.

WE NEED TO CLEAN OUR AIR

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ANDREWS. Mr. Speaker, in my home of Houston, there is a brown haze that often hangs over the city's skyline. We have an air pollution problem—one of the worst in the country.

In fact, Harris County rivals the infamous Los Angeles in smog pollution. Recent studies show that even New York has better air quality than we do.

These are hard facts. A recent Environmental Protection Agency study fund that between 1986 and 1988 Houston ranked sixth out of 101 cities in exceeding maximum ozone standard laws.

This creates many problems for our area. Ozone—the major component of smog—is harmful to human health. Respiratory diseases like emphysema, bronchitis, and lung cancer are on the rise, and the chronic effects of repeated exposure inceases the susceptibility of respiratory infection and can cause respiratory ailments in young children.

Such health problems are very expensive. A recent study from the American Lung Association says that auto pollution is responsible for between $40 and $50 billion in annual health-care costs.

Beyond the health risks, such pollution also threatens Houston's ability to attract new industry. Companies looking to relocate will think twice about moving to an area which has brown air 6 months out of the year.

Solving this problem means looking at the source. Studies show that more than 50 percent of our urban smog comes from vehicle emissions—from our cars, buses, and trucks. Since we are not about to stop driving—in fact, our driving miles are expected to double in the 1990's—we need to reduce the pollution our cars are producing.

One way is to tighten Federal emission standards for cars already on the road. To a large extent, we've already done that. In addition, our refining industry is working to develop cleaner burning gasoline called reformulated gasoline.

But to really make a dent in our air pollution problem, we must take an even bigger step. That means using the technology we have today to run our vehicles on significantly cleaner alternative fuels.

We're not talking about bizarre-looking autos from some low-budget science fiction movie. Technology for alternative fuels has jumped far ahead in the past decade. Today, alternative fuel vehicles are indistinguishable from their gas-powered counterparts and may require even less maintenance. I believe our energy future will have a more complicated infrastructure. Vehicles powered by different fuels will share the same roadway. Natural gas, electricity, ethanol and other sources will play a role.

In fact, the only significant distinction between the alternative and conventional fueled vehicles is that alternative fuel cars don't pollute as much as their gas-powered predecessors.

For example, the Department of Energy says natural gas vehicles produce 50 percent less carbon monoxide and similar nitrous oxides emission than gasoline.

And last June, the Library of Congress released a study showing that natural gas reduced carbon dioxide emissions 30 percent over gasoline. The EPA even estimates that running a vehicle on natural gas reduces ozone-causing emissions by 50 to 80 percent.

Think what those reductions would mean to the air quality in Harris County and other metro areas around the country.

But the benefits don't stop there. We would greatly enhance U.S. energy security through the use of domestic alternative fuels. My home State of Texas is a major producer of natural gas. Texas' reserves—along with those in the rest of the country—comprise a significant domestic supply of this abundant fuel. Tightening emission standards to the levels attainable by natural gas would give our State's economy a much-needed boost. In fact, some estimates say increased demand and production of natural gas could easily bring between 10,000 to 20,000 jobs within a few years.

Not only that, but nearly half of the oil burned in this country comes from overseas. Increased use of a domestic fuel like natural gas will certainly break this dependence on foreign oil producers and go a long way to assuring U.S. energy independence and security.

As these points illusrate, we definitely need a plan that emphasizes alternative fuels while taking steps to clean up our air. The best opportunity to do so is the Clean Air bill now before Congress.

While the Clean Air proposal the President presented is essentially good legislation, it needs a stronger commitment to alternative fuels like natural gas. More importantly, it needs to resist the attempts of some who want to drop auto emission standards so low that air quality in areas like Harris County would continue to grow worse.

As we in Congress work on this bill, we should not lose sight of what we are trying to achieve—cleaner air for America, in both the short and long term.

With that in mind, there is another essential piece of the Clean Air puzzle that needs to be addressed. Economic incentives are imperative to getting a widespread alternative fuels program off the ground.

As a member of the House Ways and Means Committee, which is in charge of all revenue proposals, I have introduced a bill providing tax incentives to those who convert to alternative fuels.

My Alternative Fuels Incentive Act would provide a 20-percent tax credit for equipment to convert a vehicle to run on a clean-burning fuel, a 20-percent credit for alternative fuel refueling station equipment, and a 20-percent credit for the fuel system of a new alternative fuel vehicle.

Not only would this provide a badly needed alternative fuel infrastructure in this country, but it would encourage fleet truck owners and mass transit systems to convert to clean-burning fuels. This is a key area. Houston, for example, has the largest private van-pooling system in the country. Converting much of this fleet to clean-burning fuels would greatly reduce our air pollution problems.

To be honest, I'm tired of driving along my city's freeways and seeing the thick brown haze that is damaging our health and the health of our economy. It is especially frustrating to know that we have the technology to make ourselves energy independent, create thousands of new jobs, and give us the clean air we desperately need.

After all, the air we are breathing is the only air we've got.

INTRODUCTION OF HOUSE RURAL HEALTH CARE IMPROVEMENTS ACT

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. CRAIG. Mr. Speaker, rural health care is facing a financial crisis.

In Idaho, three hospitals have already been forced out of business, and others are struggling to survive due to inequitable reimbursement rates from Medicare. That number may not sound so terrible until you consider how many lives are affected by those hospitals, and the great distances that must be traveled to obtain health care without them. Many of these small hospitals are located in remote areas, hundreds of miles from other health care facilities.

Because of inequitable reimbursement rates to rural areas, there are shortages in physicians and other health care providers. The health care professionals working in rural areas now work long, hard hours in order to make up for staff shortages. These people are dedicated to their work and the rural communities they serve, but relief is desperately needed. If rural hospitals are going to be able to continue to compete in the same labor pool as their urban counterparts, for the limited number of health care providers, then we must even out the inequities in this system that favors urban areas.

Mr. Speaker, Idaho is not alone; these problems have had an impact on other States as well. Rural hospitals across the United States are struggling to survive. Many of these hospitals and their communities are facing the prospect of closure, holding on to the hope that Congress or the administration will hear their voices and somehow correct the Health Care Financing Administration's Medicare inequities.

Mr. Speaker, I want to make their voices heard.

Last summer, President Bush sent Secretary of Health and Human Services Louis Sullivan to my Rural Health Care Conference in Idaho. The Secretary agreed there is a rural health care crisis, and I know he is willing to assist us.

I am happy to join my colleague, Congressman WYDEN, in introducing the Rural Health Care Improvements Act, companion legislation to S. 2214, introduced in the Senate by Senator PACKWOOD of Oregon. This legislation contains a variety of provisions, some of which are already under consideration in the House of Representatives, that will offer a comprehensive solution to the many problems rural health care providers are facing. I want to impress upon my colleagues that this legislation is not an idealistic, or whimsical attempt to solve this serious problem. It is a carefully thought out and realistic piece of legislation that is targeted to resolve specific problems that have contributed to the rural health care crisis.

Mr. Speaker, and my colleagues, rural hospitals and health care providers are more than just health centers—they are an important thread in the fabric of rural society. America's rural hospitals and the dedicated workers in the health care profession are facing an economic crisis—one that threatens not only their existence, but also the existence of the communities they serve. I hope you will all join Congressman WYDEN and myself in supporting the Rural Health Care Improvements Act.

TRIBUTE TO MICHAEL HICKS

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DELAY. Mr. Speaker, I would like to join with Mr. Michael Hicks' colleagues in congratulating him on his 20th anniversary at Strake Jesuit College Preparatory in Houston.

More than ever, Americans are turning to our educational system to enhance our domestic prosperity and our international competitiveness. If we are to succeed in this task, we will require many individuals with the same selfless sense of dedication which Mr. Hicks has demonstrated to his students for the past 20 years.

Mr. Hicks' program has graduated many students that have gone on to such fields as: education, foreign services, law, medicine, policy research, engineering, business, and others. Their success in such diverse fields is certainly related to the fundamental skills of public speaking, logic, analysis, and organization which he has taught them. Through his coaching and the fire of competition, they have emerged as the leaders of tomorrow.

Once again, I would like to offer my congratulations to Mr. Michael Hicks and best wishes for his continued success in the years to come.

INTRODUCTION OF THE RURAL HEALTH IMPROVEMENT ACT OF 1990

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. WYDEN. Mr. Speaker, today my colleague Congressman LARRY CRAIG and I are introducing comprehensive legislation to salvage the health care system in our rural communities. This legislation is a companion measure to legislation introduced in the Senate by Senator BOB PACKWOOD.

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As many of my colleagues know, rural communities are losing desperately needed hospitals and providers every day. In my own State of Oregon, over half of the hospitals are in rural areas. Two Oregon hospitals were forced to close last year. One Oregon hospital is teetering on the edge of closure right now. Countless physicians, nurses, and physician assistants have filed the countryside, leaving many rural areas severely drained of qualified health professionals. The problem has reached crisis proportions.

Nationally, over 60 percent of rural hospitals lose money every time a Medicare beneficiary walks through the door, compared to only 46 percent of urban hospitals. One of the biggest reasons for this difference in hospital closures is that rural hospitals today receive an average of 8 percent less than urban hospitals from Medicare. That's just unfair.

This "urban/rural differential" was conceived in 1983, when it was widely believed that rural hospitals had lower costs to meet than urban hospitals. Today, we know that this theory is not valid.

Labor shortages for medical professionals has hit urban as well as rural facilities. And often the rural facility must offer higher wages to lure quality health care professionals away from the prestige and glamour of a big city.

The costs of goods and supplies in rural areas are the same as those in urban areas. Medical supply companies charge rural hospitals the same amount of money for their goods and services as urban hospitals. In fact, because of their small size, most rural hospitals are unable to achieve economies of scale or get bulk discounts which suppliers sometimes offer to high volume urban or suburban facilities.

In reality, the cost of providing health care in Burns, OR, is not much different from the cost in Portland. The unchecked migration of qualified providers away from rural communities and the startling number of hospital closures in rural areas demands congressional action. That is why I am introducing the Rural Health Improvement Act.

Our bill will do the following:

First, speed-up elimination of urban-rural Differential. The legislation would eliminate the urban-rural Medicare hospital payment differential by January 1, 1991 rather than 1995—as called for in the 1989 budget reconciliation bill;

Second, speed-up implementation of RBRVS. The legislation would fully implement the resource-based relative value scale contained in the 1989 budget reconciliation bill by January 1, 1992 instead of 1995;

Third, extend Medicare reimbursement to nurse practitioners who work in rural areas when their services would otherwise be provided by a physician;

Fourth, establish a national payment rate for certified registered nurse anesthetists, which are often the only anesthesia providers in rural communities;

Fifth, increase funding for the National Health Service Corps Loan Repayment Program;

Sixth, increase funding for area health education centers [AHEC's]. AHEC's provide continuing education and clinical instruction for physicians, nurse practitioners, and other health care professionals who practice in or near underserved areas;

Seventh, target public health service funds to county health departments to offer preventive health services;

Eighth, provide tax incentives to physicians, nurse practitioners, and physician assistants for the first 5 years of rural practice. This will provide young graduates with a strong incentive to locate in underserved rural areas;

Ninth, permit primary care physicians to expense up to $25,000 per year for the purchase of basic equipment used for primary services;

Tenth, permit groups of rural hospitals to engage in joint purchasing and contracting for personnel or services; and

Eleventh, require the Secretary of Health and Human Services to review and make recommendations regarding elimination of burdensome and unnecessary Medicare regulations affecting rural hospitals.

I urge my colleagues to express their support for the importance of retaining quality health care in our rural communities by cosponsoring this important legislation.

TRIBUTE TO DOROTHY M. McLAUGHLIN AND JUDGE MARTIN P. JOYCE

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Mrs. Dorothy M. McLaughlin and Judge Martin P. Joyce, who are from my 17th Congressional District, of Ohio. Mrs. McLaughlin is being honored as "Irishwoman of the Year" and Judge Joyce is being honored as "Irishman of the Year" by the Joseph T. Nalley, Sr., Division 6 of the Ancient Order of Hiberians at its annual St. Patrick's Day Luncheon.

Mrs. McLaughlin is retired from both the Mahoning County Sheriff's Office as well as the Ohio Police Reserves of Struthers. She attended Youngstown State University, Kent State University, and Lake Community College. Mrs. McLaughlin has been involved with various organizations in her community, including the Democratic Woman's Club which honored her in 1978 as "Woman of the Year" of the South Democratic Club of Mahoning County. She has also been involved with the Veterans of Foreign Wars and in 1988 was Veteran of Foreign Wars "Miss Loyalty Day." Dorothy McLaughlin and her husband Robert McLaughlin have 4 sons and 11 grandchildren.

Judge Joyce has been on the bench since 1959 when he became municipal court judge. In 1969 he was elected to the Juvenile Division of the Mahoning County Common Pleas Court, a position he held until his retirement last year. Judge Joyce attended Sacred Heart and East High Schools. A veteran, he served in the South Pacific during World War II. After his honorable discharge he attended Ohio University then earned a juris doctorate from Ohio State University Law School. Judge Joyce played a key role in the construction of the juvenile justice center which opened in 1979 and which now bears his name. He has played an instrumental role in the antidrug campaign in our community. Judge Joyce and his wife Elizabeth will be making their fourth trip to Ireland this year.

Mr. Speaker, I would like to take this opportunity to pay tribue to Mrs. Dorothy McLaughlin, who is being honored as "Irishwoman of the Year" and Judge Martin Joyce, who is being honored as "Irishman of the Year." Both have a long and distinguished history of service to our community. They are both dedicated individuals who have greatly enhanced our community. I am honored to represent these two outstanding individuals.

A VERMONTER'S REFLECTIONS ON THE VIETNAM WAR MEMORIAL

HON. PETER SMITH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. SMITH of Vermont. Mr. Speaker, a Vermont constituent of mine, Ronald G. Latour, Sr., served as a medic in Vietnam between 1967 and 1970. He recently visited the Vietnam War Memorial in Washington and sent me the following reflection. The piece is tremendously moving, and I offer it here so that all my colleagues may read it:

THE WALL

Names, names, names! Why are there so many names here?

Some are short and some are long. Some easy to pronounce and some harder. There are so many panels that one does not know where to start. I suppose you could ask one of the guides that are around the area.

The panels are numbered by year, the first in 1962 and the last in 1976. There are all kinds of names—Spanish, Irish, French, German, English. I know there are all kinds of races and religions represented here. Some were highly educated, however, most were not. Some had families and others did not. Most were young, not even in their prime of life yet. Some were middle aged and a few older. So you see that in their predicament death knew no age, nationality, color, or religion. There were one, two, maybe three or four panels marking the years I spent there.

Flowers were planted in front of every panel. An occasional sporadic line of photographs. In a few cases, decorations. I could not help but wonder who they belonged to. Did some parents or wives bring them along so their loved ones could have the decorations with them, or, was it some of the guys who made it home ok but were angry, disappointed, and confused about this whole thing of ours. I like to think of it as a quiet protest against all the wasted lives here.

I saw many, many people walking around. I had the impression that they were just curious as they didn't stop at any particular panel. I saw others with pencils or pens with paper covering a name and they were trying to get the name transcribe onto the paper from the panel. I gather they were either friends or relatives visiting their son, husband, daughter or brother, a loved one. There were many other guys there, some in wheelchairs or on crutches that would be a

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part of them for the rest of their lives. Some that had a arm or leg missing. I really envied them because they had found a way to cope with their losses. They had adjusted themselves and most were living full lives. The ones I felt sorry for were the ones who were there for the same reason I was, all whole, as I was, finally, after eighteen years, mourning for the buddy's they did not have time to mourn for back there. I guess I had it easier that most because being a medic I had learned to harden my feelings. For some reason I had a unique ability to be able to put all the dead and wounded in the back of my head. I think most medics had this ability.

As a medic the first thing I learned was not to get too friendly with the other soldiers. You didn't know if they were going to be here tomorrow or not. The only other real friends a medic had were other medics. Only I found out they were not invincible either. That was what had brought me to Washington, to see if I could find my buddy's name on a panel.

As I walked around I found names I recognized. These were guys that were in the same unit I was. Some I tried to take care of and others I just knew of them. I made a game of it at first. I'd walk around and when I found a name I recognized, would try to think of something good about them. But all I accomplished was to see their faces before they were hit and then after they were hit, which didn't set too well with me. I finally found the panels with the year 1968. As I sat there in front of the panels reading the many names, I finally found my buddy's name. I just kept looking at it as if I didn't believe that it was there. I went so far as to blink my eyes and hope it was gone. I sat there for hours thinking about all the good times we had in the short eight months that we knew each other. There were a lot of good memories, but then the ugly memories started to flow through my brain. I finally got up and started to walk away when a guy in a wheelchair looked at me and I guess, recognized my thousand meter stare. What he said to me was better than any ticker tape parade, or any medal that a general could ever pin on me. He said "Welcome Home." I mean, here's this guy in a wheelchair, one leg missing, his face looking like it went through a meat grinder and he's telling me welcome home. I really didn't know what to say, so I didn't say anything. I grabbed the guy and hugged him. It was the first time in eighteen years that I allowed any emotions about anything that happened over there.

I know that deep down all of us who were there know it was all for nothing, we just don't want to admit that. But I know it was. The only consolation that anybody has is that these brave men did their duty to the end.

RECOGNITION OF EASTLAKE NORTH HIGH SCHOOL

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ECKART. Mr. Speaker, I rise today to recognize the excellent initiative being taken in a high school from my district. Upon my visit to North High School in Eastlake, OH, earlier this year, I learned of a survey program that has been started in the school. The North High School administration has designed a set of surveys to assess the current school situation. The surveys were distributed to faculty and staff members, students, and their parents in order to gather the comprehensive data needed to honestly evaluate the school.

During this time in our education system's history when many see only the negative publicity and problems with our schools, it is truly refreshing to hear about a school that cares about the ideas of its community and is truly making an effort to improve itself.

I stand before you today to praise the efforts of North High School and to express my hope that their program is a sign of a positive future for American education.

INTERNATIONAL WOMEN'S DAY

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mrs. BOGGS. Mr. Speaker, last Thursday we celebrated International Women's Day.

International Women's Day was first proposed by Clara Zetkin, a representative of the Socialist Women's Conference in Copenhagen, Denmark in 1910. The proposal came at the beginning of a period of great political and social transition in the world. In North America the movement for women's suffrage questioned some of our basic assumptions of human relations.

Clara Zetkin and our own U.S. Congresswomen Jeanette Rankin called to women around the world to join forces on behalf of peace, equal rights and social progress.

I have been very pleased, during the past few years, to have been involved in several of our key international efforts focusing on assessing and promoting the role of women. As a United States delegate to the 1985 Conference on the U.N. Decade for Women in Nairobi, Kenya, I participated in the adoption by consensus of a major document entitled, "Forward Looking Strategies for the Advancement of Women to the Year 2000." This document was intended to serve as a set of guidelines for governments, international organizations and nongovernment organizations for action to reduce if not eliminate obstacles to women's participation in all sectors of society.

Similarly, the Inter-parliamentary Union has emerged as an important vehicle for followup assessment and energy generation on matters of concern to women internationally. I became involved initially with the organization in 1948 when I accompanied my husband, Hale to an IPU meeting in Rome and was pleased when it established a women's committee.

Since becoming a Member of Congress, I have also served as a delegate from the Congress to the IPU. U.S. participation has offered Members an opportunity to meet and exchange views with their counterparts in other countries on a broad range of common issues. As we recognize that women constitute one-half of the population of our individual societies and the implications of this for public policy, the meetings of the women parliamentarians that began in 1985, are a useful forum to exchange views with other women members of many parliaments on various subjects of mutual interest.

These efforts have resulted in significant progress over the past several years in increasing international consciousness of women and of issues of particular importance to women. With the scope and speed of recent economic and social changes in our society, changes in the workplace, in family structures, these are essential steps for appreciating the existing and potential contributions of women within their own societies and around the world.

Most appropriately on International Women's Day, I was privileged with a visit from members of the Soviet Women's Committee and of the American Women for International Understanding. The Soviet delegates, Galina Galkins, vice president, SWC, Tatjana Bermant, a renowned sculptor, and Galina Negrustuyeva, an SWC staff member enjoy the legacy of their organization founded 50 years ago to foster understanding and peace among nations. The exchanges of suggestions for successful promotion of women's interests among societies will serve all of us well as we explore new avenues of relationships in a rapidly changing world.

AMERICAN INTERNATIONAL COLLEGE HONORS WALLY BARLOW

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, on April 7, 1990, the Alumni Varsity Club at my alma mater, American International College, will pay tribute to Wally Barlow, one of the college's most precious resources. I want to join in this salute to a true sportsman.

As a trainer, coach, and friend, Wally Barlow has touched the lives of hundreds of student-athletes who have attended American International College. In the process, he has earned the trust and admiration of athletes, coaches, and sports writers across the wide spectrum of amateur and professional sports.

Wally Barlow has led a rich, varied, and exciting life. Born in Great Britain, he developed an early interest in soccer, gymnastics, and physical therapy. An accomplished athlete, he represented his country as a welterweight wrestler in the 1936 Olympic games in Berlin. In the war years and after, Wally answered Great Britain's call to arms, serving as a commando in Germany, France, Belgium, and Holland. After his discharge, he journeyed to Toronto, Canada, where his enthusiasm for sports found an outlet in hockey.

Hockey was the motivation for Wally's move to Springfield, MA. The city boasted an American Hockey League franchise owned and operated by "Mr. Hockey," the legendary Eddie Shore, and Wally enjoyed a 13-year association with the league. After he left the AHL, Wally found a new home at American International College, where he has given truly outstanding service for more than two decades.

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Wally Barlow has become one of American International College's most valuable players. This diminutive, gentleman from Great Britain is recognized as the college's ambassador of fair play, good will, and true sportsmanship.

Mr. Speaker, I join with the entire American International College community in saluting Wally Barlow for the many contributions he has made in furtherance of the college's role as a source of learning. They have enriched the life of not only the college, but the entire Springfield area as well.

CARING FOR OUR NEWBORNS

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ANDREWS. Mr. Speaker, the true hallmark of a nation's wealth is how it cares for those who are unable to care for themselves. Unfortunately, our country lags in providing that care. That's why America's children—our most fragile and vulnerable resource—are dying every day.

According to the National Center for Health Statistics, the United States ranks 20th—practically the worst—of other industrialized nations of the world. In fact, for every 1,000 children born in our country, 10 are dying.

The United States is facing several disturbing facts surrounding this issue:

According to the President's national drug control strategy, an estimated 100,000 cocaine babies are born each year.

The National Association of Perinatal Addiction Research and Education reports that each year, 375,000 infants are born drug affected.

Black infants are twice as likely to die before their first birthday than white infants.

While the national picture is grim, the Sunbelt story is even worse. Of the 17 Sunbelt States, 11 States have infant mortality rates surpassing the already critical national average. A child born in the South is less likely to see his or her first birthday than a child born in other regions of the United States.

Low birthweight infants, those who are born weighing about 5 pounds, are at the greatest risk. My home State of Texas has an infant mortality rate of 9.1 percent for 1987 which translates into 2,744 infant deaths.

Many of those infants that do survive are likely to suffer from chronic lung problems, sensory illnesses and cerebral palsy. We must continue to make earnest efforts to save these infants. But we should extend our efforts further to ensure that they are born healthy.

The real tragedy of infant mortality is that as many as half of these deaths are preventable. Prenatal care is the key to a healthy birth. According to the National Commission to Prevent Infant Mortality, it can cost up to $400,000 in health care over the life of a low birthweight infant. Prenatal care, costing as little as $500, can significantly reduce the risks involved for newborn children.

This crisis has not gone unnoticed. Twenty members of the Congressional Sunbelt Caucus, which I chair, have formed an infant mortality task force to develop a strategy to combat this plague. This task force is making the health and well-being of mothers and children a priority. Last month the task force met with Health and Human Services Secretary Louis Sullivan to seek his help in solving this crisis.

Secretary Sullivan, a native of Georgia, understands well the cost of this tragedy. During this meeting, task force members asked Secretary Sullivan that projects and programs be targeted to the Sunbelt region where they are needed most.

As Secretary Sullivan pointed out, we know that this problem is solvable. Pregnant women must have access to health care. The Sunbelt Caucus and its Task Force on Infant Mortality are committed to reducing our regional and national infant mortality rate.

MEDICARE REIMBURSEMENT FOR REHABILITATION HOSPITALS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. CRAIG. Mr. Speaker, yesterday I joined my colleagues, Representative NANCY JOHNSON and Representative JIM MOODY, as an original cosponsor of legislation to assist rehabilitation facilities and long-term hospitals in meeting the cost of caring for Medicare patients.

In my own district, the First District of Idaho, the Idaho Elks Rehabilitation Hospital has been struggling over the past few years in order to keep its doors open for the growing number of patients that need rehabilitative or long-term care. The Idaho Elks Rehabilitation Hospital is a freestanding rehabilitation hospital, the only one in Idaho. The Elks have raised considerable private funds to support the work of this institution in helping disabled people. Over the past 4 years, all contributed money and a substantial portion of their endowment has gone to underwrite the hospital's losses due to the inadequate reimbursement rates from Medicare.

The Elks Hospital is reimbursed on a base year of 1983. As we are all aware, the rise in the cost of health care has been astronomical over the past few years. Not only are many of these rehabilitation hospitals working on insufficient funds, but they are also serving more patients as acute-care hospital stays are shortened, due to Medicare cost-saving measures.

Mr. Speaker, this bill offers rehabilitation facilities the opportunity to update their TEFRA cost base year to 1988. This will provide them with a reimbursement rate that better reflects today's health care costs. This legislation is very important if rehabilitation facilities like the Elks Hospital in Idaho are to continue providing essential services to communities across the United States.

TRIBUTE TO ALBERT LOUIS PATTERSON, JR.

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DELAY. Mr. Speaker, I would like to take this opportunity to honor the service of Albert Louis Patterson, Jr., who on Sunday, March 18, 1990, will celebrate his 20th anniversary as pastor of Mount Corinth Missionary Baptist Church in Houston, TX. This is a joyous occasion not only for the Pastor Patterson, but it is equally blessed for the 1,500-strong members who have benefited from his guidance and leadership.

Pastor Patterson has labored in the Word of God with dedication and perseverance and his presentation of the Word has always been with joy, enthusiasm, and conviction tendered with love for the Lord and his congregation.

His accomplishments are many and varied. During his administration, the Soul Winners Action Team was organized and has now helped revolutionize Corinth and much of the Houston community. Among his many accomplishments, its members have visited 60,015 homes, honored 83,694 prayer requests, and visited 1,333 sick and shut-ins. Also, for the last several years under Pastor Patterson's leadership, the Vacation Bible School has averaged over 1,000 registrants each year.

Pastor Patterson was also the daily lecturer of the National Baptist Sunday School and BTU Conference. He was chosen out of 50,000 preachers in the National Baptists Convention, U.S.A., Inc., to preach in the Dr. T.J. Jamison's inaugural sermon at the first national board meeting in 1983. From 1986 to 1988, he preached an unprecedented 3 consecutive years for the National Congress Faculty Banquet and preached an unprecedented 4 consecutive years at Hampton Minister's Conference in Hampton, VA. He also preached in 21 consecutive sessions of the national board, national congress, and national convention.

I am proud to have this honorable gentleman as a pastor for so many years in my congressional district. He has provided inspiration and hope for the many who have joined his flock and has encouraged them and many more to experience a "new level of living" with a great sense of inner satisfaction and joy. His fivefold emphasis on energetic evangelism, worth of the Word, persistence in prayer, Lordship in Christ, and sharing of substance has led many into the fold of security and a sense of self-worth and well-being.

I am honored to send my congratulations to this great man of God, Pastor Albert Louis Patterson, Jr.

ENVIRONMENTAL GROUPS SUPPORT A TAX INCENTIVE FOR PRIVATE FORESTRY—MORE TREES WILL BE PLANTED WITH RESTORATION OF A CAPITAL GAINS DIFFERENTIAL

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. WYDEN. Mr. Speaker, the debate in this House concerning proposals to change the Federal Tax Code has focused on two primary issues: Is our code fair, and does the code encourage economic growth and new jobs?

Today, I want to add one more question. Does the Tax Code encourage sound and sustained management of an increasingly important national treasure—our 350 million acres of privately owned, commercial forest lands?

Global warming, tropical deforestation, and the desire to preserve our own dwindling supply of old-growth timber—these have all lead us to reevaluate this planet's crucial need for trees. Even the President made a crash Federal program for planting 1 billion trees part of his last State of the Union Address.

But I am convinced that with equitable tax incentives, this Nation's hundreds of thousands of tree farmers can do that job very well, on their own. Tree-planting on private forest land skyrocketed with the provision of a capital gains differential for that purpose in 1944. And eliminating that differential in 1986 not only endangered this Nation's future supply of timber from those lands, it also jeopardized the future of wildlife habitat, watershed, and recreation qualities inherent in those private forests, placing a further strain on our public forests.

Mr. Speaker, concern about this trend has spread beyond the timber community. Many environmentalists and conservationists also believe that 1986 Tax Code changes will erode private forest management and, eventually, lead to conversion of those lands to other uses.

I'd like to cite for the record several letters I received last month from leading environmental organizations: The Wilderness Society, the National Audubon Society, the Natural Resources Defense Council, and the Sierra Club. As a cochairman and cofounder of the "Congressional Forestry 200 Task Force," a group representing 129 Members of Congress, I asked these organizations to tell me what they thought of two results of the 1986 Tax Act: One, the loss of the capital gains differential for long-term investments such as tree-farming, and two, the loss of deductibility of normal business expenses suffered by many individual woodlot owners through changes in passive loss rules.

Their response was unanimous. They said that these changes will reduce productive private forest acreage in this country.

Let me quote Michael A. Francis, counsel for the Wilderness Society:

> We believe that this higher tax burden is reducing the level of environmentally sound, sustainable timber production from private, non-industrial forest lands. There is a significant risk that owners are forgoing reforestation and other conservation measures. The favorable tax provisions for timber that began in 1944 and lasted until 1986 have been widely credited for substantial increases in private timber production and reforestation.

And this from Brock Evans, vice president of the National Audubon Society:

> It is unfortunate that the 1986 Tax Reform package removed this differential. We believe that a strong case can be made that forestry in general and reforestation in particular is such a risky business, requiring such long-term care and attention, that some kind of differential tax treatment is required. Unfortunately, since 1986, we have witnessed a resurgence of "cut and run" practices in the Pacific Northwest States.

Mr. Speaker, I think this is part of the untold story of the tax debate. Beyond the effects on businesses, individuals and Federal revenues, adjustments to our code can have critical impacts—positive or negative—on our environment. I think the impact on private forestry should be an important consideration for all of my colleagues, and I would be happy to share with them these letters from leading environmental organizations.

TRIBUTE TO DANIEL E. PECCHIO

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Daniel E. Pecchio of my 17th Congressional District of Ohio. A roast will be held for Danny on March 24, 1990, in honor of his 40 years of dedicated service to Mahoning County.

Mr. Pecchio has a long history of service both to his community and his country. In January of 1941 he volunteered for the armed services and served with the 37th Division in the Solomon campaign and helped liberate the Philippines. For his gallantry he was awarded two Bronze Stars as well as the Philippine Liberation Medal. He was honorably discharged in 1945.

Daniel Pecchio has been employed by Mahoning County since 1947 when he was made deputy dog warden. Besides his work as Mahoning County dog warden, Danny has been involved with numerous church, civic, and political organizations. He is a member of St. Christine's Church, he served on the youth committee for the United Veterans Council, and he is a past president of the 37th Division, Youngstown Chapter. He has also served as past president of both the North Eastern Ohio County Dog Wardens Association as well as the Ohio County Dog Wardens Association.

Mr. Speaker, I would like to take this opportunity to commend Daniel Pecchio on his many years of outstanding service. Danny is a brave and caring individual who has made significant contributions to our country and community. I am proud and honored to represent this extraordinary man.

IN MEMORY OF DAWN AND KRISTEN WINFIELD

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. SMITH of Florida. Mr. Speaker, death under any circumstance causes great sorrow. But when someone dies while in the spring of life, it is even more tragic. Two young women in my district have recently been taken from our midst by a disease called globoid leukodystrophy, which occurs when an enzyme deficiency attacks the central nervous system. Dawn and Kristen Winfield were 18-year-old, identical twins and best friends. They should have been normal high school seniors growing into mature adults, having a good time, going to the beach and to the movies. Instead they were losing a battle against a painful and debilitating blood disease.

The twins needed bone morrow transplants in order to survive. They themselves opted for this risk surgery because they had watched the disease cripple, blind and eventually kill their older brother. The fate of the twins became of paramount concern for many of the residents in south Florida. Fundraising efforts raised close to $400,000 for the twins' transplants. Meanwhile the search for a compatible donor was tedious, expensive, and gruelling. Finally, beating a 15,000 to 1 odds, a donor was found. The feeling of hope that enveloped the entire south Florida community was astounding and heartwarming.

On September 25, Kristen, the older twin, went to the University of Minnesota Hospital in Minneapolis, MN, and had her transplant operation. Sixteen days later, Dawn underwent her operation. However, on November 18, Kristen died quietly in her sleep when her body rejected the healthy marrow. Dawn, close to 2 months later, on January 16, died from similar complications.

Although we cannot bring the Winfield twins back, an important lesson should be learned from their tragic deaths. Every day in the United States, 25 people will die because they cannot obtain a marrow transplant. What few people realize, however, is that registering in a marrow donor bank is as simple as donating a pint of blood.

Public awareness regarding marrow transplantation and donor motivation must be increased. First, we need to recruit and test donors. Second, we need to raise the funds necessary to pay testing costs. My colleague, Representative VIC FAZIO, will be introducing legislation of which I will be an original cosponsor, which will seek to authorize $15 million for the National Donor Marrow Program for the purpose of testing potential bone marrow donors.

I commend the efforts of the caring and hard working people in my district who made it possible to raise the money needed for the twins' operations. Led by Yolanda Keating of Hollywood, a family friend and the Winfield fund-raising organizer, the community united to help. Friends such as Jeff Nelson of Pembroke Pines organized a boat row to Bimini; Ron Rothstein, coach of "Miami Heat" participated in many fund-raising efforts as did past and present members of the "Miami Dolphins"; Principal Larry Insel and the students at the Winfield Twins' school, Hollywood Hills High School, raised money; and Rose Lizana of Dania, where the twins grew up, also spearheaded fund-raising efforts. There were so many helpful hands in our community and I wish to applaud the efforts of all of the people who worked so hard for the twins. These caring people and the twins themselves made all Floridians proud.

I urge my colleagues to join me in paying tribute to the memory of the courageous Winfield Twins by supporting the proposed legislation. I extend my deepest sympathy to the Winfield family and to their friends. South Florida fought alongside them and south Florida mourns them.

SHOWING THE FLAG: BOLD UNITED STATES ENVOY CAPTIVATES GREEKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. RANGEL. Mr. Speaker, I'd like to call to your attention the following article which appeared in the international edition of the Miami Herald on January 4, 1990, about our Ambassador to Greece, Mr. Michael Sotirhos. Since assuming his post in September, he has caught the eyes of many and has won the approval, respect and wonder of the Greek public. Ambassador Sotirhos has done much to improve what have been tense relations between Greece and the United States. Often mingling with a crowd, his open, enthusiastic and down to Earth style and charisma have helped create a better image and acceptance of Americans and the United States. He also practices and encourages better communication and openness among diplomatic leaders. Proudly showing the American flag nearly everywhere he does, he is the first Greek-American to serve as Ambassador to Greece.

SHOWING THE FLAG: BOLD U.S. ENVOY CAPTIVATES GREEKS

(By Paul Anastasi)

ATHENS, GREECE.—Reversing America's low-profile diplomacy in Greece, he insists upon braving the threat of terrorism by displaying the American flag wherever he goes.

He does not hesitate to step into the crowd to cheer at basketball games, and he jokingly reassures Greeks that he, like most of them, is an islander—from the island of Manhattan.

After 15 years of strained relations between the United States and Greece, both members of NATO, easing tensions between the two nations well may have a lot to do with the unorthodox tactics of a Greek-American New Yorker: Michael Sotirhos, the American ambassador to Greece.

Sotirhos, 61, arrived in Greece in September and, much to the dismay of the traditionally hostile Greek press, has plunged into a public relations campaign that his predecessors never would have attempted. In several cases, he has left his Greek audience crying for more.

Greece first got a hint of the ambassador's new approach when he turned up at the funeral of Pavlos Bacoyannis, the chief spokesman in Parliament of the conservative New Democracy Party who was killed by terrorists in September.

For the first time in years, the American flag flew from the ambassador's armored limousine. Mourners broke ranks and burst into applause at the sight.

Similarly, it was front-page news when the ambassador scored another first by visiting Communist Party headquarters to talk with the party leader. He next turned up at a hastily summoned town hall reception for Boris Yeltsin, the maverik Soviet legislator, while the Soviet ambassador failed to appear.

Not only has the ambassador been shaking up the political status quo with his maneuvering, but he also has managed to capture the public's attention with his style.

Recently, Sotirhos broke with protocol by strolling into the court to greet the stars of Greece's best basketball team. On another occasion, he mingled with fans at a heated soccer game. In both cases he was applauded and even embraced by fans.

As evidence of his adherence to the Greek Orthodox faith, Sotirhos attends Mass every Sunday at churches in Athens and sometimes sings along with the choir. Always, he wears an American flag pin in his lapel.

"We're going to take every necessary security precaution, but we're not going to hide," a diplomat recalls the ambassador telling staff members. "Having armored cars and bodyguards, that's security. Not flying the flag is hiding."

The ambassador's new approach differs considerably from diplomatic practices adopted since 1974, when simmering anti-Americanism and terrorist attacks compelled most Americans to maintain a low profile.

Now, Sothirhos has ordered that the American flag fly on all occassions. He has encouraged diplomatic personnel to widen the circle of leaders whom they meet to include Communists and seek contact with the general public.

At meeting with American servicemen, he urges them to emphasize rather than hide their official American status. "Go out, go to the countryside, find the mayor and introduce yourself as an American," he told personnel, according to the diplomat.

"Anti-Americanism has been declining for the past few years," another foreign diplomat said.

"But the new ambassador is accelerating the gradual decline of anti-American sentiment and taking it one step further to revive traditional pro-Americanism among Greeks."

While developments in Eastern Europe and the decline of Communist domination might be one coincidence explaining Sotirhos' warm reception, the ambassador also enjoys the advantage of being the first Greek-American in the post.

His wife, Estelle Manos, also is Greek-American, and both speak Greek fluently.

The advantage of language and the ethnic connection is evident.

One witness recounted an incident when Sotirhos, questioned by an elderly couple in the streets of a small town, informed them that his father was from the island of Kythria and his mother from the island of Milos.

"So you are a *nisiotis*, an islander, like us?"

"Yes," the ambassador replied, "I'm from Manhattan."

TUFTONIA'S WEEK

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. RICHARDSON. Mr. Speaker, it is with great pleasure that I share with you the news that April 19, 1990, marks the beginning of the sixth annual observance of "Tuftonia's Week."

It is a special time for the more than 60,000 alumni of Tufts University, myself included, to turn our thoughts to Tufts and to get together with fellow Tuftonians, reminiscing with old friends.

In addition to a formal ceremony on campus, hosted by President Jean Mayer, local observances range from small gatherings in restaurants to champagne receptions in museums, art galleries, and private homes; from a block party to a group trolley ride to a singular ride on a jumbo elephant in India. Alumni from Medford to Melbourne, from Hartford to Hong Kong, and from San Diego to Sao Paolo come together to think Tufts, thank Tufts, and toast Tufts.

As a proud graduate of Tufts University, I ask my colleagues to join me in congratulating Tufts on its sixth annual "Tuftonia's Week" celebration and to honor the thousands of Tufts alumni who are living and working in our districts contributing to the betterment of society.

INDIANA EARTHQUAKES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 14, 1990, into the CONGRESSIONAL RECORD:

INDIANA EARTHQUAKES

Many Hoosiers were startled by a series of three minor earthquakes that struck Indiana's Harrison and Crawford counties earlier this year. No damage or injuries were reported, but the quakes were strong enough to rattle dishes, windows, and doors. These events are a reminder that the Midwest is vulnerable to periodic earthquakes.

According to the U.S. Geological Survey, the eastern half of the U.S. has a low probability of having major earthquakes, but a high probability of suffering extensive damage and loss when they do occur. Some of the most powerful earthquakes in U.S. history have occurred in the Midwest and along the East Coast.

Causes: Earthquakes are triggered by natural disturbances deep beneath the earth's surface. The earth's crust is made up of twelve separate plates, which represent the continents and the ocean floors. These plates normally float unhinderd on top of the molten rock surrounding the earth's core. Earthquakes result when a plate's natural movement is altered. If two plates lock together, a fault line is created and pressure will then build until the plates uncouple and produce an earthquake. Last fall's

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major California quake, for instance, occurred because of slippage along the San Andreas Fault, which marks where the Pacific Plate and the North American Plate meet.

While West Coast quakes tend to occur because of friction between colliding plates, Midwestern earthquakes occur at fault lines located within a single plate. These fault lines may represent weak points in the plate, where pressure is released as bordering plates press against the North American Plate.

Midwestern earthquakes differ from West Coast quakes in other respects as well. Midwestern earthquakes are more difficult to predict. Measurement of pressure buildups along West Coast fault lines helps scientists to predict the location and severity (but not the timing) of a potential earthquake. In the Midwest, the fault lines are much deeper, and measuring and predicting their activity is more difficult. Midwestern quakes also occur less often. Earthquake pressures build up 100-1000 times faster in California than in the Midwest. In addition, soil and bedrock conditions in the Midwest strengthen earthquake tremors, causing them to travel farther and take longer to subside. Experts believe a Midwest earthquake could affect an area up to 80 times larger than a similar quake in California.

Indiana Quakes: Several dozen earthquakes have originated in Indiana. In general, these quakes have been concentrated along river valleys. The southwestern corner of Indiana is at the greatest risk of earthquake activity. The most powerful of the recent Indiana quakes hit 3.8 on the Richter scale. By contrast, last October's northern California earthquake hit magnitude 6.9. (Each one point increase in the Richter scale means that about 30 times more energy has been released.) Most of the Indiana-centered earthquakes have caused little damage.

Historically, Indiana has suffered more damage from earthquakes originating outside of the state. An earthquake centered in New Madrid, Missouri 180 years ago produced the greatest intensity felt in Indiana. It exceeded 8 on the Richter scale, and devastated the Evansville area.

Three areas of concentrated seismic activity are located in the Midwest. The New Madrid Seismic Zone, stretching from Evansville to northern Arkansas, poses the greatest risk of earthquake activity in the eastern United States. It has produced major quakes felt as far away as Canada. The Geological Survey projects a 40-63% chance of a magnitude 6 earthquake striking the New Madrid Zone by the year 2000. The Wabash Valley Zone contains active faults in both eastern Illinois and western Indiana. Experts believe the Wabash Valley may be susceptible to a moderate earthquake every twenty years. A 1987 earthquake of magnitude 5.2 did not cause extensive damage. The Anna, Ohio Zone is less volatile than the others. Since 1876, 23 tremors have occurred near Anna, located in the west central part of the state; three of the quakes have been around magnitude 6.

Earthquake Preparation: The federal government sponsors the National Earthquake Hazards Reduction Program, a nationwide effort to measure and predict earthquake activity, promote awareness of earthquake risks, inform the public of how to minimize damage, and develop emergency response plans before earthquakes strike. Funding for the federal research and preparation programs in 1990 will be $20 million. A bill moving through the Congress would expand this program, particularly for the New Madrid Zone, and mandate a review of building codes and construction guidelines.

At the state level, Indiana and other Midwestern states sponsor several research centers to improve measurement of potential earthquake activity. Starting this year, Indiana's building code requires that new structures be earthquake-resistant. (This code does not apply to roads and bridges, farm buildings, and one- and two-family dwellings.) Certain essential facilities, including hospitals, fire and police departments, and schools, are subject to more stringent standards. Some experts have also suggested mandatory retrofitting of older structures, especially unreenforced masonry.

Hoosiers can take a number of steps to protect their homes against earthquake tremors. Experts recommend strapping down water heaters, keeping buildings in good repair, storing heavy objects on the floor or lower shelves, and fastening bookshelves and cabinets to the wall. Earthquakes occur without warning, and the shaking lasts no more than 20-60 seconds. Because most injuries are caused by falling debris, the recommendation is, if indoors, to stay there temporarily and turn away from glass, cabinets, and fireplaces; and if outdoors, to get into an open area away from buildings, power lines, and trees. Buildings should not be reoccupied soon after a quake, because of possible strong aftershocks. For additional information about Indiana earthquake threats and preparation efforts, Hoosiers can contact the State Emergency Management Agency, Department of Civil Defense, 100 N. Senate Avenue, Indianapolis, IN 46204. The phone number is (317) 232-3830.

NATIONAL PASTIME PRESERVATION ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DOWNEY. Mr. Speaker, today I am introducing a resolution to express the sense of the House of Representatives that the owners and players of the major league baseball teams should settle their differences expeditiously, begin spring training, and start the regular baseball season as soon as possible.

At present, there appears no end in sight to the major league baseball lockout. As our national pastime, baseball enjoys preferential Federal antitrust treatment. Thus, major league owners and players have an obligation to their fans and communities to reach an agreement and get the season underway. How many times, and for long, must fans sit idlely by while the owners and players violate a sanctity of summer.

The outlook isn't brilliant for the Mudville nine today; despite the best intentions, there'll be no ball to play; a pallor's wreathed the features of the patrons of the game, for Casey and his owner are too busy pointing blame. Oh, somehwere in this favored land the Sun is shining bright, baseball's playing somewhere and somewhere hearts are light. And somewhere folks are laughing, and somewhere children shout, but there is no joy in Mudville—mighty Casey is locked out!

The text of the resolution follows:

H. Res. —

Resolution expressing the sense of the House of Representatives that the owners and players of the major league baseball teams should settle their differences expeditiously, begin spring training, and start the regular baseball season as soon as possible

Whereas the spring training lockout in major league baseball has continued for several weeks;

Whereas cities with major league baseball franchises and spring training facilities face serious economic losses as a result of the inability of owners and players of major league baseball teams to resolve differences and begin the season in a timely manner;

Whereas major league baseball enjoys a unique and privileged treatment under Federal law;

Whereas people in the United States have a strong and abiding interest in seeing spring training and the regular season of the national pastime;

Whereas, while representing the interests of owners and players of the major league baseball teams, the negotiators in the baseball dispute also have an obligation to basefall fans; and

Whereas fans, through enthusiasm, attendance, and willingness to pay to view baseball games, provide significant benefits to owners, players, and host communities; Now, therefore, be it

Resolved, That it is the sense of the House of Representatives the owners and players of the major league baseball teams should settle their differences expeditiously, begin spring training, and start the regular baseball season as soon as possible.

HAYWARD, CA, CELEBRATES EARTH DAY, 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. STARK. Mr. Speaker, I rise today to commend the city of Hayward on its Earth Day and Recycling Week celebrations. The city has set April 22 as Earth Day and April 16–21 for Recycling Week.

Cooperative efforts are being organized to promote environmental awareness. Programs are already organized for the Hayward area recreation district at Sulphur Creek and Hayward Shoreline. Discussions have begun with the Chamber of Commerce, Hayward Unified School District, Chabot College, California State University Hayward, and Scout groups. The city of Hayward hopes all these cooperative efforts will promote environmental awareness.

The Chamber of Commerce and city of Hayward will sponsor awards to recognize environmentally sensitive local projects in such categories as energy conservation, recycling and solid waste management, water conservation, traffic mitigation, air quality, toxic waste, and land use.

The city of Hayward's promotion of Earth Day includes displays in conjunction with other activities, media coverage of the daily theme topics of Recycling Week, handouts, recom-

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mendations for sister city efforts, tours of the treatment plant, and green ribbons for publicity. Daily theme topics will tie into city programs and will be as follows:

Monday, April 16: Energy efficiency;

Tuesday, April 17: Recycling and solid waste management;

Wednesday, April 18: Water—ground water, waste water, conservation programs;

Thursday, April 19: Transportation management;

Friday, April 20—Toxic waste management—industrial and household;

Saturday, April 21: Land use.

The city of Hayward plans to introduce the following environmental bill of rights resolution:

ENVIRONMENTAL BILL OF RIGHTS

Whereas in the past 19 years since Earth Day 1970 (when most Americans learned the meaning of the term "environment") the health of the environment has continued to decline; and

Whereas at the current rate of consumption, 80% of all the oil that will ever be burned will have been used during the lifetimes of people who are now alive; and

Whereas we are more then ever a throwaway society, discarding about 5 pounds of garbage per person per day; and

Whereas we are adding millions of tons of hazardous wastes to the environment every year with 2.4 billion pounds of toxics pumped into the air in 1988 alone, and

Whereas most scientists now agree that, because of the increasing proportion of carbon dioxide and other gases in the atmosphere, significant global warming will occur which may have serious consequences to many forms of life—a problem which will become even more severe with continued growth; and

Whereas the emission of CFCs into the atmosphere has led to a dangerous 40 percent drop in the Antarctic ozone level, creating increased radiation and seriously impacting all forms of life including human beings; and

Whereas toxic air emissions are reducing the pH levels of lakes around the nation, resulting in the destruction of many aquatic species; and

Whereas because of all these problems are a result of inefficiency and waste, the solutions to the problems will promote economic efficiency and economic growth; and

Whereas there are many opportunities open to local government to address these critical problems: Now, therefore, be it

Resolved, That the following Declaration of Environmental Rights and Responsibilities is hereby adopted in recognition of Earth Day, 1990, along with a statement of commitment by local governments to implement programs designed to protect these environmental rights and meet these responsibilities:

ENVIRONMENTAL RIGHTS

All human beings have the right to clean and healthful air, to clean and healthful water, to the maintenance of productive soils, and to an organization of human activities with respect to the environment, that prevents extinction of forms of life, the degradation of the living and non-living resources of the earth, and the sustainability of the use of the earth's resources, so that ample resources will exist for generations to come.

I would like to commend the city of Hayward and all those who are working to raise citizen awareness about the importance of protecting and improving our environment.

LOCAL GOVERNMENTS NEED FUNDS FOR CLEAN WATER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. FRANK. Mr. Speaker, one of the defects in our Federal policy is our tendency to impose requirements on local governments and then fail to provide adequate financial assistance to them as they seek to discharge these obligations. One of the most glaring examples of this is the area of clean water. Cities which are strapped financially are struggling to meet the high financial burden of providing adequate treatment for sewage. Federal law quite reasonably seeks to prevent pollution of our water systems and requires adequate treatment plants. Unfortunately, the Federal budget does not do what it should to help cities meet this necessary but expensive goal. President Reagan vetoed the last clean water bill and while we were able to overturn that veto by large majorities in both Houses we had to compromise significantly to get the necessary majorities. Recently, I received communications from the mayor of Fall River, Carleton Viveiros, and also from the city council of Fall River. These are officials who are dedicated to improving the environment and who are quite reasonably asking the Federal Government to put some of our money where our legislation is. I think the requests of Mayor Viveiros, the Fall River City Council, and municipal officials all across this country are entirely reasonable. I intend to work as hard as I can to comply with their requests.

Our citizens would benefit if we spent more of their tax dollars on clean water and far fewer on preventing Poland and Hungary from invading France. I congratulate Mayor Viveiros and the Fall River City Council for speaking out so firmly on this important issue and I urge my colleagues to pay close attention to their arguments:

CITY OF FALL RIVER, MA,
EXECUTIVE DEPARTMENT,
Fall River, MA, February 5, 1990.

President GEORGE BUSH,
1600 Pennsylvania Avenue N.W.,
Washington, DC.

DEAR PRESIDENT BUSH: Before getting into my reason for writing I would like to commend you on appointing a former Fall River resident, William K. Reilly, to head the Environmental Protection Agency. We are all proud that Mr. Reilly is serving our nation in this capacity.

I am writing to respectfully request that you consider providing funds for grants to abate combined sewer overflows, which plague many of our nation's cities.

In your State of the Union address you note that your budget provides over $2 billion in new spending for the environment. Sadly, combined sewer overflow abatement has been overlooked, 1,200 communities have combined sewer overflows, commonly known as CSOs, and it's estimated it may cost as much as $100 billion to deal with the national problem. Fall River is facing a $100 million price tag, an astronomical sum for a city its size.

In a federal budget that increases funding for the environment I had hoped there would be something showing a strong commitment to addressing CSOs. At this stage of the budget process that is not the case.

CSOs are on the federal "back burner"; unfortunately, that means our nation's waterways are on the back burner as well.

I respectfully request you make CSOs a priority and join in partnership with states and municipalities in addressing this problem.

I congratulate you on the $2 billion in new environmental monies—but please don't forget the CSOs.

Sincerely,

CARLTON M. VIVEIROS,
Mayor.

CITY OF FALL RIVER—RESOLUTION

Be it resolved, That the City Council support the administration in its efforts to have citizens and environmental groups contact the President, legislators, and the U.S. Environmental Protection Agency requesting grant monies be included in the federal budget to help address the Combined Sewer Overflow problems in Fall River, and

Be it further resolved, That this Council also contact federal officials and request assistance in this matter.

LEGISLATION TO AUTHORIZE COASTWISE TRADING PRIVILEGES FOR THE HMS "BOUNTY"

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. TALLON. Mr. Speaker, I am introducing a bill today to direct that the sailing vessel HMS Bounty be entitled to engage in the coastwise trade and be issued a coastwise endorsement under 46 U.S.C. 12106. The HMS Bounty was constructed in 1960 in Nova Scotia for use by MGM in the filming of the movie Mutiny on the Bounty, starring Marlon Brando. This ship is a three-masted, fully-rigged replica of the famous British ship captained by William Bligh and taken over by mutineers led by Fletcher Christian in the 18th century.

The HMS Bounty was purchased by Turner Broadcasting System, Inc. [TBS] in 1986 when it acquired MGM Entertainment Co. The vessel has been used by TBS for public display and in the Turner Television Network remake of Treasure Island, starring Charlton Heston. The *Bounty* will be used for various visits at ports throughout the world, including Seattle, WA, for the Goodwill Games in 1990. It will be operated by a non-profit corporation, available for various public and private events.

Until recently, the vessel was documented as a yacht under Canadian flag. Prior to its public display visits in the United States, the *Bounty* was inspected by the U.S. Coast Guard and given a certificate of inspection as an attraction vessel. However, because of the particular use contemplated by TBS, the Coast Guard has indicated that the vessel is not operating for pleasure only and, for certain uses, may have to be licensed and inspected as a commercial passenger vessel. However, in order to be used as a commercial passenger vessel within U.S. waters, the *Bounty* must be documented under U.S. law and possess a coastwise license.

TBS has now applied for U.S. documentation for the *Bounty* and is having the vessel inspected by the Coast Guard as a passenger vessel. Because the vessel was constructed in Canada, it will take new legislation to qualify it for coastwise trade privileges. The circumstances requiring legislation are the same as those of the *African Queen*, which was given coastwise privileges in Public Law 101-92 in 1989.

The *Bounty* is a very special ship and will be used in a very unique manner by TBS. The company's desire is to comply fully with U.S. documentation and safety requirements so that the *Bounty* can be enjoyed by as many as possible. The purpose of the legislation I am introducing today is to allow the *Bounty* the ability to operate in coastwise trade under U.S. flag.

TESTIMONY OF MARTIN C. SCHWARTZBERG BEFORE THE HOUSE SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. McMILLEN of Maryland. Mr. Speaker, it's been said that "the best ideas don't originate in Washington". Sometimes they come from across the river in my home State of Maryland.

Such is the case with the novel new housing policy being promoted by a friend of mine and fellow Marylander, Martin C. Schwartzberg. Mr. Schwartzberg is a very successful real estate investor, who recently left the business world behind to establish the National Foundation for Affordable House Solutions—an organization committed to the preservation and expansion of affordable housing in this Nation.

Mr. Schwartzberg recently testified before the House Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs in which he advanced the concept of a public-private partnership to ensure that the current stock of low- and moderate-income government-assisted housing be preserved for its intended use instead of being sold off for condominums once the current moratorium on the sale of those properties is lifted.

Preserving that stock of affordable housing is a very real concern, Mr. Speaker. Market forces, combined with tax-law changes over the last several years, have placed many initial low- and moderate-income housing investors into a situation where they would like to unload these properties or convert them into new, for-profit uses. The losers, of course, would be the millions of Americans who desperately need this housing and cannot afford to live elsewhere.

As my colleagues are well aware, students have shown that the current supply of affordable rental housing is insufficient to meet the existing demand. However, what those same studies also show is that unless the current supply of affordable rental housing is preserved for its intended use, and even more units are constructed in the future, the demand for this essential national resource will far outstrip the number of units available for use.

Mr. Schwartzberg founded the National Foundation for Affordable Housing Solutions to battle this problem. Its founding principles were simple and straightforward: Develop and implement creative new strategies for the preservation and new development of affordable rental housing units; do it without massive new expenditures of public money and create a true public-private partnership to work out these solutions.

Martin Schwartzberg's testimony, outlining a new preservation strategy for affordable, government-assisted housing, was delivered recently before the House Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs. It won high praise from the committee's distinguished chairman, Representative HENRY GONZALES and the ranking minority member Representative ROUKEMA. Both sides, it seems, were impressed with Mr. Schwartzberg's unique approach to the preservation issue and his willingness to work with Congress to adopt long-term solutions to our housing problems.

That is, indeed, a difficult audience to please, Mr. Speaker, and for that reason I thought my colleagues in the House would like to review Mr. Schwartzberg's testimony, and his new preservation proposal, for themselves.

I insert Mr. Schwartzberg's testimony before the House Subcommittee on Housing and Community Development in the RECORD following my remarks:

PRESERVATION OF EXISTING ASSISTED HOUSING STOCK—"PRACTICAL APPROACHES"

(Testimony by Martin C. Schwartzberg, Chair, National Foundation for Affordable Housing Solutions)

INTRODUCTION

Mr. Chairman, Members of the Committee, thank you for giving me the opportunity to add my voice to this important national debate on housing policy, in particular, on the issue of the preservation of existing subsidized units. My name is Martin Schwartzberg. I am founder and Chair of the recently created National Foundation for Affordable Housing Solutions, an organization committed to working with the Congress and the Administration to ensure the preservation and expansion of affordable housing for people who need it most.

I have come here specifically to offer what I believe is a message of hope and a challenge to you and your colleagues on the Ways and Means Committee to come together and take advantage of an extraordinary opportunity to effect a win-win strategy which will: Preserve existing assisted rental housing; respect individual property rights; and minimize new net costs to the Federal Government.

For the past twenty years I have been intimately involved in low- and moderate-income housing, in my work at HUD on the staff of Secretary George Romney and in my private capacity as a financier, developer and manager of tens of thousands of units. Over the last 20 years we—policymakers and practitioners—have seen programs that were enormously successful in their time, cease to work well.

Twenty years ago, housing programs were created which provided safe and decent housing at affordable rents for 10 million Americans. Today, we see tenants in jeopardy of losing apartments, investors who are no longer interested in continuing their role in low-income housing, and the existing stock of affordable housing at risk of being lost. Today we face a new reality. The old formulas no longer work; we need some new solutions.

From my past experience as a financial intermediary between developers, investors and government, I believe that there is a solution to the preservation question that will both protect low-income households and allow other interested parties to realize some benefit. I also believe that there is an unusual window of opportunity that lies before us now. Not only do we have the tools and the resources to find a solution to preserve our current affordable housing stock, but the concerns of the various parties involved have heightened to the point where they are willing to come to the table and talk.

To that end, I created the National Foundation for Affordable Housing Solutions to develop the test creative and practical solutions to preserve and then create additional decent and secure housing for the poor. Clearly, one of the first issues the Foundation is examining is the issue of preservation.

Our goal is not simply to convene forums and produce white papers. We aim to produce actual "solutions", models for change. Then, using data from low- and moderate-income properties around the country, in different locations, under different assistance programs and properties in a variety of different physical conditions, we will experiment with these models. We ultimately hope to encourage private sector companies to work with communities, developers, investors and tenants to carry out these "solutions".

We bring with us a keen awareness that the models we develop and propose must work within the framework of existing programs and resources. We don't need to reinvent the wheel. Nor are there additional dollars to spend. Rather, we place a premium on simplicity, on using existing systems, and on efficiency. And we believe that now is the time to work toward a comprehensive solution to the preservation problem taking into account *all* programs involving federal assistance, both new and old. This solution should not address solely those projects under ELIHPA; a piecemeal year-by-year approach will no longer suffice.

I want to enlist your support in our effort. I do not come to you today with a solution fully in hand, but I bring some proposed plans of action. My primary goal in appearing before you is to enter into a dialogue with you and your staff as you examine and refine the alternatives on the preservation issue. Today, I will outline the parameters of our approach to model building; in the upcoming weeks I will be glad to furnish the specifics of our various proposals and share the results as we test these models with national data.

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KEY PARAMETERS

In developing preservation strategies, there are some basic common sense criteria we believe should govern any solution. We have identified *four* key parameters within which effective solutions can be developed. Reality dictates that they must be within these confines:

(1) *New forms of public-private partnerships.*—A fundamental premise to our work is the belief that the task before us—preserving the current stock of affordable housing for *long-term* low- and moderate-income use—is one that can only be accomplished if both the public and the private sector are willing to be seriously involved. Budgetary restraints dictate that government cannot assume this responsibility alone. It must enter into a joint venture with the private sector.

With respect to ownership of the affordable housing stock, for instance, we believe that the existing stock should be owned by a local entity. This entity could be a state or municipal body, its designee, or a for-profit or non-profit entity, as long as it would maintain the property for low-income occupancy. To assure that the stock be well served the private sector must be heavily involved in its renovation, redesign and management. True competition can promote efficiency and accountability.

If the existing properties are owned exclusively by private owners and left to purely market-driven considerations, these properties would likely be sold or refinanced since investment in many of these entities is no longer beneficial from a tax standpoint for its investors. To compound that effect, real estate appreciation becomes a driving force which virtually guarantees transferring the use of these properties into uses other than continued low-income occupancy.

For these reasons, we recommend that current private owners be encouraged to sell their affordable housing units to entities committed to preserving low-income use. Preliminary calculations show that in this transfer there exists adequate equity, reserves and cash to (1) finance the acquisition and renovation, if necessary, (2) create adequate reserves, and (3) still provide dollars for distribution to owners and investors.

With respect to the administration of this program, we recommend that, while overall authority in the context of ELIHPA continue to be with the Secretary of the Department of Housing and Urban Development, the local administration of these transfers be delegated to qualified State Housing Finance Authorities. They are presently administering the Low Income Tax Credit and have demonstrated excellent underwriting on Section 8 projects. These agencies are equipped to handle and adequately underwrite these transfers and have the business acumen, authority and moral commitment to assure long-term low income occupancy.

(2) *Determining a fair value.*—In order to transfer the existing housing stock from private owners to local, publicly-oriented entities, a fair value for sale must be agreed upon. "Fair" is some magical value that provides a reasonable return to private investors and developers while taking into account the public interest inherent in a property. This is an extremely difficult concept on which to gain general agreement because what is "fair" to one party is not necessarily considered "fair" by another. A "reasonable return" should not mean a windfall profit. On the other hand, owner/investors do expect to get some sort of reasonable market-like return.

The on-going dialogue on what fair value would compensate owners for the purchase of their properties has been heightened by the recent moratorium on prepayment. All parties are coming to understand the importance of preserving the current stock of low income housing. I believe that there is a realistic recognition by investors and owners that even if they prevail in the courts (on their right to sell their properties in the open market), they will still face many local obstacles to converting the use of these properties from low-income occupancy. In addition, the current situation is so onerous to investors as a result of some of the 1986 changes in the tax law that investors are more ready than ever to come quickly to a determination of fair value.

Part of our thinking process, which needs input from you, involves the creation of a mechanism for establishing the value of a project—let's call this a "preservation value"—which caps the sale price at less than the free, fair market value. The "preservation value" must compensate owners fairly, while making the debt service manageable to the local entity which buys the property. Preliminary calculations lead us to believe that some form of relief from tax on the non-cash portion of the gain is necessary in order for investors to receive a reasonable return. That calculation should take into consideration the parameters established when the investors made their original investment. I believe that if this tax forgiveness is made available, the prepayment limitations contained in ELIPHA would not be necessary because many owners would take advantage of this tax proposal and voluntarily transfer their properties to entities willing to meet the low-income requirements.

Considering that the production of these millions of affordable housing units were produced with a combination of housing and tax policy, it is reasonable to expect that as we induce private owners to sell their properties into perpetual affordable housing use, that we again use some combination of housing and tax policy. In other words, let's leave the dance with the same partner we arrived with.

Lastly, while investors may sell their properties with the inducement of tax relief upon the transfer of the properties to entities that will meet low-income use restrictions, the developers will need different incentives. For the past eight years (since production of new units fell off), developers have been on the front line of operating affordable housing properties and have built organizations to manage this process in the absence of government production programs. We recommend that these developers be permitted to continue as the management company as long as they meet reasonable standards of performance, subject to a competitive review after a period of years.

(3) *Minimizing new subsidies/unlocking existing resources.*—We firmly believe that, whatever solutions are adopted, existing subsidies must continue, but that we should impose as little additional financial burden on federal, state and local governments as possible. While we firmly believe that housing should have a greater priority of resources in our national agenda, it is not realistic at this time to expect massive new federal expenditures in housing programs. However, we believe that this approach can succeed with minimal additional expenditures.

The less obvious, but equally important, benefit of transferring ownership and creating a permanent preservation solution lies in the potential recapture of some portion of an estimated $2 billion in reserves which have accumulated in current project accounts. The bulk of these reserves lie in the Section 8 portfolio and came about through the creation of project mortgage reserves and limits on distribution to owners.

Many would agree that the reserve balances today are far in excess of what is necessary to insure the safe continuation of the projects. In the context of the transfer, the reserves should be returned to their rightful owners. Where there are Section 8 reserve balances, these reserves would go to the federal government, and where the reserves have been established out of original project mortgage proceeds, the rightful owner would be the owner investor.

(4) *Priorities for use of capital.*—Upon transfer of ownership and the refinancing (or additional financing over and above the existing mortgage) cash resources will become available. In the variety of projects we have examined under various federal assistance programs, cash proceeds exceed mortgage debt. This difference is the amount available to meet project needs and/or distribution to owners. This cash flow difference results from a combination of factors: capitalized project cash flow in excess of expenses, mortgage amortization, and in some instances lower refinancing rates.

We recommend that this resource of cash be applied in the following priority: (a) project improvement (repair and/or rehab); (b) establishment of reasonable project replacement and working capital reserves; and last, (c) distribution to investors and owners.

In properties where significant capital infusion is required to bring them up to appropriate standards of quality, there may be no distribution. We believe, however, this will be acceptable to owners and investors given income tax relief. On the other hand, in properties which had been well-maintained and have established adequate reserves and which have remaining cash flow, such cash flow should be gladly distributed to owners/investors in appreciation of a job well done.

CONCLUSION

In summary, let me reiterate that I believe that there is a solution within our reach. Let me be frank, however, when I say that I believe that coming to an agreement about this solution will require some "horse-trading" in a true spirit of cooperation. No one will be able to leave with a whole loaf. Each part to the negotiation will have to give in a little. But if each is able to give up a little, the overall package can be very beneficial to all. While the interests of tenants, owners/investors, managers, and public entities may seem to conflict at times, the National Foundation for Affordable Housing Solutions is interested in strategies which capitalize upon overlapping interests, minimize differences, and develop broad based coalitions which can support truly effective long-term reform. We ask that you consider the framework we have set before you today and, more importantly, that you work with us in the near future to perfect that win-win implementation strategy.

[From the Washington Post, Dec. 4, 1989]

Low-Cost Housing Solution Is Schwartzberg's Mission

(By Margaret K. Webb)

Martin Schwartzberg wants to teach people in business that they can do well and do good at the same time.

Schwartzberg, the president and co-founder of CRI Inc. in Rockville, an international real estate financial services and asset management company, is leaving the firm to devote his time to national housing problems.

Schwartzberg, 47, is launching a nonprofit foundation—the National Foundation for Affordable Housing Solutions—to "get the private sector back into low-income housing."

Schwartzberg said poor government and private ownership and management of properties designed for low-income tenants is a major social problem. "The government can lead, but it's hard for the government to own and manage," he said. "It just gets too bureaucratic."

Schwartzberg has a three-part plan for improving the situation that includes revamping low-income facilities, many of which are privately owned, with a combination of private and public money. He also wants the government to finance the construction of more low-cost housing, and the foundation to help find competent property managers. There are 2 million units of low-cost housing in this country and an immediate need for 3 million more, he said.

His overall goal behind the individual strategies is getting the private sector involved in low-income housing as managers, not owners.

Tax credits that were abolished in 1986 had lured many private developers into low-income housing. Now private owners work with low-cost housing almost exclusively for the real estate appreciation, he said, often placing little emphasis on quality. In many cases, he said, there is no management at all.

Low-income housing would work better socially and financially, Schwartzberg said, if the projects were "publicly owned, but privately managed by firms that could be hired and fired if they don't do a good job. . . . They would do well financially and do good socially."

Federal support is essential to his plan, he said, but Schwartzberg argues that in the long run, effective management will hold down costs.

Schwartzberg is following his own strict schedule to establish his foundation, beginning with choosing its board members by the end of January. All of them, he said, will be "knowledgeable and well-respected business leaders who are interested in the cause." He plans an aggressive educational campaign and immediate work on finding new owners and managers for properties.

Schwartzberg's own interest in the issue is longstanding: He began his career in 1968 at the Department of Housing and Urban Development, where he worked for three years on housing for families with incomes of $5,000 or less.

When he and two partners formed CRI in 1974, their original intention was to work only with low- and moderate-income housing projects.

"But the government programs for low-income housing began to fade so we had to look elsewhere," Schwartzberg said.

In the late 1970s CRI began diversifying into hotels, international real estate finance and multifamily housing.

"I was less than enthusiastic," he said. "It just wasn't something that I was interested in."

Schwartzberg has $300,000 in start-up capital for the foundation, part of which he saved and part of which was donated by CRI and the other two CRI co-founders.

He will remain on CRI's board, but otherwise is "making a clean break" from the corporate world—which does not worry him.

"I have made a substantial amount of money . . . and it just doesn't run me on anymore," he said.

"You've got to do things that make you feel good."

CONCERNS ABOUT RECOVERY OF BLUE WHALES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. YATRON. Mr. Speaker, I along with 15 of my colleagues on the Foreign Affairs Committee, are introducing a resolution today calling for an extension of 10 years on the moratorium on the commercial killing of whales.

As chairman of the House Subcommittee on Human Rights and International Organizations, which has jurisdiction over global environmental issues, I have conducted extensive hearings on whales and other marine mammal matters. The most recent was in September 1989. Evidence from a wide variety of sources indicates that many species of whale populations continue to decline. A recent survey found only 453 blue whales in an area where 10 times that many were expected. The survey turned up 4,047 humpbacks, when 10,000 were anticipated. I am making available a copy of a New York Times article providing additional details, as well as a copy of the resolution.

In 1982 the International Whaling Commission adopted a moratorium on commercial whaling because catch limits were insufficient to stop the decline in whale populations. The moratorium took effect in 1986 and continues until this year. The IWC also agreed to make a comprehensive assessment of whale stocks to be completed by 1990. At the last IWC meeting in June 1989, it was clear that the comprehensive assessment will not be completed this year. The moratorium will be a major issue at the IWC meeting in 1990, because a few nations continue to kill whales, despite IWC objections. The IWC allowed nations to continue to take whales for scientific purposes, but no country's research plans have been approved. Past and present administrations have strongly endorsed the moratorium and it is official U.S. policy.

In addition to the moratorium extension, the resolution calls for U.S. policy to promote the maximum conservation of whales, to strengthen the IWC, and to use diplomatic channels and appropriate domestic and international law toward these ends.

[From the New York Times, June 20, 1989]

New Survey Raises Concerns About Recovery of Blue Whale

(By William K. Stevens)

The majestic blue whale, the biggest animal ever to live on earth, appears far closer to extinction than scientists have believed, new findings by the International Whaling Commission show.

The findings are considered devastating because they suggest that the number of blue whales is "just a fraction of what anybody thought was there," said Roger Payne, a biologist who is a member of the commission's scientific committee and a senior scientist of the World Wildlife Fund.

In a decade-long survey off Antarctica, scientists found only 453 blue whales in an area where they had expected to find perhaps 10 times that many. And while the new figures are preliminary, they provoked both surprise and concern at the whaling commission's annual meeting in San Diego last week.

The findings were included in a report by the commission's scientific committee, whose studies are used by the full commission in setting policy on the protection and management of whale populations. In 1986 the commission declared a moratorium on the killing of whales, except for purposes of scientific research. All 38 countries that are members of the whaling commission observe the moratorium, although there have been bitter disputes over whether some scientific killing is legitimate. Some major species considered especially endangered, including the blues, have been protected from hunting for two decades or more.

SOME SERIOUS PROBLEMS

Under this protection, some species seem to be recovering from the brink of extinction. But despite the respite in killing, scientists and environmentalists fear that the blue whale and to a less certain extent the fin whale are not recovering as well as had been hoped.

"If these data are indeed accurate, then we've got some serious problems,"said William E. Evans, a marine biologist who is the United States representative on the whaling commission. The preliminary figures, he said, indicate that stocks of blue and fin whales "are not as resilient as we had hoped they would be."

Past ways of estimating whale populations have lately been called into question, and the new results from the Southern Hemisphere have intensified the criticism. In the past, populations were estimated mostly by keeping track of how many whales were killed each year. This method is now criticized as being so imprecise as to be misleading. More recently, the commission has instead been comducting surveys in which specially commissioned ships cruise the seas and scientists actually count whales.

Using this approach, scientists from a number of nations have been surveying the waters off Antarctica in every Southern Hemisphere summer since 1978–79, systematically covering the area south of 60 degrees latitude. In the summer whales migrate to those latitudes to feed.

DECLINE FROM 225,000

Using the older method of counting the killed wales, experts had estimated that 11,000 to 14,000 blue whales existed in the world, compared with some 225,000 before commercial hunting began. Roughly half the survivors were thought to be in the Southern Hemisphere. Whales generally stay within one hemisphere or the other, migrating between the tropics and the poles.

But the results presented at San Diego found only 453 blue whales, the largest of which are 100 feet long and weigh more than 30 elephants, in the area surveyed. Scientists believe the area south of 60 degrees contains all or nearly all the blues in the Southern Hemisphere during the summer.

The Antarctic cruises also found 2,096 fin whales in the survey area, but not all of the species migrate to the Antarctic in the summer. Earlier estimates placed their global population at about 100,000. The survey turned up 4,047 humpback whales, whose total population has been estimated at 10,000; 1,498 sei whales, whose numbers globally have been estimated at 54,000; and 3,059 sperm whales. The population of sperm whales has been estimated at nearly 2 million, but some scientists believe it is not that high.

Specialists on the whaling commission said the Antarctic count of sperm whales meant little, since only large adult males of the species, a small fraction of the total population, migrate into Antarctic waters. More of the humpback and sei whales migrate there, but large number of them stay in warmer waters, too. Further study will be needed to assess the meaning of the figures on these species, the specialists say.

But for the blues, the results appear unequivocally discouraging to some scientists. The figure of 453 blues must be adjusted, they say, to account for the fact that only two-thirds of the ocean waters south of 60 degrees south latitude were surveyed. Further, they say, some whales were undoubtedly missed because some dive for long periods.

Even so, said one specialist on the commission, the true number is unlikely to be more than about 1,200 to 1,500, and could well be less.

The list of cospoonsors and a copy of the reoslution follows:

H. CON. RES. 287

Mr. Gejdenson, Mr. Porter Goss, Mr. Clarke, Mr. Wayne Owens, Mr. McCloskey, Mr. Toby Roth, Mr. Faleomavaega, Mr. DeWine, Mr. Kostmayer, Mr. Lawrence Smith, Mr. Dante Fascell, Mr. Lee Hamilton, Mr. Studds, Mr. Mel Levine, Mr. Fuster.

H. CON. RES. 287

Concurrent resolution calling for a United States policy of promoting the continuation, for a minimum of an additional 10 years, of the International Whaling Commission's moratorium on the commerical killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations

Whereas whales are a unique marine resource of great esthetic and scientific interest and are a vital part of the marine ecosystem;

Whereas the indefinite moratorium on commerical whale killing adopted by the International Whaling Commission in 1982 to take effect in 1986 is subject to review and reconsideration in 1990;

Whereas this moratorium has not yet resulted in a full cessation of whale killing for commerce.

Whereas there remain great uncertainties as to the true status of whale populations, due to the difficulty of studying them, their slow reproductive rate, and the unpredictability of their recovery even when fully protected;

Whereas whales are subject to grave environmental treats from nonhunting causes such as pollution, loss of habitat, increased shipping, oil and gas exploration, and the use of driftnets and other nonselective fishing techniques, which underscore the need for special safeguards for whale survival;

Whereas the International Whaling Commission has not yet demonstrated its capability for strict and truly international monitoring and enforcement, and for insistence on humane killing methods;

Whereas powerful moral and ethical questions have been raised regarding the killing of whales, for profit; and

Whereas a full decade free of whale killing for commercial purposes is the bare minimum necessary to seek satisfactory answers to the questions, concerns, and uncertainties cited above: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) United States policy should promote the maximum conservation and protection of the world's whale populations;

(2) toward that goal, the United States should work to postpone further review of the International Whaling Commission moratorium on the commercial killing of whales and maintain zero catch limits for all whale stocks for at least another decade, that is, to the year 2000 or beyond;

(3) in addition, the United States should work to strengthen the International Whaling Commission as the indispensable organization for safeguarding for future generations the great natural resources represented by the whale stocks, and should encourage the Commission to establish and carry out long-term programs of nonlethal research and comprehensive assessment for all whale stocks on a global basis, including small cetaceans; and

(4) in so promoting the conservation and protection of the world's whale populations, the United States should make the fullest use of diplomatic channels, appropriate domestic and international law, and all other available means.

TRIBUTE TO PVT. ROBERT JOHN REYNOLDS

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HOLLOWAY. Mr. Speaker, I pay tribute today to a distinguished young American and resident of the Eighth Congressional District of Louisiana serving his country, his State, his parish, and his hometown as a member of the Old Guard of the U.S. Army. The individual to whom I pay tribute today is Pvt. Robert John Reynolds of Plaquemine, LA.

Mr. Speaker, Private Reynolds' service in the Old Guard has certainly brought distinction upon himself. By continuing the great and glorified tradition of service in the Old Guard, Private Reynolds has also made his family, his friends and his Congressman exceptionally proud.

Each year, the Old Guard, a unit of the U.S. Army Military District of Washington, participates in more than 3,500 ceremonies. The Old Guard is responsible for the execution of joint military ceremonies at the White House. Moreover, soldiers of the Old Guard maintain a 24-hour vigil at the Tomb of the Unknown Soldier, participate in military funeral rights at Arlington National Ceremony and take part in numerous parades and other functions.

Mr. Speaker, I am proud to salute Pvt. Robert John Reynolds. It is fitting that he is a member of the Old Guard. He is a committed soldier, he is a devoted American, he takes pride in his service to America and her Army. His contributions to the Old Guard are a credit to all who know him.

A TRIBUTE TO THE OLD WEST

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GALLEGLY. Mr. Speaker, the American West and the cowboy are among our most cherished and enduring traditions. In a legend enhanced and polished by the motion pictures, the cowboy and the code of the "Old West" in a way stands for America. The cowboy worked hard and was a good guy. He rode tall in the saddle. He was indomitable, courageous, upright, loyal and—to the chagrin of young boys—romantic.

This year, the Walk of Western Stars in Newhall, CA, part of the new city of Santa Clarita, CA, will enshrine four outstanding representatives of the Old West. The 1990 honorees are Cliffie Stone, Bruce Boxleitner, Lee Horsley and Morgan Woodward. On March 24, these four stars will join other great Western stars who have been honored with bronzed saddles and stars on San Fernando Road.

The inductees have earned their honors. Stone was a TV and radio star, a talented musician, singer, songwriter, band leader, disk jockey and emcee. He starred in "Hometown Jamboree," Gene Autry's Melody Ranch, produced for Capitol Records and now directs the Gene Autry Music Group. Boxleitner is a top Hollywood leading man, having starred in a variety of productions including "Scarecrow and Mrs. King," "How the West Was Won, "East of Eden" and "The Gambler." Horsley starred in such series as "Paradise" and "Matt Houston," and the firm "The Sword and the Sorcerer." Woodward starred in "The Great Locomotive Chase," "The Wyatt Earp Show," "Cool Hand Luke," "Buffalo Soldiers"—for which he earned a Cowboy Hall of Fame Award—and "Gunsmoke." More recently, he has appeared on "Dallas" and "Days of Our Lives."

These heroes of the not-so-wild West are loved by millions for the joy and laughter they have given us, and for the values they represent—honor, virtue and strength.

Mr. Speaker, I am sure my colleagues join me in saluting the Walk of Western Stars in Newhall, and its 1990 inductees.

THE REPUBLIC OF LITHUANIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. LIPINSKI. Mr. Speaker, these past couple of days have demonstrated once again that you can never say never. Even as recently as the beginning of the 101st Congress I was a member of the chorus saying that the Germanys would not reunite any time soon, the Berlin Wall was not about to fall, Mr. Mandela would never again live outside a prison cell, and there would not be free and fair elections in Nicaragua. As the months passed events that we thought would never happen in our lifetimes occurred quickly and relatively peacefully. With no end in sight to the triumphs of freedom there appears to be no more chorus of nay sayers, just a world community anticipating the next triumphs.

The most recent lesson learned by the chorus was taught, appropriately, by a professor of music, now the new leader of the Republic of Lithuania. The brave individuals of Lithuania voted Sunday to formally secede from the Soviet Union. Their Parliament unanimously approved a proclamation which stated, "Expressing the will of the people, the Supreme Soviet of the Lithuanian Republic declares and solemnly proclaims the restoration of the exercises of sovereign powers of the Lithuanian State, which were annulled by an alien power in 1940." It took courage to make this decisive break from the huge military and economic power that has controlled Lithuania for 50 years. But it will take even greater courage and sacrifice to successfully join the world community of free nations. For independence as a matter of political reality is much different than independence as a matter of economic and social viability. If Lithuania is to be truly independent and free, then it will need the cooperation of other nations, especially the Soviet Union, Western Europe, and the United States.

The most common fear faced by the leaders of the newly freed Republic of Lithuania is a wave of economic reprisals from the Soviet Union that could produce fuel shortages and unemployment, threatening the State with chaos. But the leaders stand resolute that a shortage of these material necessities is more tolerable than a shortage of freedom, basic rights, and human dignity. President Gorbachev should be commended on his willingness to negotiate the terms of secession. He has never threatened directly or indirectly that the Soviet Union would use force to halt the move toward independence. He has however demanded that Lithuania pay a heavy price in hard currency if it wishes to secede. This position is both inappropriate and unfortunate. The Lithuanian economy of today could never afford to pay the price Mr. Gorbachev is asking, any attempt to do so would surely ruin their attempts at independence. Mr. Gorbachev may only be demanding such a high price to alleviate some of the pressures he is feeling within his own Government. But whatever the reason, the current economy of Lithuania is not yet strong enough to support independence. This, of course, is not the fault of the Lithuanian people but the result of inefficient policies forced upon them by their invaders of a half century ago. Cooperation and support of both Western Europe and the United States can certainly help strengthen Lithuania's economic base, however, their comparative advantage lies in trade with the East, not the West. I therefore hope that Mr. Gorbachev, who certainly has demonstrated himself as a visionary up to this point, realizes that the Soviet Union and Lithuania will both be better off if they cooperate and support each other.

I must add however that I am concerned our administration is not moving quickly or forcefully enough to support the independence movement of Lithuania. The world watches the United States to see how we, the champions of freedom, react to events around the world. And what they are seeing now is a President hesitant to stand with the Republic of Lithuania and demand economic fairness in negotiations. President Bush says that no real action is needed on our part since we have never recognized the Soviet Union claim to Lithuania. But I, many of my colleagues, and most of the world recognized the unanimous vote this past Sunday as a remarkable and historic event, one that demands special attention. This administration has developed a knee-jerk reaction to world events that favors caution, especially if Gorbachev's power base could be hurt. I, too, hope that Gorbachev remains in power to continue his policy of glasnost, but what I have learned from recent events is that the Soviet President is not primarily responsible for the remarkable movements toward freedom. The oppressed people of the world are tired of their current state and are finally beginning to change it. Hope, freedom, and individual liberties are the driving forces behind the democratization of Eastern Europe and the Soviet Union. And if the United States is going to have a knee-jerk reaction to world events, we should do so on the side of independence and freedom.

We must urge the Soviet Union to deal fairly with Lithuania. Their promise not to use force is to be expected not congratulated. Lithuania has already indicated their desire to establish, "permanent, good, political, and economic relations with the U.S.S.R." I hope Mr. Gorbachev is willing to do the same. The promise not to use force is not nearly enough. Yegor Ligachev, a Soviet official, said that "tanks will not help this matter," but that is not quite true, the economy of Lithuania will need tanks—tanks of oil, and tanks of food. If Lithuania is to be permitted to build its own fortress of freedom then issuing a building permit is not enough, the Soviet Union must give back the tools they illegally took a half a century ago.

As I said earlier Mr. Speaker I have witnessed some things I never thought I would see. Mr. Ceausescu and Mr. Noreiga are no longer in power and Mr. Tyson is no longer the heavyweight champ. Buster Douglas put Iron Mike down for the count because of his persistence left jab. The people of Lithuania have also been persistent, and now, at the count of 50, 50 years they are back on their feet. In their rise, freedom has found a victor. The true achievement of independence for Lithuania will be a gradual process. But the restoration of independence must not be dictated by Soviet interests but by the ability of Lituania to stand economically on its own feet. The administration must work to ensure that they are helped up. Quitely cheerleading from the sidelines of world events is not enough. To resign ourselves to such a position would belittle our past efforts and ignore the past sacrifices of millions of freedom-yearning individuals east of the Iron Curtain. What is required of this body and this administration is a change from demanding freedom to supporting freedom.

OAK CREEK CELEBRATES CONSTITUTION'S 200TH ANNIVERSARY

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. KLECZKA. Mr. Speaker, I rise today to salute the city of Oak Creek, WI, for its outstanding achievement in celebrating the 200th anniversary of the U.S. Constitution.

Oak Creek was one of only a few municipalities in the State of Wisconsin to be recognized as a bicentennial community, and it certainly is deserving of this title. The entire community, including elected officials, businesspeople, service organizations, schools, churches, and townspeople, joined together to celebrate the anniversary of the document described as the greatest leap forward for freedom in human history.

The city of Oak Creek kicked off its celebration with an observance of Constitution Day on September 19, 1987. One of the highlights of the opening ceremony was the presentation of two bicentennial flags to the city by the Oak Creek Lions Club and its president, Mr. Erwin Semski. Also, on that day, any resident who visited the Oak Creek Library had the chance to sign a copy of the Constitution which remained on display for the rest of the year.

In May 1988, members of the Bicentennial Committee, with help from local senior citizens and Oak Creek High School students, presented the community production of "The Constitution: Little Short of a Miracle," directed by Ms. Kathy Kaianowicz.

On July 14, 1988, a Bicentennial Recognition Dinner was held to thank the many people and organizations that contributed their time, talents, and enthusiasm during the first year of the celebration. Among those recognized were Oak Creek Mayor Christine Bastian, Bicentennial Committee Chairman Ed Garbe, Program Chairman Gerald Mayhew, and Tammy Schmidt, a junior at Oak Creek High School who received several awards for her school and community involvement and for her essay on the Constitution. Ms. Schmidt was one of 35 winners nationwide in the essay contest, and she was selected as the Oak Creek Bicentennial Queen.

In October 1988, there was a Constitutional Bicentennial Booth at the Oak Creek Ninth Annual Business and Industry Fair. The booth was staffed by "signers of the Constitution," local townspeople dressed in costumes from the 1770's.

One of the crowning events of the celebration was the September 17, 1989, presentation to the city of five plaques commemorating the bicentennial, including replicas of the Articles of Confederation, the Constitution, and the Bill of Rights. The person most responsible for getting the plaques for the city was Mr. Gerald Mayhew, program chairman of the Bicentennial Committee. Mr. Mayhew first heard about the plaques 2 years earlier at a bicen-

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tennial workshop. With his hard work and the generous help of the Veterans of Foreign Wars Meyer Dziedzic Post 8482, and the ladies auxiliary, especially their senior vice president, Ms. Trudy Theoharris, Oak Creek became the first city in the Nation to purchase and display the plaques.

The city of Oak Creek, its elected officials, and its citizens are to be commended for their patriotism and pride in their city, State, and Nation. The Constitution of the United States is the framework for the freedoms we in this country sometimes take for granted. It is gratifying to see a community celebrate those freedoms and the document our Founding Fathers gave us to assure the preservation and continuation of those liberties. I am extremely proud to have this outstanding community in my congressional district.

ECONOMIC DEVELOPMENT COUNCIL OF NORTHEASTERN PENNSYLVANIA CELEBRATES 25TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to the Economic Development Council of Northeastern Pennsylvania [EDCNP] for its 25 years of dedicated and valuable service in our region.

On this occasion of EDCNP's anniversary celebration, I am pleased to inform my colleagues of the integral role this nonprofit group has played in our region's economic resurgence. On a wide range of issues—from transportation and infrastructure enhancement to solid waste management and recycling—EDCNP has helped galvanize local participation and input in the critical issues facing our region and our State.

Through workshops, seminars, and public meetings, EDCNP continues to reach out to local industries, serving both as a source for information and an advisor on new business endeavors. Serving several counties in this corner of the Commonwealth, EDCNP has helped hundreds of companies grow and expand.

EDCNP's team of employees and extensive board of directors operate with one basic and important mission: to help our region and its corporations and communities meet the challenges and opportunities of today and tomorrow. To support this effort, the group assiduously researches available Federal, State, and local assistance.

Not long ago in 1972, Mr. Speaker, in the wake of the damage and destruction caused by Hurricane Agnes, many skeptics predicted that northeastern Pennsylvania would never fully recover. These skeptics assessed the over $1 billion in damages that resulted from the third largest natural disaster in the history of our Nation. They viewed the loss as unsurmountable.

I am pleased to affirm, however, that not only have we proved the skeptics wrong, but we continue to surpass even the most ambitious predictions offered by the optimists. Indeed, with the help of our determined local residents, businesses, and groups like EDCNP, our region is enjoying an economic renaissance.

As we proceed further with this economic revitalization, this same partnership of citizens, industries, EDCNP and others will be working to preserve the high quality of life we presently enjoy in northeastern Pennsylvania.

In fact, if assisting in the economic resurgence of our region is the hallmark of EDCNP's first 25 years, we hope controlled further growth with an emphasis on environmental protection will characterize the group's next 25.

Again, congratulations to EDCNP on its anniversary and I look forward to continuing to work with this determined group on behalf of northeastern Pennsylvania.

DEAF AWARENESS WEEK

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GUNDERSON. Mr. Speaker, as a congressional trustee of Gallaudet University, I want to take a moment during Deaf Awareness Week to pause and draw attention to deaf Amerca. As a matter of fact this week is a very significant and historic day for American deaf culture and Gallaudet University. For 2 years ago yesterday Gallaudet University selected Dr. I. King Jordan as their eighth president in the 124-year history of the University and more importantly, as the first deaf president of this liberal arts institution for the deaf.

As many may remember, in early March 1988, Gallaudet served as the back drop for a major social protest by the deaf community, their families, and friends. Demanding a deaf president, the silent protests on Florida Avenue and later the Capitol steps dominated the nightly newscasts. At their simplest, the deaf president now rallies, stilled a busy city and gave millions of Americans, perhaps, many for the first time, a glimpse of the aspirations of some 27 million of our hearing impaired brothers and sisters. At their most profound, the events of the ideas of March transformed a people and witnessed their coming of age.

The appointment of Dr. King Jordan as president of Gallaudet was much more than just the naming of an executive officer, although I am happy to report to my colleagues that he has proven to be a resourceful and innovative manager. Dr. Jordan has become an international symbol of achievement. Perhaps you saw him chronicled on 60 Minutes this past Sunday. As he did in that segment, King Jordan continually trumpets the limitless potential of deaf Americans and indeed, Dr. Jordan's ascendency to the Gallaudet presidency has proven that.

But the deaf movement and deaf culture is larger than I. King Jordan and Gallaudet University; it extends far beyond the Beltway and encompasses 10 percent of our constituents. However, unlike the leaders in any new wave of representation, they are less versed in accessing the hearing world and making their needs known. Why is this so? I do not think this is because the majority of deaf and hearing-impaired Americans are less tenacious in their endeavors or untiring in their efforts. Perhaps it has been because they were willing to accept the limits we in the hearing world had assigned them.

It was only in the 100th Congress, for example, that both bodies passed the Telecommunications Accessibility Enhancement Act to provide telecommunications access to the Federal Government. Unfortunately, however, much remains to be done within our own House. Since H.R. 4992 was passed, 70 percent of the Senator's offices have installed a TDD at no cost to their office. In the House, however, only 1.3 percent of Member's offices have purchased and installed a TDD.

Therefore, because I believe the House needs to do its part to encourage direct communication between Members and their constituents, I am introducing a resolution to instruct the Clerk of the House to purchase a TDD for each Member's office. Moreover, the Joint Special Services Offices has volunteered its services to educate our staff on how to use the TDD. Although there are limited ways in which your deaf, hearing and speech impaired constituents can contact you, I believe direct access to us and our staffs is in the best interest of us all; for a representative democracy is predicated upon communication.

> We must continue to build on the increased awareness of, and interest in deaf people. We must insist that the enhanced attitudes toward deafness and deaf people become even more positive. We know this, and we can do this only by demonstrating that, given the opportunity, deaf people can do anything but hear.—DR. I. KING JORDAN

I know my colleagues realize deaf people can do anything and I would urge them, especially as we pause to commemorate the accomplishments of deaf and hearing impaired Americans, to join me in supporting this legislation and provide an opportunity.

SALUTE TO SHERIFF LLOYD B. JOHNSON

HON. CLYDE C. HOLLOWAY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HOLLOWAY. Mr. Speaker, it is with great pride that I salute today Lloyd B. Johnson, sheriff of St. John the Baptist Parish, LA, for developing an innovative drug free incentive program which involves middle school and high school students, parents, and business establishments. The program, known as PASSED—Parish Area Students Systematically Eliminating Drugs—is an example of what every parish and every county can do to create a positive peer pressure program to fight the war on drugs.

Any student may join the program. The only requirement is that a student be drug free, have parental consent and voluntarily pass a drug test. Once a student has successfully completed the test, he or she receives a special card indicating the student is drug free. Area businesses participate in the program by offering special discounts to those students who possess a drug free card.

Mr. Speaker, I commend Sheriff Johnson, participating young people, families, and the business community of St. John Parish for making this program work. Everyone knows that victory in the war on drugs will not be achieved quickly, easily or cheaply. However, programs like PASSED ensure that the war on drugs will eventually be won. Many people talk about drugs and the threat they pose to our society, our kids and our future. Mr. Speaker, I am proud to report that the people of St. John the Baptist Parish, because of the initiative demonstrated by Sheriff Lloyd Johnson, aren't just talking about the need to be drug free. Together, they are taking action.

TRIBUTE TO TWO HEROES

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GALLEGLY. Mr. Speaker, I rise today to honor two heroes, Theodore Hansen and Daine Vannett, who risked their lives to save a 4-year-old boy. Tragically, Mr. Hansen gave his life so that the boy could live, but his sacrifice and Mr. Vannett's valor will be remembered on March 22 by the U.S. Coast Guard and the Thousand Oaks, CA, Rotary Club.

Emerson once wrote that "heroism feels and never reasons." That describes how Mr. Hansen and Mr. Vannett reacted on June 17, 1987. Mr. Hansen, his wife, Barbara, and a group of children were fishing from the rocks at Mugu State Park when one of the children, Justin Black, was caught in a riptide and quickly taken out some 100 yards from shore.

As Mrs. Hansen ran to seek help, Mr. Hansen plunged into the chill waters of the Pacific and swam out to the boy. Mr. Vannett heard Mrs. Hansen's calls for help and also entered the water. He found the boy clinging to Mr. Hansen's shirt, rescued him and headed back for shore. A lifeguard from a nearby beach helped them to safety, while other lifeguards searched for Mr. Hansen and soon found him, face down in the water. Despite performing mouth-to-mouth resuscitation in the water, and administering CPR, his life could not be saved.

Mr. Speaker, the word "hero" is used too frequently. Sometimes, a vote for commonsense here in the House of Representatives is labeled heroic by Members and the press. But it's people like Theodore Hansen and Daine Vannett who truly deserve those accolades. And as their brave and selfless action is honored next week, I know our thoughts will be there as well.

HONORING THE UTILITY WORKERS UNION OF AMERICA LOCAL 1-2 AFL-CIO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to one of the finest and most successful union locals in the New York City area, the Utility Workers Union of America, Local 1-2 AFL-CIO. On March 23 this organization will celebrate its 50th anniversary with a dinner dance at the Sheraton Center in Midtown Manhattan.

UWUA Local 1-2 has long been recognized as a force in the Utility Workers Union and in the labor movement as a whole. It has the largest local in the Utility Workers Union, with a membership totaling 13,000 to 14,000, encompassing the whole of New York City and Westchester County.

The UWUA Local 1-2 has a distinguished history within the labor movement. It was originally affiliated with the Brotherhood of Consolidated Edison Employees, which on April 5, 1940 won National Labor Relations Board representation. The Utility Workers Organizing Committee was established within the Committee for Industrial Organization in February 1938, taking over organizing utilities workers from the United Electrical, Radio and Machine Workers of America. At the same time the six original BCEE locals representing BCEE members employed by Consolidated Edison merged to form local 1-2. On August 1, 1945, the Utility Workers Organizing Committee became the Utility Workers Union of America and BCEE Local 1-2 was chartered the same day as UWUA Local 1-2. Ten years later, the American Federation of Labor merged with the new Congress of Industrial Organizations to form the AFL-CIO, placing craft and industrial unions on equal footing. Soon after this date, on August 1, 1955, the UWUA Local 1-2 received its AFL-CIO charter to become the UWUA Local 1-2 AFL-CIO.

In recent times, local 1-2 has had to overcome great tragedy. Last December, one of its members was killed and a number of others injured in a gas explosion at a powerplant in Hellgate, the Bronx. As a result of this tragedy, the local 1-2 has engaged in negotiations for better safety and work conditions, better life insurance and debt benefits for its members. It is also currently involved in negotiations with Consolidated Edison and the New York Power Authority to ensure that its members will not be shortchanged when the Power Authority renews the company's contract. One person who has been especially active in these negotiations is Mr. Eugene Briody, the local's business manager, who has served in this position for 1½ years and as president for 2 years prior to that.

Members of local 1-2 have been very active in their community. At various times they have supported the Boy Scouts, local charities and summer camps. Members have also worked with local little leagues, often volunteering to help with lighting of games; the electricity supplied by Consolidated Edison, of course.

Mr. Speaker, in a time when conventional wisdom declares that union fortunes are in decline, it gives me great pleasure to acknowledge a union local whose vitality and strength are sufficient evidence that conventional wisdom can occasionally be proven wrong. In its day to day negotiations with management, UWUA Local 1-2 AFL-CIO has not shrunk from its responsibility to win for working men and women a decent day's pay for a decent day's work. And so I ask my colleagues to join me in congratulating the Utility Workers of America, Local 1-2 AFL-CIO on its golden jubilee, and to wish it as much success in its second 50 years as in its first.

A VETERAN'S SEARCH FOR WORLD WAR II ARMY COLLEAGUES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MAZZOLI. Mr. Speaker, I was contacted by one of my constituents Mr. Manuel Baker of Louisville, KY. Mr. Baker has been searching, unsuccessfully, for several men who served with him in the Army in World War II. He has listed these veterans and their Army serial numbers—and last known location, when possible—which I would like to submit in the event that one of my colleagues recognizes any of the names and could help to reunite my constituent with some of his friends. I hope my colleagues will feel free to call my Washington office if they turn up any information on these veterans.

These names submitted to me by Mr. Baker are listed below:

Abbate, Generosa G., 32183623—NJ.
Billings, Manford C., 39259408—OK.
Davila, Maximillian, 32177297—NY.
Evans, George W., 33311512.
Goodpasture, Wilber, 39132006.
Kokoszka, Edward L., 31052315.
Mahoney, Edward R., 36078201.
Ollinger, Benjamin, 32182969—NY.
Randall, John W., 36743424.
Rosen, Sidney, 31035973—MA.
Struble, Charles E., 37247190.
Thomas, Wm. H., 32214861—NY.
Wallach, Ruel, 6259924—OK.
Alderman, Hiram B., 34240273—FL.
Futterman, Alvin M., 32183821—NY.
Pisano, Vincent J., 12056172.
Syracuse, Angelo, 32672098.

TRIBUTE TO THE LOS ANGELES BENCH AND BAR AFFILIATES, INC.

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DIXON. Mr. Speaker, it is with great pleasure that I rise today to recognize the Los Angeles Bench and Bar Affiliates, Inc., for its many years of dedicated service to the predominantly African-American communities of the Greater Los Angeles area. Known formerly as the Wives of the Bench and Bar, the Los

Angeles Bench and Bar Affiliates, Inc., was founded in 1955 by Justice Vaino Spencer and several civic-minded judges' and lawyers' wives.

The organization, whose current membership is comprised of 70 spouses of judges and lawyers in the Los Angeles area, is committed to working in the community through worthwhile programs, and presently participates in and lends financial support to more than 18 community service projects.

The group has implemented numerous programs to acquaint community residents—especially young people—with the various aspects and activities of the legal profession. Since 1977, the group has sponsored tours of the Compton Courthouse for elementary and secondary school students from public and private schools in the Compton, Carson, Inglewood, Lynwood, and Los Angeles areas, with Bench and Bar Affiliates serving as docents.

Each year, the Los Angeles Bench and Bar Affiliates, Inc., observes National Law Day by hosting several schools at various Los Angeles area courthouses where students meet individuals representing every phase of the court system. Students are afforded a unique opportunity to discuss the duties, salary, training and necessary experience associated with various law-related jobs.

Moreover, since 1962, the Los Angeles Bench and Bar Affiliates, Inc., has presented approximately 200 scholarships to deserving local law students. Recipients receive scholarship money through their final year of law school and are then awarded funds to cover bar review course fees.

In addition to its focused activities in the legal area, the Los Angeles and Bar Affiliates, Inc., has contributed generously to a number of other worthy causes, including the United Negro College Fund, the National Association for Sickle Cell Disease, the NAACP Legal Defense Fund, Inc., the Southern Area Foster Care Effort, the Young Black Scholars Program, local chapters of the YMCA and the Museum of African-American Art. And, in December, Affiliates assist the Los Angeles County Foster Parents Association by hosting the Dream Tree project located in the Fox Hills Mall. In addition, members give gifts to foster children to help make their Christmas dreams come true.

By exposing elementary and secondary students to the judicial system and to role models in the legal profession, and by providing assistance to aspiring lawyers and gifts to disadvantaged children, Los Angeles Bench and Bar Affiliates have enriched minds, broadened horizons and translated worthwhile dreams into promising realities. Through its 35 years of service, the organization has established a fruitful liaison between the Los Angeles area legal profession and the local African-American community from which hundreds in my district have benefited substantially.

Please join me in congratulating the Los Angeles Bench and Bar Affiliates, Inc., on its extensive community service involvement and generous contributions toward the education and enrichment of Los Angeles area African-American students, and in offering the organization and its membership best wishes for longevity and much continued growth and success.

TOM REED: PIONEER AND COMMUNITY SERVANT

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HAWKINS. Mr. Speaker, seldom do I have the opportunity to talk about a person who, because of his success and his contribution to the community, I admire most highly. I speak in praise of Mr. Tom Reed, the founder, producer, and host of the Los Angeles-based "For Members Only" talk show. Mr. Reed, once known as the "Master Blaster" when he was a prominent figure on FM radio, has forged a place in history because of his efforts to inform the public on issues that are important to African-Americans and the Nation.

Tom's work in the study of black music, his ability to be an enduring figure on top-rated radio shows as diskjockey, and the abovementioned "For Members Only" as, among other things, host, are testaments to his dedication to educating the public to the contributions other African-Americans have made to the music industry, and the community, of which we are all a part.

His work on radio and television has not been a singular act of self-promotion, but served as a means to open doors for other African-Americans. As a role model for success, truth, and respect for all people, it is fitting that the Nation should know about Tom Reed, friend and committed community servant.

OMAR V. GIMENEZ: ALL THE BEST AND SUCCESS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DYMALLY. Mr. Speaker, by mid-March, Mr. Omar V. Gimenez will have completed his congressional fellowship in my office under the auspices of the Latin American Scholarship Program of American Universities [LASPAU].

Mr. Gimenez is a mechanical engineering student at the Universidad Tecnologica Nacional of General Pacheco, Buenos Aires, Argentina. His fellowship stemmed out of my concern for infrastructural development in Latin America and the Caribbean.

It has been indeed a pleasure having Mr. Gimenez as a fellow for these 2 months. His dedication and diligence in search of additional knowledge related to science and technology were especially rewarding to him. He will be returning to his studies at the university in April. I only wish that more time was available for this aspiring future engineer to participate in this program, but I know that the knowledge he had already acquired will supplement and broaden his understanding of his chosen field.

Mr. Speaker, this student has had the chance to observe the legislative process of our democratic system of Government. I am certain, that by allowing international students sponsored by LASPAU, such as Mr. Gimenez, the opportunity to see Congress, first hand, we ensure that the experience they gain of our democratic institutions will prepare them once they become leaders in their own countries.

Mr. Gimenez, I hope this has been a valuable experience for you and one that will assist you in your future endeavors. On that note, the staff and I wish you all the best and success.

SECOND BAPTIST CHURCH OF MATAWAN, NJ, CELEBRATES ITS 100TH ANNIVERSARY

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DWYER of New Jersey. Mr. Speaker, it is with a great deal of pride that I rise to inform you and my colleagues that the Second Baptist Church, which is located in Matawan, NJ, is celebrating its 100th anniversary.

Under the able leadership of its pastor, Rev. Joseph E. Butts, and the celebration chairperson, Alice E. Elmore, the church will be having special programs on the second Sunday of each month throughout 1990 to commemorate its long and outstanding history.

Mr. Speaker, I know that every Member of this House recognizes the important contribution which our religious institutions make to the fabric of American life. We often commend one group or another on their accomplishments, on the service which they provide to our communities and on the many contributions they make.

Clearly, the Second Baptist Church is deserving of such praise. I know that you will join with me in wishing the congregation many more years of faith and service, as they begin their second century of worship in Matawan.

LAJOS KOSSUTH: HUNGARY'S FIRST FREEDOM FIGHTER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, in this day of falling iron curtains and rising democracies, I take the opportunity to recognize one of Hungary's original freedom fighters, Mr. Lajos Kossuth. On March 15, 1848, Mr. Kossuth became the first Hungarian nationalist to lead that country's Diet in a break from the Austrian Empire. His powerful pen and oratory galvanized the discontent of the Magyar people into the Hungarian nationalist movement.

Hungary had long suffered under the respressive absolutism of the Hapsburg monarchy in Vienna. In a speech to the Diet on March 3, 1848, Kossuth demanded the removal of the dead hand of Austrian absolutism as the only way of securing the liberties of Hungarians and all other peoples under the monarchy.

On this day, March 15, Hungarians around the world remember the ascent to freedom that Mr. Kossuth embodied. The Kossuth Civic Center in Miami, founded in 1954, will celebrate this holiday of the Hungarian people while remembering their brothers and sisters remaining in the homeland. Back in Hungary, the influence of Lajos Kossuth is most assuredly alive.

Kossuth's countrymen are today demonstrating that the human spirit will not long endure a repressive regime before rising up to challenge it. It is important for us to recognize, Mr. Speaker, how the efforts of Mr. Kossuth laid the cornerstones of democracy in Hungary. This foundation was not to be easily uprooted, not even communism has shaken it. The story of Lajos Kassuth and his modern day counterparts should remind us that freedom and democracy must never be taken for granted.

A STORY OF HEROISM IN NORTHERN NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. PALLONE. Mr. Speaker, from time to time we hear stories about heroism, about ordinary people, just like our friends and neighbors, who do extraordinary things in times of crisis. Recently, two of my constituents rose to the occasion to help a total stranger in a time of great need. They turned out to be lifesavers.

Joseph L. DeCosta and his younger brother Thomas E. DeCosta, both from South Belmar, NJ, were driving on a northern New Jersey highway last month when they came upon an accident scene. A car had been struck from behind by a pickup truck, and the car immediately burst into flames. The women driving the car was trapped inside, and a crowd of onlookers—including the driver of the pickup truck—stood by helplessly. The DeCosta brothers immediately took action, helping the woman from the car, dousing the flames with a fire extinguisher, making sure no one else was inside, and administering first aid to the injured woman. The woman survived the accident, with some serious burns, and later thanked the DeCostas. The Wayne Township, NJ, Deputy Police Chief was quoted as crediting the two men with saving the women's life.

Mr. Speaker, I am, of course, particularly proud of what my two constituents did to save the life of another. But I think all Americans can take pride when we see how an emergency really does bring out the best in many of our fellow citizens. While most of us will never be involved in such a situation, it is reassuring to know that there are people like Joseph and Thomas DeCosta who are willing to put their own safety on the line to help another, and even to save a life.

PRESIDENT NIXON RETURNS TO CAPITOL HILL

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DOUGLAS. Mr. Speaker, today I am placing in the CONGRESSIONAL RECORD a piece published by the New York Post describing former President Nixon's value to our Nation as a statesman and keen observer of international affairs. As the Members know, President Nixon recently returned to Capitol Hill, where 43 years ago he began his career in politics, to discuss the current state of world affairs. He gave an excellent overview of the startling changes that have occurred over the last year and provided powerful insights into how the United States should respond to these changes. Our Nation is fortunate to have the benefit of the views of Richard Nixon, counsel to Presidents and lawmakers, as we work to formulate an effective and responsive foreign policy.

[From the New York Post, Mar. 13, 1990]

RICHARD NIXON, STATESMAN

There may well be people who begrudge former President Richard M. Nixon the warm welcome accorded him on his recent visit to Capitol Hill. But there will always be a few professional Nixon-detractors around—folks who've never forgiven him for coming to national prominence by recognizing that Alger Hiss was lying and that Whittaker Chambers was telling the truth; folks who've never forgiven him for returning from the political graveyard to capture the White House in 1968 and 1972 (the latter victory, of course, took the form of an unprecedented national landslide).

The anti-Nixon element probably thought it had finally won its great battle by driving him from office in 1974. But those who came to this conclusion were mistaken: they'd failed to consider Nixon's strength of character and personal resolve. And they'd failed to consider the fact that his enormous intellectual gifts meant he still had a great deal to contribute.

In recent years, however, the American people, in great number, have come to recognize President Nixon for what he is: a national treasure—one of the world's most distinguished and respected elder statesmen.

The manner in which he has conducted himself during the years since he left office is undoubtedly a factor in his return to wide public esteem. The former chief executive could have accumulated great wealth, bartering the prestige of the presidency to garner seats on corporate boards. He could easily have earned huge sums on the lecture circuit.

Or he could have written kiss-and-tell books, exposing the foibles and follies of friend and foe alike. He might even have pampered himself in well-guarded seclusion—at the taxpayer's expense—never again to surface.

Had Nixon chosen any of these paths, he would have been in distinguished company. Many public figures, former presidents included, have enjoyed plush post-retirement lives by selecting one or more of the options noted above.

Not Richard Nixon. He takes no speaking fees, and voluntarily surrendered the Secret Service protection to which he is entitled; he sits on no boards, maintains a tiny staff and devotes himself to writing serious books about world affairs—books that sell well because they are good.

He doesn't trumpet the fact that incumbent presidents have grown accustomed to relying on his counsel; he makes no great show of the fact that he is received like a visiting head of state virtually wherever he travels.

His judgment—based on first-hand knowledge of the forces at play and the characters involved—remains shrewd. Consider his argument, grounded in both geopolitics and concern for human rights on behalf of President Bush's China policy:

"If the United States does not play a role in China, who does that leave among the major powers?," Nixon asked during his Capitol Hill press conference. "It leaves the Soviet Union and Japan. Does anyone think the Soviet Union is going to export human rights to China? And anyone that thinks Japan is going to export democracy to China must be smoking pot."

His triumphant return to Capitol Hill where he started his political career some 43 years ago, reminds us that historians writing the history of the 1980s and 1990s will note that Richard Nixon arrived at a new plateau of public esteem during this period. They'll also note that he achieved this result the old-fashioned way: He earned it.

TIME TO TAKE ACTION ON AID FOR PANAMA AND NICARAGUA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. BROOMFIELD. Mr. Speaker, in the past few weeks, a lot has been said about emerging democracies. The only thing that's emerged in Congress so far is words. It's time for action. It's time to deliver.

Day after day one astonishing event eclipses another. The rapid transformation and emergence of democracies around the globe is without precedent. These remarkable changes provide America with tremendous opportunities and challenges.

President Bush has given us a challenge. Yesterday he outlined his aid package for Nicaragua and Panama. He challenged us to get the aid packages for both countries on his desk by April 5.

Supporting the President's proposal is important for two reasons. First, both Nicaragua and Panama are destitute. Their budding democracies are as fragile as cherry blossoms in a cold March wind.

Building a functioning democracy is challenge enough. To rebuild a functioning economy, they will need some help from their friends.

Second, the people of both countries are taking a real gamble on democratic institutions.

This is a good time to show the Nicaraguan and Panamanian people that legislative bodies can do more than deliberate. We've got to show them that legislators can deliver.

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HONORING THE HINSDALE LIONS CLUB

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. CONTE. Mr. Speaker, I rise to pay tribute to one of the finest chapters in the world of Lions International. I am proud to announce that on March 24, 1990, the Hinsdale Lions Club, of Hinsdale, MA, will celebrate the 35th anniversary of its charter.

Their motto is "if it can be done—Hinsdale Lions will do it." And they have. During the past 35 years, the Hinsdale Lions have made and spent in the town of Hinsdale over $200,000, plus many thousands of man hours doing volunteer services. This is in addition to making their annual donations to the Massachusetts Lions Eye Research Fund, the Orthoptic Clinic, the 33Y Emergency Sight and Hearing Treatment Foundation, Clark School for the Deaf, Perkins School for the Deaf and Blind, and WMRRS Radio Station for the blind.

Mr. Speaker, there are many examples that I could expound upon to you and my colleagues here on the House floor but let me give you just a few. Their first major project was to create a beach area for the residents of Hinsdale. They have been maintaining a cottage and a beach since 1958, and they provide a caretaker to keep the area clean. They have also used the cottage to store hospital beds, wheelchairs, crutches, and such goods that are available to anyone who needs them, free of charge. They took on such projects as rebuilding the condemned town hall in 1963, to transform it into a youth center which sponsors the many sports and recreational activities for Hinsdale's youth. They also rebuilt the Old Grange Hall which is in continuous use by the Seniors Home Care, Lions, Lioness', Grange, Boy Scouts, Masons, and bingo players.

The Hinsdale Lions, comprised of 20 members, 14 of which are over 60 years old, have also built a kiddie park and basketball courts, catered picnics, clambakes, ball games, weddings, and chicken barbecues. They have also held raffles, carnivals, circuses, donkey baseball, and basketball, a basketball tournament, and public suppers, to name a new.

The Hinsdale Lions can potentially walk hand in hand with someone through life. They have guided youngsters through their formative years and then helped them in their golden years.

Mr. Speaker, the Hinsdale Lions Club has gone far beyond the call of duty. They've played a vital role in building the community that now exists in Hinsdale. I want to salute the past and present members for their 35 years of service and dedication. I wish them many more years of continued success.

TRIBUTE TO HENRY DILLON WINSHIP, JR.

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GINGRICH. Mr. Speaker, Dillon Winship—native Georgian, great leader in his community and business, ardent patriot, and good friend—died on December 13, 1989, of heart failure.

Born in Macon, on July 28, 1929, Dillon attended Woodberry Forest School in Virginia through his graduation in 1947. He spent 1948 to 1951 at Georgia Institute of Technology, and graduated from the University of Tennessee in 1952, with a B.S. degree in transportation.

Dillon was employed with Transus, Inc. of Atlanta for 37 years, and he served as president and chief executive officer, and also as chairman of the board. Dillon resumed presidency of Transus Motor Carrier Division of Transus, Inc. in September 1987

Dillon was an energetic and emphatic advocate of the transportation industry to which he devoted much of his life.

Musing over the importance of transportation to the successful functioning of our economy as he assumed the reins of power at the American Trucking Association in 1973, Dillon reflected, "The service utilities—power, communications and transportation—are the spokes in the wheel of industry that make the wheel turn. Any man who is employed in this great transportation industry is important. He moves that lifeblood through the arteries that feed the society."

He was also fond of saying, "Nothing transports itself."

Dillon, noted for his outspokenness, managerial strength, and sense of personal responsibility, was active in many organizations, including the American Trucking Associations, Inc., Georgia Motor Trucking Association, World Business Council, Inc., Business Council of Georgia, Chief Executives Forum, Young Presidents Organization, and the Northwest Presbyterian Church.

Dillon is survived by his wife, Patricia Cortelyou Winship, one daughter, Adrian Pressley, and two sons, H. Dillon III and Blanton C. He is also survived by his mother, Anne Chichester Winship, his sister, Anne Kelleher, and two brothers, Emory V and Wadleigh C. He has six grandchildren.

I have thought of Dillon especially often over the last few weeks.

Recent events in Nicaragua would have pleased him. I know that he is smiling as he watches Violeta Chamorro's progress toward democracy in Nicaragua.

Without the conservative's conviction to the cause of the freedom fighters, that country would not have enjoyed this promise of hope.

The worldwide movements throwing off the chains of oppressive regimes clearly demonstrate that when given a choice and a chance, people will opt for freedom.

Dillon knew this. His conviction helped lead the Nicaraguan people to what we hope will ultimately mean dramatic improvements in their lives.

God bless you, Dillon, for all that you did for so many.

NATIONAL SCLERODERMA AWARENESS WEEK

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HUGHES. Mr. Speaker, I rise today to introduce a resolution which designates the week of June 10 to 16, 1990, as "National Scleroderma Awareness Week."

As many of you know, scleroderma literally means "hard skin." Those who suffer from this rare disease experience a thickening and hardening, or scarring, of the skin due to an overproduction of collagen, a protein manufactured by the connective tissues of the body. In the severest forms of scleroderma the hardening process may spread to the joints greatly reducing an individual's mobility and to the body organs causing functioning impairment.

This chronic, and often fatal disease affects approximately 300,000 people in the United States alone. This number is more than twice the number of active AIDS cases currently reported to the Center for Disease Control.

Scleroderma, a noncontagious disease, is not reported to the Center for Disease Control and therefore does not receive the public attention or Federal funding given other serious diseases. Consequently, physicians involved in the research and treatment of scleroderma have experienced only limited success due to limited funding. Although recent research has greatly increased the medical community's understanding of how scleroderma affects the body and has produced helpful treatments for scleroderma patients, much more needs to be done.

Since we cannot appropriate unlimited public funds to put scleroderma research on the fast track, let's do what we can to ensure that the research continues. Over 220 of our colleagues joined me last year in declaring "National Scleroderma Awareness Week" which helped to facilitate successful outreach activities and fundraising events around the country.

I ask my colleagues to please join the effort again this year by cosponsoring this resolution.

THE NEED FOR OUR BATTLESHIPS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. ANDERSON. Mr. Speaker, the Navy recently announced its intention to mothball two battleships, the USS *Missouri* and the USS *New Jersey*. I have made my position known on the need for reasonable cuts in our armed services. As much as anyone, I would like to see this Nation prudently trim our military expenditures, as long as that trimming process is done with our strategic needs in mind and adequately accounts for present and future military threats. I question whether mothballing battleships adheres to that necessary logic.

I was heartened to see that the Navy was least impacted in Secretary Cheney's proposed 1991 defense budget. As our Nation's historical defender, the Navy has consistently sailed in harm's way, resisting unjust aggression and promoting democracy around the world. We are a maritime power, do not forget. Our future lies in freedom of the seas, and control of those same seas if the need should arise. As world trade becomes a greater and greater share of our gross national product, our reliance on the Navy to protect this country's economic integrity will grow. We also primarily rely upon the Navy to project power onshore. Between the years 1945 and 1990 we used our naval power 187 times. The question for the future is then one of how do we maintain those forces that are most capable and most likely to successfully fulfill our worldwide commitments, responsibilities, and needs. I point to our battleships as uniquely qualified for that mission.

As evidence I would like to quote from Senator McCAIN's insightful article entitled, "The Need for Strategy in the New Postwar Era," as appeared in the January 1990 Armed Forces International Journal. He writes:

> We must be cautious, however, about cutting our four battleships. They cannot simply be dismissed as outdated weapons. They can deliver far more firepower with far more security along most of the world's coast than an air wing. In fact, one battleship can deliver 40,500 pounds of ordnance at ranges up to 23 miles in one minute. Each battleship also has eight quadruple launchers for Tomahawk cruise missiles. This gives it the ability to hit fixed targets with incredible precision at ranges of up to 700 miles. The battleship has an almost ideal surgical strike capability for low-intensity war and is the natural partner of fixed-wing air power because it can use its cruise missiles and guns to suppress air defense sites. It is also important to note that a battleship costs only $45-million a year in operating and maintenance funds. This is less than the $48-million per year for a nuclear cruiser and about one-third of the $124-million cost of a conventional carrier.

I would further add that our battleships represent a very large percentage of the Navy's gunnery support and also carry Harpoon antiship missiles.

I found this article, written by a highly decorated Navy veteran and a distinguished member of the Senate Armed Services Committee, to be greatly informative. I think it puts to rest many questions concerning the cost, capability, and strategic mission of our battleships. I would just like to add that there is no other type of ship in our fleet so ideally suited to playing the crucial deterrent role of showing the flag. Speaking softly and carrying a big stick is easily demonstrated with a fleet of battleships on your side. Finally, when many have called into question the survivability of our carriers, I would like to remind all that there is no ship harder to sink than a battleship.

With these facts in mind, I hope that we will all think long and hard before we decide to mothball these two fine and proud ships.

TORPEDOING OUR MERCHANT MARINE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DELLUMS. Mr. Speaker, I was dismayed to learn last week that the Maritime Administration was considering an application to sell and transfer to foreign operation the U.S.-flag passenger vessel SS *Monterey*. I joined with 17 of our colleagues in a bipartisan effort against the approval of this request. Unfortunately, for our Nation and our merchant marine, the Maritime Administration has decided to conditionally approve the sale of this vessel to foreign interests.

As we stated in our letter to the Maritime Administration, there is no justification from a national maritime policy standpoint for allowing this vital sealift asset to leave the control of the United States. In fact, I am absolutely convinced that the national interest is best protected by keeping this vessel under the U.S. flag.

It is especially dangerous and foolish to explain away any such transfer by asserting that our foreign-owned, foreign-flag and foreign-manned vessels can be counted on to respond to our Nation's needs in time of war or national emergency.

Mr. Speaker, it is not too late for Maritime Administrator Capt. Warren Leback to prevent any further diminution of our Nation's sealift capability. He has it within his power to protect and promote the American merchant marine by keeping the *Monterey* under the American flag and I strongly urge him to do so.

INTRODUCTION OF THE SMITH RIVER NATIONAL RECREATION AREA LEGISLATION

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. BOSCO. Mr. Speaker, I am today introducing legislation to establish a Smith River National Recreation Area in Del Norte County, CA. I hope my colleagues will join me in supporting this effort to provide stronger protection for the "crown jewel" of California's wild and scenic rivers.

The Smith River National Recreation Area [NRA] would encompass 300,000 acres of the watershed of the last undammed major river system in California.

The NRA would include all national forest land in the California portion of the Smith River watershed, from the State and national redwood parks along the lower reaches to the Oregon border and the river's headwaters in the Siskiyou Mountains.

More than 310 miles of the Smith River and its major tributaries have been designated as components of the State and National Wild and Scenic Rivers Systems.

The Smith River is renowned for its exceptional water quality, trophy salmon and steelhead fisheries. The watershed's spectacular scenery includes huge coastal redwoods along the lower river, deep whitewater canyons, harsh rocky plateaus, rich conifer forests and high mountain peaks and meadows. Wildlife is abundant, and the area supports an exceptional diversity of plant and animal species.

Despite historic mining and extensive logging over the past 40 years, substantial portions of the basin remain wild and undeveloped. More than 46,000 acres along the upper South Fork are included in the Siskiyou Wilderness, and views from the river and major travel routes largely retain their natural appearance.

Local residents and visitors alike have long used the Smith River basin for fishing, hunting, whitewater boating, swimming, camping, hiking and sightseeing, but overall recreation use remains relatively light. The proposed NRA, in combination with the adjacent State and national parks, has the potential to become one of the premier recreation attractions on the west coast.

The legislation would divide the NRA into eight separate management areas and establish general management policies for each area. More specific management direction is contained in the draft Smith River National Recreation Area Management Plan prepared by Six Rivers National Forest.

The draft management plan includes 10-year action plans for recreation development, fisheries, wildlife, watershed rehabilitation, cultural resources, interpretation, and research. Recreation development plans include proposals for a visitor center, new campgrounds and picnic areas, boating access, construction of hiking and horse trails, designation of ORV routes, and improved access for the handicapped.

Under the legislation, more than two-thirds of the NRA's old growth timber, including all stands of old growth redwood, would be permanently protected, and timber harvests would be reduced by more than half. The Forest Service estimates that the allowable cut would be limited to about 10-million-board-feet per year over the first decade.

Logging would be prohibited or sharply restricted in most areas, with timber production focused in the isolated central portion of the watershed where extensive logging has already occurred. Timber management in these areas will be based on emerging theories of landscape ecology, and could serve as a national model for maintenance of biological diversity on timber producing lands.

Subject to valid existing rights, the entire NRA would be withdrawn from new mining claims and patents. Holders of valid existing claims would not be affected, but no new claims would be permitted.

Four areas within the exterior boundaries of the NRA that already have a substantial level of private development—Gasquet, Big Flat, Washington Flat and the Rock Creek subdivision along the South Fork—would be explicitly excluded from the NRA. No additional regulation is proposed for other private inholdings within the NRA.

Former Interior Secretary Cecil Andrus' 1981 administrative designation of Wild and

Scenic Rivers within the NRA's exterior boundaries would be rescinded and redesignated by statute under section 3(a) of the Wild and Scenic Rivers Act. Two streams that were excluded from the original designation—Hardscrabble Creek and Stony Creek—would be added to the system, and classifications of several other streams would be upgraded. Existing designations of streams outside the NRA boundaries would not be affected.

The bill also includes provisions intended to ensure that establishment of the NRA does not result in loss of revenues to local government and authorizes funding for developments of a unified land information system integrating data from Federal, State, local and private sources.

In addition, the bill allows for the county to also receive title to two small parcels of land currently occupied by the Bar-O Boys Ranch, a county facility serving juvenile offenders. These two parcels were historically believed to be owned by the county, but a recent resurvey revealed that the facilities actually encroach on national forest land. The boundary adjustment proposed under the legislation is intended to rectify this situation.

The North Fork Management Area—44,300 acres—includes all of the California portion of the North Fork drainage. A portion of the North Fork's watershed extends into Oregon. A series of harsh, rugged plateaus cut by deep canyons, the North Fork's sparsely vegetated mineral soils support a number of rare plant species and unique botanical communities. Largely untouched since the mining days of the 1800's, this area would be managed for whitewater boating and backcountry recreation while protecting unique botanical communities and historic values. Commercial timber harvest would be prohibited.

The steep slopes of the Upper Middle Fork Management Area—27,400 acres—support rich conifer forests. Although more than one-third of the area has been cut over and is now in young plantations, much of the remainder is covered with old growth timber, including two proposed botanical areas that feature exceptional diversity of conifer species. Management of this area would emphasize protection of biological diversity and maintenance of old-growth ecological values. Commercial timber harvest would be allowed in existing second growth stands.

The Middle Fork/Highway 199 Management Area—30,800 acres—includes the entire viewshed from the highway, which has been designated a national scenic byway. Readily accessible along most of its length, the heavily forested Middle Fork's narrow canyon and broad flats offer abundant opportunities for recreation. Management of this area will emphasize protection of scenic values and enhancement of a broad range of recreation uses, including development of new campgrounds. Commercial timber harvest would be prohibited.

The Upper South Fork Management Area—13,000 acres—is adjacent to the Siskiyou Wilderness and includes the entire west bank of the river up to the ridge line. This portion of the river is designated wild, and most of the area remains undeveloped. Management of the area would emphasize protection of the river's wild character with no commercial timber harvest permitted.

The Lower South Fork Management Area—17,900 acres—includes the entire river canyon from Big Flat downstream to the confluence with the Middle Fork. The river is paralleled by the South Fork Road, which provides ready access for fishing and swimming. Protection of scenic values would be a primary management emphasis in this area, along with white water boating, fishing, swimming, and camping. Limited timber harvest would be permitted.

The Lower Hurdygurdy Creek Management Area—3,700 acres—provides the only significant area of float terrain in public ownership along the South Fork. The management emphasis in this area would be on providing rustic family and group camping facilities on the flats along the creek and protection of scenic values. Limited timber harvest would be permitted.

The Prescribed Timber Management Area—121,900 acres—includes four separate blocks of land that, because of their topography and location, have historically experienced low levels of recreation use. The area is substantially roaded and shows extensive evidence of past timber harvesting. About 20,000 acres, most of it cut over, is in private ownership. About half of the remaining area is classified as commercial timber land. The management emphasis for this will be on production of sustained yields of wood products while maintaining biological diversity. A significant portion of the area would be designated for management as wildlife habitat, with timber harvests either prohibited or limited to extended cutting rotations. Timber management will be based on landscape level ecological strategies using silvicultural techniques designed to maintain biological diversity, including stand-level modifications in species composition, rotation length and stand structure—such as leaving standing green trees, snags, and other course woody debris.

The Siskiyou Wilderness Management Area—46,300 acres—borders the upper South Fork and includes the headwaters of a number of tributaries to both the South and Middle Forks. Marked by steep slopes, thick forests, open mountain valleys and steep rock faces, the Smith River portion of the wilderness remains one of the wildest areas in California. Management of the area would not change under the NRA designation.

The Gasquet Ranger District has historically been accorded the status of a separate market area under the Small Business Timber Sale Set-Aside Program on Six Rivers National Forest. I believe that the establishment of a Smith River National Recreation Area, in combination with the changes in purchase history, sales level and market patterns that have occured in recent years, justify a special recomputation of the small business allocation and review of the need for two separate market areas on this national forest. Under Forest Service policy, it is the responsibility of the forest supervisor to conduct such an analysis, and it is my understanding that Six Rivers National Forest is willing to initiate this process.

TRIBUTE TO THE NANTAHALA 1990 RALLY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize an organization and an event that has helped promote world peace through the sport of rafting.

The Nantahala 1990 Rally is an international rafting event that is being held for the first time in the United States. The event began in the Soviet Union in 1979. There, it was limited to Soviet participants until 1988 when one international team entered the competition. In 1989, the competition was opened to over 300 participants from 17 countries. The Nantahala 1990 Rally will promote international peace and friendship by bringing together outdoor enthusiasts from around the world.

I would like to offer my best wishes to the Nantahala 1990 Rally and all its participants from around the world. I hope that the competition will be a great success.

COMMEMORATING THE 50TH ANNIVERSARY OF THE FAIRFAX COUNTY FEDERATION OF CITIZENS ASSOCIATIONS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. WOLF. Mr. Speaker, I rise today to commend the Fairfax County Federation of Citizens Associations on the occasion of its 50th anniversary this month. For half a century, this vital and active group has represented citizens, homeowners, and neighborhoods and made an irreplaceable contribution to the quality of life for all northern Virginians.

In my office hangs a picture of the intersection of Virginia Routes 7 and 123 taken around 1940, the year the federation was founded. The photograph captures a lone truck making its way down a dusty road. On one corner a gas station. On the other a small wooden building called Tyson's Corner Store.

It goes without saying that Fairfax County has grown since then. Forty-one thousand people lived here in 1940. Today over three-quarters of a million people call it home. We are now a worldwide center of commerce with a standard of living that the men and women checking oil at that gas station or waiting on customers behind the counter at that general store could never have imagined.

But even with all the change, our sense of community has been steady. The Fairfax County Federation of Citizens Associations has played a major role in preserving the most important aspects of our lives. As Fairfax has grown, the federation has made sure that neighborhood concerns were not neglected.

The group twice worked to change the form of Fairfax County government. They led the fight to establish a county executive in 1950 and an urban county executive in 1968. In

1969 the federation conducted the first study of the costs and benefits of residential growth in Fairfax County.

They published the first countywide street map and directory in 1957 as a service to their members. The map was done so well that Fairfax County purchased it both for use by the Government as well as for sale to the public.

The federation reinforces positive community values not only by its actions every day, but also by making a special effort to annually recognize an outstanding individual as citizen of the year.

Members of the federation have been involved in nearly every major study group, authority, commission and board appointed by the Fairfax County Board of Supervisors for more than two decades. Their studies and comments on local, county, State, and Federal legislation are well respected and are an important part of the lawmaking process.

The federation also publishes a monthly newsletter, operates eight standing committees, and sponsors leadership training workshops and public policy seminars.

Mr. Speaker, the Fairfax County Federation of Citizens Associations is a shining example of what people can accomplish by working together for a common goal. The federation's outstanding service is in the finest tradition of American voluntarism and on behalf of all the citizens of Fairfax County, I thank the federation for its 50 years of service and wish continued success in the years and decades ahead.

H.R. 4208

HON. GEO. W. CROCKETT, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. CROCKETT. Mr. Speaker, on March 7, I introduced H.R. 4208, legislation to correct a glaring inequity in the retirement rules for Federal judges. I was very pleased to welcome 29 original cosponsors of that measure.

Unfortunately, due to an administrative error, one very important name was inadvertently left off that list of original cosponsors—that of the chairman of the Courts Subcommittee, my friend and colleague ROBERT KASTENMEIER. I value his support for this initiative, and deeply regret that he was not included in the original list of sponsors.

I am today adding his name to the list of cosponsors for H.R. 4208, and hope he will forgive the oversight.

H.R. 4030

HON. JOHN MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MILLER of Washington. Mr. Speaker, I joined in cosponsoring H.R. 4030, a bill to reauthorize the Coastal Zone Management Act.

In 1972, Mr. Speaker, Congress passed the Coastal Zone Management Act to encourage States to voluntarily develop management programs for their coastal areas in accordance with minimum Federal standards. States have two major incentives to participate in this process. First, Federal matching grants are available to help develop and implement programs approved by the Federal Government. Second, States with approved programs have a right to require that activities by the Federal Government in their coastal zones are consistent with these plans.

I am proud that almost 20 years ago, I helped develop Washington State's Coastal Zone Management Program. Back then, I also helped draft a citizens' initiative to protect our shorelines from overdevelopment. Today, Washington and 28 other States have approved coastal zone management plans.

But, Mr. Speaker, in 1984, the Supreme Court ruled that the Department of Interior's sale of oil and gas leases on the Outer Continental Shelf does not directly affect the coastal zone as defined in this landmark bill. H.R. 4030 will clarify this issue. It will reinstate the intent of Congress and restore the ability of States to determine if an offshore oil or gas lease sale is consistent with the State's Coastal Zone Management Act.

In addition to overturning California versus Watt, H.R. 4030 also requires State programs to develop a coastal water protection program to address the problem of nonpoint pollution. Mr. Speaker, I am proud that Washington State's Puget sound water quality authority is a recognized national leader in addressing this problem.

Mr. Speaker, the bill also creates a new national interest improvement program which requires States to identify coastal wetlands, so that they can be protected. We need to act to preserve our remaining wetlands and this bill helps us do that.

H.R. 4030 also recognizes our international obligations to help developing countries protect their coastal zones. To this end, Mr. Speaker, the bill states that Congress wants the National Oceanic and Atmospheric Administration and the Department of State to assist developing countries with their coastal management initiatives.

I know that the leadership of the Merchant Marine and Fisheries Committee supports H.R. 4030. I look forward to prompt consideration of this important bill. And I urge my colleagues to join in supporting protection of our coastal zone.

BEN HILL GRIFFIN, JR.—AN AMERICAN SUCCESS STORY

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. IRELAND. Mr. Speaker, I rise today to honor a man who has meant a great deal to the little town of Frostproof, to the State of Florida, and to me and my family. Mr. Ben Hill Griffin, Jr. was my friend, and when he died March 1, it was a sad day for all of us who loved and respected him.

Ben Hill Griffin, Jr. was a self-made man. He was born in the mining town of Tiger Bay in 1910, and moved to Frostproof, FL in time to finish his high school education there. He spent the rest of his life in Frostproof, building a substantial citrus business from the few trees his father gave him as a wedding present.

I met Ben Hill when I was just getting started in the banking business and he was becoming a pioneer in the frozen concentrate market. Bankers were struggling to provide financing for this new commodity, since valuing the product was basically uncharted ground. As one of Ben Hill's bankers, I had the opportunity to participate in establishing the credit standards for financing frozen concentrate. Thanks to his vision and initiative, I guess that I, too, became something of a pioneer in the banking world.

Ben Hill was more than just a good businessman, however. He was tough, quick, and he made you understand why you have to stand up for what you believe in—and fight hard for it. He was a big influence in my decision to run for the House of Representatives in 1976. Ben Hill didn't tell me what to do exactly; he just outlined what was important for America and what opportunity the House seat would provide in helping to promote those ideals. "If you feel strongly," he told me, "you have an obligation to act on that conviction." When he was through, there wasn't much question left in my mind as to what I was going to do.

Ben Hill's friends were many. He gave of himself, of his time and energy to his family and his neighbors. He was kind and encouraging, strong and respected. He was a true American success story and we are all a little better for having known him.

SAVE OUR SHORELINES

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. GOSS. Mr. Speaker, for the record I submit the text of a petition being circulated in south Florida urging the Federal Government to ban oil drilling in the environmentally sensitive waters off Florida's coast. The petition has already generated almost 10,000 signatures—and the number continue to grow. I am also forwarding the signed petitions to President Bush for his consideration.

In addition to the thousands of citizens who have taken the time to sign these petitions, I commend Marge and David Ward, whose organization—Citizens Association of Bonita Beach [CABB]—has worked tirelessly to promote public awareness of this issue.

The petition reads as follows:

SAVE OUR SHORELINE

We oppose the future sale of oil and gas leases anywhere off the shores of the State of Florida within 60 miles of shore.

We recommend the permanent postponement of exploration and drilling on any offshore leases already held by oil companies seeking to explore for gas or oil near southwest Florida.

The offshore area is much too economically important to the State of Florida to be opened to drilling. These fragile coastal

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areas are of unsurpassed beauty that must be conserved for future generations.

Although we recognize the need for domestic energy, the environmental and economic risks posed by oil drilling near the Florida shoreline is too great to justify any leasing plan.

WALDRON'S IDEAS

HON. CARL D. PURSELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. PURSELL. Mr. Speaker, at this time I would like to share with my colleagues an article which appeared on August 31, 1989, in the Lansing, MI, State Journal. The author, Robert Waldron, former speaker of the Michigan House of Representatives, offers some enlightening ideas on the U.S. education system.

[From the Lansing State Journal, Aug. 31, 1989]

LET'S RESTRUCTURE, EXTEND SCHOOL YEAR

The United States has one of the shortest school years in the industrial nations and it produces achievements—particularly in math and sciences—that rank with the Third World. Despite is short calendar and poor results, the American education system is one of the most expensive in the world, consuming a larger portion of our public expenditures than any other social undertaking, including health and national defense.

Across our nation concern is deepening, yet what answers are being proposed? Most discussion of our educational system revolves around values and wages, with few concrete proposals being made. Some experts think the solution is paying teachers more money, as though higher salaries will improve the skills and strategies teachers bring to the classroom. Other experts call for a core curriculum of subjects, as if teaching different subjects by the same means will meet our nation's educational needs.

No commentator that I have read has even addressed one of the most profound differences between American education and that of Japan, Germany or other societies: our fundamental purpose. Most educational systems (and most recent comments about America's educational system) focus on the aspect of training individuals to work. The primary purpose of the American system was to educate citizens to become capable of governing themselves. Obviously, the ability to earn a decent living is a major factor in a peaceful society but it is not the only factor nor was it the prime mover of public education.

Nor have I read many proposals for any serious restructuring of our educational calendar to fit the tremendously increased body of knowledge necessary for successful living in our republic. The agrarian calendar should be replaced so that the end result will not be a dropout but a fully competent citizen graduating at age 16 after 10 full years of basic education.

I would propose a restructuring of the school year. Our current pattern of two teaching periods of approximately 17 weeks with a three month summer vacation is outmoded. I envision three teaching periods of 15 weeks each, lengthening the school year by 11 weeks. K-10, then, would embody 30 study segments for graduation as opposed to the present K-12 with only 24.

This would appear to increase the burden on teachers, except that I would propose requiring teachers to teach only two out of every three periods. The third period teachers would be free to improve their skills and subject knowledge; to take alternate duties within the school such as administration, counseling, coaching or working with parents and community; or to take time off.

If we established a pool of talent within each school or district that rotated between different assignments, teachers handling administrative duties and administrators returning to the classroom on a regular basis, we could go far in revitalizing the role of educator and building a cohesive teaching unit free of the prevailing division between teaching and administrator.

The extension of the school year increases the demands on the student—but that is precisely where our current system is failing. We need to demand more from our students and give them the time and environment in which to meet and understand the demands of a complex and competitive world.

Rather than end public education at age 16, we should add two more years into the basic educational program. The two years, however, should not be required to follow immediately after high school but could be taken at any point between the ages of 16 and 21, allowing a student to enter the work force and better define for him or herself what his or her personal educational needs are. These additional years of education would have a two-track approach, either to a college/community college program or to intensive training in a specific trade or profession.

Obviously such a program may cost more money but I believe that Americans are willing to spend more on education if they see a concrete program for serious educational restructuring. If they are offered only more of the same with a higher price tag, I suspect they will reject the offer.

DEDICATE DEFENSE SPENDING REDUCTION TO DEFICIT REDUCTION AND TAX RELIEF

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. SCHUETTE. Mr. Speaker, today I am introducing a resolution which states that any reduction in defense spending, referred to by many of our colleagues as "the peace dividend," will be dedicated to deficit reduction and tax relief.

As debate begins over the level of defense spending, I believe our first consideration should be the entire scope of our national security needs, while realizing it is the American taxpayer who has borne the burden of producing the initial dismantling of Soviet and Communist repression in Eastern Europe. Therefore, the American taxpayer should be the recipient, in the form of deficit reduction and taxpayer relief, of any reduction in military spending.

OPPOSITION TO GRANTING APPROVAL TO SELL A U.S.-FLAG VESSEL

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. HUBBARD. Mr. Speaker, as a member of the House Merchant Marine and Fisheries Committee, I would like to emphasize my strong opposition to the Maritime Administration's recent decision to grant approval to an application under section 9 of the Shipping Act of 1916 to sell the U.S.-flag vessel SS *Monterey* for operation under a foreign flag.

What is most perplexing to me is the fact that the Maritime Administration has a mandate to protect and promote the U.S.-flag merchant marine. This being so, granting approval for the foreign sale of a vessel considered to be a sealift asset of the United States appears to be an abdication of their responsibility.

The only interests being protected and promoted by this sale are foreign interests. The administration has no money to recoup for the American taxpayer. It's a bailout, pure and simple, for foreign interests. What the taxpayer and the U.S. maritime industry are losing include a sealift asset as well as jobs for U.S. merchant mariners and for all the suppliers and support industries who profit from the operation of a U.S.-flag vessel.

I strongly urge my colleagues to join me in calling for the Maritime Administration to reverse this bad decision.

BAKER'S TRICK

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. DORNAN of California. Mr. Speaker, what is happening in the Soviet Union and its Eastern bloc satellites is obviously having an impact around the entire globe. Diplomacy in the Middle East is no exception. That is why the United States must maintain its strong position of influence in that critical region.

In this regard, I was dismayed to learn of Secretary of State Baker's recent comments concerning our ally, Israel. Mr. Speaker, I would like to share with my colleagues an excellent article written by William Safire.

[From the New York Times, Mar. 9, 1990]

BAKER'S TRICK

(By William Safire)

WASHINGTON.—Why do you suppose Syria has finally told its ally Iran that now would be a good time to release the hostages held in Syrian-controlled Beirut?

Why has the demand for an "international conference" to arrange a "comprehensive settlement," so long a central Arab strategy, vanished from all P.L.O. pronouncements?

And why did Arabists get President Bush to confuse bedrock U.S. policy by raising the specter of a divided Jerusalem?

The answers interlock: the Soviet Union's abdication of empire has eroded the foundation of the 40-year war against Israel and caused a panic in the Arab world.

No longer is Moscow its reliable ally. Because the U.S. Congress restricts trade as long as the Soviets restrict emigration. Mr. Gorbachev has been forced to begin to let out Israel's most precious asset: persecuted Jewish families eager to make a new life for themselves.

The prospect of a haven in Israel for a million Soviet Jews in the coming decade ends vain fantasies of driving out the "Zionist entity." But that's not all: Arab leaders see diplomatic blocs crumbling.

If the freed Soviet satellites establish relations with Israel, as they are doing, and if African nations follow, what will happen to the automatic condemnations of Zionism in the U.N.?

If the Helsinki pact of 35 European and Atlantic nations becomes the central arena of international diplomacy, as Mr. Gorbachev apparently hopes, the U.N. General Assembly—long dominated by the Arab-African bloc backed by Soviet bloc votes—will become all the more peripheral.

On top of that is the loss of terrorist training camps and military supply; Syria and Libya can no longer depend on a flow of Soviet-made missiles, tanks and planes. That leads to a strategic stunner: No longer will a superpower be ready to guarantee that Arab aggressors cannot lose a war.

No wonder potentates are panicked; their world has changed, their boycott is undercut, and their monarchies and dictatorships could be engulfed by the world wave of freedom. No longer will they be able to deflect their peoples' anger at deprivation into a dead-end jihad; Arabs deserve liberation, too.

At this pregnant moment, which cries out for a campaign to spread democracy throughout the Middle East, George Bush and James Baker are frozen in the diplomatic Ice Age. They focus on Israel's West Bank; they exploit divisions within Israel's polity and refuse humanitarian aid to refugees unless the Israeli Government accepts their view of what's best for our ally's security.

That's why we see Mr. Bush deliberately calling into question the integrity of Jerusalem as Israel's capital, ordering the Israelis not to let new refugees live there. That's why Mr. Baker—more underhanded than evenhanded—wants an Arab representative from Jerusalem, not from the West Bank, in the negotiations.

Some Israelis understand this trap. Far from nit-picking, the Jerusalem address is central: the Bush-Baker notion is to revisit the issue of an undivided Jerusalem, settled a generation ago, and put it on the negotiating table.

Then Secretary Baker, having created a new difference, will split that difference and grandly propose a "compromise": Israelis keep Jerusalem so long as Arabs can live there, the P.L.O. gets the West Bank and the power to deny Jews the right to live there.

The State Department will not admit it; the Labor Party in Israel refuses to see it—but that's the deal in the cards.

The Baker trick deals dishonorably with an ally, involves the U.S. in a new generation of troubles, and puts manacles on Palestinians of the intifada—whose local leaders are being murdered for challenging the Tunis terrorcrats' claim to be their "sole legitimate representative."

This weekend, the split Israeli Cabinet will decide whether to go down that road. A principled refusal will be roundly denounced by Israel-bashers and don't-make-waves Jews as anti-process; the Bush Administration would threaten to retaliate.

But who in Washington needs to provoke a crisis between democratic allies? Must we compensate for the real crisis among tyrannies? Why, when not even Communist parties lay claim to a monopoly of power, should the U.S. be on the side of unelected "sole representatives" of anybody?

Let Arab dictators panic; let Soviet Jews settle throughout Israel without dictation from Washington; let Israel's offer of free elections to West Bank Palestinians not be corrupted by Baker trickery to rig the outcome.

DESIGNATING MAY 1990 NATIONAL PHYSICAL FITNESS AND SPORTS MONTH

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. LEWIS of California. Mr. Speaker, the benefits of physical fitness are legion. For our children, physical activity builds strong bodies, sharp minds, and a positive self image. Every parent knows the excited happiness and sense of achievement our children feel the first time they make it all the way across the monkey bars. That same sense of accomplishment—the excited "I did it"—comes the first time they stay up on a two-wheeler without crashing. Later, through team sports and individual competition, our children learn the unique blend of competition and cooperation that make up the American spirit. These events occur at the beginning of what should be a lifetime of physical activity.

For those of us who have completed our school years and now face the daily pressures of the working world or of raising a family, physical activity helps us endure the stresses and enables us to release some of the tensions. Afterwork softball leagues at the city ballpark, pickup basketball games on the local high school's outdoor court, aerobics classes at the community center or church—all are but a few examples of adult Americans staying fit and successfully slowing the hands of time.

Older Americans, too, know the benefits of physical activity. Many have been active all their lives and continue throughout their golden years. Countless more, however, discover the pleasures—and benefits—of walking, cycling, and swimming only after their retirement. I think of my own personal inspiration, Hulda Crooks, who 4 years ago at the age of 90 led me to climb Mount Whitney, which at over 14,000 feet is the highest mountain in the continental United States. Subsequently, Hulda went to Japan, where she conquered Mount Fuji.

And on the subject of inspiration, who among us has not been moved by the example of physically and mentally disabled athletes? Who has not been moved by the sight of powerful men in wheelchairs roaring away at the start of a marathon, then pumping with every ounce of energy up a long, lonely hill, and ultimately crossing the finish line in a burst of energy and achievement? Who among us has not marveled at the courage and strength of downhill skiers who compete on but one leg. And of course, who has failed to be touched by Special Olympians, who compete not just with their bodies, but with their entire souls?

Mr. Speaker, in an era of TV's, VCR's, and CD's, the temptation to move from being a participant to a spectator is strong and ever present. So, to support those who are currently fit in their efforts to stay that way, and to encourage those who aren't but who would like to be, today, along with my colleague from Maryland, Mrs. BYRON, I am introducing a resolution designating May 1990 as National Physical Fitness and Sports Month.

AMERICA'S DEBT TO THE IRISH

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MANTON. Mr. Speaker, every year the most famous of all St. Patrick's Day parades is held in New York City. This year, Francis P. Beirne is the chairman of the New York St. Patrick's Day Parade Committee. I would like to share with my colleagues the recent remarks of Francis Beirne on the important role Irish-Americans have played in the history of our Nation.

"PEACE WITH JUSTICE AND HONOR:" AMERICA'S DEBT TO THE IRISH

(By Francis P. Beirne, Chairman, New York St. Patrick's Day Parade Committee)

"Peace with Justice and Honor," these words were spoken by John Cardinal O'Connor in his first Saint Patrick's Day homily as Archbishop of New York on March 17, 1985. All of Ireland's exiled children in America join in this prayer for Peace with Justice and Honor for all Ireland.

In each generation of the Irish, whether born in Ireland or descended from Irish exiles, faithful sons and daughters of Eireann have shared this prayer, each in his or her own way, seeking to contribute to the achievement of this bright dream. Believing the occupation or domination of any part of Ireland by a foreign power to be ab initio illegitimate, the faithful Irish can never accept as ligitimate any condition other than the sovereign, indefeasible independence of the Irish nation in control over the entire island of Ireland, her islands and territorial seas. It is the lesson of history that the violation of this principle has led to instability, continued suffering, human rights violations and more "Troubles."

Our prayer is for Peace with Justice and Honor, embracing all of the children of the nation equally, and shared by Ireland's exiled children in America and throughout the world.

While America may yet justify its traditional role as Ireland's (and the world's) best hope, it is important to reflect upon some of the experiences of previous generations of Irish-Americans, experiences which should have earned a consideration no less than the debt redeemed by the United States in France in 1918.

The American Revolution saw Irish immigrant heroes like Commodore John Barry and General Stephen Moylan and, American Irish Generals "Mad" Anthony Wayne and Richard Montgomery and Rifleman Timothy Murphy; historian R. Barry O'Brien points out that, in Washington's Revolutionary Army, the Continental Line was often "the Line of Ireland."

Yet, in spite of the tremendous Irish contribution to the winning and subsequent defense of American Liberty, the United States had no warm and ready welcome for the Famine emigrants.

While an improvement over the oppression of English-occupied Ireland, New York, as found by the victims of the Great Hunger of the 1840's and '50's, bore little resemblance to the dream of Tir na nOg across the Western Ocean. The poverty, disease, discrimination and exploitation which greeted the mid-nineteenth century Irish Catholic immigrant is described with devastating accuracy in Thomas Gallagher's Paddy's Lament.

Even so, America was a free country, that is to say that, under the Constitution of the United States, Irish immigrants were able to improve their lot through their own efforts, in spite of non-acceptance by a "nativist" ascendancy class.

In 1851, the 69th Regiment, New York State Militia, was formed from eight existing "Irish" companies of volunteer militia. One of these companies, "A" Company (which numbers among its alumni Westchester County Executive Andrew P. O'Rourke), had existed since 1775, and fought in the American Revolution and in the war of 1812. While two more came from the former "Irish" 9th Regiment, most of the companies had been formed independently by the Irish Republican Union subsequent to the 1848 Rising in Ireland and were intended as a means of training Irish exiles for the future liberation of Ireland. (The late Very Reverend Patrick D. O'Flaherty, former Regimental Historian of the 69th New York, documented this early involvement in the Cause of Irish Freedom.) In 1857, a group of thirteen Irish exiles met in New York to set in motion the events which would lead to the founding of the Irish Republican Brotherhood in Ireland on Saint Patrick's Day 1858, and of its American counterpart the Fenian Brotherhood (and ultimately to the 1916 Easter Rising). Among those Irish revolutionaries were officers of the 69th, including its former Colonel, the Fenian organizer Michael Doheny of Tipperary, and Michael Corcoran, who as future Colonel of the 69th would lead the Regiment into its first action in the American Civil War and later form and lead Corcoran's Irish Legion in that terrible conflict.

That a man can love his wife and his mother is no mystery, nor is this any conflict of interest. While the filial piety which leads the Irish exile to revere and to seek to aid his motherland is understandable, so should it be natural to develop devotion to the well-being of the new, adopted home which has given him refuge, freedom and opportunity. As Lawrence Kohl points out in Irish Green & Union Blue, the American Civil War held a special meaning for the exiled sons and daughters of Erin; for them a Union victory not only would preserve the great asylum of Ireland's oppressed, it would indirectly strike a blow at Ireland's oppressor, England, which sought to aid and abet the partitioning of the great American republic.

Before Peace with Justice and Honor could be achieved for Ireland, it was necessary to restore Peace with Justice and Honor to the United States. Throughout the North, Irish America entered into the war to preserve the Union, adopting Lincoln's cause as their own. In the 1990 New York Saint Patrick's Day Parade their sacrifice is commemorated by the place of honor for the Tipperary banner, bearing the image of the Rock of Cashel, home of Michael Doheny, and by the Irish Brigade Honor Guard.

"Riabh nar druid o spairn lann" They did not shirk from the clash of arms (motto from the flags of the Irish Brigade).

There were a multitude of "Irish" regiments fighting in that terrible Civil War. Best known were the 69th, the Irish Brigade and the Irish Legion. The Irish sacrifice in the cause of the preservation of the Union is perhaps best exemplified by Meagher's Irish Brigade (69th, 88th and 63rd New York Volunteer Infantry Regiments, the 28th Massachusetts and the 116th Pennsylvania) which sustained losses during the war which were cumulatively greater by far than the full strength of the Brigade. Of over 1,200 of the Irish Brigade who made the famous assault upon Marye's Heights at the Battle of Fredericksburg on December 13, 1862, only some 280 were present and fit for duty at muster on the 15th!

The end of the American Civil War saw the disbanding of the Irish volunteer regiments, many of their members continuing their military service in the Fenian Brotherhood in Ireland, in Britain and in America as so vividly and insightfully described by Peter Beresford Ellis on The Rising of the Moon. (Among the original Irish Fenians was Tom Clarke, who would later be the first signatory of the Proclamation of the Irish Republic in Dublin, Easter 1916. The continuity of Irish-American involvement is recorded in a variety of sources including: Charles Callan Tansill, America and the Fight for Irish Freedom, 1866-1922; Dorothy MacArdle, The Irish Republic; J. Boyer Bell, The Secret Army, the I.R.A. . . .)

The 69th New York State Militia, the 69th New York Volunteer Infantry and the 69th of Corcoran's Irish Legion were all consolidated into the 69th Regiment of New York after the Civil War. With very few exceptions, the regiment which Robert E. Lee dubbed the "Fighting 69th" has been the military escort leading the New York Saint Patrick's Day Parade since 1852 (prior to that date the parade was usually led by the Irish militia company which is now "A" Company of the 69th.) Major General Lawrence P. Flynn, Adjutant General of the State of New York, who marched with the 69th on Saint Patrick's Day, is the great-grandson of Pierce J. Butler who fought in the Civil War as an officer of the 69th of Corcoran's Irish Legion and later as a Lieutenant Colonel with the Fenian Brotherhood. (Pierce Butler was one of four Butler brothers who fought to re-unify this country. His brother, Captain Edward K. Butler fought with the 69th New York State Militia and later with the 69th of Corcoran's Irish Legion. Edward K. Butler was killed at the head of his company at Cold Harbor on the 3rd of June 1864.)

The Irish traditions of the 69th Regiment are preserved by its Veterans Corps, commanded by First Sergeant Bernard B. Kelly, and in the spirit of "Wild Bill" Donovan, Father Duffy and Joyce Kilmer and of the men who fought on Makin Island, by its Colonel, Robert J. Hutter. The "Fighting 69th" not only will lead the 229th New York Saint Patrick's Day Parade on Fifth Avenue on March 17th, they will also join John Cardinal O'Connor and the New York Saint Patrick's Day Parade Committee in leading our prayer for Peace with Justice and Honor for all Ireland.

As the 1980's saw the demise of the "Berlin Wall" and the apparent rebirth of freedom in Poland and other eastern European lands, let not the 1990's pass away without Ireland being once again United, Gaelic and Free. One nation, under God, indivisible with Liberty and Justice for all—please God, let there be Peace with Justice and Honor.

(Note: The Chairman wishes to acknowledge research assistance from 69th Regiment Historian Lieutenant Colonel Kenneth Powers, 69th Veterans Corps Commander Barney Kelly and Hibernian historians John Ridge and Liam Murphy.)

THE ROSTENKOWSKI PLAN

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. LAFALCE. Mr. Speaker, the deficit, like the weather, has been something everyone has talked about but few have been willing or able to do anything about.

For too long now, we have found ourselves paralyzed by political timidity. Not only unable to act, we have found ourselves unable to even speak out.

For too long now, we have pretended that defense cuts alone could cut the deficit or that we could balance the budget without more taxes, or that—in time—we could simply grow our way out of the problem.

And when the simple solutions did not work, we tried a mechanical solution. We tried Gramm-Rudman. And when that did not work, we tried Gramm-Rudman II. Well, all of the mechanical solutions have not worked and will not work. The deficit has not gone away and the problem remains.

In this matter, there is, quite simply, no substitute for political courage. There is no substitute for telling it like it is. And that, Mr. Speaker, is what the gentleman from Illinois did this past Sunday when he outlined a genuine and credible plan for deficit reduction. His plan is fair. His plan is honest. And his plan is about as good as we are going to get.

MEDICARE COVERAGE FOR PREVENTIVE SERVICES

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Ms. SNOWE. Mr. Speaker, I am proud to join as a cosponsor of H.R. 4269, legislation which would provide Medicare coverage of preventive services on a trial, demonstration basis. This important measure would not only improve the elderly's quality of life, but would also help to restrain the dramatically escalating cost of the Medicare Program.

Over 80 percent of individuals who are age 65 or older have one or more chronic health conditions. As a consequence, they have increased levels of disability and are at high risk for acquiring a fatal illness.

Not only do these chronic conditions have costs in terms of human suffering, but they have monetary costs as well. Although individuals age 65 and over represent 12 percent of the population, they account for more than one-third of the Nation's total health care expenses. At present, the cost of the Medicare Program alone is about $100 billion per year. And these expenditures will increase even further as the population continues to age.

Yet, through the use of preventive services, our elderly's quality of life can be improved and the skyrocketing cost of health care can be restrained. With this concern in mind, I am pleased to join as an original cosponsor of H.R. 4269. This important demonstration project would include preventive health measures under Medicare on a trial basis, and would permanently extend coverage to those services which are determined to be effective.

This legislation would include such important preventive services as: Colon cancer screening examinations, annual physical examinations—including serum cholesterol, blood pressure and vision/hearing tests—and mental health tests. In addition, the Secretary of the Department of Health and Human Services would have the authority to include in the demonstration other preventive services and procedures. This would provide the opportunity to extend coverage to two other extremely critical preventive measures—bone mass measurement technology and mammograms.

Presently 24 million Americans are afflicted with osteoporosis, a disorder which is characterized by the loss of bone mass. Osteoporosis is responsible for more than 1.3 million bone fractures per year, including more than 250,000 hip fractures. Not only do hip fractures increase the rate of mortality, but they also lead to institutionalization. The cost to the Nation for hip fractures resulting from osteoporosis is over $10 billion per year.

Because osteoporosis does not have any symptoms, individuals may not know they are losing bone mass until they fracture. As such, the use of bone measurement technology for individuals who are at high risk of developing osteopporosis is important for controlling health care costs and for reducing human suffering. Most of individuals who are at risk are older women, thus most of the savings from these procedures would go to the Medicare Program.

Mammography is also an essential preventive service that should be covered under Medicare. Each year, 43,000 American women die from breast cancer. Although mammograms are considered the most effective method for detecting this disease, only 17 percent of women age 50 or older have had a mammogram in the last year. Extending Medicare coverage to include this important screening procedure would not only save the lives of thousands of women each year, but would also help reduce the cost to the program by detecting the disease when it is in its early stages.

Preventive health care plays a vital role in reducing disability, morbidity, and mortality. Such services and procedures also have important financial benefits, as they reduce the likelihood of developing diseases, and detect and treat diseases in their early stages.

Given the aging of the population, it is becoming even more imperative that we look toward preventive services as a means of controlling the escalating cost of health care, and improving the quality of life. H.R. 4269, provides an important step in reaching this goal.

THE TELEVISION DECODER CIRCUITRY ACT OF 1990

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 14, 1990

Mr. MARKEY. Mr. Speaker, today I join with my colleagues Mr. OWENS, Mr. GUNDERSON, Mr. BONIOR, Mr. BERMAN, Mrs. LLOYD, Mr. SLATTERY, Mr. SYNAR, Mr. WYDEN, Mr. BILIRAKIS, Mr. CHANDLER, Mr. MADIGAN, and Mr. OXLEY in introducing the Television Decoder Circuitry Act of 1990. Throughout the 1990's and into the next century, the central and essential role television plays in our lives is certain to grow. Americans currently watch 7 to 8 hours of television daily, and rely on the television as their primary source of news, information, and entertainment programming. Technological developments, including high definition television, fiber optics, and high power satellites, further will increase utilization of television in American homes and businesses. As we enter this information age, we must take steps to ensure the full participation of all Americans.

The legislation we are introducing today will help to ensure that the benefits of the video revolution are extended to those who previously have been denied access. In particular, I refer to deaf and hearing-impaired individuals. Although the advent of closed captioned programming has made television meaningful for deaf and hearing-impaired people, access to this technology historically has been restricted by the limited number of set-top decoders in use. The National Captioning Institute estimates the installed base of decoders at 300,000 units, which represents only a small fraction of the 24 million-person deaf and hearing-impaired population.

The limited penetration of decoders into American homes is threatening the long-term viability of the captioning industry. In order to enhance commercial incentives for private funding of captioning services, the audience for captioned programs must be enlarged. This legislation, which would require all new television sets with screens 13 inches or larger to have built-in decoder circuitry to display closed captions, would accomplish this goal and thereby ensure the preservation of the captioning industry.

The deaf and hearing-impaired population is only one of a number of groups that will benefit from this legislation. The potential audience for captioning also includes individuals seeking to acquire or improve literacy skills, including 27 million functionally illiterate adults, 3 to 4 million immigrants learning English as a second language, and 18 million children in grades kindergarten through three, learning to read. A large portion of this audience presently fails to benefit from captioned television because of the cost of purchasing a set-top decoder and the perceived stigma attached to its purchase. These problems also are acute particuarly for the estimated 40 percent of America's elderly with moderate or severe hearing loss.

I commend the Caption Center and the National Capitoning Institute for their work in making television accessible to deaf and hearing-impaired viewers. For a small cost—estimated at no more than $15 per television set at the retail level—we can expand the audience for their work, strengthen commercial incentives for the provision of captioning, and enable closed captioning to become a self-sustaining industry. I urge my colleagues to support this legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 15, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 20

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for military health programs.

SD-192

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-138

10:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service, Department of the Interior, and the Smithsonian Institution.

S-128, Capitol

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Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Information Agency.
S-146, Capitol

Environment and Public Works
Water Resources, Transportation, and Infrastructure Subcommittee
To hold oversight hearings on the Public Buildings Program of the General Services Administration.
SD-406

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Secretary of the Treasury, and Departmental Offices.
SD-192

Energy and Natural Resources
To hold hearings on S. 2088, to extend authority for titles I and II of the Energy Policy Conservation Act (P.L. 94-163), to expand the strategic petroleum reserve (SPR) to 1 billion barrels, and to provide for predrawdown diversion authority for SPR oil.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
SD-116

MARCH 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the Federal Communication Commission's syndicated exclusivity rules.
SR-253

Governmental Affairs
To hold hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

Small Business
To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

Judiciary
Constitution Subcommittee
To hold hearings S.J. Res. 232 and S.J. Res. 233, measures proposing an amendment to the U.S. Constitution with respect to the impeachment of Article III judges.
SD-226

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.
SD-138

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1898, to provide Federal government guarantees of investments of state and local government pension funds in high-speed intercity rail facilities.
SR-253

Finance
To hold hearings on proposed legislation to examine the effects of short-term trading on long-term investments, including S. 1654, to impose an excise tax on the gain of the sale of pension investment assets held for a short term.
SD-215

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Governmental Affairs
To continue hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the World Bank and the debt crisis.
SD-106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116

Finance
To resume hearings on proposed legislation for deficit reduction and spending initiatives contained in the President's fiscal year 1991 budget.
SD-215

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

MARCH 23

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

Small Business
To hold hearings on small business opportunities with the Soviet Union and eastern Europe.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

MARCH 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the outlook for the world oil market in the 1990's and its implications for U.S.

energy, economic, and security interests, focusing on future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.
SD-366

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
SD-192

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

11:15 a.m.
Environment and Public Works
To hold hearings on the nominations of L. Joyce Hampers, of Massachusetts, to be an Assistant Secretary of Commerce for Economic Development, and Brigadier Gen. Arthur E. Williams, to be a Member and President of the Mississippi River Commission.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

MARCH 28

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2227, to revise the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104) governing exported pesticides.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold oversight hearings on the regulation of lawn chemicals.
SH-216

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public lands measures, including S. 456, H.R. 1109, S. 465, H.R. 1159, S. 1756, S. 1864, H.R. 76, S. 2059, S. 2208, and S. 1770.
SD-366

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

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9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, and the Office of Surface Mining, both of the Department of the Interior.
S-128, Capitol

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

APRIL 5

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the De-

partment of Defense, focusing on space programs.

S-407, Capitol

11:00 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.

SD-138

MAY 22

9:00 a.m.

Appropriations Defense Subcommittee

To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.

S-407, Capitol

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.

SD-138

MAY 24

9:00 a.m.

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.

SD-192

JUNE 5

9:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.

SD-138

JUNE 12

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.

SD-138

JUNE 19

9:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.

Room to be announced

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.

Room to be announced

CANCELLATIONS

MARCH 23

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.

SR-253

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HOUSE OF REPRESENTATIVES—*Thursday, March 15, 1990*

The House met at 11 a.m.

The Reverend Laszlo Tokes, Hungarian Reformed Church, Timisoara, Romania, offered the following prayer:

Our Father who art in Heaven.

We return thanks to You for Your providence which has preserved us in our lives and makes it possible for us to be newly together and do our work.

We realize that Your ways are not our ways and Your thoughts are other than ours. We therefore turn to You and look for Your guidance in the problems we face.

Please, enlighten us to find Your ways in the darkness. Make us able to "prepare the way of the Lord in the wilderness and make straight in the desert a highway for You."

We thirst for righteousness—please, give us a hearing when we appeal for justice, equality and freedom.

We long after love and peace—please change our minds and feelings, make us capable to "not love in word or speech but in deed and in truth."

Oh God who are the Lord of mankind and history. We pray for the whole world, and all the peoples of the world, mostly for those who are oppressed or separated from one another by hostilities. Please, break down the dividing wall of enmity amongst the peoples, and reconcile them and bring them near in the blood of Christ.

Give us wisdom and understanding that according to the Gospel of Christ we might do our best, do our work for the welfare of mankind and for Your glory.

Bless our lives. Bless our faith and deeds. Bless our countries and people. Give us freedom and peace. "For thine is the kingdom and the power and the glory, for ever." Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BROWN of Colorado. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BROWN of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 292, nays 98, answered "present" 1, not voting 40, as follows:

[Roll No. 25]

YEAS—292

Ackerman
Akaka
Alexander
Anderson
Annunzio
Anthony
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Bruce
Bryant
Buechner
Bustamante
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Clinger
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Conyers
Cooper
Costello
Cox
Coyne
Darden
Davis
de la Garza
DeFazio
Derrick
Dicks
Dingell
Donnelly
Dorgan (ND)
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Green
Gunderson
Hall (OH)
Hall (TX)
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Richardson
Rinaldo
Robinson
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schneider
Schulze
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wyden
Wylie
Yatron
Young (FL)

NAYS—98

Armey
Baker
Ballenger
Bentley
Bilirakis
Bliley
Brown (CO)
Bunning
Burton
Chandler
Clay
Coble
Coughlin
Courter
Craig
Crane
Dannemeyer
DeWine
Dickinson
Douglas
Dreier
Frenzel
Gallegly
Gekas
Gingrich
Goodling
Goss
Grandy
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Morella
Parris
Pashayan
Paxon
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stearns
Sundquist
Swift
Tauke
Thomas (CA)
Thomas (WY)
Upton
Walker
Weber
Wolf

ANSWERED "PRESENT"—1

Hamilton

NOT VOTING—40

Andrews
Applegate
Barton
Borski
Byron
Collins
Crockett
DeLay
Dellums
Dixon
Dornan (CA)
Downey
Fields
Flippo
Ford (TN)
Gallo
Gillmor
Gray
Guarini
Hammerschmidt
Hayes (LA)
Lukens, Donald
Martinez
McCrery
Moody
Nelson
Oakar
Owens (UT)
Rangel
Ritter
Saxton
Schumer
Solarz
Stump
Vucanovich
Whittaker
Williams
Wolpe
Yates
Young (AK)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

□ 1129

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1130

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MFUME). The gentleman from California [Mr. LEVINE] will please come forward and lead the House in the Pledge of Allegiance.

Mr. LEVINE of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO REVEREND LASZLO TOKES

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, in recent months we have heard some new names in this Chamber, Lech Walesa, Yaclav Havel, and today, the Reverend Laszlo Tokes, who started the revolution that put away forever the dictatorial regime of Nicolae Ceausescu.

It gives me a great deal of pride and pleasure to turn this microphone to the gentleman from Massachusetts [Mr. ATKINS], who brought Reverend Tokes to us.

TRIBUTE TO REVEREND LASZLO TOKES

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, we have just heard the prayer offered for this body by a very remarkable man—Rev. Laszlo Tokes, a Hungarian reformed pastor from Timisoara, Romania, who has become known across the world as the "father of the Romanian revolution." We are honored to have him with us here today—in this, the first visit he has been allowed to make to the United States.

Laszlo Tokes reminds us that he is first a pastor. And so it was, that from his church in Timisoara and its pulpit, in the ethnically Hungarian Transylvania region of Romania, he spent years denouncing the policies of Nicolae Ceausescu and the persecution of the Hungarian minority within Romania. In the mid-1980's when Ceausescu embarked on his program of systematization—which would have destroyed more than 8,000 villages—Reverend Tokes spoke out against the regime and was then removed from his church for 2 years as punishment. When the government closed all Hungarian schools, Reverend Tokes defended the heritage of his parishoners, decried the suppression of centuries of rich Hungarian culture, and spoke out for both individual and collective rights across Romania.

As a lone, courageous voice, Reverend Tokes rapidly became a symbol of resistance to Ceausescu's policies. Last year, Ceausescu decided that Tokes could not continue his defiance. Reverend Tokes and his family were threatened, beaten, and he was stabbed. And then, in December, securitate thugs came to take him with orders to force him to confess his crimes against the state or to silence him—but something remarkable happened. The members of his parish linked arms and formed a human chain around his home and would not allow him to be taken away. The ethnic Hungarians who first protected him were then joined by thousands more—ethnic Romanians, Germans, Slovaks, Jews—and together they stood unarmed against the odds.

This profound act of civil disobedience united a people long divided and long oppressed. The courage of this man and the people who stood up for him ignited the spark that became the Romanian revolution.

Since that time, Reverend Tokes has worked tirelessly to secure the fruits of that victory—to bring true democracy to Romania and reconciliation to a broken community. His dream, a unified Romania where the rights of all citizens are safeguarded, is a dream we all share. His courage and steadfastness in the face of seemingly insurmountable odds are an inspiration to us all.

Laszlo Tokes, hero and healer, we are honored by your presence.

REPORT ON RESOLUTION PROVIDING AMOUNTS FROM CONTINGENT FUND FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES IN SECOND SESSION OF THE 101ST CONGRESS

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 101-419) on the resolution (H. Res. 346) providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the second session of the 101st Congress, which was referred to the House Calendar and ordered to be printed.

THE WORLD COULD SEE BOBBY FISCHER PLAY CHESS WITH HIS PATENTED CHESS CLOCK

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, I rise to congratulate the world chess champion, Bobby Fischer, for receiving a U.S. patent on a highly innovative chess clock, "Bobby Fisher's Anti-Time-Pressure Digital Chess Clock." Bobby discovered a fundamental principle in timing chess games, which makes his new clock the most important advancement in the game of chess since the invention of the basic chess clock itself well over a century ago.

Mr. Speaker, the world has not seen Bobby Fischer play a chess match since 1972. Would it not be a splendid development if Bobby should receive a worthwhile offer to play a chess match using his newly invented chess clock, and perhaps if worthwhile enough even to defend his title? The match will be avidly followed by the entire world, and Mr. Fischer's undoubted victory in it will bring enormous prestige to the United States.

Bobby's new chess clock can revolutionize tournament and match chess by equitably eliminating the current practice of adjourning games. Eliminating adjourned games will be a boon for chessplayers, organizers, sponsors, media, spectators, and fans alike. His clock automatically requires chess players to utilize their time more efficiently, and so they will on average use less time than with a standard chess clock without lowering the quality of play. Thus his clock will make it easier to determine who the truly superior players are.

Bobby's clock will restore the purity and discipline of the game, because chess is meant to be played between two individuals, not more. Finishing each game in one sitting without adjournment will deprive all players of the advantage of analyzing the games during adjournment. Here the Soviet Union is certainly the leading example. The Soviet Union directly subsidizes chess and even makes chess an instrument of its foreign policy. Far exceeding any other country, the Soviet government puts their players at a great advantage over their competitors from other nations. For every major chess tournament and match, the Soviet Union amply provides teams of chess assistants, libraries or endgame books, and technologies of the latest computers, all of which benefit their players with reassurance, guidance, and advice during adjournment. On these benefits the Soviet chessplayers have become heavily and oftentimes decisively dependent. It is interesting to speculate, to say the least, what particular hardship Bobby's clock will exert on Soviet chessplayers since it will bring an end to adjourning and analyzing chess games before finishing them. The new credo will be: "One game, two players, no help."

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Bobby's clock can also virtually eliminate two other age-old banes of chessplayers, often straining nerves and inducing blunders: severe time pressure, and time scrambles. Furthermore, Bobby's clock can also greatly improve the quality and character of speed chess, which is becoming more popular everywhere. For example, Bobby's new clock will make a thing of the past of the degrading spectacle of masters and even grandmasters playing out hopelessly lost endgames a rook or a queen down, trying to win on time, as is now commonplace in 5-minute chess played on the standard chess clock.

American participation in chess, both professional and amateur, is important to international culture. Chess is one of the most universal activities in the world. With his new chess clock, Bobby has made yet another lasting contribution to "The Game of Kings."

Mr. Speaker, in this regard, it is indeed now more important than ever that the world again see Bobby Fischer play chess.

CRITICISM OF ADMINISTRATION'S HANDLING OF THE MIDEAST PEACE PROCESS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, by his regrettable remark on East Jerusalem, and his insensitivity to the one issue that touches the heart and soul of Israel and the Jewish people, President Bush has derailed the Mideast peace process.

Today's Washington Post front page headline says it well: "Bush's Remark Undercuts Peace Plan." The article says: "President Bush's recent comment * * * has led Israeli and American officials to question how a promising United States diplomatic effort to start peace talks * * * came to be undermined by the President's own words."

Israeli leaders as diverse as Teddy Kollek, Shimon Peres, Yitzhak Shamir, and Simcha Dinitz have criticized the President.

And it is painfully clear, especially to all of us who have strongly supported the administration's efforts to achieve Mideast peace, that we may have lost a golden opportunity to move the process forward.

Such administration bungling comes on the heels of other statements supporting shaving aid to Israel, questioning needed loan guarantees for housing for Soviet Jews, and whitewashing PLO terror.

Mr. Speaker, the Republican platform and candidate Bush said one thing on Israel. President Bush says another.

Opportunities for breakthroughs are rare in this region. An opportunity was lost, and the White House has no one but itself to blame.

CONGRESS GOES TO HEXAGON

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, a week from this Wednesday, on March 21, the Congress will be going to Hexagon. Naturally, given what we do around here and what we do not do, there are a lot of places people may suggest where we should go, but Hexagon is a place all of my colleagues will enjoy and perform a good deed as well.

Hexagon, Inc., was founded 35 years ago, and for the past 34 years has produced an all-original comedy musical and satirical revue, and the proceeds do go to an area charity. This year the proceeds will go the Columbia Lighthouse for the Blind.

So, my colleagues, I dare say actors all at least to some degree, mark March 21 on your calendar and you can see the likes of "handsome" Dick Gephardt, Dan "Geraldo" Glickman, Ben "of TV fame" Jones, Connie "song and dance" Morella, and Stan "we got troubles right here in River City" Parris, and many others.

Despite my remarks, this is indeed a most worthwhile and enjoyable event. Congress goes to Hexagon, March 21, Mark it down.

DEMOCRATS DEMONSTRATE LEADERSHIP AND COURAGE

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, much has been said this past week about the Democrats—we lack vision, we have an inferiority complex, we're either too bold or we're not bold enough.

But whether you agree with the specifics of their ideas or the politics of the policies they offer, two Democratic leaders in 1 week demonstrated more leadership and courage than our President has in over a year in office.

Our majority leader, Dick Gephardt, has merely exposed the vacuum in our policy toward the East bloc. What has been so apparent to us in Congress, is the tepid and timid approaches with which George Bush approaches foreign policy. It took Dick Gephardt to point the finger and say what we've all been thinking: We have a President who is not leading this Nation.

When he is presented with a tough, bold proposal to deal squarely with the greatest fiscal crisis facing this Nation, the deficit, he says, "I'm only one player." That doesn't sound like the man the people put in the bully pulpit, a man who has one vote equal to two-thirds of Congress.

Dan Rostenkowski has essentially put all the budget cards on the table. We are still waiting for the President to pick up his hand. We may not like what we've been dealt, but a Democratic leader has offered an innovative, comprehensive, solution to a crisis that this administration refuses to deal with.

The Democratic Party cannot be accused of failing to lead. The same cannot be said about our President and his administration. If you need more evidence, just look at the transportation initiative—an exercise in buck passing if ever we've seen one.

☐ 1140

CAMPAIGN FINANCE REFORM

(Mr. HANCOCK asked and was given permission to address the House for 1 minute.)

Mr. HANCOCK. Mr. Speaker, if the key to campaign finance reform is to gain a level playing field, then any campaign finance measure must address the in-kind spending by labor unions.

It is believed that only a small portion of the money collected by big labor from workers in forced fees is actually used for collective bargaining. As an example, the Supreme Court in Beck found that only 19 percent of the dues collected was used for collective bargaining purposes.

That leaves a sizable sum to be spent on politics. It is not difficult to see that unions might be reluctant to see the Beck decision enforced. According to the Federal Election Commission, unions gave over $35 million in cash to candidates for Federal office in the 1988–89 election cycle, and a further undisclosed amount to State and local candidates. The Daily Labor Report of November 13, 1984, has stated that union in-kind expenditures on Walter Mondale's behalf amounted to nearly $20 million. The National Journal of March 15, 1986, used FEC data to show that big labor spent an additional $4.5 million contacting their members for * * * Mondale or against President Reagan. * * *

It is estimated that total election year in-kind contributions from unions range from $100 million to $350 million. It is no wonder that there is little incentive for entrenched interests to change this practice or abide by the Beck decision.

PRESIDENT BUSH'S LACK OF LEADERSHIP

(Mr. WISE asked and was given permission to address the House for 1 minute.)

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Mr. WISE. Mr. Speaker, when asked the other day about his reaction to the Rostenkowski deficit reduction plan, President Bush expressed interest, but said, "I am only one player." For those wanting true leadership, this sums up the problem.

In deficit reduction last year, the hoped for Super Bowl summit turned into a sandlot scrimmage because the player President was not willing to go for the touchdown. Tax equity studies show that middle-income persons paying an unfair share of the President's capital gains play keeps them in the penalty box.

When it comes to transportation policy, he just tossed the funding ball back to the States and told them, "You play the game."

Mr. Speaker, if the President only considers himself a player, then he should know this is a sport that does not start unless he plays. When you are President, there is no other player, no substitutes can fill in, no second team to take your place. Whether it is deficit reduction, education, Eastern Europe, or transportation, if the White House is only going to be a player, at least we have to ask it to show up for the game.

FAMILY AND MEDICAL LEAVE ACT: A QUESTION OF VALUES

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, yesterday I dared utter the dreaded "M" word on this floor, that is "M" for "mandates." Today, I want to speak about the "V" word; values.

As a Republican, I am alarmed that my party—which has historically stood so strongly for family values—has failed to do the right thing and support the Family and Medical Leave Act. This is the most important work-family issue of our day.

Let me put a human face on the issue by citing the case of Sue Lauer, a worker in Michigan.

Sue Lauer had missed 5 days of work over a period of months for assorted illnesses when she learned she needed surgery to determine the presence of a malignancy.

After a week's absence to recover, she returned to her job. But complications—and her doctor's advice—forced her to miss work for another week.

When Sue Lauer returned, she was fired for excessive absenteeism. The rest of the story is predictable—her unemployment ran out and she went on welfare.

Because we have no basic job protection for unpaid medical leave—this previously productive, taxpaying woman was forced into joblessness and onto welfare.

So you see, this bill is about values—values which define what our country, among them are family, hard work, and common decency.

TAX INEQUITY

(Mr. LAUGHLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAUGHLIN. Mr. Speaker, although increasing taxes are of major concern to everyone, it is of greater concern to low- and middle-income families who are suffering the injustice of increasing taxes and decreasing take-home pay.

On the average, the median income for a family in America is $31,000 or less, and 3 out of 5 families fall into this category. Taxes increased for people with incomes of $31,000, but the take-home pay after taxes is $689. This meager after-tax pay is not enough to buy a washer and dryer.

Families with incomes of $20,000 saw their after-tax income increase to a whopping $56, which is not enough to buy one week's worth of groceries. In the worst cases, families with incomes of $7,725 saw their paycheck decrease $375 after taxes. One out of every five families fall into this category.

I urge that we work together to find a solution to remedy this tragic inequity so that low- and middle-income families in America can manage to provide for their future and the future of their children.

SENSE OF CONGRESS LIFTING SANCTIONS IMPOSED ON SOUTH AFRICA FOR NAMIBIA

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, today we are announcing a bipartisan effort on the part of myself and the distinquished majority whip, the gentleman from Pennsylvania [Mr. GRAY] to pass a resolution expressing the sense of Congress that as of March 21, 1990, Namibia will no longer be subject to the sanctions imposed on South Africa.

On that day, Mr. Speaker, Namibia will inaugurate its new President, swear in its Parliament, and become an independent nation with its own constitution. In November the people of Namibia chose their government in a way that I believe works very well: the ballot box. The representatives they chose for their constituent assembly then met to work out a constitution that respects certain fundamental rights which we all hold dear.

The Namibian Constitution talks about the rights of life, personal liberty, and personal and private property. It talks about freedom of speech, freedom of movement, freedom of association and assembly. It talks about due process and equal protection before the law.

We all want Namibia to keep the promises made to its citizens in this new constitution and avoid the path of totalitarianism and oppression. I urge my colleagues to join the distinguished majority whip and myself in an effort to act on this measure in a timely manner so that this measure can be transmitted to the Namibian people in time for Independence Day on March 21.

TAX EQUITY

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, we have a question of fundamental fairness to answer, and right now I believe we are coming up with the wrong answer.

The gap between the haves and those just holding on is growing in America, in no small measure due to the tax breaks supported by the previous administration favoring the wealthiest Americans and leaving middle-income America with a higher share of the tax bill.

Working men and women who produce the goods and services that make our economy run are shouldering the load. It is not healthy, nor is it right for us to continue to demand more from the economic middle class and less from the economic upper class in this country.

All of us in this body should support fairness and equity in our tax structure, just as the American people deserve.

WETLANDS CONSERVATION RESERVE ACT

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Madam Speaker, for too many years farmers across America have been draining some of the world's best waterfowl habitat to increase agricultural production. The loss of this precious natural resource has led to the second lowest duck count in the past 50 years. Something must be done to reverse this alarming trend.

Today, I am introducing the Wetlands Conservation Reserve Act. This legislation will allow the Nation's farmers to enter previously converted wetlands, now in agricultural production, into a 10-year contract with the Department of Agriculture, and allow valuable wildlife habitat to be reestablished.

It is time to build on the accomplishments of the Conservation Reserve Program, by allowing farmers with converted wetlands the opportunity to further improve the environment, wildlife habitat, and reduce excess production.

I urge my colleagues to support the Wetlands Conservation Reserve Program.

PRESIDENT BUSH'S STATEMENT ON JERUSALEM

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Madam Speaker, I am one of the Members of the House who has traditionally taken the position that the President of the United States—be he Democrat or Republican—should have wide latitude in the conduct of foreign policy and that 435 Members of the House and 100 Members of the Senate cannot each act as Secretary of State.

However, President Bush has made such a colossal blunder in the Middle East that it cannot be permitted to pass without comment.

The United States was making real progress in convincing the Government of Israel to enter into negotiations with representatives of Palestinians about the future of the West Bank until President Bush interjected the issue of East Jerusalem into the dialog on March 3. By this one single act, he undercut the efforts of his own State Department and threw the Israeli Government into chaos. This was totally unnecessary and left the distinct impression that our President either is a bully or that he doesn't have the foggiest idea of what he's doing.

Madam Speaker, anyone who knows even the basics about the Middle East understands what an emotional issue Jerusalem is. It is the capital of the State of Israel and is a city that has suffered greatly during times of divided control.

I have great respect for the Office of the Presidency but this President has made one of the greatest mistakes in foreign policy I've witnessed during my lifetime.

☐ 1150

MOVE PRESIDENT BUSH'S ANTICRIME PACKAGE NOW

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Madam Chairman, on May 15, 1989, President Bush introduced to the public his anticrime/violent crime control bill. That bill was introduced in the Congress by Bob Mitchell a few days later as H.R. 2709.

That bill does many things. Among others, it restores a constitutionally valid death penalty for such things as kidnaping and murder-for-hire and killing prison guards, it would make it easier to get into trials evidence seized by police officers in arrests, and it would reduce the kind of time delays we have in the constant appeals from convictions that criminals have.

It was referred to the Committee on the Judiciary and Chairman Brooks sent out a letter to all the subcommittee chairmen saying he is not going to refer to them, to any one subcommittee, but please hold hearings and do something with this bill. That was done last fall.

Only one subcommittee has held hearings, and that is on the assault weapons portion of this bill. The time is passing, precious time. We need to have the leadership of this Congress, the chairman of the committee and the chairmen of the subcommittees get together and move President Bush's anticrime package now. It is too important to continue the delays that have gone on. We need to do it in this Congress and we need to do it now.

IT IS TIME WE FIGHT TERRORIST ACTIVITIES FIRE FOR FIRE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, in 1986 President Reagan bombed Mr. Qadhafi because Mr. Qadhafi was involved in a terrorist bombing of a disco in Germany, killing many Americans and other citizens of the world.

Now there are very few people in this Congress who opposed President Reagan more than I on economic issues, but I stood here and I complimented the President because President Reagan did what was right. He said terrorist thugs will not bully us around. We owe President Reagan a debt of gratitude here.

Now yesterday a so-called pharmaceutical plant in Libya was burned to the ground. Qadhafi said it is a pharmaceutical plant. Now the truth of the matter is now some groups are taking blame or credit. But a finger is being pointed at the CIA.

Let me say this today: I do not know what the CIA does and frankly I do not give a damn. I think it is time that we fight terrorist activities fire for fire.

President Reagan set a good standard for Congress, and we should consider that action.

BASEBALL—A JAPANESE IMPORT?

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Madam Speaker, for baseball fans, there is no spring without spring training.

But, in reality, today America's national pastime may not be baseball, but may be labor-management discord.

As has happened so often in sports and other businesses over the past 20 years, the owners and employees cannot agree on a contract.

Americans once produced 70 percent of the world's goods. This has dropped to 30 percent, which should concern us—the less we produce, the less we earn as a country.

Perhaps we should learn from Japan in some labor-management areas. Although labor and management and consumer in Japan have competing goals, they are a team when it counts; and what is best for Japan, the team, is first and foremost.

Let's hope the U.S. owners and players go back to the bargaining table and that we have teamwork here as well.

Or, on opening day, we may have to import baseball from Japan, and, thus the refrain "Tinker to Evers to Chance" will be changed to "Okazaki to Shinozuka to Komada."

SECRETARY DOLE'S CHILD LABOR CONCERNS

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Madam Speaker, last November, I was joined by 47 other Members of Congress and more than 50 business, labor, human rights, health, education and public interest organizations in sponsoring a day-long Capitol Hill Conference on the Exploitation of Children in the Workplace. It is clear that we have gotten Secretary Dole's attention. I was pleased when she first announced her child labor crackdown a few weeks ago.

Reported child labor violations in America have increased 250 percent since 1983—a disturbing leap from 9,000 in 1983 to over 22,500 in 1989. There were more than 128,000 work-related injuries to children reported just in 1987 and 1988.

But, there are fewer than 1,000 Labor Department compliance officers nationwide to enforce the existing child labor laws. These same people must investigate cases involving wage and hour violations for all working Americans.

The child labor provisions of Federal law have not been reviewed and updated since 1938. Yet a package of recommendations from the Child Labor Ad-

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visory Committee sits on the desk of the Secretary of Labor unanswered since 1988.

Congressman CHARLES SCHUMER of New York and I will be introducing a comprehensive child labor bill near the end of April. About the same time, the General Accounting Office will be issuing a study which I commissioned. It will document just how serious and widespread violations of child labor laws are in this country.

I welcome Secretary Dole's readiness to get tough with child labor scofflaws. Some of the executive actions she is pursuing should be helpful. But the situation calls for more than a finger in the dike.

PRESIDENT BUSH IS MISTAKEN IN HIS STATEMENT ON JERUSALEM

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Madam Speaker, I am not one who believes that this Nation can endure 535 Secretaries of State, and I do not propose to be one. But I do have feelings and attitudes and reactions to certain foreign policy initiatives and statements and positions of the Government of the administration.

The current attitude, the statement by the President about settlement in East Jerusalem, is one that I simply cannot fathom. It is really hard to imagine that this Nation could in any way by any act or statement suggest that there could be viability in a partitioning of Jerusalem, particularly in light of the superior track record of the Israeli Government in providing access and accommodation to all of those, Moslem, Christian, and Jew, who regard the area as the holy place it truly is.

Yet by objecting to settlement in East Jerusalem by Soviet Jewish refugees, the possibility of such an idea is aroused. I hope that the President is pursuing a broad objective, the purpose of which we may not know now that will result in peace in this troubled area, but a peace in which the territorial and strategic integrity of Israel will be effectively preserved.

REPLACEMENT WORKERS, ONCE AGAIN, FOIL THE COLLECTIVE BARGAINING PROCESS

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Madam Speaker, 1 year ago, I introduced legislation to prohibit the hiring of permanent replacement workers during the first 10 weeks of a strike.

I was deeply concerned that paperworkers in my home State of Maine were permanently replaced—and that's the same as being fired—just 13 days after a strike began.

Today the management at Greyhound Bus Lines has shattered that mark by hiring replacement drivers before the strike even began.

Congress, in the National Labor Relations Act, said that workers have the right to withhold their services. Workers at Greyhound, International Paper, Eastern Airlines, Continental, Phelps Dodge, and Boise Cascade, believed they had that right.

But that turned out to be a cruel illusion when they lost their jobs and livelihoods for exercising their legal rights.

Today, some companies are blatantly, brazenly, defying the spirit of national labor laws by this cheap tactic of so-called permanent replacement workers.

I urge my colleagues to cosponsor my bill, H.R. 1383, joining nearly 100 other Members of this House, to amend the National Labor Relations Act, so that it clearly, specifically prohibits the hiring of permanent replacement workers within the first 10 weeks of a labor dispute.

□ 1200

OF LEADERSHIP AND COURAGE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Madam Speaker, I am here this morning to commend my Illinois colleague, DAN ROSTENKOWSKI, for proposing a serious, comprehensive plan for ending our deficit problem. It is a plan that calls on virtually every segment of the American economy to contribute to the solution, without smoke and mirrors, without rosy economic projections, and without cooking the books.

It proposes that each side put its priorities on the table—the Republicans, military spending and revenues, the Democrats, social spending and entitlements—and give something of them to solve the problem. Though not my personal preference, Madam Speaker, all of these elements are absolutely necessary to arriving at a political consensus for progress. We will never solve the deficit crisis by insisting on a solution crafted only on the other side's priorities. All of us must contribute something of our own.

While I have some questions, the plan the chairman has proposed shows the kind of leadership and political courage that, until now, has been in extremely short supply on Capitol Hill and in the White House. And ROSTY, for this concept, you can sign me on.

HONORING EDUCATIONAL EXCELLENCE: THE JEFFERSON COUNTY, KY, PUBLIC SCHOOL SYSTEM

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Madam Speaker, I take great pleasure today in recognizing and honoring the educational achievements and excellence of the Jefferson County public school system which administers the public schools located in my congressional district.

Under the leadership of School Superintendent Donald Ingwerson, the Jefferson County Teachers Association, and the Gheens Professional Development Academy, the Jefferson County public schools have implemented educational reforms which have received national attention.

For example, last April two local schools—Fairdale High School and Lassiter Middle School—were featured on the MacNeil-Lehrer News Hour.

Subsequently, the New York Times, CBS News and ABC television have come to Jefferson County to discover something we Louisvillians have known for a long time: Our public schools are among the best in the country.

Madam Speaker, the benefits of high-quality education are many: A more skilled work force; stronger economic development; more employment opportunities; higher standards of living for all; and, enhanced competitueness.

I am proud of the quality of public education in Louisville and Jefferson county and I am proud to say so today on the floor of the U.S. House of Representatives.

H.R. 770, THE FAMILY AND MEDICAL LEAVE ACT

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Madam Speaker, I urge my colleagues to support H.R. 770, the Family and Medical Leave Act.

I am an original cosponsor of this legislation, and I am concerned that the 101st Congress has not yet dealt with this most urgent matter.

This urgency is highlighted by the report, "Who Cares for America's Children?" just issued by the panel on child care policy. This report was requested by, and received support from the U.S. Department of Health and Human Services. Among the recommendations made by this panel was that the Federal Government should mandate unpaid, job-protected leave for employed parents of infants up to 1 year of age. This provision recognizes that quality, affordable child care is not readily available and therefore, it offers the option to parents who prefer to remain at home to care for their baby. Surely, we can pass H.R. 770 which provides only 10 weeks of unpaid leave for parenting.

I urge my colleagues to read the report, "Who Cares for America's Children?" And to give consideration to this important recommendation and to support speedy passage of H.R. 770.

SUPPORT HAITIAN WISDOM

(Mr. OWENS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of New York. Madam Speaker, the ordinary peace-loving, democracy-loving people of Haiti are again celebrating in the streets of Haiti. My district, which has more than 40,000 Haitians, is celebrating cautiously, also.

Again, the people have braved the bullets and the bombs of the military, to depose another military dictator, General Avril, who has fled to South Carolina. For the first time, a civilian has been appointed as president.

After Avril left, the opposition coalition known as the United Assembly picked Ertha Pascal-Trouillot, the only woman of the 12-member Supreme Court, as its choice for provisional president. The Rev. Bertrand Aristide, Roman Catholic priest and staunch critic of the military government, said residents should remain alert to the possibility of army counterattack.

Madam Speaker, I hope the U.S. State Department will support the wisdom of the people of Haiti, support the wisdom of the people which selected a civilian government. It was our State Department that insisted that only the military have the competence to run the government. Now, for the first time we have a civilian government in control. We hope our State Department will support that government, support the wisdom of the people who developed their own constitution, and this government will act in accordance with that constitution.

BE UPFRONT ON SOCIAL SECURITY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Madam Speaker, again today we have heard several Democrats come to the well suggesting that something needs to be done in terms of tax fairness. They have cited statistics to Members that indicate unfairness in the tax system.

The only way that these statistics have even a modicum of accuracy about them is if Members include the Social Security contribution, a contribution that was agreed to bipartisanly in 1983. If, in fact, that is what they are doing, it does say something very important to Members, and they ought to be more upfront with the American people about what they are talking about.

The only way to solve the problem is either take off the cap on the income coming into Social Security, or differentiate between the taxes of Social Security payments at the lower levels. If Members do either of those two things, what we do is take away from Social Security as an insurance program and make it into just another welfare program.

If the Democrats are really proposing to change Social Security into just another welfare program, instead of talking as they have been talking on the floor, they ought to be upfront with the American people. I do not think the American people will stand for taking Social Security and changing it into another welfare program. Yet, that will be the bottom line of what they have been suggesting in their so-called tax fairness speeches.

RURAL DEVELOPMENT ACT—A STEP IN THE RIGHT DIRECTION

(Mr. JOHNSON of South Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of South Dakota. Madam Speaker, our view of rural America is traditionally an idyllic one of beauty, peace, and prosperity. We sing about "country roads," about "the church in the valley by the wildwood," about "amber waves of grain," about "corn that's as high as an elephant's eye."

But sadly, these images are becoming more fantasy than fact. Too often, the realities across rural America are boarded-up stores, inadequate or nonexistent sewers, dangerous bridges, struggling schools, half-empty churches.

The Rural Development Act we are considering today is a far cry from being everything rural America needs. The stark reality of a trillion-dollar national debt imposes constraints we can't ignore.

But this bill is a start. It would put a greater emphasis on the need for rural development by establishing a new Rural Development Administration within the USDA. This would help America's small towns maintain their standard of living and pull in new ventures that would add jobs and opportunities for the young people that have been forced to leave our rural communities.

This bill will also enable the rural electric cooperatives to play a significant role in bringing facilities and opportunities to these communities. These are the people who already live and work in rural America, the people who are familiar with utility operations and, more importantly, the people who care about the quality of life in rural America.

While I have some concerns about portions of the bill that deal with funding of urgent infrastructure needs such as waste and drinking water delivery systems, I believe that any step toward rural development activity is a step in the right direction.

SOVIET UNION DENIES MEMBERS' VISAS

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUECHNER. Madam Speaker, there is a joke in the Soviet Union that goes like this: What is the difference between the United States and the U.S.S.R.? The answer is: If an election were held, Gorbachev would be elected President of the United States.

Members of this body and the one across the hall had been invited to be observers under the Helsinki Commission, to attend the elections to be held next Sunday in Estonia and Latvia. The Soviet Union has denied the visas of the Members of Congress to attend those elections. Part of the reason is with the secession of Lithuania, the fears are within the leadership of the Soviet Union that the other Baltic Republics may soon follow suit. They frankly do not want Members of Congress there to see what is going on, and possibly to encourage it, just by our mere presence.

I would hope that in our rush on this floor, and in our conversations and in the magazines and the newspapers and televisions throughout this Nation, that when we laud Mr. Gorbachev, that we do not for a moment forget that there are still very major upheavals taking place within the Soviet Union, and that the popularity that we heap upon Mr. Gorbachev does not necessarily fall upon him within his own borders. We should watch these developments closely. The fact that Members of this Congress are denied visas to attend supposedly open and free elections is a signal that the Iron Curtain still exists in various forms.

☐ 1210

Mr. HUBBARD. Madam Speaker, tomorrow, Friday, March 16, marks the fifth anniversary to Terry Anderson's capture in Lebanon.

These remarks are given today here in the U.S. House of Representatives because we are not in session tomorrow.

Americans cannot and must not forget Terry Anderson, the 7 other

American hostages or the 10 prisoners from other nations now held hostage in the Middle East, most likely all in Lebanon.

Today, yes every day until they are released, let us remember these 18 hostages and also the 9 hostages who have died in captivity since 1985.

A ceremony of hope will be held at noon tomorrow in Lafayette Park here in Washington.

Peggy Say the energetic, vivacious sister of Terry Anderson, is featured today in the Washington Post and other publications.

Peggy Say and her husband David Say are personal friends and constituents of mine who live near Cadiz, KY, near beautiful Lake Barkley.

Tomorrow, the Cadiz, KY, Baptist Church, where David and Peggy Say are members, will host a special service. Rev. Harold Skaggs, pastor of the church, says the vigil will be in honor of Terry Anderson and the other hostages.

Let us continue to pray that the current encouraging signals out of the Middle East will result in the immediate release of these hostages, hopefully even today or tomorrow.

AMERICANS WITH DISABILITIES ACT MOVES CLOSER TO ENACTMENT

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Madam Speaker, I rise today with great pleasure to inform the House that the Americans With Disabilities Act has taken another giant leap toward floor consideration and enactment. On Tuesday, the full House Energy and Commerce Committee approved the ADA by a vote of 40 to 3. I would like to especially thank the chairman, Congressman JOHN DINGELL, for his leadership on this legislation.

Tuesday's bipartisan vote, and the defeat of several weakening amendments, proves once again that the ADA is responsible and effective legislation which can stand up to the strictest scrutiny. The ADA has now been approved by the full Energy and Commerce Committee, the full Education and Labor Committee, and the Public Works Surface Transportation Subcommittee.

I know that with the continued support of President George Bush and the bipartisan leadership of the House of Representatives, that the ADA will be brought to the floor of this House at the earliest opportunity.

For far too many Americans with disabilities, the course of their life has been dictated and defined not by their talents, dreams, or desires, but by their disability. The ADA, which is now cosponsored by 246 Members of the House, will ensure that 43 million Americans with disabilities truly have an equal opportunity to participate in our Nation. And that, Madam Speaker, will not only benefit Americans with disabilities but will benefit all Americans.

SOLVING THE CONFLICT OVER TIMBER RESOURCES IN THE PACIFIC NORTHWEST

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Madam Speaker, today the House will have the opportunity to enact legislation that would put in place a critical part of a puzzle, a puzzle that, when it is completed, will yield the long-term solution to the conflict over our timber resources in the Pacific Northwest.

Madam Speaker, the Rural Economic Development Act of 1990 will provide our timber dependent communities with assistance they need to strengthen and diversify their economic base, and it will also upgrade their existing forest products manufacturing to get more jobs out of every 1,000 board feet of timber harvested. This modest program of Federal assistance will be funded out of Forest Service revenues, returning investment to the small towns of rural areas where these Federal dollars were generated.

Madam Speaker, I urge my colleagues to support passage of this vital bill so we can begin to construct a creative, long-term, stable solution to this conflict over the future of our public lands in the Pacific Northwest.

AUTHORIZING MEMBER TO SUBMIT ADDITIONAL COSPONSORS OF H.R. 2273

Mr. HOYER. Madam Speaker, I ask unanimous consent that I may be authorized to sign and submit requests to add the names of Members to the list of cosponsors on H.R. 2273.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Maryland?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4139

Mr. WALKER. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 4139.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE 25TH ANNIVERSARY OF THE SELMA TO MONTGOMERY MARCH

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Madam Speaker, 25 years ago today, 1 week after Bloody Sunday, President Lyndon Johnson spoke to a joint session of the Congress and said:

> I speak tonight for the dignity of man and the destiny of democracy. I urge every member of both parties, Americans of all religions and colors, from every section of this country, to join me in that cause.

Madam Speaker, President Johnson continued by saying:

> At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.

Madam Speaker, those were the words of President Johnson, and, as we observe the 25th anniversary of the Selma to Montgomery march, we can take pride in the fruits of nonviolent democratic revolution in the United States. Each week we have witnessed the lessons of nonviolent social change in Eastern Europe, and Central America, even in the Soviet Union.

BUSH DAMAGES PEACE PROCESS IN THE MIDDLE EAST

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Madam Speaker, on many occasions Members of this House have taken to the well to complain that the President's timidity in these times of opportunity have real costs for America.

Madam Speaker, last week the majority leader, the gentleman from Missouri [Mr. GEPHARDT], sounded that alarm again, and I rise today to say that on each of these accounts perhaps we were mistaken, because this week the President made a bold statement about American foreign policy by needlessly and dangerously entering the debate on the status of East Jerusalem.

By a single slip of the tongue the President has destroyed both his own peace plan and caused the collapse of the Israeli governing coalition. Madam Speaker, never have so few words done so much to destroy the work and the hope of so many. Real peace progress in the Middle East has been lost. It was so close, and now it has been set back so far.

Madam Speaker, the President has raised an issue that is not real. There are no great numbers of Soviet Jews flocking to East Jerusalem. The issue did not need to be raised. By doing so he has demeaned both American and Israeli efforts to free Soviet Jews.

George Bush may like surprises, but this is a surprise that America, Israel, and the peace process did not need, and the damage may be irreparable.

STATEHOOD FOR PUERTO RICO?

(Mr. LEHMAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of California. Madam Speaker, President Bush is pushing hard to make Puerto Rico the 51st State. A Senate committee has passed legislation guaranteeing statehood, if Puerto Ricans agree, and the House Insular and International Affairs Subcommittee, led by the gentleman from the Virgin Islands [Mr. DE LUGO], recently completed 3 days of hearings on the island.

Madam Speaker, polls in Puerto Rico show that over 50 percent currently support statehood. A vigorous debate is underway on the island among those who favor statehood, those who prefer commonwealth, and those who desire independence.

The Congress must not drag its feet. We should proceed swiftly through the legislative process to let Puerto Ricans know what our intentions are.

□ 1220

We should not let Puerto Rico's expectations rise to an unrealistic level if we are really not prepared to endorse statehood. We will irreparably damage our interests in Puerto Rico if we do. If we are prepared to let Puerto Rico make a choice through plebiscite, then we should do so quickly to prevent deeper fractures in Puerto Rico's political and social fabric from developing and lingering after the decision is final.

INTRODUCTION OF AMENDMENTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

(Mr. HOYER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HOYER. Madam Speaker, I rise today to introduce along with my distinguished colleagues from the Washington metropolitan region to introduce legislation to amend the compact of the Washington Metropolitan Area Transit commission [WMATC]. This Commission has jurisdiction over privately owned passenger carriers, but has no jurisdiction over publicly owned passenger carriers such as WMATA/Metro, ride-on, cue, or dash.

After 25 years, the original signatory jurisdictions concluded that the WMATC compact needed review and appointed a review Commission, chaired by the Honorable Carlton R. Sickles to perform this function. In December 1987, the review committee recommended a revised and updated version of the compact. During the 1988 legislative sessions, the revised compact was introduced and passed by all signatory jurisdictions (Maryland Chapter 273, 1988; Virginia Chapter 890, 1988; and D.C. Law No. 7-224). As part of the District of Columbia enactment, the revised compact was transmitted to Congress for review, which was completed in 1989.

These amendments, enacted by all signatory jurisdictions, must now be approved by this Congress, since it constitutes changes to an interstate compact. The compact changes:

Specify authority to assess fees and return them to signatories;

Add jurisdiction over certain interstate taxicab trips to and from BWI airport (National and Dulles are already included);

Formalize exemption for WMATA;

Ease market entry standard from "public convenience and necessity" to "consistent with the public interest";

Provide that irregular route certificates shall be coextensive with the metropolitan district (now area-by-area);

Provide specific protection for regular route operations of publicly owned municipal carriers;

Provide that WMATC may order a carrier to cease any operation found inconsistent with the public interest;

Provide for tariffs to become effective in 7 days and to remain in effect at least 60 days (now effective indefinitely on 30 days notice);

Eliminate agency regulation of carrier securities;

Specify that only the entity issued a certificate can operate under it (clarification);

Decriminalize violations and increase fines (as improved enforcement mechanisms); and

Provide for fines to be paid to the signatories.

In brief, Madam Speaker, the proposed revisions would lower barriers to market entry, and reduce rate and accounting oversight, while maintaining a regional approach to transportation and keeping those controls necessary for the security of the public.

I urge speedy review and adoption of this package which will improve transportation in the Washington metropolitan region.

INTRODUCTION OF LEGISLATION TO PROVIDE EQUITY IN WILDERNESS REVIEW PROCESS

(Mr. HANSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HANSEN. Madam Speaker, today I am introducing legislation along with 18 of my colleagues which will assist Western States undergoing wilderness designation review.

The Federal Government, through various agencies, controls substantial amounts for western lands, and through that control, can hold sway over the rural economies of these States. Where a Federal land decision is of minimal impact in smaller Eastern States, such decisions can have a monumental, and often devastating impact in the West.

This legislation seeks to promote fairness and equity in the wilderness review process. It gives States an opportunity to have Congress focus on their individual and unique needs.

I will be the first to tell you Congress needs to address the need to preserve wilderness. But I will also be the first to tell you Congress needs to address the needs of its western constituents as well.

Western States have the same right to self-determination as other States, and should not be burdened by narrow-thinking Federal land policies. I urge all my collegues who believe in States' rights to support this legislation.

RURAL ECONOMIC DEVELOPMENT ACT OF 1989

The SPEAKER pro tempore (Mrs. UNSOELD). Pursuant to House Resolutin 355 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3581.

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IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," with Mr. FROST, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, March 14, 1990, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment, and each title is considered as having been read.

The Clerk will designate section 1.

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that section 1 and title I through title VII of the committee amendment in the nature of a substi-

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tute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The text of section 1 and titles I through VII of the committee amendment in the nature of a substitute is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Economic Development Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

Sec. 101. Rural Development Administration.
Sec. 102. Conforming Amendments.

TITLE II—LOCAL PRIORITIZATION OF PROJECT FUNDING

Sec. 201. Delivery of certain rural development programs.
Sec. 202. State revolving funds for loans to very small business ventures.

TITLE III—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

Sec. 301. REA technical assistance unit.
Sec. 302. Deferment of payment on economic development loans.
Sec. 303. Water and waste lending by banks for cooperatives.
Sec. 304. Amendments to the business and industry loan program.
Sec. 305. Water or waste disposal loans to benefit rural businesses.
Sec. 306. Rural wastewater treatment circuit rider program.
Sec. 307. Increase on limitation of authorization for water and waste grants.

TITLE IV—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOLOGY TRANSFERS

Sec. 401. Rural development information sharing.
Sec. 402. Rural technology grants.

TITLE V—RURAL BUSINESS AND LEADERSHIP TRAINING

Sec. 501. Extension Service Rural Business and Leadership Training Program.

TITLE VI—RURAL ECONOMIC DEVELOPMENT RESEARCH

Sec. 601. Research on nontraditional uses of agricultural commodities.
Sec. 602. Authorization of rural development research competitive grants.
Sec. 603. Demonstration projects.

TITLE VII—RURAL ELECTRIFICATION PROVISIONS

Sec. 701. Short title; amendment of Rural Electrification Act of 1936.
Sec. 702. Findings; statement of policy.

Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936

Sec. 711. General prohibitions.

Subtitle B—Amendments Relating to Title II of the 1936 Act

Sec. 721. Nonduplication of telephone facilities.
Sec. 722. Updated definition of telephone service.
Sec. 723. Loan feasibility.
Sec. 724. Encouragement of investment by telephone borrowers in rural development projects.
Sec. 725. Improvements in telephone program.
Sec. 726. Prompt processing of telephone loans.

Subtitle C—Amendments Relating to Title III of the 1936 Act

Sec. 731. Creation of separate electric and telephone accounts within rural electric and telephone revolving fund.
Sec. 732. Borrowers to determine amortization period for insured telephone loans.
Sec. 733. Tier requirement for insured telephone loans.
Sec. 734. Clarification of telephone loan guarantee authority.

Subtitle D—Amendments Relating to Title IV of the 1936 Act

Sec. 741. Modification of Rural Telephone Bank Board.
Sec. 742. Rural telephone bank capitalization.
Sec. 743. Pro rata purchase of rural telephone bank stock by rural telephone bank borrowers.
Sec. 744. Clarification of authority to set rural telephone bank loan levels.
Sec. 745. Borrowers to determine amortization period for rural telephone bank loans.
Sec. 746. Full use of rural telephone bank loan authority.
Sec. 747. Technical amendments relating to the rural telephone bank provisions of the Omnibus Budget Reconciliation Act of 1987.

Subtitle E—Effective Date

Sec. 751. Effective date.

TITLE VIII—MISCELLANEOUS

Sec. 801. Regulations.
Sec. 802. Loan rates applicable to certain loans under the Consolidated Farm and Rural Development Act.
Sec. 803. Assistance for certain distressed community facility program borrowers.
Sec. 804. Water and waste facility loans and grants to alleviate health risks.
Sec. 805. Preservation of eligibility.
Sec. 806. State programs not affected.
Sec. 807. Technical corrections.

TITLE IX—NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES

Sec. 901. Short title.
Sec. 902. Findings and purpose.
Sec. 903. Definitions.
Sec. 904. Rural forestry and economic diversification action teams.
Sec. 905. Action plan implementation.
Sec. 906. Training and education.
Sec. 907. Loans to economically disadvantaged rural communities.
Sec. 908. Authorization of appropriations and spending authority.

TITLE I—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

SEC. 101. RURAL DEVELOPMENT ADMINISTRATION.

(a) AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) by adding at the end the following:

"SEC. 359. RURAL DEVELOPMENT ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Agriculture the Rural Development Administration, which shall be headed by an Administrator appointed by the Secretary.

"(b) ADMINISTRATION.—Except as provided in subsection (c), or as otherwise provided in this section, the Secretary shall carry out this Act through the Farmers Home Administration.

"(c) EXCEPTIONS.—The Secretary shall carry out section 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of section 303(a)), section 304(b), section 306(a), section 306B, section 310A, section 310B, section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)), section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate through the Rural Development Administration.

"(d) REFERENCES.—Any reference in any law, regulation, or order in effect immediately before the date of the enactment of the Rural Economic Development Act of 1990 to the Farmers Home Administration or to the Administrator of the Farmers Home Administration or of the Farmers Home Administration relating to any function, power, or duty that is, on or after such date, a function, power, or duty of the Rural Development Administration or the Administrator of the Rural Development Administration, shall be deemed to be a reference to the Rural Development Administration or to the Administrator of the Rural Development Administration, as the case may be.

"(e) EFFECT ON PENDING PROCEEDINGS AND PARTIES TO SUCH PROCEEDINGS.—

"(1) NONABATEMENT OF ACTIONS.—This Act does not abate any proceeding commenced—

"(A) by or against any entity any function of which is transferred by this Act; or

"(B) by or against any officer of any entity referred to in subparagraph (A) in the official capacity of such individual as such an officer.

"(2) EFFECT ON PARTIES.—If an officer of the Farmers Home Administration, in the official capacity of such officer, is a party to a proceeding pending on the date of the enactment of this Act, and under this Act the officer or any function of the officer is transferred to the Rural Development Administration, Department of Agriculture, then such action shall be continued with the Secretary or the Administrator, Rural Development Administration, or other appropriate officer of the Department substituted or added as a party.

"(3) TRANSFER OF CERTAIN RIGHTS OF FARMERS HOME ADMINISTRATION TO RURAL DEVELOPMENT ADMINISTRATION.—The rights, interests, obligations, and duties of the Farmers Home Administration arising before the date of the enactment of the Rural Economic Development Act of 1990 from any loan made, insured, or guaranteed, or any grant or contract made, by the Farmers Home Administration in the exercise of its functions shall—

"(A) with respect to any function to be exercised on or after such date by the Farmers Home Administration under subsection (b), continue to be vested in the Farmers Home Administration; and

"(B) with respect to any function to be exercised on or after such date by the Rural Development Administration under subsection (c), be vested in the Rural Development Administration.

"(f) COMPENSATION OF ADMINISTRATOR.—The Administrator of the Rural Development Administration shall be compensated in accordance with subchapter VIII of chapter 53 of title 5, United States Code."; and

(2) in section 309(e) by—

(A) inserting "and the Rural Development Administration, in proportion to such charges collected in connection with the insurance of loans by such agency" after "Farmers Home Administration"; and

(B) striking "expenses." and inserting "expenses for such agency.".

(b) FACILITATION OF TRANSFER OF FUNCTIONS.—(1) Notwithstanding the provisions of section 331 of the Consolidated Farm and Rural Development Act, as soon as practicable, but in no case later than one hundred and eighty days after the date of enactment of this section, the Secretary shall transfer to the Rural Development Administration the powers, duties, and assets of the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, related to the performance of rural development functions, including, but not limited to, the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, that administer sections 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of subsection (a)), 304(b), 306(a), 306B, 310A, 310B, and section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)) of the Consolidated Farm and Rural Development Act, section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate.

(2) INCIDENTAL TRANSFERS.—The Secretary shall make such determinations, and shall transfer such personnel from the Farmers Home Administration, as may be necessary or appropriate with regard to the functions transferred under this section to the Rural Development Administration. The Secretary shall also make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available, or to be made available in connection with the functions transferred by this section, as the Secretary may deem necessary to accomplish the purposes of this section.

(3) EFFECTIVE AND EFFICIENT TRANSFER OF AUTHORITY.—The Administrator of the Farmers Home Administration and the Secretary shall take whatever steps are necessary to assure the effective and efficient transfer of authority as provided for in this section.

SEC. 102. CONFORMING AMENDMENTS.

(a) Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended—

(1) in the first sentence—

(A) by striking "For the purposes of this title and" and inserting "In accordance with section 359, for purposes of this title, and"; and

(B) by inserting before the period ", or may assign and transfer such powers, duties, and assets to the Rural Development Administration as provided by law for that office";

(2) in subsection (d), by striking "under any of its programs" and inserting "or the Rural Development Administration under any of their programs"; and

(3) in subsections (h) and (i), by inserting "Rural Development Administration under this title or by the" before "Farmers Home Administration" each place it appears.

(b) Section 331A of such Act (7 U.S.C. 1981a) is amended by inserting "or by the Rural Development Administration" immediately after "Farmers Home Administration".

(c) Section 335 of such Act (7 U.S.C. 1985) is amended—

(1) in subsection (a), by inserting "or the Rural Development Administration" after "Farmers Home Administration"; and

(2) in subsection (c)(1) by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(d) Section 338(a) of such Act (7 U.S.C. 1988(a)) is amended by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(e) Sections 657, 658, 1006, and 1014 of title 18, United States Code, are each amended by striking "Farmers' Home Administration" and inserting "Farmers Home Administration, the Rural Development Administration".

(f)(1) Section 623(c)(2) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(c)(2)) is amended by inserting ", or the Rural Development Administration" after "Farmers Home Administration".

(2) Section 628 of such Act (42 U.S.C. 9817) is amended—

(A) by amending the heading to read as follows:

"DEPARTMENT OF AGRICULTURE; RURAL DEVELOPMENT ADMINISTRATION PROGRAMS",

(B) by inserting ", or of the Rural Development Administration" after "of the Farmers Home Administration".

TITLE II—LOCAL PRIORITIZATION OF PROJECT FUNDING

SEC. 201. DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Effective on the first day of the fiscal year immediately following the enactment of this Act, the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"SEC. 360. SYSTEM FOR DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—(1) ASSISTANCE IN ELIGIBLE STATES.—Assistance under each designated rural development program shall be provided in eligible States to qualified projects in accordance with this section.

"(2) NO ASSISTANCE IN OTHER STATES.—The Secretary shall not provide assistance under any designated rural development program in any State that is not an eligible State.

"(b) DEFINITIONS.—As used in this section and section 361—

"(1) AREA PLAN.—The term 'area plan' means, with respect to a local or regional area in a State, the long range rural development plan developed for the area. Each area plan shall identify the geographical boundaries of the area and include—

"(A) an overall development plan for the area with goals, including business development and infrastructure development goals, and time lines based on a realistic assessment of the area, including, but not limited to—

"(i) the number and types of businesses in the area that are growing or declining, and a list of the types of businesses that the area could potentially support;

"(ii) the outstanding need for water and waste and other public services or facilities in the area;

"(iii) the realistic possibilities for industrial recruitment in the area;

"(iv) the potential for the development of tourism in the area;

"(v) the potential for the generation of employment in the area through the creation of small businesses and the expansion of existing businesses; and

"(vi) the potential for the production of value-added agricultural products in the area;

"(B) an inventory and assessment of the human resources of the area, including, but not limited to—

"(i) a current list of organizations in the area and their special interests;

"(ii) the current level of participation of area residents in rural development activities and the level of participation required for successful implementation of the plan;

"(iii) the availability of general and specialized job training in the area and the extent to which the needs of the area for such training are not being met;

"(iv) a list of area residents with special skills which could be useful in developing and implementing the plan; and

"(v) an analysis of the human needs of the area, the resources in the area available to meet those needs, and the manner in which the plan, if implemented, would increase the resources available to meet those needs;

"(C) the current degree of intergovernmental cooperation in the area and the degree of such cooperation needed for the successful implementation of the plan;

"(D) the ability and willingness of governments and citizens in the area to become involved in developing and implementing the plan;

"(E) a description of how the governments in the area will apply budget and fiscal control processes to the plan; and

"(F) the extent to which public services and facilities need to be improved to achieve the economic development and quality of life goals of the plan, taking into consideration, at a minimum—

"(i) law enforcement;

"(ii) fire protection;

"(iii) water and solid waste management;

"(iv) education;

"(v) health care;

"(vi) transportation;

"(vii) housing;

"(viii) communications; and

"(ix) the availability of, and capability to generate, electric power.

"(2) DESIGNATED RURAL DEVELOPMENT PROGRAM.—The term 'designated rural development program' means a program carried out under section 304(b), 306(a), or subsection (a) through (f) and (h) of section 310B of this Act, or under section 1323 of the Food Security Act of 1985, for which funds are available at any time during the fiscal year under such section.

"(3) ELIGIBLE STATE.—The term 'eligible State' means a State with respect to which all of the following apply not later than the effective date of this section:

"(A) ESTABLISHED RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The State has established an advisory rural economic development review panel meeting the requirements of section 361.

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"(B) APPOINTED STATE COORDINATOR.—The Governor of the State has appointed an officer or employee of the State government to—

"(i) manage, operate, and carry out the instructions of, the panel described in subparagraph (A); and

"(ii) serve as a liaison between the panel and the Federal and State agencies involved in rural development, including transmitting to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6).

"(C) DESIGNATED AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO PANEL.—The State has designated an agency to provide the panel and the State coordinator with support for the daily operation of the panel described in subparagraph (A).

"(4) QUALIFIED PROJECT.—The term 'qualified project' means any project—

"(A) for which the agency described in paragraph (3)(C) of the State has identified—

"(i) the alternative Federal, State, local, or private sources of assistance, and

"(ii) the related activities in the State; and

"(B) to which the Secretary is required by subsection (c)(4) to provide assistance.

"(5) STATE COORDINATOR.—The term 'State coordinator' means the individual appointed by the Governor of the State to carry out the activities described in paragraph (3)(B).

"(6) STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The term 'State rural economic development review panel' or 'panel' means an advisory panel specified in section 361.

"(c) DUTIES OF THE SECRETARY.—The Secretary shall, with respect to each eligible State—

"(1) review the list, if any, transmitted pursuant to subsection 361(b)(6) by any State coordinator;

"(2) determine whether each project described in an application in the list meets the requirements of the rural development program under which the application seeks assistance;

"(3) remove from the list any application for a project that does not meet the requirements;

"(4) provide assistance, subject to available funds, to the projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (3), giving great weight to the order in which the applications for such projects are ranked by the respective State panel, and, if assistance is provided to any project without providing assistance to all projects ranked higher in priority by the panel than such project, report to the panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate within ten days of determining to fund such lower ranked project on the reasons for not assisting any project ranked higher in priority by the panel;

"(5) within thirty days after the date of the enactment of any Act providing appropriations for any designated rural development program for any fiscal year, notify each State of the amounts to be made available to such State under such program for such fiscal year, and the aggregate for such fiscal year of such amounts under all the designated rural development programs;

"(6) pay per diem or otherwise reimburse each full-time officer or employee of the United States who is a member of a State rural economic development review panel for expenses incurred each day (including travel time) during which the officer or employee is engaged in the actual performance of a duty of the panel; and

"(7) from amounts appropriated for grants under any provision of section 306(a), make grants not to exceed $100,000 annually to each eligible State for the administrative costs associated with the State rural economic development review panel meeting the requirements of section 361.

"(d) OFFICIAL INFORMATION.—The Secretary may appoint as nonvoting members, temporarily and for specific purposes, personnel from any department or agency of the United States, with the consent of the head of such department or agency, with expertise not available among the members of any State rural economic development review panel as may be necessary to enable the panel to perform a duty described in section 361(b).

"(e) ALLOCATION OF APPROPRIATED FUNDS.—(1) LIMITED TRANSFER AUTHORITY.—(A) INITIAL ALLOCATION.—The Secretary shall allocate the sums appropriated for direct loans, loan guarantees, or grants for any designated rural development program made available to the State under such program for any fiscal year to the projects specified in subsection (c)(4) giving great weight to the order in which the applications for such projects are ranked on the list specified in subsection (c)(1).

"(B) TRANSFER OF FUNDS.—If the sums appropriated for direct loans, loan guarantees, or grants for any designated rural development program made available to the State under such program for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in subsection (c)(4), the Secretary may, subject to paragraph (2), notwithstanding any provision of law relating to appropriations for any such program for the fiscal year, transfer to the program from other such programs part or all of the sums appropriated for loans, loan guarantees, or grants, as the case may be, made available to the State for such other programs for such fiscal year.

"(C) LIMIT ON AMOUNT TRANSFERRED.—The amount transferred from a program under this subsection shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on such list the full amount of assistance requested for each such project.

"(2) LIMITATION ON PROGRAMS FOR WHICH MAY TRANSFER.—The Secretary may not transfer funds from one grant program to another pursuant to paragraph (1) if—

"(A) the sum of—

"(i) the amount of funds transferred into a program, plus

"(ii) the amount of funds appropriated for such program receiving such transfer of funds for the fiscal year

exceeds the limit on the statutorily authorized amount of funds that may be appropriated for such program receiving such transfer of funds; or

"(B) such transfer of funds would be made—

"(i) from a grant program for which there is a limit on the statutorily authorized amount that may be appropriated for such program;

"(ii) to a grant program for which there is no limit on the statutorily authorized amount that may be appropriated for such program.

"(3) EQUITABLE REALLOCATION OF UNOBLIGATED FUNDS.—Notwithstanding paragraph (1), the Secretary shall, on July 15 of each year, and from time to time thereafter during the fiscal year as the Secretary determines appropriate, pool from among the States any unobligated funds appropriated for direct loans, loan guarantees, or grants for each designated rural development program and reallocate such funds to the States according to need, as determined by the Secretary.

"(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to any State rural economic development review panel.

"(g) NO LIABILITY OF MEMBERS OF STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANELS.—The members of a State rural economic development review panel shall not be liable to any person with respect to any determination made by the panel.

"(h) ELIGIBILITY FOR WATER AND WASTE FACILITY LOANS.—(1) RURAL ELECTRIFICATION PROGRAM BORROWERS.—Notwithstanding any other provision of law, a borrower under title III of the Rural Electrification Act of 1936 shall be eligible to receive loans and grants under section 306 on an equal basis with any other applicant for such assistance, and the terms and conditions, rules, criteria and other provisions of section 306 shall apply to such a borrower. In the case of applications from such a borrower, the Administrator of the Rural Electrification Administration shall provide technical assistance with respect to such water and waste facilities and loans and grants for such facilities.

"(2) PROHIBITION ON RESTRICTING WATER AND WASTE FACILITY SERVICES TO ELECTRIC CUSTOMERS.—The Secretary shall establish rules and procedures that prohibit borrowers under title III of the Rural Electrification Act of 1936 from conditioning or limiting access to, or the use of, water and waste facility services financed under the Consolidated Farm and Rural Development Act if such conditioning or limiting is based on whether individuals or entities in the area served or proposed to be served by such facility receive, or will accept, electric service from such borrower.

"SEC. 361. STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.

"(a) IN GENERAL.—Each State rural economic development review panel specified in section 360(b)(3)(A) shall meet all of the requirements of this section.

"(b) DUTIES.—The panel shall advise the Secretary on the desirability of funding applications for funding from designated rural development programs, and, in developing such advice, shall have the following duties:

"(1) REVIEW RURAL DEVELOPMENT PLANS OF LOCAL AREAS.—To review each area plan submitted by a local or regional area.

"(2) EVALUATE AREA PLANS AND APPLICATIONS FOR ASSISTANCE.—(A) AREA PLANS.—To evaluate, pursuant to a written policy and criteria, each area plan submitted by a local or regional area and either—

"(i) accept any area plan that is technically and economically adequate, feasible, and likely to succeed in meeting the stated goals of the plan, unless the plan is incompatible with any other area plan for that area that has been accepted by the panel; or

"(ii) return any plan that is technically or economically inadequate, infeasible, unlikely to be successful, or incompatible with any other area plan for that area that has been accepted by the panel, with an explanation of the reasons for the return with suggested alternative proposals.

In evaluating area plans under this subparagraph, the panel shall give great weight to the area plans or other comments submitted by intergovernmental development councils, or similar organizations made up of local elected officials, charged with the responsibility for rural or regional development.

"(B) Applications for assistance.—To evaluate each application for assistance to determine whether the project to be carried out in any area is compatible with the area plan for the area in which the project described in the application is proposed, and either—

"(i) accept any application that the panel determines to be compatible with such area plan; or

"(ii) return to the Rural Development Administration any application that the panel determines to be incompatible with such area plan.

"(3) Review and rank applications for assistance under designated rural development programs from areas with accepted area plans.—To review applications for assistance, that have been accepted pursuant to paragraph (2)(B), for projects to be carried out in any area the area plan for which has been accepted pursuant to paragraph (2)(A), taking into account the sources of assistance and related activities identified pursuant to section 360(b)(4)(A), and to rank such applications, subject to paragraphs (4) and (5), pursuant to a written policy and criteria, in an order that takes into account—

"(A) in the case of business projects described in the application—

"(i) the extent to which a project would—

"(I) stimulate rural development by creating new jobs of a permanent nature or retaining existing jobs by enabling new small businesses to be started, or existing businesses to be expanded by local or regional area residents who own and operate the businesses,

"(II) contribute to the enhancement and the diversification of the local or regional area economy,

"(III) generate or retain jobs for local or regional area residents,

"(IV) be carried out by persons with sufficient managerial capability,

"(V) be likely to become financially viable, and

"(VI) assist a local or regional area in overcoming severe economic distress;

"(ii) the distribution of assistance to projects in as many areas as possible in the State, with sensitivity to geographical distribution;

"(iii) the technical aspect of the projects;

"(iv) the market potential and marketing arrangements for the projects; and

"(v) the potential of such project to promote the growth of a rural community by improving the ability of the community to increase the number of persons residing therein and by improving the quality of life of such persons; and

"(B) in the case of infrastructure and community facility projects described in the applications the extent to which a project would—

"(i) have the potential to promote the growth of a rural community by improving the quality of life for local or regional area residents;

"(ii) affect the health and safety of local or regional area residents;

"(iii) affect business productivity and efficiency;

"(iv) enhance commerical business activity;

"(v) have the potential to promote long-term growth, including by increasing the number of persons residing in a rural communty;

"(vi) address a severe loss or lack of water quality or quantity;

"(vii) bring a community into compliance with Federal or State water or waste water standards; and

"(viii) consolidate water and waste systems and utilize management efficiencies in new systems.

"(4) Priority ranking for projects addressing health emergencies.—To give priority in reviewing and ranking, notwithstanding the criteria established in paragraph (3), to applications for projects designed to address a health emergency declared to be such by the appropriate Federal or State government agency.

"(5) Priority based on need.—If in ranking applications pursuant to paragraphs (3) and (4), 2 or more applications are determined to have comparable strengths in their feasibility and potential for growth, to give priority to the applications for projects for which there is the greatest need.

"(6) Transmit list of ranked applications.—To transmit to the State coordinator a list of all applications received and indicate on the list—

"(A) for all applications accepted, the rank of such applications in accordance with paragraphs (3), (4) and (5); and

"(B) for all applications returned, the fact that the application was returned pursuant to paragraph (2) and instruct the State coordinator to transmit the list to the Secretary.

"(7) Availability of list of ranked applications.—To make available to the public the list of ranked applications submitted under paragraph (6) and to provide a brief explanation and justification of why the project applications received their prioritization.

"(8) Establishment and review of written policy and criteria for evaluating and ranking applications.—To establish and annually review the written policy and criteria used by the panel in evaluating and ranking applications in accordance with this subsection to ensure that the policy and criteria are consistent with current rural developmental needs, and to provide for public input during the development of the initial policy and criteria.

"(c) Membership.—(1) Voting Members.—The panel shall be composed of not more than sixteen voting members who are representatives of rural areas—

"(A) One of whom is the Governor of the State or the person designated by the Governor to serve on the panel on behalf of the Governor for that year;

"(B) One of whom is the director of the State agency responsible for economic and community development or the person designated by the director to serve on the panel on behalf of the director for that year;

"(C) One of whom is appointed by a statewide association of banking organizations;

"(D) One of whom is appointed by a statewide association of investor-owned utilities;

"(E) One of whom is appointed by a statewide association of rural telephone cooperatives;

"(F) One of whom is appointed by a statewide association of noncooperative telephone companies;

"(G) One of whom is appointed by a statewide association of rural electric cooperatives;

"(H) One of whom is appointed by a statewide association of health care organizations;

"(I) One of whom is appointed by a statewide association of existing local government-based planning and development organizations;

"(J) One of whom is appointed by the Governor from a statewide rural development organization that is not described in any of subparagraphs (C) through (I), but if no such statewide organization exists, there shall be no appointment made under this subparagraph and, notwithstanding paragraph (1), the panel shall be composed of not more than fifteen voting members who are representatives of rural areas;

"(K) One of whom is appointed by a statewide association of counties;

"(L) One of whom is appointed by a statewide association of towns and townships, or by a statewide association of municipal leagues, as determined by the Governor;

"(M) One of whom is appointed by a statewide association of rural water districts;

"(N) the State director of the Federal small business development center (or, if there is no small business development center in place with respect to the State, the director of the State office of the Small Business Administration);

"(O) the representative for that State of the Economic Development Administration of the Department of Commerce; and

"(P) One of whom is appointed by the Secretary from among the officers and employees of the Federal Government.

"(2) Nonvoting Members.—The panel shall have not more than four nonvoting members who shall serve in an advisory capacity and are representatives of rural areas—

"(A) One of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of business of the colleges and universities in the State;

"(B) One whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of engineering of the colleges and universities in the State;

"(C) One of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of agriculture of the colleges or universities in the State; and

"(D) the director of the State agency responsible for extension services for the State.

"(3) Appointment of Representatives of Statewide Organizations by the Governor in Certain Cases.—(A) If there is no statewide association or organization described in subparagraphs (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor of the State will appoint an individual to fill the position or positions, as the case may be, described in the applicable subparagraph from among nominations submitted by local groups of such entities.

"(B) If there is more than one of the statewide associations or organizations described in subparagraphs (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor shall select which organization shall name a member. The Governor shall rotate such selection among such associations or organizations such that a representative of the selected association or organization shall serve no more than two years before another such association or organization is selected by the Governor.

"(d) Notification.—Each statewide organization that selects an individual to represent the organization on the panel shall

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have notified the Governor of the State of the selection.

"(e) Qualifications of Panel Members Appointed by the Governor.—Each individual appointed to the panel by the Governor of the State will be specially qualified to serve on the panel by virtue of the individual's technical expertise in business and community development.

"(f) Vacancies.—A vacancy on the panel shall be filled in the manner in which the original appointment was made.

"(g) Chairperson and Vice Chairperson.—The panel shall have selected two members of the panel who are not officers or employees of the United States to serve as the chairperson and vice chairperson of the panel for a term of one year.

"(h) No Compensation for Federal Members.—Except as provided in section 360(c)(6), each member of the panel who is an officer or employee of the Federal Government may not receive any compensation or benefits, in addition to that which such officer or employee receives for performance of such officer or employee's regular employment, by reason of service on the panel.

"(i) Rules Governing Panel Meetings.—

"(1) Quorum.—A majority of the members of the panel shall constitute a quorum for the purpose of conducting business of the panel.

"(2) Frequency of meetings.—The panel shall meet not less frequently than quarterly.

"(3) First meeting.—The State coordinator shall schedule the first panel meeting.

"(4) Records of meetings.—The panel shall keep records of the minutes of the meetings, deliberations, and evaluations of the panel, in sufficient detail to enable the panel to provide to interested persons the reasons for its actions.".

(b) Conforming Amendment.—Section 306(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(3)) is amended by striking "and not inconsistent" and all that follows through "undertaken for the area".

SEC. 202. STATE REVOLVING FUNDS FOR LOANS TO VERY SMALL BUSINESS VENTURES.

(a) In General.—On the request of a State rural economic development review panel specified in section 361 of the Consolidated Farm and Rural Development Act, the Secretary may, during one and only one fiscal year, as specified by the panel, make funds available, from the funds available to provide grants to the State in the respective fiscal year for designated rural devlopment programs, to a State agency designated by the Governor of the State for the capitalization of a revolving fund to finance and facilitate startup or expansion of private very small businesses in the State. Such funds, once made available, shall remain available for so long as such funds are used in accordance with this section.

(b) Amount Made Available.—(1) General Formula.—The amount that may be made available under subsection (a) to the revolving fund of a State in a fiscal year shall be an amount equal to—

(A) the aggregate amount available to the State in the fiscal year for designated rural development programs (as defined in section 360(b)(2) of the Consolidated Farm and Rural Development Act); multiplied by

(B) a number determined in accordance with paragraph (2).

(2) Determination of Percentage.—(A) In General.—Subject to subparagraph (B), the State rural economic development review panel referred to in subsection (a) small determine the number described in paragraph (1)(B).

(B) Limitation.—The number determined under subparagraph (A) shall not exceed 0.25 per centum.

(c) Management of Revolving Fund.—The State agency designated by the Governor of the State pursuant to subsection (a) shall manage, operate, and provide for the fiscal integrity of the revolving fund described in subsection (a).

(d) Loans from Revolving Fund.—(1) Determination of Eligibility of Applicant for Loan.—The State agency designated by the Governor of the State pursuant to subsection (a) shall—

(A) determine whether each applicant for a loan from the revolving fund described in subsection (a) is eligible for such a loan;

(B) transmit to the State rural economic development review panel referred to in subsection (a) any recommended application for a loan from the fund that has been submitted by an applicant who is eligible for such a loan; and

(C) make a loan from the fund to an applicant whose application is approved by the State rural economic development review panel referred to in subsection (a).

(2) Review of Application.—The State economic development review panel referred to in paragraph (1) shall—

(A) review each application for a loan from the revolving fund described in subsection (a) that is transmitted to the panel pursuant to this subsection; and

(B) determine whether or not to approve the application taking into account relevant factors, including—

(i) the extent to which the application is consistent with any area plan, as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act, accepted by such panel pursuant to section 361(b)(2) of such Act, for the area in which the project proposed by the application is to be implemented; and

(ii) the criteria set forth in sections 361(b)(3), (4) and (5) of the Consolidated Farm and Rural Development Act.

(e) Use of Fund.—A State that receives funds under subsection (a) shall use such funds to make loans at prevailing interest rates—

(1) to enterprises described in subsection (a), directly or through intermediaries that have established programs for providing financial and technical assistance to local businesses; and

(2) for the capitalization of intrastate revolving loan funds.

(f) Interpretation of Section.—This section shall not be construed to prevent a State that receives funds under this section from commingling in the revolving fund described in subsection (a) amounts from other sources.

(g) Definition.—For the purposes of this section the term "very small business" means any business having fewer than thirty employees.

TITLE III—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

SEC. 301. REA TECHNICAL ASSISTANCE UNIT.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 17. TECHNICAL ASSISTANCE UNIT.

"(a) Establishment.—The Administrator shall establish a technical assistance unit to perform the duties described in subsection (b).

"(b) Duties.—The technical assistance unit established under subsection (a) shall—

"(1) provide advice and guidance to electric and telephone borrowers under this Act concerning the effective and prudent use by such borrowers of the investment authority under section 312 to promote rural development;

"(2) provide technical advice, troubleshooting, and guidance concerning the operation of programs or systems that receive assistance under this Act;

"(3) establish and administer various pilot projects through electric and telephone borrowers that the Administrator determines are useful or necessary, and recommend specific rural development projects for rural areas;

"(4) act as an information clearinghouse (using, to the extent practicable, the resources of the National Agricultural Library) and conduit to provide information to electric and telephone borrowers under this Act concerning useful and effective rural development efforts that such borrowers may wish to apply in their areas of operation and concerning State, regional, or local plans for long-term rural economic development;

"(5) provide information to electric and telephone borrowers under this Act concerning the eligibility of such borrowers to apply for financial assistance, loans, or grants from other Federal agencies and non-Federal sources to enable such borrowers to expand their rural development efforts; and

"(6) promote local partnerships and other coordination between borrowers under this Act and community organizations, States, counties, or other entities, to improve rural development.

"(c) Funding.—Not less than 3 per centum of the salaries and expenses of the Rural Electrification Administration shall be made available during each fiscal year to the technical assistance unit established in this section.".

SEC. 302. DEFERMENT OF PAYMENT ON ECONOMIC DEVELOPMENT LOANS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by—

(1) inserting "(a)" before "The Administrator"; and

(2) adding at the end the following new subsection:

"(b)(1) The Administrator shall permit any borrower to defer the payment of principal and interest on any insured or direct loan made under this Act under circumstances described in this subsection, notwithstanding any limitation contained in subsection (a), except that such deferment shall not be permitted based on the determination of the Administrator of the financial hardship of the borrower.

"(2)(A) In the case of deferments made to enable the borrower to provide financing to local businesses, the deferment shall be repaid in equal installments, without the accrual of interest, over the sixty-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred.

"(B) In the case of deferments made to enable the borrower to provide community development assistance, technical assistance to businesses, or similar community, business, or economic development assistance, the deferment shall be repaid in equal installments, without the accrual of interest, over the one hundred and twenty-month period beginning on the date of the deferment, and the total amount of such pay-

ments shall be equal to the amount of the payment deferred.

"(3)(A) A borrower may defer its debt service payments only in an amount equal to an investment made by such borrower as described in paragraph (2).

"(B) The amount of the deferment shall not exceed 50 per centum of the cost of financing or assistance provided under paragraph (2).

"(C) The total amount of deferments under this subsection during each of the fiscal years 1990 through 1993 shall not exceed 3 per centum of the total payments due during such fiscal year from all borrowers on direct and insured loans made under this Act and shall not exceed 5 per centum of such total payments due in each subsequent fiscal year.

"(D) At the time of a deferment, the borrower shall make a payment to a cushion of credit account established and maintained pursuant to section 313 in an amount equal to the amount of the payment deferred. The balance of such account shall not be reduced by the borrower below the level of the unpaid balance of the payment deferred. Subject to limitations established in annual appropriations Acts, such cushion of credit amounts and any other cushion of credit and advance payments of any borrower shall be included in the interest differential calculation under section 313(b)(2)(A).

"(4) The Administrator shall undertake all reasonable efforts to permit the full amount of deferments authorized by this subsection during each fiscal year.".

SEC. 303. WATER AND WASTE LENDING BY BANKS FOR COOPERATIVES.

(a) AUTHORIZATION.—Section 3.7 of the Farm Credit Act of 1971 (12 U.S.C. 2128) is amended by adding at the end the following:

"(f) The banks for cooperatives are authorized, for the purpose of the installation, expansion, or improvement of water facilities or systems or waste disposal facilities, to make and participate in loans and commitments and to extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating such systems; and

"(2) rural municipalities having populations not in excess of twenty thousand inhabitants, if the proceeds from such loans are used to expand existing water or waste facilities in such municipalities, to enhance the economic development of such municipalities, or to address health-related problems of the inhabitants of such municipalities.".

(b) CONFORMING CHANGE.—Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)) is amended by adding at the end the following:

"(D) Any cooperative or municipality described in section 3.7(f).".

SEC. 304. AMENDMENTS TO THE BUSINESS AND INDUSTRY LOAN PROGRAM.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by—

(1) inserting before the first sentence the following: "The Secretary may also make and insure loans to small and very small rural businesses to assist in the startup and expansion of such businesses that have presented an application for a business project meeting the criteria established under section 361(b)(3)(A) to the applicable State rural economic development review panel defined in section 360(b)(7).";

(2) striking "$25,000,000" and inserting "$5,000,000"; and

(3) adding at the end the following: "The primary purpose of the program established under this subsection shall be to assist small and very small rural businesses, as provided in the first sentence of this subsection. For the purposes of this section, the term 'very small business' means a business having fewer than 30 employees; and the term 'small business' shall not be defined in such a manner as to be inconsistent with the definition of such term established by the Small Business Administration pursuant to section 112(b) of Public Law 94-305 (15 U.S.C. 632).".

SEC. 305. WATER OR WASTE DISPOSAL LOANS TO BENEFIT RURAL BUSINESSES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting "rural businesses," after "farm laborers,".

SEC. 306. RURAL WASTEWATER TREATMENT CIRCUIT RIDER PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national rural wastewater circuit rider grant program that shall be modeled after the existing National Rural Water Association Rural Water Circuit Rider Program that receives funding from the Farmers Home Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 each fiscal year to carry out the program established under subsection (a).

SEC. 307. INCREASE ON LIMITATION OF AUTHORIZATION FOR WATER AND WASTE GRANTS.

Section 306(a)(2) of the Consolidated Farm and Rural Development Act is amended by striking ": Provided, That for fiscal years commencing after September 30, 1981, such grants may not exceed $154,900,000 in any fiscal year".

TITLE IV—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOLOGY TRANSFERS

SEC. 401. RURAL DEVELOPMENT INFORMATION SHARING.

Section 306(a)(12)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(12)(A)) is amended by inserting ", that shall be located in the National Agricultural Library," after "establish a system".

SEC. 402. RURAL TECHNOLOGY GRANTS.

(a) AUTHORIZATION.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking subsection (f) and inserting the following:

"(f)(1) The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling such institutions to establish and operate centers for rural technology or cooperative development.

"(2) Any nonprofit institution seeking a grant under paragraph (1) shall submit to the Secretary an application containing a plan for the establishment and operation by such institution of a center for rural technology or cooperative development. The Secretary may approve such application if such plan contains the following:

"(A) A provision that substantiates that such center will effectively serve rural areas in the United States.

"(B) A provision that the primary objective of such center will be to improve the economic condition of rural areas by promoting the development (through technological innovation or cooperative development and the adaptation of existing technology) and commercialization of—

"(i) new services and products that can be produced or provided in rural areas;

"(ii) new processes that can be utilized in the production of products in rural areas; and

"(iii) new enterprises that can add value to on-farm production through processing or marketing.

"(C) A description of the activities that such center will carry out to accomplish such objective. Such activities may include the following:

"(i) Programs for technology research, investigations, and basic feasibility studies in any field and discipline for the purpose of generating principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons or entities in rural areas served by such centers in the development and commercialization of new products, processes, or services.

"(ii) Programs for the collection, interpretation, and dissemination of existing principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons in rural areas served by the center in the development and commercialization of new products, processes, or services.

"(iii) Programs providing training and instruction for individuals residing in rural areas served by the center with respect to the development (through technological innovation, cooperative development, and adaptation of existing technology) and commercialization of new products, processes, or services.

"(iv) Programs providing loans and grants to individuals, small businesses, and cooperatives in rural areas served by the center for purposes of generating, evaluating, developing, and commercializing new products, processes, or services.

"(v) Programs providing technical assistance and advisory services to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing and commercializing new products, processes, or services.

"(vi) Programs providing research and support to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing new agricultural enterprises to add value to on-farm production through processing or marketing.

"(D) A description of the contributions that such activities are likely to make to the improvement of the economic conditions of the rural areas for which such center will provide services.

"(E) Provisions that such center, in carrying out such activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) Provisions that such center—

"(i) will consult with any college or university administering any program under title V of the Rural Development Act of 1972 in the State in which such center is located; and

"(ii) will cooperate with such college or university in the coordination of such activities and such program.

"(G) Provisions that such center will take all practicable steps to develop continuing sources of financial support for such center, particularly from sources in the private sector.

"(H) Provisions for—

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"(i) monitoring and evaluating such activities by the institution operating such center; and

"(ii) accounting for money received by such institution under this section.

"(I) Provisions that such center will provide for the optimal application of such technology and cooperative development in rural areas, especially those areas adversely affected by adverse agricultural economic conditions, through the establishment of demonstration projects and subcenters for—

"(i) rural technology development where the technology can be implemented by communities, community colleges, businesses, cooperatives, and other institutions; or

"(ii) cooperative development where such development can be implemented by cooperatives

to improve local economic conditions.

"(3) Grants made under paragraph (1) shall be made on a competitive basis. In making grants under paragraph (1), the Secretary shall give preference to grant applications providing for the establishment of centers for rural technology or cooperative development that—

"(A) can demonstrate the capability to transfer for practical application in rural areas the technology generated at such centers and the ability to commercialize products, processes, services, and enterprises in such rural areas;

"(B) will effectively serve in rural areas that have—

"(i) few rural industries and agribusinesses;

"(ii) high levels of unemployment or underemployment;

"(iii) high rates of out migration of people, businesses, and industries; and

"(iv) low levels of per capita income; and

"(C) will contribute the most to the improvement of economic conditions of rural areas.

"(4) As used in this subsection—

"(A) The term 'nonprofit institution' means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(B) The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

"(g) In carrying out subsection (f), the Secretary may provide technical assistance to alleviate or prevent conditions of excessive unemployment or underemployment of persons residing in economically distressed rural areas that the Secretary determines have a substantial need for such assistance. Such assistance shall include planning and feasibility studies, management and operational assistance, and studies evaluating the needs for development potential of projects that increase employment and improve economic growth in such areas.

"(h) The Secretary may make grants to defray not to exceed 75 per centum of the administrative costs incurred by organizations and public bodies to carry out projects for which grants or loans are made under subsection (f). For purposes of determining the non-Federal share of such costs, the Secretary shall consider contributions in cash and in kind, fairly evaluated, including but not limited to premises, equipment, and services.".

(b) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out section 310B (f) and (h) of the Consolidated Farm and Rural Development Act, there are authorized to be appropriated to the Secretary not to exceed $50,000,000 for each of the fiscal years 1991, 1992, and 1993.

TITLE V—RURAL BUSINESS AND LEADERSHIP TRAINING

SEC. 501. EXTENSION SERVICE RURAL BUSINESS AND LEADERSHIP TRAINING PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Section 1 of chapter 79 of the Act of May 8, 1914 (7 U.S.C. 341) is amended by—

(1) inserting "(a) AGRICULTURE, ENERGY AND HOME ECONOMICS EXTENSION WORK.—" before "In order to aid"; and

(2) adding at the end the following:

"(b) RURAL DEVELOPMENT EXTENSION WORK.—(1) NATIONAL PROGRAM.—The Secretary of Agriculture shall establish a national program, to be administered by the Extension Service, to provide rural citizens with training in, technical and management assistance regarding, and educational opportunities to enhance their knowledge of—

"(A) beginning new businesses through entrepreneurship;

"(B) the procedures necessary to establish new businesses in rural areas;

"(C) self-employment opportunities in rural areas;

"(D) the uses of modern telecommunications and computer technologies;

"(E) business and financial planning; and

"(F) such other training, assistance, and educational opportunities as the Secretary determines are necessary to carry out the program established under this subsection.

"(2) LEADERSHIP ABILITIES.—The program established pursuant to this subsection shall provide assistance designed to increase the leadership abilities of residents in rural areas. Such assistance shall include—

"(A) information relative to the development of community goals;

"(B) instruction regarding the methods by which State or Federal funding for rural development projects might be obtained;

"(C) instruction regarding the successful writing of applications for loan or grant funds from government and private sources;

"(D) an updated listing of State, Federal, and other economic development programs available to rural areas; and

"(E) such other training, information, and assistance as the Secretary determines necessary to increase the leadership abilities of residents in rural areas.

"(3) CATALOG OF PROGRAMS.—In order to facilitate the program established under this subsection, the extension service in each State should develop, maintain, and provide to each community, and make accessible to any other interested party, a catalog of available State, Federal, or private programs that provide leadership training or other information or services similar or complementary to the training or services required by this subsection. Such catalog should include, at a minimum, the following entities within the State that provide such training or services:

"(A) any rural electric cooperative;

"(B) any nonprofit company development corporation;

"(C) any economic development district that serves a rural community;

"(D) any nonprofit subsidiary of any private entity;

"(E) any nonprofit organization whose principal purpose is to promote economic development in rural areas;

"(F) any investor or publicly owned electric utility;

"(G) any small business development center or small business investment company;

"(H) any regional development organization;

"(I) any vocational or technical school;

"(J) any Federal, State or local government agency or department; and

"(K) any other entity that the Secretary deems appropriate.

The extension service in each State should include in the catalog information relative to the specific training or services provided by each entity in the catalog.

"(4) EMPLOYEE TRAINING.—The Secretary shall provide training for State extension service employees to ensure that such employees understand the availability of rural development programs in their respective States and the availability of Extension Service staff qualified to provide to rural citizens and to State extension staff training and materials for technical, management, and educational assistance required by this subsection.".

(b) COORDINATION OF ASSISTANCE.—The Secretary shall ensure, to the extent practicable, that assistance provided under subsection (a) is coordinated with and delivered in cooperation with similar services or assistance provided by other Federal agencies or programs for rural residents.

TITLE VI—RURAL ECONOMIC DEVELOPMENT RESEARCH

SEC. 601. RESEARCH ON NONTRADITIONAL USES OF AGRICULTURAL COMMODITIES.

The Secretary shall establish a program of competitive grants, to be administered in conjunction with the activities required under subtitle C of title XIV of the Food Security Act of 1985 (7 U.S.C. 4701 et seq.), for the purpose of conducting research on nonfood, nonfeed uses of agricultural commodities. The Secretary shall give priority in the awarding of grants under this section to research projects that the Secretary determines have the potential for developing new products from or processes for agricultural commodities that may be commercially implemented by small businesses.

SEC. 602. AUTHORIZATION OF RURAL DEVELOPMENT RESEARCH COMPETITIVE GRANTS.

The Secretary shall establish a program of competitive grants for the purpose of encouraging research and analysis of the social, economic, and other factors influencing the economic vitality of rural areas. Priority in the award of such grants to projects designed to research methods by which the social and economic vitality of rural areas can be enhanced.

SEC. 603. DEMONSTRATION PROJECTS.

The Secretary shall establish a program of competitive grants to rural areas to serve as demonstration areas for rural economic development and as models of such development for other areas. In awarding such grants the Secretary shall favorably consider a request for funds from a rural area that the Secretary determines—

(1) demonstrates the ability to supplement the grant funds provided under this section with other funds from State, local, or private sources;

(2) demonstrates the ability to use the grant funds to increase employment in the area; and

(3) can successfully serve as a demonstration area to share the results of the project to the benefit of other rural areas in the region.

TITLE VII—RURAL ELECTRIFICATION PROVISIONS

SEC. 701. SHORT TITLE; AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.

(a) SHORT TITLE.—This title may be cited as the "Rural Telecommunications Improvements Act of 1990".

(b) AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Rural Electrification Act of 1936.

SEC. 702. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) making modern telecommunications technology and services available in rural areas in the United States promotes economic development and improves the quality of life in rural areas; and

(2) the efficient operation of the Rural Telephone Bank and the Rural Electrification Administration telephone loan programs is essential to the continued development of the telecommunications infrastructure in rural areas in the United States.

(b) STATEMENT OF POLICY.—It is the policy of the Congress that the Rural Telephone Bank and the Rural Electrification Administration make loans that facilitate the development and enhancement of the rural telecommunications infrastructure in order to make modern telecommunications technology and services available at reasonable rates to the greatest practicable number of people in rural areas in the United States.

Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936

SEC. 711. GENERAL PROHIBITIONS.

Title I (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 18. GENERAL PROHIBITIONS.

"The Administrator and the Governor of the telephone bank shall not—

"(1) deny or reduce any loan or loan advance under this Act based on a borrower's level of general funds; or

"(2) make any loan or grant, or provide any guarantee, under this Act to any borrower of a telephone loan (or any subsidiary or affiliate of such a borrower) for electric service to others, or to any borrower of an electric loan (or any subsidiary or affiliate of such a borrower) for telephone service to others (except that this prohibition shall not apply to loans, grants, or guarantees for telephone service between the borrower and others) unless—

"(A) the borrower has obtained a certificate of convenience and necessity from, or otherwise obtained the consent of, the State regulatory authority with jurisdication over the provision of such service; and

"(B) the Administrator or the Governor, as the case may be, has determined (and set forth the reasons therefor in writing) that such loan or grant will not be used to duplicate any lines, facilities, or systems.".

Subtitle B—Amendments Relating to Title II of the 1936 Act

SEC. 721. NONDUPLICATION OF TELEPHONE FACILITIES.

(a) IN GENERAL.—Section 201 (7 U.S.C. 922) is amended by striking the last sentence and inserting "The Administrator and the Governor of the telephone bank shall not make or guarantee a loan, or make a grant, for telephone purposes under this Act if the loan, guarantee, or grant would result in the duplication of lines, facilities, or systems that provide reasonably adequate service. For purposes of this Act, the term 'duplication' does not include upgrading.".

(b) CONFORMING AMENDMENT.—Section 408(b)(5) (7 U.S.C. 948(b)(5)) is amended by striking the 2nd sentence.

SEC. 722. UPDATED DEFINITION OF TELEPHONE SERVICE.

Section 203(a) (7 U.S.C. 924(a)) is amended—

(1) by inserting "or reception" after "transmission";

(2) by inserting "data," after "voice,"; and

(3) by striking "through the use of electricity between the transmitting and receiving apparatus" and inserting "by wire, fiber, radio, light, or other visual or electromagnetic means".

SEC. 723. LOAN FEASIBILITY.

Title II (7 U.S.C. 922 et seq.) is amended by adding at the end the following:

"SEC. 204. LOAN FEASIBILITY.

"The Administrator and the Governor of the telephone bank may not, as a condition of making a telephone loan to an applicant therefor, require the applicant to—

"(1) increase the rates charged to the applicant's customers or subscribers; or

"(2) increase the applicant's ratio of—

"(A) net income or margins before interest; to

"(B) the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 724. ENCOURAGEMENT OF INVESTEMENT BY TELEPHONE BORROWERS IN RURAL DEVELOPMENT PROJECTS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the section added by section 723 of this title the following:

"SEC. 205. CERTAIN RURAL DEVELOPMENT INVESTMENTS BY QUALIFIED TELEPHONE BORROWERS NOT TREATED AS DIVIDENDS OR DISTRIBUTIONS.

"(a) IN GENERAL.—The Administrator and the Governor of the telephone bank shall not—

"(1) treat any amount invested by any qualified telephone borrower for any purpose described in section 607(c)(2) of the Rural Development Act of 1972 (including any investment in, or extension of credit, guarantee, or advance made to, an affiliated company of the borrower, that is used by such company for such a purpose) as a dividend or distribution of capital to the extent that, immediately after such investment, the aggregate of such investments does not exceed ⅓ of the net worth of the borrower; or

"(2) require a qualified telephone borrower to obtain the approval of the Administrator or the Governor of the telephone bank in order to make an investment described in paragraph (1).

"(b) QUALIFIED TELEPHONE BORROWER DEFINED.—As used in subsection (a), the term 'qualified telephone borrower' means a person—

"(1) to whom a telephone loan has been made or guaranteed under this Act; and

"(2) whose net worth is at least 20 percent of the total assets of such person.".

SEC. 725. IMPROVEMENTS IN TELEPHONE PROGRAM.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 723 and 724 of this title the following:

"SEC. 206. GENERAL DUTIES AND PROHIBITIONS.

"(a) DUTIES.—The Administrator and the Governor of the telephone bank shall—

"(1) notwithstanding section 553(a)(2) of title 5, United States Code, cause to be published in the Federal Register, in accordance with subsections (b) through (e) of section 553 of such title, all rules, regulations, bulletins, and other written policy standards governing the operations of the telephone loan and loan guarantee programs administered under this Act;

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use the depreciation rates used to compile the most recent report of the borrower's operations filed by the borrower with the Rural Electrification Administration, or, in the absence of such a report, the rates used by the borrower to calculate depreciation expenses in the most recent return to Federal income taxes (including information returns) filed by the borrower with the Internal Revenue Service; and

"(3) make loans for all purposes for which telephone loans are authorized under section 201 or 408, to the extent of qualifying applications therefor.

"(b) PROHIBITIONS.—The Administrator and the Governor of the telephone bank shall not—

"(1) rescind an insured telephone loan, or a Rural Telephone Bank loan, made under this Act without the consent of the borrower, unless all of the purposes for which telephone loans have been made to the borrower under this Act have been accomplished with funds provided under this Act;

"(2) regulate the order or sequence of advances of funds under telephone loans made under this Act to any borrower who has received any combination of telephone loans from the Rural Electrification Administration, the Rural Telephone Bank, or the Federal Financing Bank; or

"(3) deny a loan or advance to, or take any other adverse action against, an applicant for, or a borrower of, a telephone loan under this Act for any reason that is not based on a rule, regulation, bulletin, or other written policy standard that has not been published pursuant to section 553 of title 5, United States Code.".

SEC. 726. PROMPT PROCESSING OF TELEPHONE LOANS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 723, 724, and 725 of this title the following:

"SEC. 207. PROMPT PROCESSING OF TELEPHONE LOANS.

"Within ten days after the end of the second and fourth calendar quarters of each year, the Administrator shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, a report—

"(1) identifying each completed application for a telephone loan under section 305, a guarantee of a telephone loan under section 306, or a loan under section 408, that has not been finally acted upon within ninety days after the date the completed application is submitted; and

"(2) stating the reasons for the failure to finally act upon the completed applications within such ninety-day period.".

Subtitle C—Amendments Relating to Title III of the 1936 Act

SEC. 731. CREATION OF SEPARATE ELECTRIC AND TELEPHONE ACCOUNTS WITHIN RURAL ELECTRIC AND TELEPHONE REVOLVING FUND.

Section 302 (7 U.S.C. 932) is amended by adding at the end the following:

"(c)(1) The Administrator shall maintain two separate accounts within the fund, which shall be known as the electric account and the telephone account, respectively.

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"(2)(A) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to electrification loan operations in the electric account.

"(B) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to telephone loan operations in the telephone account.

"(3)(A) The assets accounted for in the electric account shall be available solely for electrification loan operations under this Act.

"(B) The assets accounted for in the telephone account shall be available solely for telephone loan operations under this Act (other than under title IV).".

SEC. 732. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR INSURED TELEPHONE LOANS.

Section 309 (7 U.S.C. 940) is amended by—

(1) designating the current section as subsection (a); and

(2) adding at the end the following:

"(b) The term of any telephone loan made under this title shall be determined by the borrower at the time the loan is made.".

SEC. 733. TIER REQUIREMENT FOR INSURED TELEPHONE LOANS.

Section 305 (7 U.S.C. 935) is amended by adding at the end the following:

"(d) The Administrator shall make a telephone loan under this title to an applicant therefor who is otherwise qualified to receive such a loan at the highest interest rate (but not less than the lowest interest rate, nor higher than the highest interest rate, specified in subsection (b)) at which the borrower would be capable of producing net income or margins before interest payments of at least 100 per centum (but not more than 150 per centum) of the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 734. CLARIFICATION OF TELEPHONE LOAN GUARANTEE AUTHORITY.

Section 306 (7 U.S.C. 936) is amended by inserting after the first sentence the following new sentence: "The Administrator shall not provide such assistance to any borrower of a telephone loan under this Act unless the borrower specifically applies for such assistance.".

Subtitle D—Amendments Relating to Title IV of the 1936 Act

SEC. 741. MODIFICATION OF RURAL TELEPHONE BANK BOARD.

(a) IN GENERAL.—Section 405 (7 U.S.C. 945) is amended by striking all that precedes subsection (g) and inserting the following:

"SEC. 405. BOARD OF DIRECTORS.

"(a) IN GENERAL.—The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (in this title referred to as the Telephone Bank Board).

"(b) MEMBERSHIP.—The Telephone Bank Board shall consist of thirteen individuals, as follows:

"(1) PRESIDENTIAL APPOINTEES.—The President shall appoint seven individuals to serve on the Telephone Bank Board who shall serve at the pleasure of the President—

"(A) five of whom shall be officers or employees of the Department of Agriculture and not officers or employees of the Rural Electrification Administration; and

"(B) two of whom shall be from the general public and not officers or employees of the Federal Government.

"(2) COOPERATIVE MEMBERS.—The cooperative-type entities, and organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(3) COMMERCIAL MEMBERS.—The commercial-type entities, and the organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(c) ELECTIONS.—(1) VALIDITY.—An election under paragraph (2) or (3) of subsection (b) shall not be considered valid unless a majority of the stockholders eligible to vote in the election have voted in the election.

"(2) BALLOTING.—Balloting in an election under paragraph (2) or (3) of subsection (b) shall be conducted by mail pursuant to the procedures authorized in the bylaws of the telephone bank.

"(3) NO CUMULATIVE VOTING.—Cumulative voting shall not be permitted in any election under paragraph (2) or (3) of subsection (b).

"(d) COMPENSATION.—(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Telephone Bank Board shall receive $100 per day for each day or part thereof, not to exceed fifty days per year, spent in the performance of their official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(2) EXCEPTIONS.—The five members of the Telephone Bank Board appointed under subsection (b)(1)(A) shall not receive compensation by reason of their service on the Telephone Bank Board.

"(e) SUCCESSION.—A member of the Telephone Bank Board may serve after the expiration of the term of office of such member until the successor for such member has taken office.

"(f) CHAIRPERSON.—The members of the Telephone Bank Board shall elect one of such members to be the Chairperson of the Board, in accordance with the bylaws of the telephone bank. The Chairperson shall preside at all meetings of the Board and may vote on a matter before the Board unless the vote would result in a tie vote on the matter.".

(b) CONFORMING AMENDMENTS.—Section 405 (7 U.S.C. 945) is amended—

(1) in subsection (g) by striking "(g) The" and inserting "(g) BYLAWS.—The";

(2) in subsection (h) by striking "(h) The" and inserting "(h) MEETINGS.—The"; and

(2) in subsection (i) by striking "(i) The" and inserting "(i) ANNUAL REPORT.—The".

(c) APPLICABILITY OF SUNSHINE ACT.—Section 405 (7 U.S.C. 945) is amended by adding at the end the following:

"(j) OPEN MEETINGS.—For purposes of section 552b of title 5, United States Code, the Telephone Bank Board shall be treated as an agency within the meaning of subsection (a)(1) of such section.".

SEC. 742. RURAL TELEPHONE BANK CAPITALIZATION.

Section 406(a) (7 U.S.C. 946(a)) is amended in the second sentence by striking "but not later than fiscal year 1991".

SEC. 743. PRO RATA PURCHASE OF RURAL TELEPHONE BANK STOCK BY RURAL TELEPHONE BANK BORROWERS.

The second sentence of section 406(d) (7 U.S.C. 946(d)) is amended by inserting ", by paying an amount equal to 5 per centum of the amount of each loan advance, at the time of such advance" before the period.

SEC. 744. CLARIFICATION OF AUTHORITY TO SET RURAL TELEPHONE BANK LOAN LEVELS.

Section 408(a) (7 U.S.C. 948(a)) is amended by striking "is authorized on behalf of the telephone bank to make loans," and inserting "shall make loans on behalf of the telephone bank, to the extent that there are qualifying applications therefor, subject only to limitations as to amounts authorized for loans and advances as may be imposed by law enacted by the Congress of the United States for loans to be made in any one year, and".

SEC. 745. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR RURAL TELEPHONE BANK LOANS.

Section 408 (7 U.S.C. 948) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the term of any loan made under this title shall be determined by the borrower at the time the loan is made.

"(2) The term of any loan made under this title shall not exceed the maximum term for which a loan may be made under section 4.".

SEC. 746. FULL USE OF RURAL TELEPHONE BANK LOAN AUTHORITY.

Section 412 (7 U.S.C. 950b) is amended to read as follows:

"SEC. 412. FULL USE OF TELEPHONE BANK LOAN AUTHORITY.

"(a) FULL USE.—(1) IN GENERAL.—If an appropriations Act authorizes the telephone bank to make loans in a fiscal year and such Act requires that, within available resources and available authority, gross obligations for the principal amount of such loans be not less than a specified amount and not more than a different specified amount, the Governor of the telephone bank shall obligate for such loans for such fiscal year, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor to the extent such unobligated funds do not exceed the greater of such specified amounts.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1), until all unobligated funds available to the Governor of the telephone bank for any fiscal year before fiscal year 1990 have been expended, the Governor shall obligate for loans under this title, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor.

"(b) RELATION TO OTHER LAW.—No subsequent statute may be held to supersede or modify this section, except to the extent that it does so expressly.".

SEC. 747. TECHNICAL AMENDMENTS RELATING TO THE RURAL TELEPHONE BANK PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) SECTION 406(h) AMENDMENTS.—Section 406(h) (7 U.S.C. 946(h)) is amended—

(1) by inserting after the second sentence "All amounts so transferred shall not be transferred, directly or indirectly, to the reserve for contingencies."; and

(2) by striking "Rural Telephone Bank Borrowers Fairness" and inserting "Omnibus Budget Reconciliation".

(b) SECTION 408(b)(3) AMENDMENTS.—Section 408(b)(3) (7 U.S.C. 948(b)(3)) is amended—

(1) in subparagraphs (B), by striking "paragraph" and inserting "subparagraph";

(2) in subparagraph (D)(ii), by adding at the end the following: "For purposes of the calculation under this subparagraph, such rate shall be zero."; and

(3) in subparagraph (E), by striking "subparagraph" the second place such term appears and inserting "paragraph".

Subtitle E—Effective Date

SEC. 751. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) TECHNICAL AMENDMENTS.—The amendments made by section 747 of this title shall take effect as if such amendments had been included in chapter 2 of subtitle D of title I of the Omnibus Budget Reconciliation Act of 1987 on the date of the enactment of such chapter.

The CHAIRMAN pro tempore. No amendments to said substitute, except pro forma amendments for the purpose of debate, are in order today except those printed in the CONGRESSIONAL RECORD on or before Wednesday, March 14, 1990.

AMENDMENTS OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer technical amendments to title II and title VII.

The Clerk read as follows:

Amendments offered by Mr. DE LA GARZA:

(1) On page 11, line 10, strike "on the first day of the fiscal year immediately following the enactment of this Act" and insert "October 1, 1991."

(2) On page 15—

(A) line 11, insert "(A) REQUIREMENTS.—" before "The term";

(B) strike line 12 through line 14 and insert the following: "means, with respect to a fiscal year, a State with respect to which all of the following apply not later than the first day of the fiscal year:"

(C) line 15, strike "(A) and insert "(i)";

(D) line 20, strike "(B)" and insert "(ii)";

(E) line 23, strike "(i)" and insert "(I)"; and

(F) line 24, strike "subparagraph (A)" and insert "clause (i)".

(3) On page 16—

(A) line 1, strike "(ii)" and insert "(II)";

(B) line 7, strike "(C)" and insert "(iii)";

(C) line 11, strike "subparagraph (A)" and insert "clause (i)"; and

(D) after line 12, insert the following:

"(B) GOOD FAITH EXCEPTION.—Notwithstanding the requirements of subparagraph (A), the Secretary of Agriculture may determine, no later than the first day of the fiscal year, a State to be an eligible State under this paragraph for the fiscal year if the Secretary determines that the State has made a good faith effort to meet, and has substantially met, such requirements.".

(4) On page 18—

(A) line 19, strike "and"; and

(B) line 25, strike the period and insert "; and

"(8) appoint a member to the State rural economic development review panel as provided under section 361(c)(1)(P).".

(5) On page 32, after line 24, insert the following:

"(4) FAILURE TO APPOINT PANEL MEMBERS.—The failure of the Governor, the Secretary of Agriculture, or an association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) to appoint a member to the panel as required under this subsection shall not prevent a State from being determined to be an eligible State as defined under section 360(b)(3).".

(1) On page 17, line 20 strike "great weight" and insert "consideration."

(2) On page 18, lines 4 and 5, strike "not assisting any project ranked higher in priority by the panel" and insert "that determination."

Page 64, strike line 8 and all that follows through line 17 and insert the following:

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use—

"(A) with respect to items for which the regulatory authority with jurisdiction over the provision of such services had approved the depreciation rates used by the borrower, such approved rates; and

"(B) with respect to other items, the average of the depreciation rates used by borrowers of telephone loans made under this Act;

"(3) annually determine and publish the average described in paragraph (2)(B); and".

Page 64, line 18, strike "(3)" and insert "(4)".

Page 67, line 18, strike "is made" and insert "application if submitted".

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read, considered en bloc, and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DE LA GARZA. Mr. Chairman, the three technical amendments are one.

The first amendment is to change the effective date of section 201 of the bill to October 1, 1991. This amendment is designed to afford the States the time necessary to comply with the requirements of the act, rather than say at the time of enactment.

The second amendment satisfies the Department of Justice's constitutional objections to title 2 of the bill.

The third amendment, Mr. Chairman, I am offering at the request of the administration. This amendments strikes language in the bill regarding the depreciation rates used by REA to evaluate telephone loans and in certain language that the depreciation rates used will be those of either the appropriate regulatory body or the average of all similar REA borrowers. That is an explanation of the three amendments.

Mr. COLEMAN of Missouri. Mr. Chairman, I rise in support of the amendments.

I just want to point out there may be some discussion later on the amendment about the constitutional issue the chairman mentioned, that by this amendment the State Review Panel's recommendations, the Secretary shall look at those and take consideration of what the recommendations are.

I think this meets the constitutional question, if there was one, and so this should no longer be an issue. It should be fully understood that the State Review Panel recommendations are advisory, and that the Secretary take them into consideration. That is the extent of the role. There is no constitutional issue now in this bill, if one ever thought there would be.

The CHAIRMAN pro tempore. The question is on the amendments offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendments were agreed to.

Mr. BEREUTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 3581, the Rural Development Act of 1989. I would commend the leadership of the House Agriculture Committee, especially the distinguished subcommittee chairman, the gentleman from Oklahoma [Mr. ENGLISH] and ranking minority member, the gentleman from Missouri [Mr. COLEMAN], for bringing this legislation to the floor. Economic development is crucial to the survival and vitality of rural areas throughout America. Greater employment, social, academic and entertainment opportunities presented by our cities and urban areas continue to encourage outmigration of rural residents.

H.R. 3581 will help improve the rural development process by increasing the involvement and responsibility of rural residents in development projects, and enable them to concentrate on those issues necessary to improve opportunities in rural areas.

Without an active commitment by rural residents, development cannot be successful. H.R. 3581, provides strong encouragement to rural residents for proposing and prioritizing development projects and applying limited Federal funds to best meet the needs and goals of their particular region. This grass roots, rather than top down approach, should be of considerable benefit to rural areas.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS:

Page 15, line 25, strike "and".

Page 16, line 6, strike the period and insert a semicolon.

Page 16, after line 6, insert the following:

"(iii) ensure that all rural residents in the State are informed about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361;

"(iv) provide information to State residents, on request, about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361; and

"(v) coordinate the efforts of interested rural residents with the State rural economic development review panel.

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Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Chairman, my congressional district is one of the most rural in the country. Because of the great impact these programs have on my constituents, this rural development bill has been my top legislative priority. I am proud of the efforts we, in the Subcommittee on Conservation, Credit, and Rural Development, have made to bring this legislation onto the floor today and applaud Chairman English, Mr. Coleman, and Chairman de la Garza in their fine work.

I have an amendment to this bill that is simple, but could be far reaching to the more remote and isolated communities in West Virginia and elsewhere in our Nation. This amendment applies some fine tuning to the rural development delivery system that is contained in the English-Coleman Rural Economic Development Act.

Last fall, I introduced the Rural Economic Sustainability Act of 1989. The purpose of that act was to provide for every state a USDA coordinator that would orchestrate a concerted effort to assist rural communities in developing plans for a long term sustainable economy with an emphasis on capturing the interest, energy and imagination of rural young people.

This concept of having a State coordinator was merged into the context of H.R. 3581. However, there is a missing piece in this aspect of the designated Rural Development Program. With so much of the funding criteria based on the applicants having the correct and complete program information, there needs to be a mechanism to funnel this basic information out to remote rural communities. There also needs to be a contact person and a focal point for rural residents who need information about this new program.

To structure an effective Rural Development Program, our focus should be focused on the grassroots community level. My amendment gives the State coordinator two basic additional tasks that will provide the missing mechanism to serve this function.

One of those would be to provide information to rural residents about the program, and the second task that the coordinator would have is to coordinate efforts of the rural residents with the review panel.

I would urge all of the Members to support my amendment.

Mr. ENGLISH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to say that the gentleman from West Virginia has worked with the committee, and I want to commend him for the fine work he has done on this amendment. There is no question as far as incubators are concerned that they play a very important role with regard to rural development, and his particular proposal, I think without question, is one that is going to do much to enhance our overall efforts.

I also want to say that the gentleman from West Virginia is a member of the subcommittee and has made a substantial contribution to this legislation, and we deeply appreciate it.

He was kind enough to invite us to his home State to hold hearings, and much of the valuable information that was later translated into legislation originated at that hearing, so I want to say how much I appreciate his fine efforts.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, I also want to rise in support of the amendment. I think what the gentleman from West Virginia [Mr. Staggers] is trying to do is what we have done in the bill for the Federal Government is to give a focus to rural development activities within the Department of Agriculture. He has taken that one step further and closer to the people by providing these additional duties and focusing each State someplace to go, and I think that is very important that we recognize the need for this focusing and support his amendment to that extent.

Mr. ENGLISH. Reclaiming my time, I understand that the gentleman on this particular amendment on the coordinators and incubators is the amendment coming next, and that is a fine amendment as well.

The CHAIRMAN pro tempore (Mr. Frost). The question is on the amendment offered by the gentleman from West Virginia [Mr Staggers].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Staggers: Page 35, line 4, insert ", and business incubators," after "businesses".

Page 38, after line 7, insert the following:

(h) Definition.—As used in this section, the term "business incubator" means a facility or management system which functions as an umbrella organization to provide new small businesses with shared support services, overhead expenses, and technical assistance.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Chairman, I would like to introduce my second amendment to H.R. 3581. This is a very simple addition of two words to the language in section 202 that describes the State revolving loan fund. These two words are "business incubators."

A business incubator is a facility or a management system which functions as an umbrella organization to provide new small businesses with shared support services, overhead expenses, and technical assistance.

Rural incubators are gaining success in many parts of the United States. They share many resources, that is a valuable alternative for entrepreneurs who, alone, are faced with limited resources. They nurture young businesses that are trying to get off the ground in today's hyper-competitive business environment.

Rural incubators work, they promote resource sharing, and we should be promoting them. My amendment simply states that the term, "business incubators," will be included with the term "small business," in establishing what entities are eligible for loans under the State revolving Loan Program. Let us learn from success stories. I urge you to support my amendment.

Mr. WATKINS. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

Mr. Chairman, I stand in support of the amendment offered by the gentleman from West Virginia [Mr. Staggers] and also the previous amendment.

Let me say title I on the reorganization of the USDA and establishing the Rural Development Administration, that was a bill, and part of bills, that I pushed for a number of years, because I think we have to distinguish between the rural development activities and agriculture for further emphasis on rural responsibilities.

My background is in agriculture. I have a couple of degrees in agriculture, but I realize that we cannot continue with just production emphasis alone, and that we have to be able to offer off-farm jobs in rural Oklahoma and rural America if these communities are going to survive. We have to have the kind of support from a rural development thrust that will allow us to bring more of the economic development activities into the USDA and that would support job development in rural America and rural Oklahoma.

In reference to the incubator amendment, it has been my opportunity over the last few years to piecemeal a program and build the first industrial incubators in rural America. I built those next to vo-tech schools in Oklahoma down in the Third Congressional District, and they have been very,

very much of a catalyst in helping us to attract some industry and also to attract the curiosity of chief executives to locate in rural areas who would not otherwise look at an economically distressed area of the country.

My congressional district was the ninth poorest district in the United States in the 1970 census, and as a result one of the major burning thrusts that I have had is to do some things to stimulate the economic growth.

I can share with my colleagues that as I have worked on industrial job development in rural Oklahoma and rural America, one of the things that without question first must be addressed is usually the financing. One must have financing in every case, and that is why I hope that this bill and the final bill approved by both Chambers will address the FmHA business and industry loans and make sure we have adequate dollars in this program. But without question, also, the No. 2 thing that most of the industrial prospects look at is: Is there an existing building, is there a facility out in those rural communties where a business can be located? In most cases, our rural communities do not have a speculative building or an industrial-type structure, but an incubator can be built and provided, that will lend itself to the kind of facility that many of the prospects are looking for in their search.

In fact, while working with the industrial people of an investor-owned utility, the Oklahoma Gas & Electric Co., I had said that 90 percent of the prospects are looking for a building, and they corrected me and said 87 percent of the industrial prospects are looking for an existing building. I was not off the mark by very far, only 3 percent.

Incubators are very, very important if we are going to revitalize some of the areas of this great Nation of ours and allow them to have some kind of opportunity for off-farm jobs, and I think this is what this bill is all about.

I have visited with my good colleague, the gentleman from Oklahoma [Mr. English], whose leadership has provided a great deal of input into this bill and the structure of this bill, and I have said to my good colleague from Oklahoma, the rural development bill must be a thrust toward off-farm jobs. I have visited with the gentleman from Missouri about this. I share with people across my district and across the State: Back during the Depression days, history tells us that 85 percent of the people in America were in production agriculture.

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Thirty years ago, when I served as a State president of the Oklahoma FFA and I traveled across the State, I would say 18 percent of the people in this country were in the production of agriculture. Today we only have 2 percent of our people in the production of agriculture.

If we do not make a major thrust, and I would like to even have a Marshall plan to rebuild rural America, we are going to see a way of life, a value of life, totally destroyed in the next decade.

Mr. COLEMAN of Missouri. Mr. Chairman, would the gentleman yield?

Mr. WATKINS. Mr. Chairman, I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I am glad the gentleman is on the floor and making a statement. Yesterday in my opening remarks I paid tribute to the gentleman from Oklahoma [Mr. Watkins] and his contributions to rural economic development. Much of what the gentleman has done in the past 10 to 15 years I think has laid the foundation for what we are seeing transpire here today on the floor, and I want to commend the gentleman for it.

Too many times and too often during the good times in agriculture people did not pay any attention to trying to develop alternatives and diversify our economy. When the bad times came, there was nothing to catch them.

As the gentleman just recently said on the floor, it has got to be more than just production of agriculture. That is the tack and tone and direction of this legislation. It is nontraditional in approach. It is something new. It is perhaps bolder than some would like, but it is something that I think is going to work.

I just want to commend the gentleman from Oklahoma [Mr. Watkins] for all his contributions to rural America over the years, and associate myself with his remarks.

Mr. ENGLISH. Mr. Chairman, I move to strike the last word.

I, too, want to commend the gentleman from Oklahoma [Mr. Watkins] for the fine work he has done through the years. Certainly the gentleman has been known around Congress and Oklahoma as Mr. Rural Development. We appreciate the fine efforts the gentleman has put forth. There is no question that much that is in this legislation is from the thinking of the gentleman from eastern Oklahoma. We appreciate the fine work he has done, there is no question about that.

Let me say I think the concept of focusing on rural development and understanding the needs of rural development is one that needs to be underscored. We have in the past certainly had numerous rural development programs. However, we have never really had the focus specifically on rural development.

It has been I think considered and probably true to a great extent that the best rural development program is a good farm program. I think that in many of our rural communities that has been the case. Any time farm prices are up, the farmer is doing well, the rural community has done well. But as we have seen over the years, whenever times are tough, when times are bad and our farmers do not have a good price, then unfortunately the communities suffer, and they usually suffer to the point that they do not recover. That is when you see stores boarded up. That is when you see young people moving away, and those folks simply never come back, even when farm prices come back.

So we felt that it is vital, and I know the gentleman from Oklahoma [Mr. Watkins] has long felt that it is extremely important that we focus on rural development for rural development's sake, and that the rural communities have the opportunity to continue in the future, even when farm prices are bad.

Mr. Chairman, we think that this legislation, given the very severe limitations that we have from a budget standpoint, will go a long way in providing rural communities that kind of an opportunity. For the first time we are really bringing all the forces, all the programs, not only on a Federal level, but the State and local level, together, and we are having people sit down and focus on the problems and focus on the communities to determine where it is that we can do the most and where we are going to be able to provide some good, where we are going to be able to give people an opportunity to continue to live in rural America and the young people have a future in rural America.

I think without question this legislation goes far. The amendment of the gentleman, as I stated earlier as far as incubators are concerned, there is no question that that is something that will play a very vital role. The revolving fund that is contained in the legislation, incubators is certainly intended to be a very important part of that. The amendment of the gentleman underscores that.

Mr. Chairman, I think that this is a very worthy contribution to this legislation, and I appreciate the help of the gentleman.

Mr. STAGGERS. Mr. Chairman, would the gentleman yield?

Mr. ENGLISH. Mr. Chairman, I would be happy to yield.

Mr. STAGGERS. Mr. Chairman, I do have to give the credit to the gentleman from Oklahoma [Mr. Watkins], because he is really the founder of the incubators in rural America. It was not my idea. It does come from the hard work that the gentleman has done.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words.

I wish at this time to engage the gentleman from Oklahoma [Mr. ENGLISH] in a colloquy concerning small business development centers.

The bill before us fundamentally restructures and redirects several programs at the Department of Agriculture. One issue which is of interest to me is a directive for the Agricultural Extension Service to provide management and technical assistance to our Nation's rural residents who aspire to run a successful small business. Is it the intention of the committee that the Secretary of Agriculture assure that such service and assistance does not duplicate already existing services provided through other Federal programs?

Mr. ENGLISH. That is correct. The committee seeks to assure that management and technical services are provided in geographic areas not currently served by existing Federal programs to the maximum practical extent. We do not seek to create competitive Federal programs whereby on one side of Main Street U.S.A. the Department of Agriculture offers a storefront assistance program and on the other side of the street some other Federal agency offers a similar service. It is in the best interests of rural development to make sure that the Federal agencies communicate and cooperate so that all rural areas will have access to assistance.

Mr. SKELTON. I thank the gentleman for his clarification. My particular interest is the Small Business Administration's Small Business Development Center Program. SBDC's, as they are known, are now in 49 States and in nearly 600 locations. In 1989, SBDC's counseled nearly 170,000 small businesses and conducted more than 11,000 training sessions for small businesses. The program is administered through the Small Business Administration which provides $50 million which is matched nearly 2 to 1 by States, universities, and the private sector. My point is that the SBDC program is a very substantial one which is providing a multitude of services to small businesses. I believe the Agricultural Extension Service can also be of assistance to small firms but I do not think it should duplicate SBDC services. To assure that, I would urge the Secretary of Agriculture to coordinate with the Administrator of the Small Business Administration to assure the best, most rational, nonduplicative use of Federal dollars.

Mr. ENGLISH. I thank my friend from Missouri. Oklahoma has a very strong SBDC. The purpose of this language is only to assure that small businesses now not having access to management and technical assistance receive such access.

Mr. SKELTON. I agree with my friend from Oklahoma and I greatly appreciate his clarification.

Mr. ENGLISH. Mr. Chairman, would the gentleman yield?

Mr. SKELTON. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. ENGLISH].

Mr. ENGLISH. Mr. Chairman, I would like to say that the gentleman from Missouri [Mr. SKELTON], the chairman of the Rural Caucus, has also contributed tremendously to this legislation and to the effort to bring Federal agencies together to make certain that we are able to focus our resources so that we do not have duplication. The jurisdiction of this committee is obviously restricted to that of the Department of Agriculture and those programs that come under our jurisdiction. The gentleman from Missouri has worked long and hard to make sure that those agencies outside the jurisdiction of the Committee on Agriculture are brought in and made to play a role. Certainly that will enhance our overall rural development effort and it enhances our chances of success in rural America.

Mr. Chairman, I want to commend the gentleman and thank him.

The CHAIRMAN pro tempore (Mr. FROST). The question is on the amendment offered by the gentleman from West Virginia [Mr. STAGGERS].

The amendment was agreed to.

□ 1250

Mr. ENGLISH. Mr. Chairman, I ask unanimous consent that title VIII be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore (Mr. FROST). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The text of title VIII is as follows:

TITLE VIII—MISCELLANEOUS

SEC. 801. REGULATIONS.

Except as otherwise provided in this Act, no later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 802. LOAN RATES APPLICABLE TO CERTAIN LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by—

(1) in subparagraph (A) striking "guranteed" and inserting "guaranteed"; and

(2) adding at the end thereof the following new subparagraph:

"(C) Notwithstanding the provisions of subparagraph (A), the Secretary shall establish loan rates for health care and related facilities that shall be based solely on the income of the area to be served, and such rates shall be otherwise consistent with the provisions of such subparagraph.".

SEC. 803. ASSISTANCE FOR CERTAIN DISTRESSED COMMUNITY FACILITY PROGRAM BORROWERS.

(a) AMENDMENT.—The Consolidated Farm and Rural Development Act is amended by inserting after section 353 (7 U.S.C. 2001) the following new section:

"SEC. 353A. DEBT RESTRUCTURING AND LOAN SERVICING FOR COMMUNITY FACILITY LOANS.

"The Secretary shall establish and implement a program that is similar to the program established under section 353, except that the debt restructuring and loan servicing procedures shall apply to delinquent community facility program loans (rather than delinquent farmer program loans) made by the Farmers Home Administration to a hospital or health care facility under section 306(a).".

(b) REGULATIONS.—Not later than one hundred and twenty days after the date of enactment of this Act, the Secretary shall promulgate regulations, as modeled after those promulgated under such section 353, that implement the program established under this section.

SEC. 804. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

Subtitle A of the Consolidated Farm and Rural Development Act is amended by adding after section 306A (7 U.S.C. 1926a) the following new section:

"SEC. 306B. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

"(a) WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.—(1) The Secretary shall make or insure loans and make grants to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, and public agencies, to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems), and the installation or improvement of drainage or waste disposal facilities and essential community facilities including necessary related equipment. Such loans and grants shall be available only to provide such water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the community's residents do not have access to, or are not served by, adequate affordable—

"(A) water supply systems; or

"(B) waste disposal facilities.

"(2) Loans made or insured or grants made under this section to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, or public agencies shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county in which—

"(A) the per capita income of the residents of such county is less than or equal to 70 per centum of the national average per capita income, as determined by the Department of Commerce; and

"(B) the unemployment rate of the residents of such county is greater than or equal to 125 per centum of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

"(b) LOANS TO INDIVIDUALS.—(1) The Secretary shall make or insure loans and make grants to individuals who reside in a com-

munity described in subsection (a)(1) for the purpose of extending water supply and waste disposal systems or connecting such systems to the residences of such individuals. Such loans shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time such loans are made. The repayment of such loans shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

"(2) The loans and grants to individuals authorized under paragraph (1) shall be made—

"(A) directly to such individuals by the Secretary; or

"(B) to such individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing such water supply or waste disposal services, pursuant to regulations issued by the Secretary.

"(c) Preference.—The Secretary shall give preference in the awarding of loans and grants to—

"(1) rural water supply corporations, cooperatives, or similar entities, or public agencies, as provided under subsection (a), proposing to provide water supply or waste disposal services to the residents of those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities; and

"(2) individuals, as provided under subsection (b), who reside in a rural subdivision commonly referred to as a colonia, that is characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

"(d) Definition.—For the purposes of this section the term 'cooperative' means a cooperative formed specifically for the purpose of the installation, expansion, improvement, or operation of water supply or waste disposal facilities or systems.

"(e) Authorization of Appropriations.—There are authorized to be appropriated funds to carry out the purposes of this section as follows:

"(1) for grants as provided by this section, $30,000,000 per fiscal year; and

"(2) for loans as provided by this section, $30,000,000 per fiscal year.".

SEC. 805. PRESERVATION OF ELIGIBILITY.

Notwithstanding any other provision of law, nothing in this Act shall be construed to adversely affect the eligibility, as it existed on the date of enactment of this Act, of cooperatives and other entities for any other credit assistance under Federal law.

SEC. 806. STATE PROGRAMS NOT AFFECTED.

Nothing in this Act shall be interpreted to preclude States from creating and maintaining other rural development programs.

SEC. 807. TECHNICAL CORRECTIONS.

(a) Section 308 Amendments.—Section 308 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1928) is amended—

(1) in paragraph (a), by striking "prescribe,;" and inserting "prescribe;"; and

(2) by redesignating paragraphs (a) and (b), as paragraphs (1) and (2), respectively.

(b) Section 310B(d) Amendments.—Section 310B(d) of such Act (7 U.S.C. 1932(d)) is amended—

(1) by moving paragraphs (4), (5), and (6) two ems to the left so that the left margin of such paragraphs is aligned with the left margin of paragraph (3);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(3) by inserting "(1)" after "(d)".

(c) Amendments Relating to Section 331.—

(1) Section 331 Amendments.—Section 331 of such Act (7 U.S.C. 1981) is amended—

(A) in the second undesignated subsection—

(i) by moving paragraphs (f), (g), (h), and (i) two ems to the right so that the left margin of each of such paragraphs is aligned with the left margin of paragraph (e);

(ii) in paragraph (f), by striking "Release" and inserting "release";

(iii) in paragraph (g), by striking "Obtain" and inserting "obtain";

(iv) in paragraph (h), by striking "Not" and inserting "not";

(v) in paragraph (i)—

(I) by striking "Consent" and inserting "consent"; and

(II) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(vi) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively; and

(B) by redesignating the first and second undesignated subsections as subsection (a) and (b), respectively.

(2) Conforming amendments.—Section 357(b) of such Act (7 U.S.C. 2005(b)) is amended by striking "331(d)" each place such term appears and inserting "331(b)(4)".

(d) Section 333A(c) Amendment.—Section 333A(c) of such Act (7 U.S.C. 1983a(c)) is amended by striking "In" and inserting "If".

(e) Section 335(c)(2)(D) Amendment.—Section 335(c)(2)(D) of such Act (7 U.S.C. 1985(c)(2)(D)) is amended by striking "caused" and inserting "cause".

(f) Section 338(d) Amendment.—Section 338(d) of such Act (7 U.S.C. 1988(d)) is amended by striking "detemine" and inserting "determine".

(g) Section 343(a) Amendments.—Section 343(a) of such Act (7 U.S.C. 1991(a)) is amended—

(1) in paragraph (1), by striking "and";

(2) in paragraph (3), by striking "and" the third place such term appears; and

(3) in paragraph (5), by striking "contract of insurance" and inserting "'contract of insurance'".

(h) Section 346(b) Amendments.—Section 346(b) of such Act (7 U.S.C. 1994(b)) is amended—

(1) in paragraph (1)(B), by striking "subparagraph (c)" and inserting "paragraph (3)";

(2) in paragraph (1)(C), by striking "subparagraph (A)" and inserting "paragraph (1)";

(3) by redesignating paragraphs (1) (A), (B), (C), (D)(i), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively;

(4) in paragraph (2) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(5) in each of the subparagraphs redesignated as such by paragraph (4) of this subsection, by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively; and

(6) in paragraph (5) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(i) Section 349(a) Amendment.—Section 349(a) of such Act (7 U.S.C. 1997(a)) is amended by redesignating paragraph (5) as paragraph (4).

Mr. THOMAS of Wyoming. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first I want to express my appreciation to the leadership on this committee for the work they have done on this bill. Certainly Wyoming is one of the premier rural areas of this country, and we look forward to the adoption of the bill.

Mr. Chairman, I rise to discuss a problem that is occurring in rural areas and is important in fact to rural area development and the potential for rural area development. I am speaking of the conditions that have been placed upon the owners of underground fuel storage tanks.

Small businesses in rural areas have been especially hard hit. These rules have been authorized by Congress and implemented with great gusto by EPA. Unfortunately, I am persuaded that EPA operates in something of a vacuum sometimes and has little knowledge of the concerns that we have for a balanced implementation that brings together not only protection of the environment but protection of the economy as well.

I would like to raise a question with the subcommittee ranking member if I may. Under section 310 of the bill it provides for grants that may be made to assist small and emerging businesses, and to help develop certain facilities, including waste facilites, among others. If the State plan that is envisioned under this program would include assistance to small businesses to help meet the rules and allow for the availability of fuels, could they be granted under this proposal?

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. THOMAS of Wyoming. I am glad to yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, first of all let me say I share the gentleman's concern regarding these problems facing many small businessmen and women, the owners of the gas stations in rural America and all over the country regarding the EPA rules, and we are trying to work with the EPA to assure that underground storage tank responsibility regulations are in fact themselves responsible and provide common sense. From that standpoint I know a number of the dealers in my district have contacted me, as the gentleman's dealers have contacted him as well.

Let me say that I believe that the gentleman's concern about the possibility of using some money contained in the current law is appropriate. Section 310(b)(c) of the Consolidated Farm and Rural Development Act, as amended, I believe provides the Secretary the authority to make grants to people like these filling station owners in order to repair their fuel storage

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tanks and for other expenses to replace them. So I think the gentleman has raised an interesting concern as well as a possible solution. I think he has uncovered the possibility of some funding there, and I think that his leadership in this area and bringing it to our attention is very positive. I thank the gentleman for asking me, because I think that he in fact could be funded under, as I say, current law to deal with this problem.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield.

Mr. THOMAS of Wyoming. I am glad to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I too want to commend the gentleman for bringing this to our attention. There is no question that this is a very serious problem in rural America, and one that desperately needs a solution.

It appears from our examination of the law that under the rule about grant funds that could be dealt with in that program. But I think the gentleman is underscoring the fact that this is something that that program needs to look at very closely, and I commend the gentleman.

Mr. THOMAS of Wyoming. I thank the gentleman very much and appreciate his answer. I appreciate the leadership that both gentlemen have given to rural America.

I also want to commend the EPA for setting back the implementation of some of the regulations for a year. I think that will indeed be most helpful.

I thank both gentlemen and I will withdraw the amendment that I had proposed.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 81, after line 2, insert the following:

SEC. 806. PROPORTIONAL DISTRIBUTION OF FEDERAL CONTRACTS AMONG THE STATES.

Section 901(b) of the Agricultural Act of 1970 (42 U.S.C. 3122(b)) is amended—

(1) by inserting "(1)" before "Congress"; and

(2) by adding after and below such provision the following new paragraph:

"(2) The Office of Management and Budget shall develop a plan under which, by 1995, Federal contracts will be distributed among the States so that the value of Federal contracts received by persons located in a State is roughly proportional to—

"(A) the aggregate value of all Federal contracts; multiplied by

"(B)(i) the number of persons in the State; divided by

"(ii) the number of persons in the United States.".

Redesignate succeeding sections accordingly.

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. ENGLISH. Mr. Chairman, I reserve a point of order against the amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I recognize that a point of order would lie against this amendment. I intend to discuss it briefly and withdraw it.

But I would like to raise some questions today in the discussion we are having about rural development because rural development is critically important. I applaud the gentleman from Okahoma and the ranking minority member for the work that they have done on this issue. Frankly, I do not think this is going to level mountains, but it is a start, and a very important start.

We are in desperate trouble in rural America in this country. I hear people talk about unprecedented economic expansion in America. It is not unprecedented in my part of the country. We have had nearly a decade of recession, and on top of that a couple of years of drought. We do not have growth. We do not have economic opportunity. We have had a desperate decade that we simply cannot repeat in the 1990's.

Our State is losing population. Our Main Streets are dying. Our farmers are going broke. We need to do something about that.

There has been some economic growth in America in about 16 States, and it has been wonderful, from Hollywood to Wall Street, and many of the States on the two coasts. I wish that we had that same experience, but we have not. Rural America, the heartland of the United States, is in desperate trouble.

This kind of legislation is one step to see if we cannot develop the kind of approaches that are necessary to bring opportunity to rural areas.

I want to make this observation with my amendment, which is entitled "Fair Share Rural Development Amendment." We need permanent jobs in our part of the country that diversify our economy. One source of permanent jobs is the body of jobs represented by the activities of the Government. Our Government builds and buys a lot of things every year. We buy things from toothpaste to pencils to plums. We build fighter airplanes and we purchase almost everything in dozens of different ways.

The question is, How are the permanent jobs that come from the activities by Government distributed around the country? I will tell my colleagues here how they are distributed. They are distributed so that the bulk of the benefits go to those areas where people are piled on top of people, living 80 on top of each other, and the States that are in economic decline and suffering through economic recession are getting much much less than their fair share of those jobs.

For example, the Federal Procurement Data System Standard Report shows that North Dakota receives only about one-third of the Federal procurement that it might expect to receive on a per capita basis. Let me restate that. If we were to expect that the permanent jobs that result from the activities of Government—contracts and so forth around the country—would be distributed on a reasonably fair model, we are getting only one-third of what we would normally expect with that kind of fair distribution. Oklahoma suffers a similar fate, as does Wyoming, South Dakota, and dozens of other States. The fact is in many parts of the country, like the Midwest, like the Farm Belt, we are getting much, much less than we should expect from the permanent job creation of Federal activities.

My amendment proposes that we direct the Office of Management and Budget to develop a plan by which we try and determine how we can equitably distribute those permanent job opportunities from Federal activities around the country, and thereby stimulate economic opportunity for rural America. My amendment provides that the Director of the Office of Management and Budget develop a plan by 1995 in which we would redistribute those opportunities so that rural America is not left looking over the fence at other areas enjoying Federal job creation, where we already have overcrowding and population problems and crime. In urban coastal areas, we are continuing with our spending patterns at the Federal level to put more and more permanent Federal jobs in those districts—despite the fact that they already have more than their fair share—at the expense of those of us in other parts of the country who are getting much less than our proportional share of those permanent jobs.

That is the purpose of my amendment. I understand a point of order would rest, and I do not intend to pursue it. But I would like to ask the chairman, and I have also similarly addressed the chairman of the Committee on Government Operations and others who have responsibility here, to see if we cannot begin a process of hearings that would lead to hopefully some action to address this very important issue. I think this is something we should consider, because as I said, the Federal Government is and will always be a provider of permanent jobs just by virtue of its activities in contracting and purchasing, and that is why this is a very important issue.

I might add that rural areas have some of the hardest working people and most productive enterprises, so that efficiency is not an issue here. If anything letting more Federal contracts in rural areas, would make Federal procurement more economical.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, as the gentleman well knows, I am very sympathetic to his amendment. I think it is a fine amendment. If we did not run into a couple of problems with regard to germaneness, I would be delighted to accept that amendment. However, we do have a problem in that area.

The CHAIRMAN pro tempore. The time of the gentleman from North Dakota [Mr. DORGAN] has expired.

(By unanimous consent Mr. DORGAN of North Dakota was allowed to proceed for 3 additional minutes.)

□ 1300

Mr. ENGLISH. I have held discussions with the Committee on Government Operations, and they have assured me that they will look into this matter, and I think the gentleman can be assured it is not something that will be dropped.

Mr. Chairman, I want to commend the gentleman for bringing this to our attention. I think it is one that has a great deal of merit.

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the remarks of the gentleman from Oklahoma. I would like to observe that a related approach was dealt with in the bill that is coming out of the other body to conference. They dealt with it, I assume, because they believed, as well, it is very important for us to consider.

Let me again, without trying to restate it too many times, say that part of our development in rural America is what the gentleman and others have described in the bill that they have brought to the floor, it is very important, developing the infrastructure, the opportunities, and the planning; I understand all that and I support very strongly what the gentleman has done. Mr. ENGLISH has done a wonderful job on this bill.

Another part of it, going the next step, is to say that actions that we take as a Government determine where people live and where their jobs exist by the way we buy what we buy, by the way we contract what we contract for, and what we have done is predicate, on our behavior, it seems to me in recent years, that we want the permanent jobs to exist in areas where there already exist massive populations and all the problems attendant thereto. And it takes money away from those areas of the country that already have underemployment and unemployment and are lacking opportunities for permanent jobs.

So what we do is determining where those jobs go and we are wrong, in my judgment, and we are doing it in an especially unfair way as regards rural America.

We must do a better job than that. We must try to find a way to spread that around the country in a reasonably fair manner so that the folks in Oklahoma and the folks in North Dakota understand those permanent jobs created by us go to this country in a way that is reasonably fair to the various populations that exist in our States.

We must stop the process which now allocates four times as much Federal procurement to urban areas as rural ones, nationwide. We get only one-third of what we ought to expect in North Dakota. That is far too few permanent jobs.

Mr. ENGLISH. If the gentleman would yield further, I am very much in sympathy with what he is saying, and I think he has made an excellent point.

Mr. DORGAN of North Dakota. I hope we can move forward and have some hearings.

Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment at this time.

The CHAIRMAN pro tempore (Mr. FROST). Is there objection to the request of the gentleman from North Dakota?

There was no objection.

AMENDMENT OFFERED BY MR. TALLON

Mr. TALLON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TALLON:

On page 15, strike line 11 and all that follows through page 16, line 12, and insert the following:

"(3) ELIGIBLE STATE.—The term 'eligible State' means a State that has established an advisory rural economic development review panel meeting the requirements of section 361 not later than the effective date of this section.";

(2) On page 16, strike line 23 and all that follows through page 17, line 2 and insert the following:

"(5) STATE COORDINATOR.—The term 'State coordinator' means, with respect to each State, the individual appointed by the Secretary pursuant to subsection (c)(7)."; (3) On page 18—

(A) line 15, insert "a State coordinator or" after "is";

(B) line 19, delete "and";

(C) strike lines 20 through 25, and insert the following:

"(7) appoint an officer or employee of the Department of Agriculture to serve as State coordinator of each State rural economic review panel, who shall—

"(A) manage, operate, and carry out the instructions of, the State rural economic review panel;

"(B) serve as a liaison between the panel and the Federal and State agencies involved in rural development; and

"(C) transmit to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6); and

"(8) designate an agency within the Department to provide the panel and the State coordinator with support for the daily operation of the panel described in subsection (b)(3)."; and

(4) On page 33, line 19, insert "State coordinator or" after "each".

Mr. TALLON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. TALLON. I thank the chairman.

Mr. Chairman, first and foremost I want to congratulate the chairman of the subcommittee, the gentleman from Oklahoma [Mr. ENGLISH], and the ranking minority member, the gentleman from Missouri [Mr. COLEMAN], for their yeoman work of putting together this legislation, and also the entire staff committee headed by Bill Cherry, who has done a wonderful job in helping us craft this legislation over a period of almost 2 years now.

Mr. Chairman, I have an amendment that I think addresses the potential problem with what I will refer to as intrastate politics involving the State panels that are proposed in the legislation.

Mr. Chairman, this amendment provides that the staff coordinators serving these State panels be a USDA employee and deletes the $5 million provided for in the bill for the staff appointed by the Governor.

In my view, there's no need for us to finance staff for the Governor's to appoint to these panels.

The programs addressed in the bill are Federal and the staff providing the leg work should have the support and expertise of USDA.

I frankly, see no reason that the staffers for the different State committees to be employees of the Governor. Nor do we need to allocate an extra $5 million for this purpose.

This bill provides these State panels and consequently their staffers with a great deal of power.

They are prioritizing and shifting funds among the hundreds of project applications put forward in each State annually.

That is a pretty big stick and I do not think it should be placed in the hands of State politics.

Mr. ENGLISH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I very, very reluctantly rise in opposition to the amendment. The gentleman is certainly a valid member of the subcommittee. We have talked about this in the full committee several times.

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The State coordinator is one who does not have a policymaking position; he is more of a clerk than any type of policymaking role. We are attempting to weave together systems; we are trying to get entities to work together.

So we have on the Federal side those who handle the applications, all the requirements for the applications. Nothing is changed with regard to this particular panel's concern. It is only after those applications have reached the point that they are approvable and prioritization is needed.

It is only at that particular point then that the panel is called into being. The clerk simply transmits information back and forth to the panel and has the responsibility of pulling the panel together.

But this panel will elect its own chairman, and that chairman most likely will not be a Federal official. It seemed to us appropriate that someone other than a Federal employee be in charge of handling this particular point.

So I would oppose the amendment, Mr. Chairman.

Mr. WATKINS. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, let me share with you: As I have tried to work in putting together economic programs in rural America, many times it is not the USDA person who is the one who is motivated, and the one who has the vision and commitment to carry out an active program.

Many times the USDA employee feels like he or she has a full-time job already and does not want to take on additional burdens or responsibilities.

Some folks might think I have a conflict of interest since I am planning on running for Governor, but I think we should not tie the hands of the Governor. The Governor of any State will want to have the most dynamic person, the most committed person, and the most sincere person there to carry out a mission of building the rural areas of their States.

So I think that even though my good friend from South Carolina, who is deeply committed, deeply devoted to rural development aspects and has worked closely with me on many, many occasions, has an amendment that might work in some States I think in the case of States such as Oklahoma, we would like to have the opportunity of putting someone in the lead role who will carry out with a great deal of enthusiasm a rural development program to help build many of these rural areas.

So I reluctantly oppose the amendment and ask my colleagues to vote against it.

Mr. COLEMAN of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Very briefly, Mr. Chairman, let me say that the gentleman from South Carolina has indeed made a lot of contributions to this bill in our subcommittee. But I also have to rise in opposition to the amendment.

What we are trying to do is provide States flexibility and get State input, and to try to put a layer of Federal bureaucracy on the State review panel I think would be like adding oil to water. I do not think it would be a good mixture and a good direction for us to take.

What we are trying to do is just the opposite. While the amendment is well intentioned, it really serves an adverse purpose to what we are trying to accomplish by this legislation, and we hope that the committee would defeat the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina [Mr. TALLON].

The amendment was rejected.

□ 1310

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

Page 58, after line 12, insert the following:

SEC. 604. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) RESEARCH GRANTS.—

"(1) IN GENERAL.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) "LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended.".

Redesignate succeeding sections accordingly.

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. FROST). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume. I rise today to commend my colleagues for considering legislation which is intended to help revitalize rural America. Last year, I along with several of my northeast agricultural caucus colleagues introduced H.R. 3530, the Rural Assistance and Revitalization Act of 1989. Our goal was to bring attention to a topic which needed immediate action from this Congress and the administration. George Bush, during his campaign for President, aptly pointed out that: "America's economic recovery will not be complete until rural America's economic recovery is complete—and that Main Street is not going to shut down" under his administration.

Over the past decade, it has become abundantly clear that there are significant inequities between rural and urban areas in levels of income, employment, and education. Congress has not been inattentive to these differences. In the last few years, it has prepared or requested a number of reports which have fueled the need for congressional action. All of these reports, including those by our own Joint Economic Committee, point to problems of a declining economic base, a decaying infrastructure, inadequate access to basic services such as health care and education, and an eroding tax base for local government. A recent U.S. Department of Agriculture report to Congress concludes that the "most salient condition of rural America—is its disadvantage in comparison with urban areas." This measure is designed to bring about much-needed change.

Earlier in this decade, the Federal Government's approach to rural development was limited to farm legislation. That is no longer enough. Farm policy, although a main ingredient, is no longer synonymous with rural policy. The changing dynamics of rural America dicate that Congress must take a broader approach to address the problems facing small communities, as fewer than 20 percent of nonmetropolitan counties now rely on agriculture as their primary source of income and employment. Yes, agriculture is very important to rural America, but so is employment and job opportunities created by other businesses which rural residents and farm families depend on. Nearly half of the farm families in the United States depend on a second income from a nonagricultural source.

There is a debate as to what constitutes the proper role for the Federal Government in rural development activities. I believe, and my bill reflects this, that the Government's role is to help foster an environment where risk taking and innovation are encouraged. The ingredients necessary for economic growth in rural areas are the same as those elsewhere—accessible capital, adequate infrastructure, research and development capacity, an educated and skilled work force, suitable land, government incentives, and tax policies that promote development and local leadership. On the Federal level we need a policy that builds on the capacity of local institutions to assess their comparative advantage, identify competitive opportunities, and marshal public and private resources to take advantage of these factors. It is this approach that will make a difference in the economic, educational, and health needs in rural America. More money is not the only answer.

I am aware, Mr. Chairman, that the legislation before us today is not in itself a cure-all for the problems in rural America, but it's a good start. Mr. ENGLISH and Mr. COLEMAN should be commended for bringing the bill to the floor of the House. There are however, some areas missing from this legislation and I have an amendment which I now offer.

Study after study have indicated a need for rural businesses to tap national credit markets, and obtain access to venture capital. The Rural Assistance and Revitalization Act, which my colleagues and I in the northeast agricultural caucus introduced, built on existing credit delivery systems. Under our proposal, farm credit institutions could lend to agriculturally related businesses that serve rural America and to promote rural housing in small communities. These are areas that the farm credit system and its network of over 200 lending offices have experience in. They know the community, its people, and their needs, and the farmers owned system is an efficient and effective provider of credit. It is unfortunate, that a dispute between the banking industry and the Farm Credit System over the expanded authority of the FCS, resulted in the removal of this recommendation from the bill we are considering today. With proper credit safeguards and safety and soundness standards, the Federal Government can build upon and use the existing delivery system to further Federal policy objectives. My colleague, Mr. ENGLISH, has indicated that he intends to address this subject in the 1990 farm bill. I pledge my support in working with him on this issue which is important to the future economic health of rural America.

The amendment I now offer authorizes the Secretary of Agriclture to establish a modest competitive grants program to land-grant colleges and universities, research foundations, State agricultural experiment stations, and all post-secondary education institutions that have rural development research capability. The purpose of this modern grant program is to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and deversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas. The information from these studies will be invaluable in evaluating the impact of Federal and State economic development policies and programs on rural economies. Many times we legislate politices at the Federal level with little ultimate understanding of the impact these policies have on local people and their communities.

Mr. Chairman, again I want to commend my colleagues Mr. ENGLISH and Mr. COLEMAN for bringing this legislation before the House. While the bill may not be as comprehensive as we all would like, because of budgetary constraints, it is a major step forward. Not long ago, a USA Today poll discovered that more than two-thirds of Americans living in rural areas feel the Federal Government has neglected them. From economic development, to farming, health care, the environment and education, they feel short changed. The basic needs of millions of Americans in small towns and the countryside are often neglected or sacrificed for the needs of the cities. We can do better, and this legislation sends a message to Main Street USA that we will.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. Mr. Chairman, I yield to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of his amendment.

The gentleman is very concerned about the whole subject matter of rural development. We have discussed that. However, I think his amendment is something we can accept because it says let Members find out after things happen if they are happening in a correct fashion. Also, if it is not happening, what we can do to make it better. We do not worry about coming under the microscope. We encourage this type of research and evaluation. I think it is very key.

I note that there is right now not much information available in most centers on whether or not the economic development policies and programs are working. I asked, for example, the General Accounting Office 2 years ago to go through and make a review of all of the economic development rural programs that exist, and they had a hard time finding all of them that existed. OMB cannot tell Members. We do need some assistance in this area.

Frankly, I know that the gentleman, trying to develop a data base, is exactly what our University of Missouri is doing, and trying to set up some econometric models, and doing some good research in this area.

The gentleman's amendment, could in a parochial sense, help that institution and others that are doing the same thing. I support the gentleman's amendment.

Mr. BOEHLERT. Mr. Chairman, I want to thank the gentleman for his remarks.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. Mr. Chairman, I yield to the subcommittee chairman.

Mr. ENGLISH. Mr. Chairman, I have a couple of questions that I would like to ask the gentleman.

It is my understanding that the evaluation should cover the efforts in the State on rural development programs, including national and local efforts. Is that a correct statement?

Mr. BOEHLERT. That is correct, right.

Mr. ENGLISH. Second, the $3 million in funding for grants can only be used for research to support strategic planning, and not for the actual planning, is that correct?

Mr. BOEHLERT. That is correct.

Mr. ENGLISH, Mr. Chairman, I thank the gentleman. I think his amendment makes a contribution to be appreciated. I want to commend the gentleman for his interest in rural development, and the fine work.

(By unanimous consent, Mr. BOEHLERT was allowed to proceed for 1 additional minute.)

Mr. BOEHLERT. Mr. Chairman, this is a mutual admiration society, but it is inspiring. A lot of people wonder, why is a kid from New York so concerned about rural America. Well, some of the finest pieces of real estate in the great United States is upstate New York, and Oklahoma, and Missouri. Therefore, I thank all Members for their support.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for yielding, and want to commend the gentleman for his initiative.

As Members may know, I worked in this area for some period of time, and I attest to the deficiency of information about the impact of our rural development efforts. I do think our universities and colleges have the capacity, in many parts of the country, to give Members that kind of assessment which will be helpful to the authorizing committee.

I commend the gentleman for the initiative. I support it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

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The amendment was agreed to.

Mr. PANETTA. Mr. Chairman, I move to strike the last word.

I do this for the purpose of a colloquy with the chairman of the subcommittee. First, as a member of the Committee on Agriculture, I want to commend the subcommittee and the chairman of that subcommittee and its counterpart on the minority side for the tremendous job they did in bringing this rual development bill to the floor. It took a lot of work, took a lot of negotiation, and they did it, I think, recognizing the budget constraints that we all are dealing with. For that, I thank them. I think they did a tremendous job.

The reason I want to engage in this colloquy, Mr. Chairman, I have a small community in my district, Los Osos, that is facing a very difficult problem. The Los Osos-Baywood Park community, in San Luis Obispo County, CA, was ordered by the State Water Resources Control Board to install a sewage system to replace the community's septic tank system. Because of its concern about contamination of ground water by the septic tanks, the Board was adamant about the need to go to a sewer system, and even threatened to impose a building ban if the community did not move quickly.

Faced with this order, the community, with the assistance of the county and my office began to review its options. However, this task was quite disappointing because the community fell just short of qualifying for many Federal and State programs that would be of assistance.

However, the Rural Economic Development Act will provide increased funding for projects of this type. The total amount of grants available from the new Rural Development Agency will be increased from $155 to $500 million. This funding will be shared among rural communities across the Nation and limits on the amounts of individual grants will continue. In addition grants will be available for economically distressed communities. And finally, the Farm Credit System banks would be allowed to make water and sewer loans to cooperative formed specifically to establish and operate such systems and to rural towns with populations less than 20,000 for health and development purposes.

One of the main stumbling blocks in our pursuit to find Federal assistance for this community was the population requirements of the FmHA programs. Los Osos has a population of just over 12,000, which made it ineligible for FmHA assistance that is limited to communities under 10,000. However, I believe that Los Osos would be eligible to apply for the assistance provided for in the Rural Economic Development Act. Mr. Chairman, is this correct.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. English].

Mr. ENGLISH. Yes, under the Rural Economic Development Act, the community of Los Osos would be eligible to apply for the new grants and loans provided for in the legislation. The community could apply on its own or as part of a larger rural economic plan developed by the County of San Luis Obispo.

Mr. PANETTA. Thank you for that clarification, Mr. Chairman. The residents of Los Osos will be grateful for another chance at Federal assistance for the massive sewer project ordered by the State.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Traficant: Page 81, after line 2, insert the following:

SEC. 805. BUY-AMERICAN REQUIREMENT.

(a) Determination by the Administrator.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) Limited Application.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) Limitation.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) Report to Congress.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entitities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts which (but for this section) would have been awarded to foreign firms under this Act and the amendments made by this Act.

(e) Prohibition Against Fraudulent Use of "Made in America" Labels.—The Secretary of Commerce shall declare any person ineligible to bid for a federal contracts for a period of 3 to 5 years who intentionally affixes a label bearing a "Made in America" inscription to any product sold or shipped to the United States that is not made in America and may bring action against such person to enforce this section in any U.S. district court.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Domestic firm.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) Foreign firm.—The term "foreign firm" means a business entity not described in paragraph (2).

(4) Person.—The term "person" means a person or individual, corporation, partnership, limited partnership, joint venture and all and any business entity engaged in a business transaction with the U.S. Federal Government.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this amendment is a Buy America amendment, that has been offered to all procurement and authorization bills in the House. It provides for a 6-percent weight advantage to a domestic firm when competing for a contract under the purview of this particular authorization bill, when competing against a foreign firm; with the requirement that leaves 51 percent of the parts and contents be domestically produced. It does not interfere with GATT. It provides waiver for same, and includes a clause that, in fact, gives the Secretary an opportunity for those who fraudulently mislabel and purchase foreign goods but put "Made in America" on them. That they can, in fact, withhold both companies from bidding on American contracts in 3 to 5 years.

□ 1320

I appreciate the support of the subcommittee chairman, the gentleman from Oklahoma [Mr. English], and the support of the vice chairman, the gentleman from Missouri [Mr. Coleman].

Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think nearly all Americans have a great deal of sympathy for the amendment that the gentleman is offering. As the gentleman knows, I want to work with him in determining how such an amendment can be implemented with the least amount of disruption. We want to make sure that this kind of provision, when it is part of the law, is one that can be carried out as simply and as cheaply as possible.

Mr. TRAFICANT. Mr. Chairman, I agree with the chairman of the subcommittee. There are going to be mechanisms that have to be worked out, but it is very easy to buy foreign goods. We are going to have to put some structure and discipline into insuring that we have an opportunity to buy American-made goods. I appreciate the fact that the gentleman from Oklahoma and the gentleman from Missouri [Mr. COLEMAN] have been receptive enough to try to work that out, and hopefully, with their leadership, some mechanism will be worked out that will make it very practical and useful.

The CHAIRMAN pro tempore (Mr. FROST). The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

Mr. ESPY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to take this opportunity through this means to rise in support of H.R. 3581, the Rural Economic Development Act, and in doing so, I would like to praise the subcommittee chairman, the gentleman from Oklahoma [Mr. ENGLISH], and the vice chairman, the gentleman from Missouri [Mr. COLEMAN], for their hard work, their leadership, their guidance, their advice, and their philosophy of inclusion. There have been so many of us with our thumbprints on this legislation.

Mr. Chairman, I believe this measure will give rural economic development an enhanced and responsive delivery system with the creation of the Rural Development Administration in the Department of Agriculture. I am a firm believer in keeping the decisions and the prioritization functions at the local level, and this legislation will do just that.

This is all about decentralization, it is all about local input, and it is all about giving those most affected a chance to participate in the decision-making process.

My rural Mississippi district might be the third poorest in the Nation, but, Mr. Chairman, it is filled with hopes and bursting with potential. Over the past 3 years we have struggled with the administration of rural programs that provide water services, community facilities, and business and industry loans in my district. I am certain that rural economic development can be tailored to meet local needs and stabilize economic conditions in small communities all across the Nation.

We are taking a bold, new direction with rural economic development. We place more control of rural development programs at the local level and require the system of ranking project proposals to assess need as an element of the formula. That is to say, when two or more projects are vying for funding and are comparably ranked based on feasibility and potential for growth, the State review panel must make need the deciding factor.

So for all those reasons, Mr. Chairman, I am glad to rise to promote and sponsor H.R. 3581. I believe it is an excellent method to get assistance to rural areas that have the potential and the need, and I would just advise all of those Members here on the floor and all the Members of this body to vote for passage of this bill.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. ESPY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I want to commend the gentleman from Mississippi [Mr. ESPY] for his statement and certainly for his fine participation in the effort to develop this legislation. He was kind enough to host one of the hearings in his district. The people of his district had substantial input into this legislation, and certainly his guiding hand, as this legislation moved through the months, has been one that has made great contributions.

Mr. Chairman, we deeply appreciate the fine help the gentleman has given us and the great contribution he has made to this legislation.

Mr. ESPY. Mr. Chairman, I thank the chairman of the subcommittee for his statement and for his leadership.

AMENDMENT OFFERED BY MR. ROSE

Mr. ROSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSE: On page 19, line 10, strike "LIMITED TRANSFER AUTHORITY.—(A)".

On page 19, strike line 18 and all that follows through page 21, line 6.

On page 21, line 7, strike "(3)" and insert "(2)".

On page 34, strike line 18 and all that follows through page 38, line 7.

On page 45, after line 9, insert the following:

"SEC. 308. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

"Secton 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"'(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act'.".

Mr. ROSE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSE. Mr. Chairman, nobody in this body can hold a candle to me on rural development interests. That is a bold statement, I know, but let me explain myself.

When I came here back in 1973, there was an Oklahoman here by the name of Clem McSpadden whom I am sure the gentleman from Oklahoma [Mr. ENGLISH] knows and remembers well. Clem and I formed something called the rural caucus which through the years has done a lot to promote programs and things of interest for rural America.

I want to commend the gentleman from Oklahoma [Mr. ENGLISH] and the members of his committee for going this far in putting together a needed piece of legislation to highlight rural economic development. But I have just one problem here. It has been explained clearly, I say to our brothers and sisters, that the money for this bill comes out of something else that is vitally important to rural America. The gentleman from Oklahoma [Mr. ENGLISH] does not come up with any new money. The Budget Committee did not give him any new money. As a matter of fact, the gentleman from Mississippi [Mr. WHITTEN] wrote a letter to us on the authorization committee and said it was a backward step to take money from rural water and sewer programs, from business and industry, and from community development and put it all into one pot and to give the Secretary of Agriculture the authority to take specifically authorized and appropriated money and spread it as he sees fit.

Mr. Chairman, my amendment simply says that water and sewer money appropriated for that purpose must be used for water and sewer grants and loans. The Rose-Anthony-Rogers amendment does this: If it is not adopted, it would give the Secretary of Agriculture unprecedented, uncontrollable, and unheard-of authority to transfer authorized and appropriated moneys without input from Congress. If we want to responsibly limit the authority of the Secretary to spend moneys that are unappropriated, we need to vote for this amendment.

I wish that we had all the money that we need to make things better in rural America. I wish we could encourage businesses, because the Lord knows there are a lot of businesses out there that would like to have free buildings and better places to build their plants, and this bill would do that. But we also have to have water and sewer for the infrastructure of rural America.

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Mr. Chairman, I offered this amendment in the full committee, and my good friend, the chairman of the subcommittee, the gentleman from Oklahoma [Mr. ENGLISH], offered a substitute which in fact took a good portion of the water and sewer money and said it must stay in water and sewer. But still some $35 to $40 million of the depleted water and sewer fund can still flow out of that fund and into this bill for other things.

Mr. Chairman, I beg my colleagues not to lose their interest and zeal for rural economic development, and I ask them to please support my amendment to keep the rural water and sewer programs sacrosanct. I ask the Members to support the Rose-Anthony-Rogers amendment.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. ROSE. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I will ask the gentleman to add my name to the amendment as a cosponsor at the appropriate time. I want to get my own time specifically in support of the amendment, but I want to ask the gentleman a question in order to clarify the situation.

Just today I received word that we have about $1 million to fund an extension of the so-called Clay Council Rural Water Association out of the pool money. Is it my understanding that that $1 million might not have been available for the expansion of this project if the rural development bill would go through as it is planned?

Mr. ROSE. Yes.

Mr. ALEXANDER. And that the money probably would have been spent somewhere else?

Mr. ROSE. That is absolutely correct.

The CHAIRMAN pro tempore (Mr. VENTO). The time of the gentleman from North Carolina [Mr. ROSE] has expired.

(By unanimous consent, Mr. ROSE was allowed to proceed for 1 additional minute.)

Mr. ROSE. Mr. Chairman, I will answer the gentleman very briefly. I will let the gentleman pursue this on his own time, but I will answer the question.

My colleague, the gentleman from Oklahoma, will tell us they could have gotten the money for the purpose the gentleman expressed, but they would have had to go through a State committee, through people who are basically interested in rural economic development. So the chances are that the gentleman would not have gotten the money.

Mr. ALEXANDER. But the chances are the Governor would have some control over the money, some disposition of the money or control over the money?

Mr. ROSE. That is my fear.

Mr. ALEXANDER. And with the Governor's priorities in my case, which are compatible with mine, but not always so because Governors have their own priorities and have misunderstandings, would that in effect dilute that authority of Members of Congress to have influence to implement the priorities in their various districts?

Mr. ROSE. Mr. Chairman, the gentleman is absolutely correct.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman from North Carolina for his response.

☐ 1330

Mr. ENGLISH. Mr. Chairman, I move to strike the last word.

Mr. ENGLISH. Mr. Chairman, the amendment of the gentleman from North Carolina [Mr. ROSE] strikes at the very heart of the bill. It strikes at the flexibility.

As I stated yesterday, the one thing that we cannot tell people is that there are going to be huge amounts of money available for rural development. That is a fact.

The one thing local folks have asked for all across this country is flexibility. That is what we have attempted to do.

Instead of looking at each individual program and each individual category and saying, "This is my money, that's my money, that is my money," we pull it all together. Each State is allocated so much under certain categories. This legislation allows for the State to sit down together and look at the total amount of money that is available to them and to determine where their priorities are and where they can do the most good for their State.

Mr. Chairman, each State is different. Each State has different needs. This legislation allows us or allows the States to make certain that they respond to their individual State's needs. It makes certain that we get the most for every tax dollar that is spent that is spent on a priority project.

Let us cut through the smoke here in what we are talking about. What we are really talking about here is that under the past system there has been a tremendous inequity. We have some States that have been winners and some States that have been losers. Most of the States have been losers under the existing program. The reason is that they have not spent all the funds that have been allocated for their State, and there are a number of reasons for it.

Mr. Chairman, one reason may be the Farmers Home Director. There may be a whole host of other reasons, but they have not done it. That money gets turned back, and then any other States that have projects that are available, that are set and ready to go, that money goes to them. We do not touch that pooling concept, but what we do say is that each and every State should have the maximum opportunity to spend those resources for the projects that they feel are important for their State instead of having to turn back to some other State.

Interestingly enough, that very small number that continues to benefit year after year after year are the same States. It does not seem to change. In fact, if we look at it for the last 3 years, some 36 States have lost over the last 3 years. Last year alone 32 States lost, gave up their resources. This legislation gives them an opportunity to make the best possible use that they can out of those resources. If the amendment of the gentleman from North Carolina [Mr. ROSE] passes, those 36 States that have lost over the past 3 years most likely are going to lose over the next 3 years unless things change drastically within their States.

The bottom line, Mr. Chairman, is whether we are going to give the States the option to make certain that we spend those dollars in the best possible manner, and I want to go over, Mr. Chairman, so there is no mistake, those 36 States that have lost in the past 3 years. Alabama, Alaska, Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Iowa, Indiana, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming. All would likely lose if the Rose amendment is adopted.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I would like to rise in support of the position of the chairman of the subcommittee and opposed to the amendment of the gentleman from North Carolina [Mr. ROSE]. The bottom line is that, if we adopt the Rose amendment, we really do not have much of a bill here for our rural development.

Mr. Chairman, it seems to me that in a time when we have got very limited economic resources coming from Washington, whether to dictate by an artificial or an arbitrary formula how this money should be used, that it makes eminent sense to let the States determine how to use these limited resources.

So, Mr. Chairman, I would urge my colleagues to stay with the gentleman from Oklahoma [Mr. ENGLISH], the subcommittee chairman, and oppose the amendment of the gentleman from North Carolina [Mr. ROSE].

Mr. ENGLISH. Let me also say, Mr. Chairman, that without question we can transfer from one program to the next. It can go from water to community facility, from community facility to water; so, if that is where one's priorities are, in water, that is where they can put their money.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

First, I wish to applaud the committee and the work of the members of the committee, in particular the gentleman from Oklahoma [Mr. ENGLISH], the chairman of the Rural Development Subcommittee. About 16 years or so ago I served as chairman of the Rural Development Subcommittee and had the same job that the gentleman from Oklahoma [Mr. ENGLISH] has today, and we went through the process years ago that we are going through again today.

Mr. Chairman, all of us that serve rural districts in places like Arkansas, and Oklahoma, and Minnesota, and Kentucky and everyone in the room here today know that the most essential ingredient to economic development in rural areas is clean healthy water, and the most important improvement to the quality of life of people who live in nonmetropolitan regions is water. It is the heart of any community, and it is the life, it is the necessary life blood, of that community.

Mr. Chairman, over the years we have debated who should be the principal spokesman for deciding priorities for the placement of rural water, and I do not believe that there is an elected official anywhere, or an unelected official anywhere, that knows the priorities of an area better than a Member of Congress that serves that area because every week we are out in our districts, we are meeting with the people, we are hearing their needs, we understand the district, we know the district, we know the priorities of that district, and I for one am very uncomfortable with the provisions of this bill which transfer the authority for determining priorities to someone else; in the instance, the Governor of a State.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, as in the exchange that the gentleman from Arkansas [Mr. ALEXANDER] had with the gentleman from North Carolina [Mr. ROSE], the distinguished chairman, we have to insist that that is not what the bill does. The establishment and review of written policy and criteria for evaluating; it is not the Governor. The panel shall be composed of more than 16 members, and those are the people that conceivably better than the Congressmen from that area know the need, and we do not select. The Member of Congress does not say yea or nay on any project, as well as we know that area. But I think it should be made clear now. It is not the Governor, the Governor or a person designated by him. One of Sixteen. The Governor, person designated by him, a Member of Congress now does not have the authority of, in fact, saying yea or nay on any project. The Member could not, if they did not want to give that grant to Clay County, the gentleman could have done somersaults on top of the dome, and they still would not give it.

□ 1340

So I just wanted to clear the air to see that we are addressing the issue as it relates to the bill and the practicality of the situation.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas has expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. I am pleased, of course, to yield to the chairman of the full committee, but I respectfully disagree with his analysis of this bill and of the provisions of this bill; but notwithstanding the gentleman's opinion, even if it is not in the Governor himself who is going to decide the priorities, it will be someone that the Governor chooses that is supposed to be the expert in the congressional districts.

Now, I do not as a Member of Congress have the final say about who gets the money for these projects, but I feel like I have a better chance under the present system, where this money is pooled, of letting my priorities be known than I will have if there is another authority created which is superimposed, you might say another layer of bureaucracy, be it the Governor, be it the Department of Agriculture, be it a combination of those two authorities.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. Of course I yield to the gentleman from Texas.

Mr. DE LA GARZA. I just want the gentleman to know, I can appreciate the gentleman's interest and I can sympathize with it, but I just want us to be correct in the discussion.

The gentleman would replace 29. The Governor's designee is only one, one of whom is appointed by a statewide association of rural telephone companies. Who better knows the needs than the telephone company? One is appointed by a statewide association of noncooperative phone companies, by rural electric companies, by health care organizations.

It is not the Governor. It is a 16-member board with several advisory nonvoting members, if the gentleman will just read the bill.

Mr. ALEXANDER. The practical effect of this bill is to take influence away from a Member of Congress.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas has again expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. I will be glad, of course, to yield further to the gentleman, but I disagree with the gentleman. I think that the practical effect of this bill is to lessen the influence of Members of Congress in determining priorities for awarding rural water and rural waste disposal systems for their congressional districts, and it creates another level of bureaucracy on which the Governor has a great influence, and I am compatible with my Governor. I want him to be reelected. I have no problem with that whatever, but I do not know who is going to succeed him. I know who preceded him, with whom I had no authority, no influence.

I think it disserves the cause of our representation of our congressional districts to create this new authority, and I think the bill as it is written will lessen our authority, and that is why I am supporting the Rose amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield further?

Mr. ALEXANDER. I am glad to yield to the gentleman from Texas.

Mr. DE LA GARZA. I just want to clear the record. The gentleman has no authority under the Constitution or the laws, but if the gentleman is concerned, again I guess he is obsessed with mention of the Governor.

Mr. ALEXANDER. Let me reclaim my time for just a second, Mr. Chairman.

Let us amend the word "authority" to read "influence." I am not talking about authority. I am talking about influence. I have more influence under the present system than I will under the system that is created by this new bill.

Mr. DE LA GARZA. Mr. Chairman, if the gentleman will yield further, I doubt that very much, because now under this administration, which is of a different political party, the gentleman's influence is very, very small.

Mr. ALEXANDER. I am happy with the present administration. I like the President. He is a personal friend of mine.

Mr. DE LA GARZA. Go back to the bill, read the bill. One is appointed by a statewide association of counties and the State.

The CHAIRMAN pro tempore. The time of the gentleman from Arkansas has again expired.

(By unanimous consent, Mr. ALEXANDER was allowed to proceed for 2 additional minutes.)

Mr. ALEXANDER. Mr. Chairman, I am pleased to yield further to the gentleman from Texas.

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Mr. de la GARZA. Let me just conclude. I just wanted to insist that when the gentleman says Governor, he is but one of the members of the group. When the gentleman says that the influence of a Member of Congress would be eroded, he is yielding that influence to the people who elect him and the people who elect the Congressman are the associations within the State. So leave the Governor out. Leave it that the Member may or may not have influence. This says that the local entities decide through their Representatives. That is what we know as representative government.

Mr. ALEXANDER. Like the gentleman from Texas, I have had some experience here for 22 years. I understand what this bill says. I like it the way it is. I do not think it is going to serve the people who have elected me for 22 years to change it in the way that the gentleman recommends.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from South Carolina.

Mr. TALLON. Mr. Chairman, I thank the gentleman for yielding to me. I certainly share some of the concerns my colleague, the gentleman from Arkansas, has.

The legislation, and if I am wrong I will stand corrected, but I think the legislation says that the Governor can appoint either one or two Members to the board and the head of the committee is an employee of the government, and actually the legislation—and I had an amendment earlier that was defeated—provides for $5 million for the Governor to actually hire this executive director of advisory committees. I feel that gives the Governor a great deal of power and we are going to get involved in all kinds of State politics.

Mr. ALEXANDER. Mr. Chairman, I would just conclude by saying that I do not think it serves our cause here as Representatives of the people to in any way dilute what influence we may have under the present system, and that the committee bill as it is presented not only dilutes our influence, but it also dilutes the amount of money that is available for rural water and sewage.

Mr. Chairman, I urge my colleagues to vote for the Rose amendment.

Mr. MARLENEE. Mr. Chairman, I move to strike the requisite number of words.

I urge adoption of the amendment offered by our colleague from North Carolina [Mr. Rose] and would ask if the gentleman would join me for a question at this moment.

Mr. ROSE. Mr. Chairman if the gentleman will yield, I am happy to do this.

Mr. MARLENEE. Mr. Chairman, it is my understanding that the EPA acting in consort or directing the State Departments of Health and/or Environmental Sciences, whichever agency happens to handle water and sewer, that the EPA through its extension of State agencies demands, directs, and requests that certain water and sewer requirements be met for small communities. Is that correct?

Mr. ROSE. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. MARLENEE. So on the one hand we have the Federal Government, through the EPA, demanding that these small towns and communities have certain types of water and sewer facilities, and now we are on the verge of passing legislation, and it is the contention of the gentleman that this legislation would remove the funding that has in the past been available for partially funding those water and sewer projects.

Mr. ROSE. Mr. Chairman, will the gentleman yield further?

Mr. MARLENEE. I am happy to yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, that is correct. It will remove a great deal of the funds. The EPA estimates that 80 percent of the sewage treatment systems not in compliance with EPA standards are located in small rural communities, that is the sewage treatment. In addition, two-thirds of the rural drinking water supplies violate Federal drinking water standards, so that there is actually a need for $28 billion in financing for sewer systems in rural areas, never mind the need for safe water systems.

Mr. MARLENEE. What the gentleman is telling me is that this legislation has no appropriation tied to it, but confiscates that money that was supposed to go to pay for sewer and water that was mandated by the Federal Government.

Mr. ROSE. Mr. Chairman, the gentleman is correct.

Mr. MARLENEE. Now, I can hear the supporters of the legislation say, "But the rural communities and the areas will have the option of setting priorities themselves."

Let me address that for just one moment. If the gentleman will hold at the well in case we have another question, I would appreciate it.

Let me address that for just one moment. It is not my understanding of the bill, it is not until each area has a plan, a regional plan that has been put together or an area plan that has been put together as mandated by the bill. Some municipalities, some rural areas may not have an area plan.

□ 1350

I will be happy to yield very shortly if I can finish with the planned portion of my remarks.

On page 12, "Definition: Area Plan. The term area plan means with respect to a local regional plan in a State, the long-range rural development plan developed for the area. Each plan shall identify the geographical boundaries of the area, an overall development plan for the goal of the area including business development, infrastructure, development goals, time line basis, the number and types of businesses," and it goes on, "Water and waste facilities, industrial recruitment in the area, potential for the development of tourism," and so forth and so on, "that will be in this plan."

What it appears to me is that in addition to the Federal Government demanding that the localities develop water and sewer, as we have through EPA and the environmental legislation we have passed, we are further demanding that each community, each municipality, develop a plan. One more time it appears to me that the committee here has embarked upon paying consultants and attorneys, consultants and attorneys. How much are we going to require that these communities come up with before they ever qualify for a water and sewer grant? Because they developed the plan, how many thousands of dollars?

Mr. ROSE. If the gentleman will yield further, the gentleman makes eminent sense to me. I think he is correct.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Texas.

Mr. de la GARZA. Mr. Chairman, it is awkward to be placed in a position truthfully of trying to correct the record and to insist that we discuss the areas covered by the bill.

The gentleman said would confiscate funds, and so forth, agreed to by the gentleman from North Carolina.

This legislation does not deal with the EPA, EPA funds, or EPA funding at all.

The CHAIRMAN pro tempore (Mr. Frost). The time of the gentleman from Montana [Mr. Marlenee] has expired.

(At the request of Mr. de la Garza and by unanimous consent, Mr. Marlenee was allowed to proceed for 2 additional minutes.)

Mr. MARLENEE. Mr. Chairman, I yield to the gentleman from Texas.

Mr. de la GARZA. Mr. Chairman, that is an erroneous statement. We do not deal with EPA funding or EPA funds.

Also, priorities for health reasons: that is explicitly mandated in the bill, page 27.

Mr. MARLENEE. Mr. Chairman, reclaiming my time, only after each area develops a regional plan, after we have paid, as local people have paid for consultants and attorneys to develop these plans.

Mr. de la GARZA. If the gentleman will yield further, they do that now.

They do that now, every area. We may be overrun by consultants, but that is done. This does not change anything.

The fact is that the gentleman's insistence that we would confiscate money from EPA is not correct, not under this bill.

Mr. MARLENEE. Reclaiming my time and correcting the record, I did not say from EPA; confiscates money, and I referred to those funds that were available that were grant funds that this bill takes under its wing and makes available.

The EPA has a different set of funds, and I acknowledge that.

Mr. DE LA GARZA. If the gentleman will yield further, I would not challenge the gentleman, but not from EPA, and then priority is given to applications for projects designed to address health emergency declared to be such by the appropriate Federal or State government agency, so we do not deal with EPA funds in this legislation period, but if EPA gives a grant to an area, then we say declared to be a health problem by the appropriate Federal or State agency.

Mr. MARLENEE. Reclaiming my time, absolutely. The funds we are siphoning off, and the chairman is correct, are FmHA funds that would otherwise go to help pay for these water and sewer projects.

The CHAIRMAN pro tempore. The time of the gentleman from Montana [Mr. MARLENEE] has again expired.

(At the request of Mr. ENGLISH and by unanimous consent, Mr. MARLENEE was allowed to proceed for 1 additional minute.)

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am rather puzzled by the gentleman's position.

Looking at the State of Montana last year, they only spent 27 percent of the funds allocated for them. I would have to assume that the gentleman has some problems in Montana, and I do not know whether it is the State Director of the Farmers Home Administration who does believe in the program and does not want to use it or what it may be. But under the circumstances, money from Montana is being sent back to the national pool, and I would assume is being sent to Arkansas or being sent to North Carolina or South Carolina.

Let me simply say that what we are pointing out under this legislation is that the gentleman's home State of Montana would then be able to utilize those funds to meet those needs he points out to us are so desperate, and I would suggest he would be better off with a panel than he is with the Farmer's Home Director he has right now, because right now he is losing his shirt.

Mr. MARLENEE. Reclaiming my time, I hope we do not have to utilize them to pay for consultants.

The CHAIRMAN pro tempore. The time of the gentleman from Montana [Mr. MARLENEE] has again expired.

(At the request of Mr. ALEXANDER and by unanimous consent, Mr. MARLENEE was allowed to proceed for 1 additional minute.)

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, is the gentleman not saying that under the committee bill that authority is created for this new level of bureaucracy to choose between funds that are appropriated for water and sewer on one hand and for rural economic development on the other, and that the choice made by that committee may be different from that made by Congress in appropriating those funds?

Mr. MARLENEE. Reclaiming my time, this is true. This is true.

Mr. ALEXANDER. If the gentleman will yield further, what we really need is funds both rural water and sewer and economic development, but what we are doing here is giving someone else the authority to use the funds for either?

Mr. MARLENEE. The gentleman is correct.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, this is getting more awkward by the minute. The bureaucracy does not transfer funds in the Government of the United States of America. The Secretaries are allowed discretion in some areas.

Mr. TALLON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, by providing the Secretary of Agriculture with the authority to transfer funds between programs based on the recommendations of the State economic development review panels what we've set up is a modified block grant proposal.

That scares me.

It scares me because historically block grants have died a slow withering death.

It scares me because we are abdicating our responsibility to recognize and direct Federal funds where they are most needed.

We are taking the dollars and the heat from the taxpayers without any say-so in how this money is being spent.

And it scares me because I believe that turning all decisionmaking authority over to these State panels will result in money chasing money with total disregard for the basic quality of life for hundreds of small, struggling towns across this country.

For instance, there is a tremendous need for rural water and sewer funding across America. EPA estimates that 80 percent of the sewage treatment systems that do not meet EPA requirements are located in small communities.

In addition, two-thirds of rural drinking water supplies violate Federal drinking water standards.

There is a need for more than $28 billion in financing for sewer systems alone.

While FmHA, under the direction of Congress, is doing everything it can to meet the demand, the continued need is evidenced by the backlog of water-sewer loans and grants.

As of December, FmHA had on hand some 2,000 applications representing over $1.3 billion in applications and preapplications for funding.

Virtually every State has a huge number of proposals on hand.

I think it's important for us to send a signal to the Appropriations Committee and to Congress that rural development is a priority. If we're serious about bringing jobs and a better way of life to rural America then this is the place to start.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. TALLON. I am happy to yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I believe the gentleman was saying that the panel would approve. The panel does not approve. It is up to the Farmers Home Administration, and the rules and regulations as outlined by the Farmers Home Administration, as they stand today, continue to be the case.

Mr. TALLON. Mr. Chairman, reclaiming my time, I said the Secretary of Agriculture has the authority to transfer funds between programs based on recommendations of these State panels.

Mr. LANCASTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the amendment offered by the gentleman from North Carolina is a constructive amendment in addition to the bill. It will strengthen the bill, and I hope my colleagues will join me in supporting it.

Mr. Chairman, this amendment simply says that the Department of Agriculture must spend its appropriations for the programs that are approved for funding under the Appropriations Act.

☐ 1400

This amendment simply protects the integrity of the actions of this House.

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Now, to my colleagues who may not be as familiar with this bill as some of us on the committee are, let me say that my concerns are linked specifically to the funding of water and sewer projects in rural areas of this country. The fact remains that there can be very little real rural economic development without water and sewer infrastructure in place to accommodate this development.

The problem is that under this bill water and sewer needs are only one of the many types of activities that are to be considered by the State panels. I frankly believe that there will be intense pressures from the job creation side and the water and sewer needs will take a back seat. Let us face it: it is much easier to build speculative industrial buildings than sewer lines.

I also have some problems with the basic application process required by the bill. I think going before a State board for approval only adds red tape to an already difficult process.

But if it is the will of this Congress to go with the new deliver system, then I will try to live with it. But I need some reassurance that at the end of the planning process there will still be funds available for the water needs of our rural communities. The amendment provides this assurance.

Let me explain to my colleagues about the need for funding of these programs.

In some of our rural areas we still have a large population that is served by wells. These wells are becoming increasingly contaminated.

For the safety of these rural people, as well as for rural development, we need water and sewer systems in rural America.

Since 1981 there has already been a 50-percent reduction in these funds. Again, all we are asking for is some tiny bit of reassurance that this erosion will not continue and the rural communities with water and sewer needs will not continue to receive the short end of the stick.

Mr. de la GARZA. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Chairman, again I just want to clarify for the record, because the gentleman is knowledgeable, that there is no district in the United States possibly that has more problems than mine bringing rural water supplies to the border area. The gentleman and I would agree on that.

But the fact of the matter is that in actuality, the gentleman made a statement about building buildings and so on. The first thing you do is bring water. Industrial parks, first you bring water. Rural enterprise, first you bring water. A sterile, impotent building out in rural America is not going to do anything. It is not going to make jobs.

The fact is that under this legislation, the local districts or the advisory is going to advise what are the priorities. We already say health is a priority, period, to begin with.

The local State agency or advisory committee, Farmers Home is going to decide under their criteria or eventually the Secretary. But water is the beginning. That is what the gentleman from North Carolina [Mr. Lancaster] and I have worked with together.

So this is not water competing with a sterile, impotent building, or water competing with some job-making industry. Every industry that comes first must have water and sewage. Otherwise it would not be a viable economic industry. You cannot have a building without the utilities that are needed for the people that are going to work there.

So the priority has, is, and will continue to be water. Otherwise you do not have any industrial development.

Mr. LANCASTER. Mr. Chairman, reclaiming my time, I agree with the gentleman from Texas [Mr. de la Garza] that water and sewer must be the priority. But what I fear is when we have a system that allows the States to set those priorities, they will be different from our priority.

This amendment permits Congress to continue to exercise what I think is their right for the role of allocating those priorities and making certain that water and sewer receives a finite amount of money that is not going to be transferred by the Secretary or recommendation of the panel to some other purpose.

Mr. Chairman, the amendment gives those of us who are uncertain about the basic structure of the bill what we need, while still maintaining the locally oriented planning process that is a centerpiece of the bill of the gentleman from Oklahoma [Mr. English]. I urge my colleagues to vote yes on the Rose amendment.

Mr. Chairman, I would ask if the gentleman from North Carolina [Mr. Rose] would clarify for us the winners and losers argument made by the gentleman from Oklahoma [Mr. English], the chairman of the Subcommittee on Conservation, Credit, and Rural Development, that over a 3-year period 36 States gave up money under this bill, that under the current system 36 States over a 3-year period turned money back.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. LANCASTER. I yield to the gentleman from North Carolina [Mr. Rose].

Mr. ROSE. Mr. Chairman, that is correct. But that money was then redistributed to 43 States. So 43 States came out better under the system the way the Rose amendment would leave it than would come out if the bill is enacted without my amendment.

Mr. STAGGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a lot of talk of fears of losing money. I have a fear also. We have a very effective FHA director in my State, John Musgrave, who does a very good job. My fear is what if he leaves? How is my State going to fare in this competition?

Also I think if one looks at the problem here, the bottom line is do we have enough money? Obviously we do not. I think that is the question we should really be debating here.

We did have a compromise in the committee and it will protect the water and sewer money coming into the States, as I understand it. I think that is very important, because water and sewer money is a very important economic development, especially in West Virginia. But the water and sewer money coming into West Virginia is not doing enough at this point. I think that is the question we should be addressing here.

The reallocation, the question has come up. We are gnawing away at the problem with dull teeth. What this bill would do is sharpen our teeth so we can be more effective in getting economic development in rural America.

Earlier today we heard the gentleman from Oklahoma [Mr. Watkins] talk about a Marshall plan. That is what we need, a Marshall plan. We have the ability to provide rural development in this Nation. I think that if Members would look at this issue from that standpoint, it is that if we have the political will, we can in fact accomplish what we want to accomplish. I think that is the bottom line. I have my fears, but I think this is the best way to approach that.

Mr. ENGLISH. Mr. Chairman, would the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Oklahoma [Mr. English].

Mr. ENGLISH. Mr. Chairman, the question was raised with regard to funds and who wins and who loses. I would suggest that we have got the list here from the Department of Agriculture, from the Farmers Home Administration. What I was listing are the net bottom line, after all the switching and adjustments are done, those that win and lose.

Over the last 3 years there have been 36 States that have lost. Last year alone 32 lost. That is what it comes down to. It is the same States year after year after year that win.

I would suggest that Arkansas, North Carolina, South Carolina, and Kentucky are certainly States that fall into those categories every time.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from South Carolina [Mr. Tallon].

Mr. TALLON. Mr. Chairman, I am very concerned here. We are hearing all this about which States win and which States lose. I have a list here of States that benefited last year from the current policy of pooling funds. I have friends and colleagues from the States. I think they ought to know. Alaska, Arizona, Arkansas, California, Connecticut, Delaware, and Florida.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. Mr. Chairman, I reclaim my time and yield to the gentleman from Oklahoma [Mr. English], the chairman of the Subcommittee on Conservation, Credit, and Rural Development.

Mr. ENGLISH. Mr. Chairman, I would suggest to the gentleman from South Carolina [Mr. Tallon] the Department of Agriculture might be trusted more than the typed list the gentleman has in his hand. I would be happy to sit down with the gentleman and show him the list, if he has any questions.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from South Carolina [Mr. Tallon].

Mr. TALLON. Mr. Chairman, I went over this list very carefully. These are States that benefited from the present policy of pooling only last year.

Mr. OLIN. Mr. Chairman, I move to strike the requisite number of words.

I rise in favor of the Rose amendment. I want to first commend the gentleman from Oklahoma [Mr. English] and the gentleman from Missouri [Mr. Coleman] for their work on this bill. Most of the provisions of this bill are good.

Mr. Chairman, I want to say that I also thank the gentleman from Oklahoma [Mr. English] particularly for his move to accommodate members of the Subcommittee on Conservation, Credit, and Rural Development during the markup sessions that we had.

Mr. Chairman, it seems to me that the issue is very clear. We have been appropriating something like $400 million a year for water and sewer projects in this country and about $200 million for other development purposes. Water and sewer money is still the most critical need of our rural communities. And even under the bill, with the limited transfer that is in the bill, even any transfer of water and sewer funds to other purposes would hit our poor rural communities in a way that they do not need to be hit.

□ 1410

The bill has in it a provision which says that funds can be transferred under the bill only to the extent of the gap between appropriated funds and authorized funds. That gap is presently $34 million. But it would not take very long, with a little skulduggery to get the authorization level up enough to transfer a fair amount of money.

Mr. Chairman, I think that the case is pretty simple. The underlying goal of this bill is to promote job growth and population increases in rural America. Jobs go where there are available workers. Workers go where there is adequate housing. Housing is built where there is water and sewer facilities. We have to keep the basics first, and keep the water and sewer funds intact. We will get plenty of economic development out of that.

Vote for the Rose amendment.

Mr. COLEMAN of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first of all make sure that everybody knows that the Rose amendment is one of those few things that can be called a gutting amendment, because that is exactly what it does. It guts the thrust of this new approach to dealing with rural America and trying to solve the problems of rural America.

It is no wonder that the gentleman from North Carolina is offering an amendment because he is milking, and his State has milked the current system for all it is worth. If we are going to continue the approach to rural development that has not worked, frankly, very well over this last 20 or 25 years, then Members will want to vote for the Rose amendment.

But if Members believe we need a new focus, and we need new ways of dealing with rural America, and they like flexibile funding, they like State input, and believe that people closest to the people can make better decisions than even Members of Congress, and I know it is kind of hard for us to think that we do not have all of the knowledge and are all important, but I do not think under the current system we have talked about influence that Members of Congress have. I do not think any place in any law that it says a Member of Congress shall provide water and sewer grants. It specifically says the Secretary, and we are talking about the Secretary of Agriculture. That is even true under the English-Coleman proposal.

The reason is we have some constitutional limitations we have to operate under. We cannot give this authority to Members of Congress to issue. We cannot give it to a panel in the States, we cannot give it to the Governor. We are giving it to the Secretary, who currently has it, but a Secretary who will take into consideration, and that was under the de la Garza amendment earlier today, "He shall take into consideration what the review panel in each State will propose." What they will propose, Mr. Chairman, is a combination of how to use money currently available.

In the State of North Carolina they may have different needs than the State of California. The State of Oklahoma may have different needs than the State of Texas. What is wrong with letting the North Carolinians make an advisory opinion to the Secretary on how to spend that money? There is nothing wrong with that.

I think most Members from rural areas have always gone around and campaigned to our people that, gee, those people in Washington, those bureaucrats, they do not know what is going on. It is you good folks back here at home who know what is going on. Now when we have a chance to see happen what we really believe and are given an opportunity to vote, we say no, you do not know what is going on, I know what is going on, because that is the philosophy of the Rose amendment.

So what we are trying to do, very simply, is say look, the old system may be worked for a handful of States, but it has not worked for this country as a whole. Maybe we are being too bold by trying something different, but we believe, and the committee believes, and I think the vast majority of Members of this body believe that we can do better.

All this stuff about winners and losers is fine. The winners and losers, we can make up lists and so forth, but we are trying to construct a national delivery system in which everybody will win and there are not losers.

Also let me say we are not disturbing the appropriation process. We will undoubtedly hear from a few Members of the Appropriations Committee. We are not trying to involve ourselves in their territory. We are simply allowing flexibility.

Members who are watching this in their offices, I would say to them do not get the impression that because we have heard some Representatives of North and South Carolina, and Arkansas, and perhaps Virginia and one or two other States, that this is some kind of landslide movement here. They are the ones who are gaining and will gain under the Rose amendment, very parochial. The rest of us will not. That is very important to recognize.

In fact, if Members are interested in sewer and water money, as all of us are, and the chairman very appropriately pointed out that water is the basic necessity in all of this economic development for jobs and opportunities, that they could even get more money under our proposal than less money. They have concentrated on the fact that they may lose. The fact of the matter is they may gain, because they might be able to keep their

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commitment to sewer and water by pulling out some funds from some other programs, and even increase their participation. So there are no winners and losers per se. It is whether or not the State wants it on a review panel not controlled by the Governor but made up of 16 citizens from rural communities that represent various interests in the State, who could increase the water and sewer money as opposed to reducing it.

Mr. PENNY. Mr Chairman, I move to strike the requisite number of words.

Mr. Chairman, virtually every local unit of government used to benefit from a program called revenue sharing. That program provided funding to local units of government, and it was used at their discretion for local priorities. Now that program is gone.

At the Federal level we are now focused primarily on dedicated grant programs. These categorical grant programs, like the Water and Sewer Funding Program, are available to some communities, but most communities do not qualify for assistance for these programs, and it is not always the communities in greatest need that get the money. Too often, with these categorical grant programs, the communities that get the money are the communities with the best grant writers.

This Water and Sewer Grant Program is a classic example of a program in which those communities which aggressively utilize water and sewer grants get the lion's share of the money. The emphasis given water and sewer funding shortchanges other worthwhile rural development initiatives across this country.

The whole thrust of this rural development bill is to give our rural communities a better chance at the rural development assistance coming from the Federal Government. Pooling the various programs within the U.S. Department of Agriculture, including the funding available for water and sewer projects, will allow each State to draw on that pool of money to finance its own priorities. If water and sewer funding happens to be a priority within that given State or a geographic region within that State, then fine. But we should not impose a Federal water and sewer prejudice on local officials who may have greater rural development needs in other areas.

I urge the rejection of the Rose amendment.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I want to commend the gentleman for his statement. I think the other point should be made that it is a two-way street. Certainly money from any of these other programs could be transferred into water and sewer if that is the need of that particular State.

One thing that has not been mentioned, however, is that we also have a crisis in rural health care and other community facility programs, and that money is desperately needed. So other funds can be transferred in for rural health care as well, and certainly I would think that no Member of Congress wants to have to choose between saying yes, your local hospital closed because I did not want to give you the flexibility of determining the priorities of your particular State or your locale.

☐ 1420

I think the gentleman has done an outstanding job of underscoring the need for local decisions. Let us trust the local people.

Mr. PENNY. I thank the chairman for his remarks. I laud his leadership in this area. He has done an outstanding job of developing the rural initiative.

Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. PENNY. If I have the time, I yield to the gentleman from South Carolina.

Mr. TALLON. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has made an excellent statement, but what he has outlined is truly a classic block grant program, and we will see the money wither away and drop just like we did in the revenue-sharing area, and that is a very deep concern of mine. I appreciate the gentleman outlining it, but would still encourage people to vote for the Rose amendment.

Mr. PENNY. Here again my fundamental concern is the classic pattern of categorical grant programs in which far too often it is not the community in greatest need that gets the money but it is the communities with the best grant writers that get the money. I would rather have a general pool of money within the Department of Agriculture available for a wide variety of rural development initiatives and then let the States and the regions within those States highlight for us what the greatest need is, apply through this pool of money for assistance and move forward with those projects that mean the most to those rural communities.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me first congratulate our two colleagues, especially the gentleman from Oklahoma [Mr. ENGLISH] and the gentleman from Missouri [Mr. COLEMAN], for this exercise in focusing America's attention and this body's attention on what needs to be, and that is economic development in the rural areas.

However, I have to rise in support of the Rose amendment in this case because even though the bill on the floor has many good points, this is one of the areas that I think it is very, very threatening to the poorest and most isolated of our rural counties.

Mr. Chairman, I rise to urge my colleagues not to destroy the only opportunity many rural Americans have for good safe water. If we pass H.R. 3581 as it is now written, sending a message to the most isolated rural Americans that they must leave their homes to survive.

There is no one here more committed to rural economic development than I am. Education and economic development organizations which I have created in my district are my pride and joy, but dedication to economic development is no excuse to obliterate those weaker, poorer communities who have less potential for growth. Given the standards by which water and sewer applications must be prioritized under H.R. 3581, the opportunity for many rural Americans to access good safe water will be destroyed because they will not be able to compete with the America which is becoming less rural.

There is no way that our neediest communities will be able to meet the criteria this bill establishes for assistance. If we allow this bill to pass as currently written, priority will be given to those who can demonstrate the greatest potential for growth. Applications will be considered based on the ability to identify "the number and types of businesses in the area that are growing or declining, and a list of the types of businesses that the area could potentially support; the realistic possibilities for industrial recruitment; the potential for the production of value-added agricultural products; the potential for tourism development; the generation of employment; a list of area residents with special skills; a current list of organizations in the area and their special interests; the availability of general and specialized skills"; the list goes on.

We already have programs—CDBG, EDA, ARC—which tie jobs and economic development goals to funding.

Don't you see, this bill strangles the poorest and weakest. Heaven only knows I'm for rural economic development—but not at the expense of our poorest and weakest. In this bill the weak get weaker and the rich get richer. Do we really want to suffocate/poison a part of America. In my district, Owsley County has only 5,500 people on 200 square miles of hills and hollows.

Just this morning, I was notified that Owsley County in my district—the 10th poorest county in the Nation—was awarded a Farmers Home loan of $101,000 and a grant of

$350,600 to upgrade their water system. This would not have happened were this legislation in place. With this legislation, areas like Owsley County—and folks we have many across our Nation—will lose the most important source of infrastructure development. The current water and sewer backlog for Kentucky is $60.1 million in loans and $25.9 million in grants. These numbers represent project requests which have been filed and declared eligible for funding.

The bill's sponsors might argue that special allowances will be made for areas experiencing a declared water and waste emergency. Is an emergency the only standard which many of my rural communities will be eligible for assistance with their water and sewer needs in the future?

Furthermore, this bill creates a bureaucratic nightmare. We don't have any idea how this legislation will be implemented. Will we have a rural development administration director in each State; what will Farmers Home Administration employees on the district level do; who will process the loan applications? There are no answers to these questions. We do know that this bill will mean new layers of bureaucracy, new money—$100,000 per State just for the review panel.

I commend by colleague, Mr. Rose, for recognizing this problen and stepping forward with this amendment to protect the poorest and maintain the integrity of water and sewer assistance. Please support rural America and the Rose amendment.

Underdeveloped America loses with this legislation—my district loses with this legislation—I know that many of your districts must lose, too. This legislation is not what this Congress is about.

The CHAIRMAN pro tempore (Mr. Frost). The time of the gentleman from Kentucky [Mr. Rogers] has expired.

(On request of Mr. Coleman of Missouri and by unanimous consent Mr. Rogers was allowed to proceed for 1 additional minute.)

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. I thank the gentleman for yielding.

Mr. Chairman, the gentleman says that the neediest of the projects would not be able to be funded under this bill. I want to also point out that if the gentleman would have gone on in the bill, there was a provision that if there were two that tied, the one that will be funded will go to that application where there is the greatest need. So we tried to recognize that. Mr. Espy offered that in committee.

But it pains me for Members to stand here and say that certain projects in their districts, certain counties, and the gentleman from Kentucky mentioned one and someone else mentioned one in Arkansas, would not be funded under this bill that we propose. I do not see how you can possibly make that statement. I certainly could not make the statement that it would not or would. But how can anybody anticipate what would happen under this proposal unless he is suggesting it is not a meritorious proposal because under our bill you would get even more chance to be funded by transferring funds.

Mr. ROGERS. Reclaiming my time, the reason I say that is because the bill itself suggests the application must be based on certain criteria.

The CHAIRMAN pro tempore. The time of the gentleman from Kentucky has again expired.

(By unanimous consent Mr. Rogers was allowed to proceed for 1 additional minute.)

Mr. ROGERS. Mr. Chairman, the criteria are based on growth factors such as the numbers and types of business in the area, whether or not there is potential for growth, the potential for tourism development and so on and so forth. What about just plain old need for water in those areas which do not have the potential for growth? There are areas like that in this country that are ignored by this bill.

Mr. ANTHONY. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Rose-Anthony-Rogers amendment. Under normal circumstances I would be totally supportive of H.R. 3581, and I would like to commend the gentleman from Oklahoma [Mr. English], as well as the gentleman from Missouri [Mr. Coleman], and the gentleman from Texas [Mr. de la Garza], for bringing to the House floor a bill that emphasizes rural development. If there has been any other segment of the American public and population that has been ignored over the last 10 years it has been rural America. We are hurting. We need help.

What disturbs me, though, is that we are here fighting over a little bitty pie and, as a result, it has each of us at each other's throats.

I say to the gentleman from Missouri [Mr. Coleman], you cannot have all winners when you have cut 50 percent of the funding for water and sewer out of the appropriated process over the last 10 years. In Arkansas we got $8.3 million as our allocation from Farmers Home.

☐ 1430

We have well over millions and millions of dollars over and above that. If Members wanted to take a close look, and I am sure the gentleman from Oklahoma [Mr. English] probably has the numbers. My State got $23.5 million back from the pool. So to that extent, we are large winners.

However, it also proves the point, and the point simply is this. If Members vote for Rose-Anthony-Rogers, Members are saying that they wanted a national policy on water and sewer. If Members vote against it, Members are saying they want a policy on a State-by-State basis. If we have some States that have a greater need, that is just tough.

The real answer here is to put the amount of money back in that we had 10 years ago, and we would not be down here scratching each other like we are scratching each now. If the amendment fails, we have done exactly what the gentleman from Minnesota [Mr. Penny] says that he is opposed to, and that is a national viewpoint on water and sewer, because what Members do is force the Agriculture Secretary to take money that is not spent in that program and reallocate it to other programs. That is exactly what the intent of the legislation is. That is what occurs.

Therefore, what we have is another back-door way to even eliminate less money nationwide for water and sewer. We cannot cut it any other way. That is the way it works. If my State happens to benefit from it, so be it. However, we ought to be voting to put more money, not less money, in water and sewer. We ought to be looking at it on a nationwide basis. The amendment should pass overwhelmingly because it is the right thing to do. It does not gut this piece of legislation. H.R. 3581 will pass overwhelmingly after this amendment passes.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I appreciate what the gentleman says and I am in complete agreement with regard to increasing the funds.

The difficulty is with the budget situation we find ourselves in, as pointed out by the chairman of the Committee on the Budget. The funds simply are not there. I would like to see all aspects of rural development increased as far as funding. We desperately need it. There is no question about that. The point is, if we cannot increase funding, and simply having Members down here wishing it were so does not make it so. If we do not increase the funding, and funding has not been increased, the only thing that local people have asked for—not up here, local folks. Local folks ask for the flexibility. They say a program that is designed in Washington, DC, and straitjacketed on the entire Nation does not necessarily meet the needs in Oklahoma, does not necessarily meet the needs in Georgia, does not necessarily meet the needs in California.

The point that we are making in this legislation is, folks, we have not got the extra money to give people right now. The one thing that we can though, is let people take that money allocated for your State and use it the best way.

Mr. ANTHONY. Mr. Chairman, reclaiming my time, I understand the noble statement, but once we take away the nobleness of the statement and look at the stark reality of what happens nationwide, the amount of money is not asked for and spent, so it is pooled back. Therefore, what we are saying, rather than taking the pool and spending it back out on water and sewer, we are saying, spend it in some other category.

That is a back-door raid on water and sewer appropriations. I am in opposition to it. I think it is the opposite way to go. We ought to be down here having the guts to ask for more money, for all these programs, because that would really solve our problem. If we want to get into a budget debate, maybe that is where we ought to be debating it. But do not be fooled, this is a back-door raid against the national policy on water and sewer projects.

Mr. PARRIS. Mr. Chairman, I move to strike the last word.

I support the amendment offered by the gentleman from North Carolina and urge its adoption.

We have heard an awful lot here this afternoon in this debate on this amendment, Mr. Chairman, about winners and losers. I do not know about all of that. If Members show me a good loser, I will show Members a guy playing golf with his boss.

The reason I rise in support of this amendment, Mr. Chairman, is because I think it is in the best interests of the Nation. My own district is now largely urbanized. I share the concerns of a great number of my colleagues, however, about the continuing economic and social problems which plague the small towns and settlements in rural America. Just as urban mass transit assistance is an important cornerstone for the economic well-being of more populous areas, the existing Farmers Home Administration water and sewer loan and grant program will continue to be an essential element in any meaningful future revitalization efforts for rural areas of our country.

The amendment offered by the gentleman from North Carolina [Mr. ROSE] will, in my view, protect this important program and prevent the scarce funds available for rural water and sewer loans and grants from being siphoned off for other, less basic, development projects and increased administrative overhead costs.

Mr. HOPKINS. Mr. Chairman, I rise today to support the amendment to remove the Secretary of Agriculture's authority to transfer appropriated moneys between various rural development accounts.

The Farmers Home Administration has built most of the rural water systems in Kentucky and throughout the United States.

These systems have made an outstanding contribution to rural economic development.

Kentucky's State FmHA office is recognized as an industry model in effeciency and effectiveness, and its role in providing funds, technical assistance, and fiscal management to rural communities is unsurpassed.

Anyone familiar with the operation of the FmHA rural water and waste water program clearly recognizes its importance. Clean water and safe sewage disposal systems are basic to the daily life and health of our Nation's rural communities.

I strongly support the continuation of the current mechanism, whereby FmHA apportions, approves, and administers these important funds.

The current system of apportioning money for rural water projects has worked well in Kentucky, and Kentucky currently has a backlog of $85 million in requests for this type of assistance.

Foldling these dedicated moneys into a larger pool would be detrimental to the interests of the many water districts in my State and is contrary to the interests of Kentucky as a whole.

Continuing efforts to extend treated water to rural residents will not be well served by transferring these funds to another pool.

Expanding the rural economy will be difficult without adequate infrastructure. The Rose amendment will ensure that Federal resources will be devoted to infrastructure projects that are essential elements for promoting economic growth.

Mr. Chairman, I urge my colleagues and fellow Kentuckians to support the Rose amendment.

The CHAIRMAN pro tempore (Mr. FROST). The question is on the amendment offered by the gentleman from North Carolina [Mr. ROSE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ROSE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded by their name:

[Roll No. 26]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Bennett
Bentley
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeFazio
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Machtley
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer

Scheuer
Schiff
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stailings
Stangeland
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (FL)

☐ 1457

The CHAIRMAN pro tempore (Mr. Frost). Three hundred eighty-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN pro tempore. The pending business is the demand of the gentleman from North Carolina [Mr. Rose] for the recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair will state this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 193, not voting 34, as follows:

[Roll No. 27]

AYES—204

Ackerman
Akaka
Alexander
Anthony
Aspin
Atkins
Ballenger
Bateman
Bates
Beilenson
Bennett
Berman
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Boucher
Boxer
Brennan
Bruce
Bunning
Cardin
Carr
Clarke
Clay
Clement
Clinger
Coble
Condit
Conte
Costello
Coughlin
Courter
Coyne
Davis
DeFazio
Dellums
Derrick
Dicks
Dixon
Donnelly
Douglas
Downey
Durbin
Dwyer
Dymally
Edwards (CA)
Engel
Evans
Fascell
Fazio
Flake
Foglietta
Frank
Gallo
Gejdenson
Gibbons
Gordon
Goss
Grant
Green
Hammerschmidt
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Hopkins
Hoyer
Hubbard
Hughes
Hunter
Hutto
Hyde
Ireland
James
Johnson (SD)
Johnston
Jones (NC)
Kanjorski
Kennedy
Kennelly
Kostmayer
Kyl
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Lowery (CA)
Lowey (NY)
Machtley
Manton
Marlenee
Martinez
Matsui
Mazzoli
McCandless
McCollum
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Owens (NY)
Packard
Pallone
Panetta
Parker
Parris
Patterson
Payne (VA)
Pelosi
Perkins
Pickett
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Rinaldo
Robinson
Roe
Rogers
Ros-Lehtinen
Rose
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Roth
Roukema
Rowland (CT)
Roybal
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Schiff
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Slaughter (NY)
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Tallon
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Broomfield
Browder
Brown (CA)
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Bryant
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Byron
Callahan
Campbell (CA)
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Chandler
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Dingell
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Dreier
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Early
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Gekas
Gephardt
Geren
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Gonzalez
Goodling
Gradison
Grandy
Gray
Gunderson
Hall (OH)
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Hamilton
Hancock
Hansen
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Huckaby
Inhofe
Jacobs
Jenkins
Johnson (CT)
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Kastenmeier
Kildee
Kleczka
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LaFalce
Lagomarsino
Laughlin
Leach (IA)
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Levin (MI)
Lewis (GA)
Lightfoot
Long
Luken, Thomas
Madigan
Martin (IL)
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Mavroules
McCloskey
McCrery
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McDermott
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McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Moody
Moorhead
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Morrison (WA)
Murphy
Nielson
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Oxley
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Penny
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Thomas (GA)
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Traficant
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Upton
Vander Jagt
Visclosky
Vucanovich
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Walker
Walsh
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Bevill
Borski
Collins
Conyers
Crockett
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Fields
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Flippo
Ford (TN)
Gillmor
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Hayes (LA)
Kolter
Lent
Levine (CA)
Lukens, Donald
Markey
Mfume
Morrison (CT)
Nelson
Oakar
Payne (NJ)
Sensenbrenner
Smith (NE)
Stump
Tanner
Torricelli
Watkins
Williams
Wilson
Yates
Young (AK)

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Messrs. SMITH of Vermont, PASHAYAN, and SHAYS changed their vote from "aye" to "no."

Mr. PURSELL and Mr. HERTEL changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. TANNER. Mr. Chairman, I rise today to extend my congratulations to the Committee on Agriculture for bringing to the floor the Rural Development Act. This is a much-needed piece of legislation that should provide badly needed Federal attention to assist in economic development in rural areas of this country.

There is overwhelming evidence that rural areas are behind their urban cousins in achieving the economic growth necessary to provide job opportunities for their people. There is a rising sense of unease among rural people that their traditional values, their hope for a better life for their children, and in many cases their communities themselves may no longer be viable as economic progress stagnates.

This bill reaffirms traditional Federal support for programs to assist rural communities in controlling their own destiny and not be abandoned by decisions in far away financial markets over which they have no control. I urge passage of this legislation as a way of telling rural communities that the Federal Government is committed to their future.

Mr. de la GARZA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do this for two purposes: First, that information and debate on the amendment just adopted was inaccurate in some points, misrepresented in other points. We feel that the membership was not fully enlightened as to the impact of the amendment. Therefore, I feel that we owe an obligation to the membership that accurate information be presented to them.

The second point is that the leadership had asked us, if at all possible, that we rise by 3 today. That time having passed and because of the need to further edify the Members as to the accuracy of the legislation, I think that it would be better if we delay this to another time.

Accordingly, Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

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Accordingly the Committee rose; and the Speaker pro tempore (Mr. OBERSTAR) having assumed the chair, Mr. FROST, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present I would have voted "aye" on rollcall Nos. 25 and 27.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this time for the purpose of inquiring of the distinguished gentleman from Texas [Mr. FROST] the program for next week.

Mr. FROST. Mr. Speaker, will the distinguished Republican leader yield?

Mr. MICHEL. I am happy to yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, let me, if I may quickly, announce the program for the balance of this week and next week. The legislative program is as follows: The House will not be in session tomorrow. On Monday, March 19, the House meets at noon, no legislative business. On Tuesday, March 20, the House meets at noon. Six bills are under suspension. Recorded votes on suspensions will be postponed until after debate on all suspensions.

The bills to be considered under suspension are:

H.R. 4167, to provide for short-term extension of the strategic petroleum reserve;

H.R. 3834, Selma to Montgomery National Trail Study Act;

H.R. 2566, to disclaim any interest of the United States in certain lands on San Juan Island, WA;

H.R. 2692, amending the Woodrow Wilson Memorial Act;

H.R. 509, Coast Guard Bicentennial Medal; and

H.R. 3182, Yosemite National Park Centennial Medal.

On Wednesday, March 21 and Thursday, March 22, the House meets at 2 p.m. on Wednesday and 11 a.m. on Thursday. Under consideration on those days will be:

H. Res. 346, providing expenses for investigations and studies by standing and select committees on the House, 1 hour of debate;

H.R. 3847, to establish a Department of Environmental Protection, as amended, subject to a rule; and

H.R. 644, to amend the Wild and Scenic Rivers Act by designating the East Fork of the Jemez and Pecos Rivers in New Mexico, subject to a rule.

Friday, March 23, the House will not be in session.

Mr. MICHEL. Mr. Speaker, might I inquire of the distinguished gentleman if he can inform us as to when child care will be on the floor. I know that it is not scheduled for next week, but there was some indication in a conversation with the Speaker that it might be up next week, although he said, if not, the following week, and that, of course, being as controversial as it is, Members would surely want to be present when we debate that issue.

Mr. FROST. If the gentleman will yield further, in response to the distinguished minority leader, it is my understanding the Speaker does want this legislation considered by the end of March, and we are making progress toward that end. It is not on the schedule for next week as of this point, but it is the Speaker's intention that it be considered by the end of March.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to say for the record that child care is an extremely important issue, that there are a number of people across this country who have a very, very real interest in this, and that nothing could be more disastrous to sound legislation than to try to produce a child-care bill magically on a Tuesday and vote on it on a Thursday.

It would seem to me that the Democratic leadership owes it to the country to produce their version of child care on a Wednesday or Thursday and allow a weekend to intervene before rushing to a vote. It would be literally impossible for Members and for interested constituencies around the country to analyze a child-care bill which did not come out of committee and did not have a normal amount of time to be looked at, and that I would very strongly urge the Democratic leadership to initially bring the child-care bill out, their proposal, with adequate time for it to be analyzed.

Mr. MICHEL. I thank the gentleman for his comment.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FROST. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. OBERSTAR). Is there objection to the request of the gentleman from Texas?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 19, 1990

Mr. FROST. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. OBERSTAR). Is there objection to the request of the gentleman from Texas?

There was no objection.

THE PRESIDENT'S ANTICRIME PACKAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MCCOLLUM] is recognized for 5 minutes.

Mr. McCOLLUM. Madam Speaker, I have taken this 5 minutes today to discuss with my colleagues a very important piece of legislation and to bring to their attention some of the provisions of that piece of legislation. That is the President's anticrime package.

The President's anticrime package was sent up last May to Congress, introduced in June by the gentleman from Illinois [Mr. MICHEL], and has been in the Committee on the Judiciary ever since then.

The chairman's decision was not to refer it to any particular subcommittee but, rather, to advise by letter each of the subcommittee chairmen of the presence of that bill and to ask that they proceed to mark up or at least have hearings on the portions that were relevant to their subcommittee.

□ 1520

Based on an assessment we have done this week, to date only the Crime Subcommittee in the area of assault weapons has looked at this crime package and has held hearings on it. That is very unfortunate.

There are several very important provisions in this package that need to be brought out, need to be voted on, and that the American public would be served best by having out here this year sooner rather than later. One of those is a provision that would revise the capital sentencing laws of this country so that we can put the death penalty back in place again for things like kidnaping, murder for hire, and killing of prison guards and the like. We have been after that for years, since the Supreme Court ruled unconstitutional some of the procedures up here. States have done it; we have not.

Another one is the provision that would eliminate these endless appeals that go on after somebody is convicted of a crime. The habeas corpus laws of this Nation have been grossly abused, and Members on both sides of the aisle have wanted that reform a long long time. The gentleman from Florida [Mr. BENNETT], introduced a piece of legislation on that when I first came to this Congress. Yet that is in the

President's crime package, and now has his endorsement, but it has not seen hearings or the light of day yet this year.

It is my intent to talk about those and to talk about the changes in the exclusionary rule over a period of time, with some of my colleagues joining me in special orders not only today, but next week and the week after, and so on until we are able to at least explore with my colleagues what this package is really all about.

For a brief moment or two that is left in this 5-minute segment I would like to talk about the exclusionary rule changes the President has proposed, along with others. That is a somewhat long name. Most people do not understand it. But it is a court law, a court rule, not something by statute, the excludes from evidence in a criminal trial those items that might have been seized by a police officer in a search if the search was unconstitutional in some way. The question involved is that there are some exceptions to those rules that would allow evidence to more easily be presented, such as drug contraband that is seized, if we simply changed the laws to conform, or warrantless searches to the same that the courts have ruled on under searches with warrants, and there is no reason why we cannot do that. It is basically a technical decision to be made, and yet we are told by experts in law enforcement that this would make a great difference in terms of getting convictions in drug cases and other major crime cases around the country.

We have been after this for a long time. It was 1984 when the court decision came down on searches with warrants. I do not see why we cannot go to the warrantless searches and do the same thing.

There are examples about this warrantless search. It could be in a case where an accused gave consent, and perhaps the reason why the evidence is being excluded is because of the fact that the police officer really did not know that there was a problem involving some constitutional matter, and in those cases where he exercises good faith, he ought to be allowed to proceed with the evidence being taken in, even if the search was unconstitutional technically.

The studies done also on the exclusionary rule generally show that the reason for it is not very valid overall. It was designed to deter police officers from making these intrusions and these violations of constitutional rights. That has not been the case. It has not been effective in doing that.

But the President's package does not propose abolishing the rule that the courts go by, by their own reasoning in excluding this evidence. But it does provide a measure of modification that is responsible and reasonable.

Again, over the next few days we intend to point out some very specific examples of how these changes could affect actual cases and would have affected these cases that have already been tried in the courts of this Nation and the evidence has not been allowed and the convictions not obtained. I think it is important again that we understand this and we understand the other components of this bill and this package, because we need to have a vote on the President's crime package in this Congress and to get it through the subcommittees and committees this year, now, not later.

REINSTITUTING THE DEATH PENALTY

The SPEAKER pro tempore (Mrs. Unsoeld). Under a previous order of the House, the gentleman from New Hampshire [Mr. Douglas] is recognized for 5 minutes.

Mr. DOUGLAS. Madam Speaker, the reason I want my remarks to follow those of the gentleman from Florida [Mr. McCollum] is that he and I both serve on the Crime Subcommittee of the House Judiciary Committee. This week we had hearings on the death penalty, something that 80 percent of the American public supports. But I do not think the American public knows what the House Judiciary Committee has done to the death penalty.

What it has done is to basically kill the death penalty. It has killed it by inaction, not action. What we have done is to refuse to bring the death penalty provisions of the Federal laws into compliance with Supreme Court opinions.

That is one of the things that we were hearing this week in an attempt to change a rather bizarre situation in America. Right now people on death row stand a greater chance of dying of natural causes than they do of the death penalty. That is the result of Justice Powell's study on habeas corpus, and that is one of the brutal facts of life, that we have more people dying on death row just waiting there than we do by the punishment that our society wants exacted and that our courts have meted out.

How long do they tend to wait on death row, and how long does the case take before they even get the finality of judgment? On average it is 6.8 years, and 7 years is too long to grind around in the judicial system and to keep appealing, and appealing and appealing. We need to act in the Judiciary Committee and get to this House a bill that cleans up the death penalty, expands it into the case of drug kingpins who are killing thousands of people a year through AIDS needles, through the sale of drugs to kids, and we need to do all of that this year.

If we are going to have a war on drugs, somebody should be dying, and it should not be America's teenagers. It should be the drug kingpins.

We need to reform the judicial process so that we do not take 7 years to have a case grind through the system and keep coming back over and over again.

So I join with the gentleman from Florida [Mr. McCollum] and my Republican colleagues on that committee in urging the Democrats who control that committee, and have controlled this House since Eisenhower in 1954, to get on with it, get the bill out of the committee, and let us come down here and do what people pay us to do: Vote on it.

FAA 6-POINT PROGRAM TO DEAL WITH DRUG ABUSE AMONG COCKPIT CREWS ON COMMERCIAL AIRLINES

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBERSTAR. Madam Speaker, the Administrator of the Federal Aviation Administration issued a 6-point program to deal with an extraordinary situation of alcohol abuse among the cockpit crews on commercial airlines. The 6-point program is an effective, thoughtful response to an unusual situation that could have had widespread effects had the FAA not responded as decisively as it did.

This six-point program will assure that all FAA inspectors at all stations across this country and all other FAA personnel on station who have safety or related responsibilities will be trained to deal with drug or alcohol problems among the cockpit crew and will not know how to respond in the future. This training will be incorporated into the curriculum of newly hired personnel of the FAA. The program will involve the Administrator himself in a massive nationwide training program to be conducted additionally later this summer.

Madam Speaker, I will include for the Record the statement of the Administrator including the 6-point program he has announced, because it is so vitally important to aviation safety:

Federal Aviation Administration,
Washington, DC, March 14, 1990.

To all Flight Standards Inspectors:

From time to time, inspectors receive tips from informants, some of them anonymous, alleging that a crew member is violating or will violate the agency's alcohol- or drug-related regulations. When this information is specific enough to permit further investigation, standard agency procedures currently in force demand that the investigation be considered of the highest priority to prevent any threat to public safety.

In cases where you receive information sufficient to warrant further investigation

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of the allegations, it is imperative that you promptly share with the carrier the information you have received and the steps you intend to pursue. Airline management shall be given pertinent information and shall be urged to assist the agency in the investigation.

Therefore, effective immediately, the Flight Standards organization that initiates an investigation into allegations that a flight crew member has or might operate an aircraft in violation of the agency's alcohol- or drug-related regulations shall:

Notify promptly airline management that such an investigation is being initiated, and

Urge airline management to assist the agency in the conduct of the investigation.

This notification should be accomplished using the most effective means available which is typically through the FAA Operations Center in the field.

Inspectors who receive tips relating to alleged violation of alcohol- or drug-related regulations shall notify immediately their supervisors and the appropriate certificate management office. Through coordinated teamwork within the FAA and with industry, we will be able to fully assess the allegations and make the right decisions to protect the public safety.

Within a few days, we will provide all Flight Standards employees with a summary of procedures to be used in these cases so you understand the actions to be taken and the authorities currently in place.

James B. Busey,
Administrator.

Administrator's Six Point Program

1. Procedural change.—Effective immediately, in cases where FAA receives information sufficient to warrant further investigation of an allegation that a crew member is violating or will violate the agency's alcohol- or drug-related regulations, the investigating inspector shall promptly share with the carrier the information received and the planned course of action. This will enable the carriers to institute promptly their own internal investigation. This procedural change was effected by notice to all Flight Standards facilities on March 14.

2. Summary of procedures and authorities.—The Administrator will provide to each facility a "quick reference" guide summarizing the existing agency procedures to be followed in investigations of this nature. The guide will also outline the steps to be taken to implement, if necessary, existing FAA authority to take any actions needed to prevent a flight from taking place with a crew that FAA has reason to believe is likely to be in violation of the agency's stiff anti-alcohol or anti-drug rules. This will be accomplished within a few days.

3. Letter to CEO's.—The Administrator will write to CEO's of all "major" and "national" airlines, as well as the CEO's of Washington aviation lobby organizations, expressing his personal conviction that enforcement of these regulations must continue to receive the highest priority. He will remind them of their fiduciary duty to the travelling public to join us in this effort, and provide them with a copy of our procedures and authorities summary. This will be completed next week.

4. Administrator's video message.—The Administrator will deliver a personal message to all Flight Standards employees that they must continue to place highest priority in the investigation and resolution of all alcohol- and drug-related complaints which come to the attention of the agency. This message will be videotaped and distributed to all Flight Standards facilities within about two weeks.

5. Inspector training.—The agency has planned a series of compliance and enforcement training seminars for all agency inspectors and attorneys. The Administrator has directed that a session be added to these seminars to deal specifically with the issues discussed above. These seminars will be completed by late summer.

6. Review and revision of inspector initial training.—The agency will review all training material and the curricula used in initial training of all Flight Standards inspectors (both general aviation and air carrier specialties). This training program, which is given at the FAA Academy in Oklahoma City, will be revised to gather all alcohol- and drug-related material discussed throughout the 9 to 16 week series into one place, so that it will be brought into sharper focus and its priority more clearly stressed. The new training curricula will be completed by late summer.

AMENDING PASSIVE ACTIVITY LOSS LAWS RELATING TO A FEDERALLY DECLARED DISASTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. Panetta] is recognized for 5 minutes.

Mr. PANETTA. Madam Speaker, I rise today to introduce legislation that will bring much needed relief for individuals who have incurred passive losses due to the recent natural disasters that have struck California and South Carolina.

As we all know, these disasters have caused extensive damage to businesses in these two areas. Unfortunately, many accounting provisions contained in the Internal Revenue Code that are inadvertently working against our efforts to rebuild the disaster devastated areas.

Under current law, many individuals who have invested substantial amounts of their savings in area businesses are not allowed to deduct those losses from other passive income if the loss was associated with a natural disaster. There is no justification for this loophole in the Tax Code.

My bill would amend section 469 of the Internal Revenue Code to allow those losses associated with a natural disaster to be applicable under the same laws as other passive losses for deduction purposes. There is precedent for such an amendment to section 469. As you know, Congress exempted the oil and gas industry from having to meet the current criteria for passive loss deductions. This was done in an effort to promote investment in a very important but struggling industry. Therefore, if the Congress is willing to amend the code to help an entire industry, we should certainly help those individuals who have lost their savings due to an act of nature.

I have also been alerted to two additional problems in the Tax Code due to the recent disasters. Under section 473 of the Internal Revenue Code, businesses must determine their tax liability on inventory based on previous year's inventory. Unfortunately, due to the disaster, many businesses in my district are unable to replace their entire inventory and therefore will have to base those calculations on the first year they opened up for business. My bill would allow a waiver of this law for those businesses affected by a natural disaster. I do not think it is reasonable that a business must replace their entire inventory while at the same time they are having to literally pick up the pieces of their business.

Last, my bill would help meet the expenses of demolition costs that many businesses can not afford. As you know, the Tax Code does not allow for the deduction of demolition costs associated with a natural disaster. As a result, many businesses who are barely able to afford the rebuilding costs are threatened to use up valuable resources to pay for its demolition. This was not the intention of the Federal Government. The bill would simply allow for the full deduction of costs associated with the demolition of a business due to a natural disaster.

It is my hope that the Congress will continue to review accounting provisions of the Tax Code to ensure that those individuals and businesses that have been devastated by natural disasters will have a fighting chance to rebuild their lives and businesses.

The text of the bill follows:

H.R. 4290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEDUCTION OF DEMOLITION COSTS ATTRIBUTABLE TO DISASTER.

Section 280B of the Internal Revenue Code of 1986 (relating to demolition of structures) is amended—

(1) by inserting "In General.—" after "(a)", and

(2) by adding at the end the following new subsection:

"(b) Special Rule for Demolition Costs Attributable to Disaster.—

"(1) In general.—Subsection (a) shall not apply to any demolition required as a result of damage attributable to a federally declared disaster occurring after Septemper 1, 1989.

"(2) Federally declared disaster.—For purposes of paragraph (1), the term 'federally declared disaster' means any disaster referred to in section 165(i)."

SEC. 2. TREATMENT OF DISASTER LOSSES UNDER PASSIVE ACTIVITY LOSS RULES.

Subsection (j) of section 469 of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(13) Disaster losses.—

"(A) In general.—The passive activity loss of a taxpayer shall be computed without regard to any loss attributable to a federally declared disaster occurring after September 1, 1989.

"(B) Federally declared disaster.—For purposes of subparagraph (A), the term 'federally declared disaster' means any disaster referred to in section 165(i).

"(C) Income in subsequent years.—If any taxpayer has any loss for any taxable year from an interest in property which is, pursuant to subparagraph (A), not treated as a passive activity loss, then any net income from the property (or any other property the basis of which is determined in whole or part by reference to the basis of such property) for any succeeding taxable year shall, to the extent of such loss, be treated as income of the taxpayer which is not from a passive activity."

SEC. 3. ADJUSTMENTS TO GROSS INCOME FOR DELAYED REPLACEMENT OF INVENTORY ATTRIBUTABLE TO DISASTER.

(a) In General.—Clause (i) of section 473(c)(2)(B) of the Internal Revenue Code of 1986 (relating to qualified liquidations of LIFO inventories) is amended by striking "or" at the end of subclause (I), by inserting "or" at the end of subclause (II), and by inserting after subclause (II) the following new subclause:

"(III) any federally declared disaster occurring after September 1, 1989,".

(b) Definition.—Subsection (d) of section 473 of such Code (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(6) Federally declared disaster.—The term 'federally declared disaster' means any disaster referred to in section 165(i)."

(c) Conforming Amendment.—Subparagraph (A) of section 473(c)(2) of such Code (relating to definition of qualified inventory interruption) is amended by striking "or interruption" and inserting ", interruption, or disaster".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1988.

□ 1530

ANNUNZIO SUPPORTS "PAY-AS-YOU-GO" BUDGET PROPOSAL

The **SPEAKER** pro tempore (Mrs. Unsoeld). Under a previous order of the House the gentleman from Illinois [Mr. Annunzio] is recognized for 5 minutes.

Mr. ANNUNZIO. Madam Speaker, it has been my deep-seated belief that the Federal Government ought to conduct its business like the household of the average taxpayer. It should not spend more than it receives in revenue, just like the average head of a household can't spend more than he or she earns without going into a deep black hole of debt. The Government should not go into catastrophic debt to acquire the programs it wants. If the Government decides it wants a program, it should have the funds to pay for it immediately. The Government should not mortgage the future of our children and our grandchildren by shouldering them with a debt that they had nothing to do with but would require them to pay for.

In less than the decade of the Reagan and Bush administrations' policies, the national debt has tripled to $2.2 trillion, a burden that has been placed on future generations. Paying interest on the national debt is now the third largest category of spending, led only by defense and Social Security. The huge debt has become a national embarrassment.

Mr. Speaker, it is for that reason that I have joined in sponsorship of legislation introduced by Budget Committee Chairman Leon E. Panetta to establish a rational and effective "pay-as-you-go" process which would balance the Federal budget, without counting the Social Security surplus, by 1998. The measure would repeal the deficit-reduction law—better known as Gramm-Rudman-Hollings—which Congress enacted 5 years ago, and replace it with a budgeting system that promises more modest but less illusory annual reductions in the Federal deficit.

The legislation proposes a relatively simple formula which would produce both 1-year and long-term deficit reduction and require new spending increases or tax cuts to be paid for by either offsetting spending cuts or tax increases. The plan would require any spending increases or tax cuts to be offset dollar for dollar by additional revenue or other spending reductions, except for Social Security expenses and increases in other mandatory benefit programs driven strictly by demographic changes.

Between now and 1993, the new process would be designed to achieve real deficit reduction of at least $30 billion annually, about the same rate as the Gramm-Rudman law. After 1993, it would reduce the remaining non-Social Security deficit at a rate of about $20 billion each year.

The basic principles of the Panetta "pay-as-you-go" plan, which I endorse, are: Most spending is assumed to be held to the previous year's level, the deficit declines because revenues continue to grow due to economic growth while spending is restrained and spending beyond the previous year's levels or tax measure which would reduce revenues must be paid for with offsetting spending cuts and tax increases.

The proposal establishes a new budget timetable and eliminates many of the accounting gimmicks that have prevailed under Gramm-Rudman. It also replaces the across-the-board spending cuts, or sequestration, that Gramm-Rudman imposes as an enforcement tool with rules that prevent consideration in the House and Senate of any measures which violate the pay-as-you-go limits.

Mr. Speaker, Budget Chairman Panetta went into great detail on his proposal when he introduced the legislation on January 31, so I will not repeat here the intricate workings of the process. It is spelled out in the Congressional Record. I would like to say, though, it is a proposal whose time has come. We have achieved little in terms of true deficit reduction. Gramm-Rudman has not proved to be the answer; it has, instead, become part of the problem. The Panetta proposal will provide true budget discipline. It sends a simple message: If you want to increase spending or reduce taxes, then find a way to pay for it. We don't need more gimmicks. No more spending cuts that are really increases. No more pretending that tax cuts reduce deficits. Let's pay for the programs we want and not put future generations in hock.

INTERGOVERNMENTAL CASH MANAGEMENT IMPROVEMENT ACT OF 1990

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. Conyers] is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, I am pleased to introduce today a bill to improve the efficiency of management of funds transferred between the Federal Government and the States to finance Federal assistance programs.

The Federal Government transfers over $100 billion annually to the States and local governments in order to carry out Federal programs. For years, there has been disputes between the Federal executive agencies and the States over the timing of these cash transfers. The Federal agencies have been concerned that the States draw down on the Federal program funds in advance of State disbursement of such funds, thereby earning interest on Federal cash. The States, on the other hand, point to instances where they have had to advance moneys to fund Federal programs, such as highway construction, and absorb the cost for these funds while awaiting Federal reimbursement.

Similar in its provisions to S. 926, which passed the Senate on August 4, 1989, this bill would require the establishment of consistent and uniform procedures within each State for the management of Federal cash transfers. As an incentive for the timely transfer and disbursement of Federal program funds, the bill provides for interest payments to the Federal Government in the event of early drawdown by the States, and interest payments to the States if there should be late disbursement of Federal program funds by Federal agencies.

Mr. Speaker, I believe that this bill will add needed equity into the system of cash transfer for support of Federal assistance programs. In addition, the Congressional Budget Office has estimated that the requirements for interest payments will result in a net savings to the Federal Government of $50 million per year. The General Accounting Office, the Office of Management and Budget, and the Department of Treasury are all in support of the concepts outlined in this bill. We will have hearings on this bill, and anticipate reporting this bill to the full House in the near future.

THE 223D ANNIVERSARY OF THE BIRTH OF ANDREW JACKSON

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. Clement], is recognized for 60 minutes.

Mr. CLEMENT. Madam Speaker, today, March 15, is the 223d anniversary of the birth of Andrew Jackson. As the 37th individual to succeed Andrew Jackson in representing the district which includes Nashville and Jackson's home, the Hermitage, I am proud to join in today's celebration of Jackson's birth.

As my fellow citizens know, Andrew Jackson was our Nation's seventh President, serving two terms from March 4, 1829 to March 3, 1837. Andrew Jackson was also Tennessee's first Representative to the U.S. House of Representatives, being elected shortly after Tennessee's admission in 1796 as a State into the Union.

Andrew Jackson represented what is called the Hermitage district, which incorporates Davidson County, TN, and which is named after Jackson's beautiful home just outside Nashville. I am proud to be one of the individuals elected to succeed Jackson and to represent his home, the Hermitage, and the half million individuals who reside in what is now Tennessee's Fifth Congressional District.

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Andrew Jackson was born into a life of hardship, suffering, and deprivation. His father died in 1767, a few weeks before Jackson's birth in the Waxhaw settlement of South Carolina, a tragedy that set the tone for Jackson's early life. He lost two brothers during the American Revolution, and he, himself, almost died as a result of a sword wound from the hand of an angry British officer and from smallpox which he contracted while in prison. A final blow during childhood was the loss of his mother while she administered to sick relatives aboard ship in Charleston Harbor. At age 14 Jackson was orphaned and cast upon the world to fend for himself. Some believe that this experience forged the fiercely independent spirit and enormous strength of will that characterized Jackson's personality.

After the Revoluntionary War, Jackson briefly pursued the saddlery trade and schoolteaching but in 1784 decided to study law, a profession which was often a key to leadership in early America. Licensed as an attorney in 1787, he became prosecutor of North Carolina's western district across the Appalachian Mountains, which included the territory that later became the State of Tennessee. Jackson came to Nashville in the fall of 1788 and cast his future with this community, where he remained for the rest of his life. Three years later he married Rachel Donelson Robards, who was a member of one of the first families of the Cumberland basin. By this act, Jackson acquired a network of relatives, many of whom became business partners and companions, and whose financial and personal problems Jackson adopted as his own. His sense of family responsibility was extravagant even for the time in which he lived.

Upon arriving in Nashville, Jackson moved quickly to assume leadership in Tennessee politics. His alliance with William Blount, Tennessee territory's first Governor, proved fortuitous, for Jackson was elected successively a member of the Tennessee Constitutional Convention in 1796, Tennessee's first Member of the U.S. House of Representatives upon the State's admission to the Union that same year, and as a U.S. Senator in 1797.

In 1798 Jackson was appointed a superior court judge, a position requiring him to ride circuit to hold court at Knoxville, Jonesboro, and Nashville. He occupied the bench for 6 years and, although only a few of his decisions survive, students of his legal career are impressed with the studied logic and soundness of his judgments.

Jackson's early career shows little in the way of a polished political philosophy. However, from the start Jackson was a strong advocate of western rights to deal with the Indians as seemed to the West appropriate. He was also an advocate of trade wherever the Western economy dictated in spite of Spanish restrictions on use of the Mississippi River, and of keeping the Federal Government on a tight budget in order to contain its growth.

The financial base for Jackson's career rested primarily on land, which he came to rely upon for his chief means of support through speculation and cultivation. Compared to the great land speculators of the day, however, Jackson was a small investor. He had learned the dangers of speculation in the late 1790's when he came perilously close to bankruptcy.

In 1804 Jackson purchased a farm in Davidson County, just outside Nashville, which he called the Hermitage. The Hermitage is now a national historic landmark, supported and maintained since 1889 by the Ladies' Hermitage Association. I want to extend an invitation to my colleagues and their families to visit the Hermitage and see America as it was more than 150 years ago, when Andrew Jackson returned from Washington to live in the fine Greek revival house.

At the Hermitage, Jackson cultivated cotton for the New Orleans market with slave labor. He also operated general stores for several years with a succession of partners. A cotton gin and a still seemed to be natural concomitants of his farming operation. And one time he made a serious but unsuccessful effort at salt mining.

Within 15 years of his arrival on the western frontier, Jackson had achieved a good measure of success as a social and political leader, a gentleman farmer-businessman, and a respected lawyer and judge. His quick intellegence and native shrewdness, his enormous physical courage, resourcefulness, and dedication to duty were qualities early apparent in Jackson. These qualities would determine success on the battlefield and during his presidency of the country.

These qualities were also evident during his tenure as a Member of the U.S. House of Representatives during the fourth and fifth Congresses.

As I mentioned, in 1796, when Tennessee was admitted to the Union as the 16th State of the new Nation, Jackson was elected to serve in the Congress which, at that time, met in Philadelphia.

Albert Gallatin, a Representative from Pennsylvania who later served as Secretary of the Treasury under Presidents Jefferson and Madison, remembered seeing Jackson on his arrival in Philadelphia. Gallatin later described Jackson as "A tall, Lank, uncouth-looking personage, with long locks of hair hanging over his face, and a queue down his back tied with an eel skin; his dress singular, his manners and deportment those of a rough backwoodman."

According to most historians, Gallatin's description is a distortion. To depict Jackson as uncouth, ill-mannered, and dressed in a bizarre costume is more fancy than reality. In fact, Jackson has a Philadelphia tailor who provided him before the start of the congressional session with a black cloth coat with velvet collar, a pair of Florentine breeches, and sundry other items of apparel. There may have been rough spots, in Jackson in 1796, but he had been to a big eastern city before and he knew how gentlemen dressed. As one of the first men of Tennessee and our State's single Representative, he would no more walk into Congress outlandishly dressed than he would deliberately outrage Cumberland society. And, as an early biographer noted, Gallatin's description was unrecognizable to Jackson's friends.

But Jackson was also passionate in his beliefs. Another observer, Thomas Jefferson to be exact, said that Jackson had violent passions and that when he attempted to make a speech he was unable to go on with it because he "choked with rage." With certain allowances for the exaggerations of an enemy, the charge is thought to be well-founded. Jackson may have felt too strongly to express himself in extempore speeches; but ready speechmaking was not essential to political success.

Nonetheless, Philadelphia, a city of 65,000 people, offered a rare opportunity for a young westerner as intellegent, ambitious, and socially mobile as Andrew Jackson. His close relationship with Tennessee's first Governor, William Blount, afforded Jackson many social connections in the city and it is believed that Jackson enjoyed a rich social life.

Unlike many other Congressmen, Jackson was present December 5, 1796, when the second session of the 4th Congress convened. He found himself in the company of many distinguished statesmen and Founding Fathers. But such a coterie of prominent individuals did not intimidate Jackson nor prevent him from showing independence and courage.

Just a few days before Congress convened, President George Washington had, in his farewell address, called for the creation of a Navy to protect American commerce in the Mediterranean, suggested Government aid to manufacturers, recommended a national university and military academy, and denounced the assault on American ships by French cruisers. He ended with the wish that the Government the Founding Fathers had instituted for the protection of American liberties would be perpetual. In many respects, the tone of the speech was mildly partisan.

The House appointed a committee to prepare a formal reply to President Washington's Address. The reply was full of extravagant praise and intended as an appropriate, albeit similarly partisan, farewell to the Father of the Country. On December 11, the reply was reported out of the committee and, for 2 days, debated on the House floor. It soon became apparent that not every Representative approved of the lavish tributes heaped by the committee on Washington.

A recorded vote was demanded on the resolution and, among those opposing it, was Andrew Jackson. Years later, when Jackson himself ran for the Presidency, the vote was remembered and used against him. Some believed that anyone showing the slightest disrespect to Washington during his lifetime was a traitor and certainly did not deserve to follow Washington into the White House.

But historians have concluded that Jackson's vote took courage and independence, even if it showed a lack of respect. Jackson had believed that the treaty with Great Britain negotiated by Washington's Secretary of State, John Jay, was a stain on the honor of the Republic. Jackson believed that the Washington administration was too tolerant of Indian massacres in Tennessee. Despite pleas for help, the administration had done nothing. Last, because of his revolutionary experiences, Jackson did not agree with Washington's sympathy for England against France. He saw England thwarting further western expansion and knew of England's role in fomenting attacks along the frontier.

Jackson also believed that Washington has retaliated against those individuals who professed "Republican principles." He believed that several individuals had been removed from office because they did not think exactly with the Executive. Jackson said in a letter to another young Congressman that:

> The Executive of the Union has ever since the commencement of the present Government, been grasping after power, and in many instances, exercised powers, that he was not constitutionally invested with.

To those historians of the Jacksonian era, the irony of these charges is clear.

With the vote against the resolution commending Washington, Jackson teamed with other Congressmen who shared his conservative philosophy of government. They interpreted the Constitution narrowly and were concerned that the privileges of the States would be usurped by the Central Government. Jackson and his conservative allies were opposed to all but the most necessary of Federal appropriations. And, in identifying himself with his faction, he reinforced his own conservatism, which was grounded in western concern for the rights and sovereignty of the States.

In a letter Jackson wrote in January 1797, a month after the session began, he said that:

> The legislature of the Union progress slowly in business. The greater part of the time as yet have been taken up in committee preparing business for the House. It is much talked of to increase the salaries of the officers of Government and to lay a deficit tax, neither of which I hope will take effect.

It is surprising how similar sessions 200 years ago are to today's.

Jackson is reported to have been for the most part a quiet freshman Congressman. As promised, he voted against the direct tax when it came up for final consideration. Otherwise, it is believed that he took counsel for his more senior conservative colleagues.

But then he received a petition from a soldier asking for compensation for services in an offensive attack against the Indians which had been led by Gen. John Sevier in 1793. President Washington has refused to honor the petition, claiming he needed congressional authorization to do so. The House Committee on Claims brought the petition to the floor of the House, but with a report which said that the Indians had "greatly perplexed and harassed" the settlers of Tennessee by "thefts and murders" but asked the House itself to judge how far these "aggressions * * * constitute a case of imminent danger, or the expedition a just and necessary measure." The committee stated that the attack was offensive, undertaken without Presidential approval, and in defiance of general orders from the War Department not to wage war against the Indians unless attacked.

The report deeply angered Jackson. He believed that it clearly implied that the Tennesseans had acted improperly. In his remarks on the House floor, Jackson countered the implication that the attack was unjust and unnecessary. Indeed it was just and necessary. Jackson said:

> When it was seen that war was waged upon the state, that the knife and tomhawk were held over the heads of women and children, that peaceable citizens were murdered, it was time to make resistance.

"As an inhabitant of the country," Jackson claimed full knowledge of the facts. He asserted that the militia had acted entirely on the defensive for months preceding the attack. But, despite peacekeeping efforts, some 1,200 Indians suddenly attacked and it became necessary for the militia to adopt measures for pursuing the enemy. Indeed, the measures had been authorized by the territorial secretary. Thus, Jackson, argued, the expedition was necessary and the claim of the soldier-petitioner was legitimate.

Jackson went further. He moved that since the expedition was just and necessary all expenses for everyone involved should be paid by the Government, not just the expenses of the soldier who had initially petitioned the Congress.

The committee on claims report was debated. Several Representatives argued that the entire matter should go back to the committee on claims for further consideration. Then, like now, such a move would do more than temporarily dispose of the issue, it would permanently kill consideration of the issue. The House adjourned for the day without taking action of the report.

When the session reconvened the next afternoon, Jackson asked to address the full House when his resolution was taken up again. In a speech bound to generate enthusiasm at home, Jackson outlined several basic principles that were constants throughout his later life, particularly during his later military career. Jackson spoke of authority and responsibility, subordination and obedience, discipline and loyalty. Jackson's ideas were strict and allowed no room for compromise. The expedition soldiers obeyed orders properly authorized and governments were to support and defend their soldiers regardless of expense or the risk of embarrassment.

As reported in the "Annals of Congress," Jackson said that if this vote was refused, the discipline of the militia would be destroyed; the private soldier ought now have to determine the authority of the officer who called him into the field; it was his to obey, and if the call was illegal the solider should not have to suffer for the error of his superior by losing his pay.

Jackson's speech earned him a measure of respect among his colleagues. And, in the long debate that followed, one Virginia Representative observed that Jackson had set the matter in "so fair a light" that it was really not necessary to say anything further. Nevertheless, James Madison, a Representative also from Virginia, felt compelled to add his voice of support to Jackson's position, agreeing that the Government had made a commitment that extended to every man who served in the campaign.

Finally, the matter was referred to select committee chaired by Jackson, and composed of Jeremiah Smith of New Hampshire, Thomas Blount of North Carolina—brother of Tennessee Gov. William Blount—George Dent of Maryland, and Robert Goodloe Harper of South Carolina.

About a month later, on January 17, the select committee issued its report in strong, clear, dispassionate language. After describing the events that occurred during the expedition, the report stated that there were two questions: Was the expedition essential for the defense of the frontier? And was the authority of the territorial Governor such as to oblige the militia to obey his orders? The committee said "yes" to both questions and recommended full compensation to the entire militia. Without a word of debate the recommendation was approved by the House and sent to the Committee on Ways and Means to be introduced into the Federal appropriations for expenditure in 1797. The amount granted was $22,816.

Thus, Jackson, a Member of Congress only a month, had realized a very respectable achivement. According to some, he had not simply won compensation for a detachment of Tennesseans; he had won a victory over the National Government. He had struck a blow for westerners in their continuing struggle to survive on the frontier.

The responsibilities of representing all of Tennessee in the Congress took a considerable amount of time. But Jackson faithfully performed his duties, devoting considerable attention to his constituents. He made all but two rollcall votes and by the time Congress adjourned in March 1797, Jackson had made a mark, albeit a modest one, on his colleagues.

According to scholars who research this period, Jackson served on five committees, chaired one, presented two petitions, introduced one resolution, made five speeches, and voted 24 times with the majority out of a total of 39 votes. He proved himself a diligent hardworking Representative, devoted to the interests of his State and his constituents. And though he was committed to the rights of the States in principle, scholars have concluded that his voting pattern demonstrated a pragmatic concern for the needs of Tennesseans. As a politician, Jackson developed fast and he acquired skills which he honed further during his service in the Senate and during his military service in the War of 1812 and the campaign against the Seminole Indians.

Jackson's performance as a Member of the House, Tennessee's first Member, was solid. Jackson did not rule nor acquire influence by great speechmaking nor by political management but, by the force of his personality.

Certainly for most Americans, Jackson is remembered for leaving an indelible mark on the Nation through his military career and his tenure as our seventh President. But Jackson should also be remembered for his early life, and particularly, for his life as a Member of Congress. In the House of Representatives, Jackson sharpened political skills in what I would like to think is a caldron for ideas, principles, and issues. Just as we depart today the great issues of the day, so too did Andrew Jackson and his contemporaries. Just as the fourth and fifth Congresses shaped the course of a young nation as it entered the 19th century, so too do we chart the Nation's course as we enter the 21st century.

On this anniversary of Jackson's birth, it is perhaps hyperbole to say that the seeds which shaped the unusual nature of this extraordinary man sprouted, in part, while Jackson served here in this institution. Nonethe-

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less, as one of Jackson's successors to the Congress, I am proud to join my colleagues and my fellow Tennesseans in commemorating his birth and celebrating his legacy as a Member of Congress, military leader, statesman, and President.

Just as Jackson lent his name to an era of American history, he also left a mark on the individuals who followed him in representing Tennessee's Hermitage district. I am proud to be among that select group.

Finally, Mr. Speaker, I am joined in today's commemoration of the anniversary of Andrew Jackson's birth by fellow Tennessean, and Jackson admirer, Brandon Pippin.

Brandon is a member of the eighth grade class at DuPont Hadley Middle School, which is located in Old Hickory, TN. As my colleagues can surmise, the town of Old Hickory is named after the nickname of our Nation's seventh President and I am proud to have it as one of the communities in the Fifth Congressional District.

I want to thank Brandon's history teacher, Sharon Nichols, and DuPont Hadley's principal Paul Burgess, for sharing with me Brandon's essay interpreting Andrew Jackson's life and times. I know Brandon's essay will encourage others to study the exciting period in which Jackson lived and the role he played in shaping our young Nation.

Andrew Jackson

(By Brandon Pippin)

Andrew Jackson was a leader of men. Raised among the common working class, he aspired to become head of a nation. Born in Waxhaw, South Carolina, Jackson lived most of his life in the state of Tennessee. He was loved for his belief in the integrity of the common man, and equally hated and feared by the wealthy who felt threatened by his views. Andrew Jackson was, perhaps the most controversial political figure of the early 1800's.

Jackson began his political career as an attorney in North Carolina, where he both practiced law and tended a store. In 1788 he was made public prosecutor of the western district in North Carolina. It was later during this year that he settled in Nashville. In 1796, he was elected to the United States House of Representatives and a year later to the United States Senate.

By the time he became general of the Tennessee militia, Jackson was well known for his determination and fiery temper. This marked his very successful military career and it was during this time he received his famous nickname "Old Hickory" for his unyielding strength. It was this strength and quick temper that almost ruined his chances as a serious politician. Jackson had killed several men in his numerous duels, including Charles Dickinson. The scandal that followed that particular duel left Jackson a social outcast for months.

By the time Jackson was nominated for President in 1822, he had married and adopted two children, one of which was an Indian child. The presidential campaign against Henry Clay was successful. He was defeated in the House election. Eight months later he was nominated for the Presidency by the Tennessee Legislature. In November of 1828, he was elected, President; this success occurred only a month before his wife, Rachel, would die. On March 4, 1829, he was inaugurated the seventh President.

Jackson's first term in office was marked by many important historical events. In the first two years, his largest political movement was to sign the Indian Removal bill, which removed the Indians from their native land in the east toward unorganized publicly owned land in the western United States. The last two years of his first presidency were largely colored with personal affairs. In early 1831 he appointed new cabinet members after accepting the resignations of the others. Later that year his surviving adopted son, Andrew Jackson, Jr., was married to Sara Yorke. A few months later, in January of 1832, the President was operated on in order to remove a bullet. Shortly before the end of his first term, his first grandchild, Rachel Jackson, was born. In November of 1832 Andrew Jackson was re-elected President of the United States.

The most important issue Jackson faced in his second term was the uprising and threats of secession from South Carolina, which had become angered over what was felt a violation of states' rights. In order to control South Carolina, Jackson signed the Force Bill, which gave him access to the armed forces if it was necessary to use force. In 1844 his grandson and namesake, Andrew Jackson III, was born. And in October of that same year, Jackson's home, The Hermitage, lay in ruins after an extensive fire. The rebuilding was not completed until August of 1836. Shortly before the renovation of his home, Jackson issued the Specie Circular, which required gold and silver to be paid in all sales of land. This caused the Whigs (a nickname given to Jackson's opposers including Henry Clay) to verbally attack Jackson and denounce him as nothing less than a dictator. Before he issued his farewell address, Jackson recognized the independence of Texas. On March 7, 1837, he departed from the White House, for the Hermitage in Tennessee, and shortly after this arrival, his second grandson, Samuel Jackson, was born. In 1844 Jackson supported Polk in his campaign for presidency, and urged the annexation of Texas. A little over five months later, Andrew Jackson's failing health took his life at his home, the Hermitage. He was buried on June 10, 1845, in the Hermitage Garden, next to his wife, Rachel.

Andrew Jackson's strong political leadership made him many enemies, and far more fans. While some of his actions were viewed as extreme, his devotion to his family and his country showed him to be a true hero in American history.

Mr. Speaker, I want to thank you and my House colleagues for allowing me to celebrate Andrew Jackson's birthday today in this special order.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Douglas) to revise and extend their remarks and include extraneous material:)

Mr. Douglas, for 5 minutes, today.

Mr. Gingrich, for 60 minutes each day, on March 20, 21, and 22.

Mrs. Bentley, for 60 minutes each day, on March 20, 21, 22, 27, 28, and 29, and April 3 and 4.

Mr. Dreier of California, for 5 minutes, today.

(The following Members (at the request of Mr. Frank) to revise and extend their remarks and include extraneous material:)

Mr. Panetta, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Conyers, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes, on March 19 and 22.

Mr. Skelton, for 60 minutes, on March 19, 20, 21, and 22.

Mr. Smith of Florida, for 60 minutes, on March 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Douglas) and to include extraneous matter:)

Mr. Broomfield in two instances.
Mr. Schulze.
Mr. Henry.
Mrs. Bentley in two instances.
Mr. Douglas.
Mrs. Johnson of Connecticut.
Ms. Schneider.
Mr. Parris.
Mr. Skeen.
Mr. Clinger in three instances.
Mr. Machtley.
Mrs. Martin of Illinois.
Mr. Lagomarsino.
Mr. Fish.

(The following Members (at the request of Mr. Frank) and to include extraneous matter:)

Mr. Bonior.
Mr. Traxler.
Mr. Synar.
Mr. Dwyer of New Jersey.
Mr. Smith of Florida.
Mr. Panetta.
Mr. Levine of California.
Mr. Pallone.
Mr. Donnelly.
Mr. Gray.
Mr. Yatron.
Mr. Traficant.
Mr. Stark in three instances.
Mr. Wolpe.
Mr. Mazzoli in two instances.
Mr. Bevill.
Mr. Penny.
Mr. Kennedy.
Mr. Borski.
Mr. Annunzio in two instances.
Mr. Stark in three instances.
Mr. Jacobs.
Mr. Fazio.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 243. Joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

ADJOURNMENT TO MONDAY, MARCH 19, 1990

Mr. FEIGHAN, Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 30 minutes p.m.), under its previous order, the House adjourned until Monday, March 19, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2746. A letter from the Secretary of Education, transmitting the annual report on the activities of the National Technical Institute for the Deaf, with an accounting of all indirect costs paid by NTID to the Rochester Institute of Technology, pursuant to 20 U.S.C. 4332; to the Committee on Education and Labor, March 15, 1990.

2747. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on activities under the Freedom of Information Act of the Federal Open Market Committee for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2748. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2749. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2750. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report on activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2751. A letter from the Attorney General, transmitting the annual report for the fiscal year 1989 on the private counsel debt collection pilot project, pursuant to 31 U.S.C. 3718 nt.; to the Committee on the Judiciary.

2752. A letter from the Comptroller General of the United States, transmitting a report on the Department of the Air Force's determination not to fully implement the Comptroller General's recommendation in connection with a bid protest from Litton Systems, Inc., pursuant to 31 U.S.C. 3554(e)(2); to the Committee on Government Operations.

2753. A letter from the Director, National Science Foundation, transmitting a report on actions and plans for fiscal year 1990 and fiscal year 1991 regarding metric conversion; to the Committee on Science, Space, and Technology.

2754. A letter from the Assistant Secretary for Legislative Affairs, Department of State transmitting a letter from OMB Director Darman concerning the repeal of section 614 of the Commerce, Justice, State appropriations bill; jointly, to the Committee on Appropriations and Foreign Affairs.

2755. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to provide for further participation by the United States in the International Development Association and for the establishment of the legal status of the International Finance Corporation's securities in the United States; jointly, the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

2756. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report concerning the President's supplemental request for $500 million for Panama; jointly; to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

2757. A letter from the Secretary of State, transmitting a letter concerning the lifting of sanctions imposed against Namibia once Namibian independence takes effect; jointly; to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs; Public Works and Transportation; and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3386. A bill to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and hazardous materials, and for other purposes; with an amendment (Rept. 101-390, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GAYDOS: Committee on House Administration. House Resolution 346. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the 2nd session of the 101st Congress; with an amendment (Rept. 101-419). Referred to the House Calendar.

Mr. CONYERS: Committee on Government Operations. Report entitled "U.S. Marshals Service: Don't Arrest Oversight" (Rept. 101-420). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 908. A bill to provide for 5 years, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes; with an amendment (Rept. 101-421). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4167. A bill to provide for a short-term extension of the strategic petroleum reserve, and for other purposes. (Rept. 101-422). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLILEY:

H.R. 4277. A bill to amend the Communications Act of 1934 to require radio and television broadcasters to provide free broadcasting time for political advertising; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself, Mr. Stark, Mr. Mrazek, Mr. Durbin, Mrs. Johnson of Connecticut, Mr. Andrews, Mr. Crockett, and Mr. Whittaker):

H.R. 4278. A bill to amend the Internal Revenue Code of 1986 to increase the excise tax on cigarettes, to allow a credit against such increase for one-half the State and local sales taxes on cigarettes, and to allow a deduction for health insurance costs to employees whose employer does not offer subsidized health insurance; to the Committee on Ways and Means

By Mr. CONYERS (for himself and Mr. Horton):

H.R. 4279. A bill to amend title 31, United States Code, to improve cash management of funds transferred between the Federal Government and the States, and for other purposes; to the Committee on Government Operations.

By Mr. STARK:

H.R. 4280. A bill to amend the Social Security Act to provide for a program of health insurance for children under 23 years of age and for mothers to be financed through a general payroll tax; to the Committee on Ways and Means

By Mr. DELLUMS:

H.R. 4281. A bill to amend the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act to permit the Secretary of Health and Human Services to enter into an agreement with the Mayor of the District of Columbia with respect to the completion of repairs and renovations to the physical plant and facility support systems of Saint Elizabeths Hospital, and for other purposes; to the Committee on the District of Columbia.

By Mr. DYSON:

H.R. 4282. A bill to amend the Federal Election Campaign Act of 1971, the Internal Revenue Code of 1986, and the Communications Act of 1934 to provide for House of Representatives campaign finance reform, and for other purposes; jointly, to the Committees on House Administration, Ways and Means, and Energy and Commerce.

By Mr. DYSON (for himself, Mr. Fields, and Mr. Lipinski):

H.R. 4283. A bill to authorize expenditures for fiscal year 1991 for the operation and maintenance of the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. GRAY (for himself, Mr. Foglietta, Mr. Weldon, and Mr. Borski):

H.R. 4284. A bill to reduce the amount of obligation authority available to certain States for Federal-aid highways and highway safety construction programs for fiscal year 1991 if the laws of those States do not provide for the establishment of a dedicated tax-based source of revenues for funding mass transit projects by January 1, 1992, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HANSEN (for himself, Mr. Young of Alaska, Mr. Stump, Mr. Herger, Mr. Pashayan, Mr. Thomas of California, Mr. Lewis of California, Mr. Lowery of California, Mr. Hunter, Mr. Schaefer, Mr. Marlenee, Mr. Robert F. Smith, Mr. Nielson of Utah, Mr. Thomas of Wyoming, Mr. Craig, Mrs. Vucano-

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vich, Mr. Denny Smith, Mr. Gallegly, and Mr. Dannemeyer):

H.R. 4285. A bill to give any State in which lands are more than 25 percent federally owned the right to disapprove the establishment of wilderness areas located in that State; to the Committee on Interior and Insular Affairs.

By Mrs. JOHNSON of Connecticut (for herself, Mrs. Kennelly, Mr. Rowland of Connecticut, Mr. Shays, Mr. Gejdenson, Mr. Morrison of Connecticut, Mr. Sundquist, Mr. Boehlert, Mr. Bennett, Mr. Chandler, and Mr. Smith of Vermont):

H.R. 4286. A bill to amend the Tax Reform Act of 1986 to provide for the deductibility of State and local income and sales taxes exceeding 1 percent of adjusted gross income; to the Committee on Ways and Means.

By Mr. LEVIN of Michigan (for himself, Mr. Chandler, Mr. Archer, and Mr. Frenzel):

H.R. 4287. A bill to amend the Internal Revenue Code of 1986 to permit tax exempt organizations to establish qualified cash or deferred arrangements for their employees; to the Committee on Ways and Means.

By Mr. NAGLE (for himself and Mr. Emerson):

H.R. 4288. A bill to amend the Agricultural Act of 1949 to provide soybean producers with freedom of planting choice and fair income support, and to eliminate any indirect subsidization of foreign oilseed production; to the Committee on Agriculture.

By Mr. OWENS of Utah (for himself, Mr. Roe, Mr. Sikorski, Mr. Wilson, Ms. Schneider, Mr. DeFazio, Mr. Miller of Washington, and Mr. Bereuter):

H.R. 4289. A bill to require the Secretary of the Treasury to prohibit the importation of fish or wildlife products into the United States from countries violating international fish or wildlife conservation agreements; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mr. PANETTA:

H.R. 4290. A bill to amend the Internal Revenue Code of 1986 to provide relief for losses resulting from natural disasters; to the Committee on Ways and Means.

By Mr. PANETTA (for himself, Mr. Herger, Mr. Fazio, Mr. Emerson, Mr. Hatcher, Mr. Lehman of California, Mr. Condit, Mr. Shumway, Mr. Hunter, Mr. Pashayan, Mr. Lagomarsino, and Mr. McCandless):

H.R. 4291. A bill to amend the Agricultural Adjustment Act to prohibit the importation of kiwifruit, nectarines, and plums that do not comply with any grade, size, quality, and maturity provisions of a marketing order applicable under such act to the respective kind of fruit produced in the United States or with comparable restrictions promulgated under such act; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. PORTER:

H.R. 4292. A bill to amend title 5, United States Code, to deny annuity benefits with respect to any Member of Congress convicted of a felony; to the Committee on Post Office and Civil Service.

By Mr. SCHULZE (for himself, Mr. Thomas of Georgia, Mr. Stangeland, Mrs. Saiki, Mr. Lagomarsino, Mr. Bunning, Mr. Walsh, Mr. McDade, Mr. Wilson, Mr. Laughlin, Mr. Hansen, Mr. Brown of Colorado, and Mr. Lipinski):

H.R. 4293. A bill to extend the Conservation Reserve Program and to make converted wetlands eligible for placement in the conservation reserve; to the Committee on Agriculture.

By Mr. STENHOLM (for himself, Mr. Shaw, Mr. Slattery, Mrs. Johnson of Connecticut, Mrs. Lloyd, Mr. Brown of Colorado, Mr. Skelton, Mr. Sundquist, Mr. Rowland of Georgia, Mr. Henry, Mr. Ray, Mr. Bartlett, Mr. Sarpalius, Mr. Kasich, and Mr. Hutto):

H.R. 4294. A bill to amend the Head Start Act to authorize appropriations to enable Head Start agencies to provide developmentally appropriate child care services to participating children; to amend title XX of the Social Security Act to provide allotments to States to improve and expand child care services; to promote small business involvement in meeting child care needs; to amend the Internal Revenue Code of 1986 to increase the earned income credit based on the number of the taxpayer's children; and to exclude child care earnings from the Social Security excess earnings test; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 4295. A bill entitled: "Greens Creek Exchange Act"; to the Committee on Interior and Insular Affairs.

By Mr. HOYER (for himself, Mr. McMillen of Maryland, Mrs. Morella, Mr. Fauntroy, Mr. Parris, Mr. Wolf, Mr. Boucher, and Mr. Slaughter of Virginia):

H.J. Res. 520. Joint resolution granting the consent of Congress to amendments to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mrs. MARTIN of Illinois (for herself and Mr. Hastert);

H.J. Res. 521. Joint resolution designating July 8 through 14, 1990, as "National Agent Orange Screening Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. SKELTON (for himself, Mr. Bennett, Mrs. Bentley, Mr. Berman, Mrs. Collins, Mr. Davis, Mr. Donnelly, Mr. Dymally, Mr. Faleomavaega, Mr. Fauntroy, Mr. Fazio, Mr. Gephardt, Mr. Guarini, Mr. Horton, Mr. Hughes, Ms. Kaptur, Mr. Kolter, Mr. Lagomarsino, Mr. Lancaster, Mr. Lehman of Florida, Mr. Levin of Michigan, Mr. Lipinski, Mr. McNulty, Mr. Manton, Mr. Moakley, Mr. Mrazek, Mr. Paxon, Mr. Pickett, Mr. Rahall, Mr. Rangel, Mr. Roe, Mr. Roybal, Mr. Smith of Florida, Mr. Tauke, Mr. Traficant, Mr. Vento, Mr. Volkmer, Mr. Walsh, Mr. Wilson, Mr. Wolf, Mr. Young of Alaska, Mr. Sarpalius, Mr. Scheuer, Mr. Lantos, Mr. Bilbray, and Mr. Atkins):

H.J. Res. 522. Joint resolution designating the week of June 1 through June 7, 1990, as "National Polio Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. CLINGER (for himself, Mr. Emerson, and Mr. Rahall):

H. Con. Res. 288. Concurrent resolution expressing the sense of the Congress that telephone directories should include information relating to natural disaster survival techniques; to the Committee on Energy and Commerce.

By Mr. DURBIN (for himself, Mr. Miller of Washington, Mr. Sarpalius, Mr. Cox, Mr. Russo, Mr. Annunzio, Mr. Broomfield, Mr. Bennett, Mr. Kleczka, Ms. Oakar, Mr. Lipinski, and Mr. Hertel):

H. Con. Res. 289. Concurrent resolution in support of Lithuanian independence; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

328. By the Speaker: Memorial of the Legislature of the State of Alabama, relative to a proposed amendment to the Constitution which would prohibit deficit spending by the U.S. Government, except in times of national emergency; to the Committee on the Judiciary.

329 Also, memorial of the Legislature of the State of Alabama, relative to a proposed amendment to the Constitution requiring that Federal spending not exceed estimated Federal revenues; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Mr. Frost, Mr. Walgren, Ms. Pelosi, Mr. Dellums, Mr. McNulty, and Mr. Hochbrueckner.

H.R. 586: Mr. Wyden.

H.R. 717: Mr. Rose and Mr. Matsui.

H.R. 720: Mr. Bustamante.

H.R. 780: Mr. Thomas A. Luken, Mr. Engel, Mr. Kolter, Mr. Tallon, and Mr. Rangel.

H.R. 830: Mr. Henry, Mr. Akaka, Mr. Hochbrueckner, Mr. Bates, Mr. Kennedy, Mr. Flake, Mr. Clay, Mr. Towns, Mr. Mavroules, and Mr. Conte.

H.R. 844: Mr. Hefley and Mr. Dornan of California.

H.R. 931: Mr. Dyson.

H.R. 1227: Mr. Solomon, Mr. Johnson of South Dakota, Mr. Smith of Texas, Mr. Schiff, Mr. Shays, Mr. Coble, and Mr. Bateman.

H.R. 1287: Mr. Walker and Mr. Murphy.

H.R. 1356: Mr. Solarz.

H.R. 1383: Mr. Neal of Massachusetts.

H.R. 1500: Mr. Andrews, Mr. Edwards of California, Mr. Derrick, Mr. Bilbray, Mr. Spratt, Mrs. Patterson, Mr. Yatron, Mr. Torricelli, Mr. Thomas A. Luken, Mrs. Morella, and Mr. Tallon.

H.R. 2025: Mr. Yates, Mr. Moakley, Mr. Sundquist, Mr. Brown of California, and Mr. Kleczka.

H.R. 2156: Mr. Tauke.

H.R. 2168: Mr. Sangmeister, Mr. Dyson, and Mr. Hoagland.

H.R. 2188: Mr. Mazzoli, Mr. Price, Ms. Long, Ms. Pelosi, Mr. Fauntroy, Mr. Mineta, Mrs. Morella, Mr. Weiss, Mr. Frank, and Mr. Emerson.

H.R. 2273: Mr. Faleomavaega, Mr. Geren, Mr. Flippo, Mr. Quillen, Mr. Rhodes, and Mr. Madigan.

H.R. 2372: Mr. Campbell of Colorado.

H.R. 2647: Mr. Manton.

H.R. 2699: Mr. Smith of New Jersey.

H.R. 2807: Mr. Barnard, Mr. Bateman, Mr. Bereuter, Mr. Boehlert, Mr. Borski, Mr. Bosco, Mr. Brown of California, Mr. Brown of Colorado, Mr. Clarke, Mr. Clement, Mr. Conte, Mr. Conyers, Mr. Cox, Mr. Derrick, Mr. Dingell, Mr. Donnelly, Mr. Downey, Mr. Dyson, Mr. Eckart, Mr. Emerson, Mr.

Engel, Mr. English, Mr. Espy, Mr. Faleomavaega, Mr. Feighan, Mr. Flake, Mr. Frank, Mr. Frenzel, Mr. Gallegly, Mr. Gaydos, Mr. Gibbons, Mr. Gillmor, Mr. Gonzalez, Mr. Gordon, Mr. Grant, Mr. Guarini, Mr. Hall of Texas, Mr. Hancock, Mr. Hawkins, Mr. Herger, Mr. Hochbrueckner, Mr. Hoyer, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Kasich, Mrs. Kennelly, Mr. Kildee, Mr. Kleczka, Mr. Kolter, Mr. Kostmayer, Mr. Levin of Michigan, Mr. Lewis of Georgia, Mr. Lewis of Florida, Mr. Livingston, Mr. Donald E. Lukens, Mr. McDermott, Mr. McGrath, Mr. McMillen of Maryland, Mr. McNulty, Mr. Martinez, Mr. Mavroules, Mr. Mazzoli, Mr. Mfume, Mr. Miller of Ohio, Mr. Miller of Washington, Mr. Mineta, Mr. Moody, Mr. Moorhead, Mrs. Morella, Mr. Murphy, Mr. Myers of Indiana, Mr. Natcher, Mr. Neal of Massachusetts, Mr. Neal of North Carolina, Mr. Nelson of Florida, Mr. Owens of New York, Mr. Oxley, Mr. Pallone, Mr. Parris, Mr. Pease, Mr. Perkins, Mr. Poshard, Mr. Ravenel, Mr. Roe, Mr. Rose, Mr. Sawyer, Mr. Schiff, Mr. Sharp, Mr. Shumway, Mr. Shuster, Mr. Sisisky, Mr. Slattery, Mr. Smith of Iowa, Mr. Spratt, Mr. Stallings, Mr. Stokes, Mr. Tallon, Mr. Taylor, Mr. Thomas of Georgia, Mr. Traxler, Mr. Vander Jagt, Mr. Volkmer, Mr. Walgren, Mr. Weiss, and Mr. Whitten.

H.R. 3048: Mr. Watkins.

H.R. 3080: Mr. Frenzel, Mr. Bateman, Mr. Pickett, Mr. Brown of Colorado, Mr. Gradison, and Mr. Archer.

H.R. 3121: Mr. Chapman.

H.R. 3123: Mr. Barnard, Mr. Hyde, Mr. DeWine, Mr. Panetta, and Mr. Sisisky.

H.R. 3267: Mr. Ravenel.

H.R. 3283: Mr. McGrath and Mr. Hertel.

H.R. 3386: Mr. Hammerschmidt and Mr. Shuster.

H.R. 3429: Mrs. Collins.

H.R. 3475: Mr. Atkins.

H.R. 3485: Mr. Craig.

H.R. 3594: Mr. Lancaster and Mr. Owens of Utah.

H.R. 3625: Mr. Pursell, Mr. Feighan, Mrs. Boxer, Mr. Conte, Mr. Hutto, Ms. Oakar, Mr. Nielson of Utah, Mr. Levine of California, Mr. Andrews, Mr. Broomfield, Mr. Ackerman, Mr. Leach of Iowa, Mr. Packard, Mr. Smith of Florida, Mr. Foglietta, Mr. Skaggs, Mr. Nagle, Mr. Campbell of Colorado, Mr. Donald E. Lukens, Mr. Rose, Mr. Wise, Mr. Neal of Massachusetts, Mr. Sawyer, Mr. Sabo, Mr. Richardson, Mr. de la Garza, Mr. Rowland of Connecticut, Mr. McHugh, Mr. Douglas, Mr. Hyde, Ms. Long, Mr. Aspin, and Mr. Price.

H.R. 3732: Mr. Quillen, Mr. Costello, Mr. Clement, Mr. Bartlett, and Mr. Johnson of South Dakota.

H.R. 3827: Mr. Penny, Mr. Johnson of South Dakota, Mrs. Patterson, Mr. Owens of Utah, Mr. Wilson, Mr. Pallone, Mr. Atkins, and Mr. Bosco.

H.R. 3828: Mr. Penny, Mr. Johnson of South Dakota, Mrs. Patterson, Mr. Owens of Utah, Mr. Pallone, Mr. Wilson, Mr. Atkins, and Mr. Bosco.

H.R. 3833: Mr. Pease.

H.R. 3859: Mr. Fascell.

H.R. 3870: Mr. Fish.

H.R. 3880: Mr. Boucher.

H.R. 3903: Mr. Shays.

H.R. 3906: Mr. Holloway, Mr. Horton, Mr. Kasich, Mr. Slaugher of Virginia, Mr. DeWine, and Mr. Alexander.

H.R. 3936: Mr. Torres, Mr. Faleomavaega, Mr. Jontz, Mr. Hertel, Mr. Rangel, Mr. Nagle, Mr. McDermott, Mr. Towns, Mr. Williams, Mr. Borski, Mr. Perkins, Mr. McGrath, Mr. Engel, Mr. Dwyer of New Jersey, Mr. Dellums, Mr. Torricelli, Mr. Carr, Mr. Wilson, Mr. Dymally, Mrs. Unsoeld, Mr. Bates, Mr. Applegate, Mr. Wheat, Mr. Visclosky, Mr. Durbin, Mr. Oberstar, Ms. Kaptur, Mr. Kennedy, Mr. Gejdenson, Mr. Wyden, Mr. DeFazio, Mr. Stark, and Mr. Moody.

H.R. 3942: Mr. Hayes of Illinois and Mr. Scheuer.

H.R. 3943: Mr. Hayes of Illinois and Mr. Scheuer.

H.R. 3965: Ms. Kaptur, Mr. Towns, Mr. Lipinski, Mr. Rangel, Mr. Mrazek, Mr. Smith of Vermont, Mrs. Collins, and Mr. Roe.

H.R. 3979: Mr. Sawyer, Mr. McNulty, Mr. Hochbrueckner, and Mr. Mavroules.

H.R. 3998: Mr. Flake, Mr. LaFalce, Mr. Boehlert, and Mr. Ackerman.

H.R. 4043: Mr. Pickett and Mr. Wise.

H.R. 4073: Mr. Boehlert, Mrs. Johnson of Connecticut, Mr. Hayes of Illinois, Mr. Jontz, Mr. Owens of New York, Mr. Foglietta, Mrs. Lowey of New York, Mr. Shays, Mr. Walgren, Mr. Price, Mr. Dwyer of New Jersey, Mr. Solarz, Ms. Kaptur, Mr. Mrazek, Mrs. Morella, and Mr. Wheat.

H.R. 4075: Mr. Bereuter.

H.R. 4081: Mr. Smith of Texas, Mr. Ravenel, Mr. Sensenbrenner, Mr. Hiler, Mr. Madigan, Mr. Solomon, Mr. Nielson of Utah, and Mr. Hammerschmidt.

H.R. 4124: Mr. Emerson, Mr. Schaefer, Mr. Condit, and Mrs. Smith of Nebraska.

H.R. 4191: Mr. Frenzel.

H.R. 4208: Mr. Bryant, Mr. Hyde, Mr. Foglietta, Mr. DeFazio, Mr. Dymally, Mr. Smith of Florida, and Mr. Lewis of Georgia.

H.R. 4220: Mr. Lightfoot.

H.R. 4233: Mr. Gradison and Mr. Machtley.

H.R. 4237: Mr. Shaw and Mr. Gibbons.

H.R. 4241: Mr. Solomon, Mr. Walsh, Mr. Donald E. Lukens, Mr. Payne of New Jersey, Mr. Roe, and Mr. Dwyer of New Jersey.

H.J. Res. 69: Mr. Holloway.

H.J. Res. 364: Mr. Martin of New York, Mr. Hayes of Illinois, Mr. Neal of Massachusetts, Mr. Dixon, Mr. Roberts, Mr. Perkins, Mr. Pickett, Mr. Washington, Mr. Kleczka, Mr. Dickinson, Mr. Feighan, Mr. Gilman, Mr. Gradison, Mr. Hall of Ohio, Mr. Lowery of California, Mr. Donald E. Lukens, Mr. Mineta, Mr. Murtha, Mr. Regula, Mr. Stokes, Mr. Walker, and Mr. Wylie.

H.J. Res. 413: Mr. Fazio, Mr. Murphy, Mr. Sabo, Mr. Applegate, Mr. Barton of Texas, Mr. Bates, Mr. Bruce, Mr. Clarke, Mr. Crockett, Mr. DeWine, Mr. Dymally, Mr. Hawkins, Mr. Hayes of Louisiana, Mr. Hunter, Mr. Jontz, Mr. Kasich, Ms. Long, Mrs. Morella, Mr. Morrison of Washington, Mr. Neal of North Carolina, Mr. Quillen, Mr. Denny Smith, Mr. Bartlett, Mr. Edwards of California, Mr. Kastenmeier, Mr. Gradison, Mr. Grant, Mr. Bilirakis, Mr. James, Mr. Shaw, Mr. Hatcher, Mr. Lowery of California, Mr. Oxley, Mr. Machtley, Mr. Houghton, Mr. Smith of Vermont, Ms. Ros-Lehtinen, and Mr. Gilman.

H.J. Res. 418: Mr. Parker, Mr. Miller of California, Mr. Rose, Mr. Boehlert, Mr. Oberstar, Ms. Schneider, Mr. Moody, Mr. Evans, Mr. McDermott, Mr. Pallone, Mr. Conte, Mr. Stokes, Mr. Beilenson, Mrs. Morella, Mr. Sharp, Mr. Valentine, Mr. Walsh, Mr. Markey, Mr. Sabo, Ms. Slaughter of New York, Mr. Tallon, and Mr. Jontz.

H.J. Res. 462: Mr. Pashayan, Mr. Moorhead, Mr. Traxler, Mr. Dingell, Mr. Wise, Mr. Conte, Mr. Gonzalez, Mr. Weiss, and Mr. Neal of North Carolina.

H.J. Res. 464: Mr. Bliley, Mr. Bunning, Mr. Erdreich, Mr. Fuster, Mr. Hughes, Mr. McEwen, Mr. Morrison of Washington, Mr. Owens of Utah, Mr. Robinson, Mr. Schuette, and Mrs. Unsoeld.

H.J. Res. 483: Mr. Anderson, Mrs. Bentley, Mr. Blaz, Mr. Bliley, Mr. Callahan, Mr. Carper, Mr. Chandler, Mr. Courter, Mr. Craig, Mr. DeLay, Mr. Fawell, Mr. Grandy, Mr. Harris, Mr. Hiler, Mr. Horton, Mr. Hughes, Mr. Hyde, Mr. Jacobs, Ms. Kaptur, Mr. Kasich, Mr. Lagomarsino, Mr. Lent, Mr. Donald E. Lukens, Mr. McCrery, Mr. McDade, Mr. McEwen, Mr. McGrath, Mr. Machtley, Mr. Marlenee, Mr. Martin of New York, Mr. Michel, Mr. Miller of Washington, Mr. Morrison of Washington, Mr. Oxley, Mr. Pursell, Mr. Ravenel, Mr. Rinaldo, Mr. Rowland of Connecticut, Mr. Robert F. Smith, Mr. Sundquist, Mr. Upton, Mr. Walsh, Mr. Wilson, Mr. Wolf, Mr. Young of Alaska, Mr. Parris Mr. Rhodes, Mr. Hansen, Mr. Gekas, Mr. Grant, Mr. Coleman of Missouri, Mr. Lightfoot, Mr. Emerson, Mr. Roe, Mrs. Boxer, Mr. Gingrich, Mr. Bunning, and Mrs. Vucanovich.

H.J. Res. 488: Mr. Towns, Mr. Fuster, Mr. McNulty, Mr. Rangel, Mr. Martinez, Mr. Cardin, and Ms. Kaptur.

H.J. Res. 500: Mr. Shuster, Mr. Hyde, Mr. Ritter, Mr. Walsh, Mr. Craig, Mr. Smith of New Jersey, Mr. Lent, Mr. Brown of California, Mr. Rhodes, Mr. Traxler, Mr. Jontz, Mrs. Collins, Mr. Owens of New York, Mr. Whitten, Mr. Nowak, Mr. Pallone, Mr. Cooper, Mr. Yatron, Mr. Saxton, Mr. Sisisky, Mr. Russo, Mr. Walgren, Mr. Obey, Mr. Pursell, Mr. Lehman of California, Mr. Green, Mr. Harris, Mr. Smith of Texas, Mr. Bustamante, Mr. Boehlert, Mr. Hastert, Mr. Berman, Mr. Torricelli, Mr. McCloskey, Mr. Crockett, Mr. Towns, Mr. DeFazio, Mr. Gray, Mrs. Lloyd, and Mr. Roybal.

H.J. Res. 518: Mr. Gordon, Mr. Payne of Virginia, Mr. Neal of North Carolina, Mr. Hefner, Mr. Coble, Mr. Frank, Mr. Spratt, Mr. Ritter, Mr. Derrick, and Mr. Ballenger.

H. Con. Res. 91: Mr. Grandy.

H. Con. Res. 177: Mr. Torricelli.

H. Con. Res. 268: Mr. Hyde and Mr. Nielson of Utah.

H. Res. 240: Mr. Smith of New Jersey, Mr. Traficant, and Mr. Lipinski.

H. Res. 354: Mrs. Morella.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4139: Mr. Walker.

EXTENSIONS OF REMARKS

THE HEALTH INSURANCE FOR CHILDREN AND MOTHERS ACT OF 1990

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STARK. Mr. Speaker, access to health care should be considered a basic right of every American. Unfortunately, we have not yet reached the goal of providing comprehensive health insurance to each citizen, and, in fact, we are not currently making any progress toward this goal.

When the comprehensive insurance proposals of the Truman administration were defeated, proponents of national health insurance focused on health insurance for the elderly. Once health benefits for the elderly were assured, they believed that our Nation would turn its attention to the health care needs of children and mothers.

We have waited 25 years for that promise to be fulfilled; unfortunately, nothing has been done.

The passage of Medicare in 1965 provided payroll-tax financed health insurance for the elderly. The time has come to do the same for the other most vulnerable groups within our society, children and mothers.

I am today introducing the Health Insurance for Children and Mothers Act of 1990 to provide publicly financed health insurance to every child and pregnant woman in this country. My proposal would be financed by an increase in the payroll tax rate equal to the Medicare tax currently paid by employers and by employees.

I continue to be amazed about our national priorities given the number of children without health insurance protection. About 16 million children through the age of 22 are currently without health insurance, and the problem is getting worse. The percentage of uninsured children has increased from 15 percent in 1979 to almost 20 percent in 1987. Over one-third of the uninsured in the country are children.

Medicaid is not the answer to this problem. Currently, only half of all poor children are covered by Medicaid. Of equal concern is that shortsighted reimbursement policies adopted by many State Medicaid programs, particularly with respect to physician payment, have barred access to health care for those who are covered by Medicaid.

Lest anyone think that having health insurance coverage does not matter, let me point out that access to health insurance is directly related to health status.

According to a report by the American Academy of Pediatrics, only 11 percent of children without health insurance reported excellent health, while 78 percent of children with private coverage reported excellent health. Children who did not visit a doctor in the last year were twice as likely to be uninsured as compared to children who made more than four visits.

We all know that relatively inexpensive immunizations of children pay huge dividends later in avoidance of communicable diseases. Yet, the proportion of children aged one to four immunized against each of the major childhood diseases declined between 1980 and 1985. The proportion immunized against measles dropped from 64 to 61 percent. The proportion of childen immunized against polio dropped from 78 percent in 1970 to only 55 percent in 1985.

The net result of this neglect of the most basic health care service we ought to provide every child is that fully one-quarter of all preschoolers, and one-third of all poor children, are not immunized against the common childhood diseases.

Perhaps one of the most unfortunate statistics of all related to health care is that of the 56 million women in the United States of reproductive age, 14.5 million, or 26 percent of this population, are not covered for maternity services.

Although many of these women are poor and Medicaid eventually pays for their delivery, I do not find it particularly surprising that we have problems with healthy babies when one in four women is not covered for pregnancy-related services.

One of the reasons for this is lack of prenatal care. A recent report found that about 20 percent of uninsured women received prenatal care late in their pregnancy compared with about 6 percent of women with private health insurance. Late prenatal care is one factor directly linked to negative pregnancy outcomes.

Infant mortality rates in the United States are very high, compared to other industrialized nations. The current rate of 10.6 infant deaths per 1,000 live births placed the United States 22 among nations worldwide.

The infant mortality rate for blacks is at least 60-percent higher than for whites. Nine States and the District of Columbia have black infant mortality rates in excess of 19.0, a higher rate than many Third World countries.

Although the infant mortality rate has been steadily dropping, the rate of decrease has slowed in the 1980's. I am saddened to say that there is preliminary evidence to suggest that the rate is actually increasing in 1990.

The saddest thing of all about lack of health coverage for children and their mothers is that a relatively small investment in healthy children pays large dividends.

For example, the Institute of Medicine has estimated that as many as one-third of all low birthweight babies can be avoided by adequate prenatal care. The IOM points out that for every $1 invested in prevention, $3.38 will be returned in immediate reduced care costs for the infant.

Mr. Speaker, the bill I am introducing today represents an affordable, sensible, and cost-effective approach.

This bill builds upon the strengths of the current Medicare system and assures that every child, no matter what his or her parent's financial situation, will have access to the high quality health care which we currently ration to those whose parent has coverage which includes maternity care and dependents.

Keep in mind that children do not choose their family. It is not fair that a child must face the risks attendant to late or no prenatal care simply because the parent's employer does not choose to cover dependents. No baby should be at the mercy of the charity care system. To me, social insurance is the only reasonable approach.

The bill I am introducing today, Mr. Speaker, is not a panacea for every health care problem faced by children and mothers, but it is a start. I am sure that not all of its provisions can withstand the scrutiny to which they will undoubtedly be subjected, but it begins the process. Moreover, I am hopeful that it will enhance a debate that focuses on the broad issue of what is the best, most efficient way to assure every child's right to basic health protection.

We will also need to consider carefully the content of a benefit package. My bill uses Medicare as a model for the benefit package and adds coverage for the necessary pregnancy-related and well-child preventive benefits. This certainly does not constitute the final word on a benefit package. Similarly, the levels for the deductibles and copays in my bill are not carved in stone.

I am sure that the creation of a minimum benefit package is an issue on which there are many opinions, including those who would subtract and those who would add benefits. The goal should be to protect families from financial devastation while setting benefit levels which are affordable and sustainable. I look forward to that discussion.

In addition, I am sure that the idea of taxing employers and employees equally would be opposed by some. They would point out that employers currently cover more than 50 percent of the cost of health insurance for children and pregnancy if they are covered at all. I am certainly open to changes in this policy as I am equally open to the idea that some other form of financing would make sense. The goal is to find a fair financing scheme that the taxpayers will understand and support, but any proposal must include a method of financing.

Another source of financing is the reduction in Federal and State expenditures for Medicaid which would occur if my bill were to be enacted. Total Medicaid expenditures would decrease by about $15 billion of which $9 billion is the Federal share and $6 billion is the State

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

share. Reallocation of these funds is another potential source of funding for this program.

Mr. Speaker, the goal of comprehensive health benefits for all is one that has eluded us since the Congress first took up the question of universal health insurance in 1918. I hope that the rising level of interest in responding to this problem will mean that we can finally make meaningful progress toward solving it. I hope that my proposal for coverage of children and mothers will make a contribution toward that end.

A summary of my bill follows:

SUMMARY—THE HEALTH INSURANCE FOR CHILDREN AND MOTHERS ACT OF 1990

The Social Security Act is amended by adding at the end a new Title 21 which establishes a program of health insurance for children under 23 and mothers, to be financed by payroll taxes.

I. PURPOSE

Provide publicly-financed health insurance for all children through age 22 and for all women for their pregnancy-related medical care needs.

II. FINANCING AND CREATION OF TRUST FUND

The program would be financed by a 1.45 percent increase in the payroll tax paid by employers and by employees.

A new Children and Mothers Health Insurance Trust Fund would be established. Funds collected by the increase in the payroll tax would be paid into the trust fund.

The Trustees of the Medicare Trust fund would oversee the new fund.

No funds from the current Medicare trust funds or the new trust fund could be commingled.

III. OPERATION OF THE PROGRAM

The program would be run by the Health Care Financing Administration using the reimbursement system, survey and certification system, quality assurance system (including utilization review), and data system of the current Medicare program, modified as necessary to fit the needs of children and mothers.

Funds from the Children and Mothers Health Insurance Trust Fund would be appropriated to pay the new program's share of the costs of these activities.

IV. POPULATION COVERED

Children: All children legally resident in the country would be covered until they reached their 23rd birthday.

Women: Legally resident women would be covered after certification of pregnancy by a physician. The program would also pay retroactively for the pregnancy test and first examination necessary to the certification by the physician.

V. BENEFITS

Children: The following preventive services would be covered without co-payments or deductibles, based on a periodicity schedule developed by the Secretary in consultation with the American Academy of Pediatrics:

Newborn and well baby care: Normal newborn care; Pediatrician coverage for high-risk deliveries.

Well Child Care: Routine Office Visits. Required School Physical Examinations. Routine Immunizations (including the cost of the vaccine itself). Routine Laboratory Tests. Preventive Dental Care.

The following benefits would be subject to copayments and deductibles and other restrictions in the same manner as currently apply under Part A and Part B of Medicare:

Hospital Services: All medically necessary hospital services (subject to Professional Review Organization (PRO) Review); Skilled Nursing Facility services; Home health care; and Inpatient mental health services.

Physician Services: Physician services. Outpatient services. Diagnostic services. Medical Equipment. Outpatient mental health services, including substance abuse. Physical therapy services. Speech therapy services. Comprehensive outpatient rehabilitation services.

Mothers: The following services would be covered without copayments or deductibles based on a schedule developed by the Secretary in consultation with the American College of Obstetrics and Gynecology: Prenatal Care, including care for all complications related to pregnancy. Inpatient labor and delivery services. Postnatal care. Postnatal family planning.

The Secretary would be required to develop a list of reimbursable services and procedures related to normal pregnancy and highly prevalent complications of pregnancy. Services and procedures not included on the Secretary's list would be subject to prior approval by the Peer Review Organization.

VI. REIMBURSEMENT

Hospital Services: Hospital Services would be reimbursed under Medicare's current prospective payment system (PPS).

The Secretary would be directed to develop a new set of case weights (DRGs) to reflect the new types of cases reimbursable under this program. The weights would include a small reimbursement disincentive for cesarian section deliveries (the weight would be set such that payment equals 95% of average cost in the base year).

Other services reimbursed under the hospital portion of the program would be reimbursed on a retrospective cost basis for the time being, until prospective systems can be developed.

Physician Services: Physician services would be reimbursed using a resource-based relative value scale and, except for obstetrical care and well baby and child care, would be subject to volume performance standards.

Obstetrical Services would be reimbursed using a global fee approach. Incentives would be included for early prenatal care and for care of mothers in certain high risk inner-city and rural areas. Reimbursement disincentives to cesarean sections would be included.

THE NATIONAL COMMANDER OF THE AMERICAN LEGION MR. MILES S. EPLING VISITS MARYLAND

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. BENTLEY. Mr. Speaker, on March 18, 1990, I will have the pleasure of attending a banquet at the Parkville Post No. 183 of the American Legion which will be hosting the National Commander of the American Legion, Mr. Miles S. Epling.

With over 500 Legionnaires in attendance, it will be with great pride and admiration that I will attend this event. It also will be an honor to meet Mr. Epling who was elected to the office of National Commander of the American Legion at the 71st National Convention.

A 39-year-old veteran of the Vietnam war, Mr. Epling was sent to Vietnam in 1968 where he served with the 3d Batallion, 7th Marines Combat Infantry. While walking point for his unit, Mr. Epling lost both legs to a land mine and was discharged in 1969 with an honorable medical discharge after receiving the Purple Heart.

Currently Mr. Epling is involved in a host of activities and organizations including an appointment by former West Virginia Governor Moore to the West Virginia Vets Council and the West Virginia Memorial Commission.

Perhaps most impressive is that Mr. Epling personifies the members of the American Legion.

Without a doubt it can be said that Mr. Epling and The American Legion exemplify the true American spirit. The charity and community work of the American Legion is not the act of an organization or a lodge. Rather, the work done by the American Legion is the result of a selfless devotion and dedication by individuals who together form a group.

Indeed, the members of the American Legion are individuals who naturally give of themselves and have been doing so whether it be on the battle field or in the community. Giving is an ingrained part of their lives, perhaps one could say that they knew nothing else but to give.

All too often in this country we are to quick to forget the hardships and sacrifices which so many have endured on our behalf. This is especially true at a time when the world is radically changing. It becomes all too easy to forget the lessons which history has taught us. I am sure, however, that individuals such as Mr. Epling will never let us forget the sacrifices made by so many to ensure freedom and democracy. Remember it is the diligent mind which is always aware of what has passed, what is present and what could be.

As National Commander, Mr. Epling is charged with the responsibility of representing the concerns and needs of veterans across the Nation. At the same time Mr. Epling and all American Legion members must keep this Nation reminded of what they have given to ensure our freedom.

Mr. Speaker, it is with great respect and honor that I commend the National Commander, Mr. Miles S. Epling and all other American Legion members for their commitment to this Nation. Their spirit and love of country is inspirational.

God bless the American Legion and God bless America.

EARTHQUAKE EDUCATION ESSENTIAL FOR EASTERN UNITED STATES

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. CLINGER. Mr. Speaker, I rise today to bring an issue and a resolution to the attention of my colleagues. Right now, in 1990, certain sections of our country are literally sitting

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on a bomb, one that could explode at any moment; and while I may be speaking metaphorically, the destruction caused by a major earthquake in areas where the population and structures are unprepared could be as devastating as a nuclear explosion.

The Eastern United States, is not exactly the region that comes to mind when one thinks of earthquakes. However, geologists predict that there is a 100-percent chance of a damaging earthquake hitting the eastern United States in the next 25 years—and that figure is correct: a 100-percent chance.

Two most recent and noted earthquakes, San Francisco and Soviet Armenia, had approximately the same destructive force, yet the Soviet quake killed at least 25,000 people. The main reason for the difference in the death toll is the better building construction in California due to the earthquake-resistant provisions in the building code and public knowledge about how to react in an earthquake.

Building codes are a local matter, but locals should be given assistance in using the most up to date and effective technologies. The Federal Government can provide that assistance.

The effect of a large quake in many Eastern regions would likely result in a high death toll and the devastation of large sections of cities. But even a moderate quake could have devastating effects. Our infrastructure is crumbling from within; our bridges are collapsing, our sewer systems are aging and our public works in general are wearing out. In New York City, the huge tunnels that supply the metropolis with water could give out at any time.

The East is unprepared and our decaying infrastructure is a hazard. There is an urgent need to improve on the points in which we are lacking—that of public awareness, coordination, and the question of a old, weak infrastructure will have to be answered.

To lessen the affect of an Eastern earthquake that will surely come, we need to act now. We need to provide local government with the technical assistance to help them develop cost effective means of improving building codes, to educate the population and study ways that old buildings can be rebuilt within our economic means. While cost is a concern it should not deter us from finding ways to improve safety with existing resources—the lives of thousands of Americans depend upon it.

Educating people about earthquakes and how to react to them is essential and certain aspects of an educational strategy can be relatively simple and the sense of Congress resolution that I have introduced today can be one step in such a process.

Mr. Speaker, this modest measure would encourage, not mandate, phone companies to include earthquake disaster instructions in the phone books they publish. These guidelines would instruct the population of an affected area on what to do after a quake and would put accessable information into almost every home and business.

For example, in California, similar guidelines have been published in phone books for many years. During last October's quake, the first place that people turned for help was to the information in their own homes—in the phone book. As soon as local radio and television stations were back on the air, they instructed people to read these disaster instructions. The entire system worked extraordinarily well.

Soon, the Earth will shrug and innocent people will die in the East, many of them surprised that this could happen in their town or city. They don't realize that we are in as much danger—if not more—as those living in San Francisco or Los Angeles. It is time to start taking steps to prepare for this disaster and supporting this resolution is a first one.

AMERICAN LEGION CELEBRATES ITS 71ST ANNIVERSARY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives that today, March 15, marks the 71st anniversary of the founding of the American Legion.

For 71 years, the American Legion has maintained its proud tradition of outstanding service, patriotism and care for our Nation's veterans, perpetuating its founding pledge in its perseverance "For God and Country." The idea for the American Legion had its origins when a group of 20 officers, who served in the 1st American Expeditionary Forces in France during World War I, was asked by its headquarters to suggest ways to improve the morale of the troops. At that time, Lt. Col. Theodore Roosevelt, Jr. suggested an organization of veterans to accomplish this purpose, and in February 1919, this group formed a temporary committee to recruit membership.

About 1,000 officers and enlisted men gathered in Paris on March 15, 1919, at the first organizational meeting, known as the Paris Caucus, where they acknowledged that their responsibilities to each other and to their country's citizens would not end with the signing of a treaty of peace. A temporary constitution was adopted and the men agreed to the name, American Legion.

During the last 71 years, the American Legion has maintained the highest standards it set for itself in its constitution, which states:

> For God and country we associate ourselves together for the following purposes to uphold and defend the Constitution of the United States of America; to maintain law and order; to foster and perpetuate a one hundred percent Americanism; to preserve the memories and incidents of our associations in the great wars; to inculcate a sense of individual obligation to the community, State and Nation; to combat the autocracy of both the classes and the masses; to make right the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness.

With a membership of about 2.8 million in 16,000 local groups, and a women's auxiliary of about 1 million members, the American Legion continues to work tirelessly on matters which concern the welfare of their fellow veterans and their dependents. As we commemorate the American Legion's founding, we celebrate its continuing dedication to the adjustment of the veteran to civilian life, restoring his health and usefulness to society, maintaining his dignity, and assuring the welfare of the veteran's widow and children.

Mr. Speaker, on the 71st anniversary of the American Legion, I am proud to commend the Legionnaires in the 11th Congressional District of Illinois which I am honored to represent, and the American Legion posts throughout the Nation, as they continue to serve our veterans and our Nation, committed to the ideals of our American heritage. I extend to them my best wishes as they go forward in greater service to secure the blessings of liberty for us all.

WHO LOST NEW ZEALAND?

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BROOMFIELD. Mr. Speaker, after 4 years of not talking, senior United States officials are once again meeting with their counterparts from New Zealand. This is despite the fact that there is absolutely no indication that New Zealand is willing to change its 5-year-old ban on visits by United States naval vessels. In fact, it seems ever more clear that New Zealand will not rejoin the system of alliances with the United States that has preserved world peace and security since the Second World War. How and why did we lose New Zealand?

In 1985 the new Labour government of New Zealand, headed by Prime Minister David Lange, made good its pledge to keep nuclear armed or powered vessels out of New Zealand ports. The Lange government first applied its policy by withdrawing permission for the U.S.S. *Buchanan* to visit even while the vessel was enroute. This deliberate misunderstanding did incalculable harm to the historically warm relationship between our two countries and sent shock waves through the Pacific.

The provocation over the *Buchanan* could not have occurred at a worse time. The South Pacific—for so long considered a balmy backwater—appeared to be on the verge of becoming a new arena of superpower confrontation. The Soviet Union was in the process of signing fisheries agreements with small island countries and seeking further representation in the region. There were even indications of Libyan-sponsored terrorist activities in the Southwest Pacific.

The Reagan administration responded to the action of New Zealand by cutting off intelligence sharing, suspending preferences for New Zealand under United States arms export and foreign military assistance laws and cooperation between the United States and New Zealand militaries, and ruling out contacts between New Zealand officials and senior United States officials with defense or foreign policy responsibilities. After consultations with Australia, the United States also indicated that our responsibilities toward New Zealand under the Australia-New Zealand-United States [ANZUS] defense alliance had been withdrawn. With respect to the no-contact policy, the administration argued that such meetings were not justified since there was no indication that the key security and defense issue could be profitably discussed.

The Lange government subsequently enacted its antinuclear policies into law. At the same time, antinuclear sentiments continued to grow elsewhere in the South Pacific, causing further difficulties for U.S. defense planners. Many observers both within and outside the region were uneasy that the rupture in the ANZUS alliance could create dangerous opportunities for outside forces to meddle in the affairs of the small island states.

The situation in the South Pacific appears to have improved since the worrisome days of the mid-1980's. The level of confrontation between the superpowers on the global level has decreased, and the Soviets have changed their priorities to emphasize commercial opportunities over politico-military expansionism. Several of the island states continue to experience instability, however—especially Papua New Guinea which faces a secessionist movement on Bougainville, Vanuatu with its volatile politics, coup-prone Fiji, and New Caledonia with its simmering resentment between indigenous Kanaks and settlers.

On March 1, the Secretary of State met in Washington with Mike Moore, New Zealand Minister of Economic Relations and Trade. Why did the State Department change the no-contact policy at this time and what are the results? Well, according to the Department spokesman the meeting represented "an adjustment in our limited access policy in order to allow us to discuss and cooperate on nonsecurity matters of mutual concern." The statement indicated that the two had discussed GATT, narcotics, Pacific Basin economic cooperation and developments in Eastern Europe and South Africa; some observers have speculated that Minister Moore offered information from Iranian President Rafsanjani concerning United States hostages in Lebanon.

Perhaps the real reason for the Department's switch, however, was the buffeting the administration was beginning to receive in Congress. The chairman of the Subcommittee on Asian and Pacific Affairs had recently written a column contrasting the Bush administration's willingness to toast the "Butchers of Beijing" but not even meet after so many years with senior officials from New Zealand. Other Congressmen subsequently joined in raising this issue at public hearings of the subcommittee.

What has really changed to justify the loss of United States leverage against New Zealand on the ship issue? After all, the no-contact policy was perhaps the only United States action that was actually felt by New Zealand politicians. The effect of the other sanctions was felt directly by the New Zealand military and defense establishment, which has long been friendly toward the United States. Unfortunately, the Labour government has not always been particularly attentive to defense and security issues.

One major factor may have been the change in leadership that occurred when Geoffrey Palmer took over the Prime Ministership from Lange. This ended the irritation caused by Lange's regular provocation remarks, including his infamous lecture at Yale—at the George Herbert Walker, Jr., lecture, no less—on the anniversary of the signing of ANZUS, in which Lange threatened to withdraw entirely from the treaty. Prime Minister Palmer has adopted a much more constructive tone toward the United States, even lending support to the United States intervention in Panama. But Palmer, like Lange, remains intransigent on the ship issue.

Unfortunately, the results of the resumption of high-level contacts have so far not been good. Labour has crowed in triumph while the opposition National Party—which had previously pledged itself to restore ship visits—has changed its position. Coincident with the resignation of senior opposition defense spokesman Don McKinnon, the Nationals announced that henceforth their policy is to oppose the visit of ships on which the presence of nuclear weapons is neither confirmed nor denied [NCND]. NCND is the basic U.S. position on this matter, since for security as well as operational reasons the United States can hardly permit open discussion of whether our naval vessels are nuclear armed.

It is true that had a switch in policy not been made, Labour might have used the continuation of the no-contact policy to portray the United States as a bully which wishes to interfere in New Zealand politics. At the same time, however, the Department might have proceeded more cautiously. There were ample opportunities for Secretary Baker to meet Minister Moore, or other senior United States foreign relations and national security representatives to meet with their New Zealand counterparts, on a more limited basis. For example, the Secretary could have met Moore in connection with a multilateral meeting such as the Post-Ministerial session of the Association of Southeast Asian Nations [ASEAN] in July.

The executive branch may have made yet another misstep. The State Department announcement indicates that there will be no change in the United States ban on military, intelligence and security cooperation with New Zealand, as well as the suspension of ANZUS obligations, as long as New Zealand's policy on ship visits persists. In fact, however, had the administration wished to make a gesture toward New Zealand at this time it should have considered instead resuming limited intelligence sharing—for example, on naval movements, terrorism and other developments in the South Pacific—and perhaps some token military cooperation. This at least would have had the benefit of helping to address the deterioration of New Zealand's military capabilities and the resentement that is building in the ranks.

But the die has already been cast. Now is not the time for another change in policy, so close to the expected date of elections in New Zealand in October. The decision has been made and alternatives are ruled out. Perhaps it was easier for the State Department to change what was within its power—diplomatic contacts—than military and intelligence matters subject to the influence of the Defense Department and National Security Council, where the strong negative reaction to New Zealand's antinuclear policies persists. But many with a strong desire for a true reinstitution of New Zealand-United States friendship may feel that the opportunity to resolve the ship issue has been forever lost. In an era of declining tensions in the world, we have failed to find a way to maintain an old and valued alliance.

After so long a break, the desire to improve relations between the United States and New Zealand was certainly understandable. But the decision to have Secretary Baker meet with Minister Moore was unfortunate. The consequence is that for the foreseeable future the United States will not be able to resume a defense relationship with New Zealand consistent with the NCND principle, which is absolutely essential for the secure operation of United States forces. The recent decision to resume high-level contacts has, perhaps paradoxically, made it impossible to deal directly with the primary issue in United States-New Zealand relations. Only time, and a more constructive attitude on the New Zealand side, can put our historically friendly relationship back on track.

H.R. 4111

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. CRAIG. Mr. Speaker, on February 27 I introduced H.R. 4111, the Strategic and Critical Minerals Act of 1990. If enacted, this bill would authorize the creation of a Mining and Mineral Resources Research Institute to develop new and innovative ways of addressing the problems and shortfalls that this country faces in the area of critical and strategic minerals.

Our country depends almost exclusively on foreign sources for critical minerals. United States Bureau of Mines studies reveal that 95 percent of world production of the platinum group metals comes from the Soviet Union and South Africa. Fifty-nine percent of the United States vanadium needs come from South Africa.

These minerals and the other critical minerals that would be addressed by a strategic and critical minerals center are crucial to this Nation's defense and economic well-being. For instance, critical and strategic minerals are essential for producing high temperature tolerant metals for use in jet and rocket engines and turbines. Without the platinum group metals there would be no catalytic converters in our automobiles, and our Nation's air quality would suffer. Rare Earth minerals must also be available if we are to develop the science of superconductivity.

As we all know, the future availability of these critical minerals from foreign sources is not certain. It would be unwise to have no alternative materials or strategies available to assure that this Nation has these important materials available in the future.

For this reason, I have introduced H.R. 4111. The bill establishes a strategic and critical mineral technology center that will have as its objective to decrease the dependence of the United States on strategic and critical minerals. This objective will be accomplished by providing for studies and technology develop-

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ment in mineral extraction and processes; product substitution and conservation of critical and strategic minerals through recycling, advanced processing and fabrication; and the dissemination of the centers' findings to the private sector. Another major responsibility of the center will be to identify new deposits of strategic and critical mineral resources.

As we move into the next century, this Nation must have the natural resources to compete and move forward with new and emerging technology. It is my intention that the establishment of a Mining and Mineral Resources Institute for strategic and critical minerals will help us meet the challenge.

TRIBUTE TO THE BIG SUR POST OFFICE

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PANETTA. Mr. Speaker, I rise today to pay tribute to the Postal Service in Big Sur, CA, which has provided over 100 years of postal service to this area of Monterey County.

The first post office in Big Sur was established on October 30, 1889, in the home of pioneer homesteader, William B. Post. Known simply as "Post's," the Postal Service remained here until 1905, when it was moved to its own building in what is now Pfeiffer-Big Sur State Park.

The name of the post office was changed to "Arabaldo" in 1910, and the first letter was canceled using the current postal name "Big Sur" on May 5, 1915. Mail continued to be delivered weekly by horsedrawn stage or, during severe weather, on horseback. In the spring of 1920, Big Sur residents began receiving mail twice a week, as the motorized stage became the mode of delivery.

In 1972, the Big Sur Post Office, then located in the old River Village, was destroyed by a series of landslides. The Postal Service continued to provide delivery from a trailer near the ranger station of Big Sur National Forest for nearly 14 years, until the current post office was completed. Delayed by major landslides in 1982, the Big Sur Post Office at "the Deli" on Highway 1 was opened for business on June 16, 1986. On Sunday October 30, 1989, a celebration was held honoring the historic institution and the employees on the occasion of the centennial of Postal Service in Big Sur.

Mr. Speaker, I ask my colleagues to join me now in congratulating the Big Sur Post Office for over 100 years of service to the people of the Big Sur area. It is with great pride and respect that I pay tribute to the staff of this institution, past and present.

A TRIBUTE TO COL. RICH HIGGINS, OF LOUISVILLE

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MAZZOLI. Mr. Speaker, I was honored to have taken part in the dedication and unveiling of a monument in honor of Col. Rich Higgins, a brave patriot, a valiant marine, and a fellow Louisvillian, who, it is presumed, gave his life as a U.N. peacekeeper in the Mideast.

It was fitting that the granite monument—partly finished and partly unfinished to signify Rich's own life and work—is located at Southern High School, Rich's alma mater, and the focal point of his early years.

In attendance were Rich's wife, Marine Maj. Robin Higgins, a valiant marine in her own right, Rich's daughter, Chrissy, his sister, Mary Fisher, and friends, by the hundreds.

Also adding dignity to the ceremonies were, among others, Marine Commandant, Gen. Alfred Gray; Fort Knox Commander, Maj. Gen. Thomas Foley; Kentucky adjutant general, Maj. Gen. Michael Davidson; Marine Col. Ronald Ray, the master of ceremonies; Jefferson County commissioner, Irv Maze; and Jefferson County school superintendent, Donald Ingwerson.

Mr. Speaker, the ceremony was not somber or solemn as if it were a memorial to a lost comrade.

Rather, it was:

A tribute to a Louisville native who chose the military as his career in public service;

A recognition of a life well-lived in the cause of peace and freedom here at home and abroad;

A testimonial to the lofty proposition that we should not live self-centered lives but selfless lives dedicated to the betterment of our fellows; and,

A reminder that, as in Col. Rich Higgins' case, each of us individually, can make a difference and can make things better.

Mr. Speaker, whatever is Rich Higgins' fate and condition, he stands—in the form of a granite marker at Southern High School—as an inspiration to his loving family, to his proud hometown, and to a grateful nation.

SMOKELESS TOBACCO ISN'T "COOL"

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SYNAR. Mr. Speaker, I am pleased to report that the American Academy of Otolaryngology-Head and Neck Surgery, an organization made up of over 9,000 expert surgeons, is waging a serious battle against a growing national problem—smokeless tobacco use among our children. Using various media avenues, the academy's "Through with Chew" program is delivering the message to school age children and parents that "chew and snuff are real bad stuff." Their message is that smokeless tobacco is not a safe alternative to smoking.

In February, 20,200 public and private secondary schools and 1,200 boys clubs all received the videotape "Smokeless Tobacco: Is It Worth the Risk?" Narrated by Mel Allen, the video features pitcher Nolan Ryan, and interviews with high school baseball players. The video also describes the health hazards of smokeless tobacco and shows oral cancer victims after surgery. A segment of the video is dedicated to Sean Marsee, a user of both chew and snuff from my home State of Oklahoma, who died of oral cancer at age 19. In fact, it was Sean's death which led me to propose legislation requiring warning labels on smokeless tobacco and to ban television and radio advertising of the product. That legislation became law in the 99th Congress.

The academy, together with the National Cancer Institute, is assisting teachers by providing educational materials for use in their classrooms. This special program was endorsed and distributed by TARGET, a service organization of the National Federation of State High School Associations.

In addition, the academy has set up a grassroots network of otolaryngologist-head and neck surgeons who will push the campaign in their local communities. They have distributed radio public service announcements to 3,000 stations nationwide. The message stresses that smokeless tobacco isn't "cool", it is a health hazard.

The American Academy of Otolaryngology-Head and Neck Surgery is to be commended for providing this tremendous public service to America's youth.

HARRY A. GAMPEL HONORED AS SOUTH BROWARD BUSINESSMAN OF THE YEAR

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SMITH of Florida. Mr. Speaker, on March 21, 1990, the business executive forum of the Jewish Federation of South Broward will honor Harry A. Gampel as businessman of the year. Mr. Gampel, a noted developer and chairman of the Gampel Organization, has been involved in South Broward and south Florida for many years. Among his most beautiful buildings are the recently completed luxury Hallmark Building and Presidential Circle, both in Hollywood.

His many philanthropic and humanitarian endeavors were recently recognized when he received an honorary doctorate from Yeshiva University along with such notables as TWA Chairman Carl Ichan and Harvard law professor Alan Dershowitz. Moreover, Mr. Gampel's alma mater, the University of Connecticut, named the newly completed Gampel Pavillion in recognition of his continuous support.

South Florida has been blessed by both the beauty of Harry Gampel's developments and the numerous results of Harry Gampel's civic dedication. I hope all of you join me in saluting Harry Gampel for being honored on this very special occasion.

BILL OF RIGHTS FOR AMERICAN CONSUMERS

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. TANNER. Mr. Speaker, 28 years ago today President Kennedy issued the first ever "Bill of Rights for American Consumers". Through this action, the President issued executive orders, proposed legislation and suggested regulatory steps to make sure that the driving forces of technological change did not overrun the American consumer.

President Kennedy prefaced his March 15, 1962, special message to the Congress on protecting the consumer interest by stating the obvious: "Consumers, by definition, include us all. They are the largest group in the economy, affecting and affected by almost every public and private economic decision."

For precisely that reason, the burden falls not just on the Federal Government but on all segments of our democracy to protect and serve the consumer. Because, as President Kennedy said, "If consumers are offered inferior products, if prices are exorbitant * * * if the consumer is unable to choose on an informed basis, then his dollar is wasted * * * and the national interest suffers."

This message rings as true today as when President Kennedy made that statement.

That is why an Insurance Consumer Bill of Rights and Responsibilities was introduced 28 years after President Kennedy's consumer guarantees from the Federal Government, and 201 years after an even broader spectrum of guarantees was declared in the Bill of Rights of the U.S. Constitution.

The Insurance Consumer's Bill of Rights is a product of a unique coalition of independent insurance agents and consumer advocates, both dedicated to President Kennedy's idea of a shared societal obligation to serve the American consumer. The Coalition includes the National Association of Professional Insurance Agents [PIA] and the Consumer Insurance Interest Group [CIIG] which includes leaders from Public Citizen, the National Insurance Consumer Organization, and the Consumer Federation of America.

I want to congratulate PIA National and the CIIG for their joint efforts to promote consumer protection as their foremost goal.

Ester Peterson, a life-long consumer advocate and adviser to Presidents Kennedy, Johnson, and Carter, was instrumental in implementing the 1962 Consumer Bill of Rights. As chairperson of CIIG and PIA National's consumer adviser, both groups looked to her for guidance in not only drafting the Insurance Consumer Bill of Rights and Responsibilities, but also for foregoing broad agreement on these declarations inside and outside the insurance industry.

The Insurance Consumer's Bill of Rights and Responsibilities adopts many of President Kennedy's pledges to all consumers, including the right to be properly informed, the right to choose, and the right to be heard. But it also establishes the goal to give insurance consumers the rights to protection, to redress, and to high quality service.

PIA National and CIIG developed these rights because the typical consumer often lacks proper information and understanding when buying and using insurance. A companion bill of responsibilities is attached to the bill of rights so consumers know what insurance companies and agents expect of them to ensure fair, accurate, and speedy claims service.

The Insurance Consumer's Bill of Rights include:

The right to protection. Consumers have the right to purchase insurance that meets their needs, regardless of where they live or work. Such insurance policies must be priced according to consumers' specific risks without regard to race, color, or creed.

The right to be informed. Consumers have the right to have their policies printed in clear, easily readable type and written in understandable language. This right includes having policy provisions accurately explained to consumers before purchase. Consumers should be told in advance, if possible, when the price or terms of their policy may change, and why.

The right to choose. Consumers have the right to be offered available options for protection, the right to enough time to adequately consider their purchase, and the right to make an informed choice of the coverage that best meets their needs for quality protection, fair value, and personal service. Further, they have the right to a competitive marketplace where several insurance companies compete for their business.

The right to redress. Consumers have the right to prompt settlement of just claims, the ability to have access to third parties for mediation, and access to responsive State insurance departments for further redress.

The right to be heard. Consumers have the right to have a voice in major decisions that affect them, whether made by insurance companies, insurance agents, or insurance regulators. They also have the right to prompt and constructive replies to suggestions and inquiries, and the right to be informed about and participate in consumer organizations that are involved in insurance issues.

The right to service. Consumers have the right to be treated with dignity, honesty, and fairness. They have the right to receive prompt and fair attention to claims, policy changes, and inquiries, as well as the right to be served by an insurance professional who strives to provide them with the best insurance value.

The Insurance Consumer's Bill of Responsibilities include:

The responsibility to be informed. Consumers have the responsibility to understand the concept of insurance, to read each insurance policy and attempt to understand its terms, and when lacking understanding, the responsibility to seek answers from an insurance professional.

The right to help control losses. Consumers have the responsibility to minimize risk through safe driving, vehicle and home maintenance, and caring for their health.

The responsibility to keep updated and accurate records. Consumers have the responsibility to maintain in writing the name, address, and telephone number of their insurance agent and insurance company as well as all policy numbers and vehicle make, model, and identification numbers. They also have the responsibility to maintain an updated inventory of household possessions.

The responsibility to report accurate information. Consumers have the responsibility to file insurance applications and report claims in an accurate and timely manner.

The responsibility to comply with policy provisions. Consumers have the responsibility to comply with the specific conditions outlined in their policy, including paying premiums on time, cooperating with insurance companies when defending their claims, and reporting changes that may affect their coverage.

The responsibility to report fraudulent practice. Consumers have the responsibility to report to law enforcement and insurance authorities any questionable practices by insurers, agents, consumers, auto body shops, doctors, lawyers or other parties seeking to defraud or circumvent the insurance system or consumers.

It is the hope of PIA National and the CIIG that the Insurance Consumer Bill of Rights and Responsibilities will foster a better relationship between the insurance industry and consumers. They have invited consumers, agents and insurance companies to endorse both the letter and the spirit of rights and responsibilities while committing themselves to working toward its goals and principles.

Communications between consumers and the insurance industry already is working. Consumers and insurance agents through CIIG have addressed such pressing concerns as auto safety, insurer insolvencies, and enhancing the effectiveness of state insurance departments.

The communications process is working and it can work better still. The Insurance Consumer Bill of Rights and Responsibilities can strengthen the insurance industry and build better relations with consumers.

Insurance consumers should demand—and they deserve—nothing less.

TRIBUTE TO LEE GAUMER ON RECEIVING THE COORS AMERICAN INGENUITY AWARD

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. RITTER. Mr. Speaker, today I would like to pay tribute to a man who is really a credit to the Lehigh Valley of Pennsylvania. The man I am speaking about is Mr. Lee Gaumer of Allentown.

Today, Mr. Gaumer received the Coors American Ingenuity Award during a meeting of the National Association of Manufacturers here in Washington. Gaumer is being honored for his contribution to the U.S. Space Program, in creating the technology for the high-volume production of liquid hydrogen rocket propellent.

Thanks to Mr. Gaumer's ingenuity, Air Products and Chemicals of Allentown, where Gaumer has worked for nearly 40 years, supplied hydrogen fuel for the Appollo Program

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that landed the first men on the Moon in 1969 and now supplies it for the space shuttle.

Gaumer's work was stimulated in the late 1950's by the emerging missile and space program and its demand for tonnage quantities and high energy content. Gaumer's breakthrough technology was a quantum leap beyond the laboratory-scale production of liquid hydrogen propellant, preferred for its light weight and high energy content. But it could only be made in laboratories a few pounds at a time, until Gaumer devised the process and hardware to make the tonnage quantities required for engine development and actual launches.

This year, 1990, is the fifth year for the Coors American Ingenuity Award and Lee joins some distinguished individuals in receiving this prestigious recognition: John Atanasoff, acknowledged father of the computer age; Jack Kilby, inventor of the integrated circuit; Stanford Ovshinsky for his work in the science of amorphous solids and George Dantzig, creator of linear programming, a powerful method of solving large resource allocation and distribution problems.

Lee is currently working with the National Aeronautics and Space Administration and the U.S. Air Force to develop the technology for slush hydrogen propellant fuel for the National Aerospace Plane project.

A chemical engineer by training, Gaumer's early career led him to work on the Manhattan Project reactor and to witness the birth of teflon at Du Pont before taking him to the White Sands Proving Ground in New Mexico, where his long association with the Space Program began.

In addition to his work on liquid hydrogen, Gaumer also invented a revolutionary heat exchanger that for the first time made it possible to convert natural gas to a liquid form for shipping in a cost-effective manner.

Credit must also be given to the Air Products team for it was Lee's leadership and the support and teamwork at Air Products that brought these projects to light and allowed these products to become a major player in the space program and in America's preeminence as an emergency producer.

Lee was a leader on my Lehigh Valley Citizen's Energy Advisory Council in the tough days of the Iran oil embargo, the debate over oil price decontrol, and tough debates over what should be America's energy policy.

I consider Lee Gaumer the epitome of the citizen engineer inventor, a role model for our youth, and last but not least, a personal friend.

I congratulate Lee on his contribution to the American Space Program and on his well-deserved national recognition upon receiving the American Ingenuity Award.

STATEMENT OF CONGRESSMAN MAVROULES

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MAVROULES. Mr. Speaker, I would like to share with my colleagues a statement I made before the House Interior and Insular Affairs Subcommittee on General Oversight and Investigations on March 14, 1990, regarding the Nuclear Regulatory Commission's licensing process for the Seabrook Nuclear Power Plant.

I would like for them to have the benefit of this information before we consider the Nuclear Regulatory Commission's reauthorization legislation, H.R. 1549.

STATEMENT OF CONGRESSMAN NICHOLAS MAVROULES

Mr. Chairman, I am sure you know how much I appreciate your holding this hearing today and the interest you have shown in the issues surrounding the licensing of the Seabrook Nuclear Power Plant in Seabrook, New Hampshire.

There have been numerous concerns expressed by my colleagues and me on the regulatory oversight of the NRC as regards construction and design of the plant and I still harbor these concerns. I am confident that others appearing before you this afternoon with technical expertise on plant construction will ably cover these issues.

Thus, I would like primarily to focus my concern on the inadequacy of the emergency evacuation plan which the utilities have provided for the Massachusetts communities and on the regulatory process of the NRC. I will attempt to explain some of my concerns to you and I would also like to submit for the record an overview of the Massachusetts evacuation plan that clearly outlines in more detail some outstanding concerns on the evacuation plan.

As early as 1975, when the NRC was considering the construction permit for Seabrook, the Attorney General of Massachusetts expressed his opposition to the siting of Seabrook station. He argued then that the infrastructure of the area roads was not sufficient to handle the needs of a mass evacuation. Unfortunately, those concerns were ignored. In essence, the Commission said construction would proceed, and that the evacuation issue would be dealt with once the plant came up for its license.

As you know, after the accident at Three Mile Island in 1979, the nation as a whole realized how ill-prepared we were to respond to a nuclear accident. Even after this catastrophe, the earlier objections to Seabrook's evacation plan remained unanswered, and the NRC allowed construction to continue.

The emergency planning rules adopted by the Commission in 1980, mandated by Congress, require that an acceptable emergency evacuation plan be prepared for communities within a 10 mile radius of a commercial reactor. Six communities in my district—Salisbury, Newbury, West Newbury, Amesbury, Newburyport and Merrimac—are within this distance from Seabrook.

Unfortunately, The Nuclear Regulatory Commission has strayed from its mandate to protect the public. Established as an independent agency under the Energy Reorganization Act of 1974, it has consistently served to protect the interests of the nuclear industry rather than those of the general public. Its primary responsibility—to protect the health and safety of the American people—has been largely ignored. In a headlong rush to promote the use of commercial nuclear energy, on many occasions the agency has refused to fully consider concerns raised by state and local governments and the affected public.

In the case of Seabrook, the commission has time and again revised its own rules to accommodate the needs of the utility companies building the plant. These regulatory changes have allowed the commission to license not only Seabrook but the Perry reactor in Ohio and Shoreham in New York in spite of the objections of those state's governors.

In September 1987 an emergency plan for Massachusetts communities was submitted to the Atomic Safety and Licensing Board by the utility for approval.

I am submitting for the record, Mr. Chairman, a chronology of activities by the NRC, The Federal Emergency Management Agency and the intervenors on the Emergency planning activities for both the New Hampshire and Massachusetts communities.

Mr. Chairman, the plans endorsed by the NRC simply cannot be deemed a responsible effort to minimize radiation exposure during a nuclear accident.

Indeed, the NRC's own appeal board asked that the Atomic Safety and Licensing Board revisit four significant issues in the New Hampshire evacuation plans. These issues were: the handling of advanced life support patients at nearby institutions; teacher participation in the evacuation of schoolchildren; the lack of a sheltering plan for the beach population; and deficiencies in the survey to determine special population needs.

Yet, incredibly enough, when the appeal board remanded the New Hampshire evacuation plan to be reworked, It was overruled by a lower NRC panel, and was then preempted by the commissioners themselves.

This astonishing and unprecedented breach of the commission's own process reflects some kind of stampede to get this plant licensed, no matter what the cost in credibility or in public safety. In fact, the commissoners pre-empted not only the state of Massachusetts and the local communities, but their own internal processes as well.

The Atomic Safety and Licensing Board [ASLB] assigned to Seabrook found in its Partial Initial Decision that it will take from 7½ to 8½ hours to evacuate the EPZ, including heavily populated beach areas around Seabrook. And the regulatory guidance document NUREG–0654 states that a release of radiation can occur in as little as one-half hour from the time of initiation of an accident.

Additionally, the utility plan estimates a resident population of the 6 communities in my district at 53,583. While this plan relies on bus companies to transport small children, transit dependent individuals, hospital and nursing home patients, there is no agreement on the number of drivers who could be counted upon.

Also, the only major thoroughfares are I–95 and I–495. All of the secondary roads within the six Massachusetts communities are standard two-lane highways. And there is no realistic option for expanding the roadways.

The two centers for monitoring and decontaminating evacuees in the Massachusetts portion of the emergency planning zone are located in Beverly and North Andover, Massachusetts. These centers are prepared to provide for only 20 percent of the population.

The Reception Center for the communities of Merrimac, Amesbury and West Newbury, with a total population of 23,101, is North Andover, which is located approximately 5 miles outside of the Emergency Planning Zone. The only major highway in that direction is I–495. Consequently, much of the travel will have to be on secondary roads, highways 108, 110, 113 and 125.

The Reception Center for the Salisbury, Newbury and Newburyport areas is Beverly, which is located approximately 10 miles beyond the EPZ.

At each location, the facility consists of one trailer with 16 to 18 monitoring stations and only two showers. When this issue was raised with the ASLB, the Board stated that there was no time requirement within which decontamination must be accomplished. It does not take a genius to figure out that the longer you are contaminated, the greater the exposure to radiation. This is far from being an acceptable response for the protection of public health.

The Nuclear Regulatory Commission has done a terrible job of addressing the growing concerns of the public in protecting their health and safety.

Furthermore, I was appalled when the Federal Emergency Mangement Agency announced on March 14, 1988 that they were reversing their June 4, 1987 finding that the state of emergency preparedness in the beach areas was inadequate due to the large population and lack of sheltering capability. There was no basis for reversing this decision because no new facts had arisen.

Mr. Chairman, there has been much discussion about New England's need for additional energy resources. I do not argue that point.

But Seabrook is not the answer. This month marks eleven years since the accident at Three Mile Island. We learned then that it was necessary to put in place workable evacuation plans. That, it seems, is the very least we can do if we are to use this technology.

We have regulations on the books requiring workable evacuation plans.

But at Seabrook Station and elsewhere we have seen the NRC abuse both the spirit and the letter of these regulations, as well as its own internal processes.

Virtually no one familiar with the area around Seabrook believes it can be evacuated in a timely manner. Nothing put forward by the NRC or Seabrook's builders in the 11 years since Three Mile Island, or in the 15 years since this issue was raised by the Attorney General of the State of Massachusetts, has convinced the public that this evacuation will work in the face of a nuclear accident.

Last June I wrote as much to my colleagues in the House and Senate who have jurisdiction over the NRC. I testified before the House Interior Subcommittee on Energy and the Environment the year before, asking that a consensus be developed and legislation presented to reform the NRC. I stand as ready as I ever have been to assist in any way I can to bring this to pass.

If we needed more convincing, the licensing of Seabrook Station stands as a monument to an agency that makes up its own rules as it goes along, placing the interests of industry ahead of the health and safety of the public.

Mr. Chairman, I hope we can find a way to solve this terrible problem before another catastrophe occurs. Do we really want to open new hearings on another Three Mile Island down the road.

Thank you for your time and attention. I deeply hope these hearings lead to some definitive action toward a more responsible regulation of this industry.

THE FAMILY CHOICE AND CHILD CARE IMPROVEMENT ACT

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STENHOLM. Mr. Speaker, I am pleased to come to the House floor today with my colleague, CLAY SHAW, to introduce the Family Choice and Child Care Improvement Act. This bill stakes out a moderate conservative position on the issue of the Federal Government's involvement in child care, something which is of vital concern to millions of Americans. The bill will provide the basis for a substitute amendment when child care is considered by the House of Representatives in the near future.

When I first began my journey into the world of child care policy, territory which I confess was uncharted and unfamiliar to me even a year ago, I decided that there were five principles or beliefs which had to be at the foundation of any child care approach I could support. Those five simple beliefs were these:

First, parents, localities, and States are better decisionmakers than the Federal Government as to how their children should be cared for.

Second, child care legislation should not be biased against, or for that matter, in favor of, stay-at-home parents.

Third, child care legislation should not be biased for or against a type of provider—church or synagogue, for-profit care, friend or relative, and so forth—which parents have otherwise chosen or would like to choose for their children.

Fourth, the Federal Government should not establish complicated new bureaucracies for administering child care funds, but rather should build on proven programs.

Fifth, a Federal Government already $3 trillion in debt does not have limitless resources for child care assistance; therefore, those families with the greatest needs must be given priority and the maximum effectiveness must be gotten out of each dollar spent.

I am convinced that the vast majority of mainstream Americans—liberal or conservative, Democrat or Republican—want us to be guided by principles such as these when we are developing child care policy here in the House of Representatives. I believe that while the economy may have changed and family work patterns may have changed, fundamental family values are timeless.

I know there are some today who still argue that we don't need any kind of Federal child care policies or programs. I am not one of those people.

However, I also am not willing to accept child care policies which imply that the day care most worthy of being reinforced is that care performed by government-trained and government-regulated personnel in government-licensed centers. Or as a Wall Street Journal editorial stated it, I am not willing to accept "a program right out of the 1960's that would do for children what HUD has done for housing."

The leading child care policy approaches, in my opinion, have had serious flaws. For example, while no one would argue for discrimination on the surface, we have many proponents of alternative child care approaches who are quite happy to argue for discrimination against religious day care providers, discrimination against informal and unlicensed babysitting by relatives and neighbors, discrimination against parents who stay at home, discrimination against lower income individuals.

It is precisely because we oppose those forms of discrimination that Stenholm-Shaw includes:

An affirmation of the constitutional use of vouchers and elimination of any prohibition against funds going to sectarian institutions. That is, we oppose discrimination against religious providers;

Removal of the 183 regulations and mandates found in the other major proposals. That is, we oppose discrimination against unlicensed care and private-sector providers;

Emphasis on the EITC and an infant tax credit. That is, we oppose discrimination against parents who stay at home or have informal child care arrangements with family and friends; and

Removal of the language which says that half of the Head Start increase may be used for nonpoor children; and including a $90,000 salary cap on eligibility for the DCTC and the flexible spending account child care option. That is, we oppose discrimination against and prioritize in favor of lower income families.

I would like to briefly describe the Family Choice and Child Care Improvement Act which Mr. SHAW and I are introducing today.

To begin with, we chose to stick with established, effective programs: Head Start, Title XX: Social Services Block Grants, and the EITC, rather than creating new bureaucracies. We also refused to accept the many regulations and mandates included in the proposals passed by both the Ways and Means Committee and the Education and Labor Committee. In doing so, we have been criticized for not caring about the quality of care provided our Nation's children. Quite the contrary, we care a great deal about that quality.

We simply reject the premise that licensed and regulated strangers guarantee better care than trusted friends and relatives.

We have chosen the Title XX: Social Services Block Grant Program to channel Federal money to the States. This proven block grant entitlement has in the past given a great deal of flexibility to States to determine how the child care needs of their residents could best be served. Numerous States have already made the determination that one of the best ways to meet those needs is through vouchers, child care's version of food stamps if you will, supporting full decisionmaking by parents.

Too many times in policymaking, whether it be tax policy—one of the greatest offenders—or in other policy, we create a situation where the tail is wagging the dog. National child care policy should not determine parents' choices; rather, parents' choices in how they can best meet their children's needs should determine national policy. Child care subsidies to certain kinds of providers and not to others, or to certain kinds of parents but not to others, place the Government's moral authority behind one arbitrarily preferred way of raising children.

Unfortunately, too many people on all sides of this issue have gotten bogged down in arguing for a particular method or lifestyle which they claim is the preferable way to raise children. The fact is that social engineering from the Federal level, whether you want to engineer it in a liberal direction or in a conservative direction, is a bad idea. The point must be to retain individual freedom, the opportunity to exercise that sacred Judeo-Christian concept of free will, to the greatest extent socially possible.

Liberal economist Robert Samuelson made the point eloquently in a Newsweek column when the Federal child care debate was still young. Samuelson wrote:

> The point is not that parental care is superior to child care or vice versa. It is that we don't know, or that it may be different for different families . . . Why children turn out as they do is one of life's mysteries. It involves personality, talent, parents, culture, income, life experiences, schools, luck (good and bad) and so much more. Government can't prescribe competent child-rearing.

EITC

The Stenholm-Shaw proposal includes as its largest ticket item a considerable expansion of the earned income tax credit [EITC]. One of the most common criticisms of considering the EITC as part of the solution to the child care problem was repeated by New York Times columnist William Safire who argued that parents "will blow the money on booze, pot or cable TV" rather than on care for their children. With due respect to those who make such an argument, I must say that having now spent more than 11 years in Congress, years in which the national debt has more than tripled to over $3 trillion, I find the implication that the Federal Government manages money better than most parents in an unconvincing proposition. Of course there will be examples of individuals who will mismanage their increased income and spend it for nonessential items rather than for the care of their children. But if one does not begin with a basic trust in the individual and a respect for that individual's dignity, there is little hope for any public policy in the American tradition, not to mention little hope for humankind in general.

We are submitting for the RECORD summaries of the Stenholm-Shaw child care proposal we are introducing today. We urge all of our colleagues to take a careful look at this bill and to consider our arguments when the issue comes to the House floor. Our children's future may depend on what we do in this body. Our Nation's future surely does depend on our children.

TIME FOR BETTER AUTO MILEAGE EFFICIENCY STANDARDS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STARK. Mr. Speaker, although the last 10 years have seen an encouraging increase in the fuel efficiency of automobiles, the United States remains heavily dependent on foreign oil imports. The level of petroleum imports has risen from 4,286,000 barrels per day in 1985 to almost 8 million barrels per day in 1989—an increase of 66.5 percent!

If our current rate of demand continues unchecked, by the mid-1990's, we could be importing over 75 percent of our oil. If we don't make some changes immediately, we will be faced with a much greater fuel crisis and far fewer options than we had in the seventies.

This is the decade of the environment—the President has proclaimed himself the "Environmental President", Congress is working on Clean Air Legislation, and there is increased concern over acid rain, global warming, and tropical deforestation. In urban areas, automobile emissions pose significant health risks. Every shipload of oil from overseas increases the chance of another tanker spill.

That is why, today, I am introducing a bill that would both raise the gas guzzler excise tax and gradually raise the auto mileage standard. These two measures will serve as a powerful incentive for fuel efficiency.

We have the technology available in this country to produce more fuel efficient cars. In this day and age, the Big Three auto makers should be able to produce a fleet that gets better than the 27.5 miles per gallon standards of the 1975 Act.

Lead times in auto design require long-range planning and investment. Now is the time for the Government and the concerned public to develop policies that will meet our future energy needs and be responsive to both the public interest and the environment. Improved fuel efficiency is one of the easiest and most painless ways to achieve this.

Mr. Speaker, this bill is good for our economy, good for our health, and good for the environment.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASES IN FUEL ECONOMY STANDARDS AND IN RATES APPLICABLE TO GAS GUZZLER TAX.

(a) IN GENERAL.—Subsection (a) of section 4064 of the Internal Revenue Code of 1986 (relating to gas guzzler tax) is amended—

(1) by striking paragraphs (1) through (6),

(2) by redesignating paragraph (7) as paragraph (1),

(3) by striking the material preceding the table in paragraph (a) (as so redesignated) and inserting:

"(1) In the case of an automobile of any model year after 1990 and before 1996:", and

(4) by adding after paragraph (a) (as so redesignated) the following new paragraphs:

"(2) In the case of a 1996 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 23.5	$0
At least 22.5 but less than 23.5	500
At least 21.5 but less than 22.5	650
At least 20.5 but less than 21.5	850
At least 19.5 but less than 20.5	1,100
At least 18.5 but less than 19.5	1,400
At least 17.5 but less than 18.5	1,750
At least 16.5 but less than 17.5	2,150
At least 15.5 but less than 16.5	2,600
At least 14.5 but less than 15.5	3,100
At least 13.5 but less than 14.5	3,600
Less than 13.5	4,100.

"(3) In the case of a 1998 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 24.5	$0
At least 23.5 but less than 24.5	500
At least 22.5 but less than 23.5	650
At least 21.5 but less than 22.5	850
At least 20.5 but less than 21.5	1,100
At least 19.5 but less than 20.5	1,400
At least 18.5 but less than 19.5	1,750
At least 17.5 but less than 18.5	2,150
At least 16.5 but less than 17.5	2,600
At least 15.5 but less than 16.5	3,100
At least 14.5 but less than 15.5	3,600
At least 14.0 but less than 14.5	4,100
At least 14.0	4,600

"(4) In the case of a 2000 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 25.5	$0
At least 24.5 but less than 25.5	500
At least 23.5 but less than 24.5	650
At least 22.5 but less than 23.5	850
At least 21.5 but less than 22.5	1,100
At least 20.5 but less than 21.5	1,400
At least 19.5 but less than 20.5	1,750
At least 18.5 but less than 19.5	2,150
At least 17.5 but less than 18.5	2,600
At least 16.5 but less than 17.5	3,100
At least 15.5 but less than 16.5	3,600
At least 14.5 but less than 15.5	4,100
Less than 14.5	4,600

"(5) In the case of a 2002 model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 26.5	$0
At least 25.5 but less than 26.5	500
At least 24.5 but less than 25.5	650
At least 23.5 but less than 24.5	850
At least 22.5 but less than 23.5	1,100
At least 21.5 but less than 22.5	1,400
At least 20.5 but less than 21.5	1,750
At least 19.5 but less than 20.5	2,150
At least 18.5 but less than 19.5	2,600
At least 17.5 but less than 18.5	3,100
At least 16.5 but less than 17.5	3,600
At least 15.5 but less than 16.5	4,100
At least 14.5 but less than 15.5	4,600
Less than 14.5	5,100.

"(6) In the case of a 2004 or later model year automobile:

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 27.5	$0
At least 26.5 but less than 27.5	500
At least 25.5 but less than 26.5	650
At least 24.5 but less than 25.5	850
At least 23.5 but less than 24.5	1,100
At least 22.5 but less than 23.5	1,400
At least 21.5 but less than 22.5	1,750

"If the fuel economy of the model type in which the automobile falls is:	The tax is:
At least 20.5 but less than 21.5	2,150
At least 19.5 but less than 20.5	2,600
At least 18.5 but less than 19.5	3,100
At least 17.5 but less than 18.5	3,600
At least 16.5 but less than 17.5	4,100
At least 15.5 but less than 16.5	4,600
At least 15.0 but less than 15.5	5,100
Less than 15.0	5,700."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to 1991 and later model year automobiles (as defined in section 4064(b) of the Internal Revenue Code of 1986).

ST. JOSEPH HOSPITAL CELEBRATES 125TH ANNIVERSARY

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. BENTLEY. Mr. Speaker, it is with great respect and admiration that I commend St. Joseph Hospital on 125 years of service to the community. For over a century St. Joseph Hospital has provided exceptional health care and healing to the suffering.

Since its humble beginnings in 1864, St. Joseph Hospital has provided medical attention to thousands of individuals and has established itself as a provider of care and comfort to the ill. Throughout the years, St. Joseph Hospital has enjoyed a rich history and heritage as it has grown and developed with the surrounding community. Originally housed in three donated row homes, St. Joseph Hospital persevered through both hardships as well as triumphs.

As St. Joseph continued to expand, the hospital sought to further its loving care and pioneered many firsts in the Baltimore area. In 1937 St. Joseph successfully demonstrated the use of sulfanilamide as an antibiotic, then in 1941 they were one of the only area hospitals to have an iron lung machine. St. Joseph's accomplishments continued, as they set a precedent for the medical community in Maryland by creating a structured coronary/pulmonary resuscitation team. By the late 1960's St. Joseph initiated an emergency medicine group, the only one of its kind in Maryland and later became the only community-based hospital of three facilities in the area with a license to perform open-heart surgery.

More recently, St. Joseph became one of the first hospitals on the east coast to introduce the concept of labor, delivery, and recovery suites. Indeed, the achievements and strides of St. Joseph Hospital are truly remarkable and it is literally impossible to recount them all. The hard work and dedication of all those who served the efforts of St. Joseph are quite evident when one considers the humble beginnings from which St. Joseph rose.

Today St. Joseph Hospital has kept with its tradition of hard work and selfless devotion. With a medical staff of over 980 members, it is hard to believe that such an accomplishment began with one 27-year-old widow by the name of Marie Anna Bachmann. After hearing God's call Ms. Bachmann, along with Ms. Barbara Boll and Ms. Anna Dorn took their vows in Bishop John Neuman's private chapel and then dedicated their lives to caring for the needs of the less fortunate.

The efforts and accomplishments of St. Joseph Hospital would surely not have been possible without the faithful work of all those who have given of themselves to better others. This milestone of 125 years of service will stand as an example to others of God's work through the efforts of man. Without a doubt, Mr. Speaker, St. Joseph will continue to enjoy many more milestones in the years to come.

Mr. Speaker, it is with great respect and appreciation that I commend St. Joseph Hospital on 125 years of medical and Christian work in the Baltimore area. Their work has brought healing to thousands and their accomplishments demonstrate their commitment to serving others.

ADJUSTMENT OF CLERK-HIRE ALLOWANCE AND OFFICIAL EXPENSES ALLOWANCE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. ANNUNZIO. Mr. Speaker, at the direction of the Committee on House Administration, and under the authority granted in Public Law 94-184 and Public Law 99-440, the committee has issued Committee Order No. 39. The committee is sending each Member a "Dear Colleague" letter describing the administration of this change.

I include at this point in the RECORD the text of Committee Order No. 39:

COMMITTEE ORDER No. 39

Resolved, That effective March 15, 1990, until otherwise provided by the Committee on House Administration, the Clerk-Hire Allowance and the Official Expenses Allowance are adjusted as follows: Each session a Member may allocate not to exceed $50,000 from the basic Clerk-Hire Allowance which may be used to supplement the Official Expenses Allowance, and may allocate not to exceed $50,000 from the Official Expenses Allowance to supplement the basic Clerk-Hire Allowance, provided however that monthly Clerk Hire disbursements may not exceed 10 percent of the basic Clerk-Hire Allowance.

All disbursements and allocations shall be made in accordance with rules and regulations established by the Committee on House Administration.

GORBACHEV'S NEW POWERS: SOURCE OF HOPE AND CONCERN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BROOMFIELD. Mr. Speaker, the new powers that Mikhail Gorbachev received from an enhanced Presidency must be viewed with mixed feelings. On the one hand, these are powers that President Gorbachev has been saying he needs to advance the reforms he wants to undertake in the Soviet system. In this sense, it can help provide him with the authority to undertake needed economic adjustments such as moving the economy toward a greater market orientation, as well as currency and price reforms. In the foreign policy area, it can help provide him the authority to undertake new initiatives in fully normalizing relations with other countries including Japan by finally settling such problems as the disagreement with Japan over the Kurile Islands, and by lowering Soviet force levels in Asia.

On the other hand, these same powers can be used by President Gorbachev or some succeeding Soviet President to suppress positive developments such as changes in the Baltic States and in other areas within the entire nation in the event attempted reforms cause instability. Thus the nearly absolute authority provided by the newly enhanced Presidency is also a source of concern.

The Founding Fathers of the United States saw fit to create a system where the powers of the central government are balanced against the various parts of the Government for the protection of the people. I hope the Soviet Government might move toward institutionalizing mechanisms to assure the protection of the rights of the people. There is an old maxim that should be considered—"Power corrupts, and absolute power corrupts absolutely."

UNDERGROUND STORAGE TANKS

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. CRAIG. Mr. Speaker, I rise today to join a number of my colleagues in recognizing a welcome event for the mom-and-pop gas stations of rural America.

The Environmental Protection Agency announced that it will extend the deadline to comply with underground storage tank regulations for a full year. This means that owners of between 1 and 12 tanks will have until October 26, 1991, and owners of between 13 and 99 will have until April 26, 1991, to meet their financial responsibility requirements.

We must take precautions to protect the environment, but the time given to comply with the new regulations was simply not enough. The deadlines were threatening to put many smaller operations out of business and could have raised fuel prices for rural consumers. That is why I joined Congressman MARLENEE and others last year in introducing H.R. 3321, a bill providing for the extension of the deadline for a year.

The extended deadline announced by EPA will give State legislatures and Congress some much needed time to determine how best to bring our rural service stations into compliance. In my own State of Idaho, lawmakers have already recognized the threat to tourism posed by the requirements and are taking steps to create an insurance fund to provide

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tank owners with the minimum $1 million liability coverage required by the EPA.

Mr. Speaker, I thank and congratulate the Members of Congress who I have worked with in persuading EPA to extend the deadline for underground storage tanks and look forward to continued service from the mom-and-pop gas stations of America.

TO ASSIST GROWERS OF KIWIFRUIT, NECTARINES, AND PLUMS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PANETTA. Mr. Speaker, today I am pleased to introduce legislation to assist California growers of kiwifruit, nectarines, and plums maintain their reputation of marketing a product of excellent quality. I am also pleased that a number of my colleagues have joined me in cosponsoring this measure. The legislation would set standards requiring imported kiwifruit, nectarines, and plums to meet the same minimum quality as fruit produced in California and maketed commercially in the United States.

In order to present the consumer with a product of the highest quality, California producers of nearly 50 different commodities operate under a Federal marketing order. A marketing order is an instrument whereby growers can enter into an agreement with the Secretary of Agriculture to improve and stabilize their product markets. Under the marketing orders covered in this legislation, the growers have elected to market only that fruit which meets the approximate minimum quality provisions of the United States No. 1 grade. To help ensure that their efforts are not undercut by the importation of poor quality fruits, California growers have asked that the same minimum quality standards apply to the imported fruit as is applied to their own domestically produced fruit.

The proposed legislation would add kiwifruit, nectarines, and plums to the list of some 20 fruits, vegetables, and specialty crops listed in section 8e of the Agricultural Marketing Agreement Act of 1937. If included, the imported fruits would be required to meet the same minimum quality standards as those fruits produced in California and sold through commercial channels in the United States.

The rational of the California kiwifruit, nectarine, and plum growers to add their products to the list of crops currently being marketed under the auspices of section 8e of the act becomes clear when one considers such factors as emerging trends in world production and trade and the self-help effort by our producers to market a high quality product to the consuming public.

Imports of kiwifruit, nectarines, and plums have increased substantially over the last 5-year period. The upward trend is expected to continue. Also, it should be noted that increased levels of imported fruit means an overlap in the marketing seasons of imported fruit and that which is produced in California. This helps explain the heightened interest by California growers in amending the act so that their past achievements in marketing a quality product can be successfully continued.

An analysis of the impact of a section 8e requirement on the volume of imported crops shows that the crops are not adversely affected, and in most instances, the volume of imports of selected crops actually increased.

In order to develop and maintain an economically viable industry, producers strongly believe that a strategy of marketing a high quality product in the United States is key to their continued success. They believe that foreign as well as domestic producers of fruit should adhere to an equal principle. The real winners in this process will be the American consumer who will be guaranteed a top quality product. I hope that my colleagues will join me in supporting this important measure.

A copy of the bill follows:

H.R. 4291

A bill to amend the Agricultural Adjustment Act to prohibit the importation of kiwifruit, nectarines, and plums that do not comply with any grade, size, quality, and maturity provisions of a marketing order applicable under such Act to the respective kind of fruit produced in the United States or with comparable restrictions promulgated under such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e-1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by inserting "kiwifruit, nectarines, plums," after "table grapes,".

THE PRESIDENT'S BUDGET PROPOSALS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MAZZOLI. Mr. Speaker, on March 1, I testified before the House Budget Committee concerning the President's fiscal year 1991 budget proposals and my fiscal year 1991 budget priorities.

Accordingly, I commend my following comments to the attention of my colleagues:

STATEMENT OF CONGRESSMAN ROMANO O. MAZZOLI

Mr. Chairman and distinguished members of the committee:

I would like to thank you for this opportunity to testify before you on the President's fiscal year 1991 budget proposals and changes in these budget priorities which I support.

In view of the remarkable and irreversible process of retrenchment and dismantlement and reform which has swept Europe and the world in the last twelve months, I urge this distinguished committee to look very hard at the need to continue with hugely expensive defense projects, such as star wars, Stealth and the MX-Midgetman.

If there are to be future conflicts—and they cannot at all be ruled out—my reading suggests that they have a high probability of being localized and fought with conventional rather than exotic weapons systems.

In this connection, I am concerned about both the base-closure process employed by the administration and also by the bases selected by this process for possible closure.

Too many on this "hit list" appear to be facilities geared toward conventional military and defense response, while too few are in the category of the high-profile, glitzy systems.

Some have also remarked on the fact that as many as 90% of these facilities targeted for closure are in Democratic districts. For the record, one such facility targeted happens to be Naval Ordnance Station, Louisville, which is in my congressional district—the Third District of Kentucky.

Naval Ordnance Station has a solid record in its fifty years of operations, and I believe it fits comfortably in the new look, cost-effective Defense Establishment, we in Congress with the cooperation of the President, must shape in the years ahead.

Very briefly, Naval Ordnance-Louisville provides some 2,400 jobs and carries a payroll of about $77 million for the Louisville, Jefferson County, Southern Indiana area. NOSL overhauls the guns and the fire control systems the Navy needs to perform its mission at sea.

For many of its functions, Naval Ordnance-Louisville is the only naval facility in the country to do this. My Kentucky colleagues and I—aided by one respected Member from southern Indiana, Lee Hamilton—intend to do all we can to keep Naval Ordnance Station-Louisville open and operating both for national defense and for budgetary reasons.

Mr. Chairman, let me shift to a few other budget topics.

The President suggests a $633 million reduction in funding for mass transportation. And, he goes even further by proposing the elimination of all subsidies for urban mass transit systems such as the Transit Authority of River City [TARC] which operates all public transit in Louisville and the surrounding area.

All urban areas of the Nation rely on affordable, reliable mass transit for serving their populations—a large proportion of which are low-income, older and less healthy—for both business-related and personal transportation. I hope your distinguished committee will reject the President's suggestion and restore the subsidies for urban mass transit.

Another area in which the committee should study critically the recommendations of the administration is in the area of affordable housing and the connected condition of the homelessness.

Homelessness has reached a crisis stage in my community and across the Nation. It derives from several conditions, one of which, from my personal research and investigation, is the lack of affordable housing.

I have always supported humanitarian relief efforts for the hungry and homeless in our midst—including the Emergency Food and Shelter Program started in the early 1980's. We may have thought that these conditions were fleeting and localized. But, years later, we are discovering—to our sorrow—that the conditions have become persistent and generalized so that they affect not just New York City or Chicago, but also Cincinnati and Louisville as well.

One way Congress has been able to help provide shelter and services to the homeless has been through the Stewart B. McKinney Homeless Assistance Act. Congress has been sympathetic to the authorizations and funding for McKinney programs over the years.

I hope the committee can recommend generous findings for McKinney and that we can extend the act for at least another two years.

Another priority I hope the committee will address is the lack of Federal support and assistance to States and localities—in the form of demonstration grants and technical assistance—to assist these government units in complying with environmental regulations and standards imposed by the Federal Government.

There is no doubt that America needs strong environmental standards if our air, land and water are to be healthful to our people and to future generations. But I hope we can develop an effort in which Federal, State and local governments cooperate to reach these laudable environmental goals. One way the Federal Government can cooperate, of course, is to help with cleanliness costs.

In closing, Mr. Chairman, I would like to address a concept I would hope your panel and the Congress will reexamine in the months and years ahead: Direct flexible Federal funding to local governments.

In my estimation, no Federal program has ever been as effective or efficient as the old Revenue Sharing Program. Under revenue sharing, localities received Federal money—with a minimum of strings attached—spent the money on local projects or programs and accounted with the Government after the project or program was underway or completed.

When I meet with local officials back home—such as Louisville Mayor Jerry Abramson, and Jefferson County Judge/executive David Armstrong and the mayors of large cities in Jefferson County, Mayor Draut of St. Matthews, Mayor Ruckriegel of Jeffersontown, and Mayor O'Daniel of Shively—I hear how much they wish local decision making and flexibility could be reintroduced into Federal programs.

They are particularly hopeful anti-drug law enforcement funds can be directly passed through to local governments to help with their war against drugs.

Again, Mr. Chairman and committee members, I appreciated the opportunity to appear before you.

UNITED SYNAGOGUE YOUTH HONORS SHERRY AND RICHARD SKOLNIK

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SMITH of Florida. Mr. Speaker, I take great delight in informing this body that two of my very good friends, Sherry and Richard Skolnik, will be honored by the United Synagogue Youth [USY] on March 18, 1990, in Syosset, NY.

United Synagogue Youth, the youth organization of the United Synagogue of America, has long been a dynamic and positive influence on young people who want to serve as leaders in their synagogues and within the conservative movement. The alumni and friends of USY are strongly committed to the quality and quantity of USY programs. I, too, was once a member of USY.

In honoring the Skolniks, USY alumni and friends is recognizing two active supporters of the organization since its inception. Both were active USYers themselves, Sherry as president of the New Hyde Park Jewish Center USY, and Richard as president of Temple Beth Shalom of Long Beach Chapter. Both went on to become officers in the Nassau-Suffolk Council, of which I was once director, where they met. Richard then served as an adviser, a youth director at several conservative synagogues, and ultimately, south Nassau fieldworker for 16 years before his "retirement" to become lay leader.

Both Sherry and Richard have been active members of the METNY Youth Commission for many years, Sherry serving on the Scholarship Committee and Richard serving as Youth Commission chairman before becoming vice president of Youth for the New York Metropolitan Region. In addition, Richard serves on the National Youth Commission and is co-chairman of the Council of Regional Youth Commission chairpeople.

As a further indication of their commitment to conservative Judaism, Sherry and Richard, for the past 16 years, have been actively involved in the life of their congregation, Bellmore Jewish Center, with special emphasis on education and youth. Both serve on the board of trustees as well as the Youth Committee and board of education. For 5 years Sherry served as chairman of the Education Committee, while Richard was vice president of education. The nursery school at the synagogue was founded and guided by Sherry for more than 10 years.

Active in the local community, Sherry was elected to the Bellmore School District Board of Education. Additionally, Sherry and Richard are members of the board of Camp Ramah in the Berkshires, where Richard is senior vice president.

Both of their children, Jeffrey and Frann, are seasoned veterans of USY. Most recently, Jeffery was elected president of his chapter.

I myself have had the opportunity to work with Richard Skolnik while I was involved with USY, both as a youth and an adult. He is a wonderful and capable man who has a great rapport with young people. Richard and Sherry have always been dedicated to helping and supporting Jewish youths. They have been a strong force in promoting and assisting Jewish causes and are very deserving of this honor.

I congratulate Richard and Sherry and commend the United Synagogue Youth alumni for their insight in honoring such a wonderful couple.

GEPHARDT—THE CHALLENGE AHEAD

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. FAZIO. Mr. Speaker, I rise today to bring to the attention of the House of Representatives an article which appeared recenty in the San Francisco Examiner and the Washington Times regarding our friend and colleague, DICK GEPHARDT, the majority leader of the House. In this article, columnist Chris Mathews very astutely points out the leadership Mr. GEPHARDT has offered by suggesting that the United States take hold of the opportunities offered by the dramatic changes in the Eastern bloc. I highly recommend that my colleagues take the time to read this article.

[From the San Francisco Examiner]

DEMOCRATIC BLITZKRIEG IN EUROPE

WASHINGTON.—Mark your political calendars. This was the week Democrats shed their Vietnam-bred isolationism. The party that once cried "Come Home, America!" now champions an aggressive American engagement in the new, post-Cold War era. A generation of politicians long associated with global restraint now trumpets an economic and cultural blitzkrieg in Europe.

"I want to see a Europe in which America's young students have replaced our young soldiers," House Democratic leader Richard Gephardt, 49, told a party think tank this week, "a Europe in which American technology has replaced American tanks; a Europe in which new American lasers replace aging American Lance missiles."

The Missouri congressman offered gung-ho specifics:

"Food for Freedom"—massive food relief to the people of Eastern Europe, especially the Soviet Union, to keep the shelves filled and President Mikhail Gorbachev in power.

"Anyone who has seen the lines outside the McDonald's in Moscow," Gephardt said, "knows the Soviets would appreciate American food and American goods. And American farmers and workers would appreciate the markets."

"Freedom International"—an exchange of cultural, religious and political leaders between the United States and Eastern Europe.

"So much of the strength and the soul of our nation has its roots in Eastern Europe," Gephardt said. "We need a modern-day Berlin airlift bringing planeloads of people across the Atlantic in both directions" through scholarship programs, conferences and Peace Corps volunteers. In other words, he wants to take George Bush's "thousand points of light" rhetoric and make it a reality, forging a strong new relationship between us and the old countries of Europe.

"Free Enterprise Corps"—an American program that helps the countries "from which our parents came" learn the ways of free markets and modern economics.

That's right. The party that gave us the Marshall Plan, NATO, Point Four, the Alliance for Progress and the Peace Corps is back in business internationally.

As before, the reasons are not purely idealistic. Gephardt believes we Americans should take such steps in our own interest.

First, they would make life easier for Mikhail Gorbachev, the best thing that ever happened in this half-century. Food aid would give the Soviet leader what he needs most—time. It would give him and other reforms the breathing space to work their political and economic reforms. It would smooth the transition toward Russian democracy and ease the economic pains of its military pull-back.

"How can the Soviets pull Red Army troops out of Eastern Europe," Gephardt asks, "if they have no jobs and no homes for them to return to in Russia?"

There's a second reason why the United States should engage itself heavily in post-Cold War Europe—Germany. While the Democratic House leader supports reunification of East and West Germanys, he does not want to recreate the "conditions" that led to World War II. One of those conditions was American isolationism. Gephardt wants America in Europe in a big way, not just militarily, but economically, culturally, politically.

Then, there's the third reason for a strong U.S. role—jobs. The Bush administration may be prepared to pull back from Europe and let Germany's Helmut Kohl run the show, but not Gephardt.

"For years I have advanced the idea of an economic alliance as stable and as strong as the NATO military alliance." The Democratic leader wants America to insist on its rightful place in post-Cold War Europe. "To win that role in Europe, we must do more than stand on the sidelines of history. We have to change but intensity our involvement in Europe."

With these words, the Democrats assume a bold new posture in world affairs. The party that fought a rear-guard action against Vietnam in the late '60s, criticized the role of U.S. multinational corporations in the '70s, and spent much of the '80's resisting U.S. military involvement in this hemisphere now wants to see America protecting its global interests.

As Les AuCoin, a 47-year-old Democratic congressman from Oregon, put it late this week, "The Democratic Party is pulling out of its isolationism."

A BIRDS-EYE VIEW OF DESTRUCTIVE FARM POLICY

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SCHULZE. Mr. Speaker, I would like to share with my colleagues an article from the Wall Street Journal of March 1, by Don Leal. Mr. Leal discusses the damage done to our wildlife population due to the Federal farm programs.

The 1985 Food Security Act has placed 34 million acres into the Conservation Reserve Program. The 1990 farm bill gives us in Congress a great opportunity to build on the successes of the 1985 act by expanding the eligibility of CRP to include wetlands.

A BIRDS-EYE VIEW OF DESTRUCTIVE FARM POLICY

Small game animals once thrived on the farms of the Midwestern U.S. In the early 1960s a boy could hunt the ring-necked pheasant as well as ducks, cottontail rabbit and bobwhite quail. These animals made their homes in the shelterbelts between grain fields, the weeds and shrubs growing along the fencerows, and the thick growths of cattails found along streams and marshes.

Such a landscape is becoming harder to find today, a victim of fencerow-to-fencerow farming. Farmers are growing the same crop year after year, draining the remaining wetlands, converting upland cover to row crops, and drenching their farms with pesticides and herbicides to maximize the subsidies they get from the U.S. taxpayer. The result is a bland, repetitious countryside and rapidly declining wildlife populations.

Federal agricultural programs are a major cause of this sterile countryside, which covers thousands of square miles. And once again the environmental impact of farm policies will be a major issue as Congress crafts the 1990 farm bill. Unfortunately, environmental groups are taking a heavy-handed approach: pushing for more controls on farmers, forcing them to set aside land for wildlife and restricting their use of chemicals. This approach will be at best inadequate and at worst counterproductive.

Federal agricultural programs compel farmers to maximize production and virtually wipe out wildlife habitat. In some cases, such as wetlands drainage, the government has directly subsidized the conversion of millions of acres of good bird habitat to cropland. But the greatest impact may be coming from programs designed to subsidize farmer incomes and reduce the risks of production, such as commodity-price and income supports and federal disaster payments.

These programs guarantee returns to farmers above those that market prices dictate. They encourage farmers to plant more acres and produce more crops, creating surpluses. To reduce the government's burden of paying for crop surpluses, program administrators require farmers to cut back on the amount of acreage planted, but farmers often circumvent such efforts, primarily by using chemicals to increase output per acre.

Early land-retiring efforts to curb overproduction were sometimes coupled with conservation goals. During the 1950s and 1960s, the Soil Bank Program's Conservation Reserve retired some 28 million acres for a period of three to 10 years. Farmers were required to seed the acreage with a cover of legumes and grass and leave it, undisturbed. Alfred Berner of the Minnesota Department of Natural Resources says that this program led to a rebound in the population of ring-necked pheasants, an important indicator species. It did not, however, reverse the long-term decline of pheasant populations that had begun after the 1940s.

Whatever its modest environmental benefits, the Conservation Reserve program was phased out in the mid-1960s. Production is supposedly curbed through the annual set-aside program, a program that does virtually nothing for conservation. A lot of idled cropland is without vegetation, so it provides no protection for animals and no nesting habitat. If the land does have cover, it is frequently disturbed by early summer mowing, often during pheasants' critical nesting period. Annual set-aside acreage in the Midwest amounts to more than two-thirds of the wetland cover acres previously destroyed through federally subsidized drainage programs.

Equally bad for wildlife is the farm program's so-called "base acreage" concept. A farmer's subsidy payments are based on the average number of acres planted in a program crop over the previous five years. The more land a farmer has in this crop, the larger his government payments are. This provides a tremendous incentive for the farmer to convert as much of his land to cropland as possible, even if it is poor for farming. Doing so enlarges the cropland base and qualifies the farmer for bigger government payments in the future.

The 1985 Farm Act was the first chance in many years for a return to environmentally sensitive agriculture. Pressured by environmentalists with a somewhat exaggerated concern about soil erosion, Congress included a new Conservation Reserve program modeled after the program of the 1950s and 1960s. In return for retiring highly erodible acres for 10 years, the farmer would be paid an annual per-acre rental fee (now averaging $18) and receive cost-sharing assistance to establish grass and other cover on these lands.

But after five years, the Conservation Reserve program is an expensive disappointment. The cost to taxpayers approaches $1.49 billion per year—to pay farmers not to grow crops on erodible land—with a one-time outlay of an added $1.15 billion to assist them in planting cover. While soil loss has been reduced, the costs of doing so have been unnecessarily high. In the absence of farm supports, much of the highly erodible cropland would have been uneconomical to farm in the first place.

Furthermore, according to Agriculture Department figures, only three million to four million out of the 30 million Conservation Reserve program acres provide enough diversity of vegetation to help wildlife survive the elements. Much of the rest is in a monoculture of tame grass. This can improve nesting, but not if the Agriculture Department continues to let farmers remove vegetation for livestock in drought-hit regions, as it did in 1988 and 1989. Some area of the country is struck by dry weather nearly every year.

The Conservation Reserve program is an example of a well-intentioned but misguided effort to accomplish soil and wildlife conservation. It is based on the contradictory principle of rewarding the biggest offenders of conservation (those who sodbusted erodible soils) with the highest government payments. Those farmers who practices good conservation and did not plant on highly erodible soils are out of luck as far as government payments are concerned.

It's time for environmentalists to get behind a different strategy; phasing out commodity-price and income supports and the annual set-asides that accompany them. Without such supports and restrictions, farmers of program commodities would have to seriously consider the risks of overproduction. They would have to consider other options for use of their land, including greater crop diversity, or even wildlife ranching. Environmentalists should join with those concerned about the taxpayer's burden to create a policy that actually achieves its goals.

LEGISLATION AIMS TO PROTECT ORGAN MOUNTAINS' HERITAGE

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SKEEN. Mr. Speaker, several weeks ago I introduced legislation to create a National Conservation Area in the Organ Mountains located in southern New Mexico. This is a spectacular area that is deserving of such a congressional designation.

Earlier this week, the Las Cruces Sun-News, the daily newspaper published in the largest city in my district, carried a guest column that I wrote regarding the importance of passing my legislation in order to enhance, conserve, and protect these mountains. I thought I would include this column to further explain the scope of my legislation and the need to create a National Conservation Area in the Organ Mountains this year.

LEGISLATION AIMS TO PROTECT ORGAN MOUNTAINS' HERITAGE

(By Congressman Joe Skeen)

The Organ Mountains are the crown jewels of southern New Mexico's natural resources. They are a legacy that should be maintained so our future generations can enjoy this magnificent area.

Legislation I recently introduced in Congress will accomplish just that. While providing New Mexicans the opportunity to enjoy the diverse wonders of the Organ Mountains, my legislation will enhance, conserve and protect the mountains and their most precious natural resources.

Is 1990 the right time to create the Organ Mountains National Conservation Area? Of course it is.

One sure way to protect the Organs is to keep everybody out of the mountains. In light of how much people enjoy visiting the mountains I don't think that's an option the folks of southern New Mexico support.

An estimated 150,000 visitors went to the Organs in the past year and this figure will only increase in the coming years. Some enjoy weekends camping or picnicking at Aguirre Springs. Others are attracted to the Organs to experience the solitude of the Wilderness Study Area located within the proposed National Conservation Area (NCA) boundary. Some folks get a thrill out of seeing the crumbling ruins at Dripping Springs. Still others enjoy spending a few hours hiking the trails that are found in the mountains.

My legislation will allow visitors to continue all this, and more, while providing additional protection to the mountains, wildlife habitats and the threatened and endangered species found in the Organs.

As intended by Congress, an NCA requires multiple use management principles be adopted to protect the varied resource values found within the area. This philosophy is broad enough to encompass all aspects of what our public lands can provide, such as wilderness or recreation and range improvements. I expect that a wilderness area will one day be designated in the Organs. My legislation in no way prevents this from happening.

The diversity of resources we find in the Organs calls for a continuation of a multiple use management plan with an emphasis on protecting the mountains and its resources.

This philosophy has been recognized and supported in the past few months as the BLM Las Cruces District Advisory Board (chaired by Bob Tafanelli), the Las Cruces City Council and the Dona Ana County Commission unanimously voiced support for the creation of an NCA in the Organ Mountain. My legislation to create the Organ Mountains NCA carries on the goal of protecting the mountains.

The Organ Mountains National Conservation Area Establishment Act, which I introduced on February 21, 1990, will create an NCA on more than 58,000 acres of land in the Organ Mountains. This is a special designation that can only be granted by an Act of Congress. The NCA provides special management guidelines for special parts of the country. Without a doubt, the need to protect this area warrants congressional action.

My legislation gives the public the opportunity to review the management plan within five years after the creation of the National Conservation Area. Without this provision, it would be up to the Secretary of the Interior to determine when, and if, any review would be held. The proposed bill leaves intact provisions included in federal laws that provide the Secretary the authority to review and revise management plans on public lands.

With the continued increase in visitors to the mountains, it is important that a management plan be implemented now that will allow the Organs to absorb those visitors without threatening the environment. My legislation embraces a management plan that calls for, among other things, providing additional picnic sites; trails for hiking, equestrian, biking and the handicapped; and interpretive information on the flora and fauna found in the mountains. This is responsible planning.

If the management plan in my legislation is implemented, BLM will improve thousands of acres of land that will help reduce soil erosion and water runoff and improve wildlife habitat. This helps to protect the mountains.

This same plan would have water improvements built and maintained for wildlife populations. Current hiking trails would be diverted from erosion-sensitive areas, and proposed trails will lead the public away from areas containing threatened and endangered species or riparian areas. This is managed protection of the environment.

Let's begin improving and managing the recreational opportunities for these areas in such a way that protects sensitive parts of the mountains.

Let's reduce soil erosion and water runoff and improve wildlife habitat by implementing BLM's proposed range improvement plan as supported in my legislation.

Let's have the U.S. Army work with the BLM to establish a reasonable boundary between Ft. Bliss and the Organ Mountains, as required in my legislation.

Let's begin taking steps to stabilize and restore the old buildings at Van Patten's Mountain Camp and Boyd's Sanitarium to protect forever that part of New Mexico's history.

The Organ Mountains belong to everyone. Everyone should have the opportunity to enjoy and assist in protecting what these magnificent mountains have to offer. My legislation will ensure the future of the Organs so that generations to come have the opportunity to appreciate the experience and personal enjoyment that the jewel of southern New Mexico offers.

THE HUE-MAN EXPERIENCE—A STRONG FORCE IN DENVER CULTURE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. SCHROEDER. Mr. Speaker, a significant force in the Denver cultural scene is the Hue-Man Experience, a black-owned, black-oriented bookstore. The Denver Business Journal recently published a feature story on the Hue-Man and its founder, Denver businesswoman Clara Villarosa.

I would like to share the Denver Business Journal article with my colleagues.

COMMITMENT TO MINORITY SUCCESS LEADS READERS TO UNIQUE BOOKSTORE

(By Jerd Smith)

Clara Villarosa is a businesswoman who wears her black heritage like a richly colored robe, as powerful and varied as the books, journals and artworks that fill her bookstore—The Hue-Man Experience.

Fiction and non-fiction, upstairs and down, spread through two converted row houses at 911 23rd St., the books speak to blacks and their Afro-American culture: "Black Men—Obsolete, Single, Dangerous?," "The African Family in Transition," "SAGE—A Scholarly Journal on Black Women," "And We Are Not Saved—The Elusive Quest for Racial Justice," "The Black Manager—Making It in the Corporate World" and "Racial Conflict and Economic Development."

The 6-year-old bookstore is the center of a tapestry Villarosa is weaving, drawing in black readers, exporting business to other minorities and linking black enterprise with other local power centers.

Intense and articulate, Villarosa is cultivating a culture.

"Most people thought African-Americans didn't buy books, that black people don't read," Villaros said. "Well, they do read, they do buy books and there are plenty of books out there."

The critical issue, she said, is that there are no distribution points. With more than 3,000 titles, Villarosa believes The Hue-Man is the largest black-oriented bookstore in the country. Her intention is to broaden its reach through its fledging mail order business and to heighten its national profile.

Villarosa, Louis Freeman and Yvonne Freeman pooled their brains and $3,500 in 1984 to launch The Hue-Man Experience. The two Freemans, who are unrelated, have since moved on to other projects, leaving Villarosa as the major stockholder of a closely held corporation with 18 directors.

"She is doing a very difficult job—blacks are not book buyers, at least not in large numbers, so she is carefully nurturing that market," said Jacques Rieux, former president of the Mountains and Plains Booksellers Association and owner of the Stone Lion Bookstore in Fort Collins.

"She has a vision of a job that needs to be done and she can be very insistent, which gives teeth to her idealism," she added.

A former psychiatric social worker and administrator at The Children's Hospital in Denver, Villarosa left her job in 1980 to pursue her doctorate's degree.

The breathing space gave her time to formulate plans for a business. An initial foray into consulting didn't work, but it did teach her that her new business would be one with a tangible product. After a two-year stint as a human resources manager at United Bank of Denver, Villarosa and friends were ready to launch The Hue-Man.

The store was bred "very much from my own experience. I'm a reader but I couldn't find bookstores that related to my culture," Villarosa said. "I learned that African-Americans need a place to find books and authors need a place for their books."

Further refining her approach, she decided the store "had to relate to the community and it had to enrich the community. It had to be warm and inviting," she added.

Perhaps most importantly, the store's merchandise, including its prints, carvings and jewelry, "had to reflect and reinforce my own culture."

The first two years The Hue-Man's doors were open, Villarosa took no salary, living off savings and a small therapy practice. By consensus, Villarosa and board members agreed to plow any earnings back into the store. That commitment allowed the store to double in size and to hire a workforce

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that includes Villarosa, one full-time and two part-time employees.

"She's doing a wonderful job—the ambiance hits you when you walk in the door," said Joyce Meskis, owner of the nationally renowned Tattered Cover Bookstore in Cherry Creek.

"She's bringing something very important to the community, with care and sensitivity," Meskis added.

Making the store a profitable enterprise has been a struggle, and it's only in recent months that, as Villarosa said, "We've turned the corner. The doors are open and there's no threat of closing."

Villarosa declined to say precisely how much the store is earning, but Bernie Rath, executive director of the American Booksellers Association estimated its book sales at about $125,000 a year.

The store's newfound profitability is an outgrowth of Villarosa's plan to tie The Hue-Man more closely than ever to the black community.

"Community linkage is very important and it's the African way. You have to carry the message—you can't expect people to come to you," she said.

And so The Hue-Man is reaching out.

For example, Villarosa said, "We don't have money to give but we can be a box office for the Eulipions Cultural Center."

And, when black author Alice Walker contacted Villarosa with an offer to promote the store, Villarosa arranged to have Walker come to Denver as part of the Denver Public Library's Authors Series.

The Hue-Man's community ventures are, of course, helping its bottom line. "It's good for busness," Villarosa said.

As a minority businesswoman, Villarosa, who is reticent about her age, said she has learned to be tough. "The business community relates to you differently," she said. "They're surprised to see you, and there's an assumption that you don't know what you're doing."

Her toughness is as much a discipline as it is a demeanor. "You have to be committed to quality service," she said. "Customers put the money in the cash register that you take to the bank that pays your bills, so you have to pay attention to what they want and what they need."

But Villarosa takes her disciplined approach to black culture beyond The Hue-Man. Recently appointed to the Governor's Small Business Council, Villarosa is also an active member of the American Booksellers Association. ABA's Rath said Villarosa was a major force behind the organization's decision to begin offering scholarships to blacks interested in attending its booksellers' school.

But there's much more to be done, Villarosa said. "We're probably only reaching about 2.5 percent of the black community here—and that's not much."

As the store grows, she has two goals in mind: hiring more blacks "to expose them to business as an option," and positioning The Hue-Man as a buyer of other minority businesses' services.

"As a minority business we have to give back to the community, to use black dentists, lawyers and accountants," she said.

Colleagues believe Villarosa has been successful in weaving together the ideas and practices that are The Hue-Man Experience.

"It's hard to make a living in the book industry period," Tattered Cover's Meskis said.

For specialty bookstores it's even harder.

"You can't make many mistakes. You have to be in touch with your clientele, and you have to keep a vigilant eye to the bottom line," she said.

But booksellers often gauge their success in terms of a "social profit," Meskis added. "You judge your bookstore based on its impact on the community it serves."

BEWARE THE ADS OF MEDIGAP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STARK. Mr. Speaker, on this, the Ides of March, I'd like to mangle a phrase and warn people to beware the ads of Medigap.

Why?

The following examples were provided to the Ways and Means Health Subcommittee in its March 13 hearing on Medigap policy standards.

I invite anyone who shares my outrage about these kinds of practices to consponsor my medigap standards bill, H.R. 4242.

EXAMPLES OF VICTIMS OF OVERSELLING

Senior citizens all over the country are victimized by agents and companies who sell them multiple health insurance policies.

From Bonnie Burns, Medicare Specialist, California:

An 84-year-old woman (with no children) was sold 18 health insurance and life insurance policies by one agent, 2 policies by a second agent, though she already owned 2 group policies as a retired teacher. During an 18 month period, she paid just under $50,000 for 15 of these policies. (Ms. Burns filed a case on her behalf in August 1989.)

From Gerhardt Lehmkuhl, Attorney, Missouri:

A 70-year-old client was sold at least 27 health insurance policies.

Widow in her 90's was sold 12 Medicare supplement policies by 5 different agents from different agencies. (He recovered $5,800 in premium for her).

From Don Gartner, Assistant District Attorney, Santa Cruz, California:

Widow, now 83, was sold 12 insurance policies in 1 year by an agent, and paid $6,000 in premiums in 1985 alone. 5 of these policies were either Medicare supplement insurance or related to Medicare supplement insurance policies.

79-year-old woman was sold 24 policies, including 7 Medicare supplement policies, in less than 6 years.

87-year-old woman was sold 19 policies in three and one half years, including 6 Medicare supplements.

An elderly couple (whose only income was $838 a month from Social Security) was sold 9 policies by one agent in 1985 alone.

From Emory Walton, Criminal District Attorney for Eastland County, Texas:

An elderly couple (in their 80's) was sold 13 health insurance policies (and 12 life insurance policies).

From George Davis, retired "Gapline" volunteer in Fort Worth, Texas:

An elderly couple living on social security income only was sold 6 supplemental policies, including 1 cancer policy and 1 hospital indemnity policy. One of the Medicare supplement policies was from the 1950's and paid only $10 a day for hospitalization. The couple was so broke from paying for their policies that they had to get assistance from the city to pay for their house.

Quoting from "Senior Consumer Alert: A Special Bulletin for Complaint Handlers", Prepared by the National Consumer Law Center, Produced by the American Association of Retired Persons in cooperation with the National Association of Attorneys General:

In one seven-month period, Mrs. P., an 85-year-old widow, was sold eight health insurance policies by the same insurance agent. Some of these policies, with yearly premiums totaling $7,529, contained overlapping coverage. Others were of little or no real benefit. Mrs. P. was unwilling to file a complaint against the agent because he knew her address and she feared that he would return to confront her.

Mrs. R., an 89-year-old widow, was persuaded by her agent to spend much of her $12,000 savings account on 11 similar policies. He would visit her about three times a year to change or add to her coverage. When she complained that she could not afford the costly premiums, he told her she would be facing certain financial ruin unless she borrowed the money from friends or family. Mrs. R. never reported the agent because she was not aware of any wrongdoing on his part.

Mr. H. wrote a check for $344 and gave it to his insurance agent a young man with a "very, very nice personality." He thought he was paying premiums on his medigap policy, but later discovered he had bought a new policy, which he did not want. He sent the policy back but could not get a refund or any response. He finally wrote the Florida Insurance Commissioner. "I am 90 years old and [it] seems as though everyone wants to take advantage of me. Please help me if you can."

Quoting from Harold Halfin, Volunteer, Dunn County Office of Aging, Wisconsin, testimony before Senator Herbert Kohl, December 7, 1989:

92-year old widow, whose income is just above the medical assistance level, thought she was buying insurance coverage for a nursing home. She currently has a comprehensive Medigap policy with an HMO. An insurance agent called on her and found she was concerned about nursing home coverage and proceeded to tell her he had the policy she needed. She paid him $861 for another policy that was nothing more than a Medigap policy with coverage considerably less than her HMO. The agent would have collected 60 percent of $516.60 for his day's work.

A 76-year-old widow who shows serious signs of dementia has no family support and loves to have visitors. She also is unable to say no to insurance agents. Her banker asked the county benefit specialist to investigate when this woman was over drawing her accounts due to a number of large checks written to insurance companies. During a two year period, this woman had bought 15 different insurance policies. Two other additional Medicare supplements had recently lapsed. The policies included seven Medicare Supplements, one daily indemnity, five life insurance and two cancer policies * * * Several agents switched her regularly every year to either a new company or a new policy for her Medicare supplement. Other agents sold her one of each kind of policy. With the assistance of the benefit specialist and the Office of the Insurance Commissioner some money was recovered however most of the policies lapsed or were canceled.

INTRODUCTION OF LEGISLATION TO CONSOLIDATE LAND MANAGEMENT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. YOUNG of Alaska. Mr. Speaker, today I introduce legislation which will consolidate land management on Admiralty Island in Southeast Alaska through a land exchange. This legislation will insure that existing jobs and economic growth in the region are extended while permitting an Alaska Native corporation to fulfill the promises made by Congress in the Alaska Native Claims Settlement Act that its land selections would be of beneficial use.

This proposed land exchange is a precedent-setting effort to provide the U.S. Government with equal or greater value for land exchanged to a private interest. It is a unique opportunity to maintain and create jobs, increase tax base, and generate a long-term revenue stream for the Government by exchanging lands that, under current law, will produce no revenue or economic benefits whatsoever.

My legislation would authorize and direct a land exchange between the U.S. Government and the Sealaska Corporation which would, among other things, give the Forest Service valuable lands in five different areas of the Tongass National Forest and permit the Sealaska Corporation to acquire land which could be explored for economic mineral development.

The legislation also provides a mechanism to enhance the conservation values of the Admiralty Island National Monument. It establishes an Admiralty Island inholding acquisition fund dedicated to the purchase of private inholdings within the Monument. When all such inholdings have been acquired, or when none are available for purchase, the fund's assets can be used to acquire inholdings elsewhere in the Tongass National Forest. It would be funded out of a portion of the proceeds received by Sealaska from development of minerals found in the area which it acquires through the land exchange. This is the first time a private interest has offered the Government such a value equalization payment in a land exchange. In an era of increasingly tighter Federal budgets, when inholding acquisition money is even tougher to come by, it provides a new means of improving conservation system unit lands management.

When Congress passed the Alaska National Interest Lands Conservation Act in 1980, commonly known as the Alaska Lands Act, it provided for the exploration and development of a mineral deposit at Greens Creek in the northwest corner of Admiralty Island. Because the deposit is located within the Admiralty Island National Monument, Congress established a special statutory exploration and development regime. The deposit, which was then in its preliminary exploratory stages, has now come into full development. The mine began operation in 1988 and is producing silver, zinc, lead, and a little gold. It contributes to the increase of American mineral production and Alaska's recent climb in the production of mineral deposits. The mine is a major contributor to the local economy, providing approximately 250 full-time jobs with a payroll of over $10,000,000 and substantial local tax contribution. It is also an example of how a mine can be successfully developed while protecting an environmentally sensitive area.

Unfortunately, when Congress established the exploration regime, it did so without taking into account the exact nature of the mineral deposit. The mineral deposit at Greens Creek is different than many other mineral deposits. It faults and folds over on itself and wanders throughout the area. Consequently, it was very difficult for the holders of the claim, the Greens Creek Joint Venture, to fully explore the entire area in the 5-year period which Congress designated for exploration. The Joint Venture could not explore several areas with mineral potential that I believe Congress intended to be explored.

Since the early 1980's, when the Joint Venture determined that it could not explore the entire area within the time allotted, it has been working to get an extension period or to effectuate some other means of exploring the remaining area. It is important to understand that this is an underground mine. No disturbance of the surface will be necessary. In 1985, Congress passed a 1-year extension for exploration, but that term was simply not long enough to permit full underground exploration. In 1986, the House passed H.R. 4883, which would have effected a land exchange involving private lands at Cube Cove on Admiralty Island. That deal, worked out between former Congressman John Seiberling and me, involved Shee-Atika, Sealaska and others and would have given the Joint Venture—working with Sealaska—the ability to explore and develop the rest of the Greens Creek area and was known as the comprehensive Cube Cove exchange. Unfortunately, time ran out in that Congress, and the legislation was not enacted.

Since that time, the Joint Venture has been working with the Sealaska Corporation, the local Native Regional Corporation, to effect a land exchange which permits Sealaska to relinquish certain lands it now owns for the area of interest at Greens Creek. Sealaska has also been working long and hard with all interested parties to effect this exchange. The legislation I introduce today would authorize and direct that exchange.

I want to focus your attention on another aspect of this legislation. I have always favored implementing the comprehensive Cube Cove exchange, so long as the various parties involved agree to it. While we do not have such an agreement today, some efforts are continuing to reach a reasonable compromise between the Government and the various parties. The legislation I introduce today is independent of any efforts to exchange Cube Cove lands to the Federal Government and should be viewed as a separate effort involving lands that are neither contiguous nor close to Cube Cove. It does not harm the prospects of the comprehensive exchange since it involves none of the land at Cube Cove. In fact, it may enhance the possibility of achieving a comprehensive exchange, by demonstrating that Congress can and will act quickly when a reasonable exchange proposal is put before it. In addition, I pledge my support for incorporating a comprehensive exchange package into today's legislation, should an agreement be reached by all parties during the legislative process which is fair to all. This is very important, since under Federal law, lands may not be taken from Natives without their support.

Under my legislation, Sealaska would give to the U.S. Government various subsurface and surface Tongass inholdings that it holds in Southeast Alaska and a value equalization payment to fund an Admiralty Island inholding acquisition fund. That unprecedented value equalization payment will provide a steady income stream to the Federal Government from Sealaska's proceeds should minerals be found on the land which it would receive pursuant to the exchange contained in my legislation and those minerals prove valuable. This value equalization payment would be 10 percent of the proceeds which Sealaska would receive as owner of the mineral estate at Greens Creek.

This payment stream represents a unique solution to the following problems:

First, equal valuation—Subsurface estates are impossible to appraise and value accurately if neither has been well explored. None of these land exchange areas have ever been drilled. There is a concern that because the Greens Creek Joint Venture has made discoveries on adjacent lands, that the subsurface land which Sealaska would exchange may not be of equal prospective value to the Greens Creek lands it would receive. Hence, the concept of adding value through a value equalization payment was created. If minerals are discovered on the lands, the Federal Government would share the proceeds of those minerals. It would receive 10 percent of Sealaska's proceeds. Sealaska and the U.S. Government would both benefit from discovery of minerals and neither would be penalized if no minerals were discovered.

In addition to the value equalization payment, the legislation includes a parcel of surface estate owned by Sealaska in the Nutkwa Lagoon area that is prized by conservationists for its environmental and aesthetic values. It contains a quantifiable and tangible economic value—over $2,500,000 of merchantable timber. Therefore, even if there are no minerals in the Greens Creek area acquired by Sealaska, the Government will come out ahead because of the Nutkwa Lagoon acquisition.

Second, inholding acquisition. There is great interest from conservation groups in removing private inholdings from within the Admiralty Island National Monument and the Tongass National Forest. The value equalization payment would be specifically dedicated to acquisition of such inholdings. This would ensure the goal of acquiring inholdings in the monument and forest.

This is an equitable proposal for all parties. The exchange permits the lands adjacent to the existing Greens Creek mine to be explored for mineralization and to be developed if economic mineralization is found. Sealaska, a Native corporation, would be permitted to redeem the Federal Government's promise that lands which it selects would be of true

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utility to it, particularly for economic development.

Of great significance is the positive impact this legislation will have on southeast Alaska communities. Necessary jobs will be created to be filled by Alaskans in several surrounding cities, towns and villages. Service industries will be created or expanded in at least three communities. A Sealaska shareholder hire program should provide training and jobs to rural Alaskans who live in areas with little year-round employment. I have consulted with mayors and town councilmen and citizens all over southeast Alaska, and I can tell you without hesitation what such industry is desperately needed and much desired.

Finally, the goals of the conservation groups of future acquisition of private inholdings on Admiralty Island would be advanced, while acquiring Nutkwa Lagoon and about 10,000 other acres of Tongass inholdings. Furthermore, the exchanged subsurface lands adjacent to the Greens Creek mine would be developed in an environmentally sound manner.

Most of Alaska has not been fully explored for its mineral potential. If we cannot find creative and fiscally sound mechanism like the ones contained in this legislation to assure equal value, then we will never have resource-oriented land exchanges, and the development of Alaska will be stymied forever. That is not in the Nation's interest, nor in the interest of the State of Alaska and its people, nor is it consistent with land exchange policies established by Congress.

I believe this is an excellent way to achieve a number of sound objectives. The Greens Creek mine is one of the few mines in Southeast Alaska which is on line. Others are coming on line. However, the Greens Creek mine only has a 10-year life, and that life is ticking away day by day as the mine continues to operate. This exchange should be effected now so that the years necessary for exploration can be completed and the mine's life extended if there are minerals outside the existing discoveries. It is absolutely critical that this exploration effort be permitted and this exchange is a logical way for such exploration to occur. It is my hope that this legislation can be rapidly and favorably considered by the Interior Committee and reported to the full House for adequate consideration.

THE INTRODUCTION OF A BILL TO STRENGTHEN THE PELLY AMENDMENT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. OWENS of Utah. Mr. Speaker, I am often moved by the goodness of human nature and the outpouring of concern and good will which can accompany an isolated event which touches our hearts. I recall the trapped whales in Alaska last winter and the attention lavished on their plight beneath the ice in the Arctic Ocean. But I am also sometimes puzzled at the ironies which reveal themselves, for at the same time, a Japanese whaling fleet was preparing to sail to the southern ocean and kill hundreds of whales for commercial use, under the guise of scientific research, while the United States stood by, impotent and silent, manacled by the inadequate and yet-to-be-imposed discretionary sanctions of the Pelly amendment.

What can we do? I am proposing today a bill which will find a compromise between the impotence of discretionary language and the harshness of mandatory sanctions. This language will make a percentage reduction of fisheries or wildlife products mandatory after certification by the Secretary of the Treasury that a nation has violated international agreements to protect wildlife or the resources of the sea. This sanction will begin at 20 percent of the monetary value of these fisheries or wildlife imports from the offending country and double each year of non-compliance until the embargo is complete or the certification under the Pelly amendment has ended. In the event of a domestic industry suffering undue hardship from a sanction imposed on a particular fisheries or wildlife import, the Secretary of the Treasury has the election to impose a mandatory sanction of equal monetary value on any product imported from the offending nation.

I believe this approach is within the parameters of the General Agreement on Tariffs and Trade [GATT], because the mandatory sanction is limited to fisheries and wildlife products and the sanction will be imposed in a uniform manner on any offending nation.

In a world filled with the tusks, whalebone, horns, skins, and teeth of endangered animals, the irony of the Pelly amendment is that it is extraordinarily toothless. Nations which violate international conservation agreements, including the resolutions of the International Whaling Commission, must know that the United States has a bite to back up its annoying bark. We all want to protect endangered species, but we must have better tools for the job. This bill provides those tools, giving teeth to what we had only given lip service before.

1990 ST. PATRICK'S DAY MESSAGE OF PEACE AND JUSTICE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. FISH. Mr. Speaker. On behalf of the four cochairman of the Ad Hoc Congressional Committee for Irish Affairs, myself, TOM MANTON, BENJAMIN GILMAN, and BRUCE MORRISON, and the 119 other members of the committee, I am pleased to submit for the record our annual St. Patrick's Day message which was signed by the 40 Members listed below:

As the light of democracy and freedom shines on Eastern Europe on St. Patrick's Day 1990, we regret the fact that the six counties of Northeast Ireland remain under the dark clouds of British Government direct rule, thus denying them the fruit of freedom for still another year.

We, the undersigned Members of the bipartisan Ad Hoc Congressional Committee for Irish Affairs renew our call for peace, justice, freedom and an end to all the discrimination in Northern Ireland. We believe the ingredients to accomplish this goal do exist, but unless the leadership of the two governments of Great Britain and Ireland are willing to involve a wider section of political views, the stalemate will only continue.

As we enter the 1990s, we find the fundamental problem in Northern Ireland continues to be the same as it was in the 1980s. Deep-rooted economic discrimination affects all the people of Northern Ireland, but most especially victimizes the Catholic minority population. Unemployment in the North is the highest in all of Western Europe. We note that changes in the Fair Employment Act were made last year, but it will take a few years until fully enforced. We continue to strongly advocate for adoption of the MacBride Principles of Fair Employment by American firms doing business in Northern Ireland as a model for a future generation's employment opportunities. American businesses provide more than 10 percent of all employment in Northern Ireland and must take a stronger position in the fight against discrimination.

We continue to urge the closest possible monitoring of the funds being contributed by the United States to the International Fund. As supporters of the legislation which initially authorized this first-time U.S. economic aid to Ireland and Northern Ireland, we continue to be disturbed by reports that the actual distribution of some of these funds has not been beneficial to communities and peoples in need. The authorizing legislation called for the aid to be used to benefit both communities of the North and called for the President to certify each year that the U.S. aid was being distributed in a non-discriminatory manner. Close and regular Congressional oversight must be continued so our aid is an element of a solution and not a perpetuation of the problem.

We renew our call for the granting of political asylum to Joe Doherty whose continued incarceration constitutes an outrage which has gone on for seven years too long. We urge Congressional passage of H. Con. and S. Con. Res. 62 calling for Joe Doherty's release and political asylum. We also renew our call for the reopening of the case involving the Birmingham Six whose convictions have been challenged by legal experts. We note that the 1989 State Department Human Rights Report did indicate that a new review of the Birmingham Six case does appear "likely."

We restate with strong emphasis our absolute opposition to all forms of violence in Northern Ireland, civilian or official. We continue to object to persistent efforts by the British Government to cover up allegations that their security forces in Northern Ireland practiced a shoot-to-kill policy on different occasions over the past decade. We deplore the continued indiscriminate use of plastic bullets in Northern Ireland. We were disturbed by and urge a full investigation into reports of collusion between the British Security Forces and certain Protestant paramilitary organizations. Violence serves to impede progress toward a political solution which is so important to the future of Northern Ireland.

In a time when we have seen the fall of the Berlin Wall, the release of Nelson Mandela, the conducting of free and fair elections in Nicaragua, and the end of the Communist dominance in the Soviet Union, we remain dismayed over the imprisonment of Joe Doherty and the Brimingham Six, the ongoing patterns of discrimination and the continuation of British direct military rule in Northern Ireland. It stands as a conspicuous contradiction to the trend in the world today toward peace, freedom and justice.

Thomas J. Manton, Bruce A. Morrison, Thomas J. Downey, Eliot Engel, Barney Frank, William J. Hughes, Craig T. James, Charles B. Rangel, Chuck Douglas, Jaime B. Fuster, Henry B. Gonzalez, Robert J. Mrazek, Edward F. Feighan, William J. Coyne, Jim McDermott, Michael R. McNulty, Vic Fazio, Albert G. Bustamante, Frank Pallone, Jr., Nicholas Mavroules, Hamilton Fish, Jr., Benjamin A. Gilman, Robert A. Borski, Charles E. Schumer, Lawrence J. Smith, Bernard J. Dwyer, Frank Horton, George J. Hochbrueckner, Daniel K. Akaka, Frank Annunzio, Roy Dyson, Norman F. Lent, John G. Rowland, Richard E. Neal, Matthew J. Rinaldo, Curt Weldon, Joseph E. Brennan, James L. Oberstar, Marty Russo, Thomas A. Luken.

SUSANNE AND LUDWIG DISTELBURGER

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues the stellar achievements of an incredible couple, Susanne and Ludwig Distelburger of Middletown NY. The Distelburgers are the kind of inspirational citizens that our younger people would be well advised to emulate.

Susanne Distelburger fled Nazi Germany in 1939, moving to England where she received a degree in nursing during World War II. At the conclusion of that conflict, Susanne emigrated to New York City, where she worked at the Jewish Memorial Hospital and was admitted to the New York State Board of Nurses. It was during her stay in New York City that she met and married Ludwig Distelburger, who also had fled Nazi Germany. Upon arriving in New York City, Ludwig worked as a dishwasher for 80 hours a week for $20 per week. It was from this meager salary that Ludwig saved enough to marry Susanne and move her to Middletown, NY, where they invested in the dairy cattle business—a business Ludwig learned as a small boy while working for his father in Germany.

Concurrent with their move to Middletown, Ludwig and Susanne threw themselves into activity with the local religious community. Their first membership dues at the Middletown Hebrew Association was $40 per year. Despite the hardships that the newlyweds had to endure, they proudly supported their temple. Ludwig soon became a member of the synagogue's cemetery committee as well as the Chevra Kadish and the ritual committee. He served on the board of trustees of Temple Sinai in Middletown under the administrations of eight succeeding congregation presidents.

In the meantime, Susanne became active with the Hebrew Aid Society and all other phases of the Jewish community. As a member of Sisterhood she served as chairwoman for fundraising, Torah, donor and became Sisterhood president in 1972 while working side by side with her husband and raising two fine sons. Susanne also was a member of the temple's board of trustees, was an active member of Hadassah, B'nai B'rith for women and Chevra Kadisha. Sisterhood honored her as "Woman of the Year" for 1978-79. She has been active in the United Jewish Appeal, in Israeli causes, and was one of the prime movers in the erecting of the Holocaust Memorial in Middletown.

Ludwig was active on many Israeli bond drives, in the United Jewish Appeal, and in Anti-Defamation League fundraisers. He was one of the charter members of the B'nai B'rith.

Both Ludwig and Susanne are dedicated members of the Century Club at Horton Memorial Hospital, and many other community activities. The Distelburgers were honored by the Hebrew Day School in 1984.

The Distelburgers are justly proud of their sons, Bert and Joseph, who are both community leaders in their own right.

Mr. Speaker, on April 1, 1990, Temple Sinai in Middletown, NY, will be honoring Ludwig and Susanne Distelburger as "Man and Woman of the Year." This recognition is long overdue, for the Distelburgers have personified unselfish devotion to others and to their congregation for many years.

Accordingly, I invite my colleagues to join with me in saluting this fine couple.

A TRIBUTE TO ALAMEDA COUNTY LIBRARIAN GINNIE COOPER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Ms. Ginnie Cooper. Ms. Cooper has been the Alameda County Librarian in California's Ninth Congressional District since 1981.

Ms. Cooper's accomplishments as librarian have been tremendous. During her tenure, she has succeeded in many areas, including, just to mention a few:

Increasing support for the library through improved library service and focused public relations activities;

Achieving a 45-percent increase in the circulation of books and other library materials through a special campaign to increase library use;

In November 1988, she opened a new 30,000 square foot library in the city of Pleasanton, CA;

In June 1989, she opened a new 100,000 square foot Fremont Main Library and Alameda County Library Administration Building funded jointly by the city of Fremont and Alameda County;

She also successfully dealt with two major challenges to the library's materials selection policy with the help of the county library advisory administration.

In addition to her accomplishments as county librarian, Ms. Cooper has been actively involved in professional activities on the State and local level. She has served on various committees of the American Library Association and was elected to the governing council in 1987. She also continues to be a member of the ALA Committee on Legislation. She was elected to the California Library Association Council and served as president of the California County Librarians. Ms. Cooper has also been active in the statewide planning in the areas of literacy, library networking, and the library response to the increased ethnic diversity of California.

Ms. Cooper was named Librarian of the Year by CALTAC, the trustee section of the California Library Association.

Mr. Speaker, I would like to commend Ms. Ginnie Cooper for her service to California's Ninth Congressional District—she has made our library system something to be very proud of.

I wish Ms. Cooper luck in the future but want her to know that her leadership as Alameda County Librarian will be sorely missed.

A MATTER OF FAIRNESS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. DWYER of New Jersey. Mr. Speaker, I wish to bring attention to a package of four bills that I introduced in January 1989. These bills, H.R. 520, H.R. 521, H.R. 522, and H.R. 523, would guarantee the timely delivery of Federal pension and benefit checks to military retirees, recipients of black lung benefits, railroad retirees, and civil service annuitants, respectively. Under this legislation, these individuals would be assured the early delivery of their benefit checks in the event that the designated delivery day falls on a weekend or a public holiday.

Presently, the post office receives benefit checks on a specified date, usually the first or third of the month. In the event that the date of disbursement falls on a Saturday, a Sunday, or a legal public holiday, the post office will deliver the checks on the next available business day. Many times retirees must wait several days before receiving their checks. Yet, in some instances, these checks have been delivered several days in advance to the post office, which then must hold the checks until the designated date of delivery. For those individuals dependent on these monthly checks as their sole source of income, this delay can cause an unnecessary hardship—a hardship which can be easily avoided.

In 1977, Congress enacted legislation—Public Law 95-216—which included a provision providing for the early delivery of Social Security benefit checks whenever the regular date for payment of either Social Security or supplemental security income checks fall on a Saturday, a Sunday, or a legal public holiday. Unfortunately, Congress neglected to extend this courtesy to the 4.4 million recipients of civil service, railroad, and military pensions and black lung benefits.

Mr. Speaker, this group of retirees often has been singled out for unfair treatment—witness the administration's fiscal year 1991 budget

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proposal to eliminate COLA's for military and Federal retirees. As a matter of fairness, it is time to extend to all recipients of Federal pension and benefit checks the same treatment already afforded the recipients of Social Security benefits.

I urge my colleagues who have not already done so to join roughly 89 of their colleagues and support this long overdue legislation.

HOUSE JOINT RESOLUTION 305

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BEVILL. Mr. Speaker, on June 22, 1989, I introduced House Joint Resolution 305, a measure calling for a constitutional amendment to make desecration of the American flag illegal. Over 70 of my colleagues joined me in cosponsoring this bill. Among those who cosponsored this bill was my good friend and colleague, Bill Nelson of Florida. Bill believed as I did that it was important to have legislation which assured that our national symbol was protected.

Unfortunately, due to a clerical error Congressman Nelson's name was not added as a cosponsor until February 6, 1990. I know that he felt strongly about this issue and I regret that his name was not added immediately after he contacted me on August 1, 1989.

Bill is one of the finest individuals serving in the House of Representatives today. His work in Congress and with the space program set him apart as an outstanding public servant and I am proud to count him as a friend.

EASTERN AIRLINES

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PARKER. Mr. Speaker, I have followed the Eastern Airlines situation very closely and recently read an editorial on the subject that goes to the very heart of this issue. The March 6, Atlanta Constitution editorial is of sufficient merit that I feel it appropriate to include it in the Record. The following is the text of the editorial.

> So at last an independent examiner has confirmed what union workers have been saying all along: Frank Lorenzo's Texas Air Corporation has been shortchanging Eastern Airlines. There are some ways public policy can make the best of this bad situation, but a lot of damage will remain.
>
> In his long-awaited report, David I. Shapiro, the examiner appointed by the U.S. Bankruptcy Court in New York, said Texas Air unfairly stripped Eastern of as much as $403 million.
>
> The pillaging began as soon as Texas Air purchased the beleaguered airline in 1986. Texas Air skimmed off some of the airlines best assets for low, low prices—for example, buying Eastern's computerized reservations system for a paltry $100 million note, paying 6% interest and not due until (the year) 2012. Mr. Shapiro said $300 million would have been more like it.
>
> Even as the shady deals were occurring, workers were complaining that the parent company was intentionally weakening unionized Eastern to benefit Texas Air's other subsidiary, union-free Continental Airlines. Mr. Shapiro said those complaints were justified and cited an internal Texas Air document in which a senior officer said Continental could "cherry pick the core parts of the Eastern system".
>
> The legimate outcries of the uinons fell on deaf ears in the Reagan and Bush administrations. The Justice Department, and the Securities and Exchange Commission did nothing to stop the unfair transfers of planes, gates, landing slots and fees.
>
> What to make of these findings at this late date?
>
> Although he found Texas Air guilty, Mr. Shapiro allowed it to plea bargain. Texas Air agreed to pay Eastern $280,000 million to compensate for the asset-stripping and to help satisfy creditors' claims. The unions say that amounts to a slap on the wrist; they want the court to replace Eastern's management with a trustee.
>
> Mr. Shapiro recommended the appointment of an independent watchdog to review future intracompany deals but opposes the appointment of a new management.
>
> He's right and the bankruptcy courts should go along with his recommendations. Mr. Shapiro believes such a change would be too disruptive to the fragile airline, which is trying to restructure itself.
>
> That's another pill for the unions to swallow, but the reality is that Eastern is employing 17,000 people today. The court should not jeopardize those jobs or the pensions of former employees. The most likely way to preserve jobs, as well as competition in the skys, is to help Eastern rebuild under the eye of an independent watchdog.
>
> But while the bankruptcy court must keep its focus on the interests of the creditors and airline employees, the Justice Department and the Securities and Exchange Commission should be studying Mr. Shapiro's 300-page document to help determine whether individual officers of Texas Air only made destructive business decisions or ought to be investigated for criminal fraud.

THE 45TH ANNIVERSARY OF THE DEVEREUX CENTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LAGOMARSINO. Mr. Speaker, this year marks the 45th anniversary of a very special facility in Santa Barbara, CA, the Devereux Center.

It was in 1945 that Helena T. Devereux, a special education teacher, traveled from Pennsylvania to Santa Barbara County to start the California center. Devereux-California is one of the Devereux Foundation's 16 residential treatment centers nationwide—known since 1912 as innovative leaders in helping the developmentally and emotionally disturbed.

Devereux-California is the largest residential treatment center on the coast between San Francisco and Los Angeles serving the dually diagnosed with comprehensive services including educational, vocational, medical, psychiatric and psychological programs. More than 200 disabled children and adults benefit from the individualized treatment and home-like environment each year at Devereux.

In fact, Devereux-California is one of the new treatment centers providing a continuum of services, including on-grounds residential units, group homes and apartment settings. The center provides high-quality human services in a caring and humane way to foster human potential and contribute to its resident's health, social, psychological, and educational well-being. Its programs are of such excellence that they become models for this and other nations.

Mr. Speaker, Devereux-California is a not-for-profit organization which invests all of its available resources for the benefit of those who need its services. During 1990, the center will host a variety of events marking its 45 years of service, including an on-campus celebration, family weekend, independence month dance, arts and crafts fair, and a fall dinner-dance.

Mr. Speaker, on behalf of the U.S. House of Representatives, I extend to Devereux-California and the Devereux Foundation our congratulations and sincerest best wishes on its 45 years of service to the community and its residents.

OWEN BIEBER: PRESIDENT OF THE UNITED AUTO WORKERS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. WOLPE. Mr. Speaker, I rise today to pay tribute to one of the most respected citizens of my State, Mr. Owen Bieber, the president of the United Auto Workers, on the occasion of a testimonial dinner being held in his honor by the Michigan Trade Union Council for Histadrut.

Owen's distinguished career as a union official dates back more than 40 years to 1949, when he was elected a shop steward in UAW Local 687, Grand Rapids, MI. With his hard work and dedication, promotions came quickly. By 1956, he was made the president of local 687.

After serving as a staff representative and assistant to the director of UAW region 1D, Owen was elected regional director in 1974, and served in that position until 1980, when he was named international vice president and director of the UAW's General Motors division.

In 1983 he was elected president of the international union and was reelected to that position in 1986.

In addition to his many responsibilities as UAW president, Owen serves his community and country as an officer or member of several organizations, including the NAACP, the President's Advisory Committee on Trade Negotiations, the board of governors of the United Way of America, and the Economic Alliance of Michigan.

Mr. Speaker, Owen Bieber has not achieved his high office through luck or simple good fortune. Rather, he has earned it through his hard work, his excellent leadership, and a very special commitment to working men and women throughout the world. I salute Owen Bieber for his many years of outstanding service to the people of the United States.

QUESTIONS OF CONSCIENCE IN NEPAL

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. HENRY. Mr. Speaker, we have warmly welcomed the sweep of freedom across the globe. We find ourselves in the most pleasant position of watching democratic reforms take root in Eastern Europe, Nicaragua, and even to a surprising extent, within the Soviet Union. We pray that the release of Nelson Mandela is the knell for apartheid in South Africa. And our hearts rise at new talk of freedom for our hostages in Lebanon.

Against this backdrop, however, stands the startling case of the kingdom of Nepal. In this land of 17 million people, archaic persecution against political and religious expression is carried out to an alarming extent.

Even more alarming is the fact that the United States Government continues to provide economic aid to Nepal—$15 million this year alone—which is clearly in violation of our own law banning aid to governments responsible for gross human rights violations.

Let me tell you some of the basic points of justice, Nepal-style:

A person may be jailed for 18 months without even the filing of charges. This sounds severe until you consider that until just last year, the time allowed was 3 years. Human rights organizations estimate that 2,000 arbitrary arrests and detentions took place in 1989.

The Constitution of Nepal states that no person shall be entitled to convert another person from one religion to another; that any Hindu who converts gets 1 year in jail; and that any person who seeks to convert a Hindu gets 3 to 6 years.

The human rights organizations Asia Watch and the Puebla Institute monitor the situation in Nepal as closely as possible. They are among the groups compiling evidence of the daily repression within Nepal. Here are a few of many grim accounts of Nepali persecution:

In 1986, in the city of Sirsia, a Catholic priest, two nuns, and three laymen were arrested for teaching a course on the meaning of Easter. The six, including the nuns, were suspended from rafters and beaten into signing confessions they were never allowed to read.

Last November, a Protestant pastor and orphanage director was given a 6-year prison sentence after the Government had appealed two previous acquittals. His crime, the Nepal Supreme Court ruled, was "propagating Christianity in ways injurious to the Hindu religion."

Also in November, police arrested a 76-year-old pastor and his 33-member congregation. They were ordered to wear the red Hindu tika on their foreheads and to worship Hindu gods and godesses. The elderly minister was beaten and imprisoned with six members of his congregation who refused to comply with the police.

And just this past February, obviously inspired by democratic movements throughout the world, the Nepali Congress Party and other opposition factions called for reforms in Nepal. As a result, 450 party members were detained despite their peaceful demonstrations, and at least 10 Nepali newspapers were banned.

Nepal is 90 percent Hindu, and the majority of Nepalis believe their King to be the reincarnation of the Hindu god Vishnu. Vishnu, ironically, is the Hindu god of good order and harmony.

Mr. Speaker, I ask today that President Bush and Secretary of State Baker explain to Congress whatever justification they may feel exists for the United States' continued support of the Government of Nepal.

And I ask that none of us become complacent. For despite the changing political landscape, all is not yet well in the world.

TRIBUTE TO THE GOLDEN CRADLE ADOPTION AGENCY

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the 10th anniversary of the Golden Cradle Adoption Agency.

Golden Cradle is a nonprofit and nonsectarian adoption agency located in Cherry Hill, NJ. It was founded by Arty Elgart, the owner of Elgart & Sons, a successful automative distribution company in my district.

The agency grew from Arty's seemingly endless search to adopt his own child. Often frustrated and sometimes disheartened by his own experience, Arty vowed to humanize the process for others committed to adopting and raising children.

From that personal struggle came the Golden Cradle Adoption Agency. What began 10 years ago as a volunteer effort housed in Arty's business is now a fully licensed agency run by a staff of more than a dozen social service professionals.

Mr. Speaker, despite its phenomenal growth and nearly 1,000 adoptions to date, Golden Cradle has always looked upon adoption as a lifelong process. Golden Cradle and its founder Arty Elgart deserve great recognition for 10 years of commitment to the profound and personal nature of each individual adoption.

TAX CODE INEQUITY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LEVIN of Michigan. Mr. Speaker, today I am introducing legislation to correct an inequity in the Tax Code which singles out certain nonprofit organizations, such as State education associations and local chambers of commerce, and prevents them from setting up tax-deferred 401(k) retirement plans for their employees. I am pleased to say that I am joined in this effort by three of my colleagues from the Ways and Means Committee, Mr. CHANDLER, Mr. ARCHER, and Mr. FRENZEL.

Under current law, for-profit private employers can offer their workers the chance to elect up to $7,000 in deferred compensation in a 401(k) plan. Nonprofits organized under 501(c)(3) of the Tax Code can offer their employees nearly identical 403(b) plans. This latter group includes traditional charitable organizations and educational institutions. State and local governments may offer comparable section 457 plans. Out of all the thousands of employers across this country, only certain nonprofit organizations such as trade associations, labor organizations, and civic leagues are prevented from establishing these useful retirement plans.

The Ways and Means Committee and the House of Representatives recognized this inequity when they approved a provision I sponsored in the 1987 reconciliation bill that would have allowed these nonprofits to again set up 401(k) plans. I am happy to note that the U.S. Treasury Department, in its testimony before the Ways and Means Committee last month, stated it had no opposition to this proposal. At the hearing on February 21, Assistant Secretary Gideon said, "* * * imposing a limitation * * * only on tax-exempts is unfair."

Whenever Members of Congress push for a change in the Tax Code, I think it is incumbent on them to recognize that these changes are generally not costless. The revenue consequences of the proposal we are introducing today are relatively small. Last year the Joint Committee on Taxation estimated that Treasury receipts would be lowered by $15 million in the first year, rising over time to $56 million in the fifth year. In this time of continuing deficits, offsetting revenue sources will have to be found. As a member of the Ways and Means Committee, I will be working with my colleagues to find these revenues.

Mr. Speaker, good tax policy begins with nondiscrimination. The current law discriminates unfairly against some employers and their employees. The bill we introduce today will correct this inequity. I hope it will be speedily enacted.

I include the text of the legislation to be printed in the RECORD immediately following these remarks:

H.R. 4287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (B) of section 401(k)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) STATE AND LOCAL GOVERNMENTS NOT ELIGIBLE.—A cash or deferred arrangement shall not be treated as a qualified cash or deferred arrangement if it is part of a plan maintained by a State or local government or political subdivision thereof, or any agency or instrumentality thereof. This subparagraph shall not apply to a rural cooperative plan."

(b) The amendment made by subsection (a) shall apply to years beginning after December 31, 1989.

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A TRIBUTE TO FRANK WASHINGTON

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. GRAY. Mr. Speaker, I rise today to pay tribute to an outstanding person, Frank Washington. After 30 years of exemplary and dedicated service, Frank Washington is retiring from his position as head of Community Relations at the Pepsi Cola Co.

In recognition of the significant contributions he has made to our community over the years, several hundred of his friends will gather to pay tribute to him on Saturday, April 7 in Philadelphia.

Frank made his mark in our city as one of the first black managers in a major Philadelphia area corporation. We honor him for his service.

Frank was also one of the best professional basketball players in the world and was a member of the Harlem Globetrotters, where he served as center, captain and coach. He made six world tours with the team and was featured in two Globetrotter movies. He also starred on other professional and touring basketball teams over an illustrious athletic career.

Frank was a student at Germantown High School and attended the William Penn School of Business; the Dale Carnegie Training Institute and the Pepsi College of Marketing.

He has been the recipient of numerous community and professional service awards from organizations such as the National Association of Market Developers, the Christian Street YMCA; the Norristown Men's Club; the Council of Spanish Speaking Organizations; and Operation Push/Philadelphia.

Please join me in paying tribute to Frank Washington, who has been a role model and outstanding citizen in our community.

DR. PAUL ASHTON TO BE HONORED MARCH 25

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LAGOMARSINO. Mr. Speaker, I rise to congratulate Dr. Paul Ashton of Santa Barbara—physician, author, and humanitarian—who will be honored on March 25 with the dedication of the education center at Goleta Valley Community Hospital in his honor.

Dr. Ashton has been active in numerous capacities in the community and in his profession over the past 45 years. A University of California Medical School graduate, Dr. Ashton has practiced general medicine and surgery in the Santa Barbara area since 1945, following his heroic service in the U.S. Army.

He was the founder of the Tri-Counties Blood Bank, and one of the founders of the Goleta Valley Community Hospital, both organizations which have been of great service to the Santa Barbara area. A member of the Goleta Valley Hospital board of trustees, he served three terms as chairman and one term as treasurer, and was an administrator pro tem. He has been chief of surgery at the hospital and is the father of the cardiovascular program there as well.

In 1984, Dr. Ashton authored "Bataan Diary," which recounted his years in the war and as a prisoner of war in the Philippines in 1941. It is a gripping account of courage and determination.

Mr. Speaker, Dr. Ashton is a great asset to the Santa Barbara Community, and to commemorate his achievements and contributions the board of trustees of the Goleta Valley Community Hospital will dedicate its education center to him on March 25, 1990.

On behalf of the U.S. House of Representatives, I commend Dr. Paul Ashton and extend to him our sincere best wishes and congratulations upon his service to the community, his Nation and his profession.

NAMIBIAN INDEPENDENCE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LEVINE of California. Mr. Speaker, the people of Namibia will become independent on March 21, 1990. They have survived a long period of conflict and outside rule since 1915 in order to reach this important milestone. Namibia, formerly known as South West Africa while under South African administration, is a country which is large in size yet small in population. It has a good infrastructure of roads, telecommunications, and power. Mineral resources and fishing will be strong components of its foreign exchange.

What is quite admirable in my view about the independence of Namibia is that the people elected a constituent assembly last fall, under U.N. supervision, which has adopted what may be the most democratic constitution in Africa. It provides for a multiparty system of government, a legislative body, a limited executive, a bill of rights, freedom of speech, and the press. This occurred after the two major political forces in the country, The Southwestern African People's Organization [SWAPO] and the Democratic Turnhalle Alliance [DTA], reconciled their political differences and put the welfare of the citizens of this new nation first.

I am hopeful that the events which have lead to Namibia's independence will be an inspiration to other difficult political problems in Southern Africa. And I wish the people of this proud new nation a strong future under democracy. As long as this course is followed in Namibia, relations with the United States will be mutually beneficial and fruitful.

CONGRATULATIONS TO DAYTONA 500 WINNER

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. DOUGLAS. Mr. Speaker, I would like to extend my congratulations to Derrike Cope, winning driver of the Daytona 500, last month, and Bob Whitcomb, owner of the winning vehicle.

Derrike, an outstanding athlete in his college days at Whitman, and winner of the 1984 Rookie-of-the-Year Award of the Winston West racing circuit, drove the team's Chevy Lumina to victory at the Daytona 500 NASCAR competition in February. For a 9-month-old team this was a dramatic victory.

The owner of that car, Bob Whitcomb, is a resident of Keene, NH, in my district, and is an old friend. Bob received his bachelor's degree from the University of New Hampshire in 1961 and is a long-time fan and participant in national auto racing. Bob and his team are now a force to contend with in the high-performance auto racing arena of NASCAR.

We in New Hampshire are proud of Bob, Derrike, and their team for their outstanding accomplishments. I congratulate them for their victory and wish them the best of luck for the rest of the 1990 season and beyond.

THE "BIRMINGHAM SIX"

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. KENNEDY. Mr. Speaker, earlier this week the Congressional Human Rights Caucus held a hearing on the case of the "Birmingham Six"—six Irish nationals who many believe were falsely accused and convicted of bombings in England in 1975. I urged the caucus to hold this hearing to bring the plight of these men to the attention of the American people, and to let the British Government know that many of us in Congress, and a growing number of scholars and human rights activists believe that justice will not be served unless the British Government reopens this case.

Mr. Speaker, I would like to offer this poem that was written by Richard McIlkenny, one of the "Birmingham Six." Mr. McIlkenny's poem gives us a feeling for the tragedy of being unjustly sentenced to life in prison for a crime he did not commit.

What price justice for the innocents
  Locked up in prison cells,
What price respect and peace of mind
  For those who know and will not tell.
What price the horror of the beatings
  The torture and the cries,
Of honest men who in terror signed
  Perverted statements filled with lies.
What price hunger and deprivation
  Threats with guns and growling dogs,
Of minds so blank and wandering
  As if lost within a fog.
What price the cries of wives and children

Of families torn apart,
Whose moans and wails of anguish come
From deeply wounded hearts.
What price the long lost years filled
With loneliness and pain,
And the longing to be
Held in loving arms again.
What price the lost love and joy of children
All now fully grown,
Left without a father
Now with children of their own.
What price, What price!!
What price for honesty and truthfulness
For dignity and pride restored,
For the innocents to be set free, exonerated
and recompensed
To rejoin society once more.

By Richard McIlkenny, one of the Birmingham Six.

BRAZIL'S NEW SECRETARY OF ENVIRONMENT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. YATRON. Mr. Speaker, I want to congratulate the new President of Brazil, Fernando Collor de Mello, as he assumes office today. I want to wish President Collor and the people of Brazil the very best as they address the challenges before them. I look forward to working with the new government and to cooperate in enhancing United States-Brazilian relations to the benefit of both our peoples.

I also want to commend President Collor for his excellent choice for Secretary for Environment, Jose Antonio Lutzenberger. Over the past several decades, Mr. Lutzenberger has been one of the most outspoken Brazilians on the environment. His national and international reputation as an expert on Brazil's fragile environment should enable him to be an effective Secretary of the Environment.

Mr. Lutzenberger has testified before Congress, has received numerous environmental awards, and has helped to establish an important environmental nongovernmental network in Brazil. He is an agronomist by training, fluent in 4 languages, and has remained a courageous and tireless environmental pioneer.

As Chairman of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, which has jurisdiction over global environmental issues, I am delighted and encouraged by this appointment. As a major world actor, Brazil's role in addressing the growing international environmental problems will be vital.

THE QUESTION OF EAST JERUSALEM

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MOODY. Mr. Speaker, on March 3, President Bush made the statement that "we do not believe that there should be new settlements in the West Bank or in East Jerusalem." That simple statement has set in motion a series of events within Israel and has seriously complicated negotiations to advance the peace process. Clarifications issued after the fact by the administration have done little to resolve the issue.

President Bush has previously indicated that the United States does not support new Israeli settlements in the West Bank and Gaza. But that issue has never been linked with the case of East Jerusalem. The city of Jerusalem has represented the heart of Israel for 3,000 years and East Jerusalem is one part of an indivisible capitol city. For these reasons, the United States has given special status to the question of Jerusalem. By linking the issue of Jerusalem and the occupied territories, President Bush has thrown this policy into question.

Unfortunately, this is a particularly inopportune time to be stirring the pot of United States-Israeli relations. The United States has been pressing hard for progress toward Israeli-Palestinian talks on the question of elections for the occupied territories. Israel itself has been deeply divided over this question and was engaged in a very painful debate.

President Bush's comments raised new concerns about U.S. policy just at the point when the peace process appeared to be moving forward. Today the Shamir-led coalition Government was voted down. Prime Minister Shamir will remain in office until a new coalition can be formed. Any further progress toward peace in the region will wait a new Israeli Government.

I believe that President Bush is committed to peace in the region and I support his many efforts to that end. In this instance, he was his own worst enemy. I hope that he will make every effort to resolve this question and continue to devote his energies to the larger goal of elections and, eventually, a lasting peace.

A TRIBUTE TO PATROLMAN GERALD WEIMER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PALLONE. Mr. Speaker, being a police officer entails great danger and personal risk, and requires acts of bravery and self-sacrifice. Every man and women who takes the oath to serve on any police force in our country understands the sacrifice that they will have to make as part of their jobs to protect the lives and property of their fellow citizens. Still, when a police officer exhibits the qualities of courage and presence of mind in the best tradition of their calling, that officer deserves to be singled out for praise and commendation.

Patrolman Gerald Weimer of the Middletown Township, NJ, is such a police officer. On January 17th of this year, Patrolman Weimer was on duty in the predawn hours when he observed smoke coming from the Leonardo first-aid building in Middletown. Without regard to his personal safety, he entered the building and removed a rescue truck and ambulance, then re-entered the building to extinguish the fire. His quick thinking and unselfishness prevented what would have been a major disaster, and will allow the first air squad to continue serving the community. Patrolman Weimer has been cited for his action by Chief of Police Robert M. Letts and also the Leonardo first aid squad.

Mr. Speaker, it gives me great pleasure to add my name to those who have cited this brave individual. Patrolman Weimer is a credit not only to my congressional district, but to all of our men and women in blue who risks their own lives for our sakes.

NATIONAL POLIO AWARENESS WEEK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. SKELTON. Mr. Speaker, today I am introducing a resolution designating the week of June 1 through June 7, 1990 as National Polio Awareness Week. Currently, there are an estimated 650,000 paralytic polio survivors in the United States, many of whom have experienced or will suffer from the late effects of the disease.

Years after their recovery from paralytic polio, many people begin to suffer from late effects of the disease, also known as postpolio syndrome. These symptoms may include renewed weakness in muscles throughout the body, both in muscles that were minimally effected and those that were once paralyzed. Postpolio syndrome is also marked by fatigue from activities once easily performed, respiratory problems, pain and inflammation in the joints, feelings of anxiety, and lower back pain. These problems can be extremely difficult for those who overcame many physical and social challenges while suffering from paralytic polio during youth.

Although much research has been done on postpolio syndrome, researchers are still unsure of the cause or the best treatment. The International Polio Network has been instrumental in educating the public and promoting research on the late effects of this disease. It is my hope that the designation of National Polio Awareness Week will help increase public awareness and encourage medical research, and I urge my colleagues to support it.

NATIONAL AGENT ORANGE SCREENING AWARENESS WEEK

HON. LYNN MARTIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. MARTIN of Illinois. Mr. Speaker, today I am pleased to introduce, along with Congressman DENNIS HASTERT, a resolution designating July 8 through July 14, 1990, as National Agent Orange Screening Awareness Week. This resolution is one small but important way to let our veterans who served during the Vietnam war know that the American people are concerned about their continued well-being.

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Since 1978, the Veterans' Administration, now the Department of Veterans Affairs, has operated a special medical screening program for Vietnam veterans who believe they were exposed to chemical herbicides used during the Vietnam war. One of these chemicals in particular, agent orange, has raised serious concerns about the long-term health effects on veterans.

Unfortunately, only 240,000 of the 3 million troops who served in Vietnam have participated in the agent orange registry examination. Because the screening could disclose previously undetected problems that may require prompt medical treatment, we have an obligation to make our veterans aware of the importance of participating in the registry.

The designation of National Agent Orange Screening Awareness Week will call attention to the availability of this medical program. I urge my colleagues to let the veterans in their districts know that the registry examination can be obtained at no cost at a VA health care facility. Let them know the value of the screening. And above all, encourage all eligible veterans to take part.

ACCESS TO TELECOMMUNICATIONS FOR THE DEAF, HEARING- AND SPEECH-IMPAIRED

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 15, 1990

Mr. GUNDERSON. Mr. Speaker, earlier this week I attempted to share my experience of deaf culture and underscore what I believe it has to teach the hearing world. Yesterday, I introduced legislation to increase telecommunications access to the House of Representatives for the deaf, hearing- and speech-impaired. Today I want to take a moment to address legislation pending before Congress that will not only increase the opportunity of those who cannot hear, but enable us, those who sign and those who do not, to further communicate and learn from one another.

Last year, during a trip to my district with Dr. Jordan, a young man with cerebal palsy wheeled his chair toward the podium where I was standing. In his lap was a stack of papers, letters in support of passage of the ADA. The young man handed the letters to me and then began to stand. After great effort he stood and said, "I need the ADA, we all need the ADA." What he was referring to of course, was the Americans With Disabilities Act.

The House has been considering H.R. 2273, the Americans With Disabilities Act, since early last year. Although it has only recently gained attention, the bill, introduced by our former colleague, Hon. Tony Coelho, has long been the focal point of the hope of disabled Americans. For they believe, and, perhaps, rightly so, that the ADA is the key which will unlock the door of opportunity.

I have been and continue to be a vocal and ardent supporter of the Americans With Disabilities Act. The Senate passed a good bill which the House has improved and continues to improve. Nonetheless I am committed to passing a bill this year and I would urge my colleagues to carefully weigh the rights of all involved and employ only the purest of motives during its consideration.

I have a particular interest in title V of the ADA, the telecommunication's provisions. The title the Energy and Commerce Subcommittee passed out mirrored language I introduced in H.R. 3171. Thus title V of the House version of ADA differs trivially from the Senate passed version.

Although the Senate version as passed and the House version as it exists differs little, the benefit to deaf, hearing- and speech-impaired Americans will be great. At present, some 27 million Americans cannot call down the street for a pizza or cross town to place a reservation. In my own district, many cannot even call the sheriff's department or hospital. Passing the ADA would change that, assuring those who cannot communicate via the telephone the equal access extended to them through the Communications Act of 1934. This would be done by implementing a relay system whereby a deaf person would use their TDD to call the relay system who, in turn, would contact you or I via the telephone. The relay system would act as the intermediary facilitating the conversation back and forth.

Unfortunately, we who are hearing cannot fully understand what it is to work, toil, and dream in a silent world. We can, however, provide an opportunity long overdue by passing the ADA.

Second, I would like to address another bill pending before the House, the Television Decoder Circuitry Act of 1990. I was proud to be a sponsor of this legislation as I believe it, too, will help provide those who cannot hear access to America's foremost medium, television.

This bill, like many other this body has considered in recent years, holds great potential benefit for millions of Americans. It will provide deaf and hearing-impaired Americans universal access to television broadcast programming and it will provide our literacy organizations and volunteers with yet another source to which they can turn to help empower the 23 million functionally illiterate Americans.

In essence, the TV Decoder Circuitry Act would require that televisions with screens 13 inches or larger be equipped with a decoder circuit chip which display circuit chip television transmissions. The cost is nominal, estimated to be $5 to $10 per TV and it has received broad industry support.

I strongly support this legislation and would urge my colleagues to consider its enormous potential and join with me to support the Television Decoder Circuitry Act.

The road for deaf and hearing-impaired Americans toward total communications access to the hearing world is long and arduous. Stereotypes must be overcome, myths must be demystified, and lies must be put down at the hands of truth. Deaf people can do anything but hear, and Congress has the opportunity to bridge the one gap between the hearing world and the silent world by providing access. I am committed to that end and I am happy to work within this House because I know it shares my commitment.

NAMIBIA'S INDEPENDENCE

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. RICHARDSON. Mr. Speaker, the people of Namibia will become independent on March 21, 1990. They have survived a long period of conflict and outside rule since 1915 in order to reach this important milestone. Namibia, formerly known as South-West Africa while under South African administration, is a country which is large in size yet small in population. It has a good infrastructure of roads, telecommunications, and power. Mineral resources and fishing will be strong components of its foreign exchange.

What is quite admirable in my view about the independence of Namibia is that the people elected a constituent assembly last fall, under U.N. supervision, which has adopted what may be the most democratic constitution in Africa. It provides for a multiparty system of government, a legislative body, a limited executive, a bill of rights, freedom of speech and the press. This occurred after the two major political forces in the country, The Southwest African People's Organization [SWAPO] and the Democratic Turnhalle Alliance [DTA], reconciled their political differences and put the welfare of the citizens of this new nation first.

I am hopeful that the events which have led to Namibia's independence will be an inspiration to other difficult political problems in Southern Africa. And I wish the people of this proud new nation a strong future under democracy. As long as this course is followed in Namibia, relations with the United States will be mutually beneficial and fruitful.

THE CASE OF JOSEPH PATRICK THOMAS DOHERTY

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. BOSCO. Mr. Speaker, I want to take this opportunity to speak out about an important test case for the principle of due process rights in this country.

The case at issue concerns Mr. Joseph Patrick Thomas Doherty, a man who has now been held by United States authorities for over 6 years pending a decision on deporting him to the United Kingdom. While the details and political rights and wrongs of this famous case have been much discussed, I wish to lend my voice to the growing number of Members who are concerned about the observance of Mr. Doherty's due process rights in his protracted legal battle.

Quite simply, Mr. Doherty deserves to have his day in court. To this end, I urge the Attorney General to grant Mr. Doherty a hearing on political asylum as the Board of Immigration Appeals [BIA] has ruled. I am concerned that the Attorney General's efforts to countermand the BIA rulings represent a compromise of Mr. Doherty's due process rights.

Mr. Speaker, I have long believed that the legislative branch should not meddle in cases still pending before the courts. At issue here, however, is an administrative decision pursuant to a recommendation by an immigration court. Again, I urge the Attorney General to listen to his own experts and give Mr. Doherty his day in court.

$150 BILLION A YEAR—WHERE TO FIND IT AND HOW TO SPEND IT

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. TRAXLER. Mr. Speaker, I am taking this opportunity to call the attention of my colleagues to two editorials which recently ran in the New York Times. The first editorial ran on March 8 and involved the peace dividend and recommendations on where to find it. The second editorial, which ran on March 9, also involved the peace-dividend question, and suggested how we should spend it. I strongly urge that all Members of Congress take the time to review these two insightful articles.

[From the New York Times, Mar. 8, 1990]

$150 Billion a Year—Where To Find It

[First of two articles]

It's as though America just won the lottery. With Communism collapsing, the United States, having defended the free world for a half a century, now stands to save a fortune. Defense spending could drop by $20 billion next year and $150 billion a year before the decade ends.

What a precious moment; what a Heaven-sent opportunity for a political leader to capture attention and resources and do great good. President Bush, however, resists turning in his winning ticket. What will he do with this peace dividend? He says there won't be one—and besides, it will all have to be spent reducing the deficit.

The President is surely right not to react hastily to the upheaval in global politics. Yes, the cold war is over and the Soviet Union now looks inward. But it will take time to adjust the assumptions and relationships of two generations.

The peace dividend, however, is tangible, and for the President to recoil from it is baffling. It is not bleeding-heart liberals who urge Mr. Bush to be the Education President; that's his own ambition for himself. It is not elitist ecologists who label him the Environment President; that's his own title for his own aspiration.

Why, having pinned himself between a desire for progress and a pledge not to raise taxes, does he shrink from the windfall? Shouldn't he, on his own terms, embrace it? By dismissing it, the President is twice mistaken. The peace dividend is real, and realistically achievable. And the best way to spend it is to promote productivity and growth.

In his own budget, Mr. Bush would reduce the $300 billion-plus total for defense by 2 percent a year. That would save $140 billion over five years—and Congress is sure to cut more. If the Soviet threat keeps dwindling, it's possible to envision a $150 billion Pentagon budget, in current dollars, by the year 2000.

Cuts that deep can only be achieved gradually. It takes time to close bases and production lines. And sensibly, reductions will start small, phasing in with evidence of reassuring change from the Soviet Union. But the sooner Mr. Bush begins to plan for cuts, the sooner savings will accrue.

THE PEACE DIVIDEND IS REAL

Close students of defense acknowledge that significant cuts can be made. William Kaufmann, who advised Republican and Democratic defense secretaries, has demonstrated in a recent study how to halve outlays in a decade. The time to begin is now, with the five-year defense budget the Pentagon will soon submit to Congress.

There are two principal tasks: Reduce conventional forces, and slow the introduction of new weapons, both conventional and nuclear.

WHERE TO START

The Pentagon is building a number of new weapons useful primarily in the event of war in Europe. The weapons they would replace are already as advanced as any in the world. Here is what canceling or deferring acquisition would save in outlays, 1991 to 1995:

	Billion
Army light helicopter	$2
Advanced tactical missile	1
Forward area air defenses	3
C-17 cargo plane	12
Advanced tactical fighter	8
F-16 fighter plane (new model)	10
A-12 attack plane	12
Osprey tilt-rotor aircraft	8
Advanced air-to-air missile	4
DDG-51 guided missile destroyer	8
Seawolf attack submarine	9
Five-year total	77

REDUCE CONVENTIONAL FORCES

Ships, planes, tanks and troops are the place to start. They are where the money goes—four of every five defense dollars. Much of that is keyed to an improbable Soviet attack in Europe. Conventional force talks contemplate reducing U.S. troops from 305,000 to 225,000. Come 1992, that will save about $7 billion a year. Subsequent Soviet withdrawals could trigger more troop cuts, down to, say, 75,000, saving $12 billion more a year. And cutting six backup divisions in the U.S. would save $14 billion a year.

Meanwhile, with a diminished Soviet threat, it's absurd to insist that third world perils require 14 Navy carrier battle groups. Reducing 14 to 12 by 1994 would save $6 billion a year. Reducing to six by 2000 could save an additional $22 billion a year.

It is difficult to calculate the total savings for such cuts in force size because, beyond operating costs saved, there would also be untold savings in hardware and personnel.

SLOW DOWN NUCLEAR MODERNIZATION

This year's bill for missiles and bombers is $52 billion, and present plans could make that $87 billion by 2000. By slowing modernization, outlays could be held below $30 billion a year. The Strategic Arms Reduction Treaty, expected to be signed this year, will help make cuts of this magnitude safe.

With the reduction in Soviet land-based missiles, there's less need to put 50 MX missiles on rail cars, or to buy more Trident submarines than Start permits. Canceling MX mobile basing would save $4 billion between 1991 and 1995; stopping at 18 Tridents and slowing deployment of new D-5 missiles could save $4 billion more.

The B-2 stealth bomber was designed to locate and destroy mobile missiles. Sixteen are already authorized. Deferring further procurement while continuing flight-testing would save $23 billion between 1991 and 1995. Procurement of the advanced air-launched cruise missile can also be deferred, saving nearly $3 billion in those years.

The Bush Administration asks $5.4 billion for Star Wars defenses this year, and more later, even though this mammoth program still lacks clear purpose and faces formidable technical problems. Robust research could be conducted for $3 billion a year, saving $16 billion between 1991 and 1995. Canceling the Army's anti-satellite weapon would save an additional $2 billion.

Apart from Pentagon spending on defense, the Department of Energy wants two new plants in which to manufacture nuclear weapons. But Start reductions will allow most nuclear material to be recovered from dismantled warheads. Canceling one of those plants would save $3 billion between 1991 and 1995, and cutting back warhead production, billions more.

The intelligence budget is secret but is thought to have doubled in the 80's, without commensurate benefit. Spy satellites are needed to monitor arms control agreements, but keeping a dozen or so in orbit will generate more pictures than analysts can assess. Canceling one imaging radar satellite and one photo satellite a year would save $2 billion.

There will not be easy agreement on all these cuts. But they are not reckless or speculative. A plausible plan of reductions could save $150 billion a year by 1999. Even if some cuts aren't made, any large part of $150 billion amounts to real money.

The next question is, what should America do with it? The President says, reduce the huge Federal deficit. So does the Senate. They're right that the deficit clouds the future and demands reduction. But the question here is what to do with the peace dividend windfall, and the best answer is, use it for positive investments in the future.

[From the New York Times, Mar. 9, 1990]

$150 Billion a Year—How To Spend It

[Second of two articles]

Yes, there is a peace dividend, a fabulous fortune to be amassed as defense spending is gradually scaled down. By 1999, the amount could readily reach $150 billion a year. But already the line of people with worthy claims on the windfall stretches around the block.

Spend the money, some say, to strengthen the new democracies of Eastern Europe. Use it, others say, to make up for starved social spending in this country. No, say still others, including President Bush, use it to reduce the immense Federal deficit. Indeed, last week the Senate passed a non-binding resolution to do just that.

How should the country spend the peace dividend? One principle can usefully guide debate because it guarantees political consensus: Invest in the future. Make Americans more productive by focusing on two urgent needs—the health and education of youth, and the crumbling national infrastructure.

Cutting back the mountainous deficit, per the Senate resolution, is responsible. But it is misguided and unnecessary. It's misguided because public investment in the economic future is every bit as important as reducing the deficit. It's unnecessary because deficit

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cuts already scheduled under the Gramm-Rudman law should suffice.

The larger task before Congress is to promote economic growth. Using the dividend to reduce the deficit would help do that. Smaller deficits would mean less Government borrowing, leaving more money in private capital markets to fuel corporate innovation and investment.

But it would promote growth at least as much to earmark the dividend for the needs of children and infrastructure. The economy needs a better-educated work force and an efficient transportation system at least as much as more investment by General Motors and Sears. Public investments need to be debated on their individual merits, not rejected in slavish devotion to deficit reduction.

WHAT'S THE RIGHT SIZE DEFICIT?

Experts disagree about the desirable leval of deficit, leaving the public uncertain. Benjamin Friedman, a Harvard economist, cites the savings rate, low and falling, as a cause of low investment, sluggish productivity and increased reliance on foreign capital. Not one of these trends is cataclysmic; the combination is frightening. His remedy is to increase savings by insisting that the $100 billion deficit—counting Social Security—be converted by tax hikes and spending cuts into a $60 billion surplus.

But Robert Eisner, an economist at Northwestern University, vehemently disagrees. He argues that the savings rate, excluding public investment, is not too low. Keeping deficits in the vicinity of $150 billion is just fine, because that would keep Federal debt from growing faster than the economy does.

Even without the peace dividend, the deficit is already scheduled to fall. Unless Congress wholly abandons its Gramm-Rudman targets, the deficit—counting Social Security—will be eliminated by the mid-90's. That target is stricter than Dr. Eisner's, looser than Dr. Friedman's. If it is the wrong target, it would not seem to err by much. For the next few years, the Gramm-Rudman targets will produce deficits that are modest by both historical and international standards.

The case for driving the deficit much lower is unproven. That being so, Congress would be wise to use the unexpected peace dividend for public investment. The proper test is how well the investment works—will it enlarge the economic pie?—not how much it affects the deficit. America's human resources and physical capital are too important to sacrifice at the arbitrary altar of deficit reduction.

PUT AMERICANS IN THE FAST LANE

For a decade, needed public investments have been squeezed out by tax cuts, rising military spending and middle class entitlements. Americans pay the cost in the form of airport congestion, decrepit bridges and freeway tie-ups. They also pay for the lost investment in people.

INVESTMENTS IN HUMAN RESOURCES

The most compelling challenge is to give a fair chance for productive lives to the next generation of Americans, one in four of whom is now born into poverty. Programs that do that pay off immediately, commonly saving three and four times their cost in remedial programs.

Funds from the peace dividend would magnify the gains—and the savings. A billion dollars would give comprehensive prenatal health care to an additional 1.5 million poor pregnant women. An additional billion would add 400,000 children to Head Start, which, though widely successful, still reaches only one eligible child in five. Every dollar spent on Head Start, experts say, saves almost $5 in welfare, remedial education and other costs.

INVESTMENTS IN INFRASTRUCTURE

The nation's transportation network has also been allowed to deteriorate. According to the Federal Transportation Department, urban areas now experience two billion hours a year of highway delays. Flight delays at 21 primary airports amount to 20,000 hours a year. Peace dividend money can bring relief and promote economic growth.

There are other worthy, perhaps even compelling purposes for which the peace dividend might be earmarked—including, notably, the environment. If there's to be public debate about the agenda, however, it better start soon. Otherwise, this rare windfall will dribble back into Washington's workaday stew of needs, claims and special interests. The point resounds for Congress and even more for the present occupant of the Bully Pulpit: This is a precious moment, but only if they seize it.

TRIBUTE TO MARIO MANCIERI

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to honor a member of my community who is being recognized for his years of service to his fellow citizens in the field of education.

Mr. Mario Mancieri, of Bristol, RI, is this year's recipient of the Italian Heritage Award. Mario's family immigrated to America from Italy and settled in Bristol. He graduated in 1965 from Providence College where he majored in education and received his first teaching assignment in Tiverton, RI. In 1968, he was appointed teacher/team leader at Henry E. Anthony School in Portsmouth, RI. In 1970, after gaining his master's degree from Rhode Island College, he was appointed principal of the Howard Hathaway Elementary School. While serving at both the Anthony School and the Hathaway School, Mario was instrumental in the design and preparation of the Portsmouth Middle School. Later in 1970, Mario was appointed as the assistant principal of the newly opened Portsmouth Middle School.

In 1974, Mr. Mancieri was appointed as the director of administrative services where he dealt with several crises such as declining enrollment, school closings, and funding deficits. In 1989, Mr. Mancieri was appointed as the superintendent of Portsmouth's 2,600 student, 300 employee school system.

Mr. Mancieri is also a member of several professional associations. He is on the executive board of the RI Association of School Administrators and is the chairman of the East Bay Superintendents' Association and of the East Bay Educational Collaborative.

Mr. Mancieri has shared his success over the years with his wife Margaret and their three children.

It is with great pleasure that I salute Mario Mancieri for his years of dedicated service to education. His efforts have helped our Nation in a crucial area and I wish him continued success in the future.

TAXPAID PUBLIC FINANCE OF CAMPAIGNS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. JACOBS. Mr. Speaker, those of us who believe that the British system of campaign finance, namely public finance, would be in the best interest of our own system and would be a break for rather than an additional cost to our own taxpayers, have to be encouraged by the Bush administration's apparent support for such a scheme.

Now that the administration has tried United States taxpaid public finance of campaigns in Nicaragua, I hope that its support for it in our own country is forthcoming.

A TRIBUTE TO CLAYTON CUTTER

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. LEHMAN of California. Mr. Speaker, today I rise before my colleagues to pay tribute to a man who made the ultimate sacrifice on February 19, 1990, when he lost his life in a heroic-yet-tragic effort to save six people who had fallen into an icy lake.

Clayton Cutter, a Forest Service firefighter, tried mightily but in vain, to save six people who had fallen through the weak, thin ice of Convict Lake high in the Sierra Nevada Mountains north of Bishop, CA. Clayton Cutter, on that fateful and last day of his life, responded immediately and without self-concern to four panicking teenagers who were helplessly struggling in the icy waters hundreds of yards from the lakeshore. He heroically raced to the brink of the hole in the ice made by the teenagers and was trying in vain to rescue the teenagers when he himself fell through the thin ice. Clayton is survived by his wife, Terry and three daughters: Deena, 11 years; Crystal, 8 years; and Lisa, 20 months.

Clayton Cutter's tragic death epitomizes the kind of courage, dedication, and bravery that Federal firefighters exhibit on a daily basis. Clayton's supervisor, Tim McMullen, said, "He was the quintessential firefighter in that he was dedicated, skilled, strong, loyal, and brave. He was a compassionate man who not only cared for his coworkers, but also for the public for whom he made the ultimate sacrifice." He added, "Clay was a loving husband and father. We lost more than a firefighter; we lost a dear friend whom we loved and admired. Clay was a hero. I wish there were more Clay Cutters in this world, because we need people like him."

Today I would like everyone to take a moment to recognize the heroism of this man. Clayton Cutter died in the line of duty trying to save another life. There is nothing more noble than this.

TRIBUTE TO BOY SCOUT TROOP NO. 101

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. TRAFICANT. Mr. Speaker, I would like to pay tribute to Boy Scout Troop No. 101, which is in my 17th Congressional District of Ohio. On April 1, 1990, Troop No. 101 will be celebrating its 50th anniversary.

Boy Scout Troop No. 101 has been serving the Struthers, Youngstown, and Campbell communities for the past 50 years. Troop No. 101 was reorganized in 1940 after it folded due to a lack of leadership during World War II. In 1971 John Holderman became Troop No. 101's Scoutmaster and he still holds that position today. Thirty-five Eagle Scouts have come from Troop No. 101 and three adults have received the Silver Beaver, which is the highest leadership award given in Scouting. The Virgil Award has been awarded to between 10 to 12 boys and men from Troop No. 101. The Virgil Award is the highest honor presented by the Order of the Arrow.

Troop No. 101 has traveled to Niagara Falls, Gettysburg, Washington, DC, Philmont Scout Ranch in New Mexico, National Scout Jamborees, National Order of the Arrow Conference, and other Scouting events. The troop has performed opening and closing ceremonies for Boy Scout events and openings of local businesses.

At the present time there are 34 boys in Troop No. 101, and they range in age from 10 to 17. They learn and participate in activities such as first aid, camping, cooking, the use of knives and axes, citizenship and leadership.

Mr. Speaker, I would like to take this opportunity to recognize Boy Scout Troop No. 101 on the occasion of its 50th anniversary. Troop No. 101 has had a long and distinguished history in our community and has added significantly to the development of many young men in the Youngstown, Struthers, and Campbell area. I am proud to have Troop No. 101 in my district.

D.C. SPENDING POLICIES ARE TAXING TO AREA RESIDENTS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mr. PARRIS. Mr. Speaker, I take the floor today to address the taxing and spending policies of the District of Columbia, which have become nothing short of outrageous. Considerable attention has been drawn to this issue recently by a tax revolt declared by several hundred Northwest city residents. The focus of that campaign is the substantial increase in property tax assessments over the last several years. Assessments this year will rise an average of 17.7 percent; however, increases in the more affluent neighborhoods of the city could reach 40 percent. Similar increases were felt by homeowners during each of the last 3 years. Community leaders have warned that such tax burdens could precipitate a flight of the middle class from the city, further shrinking the District's tax base.

My colleagues should also be aware of the controversial package of tax increases recently proposed in the Barry administration budget. These include an increase from 9.5 to 10.5 percent in the top marginal income tax rate, which applies to all annual income earned over $20,000. This increase will impact about half of all D.C. taxpayers. The Mayor's package also proposes an expansion of the already burdensome sales tax to include items such as carryout refreshments. The current sales tax scheme adds 8 percent to the cost of each restaurant meal, 10 percent to each hotel bill, and 12 percent to the already high cost of parking.

Also included in the Mayor's budget is an unprecedented tax on professional services. Such a measure would have one of two intolerable results, either double-taxing lawyers and accountants who are District residents, or forcing professionals who commute to work from Maryland and Virginia to help shoulder the tax burden of their neighboring jurisdiction. In this sense, the professional services tax is akin to the hotel tax and the discredited commuter tax concept. Each is an attempt to shift the burden of D.C. spending policies from D.C. taxpayers—who are already at the breaking point—to residents of other jurisdictions. Mr. Speaker, Maryland and Virginia residents already pay out significant portions of their income to fund services and infrastructure in their own communities. They also fund D.C. operations—as do all working Americans—through their Federal tax dollars. If the District government were forced to view tax revenues as a finite source draw from its own residents, perhaps it would pursue more responsible spending policies.

A fine example of current spending policies is the recently publicized recreation center proposed to be built in Maryland for D.C. city employees. This $19.2 million project boasts 100 bedrooms, a lavish aerobics studio, and a 2,000 square foot weight room. The proposal was prepared by the D.C. Office of Personnel, the same folks that brought us the Virgin Islands trip 2 years ago. Can there be any justification for the construction of this "Greenbrier on the Potomac" in the face of budgetary constraints that strain fundamental civic services to the breaking point? I think not.

Mr. Speaker, the unprecedented economic boom that the Washington area has experienced over the last decade is beginning to level off. The District government must reawaken to the sobering truth that revenues are not limitless. Every aerobics studio built is a road unpaved, a housing violation uninspected, a policeman's pension unfunded, and a drug treatment center unstaffed. I urge city officials to return to fiscally responsible budgeting before the Congress is required to do it for them. The District of Columbia needs new spending priorities, not new sources of revenue.

MEDICARE ASSISTANCE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 15, 1990

Mrs. JOHNSON of Connecticut. Mr. Speaker, this week my colleague on the Ways and Means Health Subcommittee, Representative JIM MOODY, and I, introduced legislation to assist rehabilitation facilities and long-term hospitals, meeting the cost of caring for Medicare patients.

These hospitals are especially strapped by inadequate Medicare payments. Medicare constitutes approximately 50 percent of the caseload of long-term and rehabilitation facilities; the sickest and most complicated cases among the elderly fall to these institutions to treat.

Most Medicare patients come to a long-term or rehabilitation hospital after a stay in an acute-care hospital. Due to Medicare cost-saving measures, long-term and rehabilitation facilities now receive patients "quicker and sicker" and bear the responsibility for increased nursing and therapy services and often increased lengths of stay.

Because these specialized institutions are paid according to TEFRA rules and not PPS, those who began serving Medicare patients in the early 1980's when health care costs were comparatively low are now locked in to Medicare payment rates that are far below the true cost of serving Medicare patients.

Mr. Speaker, our bill would allow a long-term or rehabilitation facility to elect to change its TEFRA cost base year to 1988, which would provide them with Medicare reimbursements that better reflect today's health care costs.

We need to ensure that the highest quality of care is available to stroke victims, those who have suffered traumatic injury, and patients in need of long-term intensive assistance, such as those with severe respiratory failure. Help for rehabilitation and long-term hospitals, through support for this legislation, may make the difference between dependence and independence for countless Medicare recipients.

HOUSE OF REPRESENTATIVES—*Monday, March 19, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MONTGOMERY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 16, 1990.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on Monday, March 19, 1990.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O God, not only to read about Your Word or to speak Your name, but also to acknowledge Your goodness, to receive Your gifts and to trust You with all our hearts. May Your name, O God, which we so easily invoke at times of adversity, become not only a name which we call for in moments of need, but become a reality in which we can believe and hope each day of our lives. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. MONTGOMERY). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WALKER moves that the Journal of the last day's proceedings be read.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will read the Journal.

The Clerk proceeded to read the Journal.

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the Journal be considered as read and open to amendment at any point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. WALKER TO THE JOURNAL OF THE LAST DAY'S PROCEEDINGS

Mr. WALKER. Mr. Speaker, I offer an amendment to the Journal.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER to the Journal of the last day's proceedings: Strike Executive Communication 2748—A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1989, pursuant to 5 U.S.C. 552b(j).

□ 1210

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 1 hour.

Mr. WALKER. Mr. Speaker, the amendment that I am offering to the Journal would strike from the Journal's proceedings of last week a letter from the Chairman of the Board of Governors of the Federal Reserve System transmitting a copy of the annual report in compliance with the Government Sunshine Act to this body. The reason for striking this particular provision is because I am somewhat concerned that this body ought not be receiving any kinds of communications with regard to Government in Sunshine.

It is now apparent that this body is unwilling to work in sunshine itself. I refer, as an example of the problem, to the situation that has now arisen on child care. As of late last week the minority leader and the other members of the minority leadership were told on the House floor that there were no plans to bring that particular bill to the House floor.

If Members go to the CONGRESSIONAL RECORD of the day on which we had the schedule announced to the House, it was said by the gentleman from Texas [Mr. FROST], who was handling the schedule on the other side, "It is not on the schedule for next week as of this point, but it is the Speaker's intention it be considered by the end of March." Then all of a sudden, the next day, what does the minority find out, that this very important piece of legislation that has been a matter of months of negotiations is now going to be put on the Calendar without notice to the minority. In fact, it is my understanding that the minority leader did not find out until Saturday about this particular change in the schedule.

I would say to the House that this is not us operating in sunshine. This is the majority leadership going behind closed doors making their own determinations and then coming to the House floor with their own announcement.

I would also refer the House to the fact that in the same situation we were given several different schedules of the House of Representatives supposedly to inform the Members. On Thursday morning we were given a schedule. It had nothing on it with regard to the question of bringing up child care; as of Thursday afternoon, nothing on it with regard to the question of bringing up child care. Schedule No. 4 that was received late Friday afternoon, as a matter of fact because of a mistake, our minority leadership did not get a copy of this schedule until today, and we finally find something that has the schedule on it indicating the majority is now going to bring this very important piece of legislation to the House floor.

Again, I would say to the Members that is not operating in sunshine. It seems to me to raise real questions about our commitment to the idea of Government in Sunshine if we cannot bring ourselves to even give the minority party some substance, some little bit of hint that this major piece of legislation might be brought before us.

It is clear that the majority feels very, very strongly that they cannot have this bill out for much observation for a very long period of time, that they have gone behind closed doors, they have cut their deals, and now they want to rush it to the floor without judgment.

They tell us we are going to go to the Committee on Rules on the child care bill tomorrow. We have not even seen the bill. We do not even know what to ask in terms of rules provisions. There is absolutely nothing that we have at the present time that gives us any knowledge about what we ought to be asking for in the Committee on Rules.

I would say to the House that that is not the Government operating in sunshine.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. WALKER. I am happy to yield to the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague, the gentleman from Pennsylvania, for bringing this to the attention of the Members.

I have been sitting here listening and learning as all of us are learning as we move along, and the gentleman describes what is going on.

I want to make sure I understand what the gentleman has said. This major bill that is now set for hearing by the House for a vote on Wednesday is not even in print?

Mr. WALKER. My understanding is that we have not seen a copy of it. I cannot imagine that it is in print, because no one has circulated copies to our side of the aisle. We do not know at the present time what the provisions of this bill may be, because no one from the minority has been consulted in the process of putting it together, and so we are supposed to go to the Committee on Rules tomorrow and respond and react to a bill that we have not had any input on, that we have not even seen at the present time.

Mr. NAGLE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Speaker, I just came to the floor, but it seems to me that I have sat in this Chamber now this year and heard nothing but praise from my distinguished colleagues on the minority side about how they have been treated so fairly this year.

Mr. WALKER. It just ended, I would say to the gentleman.

Mr. NAGLE. Mr. Speaker, does the gentleman from Pennsylvania wish to retract all of the nice things he has said about us?

Mr. WALKER. No. I think up until now that we thought we had been treated fairly and that we were being dealt with as partners in the legislative process. All of a sudden the partnership seems to be, and I would say to the gentleman that I control the time, and I will be happy to yield to him in a moment, but let me say to the gentleman that that partnership seems to have been unilaterally dissolved. That is what we are concerned about. That is the reason for the action on the floor. We were somewhat stunned to find out, despite the fact that we asked specifically about child care in the legislative schedule last week, and we were told that it might come up sometime before the end of March, and I will be glad to yield to the gentleman in just a moment if he will allow me to finish my statement, and we have an hour of time here, and the gentleman will have plenty of time to make his statement.

We were somewhat surprised to find out the very next day that they found a way of slipping this onto the schedule of at least the Committee on Rules for the upcoming week. So I would say to gentleman that that was the unilateral dissolution of a partnership we thought was working, and we are sorely disappointed.

Mr. NAGLE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Speaker, the gentleman acknowledges that this year he does not retract all the nice things he said about how the majority has treated him. He simply contends that on this occasion it is his understanding he has not been treated fairly and, therefore, that is cause to assault the majority party's conduct in this institution for the entire year, or only for today?

Mr. WALKER. I would say to the gentleman that we think that a working partnership in legislation has to be an everyday thing. It is not something that is turned on and turned off at will. It seems as though when the majority thinks that they cannot win without resorting to unfairness, they resort to precisely that as a tactic, but when it is perfectly comfortable for them to be fair, then they decide to be fair. We are saying that is not the fairness that we are talking about, that what we want is fairness on an everyday basis. It is not the kind of thing which I think enhances the ability of this body to do its business to have the minority completely in the dark about a piece of legislation that could have momentous provisions for both the present and the future of this country.

Mr. NAGLE. If the gentleman will yield further, the gentleman would acknowledge, and I just have a little litany here that I would like to go through with the kindness of the gentleman from Pennsylvania; first of all, I would like to note that, and tell me which one of these is wrong if the gentleman would, first of all, a similar bill to the one being considered on Tuesday was reported last year, a bill on child care was considered on the floor, and debated last year. The Committee on Rules was notified on Friday, which is the proper procedure.

Mr. WALKER. Let me reclaim my time if I could. The Committee on Rules was evidently notified before the minority leader was notified, and that tells us something about the kind of process that we are using here, that the minority leader does not find out, and if the gentleman is confirming that the Committee on Rules knew about it on Friday, that is somewhat interesting to most of us, because none of us did, and it would be nice if the body would have known or if this could have been announced on Thursday.

Mr. NAGLE. If the gentleman would be gracious enough, having yielded to me, to allow me to make an inquiry, and if the gentleman will allow me to continue so that our side can be heard. Or does the minority resent that opportunity?

Mr. WALKER. No. I have been very happy to yield to the gentleman. I have shown the gentleman a great deal more courtesy in this debate than we were shown on the question of bringing the bill to the floor, but I will be glad to yield to the gentleman.

Mr. NAGLE. I note that the floor schedule was given to the Republican whip on Saturday, because I read the Republican whip's comments about the bill Saturday in the paper. I would further inform the gentleman that no final copy of the bill exists.

Mr. WALKER. I will say to the gentleman, before he makes that kind of statement and says something which is not true, we found out about it not because we were handed a schedule but because we picked up a rumor that this might be true and began to call around. We could not believe it was true when we heard it, because we had been assured on Thursday in the meeting on the schedule that child care would not be coming up.

Mr. NAGLE. The minority whip's comments on Saturday were quite specific on a clause of the bill. I would take this opportunity to inform the gentleman, if the gentleman is interested, that no final copy of the bill exists, but it will be furnished to the minority as soon as the majority receives it.

Mr. WALKER. Let me reclaim my time. Here we are on Monday and we are going to the Committee on Rules tomorrow on this and no copy of the bill exists?

Mr. NAGLE. The same bill that was debated a year ago.

Mr. WALKER. No; no. The bill we are going to be considering on the floor Wednesday, no copy of that bill exists?

Mr. NAGLE. So, you see, we are both on equal footing.

Mr. WALKER. The gentleman may regard that as even footing from his standpoint. I would say the minority that has not been a part of the negotiating session that made the deal to write this bill probably thinks that maybe it leans a little bit in his direction.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman.

This minidebate just held here points up another facet of this overall debate.

□ 1220

When we entered this session, all of us were very confident that under the

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new majority leadership, that we would have a balanced approach to legislation.

Further, I recall that there was a great effort to say that in a couple of major issues, like campaign reform and child care, that there was a tacit, if not overt, agreement, that nothing would be brought to the floor except through a bipartisan approach to those particular issues.

I remember that very well, because I remember the chagrin that was expressed by the minority leader on campaign reform when that tacit agreement or overt agreement seemed to have broken down.

Now we are faced with child care, a monumental issue, which should have the fullest opportunity for bipartisan approach and bipartisan amalgamation of ideas before it reaches the full debate to which it is entitled on the floor of the Chamber.

That is why this is not just an exercise in pique on the part of the minority, this shows again that the majority will be fair when it is in its best interests to be fair, and otherwise it will trod its own ground.

Mr. NAGLE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. The gentleman does not control the time; this gentleman controls the time, and I will be happy to yield to the gentleman from Iowa [Mr. NAGLE].

Mr. NAGLE. If the gentleman will then ask his colleague, since I cannot engage in a colloquy with him, it seems to me that I have been in this Chamber all year long hearing praise from the minority about how fairly they have been treated. Now an important bill comes up, and does the gentleman wish to retract all the nice things that were said about us?

Mr. WALKER. Let me reclaim my time. The gentleman seems to want to make a point that we have been willing to praise the majority for continuing a pattern of fairness to the minority over a period of some months. But I will say to the gentleman, just because we are capable of saying nice things when we are being treated fairly, doesn't mean that all of a sudden you can swoop out of the back rooms and come onto the floor and decide to be unfair. That is not the legislative process. We operate under procedures and rules here which are supposed to guarantee fairness to all. Now what we are having is a dialog about just how unfair this particular procedure has become.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. I thank my colleague for yielding to me this time. Through the gentleman from Pennsylvania [Mr. WALKER] I would like to ask the gentleman from Iowa [Mr. NAGLE] a question about this bill. I am just curious if the gentleman knows.

One of the major items of difference between the Democratic majority and the Republican minority on this bill is we have been negotiating in an effort to make sure that the bill permits an exemption for religious tenets purposes.

So I will ask the gentleman from Iowa [Mr. NAGLE], does the bill that now is set for hearing on Wednesday provide for at least a vote by the House on the issue of exempting from their proscription of the bill as the last time I saw it the item of religious tenets?

Mr. WALKER. Can the gentleman from Iowa [Mr. NAGLE] inform us of that? I will be glad to yield to the gentleman from Iowa.

Mr. NAGLE. Mr. Speaker, I wish to assure all the gentlemen that that issue of religious freedom that the gentleman raises, and by implication implies that somehow Democrats are opposed to, is being worked on. It will be considered in the bill. And I am certain, as certain as I stand here, that those issues will be fully debated as to the best way to preserve that constitutional right.

Mr. WALKER. Mr. Speaker, reclaiming my time, let me say to the gentleman that the bill has been decided upon. You all have worked the bill out in the back rooms. What we are wondering is whether or not the bill that goes to the committee tomorrow is going to have a provision in it to assure that those child care facilities that provide religious instruction will continue to be eligible to receive the benefits of the program having that kind of instruction in their facilities.

Can the gentleman from Iowa [Mr. NAGLE] answer that?

Mr. NAGLE. Perhaps I can reassure the gentleman that those provisions are still being worked on and voices are still being sought from both sides of the aisle.

Mr. WALKER. I see. So we have a bill going before the Committee on Rules tomorrow that the majority has not even finished their back room negotiations on yet. Is that what I am hearing?

Mr. NAGLE. If the gentleman will allow me to continue, having yielded to me, of course it is difficult to carry on this dialog when the gentleman yields and then when I start to say something the gentleman does not like, interrupt me and reclaim his time.

Mr. WALKER. I think we ought to clarify here.

Mr. NAGLE. I rest my case on that point. I will be very happy to suggest to the gentleman that those issues will be brought before the floor for full debate. The reason is its difficult and delicate nature, which the gentleman from California [Mr. DANNEMEYER] so properly raises, is of concern to Members of both sides. No final provisions on that have been written. That is under the House rules in part the purpose of the Committee on Rules, to prepare amendments to make sure that in fact both sides of the question are fairly conducted.

And I would point to the gentleman, if I may, and then I will allow him to continue his dialog here, that we have strenuously worked this year to allay the fears of the minority. The fact that we are doing a bill this year that was closely debated last year, and we are doing it as quickly as we possibly can, does not mean we have abandoned our principles of fair opportunity for the minority to be heard. And the fact that the calendar is quick does not mean that the opportunity will not be heard. I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman for his point. But under whose perception is that your standard? It is certainly not our perception. We are the kickees on all of this, and it is certainly not our impression that we are being treated fairly in this regard. It may be the impression of the gentleman from Iowa [Mr. NAGLE], but I would say that the gentleman may have a somewhat different view of the situation than those of us who are a part of the process.

I yield to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. I thank the gentleman from Pennsylvania [Mr. WALKER] for yielding, and I really want to direct a question to him. Judging from the remarks made by the gentleman from Iowa [Mr. NAGLE] just a moment ago about the ability of all Members fully to debate the issues that the gentleman from California [Mr. DANNEMEYER] raised, I would presume that that means that the majority will be going to the Rules Committee tomorrow to ask for a rule on a bill that does not exist that will allow full debate. In other words, an open rule for debate on this issue on Wednesday.

Is that the understanding of the gentleman?

Mr. WALKER. Well, I would think that given the information that we have just heard here, that the fairest way to assure that sunshine does prevail on this bill would be to have an open rule, give all Members the opportunity to come out and amend those sections of the bill they think should be amended, because it is apparent that not even the majority at this point understands what is in the bill, knows what the bill is going to look like when it gets to committee tomorrow.

It seems to me the only rational decision would be to allow an open rule and allow full consideration through an open rule. I think the gentleman from Arizona [Mr. RHODES] is absolutely correct.

Mr. RHODES. If the gentleman will yield further, I would simply say that that seems to be the only way that this nonfinal piece of legislation which is still being negotiated, according to the gentleman from Iowa [Mr. NAGLE], could possibly be handled on the floor on Wednesday, in the manner which he described, with full, fair, open debate on all of its provisions. It would have to be under an open rule.

I thank the gentleman for yielding.

Mr. WALKER. I thank the gentleman very much. That is the point that I want to make. If we are committed to sunshine in this body, as the reception of reports from the various agencies seems to indicate that we are, then it seems to me that sunshine ought to prevail in the consideration of this piece of important legislation.

Mr. PETRI. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be happy to yield to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. I think there is a point that is worth making too, and that is not only are we in the dark at this point and many in the majority in this body in the dark, but the American people are in the dark. We as their Representatives are going to have to be voting on something with very little ability to hear from our constituents and groups who are affected by this important legislation.

We all know that toward the end of a session it is sometimes necessary on fairly short notice to bring up a bill and to pass it because we are going home and we have to complete our work.

But we still have 8 or 9 months to go in the year. There are some delicate political issues that are going to be in this legislation. It seems to me it is in the interests of the Members of the majority, as well as of the minority, to get the advice and counsel and reaction of their constituents on an important piece of national policy.

Therefore, it would be good if it would go in the ordinary course to the Committee on Rules and to the membership the following week, rather than still not being evidently resolved and public within the majority caucus, let alone be known to Members of the minority.

Mr. WALKER. As the gentleman knows from his long experience here, often when there is a rush to judgment legislatively, it is because we do not really want the public to find out what is in the legislation. What has happened too often in those cases is when the public has found out, there has been an outrage about the things buried down in that kind of legislation.

In a piece of legislation that is as important as child care, it would seem rational that everybody would understand what it was Congress was doing before Congress set a course for the country in that direction.

I will be glad to yield further to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. I thank the gentleman for yielding further. Another point that should be made is that once Members vote on this legislation, it will not go to the President and become law, it will go to the Senate. They presumably will act on some legislation, and it will go to a conference committee.

It seems to me that we will actually retard the process by acting quickly and in relative ignorance with a noninformed constituency and community, rather than airing it and getting a fix on this bill at this stage, so when we do go to conference, people have some idea where the pressure points are in the legislation and what changes need to be made to actually get a good new piece of national policy in the important child care area in place in this Congress.

Otherwise it is going to degenerate into political games, and an awful lot of poor working people who are trying to provide for their own families are going to be hurt. I hope that is not the intention of any Member as this moves forward in this unusual way.

Mr. WALKER. I thank the gentleman. I think he makes an excellent point.

Mr. KYL. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I would simply like to clarify with the help of the gentleman exactly what will result from the vote which I presume we will be taking momentarily on the motion of the gentleman from Pennsylvania [Mr. WALKER].

As I understand it, we will be voting to delete a part of the record which relates to a subject that is unrelated to the matter of child care, except with respect to the fact that it deals with the subject of sunshine, which the gentleman has so ably pointed out has been sadly lacking in this particular situation.

□ 1230

So that if this body approves the gentleman's motion, we will be making a symbolic gesture? We will be, as the House of Representatives, voting expressing our will through this symbolic gesture that there should be more time, that this bill should not be proceeding as it is and, therefore, as the gentleman from Wisconsin just pointed out, enable both the Members of the body as well as the American people to have a better look at this legislation which still has not been written, or at least which we have not seen, and, therefore, be able to better debate its merits, decide what amendments to propose to take to the Rules Committee and so forth; is that a correct understanding?

Mr. WALKER. The gentleman is absolutely correct. All we would be doing is striking Executive Communication 2748 from the RECORD or from the Journal of last Thursday.

Mr. KYL. But because of the rules around here, and not having the bill in hand to go to the Rules Committee and so on, that is about the best we can do, is make this symbolic point?

Mr. WALKER. When I read through the Journal for last Thursday, this was about the best we could do in order to get a little bit of talk about what we think is a substantive issue.

Mr. KYL. I thank the gentleman for yielding and commend him for bringing this to our attention. I would not have known about it otherwise. I think it is an important point, and regret that the procedures here have come to the point that they have.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was agreed to.

Mr. MILLER of California. Mr. Speaker, I move that the Journal, as amended, be approved.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MILLER].

The motion was agreed to.

The SPEAKER pro tempore. The Journal, as amended, is approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GEKAS] will lead Members in the Pledge of Allegiance.

Mr. GEKAS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ONE BASEBALL FAN WHO NO LONGER CARES

(Mr. HUBBARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUBBARD. Mr. Speaker, in 1945 when I was only 8 years old, my dad took my 4-year-old brother Kyle and me to see a Brooklyn Dodgers-Cincinnati Reds baseball game at Crosley Field in Cincinnati. I grew up a Cincinnati Reds baseball fan and have been a long time.

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There was a time in my life when I thought Stan Musial, Ted Williams, and Joe DiMaggio were more important than the President of the United States.

Even last year, at age 52, I attended 11 major league baseball games.

Here's one baseball fan who no longer cares. I'll not spend a dime this year to contribute toward the arrogant, greedy major league baseball owners and players.

It suits me if the entire 1990 baseball season is eradicated.

When I was in western Kentucky this weekend I discovered that dozens of other avid baseball fans won't attend any games this year either.

There are baseball fans who are calling on Congress to place major league baseball under Federal antitrust laws.

Major league baseball has had special considerations for decades, including being exempted by Congress from Federal antitrust laws.

March 19—and no major league baseball yet. This hasn't happened in America since 1868.

But when many of us think of 1990's owners' and players' greed—who cares?

Personally, I'm enjoying the current college basketball tournaments and look forward to football season.

DEUTSCHE MARK ÜBER ALLES

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, 4 months ago the Berlin Wall came down, burying communism in East Germany under the rubble. But unlike the walls of Jericho, the Berlin Wall did come down to the sound of the bugles from the outside. It came down in response to the wailings and prayers of the slaves inside.

Now the former slaves have gone to the polls in the first free elections after Hitler abolished the Weimar Republic 57 years ago, in 1933. Yesterday, a group of conservative parties, led by the Christian Democrats and actively supported by Chancellor Helmut Kohl of West Germany, scored a surprising victory. This was an impressive vote for German unity.

The tide in the world favoring free elections and free markets is unmistakable. But those with a keen power of perception also see in the East German vote a tide favoring strong currencies firmly removed from the political arena. The election-slogan "Deutsche mark über alles" signifies a message to Washington. A strong and stable economy is incompatible with a weak and unstable currency. At the same time when Hitler abolished free elections in Germany, President Roosevelt abolished the stable dollar in America. Today, the dollar is still a plaything in the hand of speculators and lobbyists.

The challenge from Germany is not an economic or political one; it is a challenge calling for a strong and stable dollar, a dollar which will not blink when confronted with the deutsche mark.

SUPPORT FOR CONTINUED FUNDING OF SDI

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, this week marks the seventh anniversary of the Strategic Defense Initiative Research Program. It was on March 23, 1983, that President Reagan publicly challenged the American scientific community to save lives through strategic defenses rather than to avenge them through massive offensive nuclear retaliation.

America's scientific and contractor communities have responded brilliantly to this challenge. Last weekend I received briefings from several SDI contractors and representatives of the Lawrence Livermore Laboratory where the Brilliant Pebbles component of the SDI is being developed. Based upon my discussions with these people, and what I saw, I am convinced, as is Secretary Cheney, President Bush, Vice President QUAYLE, and others that the technology is in hand in develop and deploy strategic defenses. Obstacles to deploying defenses are political, not technological. The SDI organization and its contractors are making real progress.

I strongly urge all of my colleagues to arrange to visit SDI facilities to see firsthand the remarkable progress accomplished in this program. I think they will be convinced, as I am, that we should continue to support funding for the strategic defense initiative.

LEAPING FOR LIBERTY

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, they have leaped for liberty in Leipzig and they got it. They are also leaping for liberty in Lithuania, and we are not so sure about what that outcome will be, but in both cases they merit the attention of the free world, and they merit the cautious outlook on the part of the American public as to how best we can help that ever-evolving process of democracy all over the world.

The reunification of Germany has tremendous opportunities yet certain reservations about which we must be clear. The events in Lithuania call for a great endorsement of the opportunity of those people to secede from the Soviet Union, but the dangers that are lurking are signals to us that we must be ever on the alert.

This is no time to declare an out-and-out peace dividend when we cannot gauge what the events will be from day to day. We can rejoice for the moment, but at the same time keep guard over our resources and over our mandates throughout the world.

□ 1240

JAPANESE CHALLENGE—AMERICAN RESPONSES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, a plethora of books on the Japanese economic challenge has been published during the past year or so.[1] Working through this material may be a bewildering experience for anyone. While the basic facts concerning the phenomenal growth of Japan's industrial and financial prowess are not in dispute, there is wide disagreement about the genesis, the significance, and future implications of these developments. One of the most vexing questions confronting American policymakers is this: do the Japanese know something we do not? It is both ironic and ominous that the same question—with the cast reversed—plagued Japanese military planners 45 years ago, until their query was answered in Hiroshima.

Most observers dismiss this anxiety as alarmist and stress that America's economy is as powerful as ever after several years of unprecedented peacetime expansion. They insist that Japanese investment here is smaller and less important than the current hysteria suggests, and they view the Japanese trade surplus is a short-term rather than a long-term phenomenon. Other observers, apparently a minority, argue that America's loss of market share, manufacturing jobs, technological and financial leadership to Japan reveals a process which is irreversible—unless the trend of falling American incomes and savings, and the trend of growing American deficits and debts, relative to those in Japan, can be decisively arrested. In one author's bleak scenario, the cold war with the Soviet Union will be succeeded by a cold war with Japan.[2] The new cold war will not be driven by a race for military superiority but, more subtly, by the quest for economic and technological domination.

Japan now has a higher gross national product per capita than the United States, and its wealth is not

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Footnotes at end of article.

sapped by ever-increasing interest-payments to foreigners. America's debtor status and dependence on foreign capital have put the Nation increasingly at the mercy of the Japanese. Perhaps there is, after all, something the Japanese know but we don't.

A typical response to the Japanese challenge is the "Proposals for a Renewal of American Industry" by Prof. Bruce Scott of the Harvard Business School.[3] It is a sober analysis of five disturbing economic developments in America, which have been obscured by a steady stream of optimistic statistical indicators on jobs, gross national product, and by buoyant stock and bond markets:

First, Japanese firms have increasingly replaced American manufacturers as internationally successful producers of quality, future-oriented merchandise.

Second, U.S. debt of all kinds is at record levels and still increasing, with no hint how this debt will ever be extinguished, short of a default.

Third, annual trade deficits—reaching $174 billion in 1987—have ended 80 years of trade surpluses, raising serious questions about the productivity and competitiveness of American industry.

Fourth, the gap between the rich and poor in America continues to widen, contributing to the growth of an underclass lacking the knowledge, skills, and attitudes to get and hold a good job.

Fifth, in the United States, we are neglecting investments in infrastructure, research and development, as well as public education, that are necessary for continued economic growth.

The first pillar of Professor Scott's competitive global strategy designated to eliminate the trade deficit and put the United States on a path of climbing incomes and living standards relative to Japan is to devalue the dollar—again. The professor is not alone in advocating deliberate currency debasement as a valid measure to help America resume its former role of world economic leadership. The majority of American economists appear to be sympathetic to this suggestion. The most vocal among them, Professor Martin Feldstein, chairman of the Council of Economic Advisers in the first Reagan administration, continues to urge the policy of dollar devaluation in order to deal with the trade deficit. In the lastest issue of the influential quarterly Foreign Affairs, Jeffrey E. Garten writes that an agreement with Japan and Germany to put the dollar back on the downward escalator would be the most important step in addressing the trade and financial imbalances that are growing again.[14]

The most amazing aspect of this suggestion is that the period during which Japan has eclipsed America as the world's economic leader exactly coincides with the period during which the dollar has been devalued, from a high of 360 to a low of 120 yen, or by two-thirds. It is possible that professors Scott and Feldstein, and investment banker Garten are advocating a bankrupt strategy, which can only reduce the American economy to a subservient status vis-a-vis the Japanese? Can it be that Japan's secret weapon is its relatively strong currency?

There are good reasons to assume that the answer to these questions is "yes." Japan did not eclipse America economically by listening to the siren song of currency debasement. On the contrary, Japan has proved that the most effective tool a government can put into the hands of every businessman and financier—and, for that matter, into the hands of wage earners, who do most of the country's saving—is none other than a strong currency which must be held above politics, agitation, and demogogy. No country in history has ever achieved economic greatness through systematic currency debasement. By contrast, great countries such as France, Britain, the Soviet Union, China, and the United States—not to mention a host of smaller countries—have seriously injured themselves economically whenever they tried to have recourse to the policy of deliberate currency depreciation.

What is it the Japanese know and we don't? It is the fact that you *can* live with a strong currency even as your trading partners are deliberately debasing theirs. It is the fact that a weak currency can never make the country's industry and financial system strong. It is the fact that you cannot seek world economic leadership while stooping to the chicanery of currency manipulation to the detriment of savers at home and creditors abroad. America's economic injuries sustained in the arena of industry, productivity, competitiveness, saving, finance, and trade are entirely self-inflicted. They have been inflicted on the American people by the government, in espousing the gospel of currency debasement and perpetual debts. The Japanese people are more productive because they are not so inflicted, or they are inflicted to a lesser degree.

Most Americans are unable to bring themselves to see the problem in these terms. How much more humiliation do we have to suffer before they, too, will come to see the light? The world's ten largest banks used to be American, not so very long ago. Aided by huge trade surprises, high savings rate, and low cost of capital, Japanese banks have by now replaced every one of them. Yet American observers choose to remain blind. Prof. Jeremy Siegel of the University of Pennsylvania's Wharton School is quoted in the Wall Street Journal as saying: "Competition in banking is unlike [that in] automobiles; quality doesn't enter into it: money is money."

Of course, the Germans and the Japanese know better. Between money and money, there could be the difference of heaven and hell. Money does have quality—independent of quantity, or the rate of growth thereof. The source of this quality is found in the government's determination to remove and keep the issue of the value of money from the political arena, so as to prevent it from becoming a plaything in the hands of demagogues and speculators. All the evidence shows that the American government is deficient on that score. It does not help matters to try and make a virtue of this deficiency. At the same time the Japanese government, without much fanfare, is holding on to the principle of sound currency, namely, that money and politics do not mix.

Not only is there such a thing as the quality of money, but it is clearly measurable. It is measured by the rate of interest. The relationship—as that between quality and ordinals—is inverse. The lower the rate of interest, the higher quality of money—and a higher savings rate—is indicated. This observation goes right to the heart of the matter. Savers are fully alive to the deterioration in the quality of money. They react by saving less using assets denominated in the depreciating currency. This raises the relative cost of capital in the country whose government has higher tolerance for currency depreciation. The greater cost of capital shows up as a deficit in the country's trade accounts. When the nostrum of currency debasement is promoted as a cure for those deficits, a vicious spiral is set into motion. Yet currency debasement could only aggravate the trade deficit, since it is the primary cause of the condition.

The only way to cure our perennial trade deficit is to bring down the marginal cost of capital in America to or below the level prevailing in Japan. This shall of course happen, whether or not the U.S. Government adopts the appropriate policy. But in the absence of a policy to stabilize the dollar, the cost of capital in this country will be brought down by the Japanese making further inroads upon American finance. Japanese superbanks, which control the world's largest and cheapest supply of capital, will take over from home-grown suppliers of funds the role of financing American technology, research and development. This is not the place to analyze the national security implications of this development. But the effect on the American banking industry would be devastating.

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The balance sheet of the American banks is already top-heavy with hidden losses and dubious assets, such as nonperforming loans, mortgages, and third-world debt—which compare very unfavorably with the strong assets of the Japanese banks. If the American banks were forced to move further down on the credit-quality ladder, and the Japanese banks were allowed to retain their capital advantage and pricing power to dominate the lending market for high-quality American corporations, then it takes no great perception to discern the outcome. Not only is the Japanese banking system poised to dominate world finance, but the American banking system is being set up as the fall guy in case of an international monetary panic.

Most American economists hold that inflation is malignant only insofar as it vitiates the predictability in the value of the monetary unit. In their view, if we grant predictability, inflation becomes benign, even beneficial. As the real rate of interest is increased by the known rate of inflation, no further losses can accrue to creditors or debtors, and all economic distortions are ironed out.

This naive view begs the question. The stabilization of the rate of monetary depreciation under the regime of irredeemable currency is, for all we know, an insoluble problem. You can inflate the stock of money at a constant rate, but there is no way to predict how soon or how severely the market will react to it. There is no necessary relationship between the growth rate of currency in circulation and the value of the monetary unity. You may indeed regulate the former, but it is a serious mistake to assume that this amounts to regulating the latter.

Be that as it may, the problem remains even if we admit that the rate of inflation can be stabilized. Prof. Ronald I. McKinnon of Stanford University is one of the few economists recognizing the damage caused by a decline in the value of the monetary unit.[5] He argues that even a predictable erosion in that value causes a shrinkage of the time horizon of business, with serious further economic consequences concerning savings, investments, and competitiveness.

The suggestion that a currency with a predictable value is as good, or is better than, a currency with a stable value, ignores the problem of capital accumulation, and the related problem of capital maintenance. Capital is highly perishable in that it wears out in use or with the passing of time. In this fundamental fact of life lies the greatest challenge to business and government. Adequate provision for capital maintenance in the form of depreciation quotas must be made, even before provision for the payment of taxes, wages, and dividends. Subsequent corruption of these quotas through currency debasement means capital destruction, leading to impaired productivity and, eventually, to the demise of enterprise. An upward adjustment of the rate of interest not only fails to compensate for this corruption: It makes the problem more acute. Capital is siphoned off from existing projects in favor of new schemes.

If the practice of neglecting capital maintenance in a country is widespread, as it is under an eroding currency unit, then it will lead to the withering of enterpreneurship, to economic stagnation and decline. Here is how the process works. As the erosion in the value of the monetary unit is compensated for by an increase in the nominal rate of interest over the real rate, the time horizon of business and government will shrink. The greater is the erosion, the greater will be the shrinkage. As long as the nominal rate of interest exceeds the real rate, some profitable investments with extended amortization schedules will not be made, even if the rate of currency depreciation is perfectly predictable. Investments made prior to the rise of nominal interest rates will be wasted, for lack of adequate capital maintenance.

A large part of what we see in America today, by way of a deteriorating infrastructure, is an example of this phenomenon. The decay of our inner cities, railways, highways, bridges, airports, et cetera, simply mirrors the decay of the currency. The infrastructure is not adequately maintained because, after its construction, the time horizon has shrunk, leaving amortization out in the cold. Profits and taxes are spent on other projects with shorter amortization schedules.

It is important to note that this phenomenon has nothing to do with changing profitability. Even profitable investments will be abandoned if the payment-stream for their capital maintenance can be redirected to short-term projects of the same degree of profitability. The culprit for capital decumulation is not shifting profitability: It is the erosion in the value of the monetary unit.

The effect of higher nominal interest rates on the time horizon is familiar to everyone who has ever tried to pay down a mortgage on his house. The monthly blended payments of interest and amortization are almost all interest, and only negligible amortization, early in the life of the mortgage. By contrast, they are almost all amortization, and negligible interest, at the end. Thus, rising nominal interest rates simply push amortization farther off into the future. Every rise will force the marginal homeowner to walk away from his mortgaged home, abandoning his equity. By the same token, high nominal interest rates render some means of production—plus much research and development—submarginal, even before its useful life is over. Investors are conscious of capital preservation, and they will always choose projects with the shortest amortization—other things being equal.

It is futile to blame business for the obvious decline in American productivity, competitiveness, and enterpreneurship relative to the Japanese. The American businessman is not less patient than his Japanese colleague because of a congenital condition in his brain. He is less patient because his time horizon has been artificially shortened, thanks to the ill-advised decision to debase the dollar relative to the Japanese yen. In consequence, American businessmen will be more interested in hamburger-flipping franchises, and will leave research and development, and the deployment of industrial robots, to the Japanese.

The way to restore the time horizon of American business is not through administrative measures. It is through the elimination of the inflation premium from the interest-rate structure. This can only be done through the stabilization of the dollar. Failure to do so will reduce America to the status of a second-rate industrial power.

This is not the first time that the problem of stabilizing the dollar presses itself upon the country. The longest period of economic contraction in our history—65 months, from October 1873 to March 1879—was recorded when we were suffering from another bout of high interest rates, causing stagnation in productivity, competitiveness, and entrepreneurship. Then, as now, it took great political courage to advocate currency stabilization. The credit must go to Secretary of the Treasury John Sherman, a man of great vision and highest integrity, who defeated the demagogic and parochial agitation in favor of the regime of a weak and depreciating dollar in Congress.

When in 1879, after more than 5 years of depression, a return to the regime of a stable dollar brought down interest rates dramatically, an incredible wave of economic optimism swept through the Nation. The next 4 years were characterized by an unusually rapid rise in production, and in the stock of money. The former rose by nearly 25 percent and, the latter, by over 50 percent. Growth of personal income averaged 8.4 percent a year from 1878 through 1882. The Consumer Price Index did not rise at all, in spite of the growth in the stock of money at a rate that topped 20 percent in the first 2 years, and averaged 12.6 percent over the whole period. The fiscal results were equally satisfactory. Federal tax receipts rose by 47 percent from 1879 to 1882, with no increase in tax rates of tariffs. The budget surplus rose from $7 to $146 million—over half of the total budget. After rising by 8.4 percent a year from 1878 to 1882, real growth slowed to a still respectable 5.3 percent a year from 1882 to 1892.

Those were years of unparalleled prosperity and business expansion, laying the foundation for America's economic greatness. The lessons of this episode in our economic history are directly relevant to our present plight. Once again, the regime of high interest rates causes capital decumulation and stifles entrepreneurial initiative. So far our economists and policymakers have ignored these lessons.

In 1879 the stabilization of the dollar was preceded by legislation mandating a return to the gold standard, after an 18-year interregnum. Throughout the Civil War and during the Reconstruction, the Union government was able to borrow at a relatively low rate of interest, because the gold clause in government bonds was honored. The greenbacks of the Civil War, unlike those of the more recent vintage, were not unconditional legal tender: the government could not use them to pay principal and interest on the national debt; importers could not use them to pay tariffs. They had to have gold dollars for these purposes.

Nevertheless, debt between private contracting parties was subject to interest payments at a much higher rate, reflecting the uncertain value of the paper currency unit. It was this regime of high and volatile interest rates which figured so prominently among the causes of the depression 1873-79. It was this obstacle in the way of prosperity which the 1879 monetary reform was designed to remove. In spite of initial resistance on the part of its numerous detractors, the reform succeeded beyond the highest expectations.

American short-term interest rates, although very volatile during the 1980's, averaged about 7 percentage points higher than their Japanese counterparts. What is more, this comparison understates the advantage of Japanese producers. A great many American producers now borrow by floating "junk bonds" that bear interest at a rate some 4 percentage points higher than prime corporate issues.

The causes of this disadvantage are manifold. One is our policy of taxing capital, under the disguise of taxing capital gains. Japan does not tax capital—or capital gains. Taxing capital drives out equity and replaces it by debt, putting an upward pressure on the interest rate structure.

Another cause is the lower savings rate in America. It could be argued that our savings rate would match that of the Japanese if we included the growing surpluses of the Social Security trust fund, which have no counterpart in the Japanese economy. Theoretically, the healthy condition of this trust fund should keep interest rates low in this country. But it does not, because these savings are promptly dissipated in the form of Government spending.

The mischief lies not in the fact that the Government spends the surplus of the Social Security trust fund, but in the misrepresentation of an unfunded liability as an income-earning asset. Far from building income-producing assets which can be drawn upon later to pay benefits, the Government magnifies its future liabilities by paying interest to itself on its own IOU's. Since these obligations will have to be covered by future borrowings, the Social Security trust fund has an upward, rather than a downward pressure on the interest rate structure.

Moreover, the excess Social Security tax has worsened our competitive position vis-a-vis Japan, by raising the price of American labor above what is require to pay Social Security benefits. As Paul Craig Roberts, an economist at the Center for Strategic and International Studies has pointed out, every dollar by which payroll revenues exceed benefits in effect prices out American labor out of the world markets—for no good purpose.

But the main cause of the American disadvantage in the face of Japanese competition is currency debasement. The Japanese Government can borrow at a lower rate of interest than the Government of the United States because, in the judgment of the markets, the yen will erode at a slower rate than the dollar. If the U.S. Government wanted to borrow at the lowest available rate of interest, then it should make its debt gold-bonded. As the historical evidence of the Civil War and the Reconstruction indicates, this is possible even if the Government remains uncommitted to a gold standard. The country can benefit from the lowest interest rates which only gold bonds can bring, whether or not Congress has the votes to enact a gold standard bill. Herewith a very important policy alternative presents itself, bypassing formidable political obstacles such as finding politicians willing to fight an election on the issue of the gold standard.

Whatever arguments can be made against the gold standard as it was implemented in the past, none of them is relevant in the context of the gold-bond plan. Ideology is replaced by pragmatism. The only consideration is what measures are necessary in order to enable the U.S. Treasury to borrow at the lowest rate of interest available in the world. Federal Reserve Governor Wayne Angell has estimated that governments could sell gold obligations at an interest rate as low as 2 percent per annum.

The attractiveness of the gold-bond plan lies in the fact that it kills two birds with one stone. The two birds are: interest-rate volatility and exchange-rate volatility. Not only do gold bonds make the lowest available interest rates once more accessible to productive enterprise in this country, but they create an efficient mechanism for the stabilization of the dollar.

The problem of stabilizing the gold value of a currency is misrepresented by most authors. In their view, the Treasury's commitment to buy and sell unlimited amounts of gold against currency at a fixed price is not credible and cannot be made credible. The difficulty in that the demand for gold may well outstrip the Treasury's supply, in which case the stabilization effort collapses.

However, the difficulty can be removed through open market operations in the gold bond market. Gold bonds are a substitute for gold and can be used to satisfy most of the investment demand for gold. The redemption provision is no way a threat to the country's gold reserves, which may in fact be minuscule, as long as the Treasury maintains its credit in good standing. The question is not how much gold the Treasury can pay out, but how much it can attract. We may want to reflect on the proposition that the collapse of the Bretton Woods system in 1968-71 was not due to the insufficiency of the Treasury's gold supply, but to the absence of a gold-bond market. It was also due to the adulteration of the gold standard into the gold-exchange standard, allowing the country issuing the reserve currency to postpone the day of reckoning.

Let us see how the Treasury can use open market operations in the stabilization process. Suppose the Treasury wants to stabilize the gold value of the dollar at $350 per ounce. To that end, the Treasury posts a bid price of $340 and an asked price of $360. Should the asked price come under attack by bull operators, the Treasury would step up its sale of gold bonds and use the proceeds—the borrowed gold—to satisfy speculative demand. The effect is that the speculators are subsidizing the retirement of the short-term debt to the tune of $10 an ounce, or 3 percent of the cash-value of the operation. Should the bid price come under attack by bear operators, the Treasury would buy all the gold offered at $340, and use it to retire outstanding gold bonds at a profit. The effect is that the speculators are subsidizing the retirement of the long-term debt to the tune of $10 an ounce, or about 3 percent of the cash-value of the operation. Speculators would quickly understand that they could no longer make money by inducing and riding price trends. They could only make money by keeping the gold price be-

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tween the gold points. Gold speculation would wither away.

But bond speculation would also wither away. After all, bond speculation is but amplified currency speculation. Nothing could stabilize the value of dollar-denominated assets more convincingly than the stability of the dollar itself. Interest rates would be not just lower, the lowest available anywhere in the world, but they would also be much less volatile. To be sure, interest rates could not be stabilized in the same sense as the gold value of the dollar—by narrowing the spread between the Treasury's ask and bid prices to the spread between the gold points. Still, we may talk about the stabilization of interest rates as their present excessive volatility would be a thing of the past.

The stabilization of the dollar and the related stabilization of the interest-rate structure would be accomplished at no cost to the taxpayers, and at no risk to such laudable economic objectives as balanced budgets and full employment. There is no need to increase taxes, no need to cut social services in the interest of the stabilization program. If anything, tax cuts might soon be possible as a result of the huge reduction in the cost of debt service. And we would be talking about debt-reduction, not just deficit-reduction.

The gold-bond plan does not imply automatic adherence to a gold standard. There is need to conjure up the deflation bogies of the 1821, 1879, and 1925 stabilizations. In those episodes, the objective was a return to the status-quo ante. The gold content of the currency was to be stabilized at the prewar level.

There is no such constraint in the gold-bond plan. The gold content of the dollar is to be stabilized at a new equilibrium level, whatever it may be. The Treasury has a new parameter at its disposal, not available in the earlier episodes. It can select the gold value of the dollar which it feels comfortable in defending. It is this extra degree of freedom which makes stabilization so much simpler technically than stabilization in the previous episodes. It is this extra degree of freedom which makes the simultaneous achievement of two independent goals, lower interest rates and a stable dollar, feasible.

After everybody has had an opportunity to convince himself of its benefits, and after the ideological opposition to it has faded away, a de jure gold standard may ultimately supplant the de facto gold standard of the dollar-stabilization program. However, this would be a future political decision to make, and it need not detain us here. We already have a consensus in this country favoring lower interest rates, higher productivity and greater international competitiveness of industry, and the expansion of the time horizon of business. All these objectives can be simultaneously accomplished through the fiscal and monetary reform implicit in the gold-bond plan.

This agenda is eminently realistic. Putting it into effect does not call for any sacrifices whether in the form of a tax-increase, or cuts in social services, or forced debt-liquidation. It is not a something-for-nothing scheme. Its multifarious benefits come from tapping a tangible world resource—a resource deliberately, albeit mistakenly, left idle for the past two decades—the world's stock of monetary gold. In bringing gold back into the world economy we materially add to the pool of loanable funds. In assigning gold a meaningful role—one for which it is so superbly qualified: the lowering of interest rates—we are releasing new energies that can be harnessed for economic development at home and abroad.

The temptation to pursue wrong-headed economic and foreign policies to contain Japan is real. As the observer noting the threat of a new cold war has put it, America's Japan-problem is not caused by the trade deficit, nor by an aggressive invasion of foreign capital [2]. It is nurtured by a loss of self-confidence, and the failures of American leadership. The result is a national feeling of insecurity that is being translated into a hostile rhetoric and, too often, absurd policies.

If allowed to continue, our Japan-complex could become dangerously destabilizing, and it could permanently distort America's economic and foreign policy. Nothing could threaten global peace and prosperity more than a showdown between America and Japan. America, still the world's number one military superpower, is trying to contain the ascendance to economic superpower status of a militarily weak Japan. Therein lie the seeds of a fratricidal rivalry between two nations which have, for the better part of half a century, learned to respect each other. It would be a great tragedy if we failed to steer away from the incipient conflict. Rather than coveting our neighbor's wealth, we should provide monetary leadership to Japan and the rest of the world. We should regain control over our own economic destiny by lowering the cost of capital at home. This aim can be achieved in short order if we embark upon a course of monetary and fiscal reform, and return to gold-bond financing.

There is little doubt that Japan and other leading industrial countries will follow the example set by the United States in issuing gold bonds. They will want to share in the benefits of lower marginal cost of capital, in order to allow their producers to remain competitive. This should not bother us: the United States stands to gain most, as interest rates here have more room downwards to go. The American banking industry, which has languished long under the regime of high and volatile interest rates, would get a much-needed shot in the arm. The gold-bond plan would allow America to consolidate its global leading position that otherwise it is in danger of losing to Japan. Our international payments system, presently threatened by forced debt-liquidation, protectionism, and beggar-thy-neighbor policies, would be saved.

Alternative plans call for pegging the dollar to the Japanese yen. But this would mean that the United States abdicated its monetary leadership in the world, and would be widely interpreted as an admission of failure. We would be in a weak bargaining position at international negotiations for a long time to come. There is no reason to believe that the Japanese yen or the German mark would perform better than the dollar, or that a triumvirate of the three currencies would perform better than either of its components. If there is a lesson to learn from the dismal performance of the dollar, then it is this: no irredeemable currency can stand up to the wear and tear pertaining to the role of a reserve currency.

The international monetary system of floating is a front for the policy of competitive currency devaluations. In the 1930's currency devaluations were inflicted on the people openly, through the rigmarole of changing the statutory definition of the currency unit through legislation. Today, the same black art is practiced under the cloak of floating. Yet the camouflage does not make devaluations less damaging or less painful. The people still suffer the loss of wealth caused by it, even if they don't know what has hit them. Pegging the dollar to the yen would not eliminate the pain, nor would it change the devaluationist character of the international monetary system based, as it is, on irredeemable promises.

Devaluationism is denounced in a thoughtful paper by Jude Wanniski as "the most pernicious idea loose in the world today."[6] It destroyed the international equilibrium of the Bretton Woods monetary system; it wrecked the Nixon and Carter administrations; it demolished the Mexican economy and most others in Latin America, corrupting governments and their civil service. In our own country, it created the savings and loan crisis and the drug culture, and it continues to feed national insecurity and xenophobia. Devaluationism is lethal because of the destructive effects it has on fundamental human values, in undermining the link between effort and reward.

It is not enough to realize that a weak currency cannot make the country's industry and financial system strong. We must also reaffirm our commitment to the integrity of promises men live by. If America can still be saved from the disaster of further deindustrialization, and from the ignominy of having to play second fiddle to Japan, then it won't be through the policy of deliberate dollar debasement, nor through pegging the dollar to the yen. It can only be through economic renewal at home, motivated by the conviction that America must lead the world in a new age which requires more stability, not less. It can only be through the rediscovery of America's moral fiber. It must be through a pledge to maintain the sanctity of contracts and good faith in promises to pay—as epitomized by the gold bond.

FOOTNOTES

[1] *The Enigma of Japanese Power: People and Politics in a Stateless Nation* by Karel von Wolferen (Knopf);

More Like Us: Making America Great Again by James Fallows (Houghton-Mifflin);

Yen! Japan's New Financial Empire and Its Threat to America by Daniel Burstein (Simon and Schuster);

Japanese Investment in the United States: Should We Be Concerned? edited by Kozo Yamamura (Society of Japanese Studies).

[2] *Capitalism in Conflict* by Shafiqul Islam (Foreign Affairs, Vol. 69, No. 1, 1990).

[3] *Proposals for a Renewal of American Industry* by Bruce Scott (Lesher Communications).

[4] *Japan and Germany: American Concerns* by Jeffrey E. Garten (Foreign Affairs, Vol. 68, No. 5, Winter 1989/90).

[5] *Monetary and Exchange Rate Policies for International Financial Stability: A Proposal* by Ronald I. McKinnon (Journal of Economic Perspectives, Vol. 2, No. 1, Winter 1988).

[6] *The Devaluation Idea* by Jude Wanniski (Polyconomics, Inc., 86 Maple Avenue, Morristown, NJ 07960, June 1989).

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FORCING LEGISLATION THROUGH THE HOUSE BEFORE MEMBERS OR COUNTRY HAVE A CHANCE TO LOOK AT IT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. **GINGRICH**. Mr. Speaker, I want to speak today on forcing legislation through the House before the Members or the country have a chance to look at it.

On last Thursday, when the gentleman from Illinois [Mr. MICHEL], the Republican leader, took the schedule for this week, we asked the question that we would like to know about whether or not a very, very important child care bill was going to be scheduled this week. Mr. MICHEL asked the question, and the Democratic spokesman said:

> It is not on the schedule for next week as of this point, but it is the Speaker's intention that it be considered by the end of March.

I then asked for permission to speak, and I said the following:

> I just want to say for the record that child care is an extremely important issue, that there are a number of people across this country who have a very, very real interest in this, and that nothing could be more disastrous to sound legislation than to try to produce a child-care bill magically on a Tuesday and vote on it on a Thursday.
>
> It would seem to me that the Democratic leadership owes it to the country to produce their version of child care on a Wednesday or Thursday and allow a weekend to intervene before rushing to a vote. It would be literally impossible for Members and for interested constituencies around the country to analyze a child-care bill which did not come out of committee and did not have a normal amount of time to be looked at, and that I would very strongly urge the Democratic leadership to initially bring the child-care bill out, their proposal, with adequate time for it to be analyzed.

I said on Thursday. On Friday afternoon around 5:15, I learned that there was a rumor that a child care bill would be brought to the floor of the House this week. On Saturday morning I checked with the Republican leader, the gentleman from Illinois [Mr. MICHEL], and as of that point, Saturday morning, he had not heard that there would be a child care bill brought to the House this week.

My understanding is that the Democrats have not finished writing the liberal version of the child care bill, that they have not finished finding the exact wording of their version, that it is in fact still being negotiated by Democratic staffs, and that no one has seen the final product. This is on Monday afternoon.

Mr. **WALKER**. Mr. Speaker, will the gentleman yield?

Mr. **GINGRICH**. I am happy to yield to the gentleman from Pennsylvania.

Mr. **WALKER**. Mr. Speaker, I just want to confirm what the gentleman just said.

When we had a dialog on the floor a little while ago, the spokesman for the Democratic Party, the gentleman from Iowa [Mr. NAGLE], said quite clearly that the bill is still in the process of being written, that they do not have a final product, that this is all a matter of negotiation. Of course, there are no members of the minority as part of those negotiations. It is all being done in the back rooms by the Democrats. But they do not have a final bill, so here we are on Monday afternoon, and they are going to the Committee on Rules tomorrow, and no one has seen the bill evidently on their side either because there is no bill at this point.

Mr. **GINGRICH**. Let me just say that I am very concerned, because as the gentleman will remember, the Democratic majority leader made a promise last year when the child care bill was initially considered on the House floor, and the promise was that the Democratic leadership would solve the problem of religious freedom and would ensure that religious freedom could exist in child care.

As I understand it, the message we have received indicates that based on the best advice of legislative scholars around the country who specialize in religious freedom, the liberal Democratic version of the child care bill will, in fact, not have true religious freedom. It may have some propaganda. It may have some code words. It may have an effort to paper over. But it will not have a legally binding description that would allow a parent, for example, to take Federal aid for child care and have the parent choose to allow their child to go to church or synagogue-based child care in which, for example, they might say a prayer before cookies.

As I understand it, the liberal version of the bill, and this was certainly true last year, the liberal version of this bill did not permit children to say a prayer before cookies or before lunch in the Child Care Program associated with that bill.

I think there is a real question of religious freedom, but what really concerns me is the fact that, as I understand it, the Democratic leadership, for some reason, intends to bring this bill onto the floor on a Tuesday and push it through the House before the country has a chance to read it.

This is, as I understand it, a $24 billion brandnew program, over 3 times, almost 3½ times, the size of the President's proposal, a program being brought out by a party whose leadership recently has suggested a 25-cent gas tax increase, a 5-percent nationals sales tax, an increase in the top rate to 33 percent, a range of other tax increases, and so I do not know whether this is part of a tax-increase program where they intend to just drive up spending, or whether they are so concerned that they are not going to be able to find the votes for a bill which clearly prohibits religious freedom that they think they have to get the bill through before the people in the country have looked at it.

It seems to me that it is the worst possible kind of legislation to bring a major bill which, as the gentleman said, and again while we are talking, if any of our Democratic colleagues have a copy of the bill or if the Democratic leadership staff has a copy of the bill, we would be delighted to have them bring it over, to have them show it to us, to have them distribute it, but my understanding is that as of 1:30 on Monday the bill does not yet exist.

They are going to apparently work all night and try to patch together a liberal version of child care which will violate President Bush's commitments, which will not, in fact, be adequate for mothers who stay at home, which will not, in fact, allow parents to have the choices we believe they should have in terms of who takes care of their children, and which will simply create an

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antireligious bias in favor of a unionized bureaucracy with Federal control.

Does the gentleman have any more information on this?

Mr. WALKER. If the gentleman will yield further, I think he makes a good point.

There are just two things, I think, we need to recall as part of this. The promise with regard to making certain the religious question was taken care of was a promise made in writing, and yet it appears that they have been unable up until this time to get any resolution of that issue, and what we were told on the floor today was that the reason why we need not be concerned about the fact that we have not seen the bill yet is it simply is an amalgamation of the bills that were passed last year, that what they have done is taken the legislation passed last year and worked on a few details on it, but if we want to know what is in the legislation, we can simply look to last year's bills.

The problem with that is last year's bills went in several different directions at one time. They did not give adequate protection for religious institutions to provide child care, and that does create major difficulties.

I think the gentleman's other point with regard to the nonexistent legislation is also important. We do not even have a bill that we can focus on to figure out what it is we need in terms of a rule.

There was discussion on the floor earlier while the gentleman was still in the process of coming to the House about having an open rule. Obviously that would solve this problem if the Democrats were willing to bring a bill to the floor with an absolutely open rule so that we could take the language in the bill and modify it as a result of the work of the Committee of the Whole, and that would certainly be an acceptable way of dealing with the matter.

However, it does appear that there is no intention to bring this bill to the floor under an open rule, but, rather, they intend to have a fairly restrictive rule with regard to this piece of legislation, and we have not even had a chance yet to see the bill so that we know what to ask for in terms of amendments.

□ 1330

It is one thing to say you are going to have a restrictive rule and only certain amendments will be allowed. It is another thing to say that when nobody has had a chance to look at the bill so you really have no idea what the amendments are that you should offer. Yet that is the situation that we are going to find ourselves in when the Committee on Rules meets tomorrow, is that the rules will have been unavailable, and it will be very difficult for Members to figure out what it is they should ask for in terms of amendments so that the House can work on this legislation in a meaningful way.

Mr. Speaker, I thank the gentleman for yielding.

Mr. GINGRICH. Let me say I guess the only place I would be concerned is even if they were to bring the bill to the floor on Wednesday with an open rule, it would be impossible for the average Member to have read a complicated bill, to understand the various new Government programs, to have had a lawyer analyze it. I am a historian, I am not an attorney. I think the gentleman from Pennsylvania [Mr. WALKER] has been a teacher. The gentleman is not an attorney.

Even if one were an attorney, unless one is a specialist in the current Federal case law as it relates to religious freedom, one would not necessarily understand whether or not certain language will work in court.

So there is a very real danger that we are going to see the Democratic leadership bring a bill to the floor with such a short timeframe that they are asking Members to run the risk of going back home, having voted literally to block children, 3-, 4-, and 5-year-old children, from the right to have a prayer said before eating a cookie or eating lunch, literally adopting an antireligious, antiprayer provision which will not be understood by the House.

I do not understand the urgency. All that is going to happen with this bill is it is going to go to conference. Clearly they could report the bill out, they could allow all the Members to see the bill. They could then next Tuesday go to the Committee on Rules. They could bring the bill to the floor in an orderly manner, having allowed experts across the country to read the bill.

I am sort of fascinated. I have been reading Hernando de Soto's "The Other Path: The Invisible Revolution in the Third World."

Hernando de Soto is a Peruvian economist. The introduction is by Mario Vargas Llosa, who is both the Poet Laureate of Peru, but also is the front runner for President.

He talks in here in the foreward by Mario Vargas Llosa on pages 16 and 17 about why Peru has had a problem.

He says:

> The state, in our world, has never been the expression of the people. The state is whatever government happens to be in power—liberal or conservative, democratic or tyrannical—and the government usually acts in accordance with the mercantilist model. That is, it enacts laws that favor small special-interest groups—the study calls them "redistributive combines"—and discriminates against the interests of the majority, which has marginal power or token legality.

His point is this: That in Peru, and I am afraid increasingly sometimes in the United States Congress, if you are a very organized special interest group, if you have your version of what you want so that if we raise taxes we will give you government money, then you come to the Congress, but it is very helpful to rush your bill through, to have it written in a back room by staff who are not elected by anyone, to rush it through before anyone has seen it, and then later to say, "Oh, gee, I did not realize all those things were in the bill."

I think the action we are seeing this week is an example of that kind of government by special interests.

Mario Vargas Llosa goes on to say the following on page 17 of the foreword:

> This system is not only immoral but inefficient. Within it, success does not depend on inventiveness and hard work but on the entrepreneur's ability to gain the sympathy of presidents, ministers, and other public functionaries (which usually means his ability to corrupt them). In chapter 5, on the cost of legality and informality, Hernando de Soto reveals that, for the majority of formal or legal businesses, the single greatest expense in both money and time, is bureaucratic maneuvers. This blights our economic life at its very roots.
>
> Instead of favoring the production of new wealth, the system, owned, in effect, by the closed circle of those who benefit from it, discourages any such effort and prefers merely to recirculate an ever-diminishing amount of capital. In that context, the only kinds of activity that proliferate are nonproductive, parasitic activies—our elephantine bureaucracies.

Now, why would I read that in terms of this week's child care bill? Because we are going to see a very clear choice this week. President Bush has proposed, and I believe in the Stenholm-Shaw bill we are going to have a chance to see a bill which gives power and gives choice to parents, and which says to the parents you pick the child care you want for your children. You pick a variety of choices. But it is up to you. You are the parents of the child. You know best what you think your child needs.

Our friends on the left simply cannot stand that choice. Our friends on the left believe that only a bureaucracy can protect children.

So I think part of the reason we are seeing this bill rushed through is because people are afraid if we get a chance to analyze it, if we get a chance to look at it, that in fact the bill is going to end up in a situation in which they could not pass their version on the left, which is against parents choosing, against mothers staying at home, and against children having an oportunity to go to a child care center where they might be allowed to pray before they have their cookies and their lunch.

I hope the Democratic leadership will listen. I hope they will not try to bring this bill to the floor this week. I hope they will recognize what a disaster that would be.

NICARAGUA: THE LONG, HARD MARCH TO FREEDOM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes.

Mr. SKELTON. Mr. Speaker, on Sunday, February 25, the Nicaraguan people finally had the chance to express themselves at the ballot box in a fair and honest fashion. By a landslide margin—55 to 40 percent—they elected Violeta Chamorro, the candidate of the 14-party National Opposition Union, over the incumbent President, Daniel Ortega of the Sandinista National Liberation Front.

In my talk today, I will review some of the key events of the past 10 years that culminated in the victory of Mrs. Chamorro on the last Sunday in February. I will examine those events as they unfolded in Central America and in Washington. I will critique the policies toward Nicaragua followed by three American administrations and also discuss the important role that the Congress played in this drama. I will touch upon both the intelligent decisions made and also the mistakes committed both by the executive branch and by the Congress. In doing so my purpose is not to apportion credit or blame—though that cannot be avoided—but to extract some of the lessons that we as a nation should take from this 11-year effort. Finally, I will discuss the various difficulties that the new government of Mrs. Chamorro will face as it attempts to secure the political and economic foundations of a democratic Nicaragua.

A REVOLUTION TRIUMPHANT, A REVOLUTION BETRAYED

Eden Pastora, "Commander Zero" was the most charismatic leader of the Sandinista guerrilla army that defeated the forces of Nicaraguan dictator Anastasio Somoza in 1979. His daring seizure of the national palace in August 1978 to secure the release of 59 compatriots held by Somoza captured the imagination of the Nicaraguan people and the world. Yet by April 1982 he had become disillusioned with the revolutionary government that he had helped to install and issued a public statement from Costa Rica breaking with the Sandinistas.

Yet "Commander Zero" was not the only prominent individual who had become disenchanted with Sandinista rule. Others who had supported the overthrow of the Somoza dictatorship, had worked with the Sandinistas, and had also become disillusioned included Violeta Chamorro, Alfonso Robelo, Arturo Cruz, Adolfo Calero, and Alfredo Cesar. Each of these individuals had become disillusioned because the promises made by the Sandinistas to form a government based on political pluralism, a mixed economy, and international nonalignment had all been broken.

It's important to understand that upon coming into office in 1977 the Carter administration facilitated the downfall of the Somoza dictatorship through its effort to promote human rights. In my opinion the Carter administration policy was the correct one to pursue. The Somoza regime was repressive, corrupt, and undemocratic. If we were to promote the ideals of the United States in the world, we had to hold friends to the same standards as we did foes.

However, the Carter administration committed one crucial mistake prior to the downfall of the Somoza regime—it failed to intervene early enough in the Nicaraguan turmoil to ensure a democratic succession. Not wanting to make the mistake of imposing a "Yankee" solution, it found itself unable to influence the ultimate outcome. In the post-Vietnam era, President Carter did not want the United States going it alone. However, in Central America, a region of the world where a strong American voice was expected, the unsure pronouncements from Washington simply confused the situation.

The Carter State Department was divided between those who wanted to intervene in the fall of 1978 to remove Somoza and those who felt it was wrong for the United States to overthrow a foreign government. The former included those whose principal responsibility was Latin America; the latter included everyone else at State including Secretary Cyrus Vance. The opportunity to form a moderate government made up of the civic opposition to Somoza was lost. Those forces—the political parties, labor groups, the church leadership, and private enterprise associations—found themselves caught between Somoza on one side and the Sandinista front on the other. When the United States proved unwilling to exert its influence to remove Somoza the civic opposition decided to throw in its lot with the FSLN. Unfortunately, in July 1979 after the defeat of Somoza's national guard, it was the FSLN, not the civic opposition, that had the guns.

The Carter administration tried to establish good relations with the new regime. President Carter invited Daniel Ortega to the White House to discuss matters of mutual interest between the new government and the United States. This country showed its good faith by providing Nicaragua $118 million in economic assistance, including more than 100,000 tons of food in the first 2 years.

Yet true to its revolutionary beliefs, the Sandinista leadership was more interested in promoting revolution in Central America than in cultivating better relations with the United States. A few years later, in May 1983, the House Permanent Select Committee on Intelligence confirmed this point. It noted that:

> A major portion of the arms and other material sent by Cuba and other Communist countries to the Salvadoran insurgents transits Nicaragua with the permission and assistance of the Sandinistas. . . . The Salvadoran insurgents rely on the use of sites in Nicaragua, some of which are located in Managua itself, for communications, command-and-control, and for the logistics to conduct their financial, material, and propaganda activities.

With close ties to Fidel Castro, the Sandinista leaders went about the task of setting up a regime modeled on that of their mentor. They invoked press censorship, established a powerful secret police, mounted systematic attacks on the church, and built up a large military force. In a little over a year in power the Sandinista popular army was the largest in Central America, having grown from 5,000 to at least 24,000 men. All this, it should be noted, came about prior to the Contra insurgency. In fact it was these policies that contributed to the rise of an armed resistance movement, soon to be known as the Contras.

ENTER, STAGE RIGHT, RONALD REAGAN

Ronald Reagan came to Washington in 1981 with a mandate to restore U.S. strength in a dangerous world. The humiliation of Iran holding American diplomats hostage for 444 days, along with the Soviet invasion of Afghanistan, had convinced the American public that a change was required.

In Nicaragua, the Reagan administration decided to take a tougher approach. From 1981 until 1984, the Reagan administration put together a military assistance program through various intelligence authorization acts. Assistance went to a variety of groups who had taken up arms against the Sandinistas: former National Guard members who has formed the Nicaraguan Democratic Forces [FDN], Miskito Indians of Misura, and former Sandinista fighters under the leadership of Eden Pastora and the Nicaraguan Democratic Revolutionary Alliance [ARDE].

With the benefit of hindsight, I believe that the problems the Reagan administration encountered in developing a policy toward Nicaragua included the following: Too strong an emphasis on covert action, tardiness in trying to build public support, and the fiasco that came to be known as the Iran-Contra affair.

The first problem resulted from a fundamental misreading of how to proceed in Central America. The Reagan administration sought to promote an important change in policy through covert means. Whether it lacked the courage of its convictions or thought such a course was the quickest way to achieve its goals, the admin-

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istration decided not to inform the American public about the important stakes in Nicaragua. This was a serious mistake.

Covert assistance gave the effort in Nicaragua the aura of illegitimacy. Such assistance can work only when one of two conditions is met: If the program is a relatively small one or if there is genuine bipartisan support for such a policy. Covert assistance to Nicaraguan resistance fighters met neither of those two conditions.

One need only contrast partisan differences over Nicaragua with bipartisan support for covert assistance to the Afghan guerrillas. Support for the Afghan resistance received consistent support from 1980 on because the issue was very easy to understand. Evening news broadcasts showing Soviet invasion forces operating in Afghanistan was a clear case that the American public could understand. The outright Soviet invasion of a Third World country merited U.S. support for those willing to oppose this flagrant violation of international law. Public support for the Afghan cause made it easy to fashion bipartisan congressional support for the Afghan guerrillas.

In Nicaragua, however, the American public had no comparable dramatic event with television footage showing an invasion force landing in the country. The case for aiding the Contras was not an open and shut one for those in the general public who had not paid close attention to developments since the late 1970's. In fact, events in Nicaragua reminded many of Vietnam. It seemed like a civil war, with the United States once again backing a sordid group, this time a bunch of rebels who had been part of Gen. Anastasio Somosa's national guard.

Even worse, however, was having the issue of covert military support for the Contras introduced to the American public and Members of Congress through the pages of the Washington Post in early 1982. This was no way to broach the issue to a public nor to a Congress leery of repeating our tragic experience in Vietnam. Reports in the press of anti-Sandinista exile groups fighting the Nicaraguan Government mounted. A November 1982 Newsweek cover story with the sensational title "America's Secret War," simply increased the aura of illegitimacy to the U.S. effort.

Realizing its covert effort was not working—it was too big to be covert and it was encountering substantial opposition in Congress—the administration decided to make the effort to build public support for its muscular policy towards Nicaragua. Enlisted in the effort were Henry Kissinger, who chaired a 12-member commission to formulate a long-range policy toward the region as a whole; the office for public diplomacy at the State Department; and Ronald Reagan himself, "the great communicator."

Though neither consistent nor sustained, the administration's efforts succeeded in winning $100 million in lethal and nonlethal assistance for the Nicaraguan resistance in July of 1986. Part of its success in its 221-209 victory in the House of Representatives that summer was that the package included more than just military aid to the Contras. Three million dollars of the $100 million went to establish a human rights program for the Contras. I believe it was the first time in history that such a program was established for any guerrilla group. Equally important, another part of the aid package reappropriated $300 million from the Defense Department for economic support of the other four Central American democracies.

MILITARY OPERATIONS, IRAN-CONTRA, AND THE ARIAS PLAN

The aid package of 1986 provided a substantial infusion of resources for the various resistance groups. The United States established intensive training courses for low-level resistance combat leaders and specialists at selected military bases in the United States and Honduras. Approximately 1,400 Contras received training in small unit operations, field medical care, and tactical communications. Another 500 were trained as paratroopers and 200 more in demolition warfare. Weapons supplied included crew-served machine guns, light mortars, sophisticated communications equipment, and about 350 "Redeye" shoulderfired antiaircraft missiles. This last critical weapon helped turn the tide of battle in Nicaragua by denying the significant aerial advantage the Nicaraguan military had previously possessed with its Soviet-supplied armored helicopters.

Within 3 months of the mid-October final passage of the continuing appropriations act, results could be seen. Newspaper accounts the following January and February described resistance fighters engaging Sandinista army units in northern Nicaragua. Throughout 1987 the war increased in intensity. In classic guerrilla warfare fashion the resistance fighters spread out throughout the entire country except into the urban areas on the west coast. Picking their fights and maintaining the initiative, the rebels became a very capable fighting force.

By the latter part of 1987, resistance forces were mounting larger and bolder operations than had ever taken place during the war. In one engagement along the vital Rama road, the strategic link between the Atlantic port of El Bluff and the capital of Managua, a rebel force of some 3,000 men engaged several Sandinista counterinsurgency battalions in a battle that lasted more than 2 days. One Washington Post account put the Sandinista losses at more than 300 compared to less than 50 for the resistance.

An even larger rebel force of about 7,000 attacked the gold-mining towns of Siuna, Rosita, and Bonanza in northern Nicaragua in late December 1987. This operation displayed the kind of complex military operations the rebels were capable of mounting. The Sandinista army found itself stretched thin by the reinvigorated resistance forces.

Yet military success on the ground in Nicaragua was undermined by political scandal in Washington. In November 1986 the Iran-Contra affair broke. All efforts by the administration to build public support for its policy toward Nicaragua came to a halt. It seemed that everyone in the administration was running for cover and that the primary effort in the White House had become one of saving the Reagan Presidency. Building public support for the President's Nicaragua policy would have to wait. The momentum for continued military assistance to the resistance fighters was lost. This was confirmed in early February 1988 when by a vote of 219-211 the House of Representatives voted against further military assistance to the Nicaraguan resistance.

While the tempo of fighting increased in Nicaragua and scandal took its toll in Washington, Oscar Arias, the President of Costa Rica, was putting together a plan to end the Nicaraguan conflict. The Central American peace agreement of August 7, 1987, called for an end to all outside support for guerrilla groups in Central America, in exchange for steps by each government toward the establishment or perfection of democratic institutions and practices. The Central American leaders stated that the continued United States military assistance to the Nicaraguan rebels violated the spirit of the accord as did Nicaraguan support for the Salvadoran guerrillas.

The Arias plan offered the Sandinistas the face-saving formula of a Central American plan for ending the conflict in Nicaragua in exchange for democratic elections. The Reagan administration resisted the Arias plan, despite professions to the contrary, because it believed that the Sandinistas would never permit fair elections to be held. This view was shared by many in Congress who had supported the Contras.

Yet while some supported the Arias plan because they thought it might lead to the peaceful turning out of the Sandinistas, many others did so because they wanted to kill off the Contras for good. They were more interested in delivering a political defeat to Ronald Reagan than in helping the Nicaraguan people secure their freedom. In Congress this was reflected last fall by those who claimed to support the peace process but voted against providing financial support to ensure a fair election in Nicaragua.

BUSH ADMINISTRATION DIPLOMACY

Upon taking office the Bush administration took a different approach than the Reagan administration in its policy toward Nicaragua. It sought to craft a bipartisan accord with Congress expressing American support for peace, security, and the process of continued democratization in Central America. In March 1989 the administration succeeded in its effort.

The essence of that accord was to continue providing the Contras only humanitarian assistance in exchange for pursuing a resolution to the problems of Nicaragua through the Central American Peace plan. The administration offered four key congressional committees the option of vetoing the assistance in November if any one of them judged the administration insincere in its support of the diplomatic process. But late last October, Daniel Ortega announced that the Sandinista government was ending the cease-fire that has been in effect since June 1988. That surprising announcement eliminated any possibility that the Congress would end its support of humanitarian assistance to the Nicaraguan fighters and their families holed up in their camps along the Nicaraguan-Honduran border.

The Bush administration's willingness to work with Congress on the issue of Nicaragua did two things. First, it eliminated the issue as a contentious one between the Republican administration on one side and the Democratic Congress on the other. Second, it shifted international attention from congressional battles over Contra aid in Washington to the effort to ensure a fair election in Nicaragua.

THE WORLD TURNED UPSIDE DOWN

In between the date of the signing of the bipartisan accord on Central America in March 1989 and the election that took place in Nicaragua this past February the cold war came to an end. The political and economic changes set into motion by Mikhail Gorbachev upon coming into power in early 1985 resulted in a total transformation of the Communist order in Eastern Europe in the last half of 1989. The upheaval was total. Communist regimes in Poland, Hungary, East Germany, Czechoslovakia, Bulgaria, and Romania were overthrown as the people in each of those countries called for the establishment of genuine democratic governments based on free market economic principles.

Events in the Soviet Union and Eastern Europe did not go unnoticed in Nicaragua; nor was that country left unaffected by those events. For the people of Nicaragua and the UNO Coalition, those tumultuous events were an important morale booster. The dramatic changes in which yesterdays dissidents had become today's leaders offered the prospect that a similar transformation could take place in Nicaragua.

If the opposition in Nicaragua viewed the events in Eastern Europe with great joy and hope, the government viewed those same events with a mixture of disbelief and horror. Democratic regimes in Eastern Europe would ultimately cut off the economic and security ties that had proved vitally important to the Sandinistas since their assumption to power 10 years earlier. But the first order of business for the Sandinistas was to win the elections to which they had committed themselves in February 1989, at the summit of the five Central American Presidents in El Salvador.

THE NICARAGUAN ELECTIONS

Two factors prompted the Nicaraguan Government to move up elections scheduled for November 1990 to February 1990: the first, the desire to disband the Nicaraguan resistance as a force that could once again be committed to battle; the second, the need to attract foreign aid to improve an economy going badly downhill.

Despite the contention of the critics that the Nicaraguan rebels did not contribute to the democratic outcome in Nicaragua simple logic refutes that notion. One of the key goals of the Nicaraguan Government throughout years of negotiation was the disbanding of the Contras. While on various occasions declaring the Contras ineffective or insignificant, the ruling Sandinista Government in Managua disclosed its true evaluation of that tough fighting force by consistently calling for their demobilization.

Those of my colleagues who argued that our money to support the Contras was money wasted credit Oscar Arias with the outcome of February 25. Yet without the pressure provided by up to 20,000 peasant Contra fighters, a force more than twice the size of the Salvadoran guerrillas in a country with half the population, President Arias would have had nothing to offer up in his negotiations sessions.

If the military pressure of the Nicaraguan resistance helped force the ruling Sandinista regime to agree to hold elections, equally significant was the economic embargo the United States placed upon Nicaragua in May 1985. Those sanctions on top of earlier Sandinista mismanagement of the economy took a heavy toll. By 1989, Nicaragua had been brought to economic disaster with widespread poverty, widespread shortages of consumer goods, an unemployment rate of more than 25 percent, and an inflation rate of 36,000 percent, a world record.

Both the military and economic pressure the United States exerted on the hard-line government in Managua provided Oscar Arias the negotiating leverage he used to good purpose. In effect, the Central American Presidents through their peace plan gave Daniel Ortega a face-saving way out of his predicament. In a very disjointed, unplanned fashion both supporters of the military track and supporters of the diplomatic track contributed to the happy outcome of February 25.

MYTHS DESTROYED

In examining the "upset" victory of Violeta Chamorro, it is important to note how completely wrong were many of the long held beliefs of those who claimed to understand Nicaragua under Sandinista rule. Those individuals—professors, church leaders, journalists, and politicians—were wrong in believing the line that the Sandinista revolution had benefited the poor. In fact, the opposite is true—the revolution benefited the ruling elite at the expense of everyone else in the country. The experience of Nicaraguans replicated the experience of the peoples of Eastern Europe who suffered under 40 years of Communist misrule. The people of Nicaragua knew who had made them poor by wasting resources on unproductive state enterprises in addition to the mansions and luxury automobiles for the commandantes. The expensive campaign waged by the Sandinistas probably did as much as anything else to alienate the poor. The people could have put to better use the money spent by the ruling party on baseball caps, T-shirts, and expensive rallies during the electoral campaign.

Those experts on Nicaragua were also wrong in believing the FSLN had broad support in the country. By U.S. standards the 55- to 40-percent victory of the UNO coalition was a landslide victory. Had the ruling government permitted the 10 to 20 percent of the populace who chose exile rather than life under Sandinista rule to vote, the tally would have been even more lopsided.

The experts were equally wrong in believing the Sandinistas had broad support among the young. After all it was the young who suffered the most under an unpopular draft that sent them off to fight a war for a regime they did not support.

The experts also struck out in thinking the people of Nicaragua would blame the United States rather than the ruling party for the war and the economic fiasco in which Nicaragua found itself. The vote showed clearly for the entire world to see that the people of Nicaragua held the government of Daniel Ortega responsible for the mess at home.

As for the American military action in Panama, I would argue that far from angering the people of Nicaragua, as many experts contended, it

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gave the Nicaraguans hope. After Noriega stole the Panamanian elections last May and the international community did nothing about it, Nicaraguans must have wondered if they were to be condemned to the same fate should the Nicaraguan regime act in the same high-handed manner. The American military intervention last December showed them that the United States would not sit by if Daniel Ortega stole the elections or voided them as had his ally, Manuel Antonio Noriega. Someday a poll should be conducted in Nicaragua on this issue but I would counsel hiring some firm other than those who predicted a solid Ortega victory.

But possibly the biggest error that the self-appointed experts on Nicaragua made concerned the notion that the Nicaraguan resistance, the Contras, were widely unpopular at home and that they would drag down the UNO coalition because too many of its leaders were identified with them. In fact, precisely the opposite was true. In those areas of greatest Contra activity, in the central Provinces of Chontales and Boaco, and in the northern Provinces of Jinotega and Matagalpa, the UNO coalition won by a wide margin. In the central Provinces they won 67.9 percent of the vote compared to 27.7 percent for the Sandinistas. And in the northern Provinces, UNO won 57.7 percent to the Sandinistas' 37 percent.

On the other hand, those of us who considered ourselves opponents of the Sandinista regime must admit making some miscalculations. Many of us simply didn't believe the Arias plan would work. But then again, who in 1987 could have foreseen the turn of events in the Soviet Union and Eastern Europe that would so dramatically influence the situation in Nicaragua. But we should have seen the Arias effort as a face-saving way for the Sandinistas to go along with new elections.

We also did not believe the Sandinistas would permit fair elections. Credit here goes to a variety of groups—the United Nations, the Organization Of American States, the Center for Democracy, the Archbishop of Managua, and former President Jimmy Carter—who monitored the elections. And credit must also be given to the existing government which permitted these various groups to monitor the elections.

POSTSCRIPT

If the policies of the Carter administration were marked by a reluctance to become involved, to use American power and influence, those of the Reagan administration suffered from the opposite tendency, to rely too heavily on American power. Ironically, both administrations pursued policies in Central America in which each claimed it was applying the lessons of Vietnam. Scarred by a failed war in which more than 58,000 Americans died, the bitter lesson for the generation that came of age in the 1960's and 1970's became "never again," "no more Vietnams." To oversimplify the two positions—for liberals the hard lesson of Vietnam meant no American involvement in regional wars, for conservatives it meant no long dragged out involvement in regional wars.

Six years of contentious partisan struggle over the issue of Contra aid convinced the incoming Bush administration that only a genuine two-track policy towards Nicaragua could work. President Bush, Secretary of State Baker, Assistant Secretary of State Aronson should be commended for their efforts to forge a bipartisan accord with the Congress. The democratic leadership of the House and Senate deserve credit for their willingness to give the new Bush administration the benefit of the doubt.

Three elements contributed to the ultimate electoral victory of Violeta Chamorro and the UNO coalition. The first element was the steadfast support for democracy in Nicaragua on the part of this country for over a decade, from earlier support for the Nicaraguan resistance, to the recent support for the electoral process. The second element was the determined effort on the part of the Central American leaders to find a peaceful solution themselves for the region. The third element was the crucial role played by international observers to ensure the fairness of the elections. I suspect the turning point in the campaign took place when the Nicaraguan people lost their fear, when they became convinced that their vote would indeed be cast in secret.

In the last analysis, however, credit for victory has to go to the Nicaraguan people. They voted for Violeta Chamorro and a platform that called for an end to the war, an end to the draft, and an end to dictatorial rule. They also voted for reconciliation at home and a new relationship with the United States.

Now the real work in Nicaragua begins. The problems are formidable. The President of Czechoslovakia, Vaclav Haval described some of the same problems his country must confront after years of corrupt Communist rule. In a speech to the Congress a few days before Mrs. Chamorro won her victory this is what he said:

> The Communist type of totalitarian system has left * * * Czechs and Slovaks—as it has all the nations of the Soviet Union and the other countries the Soviet Union has subjugated in its time—a legacy of countless dead, an infinite spectrum of human suffering, profound economic decline, and above all enormous human humiliation. It is the same sad legacy that the Sandinistas have bequeathed their fellow Nicaraguans.

On the economic front, 11 years of Sandinista mismanagement and 5 years of the U.S. trade embargo will not be overcome in a matter of weeks or months but more likely will take years. On the military side, there are the twin problems of demobilizing the Contras on the one hand and the Sandinista Peoples Army and Interior Ministry Security Forces on the other.

Equally challenging will be the establishment of a solid democratic political foundation. There are questions about the 14-party alliance holding together. It is almost always easier to unite such coalitions against a common enemy than to maintain them when the time comes to govern. And yet I believe that there is cause for hope. The leaders of the 14 parties have worked closely together and under difficult and dangerous circumstances for many many months. They probably realize better than anyone else that the Sandinistas will remain a bitter foe, even in opposition. The only way they can hope to secure a prosperous and democratic future for their country is to continue working together as they have in the past.

On the other side, what role will the Sandinistas play in a Nicaragua trying to set up a democratic form of government? Will they play a constructive role, that of the loyal opposition and try to reform themselves as many of the Communist parties of Eastern Europe are attempting to do? Will they split up into the three factions that existed prior to 1979 and decline in importance? Or, more likely and more ominously, will they become like the Nazi Brownshirts of another era, dedicated to undermining the capacity of the embryonic democratic order to function?

Nicaraguans and Americans would be naive to think that the struggle is over. There is a vast Sandinista bureaucracy to overcome. The transition to a civil society, difficult whenever a dictator falls, will be even more difficult in Nicaragua because though the Sandinistas lost at the ballot box, they maintain their power, encrusted over a decade of rule. But one thing will be far different. The government of Violeta Chamorro will have the ability to call upon the help of the international community in case the Sandinistas prove recalcitrant. In extremist President Chamorro could call upon U.S. military assistance. Like his friend Manuel Antonio Noriega, Daniel Ortega would not want to find himself being pursued by American forces and ultimately landing in a U.S. jail.

I hope this will not be necessary. Maybe the United States can start to devote more attention to the rest of Latin America than has been the case for the past decade. There certainly is no shortage of problems in the region. Almost every Latin American country in the Western Hemisphere confronts two and sometimes three or more of the following difficulties—guerrilla war, economic chaos, environmental destruction, pollution, population growth, and an increasing drug culture.

Benign neglect concerning the problems of our southern neighbors will only cost us more in the future.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. **Dannemeyer**) to revise and extend their remarks and include extraneous material:)

Mr. **Gingrich**, for 60 minutes, today.

Mr. **Boehlert**, for 60 minutes, on March 21 and 22.

Mr. **McEwen**, for 60 minutes, on March 20.

(The following Members (at the request of Mr. **Washington**) to revise and extend their remarks and include extraneous material:)

Mr. **Annunzio**, for 5 minutes, today.

Mr. **Rostenkowski**, for 5 minutes, on March 20.

Mr. **Gephardt**, for 5 minutes, on March 20.

Mr. **Skaggs**, for 5 minutes, on March 21.

Mr. **Durbin**, for 60 minutes, on March 20 and 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. **Dannemeyer**) and to include extraneous matter:)

Mr. **Gingrich**.

(The following Members (at the request of Mr. **Washington**) and to include extraneous matter:)

Mr. **Anderson** in 10 instances.

Mr. **Gonzalez** in 10 instances.

Mr. **Brown** of California in 10 instances.

Mr. **Annunzio** in six instances.

Mr. **Hamilton**.

Mr. **Bonior**.

Mr. **Edwards** of California in two instances.

Mr. **Stark**.

Mr. **Lantos**.

Mr. **Fascell** in two instances.

ADJOURNMENT

Mr. SKELTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 20, 1990, at 12 noon.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1989 TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the CONGRESSIONAL RECORD pursuant to section 4(b) of Public Law 85-804:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, March 9, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER, In compliance with Section 4(a) of Public Law 85-804, enclosed is the calendar year 1989 report entitled "Extraordinary Contractual Actions to Facilitate the National Defense."

Section A, Department of Defense Summary, indicates that 30 contractual actions were approved and that two were disapproved. Those approved include actions for which the Government's liability is contingent and cannot be estimated.

Section B presents those actions which were submitted by the Army, Navy, and Air Force with an estimated or potential cost of $50,000 or more. A list of contingent liability claims is also included where applicable. The Defense Communications Agency, Defense Mapping Agency, Defense Nuclear Agency, and the Strategic Defense Initiative Organization reported no actions while the Defense Logistic Agency indicated one action not involving a specific dollar cost.

Sincerely,

D.O. COOKE, *Director.*

Enclosure: As stated.

CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE, CALENDAR YEAR 1989

SECTION A—DEPARTMENT OF DEFENSE SUMMARY

SUMMARY REPORT OF CONTRACTUAL ACTIONS TAKEN PURSUANT TO PUBLIC LAW 85-804 TO FACILITATE THE NATIONAL DEFENSE JANUARY-DECEMBER 1989

Department and type of action	Actions approved			Actions denied	
	No.	Amount requested	Amount approved	No.	Amount
Department of Defense—Total	30	25,099,454	25,049,603	2	5,097,075
Amendments without consideration	3	24,142,000	24,100,000	1	172,938
Other—Residual powers	1	0	0	1	4,924,137
Formalization of an informal commitment	1	957,454	949,603	0	0
Advance payment	0	0	0	0	0
Contingent liabilities	25	0	0	0	0
Army—Total	7	0	0	2	5,097,075
Amendment without consideration	1	0	0	1	172,938
Other—Residual powers	1	0	0	1	4,924,137
Contingent liabilities	5	0	0	0	0
Navy—Total	16	25,099,454	25,049,603	0	0
Amendment without consideration	1	24,142,000	24,100,000	0	0
Other—Formalization of an informal commitment	1	957,454	949,603	0	0
Contingent liabilities	14	0	0	0	0
Air Force (Total) Contingent liabilities	6	0	0	0	0
DLA—Total	1	0	0	0	0
Amendment without consideration	1	0	0	0	0
Other—Advance Payment	0	0	0	0	0
DCA—Total	0	0	0	0	0
DMA—Total	0	0	0	0	0
DNA—Total	0	0	0	0	0
SDIO—Total	0	0	0	0	0

SECTION B—DEPARTMENT SUMMARY

Contractual actions with actual or potential cost of $50,000 or more taken pursuant to Public Law 85-804 to facilitate the national defense January-December 1989

U.S. Army

Contingent liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in five contracts; the potential cost of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor	*Number*
Bechtel National, Inc.	1
Hercules, Inc.	1
Ralph M. Parsons Co.	1
U.S. Army Armament, Munitions, and Chemical Command	1
Westinghouse Electric Corp.	1
Total	5

Contractor—Durst Division Regal-Beloit Corporation.

Type of action—Amendment Without Consideration.

Actual or estimated potential cost—$172,938.

Service and activity—USATACOM, Warren, Michigan.

Description of product or service—Trucks.

Background—The contractor, Durst Division Regal-Beloit Corporation, has requested extraordinary contractual relief based on cost increases resulting from the following items.

a. Department of Commerce anti-dumping rulings on bearings;

b. A DoD decision to closely inspect all fasteners; and

c. Material surcharges caused by increased demand.

Although the contractor did not specify whether it is requesting relief via an amendment without consideration, the correction of a mistake, or the formalization of an informal commitment, none of the authorized grounds for granting relief, pursuant to Public Law 85-804 are met by the request, which involves the transfer of a truck (Model M44A2. Series 2½).

Justification.—In order to authorize an amendment without consideration, the Government must be able to show that either the contractor is essential to the national defense or that a Government action, while not creating a liability on the Government's part increased performance costs. The action, furthermore, must be directed primarily at the contractor and must be the result of the Government acting in its own capacity. Certainly, however, the Government's actions to promote economic activity were neither directed primarily at Durst nor the result of its own actions.

The contractor has not claimed a mistake, and one has not been found which would constitute a mutual mistake. The contract was awarded to Durst on the basis of adequate competition after a review conducted by the Tacom Price Analysis Division. In fact, the competition was extremely close

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with less than 10% separating the offer made by Durst from that of the second offeror. Granting Durst's request would thus result in its price being higher than that of the next lowest bidder. In addition, no informal commitments are alleged by the contractor or supported in the file. Durst was expected to comply with the contract as originally awarded. Modifications to the contract have been limited to administrative changes, having no impact on contract performance or changes made for the contractor's convenience, such as the approval of requested specification changes and the extension of delivery schedules.

Decision.—There is no basis on which a determination can be made that the Durst Division of Regal-Beloit is essential to the national defense. The contractor's business with the Department of Army is limited to competitive items, specifically, these items include bearings and fasteners. Although the presence of a competitive contender is welcome, other firms are capable of supplying the same items that Durst manufactures.

Despite Government action, relief can not be authorized. The anti-dumping rulings issued by the Department of Commerce for bearings were not directed primarily at Durst. This action was intended to impact worldwide suppliers of bearings. Furthermore, the ruling was the result of the Government acting in its sovereign capacity rather than in its contracting capacity. In addition, there is no evidence to indicate any change imposed on the contractor after the award of the contract regarding fasteners that would entitle the contractor to any contractual relief. Similarly, DoD did not revise any fastener requirements. Instead, it took steps to assure that existing requirements were met by fastener suppliers. The action was again intended to have a total industry impact. Even if this action resulted in higher costs for Durst, it was not directed primarily at it, and, again, the Government was acting in its sovereign, as opposed to contracting, capacity.

Based on the facts cited above and pursuant to the Delegation of Authority 87-07, dated June 16, 1987, Regal-Beloit Corporation's request for extraordinary relief under Public Law 85-804 is denied by the responsible contracting official.

Contractor.—Developmental Sciences Corporation (DSC).

Type of action.—Residual Powers.

Actual or estimated potential cost.—$4,924,137.

Service and activity.—U.S. Army Missile Command (MICOM) and Army Material Command (AMC).

Description of product or service.—Warfare Research.

Background.—The U.S. Army Missile Command issued a Draft Request for Proposals (DRFP), Number DAAH01-86-R-A336, on November 25, 1985. The DRFP called for an Intelligence Electronic Warfare Unmanned Aerial Vehicle (IEW-UAV) System. The IEW-UAV System was to be a non-developmental item (NDI). The DRFP addressed three distinct phases of the IEW-UAV System which included the initial, interim, and objective requirements. A copy of the NDI Pamphlet 70-7 was also included as a part of the DRFP. The objective of the DRFP was to allow respondents to review all elements of the DRFP and make industry comments and recommendations concerning technology and cost evaluations that could be useful in refining the Army's requirements. Desired responses were to be made at no cost to the Government. Comments and questions regarding the DRFP were to be received by the issuing office no later than January 3, 1986. The DRFP, Solicitation Number DAAH01-86-R-A336, dated November 25, 1985, was synopsized in the Commerce Business Daily on November 15, 1985. Fifty-five companies obtained copies of the DRFP, with 13 (both large and small) companies providing responses. The issues addressed, comments provided, and questions voiced by industry served to confirm that the critical issues and technical requirements could be met through an NDI procurement.

MICOM performed a market survey for the IEW-UAV System to determine whether other companies possessed the capabilities defined in the IEW-UAV requirements. The results confirmed that a definite interest existed in competing for the IEW-UAV System, the responses to the requirements indicated that at least 11 firms had the capability to provide a sample system for evaluation and competition and at least four off-the-shelf systems to meet or exceed the performance characteristics required for the IEW-UAV demonstration.

Subsequently, RFP, Number DAAH01-87-A764, was issued on October 31, 1986, seeking proposals for the IEW-UAV. The RFP stated that the IEW-UAV was to be solicited as an NDI and that offerors must demonstrate their products' capabilities at their own expense. The objective of the planned procurement was to provide the Army with a complete off-the-shelf IEW-UAV System consisting of: air vehicles; mission payloads; command, launch, and recovery equipment; and support and training equipment. The closing date for the submission of all proposals was February 17, 1987. On or before that date, MICOM received proposals from three offerors, including DSC.

During March and April of 1987, DSC and one other offeror, California Microwave, Inc. (CMI), demonstrated their IEW-UAV's capabilities at Fort Huachuca, Arizona. The third offeror, Pacific Advanced Engineering, dropped out of the competition without participating in a demonstration. The performance demonstration for DSC was conducted from March 17, 1987, through April 8, 1987.

It was concluded that both offerors failed to successfully demonstrate several of the required capabilities. Since offeror met the stated evaluation requirements, both were considered technically unacceptable; thus, in accordance with the terms of the solicitation, neither could be considered for award. Accordingly, MICOM cancelled the solicitation on June 17, 1987.

Justification.—The Board finds no basis for relief under Public Law 85-804. DSC has not supported a claim for relief based on Part 50 of FAR. Part 50.3 of the FAR provides for contract adjustments. It cites three types of contract adjustments, which are as follows: amendments without consideration, correction of mistakes, and the formalization of informal commitments. The basis for providing relief for amendments without consideration and the correction of mistakes is a contract. The Board finds that no contract existed between DSC and MICOM. Further, there is no basis for a claim alleging a formalization of an informal commitment. The Board believes there were no actions taken by an agency official which could be termed an informal commitment or implied contract.

The Board also finds no basis for relief under the "residual powers" granted to it by FAR, Part 50.4. The Board has, therefore, determined that the actions by MICOM personnel with respect to DSC were fair and reasonable. Further, the facts as presented do not support a finding that the granting of relief to DSC would facilitate the national defense.

It should be noted that many of the same issues raised by DSC's request for relief have been raised by the second offeror, CMI. These issues were raised by CMI in a General Accounting Office (GAO) protest. CMI's protest was denied by the GAO; the Office found that the offerors had failed to demonstrate all essential characteristics, as required by the terms and conditions of the solicitation. They determined that as a matter of law there was no basis for relief and that MICOM had acted properly in its cancellation of the solicitation.

Decision.—Based on the information provided, the board can find no basis, equitable or legal, for granting relief. DSC understood the nature of the NDI procurement process and that the IEW-UAV System was to be procured utilizing NDI procedures. It assumed the risks associated with bidding on such a procurement. MICOM followed the rules that are applicable to NDI procedures, and their actions in applying those procedures to DSC were fair and reasonable. The Department of Army has been involved in several other NDI procurements. In most of those procurements the offeror has assumed the risks associated with this type of demonstration and evaluation. Further, while DSC complains that MICOM cancelled the solicitation, the requirement is in fact being procured using a joint program strategy. The Army's program strategy is the Unmanned Aerial Vehicle Short Range Joint System (UAV-SR). Two contracts, calling for the delivery of two UAV-SR joint systems, were awarded in September 1989. Each contract included not-to-exceed production options. It was DSC's failure to demonstrate all essential characteristics which caused their problems rather than any actions by MICOM.

In summation, the Board has considered all materials submitted by DSC, all information provided by MICOM, and all testimony presented during the Army Contract Adjustment Board hearing. Based on that review, it was the unanimous opinion of the Board that relief for DSC, under the authority of Public Law 85-804, is not appropriate and is hereby denied.

U.S. Navy

Contingent Liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in 14 contracts, the potential cost of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor	*Number*
General Dynamics Corp	1
General Electric Co	1
Litton Systems, Inc	1
Lockheed Missiles & Space Co., Inc	5
Rockwell International Corp	2
Systems & Simulation, Inc	1

Contractor	*Number*
Unisys Corp	1
Vitro Corp	1
Westinghouse Electric Corp	1
Total	14

Contractor.—Marinette Marine Corporation (MMC).

Type of action.—Amendment Without Consideration.

Actual or estimated potential cost.—$24,100,000.

Service and activity.—Naval Sea Systems Command.

Description of product or service.—Mine Countermeasure Ships.

Background.—Mine Countermeasure (MCM) ships of the Avenger, MCM-1 Class are intended to replace aging and obsolete Mine Sweeper, Ocean (MSO) ships to provide an improve mine hunting and mine neutralization capability, both to enhance the Navy's present capabilities and to replace its present MSO fleet. Thirty percent of the systems on the present fleet of MSOs are no longer supportable through normal channels of Navy supply support. The only method for providing spare parts for these systems is through the custom manufacture of parts. Notwithstanding the economic burden of continuing to operate MSOs, the Navy recently faced the need to use them in its operations in the Persian Gulf. This experience reemphasized the importance of the potential mine warfare threat in local and regional conflicts. Necessity dictates the replacement of the MSOs at the earliest possible time with the new MCM-1 Class ships.

The original acquisition strategy for the MCMs envisioned two shipbuilders as participants in this program, which presently provides for a total of 14 MCM-1 Class ships. The initial contracts were Ship Systems Design Support (SSDS) contracts. The winner of the competition for the SSDS contact, designated the potential lead shipbuilder, received a contract to review the contract design and perform productibility studies in support of the contract design development. The "runner-up," designated the alternate lead shipbuilder, received a contract to become familiar with the contract design. In addition, plans called for the award of a lead yard services contract to the potential lead shipbuilder which provided for the effort of transferring the detail design data from the shipbuilder to the follow shipbuilder for its use in the construction of the first follow ship. This lead yard services contract also provided for establishing and maintaining options for class standard equipment (CSE) for acquisition by each of the shipbuilders.

The Navy selected Peterson Builders incorporated (PBI) as the potential lead shipbuilder, and its SSDS commenced on April 22, 1981. Performance of the SSDS contract continued until a contract was awarded to PBI for the detail design and construction of MCM-1 on June 29, 1982. The Navy then selected MMC as the alternate lead shipbuilder, and performance of its SSDS contract commenced on April 22, 1981, and continued until the award to MMC of a contract for the construction of MCM-2 on May 2, 1983. Contract awards for MCM-4 and MCM-7 occurred on December 23, 1983, and August 20, 1986, respectively.

Schedule delays, cost overruns, technical problems, and problems with the lead/follow yard relationship plagued the MCM program. The Navy took corrective action in an effort to provide new Navy leadership and management to address the problems. Among other things, the Navy replaced both the NAVSEA Program Manager and the Deputy Program Manager in 1985. Such action was necessary due to the lack of timeliness and adequacy of lead yard data provided to MMC in accordance with the terms of its contracts. While these problems affected all of the contracts, the contracts for MCMs 2 and 4 were the most significantly affected. Resolution of these problems was particularly difficult because of differing interpretations of the contractual obligations of the parties. In addition, the Navy and MMC failed to reach agreement on the amount of the appropriate price increases to MMC's contracts, particularly those for which the Navy acknowledged MMC's entitlement to compensation.

The disagreements regarding contract interpretation related primarily to the responsibility of MMC for complying with the contractual specifications when it used data provided by the lead yard. MMC essentially took the position that all of its performance problems stemmed from late and defective lead yard data for which the Navy bore responsibility. The Navy, however, took the position that providing the amount of lead yard data suggested by MMC exceeded the Navy's obligations and that MMC bore responsibility, to some degree, for mismanagement of its part of the program. Another area of significant disagreement between the parties related to the responsibility to CSE subcontractors' failure to provide the items specified in their subcontracts entered into by MMC through the exercise of the options established by PO under the lead yard services contract. MMC took the position that CSF was equivalent to property furnished by the Government and, therefore, the Government bore responsibility for the non-performance of any CSE subcontractor. The Navy, however, took the position that MMC was required to administer the subcontracts in accordance with their terms and that if the subcontractor failed to perform in accordance with the subcontract, MMC bore the responsibility for such failure to perform.

After the submission of numerous individual Requests for Equitable Adjustment (REAs), MMC submitted a consolidated REA under all three contracts requesting price adjustments totalling $62.8 million on December 4, 1987, MMC subsequently amended this request to include additional items, increasing the total amount of requested adjustments to $727 million. This REA also proposed the conversion of the contract for the MCM-2 from a cost plus incentive fee contract to a firm fixed price contract within the proposed amount.

NAVSEA's analysis of the REAs resulted in the development of a Navy position regarding each item of claimed entitlement by MMC. In addition to determining the Navy position regarding entitlement, NAVSEA decided to more clearly define the obligations of the parties regarding the circumstances which had caused the problems in order to avoid future recurrences. To accomplish the desired overall resolution, initial negotiations over the terms and conditions of a settlement between NAVSEA and MMC commanced in February 1988 and continued for several months. A final agreement however, eluded the parties from reaching an agreement due to differences over whether MCM-7 was required to meet the requirements of the specifications and the parties' responsibility for CSE.

Despite these two major areas of disagreement, MMC insisted that NAVSEA make a final settlement offer. NAVSEA advised MMC that it was willing to accommodate MMC's request but that any settlement offer would include the Navy's position regarding MMC's responsibility for those areas on which agreement had not been reached. MMC agreed to this condition, and on April 27, 1988, NAVSEA made a settlement offer to MMC in the amount of $38.5 million. NAVSEA advised that the amount of $38.5 million was the maximum amount which NAVSEA believed could be justified as MMC's entitlement due to the Government's responsible actions, MMC, however, immediately rejected the NAVSEA settlement offer; MMC stated that $62.6 million would be the minimum acceptable offer and rejected the terms of NAVSEA's settlement offer.

NAVSEA advised MMC that it would not be possible to negotiate a settlement beyond the maximum amount to which MMC was entitled without the use of extraordinary contractual authority provided to the Secretary of the Navy under Public Law 85-804 and that the exercise would require a fully supported and justified request by MMC. NAVSEA further advised MMC that, in the event MMC declined to accept the proffered settlement or pursue relief under Public Law 85-804, NAVSEA would be prepared to follow the necessary steps toward the issuance of a contracting officer's final decision pursuant to the Disputes clauses of the contracts, thereby enabling MMC to pursue any additional claims through litigation.

Justification.—By letter, dated June 3, 1988, MMC submitted a request for extraordinary contractual relief pursuant to Public Law 85-804 requesting an amendment without consideration to each contract as well as reformation of the contracts on the basis of mistake. This request sought to supplement the Navy's settlement offer of $24.1 million. NAVSEA analyzed MMC's allegations of mistake, which had first been asserted by MMC in its letter, and determined that these were not redressable on the basis set forth in MMC's request for extraordinary contractural relief, pursuant to the Contract Disputes Act (41 USC 601, et. seq.). NAVSEA also requested and received several items of additional data not included in MMC's request.

NAVSEA had an independent financial analysis conducted by a public accounting firm. Peat Marwick Main and Company (PMM), regarding the amount of money it would take to complete the three ships at MMC. PMM concluded that the amount requested by MMC was materially the same as the amount necessary to provide reasonable assurance that MMC would be able to deliver the three ships presently under contract with MMC. PMMs analysis considered a number of factors and business scenarios. Using assumptions provided by the Navy, PMM projected that very little working capital would be available to MMC upon completion of MCM-7. This conclusion remained unchanged, despite the estimates at completion (EACs) set forth in its request for extraordinary contractual relief. The Navy's EACs, with which MMC essentially agrees, for the three ships (rounded to the nearest one hundred thousand dollars) are:

MCM-2	$90,900,000
MCM-4	68,300,000
MCM-7	65,800,000

The EACs represent the ideal instances; however, NAVSEA expects that an increase in the cost of performance will occur. NAVSEA's least desired instances are:

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MCM-2	$92,200,000
MCM-4	71,600,000
MCM-7	73,600,000

During the period subsequent to the submission of the request, MMC faced several financial problems. Because MMC reached the ceiling price on the MCM-2 contract and could not receive payment for work which it performed on this ship. MMC experienced a serious shortage of funds. To alleviate this situation, NAVSEA released $3 million of contract performance retentions withheld under the terms of the contracts for MCMs 4 and 7. NAVSEA required that these released funds only be used for work in furtherance of the completion of MCM-2. Also, due to MCM's inability to provide satisfactory financial statements to its lenders, the lenders declared a default on two outstanding loans totaling $10 million. The Navy and MMC agreed to incorporate certain changes into each of the contracts on a maximum price basis, and the Navy also agreed to provide provisional price increases due to the REAs in the contracts of both MCM-2 and MCM-4. This action provided MMC with the necessary funds to liquidate the loans. Although MMC used the funds generated from these maximum price increases for the payment of the loans, the ceiling price of the MCM-2 contract again created financial problems. Therefore, NAVSEA developed a second set of provisional price increases to the contracts for MCMs 2 and 4.

Faced with the probable cessation of work at MMC and the submission of the request for extraordinary contractual relief, NAVSEA has reviewed the status of the present situation to determine whether the Navy should consider granting the requested relief in view of all available alternatives. After a careful review, NAVSEA has determined that there are only three alternatives available: 1) pursue the resolution through the normal disputes process; 2) terminate the contracts and have the work completed by PB; or 3) recommend extraordinary contractual relief.

It is held that the third alternative should be selected in order for work to continue on the MCM-2. If either alternative 1 or 2 is chosen, NAVSEA anticipates that MCM will cease operating due to its poor financial condition. Bankruptcy proceedings would then most likely commence, which would add further delay in ship delivery and hamper the orderly completion of each of the three ships.

Decision.—Applicable regulations provide that no contracts, amendments, or modifications shall be entered into under the authority of Public Law 85-804 unless other legal authority within the Department of Navy is deemed lacking or inadequate. In the present case, the financial situation of MMC has deteriorated to the extent that, absent the granting of extraordinary contractual relief, MMC has no realistic alternative but to discontinue work on the three ships because it faces imminent bankruptcy. Delay in providing financial relief makes the delivery of these ships by MMC unlikely. In addition, NAVSEA has indicated that MMC would be unable to recover an amount greater than its $38,500,000 settlement, even if MMC pursued the disputes process to its ultimate conclusion. Consequently, no other legal authority in the Department of Navy is adequate in the present circumstances.

FAR 50.302-1 (a) contains appropriate authority regarding the nature of the relief considered in this particular case. The following section provides:

"(a) When an actual or threatened loss under a defense contract, however caused, will impair the productive ability of a contractor whose continued performance on any defense contract . . . is found to be essential to the national defense, the contract may be amended without consideration, but only to the extent necessary to avoid such impairment to the contractor's productive ability."

For the foregoing reasons, MMC faces an actual or threatened loss not caused by Government action but which will nonetheless impair its productive ability where the continued performance is essential to the national defense. In this regard, in the absence of extraordinary contractual relief, MMC faces severe amd adverse effects on its productive ability which would jeopardize the completion of the three MCM-1 Class ships now under contract.

The operating forces urgently need these three ships. Normal Navy channels of supply support can not aid the existing MSOs, and additional delivery delay has the potential of undermining its mine warfare capability. The proposed amendment without consideration permits MMC to continue building the ships and provides the least negative impact from both fiscal and schedule aspects.

Therefore MMC's continued performance of the three subject contracts is essential to the national defense. The minimum amount necessary to avoid the impairment of MMC's productive ability to perform remains at $24.1 million (including projected escalation). Accordingly, and pursuant to delegation from the Secretary of the Navy, and under Public Law 85-804, 50 USC 1431, et. seq., it is evident that this decision will facilitate the national defense.

Contractor.—University of Southern California (USC).

Type of action.—Formalization of an Informal Commitment.

Actual or estimated potential cost.—$949,603.

Service and activity.—Communications and Graphics Research, in support of the Strategic Defense Initiative Organization (SDIO): and the Battle Management Program.

Description of product or service.—Scientific Research.

Background.—On May 20, 1988, USC submitted a claim proposal to the Office of Naval Research (ONR) requesting payment for research conducted by USC's information Sciences Institute (ISI) during the period of January 1, 1988, through June 30, 1988. This claim was based on an informal commitment made by ONR and SDIO to reimburse USC/ISI for research performed in accordance with the USC statement of work. This statement was submitted in response to a Request for Proposal (RFP). Number N00014-87-R-0022, which was cancelled in May 1988. On July 23, 1987, ONR issued an RFP covering a three year effort for the purpose of continuing the priority items under Contract N00014-86-K-0311, Mod P00002 and reinstating the nonpriority task removed by that modification. Three proposals were then received in response to this RFP.

Following a technical and cost evaluation of the proposals received in response to RFP N000014-87-R-0022, the ONR Contracting Officer determined that USC/ISI was the only offeror within the competitive range. Thereafter, on December 17, 1987, an ONR contracts negotiator informed USC that USC/ISI had won the technical competition and that cost negotiations would be forthcoming. These negotiations were entered into on January 5, 1988.

During the months of January through April 1988, ONR and SDIO personnel monitored the work performed by USC/ISI in anticipation of a contract award via telephone conversations, meetings, and visits to the USC/ISI facility. On approximately March 29, 1988, ONR decided to reopen discussions with USC/ISI and another offeror because it was determined that the documentation in the contract file did not clearly support an award to USC/ISI. However, USC/ISI was later notified in April 1988 of ONR's decision to reopen discussions.

On May 4, 1988, SDIO informed ONR that funding reductions would prevent the anticipated procurement with USC/ISI from proceeding and asked that the RFP be cancelled. ONR relayed this information to USC on May 18, 1988. During the telephone conversation between ONR and USC, it was understood the USC/ISI would submit the following: (1) a brief summary of work completed; (2) a breakdown of costs expended to date; (3) a breakdown of costs to bring its ongoing work to a logical conclusion; and (4) a detailed report of all work performed. On July 1988, SDIO evaluated USC/ISI's work to determine whether the work was relevant and/or appropriate and whether the proposed cost was acceptable in terms of technical value. SDIO subsequently concluded that the work was in fact acceptable whereupon in October 1988 USC/ISI submitted to ONR a technical report in draft form of the research conducted during the period of January 1, 1988, through June 30, 1988, in accordance with USC/ISI's response to RFP N00014-87-R-0022.

Justification.—ONR has concluded that the research performed by USC/ISI during the period in question is of value to the Government and entirely acceptable on a technical basis. ONR has also found USC/ISI's cost of and subsequent request for $957,454 for the work performed during January 1, 1988, through June 30, 1988, to be a fair and reasonable ceiling amount. As required by FAR 50.203(b) (2), based on the discussion set forth in reference (b), the Board finds that other legal authority within the agency is inadequate to provide the relief sought by USC/ISI. It is therefore, appropriate to consider acting under FAR 50.302-3.

From the record, reference (a), it does not appear that there were any written or oral instructions from an officer or official with actual or apparent authority on which USC relied in good faith as set forth in the example in FAR 50.392-3. Even though this case does not fit precisely within the example cited in the FAR, the Board is not limited in its consideration to the example where it determines that the circumstances warrant action. In considering the facts as a whole, the Board finds that there was an informal commitment to USC that is appropriate to be formalized. In support, the record reflects that personnel were initially aware that USC/ISI was performing work under the proposed contract. Government personnel, however, took no action to supress USC/ISI's efforts. On the contrary, USC/ISI was repeatedly led to believe that a contract would be formally executed when the necessary funds were received by ONR. In addition, government personnel encouraged USC/ICI to continue performing under the proposed contract by monitoring and thereby endorsing USC/ISI's research. Considerations of fairness thus require that USC's

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request for relief not be rejected simply because the circumstances surrounding its performance are outside the example, as set forth in FAR 50.302-3.

The Board finds, as required by law, that at the time the commitment was made, it was impracticable to use standard procurement procedures (see FAR 50.203(d) (2)). One of the most important considerations in making this determination is any evidence or indication that the informal commitment was used as a matter of convenience to circumvent or evade procurement statutes and regulations. In such cases, Congress apparently believed that the benefit to the Government that would result from the formalization of the informal commitment would yield to the paramount interest of the Government in protecting public funds as manifested in the requirement that procurement be accomplished through normal procedures. Upon examining the facts, the Board finds that the evil of unchecked circumvention and deliberate evasion of procurement statutes and regulations does not exist in this instance.

Decision.—It is therefore the decision of the Board that the cognizant Contracting Officer of ONR be authorized to formalize this informal commitment in an amount not to exceed the amount requested of $957,454. The Contracting Officer shall comply with Part 50 of FAR and DFARS, and the documentation required by these regulations shall be furnished to the Board. ONR shall verify that the amount authorized to be paid ($949,603) to USC/ISI is within the ceiling amount and will submit a copy of the pre-award audit performed on USC/ISI with a copy of the contract to the Board. ONR will also obtain appropriate rights to the data developed in connection with the commitment authorized to be formalized.

Consequently, as required by FAR 50.203(b)(3) and 6(3), the Board concludes that granting this request will facilitate the national defense and that the relief granted is within the limits of the amounts appropriated.

U.S. Air Force

Contingent liabilities

Provisions to indemnify contractors against liabilities because of claims for death, injury, or property damage arising from nuclear radiation, use of high energy propellants, or other risks not covered by the contractor's insurance program were included in six contracts; the potential cost of the liabilities can not be estimated since the liability to the Government, if any, will depend upon the occurrence of an incident as described in the indemnification clause. Items procured are generally those associated with nuclear-powered vessels, nuclear armed guided missiles, experimental work with nuclear energy, handling of explosives, or performance in hazardous areas.

Contractor	*Number*
Allied Signal, Inc	1
Boeing Aerospace Co	1
GA Technologies, Inc	1
Hercules Aerospace Co	1
Martin Marietta Astronautics Group, Space Launch Systems Co	1
Cita Corp	1
Total	6

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2758. A letter from the Director, Administration and Management, Office of the Secretary of Defense, transmitting the calendar year 1989 report entitled, "Extraordinary Contractual Actions to Facilitate the National Defense", pursuant to 50 U.S.C. 1434; to the Committee on Armed Services.

2759. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a copy of a proposed transaction to authorize a guarantee in the amount of $143,535,902 loan on behalf of Arrendadora International, S.A. [AISA] to assist in financing exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

2760. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Annual Report on D.C. Depository for FY 1988 and 1989", pursuant to D.C. Code Sec. 47-117(d); to the Committee on the District of Columbia.

2761. A letter from the Secretary of Education, transmitting a copy of notice of final procedures for the Robert C. Byrd Honors Scholarship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2762. A letter from the Secretary of Energy, transmitting the annual report of actions under the Powerplant and Industrial Fuel Use Act of 1978 during calendar year 1989, pursuant to 42 U.S.C. 8482; to the Committee on Energy and Commerce.

2763. A letter from the Secretary of Transportation, transmitting the 14th annual report on the Automotive Fuel Economy Program, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

2764. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services estimated to cost $33 million (Transmittal No. 90-29), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2765. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

2766. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting the annual report of the Corporation's activities and operations during fiscal year 1989, pursuant to 22 U.S.C. 2200a; to the Committee on Foreign Affairs.

2767. A letter from the Comptroller General, transmitting a report on the Environmental Protection Agency's consolidated financial statements for the fiscal years ended September 30, 1988 and 1987; reports on internal accounting controls and compliance with laws and regulations (GAO/AFMD-90-20; March 1990); to the Committee on Government Operations.

2768. A letter from the Chairman, Consumer Product Safety Commission, transmitting a report on the Commission's activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2769. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on its activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2770. A letter from the Freedom of Information Officer, Environmental Protection Agency, transmitting a report on its activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2771. A letter from the Secretary, Federal Trade Commission, transmitting a report on the Commission's activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2772. A letter from the Office of the Managing Director, Interstate Commerce Commission, transmitting the Commission's annual report of its activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2773. A letter from the Executive Director, Pension Benefit Guaranty Corporation, transmitting a report on its activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2774. A letter from the Executive Secretary, Uniformed Services University of the Health Sciences, transmitting the annual report in compliance with the Government in the Sunshine Act for the period March 12, 1989 to March 11, 1990, pursuant to 5 U.S.C. 522b(j); to the Committee on Government Operations.

2775. A letter from the Deputy Director, Bureau of Land Management, Department of the Interior, transmitting notification of the proposed sale of approximately 7,500 acres of public land located in Clark County, NV, to the city of North Las Vegas for the purposes of community expansion and other public benefits, pursuant to 43 U.S.C. 1713(c); to the Committee on Interior and Insular Affairs.

2776. A letter from the Secretary of Interior, transmitting the first annual report, fiscal year 1989, of the Fish and Wildlife Service on the expenditures for the conservation of endangered or threatened species, pursuant to 16 U.S.C. 1544; to the Committee on Merchant Marine and Fisheries.

2777. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1991 and 1992 for certain maritime programs of the Department of Transportation, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

2778. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a revised list of projects to accompany the second report on construction authorizations which was submitted in January (Ex. Com. No. 2396), pursuant to 33 U.S.C. 579a; to the Committee on Public Works and Transportation.

2779. A letter from the Secretary of Transportation, transmitting a report on the feasibility of establishing flight corrodors across the borders of the continental United States in support of drug interdiction, pursuant to Public Law 100-690, section 7213(b) (102 Stat. 4434); to the Committee on Public Works and Transportation.

2780. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on lower Saddle River, NJ, together with other pertinent reports (H. Doc. No. 101-159); to the Committee on Public Works and Transportation and ordered to be printed.

2781. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on King Harbor, Redondo Beach, CA, together with other pertinent reports and comments (H. Doc. No. 101-160); to the Committee on Public Works and Transportation and ordered to be printed.

2782. A letter from the Under Secretary of Defense (Acquisition), transmitting the report on Department of Defense procurement from small and other business firms for the period October through December, 1989 (fiscal year 1990), pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

2783. A letter from the Director, Office of Technology Assessment, transmitting OTA's fifth special report on the Prospective Payment Assessment Commission, pursuant to 42 U.S.C. 1395ww(e)(6)(G)(i); to the Committee on Ways and Means.

2784. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to amend the harmonized tariff schedule of the United States provisions implementing annex D of the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, and for other purposes; to the Committee on Ways and Means.

2785. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the establishment of an automated management information system for the Indian Health Service, pursuant to 25 U.S.C. 1662; jointly, to the Committees on Education and Labor and Interior and Insular Affairs.

2786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the termination of the designation of Panama as a danger pay location, pursuant to 5 U.S.C. 5928; jointly, to the Committee on Foreign Affairs and Post Office and Civil Service.

2787. A letter from the Director, Office of Technology Assessment, transmitting the third report on the activities and progress of the Physicians Payment Review Commission through February 1990, pursuant to 42 U.S.C. 1395w-1(c)(1)(D); jointly, to the Committees on Ways and Means and Energy and Commerce.

2788. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, fiscal year 1989, pursuant to 22 U.S.C. 3871; jointly, to the Committees on Foreign Affairs, the Judiciary, Merchant Marine and Fisheries, and Post Office and Civil Service.

2789. A letter from the Secretary of State, Legislative Affairs, transmitting a draft of proposed legislation to be cited as the "Democracy, Reconciliation, and Refugee Assistance Act of 1990"; pursuant to 31 U.S.C. 1110; jointly to the Committees on Banking, Finance and Urban Affairs; Foreign Affairs; Ways and Means; Armed Services; and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2566. A bill to direct the Secretary of the Interior to transfer all right, title, and interest of the United States in certain property on San Juan Island, Washington, to those persons who own such property because of an erroneous survey; with amendments (Rept. 101-423). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JOHNSON of South Dakota:

H.R. 4296. A bill to amend section 1503 of title 18, United States Code, relating to protecting officers and jurors from threats or force, to extend protections against threats to jurors after they have been discharged of their duties; to the Committee on the Judiciary.

H.R. 4297. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses; to the Committee on the Judiciary.

H.R. 4298. A bill to amend the Federal Election Campaign Act of 1971 to provide for voluntary expenditure limitations and partial public financing for House of Representatives general elections, and for other purposes; jointly, to the Committees on House Administration and Ways and Means.

By Mr. NOWAK (for himself, Mr. Davis, Mr. Jones of North Carolina, and Mr. Studds):

H.R. 4299. A bill to authorize a study of the fishery resources of the Great Lakes, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MORRISON of Connecticut:

H.R. 4300. A bill to amend the Immigration and Nationality Act to revise the system of admission of aliens on the basis of family reunification and to meet identified labor shortages, and for other purposes; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 4301. A bill to amend the Internal Revenue Code of 1986 to increase the fuel economy standards used in determining the gas guzzler tax and to increase the rates of such tax; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4302. A bill to suspend temporarily the duty on Pigment Blue 16; to the Committee on Ways and Means.

H.R. 4303. A bill to suspend temporarily the duty on Pigment Blue 60; to the Committee on Ways and Means.

H.R. 4304. A bill to extend until January 1, 1994, the existing temporary suspension of duty on sethoxydim; to the Committee on Ways and Means.

H.R. 4305. A bill to extend until January 1, 1994, the existing temporary suspension of duty on 3-ethylamino-p-cresol; to the Committee on Ways and Means.

H.R. 4306. A bill to extend until January 1, 1994, the existing temporary suspension of duty on diamino imid SP; to the Committee on Ways and Means.

H.R. 4307. A bill to extend until January 1, 1994, the existing temporary suspension of duty on B-naphthol; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

330. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to earthquake preparedness; to the Committee on Banking, Finance and Urban Affairs.

331. Also, memorial of the Legislature of the State of Washington, relative to AMTRAK holding tanks on its trains; to the Committee on Energy and Commerce.

332. Also, memorial of the Legislature of the State of Washington, relative to prisoners of war; to the Committee on Government Operations.

333. Also, memorial of the Legislature of the State of Washington, relative to the taxation of pension income; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. Henry, Mr. Dreier of California, and Mr. Condit.

H.R. 239: Mr. Pashayan.

H.R. 446: Mr. Williams and Mr. Shumway.

H.R. 930: Mr. Sikorski.

H.R. 1136: Mr. Wyden, Mr. Traxler, and Mr. Sabo.

H.R. 1180: Mr. Brennan.

H.R. 1767: Mr. Faleomavaega.

H.R. 2033: Mr. Crane.

H.R. 2121: Mr. Carper.

H.R. 2353: Mr. Henry.

H.R. 2406: Mr. Geren.

H.R. 2714: Mr. Henry, Mr. Rowland of Connecticut, and Mr. Traxler.

H.R. 3037: Mr. Brennan.

H.R. 3240: Mr. Kildee, Mr. Bruce, Mr. Akaka, Mr. Lewis of Georgia, Ms. Oakar, Mr. Markey, Mrs. Boggs, Mr. de Lugo, Mr. Costello, Mr. Hoyer, Mr. Dellums, Mr. Campbell of Colorado, Mr. Bonior, Mr. Conte, Mr. Matsui, Mr. Ford of Tennessee, and Mr. Sawyer.

H.R. 3512: Mr. English and Mr. Sabo.

H.R. 3625: Mr. Hefner, Mr. Stark, Mr. Harris, Mr. Engel, Mr. Coleman of Texas, Mr. Sharp, Ms. Snowe, Mr. Erdreich, Mrs. Patterson, Mr. Gekas, Mr. Hancock, Mrs. Roukema, Mr. Moorhead, Mr. Dornan of California, Mr. McCollum, Mr. Stokes, Mr. Skeen, Mr. Spence, Mr. Archer, Mr. Hall of Texas, Mr. Stangeland, Mr. Kyl, Mr. Myers of Indiana, Mr. Hefley, Mr. Schaefer, Mr. Robinson, Mrs. Bentley, Mr. Schiff, Mr. Roth, Mr. Saxton, Mr. Ballenger, Mr. Coble, Mr. Slaughter of Virginia, Mr. Rhodes, Mr. Downey, Mr. Buechner, Mr. Owens of New York, Mr. Waxman, Mr. Akaka, Mr. Smith of Texas, Mrs. Lowey of New York, Mr. Schumer, Mr. Michel, Mr. Mineta, Mr. Frost, Mr. Bonior, Mr. Borski, Mr. Costello, Mr. Crockett, Mr.

Espy, Mr. Evans, Mr. Kennedy, Mr. Moakley, Mr. Vander Jagt, Mr. Brooks, Mr. Thomas of Georgia, Mr. Poshard, and Mr. Lancaster.

H.R. 3643: Mr. Parris, Mr. Denny Smith, Mr. Sisisky, Mr. Inhofe, Mr. Baker, Mr. Gordon, Mr. Thomas of California, and Mr. Dannemeyer.

H.R. 3732: Mr. Annunzio, Mr. Ray, and Mr. Kyl.

H.R. 3735: Mr. Crockett and Mr. Owens of New York.

H.R. 3859: Mr. de Lugo and Mr. Fauntroy.

H.R. 3918: Mr. Rinaldo and Mr. Kolbe.

H.R. 3934: Mr. Gejdenson.

H.R. 3958: Mr. Johnson of South Dakota, Mr. Dornan of California, and Mr. Torricelli.

H.R. 3979: Mr. Morrison of Connecticut.

H.R. 4003: Mr. Guarini.

H.R. 4015: Mr. Anthony, Mr. Fauntroy, and Mr. LaFalce.

H.R. 4042: Mr. Mrazek.

H.R. 4060: Mr. Bereuter.

H.R. 4080: Mr. Borski.

H.R. 4101: Mr. Rowland of Connecticut.

H.R. 4143: Mr. Campbell of Colorado.

H.R. 4207: Mr. Bryant.

H.R. 4238: Mr. Crockett.

H.R. 4262: Ms. Pelosi, Mr. Towns, and Mr. Rowland of Connecticut.

H.J. Res. 439: Mrs. Meyers of Kansas.

H.J. Res. 482: Mr. Frank, Mr. Guarini, Mr. Applegate, Mr. McMillen of Maryland, Mr. Traxler, Mr. Bilirakis, Mr. Mollohan, Mrs. Morella, Mr. Flake, Mr. Tallon, Mr. Stokes, Mr. Atkins, Mr. Owens of Utah, Mrs. Collins, Mr. de Lugo, Mr. Lehman of Florida, Mr. Scheuer, Mr. McCloskey, Mr. Coughlin, Mr. Green, Mr. Bates, Mr. Gallo, Mr. Martin of New York, Mr. Wolpe, Mr. Campbell of Colorado, Mr. Cardin, Mr. Dicks, Mr. Kleczka, Mr. Kasich, Mr. Hutto, Mr. Lipinski, Mr. Livingston, Mr. Foglietta, Mr. Berman, Mr. Callahan, Mr. Hamilton, Mr. McCollum, Mr. Matsui, and Mr. Mfume.

H.J. Res. 495: Mr. Sisisky and Mr. Carr.

H.J. Res. 500: Mr. Flippo, Mr. Moakley, Mr. Mrazek, Mr. Perkins, Mr. Richardson, Mrs. Lowey of New York, Mr. Bilirakis, Mr. Callahan, Mr. Clarke, Mr. Burton of Indiana, Mr. Coble, Mr. Nielson of Utah, Mr. Hansen, Mr. Miller of Washington, Mr. Dwyer of New Jersey, Mr. Hochbrueckner, Mr. Moody, Mr. Dixon, Mr. Traficant, Mr. Hefner, Mr. Feighan, Mr. Hall of Ohio, Mr. Lipinski, Mr. Atkins, Mr. Waxman, Mr. Chapman, Mr. Young of Florida, Mr. Natcher, Ms. Ros-Lehtinen, Mr. McGrath, Mr. Inhofe, Mr. Paxon, Mr. Neal of North Carolina, Mr. Aspin, Mr. Kleczka, Mr. Weiss, Mr. Evans, Mr. Poshard, Mrs. Patterson, and Mr. Dingell.

H. Con. Res. 66: Mr. Markey.

H. Con. Res. 249: Mr. Costello, Mr. Scheuer, Mr. Conte, Mr. Panetta, Mr. Hughes, Mr. Fauntroy, Ms. Slaughter of New York, Mr. Solomon, Mr. Early, Mr. Brennan, Mr. Fazio, Mr. Matsui, Mr. Guarini, Mr. de Lugo, Mr. DeFazio, Mr. Lowery of California, and Mr. Dicks.

H. Con. Res. 271: Mr. Fazio and Mr. Lancaster.

H. Con. Res. 273: Mr. Hyde, Mr. Morrison of Connecticut, and Mr. Atkins.

H. Con. Res. 281: Mr. Scheuer and Mr. Solarz.

PETITIONS, ETC.

Under clause 1 of rule XXII,

144. The SPEAKER presented a petition of Governors of Maryland, Ohio, Michigan, and New Jersey, Executive Department, Washington, DC, relative to economic dislocations that may result from cuts in defense spending; which was referred jointly to the Committees on Education and Labor; Banking, Finance and Urban Affairs; Science, Space, and Technology; Foreign Affairs; Small Business; Public Works and Transportation; and Armed Services.

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EXTENSIONS OF REMARKS

CONGRESSIONAL VIEWS OF EUROPE—1992

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. HAMILTON. Mr. Speaker, I would like to draw the attention of my colleagues to remarks I delivered on March 5, 1990, to a Conference on Science and Technology and the 1992 European Market Integration sponsored by the National Academy of Sciences Academy Industry Program.

This speech discusses the European Community [EC] and developments leading up to 1992 and the creation of a single market economy. In these changing times, the European Community has taken on greater weight and importance as an international economic and political player. I believe that congressional views on the Community are in a process of transition and that, as an institution, the Congress has become more interested in the European Community.

My remarks follow:

CONGRESSIONAL VIEWS OF EUROPE—1992

(By Lee H. Hamilton)

I. INTRODUCTION

A. U.S. Policy Toward the European Community

The long-standing policy of the United States is that an integrated Europe is a more prosperous Europe and a stronger security partner.

With this in mind, the United States has strongly supported the idea of European interation from the very beginning, since the 1957 Treaty of Rome.

Trade disputes such as "chicken wars" and "pasta wars" have irritated U.S.-EC relations for the past 25 years.

But the U.S. and Europe have until now always prevented these disputes from interfering with our greater commitment to shared political and security goals.

B. Europe—1992

Congress' perspective on the European Community revolves around trade issues. The key issues for Members of Congress concern U.S. exports, the trade deficit, and the future of U.S. competitiveness.

When the Single European Market was agreed upon in 1986, the reaction initially in the Congress was a big yawn. Why?—for two reasons:

First, Congress pays attention to the "hot spots" in the world. Places like Nicaragua and El Salvador at that time were far more important to Members than Brussels, Bonn or Madrid. European integration was simply not a question on the agenda.

Second, because of the enormous internal disputes in the EC about the budget and agricultural subsidies, Members frankly doubted at the time whether Europe would make progress on the 1992 plan.

The subsequent pace and intensity of EC integration caught everyone, including the Europeans, by surprise. Beginning in 1987, Members of Congress heard constituents and lower-level officials complain that 1992 would hurt U.S. access to European markets.

This crescendo of concern grew through 1988 and early 1989, and became expressed in the phrase "Fortress Europe." The fears of constituents that EC-'92 was protectionist, exclusionary, and discriminatory came through loud and clear.

In 1989 the rising cry caught the attention of high-level U.S. officials, including Secretaries Baker and Mosbacher. The United States made its view clear that the 1992 project should be an initiative to open markets and expand free trade, not to close markets. The EC and the U.S. began an intense dialogue on these questions.

Today, there is an acceptance in the Congress that Europe-'92 will take place. Members' fears have been partially addressed. They no longer assume that EC-'92 means protectionism. But they will want to look carefully at the development of the nearly 300 EC directives guiding the 1992 process, of which more than half already have been adopted. Access by American high technology firms will be particularly important. For now, the overall attitude in Congress remains one of caution, and wariness.

II. LARGER CONCERNS

Today, Congressional attention is focussed on the European continent for the first time in recent memory. Members of Congress are watching developments in Europe to see how they will affect the United States and the post-war world as we have known it.

First, we realize that the EC is becoming an increasingly important institution and its power will only grow as 1992 draws near.

The EC will play a key role in the new European order. In addition to promoting the process of economic integration, the EC will serve as an all-important anchor in the West for a new unified Germany. It will be a central action in coordinating Western policies toward the newly-emerging democracies in Eastern Europe and toward a reforming Soviet Union.

Closer EC coordination in the political and security areas presents a challenge for the U.S. Increasingly, the Europeans are consulting among themselves on matters previously left to NATO. In many respects, this process has short-circuited trans-Atlantic cooperation. The U.S. is being brought into key decisions now after the Europeans have decided among themselves what course they will take.

This trend away from NATO coordination is likely to be exacerbated in the current transition to a new security regime in Europe. The nature of this new regime is still uncertain. It may be based on the Conference on Security and Cooperation in Europe (CSCE) process, also known as the Helsinki process. It is important that the U.S. take steps to guarantee its role in whatever new security framework emerges.

Second, we recognize that European integration can be a potentially positive-sum game with advanatages for the U.S. and for American businessmen.

By removing existing barriers to the movement of goods, capital, technology, and labor between the 12 EC member-states, Europes-'92 should lead to new investment, more jobs and faster growth throughout the EC. In fact, high expectations for 1992 have already produced an investment-led economic boom in the EC.

As the Community's largest trading partner, the U.S. stands to benefit from this process, too. With 320 million consumers, a unified EC will have the largest single market in the world. If you include the rest of Europe, we are talking about a "European economic space" of some 500 million generally middle-income and well-educated consumers with a total economic output of $6 trillion—twice that of Japan and the four Asian tigers (South Korea, Hong Kong, Singapore and Taiwan) combined. The likely investment surge should benefit a capital goods exporter like the U.S.

In addition to greater trade opportunities, European integration holds out the promise of new technology for U.S. firms to acquire. The EC is committed to a strong program of technology development and collaborative R&D. These efforts, combined with corporate R&D performance by European firms fortified with such a strong domestic market, should enrich the international storehouse of technology on which all of us can draw.

Third, there is a growing uneasiness in the Congress that the U.S. is being left behind in Eastern Europe. The West Europeans, led by the Federal Republic of Germany, are moving aggressively to take the initiative in Eastern Europe.

German, French, Italian, and British businessmen and bankers, building on historic ties between their countries and the East, are pursuing joint ventures and extending new credits in East Germany, Hungary, and Czechoslovakia. The perception is that U.S. firms have been slow to follow and that the U.S. has lagged behind its European allies in offering trade and investment incentives to companies interested in doing business in the East.

This view has been reinforced by the new French initiative to create a European Bank for Reconstruction and Development (EBRD) for Eastern Europe, with EC majority interest. While the charter of this bank has not been finalized, there is concern that U.S. interests will not be taken into account and that the EC will control policy.

Fourth, we are focusing attention on the impact of German reunification on the European Community and the EC-92 program.

There is some danger that Bonn's new focus on the East will slow the pace of European integration. Such a development would not be in the U.S. interest. European integration must keep pace with the process of German unification. In recent weeks, this has become a tall order, because of the accelerating pace of change in the Germanies. We are already beginning to see the jitters that German unity can give its neighbors. Unity within an integrated EC will be a key to future stability in Europe.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Some EC officials have expressed optimism that the decision to move forward with a common currency between the two Germanies will actually boost the EC drive for European Monetary Union, rather than slow it down, as many fear. EC officials hope that by displaying how it can be done, German monetary integration will silence the critics of EMU.

Fifth, we note the issue of the future depth and breadth of the European Community and the importance to the U.S. of how this question is resolved.

As the major economic force on the continent, Brussels will serve as a magnet for other countries on the continent interested in trade. The neutral countries, EFTA, and the emerging democracies in the East are already setting their domestic economic agendas to Brussels' tune. Austria and Turkey have applications for EC membership pending, and Hungary, Czechoslovakia and Poland are likely to be close behind.

The European Community has not yet decided how it will proceed on these applications. For the time being Brussels has said there will be no more expansion until after 1992. But, the pressure to open its doors to new members will only build in the coming months and years.

How the EC acts will determine the future nature of the Community. Further enlargement is likely to limit political integration and security cooperation within the Community.

Sixth, we are aware that the new developments in Europe are shifting U.S. relationships with our European allies.

There is a growing recognition within the administration of the need to work more closely with Brussels on political, as well as economic, matters. In addition, the pace of developments in Germany has increased the urgency of close U.S. cooperation with Bonn.

In contrast, Prime Minister Thatcher's opposition to European Monetary Union and her more reticent position on German unification has set her apart from her European allies. It is too early to predict what the implications of this trend will be for the future of the Anglo-American "special relationship".

III. SPECIFIC CONCERNS

A. EC policy

While knowledge of the EC and opinions about it vary, most of us on Capitol Hill have genuine concerns about the impact Europe-'92 will have on American firms.

Specifically, what have been our concerns? Let me give you a flavor:

The EC's standards-setting process does not allow sufficient participation by U.S. exporters. For example, the EC mandated a battery cable standard for forklift trucks to which only European manufactured cables were able to conform.

Government procurement rules favor EC products and services in certain sectors. As a result, U.S. exporters of telecommunication and electrical equipment cannot sell to European governments.

Local content requirements may result in American movies and television programs being taken off the air, to reserve programming time for "European works."

Approval to market biotechnology products may involve a "fourth hurdle," in addition to the normal criteria of safety, efficacy and quality. This fourth hurdle would take into account whether the product would cause economic harm to segments of European society, such as small farmers, that have received special concessions from national governments.

The EC has recently tightened its guidelines for suspending tariffs on pharmaceuticals and electronics products. The guidelines appear to discriminate against a U.S.-made product if the firm's EC subsidiary could produce it.

To many Members of Congress, these practices appear to add up to fairly strong encouragement that U.S. firms manufacture in Europe.

Congress is less worried about large American multinationals. Most Members believe that the giants of American industry are well-positioned to benefit from a single market. But we are concerned that exporters—particularly, small and medium-sized firms—could be hurt by a change in the rules. Until their access to EC markets and technology is assured, Congress will remain skeptical.

The Case of Semiconductors: Let me focus on one particular industry—semiconductors—to illustrate Congress' apprehension. I'm not an expert on electronics, but here is my understanding of what has happened:

In February 1989, the EC approved a regulation that drastically altered the rules for determining the origin of semiconductors. That change, combined with the EC's implementation of recent anti-dumping settlements against Japanese electronics producers, mean the following: Chips fabricated in the U.S. but tested and assembled in Europe, no longer receive favorable treatment. As a result, EC-based firms are pressuring their U.S. chip suppliers to manufacture in Europe or, worse, are switching to European suppliers altogether.

Electronics industry represenatives tell me the use of anti-dumping regulations will become increasingly important, as the 1992 deadline approaches for abolishing national quotas and voluntary export restraints.

There are other problems for semiconductors: A 1989 change in the rules that will reduce the ability of member countries to suspend tariffs on semiconductors promises to leave higher walls around the market for semiconductors after 1992.

Also, let me mention the flow of public subsidies into joint research and development activities in information technology and electronics, including semiconductors. Projects such as ESPRIT and JESSI are highly commendable, as a way to overcome the inability of private firms to capture the full benefits of R&D. I believe the U.S. should itself be doing more to promote cooperative R&D in civilian technology. But subsidies to R&D *can* be problematic, when used as a means of selectively helping national firms in world markets—that is, as an alternative to production subsidies, which are illegal under GATT.

One way to avoid that problem is through reciprocal access to R&D—that is, by permitting firms from other countries to join one's own subsidized R&D programs in exchange for comparable access by the other country. This represents a departure from current practice in both the U.S. and EC, and there are obstacles to implementing it. Nevertheless it is an idea worth exploring in the name of creating a more open international trading system, from which we all would gain.

B. U.S. policy toward the EC

Congress is also concerned about U.S. policy toward the EC. The sweeping changes in Eastern Europe as well as the EC have underscored the need to update our own government's policies and priorities for a world in which economic strength is increasingly more important to our nation's security than military strength.

1. *Insufficient resources:* We are concerned about the inadequacy of resources assigned to EC-92.

The U.S. Trade Representative has only one person assigned to the U.S. Mission to the EC in Brussels; the Treasury and Commerce Departments have no one. Last spring, the Commerce Department asked permission to assign three Foreign Commercial Service officers to the mission in Brussels, but it took many months for the mission—which is dominated by State Department personnel—to agree, and the three officers are still not in place.

Because of this staff structure, we rely heavily on U.S. multinational companies for economic intelligence and information. Their information is obviously important, but the private interests of U.S. multinationals may diverge from U.S. national economic interests, including the interests of U.S.-based exporters. IBM Europe is agruably as much a European company as an American company, which is as it should be.

B. *Who's in charge?* Insufficient resources is not the only problem with our trade policy. We suffer from a common Washington problem: On any given issue, it's often not clear who's in charge.

Fragmentation of executive authority leads to turf battles. Different agencies, each with its own valid mission, invariably clash, and the internal conflicts sap our strength for the trade fight going on outside. Why did it take the Commerce Department six months to get approval to place three foreign commercial service officers in Brussels? I suspect that the State Department resisted sharing its authority toward the EC. As industry's watchdog, the Commerce Department clearly has a different view—and a more critical view—of EC-92 than the State Department.

This tension between departments may be unavoidable and even healthy. But, it reflects the lack of overall direction from the Bush Administration concerning Europe-'92. U.S. government actions to promote trade and investment in the EC have proceeded on one track, led by the U.S. Trade Representative, while our government's political dealings with the EC have proceeded on another track, led the by State Department. Various interagency groups are at work to coordinate one track or the other, but no single cabinet member has responsibility for both.

Among other problems, that results in a lack of accountability. Those of us in Congress don't know whom to call on EC policy. Industry officials, perhaps more than Members of Congress, have been frustrated by this problem.

C. *Military security vs. economic security:* Finally, we are concerned with the dominance of military interests over economic interests. In the case of EC-'92, many Members are concerned that the U.S. is not getting the leverage it should from the Memoranda of Understanding (MOU's) that the Department of Defense maintains with European nations. Although these MOU's are the major bargaining chip we have in the EC-'92 negotiations, DOD has been unwilling to let our U.S. Trade Representative use them as a bargaining tool.

Military interests often dominate economic interests. Federal support for advanced technology development goes largely for defense technology. That approach—which relies on defense spinoffs to civilian technol-

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ogy—worked well during the 1950s and 1960s. It no longer does. Military technologies have grown steadily more specialized, and the defense sector more isolated from the rest of the economy. The direction of influence has even been reversed in many areas, where military applications now depend on advances in civilian technologies. Despite that, the U.S. continues to spend a far smaller percentage of its GNP on civilian R&D than West Germany or Japan. Historically, the U.N. ratio of defense to civilian R&D was 50:50. In the 1980s, that ratio became 70 percent defense, 30 percent civilian.

In Europe, the ESPRIT and EUREKA programs provide EC support for civilian technology development. In this country, there is a great debate over such support. Under the policy of the Bush Administration, we do not support advanced civilian technology development unless there is a clear national security rationale. Just what constitutes "national security" is not entirely clear from Administration actions, however. DOD recently funded R&D efforts on food processing and apparel.

V. CONCLUSION

Congress is watching EC-'92 developments carefully, and Members are—in a word—concerned. Despite assurances from the Administration that negotiations are moving in the right direction, Members are frustrated about specific developments.

My own view is that, on the whole, the United States has benefited from the past expansion of the European Community. These benefits have not been automatic, however. We were vigilant in the mid-1970s, and again in 1981, and our vigilance was met with success in the form of trade barriers lower than they otherwise would have been. We need to approach Europe-'92 with the same vigilance.

REMEMBERING BLOODY SUNDAY

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. EDWARDS of California. Mr. Speaker, 25 years ago the President Lyndon Johnson's Justice Department sent a young Civil Rights Division lawyer to Montgomery, AL, to conduct a grand jury investigation of the events of "Bloody Sunday."

The young man was James P. Turner who most recently has been Acting Assistant Attorney General, Civil Rights Division. On March 10 of this year he attended in Montgomery the celebration commemorating "Bloody Sunday." His moving remarks at the ceremony are set forth below:

REMARKS OF JAMES P. TURNER, ACTING ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE

On behalf of President Bush and Attorney General Thornburgh, I commend the SCLC and the organizers of this event. More personally, as one whose professional life was energized 25 years ago by the events we celebrate today, I thank you for the rare honor and privilege of participating in this celebration. As you heard in the introduction, I have been continuously in the business of enforcing civil rights laws since the days 25 years ago when I was sent here by the Justice Department to conduct a grant jury investigation of the events of bloody Sunday and to serve on the team of federal prosecutors that finally brought to justice the klansmen who murdered Viola Liuzzo—a Detroit woman who was gunned down on Route 80 after the Selma march.

In 1965, black people in this State lived at the lowest level of a pervasive caste system—invisible to the law and unacceptable to society. The Civil Rights movement—the idea whose time had come—eliminated that system forever.

Within months of the Montgomery March President Johnson signed the Voting Rights Act, the strongest civil rights bill ever conceived in this country. In Alabama alone, black registration increased from about 92,000 in 1964 to nearly a quarter of a million in 1967. Nationwide, the number of black elected officials has leaped from 103 in 1964 to 7226 today. In Alabama, there were no black elected officials in either the Alabama House or the Alabama Senate at the time of the Voting Rights Act. Today, there are five black state senators and eighteen black house members. After the census counts in 1970 and 1980, hundreds of units of state and local governments across the South were reconstituted, but on these occasions the Voting Rights Act required that every single plan be inspected for racial fairness by the Justice Department's Civil Rights Division. For example, we found that one Congressional district in Atlanta was drawn to minimize the chance that a black congressman could be elected. We required the lines to be drawn fairly and in 1972 that district elected Andrew Young and today it is served by none other than John Lewis—whom I first met as one of the leaders of the bloody Sunday march.

And, under other provisions of the Act, unfair voting systems may now be challenged in federal court. For example, we are today completing a trial in Los Angeles, California where we contend that a county of seven million people has been divided purposefully into five election districts in a way that fragments two million Hispanic residents to prevent their representation. In Selma, where it all began, after ten years of contested litigation, the Department of Justice was finally able to get a fair districting plan in place and just last year I had the honor of attending the swearing-in of three new black members of the five-person Dallas County Commission—a swearing-in conducted by Alabama's first black federal district Judge, U.W. Clemon.

So I want to join with you today in celebrating the monumental events which led to these historic changes in American life. They happened, of course, because of the exercise of the rejuvenating right to petition for redress of grievances contained in our Constitution and enforced by our courts. The rights of all Americans were enhanced when the marchers crossed the Pettus Bridge to expose the oppression of Selma and begin a quest for justice in Montgomery and beyond. But such events also happened because of the inspired vision of Dr. King and the others who literally devoted their lives to exercising the power of freedom. In one of his finest moments, Dr. King stood in this historic spot in March of 1965 and declared to the world:

"They told us we wouldn't get here. And there were those who said that we would only get here over their dead bodies. But all the world today knows that we are here, that we are standing before the forces of power in the state of Alabama, saying 'We ain't goin' let nobody turn us around.' "

And, that is truly a story that deserves the telling, and the retelling, lest anyone forget that it is the miracle of freedom that its power grows strongest when it is threatened most.

The cause of racial justice was pushed—firmly but peacefully. The tactics were as straightforward as a simple plea for fairness: truth was preached in the churches; oppression was demonstrated in the streets; justice was practiced in the courts. And with a grace that was truly amazing, an entire nation peacefully healed itself.

I like to think that the spirit of the Montgomery March is the true spirit of democracy; that the ideas unleashed 25 years ago here in Alabama surfaced again in Tiananmen Square; that the march of ideas that started here are now reverberating in Johannesburg and Prague; and that the first cracks in the Berlin Wall had their seismic origins in Selma, Alabama in 1965.

But such claims are perhaps too grandiose. Let me settle for the thought that the events we celebrate today should inspire all of us to have a higher faith in America.

For my part, I renew to you my personal promise, and the firm commitment of the Justice Department, that the civil rights laws of this great country will be vigorously enforced. To ensure that the precious gains of black voters are not lost in post-1990 redistricting, we will faithfully review every new district formed after next month's national census to ensure full compliance with the Voting Rights Act. With the FBI, we will relentlessly search for the killers of Judge Vance and civil rights attorney Robert E. Robinson. We will bring those responsible to justice.

Today, we join together not so much to celebrate the successful completion of a chapter of national life, as to renew the overarching commitment to equal justice under law. We know that this goal has yet to be realized, but I hope that each of us leaves here with a revitalized determination to continue to work for the dream of justice and racial understanding envisioned by the marchers from Selma.

TRIBUTE TO BILL "DUTCH" SHULTZ

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the House of Representatives to join me in paying tribute to Bill "Dutch" Shultz who passed away this past December. The news caught many of us in California by surprise—his departure was sudden and unexpected.

He was an unfailing gentleman and a loyal friend to many. Dutch Shultz leaves behind a legion of admirers, including countless birds which benefited from his generosity. It is safe to say that the ducks along Half Moon Bay's golf links will never find so great and steady a source of bread scraps.

Dutch will be remembered by many of us for his passionate devotion to literature and language as well. He always made sure that his children and grandchildren—and often his grown friends—used proper grammar.

He is survived by his greatest and most devoted admirer, his wife Carole, and children and grandchildren whom he loved dearly and who were an integral part of his life. We will all miss this white haired gentleman who managed to brighten our days.

In this time of wide, but often shallow and ephemeral friendships, it is important to remind ourselves of the special place in which we hold good friends, and to encourage others, especially the young, as Dutch did, to practice the art of caring.

A CREATIVE APPROACH TO ACHIEVE ENVIRONMENTAL GOALS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. STARK. Mr. Speaker, the Ways and Means Committee has been holding hearings to discuss how the Tax Code can be used to implement long-term strategies to protect the environment. These are far-sighted hearings. I believe that the Tax Code can be an effective tool to implement critical environmental goals. Pollution will be forced to pay its true societal costs.

An excellent presentation was made by the World Resources Institute on just how effective and important environmental taxes can be. I would like to quote from their conclusion:

> Most taxes have the potential to distort economic choices. Environmental taxes are quite different. As long as care is given to setting the right tax level, taxes based on environmental degradation offer the potential of redirecting our economy to a more efficient allocation of resources as well as generating significant revenues. It makes little sense to raise the cost of good things in the economy while other components of the domestic economy remain underpriced. While it would be misleading to understate the implementation issues surrounding various environmental taxes or their distributional implications, the huge benefits from a more rational tax system puts a high value on finding the right solutions to these potential problems.

Mr. Speaker, we are going to have to change the way we account for pollution in our economy. However, pollution taxes offer an exciting opportunity for us to reduce the Federal deficit, make our economy lean and mean, and improve our balance of trade. I would like to include the entire statement in the RECORD:

USE OF THE FEDERAL TAX SYSTEM TO IMPROVE THE ENVIRONMENT

(By Roger Dower and Robert Repetto, Directors of Research in Energy Policy and Economics, World Resources Institute)

INTRODUCTION

It is widely recognized that our current U.S. tax system involves significant efficiency losses to the economy. Taxes that fall on labor earnings discourage labor force participation. Taxes that fall on capital earnings discourage savings and investment. Hard work and thrift, traditional American virtues, are penalized by taxes. Over time, lower rates of savings and labor force participation reduce income and economic growth significantly. Variations in effective tax rates also distort the allocation of investment and effort among sectors.

Of course, purely lump-sum taxes are impossible, and actual tax systems all result in some economic excess burdens. Even so, the size of aggregate economic losses from tax-induced distortions is a matter of concern. The total efficiency cost of the U.S. tax system has been estimated to be between 4 and 7 percent of GNP.[1] In current dollars, this amounts to about 200 and 350 billion dollars per year. Most of these losses are attributable to personal and corporate income taxes.

At the margin, the efficiency costs of raising additional revenues from incentive-distorting taxes is even steeper. Estimates place the efficiency loss from marginal increases in tax revenues from the present system at 15 to 45 cents for each extra dollar collected. Reducing these burdens has motivated previous and ongoing efforts to simplify and reform the tax code.

Today's hearing, on the possibility of using the tax code to protect the environment, is a further step toward reducing the economic burden of the tax system. Inevitably, taxes have incentive as well as revenue effects. Using taxes to discourage polluting activities, which generate economic losses through environmental degradation, can improve economic efficiency. Pollution taxes and charges can help correct the well-known failure of markets to reflect pollution damages fully in the costs and profit-loss calculations of the polluting firm or household.

Shifting the tax base so that taxes fall less heavily on savings and work, and more heavily on environmentally damaging activities, pays double dividends in economic efficiency. Every dollar taken off the personal or business income tax pays a 15 to 45 percent dividend in increased economic welfare. If the tax loss is made good by a dollar levied on polluting activities, there is a further dividend in the form of reduced environmental damages and regulatory costs.

This additional dividend is by no means negligible. The United States currently spends about 100 billion dollars, 2 percent of GNP, on pollution abatement, waste disposal, and environmental regulation. It is widely conceded that the current "command-and-control" regulatory system is administratively burdensome on both industry and government, and results in an inefficient distribution of abatement responsibilities among pollution sources. In addition, it is ineffectual in coping with the innumerable "non-point" discharges by households and small enterprises that form an increasing fraction of all pollution.

Despite these expenses, environmental degradation from the remaining emissions impose economic costs estimated at from 30 to 100 billion dollars per year, 0.7 to 2.0 percent of GNP, about equally split between health and other damages. These estimates do not include potential future losses from climate change and other large-scale atmospheric disturbances linked to emissions from fossil fuels and industrial processes.

Compared to current regulatory approaches, taxes on environmentally damaging activities can stimulate far-ranging changes in consumer behavior, product designs and industrial processes. More importantly in the long run, these economic instruments provide more effective incentives for waste-reducing technological changes than do command-and-control regulations. The breadth of environmental pressures requires these broad and continuous technological responses.

In the past, environmental taxes have been viewed with suspicion by both business and environmental interests. While generally in favor of the flexibility offered by such economic approaches to environmental management, industry has objected to the extra cost of charges levied on emissions that fall within established environmental standards. Applying environmental taxes in a revenue-neutral way, reducing other business taxes commensurately, addresses this concern.

Some environmental groups have resisted the implication that polluters can "buy off" their responsibilities for environmental clean-up by paying a tax. However, that perspective is changing in the face of widespread risks to the global environment that require abatement action on a broad front. The concept of "sustainable development" rests on the idea that economic progress can be reconciled with environmental protection if, and only if, the need for resource efficiency and environmental protection are fully integrated into the decisions of producers and consumers throughout the economy. Environmental taxes are a key component of a sustainable future whether the revenues are used to reduce the deficit, find new programs, or offset less desirable federal taxes.

ENVIRONMENTAL TAXES AND ECONOMIC CONSIDERATIONS

There is a wide range of environmental problems that could be addressed through the appropriate use of environmental taxes. For example, the Congressional Budget Office (CBO) provides revenue estimates for air pollution and water pollution tax options. In general, these problems, may fall into one of two classes. The first set of environmental targets are those pollutants that are already subject to some form of regulation at the federal, state or local level. For these environmental taxes might be viewed as substituting for current command and control regulatory strategies or supplementing those strategies and reinforcing the economic incentive to reduce pollution. The size of the tax and it revenue potential are, of course, a function of which view is adopted. A second class of environmental target might be those pollutants for which no regulatory program is in place. The CBO analysis of a carbon tax option to limit CO_2 emissions is an example of the latter.

Environmental taxes addressing either type of pollution situation can provide important economic benefits. In addition, they share important common issues in their design and implementation that bear on the range of economic outcomes with which they may be associated. The remainder of this testimony highlights some of those issues and provides illustrations in terms of a carbon tax. Taxing carbon as a means of reducing the risks of global warming offers a special opportuntly for a "cleaner" application of environmental taxes in that it is not currently regulated. On the other hand, it also raises most of the economic issues relevant to other environmental taxes.

The U.S. would not be the first country to consider a carbon tax. Carbon taxes are being explored by several other countries as a way of reducing CO_2 emissions and raise revenues. In fact, the Netherlands and Finland have carbon taxes in place. While the tax rate being employed so far are relatively

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Footnotes at end of article.

small, they are in addition to already fairly high energy taxes. For example, the Netherlands carbon tax is designed to raise around $75 million with coal being taxed at $1.30 per ton and gasoline at roughly 13 cents per 100 liter. The carbon charge in Finland is set at $5 per ton of carbon.

The case for a carbon tax

The combustion of fossil fuel to power our homes, businesses, cars, and trucks results in the discharge of a wide array of pollutants into our environment. While several of the pollutants from the burning of fossil fuels are regulated by federal, state and local governments (most notably, SO_2, volatile organic compounds, participate and NO_x), one major pollutant, carbon dioxide (CO_2) remains unconstrained. Carbon dioxide may offer an unique and important basis for an environmntal tax.

CO_2 is not a conventional pollutant in the sense of being associated with immediate effects on health and the environment. It is, however, a greenhouse gas and one of the major contributors to the risk of accelerated global warming. While many would argue over the timing and degree of risk posed by global warming, there is an apparent consensus in the scientific community that a global temperature rise of 1.5–4.5 degrees Fahrenheit is likely to be associated with a doubling of the global atmospheric concentration of CO_2. An effective doubling of CO_2 could occur as early as 2030. The potential economic, social and environmental disruptions associated with global warming on this scale are also uncertain but may include:

Rapidly changing climate patterns rather than the relatively stable climates of the past millenia;

New and changing water resource regimes;

More vulnerable and uncertain agricultural production systems;

Smaller and less numerous ecosystems;

Rising sea levels; and

Increased risk of large scale environmental losses from positive feedback effects.

A tax levied on fossil fuels in relation to their carbon content (and thus contribution to CO_2 emissions) is one mechanism for reducing CO_2 emissions. A "carbon tax" would change the prices of fossil fuels (natural gas, coal and oil) relative to each other and to other sources of energy. While a "carbon tax" would have significant revenue raising potential, the economic rationale for the tax would be to ensure that prices of fossil fuels reflect the economic and environmental risks associated with combustion. Thus, a carbon tax should be viewed first and foremost as a tool for redressing an existing market failure—that current energy prices do not fully account for the social costs of energy consumption.

The Congressional Budget Office, in its analysis of options for reducing the deficit, has outlined some of the basic design characteristics of a carbon tax that might be considered.[2] The tax should be levied on fossil fuels as they enter the economy at the mine, dock and wellhead. This ensures that the tax base is relatively broad, and will capture virtually all sectors of the economy that consume fossil fuels. It also removes the need to decide in advance which sources of CO_2 should be controlled and at what level. The price signals resulting from the tax will make those determinations so that the reductions are achieved the cheapest way possible.

The "right" level of environmental taxes

The level at which environmental taxes should be set is relatively straight forward. Ideally, one would estimate the expected value of future risks associated with the discharge into the environment of an additional unit of pollution. For most pollutants, however, including CO_2, this information is not yet available and reliable. Without quantitative information, for example, on the benefits of reduced global warming risks, it is difficult to estimate with precision the degree to which fossil fuel prices are currently understated. The tax rates used by CBO to evaluate a carbon tax option, on the other hand, are based on estimated level necessary to level off or actually reduce CO_2 emissions over a 10 year period. CBO's "stabilization tax" rate is around $28 per ton of carbon and can be equated to a tax of $17 on a ton of coal, $3.60 on a barrel of oil and $0.45 per thousand cubic feet of natural gas. The potential emission reductions from this tax might be consistent with the announced White House position to "stabilize CO_2 emission as soon as possible." The carbon tax rate can always be raised or lowered as additional information concerning the benefits and costs of CO_2 emission reductions is developed.

The problem of having little formal data on the degree to which market prices diverge from social prices is not unique to greenhouse warming. The lack of similar information for most other current environmental problems complicates, but does not stop the development of programs to reduce those risks. Further, many types of excise taxes are rationalized, in part, as raising the price of certain goods to reflect the social costs associated with their consumption. Federal and state "sin" taxes (on alcohol or tobacco, for example) are rarely estimated, for example, on the basis of a formal accounting of the social costs and benefits of reducing the use of the taxed product.

The economic benefits of environmental taxes

Environmental taxes offer several distinct advantages over other tax strategies and other methods for addressing environmental risks. A hypothetical carbon tax illustrates the range of these benefits. Although a full economic analysis of carbon taxes has not yet been completed or published, the CBO discussion of alternative tax options and past analyses of various energy taxes offers some insights to comparative benefits of a carbon tax as a revenue source and a greenhouse warming policy response.

Revenues.—Unlike other regulatory-based measures to reduce CO_2 emissions (or other pollutants), a carbon tax would raise significant revenues. According to CBO, a CO_2 stabilization tax might generate around $163 billion over a five year period. These revenues could play key roles, for example, in reducing the federal budget deficit, in reducing any distribution burdens imposed by a carbon tax, or providing the funds to sponsor research and development on technologies affecting the demand and supply for energy. While the process by which any carbon tax revenues are allocated should not necessarily be different than for other federal revenues, the existence of revenue potential does offer important economic policy opportunities. This is particularly true if carbon taxes are viewed as just one part of a larger effort to rationalize domestic energy use and minimize economic and social disruptions.

Cost-Effective Emission Reductions.—The market for fossil fuels and fossil fuel energy sources cuts across virtually every economic sector of the U.S. economy. Each of the various uses of fossil fuels offers different opportunities for reducing the amount or type of fossil fuels utilized. Each of the opportunities is likely to have different control costs. It would be nearly impossible to select the cheapest or most cost-effective set of regulations or control requirements from the hundreds or thousands of opportunities for conserving energy or switching fuels. A carbon tax would automatically bring out many of the least expensive CO_2 reduction options as the tax is passed on through the markets for fossil fuel products.

While there is strong presumptive evidence that a carbon tax would lead to cost-effective emission reductions, several characteristics of domestic energy markets may still limit the range of economic responses. For example, state and local electric utility regulation constraints may restrict the ability of prices to guide conservation or efficiency investments even at higher energy price levels. No market is perfect, and the full range of CO_2 emission reductions from a carbon tax may require other regulatory and institutional reforms. Any other set of emission control requirements is likely, however, to cost the economy more to achieve the same level of control than a carbon tax.

A carbon tax is likely to reduce other pollutants associated with fossil fuel consumption. Unlike CO_2, however, SO_x and NO_x emissions are more a function of the type, for example, of coal used and the method by which the coal is transformed into energy. (The same amount of CO_2 is emitted from burning a ton of coal no matter how it is burned.) Therefore, it is not necessarily the case that the resulting non-CO_2 emission reduction would also be cost-effective. Different environmental taxing strategies would probably make more sense if SO_x emissions were the primary pollution concern. Nevertheless, a carbon tax will reduce the use of coal to produce energy and, thereby lower emissions of many other pollutants.

Efficiency Gains from a Carbon Tax.—Unlike many other sources of federal revenue, a carbon tax would generate overall economic efficiency gains, regardless of how the revenues from the tax are used. Short-term macro economic costs will arise from a carbon tax (as they do with most tax strategies as discussed more fully below), but the ultimate rearrangement of resources in the economy following the imposition of a properly design carbon tax should leave the economy better off. This reasoning follows from the logic of a carbon tax—that is, to correct existing prices for energy to reflect the social costs of fossil fuel combustion, primarily CO_2 emissions. If the tax has been set at the right level, the resulting new prices should lead to a better allocation of economic resources in the long term.

Relationship to Other Policy Options.—There appears to be almost unanimous agreement that greater investments in energy efficiency and conservation and research in alternative energy supplies are key components of any domestic strategy to reduce CO_2 emissions. In fact, these two areas are the central pieces of the President's current policy recommendations concerning the risk of global warming (along with increased scientific research). Higher energy prices, reflecting their true social costs, would work in tandem with these other programs. The success of investments in energy technologies depends, in large part, on the existence of an economic incentive for households and industrial consumers of energy to use the fruits of the research. Energy consumers could be forced to apply conservation and efficiency measures, but prices offer a much more effective mechanism for encouraging the right kind of efficiency at the right time and right place. In addition, higher energy prices would provide a continuing incentive for the private sector to develop alternative energy use and production techniques to supplement (or even eventually displace) public sector efforts.

Macroeconomic consequences of environmental taxes

No matter how badly the market has priced domestic output in terms of environmental costs, the fact remains the U.S. economy has arranged itself around these prices. Production, employment and energy consumption patterns have developed that are dependent on status quo of relative prices not inclusive of social costs. Thus, attempts to reorganize prices by an environmental tax will rearrange current economic patterns and may result in measurable economic losses even taking into account the possibility of some winners as well as losers. In the case of a carbon tax, those industries or energy users most dependent on fossil fuels, least able to switch to alternative energy sources, least able to produce lower energy product lines, or least able to reduce their overall use of energy will be hardest hurt. By definition, however, these losses should be viewed as transitory not permanent if the change in the price of energy is no more than the benefits associated with reduced fossil fuel energy consumption.

Short-term Macroeconomic Impacts.—Virtually, every marcoeconomic analysis of energy or environmental taxes report lower levels of GNP and higher prices levels than would be the case without the tax. As shown in an analysis conducted by Data Resources Inc., this result is also true of virtually any tax strategy for reducing the federal budget deficit including increased income taxes or a broad-based consumption tax.[3] These analyses assume, however, that no other benefits from a tax are forthcoming.[4] While this may be true for certain types of taxes, it cannot be the case for an environmental tax. A tax on tobacco, justified in part on the social costs of smoking, would be shown using these models to have a negative effect on the economy. There is a problem in the logic. Economists argue that we have too much pollution because we fail to price properly the use of the environment. Yet, when we do price it right, the economy is forever worse off.[5]

The major source of confusion is not from the logic but within the models themselves. None of the most quoted analyses or macroeconomic models include or capture the benefits from tax strategies that correct market failures as well as raise revenues. The realization that domestic national income accounts include only a fraction of the benefits from environmental pollution control is hardly new. Further, virtually all economic studies relating environmental regulation to economic productivity losses ignore the benefit side of the equation.[6] It is essentially assured that any economic analysis of an environmental tax will show economic losses.[7]

The problem is fundamental to how society values economic and environmental goods. GNP is an imperfect way to measure social welfare unless gross national output can be defined and estimated to include the value of reductions in environmental risks.

Nevertheless, short-term transitions are likely to occur under any new tax policy. These costs for environmental taxes will be a function of the size of the tax, the time period over which the tax is put in place, structural rigidities in the economy, and how the tax revenues are used. In the case of a carbon tax the current macroeconomic models portrays the flexibility of the economy by assumptions concerning the responsiveness of the demand for energy as a whole and fossil-fuel energy specifically to price changes, and the responsiveness of supply of energy to price changes. Econometric models rely on past trends as predictions of the future. These models may overstate the transition costs if they underestimate the ability or incentive for consumers and producers to adopt energy-reducing responses.

For example, if new opportunities for conservation or energy efficiency to reduce energy demand become (or are) available, short-term transition costs associated with a carbon tax might be significantly lower. The possibility of this latter point being true has attracted the attention of energy efficiency enthusiasts and others. Some have argued that energy conservation can be costless and result in CO_2 emission reductions at a zero or even a negative cost.[8]

If the transition costs of an environmental tax are judged to be too high, the timing of the tax could be modified. A carbon tax that is phased in over a period of several years would reduce the interim economic impacts by providing more time for producers and consumers to respond to the price changes. While a phased tax will not achieve the same emission reductions, at least in the same time frame, it would put the economy on a long term transition path to reduced pollution. In addition, some of the macroeconomic consequences could be reduced by rebating the revenues by reducing other tax burdens.

International Competitiveness.—Raising relative domestic product prices through an environmental tax will have differential industry impacts. Without formal economic modelling it is hard to identify which sectors of the economy would be most affected. In the case of a carbon tax, those industries that are less energy intensive or best able to substitute inputs or outputs to minimize energy costs will be hurt less than other industries. It is likely, however, that overall the cost of domestic products will rise, in the short-run, relative to our international competition. This is true regardless of the fact that energy prices in Europe and Japan, for example, are already much higher than U.S. prices.

The ultimate impact of an environmental tax on the domestic trade balance would depend, in the case of a carbon tax, on whether the tax was used to help reduce the federal budget deficit, the degree to which oil imports are lowered and the new mix of outputs as the domestic economy responds to higher energy prices. Nevertheless, it may be important from a trade perspective to consider federal policies (tax or otherwise) that would help minimize any detrimental trade effects by lowering the costs of other factors in production. For example, increased investment tax credits for research and development on energy saving technologies, revised treatment of capital gains or reductions in the double taxation of corporate profits might offset some of the increased energy prices.[9]

Distributional consequences of an environmental tax

While a properly designed environmental tax would result in improved economic efficiency, it would also redistribute domestic incomes. Again, a full accounting of who wins and who loses under a new price regime requires formal economic modelling. For a carbon tax, though, it can be presumed that concern might be focused on at least three key potential distributional impacts. First, to the extent that a carbon tax would fall relatively hardest on the use of coal, wealth and jobs in the coal mining and production sectors will fall. Thus, any strategy to redirect energy prices, on the basis of CO_2 or some other pollutant, will have to also address the need to adopt transition policies for the coal mining population. Some programs to assist in the downsizing of the coal mining sector, at least in some regions of the country, are presumably already in place and might provide guidance in the development of a larger scale effort.

The second sector differentially affected by a carbon tax may be lower income households. Any tax on consumption, be that product specific or a broad-based consumption tax is likely to be regressive. That is, that lower income households would pay more under such a tax as a percentage of income than higher income classes. Analyses by CBO and others argue, however, that an energy tax may actually be proportional if tax payments are compared to expenditures rather than income or if the comparison uses income over a lifetime rather than in one year.[10] While the degree of inequity associated with a carbon tax may be subject to some analytical uncertainty, various policies might be considered as part of a energy tax package to help offset any effect. Income tax credits for energy payments made by lower income classes may be one possibility. Another option with much broader implications would be to offset some portion of carbon tax receipts by lowering another regressive tax. The current payroll tax that finances social security programs is an obvious prospect.

Finally, a carbon tax is likely to have very different regional impacts. Electricity consumers in states that rely heavily on coal-fired power plants will pay a greater portion of the tax than consumers serviced by nuclear or hydropower. Further, the wealth of regions of the country that contain greater concentrations of energy intensive industries may suffer relative to other regions.

CONCLUSIONS

Most taxes have the potential to distort economic choices. Environmental taxes are quite different. As long as care is given to setting the right tax level, taxes based on environmental degradation offer the potential of redirecting our economy to a more efficient allocation of resources as well as generating significant revenues. It makes little sense to raise the cost of good things in the economy while other components of the domestic economy remain underpriced. While it would be misleading to understate the implementation issues surrounding various environmental taxes or their distributional implication, the huge benefits from a more rational tax system puts a high value on finding the right solutions to these potential problems.

FOOTNOTES

[1] This and following estimates predate the 1986 tax reform act and hence probably overstate current excess burdens, particularly those of the personal income tax.

[2] Congressional Budget Office, *Reducing the Deficit: Spending and Revenue Options*, U.S. Government Printing Office, Washington, D.C., February 1990.

[3] Caton, Christopher N., "Fixing the Deficit: What is the Best Way?", Presented at PIRNIC Oil Policy Seminar, Washington, D.C., March, 1989.

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[4] Very quick reductions in the deficit could translate into short-term losses in GNP as the economy adjusts (depending on domestic monetary policy). Over the long run, however, lower domestic interest rates should stimulate domestic investment and economic growth.

[5] For a more detailed discussion of these issues as they relate to a gasoline tax, see: French, Mark, "Efficiency and Equity of a Gasoline Tax Increase," Federal Reserve Board, Washington, D.C., July 1988.

[6] This omission is most explicitly noted in, Barbera, A.J. and V.D. McConnell, "The Impact of Environmental Regulations on Industry Productivity: direct and Indirect Effects," *Journal of Environmental Economics and Management*, Vol. 18, No. 1, (1990), pp 50–65.

[7] There is a more subtle issue involving the establishment of a baseline for comparing costs and benefits. For example, in a recent analysis of the costs to electric utilities of climate change estimated that this industry might have to spend up to $100 billion over the next twenty years to meet peak load demands. (DRI/McGraw-Hill, *Energy Review*, Lexington, MA, August, 1989). Should this figure be included in current baseline GNP, or is it part of the benefits of reducing global warming risks?

[8] It is impossible at this point to test the hypothesis that enough energy conservation and efficiency is available at very low costs to negate the short-term macroeconomic impacts of a carbon charge. An economic supply curve for energy efficiency (that relates the price of energy efficiency investments with the quantity energy efficiency in various consumer and producer sectors) on an aggregate national level needs to be developed and incorporated into the econometric macroeconomic models.

[9] A recent report by the Office of Technology Assessment identifies several federal policy options that could help reduce the cost of capital to U.S. firms and thus improve their competitive positioning. Office of Technology Assessment, *Making Things Better—Competing in Manufacturing*, U.S. Congress, Washington, D.C., 1990.

[10] See, for example, Congressional Budget Office, *The Budgetary and Economic Effects of Oil Taxes*, U.S. Government Printing Office, Washington, D.C., April 1986.

TRIBUTE TO SHERIFF WILLIAM H. HACKEL

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a remarkable individual, Sheriff William H. Hackel. Sheriff Hackel's efforts to make Macomb County a better place to live are unparalleled. Since the beginning of his law enforcement career in 1964 with the Macomb County Sheriff Department, Mr. Hackel has dedicated more than just his time and energy to our community, he has given his soul.

It is a privilege for me to speak highly of a man I personally know and truly respect. His contributions to his profession and his community are so numerous it would be impossible to adequately record. I believe he has met and exceeded the high personal standards he has set for himself. As an elected official, he strives to act in the best interested of all citizens, a goal I believe he has achieved.

Sheriff Hackel has assumed leadership roles in at least 10 National, State, and local professional criminal justice organizations. He has served as president and vice president of the Michigan Sheriff's Association. He is a member of the National Sheriff's Association and the International Association of Chiefs of Police. He also sits on the Traffic Association of Macomb County's Board of Directors.

Sheriff Hackel was appointed by Gov. James J. Blanchard to serve on the Michigan Law Enforcement Officer's Training Council, which sets police training standards for all Michigan police officers. His most recent appointment by Governor Blanchard (May 1989) is to the board of directors of Partners Against Crime, a "war council" of local, State, and Federal law enforcement officials organized to share ideas for crime control and prevention. Locally, Sheriff Hackel is board of directors chairperson for the County of Macomb (Drug) Enforcement Team [COMET] and project director of the Macomb Auto Theft Squad [MATS] founded in 1987 by a grant application through the Automobile Theft Prevention Authority.

As a lifelong resident of Macomb County Sheriff Hackel has made a conscious effort to put more back into the community than he receives. Sheriff Hackel secured a loan from the State of Michigan to build a new county jail. The innovative financing he arranged for this project won him the National Association of Counties Award.

This project is one of many Sheriff Hackel has undertaken during his tenure with the Sheriff's department. He coordinated a secondary Road Patrol Program enabling the return of $3,000,000 to county taxpayers. His Crime Prevention Program won another National Association of Counties Award, as did his Prisoner Reimbursement Program which annually returns $250,000 to taxpayers.

Sheriff Hackel's undying altruism is reflected in not only these activities, but in his nonprofessional activities as well. His active selling of Goodfellow's newspapers and participation in various activities, such as the March of Dimes Walk America Program, Vietnam veterans programs and Easter Seal telethons, show his true dedication to his community.

Sheriff Hackel serves on the board of directors for Catholic Services of Macomb County, the American Cancer Society and the Macomb County YMCA. He helped the Lions Club of Mount Clemens acquire porta-printers for the speech and hearing impaired. He has also participated in the Clinton River cleanup and distributes bulk food for the impoverished.

With all this commitment and voluntarism it is easy to see why Sheriff Hackel was honored as the Citizen of the Year in 1987. It is also easy to see, Mr. Speaker, why his contributions to his profession and his community are so widely recognized. His commitment to his profession and to his community is undying. We here in Macomb County will never forget the tremendous dedication and commitment Sheriff Hackel exemplifies. His living legacy will long endure in the hearts and minds of those he has served.

THE MODERN EXODUS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. SOLARZ. Mr. Speaker, each year as the festival of Passover approaches, I rise in this Chamber to speak to the triumphs and travails of the Jewish people. This year, the holiday arrives at a pivotal moment, when the cycle of Jewish history has turned and the story of Passover is being re-created on the modern stage.

Three thousand years ago, Moses demanded of Pharaoh to "let my people go," and the children of Israel were finally released from the torment of their slavery in Egypt and began their journey to the promised land.

The story of this exodus will be retold as we sit down to our Seder tables on the evenings of April 9 and April 10. Together with our children and our grandchildren, we will recite the Hebrew phrase, "Z'man Cherutenu," which means "the time of our freedom." And this year, I think it is particularly appropriate for us to reflect on the fight for freedom that is being waged by our brethren in the Soviet Union. These are the modern day Israelites who are throwing off the yoke of oppression and discrimination and are taking part in a miraculous exodus from the Soviet Union.

It seems almost impossible to believe that only 3 years ago I stood on this floor and told my colleagues that the Soviet Jewish emigration rate had reached a horrendous low point. Only 914 Jews were allowed to leave Russia in 1986. Hundreds of thousands languished in a land which they could not leave and in which they could not practice the tenets of their faith.

But in a matter of a few dozen months the cycle of history turned. The voices of the dedicated Soviet Jewry activists in this country were finally listened to in Moscow. From Brooklyn, NY, to Brookline, MA, to Boise, ID, the steady cries of "let my people go" could no longer be ignored by the Soviet Government. And as Mr. Gorbachev's reforms took hold and the iciness of the cold war began to melt, Soviet Jewish emigration increased. In the last 15 months, as the winds of democracy blew like a hurricane throughout Eastern Europe, over 80,000 Jews have been allowed to taste the sweetness of freedom in the West.

But while we rejoice in this exodus, now is not the time for us to be complacent. Just as Pharaoh kept changing his mind, and ultimately unleashed his army to track down the Israelites in the desert, the ugly specter of a virulent strain of anti-Semitism has surfaced in the Soviet Union. In particular, the rabidly Jew-hating organization Pamyat is a growing menance. There are those who say that we should not worry about anti-Semitism in the Soviet Union. I disagree. As I speak, there are even rumors sweeping through the Soviet Union that a program will take place just a few weeks after Passover.

Mr. Speaker, it is incumbent upon us in the Congress to do all that we can to ensure that this modern reincarnation of the exodus story continues. While we congratulate Mr. Gorbachev on the progress of his reforms, we must tell him in no uncertain terms that we expect him to control the anti-Semitism which has become the dark underside of glasnost and perestroika. In an effort to resettle as many Soviet Jews as possible, we need to provide assistance to Israel, the nation in which most of them will begin their new lives. I urge my colleagues to support the $400 million housing loan guaranty proposal for Israel that is currently before us.

We must also prevent the gates of our own country from slamming shut on Soviet refugees. We need to closely examine the possibility of increasing our refugee quota, and we must develop creative proposals to allow more victims of persecution to reach our shores. For my part, I have introduced H.R. 3726, which would set up a federally guaranteed loan program for able-bodied working age refugees, a program that could allow thousands of additional Soviet Jews into our country without impacting the Federal budget.

Mr. Speaker, as we celebrate "Z'man Cherutenu," we must not forget that our brethren in the Soviet Union are not the only beleaguered Jewish community yearning to live in freedom and dignity. As we sit down with our family and friends to conduct the Seders, we must rededicate ourselves to improving the plight of the Syrian Jews who still face violence, persecution, and family separation. We must also remember the Jews of Ethiopia who are threatened by the ravages of famine and war.

And finally, as we celebrate Passover, the festival of freedom, I think each and every one of us should take a moment to rejoice in the freedom that we are privileged to enjoy.

IN CELEBRATION OF OUR IRISH-AMERICAN HERITAGE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. DOWNEY. Mr. Speaker, I rise today to salute all Irish-Americans and their significant impact on American political and cultural life. We are reminded of these contributions every St. Patrick's Day when Irish pride is at its height. However, Irish-Americans should remain proud throughout the year as they have played an integral role in American history.

From the beginning, Irish-Americans were active in shaping the fledgling America. This group fought as soldiers in the American Revolution and even provided a signer for the Declaration of Independence. Unfortunately, subsequent immigrants were not incorporated as easily into American society. Later agricultural workers were poorly prepared for the urban and industrial existence emerging in America. Yet Irish-Americans eventually overcame these significant barriers, including extreme prejudice, to assimilate into their new country. The Irish struggle for acceptance paved a smoother path for other ethnic groups who would follow.

Strengthened by the support of neighborhood, community and religious networks, Irish-Americans quickly made their mark on American politics. Capitalizing on strong political skills, these citizens assumed many State and local government positions. Irish-Americans also had an impact on the highest level of national politics, beginning with the 1928 Presidential nomination of Al Smith and culminating with the election of President John F. Kennedy in 1960. Talented Irish descendants continue to influence the American political scene and carry on the tradition of their forefathers.

Irish-Americans also contributed greatly to the wealth of American cultural works. F. Scott Fitzgerald, John O'Hara, and James T. Farrell were some of the noteworthy novelists who influenced American literature. In addition, the playwrights Eugene O'Neill and Philip Barry drew from their own experiences to write successful plays. Mr. O'Neill brought honor to himself and the United States by being the only American dramatist to win the Nobel Prize.

These highlights are just a few of the numerous examples of how Irish-Americans enriched American life. I am sure my colleagues join me in recognizing the important contributions of Irish-Americans throughout this country's history.

MARKSMEN FOR THE ARMY—NOT THE NRA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. EDWARDS of California. Mr. Speaker, for decades now, the Army has maintained and operated the Division of Civilian Marksmanship [DCM]. Its declared mission is to bring skilled marksmen into the military. But it would appear that DCM has become a recruiting tool for the National Rifle Association [NRA].

In a thought-provoking article appearing in the Washington Post on March 7, our colleague from California, PETE STARK, notes that the Army needs to reexamine the purpose and function of the DCM. As our colleagues points out, if there is justification for continuation of the DCM, its mission must be refocused on the recruiting of skilled marksmen into the military, not on getting those skilled marksmen to join the NRA.

I would like to insert Mr. STARK's article in the RECORD, and I commend this article to the attention of my colleagues:

MARKSMEN FOR THE ARMY—NOT THE NRA

When President Bush unveiled his $1.2 trillion annual budget to Congress, buried deep in the 700-page document was a short, two-paragraph description of a little-known Army program known as the Division of Civilian Marksmanship.

For decades, the Army has maintained and operated the DCM, with more than 2,000 DCM-affiliated rifle and pistol clubs, and more than 200,000 members, operating in every state.

The DCM's mission is to bring skilled marksmen into the military branches. The trouble is, last year only about 200 marksmen were recruited to join the military as a result of the DCM. At roughly $23,000 per recruit, the House Armed Services Committee terms this "a very expensive recruiting tool."

Still, by mere "coincidence" (the Army's term), every DCM-affiliated rifle and pistol club is also an affiliated club of the National Rifle Association.

Yes, that's right, the NRA. The same NRA whose rifle and pistol clubs receive 35 million rounds of free ammunition each year to the tune of almost $1 million per year, Join the NRA and get your free NATO surplus 7.62mm ammo. And don't forget the free access to hundreds of military installations.

But it's also the same NRA that seeks to overturn President Bush's import ban on 43 types of semiautomatic assault rifles, including the AK-47 and the Uzi rifle, calling the ban "both bizarre and blatantly unconstitutional." The same NRA that also says to its members that repealing the machine gun ban is a "high priority."

Every summer, the Army virtually turns over a base in northern Ohio, Camp Perry, to the NRA in the name of that group's firearms competitions for about 2,500 NRA members.

Somehow, though, the Army reports that most of these NRA shooters are past the age where the military can use their skills in a time of national need. So much for the "recruiting skilled marksmen" mission.

The Army maintains a year-round crew of three dozen federal employees in Washington and at Camp Perry whose only mission is to please the NRA. The total cost to the government just to operate Camp Perry? About $2.5 million each year, which works out to $1,000 per NRA participant.

Reading the NRA's monthly magazine, American Rifleman, leads one to believe that the Army's Camp Perry is virtually owned and operated by the NRA. In fact, the DCM's Army director also writes an NRA magazine column, referring to NRA members as "you, our clients."

This all raises some interesting questions.

Does the Army support the NRA's full-blown legal and lobbying efforts to overturn the president's import ban on 700,000 semiautomatic assault rifles?

Or does the Army approve of the NRA's lobbying efforts in support of U.S. manufacture and over-the-counter sales of the 12-round shotgun known as the "Street Sweeper" (the print ads for which proclaim "There's a Disease Out There and We've Got the Cure")? The Street Sweeper is a U.S.-made version of the South African Striker 12, the riot gun banned for import in 1986 by the Reagan administration.

And why is the DCM's 200,000-person mailing list shared with the direct-mail mill of the NRA? This list is worth millions to the NRA in campaign contributions, not to mention the immeasurable value of the countless letters, postcards and phone calls to legislators resulting from any regular NRA "Expedited Alert" direct mail letters. Does the Army realize the power of this list in the hands of NRA lobbyists, whose aim is to exploit the fears of passionate gun advocates who oppose any firearms law, including the Bush administration's assault rifle import ban?

Finally, is the Army's DCM function justified, given that peace is breaking out all over the world? Fortunately, the problems with the operations of the DCM are currently subject to a General Accounting Office analysis and upcoming House Armed Service Committee hearings. Clearly, the Army needs to refocus the DCM's mission to recruiting skilled marksmen into the military. The Army's DCM should not serve as a blatant recruiting and publicity tool for the NRA.

TRIBUTE TO JUDGE THOMAS M. JENKINS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. LANTOS. Mr. Speaker, I invite my colleagues in the House of Representatives to join me in paying tribute to Judge Thomas M. Jenkins, who will retire from the superior court bench after 14 years of exemplary service.

Judge Jenkins was appointed to the court in 1976 by Governor Brown, and then was elected in 1978 and reelected in 1984 by the people of San Mateo County. His record of public and private achievement is most noteworthy.

Born March 7, 1921, in Benton, IL, Judge Jenkins received his law degree from Hastings College of Law 1949—after a tour of duty with the U.S. Army during the Second World War. To our good fortune in San Mateo County, he settled on the peninsula and established himself as a leader in our community.

Judge Jenkins has served on the boards of health care institutions and associations, as will as with many community service organizations. He has given much of his time to groups from the American Hospital Association to the Camp Fire Girls. Some would call him a very bright "point of light."

Judge Jenkins' philanthropic activities are matched only by his prominence in the legal community. A 1982 recipient of the "Bernard S. Jefferson Judicial Education Award," he has served with the California Bar Association's Board of Governors and as the association's vice president.

Mr. Speaker, I am delighted to pay tribute to Judge Jenkins on the occasion of his retirement. The people of San Mateo County are truly fortunate to have been served by such an outstanding jurist.

THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1990

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. DAVIS. Mr. Speaker, today I join my colleague, Congressman NOWAK of New York, in the introduction of legislation entitled the "Great Lakes Fish and Wildlife Restoration Act of 1990."

The primary purpose of this bill will be to carry out a comprehensive study of the status, and the assessment, management, and restoration needs of, the fishery resources of the Great Lakes. The legislation also calls for activities to implement the recommendations resulting from the study and to provide assistance to States, tribes, and others who are involved with the cooperative conservation, restoration, and management of the fish and wildlife resources of the Great Lakes basin.

Mr. Speaker, the fishery resources in the Great Lakes have undergone dramatic changes in the past 50 years and continue to be impacted by a variety of activities. The adverse effects of human activities have been especially severe on several important fishery resources such as lake trout. By the mid-1950's, the combined effects of habitat degradation, pollution, overfishing, and the introduction of undesirable nonindigenous species such as sea lamprey, have devastated this highly popular and valuable fishery which to this day has not fully recovered.

As the human population of the Great Lakes basin has expanded to over 35 million people, great demands have been placed on the lakes for use by boating and other recreation, navigation, municipal and industrial water supply, waste disposal, power production, and other purposes. These growing and often conflicting demands will continue to exert pressure on the fish and wildlife resources and their habitats in the Great Lakes basin. These pressures include contaminates, invasion by nonindigenous species such as the most recently discovered zebra mussel, habitat degradation and destruction, legal and illegal fishery resource harvest levels, and sea lamprey predation.

The fishery resources of the Great Lakes support recreational fisheries enjoyed by more than 5 million people annually and commercial fisheries provide approximately 9,000 jobs. Together these fisheries are worth more than $4 billion to the United States and Canada. Expenditures generated by these fisheries also make a significant contribution to the health of local and regional economies.

The U.S. Fish and Wildlife Service has long been involved in efforts to manage and restore fish and wildlife populations of the Great Lakes, and in assessment of the impacts of contaminates, fishing, dredging, wetland losses, and other factors. Unfortunately, the Service has never had the resources needed to fully meet its responsibilities to address existing, new and emerging problems that threaten the Great Lakes.

Because of the national and international importance of the Great Lakes resources, I believe that the Service must aggressively assume an increased responsibility in the rehabilitation of the fish and wildlife resources of the Great Lakes ecosystem. The bill that Congressman NOWAK has introduced, of which I am a principal cosponsor, calls for this action, by providing the fiscal resources needed to carry out the activities called for in the legislation. This bill calls on the U.S. Fish and Wildlife Service to develop programs and activities for the Great Lakes that meet the following goals: First, to restore and maintain self-sustaining fishery resources; second, to minimize the impacts of contaminates on fish and wildlife resources; third, to protect maintain, and where degraded and destroyed, restore fish and wildlife habitats including enhancement and creation of wetlands resulting in a net gain in the amount of those habitats; fourth, to eliminate illegal activities adversely impacting fish and wildlife resources; fifth, to restore threatened and endangered species to viable, self-sustaining levels; and sixth, to restore populations of migratory birds.

The legislation calls for the Director of the Fish and Wildlife Service, in consultation with the Administrator of the U.S. Environmental Protection Agency, the Secretary of the Army through the U.S. Corps of Engineers, State directors, tribes, and the appropriate Canadian Government entities, to undertake a comprehensive study of the status and assessment, management, and restoration needs of, the fishery resources of the Great Lakes. This study and its accompanying report including among other information, the findings, conclusions, and recommendations shall be submitted by October 1, 1995. This report should provide valuable information and hard-hitting recommendations that will assist the Service in coordinating its restoration, management, and enhancement programs for the Great Lakes basin.

The legislation also establishes a centrally located facility for the coordination of all U.S. Fish and Wildlife Service activities in the Great Lakes basin. This office will be responsible for the intra- and interagency coordination, information distribution, and public awareness outreach programs. The legislation also authorizes the establishment of an office for the necessary administrative and technical support services for the implementation of fishery restoration enhancement projects in the lower Great Lakes to facilitate fishery restoration and enhancement activities relating to Lakes Erie and Ontario.

The authorization level of the bill provides $4 million to the Fish and Wildlife Service for the carrying out of the study, $4 million for the establishment and operation of the Great Lakes Coordination Office, and $2 million for the Lower Great Lakes Fisheries Assistance Office. There will also be authorized to be appropriated to the Administrator of EPA and the Corps of Engineers not more than $1.5 million annually. The length of authorization for this bill would be through fiscal year 1995.

Mr. Speaker, Congressman NOWAK and I feel that the Great Lakes Fish and Wildlife Restoration Act of 1990 puts forth a challenge to the U.S. Fish and Wildlife Service addressing the magnitude, complexity, and importance of the Great Lakes basin. We would hope that the Service displays the vision that is necessary in the development of Great Lakes programs to accomplish the goals for the eventual restoration of the Great Lakes.

AN UNDIVIDED JERUSALEM

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. McGRATH. Mr. Speaker, in light of the remarks made by President George Bush on March 3, I want to take this opportunity to express support for an undivided Jerusalem.

It has always been the Jewish belief that Jerusalem is an undivided city and the capital of Israel. By stating that no more Jews should "settle" in East Jerusalem, it seems the President has amended previous U.S. policy. There is no need for Jewish quotas in Jerusalem. This is one issue where Israel is united—the Jewish community is in clear harmony on one Jerusalem. For the administration to question this feeling is in bad judgment and does not express confidence in either the Labour or

Likud Party, both of whom support an undivided Jerusalem.

East Jerusalem is not a settlement, and should not be compared to the policies concerning the West Bank. It is our duty to promote peace in the Middle East and not waffle on an issue that is already held by all Jews. These are fragile times in Israel. It should not be our policy to undermine the peace effort by engaging in ill-timed rhetoric.

H.R. 2386

HON. LARRY E. CRAIG

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. CRAIG. Mr. Speaker, today I submitted testimony to the Agriculture Subcommittee for Wheat, Soybeans, and Feed Grains expressing my concern about the possible enactment of H.R. 2386. This proposal would have a severe impact upon Idaho and Western agriculture.

According to the USDA, many farm families would experience large economic losses, crop production patterns would shift geographically and Western rural communities would suffer job losses. Should it be the policy of the Federal Government to disrupt the lives of farm families who have toiled for many years, in some cases for generations, in good faith reliance on Federal policies?

The sponsor of this legislation charges that farmers in other areas of the country are "put at a competitive disadvantage." What the sponsor fails to acknowledge is that many other regional differences affect the cost of production including availability of water, soil characteristics, growing season, climates and overall economic conditions. Some of these differences favor the West, and some do not. The current system cannot simply be characterized as a "double subsidy." It is far more complicated than that.

The sponsor fails to recognize that our current system has clearly worked. Family farms served by Bureau of Reclamation water are among the most productive in the world. Water districts and farmers throughout the West have not acted in bad faith and have attempted to carry out their contractual obligations to the best of their ability.

This Congress should be encouraging, not discouraging farm productivity. We need to give credit to the reclamation program which has transformed barren lands into productive farms. Although I am sure the sponsor of this legislation does not want to disrupt our farm economy, the effect of enactment would be to upset a system that's working.

Moreover, the biggest impact will fall upon those who can least afford it—small family farms. For years, Western farmers have depended upon a stable and economically priced supply of water. From this stability, we have all profited through high yield agricultural production with a minimal amount of price fluctuation.

Mr. Speaker, enacting H.R. 2386 would result in the disruptiion and destabilization of the small American farm. Water supply is the single most important factor affecting Western agriculture. We cannot afford to risk the disruptiion of our farm economy that this legislation would cause. Therefore, it is critical that Congress not support H.R. 2386 in its present form.

TRIBUTE TO CHARLES BONNER

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. LEHMAN of California. Mr. Speaker, on March 30, of this year the Fresno Philharmonic will honor the lifelong efforts of Charles Bonner.

Through the years Charles Bonner and his family have made many contributions to the growing cultural, social and economic needs of Fresno. The Bonner family's continuing interest in promoting the arts led them to form the Bonner Family Foundation, one of the few philanthropic foundations in the central valley.

The philharmonic's recognition is only fitting because Charles Bonner's association with the Fresno Philharmonic Orchestra has lasted nearly as long as the orchestra has existed. The orchestra was founded in late 1954; less than 3 years later he became its president, serving seven consecutive terms. He has also served on the board of directors and on the board of trustees every year since 1964.

Due in large part to the efforts of Charles Bonner and others the philharmonic grew in stature from community standing to a nationally recognized ensemble. In 1960 Mr. Bonner was elected to the board of directors of the American Symphony Orchestra League and in the midsixties, the league awarded "Metropolitan" status to the philharmonic, raising it to the middle rank of American orchestras.

In Charles Bonner's last year as president, he was given a special award by the American Symphony Orchestra League in recognition of the Fresno Philharmonic's efforts to further the careers of young artists.

Charles Bonner has been an important spokesman for the agriculture industry in Fresno County. His enlightened leadership has contributed greatly to agriculture's prominence in the valley.

It is only fitting that we pay tribute to this outstanding individual and member of the community. Charles Bonner has been a leader in cultural as well as business and economic development for our community. Today I join the Fresno Philharmonic in bestowing honor on Charles Bonner.

SURVIVAL IN A NEW WORLD

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 19, 1990

Mr. GINGRICH. Mr. Speaker, while everyone is discussing the diminished threat from the Soviet Union and Eastern Europe, I would like my colleagues to consider the new nuclear threat from the Third World and to think about our need to counter that threat. As a basis for this debate, I would recommend two articles which have appeared recently in the defense media. The first article, written by our colleague, BOB DORNAN, appeared in last week's issue of Defense News. BOB argues persuasively that the need for strategic defense is greater than ever, due to the increased proliferation of ballistic missile technology. The second article, written by Thomas Moore, appeared in this month's Defense Electronics. Contrary to popular belief, many SDI technologies are at hand—and at a reasonable price. I urge my colleagues to pay close attention to these facts as we begin this year's debate on the defense budget:

NUCLEAR THREAT NOT DIMINISHED: STRATEGIC DEFENSE CRITICAL AS MISSILE TECHNOLOGY SPREADS

(By Representative Robert Dornan)

Without strategic defense, America could well awaken one morning to find a burning, radioactive abyss where New York City once stood. With strategic defense, Americans can sleep soundly, secure in the knowledge they are protected from accidental, unauthorized or deliberate Third World ballistic missile attack. This is particularly true as more Third World nations acquire nuclear technology. It is also consistent with our arms control negotiations under way in Geneva.

Strategic defense complements deep reductions in nuclear weapons and will contribute to strategic stability. Any strategic arms agreement signed by the United States and Soviet Union likely will have their respective strategic land-based nuclear forces. Contrary to the conventional wisdom of the liberal arms control community, strategic defenses enhance strategic arms reduction talks, provide assurance against potential cheating and strengthen treaty compliance.

SDI also will serve as protection against accidental, unauthorized ballistic missile launch or deliberate ballistic missile terrorist attack against the United States or its allies. Indeed, if the trend of democratization in the Eastern Bloc continues, the threat of an East-West conflict will further decline. But there has been an unmistakable trend toward proliferation of nuclear and chemical weapons throughout the developing world. More disturbing is the codevelopment of medium- and short-range ballistic missiles by these nations. Once this technology is mastered, the next step would be long-range intercontinental ballistic missiles.

In recent months we have seen political and social unrest in the People's Republic of China, riots in the Soviet Union, the continuing internecine squabbling in the Middle East and assorted civil and military strife in other parts of the world. These crises illustrate the type of situation that might lead to an accidental, unauthorized or deliberate ballistic missile attack.

In communist China, for example, if civil war led to a breakdown of military control, it is conceivable that individual warlords could gain control of some or all of the Chinese nuclear forces. This scenario was considered as possible by the Congress and administration last summer.

William Webster, director of the Central Intelligence Agency, testified that as many as 20 developing nations will have ballistic missile launch capability within the next 10 years. As the nuclear club grows to include nations whose judgment and stability are sometimes questionable, such as Iran, Iraq, Syria and Libya, and as the so-called poor

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man's A-Bomb (chemical and biological weapons) proliferates, the likelihood of the United States being threatened by a Third World country significantly increases.

If such attacks are directed against the Soviet Union, its populace already enjoys limited protection from ballistic missiles. Under the amended provisions of the dated 1972 Antiballistic Missile treaty, the Soviets have deployed their permitted 100 ABM launchers. The Moscow ABM network is a second generation upgraded system capable of defending the greater Moscow area.

The Soviet military also has developed thousands of dual-capable surface-to-air missiles (SAMs). These SAMs, while not effective against most land-based, long-range intercontinental ballistic missiles, do have the capability to track, acquire and attack short- and medium-range missiles, cruise missiles and some of the Navy's long-range submarine-launched ballistic missiles.

The Soviet Union has tested and is ready to deploy transportable ABM tactical radars. (While mobile radars are specifically banned by the ABM treaty, there is no mention of transportable radars. Mobile radars can be moved in a matter of hours; transportable radars can take up to several days to relocate. The nuance is a matter of diplomatic semantics. If the United States were to attempt to develop, much less deploy, such radars, the liberal arms control community would accuse the administration of flagrantly violating the spirit if not the letter of the treaty. However, since it is the Soviet Union, and since this action is not specifically proscribed by treaty, it appears to be a defensible action by the American arms control community.)

These radars, if deployed in significant numbers, could do the work of a larger, phased-array radar and could well serve the function of the Krasnoyarsk radar which Soviet leader Mikhail Gorbachev has promised to raze. This network of radars and ABM–SAM interceptors provides the Soviets with an extensive, albeit limited, nationwide ABM system and is a clear circumvention of the intent of the ABM treaty.

The days of immoral reliance on mutual assured destruction, aptly referred to as MAD, are gone. This doctrine is premised on the concept of keeping the civilian populations of both the United States and the Soviet Union hostage to the threat of nuclear annihilation. Former Defense Secretary Robert McNamara foisted this doctrine on the U.S. military in the late 1960s and foreswore deployment of missile defenses. His only worry was the rationality of the Soviet and Chinese leadership—a rationality that offensive stalemate would assuage a crisis before it reached the nuclear threshold. Two decades later the spread of ballistic missile and other weapon technology to Third World nations has changed that situation.

The superpowers can no longer broker a deal among themselves. Instead of only a few leaders with nuclear guns pointed at each other's heads, in the next 10 years there may be as many as 20 leaders pointing nuclear or chemical guns at one another. Rationalism within this diverse group cannot be presumed. The knowledge of assured retaliation did not prevent Iran and Iraq from unleashing chemical weapons and long-range cruise missiles on one another's civilian populations.

Developments in U.S. strategic defense hold the promise of delivering the American people from this emerging threat. In six years the Strategic Defense Initiative Organization conducted more than 375 major tests and experiments. These tests have shown that ground- and space-based non-nuclear laser and kinetic energy weapons have the potential to destroy ballistic missiles and their re-entry vehicles in flight.

Remarkable results in the miniaturization of sensors, guidance systems, kinetic kill mechanisms, propulsion engines and in computer processors have been achieved. The smaller units are more powerful and less expensive than ever imagined.

A rapid deployment of these defense technologies not only will protect Americans from accidental or deliberate launches, but also will discourage other nations from even acquiring missiles. Developing nations are not likely to invest large sums in deploying ballistic missiles if they know that their missiles will be easily negated by a U.S. or allied defense system.

Strategic defense against ballistic missiles can be a reality. However, the program cannot survive another year of major budget cuts. Either defending America from the emerging threat of multinational missile proliferation will become a national priority, and be fully funded, or it will wither on the vine and die, diminishing our national security.

SDI: PROSPECTS FOR THE 1990's

(By Thomas Moore)

When President George Bush took office last year, many critics of the Strategic Defense Initiative (SDI) predicted that the new President would quickly distance himself from his predecessor's "Star Wars" program, in their view an unworkable, costly boondoggle that would lead to a spiraling of the nuclear arms race and a "militarization of outer space."

But the new President indicated that he would stay the course with SDI, as he had promised during his election campaign. In his fiscal 1990 budget request to Congress—the first budget submitted by his administration—the President requested $4.6 billion in funds, enough to sustain SDI's technical progress and schedule designed for a deployment decision in the early 1990s. The final approved total was $3.8 billion.

For fiscal 1991, the President has requested $307 billion in total defense budget authority, and has proposed significant cuts in conventional forces, while planning to spend more on strategic systems. In the fiscal 1991 defense budget President Bush has again asked for $4.6 billion for SDI, the same as the 1990 request.

The Bush administration has committed itself to continue the SDI program as currently structured, with a "balance" between two tracks. One track is research and development of near-term options and mature technologies. The second track is research in long-term or follow-on technologies the focus is on a Phase I missile defense architecture, with both ground and space components, which could conceivably be operational by the year 2000. Lt. Gen. George Monahan, Director of Strategic Defense Initiative Organization (SDIO), has said that ". . . we could deploy a system, with both ground-based and space-based components, before the turn of the century. That's indeed very, very possible."

In the long term, the SDIO is looking at directed energy weapons (DEW) such as lasers or particle beams. These technologies are designed to meet a more robust ballistic missile threat or countermeasures against Phase I in the future.

But with funding levels tapering off, some fear SDIO simply will not be able to continue to pursue both tracks at the same pace as in the past. Under a tighter budget, either the entire program schedule will have to slip, or one track will have to be elevated over the other. So far most of the money and research has been invested in Phase 1 development and the most promising result of that research is the Brilliant Pebbles kinetic energy weapon.

Brilliant Pebbles is the informal designation given to a class of kinetic energy weapons—developed under Phase I—that can be deployed in a variety of modes. The technology derives its nickname from "Smart Rocks," of which it is an improved variant.

The operational principle of kinetic energy weapons is well known to physicists, a simple function of mass and velocity. When two masses moving at high speeds collide, the impact generates a tremendous amount of energy. With the hypervelocities common to space vehicles, 10 times the speed of a cannon round, even a small object colliding with a missile booster or re-entry vehicle will generate enough destructive energy to shatter the target.

Brilliant Pebbles are planned to be the space-based interceptor (SBI) element of a layered strategic defense architecture. The old SBI concept, approved by the Defense Acquisition Board (DAB) in 1987 as part of the architecture for Phase I, is now replaced by Brilliant Pebbles, at least as a conceptual framework. The SDIO announced in January that it plans to award four to six $1 million and $2 million contracts for eight-month industrial studies of Brilliant Pebbles following which two contractors would be chosen for another phase of work lasting three years.

The Brilliant Pebble is a small rocket interceptor taking full advantage of currently available computer, electronic and miniaturization technologies. The entire vehicle is under one meter in length, with a total weight, including engine propellant, of less than 45 kilograms. Yet given the tremendous advantage of the kinetic-energy principle, this relatively small mass is more than ample to destroy a missile booster in space.

Each Pebble has its own optics and onboard imaging systems, consisting of miniaturized, high-resolution, wide field-of-view cameras working in a multispectral mode, and a laser-based radar imager. The system detects and tracks the plume of a rocket engine as the booster rises into space. The Pebble's "brain," a miniature computer in the Pray-1 supercomputer class, processes the target data and gives vectoring information to the highly mass-economized monopropellant rocket motors which propel the entire vehicle at high speed into the oncoming booster or even the maneuvering warhead, destroying the target on impact.

The flexibility of each individual interceptor makes possible the promising architecture for the boost-phase and post-boost-phase intercept layer of the overall strategic defense system. Thousands of Brilliant Pebbles would orbit in several low earth orbital planes, each with the ability to detect, identify, track and perform intercepts—and pass on targeting information to neighboring Pebbles in the constellation. The concept presumes a high degree of coverage, and once the interceptors are activated by human command, a high degree of autonomy.

Another advantage is simplicity. A Brilliant Pebbles architecture does not need an extensive or highly vulnerable surveillance infrastructure, since the Pebbles themselves can acquire and track the target in the constellation. However, for independent validation of attack warning and redundancy, a new surveillance satellite, the boost surveillance and tracking system (BSTS) proposed as part of the original Phase I, would be deployed as well.

Because the individual interceptors use existing technology, they can be developed and manufactured relatively cheaply, at a cost of a few hundred thousand dollars per copy. And because they are small and light, they can be lifted into orbit by existing boosters, vastly reducing launch costs. In fact, according to a report written by former SDIO director Lt. Gen. James Abrahamson in February 1989, the overall Phase I system could be developed and deployed for around $25 billion.

Lt. Gen. Monahan recently said, "Brilliant Pebbles is the most promising system for the space based interceptor. The concept is the most simple, most survivable, and easiest to control—though there are quite a few Pebbles up there. But they all know where they are and where they're going. And we (ground controllers) know that, too."

But a viable strategic defense system will require more than the space layer. Other components, such as BSTS, and a ground-based interceptor to take care of reentry vehicles in the terminal phase of trajectory, must be developed concurrently with Brilliant Pebbles. That will put severe strain on a lean budget.

With the funds SDI has been allocated, Phase I technologies have made rapid strides and show great promise, according to supporters. But in order to maintain a balance between the two tiers of the program, SDI critics and Congressional opponents have tied a deployment decision on Phase I to proof of concrete progress on Phase II—the long term systems. They argue that the Soviets might in the foreseeable future develop ways to overcome Phase I, for example, with fast-burn boosters that could avoid rocket-powered space based interceptors, or other countermeasures. And they believe that Phase I should not proceed to deployment until the follow-on systems that could counter a future threat are close to full-scale development.

But as indicated in SDIO's fiscal 1990 internal allocation of appropriated funds among the various program components, the balance has already been sacrificed. All directed energy weapons (DEW), which include nine line items encompassing the free electron laser, the chemical laser, and the neutral particle beam, received $934 million in fiscal 1988 and $867 million in fiscal 1989. In fiscal 1990, only $703 million has been allotted for DEW. Given the promise of Brilliant Pebbles and the near-term possibilities of kinetic energy weapons, all kinetic energy weapons will receive $744 million, with Brilliant Pebbles alone getting $129 million, the fifth largest amount allocated to any single component or technology.

According to Lt. Gen. Monahan, the SDIO has selected Brilliant Pebbles as a research area to concentrate on in order to achieve the goal of deploying both space- and ground-based interceptors before the turn of the century. An example of a ground-based kinetic energy system is the kinetic kill vehicle integrated technology experiment (KITE-1), a suborbital ground-based rocket equipped with infrared sensors designed to intercept nuclear warheads as they reenter the Earth's atmosphere. As a result of the emphasis on kinetic energy systems, research on DEW and other long-term programs has received less funding.

While DEW and the longer-term technologies are suffering the most under budget belt-tightening, the collection of technologies known as SATKA—surveillance, acquisition, tracking, and kill assessment—will receive the largest share of fiscal 1990 SDI funds, $1.232 billion. SATKA technologies include the boost surveillance and tracking system, which is needed for improved attack warning regardless of the decision on SDI deployment. It is clear that current and future budget decisions are designed to protect the option to deploy BSTS in the 1990s, and move ahead with the space surveillance and tracking system (SSTS) for mid-course tracking of remote vehicles (RVs), and ground-based surveillance systems for tracking RVs in the terminal phase of their trajectory. In fact, SDIO plans to spend $265 million on full-scale development on BSTS beginning in fiscal 1991.

The unique two-tiered structure of the SDI program, and its history of controversy, meant that budget cuts in SDI are more inherently political than in any other defense program. Funding decisions are ipso facto strategy decisions made by the Congress, denying the President the ability to cross the deployment threshold when he deems appropriate. Many SDI supporters complain the administration, while paying lip service to the concept of ballistic missile defense, has not understood the political implications of SDI's budget fight.

In fairness to the Bush administration, however, there are a number of new factors at work that have had an inevitable impact on the fate of SDI outweighing the President's wishes, no matter how skillfully he might be able maneuver his program through the battle of the budget. In addition to new management of SDIO and the DOD, a number of crucial political changes have occurred, both domestically and internationally, that will have a significant impact on any deployment decision on Phase I of SDI.

SDS Sensors

The boost surveillance and tracking system (BSTS) is an orbiting surveillance system that uses infra-red technology to detect the exhaust plumes of ballistic missiler during the boost phase of flight. The system must be able to track missiles and provide real-time data processing in a worst case, nuclear-radiated environment.

Work is underway to design these spaceborne systems with as much onboard processing capability as possible to minimize the amount of critical information that must be downlinked to ground stations. To accomplish this, engineers with the prime contractors Lockheed Missiles & Space Co. Inc., Sunnyvale, CA and Grumman Aerospace Corp., Long Island, NY, have been working on technologies such as high-density, radiation-hardening circuits for signal and data processing; high-speed analog-to-digital converters; low-cost IR detectors for focal plane arrays (FPAs) and advanced cooling techniques.

For example, the SDIO has developed the generic very high-speed integrated circuit (VHSIC) space-borne computer, which is resistant to nuclear radiation. To achieve the high availability rates and self-repair capability required of satellite computer systems, the SDIO has developed a local area network (LAN) that supports fault-tolerant, loosely coupled, distributed microprocessors. A network to coordinate the operations of VHSIC processors and meet ground segment processing functions will be demonstrated.

BSTS will require A/D converters with greater dynamic range than has ever been previously required. These devices must also be radiation hardened and operate at very high throughput rates. SDIO believes a low-power combined bipolar complimentary metal oxide semiconductor (CMOS) converter will provide the requisite speed and performance needed and is pursuing this technology.

BSTS senses the optical radiation emitted by missiles; thousands of these detectors would be required for each spacecraft. The leading detector technology under consideration for the FPAs is mercury cadmium telluride because it provides the required sensitivity and inherent radiation hardness.

SPACE-BASED SURVEILLANCE AND TRACKING SYSTEM

The space-based surveillance and tracking system (SSTS) is a midcourse sensor system that will initially consist of small, passive long-wave infrared (LWIR) sensors placed in medium earth orbit to track post-boost and reentry vehicles. Through stereo processing and in conjunction with other SSTS satellites, the system will track reentry missiles and decoys as they move through their trajectories. Based on information from SSTS, including the number and location of reentry vehicles, the weapon system would be activated.

Critical SSTS technologies being explored by the prime contractors TRW Inc. Redondo Beach, CA and Lockheed Missiles & Space Co., Inc., include LWIR focal planes, crytotechnology, background noise measurement and space mirrors. Recent improvements to LWIR systems have reduced the cooling power required for spaceborne arrays. Cyro-cooling is required for the focal plane array and optics systems for the SSTS and the capability must last five to 10 years with high reliability. Scientists are attempting to achieve these goals with a three-stage cooler.

An aircraft, the airborne optical adjunct (AOA) is an experimental test bed used to resolve many of the passive sensor technical issues related to all midcourse sensor systems. It carries the LWIR and other sensors in a modified Boeing B-767 airframe operated by the U.S. Army. The aircraft's FPA will gather detection, tracking and discrimination date on mock missile attacks during flights on missile test ranges. On the aircraft is an A/D device sampling the FPA, signal and data processing that provides the final information to the user. The focal plane has 30,000 detectors which sweep a section of space and revisit the same block of space a few seconds later. The first scene is then matched with the second, enabling the user to detect the displacement of objects. The focal plane is sampled at the rate of 385 million times per second, requiring the A/D converter to work flawlessly. System designers are working on significantly increasing that capability for actual spaceborne applications in the BSTS and SSTS. However, the system requires a great deal of power and has a limited electronic budget. In order to boost capabilities the current must be made more efficient.—C.L.C.

Making SDI BM/C^3 a Reality

A comprehensive battle management/command, control and communications (BM/C^3) system is essential for monitoring and controlling the activities of all the elements of the strategic defense system

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(SDS). Information from surveillance satellites, sensors and radars would be relayed to battle managers. On confirmation of an attack, the BM/C^3 system would be used to assign targets to spaceborne and ground-launched interceptor weapons. Technologies that are key to the success of the BM/C^3 system include management algorithms, command and control networks, data processing, communications, software and functional capability in the presence of radio frequency (RF) jamming and nuclear radiation.

A dependable SDS requires fault-tolerant, high-performance computers. The system design calls for supercomputers and parallel processors to provide the high processing rates needed for real-time execution of battle mangement simulation algorithms. These computers, linked by a hyperchannel local area network (LAN), include two Cray 2s, two IBM 3090s, a DEC VAX 8700, DEC VAX 8800, DEC VAX 8810 plus an assortment of smaller computers, including Sun workstations. All of these computers together provide the core of the computing power needed to perform SDS simulations.

The algorithms are the mathematical/logical processes and procedures needed to perform resource allocation, manage and form the target file, execute command and control actions, and in general, operate the entire system. Algorithms are being developed to initiate and maintain target tracks, discriminate between warheads and decoys, assign weapons to targets, assess system effectiveness and reconfigure the system as necessary to adjust to changing battle conditions. Statistical estimation techniques that use reasoning- and knowledge-based technologies have been developed and tested for use in the SDS BM/C^3 environment.

An insallation for proving BM/C^3 systems at the system level is the National Test Facility (NTF) in Colorado Springs, CO. The NTF acts as a hub and is comprised of electronically linked (networked) hardware and software at other geographically dispersed SDS test and simulation facilities forming the National Test Bed (NTB). The NTB is the primary system integration, simulation, test and evaluation organization for BM/C^3 elements. The NTB directorate's ultimate mission is to provide information for deciding whether and when to initiate SDS deployment and to what degree. The NTB is also, in essence, a tool for determining SDS's feasibility and confirming its basic research to SDIO.

The NTB, which became fully operational in March 1988, runs simulations of possible deployment patterns of ballistic missile defense systems. According to program officials, the NTB is an important tool in validating deployment and interception concepts and configurations for the U.S. strategic defense system. The NTB is used to compare, evaluate and test alternative proposed methods for a layered defense and evaluate specific technology applications for a strategic defense system before actually committing to building the hardware.

Despite the increasingly tight budget for defense and SDI, it is expected that the NTB will continue to be fully funded. Funding for fiscal 1990 is $125 million. Under President Bush's budget request, the NTB program would receive $140 million for fiscal 1991. The 1991 request will probably be approved by Congress because the NTB is considered a key element in ensuring that SDS is configured for the greatest possible effectiveness with the least possible expenditure.—J.R.R.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 20, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 21

9:15 a.m.

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

9:30 a.m.

Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve U.S. agricultural programs.
SR-332

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on Third World debt strategy.
SD-538

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on the Federal Communication Commission's syndicated exclusivity rules.
SR-253

Governmental Affairs
To hold hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

Small Business
To hold hearings to examine the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.
SR-428A

10:00 a.m.

Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Food and Drug Administration, Commodity Futures Trading Commission, Farm Credit Administration, and Farm Credit System Assistance Board.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the United States Secret Service, and the Internal Revenue Service.
SD-116

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine American business initiatives in eastern Europe.
SD-419

Judiciary
Constitution Subcommittee
To hold hearings on S.J. Res. 232 and S.J. Res. 233, measures proposing amendments to the Constitution of the United States with respect to the impeachment of judges, and S.J. Res. 11, proposing an amendment to the Constitution of the United States, to require any Federal official appointed by the President with the advice and consent of the Senate upon conviction of a felony to forfeit office.
SD-226

Labor and Human Resources
To hold hearings to review the Bipartisan Commission on Comprehensive Health Care (Pepper Commission) recommendations on universal health care issues.
SD-430

2:00 p.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Institute of Building Sciences, the Neighborhood Reinvestment Corporation, and the Selective Service System.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs, focusing on the Office of Energy Research, Department of Energy.
SD-192

Armed Services
Defense Industry and Technology Subcommittee
To hold hearings to examine corrective actions the Department of Defense may take as a result of the findings of recent procurement fraud investigations.
SR-232A

Finance
To hold hearings on proposed legislation to examine the effects of short-term trading on long-term investments, including S. 1654, to impose an excise tax on the gain of the sale of pension investment assets held for a short term.
SD-215

2:30 p.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 1898, to provide Federal Government guarantees of investments of State and local government pension funds in high-speed intercity rail facilities, and S. 2286, to

require the Secretary of Transportation to lead and coordinate Federal efforts in the development of a magnetic levitation transportation system.
SR-253

3:00 p.m.
Conferees
On S. 1096, to provide for the use and distribution of funds awarded to the Seminole Indians.
1324 Longworth Building

MARCH 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 2108, to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of such products.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Governmental Affairs
To continue hearings on S. 2274, to establish a Federal pay system with locality-based adjustments.
SD-342

Select on Indian Affairs
To hold hearings on Indian health facilities.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on management reforms.
SD-192

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the World Bank and the debt crisis.
SD-106

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the American Battle Monuments Commission, Cemeterial Expenses (Army), the National Credit Union Administration, and the United States Court of Veterans Appeals.
SD-116

Banking, Housing, and Urban Affairs
To resume hearings on proposals authorizing funds for the Defense Production Act of 1950, including S. 1379 and S. 2168, proposed Defense Production Act Amendments.
SD-538

Finance
To resume hearings on proposed legislation for deficit reduction and spending initiatives contained in the President's fiscal year 1991 budget.
SD-215

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings on U.S. participation in the European Bank for Reconstruction and Development.
SD-419

Judiciary
Business meeting, to consider pending calendar business.
SD-226

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, focusing on the operation and maintenance programs, including the impact of the Defense Management Report on logistics programs.
SR-222

Foreign Relations
European Affairs Subcommittee
To hold hearings on democratic institution-building in eastern Europe.
SD-419

Judiciary
To hold hearings on the nominations of Norman H. Stahl, to be U.S. District Judge for the District of New Hampshire, Daniel B. Sparr, to be U.S. District Judge for the District of Colorado, John S. Martin, Jr., to be U.S. District Judge for the Southern District of New York, and Alan D. Lourie, of Pennsylvania, to be U.S. Circuit Judge for the Federal Circuit.
SD-226

MARCH 23

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

Small Business
To hold hearings on small business opportunities with the Soviet Union and Eastern Europe.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Architect of the Capitol, and the Capitol Police Board.
SD-116

Banking, Housing, and Urban Affairs
To hold hearings on the nominations of David W. Mullins, Jr., of Arkansas, and Edward W. Kelley, Jr., of Texas, each to be a Member of the Board of Governors of the Federal Reserve System, and Robert H. Swan, of Utah, to be a Member of the National Credit Union Administration Board.
SD-538

Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on U.S. policy with respect to El Salvador.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation reauthorizing funds for the Institute of Museum Services.
SD-430

MARCH 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the outlook for the world oil market in the 1990s and its implications for U.S. energy, economic, and security interests, focusing on future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.
SD-366

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs.
SD-192

2:00 p.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on ammunition programs.
SR-222

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
SD-366

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10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

11:15 a.m.
Environment and Public Works
To hold hearings on the nominations of L. Joyce Hampers, of Massachusetts, to be an Assistant Secretary of Commerce for Economic Development, and Brig. Gen. Arthur E. Williams, to be a Member and President of the Mississippi River Commission.
SD-406

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

Small Business
To resume hearings on the President's proposed budget request for fiscal year 1991 for the Small Business Administration.
SR-428A

MARCH 28

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2227, to revise the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104) governing exported pesticides.
SR-332

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold oversight hearings on the regulation of lawn chemicals.
SH-216

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public lands measures, including S. 456, H.R. 1109, S. 465, H.R. 1159, S. 1756, S. 1864, H.R. 76, S. 2059, S. 2208, and S. 1770.
SD-366

Select on Indian Affairs
To hold hearings on S. 381, to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama, S. 1413, to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, S. 1747, to provide for the restoration of Federal recognition to the Ponca Tribe of Nebraska, and S. 1918, to provide for Federal recognition of the Jena Band of Choctaws of Louisiana.
SR-485

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.
SR-253

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

APRIL 2

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on deficiency payment problems associated with barley.
SR-332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, Department of the Interior.
S-128, Capitol

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

2:00 p.m.
Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 626, to revise the Lanham Trademark Act to prohibit the importation or sale of goods manufactured outside the U.S. and bearing an identical trademark of goods manufactured within the U.S.
SD-226

APRIL 5

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

APRIL 6

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the implementation of the Omnibus Taxpayer Bill of Rights (P.L. 100-647).
SD-215

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian lands.
SR-485

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

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Select on Indian Affairs
To hold oversight hearings on the Indian Federal acknowledgement process, including S. 611 and S. 912, bills to establish administrative procedures to determine the status of certain Indian groups.
SR-485

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

MAY 1

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 7

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans' Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 7

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

MARCH 23

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.
SR-253

POSTPONEMENTS

MARCH 20

2:30 p.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Panama Canal Commission.
SD-116

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SECOND SESSION

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 101st CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, March 20, 1990*

The House met at 12 noon.

Brig. Gen. Matthew Zimmerman, Deputy Chief of Chaplains, U.S. Army, Washington, DC, offered the following prayer:

Almighty God, our Creator, as we pause here today in work and fellowship, we acknowledge, appreciate, and applaud the uniqueness of this body's interests, talents, and work. We are grateful that its efforts can be defined in terms of stewardship; stewardship of the well-being of this Nation and its people.

Help each Member, we pray, better to maintain an understanding and profound appreciation of the nature and the implications of their charter. Bless this body and its Members as agents of change and facilitators for excellence in the quality of our citizens' lives. As stewards of effectiveness and excellence, continue to challenge them with a firm recognition of the dignity and worth of our citizens.

Give to each of them generous portions of Your wisdom, grace, and strength. Enable them to believe strongly in what they do; remain confident in their objectives and abilities, to be aware of and celebrate the humanity of our people, and certainly to maintain a good sense of humor.

In Your name and with Your peace we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. STEARNS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. STEARNS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 258, nays 121, answered "present" 1, not voting 51, as follows:

[Roll No. 28]

YEAS—258

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boxer
Brennan
Brooks
Broomfield
Browder
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coleman (TX)
Combest
Conte
Cooper
Costello
Cox
Coyne
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Livingston
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (UT)
Pallone
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Ravenel
Ray
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sarpalius
Sawyer
Scheuer
Schiff
Schneider
Schulze
Schumer
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stenholm
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Washington
Waxman
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yatron

NAYS—121

Armey
Baker
Ballenger
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Chandler
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Emerson
Fawell
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Goss
Gradison
Grandy
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lightfoot
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (NY)
McCandless
McDade
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Morella
Murphy
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Pursell
Regula
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schroeder
Sensenbrenner
Shays
Shuster
Sikorski
Slaughter (VA)
Smith (NE)
Smith, Denny (OR)
Smith, Robert (NH)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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Smith, Robert (OR)
Solomon
Spence
Stangeland
Stearns
Stokes
Sundquist
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Young (AK)

ANSWERED "PRESENT"—1

Roybal

NOT VOTING—51

Annunzio
Barton
Boucher
Brown (CA)
Collins
Condit
Conyers
Craig
Crane
Crockett
Donnelly
Edwards (OK)
Engel
Feighan
Fields
Flake
Flippo
Foglietta
Ford (MI)
Ford (TN)
Gibbons
Gray
Hayes (IL)
Hughes
Lewis (FL)
Lipinski
Lloyd
Martin (IL)
Morrison (CT)
Neal (MA)
Nelson
Oakar
Owens (NY)
Panetta
Rangel
Sangmeister
Savage
Schuette
Shumway
Smith (TX)
Stark
Stump
Tanner
Towns
Udall
Vander Jagt
Watkins
Weiss
Wilson
Yates
Young (FL)

□ 1228

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from Nebraska [Mr. Hoagland] will come forward and lead the House in the Pledge of Allegiance.

Mr. HOAGLAND led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

□ 1230

CHAPLAIN MATTHEW ZIMMERMAN

(Mr. PAYNE of New Jersey asked and was given permission to address the House for 1 minute.)

Mr. PAYNE of New Jersey. Mr. Speaker, on behalf of my colleagues, it is my pleasure to welcome to the Chamber today our guest chaplain, Brig. Gen. Matthew A. Zimmerman, Jr., Deputy Chief of Chaplains, U.S. Army.

It is my pleasure to mention that on Thursday the President approved and intends to forward to the Senate for confirmation the promotion of our guest chaplain, Brig. Gen. Matthew Zimmerman, to the position of Chief of Chaplains of the U.S. Army, and his promotion to the grade of major general, and we are very pleased to announce that.

Although Chaplain Zimmerman was born in South Carolina, and has had many assignments around the country and overseas, I have a special association with the chaplain because his father, Rev. Matthew Zimmerman, Sr., serves as pastor of the Greater Abyssinian Baptist Church in the city of Newark, NJ, in my district.

Just as his father is known as a strong community and spiritual leader, so Chaplain Zimmerman has become one of the senior leaders of the chaplains' corps, known for his commitment to the men and women of our Army.

Chaplain Zimmerman entered the chaplaincy in 1967 at the rank of captain, and has risen in rank and responsibility until the past year when he was promoted to brigadier general, and as I indicated, he is now promoted to the position of major general. This action of the Army and the awards he has received are expressions of the confidence that has been placed in Chaplain Zimmerman, and are indications of his outstanding ability.

We are honored to have Chaplain Zimmerman lead the Congress in prayer, and we wish him continued success in his very important ministry to our country.

APPOINTMENT OF MEMBERS TO ATTEND CONFERENCE OF INTERPARLIAMENTARY UNION IN NICOSIA, CYPRUS

The SPEAKER. Pursuant to the provisions of 22 United States Code 276a-1, the Chair appoints to the delegation to attend the Conference of the Interparliamentary Union to be held in Nicosia, Cyprus, on March 30 through April 7, 1990, the following Members on the part of the House.

Mr. Feighan of Ohio, chairman;

Mr. Scheuer of New York, vice chairman;

Mr. Brown of California;

Mrs. Boggs of Louisiana;

Mrs. Patterson of South Carolina;

Mr. Bates of California;

Mr. Hammerschmidt of Arkansas;

Mr. Bilirakis of Florida; and

Mr. Blaz of Guam.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 644, JEMEZ AND PECOS RIVERS WILD AND SCENIC RIVER ADDITION ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-424) on the resolution (H. Res. 360) providing for the consideration of the bill (H.R. 644) to amend the Wild and Scenic Rivers Act by designating segments of the east fork of the Jemez and Pecos Rivers in New Mexico as components of the National Wild and Scenic Rivers System, which was referred to the House Calendar and ordered to be printed.

RECOGNITION OF AN INDEPENDENT LITHUANIA

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, the struggle in Lithuania goes on. It has all the passion, drama, and virtue of our own struggle of 1776. The dreams and aspirations of Jefferson, Madison, and Hamilton are the dreams and aspirations of Landesbergis, Zingeris, and Prunskiene. In the face of Soviet intimidation, Lithuanians continue their courageous struggle for freedom. And all they ask from us is for peaceful, moral, and political support. They deserve that support.

Mr. Speaker, President Bush, Secretary Baker, the U.S. recognition of an independent Lithuania, extended between World War I and World War II, should immediately be renewed.

I ask my colleagues to join us in a letter circulating today, that asks the President to do just that.

VIOLENCE TOWARD ETHNIC HUNGARIANS IN ROMANIA

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, the ugly vestiges of Nicolae Ceausescu's brutal dictatorship are still around us. We have had disturbing reports today that ethnic Hungarians have been attacked and injured, and there are unconfirmed reports that two may have been killed by the thugs of Ceausescu.

Temporary governments are in charge in Eastern and Central Europe. But they have an obligation to maintain law and order, and they have a responsibility to see to it that ethnic dissension and violence do not emerge to disrupt this newly democratic area.

I am calling on our administration to withhold any further discussion of extending most-favored-nation treatment to Romania or of providing any assistance of any kind to Romania until we are assured that the Government of Romania will take all steps necessary to protect the human rights of all of its citizens—whatever their ethnic origin.

STOP BICKERING AND SUPPORT THE PRESIDENT'S AID PACKAGE TO NICARAGUA AND PANAMA

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, the dramatic triumph of the democratic electoral process in Nicaragua is an example of stirring victory for the forces of democracy, liberty, and freedom. The rapid developments of the past several months, particularly movement toward democracy in Eastern Europe, Panama, and Nicaragua, make clear that the President of the United States must have great flexibility in the way he conducts our Nation's foreign policy and responds to the rapid progress of world events.

These recent and exciting developments lead to the inescapable conclusion that Congress must work with the President to push forward much needed support for these budding democracies. Three Presidents from both parties, Carter, Reagan, and now Bush have committed America to the side of freedom and democracy in Nicaragua.

There is a real sense of urgency in this package of aid to Nicaragua and Panama. The dispute over the proposed deferring or transferring of various defense projects to offset the proposed outlays for Panama and Nicaragua this fiscal year should not be permitted to obscure the fact that we now face a common task in revitalizing progressive cooperation throughout the hemisphere helping the peoples of Panama and Nicaragua in reconstructing their economies and building stable democracies.

Because of the urgency of this matter, I hope my colleagues will put aside partisan pettiness and support the passage of the President's aid budget package before we break for Easter.

IT IS TIME FOR THE UNITED STATES TO TAKE CARE OF BUSINESS WITH JAPAN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Japan is not only winning the race, they are starting to rub it in. Japanese investors bought a 25-percent share of American super racehorse, Sunday Silence.

If that does not give you saddle sores, they want to ship him overseas to boot. Think about it.

No one can miss in Japan because no one can handicap a system better than the Japanese can. Just look at our trade deficit, folks. Let us face it, Japan is bombing Wall Street, Japan is bombing back street, and Japan is bombing Main Street all over America, and they are not shy about it.

They did not buy Old Dobbins. They bought the eclipse award winner because they are snorting a challenge, and what are we doing in this Congress? We are still horsing around.

It is time to develop a fair trade reciprocal agreement with Japan before all our horses are out of the barn. I do not think Congress should leave it up to Easy Goer.

I think it is time to take care of our business with Japan.

The SPEAKER pro tempore (Mr. MAZZOLI). The Chair would respectfully advise the gallery not to join in any of the floor proceedings. We welcome our guests and are glad they are here, but the gallery is not to take part in the floor activities.

THE EMPEROR HAS NEW TAXES

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. We wanted to believe you, Mr. President. You said, "Read my lips: no new taxes," and the American people marched in your parade.

But now we hear a little voice off in the crowd. It is a little boy. He is saying, almost incredulously: "The emperor has new taxes."

While you were saying, "No new taxes," and we were reading the Presidential lips, here is what we have been getting: Social Security increases, user fees, revenue enhancers, surcharges, stock and bond transaction levies, permanent long-distance telephone communication fees, enforcement area opportunities, payroll charge collection acceleration, airport transaction facilitation charges, and now federally shifted State-imposed highway toll receipt extenders.

☐ 1240

The emperor has no taxes.

Give me a break. The American people are neither fools nor suckers. Read your lips? No new taxes? You are giving us, Mr. President, nothing but "Bush lip," Bush lip, Bush lip.

The American people fought a revolution saying "No taxation without representation," but we are not stupid enough to think that we can get representation without taxation.

Come clean with us, Mr. President, be honest with us; we can handle it. A little bit of glasnost. What "newspeak tax" tomorrow? By morning we will all be knee-deep in Bush lip, pure unadulterated crock of Bush lip.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Before proceeding to the next speaker, the Chair would advise Members that the rules of the House require the President, for example, to be respectfully addressed in the third person through the Chair, not directly; the rules of the House disallow direct references in the second person.

NATIONAL AGRICULTURE DAY

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, on this first day of spring I would like to call my colleagues' attention to the 10th anniversary celebration of National Agriculture Day.

Mr. Speaker, there are more than 2 million farms in the United States—57,000 of which are found in my home State of Nebraska—forming our Nation's largest single industry. With assets totaling more than $1 trillion, agriculture contributes almost $730 billion to the U.S. gross national product and employs approximately 21 million people.

These 21 million people strive to provide U.S. consumers with the safest, most diverse, and least costly food supply in the world. Americans pay only 11.6 percent of their income on food while the average Russian spends more than 26 percent and the average Chinese spends over 50 percent.

Today, our farmers and ranchers continue to face profound uncertainties—the prospects of a third straight year of drought, unfair foreign trading practices, unfounded public hysteria regarding the safety of our food supply, and modification of our agricultural policies in the 1990 farm bill.

As a member of an 11th generation farm family, and as vice chairman of the House Appropriations Subcommittee on Agriculture, I applaud the hard work and dedication of my constituents involved in the production, processing, and transportation of agricultural products.

I hope every American recognizes the contributions of agriculture to this Nation and understands the importance for our future.

THE DEMOCRATIC PARTY IS THE PARTY OF NEW IDEAS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, we Democrats have always been the party of new ideas. So when the White House or our Republican friends steal one of our ideas, we do not mind. But you would think that the least that the White House could do when they grab one of our ideas is to refrain from attacking the Democrat who originated the idea in the first place.

According to an interview published today, President Bush conceded that he could, and I quote, "foresee the day when after reforms take place, needed reforms, the Western world will be interested in helping bring along the reformed Soviet Union," and the President continued, "Clearly it is in the best interests of peace that take place, but we have to have that reform first."

Those sentiments are strikingly similar to the thoughtful remarks made by

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our majority leader 2 weeks ago today. Way back then our majority leader was excoriated for committing the heresy of saying that United States trade and aid could be used to buttress peaceful change in the Soviet Union.

Mr. Speaker, I believe our President owes one of his famous "thank you" notes to our majority leader because the White House has now appropriated the very idea which the President's staff and political allies were denouncing Dick Gephardt for proposing just 2 weeks ago.

SDI-DIRECTED ENERGY PROGRAM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise in recognition of some of the advances being made in the SDI Directed Energy Program. Last year, the SDI Organization's Directed Energy Office realized two significant achievements. First, the BEAR experiment was launched proving a neutral particle beam could operate in space. Second, the Alpha laser, a laser factor of 20 better than the Miracl laser at White Sands, was fired. This first firing and subsequent test have proven that all issues of physics have been resolved with respect to the Alpha laser. Both accomplishments underscore the need to continue to fund the SDI Program. The technology is in hand.

CORRECTING A FUNDAMENTAL UNFAIRNESS IN THE 1986 TAX REFORM BILL

(Mr. HOAGLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOAGLAND. Mr. Speaker, and colleagues, today I rise to introduce a bill that will correct a fundamental unfairness to the nonprofit organizations and charities in my district in Nebraska. What I am showing you here is a pickle card.

Now this pickle card is used in Nebraska by hundreds of charities and nonprofit organizations to raise money. It includes Catholic schools, it includes little league teams, it includes the Booster Club for the University of Nebraska at Omaha football team, labor organizations, even a major drug treatment center.

Thousands of dollars every year are raised by these charities with these little pickle cards.

Because of a provision in the 1986 Tax Reform Act, these pickle card proceeds are being taxed as unrelated business income taxes. These taxes were not known to these charities in many cases until almost 2 years after the law went into effect.

We have a couple of parishes in Nebraska that are being sent letters demanding over $200,000 in back taxes, penalties, and interest because of overdue taxes on these pickle cards.

Mr. Speaker, I am introducing a bill along with Senators Kerrey and Exon of the U.S. Senate to request retroactive repeal of this provision. I am hoping my colleagues on the Committee on Ways and Means will give the bill a favorable hearing.

H.R. 2589 AND CAMPAIGN FINANCE REFORM

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, what if I told you that here in America, millions of our citizens are being denied a very fundamental right? Millions of hard-working Americans are being completely disenfranchised from the political process. What if I told you that there is a systematic effort to negate the vote of these millions of Americans?

Would you believe that Federal laws not only make this possible, but actually encourage it? This may all sound unbelievable, but it is true. I am talking about the use of compulsory union dues for political purposes. I am talking about taking money from millions of Americans and using that money to support candidates and ideological causes that those working people oppose, thus negating their vote.

There is, however, an answer. Join me in cosponsoring H.R. 2589, a bill designed to implement the protection of the Supreme Court's Beck decision. Any campaign finance reform without it is a sham.

NATIONAL AGRICULTURE DAY

(Ms. SLAUGHTER of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER of New York. Mr. Speaker, today on National Agriculture Day, we celebrate the strength and productivity of agriculture and its associated industries. A bulwark of our national economy, American agriculture continues to lead the world in innovation and performance.

In New York State, as across the Nation, agriculture and its associated production, processing, and marketing industries remain the single largest industry and provider of jobs. In the four counties which comprise the 30th district of New York, a vital farm community sells over $250 million in agricultural products ranging from milk and corn to beets and blueberries.

This year as Congress fashions a farm bill which will guide agriculture policy over the next 5 years, we have a special responsibilitly to institute programs which will allow American farmers to maintain their competitiveness in the world markets, while meeting the challenges of lowering the Federal budget deficit, ensuring a safe food supply, and cleaning up our environment.

The farm bill is designed to help both farmers and consumers by modulating the price and income fluctuations inherent in an industry at the mercy of weather and disease. Our goal must be to provide that stability without stifling marketplace efficiences and while staying within our national means.

Mr. Speaker, National Agriculture Day is an opportunity to recognize the vitality and economic significance of this essential industry. I ask my colleagues to join me saluting American agriculture and working for its continued prosperity.

☐ 1250

FREE ELECTIONS IN EAST GERMANY

(Mr. BUECHNER asked and was given permission to address the House for 1 minute and to revise his remarks.)

Mr. BUECHNER. Mr. Speaker, when the demonstrations in Leipzig and Dresden took place, those were the beginnings of the first democracy in East Germany, and probably the birth took place when the wall began to crumble, and holes were pushed in and people began to stream through. However, if that was the birth of democracy in East Germany, this week the first free elections in the history of that country, and the first time that men and women in that country had had an opportunity to vote in a free election for 50 years, that was the first step of that tottering new child called democracy.

I was lucky enough, under the leadership of the chairman of our Helsinki Commission group, the gentleman from New Mexico [Mr. Richardson], I was lucky enough to be there, to meet the men and women, to be observers of the fairness and openness and freeness of those elections, to see the men and women as they stood there, of all ages, to say that this was the first time that they had voted in an election. We asked them, "You mean you had boycotted the elections before?" They said, "No, this is the first time we have voted in an election, where we have had a chance to exercise our right to choose who will represent us."

There are people that say that they voted because of economics. I think that is jaded. When I look at the people in this country that will not vote because it is so easy, and to look over there where it was so hard, where people walked to the polls, rode bicycles, stood in line, and voted 93 percent for freedom; to have that opportunity, I would say to Americans to look at the people across the ocean. They know what freedom is, and they gave it a shot. We should learn from that dynamicism. We should learn.

EARTH DAY 1990

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, I am pleased to note that there are only 33 days until Earth Day 1990, which will mark the 20th anniversary of our Nation's first Earth Day. On April 22, 1970, our Nation saw the beginning of the environmental movement, as well as the largest organized demonstration in history.

Now, with Earth Day, just a short month away, we have the opportunity once again to enact landmark environmental legislation to address new environmental problems which we are only beginning to understand.

As we celebrate Earth Day let us give attention to underutilized alternative forms of energy which takes many forms and can be as fundamental as energy conservation, and as complex and seemingly unattainable as nuclear fusion.

Even today, we continue to rely on the use of petroleum byproducts as our major source of energy, products which were the first major source of energy in our modern age. However, it is becoming increasingly apparent that the seemingly endless supply of petroleum is finite, and its production is no longer simple and inexpensive.

Accordingly, both economically and environmentally we must utilize alternative forms of energy such as biomass, photovoltaics, wind and hydropower, and, above all, implementing energy efficiency and conservation.

It is timely for an awesome Earth Day; a day for everyone to celebrate our planet and become actively involved in solving the many complex problems facing our environment.

Mr. Speaker, I urge my colleagues to join in exploring the many benefits of alternative energy as we celebrate Earth Day 1990.

OPEN ALL U.S. PORTS TO WARSAW PACT COMMERCIAL VESSELS

(Mr. PICKETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKETT. Mr. Speaker, since 1972, the United States has had a policy of prohibiting Warsaw Pack commercial vessels from calling at ports where there are large military installations. Twelve ports across the country, including the port of Hampton Roads in Virginia, are subject to this restriction.

With democratic reforms sweeping Eastern Europe—and with this Nation's trade deficit a continuing concern at home—there is growing doubt whether these restrictions now serve the economic and political interests of the United States.

Informed observers find it hard to believe that coal colliers from Poland, or freighters from Czechoslovakia, pose the same security threat today that they did in 1972. Our own country needs the additional trade that we would gain from the modification or repeal of these restrictions. The Virginia Port Authority has estimated that eastern Virginia alone could realize an additional $200 million in commercial activity from a relaxation of this policy. And that figure could grow higher.

Mr. Speaker, I have asked the President for an immediate review of this policy that excludes Warsaw Pact commercial vessels from our ports. No one—particularly no one from my area—is even remotely suggesting any action that would compromise our national security.

We just question whether continuing the policy of making some of our ports off limits to Eastern bloc vessels is in the best interests of the United States and the democratic movement in Eastern Europe.

LITHUANIANS BULLIED BY SOVIETS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, those eager to give the Soviets all kinds of economic assistance might consider what is going on in Lithuania.

Brave Lithuanians have proclaimed their independence from a great military power, just as Americans did 200 years ago.

For their courage, Lithuanian citizens are being subjected to the rumble of Soviet tanks and to the buzzing of Soviet jets.

The Soviets may no longer be Stalinists. They may try to show Americans a human face. But it is clear they have not lost their appetite for bullying small neighbors.

The Lithuanian people are demanding the right to preserve their national integrity and determine their own future.

I would hate to think that American dollars could some day be used to crush them.

REGULATIONS ON SEMIAUTOMATIC ASSAULT WEAPONS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute.)

Mr. MAZZOLI. Mr. Speaker, tomorrow, the Subcommittee on Crime has a chance to perform a very special public service for the people of America, and particularly for the people of Louisville, KY, whom I am honored to represent.

Our subcommittee will mark up H.R. 4225, a measure which I am proud to have sponsored with the chairman of our subcommittee, the gentleman from New Jersey [Mr. HUGHES].

H.R. 4225 allows for the prohibition of the domestic manufacture and sale of semiautomatic assault weapons.

As Members know, since July of last year such weapons of death cannot be imported into this country. Legislation restricting the availability of semiautomatic assault weapons is overdue. We need to put a stop to the bloodshed caused by these people-killer weapons. We need to put a stop to the senseless tragedies like the one which enveloped constituents in Louisville last September, when a gunman leveled an assault weapon at innocent people, killing 9 and wounding very seriously 13 others.

Mr. Speaker, I hope our subcommittee can given H.R. 4225 a very solid sendoff tomorrow on its journey to the White House, where I hope President Bush will sign this measure into law. It is much needed in America.

UNITED STATES ALREADY RECOGNIZES LITHUANIA

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, another word on the situation in the Soviet Union in general and Lithuania in particular. First, the Ukraine. At this moment, a delegation from the Ukraine, at one time the most prosperous of the 15 so-called Soviet Republics, is meeting with Mr. Gorbachev—Time magazine's delusioned choice as man of the decade—to discuss independence for the Ukraine.

It was Lenin himself—the father of this polyglot comprised of 15 so-called republic states, with 135 ethnic groups, and over 120 languages—who said "Lose the Ukraine, we lose our head."

Now, here is where a little trick which Stalin, Uncle Joe, pulled on President Roosevelt, will come back to haunt the Soviets. The Ukraine has a separate seat in the United Nations. A separate seat. So does Byelorussia. Now, back to Lithuania. All the papers say that since the plea on St. Patrick's day by the Lithuanians that their in-

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dependence be recognized by other countries around the world, not a single nation has recognized them. Wrong. We, the United States have never unrecognized them.

When I came here as a freshman, the two salient foreign affairs facts unknown to most Members in the Chamber except for some senior Republicans were first, the Ukraine and Byelorussia have seats in the United Nations which means the Soviet Union has three seats to our one in the General Assembly; and second, there were three Embassies in this town for Ukraine, Estonia, and Latvia, complete with Ambassadors. I have visited them all.

☐ 1300

Mr. Speaker, these embassies are still there. These people are struggling for freedom against history's most oppressive regime. Let us help Lithuania the way France helped the United States get its independence over two centuries ago.

THE BUSH ADMINISTRATION MUST MOVE FASTER ON EXPORT CONTROL REFORMS

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, the challenge in the days ahead is going to be an economic challenge rather than a military challenge. That is why it is so important that over 130 Members of both political parties have joined me in writing the trade officials of the Bush administration urging them to get moving on export control reforms so our companies can sell their products in Eastern Europe.

We are going to have to move much faster, because right now you can throw a bunch of computers into the back of a pickup truck by the Berlin Wall and drive them into Eastern Europe just like that. Our companies, those that make computers, electronics, communications, and health care equipment have the skill and the ingenuity to compete with anyone in the world. I think it is high time our trade negotiators stop dawdling on the express reform issue and make sure our companies are not left in the dust.

The letter that has been sent to the administration is bipartisan, and I'm particularly appreciative of the help of our colleagues, Congresswoman Johnson of Connecticut and Congressman Gradison of Ohio.

THE TWO ALTERNATIVES ON CHILD CARE

(Mr. McEWEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McEWEN. Mr. Speaker, there is a great deal of discussion about child care. There are two ideas proposed. First is that we have Washington run a child care center; we take the money to set up a Federal program, with Federal guidelines, and we give the Feds the money to run it. Then we charge the taxpayers for the bill, and if the parents like it, that is fine, and if they do not, that is tough.

The second alternative is that we give the money to the parents and we allow the parents to decide. We give them a voucher if they want to send their child to a day care center—35 percent of all child care in this country is done by religious-based institutions. If parents choose to send their child to some place in a church basement where they are allowed to have prayer before they have cookies, and that would be their right under a proposal by our colleague, Congressman Stenholm.

Now, the proposal that is being given to us by the other side, by the left, says that we do not want to have anything to do with the church, and we certainly do not want them to use McGuffey's Readers that were used for so many years in this country and that reflected moral and spiritual stories and values. And it says that we want to have Washington decide; we want Washington to give the regulations and we want Washington to give the money and force the parents to go to the Washington directed institution.

Mr. Speaker, let me tell the Members that that is unpopular. That is so unpopular that the left has not been able to write the bill. Yet they tell us they are going to bring the bill to the floor tomorrow. It is so bad that they cannot even let us see a copy of it on this Tuesday afternoon at 1 o'clock, because they want to bring it to the floor tomorrow and not let America see how bad it is. Lest people would call their Congressman and say, "oppose it." They are hiding it somewhere in the bowels of this building, and it should be forced to stay there.

CLARIFYING DETAILS OF PROPOSED CHILD CARE LEGISLATION

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I have great respect for the gentleman from Ohio who just spoke, but I am a little bit disturbed when I hear him characterize the proposed child care bill that is coming up as one that would impose Federal regulations or that would impost a Federal bureaucracy and would tell the people, "We in the Federal Government are going to run the child care centers and not you."

That is not a proper characterization of the child care bill that will be coming before the House. It is one that does let the centers provide for some regulations, not the Federal Government. There will be no such Federal bureaucracy. It is one that also provides that those children who are now in school in the first and second grades will be able to stay in school, will be able to be there after school and before school, until their parents can pick them up, rather than having those kids go home without any parents being there. It is for these youngsters, too. It is one that will expand on the Head Start Program so we can take care of all those kids instead of only 20 percent. It is one, I think, that merits everybody's support, because it will permit the church-related day care centers to continue to operate and permit people to be able to provide assistance and have vouchers in order to have their children go to those day care centers.

DEA BOMBING IN FORT MYERS

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the war on drugs came to my doorstep this weekend. In the middle of the night on Saturday, the DEA office in Fort Myers, FL, became the first such office in the country to be firebombed.

Thankfully, no one was hurt in the blast—which destroyed some $4 million in property and sent shock waves through the Fort Myers community and the entire Nation.

This type of outrageous, brazen assault on our Nation's efforts to eliminate drug abuse, will not be tolerated.

NARCO-terrorism—whether it's overseas or in our own communities should serve only to strengthen our resolve to finish the terrorists and shut down their drug pipeline completely.

Mr. Speaker, I commend the swift and reasoned actions of DEA, the FBI, and local law enforcement officials in handling the situation in Fort Myers. I am confident that their good work will result in bringing to justice those responsible for this vicious attack.

I urge my colleagues to take heed—this incident clearly demonstrates that no community should consider itself immune to the terrible consequences of our Nation's drug crisis. The war is far from over.

PEACEFUL NEGOTIATIONS ON LITHUANIA THE ONLY HOPE

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, before speaking on my subject, I want to join the gentleman from Florida [Mr. Goss], who, I think, spoke well about the incident that occurred in his jurisdiction, and I want to tell him that we are united in that effort. I congratulate him for his remarks.

Mr. Speaker, we understand that large numbers of soldiers, tanks, aircraft, and other forms of military hardware have recently been observed in activity in Lithuania.

The Lithuanian people have stood up for freedom and against a deal that is now recognized even by the Soviets as an illegal international deal to subjugate the Lithuanian people.

We have been informed by Moscow that they are conducting military maneuvers in Lithuania and implementing priority measures to safeguard key industrial installations.

Lithuanians are disquieted but resolute. They are hopeful that President Gorbachev knows that the "military card" in the Baltics will be no more successful than martial law was in Poland. Even Mr. Gorbachev's apparent hard-line rival, Mr. Ligachev, has said that tanks are not the answer to the Lithuanian question.

Mr. Speaker, we trust that shortly the Soviet troops will go home from their maneuvers or guard duties or whatever they are doing in Lithuania, and that the Government of the Soviet Union and the representatives of the newly elected Lithuanian Parliament will be able to resolve their differences peacefully.

Earlier this year the Helsinki Commisson called for peaceful negotiations on the Lithuania situation. It is still the only hope for a just solution in the Baltics and for continuing progress in East-West relations.

CHILD CARE LEGISLATION STILL SEEN AS UNACCEPTABLE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, we are very grateful that a moment ago the gentleman from Missouri let us in on some of the details of the bill on child care that is going to be brought to this House evidently this week. At this point we on the minority side have not been given a chance to see that bill, so we have no idea whether the representations of the gentleman from Missouri about the bill are correct, although we have to assume that he may have a better idea than we do.

The thing we do know is that one member of the Democratic Party came to the floor yesterday and described the bill that is about to come before us as being a bill that is similar in nature to last year's bill. Last year's bill brought to us by the Democratic Party was the ABC bill. That is a big government, regulatory approach to child care. Our big fear is that a large portion of the bill that will come before us later on this week may also have those characteristics.

If that is the case, that is a bill which is unacceptable to the large bulk of the American people. The American people do want a bill that gives parents a choice, that gives parents an opportunity to select the child care that they believe is best for their children. That is the approach that is embodied in the Stenholm-Shaw substitute, and we would certainly urge that Members support that as the alternative that gives parents a choice about what is going to happen to their children.

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ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Mazzoli). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all motions to suspend the rules.

EXTENSION OF STRATEGIC PETROLEUM RESERVE

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4167) to provide for a short-term extension of the strategic petroleum reserve, and for other purposes.

The Clerk read as follows:

H.R. 4167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION.

The Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) is amended—

(1) in sections 171 and 104(b)(10), by striking out "April 1, 1990" each place it appears and inserting in lieu thereof "August 15, 1990"; and

(2) in section 281, by striking out "June 30, 1990" each place it appears and inserting in lieu thereof "August 15, 1990".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. Sharp] will be recognized for 20 minutes and the gentleman from California [Mr. Moorhead] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. Sharp].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4167 is a bill to extend the Energy Policy and Conservation Act [EPCA] from April 1 through August 15, 1990. Unless EPCA is extended before April 1, 1990, the Department of Energy may not have sufficient authority to drawdown the strategic petroleum reserve [SPR] in response to an oil shortage. The Committee on Energy and Commerce will consider a long-term extension prior to the August expiration date. I believe this to be a noncontroversial extension.

The bill contains a 4½-month extension of title I and a 2½-month extension of title II. Title I contains authority to fill and use the SPR; title II contains an antitrust exemption for the major oil companies which would allow them to coordinate use of oil supplies during times of oil shortages. Part of the function of this bill is to put the expiration of title I and title II on the same schedule.

This short-term extension of title I is the second recent short-term extension. A previous extension had extended title I of EPCA from June 30, 1989, to April 1, 1990. An important feature of this extension was a requirement for the administration to complete a study of alternative financing mechanisms for the SPR.

This study was completed on February 2. It contained a recommendation that the Congress consider legislative language that allows, but does not require, the Department of Energy to lease oil for storage in the SPR. The legislative language is unusually complex and will require detailed review to assure it provides appropriate oversight safeguards as well as giving DOE sufficient latitude to credibly sit at a bargaining table with potential lessors of oil.

With their study, the Department submitted a recommendation not to expand the SPR beyond 750 million barrels.

These two issues alone are of sufficient importance and complexity that it will be impossible to adequately consider them before the current expiration of EPCA.

In addition to these issues, there are other unresolved issues related to the SPR. These include increased flexibility in Presidential authority to drawdown the SPR, the desirability of some refined product storage in the SPR, authority to allow the SPR to be used to respond to a domestic shortage, and authority to conduct test drawdowns of the SPR.

Therefore, the committee is recommending this short-term extension to allow proper and deliberate consideration of the reports, other related energy policy issues, and the implications they raise.

As a procedural matter, I note that the other body has already passed a similar bill, S. 2231. There is no substantive difference between S. 2231 and the committee bill; only a nonsubstantive, stylistic difference in language. In the interests of expediency, after the House has considered H.R. 3167, I will make a unanimous consent request that the House also adopt S. 2231 so that the EPCA extension may be sent to the President without unnecessary delay.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4167, a bill the gentleman from Indiana [Mr. SHARP] and I introduced on March 1, 1990, to extend titles I and II of the Energy Policy and Conservation Act through August 15, 1990. This is a compromise short-term extension of current law. The Committee on Energy and Commerce favorably reported the bill without dissent last week. On March 9, 1990, the Senate passed S. 2231 by unanimous consent, a bill which would accomplish the same purpose as H.R. 4167.

Title I of EPCA contains the legal authority to develop and drawdown the strategic petroleum reserve. This title of current law expires on April 1, 1990, which is only a little less than 2 weeks away. This is must legislation in that we cannot afford to allow this law to lapse and create unnecessary anxiety about whether we will be able to use the strategic petroleum reserve in the event of an energy emergency.

Title II of EPCA, which governs U.S. participation in the International Energy Agency and contains other provisions on energy emergencies, expires on June 30, 1990.

This short-term extension of current law to August 15, 1990, will allow us to pass a longer term bill, hopefully on a bipartisan basis. When we passed a similar short-term extension last year, we directed the Department of Energy to study whether the leasing of oil would be a cost effective alternative to, or supplement for, direct purchases.

The Department of Energy submitted its report to the Congress on February 2, 1990, in which it requested authority, but not a mandate, to pursue leasing. The Energy Department also submitted the results of an interagency task force which concluded that we should not expand the ultimate size of the SPR from the current plan of 750 million barrels to 1 billion barrels. As a long time supporter of a larger strategic reserve, I was disappointed by this recommendation. However, passing H.R. 4167 today will give our Subcommittee on Energy and Power more time to carefully consider the Department of Energy's views on this and other EPCA issues.

Another issue we need to examine is the fact that under current law the strategic petroleum reserve can only be used in the event of a cutoff of imported oil. My home State of California is dependent on oil from Alaska for much of its supply. The tragic spill from the *Exxon Valdez* 1 year ago this week showed that energy supplies and prices can be affected by the loss of U.S. supplies as well as foreign imports. I hope the subcommittee will look favorably on amending current law to make the SPR more useful in this regard.

In conclusion, Mr. Speaker, I commend the Chairman of the Subcommittee on Energy and Power, Mr. SHARP, for working with the Republican Members of the subcommittee in bringing this needed legislation to the floor in a timely fashion. I urge swift passage of H.R. 4167.

Mr. LENT. Mr. Speaker, I urge my colleagues to act favorably on H.R. 4167, a bill introduced by the gentleman from Indiana [Mr. SHARP], the chairman of our Subcommittee on Energy and Power, and the subcommittee's ranking Republican member, the gentleman from California [Mr. MOORHEAD]. The bill extends titles 1 and 2 of the Energy Policy and Conservation Act through August 15, 1990. In this way, the strategic petroleum reserve and U.S. participation in the International Energy Agency can go forward while we consider a long-term extension.

It is appropriate that we are considering this bill on a day when the weather in the Nation's Capital is more like winter than the summer-like conditions of recent weeks. I say this because this is the first piece of energy legislation out of our committee since the record run-up in home heating oil prices last December and early January. My home area on Long Island was hard hit, as were the districts of many of my colleagues from the Northeast and Midwest.

The Subcommittee on Energy and Power, which brings us this bill today, is to be commended for holding a hearing on January 9, 1990, which examined the heating oil price increase in some detail. We learned that one of the reasons why prices shot up a record 50 percent and more in a matter of a few weeks was that inventories of heating oil were unusually low going into the winter heating season. Thankfully, the warm weather in recent weeks, and the reopening of several refineries, has allowed the industry to bring inventories back up.

Mr. Speaker, we will have a number of issues to consider when the committee and the House act on a long term EPCA extension before the new August 15, 1990, date set by the pending legislation. I hope that one of the issues the committee will consider is whether and how the Department of Energy and others should more carefully monitor inventories and other indications as to whether the United States is adequately preparing for winter energy demand as the leaves fall off the trees in late fall. Our consumers were hit hard last winter and we should do what we can to avoid a repeat of that pain next year.

In conclusion, Mr. Speaker, I join in urging my colleagues to support H.R. 4167.

Mr. BROOKS. Mr. Speaker, I, too, wish to join my colleagues on this side of the aisle in congratulating Chairman SHARP of the Energy and Commerce Subcommittee on Energy and Power for the outstanding job that he and his colleagues on that subcommittee have done in crafting the Nation's Strategic Petroleum Reserve Program. Few policies are more vital to this Nation's effort to fashion an energy program which guarantees this Nation's energy independence.

I am pleased to have the Big Hill SPRO in my congressional district and fully support expansion of the strategic petroleum reserve which would create at least 100 construction jobs at Big Hill, which is located in an area which still has substantially high unemployment rates.

I think all of us would agree that our Nation's energy industry is facing a crisis of profound dimensions.

The drop in oil prices from 1982's $39 per barrel to 1985's $28 per barrel to this year's roughly $20 a barrel has dealt a severe blow to a large part of this Nation's economy. Daily crude production is dropping and spending for exploration and development are at historic lows. Moreover, the industry's infrastructure has been devastated, including the loss of tens of thousands of highly trained and skilled personnel. From an industry high of 4,500 rigs "making hole" in 1981, we now have only about 900. In many instances, the absent rigs have been dismantled and sold to foreigners or sold for scrap metal needs.

All of this has had a profound impact on virtually every industry and city in Texas and the southwestern United States. When producers cut back exploration and drilling projects, a chain reaction was set off among those groups that normally invest in the oil and gas industry.

As a consequence, we have the S&L crisis, bank deposits have dropped and many oil country independent banks have been closed by the Federal Government, the home building industry is in disarray throughout the southwestern United States, ship shipbuilding and repair yards have closed, and otherwise viable financial investments have been put on hold.

Not only has this situation raised serious questions for the stability and vitality of our domestic economy, but it also has potentially dangerous implications and ramifications for our country's national security.

It is vital that our military forces be assured of an adequate supply of petroleum products in order to function effectively and efficiently. Further, it is important that we as a nation be able to conduct our foreign policy without that policy being subject to the implicit threat of denial of a basic resource such as petroleum.

For these reasons and many others for which time does not permit an accounting, I believe that an effective national energy policy should include, at a minimum, a continuation of the very successful strategic petroleum reserve—at a maximum possible size, and with an accelerated fill-rate.

I urge my colleagues to vote for this extension.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 4167.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The **SPEAKER** pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4167, the bill just considered.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

WOODROW WILSON MEMORIAL ACT AMENDMENTS

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2692) to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

The Clerk read as follows:

H.R. 2692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN MEMBERSHIP OF THE BOARD OF TRUSTEES OF THE WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS.

Section 3(b) of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f(b)) is amended to read as follows:

"(b) The Board of Trustees shall be composed of 19 members as follows:

"(1) the Secretary of State;

"(2) the Secretary of Health and Human Services;

"(3) the Secretary of Education;

"(4) the Chairman of the National Endowment for the Humanities;

"(5) the Secretary of the Smithsonian Institution;

"(6) the Librarian of Congress;

"(7) the Director of the United States Information Agency;

"(8) the Archivist of the United States;

"(9) one member appointed by the President from time to time from within the Federal Government; and

"(10) 10 members appointed by the President from private life.".

SEC. 2. CONFORMING AMENDMENTS.

Section 3 of the Woodrow Wilson Memorial Act of 1968 (20 U.S.C. 80f) is amended—

(1) in subsection (c), by striking out "(8)" and inserting in lieu thereof "(9)"; and

(2) in the first sentence of subsection (d), by striking out "(9)" and inserting in lieu thereof "(10)".

The **SPEAKER** pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri [Mr. CLAY] will be recognized for 20 minutes and the gentleman from Ohio [Mr. GILLMOR] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Wilson Center is a living memorial to our 28th President. It is an independent entity within the Smithsonian. The Center fosters scholarship and dialog in the humanities by bringing a variety of thinkers from around the world as fellows to Washington, DC.

H.R. 2692 would increase the membership of the Board of Trustees of the Wilson Center from 16 to 19. In 1968 Congress created the Board to maintain and administer the Center and to execute such other functions as appointing scholars and providing stipends, grants, and fellowships to those scholars. Additionally, the Board is entrusted to solicit, accept, and dispose of gifts for the Center's benefits.

The Woodrow Wilson Memorial Act designated that the Secretary of Health, Education, and Welfare act as an ex officio member of the Board of Trustees. However, when the Department of Health and Human Services was established, the Secretary of HHS was designated as a member, rather than the Secretary of Education. So closely related are the interests and functions of the Secretary of Education to those of the Center, it is appropriate that the Secretary of Education be appointed to the Board as well.

The Memorial Act mandated that the number of members from private life exceed the number of ex officio members on the Board of Trustees. The addition of two members from private life will effectively reestablish that balance between private and ex officio members, originally intended by Congress. I urge my colleagues to support passage of this bill.

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Mr. GILLMOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2692, a bill which amends the Woodrow Wilson Memorial Act by adding the Secretary of Education and two individuals from private life to the Board of Trustees of the Woodrow Wilson International Center for Scholars. As my distinguished chairman has just explained, this change will add an important dimension to the Board as well as bring the membership of the Board in compliance with the original intent of Congress.

I thank the chairman for his work in bringing this bill to the floor and I urge my colleagues to support it.

Ms. OAKAR. Mr. Speaker, first, I would like to commend my friend and colleague, Chairman WILLIAM CLAY, for so expeditiously moving this legislation through his Subcommittee on Libraries and Memorials.

Mr. Speaker, I was proud to introduce H.R. 2692, legislation which proposes to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

The Wilson Center, a living memorial to our 28th President, is an independent entity, within the Smithsonian Institution. The Center's mandate is to symbolize and to strengthen the fruitful relations between the world of learning and the world of public affairs. To that end, it fosters scholarship and dialog in the humanities by bringing a variety of thinkers from around the world as fellows to Washington, DC.

Mr. Speaker, the Wilson Center Memorial Act of 1968 designated that the Secretary of Health, Education and Welfare act as an ex-officio member of the Board of Trustees. However, when the Department of Health and Human Services was established, the Secretary of HHS was designated as a member of the Center, Rather than the Secretary of Education. Since the interests and functions of the Secretary of Education are so closely related to those of the Wilson Center, it is appropriate that the Secretary of Education be appointed to the Board as well.

The increase in the number of appointed members from private life would reestablish the original balance between private members and ex-officio members originally intended by Congress in the enabling legislation which stated that the number of members from private life will exceed the number of ex-officio members. Additionally, the Board will be able to more effectively carry out its legislated responsibilities, since the number of Board members to whom the Center can turn for service on its various committees has proved over the years to be limited by the weighty commitments of its ex-officio members. H.R. 2692 is sufficient to enable the Woodrow Wilson International Center for Scholars to better carry out its duties.

Mr. Speaker, I ask all my colleagues to support this important legislation.

The Woodrow Wilson International Center for Scholars is a Presidential memorial that fosters scholarship and dialog in the humanities and the social sciences. At the Center's 20th Anniversary Dinner, Director Charles Blitzwer eloquently stated one of the Center's guiding principles, "* * * in everything we do we shall continue to be scrupulously nonpartisan, offering a forum for the widest diversity of views and encouraging free and lively debate among them." The Center enriches the quality of knowledge and debate in the Nation's Capital and throughout the world by bringing fellows from around the world to Washington, DC, encouraging discourse among disciplines and professions, and publishing the results of these activities.

When the Congress passed the Woodrow Wilson Memorial Act of 1968 (Pub. L. 90–

637), it intentionally established a Board of Trustees on which the number of appointed members would exceed the number of ex-officio members. Since that time, two things have happened to affect the balance of the Board.

First, when the education and cultural programs of the Department of State were transferred to the U.S. Information Agency, the Director of USIA was added to the Center's Board, and

Second, when the Department of Health and Human Services was established, the Secretary of HHS was designated a member of the Board rather than the Secretary of Education.

In view of these development, I now propose that Public Law 90–637 be amended (a) to add the Secretary of Education to the Center's Board, and (b) to increase by two the number of appointed Board members.

The addition of the Secretary of Education is proposed because of the close connection between his Department's interests and activities and those of the Center. The addition of two new private members is proposed primarily to reestablish the original balance between appointed and ex-officio members intended by Congress in 1968. Additionally, the presence of these two new members will enable the Board to carryout more effectively its legislated responsibilities. Because of the weighty commitments of its ex-officio members, the number of Board members to whom the Center can turn for service on its various committees has proved over the years to be limited. The addition of two new appointed members, while still keeping the Board small (19), would enable it to better carry out its duties.

Mr. CLAY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILLMOR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 2692.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2692, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

U.S. COAST GUARD BICENTENNIAL MEDAL ACT

Mr. LEHMAN of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1091) to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard.

The Clerk read as follows:

S. 1091

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Coast Guard Bicentennial Medal Act".

SEC. 2. MEDAL COMMEMORATING THE BICENTENNIAL OF THE UNITED STATES COAST GUARD.

(a) COMMEMORATIVE MEDAL.—The Secretary of the Treasury shall design, strike, and sell a medal in commemoration of the bicentennial of the United States Coast Guard in 1990.

(b) SALES.—Medals struck pursuant to subsection (a) shall be sold at a price sufficient to cover the cost of such medals, including labor, materials, dies, use of machinery, and overhead expenses.

SEC. 3. DESIGN OF MEDAL.

The design of the medal authorized by this Act shall be selected by the Secretary of the Treasury after consultation with the Secretary of Transportation and the Commission of Fine Arts.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, S. 1091, authorizes the minting of a bronze national medal to commemorate the bicentennial of the U.S. Coast Guard. The subcommittee passed, without amendment and by unanimous consent, the House version of the bill, H.R. 509, which is identical to S. 1091. The Senate passed S. 1091 without amendment on October 3, 1989. We are considering the Senate bill here today in order to expedite the legislative process so that a medal may be struck in time for the Coast Guard's bicentennial celebration in August.

The other branches of the armed services have been honored by such a medal in their bicentennial years, and thus it is most appropriate that we honor the Coast Guard in 1990 for 200 years of unfailing service.

I want to thank the gentleman from Illinois [Mr. ANNUNZIO] for his leadership on this legislation, and to acknowledge the very hard work done in acquiring the 218 cosponsors that are required by the Banking Committee for commemorative medal legislation.

Mr. Speaker, this is a noncontroversial bill that has bipartisan support. The bill was reported by our committee without dissent. I urge its passage.

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 1091, the U.S. Coast Guard Bicentennial Medal Act. I would like to commend Congressman ANNUNZIO and his staff for the fine work they have done in complying with the subcommittee rules and getting 218 cosponsors for this legislation.

The Senate bill before us is identical to the House bill, H.R. 509, reported out of the Banking Committee's Consumer Affairs and Coinage Subcommittee on March 14, 1990. Passing the Senate bill will allow the bill to go directly to the President. This will allow sufficient lead time so that the medals will be available for the actual bicentennial of the Coast Guard in August.

The language of the bill mirrors national medal bills of the past. The Secretary of the Treasury is authorized to mint the medals upon demand and at no cost to the taxpayer. The design of the medal shall be selected by the Secretary of the Treasury after consultation with the Commission of Fine Arts.

In the past 200 years the Coast Guard has provided fine service to our country. Most recently this branch of the service has served as the first line of defense in the drug war. This medal will show the Nation's appreciation for the efforts of the Coast Guard and is identical to medals issued to commemorate the bicentennial of other branches of service.

I urge my colleagues to support S. 1091, and vote for its prompt passage.

Mr. ORTIZ. Mr. Speaker, I rise today in support of the bill, S. 1091, to commemorate the U.S. Coast Guard with a bicentennial medal.

The 27th District of Texas is a coastal district, with many south Texans dependent upon the Coast Guard to provide safety maintenance and rescue in the waters surrounding that area.

As a member of the Merchant Marine and Fisheries Committee, I am in a unique position to fully appreciate the Coast Guard and the role they play in protecting the shores of this country.

As a member of the Select Committee on Narcotics Abuse and Control, and as a former law enforcement official, I know the effort it takes to deter and interdict the flow of drugs into our country.

We know less drugs are flowing through the Gulf, because the brave men and women of the Coast Guard have put a dent in the drugs coming into our State.

The Coast Guard is on the front line of drug enforcement; they deserve commemoration

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every day, but especially on their 200th birthday.

Mr. DAVIS. Mr. Speaker, I rise in support of S. 1091 the Coast Guard Bicentennial Medal.

We have before us a bill that commemorates the 200th anniversary of one of the most effective agencies in the Federal Government, the U.S. Coast Guard. For 200 years the Coast Guard has served and adapted to the needs of the American people. It has been there to guard our coastlines against smugglers and to tend the lighthouse that flash their beacon of warning to sailors on storm-tossed seas. Our waterways remain safe for navigation because of the Coast Guard's vigilant maintenance of aids to navigation and the cleanup of pollution spills is relegated to the able management of their specialists. The "war on drugs" has been waged with the Coast Guard serving on the front line of defense; and in the event of a national emergency, the protection of our ports and shorelines in the sole responsibility of the Coast Guard.

Most significantly, few of us can imagine a time without the vigilant eye of the Coast Guard to call upon when a vessel is in danger. From every shoreline of this country—the North Atlantic to the Gulf of Mexico, and the unpredictable Great Lakes to the long Pacific coast—its dedicated men and women have always been there to respond to the distress of others. With little thought for personal safety, these valiant crews confront their own fears and face the elements under every imaginable condition to aid those in peril. For 200 years their heroism has been legendary.

I ask you to rise with me in support of S. 1091, the Coast Guard Bicentennial Medal, that we may honor the code of selfless dedication to the service of others that personifies the U.S. Coast Guard.

Mr. ANNUNZIO. Mr. Speaker, it is a great pleasure for me to rise in support of S. 1091, the U.S. Coast Guard Bicentennial Medal Act. I am the sponsor of H.R. 509, which I sponsored with the chairman of the Coast Guard and Navigation Subcommittee, the gentleman from Louisiana [Mr. TAUZIN], and the immediate past chairman of the Coast Guard Subcommittee, the gentleman from Florida [Mr. HUTTO], to honor the men and women of the U.S. Coast Guard during its bicentennial year.

H.R. 509 is cosponsored by 230 Members of the House, thereby meeting Banking Committee rules that it be cosponsored by more than a majority of House Members.

The legislation is also supported by the Reserve Officers Association, the Non-Commissioned Officers Association, the Coast Guard Sea Veterans of America, and the Navy League of the United States.

The Coast Guard is our Nation's first line of defense against drug smugglers. Its ships and planes patrol the surrounding waters and sky to intercept drugs before they reach our streets. In addition, the Coast Guard plays a major role in preventing and cleaning up oil-spills that threaten our Nation's coastline. It also stands ready to rescue those in danger at sea. Countless lives are owed to the brave members of the Coast Guard who put their lives on the line to save the lives of others. The Coast Guard motto "Semper Paratus," or "Always Ready," is an around-the-clock promise to those in need.

S. 1091 and H.R. 509 would add a Coast Guard Bicentennial Medal to the series of bicentennial medals commemorating the Army, Navy, and Marine Corps. It is a fitting tribute to the Coast Guard and one that will impose no cost on the U.S. Government.

I urge the House to act favorably on this legislation.

Mr. HILER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEHMAN of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the Senate bill, S. 1091.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

YOSEMITE NATIONAL PARK CENTENNIAL MEDAL ACT

Mr. LEHMAN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3182) to provide for the striking of medals in commemoration of the centennial of Yosemite National Park, as amended.

The Clerk read as follows:

H.R. 3182

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Yosemite National Park Centennial Medal Act".

SEC. 2. YOSEMITE NATIONAL PARK CENTENNIAL MEDALS.

(a) STRIKING AND DESIGN OF MEDALS.—In commemoration of the centennial of Yosemite National Park in 1990, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike medals with suitable emblems, devices, and inscriptions capturing the scenic and historic significance of the park. The design of the medals shall be determined by the Secretary in consultation with the Secretary of the Interior and the Commission of Fine Arts.

(b) SALE OF MEDALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the medals issued under this Act shall be sold by the Secretary at a price equal to the cost of designing and issuing such medals (including labor, materials, dies, use of machinery, and overhead expenses) and the surcharge provided for in paragraph (3).

(2) BULK SALES.—The Secretary shall make bulk sales at a reasonable discount.

(3) SURCHARGES.—All sales shall include a surcharge of $2 each.

SEC. 3. DISTRIBUTION OF SURCHARGES.

All surcharges which are received by the Secretary from the sale of medals issued under this Act shall be promptly paid by the Secretary to a permanent endowment fund for the benefit of Yosemite National Park to be administered by the National Park Foundation. The net income from the fund shall be paid to the Secretary of the Interior for purposes of funding special supplemental projects relating to back country trail development and rehabilitation, and the preservation of Sequoia groves within the boundaries of Yosemite National Park.

SEC. 4. SALE OF MEDALS IN NATIONAL PARK FACILITIES.

The Secretary and the Secretary of the Interior shall enter into a memorandum of agreement to allow—

(1) the Secretary to deliver medals to the Secretary of the Interior; and

(2) the Secretary of the Interior to provide for the sale of the medals in national park facilities.

SEC. 5. METAL CONTENT AND SIZE OF MEDALS.

The Medals authorized to be struck and delivered under this Act shall be struck in bronze and in the size determined by the Secretary in consultation with the Secretary of the Interior.

SEC. 6. NATIONAL MEDALS.

The medals authorized by this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 7. EXAMINATION OF RECORDS.

The Comptroller General of the United States shall have the right to examine all books, documents, and other records of the National Park Foundation which are related to the medals authorized by this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. HILER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. LEHMAN] will be recognized for 20 minutes and the gentleman from Indiana [Mr. HILER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill, H.R. 3182, authorizes the minting of a bronze national medal to commemorate the centennial of one of the world's most honored landmarks and treasured scenic resources, and one which I am proud to represent within my district—Yosemite National Park. On October 1, 1890, President Benjamin Harrison signed into law an act to set aside reserved forest lands surrounding Yosemite Valley. It is this date which has been formally recognized as the establishment of Yosemite as a national park for all the people of the United States.

Covering over 1,200 square miles, Yosemite National Park lies in the Sierra Nevada Mountains in central

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California with the San Joaquin Valley to the west and the Great Basin to the east. Yosemite contains the headwaters for the Toulumne and Merced Rivers and is known worldwide for such landmarks as Half Dome, Bridalveil Falls, El Capitan, and, of course, the Yosemite Valley itself.

Historians say that native Americans first inhabited the magnificant landscape of Yosemite and the Sierra about 2,000 years ago. Non-Indian adventurers did not arrive until 1833, when it is believed that the famous Walker party led explorers to the cliffs of Yosemite in search of new fur trapping territory.

The first tourists came to Yosemite in 1855 with a party organized by James M. Hutchings who was the publisher of California Magazine. Hutchings' publications marked the beginning of Yosemite as an attraction for nature lovers and tourists. One of those early visitors to Yosemite was Horace Greeley who wrote: "I know no single wonder of nature on Earth which can claim a superiority over Yosemite." Landscape painters Albert Bierstadt and Thomas Moran lent their talents to idealized portraits of Yosemite and photographers C.C. Weed and Carleton Watkins exhibited their works in New York galleries. It was only a matter of time until both protection and promotion of Yosemite became a cause for California and for the Nation.

Although Yosemite's official birthday is October 1, 1890—the date when Congress placed the region surrounding Yosemite Valley into a reserve—in a symbolic sense Yosemite is the first and oldest national park in the world. In 1864, a businessman wrote California Senator John Conness to request that he introduce a bill to preserve Yosemite Valley and the Mariposa grove of giant sequoias . . . "to prevent occupation and especially to preserve the trees in the valley from destruction." On July 1, 1864, President Abraham Lincoln signed into law the first scenic reservation in America for public enjoyment, which came to be known as the Yosemite grant. The Federal Government granted Yosemite Valley and the Mariposa big trees covering 57 square miles to the State of California to preserve the area's outstanding scenic qualities. This first set-aside of land at Yosemite by the U.S. Government was the Birth of the National Park System idea and the birth of the State park systems throughout America.

On October 1, 1990, we will celebrate the official creation of Yosemite National Park. We will acknowledge that the last 100 years of park administration have not been perfect and that most of today's problems have ancestors dating from the 19th century. Over the course of the last 100 years at Yosemite, the size of Yosemite has diminished to accommodate mining and timber potential and to eliminate most private inholdings. During this period, management policies at Yosemite have fluctuated—trying to walk the precarious tightrope between visitor use and preservation of the natural environment.

Americans have much to celebrate during Yosemite's centennial; as we approach the 21st century at Yosemite, we have even more to contemplate. The challenges of natural preservation in concert with public use at Yosemite have existed from the very beginning. In the late 1920's and 1930's, Yosemite Park Superintendent Charles Thompson summed up these challenges very well. Thompson described it as reconciling two conflicting objectives, "First, the National Park Service is controlled by an earnest determination to preserve the parks for posterity * * * "Our second responsibility," Thompson said "is to make Yosemite as useful as possible to the people of this generation. * * *"

The national medal that this legislation would authorize would not only be a symbolic honor to Yosemite but would also raise funds for supplemental projects relating to back-country trail development and rehabilitation, and the preservation of sequoia groves within the boundaries of Yosemite National Park through the sales of the medals to the public.

At the subcommittee markup I offered an amendment in the nature of a substitute which brings the legislation into conformity with other national medal legislation by deleting the requirement that the medal be minted in gold and silver. In addition, a few other clarifying and technical changes were made to the bill.

Mr. Speaker, this is a noncontroversial bill that has bipartisan support. The bill was reported by our committee without dissent. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

□ 1330

Mr. HILER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3182, the Yosemite National Park Centennial Medal Act. I am an original cosponsor of this legislation and I want to commend subcommittee Chairman LEHMAN and his staff for bringing this bill to the House floor today.

The bill before us conforms to standard national medal legislation. Chairman LEHMAN substituted this standard medal language at the subcommittee markup for his original bill which treated the Yosemite medals more like a commemorative coin program. I strongly support the substitute bill reported out of the subcommittee as does the U.S. Mint.

The bill requires the Secretary of the Treasury to strike medals commemorating Yosemite Park's centennial upon demand and at no net cost to the Government. These medals may be sold at national park facilities and will carry a $2 surcharge. Surcharge revenues will go to a permanent endowment fund for the benefit of Yosemite Park administrated by the National Park Service.

Yosemite Park is one of our Nation's landmarks that receives thousands of visitors each year to enjoy its natural beauty. The centennial of this national park is well worth commemorating by national medal legislation.

I support H.R. 3182 and I urge my colleagues to promptly pass this legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. LEHMAN of California. Mr. Speaker, I want to thank the gentleman from Indiana [Mr. HILER] for his hard work on both of these bills and express my appreciation to him.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 3182, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. LEHMAN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3182 and S. 1091, the bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SELMA TO MONTGOMERY NATIONAL TRAIL STUDY ACT OF 1989

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3834) to amend the National Trail System Act to designate the route from Selma to Montgomery for study for potential addition to the national trail system, as amended.

The Clerk read as follows:

H.R. 3834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Selma to Montgomery National Trail Study Act of 1989".

SEC. 2. FINDINGS.

The Congress finds that:

(1) The march from Selma to Montgomery led to the passage of the Voting Rights Act of 1965, which achieved the legal right to vote for all Americans.

(2) Events associated with the march from Selma to Montgomery and from what came to be known as "Bloody Sunday" sent shock waves around the world, raised the Nation's consciousness and convinced political leaders that the time had come for voting rights legislation.

(3) The designation of the route of the march from Selma to Montgomery as a national historic trail will serve as a reminder of the right and responsibility of all Americans to fully participate in the election processes. It will serve as a reminder that we must be ever vigilant in securing our right to vote. It will also give long overdue recognition to the men and women who have sacrificed so much for, and dedicated their lives to, voting rights for all Americans.

SEC. 3. DESIGNATION OF TRAIL FOR STUDY.

Section 5(c) of the National Trails System Act (82 Stat. 919; 16 U.S.C. 1244(c)) is amended by adding the following new paragraph at the end thereof:

"(33) The route from Selma to Montgomery, Alabama, traveled by people in a march dramatizing the need for voting rights legislation, in March 1965, includes Sylvan South Street, Water Avenue, the Edmund Pettus Bridge, and Highway 80. The study under this paragraph shall be prepared in accordance with subsection (b) of this section, except that it shall be completed and submitted to the Congress with recommendations as to the trail's suitability for designation not later than 1 year after the enactment of this paragraph.".

The **SPEAKER** pro tempore. Is a second demanded?

Mr. LIGHTFOOT. Mr. Speaker, I demand a second.

The **SPEAKER** pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The **SPEAKER** pro tempore. The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes and the gentleman from Iowa [Mr. Lightfoot] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3834, the bill now being considered.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

This measure, H.R. 3834, was introduced by the gentleman from Georgia [Mr. Lewis]. It would, of course, amend the National Trails System Act to provide for study of the route from Selma to Montgomery, AL, for potential addition to the National Trails System.

The events of March 1965 in Selma are still fresh in the minds of many of us here today. The attack on citizens peaceably demonstrating their support for the right to vote, the scenes of hope and despair, of indignation and brutality, present a vivid portrait of this period of struggle for the civil rights movement in our Nation.

Bloody Sunday, as March 7, 1965, has come to be called, was one of those events whose history, while infamous, was also instantaneous.

The Selma to Montgomery march marks a passage in the social history of our Nation. It raised the national consciousness and spurred enactment of legislation guaranteeing the right to vote for all Americans.

For our colleague, the gentleman from Georgia [Mr. Lewis], the march holds special meaning, as John Lewis was one of the leaders of that march, as well as one of the first to be struck down in the attack that ensued.

The public outcry that followed demonstrated that the march touched many Americans deeply. That interest and concern is still evident today.

The unanimity and support for this measure, H.R. 3834, is impressive, and the timing of our consideration of the legislation during the 25th anniversary of the march is most appropriate.

In fact, tomorrow marks the anniversary of an important milestone in the Selma to Montgomery march. With the protection of Federal law enforcement officers and National Guardsmen, the march successfully got underway on March 21, 1965. Over the next 4 days participants marched some 54 miles, arriving in Montgomery on March 24, 1965. The 25th anniversary of that will be tomorrow, Mr. Speaker.

The study provided by the measure before us will, of course, develop the opportunities for furthering our understanding and appreciation of the historic events that occurred in Alabama in 1965, and of our rights under the Constitution, especially, of course, the important right to vote.

Mr. Speaker, I certainly wholeheartedly support this and commend my colleague, the gentleman from Georgia [Mr. Lewis], for his role 25 years ago and his role today, Mr. Speaker, as a Member of this House.

I think the presence of the gentleman in this House epitomizes the types of changes that had been envisioned and hoped for in 1965, but then represented only a little bit of a dream.

We have attained a little bit of that dream today. Mr. Speaker, we have some ways to go before we accomplish and fulfill that dream for all Americans.

But this measure will permit us to mark an important milestone in history and provide a National Trail recognition as a small way of establishing a benchmark along the world.

Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 3834, an act directing the National Park Service to study the route from Selma to Montgomery, AL, for possible designation as a historic trail under the 1968 National Trails System Act. This bill will authorize the study of a 54-mile route taken by about 525 marchers during an event which was a catalyst in the passage of the 1965 Voting Rights Act.

Mr. Speaker, Mr. Lewis deserves special recognition in the consideration of this measure. In particular because he had the courage to participate in this historic event, but also because he had the foresight to submit this measure for consideration by the House. While the events commemorated by this route do not meet the customary 50-year test for historic significance, it is clear that what took place along this route between March 7 and March 24, 1965, has a place of special importance in the history of our country.

I note that the administration strongly supports this measure and has agreed to expedite the study process by reprogramming existing funds to accomplish the study within the 1 to 2 year timeframe. Their efforts to positively respond within the limited funding available is commendable. I would also like to recognize the efforts of the subcommittee chairman who perceived the strong support for this bill from all sectors and has expedited its consideration to bring it to the floor today.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to our special participant in that march 25 years ago, the gentleman from Georgia [Mr. Lewis].

□ 1340

Mr. LEWIS of Georgia. Mr. Speaker, I would like to thank Chairman Morris Udall for his strong support on H.R. 3834, the Selma to Montgomery National Trail Study Act of 1989. I appreciate the deliberate and speedy manner in which this piece of legislation has been brought before this body. I would also like to thank my subcommittee chairman and good friend, Bruce Vento for all of his assistance in bringing this measure before us today. I also want to thank my colleague on the committee the gentleman from Iowa [Mr. Lightfoot] for his support.

Mr. Speaker, in 1965, 25 years ago, there were certain political subdivisions in the South where 50 to 80 percent of the population was black, but where there was not a single registered black voter. The tactics used to keep blacks out of the political process ranged from economic retaliation to outright violence. Black voting applicants had to pass the so-called literacy tests which were so complicated that college graduates could not pass them. There were black doctors, lawyers, ministers and teachers who were graduates of some of the leading colleges and universities that were told they could not read and write well enough and failed the literacy test. The questions on the test ranged from reciting the entire U.S. Constitution to interpreting certain sections of the State Constitution, to naming all the Presidents of the United States.

In many instances, brutal acts of violence were directed against those who tried to register to vote. Many people were harassed, intimidated, beaten, arrested and jailed. Some were killed for encouraging American citizens to become participants in the democratic process.

The years of anguish and struggle for the right to vote came to a head on Sunday, March 7, 1965, when a small but courageous band of unarmed men, women and children attempted to march from Selma, AL, to Montomgery, AL, to dramatize to the Nation that they wanted to participate in the political process. It was an orderly, peaceful, silent march. We started our journey at the Brown Chapel A.M.E. Church in Selma and our destination was the State capitol in Montgomery, AL. When we reached the apex of the Edmund Pettus Bridge leading out of Selma, we saw a sea of blue. We stopped about 25 feet from the police line. A voice said, "I am Maj. John Cloud, this is an illegal march. You have 3 minutes to disperse and return to your church. After a minute and a half he said. "Troopers advance." We were confronted by billy clubs, bull whips and tear gas. Women and children were trampled by deputies on horseback. This day which became known as "Bloody Sunday" sent shockwaves around the world, raised the Nations consciousness and convinced political leaders that the time had come for voting rights legislation.

It was not until the National Guard, 1,900 men of the Alabama Guards' Dixie Division, 2,000 more regular Army troops and hundreds of FBI agents and U.S. marshals came to our defense that we were able to complete the 3-day journey from Brown Chapel in Selma to the State capitol in Montgomery. One week after Bloody Sunday, President Lyndon Johnson spoke before a joint session of Congress. He said:

> I speak tonight for the dignity of man and the destiny of democracy. At times, history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomatox. So it was last week in Selma, AL.

Mr. Speaker, the Voting Rights Act was passed by Congress in July 1965, but the law was written by the marchers on the road from Selma to Montgomery.

As we observe the 25th anniversary of the Selma to Montgomery march, we can take pride in the fruits of the nonviolent democratic revolution in the United States. The designation of the Selma to Montgomery March as a National Historic Trail will serve as a reminder not only to the brave Americans who struggled and died for the right to vote. This designation will also demonstrate our commitment to voting rights and to dramatize the importance of going to the polls on election day. The nonviolent revolution we have witnessed in this country has served as a example around the world. We have heard "We Shall Overcome" on the streets of Johannesburg, on the streets of Prague and on the streets of Managua.

I urge my colleagues to join with me in supporting the inclusion of the Selma to Montgomery March into the National Historic trails system.

Mr. VENTO. Mr. Speaker. I think the eloquence of the words of our colleague from Georgia provide adequate justification for the unanimous support of this measure, one that should be revered in our history and looked upon as a benchmark of progress.

Mr. MILLER of California. Mr. Speaker, I rise in strong support of H.R. 3834, a bill to authorize a study of the route of the civil rights march from Selma to Montgomery, AL, for addition to the national trails system.

It is appropriate and fitting that a national trail be established to memorialize this historic event. Few events truly change history. But, this march—with our colleague Congressman JOHN LEWIS in the lead—and the bloody attack by the state troopers and police on the marchers shocked every civilized person.

The brutality of the march caused America and the rest of the world to cry with outrage. The message of the freedom fighters was finally heard.

The first march—or really attempt to march—took place on March 7, 1965. The marchers gathered in Selma to begin the 50-mile walk to Montgomery. Just outside Selma, the marchers were stopped at the bridge by the police. They were charged and brutally beaten.

One week later, President Johnson responded to that outrageous and tragic attack. He addressed a joint session of Congress and called Selma a "turning point." The President proposed the comprehensive voting rights legislation. Congress and the American people responded, and by August of that year, it was enacted into law.

The march from Selma to Montgomery finally took place on March 21, 1965, under the protection of a federalized National Guard and Federal law enforcement officials.

We still have a long way to go to bring about equal rights for all Americans. We must continue to press hard on all fronts to ensure that this happens. We also must pause for a moment and recognize and pay tribute to the courage and vision of the people who worked hard for voting rights for black America.

A Selma-Montgomery trail will be a part of that tribute. It will also be a reminder—an educational tool—of a critical part of the history of this Nation. It is my hope that the National Park Service will proceed promptly with the study of this proposed trail, so that we may make it a permanent part of our trail and heritage system.

Mr. Speaker, I'm proud to cosponsor this bill and I strongly urge my colleagues to support it.

Mr. EDWARDS of California. Mr. Speaker, I rise in strong support of H.R. 3834, the Selma to Montgomery National Trail Study Act. I am proud to be a cosponsor of this bill.

Twenty-five years ago, the events of "Bloody Sunday" at the Edmund Pettus Bridge during the historic march from Selma to Montgomery shocked and repulsed our Nation. In response to the bloodshed in Selma, and to insure the fundamental right to vote, Congress enacted the Voting Rights Act of 1965, the strongest civil rights law of our time.

The Subcommittee on Civil and Constitutional Rights, which I chair, has jurisdiction over the Voting Rights Act. We have witnessed the impressive record of progress under the act: Sharply increased minority voter registration and participation, and a fairer electoral process for all Americans.

The Selma to Montgomery march was led by our distinguished colleague and civil rights hero, the gentleman from Georgia, JOHN LEWIS. Like so many of the other marchers, JOHN LEWIS put himself at risk, which resulted in serious injury. The selfless response to these marchers, along with many other civil rights workers, brought about fundamental change in the South and throughout our Nation.

It is fitting, though perhaps long overdue, to honor the events of Bloody Sunday and the march from Selma to Montgomery, by exploring whether this route should be added to the national trail system. I look forward to receiving the recommendation of the Secretary of the Interior, and hope that this route, with its deep historic significance, will soon join the list of national historic trails.

Again, let me salute my friend and colleague, JOHN LEWIS, for his inspiration and courage throughout the civil rights struggle, as well as his leadership in this Congress. I look forward to speedy enactment of this bill.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

Mr. SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3834, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISCLAIMING U.S. INTEREST IN CERTAIN PROPERTY ON SAN JUAN ISLAND, WA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2566) to direct the Secretary of the Interior to transfer all right, title, and interest of the United States in certain property on San Juan Island, WA, to those persons who own such property because of an erroneous survey, as amended.

The Clerk read as follows:

H.R. 2566

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this Act, the following terms shall have the following meanings:

(1) The term "1921 Act" means the Act of August 23, 1921 (42 Stat. 773), whereby the United States granted to the State of Washington, for the use of the University of Washington for purposes of a biological station and general university research purposes, certain lands comprising a military reservation at San Juan Island, San Juan County, Washington.

(2) The term "encroached lands" means those portions of the lands granted to the State of Washington by the 1921 Act that are designated as "Encroached Lands" on a map entitled "Encroachments on Research Station Lands, San Juan Island, Washington" dated March 1990, and comprising approximately thirteen acres.

(3) The term "University" means the University of Washington.

(4) The term "the State" means the State of Washington.

(5) The term "the Secretary" means the Secretary of the Interior.

(6) The term "occupants" means the parties who, on March 1, 1990, were listed on the tax records of San Juan County, Washington, as the owners of the encroached lands, and their heirs and assigns.

SEC. 2. EXEMPTION.

Subject to the provisions of section 3(b), the provisions of the 1921 Act relating to the right of the United States to assume control of, hold, use, and occupy the lands granted to the State by the 1921 Act, the provisions of such Act providing for reversion of such lands to the United States, and section 2 of such Act as amended by this Act shall not apply to the encroached lands.

SEC. 3. DISCLAIMER AND CONDITIONS.

(a) Subject to the provisions of subsection (b) of this section, the United States hereby disclaims all right, title, and interest in the encroached lands and, effective one year after the date of enactment of this Act, all right, title, and interest of the United States in such lands shall vest in the University.

(b)(1) Section 2 and 3 of this Act shall not take effect unless, not later than one year after the date of enactment of this Act, the State and the University have entered into a binding agreement with the Secretary whereby the State and the University agree—

(A) to accept the map referred to section 1(2) as accurate and conclusive and that the University and the State will not attempt to convey or otherwise transfer any portion of the encroached lands to any party or parties other than the occupant; and

(B) to pay to the Secretary, on behalf of the United States, an amount equal to the total amounts that the State and the University receive as consideration for conveyance of some or all of the encroached lands to any of the occupants in excess of reasonable costs incurred by the University and the State incident to such conveyance.

(2) All amounts received by the Secretary pursuant to this subsection shall be retained by the Secretary and, subject to appropriation, shall be used for the management of public lands managed by the Bureau of Land Management and shall remain available until expended.

SEC. 4. AVAILABILITY OF MAP.

The map referred to in section 1(2) shall be available for public inspection in the offices of the Secretary and the State Director of the Bureau of Land Management for the State of Washington, and the Secretary shall transmit copies thereof to the University and to the appropriate officials of the State and of San Juan County, Washington.

SEC. 5. AMENDMENT.

The 1921 Act is hereby amended by the addition at the end thereof of the following new section:

"SEC. 2. (a) Notwithstanding any other provision of this Act, if any land, or portion thereof, granted or otherwise conveyed to the State of Washington by this Act is or shall become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9601)), or if such land, or portion thereof, has been used for purposes that the Secretary of the Interior finds may result in the disposal, placement or release of any hazardous substance, such land shall not, under any circumstances, revert to the United States.

"(b) If lands granted or conveyed to the State by this Act shall be used for purposes that the Secretary of the Interior finds: (1) inconsistent with the purposes of this Act, and (2) which may result in the disposal, placement or release of any hazardous substance, the State shall be liable to pay to the Secretary of the Interior, on behalf of the United States, the fair market value of the land, including the value of any improvements thereon, as of the date of conversion of the land to the nonconforming purpose. All amounts received by the Secretary of the Interior pursuant to this subsection shall be retained by the Secretary of the Interior and used, subject to appropriations, for the management of public lands and shall remain available until expended."

The SPEAKER pro tempore. Is a second demanded?

Mr. LIGHTFOOT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this bill as reported from the Committee on Interior and Insular Affairs.

Mr. Speaker, this bill was introduced by the gentleman from Washington [Mr. SWIFT], to assist in the clearing of clouds from titles of the occupants of about 13 acres of San Juan Island, WA.

The background of this is a 1921 act of Congress that granted to the State of Washington military reserve lands on San Juan Island, to be used by the University of Washington for a marine sciences laboratory. The act contained a provision that if the lands were used for any other purpose, title would revert to the United States.

This 1921 act was tied to 1874 surveys by the National Government that had defined the boundaries of the military reserve. However, in 1919 the county surveyor had done a survey which places the supposed boundary of the military reserve further east, and subsequent subdivisions and development in this area were based on the 1919 line. As a result, there have been a number of encroachments on the lands granted to the State by the 1921 act. We understand 14 tracts are involved, which together make up the 13-acre encroachment area.

Neither the university nor State of Washington can convey the encroached-upon lands to the occupants because of the reversionary clause of the 1921 act. The National Government does not need or want these lands, and while after a reversion the lands could possibly be sold by the United States to the occupants for fair market value, the State and the university would prefer to obtain legislation that would not require such payments. We believe the bill will provide such a solution.

The bill would disclaim any U.S. interest in the 13 acres of land where encroachment has occurred. It would vest title to those 13 acres in the University of Washington, provided the State and university accept the bill's requirements. This would allow the occupants whose titles are in question to deal directly with the State and the university and would spare the nation-

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al taxpayers the administrative costs associated with resolving this issue.

Before vesting title to these 13 acres in the university, the State and university would have to agree they will not transfer the 13 acres to anyone besides the current occupants of the land, and that they will pay to the National Government any profits from the possible sale of the land—above any reasonable costs incurred in making the transfer.

The bill would also amend the 1921 act to include protection against Federal liability for any possible contamination of the rest of the research station land resulting from disposal of hazardous or toxic materials.

Mr. Speaker, these provisions are merely precautionary. The committee included them in order to protect fully the Federal Government's interests in this situation. The bill would allow the university to be reimbursed for transfer costs, but would not require it to sell the land to the current occupants; and, so far as we know, there is no contamination on the grant lands.

I believe this bill will help to solve a problem for the occupants of these 13 acres without prejudice to the taxpayers of the Nation. It was unanimously approved by the committee, and I urge its passage by the House.

□ 1350

Mr. Speaker, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2566 introduced by the gentleman from Washington [Mr. Swift]. This legislation will correct a property encroachment affecting 13 acres in Washington State caused by a faulty property survey done 70 years ago.

H.R. 2566 would vest title of these 13 acres with clouded title from the Federal Government to the State of Washington. The State would then have the complete responsibility to see that these lands are resurveyed and transferred to the current occupants. This legislation requires that any profits from the sale of this land—above reasonable costs to complete the transfer—be returned to the Federal Treasury. As a result, it prevents any windfall to the State of Washington at the expense of the Federal Government.

Mr. Speaker, I am most impressed that this legislation gives the State, and not the Federal Government, the opportunity to solve this problem. I hope we use this legislation as a model to allow States and local governments who are closest to the people to solve problems of this kind.

I urge my colleagues to support H.R. 2566 which takes a commonsense approach to solve a messy problem.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. Swift], the sponsor of this bill.

Mr. SWIFT. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the chairman and the ranking Republican member and all of the members of the committee for dealing with this legislation in such an expeditious fashion.

You know, I sometimes think to people who come and watch the Congress in session and expect all the chairs to be filled the way they see them on television during the State of the Union, they get the impression that it is at times like this when not much is going on. I would suggest sometimes this is when this institution is at its most impressive, when there are some Members on the floor dealing with the committee's business. This House really is a creature of its committees.

If all we did here was those things that deal only with the huge implications of society, there would be so much that is important to people that would not get done.

This bill affects 14 families. For the U.S. Congress to take time and for this committee, a busy committee, to take time to deal with a piece of legislation like this is, I think, impressive because in a democratic society if one does not take care of the problems of individual people, one is really shirking the fundamental reason we are all elected to this body.

This only deals with 14 people and no one can argue that this is one of the earth-shattering bills of this session of Congress. But to those 14 families and to the University of Washington this is terribly important.

It is at times like this, I think, on the floor when we are not giving speeches but talking to each other when you really see the craftsmanship of this institution.

The legislation, as I introduced it, was not crafted as well as it might have been. This committee undertook to rearrange the language in an appropriate form so that when we pass this today and we in fact do transfer this property it will be done in a way in which there will be no legal questions, there will be no problems.

So I want to thank my good friend the chairman and my very good friend the ranking Republican for taking the time to put forth an effort and help the 14 families out in my district on San Juan Island and to show that the Congress of the United States in fact does care about individual folks as well as the Nation as a whole.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. SWIFT. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman for his remarks. The process here is one where we have a lot of small, what I would call land remedy measures brought before the committee. This one has not been considered in the Senate, so we want to make certain it gets attention.

It is not a controversial measure in the sense I think it is clearly understood what occurred and we can get the questions resolved fairly easily.

It involves a lot of staff work when we are talking about a survey that is 70 years past and a land conveyance, and trying to uphold it.

I think it is unique to Congress that we have preserved a role with regard to land use legislation and the disposition of lands in the public domain. This is one of the reasons that frequently our Subcommittee on National Parks and Public Lands has measures before the House, because Congress has chosen to take a more active, a more deliberate role in these classification issues.

Sometimes it is a smaller matter like these 13 acres that we are talking about today; very often it is more substantial in terms of millions of acres of land, for instance, that were enacted and classified according to the Alaska Lands Act.

But this is an area where I think Congress has been able to demonstrate a competence and an ability historically. I say that without reference to myself, but simply because of the nature of the land management agencies that we work with and the fact that a working relationship has developed with the Members in the process here.

So we, with the cooperation of a lot of Members, on a bipartisan basis have been literally able to process 100 bills in the last session, some like this, some much more controversial and of very great significance.

But Congress, whether they are small, whether they are greater acreages that are involved in significant land policy questions, has I think over the years been really in the forefront of that and has done the job that is necessary. I know with the cooperation of the Members of this House, with lively debate, on certain issues, we will be able to continue to do that.

□ 1400

Mr. Speaker, I commend the gentleman for his work on this, and the university and all the staff that cooperated to make this available.

Mr. SWIFT. Mr. Speaker, I thank the gentleman very much for yielding time to me. I yield back the remaining time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. McDermott].

Mr. McDERMOTT. Mr. Speaker, I rise in support of H.R. 2566, an act to transfer Federal rights, titles, and interests to a small parcel of land on San Juan Island, WA, to the University of Washington. I would like to thank committee chairman, Morris K. Udall, subcommittee chairman, Bruce F. Vento for their outstanding efforts in moving this legislation. I would also like to compliment my colleague from Washington State, Al Swift, for his leadership on this bill.

Mr. Speaker, I would like to emphasize how important this measure is to the University of Washington and the citizens of San Juan County whose titles are "clouded" because of the erroneous survey conducted in 1919.

Due to a reversion clause written into the original 1921 act, the university would be faced with two unacceptable alternatives, without passage of this bill before us. The University of Washington would either have to: First, claim property from citizens who have purchased it in good faith and have long paid full taxes on it; or, second, transfer ownership of its marine research lab to the Federal Government, since the lab is located on the lands covered under the 1921 act.

Needless to say Mr. Speaker, the University of Washington has asked me to extend its gratitude to everyone who has worked to push this bill forward. H.R. 2566 will resolve the problems caused by an erroneous survey conducted over 70 years ago at little if any cost to the Federal Government and I believe it deserves the support of the entire House.

Mr. VENTO. Mr. Speaker, I commend the gentleman from Washington [Mr. McDermott] who offered the substitute in committee, and who helped work on this. It was a collaborative effort between the gentleman from Washington and myself and our staffs. I appreciate his work on this legislation. It affects his home State.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LIGHTFOOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Mazzoli). The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the bill, H.R. 2566, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

"EXXON VALDEZ" ANNIVERSARY

(Mr. VENTO asked and was given permission to address the House for 1 minute.)

Mr. VENTO. Mr. Speaker, 1 year ago this week 11 million gallons of crude oil were dumped into the waters of Prince William Sound, AK.

That environmental disaster shocked the Nation. It has left a legacy of destruction of natural resources and wildlife that is indelible on the memory of the American people. Unfortunately, the spill was unique only because of its size.

As a report being issued today by the Wilderness Society demonstrates, just in the year since the *Exxon Valdez* went onto Bligh Reef, there have been about 1,000 spills that have resulted in dumping 15 to 20 million gallons of oil onto America's lands or waters.

Equipment failures, human lapses, earthquakes, the causes for these leaks and spills are as numerous as the problems and the damage that result.

The lesson, Mr. Speaker, is that the production and distribution of petroleum is inherently a messy and dangerous business. It involves risks that can and must be lessened.

To lessen these risks, and to better prepare for future oilspills, there are a number of things we as a society must do. We must have new laws, such as the comprehensive oilspill liability bill now in conference. As a conferee for that important bill, I will be working to make it as strong and effective as possible, and I also urge the Senate to act promptly to approve separate legislation, already passed by the House, that would give the Secretary of the Interior additional legal tools to recover more fully for damages done to marine resources of National Park System units.

We must also keep oil production and delivery systems out of places that are too environmentally fragile to put into jeopardy. That would include the coastal plain of the Arctic National Wildlife Refuge, in Alaska, coastal waters of the Florida Keys, and the lands and waters of Antarctica.

And, we must take steps to reduce our current addiction to consuming oil at a heedless rate, through greater emphasis on conservation, development of renewable energy resources, and increased efficiency in the ways in which we use petroleum.

Finally, we must send a strong signal to industry that we will not tolerate mindless and careless misuse of natural resources.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 4167 by the yeas and nays; H.R. 2692 by the yeas and nays; S. 1091 by the yeas and nays; H.R. 3182 by the yeas and nays; H.R. 3834 by the yeas and nays; and H.R. 2566 by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in the series.

EXTENSION OF STRATEGIC PETROLEUM RESERVE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4167.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. Sharp] that the House suspend the rules and pass the bill, H.R. 4167, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 397, nays 0, not voting 34, as follows:

[Roll No. 29]

YEAS—397

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter

Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wylie
Yatron
Young (AK)

NAYS—0

NOT VOTING—34

Annunzio
Bilbray
Brown (CA)
Collins
Conyers
Craig
Crane
Crockett
Douglas
Downey
Edwards (OK)
Feighan
Fields
Flake
Flippo
Ford (TN)
Gibbons
Hayes (IL)
Hughes
Lipinski
Martin (IL)
Morrison (CT)
Nelson
Oakar
Sangmeister
Savage
Schuette
Smith (NJ)
Stump
Tanner
Washington
Wolpe
Yates
Young (FL)

□ 1425

Mr. DONALD E. "BUZ" LUKENS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2231) to amend the Energy Policy and Conservation Act to extend the authority for titles I and II, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Indiana?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, because of time factors it is very, very important that this bill be placed on the President's desk as rapidly as possible, and for that reason I have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2231

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

That this Act may be referred to as the "Energy Policy and Conservation Act Extension Amendment of 1990".

SEC. 2. EXTENSION OF AUTHORITY.

The Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(a) in section 104(b)(1) by striking out "April 1, 1990" and inserting in lieu thereof "August 15, 1990";

(b) in section 171, by striking out "April 1, 1990" each place it appears and inserting in lieu thereof "August 15, 1990"; and

(c) in section 281, by striking out the term "June 30, 1990" each place it appears and inserting in lieu thereof "August 15, 1990".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 4167) was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

WOODROW WILSON MEMORIAL ACT AMENDMENTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2692.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. CLAY] that the House suspend the rules and pass the bill, H.R. 2692, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 0, not voting 32, as follows:

[Roll No. 30]

YEAS—399

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston

Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)

NAYS—0

NOT VOTING—32

Annunzio
Brown (CA)
Collins
Conyers
Craig
Crane
Crockett
Douglas
Edwards (OK)
Feighan
Fields
Flake
Flippo
Ford (TN)
Gekas
Gibbons
Hayes (IL)
Hoyer
Hughes
Lipinski
Martin (IL)
Morrison (CT)
Nelson
Oakar
Sangmeister
Savage
Schuette
Stump
Tanner
Washington
Yates
Young (FL)

□1434

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPLANATION OF MISSED VOTE

Mr. GEKAS. Mr. Speaker, I was meeting with a constituent group during the vote on rollcall No. 30 and was unavoidably detained.

Had I been present, I would have voted "yea" on rollcall No. 30, H.R. 2692, amending the Woodrow Wilson Memorial Act.

U.S. COAST GUARD BICENTENNIAL MEDAL ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1091.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the Senate bill, S. 1091, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 29, as follows:

[Roll No. 31]

YEAS—402

Ackerman
Akaka
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)

NAYS—0

NOT VOTING—29

Alexander
Annunzio
Brown (CA)
Collins
Conyers
Craig
Crane
Crockett
Edwards (OK)
Feighan
Fields
Flake
Flippo
Gibbons
Hayes (IL)
Hughes
Lipinski
Martin (IL)
Morrison (CT)
Nelson
Oakar
Sangmeister
Savage
Schuette
Stump
Tanner
Washington
Yates
Young (FL)

□ 1443

So (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

YOSEMITE NATIONAL PARK CENTENNIAL MEDAL ACT

The SPEAKER pro tempore (Mr. MAZZOLI). The pending business is the question of suspending the rules and passing the bill, H.R. 3182, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. LEHMAN] that the House suspend the rules and pass the bill, H.R. 3182, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 30, as follows:

[Roll No. 32]

YEAS—401

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—30

Annunzio
Brown (CA)
Collins
Conyers
Craig
Crane
Crockett
Edwards (OK)
Feighan
Fields
Flake
Flippo
Gibbons
Guarini
Hawkins
Hayes (IL)
Hughes
Lipinski
Martin (IL)
Morrison (CT)
Nelson
Oakar
Sangmeister
Savage
Schuette
Stump
Tanner
Washington
Whitten
Yates

□ 1451

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SELMA TO MONTGOMERY NATIONAL TRAIL STUDY ACT OF 1989

The SPEAKER pro tempore (Mr. MAZZOLI). The pending business is the question of suspending the rules and passing the bill, H.R. 3834, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3834, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 31, as follows:

[Roll No. 33]

YEAS—400

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby

Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—31

Annunzio
Brown (CA)
Carr
Collins
Conyers
Craig
Crane
Crockett
Edwards (OK)
Emerson
Feighan
Fields
Flake
Flippo
Gibbons
Hawkins
Hayes (IL)
Hughes
Lipinski
Martin (IL)
Morrison (CT)
Nelson
Oakar
Parris
Sangmeister
Savage
Schuette
Stump
Tanner
Washington
Yates

□ 1458

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1500

DISCLAIMING U.S. INTEREST IN CERTAIN PROPERTY ON SAN JUAN ISLAND, WA

The SPEAKER pro tempore (Mr. MAZZOLI). The pending business is the question of suspending the rules and passing the bill, H.R. 2566, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2566, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 0, not voting 30, as follows:

[Roll No. 34]

YEAS—401

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—30

Annunzio
Brown (CA)
Carr
Collins
Conyers
Craig
Crane
Edwards (OK)
Feighan
Fields
Flake
Flippo
Geren
Gibbons
Hawkins
Hayes (IL)
Hughes
Lipinski
Martin (IL)
McDade
Morrison (CT)
Nelson
Oakar
Sangmeister
Savage
Schuette
Stump
Tanner
Washington
Yates

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□ 1506

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably absent for rollcall No. 28, to approve the Journal, rollcall No. 29, Strategic Petroleum Reserve Extention, rollcall No. 30, More Trustees for Woodrow Wilson International Center, rollcall No. 31, Coast Guard Bicentennial Medal, rollcall No. 32, Yosemite Park Centennial Medal, rolcall No. 33, Selma Trail Study, and rollcall No. 34, Transfer Land Rights on San Juan Island. Had I been here, I would have cast the following votes: "present," "aye," "aye," "aye," "aye," "aye," and "aye."

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present I would have voted "aye" on rollcall Nos. 28, 29, 30, 31, 32, 33, and 34.

PERSONAL EXPLANATION

Mr. CRANE. Mr. Speaker, I was unable to be present in order to cast my vote on approval of the Journal and on six bills that were being considered under suspension of the rules. I was unable to be in attendance because yesterday was the day of the Illinois primary. As is my custom, I spend at least part of that day in Illinois in order to cast my vote. Had I been present, I would have voted against approval of the Journal and against H.R. 4167, H.R. 3834, and H.R. 2692. I would have voted in favor of H.R. 2566, H.R. 509, and H.R. 3182.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 586

Mrs. BENTLEY. Mr. Speaker, after many hours of deliberation, I have reevaluated my position on H.R. 586, the National Beverage Container Reuse and Recycling Act. Although this legislation has excellent intent, I have found it in the best interest of my constituency to withdraw my name from sponsorship. Therefore, I request, by unanimous consent, that my name be stricken from the record as a cosponsor of H.R. 586.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

NATIONAL FORMER PRISONERS OF WAR RECOGNITION DAY

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 190) Designating April 9, 1990, as "National Former Prisoners of War Recognition Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Mr. Speaker, reserving the right to object, certainly as a Member of this body I support this effort.

Continuing my reservation of objection, I will yield to several of our colleagues so that they can express themselves on this very important matter.

Mr. Speaker, further reserving the right to object, I yield to my colleague, the gentleman from Ohio [Mr. APPLEGATE], who is the chief sponsor of this joint resolution.

Mr. APPLEGATE. Mr. Speaker, I certainly want to thank the chairman of the committee, the gentleman from Ohio [Mr. SAWYER] and his vice chairman, the gentleman from Connecticut [Mr. RIDGE] for bringing this resolution to the floor.

What it does, simply, is recognize America's exprisoners of war who have served or who were captured and were incarcerated in various prisoner-of-war camps in different wars.

Since the turn of the century there were 125,000 prisoners of war, of which 73,000 are still surviving today. I think this is important.

The reason we picked April 9 is because it marks the 48th anniversary of the fall of Bataan in the Philippines where more than 30,000 of our soldiers were captured and put into prisoner-of-war camps at that time.

□ 1510

So I think it is very important that we take this time to recognize those men and some women who had been captured, who sacrificed their lives, their limbs, in order to protect the sanctity of freedom in America.

So I think it is very important. I am hoping that we get this to the desk of the President and he will sign it and give the exprisoners of war an opportunity to be able to plan for some ceremonies.

Mr. Speaker, I want to recognize the American Ex-Prisoners-of-War Association and John Edwards, their commander, and Charles Williams of Maryland, and Dr. Prigmore, its legislative officer, for their efforts which they put into this in helping us to bring it to this day.

Mr. RIDGE. Mr. Speaker, further continuing my reservation of objection, I yield to my friend and colleague, the gentleman from Ohio [Mr. MCEWEN].

Mr. McEWEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise to express my appreciation for the leadership of the subcommittee in helping to bring this measure to the floor for speedy consideration. I particularly wish to commend the chairman, the gentleman from Ohio [Mr. SAWYER] and the ranking minority member [Mr. RIDGE].

I acknowledge and join my distinguished fellow Ohioan and Veterans' Affairs Committee colleague, Mr. APPLEGATE, who authorized this legislation, in urging passage of Senate Joint Resolution 190 for the purpose of designating April 9, 1990, as "National Former Prisoner of War Recognition Day." I was proud to cosponsor with the gentleman in introducing the House companion, House Joint Resolution 364.

It is important that we once again call national attention to the unique sacrifices, suffering, pain, and hardship endured by those brave Americans who were prisoners of war. From their stories, we have learned that the dangers of combat did not end with their capture.

In steaming, dehydrating Pacific jungles—in the freezing cold of Korea and Central Europe in wintertime—our former prisoners of war were forced to face unusual punishment under the roughest of conditions. Many of their comrades did not survive.

This resolution honors not just those who were captured, but also their families, who lived long months and even years in uncertainty.

Our Nation joined the POW families in proudly welcoming these special service people back home, and "National Former Prisoner of War Recognition Day" sends the message to the world that we will never forget their extraordinary bravery under difficult circumstances.

I join the other Members in requesting passage for this important joint resolution.

Mr. GILMAN. Mr. Speaker, I heartily rise in strong support of Senate Joint Resolution 190, which designates April 9, 1990, as "National Former Prisoner of War Recognition Day." This resolution is identical to House Joint Resolution 364, which I was pleased to cosponsor. I commend my distinguished colleague from Ohio [Mr. APPLEGATE], for his tireless efforts to honor those who were held as prisoners of war.

The Armed Forces represents the most dangerous possible way of serving our country, and those who were held in captivity by a foreign nation were forced to endure painful sacrifices. These valiant patriots often experienced degradation that was nearly unbearable, yet they somehow summoned the courage to hang on. No doubt they were able to do so because they felt that their sacrifice was a noble effort that would be appreciated by their fellow countrymen when they returned home. Unfortunately, this was not always the case.

Let us take this step to enhance our treatment of these patriots by designating April 9 as a day to commemorate their courage and determination in upholding the principles of freedom and democracy. For former prisoners who gave so much, we can do no less.

Accordingly, I urge my colleagues to fully support Senate Joint Resolution 190, establishing a National Prisoner of War Recognition Day.

Mr. MONTGOMERY. Mr. Speaker, I rise in strong support of this resolution today and I commend Representative DOUG APPLEGATE, the chairman of the Veterans' Affairs Subcommittee on Compensation, Pension, and Insurance, and the ranking minority member, Representative BOB MCEWEN, for introducing the legislation.

There are more than 75,000 living former POW's in the United States and they deserve this recognition. Because of the experiences they endured in the name of freedom, they have earned the Nation's gratitude and respect. They suffered great hardships during their time of captivity, but these extraordinary individuals overcame those hardships through their bravery and love for our great country.

We can only imagine what it was like during the times of solitary confinement, forced labor, and sometimes brutal beatings that these brave Americans had to suffer. We can't change what happened, but we as a country certainly can set aside time to honor these individuals. And, we can make sure here in the Congress that adequate benefits and services through the Veterans Department are provided to these former POW's.

They answered the call when this country needed them to help defend our freedom. Now, many of these veterans need us to ensure that the VA continue to provide the necessary programs to make their lives a little easier today.

I am committed to that goal, as are my other colleagues on Capitol Hill.

Again, I want to express my strong support for the resolution and thank our Ohio colleagues, Representatives APPLEGATE and MCEWEN for their leadership in bringing this measure to the floor. And I commend Representatives SAWYER and RIDGE for their help in guiding this bill to passage today.

Mr. RIDGE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 190

Whereas the United States has fought in many armed conflicts;

Whereas thousands of members of the Armed Forces of the United States who served in such wars were captured by the enemy and held as prisoners of war;

Whereas many such prisoners of war were subjected to brutal and inhumane treatment by their captors in violation of international codes and customs for the treatment of prisoners of war and died, or were disabled, as a result of such treatment;

Whereas in 1985, the United States Congress (in Public Law 99-145) directed the Department of Defense to issue a medal to former prisoners of war in recognition and commemoration of their great sacrifices in service to our Nation; and

Whereas these great sacrifices of former prisoners of war and their families deserve national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 9, 1990, is designated as "National Former Prisoners of War Recognition Day" in honor of the members of the Armed Forces of the United States who have been held as prisoners of war, and the President is authorized and requested to issue a proclamation calling upon the people of the United States to commemorate such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 190, the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ANNUAL REPORT OF ACTION AGENCY, FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of today, Tuesday, March 20, 1990.)

ANNUAL REPORT ON NATIONAL SECURITY STRATEGY OF THE UNITED STATES, 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services.

(For message, see proceedings of the Senate of today, Tuesday, March 20, 1990.)

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include therein extraneous material on the subject of the special order today by the gentleman from Illinois [Mr. ROSTENKOWSKI].

The SPEAKER pro tempore (Mr. THOMAS of Georgia). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONGRATULATIONS TO COLDWATER HIGH SCHOOL LADY CAVALIER BASKETBALL TEAM

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, March Madness is upon us. Representing the basketball rich area of western Ohio, I would like to recognize the superior achievements of Mercer County's Coldwater High School Lady Cavaliers.

In the Ohio High School Athletic Association, Division III championship, the Coldwater Lady Cavaliers completed a 25-2 season by defeating the Brookfield Warriors and won the State championship 62-55. Before 5,026 fans, the Lady Cavs battled to victory in their first championship game after semifinal appearances in 1985 and 1988. Connie Alig led the way with 22 points, 14 rebounds, two assists, one blocked shot, and two steals for Coldwater. Coach Charlie Maier coached his Lady Cavaliers to become the first women State champions from Mercer County.

Ohio, Mercer County, and the entire city of Coldwater are very proud of their Lady Cavs.

COLDWATER LADY CAVALIERS

COACHING STAFF

Charles Maier, head coach.
Ted Cully, assistant coach.
Joan Gilliland, assistant coach.
Marge Good, assistant coach.

PLAYERS

Connie Alig.
Connie Timmerman.
Amy Siefring.
Mandy Cully.
Jenny Bollendacker.
Cheryl Moeller.
Tammy Muhlenkamp.
Tessy Muhlenkamp.
Nancy Post.
Karla Thobe.
Nichole Mustard.
Jenny Rauh.
Kris Hemmelgarn.

[From the Celina Daily Standard, March 1990]

ALIG LEADS COLDWATER RALLY

(By Mike Buettner)

COLUMBUS.—With an 18-2 regular season record, the Coldwater girls basketball team didn't have a lot of experience coming from behind for victories.

But when they needed to, the Cavaliers found out they were real good at that too.

Against Brookfield in the Divison III State championship game Saturday morning at St. John arena, the Cavs found themselves trailing by double figures in the second half for the third time in their last five tournament games.

Once again Coldwater rallied to overtake the Warriors and win the state championship. Before 5,026 fans, the Cavs battled back to snag a 62-55 victory in their first championship game after semifinal appearances in 1985 and 1988.

In Thursday's semifinal, Coldwater had never led in regulation before catching Heath and winning 67-63 in overtime.

In their second straight come from behind victory, senior Connie Alig led the 25-2 Cavs with 22 points, 14 rebounds, two assists, one blocked shot and two steals. Alig had 12 points and 11 rebounds in the second half as the 25-2 Cavaliers overcame a 41-28 deficit.

"I never really thought about the score too much," said Alig. "We were down 14 to Ottawa-Glandorf in the third quarter (in the District championship), and all of a sudden we were ahead. We just tried to go with the flow and that's what we did.

"Tournament time is just chaos, it's March madness. We were only playing to win and that's what helped us. We were only thinking about winning."

Junior forward Nichole Mustard added 15 points and nine rebounds for Coldwater. Sophomore guard Amy Siefrig contributed 11 points.

Erin Scoccia led Brookfield (21-6) with 20 points. Latasha Jefferson had 12 for the Warriors.

Brookfield broke away from a back-and-forth battle with the last six points of the first quarter. The Warriors also scored the final six ponts of the second quarter to take a 37-28 lead at halftime.

Scoccia and Nikki Kelley scored the first two baskets of the second half for Brookfield as the Warriors pulled away to a 41-28 advantage.

More than two minutes later, Brookfield's lead was 47-37 when Jefferson scored two quick baskets with 4:16 left in the third quarter. Seven Coldwater points from Mustard kept the Warriors from getting farther away.

Then the final 12 minutes belonged to the Cavaliers.

An Alig jumper from the right wing started the Cavs on a nine-point run that trimmed Brookfield's lead to 47-46 at the end of the third quarter and Coldwater's pressing, trapping defense held Brookfield scoreless in the final 4:16 of the period.

"I think we felt they looked like they were getting tired at halftime" said Coldwater coach Charlie Maier. "They say that when you stand there and pull on your pants, you're tired. We saw five girls doing that."

Alig penetrated with an offensive rebound and scored the first two points of the fourth quarter to put the Cavs ahead 48-47. Jefferson and Scoccia sandwiched a basket by Mustard to give Brookfield a 51-50 lead wtih 5:13 left in the game.

An 8-0 run and a 12-4 finish gave the victory to Coldwater.

Freshman Jenny Rauh gave the lead to the Cavs for good with a rebound basket. Karla Thobe hit from the left baseline for a 54-51 Coldwater lead.

When Michelle Carbo missed at the foul line for Brookfield with 3:09 left, the Cavs went to their delay game and iced the victory from the foul line.

After hitting 12 of 25 shots and 13 of 15 free throws in the first half, Brookfield was just 8 of 31 from the field in the second half. The Warriors scored just eight points in the final 12:16 against Coldwater's pressure defense.

"A basketball game comes down to making shots," said Brookfield coach Tim Filipovich. "Several times in the second half the ball rolled around the rim and had a good opportunity to go in and didn't.

"Sometimes that's fatigue and sometimes that's luck. Coldwater's pressure defense was excellent although it didn't bother us in the first half. Our game plan was to go right to the basket. We just stopped making the easy ones."

With a 56-51 lead, Alig took over for the Cavs in the final 2:18. After scoring just six points in Coldwater's semifinal victory, Alig scored six points from the line in the final 2:18 against Brookfield to secure the win.

"I knew I wasn't going to do the same thing two games in a row," said Alig. "That's just not me. I'm the leader and I'm supposed to take charge. That's what I tried to do."

With Alig's six of six shooting at the line, the Cavs finished the final three minutes hitting eight of 11 from the foul stripe.

"With three minutes to go we went to our control offense," said Maier. "We knew they were going to foul us if we didn't get layups. If we don't make the free throws our control offense isn't working."

Two other factors in Coldwater's second half comeback were rebounding and defense. The Cavs outrebounded Brookfield 26-17 in the final two periods. And after putting the Warriors at the line 15 times in the first half, Brookfield got just four attempts in the second half.

"They hurt us on the offensive boards," said Filipovich. "That was the killer for us. Especially number 43 (Alig). When she missed she went right in the paint and got it back. They were a strong, physical team and they played our kind of game. They were just bigger than us."

Coldwater's switch to a softer press and a change from man-to-man to zone helped the second half defense.

"We kept them in front of us the second half," said Maier. "The first half they blew right by us for easy layups. We switched out of our man to halfcourt pressure to keep people in front of us. And we went to a matchup zone to keep them outside.

"When we were trailing them in the first half we were getting fouls. We didn't get many fouls in the second half because we kept them in front of us.

EAST GERMANY ELECTION REPORT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the last free election in East Germany took place when Adolf Hitler was elected in 1933. There was a free election on Sunday, and along with my colleagues, the gentleman from Missouri [Mr. BUECHNER], the gentleman from Texas [Mr. BRYANT], the gentleman from Colorado [Mr. SKAGGS], and Senator SARBANES, we witnessed an expression once again of freedom. Once again we witnessed the pollsters, as in Nicaragua, being dead wrong.

The East Germans ran a very clean, efficient, effective, and fair election. There were stars in the eyes of those voters. Precincts in rural areas, in urban areas, and at Potsdam where we visited five precincts, all were filled with enthusiastic voters. What they wanted to do was say that this election is so special they wanted to be certain to participate. They want to have democracy. They want to have a say in the future of their country.

I think it is critically important that we work on our future relationship with one Germany, because what this vote said was, "once again, we want immediate reunification;" and second, they were talking about new economic structures for their countries. They want capitalism, they want an open market system, and they were responding very, very clearly.

Mr. Speaker, we should work through the CSCE process. The Helsinki Commission is vindicated, created by the gentleman from Florida [Mr. FASCELL] and others. It is important that we play a supporting role in the opening of Eastern Europe. The Helsinki Commission is the ideal vehicle for this participation. A process which has already borne fruit and will be in the vanguard of Eastern Europe's renaissance.

HELSINKI COMMISSION DELEGATION OBSERVES FIRST FREE ELECTIONS IN GDR; DELEGATION CHAIRMAN DECLARES GERMAN PEOPLE THE WINNER

BERLIN.—A delegation of the Commission on Security and Cooperation in Europe (the U.S. Helsinki Commission), led by Representative Bill Richardson (D-NM), completed an election observing mission to the German Democratic Republic today. In contrast to the Soviet Union, which denied visas to Members of Congress earlier this month in order to prevent them from observing elections in the Baltics and Ukraine, the GDR government invited election observers from all the other 34 States participating in the Helsinki process.

In order to ensure the integrity of the observing process, there was no prior notification of which polling sites the delegation would visit. The delegation visited both rural and urban polling centers including stops in Guterfelde, Schenkendorf, Treptow, Koepenick Oberschoeneweide, and Potsdam. In accordance with a request from the Electoral Commission, the delegation did not ask voters for which Party had they voted. At all stops, the delegation was able to enter the polling center and hold discussions with voters and election officials.

As the polls opened in the morning, Chairman of the delegation and Helsinki Commissioner Bill Richardson commented, "This is not about who wins or loses this election; this is about the process. When the process is open and fair and honest, then everybody wins."

The overwhelming majority of voters with whom the delegation spoke expressed great personal satisfaction with the mere fact that genuinely free elections were being held; many openly acknowledged that the previous electoral system had been a sham. A few elderly voters were more reserved in their comments, alluding to a lifetime of disappointments. Notably, no one with whom the delegation spoke expressed even the slightest fear that these elections would be falsified in any way.

Chairman Richardson was impressed by the warm reception the delegation received. "When we said we were from the U.S. Congress, people were polite. But when we said we were from the Helsinki Commission their faces lit up. Everyone here seems to know about the Helsinki process," remarked Richardson.

The Helsinki Commission hopes to send observer teams to other elections in the region, including those scheduled to take place in Hungary, Romania, Poland, and Czechoslovakia. This delegation included Representatives John Bryant (D-TX), David E. Skaggs (D-CO), and Jack Buechner, and Senator Paul Sarbanes (D-MD). They will stop in Bonn on Monday, 19 March, for the opening of the CSCE Economic Conference by FRG Chancellor Helmut Kohl.

Helskinki Commission Delegation to the German Democratic Republic and the Federal Republic of Germany

16–19 March 1990

TRIP SUMMARY

Friday, 16 March

Delegation departed Washington, D.C. at approximately 4:30 p.m.

Saturday, 17 March

Arrival at Ramstein Air Force Base, Federal Republic of Germany at 6:00 a.m.

Briefing on CSCE process by Ambassador Wise.

Briefing on German reunification issues by advisor Robert Hunter.

Additional comments on issues relating to U.S. military presence in Europe by Lt. Gen. Clifford T. Rees, Vice Commander-in-Chief, United States Air Forces in Europe.

Arrival in West Berlin at approximately 10:00 a.m.

Briefing at U.S. Embassy to the German Democratic Republic in East Berlin by Ambassador Richard C. Barkley, Deputy Chief of Mission James D. Bindenagel, Counselor for Political Affairs Jon Greenwald, Counselor for Press and Cultural Affairs Jaroslav Verner, and CSCE Staff Member Beth Ritchie.

Hotel check-in in West Berlin, administrative matters, and lunch 12:00–1:30 p.m.

Return to East Berlin to visit to political party headquarters of Neues Forum at the House of Democracy, the Liberal Democratic Party, and the Christian Democratic Union, 1:30–4:00 p.m.

Dinner at Ermeler Haus (Restaurant) in East Berlin, 6:45–10:00 p.m., with diverse political representatives (see attached guest list).

Sunday 18 March

Election observing throughout day at polling sites in both rural and urban polling centers in the GDR, including stops in Guterfelde, Schenkendorf, Treptow, Koepernick Oberschoeneweide, and Potsdam.

Late afternoon tour of Cecilienhof in Potsdam, GDR (site of third summit between Roosevelt, Churchill and Stalin, where famous "Potsdam Agreement" was reached).

Dinner hosted in East Berlin by U.S. Ambassador to the Federal Republic of Germany Vernon Walters (see attached guest list), 6:00–8:00 p.m.

Return to Palace of the Republic of East Berlin to watch election returns come in, 8:30–10:00 p.m.

Monday, 19 March

7:30 a.m. hotel departure for airport.

10:00 a.m. arrival in Bonn, Federal Republic of Germany.

Briefing at U.S. Embassy.

Meeting for Members at FRG Foreign Ministry on CSCE issues with State Secretary Dr. Juergen Sudhoff, 11:00 a.m.

Delegation hosted lunch at residence of Deputy Chief of Mission George F. Ward, Jr. with members of the American and FRG business community, and FRG political representatives on trade issues, 12:30–2:30 p.m.

Opening of the Bonn Economic Meeting of the Conference on Security and Cooperation in Europe at 3:30 p.m.; Host country representation made by Chancellor Helmut Kohl.

Depart Bonn at 6:00 p.m.; arrival in Washington, D.C. at 9:00 p.m.

Guest List—Dinner at Ermelerhaus (Rosenzimmer)

SATURDAY, MARCH 17, 1990

Hosts: Commissioners for the CSCE election observer delegation.

Delegation Members

Rep. William Richardson, D-NM.
Senator Paul Sarbanes, D-MD.
Mrs. Sarbanes.
Rep. Jack Buechner, R-MO.
Rep. John Bryant, D-TX.
Rep. David E. Skaggs, D-CO.
Mrs. Skaggs.
Ambassador Sam Wise, Staff Director.
Ms. Jane S. Fisher, Deputy Staff Director.
Ms. Erica Schlager, CSCE Commission Staff.
Ms. Beth Ritchie, CSCE Commission Staff.
Dr. Robert Hunter, Staff of Rep. Richardson.
Ms. Tera Maria Federci, Staff of Rep. Richardson.
Mr. John G. Keliher, Staff of Rep. Richardson.
Mr. Peter Abbruzzese.
Mr. Frank Sieverts.
Mrs. Sieverts.

G.D.R. Guests

Prof. Dr. sc. Reiner Springer, Prorektor Aussenwirtschaft, Hochschule für Oekonomie.
Prof. Dr. Kurt Wuensche, Minister of Justice, Deputy Chairman of Liberal-Democratic Party (LDP).
Ms. Magdalene Geisler, Neue Zeit.
Mr. Claus Moeller, Member of Electoral Commission.
Ms. Doris Pasloer, Member of Electoral Commission.
Pfarrer Gerhard Rosenau, Evangelical Church Berlin-Pankow.
Pralat Dieter Grande, Sekretariat der Berliner Bischofskonferenz, Catholic Church Berlin.
Mr. Konrad Elmer, Deputy Chairman of Social-Democratic Party (SPD).
One representative of Demokratischer Aufbruch (DA).

U.S. Embassy

Ambassador and Mrs. Richard C. Barkley.
Mr. and Mrs. J. D. Bindenagel, Deputy Chief of Mission.
Mr. G. Jonathan Greenwald, Political Counselor.
Mr. and Mrs. Jaroslav Verner, Public Affairs Officer.
Ms. Janice Weiner, Political Officer.
Mr. Robert Becker, Political Officer.

Luncheon—44 Turmstrasse

MONDAY, MARCH 19, 1990

Guests of Honor

Congressman Bill Richardson (D/New Mexico), CSCE Commissioner.
Senator Paul S. Sarbanes (D/Maryland), and Mrs. Christine D. Sarbanes.
Congressman John Bryant (D/Texas).
Congressman Jack Buechner (R/Missouri).
Congressman David E. Skaggs (D/Colorado) and Mrs. Laura D. Skaggs.
Ambassador Samuel G. Wise, Staff Director, CSCE Commission.
Ms. Jane S. Fisher, Deputy Staff Director, CSCE Commission.
Dr. Robert E. Hunter, Personal Staffer of Congressman Richardson.
Ms. Tara Maria Federici, Staffer.
Mr. John G. Keliher, Staffer.
Ms. Erika Schlager, Staffer.

Bundestag

Mr. Ludolf-Georg von Wartenberg (CDU).
Mr. Wolfgang Roth (SPD), Economic Spokesman.
Dr. Andreas von Buelow (SPD).

Others

Mr. William R. Frederick, Hughes Aircraft International Service Co.
Dr. Ulf-Dietrich Lorenz, DDR, CSCE Commissioner.
Dr. Franz Schoser, Executive Secretary, Federation of German Chambers of Commerce.

American Embassy

Mr. John A. Polansky, Jr., First Secretary, Economic Affairs.
Minister and Mrs. George F. Ward, Jr.

Buffet Reception Hosted by Ambassador Vernon A. Walters in Honor of Congressional Delegate Richardson

SUNDAY, MARCH 18, 1990

Guests of Honor

Representative Bill Richardson (D-NM).
Representative Jack Buechner (R-MO).
Senator Paul Sarbanes (D-MD) and Mrs. Sarbanes.
Representative John Bryant (D-TX).
Representative David E. Skaggs (D-CO) and Mrs. Skaggs.
Mr. William Fritts, CSCE Commissioner from USDOC.
Ambassador Samuel Wise, CSCE Staff Director.
Ms. Jane S. Fisher, CSCE Deputy Staff Director.
Ms. Erika Schlager, CSCE Staff.
Dr. Robert Hunter, CSCE Staff.
Mr. Jack Keliher, CSCE Staff.
Ms. Beth Ritchie, CSCE Staff Press Officer.
Ms. Tara Maria Federici, Personal Staff of Rep. Richardson.
Mr. Peter Abbruzzese, Staff, House Foreign Affairs Committee.
Mr. Frank Sieverts, Staff, Senate Foreign Relations Committee and Ms. Sue Hubbell.

Military Escorts

Colonel Eugene Ronsick.
Major Steve Goldfein.

Sgt. Curtis L. Banks.

Sgt. Douglas E. Lovett.

U.S. Mission

Minister Harry J. Gilmore.

Mr. James A. Williams, Political Adviser.

Mr. Donald E. Huth, Chief, Administrative Section.

Ms. Diana E. Henshaw, Consul General.

Mr. Thomas H. Gerth, Deputy Political Adviser.

Mr. Anthony W. Sariti, Information Officer.

Ms. Helen Weinland, U.S. Liaison Officer to Senate and House of Represenatives.

Ms. Kristine L. Pelz, Political Officer; Aide to the Ambassador.

Mr. John P. Mondejar, Deputy Economic Adviser.

Mr. John Hamilton, Political-Military Officer.

Mr. Daniel F. Romano, General Services Officer.

LEGISLATION AFFECTING INVESTMENT AND OPERATIONS BY FOREIGN COMPANIES IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ROSTENKOWSKI] is recognized for 5 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, I am introducing legislation today that will address recent reports that some foreign-controlled U.S. subsidiaries and foreign branches may not be accurately reporting U.S. tax liability. This legislation includes provisions that will enhance IRS investigative and enforcement powers in order to determine whether U.S. tax laws are being manipulated in areas such as transfer pricing. In addition, this legislation also contains a provision that will tax the stock gains of foreign individuals and corporations, which is intended to provide more equitable treatment between foreign and U.S. investors.

The IRS has stated that it has stepped up its examinations of foreign-controlled U.S. subsidiaries because of suspicions that some firms may be understating income and frustrating IRS audits by withholding records and documents. IRS data shows that in 1986 foreign-owned companies reported a negative tax liability of over $1 billion while also reporting over $500 billion in gross income. It is critical that we ensure that foreign-owned companies are not underpaying their taxes, thereby gaining a competitive advantage over American companies that are paying their fair share of taxes.

I am proud of the fact that the provision enacted in the Omnibus Budget Reconciliation Act of 1989 that requires increased reporting and better recordkeeping on the part of foreign-controlled firms will provide the IRS with greater power to ensure compliance by foreign-owned firms with our tax laws. Increased sanctions for noncompliance are now available, including the complete disallowance of deductions and cost of goods sold for certain failures to comply. We hope that the future will bring more cooperation by foreign companies with the IRS and assurances that foreign-owned companies are accurately reporting and paying their U.S. tax liability.

The 1989 act provision, however, does not apply to ongoing audits covering past years, nor does it apply to foreign companies operating in the United States in branch form. In light of these recent reports of possible underpayments, I feel that it is necessary for us to consider application of the 1989 rules to open years of current audits and to cases involving foreign branches, so that the IRS will have the tools it needs to determine the true tax liability of foreign companies operating in the United States. This bill also provides the Secretary of the Treasury with the authority to extend the statute of limitations in appropriate cases.

I hope that these provisions will add to the tools that the IRS already has in pursuing these cases. In addition, however, consideration may be given to an additional provision that would establish a rebuttable presumption rule limiting the transfer price in certain foreign-related transactions. This rule would state that in determining the taxable income of a U.S. corporation from the sale of property acquired from a foreign person, a transfer price would be used that results in the U.S. corporation having taxable income from the sale of not less than 50 percent of the combined taxable income of the U.S. corporation and any related person from such property, unless the taxpayer proves otherwise to the satisfaction of the Secretary of the Treasury.

Mr. Speaker, I want to compliment Chairman JAKE PICKLE and the Subcommittee on Oversight for its vigorous examination of noncompliance by U.S. subsidiaries of foreign-owned companies. The subcommittee expects to hold hearings on this subject later this year when their investigation is complete. I expect a report of that investigation to be forwarded to the full committee with recommendation for legislation if further changes are determined to be necessary.

Mr. Speaker, recent Commerce Department data shows that foreign investors spent a record $61.3 billion in 1989 buying U.S. companies and real estate, which for the first time pushed direct foreign holdings here substantially above U.S. holdings abroad. Total foreign investment in the United States to date including both direct investment and portfolio investment is now close to $2 trillion of property. The Committee on Ways and Means recently held several days of hearings on the issue of foreign investment in the United States. Those hearings provided the committee with an opportunity for a thoughtful and comprehensive debate on the issue. I am well aware of the importance of foreign investment to this country and its impact on our budget deficit, trade deficit, and our economy.

It is equally important, however, that we ensure that Americans who are investing in their own country are not treated unfairly by the U.S. tax system relative to foreign investors. My proposal to tax stock gains of foreign investors in certain cases represents a step toward providing Americans with the opportunity to compete fairly with foreign investors. A similar proposal was included in the House version of the 1989 Reconciliation Act, but has been modified in this year's bill so as not to apply to residents of countries with which the United States has a treaty that addresses the taxation of stock gains. The proposal will, however, contain language that will prevent treaty shopping by nontreaty country residents unfairly seeking the benefits of U.S. treaties.

An issue that figures prominently in many of the IRS audits of foreign-controlled companies involves section 482 governing transfer pricing between related parties and whether foreign-controlled companies are manipulating these rules to avoid paying U.S. taxes. The Tax Reform Act of 1986 significantly changed these rules and mandated a study by the Treasury Department. I am hopeful that the regulations detailing these rules will be forthcoming in the very near future so that the IRS will be in a position to enforce them appropriately to carry out the intent of the 1986 act.

This country has always welcomed foreign investment and will continue to do so, especially as we continue to be a major player in a developing global economy. It is important, however, that the United States insist that foreign companies doing business here respect the integrity of our system and comply fairly and honestly with our laws.

INTRODUCTION OF THE FOREIGN TAX EQUITY ACT OF 1990

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT], is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, today I join with Chairman ROSTENKOWSKI to introduce the Foreign Tax Equity Act of 1990. In our fight for a fair trade policy for American farmers, workers, and businesses, we have often focussed on opening markets overseas. But there are also some measures we must take to level the playing field in the United States.

Today, we are introducing the Foreign Tax Equity Act, legislation which is another step in the fight for a fair trade policy here at home. Quite simply, if a foreign company wants to operate in the United States and benefit from the openness of our market, they've got to play by the rules.

In 1986, despite more than $800 billion in assets and more than $500 billion in receipts, foreign-controlled domestic corporations reported negative net income on their U.S. tax returns, and those that reported taxable income paid only $3 billion in Federal income taxes. That's more than unfair—it's a U.S. tax holiday for the competition.

It seems to me that foreign corporations that come to this country, and benefit from the quality of our workers, the strength of our transportation system, and the wealth of our natural resources ought to pay something in return. It's simple fairness.

It is time the administration stood up for working Americans. For if the American Government doesn't stand up for American jobs and American workers, who will?

What does this really mean? Let's look at the auto industry. Foreign-controlled corporations operating here claimed total receipts of about $7.7 billion. On this amount, they paid less than $12 million in taxes. By one measure, U.S. auto companies paid 530 percent more on their operations. No wonder they're having a hard time competing.

Congressman PICKLE'S Subcommittee on Oversight is engaged in an investigation on this matter. We look forward to the results of his investigation and, if appropriate, further legislation.

UNDERGROUND STORAGE TANK POLLUTION PREVENTION AND ASSISTANCE ACT

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. GLICKMAN] is recognized for 5 minutes.

Mr. GLICKMAN. Mr. Speaker, today I am introducing the Underground Storage Tank Pollution Prevention and Assistance Act. This legislation is needed to help small service stations, especially those in rural areas, obtain funding so they can comply with Federal underground storage tank [UST] requirements.

Last week, the EPA announced its decision to extend for 1 year the deadlines for owners of UST's to obtain pollution liability insurance. While extending this deadline may give UST owners enough time to comply with the regulations, the EPA decision does not address the exorbitant costs of replacing and upgrading the tanks.

The problem is that most insurance companies require a clean bill of health before they will issue a liability policy, so tank owners must first upgrade or replace their tanks or otherwise ensure there is no ground water contamination, at a cost of between $40,000 and $50,000 per location. Tank owners are finding it difficult to get the money they need to clean up prior releases, to test their tanks for leaks, or to upgrade or replace their tanks. Some lenders are unwilling to loan money to tank owners out of fear of future liability.

In my home State of Kansas, 95 percent of all UST owners have 12 tanks or less. My bill amends the Solid Waste Disposal Act to establish a national program to provide loan guarantees to small businesses for release detection, closure, replacement, and upgrading of UST's. There are 20,000 tanks in Kansas, 100 of which are currently under investigation as major sites of leakage. Leaking underground storage tanks present a real threat to our health and environment. We must act to assist tank owners in cleaning up existing contamination of soil and ground water and protect against new leaks.

This is a serious problem in Kansas and all of rural America. There are several public water supply wells with contamination—those water supplies have been closed down. Last year, a woman in Olsburg, KS, in the northeast part of the State innocently turned on her water faucet only to have gasoline filling up the bathtub. This is gasoline which had leaked into her private water supply well from a corroded underground tank owned by the service station across the street.

My bill establishes a national program to provide loan guarantees to small businesses for release detection, closure, replacement, and upgrading of underground storage tanks. The proposed loan program would affect owners of 1 to 12 tanks, located at not more than three facilities. Loan guarantees are limited to $200,000 and could not exceed $100 million in aggregate. Up to 20 years are allowed for full loan repayment.

This loan program will make it much easier for small business to get the necessary financing to replace their tanks by broadening the use of the leaking underground storage tank [LUST] trust fund. This Federal fund, which is currently used to clean up contamination that has already occurred, is financed through a tax on gasoline of one-tenth of 1-cent per gallon. The administration has already allocated $215 million for the trust fund in the fiscal year 1991 budget. In addition, most States have separate LUST trust funds for their own use in cleaning up contamination in the State. In Kansas, a 1-cent per gallon environmental insurance fee levied at the refinery gate finances a $5 million fund.

Mr. Chairman, we must move forward in implementing the underground storage tank program. We have serious health and environmental problems from leaking underground storage tanks. This bill would prevent a scenario in which rural gas stations, because of an inability to finance tank replacement, simply closeup shop, leaving behind a potential environmental catastrophe. I urge my colleagues to support this legislation for it will ensure that "mom and pop" gas stations all over rural America are able to continue to serve their customers in an environmentally sound manner.

☐ 1530

AMERICAN MEDICAL ASSOCIATION ADOPTS A PUBLIC HEALTH RESPONSE TO THE HIV EPIDEMIC

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. DANNEMEYER] is recognized for 60 minutes.

Mr. DANNEMEYER. Mr. Speaker, today I want to congratulate the American Medical Association for its courageous actions in Honolulu, HI, last December, when the overwhelming majority of its members voted to embrace a public health strategy to control the epidemic of HIV infection in America. In particular, I want to salute the physicians who prevailed over elements of the AMA bureaucracy, which wanted to perpetuate organized medicine's reliance on the education-only approach to epidemic control. The AMA membership has spoken clearly; it wants physicians and public health officials to treat HIV infection in the same manner as other sexually transmissible and communicable deseases.

The AMA, in other words, has formally embraced the simple truth that the HIV epidemic is an issue of public health and not one of civil rights.

What exactly did the AMA do in Honolulu, and what does it portend for the future of the epidemic?

The AMA House of Delegates approved an HIV policy update, which contains 108 separate recommendations for Federal, State, and local governments and covers virtually every aspect of the epidemic. The report contains sensible advice for policymakers who want to enact policies to control the epidemic. I would like to draw my colleagues' attention to the following recomendations:

THE VALUE OF EARLY DIAGNOSIS OF HIV INFECTION

> Recommendation 17-B: That AMA encourage persons who suspect that they have been exposed to HIV to be tested so that appropriate treatment and counseling can begin for those who are seropositive.

AMA argues that "HIV testing accompanied by appropriate counseling can asssist in the behavior change process necessary to reduce a patient's risk of infection." The arguments in favor of early diagnosis of HIV infection are even stronger "now that treatments are available." The military experience, moreover, "demonstrates that accurate test results can be achieved in a relatively low prevalence population with relatively low costs of testing and counseling."

This effectively puts to rest the baseless fear that has plagued proposals to offer HIV tests to broad segments of the population; namely that such testing would produce too many "false positive" or "false negative" test results. It is imperative that every at-risk person know his or her serostatus.

MANDATORY HIV TESTING IN CERTAIN INSTANCES

The AMA has proposed implementing mandatory HIV testing in certain, carefully defined situations. Again, this sort of proposal was political dynamite only 2 years ago.

> Recommendation 19-A: That AMA support mandatory HIV testing of donors of blood and blood fractions, and breast milk; organs and other tissues intended for transplantation; semen or ova for artificial conception; immigrants to the United States; and military personnel.

"Immigrants," the report notes, "have historically undergone a health assessment before admission into the citizenship process. To exclude HIV infection from the health assessment of those seeking United States citizenship would be a change in long-standing U.S. policy and difficult to justify on medical, scientific, or economic grounds."

> "Recommendation 20-A: That AMA continue to recommend that testing be mandatory for inmates in federal and state prisons."

In justifying its endorsement of mandatory prison testing, the AMA explains that "disproportionately high numbers of inmates in specific geographical regions test positive for HIV." But the report goes further, using an argument that, if applied to the rest of society, would require HIV testing of tens of millions of high-risk individuals across America. The report states.

> Complete medical care requires knowledge of an inmate's serostatus. As early care provides increasing benefits to those who are

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HIV infected, the value to inmates of mandatory HIV testing will increase.

Substitute the word "patient" for "inmate" in the above passage and my point is obvious. In fact, the AMA has already accepted this principle for a noninmate population—infants—and in certain specified situations that may arise in hospital settings. "An infant born to a woman who is either thought, or known, to be HIV positive," the report states elsewhere, "should be tested so that appropriate treatment can be initiated immediately." Similarly, the AMA wants hospital medical staffs to develop guidelines "to allow HIV testing of a patient at the physician's discretion without prior consent in cases of puncture injury, or mucosal contact of health caregivers by potentially infected fluids."

ROUTINE TESTING IN CLINICAL SETTINGS

As AZT and other AIDS drugs have emerged, organizations and individuals who previously opposed most HIV testing, such as the AMA, have slowly but steadily come to accept the wisdom of early diagnosis of HIV infection through widespread routine testing programs. Indeed, the AMA report states that "HIV testing has become the gateway to early care." And, quite apart from the availability of AZT and other therapeutic drugs, quality medical care requires that physicians know their patient's serostatus in order to "reduce the likelihood that an HIV infection will be inadvertantly exacerbated by other treatments or conditions." This last argument has been viable since the onset of HIV testing; it is unfortunate that we have had to wait so long for it to be recognized.

AMA also recognizes the crucial link between widespread routine testing and partner notification programs. The report emphasizes that:

> There are still individuals who need to know their serostatus to help them act responsibly. There are still those who will not suspect infection unless a seropositive sexual or needle sharing partner tests HIV positive and discloses this information to them.

Thus, the AMA recommendation with respect to voluntary testing is entirely consistent with the provisions in my own legislation, H.R. 3102, the Public Health Response to AIDS Act. According to the AMA, persons in the following categories should be offered and encouraged to undergo HIV testing:

Patients in clinics for sexually transmitted disease, drug abuse, family planning, and tuberculosis; the newborns of women who are or might be infected, as indicated by the mother's sexual or drug history and/or considering the prevalence of HIV infection in the local community; and hospital patients who require surgical or other invasive procedures, taking into account the prevalence of HIV infection in the local community.

Reflecting the growing concern that the epidemic is spreading out of control in certain urban areas, the AMA recommendation includes a warning that, if voluntary HIV testing is not sufficiently accepted, "the hospital and medical staff may consider requiring HIV testing." Again, this is a major philosophical change among organizations which have opposed most testing in the past.

HIV TEST CONSENT

The AMA has also adopted a wise policy with respect to the consent required from patients tested for HIV infection. Historically, physicians have sought to obtain a knowing commitment from the patient, which usually requires nothing more elaborate than the patient's verbal consent, but occasionally demands something more concrete, such as a written acknowledgement from the patient. To require that patients give their written consent in every instance, however, goes too far, and may prove unduly burdensome to harried physicians who seek to provide top quality care in crowded and less than ideal settings.

Thus, AMA advocates a consent procedure "that is appropriate to the setting and is the least burdensome to the person being tested, as well as those responsible for testing." This requires an approach that maintains the option for either written or verbal consent. The report notes:

> In some circumstances a written consent will be appropriate, but in other situations a verbal consent will be adequate. Similarly, in some settings a lengthy form is appropriate, while in others a very brief acknowledgement will be sufficient.

The most desirable solution, I believe, would allow the physician to make the determination with respect to the consent procedure that best suits the medical needs of the patient being tested.

CONFIDENTIAL REPORTING AND PARTNER NOTIFICATION

In a departure from the usual evenhanded and clinical tone of the recommendations, the delegates adopted forceful language to express their support of reporting HIV test results in confidence to public health officials and the implementation of partner notification programs in every community.

In a near unanimous demonstration of support, the AMA House of Delegates adopted the following resolutions:

> *Recommendation 27-A:* That the AMA strongly recommends a system for contact-tracing and partner notification for unsuspecting sexual or needle-sharing partners who might have been HIV-infected should be established in each community.
>
> *Recommendation 27-E:* That the AMA strongly recommends the reportability of HIV seropositive patients to the Departments of Health of the 50 states for the purposes of contact tracing and partner notification.

With the adoption of these resolutions, the AMA is now foursquare behind a public health response to this epidemic. These resolutions reflect what every poll of physicians and other health care providers has shown; namely, that the vast majority of physicians supports treating HIV infection in the same manner as other sexually transmissible diseases.

Why are partner notification programs so important that the AMA would "strongly" recommend that they be established in "each community" in America?

Under a partner notification program, every person who is contacted, infected or not, has been intimate with someone who is carrying a fatal virus. Those who are HIV-negative will understand that they have had a close brush with mortality and will be more likely to change their behavior in the future. For these individuals, the counseling and education that follows will be more meaningful and effective than if it had been offered to them in a vacuum. HIV counseling and education, in other words, must be offered where possible in the context of a partner notification program. Of course, seropositive individuals who are contacted have the opportunity to receive available treaments to prevent the onset of associated infections and to change their behavior to prevent further transmission of the virus to loved ones.

Why is HIV reporting so crucial that the AMA would urge all 50 States to adopt it?

First, confidential reporting is essential to the success of partner notification programs because public health workers must be able to locate infected individuals who refuse to voluntarily inform their contacts of their risk. For example, one study found that, 12 months after being notified that they were seropositive, only 64 percent of blood donors had voluntarily revealed their test results to their primary sexual partners. Under a system with identity-linked reporting, the sexual contacts of these recalcitrant donors would be able to learn of their risk and take appropriate steps to obtain available treatments and prevent further transmission.

Second, reporting enables public health officials to learn the extent of infection in their communities, and to better assess the efficacy of control programs. Annual group specific incidence rates can be tracked only through a confidential reporting system that collects unduplicated test results by name or other identifying data.

Third, reporting permits health officials to provide followup counseling to tested individuals who fail to return for counseling.

Fourth, a reporting system would enable health providers to recall (a) seropositive individuals for effective antivirals that may subsequently be developed, and (b) seronegative individuals for retesting and administration of protective vaccines.

Fifth, reporting allows for the implementation of restrictive measures against sociopathic individuals who knowingly attempt to spread the virus to others. This is consistent with AMA recommendation 28, which endorses the imposition of sanctions against those who knowingly and willingly place unsuspecting persons at risk of infection.

WHY THE AMA ADOPTED A PUBLIC HEALTH RESPONSE TO THE EPIDEMIC

I have attached a copy of a remarkable firsthand account of the AMA's recent interim meeting in Honolulu written by the president-elect of the Arkansas Medical Society, William N. Jones, M.D. Dr. Jones fought doggedly for almost a year to convince the AMA leadership to place the questions of reportability and partner notification before the AMA House of Delegates. In order to prevail, Dr. Jones had to overcome the AMA staff's subtle, but pervasive, pressure against these initiatives.

Last June, at the AMA's annual meeting in Chicago, Dr. Jones spoke before the AMA's Reference Committee in support of a resolution introduced by the Medical Society of the State of New York. The New York physicians wanted the AMA to take the position that AIDS is a communicable and sexually transmissible disease, and that States should apply the same public health measures to contain the HIV epidemic as they have applied to control the spread of other communicable diseases. This straightfoward principle has formed the basis of the New York society's lawsuit against Gov. Mario Cuomo. Unfortunately, the AMA leadership voted to postpone consideration of these issues until the interim meeting in December.

When the AMA reconvened in December, the delegates were presented with a report that was inadequate in at least two important areas. Dr. Jones complained that:

> Its statement on contact tracing and partner notification was weak and there was no consideration, pro or con, on reportability of HIV sero-positivity.

The report merely directed the AMA to "urge all communities to consider implementing" contact tracing and partner notification programs. Jones and other physicians wanted to strengthen the language, noting that "the words 'urge to consider' were not strong enough direction." Addressing the hundreds of assembled delegates, Jones said:

> There is one glaring deficiency in this report. It fails to recognize the need for reporting HIV sero-positive persons to the health departments of the 50 states . . . If we do not require the reporting of HIV sero-positive individuals, there is no way for an adequate contact tracing and partner notification program to be carried out and have a positive effect on slowing the spread of the epidemic.
>
> It is past time for the AMA to take a firm position of leadership and emphatically state the importance of HIV sero-positivity reportability and individual contact tracing. Everyone in this room must know by now and understand that HIV infection is a continuum of disease. To endorse reporting of AIDS cases and not HIV infection is inconsistent policy.

The delegates responded with a show of vocal support that "was greater in volume than the summation of all the applause other issues had received since we began deliberating that morning." Unfortunately, the advocates of a civil rights response continued to stonewall the issue. It took another 24 hours of behind-the-scenes maneuvering to secure the support of senior AMA officials. But, when the AMA establishment finally relented, the subsequent outpouring of support overwhelmed Jones and his allies. He described the scene:

> I was pleased with the enthusiasm and the volume of applause that followed. Immediately, endorsement came from the delegations from Mississippi, New York, Virginia, West Virginia, Florida, and the delegate from the American Academy of Dermatology. Opposition was basically from California and . . . the United States Public Health Service spokesman was negative in his remarks.

In the end, there "was no audible opposition" to the voice vote on the two amendments. At long last, the forces of public health had won.

In closing, I would like to comment briefly on the actions of the official representative of the U.S. Public Health Service at the AMA meeting. The official position of the Public Health Service was set forth in the July 21, 1989 issue of the Mortality and Morbidity Weekly Report, which includes a report that recommends confidential HIV reporting to the States.

Since receiving Dr. Jones' account of the meeting, I have sent a letter to Assistant Secretary James Mason requesting that he conduct an inquiry into this situation. The observations of Dr. Jones and other suggest that, in opposing the resolutions on reporting and partner notification, this individual deliberately misrepresented the position of the Public Health Service to the hundreds of AMA delegates in Honolulu.

For the record, I have also attached my letter to Dr. Mason, which describes my concerns.

CONCLUSION

Soon, the Subcommittee on Health will once again consider an omnibus AIDS bill. Although it is uncertain at this time, we expect the package will include legislation addressing HIV testing, confidentiality, and counseling issues in addition to a proposal to expand the Medicaid Program to make asymptomatic HIV infection a new category of eligibility for infected individuals who otherwise satisfy the income requirements of State Medicaid programs.

The significance of the AMA's actions in Honolulu to the legislative struggles that lie ahead cannot be overestimated. I welcome the voice of organized medicine in America to the side of public health and I pray that the Congress will soon adopt a responsible approach to control this tragic epidemic.

Mr. Speaker, the doctor in America who deserves the credit in my judgment for bringing the AMA to the point where they changed their position last December is Dr. Billy Jones of the State of Arkansas, the president-elect of the Arkansas State Medical Society. He has written a fine article entitled, "The System Works if You Are Willing To Work the System," and I will attach this article by Dr. Jones from Little Rock, AR, along with a copy of a letter that I have written to Dr. James Mason on March 5 as a part of my record in this special order on this day.

THE SYSTEM WORKS IF YOU ARE WILLING TO WORK THE SYSTEM

(By William N. Jones, M.D., President-Elect, Arkansas Medical Society, Chairman, Committee on AIDS)

(All of us who have taken on the responsibility of leadership from time to time have been critical about some aspect of the AMA and AMS. It behooves us to change what we perceive as wrong or poor policy because, like it or not, Congress and our state legislature look to those bodies for advice and direction in matters that concern the public health and how medicine is, and will be, practiced.)

I attended the 138th Annual Meeting of the American Medical Association in Chicago, June 18-22, 1989. Since it was my first experience at that level of organized medicine. I was excited and at the same time somewhat in awe of the proceedings. I attended as the President-Elect of the Arkansas Medical Society so I could become informed about the issues and concerns of organized medicine and be aware of the leadership's approaches to those problems.

Any member of the AMA may attend the Annual and Interim Meetings and address any item of business to come before the House of Delegates. The forum that allows this is the reference committee. Every report or resolution to ultimately be considered by the House of Delegates is first discussed in a reference committee.

The agenda of the House of Delegates included many resolutions pertaining to Human Immunodeficiency Virus (HIV). At the annual session of the Arkansas Medical Society, the AMS House of Delegates endorsed a resolution previously adopted by the Medical Society of the State of New York which declared that the AMA House of Delegates should formally take the position that AIDS is a communicable/sexually transmissible disease and that states should apply the same public health measures to contain the HIV epidemic as are taken to control the spread of other communicable/sexually transmissible diseases. Appropriate notification of the AMS endorsement was sent to the AMA, the Medical Society of the State of New York and our senators and congressmen.

In Chicago at the June meeting, I spoke in Reference Committee E in support of the New York Resolution. I also pleaded with the reference committee to recommend to the House of Delegates the endorsement of reportability of HIV sero-positivity for the purpose of contact tracing and partner notification, important measures to take to slow the spread of the HIV epidemic. The opposition which included the Surgeon General of the United States and civil libertarians, true to form, stated that such policies would lead to breach of privacy and confidentiality of the infected index person. Additional arguments raised suggested that since there was no effective treatment there was nothing to be offered the person found to be HIV infected, that such a program would lead to decrease in volunteer testing and would not be cost effective.

In rebuttal, I told the reference committee that the purpose of those time proven strategies was to make it possible for the infected person to be counseled on all aspects of the infection and the determination of his or her sexual and drug contacts so they might be interviewed, counseled and offered testing. The process known as contact tracing has been an historically proven technique for the control of sexually transmitted diseases for over 40 years and in large measure contributed to the control of syphilis and gonorrhea.

Regarding privacy and confidentialitly of the infected index person, one should also consider the right of the previously uninformed contact. The rights of the individual to privacy and confidentiality are protected in any sexually transmitted disease program, however, the bottom line is that individual rights have to be second consideration to the rights of the public to be protected from the spread of this fatal viral epidemic.

For more than two years we heard ancecdotal stories and information from experienced therapists of HIV disease that AZT lengthened the interval between infection and clinical disease. Published peer reviewed articles now have established this as fact.

In states where reporting of HIV sero-positive status is law or regulation, such as Arkansas and Colorado, volunteer testing has not been affected.

Ten resolutions pertaining to AIDS issues were debated in Reference Committee E. Subsequently the House of Delegates instructed the Board of Trustees to consider those resolutions while it updated the AMA Policy on AIDS—Report YY (1987)—and report back at the Interim Meeting in December 1989. This resulted in Report X (I-89) of the Board of Trustees—AMA HIV Policy Update as prepared by members of the staff of the AMA and the Council on Scientific Affairs.

Report X was a significant improvement in the 1987 AMA AIDS Policy but it was, I felt, inadequate in at least two major areas. Its statement on contact tracing and partner notification was weak and there was no consideration, pro or con, on reportability of HIV sero-positivity.

The Interim Meeting of the AMA House of Delegates was held in Honolulu, December 3-6, 1989. The various reference committees began their deliberations on the morning of December 4th. I attended Reference Committee E which had received Report X for discussion.

Just before the committee was called to order, I renewed acquaintance with Drs. Brian and Lawrence McNamee. These brothers have degrees in medicine and law and have published a book and several articles on AIDS issues. We discussed various deficiencies in Report X and how we might work to correct them. I suggested that we sit in different areas of the room and speak from each of the three microphones to create the appearance of general support for our points of view. Although the dress of the meeting was casual, we all wore dark suits and red ties! I also recommended that we allow the opposing viewpoint to be expressed first so we could both rebut and make our points in the middle and end of discussions. We also agreed not to speak too often in order to be listened to when we wanted to suggest a significant change in the document.

Report X of the Board of Trustees—AMA Policy Update—was 25 pages long and included 35 major recommendations, each of which had subparts A, B, C, etc. Each recommendation was discussed pro and con starting about 9:30 in the morning and continuing for the next five hours. Although I had much interest in the early discussions, I deliberately waited for the subject of contact tracing and partner notification on page 21.

Recommendation 29A stated, "That AMA urge all communities to consider implementing a contact tracing and partner notification program to warn unsuspecting sexual or needle-sharing partners, who might have become HIV infected."

Although I was pleased the report addressed contact tracing and partner notification, I was not pleased with the wording of the recommendation. I felt the words "urge to consider" were not strong enough direction.

The same old arguments in opposition to contact tracing and partner notification that had been raised in Chicago were again stated by persons of civil libertarian orientation and by representatives of the United States Public Health Service (USPHS).

I then addressed the committee as follows:

"Mr. Chairman: We have been debating particulars of this proposed policy for hours but there is one glaring deficiency in this report. It fails to recognize the need for reporting HIV sero-positive persons to the health departments of the 50 states. I rise to request the AMA Board of Trustees Report X be modified to include a section supporting the requirement of reporting HIV sero-positive persons. If we do not require the reporting of HIV sero-positive individuals, there is no way for an adequate contact tracing and partner notification program to be carried out and have a positive effect on slowing the spread of the epidemic.

"It is past time for the AMA to take a firm positive of leadership and emphatically state the importance of HIV sero-positivity reportability and individual contact tracing. Everyone in this room must know by now and understand that HIV infection is a continuum of disease. To endorse reporting of AIDS cases and not HIV infection is inconsistent policy.

"The rights of the individual to privacy and confidentiality have to be second consideration to the right of the public to be protected from this fatal viral epidemic."

The subsequent applause, both hand clapping and verbal, was overwhelming! But that did not deter further comment against this point of view from several persons including a member of USPHS and Dr. Lonnie Bristow, representing the AMA Board of Trustees. Among other things, he said that the trustees had considered this point and they felt it was not a timely recommendation.

INTRODUCED BY THE ARKANSAS DELEGATION AMENDMENT—REPORT OF REFERENCE COMMITTEE

Recommend the following Substitute Recommendation 29-A on page 22, lines 19-22 of Report X of the Board of Trustees:

19—Recommendation 29-A: That the AMA strongly recommends

20—a system for contact tracing and partner notification

21—for unsuspecting sexual or needle-sharing partners who

22—might have been HIV-infected should be established in

23—each community.

Recommend the following be added as Recommendation 29-E on page 22, lines 43-46 of Report X of the Board of Trustees:

43—Recommendation 29-E: That the AMA strongly recommends

44—the reportability of HIV sero-positive patients

45—to the departments of health of the 50 states for the

46—purposes of contact tracing and partner notification.

The profound show of support for my viewpoint suggested to me the silent majority was fed up with being intimidated and mesmerized by the vocal civil libertarian-homosexual advocate minority with its self-centeredness and calloused disregard for the health of others. It was past time to employ the same public health measures in the HIV epidemic as are used in other communicable and sexually transmissible diseases.

By this time all of the reference committees had concluded their hearings, and Speaker, Dr. John Clowe and Vice Speaker, Dr. Daniel Johnson were concerned that Reference Committee E might not finish its agenda until late in the night with over 43 more resolutions to be discussed. They suggested that the reference committee be divided into two sections, one to continue discussing AIDS issues and the other for the remainder of the agenda. Their suggestion got a resounding "No" vote. We then continued discussion of the last paragraphs of Report X.

The next resolution to be considered, Resolution 132, stated "Resolved, that the American Medical Association House of Delegates encourage state legislation to establish requirements for reporting and case follow-up for serious contagious diseases, to include AIDS nationwide."

I suggested to the reference committee that it should consider changing the word "AIDS" to the words "HIV infection." Although I would rather have this type recommendation in the overall policy statement, this change in Resolution 132 would have the same desired effect I sought.

I took the opportunity to point out to the reference committee, that although no votes are taken in reference committees, the sentiment in favor of the reportability of HIV sero-positive status, as expressed by the applause I had received, was greater in volume than the summation of all the applause other issues had received since we began deliberating that morning. This also received applause!

In the hallway, following the adjournment of the reference committee, I was approached by Dr. Roy Schwarz, Assistant Executive Vice President of the AMA, who complimented me on my endeavor and pointed out that for the first time there seemed to be significant support for this issue. He told me this subject had received heated debate in the committee which he chaired that was responsible for composing Report X.

Monday evening I met with the Dermatology Section and reviewed for its members the deliberations on Report X. It was suggested by that group of eleven physicians that I seek to express my viewpoint on the floor of the House of Delegates. They further suggested the mechanism would be to ask one of our state's alternate delegates to let me have this position temporarily and that I should then ask one of our delegates to give me his seat when Report X was under consideration by the House of Delegates. At this meeting I was assured that each of them would solicit support of their individual state delegations in behalf of my positions.

I later talked with several experienced delegates and found out that the suggestion of my dermatologic colleagues to become a temporary delegate was seldom, if ever, done and would not likely be possible.

Late that night I received a phone call from Brian McNamee who told me he had a conversation with a member of Reference Committee E and that we would be pleased with their report. I felt elation, and also relief, that no further effort on my part would be needed.

The report of Reference Committee E was not available until late in the afternoon, Tuesday, December 5th. Unfortunately, the reassurance that Dr. McNamee had received was not forthcoming in the report. I felt frustration. Do we wait months or years longer to get this done?

The reference committee report stated, "Based upon the testimony heard, the reference committee strongly recommends that in subsequent AIDS updates the Board specifically address the need for reportability of HIV sero-positive patients to public health agencies. . . ."

This presumably was put in to pacify us but it made me want to continue the challenge.

To further diffuse the issue, the reference committee did recommend that Resolution 132 delete the word "AIDS" and add the words "HIV infection" as I had suggested in the hearing.

I decided to contest this further, and during an afternoon recess, I found the Speaker and Vice Speaker in the hallway. I was aware of the parliamentary point—Privilege of the Floor—so I asked them about how I could receive it. They, at first, were hesitant saying it usually is used for special addresses to the House of Delegates. When I explained my dilemma, they agreed that if I could get a delegate to ask the Speaker, at the appropriate time, I would be allowed two minutes to state my case.

At this point, I sought the help and advice of Dr. A.E. Andrews. Dr. Andrews agreed to ask the Speaker for my Privilege of the Floor on Wednesday morning when Report X was to be presented. Together we composed the following amendments. The first amendment would substitute a much stronger endorsement of contact tracing and partner notification for the weak statement included in the report. The second amendment would add a section to Report X recommending the reportability of HIV sero-positivity rather than have such a recommendation contained in a separate resolution. We then presented our amendments, in behalf of the Arkansas delegation, to the AMA staff who printed them and placed them on the desks of the delegates Wednesday morning (see Table 1).

Tuesday evening I met with the McNamees and told them of my plans. They offered to lobby Wednesday morning for the Arkansas amendments in several delegations, including Ohio and New York.

After my planning session with the McNamees, Ruthie and I had dinner in the Golden Dragon Restaurant. As the meal ended, we were presented with the traditional fortune cookies. Although I am not one who wishes on stars, nor consults with a palmist or shaman, my fortune cookie message was very reassuring. It read, "The seeds of a wonderful project could be right under your nose." How prophetic!

After dinner, I prepared the statement I hoped to make to the House of Delegates Wednesday morning. Several revisions, later, I got the statement down to a two minute presentation.

By Wednesday morning, everyone at the meeting was ready to finish up the deliberations as quickly as possible. Debate was to be limited and I was concerned that I might not get the chance to speak. On the way to the House of Delegates meeting, I met Dr. Schwarz who asked me if I was happy with the report of the reference committee. I explained my displeasure. He told me he had seen the report in rough draft and suggested the original draft would have been more to my liking.

Before he was to present the report of Reference Committee E, I found the Chairman, Dr. Carl Evers, and told him I was disappointed with the report and I planned to speak for reporting of HIV sero-positive status. He looked surprised and said, "We gave you what you asked for in Resolution 132" and I said, "Yes, but it should have been incorporated as a part of Report X." At this moment a young gentleman stepped up to us and said, for both of us to hear, "It is a done deal, the trustees will not fight the Arkansas Amendments. Lonnie Bristow will speak in favor of adoption of the amendments." Oh what a feeling! I could smell success!

Finally, we arrived at the House of Delegates consideration of Report X. The Speaker chose to take each recommendation one by one. At the appropriate time, Dr. Andrews asked the Speaker to consider the two Arkansas Amendments and for me to be given the opportunity to speak in behalf of the Arkansas Delegation in support of the amendments. Privilege was given and I made my two-minute prepared speech.

I was pleased with the enthusiasm and the volume of applause that followed. Immediately, endorsement came from the delegations from Mississippi, New York, Virginia, West Virginia, Florida and the delegate from the American Academy of Dermatology. Opposition was basically from California and again, the USPHS spokesman was negative in his remarks.

A substitute motion was made to refer this issue back to the Board of Trustees. The vote to refer was by voice and the Speaker hearing the vote said he was in doubt of the response and asked for a second voice vote. There was then overwhelming vote to not refer.

At this point, I felt passage of the Amendments was assured. Belated endorsements were then given for the Board of Trustees by Dr. Bristow and for the reference committee by Dr. Evers.

Immediately, the Speaker called for a voice vote on the two amendments and there was no audible opposition. The amendments had passed!

I made my way to the side of Dr. Bristow and thanked him for the Board's support.

As the meeting ended, the Arkansas Delegation received much praise and thanks from our colleagues.

Probably, the most startling comment came from Brian McNamee when he pointed out that I came to the meeting as a nondelegate with an ax to grind, was given the rarely used Privilege of the Floor, and successfully changed AMA policy.

Later that evening, as the thrill of achievement began to subside, I began to think about the ultimate impact this change in AMA policy would have on laws and regulations throughout the country. Thousands of lives will be saved as this policy is put into action. I want everyone who has been involved in the Committee on AIDS activities since May 1987 to feel a part of and take pride in this accomplishment. Not just members of the committee who have inspired and nurtured each other, but the AMS staff, the medical students of F.A.T.E. and all the physicians and auxilian volunteers. It is the summation of all their support and participation that brought about this success.

All of us who have taken on the responsibility of leadership from time to time have been critical about some aspect of the AMA and AMS. It behooves us to change what we perceive as wrong or poor policy because, like it or not, Congress and our state legislature look to those bodies for advice and direction in matters that concern the public health and how medicine is, and will be, practiced.

There is a system and it works but we must be willing to do the homework and sacrifice the time and energy to work the system.

"Mr. Speaker, Members of the House of Delegates:

I am William Jones, Chairman of the Arkansas Medical Society's Committee on AIDS, member of the Governor's Advisory Committee on AIDS, and President-Elect of the Arkansas Medical Society.

On Monday, the debate in Reference Committee E over each aspect of Report X was to be expected. Basically, Report X of the Board of Trustees is a significant improvement of Report YY-87.

In June, I pleaded with Reference Committee E to ask the House of Delegates to endorse contact tracing and partner notification. Subsequently, all of the resolutions on AIDS were referred to the Board of Trustees to update the HIV policy of the AMA. Most of those resolutions supported contact tracing, partner notification and the reporting of HIV sero-positive persons.

Report X endorses contact tracing and partner notification. However, there is one glaring deficiency in the report. Namely, it fails to recognize the need for reporting HIV sero-positive persons to the health departments of the various states. AIDS is reportable in all 50 states. HIV sero-positive status is reported in many states and others are considering such legislation at this time. It must be remembered that HIV infection is a continuum of disease leading to death.

The infected person is infectious to others from very early in his or her infection.

For too long we have failed to apply the same public health measures to contain the HIV epidemic as are taken to control the spread of other communicable and sexually transmissible diseases. This has resulted in over 65,000 reported deaths in this country. How many more lives have to be lost before we take a stand that, every physician in this country knows, should have been taken several years ago? It is past time for the American Medical Association to take a firm position and emphatically state the importance of reporting HIV sero-positive patients, contact tracing and partner notification. Concerns about the occasional breach of privacy and confidentiality of one individual have to be second consideration to the right of the public to be protected from this fatal viral epidemic.

The longer we delay taking this position, the wider spread the epidemic and the greater the tragedy in loss of lives that could be saved by these measures.

I urge you to vote affirmatively on the two amendments to Report X."—Dr. William Jones.

House of Representatives,
Washington, DC, March 5, 1990.

James O. Mason, M.D.,
Hubert H. Humphrey Building, Washington, DC.

Dear Mr. Mason: I have enclosed for your review a remarkable firsthand account of the December 3-6, 1989 Interim Meeting of the American Medical Association in Honolulu, Hawaii. This account, written by William N. Jones, M.D., the President-Elect of the Arkansas Medical Society, raises some disturbing questions with respect to the representation of formal U.S. Public Health Service (USPHS) policies at this important meeting. Other physicians who participated in the Honolulu deliberations have confirmed Dr. Jones' account.

As you may know, the overwhelming majority of AMA delegates adopted two resolutions pertaining to the HIV epidemic which reflect my own preferred approach to containing the spread of infection. The Delegates adopted the following two resolutions:

Recommendation 29-A: That the AMA strongly recommends a system for contact tracing and partner notification for unsuspecting sexual or needle-sharing partners who might have been HIV-infected should be established in each community.

Recommendation 29-E: That the AMA strongly recommends the reportability of HIV sero-positive patients to the departments of health of the 50 states for the purposes of contact tracing and partner notification.

As you can see from Dr. Jones' account, it appears that the Delegate from the USPHS repeatedly opposed these resolutions at the interim meeting and, in fact, was one of only a few physicians to do so. To the best of my knowledge, the formal USPHS position with respect to HIV reporting was set forth in the July 21, 1989 issue of the Mortality and Morbidity Weekly Report (MMWR). That report urged states to adopt reporting measures, arguing:

"HIV infection reports are useful in directing HIV-related prevention activities such as patient counseling, partner notification and referral for appropriate medical management (e.g., evaluation for prophylaxis against Pneumocystis carinii pneumonia). Reporting of HIV-infected persons may enable earlier recoginition of persons with or at risk of HIV infection and earlier intervention to prevent further spread of HIV. Recent guidelines for initiation of therapy in some HIV-infected persons emphasize the need for identifying persons who need treatment before the diagnosis of AIDS is made. HIV infection reports are also useful for guiding pediatric medical and social support programs, including programs for infants whose infection status may remain undetermined until they are [under] 15 months of age."

The formal position of the USPHS with respect to partner notification programs was set forth in the MMWR of March 14, 1986, in which the USPHS recommended that the prospective and previous sexual and needle-sharing partners of infected persons be informed as to their potential exposure to HIV infection and urged to undergo HIV testing and counseling.

For the USPHS Delegate to oppose the AMA resolutions in Honolulu appears to be an unconscionable derelection of his duty to faithfully represent the positions of the USPHS. I would appreciate it if you or your staff could respond to the following questions:

Do you believe that Dr. Jones' description of the USPHS Delegate's activity is accurate?

If you believe it accurately describes the events in Honolulu, were you aware of this activity and have you taken any steps to reprimand the individual involved? According to the AMA's 1988-89 directory of the House of Delegates, the alternate Delegate from the USPHS is James D. Felsen, M.D. Did Dr. Felsen represent the USPHS in Honolulu?

Have you taken any measures to guarantee that such unilateral actions are not repeated in the future?

Finally, does the USPHS contemplate making an attempt to inform the AMA leadership and the hundreds of AMA Delegates of the true USPHS positions on these important public health issues?

Thank you in advance for your time and assistance.

Sincerely,

William E. Dannemeyer,
Member of Congress.

Mr. Speaker, let me say that the significance of this action of the American Medical Association in Honolulu last December cannot be overstated. This epidemic has marched across this land, and today we have a civil rights response being pursued in 11 States of the Union containing 78 percent of the cases. My State of California is in the unenviable position of being the State with the second largest number of cases, 20 percent, with the State of New York having about 23 percent. In both these States, in New York and California, a civil rights response is currently being pursued.

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Mr. Speaker, it is a tragedy that such is the case. Dr. Axelrod, the health officer of New York State, should have been relieved from that job at least 3 years ago by the Governor of that State who should be watching out for the civil rights of the infected at least on the same basis as the civil rights of the infected.

Similarly, in my State of California, Dr. Kaiser, the health officer, should have been relieved from his job at least 3 years ago by the Governor of the State, Governor Deukmejian. I am happy to say that the State Republican Party in California in convention the weekend before last adopted a resolution requesting the California Medical Association to adopt a policy dealing with HIV infected people consistent with AMA policy. That State Republican Party and convention also adopted a resolution requesting the Governor of the State of California, Governor Deukmejian, to exercise his discretion which he has under the existing law to add HIV positive people to the list of reportable diseases.

Mr. Speaker, the time has long passed that this Nation would continue to treat the AIDS epidemic and HIV carriers as a civil rights issue. It should be treated as a public health issue, and what the AMA has done is now placed its voice as the official voice of organized medicine behind steps that are needed across this land to deal with the epidemic as a public health issue.

Tomorrow before a committee of this House, one of the housing subcommittees, efforts will be made to expand housing programs in this country to establish a hospice for treating persons with AIDS. I personally believe that treating the people with this tragic disease, for which we do not now have a cure, but hopefully will find one in a hospice setting, is a good alternative rather than a hospital setting.

We also will be considering later in this legislative year appropriation bills to deal with, hopefully, finding a cure to the epidemic.

The reality is that we Federal taxpayers are spending about $1.2 billion this year to control the AIDS epidemic. About $800 million is being spent to find a cure or a vaccine for the virus. About $400 million is being spent in the area of education, which has a certain ring of credibility to it in terms of preventing the transmissibility, but the reality is that the education-only approach that has been pursued essentially by the U.S. Government, as well as by the States with the largest number of cases; namely, New York, California, Florida, and Texas, has failed to stop this epidemic.

This epidemic, tragically, is the first politically protected disease in the history of the country. Those that are HIV carriers should be reportable to the health care system in confidence so that we can do contact tracing. That is why we pay taxes in this country, to provide for the functioning of the health care system.

When the House last considered this issue, in September 1988, this Member from California offered an amend-

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ment to the bill then being considered by the House which dealt with the very issue the AMA considered at its convention last December in Honolulu. My amendment would have required that as a condition of the receipt of Federal money by any State in the Union to deal with the epidemic, that the State would have to have in place a law requiring that HIV carriers be reported to public health authorities and that we conduct contact tracing. The amendment at that time was not adopted by the House. I believe there were approximately 75 votes for it. In speaking in opposition to that amendment my opponent, one of them on the floor, was able to observe that he was then voicing the support of the American Medical Association in opposition to my amendment dealing with reportability for HIV carriers.

Mr. Speaker, I mention this to the House because it illustrates just how important it is what the AMA did in Honolulu last December, because now, when this issue comes to the floor again, this Member from California will be able to say that I spoke for the voice of organized medicine in America, that HIV carriers, whatever their status in life, whether they are intravenous drug users, whether they are heterosexuals or homosexuals, whether they got the virus as a result of a blood transfusion, whether they are hemophiliacs or whatever, those people who are carriers of that fatal virus, when their status is determined by their physician, would be reported to public health in confidence and that we would then conduct contact tracing. This is the means whereby our society has dealt historically with efforts to control the transmissibility of venereal disease, curable or noncurable, in America.

PRIORITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, I take the well of the House and the floor of the House to talk a little bit about spending and taxation and where we are in our process today.

Mr. Speaker, I got a letter the other day from a good friend of mine. The letter was sent to me to remind me that I should be more regular in a weekly meeting, Bible study, that we have, and in the letter he quoted a famous author by saying, "If you say that you don't have time to do something, you haven't stated a fact. You've stated a priority."

Another way of saying that would be, "We don't have enough money to spend on the programs that we want, and, therefore, we have to raise taxes. You have not stated a fact. You've stated a priority."

Mr. Speaker, I take the floor this afternoon to discuss priorities, and in particular I want to discuss the plan that was submitted a week or so ago by the distinguished chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI], and in my presentation I hope to point out that it is time that the American public be heard and that the real problems that we have with deficits in this Congress and in this Nation is spending. Revenues have been increasing on a steady basis some 60 percent over the last 8 or 9 years, yet spending has also increased some 70 percent over the last 8 or 9 years, leaving us with the hugh deficit that we have incurred over the last 8 or 9 years.

Mr. Speaker, I think that alone tells you that the real problem is spending. Yet, if you listen to the television and the radio and read the newspaper, you would think that the only problems that we have in America today is that we have not raised enough taxes, and there is an increasing pressure on the President of the United States to renege on his promise of no new taxes, and many votes and many issues that come to this floor are designed to put pressure on the President to raise taxes and go back on his promise.

☐ 1550

Those who criticize the President's no new taxes are saying one thing. They want to raise your taxes so that they can continue to go on with their spending. If you look at the Rostenkowski plan, this is the same old typical arguments that have been put out on this floor for years and years, and in some cases implemented on the floor of this House over the last 20 to 30 years, the same old—and I know it is an overused and tired cliche, the same old tax-so-that-we-can-spend approach to budgets in this Government.

The Rostenkowski plan calls for a freeze on program spending for 1 year. The freeze would include cost-of-living adjustments in all programs, including Social Security, but exclude means tested programs, like the AFDC, Aid to Families with Dependent Children, Medicaid, maybe food stamps, that is still in question, many of those entitlement programs over which there are no controls. They just go on and on and continue to increase.

This plan also calls for earmarking the peace dividend for deficit reduction. It provides for a freeze in defense spending from the current services base line for 1 year and a 3-percent reduction in spending for 3 years following.

It also eliminates the income tax bubble. This provision would add a third tax bracket with a 33-percent income tax rate, raising income taxes on Americans.

It also calls for increased consumption taxes on gasoline, alcohol, tobacco, pollutants, and rejects all tax cut proposals, and the key to his program, as is the key of many of the programs laid out in the last few years by the Democrats, repeal Gramm-Rudman.

The goal of the Rostenkowski plan, the 5-year tax plan is to eliminate the projected budget deficit by the end of 1994 and create surpluses every year thereafter, to do so Gramm-Rudman would have to be repealed.

I would like to take just a moment, Mr. Speaker, and take each one of these proposals by the Rostenkowski plan and evaluate each.

Mr. DANNEMEYER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I am glad to yield to my colleague, the gentleman from California.

Mr. DANNEMEYER. Mr. Speaker, I want to thank my colleague, the gentleman from Texas [Mr. DELAY] for taking this special order and sharing these thoughts with the Members of the House.

So that we have the issue in perspective, you know, there is a debate going on around the country from time to time about who sets spending priorities for the U.S. Government. You know, our friends on the Democrat side tried to say, "Well, why doesn't your President, President Reagan or President Bush, propose a balanced budget?" We have heard that many times.

We say on the political right, "Well, Presidents propose and Congress disposes."

So I think at a time like this it is appropriate to ask a very simply question. Under the Constitution of the United States, who has the responsibility for fixing the spending level in the U.S. Government? Is it the Congress or the White House?

Mr. DELAY. It is obvious to me and to even many high school government classes, it is the responsibility to set spending levels, it is the responsibility of the Congress to set spending levels, not the President.

Mr. DANNEMEYER. Mr. Speaker, if the gentleman will yield further, even more succinctly, I notice with interest that the distinguished Member, the gentleman from Illinois [Mr. ROSTENKOWSKI] has come out and offered something, a plan. He is not just a Member of this House. He is the chairman of what some would classify as the most powerful committee when it comes to spending, because he is head of the Committee on Ways and Means. That is not the Appropriations Committee, but it is the Tax Committee that sets the level of taxes for the people of this country.

When Mr. ROSTENKOWSKI as a Member of the leadership team on the Democrat side, the Democrats have

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controlled this House continuously without interruption, as we know, since 1954, and for a spokesman of the stature and position of the gentleman from Illinois [Mr. Rostenkowski] to come forward and say to us in this country that we Americans are undertaxed as a part of what his proposal presents is to me an insult to the intelligence of those of us who serve, as well as the American people.

The problem as the gentleman pointed out in that beginning of his remarks is not that we Americans are undertaxed. We are spending too much, and I think that is what we should be focusing on, namely, up until now the unwillingness of this Congress to assert enough discipline to reduce or modestly reduce or bring under control spending that in the opinion of this Member from California is out of control.

Mr. DeLAY. Well, I thank the gentleman for his input.

I might also point out that the Ways and Means Committee also spends about 40 percent of our budget, because in 1990 alone they have through entitlement programs, they are going to spend $424.6 billion. So it is not only a taxing committee, it is a spending committee.

We could look at a lot of the programs exempted from the spending freeze that come straight out of the Ways and Means Committee and try to reform those programs. We could reduce entitlements so that receipts do not automatically get payments by the government. They are appropriated by this Congress and oversight is implemented over the programs on an annual basis and moneys are appropriated.

I would like to take each of these items of the Rostenkowski plan and talk a little bit about them. You know, the program spending freeze has been pushed by conservatives for years. If a straight freeze were implemented for 2 years, resulting in $80 billion in savings per year, the budget would be running a surplus in the third year.

Since 1982, Congress has rejected the budget of the President and voted to spend billions of dollars more; however, the spending freeze in the Rostenkowski tax plan excludes entitlements, one of the largest budget categories. Therefore, the program spending freeze, nondiscretionary and Medicare freeze, only generates $5.4 billion in the first year. The nondefense, noninterest spending, which accounts for over 60 percent of all Federal spending would provide just $104 billion, or 20 percent of the $511 billion in 5-year savings.

Now, considering the Social Security portion, if a Republican President, Senator or Congressman, had proposed to eliminate the Social Security COLA's and jeopardize the Social Security financing system, as the Democrats have in fact proposed, there would be blood in the streets.

A Social Security COLA cut will not occur. Since 1984, there have been three House votes on freeze type plans that affect COLA's for Social Security. The Roemer Boll Weevil plan in 1984 would have reduced COLA's by 2 percent and lowered tax indexing by 2 percent. It received only 59 votes, and the gentleman from Illinois [Mr. Rostenkowski] was not one of them.

The Dannemeyer budget in 1985 was a freeze, with a minus 2 percent COLA for Social Security. It got only 30 votes.

The Leath-Slattery-McKay budget in 1985 was $12 billion in taxes and a COLA freeze, which received only 56 votes.

The defense cut, in talking about earmarking the peace dividend for defense deficit reduction, the defense cuts would total $150 billion of the $510 billion tax package over a 5-year period. This represents 29.4 percent of the entire tax package.

Under the Rostenkowski tax plan, defense spending would drop to 5.1 percent of the GNP in 1991, and then continually drop, setting postwar low levels of defense spending.

Now, some have suggested, not necessary this Member, but I am looking into it, some have suggested that if you use the peace dividend for deficit reduction, you are not getting at the priority of looking at spending, because if you take $10 billion out of the defense budget and apply it to deficit reduction, you are in fact giving $10 billion back to Congress to spend, and there is no pressure to look at spending and prioritize spending.

The next portion of the plan was to eliminate the tax bubble. By eliminating the tax bubble that was put on by the Ways and Means Committee, just to make up losses in revenue when we passed the Tax Reform Act in 1986.

□ 1600

But that tax bubble would be increased by 5 percent, increasing the total marginal rate from 28 percent to 33 percent. If Democrats are so concerned about closing the bubble, why do they not just eliminate the phaseout of lower income taxes and upper income earners instead of raising the top marginal rate, cut taxes and allow Americans to keep more of their money to spend the way they think it should be spent in the priorities it should have instead of giving it to the Government to spend for them?

The plan also eliminates or puts a moratorium on indexing, that most scurrilous problem in our Tax Code of the past, before Ronald Reagan, where inflation pushed the wage earner up into higher tax brackets, and through overspending by Congress, the taxpayer is pushed into higher tax brackets by inflation, a very sinister way of raising people's taxes.

We eliminate that and indexed it so that taxes would not be raised by inflation but, yet, the plan calls for a moratorium so that some people will be, by inflation, pushed into higher tax brackets.

Of course, repealing the Gramm-Rudman target is not the answer. Members of the House, Gramm-Rudman does work, and I would like to make a case on Gramm-Rudman and how it has worked. I would like to use the CBO baseline before and after Gramm-Rudman, the size of the deficit before and after Gramm-Rudman, the size of Government before and after Gramm-Rudman, and the impact of Gramm-Rudman on our Government.

Each year the CBO projects the baseline deficit for the upcoming fiscal year as well as the next 4. What has happened to those CBO deficit baseline projections since Gramm-Rudman passed? The CBO baseline deficit projections made each year for the following fiscal year during the 5-year period before and after Gramm-Rudman shows how effective Gramm-Rudman has been.

In the 5 years before Gramm-Rudman, in every year but one, the CBO projected a higher deficit. In every year but one the actual deficit was above the CBO projection for that year. On average, the deficit each year was $31 billion above the CBO-projected deficit during the 5 years before Gramm-Rudman.

In the 5 years after Gramm-Rudman, in every year but one, the CBO projected a lower deficit. In every year but one the actual deficit was below the CBO's projection for that year. On average the deficit was $15 billion below the CBO baseline deficit during the 5 years after Gramm-Rudman.

The bottom line is that instead of actual deficits, deficits greater than CBO's rising deficit projections, the actual deficits in the 5 years since Gramm-Rudman have been less than the CBO's falling deficit projections. This is a total reversal of our Nation's financial trends, and proof that Gramm-Rudman works.

If Members still are not convinced, look at the size of the deficit. Before Gramm-Rudman-Hollings passed in 1985, the CBO's 1985 deficit projection for 1986 was $215 billion. That same CBO report projected rising deficits for the next 5 years hitting $296 billion by 1990. That same CBO report projected deficits as a percentage of GNP in the 5.1-percent to 5.3-percent range over the next 5 years. None of those projections came true because of Gramm-Rudman.

Since Gramm-Rudman passed in 1986, deficits have been cut by a combined $484 billion below what CBO projected in 1985. When interest cost savings were added, the national debt is at least a half a trillion dollars lower today because of Gramm-Rudman.

In each year since 1986, the deficit was on average $121 billion below what CBO projected in 1985. As a percentage of GNP, the deficit has shrunk since 1985, dropping from 5.4 percent of GNP to an estimated 2.6 percent of GNP for 1989. If Congress sticks to the Gramm-Rudman deficit goal of $100 billion for 1990, the deficit will be approximately 1.8 percent of GNP. That would be the second smallest deficit as a percentage of GNP since 1974.

Thus, in the last 15 years only in 1979 when the deficit was 1.6 percent of GNP will the deficit have been smaller than the 1.8-percent deficit projected for 1990. If that does not convince Members that Gramm-Rudman works, then let us look at the size of Government.

Since passage of Gramm-Rudman in 1985, the size of Government relative to the entire economy has declined from 23.9 percent of GNP in 1985 to approximately 21.4 percent of GNP in 1989. If we stay within the budget guidelines of the 1990 budget resolution, outlays would be 21.3 percent of GNP.

Interest payments for the Government before and after Gramm-Rudman, Federal interest payments as a percentage of GNP, were 1.5 percent in 1977, about what it had been for the past 30 years. Rising interest rates pushed interest payments up to 2.3 percent of GNP the year President Reagan took office. By 1985, the year Gramm-Rudman passed, rising deficits have pushed interest payments as a percentage of GNP up to 3.3 percent. Since 1985 interest payments relative to GNP have quit rising despite additional debt and have begun declining to 3.2 percent in 1989 and an estimated 3.1 percent in 1990.

By lowering deficits, the relative cost of our national debt has stopped growing and started to decline. Gramm-Rudman is probably the worst way to balance a budget except for all other ways that we have tried. Since passage of Gramm-Rudman, the deficit has shrunk substantially in relative, and except for 1 year, in absolute terms.

Gramm-Rudman requires a balanced budget by 1993, and I think Gramm-Rudman is the only discipline that this Congress has. Most of the proposals that we have seen in recent months and years have called for eliminating Gramm-Rudman. Why? Because they want to be able to increase spending. They want to raise taxes and they want to increase spending.

Getting back on the Rostenkowski plan, the Rostenkowski plan calls for an increase in excise taxes. Reports have shown over and over again that excise taxes are regressive, and the tax plan doubles these regressive taxes, thereby doubling the burden on the poor and lower income.

Although the tax plan does allow for low-income offset with the earned income tax credit, this does not fully offset the increase. The EITC is only awarded to those who work, and for those who do not work, those who are hit the hardest by increases in excise taxes, they do not receive the benefits of the offset.

Not only does the plan increase taxes, it also increases spending by expanding the earned income tax credit. Under the Rostenkowski tax plan, Americans would face 5 years of the highest tax burdens in the post-World War II years, the highest tax burden as a percentage of GNP in postwar history, which were 20.1 percent in 1981, and again in 1969 with the next highest level at 19.7 percent in 1982.

With Rostenkowski's taxes added to the CBO baseline, the Federal tax burden would hit 20.1 percent in 1991, and all the way to 19.8 percent in 1995. The first 2 years would tie the record for the highest postwar taxes, and each succeeding year would place as the second, third, and fourth highest tax burdens in postwar America.

□ 1610

He calls in the excise taxes for an increase of 15 cents a gallon on gasoline to go toward deficit reduction.

The American people have supported the gas tax and have supported increases in the gas tax, not only on the national level but on the State level, because they knew where that money was going. They knew that the gas tax was more of a user fee and going toward building more roads and bridges and providing for the finest transportation system this world and mankind has ever seen, providing the circulatory system for our economy.

But to propose that the 15-cent increase in gas tax go toward deficit reduction is opening the door for additional increases in gas taxes for deficit reduction.

A study prepared by Wharton Econometrics Forecasting Associates found that adding 10 cents to the cost of a gallon of gasoline would produce the following negative economic impacts. The gross national product would be reduced by nearly $10 billion in the first year alone. Automobile production would fall 1.3 percent. Housing construction would drop 0.9 percent. In the first year alone, 80,000 people would be put out of work. Petroleum refinery output would decline by nearly 1.2 percent. Income tax revenues would decline by nearly $1 billion annually. Personal savings would decline by nearly 3 percent. The Consumer Price Index would rise by 0.3 percent.

The Rostenkowski plan calls for not a 10-cent increase in the gas tax, but a 15-cent increase in the gas tax.

In conclusion, Mr. Speaker, the Rostenkowski plan is nothing but a tax increase plan to allow this Congress to continue more spending. The plan does challenge us to come up with a better plan.

Mr. Speaker, we have come up with a better plan. Time and time again we have come up with better plans. If we had passed the Reagan budgets as presented by the President over the 8 years he was President, we would have a balanced budget today.

If you compare the amount of spending that has occurred over the last 8 or 9 years, from 1982 to 1990, compare the request of the President versus the amount of money Congress actually spent, Congress has overspent $285 billion over what the President requested.

I submit to you today that if we had saved that $285 billion we would have balanced the budget sooner then even today. But we would be operating under a balanced budget today.

Most of the Reagan budget called for reprioritizing of spending. The Bush budget that was submitted this year is a thoughtful document that reprioritizes spending, looks at our efforts to invest in our future, those efforts that call for reforming mandatory programs and acknowledging some of our inherited claims, like the nuclear waste cleanup and the S&L bailout and managing for integrity and efficiency without raising taxes.

Once again, a Republican President has presented a budget. We do not have to come up with a plan in answer to the Rostenkowski plan. We have presented a plan through the President of the United States, a plan that reprioritizes spending, that keeps within the Gramm-Rudman targets to by 1993 have a balanced budget, and does not raise taxes.

That is the kind of Republican plan, the kind of responsibility that the Republican show in presenting plans, that will get us to a balanced budget.

Mr. McEWEN. Mr. Speaker, will the gentleman yield?

Mr. DeLAY. I will be glad to yield to my friend from Ohio.

Mr. McEWEN. I thank the gentleman for the excellent case he is making and wish to just augment one particular provision in which he mentions about President Reagan's budgets.

One of the more disingenuous acts of political cowardice is the constant refrain that Mr. Reagan did not give us a balanced budget and the devil made me do it. The reason Congress spent so much money is that we are just poor, leaderless, blind sheep. And that when Ronald Reagan did not give us a balanced budget with which to deal with, everyone would understand that the combined talent and capability of the Congress would not be sufficient to come up with one on their own.

That idea is so unfair, because the truth is that Mr. Reagan's budgets consistently were balanced. He recommended each year that there be courses taken that over 5 years we would reach a balanced budget. And that is a requirement of the Budget Act, that they give out spending for 5 years.

Then when he would make these various recommendations, understanding that it costs a great deal of funds in order to close down the department because they have ongoing obligations, they have long-term contracts, they have rental agreements and agreements with maintenance of computers and all the rest, that it takes a great deal to shut down a department.

So money would be in there for the shutting down of the department, but over the next 2 to 3 years there would be a savings as that particular agency, unnecessary board or commission would disappear.

Mr. Reagan proposed that each year, 1982, 1983, 1984, 1985, 1986, and yet when he would do that, Members of Congress would elbow their way in front of each other to get to the cameras and say that we felt that the budget submitted by the President was dead on arrival, and there would be absolutely no way that such recommendations would be enacted and we would stand our ground in the Congress to make sure there would not be any reduction in spending.

And then they would fly around in March and April, around the Capitol here, Capital City, to each special interest group, and say yes, sir, I know Ronald Reagan is out to balance the budget, but we are going to do everything within our power to make sure that we maintain the spending that is going on.

So they would do that. Since the budgets are passed here, what they would do is pass any budget at all. Until finally the end of the year would come in October and they would drag it on until September or through the fall into November and even December in many instances through the time of the decade of the 1980's, and finally come up with a continuing resolution just saying, oh, there is nothing we can do about it. Let us just go ahead and keep spending at the rate we are going. We will deal with it next year, because on February 5, the President will give his new budget.

What am I saying? I am saying the President would make a proposal that would take us to a balanced budget in 5 years. The Congress threw it away each time. And for those who go around now and say the reason the deficit was not handled correctly during the 1980's was because of Ronald Reagan, that is absolutely, totally incorrect and unfair. The reason the deficit was allowed to continue was because the Congress refused to support the decisions and recommendations made by the President.

Let me say one thing. If we were to follow that course over a matter of years, then we would come to a balanced budget. But each year we would not do that.

So the next year the President had to propose a deficit. Because in that deficit he would propose his various recommended changes that would take it. And each year with the deficit there, but pointing toward a balanced budget, each year we moved it along, moved it along, moved it along, so President Reagan never could propose an ultimately balanced budget in the first year. He proposed a balanced budget over 5 years.

Those Members of Congress know that. And when they stand before a group and they say well, in all actuality we did not spend any more money than the President recommended, as the gentleman pointed out, that too is false. But also when they say the President proposed these unbalanced budgets, they know that that is unfair.

So the things that were under the control of the President, such as foreign policy, we saw in the last 36 months of the 1970's five countries went Marxist, and yet during the 1980's no countries went Marxist. In fact, the seeds were planted that brought them back to freedom and democracy and opportunity.

Mr. Reagan went to the wall and said tear down this wall, Mr. Gorbachev. When Mr. Gorbachev did not do it, they did it for him.

When Mr. Reagan went around the world and said that we stand firmly four square in favor of democracy. He did not go to Notre Dame as Mr. Carter said and say we really have no fear of communism. He went right to the heart of communism, right to the heart of the University of Moscow, and said this idea that you have been pursuing is wrong, and all you need to do is put it to a vote and that will be discovered. Because what we believe is in free markets and in free elections, and if your ideas are so good, they should be tested at the ballot box.

Because he did those things in foreign policy and in national defense. As you remember, national defense, we had the vote here on the floor in 1982, 1983, 1984, 1985, 1986, for a freeze amendment. They wanted to have a freeze. They wanted to freeze in superiority for the Soviets. They wanted to freeze in the cold war. And the President said we do not want a cold war, we want to end the cold war. We want to reduce arms.

But no, those on the left saw that it was about to collapse. So they said we want to have a nuclear freeze that freezes in that superiority. We want to freeze in all of those weapons. We want to freeze in all of those nuclear warheads.

Ronald Reagan said absolutely not. What we want to do is we want to reduce them. We want to have an INF agreement that wipes away an entire class of weapons. We want to have a START agreement that wipes away half of all the nuclear weapons on the planet. We want to reduce terror. And yet when they voted for a freeze, which was wrong, we were able to defeat them, and now we see the fruits of our labor working into the 1990's.

□ 1620

The only thing left under complete control of the Congress is the budget. That is where the spending comes in. The President really cannot control that. He cannot even appropriate enough money to start his car or to mow the lawn at the White House. The Congress does that.

So if there is excess spending, there is only one group to which we can point the finger, and that is the Congress of the United States.

The gentleman is absolutely right, for those who say somehow or other the devil made me do it, or Ronald made me do it, that is why we are in this condition, and that is not true. The problem is not because we are undertaxed, it is because we are excessively spending.

During 1980 revenues increased 8 percent and expenditures increased 11 percent. It does not take a rocket scientist to figure out the problem. Any shopowner, any farmer could figure it out.

So what we are doing in the 1990's is asking the very simple question: Do we continue to grow and prosper and control spending and come to a balanced budget, and the gentleman and I say we can, or the other alternative is to go back to the idea that says if we tax a little more and if we create more agencies, boards, and commissions, eventually we will reach Nirvana, and that is not the idea, that is not the free market. People and the economy solve the problems for themselves.

I thank the gentleman.

Mr. DeLAY. I thank the gentleman for his eloquent comments. The gentleman from Ohio has been a champion of trying to set the right priorities for spending and to stop raising taxes to fund the spending habits of the Congress.

Mr. Speaker, I yield to my friend, the gentleman from Texas [Mr. ARMEY], the economics professor from northern Texas who has always been a leader in trying to reprioritize spending and not raise taxes.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

It is true, we have a lot of proposals before us today. The fact is America is concerned about the deficit, and America is somewhat frustrated that it has taken so long, and we have had so little luck in controlling this deficit.

As the gentleman from Ohio said, even though during the 1980's, since 1982, the longest peacetime expansion in any economy and any time in the history of the world, the revenues have gone up because of the growth in the economy, but at the same time Government spending has gone up at a higher rate, the deficit continued to grow and continued to grow.

There are two things that I think have been remarkable here, and I would like to go back to my undergraduate days when I first began studying economics way back in 1962. We had an economics profession that was agog over a new President. This wonderful man, John F. Kennedy, the profession argued, is teaching us in the profession of economics about economics. What Kennedy was praised for in 1962 was an insight, an insight that if we actually cut tax rates, that doing so would spur the economy to the extent that we could actually come back with more revenue for the Government, with lower rates.

We had the Kennedy tax cut in 1962, and I remember the dramatic first evidence of the truth of that proposition that thrilled the economic profession these years when I first began my study. That was in the third quarter of 1962 where with lower tax rates we took in more money to the U.S. Treasury than we had done in the third quarter of 1961, the first proof of this proposition that cutting taxes, leaving more money and more incentive in the hands of the working men and women of this country would spur the economy forward so that the growth that followed from all of these Americans having more reasons to work for themselves and their families, because their tax rate was lower, this growth allowed the government to reap more tax revenue.

I recall that time because I was a young student and I was full of energy. Everybody that I saw in the classroom said John F. Kennedy is a genius for having demonstrated this to us, the professional economists.

Now I leap forward to 1982. In 1982 Ronald Reagan said if we cut taxes we can generate more revenue to the economy, to the Government by way of the growth that will follow that tax reduction because more Americans will be working more full time, for a greater take-home pay. The same academic professional experts that I heard in 1962 that said Kennedy was a genius for this proposition said Ronald Reagan is all wet. But Ronald Reagan went forward. We did have the tax reductions and we did get the results.

Unhappily, between 1982 tax reductions and 1986 tax reductions, we did something to offset that which was to raise the FICA taxes, and that is another story, so we had a setback in the process. The result was that Government spending continued to grow at a faster rate than the tax revenues that came even from the spurt of growth in the economy, and the deficit prevailed, and it grew larger every year.

In Washington language, an increase is an increase in the rate of increase so that if it was 2 percent last year and it is 2.5 percent next year, that is an increase. A decrease is if it was 2 percent last year and a 1.9-percent increase this year, that is a decrease. But in Washington language that deficit was increasing, increasing at an increasing rate.

Then we had something that I consider miraculous. If we look at what we did, those of us who represent our constituents back home in this body, as the gentleman from Ohio said, basically had the privilege of doing three things with the money of our constituents. We can tax it, we can spend it, and we can borrow it. Throughout all of my lifetime we did those three things with absolutely no constraint, except what we could get away with politically, and we got away with murder. I should not say we because I was not in the body at the time. But the Congress got away with murder, and we taxed, and we spent, and we borrowed without any restraint whatsoever.

Just a few years ago Senator PHIL GRAMM hit on this idea, and the idea was if we can take these three legs of the fiscal triad, taxing, spending, and borrowing, and if we can define a hard limit on any of those three legs of the fiscal triad, that would mean that tradeoff decisions would have to be made. We passed Gramm-Rudman. That would not have been the limit I would have defined. I would have defined a limit on spending, but we could not do that. That was asking for us to have too much self constraint. I would define a limit on taxing, but that is difficult as well.

But he said let us define a limit on borrowing. Since borrowing had been conceived as free money, it was thought that this might be perceived as no tough constraint. We did pass something called Gramm-Rudman when we put that limit in place, and we said the limit on borrowing will be brought down year in and year out for the next 5 years until we eliminate this borrowing. We forced Congress into making hard choices and those hard choices today are between taxing and spending. That is basically the direction in which we want to go.

There are a lot of folks saying let us do one or the other, but let us do something about this deficit.

Why do I oppose taxing? For two reasons. As we increase taxes we get the opposite effect of what John F. Kennedy taught us in 1962 and Ronald Reagan taught us in 1982. If we increase taxes, people are less willing to work, and the GNP grows at a reduced rate, and we have reductions in the GNP, and the Government actually will lose money.

On the other hand, what about spending? Let me talk for a very quick moment about spending.

We have essentially three committees in this Congress that institutionally are thought to be responsible for the deficit: the Ways and Means Committee that raises the money, the Budget Committee that presumably is going to build us the grand plan, and the Appropriations Committee that spends the money. The gentleman from Texas is a member of the Appropriations Committee.

The other committees that I would like to talk about for a moment are those committees called the authorizing committees, and the authorizing committees define what are the programs on which the money will be spent. We saw something very dramatic with respect to the behavior of the authorizing committees in the 1960's and the 1970's, and that was redefining programs in a manner that today is described by the concept of entitlement. Essentially we said that we will automatically spend money in this program or that program based on the number of people that fulfill the qualifying description. So that if you have certain socioeconomic circumstances in your life, you automatically qualify for the largesse of the Federal Government.

When these programs were put in place, the projections of the future costs of the programs were made on the basis of current experience, without any understanding of what is known in the insurance industry as moral hazard. What is moral hazard? Moral hazard is the tendency that we all have. When somebody defines for us the circumstances that we must display, the conditions and characteristics that we must display in order to qualify for something, we have a tendency to adapt those circumstrances so that, in fact, if we can define the conditions under which I as an individual can qualify for free money, I will go out and emulate onto myself those conditions. So the numbers of people qualifying exploded, and more and more people qualified for more and more money, and it became impossible, unless the authorizing committees would redefine the legislation that defines the program for anybody to control the amount of spending.

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And today over 51 percent of our budget is in entitlements. The Budget Committee, for all its efforts and with the kind of leadership it has today, particularly with the chairman, the gentleman for California [Mr. Panetta], and ranking member on our side of the aisle, the gentleman from Minnesota [Mr. Frenzel] it is very, very professional, but for all its efforts cannot redefine these spending programs as they are put together by the authorizing committees.

The Committee on Appropriations, for all its efforts, cannot touch many of these programs. And the Committee on Ways and Means is left holding the bag, saying, "All right, find the money to pay for all this," which for them is a constant pressure of "raise taxes, raise taxes."

I would argue institutionally if we are going to resolve this budget deficit we must understand that the authorizing committees, committees like the Committee on Agriculture, must get busy, look at these programs, see the manner in which they are defined as entitlements and redefine them in such manner as to build in true compassion, a compassionate program to help the needy people in this country, a program that will result in them no longer being needy, not a program that will guarantee that their children will also be there, needy and on that program in another generation.

I would argue that compassion without understanding is the most cruel thing in the world, and that is what we have seen in these programs.

So what I would like to see is our Congress to have the courage to take these major entitlement programs and to say, "What, then, is the manner in which we can define them in such a way as to make it possible for every American citizen to have a maximum equality of opportunity, to have the greatest opportunity in their lives to go through a period of hardship benefiting from these programs that separate the needy from the greedy people and give them the opportunity by which they can build for themselves the free and independent, self-sufficient life where they do not have to come to the Government?"

Until we can build that kind of compassion into the way we define these programs in the authorizing committees, we cannot resolve the budget.

Now the thing that I think we have to be very careful about here, if I could just say in closing, no matter how we put a program together, and we must do so, we must not give up the discipline that is brought to this process by Gramm-Rudman.

Any proposal that begins with the repeal of Gramm-Rudman is a proposal that says, "We would like to go back to the good old days where the only thing we were constrained by is what we can get away with politically."

We ought to have a hard number built into the law that forces us into making these hard, responsible decisions and, in doing so, we need to come around to a truly compassionate Federal Government that looks forward to the day when no American citizen need ever be concerned with the possibility they may for long have to be dependent upon a Government program for the very survival of their children.

Those children deserve better, they deserve parents that are free, independent, able, earning a living, and taking care of their children on their own terms; not a program that is defined by Washington bureaucrats that tells mom and dad, "You must care for these children in the way we define it because we are providing the money."

When we do that, then we have given those children an opportunity that is guaranteed by the American dream, an opportunity for equality of opportunity, not equality of dependence.

That is the kind of discipline we need, and that is the kind of discipline I think we are capable of getting.

Mr. DeLAY. The gentleman from Texas [Mr. Armey] is so eloquent in his presentation, so knowledgeable about the right kind of economics that this Nation so rightly deserves. I might say the Rostenkowski plan flies in the face and is contrary to everything that the gentleman said because it follows the same old line of more taxes, more spending, more programs, more programs that create the culture the gentleman described of keeping people needy and down-and-out.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. McEwen].

Mr. McEWEN. If I may just add a little bit more about why we are so skittish about tax increases, I would like to just tell you an experience that I had in 1982 in which it looked as though the deficit was going to go to about $130 billion, $140 billion deficit. The President engaged in a great series of negotiations that eventually began to be referred to as the "Gang of 17," in which the leadership and the members of the Budget Committees of both Houses and others would meet on an ongoing basis.

They eventually had an agreement signed by the majority leader of the Senate, the Speaker of the House, the President of the United States, in which they would do two things.

No. 1, they would cut, as the gentleman from Texas pointed out, they would cut $60 billion out of the increase. And an agreement for cutting $66 billion out of the increased spending, the President of the United States would sign a $34 billion tax increase. So therefore you would get, as was explained in the Rose Garden with the leadership of both Houses present, that for every $1 in taxes there would be $2 cut in increased spending, not in actual cuts but in increased spending, reducing the deficit by $100 billion.

It was the responsibility of the President to then go around and round up the votes for the tax increase.

Well, the motion was made, and of course there are many people who are more than willing to vote for taxes anytime, any day of the week. But some of us were reluctant.

So the President worked very hard on many of us. I remember particularly he called and invited me to Camp David and to the White House and various meetings. I did not feel comfortable in going. I was not excited about going in to the President, who was then in his first term and with whom I agreed a great deal, to go and look him square in the eye and say, "I think you are wrong in this case." I thought it was fine, just let it pass.

It got down to the point where one or two votes were going to make the decision.

I remember he called on Friday. I simply could not make it down to the White House on that day because it happened to be that my son was born. I thought that took care of it because the vote was to be next week, the following week.

When we came in the next Monday, he called again and said, "Bob, I really want to talk to you about this."

So I went down to the Oval Office and sat there with the Vice President and the President and myself, the three of us, and the President began to pour out the reasons why I was key to the decision America was going to make during the 1980's.

I felt I was somewhat uncomfortable, but nevertheless, after making his presentation, just as I presented it to you, that he had given his word, I said, "Mr. President, I don't understand why you have to go first." I said, "We just cut taxes last year in 1981. And now we are back to increase taxes. You signed on for a $34 billion increase. I don't think they are going to come through on their side of the bargain. Mr. President, why do you have to go first on your $34 billion tax increase? Why don't we see a little performance on the Congress' side about controlling spending, because I think they are going to take your money and run. I think they are going to take your money and continue spending, they are going to continue to add to the deficit, and they are going to point the finger at you."

And I can still remember, he said, "Well, Bob, you know, I have got my veto pen here. You know, these are all honorable people we are dealing with, all honorable people." I said, "Mr. President, I don't think you are going to get your $66 billion spending cut. I think you are going to sign on for a tax increase and Congress is going to take it and spend it."

What is the bottom line? The bottom line is it passed by 2 votes. I did not vote for it.

That was the summer of 1982. We had already planted the seeds of an economy that in the latter part of the seventies and eighties was collapsing, they were losing the jobs at a rate of 50,000 a week. We had the highest inflation and interest rates since the Civil War. Every political pundit and every economic pundit said America had collapsed. We were 16th in new inventions. They said the future was that we had better learn to live with less.

You remember you had to ride your bike, you had to wear your sweater, you had to turn down your lights, turn your thermostat down, "America is coming to an end next Tuesday a week, and there isn't anything anybody can do about it." You remember all that chant that we had entered a malaise in an era of limits in which we had to think small. That is what all the Jerry Brown's and Carter's and all the rest. I remember the Council of Economic Advisors in 1980, this is the fellow who is driving for us, this is the fellow who is our leader, he said, "The question is not whether or not America will have a declining standard of living in the 1980's, the question is whether or not Americans will learn to adapt to their declining standard of living in the 1980's." That is what they saw for us.

Yet in 1981 we cut taxes and did all the things that were just mentioned and we began to stir the investment and productivity and growth of America. And in the last quarter of 1982 America began to turn around, began to create jobs at the rate of 300,000 a month. I would just point out, it has nothing to do with this, but we are now in the 85th consecutive month, where we have created 330,000 jobs a month every month for 85 consecutive months, nearly 7 out of 10 jobs created on this planet since 1982 have been created in one country, the United States of America.

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Take all the jobs created in Japan and all the jobs created in Europe and Africa, put them in a pile. Do Members believe we do not have as many jobs created in America since 1982, but the fall when the economy turned around we created taxes, and it did not bring in $42 billion as expected. The economy was growing more rapidly than anticipated, and it brought it $48 billion in new tax revenue.

What happened to the deficit? Of course, Congress did not follow through with the $66 billion cut. It took the additional money that was added to it, spent it all, and had a larger deficit than was anticipated. Who was blamed for it? It was Ronald Reagan's deficit. I can remember, and I can name them, and still see them every day coming to the well—the Reagan deficit, the Reagan deficit, the Reagan deficit. Ronald Reagan stood up there at the State of the Union address in 1984 and said, "I told you once. You won't fool me twice. I signed on for a tax increase. Congress took it and put it in their pocket and spent it all and left me holding the bag. I won't do it again."

That is why we are reluctant to sign on for new spending, I asked my constituents how many think we can continue to increase taxes so much, and we overwhelm the Congress with so much money and they will spend it, and slowly we will be back to a balanced budget. No, no, no. Congress can find a way to spend it. Feeding the crocodile is not successful. That is why we do not want to increase more taxes. We want, with the increased revenue coming in of 8 percent more a year, an additional $80 billion in new tax revenue coming this year alone. It ought to be more than enough to do what the city councils and State governments and State township trustees and county commissioners and all people in America do, and that is divide what is coming in, decide how much goes out, and balance the budget. It can be done. I thank the gentleman from Texas for his statement.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Ohio [Mr. McEWEN] for his input. He says it so well and so beautifully, that I know the American people believe it; unfortunately, many Members of this Congress, especially those in the majority in both Houses do not believe it. The press, the national press, does not believe it.

I will just quote from an article in a nationwide magazine, written on March 26, 1990 by Margaret Carlson: "Every official in the Capital knows that little can be done to bring down the Nation's appalling deficit or tackle the problems of drugs, education, and the environment without raising taxes." As demonstrated here this afternoon, No. 1, President Bush does not believe that, three Members of this House do not believe it, and there are many more Members of this House who do not believe we have to raise taxes in order to prioritize spending.

Mr. Speaker, the Rostenkowski plan smells of politics of old. It is raising taxes, so that they can spend more money.

VACATION OF SPECIAL ORDER AND GRANTING OF NEW SPECIAL ORDER

Mr. McEWEN. Mr. Speaker, I ask unanimous consent to withdraw my request for a 60-minute special order today and replace it with one for 5 minutes.

The SPEAKER pro tempore. (Mr. THOMAS of Georgia). Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONCERN FOR CHILD CARE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEWEN] is recognized for 5 minutes.

Mr. McEWEN. Mr. Speaker, I would like to just direct our attention to the discussion that has been going on in this House today about the child care provisions which are currently being debated as we speak.

As Members know, last Thursday afternoon, the gentleman from Texas [Mr. STENHOLM] and the gentleman from Missouri [Mr. CLAY] presented a substitute bill for the child care provisions of the Reform Act that would be considered by the Congress. We thought we would have plenty of time to debate that and all would be able to be informed as to what was in the legislation.

We learned over the radio, over the weekend, that the Speaker had decided to bring up the alternative plan, the ABC plan that has not been written yet. We are not sure what all is in it, but expected it to be on the floor tomorrow. We then heard the Committee on Rules would meet this morning at 10 or 11 o'clock but canceled until 2 or 2:30 this afternoon, and then did not meet. We are just aware that there is an effort to bring a child care bill to the floor sometime either this week or next week.

Therefore, I would like to share with my colleagues a letter that was received today from the National Center for Montessori Education, promoting the standards of excellence in the Montessori community. It is addressed to the sponsor of the bill. The letter is as follows:

NATIONAL CENTER FOR
MONTESSORI EDUCATION,
March 18, 1990.

Congressman CHARLES W. STENHOLM,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN STENHOLM: As Executive director of the National Center for Montessori Education, a nationwide network of Montessori teaching institutions, I am vitally concerned with the well-being of American children. Montessori child development programs provide services to young children of all income levels in every state of this nation. I wish to express the following strong opinions with regard to child care legislation presently under consideration in congress.

As a Montessori educator, I heartily endorse your proposed legislation: "The Family Choice Child Care Improvement Bill." This legislation will expand the supply of quality child care and child development services in the United States. It will provide needed assistance to enable parents to obtain child care and, most importantly, it will guarantee parents a real choice in determining who cares for their children.

The Stenholm bill will lead to an improvement in the lives of millions of American children. In contrast, it is my opinion—as a professional with years of experience in child development—that the legislation proposed by Congressmen Thomas Downey and Augustus Hawkins will cause severe harm to the development of millions of children in future years.

The foundation of any system of quality child care and child development must be a guarantee that parents have the right to choose who cares for their children. Your bill does guarantee that any parent given government assistance for child care has a right to select the childcare provider, including the right to choose relatives, neighbors, private sector daycare centers, and religious daycare centers. The legislation proposed by Congressmen Downey and Hawkins effectively prohibits choice for parents receiving government support, and will ultimately restrict the child care choices of all parents by driving most private sector and religious daycare programs, as well as most Montessori programs out of existence.

One of the most objectionable features of the Hawkins and Downey legislation is the creation of a new federal program to provide care for three- and four-year-old children in the public schools. The public schools are not an appropriate setting for young children. In fact, public school child development programs of the sort that would be established under the Downey and Hawkins bill would be actively harmful for children's development. Many parents are alarmed at the inability of public schools to adequately educate older children; few parents would elect to have younger children raised in public schools, if they had a choice. Unfortunately, the Hawkins and Downey legislation does not permit parental choice.

The Stenholm bill, while providing the same level of real assistance to parents as the Hawkins and Downey proposal, does guarantee that parents have a meaningful choice in determining who cares for their children. The Title 20 Social Service Block Grant provisions of the Stenholm bill guarantee that parents receiving assistance must have the option of receiving aid directly in the form of child care certificates. Your bill ensures that parents must be free to use the certificate with a wide variety of child care providers.

I hope that Congress is not misled by false claims that the Hawkins and Downey legislation permits parental choice. The public school provisions of the bill prohibit parental choice entirely. Under the Title 20 program, states may prohibit parents from receiving child care certificates. Historical experience with the Title 20 program clearly demonstrates that, under the Downey and Hawkins legislation, few state bureaucracies will offer certificates to parents, and that for those that do offer certificates the range of choice permitted will be extremely narrow.

Instead of offering assistance directly to parents, Congressmen Downey and Hawkins propose to create a new bureaucracy to allocate funds as grants to daycare centers and public schools. Such a program will inevitably generate a drab uniformity and a low quality of child care which will be harmful to American children. Child care programs such as Montessori would have little place in such a government system. Most would be driven out of business by government-subsidized competition within a few years.

Another important feature of the Stenholm bill are tax credits offered to parents who care for their own children in the home, including an extra credit for children under age one. A final aspect of the Stenholm childcare legislation which is very important to Montessori child development centers is the fact that parents receiving childcare certificates from the government are permitted to use those certificates in childcare programs which include religious activities such as prayer and bible stories. Many Montessori centers have religious activities as part of their programs. Parents, not bureaucrats, should determine how American children are raised. The government should assist parents to obtain child care; it should not dictate what type of care children receive. The Stenholm "Family Choice and Child Care Improvement Bill" assists parents and guarantees choice. Its enactment would be a blessing for American children. It deserves the support of all members of the Congress of the United States.

Sincerely,

CONNIE L. HAYDEN.

EUROPE WITHOUT FRONTIERS

The SPEAKER pro tempore (Mr. THOMAS of Georgia). Under a previous order of the House, the the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, in 1966, President Lyndon Johnson spoke before the National Conference of Editorial Writers warning of the perils of a divided Europe.

He said, "History warns us that until [the division of Europe] has been resolved, peace will never be secure * * * We must make Europe whole again."

Today, President Johnson's wish for a unified Europe is becoming reality. East and West Germany have begun the process of reunification, Eastern Europe is freeing itself from the bonds of communism, while the European Community is well on its way to becoming one economic community.

These new developments are revolutionary and exciting, but I still find myself looking for the catch. The rapid changes have been too easy—regions of the world that have never known democracy are deciding that Adam Smith's invisible hand, rather than Karl Marx's dialectical materialism, should guide their nations.

Not only are Eastern Europe and the Soviet Union changing tack, but the West European nations, our allies since World War II, are also changing. The economic integration of Europe has taken second seat to events in Eastern Europe—it is not as glamorous as people pick-axing their way through the Berlin Wall, but it is just as important.

Think about what is happening. Over the next 2 years, 12 independent countries shall sit as a jury to determine the U.S. economic involvement in the European Community or the EC.

The judgments this jury renders will have a direct impact on the United States. The EC soon will become the largest economic engine in the world—and it is a market worth $490 billion per year.

Twelve diverse nationalities are pursuing a common economic goal. Englishmen, Frenchmen, and Germans will be dipping into the well of a common European heritage—a well deep enough to persuade each member nation to cede sovereignty for the greater good of Europe.

Decades of economic stagnation have left Europe aching to be on top again—back to the days when Spanish, Portuguese, and Dutch ships sailed the oceans and English merchants dominated commerce in the new world.

The Europeans have learned a lesson. They have learned that the world does not wait for anyone to catch up. They have learned that things change—and as things change, so, too, do the rules of the game.

Apparently, both Europe and Japan have learned from the past, but what have we learned? We seem to be ignoring history and we will probably come to regret our lack of foresight; the world is changing and we remain the same.

The rules change before our eyes, but we cannot see. We go to the Uruguay round of GATT to talk about agriculture and patent issues, and are told that we should "consider limits on our national trade laws." They are telling the most open market in the world to play fair—they are asking us not to penalize countries that steal our technolgy—they want us to turn the other cheek.

It has been easy to overlook Europe's consolidation into the largest import and export market in the world—concerned with Japan and Eastern Europe—we haven't had the time. However, we need to make the time. The EC wants us to alter our "Super 301" trade protection laws; they don't think Super 301 is necessary.

Peter Brimelow of Forbes magazine says: "Americans have begun to worry about the possibility that a European superstate one day could emerge as a protectionist, corporatist, anti-American Frankenstein."

We have all heard of Fortress Europe. Once a vogue description of European integrations, Fortress Europe has been tossed aside in favor of more optimistic theories. Some believe that the European single market will be a boon to America—new, larger markets to conquer, with fewer barriers to trade.

However, others believe that the single market is a ruse for protectionism; where European free trade does not include outsiders.

Currently, Europe, like Japan, conducts its business different from America. Cartels, exorbitant value added taxes, and government-owned conglomerates, all give European goods a comparative advantage over American-made goods.

In France, for example, barriers to foreign trade and investment are pervasive. Investment in agricultural lands are prohibited and other foreign investments must first be approved by the Government.

Other maneuvers include what one journalist termed a French state strategy. A Journal of Commerce article, headlined, "French Takeovers Abroad Termed State Strategy," reports that the French Government approved a multibillion-dollar infusion of capital into "Nationalized industries so that they may shop for acquisitions abroad to better compete in the new world markets."

Since the announcement last October, Government-owned companies have made several strategic purchases. Groupe Bull of France purchased Zenith's computer unit, while France's Renault car company has teamed up with Sweden's Volvo AB.

Even more revealing is the purchase by Government-owned Air France of the largest private sector French airline. The airline, also known as the French Government, has been accused of forming another state-owned monopoly.

While Government-subsidized monopolies are thriving in France, EC Commission President Jacques Delors wants to enact stringent merger and acquisition controls throughout the Community.

Mr. Delors says the EC should have the right to screen company mergers to guard against monopolies and to promote competition. The motive, he says, is to prohibit one giant concern from cornering the market in any one economic sector. However, Mr. Delors does not tell you that he favored the French airline merger—he neglected to mention that he supports monopoly, but only on a selective basis.

Notwithstanding these warning signs, our Government continues to conduct business as usual—we even award Government contracts to state-owned monopolies like Thomson CSF of France. In America, the sky is the limit, but in Europe, you cannot take-off unless you obtain permission from the government.

Such blatant protectionism is in the best interest of France—and Japan operates in a similar fashion. They are protecting themselves from a fiercely competitive world. When limited to France, the penchant for ultranationalism and protectionism is a barrier to trade, but it is not an insurmountable barrier. However, if the practices of France become the standard for the entire European Community in 1992, things begin to look quite different.

First, the push to consolidate or, the larger is better syndrome, will make small manufacturers particularly vulnerable. Heightened international competition also will affect larger corporations. In the defense arena, American firms already are feeling the negative effects of European unification. The removal of trade and tariff restrictions has paved the way for the creation of a few, immense defense giants.

One recent example is the joint venture between British Aerospace and Thompson of France. As European companies pool their resources and compete for EC-wide defense contracts, there will be an overwhelming drive to "Buy European."

For American defense contractors, this only can spell disaster. Dwindling defense budgets are already forcing defense contractors to look elsewhere for new revenues. The possibility of Buy European measures, taken together with low export levels in the defense sector, makes our defense industrial base vulnerable.

As Debra Polsky of Defense News confirms, "Few U.S. companies have taken advantage of the European markets * * * Europeans will be pressed to give military contracts to companies who will perform the work domestically."

The push to manufacture in Europe has caused a stir in both Japan and the United States. Although EC officials claim that they are not pulling up the drawbridge, others claim that to Europe in 1992, they will be forced to set up shop in Europe—and, as I will explain—this perception has been the root of countless difficulties.

Mr. Speaker, why would the European Community want to push non-EC companies to set up shop in Europe? The policy does not make sense considering Europe's historical distaste and distrust of foreign investment.

For example, a recent EC decision classified Japanese cars assembled within the EC as imports—and these imports would be taxed accordingly.

Although furor over Japanese automobile transplants is no stranger in this country, the European contradiction remains: certain directives are roping foreign companies into Europe while other directives are discriminating against products manufactured in these plants.

Who's on first? No one seems to know and I don't think anyone is trying to find out. Forthcoming EC directives on local content requirements and rules of origin may also push companies into Europe—companies who would prefer to employ Americans and export from this country.

Companies that wish to remain in the United States and export to Europe are categorized as "behind the times" and are labeled "antiquities" in the new era of "globalization."

However, companies which worry that they are not keeping up with the globalizers of this world should take comfort in the knowledge that offshore manufacturing has its risks—especially for high technology companies. It is important to note that the EC considers Texas Instruments as a Japanese company because Texas Instruments produces in Japan, not America, and IBM European because it produces in Europe.

The EC has announced that it will provide economic protection for strategic industries like soybeans, steel, shoes, textiles, semiconductors, and consumer electronics. And future strategic industries certainly will include high definition television [HDTV].

Because the race for HDTV superiority will intensify competition between Japan, the United States and the EC, the Community's content requirements and rules of origin may be an attempt to obtain foreign high technology.

Consider this example. If a company wants to sell semiconductor chips to Europe, the chips must comply with EC content requirements or they will be taxed at a higher rate than European-made chips. To avoid the tax, the company would be forced to establish a plant in Europe to satisfy the content requirements.

However, the European plant would employ Europeans and use European equipment and suppliers—this makes the company vulnerable to technology transfer. The conclusion is simple: High-technology companies locating in Europe are risking their technology and, quite possibly, their entire company.

It is a catch 22—remain in the United States and pay exorbitant taxes to the EC or establish a base in Europe and take the risk of having your technology pirated and transferred throughout the Community.

The Commerce Department, usually gung-ho where Europe is concerned, also has reservations about 1992. The weekly report, Inside U.S. Trade, quotes Linda Powers, the Deputy Assistant Secretary for Services at Commerce, as saying, "There are four areas that Commerce would be monitoring closely: product standards, local content requirements, public procurement, and reciprocity."

Of these sectors, the United States and Europe already have skirmished over standards for beef and over local content requirements for automobiles, television programming, and electronic products. And I don't think we have even hit the tip of the iceberg.

The question of standards is very alarming to American exporters. No one is quite sure what to expect—there

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are no ground rules. Many are afraid that Europe will establish its standards unilaterally, forcing non-EC nations to adopt European rules and regulations.

The situation posed by the Journal of Commerce best explains the worries of American exporters. The article says:

> The possibility exists that the EC will demand American exports be certified by an official European agency. If a product is made in Baltimore and the company wants to export to Paris, France, there may be several problems.
>
> First, the design data are several thousand miles away and the specifications are in a different language. Second, sending a prototype could cost thousands of dollars and take 18 months for the testing to be completed. Third, sending the product to Europe is risky. It could be an involuntary form of technology transfer and patent infringement.

The issue of standards possibly could affect a wide array of exports to Europe—agricultural products must meet health standards, automobiles must meet safety standards, factories must meet quality and procedural standards, and so on and so forth.

Stanford Erickson of the Journal of Commerce says,

> Although there is little concrete evidence that the EC will use technical standards as a barrier to imported goods, make no mistake that any standards that are adopted will benefit EC producers.

Others speculate that the EC may require imported goods to contain a certain percentage of European-made components which also would be costly to American industry. Again, companies would be forced to establish unnecessary plants in Europe or purchase components from foreign sources.

The drama being played out in Europe promises to provide an assortment of trade conflicts—when we tire of fighting the Japanese to open their markets to United States products, we can turn and fight European directives on public procurement and reciprocity.

The European public procurement market is worth almost $550 billion—and only 2 percent of this total has gone to nonnational firms. A New York Times article by Steven Greenhouse points out,

> In the past, contracts often went to domestic companies on a no-bid basis, so that it would be hard for an Italian company, not to mention an American company, to win a contract with West Germany's state-owned telephone company.

Although the EC talks about liberalizing public procurement, I don't think the European definition of liberalization concurs with the American definition of liberalization.

The EC defines liberalization this way: Covered entities will be permitted to discriminate against non-EC suppliers: They may exclude offers containing less than 50-percent EC content—and if members consider bids with less than 50-percent EC content, they must grant a 3-percent preference to equivalent offers containing 50-percent content.

Therefore, if an American company bids for an EC contract, 50 percent of its product or service must be European.

I wonder how it would go over in the EC if, under the umbrella of reciprocity, the United States adopted the 50-percent rule—if Europeans want to bid for contracts in the United States, 50 percent of their content must be American. Now that is reciprocity.

As the president of AT&T Europe, Robert Dalziel, points out, "You don't have to build a factory in Wyoming to sell telephone equipment in Wyoming." In other words, you don't have to locate in the United States to satisfy Buy America requirements.

Although Buy America provisions attempt to encourage Government purchases of American-made products, the provisions are, for the most part, just window dressing.

In one instance, the State of Pennsylvania awarded a telephone contract to Fujitsu of Japan even though Fujitsu was found guilty of bid-rigging—17 cents for a computer contract—in Japan.

Since we allow anyone and everyone to compete for our contracts and invest in our assets, the EC's reciprocity principles may not upset us too much.

And, like it or not, reciprocity might be the linchpin of European protectionism. Reciprocity directives may decide who does what within the community.

Reciprocity has several meanings and can be used as an across-the-board trade tool. Generally, however, reciprocity means equal access to markets. If European subsidiaries are treated like American companies in America, then American subsidiaries in Europe would be treated like European companies in Europe—this type of reciprocity is called national treatment.

In April 1988, an EC directive announced that banks from countries providing national treatment to EC banks would be guaranteed the right of establishment and the ability to offer universal services in Europe.

However, this directive was the Community's second choice. Their first choice was a more demanding type of reciprocity called equivalent access. For example, if British banks were to demand equivalent access in this country, they would be asking for privileges over and above those given to American banks.

We would be forced to change our rules to match England's, and if we didn't change our rules, we would be shut out of the British banking market.

A little over a year ago, the equivalent access directive spawned the term Fortress Europe—and although many have forgotten the first banking directive and its Fortress Europe frenzy, it may be foolish to write off fortress tendencies—we should not turn a blind eye on French and Italian protectionism.

Protectionism comes from fear—President Roosevelt once said that there is nothing to fear but fear itself; but we may not be able to convince our European allies of this. Fortress Europe fears Japan. They see how Japanese products and investment have distorted the American economy.

We cannot ignore Europe's growing fear of Japanese investment.

It long has been said that Western Europe was America's military first line-of-defense against the Soviet Union. Now, it seems that America will be Europe's economic first line-of-defense against the Japanese invasion of Europe—and American products may become the first casualties of this economic confrontation.

Our only recourse is to plead our case before the European jury. It is a jury legitimately concerned with its future and one that may view the economic facts based on past trade abuses by the Japanese.

We must do what we can to allay Europe's suspicion, but we must also be ready to respond—no matter what the European jury decides.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Fields (at the request of Mr. Michel), for today and the balance of the week, on account of a death in the family.

Mr. Tanner (at the request of Mr. Gephardt), for today and the balance of the week, on account of a death in the family.

Mr. Stump (at the request of Mr. Michel), for today and the balance of the week, on account of family medical emergency.

Mr. Sangmeister (at the request of Mr. Gephardt), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Stearns) to revise and extend their remarks and include extraneous matter:)

Mr. Kyl, for 60 minutes, on March 21.

Mr. Leach of Iowa, for 60 minutes.

(The following Members (at the request of Mr. Sawyer) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes.

Mr. SKAGGS, for 5 minutes.

Mr. ANNUNZIO, for 5 minutes.

Mr. POSHARD, for 5 minutes on March 21.

Mr. LIPINSKI, for 5 minutes, each day on April 3 and 24, and for 60 minutes each day on April 4, 18, and 25.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STEARN) and to include extraneous matter:)

Mr. GINGRICH.
Mr. GALLO.
Mr. MCEWEN.
Mr. BROOMFIELD.
Mr. PORTER.
Mr. SUNDQUIST in two instances.
Mr. CONTE.
Mr. SCHULZE.
Mr. KYL.
Mrs. BENTLEY.
Ms. SNOWE.
Ms. ROS-LEHTINEN.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. SOLARZ in three instances.
Mr. MILLER of California.
Mr. FASCELL in three instances.
Mr. BARNARD.
Mr. BILBRAY.
Mr. JENKINS.
Ms. PELOSI in two instances.
Mr. MAZZOLI.
Mr. LANTOS.
Mr. HOCHBRUECKNER.
Mr. OLIN.
Ms. SLAUGHTER of New York.
Mr. EDWARDS of California.
Mr. KANJORSKI.
Mr. SKELTON.
Mr. DARDEN in two instances.
Mr. LANTOS.
Mr. BROOKS.
Mr. WYDEN.
Mr. MOODY.
Mr. ENGEL.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 2231. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II, and

S.J. Res. 229. Joint resolution to designate April 1990 as "National Prevent-A-Litter Month."

ADJOURNMENT

Mrs. BENTLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 21, 1990, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2748. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2790. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards and specifications for agricultural products; to the Committee on Agriculture.

2791. A letter from the Inspector General, Department of Health and Human Services, transmitting a copy of a report entitled, "State Medicaid Fraud Control Units Annual Report for Fiscal Year 1988"; to the Committee on Energy and Commerce.

2792. A letter from the Secretary of State, transmitting a draft of proposed supplemental legislation to authorize appropriations for the Department of State to carry out its authorities and responsibilities in the conduct of foreign affairs during the fiscal years 1990 and 1991 and for other purposes, pursuant to 22 U.S.C. 2680; to the Committee on Foreign Affairs.

2793. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2794. A letter from the Acting Administrator, General Services Administration, transmitting the agency's fifth and final annual report on competition advocacy during fiscal year 1989, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

2795. A letter from the Chairman, Resolution Trust Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1989, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2796. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

2797. A letter from the Secretary of the Interior, transmitting the 19th annual report of the actual operation during water year 1989 for the reservoirs along the Colorado River; projected plan of operation for water year 1990, pursuant to 43 U.S.C. 1552(b); to the Committee on Interior and Insular Affairs.

2798. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting a report on the activities of the Community Relations Service for fiscal year 1989, pursuant to 42 U.S.C. 2000g-3; to the Committee on the Judiciary.

2799. A letter from the Attorney General, Department of Justice, transmitting a copy of the annual report on the Justice Assets Forfeiture Fund for fiscal year 1989, pursuant to 42 U.S.C. 524(c)(6); to the Committee on the Judiciary.

2800. A letter from the Director, Office of Management and Budget, transmitting his certification that the amounts appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty, Inc., are $2,033,420 less than the amount necessary to maintain the budgeted level of operation because of exchange rate losses in the first quarter of 1990, pursuant to 22 U.S.C. 2877; jointly, to the Committee on Appropriations and Foreign Affairs.

2801. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "The Airport and Airway Expansion Act of 1990"; jointly, to the Committee on Public Works and Transportation; Ways and Means; Science, Space, and Technology; and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 360. Resolution providing for the consideration of H.R. 644, a bill to amend the Wild and Scenic Rivers Act by designating segments of the East Fork of the Jemez and Pecos Rivers in New Mexico as components of the National Wild and Scenic Rivers System (Rept. 101-424). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs H.R. 3834. A bill to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the National Trails System; with an amendment (Rept. 101-425). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself, Mr. GEPHARDT, Mr. DINGELL, Mr. ANNUNZIO, Mr. RUSSO, Mr. MATSUI, Mr. BONIOR, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. FORD of Tennessee, Mr. JENKINS, Mr. GUARINI, Mr. PEASE, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN of North Dakota, Mr. COYNE, Mr. LEVIN of Michigan, Mr. ATKINS, Mr. COLEMAN of Texas, Mr. FRANK, Mr. JOHNSON of South Dakota, Ms. KAPTUR, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MAVROULES, Mr. NAGLE, Mr. NEAL of North Carolina, Mr. SCHEUER, Mr. SLAUGHTER of Virginia, Mrs. UNSOELD, and Mr. WISE):

H.R. 4308. A bill to amend the Internal Revenue Code of 1986 to prevent avoidance of tax by certain foreign-owned corporations and to impose a tax on disposition of stock in domestic corporations by 10 percent foreign shareholders; to the Committee on Ways and Means.

By Mr. BOSCO:

H.R. 4309. A bill to establish the Smith River National Recreation Area in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ASPIN (for himself, Mr. Hamilton, Mr. Fazio, Mr. Miller of California, Mr. Edwards of California, Mr. Matsui, Mr. Levine of California, Mr. Berman, Mr. Waxman, Mr. Roybal, Ms. Pelosi, and Mr. Sawyer):

H.R. 4310. A bill to provide for necessary closures and realignments of domestic and foreign military installations of the United States; jointly, to the Committees on Armed Services and Rules.

By Mrs. BOXER:

H.R. 4311. A bill to amend title 5, United States Code, to ensure that whistleblowers are protected from having to submit, without just cause, to psychological or psychiatric evaluations or counseling; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:

H.R. 4312. A bill to declare certain portions of Pelican Island, TX, nonnavigable; to the Committee on Energy and Commerce.

By Mr. BROOKS (by request):

H.R. 4313. A bill to authorize the Secretary of the Treasury to adopt distinctive counterfeit deterrents for exclusive use in the manufacture of U.S. securities and obligations; to clarify existing authority to combat counterfeiting, and for other purposes; to the Committee on the Judiciary.

H.R. 4314. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on the Judiciary.

By Mr. BROOKS (for himself (by request) and Mr. Fish):

H.R. 4315. A bill to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1991 and for other purposes; to the Committee on the Judiciary.

By Mr. CARR:

H.R. 4316. A bill to require employers to provide certain information concerning family leave policies and for other purposes; jointly, to the Committees on Education and Labor and Post Office and Civil Service.

By Mr. FASCELL:

H.R. 4317. A bill to compensate certain public hospitals and local educational agencies for expenses incurred in providing certain services to aliens; jointly, to the Committees on Energy and Commerce and Education and Labor.

By Mr. FRENZEL:

H.R. 4318. A bill to extend until January 1, 1995, the existing temporary suspension of duty on cyclosporine; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself, Mr. Roberts, Mr. Skelton, Mr. Dorgan of North Dakota, Mr. Penny, Mr. Valentine, Mrs. Vucanovich, Mr. Houghton, Mr. Stallings, and Mr. Baker):

H.R. 4319. A bill to amend the Solid Waste Disposal Act to establish a national program to provide loan guarantees to small businesses for the closure and replacement of underground storage tanks; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. HOAGLAND:

H.R. 4320. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated trade or business of such organization; to the Committee on Ways and Means.

By Mr. HOCHBRUECKNER (for himself, Mr. Towns, Mr. Harris, Ms. Kaptur, Mr. Rinaldo, Mr. Gejdenson, Mrs. Boxer, Mr. Studds, Mr. Downey, Mrs. Collins, Mr. Mrazek, and Mr. Torres):

H.R. 4321. A bill to establish an Office of Recycling Research and Information in the Department of Commerce, to require research on the recycling of scrap automotive tires, and for other purposes; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. IRELAND:

H.R. 4322. A bill to prohibit the Department of Defense from obligating any funds appropriated for fiscal year 1991 for advance procurement until the fiscal year 1992 5-year defense plan is submitted to Congress pursuant to law; to the Committee on Armed Services.

By Mr. NOWAK:

H.R. 4323. A bill to amend the Federal Water Pollution Control Act relating to water quality in the Great Lakes; to the Committee on Public Works and Transportation.

By Mr. OWENS of New York (for himself, Mrs. Collins, Mr. Crockett, Mr. Dymally, Mr. Evans, Mr. Fazio, Mr. Foglietta, Mr. Fuster, Mr. Gray, Mr. Jontz, Mr. Kostmayer, Mrs. Lowey of New York, Mr. Martinez, Mr. Miller of California, Ms. Pelosi, Mr. Rangel, Ms. Slaughter of New York, Mr. Towns, Mr. Traficant, Mr. Wilson, Mr. Fish, and Mr. Wheat):

H.R. 4324. A bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families; jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

By Mr. SCHULZE:

H.R. 4325. A bill to grant temporary duty-free treatment to 3-Aminopropanol; to the Committee on Ways and Means.

By Mr. WOLF (for himself and Mr. Parris):

H.R. 4326. A bill to amend title 23 of the United States Code to authorize Federal-aid highway funds for construction of new toll highways, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SCHUMER:

H.J. Res. 523. Joint resolution designating August 12 through 18, 1990, as "National Parents of Murdered Children Week"; to the Committee on Post Office and Civil Service.

By Mr. SKELTON (for himself, Mr. Flippo, Mr. Spence, Mr. Dyson, Mr. Espy, Mr. Coble, Mr. Montgomery, Mr. Baker, Mr. Tallon, Mr. Bustamante, Mr. Payne of New Jersey, Mr. Sisisky, Mr. Roberts, Mr. Owens of New York, Mr. Browder, Mr. Wheat, Mr. Dellums, and Mr. Mfume):

H.J. Res. 524. Joint resolution designating August 30, 1990, as "1890 Land-Grant Institutions Centennial Recognition Day"; to the Committee on Post Office and Civil Service.

By Ms. SNOWE (for herself, Mr. Downey, Mr. Rinaldo, Mr. Roybal, Mr. Hefner, Mr. Flippo, Mr. Engel, Mr. Conyers, Mr. Schuette, Mrs. Roukema, Mr. Miller of Washington, Mr. Emerson, Mr. Bliley, Mr. Conte, Mr. Spence, Mr. McNulty, Mr. Machtley, Mrs. Patterson, Mr. Smith of Florida, Ms. Pelosi, Ms. Kaptur, Mr. Darden, Mr. Kasich, Mr. Coughlin, Mr. McMillen of Maryland, Mr. Clinger, Mr. Hughes, Mrs. Unsoeld, Mr. Sabo, Mr. Richardson, Mr. McDermott, Mr. Valentine, Mr. Waxman, Mr. Young of Alaska, Mr. Boucher, Ms. Slaughter of New York, Mrs. Morella, Mr. Coleman of Missouri, Mr. Clarke, Mr. Dellums, Mr. Smith of Vermont, Mr. Jontz, Mr. Ackerman, Ms. Oakar, Mr. Frenzel, Mr. Matsui, Mr. Traxler, Mr. Bennett, Mr. Wolf, Mr. Roe, Mr. LaFalce, Mr. McGrath, Mr. Rowland of Connecticut, Mr. Madigan, Mr. Pursell, Mr. Horton, Mr. Lagomarsino, Mr. Nielson of Utah, Mrs. Boxer, Mr. Frank, Mr. de la Garza, Mr. Fish, and Mr. Blaz):

H.J. Res. 525. Joint resolution designating November 18–24, 1990, and November 17–23, 1991, as "National Family Caregivers Week"; to the Committee on Post Office and Civil Service.

By Mr. ENGEL (for himself and Mr. Burton of Indiana):

H. Con. Res. 290. Concurrent resolution in support of the unified status of Jerusalem; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

334. The SPEAKER presented a memorial of the Commonwealth of Kentucky, State Senate, relative to urging the Congress to prohibit the Health Care Financing Administration from promulgating a rule disallowing the use of hospital assessments as a basis for Medicaid matching funds; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. STENHOLM introduced a bill (H.R. 4327) for the relief of Eunice E. Choate; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 37: Mr. Pallone and Mr. Machtley.

H.R. 60: Mrs. Bentley, Mr. Smith of Florida, Mr. McCrery, Mr. Parker, Mr. Watkins, Mr. Whitten, Mr. Parris, Mr. Lowery of California, Mr. Bilbray, Mrs. Lloyd, Mr. Pursell, Mr. Baker, Mr. Kasich, Mr. Fawell, Mr. Hutto, Mr. Laughlin, and Mr. English.

H.R. 108: Mr. Johnson of South Dakota.

H.R. 201: Mr. Bruce.

H.R. 211: Mr. Flippo and Mr. Dickinson.

H.R. 212: Mr. Boehlert.

H.R. 214: Mr. Johnson of South Dakota.

H.R. 216: Mr. Boehlert.

H.R. 500: Mr. Moody.

H.R. 567: Mr. Bosco.

H.R. 860: Mr. Gallegly and Mr. Hunter.

H.R. 1008: Ms. Slaughter of New York.

H.R. 1079: Mr. Pashayan.

H.R. 1287: Mr. Inhofe, Mr. Pashayan, and Mr. Bilbray.

H.R. 1317: Mr. Studds.

H.R. 1691: Mr. Ravenel, Mr. Lancaster, Mrs. Kennelly, Mr. Bilbray, Mr. Walsh, Mr. Bosco, Mr. DeFazio, Mr. Poshard, Mr. Valentine, and Mr. Fish.

H.R. 2336: Mr. Vander Jagt, Mr. Crane, and Mr. Frenzel.

H.R. 2373: Mr. James, Mr. Foglietta, Mr. Nelson of Florida, Mr. Chapman, Mr. Towns, Mr. Kolter, and Mr. Whittaker.

H.R. 2584: Mr. Penny, Mr. Gordon, Mrs. Meyers of Kansas, Mr. Geren, Ms. Long, Mr. Mavroules, Mrs. Roukema, Mr. Poshard, Mr. Clement, Mr. Frank, Mr. Donnelly, Mr. Gaydos, Mr. Morrison of Connecticut, Mr. Sundquist, Mr. Lantos, Mr. Oberstar, Mr. Morrison of Washington, Mrs. Boggs, Mr. Glickman, Mr. Lewis of California, Mr. Dellums, Mr. McCloskey, Mr. Moakley, Mr. Jones of Georgia, Mr. Lagomarsino, and Mr. Waxman.

H.R. 2596: Mrs. Kennelly, Mr. Neal of North Carolina, Mr. Traxler, and Mr. Evans.

H.R. 2707: Ms. Schneider.

H.R. 2715: Mr. Rowland of Connecticut, Mr. Hayes of Louisiana, Mr. Beilenson, Mrs. Lowey of New York, and Mr. Kastenmeier.

H.R. 2816: Mr. Jacobs.

H.R. 2819: Mr. Swift.

H.R. 2826: Mr. Swift.

H.R. 2832: Mr. Swift.

H.R. 2972: Mr. Bateman.

H.R. 3344: Mr. Walker, Mr. Gingrich, Mr. Boehlert, and Mr. Hayes of Illinois.

H.R. 3475: Mr. Emerson.

H.R. 3533: Mr. Ravenel, Mr. Weldon, Mr. LaFalce, Mr. Lightfoot, Ms. Pelosi, and Mr. Craig.

H.R. 3552: Mrs. Boxer and Mr. Synar.

H.R. 3654: Mr. Condit.

H.R. 3686: Mr. Lewis of Florida and Mr. Burton of Indiana.

H.R. 3714: Mr. Rangel, Mr. Engel, Mr. James, Mr. Huckaby, Mr. Neal of North Carolina, Mr. Beilenson, Mr. Atkins, Mrs. Lowey of New York, Mr. Shays, Mr. Kolter, Mrs. Vucanovich, and Mr. Morrison of Connecticut.

H.R. 3773: Mr. Condit.

H.R. 3802: Mr. Kennedy, Mr. Flake, Mr. Roe, Mr. Walsh, Mr. Kastenmeier, Mr. Borski, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Payne of Virginia, Ms. Slaughter of New York, Mr. Brooks, Mr. Browder, Mr. Hastert, Mr. McNulty, Mr. Conyers, Mr. Owens of Utah, Mr. McDermott, Mr. Ackerman, Mr. Atkins, Mr. Hayes of Illinois, Mr. Frank, Mr. Brown of California, Mr. Jones of North Carolina, Mr. Dymally, Mr. Lehman of Florida, Mr. Panetta, Mr. Moakley, Mr. Bilirakis, Mr. Moody, Mr. Stokes, Mr. Natcher, Mr. LaFalce, Mr. Bosco, Mr. Dellums, Mr. Bates, Mr. Berman, Mr. Edwards of California, Mr. Lehman of California, Mr. Miller of California, Mr. Martinez, Mr. Upton, Mr. Solarz, Mr. Levine of California, Mr. Downey, Mr. Vento, Mr. Murphy, Ms. Oakar, Mr. Dixon, Mr. Kolter, Mr. Nowak, Mr. Bonior, Mr. Waxman, Mrs. Collins, Mr. Coleman of Texas, Mr. Wolf, and Mr. Feighan.

H.R. 3847: Ms. Snowe, Mr. Cooper, Mr. Tauzin, Mr. Ford of Tennessee, Mr. Rahall, Mr. Sangmeister, Mr. Sikorski, Mr. Madigan, Mr. Lancaster, Mr. Gekas, Mr. Johnson of South Dakota, Mr. Bruce, Mr. Nelson of Florida, Mr. Towns, Mr. Faleomavaega, Mr. Owens of Utah, Mr. Conte, Mrs. Meyers of Kansas, Mr. Jones of Georgia, Ms. Long, Mr. Hochbrueckner, Mr. Condit, Mr. Lewis of Florida, Mr. Buechner, Mr. Solomon, and Mr. Darden.

H.R. 3850: Mr. Towns, Mr. Evans, and Mr. Eckart.

H.R. 3859: Mr. Gejdenson and Mr. Neal of Massachusetts.

H.R. 3860: Mr. Smith of Florida, Mr. Towns, Mr. Lipinski, Mr. Vento, and Mr. Eckart.

H.R. 3864: Mr. Clay.

H.R. 3914: Mr. Mollohan, Mr. Torricelli, Mr. Matsui, Mr. English, Mr. Young of Florida, Mr. Jones of Georgia, Mr. Sabo, Mr. Stump, Mr. Blaz, Mr. Neal of Massachusetts, Mr. Bliley, Mr. Levine of California, Mr. Tallon, Mr. Rowland of Georgia, Mr. Bosco, Mr. Campbell of Colorado, Mr. Price, Mr. Hastert, Mr. Stangeland, Mr. Hochbrueckner, Mr. Kolter, Mr. Dorgan of North Dakota, Mr. Rangel, Mr. Wyden, Mr. Condit, Mr. Martinez, Mr. Vento, Mr. Herger, Mr. Swift, Mr. Madigan, Mr. Davis, Mr. Campbell of California, Mr. Berman, Mr. Pashayan, Mr. Lancaster, Mr. Harris, and Mr. Neal of North Carolina.

H.R. 3978: Mr. Cooper, Mr. Kennedy, Mr. LaFalce, Mr. Clement, Mr. Lehman of California, Mr. Perkins, Mr. Rahall, Mr. Donnelly, Mr. Hughes, Mr. Matsui, Mr. Madigan, Mr. Durbin, Ms. Kaptur, Mr. Traficant, Mr. Conyers, and Mr. Price.

H.R. 3979: Mr. Thomas A. Luken.

H.R. 4026: Mr. Mollohan, Mr. Campbell of Colorado, Mr. Lagomarsino, Mr. Fauntroy, Mr. Neal of North Carolina, Mr. Stenholm, and Mr. de la Garza.

H.R. 4041: Ms. Snowe and Ms. Schneider.

H.R. 4079: Mr. Denny Smith, Mr. Dannemeyer, and Mr. Petri.

H.R. 4083: Mr. Fish.

H.R. 4101: Mr. Wyden.

H.R. 4250: Mr. Murphy, Mrs. Vucanovich, and Mr. Miller of Washington.

H.R. 4253: Mr. Towns, Mr. Crockett, Mr. Annunzio, and Mr. Rangel.

H.R. 4254: Mr. Grant.

H.R. 4269: Mrs. Lloyd, Mrs. Saiki, and Mr. Fawell.

H.J. Res. 240: Mr. Hawkins, Mr. Hefley, and Mr. Poshard.

H.J. Res. 420: Ms. Pelosi, Mr. Moakley, Mr. Sangmeister, Mr. McGrath, Mr. Gray, Mr. Cardin, Mr. Ford of Tennessee, Mr. Kleczka, Mr. Valentine, Mr. Nagle, Mrs. Boxer, Mr. Fish, and Mr. Evans.

H.J. Res. 436: Mr. Gejdenson, Mr. Evans, Mr. Sharp, Mr. Udall, Mr. Volkmer, Mr. Bilbray, Mr. Gilman, Mr. Schaefer, Mr. Morrison of Washington, Mr. Panetta, Mr. McDade, Mr. Dickinson, Mr. Sangmeister, Mr. Miller of Washington, Mr. Shays, Mr. Stallings, Mr. Studds, Mr. DeWine, Mr. Bennett, Mr. Owens of New York, Mr. Rowland of Georgia, Mr. AuCoin, Mr. Chapman, Mr. Atkins, Mr. Kasich, Mr. Skeen, and Mr. Vento.

H.J. Res. 459: Mr. LaFalce, Mrs. Morella, Mr. Kleczka, Mr. Kostmayer, and Mr. Synar.

H.J. Res. 467: Mr. Kleczka, Mr. Inhofe, Mr. Martin of New York, Mr. DeFazio, Mr. Pursell, Mr. Hughes, Mr. Vento, Mr. Lancaster, Mr. Mazzoli, Mr. Geren, Mr. Jacobs, Mr. Evans, and Mr. Ballenger.

H.J. Res. 474: Mr. Sawyer, Mr. Hall of Texas, Mr. Martin of New York, and Mr. Robinson.

H.J. Res. 519: Mr. Poshard, Mr. Hayes of Illinois, Mr. Applegate, Mr. Berman, and Mr. Dixon.

H. Con. Res. 249: Mr. Gordon, Mr. Lantos, Mr. Vento, Mr. Callahan, Mr. Studds, Mr. Cardin, Mr. Owens of Utah, Mr. Carper, Mr. Stark, Mr. Ford of Tennessee, Mr. Kostmayer, Mr. Hochbrueckner, Mr. Chandler, Mr. Flippo, Mr. Bryant, and Mr. Traficant.

H. Con. Res. 252: Mr. Torricelli, Mr. Stump, Mr. Neal of Massachusetts, Mr. Tallon, Mr. Bosco, Mr. Campbell of Colorado, Mr. Price, Mr. Hastert, Mr. Hochbrueckner, Mr. Kolter, Mr. Dorgan of North Dakota, Mr. Rangel, Mr. Wyden, Mr. Martinez, Mr. Swift, Mr. Vento, Mr. Pashayan, and Mr. Fish.

H. Con. Res. 264: Mr. Archer, Mr. Schuette, and Mr. Towns.

H. Con. Res. 271: Mr. Fish and Mr. Kostmayer.

H. Con. Res. 276: Mr. Manton, Mr. Frank, Mr. Lehman of Florida, Mr. Oberstar, Mr. Flippo, Mr. Studds, Mr. Foglietta, Mr. Fascell, Mr. Fuster, Mr. Horton, Mr. McDade, Mr. AuCoin, Mr. Fawell, Mr. Hochbrueckner, Mr. Hayes of Illinois, Mr. Huckaby, Mr. Towns, Mr. Fauntroy, Mr. Dyson, Mr. Hammerschmidt, Mr. McGrath, Mr. Solarz, Mr. Vento, Mr. Roe, Mr. Mazzoli, Ms. Kaptur, Mr. Hefner, Mr. Udall, Mr. Lewis of Florida, Mr. Hiler, Mr. Myers of Indiana, Mrs. Martin of Illinois, Mr. Bilirakis, Mr. Dwyer of New Jersey, Mr. Nelson of Florida, Mr. Ackerman, Mr. Ballenger, Mrs. Boxer, Mr. Mrazek, and Mr. Levin of Michigan.

H. Con. Res. 287: Mr. Wolpe, Mr. Lagomarsino, Mr. Lantos, Mr. Bereuter, Mr. AuCoin, Mr. Beilenson, Mr. Frank, Mr. Bates, Mr. Broomfield, and Mr. Scheuer.

H. Res. 134: Mr. Cox.

H. Res. 306: Mrs. Kennelly.

H. Res. 312: Mr. Lehman of Florida, Mr. James, Mr. Mazzoli, Mr. Dwyer of New Jersey, Mr. Hughes, Mr. Robinson, Mrs. Lowey of New York, Mr. Frank, Mr. Bateman, Mr. Brown of California, Mr. Kolter, Mr. Lagomarsino, Mrs. Morella, Mr. Machtley, Mr. McCollum, Mr. Lancaster, and Mrs. Saiki.

H. Res. 351: Mr. Lewis of Florida, Mr. Stump, Mr. Ballenger, Mr. Shumway, Mr. Upton, Mr. Dannemeyer, Mr. Porter, Mr. Lagomarsino, Mr. Rhodes, Mr. Donnelly, and Mr. Herger.

H. Res. 354: Mr. Scheuer, Mr. Fazio, and Mr. Smith of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 586: Mrs. Bentley.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3581

By Mr. DUNCAN:

—On page 75, after line 24 add the following new section and redesignate each succeeding section accordingly:

"Sec. 802. (a) For the purpose of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture is encouraged, where appropriate and feasible, to use private enterprise concerns located in rural areas, rather than government employees or government enterprises, to provide commercial activities or products to carry out the purposes of this Act."

(b) The Secretary shall develop and implement a plan that will result in increasing

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the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of this Act."

By Mr. STALLINGS:

—Page 93, after line 8, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Rural Economic Development and Education Partnership Act of 1990".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Education and Business Development

Sec. 1011. Short title.

Chapter 1.—Rural Economic Development and Education Partnership

Sec. 1021. Purposes.
Sec. 1022. Program of grants for rural economic development and education projects.
Sec. 1023. Consideration of projects by review panels.
Sec. 1024. Administration of grant program.
Sec. 1025. State allotment formula.
Sec. 1026. Limitations on authorization of appropriations.

Chapter 2—Business Development

Sec. 1031. Purposes.
Sec. 1032. General requirements.
Sec. 1033. Loans for business telecommunications partnerships.

Chapter 3—General Provisions

Sec. 1041. Relationship to State law.
Sec. 1042. Regulations.
Sec. 1043. Definitions.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

Sec. 1051. Short title.
Sec. 1052. Rural telecommunications zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Education and Business Development

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

Chapter 1—Rural Economic Development and Education Partnership

SEC. 1021. PURPOSES.

The purposes of this chapter are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas;

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas; and

(4) provide educational service providers with access to advanced telecommunications services and computer networks for training and retraining of the workforce in order to improve job opportunities and the business environment in rural areas.

SEC. 1022. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) In General.—The Administrator shall make grants in accordance with this chapter to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) Rural Economic Development and Education Projects.—A project is eligible for a grant under this chapter if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural area in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas;

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas; or

(7) provide instruction and other educational opportunities for rural school districts using interactive audio, video, and computer technologies between distant locations, including—

(A) obtaining, through lease or purchase—

(i) computer hardware and software;

(ii) audio and video equipment;

(iii) telecommunications terminal equipment;

(iv) telecommunications transmission services or facilities; or

(v) interactive video equipment;

(B) developing rural distance learning curricula or computer software; and

(C) providing technical assistance and instruction for the development or use of rural distance learning curricula.

(c) Rural Economic Development and Education Partnerships.—A partnership is eligible for a grant under this chapter if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education; or

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), an educational communications entity;

(2) is governed by an agreement which provides that—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects;

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), a single member of the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects; and

(C) in the case of any partnership, a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) Application Requirements.—Each application by a partnership for a grant under this chapter shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant;

(5) in the case of an application with respect to a project that includes any activity described in subsection (b)(7)—

(A) a copy of a binding commitment entered into between the partnership and each entity which is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the partnership receives the grant the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(B) an assurance that the partnership will use not less than 25 percent of the amount of the grant for instructional curriculum development and programming (including programming or software systems development to assist students, instructors, or teachers at elementary and secondary schools and at adult and vocational education and training centers), with priority given to programs in mathematics, science, writing skills, and foreign languages;

(6) a copy of all agreements governing the division of functions within the partnership;

(7) a description of how the project will be evaluated; and

(8) such other information as the Administrator may reasonably require.

SEC. 1023. CONSIDERATION OF PROJECTS.

(a) Review of Applications.—

(1) Review by Administrator.—The Administrator shall—

(A) review each application submitted pursuant to section 1022(c)(3);

(B) determine whether or not the application meets the requirements of section 1022(d);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) Review by State Review Panels.—

(A) In General.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Consultation with state educational agency.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(C) Authority to obtain information from applicants.—Each partnership which submits an application for a grant under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of a partnership for a grant under this chapter, request the partnership to modify the project described in the application.

(b) Ranking of Applications.—

(1) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this chapter, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services, the reasons therefor.

(2) Grouping of applications.—The review panel shall separate into 2 groups the applications received during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(3) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(4) Written policy and criteria.—

(A) In general.—Subject to subparagraph (B), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(30 of the Consolidated Farm and Rural Development Act.

(B) Prohibition against funding of development or acquisition of telecommunications transmission services or facilities (other than installation charges).—The policy and criteria developed under subparagraph (A) shall require that the project described in an application not include grant money for the operation of telecommunications transmission services or facilities (other than to establish such services or facilities).

(c) Transmittal of Ranked Applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

SEC. 1024. ADMINISTRATION OF GRANT PROGRAM.

(a) Authority to Make Grants to Eligible Projects.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1023(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1022; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1025, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such projects are ranked by the review panel under section 1023(b).

(b) Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator determines to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) Monitoring of Use of Grants.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this chapter are used in accordance with the approved grant applications.

(d) Informational Efforts.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this chapter, including application procedures and deadlines.

(e) Program Evaluation.—

(1) Report required.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this chapter and the social and economic effects of the program.

(2) Contents.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this chapter;

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) Submission of report.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1025. STATE ALLOTMENT FORMULA.

(a) Formula.—From the sums appropriated for any fiscal year to carry out this chapter, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United States (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State).

(b) Primary Definitions.—As used in subsection (a):

(1) Sparsity factor.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) School sparsity index.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) Secondary Definitions.—A used in subsection (b):

(1) Nonurban population.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) Public school.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) Total area.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) United states.—The term "United States" means all of the States.

SEC. 1026. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this chapter, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

Chapter 2—Business Development

SEC. 1031. PURPOSES.

The purposes of this chapter are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to adanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1032. GENERAL REQUIREMENTS.

(a) Application Process.—

(1) Submission of application.—Any entity desiring a loan under section 310B(i) of the Consolidated Farm and Rural Development Act shall submit an application therefor to the Administrator.

(2) Contents of application.—Each application for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act shall include—

(A) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

(B) a description of the manner in which the proposed project is to be funded;

(C) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(D) a description of the manner in which the applicant intends to use the loan requested in the application;

(E) a descripion of how the proposed project will be evaluated; and

(F) such other information as the Administrator may reasonably require.

(b) Consideration of Applications.—

(1) Review by administrator.—The Administrator shall—

(A) review each application submitted pursuant to subsection (a)(1);

(B) determine whether or not the application meets the requirements of subsection (a)(2);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

(2) Review by state review panels.—

(A) In general.—The review panel of a State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Authority to obtain information from applicants.—Each entity which submits an application for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

(C) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of an entity for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act, request the entity to modify the project described in the application.

(3) Ranking of applications.—

(A) In General.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act, in the order which takes into account—

(i) the results of the review conducted under paragraph (1);

(ii) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented; and

(iii) in the case of a project which would duplicate existing services, the reasons therefor.

(B) Grouping of applications.—The review panel shall separate into 2 groups the applications for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. the 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(C) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(D) Written policy and criteria.—

(i) In General.—Subject to clause (ii), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(ii) Prohibition against funding of development or acquisition of telecommunications transmission services or facilities (other than installation charges).—The policy and criteria development under clause (i) shall require that the project described in an application not include grant money for the operation of telecommunications transmission services or facilities (other than to establish such services or facilities.)

(3) Transmittal of ranked applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to paragraph (2) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

(c) Priority.—The Administrator shall establish procedures to target assistance under section 310B(i) of the Consolidated Farm and Rural Development Act to the rural areas and applicants that demonstrate the need for such assistance, taking into consideration—

(1) the relative needs of all applicants;

(2) the needs of the affected rural areas;

(3) the financial ability of the applicants, without such assistance, to use telecommunications for the business purposes for which such loans may be made; and

(4) the recommendations of the review panels for the States in which such areas are located.

(d) Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator determines to provide loans under section 310B(i) of the Consolidated Farm and Rural Development Act to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

(2) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(e) Monitoring of Use of Aid.—The Administrator shall take such steps as may be necessary to ensure that aid provided under section 310B(i) of the Consolidated Farm and Rural Development Act is used in accordance with the approved application therefor.

SEC. 1033. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i)(1) The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment (as defined in section 1043(10) of the Rural Economic Development Act of 1990), computers, computer software, and computer hardware.

"(2) Sections 1032, 1041, and 1042 of such Act shall apply to the loan program established under this subsection.

"(3) For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2) of this Act).

"(4)(A) For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

Chapter 3—General Provisions

SEC. 1041. RELATIONSHIP TO STATE LAW.

This subtitle shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

SEC. 1042. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under chapter 1 and the loan program established under section 310B(i) of the Consolidated Farm and Rural Development Act, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1043. DEFINITIONS.

As used in this subtitle.

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Educational communications entity.—The term "educational communications entity" means—

(A) an entity licensed by the Federal Communications Commission to operate a noncommercial educational television station;

(B) a telecommunications partnership organized on a multistate basis which meets the requirements of section 904 of the Education for Economic Security Act; or

(C) an institution of higher education with an advanced telecommunications ability.

(3) Institution of higher education.—The term "institution of higher education" means any public or private college or university, including a land grant university and a junior or community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(4) Interactive video equipment.—The term "interactive video equipment" means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

(5) Regional education laboratories.—The term "regional education laboratories" means the regional education laboratories described in section 405(d)(4)(A)(i) of the General Education Provisions Act.

(6) Review panel.—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(7) Rural area.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

(8) Rural school district.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(9) State.—The term "State" has the same meaning given such term by section 343(a)(6) of the Consolidated Farm and Rural Development Act.

(10) Telecommunications terminal equipment.—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(11) Telecommunications transmission facilities.—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvements Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) Lists of State Rural Telecommunications Zones.—

(1) Preparation of list.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the Calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) Number of rural areas per state in list.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) Provision of Report to Federal Agencies Considering Relocating Data Processing Operations.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) Agencies Required To Analyze Costs and Benefits of Certain Relocation Options.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) Regulations.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Rural area.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) In General.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) Maximum Grant Per Local Government.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) Maximum Amount of Grants Per Year.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) Limitation on Authorization of Appropriations.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1993, and 1994.

(e) Definitions.—As used in this section:

(1) Eligible government.—The term "eligible government" means a political subdivision of a State—

(A) which is a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) Emergency public safety telephone answering system.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) Under secretary.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) In General.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) Coordination.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) Recommendations.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) Rural Area Defined.—As used in this section, the term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

By Mr. WISE:

—Page 93, after line 8, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Rural Business Development and Telecommunications Act of 1990".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Business Development

Sec. 1011. Purposes.

Sec. 1012. Loans for business telecommunications partnerships.

Subtitle B—Rural Telecommunications Provisions

Sec. 1051. Rural telecommunications zones.

Sec. 1052. Grants for emergency public safety telephone answering systems.

Sec. 1053. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Business Development

SEC. 1011. PURPOSES.

The purposes of this subtitle are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1012. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i) Loans for Business Telecommunications Partnerships.—

"(1) In general.—The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment, computers, computer software, and computer hardware.

"(2) General requirements.—

"(A) Application process.—

"(i) Submission of application.—Any entity desiring a loan under this subsection shall submit an application therefor to the Administrator.

"(ii) Contents of application.—Each application for a loan under this subsection shall include—.

"(I) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

"(II) a description of the manner in which the proposed project is to be funded;

"(III) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

"(IV) a description of the manner in which the applicant intends to use the loan requested in the application;

"(V) a description of how the proposed project will be evaluated; and

"(VI) such other information as the Administrator may reasonably require.

"(B) Consideration of applications.—

"(i) Review by administrator.—The Administrator shall—

"(I) review each application submitted pursuant to subparagraph (A)(i);

"(II) determine whether or not the application meets the requirements of subparagraph (A)(ii);

"(III) approve each application which meets such requirements;

"(IV) disapprove each application which fails to meet such requirements; and

"(V) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

"(ii) Review by state review panels.—

"(I) In general.—The review panel of a State shall examine each application transmitted to the review panel pursuant to clause (i)(V) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

"(II) Authority to obtain information from applicants.—Each entity which submits an application for a loan under this subsection shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

"(III) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of an entity for a loan under this subsection, request the entity to modify the project described in the application.

"(iii) Ranking of applications.—

"(I) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this subsection, in an order which takes into account—

"(aa) the results of the review conducted under clause (i);

"(bb) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1)) developed for the areas in which the projects are to be implemented; and

"(cc) in the case of a project which would duplicate existing services, the reasons therefore.

"(II) Grouping on applications.—The review panel shall separate into 2 groups the applications for a loan under this subsection received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

"(III) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

"(IV) Written policy and criteria.—

"(aa) In general.—Subject to subdivision (bb), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3).

"(bb) Prohibition against development or acquisition of telecommunications transmission facilities.—The policy and criteria developed under subdivision (aa) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

"(iii) Transmittal of ranked applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) each list of applications ranked pursuant to clause (ii) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) are transmitted to the State coordinator pursuant to section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

"(C) Priority.—The Administrator shall establish procedures to target loans under this subsection to the rural areas and applicants that demonstrate the need for such loans, taking into consideration—

"(i) the relative needs of all applicants;

"(ii) the needs of the affected rural areas;

"(iii) the financial ability of the applicants, without such loans, to use telecommunications for the business purposes for which such loans may be made; and

"(iv) the recommendations of the review panels for the States in which such areas are located.

"(D) Report required if administrator intends to fund projects other than as recommended by review panel.—If the Administrator determines to provide loans under this subsection to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

"(i) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

"(ii) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

"(E) Monitoring of use of loans.—The Administrator shall take such steps as may be necessary to ensure that loans provided under this subsection are used in accordance with the approved application therefor.

"(3) Relationship to state law.—This subsection shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

"(4) Regulations.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall prescribe final regulations governing the loan program established under this subsection, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

"(5) Definitions.—As used in this subsection:

"(A) Administrator.—The term 'Administrator' means the Administrator of the Rural Development Administration.

"(B) Review panel.—The term 'review panel' means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361.

"(C) Rural area.—The term 'rural area' means a county with an urban population of fewer than 25,000 individuals.

"(D) Telecommunications terminal equipment.—The term 'telecommunications terminal equipment' means telecommunications equipment (excluding telecommunications transmission facilities) that—

"(i) interconnects with telecommunications transmission facilities; and

"(ii) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

"(E) Telecommunications transmission facilities.—The term 'telecommunications transmission facilities' means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of the telecommunications circuit or path.

"(6) Treatment of loan program as designated rural development program.—For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2)).

"(7) Limitations on authorization of appropriations.—

"(A) In general.—For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Availability.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

Subtitle B—Rural Telecommunications Provisions

SEC. 1051. RURAL TELECOMMUNICATIONS ZONES.

(a) Lists of State Rural Telecommunications Zones.—

(1) Preparation of list.—Not later than July 1 of each calendar year, the Administration shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) For each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) Number of rural areas per state in list.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) Provision of Report to Federal Agencies Considering Relocating Data Processing Operations.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) Agencies Required to Analyze Costs and Benefits of Certain Relocation Options.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) Regulations.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribed such regulations as may be necessary to carry out this section.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Rural area.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1052. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) In General.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) **Maximum Grant Per Local Government.**—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) **Maximum Amount of Grants Per Year.**—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) **Limitation on Authorization of Appropriations.**—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) **Definitions.**—As used in this section:

(1) **Eligible government.**—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) **Emergency public safety telephone answering system.**—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) **Under secretary.**—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1053. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) **In General.**—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) **Coordination.**—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) **Recommendations.**—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) **Rural Area Defined.**—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

—At the end of the bill, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) **Short Title.**—This title may be cited as the "Rural Business Development and Telecommunications Act of 1990".

(b) **Table of Contents.**—The table of contents is as follows:

Sec. 1001. Short title; table of contents.
Subtitle A—Rural Business Development
Sec. 1011. Purposes.
Sec. 1012. General requirements.
Sec. 1013. Loans for business telecommunications partnerships.
Sec. 1014. Relationship to State law.
Sec. 1015. Regulations.
Sec. 1016. Definitions.
Subtitle B—Rural Telecommunications Provisions
Sec. 1051. Rural telecommunications zones.
Sec. 1052. Grants for emergency public safety telephone answering systems.
Sec. 1053. Study on use of telecommunications infrastructure by businesses in rural areas.

SUBTITLE A—RURAL BUSINESS DEVELOPMENT

SEC. 1011. PURPOSES.

The purposes of this subtitle are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1012. GENERAL REQUIREMENTS.

(a) **Application Process.**—

(1) **Submission of application.**—Any entity desiring a loan under section 310B(i) of the Consolidated Farm and Rural Development Act shall submit an application therefor to the Administrator.

(2) **Contents of the application.**—Each application for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act shall include—

(A) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

(B) a description in the manner in which the proposed project is to be funded;

(C) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(D) a description of the manner in which the applicant intends to use the loan requested in the application;

(E) a description of how the proposed project will be evaluated; and

(F) such other information as the Administrator may reasonably require.

(b) **Consideration of Applications.**—

(1) **Review by administrator.**—The Administrator shall—

(A) review each application submitted pursuant to subsection (a)(1);

(B) determine whether or not the application meets the requirements of subsection (a)(2);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

(2) **Review by state review panels.**—

(A) **In general.**—The review panel of a State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) **Authority to obtain information from applicants.**—Each entity which submits an application for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

(C) **Authority to request applicants to modify projects.**—The review panel may, before final consideration of an application of an entity for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act, request the entity to modify the project described in the application.

(3) **Ranking of applications.**—

(A) **In general.**—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act, in an order which takes into account—

(i) the results of the review conducted under paragraph (1);

(ii) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented; and

(iii) in the case of a project which would duplicate existing services, the reasons therefor.

(B) **Grouping of applications.**—The review panel shall separate into 2 groups the applications for a loan under section 310B(i) of the Consolidated Farm and Rural Development Act received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(C) **Competition among applications.**—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(D) **Written policy and criteria.**—

(i) **In general.**—Subject to clause (ii), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(ii) **Prohibition against development or acquisition of telecommunications transmission facilities.**—The policy and criteria developed under clause (i) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

(3) **Transmittal of ranked applications.**—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act

each list of applications ranked pursuant to paragraph (2) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

(c) Priority.—The Administrator shall establish procedures to target assistance under section 310B(i) of the Consolidated Farm and Rural Development Act to the rural areas and applicants that demonstrate the need for such assistance, taking into consideration—

(1) the relative needs of all applicants;

(2) the needs of the affected rural areas;

(3) the financial ability of the applicants, without such assistance, to use telecommunications for the business purposes for which such loans may be made; and

(4) the recommendations of the review panels for the States in which such areas are located.

(d) Report Required if Administrator Intends To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator determines to provide loans under section 310B(i) of the Consolidated Farm and Rural Development Act to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

(2) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(e) Monitoring of Use of Aid.—The Administrator shall take such steps as may be necessary to ensure that aid provided under section 31B(i) of the Consolidated Farm and Rural Development Act is used in accordance with the approved application therefor.

SEC. 1013. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i)(1) The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment (as defined in section 1016(5) of the Rural Economic Development Act of 1990), computers, computer software, and computer hardware.

"(2) Sections 1012, 1014, and 1015 of such Act shall apply to the loan program established under this subsection.

"(3) For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2) of this Act).

"(4)(A) For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

SEC. 1014. RELATIONSHIP TO STATE LAW.

This subtitle shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

SEC. 1015. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the loan program established under section 310B(i) of the Consolidated Farm and Rural Development Act, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1016. DEFINITIONS.

As used in this subtitle:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Review panel.—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(3) Rural area.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

(4) State.—The term "State" has the same meaning given such term by section 343(a)(6) of the Consolidated Farm and Rural Development Act.

(5) Telecommunications terminal equipment.—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(6) Telecommunications transmission facilities.—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Subtitle B—Rural Telecommunications Provisions

SEC. 1051. RURAL TELECOMMUNICATIONS ZONES.

(a) Lists of State Rural Telecommunications Zones.—

(1) Preparation of list.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) Number of rural areas per state in list.— The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) Provision of Report to Federal Agencies Considering Relocating Data Processing Operations.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) Agencies Required To Analyze Costs and Benefits of Certain Relocation Options.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) Regulations.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Rural area.—The term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SEC. 1052. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) In General.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) Maximum Grant Per Local Government.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) Maximum Amount of Grants Per Year.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) Limitation on Authorization of Appropriations.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) Definitions.—As used in this section:

(1) Eligible government.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) Emergency public safety telephone answering system.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) Under secretary.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1053. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) In General.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) Coordination.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) Recommendations.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) Rural Area Defined.—As used in this section, the term "rural area" means a county with an urban population of fewer than 25,000 individuals.

SENATE—*Tuesday, March 20, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

• • • *Blessed be the name of God for ever and ever: for wisdom and might are his: And he changeth the times and the seasons: he removeth kings, and setteth up kings; he giveth wisdom unto the wise, and knowledge to them that know understanding; He revealeth the deep and secret things: he knoweth what is in the darkness, and the light dwelleth with him.*—Daniel 2:20-22.

Eternal God, thank Thee for this prayer of the prophet Daniel, who served as intimate counselor to four mighty ancient world rulers. In these high pressure days of explosive change, when monumental crises confront world leaders, save the Senate from the awful possibility of being busy rearranging the furniture while the building is burning down. Help them humbly to seek the wisdom and the light of the God whom Daniel served. In His name who is the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 20, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is now recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President and Members of the Senate, this morning following the time for the two leaders there will be a time for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for up to 5 minutes each. At 10, the Senate will resume consideration of the clean air bill, with the modified Byrd amendment No. 132 as the pending amendment.

Prior to the recent recess period, I indicated to Senators that once we returned and resumed consideration of the clean air bill, any schedule restrictions, that is, in terms of late nights and when votes might occur, were no longer in effect for the duration of consideration of the clean air legislation.

For today, I will attempt and have attempted to accommodate those Senators who are returning from the recess, both from their own States and from other countries. We will do our best to accommodate as many Senators as possible in that regard, although Senators should be aware that votes are possible this afternoon and into the evening and, of course, throughout the days and evenings until we complete action on this bill.

From 12:30 until 2:15, the Senate will recess for the party conferences, with consideration of the clean air bill resuming when the Senate reconvenes at 2:15 p.m.

Mr. President and my colleagues, I note the presence in the Chamber of a number of our guests with the distinguished Senator from Colorado. I yield to my colleague from Colorado and ask him to recognize and introduce our guests today.

VISIT BY JAPANESE PARLIAMENTARIANS

Mr. WIRTH. I thank the distinguished majority leader.

Mr. Leader and Mr. President, visiting us this morning are eight very distinguished parliamentarians from Japan. They include, five members of the Liberal Democratic Party, one member of the Japan Socialist Party, one member of the Clean Government Party, and a member of the Democratic Socialist Party.

They are here as part of the Japan society's longstanding exchange program between parliamentarians in the United States and in Japan. At a time, Mr. President, when the relationship between the United States and Japan has become strained in some ways, I believe it is our interaction as parliamentarians which will bring this extraordinarily important relationship together again.

It is with great pleasure that I bring our Japanese colleagues to the Chamber and welcome them to the United States Senate.

I thank the leader very much for yielding to me for the purpose of introducing the eight parliamentarians.

Mr. President, I ask unanimous consent that their full titles be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1990 JAPANESE DIET DELEGATION

LIBERAL DEMOCRATIC PARTY (LDP)

Tsutomu Hata—Delegation Leader, House of Representatives (8th term—Nagano), Former Agriculture Minister.

Koichi Kato—Deputy Delegation Leader, House of Representatives (7th term—Yamagata), Former Defense Minister.

Kazuo Aichi—House of Representatives (6th term—Miyagi), Director General, LDP International Affair Bureau.

Takashi Kosugi—House of Representatives (4th term—Tokyo), Former Parliamentary Vice Minister of Environment.

Masayoshi Takemura—House of Representatives (2nd term—Shiga), Former Governor of Shiga Prefecture.

JAPAN SOCIALIST PARTY (JSP)

Ichiro Hino—House of Representatives (5th term—Miyagi), Member, JSP Central Executive Committee.

CLEAN GOVERNMENT PARTY (KOMEITO)

Tetsuzo Fuyushiba—House of Representatives (2nd term—Hyogo), Chairman, Komeito Foreign Relations Committee.

DEMOCRATIC SOCIALIST PARTY (DSP)

Kijuro Sugawara—House of Representatives (2nd term—Iwate), Vice Chairman, DSP Policy Board.

PARLIAMENTARY EXCHANGE PROGRAM SECRETARIAT

Co-Directors—Tadashi Yamamoto, President, Japan Center for Int'l. Exchange; William H. Gleysteen, Jr., President, Japan Society.

Staff—Hiroshi P. Kamura and Hiroshi Takaku, JCIE. Ruri Kawashima and John Wheeler Japan Society.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Interpreters—Terumi Gale and Maki Waronoff.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I ask unanimous consent to reserve the remainder of my leader time and all of the time of the distinguished minority leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes.

Mr. MITCHELL. Mr. President, I encourage those of our colleagues who are present to greet our guests, and I now suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ANTI-SEMITISM IN THE SOVIET UNION AND EASTERN EUROPE

Mr. CRANSTON. Mr. President, the events transforming the political landscape of Eastern Europe today are as significant as any of the last half century. We truly are seeing a world made anew.

There is so much to cheer for in these stunning developments. The cold war is over. Freedom and democracy are emerging triumphant. Market economics are now hailed almost universally as the promise of the present and the way of the future.

This extraordinary transformation has brought marvelous outbursts of free speech. Playwrights long suppressed succeed to the Presidency. Art is reborn. Newspapers flower, so that now Moscow's Pravda prints more "truth" and Izvyestia more "news."

But these developments have a dark side as well. Behind the Iron Curtain totalitarian Communist rule has for generations been a sort of cholesterol hardening national arteries. With the flushing away of this system, new passions, long dormant in the politics of the region, are emerging. Ethnic tensions brutally repressed by Communist security forces are reemerging. The chaotic political developments have also raised the specter of neo-fascist elements increasing their power. And, tragically, there has been a renewal of anti-Semitism in the Soviet Union and several East European nations.

Unfortunately, this is the price one pays for free speech. The liberty to speak one's mind has always permitted a freedom to express hate. Yet it is especially tragic to see extremist elements hunting for scapegoats at a time of such opportunity in nations struggling along the path toward genuine democracy. And it is particularly disheartening to see some of these changing democracies remain silent in the face of anti-Semitic acts of violence, harassment, and intimidation.

Reports of pogroms to take place in the coming months and the unrestrained activities of anti-Semitic neofascist groups like "Pamyat" have created a palpable atmosphere of anti-Semitism in the Soviet Union.

As we in the United States seek to encourage democratic developments, we need to think hard on how we can help block the forces of extremism and ethnic hatred from reemerging in a region which has known such strife over the years.

I believe our first duty is to speak out. The United States needs to take the lead in condemning the forces of anti-Semitism and neofascism which have reared their ugly heads in Eastern Europe. We need to make clear that bigotry and ethnic strife have no place in the new European home and that regional rivalry and anti-Semitic zealotry have brought ruin and degradation to perpetrators for too many generations already.

Second, I believe U.S. leadership should be exercised to encourage the leaders of affected countries to themselves speak out against these new dangers. Let us press the Polish Prime Minister, the East German leadership, and the Romanians and the Soviet President to condemn the ideas of those whose hatreds would lead their countries backward again toward the fires of hatred and war which have consumed so many generations.

Third, let us remain vigilant in our commitment to tie foreign assistance to human rights progress. I am not eager to see U.S. taxpayer dollars given to aid leaders who do not speak out against anti-Semitism and neofascist movements. At a time when we are being generous to East European leaders, it is altogether legitimate to expect them to heed our concern in this regard. We should therefore consider placing some form of linkage on these issues in the new aid package we are proposing for Eastern Europe.

The greatest dangers, as always, lie in ignorance and in silence. Let us be aware of what extremists are saying. Let us speak out against their lies and their attempts at scapegoating as hard times are confronted. Let us use our good will to induce leaders in Eastern Europe to show vision and speak out against the scourge of anti-Semitism and the divisive dangers of fascism.

Mr. President, my introduction to international diplomacy came as a young journalist covering Mussolini's Italy and Hitler's Germany. I saw then the awful price of silence in the face of racial and religious prejudice. First the secret police came for the Communists. Then they came for the lawyers, then the Jews, then the clergy and, finally, the Christian Democrats. Soon there was no one left with the courage to speak out and the power to stop the Holocaust which ensued.

The United Nations has pledged to never again allow such a waste of treasured humanity. I for one have made this cause much of my life's work.

But to prevent the renewal of such hatreds—and to effectively bar the ascension to power of those who foment them—we must speak out and we must act every time they rear their ugly heads.

This requires forceful statements by our Government—now. And it requires forceful statements by leaders in the Soviet Union, Romania, Poland, East Germany, Western Europe and elsewhere so that freedom of speech does not lead to a renewal of freedom to hate.

For these reasons, I am very pleased to work with my colleague Senator GORE and others to draft a resolution which will condemn the rise of anti-Semitism in the Soviet Union and Eastern Europe, to call upon leaders of key nations to condemn these developments, and to instruct that the text of this resolution, once it is adopted by the full Senate, be transmitted to appropriate embassies.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBB). Without objection, it is so ordered.

KOREAN BEEF QUOTA

Mr. BAUCUS. Mr. President, as chairman of the Senate Finance Committee's International Trade Subcommittee I have seen many trade agreements negotiated.

But none has been more successful than the agreement reached by the United States and Japan to open the Japanese beef market.

The Beef and Citrus Agreement between the United States and Japan was concluded in July 1988.

Less than 2 years later, beef now is the fastest growing United States export to Japan. Beef exports to Japan are increasing at a rate of 80 percent per year.

America's share of the Japanese beef market has increased from 35 percent to 45 percent and is likely to top 50 percent this year.

Obviously, Japanese consumers prefer United States beef to Australian beef, our major competitor in Japan.

Exports to Japan have increased the price of the average United States fed steer by about $56, and that figure may more than double by the time the agreement is fully implemented.

When the Japanese beef market is fully opened, it will mean $2 to $3 billion in additional export sales for United States cattlemen each year.

No other trade agreement with Japan has yielded such spectacular results.

So what is the lesson of the Japanese beef agreement?

There are many.

But one that I particularly want to highlight is that beef is a highly competitive U.S. export. America can successfully export beef if foreign markets are opened.

Unfortunately, our efforts to open markets in other countries have not been as successful.

A number of our trading partners still maintain trade barriers to keep out U.S. beef exports.

We have particularly serious problems exporting beef to Korea.

Korea maintains a variety of import restrictions which strictly limit beef imports into that country.

In 1985, Korea completely banned importation of beef. In 1988, it began to ease restrictions somewhat, but very significant barriers remain.

On February 16, 1988, at my urging and with my strong support, Ambassador Clayton Yeutter accepted a section 301 petition on Korean beef import restrictions and began formal negotiations with Korea to eliminate these restrictions.

In April 1989, an international dispute settlement panel under the GATT—the international dispute settlement body governing trade—ruled in favor of the United States in this dispute.

The GATT panel called for Korea to phase out its restrictions.

Many months passed, but Korea has failed to act—even though Korea has agreed that its restrictions violate the GATT.

At various times, Korean officials have hinted that a breakthrough was near in these negotiations. But the progress has failed to materialize.

Under the current trade law the administration is required to retaliate against Korean exports to the United States if an agreement to open the Korean beef market is not reached by April 26 of this year.

This week, a delegation from Korea is in Washington to discuss Korean beef restrictions.

There have been rumors that progress is possible in these meetings.

I certainly hope these rumors are correct. We want the Korean beef market opened and would prefer not to resort to trade retaliation.

But if Korea continues to stonewall our negotiators we have no choice except to retaliate.

Further, this dispute with Korea has arisen at an opportune time. Between now and April 30, the United States will be deciding which countries maintain the most extensive barriers to U.S. exports under the super 301 provision of the 1988 Trade Act.

Last year, to the chagrin of some, Korea was not named as one of the worst offenders—known as "priority foreign countries"—under super 301.

If Korea continues to ignore its trade obligations under international agreements, I believe that it should be made a "priority foreign country" under super 301.

The super 301 provision was put in the 1988 Trade Act to address the kind of problem we now face with Korea.

The bottom line is simple. If the United States market is open to Korean Hyundais, the Korean market should be open to United States beef.

I hope the Korean trade delegation is able to reach an agreement with our negotiators to open their market.

Korean trade barriers against beef exports are costing American ranchers hundreds of millions of dollars each year in lost exports.

And we cannot stand by and let Korea maintain these barriers at a time when Korea runs a large trade surplus with the United States and the United States is spending millions to keep United States forces stationed in Korea.

American cattlemen have already been waiting for years and patience is short.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

PLO TERRORIST ACTIVITIES

Mr. GRASSLEY. Mr. President, I rise in response to recent statements by the Secretary of State concerning Yassir Arafat and the PLO. In a hearing before the House Foreign Operations Subcommittee on March 3, Secretary Baker testified that he is satisfied with the PLO's commitments made in December 1988 to recognize Israel and renounce terrorism. He stated that: "We have not received or seen evidence of complicity or encouragement or acquiescence by him of terrorist activity," and "we've really done pretty much all we can do."

I could not disagree more strongly with the Secretary's assessment. Not only do we have evidence that the PLO is carrying on terrorist activities, the United States has not done all it can to force the PLO to fulfill its commitments. Consider the following evidence.

Exhibit 1: In January 1989, only a few weeks after the December declarations, Yassir Arafat issued an ominous warning that: "Any Palestinian leader who proposes an end to the Intifada exposes himself to the bullets of his own people and endangers his life."

Exhibit 2: On February 21, 1990, the Wall Street Journal reports that nearly one-third of all Palestinians killed last year in the West Bank and Gaza were murdered by fellow Palestinians. Amnesty International released a report in November using the same statistics.

Exhibit 3: The Journal further reports that Israeli intelligence intercepted documents—whose authenticity was confirmed by Palestinians themselves—that the PLO approves and directs the killings of other Palestinians.

Exhibit 4: Our Ambassador to Israel aknowledged that Israel recently intercepted a Fatah sponsored terrorist incursion into Israel.

Exhibit 5: Various accounts report that PLO agents have coerced shopkeepers from opening for business and workers from going to work.

Exhibit 6: Last July, Palestinian terrorist hijacked an Israeli civilian bus, forcing it over a cliff and killing 16 people. The State Department described this incident as a terrorist attack.

According to a July 9 report in Cairo's Al-Akhbar, Arafat's response to the incident was: "I can offer no guarantee whatsoever that our people will not escalate things and use weapons to defend themselves."

Indeed, Arafat has made good on his threats of last year. And I am not satisfied at all that the PLO is fulfilling its commitments.

Contrary to Secretary Baker's statements, I believe we have substantial evidence indicating that the PLO has complied with, encouraged, and acquiesced in perpetuating, terrorist activity.

In times where I hear more and more talk about frustration with Israel, I strain to imagine why this frustration is not being expended on the PLO.

In light of the substantial evidence available, it is apparent that the United States has not done all it can. The first thing we can and must do is demand that the PLO live up to the promises it made in December 1988. These promises formed the basis on which our dialog began, and they must

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serve as the condition precedent to continued discussions.

HUNGER IN THE UNITED STATES

Mr. HARKIN. Mr. President, on December 12, 1989, the Subcommittee on Nutrition and Investigations, which I Chair, held a hearing in Des Moines, IA, on "Hunger and Food Assistance Programs in the United States." Among the participants were several students who submitted brief essays on their perceptions of hunger in the United States. I want to commend those students who participated in the hearing, not just for their ideas and principles, but for their insights and keen logic which they shared with us. Several other high school students also submitted essays detailing their concerns. I have selected several of these outstanding essays which reflect original thought, vision, and deep convictions. I would like to share them with my colleagues for their consideration at this time. I ask unanimous consent that their essays be printed in the RECORD.

There being no objection, the essays were ordered to be printed in the RECORD, as follows:

THE COST OF HUNGER IN AMERICA

(Statement of Nicole Adams and Stephanie Leeper, Lincoln High School, Des Moines, IA)

In a land of plenty, such as America, how can we allow our people to go hungry?

There is no universal definition of hunger, but a concept generally accepted in the medical community is that a hungry person is chronically short of the nutrients necessary for growth and good health (Scientific America, Feb. 1987, p. 37). Hunger has reappeared as a serious national problem. In the 1970's hunger was virtually eliminated due to extensive federal aid. Presently in America, hunger is at an all time high because of federal cutbacks under the Reagan administration. The crushing burden of inflation has reduced the purchasing power of welfare benefits by a full 30 percent over a decade (World Hunger and Social Justice, Feb. 1987, p. 16). Their program of lowered taxes for the rich sowed the seeds of high interest rates, and reaped the longest and deepest recession in a generation (World Hunger and Social Justice, Feb. 1987, p. 16). The most unkind cut of all was when the Administration took dead aim on all important federal food assistance programs, proposing over a four year period, an overall cut of nearly 30 percent. When the recession hit, national unemployment grew from 7.2 percent in July 1981 to 10.8 percent in December 1982. Since the Administration's indiscriminate budget cuts had cut back sharply on unemployment benefits and that program was squeezed, it was nutrition that again felt the pinch.

In 1979, Second Harvest National Bank Network distributed 2.5 million pounds of food to those in distress. By 1985, this number had leaped to 100 million. And at the U.S. conference of Mayors in late 1984, nearly 75 percent of the municipalities reported that the need for emergency food assistance had increased in 1984. The total of meals provided rose by 200 percent over the figure for 1983 in Boston, 182 percent in Chicago, and 100 percent in Dallas. With unbelievable figures like these, how can we ignore this increasingly evident problem?

There are many situations to the hunger problem in America that have not been found. One solution we do know of is the food stamp program. But because of recent changes in regulations only about 19 million people received food stamps, even though some 33.4 million are living in poverty (Scientific America, Feb. 1987, p. 38). The average benefit per meal is 49 cents. Lowering the standards for eligibility will permit more poverty-stricken people to receive food stamps. Another way to solve our problem of hunger would help both the starving people and the farmers, by buying excess crops from farmers and giving to the poor. As Edward M. Kennedy stated "an administration that is bent on seeking $55 billion more for defense can also find $2.5 billion more to feed the hunger."

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THE COST OF HUNGER ON SOCIETY

(Statement of Melissa Albright, Hoover High School, Des Moines, IA)

We have all heard about starvation in third world countries, but what about the hungry people in our own country? Thirty-five to fifty million people out of 235 million are starving in the United States. One in five American children under the age of eighteen is in poverty. That is nearly fourteen million children. What does hunger cost society in the United States? What are we sacrificing because of the hungry? What is the price of starvation?

The most obvious cost is money. Taxes will go up to meet the needs of the hungry. Much money is invested in studying and researching hunger in the United States, planning and implementing food programs, processing paperwork, and distributing food. Further, poor nutrition leads to sickness, disease, and death. Society must pick up the cost of treating and hospitalizing the starving which is financed through taxes. While it costs society money to fund programs to help the poor, it is a good investment. Programs such as: the Food Stamp Program, the School Lunch Program and Breakfast Program, the Elderly Feeding Program, the Supplemental Food Program for poor pregnant women and their babies, food for isolated and older Americans, and Emergency Food Assistance help lift people out of poverty and return them to a productive level in society.

Another cost of hunger on society is crime. Studies have shown links between poverty and crime. Hunger drives people to desperation. They will steal for food, fight for food, and sometimes even kill for food. "More crime means greater cost for courts, prisons, police, and hospitals." (Page 37 of "Poverty in America" by Milton Meltzer.) Crime harms society. We pay a price for others' crimes. We pay in loss of money and loss of lives. However, society is committing a crime when we allow these people to live without food, clothes, or homes.

Hunger costs us our pride. We can't have pride in our country when so many of our citizens are starving. Hunger in the United States sacrifices some of the respect and admiration other nations and our own citizens have for this country. We feel ashamed in the eyes of countries who do take care of their hungry citizens. How can we allow some to starve while others have so much?

One of the least obvious sacrifices yet one of the most detrimental to our society is the loss of lives. We lose everything that these starving people had to offer. We lose their productivity, their talents, their ideas, and their contributions to society.

It is time to count the costs! Are we willing to pay such a heavy price? Don't we realize how much we're losing? Aren't we ready to start changing the hunger situation here in America, "the Land of Plenty?" Society cannot afford the costs of hunger any longer!

HUNGER IN AMERICA

(Statement of Bridget Baker and Kathleen Kernes, Lincoln High School, Des Moines, IA)

"Nothing more overwhelms the human spirit, or mocks our values and our dreams than the desperate struggle for sustenance." This is a timeless quote by Henry Kissinger emphasizing the continuing hunger crisis that has pervaded us practically since there has been a United States. How can a country like America, known for opening its vast, generous arms to the whole world and its problems, allow its 35 to 50 million starving and severely malnourished to continually suffer?

Hunger is America is definitely not a recent problem. In the 1940's, there was a devastating 85% of children in Vermont and 24% in North Carolina that had chronic diseases resulting from malnourishment. Additionally, in times of war, many men were rejected during U.S. military drafting because of serious nutritional deficiencies. The poverty rate in the country seems to always be high; that is very hard for one to believe. After the times of war, poverty rates appeared to stay fairly stationary. In 1959, the estimated poverty rate was an overwhelming 22%. It took quite a promising dive to 11% in 1973—but then began climbing more and more each year since 1979. The poverty rate in 1984 was set at 14.4%, but the unfortunate increase since that date added more than 9 million people to the unwanted, dreaded poverty-level statistics.

What is the price of hunger in America? Of course, the first concern in some of the minds of Americans would be the amount of money spent on programs, which is a great cost, but could be regulated by less military spending. Then there is the suffering of the poverty-stricken, that, of course is immeasurable. Millions of human lives, that could otherwise be productive and useful to society, are wasted and ruined from lack of nourishment.

With the "me" generation, and the beliefs of "bigger and newer is better," the starving people were left behind, unable to function in the modern world. We are so skilled at avoiding the starving people of our country that we often doubt their numbers. In Chicago in 1985, 20% of the population was below the poverty line, with another 20% just above it. These people are far from having three nutritional meals a day, and usually survive on such nutritionally unbalanced meals as macaroni and cheese.

It is very ironic that the only people that are aware of their problem, and are willing to help, are gang members that often raise illegal money to take starving children to the local McDonalds. People who kill the innocent, and steal, are feeding the malnourished, where their government is obviously unable.

The fact also remains as stated in a quote that "No significant technical study of hunger in America has ever been made", however, Congress did order a scientific investigation on hunger by the President's Committee on Mental Retardation in 1968, and it showed major amounts of long-term brain damage, and a direct link between mental retardation and lack of a balanced diet.

The statistics are also vague on how much money has ever been spent on programs, such as the food stamp program. For many hungry and poor Americans, food stamps are the only means of acquiring enough food for their families. The massive $11 billion effort, implemented in 1974, has provided food for a countless many in the past, and provides for over 20 million Americans today. For one in eleven habitants of the United States, food stamps are a life-line. This line, however, is constantly weakened, as delays in mailing procedures for the coupons causes problems. Uneasy recipients have to take off work hours or a whole day from their jobs to discuss the problem with a social worker, or even to prove that they are still in need of governmental assistance, thereby losing needed money continually.

But for these poor that are considered "unqualified" for food stamps because of a lack of housing and address, soup kitchens and food pantries are their only recourse. Here they wait in line for the only meal they will probably eat that day, or even that week as the case may be. Most of these kitchens and pantries had to buy their own food, or rely on donations from private citizens and/or businesses.

In 1983, the U.S. government Department of Agriculture had one billion pounds of dry milk, 385 million pounds of butter and 774 million pounds of cheese in storage. The government gave out free cheese systematically, but the long waiting lines grew more and more desperate until, in that same year, the distribution of the cheese was cutback because it was ". . . adversely affecting sales in the commercial market."

What is the total cost of hunger in America? It is doubtful that anyone knows. How many children have become mentally retarded because of hunger-related diseases such as edema, marasmus, and kwashiorkor? How many more out of the numbers suffer from anemia, and are stunted physically with their young, severely hunger-stricken bodies wasted, never being able to function properly again? Not mentioning the cost in human pride, being painfully destroyed as the poor that are often unable to work much endure the shame of standing in line for food they so desperately need, and humiliated by being accused of free loading.

Although millions of dollars are being spent on providing for our hungry, is it enough? Is it being spent in the right directions? The social-safety net seems to have some vast, gaping holes in it, but people everywhere are divided on these issues. Instead of squabbling over our differences, let us look together for a solution. Why not freely educate the homeless and starving? Using the money from cuts in the defense budget, teach them to make their own rent-free housing, provide them with materials, and pay them for the labor. They would then have secure homes, and money to help them get back on their feet.

Are there any logical solutions besides socialism to remedy the problem of starvation and poverty in this country? There must be, for if thought out carefully, many sensible answers can be thought of for any problem.

Hunger costs us all a fortune. The government is spending, the guilty conscience of the people who are well off and could help, and of course the mental and physical costs of the poor. We spend our dream of promise, and the hope to succeed, on the empty promises for the hungry bellies of this country. Our beliefs of America being the land of opportunity will turn out to be nothing but lies to the poverty-stricken of this country, if we continue to let hunger get the best of us.

ROOSEVELT ROUNDUP EDITORIAL

(Statement of Amy Duke, Theodore Roosevelt High School, Des Moines, IA)

For many of us at TRHS, hunger is struggling with stomach gowls during third hour so we can go to McDonald's for lunch and pig out on Big Macs, or opening the refrigerator to find the Oreos eaten up by a younger brother.

We can't imagine what it would be like to open up the fridge and see the shelves empty—no oranges, milk, or eggs. We don't turn to the cupboards to find them bare—no Campbell's soup cans, Betty Crocker cake mix, and potato chips. We rarely open our wallet to find no money to restock our food supply.

True hunger seems far away, whether in Ethiopia, where bony children line up in hoards for a meager cup of corn meal, or in New York City, where a family can only afford $20 worth of food each week, only to end up at a soup kitchen on Wednesday afternoon. The hungry don't crave Twinkies when snack time comes around, they crave a bowl of vegetable soup stale to appease their two-day appetite.

Hunger surrounds all of us. Hunger isn't only in Ethiopia or the inner-city of New York, but in Des Moines, too. Unfortunately, we don't recognize that hunger exists because we aren't affected by it. If we are hungry we run down to the store and stock up or stop off at Burger King for an order of onion rings. The hungry see all of the grocery stores and Burger Kings, but can't satisfy their hunger. Instead, they adjust to their constant hunger pains, or head for a soup kitchen that might be closed because people didn't donate enough food to keep it open.

It seems almost criminal that there are mouths begging to be fed in a country claiming to be one of the wealthiest in the world. Most of us can't accept the hunger problem because it would be admitting our own selfishness.

What is the cost of this selfishness to society particularly to the young? Hunger causes headaches, inattention in the classroom, and abnormal intellectual development. Undeveloped human potential is the result of our uncharitable behavior.

The hunger in the United States is different than the hunger felt by those in Africa and elsewhere in the world. In Africa the people are starving together, but in the United States the hungry are starving alone. They don't have a world comforting them and singing songs of sympathy. Our hungry watch us enter McDonald's and order a full meal, only to exit and throw half of it away.

Most of us don't think about throwing away half of our meal, because we haven't ever experienced a true need for food. Have you ever felt true hunger? We dare you to resist the food that surrounds you for one or two meals, or even better, fast for an entire day. We ask that you ignore the luring aroma of fresh donuts and just say no.

There is something that we can do that will directly benefit the hungry of Des Moines. The Food Pantry, sponsored by the Des Moines Area Religious Council, accepts food and cash donations, which they in turn donate to the poor and hungry of Des Moines. In November, the organization fed 5,879 individuals and 2,105 families. There were 102,000 food items distributed, yet there are still more mouths to be fed. It is time we do something about the problem and share our holiday excess with the hungary.

Food Pantry food donations may be taken to 3816 38th St. It is open Monday through Friday from 8-noon or call 277-6969 for more information.

RURAL POVERTY

(Statement of Colleen Looker, Hoover High School, Des Moines, IA)

A five year old girl is playing in the front yard of a run down trailer. Her face is dirty and her smile reveals short, brown stubs. Inside, magazines and papers are piled all over the trailer. A stench fills the air. The girl's father is sitting on the couch watching TV, his back injured in a railroad accident. In the kitchen, his wife is yelling at one of their teenage daughters because she hasn't done all the housework yet. Their other teenage daughter is out with her drug-dealing boyfriend.

The problem of the rural poor is much greater than the public realizes. In 1988, 9.7 million rural Americans were living in poverty, including one fourth of all rural children. Unemployment in rural areas was 26% higher than in urban areas.

Part of the problem is a lack of jobs in rural areas. In fact, seven out of eight new jobs are found in cities. For this reason, many well-educated people leave rural areas. Those left in rural areas are lucky if they find jobs in the rising service industry with low salaries and few benefits. Another part of the problem is government aid is unavailable to many of the rural poor. Some are ineligible because they have jobs. Many rural families are two parent households and therefore, ineligible for Aid to Families with Dependent Children. For some, the problem is simply that relief offices and job training programs are hard to find in sparsely populated areas. Although the U.S. spends $1.31 billion on farm subsidies for Iowa, (over $18 billion in total U.S. subsidies), only 7% of rural Americans are farmers and the majority of rural poor don't benefit. In addition to agriculture, timber, oil, gas, mining, and routine manufacturing have deteriorated during the 1980's.

Rural poverty has a very negative effect on society. It creates a tremendous stress on families. It often results in family violence. Also, children don't receive health care because it's more important to pay for food and shelter. Young fathers often abandon their families.

Rural communities suffer greatly because of poverty. The well-educated people, who might be able to help the community get back on its feet, move away from it. People barely have money to satisfy their basic needs. As a result, the economy suffers even more. Those unable to satisfy their basic needs sometimes turn to selling drugs and other illegal methods which brings more problems to the community.

On a state and national level, poverty creates shame. The hungry are ashamed because they have to rely on others to fulfill their basic needs. Everyone is ashamed because we are one of the wealthiest nations in the world, but we have millions of people living in poverty. Also, many people won't support a government that allows them to starve.

Many solutions to the problem of rural poverty are being suggested. Some experts propose a diversion of farm subsidies into broader rural-development projects. Others suggest a sort of rural triage, with money channeled to the most promising areas. I think this idea just says that we've given up on the less promising areas and don't care that they will get worse. More specific ideas are: requiring all employers to provide health insurance for workers and adjusting earned Income Tax Credit for family size. I think one of the most important things is to provide more work projects and job training programs in rural areas. This would be a way of helping the rural poor without sacrificing their pride.

FIGHT HUNGER IN AMERICA

(Statement of Julie Reed, East High School, Des Moines, IA)

On a cold and blustery winter morning you snuggle up beneath the warmth of your blankets in your cozy little bed. You dread the thought of getting up, the bedroom always seems so cold. But you manage to throw on a robe, slip on your slippers, and wander out to the kitchen for your breakfast and morning coffee. But, have you ever stopped to think of what it would be like, on that very same morning, to wake up to a park bench under a blanket of old newspapers then wander over to the nearest garbage can to settle your rumbling stomach? Probably not.

It seems we only see what we want to see, shutting out the cold reality to our nation. Of course, it's much easier to turn our backs on our hunger and poverty stricken neighbors, but that is why they are losing hope and giving up. It is time to open our hearts and minds and realize that we shouldn't be all for himself, but rather himself for all.

Hunger and Poverty in America are not strangers to each other. Everyday, our teachers—the elderly, and our future—the children are dying. The elderly are wrestling with the question to pay the heating bill or to eat. The children are living on the streets and digging their meals out of the garbage cans or starving in vacant, rat infested apartment buildings. If we sit on the sidelines and watch we can be called nothing less than murderers, murders of our own destiny. But, we can pull together, set goals, and save our families and friends from hunger in America.

It is true that this tragedy is being faced worldwide. We are helping other countries, so why aren't we helping our own? Why aren't we saving and preserving our future? Where are we? We are hiding, hiding from the harsh reality of our America.

So today as you ponder over what outfit or suit you should wear, think of our poor who have nothing to ponder over. As you wonder what to eat or what shoes to wear, think of our poor who have nothing to eat, no shoes to wear. As you watch your children laugh and play, think of the dark faces of the children, eyes of storms in shades of grey and their tiny mouths turned down in crescent moons, who have nothing to laugh about. And as you celebrate the upcoming holidays, think of the broken hearts that don't feel your love and joy. It seems we all have something to think about, don't we. We have to stand up and save our people, instead of allowing them to die.

THE PRICE OF HUNGER

(Statement of Elizabeth Troyer, Hoover High School, Des Moines, IA)

The little girl looked at me with sad, cold, empty eyes when I drove by. Her parents sat behind her on the hood of the car holding the sign made clumsily from the back of a cardboard box. It read "Will work for food."

That little girl was only one of millions that go hungry in the United States. One of the many thousands here in Iowa. The state that produces much of the nation's and the world's corn still has people on the street hungry. It may be a flaw in the system, it may be an oversight of the many, including myself, who have warm homes, plenty of food to eat and even plenty for the luxuries that we don't need, who saw the girl and her parents, but did not stop to help. Whatever the cause, whatever the reason, that is no longer what matters. What really matters is that we are all going to pay for the ruined life of that child standing on the street.

That child could have been the next Gloria Steinem, or the first president of the United States. She could have more talents and intelligence that the average person can understand, but chances are that she will never get a chance to develop her skills. If the old car is her home, moving around could make it hard for her to attend any school. If she does attend school, she probably goes to school hungry and an unbalanced, unappetizing school lunch could be the only meal she has all day. Intelligent as she may be, it is impossible for a child to learn and grow emotionally and physically when she is wondering where her next meal is going to come from.

The children may be the hidden and tiniest victims of poverty in the United States, but the price we will all pay will be greater in the end. We will all miss out on the benefits and positive contributions children like this may be able to provide. No one will ever know what these children may be able to do for us—unless we help them before it's too late.

IOWA STATE UNIVERSITY EXTENSION PUBLIC POLICY EDUCATION

Mr. HARKIN. Mr. President, the ongoing debate on the 1990 farm bill has generated much interest among the citizens of Iowa. I want to express my appreciation to a group of young agricultural leaders from Iowa who recently came to Washington to present their views on the content of the next farm bill. I ask unanimous consent that their report on agricultural, environmental, food safety, and rural development policy be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PPEP—IOWA PUBLIC POLICY EDUCATION PROJECT

The Iowa Public Policy Education Project (PPEP) is committed to increasing the knowledge available to Iowa leaders and citizens on the major public policy issues concerning to Iowans.

Purpose

To build an on-going public-private partnership to support nonpartisan, issue-oriented public policy education.

To conduct education programs on high priority public policy issues.

To assist Iowans in developing a broader understanding of the facts and options related to high priority issues of concern to the state.

To foster participation in policy development processes. To foster enlightened discussion among Iowa citizens and leaders on the future of the state.

Iowa PPEP does not:

Take positions on public issues.

Expend funds on lobbying activities.

Endorse political candidates.

The Iowa Public Policy Council Members

Ruth Anderson, County Supervisor, Waterloo; Florence Buhr, State Representative, Des Moines; Ross D. Christensen, D.D.S., Orthodontist, Waterloo; Jill N. Euken, Extension Home Economist, Atlantic; Beverly Everett, Volunteer Extension Leader, New Sharon; John Gardner, Lee Enterprises Economic Development Director, Davenport; Mary Garst, Agribusiness Manager, Coon Rapids/Des Moines; Virginia Hagemann, Nurse and Farmer, Carroll; Clair E. Hein, Extension CRD Specialist, Waterloo; Dr. Robert Houser, Presbyterian Minister, Avoca; Calvin Hultman, State Senator, Red Oak; G. David Hurd, Chair and CEO, Principal Financial Group, Des Moines; Gary W. Kuehnast, Farmer and County Supervisor, Humboldt; John Liepa, DMACC Political Science and History Instructor, Indianola; Wayne Newton, Farmer, Luzerne; Donald Snyder, Manufacturers Bank and Trust President, Forest City; Thomas J. Vilsack, Attorney and Mayor, Mount Pleasant; Douglas Wakefield, Ph.D., U of I Assistant Professor, Iowa City.

1990 FARM BILL FOCUS GROUP

The Iowa Public Policy Education Project is a broad coalition of diverse interests that are supportive of nonpartisan, issue-oriented public policy education. The project is being staffed and co-sponsored by Iowa State University. Two issues are selected each year and a Focus Group of emerging leaders representing diverse interests and organizations is assembled from across the state to study each public policy issue in more depth.

Since September 1989, a 1990 Farm Bill Focus Group has been meeting to specifically examine the commodity program options, rural development policy, environmental issues, and food safety. Twenty-nine Focus Group members were selected for their demonstrated leadership and interest in the issues involved in the 1990 Farm Bill. These emerging leaders, ages 24–50, represent diversity of gender, geography, occupation, community size, educational level, volunteer activities and affiliations. Monthly programs organized on each topic have included face-to-face discussions with a variety of university and state experts.

A statewide satellite "Town Meeting" was held on November 20, 1989. Originating at Iowa State University, the program was downlinked to 95 sites statewide for a diverse audience of 2,800 participants. Focus Group members questioned the panel of experts on the air using more than 100 questions called in from across the state. Individual preference surveys were completed by the participants at all of the downlink sites and are being compiled for the Focus Group's statewide report.

The Focus Group plans to file this report along with other information from its study with the Iowa Congressional delegation in mid-March. The opportunity exists for this group of emerging Iowa leaders to learn more about the public policymaking process by visiting directly with a variety of Washington policymakers and observing the process first hand.

The Iowa Public Policy Education Project does not take positions on issues nor does it support lobbying activities. The purpose of this trip is strictly educational and to provide an opportunity to learn more about the policymaking process. The survey results are only for educational purposes and they do not constitute a policy endorsement by Iowa State University or individual Focus Group members.

News Release on Survey Findings

SATELLITE TOWN MEETING GENERATES IOWA SUGGESTIONS FOR 1990 FARM BILL

Ames, IA.—The U.S. should attempt to coordinate the reduction of trade subsidies with other nations, but should not remove the income safety net for U.S. farmers, say Iowans responding to an opinion survey conducted by Iowa State University.

A new ISU report summarizes environment, commodity program, food safety, and rural development preferences from Iowans who participated in the Iowa Public Policy Education Project's Satellite Town Meeting on the 1990 Farm Bill last November. The 2,800 participants were spread over 95 locations at county Extension offices across Iowa.

Other positions supported by the respondents:

Iowans favor commodity base reduction and flexibility over reducing target prices or raising commodity loan rates, if budget cuts are required in the 1990 Farm Bill.

Farmers should be adequately compensated, if the government requires filter strips and other mandatory conservation measures.

The Delaney Clause, which imposes zero-tolerance of substances suspected of contributing to cancer, should be removed and negligible risk standards based on economic effects, health effects and simulated risks of causing no more than 1 death per million population in 70 years should be adopted.

The leadership of federal rural development programs should remain with the Secretary of Agriculture.

"Each of these findings was favored by nonfarm participants, as well as, the farmers in the program," said Mark Edelman, ISU Extension public policy economist who coordinated the project.

The results do not represent a random sampling of the population. However Edelman suggested that those who attended the meeting are more likely to participate in the political process on the Farm Bill.

"Part of the purpose of the meeting was to have farm and nonfarm talking to each other about their interest and concerns related to the Farm Bill. Therefore, we separated the farm preferences from the nonfarm preferences to provide some interesting comparison and because farmers represented a disproportionate share of the audience," Edelman said.

"For example, farmers participants tended to favor having the U.S.D.A. be responsible for establishing and monitoring groundwater standards. However, the nonfarm participants tended to favor giving this responsibility to the Environmental Protection Agency," he said.

In regard to food safety, the largest percentage of farmers said they felt that the food we eat is "very safe, but a minor concern." On the other hand, the largest percentage of nonfarm participants indicated a higher degree of concern.

The following findings were included in the report:

COMMODITY PROGRAM PREFERENCES

Farmers and nonfarm participants tended to agree that the U.S. should gradually eliminate trade-distorting farm programs if, and only if, other nations do the same.

Farmers and nonfarm participants tended to agree that export enhancement programs and other programs designed to match unfair trade practices should continue to be funded at present levels until the trade negotiations are resolved.

If budget considerations cause spending reductions in farm program payments, both farmers and nonfarmers tended to disagree with reducing target prices or raising loan rates. If spending reductions are required, both would tend to favor reducing the proportion of the crop base used in figuring deficiency payments and allowing farmers more flexibility in planting decisions on the remaining acres.

The use of marketing loans was evenly divided among those who agreed and disagreed for both farmers and nonfarm participants.

On the type of flexibility preferred in the 1990 Farm Bill, farmers gave slightly higher support of continuation of the present 10 to 25 percent crop-specific corn flexibility presently provided to soybeans and oats. Nonfarm participants tended to give higher support to a whole farm base, allowing any crop to be grown on the permitted acreage as long as the appropriate percent of the whole-farm base is set aside.

Farmers and nonfarmers tended to agree with reducing the emphasis on disaster assistance and attempting to improve participation and coverage in the present voluntary crop insurance programs.

ENVIRONMENTAL PROTECTION PREFERENCES

Iowa farmers and nonfarm participants tended to agree that general tax revenues should finance water and environmental protection. Both had more mixed views on using a tax on food. Farmers tended to disagree and nonfarmers were mixed on taxing chemical companies and farmers to finance water and environmental protection.

Farmers and nonfarm participants tended to agree with providing farmers with more incentives to build permanent wildlife habitat and plant trees on Conservation Reserve acres.

Farmers and nonfarm participants tended to agree with expanding the Conservation eligibility to include land that is sensitive for water quality, sodbuster, and swampbuster purposes.

Nonfarm participants tended to agree with strengthening soil erosion and environmental standards used in conservation compliance plans that farmers are to have implemented by 1995. Farmers were more mixed in their views.

Nonfarm participants tended to agree that target prices should be higher for farmers that adopt low-input, best management practices approved for environmental purposes. Farmers were more mixed in their views.

Nonfarm participants tended to agree that farmers should be trained, regulated, and required to keep records on pesticide use and field applications similar to commercial pesticide applicators. Farmers were more mixed in their views.

Nonfarm participants tended to agree that all Iowa streams and rivers should be required to have a 16.5-foot filter strip to reduce pesticide migration. Farmers were mixed in their views. Both tended to agree that farmers should be adequately compensated if government requires filter strips or other mandatory measures.

Farmers tended to disagree with having the government require that all private wells should be periodically tested with a well tax for paying the cost. Nonfarm particpants were more mixed.

Farmers tended to disagree that government should have the right to send site inspectors on to farm property to take soil and tissue samples to protest the environment. Nonfarmers were more mixed in their views.

FOOD SAFETY PREFERENCE

When asked for the most pressing food safety concerns, nonfarm participants were most concerned about cholesterol, pesticide residues, and preservatives. Farmers were most concerned about microbiological contamination, unhealthy weight reduction diets, improper food preparation, and pesticide residues.

Farmers and nonfarm participants tended to agree that all fish sold in this country should be subject to an inspection process similar to meat and poultry.

Farmers and nonfarm participants tended to agree that all imported foods should be subject to an inspection process that is similar to domestically produced foods.

Farmers and nonfarm participants tended to agree that the process for judging whether to ban pesticides suspected of causing health problems should be shortened.

Farmers and nonfarm participants tended to agree that certain health labeling of foods should be mandatory, not voluntary at the grocery, market, or restaurant.

Farmers and nonfarm participants tended to agree that general tax revenues should be used to finance the government's food safety assurance system.

Farmers and nonfarm participants tended to agree that both the Food and Drug Administration and U.S.D.A. should have a lead role in setting health standards for negligible risks regarding food additives and natural toxins in food.

Farmers and nonfarm participants strongly agreed that the U.S.D.A. should have a lead role in fish and imported food inspections. There was also a lower measure of support for the Food and Drug Administration having a role.

RURAL DEVELOPMENT PREFERENCES

Farmers and nonfarm participants suggested that the highest priority in rural infrastructure assistance was rural waste, water, and utility systems.

Farmers and nonfarm participants suggested that the highest priority in rural economic development assistance was research in new uses of agricultural products. In fact, nonfarm participants gave higher priority rating to this strategy than did farmers.

Farmers and nonfarm participants suggested that the highest priorities in rural development education assistance were leadership programs, strategic planning for rural leaders, adult retraining for rural industry, and incentives for pooling resources of local communities.

Farmers and nonfarm participants suggested that the highest priority in rural health care assistance was for reducing the reimbursement differentials between rural and urban hospitals.

Farmers and nonfarm participants were generally mixed in their views on which federal agencies should have an expanded role in administering rural development funds. The Small Business Administration received the highest support.

Farmers and nonfarm participants were generally mixed on who should make allocation decisions regarding federal rural development funds. The highest indicator of support was for sending funds directly to the states so agencies appointed by the governors could make the distribution decisions.

Farmers and nonfarm participants were generally mixed on which rural comunities should receive rural development dollars. The highest indicator of support was for allocating some funds to all rural communities based on population, road miles, etc.

Farmers and nonfarm participants tended to agree that communities should be required to prepare a community strategic plan before receiving federal rural development dollars.

PAM BRICKER: A COLORADO ENTREPRENEUR

Mr. WIRTH. Mr. President, I would like to take this opportunity to recognize a woman from my State, Pam Bricker, who has recently been selected as the recipient of the 1990 Presidential Job Training Partnership Act Award for her work as an outstanding private sector volunteer. This award was recently announced by Secretary of Labor, Elizabeth Dole, and represents recognition by the Federal Government for Pam Bricker's commitment to employment opportunity for the economically disadvantaged.

Pam also recently received the 1989 Greeley Business Woman of the Year award for her remarkable success as an entrepreneur and community activist. Her success in building a business as a florist in Greeley, CO, is all the more noteworthy because she has managed to raise a family and remain active in volunteer work with the United Way, the Greeley Chamber of Commerce and a wide variety of community service projects.

Pam Bricker represents the spirit of entrepreneurism at its best. She is the kind of business person who not only works hard to provide jobs and economic opportunity for others, but she also devotes her considerable talents to the betterment of her community.

Pam also happens to be the daughter of my esteemed colleague, the Honorable Senator James Exon. She hails from Nebraska, but makes her home in Colorado—and I know that the Members of the Senate will want to join me in congratulating Pam Bricker and her family for this remarkable achievement.

Mr. President, I ask unanimous consent to have printed in the Record a copy of a news story from the Greeley Style magazine which commemorates Ms. Bricker's achievement.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Greeley Style magazine, March-April 1990]

The Best Business Has To Offer

(By Karrie Mowen)

BRICKER: MORE THAN JUST A GREEN THUMB

Even though Pam Bricker may never have imagined it, her work brings happiness to others. When a get-well bouquet is delivered to a hospital room, or a dozen roses are brought to a mother by her children or even when a plant is purchased to spruce up a business's barren hallways, Bricker is standing proudly backstage. She knows a good day's work was done.

Bricker, our 1989 Businesswoman of the Year, is co-owner of Mariposa Plants, a plant and floral shop on West 10th Street. Mariposa not only provides flower arrangements for every occasion, but also is known for superior plant expertise.

Being an enterpreneur is not something Bricker would recommend to others. "There are easier ways to make money than starting your own business," she says. For five years, Bricker says she has made major sacrifices in her life, including stress, long hours and time away from her family, to get her business off the ground. Even so, Bricker says the independence of owning her own business, and knowing that success or failure completely depends on her efforts, justifies the sacrifices. "I like building something that's my own."

Family is important to Bricker's success. Having the advantage of a spouse with a good job, she says, has been essential to her and to her partner, Chris Thomas, during the unprofitable times as the business grew. "My family has allowed me to do what I've done," says Bricker. Throughout the years, her husband has become a great cook and is getting more proficient with laundry. "They're a real independent lot," she says.

Bricker believes her entrepreneurial spirit and her belief in community involvement partly comes from her family. "My father was an entrepreneur and by example, that probably had a lot of influence on me," she says.

Her father was also a politician who believed that getting involved in the community was essential. He was a good role model. "I believe people are effective and can make things move," says Bricker. Being involved in what's going on around you allows you to change things, and that, she says, is satisfying.

Her commitments to the community include being vice president of the Greeley Chamber of Commerce, an appointment to the Private Industry Council, a founding board member of the Greeley Food Clearing House and involvement with the League of Women voters. Bricker was also the associate director of United Way before taking on the Mariposa venture, but now she prefers to volunteer for that organization. Working with the Chamber of Commerce was important to Bricker, and she believes all business people should take the time to be involved with the group. A healthy business community, she says, leads to a healthy community, which is good for everyone.

In Bricker's past, she remembers little pressure from her parents as far as a career was concerned. "I think they wanted me to be a teacher," she says, "because that was a safe job for a woman to have." As for herself, Bricker says a career was not a high priority. "I came from a generation that grew up, got married and had kids. We mostly talked about who we would marry."

Bricker says she has never been goal oriented. She got a psychology degree from the University of Nebraska, and says "I never had a great deal of thought about what I wanted to do with it."

Bricker says she does not want a career road map. "If an opportunity comes my way . . ., if I like the challenge and think I can make a difference, then I'll do it." Not being a goal-oriented person, Bricker says that before Mariposa came into being, "if you had told me this is where I would be in five years, I would be very resentful."

"I don't want to sound shiftless or that I make erratic decisions. I carefully plan for what I'm going to do, but I don't set long-term goals."

She explains that she spent three months researching before she launched the Mariposa venture. She even took personality tests to see whether she was a successful, entrepreneurial type. Even though business newcomers are told to set goals, Bricker says, "goal-setting is not one of my management styles. Maybe that's why I'm not wealthy." Bricker does admit, that if she sets any goals, they are to balance her time between her family and her business.

Bricker says she and her business partner feel "really, really good about what the business had done" since they opened Mariposa in 1984. At first, the business focused on plant care. Then it branched into floral obligations in 1986, and now serves over 50 maintenance accounts in Greeley. Bricker says that the floral side of the business has grown the most in recent years because of the good reputation the store obtained through plant care. Mariposa Plants expands by 20–25 percent each year, says Bricker, and the owners have now decided to increase the space in their store another 30 percent within the next few months.

Bricker believes what is most important in a business and what has made Mariposa so successful, is the commitment to service.

"We keep harping that service is where it's at," she says. "We bend over backwards to provide good service."

Developing an impeccable reputation for service depends on expertise, says Bricker. They not only have that expertise, but they also enjoy it. "When we see a new variety in plants, we're like kids in a candy store," says Bricker. Bricker and her partner have developed their expertise to such a degree that they often get referrals from Mariposa competitors who don't always know the answers to customers' questions.

Bricker says her strongest business quality is her ability to do many things simultaneously. "This helps, because I have demands from many different directions," she says. The simultaneous effort keeps her from "losing her mind." Bricker also feels creativity is a business quality that helps her overcome obstacles from competitors and the economy. Bricker says she has had problems with employee management.

"I've had some nightmare experiences with hiring and firing."

Knowing how to maintain the right relationship between being a boss and being a friend is difficult, she says. Time management has also plagued Bricker. In her business and her personal life, Bricker says her weakness has been making sure to take time for all aspects of her life. She says that balance is hard to achieve.

Bricker finds that balance with her husband and two children. Traveling, camping and skiing enable Bricker and her family to get away from business and enjoy each other. The little getaways, she says, keep her sane. As for hobbies, Bricker says, "people who own their own business don't have hobbies." Bricker says that she once had a hobby.

"But I took that and made it a business."

NATIONAL STUDENT/PARENT MOCK ELECTIONS

Mr. KENNEDY. Mr. President, every Member of this body understands the pressure of an election night. We know that the votes cast will determine the future leadership and direction of communities across the country, and of the country itself. We know that much of what we have worked hard to achieve rests with the voters' ballots, which are the essence of our democracy.

Just 5 days before election night another election takes place, one that will also have an influence on the future course of American life and politics.

On November 3, 1988, 3½ million elementary and secondary school students and parents, from the 50 States and the territories, cast their votes for President, Senators, and Representatives. These students participated in the national student/parent mock election, called by Time magazine the largest voter education project ever.

In family living rooms and classrooms, around dinner tables and lunch boxes, students, parents, and teachers discussed candidates and studied national issues. From nuclear armament to drug wars to taxes to the Federal deficit, participants took sides, held debates, and became personally involved in the democratic process.

In Massachusetts, where I was on the ballot for the Senate, students played the roles of the Senate candidates in a public debate. In Florida, students visited senior citizens and learned about past Presidential elections. In Pennsylvania, students aligned themselves with candidates, campaigned, and held videotaped interviews which were shown on mock election night. Across the country, young citizens learned that democracy means participation and that the issues on television, radio, and in the newspapers intimately affect their lives.

On mock election night, students across the country cast their votes and make recommendations on key national issues. State coordinators relay this information to New York City, where C-Span tallies it live in a 90-minute program. Hundreds of newspapers, radio, and television stations report the results. The final tally reflects the opinions of an informed and intelligent young citizenry who will soon be in a position to cast real votes in real elections.

This kind of large-scale voter education is more critical now than ever. In 1986, 119 million eligible voters did not bother to vote. In 1988, this figure fell to 91 million, or 50 percent of all voting age citizens. In the last congressional election, 4 out of 5 eligible voters under 30 did not go to the polls. Voter turnout in the United States is among the lowest in the world.

At a time when the nations of Eastern Europe are embracing democracy, America is failing to teach its own children the rights and responsibilities of citizenship.

One of every two 17-year-olds does not know that there are 2 Senators from every State. One of every two believes the President can appoint Members of Congress. The results of this ignorance can be disastrous. As Al Shanker, president of the American Federation of Teachers, writes: "The political consequences of poorly educated citizens are at least as serious as the economic ones, because these citizens will be making decisions that will influence the future of the country and the world."

The student/parent mock election can help us turn the tide of voter ignorance and apathy. Time, Inc. will run ads in all its publications, reaching 92 million readers, to urge them to participate in the mock elections in November 1990. Time, Inc. will also send teachers' guides on election issues to every school in the country. Students, teachers, and parents will vote for candidates for Governor and Congress. For the 1992 elections, organizers hope to involve up to 10 million participants.

The mock elections are funded by donations and run by volunteers. President Bush, President Reagan, and numerous Senators and Representatives are among its strongest supporters.

I hope that all Members of the Senate will support this important voter education program. I urge them to write their school superintendents in support of the mock elections. We should also do as much as we can to encourage business leaders, community leaders, teachers, parents, and school boards to participate.

The lessons that students and their parents learn as participants in the mock elections will benefit American politics for decades to come. If the next generation of Americans is well prepared for the challenges of democracy, our liberties will be in good hands.

HOSTILE TAKEOVER OF FUTURES REGULATION SHOULD BE PREVENTED

Mr. DIXON. Mr. President, I thank my colleagues for granting me this time. The problems in the junk bond market may be reducing the hostile takeover threat for American business, but not here in Washington. The lead in a story from Sunday's New York Times business page says:

> Washington's version of a hostile takeover is starting to take shape. No money is on the table, and no stock will change hands. But the outcome could change the markets far more, and far longer, than even the biggest billion-dollar deal.

What the Times is talking about, Mr. President, is a typical Washington, DC, turf war—the attempt by the Securities and Exchange Commission to take over the Commodity Futures Trading Commission.

I think the takeover metaphor is an apt one, Mr. President. As in so many of the takeover attempts we have seen in recent years, this takeover is backed with lots of talk about how it will improve things for shareholders. In this case, that means the users of the futures and stock markets.

This proposed takeover, however, like so many other harmful takeovers, is not financed with equity, because there are no good equitable arguments for this change. Instead, Mr. President, it is financed with junk bond arguments, arguments that sound high yield, but which may be in fact, and probably are, in fact bankrupt.

Like a lot of junk financing, this proposal only looks good if you do not study it too carefully and if nothing ever goes wrong. Hostile takeovers usually depend on speed to succeed, but this is one Senator that intends to do everything he can to see that the very serious matters at issue get the kind of full, in-depth consideration they need.

I think that the Times' lead paragraph has it right, Mr. President. The outcome of this battle could result in fundamental changes in our markets. We need to spend the time necessary to do the job right, to make only those changes the evidence supports. We cannot afford to do a slipshod job based on politics and on turf war considerations.

We cannot afford to focus on illusory short-term benefits at the potential cost of our long-term financial leadership.

I will have a lot more to say about these issues at the appropriate time. For now, however, I ask unanimous consent to print the Times story in the Record, along with a recent speech I made on futures markets issues, and an opinion piece I authored that ran in today's Journal of Commerce which talks about the CFTC-SEC jurisdictional issues.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 18, 1990]

The Battle Over Regulation of the Futures Markets

(By Nathaniel C. Nash)

Washington.—Washington's version of a hostile takeover is starting to take shape. No money is on the table and no stock will change hands. But the outcome could change the markets far more—and far longer—than even the biggest billion-dollar deal.

The battle is pitting two of the nation's leading financial regulators against each other. It is also re-igniting a decades-old rivalry between New York's old-line Wall Street firms and Chicago's rough-and-tumble world of the commodities and futures trading pits.

The target of the would-be takeover is the Commodity Futures Trading Commission, regulator of all futures trading. The agency is led by Wendy L. Gramm, a scrappy economist and former whiz kid at the Reagan budget office.

The raider is the much larger Securities and Exchange Commission, watchdog of Wall Street, and its new no-nonsense chairman, Richard C. Breeden, a former securities lawyer and a self-assured protégé of President Bush who was the chief architect of the Administration's bailout plan for the savings and loan industry.

Behind Mr. Breeden is Secretary of the Treasury Nicholas F. Brady, close friend of President Bush and one-time head of Wall Street's Dillon, Read & Company. In recent weeks, Mr. Brady has sent shock waves through the Chicago pits by saying that the Treasury is studying a plan that would merge the two agencies, with the clear implication that the S.E.C. would come out as the dominant regulator. (The case for a merger: Forum, opposite.)

At the heart of the Treasury thinking is the contention that the divided regulatory responsibility for stocks and stock-index futures is weakening the American capital markets. Stock-index futures are contracts whose value is tied to a basket of underlying stocks; they permit investors to speculate on the future course of the market without owning any actual shares.

Among other things, Mr. Brady and Mr. Breeden argue that because of the split in jurisdiction, the Government cannot pursue effective enforcement of price manipulation between the futures and equities markets, and that different margin requirements create unacceptable levels of volatility. They also contend that jurisdictional squabbles are hampering the development of new financial instruments, jeopardizing future competitiveness of the United States in global markets. (See box.) They point to a lawsuit by the futures industry last year that stopped three stock exchanges from trading a new type of financial instru ment. Within months, that same instrument was being traded in London.

For their part, supporters of the C.F.T.C. argue that any risks are being overdramatized and that the agency is doing its job well. The move, they say, is nothing more than a naked power play by forces allied with Wall Street that have bridled at Chicago's growing influence.

While it is anybody's guess whether Mr. Brady and Mr. Breeden will pull off a full-blown merger, many people close to the infighting say it is all but certain that the S.E.C. will at least wind up with expanded jurisdiction over stock-index futures. "Anything less than that is unacceptable," said one senior Treasury official.

There are now many players in the growing battle, and few doubt that there will be plenty of blood on the floor by the time the fighting is over.

One of the other major figures is Leo Melamed, who earlier this month announced that he would step down at the end of the year as the chairman of the Chicago Mercantile Exchange, the most dominant of the commodities exchanges in that city.

Long considered the godfather of the financial futures industry, the outspoken Mr. Melamed has adroitly used his stature and Washington contacts to keep at bay for more than two years the forces that favor stripping the C.F.T.C. of its jurisdiction. Now, his lame-duck status is sure to weaken Chicago's hand.

Meanwhile, the fracas is likely to create deep tensions between the House and Senate Agriculture Committees, which have jurisdiction over the C.F.T.C., and the Senate Banking Committee and the House Energy and Commerce Committee, which oversee the S.E.C.

In the House, Dennis E. Eckart, Democrat from Ohio, and Dan Glickman, Democrat from Kansas, promised last week to introduce a bill to merge the agencies. In the Senate, Slade Gorton, Republican from Washington, has said he would propose a measure to give the S.E.C. jurisdiction over stock-index futures.

And ever in the background is Mrs. Gramm's husband, Senator Phil Gramm, the Texas Republican. Senator Gramm, an influential member of the Banking Committee, is also known as one of the Senate's most skillful tacticians. So far, he has been silent on the agency squabble. But Senate etiquette will require those who oppose his wife's position to proceed gingerly.

At the center of the fracas, of course, are Mr. Breeden and Mrs. Gramm, two formidable adversaries.

Mr. Breeden, who is 40 years old and who has earned a reputation as an astute Washington operative, has declined to say that he favors taking over part or all of the C.F.T.C.'s turf. But that has not stopped him from turning out a drumbeat of warnings about split jurisdiction.

"I have not publicly argued for any change in jurisdiction; I have tried to talk about the problems," Mr. Breeden said in a recent interview. "But I am not unwilling to eventually support some way of solving these problems."

Mrs. Gramm, 44 years old, is not in as strong a position politically. A Reagan appointee, she and her agency have come under intense criticism in the wake of last year's trading scandal in Chicago, which has resulted in the indictment of more than 30 traders on charges of price manipulation and trading fraud.

Moreover, her term expires next month and she is hoping to get reappointed. Thus, Treasury officials say it will be difficult for her to stand in the way of a full or partial merger with the S.E.C., especially if Mr. Brady convinces President Bush to put his weight behind the issue.

Nonethelesss, she is a long way from waving a white flag. "In the coming year, the future of this industry will be written in large part in Washington, not Chicago or New York," Mrs. Gramm told traders at the Futures Industry Association's annual meeting in Boca Raton, Fla., earlier this month. "We believe that the same agency that regulates all other futures should continue to regulate stock-index futures."

The debate over the need for two regulators is not new. In the 1970's the Chicago markets began trading interest-rate futures and currency futures, transforming the C.F.T.C. into more than just a regulator of pork belly, wheat and orange juice trading. Even then, the S.E.C. argued that it should regulate trading of the new financial instruments because of their impact on the securities markets.

A truce came in 1982. The S.E.C. got jurisdiction over stocks and options, and the C.F.T.C. got futures trading.

But the advent of stock-index futures began to raise concerns again about split jurisdiction, concerns that were heightened by the October 1987 market crash. The Presidential Task Force on Market Mechanisms, headed by Mr. Brady, then a private citizen, concluded that the use of index futures by major investment houses had exacerbated the market plunge. Mr. Brady also warned that low margin levels on index futures permitted excessive speculation and that authority to set margin levels be given to a Government agency, rather than left with the futures exchanges.

David S. Ruder, then S.E.C. chairman, took up the fight, arguing that since the stock-index futures were so linked to the price of the underlying stocks, the S.E.C. should regulate both instruments.

But Mrs. Gramm, who had just assumed the head of the agency, effectively parried Mr. Ruder's claims, convincing lawmakers that her agency was up to the task and that low margin levels on futures were not a cause of the stock market plunge.

Most important, in the high-powered White House Working Group on the Markets set up after the crash to promote greater regulatory coordination, Mr. Ruder found himself the lone voice, and Mrs. Gramm enjoyed the support of the Reagan Treasury.

Now the equation has changed. Mrs. Gramm finds that she is out-numbered on the Working Group, which over the last six months has made jurisdiction its primary concern. Treasury officials say that Mr. Brady has also decided to make jurisdiction a major issue this year.

In a March 2 letter to two Senators—Christopher Dodd, Democrat from Connecticut, and John Heinz, Republican from Pennsylvania—and again in a speech last week, Mr. Brady said a complete merger was one of several options being considered.

The rumblings by Mr. Brady and Mr. Breeden have definitely put the Chicago traders on the defensive. In a turnaround, Mr. Melamed said early this month that he would be willing to consider letting stock exchanges trade index-type products.

But not every Wall Street specialist is convinced that the markets will benefit by the demise or weakening of the C.F.T.C.

Edward H. Fleischman, an S.E.C. commissioner, thinks that the two regulatory bodies actually promote more innovation than they suppress. The C.F.T.C. has been much more willing than the S.E.C. to let exchanges develop new products, he said.

And he wonders whether the S.E.C. would be able to regulate the futures markets as effectively as the C.F.T.C. does.

"We really don't understand those markets, it is a different world." Mr. Fleischman said, adding that the S.E.C. has not earned a stellar reputation for its regulation of options. "You tell me what we would do differently. I would venture to say, nothing."

Remarks of Senator Alan Dixon to the Futures Industry Annual Meeting, March 10, 1990

When they really want to wish a person bad luck, the Chinese say: "May you live in interesting times." You may feel that these are "interesting times" for the futures industry, given the news coming out of Washington, and the investigations that the U.S. Attorney's Office in Chicago has been conducting.

Headlines like "46 Indicted at the Chicago Board of Trade and the Merc" and "Program Trading Fuels Stock Market Volatility" don't exactly sound like good luck, and I'm sure that your review of the possible legislative alternatives Congress is now considering has not exactly improved your appetite.

You may not believe it, but there is a bright side. You could, for example, be the savings and loan industry. You could be Drexel/Burnam. You could be the stock exchanges, with all their problems.

What I'd like to do today is to talk a little about some of the issues that make these such interesting times, and about how I see these issues. Legislation directed at the futures markets is a distinct possibility, and you should know what options Congress is considering—and why.

There are those who now call our financial markets "casinos," run for the benefit of gamblers instead of investors. That sounds good on the numerous Sunday talk shows, and it makes for great headlines, but there is one problem with this notion—it isn't true.

As you know much better than I, trading in our equities markets and our futures and options markets is increasingly dominated by sophisticated institutional investors. Importantly, these investors are, in the main, fiduciaries for other peoples money. They are pension fund managers, mutual fund managers, corporate investors, trusts, and others with fiduciary responsibilities to their investors or customers. Is it reasonable to believe that they would disregard their legal responsibilities? Are fiduciaries really gamblers in disguise, willing to treat trading and investing decisions like the decisions on whether to take a hit or stand pat at the blackjack tables in Las Vegas or Atlantic City? I don't think so.

If the casino statement isn't true, though, why do some people, including some well-respected leaders in both industry and government, continue saying it. The short answer is: Because of change. Financial markets have changed dramatically, and the pace of change has been very rapid. Computerization, advances in communication technology, and fundamental changes in who is investing and how they are investing have combined to force major changes in financial markets. As the markets have evolved and adjusted to respond to these factors, they have changed in ways that make them less familiar to many observers who thought they understood the markets before these changes occurred.

Congress does not yet fully understand the new financial services markets, and particularly doesn't understand the new, prominant futures industry. What a number of Members of Congress and the executive branch believe, however, is that there are major concerns in the changed markets that need to be addressed. Concerns have been expressed about program trading, futures margin levels, dual trading, and the jurisdictional relationship between the CFTC and the SEC. I'd like to talk a little about each of these issues in turn.

First—program trading. The concern is that program trading in general, and index arbitrage in particular, contribute to greater volatility in the stock market. Now, as I understand it, program trading, in its most basic form, is nothing more than using a computer to advise a market participant on when it might be advisable to sell or buy stock index futures and when it might be advisable to sell or buy groups of stocks on the equities exchanges. Banning program trading, therefore, is like at least partially banning computers. In the 1920's, there were people who said we should ban the stock ticker for much the same reason as program trading—because it contributed to volatility.

Of course, the stock ticker wasn't banned; the stock market got used to it. Similary, financial markets are adjusting to the changes in markets that flow from program trading. I know program trading permits faster action, but we need to consider carefully whether it is even possible to aritficially limit that speed in anything other than emergency situations. Instead, perhaps it would be better to concentrate on how we can ensure that all investors, and particularly small investors, are treated fairly in the changing financial markets.

It is worth noting, by the way, that the Federal Reserve does not believe that program trading is linked to volatility. A newly released paper by three Federal Reserve Board economists—entitled "A Primer on Program Trading and Stock Price Volatility"—concludes that there is no theoretical or empirical data to support the accusation that program trading increases volatility. The paper points out that index arbitrage is "potentially stabilizing."

The same volatility charge is made about futures margins levels, but that allegation is also at variance with the facts. Are futures margins too low? Well, when the stock market crashed in October 1987, futures markets had no settlement problems. Overnight settlement and intra-day margin calls protected the financial integrity of the marketplace. Further, because of overnight settlement, futures margins and equities margins, where settlement takes 5 days, are not strictly comparable.

Even if futures margins are high enough for prudential purposes, though, might they still cause greater stock market volatility? Based on the available evidence, the answer to this question is also an emphatic no.

The Federal Reserve, in papers prepared both before and since the market crash, has found no evidence that "low" futures margins and transaction costs contribute to excessive volatility in the equity markets. Instead, the papers note a kind of commonsense truth that does not seem to be commonly known—that in periods of high stock market volatility, futures margins are high. The Fed has recognized what some commentators refuse to see—that futures margins are variable, and that when there is a need, the margin requirement goes higher.

A 1988 House Banking Committee report entitled "The Regulation of Futures Margins" reached the same conclusion. It found that the case for "harmonized" margins between the futures and equities markets "is surprisingly weak." The report goes on to note that "attempts to suppress 'excessive' speculation will render markets less liquid, and therefore more volatile." The report states flatly that "margin regulation is too blunt a tool to employ effectively against destabilizing speculation."

Dual trading, a third area of concern, is not about volatility. Instead, the fear is that dual trading creates a conflict of interest that cannot be protected against, providing an irresistible opportunity to cheat customers. In my own view, this concern is largely illusory—further legislative fixing isn't necessary. Both the House and Senate Agriculture Committees, during hearings on reauthorization of the CFTC, heard testimony that dual trading violations are the easiest to detect using an audit trail, and everyone acknowledges that the futures industry audit trail is the best. Interestingly, even though no other financial market has anything that is even close to being as good, our futures markets are spending a lot of time and money on further improvements in the audit trail, including tamper-proof, electronic, hand-held terminals for all traders. It is also worth noting that none of the indictments resulting from the recent investigations in Chicago involved dual trading.

While I do not believe that legislative action is needed to resolve any problems, I am sensitive to the appearance of conflict of interest that dual trading can sometimes create. It seems to me that decisions on when to permit dual trading or on whether to limit it should be left to the exchanges, their customers, and their regulators. These are the interests best able to judge the case for dual trading and best able to balance it with any risks that may exist. I'm told that dual trading helps create deeper, more liquid markets, and that the practice can help produce narrower spreads and better prices for customers. I'm also told that our international competition also permits dual trading under another name. I'm not the futures expert, though, and regulation of dual trading is something I think should be left to the experts.

The fourth area of concern involves regulatory jurisdiction. Since the crash in '87, there has been a lot of talk about the fact that markets are linked—in fact, that in the stock index futures-equities area, the futures and stock markets are "one market." I agree with this theory, but not its corollary—that there should be only one market regulator.

In numerous other areas regulated by the Federal Government, there is no one regulator, and there is no compelling case for one in the futures-equities area either. In banking, for example, instead of one Federal regulator, there are three. And these three Federal banking regulators are joined by 50 State bank regulators. In antitrust, Federal responsibility is shared by the Federal Trade Commission and the Department of Justice. In trade, the State Department, the Commerce Department, the United States Trade Representative, and the Defense Department all share overlapping responsibilities. Even in the equities markets, the SEC shares jurisdiction with the Federal Reserve Board, which has jurisdiction over margin requirements.

One market, or one functional area, therefore, doesn't necessarily create the need for one regulator. In fact, in the futures-equities situation, unless we want to give the SEC, or some new financial regulator, jurisdiction over all equities and futures products, including traditional agricultural and mineral contracts, it is impossible to use just one regulator.

Using more than one regulator can be an advantage. For example, the better, more sophisticated futures audit trail and clearing systems puts pressure on the SEC to get the equities markets' comparable systems

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improved. The futures and equities markets are already cooperating well in policing intermarket trading violations. Intermarket front-running prohibitions are already in place. The only market not covered is the options market—which is already under the SEC's jurisdiction. The CFTC and the SEC are also already cooperating, together with the futures exchanges and the stock exchanges, in putting together systems to deal with future espisodes of market volatility.

All four concerns—program trading, margins, dual trading, and regulatory jurisdiction—do not represent problems that need quick legislative solutions. They are, instead, diversions, from the real changes and problems we should be addressing. Nonetheless, there is continuing, growing agitation to address these "non-problems."

Two basic reasons account for this desire to fix these things that aren't really broke. The first is the desire to do something. After all, there are signs of real problems. There was a crash, and it happened much faster than the '29 crash did. Individual investors do not own as great a percentage of stock as they used to. Stock prices have been moving around a lot, and many investors do feel seriously disadvantaged. Further, it is more and more difficult to raise new equity capital.

Congress, the executive branch, and for that matter, many participants in the equities markets, want to address these problems and are casting around for solutions. In that climate—and considering that no one in government likes to just sit back and watch—proposals to change futures market operations and regulations were bound to occur.

The second reason builds on the first. Congress and the executive branch like to respond quickly. That means fast solutions, usually without the time for in-depth analysis first. That can lead to jumping on solutions that don't solve the real problems. Because of the desire to move too quickly at times, errors in the analysis of the problem can creep in. Even worse, the solutions proposed may not address the problem, even when the problem itself is a legitimate one that needs to be addressed.

The futures industry is in danger of being victimized by these governmental tendencies. A number of my colleagues on the Banking Committee and I, together with the CFTC and the Federal Reserve, were able to prevent any hasty congressional action in 1987 and 1988. However, recent market events, together with the fact that it is past time for the CFTC reauthorization, have combined to reinvigorate congressional interest in legislation.

Unfortunately, our short-term approach to Federal budget problems, together with the President's no new taxes pledge, also creates a potentially serious problem for the futures industry. The President's latest budget request proposes a user fee of 11 cents per futures transaction. Now you may think that this proposal violates the President's no new taxes pledge. However, according to OMB, this is not a tax, it is a user fee designed to cover the costs of running the CFTC.

Why did the administration propose this fee? The answer is simple: To help meet this year's Gramm-Rudman-Hollings deficit reduction target. Did the administration consider the impact the fee might have on the futures industry? The answer is equally simple: No, the OMB budgeters were solely motivated by their short-term budget concerns; that is all they thought about.

The futures industry, however, cannot afford that kind of narrowly focused, short-term thinking. I'm sure you know what the effects could be; our international competition certainly is. They are waiting for us to take misstep. Sweden, for example has just scrapped a bond turnover tax and halved a similar tax on trading in equities and options because the tax had driven most trading abroad. Japan has just proposed a plan that will decrease taxes on futures by 90 percent in October of this year, in order to make their futures industry more competitive.

Yet here in the United States, we are proposing a high transaction fee and higher margin requirements. It is almost as if we are deliberately trying to push the business overseas.

If there is anything recent history should teach us, it is that trading will move to where the competitive conditions are most favorable. When the bond pit in Chicago stopped trading during the crash because it hit the daily price limit, trading in London picked up enormously. Market participants had the ability to trade there, and when they couldn't trade in Chicago, they moved the transaction to where they could trade.

We cannot afford to assume that our current leadership in the futrues area is permanent. We are already less dominant than we used to be. While overall U.S. futures volume is increasing, our international market share is decreasing. If we are not careful, if we do not consider the international ramifications of our actions before we act, we could push futures business off shore.

I don't want that. I'm working hard to try to ensure it never happens. The United States is the world's financial leader. I want to keep us that way, and that means having the kind of healthy, competitive futures industry that the entire world wants to emulate.

What Congress doesn't need to emulate is the behavior it finds so objectionable in the private sector—the focus on short-term considerations at the expense of the long term. We have to abandon the search for short-term, quick-fix solutions. Instead, we need to examine the changes that have occurred to see if we can begin to understand why they occurred. We need to take a hard look at fiduciaries, to see if we can try to understand how they act and why. We need to try to understand the role that taxes and changes in our economy play in our financial markets.

That's the only approach that offers real help for small investors. That's the only approach that may significantly reduce market volatility. That's the only approach that doesn't carry too-great a risk of inadvertantly hurting both our futures and equities markets.

I am, however, a practical politician, and one of the key rules of practical politics is that its tough to beat something with nothing—and I know that the "go-slow" approach I am advocating doesn't offer much to those who want quick action.

I will therefore soon introduce legislation designed to establish a logical regulatory framework for addressing intermarket issues—issues that affect both the equities and futures markets. This is something we can do now, something that will help without creating large, unforseeable risks.

The idea is a simple one: To make one of the SEC Commissioners a member of the Commodity Futures Trading Commission, and to make one Commissioner appointed to the CFTC a member of the Securities and Exchange Commission.

This kind of cross-membership will help further encourage the kind of regulatory cooperation we have already seen between these two bodies, and will institutionalize their working relationship.

The bill is based on the proposition that the regulators already have most, if not all, of the statutory authority that they might ever need. It also addresses the concern that a regulator might be considered by some to be too close to the industry it regulates.

There are precedents for this kind of arrangement. In the banking area, for example, the comptroller of the currency is on the Board of the Federal Deposit Insurance Corporation.

I am not in a position to guarantee that this approach will resolve all the problems facing the futures industry in Washington. Obviously, it does nothing about the transaction fee issue. I do believe, however, that it will help us put some of the market mechanics issues to rest, allowing us to focus on the more fundamental changes now underway.

We cannot afford to base our actions on "false facts", misunderstandings, or misperceptions. We can't afford legislative action based on "turf" considerations, or legislation designed to restore a time that no longer exists.

What we need is greater understanding of all of our financial markets. What we need is an appreciation of the changes in our financial system and an intelligent approach to managing the risks involved. That is what I'm working for. That is what I intend to continue working toward.

I invite you to join me in this quest. Where there are problems, let us work together to find solutions. Where there are opportunities for improvements, let us see that they get implemented. Where there are challenges to be met to maintain the world's foremost futures industry, let us meet those challenges.

[From the Journal of Commerce, Mar. 20, 1990]

Link Futures Market Regulators

(By Alan J. Dixon)

In October 1987, the stock market crashed. The Dow Jones Industrial average declined over 508 points in a single day. While some believe that Congress should have quickly passed legislation to "solve" the problems that caused the crash, no legislation has been enacted.

Of course, that does not mean that the federal government ignored the crash. There have been extensive regulatory actions taken by the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Reserve and the Treasury Department to address the short-term issues. Moreover, last fall the Senate Banking Committee reported market reform legislation designed to address some of the regulatory gaps the crash uncovered.

The focus of many in Congress and the executive branch, however, has been too short-term and too narrow. There are broader issues that Congress should carefully examine and then act on, but although we had the time to conduct a comprehensive market review, we did not do so. Our fixation on the mechanics of trading blinded us to the broader concerns that really deserved our attention.

Unfortunately, some members of Congress seem more concerned with enacting something that with ensuring that the response addresses the real problems. Therefore they continue to advocate proposals designed to fix a number of "non-problems" relating to stock index futures and their impact on the stock markets.

One of the major non-issues now under debate relates to regulatory jurisdiction. The most prominent finding of the Brady Commission report on the market crash, authored by Secretary of the Treasury Nicholas Brady, was that the stock-index futures market and the stock market constitute one market. The one-market theory makes a great deal of sense. The same thing, though, cannot be said about its corollary—that one market demands a single regulator.

The Treasury Department and some of my colleagues find it disturbing that regulatory jurisdiction over this "one market" is split between the Commodity Futures Trading Commission and the Securities and Exchange Commission. Treasury has proposed a number of alternatives to cure what the department calls "regulatory fragmentation," merging the two agencies or transferring jurisdiction over some or all financial futures to the SEC. According to the advocates of this change, reform in this area is essential in order to coordinate regulatory mechanisms, to provide more effective ways of dealing with certain manipulative practices, such as intermarket front-running, and to ensure that the regulatory system can better cope with financial innovation.

Major regulatory changes are not needed, however, because we already have effective policy coordination. The CFTC, SEC, Fed and Treasury all meet together regularly to coordinate intermarket policies. Further, both the SEC and the Fed know how to coordinate policy among multiple regulators. The Fed shares banking regulatory authority with two other federal banking regulators and 50 state regulators. The SEC shares its authority with the Fed, which has jurisdiction over margins, and with the states, which control corporate governance issues.

Having multiple regulators need not hurt intermarket enforcement efforts. The CFTC and the SEC already have worked well together to coordinate their efforts against potential abusive practices. Further, the futures audit trail system, widely acknowledged to be superior to anything available in any other financial market, helps create pressure to improve the stock exchanges' comparable systems.

As to innovation, it was the existence of the CFTC that allowed the creation of the foremost market innovation in recent times: the stock index futures contract.

On the other hand, giving the SEC control over some or all financial futures, or all futures, creates potential new problems. The SEC, for example, does not regulate government bonds, currencies or agricultural commodities. If the justification for one regulator is the one-market theory and these markets are not part of that one market, why give regulatory jurisdiction to the SEC?

Giving the SEC jurisdiction over financial futures, or even just stock index futures, makes no sense to futures exchange traders. Currently, a trader can deal in eggs one day, and the Standard & Poor's 500 Stock Index contract the next. If jurisdiction is transferred to the SEC, what happens to a trader's ability to move about on the exchange floor? What impact will that have on market efficiency and liquidity? Why should we even consider having to try to find out?

Since the current ad hoc structure already effectively coordinates policy, major changes in that structure are unnecessary. However, it may be advantageous to institutionalize the cooperation between the SEC and the CFTC. I will, therefore, soon introduce legislation to make one of the SEC commissioners a member of the CFTC, and to make one CFTC commissioner a member of the SEC.

There are precedents for this kind of arrangement. In the banking area, for example, the Comptroller of the Currency is on the Board of the Federal Deposit Insurance Corporation.

This proposal will help keep both the SEC and the CFTC focused on the objectives that Secretary Brady so correctly laid out, while minimizing disruptions of the two agencies or the markets they regulate. Enactment of this approach, together with the market reform legislation reported out of the Senate Banking Committee last fall, should allow us to begin to focus on the fundamental changes in market structure that we need to more fully understand before taking any major new legislative steps.

BUSINESS WEEK HONORS LEO MELAMED

Mr. DIXON. Mr. President, an editorial in last week's Business Week called attention to the genius of Leo Melamed, and the tremendous contribution he has made to the Chicago Mercantile Exchange and our financial markets generally.

I have known Leo for a long time. He deserves every bit of credit that the Business Week editorial gives him—and a whole lot more.

Leo will be retiring from his posts at the Merc at the end of this year. I wish him well in all of his future undertakings.

Mr. President, I ask unanimous consent to print the Business Week editorial in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Business Week, Mar. 19, 1990]

DON'T FORGET LEO MELAMED'S LESSONS

The retirement of Leo Melamed as head of Chicago's Mercantile Exchange marks the passage of the futures industry from adolescence to maturity. Melamed's achievements are legendary. It was he who glimpsed in the breakdown of the fixed-exchange-rate system in 1972 the promise of trading in a new commodity: currencies. Later, he led the industry into stock-index futures and, still later, the first international exchange linkup.

Melamed got attention on Capitol Hill after the 1987 stock-market crash by warning Congress not to let overregulation push futures trading to Japan. And when news broke of a government sting on Chicago's exchanges that yielded indictments of 45 traders, Melamed quickly initiated sweeping reforms, averting a wholesale housecleaning by the "outsiders" in Washington and vowing to put "the fear of God" into would-be thieves in trading jackets.

Melamed's departure leaves the futures industry firmly entrenched in the global financial marketplace, but facing new challenges. The exchanges must settle, for good, the regulatory anomaly that prevents the Securities & Exchange Commission from regulating stock-index futures, defying logic and the interests of stable markets. They must fairly and aggressively police floor trading and dissolve the cronyism that has threatened to frustrate such efforts in the past. Along with the Chicago Board of Trade, the Merc must implement Globex, the global computerized trading system whose development Melamed supported as essential to maintaining Chicago's position in international futures trading.

Asked to look back upon his career recently, Melamed mused: "There are some footprints in the sand I am very proud of." Now, his successors must ensure that those footprints aren't washed away.

TERRY ANDERSON BEGINS SIXTH YEAR OF CAPTIVITY

Mr. MOYNIHAN. Mr. President, I rise today to remind my colleagues that Terry Anderson is now entering his sixth year of captivity in Lebanon. Last Friday, March 16, we commemorated the end of his fifth year. Today marks his 1,830th day in captivity.

Mr. President, during that time, Terry Anderson has lost his father and his brother. His daughter was born. She is now 4 and has never seen her father.

When Terry Anderson was taken hostage on March 16, 1985, Ferdinand Marcos was in power, Solidarity was struggling against martial law, and the Iran-Contra affair had yet to make headlines. Since then, crack cocaine has gripped our cities, the cold war has ended, and the once widespread political ideology of totalitarianism has died. All this. And Terry Anderson has remained chained to a wall in a basement, somewhere in Beirut.

I would like to recall today the sad and sobering words of French journalist and former hostage Jean-Paul Kauffman, who wrote on the fourth anniversary of Terry Anderson's captivity:

> The truth is that the hostages in Lebanon today have become the damned of the West. Without hope of being saved, imprisoned in silence and darkness, deprived of the sight of the world of the living, forgotten, they no longer represent anything. * * * The most tragic thing is that this torment is administered as much from the outside by countries and people indifferent to their fate as on the inside by their captors.

Mr. Kauffman's poignant thoughts struck me then, as they do now. The plight of the hostages in Lebanon requires our constant care and attention. We must do all we can to convey to Terry Anderson and the others that we have not forgotten, that we are not indifferent, and that we will not stop fighting for their release until they are resting safely in their homes. Captivity is a day-to-day ordeal for them; it has to be for us as well.

Mr. President, I ask unanimous consent that three articles appearing in the Washington Post over the week-

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end be printed in the Record at this point. One concerns the ceremony held in Lafayette Square on March 16, commemorating Terry Anderson's fifth year of captivity. The other two address the issues being raised by United States efforts to secure the release of the hostages.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 17, 1990]

Hostage's Fifth Year in Confinement Is Marked

(By Eleanor Randolph and David Hoffman)

Through tears, prayers and emotional remembrances, friends and family of U.S. hostages yesterday gathered at Lafayette Square to mark the fifth year that journalist Terry Anderson has been a hostage in the Middle East.

President Bush—in a letter he presented yesterday to Anderson's sister, Peggy Say—said he plans "to keep open lines of communications with all parties, including Iran, who have influence over hostages takers."

Bush, who did not come to the ceremony across from the White House, told National Public Radio that he decided to meet with Say because, "Every day I'm president I have a heavy heart when I think of the hostages."

But the president added that he also had to keep a "delicate balance" between caring about the hostages and giving any signals "to the hostage holders that make them feel that there's more advantage in holding the hostages than in releasing them."

White House press secretary Marlin Fitzwater said "it was widely concluded that President Reagan's actions" in the Iran-contra scandal, in which he agreed to sell arms to Iran, "were guided by his personal contact with the hostage families and the great anguish that he received as a result of that."

Fitzwater said that "perhaps because of the Iran-contra experience . . . I don't think anyone has any fear of being driven to do anything irrational because of personal contact with the families. There is certainly no fear of that on the president's part."

Bush has said repeatedly in recent weeks there are no ongoing negotiations to win freedom for the hostages but that he would be willing to pursue any leads and talk to anyone who might aid in their release. Yesterday, Bush disclosed that he had had contacts with Syrian President Hafez Assad. "I've been in touch with him," Bush said as he toured the Tidal Basin to view the cherry blossoms.

Fitzwater said Bush had been in contact with Assad through "diplomatic channels" but declined to be specific. "There have been a number of overtures to leaders in the Middle East, including Assad, in recent months on the hostage matter," he said.

Bush also said he had received some reports from former president Jimmy Carter, who is traveling in the Middle East, and who met with Assad this week. Bush emphasized that Carter was traveling in an unofficial capacity.

At the noon ceremonies arranged by a Washington-based humanitarian organization called "No Greater Love," Say said she wanted to tell Anderson's captors that: "We are the American people and you have humiliated us and you have degraded us and you have shamed us . . . and you wonder why your claims of injustice fall on deaf ears.

"You say that your story is not being told, and yet, the man that told it so well has been chained to a basement wall for five years," she said.

The ceremony, which also acknowledged the time 17 other Western hostages has been held in Lebanon, included speeches by Sen. Daniel Patrick Moynihan (D-N.Y.), anchormen Dan Rather of CBS News and Tom Brokaw of NBC News, and the Rev. Lawrence Martin Jenco, a hostage locked up with Anderson before his release in 1986.

In the crowd were scores of journalists and colleagues of Anderson. Perhaps their strongest applause went for remarks by Thomas Friedman, chief diplomatic correspondent of the New York Times. Friedman told the crowd that at Anderson's commemorative service last year, he and others had appealed to the "moral self-interest" and religious teachings of Anderson's captors.

"But as we stand here today we have to look back on the last year and reflect that we were just talking into the wind," Friedman said.

Friedman said that so far other hostages have only been released by what he called "the market solution," in which hostages are essentially purchased by their government, or "the military solution," such as the 1976 Israeli raid on Entebbe Airport in Uganda to free hostages held by hijackers of an Air France jet.

Friedman said the United States has opted for a third method of dealing with the hostage issue "that I call the constitutional solution . . . where we sit back and say, 'I'm sorry, we just don't negotiate with kidnappers.' "

"As one who lived in Beirut for five years, I know the kidnappers understand the market solution. They understand the military solution, but I'm afraid they don't understand the constitutional solution," he said.

Friedman said it was time to come up with other ideas for Bush. "He's as confused as we are, and I don't blame him," he said.

Louis Boccardi, president of the Associated Press, said, "At this point, the greatest gift we can give [Anderson] is to press on, to not falter, to find an honorable way to get the job done.

"If I know Terry, that's what he's thinking too," Boccardi said.

[From the Washington Post, Mar. 18, 1990]

The Hostage Labyrinth—Many Complex Deals Lie Behind Any Release

(By Nora Boustany)

In Beirut's dilapidated southern suburbs, where American and other Western hostages are believed held, another round of Shiite fratricide broke out last week. The hostages are in earshot of the rattle of machinegun fire in the alleyways near the dim basements that imprison them, as well as the thunder of artillery from an inter-Christian war that has been waged house to house and street to street only two miles away.

In the meantime, the United States, with the help of its Arab and Gulf friends, and the region's ubiquitous "middlemen," is following its own maze of diplomatic streets and alleys, seeking the release of the eight Americans still languishing in Lebanon. As Terry Anderson, the longest-held American hostage, began his sixth year in captivity, the signals that Iran and the United States have lately been sending each other suggest that, despite continuing threats by pro-Iranian groups in Lebanon to harm their American hostages, both governments may now be willing to find a way out of the hostage impasse.

"The outline of a deal has come into focus," said Martin Kramer, Israel's leading expert on the hostage-holding group Hezbollah, and currently a fellow at the Woodrow Wilson Center. "The question is, what is Iran going to work out with the hostage holders and Syria? We are closer to the beginning of that process than the end."

Kramer is referring to the complexities Iran will face in getting the hostages released by their captors in Lebanon. Iran will have to persuade its regional ally, Syria, to allow groups such as the pro-Iranian Hezbollah to operate freely within Lebanon. Syria's Lebanese proxy, the Amal Militia, has been at war with the more militant Hezbollah since 1988 to keep it out of southern Lebanon.

Iran will also have to mediate between Lebanon's traditional power brokers and the web of fundamentalist groups that have made that troubled nation an extension of Tehran's foreign policy operations.

The actual Lebanese captors of the foreign hostages, who fall into the various categories of greedy contractors, rabid ideologues or relatives of Shiite activists held prisoner in Kuwait, will not be easy to sway. "There will have to be a process of arduous persuasion by the Iranians. [The captors] will also maximize what the hostages will bring them. They realize they have an asset that is losing in value, but this is still not a fire sale," cautioned Kramer.

One source familiar with several governments involved described the outlines of a possible deal; "The idea is to first release three hostages, then to see whether certain conditions are met. Iran is eager to be removed from the terrorism list," the source explained, "to have the United States unfreeze its assets. . . . There is some intransigence, but Gulf countries such as Oman, Algeria and Syria are involved in the process."

Conditions Iran would like to see addressed include a final resolution of conflicting monetary claims between Iran and the United States, which date back to the Shah's overthrow, and the more recent dispute over U.S. compensation for victims of the Iranian civilian airliner shot down by the USS Vincennes in 1988. It is unlikely that Iran has dropped any of its conditions, but it may be willing to reshuffle them and tell its allies in Lebanon that a hostage release is necessary.

According to Iranian and Lebanese fundamentalist sources, the captors are setting a number of conditions that would involve an exchange of some of the hostages for Lebanese and Palestinian prisoners now being held in Israeli jails. Among these would be clerical leader Abdel Karim Obeid, who was captured in southern Lebanon by Israeli commandos last summer.

The captors are also insisting that any deal not include Israeli soldiers taken prisoner in Lebanon since 1985, and that Israel refrain from building any settlements in northern Israel near its border with Lebanon. The captors fear that such settlements will be built to accommodate the expected influx of Soviet Jews into Israel, and that they will put added pressure on Lebanon's scarce water supply.

Furthermore, the captors are resisting realeasing all of their hostages; they want to hold on to some of them as a guarantee against retaliation.

Though most U.S. officials cringe at the mention of the word "deal," specialists and diplomats agree that regardless of the scenario or sequence of goodwill gestures, Iran sanctioned kidnapping in Lebanon for a future trade-off.

"Iran always wanted something in return for the hostages. [Iranian President Hashemi] Rafsanjani is an opportunist, not a philanthropist. If he wants to secure the release of hostages, he wants to be paid in some form," one State Department official explained.

As one European diplomat specializing in Middle East and hostage affairs here observed, "There is no free lunch in the Middle East."

Rafsanjani has a number of incentives for trying to make a deal for the hostages now rather than later. Rafsanjani may be coming to believe that the value of the American hostages is deteriorating, that they stand in the way of much-needed rapprochement with the West.

Such a rapprochement has nothing to do with any shift in Iran's perception of the West and its values, but with the hard facts of Iran's crumbling economy. Iran's general assembly, the Majlis, often the setting for virulent tirades against Western and other countries, has approved foreign funding for an ambitious five-year development plan.

Furthermore, the revolutionary changes in Eastern Europe may soon deprive the Islamic Republic of its geostrategic importance.

There have been numerous signs of movement from Iran. A Feb. 27 editorial in the influential Tehran Times stated that: "The time has come for all the hostages to be freed unconditionally, because their continued detainment has resulted in widespread negative propaganda against the Islamic Republic." The newspaper recommended that Moslem fundamentalist forces in Lebanon release the foreign captives on humanitarian grounds.

After a trip to Tehran, Lebanon's leading Shiite spiritual leader, and the eminence grise of Islamic fundamentalists, Ayatollah Mohammed Hussein Fadlallah, further fueled hopes with an optimistic forecast the day after the editorial appeared. There were "practical factors indicating that the western hostages in Lebanon will be freed," Fadlallah said. Usually in tune with current trends in Iranian thinking, and with the ripples in Tehran's power centers, Fadlallah added, "I can say that there is a general conviction, a favorable atmosphere, not abstract but based on tangible elements."

However, Ahmed Khomeini, the son of the late Ayatollah Khomeini, dampened some of the euphoria over Iran's change of heart by denying it was directly involved, with hostage-taking, and saying that the United States was wasting its time in trying to open channels to Tehran. "The United States will never see the day when the Islamic Republic will reach a compromise with Washington."

In a call to his protégés in Lebanon for defiance, former Interior Minister and Hezbollah founder Ali Akbar Mohtashemi wrote an editorial in the hard-line Kayhan newspaper last weekend warning that "freedom for the hostages means breaking the chains of bloodthirsty wolves."

Iranian observers and analysts in Tehran discount the significance of Mohtashemi's views, noting that the broad principle of foreign funding has been approved despite the factional bickering.

"The question of relations with the United States is so bitterly controversial, but Rafsanjani has an eye on the future," one Iran specialist commented.

President Bush repeated his open message to Iran last week that "good will begets good will." He also tantalized reporters at his Tuesday news conference with the suggestion that "When the whole story comes out on [the hostage process], you all are going to be very, very fascinated with the details," For now, U.S. counter-terrorism teams appear to be no more than keen spectators, processing messages, communiques and declarations from Iran, Syria and Lebanon for final reports and recommendations to the secretary of state and the president.

"The United States and Iran could have a normal relationship," said one U.S. official closely monitoring the hostage crisis. "Our interests are not inimical or antagonistic to one another."

"It was old men hating old men, and young men suffering for it," said Noel Koch, former deputy assistant secretary of defense for international security affairs, in a critique of President Reagan's attitude of hanging tough on the hostages.

Koch argued in an interview that it would have been better to try to deal with the hostage issue during Ayatollah Khomeini's lifetime, "even if it meant eating a little crow in the process," rather than let him die in a state of implacable hostility toward the United States. The situation has proven difficult to resolve under Rafsanjani.

As the myriad players seek some kind of payoff from kidnapping, revolution and war; as go-betweens probe for profitable opportunities; as governments seek the least humiliating solution to a problem that has lasted too long, the hostages, dehumanized, degraded and sometimes forgotten, are waiting. But they are still alive, and life is inestimable.

[From the Washington Post, Mar. 18, 1990]

. . . BUT OUR 'NO NEGOTIATIONS' POLICY MAY NOT HAVE HELPED

(By Noel Koch)

Hostage-taking is a form of terrorism, and the American record in dealing with terrorism has been marked variously by indifference, indecision, vacillation, venality and incompetence. Yet, in spite of the cost in American lives and treasure, U.S. policy toward all forms of terrorism still can be summed up in single meaningless phrase: "no negotiations, no concessions," a policy that has never run the risk of relevance.

Within the Reagan administration, where I dealt directly with counter-terrorism, there were endless disputes over the most effective way to deal with states involved in terrorism. Such disputes began at the bottom, with hair-splitting considerations of what was a state and what was state-supported—as opposed, say to state-sponsored—terrorism. Government officials, particularly those in the State Department dealing in Middle Eastern affairs, were utterly unmoved by any suggestion that nations within their purview might be acting in ways contrary to U.S. national interests.

For example, Iraq harbored a bomb maker named Abu Ibryhim, some of whose products turned up on American civil aircraft. At least one fatality could be traced to the explosives conceived in Baghdad, and that low number was luck; the bombs were placed to destroy at least two American jumbo jets. Iraq was on the State Department list of nations involved in terrorism. Then in 1983 Iraq was removed from the list. Iraq was still a terrorist state, but for reasons of regional political posturing, it was deemed necessary for the United States to favor Iraq in the war Iraq had launched against Iran.

On a similar note, the evidence of Syrian involvement in terrorism was—and for years has been—conclusive. Yet when a decision was made in 1985 to send Ambassador-at-Large for Counterterrorism Robert Oakley to Damascus to remonstrate with President Hafez Assad, officials in State's Bureau of Near Eastern and South Asian Affairs intervened, protesting that the straight-talking Oakley might offend Assad. Oakley was not sent.

A combination of circumstances led to the U.S. bombing of Libya in April 1986. These circumstances included the persistent and irritating posturing of Libyan strongman Mu'ammar Gadhafi, growing public and congressional disenchantment with the Reagan administration's failure to deal with terrorism—especially Middle Eastern terrorism; intra-governmental pressures, with elements within the administration at war with each other, and finally, the fact that Libya was simply considered the easiest target among terrorist supporting nations. In addition, the United States had evidence of Libyan involvement in an act of terrorism against Americans in Berlin.

The bombing of Libya had a curious impact, The Reagan administration insisted that it had stopped terrorism cold—especially Gadhafi's role in it. This was nonsense; Gadhafi barely skipped a beat, changing the communications system that had led to the discovery of his involvement in the Berlin bombings, and enlisting a more competent group of surrogates to continue his actions.

There were beneficial consequences, of course. These came with the sudden, major upgrading of European cooperation with the United States in addressing terrorism. European governments did not want the United States conducting military operations on NATO's southern flank, with all the risks that entailed for Europe, not to mention risks to European personnel and businesses operating in the Middle East. Therefore, a number of Libyan embassies in Europe were closed down, a number of Syrian diplomats were expelled, and cooperation between intelligence and enforcement services increased. The result was that terrorism declined during 1987 and most of 1988, offering a false dawn and permitting American officials to declare that terrorism was finished.

The chief source of inspiration and capacity for terrorism continues to come from nations on the Mediterranean littoral, and from Iraq and Iran. These threats rarely manifest themselves in the United States, but Europe provides a target-rich environment for those who want to kill or otherwise harm Americans.

The evolution of present-day terrorism policy begins in the aftermath of the 1967 Six-Day War in the Middle East, with Palestinian frustration and the ideologically inspired violence of European radicals beginning to make themselves felt at about the same time. One distinguishing feature that linked all early hostage-takings of that period was that authorities responsible for resolving these incidents felt compelled almost without exception to make some concessions in the interests of seeing the hostages freed. In the early years, the propriety of this step was rarely challenged.

One early attempt to challenge this policy come in Khartoum in 1973 with the takeover of the Saudi Arabian Embassy by Palestine Liberation Organization (PLO) terror-

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ists. American Ambassador Cleo Noel and his deputy, George Moore, were among those seized. President Nixon refused the terrorists' various demands, and the Americans were killed, along with a Belgian diplomat.

The logic of the "no concessions" position, then and now, seems self-evident: Making concessions to terrorists provides an incentive for the commission of further acts of terrorism. Whatever else the U.S. government understood about the issue, it felt safe in clinging to that basic wisdom, and clung it has, even as terrorism has changed and appreciation of the problem has become far more sophisticated than it was in 1973.

The takeover of the U.S. Embassy in Tehran in 1979 provided President Carter's partisan opponents with a gift of seemingly incalculable political value, and they joined the Ayatollah Khomeini's Iran Revolutionary Guards in tormenting the president. At length, however, the gift proved poisonous: Candidate Ronald Reagan's repeated assertions of the ruthlessness with which he would address any acts of terrorism made his administration a prisoner of his campaign rhetoric (gratuitously amplified in his inaugural address).

Thus as terrorism accelerated in the face of President Reagan's promise of "swift and effective retribution," White House political operatives sought to shield the president from the growing public conviction that the world was becoming an increasingly less safe place in which to live and travel, and that somebody needed to take responsibility for managing the problem.

Relations between the United States and Europe went sour on this point. Behind closed doors, officials in Washington blamed the growing terrorism problem on the refusal of the Europeans clearly to enunciate and to implement a policy refusing to deal with terrorists. From the European perspective, the American attitude was just about intolerable. As noted, Americans were very often the targets of actions in Europe—actions that often did more damage to Europeans and their property than to Americans. Further, America had a credibility problem when it came to fighting terrorists; many nations—West Germany, the Netherlands, France, Great Britain, Italy, Spain, Turkey and Israel—had sent forces against terrorists and won.

The United States was not known to have enjoyed any successes in the war against terrorism; the will to confront the political and bureaucratic impediments to success was not there. Compounding the grievance, Americans seemed utterly incapable of keeping a secret; jealousy, bickering and noncooperation were the order of the day among U.S. intelligence services, and the calculated leak was part of the arsenal in their internecine wars. It was risky to share information with American agencies. Moreover, in spite of the endless parroting of "no negotiations, no concessions," European officials were aware that U.S. policy could turn on a dime.

In addition, the sheer intransigence of the "no negotiations, no concessions" policy was seen by Europeans to be inherently dangerous. As soon as the United States confronted a terrorism incident of duration—such as a hostage-barricade event—spokesmen would begin at once to insist that the United States was not going to deal with terrorists. Yet, as anyone who has dealt with the problem knows, should terrorists wish to attack the policy itself in order to demonstrate how the United States might be forced to make concessions, it would be child's play to do so. So stylized and bombastic had these declamations become by the mid-1980s, that it was suggested to the State Department that it ought to be sufficient simply not to make concessions and be quiet about it.

Finally, the policy foreclosed any exploration of possibilities for ameliorating conditions that often prompted the bloodiest acts of terrorism. As long as the United States saw itself in a test of wills with those who committed terrorism, terrorism would continue unabated.

Yet the United States seems married to a policy that has outlasted its purpose, if, indeed, the policy was ever congruent with its purpose. The anchor that continues to hold this policy in place consists of nothing weighter than the fact that the Reagan administration vociferously adopted it. President Bush cannot revise a policy with which he was associated as vice president without raising the question of why it was not done sooner, for instance, when he chaired the administration's Task Force on Terrorism. In addition, it must be determined whether revision acknowledges inadequacy and, if so, how the victims of that inadequacy—among them Americans who died in Beirut and others still alive there—are to be compensated.

The clearest indication that the policy of "no negotiations, no concessions" is inadequate to the problem it addresses can be found in the singular fact that Reagan himself violated it. Even had National Security Adviser Robert C. McFarlane not been duped into trading U.S. arms to Iran for American hostages, torturous efforts to circumvent the policy without appearing to violate it were already in evidence.

For the present, the prospect of retaliation for Pan Am flight 103, the absorbing internecine struggles within Iran, the preeminent attractions of the intifada, and Lebanon's national suicide all draw energy and attention from Middle East terrorism. That it will resume is certain.

The hostages in Beirut are an impediment to a change in the relationship between the United States and Iran. It is in the interests of both parties to find a way around this impediment. We know from experience that Tehran cannot simply wave a wand and effect the release of people held by pro-Iranian factions in Lebanon. Post-Khomeini divisiveness in Tehran make this all the more problematical.

We also know from experience that the hostages in Lebanon provide a dangerous, chronic opportunity for the United States to bring embarrassment upon itself, or have embarrassment brought upon it by the unscrupulous. Useless, cruel or self-aggrandizing initiatives associated with the hostages in Lebanon are endemic; the hostages are victimized by their own leaders no less than by their captors.

NORTHWEST INDIANA HIGH SCHOOL STUDENTS EXCEL IN COMPETITION

Mr. COATS. Mr. President, northwest Indiana is standing tall and proud after students from several local schools won top honors in recent scholastic competitions.

In this year's Indiana State Science Olympiad, area schools won first prize in both the middle school and the high school divisions at the competition held in Indianapolis. From there the 15-member teams from Valparaiso's Jefferson Middle School and Hammond's Gavit High School advance to the National Science Olympiad in Clarion, PA, this May.

This is the second consecutive State championship for Gavit High and its fourth in 6 years. Several other northwest Indiana teams also proved their scientific prowess at the State event.

Meanwhile in Valparaiso, IN, several high school teams were demonstrating their knowledge of Greek civilization at the Duneland Academic Conference Super Bowl. This competition, formally known as the Hoosier Academic Super Bowl IV, is part of the Indiana academic competitions for excellence program sponsored by the Indiana secondary school administrators.

Teams of students from eight local school systems competed for more than 3 hours, answering questions on social studies, math, English, science and the fine arts. The theme of the event was "The Glory That Was Greece," and all of the questions—a minimum of 20 in each of 6 categories—dealt with ancient Greece.

The winners were the team from Michigan City Rogers, which won the traveling trophy for best overall team and placed first in social studies, English and all-around. The Rogers team also won second prize in math and third in science.

Other teams placing in the competition, which is the first preliminary round, were Valparaiso, which won a first in science, second in English, and third in social studies; Michigan City Elston, which placed first in math, second in science, and third both in English and all-around; LaPorte, securing a first in fine arts and a third in math; Charleston, garnering seconds in social studies and fine arts; and Portage, winning a second in all-around and a third in fine arts. Also competing were high school teams from Hobart and Merrillville.

The teams will return for the area competition on April 17 at LaPorte High School. The winners will then proceed to the State competition on April 28. Teams from across the State are invited to the Super Bowl finals based on the number of points they have accumulated in their divisions.

Clearly northwest Indiana has its share of "smart kids," that is, the kind of students who find greater kicks out of brainpower than drugs, and who spend their time and energies on learning and learning to compete on the basis of academic achievement. The Science Olympiad and the Academic Super Bowl are the kinds of competition that bring out the best in our young people and contribute to their intellectual development and to our society's excellence and future ability to meet world competition.

Commenting on these gold medal performances, the Post-Tribune of Gary editorialized on March 16:

> The great concern about the poor showing of this country's students in mathematical and scientific knowledge compared to other developed nations has been overshadowing the achievements of some of its students. It is young people like these who will be leading the way into the wonders of the 21st century, and it looks like northwest Indiana is going to have its share of the input.

To which I say: Amen. And congratulations to all the students and their teachers and coaches. And best wishes for continued success in academic competition and in the exciting challenges of life ahead.

SITUATION IN ISRAEL

Mr. PELL. Mr. President, the past weeks have been particularly difficult ones for our friends in Israel. The collapse of the coalition government led by Prime Minister Yitzhak Shamir provides evidence of the acute nature of the present debate within Israel as to how best to proceed in the peace process.

These are, indeed, difficult times for the Israelis, who understand better than we that their future is at stake now. Israelis know that a way must be found to a comprehensive settlement, and that taking that course will require difficult choices. Our hopes and prayers should be with them as they choose the government to lead them in this time of decision.

Unfortunately, the political crisis was brought on at least in part by the President's early this month calling into question the right of Jews to settle in East Jerusalem. It is quite regrettable that this controversy occurred.

The mayor of Jerusalem, Teddy Kollek, a person of considerable talent and intelligence, had this to say in a March 8, 1990, letter to the President:

> I am aware of the policy of the United States toward the City of Jerusalem, namely that the city remain united but that its status be determined in the negotiations. In my opinion there is no conflict between this policy and the actual state of affairs. While there is a difference between Israel's thinking that Jerusalem is and shall remain the capital of Israel under Israel's sovereignty and American policy that leaves the city's ultimate status open, no conflict needs to arise from the existence of the new urban neighborhoods that have gone up in the last 22 years.

Mr. Kollek noted in his letter that in the 22 years since Israel took control of all of Jerusalem the numbers of both Jewish and Arab inhabitants have grown substantially. The numbers of Jews increased from 200,000 to 340,000 and the number of Arabs doubled from 75,000 to 150,000—making new housing necessary for Arabs as well as Jews.

Mr. President, I would hope that Israel's current difficulties underscore how important it is that the United States remain, in word and deed, a strong, unwavering ally. In this regard, the United States should not be saying or doing anything suggesting that there is a conflict between the United States and Israel on the status of East Jerusalem.

With regard to economic and military aid, it is important to give the clear message that there will be no cutbacks. The notion floated earlier this year of a 5-percent cut in aid to Israel and other major recipients has proved, deservedly, to be a nonstarter.

I have been in the forefront of those seeking ways to provide additional funding to emerging democracies. Surely, funds can be found by trimming in other areas, particularly in military assistance to nations other than our Camp David partners. Both Israel and Egypt face severe threats that will remain no matter how the military situation evolves in Europe.

Mr. President, we are witnessing profound change in the world around us. We hope a comprehensive peace in the Middle East will bring a new and vastly situation for the better in that region of the globe. Until the way to that settlement is clear, we should continue to demonstrate a willingness to help in finding the way and a resolve to continue to give full support to Israel and Egypt.

JOHN HUME OF NORTHERN IRELAND ADDRESSES THE COMMON FUTURE OF THE FAMILY OF NATIONS

Mr. KENNEDY. Mr. President, last month in Berlin, John Hume, leader of the Social Democratic and Labour Party in Northern Ireland, delivered an eloquent address on the future of the peoples of Europe and all nations.

In his address, which was delivered in the Reichstag in the presence of Willy Brandt and many other European political leaders, Mr. Hume spoke with great vision and sensitivity about the challenges and opportunities facing all of us in the wake of the dramatic peaceful revolution that is steadily transforming Europe and the world.

Mr. Hume himself, as leader of the SDLP in Northern Ireland, has won worldwide renown for his effective advocacy of peaceful change and an end to the violence and divisions in his own country. In a poignant passage in his address, he notes that although the Berlin Wall has come down, the Belfast Wall still stands, a dismal monument to the strife and confrontation that continue to plague his native land.

As Mr. Hume makes clear in his address, the larger challenge we face is not just to create a new Ireland or a new Europe, but a new world order, in which progress is possible for all the peoples of our planet. Leaders like Willy Brandt and John Hume have helped to bring us to this threshold of the future. They have much to teach us about that new world order.

Mr. President, I believe that Members of the Senate will find John Hume's address of great interest, and I ask unanimous consent that it may be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

Address by Mr. John Hume, M.E.P., Leader of the Social Democratic and Labour Party of Northern Ireland, to the Congress of the European Socialist and Social Democratic Parties, Berlin, February 8, 1990

It is indeed fitting that at this time we meet here in the very heart of Europe, and that we meet in this city, which for so long stood as the symbol of a divided continent but which today has become a bridge between East and West, offering new hope of a better future. It is fitting too that we meet in the presence of a man who has shared so closely the hopes and fears of this city and of all his people, a statesman who had the courage to abandon the sterile suspicions and distrust of the past, and who had the wisdom to choose a better course. In the extraordinary events of recent months we have witnessed the clear vindication of his courage and wisdom and we salute here today a man who will be recognized as one of the principal architects of a new Europe—Willy Brandt.

Some forty-five years ago the nightmare that was to have lasted a thousand years was brought to an end not far from where we meet but it left in its wake a continent in ruins with millions dead, millions homeless, millions hungry. Once again the people of Europe knew the terrible price to be paid for conflict and for dreams of conquest, this time on a scale unprecedented in their history.

In the years following that cataclysmic war there were men who vowed that such slaughter should never be repeated, men of vision who saw the need to bury forever ancient enmities and create a new order of relationships within Europe, men of differing cultures and backgrounds who recognised that what unites the peoples of Europe is far greater than what divides them.

From their vision of a new Europe was to grow the European Community of today, a community in which twelve European peoples have irrevocably linked their destinies and by sharing their sovereignty have sought to achieve a greater freedom in an interdependent world. Together they have now embarked on a process which will lead them ever closer and aims at nothing less than the total removal of the barriers that exist between them, not from any thirst for power, or desire for prestige, but in order to create the conditions in which best to protect common values and to promote shared aims. Above all, in seeking unity we do not seek any spurious uniformity, for we are convinced that one of the most precious elements of our common European culture lies in its diversity and we have recognised a fundamental truth which too often eluded our forefathers: that in our differences lies our strength rather than our weakness. The essence of unity is the acceptance of diversity—E pluribus unum.

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I believe the Community stands as a model for the conduct of relations between states in Europe and offers a powerful example of how ancient wrongs and animosities can be overcome by new forms of cooperation and trust. Moreover, at this time when old certainties are crumbling, the Community can be a powerful source of stability and continuity in a changing Europe.

The post-war years bequeathed a legacy of bitterness to Europe, with a divided Germany and a sundered continent. East and West faced each other in ideological conflict. The drab oligarchies of the East could only be sustained by the denial of basic freedoms and ever fiercer repression. When many least expected it and against all hope, change has begun to sweep the regimes of the East, change brought about by new thinking and by the political and economic contradictions inherent in those systems of government. Above all, change has been wrought by the frustration and anger of peoples who for too long had been denied what was theirs by right, whose dignity had too long been trampled, whose spirit had too long been crushed. We have been privileged to witness extraordinary and inspiring scenes: men and women gathering in the ancient cities of Eastern Europe demanding that they be heard, demanding that they be treated with respect. We have shared in their joy as they found new freedoms and as the old tyrannies collapsed before the tide of popular will. We have seen the powerful cast down and those who had been outcasts chosen to lead free peoples.

To an Irishman who, in his lifetime, has led people in the streets in mass non-violent protest against the denial of basic civil rights, who with my party steadfastly uphold the democratic process in a society where the taking of human life is seen by some as the only means of change and by others as the means of upholding the status quo, where the doctrine of an eye for an eye leaves blindness in its wake, such scenes cannot fail to be deeply moving. The silent dignity of masses of people gathered in non-violence will bring about more change and will expose in minutes more repression than years of gunfire and bloodshed. Those who use the methods of the oppressor tend to end up worse than the oppressor. I bring with me today a symbol of past divisions and present realities. I have it here. Yes, it is a piece of a wall, but it is not from the wall on which the people of Berlin danced and which they helped to tear down. It is a piece of the "Belfast Wall", taken from one of the many walls that have been built to separate divided communities throughout the city. While barriers between peoples are crumbling across a continent, even as we speak another such wall is being built in Belfast and has been given by some the grotesque name of "peace-line", as if the bleak desolation created in parts of that city after twenty years of violence could be described as peace.

This lump of concrete reminds us that while walls may separate people, the real barriers cannot be seen because they exist in the hearts and minds of the people themselves and are built of hate and violence and fear. They are barriers which can only be overcome when we overcome our fears and have the courage to trust one another and to learn to accept and respect our differences. They are also a challenge for in reality they were built by past attitudes and the challenge is, if those walls and what they represent are to fall, to re-examine those past attitudes, all of them.

Twenty years of civil unrest in Northern Ireland have also served to strengthen my belief that political change is not served by violence. Violence is a catalyst of hate, not reform, and, as this stone bears eloquent testimony, violence only creates new divisions among a divided people.

This year in Ireland we mark the 300th anniversary of a battle which involved the armies of Europe and took place by the river Boyne in 1690. For a brief moment the rulers of Europe turned their attention to Ireland as James II and William of Orange met in a fateful encounter. In the encounter were Danes, Dutch, Germans, English, French on both sides, and of course Irish on both sides. The irony, of course, is that while the peoples which participated in that encounter have long settled their differences, the anniversary still has significance to us in Ireland, representing for some the destruction of liberty while for others the securing of their freedom. It is seen by many in Ireland as the beginning of our present problems.

But even if there are in Ireland those who would rehearse ancient rights and wrongs, when respect for the past paralyses their attitude to the future, I am not despondent about the future and my hope is based on the powerful example which Europe provides. If the most bitter of enemies who fought each other twice this century can compose their differences and contemplate even closer forms of political and economic union, I am certain that we in Ireland can find a way to live together in peace and mutual respect. The fact that both parts of Ireland are partners in the Community immediately places in a new context old questions of sovereignty and identity which were themselves European in origin, and provides the basis for a common future.

Recent events in Eastern Europe also show that new ideas can sweep away obstacles which had seemed immovable, and just as the darkest hour comes before the dawn, new beginnings can emerge just when we face despair. But I do not despair: as someone who has devoted my life to politics and the democratic process, I say with complete and utter conviction that there is no political problem which cannot be solved by men and women who chose to put aside former animosities and work together to find solutions, and who are prepared to act in a spirit of goodwill and trust. I say too that the time has come for us to tear down the walls which separate us and find a new liberty in freedom from hate and freedom from fear.

As the euphoria of recent weeks inevitably fades, it is evident that the countries of Eastern Europe face difficult and urgent choices. The outcome is uncertain but the prize is great: we have finally been offered a window of opportunity to make the historic adjustment in the relations between the nations of Europe and the chance to create democratic and stable societies in a reintegrated and peaceful continent.

Of one thing, I am certain: in the challenges which lie ahead for all of us in Europe, history will not judge us kindly if those in political life fail to make a generous and imaginative response to the demands of the moment. Already we hear siren voices, some urging caution, saying that there is nothing we in the West can do to make or mend the situation, others lamenting the passing of old certainties and the grim stability of the past, others still rejoicing in the difficulties of former adversaries. What madness! We in the West cannot hope to prosper with half a continent in turmoil. A tide of change is sweeping through Europe from the Atlantic to the Urals and it will take all our skill and nerve to ride the crest of the wave; those who cling to the rocks will be overwhelmed; we must have the courage to sail on into uncharted waters.

And as we move to build a new European order we should not forget that it can only have real meaning for Socialists as part of a new world order.

In recent times we have taken pride in the fact that Willy Brandt has been a distinguished symbol and a distinguished leader in his efforts to heal wounds in Europe and to bring about a common inheritance of freedom, democracy, and peace in a new Europe. But let us not forget that the challenges of East and West are not the only ones posed to us by the vision of Willy Brandt. To the people of the Third World he is a symbol not of a new Europe but of a new world economic order, of the need to address the underdevelopment, poverty, hunger, illiteracy and disease suffered by so many as a result of an unjust and inefficient world order and indeed as a result of the price in nuclear and military costs of the cold war.

Let there be no doubt that there is deep concern and fear in the developing countries that our preoccupation with the Single Market and with Eastern Europe will yet again put their problems on the back burner. Let us reassure them. If we accept as we do, that one of the travesties of the arms race and cold war was that it maintains such dreadful injustice and misery, then we must make a new global cooperation and meaningful North/South dialogue one of the prizes to be won from the changing East/West relationship. We seek a new European order, yes, but within a new world order.

We, as social Democrats, already face other more direct challenges. Just as in the 1980's new trends in economics were used by our critics to deny the public sector practically any valid role in society, so too now they are using the collapse of the regimes in the East to predict the death of socialism. We must be quick to defend our proud record in the creation of truly democratic and humane societies in Europe. We must assert that while we always were concerned about the creation of wealth, the focus of our agenda was ever on how best to use that wealth. That is a question which today more than ever demands the most urgent moral and intellectual consideration. We hear much in these days of *free* markets, of the *free* flow of capital, of the *free* movement of goods and services, but we must insist—and remind our critics—that these are useful only to the extent that they serve a more important *freedom*, that is the freedom of the individual, and the freedom that is afforded all our citizens, and not just a privileged few, to exploit the potential of the human condition. That is our agenda; it calls for no apology; it is one of which we can be proud.

We are the heirs to two thousand years of history and today we stand on the threshold of a new millennium. At the end of the century which has seen such unprecedented horrow and witnessed such unparallelled pain, we are called to heal the divisions of the past and to build a Europe that is a whole in a world that is whole.

Let us not fail. Let us try to usher in a new and kinder era in the affairs of our continent and our world, and let us hope that our children and our children's children will be able to say of our generation in time to come, "Truly, they were men and women of vision: truly, they were men and women of peace."

Fifty years ago today, the Second World War was under way. The slaughter had begun. Millions, not for the first time in the century were to die. Cities like the one where we now stand were devastated. Bitterness and hatred were the order of the day. If someone had stood up then and said that in fifty years time we would be well on the way to a Single Europe, and the French would still be French and the Germans would still be German, that person would have been described as a fool or a dreamer. Thank God we did have dreamers. Thank God too that we had leaders of the calibre of Willy Brandt and Jacques Delors who dream dreams but who have the dedication and leadership to bring their dreams to fruition and to reality.

THE POLISH-GERMAN BORDER QUESTION

Mr. PELL. Mr. President, in the first free elections in 40 years in East Germany on March 18, the Alliance for Germany won almost half of the votes and is attempting to form a government.

I would like to extend my congratulations to the Alliance for Germany and to Mr. de Maiziere on their electoral victory. These elections are an historic landmark on East Germany's road to democracy and to reintegration into Europe.

One of the first tasks the new government will apparently undertake is to negotiate conditions for the unification of East Germany with West Germany. While I am not opposing such territorial unification, I share the concerns of Germany's neighbors, who have suffered greatly at the hands of Germany during the short 74 years that the country was united. Poland in particular has endured great suffering and destruction at the hands of German militarists.

I and 31 other Senators expressed our views concerning the current Oder-Neisse border between Poland and East Germany in a letter to former Prime Minister Modrow last month. In his response March 3, Mr. Modrow stated that his government advocated that both German States confirm in a mandatory form—even before unification—the finality and inviolability of the existing western border of Poland.

In my view, a democratically elected East German Government can undertake no lesser commitment than the former Communist one did. It is therefore my hope that the new East German Government will state publicly its irrevocable commitment to the Oder-Neisse line and seek to work out a joint statement with West Germany to that effect even before reunification takes place. Chancellor Kohl of West Germany should also make it clear that a joint declaration on the border issue is a top priority question for his government as well.

Only such an unequivocal commitment will reassure Germany's neighbors that a united Germany will not seek to reopen old border questions, which would inevitably invoke the specter of a "Greater Germany" from times past.

RHODE ISLAND LEGISLATURE PASSES RESOLUTION CONCERNING SOUTH AFRICA

Mr. PELL. Mr. President, recently the Rhode Island General Assembly passed a joint resolution pertaining to South Africa.

We have witnessed important developments in South Africa during the past year, and it is vital that the United States adhere to a policy that encourages the peaceful—and inevitable—transition to majority rule. The Rhode Island General Assembly resolution is explicit in the message that we should continue economic pressure and moral suasion to promote further change.

Because of the importance of this issue, I believe that my colleagues should be aware of and consider closely the resolution passed by the Rhode Island General Assembly. I ask unanimous consent that the joint resolution, introduced by Rhode Island Representatives Newsome, Rickman, Hernandez, Metts, and Kushner, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT RESOLUTION

Whereas, the government of South Africa systematically denies the Black majority basic human rights, freedom and justice under the policy of apartheid; and

Whereas, the apartheid regime continues to jail, torture and even assassinate its political opponents; and

Whereas, the White minority government, under tremendous pressure from the resistance of the Black majority and the impact of international sanctions, now seeks to portray itself as having "changed" by lifting some segregation provisions and releasing some political prisoners, most notably Nelson Mandela; and

Whereas, Nelson Mandela, an internationally recognized and respected political prisoner of conscience, born in 1918, has been imprisoned for 27 years for advocating fundamental human rights for South Africa's oppressed Black majority and for calling for resistance to the appalling social, political and economic discrimination perpetrated by the minority White government in Pretoria; and

Whereas, the people of South Africa welcome the release of Nelson Mandela, a leader of the African National Congress, but continue to insist that apartheid cannot be reformed, but must be completely abolished and replaced with full democracy, including the right to vote on the basis of one person, one vote, in a unified non-racial South Africa; Now, therefore, be it

Resolved, That this general assembly of the state of Rhode Island and Providence Plantations welcomes the release of Nelson Mandela, an international statesman and a leader of the African National Congress, and calls for the release of all other South African political prisoners. We go on to continue our strenuous condemnation of the racist apartheid system practiced by the minority South African government and call upon the United States Congress to maintain the present economic and political sanctions against the racist government of South Africa, and keep them enforced until full democracy is established in that country; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit duly certified copies of this resolution to the members of the Rhode Island delegation to the Congress of the United States.

HISTORIC DISTRICT COMMISSION MARKS A CHANGE IN LEADERSHIP

Mr. PELL. Mr. President, Antoinette F. Downing has stepped down as chairwoman of the Historic District Commission in Providence, an agency she helped create and led for 30 years. All Rhode Island owes her thanks for an exemplary job in Providence.

I also want to wish Karen L. Jessup, 44, the new chairwoman of the Historic District Commission, every success. I am confident that she will do well in a position that demands both commitment and leadership.

Mrs. Downing, 86, will remain a member of the commission and she continues to serve as chairwoman of the Rhode Island Historical Preservation Commission and the design review committee of the Capital Center Commission.

Only a few years ago, Antoinette received the Nation's highest award for historic preservation—the Crowninshield Award of the National Trust for Historic Preservation. I was pleased to be among those who nominated her for that honor.

Historic preservation works. It is not just an esoteric exercise for a few academics. It is a vibrant force in our economy and a source of jobs and pride to countless citizens throughout our country.

We are fortunate that Antoinette, who demonstrated this to the Nation, will continue to be a force for preservation. Both by her examples and her teachings, she remains an inspiration to us all.

I ask unanimous consent that an article from the Providence, RI, Journal of March 19, 1990, be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

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[From the Providence (RI) Journal, Mar. 19, 1990]

Downing Resigns Position as Leader of Providence Preservation Agency

(By John Castellucci)

PROVIDENCE.—Historical preservationist Antoinette F. Downing has stepped down as chairwoman of the Historic District Commission, an agency she helped create and led for 30 years.

Mrs. Downing, 86, will remain a member of the commission, which regulates changes to the exterior of buildings in the city's four historical districts. But the position of chairwoman will be taken by Karen L. Jessup, a preservationist appointed to the commission by Mayor Joseph R. Paolino, Jr., last week.

Jessup, 44, of 223 Morris Ave., is a self-employed consultant in preservation matters and professor of American and New England studies at Boston University.

Wendy Nicholas, executive director of the Providence Preservation Society, described her as "top-notch."

"She's a very articulate spokesperson for historic preservation. She knows her stuff."

Nicholas also praised Mrs. Downing: "She is the grand dame of historic preservation, certainly in Rhode Island, if not in all of New England."

The commission has the delicate task of telling home owners in the College Hill, Stimson Avenue, Broadway and Armory historical districts that they are prohibited from making changes that would drastically alter the appearance of their houses.

"What that requires is that everybody who comes before you, you handle courteously—but only as the caretaker of the house. Antoinette has been able to do that gracefully. And Karen Jessup is going to be able to do it gracefully," Rickman said.

Mary P. Turkel, executive director of the Historic District Commission, cited the reason for Downing's gracefulness: "She has always believed that you can't have historic buildings without people living in them.

"There is no other Antoinette Downing. You can't replace Antoinette," Turkel added. "But you need to keep the process going. And I think she recognizes that."

Besides the Historic District Commission, Mrs. Downing is chairwoman of the Rhode Island Historical Preservation Commission and the Design Review Committee of the Capital Center Commission.

As the preeminent Rhode Island preservationist, she still wields considerable influence.

CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. The period for morning business is now closed.

Mr. **CHAFEE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The **PRESIDING OFFICER**. Under the standing order, we will now resume consideration of the pending business, S. 1630, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293, to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth-Armstrong amendment No. 1310 (to amendment No. 1293), to establish emission testing and research centers to monitor high altitude conditions.

(4) Wirth-Armstrong amendment No. 1311 (to amendment No. 1293), to establish a research and technology assessment center to provide for the development and evaluation of heavy-duty vehicles.

(5) Wirth-Armstrong amendment No. 1312 (to amendment No. 1293), to establish a National Research Center for Environmental Lung Disease.

(6) Wirth-Armstrong amendment No. 1313 (to amendment No. 1293), to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

(7) Byrd Modified amendment No. 1329 (to amendment No. 1293), to provide benefits for terminated coal mine workers.

Mr. **CHAFEE**. Mr. President, sometimes it is forgotten, as we debate this legislation, the clean air legislation, and as we deal with all the tailpipe emissions or costs of imposing controls on toxic air emissions from plants that are located in various sections of our country, whether it is petrochemical plants or whether they are coal-fired plants, whatever they might be, that this legislation is primarily health legislation. That is what we are talking about when we are talking about the clean air bill.

Mr. President, I call everyone's attention to a series of articles that are being written in the New York Times and in the Washington Post dealing with what is happening in different sections of the world where they do not have controls over emissions, where there are no air quality standards, where there is not debate over having clean air, or at least there is no effort to invest vast sums of money in order to obtain cleaner air.

I call the Senate's attention to an article that appears in today's Washington Post on the front page, where it talks about Eastern Europe Faces Vast Environmental Blight. There, where toxic air emissions and sulfur dioxide emissions have run rampant, it is an ecological disaster area. I just quote:

> Poland, Hungary, East Germany and Czechoslovakia are considered environmental disaster areas, the most polluted of all industrialized countries, Western ecology groups say. Their rivers, lands, and forests are so contaminated that many are biologically dead, no longer capable of repairing damage unaided.

It talks about the effect on the health of the individuals in those areas, where—we are talking now about Czechoslovakia—heavy industry is concentrated, lifespans are 15 years shorter than the national average, according to governmental studies. The effect on children is listed elsewhere in articles such as this.

So, Mr. President, as we get bogged down in all of the details of permits and enforcement and what standard should be observed, let us not take our eye off the ball which, namely, is that we are trying to attain better health for the citizens of our Nation.

This legislation is what we call preventive legislation, preventive health legislation. Instead of this Nation investing vast sums of money, as we seem to be, constantly, on taking sick people and getting them well, this is an investment in keeping the population of America healthy, keeping them well in the beginning, without having them go through all the pain and suffering and the extreme expenses involved when somebody is sick and then you try and make them well. So, Mr. President, I encourage all our colleagues to bear this in mind as we continue our debate on this legislation.

I wish to add a postscript, if I might. We are here on the floor, ready to do business. The leader of the committee who is involved from the majority side is here, the distinguished senior Senator from Montana; I am here, and we are ready to do business. This is the time for individuals who have amendments to bring them over. We will debate them, and we will vote them up or down. Indeed, there are some amendments we have agreed to accept, if only the proponents of the measures will come over. We can get that done before we adjourn for our luncheon caucuses on both sides. I thank the Chair.

Mr. President, I ask unanimous consent that the article from today's Washington Post be printed in the RECORD in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 1990]

Eastern Europe Faces Vast Environmental Blight

(By Mary Battiata)

KRAKOW, POLAND.—The city is dying. Forty years of Communist industry—antiquated steel mills and sloppy chemical factories—have left the air as gray as an old sock. Acid rain eats the faces off stone statues at historic Wawel Castle.

Pollution is eating at humans, too. The soil is so contaminated by the tons of sulfur dioxide and carbon monoxide that pour from smokestacks that entire villages have been condemned.

Lead contamination in local apples and lettuce is 10 times higher than the limit set by the World Health Organization. Infant mortality rates are four times the national average. Life expectancy has been dropping every year for a decade, while lung and breast cancer rates climb.

Among children, chronic bronchitis is endemic. On bad days, local doctors say, the city ambulances work all day rescuing children who are suffocating in the toxic breezes.

All of that is clear—to the politicians, to the local Ecology Club and to the people. What is less clear is what Poland's new democratic government will be able to do about it.

Six months after taking office, the Solidarity-led government's commitment to cleaning up this country's environmental problems already has snagged on the traditional thorns of democratic government: competing interest groups and a shortage of funds.

Krakow is a prime example of Poland's complicated new "eco-politics." The city is arguably the country's most picturesque, a university town with renaissance stone palaces and spidery Gothic cathedrals. But it also sits in the middle of the world's worst swath of industrial pollution, a choking belt that includes parts of neighboring Czechoslovakia and East Germany.

Poland, Hungary, East Germany and Czechoslovakia are considered environmental disaster areas, the most polluted of all industrialized countries, Western ecology groups say. Their rivers, lands and forests are so contaminated that many are biologically dead, no longer capable of repairing the damage unaided.

[At a conference on the environment Monday in Vancouver, Canada, former Norwegian prime minister Gro Brundtland said one of the greatest challenges facing Eastern Europe's emerging democracies will be to repair severe environmental damage.]

In Hungary, the government estimates that air pollution is costing $60 million a year in health damage. Four-fifths of the 5 million tons of hazardous waste produced there each year is disposed of improperly. In East Germany, nearly 9 percent of agricultural land has been ruined by pollution.

Czechoslovakians used to joke that the former Communist government was the only one practicing chemical warfare on its own people. The country's drinking water has so many harmful nitrates that it is no longer given to infants. In the north, where heavy industry is concentrated, life spans are 15 years shorter than the national average, according to government studies.

In Romania, the rapid industrialization under dictator Nicolae Ceausescu, who was ousted and executed last December, is believed to have left similar if not greater devastation.

COAL MINING LEAVES ITS MARK

Poland's situation is similarly dire, especially in the southwest, where coal mining and heavy industry are concentrated. Krakow and the nearby coal mining region of Silesia account for just 4 percent of Poland's area, but produce 50 percent of its air pollution.

Zygmunt Kolenda, leader of the local Solidarity election committee, remembers swimming and fishing in the Vistula River from a small beach at the foot of Wawel Castle. Now, the Vistula is so polluted from coal mine runoff that in many areas it is no longer fit even for industrial use. In other places, the water is so contaminated from raw sewage that it carries salmonella bacteria. "Only courageous people drink the tap water," Kolenda said.

Maria Guminska, a physician at Krakow's Institute of Medical Biochemistry and vice president of the Polish Ecology Club, the country's biggest environmental group, has known for years that the pharmaceutical factory in her neighborhood was emitting toxic solvents.

"Every night we would lie in bed and we could smell the chemicals—acetone, methanol and hydrochloric acid," Guminska said. Her husband died recently, of cancer that she believes was caused in part by pollution. Her granddaughter is ill.

Guminska has noticed changes in the neighborhood trees and plants as well. She keeps twigs snipped from trees and shrubs in a jar of preservative on her desk. The leaves are stunted and strangely shaped. Like the canary in a mine shaft whose death warns miners of the presence of lethal gas, the leaves are evidence of deep ecological damage, she said.

One of the prime sources in Krakow of pollution is the city's Nowa Huta steel mill, built on the orders of Soviet dictator Joseph Stalin in the early 1950s to punish Krakow residents for insufficient loyalty to the Communist party. The Communists are gone, but Nowa Huta's 700 chimneys are still spewing toxic plumes of inky black, chrome yellow and sulfurous orange into the air every day.

It produces roughly a third of all air pollution here. (The other two-thirds come from Czechoslovakian and East German border towns and from domestic and commerical coal-fired heaters.) Nowa Huta also is the city's biggest employer. More than 28,000 workers file through its gates every day.

Before Solidarity took office, residents' anger about the pollution had won some attention and lip service from Poland's former Communist leaders. They liked to visit the city and make promises to the city's ecology-minded population—promises that rarely translated into action.

Last October, however, just as the Solidarity-led government was taking office, the Krakow city council, still dominated by Communists, and local ecology organizations joined forces to activate a 1982 law that would force the mill to cut production by nearly half. The 1982 resolution threatened the mill with drastic production cuts by 1990 if it did not clean up its stacks.

Predictably, the mill's Communist managers protested to the Ministry of Industry. Less predictably, so did the local Solidarity trade union. It believed that cutting production would cost at least 5,000 jobs. The member of parliament from Nowa Huta said the production cut also would mean closure of 100 other factories for which Nowa Huta is the country's only source of rolled steel.

"It was pretty bad here for a while. There was lot of confusion at the plant. It took a lot of diplomacy to calm people down," said Zbigniew Paradowski, a Solidarity official. "People were scared that the limit on production meant they'd lose their jobs."

At the same time, the more radical of the large community of citizen ecologists demanded that Nowa Huta be closed immediately.

As tensions rose, the new government's minister of environment, Bronislaw Kaminski, was called in. Kaminski was the man who had drafted the 1982 law during his tenure as Krakow's chief environment officer. This time, however, Kaminski sided with Solidarity and the Ministry of Industry, saying that local jurisdictions lacked the authority to limit production at a national steel mill.

After two tumultuous public meetings this year, the minister, the mill, the city and the union worked out a compromise that appeased most but left no one happy.

THE NOWA HUTA AGREEMENT

Under that agreement, Nowa Huta will shut down a half-dozen of its most polluting chimneys and furnaces within the next two years. It has five years to completely modernize its aging plant and meet revised emissions limits. Kaminski estimates the closures will cut pollution from the plant by 30 percent. An official from the Polish Ecology Club says the figure will be more like a statistically negligible 10 percent.

"The truth is, no one knows," said Zygmunt Fura, president of the Polish Green Party.

Now, struggling to resuscitate Poland's moribund economy, Solidarity must temper environmental action with concern for jobs and the gross national product. As a result of its program to move Poland to a free-market economy, the country is in a recession. Production has dropped 30 percent since January. Unemployment is up, and could grow by several hundred thousand by the end of this year, according to some estimates.

"No one says Nowa Huta isn't polluting the city. It is," said parliamentary deputy Mieczyslaw Gil, whose district includes the mill. "But drastic cuts in production are unacceptable, for the mill, for the [Solidarity-led] Mazowiecki government, and for the entire economy."

Others say drastic action is Krakow's—and Poland's—only hope. "Some things are so urgent, they can't even wait a year," said Stefan Koslowski, a Solidarity deputy and chairman of the parliamentary committee in charge of overhauling the country's environmental legislation.

At dawn on a recent morning at the gates of Nowa Huta, workers lined up to buy cigarettes and newspapers said glumly they knew the plant was probably killing them, but it was easier to accept health costs than the loss of a paycheck. For them, and the Solidarity deputies who represent them, it does not seem fair that the workers whose strikes and other actions helped push the Communists out of power should now lose their jobs.

Instead, they hope that Western investors will help pay for new, clean technology. "I'm for closing down the most harmful furnaces, but on the other hand, it's difficult to get jobs," said 27-year-old Zbigniew Zambrozik. "What we really need is filters and cleaners."

MONEY REMAINS KEY ISSUE

The problem, in Poland and the rest of Eastern Europe, will be money.

The West German government estimates it will take $200 billion and 20 years to refit East European industry to Western standards. Those figures do not include the cost of cleaning up the mess already there.

Environment Minister Kaminski said it will take $20 billion and 15 to 20 years. "We have a lot to do," he said. "We should have started 20 years ago."

The Environment Ministry has published a list of 80 most polluting industries and given them two years to meet national emission standards. Kaminski has drawn up a program to clean Poland's waterways and beef up the office of environmental inspection.

But he has little money to do it with. This year, the budget of the Ministry of Environ-

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ment is the third-smallest among all government agencies.

So Kaminski, who visited Washington last week to meet with U.S. Environmental Protection Agency, Department of Energy and other officials, is counting on the World Bank, Western countries and especially private investors to help refurbish outdated factories that use three times as much water and fuel as modern plants do for the same output. (Nowa Huta, with its 1920s-era machinery, is 10 times as wasteful.)

Sweden has given $45 million over three years to help Poland. The U.S. government has given Krakow alone at least $15 million, $10 million of which will go to refit Krakow power plants with clean technology.

But refitting even one plant would cost more than $100 million. The U.S. fund, said one Western diplomat, is meant as a gesture to encourage private investment.

Ecologists in parliament say the government is already allowing environmental work to fall behind. "The free market is coming, and we are not prepared to protect the environment. We are losing time, and the public perception is that ecology is neglected. There is an overall impression that we don't have a vision."

Without it, a free market is likely to bring as much pollution as it cures.

"The market will help . . . but it will also be a threat, because there will be more businesses, and they will be more cunning. They will try to minimize costs," Kaminski said.

The Green Party gospel is that attention to the environment must go hand in hand with care for the economy.

"Nowa Huta should produce, not poison, but the problem is how to do it," local union leader Paradowski said. "Nothing can happen overnight. And the timetable for change should ensure the interests of the people who work here. We must not have a paradox, where we have clean air, but no way to support ourselves."

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I remind all Senators that we are back on the Clean Air Act. The committee is ready to take amendments. A good number of amendments have been cleared by the staffs. I suggest that Senators with amendments talk to their staffs to determine whether in fact their amendments are on the list that has been cleared, so they can come to the floor and offer the amendments now and get them out of the way so that those Senators are not caught in the rush, either at the end of the day, or when we come close to finally passing this bill.

So again, I urge all Senators to check with their staffs to see if their amendments are cleared, so they can come to the floor. For that matter, if other Senators have amendments that are going to be debated, I encourage them to come to the floor, also.

Here it is Tuesday morning, a quiet time. It is an opportunity for us in the Senate to do business. Again, I remind Senators this is an opportune time.

Mr. President, during the past few days of the recess, many Senators have no doubt been hearing quite a bit about the two titles in the pending package of clean air legislation that relate to permits and enforcement. These titles are very important to the establishment of a strong and effective Clean Air Act, and I would therefore like to take a few moments of the Senate's time this morning to outline the essential elements of the permit and enforcement provisions in these titles.

PERMITS (TITLE V)

Title V of the pending leadership package establishes a new requirement under the Clean Air Act. It provides that a number of significant sources of air pollution obtain operating permits under a program administered by EPA and the States. At present, there is no requirement for a uniform, federally enforceable operating permit under the act. Instead, the source itself, the enforcement authority and the public all must look to a combination of legal authorities to determine the source's obligations.

In some cases, the implementation plan for the State in which the source is located represents the only statement of a source's pollution control requirements. In others, Federal regulations are all that apply. Normally, such implementation plans and regulations merely provide standards that apply to broad categories of sources, standards which cover emissions levels and general control requirements.

These broad categories, this different application, Mr. President, the combination are all inadequate. They just do not do what we are trying to do in this act. There is general agreement that a source-by-source permit program, however, would be much more helpful and for these reasons which I will now enumerate.

First. The permits would consolidate and integrate all the duties and requirements for a particular source in one handy reference point—the permit document itself. They will all be combined together.

Second. The permits would assist in keeping track of emissions inventories—a useful function in light of the new act's emphasis on emission "trading".

Third. The permits would help to ensure uniformity of enforcement across the country by standardizing the information base and by applying similar requirements to similar sources.

Under title V, sources with permits would be required to submit plans describing how they are complying with the Clean Air Act, to report periodically on their progress in compliance efforts, and to report permit violations promptly.

Permits would be issued for up to a 5-year term, and they could be modified during that term if modifications were necessary to protect public health, welfare or the environment, or to correct a material mistake made in the issuance of the permit. Permitted sources would be required to pay all fees associated with permit processing, as well as to pay for monitoring emissions to ensure compliance with all permit conditions.

Under title V, EPA is granted significant discretion to design a variety of permits to meet the needs of specific sources and operations. For example, certain process changes are allowed without the need for a full-blown permit modification, and general permits can be issued for an entire class of sources.

In addition, title V protects sources that are in compliance with their permits against allegations that they are violating their permit conditions. This is the so-called permit shield that Senators have been hearing about recently. Let me assure Senators that the leadership package contains a permit shield that is modeled closely after the one used to good effect in the Clean Water Act to protect sources that comply with the law.

There are other aspects of the permit program established in title V, but in the interest of brevity, I will end my summary of the high points here and move on to title VI, the enforcement title.

ENFORCEMENT (TITLE VI)

Title VI of the leadership package amends the enforcement provisions of the Clean Air Act in several significant respects. It is a sad fact, of course, that enforcement is a vital part of any effort to continue our Nation's progress in the clean air arena, and this title ensures that we will make that progress.

The enforcement title really amounts to an attempt to update the Clean Air Act so that it contains many of the same kinds of enforcement provisions that have been included routinely in environmental legislation enacted since the Clean Air Act was last amended in 1977. These new provisions include:

First. An expansion of the kinds of activities that can be the subject of civil or criminal sanctions. For example, new criminal sanctions are provided for various knowing failures to report material information to the EPA, as well as for knowing alterations of monitoring devices.

Second. Creation of criminal sanctions for the knowing or negligent release of hazardous air pollutants under certain circumstances.

Third. Creation of new administrative authority for the EPA to impose penalties for violations of the act without the need to go to Federal court. This authority is limited in the amount of penalties that can be assessed and is modeled after a successful administrative penalty provision in the Clean Water Act.

These are a few of the key provisions of the enforcement title of the leadership package. In the days ahead, it will be very important for Senators to remember that a strong clear air bill is important for our country, but that a clean air bill cannot be strong unless it includes strong enforcement provisions. I can assure all Senators that the floor managers of this bill will fight to keep this strong enforcement title intact, just as we will fight to preserve the permits title as well. Both of these titles are essential if we hope to maintain our ability to monitor and implement our new Clean Air Act.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **CHAFEE**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **CHAFEE**. Mr. President, it does seem that the permits and enforcement titles of the leadership package which we are now debating have received more attention lately than they did when we first brought this bill to the floor, so I would like to provide a little additional background for Senators about the two titles.

First, I think it is important to point out that the permitting and enforcement titles of this bill reported by the committee were virtually identical to those that the President had in his original legislation. Be that as it may, those provisions were the object of much concern and we have over the past several months worked diligently with the administration and with the affected groups to come up with some better ways to approach a variety of permitting and enforcement issues. The product of our labors is now before the Senate as part of the leadership package.

Title V deals with permits. Let me begin by addressing the permit system as it is created under title V in the pending leadership package. It has several features that are applauded by a very broad range of interests. First, the permit system will help everyone from plant managers to Government regulators to concerned citizens. It will help them all in understanding exactly what is required of each permitted plant in order to satisfy the requirements in the Clean Air Act. So, first of all, it gives definitiveness.

Second, the permit system will provide a convenient means for establishing and keeping track of emissions inventories—and this will prove invaluable to plants as they begin to operate under the acid rain restrictions which are imposed in this bill.

Third, the permit system will allow the States and EPA to tailor some emission limitations to specific sources and to take into account special conditions that may affect any particular source, a particular powerplant, for example.

Fourth, the permit system will insure uniform Federal enforcement of the requirements of the Clean Air Act. In other words, it is going to be equally enforced in Wyoming, in Virginia, in Montana, in New York, in California, in Arizona, in Rhode Island. Under the permit system, you will get uniformity for the Federal enforcers.

There is very broad agreement among a wide range of affected groups that these goals are important, the goals of uniform enforcement, the goals of definitiveness under the permit system, the goals of providing a convenient means for keeping track of emissions from a particular plant.

However, it is only fair to say there is some disagreement left as to how best to achieve these goals. The changes we have made in the substitute represent our best effort at resolving these differences, consistent with the goals that I have just outlined.

Let me turn to a brief summary of the permitting program as it is established under title V.

As we know, the current Clean Air Act has no provision of any kind requiring operators of plants that emit air pollutants to obtain permits under a uniform program administered by the Federal Government. That is not the way the current system works. There are no permits.

The Clean Water Act, which we passed here 2 or 3 years ago, routinely requires permits. That is the whole system under which the Clean Water Act is based. And these permits have proved to be of enormous assistance in the battle to clean up our water.

Instead of a straightforward system, in which these operators can apply for and be issued a permit under a uniform federally administered system, under the current clean air provisions the current act relies upon a combination of requirements and controls imposed upon plants by State implementation plans, the so-called SIP's; State implementation plans. We have various State permits, States have some permit plans, and the like.

I understand, Mr. President, that approximately 35 States have developed some sort of operating permits and that requirements under these programs vary enormously from State to State. As a result, across our Nation, there has been confusion and inefficiency.

Well, Mr. President, I am pleased to report in title V we have designed a permitting program that will resolve these significant problems that currently exist under the Clean Air Act. Let me just explain some details of this, so Senators will understand how it works.

First of all, title V sets out a generous timetable that allows time for EPA, States, and industry to put the program into effect. I just want to walk through the timetable, as it would apply for a specific source that is considered a significant contributor to air pollution.

Let us say some plant is an emitter of bad pollutants. Now, this is the timetable. EPA is granted 12 months, 1 year from the date of the passage of this act, to develop regulations implementing the permit program. That is the first item on the timetable. So there is a year for EPA to develop the regulations implementing the permits.

What happens next? Next, the States are given 2 years after EPA publishes its regulations to prepare and submit their own program to implement the permit process. Now, 3 years have gone by. Then, after the States submit their proposed programs to EPA, EPA is allowed another year, a 4th year, to review these proposals. And if EPA asks a State to revise its proposal we allow another 6 months.

So, there is 1 year for EPA to come up with the regulations; there are 2 years for the States to prepare their own programs to implement this permit program; then it comes back and they submit it to EPA, and EPA has 1 year to review that; and if they have to send it back there is another 6 months' grace.

I just want to make sure every Senator realizes nobody is rushing into this, nobody is cramming anything down industry's throat. A total of 4½ years have gone by. This is 4½ years just to get to the point where EPA-approved, federally enforceable, State-administered operating permit programs are in place and ready to process the first permit application.

We know, Mr. President, that sources subject to permit requirements will not spend those 4½ years with their heads in the sand. To the contrary, they will use their time, that is the industries and EPA, to monitor the development of the EPA regulations in the State proposals, and the industry and local governments will be ready to submit the application when the time arrives.

In order to avoid a logjam of permit applications, we have included a provision that would allow the permitting agents to establish a phased priority system for the submission of permits over a period of 2½ years. This process would begin at the point roughly 4½ years after we have implemented the legislation and passed it, as I mentioned before.

Thus this amendment—the leadership package—neatly resolves the concerns that the permit process will result in regulatory gridlock. Agreeing to this title, title V, would ensure the gridlock can be avoided and the permitting process will work with a minimum of disruption and delay.

I would like to discuss some of the other major provisions contained in the permit title of the bill. In recent days, we have heard a concern that, as originally drafted, title V would require the States to collect $10,000 per day in fines from sources that violate this new permit system. Let me say we certainly did not and do not intend such a requirement be imposed. Therefore we have revised the language in title V in order to make clear that States are not going to be required to impose these minimum fines of $10,000 for permit violations. Instead, the bill as revised makes clear that States shall ensure that they have the authority to impose this. It is not mandated; it is authority.

Obviously, a State is not going to slam some $10,000-a-day minimum fine on an industry in its own State unless that industry has truly been a bad performer, totally recalcitrant in every effort.

We have also heard concerns from industry that title V would burden sources unduly by requiring them to submit, along with their permit applications, plans explaining how they intend to comply with all the requirements of the Clean Air Act.

Mr. President, we emphatically do not intend to burden industry with preparation and submission of unnecessary compliance plans. Accordingly, this package, the revisions that we have submitted to 1630, clarifies that any compliance plans would address only those actions through which the sources would comply with new requirements imposed by the act as it is finally signed into law. These plans would not need to address compliance for any existing Clean Air Act requirements unless the source is in violation of them.

The leadership package, therefore, should calm the concerns of industry that title V will impose unnecessary filing burdens with respect to compliance plans.

This leadership package addresses another concern. As initially drafted, title V would have a requirement that each State located next to another State, an adjoining State, in which an air operating permit is sought, to be given notice of that permit application. In other words you are in State A and you are filing for a permit and you have to notify the adjoining State, the adjacent State. Concerns were raised that in this contiguous State notification requirement, if it applied to each permit application, there was the potential for tremendous delay. The other State would not do anything.

Therefore, to address this concern, this amendment includes new wording to limit the requirement to notifying the State only if those instances where the source of emissions lies within 50 miles of the State affected by the emissions. In other words, they have to be close to the border.

I would like now to touch on the process by which EPA would review permit applications which were approved by the State. Remember the process. First come the regulations, 1 year. Then come 2 years for the States to come up with a system to prepare their applications. Then it comes to the EPA to review. Title V provides that EPA shall have 90 days to review the State determination to approve a permit and if EPA lodges no objections during this 90 days, the permit is OK; it is granted.

Mr. President, it bears noting that the vast majority of these permit applications will be noncontroversial. They will, in all likelihood, only codify the existing requirements of the applicable State implementation plan. These permits are likely to undergo minimal review and comment before being approved by the State and EPA.

However, title V of the leadership package does require EPA to object to any permit that would allow a violation of the Clean Air Act. And if EPA objects to the issuance of a permit, an additional 90 days is provided for the State to make revisions to the proposed permit. If the State chooses to forego that opportunity, then EPA is empowered to issue or deny the permit.

The bill allows for judicial review of the final EPA decision. If EPA does not object to the permit, the States would be free to issue it. Any person who participated in the public review and comment period will be authorized to challenge EPA's failure to object in a Federal district court.

What we are saying with these court review processes is that nobody is having anything done arbitrarily. There are these review procedures. Our amendment preserves the ability that exists under current law to subject EPA decisions on matters affecting air pollution to judicial review at the request of the public.

We also, under this leadership package, address concerns over the so-called permit shield which the distinguished manager of the bill touched on a little earlier.

Title V contains not just one but two permit shields. The first of these shields protects any source that has submitted its permit application in a complete and timely fashion from the allegation that it is operating without that permit. This first permit shield, I believe, is noncontroversial.

However, it is the second permit shield that has provoked much discussion and concern.

Title V of the leadership package makes it clear that the permit shield will apply only to those terms and conditions actually included in the permit. In other words, if the permit says you can do something, the EPA cannot come along later and say, it says you can do that but we have changed the terms now. In that case where it is clearly set forth in the permit, it is a shield.

Thus, under the leadership package, sources that comply with their permits can have assurance they will not be disturbed with respect to the permit terms. But at the same time, sources will not be able to hold up the permits as artificial shields if they ignore other requirements of the Clean Air Act.

By contrast, industry and the administration are suggesting that any source of air emissions that is in compliance with its permit terms ought to be able to use the permit as a shield to defeat claims that it is violating the act, even if the source is in fact violating other terms of the act that are not covered by the permit. What a shield is, you say we have a permit and we are following that, so nobody can pester us any more; EPA, stay away; we have our permit. That is a shield.

So the question is, How far does this shield go? Can it be used to defeat claims that that emitter is violating the act even if the source is out of compliance with any other requirement of the Clean Air Act that is not covered by the permit?

I do not think it is good policy to create this second kind of permit shield. It would be unprecedented and unwarranted, as well as bad public policy.

We do not believe that it is sound policy to tell a manufacturing plant that it can ignore monitoring or recordkeeping requirements that happen not to be included in the first permit. Let us say, for example, a permit is issued to a plant, and the permit does not cover every single detail. Then EPA comes along and says to the plant, "Hey, you're not doing any monitoring or recordkeeping." The plant says, "Well, look, here's my permit. It does not say I have to keep any records or have to do any monitoring." EPA says, "well, look, that wasn't included through an oversight and an understanding that that would take place anyway." Do we get to the situation where the plant can say, "Look, it is not in the fine print anywhere; we do not have to observe that," or do we say, "The Government requires this, it requires it in the act. We didn't have it in the particular permit, but the act clearly requires it, so you ought to do it"? We believe, in that case, that where it is in the act, we should not permit the plant to use the permit as a shield and say "we are not going to observe the Clean Air Act because every detail is not set forth in our permit."

Let me give another example. Do you think a plant should be able to avoid the acid rain restrictions or the MACT restrictions, the maximum achievable controlled technology requirements, that happen to be imposed after a permit has been issued to that plant, and the plant can defeat the allegations it is in violation of the act simply by showing it is complying with the strict terms of the permit?

No, Mr. President. To allow a source to defeat allegations that it is in violation of the act simply by showing that it is complying with the terms of the permit it holds does not make sense when the terms of the permit have nothing to do with the alleged violation. Our approach gives sources the assurances they need without unnecessarily complicating and frustrating enforcement of the act.

Finally, the permit title contains the permit fees provision agreed to by the administration and the Senate leadership. A fee of $25 per ton, capped at 4,000 tons for any given source, will be imposed by the States. The funds will then go to the State air pollution control agency.

Mr. President, I will now discuss title VI, which is the enforcement provision. As in the case with the permit program, there is broad agreement among the administration, industry, and the environmental community on the need to improve the process by which the Clean Air Act currently is enforced. I wish to begin my summary of the enforcement title by providing a snapshot of the enforcement improvements that we have made in this bill. After I complete the introduction to the key elements of this title, I will describe the particular points on which the leadership package resolves the more controversial enforcement questions that have been the subject of negotiation over the past several weeks.

As an initial matter, the enforcement provisions of this title have been modeled upon the kind of provisions already found in the Clean Water Act. I keep referring to the Clean Water Act because the Clean Water Act we have had experience with and it is adjudged a success. That success is demonstrated by the fact that even though President Reagan vetoed the Clean Water Act on cost provisions 3 years ago, his veto was overridden in the Senate by a vote of 36 to 14, showing how the Senate at that time, with many Republicans in it, nonetheless voted 86 to 14 to override the President's veto of that Clean Water Act. So the act has worked well.

As I was saying, the enforcement provisions are very similar to those we have under other environmental statutes, especially the Clean Water Act. So there is nothing particularly novel about these enforcement provisions.

The bill expands the range of activities that can be the subject of either civil or criminal sanctions to conform to the scope of such sanctions provided under the Clean Water Act and the Resource Conservation and Recovery Act [RCRA]. Additionally the bill grants authority to the EPA to impose administrative penalties for violations of the act. EPA already has similar authority under the Clean Water Act, and it has proved quite useful in enforcing compliance.

Except for emergency situations, this legislation provides anyone who is served with an administrative compliance order the opportunity to have a public hearing before they have to comply with the order. This provision addresses the issue of preenforcement review, and grants defendants new rights that they do not enjoy under current clean air law.

Our legislation also allows citizens to sue the Government to compel action in the event there has been an unreasonable delay in performing nondiscretionary duties under the act. This provision will help to ensure that our progress in cleaning up the Nation's air continues at a steady pace, and that statutory requirements and deadlines are satisfied.

Each of these provisions is a marked improvement over existing law, and it is very important for the Senate to know that in developing each of these provisions we have worked with the administration and with the environmental community as well as with industry. This is not something that we just created full-blown with no background consultation whatsoever. To the contrary, we have consulted with industry, we have consulted with the administration, and with the environmental community.

For example, we have made sure in expanding the scope of potential criminal liabilities that possible prison terms are kept in line with those set out in the Clean Water Act and the Resource Conservation and Recovery Act. These prison terms are to be calculated on the number of violations, and not on a "per day of each violation" basis.

In addition, in authorizing EPA to impose civil penalties in administrative proceedings, we have placed a limit on the amount that can be assessed, and we have limited the agency's ability to use subpoenas to obtain documents and information.

Finally, by allowing those who receive a nonemergency compliance order to seek a public hearing in which to present their case before they have to comply with the order, we have responded directly to the concerns that under current law—which does not provide for one of these preenforced hearings—people are being put, as the saying goes, "between a rock and a hard place."

Under current law, alleged violators face the difficult choice of refusing to comply and risking significant penalties, or deciding to comply and spending significant sums that might not be needed in the final analysis to improve air quality. So we have taken care of that with these preenforcement hearings. Thus, this bill addresses these fairness concerns while at the same time protecting the ability of the Government to enforce the provisions of the act in a timely manner without unnecessary dilatory litigation.

In summary, Mr. President, the enforcement title of this bill contains much needed and well-balanced provisions designed to ensure that this act has the desired effect of protecting the quality of our country's air while at the same time allowing our economy to prosper.

I want to emphasize that the permit and enforcement titles are absolutely essential to the creation of a meaningful Clean Air Act. It would make no sense to all to enact vigorous legislation that addresses air toxics, ozone problems, mobile sources, acid rain and the like, and in the same breath deprive ourselves of any real ability to monitor, to implement, or to enforce the legislation. What good is a law if there are no enforcement provisions? It is precisely because these titles on permits and enforcement are so critical to the success of the Clean Air Act that we have spent many months striking the careful balance that is necessary for a fair and effective permits and enforcement program.

So let me assure you, Mr. President, and our colleagues, that I will join with the other managers of this bill to fight hard to maintain the current provisions of the permit and the enforcement titles of the leadership package.

Mr. President, a little earlier today I spoke about the effects of foul air, and pollutant emissions on Eastern Europe. I quoted somewhat from an article that appeared in today's Washington Post. But I would like to read a bit more, if I might, from that article, because it is so striking in what it says.

I might say, Mr. President, all of what we read about in this article could happen to us in this country if we did not have clean air legislation. The only difference between what is happening in Eastern Europe and, in this instance, Krakow, Poland, and what could happen in the United States is the fact we have clean air legislation.

There are a lot of people who are saying this clean air legislation is cost-

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ing something. Sure it is costing something. It costs something now and it will cost something in the future. But what is the reverse side of the equation? The other side of the equation is we are getting something in return for our investments. We are getting a cleaner environment, and we are getting a healthier environment.

Listen to these statistics and this article dealing with Krakow, Poland:

> The city is dying. Forty years of Communist industry—antiquated steel mills and sloppy chemical factories—have left the air as gray as an old sock. Acid rain eats the faces of stone statues at historic Wawel Castle.
>
> Pollution is eating at humans too.

This is something we ought to bear in mind.

> The soil is so contaminated by the tons of sulfur dioxide and carbon monoxide that pour from smokestacks that entire villages have been condemned.

When we talk sulfur dioxide we are talking about what comes from high sulfur coal, the emissions from coal-fired plants. That is why when we are talking acid rain we are talking control of sulfur dioxide. We are talking control over the carbon monoxide that comes out of tailpipes; auto emissions.

The article continues:

> Lead contamination in local apples and lettuce is 10 times higher than the limit set by the World Health Organization. Infant mortality rates are four times the national average.

That is the national average in Poland, four times in this particular area, and Poland itself has high infant mortality because of the air pollution generally across the nation, never mind in this particular area.

> Life expectancy has been dropping every year for a decade, while lung and breast cancer rates climb.
>
> Among children chronic bronchitis is endemic. On bad days, local doctors say, the city ambulances work all day rescuing children who are suffocating in the toxic breezes.
>
> Krakow is a prime example of Poland's complicated new "eco-politics." The city is arguably the country's most picturesque, a university town with renaissance stone palaces and spidery Gothic cathedrals. But it also sits in the middle of the world's worst swath of industrial pollution, a choking belt that includes parts of neighboring Czechoslovakia and East Germany.

Mr. President, in the latter part of last year, shortly after Thanksgiving, and in early December, I had the opportunity of being in East Germany, being in East Berlin, and there we saw what uncontrolled air pollution can do. As Yogi Berra said, "You can see a lot by looking." If you just look around at East Berlin, you can see the pollutants there. The distinguished Presiding Officer was there at the time and saw it.

Mr. President, I think that this legislation we are dealing with takes on an extra sense of urgency. I hope those individuals who have some qualms about the bill or cannot find every detail to match their standards of approval or receive their approval, will say, "Look, there is a greater good to be obtained here." What we are really seeking is to improve the air quality of our Nation, for two reasons: environmental reasons, what it does to the lakes, streams, and soil of our country; and also for health reasons, infant mortality reasons, life expectancy reasons, and the pain and suffering that comes when people are suffering from chronic disorders, bronchitis, and other health-afflicting diseases that arise from polluting air.

Mr. KENNEDY. Mr. President, at an appropriate time for the floor managers, I will propose the amendment which I have discussed with the floor managers which has been available to the membership for the period of these past few weeks with regard to health studies that are going to be authorized over a 5-year period to permit examination of the 200 new pollutants that will be referred to in this legislation. It is the purpose of this legislation to have authorizations so those studies can be done over the period of the next 5 years by the National Institute of Environmental and Health Sciences.

The other purpose of the legislation is to provide limited target grants to medical schools to ensure the training of medical personnel who will be able to deal with these issues over the period of the next several years. There is really a dearth of attention and focus by our medical schools on these particular issues that are raised in this legislation, and a lack of targeted funding to the medical schools to help them shape both course and program development in this area. The amendment is, I believe, both entirely appropriate and I think necessary for carrying forward the spirit of the legislation.

Mr. BAUCUS. Will the Senator yield?

Mr. KENNEDY. I will be glad to yield.

Mr. BAUCUS. The Senator is correct. We have now seen the updated version of his amendment. If he wants to proceed to offer his amendment at this time, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1343 TO AMENDMENT NO. 1293

(Purpose: To authorize the Director of the National Institute of Environmental Health Sciences to conduct certain research in connection with air pollutants)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, my colleague, Senator Kerry, Senator Lautenberg, and Senator Wirth.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. Kennedy], for himself, Mr. Kerry, Mr. Lautenberg, and Mr. Wirth, proposes an amendment numbered 1343.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 13, after line 9, insert the following:

(d) Section 103 of the Clean Air Act is amended by adding at the end thereof the following:

"(g) Studies.—(1) The Director of the National Institute of Environmental Health Sciences shall conduct a program of basic research to identify, characterize, and quantify risks to human health from air pollutants. Such research shall be conducted primarily through a combination of university and medical school-based grants, as well as through intramural studies and contracts.

"(2) The Director of the National Institute of Environmental Health Sciences shall conduct a program for the education and training of physicians in environmental health.

"(3) The Director shall assure that such programs shall not conflict with research undertaken by the Administration."

On page 512, line 25, strike out "Act."." and insert "Act.".

On page 512, after line 25, insert the following:

"(4) In addition to the sums authorized by paragraphs (1), (2), and (3), there are authorized to be appropriated to the National Institute of Environmental Health Sciences such sums as may be necessary to carry out section 103(g)(1). Funds appropriated for each such fiscal year pursuant to this authorization shall be available for a 24-month period following the expiration of the fiscal year for which such funds were appropriated.

Mr. KENNEDY. Mr. President, I assure the membership that this in no way undoes any component of the compromise.

Also, the funding will not come out of EPA's budget. The amendment contains no passthrough mechanism like that contained in the Superfund law. These funds have been worked out over a period of time using the experience we had in developing similar studies under the Superfund legislation. From that experience and in talking with the professionals at the Institute, I had recommended in the initial amendment amounts that, I think, are sufficient for a bare bones program to accomplish what is enormously important.

My initial amendment would have authorized for NIEHS funds of $120 million over the next 5 years to administer a grants program for university and medical school based research to identify and document the health effects of air pollutants, and $20 million over the next 5 years for the education and training of physicians in environmental health. At the request of the leadership, I have removed the specific dollar figures from my amendment, but I wanted to make clear the funding level that seems to me an appropriate minimum.

I think all of us know that as this legislation is implemented, we will need to better understand the kinds of health hazards that are posed by these airborne toxics. Gaining more and more information is not only going to have a very profound impact in terms of the health of the American people, but also in terms of potential economic dislocation. So this is a very prudent, wise, and I think important addition.

Again, we have had an opportunity to talk to the members of the committee. They prefer that we strike the exact dollar figures and be able to justify these figures to the Appropriations Committee on the basis of our own study and review. We believe that that can be done, and we will do it.

Mr. President, throughout its history, the National Institute of Environmental Health Sciences has furnished the Environmental Protection Agency with valuable data on the human health effects of air pollution.

The efforts and emphasis of the Institute and the EPA are different, but complementary. The work of both the EPA and the Institute is necessary to achieve real progress on air pollution.

The EPA's health research primarily involves in-house clinical studies—that is, research on voluntary human subjects in EPA laboratories. Without in any way discounting the importance of this research, it does not provide data on the long-term health impacts experienced by people who are exposed in their everyday environment to air pollution.

We must understand the long-term health effects of the various air pollutants to achieve the goals of the Clean Air Act. The National Institute for Environmental Health Sciences is the agency best suited to conduct this type of research that requires years of study on specific populations. Institute-funded research has already resulted in technological breakthroughs that will enable scientists to monitor large populations and to perform genetic analysis to determine the health impacts of airborne toxics.

However, it will take a long-term commitment of research funds to perfect this important technology. It was also due to the support of an Institute grant that the Harvard "six cities study" was undertaken. This study provided critical information on the health effects of air pollution—primarily in children. The information generated by the "six cities study" laid the foundation for the air pollution standards currently enforced by the EPA.

But EPA has only regulated seven substances since 1970, leaving hundreds of other toxic air pollutants without safe standards. Under the committee bill, EPA will be required to regulate nearly 200 additional toxic substances, and the institute will play a critical role in supplying EPA with health data on which to base these new standards.

The Institute has already supported work at a number of research centers around the country:

The center at NYU has developed an important new lung function test;

The centers at Cincinnati and Mount Sinai have provided key information about health effects of lead in children, especially about the problems associated with lead in gasoline;

Institute-supported research at UCLA, NYU, and Rochester has begun to document the type of health effects that occur from combinations of airborne toxics.

The National Institute of Environmental Health Sciences has a history of administering highly respected academic grant programs. It has consistently supported long-term research grants, such as the Superfund Basic Research Grants Program, which is similar in scope to what I am proposing under the Clean Air Act. Researchers at a number of prestigious universities, including MIT in Boston and the University of California, have received funding from the Superfund Basic Research Grants Program to develop new technology which has enabled them to identify and measure a wide range of chemicals in human blood samples.

Ultimately, the MIT research team will be able to determine if people living near a toxic wastesite in Woburn, MA, have suffered genetic damage from the chemicals present in their ground water.

This type of research represents a significant advance in our ability to understand the route of toxic exposure.

Similar initiatives are needed in the area of airborne contaminants. For example, we know very little about what chemicals enter our bodies while we breathe, and which chemicals cause the kinds of damage that lead to cancer and other debilitating diseases.

There are promising studies on the horizon. In the near future, molecular biology will likely be able to detect and quantify lung damage in large population groups.

But the institute needs the financial commitment to carry out the long-term research necessary to allow our best and brightest scientists to achieve these far-reaching goals.

Only by obtaining more scientific data can we hope to reduce the staggering incidence of respiratory disease caused by airborne pollutants that cause illness and death in thousands of Americans every year.

Only by obtaining more scientific data can we hope to set proper standards for airborne toxics. And only by obtaining more scientific data can we hope to acquire the best diagnostic, the best preventive, and the best curative measures.

Providing the institute with the necessary additional funds will go a long way toward reaching these goals.

In addition to the health study money, my amendment will authorize necessary funds for the institute to conduct a program for the education and training of physicians in environmental health.

We cannot hope to control the serious health effects of air pollution unless we begin to build a cadre of doctors who are trained to recognize and properly treat the damage wreaked by airborne pollutants.

While the institute currently sponsors fellowships and institutional grants to prepare graduate students in a number of fields—for example, biochemistry, toxicology, and biostatistics—to engage in research, there is no such training program for medical students. My amendment will help ensure that those who treat patients suffering the health effects of air pollution fully understand how the environment affects those patients, and what can be done to ease their suffering.

The institute will assist medical schools in making environmental health a core part of the curriculum.

I hope the Senate will adopt this amendment for health research and for training of America's future doctors, as a vital component of the Clean Air Act.

Mr. BAUCUS. Mr. President, the Senator from Massachusetts correctly states that this amendment was not part of and does not conflict with the so-called leadership agreement, the compromise provision of the bill before the Senate; that is, the Senator's amendment is not a deal breaker. It does not involve the subject that was discussed among the Members of the Senate and the administration who negotiated the compromise, the majority amendment before the Senate today to S. 1293. So the Senator is certainly correct in saying it is separate from and independent of that agreement. Therefore, it does not conflict with that agreement.

Mr. President, in addition, I understand the Senator has modified his amendment so that there are not specific dollar amounts in the authorization, although the Senator stated the amounts he thinks will be necessary to carry out the program.

Further, I understand that the amendment has been modified to state that the programs would not conflict with similar research programs administered by the EPA.

With that in mind, Mr. President, we are prepared to accept the amendment. I think it is a good amendment,

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provides authorization for basic research on reaction of human health to air pollutants, and it will also provide for a program for the education and training of physicians in environmental health and help to train physicians in medical schools on the problems of air pollution and research in air pollution. With that, we are prepared to accept the amendment.

Mr. CHAFEE. Mr. President, I think the amendment is a good one. Unfortunately, we have not yet been able to reach the distinguished counterpart of the Senator from Massachusetts on the Labor and Humane Resources Committee, the junior Senator from Utah. I am sure he has no objection, but in courtesy to him we would like to let him know. What I would suggest, if it would be acceptable to the Senator from Massachusetts——

Mr. KENNEDY. Mr. President, if the Senator will yield, I would be glad to have the floor managers notify the Senator from Utah and then, after they do, if they would, dispose of this in hopefully a favorable way, and if not I can be notified.

Mr. BAUCUS. Mr. President, will the Senator yield.

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield?

Mr. CHAFEE. Yes.

Mr. BAUCUS. Mr. President, we already have three amendments that are temporarily laid aside, and I do not think that is good procedure. We have accepted the amendment on this side. I fully expect the amendment to be accepted on the other side.

Mr. CHAFEE. So do I.

Mr. BAUCUS. I would suggest to the Senator from Massachusetts the amendment be withdrawn, and as soon as we reach clearance on the other side, we can bring up the amendment and adopt it, if the Senator is here or not here, depending upon what the Senator wishes to do. I would rather not keep adding amendments to those that are being temporarily laid aside. I do not think it is a procedure we should follow.

Mr. KENNEDY. Let me say we were prepared to bring this up at any time. I was told to bring it up. I left the Judiciary Committee to come over. I am more than happy to be accommodating; this is a complicated challenge the floor managers have, but I hope we can get some disposition.

I will withdraw the amendment.

The PRESIDENT pro tempore. Is there objection to the withdrawal of the amendment?

The Chair hears no objection. The amendment is withdrawn.

The amendment (No. 1343) was withdrawn.

Mr. BAUCUS. Mr. President, I might reassure the Senator from Massachusetts, if it is his wish, as soon as we receive clearance from Senator HATCH, I am willing to bring up the amendment of the Senator from Massachusetts if he so desires, or we can wait. It is up to the Senator from Massachusetts, whatever he prefers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LIEBERMAN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. SYMMS. Mr. President, last Thursday when we were in session, a week ago Thursday, there was what I considered to be a very important debate on the Senate floor which stemmed around the so-called Byrd amendment, which deals with compensation to coal miners who will lose their jobs as a result of this bill.

I say to my colleagues that I made the offer at that time that if there were any Senators that wished to discuss what the direct impacts were, economic impacts of the proposed Clean Air Act amendments on jobs lost and jobs at risk with Robert Hahn, Ph.D., and Wilbur Steger, Ph.D., that those two men could be made available.

I contacted Mr. Steger. He will be in Washington tomorrow, and we are presently looking for a room where Senators might be able to discuss this with them.

As you know, the distinguished majority leader, on that Friday, had put in a request to the Congressional Research Service of the Library of Congress to ask them to summarize the report findings of the job loss study that was done by the two economists.

Mr. President, I am quoting from the Congressional Research Service analysis of this in their summary. In the conclusion of their report, they state:

> In conducting their study, the authors array various air toxics control legislation in increasing order of stringency, and in combination with acid rain and permitting provisions, estimate employment impacts. This ranking of impacts of the various provisions is probably valid and is useful in identifying the localities and industries that will bear the initial impacts of regulation and increased costs.

Mr. President, I think it is significant that Senators recall the debate that we had on this Thursday night when Senator DOLE took the floor. I can quote from the column by Mr. Warren Brookes in today's Washington Times that Mr. DOLE proceeded to say:

> Nobody disputes the impact it is going to have on the coal industry; but that is not the only industry. It is not only workers; it is employers. Some people will not be able to buy cars because they will not have a job. So it affects those employees, too. It has a ripple effect. How big is that ripple? On air toxics alone, "It has been estimated we are going to lose between 20,000 and 200,000 jobs. Those jobs are going to be lost in 15 industries." Mr. Dole then intoned them by name, coke ovens, petroleum refineries, pharmaceuticals, pulp-and-paper mills, steel foundries, etc. As he spoke, senators mentally began counting constituents.
>
> I do not care if it is $800 million or $8 billion. It is going to help 5,000 while ignoring up to 200,000. There is such a thing as basic fairness.

And he goes on.

I have recently returned from my State, and, with great alarm, people have been contacting me when they study what is in this bill with respect to the bright line. It is questionable if the potash pulp and paper mill, such a significant contributor to Idaho's economy, would be able to remain open under the bright line stringent requirements in this bill if they were triggered.

So, I say to my colleagues that today in the Republican luncheon I will bring this up and ask for a room where Dr. Steger could be tomorrow just to answer questions and explain to Senators what their view was and how they came upon and did the study.

Maybe at a later time today I would like to highlight the summary of findings in the CRS report. It is very interesting. I have it here at my desk. Maybe at some point today I may put it in the RECORD so Senators may have an opportunity to read the entire report from CRS, although I am sure it is available to all our offices. It is easy to read.

Just directly, it goes through the summary findings and goes through the direct employment losses resulting from plant closures, negative effect of jobs, lower wages, less opportunities, fewer hours resulting from increased capital and operating costs. The provision of the Clean Air Act amendments analyzed for employment impacts title III on hazardous air pollutants; title V, acid deposition control; title IV, permits, with particular emphasis on small business.

Based on the legislative proposals as of early 1990, the report estimates the following range of jobs lost or affected by these selected Clean Air Act amendments:

Air toxics jobs impacts:

The authors estimate a minimum of "20,000 jobs almost surely to be lost."

The authors estimate a maximum of "over 2,000,000 jobs adversely affected and potentially lost" on air toxics.

The air toxics part will be the part that will affect my constituents in Lewiston, ID. The Potlatch Corp. and the employers there paid a very dear price to improve the quality of the air toxics and water toxics that emit from that plant. It has made great improvement throughout the years that I have watched it operate there. It is a massive capitalization which would probably take billions of dollars to replace. It is a very large contributor to the economy of Idaho and also a very large contributor to the trade balance of the United States wherein much of the export from our State is pulp and paper. It is the paper products that go to the Pacific rim. From that mill it goes from the port in Lewiston, down the Snake River, down the Columbia to Portland and exported by ship to the Pacific rim.

So I think the importance of this is surely not lost on most Senators. It certainly is covered extremely well in Warren Brookes' article today in the Washington Times how Mr. BYRD has forced Congress and the administration to consider, for the first time, the real economic consequences of the green flirtation and weigh them against the remarkably slender ecological benefits.

I think it is significant that Senators in the process of deliberating on this bill, I suppose for the next couple weeks or more, consider the economic impacts on their State and what the tradeoff is. And I know, the distinguished Presiding Officer coming from New England, there has been a great concern about acid rain. Now, more and more and more, as the evidence comes out on the acid rain section of the bill, it appears that it would be much less expensive to simply lime the lakes that are having more acid in them and have a direct impact at a minimal cost to lime the lake compared with the billions and billions of dollars of job losses, increased power costs, and what have you that we are talking about with respect to the acid rain portion of this bill.

But as I said, the authors estimate job losses of 232,000 workers, just from acid rain alone, in 1,719 plants in 20 States whose electric costs are estimated to rise by some 10 to 15 percent.

In the permit section of the bill, the authors estimate that the average small business in ozone nonattainment areas will be charged $15,000 for permit fees plus $50,000 to $250,000 for equipment to continuously monitor emissions of up to four pollutants.

These costs are then related to a selected group of small business industrial sectors—87,129 plants, with average of 13 employees per plant—this indicates that 1.1 million jobs would be affected by the permitting requirements.

Compounding influences:

For the air toxics proposals, the report finds that many affected counties have unemployment rates over 7.5 percent, suggesting that displaced workers have difficulty finding local employment.

The authors estimate that between 1.6 and 1.9 million people in the affected counties live in underclass neighborhoods—1 percent of total county population.

Total effects:

Depending on residual risk assumptions—title III amendments—the authors estimate that a minimum of 200,000-plus jobs will be quickly lost.

The authors estimate that job loss could easily exceed 1 million, even 2 million if the more stringent requirement were adopted that no one be exposed to a residual risk of more than 1 in 1 million.

The authors state that estimates are indicative of direction and magnitude.

Mr. President, the leading proponent of this legislation, the distinguished majority leader, requested this analysis by CRS. I believe that it is a very unbiased report, and the report is an attempt to estimate in a timely and comprehensive fashion the first round or direct employment impacts that may result from proposed clean air legislation. The method used in the report correlates county-level employment throughout the United States with categories of industries that will be potentially affected by selected legislative options under discussion as of February 1990. This is an acceptable method for identifying potential impacts, but it has specific limitations which are not adequately covered in the report.

So it may be that there are some other factors that need to be looked at, but, all in all, I think Senators would find this report fascinating, and I think, if they start matching up the people who work in their States and how they will be affected and what the risk is with their jobs, whether it be in the air toxics section, the acid rain section, the permitting section, all of the impact of small and large business alike, it does require some very, very careful consideration by all Senators.

That is why this Senator was so heartened on Thursday night a week ago when we had 80 Senators on the floor and Senator DOLE, by the words of the distinguished senior Senator from Kentucky, in speaking for the bill and against the Byrd amendment, I believe, if I can paraphrase what my good friend from Kentucky said, was that the distinguished minority leader has just made the most devastating speech in favor of why this legislation should not be passed as we have heard yet, because he started listing the different industries and jobs—chemicals, petroleum refineries, the coke industry, the steel industry, the pharmaceutical industry, and on down the list, the pulp and paper industry whose jobs would be lost with respect to this legislation.

That is why, at the appropriate time, Mr. President, I will be sending an amendment to the desk which will in effect allow for community involvement in closing decisions. When I see what this bill will do to the mill in Lewiston, ID—and I know if it can be done in Lewiston, ID, it can be done all over the country—it is my hope that those people that live along the banks of the Clearwater and Snake Rivers will have an opportunity, if they are supposed to cease operations or be put in jeopardy of ceasing operations because of action taken with regard to its permits, fees, or fines, as a result of exceeding standards issued pursuant to subsection (f) of this section, unless and until such time as a question shall have been placed in referendum before the community exposed to the risks which exceed the standard, and at least 50 percent respond in the negative.

In other words, Mr. President, it seems to me that if we are going to apply this very stringent standard of 1 in 10,000 and then the technology chasing on to 1 in a million when our chances, as we know, are 50 in a million that we will be struck by lightning in a lifetime—when I think of the thousands of families that have been raised and educated along the banks of the Clearwater and Snake Rivers and the beautiful place of Lewiston, ID, as a result of the employment that their families have at the Potlatch Corp. mill there in the pulp and paper industry, using a renewable resource that can be renewed and renewed and renewed, I believe that they should have the opportunity to vote on that.

So for that affected population, the question will be placed on the ballot and in the words of my amendment will be as follows: That the exposed population shall—and then the plant, the name of the plant, such as Lewiston, ID, Potlatch Corp. pulp and paper mill—"remain in operation notwithstanding the fact that the U.S. Environmental Protection Agency has pro-

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jected the possibility that an individual born and standing on the fenceline of this plant for 70 years may be subjected to a lifetime cancer risk of greater than 1 in 10,000 or 1 in a million."

Mr. President, that I think is the essence of Americanism and what America all about.

We can all sit down here on the banks of the Potomac and be the great do-gooders of the world and force on those people that they may have to go to Canada to get a job in a pulp mill and paper plant or they can go to Mexico or go offshore some other place in the Caribbean Basin where there may be pulp mills and paper plants that will have to be built so that we can buy the product from them and import it back into the United States rather than manufacturing it and producing it overselves and using the best available technology, I might add, which has improved greatly throughout the time that I have been watching that mill since I was a young man in college in Moscow, very close, north of Lewiston, about 35 miles, to see the improvement.

There is absolutely no comparison in the quality of the air today than what it was 35 years ago. It has steadily improved. And only through certain meteorological events of inversion layers and so forth do they have very many days where the town is actually out of attainment, if at all.

Mr. President, the point I am making is that the air toxics provision of this bill, even though the air quality for the people has improved, it is my opinion that those people should have the opportunity to vote on whether or not their plant should be closed because of some residual risk, hypothetical risk standard that has evolved from the bureaucracy in Washington, which can be a great expense to the working men and women in this country, a great loss.

I know we can talk about the fact that it is also bad for public health and all those things, but I would remind my colleagues again that our people are getting healthier in this country. We have cleaner food, we have safer food, we have more abundant food, we have more convenient food, we have food that is a lower, more affordable cost per capita consumption of disposable income than any other group of people on Earth. We have better air. It is the West Germans who have had to waive the air quality standards so the cars can come from the Eastern bloc because they cannot meet the standard.

All one has to do is look at what it is in this country that has made so much headway toward improving technology, and what I would say it is that it has been the ability of Americans to generate enough capital to generate enough entrepreneurs who can come up with cleaner, better ways to designing things, to make scrubbers, to make other methods of filtering air, to come up with better technologies and all kinds of processes to have cleaner air for our people to breathe.

This legislation, in its current form, by its triggering massive unemployment, massive capital outflow offshore, will in fact, in my opinion, not do anything to further and improve the environment, as my colleagues who are so enthusiastically supporting it wish to do.

We have pending before us the Byrd amendment. I think the Byrd amendment is a statement by a Senator who is obviously very concerned about his constituents, as all Senators well should be.

I would just say, Mr. President, that my only real problem with the Byrd amendment—and I have told the distinguished President pro tempore this point—is this does not go far enough. It does not cover all the other people. It does not cover the people that will lose their jobs in the pulp and paper industry like in my State. And if the pulp and paper industry closes in Lewiston because of this legislation, well, then, the loggers in Clearwater County that provide the fiber, the loggers that work in the forest, who bring the fiber down to the mills, they will lose their jobs. The truckers who haul the chips from the mills in the panhandle region of Idaho to the Potlatch mill in Lewiston, who work for many of the different trucking companies, such as Buehl Trucking in Saint Maries, ID, the some hundred-plus drivers that have earned their living driving those trucks full of chips, they will lose their jobs because they will be no mill. So the ripple effect will be devastating if we cannot correct some of the inadequacies in this bill.

My amendment would allow for the affected people to make that decision. It would simply state on the ballot, no plant or facility or source shall be required to cease operations until they have had an election on the ballot. In other words, until the people vote on it. And if they vote to close the plant, of course it can go ahead and be closed. If they vote that they are willing to take the risk knowing what it is, 1 in 10,000 to 1 in a million, and they vote, the exposed population, then the EPA would be unable to go in and propose regulations to make them close the plant.

And at no such time, even if less than half did respond, so that they voted not to close the plant, no plant or facility or source may increase its emission of substance or substances whose risk was the subject of referendum beyond the level emitted at the time the question was placed before the exposed community.

Mr. President, I ask unanimous consent that at this point the article by the distinguished journalist, Warren Brookes—who has done this Nation a great service by the columns that he has written and the research that he has done on all different sectors of this clean air question—I ask unanimous consent that the article entitled "Byrd's Killer Amendment" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (DC) Times, Mar. 20, 1990]

Byrd's Killer Amendment

(By Warren Brookes)

Today the Senate returns to debate the Clean Air compromise forged by Senate Majority Leader George Mitchell, Maine Democrat, and the White House. Its fate may well hang on the first amendment it will take up, whose author, Sen. Robert Byrd, West Virginia Democrat, has proved again he still is a master political strategist.

Mr. Byrd's amendment calls for paying about $130,000 in "impact" assistance to each of the 5,600 soft-coal miners expected to lose their jobs due to this bill—a total cost of $730 million.

With this single outrageously bold stroke, Mr. Byrd has forced Congress and the administration to consider for the first time the real economic consequences of their green flirtation and weigh them against the remarkably slender ecological benefits. That already produced one of the best debates this town has seen.

On Thursday, March 8, between 11:00 p.m. and 1:30 a.m., C-SPAN viewers and 80 senators on the floor were treated to high drama from two old protagonists that produced light instead of heat.

No sooner had Mr. Byrd spelled out his own revised proposal than Senate Minority Leader Robert Dole, Kansas Republican, rose to the point:

"If we are going to do this for coal miners, there are 14 other industries that are going to be impacted. What happens to them? How many thousands of workers are not going to get benefits?"

Mr. Dole said the administration is already terrified over the implications: "If this amendment is adopted what happens to this bill? They said, 'That is it. It is over.' I have been told flat-out that it would kill the [clean air] bill." That's a frank admission that the administration acknowledges massive real job losses.

Then, in the guise of attacking the Byrd proposal, Mr. Dole proceeded to administer what looked like Clean Air's coup de grace. He cited a remarkably conservative estimate made by two first-rate economists, Wilbur Steger and Robert Hahn of Carnegie Mellon University, for the industry Clean Air Working Group which shows the immediate job loss of the Clean Air Bill will be 220,000 to 1 million jobs, with 3 million jobs put at risk:

Said Mr. Dole: "Nobody disputes the impact it is going to have on the coal industry, but that is not the only industry. It is not only workers; it is employers. Some people will not be able to buy cars because they will not have a job. So it affects those employees, too. It has a ripple effect." How big is that ripple? On air toxics alone, "It has been estimated we are going to lose between 20,000 and 200,000 jobs. Those jobs are going to be lost in 15 industries." Mr. Dole then intoned them by name, coke ovens, petroleum refineries, pharmaceuticals, pulp-and-paper mills, steel foundries, etc. As the spoke, senators mentally began counting constituents.

"I do not care if it is $800 million or $8 billion. It is going to help 5,000 while ignoring up to 200,000. There is such a thing as basic fairness. In West Virginia, for example, there are 5,601 coal miners at risk but there are 7,332 chemical-industry jobs also at risk, and 9,373 primary metals jobs at risk.

"In my state of Kansas 7,500 transportation-equipment workers would be at risk, 2,900 electrical goods and sanitary-service jobs, 1,700 rubberworking and miscellaneous jobs and 1,200 petroleum refinery and related jobs."

In short, Mr. Dole said, "The administration says this is not going to cost $800 million. . . . It is going to cost billions and billions of dollars." True-confession time had finally arrived.

Mr. Dole then entered into the Senate record a state-by-state table showing air toxics alone put at risk some 2.4 million jobs; permitting costs for small business will risk 1.1 million more; acid rain directly risks some 232,000 (See Table.)

When Mr. Dole finally sat down, the fat was in the fire. Sen. Wendell Ford, Kentucky Democrat, a cosponsor of Mr. Byrd's amendment jumped up and said what was on the collective mid-American political mind:

"The distinguished Republican leader gave the most devastating speech against this bill anyone can give on the floor of the U.S. Senate. We talk about products coming into this country and costing jobs. Well, I will guarantee it is going to cost hundreds of thousands of jobs with this bill."

Mr. Ford then spoke movingly about the life of miners in his state and their sacrifices in war and peace, noting "all of a sudden we say to them, "We are going by public policy to put you out of work.' "

Sen. Edward Kennedy, Massachusetts Democrat, then got up and supported the Byrd amendment, citing the precedent of trade-impact assistance: Will this nation take care of its people, too, when we vote for clear air or for cuts in military spending?

Sensing the demise of his extremist environmental agenda, patrician greenie Sen. John Chafee, Rhode Island Republican, complained that coal miners had already been paid handsomely, concluding: "Do not anybody think if they vote for this amendment that they can go around the country and say, 'Hey I am for clean air. It is just I happen to be for this amendment.' By voting for this amendment, we will kill this legislation."

But Sen. Phil Gramm, Texas Republican, picked up Mr. Dole's theme: "In my state, we are talking about the loss of 38,372 jobs in chemicals, 19,813 petroleum-refining jobs, 12,518 jobs in the electric and gas industry. If we make a decision to adopt this amendment, we should be prepared to . . . extend these benefits to every worker in America that loses his or her job as result of the adoption of this bill."

No wonder, in a desperate effort to head this off, the Environmental Defense Fund now is backing Idaho Republican Sen. Steve Symms' "Bright Light" proposal to let workers decide if they will live with more than one in 1 million risk, instead of shutting down.

Whereupon, Sen. Warren Rudman, New Hampshire Republican, the acid-rain drumbeater, having listened to "the chilling statistics," wondered if such loss decisions were even warranted:

"I must say in all frankness that I still have doubts in my own mind about some of the scientific evidence that exists. There are more reports coming out. It would be ironic if the reports come out and we find we solved the wrong problem."

Or, as the massive $600 million National Acid Precipitation Assessment Project report recently implied, no problem, or at least none that is worth $5 billion to $7 billion a year and 232,000 jobs. Indeed, all the lakes in Mr. Rudman's beloved Northeast could be limed for less than $1 million a year and achieve more real results. NAPAP called it "the most effective mitigation method."

Mr. Rudman then said it all: "If in fact we are going to lose between 250,000 and 400,000 jobs in the next two years, then quite frankly I think you all ought to be going back to the drawing board."

Good advice. No wonder the Bush administration is pushing so hard against Mr. Byrd's amendment. The administration's ill-designed boondoggle cannot stand the economic or ecological test of real jobs lost.

JOBS AT RISK FROM BUSH/MITCHELL BILL

Large states only	Air toxics (1x10) [1]	Permitting (Small bus.)	Acid rain	Total
Total	2,414,804	1,114,088	231,895	3,760,787
Alabama	56,412	9,438	4,890	70,740
California	132,991	210,243		343,234
Florida	26,619	30,781	7,599	64,999
Georgia	51,433	22,019	6,329	79,791
Illinois	109,660	79,707	6,250	195,617
Indiana	155,798	16,788	28,558	201,064
Kentucky	37,506	11,334	9,000	57,840
Louisiana	38,894	7,757		46,651
Maryland	27,169	29,526	10,502	67,197
Michigan	181,083	36,272	3,464	220,819
Missouri	87,336	25,914	21,442	134,692
New Jersey	43,817	90,458	69	134,344
New York	140,458	98,652	8,570	247,680
North Carolina	114,736	27,427		142,163
Ohio	210,170	69,351	46,780	326,301
Pennsylvania	135,015	71,533	24,714	231,262
Tennessee	92,377	17,833	8,305	118,515
Texas	114,967	69,377		184,344
Virginia	107,378	19,642		127,020
Wisconsin	74,949	16,731	26,437	118,117

[1] Assumes maximum available control technology with shutdown for failure to achieve residual risk of less than 1 in 10,000, rising to 1 in 1,000,000. Standard was slightly modified in Mitchell White House compromise from "maximum exposed individual" to "maximum REAL exposed individual" as an option to plants willing to do costly demographic and exposure studies.

Source: Economists Robert Hahn & Wilbur Steger, Analysis of Clean Air Bill S. 1630 for Clean Air Working Group, February 1990.

Mr. SYMMS. Mr. President, earlier I made comments about the distinguished Republican leader and the distinguished majority leader's comments in the debate Thursday night. Since that time it has been brought to my attention when I made reference to the Congressional Research Service Library of Congress report, there was a report from CONSAD. And just so the record is clear, CONSAD is a research corporation in Pittsburgh, PA, that has engaged Robert Hahn and Wilbur Steger to undertake an analysis of jobs at risk and job losses resulting in the Clean Air Act amendments.

The distinguished majority leader made comments about their report.

I ask unanimous consent to print a rebuttal written by Dr. Steger at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Re: Response to Comments on Hahn-Steger Study: U.S. Senate, March 8-9, 1990.
From: Wilbur A. Steger.
Date: March 14, 1990.

Senator Mitchell's comments appear in the CONGRESSIONAL RECORD, March 8, 1990, pp. S2443–S2444.

1. *Statement:* Senator Mitchell states that the "Hahn-Steger report was prepared at the request of an organization called the Clean Air Working Group, a consortium of industries which is opposed to the legislation and which has worked diligently to defeat this legislation."

Response: The report was *not* prepared for the Clean Air Working Group: it was performed at the request of the Business Roundtable, perhaps the most prestigious national business organization. The Roundtable is not a lobbying organization, affecting public policy primarily through research and discussion.

In December of 1989, Drs. Hahn and Steger believed that the nation, and many U.S. Senators, were frustrated by the lack of useful economic impact information about the Clean Air Act. Little, if any, of this information had been available from the agencies involved—neither from the Environmental Protection Agency nor a host of others. This report is the first such set of comprehensive "what if" forecasts, examining—under a variety of possible Clean Air Act (CAA) amendment scenarios ranging in their impacts from moderate to severe—the job consequences of differing versions of the proposed legislation. Drs. Hahn and Steger do not believe their views, and those of their study, in any way, are shaped by those of the Roundtable. Both Drs. Hahn and Steger have published numerous professional, referenced articles and reports on the subject of environmental economics, air quality policy, labor economics, community impacts, and regulatory policy analysis. The Clean Air Working Group has agreed to distribute the report to those that can make best use of its information. The Clean Air Working Group (CAWG) is a national, broad-based coalition of nearly 2,000 small and large businesses and trade associations working together to ensure effective and responsible clean air policies.

2. *Statement:* Senator Mitchell states that the "job loss estimates are intended to support the position that the legislation will have such severe adverse economic effects that it ought not to be adopted. That is the position of the organization which authorized and paid for this study, I am advised by staff."

Response: The statement is insulting and uncharacteristic of Senator Mitchell: implied is guilt by association, and with an incorrectly identified organization. (Senator Mitchell does state, later, that "I do not here purport to challenge the good faith of the office of this report or those who authorize it. They have a point of view, and presenting arguments which tend to support their point of view.") Drs. Hahn and Steger believe their work is completely professional. The method used is objective, straightforward, and replicable by others. The approach—microanalysis, utilizing individual plant data—is based on conventional economic theory, as described in CONSAD's report for the Environmental Protection Agency (*Methodology for Estimating Unintended Effects of Regulation,* prepared for the U.S. Environmental Protection Agency, November 1988). The authors have performed similar research for other agencies, public interest groups, and for academic

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publication. They believe the general public has a right and a need-to-know about the potentially widespread economic impacts of such an important (proposed) statute: there has been little or no economic impact estimate of the air toxics title, the consequences for small business of the permitting sections, and the impacts of higher electricity costs on heavy electricity consumers. If the authors have any policy bias, it is that they believe that further advancement toward environmental excellence requires a balance between additional improvements in air quality and the preservation of American jobs and competitiveness. Hahn and Steger, also, believe that the subject matter involved, here, demands attention to practical, not abstract, study results.

3. *Statement:* Senator Mitchell claims that, to "arrive at those figures, the report makes certain assumptions and assertions which I submit to my colleagues are invalid and therefore invalidate the conclusions."

Response: Individual assumptions and assertions are discussed below. In general, it is not possible to perform a study of possible economic consequences without making certain assumptions and/or "givens." It is important, of course, that these be explicitly defined and stated, and that judgments be based on defensible grounds. In general, it can be said about this study that there are remarkable *few* "assumptions": it is straightforward and non-judgmental, by and large.

4. *Statement:* Senator Mitchell holds that the report asserts that "every employee at every small business that will be required to get an air emissions permit in order to operate is therefore in danger of losing his or her job. That is, every employee of every industry subject to regulation, required to get a permit as a result of this legislation, is assumed for the purposes of this report to have his or her job at risk" and that "every employee of every energy intensive facility using electricity produced by utility systems that will incur costs due to acid rain controls will be in danger of losing his or her job merely by virtue of that fact. That is, every employee of that industry is deemed to be in danger of losing his or her job."

Response: Senator Mitchell gets it right and wrong, here, almost in the same sentence. While he correctly recognizes that the study "embraces the two concepts" of "lost jobs" and "jobs at risk," he hopelessly entangles these concepts in the above statements. The Hahn and Steger report makes the distinction quite clearly, we believe: in the report, the use of the term "jobs affected" includes jobs lost and jobs whose characteristics may be altered, such as lower wage levels, reductions in hours worked, and layoffs. Exhibit 1 (attached) clarifies this distinction: in the plants investigated, under the varying assumptions, the effects on the labor force can take many forms. If the cost increase relative to the business's ability to pay and remain competitive is relatively substantial, and if the business entity can only partially pass the cost increase on to its customers and owners, then it must pass this burden—at least partially—back to its workers, in the ways indicated in the Exhibit. There is no "assumption," here. This is straight "Econ 101." The judgment enters in estimating *which* of these effects will occur, and under which business circumstances. Hahn and Steger focus their study, primarily, on "job effects," less on "job losses" (one of the possible effects). It is hoped that public and private agencies will pick up at this juncture and look, in further detail, at the *precise* effects which different economic sections, communities, and labor forces are most likely to experience.

5. *Statement:* Senator Mitchell states that "The report assumes with respect to the air toxics proposals that all sources unable to meet a 1 in 10 to the sixth residual risk standard will be forced to shut down. * * * the report assumes that every industry subject to the air toxics proposals will have to shut down on that standard."

Response: This is incorrect. The study *does not* claim a shut-down for all plants subject to the one-in-one million residual risk standard (see Chapter 3.0 of the report); however, the authors believe that *more* plants will be subject to shutdowns where the increase costs of pollution control are the highest and most onerous, as they often will be under the more rigorous residual risk regimes. Furthermore, the authors—working with EPA data bases and techniques (Chapter 4.0)—focus on those on *job loss* consequences tied to the following specific CAA Amendment cause: *no available technology* to meet a specified air toxics residual risk level requirement. Here, the authors quantify the extent that the lack of available technology will result in dislocation in specific industries. This analysis has benefited from the help of several industry and government officials. The principal finding of this chapter is that job losses are likely to be significant if a "bright line" residual risk level of one in one million is selected for the maximally exposed individual. If, instead, a residual risk level of one in ten thousand is selected, there are still likely to be significant job losses, but these are somewhat more difficult to estimate given the limitations of the data.

6. *Statement:* Senator Mitchell states that the study "does not attempt in any way to quantify the benefits that are created from pollution control investments as a result of this legislation, that is, no offsetting benefits which might flow from the legislation are included in the calculation.

Response: This is incorrect because the authors (Chapters 1.0 and 2.0) *do* assess the claims that pollution control leads to job gains. Hahn and Steger (p. 1.4) recognize that the acid rain provisions will stimulate demand for employment-producing scrubbers, that the ozone provisions will stimulate demand for new permit writers, and that the entire act will stimulate demand for legal services. The authors believe that such job effects must be considered and assessed, where possible, so as not to overestimate the social costs of job losses resulting from regulatory actions. Studies of job increase effects (such as that cited by Senator Mitchell) need—as the Hahn-Steger report does—to be summed across all sectors and places, and compared to the job effects of the Hahn-Steger report. Clearly, this is an EPA (*et al.*) responsibility. However, Hahn and Steger believe that these job effects are often short-term, one-shot increases, and that the job effects investigated in detail in their report (Chapters 3.0 and 4.0) will occur in thousands of communities where the adverse job effects will *not* be compensated for by short-term job effects elsewhere. Additionally, the "macroeconomic" studies reviewed in Chapter 2.0 (DRI, Jorgenson, *et al.*) reveal that the job gains effects are short-term and are, ultimately—even at the *macro* level—to be overtaken by the short-to-medium-to-longer term regulatory-induced job reductions.

7. *Statement:* Senator Mitchell states that "the report does not in any way attempt to anaylze job and productivity losses already resulting as a result of exposure to air pollution, nor does it attempt to quantify any reduction in productivity."

Response: Senator Mitchell has not read Chapter 2.0 of the report, where productivity consequences are assessed; indeed, one of the studies cited there (Hahn and Hird, "The Costs and Benefits of Regulation: Review and Synthesis," Carnegie Mellon University, School of Urban and Public Affairs, Working Paper Series, Working Paper 89-37, August 1989) is a definitive review of regulatory-related productivity effects. This is a subject of substantial technical importance, receiving a more intensive, deep investigation than that possible in this report. Hahn and Steger do not believe that a deeper investigation would in any way invalidate their conclusions.

8. *Statement:* Senator Mitchell states that "all of these cost estimates that are being used do not take into account the current costs that are being imposed on our society. The American Lung Association estimates that, in health care costs and lost productivity, the current cost is far in excess of the estimate made by the administration of the cost of the bill. . . . So I think we ought to, when discussing the burden on society, evaluate not just the additional costs which will be imposed as a result of this, but the current costs which will be eliminated or reduced as a result of this. And one organization says we will save $20 billion, assuming that the administration's figure is correct."

Response: This is incorrect. Hahn and Steger evaluate the validity and credibility of the American Lung Association report (Chapter 1.0), finding that: first, the air pollutants for which estimates of health effects and related costs have been developed in those studies are predominantly "criteria" pollutants. The cost estimates thus relate predominantly to health effects associated with pollutants—and concentrations of those pollutants—that are currently regulated under the existing provisions of the Clean Air Act. Accordingly, the estimates are basically *unrelated* to the vast majority of the proposed amendments to the Clean Air Act—and almost all of the anticipated control cost increases—presently under consideration; and, secondly, that the underlying health effects studies have applied different forms of multivariate statistical analysis to derive estimators of the incremental amounts of particular health outcomes that are statistically associated with incremental concentrations of ambient air pollutants. The quantitative estimates, indeed, are generally found to be quite sensitive to the specific explanatory factors considered and the specific data sets analyzed in the studies. This critique is based upon a review by Dr. Fred Rueter ["Preliminary Comments on the Monograph *The Health Costs of Air Pollution: A Survey of Studies Published 1984-1989*, prepared by James S. Cannon for the American Lung Association (ALA)," CONSAD Research Corporation, February 15, 1990], which is available upon request. This is an important subject, meriting a more valid and credible estimate of the resulting health benefits than Dr. Hahn and Steger could perform in this report, given the time avaiable to them for their research.

9. *Statement:* Senator Mitchell states that his conclusion is that "there is likely to be very little net job loss in our society; that I think there will be some shifts in employment. But I think overall there will be very few jobs lost. . . . We are not the first to

participate in such a debate. Every time major environmental legislation has been presented especially the Clean Air Act, dire predictions have been made as to employment consequences. It is my belief that those dire consequences did not materialize, and that there were some substantial job shifts, increase in some areas and reductions in others."

Response: Clearly, this is where sound, economic judgment and opinion enter. Hahn and Steger believe that their estimates of adverse job impact are reasonable and, indeed, conservative, in several ways (e.g., not all titles of the Act and their consequences are included, no multiplier effects are examined, etc.). If this report facilitates the investigation, by others, of the economic consequences of this complex and far-reaching proposed legislation, the authors will have achieved their objective.

10. *Statement:* Senator Durenberger states (March 9, 1990, p. S2569) that the results of the study are either "without explanation" or "with explanation but poppycock."

Response: The Senator has not read the full and complete description of the methodology in Chapters 3.0 and 4.0 of the report. This is sufficiently detailed so that, with the same data bases and computer software, Senator Durenberger's staff could readily replicate the results. Were these results truly "poppycock," the Senate should rescind the public funds supporting the extensive EPA, Census, and other data bases used in this study, along with methods approved by the agencies themselves. More in-depth critique of the method by Senate Staffers would be most welcome.

11. *Statement:* Senator Durenberger states that there are too many "jobs affected" estimated by the study relative to their "true" impact under each of the provisions.

Response: The report's estimates of job impacts are based on the difficulty of large, medium, and small businesses in coping with the CAA amendment increases—from minor to moderate to large to extreme—relative to business size and base costs. The study analyzes several thousand medium to small plants, and more than one million small businesses. The Senator, apparently, does not believe that significant pollution control cost increases—perhaps two to one-hundred times their baseline pollution control costs—mean *anything* to a competitive business. This is totally incorrect, and has no basis in economic or financial theory. These are firms whose revenues will *not* increase as a result of the Act. Economic theory states, *unequivocally*, that there will be an adverse *affect* on labor as well as one on prices, output, owners, and competitive-enhancing R&D. The *degree* of effect (see Exhibit 1, above) is a matter of economic and business expert opinions: we have estimated that a small percentage of each industry sector's *affected* jobs will become *lost* jobs. Given that millions will be affected, it appears to be superficial, uncaring, and oblivious to economic reality to state that none (practically) would be seriously (adversely) affected. Here, of course, knowledgeable people might 'iave different opinions as to the *degree* of effect (see Exhibit 1).

12. *Statement:* Senator Durenberger (and Senator Mitchell, later) states that the compromise bill is not examined in the Hahn-Stager report.

Response: This is completely erroneous: the Hahn-Steger report investigates the job effects of a range of scenarios, from those with 90 percent MACT reductions to 98 percent reductions and—in turn—each of these with either no residual risk, 1-in-10,000 residual risk, and/or a 1-in-1,000,000 residual risk. We also—as the bi-partisan compromise—assumed a sometimes effective 1-in-1,000,000 goal. Senator Durenberger chose to report on only *one* of the many possible scenarios examined in the report. Clearly, Hahn and Steger could not, with prescience, know by mid-February, the content of the early March Agreement.

13. *Statement:* Senator Durenberger implies that the 90 percent reduction MACT standard will apply, in contrast to the 98 percent reduction and that the MACT standard is "too stringent" in the Hahn-Steger study.

Response: Again: The Hahn-Steger report investigated the 90 percent as well as the 98 percent MACT standard with equal analytic vigor. It is *all* in the Hahn-Steger report. Furthermore, it is far from clear, in the proposed Bi-partisan Agreement, that it is *only* the 90 percent reduction (for VOC) which applies. It is 95 percent for particulate matter, for example. And, regardless, the emissions limitation shall not be less stringent than a number of best performing sources (Agreement, p. 243). Furthermore, we do not wish to forecast the results of the proposed National Academy of Sciences study of the risk assessment methods currently used by EPA and alternative methods in setting health standards, or the Commission's study (for Congress) on the use of risk assessment methods in controlling hazardous air pollutants. What is proposed in the Bi-partisan Agreement is that, if Congress does not choose a residual risk standard after the Commission reports, two residual risk standards for carcinogens are automatically adopted. The goal is a cancer risk not greater than 1-in-1,000,000 for those persons most exposed to emissions from a source. The upper limit on cancer risk is 1-in-10,000. We also do not wish to forecast the outcomes of site-specific health assessments of pollutants released from the source to show the actual impact of those pollutants on public health within the vicinity of the source. (Sources which impose actual cancer risks exceeding 1-in-10,000 must take mitigation measures or shutdown. Sources must use available technology to reduce actual cancer risks striving to reach the goal of cancer risk not exceeding 1-in-1,000,000 to the most exposed actual person.) Given the substantial uncertainties of the compromise agreements, we believe there is no alternative but to assume that the 90 percent MACT may well be a lower bound to the ultimate true cost of implementation for an affected source.

14. *Additional Remarks*—There are a number of other comments by Mitchell and Durenberger which we related to their critique of the Hahn-Steger study:

Durenberger's estimates of health benefits (particularly cancer reduction), often tied to the American Lung Association or non-cited sources (see comment #8, above) are very flawed: Exhibit 2 analyzes Senator Durenberger's estimates of health benefits, revealing his analysis to be completely erroneous.

"Administration job loss estimates" are said to be less than 15,000: no background support is cited for these estimates, which are likely to be those similar to the Hahn-Steger technology-lost jobs tied to the air toxics provisions; these estimates are *not* intended to cover job *effects* (not job losses) or job consequences of the acid rain, permitting, and other CAA provisions with economic consequences.

Job increases "everywhere" will *not* make up for whatever adverse job effects there are: at hundreds of regional and local levels, within dozens of States, such local and regional "adjustment" does *not* take place for years, if at all (see Hahn-Steger, Chapter 3.0); furthermore, jobs that do arise are typically *not* the same quality jobs as the jobs that are lost.

There may well be many job increases arising from the CAA Amendments: of course, these need to be estimated, and compared to estimates of job losses (see #6, above): Chapter 2.0 of Hahn-Steger discusses why we believe that such job increases tend to be short-term, one-shot increases, leaving the more permanent longer-term "regulatory drag," globally non-competitive effects considered in our study.

EXHIBIT 1

THE RANGE OF JOB EFFECT

Minimal Effect

Wage reduction.

Benefits reduction.

Fewer hours.

Intermittant layoffs.

Increased uncertainty over the future.

Less business growth due to lessened "competitiveness," given more environmental and less "competitiveness" R&D.

Moderate Effects

Prolonged layoff.

Less job growth.

Reduced wages and benefits.

Little or no business growth.

Extreme Effects

Job loss.

Plant closing.

Lost benefits.

Rapid business decline and, perhaps, bankruptcy.

EXHIBIT 2

REJOINER TO DURENBERGER'S ESTIMATES OF CAAA-RELATED HEALTH BENEFITS

	Durenberger	EPA
(1) Data inaccuracies:		
EPA estimate of number of cancer cases per year associated with outdoor air toxics	(A) 3,000	(B) 1,700–2,700
Number of carcinogenic chemicals studied by EPA	(C) 20	(D) 90
Total number of carcinogenic chemicals	(E) 200	(F) 191
Percentage of estimated cancer cases per year associated with emissions from major industrial point sources	[1] (G) 100	(H) 20

[1] Implicit.

(2) Assumptions made by Durenberger.

All cancer *cases* are cancer *deaths* (incidence = mortality)

Ratio of actual cancer potency of carcinogenic chemicals to cancer potency estimated by EPA=10 (I) (based on California studies on benzene, for which no citations were furnished). More realistically, ratio <1 (J) in light of the extremely conservative assumptions used in EPA's quantitative risk assessments (unit risk factors) for individual chemicals.

Proportion of estimated cancer deaths per year occurring in Texas=0.25 (K) (based on proportion of national petrochemical production occurring in Texas).

Durenberger's estimates of cancer deaths per year associated with major industrial point sources:

National: $3{,}000(A)\times 200/20(E)/(C)\times 1.00(G)/100\times 10(I)=300{,}000$

Texas: $300{,}000\times 0.25(K)=75{,}000$

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	National	Texas
However, in 1989: Cancer deaths (mortality)		
All causes	502,000	27,000
Respiratory system	147,100	
(Lung)	(142,000)	(8,100)
Leukemias	18,100	1,000
Cancer cases (incidence)		
All causes	1,010,000	54,500
Respiratory system	171,600	
(Lung)	(155,000)	(8,800)
Leukemias	27,300	1,700

Source: American Cancer Society, Cancer Facts and Figures—1989.

Thus, Durenberger's estimates of cancer *deaths* per year associated with air toxics emitted from major industrial point sources are clearly excessive.

National Estimate

60 percent of total cancer *deaths* from all causes.

182 percent of cancer *deaths* for principal body sites purportedly associated with air toxics [i.e., respiratory system plus leukemias (for benzene)].

151 percent of cancer *cases* for principal body sites purportedly associated with air toxics.

Texas Estimate

278 percent of total cancer *deaths* from all causes.

138 percent of total cancer *cases* from all causes.

824 percent of cancer *deaths* for principal body sites purportedly associated with air toxics.

714 percent of cancer *cases* for principal body sites purportedly associated with air toxics.

More realistic estimates of cancer *cases* per year associated with air toxics emitted from major industrial point sources (based on EPA published estimates and Durenberger's assumption (K)):

National: (1,700–2,700)(B)×191/90(F)/(D)×0.20(H)/100×(<1)(J)=<(722-1,145)

Texas: <(722-1,145×0.25(K)=<(181-287)

The upper bound estimate for the nation thus represents <0.23 percent of total cancer deaths and <0.12 percent of total cancer cases from all causes nationwide.

The upper bound estimate for Texas represents <1.1 percent of total cancer deaths and <0.53 percent of total cancer cases from all causes statewide—and is based on the extreme assumption that petrochemicals production is the predominant category of major industrial point sources with regard to cancer cases associated with air toxics.

Mr. SYMMS. Mr. President, I thank the distinguished Presiding Officer.

I say further that I would hope that all my colleagues would have an opportunity to peruse through this. I will ask that the pages place on each Senator's desk the rebuttal of CONSAD to the distinguished majority leader's comments that he made March 8, 1990, about the report that they did that affects the employment of the working men and women of this country. I will ask the pages to place one of these on each Senator's desk so all Senators will have access to it.

Mr. President, I will just say that I think that this bill is boiling down to jobs and how much clean air can we afford. How much of a price are we going to go to and the extreme to throw the baby out with the bath water? Are we, in fact, going to do grave damage to the pharmaceutical industry, to the coke industry, to the steel industry, to the pulp and paper industry? How far should we go? What is the extent and the extremes to which we will carry legislation in this process?

Mr. President, I point out that the first paragraph of the Hahn-Steger report points out that this report was done not for the Clean Air Working Group, which is a lobbying group, but for the Business Roundtable, which is not a lobbying organization. I will quote from the report.

> The report was not prepared for the Clean Air Working Group: it was performed at the request of the Business Roundtable, perhaps the most prestigious national business organization. The Roundtable is not a lobbying organization, affecting public policy primarily through research and discussion.

Mr. President, I yield the floor.

Mr. SYMMS. Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. SANFORD].

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER (Mr. SANFORD). The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, was my leader time reserved?

The PRESIDING OFFICER. Ten minutes are reserved.

LEAVE OF ABSENCE

Mr. DOLE. Mr. President, I ask unanimous consent that Senator STEVENS be granted official leave of absence from the Senate on Tuesday, March 20, 1990, and March 21, 1990, to examine various oilspill sites in Alaska with Commandant Yost and other U.S. Government officials.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOLE SALUTES HEROIC RESCUE AND RELIEF EFFORTS IN WAKE OF KILLER KANSAS TORNADOES

Mr. DOLE. Mr. President, when the going gets tough in Kansas, the tough lend-a-hand. There was no better example of this Kansas credo than last week, when a killer tornado ripped a wide path through my home State.

In the aftermath, neighbors, friends, and strangers faced the emergency together, working shoulder-to-shoulder to survive, to persevere, and to rebuild what Mother Nature destroyed.

Most Americans have never seen a tornado and are justifiably thankful for the fact.

In Kansas, however, tornadoes are a fact of life—a terrifying, destructive, and all-too-often deadly occurrence.

Last Tuesday evening, as many as 20 tornadoes struck central and northeast Kansas. The largest and most powerful of these hit the town of Hesston and surrounding communities.

This deadly twister rampaged through three counties, cutting a half-mile wide swath; a 120-mile continuous path of destruction through fields, farms, and towns.

Two persons lost their lives, and many were injured. We mourn these deaths and send our deepest sympathies to the families.

Meanwhile, in Hesston, the damage is estimated to be at least $21 million. That is quite a bit for a city with a population of 3,400; more than 100 homes sustained substantial damage, many of them destroyed.

In fact, 10 counties were declared as a state of disaster emergency by Gov. Mike Hayden: Jewell, Morris, Shawnee, Jefferson, Reno, Harvey, Marion, McPherson, Saline, and Geary Counties. Sumner County also suffered substantial damage.

Mr. President, I want to take a moment to mention the men and women who, without hesitation, came to the aid of their neighbors.

First, the city and county officials of Hesston and Harvey County. Their high level of preparedness helped prevent loss of life in the city itself, and minimized the number of injuries. The alarm was sounded three times before the tornado struck at 5:35 p.m. Before 9 that night, well-organized volunteer rescue teams searched every home. City manager, Jay Weiland, emergency director, Lon Buller, and Mayor John Waltner were outstanding, handling both rescue and cleanup efforts.

THE MENNONITE COMMUNITY IN KANSAS

The Mennonite disaster service was originally established in Hesston, and now has a network in 48 States and 3 countries. This time, these good people were needed close to home, and they responded with a will.

The day after the storm, more than 1,000 Mennonite volunteers from all over the country began reporting for cleanup duty and relief assistance; a remarkable volunteer effort, Mr. President.

HAM RADIO OPERATORS IN THE AREA

The county emergency center was quickly overloaded by calls and inquiries; meanwhile, telephone lines had been all but blown away by the twisters. But help was on the way—the four ham operators in the county worked around the clock handling communciations services, and coordinating search and rescue, until service was restored 3 days later.

THE RED CROSS AND THE SALVATION ARMY

These dedicated men and women were in Hesston in full force, doing an outstanding job. They were always there when needed. Their experience, leadership and coolness under fire were welcome relief to the beleaguered citizens of Hesston and their neighbors.

The National Guard, called out by Gov. Mike Hayden in the early hours of the crisis, played a key role by working around the clock to maintain order. They patrolled the town, protecting citizens by preventing looters, establishing a curfew, and assisting tirelessly in cleanup efforts.

Gov. Mike Hayden, who visited the disaster site the evening of the tornado, acted quickly by declaring a state of disaster emergency in the affected counties. He ordered the activation of the disaster response and recovery programs in the State disaster emergency plan.

Mr. President, I hope that my colleagues will join me in paying special tribute to these volunteers. They responded to neighbors in need, As a Kansan, I am proud and grateful of the efforts of the officials, church volunteers, and friends and neighbors in Hesston, KS.

Let me close by reciting one story that speaks volumes about the kind of people we have in Kansas: In the wake of the tornado, the Red Cross quickly set up a standby shelter for persons made homeless by the twister.

It was an excellent facility and took in 30 people the first night.

But guess what? By day two, almost all were gone. Why? Because their neighbors had taken them in.

Mr. President, that is what Kansas is all about.

NATIONAL AGRICULTURE DAY

Mr. DOLE. Mr. President, as the senior Senator from one of America's great farm States, I am proud to say that today is "National Agriculture Day."

It is a day when all of us can say thank you to the American farmer and his family; thank you for all the hard work and dedication; thank you for the safe and unending supply of good food; and thank you for making American agriculture the envy of the world.

No doubt about it, we are blessed to have such bounty.

KANSAS: AN AGRICULTURAL GIANT

I am especially proud of our Kansas farmers. My home State has long been known as the Wheat State, ranking No. 1 in wheat produced and wheat flour milled. Kansas farmers also hold the top spot in sorghum silage and grain produced, cattle processed, and flour milling capacity. We are No. 2 in acres of prime farmland, and total cropland acreage, as well as red meat produced by commercial slaughter plants. The annual value of Kansas agricultural production is more than $6 billion in crops and livestock.

Kansas farmers have done it the old fashioned way—they've earned their lofty status with an all-American work ethic. When times are tough, Kansans are tougher.

The people of Kansas have singlehandedly made our State the breadbasket of the world. Today, I join the rest of the Nation in honoring and extending our sincere thanks to those men and women who truly are America's providers.

AGRICULTURE IN 1990: ON THE RISE

Nineteen ninety marks a new decade in American agriculture; and it will start with a new 5-year farm bill. The past decade has been a rollercoaster of highs and lows for our farmers. we can learn a lot from the past 10 years as we move on to the 21st century.

The early 1980's was a tough time for many producers. Saddled with debt and racked with high interest rates, they struggled to maintain their operations.

Unfortunately, a strong dollar and an ever-widening agricultural trade deficit brought little hope to those farmers who hoped to see salvation in a vigorous overseas marketplace. What the American farmer really needed was a farm policy that provided income protection along with a get-tough policy in international markets.

We accomplished those goals with the 1985 Food Security Act. During the life of the 1985 bill, net farm income has risen 48 percent, from $32.4 billion to $48 billion. Export markets, with the aid of such trade weapons as the Export Enhancement Program, have pried opened some closed marketplaces, increasing both the volume and value of farm exports. Since the enactment of EEP in 1985, we have invested $2.7 billion in EEP, and as a result, sold nearly $10 billion worth of American farm products—now that's a good return on our investment:

Export volume has enjoyed a robust 76-percent increase in corn exports, and a 40-percent increase for wheat. The good news is, the 1985 farm bill has proven itself to be budget sensitive: As designed, Government payments have fallen from a high of $25.8 billion to $10.5 billion in 1989.

While the 1985 bill may not be a perfect piece of legislation, it does give us a solid and progressive base to build on. The 1985 act has brought desperately needed income security and growth into a struggling agriculture economy, and I'm sure many farmers would call it a lifesaver.

DEDICATION FOR THE FUTURE

New challenges face the American farmer this year, challenges which we are meeting head on. The farm community is serious about addressing environmental concerns in the new farm bill, and I look forward to working with other groups who share that same dedication. We are reviewing proposals to offer the farmer increased planting flexibility, and to allow him greater discretion in making planting decisions based on market conditions and prudent agronomic and environmental reasons. The support for these policies from farm country reflects the importance the American farmer places on the continued preservation of our country's most valuable resources.

As we reflect on the enormous achievements and technological advances made by the American farmer, let us remember his dedication and love for the land. No doubt about it, the American farmer has been a pioneer in environmental protection, and responsible stewardship for America's unrivaled resources.

We can all take pride that our farmers and ranchers are the most productive in the world. I know my colleagues—both urban and rural—join me today in saluting American agriculture.

WHO'S PLAYING POLITICS WITH THE FLAG?

Mr. DOLE. Mr. President, George Orwell is alive and well and is apparently working in the Office of the House Legal Counsel. "Slavery is freedom," "war is peace," and now—ac-

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cording to the House legal counsel—the phrase "expedited review" means "delayed consideration."

THE HOUSE BRIEF

Last week, the House legal counsel filed a brief with the Supreme Court, urging the Court to take its time when reviewing the constitutionality of the Flag Protection Act of 1989. In their brief, the House lawyers argue that the expedited review provision in the flag statute doesn't really mean what it says—that Congress was just kidding when it drafted the provision—and that the Justices should go home, take a vacation, and let the flag burners enjoy the summer holidays.

To justify this conclusion, the House lawyers extract a few random sentences from last year's floor debate, and then claim that these statements are conclusive evidence that Congress wanted the Supreme Court to review the flag statute at a normal—almost leisurely—pace.

In fact, the House lawyers reveal their true—political—intentions by requesting the Supreme Court to delay consideration of the flag statute until the Court's fall term—conveniently after the November 1990 elections.

Even worse, the House legal counsel informed the Supreme Court that Republican Leader **Bob Michel** and Republican whip **Newt Gingrich** declined to cosign the brief—which is a pretty remarkable statement since neither knew that the brief even existed until after the brief had been filed with the Supreme Court.

Congressman **Michel** is understandably upset by this misrepresentation and may write a formal letter of protest later this week.

EXPEDITED REVIEW

Mr. President, the flag statute directs the Supreme Court to expedite its review of the statute's constitutionality to the "Greatest extent possible." Although I am obviously not a constitutional scholar, I know how to read a statute, and I know what the words "expedite to the greatest extent possible" really mean. They mean prompt consideration, and accelerated consideration of the flag statute—not 2 years or 3 years down the road, but very soon and perhaps this month.

That is what Congress meant when we drafted the expedited review provision, and that is what the American people want.

CONCLUSION

Mr. President, the supporters of a constitutional amendment have been criticized for playing politics with the flag. I have always believed that this criticism was unfair and untrue.

Now I know that the criticism is misdirected as well, since the real politicians are those who masquerade as lawyers and who claim to be committed to a fair and honest reading of the law.

Mr. President, I reserve any time I may have remaining.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. SYMMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. **Burdick**). Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the pending amendment is the Byrd amendment. However, I wish to inform Senators that I have spoken with Senator **Wirth**, the Senator from Colorado, who is presently on his way to the floor to begin debate on the Wirth-Wilson amendment. That will be the next major amendment for the Senate with debate on that amendment, I expect, beginning roughly a half-hour from now.

It is my intention to stay on the Wirth-Wilson amendment today until we complete that amendment and then move on to other amendments once that amendment is disposed of. It is a major amendment.

I urge Senators to focus on that amendment so that we can dispose of that amendment today and then get on with other major amendments later today and tomorrow.

I have spoke with the Senator from West Virginia [Mr. **Byrd**]. He is amenable to proceeding to the Wirth-Wilson amendment, once Senator **Wirth** gets to the floor. I am advised he is on his way to the floor now. We will begin debate on that amendment, and at that time we will get consent to temporarily lay the Byrd amendment aside so we can then proceed to the Wirth-Wilson amendment.

Mr. President, in the meantime, pending the arrival of Senator **Wirth**, if other Senators have minor amendments which we can accept, I encourage those Senators to come to the floor so we can dispose of them as well.

Mr. President, seeing no such Senators at this moment, and hopefully some will arrive very quickly, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. **Graham**). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent that the pending business, the Byrd amendment, be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, I ask unanimous consent the amendments offered, en bloc, 10 days ago by Senator **Armstrong** and Senator **Wirth** be split into its component parts.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1310, AS MODIFIED, TO AMENDMENT NO. 1293

Mr. WIRTH. Mr. President, first, I would like to offer amendment No. 1310, the end-use testing at high-altitude amendment. The purpose of this amendment is to assure the Environmental Protection Agency continues the work that it is now funding to test vehicles to assure they comply with emission standards while in actual use at high altitude. This testing is obviously very important because we have particular problems at high altitude. Everyone is familiar with all the debate on oxygenated fuels. I send a modification to the desk.

The PRESIDING OFFICER. The pending business before the Senate is amendment No. 1310.

The question to the Senator from Colorado is, Is it the Senator's intention to modify the original version of amendment 1310?

Mr. WIRTH. As submitted.

Mr. BAUCUS. Reservng the right to object—Mr. President, I no longer object. I understand it has been cleared on both sides. We agree to the amendment.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 210, add a new subsection 213(c), as follows:

(c) In-Use Testing at High-Altitude.—Section 207(c) of the Clean Air Act is further amended by adding the following new paragraph:

"(6) The Administrator shall maintain through FY 1995 at least one testing center which shall be located at a site that represents high-altitude conditions to ascertain whether, when in actual use throughout their useful life (as determined under section 202(d)), each class of vehicle and engine to which regulations under section 202 apply conforms to the emission standards of such regulations. The Administrator shall, in cooperation with the States, conduct routine testing of a representative sample of classes or categories of vehicles and engines to which regulations under section 202 apply. In carrying out such tests, the Administrator shall assure that the testing procedures and methods are of sufficient accuracy and consistency to carry out the purposes of this section. For the purposes of this paragraph, the term "high-altitude conditions" refers to high altitude as defined in Environmental Protection Agency regulations in effect as of the enactment of this Act. Preference shall be given to existing in-use vehicle emission testing and research centers located at high-altitude conditions."

The PRESIDING OFFICER. Is there further debate on the amendment, as modified?

Mr. CHAFEE. Mr. President, let me see if I understand. Did the Senator modify the original amendment No. 1310?

The PRESIDING OFFICER. The original amendment No. 1310 has been modified.

Mr. CHAFEE. I ask the Senator from Colorado, the modification was to strike out the language "shall at all times"? Was that the modification?

Mr. WIRTH. I handed the amendment to the Senator earlier. I just gave up my copy. I think that is correct. Whatever I gave to the distinguished Senator from Rhode Island.

Mr. CHAFEE. That is the modification.

The PRESIDING OFFICER. The clerk reports that is the modification.

Mr. CHAFEE. We have adopted the modification. Now we are going to adopt the amendment. No objection.

The PRESIDING OFFICER. By unanimous consent, we adopted the modification. We are debating the amendment, as modified. Is there any further debate?

The question is on agreeing to the amendment, as modified.

The amendment (No. 1310), as modified, was agreed to.

Mr. WIRTH. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1311 TO AMENDMENT NO. 1293

Mr. WIRTH. Mr. President, I have a second amendment to the bill, and ask for its immediate consideration. This is amendment No. 1311.

The PRESIDING OFFICER. Amendment No. 1311 is the pending business before the Senate.

Mr. WIRTH. The Administrator, in cooperation with the Secretary of Energy and the Administrator of the Urban Mass Transportation Administration, and such other agencies as the Administrator deems approriate, shall establish a research and technology assessment center to provide for the development and evaluation of less-polluting heavy-duty engines and fuels for use in buses, heavy-duty trucks, and nonroad engines and vehicles, which shall be located at a high-altitude site that represents high-altitude conditions. In establishing and funding such a center, the Administrator shall give preference to proposals which provide for local cost sharing of facilities and recovery of costs of operation through utilization of such facility for the purposes of this section.

The purpose of this amendment is to authorize the development of the Colorado State Mines engines and fuels research and technology assessment facility.

While there are heavy-duty engine and vehicle emissions testing facilities at low altitude, there are none in the United States at high altitude.

High-altitude metropolitan areas in the Western United States have unique and frequently severe air pollution problems.

Technically, it is not feasible at this time to extrapolate emissions data from low altitudes to high altitudes; therefore, a new testing facility is required for compliance measurements.

In addition, a research and technology assessment center is also needed to evaluate: First, the economic, technical, and environmental impacts of alternative fuels usage at elevations above 3,000 feet; second, the effects of catalyst systems; third, novel heavy-duty engine designs; and fourth, the efficacy of emission abatement devices.

According to the 1987-88 Metro Denver Brown Cloud Study, a large fraction of Denver's visible air pollution in the winter comes from mobile sources. Scientific investigations have further shown how high-altitude conditions of lower air density, lower humidity, and more intense ultraviolet radiation levels can lead to a degradation of ambient air quality. Up to 25 percent of this high-altitude pollution is caused by diesel-powered vehicles. To meet this challenge and to move toward compliance with new Federal air quality standards, technological advances must be designed, engineered, and tested.

Without a high-altitude emissions testing facility capable of testing heavy-duty vehicles, we lack the ability to test new emission control devices, such as particulate traps, catalytic converters, fumigation devices, and alternative fuels, such as methanol and compressed natural gas, under high-altitude conditions.

Establishment of such a center will be a valuable resource for high-altitude population centers in Western States.

I believe this amendment, as well, has been discussed and cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana.

Mr. BAUCUS. Mr. President, we reviewed the amendment and have no objections to it.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1311) was agreed to, as follows:

On page 201, add a new subsection 208, as follows:

(c) RESEARCH ON HEAVY-DUTY VEHICLES.—Section 103 of the Clean Air Act is amended by adding at the end thereof the following new subsection:

"( ) The Administrator, in cooperation with the Secretary of Energy and the Administrator of the Urban Mass Transportation Administration, and such other agencies as the Administrator deems appropriate, shall establish a research and technology assessment center to provide for the development and evaluation of less-polluting heavy-duty engines and fuels for use in buses, heavy-duty trucks, and nonroad engines and vehicles, which shall be located at a high-altitude site that represents high-altitude conditions. In establishing and funding such a center, the Administrator shall give preference to proposals which provide for local cost-sharing of facilities and recovery of costs operation through utilization of such facility for the purposes of this section."

Mr. WIRTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1312 TO AMENDMENT NO. 1293 WITHDRAWN

Mr. WIRTH. Mr. President, the third amendment offered by Senator ARMSTRONG and me, amendment 1312, that amendment, Mr. President, focuses on the issue of the research on environmental lung disease. We discussed that amendment earlier last week when Senator ARMSTRONG and I submitted this package. That amendment appropriately fits into the jurisdiction of another committee. Mr. President, at this point, I will withdraw that amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 1312) was withdrawn.

Mr. WIRTH. Mr. President, the purpose of the amendment is to establish a state-of-the-art clinical care and research facility, to accelerate the search for causes, effects, treatments, and cures for lung diseases related to environmental, occupational, and immunological factors. The amendment is designed to build upon and piggyback the outstanding medical research and patient care now being done at the National Jewish Center for Immunology and Respiratory Medicine, National Jewish, and to help it expand into new areas of research, particularly environmental and occupational studies involving high altitude air pollution, air pollution in general, and exposure to dust, silica, and beryllium.

The need for such a facility stems from the growing problem of lung diseases, the link to environmental and occupational causes, the need for and value of additional research at National Jewish—the world's foremost medical center for the study and treatment of lung diseases. The facility will supplement, complement, and make significant contributions to other health research work at such institutions as Penn State, University of West Virginia, MIT, and the University of Minnesota.

The work to be done at this facility will bring another dimension to the ongoing research by focusing on environmental factors that impair the operation of the lungs or serve a role in respiratory ailments. Establishment of such a facility at National Jewish is especially conducive to conducting research on the relationship between environmental and pollutant effects on the respiratory system at high altitudes.

Mr. KENNEDY. Mr. President, lung disease is the fastest rising among the leading causes of death in this country today—up to 25 percent in contrast to declines in mortality for most other major causes. Chronic lung disease costs the U.S. economy an estimated $32 billion annually in direct health care, lost productivity measured in wages lost due to illness, and indirect costs of lost potential productivity due to premature death.

I commend Senator Wirth for raising this issue with his amendment calling for a National Research Center for Environmental Lung Disease. The Committee on Labor and Human Resources has pending on the Senate Calendar a bill, S. 1863, that will provide the type of assistance the Senator from Colorado is seeking in this amendment. I want to assure him that the Labor Committee will give serious consideration to this proposal during debate on S. 1863, and I look forward to working with him on this important issue.

Mr. WIRTH. Mr. President, I now have an amendment to the bill, the so-called Wirth-Wilson amendment. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, if the Senator will temporarily let me speak for a moment, this is the Wirth-Wilson amendment. I have discussed this amendment with Senator Byrd. The pending amendment would be the Byrd amendment but for any unanimous-consent agreement to lay that amendment aside.

I spoke with Senator Byrd and I ask unanimous consent, Mr. President, that the Senate now move to the Wirth-Wilson amendment and, pending the disposition of the Wirth-Wilson amendment, that the Senate return to the Byrd amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Following the disposition of the Wirth-Wilson amendment, that the next order of business would be the Byrd amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair, and I thank the Senator.

Mr. WIRTH. Before offering the amendment, I want to thank the distinguished manager of the bill and the distinguished Senator from Rhode Island for their help on the previous amendments. These are very important to us in high altitudes. Senator Armstrong and I have been working with various constituent groups and institutions on these amendments for a long time. We greatly appreciate the Senator from Montana and the Senator from Rhode Island for their help on this amendment.

As far as the lung disease amendment, we will be dealing with the distinguished Senator from Massachusetts in the Committee on Education and Labor later on on that amendment. I greatly appreciate the help of the senior Senator from Massachusetts on that amendment.

AMENDMENT NO. 1344 TO AMENDMENT NO. 1293

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. Wirth], for himself and Mr. Wilson, proposes an amendment numbered 1344 to amendment 1293.

Mr. WIRTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. WIRTH. Mr. President, I want to praise the leadership on both sides for their work on the Clean Air Act. This has been an enormously important undertaking for the Nation and is an issue that is extremely contentious and difficult. I remember my first meeting as a freshman Congressman in 1975 was in the office of the then chairman of the Health Subcommittee on the House side, the wonderful Congressman from Florida, Paul Rogers. My first meeting was a discussion of the Clean Air Act, and here we are 16 years later focused on a very contentious discussion again of the Clean Air Act.

The window of opportunity on this legislation only comes up so often, and it is absolutely imperative that we take that window and move as carefully as possible, as prudently as possible. I commend the leadership on both sides and the administration. We have broken the stalemate, we have broken the logjam that has infected the clean air legislation for almost 10 years, and I think all sides deserve a very, very major vote of confidence and thanks for their work.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors of the Wirth-Wilson clean air, clean fuel amendment: Moynihan, McCain, Lautenberg, Lieberman, Harkin, Kerry of Massachusetts, Cranston, D'Amato, DeConcini, Pell, Gore, Rockefeller, and Bryan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WIRTH. I thank the Chair.

Mr. President, these are remarkable times as we embark upon the 1990's. The world around us has changed very significantly. Every one of us is extraordinarily aware of the changes that have occurred in Europe. The Berlin Wall came down. We see a rush for democracy and self determination among the peoples in Central and Eastern Europe. Similar changes are occurring in the Soviet Union. We just saw the remarkable shift in attitude of the South African Government toward Nelson Mandela and a very surprising election in Nicaragua.

As all of this is happening, Mr. President, we are asking the rest of the world to change. We are asking the rest of the world to shift the way in which they do business, to look at their future and to look at the world's future in a different way than they have in the past. That similar sort of request is one that we should be making ourselves right now.

We in the United States have also to change, have also to shift ourselves out of the old ways of doing business, out of the old ways of thinking, and look ahead to the future, to the 21st century, to an America that is going to be quite different in a world that is also going to be quite different. The Clean Air Act is the first opportunity this body has had, Mr. President, since the fall of the Berlin Wall, to reflect whether or not we are going to be willing to register that this is a different world. Are we going to vote in this legislation for the future or are we going to look over our shoulders to the past?

The legislation before us, the so-called compromise bill, is in some ways very good. It is good on acid rain. It is very forward-looking on acid rain, and I am very proud to have been significantly involved in that over the last few years. A lot of work on acid rain came out of Project 88, a work that Senator Heinz and I did together: Project 88, Harnessing Market Forces to Protect Our Environment, Initiatives for the New President. We did this study right before the 1988 election, attempting to show where various market forces could be used in the environment. One of those was picked up in this very important acid rain provision in the bill.

I ask unanimous consent that the opening page from Project 88 be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

> Foreword
>
> (By Senator Timothy E. Wirth and Senator John Heinz)
>
> Timeless folk wisdom tells us there is more than one way to skin a cat. Common sense and this report tell us that there are also many ways to a cleaner environment. Among them are innovative measures to enlist the forces of the marketplace and the ingenuity of entrepreneurs to help deter pollution and to change the conduct that wastes and degrades nature's resources.
>
> Project 88 is a nonpartisan effort to find innovative solutions to major environmental and natural resource problems. This report offers 36 specific recommendations resulting from that effort. In many instances, the recommendations are multipurpose ones that address the common causes of interrelated environmental problems. Where the report is most inventive, however, is in its emphasis on the practical employment of economic forces to achieve heightened protection of the environment at lower cost to society. Such approaches, properly implemented, can enlist the everyday economic decisions of individuals and businesses as powerful forces for environmental protection; reduce the costs of meeting our environmental goals; and engage the innovative capacity of our entrepreneurial system in our environmental enterprise.
>
> We are not proposing a free market in the environment—far from it. This report is not about putting a price on our environment, assigning dollar values to environmental amenities or auctioning public lands to the highest bidder. What we are proposing is that once tough environmental goals are set, we should design mechanisms for achieving those goals which take advantage of the forces of the marketplace in our economy. In order to concentrate on that design task, Project 88 steps away from ongoing debates over specific environmental goals, to focus instead on finding better mechanisms for achieving whatever standards are set.
>
> Our current array of environmental laws and regulations has done much over the past 25 years to check and even reverse spreading threats to air, water, land, wildlife, and health. But much remains to be done. Many problems are unsolved. The air in many of our cities is getting worse, not better. We have barely begun cleanup of toxic wastes from the past. And now new challenges are emerging, some of them—climate change and ozone loss—so enormous that previous policies hardly begin to comprehend them. New directions are needed in the ways we think about managing our environment and natural resources and the ways we allocate responsibility for progress.

Mr. WIRTH. I thank the Chair.

In Project 88 and in the acid rain provisions we really have looked forward. This is a very progressive part of the legislation involving emissions trading, polluter pays provisions, least cost for the economy. It is an extremely important provision, and that is one I think we can be proud of and ought to support.

Unfortunately, the same kind of progressive look, the same kind of move toward the future, was not left in the legislation. Initially, the bill offered by the President in June 1989 had a similar approach to the future. It was also a very progressive piece of legislation focused on the issue of mobile sources, automobile pollution. The President himself said in the East Room when he announced the Clean Air Act Amendments on June 12, 1989:

> We propose bold new initiatives to reconcile the automobile to the environment, assuring continued economic growth without disruptive driving control. We will accomplish this through alternative fuels and clean-fueled vehicles. We propose to put up to a million clean-fueled vehicles a year on the road by 1997, but we are also proposing flexibility on the means, even as we remain firm on the goals. A city can either request inclusion in the program or they can show that they can achieve these ambitious reductions through other measures. We will scale back the clean fuel vehicle requirements accordingly.

That is a quote from the President of the United States when he introduced the Clean Air Act Amendments on June 12, 1989.

That promise was not kept. The administration and the President said we must reconcile the automobile with the environment. Unfortunately, between the time of the introduction of this legislation by the President of the United States to its arrival on the Senate floor we have not moved forward but backward.

The President started with very ambitious goals, and the amendment that Senator Wilson and I and many others are offering returns to his goals.

Let me speak about the goals related to emissions. If I might turn to the first chart, Mr. President, which we have in our presentation, it points out very graphically the goals of emissions. We are talking here about are we going to reach clean alternative-fueled automobiles.

Mr. President, if we look right down here, this is the President's post-2000 goal: 0.19 hydrocarbon emission, 0.19 grams per mile. Here is the President's goal set in his legislation in June of 1989. Here is the goal of the Wirth-Wilson amendment. It is the same: 0.19. We are consistent with the goal set by the President. Unfortunately, what happened to the President's goal along the way is that it did not get reached at all.

The compromise which is on the floor today is not 0.19 as proposed by the President. It is not 0.19 as proposed by Wirth-Wilson, but it is way back up here at 0.66. What a shame. The goals of the President are not reached by the compromise that is in front of the Senate this afternoon. One of the key goals of the Wirth-Wilson amendment is to get us from this unfortunate fallback back to the President's goal of 0.19.

The second goal is alternative-fueled vehicles. In addition to meeting the President's goal set out in June of 1989, another step we take in this amendment relates to alternative-fueled vehicles. Let me in this, if I might, Mr. President, quote from the Administrator of the Environmental Protection Agency, Bill Reilly. On September 26, 1989, before the Senate Subcommittee on Environmental Protection, Mr. Reilly said:

> Another innovative feature of the President's proposal is the alternative fuels program. In order to help achieve urban air quality goals, the bill would initiate a program to phase in the use of alternative clean fuels and the vehicles that burn them. The alternative fuels provisions would result in the sale of a million clean-fueled vehicles a year by 1997. By introducing alternative clean fuels and vehicles on this scale, the President's bill would begin to build the economic infrastructure necessary to support a clean-fuel automobile fleet.

Mr. Reilly went on to say:

> This represents not only an alternative to some of the more disruptive driving controls currently being considered by some States, but also a bold and innovative means of reconciling continued use of the automobile by a growing society with the need for cleaner air.

That is a second central goal of the Wirth-Wilson amendment: to reconcile the environment and the automobile, and to do that in part through clean fuel vehicles. Again, we are returning as we are in the goals for emissions, to the ambitious goal set by the United States to reach an alternative fuels approach, one that the President himself enunciated so clearly.

Third, alternative fuels themselves: We are setting tighter standards as the President did. We are, second, pursuing alternative fuels vehicles as the President did, the same goal that he had, and third we are pursuing in this amendment alternative fuels themselves.

On this, let me quote Mr. William Rosenberg, the Assistant Administrator for Air and Radiation of the EPA, in testimony November 14 before the Senate Energy Committee in support of the administration's approach on alternative fuels.

Mr. Rosenberg, who was deeply involved in the negotiations over the last month, said:

> It is important to note that to date most of the efforts by the federal government and the private sector to reduce vehicle emissions have focused on engine and emission control system design. *Now there is a developing consensus that we must also pay attention to the fuels themselves if we want to continue to reduce vehicle emissions in a cost-effective manner.* (emphasis added)
>
> The President's clean alternative fuels proposal is designed to be fuel neutral .* * * Automobile manufacturers would be free to sell any combination of fuel and vehicle technology that meets these standards.

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> State/local governments would assist to make clean fuel economical to owners.* * * I must emphasize, as I did in my testimony four weeks ago, that the President's proposal is absolutely fuel neutral.

That is a third key element of the Wirth-Wilson amendment. Our amendment is dedicated to returning to the very noble goal of the President of the United States on auto emissions, alternative fuels, and alternative fuel vehicles.

Now, we might ask ourselves, why is this important? First and foremost, Mr. President, we have very clear public health reasons. More than 100 major cities in the United States of America do not meet health standards. More than 150 million Americans are suffering unnecessarily from bronchitis, upper respiratory problems, lung disease, exposure to cancer-causing chemicals, and so forth. This is especially tough on the young, those with heart and pulmonary problems, the old, and the ill.

This last week, I had the privilege of visiting National Jewish Hospital, which is probably one of the most distinguished institutions in the country focused on lung disease and pulmonary disease issues. In addition, later a reporter for USA Today, Mr. Paul Clancy, visited the hospital, and let me quote from his article:

> The kids at Denver's National Jewish Center for Immunology and Respiratory Medicine couldn't agree more. The youngsters are there for treatment of severe asthma.
>
> "These are children who know by how they feel what the air quality is in their towns," says hospital president Michael Schonbrun.
>
> "In the morning when my bus picks me up, you can see the smog over the buildings," says Ryan Truxell, 12. "My mom doesn't let me play outside when it's a bad day."

There are millions of people who feel that way, and unnecessarily.

I ask unanimous consent that the full text of Mr. Clancy's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, Mar. 20, 1990]

CLEAN AIR FIGHT NOW HAS MANY HOLDING BREATH

(By Paul Clancy)

DENVER.—Sen. Tim Wirth, D-Colo., bounds from his Jeep Cherokee and attaches an air hose to a nozzle in front, injecting the car not with gasoline but with cleaner-burning compressed natural gas.

"We might even win this thing in the Senate," says Wirth with unguarded optimism.

The count looks close as the Senate resumes debate today on his and several other amendments to tighten a compromise clean-air bill negotiated by Senate and White House leaders last month.

All-out lobbying by industry and environmental groups, as well as senators with much at stake in the landmark bill, will accompany the debate.

It's been called the environmental contest of the year, if not the decade.

"There is no single environmental issue that has more impact on the American people than this one," says Robert Yuhnke of Colorado's Environmental Defense Fund.

Opponents agree, but from the other side of a battle as fierce as the range wars of old.

"It's worse than the original Senate bill, and that was our worst nightmare," says Tim McCarthy of the Motor Vehicle Manufacturers Association, the automaker lobby trying to defeat the amendments.

For Tom Green, lobbyist for the National Automobile Dealers Association, his greatest feat is unwanted cars. "If this is a bomb, we're looking at thousands of cars on our lots that nobody is going to buy."

The Wirth-Wilson bill, also named for Sen. Pete Wilson, R-Calif., would greatly tighten auto emission standards and require wider use of cleaner fuel like ethanol and natural gas. Cities like Denver, Los Angeles and New York say they can't achieve healthy air in the coming decades without tougher enforcement.

Denver is having a glorious winter. A combination of good weather and its mandated use of new oxygen-rich fuels has reduced its notorious "brown cloud", to only a few appearances. But without tough federal standards, the city will be right back in its carbon monoxide soup, they say.

"It's the number one public health issue out here," says Wirth. "This is the place where the environment and public health issues come together."

The kids at Denver's National Jewish Center for Immunology and Respiratory Medicine couldn't agree more. The youngsters are there for treatment of severe asthma.

"These are children who know by how they feel what the air quality is in their towns," says hospital president Michael Schonbrun.

"In the morning when my bus picks me up, you can see the smog over the buildings," says Ryan Truxell, 12. "My mom doesn't let me play outside when it's a bad day."

Mr. WIRTH. There are millions of Americans who unnecessarily have the same problems that that little guy had. He cannot go outside when the air is bad. We can do a great deal about that. There is a very clear relationship between the environment and energy policy.

The second chart, which is behind me here, focuses on petroleum products. What we are attempting to do in this legislation, as well, is to show that when we have this window of opportunity we can make great inroads on our current overdependence on foreign oil.

Transportation currently accounts for 65 percent of the petroleum used in the United States, and as you well know, Mr. President, last month the United States imported 53 percent of our oil. We imported 53 percent, the highest importation of oil in our Nation's history. This importation is rising and becoming increasingly dangerous for our national security. It is absolutely imperative that we begin to look at how we are going to break into this cycle.

The Wirth-Wilson amendment also offers an opportunity to break into this cycle. Transportation is obviously a key. If we look at the overall use of petroleum in the United States from 1950 to 1990, we see the curve of usage generally going up. But there have been major efforts at conservation. We see the industrial sector here; we see the residential and commercial sector in black here. But look at the very broad band here for transportation, and a great majority of that is automobiles.

What we have to do as well is to start to break into this cycle. The way in which we break into this cycle is to encourage alternative fuels.

The Wirth-Wilson amendment encourages alternative fuels in a number of ways. We encourage alternative fuels in terms of reformulated gasoline, and in terms of the second phase of super-clean vehicles, encouraging methane, natural gas, electric cars, a whole variety of alternative fuel systems that will meet the standards set in the legislation.

As I pointed out, Mr. President, it is only so often that we have this kind of a window open. The clean-air window opens very rarely. When it opens, it is our obligation again to look at the future and to do everything that we can to assure that we are using this opportunity as carefully as possible, and looking at this to lower our dependence on imported oil is absolutely imperative.

How badly is this imported oil situation going to get? According to the Department of Energy, they say:

> Imports are expected to rise to ten million barrels per day in the year 2000, and consumption is expected to rise to 18.6 billion barrels per day. In short, the Energy Information Agency says that we will be almost 60 percent dependent on foreign oil in the year 2000 given current trends.

Gasoline going into transportation is increasing all the time. Just as we are seeing increasing fuels, we are seeing the number of automobiles increasing significantly.

Some people say in the debate of this amendment that what is going on is we are reaching the clean air standards. We may be reaching the clean air standards with the compromise today, but we are going to fall over the edge shortly.

If we look at the number of automobiles again, registrations in the United States, those have gone up very significantly. If we look at what has happened since the Clean Air Act was passed in 1970, it has gone up even more sharply by 1990. In a 20-year period of time, this has gone up very sharply. We can anticipate in every projection that this is going to continue to go up. There are going to be more and more automobiles on the road.

That is going to make it increasingly difficult for us to be in compliance with the Clean Air Act. Just as the number of automobiles is going up, the number of vehicle miles traveled per year in the United States is also going up.

Again, the trend is up sharply. If we look at 1970 and then look at 1990, we see that in a 20-year period of time, the number of vehicle miles has doubled from 1 trillion vehicle miles per year to 2 trillion vehicle miles per year. The projections are, Mr. President, that this is going to increase even further, that we are going to be up toward 3.5 to 4 trillion miles per year by the year 2010. With those increased numbers of automobiles that are going to be on the road, with the increased number of vehicle miles traveled, even when we clean up automobiles some, as is done in the compromise, the amount of pollution will stay ahead of us. We are going to continue to pollute, and we are going to go over a point where even with the good work that is in the compromise, we are going to fall out of compliance in the late nineties or early 21st century.

So it is imperative, Mr. President, that we not fall back on our laurels, that we continue to press, that we continue to focus on cleaning up automobiles, making them clean for the future. It is absolutely imperative that we do this. Why are we going through all of this? Autos are obviously the biggest source of pollution in our cities, and as we can see, are growing by leaps and bounds. Other sources in cities may be growing, such as drycleaners, bakeries, print shops, power plants, and manufacturers, but their growth is almost flat, Mr. President. It is the automobile growth that is growing very significantly. Almost one-half of the pollution in our major cities comes from the automobile and, as we can see from these trends, it is going to be more and more.

Because of these very, very large numbers, Mr. President, a little bit of pollution saved from every automobile adds up enormously. A little from every automobile gets us a very big total. The economics are extremely favorable along this line. Senator **Wilson** will talk later very extensively about the economics of this, but the economics of cleaning up automobiles are cost-beneficial and are very good economics as a matter of who pays. We will come back to that later.

But let us keep in mind that we can only allow so much pollution in cities. We only allow so much pollution to exist. If automobiles get more than their fair share, the squeeze is then on everybody else. The cheapest pollution that we can take care of, Mr. President, is cleaning up automobiles. The Wirth-Wilson amendment is the most cost effective set of steps that we can take.

All of this is to do what the President asked. "We must reconcile the automobile with the environment." That is the thrust of the Wirth-Wilson amendment. Reflecting that thrust in discussion, Mr. President, I ask unanimous consent to have printed in the Record at this point two editorials from the Denver Post, an op-ed from the Rocky Mountain News, and one from the New York Times.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Denver Post, Mar. 11, 1990]

Fueling the Clean Air Drive

It seems likely that the clean-air bill now being overhauled in Congress will force the nation's automakers to produce cars equipped to run on natural gas or other alternative fuels.

But it's far from certain that Denver will see much benefit from such a provision, which may offer more bang for the buck than any other anti-pollution strategy currently under discussion.

The reason: Denver is not on the list of cities where alternative-fuels vehicles would have to be made available. Under the compromise worked out by leaders of the Senate and representatives of the White House, such sales would be mandated in only nine big cities plagued by serious smog problems: Los Angeles, Houston, New York, Chicago, Philadelphia, Washington, Baltimore, St. Louis and Atlanta.

Alternative fuels have been lauded mainly because vehicles that burn them put out smaller amounts of the pollutants that form ozone, a prime ingredient in urban smog. But they also emit lower levels of carbon monoxide and particulates, the two most troublesome contaminants in high-altitude cities like Denver.

Compressed natural gas, for example, is said to cut a new car's CO emissions by 80 percent and its particulates by 50 percent—and its even more effective in older vehicles. Propane, which is more expensive but initially would be easier for consumers to find, offers similar benefits.

The compromise would allow Denver and similar cities to request alternative-fuels cars once the nine top-priority cities were fully supplied. But there's no guarantee that any such vehicles would actually be shipped to the secondary markets, and in any case they might not show up on dealers' lots until months after they came off the assembly line.

Further action on revisions to the Clean Air Act has been postponed until after next week's recess. When the Senate takes up the legislation again, it should move to ensure that these clean-running cars will be available in any city with either ozone or carbon-monoxide problems—and in sufficient numbers to satisfy motorists' demands.

[From the Denver Post, Mar. 19, 1990]

Clean Air in the Next Century

Denver's air has been so clean this winter it's tempting to conclude that the brown cloud has been banished forever.

But that would be a false sense of security. As state pollution-control officials point out, the growth in traffic expected over the next decade may nullify all the progress made over the past decade unless further steps are taken to curb emissions from motor vehicles—the main source of atmospheric contamination here, and the one that's cheapest and easiest to control.

The package of Clean Air Act revisions to be debated in the Senate this week would do much to keep anti-pollution efforts from stalling out after the turn of the century. But some fine-tuning remains to be done—not only to preserve the gains made so far, but also to enable Denver and other cities in the West to enjoy the same benefits as their counterparts elsewhere in the country.

First, cars and other light-duty vehicles should be required to meet strict new-car emissions standards for at least 100,000 miles, not just 50,000. This would do almost as much to reduce tailpipe pollution over the long term as a requirement that cars start as cleanly in cold weather as in warm—a provision already included in the compromise legislation now under discussion.

Second, vehicles in government and commercial fleets should be required to use clean-burning fuels in all places that seriously exceed federal air-quality limits—including areas with high carbon monoxide levels as well as cities polluted mainly by ozone. Postal vans, delivery trucks and similar vehicles are ideal targets for such a mandate because unlike commuters' cars, they are in constant use and can be fueled from a central location.

Third, the Senate should ensure that the Environmental Protection Agency will continue to play a backup role in this nationwide clean-up effort, imposing its own anti-pollution strategies on cities that fail to take reasonable steps to comply with federal guidelines. Cities that take their pollution problems seriously—like Denver—shouldn't be placed at a disadvantage compared to cities that don't.

Senators Tim Wirth of Colorado, Pete Wilson of California and John Kerry of Massachusetts have introduced amendments that would accomplish these objectives, among other goals. Their recommendations merit support from Colorado's senior senator, Bill Armstrong, as well as from several senators from neighboring States—particularly Utah, New Mexico, Nebraska and Kansas—whose swing votes are considered crucial to success in this fight.

The Rocky Mountain states may have a greater stake in a reform of the Clean Air Act than any other area of the country because their tourist-oriented economies depend so much on unimpaired views of the region's spectacular scenery. Their concerns shouldn't be written off just because their urban areas suffer less form ozone pollution or represent smaller consumer markets than the big cities of the East, Midwest and West Coast.

[From the Rocky Mountain News, Mar. 12, 1990]

Clear Air Bill Makes Start, but We Can Do Better

(By Sen. Timothy Wirth)

The News' March 4 editorial concerning the Clean Air Act now being debated in the U.S. Senate was accurate as far as it went. It is true that the compromise represents improvements over existing law in a number of areas. For example, it will stop acid rain in the East and it relies on market-based incentives to do that—an approach I have long advocated and the News has supported.

But the compromise does not represent a victory for Denver and other areas with serious air-pollution problems. Under the provisions of the compromise, Denver can probably meet clean-air standards in the near future. But because it doesn't go far enough, in the not too distant future

Denver could well again fall out of attainment of the Health-protecting goals of the Clean Air Act. Why not take a few more steps now, do the job right, and ensure that our citizens will be breathing clean and healthy air in the year 2000 and beyond?

Looking a few years into the future, it is clear that there will be more people and cars in Colorado, and we will be giving more. As a result, it is important to clean up our cars, and keep them clean. You correctly pointed out that if every auto ran as clean as a new car fresh out of the showroom, our problems would be much less severe. But to keep these cars running clean, we have to insist that pollution-control devices last for 100,000 miles—the real useful life of a car. Unfortunately, the administration insisted on dropping that provision. I'm going to try and put it back in the bill.

Your editorial also pointed out that tighter emission standards may be required in the year 2003, if a number of cities remain polluted. But that list doesn't include Denver and other cities with carbon monoxide pollution. Instead, the list includes only cities with ozone pollution. (We are in compliance for ozone.) This means tighter carobon monoxide standards will depend on whether other cities clean up their ozone pollution. I'm not sure that make sense, especially since it is economically and technologically feasible to further reduce pollution from cars.

Finally, you editorial left out reference to the enormous potential of alternative fuel vehicles. Fueled with natural gas, for example, vehicles get the same mileage, run with much less wear and tear, use fuel (natural gas) that costs 50¢ a gallon, and burn "super clean." In addition, natural gas is a domestic fuel, so increasing its use will lower our dangerous dependence on imported oil.

Natural gas is abundant in Colorado, and its use will be especially good for our state's economy. Unfortunately, the administration caved in to the pressure of the oil industry and gutted the ambitious alternative fuel provisions of President Bush's original bill. We should restore the commitment to alternative fuels.

It is true that the compromise bill contains a number of good things. It will be a great help in cleaning up acid rain in the East. Of special virtue is the innovative emissions trading program that minimizes the cost of the acid rain provisions (a program advanced by Sen. Heinz, R-Pa., and me in our Project '88 package of cost-effective environmental initiatives, upon which the News editorialized favorably last year).

The legislation also includes the very important "cold start" provisions, which will do more than any single measure to advance clear air in Denver by allowing vehicles to burn their fuels more efficiently on cold, high-polluting winter days.

In addition, President Bush deserves credit for breaking the logjam over clean air, which will result in a new clean air bill this year.

Toward that end, the compromise is a start—but we can do better. It will be an uphill fight, but if we can put together a coalition of California, the Rocky Mountain states, the natural gas producing areas, agriculture and coal states with potential for alternative fuel production, and the dirtiest cities of the country, we can defeat the oil-Detroit axis. Wouldn't that be a refreshing victory?

[From the New York Times, Mar. 8, 1990]

CLEAN FUELS, CLEAN AIR

(By Timothy E. Wirth)

WASHINGTON.—As the Senate votes this week on proposals for amending the Clean Air Act, Americans' health and environment are on the line. If they are to be protected, the Senate must make long-overdue choices about fuels to be burned in cars and trucks.

The nation has fought a losing battle against urban smog since 1970. Deadlines for meeting Federal health standards have been missed repeatedly, despite local governments' use of every strategy available to meet them. The casualty list includes more than 100 major urban areas with unhealthy levels of air pollution and tens of billions of dollars of avoidable health costs.

The single biggest culprit is the gasoline-fueled car. Standards enacted by Congress in 1977 have made new vehicles cleaner, but each year Americans buy more cars and drive more miles. These increases in vehicle miles traveled force polluted cities to run hard simply to stay in place, let alone make progress toward reducing air pollution.

There is just one way to escape this treadmill. We must break our addiction to today's high-polluting gasoline and take advantage of new clean-burning fuels. As President Bush said, we must "reconcile the automobile to the environment."

That's what Mr. Bush proposed when he introduced his clean air bill last summer. Its centerpiece was a mandate for the production of a million clean-fuel vehicles yearly by 1997. William Reilly, Administrator of the Environmental Protection Agency, called this program "the most innovative and far-reaching" component of the bill.

New, proven technologies are already producing vehicles that run on low-polluting natural gas, ethanol and methanol. By early in the next century, nearly pollution-free vehicles powered by hydrogen, electricity and solar power should be available.

Clean fuels are good for the environment and the economy, and would enhance national security by reducing our dependence on foreign oil. We can reformulate gasoline to make it burn more cleanly, by replacing some imported oil with domestically produced alcohols and ethers, such as ethyl tertiary butyl ether, made from corn, wheat, barley and other crops. This shift would open up major new markets for our farmers, and it could save taxpayers millions of dollars in farm-price supports.

Domestically produced natural gas, a clean-burning fuel, can also be turned into methanol. The use of these fuels not only would displace foreign oils but also give a much-needed shot in the arm to domestic gas producers in Louisiana and the West.

Unfortunately, during recent closed-door negotiations on clean air in the Senate, oil and auto companies made quick work of the President's original proposal.

Aside from a very limited program for certain Federal and commerical fleets, the Senate compromise does not provide for a new generation of vehicles using natural gas, ethanol, methanol or electricity.

I hope the Senate will breathe new life into the President's original vision and put a strong clean-fuels program back in the Clean Air Act amendments.

Building on the Bush initiative, a successful clean-fuels program should have three central elements:

The first is to require that reformulated, clean-burning gasoline be sold in our most polluted cities. (It can be used in any car, no matter how old.)

The second is a program calling for large commercial fleets to begin using special super-clean fuels like natural gas and methanol in the mid-1990's. Fleet vehicles—taxis, garbage trucks, delivery vans—travel twice as many miles as private vehicles; thus they offer a cost-effective target for emission reductions. Since they are centrally fueled, they can be more easily converted to new fuels.

The third element is a program calling for these same special super-clean fuels to be used in passenger cars beginning in the late 1990's.

Congress must look beyond the auto and oil industries' preoccupation with the next quarter's profits. The Senate cannot afford to squander this opportunity.

Mr. WIRTH. With that as background, that gets us to the Wirth-Wilson amendment. Again, let me say that the economics of the Wirth-Wilson amendment make an enormous amount of sense. The energy policy makes an enormous amount of sense. The cost effectiveness is very clearly there. If we do not follow the Wirth-Wilson amendment and get back to the goals so well set by the President of the United States, we will find ourselves, because of increased transportation and increased numbers of automobiles, falling out of compliance.

There are five components to our legislation, Mr. President. The first focuses on making the catalytic converter, emission control device, for automobiles work for the useful life of the automobile. The second is an interesting compromise on the so-called second round. The third focuses on reformulated gasoline. The fourth is a fleet provision for Government and commercial fleets. And the fifth is the California-New York package for automobiles. Let me briefly discuss those, and I know Senator WILSON has an extensive discussion from his perspective.

First, 100,000 miles. In our legislation, manufacturers are responsible for seeing that the vehicle is designed to work for 100,000 miles. Mr. President, we go through this operation of setting very extensive standards for automobiles. We set all of these standards, we debate how tight the standards will be, or can it be a little looser, and so on, but I suspect most of us have assumed that the automobile is going to meet those standards for the useful life of the automobile. Wrong.

Unfortunately, under the compromise in front of us, the vehicle emission device is only guaranteed to work in complete compliance for 50,000 miles. It then drops off significantly for the second 50,000 miles for the automobile. Why is that? That makes absolutely no sense whatsoever. Why, we can, at almost no cost whatsoever, make that emission control device work for the full useful life of the automobile. How much will that cost? Well, according to EPA, the Office of Mobile Sources, Ann Arbor, MI, study of September 1989, EPA estimated that the cost of complying with the full useful provision for certification and recall would cost approximately $25 per new car, meeting the 1993 emission standards. The Congressional Research Service estimates that the cost of a full useful life provision is approximately $240 million for 12 million cars, the equivalent of $20 per new car. That is from a study done by CRS, "Emission Controls on Motor Vehicles and Fuels."

Another EPA estimate determined that the full useful life provision for passenger vehicles will cost approximately $25 per new vehicle. That is from the Clean Air Act options paper, "Ozone Nonattainment," EPA, May 22, 1989. This can be done for the useful life of a car, making cars comply for 100,000 miles, for $20 to $25, about the cost of an ashtray in an automobile.

Not only is that very inexpensive, but it is the single most cost-effective program that we can embark upon to clean up our air. The cost per ton for doing it with this particular compliance gets us at about $500 per ton. If we do not do that, cities and States are going to have to move in and focus on stationary sources and stationary programs to control pollution, begin at about $3,000 a ton and escalate up to $5,000 a ton. Again, we can do this, and this is the cheapest way we can possibly clean up our air.

So the first provision of the Wirth-Wilson amendment focuses on the 100,000 mile useful life. I ask unanimous consent to have printed in the RECORD at this point, Mr. President, a letter from the Manufacturers of Emission Controls Association, the group that makes the emission control devices, and a discussion from them about the fact that this can be done; it is technically feasible, and it costs about the price of an ashtray. I ask unanimous consent that the letter from the manufacturers of these devices be printed in the RECORD.

There being no objection, the material was ordered to be printed in the REORD, as follows:

MANUFACTURERS OF
EMISSION CONTROLS ASSOCIATION,
Washington, DC, March 15, 1990.

Hon. TIMOTHY E. WIRTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR WIRTH: The Manufacturers of Emission Controls Association (MECA) is pleased to respond to your request for our views on the technological feasibility of meeting proposed light-duty vehicle emission standards for 100,000 miles. As you are aware, MECA is a non-profit association of companies that manufacture various motor vehicle exhaust emission controls. Our membership includes companies with extensive experience and a proven track record in the development and application of catalytic converter technology. Our response to your inquiry is based on our industry's 20 years experience in the field of emission control technology.

As MECA stated in testimony before the House and Senate, we believe that with further refinement, optimization, and utilization of emission control technologies, either existing or under development, passenger car standards of 0.25 NMHC, 3.4 CO and 0.4 NO_x are technologically achievable for 100,000 miles. The final technical solution for meeting these Tier I standards will not simply be a better catalyst, but rather a complete system with advanced catalyst designs and improved engine controls.

The greatest engineering challenge to complying with more stringent emission standards is maintaining the durability of the control systems in use. We believe that (1) improvements in catalyst design, either in existence or under development, (2) utilization of multi-point fuel injection and other engine improvements, (3) a declining presence of trace lead in unleaded gasoline and (4) other expected improvements in fuel and oil quality make the prospects for developing durable systems excellent.

Of course, proper vehicle maintenance is an important element in insuring that vehicles designed and built to meet emissions standards actually achieve those levels of control in use. Improvements proposed in S. 1630 to the in-use compliance program such as strengthened state I/M emission testing, expanded anti-tampering inspections, and prohibitions against tampering and misfueling all would help insure that vehicles are maintained, that emission control components are protected, and in-use emissions are reduced.

The Senate is also considering second tier standards of 0.125 NMHC, 1.7 CO and 0.2 NO_x. While the technological challenge of meeting these standards is considerable, the past accomplishments in emission control, the pace of technological developments, expected improvements in fuel and oil quality, and well over a decade of lead time to develop and apply technological solutions suggest that meeting these levels is not beyond reach technologically. Indeed, prior history of the Clean Air Act has shown that the best way to insure that needed control technologies are developed is to establish firm emission standards with adequate lead time to develop and apply control technologies.

If you or your staff have any additional questions, please do not hesitate to contact us.

Sincerely,

BRUCE I. BERTELSEN,
Executive Director.

Mr. WIRTH. The second part of the Wirth-Wilson amendment focuses on the so-called second round of tailpipe standards. In the year 2003, cars will have to get even cleaner than the 1994 standards, some believe. Under the compromise bill, a second round of tailpipe standards—and this has become enormously controversial—goes into effect under a trigger that only gets pulled if 12 cities outside of California are still polluted. This means that, potentially, tens of millions of people could still be breathing unhealthy air. We would not be doing anything from the largest source of pollution, automobiles. For example, if only 11 of those cities were out of compliance, the trigger would not go off, or if dozens of cities were out of compliance with carbon monoxide, this trigger still would not go off.

I ask unanimous consent to have printed in the RECORD at this point a list of those largest cities in nonattainment which could still be in the year 2000 and not trigger tailpipe standards; 23 million people in 11 cities out of compliance with ozone and a similar sort of phenomena with cities out of compliance in carbon monoxide, the trigger in the current compromise does not work. I ask unanimous consent this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Largest serious cities in nonattainment for smog which could still be in nonattainment in 2000 and not trigger tighter tailpipe standards for new cars

Rank and area:	*Population*
1. Philadelphia, PA	5,963,000
2. Boston, MA	4,109,000
3. Washington, DC	3,734,000
4. Atlanta, GA	2,736,000
5. St. Louis, MO	2,466,700
6. Providence, RI	1,125,400
7. Hartford, CT	1,067,600
8. Louisville, KY	967,000
9. El Paso, TX	585,000
10. Portsmouth, NH	220,400
11. Muskegon, MI	161,000
Total population	23,135,100

CITIES THAT EXCEED CARBON MONOXIDE STANDARD IN 1988 BY ONE-THIRD OR MORE

Rank and area

1. Steubenville-Weirton, OH-WV.
2. Winnebago, WI.
3. Los Angeles, CA
4. New York Region (NY, NJ, CT)
5. Spokane, WA
6. Albuquerque, NM
7. Denver-Boulder, CO
8. Phoenix, AZ
9. El Paso, TX
10. Seattle-Tacoma, WA
11. Las Vegas, NV
12. Fairbanks, AK
13. Minneapolis-St. Paul, MN
14. Provo-Orem, UT
15. Fresno, CA
16. Fort Collins-Loveland, CO
17. Sacramento, CA
18. Portland-Vancouver, OR-WA.

Mr. WIRTH. Our amendment sets up an EPA study, and this is the compromise that was reached initially by the distinguished junior Senator from Michigan [Mr. LEVIN], as I understand it, and by the leadership, particularly Senator MITCHELL. Our amendment goes back to that compromise. What that compromise did was to say we do not know yet if the second round of standards is going to be necessary.

EPA will do a study, and if EPA recommends that the only effective way, or an effective way, to clean up our cities is to go with a second round, EPA implements that second round, and Congress has the vote to approve or disapprove.

(Mr. KERREY assumed the chair.)

Mr. WIRTH. It seems to me this is a very reasonable approach. We do not

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know if the second round is going to be needed. This compromise was reached. Let us have a jump ball on the situation. Defer the question until the late 1990's; have EPA do a study. If that study points out a second round is needed there, in effect we in the U.S. Congress can vote it up or down.

The third part of the Wirth-Wilson amendment focuses on the issue of reformulated gasoline. When we say "reformulated gasoline," that essentially means clean gasoline. The Senate compromise requires that new cars in the nine cities with severe ozone problems either use reformulated gasoline or find other ways to run slightly cleaner than normal cars beginning in October 1994. The Wirth-Wilson amendment requires that all fuels in these cities for old cars and new, not just new cars, but old cars and new, to be reformulated and extends this requirement to all cities with ozone problems in October 1994 depending on the cities' progress in meeting the clean air requirements. What we are essentially saying is that not only should new cars use reformulated gasoline but old cars should as well.

This gets us to the use of a clean fuel and, incidentally, Mr. President, not only are we using a clean fuel, we are using a clean fuel that is domestically manufactured. Approximately 10 percent of reformulated gasoline can be, for example, ethanol and methanol made out of agricultural products, particularly corn. What we are doing here is encouraging 10 percent of the gasoline market in the ozone nonattainment cities, generally the largest cities in this country, with an enormous population of automobilies, that 10 percent of that use reformulated gasoline, a domestic fuel. We are creating here not only cleaner air but are creating here a very real opportunity to develop a domestic marketplace.

Some will say now what are the costs of doing this? Arco is currently marketing this low polluting gasoline in southern California, and there that gasoline reduces ozone formulated emissions by 20 percent, and the fuel is produced and sold at the same cost of regular gasoline and the benefits are clear as well.

We are replacing all kind of compounds in so-called dirty gasoline. Essentially what we are doing is cleaning up the gasoline and I have an analysis of some of the benefits of that, Mr. President, and I ask unanimous consent that those be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REFORMULATED GASOLINE

Difference between Wirth-Wilson amendment and Senate compromise:

The Senate Compromise requires that new cars in the 9 cities with severe ozone problems either use reformulated gasoline or find other ways to run slightly cleaner than normal cars beginning in October, 1994.

Wirth-Wilson requires all fuels in these cities, for old cars and new, to be reformulated, and extends this requirement to all cities with ozone problems in October 1994—depending on cities' progress in meeting clean air standards, this could be as many as 101 cities. It also:

Directs EPA to establish regulations to achieve the greatest reduction of ozone-forming and toxic pollution possible through reformulation;

Requires the ozone-forming potential of gas to be reduced by at least 20 percent;

Establishes a minimum oxygen content limit (2.7 percent) and a maximum aromatic content (25 percent for regular gasoline) of the fuel; and

Requires fuel suppliers to sell only reformulated gasoline in nonattainment areas.

What are the costs?

ARCO Oil Company is now marketing a low-polluting gasoline in Southern California that reduces ozone-forming emissions by 20 percent—the fuel is sold for the same cost as regular gasoline.

What are the benefits?

Replacement of aromatic and olefin compounds that have been added to gasoline in recent years with lower polluting compounds, such as ETBE, MTBE or ethanol, will:

Reduce toxic motor vehicle pollutants significantly;

Reduce carbon monoxide pollution 10 percent or more

Reduce hydrocarbon pollution 20 percent or more

According to Systems Application Inc. and Information Resources Inc., the cost-effectiveness of reformulated gasoline is about $1,000 per ton of VOCs removed. This is much less than the typical cost for stationary sources, which EPA estimates are about $5,000 per ton.

Mr. WIRTH. Mr. President, finally, there is the fourth point which I will speak upon and then I will leave the fifth point related to California and New York to my distinguished colleague from California, Senator WILSON. The fourth point relates to commercial and Government fleets.

One of the most sensible ways, probably the most sensible way, for us to get alternative fuel vehicles started is to require that those happen with fleets. Why are fleets important? In Omaha, NE; Denver, CO; Butte, MT; or Chicago, IL, a vast amount of mileage is driven every day on the streets of those cities, driven by fleet vehicles, driven by panel trucks, for example delivery trucks, the telephone company, the public service company, and so on.

In Denver, it is estimated that fleet mileage is approximately 35 percent of the total mileage driven in the Denver metropolitan area. Mr. President, if we can get those fleets to operate as super-clean vehicles to operate on alternative fuels, we are going to be cleaning up a vast amount of the mileage that is driven anyway every day in those cities.

The Wirth-Wilson amendment sets a very strong standard to improve the technology and set up a demand structure for alternative fuels vehicles. The compromise deals with alternative fuels with only nine cities. Ours includes 40 cities. The compromise makes no reference to carbon monoxide problems in cities such as those that exist in Denver, Phoenix, Albuquerque or Salt Lake City. Ours has a separate program for carbon monoxide nonattainment cities.

Fleets are a terrific bridge, Mr. President, for clean cars for the general public and much better than the gasoline alternative. With the fleet provision, we are creating a real demand for Detroit. The fleet provision for commercial and government vehicles only increases very sharply the number of fleets, the number of alternative fuel vehicles overall.

The argument is made by some of our opponents, what are we going to do, have all the vehicles sitting on our lots? Wrong. The demand is there because fleet owners of 10 or more are going to be required to shift 30 percent and then 60 percent.

Let me point out if I might, Mr. President, just a difference between the Wirth-Wilson amendment alternative vehicles and the compromise. Ours is here in orange, and you can see the sharp rise. And this is just for commercial and government fleets only. We are creating a very significant demand. For the automobile manufacturers to say there is no demand created just look at this versus what is in the compromise before us. So we are creating a significant fleet provision and a significant demand for Detroit's product.

What will the impact be? All we have to do here is look at the number of vehicles on the ground as we move out toward the year 2000. Under the Wirth-Wilson amendment we are going to have a very significant fleet out there of alternative-fueled vehicles. And what does that mean? That means that we are testing, working on, working through the technology which is almost identical between the engine and the fuel system in a van or in a private automobile. We will be perfecting that, creating a very significant demand not only for those vehicles and that technology, but also creating a significant demand for the distribution system for those fuels.

Some will argue there is no market for distribution systems. We heard that tired argument back when we went to unleaded gasoline. What we are doing is creating a demand for alternative fuel and that is what you see here versus the compromise.

Mr. CHAFEE. I wonder if the Senator would answer one question.

Mr. WIRTH. Let me finish and I will be happy to go back to that.

Finally, what is the impact in terms of emission reductions? If we look at the blue line under Wirth-Wilson, the reductions are three times as great as those which exist under the Senate compromise. Again, if we are serious about cleaning up our air, if we are serious about developing alternative technologies, if we are serious about developing alternative fuel programs to begin to soften our extraordinarily dangerous dependence on imported oil, the Wirth-Wilson approach on alternative fuels and alternative fuel vehicles makes the most sense.

Mr. President, I cannot help but summarizing by saying this amendment which Senator WILSON and I are offering is good energy policy, good economic policy and good environmental policy.

One final chart, if I might, to show what we would accomplish:

We are looking here, Mr. President, at a comparison under existing technologies, a comparison of clean fuels emissions. If we look at the current technologies that are available, gasoline, methanol, ethanol, natural gas, electricity, look at the significant differences that occur if we encourage alternative fuels.

We have a major incentive for alternative fuels in our legislation, and that is good environmental policy, and that is good economic policy. Again the thrust of our amendment is to come back to the significant and again I would use the word noble goals set by the President of the United States when he announced his clean air program in June of 1989 in the White House. At that point the President of the United States said to us that we should develop a program that reconciles the automobile with the environment.

Unfortunately, the compromise in front of us does not meet the noble goals set by the President of the United States. The Wirth-Wilson amendment does go right back to those goals in terms of number of alternative fuel vehicles, reconciling the automobile with the environment and encouraging alternative fuels.

A final point, if I might, Mr. President. The argument is and has been made that this is a deal buster, that if the Wirth-Wilson amendment passes, the deal gets busted. I am reminded, Mr. President, of the debate that we had very eloquently here on the floor a week ago Thursday night when Senator BYRD, the distinguished senior Senator from West Virginia and the distinguished President pro tempore, raised the so-called Byrd amendment. At that point that was described as being the greatest deal buster of them all.

Over the last 10 days it appears to me it is pretty clear that now Senator BYRD appears to have a majority of votes but we do not see that amendment here on the floor. The so-called deal buster amendment is now being negotiated with the administration. The administration is sitting down and saying OK, you know you may have had a better idea; now we want to sit down and negotiate with you. I will tell you, Mr. President, that if there had been no compromise and no deal the Wirth-Wilson amendment would be getting 65 or 70 votes on the floor of the Senate. There is no question about the fact that that is what would happen. Overwhelmingly, all of our good environmental friends, some of whom are locked in because of the so-called deal, would be voting for the Wirth-Wilson amendment.

Is it a deal buster? I hope we have the votes and this can be a very close vote. If we have the vote, this is not a deal buster. We are going to do exactly what happened under the Byrd amendment. The administration will say, OK, you guys had a better idea, you had more votes, the majority of the Senate has worked its will, which is what this institution is supposed to do. The majority of the U.S. Senate is supposed to work its will not to confirm some deal, not to sit down and say yes, or no, we confirm something that was done in a room off the Senate floor, but rather to say what is the right public policy for the United States of America.

I submit, Mr. President, that the right public policy for us to pursue is a long-term cleaning up of our air, reconciling automobiles with the environment, developing an alternative fuel program that will make us less dependent on sources of foreign oil and doing this in a way that is more cost-effective than any other way of cleaning up our air. That is probably a fair summary of the Wirth-Wilson amendment, Mr. President, and I know Senator WILSON joins me in looking forward to negotiating with the White House after we have 51-plus votes on the floor of the Senate.

Thank you very much, Mr. President, I am happy to yield to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I seek the floor in my own right.

Mr. WIRTH. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I know the distinguished Senator from California wishes to proceed, but I have a question for the Senator from Colorado. He was discussing the fleet matter.

My question is this: First, if I understand him correctly, the number of vehicles that constitute a fleet would be 10.

Second, would it be fleets that are centrally fueled or fleets that are cabpable of being centrally fueled?

Mr. WIRTH. The answer is capable of being centrally fueled. It is 10 vehicles or more, and those that are capable of being centrally fueled, a very important distinction from what is in the bill, and we can discuss that if you like.

Mr. CHAFEE. I am not sure what he means by being capable.

Mr. WIRTH. I can tell you exactly what we mean by that. In my State of Colorado and in the State of Wyoming, there are vehicles that run in cities and there are other vehicles that run in rural areas. Those city and rural areas clearly are not going to find—for example, if it is the Public Service Co. of Colorado and it is vehicles running in Gunnison, CO, you would not find them capable of being centrally fueled because there is only one or two in Gunnison, but there are dozens running around the Denver metropolitan area. So it essentially says those fleets that run in metropolitan areas and are capable of being centrally fueled.

Mr. CHAFEE. So a local building supply company that has 10 vehicles scattered around their employees, if they had never previously been centrally fueled nonetheless they would be considered as being capable because they are in some metropolitan area.

Mr. WIRTH. Only if they are in the same metropolitan area and were contiguous to the kind of supply system. In the legislation, as well, this is a decision that gets made by the States, who is and who is not. I think it is pretty clear we would know who is. The telephone company has a vast number of vehicles. So does the public service company. So do other major companies. What we are saying is this is the area—fleets—in which we would move first.

Mr. WILSON. Mr. President, first, let me commend my friend from Colorado for what I think was a splendid and a persuasive presentation. Quite seriously, I think it should be persuasive to all who heard it.

Before I proceed further, let me ask unanimous consent to add as a cosponsor of the amendment the junior Senator from Montana, Mr. Burns.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President, while I am handing out commendations, I think I would be remiss if I did not comment on the very hard work and the good faith of the people who crafted the compromise. We have been told, indeed by the distinguished majority leader at the news conference at which he announced the committee substitute as the grand compromise, that it was the best bill that we could get, the best bill that could pass.

I think that was a statement that was completely sincere. I think that there was complete sincerity on the part of the majority leader and the administration in seeking to arrive at

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this compromise. Both were motivated, and quite properly, by a desire to finally achieve a reauthorization of the Clean Air Act in this year. And they are right to be determined to achieve it.

I do not think they are right in the description of this bill as the best that we can get. What they thought was that the bill that was introduced by the administration, proposed by the administration, which was a much better and tougher piece of legislation than the committee substitute and the committee bill, which was a much better and tougher piece of legislation than the committee substitute, they thought those simply could not pass because in the 23 days in which they sought to negotiate the compromise, they heard primarily from Senators who, in good faith, with honest concerns, were representing constituents, constituents concerned with employment largely from the auto industry and from the oil industry.

Mr. President, the process was open. Anyone who wished to endure it was welcomed to sit in that black hole of Calcutta. There was some anomaly that the subject was clean air because, frankly, the air in that room was not particularly good. But I will tell you that the compromise, however much it may have been intended and bargained for in good faith, is not the best that we can do. It is not the best that we should settle for. The argument that you will hear today is that this amendment, if it is permitted to pass, will be a deal breaker, and we are to hold sacrosanct the deal.

Mr. President, I do sincerely appreciate the courtesies that were extended to me as I sat there with the others in those negotiations. It was not that anyone was denied access. It was not that any undercover deals were pulled. It is simply that a calculation was made that certain relaxations in standards had to occur in order to achieve enough votes for this bill—that is for the committee substitute—to pass the Senate.

Mr. President, we cannot accept this, because it is not good enough. Yes, in many respects it is an improvement. I would concede to that. I would agree with the description that has been made by my friend from Colorado. So let us give credit where it is due and then let us proceed to make this a much better bill, one that responds to the expressed needs and desires of a broad, broad spectrum, a clean air coalition all across this Nation representing people concerned about health, about job opportunities, about equity in terms of where the burden for clean up should fall.

Mr. President, perhaps we ought to begin with the consideration of health. And I do not wish to belabor the point, but we seem at some point to have lost sight of that. Perhaps there has been a stipulation, a tacit stipulation in the minds of many that, of course, a clean air bill is necessary and was intended in the first instance to deal with the health problems caused by unclean air. And, if so, fine, we should so stipulate.

But as a gentle reminder, let me just say that a part of that coalition includes the American Public Health Association, the State and Territorial Air Pollution Program Administrators Association and the Local Air Pollution Control Officials, the American Lung Association, and the Asthma and Allergy Foundation of America.

Mr. President, these are people whose first concern is health. And as an example of their concern, let me just read an excerpt. This is addressed to all Senators. It is sent by the American Lung Association, dated March 5 of this year. It says, as part of a very well written, closely reasoned more that two-paged, single-spaced letter, that we need to improve upon the committee substitute by the adoption of the Wirth-Wilson amendment and the Kerry-Wilson amendment dealing with nonattainment. And in order to make the point, the letter states:

> While air pollution is a threat to all of us, for the 31 million children, 19 million elderly, 6.2 million asthmatics, and 7.5 million individuals with Chronic Obstructive Lung Disease living in areas not attaining the health standards, current levels of air pollution are severely limiting, debilitating, and painful.

They then refer to the committee substitute.

> The Agreement means that most of these individuals will endure unhealthful air quality well into the next century. The Agreement also means that the health costs of inaction will continue to rise, escalating well beyond the reasonable current annual estimate of $100 billion.

Mr. President, when we are concerned with costs we cannot ignore that estimated $100 billion cost, because it is paid by all of us. We pay it, as taxpayers. We pay it, certainly as consumers. We pay it in increased premiums for insurance.

Mr. President, that is a very serious millstone upon American economic development and competitiveness in a global marketplace. I would much prefer to spend that kind of money in a preventive way. I would much prefer it because this is remedial, it is after the fact of damage. It is much less cost effective because it is much less effective and, in the first place, health should be a paramount consideration.

Mr. President, I ask unanimous consent that the full text of this letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

American Lung Association,
Washington, DC, March 5, 1990.

Re: Administration-Bipartisan Clean Air Act Agreement.

Dear Senator: The American Lung Association has carefully reviewed the so-called Administration-Bipartisan Senate Clean Air Act Agreement announced March 1, 1990. The American Lung Association firmly believes that if adopted without strengthening amendments, this Agreement makes it improbable that healthful air quality will ever be achieved throughout the United States.

The American Lung Association places a very high priority on preserving and strengthening the Clean Air Act. Today, our nation's air is heavily polluted and deteriorating. Over 100 areas of the country exceed one or more of the health-based ambient air quality standards. While air pollution is a threat to all of us, for the 31 million children, 19 million elderly, 6.2 million asthmatics, and 7.5 million individuals with Chronic Obstructive Lung Disease living in areas not attaining the health standards, current levels of air pollution are severely limiting, debilitating and painful. The Agreement means that most of these individuals will endure unhealthful air quality well into the next century. The Agreement also means that the health costs of inaction will continue to rise, escalating well beyond the reasonable current annual estimate of $100 billion.

The American Lung Association urges your support to improve the Agreement and reject provisions which will compromise this nation's public health. Specifically, ALA urges your support for the following amendments:

Nonattainment: Senator Kerry.

Senator Kerry is expected to offer a 3-part amendment which would:

Retain current law requiring the mandatory imposition of a Federal Implementation Plan if a state fails to develop a plan that demonstrates attainment of the health-based standards.

Mandatory Federal Implementation Plans are required by current law and many areas, including Arizona, Wisconsin, Illinois, Indiana, and Michigan, have had successful experiences with such plans. Further, such a requirement places pressure on states to implement their own programs, often requiring legislatures or governors to adopt necessary controls.

Restrict the ability of a state to obtain a waiver of the progress requirements if a demonstration can be made that such reductions will be too costly to achieve.

The Agreement abandons current law and the concept of attaining the health-based standards by allowing for the determination of an acceptable cost for controlling air pollution. Under the agreement it is possible that EPA may set a low threshold for obtaining waivers—lower than what most states are already requiring sources to spend to control emissions. This would allow inequities among areas, especially in those areas with aggressive clean-up programs in place.

Amend the Agreement's definition of a major source and restore current law requiring RACT on all stationary sources.

Sources emitting less than 100 tons per year are a significant source of air pollution. The Agreement would allow new sources emitting less than 100 tons per year to construct without any air pollution controls.

Mobile Sources: Senators Wirth and Wilson.

Senators Wirth and Wilson are expected to offer an amendment to strengthen the mobile source provisions of the Agreement including the following provisions:

Retain provisions of S. 1630 that would require full implementation of Tier 1 tailpipe standards and require that the same tailpipe standards remain in effect for the full useful life of the vehicle—100,000 miles.

Retain the language of the Mitchell/Levin agreement for Tier 2 tailpipe standards requiring full implementation of the standards in 2003 unless Congress determined such standards are not necessary to attain the health-based standards.

Motor vehicles are responsible for approximately 50% of the urban smog problem. Emissions from mobile sources are expected to increase later this decade due to increased numbers of vehicles and vehicle miles travelled. Without substantial short- and long-term motor vehicle emissions reductions, it will be impossible for the majority of nonattainment areas to meet the health-based standards. Further, such reductions are very cost effective. Without these reductions, states and cities will be forced to impose far more costly measures on stationary sources, including small businesses, in order to achieve reductions needed to meet the health-based standards.

The American Lung Association believes the Agreement as currently constructed abandons the Clean Air Act's public health standards and its promise of clean and healthful air quality for all Americans. The Agreement lacks the sense of urgency and commitment necessary, in our opinion, to address the nation's pervasive air pollution problem. The Senate will be debating the kind of Clean Air Act that will carry the nation into the next century—the Agreement is a high risk strategy that need not be pursued. The American Lung Association has identified the critical areas for improvement if we are not to sacrifice our nation's health in the name of compromise. Again, the American Lung Association again urges your support for strengthening amendments to the Agreement.

Sincerely,

FRAN DU MELLE,
Director, Government Relations.

Mr. WILSON. Mr. President, my friend from Colorado, I thought, in the two charts that he presented, and the accompanying text, made clear that the only reasonable anticipation on the part of the Members of this body is for continued dramatic growth in the use of the private automobile in this country. That has been our history. As his charts point out, not only has there been an escalation in automobile ownership far beyond the increase in our population, so that now a household of three or four typically has two, three, or four automobiles, but there has been as well a dramatic increase in the number of trip miles. We are driving further distances.

Why is that? Well, if my colleagues have visited population centers in this country, they will understand it. They are growing. They are growing larger. They are expanding outward. And even with freeways to replace the journeys that used to take place on surface streets, the trip miles are increasing dramatically.

In my home State, housing costs in certain areas have meant that people working in those areas cannot afford to live there. They cannot afford to reside there, so they reside someplace else in many instances at some distance from their place of work.

Those who work in Irvine, in Orange County, now are living and making a daily round trip from home in San Bernardino and Riverside Counties. Those who are commuting to jobs in East Bay are doing so from Tracy or Manteca, far to the east of Sacramento. These involve substantial distances. I am, indeed, put in wonder at the willingness of Californians to drive these long distances. But, then again, it is not entirely voluntary. They need to work and they need decent places to live. And sometimes they find that their places of work are separated at a great distance from their homes.

Mr. President, that is, perhaps, more the case in California than elsewhere. But it is by no means a phenomenon restricted to my home State. And what is quite predictable, Mr. President, is that we will see an increasing growth in population centers across this land.

It is no surprise to any of us that the area of extreme nonattainment is the South Coast Air Basin, the area around Los Angeles. But the other eight areas severely out of attainment with the requirements of the existing Clean Air Act are large cities and cities that have grown at a very rapid rate in some cases. And what we can expect, Mr. President, is that in 10 years and 20 years the charts that Senator WIRTH displayed will be valid or, in fact, will have to be adjusted to reflect an even more dramatic increase.

It is for that reason that the oil industry contemplates that over the next 20 years they will have to add to their refining capacity to accommodate an increase in the volume of fuels to be marketed of some 60 percent. They expect at least a 60-percent increase in market to reflect all those new automobiles, all those new drivers, all those additional trip miles being driven.

Here in the Washington area, Mr. President, we are seeing dramatic growth. Perhaps it is because government is a growth industry. But whatever the reason, we are seeing this area expand. Every time we drive to the Dulles International Airport we shake our heads because there, in what used to be open country, is new building. That is progress. It is, in the definition of some. But, in any case, it appears to be the inevitable lot, not just of the Washington, DC, metropolitan area, but, indeed, of areas throughout this Nation, widely separated geographically.

It is not just Los Angeles, but Houston and Hartfort and Chicago and New York. It is Denver and Phoenix. These are areas that are experiencing growth, population growth and economic growth, and they will likely continue to grow; their automobile populations will continue to grow. Everything that was reflected in the two charts presented by the Senator from Colorado can be expected to increase.

Mr. President, as that increases, I suspect and I predict that we will find new areas qualifying as those severely out of attainment. Some will become areas that are seriously out of attainment, unless we take the steps that are required to prevent it.

That leads to this amendment and the question of how we are to take those steps and, indeed, how we are to distribute the burden of reforming our practices so as to clean our air.

Let me come to the point. There are a couple of sources, one mobile, the other stationary. That is a slight oversimplification, but for the purposes of this discussion it is relevant to focus upon that simple fact. Because what we are concerned with is, in fact, the mobile sources, the vehicles that are contributing so much to the unhealthful quality of our air. The emissions they are contributing, the air toxics, the elements of ozone, the carbon monoxide. Mr. President, that is why the letter comes from the Lung Association.

Mobile sources account for about half the hydrocarbon and oxides of nitrogen emissions into the atmosphere—about half. Mobile sources account for 90 percent of the carbon monoxide emissions. And emissions from mobile sources will only increase at the end of this decade because of the combination of increased vehicle miles traveled and increased congestion. That is not a matter of speculation. It is inevitable. It is a fact I doubt anyone on this floor will dispute.

If attainment of a health-based air quality standard is to become a reality, we simply have to have greater reductions in mobile source emissions. Tier 1 standards, so-called, are basically the standards that are in effect in California today, and these would result in substantial reductions to ozone-forming emissions. Hydrocarbons would be reduced from 0.41 grams per mile to 0.25 grams per mile under this amendment. And nitrogen oxide, from 1 gram per mile to only 40 percent of that. The cost of these tier 1 standards would be roughly $100, or roughly equivalent to the cost of pinstriping the side of an automobile.

Mr. President, the reductions in these emissions from these tier 1 standards will be substantial. They will go a long way toward correcting the air problem in many of our nonattainment cities.

The Wilson-Wirth amendment will require that cars maintain these emission standards for 100,000 miles. Can Detroit do that? Can Tokyo do that? Of course, they can.

In the year 2003, our amendment proposes to restore the tier 2 standards unless Congress votes to delay,

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reduce, or to cancel these more stringent standards. Under the committee substitute, there would have to be 11 non-California cities out of attainment.

How much better to have the standard one that automatically occurs unless Congress has sufficient evidence to think that we should not go forward. These tier 2 standards will reduce emissions from cars by an additional 50 percent, a dramatic improvement.

Many of this Nation's worst, most polluted areas must reduce mobile source emissions of these levels if they have any hope of attainment within the prescribed deadlines.

There are two very necessary reasons to include the tier 2 phase-in. First, the automatic hammer that is included in the compromise, the committee substitute, is just inadequate. It is not going to do the job. Second, under the compromise, 60 nonattainment carbon monoxide areas are totally dependent on what would happen to hydrocarbon and nitrogen oxide emissions, which is to say that the fate of these areas would depend on what happens to a totally different set of pollutants, and not every area has the same problem. Houston needs to reduce its nitrogen oxides. It may not need the same alternative fuel that another locality does.

While tier 1 costs about as much as the pinstriping on the side of your car, tier 2 costs about as much as a couple of electric windows, the power window option.

Mr. President, I think the reason that we travel so often with those windows up is because of the air we would otherwise be compelled to breathe. It seems to me the money might be even better spent in a better preventive, and that is the kind of tier 2 standard that will be available at the cost of about $130. That is not much when you are considering the health of 50 million people, as indeed it is being considered by the Lung Association.

Mr. President, having spoken of mobile sources, let me concentrate on what it means if we do not achieve the 100,000 mile guarantee of tier 1 requirements, the movement to a 50-percent cleaner tier 2 automobile, and the dramatic improvement that can come about by alternative fuels that need not a specification but a performance standard.

What it means if we do not take enough, Mr. President, from mobile sources, if we fail to maximize cleanup from that source, is that we have to visit a disproportionate burden upon stationary sources.

Stationary sources, Mr. President, to put it in layman's language, are businesses, including the small-base employers of 85 percent of the American work force. I want to focus upon that: 85 percent of employed Americans work for small businesses. Small business has boomed in the past decade. It has become the generator of the millions of new jobs that we have boasted of in an economy that has been the envy of the world, even in a time of our growing trade deficit.

For those small businesses to be able to make the kind of profit that permits them to employ the American people in growing numbers, and particularly entry-level workers, they must be competitive, they must be able to make a profit. We have talked about not overregulating or overtaxing them. We have had some splendid debates over the time that I have been in this body on that subject.

What we are now talking about is a choice, Mr. President. How much are we going to take from mobile sources, and how much of the burden of cleanup are we going to impose upon those small businesses? The answer is that we ought to take as much as possible from the mobile sources, from the vehicles. Why? First of all, it is a simple matter of equity.

Mr. President, I ask, who is in a better position to more equitably distribute the costs of cleanup: a mom-and-pop cleaning shop, an auto body paint shop that employs two, three, or four people, or the kind of economic concentration of power that is in the hands of a very few automobile manufacturers and a relatively few energy companies? The answer is very clear. It is the automakers and the oil companies who, through repeated sales of automobiles and gasoline at the pump, are better able, more equitably able to distribute the cost of cleanup than those small businesses.

Should the mom and pop cleaning shop in Los Angeles be required to pay $80,000 for a piece of new equipment in order to assure that the discharge from cleaning solvents does not contribute to contaminating the air? If that has to happen, the answer, I suppose, will be yes. But how much burden unnecessarily should be placed upon those small businessmen and women? No more, I submit, than is equitably required. And equity exists in using the broadest possible base, the user base, the people who drive, the people who buy the automobiles and who buy the fuel. That is equity.

Let me just give you an idea of what the failure of the Wirth-Wilson amendment will mean to those stationary sources all across the land, not just in California, let me assure you.

Let me read to you, Mr. President, from the recommendations of the State and Territorial Air Pollution Program administrators and the Association of Local Air Pollution Control Officials. These are their recommendations on the administration bipartisan Senate Clean Air Act agreement, better known as the committee substitute.

What they say, Mr. President, is that if there are to be equivalent reductions from stationary sources that would otherwise be accounted for by the improvement in air quality and the reduction in emissions that would come from phase 2, tier 2 motor vehicle standards, what will occur instead is that the following requirements in the following places will be required in terms of economic dislocation to stationary sources.

In the State of Georgia, the State would be required to eliminate hundreds and hundreds, indeed, all of the dry cleaners operating in the city of Atlanta. I do not think that is fair, Mr. President.

In the State of North Carolina, those who want to come to visit the great universities in that State, centers of medical research, high-technology research, those who wish to enjoy a vacation in the Piedmont country, or along that celebrated seashore, they might find that they have a difficult time getting there because, in fact, one of the options is that the Raleigh-Durham International Airport be required to reduce its traffic by 25 percent.

I daresay the Convention and Visitors Bureau in Raleigh-Durham will be distinctly displeased at the prospect of a 25-percent reduction in the operation of the airport. They might even be moved to prefer, instead, to shut down Raleigh's largest newspaper or all the small graphic arts operators, all the county's dry cleaners in Wake County, or that they lower the threshold of reasonably achievable, controlled technology on all stationary sources. That is in North Carolina.

Do you know what the dislocation would be in Illinois? The State would be required to eliminate all iron and steel manufacturing in the Chicago area. Let me repeat that: All iron and steel manufacturing in the Chicago area. Or alternatively, they could shut down the automobile and truck assembly plants. Would there not be some irony in that? Or close all dry cleaning operations or miscellaneous metal coating operations.

In the State of Delaware, in order to obtain a 2-percent reduction in emissions in New Castle County, the State would be required either to take 5,000 vehicles off the road each day, or they could, instead, simply shut down one-half of the organic chemical manufacturing operations.

That might have some impact on the economy there in New Castle County if they were to shut down half of all the organic chemical manufacturing. Or they could instead cut surface coating emissions by 35 percent in two large auto assembly plants.

In the State of Washington, to obtain a 2-percent reduction in volatile organic compound emissions, the State would have to either shut down their aluminum, lumber, and paper mills—and I did not say "or," I said aluminum, lumber, and paper mills—or they could close all of the State's petroleum refineries, or they could eliminate all diesel, both on and off road. They could, in fact, do much to their shipping industry, both pleasure and commercial vessels. In addition, the State must rely solely on regulating vehicle emissions to abate its carbon monoxide problem.

In the State of New York, the State would have to require, among other things, a 20-percent reduction in vehicle miles traveled. It would have to institute a no-drive day program. It would have to close several industries and require mandatory retirement of vehicles beyond warranty. If their warranty has run out, get off the road.

Mr. President, I could go on and tell you similar horror stories of economic dislocation in Virginia, in Maryland, Wisconsin, and Arizona—we do not have time for what it will mean in California—Kentucky, Maine—perhaps I should have concentrated upon Maine—Ohio, Rhode Island. Mr. President, this list goes on. South Carolina; Michigan, proud home of the auto industry, would be required to require that incinerators on 15 paint spray booths be put out of business. They would have to regulate consumer commercial solvents, including many of the measures in their own industry, their own basic industry. They might not even be able to paint automobiles.

In the State of Texas, they would have to limit access to the central business districts in their major cities, adopt regulations for consumer commercial solvents, ban industrial growth, and relocate certain industries. That will go over big in Texas.

Mr. President, I am not being flippant. I am not being facetious. I am deadly serious when I tell you that we must take as much as we can from the air caused by vehicle emissions before we produce this disproportionate burden for stationary sources, which means businesses large and small. But again I emphasize to you the impact that will occur if small businesses are required to suffer this disproportionate burden.

Mr. President, it is for that reason I am pleased to announce that my colleagues who choose to vote for the Wirth-Wilson amendment will be able to do something that they cannot often do. They will not only cast a vote that is deemed perhaps the most important of the season by the Sierra Club, but this amendment has the endorsement of the National Federation of Independent Businesses, representing the owners of 570,000 small businesses across America spanning the entire spectrum of industrial activity. Why would the National Federation of Independent Businesses endorse this amendment if it were not in their self-interest? The answer is they would not. They have concluded that it is not fair to their constitutents, to the mom and pop operators, to the employers of America who are small businessmen and women, that they suffer any more of this disproportionate burden than is absolutely necessary when we have not made the effort we can and we should and will if, in fact, we adopt the Wirth-Wilson amendment.

Mr. President, that is a very serious matter in terms of the economic survival of small business in this Nation, and as small business goes, I suggest, so goes America's economic fortune and our future. I will tell you as an example—and I see my friend, the junior Senator from Connecticut on the floor—Hartford is a city that is in severe nonattainment. It is a bustling economic generator. In Hartford, they have already put into effect plans at least that relate to imposing upon businesses that comprise economic activities that generate 7½ tons of pollutants the kind of restrictions that severely constrain their ability to produce jobs, and they have done that because they are serious in Hartford about cleaning the air.

But why should they be put to that kind of almost draconian measure? I will tell you why. It is because currently we do not take enough out of the air from vehicles. Because of what is coming out of the tailpipe, because of what is evaporating from in-use operation of vehicles, they are compelled in Hartford to impose a very stringent standard. It is almost as stringent as that required in Los Angeles.

Mr. President, how can we justify that? No wonder the National Federation of Independent Businesses has supported and endorsed this amendment. It is in their interest to do so. It is far more equitable for the buyers of automobiles to pay $125 more for a catalyst that will put them in compliance with the tier 2 standards in the year 2003. It is certainly more important that we clean the air with those tier 2 standards and with alternative fuels than that they have power windows.

Mr. President, let me talk now about alternative fuels, and I will do so briefly because I want to clear up some misapprehensions. We are not talking about a specification. We are not saying that one fuel is the only fuel. To the contrary, we are for a performance standard and let the market operate, let the best fuel win. That may very well mean different fuels will be preferred in different places. In Houston, they may very well prefer compressed natural gas to the kind of ethanol or methanol mix that may be the preference elsewhere. But as the oil industry contemplates this bright future in which they are virtually assured of a 60-percent increase in market and the necessity, as a result, to engage in investment to create new refining capacity, is it a great hardship to them or to the people to whom they will pass on the costs at the pumps, whether the pump be pumping reformulated gasoline or some methanol-ethanol blend; is it too much to ask that they engage in investing in some refining capability that will permit those who choose to do so to have the option to follow the stringent standards which California is required to impose upon itself?

Let us talk about the fact that there will be some in nonattainment areas who wish to do so. Are they going to be permitted to do so under the committee substitute? If an area wishes to do what California is going to do, beginning in model year 1994, when we will require that there be sold 150,000 clean cars—which is to say those that satisfy that alternative fuel performance standard—and in the next year 300,000, and in the next year 400,000, if they wish to have a similar option, can Houston or Hartford or Chicago or Denver do so?

You will be told by the proponents of the substitute that they can. Mr. President, they really cannot. Let me tell you why. The language of the bill makes it very clear. Under the committee substitute, the States are really presented with two rigid choices. In the first instance, they can elect to take the California program lock, stock, and barrel, and most of them will not wish to do so because they will not have a need to do so. So, realistically, that is not much of an option.

Second, they may presumably request of the EPA Administrator that he assure that they can receive a lesser number, one commensurate with their need and require automakers to supply those clean burning cars to them and that the oil companies supply the fuel necessary to operate those automobiles.

But in order for the Administrator to grant their request, the Governor making that request has to assure the EPA Administrator that his request is not arbitrary or capricious. I find that a touch insulting. More to the point, the State is under an obligation, if it is to persuade the EPA Administrator to honor its request, to state what incentives the State will provide to make possible, to make feasible, the purchase of those automobiles.

Did you hear right? You did.

What does that mean? What incentive is the State required to provide? Well, it is not clear. It is not spelled out in the law. Therefore, presumably it will be left to regulations written by the EPA and God only knows what those will be. But let me give you some idea.

They are talking about economic incentives. They are talking about saying, Governor, you want your State to be able to have those clean burning cars? Well, in order to assure that Detroit will be able to sell those cars, you have to come up with some dough. Perhaps you will see fit to impose a sales tax upon your people in order to allow the State really to offer the rebate on the sale of these vehicles, to sweeten the deal.

Mr. President, that is outrageous. Why in the world should the State have to do that when the Rockefeller-Sharp legislation was before us which offered to the automaker the option to have relaxation on the fuel energy requirements in the law if they would simply produce a sufficient volume of clean fuel automobiles?

We heard no objection from Detroit. We heard no objection from Tokyo. We heard no objection from any automakers. They said terrific. We can do that. We can make 100,000, say Taurus models or Cosicas, and as a matter of fact we can offer those at a relatively modest cost above current model prices.

Indeed that is what this chart is all about. If you do not make many prototypes, just as with a bomber, they are pretty expensive. But when you get into mass production, when you actually have a production line, and you bring down the costs because you are dealing in volumes of 100,000 or 120,000 vehicles, your costs fall off dramatically.

The red line is where you would start if you had a prototype ethanol engine. The blue line is the methanol engine. You see what happens? It falls off pretty sharply. Do not take my word for it. Listen to the representatives of the Ford Motor Co. as recently as 3 months ago. Last fall, when here in Washington at a conference expressly for that purpose, he gave assurance to his audience in a public hearing that somewhere between $150 and $300 would certainly permit the Ford Motor Co. to produce a clean burning vehicle in volume of about 100,000 with a production line of 100,000.

If those States that wish to do so can, as a practical matter, opt up to the California standard, or that portion of it that they think is necessary to meet their needs in order to avoid hardship on their small business stationary sources, if, in short, they want to be able to do what they can do under the Wirth-Wilson amendment, then we will have a growing market for these vehicles a growing market for this fuel, and the costs per unit will nosedive. It is called economy of scale. It is an old principle in production and in marketing. The move you make, the more efficient you can be per unit, your costs come down. It benefits the consumer.

And it will have another effect, Mr. President. As the market increases, the consitituency for that technology increases. When we look at the National Clean Air Coalition, it is not just the American Public Health Association, the American Lung Association, the Asthma and Allergy Foundation of America—it is all the predictable environmental organizations concerned with clean air, and it is the National Federation of Independent Businesses concerned as they are in their representation of over half a million owners of small businesses in America, the people who employ the American people. That is who we are talking about. They will want it.

I predict that our constituents, the motoring consumers, will want it as they grow in number, as they are more vehicles, and as they are driving more miles. They will say we want clean air in addition to mobility. We are not willing to trade health for convenience when we do not have to. If it is only the cost of some racing stripes or some power windows, that is not a bad investment. I cannot think of a young father or mother who would not think so with children riding in the back seat.

Mr. President, this is an amendment that has to do with equity. We are going to clean the air in America, and we should. Indeed, we will provide a model for others. I predict that by 2050 clean air will be an accepted standard in the industrialized world. America will have to lead the way. Since we are suffering from our failure to clean the air today, we are going to have to get busy. We should not unduly penalize localities that are seeking to do a decent job in cleaning the air, and certainly we should not impose upon the small business men and women of America a disproportionate share of the burden of cleaning our air.

That is what the Wirth-Wilson amendment is all about. Mr. President, it is equity. This committee substitute with all due respect, and I have great respect for them, with all due respect for the majority leader, is not as he told us—the best that we can get. We can do better. In fact, we should do better. My friend from Colorado is right. This would pass easily with a two-thirds vote, if it were not for the cry of "deal breaker, deal breaker."

Let me talk to you in conclusion about the deal. The deal is going to be broken. We all know that.

A moment ago, before my friend from Arkansas took the chair, the Presiding Officer was the distinguished junior Senator from Nebraska, the only State in the Nation with a unicameral legislature. The Congress of the United States is not a unicameral legislature. Friends, the deal is going to be broken. There is no question about that. The only question is what happens when the Senate goes to conference with the House? What happens when the Senate goes to conference with Chairman DINGELL?

Well, there is little need to speculate. If the Wirth-Wilson amendment does not pass, the leverage of the Senate negotiators will be—to say appreciably less does not begin to describe it. There will be little help for those with lung conditions, little help for the small business man or woman, little hope that we can in fact do equity while we are doing the right thing in terms of health. That is what is at stake here, Mr. President. It is that simple.

So let me urge my respected colleagues, and I do not say that with anything less than complete sincerity. This deal is going to be broken. It deserves to be broken here in the Senate where a very good bill came out of committee, where a much tougher administration proposal for the mandated sale of 1.2 million clean cars per year was before us until both the administration and the majority leader were persuaded that there were not enough votes for it.

Mr. President, I think there are enough votes for it. I hope so, because, otherwise, we will not do equity, and we will simply have to come back and revisit this issue. We will be required by health, by the anguished outcry of those small businesses who are threatened with closure, because of our inability to deal with this as we should.

I yield.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Montana.

Mr. BAUCUS. Mr. President, I strongly oppose this amendment because I want a clean air bill to pass. It is that simple. Mr. President, the Senator who previously spoke and the Senator who spoke ahead of him, the Senators from California and Colorado, are right. This is a deal breaker. It is a deal breaker, because if it passes, it will very seriously jeopardize the passage of any clean air legislation this year. That is why I very strongly oppose this amendment. I want clean air legislation passed this year.

If this amendment passes, and if it therefore breaks the deal, as it would, breaks the agreement, the agreement which many, many Senators have worked many weeks on to try to reach an agreement, then it is not at all clear, and, frankly, I think somewhat unlikely that there will be clean air legislation this year.

That means that people in the State of California, the people in the State of Colorado, indeed, the people of every State in this Nation will be breathing dirtier air. I do not think the people in those States want to breathe the dirtier air. I think they want to breathe cleaner air.

The committee compromise is a dramatic improvement over current law, dramatic. It may not be perfect; it may not be pure, but I submit that it is very close to being pure, very close to being perfect. It will dramatically increase the standards that apply to mobile sources, to stationary sources, and it will very dramatically clean up our air.

Look, for example, at the acid rain provisions of the bill. A dramatic reduction in sulfur dioxide emissions. Under our bill we do not say to major coal-fired utilities, "reduce the rate of emissions increases." We go much further than that. We do not say "put a cap on emissions." We go much further than that. We say, "reduce your emissions dramatically, coal-fired utilities."

Currently, this country emits about 23 million tons of sulfur dioxide a year. Under this bill, there will be a dramatic reduction in sulfur dioxide emissions. There will be a 10-million-ton annual reduction when this bill is fully implemented somewhere between the year 2000 and the year 2010, a very dramatic increase in the quality of air that this country breathes.

Look at the chlorofluorocarbon provisions, look at them. Again, a dramatic improvement over current law. Dramatic is an understatement. We completely phase out other production of chlorofluorocarbons by the year 2000. There may be an exception here or there, but we go further than the Montreal protocol that this country agreed to and many other countries have agreed to, much further than that. We essentially phase out the production of chlorofluorocarbons, a dramatic improvement over current law.

Air toxics. Again, a major improvement, dramatic improvement over current law. Under our bill, under maximum achievable control technology, the standards in this bill, there will be a 90-percent reduction in air toxics. That is not minimal. That is not negligible. It is very dramatic.

Look at the stationary source provisions. We phase in the dates by which cities must reach attainment. Of course, the dirtiest cities, those with the highest amount of hydrocarbons, nitrogen oxides, and carbon dioxides must reach attainment at a later date. In doing so, we add a major improvement over current law. We say to the States, to cities like Los Angeles and to Houston and to other serious areas, seriously not in attainment, submit a plan to show to EPA where you are meeting annual incremental improvement benchmarks; show on an annual basis what you are doing—3 percent, 4 percent a year—toward your goal. That is not in the current law.

Current law just says by the year, whatever it is, you be in attainment. But there is no benchmark, no incremental standard. I could go on down the list how much this bill is an improvement over current law, a dramatic improvement.

Mobile sources. I looked at these charts that the Senators from California and Colorado have shown to us. Essentially, it is because of those charts that I, the Senator from Montana, and Senator CHAFEE, very strenuously argue in favor of tier 2. We have a tier 2 in this bill because I have argued for it, the Senator from Rhode Island has argued for it, and many here do not want tier 2. I must say the administration was opposed to it.

We have tier 2 in this bill, a big increase, dramatic improvement over current law. We also have a tier 1 which is stronger than California, stronger than California in this bill. It is in the bill. Why? Because we saw the same charts weeks, months ago, and we see the increase in the vehicle miles traveled. We see the need for a strong tier 1, California tier 1.

We see the need for tier 2 which is not at all, of course, in current law. Let us kind of step back and see how much improvement tier 1 and 2 are over current law. Automobiles today must meet standards which are 96 percent cleaner, tailpipe emissions which are 96 percent cleaner than cars that were built in the seventies—96 percent cleaner. That is current.

What about the bill? We are providing that cars must be 25 percent cleaner when tier 1 goes into effect and 40 percent cleaner when tier 2 goes into effect—25 to 40 percent cleaner than a 96-percent cleanup already. We have come a long way, and we are providing in our bill to go much, much, much further.

So I tell the Senators who are offering this amendment that it is because of the charts that the Senators have shown us that we have argued strenuously for very strong provisions in this bill.

It is also why we have an alternative fuels provisions, a fair neutral, solid, significant, balanced alternative fuels provision, that is one that says OK, whether you are proposing methanol or whether you are proposing compressed natural gas or reformulated gasoline or ethanol, whatever it might be, you have a level playing field. That is we are saying to you who have an alternative fuel that is important to you that you want to propose, push, and develop, this bill says OK, you compete evenly with other alternative fuels.

I submit the amendment before us is not evenhanded; it is not at all. It essentially precludes some to the detriment of others, and that is frankly a fact that all will recognize when they dig into this a little more deeply. We say that is not fair. It should be fair across the board.

In addition, the committee bill offers much more flexibility to States. It says to States, OK, if you want to adopt California standards, you can adopt California standards.

The Senator from California says, well, that is not realistic because for some States, they may not have to go adopt all the mobile source provisions. I submit if they do not want to, if that is insignificant, then it is that insignificant. On the other hand, there are States who will want to more likely adopt the California standards, States like Connecticut, the New England States, the States that have the same kinds of problems that California has.

The alternative fuels provision is much more flexible, tailored to meet the problems. For example, we have the opt up provision. That is as to an area not in attainment. When a serious or severe area is not in attainment, it can opt up and increase the standards in its area that it thinks are necessary to put that area into attainment. It can opt up, if it so chooses, under the State implementation plan.

We also have opt in and that is an area not in attainment as opposed to severe or extreme; it can opt in if it wants to.

The flexibility is there to meet the situation and the level of the problem. Whereas the amendment before us, the alternative fuels provison, is a blunderbus approach much too broad in scope and it does not solve the problem.

Essentially, and I will get into many more details later, I must remind Senators that it has been 13 years since we have tried to take up and pass clean air legislation. Why is that? It is because the subject is so complicated. It is because this area is so diverse. It is because we have New England States, Southern States, Western States, and Eastern States. It is very, very difficult for this country to come together and agree on acid rain, to agree on mobile source provisions, to agree on air toxics provisions. It is extremely difficult.

The best evidence of the difficulty is not only the 13 years that transpired but also the number of weeks and months we have been on this bill—months. I have never seen a bill take so long—never. It is because it is so complicated; it is so difficult. As Senators know, groups of Senators, Republican Senators, Democratic Senators, meeting with top people of the administration, met for hours and weeks trying to find a critical mass, trying to find a consensus, trying to find a balance, so that we could have clean air legislation, so that we finally could pass a bill.

The compromise is that compromise. It is a resolution of all the various competing interests that exist in this country. That is why, the Senators from California and Colorado are correct. If this amendment passes it will bust the deal. It will very seriously

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jeopardize the chances of passage of the bill.

We debated for hours the points raised by the Senator from Colorado. We debated for hours the points raised by the Senator from California, as we debated for hours the points raised by other Senators who have other interests in alternative fuels. What about the State of Michigan?

Michigan has a very direct stake in this provision. We debated all this with those Senators as well, Senators representing the State of Michigan.

Again, Mr. President, I strongly urge Senators to remember that perfection is the enemy of the good. This is a very good bill. It is a very good bill. It is a dramatic improvement over current law. Let us pass a bill this year. Let us pass a bill this year. Let us not, as we strive for perfection, end up with nothing.

As we swing for the fences, try to hit home runs, try to get perfect bills, we are going to strike out. If we swing for the fences and try to get perfection we are going to strike out. I submit let us hit singles; let us hit doubles; let us hit triples. Let us boost our RBI's; let us win this game. Let us win it with solid, steady, commonsense provisions which only will result if we keep our eye on the ball and try to pass a bill which very dramatically is an improvement over current law.

Let us not be starry-eyed; let us not try to hit home runs. Let us get a bill passed. I urge Senators to focus on that, focus on winning this game, and the winning of the game is getting this bill passed so we can begin down that road of cleaning up our Nation's air.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut, I think, was on the floor first seeking recognition.

Mr. LIEBERMAN. I yield to the Republican floor manager.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the Chair and the distinguished Senator from Connecticut.

Mr. President, both sponsors of this amendment have fine environmental records. And for that reason alone I think we should pay attention to what they are attempting to achieve.

I certainly recall that Senator WILSON was the very strong proponent of alternative fuels and, of course, appeared at the hearing that we held in January on that very subject.

I paid close attention to what Senator WIRTH said when he first came to the House of Representatives in the mid-1970's and met with that distinguished gentleman, Representative Rogers, from Florida, that the subject that Representative Rogers wrestling with was clean air. When was that? That was in the mid-1970's.

Let us just remember that the last clean air bill passed in the Congress of the United States was in 1977. We have not gotten anywhere since then.

In the Environment Committee we have had four different measures that dealt with air, clean air measures. We brought them out and they did not get to first base, to continue the baseball analogy of my distinguished counterpart, the Senator from Montana.

So it is all well and good to parade out a whole series of attractive amendments, going to get tough, going to show who is boss around here, let the Senate work its will. The trouble is the Senate has not been able to work its will in 13 years.

Now the Senator from Colorado, in what I consider a rather blase manner, said do not worry about any agreement reached with the administration; why, all we have to do is adopt this amendment and they will come knocking at our door, eating humble pie, asking us to work out some compromise.

That is what is happening with the Byrd amendment, he said.

Let us just look at it. First of all, the Byrd amendment was not part of any intense negotiations. This subject that we are considering now was at the very heart of our negotiations that we conducted for some 22 days with the administration.

So when you talk of a deal breaker, this is the essence of the whole deal. What we are going to get in the first round, what we are going to get in the second round of automobile emissions, alternative fuels, that is what this amendment is all about. Those are matters that we discussed ad infinitum there. Did we all get what we wanted? Not at all.

I must say their amendment is very similar to what I proposed in the committee, but we did not get it. And I brought it up in the conference room where we were meeting with the administration. Back and forth we went. We got some; we did not get the others.

But to suggest, do not worry, fellows, we will get this, the administration will just come crawling along and seeking some compromise from us and everything will go through smoothly, that is nonsense, and it is all well and good to stand here and say we can get the best in the world; the trouble is we have not. We have not been able to achieve that in years and people who underestimate the power of the administration around this town make a terrible mistake. The administration reached a deal and it made concessions it felt went way beyond what it wanted. But they agreed, and this is the package, this is the compromise agreement that I am committed to and so is the Senator from Montana and the leadership and many others who worked so long on this and came into the room and participated.

This was not any closed secret in camera session of some type. Everybody had a shot. Anybody who was there will remember I counted 57 people in that room. It was the closest thing to the Black Hole of Calcutta we have seen around this place.

Let us just take a look at some of the provisons that we have. First, as was pointed out, the first round, the first tear of the automobile standards is tougher than California.

California is held up as the model around this place, and rightfully so, because they have done a lot there. We go beyond where they go, not only with on-board canister to absorb the VOC's, but also with the extension of the useful life. They only go to 75,000 miles. We go to 100,000 miles. Yes, there is a difference in our bill and what they would like. The first 50,000 miles is the same. After 50,000 miles, it drops off of the useful life and permits a 25-percent increase in the emissions.

Let us look at the second tier. For some peculiar reason, the second tier that we have in this compromise agreement seems to be blithely set aside. Let me tell you, I would bet the farm that that second tier that we have in here is going to go into effect. If more than 11 cities, non-California cities, are not in compliance, it kicks in the second round, the second tier. Anybody that does not think that something is going to occur, I think believes in the tooth fairy.

And what does that second tier do? Well, it provides more than a 50-percent reduction from the CAFE standard that we put in tier 1. It is more than 50 percent, because it extends out to 100,000 miles, and that is a pretty strong environmental program. What they propose, they have a study and some kind of a vote that something is going to take place, as best I can understand it, a vote to disapprove, although I am not quite certain on that. That appears to be what they have in their provision.

Let us look at the fleet vehicles and the alternative fuels. Well, we have a provision for fleet vehicles. Beginning in 1995, the Federal Government will begin purchasing ultraclean vehicles; that is, vehicles that are approximately 75 percent cleaner for ozone-producing pollution and for air toxics.

By 1990, 90 percent of the light-duty vehicles and light-duty trucks purchased by the Federal Government and operated in serious, severe, and extreme nonattainment zones will meet these ultraclean standards. Now, this is not any little, slight progress forward. This is the Federal Government's vehicles; 90 percent of the light-duty vehicles purchased by the Federal Government will have to meet these severe standards.

How about the private fleets, where we debated this back and forth: What is a fleet? Everybody that was there participated. Is it 10 vehicles, or is it 20 vehicles? We remember the debate. Did we win? I do not know. I know I wanted 10. But there was considerable sentiment there for 20; 20 vehicles also constituted a fleet. Then we got to the question of whether they are centrally fueled, and back and forth went the argument. I think the result is a good one.

Let us look at the alternative fuels. What were the arguments presented there? The arguments presented there were very similar to the proposal that is presented in this amendment. That was that you are going to have 30 percent of the vehicles 40 percent cleaner. And others said: "Well, no; why do not we have 100 percent of the vehicles 15 or 20 percent cleaner," and that is what was adopted.

It is far better, it was a conclusion, far better to get 100 percent of the vehicles significantly improved than just a split group where you get into all the problems of mandated sales. Who is going to buy the vehicles out there?

It was quoted or stated here—the President, I think has been quoted more today than he has ever been on this floor, certainly, by the distinguished Senator from Colorado. And he said the President's provision provided for a significant number of automobiles to be sold.

I want to congratulate the Senator from Colorado for all the kind things he said about our President today. I hope he will repeat them in the future. But what the President said was we are going to have significant sales of these, I believe it was something in the order of a million vehicles are going to be sold that meet these extra clean air standards.

And then people began thinking; we had a hearing on this. The Senator from Montana and I and others presided over that hearing. And here arose the problem. How do you sell the cars? Who is going to buy them? Suppose they do not buy them? And there is talk about the CAFE standards. This a dramatic departure from the CAFE standards. We all know that. To make the comparison, I think, is slighting some of the facts.

So there was a suggestion: Well, do not make the dealer bear the burden. First of all, there are a lot of dealers, and they vote. So we have to protect the dealers. So this provision was put in that the manufacturer had to bear the cost of the planning of these vehicles. They had to, in effect, be on consignment and the manufacturer had to take them back. And that is the provision that is included here.

But still, that does not get over the hurdle: Who is going to buy them? And so the decision was instead of going to, I believe it was 30 percent of the vehicles reaching 40 percent cleaner, that we would have all the vehicles be substantially cleaner so that all would be affected.

And now, is all this going to be obtained by alternative fuels, just some reformulated gasoline? Well, maybe; maybe in the first round. One thing to remember about this piece of legislation, for everything there are two rounds; call them two rounds, two stages, two steps, two tiers. That is the way the bill is. In the alternative fuels, there is the second round. And in the second round, it is pretty clear that reformulated gasoline is not going to achieve the goals of the alternative fuels.

And so there you are going to have some adjustments to the automobile, some reinvigoration, perhaps, of the reformulated gasoline, who knows? But a standard has to be met.

But I think the important point, Mr. President, about this, is that the goals that are being sought by this amendment we are going to achieve in this legislation. We may not achieve them as rapidly as the two distinguished cosponsors of this amendment seek, but we are going to achieve them. We are going to get a second round, second tier in the automobile tailpipe standards. We are going to have a second round in the alternative fuels. We are going to have fleets, whether it is Government or private fleets, that are going to have these very substantial reductions and it is going to involve new forms of fuel.

Mr. President, I think the important thing that we have to remember is we have a chance to get this legislation passed. And it is a chance that many of us on that committee have worked for for many, many years. I have been on the committee ever since I have been in the Senate.

In those years, we have seen one—as I mentioned before—one clean air bill passed. Now, I would just hate to see us kick away this opportunity where we make these substantial strides forward, not just in mobile sources, but in stationary sources, in acid rain, in CFC's. These are dramatic steps forward, and I just hate to see us stumble and fall because some people just want to achieve perfection.

I am for perfection. I do not think this is the last time we are going to see this legislation. I think there will be other chances in the future. But this is a piece of legislation we can be proud of. No one has has worked harder on it than the majority leader, and he was a key player in those negotiations.

I do not think anybody will throw any stones at the environmental credentials of those leaders in the Environment and Public Works Committee.

Everybody was in there, fighting for the environment and fighting for a bill that could get passed. It was pretty clear, Mr. President, we could not even get this bill considered on the floor of the Senate. We did not have enough votes to overcome a filibuster and that is why we made some arrangements.

These arrangements are a deal I am proud of. It is a compromise. Sure it is a compromise, we all recognize that. But it is a good compromise, it is good for the country and good for the health of our citzens.

So I hope this amendment will be rejected and that we can go on, go to conference, stick with our legislation, come back with a good, strong piece of legislation that the President will sign into law.

We have had people around here say, I do not care what the President says. You know, these Presidents are always talking veto. These Presidents sometimes talk tough. Well, this President does not. We have seen that happen around here. We had legislation dealing with Chinese students. Oh, his veto will never be sustained. Well, it is sustained. So, with this piece legislation, unless we stick to an agreement that was worked out over many, many days, we are liable to wind up with nothing.

It is like the little child who tries to sit in too many chairs and then ends up sitting on the floor. That is a strong point. And it is not that we do not have something we can be proud of. We have plenty we can be proud of.

The PRESIDING OFFICER (Mr. KOHL). The Senator from Connecticut [Mr. LIEBERMAN].

Mr. LIEBERMAN. Mr. President, I rise to support the amendment proposed by my colleagues from Colorado and California, Senators WIRTH and WILSON.

If I may continue some of the metaphors that have been introduced here, I prefer the baseball metaphor to the Black Hole of Calcutta metaphor. They were addressed to the room in which I was privileged to be for those more than 20 days as members of the Environment and Public Works Committee negotiated with the administration to try to achieve a workable compromise on this great question of clean air.

To continue the baseball metaphor of my friend from Montana, the chairman of our committee, I would say it was a dugout in there, a crowded dugout, and there was more than one Yogi Berra participating. What emerged was a hit. It was not a strikeout. And I feel some pride in having been there, and some uneasiness at being part of an effort to amend what emerged from that dugout.

But, Mr. President, if I may draw on the metaphor that the Senator from Montana has introduced, what the committee produced, what the bipartisan agreement produced was a double

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or triple. What this amendment is trying to do is to stretch it into an inside-the-park home run and that is why I support the amendment.

Mr. President, I support the amendment for reasons of science, history, and I guess I would say economics, real economics as well. I need not belabor the facts of science and medicine, that ozone is our most pervasive health risk pollution problem in the United States today. I say that having thought of the other environmental threats to our health, and I am thinking of toxic waste and radon and acid rain and asbestos and a whole host of other environmental threats to human health.

I would say that the most pervasive threat to human health, the one that most seriously affects most humans in this country, is ground level ozone and the most substantial contributor to ground level ozone is automobiles. That is why I think we want to turn out the best possible, strongest possible amendment we can, here, because it deals with public health and what I consider to be a public health crisis.

Senators WIRTH and WILSON have talked about public health. I can only tell my colleagues that, beyond the fact that 150 million Americans are living in areas of this country that have been officially declared unhealthy because of ozone, that doctors that I have talked to in Connecticut, which has a very serious ozone problem, tell me they are beginning to see the effects of ozone pollution not just in those who are most vulnerable, such as the young and the old and those who have lung diseases such as asthma, but they are seeing in healthy teenagers who are active in areas that have serious ozone problems, lungs that show a form of scarring. That indicates that as their lives go on they may suffer from chronic lung problems like bronchitis and emphysema.

I also support this amendment for reasons of history. I can say it very briefly. We only get to deal with this problem of clean air, it appears, once every decade or so. The bill in this area, mobile sources, as in some others, is actually an outstanding bill for the near term. But I fear we will not return to this subject after the near term is passed. And, therefore, we need this to be the strongest possible bill on into the future.

Finally on the question of this being a deal breaker, maybe it is. Maybe it is. I understand the deal that was struck was struck by some of the strongest advocates of clean air in the Senate, from both parties. It was struck by some of the strongest advocates of the provisions that are in this Wirth-Wilson amendment, out of recognition of the reality of the position that the administration took. And I believe that the basis of the position that the administration took here is wrong.

They established a monetary limit on their own cost estimates of how much they were willing—not to have the taxpayers pay—but on their estimate to have society pay for cleaner air. I think those estimates are faulty. They are based on speculation. They go on out into periods of time 10, 15, 20, 25 years from now. In my opinion they are not sufficient reason for us to yield in our effort to adopt the strongest possible bill.

I respect my colleagues on the committee, again in my opinion some of the greatest environmentalists in this Chamber, for making the judgment they have, because they want a bill.

Because of the severe ozone problem we have in Connecticut, in my State, and because of the enormous role automobiles play in creating that health problem, I felt obliged to try to go the distance and get the best we can, not just for the next 5 years but for the next 10 and 15 and 20 years.

Mr. President, the committee bill makes many significant steps forward that have been referred to already. Some of these are actually technical and have not received widespread attention but they really make a substantial difference, or will make a substantial difference in reducing ozone formation. For instance, the bill amends the provisions governing the testing procedures for motor vehicles that bring those procedures much more in line with reality. The bill also requires that EPA promulgate regulations to control evaporative emissions of hydrocarbons from motor vehicles during the operation of the car, or when the car is parked. And that is significant when dealing with hydrocarbon emissions during the summer when ozone formation is at its peak.

The regulations would require implementation of the greatest degree of emission reductions which the Administrator expects to be achievable. I think control of those emissions will go a long way toward reducing the contribution of cars to ozone formation.

In another important area the compromise bill is stronger than the legislation that was originally reported by our committee and that is clean fuels. One of the most significant outcomes of this year of hearings on the clean air bill before our committee was the recognition that the Clean Air Act must not only require that automobile manufacturers continue to clean up cars but that the fuel suppliers must produce a cleaner fuel.

These are some of the good items in the compromise that is before us. Some of those perhaps had not been mentioned before in this debate, but all the good provisions simply, in my opinion, are not enough. I want to deal with what I think are a couple of essential features of the Wirth-Wilson amendment that make it supportive. During debate, we heard from the automakers and others that the automakers have made a great deal of progress in controlling the emissions from the tailpipes of automobiles during the last 20 years. I agree with that. In fact, we should be grateful to them and particularly to the legislators who were here 20 years ago who enacted laws requiring tougher emissions controls.

But the fact is that it is not true that pollution from the tailpipe of cars has been reduced by 96 percent since 1970. Unfortunately, while a car tested in the laboratory will show a 96-percent reduction per mile driven, in reality, the cars on the road only attain about a 20-percent reduction of emissions from the 1970 levels. That is because cars actually on the road do not use the ideal fuel of testing conditions. The average person does not drive a vehicle in the same manner and under the same conditions as under the testing procedures. The test procedures do not reflect the conditions during a hot summer day when the maximum ozone problems occur, certainly in States like Connecticut.

The reduction in the amount of pollution emitted from tailpipe standards has been more than offset by the number of cars on the road and the number of miles each car has driven. The startling fact is that there are 140 million cars on the Nation's highways today, and that is over 50 million more than in 1970. They are driving 40 billion more miles per year.

Everything we hear from the experts says that that trend is going to continue. We actually heard testimony in the Environment Committee that the number of miles Americans will travel by car will continue to increase at an average of 25 billion miles per year. That, Mr. President, is equivalent to 1 million car trips around the planet Earth. Even that number may be an underestimate because, in fact, last year miles traveled by vehicles in this country increased by 40 billion. The total number of vehicles is actually estimated to grow by 76 percent by the year 2010. Obviously, there are other things we should try to do to reduce the vehicle miles traveled by cars through incentives for carpooling and through incentives for the use of mass transit. The reality is without further controls, emission levels from cars which are already unacceptable will cause even greater damage than now is occurring.

The bill originally reported by the Senate Environment Committee requires not only immediate improvements in tailpipe emissions controls but, as you know, additional improvements later on. It asks a lot of the automobile industry, that is true, but it did so only because automobiles constitute such a significant part of the pollution crisis that we face.

Let me talk about the mandatory second round. There are many myths that were raised about the second round that the standards are technologically unfeasible, they are too costly, and that they are not worth the effort, and that the standards are not cost effective when compared with other strategies. After extensive testimony, our committee, in reporting out the bill, rejected all of those myths.

I believe that the compromise accepts the basic premise that the automakers, with 13 years of leadtime, will be able to meet stricter standards in a cost-effective manner. But instead of placing the requirements to achieve cleaner cars in the law and making it mandatory, the compromise before this Chamber leaves open the decision for 10 years, and then would only require the second round of standards if certain conditions are met.

Mr. President, I believe the compromise, therefore, significantly increases the likelihood that large areas of our country may never achieve the ozone and/or carbon monoxide health based standards and assures that the NO$_x$ problem, another significant danger to health, in many areas will be significantly exacerbated.

During the course of the hearings before our committee, representatives of State and local governments from all parts of the country repeatedly emphasized the need for nationwide mandatory second round tailpipe standards. The Governors Association particularly supported those standards, and they rejected the argument that the administration made that there are other ways, perhaps through the use of alternative fuels, to achieve the same reduction in ozone pollution that the mandatory second round would. The Governors, our Governors, State and local air pollution control officials rejected that contention and have argued very strongly and, I think, effectively that both the second round of tailpipe standards and an alternative fuels program are needed to bring our Nation's most seriously polluted areas into attainment and to maintain those public health standards once they are attained.

The Governors reached that conclusion after studying the track record for at least 20 years. It is a record which demonstrates that every prediction about when areas will attain the health-based standard unfortunately has been wildly optimistic. Compromise in the second round, as you know, Mr. President, would only require a nationwide second round of 12 cities of influencing the ozone standard in the year 2000. Actually the number of cities in noncompliance with the ozone standard could be much higher than the 12 and still the second round would not be triggered.

A number of cities allowed to be in nonattainment without triggering a nationwide second round could, in fact, be as high as 86. Why do I say that? Because first there are four areas in California which are excluded in the terms of the compromise from the trigger. Second, by the year 2000, many of the Nation's 66 so-called moderate, less polluted ozone areas may not have attained the standard and would still be counted for purposes of the trigger. Not counting those moderate cities is particularly gregarious because they are required to attain the standard in 1995. If they are not in attainment by the year 2000, which is 5 years after the deadline, they need as much help as possible from national controls, and that means automobile controls.

Under no circumstances—I stress this because so much of Connecticut is now listed as a severe nonattainment ozone area—under no circumstances do severe and extreme areas out of attainment trigger a nationwide second round of tailpipe controls. So that the result of all of these provisions is that a second round of national automotive emissions controls will not be triggered even if tens of millions of people are living in areas that violate the health-based standard.

Compromise also means, I am afraid, that there will be a great tendency for the automobile companies not to go ahead and develop technology that will produce the cleanest possible cars. The fact is the history of the Clean Air Act shows that if standards are in place that are clear and unshakable, the automakers will develop cost-effective ways to meet them. Without standards, there will be an uncertain incentive not to do so.

Mr. President, the compromise also is insufficient to protect public health because it focuses solely on ozone air quality as a trigger mechanism and it, therefore, ignores the need to control NO$_x$, not only for its contribution to ozone pollution because, as the American Lung Association has stated, NO$_x$ is a dangerous and pervasive pollutant of our air and water. It is now understood to be a prime factor in virtually every major pollution problem that we face. The abandonment of a mandatory, guaranteed second round of standards is particularly significant in light of another provision of the compromise bill relating to the first round of tailpipe controls.

The committee bill required originally that cars meet the new tailpipe standards for the full life of the car or, in other words, for the full time period that the average car is actually driven on the road, and that is 100,000 miles. This provision is critical because all the data that we have seen from EPA demonstrates that there is a substantial deterioration in emissions controls after 50,000 miles and that naturally results in greater air pollution and dirtier air. Under the compromise, cars are required to comply with the full earlier standards only for 50,000 miles of use, and that means the average car for the next 50,000 miles will be permitted to meet an emission level that is 25 percent higher than the level they are required to meet in the first round, and that will contribute to a deteriorating air quality picture.

The experts tell us that that change will substantially decrease the reductions that will be achieved in hydrocarbon and carbon monoxide emissions from automobiles.

Mr. President, arguments have been made on this floor in support of the compromise on the first round and the 50,000 to 100,000 useful life standard, and I want to deal, just very briefly, with a few of those.

My friend and colleague from Michigan, Senator LEVIN, more particularly, argued that a more lenient standard is required in the second 50,000 miles because cars deteriorate and therefore the automakers need some leeway in the form of easier standards. But if cars deteriorate during the second half of their life, that is all the more reason why we need to offset that deterioration by requiring carmakers to produce cars which can certify to a lower emission level and will be able to meet the standard for the full time period.

Second, the argument has been made that the compromise reflects California standards, and there is no need for the Senate to be stricter than California.

Mr. President, I respond that there are several compelling reasons why the original committee bill did choose to be slightly more stringent than California in this respect. The fact is that California meets on an ongoing basis with the automakers because of the seriousness of the air pollution problem in California. The State arrives at standards through an ongoing process of compromise and negotiation with the automobile manufacturers, and that is not the case in Congress, which, as we have said over and over, only considers clean air about once every decade.

While the committee bill may be slightly more stringent than California for the first round of cars, it is important to note that California, working together with the automakers, is far ahead of the rest of the Nation and, if the compromise is adopted, will remain far ahead for the foreseeable future in many critical areas of automotive emissions. For example, California has required that cars for the model year 1989 meet the NO$_x$ standard which the compromise would not require be met until 1995. California also has on board diagnostic systems already in place which the compro-

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mise will not require until the model year 1994.

Finally, California has already taken steps to introduce standards twice as strict as those required even under the second round of the committee bill. The plan for those higher standards is that they start as early as 1997.

Senator LEVIN also argued that it is technologically infeasible for cars to meet the standards for the full useful life. But that argument simply does not withstand the scrutiny of the testimony upon which the Environment Committee based its original commitment to the 100,000-mile useful life standard.

Manufacturers of emissions controls, those who actually make the technology that can meet these standards, testified that with further refinement and utilization of emission control technologies, either existing or under development, such standards, "that is, those in the original committee bill," would clearly be technologically feasible over the 100,000 miles useful life of the vehicle," and they based that on some very compelling evidence.

California studies show that based on its own recall testing program, many engine families for the years 1985 and 1986 are in fact today meeting the standards of the original committee bill for approximately 40,000 miles in use.

Mr. President, in commenting on the extremely low in-use emission levels for 1985 and 1986 cars, the California Air Resources Board has stated and concluded that "this is a good indication that manufacturers have the capability to apply modern technology to meet lower emission levels."

It is also important to note that the manufacturers of automobiles have substantial experience in designing vehicles to meet the full useful life. For example, light-duty trucks have been required to meet a full range of standards for 120,000 miles since 1985.

Mr. President, I support the recommendations of the National Governors Association on the need for the strongest possible emission controls. I urge the other Members of the Chamber to review the association's statement of policy. The view of those who must eventually implement the act should be a critical part of this debate.

Mr. President, in the Clean Air Act of 1970, Congress resolved that all Americans would breathe healthy air within a decade. That goal obviously was not achieved. In the years since the Clean Air Act was amended, which was back in 1977, the air has become dirtier and more dangerous to our health. Our uphill climb against the ravages of pollution has turned, I am afraid, into a downhill fall and only now are we recognizing the real impact on the health of our people that results from our failure to act.

Mr. President, the adoption of the Wirth-Wilson amendment, in my opinion, will help ensure that we put in place the tools necessary to ensure that the promise of cleaner air, which we are holding out in these deliberations to all Americans, will be a promise that will truly be kept.

I thank the Chair and I yield the floor.

Mr. McCAIN. Mr. President, I noted in the remarks by the distinguished Senator from Montana various baseball metaphors. I certainly appreciated hearing those, and perhaps they were in commemoration of the return of America's pasttime to active participation. I, of course, have some painful emotions about the baseball dispute since it took about half of the exhibition season away from my State of Arizona.

My friend from Connecticut stated that we might have to revisit the clean air issue. I certainly hope that this will not be the case anytime soon. Since he mentioned, as did the Senator from Montana, that we have been many years in achieving this compromise, it seems to me it is in our interest to make it as strong as possible. Mr. President, the Wirth-Wilson amendment, in my view, is a significant and much needed improvement to the leadership agreement.

I am also sensitive to the concerns of the prime sponsors of the bill about the possible damage this could do to a very hard won agreement. At the same time, if this amendment is adopted, we would have a stronger bill, which I think would be very difficult to oppose.

Mr. President, I want to take a few minutes of the Senate's time to explain why I believe adoption of the measure is, indeed, critical.

First I want to acknowledge those who worked hard in developing the leadership agreement on mobile sources. I know the negotiating was not easy and many difficult and reluctant compromises were made on all sides of the issue. I have no doubts, if adopted, the leadership agreement would be helpful in our clean air fight. Unfortunately, Mr. President, it will not win the war. When President Bush unveiled his clean air proposal he did so with a clear sense of purpose. His goal was to help finally fulfill the noble promise of the Clean Air Act: healthy and unspoiled air for all Americans.

Mr. President, we made that promise to the American people 20 years ago. Its fulfillment eludes us still today. Undeniably, progress has been made, but the unpleasant fact is that over 100 million Americans still breathe air that does not meet health standards. Our failure has taken its toll on national health and the quality of life of our people. The American Lung Association reports that air pollution costs us $40 billion a year in additional health care to treat pollution-related sickness.

Why, Mr. President, two decades after the Clean Air Act was first passed are we faced with these dispiriting statistics? What is the source of this insidious threat to human health and our environment? It is very simple, Mr. President, the automobile—and the pollution it causes which continues to plague the major metropolitan areas of this country, including the capital of my State, where we continue to see dramatic increases in numbers of automobiles on the road and an unfortunate increase in the degradition of what was once the most pristine air in America and now ranks among the most polluted.

Mr. President, gasoline-powered cars and trucks account for 90 percent of the carbon monoxide and almost 70 percent of the ozone pollutants choking our cities. At one time, my hometown of Phoenix was a sanctuary for people suffering from asthma and other lung and cardiovascular ailments. Suffice it to say, the air in Phoenix is no longer what the doctor orders for people suffering from such. The major reason, as I have stated, is auto pollution. The story is no different in cities and counties throughout the Nation.

I wish I could say that the future promises improvement. But the trends are not encouraging. The Office of Technology Assessment estimates that vehicle miles traveled will double by the year 2010. That increase, of course, will be larger in high-growth areas such as Arizona—more cars, more miles, more pollution, more sickness and discomfort.

What is the solution? How can we finally fulfill the promise of the Clean Air Act? I believe the Wirth-Wilson amendment provides the three-part answer:

First, it guarantees that new cars will operate as cleanly as possible.

Second, it ensures that cars and trucks continue to run cleanly throughout their useful life.

Third, and most importantly, it will embark on an aggressive campaign to bring the ultimate solution—clean alternative fuels—to the marketplace.

Let us take a closer look at each of these programs. First, let us address the issue of tailpipe standards.

I think it is important to understand that, remarkablly, the leadership agreement does not guarantee new cars will ever emit less carbon monoxide than those rolling off the assembly line today. The so-called second-round of tailpipe standards, which includes a decrease in carbon monoxide emissions, will go into effect only if 12 of the 27 most ozone polluted areas do not meet EPA health standards by the turn of the century.

Tying carbon monoxide reductions to ozone nonattainment areas is an arbitrary and disturbing disconnect. It offers precious little comfort to cities such as Phoenix, Denver, and Albuquerque where the primary air quality concern is carbon monoxide.

The pending amendment, on the other hand, will tighten tailpipe standards beginning in 1993, and assures that new cars will run even cleaner—including a 50-percent cut in carbon monoxide—beginning in 2003.

Mr. President, these reductions are achievable and needed. And, the Wirth-Wilson amendment will make sure they are made.

Second, any effective air pollution control program must see to it that car-makers not simply build cars to run as cleanly as possible, but they make them to stay clean throughout their useful life.

Under the leadership agreement, emission control equipment will receive a warranty of only 5 years or 50,000 miles. I am sure I do not need to tell Senators that antipollution equipment which does not work does little to clean the air.

Moreover, replacing and repairing ineffective equipment costs the consumer money and places a tremendous burden on local vehicle inspection and maintenance programs. The Wirth-Wilson amendment would extend the manufacturer's warranty on emission control equipment to 10 years or 100,000 miles. This will ensure that cars made to run cleanly will do so throughout their useful life.

Finally, Mr. President, I would like to talk about the amendment's most important and progressive component: alternative fuels.

I wish simply racheting up tailpipe standards would do the trick. It would be far easier for all of us. But it will not solve the problem. While each car may run a little cleaner, in the long term, the increasing number of cars on the road will overwhelm our best efforts. We cannot fight the tide. Unless Congress is prepared to return time and time again to update the Clean Air Act in a perpetual and futile effort to stay ahead of the pollution curve, we must make fundamental changes in the fuels we use to meet our transportation needs.

The good news is that we have a choice. We have a variety of proven ultraclean fuels, such as methanol, ethanol and natural gas at our disposal. We have the capacity to make cars that can run on these fuels, without reducing mobility, inconveniencing consumers or compromising the quality of our transportation. But we have been unable to bring these technologies to market. We are bogged down in what some call "the problem of the chicken and the egg."

Carmakers say that if fuel producers would make gasoline alternatives readily available, Detroit would certainly build the vehicles to use them. Likewise, fuel producers argue that if only carmakers would start producing alternatively powered vehicles, the fuels would soon follow. And on, and on, and on.

Mr. President, the problem is not so much about the chicken and the egg, as it is about choice and resolve. We can continue to sit idly by and wait for the chickens and the eggs to solve their differences, or we can do something about it. The Wirth-Wilson amendment does something about it.

While the leadership agreement contains an alternative fuels program. The initiative is insufficient. It requires too little, too late, and focuses the program too narrowly on the nine dirtiest cities. This approach does little for areas with serious pollution problems—areas which need innovative and aggressive programs today no less than New York, Chicago, and Los Angeles. And, moreover, the agreement does not provide the mandates necessary to jumpstart the mass production of clean-fueled vehicles. The Wirth-Wilson amendment will.

Let us examine some of the differences of the two proposals. The leadership agreement would require the use of clean-burning reformulated gasoline within the nine dirtiest cities in the country. Why only the nine dirtiest? Reformulated gasoline can cut carbon monoxide and ozone emissions substantially. It can do so in a convenient and cost-effective manner. Many serious nonattainment areas need reformulated gasoline if they ever hope to reach the health standard.

The Wirth-Wilson amendment would make sure they get it by requiring reformulated gasoline in all areas with serious ozone pollution, not just the "dirty nine."

In addition, the leadership agreement calls for an advanced alternative fuels program to stimulate the use of gasoline substitutes in the nine dirtiest cities, beginning at the end of the decade.

Certainly this is laudable, but again, the pending amendment is more aggressive by requiring introduction of alternatively fueled vehicles in a more timely fashion, and by raising the standards for affected vehicles after the turn of the century.

Finally, I would like to say a couple words about the fleet programs of the respective proposals. Once again, the leadership agreement heads in the right direction by requiring the use of ultraclean vehicles within centrally fueled vehicle fleets. But, again, the program is tailored only to the nine most severely ozone polluted cities. It falls a little short.

Centrally fueled fleets, such as those operated by post offices and other large organizations, provide an excellent opportunity for the introduction of ultraclean vehicles. This program should be expanded. The Wirth-Wilson amendment extends the fleet provision to all seriously polluted ozone areas, and establishes a separate program for fleets in areas plagued by carbon monoxide pollution such as Phoenix and Denver.

The alternative fuel and vehicle fleet provisions of the amendment, represent a compelling national commitment to clean transportation. Requiring that more vehicles operate on clean fuels will stimulate expeditious and long-term changes in the carmaking industry. Enhancing commercialization will help lower costs and put us over the hump and on the way to clean air that can be achieved and maintained.

Mr. President, the American people want and deserve clean and healthy air. It is their right. If we ever hope to fulfill the promise of clean air made by Congress 20 years ago, we must begin today by passing the Wirth-Wilson amendment.

Mr. President, I yield that floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I rise in strong support of this amendment which will provide both clean cars and clean fuels in the 1990's and into the 21st century. I am pleased to be one of its first and prime sponsors of this amendment with Senator WIRTH and Senator WILSON.

Mr. President, I think it is important for us to keep the point in mind that the bill that we are now debating on the Senate floor will carry us into the 21st century. A good many years will pass before we have the opportunity to revisit the issue of clean air again. In light of that fact, we must make sure that the provisions included in the bill live up to the stated intentions of the bill and will, in fact, accomplish the goal of clean air for all areas around the country.

The purpose behind clean air legislation has always been to provide clean, healthy air for everyone—no matter where one lives. California currently has over 10 areas which fail to meet the health-based standard for ozone and over 7 areas that are out of attainment for carbon monoxide. There are 12 million residents in the Los Angeles area breathing the dirtiest air in the country.

Nationwide, a great many Americans are in the same plight. In 1990, nationwide attainment of health-based air quality standards remains a distant goal. Approximately 100 million Americans still live in areas where the air they breathe is unhealthy. There are over 100 areas in nonattainment for ozone and about 44 areas in nonattainment for carbon monoxide. Nearly 40

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States have at least one nonattainment area.

These areas need strong Federal leadership in the battle against dirty air. Local pollution control districts in my State and in other States are unhappy with the compromise. They argue that we are, in this bill, giving States deadlines by which they must reach attainment or be sanctioned but not giving them the tools they need to achieve clean air within those deadlines.

This amendment would, to a great extent, remedy that problem. One of the most important steps we can take at the Federal level is to mandate strong tailpipe controls on conventional vehicles and implement a strong program for clean fuels and clean fuel vehicles.

This amendment would accomplish a number of things.

First, it would require light-duty vehicles to meet the original tier 1 standards for 10 years and 100,000 miles. This provision regarding useful life was part of the bill reported by the Environment and Public Works Committee. It was later scaled back during the compromise negotiations and a more lenient standard was substituted for the second half of a vehicle's life.

Second, this amendment would restore the second round tailpipe standards that were also part of S. 1630 by requiring that they go into effect automatically in the year 2003 unless Congress decides to take action prior to that time either to cancel or to delay the standards.

Third, this amendment would expand the required use of reformulated gasoline to all seriously polluted areas. Whereas the compromise requires reformulated gasoline in 9 cities, we would expand that to 40 cities.

And fourth, it would significantly expand the clean fuels program in terms of both fleets and passenger cars by requiring the use of clean and ultraclean cars.

Taken together, the components of this amendment will dramatically increase the likelihood that most areas around the country will in fact achieve clean air within the deadlines.

Mr. President, mobile sources are the dominant source of both smog and carbon monoxide pollution in urban areas. In fact, cars, trucks, and other vehicles create over 50 percent of the smog and 90 percent of the carbon monoxide emissions. Couple that with anticipated increases in both the number of vehicles on the road and the number of vehicle miles traveled and it is clear that pollution from this source will only grow worse unless strong, technology-forcing controls are required.

Motor vehicle registrations in the United States have increased 69 percent between 1970 and 1988. According to the Department of Transportation, the number of motor vehicles on the road in 1988 surpassed 183 million, up 4.4 million from the previous year.

Similarly, the number of vehicle miles traveled is increasing at a rate of about 25 billion miles per year. According to the Highway Users Federation, vehicle miles traveled in urban areas around the country could double between now and the year 2000. Both health and health care costs associated with a lack of adequate tailpipe controls are staggering.

A study conducted by the University of California at Davis reported that between 50,000 and 120,000 deaths could be linked to auto pollution every year.

According to studies done for the American Lung Association, annual health care costs related to automobile pollution range up to $93 billion.

Under the compromise measure, the tier 2 standards will only come into play if 12 seriously polluted non-California areas are out of attaintment in 2001. Under this trigger mechanism we do not know whether or not tier 2 standards will ever be implemented.

The tier 2 standards are a good idea. They would reduce emissions of smog-forming pollutants nationwide by 450,000 tons at a cost of about $2,000 per ton. Similarly, carbon monoxide would be reduced by almost 14 million tons for less than $250 per ton.

On the other hand, failure to implement tier 2 only means that the burden of the additional needed reductions will fall on stationary sources. States and local agencies will have to impose controversial and cost-ineffective controls on stationary sources which are already meeting a tough burden.

Critics argue that the tier 2 standards are too much—that they go too far. Mr. President, it was the technology-forcing tailpipe standards mandated in the 1970 Clean Air Act which produced the catalytic converter. Back then, the car manufacturers were screaming just as loudly that those 1970 standards could not be met because no known technology existed to meet them—the same refrain they are screaming now.

The tier 2 standards, although technology-forcing, will not require the tremendous leap in technology that was required back in 1970. In fact, California is again far outpacing the rest of the country on this issue with a proposal that goes much farther than the tier 2 standards we are discussing here today.

California already has the ability to set its own tailpipe standards. For whatever reason, California seemes to be less susceptable to the dire tidings of the automobile industry and as a result California has the toughest tailpipe standards in the country.

It seems to be simply ludicrous that one car, a cleaner car, is produced for California and a dirtier car is produced for the rest of the country. Especially when one considers that there are 101 ozone nonattainment areas and 44 carbon monoxide areas in the country. But that is again likely to be the case under the compromise bill unless the tier 2 standards go into effect nationwide.

The California Air Resources Board has already taken the first step in adopting a regulation that would begin, in just 4 years, to phase-in "transitional low-emission vehicles." These vehicles would have to meet close to the the equivalent of the tier 2 standards beginning in 1994—that is 9 years before these standards would have to be met by vehicles in the rest of the country.

In 1997, California would move to the next stage and begin to phase-in "low-emission vehicles." Twenty-five percent of new light-duty vehicles sold in California in 1997 would have to meet a nonmethane hydrocarbon standards of 0.075 grams per mile. That is a tougher standard than the tier 2 hydrocarbon standard.

By the year 2000, 4 years before tier 2 would take effect nationwide, 98 percent of all light-duty vehicles sold in California would be meeting a hydrocarbon standard that is tougher than the tier 2 standard and a NO$_x$ standard that is equal to the tier 2 standard.

California is a significant market for automobiles—1 out of every 10 cars sold in the United States is sold in California. If the tier 2 standards are not implemented then by the year 2000, cars sold in California will be 50-percent cleaner than cars sold elsewhere. The gap between the California car and the national car will widen—not narrow.

The staff of the California Air Resources Board, who I might add has done more work in this area than anyone else, is convinced that the tier 2 standards can be achieved and achieved in a cost-effective manner.

Based on its extensive experience in analyzing auto emissions control systems, the board has indicated that the second round tailpipe standards can be achieved at a cost of about $125 per car compared to a car meeting the tier 1 standards—that is about half the sticker price of power windows.

Their testing indicates that compliance with a hydrocarbon standard of 0.125 grams per mile would not require significant modifications to current engine designs.

Furthermore, progress in this area is well underway. In testing conducted by our resources board, a number of vehicles have already met the tier 2 hydrocarbon standard in certification testing. In addition, a Nissan model car has already achieved the standard in use for about 40,000 miles. In light of the progress already made, the tier 2 standards are not so much technology-forcing as they are a reasonable push.

According to the California Air Resources Board, the electrically heated catalyst is one of the most promising control technologies currently being tested. In studies conducted to date, this new technology has been able to reduce nonmethane hydrocarbons and NO_x emissions by 25 to 50 percent.

Just recently in Los Angeles, General Motors unveiled the "Impact"—its prototype of a new electric vehicle. This sort of effort shows us the tremendous potential that exists. It should make us question the protests of the auto industry when it comes to tier 2 standards.

If the tier 2 standards do not go into effect nationwide in 2003, we will again be in a situation where car manufacturers will be producing two cars—one, a significantly cleaner car for California—and the other, a dirtier car for the rest of the country, in spite of the fact that so many areas around the country are struggling to reduce both smog and carbon monoxide pollution and need cleaner cars just as badly as California.

To a certain extent the progress made in California is contingent upon strong, Federal tailpipe standards. Since one of our every five cars on the road in California is from out of State and thereby subject to more lax tailpipe standards, progress made in California can be undercut by a lack of leadership at the Federal level.

Mr. President, if 98 percent of the cars sold in California by the year 2000 meet the tier 2 standard for NO_x and a more stringent standard for hydrocarbons, then these cars should be made available to other areas around the country.

Under the pending amendment second-round tailpipe standards would go into effect automatically in the year 2003, unless Congress takes action to delay or cancel those standards.

Mr. President, under our proposed amendment, the automotive industry would not have to meet these standards for another 13 years. I personally believe we could go farther—California is a perfect example of a State willing to do that. At the very least, we must assure that the tier 2 standards that were in S. 1630 do go into effect nationwide. The compromise, unfortunately does not provide us with that assurance.

Mr. President, I believe the tier two standards are cost-effective and technically feasible as I have indicated, much progess has already been made. More important, I believe the tier 2 standards are absolutely necessary if we are truly committed to providing clean air for all Americans, as was our original promise in 1970. It is time to make good on that promise.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on or in relation to the pending amendment occur at 7:20 p.m. and that the time between now and then be equally divided between the two sides in the usual form under the control of Senator BAUCUS and Senator WIRTH or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. Mr. President, will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. CRANSTON. Are further votes in order after that time?

Mr. MITCHELL. Yes. I was going to announce that.

For the information of Senators, we will vote on this amendment, under the agreement that has now been reached, at 7:20. After that vote, I am advised that Senators BOSCHWITZ and BOREN will have an amendment ready. That will be debated, and we will attempt to dispose of that this evening with a vote. I do not yet know how much time that will take. I hope not too long, but that remains for the managers and the sponsors of the bill to discuss when we begin that.

So we vote at 7:20 and then another vote later on on the Boschwitz-Boren amendment if we are able to complete debate on that this evening.

I thank my colleagues.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator from New York [Mr. D'AMATO].

Mr. WIRTH. Mr. President, I yield 4 minutes to the distinguished Senator from New York.

Mr. D'AMATO. Mr. President, I rise as a cosponsor of the Wirth-Wilson amendment. It is an amendment that we need.

Mobile sources are the largest single category of air pollutants, not only in New York but across the Nation.

The American Lung Association estimates that automobile emissions in New York State result in over $5 billion in health costs annually.

Mr. President, I have pages and pages and we have heard hours and hours of debate. I am going to attempt to tell what the problem is. It is not too dissimilar in other areas.

The State of California faces it as do other regions in the country.

Stationary sources of pollution, our power plants, small businesses, and so forth in the New York metropolitan area contribute less than 20 percent of the region's severe pollution smog problems. But well over 40 percent of our smog comes from upwind States, much of which is from mobile sources; and another 40 percent or more is generated by mobile sources in the New York metropolitan area itself. Thus, it is automobiles, cars, buses, and trucks that are responsible for well over half of our smog.

Let me put it another way: If we shut down everything in the New York metropolitan area, every factory, every business, every bus, every car, every truck, we would still not achieve attainment. We could close down the entire region and not even get close to solving our problem. And the sorry fact is that we never will, even with the bill that has been crafted by the administration, unless we have this amendment.

We will never be able to get clean air in my State without large emission reductions from mobile sources. Unless we vote to adopt the Wirth-Wilson amendment, we will be telling tens of millions of Americans that their air will remain dirty and unhealthy; and that an America that sent men to the Moon in 9 years is technologically incapable of economically producing a clean car for decades to come. I will not endorse that kind of helpless, "can't do" spirit.

CLEAN FUELS

Because mobile source emissions are such a big part of the smog problem, it's time to start putting vehicles on the road that are fueled by cleaner fuels than the gasoline currently available.

This amendment sets forth a reasonable, phased program. It gives us a 3-year trial period to gain from the experience of California with clean fueled vehicles, so we can see what works and what does not before we start elsewhere.

Wirth-Wilson has emission standards that are ambitious but achievable. And they are constructed in a practical way. They don't rely on Government bureaucrats to tell the industries how to meet the goals. They allow the oil and auto industries, working together, to decide which combinations of fuels and vehicles are practical and will provide the emission reductions we need.

Wirth-Wilson also includes an aggressive and promising fleet program. We too often overlook the role of fleets in cleaning up our air. While fleet vehicles are not a large proportion of any city's cars, trucks, and buses, they are driven for many hours every day. In New York, for example, while fleet vehicles are only 10 to 12 percent of all vehicles registered, they account for about one-third of all miles driven. The fleet provisions of this amendment will deliver very significant reductions in mobile source emissions in our most polluted cities.

Additionally, the Wirth-Wilson clean fuels program for passenger cars would achieve at least a 60-percent reduction in smog-forming emissions compared to today's gas-fueled cars. The compromise Senate bill would achieve only a 20-percent reduction.

Similarly, Wirth-Wilson would require a 75-percent reduction in toxic pollution from mobile sources, while the compromise seeks at best only a 27-percent reduction.

Let us face the facts. Despite strong efforts from the auto industry in the past, and more that we will ask of them in this bill, we still cannot keep ahead of the growing numbers of cars and the increases in the miles they are driven. People want to continue to drive their cars, and they will continue. It is time to develop new technologies that can harmonize the right of individual mobility with the right to breathe clean air. We must drive much cleaner cars, new types of cars, in the long run. Only this amendment even tries to seek that very critical goal.

TIER 2 TAILPIPE STANDARDS

An aggressive strategy to clean up our air must include a clean fuels program and stricter tailpipe standards.

The compromise Senate bill adds a first tier of tailpipe and other controls in 3 to 5 years, but that is not enough. More cars are going on the roads every year, and most of those cars are being driven more miles than ever before. Without the second tier of tailpipe reductions that Wirth-Wilson provides, mobile source pollution will get worse again by the turn of the century. Remember, because over 150 million Americans already live in areas with unhealthy air, we can't afford to stay in the same place. Staying where we are means accepting that a majority of Americans will breathe dirty air indefinitely.

Some say tier 2 standards are not technologically feasible. But there are already prototype vehicles that meet it. In fact, 30 different models certified by the EPA in 1988 already meet the tier 2 standards for 2003. So under Wirth-Wilson, the auto industry has 13 years simply to make the emission controls systems it can already build last for the expected life of the car. That does not seem to me to be an unreasonable thing to ask.

Some say the tier 2 standards are too expensive to meet. But the California Air Resources Board reports that the controls can be achieved for $125 per car.

By the turn of the century, tier 2 controls will be the biggest single source of pollution reductions available to New York State—and, I suspect, to many other States. We can get 45,000 tons annually of VOC [volatile organic compounds] reductions from this one source alone.

CLOSING COMMENTS

We have been fighting a losing battle against urban smog for 20 years. There are more than 100 communities that do not meet clean air standards and over 150 million Americans that live in these areas.

It is clear that the single biggest culprit is the gasoline-fueled car. With more cars on the road driving more miles than ever before, our pollution problems are only getting worse.

The most effective way to solve our problem is to break America's love affair with today's high-polluting gasoline-fueled car. We must incorporate an aggressive clean fuels program and tough tailpipe standards into the clean air bill before us today if we are to breathe clean air in the next century.

Unless we vote to adopt the Wilson-Wirth amendment, we are going to be shutting down regions. We are going to be telling ourselves that we cannot do what we really can do. We are going to be piling on billions of dollars in costs as it relates to the health of Americans. And we are not going to be doing what we should be doing.

I yield the floor.

Mr. WIRTH. I yield 1½ minutes to the Senator from Michigan.

Mr. RIEGLE. I thank the Senator from Colorado for yielding.

Mr. President, I have great respect for those who bring this substitute amendment, and very particularly Senator WIRTH and his leadership, but this amendment has to be tabled. This is actually a killer amendment and will break this package apart that the leadership has put together. I am proud to cosponsor that leadership package. My colleague, Senator LEVIN, I think, has done an outstanding job in negotiating on his behalf, certainly mine and others, items within this.

This bill put together by the leadership has very tough standards for the automobile industry to meet. We will meet them, but at enormous cost.

If we were to try to take that section out and rework it as this amendment that is before us now would propose, I think it undoes the entire bill, and that would be a real tragedy. Also, this amendment before us would require that alternatively fueled vehicles be produced with no buyers in sight. It is a totally unrealistic way to try to deal with that problem I do not think it should be in this bill.

The leadership agreement is the best hope for the clean air package. It is tougher and has difficult and demanding standards. I think if we stretch, we can reach them. I hope we can table this amendment and hold this package together.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Chair recognizes the Senator form Montana.

Mr. BAUCUS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAUCUS. If no Senator seeks recognition, is the remaining time divided equally between both sides?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Colorado is recognized.

Mr. WIRTH. Mr. President, I yield myself a couple minutes of our time.

Mr. President, we are right at the end of this debate. It has been a very good and thorough debate. The central argument that has been made against the Wirth-Wilson amendment is that it is a so-called deal-breaker. I assume that the rationale behind that, to be consistent with that, is that the managers of the bill, if the Wirth-Wilson amendment does not prevail, will, of course, resist any amendment from the House and any amendments in conference because they will also be a deal-breaker. That is not the reason we are here, to vote whether or not there is a deal. If people are voting one way or another because of the politics of their particular situation or State I cannot debate that. But if they are voting because of a deal or not a deal, it seems to me that denies a possibility we have in this body to really think about the future and where we are going. The Wirth-Wilson amendment is the future of clean air in the 21th century. It is a future of the fuels program overall, alternatives for our dangerous importation of gasoline and oil. This is the only amendment that moves in that direction. It is currently the strongest environmental policy. We have heard that concession from all of the speakers on the other side as well.

If the vote is because of substantive problems, it seems to me those problems just are not there. On 100,000 miles, of course, we can make 100,000 miles and make the pollution control equipment work for 100,000 miles. We do it on light duty trucks now. The manufacturers say we can.

On a second tier, we have built in the compromise that was reached between the leadership and the distinguished Senator from Michigan.

On reformulated gasoline, that is a good alternative fuels program for the country and a good domestic fuel to lower our dependence on imported oil.

On the fleet amendment, ours is just a more aggressive and I believe significantly more enlighted and progressive approach. So I would hope that if Senators are coming to a conclusion on this, clearly the conclusion on the substantive grounds are on our side if your concern is clean air. If the votes are political, we cannot deal with that. But if they are substantive certainly the arguments are with us and with the future.

I reserve the remainder of our time, Mr. President.

How much time is remaining?

The PRESIDING OFFICER. The Senator from Colorado has 6 minutes and the Senator from Montana has 11 minutes remaining.

Mr. BAUCUS. Mr. President, I yield 2½ minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. Mr. President, the Mitchell-Dole amendment contains tough standards which are going to give us substantial reductions in hydrocarbon emissions from motor vehicles. We are going to get a 33-percent emissions reduction through controls on the volatility of gasoline. That is on top of a 28-percent reduction we are going to get by just phasing out older, dirtier vehicles over the same period.

We are going to get a 22-percent reduction in tailpipe emissions from the tier 1 standards that go into effect.

This is a tough bill. It is tougher in all three areas than the Waxman-Dingell compromise in the House. It is tougher on tier 1, it is tougher on tier 2, and it is tougher on alternative vehicles. This is a clean air compromise, and should be seen as that. It is far tougher, as a matter of fact, than the original committee bill on alternative fuels as well.

The amendment which is before us would blow apart this bipartisan compromise; one that took so long to reach. Senator WIRTH has explained his amendment would require a 0.39 hydrocarbon emissions standard in 1995. EPA says that standard can be met by only two vehicles, one is a natural gas vehicle, and one is a dedicated methanol vehicle. However, natural gas vehicles could not meet the NO_x standard and would require a waiver. There is none in this statute. So you are left with one vehicle and one vehicle alone and that is a dedicated methanol vehicle.

Quoting the Office of Technology Assessment's Peter Blair, who is the program manager: "It's a growing consensus that methanol fuel vehicles don't have nearly the environmental benefits that are commonly thought."

"The overall effect on urban ozone of shifting to methanol vehicles is very uncertain," according to the OTA study.

Another report from the Energy Department found that: "Emissions from methanol vehicles are for the most part comparable to those from gasoline fuel vehicles." That is the Argonne National Laboratories.

In California, Thomas C. Austin, an automotive engineer for Sierra Research, Inc., said: "Methanol offers no clear advantage over gasoline in reducing vehicle emissions levels."

In addition to requiring methanol, one last point, if I may have 15 more seconds.

Mr. BAUCUS. Mr. President, I yield 15 seconds to the Senator from Michigan.

Mr. LEVIN. I thank the manager.

This amendment mandates the production and sale of 1 million automobiles. Unlike the compromise that it would amend, it does not provide for anyone to buy these. To have 1 million vehicles produced with no demand, no buyers, no purchasers, is wasteful, in fact it is unconstitutional. I hope we will reject this deal-busting amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank the manager of the bill for yielding.

Mr. President, I think the question now comes down to the point of what kind of a bill we pass here in the Senate. Could this bill be stronger? Of course, it could be. If we make it stronger with the Wirth amendment, it is simply not going to be a bill able to survive a filibuster in the Senate. It is going to be a bill that is going to end up being tied up by debate and debate and debate.

If that brings a deja vu memory to anybody, I assure you it is absolutely correct. We tried to pass a stronger bill in the last Congress. We tried to introduce a stronger bill for the last 13 years. Those people who tried to strengthen it significantly are to be admired. But I would suggest that the reality of the situation is going to demand that we adopt a bill that has the potential to pass this body, get it to conference and be signed into law by the President.

There is not a section of this bill that could not be made a significant amount stronger than the current bill is. What are we talking about? Passing an amendment, or are we talking about adopting a bill that would go to conference?

I would suggest that we ought to be looking toward adopting a new piece of legislation. We talked about a window of opportunity. Yes, let us not make the same mistake that we made for 13 years in trying to offer amendments that are far stronger than reality will allow to become law.

If we are interested in making law, I suggest the compromise that has been put together by people like Senator CHAFEE, by people like Senator DURENBERGER, by people like the distinguished majority leader who has an agreement with the minority leader, Senator DOLE, is one that is capable of being adopted by this body without a filibuster, being sent to conference with the other body and in ultimately coming to the point where the President will, in fact, sign the bill.

Every area that the Wirth-Wilson amendment addresses is covered in the bill that is now before this body. We have a fleet program; we have a reformulated gasoline program. Everything is covered. I would suggest we should reject the Wirth-Wilson amendment and do something that is, in fact, doable.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana has 6 minutes and the Senator from Colorado has 6 minutes.

Mr. WIRTH. Mr. President, I yield 3 minutes to the distinguished Senator from New Jersey [Mr. LAUTENBERG].

The PRESIDING OFFICER. The Senator is recognized.

Mr. LAUTENBERG. Mr. President, I thank my distinguished colleague from Colorado.

Mr. President, I rise as a cosponsor of the Wirth-Wilson amendment which would restore the second round auto standards.

We need these standards for three reasons. First, we cannot get clean air without them. Second, they will be technologically feasible. Third, they will be cost effective.

Mr. President, the single most effective thing we can do to get clean air is to get clean cars. It is as simple as that.

Auto exhaust makes our air a stewpot of poisons. It is the cause of half the Nation's hydrocarbons, 43 percent of the nitrogen dioxide, and three-fourths of its carbon monoxide. Cars cause over half the cancer deaths caused by air toxics.

And in the New York-New Jersey metropolitan area, the figures are even higher: 61 percent of the hydrocarbons, 90 percent of the carbon monoxide, 53 percent of the nitrogen dioxide, and over 50 percent of the air toxics. Sure, the automakers will tell us about how much they've done to cut emissions. It is just not enough. Whether a person drowns in 100 feet of water, or 10 feet of water, they still drown. And we are still drowning in auto emissions—we are still drowning in smog, carbon monoxide, and air toxics that come from the tailpipe.

Roughly 150 million Americans live in areas where ozone and carbon monoxide levels exceed the existing public health standards. Mr. President, the ozone standard is not some esoteric rule. The carbon monoxide rule is not some esoteric rule. They protect us from these poisons. Carbon monoxide is sometimes chosen as a route to suicide. It is poison. And we breathe these poisons every day.

Ozone is formed by the mixture of hydrocarbons and nitrogen dioxide in sunlight. We are not talking about the ozone that is in the upper layer of the atmosphere—the so-called ozone layer. We are talking about ozone close to earth. Ozone is often called smog.

When the ozone health standard is not met, people cannot breathe, they get chest pains, they cannot catch their breath; they cough; they get nauseous; their throats get sore; they are open to respiratory infections. When it is really bad, people die. Older people, weaker people die first. People die.

Ozone hurts our kids even more than it hurts us. And the hurt can often last longer. Children are particularly susceptible to both acute and permanent effects of ozone pollution.

People are not all that are hurt. Ozone pollution also can damage crops and trees.

That is what ozone does, Mr. President. Carbon monoxide is not any better. We all know about. We tell our kids to stand away from a car tailpipe, because we know that carbon monoxide is deadly. It robs the body of needed oxygen. When it is not bad enough to kill, it can slow you down. Less work gets done. People are less productive. And for pregnant women, it can hurt the fetus.

Our Nation faces a public health crisis because of air pollution. Health experts say that as many as 50,000 people die a year because of air pollution. And the American Lung Association says that air pollution just from cars, trucks, and buses are responsible for $40 to $50 billion in annual health care expenditures. That is the cost of the doctor's bills, the hospital bills. That is not the cost of lost earnings; that is not the price we pay emotionally, when someone is sick or dies.

Mr. President, as much as the automakers will say they have come a long way, the fact is, if we do not act, things are going to get worse, not better.

People are driving more than ever. Vehicle miles traveled are growing rapidly and in many urban areas may double between now and the year 2000. So pollution from these additional miles will soon overtake emissions reductions from cleaner cars. We need continued reductions in auto emissions from second-round standards if we are to achieve the clean air public health standards.

If emissions from mobile sources are not required, stationary sources, such as those in New Jersey which already have been subject to strict and expensive controls, will have to do even more. And it is questionable in many areas whether comparable reductions are even feasible from other sources.

In New Jersey, the second round standards are expected to reduce smog-forming hydrocarbon emissions by 8,500 tons by the year 2010. To get an equivalent reduction in hydrocarbons, the State would have to ban the use of all consumer and industrial solvents in the State.

And the existing ozone standard is not fully protective of health. Testimony at a Senate Environment hearing last April shows that long-term exposure to levels of ozone 50 percent below the exising standard can adversely affect lung function.

The second round standards also will provide a 3.7-percent nitrogen oxide emissions reduction and a 10-percent reduction in carbon monoxide by the year 2010. Nitrogen oxides are precursors of smog and acid rain. And the second round standards will reduce emissions of formaldehyde, benzene, butadiene, and other carcinogens resulting from auto emissions. This is extremely important because auto emissions are believed to cause 50 percent of the cancers from air toxics.

We need the second round standards, as well as cleaner fuels, to protect public health of all Americans.

That's why the National Governors' Association, the National League of Cities, the National Association of Counties, the State and Territorial Air Pollution Program Administrators, the Northeast States For Coordinated Air Use Management [NESCAUM], and others strongly support second round standards.

The question is whether these standards will be technologically feasible and cost effective.

The auto industry says that the standards are not feasible. But an auto industry advertisement quotes EPA as saying that the standards will cost $500 per car. I do not know how the industry can talk about a price for a technology it claims is not feasible. This is simply the same old refrain from the auto industry we have been hearing for 20 years.

Let me quote what the former executive vice president of Ford Motor Co., Lee Iacocca, said back in 1970 concerning the auto standards in the 1970 clean air legislation:

> Some of the changes in this bill could prevent continued production of automobiles. * * * Even if they do not stop production, they could lead to huge increases in the price of cars. They could have a tremendous impact on all of American industry and could do irreparable damage to the American economy. And yet, in return for all of this, they would lead to only small improvements in the quality of the air. * * * (T)his bill is a threat to the entire American economy and to every person in America.

And what happened. In 1970, the profits of the big three automakers were $1.1 billion and Chrysler actually lost money that year. By 1984 when the new standards were fully phased in, profits for the big three were almost $10 billion. According to a CRS analysis prepared at my request, automobile sales in terms of dollars have risen steadily since 1970. This is shown in the chart.

Based on overall sales dollars, General Motors is the largest company in the United States, Ford is in the top 5, and Chrysler is in the top 15. This is hardly a record of gloom and despair predicted by the auto industry in 1970. And there is even less reason to believe the same predictions of doom today.

Many 1988 model cars have been certified by EPA to achieve one or more of the round II emissions levels for 50,000 miles including the Pontiac Bonneville, Lincoln Continental, and Chrysler New Yorker. California is testing a Nissan engine family which has achieved the round II hydrocarbon emission levels at about 40,000 miles of actual use.

Studies by the California Air Resources Board, the Nation's leading experts on auto emissions, have shown that emissions from currently available cars can be lowered by the use of electrically-heated catalysts by one-half to one-quarter of the emissions from the same vehicle equipped with stock catalysts.

As fuels continue to improve, electronics evolve and technology advances, the second step is relatively modest compared to the changes required by the 1970 law. According to the American Lung Association:

> At that time, not one single car was on the road which was equipped with a catalytic converter much less having achieved the standards for 50,000 miles. Most cars were not designed to operate with unleaded fuel and most gas stations did not even sell it. With regard to the electronic control systems which have become such an integral part of today's systems, they were not even envisioned by the technology's forecasters.

So it is clear that the standards will be feasible. And California has proposed to introduce even more stringent requirements in an earlier time frame than provided in S. 1630. California has proposed to require that 10 percent of new cars meet the round II hydrocarbon standard beginning in 1994. By 1997, 25 percent of the cars will have to achieve both the hydrocarbon and nitrogen dioxide standards. Both California experts and the Manufacturers of Emissions Control Association [MECA] believe that the round II standards are feasible.

What about cost? EPA says that the round II standards will cost about $500 per car. This assumes that the catalytic converter will have to be replaced. But California and MECA believe this will not be necessary.

The California Air Resources Board says that the standards will be $122-$132, one-quarter the cost cited by EPA and the auto industry. This is far less than many options now available for cars. One of my staffers who recently bought a new car told me that the dealer wanted to sell him pinstripes for roughly that cost. Pinstripes.

At this cost, smog-forming pollutants would be reduced at a cost of roughly $2,000 per ton. The Office of Technology Assessment recently estimated the cost of reasonably available control measures for business and industry at $2,200-$6,600 per ton. And these measures are less costly than controls on other measures which would be necessary to reduce emissions. So for the cost of pinstripes, we can get cost-efficient reductions in smog forming pollutants, carbon monoxide, and air toxics. Mr. President, these standards will be cost effective.

The substitute makes nationwide second round standards dependent on 12 of 27 non-California cities currently classified as serious nonattainment areas having ozone levels above the existing ozone-health standard.

Mr. President, there are a number of flaws with this trigger for second round standards. First, the trigger only uses cities now classified as serious nonattainment areas. It ignores areas now classified as "moderate" which fail to achieve attainment and are reclassified as serious. It ignores cities in California. It ignores areas classified as severe and extreme areas which contain close to 25 percent of the Nation's population. It ignores carbon monoxide nonattainment areas. And it assumes that the ozone health standard doesn't change. As I previously discussed, the existing health standard is not fully protective of human health. Finally, the trigger would require 44 percent of the cities classified as serious to be in nonattainment. Mr. President, close to 80 million people may live in areas failing to meet the ozone health standards without triggering the second round standards. This is clearly unacceptable.

Mr. President, the substitute provides that a cleaner car although not necessarily a car achieving the round II standards, would have to be sold in areas classified as severe and extreme which are not making adequate progress toward attainment. But this is not adequate for areas like New Jersey. It means that cars not bought in these cities will fail to achieve the necessary emissions reductions. These cars will contribute additional pollutants as they drive into and through these cites. Some of the additional pollutants they generate outside these cities will be transported through the atmosphere into the nine cities. My State and other States need reductions in pollution which will come from both cleaner cars and cleaner fuels.

In summary, the trigger for the round II standards established in the substitute imposes an unnecessary impediment to the imposition of round II standards.

Mr. President, I also want to discuss briefly some of the other key components of the Wirth-Wilson amendment. First, it reimposes the round I technology standards from S. 1630 back into the bill. The substitute delays imposition of the round I standards and allows a 25-percent increase in hydrocarbon emissions for cars with more than 50,000 miles.

The increase in emissions over a car's useful life allowed by the substitute is significant. It takes away a major incentive for car manufacturers to make more durable emissions control equipment. And it means more people continuing to breathe unhealthy air.

We will hear arguments that the round I standards for useful life are tougher than even the California standards. While this is true, it focuses on only one aspect of the California program. California has proposed to introduce even more stringent requirements in an earlier time frame than provided in the committee-passed S. 1630. The Wirth-Wilson amendment is much closer to the entire California program than the substitute.

And as to technological feasibility, the Manufacturers of Emissions Control Association say that further development of existing and new technologies will make the round I standard technologically feasible over the 100,000-mile useful life of the car.

The Wirth-Wilson amendment also requires more extensive use of cleaner fuels than it provided in the substitute. This will lead to significant reductions in emissions of hydrocarbons, nitrigen oxides, and carbon monoxide. And it also will result in a reduction in emissions of air toxics. According to EPA, air toxic emissions cause 56 percent of the cancer deaths from air toxics. Expanding the use of cleaner fuels is consistent with the amendment I offered to require EPA to regulate toxic emissions from mobile sources to achieve the President's own goal of reducing cancer deaths from air toxics by 75 percent.

I think it is appropriate to conclude by quoting the words that Senator Ed Muskie uttered on this floor 20 years ago during the first debate on the Clean Air Act. His words ring as true today as they did then. "Detroit has told the Nation that Americans cannot live without the automobile. The legislation would tell Detroit that if this is the case, they must make an automobile with which the Americans can live."

Mr. President, I urge my colleagues to support the Wilson-Wirth amendment.

I yield the remainder of my time back to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Colorado has 3 minutes remaining.

Mr. WIRTH. I yield 3 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 3 minutes.

Mr. WIRTH. How much time is remaining on their side?

The PRESIDING OFFICER. Five minutes.

Mr. DOLE. Six minutes.

The PRESIDING OFFICER. Six minutes, I am sorry.

Mr. WILSON. Mr. President, why is the National Federation of Independent Businesses, representing the 570,000-plus owners of small businesses in America, endorsing the Wirth-Wilson amendment? It is because they are concerned, and they should be, that if it does not pass, they and their constituency, those who employ 85 percent of the American work force, will find that they suffer a disproportionate share of the burden of cleaning our air. If it does not come from mobile sources they reason, and correctly, it will come from stationary sources. It will be on their heads.

They are worried about being competitive, rightly. The American Lung Association is worried that unless the Wirth-Wilson amendment is adopted, it will be unfair to 31 million children, 19 million elderly, 6.2 million asthmatics, and 7.5 million individuals suffering chronic obstructive lung disease who live in the serious and nonattainment areas.

Mr. President, this is not, as the Senator from Michigan indicated, a bill that specifies a particular alternative fuel. It is, instead, a bill that calls for a performance standard that would allow different alternative fuels to compete to meet that need best in the marketplace.

It is ironic. I have heard this amendment described as allowing only the use of CNG, only the use of methanol, only the use of ethanol. None of those things is true. Mr. President, what we have is an opportunity to be fair to those who suffer from respiratory disease, those who are concerned that their livelihood will be imperiled by having to suffer more than their share of cleaning up in the air.

Mr. President, let us do equity. Let us clean the air in a fair manner by agreeing to the Wirth-Wilson amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I ask unanimous consent a letter from the Deputy Secretary of Energy in opposition to the amendment be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPUTY SECRETARY OF ENERGY,
Washington, DC, March 20, 1990.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: The Department of Energy's analysis of the Wirth-Wilson and Daschle clean fuels amendments reveals the following costs and problems:

About 40 urban areas are affected by either the Wirth-Wilson or Daschle reformulated gasoline requirements. These areas contain about 35% of the nation's population. Therefore, the programs proposed in these amendments are basically nationwide mandates.

The gasoline reformulation requirements are substantial. Major new refining facilities and modifications could be necessary.

Estimates of the amount that the industry would have to invest within 4 years to meet these requirements range up to $100 billion. (see attached for the equipment and process changes on which this estimate is based.)

Shortages of engineering contractors, skilled construction workers and component supplies could increase this cost substantially, and make it quite difficult to meet the reformulation requirements in 4 years.

High capital costs, shortages of skilled engineers and increases in input prices will translate into substantial increases in retail prices of gasoline.

These reformulation requirements will reduce domestic production of gasoline. It will be difficult to acquire imports that meet these requirements. Therefore, gasoline prices could further increase in order to ration reduced supplies in the affected areas.

The time required to design, permit, and construct new facilities to make up for this lost supply would make it difficult to offset this reduced supply in the near future.

Supplies of oxygenates necessary to meet the reformulation requirements may not be available. Imports of methanol, for example, would have to increase by about 2.4 billion gallons (600% increase over current methanol imports) in order to provide enough MTBE to supply the required 2.7% oxygenate.

I hope this information is helpful to you in the current debate. Please let me know if I can provide further informaion or assistance.

Sincerely,

W. Henson Moore.

BASIS FOR CAPITAL INVESTMENT ESTIMATE

The changes required to meet the reformulated gasoline requirements include the following:

Extraction facilities to remove the necessary volumes of benzene, toluene and xylene (BTX) from gasoline.

Distillation facilities to separate BTX into separate streams for further processing.

Facilities to fractionate high aromatics streams.

Facilities to convert normal butanes to MTBE or ETBE to comply with oxygenate requirements.

Additional processing facilities to produce high octane blending components to replace octane and gasoline volume losses.

Additional storage tanks and component blending facilities.

Methanol or ethanol plants.

Mr. DOLE. Mr. President, the Senator from Colorado showed us some very interesting charts earlier this afternoon, but they did not tell us the whole story. The Senate compromise—because it applies to all new vehicles in the worst polluted areas—gets the same total reduction as the President's original program. It does this without having to go to untested, exotic alternative fuels. The President's original program only applied to 30 percent of the new vehicles sold in the high ozone nonattainment areas.

In order to minimize the disruption to the marketplace, and to get the oil companies and the auto companies to develop a car that can run on reformulated gasoline, the Senate compromise set a tough standard. This standard of 0.66 grams per mile, when applied to all new cars, is a better approach because all new cars are much lower polluters than would be the case if the President's original plan were adopted.

Mr. President, is it not better that all automobiles using the new reformulated gasoline in these dirty ozone areas meet the standard set out in the Senate compromise?

No one knows for certain the type of performance we are going to get from vehicles that are forced to use 100-percent methanol or compressed natural gas or even electric vehicles as proposed by the Wirth-Wilson amendment. Are we sure these vehicles would be available in adequate numbers to meet the demand placed on the market by the Wirth-Wilson amendment? Is it not better if we are to examine the use of untested alternative fuels, that we do it as we approach other research programs—that is, do it in a logical, step-by-step demonstration program where the experts from Government, the oil industry, and the auto industry can evaluate the results of these demonstration programs?

This approach is part of the Senate compromise, particularly in the fleet area—for both Government and private fleets—where a limited number of vehicles will be using the alternative fuels which are not yet fully understood.

I read the Wirth-Wilson amendment to require the use of—at best—compressed natural gas, M100, and electricity in the clean fuel phase. This would apply of course to the private vehicles that you and I and our constituents will be required to purchase.

The ultra-clean program looks to me to be limited solely to electric vehicles. Some may question this analysis. But, when the Senator from Colorado showed us his bar chart comparing the various emissions levels of the Senate compromise, the President's program, and their own amendment, the Senator did not share with us the reductions in toxic compounds nor the reductions in NO_x emissions required under the amendment.

The Wirth-Wilson amendment mandates enormous reductions of NO_x and toxic compounds. This leads to the conclusion that the only types of cars that will be available will be electrical cars. Natural gas will be ruled out. This is because as the emissions of volatile organic compounds are decreased, the level of NO_x increases. We recognized this problem when we negotiated the compromise by granting a NO_x waiver for vehicles in the fleet program. Wirth-Wilson does not do this.

The beauty of the compromise is that it applies not just to 30 percent of new vehicles. Rather, it applies to all new vehicles. We get the same or even greater emission reductions than were contemplated under the President's original program. Is this not a better situation for the areas trying to reach attainment and for the consumer who will be buying the vehicle and the new fuels? I think it is.

Finally, let me be clear to my colleagues who believe this is an ethanol or farm State vote. The National Corn Growers Association and the Renewable Fuels Association both oppose this amendment. It will lead to less ethanol use, not more. Ethanol will be forever replaced by the massive foreign methanol projects that this amendment would lead to.

I hope my colleagues will vote to defeat the Wirth-Wilson amendment. I yield back any time I have remaining.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WIRTH. In the remaining minute, Mr. President, I want to thank my colleagues for what I thought was a very good debate on this. Senator WILSON and I are trying to create a better bill. What we are up against here is the tendency of us in this institution to react to yesterday's issues and yesterday's institutions.

The basic political issue here is why are we going to allow the oil industry and the auto industry to keep us from bringing cleaner air to 150 million Americans? That is the fundamental issue we have to vote upon. Our Members of the Senate can vote for clean air in the 21st century. Are we going to vote for the future? We have that opportunity in this vote here. This is the most important vote we will have on the Clean Air Act. I hope our colleagues will join with Senator WILSON and me and so many others across the country in voting for cleaner air. That is the choice we have.

Mr. President, I thank the majority leader and all who have had a great deal of patience as we have moved along. I think this has been a very good exchange. I yield the remainder of my time.

WE MUST CRACK DOWN ON MOBILE SOURCES

Mr. PELL. Mr. President, I enthusiastically support the amendment offered by my colleagues the junior Senator from Colorado [Mr. WIRTH] and the junior Senator from California [Mr. WILSON]. I am pleased to be a cosponsor of this important measure to improve the Clean Air Act.

Automobile emissions clearly are the major contributor to urban smog and to dangerous levels of ozone and carbon monoxide. If it is to be effective, a strong clean air bill must in-

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clude stringent restrictions on mobile sources—including two-phase automobile standards.

Motor vehicles remain the dominant source of air pollution. Nationwide, they emit nearly half the pollutants that cause smog—and an even greater share in some of our most polluted urban areas.

The Senate has limited choices if it is to achieve healthful air quality over the next two decades. We can restrict use of motor vehicles, or we can put the cleanup burden on business, or we can tighten emission standards.

The Clean Air Act, as originally reported by the Senate Environment Committee, came down squarely on the option of setting strict emissions standards.

Their measure required a 50- to 80-percent reduction auto tailpipe emissions in two stages, or tiers, between 1993 and 2003 and by requiring autos to meet new car standards for their full useful life.

The clean air compromise, however, delays tier 1 and makes tier 2 contingent on an air quality test and weakens the key provision governing the performance of cars in use. The compromise includes a clean fuels program that only encourages the use of reformulated gasoline in less than a dozen of our smoggiest cities.

The amendment, which I fully support, strengthens the Clean Air Act in critical areas by:

Retaining the provisions of the Clean Air Act that would require full implementation of tier 1 tailpipe standards and require that the same tailpipe standards remain in effect for the full useful life of the vehicle—10 years or 100,000 miles.

Retaining the language of the agreement for tier 2 tailpipe standards which would require full implementation of the standards in 2003 unless Congress determines the standards are not necessary to attain the health-based standards.

Requiring the nationwide use of reformulated gasoline. Clean fuels can provide an inexpensive and fast solution to air quality violations.

In addition, the emission reductions achieved by cleaner burning fuel will achieve immediate improvements in air quality.

The Wirth-Wilson amendment is needed to improve the Clean Air Act and has the support of a host of environmental, conservation, health, and wildlife organizations.

That group of advocates includes, but is not limited to, the National Clean Air Coalition, the Environmental Defense Fund, Environmental Action, the National Audubon Society, the Sierra Club, the American Lung Association, and the Public Interest Research Group.

I appreciate the work that has been done by all of those who labored so long and hard to produce the clean air compromise. I believe, however, that the product of their negotiations clearly is not written in stone.

It is our duty to improve the compromise, where the opportunity is available. We must do what we can to reduce air pollution and to reduce the threat that this pollution poses to the health of our citizens.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield all remaining time to the majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, upon the completion of the time I will move to table the pending amendment. I urge all of my colleagues to support the effort to table, in which I will be joined by the distinguished Republican leader. I do so for several reasons which I can only summarize briefly in the time that exists.

First, I recognize this is a subject of dispute between the parties, but it is my belief, based upon the best technical information we have been able to receive, that the effect of this amendment is to mandate the use of methanol. That is an extremely poor public policy. It is a risky, itself potentially dangerous material, extremely expensive, and primarily derived from foreign sources.

If a Senator is interested in the use of ethanol, he should be opposed to this amendment because this effectively mandates methanol.

Second, this amendment would mandate the production and sale of a specified number of vehicles. It is one thing to say, as we have said previously in the Clean Air Act, that auto manufacturers must include in every vehicle they make and sell, a catalytic converter. Or, as this bill says, they must include in every vehicle they make and sell an onboard canister. It is a completely different thing to say that, of the millions of vehicles they make, they must make 1 million of a specified type, different from all other vehicles, with no assured market for those vehicles.

This represents a massive intrusion into the private market that is without precedent in this clean air legislation and, I believe, for an undesirable purpose, that is vehicles that would use methanol. This amendment is flawed on the substance of it.

Finally, Mr. President, the committee substitute, the compromise now before the Senate, is a very strong, effective bill. Once again, we see here, as we have seen so often, the desire for perfection resulting in nothing. Those, who in good faith offer this amendment, run the risk of there being no bill at all.

We have had 13 years of speeches. Do we want 13 more years of speeches? Or do we want a bill? Do we want to make statements, or do we want to make law? That is the choice that this amendment presents to the Senate.

I say to my colleagues, if we do not get a clean air bill this year, we are not going to get a clean air bill in this century.

So that is the choice we have before us. Have we reached the point in the legislative process where 95 percent is never good enough; it has to be 100 percent of everything? Everything must be my way in my words as I propose it and no other way. Has compromise now fled the Senate? Are we unable as a body to reach agreement on legislation that, without dispute, substantially and dramatically strengthens and improves current law? Do we now measure every proposal in the Senate not as to what it does in comparison to current law but as opposed to some abstract standard of perfection that each Senator is now free to offer on his or her own? That is a prescription for deadlock. That is why we have not had a clean air bill for 13 years, and that is why the pending amendment, far from strengthening the battle against clean air, could very well result in no clean air bill. None, whatsoever.

So I urge the Senate, choose the course of responsibility. Let us make a law, not a statement.

The PRESIDING OFFICER. All time has expired.

Mr. MITCHELL. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 1344. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 35 Leg.]

YEAS—52

Baucus
Bentsen
Biden
Bond
Boren
Breaux
Bumpers
Burdick
Chafee
Coats
Cochran
Danforth
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Glenn
Gramm
Grassley
Heflin
Heinz
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kasten
Kerrey
Levin
Lott
Lugar
Mack
McConnell
Metzenbaum
Mitchell
Murkowski
Nickles
Pryor
Riegle
Robb
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simpson
Specter
Thurmond
Warner

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NAYS—46

Adams
Armstrong
Bingaman
Boschwitz
Bradley
Bryan
Burns
Byrd
Cohen
Conrad
Cranston
D'Amato
Daschle
DeConcini
Fowler
Garn
Gore
Gorton
Graham
Harkin
Hatch
Hatfield
Helms
Kassebaum
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
McCain
McClure
Mikulski
Moynihan
Nunn
Packwood
Pell
Pressler
Reid
Rockefeller
Roth
Simon
Symms
Wallop
Wilson
Wirth

NOT VOTING—2

Matsunaga
Stevens

So the motion to lay on the table amendment No. 1344 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, it has been our intention to proceed next to an amendment to be offered by the Senators from Minnesota and Oklahoma. I was advised approximately an hour ago that they would be prepared to go at 7:30 or immediately following this vote. I was most recently advised that they may not be ready to go.

I would like to inquire of the Senator from Minnesota and the Senator from Oklahoma, if they are present, if they are prepared to proceed at this time; and if so, whether it would be possible to obtain a time agreement with respect to their amendment.

Mr. BOSCHWITZ. Mr. President, since many of my colleagues are desirous of going home, if we lay the amendment down, can we get a vote on it tomorrow, and thereby have the Senators go home for the evening?

Mr. MITCHELL. Well, Mr. President, the problem with that—Senators should be aware of it—is that we have now disposed of about 35 or 36 amendments, leaving only about 210 to go. I understand the Senators' desire to leave at this time, but that means we will be here late tomorrow night and late Thursday night. To the extent we keep pushing this back and have Senators unwilling or unprepared to offer amendments, then it just defers it until a later time. I have, myself, a desire to complete this bill and to move on to other issues. I think the Senators generally are getting that feeling. I hope that we can proceed. I do not want to disadvantage any Senator in any way.

Mr. BOSCHWITZ. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. BOSCHWITZ. I do not think that I personally indicated to the majority leader or any Senator on our side that I would go ahead at a time certain. However, I am advised that legislative counsel are making an effort to revise the amendment and make it acceptable to those who have crafted this compromise, but we do not have it yet.

Apparently, they have gone back to legislative counsel. I would be happy to talk about the amendment, but it is not clear to me that we will have it in hand, even though it is not going to be much different than the language that we have presented to those who have crafted this.

Mr. MITCHELL. Well, Mr. President, I cannot force any Senator to offer an amendment if that Senator chooses not to do

Mr. REID. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. REID. Mr. President, it is my understanding that the amendment to be offered by Senator ADAMS and myself and Senator WIRTH was to follow the Boschwitz amendment; is that still the leader's intention, to follow the Boschwitz amendment, so we can plan or schedule it around that?

Mr. MITCHELL. Mr. President, in response to the question, I have been trying to get an amendment by the Senator from Washington and an amendment by the Senator from Massachusetts and an amendment by the Senator from Minnesota offered today, last week, the day before that, and the day before that. Yes, I would like to get any and all the above offered now.

Mr. REID. Senator ADAMS is not here, but I think we can follow him. We would be happy to follow Senator BOSCHWITZ.

Mr. MITCHELL. I have earlier been advised that that amendment would be ready this evening. Then I was advised it would not be ready this evening; it would be ready tomorrow.

Mr. REID. Does the majority leader wish to proceed with our amendment if Senator BOSCHWITZ is not available?

Mr. MITCHELL. I wish to proceed with an amendment. I will take any amendment that anybody would offer. The problem we have is that we have Senators who are eager and anxious to have their names included on a list of amendments to be offered and not eager and not willing to present their amendments on Senate floor when the time comes to offer them. So I am prepared to accept an amendment for consideration by any Senator on any aspect of this bill.

Mr. BOSCHWITZ. Mr. President, I hate to see the majority leader pleading. We will go forward with our amendment. Does the leader want to vote on it tonight or tomorrow?

Mr. MITCHELL. I hope to complete action on it tonight. Let us get the matter over with and proceed to a lot of other amendments tomorrow morning.

Mr. SIMPSON. Mr. President, I inquire of the Senator from Nevada, it is my understanding that there is to be a meeting tomorrow morning at 10 o'clock, which has already been set, to discuss the amendment with regard to the Senator from Washington.

Mr. REID. I would be happy to attend that meeting. I did not know about it. I spoke to Senator ADAMS a few minutes ago. However, if the Senator from Wyoming indicates there is going to be another meeting on this amendment, and there have been meetings going on for weeks, one more will not hurt a thing.

Mr. SIMPSON. That was my understanding. I will do my share. I have two or three amendments, and I will place them before the body. I hope the Senator will consider waiting until that hour, as I understand it.

Mr. REID. I certainly will do that. I was not aware of that. Senator ADAMS obviously was not aware. I am sure it is at the staff level. We will proceed to see if we can work something out.

Mr. SIMPSON. Mr. President, I appreciate that, and I hope we can work that out. If not, he will certainly want to go forward tomorrow.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER The majority leader.

Mr. MITCHELL. Mr. President, I have discussed the matter with the distinguished Senator from Minnesota, who I am grateful to for his willingness to be accommodating. He has indicated that he is willing to lay his amendment down, if we can gain consent for that, to have 1 hour of debate, and then have the vote set for tomorrow morning. That would accommodate, I believe, the largest number of Senators and enable us to begin in the morning.

I notice the presence of the distinguished chairman of the Appropriations Committee. It does, require unanimous consent to proceed to this amendment, because Senator BYRD's amendment is the pending business. Therefore, I want to inquire whether it is agreeable with him.

Mr. BOSCHWITZ. I did not hear that.

Mr. MITCHELL. I am about to propound a unanimous-consent request which would temporarily lay aside the Byrd amendment for the purpose of bringing up the Boschwitz-Boren amendment, with 1 hour of debate equally divided, with the understanding between the sponsors and the managers that if additional time is desired at the conclusion of that 1 hour this evening, it would be granted, and that there be a vote on that measure the first thing in the morning. I am going to propose 9:30. Is that satisfactory to the Senator from Minnesota, for tomorrow morning?

Mr. BOSCHWITZ. That is OK, Mr. President. I want to be sure that the Senators have time to consider the amendment when they arrive in the morning. When does the majority leader intend to go into session, at 9?

Mr. MITCHELL. The Senator from Minnesota has been so accommodating on this, which I must confess has been hard to come by in recent days, and I would like to be accommodating to him. Would the Senator prefer the vote at 10 o'clock?

Mr. BOSCHWITZ. Yes.

Mr. MITCHELL. That is what we will do, Mr. President.

Mr. CHAFEE. Mr. President, I wonder if the distinguished majority leader will yield for a question.

Mr. MITCHELL. Yes.

Mr. CHAFEE. I have the feeling that if we schedule the debate tonight and the vote tomorrow, some Senators might be leaving and might not be staying for the debate. That is a possibility. I know that most Senators will be reading their journals early in the morning to catch the full tone of the debate. But for those that do not, is there a possibility we might have a half hour on this in the morning, 15 minutes equally divided?

Mr. MITCHELL. Could we have 9:30 for debate?

Mr. BOSCHWITZ. Yes.

Mr. SYMMS. Reserving the right to object, I saw the amendment of the Senator from Minnesota a few days ago. Has it been changed substantially?

Mr. BOSCHWITZ. Not much, I say to the Senator from Idaho. It remains a small business amendment. It makes it more possible for the small businesses of America to comply with this complicated piece of legislation.

Mr. SYMMS. I thank the majority leader. I wanted to say that I have an amendment that I am prepared to offer at any time the majority leader is looking for an amendment.

Mr. BOREN. Reserving the right to object, Mr. President, let me ask, under the unanimous-consent request we are considering—I certainly favor that request—if in the course of the debate there is some minor modification of the amendment that might cause it to be acceptable to the managers, would we be barred from modifying the amendment based upon this request or not?

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader retains the floor.

Mr. MITCHELL. I have not yet propounded the request. If it is agreed to, the Senator is correct. The answer is, yes, it would be. I think if there is a minor modification made acceptable to the managers and all of us.

Mr. BOREN. I thank the Chair.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Byrd amendment be temporarily laid aside, that the Senator from Minnesota be recognized to offer an amendment on his behalf and that of the Senator from Oklahoma, that there be 90 minutes of debate on that amendment equally divided in the usual form, 60 minutes of which are to occur today, this evening, the remaining 30 minutes of which will occur between 9:30 and 10 tomorrow morning, each to be equally divided, both the 1 hour segment tonight and the 30 minute segment tomorrow morning, and that a vote on or in relation to the amendment occur at 10 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I again thank my colleagues.

Senators should be aware that, unless the matter is resolved before then, there will be a rollcall vote on or in relation to the Boschwitz-Boren amendment at 10 o'clock tomorrow morning. There will be 30 minutes of debate equally divided between 9:30 and 10 o'clock.

Following the Boschwitz-Boren amendment, it is my hope that we will be able to proceed to amendments to be offered by the distinguished Senator from Massachusetts, if he is ready to go at that time and the distinguished Senator from Washington.

Mr. MOYNIHAN. Mr. President, will the majority leader yield for a question.

Mr. MITCHELL. Yes.

Mr. MOYNIHAN. Will it be possible to obtain 2 minutes as if in morning business?

Mr. BOSCHWITZ. I know the Senator from New York wanted 2 minutes to offer a resolution, I am offering together with him. I have no objection.

Mr. MITCHELL. I am certain there will be no objection.

Mr. President, I ask unanimous consent that the Senator from New York be recognized to address the Senate for 2 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the Chair.

(The remarks of Mr. MOYNIHAN pertaining to the submission of Senate Concurrent Resolution 106 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1345 TO AMENDMENT NO. 1293

(Purpose: To require States to adopt a small stationary source technical and environmental compliance assistance program)

Mr. BOSCHWITZ. Mr. President, the amendment I am offering today that has been the subject of discussion between myself and the majority leader, and I am offering it together with Senator BOREN, will, if enacted, help provide a positive atmosphere for small business compliance with the standards and deadlines imposed under the Clean Air Act reauthorization, that is S. 1630.

This bill, I point out to my friend from Rhode Island, would assist small businesses to comply with the very complicated piece of legislation that we have before us.

This amendment is cosponsored by Senators FORD, WALLOP, BUMPERS, GRASSLEY, SYMMS, MATSUNAGA, HATCH, HELMS, BURNS, KASSEBAUM, DOLE, SHELBY, PRYOR, MURKOWSKI, MACK, NICKLES, MCCONNELL, and KASTEN.

I very strongly support the passage of strong clean air legislation. Very frankly, Mr. President, S. 1630 is one of the most complicated pieces of legislation that I have ever encountered during my two terms here in the Senate. We have been debating this legislation here in the Senate for almost 2 months including the 3-week period in which the closed-door negotiations were held under the direction of the minority leader, the majority leader, and others.

Many difficult choices were made and many more must be decided before the bill is ready for final passage. I say that because for the average small business owner who has not been following this issue closely, Clean Air Act compliance is going to be very difficult and very expensive. At a minimum we in the Senate have an alternative obligation to help make compliance affordable. And really that is what—and I will say again to my friend from Rhode Island—that is what this amendment tends to do; it is to make compliance affordable and possible and to make it for those who lack the technical or financial resources to do so on their own.

Mr. President, I am proud to say that the Boschwitz-Boren amendment is strongly supported by the small business community. It has been endorsed by the Printing Industries of America, the National Small Business United, the National Federation of Independent Business, the American Furniture Manufacturers, the Small Business Legislative Council, and the National Association of Truck Stop Operators.

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I would say that in the event that we were really going out and trying to get other associations, I suppose we could have loaded the RECORD with a number of associations who would support the idea that small businesses should comply with the act. I would say to my friend from Rhode Island, that is the purpose of this bill, and it is the purpose of our amendment to make that more possible.

At this point, I ask unanimous consent to print in the RECORD the letters of support from the organizations that I have just identified.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, March 16, 1990.

Hon. RUDOLPH E. BOSCHWITZ,
U.S. Senate,
Washington, DC.

DEAR RUDY: I am writing to urge you to cosponsor an amendment to the Clean Air Act Amendments (S. 1630), that will be offered by Senators Boschwitz and Boren. Their amendment establishes a small business compliance assistance program as part of the regulatory apparatus of S. 1630. The amendment absolutely does not provide a loophole or exemption for small businesses from the air quality standards of the Act.

The Boschwitz-Boren amendment, in our view, is an attempt to recognize that a cooperative, rather than a purely adversarial, attitude on the part of the government may help us all reach our air quality goals. Small firms just do not have the technical, administrative, or financial resources to cope with massive new regulatory and paperwork burdens without some assistance. This amendment is a compliance assistance measure not an avoidance assistance one—again, there is no loophole in it.

Small business owners want cleaner air and support having the government require changed business practices to achieve it. Small business owners live where they work and understand that everyone has to do their part to clean up the air—but they don't want to be strangled by the pollution of government redtape, bureaucratic inflexibility, and technical jargon. The Boschwitz-Boren amendment is an attempt to prevent that from happening.

I have attached the answers to some frequently asked questions about the amendment. I hope you will support Senators Boschwitz and Boren when they offer their amendment. If I can be of any further assistance on this matter, please don't hesitate to call. The vote on this amendment will be a Key Small Business vote for the 101st Congress.

Sincerely,

JOHN J. MOTLEY III.

Enclosure

MARCH 5, 1990.

Hon. RUDY BOSCHWITZ,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOSCHWITZ: The organizations listed below, representing more than 4,000,000 small businesses in the United States, urge your support of Senator Rudy Boschwitz's amendment to S. 1630, the Clean Air Act Reauthorization, which would provide for assistance and incentives to small businesses in their efforts to comply with the Clean Air Act. We anticipate this will be the major small business amendment to S. 1630 and the only amendment endorsed by the entire small business community.

This amendment does not provide for any exemptions to any part of the Act nor does it mandate any lesser standards for small business, although the amendment would allow the states to consider the technical and economic strength of a small company in writing compliance agreements. Significantly, the amendment will provide for incentives for small business to comply with the Clean Air Act and to take steps beyond the Act's requirements to reduce the emission of air pollutants from their companies. We believe this amendment, if properly implemented, will provide a mechanism through which the relationship between the regulators in the state and small business will change from adversarial to cooperative.

We would welcome your support of the amendment. Please contact any of the individuals listed below if you require any additional information.

Sincerely,

Benjamin Y. Cooper, Senior Vice President, Printing Industries of America, 841-8115; Joseph G. Gerard, Vice President, American Furniture Manufacturers Association, 466-7362; John Paul Galles, Executive Vice President, National Small Business United, 293-8830; John J. Motley, Vice President, Federal Government Relations, National Federation of Independent Business, 554-9000; John S. Satagaj, President, Small Business Legislative Council, 639-8500; and Howard N. Menaker, General Counsel, National Association of Truck Stop Operators, 549-2100.

CLEAN AIR COMPLIANCE ASSISTANCE FOR SMALL BUSINESS

DEAR SENATOR: Senator Boschwitz intends to offer an amendment to the Clean Air Act Amendments, S. 1630, which would help small businesses comply with the new requirements of the Act. On behalf of your small business owner constituents, I urge you to support Sen. Boschwitz's amendment.

The amendment establishes a program of technical and regulatory assistance for small firms that volunteer to be a part of it. The basic thrusts of the program are (1) to provide a mechanism to assist small businesses to come into compliance with the standards and requirements of the Act sooner and in greater numbers than they might without such help; and (2) to attempt to create a cooperative, rather than adversarial, regulatory environment.

NFIB members want clean air and are willing to have the government require changed business practices to achieve it; but they need some recognition of their technical and financial limitations. Sen. Boschwitz's amendment allows for that recognition without reducing any air quality standards of the Act.

I urge you to vote for small business and for clean air—vote for the Boschwitz amendment. It will be a Key Small Business Vote of the 101st Congress.

Sincerely,

JOHN J. MOTLEY III,
Vice President.

SMALL BUSINESS LEGISLATIVE COUNCIL,
Washington, DC, March 6, 1990.

Hon. RUDY BOSCHWITZ,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BOSCHWITZ: On behalf of the Small Business Legislative Council (SBLC), I wish to call to your attention an amendment to be offered by Senator Rudy Boschwitz and others to help small business comply with the new clean air bill.

We believe this amendment merits your attention. As you know, all too often in legislative debates, unfortunately, you have to be against something in order to be "for small business." This amendment represents an opportunity to create a positive, cooperative climate to help small businesses comply with the law. It is a chance to be for small business and for clean air. It does not jeopardize the broad policy goals of the bill, it encourages compliance.

The Small Business Legislative Council (SBLC) is a permanent, independent coalition of over one hundred trade and professional associations that share a common commitment to the future of small business. Our members represent the interests of over four million small businesses in manufacturing, retailing, distribution, professional and technical services, construction, transportation and agriculture. While our policies are developed through consensus among our membership, we respect the right of individual associations to express their own views. For your information, a list of our members is enclosed.

Sincerely,

HOWARD MENAKER,
Chairman, SBLC Committee on the Environment.

AMERICAN FURNITURE
MANUFACTURERS ASSOCIATION,
Washington, DC, March 16, 1990.

MEMORANDUM

To: All Senators Having Significant Furniture Manufacturing Establishments in Their States.
From: Joseph G. Gerard.
Subject: AFMA Key Vote—Clean Air Compliance Assistance for Small Business.

Last week I sent to you an AFMA Key Vote memorandum on the Boschwitz Small Business Amendment to the Clean Air Act Amendments, S. 1630. This may be voted on early next week. As surprising as it may seem and despite all rational arguments, there will be some opposition. The amendment would help small businesses comply with the new requirements of the Act. On behalf of your small business owner constituents, I urge you to support Senator Boschwitz' amendment. To date, other Senators supporting the amendment include: Boren, Bumpers, Ford, Matsunaga and Dole. This is the Small Business Amendment for the Clean Air Act. In last week's memorandum Senator Breaux was listed as a supporter. He is not. We had relied on information that we later discovered was in error. We regret any confusion and trust this resolves the matter.

The amendment establishes a program of technical and regulatory assistance for small firms that volunteer to be a part of it. The basic thrusts of the program are (1) to provide a mechanism to assist small businesses to come into compliance with the standards and requirements of the Act sooner and in greater numbers than they might without such help; and (2) to attempt to create a cooperative, rather than adversarial, regulatory environment. No exemptions for these firms would be created. AFMA members want clean air and are willing to have the government require changed business practices to achieve it; but they need some recognition of their technical and financial limitations. Senator Boschwitz' amendment allows for that recognition without reducing any air quality standards of the Act.

I urge you to vote for small business and for clean air—vote for the Boschwitz amendment. It will be an AFMA Key Vote of the 101st Congress.

Mr. BOSCHWITZ. I believe our amendment will strengthen the bill that is before us and will allow thousands of small companies to remain in business in big and small cities across the country, without sacrificing the goal of clean air, and we do not want to sacrifice the goal of clean air. I would say again to my friend from Rhode Island that is not the purpose of this amendment.

I know that the Committee on Environment and Public Works, under the leadership of Senators Burdick, Baucus, Chafee, and Durenberger, have labored mightily to craft a bill that protects the environment without shutting down our economy. Our amendment seeks to build on that foundation and we think it will provide a positive framework for small business compliance with the Clean Air Act.

Mr. President, the Boschwitz-Boren amendment establishes a national small business environmental compliance assistance program.

First, the purpose of this program is to provide small businesses with necessary technical assistance to enable them to comply with the new clean air goals and deadline.

The PRESIDING OFFICER (Mr. Ford). If the Senator will allow the Chair to ask him a question at this point, the time does not start running until he submits his amendment and he has not sent the amendment to the desk. Is that the Senator's intention?

Mr. BOSCHWITZ. My intention, I would say to the distinguished President, is not to extend the time, that I have no objection if the time were to be charged against me. I will send the amendment to the desk then.

The PRESIDING OFFICER. It would follow the procedure if the Senator would send it to the desk and have it read and then the time would start running.

Mr. BOSCHWITZ. Fine. I have no objection to the time already used. I was going to present the amendment at the end, which is also proper.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Minnesota [Mr. Boschwitz] for himself and Mr. Boren, Mr. Ford, Mr. Wallop, Mr. Grassley, Mr. Symms, Mr. Matsunaga, Mr. Hatch, Mr. Helms, Mr. Burns, Mrs. Kassebaum, Mr. Nickles, Mr. Dole, Mr. Bumpers, Mr. Shelby, Mr. Pryor Mr. Murkowski, Mr. Mack, Mr. McConnell, and Mr. Kasten, proposes an amendment numbered 1345 to amendment No. 1293.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with

The PRESIDING OFFICER: Without objection, it is so ordered.

The amendment is as follows:

On page 34 of the amendment, between lines 15 and 16, insert the following:

(a) Section 110 of the Clean Air Act is amended by adding at the end the following:

"(c) Small Business Stationary Source Technical and Environmental Compliance Assistance Program.—

"(1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator as part of the State implementation plan for such State or as a revision to such State implementation plan under this section, plans for establishing a small business stationary source technical and environmental compliance assistance program. Such submission shall be made within 24 months after the date of enactment of this subsection. The Administrator shall approve such program if it includes, as appropriate, the following:

"(A) adequate mechanisms for developing, collecting, evaluating, and coordinating information concerning compliance methods and technologies for small business stationary sources (as defined in paragraph (6));

"(B) adequate mechanisms for advising small business stationary sources on pollution prevention, including providing information concerning alternative technologies, process changes, chemical products, and methods of operation that help reduce air pollution;

"(C) a designated State office within the relevant State agency to serve as ombudsman for small business stationary sources in connection with the implementation of this Act;

"(D) a program for voluntary compliance Agreement for Term permits that meets the requirements of paragraph (B) of this subsection; and

"(E) adequate mechanisms to assure that small business stationary sources receive notice of their rights under this Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed of final regulation or standard issued under this Act.

"(2) The Administrator shall establish within 9 months after the date of the enactment of this section a small business stationary source technical and environmental compliance assistance program. Such program shall—

"(A) assist the States in the development of the program required under paragraph (1) of this subsection and section 112(m);

"(B) issue technical guidance for the use of the States in the implementation of these programs that includes alternative control technologies and pollution preventing methods applicable to small business stationary sources;

"(C) implement the program required under paragraph (1) of this subsection in any State that fails to submit an approvable program under this subsection;

"(D) assure that any Compliance Agreement for Term permit to implement a control techniques guideline issued under section 108 or 185, a standard issued under section 111, a regulation issued under section 185(c), or a standard issued under section 112 shall take into account the technical and financial capabilities of small business stationary sources, and any such control techniques guideline shall take into account such capabilities and where appropriate, separately categorize small business stationary sources.

"(3) The State (or the Administrator) shall establish a permit program under part B of title III for small business stationary sources located within a nonattainment area, ozone transport area, or subject to a standard under section 112. Such program shall provide that—

"(A) a small business stationary source shall have the option of obtaining a Compliance Agreement for Term permit under this subsection as a substitute for any general permit issued under section 353(e);

"(B) such Compliance Agreement for Term permit shall be developed after consultation with the small business stationary source or with duly authorized representatives of the small business stationary sources and shall expire not less than 3 years and not more than 5 years after the effective date of such permit;

"(C) Compliance Agreement for Term permits issued under this subsection to small business stationary source shall require compliance with applicable emission limitations, pollution control measures, and recordkeeping and reporting requirements under this Act: *Provided*, That methods of compliance with any such standard or requirement may be modified for a small business stationary source in such permit based on the technical and financial capability of the small business stationary source or group of sources and the availability of less burdensome alternatives, and, in particular, pollution prevention measures, that will achieve comparable environmental benefits consistent with the goals and deadlines of this Act;

"(D) any Compliance Agreement for Term permit issued to a small business stationary source under this subsection shall be issued in accordance with the procedures under part B of title III of this Act, and shall be subject to review by the Administrator, as provided in such part;

"(E) the State (or the Administrator) may reduce any fee required under this Act to take into account the financial resources of a small business stationary source;

"(F) requirements for continuous emission monitoring may not be imposed on a small business stationary source (or sources) unless the State (or the Administrator) has determined, on the basis of substantial evidence, that such requirements are necessary and appropriate; and

"(G) any owner or operator of a small business stationary source who is not regulated under this Act may apply for a Compliance Agreement for Term permit if such source meets the requirements of this subsection.

"(4) With respect to small business stationary sources, in exercising prosecutorial discretion under section 113(c) of this Act, in issuing orders under section 113(d) of this Act, or in determining the amount of any penalty to be assessed under this Act, the United States, the State, and the court shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to

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comply, the duration of the violation as established by credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

"(5) Compliance with the terms and conditions of a permit issued in accordance with the requirements of part B of title III and this subsection shall be deemed compliance with all requirements of the Act that are explicitly addressed by such terms and conditions: *Provided, however,* That compliance with the terms and conditions of a permit so issued shall not alter, modify, or otherwise affect the authority of the Administrator under section 303 (emergency power) or the requirement to comply with any order issued under section 303.

"(6) For purposes of this subsection the term 'small business stationary source' means any stationary source of air pollutants regulated under this Act that emits or has the potential of emitting 100 tons per year or less of volatile organic compounds or any other criteria pollutant or pollutant regulated under section 112. The Administrator, in consultation with the Administrator of the Small Business Administration and after providing notice and opportunity for public comment, may exclude from this definition any category or subcategory of sources that the Administrator determines to have sufficient technical and financial capabilities to meet the requirements of this Act without the application of this subsection.

"(7)(A) The Administrator, acting through the Director of the Office of Small Business Advocacy (hereinafter referred to as the 'Director') to monitor the Small Business Environmental Compliance Assistance Program under this subsection. In carrying out such monitoring activities the Director shall—

"(i) render advisory opinions on the overall effectiveness of the Small Business Environmental Compliance Assistance Program, difficulties encountered, and degree and severity of enforcement;

"(ii) make periodic reports to the Congress on the compliance of the Small Business Environmental Compliance Assistance Program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;

"(iii) review information to be issued by the Small Business Environmental Compliance Assistance Program for small business stationary sources to ensure that the information is understandable by the layperson; and

"(iv) have the Small Business Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

"(8)(A) There shall be created a Compliance Advisory Panel (hereinafter referred to as the Panel) on the State level of not less than 7 small business owners. This Panel shall—

"(i) render advisory opinions concerning the effectiveness of the Small Business Compliance Assistance Program, difficulties encountered, and degree and severity of enforcement;

"(ii) make periodic reports to the Administrator concerning the compliance of the State Small Business Environmental Compliance Assistance Program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;

"(iii) review information for small stationary sources to assure such information is understandable by the layperson; and

"(iv) have the Small Business Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

"(B) The Panel shall consist of—

"(i) 2 members selected by the Governor;

"(ii) 2 members selected by the State legislature (1 member each by the majority and minority leadership of the lower house, or in the case of a unicameral State legislature, 2 members each shall be selected by the majority leadership and the minority leadership, respectively, of such legislature, and clause (iii) shall not apply);

"(iii) 2 members selected by the State legislature (1 member each by the majority and minority leadership of the upper house, or the equivalent State entity); and

"(iv) 1 member selected by the head of the department or agency of the State responsible for air pollution permit programs.".

The PRESIDING OFFICER. Without objection the time used shall be charged to the Senator from Minnesota.

Mr. BOSCHWITZ. Fine.

Again, Mr. President, the purpose of this amendment is to establish a national small business environmental compliance assistance program. The purpose of the program is to provide small businesses with necessary technical assistance to enable them to comply with the new clean air goals and deadlines.

It provides a regulatory procedure geared to the management, economic, and technical limitations of a small business.

It will provide a positive incentive for small businesses that choose to apply for a permit, when they otherwise might not have to, in exchange for a fixed term of at least 3 years but no more than 5 years, so that in the event the small business has to make an investment, that it will at least know that the investment is good for a 3-year peirod or up to a 5-year period.

Thousands of small businesses will be subject to clean air regulations for the first time under S. 1630. They do not object. But if we expect small businesses to invest thousands of dollars to purchase new equipment or alter their manufacturing procedures, we must provide them with some certainty that their investment will not be wasted by a change in regulations during the term of the permit. Once completed, the permit cannot be altered without some evidence that renegotiation is required in order for a State to comply with the Clean Air Act.

I would hope, Mr. President, that my friend from Rhode Island would listen to a really careful explanation of the amendment.

Companies eligible for a small business compliance permit under our amendment are those that have the potential to produce emissions no greater than 100 tons per year of volatile organic compounds or any other pollutant regulated under the Clean Air Act.

We have been willing, as I mentioned to the Senator, to change that definition so that it will be applied to small businesses as defined by the Small Business Administration Act. The Administrator may, however, after consultation with the Administrator of the Small Business Administration, exclude from the program any source or category of sources found to have sufficient technical and financial capability to meet and comply with the requirements under the act.

There has been some concern raised about the standard we have chosen for designating eligible small companies. Some have argued that the standard in our amendment leaves room for the possibility that big companies with financial and technical resources will be eligible for individual attention under the Boschwitz-Boren small business program. I strongly disagree with that assertion. The Administrator and the States retain the absolute authority to exclude by regulation any source or sources which are determined to have the technical and financial resources to comply with the goals and standards established under S. 1630.

I would say again that the purpose of this amendment is not to diminish the Clean Air Act. The purpose of this amendment is to give small businesses an opportunity to comply. This is a technical and complicated piece or legislation. Small businesses simply are not geared, in most instances, to comply with this bill. So that this would establish a procedure that they could indeed comply and that they could come into compliance with the clean air provisions.

In addition, eligibility for the program established by our amendment does not, by itself, get a permit applicant anything more than the opportunity to work with a regulator on figuring out how to comply, given the unique characteristics of a given business.

I will repeat that again for my friend, particularly from Rhode Island. This does nothing other than get the permit applicant the opportunity to work with the regulators and figure out how to comply with the bill.

Our amendment does not alter the standards and deadlines imposed under S. 1630. The EPA and the States retain their discretion to reject the method of compliance proposed by the small business. Ultimately, of course, the permit issued to a small business must lead to emission reductions mandated by the act.

Let me speak about the structure of the program.

The Federal Environmental Protection Agency will be required to establish a small business compliance program;

Each State must establish an equivalent program in order to gain approval of a new or revised State Implementation Plan (SIP);

If a State fails for some reason to establish a program for small business compliance, then the Federal Government must step in and establish the program.

Let me now describe the small business compliance program.

Each State and the Federal Government will be required to establish a small business compliance program that does the following:

First, gathers information on compliance methods and technologies for small businesses;

Second, provide adequate means of advising small business on pollution prevention, including information on alternative technologies, process changes, chemical products, and methods of operation which help reduce pollution;

Third, establishes adequate means of notifying individual small businesses of their right to obtain a permit under this program, with adequate time to evaluate alternative compliance methods; and

Finally, ensures the right of a small business to receive individual attention regarding the development of their clean air permit, taking into account their technical and financial capability.

Let me be clear again about one thing. This amendment does not provide any exemption or waiver for small business under the Clean Air Act. The bill's deadlines are left intact; relevant environmental standards are untouched. In fact, we have adopted the language proposed to us by the committee staff in the area of standard setting and permit issuance. All we seek is some flexibility for small businesses in figuring out how to comply with the standards and deadlines. If a small business elects not to obtain a permit under our amendment, it will be subject to the permit standards and procedures imposed under S. 1630.

So that if it does not decide to go under the plan that we have, it then falls under the bill's laws.

Thousands of small businesses across the country, dry cleaners, who are so often talked about in this debate, auto body repair shops, print shops, bakeries, and other are going to become subject to comprehensive clean air regulation once S. 1630 is fully phased in. They will in most cases be unclear what options are available to them in order to comply and stay in business. The Boschwitz-Boren amendment, if enacted, will ensure that State and Federal regulators share technical compliance information with small businesses and work with them to ensure that the level of compliance satisfies the overall goals and objectives of the Clean Air Act as amended by S. 1630.

Let me now speak, if I may, for a moment about small business enforcement.

In spite of the earnest efforts of small business to comply, some will fail. Given the complexity of this legislation, I am confident the vast majority of businesses that fail to comply with the Clean Air Act will do so through honest error, such as by failing to document something properly or by forgetting to file a document when required.

In the event a company fails to comply, I want to be certain that issuance of sanctions or fines or criminal charges focuses on companies that have acted with reckless disregard for the rights and safety of others or with a clear intent to violate the law. If we do not make this distinction, we will drive underground the very small businesses we want to comply voluntarily with the act.

Under our amendment, compliance with the terms and conditions of a permit constitutes compliance with the act. Further, in determining whether to seek a civil or criminal sanction against a small business for a violation of the act, our amendment specifies that the State and Federal Government, as well as a judge hearing a civil or criminal case, must consider factors such as the size of the business, the economic impact of the proposed penalty on the business, the violator's record of compliance, good faith efforts to comply in the case under consideration, and the seriousness of the violation.

Mr. President, passage of the Boschwitz-Boren amendment will not deter efforts to rid this country of unacceptable levels of air pollution. It creates no loopholes, extends no deadlines, waives no requirements. Instead, it seeks to establish a framework whereby small businesses will be encouraged to comply, will be supported in their efforts to comply, and if they fail through inadvertence, are not treated as common criminals.

This legislation we are considering today is very complicated. It will be very expensive for big and small businesses to comply in many cases. I think we are obligated to assist the small business community in its efforts to comply. Adoption of our amendment will help us achieve that goal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I would be happy to yield to the distinguished Senator from Rhode Island if he wishes to proceed. I was just going to make some remarks about the amendment.

Mr. President, I wonder if the Senator from Minnesota might yield to me 5 minutes.

Mr. BOSCHWITZ. I yield such time as the Senator may require.

The PRESIDING OFFICER. The Senator from Oklahoma has such time as he desires under the unanimous-consent agreement.

Mr. BOREN. I thank my colleague from Minnesota, and I thank the Chair.

Mr. President, I am proud to join my colleague from Minnesota [Mr. BOSCHWITZ] in offering an amendment to provide technical assistance to small businesses seeking to comply with the new clean air regulations. To have an effective clean air bill we must insure that our Nation's businesses will be able to meet the many new and often confusing standards laid forth in the legislation. This amendment has already been cited by representatives of over 4 million of our Nation's small businesses as the single most important measure we will consider on clean air as it impacts small business.

This amendment will require the Environmental Protection Agency and each State to establish a small business environmental compliance assistance program. Any of our Nation's small businesses that emit 100 tons or less of regulated pollutants per year would qualify for this program should they choose to participate. If a small business opts not to participate in the technical assistance program, they will still be expected, nonetheless, to comply with the act's requirements and deadlines as pertains to their particular sources.

Small businesses that utilize the assistance program provided through this amendment will enter into a 5-year compliance agreement, negotiated with the appropriate State or Federal agency. The agency negotiating the 5-year compliance agreement will consider such factors as the economic and technological limitations of the small business and alternatives to costly pollution control technologies.

Mr. President, It only makes good sense to consider such factors as economic and technological limitations of small businesses. Any time we enact legislation, we as a body have a duty and a responsibility to consider all the possible consequences of our actions. The Senate would not be acting responsibly if we were to pass laws without including in our decision a recognition of the impact such a law would have on a family's livelihood. Small businesses are the backbone of our Nation's economy, so let us not fail to understand the many difficult challenges that these businesses face daily. Our intention in enacting clean air legislation is not to place such onerous burdens on our Nation's small businesses that they feel they cannot comply with the rules and regulations.

Most importantly, Mr. President, this amendment will require Federal and State agencies to provide small businesses with the technical assistance in order to meet the standards in the compliance agreement. All of us debating the clean air standards are fully aware of how complicated and often baffling these new regulations will be. Most of the small businesses that will now be forced to comply with S. 1630 have never before fallen under these clean air mandates and simply do not have the technical expertise nor the resources to meet the bill's vigorous enforcement standards. Because we want clean air legislation to be fully complied with and adhered to, we must enable smaller businesses with fewer resources and greater demands to meet clean air requirements.

Mr. President, I would like to remind my colleagues of the importance of small business to our Nation's economy and to our Nation's people. Just a few quick statistics easily prove my point: 99 percent of our Nation's employers are small business owners; 58 percent of our Nation's private sector employees work for small businesses; and 39 percent of our GNP is a result of our Nation's small businesses. Obviously, Mr. President, we can not afford to let small businesses fail. But without assistance, many small businesses could be overwhelmed by the new clean air requirements. Did my colleagues know that 55 percent of our Nation's innovations come from our small businesses? But even the most innovative business leaders will have a difficult time understanding these regulations if they have never dealt with clean air requirements in the past and do not have technical and scientific experts already on staff.

As an Oklahoma Senator I simply can not afford to turn my back on the special needs of small businesses. Of the 300,000 new jobs created in Oklahoma between 1976 and 1986, small businesses contributed 62 percent of these jobs.

I might say, Mr. President, nationwide, with respect to either new businesses or businesses that had 10 employees or less, the growth of those jobs, which are the creation of new small businesses, accounted for more than two-thirds of all the new jobs created in the economic growth in our country during the previous decade. In a State facing severe economic hardships, small businesses have kept food on our families' plates.

This amendment will be the answer to the difficult question small businesses are now facing about how they could possibly understand and implement the new clean air requirements. I hope all of my colleagues will join Senator BOSCHWITZ and me in supporting what small business leaders cite as the single most important clean air amendment we will consider in meeting their unique and important needs.

Mr. President, I want to emphasize again to my colleagues, including the managers of this bill, the managers on both sides of the aisle, this amendment is not aimed at reducing the standards for small business. This amendment does not create any loophole, as some people have been misled into believing. It does not relax the standards which small businesses must meet. It simply allows help to small businesses, help in the form of technical assistance, help in working out an agreement that will allow the small businesses to meet these standards in the most cost-effective way and with practical technologies that are available to them as small businesses. It engages for once the agencies of our Government to help small businesses instead of imposing additional burdens on them.

Every time I have an opportunity to speak with my constituents I hear, Mr. President—and I will bet it is true of the Presiding Officer tonight, as he goes home to the great State of Kentucky. I will bet it is true of my colleague, Senator SIMPSON, when he goes home to Wyoming and goes up and down among the businesses on the small streets in the communities of his State, I am sure it is true in Rhode Island, and I am sure it is true in Montana—what is really strangling the small businesses of this country? What is really casting a burden upon them which they cannot meet? It is legislation which we have passed with all good intentions, which it is relatively easy for large business enterprises to comply with, these regulations that we pass, and legislation which we pass, because they have the technical expertise to do it, because they have a staff of lawyers and accountants and people to provide technical assistance, and data processors to provide programs for developing the information required in Government reports and Government regulations.

Mr. President, small businesses just do not have those resources. And many man- and woman-hours and days are spent by those who try to conduct small businesses in this country, trying to comply, as they will, with regulations and with provisions of laws which we pass.

Mr. President, this is an opportunity to send a strong message to small businesses in this country. "We understand your plight. We know you do not have a staff of experts in a small business to deal with new regulations and new standards. We know you want to play your part in creating a clean environment. But we are prepared for once not to have the Government as your adversary. We are prepared, for once, to recognize your problems and establish a mechanism for working with you and helping you to understand the law and the requirements and the technologies required so that together we can form a partnership that will benefit the environment of this country and will allow many small businesses to stay in operation and for once have a positive feeling about their Government that they support with their tax dollars. We will give help from that Government in terms of dealing with regulations instead of more burdens being placed on small businesses that do not have the technical expertise."

I hope my colleagues will seriously consider this amendment. I hope they will understand it for what it is. I want to vote for this bill. Many of my colleagues want to vote for this bill. We are concerned about the environment. But I do not want to vote for legislation that puts impossible burdens on small businesses, that they do not have the technical capability of dealing with.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, first of all, I would say this. When the distinguished Senator from Minnesota listed the cosponsors, one of them was Senator DOLE, the minority leader. I have since spoken to Senator DOLE.

The PRESIDING OFFICER. Will the Senator from Montana yield time to the Senator from Rhode Island?

Mr. BAUCUS. Mr. President, I yield such time that the Senator from Rhode Island desires.

The PRESIDING OFFICER. The Senator may proceed.

Mr. CHAFEE. I just want to say I have since spoken to Senator DOLE and I think tomorrow he will indicate that he no longer wishes to be a cosponsor of this. I will leave that for him, but I just wanted to make that point here now.

Second, I would like to say this amendment is being offered by two very thoughtful, intelligent Senators who have made a great many contributions in the deliberations on the floor of this Senate. And, therefore, it is with some reluctance that I have to oppose it.

Why? Because the amendment they have presented is far too broad to accomplish the purpose that they have set out to accomplish. We have been working diligently with the staff of the distinguished Senator from Minnesota to revise the amendment so it could protect the interests of small sources in a way that does not destroy the fundamental efforts that we are attempting to achieve under this clean air legislation. But so far, unfortunately, we have been unable to agree on mutually acceptable language.

Let me briefly point out some of the factors that are involved in this amendment. First, they wish to set up a designated contact for "small sources" in each State to work with those sources to help them comply with the requirements of the Clean Air Act.

Who could be against that? We are not. That is perfectly agreeable.

Second, they want to establish a system at both the Federal and State level to assure that technical assistance will be provided to small sources to help these small sources in their efforts to comply with the act. Fine. Agreed to.

Third, they want small sources to have some assurance that compliance with a permit issued to them under the act will protect them against disruptions by the Government or against allegations they are not in compliance. Fine. Agreed to.

These are good ideas, and they should be incorporated into the legislation. I would be pleased to join, as I am confident the distinguished Senator from Montana would be, with the sponsors of this amendment to effect the proposed changes to the Mitchell-Dole agreement to accomplish these goals. In fact, I have submitted revised language to the sponsors of the amendment that will do exactly that.

However, Mr. President, we cannot agree to the amendment in its present form. The reason is simple. As currently drafted, this amendment goes far beyond what the proponents indicate they seek and wrecks several carefully crafted provisions of the act that are fundamental to the act itself. It clearly, I might say, violates the bipartisan agreement that we reached that took many hours of negotiations with the administration.

This is described as a technical assistance program for small business but, in fact, Mr. President, this amendment would undercut health and technology standards for air toxics and urban smog——

Mr. BOSCHWITZ. Will the Senator yield?

Mr. CHAFEE. If I might finish, please. Urban smog would undermine the efforts we made, it would shield new industries from new regulations and waive current enforcement provisions for criminal violations of the law.

Just listen to this one, Mr. President. I wonder if the sponsors of the amendment are totally aware of what this does. In the act, we provided that a plant that emits air toxics in a sum total of 25 tons, or 10 tons of a single air toxic, is subject to these regulations, is subject to MACT, maximum achievable controlled technology. What this amendment does, it pushes that up to 100 tons. If you are in it less than 100 tons, you will get special dispensation, special rules, and that is to take care of so-called small business.

Mr. BOSCHWITZ. Will the Senator yield?

Mr. CHAFEE. No, I do not choose to yield. I am on my own time.

What are we talking about? We are talking small business, less than 100 tons, the Senator said. Pratt & Whitney Corp., 87 tons a year. Hammer Mill Paper Co., 97 tons. Bethlehem Steel, 82 tons. Uniroyal Chemical, 73 tons. Du Pont, 61 tons a year. Under their definition, these are small businesses. I wonder if the sponsors have been through this amendment carefully—I do not mean to be facetious—because I just think they have gone way too far in what they are attempting to do. We are talking air toxics.

Now, in the VOC's, the volatile organic compounds, we have 100 tons, yes. That is a limit. But we have other factors under certain conditions you can go below that to regulate.

This amendment defines small source as one which emits less than 100 tons of VOC's or air toxics without regard to any other business characteristics, such as the number of employees or annual revenues. As I said, many Fortune 500 companies would qualify as small sources under this amendment. They would be able to postpone compliance with the new regulations. They would be able to negotiate with State agencies in the conditions of their permits. That is what they have in the amendment. They would be able to negotiate with the States on their permits. You can see them coming in. They would be under the 100 tons. Our legislation says at 25 tons you have to comply. But they say up to 100 tons, you are entitled to these special provisions; you can negotiate with the State on what to do.

Any State that has a business like Du Pont, Bethlehem Steel, or Uniroyal, is going to be watching over them carefully, because that is jobs. When they come in to negotiate, they are going to say, "Oh, you are all right; you qualify as a small business. We are not going to put it to you in any harsh way because you are so important to our economy."

The amendment requires EPA to take into account the technical and financial capabilities of these small sources when writing national health and technology standards for hazardous air pollutants and the control of urban smog.

The Mitchell-Dole amendment, the agreement we are working on, incorporates a carefully balanced weighing on the costs and technical factors in setting these standards. This amendment would weaken those authorities by creating a loophole that would invite EPA to soften these standards whenever possible. It is inconsistent with the agreement of nonattainment and air toxics which we reached with the administration.

Although we wholeheartedly support a technical assistance program for small businesses to encourage compliance—these are the three points the sponsors came forward with—we support those. We do not argue with those. We do not want to undermine these health and technology standards I mentioned before.

I do not think, Mr. President, there is a need to choose between maintaining the integrity of the Clean Air Act and doing something about helping small business.

I find it difficult to understand why we cannot reach an agreement here. Knowing these two proponents of this amendment, I know they do not want to have air toxics blowing all over the countryside and destroying the health of the citizens of this country. Nobody says they want to do that. But, unfortunately, this act provides all kinds of loopholes that can lead to that.

I feel disappointed we have not been able to reach some kind of agreement.

Mr. BOREN. Will the Senator yield for a question?

Mr. CHAFEE. Sure.

(Mr. LEVIN assumed the chair.)

Mr. BOREN. I ask my colleague from Rhode Island—and I have great respect for him and we have worked together on many matters in the Senate, both on the floor and in the committee—I ask my colleague: Is it essentially a problem of the 100 tons as opposed to 25 tons and the problem of a lack of additional definition, let us say perhaps the SBA definition of what constitutes a small business; is that really the problem?

In other words, if this figure were 25 tons as opposed to 100 tons and we included in it the definition of small business that has been applied to Federal law, is this something the Senator from Rhode Island would be willing to consider?

It certainly is not the intention of this Senator, and I am sure it is not the intention of the Senator from Minnesota, in opening the doors to undercut the bill in any way. This Senator has consistently been voting against killer amendments. I am very concerned about the impact on small businesses. I know the Senator from Rhode Island hears this every time he walks into a small business, as I do.

> You people in Washington do not understand our problems. We do not have a lot of engineers, accountants, tax lawyers, et cetera, to help in complying with regulations.

That is what we are trying to do. Will the Senator be willing to consider perhaps some modifications that we could discuss with him about the number of tons and perhaps the definition of small business?

Mr. CHAFEE. Obviously, I have to consult with my colleague, the distinguished chairman of the subcommit-

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tee; but, yes, the Senator put his finger on the problem that bothers me. One hundred tons is a lot of emissions, and we are talking toxics here. This is not VOC's; these are toxics. To say that 100 tons we are going to treat in some special manner because somehow that qualifies as a small source I find deeply disturbing.

I know, I repeat, I know both the distinguished sponsors of this amendment are not casual about the health of our people. So I would hope we could work something out.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I thank the Chair. I am only wondering how much time has elapsed during this debate?

The PRESIDING OFFICER. The Senator from Minnesota has 3 minutes and 55 seconds, and the Senator from Montana has 18 minutes and 9 seconds.

Mr. BAUCUS. I am sorry, could the Chair please repeat those times?

The PRESIDING OFFICER. The Senator from Minnesota has 3 minutes and 55 seconds; the Senator from Montana has 18 minutes.

Mr. BAUCUS. Parliamentary inquiry. Did I hear the Chair say that the Senator from Minnesota has approximately 3 minutes left?

The PRESIDING OFFICER. Three minutes 55 seconds.

Mr. BAUCUS. Mr. President, at the appropriate time, I will yield some more time to the Senator from Minnesota.

The goal of the amendment offered by the Senators from Minnesota and Oklahoma is very laudable. The goal is to provide technical assistance to small business, to help small business.

Unfortunately, it is in the nature of a blunderbuss amendment. I do not mean to be critical or denigrate the effect of the amendment, but it lumps air toxics as well as VOC together in the 100-ton category.

Now, I point out that there is a major difference between air toxics and volatile organic compounds, and the committee and the group that negotiated the compromise spent many hours, many days and weeks, trying to determine what the precise levels should be. Air toxics are much different than VOC's.

As the Senator from Rhode Island has pointed out, the bill has 100 tons per toxic, or 25 in combination, before MACT is required, and permits and enforcement provisions begin. To raise that to 100 tons would virtually delete two-thirds of all the sources from review—two-thirds. We are talking again about air toxics. This is really massive stuff.

Mr. BOSCHWITZ. If the Senator will yield——

Mr. BAUCUS. I will yield at a later moment.

In addition, our compromise, our agreement, the substitute that is before the body, also allows States to control to lower than 100 tons if they so choose. And I might point out to Senators, over one dozen States are already controlling sources that emit less than 100 tons a year.

It is my experience that States tend to be a little more sensitive to these kinds of concerns than not. The effect of the amendment that we are presently debating would preempt those States. It would say, "OK, States, you cannot reduce their limitation to lower than, you cannot have a cutoff level that is lower than 100 tons."

In addition, the Senator from Rhode Island has accurately pointed out that as the amendment is presently drafted, there are lots of loopholes, lots of exceptions, lots of ways in which sources that emit, say, less than 100 tons per year of either VOC's or air toxics would in effect be exempt.

I do not think that is the intent of the Senators from Minnesota and Oklahoma. They are trying to address the problems of small business. Unfortunately, they have crafted an amendment which allows a lot of bigger business off the hook. It is not really a small business amendment. Tonnage emission does not correlate very well to the number of employees in a firm; which is to say, this is not a small business amendment; this is a tonnage amendment; this is an emissions amendment. It is not a small business amendment.

I strongly urge Senators, frankly, to withdraw their amendment so that perhaps overnight or at a later date we can work out a true, good, solid, small business technical assistance amendment.

As I discussed earlier with the Senator from Minnesota, he told me that he has no intention of letting firms that emit more than 10 tons of air toxics to conform to a lesser standard than those firms that emit less. That is, he would apply MACT; he would apply the permits and the enforcement provisions; he would apply all of the same requirements with which larger size firms have to comply. So I think this amendment as it is presently drafted is flawed.

I am happy to yield to the Senator from Minnesota.

Mr. BOSCHWITZ. We do not intend to change the law with respect to these companies. We do not intend to let anybody off the hook. That is not the purpose of this amendment.

If the amendment is so drawn that the Senator from Montana or the Senator from Rhode Island believes that we have done that, we will redraft it or we will negotiate on the tonnage.

The Senator from Rhode Island says that the Fortune 500 companies are going to be excluded. I would point out that in my statement I said that the administrator may, after consultation with the Administrator of the Small Business Administration, exclude from the program any source or category of sources found to have sufficient technical and financial capability to meet and comply with the requirements under the act.

So I presume that all the people——

Mr. BAUCUS. Mr. President, I am wondering if the Senator would agree to a temporary quorum call. Maybe we can work this out in the next 5 to 10 minutes.

Mr. BOSCHWITZ. Sure.

Mr. BAUCUS. Perhaps we can come up with a provision that is acceptable to both sides.

Mr. BOSCHWITZ. Fine. I will agree to a quorum call.

I will try to work out this amendment in a manner that is agreeable. But the Senator from Rhode Island says that we are seeking to postpone compliance. It is not my understanding of the amendment we have before us that we are trying to get people to come out from under the necessity of complying. That is not it at all.

This is an amendment, as I described it to the Senator from Montana, to try to provide technical assistance to small businesses. If the Senator from Montana or the Senator from Rhode Island wants to change the definition of what is a small business to a small business as defined by the Small Business Administration and the acts that apply to it, that would suit us just fine. We are not trying to eliminate coverage. We are trying to see to it that this extraordinarily technical piece of legislation be made adaptable to the needs of small business.

I yield the floor.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. The Senator from Minnesota has 2 minutes 51 seconds left, I should alert Senators, and the Senator from Montana has 11 minutes 25 seconds.

Mr. BAUCUS. Mr. President I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I think we have made significant progress informally on this amendment. We have reached an agreement in broad outlines on the amendment. There is, however, one point on which there may not yet be agreement. But let me just very roughly explain the parts of the amendment to which we agreed.

No. 1, that there be a mandatory small business technical assistance program that would be set up that would apply to businesses as defined by EPA in reference to the Small Business Act.

No. 2—this is the point that is in disagreement—the States would either be mandated or States would have the discretion to set up an alternate compliance system for small businesses that emit less than 100-tons-per-year VOC's except for serious and extreme areas where it would be 50-tons-per-year. That is the same provision that is in the substitute amendment before the Senate. In addition, the alternative system, whether it is discretionary or mandatory, would apply to toxics where the source emits either less than 10 tons per single toxic or 25 tons if the emissions are in combination, if different toxics are in combination of 25 tons per year, and also if the firm meets the definition of a small business as defined by the EPA, again in reference to the Small Business Act.

That is essentially the board outlines. The point in disagreement, the point not yet determined, is whether that alternative compliance provision would be mandatory or discretionary. It is my very strong opinion, Mr. President, that it should be discretionary, the reason being I think we should not preempt States who wish to have a certain different standard as they regulate VOC or toxic emissions.

But that is the point in disagreement. As I understand it, the proponents of the amendment will overnight determine whether or not they wish to agree with the discretionary version, in which case we will agree with the amendment, or whether they want to push the mandatory version in which case I, as one of the managers of the bill, would be constrained to oppose the amendment.

Mr. CHAFEE. Mr. President, one minor correction. The 50-ton on the VOC's would apply to severe and extreme areas.

Mr. BAUCUS. The Senator is correct.

Mr. CHAFEE. Not serious—"severe and extreme" only.

Mr. BAUCUS. That is correct. Not serious, but only severe and extreme.

Mr. BOSCHWITZ. Mr. President, the managers of the bill have expressed the understanding that I have of the understanding that we have. I do not think that it will change between now and tomorrow morning because we want to go home, and probably we will not discuss it much further this evening. I believe we will come back tomorrow morning and make up our minds on really what is the distinction between us and the differences between us. But I must tell my friend from Montana that I give him no assurance that we will agree on this point, and we may change our minds on the other but I do not think so.

Mr. BAUCUS. Mr. President, I very much appreciate the comments of the Senator from Minnesota. I trust he will look forward to a good evening so tomorrow morning we can resolve this very efficiently.

Mr. President, I also suggest, since there appears no purpose to continue, that both sides yield back the remainder of the time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CHAFEE. Tonight's time.

Mr. BAUCUS. Tonight's time.

The PRESIDING OFFICER. All time is yielded.

Mr. CHAFEE. Yes. All time is yielded on this side.

The PRESIDING OFFICER. All time is yielded on that condition.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL AGRICULTURE DAY

Mr. SANFORD. Mr. President, I rise today to salute the farmers and their significant impact on American life. We are reminded of their contributions every day when we sit down with our families to enjoy healthful and bountiful meals.

Agriculture is the base of viable rural communities and a strong society. Our American system of farming is the most efficient system of food and fiber production in the world.

Debate is underway in the 101st Congress on legislation to replace the expiring Food Security Act of 1985. The omnibus food and agricultural legislation will continue a 57-year history of Federal farm programs that date back to the Agricultural Adjustment Act of 1933. I, along with my colleagues, intend to reaffirm the historic policy of the United States to foster and encourage the farm system of agriculture in this country.

Times have not always been easy for the farmer. Our farmers have had to endure fluctuations in the weather and in market forces. To sustain themselves in the face of constant changes in the agricultural environment, they have learned to diversify to survive, and we have all benefited from these efforts.

From the beginning, farmers were active in shaping the fledgling America. They had to overcome significant barriers to find unique solutions to a host of problems.

Of great significance is the positive impact the farmer has had on the local community. Farmers are active in civic, charitable, and religious activities. Their efforts create jobs thoughout the community. They are energetic and emphatic advocates of the industry to which they have devoted their life. Their sense of community has remained steady.

I am proud to salute the American farmer. The farmers' outstanding work is a shining example of what people can accomplish by working together for a common goal. I thank the farmers for their service and dedication, and wish them continued success in the years and decades head.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, and a treaty which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

NATIONAL SECURITY STRATEGY—MESSAGE FROM THE PRESIDENT—PM 101

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In accordance with section 603 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 50 U.S.C. 404a), I hereby transmit the annual report on the National Security Strategy of the United States, 1990.

GEORGE BUSH.

THE WHITE HOUSE, *March 20, 1990.*

ANNUAL REPORT OF THE ACTION AGENCY—MESSAGE FROM THE PRESIDENT—PM 102

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

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To the Congress of the United States:

In accordance with section 407 of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. 5047), I transmit herewith the Annual Report of the Action Agency for Fiscal Year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *March 20, 1990.*

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1989, the Secretary of the Senate, on March 15, 1990, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following joint resolutions, without amendment:

S.J. Res. 229. Joint resolution to designate April 1990 as "National Prevent-A-Litter Month"; and

S.J. Res. 243. Joint resolution to designate March 25, 1990 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

The message also announced that pursuant to the provisions of Public Law 96-388, as amended by Public Law 97-84, the Speaker appoints on the part of the House Mr. Lantos, to the U.S. Holocaust Memorial Council to fill the existing vacancy thereon.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 243. Joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

Under the authority of the order of the Senate of January 3, 1989, the enrolled joint resolution was signed on March 15, 1990, during the recess of the Senate, by the President pro tempore [Mr. BYRD].

MESSAGES FROM THE HOUSE

At 11:05 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1347. An act to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility, and for other purposes; and

H.R. 2843. An act to establish the Tumacacori National Historical Park in the State of Arizona.

ENROLLED JOINT RESOLUTION SIGNED

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 229. Joint resolution to designate April 1990 as "National Prevent-A-Litter Month".

At 3:13 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2692. An act to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

At 4:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, without amendment:

S. 1091. An act to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard;

S. 2231. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II; and

S.J. Res. 190. Joint resolution designating April 9, 1990, as "National Former Prisoners of War Recognition Day".

The message also announced that pursuant to the provisions of section 276a-1, of title 22, United States Code, the Speaker appoints to the delegation to attend the Conference of the Interparliamentary Union to be held in Nicosia, Cyprus, on March 30 through April 17, 1990, the following Members on the part of the House: Mr. FEIGHAN, Chairman, Mr. SCHEUER, Vice Chairman, Mr. BROWN of California, Mrs. BOGGS, Mrs. PATTERSON, Mr. BATES, Mr. HAMMERSCHMIDT, Mr. BILIRAKIS, and Mr. BLAZ.

ENROLLED BILL SIGNED

At 5:23 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading, clerks, announced that the Speaker has signed the following enrolled bill:

S. 2231. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 1347. An act to amend the Panama Canal Act of 1979 with respect to compensation for certain members of the Panama Canal Commission, to extend retirement eligibility and for other purposes; to the Committee on Armed Services.

H.R. 2692. An act to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustee of the Woodrow Wilson International Center for Scholars; to the Committee on Rules and Administration.

H.R. 2843. An act to establish the Tumacacori National Historical Park in the State of Arizona; to the Committee on Energy and Natural Resources.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on March 15, 1990, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 243. Joint resolution to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2539. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report of the Forest Service for fiscal year 1989; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2540. A communication from the Secretary of Defense, transmitting, pursuant to law, a report entitled "Allied Contributions to the Common Defense"; to the Committee on Armed Services.

EC-2541. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Egypt for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-2542. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annual report on the Panama Canal Treaties for fiscal year 1989; to the Committee on Armed Services.

EC-2543. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1991 to implement the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

EC-2544. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 47 of title 10, United States Code (Uniform Code of Military Justice), to improve the quality and efficiency of the military judicial system; to the Committee on Armed Services.

EC-2545. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report on the unit acquisition cost of a major defense acquisition; to the Committee on Armed Services.

EC-2546. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report on the unit acquisition cost of a major defense acquisition; to the Committee on Armed Services.

EC-2547. A communication from the Director for Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, the calendar year 1989 report entitled "Extraordinary Contractural Actions to Facilities the National Defense"; to the Committee on Armed Services.

EC-2548. A communication from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to amend title 10, United States Code, to modify the physical examination requirement for members of the Ready Reserve of the armed forces; to the Committee on Armed Services.

EC-2549. A communication from the President of the United States, transmitting, pursuant to law, a copy of an executive order terminating the national emergency with respect to Nicaragua; to the Committee on Banking, Housing, and Urban Affairs.

EC-2550. A communication from the Acting General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations to implement Title III of the Stewart B. McKinney Homeless Assistance Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2551. A communication from the Acting Director of Administration and Human Resource Management, Department of Energy, transmitting, pursuant to law, the annual report of the Department of Energy on metrification for fiscal year 1989; to the Committee on Commerce, Science, and Transportation.

EC-2552. A communication from the Secretary of Transportation, transmitting, pursuant to law, the fourteenth annual report on the Automotive Fuel Economy Program; to the Committee on Commerce, Science, and Transportation.

EC-2553. A communication from the Secretary of Energy, transmitting, pursuant to law, the fourth quarter 1989 quarterly report and the 1989 Annual Report on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-2554. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2555. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2556. A communication from the Deputy Associate Director for Collection and Disbursement, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2557. A communication from the Chairman of the Advisory Council on Historic Preservation, transmitting, pursuant to law, the annual report of the Council for 1989; to the Committee on Energy and Natural Resources.

EC-2558. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 19th annual report on the operation of the Colorado River; to the Committee on Energy and Natural Resources.

EC-2559. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, an informational copy of the report of a building project survey on the Pentagon renovation; to the Committee on Environment and Public Works.

EC-2560. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, an informational copy of a building project survey for the Pioneer Valley Region of Massachusetts; to the Committee on Environment and Public Works.

EC-2561. A communication from the Deputy Secretary of Agriculture, transmitting, pursuant to law, the annual report of the Department of Agriculture on its hazardous waste management activities for calendar year 1989; to the Committee on Environment and Public Works.

EC-2562. A communication from the Deputy Associate Director for Collection and Disbursements, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of overpayment of certain offshore lease revenues; to the Committee on Energy and Natural Resources.

EC-2563. A communication from the Director of the Office of Technology Assessment, transmitting, pursuant to law, the fifth special report on the Prospective Payment Assessment Commission; to the Committee on Finance.

EC-2564. A communication from the Director of the Office of Technology Assessment, transmitting, pursuant to law, the third special report on the Physician Payment Review Commission; to the Committee on Finance.

EC-2565. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the 1988 report on the Consolidated Federal Programs under the Maternal and Child Health Services Block Grant; to the Committee on Finance.

EC-2566. A communication from the President of the United States, transmitting, pursuant to law, the annual report of the Arms Control and Disarmament Agency for calendar year 1989; to the Committee on Foreign Relations.

EC-2567. A communication from the President of the United States, transmitting, pursuant to law, a report on nuclear cooperation with the European Community; to the Committee on Foreign Relations.

EC-2568. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-157 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2569. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-158 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2570. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-159 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2571. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-160 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2572. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-161 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2573. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-162 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2574. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-163 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2575. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-164 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2576. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-165 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2577. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-166 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2578. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-167 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2579. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-168 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2580. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-169 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2581. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-170 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2582. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-171 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2583. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-172 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2584. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-173 adopted by the Council on February 13, 1990; to the Committee on Governmental Affairs.

EC-2585. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, a review of the administrative procedures of the Commission by the General Services Administration; to the Committee on Governmental Affairs.

EC-2586. A communication from the Acting Federal Inspector, Alaska Natural Gas Transportation System, transmitting, pursuant to law, an audit report on the Office of Federal Inspector under the Inspector General Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2587. A communication from the President of the Legal Services Corporation, transmitting, pursuant to law, a report on the implementation of the Inspector Gener-

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al Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2588. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Rent Expenses for the Presidential Building—415 12th Street, N.W."; to the Committee on Governmental Affairs.

EC-2589. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2590. A communication from the Acting Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2591. A communication from the Chairman of the United States International Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2592. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2593. A communication from the Chairman and Members of the Personnel Appeals Board, General Accounting Office, transmitting, pursuant to law, the 1988 annual report of the Board; to the Committee on Governmental Affairs.

EC-2594. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, notice of the approval of a personnel management demonstration project; to the Committee on Governmental Affairs.

EC-2595. A communication from the Executive Secretary of the Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the report of the Foundation on compliance with the Inspector General Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2596. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1989; to the Committee on Governmental Affairs.

EC-2597. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Annual Report on D.C. Depository for FY 1988 and 1989" to the Committee on Governmental Affairs.

EC-2598. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report on competition advocacy for calendar year 1989; to the Committee on Governmental Affairs.

EC-2599. A communication from the Freedom of Information/Privacy Officer, Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2600. A communication from Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2601. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Federal Open Market Committee of the Federal Reserve System for calendar year 1989; to the Committee on the Judiciary.

EC-2602. A communication from the Deputy Director of the Central Intelligence Agency (Administration), transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2603. A communication from the General Counsel of the Occupational Safety and Health Review Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2604. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the annaul report of the Department of State under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2605. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report of the Federal Labor Relations Authority, the General Counsel of the Authority, and the Federal Service Impasses Panel under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2606. A communication from the Director of the Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report on program assessments that have been conducted on drug control programs; to the Committee on the Judiciary.

EC-2607. A communication from the Secretary of the United States Naval Sea Cadet Corps, transmitting, pursuant to law, the annual audit of the accounts of the Corps for calendar year 1989; to the Committee on the Judiciary.

EC-2608. A communication from the Director of the Office of Legislative and Public Affairs, National Science Foundation, transmitting, pursuant to law, the annual report of the Foundation under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2609. A communication from the Director of the Washington Office of the Girl Scouts of America, transmitting, pursuant to law the annual report of the Girl Scouts for fiscal year 1989; to the Committee on the Judiciary.

EC-2610. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report of NASA under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2611. A communication from the Assistant Secretary of the Interior (Policy, Management, and Budget), transmitting, pursuant to law, the annual report of the Department of the Interior under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2612. A communication from the Acting Assistant Attorney General (Legislative Affairs), transmitting a draft of proposed legislation to improve the administration of bankruptcy cases and to curb abuses by debtors; to the Committee on the Judiciary.

EC-2613. A communication from the Secretary of Education, transmitting, pursuant to law, the notice of final procedures for the Robert C. Byrd Honors Scholarship Program; to the Committee on Labor and Human Resources.

EC-2614. A communication from the Secretary of Education, transmitting, pursuant to law, the Handicapped Special Studies Program—Notice of Final Annual Evaluation Priorities; to the Committee on Labor and Human Resources.

EC-2615. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on the activities of the National Technical Institute for the Deaf; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-424. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

"ASSEMBLY JOINT RESOLUTION NO. 52

"Whereas the Office of Management and Budget proposes to repeal the export ban on unprocessed timber owned by the United States Forest Service; and

"Whereas demand for wood products domestically and internationally is at record levels and is expected to increase; and

"Whereas export of unprocessed timber compounds current log shortages caused by: (1) widespread administrative appeals and litigation; (2) high harvest levels resulting from strong forest products markets; (3) a low level of future-year timber sale preparation; and (4) timberland withdrawals; and

"Whereas export of unprocessed timber from public and private lands reduces the supply of logs available to domestic producers; and

"Whereas adoption of the Office of Management and Budget proposal and continued log exports will hasten the closure of mills in the states which are experiencing difficulty in maintaining log supplies; and

"Whereas repealing the export ban and continuation of log exports from private and state-owned lands will lead to increased unemployment in many rural areas in the state and other western states; and

"Whereas log shortages caused by exports of unprocessed timber are directly responsible for huge increases in lumber prices, which will continue to drive up the price of housing, making homes less affordable for consumers of low and moderate income; and

"Whereas, the proposal to repeal the ban and continued log exports from private and state-owned lands entails the loss of millions of dollars in state and local tax revenues resulting from reductions in the work force and in business activity; and

"Whereas, repealing the export ban and continuation of log exports from private and state-owned lands will exacerbate the extremely precarious timber market in the state; and

"Whereas, a permanent ban on the export of unprocessed timber from United States Forest Service lands, a prohibition on the practice of substituting federal timber for unprocessed logs exported from private lands, and authority for state governments to regulate or prohibit the export of timber harvested from state-owned and private forest lands would greatly reduce these adverse impacts on timber supplies, employment, housing costs, and state and local tax revenues; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, that the Legislature of the State of California respectfully memorializes the President, the Department of Agriculture, and the Congress to establish a permanent statutory ban on the export of unprocessed timber owned by the United States Forest Service; and be it further

"*Resolved*, that the Legislature of the State of California respectively memorializes the President and the Congress to enact legislation which terminates the practice of substituting timber from federal lands for timber exports from private lands and which authorizes state governments to similarly ban or regulate exports of unprocessed timber from state-owned and private forest lands; and be it further

"*Resolved*, that the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Agriculture, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-425. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation:

"Senate Joint Memorial No. 8003

"Whereas section 361 of the Public Health Service Act, found at section 306(i) of the Public Rail Passenger Service Act (45 U.S.C. Sec. 546(i)) exempts the practice of the roadway dumping of holding tanks by AMTRAK from state control; and

"Whereas this dumping creates both a health and safety problem for railway employees and others who use the railroad right of way; and

"Whereas this problem can be solved by AMTRAK installing holding tanks for all waste on all cars and then relieving these tanks at the terminal areas for proper waste disposal;

"Now, therefore, your Memorialists respectfully pray that AMTRAK, install sufficient holding tanks on its trains to prevent the future dumping of its holding tanks on the right of way; and be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-426. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Commerce, Science, and Transportation:

"Senate Joint Memorial No. 8025

"Whereas the state of Washington has experienced a number of major earthquakes in its history; and

"Whereas recent evidence indicates that at least five great earthquakes of the magnitude of 8.0-9.0 on the Richter scale have shaken Washington over the last 3,000 years; and

"Whereas in the last 135 years, there have been more than 1,000 earthquakes of moderate to large magnitude in the Puget Sound-Southern Georgia Strait, and major earthquakes have struck as recently as 1949 in Olympia and 1965 in Seattle; and

"Whereas there is a steadily growing body of evidence advanced by the United States Geological Survey, local geologists, and seismologists that supports a prediction of a massive Pacific Northwest earthquake within the next twenty years; and

"Whereas a catastrophic earthquake and its ensuing fire, injury, and death will result in billions of dollars of property and liability insurance losses, as well as additional billions of dollars in health and life insurance claims; and

"Whereas while current property-casualty insurance company reserves are sufficient to respond to losses resulting from a catastrophic earthquake, the remaining reserves of the industry would not be sufficient, as required by law, to allow it to continue to write the insurance in force or to write new policies; and

"Whereas a catastrophic earthquake would destroy insurance markets, leave the public without the needed availability of insurance and impact the national economy; and

"Whereas the availability of insurance would be necessary to allow for the rebuilding of the area devastated by a catastrophic earthquake; and

"Whereas there has been proposed by The Earthquake Project, the Federal Earthquake Insurance and Reinsurance Act (FEIRA), which would establish a universal program for earthquake insurance coverage; and

"Whereas the FEIRA would provide for both the continued viability of the property-casualty insurance industry in the wake of a catastrophic earthquake and affordable earthquake insurance coverage for the citizens of Washington;

"Now, Therefore, Your Memorialists respectfully pray that the concept of a federal earthquake insurance program and the work of The Earthquake Project be endorsed as vital elements towards enhancing Washington's earthquake preparedness; and that the Washington congressional delegation support the provisions of the FEIRA and work to enact the legislation at the earliest possible time; and be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-427. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources.

"Senate Joint Memorial No. 8019

"Whereas the Fast Flux Test Facility (FFTF) Complex at the Hanford Site is the Department of Energy's (DOE) newest, most efficient, and most reliable reactor plant anywhere in the DOE field locations; and

"Whereas the FFTF has demonstrated world-record performance, operating at 97 percent efficiency since start-up in 1982, including a 126-day continuous full-power run; and

"Whereas the FFTF is the only reactor subjected to a review process equivalent to the Nuclear Regulatory Commission's licensing review; and

"Whereas having always met the licensing requirements, quality, safety, and environmental standards of commercial nuclear facilities, the FFTF is in a superior position to reactors that have not undergone the scrutiny inherent in these requirements; and

"Whereas the FFTF is extraordinarily versatile, allowing an increasing number of irradiation test programs to be conducted concurrently with the option of adding other production programs without affecting ongoing projects; and

"Whereas the FFTF contributes to a balanced mission at the Hanford Site in conjunction with the long-range program to clean up waste from nuclear defense activities; and

"Whereas the highly advanced projects undertaken at the FFTF complement the ongoing research and development mission at DOE's Pacific Northwest Laboratories at Hanford; and

"Whereas an ongoing mission at the FFTF would help ensure the likely breakthroughs in developing new technologies and methods to help immobilize and treat hazardous wastes at lower costs; and

"Whereas the FFTF could be used to destroy nuclear warheads from different countries in the event of an arms reduction treaty; and

"Whereas the FFTF could produce plutonium-238 to the quality standards of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory for use in future space projects; and

"Whereas with the existence of the Fuels Material Examination Facility complex at Hanford, the FFTF would allow for the consolidation of certain operations within the DOE; and

"Whereas the FFTF facility presently employs nearly 800 highly qualified and dedicated people; and

"Whereas locating the plutonium-238 mission at Hanford would secure the future of ongoing missions and provide the opportunity for an additional 400 people to join the efficient and dedicated efforts at the FFTF; and

"Whereas the diverse representation of the Washington state delegation to Congress has unanimously supported this project;

"Now, therefore, Your memorialists respectfully pray that the United States Department of Energy continue the ongoing mission at the FFTF, and that the FFTF take over the mission of plutonium-238 production; and be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the Honorable Admiral James D. Watkins, Secretary of the United States Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-428. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Finance.

"Joint Resolution

"Whereas surplus funds in the Social Security Tax Fund were intended to finance the retirement of the large number of workers born in the post-war period and scheduled to retire beginning in the year 2010; and

"Whereas Social Security is the most regressive of all taxes, as it is assessed on only the first $51,300 of annual income earned by workers; and

"Whereas from 1977 to 1990, the Social Security payroll tax rates for both employees and employers increased from 5.85 percent to 7.65 percent of earnings; and

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"Whereas nearly 75 percent of all American taxpayers now pay more in Social Security taxes than they do in income taxes; and

"Whereas since 1980, Social Security tax revenue as a percentage of federal revenue has increased 23 percent while corporate income taxes have declined by an equal percentage; and

"Whereas the administration, with the consent of Congress, is currently using Social Security tax funds to pay for general government expenses, thus masking the actual size of the federal deficit; now, therefore, be it

"Resolved, That We, your Memorialists, respectfully recommend and urge the Congress of the United States to repeal the Social Security tax increase that took effect earlier this year, or to discontinue the use of Social Security contributions to fund general government expenses; and be it further

"Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-429. A joint resolution adopted by the Legislature of the State of Washington, to the Committee on Finance:

"Senate Joint Memorial No. 8018

"Whereas a state has the constitutional power to impose a tax on income that is earned in that state regardless of the residency of the recipient; and

"Whereas persons who have retired in Washington state are being forced to pay income taxes on their retirement income to the state from which they came; and

"Whereas many retirees with modest means are unexpectedly receiving large bills for back taxes; and

"Whereas these retirees have no representatives in the Legislatures of the states from which they came; and

"Whereas Federal Congressional action is the most effective means to deal with this problem; and

"Whereas several bills have been introduced in Congress to permit the taxation of pension income only by the state of residency;

"Now, therefore, your memorialists respectfully pray that support be given for the successful passage of H.R. 1227, sponsored by Representative Vucanovich; S. 434, sponsored by Senator Reid; or any other similar legislation which permits the taxation of pension income only by the state of residency; and be it

"Resolved, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-430. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Foreign Relations:

"Joint Resolution

"Whereas the people of Maine have watched with admiration during the past 6 months as the peoples of Bulgaria, Czechoslovakia, the German Democratic Republic, Hungary, Poland, Romania and Yugoslavia have, in one form or another, courageously stood for the cause of freedom and political plurality in changing their form of government; and

"Whereas this movement for freedom has even developed within the Union of Soviet Socialist Republics; and

"Whereas such expressions of freedom have also erupted, only to be put down with brute force, in Albania and the People's Republic of China; and

"Whereas the people of Maine are preparing to attend our local town meetings, a cherished Maine tradition and the purest expression of democratic government; and

"Whereas individual expressions of conscience and humanity have touched responsive chords in millions of fellow citizens of communist countries who have been inspired to add their voices to the collective demand for freedom of assembly, freedom of the press, freedom of religion, representative self-government and market-based economies; and

"Whereas on our own behalf, and on behalf of the people of the State of Maine, we wish to express our support for this evolving process, which is bringing new vitality, and the adoption of democratic values, decentralized governance and pluralistic self-representation to these countries; and

"Whereas we express our admiration for the efforts of these people and wish to encourage them in these efforts and to continue to move forward toward a world of reduced tension in which all governments recognize individual liberties and promote human dignity; and

"Whereas the long-neglected economies of these nations require not only fundamental restructuring, but also an infusion of funds to aid in the transition to market-based systems; now, therefore, be it

"*Resolved*, That We, your Memorialists, urge the President and Congress of the United States to support the efforts of the people of these nations to forge governments of their own choosing, to help them with sufficient moral and financial aid to ensure the success of those who have already achieved their freedom and to bolster the hopes and aspirations of those whose thirst for freedom has yet to be fulfilled; and be it further

"*Resolved*, That we further urge the President and the Congress of the United States to enact a new Marshall Plan to provide aid and assistance to the people and progressive institutions of those countries now engaged in changing from centrally planned economic systems and authoritarian governments to market economies and democratic representative governments; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

POM-431. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Governmental Affairs:

"Senate Joint Memorial No. 8020

"Whereas certain departments and agencies of the United States government now maintain and in the future will continue to receive records and information correlated or possibly correlated to United States personnel listed as prisoner of war or missing in action from World War II (estimated 20,000 prisoners), the Korean Conflict (estimated 8,000 prisoners), and the Vietnam Conflict (estimated 2,500 prisoners); and

"Whereas the People of the State of Washington will that said information and records be released by said departments and agencies ("Disclosure"); and

"Whereas disclosure would allow a nation proud of its democratic heritage to no longer keep secret from itself those facts necessary to achieve long overdue introspection and, thus, final catharsis with regard to World War II and the Korean and Vietnam Conflicts; and

"Whereas disclosure would permit our Nation not only to better examine its past, but would also provide a more complete and accurate factual basis upon which future policy can be better developed; and

"Whereas disclosure would allow generations recalling World War II and the Korean and Vietnam Conflicts to pay tribute to and thank their contemporaries—those brave Americans who suffered and may continue to suffer the fate of prisoners of war, and those brave Americans who are still listed as missing in action—for the freedom which all Americans continue to enjoy today; and

"Whereas disclosure would churn within generations born after an appreciation of the ultimate sacrifices which Americans have made in the name of democracy; and educate these generations to the effect that Americans, too, like today's Romanians who faced down a dictator's bullets and like today's Chinese students who faced down repressing tanks, have placed a higher value on the freedom for all than they placed even on their own lives; and

"Whereas the beneficiaries of Disclosure might include not just Free Americans, but the surviving prisoners of war themselves insofar as Disclosure would hopefully result in the groundswell of informed support necessary to cause surviving prisoners of war to be, finally, ushered home; and

"Whereas H.R. 3603 accomplishes Disclosure and therefore accomplishes the above-named attributes of Disclosure; and

"Whereas, H.R. 3603 accomplishes Disclosure while at the same time provides for necessary protection namely, first, by protecting national security through safeguarding information concerning sources (without which protection the Bill would defeat its own purpose by potentially stemming the flow of information and records); and, second, by providing for the privacy of affected families: Now, therefore, Your Memoralists respectfully pray that the Congress of the United States take this Memorial into account along with the concerns of the People of the State of Washington when considering H.R. 3603; and be it

"*Resolved*, That the Congress of the United States pass and the President of the United States sign into Law H.R. 3603; and be it further

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Rrepresentatives, and each member of Congress from the State of Washington."

POM-432. A joint resolution adopted by the Legislature of the State of South Dakota; to the Committee on Judiciary:

"Joint Resolution No. 1003

"Whereas residual powers assigned to the states by the United States Constitution have been increasingly eroded in recent years by decisions of the United States Supreme Court and by actions of the Congress and the federal regulatory agencies; and

"Whereas representatives of all branches of the various states of the Union, acting through the Executive Committee of the Council of State Governments, have voted unanimously to seek to restore balance to the federal system by amendments to strengthen the United States Constitution to protect and revitalize the rights of the states; and

"Whereas the United States Constitution presently provides for such amendments to be proposed by two-thirds of both Houses of Congress, or by a convention called on application of the Legislatures of two-thirds of the states; and

"Whereas it is the sense of this body that more effective of these alternatives is proposal by Congress, which must be preceded by Congressional hearings; and

"Whereas the Council of State Governments, the National Conference of State Legislatures, the National Governors' Associations and many other prestigious state and local organizations have endorsed a new amendment to Article V that would provide a more positive and active role for the states in the process of amending the Constitution; and

"Whereas this proposed new section of Article V would in substance provide that wherever three-fourths of the Legislatures of the several states deem it necessary, they shall propose amendments to this Constitution that, after two years, shall be valid to all intents and purposes as part of the Constitution, unless disapproved by two-thirds of both Houses of Congress within two years of the date the amendments are submitted to Congress: Now, therefore, be it

"*Resolved*, by the House of Representatives of the Sixty-Fifth Legislature of the state of South Dakota, the Senate concurring therein, that the Legislature does hereby make application to the Congress of the United States that procedures be instituted in the Congress to add a new section to Article V of the Constitution of the United States, and that the Legislature of the state of South Dakota hereby requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, which would permit the states through their legislatures to directly propose and ratify amendments to the Constitution; and be it further

"*Resolved*, That copies of this Joint Resolution be sent by the Secretary of State to each member of the South Dakota Congressional Delegation; and be it further

"*Resolved*, That the Secretary of State is directed to send copies of this Joint Resolution to the presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, and the Secretary of the United States Senate."

POM-433. A joint resolution adopted by the Legislature of the State of Alabama, except in times of national security; to the Committee on the Judiciary:

"House Joint Resolution No. 182

"Joint Resolution repealing Act No. 145, HJR 105, 1975 regular session, which petitioned the Congress of the United States to convene a Constitutional Convention for the purpose of proposing an amendment to the Constitution which would prohibit deficit spending by the U.S. Government, except in times of national emergency.

"Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That Act No. 145, NJR 105, 1975 Regular Session, is hereby repealed; and be it further

"*Resolved*, That a copy of this resolution be sent forthwith to each member of the Alabama delegation in the United States Congress and the Clerk of the United States House of Representatives and the Secretary of the United States Senate."

POM-434. A joint resolution adopted by the Legislature of the State of Alabama; to the Committee on the Judiciary:

"House Joint Resolution No. 26

"Joint Resolution repealing Act No. 302, NJR 227, 1976, regular session, which petitioned the Congress of the United States to convene a constitutional convention for the purpose of proposing an amendment to the Constitution requiring that Federal spending not exceed estimated Federal revenues.

"Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That Act No. 302, HJR 227, 1976, Regular Session, is hereby repealed."

POM-435. A concurrent resolution adopted by the Legislature of the State of South Dakota; to the Committee on the Judiciary:

"Senate Concurrent Resolution No. 9

"Whereas the Tenth Amendment, which is part of the original Bill of Rights, reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

"Whereas the limits on Congress' authority to regulate state activities prescribed by the Tenth Amendment have recently been the subject of debate by the Supreme Court in the cases of Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985), and South Carolina v. Baker, 56 U.S.L.W. 4311 (U.S. April 20, 1988) (No. 94, Original); and

"Whereas these cases hold that the limits of the Tenth Amendment are structural, and not substantive, leaving states to find protection from Congressional regulation through the national political process, rather than through judicially defined spheres of residual state authority; and

"Whereas these U.S. Supreme Court decisions invite further federal preemption of state authority: Now, therefore be it

"*Resolved, by the Senate of the Sixty-fifth Legislature of the state of South Dakota, the House of Representatives concurring therein*, That it is the consensus of this body that the Tenth Amendment to the Constitution of the United States is and always has been of operational force governing and balancing the respective powers of the states and the federal government and that this body affirms that the Tenth Amendment is a substantive limit on national power and should so be applied as a test by the courts of the United States and of the several states in the cases coming before them if a question of the exercise of the federal authority is raised; and be it further

"*Resolved*, That copies of this resolution be forwarded by the Secretary of the Senate to the President and to the South Dakota Congressional Delegation urging them to protect and strengthen the position of the states in the federal union, avoid intrusion upon state prerogatives and afford protection to the proper governing authorities of the states."

POM-436. A joint resolution adopted by the Legislature of the State of Maine, ordered to lie on the table.

"Joint Resolution

"Whereas on December 20, 1989, the United States Senate Committee on Environment and Public Works reported Senate Bill 1630 and Report number 101-228; and

"Whereas section 303 of Senate Bill 1630, known as the Clean Air Act Amendments of 1989, includes a new provision that prohibits state and local governments from controlling forms of radioactive air pollution; and

"Whereas if adopted, Section 303 would transfer the power to regulate radioactive air emissions from Maine's Department of Environmental Protection, where it now resides, to the Nuclear Regulatory Commission and gives that commission exclusive authority to regulate the health hazards from the materials that it licenses; and

"Whereas section 303 would exempt all radioactive substances regulated by the Nuclear Regulatory Commission from the legal definition of "air pollution" in the Clean Air Act Amendments of 1989; and

"Whereas when the United States Congress transferred authority to regulate radioactive air emissions from the Nuclear Regulatory Commission to the Environmental Protection Agency in the Clean Air Act of 1977, Congress expressly stated that it did not intend to deny the right of any state or political subdivision of that state to adopt or enforce any standard or limitation respecting emissions of air pollutants; and

"Whereas any air emissions ordinances in existence or proposed in this State with respect to radioactive air emissions standards would be rendered invalid; and

"Whereas section 303 will have a direct negative impact on the ability of the Department of Environmental Protection to protect the health and welfare of the citizens of this State; and

"Whereas if the enforcement power of the Environmental Protection Agency is removed pursuant to the Clean Air Act of 1977, the states will lose the authority to enforce standards set by the Environmental Protection Agency; now, therefore, be it

Resolved, that We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to:

"1. Amend United States Senate Bill 1630, known as the Clean Air Act Amendments of 1989, to allow the continued control of radioactive air emissions by the State of Maine;

"2. Reaffirm the action taken by Congress in the Clean Air Act of 1977 that expressly disavowed any intent to preempt state and local authority in the matter of radioactive air emissions;

"3. Support an amendment to Senate Bill 1630 that allows state and local regulation of radioactive air emissions from facilities regulated by the Nuclear Regulatory Commission;

"4. Not allow any duties currently under the authority of the Environmental Protection Agency to be transferred to the Nuclear Regulatory Commission;

"5. Specifically preserve the traditional rights of state and local governments to protect against health hazards by expressly not preempting state and local laws that provide for the protection from and control of hazards of any form of radioactive emissions; and

"6. Protect the environmental, economic and health and safety interests of the citi-

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zens of the State of Maine by protecting and expanding the rights of our citizens under the Clean Air Act Amendments of 1989; and be it further

Resolved, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. MIKULSKI:

S. 2294. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

By Mr. D'AMATO:

S. 2295. A bill for the relief of Melissa Johnson; to the Committee on the Judiciary.

By Mr. PELL (by request):

S. 2296. A bill to authorize appropriations for fiscal year 1991 for the Department of State; to the Committee on Foreign Relations.

By Mr. McCAIN (for himself, Mr. Inouye, Mr. Conrad, and Mr. Murkowski):

S. 2297. A bill to reauthorize certain provisions relating to Indian alcohol and substance abuse prevention and treatment programs; to the Select Committee on Indian Affairs.

By Mr. DeCONCINI:

S. 2298. A bill to amend title II of the United States Code to provide that the actual and necessary expenses incurred by creditors and equity security holders' committees in making a substantial contribution to a case under chapter 11 may be paid as administrative expenses; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. Bond, and Mr. Danforth):

S. 2299. A bill to require the construction of a demonstration highway project between St. Louis, Missouri, and Minneapolis/St. Paul, Minnesota; to the Committee on Environment and Public Works.

By Mr. KENNEDY (for himself, Mr. Kasten, Mr. Hatch, Mr. Cranston, Mr. Wilson, Mr. Simon, Mr. Dodd, Mr. Adams, Mr. Pell, Mr. Lieberman, Mr. Dole, Mr. Boschwitz, Ms. Mikulski, Mr. Gore, Mr. Harkin, Mr. D'Amato, Mr. Specter, Mr. Durenberger, Mr. Inouye, Mr. Levin, Mr. Riegle, Mr. Moynihan, Mr. Hollings, and Mr. Wirth):

S. 2300. A bill to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, California, for the education programs of the Museum of Tolerance; to the Committee on Labor and Human Resources.

By Mr. BOND:

S. 2301. A bill to amend the United States Housing Act of 1937 to improve public housing agency management; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOND (for himself, Mr. Lugar, Mr. Fowler, Mr. McConnell, Mr. Burns, and Mr. Cochran):

S. 2302. A bill to amend the Food Security Act of 1985 to revise and extend conservation programs under title XII, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 2303. A bill to further the foreign policy of the United States by providing support and assistance to the new, democratic government in Chile; to the Committee on Foreign Relations.

By Mr. RIEGLE (for himself, Mr. Garn, Mr. Cranston, Mr. D'Amato, Mr. Bond, Mr. Heinz, Mr. Mack, Mr. Gorton, Mr. Grassley, Mr. McClure, Mr. Murkowski, Mr. Chafee, Mr. Symms, Mr. Wilson, Mr. Coats, Mr. Kasten, Mr. Domenici, Mr. Cochran, Mr. McConnell, Mr. Stevens, and Mr. Danforth) (by request):

S. 2304. A bill to amend Federal laws to reform housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HELMS:

S. 2305. A bill to amend the Internal Revenue Code of 1986 to deny net operating losses arising from operations conducted in controlled countries, to require certain extensions of credit to bear interest at a rate not less than the prime rate, and to require certain extensions of credit to be publicly announced; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. Thurmond):

S. 2306. A bill to provide relief for national forests damaged by Hurricane Hugo, and for other purposes; placed on the calendar.

By Mr. RIEGLE (for himself, Mr. Gore, and Mr. Kerry):

S. 2307. A bill to require the Secretary of Health and Human Services to provide intensive outreach and other services and protections to homeless individuals; to the Committee on Finance.

By Mr. EXON (for himself and Mr. Kerrey):

S. 2308. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated trade or business of such organization; to the Committee on Finance.

By Mr. BREAUX:

S.J. Res. 273. Joint resolution to designate the week of October 7-13, 1990, as "National Health Care Food Service Week"; to the Committee on the Judiciary.

By Mr. LAUTENBERG:

S.J. Res. 274. Joint resolution to designate the week beginning June 10, 1990 as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. Helms, Mr. Kennedy, Mrs. Kassebaum, Mr. Kerry, Mr. D'Amato, Mr. Dodd, Mr. Humphrey, Mr. Durenberger, Mr. DeConcini, Mr. Simon, Mr. Riegle, Mr. Matsunaga, Mr. Gore, Mr. Wallop, Mr. Wilson, Mr. Coats, Mr. Cochran, Mr. Lugar, Mr. Bradley, Mr. Conrad, Mr. Moynihan, Mr. Metzenbaum, Mr. Sarbanes, and Mr. Kohl):

S.J. Res. 275. Joint resolution designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD:

S. Con. Res. 105. Concurrent resolution to congratulate the people of East Germany on their free and democratic elections; to the Committee on Foreign Relations.

By Mr. MOYNIHAN (for himself, Mr. Boschwitz, Mr. Lautenberg, Mr. D'Amato, Mr. Dixon, Mr. Exon, Mr. Gorton, Mr. Metzenbaum, Mr. Levin, Mr. Lieberman, Mr. Packwood, Mr. Wilson, Mr. Hatch, Mr. McCain, Mr. Burns, Mr. Kasten, Mr. Lott, Mr. McConnell, Mr. Grassley, and Mr. Riegle):

S. Con. Res. 106. Concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI:

S. 2294. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

WOMEN'S BUSINESS PROCUREMENT ASSISTANCE ACT

● Ms. MIKULSKI. Mr. President, I am introducing the Women in Business/Procurement Act of 1990. This bill will amend the Small Business Act to provide women entrepreneurs with greater access to Federal contracts.

One of the major obstacles women businessowners face is their lack of access to the world's largest buyer of goods and services, the U.S. Government.

Each year, the Federal Government contracts billions of dollars out to businesses, but rarely do these contracts go to women. In 1988, only nine-tenths of 1 percent of Federal prime contracts were awarded to women-owned firms.

Women businessowners need to have information and an understanding about the procurement process within Federal agencies. Women can also benefit from having access to temporary financing, and being included under the Small Business Administration's [SBA] section 8(a) program.

This bill will require that Federal agencies provide outreach to women businessowners and solicit women businessowners for competitive procurement. This will help to eliminate the inherent biases that exist in the Federal procurement process.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2294

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Women's Business Procurement Assistance Act of 1990".

SEC. 2. GOAL SETTING.

Subsection (g) of section 15 of the Small Business Act (15 U.S.C. 644(g)) is amended to read as follows:

"(g) The head of each Federal agency shall, after consultation with the Administration, establish goals for the participation by small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals, in procurement contracts of such agency. Goals established under this subsection shall be jointly established by the Administration and the head of each Federal agency and shall realistically reflect the potential of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to perform such contracts and to perform subcontracts under such contracts. Whenever the Administration and the head of any Federal agency fail to agree on established goals, the disagreement shall be submitted to the Administrator of the Office of Federal Procurement Policy for final determination. For the purpose of establishing goals under this subsection, the head of each Federal agency shall make consistent efforts to annually expand participation by small business concerns from each industry category in procurement contracts of the agency, including participation by small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. The head of each Federal agency, in attempting to attain such participation, shall consider—

"(1) contracts awarded as the result of unrestricted competition; and

"(2) contracts awarded after competition restricted to eligible small business concerns under this section and under the program under section 8(a).".

SEC. 3. REPORTING.

(a) In General.—Subsection (h)(1) of section 15 of the Small Business Act (15 U.S.C. 644(h)(1)) is amended to read as follows:

"(h)(1) At the conclusion of each fiscal year, the head of each Federal agency shall report to the Administration on the extent of participation by small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals in procurement contracts and subcontracts of such agency. Such reports shall contain appropriate justifications for failure to meet the goals established under subsection (g).".

(b) Reports to the President.—Subsection (h)(2)(A) of section 15 of such Act (15 U.S.C. 644(h)(2)(A)) is amended to read as follows:

"(A) The Government-wide goals for participation by small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged and the performance in attaining such goals.".

SEC. 4. SUBCONTRACTING.

(a) Statement of Policy.—Paragraph (1) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)(1)) is amended to read as follows:

"(d)(1) It is the policy of the United States that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals, shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.".

(b) Contract Clause.—Section 8(d)(3)(A) of the Small Business Act (15 U.S.C. 637(d)(3)(A)) is amended to read as follows:

"'(A) It is the policy of the United States that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals shall have the maximum practicable opportunity to participate in the performance of contracts let by any Federal agency, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems. It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals.' ".

(c) Definitions.—Subparagraph (C) of section 8(d)(3) of the Small Business Act (5 U.S.C. 637(d)(3)(C)) is amended to read as follows:

"'(C)(i) As used in this contract, the term "small business concern" means a small business as defined in section 3 and relevant regulations promulgated pursuant thereto.

"'(ii) The term "small business concern owned and controlled by socially and economically disadvantaged individuals" means a small business concern—

"'(I) which is at least 51 percent owned by one or more socially and economically disadvantaged individuals; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged individuals; and

"'(II) whose management and daily business operations are controlled by one or more of such individuals.

The contractor shall presume that socially and economically disadvantaged include Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Administrative pursuant to section 8(a) of the Small Business Act.

"'(iii) The term "small business concern owned and controlled by women" means a small business concern—

"'(I) which is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

"'(II) whose management and daily business operations are controlled by such women.

The contractor shall presume that women have been subjected to gender based discrimination.' ".

(d) Representations.—Subparagraph (D) of section 8(d)(3) of the Small Business Act (15 U.S.C. 637(d)(3)(D)) is amended to read as follows:

"'(D) Contractors acting in good faith may rely on written representations by their subcontractors regarding their status as either a small business concern, a small business concern owned and controlled by women, or a small business concern owned and controlled by socially and economically disadvantaged individuals.' ".

(e) Plan Requirements.—Subparagraph (D) of section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)(D)) is amended to read as follows:

"(D) No contract shall be awarded to any offeror unless the procurement authority determines that the plan to be negotiated by the offeror pursuant to this paragraph provides the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of the contract.".

(f) Incentives.—Subparagraph (E) of section 8(d)(4) of the Small Business Act (15 U.S.C. 637(d)(4)(E)) is amended to read as follows:

"(E) Notwithstanding any other provision of law, every Federal agency, in order to encourage subcontracting opportunities for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals, as defined in paragraph (3) of this subsection, is hereby authorized to provide such incentives as such Federal agency may deem appropriate in order to encourage such subcontracting opportunities as may be commensurate with the efficient and economical performance of the contract. This subparagraph shall apply only to contracts let pursuant to the negotiated method of procurement.".

(g) Content of Plan.—(1) Subparagraph (A) of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)(A)) is amended to read as follows:

"(A) percentage goals for the utilization as subcontractors of small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals;".

(2) Subparagraph (C) of section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)(C)) is amended to read as follows:

"(C) a description of the efforts of offeror or bidder will take to assure that small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals will have an equitable opportunity to compete for subcontracts;".

(3) Subparagraph (F) of section 8(d)(6) of the Small Business Act (15 U.SC. 637(d)(6)(F)) is amended to read as follows:

"(F) a recitation of the types of records the successful offeror or bidder will main-

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tain to demonstrate procedures which have been adopted to comply with the requirements and goals set forth in this plan, including the establishment of source lists of small concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by social and economically disadvantaged individuals; and efforts to identify and award subcontracts to such small business concerns.".

(h) SMALL BUSINESS ADMINISTRATION RESPONSIBILITIES.—Subparagraph (B) of section 8(d)(1) of the Small Business Act (15 U.S.C. 637(d)(10)(B)) is amended to read as follows:

"(B) review any solicitation for any contract to be let pursuant to paragraphs (4) and (5) to determine the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate as subcontractors in the performance of any contract resulting from any solicitation, and to submit its findings, which shall be advisory in nature, to the appropriate Federal agency; and".

(i) SUBCONTRACT REPORTING.—Paragraph (11) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)(11)) is amended to read as follows:

"(11) At the conclusion of each fiscal year, the Administration shall submit to the Senate Committee on Small Business and the Committee on Small Business of the House of Representatives a report on subcontracting plans found acceptable by any Federal agency which the Administration determines do not contain maximum practicable opportunities for small business concerns, small business concerns owned and controlled by women, and small business concerns owned and controlled by socially and economically disadvantaged individuals to participate in the performance of contracts described in this section.".

(j) EXCLUSION.—No business concern shall be deemed eligible for any contract or other assistance pursuant to section 1207 of Public Law 99-661 due solely to the provisions of this section.

SEC. 5. WOMEN-IN-BUSINESS SPECIALISTS

Subsection (k) of section 15 of the Small Business Act (15 U.S.C. 644(k)) is amended by striking "subsection, and" at the end of paragraph (8) by striking the period at the end of paragraph (9), and inserting ", and", and by adding at the end the following new paragraph:

"(10) designate an employee of such office to be a Women-in-Business Specialist responsible for the implementation and execution of programs designed to assist small business concerns owned and controlled by women.".

SEC. 6. OUTREACH.

Section 15 of the Small Business Act (15 U.S.C. 644) is amended by adding at the end thereof the following new subsection:

"(p) Each Federal agency having procurement powers shall engage in affirmative efforts to identify and solicit offers from small business concerns owned and controlled by women and small business concerns owned and controlled by socially and economically disadvantaged individuals. To the maximum extent practicable, a representative number of such concerns shall receive solicitation packages for each proposed acquisition for which such concerns may be eligible to compete.".●

By Mr. D'AMATO:

S. 2295. A bill for the relief of Melissa Johnson; to the Committee on the Judiciary.

RELIEF OF MELISSA JOHNSON

● Mr. D'AMATO. Mr. President, on June 3, 1982, Melissa Johnson, who was then 5 years old, was molested and sexually abused by a U.S. Postal Service employee by the name of Luis Ojeda. Mr. Ojeda was arrested and charged with rape, sexual abuse, and endangering the welfare of a child. He entered a plea of guilty to the charge of sexual abuse and was sentenced to a term in prison.

Melissa Johnson, however, was left high and dry. The Federal Tort Claims Act specifically excludes claims based on assault and battery committed by a Federal employee. Melissa thus had no means of recourse.

Legislation to compensate Melissa was introduced and subsequently passed the House of Representatives. Today I introduce a companion measure that will provide just and equitable relief.

This matter has been studied at length in the House, and is clearly a compelling and deserving case. I urge my colleagues to join in swift passage of this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a statement by Congressman HAMILTON FISH, the original House sponsor of the bill, describing the incident in greater detail.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. HAMILTON FISH, JR., ON H.R. 3249

Thank you, Mr. Chairman. Firs' of all, Chairman Frank, I want to express my appreciation to you for scheduling a hearing on H.R. 3249—private relief legislation which I have introduced on behalf of Melissa Johnson and her mother, Mrs. Barbara Johnson Lizzi. I fully recognize that you have a number of cases that you will be hearing this afternoon and, consequently, my remarks will be brief. Joining me at the table are Mrs. Lizzi and the attorney for the family in this case, Kathleen Peratis, Esquire.

This is the second consecutive Congress in which I have sponsored this measure. I would emphasize at the outset that I rarely introduce private claims bills, but have done so in this instance because I believe that this is an unusually meritorious case.

Briefly, the facts are as follows: On June 3, 1982, when Melissa Johnson was 5 years old, she was sexually molested by a letter carrier employed by the U.S. Postal Service. That individual was subsequently convicted in a New York State criminal proceeding. During the pendency of that criminal trial, Melissa's mother became aware of the fact that the defendant had been arrested on two previous occasions on charges of a similar nature and that his supervisors at the Postal Service were, in fact, aware of these prior arrests.

An administrative claim was filed on behalf of Melissa Johnson with the U.S. Postal Service as is required by the Federal Tort Claims Act, 28 U.S.C. 2672; 2675(a). That administrative claim was denied by the Postal Service on January 6, 1984. Subsequently, a civil action was filed against the United States in the U.S. District Court for the Eastern District of New York. That litigation was unsuccessful because of the threshold statutory defense ("lack of subject matter jurisdiction") available to the United States due to the terms of 28 U.S.C. 2680(h). This was characterized as an "assault and battery"—and claims against the United States based upon those intentional torts are prohibited by the express terms of the Federal Tort Claims Act. Subsequent appeals to both the Second Circuit Court of Appeals and the U.S. Supreme Court were unsuccessful as well. Because of the absolute defense available to Government lawyers, there never was a trial on the merits. Mr. Chairman, all administrative and judicial remedies have been exhausted.

I commend to the members of the Subcommittee Judge Pratt's dissent in the second circuit decision. Judge Pratt makes it ironically clear that the plaintiffs in this instance were in a "Catch-22" situation. It was essential to their case to prove that officials in the U.S. Postal Service were, in fact, on notice about prior aberrant behavior of this employee and that they nevertheless allowed him to deliver mail door to door in a trust capacity, knowing those circumstances. However, because the United States was successful with a threshold Rule 12 (FRCP) motion for "lack of jurisdiction over the subject matter", the plaintiffs were never able to engage in the necessary discovery of the relevant Postal Service files.

The core of the plaintiff's case was "negligent supervision"—failure to adequately oversee and supervise this employee. They argued that they should be permitted to proceed on the ground of negligence, even in the face of the exemption for claims arising out of an assault and battery under Section 2680(h). Unfortunately, that legal argument did not prevail.

Mr. Chairman, I think it is indeed very unfortunate that the U.S. Postal Service has declined your invitation to testify publicly here today. I say this because only that Agency can answer the key, remaining questions in this case: What was the extent (time and details) to which Postal Service officials were on notice about the letter carrier's prior arrest record? Why did the collective-bargaining agreement between the Postal Service and the relevant union prevent the Service from discharging or transferring this employee? The issue for the subcommittee is whether or not the Postal Service exercised reasonable and responsible supervisory authority in this instance. There is no question but that a 5-year-old girl was seriously and fundamentally harmed by these events. I urge this subcommittee to follow up with pertinent questions in writing to officials of the U.S. Postal Service.

One final note: The statutory exemption that prevents suits against the United States based upon the intentional torts of its employees is not law that should be viewed in sanctified terms. In fact, this very subcommittee has reported legislation to amend this section of the Federal Tort Claims Act on at least three different occasions since I have been on the Judiciary Committee. In each instance, those bills would have substituted the United States as a defendant in claims based upon "assault, battery, false imprisonment, false arrest, malicious prosecution, and abuse of process". The bills were H.R. 9219 (favorably reported in 1978, 95th Congress); H.R. 7034 (favorably reported in 1982, 97th Congress); and H.R. 3142 (favorably reported in 1983, 98th Congress). The Ford, Carter, and Reagan administrations all have recommended comprehensive legislation to Congress to amend the Federal Tort Claims Act, and each of these proposals recommended the repeal of this portion of the exemption in section 2680(h)—

In conclusion, Mr. Chairman, this is a private claim that has, in my view, merit far exceeding the norm. I urge the subcommittee's favorable action on this claim.●

By Mr. McCAIN (for himself, Mr. Inouye, Mr. Conrad, and Mr. Murkowski):

S. 2297. A bill to reauthorize certain provisions relating to Indian alcohol and substance abuse prevention and treatment programs; to the Select Committee on Indian Affairs.

REAUTHORIZATION OF INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT PROGRAMS

● Mr. McCAIN. Mr. President, I rise today to introduce on behalf of myself, and Senators Inouye, Conrad, and Murkowski legislation to reauthorize for 5 years several drug and alcohol abuse programs for native Americans that were included in the Anti-Drug Abuse Act of 1986.

As I am sure my colleagues are aware, native Americans suffer a greater incidence of alcoholism than any other segment of our Nation's population. The alarmingly high rate of alcohol consumption among native Americans results in correspondingly high rates of illness, accidents, and related incident. In fact, it also leads to a high rate of death. Experts tell us that the death rate among native Americans due to the consumption of alcohol is over four times that of any other segment of our population.

A number of tribes are now completely dry, and some are just beginning to recognize and want to deal with the high rate of alcoholism among their people. I believe we need to be assisting those tribes who wish to help their members who have a problem with alcohol to rid themselves of this disease. This means that we need to provide assistance in the areas of education, prevention, and treatment.

There are a number of good programs in Indian country, such as the programs for which continued funding would be provided by this reauthorization. But, we cannot be complacent with where we are at now—for the need is much greater than what is currently being addressed. A few weeks ago, I had the occasion to spend a Saturday night in Gallup, NM. The population of this rural town on the border of New Mexico and Arizona triples on weekends as Indians from three nearby reservations pour into town.

According to the police in Gallup, who often lock drunks up in what is termed "Protective Custody," an average month can see the detention of as many as 3,000. This particular weekend only saw 150, which made it a particularly slow weekend.

Towns this size average 11 liquor licenses—Gallup has 61. With the bars opening at 8 a.m., it is not uncommon to see the road from the Navajo Reservation to Gallup littered with the bodies of the drunk.

Traffic accidents caused by drunk drivers in this county are 19 times the national average.

I believe alcoholism will remain an epidemic among native Americans as long as native Americans continue to be deprived of opportunities to improve their circumstances. Until the prospects for improving the quality of reservation life are dramatically enhanced, there will be little we can do to achieve a meaningful reduction in the numbers of native Americans who abuse alcohol. Providing opportunities, not welfare, to native Americans should be a national priority. The creation of Indian Enterprise Zones—offering tax incentives to promote investment on the reservations—is a sensible step in this direction. Should this urgent necessity suffer the usual government neglect, more Indians will suffer the slow suicide of alcoholism.

Addressing the fundamental causes of alcohol abuse is essential to preventing future generations of native Americans from succumbing to the disease that has claimed so many of their parents. This legislation reauthorizes just such programs.

This legislation is not a be-all, end-all proposal in the area of alcohol and substance abuse. Rather, it is a vehicle to accomplish the necessary reauthorization of the programs included. More than that, however, it is a vehicle to allow the Select Committee to be able to discuss and act on related issues—such as FAS, and the need for more treatment facilities and programs. As such, I look forward to working with all of my colleagues in both addressing these important issues and moving this legislation.

I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2297

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled,

Section 1. The Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401, et seq.) is amended—

(1) by striking out "1990, 1991, and 1992" in section 4213(e)(1) and inserting in lieu thereof "1990, 1991, 1992, 1993, 1994, and 1995",

(2) by striking out "1989 and 1990" in section 4216(a)(3)(B) and inserting in lieu thereof "1990, 1991, 1992, 1993, 1994, and 1995",

(3) by striking out "1990 and 1991" in section 4220(b)(1) and inserting in lieu thereof "1990, 1991, 1992, 1993, 1994, and 1995",

(4) by striking out "and 1992" in section 4229(c) and inserting in lieu thereof "1992, 1993, 1994, and 1995".●

By Mr. DeCONCINI:

S. 2298. A bill to amend title XI of the United States Code to provide that the actual and necessary expenses incurred by creditors' and equity security holders' committees in making a substantial contribution to a case under chapter 11 may be paid as administrative expenses; to the Committee on the Judiciary.

TREATMENT OF CERTAIN EXPENSES IN BANKRUPTCY PROCEEDINGS

● Mr. DeCONCINI. Mr. President, today I am introducing legislation to clarify that creditors' and equity security holders' committees are eligible to recover necessary and reasonable expenses as administrative costs in a bankruptcy proceeding. There is currently disagreement within the bankruptcy courts on whether or not such expenses are administrative costs. My bill will make certain the work of these committees is treated equitably.

Creditors' committees are intended to play a significant role in chapter 11 practice. The statute provides that the trustee appoint the unsecured creditors' committee as soon as possible after the order for relief is filed. The committee usually consists of the seven largest creditors who are willing and able to serve. These committees are granted broad powers to participate in all aspects of the bankruptcy proceeding.

A major function of these committees is to negotiate and consider the type of plan they will recommend to satisfy the creditors' claims. The creditors' committee is also responsible for monitoring the operations of the debtor to determine whether the debtor is complying with bankruptcy procedures. This function is especially important since the debtor generally remains in possession of its assets and manages its affairs.

When Congress created creditors' and equity security holders' committees, it was trying to protect the interests of the small unsecured creditors who are often underrepresented in a bankruptcy action. In the larger cases, the stakes are high and creditors actively participate in the committees. However, in smaller more routine cases, there is less incentive to serve and the burden of supervision shifts to the trustee. We need to encourage the active participation of the creditors' committees in bankruptcy proceedings to ensure the creditors' interests are adequately protected.

This bill will not change the standards for determining whether or not

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the expenses should be reimbursed. Only those expenses which are actual and necessary will be allowed.

I am concerned that the reluctance of some creditors to serve on these committees results from the current uncertainty about whether or not they will be reimbursed for their expenses. This legislation will clarify that creditors' committees are entitled to reimbursement for actual and necessary expenses as administrative costs. I hope the bill will encourage active participation in the committee process by unsecured creditors and equity security holders and result in their fair and equitable representation in chapter 11 reorganization cases.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2298

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(3)(D) of title 11, United States Code, is amended by striking out "other than a committee appointed under section 1102 of this title".

SEC. 2. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendment made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICATION OF AMENDMENT.—The amendment made by section 1 shall not apply with respect to any case commenced under title 11, United States Code, before the date of the enactment of this Act.●

By Mr. GRASSLEY (for himself, Mr. BOND, and Mr. DANFORTH):

S. 2299. A bill to require the construction of a demonstration highway project between St. Louis, MO, and Minneapolis/St. Paul, MN; to the Committee on Environment and Public Works.

AVENUE OF THE SAINTS HIGHWAY PROJECT

Mr. GRASSLEY. Mr. President, today I rise to introduce authorizing legislation for the Avenue of the Saints Highway Project.

The Avenue of the Saints Project is a highway system that connects the cities of St. Paul, MN and St. Louis, MO.

A study committee has recently finished its work. They were directed to study the feasibility of this highway project. Numerous items were considered by this study, including the impact on national, regional, and State economic development, funding feasibility, the status of existing highway routes, traffic demand, and environmental concerns.

This was an exhaustive and thorough study. The results of the study carry with them much thoughtful consideration. A tremendous amount of effort was put into this study by some very learned individuals.

The conclusion of the study committee was a route that would go north from St. Louis to Keokuk, Mt. Pleasant, Iowa City, Cedar Rapids, Cedar Falls/Waterloo, Waverly, Nashua, Charles City, Mason City, and continue north into St. Paul.

The authorizing legislation that I am introducing today, along with my colleagues Senators BOND and DANFORTH, is an important first step for this project in the U.S. Senate. I am willing to work with all of my colleagues, on both sides of the aisle, in order to insure the rapid completion of this project. We must move together in a united, bipartisan fashion in order to succeed.

This bill authorizes $100 million per year to complete this highway project. As my colleagues know, there are two ways of funding these types of projects—require the States to take money out of their apportionments or we can provide special earmarks, or demonstration projects. Obviously, since this highway is of national importance, we should be willing to earmark funding.

Though this highway project is of national importance, the States of Minnesota, Illinois, Wisconsin, Missouri, and Iowa will especially benefit by its completion. I urge all of my colleagues in these specific States to unite together on this project. With a united front, we cannot fail. With a divided front, our battle is that much more difficult.

By Mr. KENNEDY (for himself, Mr. KASTEN, Mr. HATCH, Mr. CRANSTON, Mr. WILSON, Mr. SIMON, Mr. DODD, Mr. ADAMS, Mr. PELL, Mr. LIEBERMAN, Mr. DOLE, Mr. BOSCHWITZ, Ms. MIKULSKI, Mr. GORE, Mr. HARKIN, Mr. D'AMATO, Mr. SPECTER, Mr. DURENBERGER, Mr. INOUYE, Mr. LEVIN, Mr. RIEGLE, Mr. MOYNIHAN, Mr. HOLLINGS, Mr. WIRTH, Mr. METZENBAUM, and Mr. KERRY):

S. 2300. A bill to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, CA, for the education programs of the Museum of Tolerance; to the Committee on Labor and Human Resources.

AUTHORIZATION OF FUNDS FOR MUSEUM OF TOLERANCE

Mr. KENNEDY. Mr. President, I rise today—for myself and on behalf of 25 cosponsors—to introduce a bill that would authorize $5 million in support for educational outreach programs of the Museum of Tolerance being constructed at the Simon Wiesenthal Center in Los Angeles. The purpose of this legislation is to provide assistance to the Simon Wiesenthal Center's effort to prepare and provide educational materials about the Holocaust to schools and colleges who might want to include such instruction in their curriculum.

The Simon Wiesenthal Center is well known throughout America and throughout the world. The purpose of the center is to keep the memory of the Holocaust alive so that the words "never again" become a historical reality and not just a fond wish or a failed dream. The center has an extensive international membership that includes hundreds of thousands of Americans.

We all know what the historical significance of the Holocaust is—not just to Jews throughout the globe but to all humankind throughout history. It is a singularly horrible example of man's capacity for inhumanity. It is a chapter in human history that must never be forgotten so that it will never be repeated.

The engine behind this proposed legislation is our desire to encourage our teachers to teach and our students to learn about the Holocaust so that they can better understand the lessons to be drawn from that dreadful chapter in human history. We do not seek to impose or to require schools to include instruction about the Holocaust in their curriculum. But we do believe that such instruction should be an option for those schools that want to have it available for their students. And we do believe, for that reason, that educational materials about the Holocaust should be readily available to any schools—public or private—anywhere in the United States that want and choose to teach their children about the Holocaust.

It is our hope and understanding that the Museum of Tolerance, now being constructed at the Simon Wiesenthal Center in Los Angeles, will develop such materials, and the purpose of this legislation is to provide moral as well as material support for that effort. Our bill would provide $5 million in matching funds to assist in the support of this effort. Under the terms of this bill, the Wiesenthal Center must submit an education plan to the Secretary before it receives any funds.

Mr. President, this legislation already has widespread support in the Senate—as evidenced by the large number of cosponsors. I hope that my colleagues will join me in cosponsoring this legislation and will vote to enact it in this Congress. I ask unanimous consent that the proposed legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2300

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GENERAL AUTHORITY.

The Secretary of Education is authorized to pay to the Museum of Tolerance of the Simon Wiesenthal Center, located in Los Angeles, California, the Federal share of the cost of designing and operating education programs concerning the holocaust.

SEC. 2. APPLICATION REQUIRED.

No financial assistance may be provided under this Act unless an application is submitted to the Secretary of Education at such time, in such manner, and containing or accompanied by such information as the Secretary of Education may reasonably require. Each such application shall describe the type and kind of educational materials to be developed and the steps that will be taken to ensure that age appropriate products are available to school districts and institutions of higher education across the country.

SEC. 3. FEDERAL SHARE.

The Federal share of the cost of designing and conducting education programs under this Act shall be 50 percent. The portion of costs not paid by financial assistance provided pursuant to this Act must be paid from sources other than Federal, State, or local government.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $5,000,000, to carry out the provisions of this Act. Funds appropriated pursuant to this Act shall remain available until expended.

Mr. HATCH. Mr. President, I am proud to introduce with Senator KENNEDY and Senator KASTEN legislation to provide Federal assistance for the educational programs of the Simon Wiesenthal Center's Museum of Tolerance.

Since its founding 12 years ago, the Simon Wiesenthal Center has emerged as one of this country's foremost educational institutions on human rights. Through their innovative educational programs and award-winning film and mobile exhibits, the center strives to maintain public awareness on these important issues in the United States and throughout the world.

The Museum of Tolerance will enhance the center's educational capabilities. The museum, currently under construction and scheduled to open in the fall of 1990, will be the only institution in the world dedicated to teaching tolerance as it applies to all people. By tracing the origins of the Nazi Holocaust, the museum puts into context racism, prejudice, and the system of justice as they relate to life in the United States. Complementing this 30,000 square feet of exhibits will be the computer learning center. This interactive videodisc computer project will provide visitors with in-depth information on the Holocaust through the sophisticated technology of multimedia computers. This technology and library of the future can be easily exportable to universities, high schools, and educational centers in every corner of the United States.

I believe we have a responsibility to support tolerance education programs. We need to underscore our Nation's commitment to justice, equality, and respect for human rights. The Simon Wiesenthal Museum of Tolerance will go a long way toward giving tolerance education in this country the priority it deserves.

Mr. PELL. Mr. President, I am proud to join with Senator KENNEDY in support of a bill to authorize $5 million for the educational and research programs of the Simon Wiesenthal Center Museum of Tolerance. Since its establishment, the center has endeavored to provide accurate and compelling information about one of history's most tragic events, the genocide of the Nazi Holocaust. It strives to educate the general public—with a particular emphasis on students—and to serve as an invaluable resource for educators, historians, writers, and journalists. As the demands to meet the needs of an ever increasing audience grow, so do the structural, organizational, and financial needs of the center. A show of fiscal support would clearly demonstrate the importance our Nation ascribes to the study of such tragic events and to the constant vigilance against future recurrence.

The Simon Wiesenthal Center operates on two fronts. It is at once an educational center disseminating historical information and a research facility for historical investigation. Visitors to the center will find interactive educational activities designed not merely to inform but to actually challenge their own values and attitudes. It is the philosophy of the center that the Holocaust was not simply an historical phenomenon but a contemporary issue, the roots of which—prejudice, fear, and hatred—we struggle with every day. And it is this emphasis on making the past relevant to the needs of today, in a context that encourages critical thought, which makes the center such a valuable cultural and educational institution.

I had the opportunity last week to tour the center. It was a very moving experience, and I came away with the very strong commitment to assist the center in its crucial work.

The significance of the Holocaust is indisputable. What we grapple with now are the steps we will take to preserve the memories of the past, no matter how unsavory, to learn lessons for the future. We must demonstrate with action, not just with commitment of the heart, that we remain unfaltering in our vigilance against oppression. We must provide the resources wherever and whenever possible for the preservation of the ideal of freedom which characterizes the American experiment. Our example must shine in the very fabric of the culture we encourage and create, and we must not miss the opportunity to assist the education of all citizens in the promotion of peace and justice.

Earlier this year, the Senate authorized assistance for the Wiesenthal Center as an amendment to H.R. 2666, the Mildred and Claude Pepper Scholarship Act. Unfortunately, it appears that the Pepper legislation may never go to conference. That situation makes it very clear that separate legislative action is necessary, which is the paramount reason we are introducing this bill today.

I believe it was George Santayana who once said, "Those who cannot remember the past are condemned to repeat it." The work of the center will most certainly ensure that we learn this tragic lesson of history over and over so that we will never again experience the horror of the Holocaust. It is a project that, without question, deserves our strong support, and I urge my colleagues to join me in making sure that this important legislation receives expeditious consideration.

Mr. CRANSTON. Mr. President, I rise today in support of S. 2300, a bill that would authorize support for educational programs at the Simon Wiesenthal Center's new Museum of Tolerance in Los Angeles, CA.

November 9 we will mark the 51st anniversary of the Kristallnacht, an ignominious day in the history of Germany, and indeed, all mankind. It was on this "night of broken glass" that the Holocaust turned the corner of history and brought civilization to its lowest depths. Over 50 years after the fact, I can clearly remember the horror I felt as I first read through the German language edition of Hitler's Mein Kampf and witnessed the horrific changes that took place in Germany as the Nazis rose to power.

In 51 years our world has traveled a long way from the horrors of the Holocaust. Ironically, it is this very fact—that we have come such a long way—that demands our eternal vigilance. It is of the utmost importance to our Nation and the nations of the world that we never forget the darkness of the Holocaust. While time will heal some of the wounds of this human tragedy, we must never use this healing as an excuse to forget the past.

Mr. President, since its founding in 1977, the Simon Wiesenthal Center, in my home State of California, has established itself as one of the world's preeminent centers for studying and remembering the Holocaust. With an extensive international membership and hundreds of thousands of American families on its membership rolls, the Wiesenthal Center has become the largest institution of its kind—dedicated to examining and confronting the lessons of the Holocaust's contemporary applications.

The Museum of Tolerance, which is now under construction, is committed to developing educational materials which can be used to teach the pain-

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ful, but necessary lessons of the Holocaust. In addition, the Wiesenthal Center's programs will confront the issues of racism, civil rights, and morality throughout both our society and the world. In light of recent events in our country which seem to indicate that racism is not dead, the Museum of Tolerance will provide an important and timely message on the evils of intolerance and insensitivity.

The bill authorizes $5 million for the museum's education programs. I am pleased that the State of Calfornia has already provided for a $5 million matching grant toward the construction of this facility. It is my hope, Mr. President, that the Senate will see fit to provide assistance toward the educational dimension of this worthy endeavor. As the Museum of Tolerance works to educate our youth on the evils of intolerance and the horror of the Holocaust, we serve two lofty purposes. First, we provide a living memorial—through the education of future generations—to all the victims of an overwhelming atrocity. Secondly, we guarantee that the often heard words "never again" ring true across the future.

Mr. President, I urge my colleagues to join me in supporting this important legislation.

Mr. WILSON. Mr. President, I am proud to be an original cosponsor of legislation to provide financial assistance to the Simon Wiesenthal center in Los Angeles, CA, for the operation of education programs concerning the Holocaust at the center's Museum of Tolerance.

It was a few short years ago that I stood in this Chamber to cast the crucial 67th vote enabling the Senate to adopt the international convention against all forms of racial and cultural genocide. With this monumental action we collectively condemned the evil motives of men and governments that led them to systematically exterminate entire populations as a result of what they believed or the cultures into which they were born.

The legislation that we have before us today furthers our continued commitment to the proposition that those martyred millions of yesteryear did not die in vain. With this much needed Federal assistance the Simon Wiesenthal Center's Museum of Tolerance will be able to effectively confront those vital issues of morality and human dignity.

The Museum of Tolerance will be the first institution of its kind to examine prejudice and confront persecution. With historical artifacts, documents, newsreel footage, photos, and state of the art multimedia technology, the museum will study human behavior, the history of racism in America, and highlight the tragic story of the holocaust. By confronting prejudice, and witnessing the inspirational stories of Martin Luther King, Jr., and Raoul Wallenberg, visitors will learn how each of us has the capacity to be a force for justice and humanity; that each individual can participate in the struggle to ensure our democratic values and way of life.

Most importantly, the museum's purpose is to never give our society or any society an excuse to forget. To those nations who refuse to pass the torch of human rights to their people, the museum is a reminder to them that the world is watching and that the world cares, that they will hear more than a few of the pleas of those who carry the spiritual blaze against prejudice.

The historical lessons to be learned will show that there is much to be done to combat intolerance around the globe. Those that have the fortunate opportunity to visit the Museum of Tolerance will leave knowing that they can and must make a difference and thus keep alive the hope that agony suffered by the just could yet bring victory.

By Mr. BOND:

S. 2301. A bill to amend the U.S. Housing Act of 1937 to improve public housing agency management; to the Committee on Banking, Housing, and Urban Affairs.

PUBLIC HOUSING MANAGEMENT IMPROVEMENT ACT

Mr. BOND. Mr. President, I rise today to introduce legislation reforming the management of our Nation's public housing. This is the year that Congress is going to rewrite the laws governing our housing and community development programs and I feel that public housing has not gotten as much attention as it should. There are 1.4 million units of public housing in this country, and we spend $4 billion a year on operating subsidies and modernization money for this public housing. We owe it to the people living there to make sure that it is decent and safe housing.

I do not want this legislation to be viewed as a blanket indictment of public housing. Most public housing is well managed; it is a small minority of the units that are in deplorable shape and have been used by opponents of Government housing programs to discredit the entire program. These few glaring failures of our housing programs must be fixed so we can refute this criticism and move ahead with a new national housing policy.

Our public housing system has evolved over the years in a haphazard fashion and needs to be rationalized. Initially, the Federal Government built public housing and then gave it to local PHA's to run. Rents collected from the tenants paid for the maintenance of the buildings. The Federal obligation ended with the construction of the buildings.

During the sixties and seventies this system began to fall apart as the income from the tenants' rents was not sufficient to take care of the buildings. This is due to the fact that the Federal Government forced the PHA's to restrict public housing to a poorer group of tenants than the working poor who had been the initial occupants of public housing. The Federal Government restricted the rents that could be collected to 25 percent of a tenant's income. This was later raised to 30 percent.

These new Federal requirements necessitated the Federal Government subsidies to keep the PHA's in operation. Thus the operating subsidy and CIAP programs were born. We now have local officials spending Federal dollars and following Federal dictates.

If HUD doesn't like how local officials are spending the Federal money, their only tool is to cut the modernization money [CIAP] because it is awarded at the discretion of the regional office. It is not an entitlement. Operating subsidies are an entitlement and are given out on a per-unit basis. When the modernization money is cut, however, the only people who really lose are the tenants because then urgent repairs are not made on their housing.

Accountability for how Federal dollars are spent must be maintained, but Federal policies should not be enforced by punishing the tenants. What's needed is a new set of carrots and sticks for HUD to use.

HUD should set an objective set of performance standards—like vacancy rates, amount of rent collected, et cetera, that is on a project by project basis—and phase these in over time. HUD should also improve its audit capability so it can effectively monitor PHA performance.

If a PHA is doing an outstanding job, it should be given the flexibility to use Federal money for innovative, creative housing programs and it should be given its CIAP in block grant form so it can plan ahead. PHA directors who are doing a good job should not be micromanaged by the HUD regional offices and should not be spending all of their time filling out reports.

On the other hand, HUD needs some real leverage with PHA's that are not getting the job done. Rather than cutting the money, which only hurts the tenants, HUD should have the option to contract out the management of the housing out to someone else with property management experience and keep the Federal money flowing to the project. Under this legislation, troubled housing authorities will continue to receive their CIAP funding under the system currently in place, rather than by formula. They also are not allowed any of the additional flexibility allowed to high-performing PHA's.

The Reagan administration did us all a disservice by cutting the money available for housing programs without looking at how to make them work better. I am hopeful that I can work with my colleagues to rectify this oversight before the 101st Congress adjourns.

Mr. President, I ask unanimous consent that a summary of the legislation and the text of the bill be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2301

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Housing Management Improvement Act of 1990".

(a) Performance Standards for Public Housing Agencies.—Section 6(j) of the United States Housing Act of 1937 is amended to read as follows:

"(j)(1) The Secretary shall develop and publish in the Federal Register standards to be used by the Secretary to assess the management performance of public housing agencies. Such standards shall enable the Secretary to evaluate the performance of public housing agencies in at least the following major areas of management operations—

"(A) operating expenses relative to revenues;

"(B) operating reserves relative to maximum allowable reserves;

"(C) tenant rent collections;

"(D) annual inspection of units, compliance of units with housing quality standards or an equivalent standard, and existence of a system for making necessary repairs or replacements;

"(E) utility consumption;

"(F) vacancies;

"(G) repair and turnover of vacant units; and

"(H) such other factors as the Secretary deems appropriate.

"(2) The Secretary shall designate a public housing agency that meets the performance standards specified in paragraph (1) to be a high performing agency and—

"(A) shall exempt such agencies from such reporting, reviews, and preapprovals (particularly relating to the Comprehensive Improvement Assistance Program) as the Secretary deems to be appropriate and consistent with such management practices;

"(B) shall provide Comprehensive Improvement Assistance Program funding to such agencies on the basis of a formula developed under section 14(k);

"(C) shall make high performing agencies eligible for funding for other programs under this Act that is allocated on a competitive basis;

"(D) shall encourage high performing public housing agencies to submit applications for tax credits administered through Housing Credit Agencies; and

"(E) shall develop other appropriate incentives for public housing agencies to meet the standards specified in paragraph (1).

"(3)(A) The Secretary shall establish procedures for designating troubled public housing agencies, which procedures shall include identification of one or more serious failures to meet the performance standards specified under paragraph (1) and such other factors as the Secretary may deem to be appropriate. Public housing agencies designated under this paragraph are not eligible for the benefits described in paragraph (2).

"(B) The Secretary shall enter into an agreement with each troubled public housing agency setting forth—

"(i) targets for meeting the performance standards specified under paragraph (1) and other requirements within a specified period of time;

"(ii) strategies for meeting those targets; and

"(iii) incentives or sanctions for effective implementation of those strategies, which may include such restrictions on the use of funds made available under this Act as the Secretary determines to be appropriate.

The Secretary and a troubled public housing agency shall, to the maximum extent practicable, seek the assistance of local public and private entities in carrying out an agreement under this subparagraph.

"(C) The Secretary shall continue to allocate assistance among troubled public housing agencies on a competitive process.

"(4) A public housing agency that does not qualify for designation under either paragraph (2) or paragraph (3) shall recive assistance under section 14 in the manner described in paragraph (2)(B) but shall not otherwise be eligible for the benefits described in paragraph (2).

"(5) The Secretary shall annually publish in the Federal Register lists of public housing agencies that have been designated as high performing under paragraph (2) or troubled under paragraph (3). The Secretary shall also publish an annual update describing the status of each troubled public housing agency.

"(6)(A) Notwithstanding any other provision of law or of any contract for contributions, upon the occurrence of events or conditions that constitute a substantial default by the public housing agency with respect to the covenants or conditions to which the public housing agency is subject or an agreement entered into under paragraph (3), the Secretary—

"(i) may solicit competitive bids from housing managing agents in the eventuality that these agents may be needed for managing all, or part, of the housing administered by a public housing agency; and

"(ii) may petition for the appointment of a receiver (which may be a private management corporation) of the public housing agency to any district court of the United States or to any court of the State in which the real property of the public housing agency is situated that is authorized to appoint a receiver for the purposes and having the powers prescribed in this subsection.

"(B) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

"(C) The appointment of a receiver pursuant to this subsection may be terminated, upon the petition of any party, when the court determines that all defaults have been cured and the housing operated by the public housing agency will thereafter be operated in accordance with the covenants and conditions to which the public housing agency is subject.".

(b) Project-Based Accounting Systems.—Section 6(c)(4) of the United States Housing Act is amended by adding at the end of the following:

"(E) the establishment and maintenance of a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) on a project basis.

The Secretary shall develop such guidelines and timetables as the Secretary determines to be appropriate, taking into account the requirements of public housing agencies of different sizes and characteristics, to achieve compliance with subparagraph (E) not later than January 1, 1993. Each public housing agency shall publish an annual financial statement of all its operations, including the financial status of each individual housing project.".

(c) Elimination of Operating Subsidy for Vacant Units.—Section 9 of the United States Housing Act of 1937 is amended by adding at the end the following:

"(f) After a determination that a public housing unit has been continuously vacant for one year or longer, the Secretary may not provide a full operating subsidy for such unit.".

(d) Waiver of the Single Audit Act.—The Secretary of Housing and Urban development is authorized to waive the applicability of chapter 75 of title 31, United States Code, to public housing agencies. If the Secretary grants such a waiver, the Secretary is authorized to devise new auditing standards and procedures which more accurately reflect the expenditures of Department of Housing and Urban Development funds and the financial status of public housing agencies.

Public Housing Reform Bill

This legislation is intended to ensure that all residents living in public housing have a decent and safe place to live. The way this objective can be accomplished is to develop a management system for public housing that is both more flexible and more accountable. With this legislation, HUD is given the tools to really find out what Public Housing Authorities (PHAs) are doing with their money and enforce standards, and at the same time PHAs are freed up from the burdensome requirements of the current system and are given more freedom if they are well managed.

Major provisions of the legislation:

HUD is to promulgate objective performance standards to measure how well the PHAs are doing.

Once these standards are in place, HUD is to designate both high performing and troubled housing agencies and is given a series of powers to reward and punish PHAs accordingly.

High performing agencies are given the following benefits:

They can be exempted from reporting requirements and preapprovals at the discretion of the HUD Secretary.

They can receive their modernization (CIAP) money according to a formula rather than by annual competition. This allows them to plan ahead.

They are eligible for the competitive programs administered by HUD. These programs include child care demonstration grants and funding for anti-drug programs.

They are encouraged to submit applications for tax credits administered by the state housing finance agencies.

Troubled agencies face the following sanctions:

HUD is to enter into agreeements with them to improve their performance.

Their CIAP will be allocated by the competitive process as under current law.

HUD is to solicit bids from qualified real estate managers and is authorized to contract out the management of all or part of the housing managed by a troubled PHA.

If all of this fails, HUD is authorized to petition the court for the appointment of a receiver to manage the public housing.

HUD is required to develop a project by project accounting system for PHAs. The PHAs shall publish an annual report disclosing this information.

Operating subsidies for vacant units are eliminated if the units have been vacant more than one year.

HUD is authorized to waive the Single Audit Act to develop a better auditing system for PHAs.

By Mr. BOND (for himself, Mr. Dole, Mr. Lugar, Mr. Fowler, Mr. McConnell Mr. Burns, and Mr. Cochran):

S. 2302. A bill to amend the Food Security Act of 1985 to revise and extend conservation programs under title XII, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL CONSERVATION RESERVE AND ENHANCEMENT ACT

Mr. BOND. Mr. President, I rise today to recognize National Agriculture Day and introduce legislation which I believe will strengthen the future of this vital industry. Agriculture remains the backbone of this Nation, accounting for approximately 20 percent of all jobs and 17 percent of total gross national product. American farmers are the nucleus of a system which generates $800 to $900 billion of economic activity annually. In short, U.S. agriculture has been successful in balancing the needs of farmers with the public's expectations of a safe, abundant food supply at reasonable prices.

National Agriculture Day provides an excellent opportunity to rise above the day-to-day complexities of agricultural policy and celebrate the commitment and productivity of not only the American farmer but the entire agricultural industry. We should rise above concern over crop surpluses or Federal outlays and realize now lucky we are to be blessed with fertile soil, hardworking people and a bountiful food supply.

Throughout my terms as Governor, and now Senator, I have gained a true appreciation for agriculture's commitment to the environment. Representing an agricultural State with the distinction of having the fourth highest rate of soil erosion in the Nation, and as the ranking minority member of the Agriculture Committee's Subcommittee on Conservation and Forestry, I have worked to gain a thorough understanding of these complex conservation issues. My tenure on the Agriculture Committee has included the implementation of the Food Security Act of 1985, the first farm bill in history to devote an entire title to conservation.

Agriculture and the environment have always been inextricably linked. Agricultural producers are the ultimate environmentalists, for their livelihood depends directly on the productivity of the soil and the availability of natural resources. I believe strongly that our Nation's agricultural producers are willing to embrace new technology which further enhances their role in preserving soil and protecting water quality. At the same time, we must refrain from mandating programs which require producers to implement practices which fail to balance environmental goals with economic realities.

Mr. President, on behalf of Senators Dole, Lugar, Fowler, McConnell, Burns, and Cochran, I am introducing the Agricultural Conservation Reserve and Enhancement Act of 1990, or ACRE, which builds on the solid foundation laid in 1985. This legislation was designed to improve the conservation programs established in the Food Security Act of 1985, not abandon them. I am very concerned that many have underestimated the impacts of the conservation provisions mandated in the 1985 farm bill.

Beginning last year, I held several farm bill meetings throughout Missouri. I heard many comments on current conservation provisions and several suggestions for improvements. These comments provided the framework for ACRE.

Let me provide one example of the magnitude of conservation programs, mandated by the 1985 farm bill, which are only now being implemented. Under conservation compliance, producers who have highly erodible cropland had to have a soil conservation plan approved by December 31, 1989, and implemented by January 1, 1995. Producers who fail to comply may lose eligibility for Federal farm programs.

Nationwide, this program impacts 139 million acres, or one-third of all U.S. cropland. A total of 1.4 million conservation plans were approved prior to December 31, 1989. The Soil Conservation Service [SCS] estimated recently that 54,416 staff years will be necessary in the next 6 years, while only 34,000 staff years are available. Compliance will also require building 216,000 miles of terraces and 45.5 million acres of conservation tillage.

In Missouri, we will need to construct approximately 29,000 miles of terraces and more than one-third of our cropland will be required to use conservation tillage or no-till. Conservation compliance alone is expected to cost some $250 million.

ACRE recognizes the important progress made in recent years, yet refrains from creating costly new mandatory programs. Let me highlight a few of the bill's provisions:

Extends the authorization for the Conservation Reserve Program [CRP] through 1995 for 38 to 45 million acres;

Authorizes the Secretary to alter the length of a CRP contract depending on the type of land he is addressing. For example, the Secretary could offer a 30 year contract for wetlands;

Requires the Secretary to offer several new incentives for planting hardwood trees on acreage enrolled in the CRP. These incentives include contract extensions, increased cost-share, permitting certain agronomic uses, and waiving current ownership requirements;

Authorizes the Secretary to develop an optional bid-back program for the least highly erodible acreage currently enrolled in the CRP;

Makes shelterbelts and windbreaks eligible for 15 year CRP contracts;

Expands buffer strip eligibility 22 to 99 feet along streams and rivers;

Requires the U.S. Department of Agriculture to study the future of the CRP and provide Congress with a comprehensive report on options and recommendations, including cost estimates, for this land as it expires;

Establishes a contract sanctity clause to avoid the effect of Gramm-Rudman-Hollings sequesters on annual CRP rental payments;

Requires the Secretary to develop a voluntary program to work with producers to create integrated farm plans to take into account their total farm resources;

Requires the Secretary to review the implementation of Swampbuster to determine the extent to which penalties for minor infractions have not been commensurate with the violation; and

Requires the Secretary to cost-share with producers who devote a portion of their acreage set-aside to a perennial cover crop.

Mr. President, I believe this bill improves upon the important conservation provisions in the 1985 farm bill. There are other Senators developing conservation legislation and I look forward to working with them to design a package acceptable to all. I plan to continue working with the chairman of the Conservation and Forestry Committee, Senator Fowler, and other members of the Senate and interested organizations, in crafting such a package.

I thank the distinguished minority leader, Senator Dole and the ranking minority member of the Senate Agriculture Committee, Senator Lugar, and their staffs for their support and assistance with this legislation. Also, I thank the American Farm Bureau Federation, and especially my friends John Datt and Mary Kay Thatcher, for their assistance in developing this package. Finally, I want to recognize the important contributions to this legislation provided by the University of Missouri-Columbia.

Mr. President, I am pleased to have broad support for this legislation within the agricultural community including the American Farm Bureau Federation, the American Soybean Association, the National Cotton Council, the National Association of Wheat Growers, the National Corn Growers, the National Association of Conservation Districts and other farm organizations.

Mr. DOLE. Mr. President, today I would like to join as a cosponsor with Senator BOND in introducing legislation to better conserve our soil and enhance the quality of our water, two vital concerns to farmers and others in rural America. I want to commend Senator BOND for his leadership in an area that is of growing concern to more and more Americans. I am also pleased to note that the legislation we are introducing today is supported by a majority of the agricultural community.

I believe this bill represents a good starting point for our deliberation on the conservation title of the 1990 farm bill. It has much in common with the directions and ideas introduced in 1988 in my "Environmental Conservation Acreage Reserve Program" legislation [ECARP] for short.

Senator BOND's bill addresses concerns regarding the contamination of land, water, and wildlife areas. It calls for long-term acreage retirement efforts, with an emphasis on targeting environmentally-sensitive land and giving farmers more flexibility in dealing with environmental problems.

WATER QUALITY AND THE ENVIRONMENT

The protection of our Nation's water, particularly ground water, is receiving more and more attention. Ground water is the primary drinking water for one-half the U.S. population and over 97 percent of rural Americans. We are told that 61 percent of our Nation's counties are highly or moderately vulnerable to ground water contamination.

Mr. President, farm families care more than anyone else about their primary assets, the land and its water. They are the closest to our soil and water resources and care the most about their quality. Regardless of what some groups might like people to think, no one has more at stake or cares more than our own farm families.

PROVISIONS

The bill being introduced today would accomplish several objectives. It would extend authorization for a 38 to 45 million acre CRP, with signups through 1995. It encourages long-term land retirement and the enrollment of wetlands. Farmers who plant hardwood trees, shelterbelts, or windbreaks would be offered the option of 15-year contracts.

The legislation introduced today has other important features. It includes a discretionary bid-back option for the least highly erodible land. To ensure farmers receive annual rental payments, it exempts CRP payments from sequestration. It modifies Swampbuster, giving the Secretary authority to determine the extent to which penalties for minor infractions have not been commensurate with the violation.

BUDGET CONSIDERATIONS

Because the bill gives the Secretary considerable discretion, it gives the CRP needed flexibility. It allows the Secretary to target acres that would provide the greatest environmental benefits for the dollars spent. With $1.7 billion going annually for rental payments on the 34 million acres currently enrolled, fiscal accountability is a critical element. It is an element that will be a focal point of not only environmental policy discussions, but of the farm bill debate in general.

CONCLUSIONS

Mr. President, this legislation balances the concerns of farmers, environmentalists, and the Federal Government, which is incurring an elevated role in setting policy to protect our water and land. By directing our financial resources toward enrolling environmentally sensitive land, we can provide for the betterment of water quality and our land resources, to the benefit of future generations.

By Mr. KENNEDY:

S. 2303. A bill to further the foreign policy of the United States by providing support and assistance to the new, democratic government in Chile; to the Committee on Foreign Relations.

SUPPORT FOR DEMOCRACY IN CHILE ACT

Mr. KENNEDY. Mr. President, a dramatic and triumphant democratic revolution has occurred in our own hemisphere—the peaceful return of democracy to Chile.

Today, I am introducing the Democracy in Chile Act which applauds this historic achievement and offers United States assistance to help the people of Chile consolidate their gains.

The bill authorizes $50 million in assistance to Chile—primarily in the areas most neglected by the Pinochet regime—health, education, and housing.

For 16 years, the people of Chile lived under a repressive dictatorship, denied their basic civil, political, and human rights.

The overthrow of the Allende regime in 1973 interrupted Chile's long and proud tradition of democracy.

Torture and terror were the twin symbols of General Pinochet's regime. His official henchmen engaged in disappearances, summary executions and massive forced exiles. He denied the Chileans their fundamental right to choose their own leaders; he abolished the Congress and denied the rule of law. The Government's tentacles of terror even reached to the streets of Washington, DC, with the car bomb murder of his political opponent, Orlando Letelier, and an American, Ronni Karpen Moffitt.

Yet the irresistible tide of democracy rose higher and higher each year until it swept the dictator from power.

And in a remarkable triumph for freedom, the Chilean people came together in an extraordinary political coalition to defeat their oppressor. In answer to one simple question, the Chilean people resoundingly rejected continued rule by General Pinochet in the historic plebiscite on October 5, 1988. They voted: No to dictatorship; yes to democracy.

And on December 14, 1989, in elections judged the world over to be free and fair, the Chilean people elected Patricio Aylwin and a new democratic Congress to lead the country back into the family of democratic nations.

I had the honor of attending President Aylwin's inauguration last week as part of Vice President Quayle's delegation, and we witnessed firsthand the transfer of power from General Pinochet to President Aylwin.

I had last visited Chile in 1986 when the Government organized demonstrations against me and refused even to meet with me to discuss our differences. The atmosphere of this last visit was remarkably warmer—I knew the moment I stepped off the plane that a new era had begun in Chile.

The inauguration was an extraordinary celebration of the return to freedom in Chile, and respect for human rights was a centerpiece of the 2-day ceremony. When General Pinochet entered the Congress, newly elected members of congress silently displayed photos of the disappeared. In an historic act full of symbolism for democracy, General Pinochet removed his Presidential sash and the freely elected President of the new Senate placed a new sash on President Patricio Aylwin.

The inauguration of President Aylwin was followed by a celebratory performance of Beethoven's "9th Symphony," in tribute to newly won freedom of the Chilean people.

In the final event of the inauguration celebrations, the people of Chile gathered in the national stadium—the very place where in 1973, General Pinochet held tens of thousands of his fellow citizens rounded up as subversives. Many were later tortured and killed, including two Americans.

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On the day of the restoration of democracy, the people of Chile returned to that stadium, to celebrate the triumph of their long struggle for freedom. This was a day which cleansed the stadium of its horrible past and brought about a new Chile—a Chile of justice and freedom.

With mothers of the disappeared displaying photos of their lost sons and daughters, the people of Chile pledged, never again.

For 16 years, the people of Chile had sought their liberty—not with instruments of war, but with the most powerful weapon on Earth—the invincibility of the human spirit.

Throughout the dark years of oppression, throughout the hard years of intimidation, throughout the difficult years of suffering, the people of Chile never wavered in their enduring commitment to be free. And the inauguration of President Aylwin is an impressive tribute to the idea of liberty and democracy.

The battle against dictatorship has been won in Chile. But the struggle for a just, fair, and democratic society has only just begun. As President Aylwin noted in his inauguration speech:

> The fact that we now have a government of the people does not mean that problems will disappear.

The United States must assist the new Chile in consolidating the impressive gains of its new democracy.

General Pinochet left behind a web of problems which President Aylwin's government must now overcome.

He remains as chief of the armed forces and the new government must ensure that the civilian authorities maintain full control over the military.

General Pinochet's economic programs hurt the poor of Chile, particularly in the areas of health, education, and housing, and the new government must move to assist the impoverished of Chile.

The United States can help by restoring trade and investment benefits under OPIC and GSP, thus helping the Chilean economy to grow and prosper.

We can provide expertise to combat the serious pollution problems faced by Santiago and the other cities of Chile. We can provide housing guarantees, health care assistance, and education funds to build schools in Chile's poorest areas.

The bill I am introducing today provides $50 million in health, housing, and education, authorizes the Peace Corps to resume operations in Chile, and provides technical assistance to the new congress.

It also provides technical assistance to help Chile combat its environmental problems and urges a speedy resumption of the trade and investment benefits and guarantees under OPIC and GSP.

We can offer our own expertise right from the United States Congress to help the Chileans set up their own new congress.

We can send teams of experts from OTA, CBO, GAO, and our Congressional Research Service to help Chile establish its own infrastructure to support a strong and effective legislative branch of Congress.

Finally, another issue to be addressed by the Aylwin government will be the still unresolved murder of Orlando Letelier and Ronni Karpen Moffitt in Washington, DC. Agents of the Pinochet regime traveled to the United States on forged passports to carry out this murder.

A United States court indicted members of the Chilean intelligence agency who remain at large today. Justice must be done and I am convinced that the new President fully shares this view.

The bill I am introducing today will provide essential assistance to help foster social, economic, and political development in a new, democratic Chile, and I urge my colleagues to support the measure.

A new day of freedom is dawning in Chile and throughout our hemisphere. Let us act wisely to support and build on this triumph.

I ask unanimous consent that the text of the bill and of President Aylwin's inauguration speech at the national stadium may be reprinted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Support for Democracy in Chile Act of 1990".

SEC. 2. STATEMENT OF FINDINGS.

The Congress finds that—

(1) the United States has a proud and successful tradition of providing support for democratic nations;

(2) it is in the interest of the United States to provide support and assistance to democratic governments to help them solidify and stabilize their system of governments and economies;

(3) for the last 16 years, the people of Chile suffered violations of their basic human, political and civil rights under the dictatorial regime of General Augusto Pinochet;

(4) despite a proud and distinguished tradition of democracy over the last 150 years, the people of Chile were denied the right to choose their leaders in democratic elections or elect representatives to Congress during the years between 1973 and 1990;

(5) on October 5, 1988, in a dramatic demonstration of support for democracy and freedom, the people of Chile voted in a well organized, free and fair plebiscite to reject a continuation of rule by General Pinochet;

(6) on December 14, 1990, the people of Chile participated in their first election in two decades and elected Patricio Aylwin President of Chile and a new Congress in a free and fair vote;

(7) on March 11, 1990, the Presidential sash and powers were peacefully transferred from General Augusto Pinochet to President Patricio Aylwin;

(8) the long overdue restoration of democracy in Chile is a triumph for the courage and determination of the Chilean people and a victory for freedom and democracy everywhere;

(9) the new government of Chile faces many challenges in promoting economic prosperity, meeting the social needs of its citizens and ensuring civilian control over the military; and

(10) the United States and other democratic nations can assist Chile in meeting these challenges and consolidating the impressive democratic victory.

SEC. 3. DECLARATION OF POLICY.

The Congress declares that it is the policy of the United States to promote democracy, respect for human rights and civilian control of the military through the extension of assistance and benefits to the new government in Chile. Such programs will also promote a better understanding of the American people abroad and a better understanding of other peoples within the United States.

SEC. 4. OVERSEAS PRIVATE INVESTMENT CORPORATION AND GENERALIZED SYSTEM OF PREFERENCES.

It is the sense of the Congress that the United States should provide to Chile investment guarantees and credits under the Overseas Private Investment Corporation (OPIC) and trade benefits under the Generalized System of Preferences (GSP) as soon as possible and that the U.S. interagency group reviewing Chile's petition for these benefits should move forward in an expeditious manner.

SEC. 5. PEACE CORPS PROGRAMS.

Notwithstanding any other provision of law, there are hereby authorized to be appropriated for fiscal years 1990 and 1991 to the Peace Corps not less than $1,500,000 solely for establishing and operating a Peace Corps program for Chile.

SEC. 6. ENVIRONMENTAL ASSISTANCE.

(a) In addition to specific authorities contained in any of the environmental statutes administered by the Environmental Protection Agency, the Administrator of that Agency (the "Administrator") is authorized to undertake such educational, policy training, research, and technical and financial assistance, monitoring, coordinating, and other activities as may be deemed appropriate, either alone or in cooperation with other United States or foreign agencies, governments, or public or private institutions, in protecting the environment, and preventing environmental contamination threatening public health in Chile.

(b) There is authorized to be appropriated up to $1,000,000 in each of the fiscal years 1990, 1991, and 1992 to carry out the purposes of this section.

SEC. 7. TECHNICAL CONGRESSIONAL ASSISTANCE.

(a) There is authorized to be appropriated $2,500,000 for the purpose of providing technical assistance, training, exchanges and equipment to the new Congress of Chile in accordance with this section.

(b) The Secretary of the Senate, the Clerk of the House of Representatives, the Librarian of Congress, the Office of Technology

Assessment, the Congressional Budget Office, the Congressional Research Service and the General Accounting Office are authorized to provide support and assistance to the Congress of Chile in developing its institution, including research, technology assessment, budget analysis and preparation, information systems, staff, equipment and materials.

(c) Further, these funds provided for in subsection (a) may also be applied to education and training seminars for the new Congress in conjunction with governmental agencies, universities, and other nongovernmental institutions.

SEC. 8. HOUSING ASSISTANCE.

The Agency for International Development is authorized to enter into an additional amount housing guarantees in Chile of $10,000,000. In extending such guarantees, AID shall direct the majority of the programs toward low income housing in impoverished areas of Chile.

SEC. 9. HEALTH ASSISTANCE.

There is authorized to be appropriated to the Agency for International Development $20,000,000 to be used for grants to the government of Chile to strengthen the country's primary public health care system, of which $1,000,000 shall be used only for drug treatment programs, $200,000,000 shall be used only for the Chilean Institute of Public Health, support for its research and training capabilities and to facilitate exchange programs with the United States National Institutes of Health and the United States Center for Disease Control, and $200,000 shall be used to carry out a program of mental health counseling and community education with respect to the victims of human rights abuse.

SEC. 10. EDUCATION ASSISTANCE.

There is authorized to be appropriated to the Agency for International Development $10,000,000 to be used for grants to assist the new government in the implementation of its program to repair, refurbish and build 900 basic elementary schools in poor urban and rural areas of Chile and to support technical and vocational training.

SEC. 11. UNITED STATES-CHILE DEVELOPMENT FUND.

There is authorized to be appropriated $2,000,000 for the establishment of a United States-Chilean Development Fund to promote in Chile, education, small business, improvement in the work force, innovative production techniques, applied science and post graduate training, and research.

SEC. 12. REPORTING REQUIREMENT.

Not later than twelve months after the enactment of this Act, the President shall submit to Congress a detailed report outlining the status of the programs referred to and authorized by this Act., An evaluation of each of these programs and a recommendation on how the United States might best support democracy and social justice in Chile.

SPEECH BY CHILEAN PRESIDENT PATRICIO AYLWIN AT THE NATIONAL STADIUM, MARCH 12, 1990, SANTIAGO, CHILE

This is our Chile, the Chile we all want, the country for which so many people during its history gave their lives to preserve. The just and democratic country, the nation of brothers.

Presidents, heads of governments, Ministers, Ambassadors of friendly nations, Members of the Government and Congress, Judges of the Fatherland, Chileans, Friends:

We are gathering here today with hope and joy. Hope, because at last we begin, with fraternal spirit and a yearning for freedom and justice, a new stage in our national life. Joy, because for the first time in 20 years we begin walking a path that we ourselves chose consciously and freely. It has not been imposed on us. It is the result of the free and sovereign will of the Chilean people.

Today we celebrate a new daybreak. [Applause.] In this beautiful gathering, more than celebrating the victory that was officially sanctioned during the inauguration at Congress yesterday, we make public our firm commitment to consolidate our national unity, seeking reconciliation among all Chileans on the bases of mutual respect and the nonrestrictive reign of truth, law, and justice. [Applause.]

This celebration is enhanced by the presence of our guests, leaders and representatives of friendly countries. They are with us at this happy moment as they were with us in solidarity during the days of persecution and pain. [Applause.]

They joined our struggle with the asylum they generously granted all exiled Chileans [applause], with their defense of the human rights of so many fellow Chileans, and with their solidarity with our people's struggle to recover democracy. In the name of our people, I now thank you, thank you very much. [Applause.]

We would also like to add something else. You can rest assured that the return of democracy in Chile will also mean that we will actively participate in all international cooperative efforts, that we may contribute to the development of the people, to justice and peace among nations, and to the reign of human rights in all countries of the world. [Applause.]

Millions of Chileans from one end of the nation to the other are with us in this festivity. Others who live abroad, either voluntarily or because they were forced to do so, have hopes for the restoration of democracy here. We are conveying to them our fraternal greetings. [Applause.]

During the sad, hateful, and blind days when force prevailed over reason, this stadium was for many countrymen a place of imprisonment and torture. We would like to say to all Chileans and to the world that never again will human dignity be violated [applause]; never again, fratricidal hate; never again, violence among brothers. From this site, where His Holiness Pope John Paul II told Chilean youth that the values of the spirit—like the daughter of (Jairo)—were not dead but sleeping, we would like to proclaim to the world that the traditional civic and democratic spirit of the Chilean people, which gave us prestige among nations, and which was reason enough to be proud, has never died. It was asleep, but after years of suffering, bitterness, struggle, and obstacles, it has awakened, alert and never to sleep again. [Applause.]

Today we are making a commitment to rebuild our democracy faithful to the values we inherited from our forefathers, values which Cardinal Silva Enriquez [applause], a just man and a great friend of the Chilean people, to whom we owe so much, described beautifully as the soul of Chile, the love for freedom, the rejection of all forms of oppression, the supremacy of the law over injustice, the supremacy of faith over any form of idolatry, tolerance of differing opinions, and the tendency not to exacerbate conflicts but to try to resolve them through agreement. These values will prevail among us again. [Applause.]

We have a beautiful and complex job ahead of us. We must restore a climate of respect and confidence among the Chilean people, no matter what their beliefs, points of view, activities, or the social class to which they belong; no matter whether they are civilians or military. [Booing.] Yes, gentlemen, yes fellow countrymen, no matter whether they are civilians or military, Chile is a single country. [Applause.] The innocent should not pay for the guilty. [Applause.] We must be able to reconstruct the unity of the Chilean family [Applause], be they workers or businessmen, laborers or intellectuals. We must open paths for democratic participation so that everyone may cooperate in achieving well-being. We must do away with the great differences that divide us and especially must raise the living standards of the most needy sectors to respectable and human levels. We must safeguard the health of our fellow countrymen. [Applause] We must estabish a fair relationship between those involved in the economic process. We must give our youths access to knowledge, job opportunities, and progress, which is in keeping with the time we are living in. [Applause.] We must grant our elderly the respect they deserve. [Applause] We must promote the participation and enhance the role of the women in Chilean society. [Applause.] We must promote growth and safeguard the stability of our economy. We must improve the terms of our foreign trade. We must preserve the environment [Applause] and our renewable natural resources. We must make our utmost contribution to Latin America's democratization, development, and integration, and to the consolidation of world peace. In sum, we must implement the policies contained in the program that the coalition of the parties for democracy [CPPD] proposed to the country.

Although the job that lies ahead of us is beautiful and complex, and demands from us our utmost effort and enthusiasm as we undertake it we must be fully aware of the difficulties it will pose. We are going to face difficulties caused by the obstacles and restraints that the past regime has left us. [Booing.] There will be obstacles stemming from the very nature of the various issues, and there will also be others, no less important, which we created ourselves. Nobody ignores that the previous government tried to perpetuate itself in power. [Booing.]

History tells us that such attempts have never prevailed over the people's right to govern themselves. [Applause.] We are witnessing this in various parts of the world. We are also proving this with this very event we are celebrating. However, the satisfaction we feel today must not prevent us from seeing the innumerable limitations, obstacles, and restraints that the regime that governed until yesterday created in its attempt to perpetuate itself in power. [Booing.]

Those who exercised full power made an effort to the last day to reduce the power of the new democratic officials. Those who used the assets of the state as their absolute owners, without any limitations, found the way to take away as many assets as possible from the administration to which it constitutionally belongs, from the President of the Republic. [Applause.]

Many people are asking why we accepted these things. They do not hide their rejection of the cordial way in which the transfer of power was being conducted, while these events were taking place. While I am supporting the moral condemnation that such a

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conduct deserves, a condemnation which I am sure history will approve, I invite my countrymen to look at the other side of the issue.

We are happy with the peaceful path we took, without any emotional stress, to the Democratic Government. In order to avoid the limitations imposed by the former regime, should we have exposed our people to new violence, suffering, and loss of life? [Shouts of no.]

We, the Chilean Democrats, decided to achieve democracy by defeating authoritarianism on its own playing field. This is what we did, accepting the benefits and costs involved. [Applause.]

I sincerely believe that the path we chose was the best possible one. Courtesy does not mean cowardice. [Applause.] I believe that most of the obstacles used to try to restrain us will not resist the weight of reason and the law. [Applause.] I trust that the national congress, disregarding differences among parties, will approve the necessary reforms to insure the normal and prompt operation of our new democracy. I am sure that our armed and security forces will fulfill their institutional duties if anyone dared, or is tempted, to employ force against the will of the people. [Applause.]

We will also have to overcome the natural problem involving issues. Our program is large, the requirements are many. There are many needs that have not been fulfilled for years that must be met. We will not be able to do everything at once. We will have to establish priorities. The right thing to do is to begin with the poorest. [Applause.] There are many people with problems. We will give first priority to those who really need help. Our country belongs to the developing world. Our national per capita income is low. If we distribute our income among the 12 million Chileans, no one would be satisfied and we would stop our growth.

We need to grow if we want to overcome poverty. This requires that we stimulate savings, investments, creative initiative, and the entrepreneurial spirit. Government policies will have to reconcile the spirit of social justice and the legitimate requirement to satisfy essential needs with the unavoidable demand for growth and development.

Everything in life requires time. How many years did we spend trying to recover democracy? [Booing, whistling.] The fact that we now have a government of the people does not mean that problems will disappear. It only means that from this very moment, from now on, we will begin to work to solve these problems.

We count on everyone's effort and participation to the task. [Applause.] Only then can we consolidate our democracy and solve our problems.

We must also resolve other difficulties: the problems within ourselves. I will call them the great temptations: the temptation to consume all our time in settling old accounts, the temptation to begin everything anew, and the temptation of power.

It is legitimate and just for people to want truth after a long period of an absolute and mysterious power, with so much suffering, and with public matters held as inaccessible secrets. We have said before, and we solemnly reiterate today, that the moral conscience of the nation demands that we find out the truth about the missing people [applause], the truth about the horrendous crimes and other grave human rights violations that occurred during the dictatorship. We have also said, and I reiterate today, that we must face this delicate matter by reconciling the virtues of justice and prudence. After the responsibility for those crimes is determined, the time for pardon will arrive. [Shouts, whistling.]

There are also other unjust matters that demand reparation and prompt correction. Today I have signed decrees pardoning numerous political prisoners. [Applause.]

In the coming days we will resolve other cases. I have sent to Congress the appropriate bills to resolve the problems of all political prisoners. [Applause.] We will also have to clarify matters that have never been explained well. Some of these matters involve the state patrimony and the national interest.

In this necessary exercise of justice, we must avoid the risks of reenacting the past. We must avoid our past conflicts. We must avoid spending endless hours in inquiries, recriminations, or witch hunts. We must not forget our duty to the future. I consider it my duty to ensure that all our time is not spent looking at the past. The spiritual health of the country demands that we find formulas to complete—in a reasonable period of time—the moral cleansing of the nation. The time will come when we will all be able to look at the future with trust, to reconcile ourselves, and to join efforts in the task of developing the country. [Applause.]

In our determination we must also avoid the temptation to try to redo everything, to start from square one as if none of what already exists deserves being preserved. History tells us that countries are built through cumulative actions of successive generations. Each new phase is built on the previous one, with its achievements and mistakes. Chile wants us to preserve what is good, correct what is bad, and improve what is not so good. This is the only effective way to progress in our noble and just attempt to match reality with ideals.

We must also be careful of being tempted by power, either by believing it belongs to us and failing to see that we are mere governors of a sovereign people and responsible to them for our performance, or by turning the legitimate democractic controversy into a cruel struggle to preserve, increase, or win power. For us, power will be a mere tool to serve. We will preserve and increase our fellow countrymen's confidence if we are capable of efficiently working for the well-being of the nation.

As far as I am concerned, I assume the honorable and difficult responsibility entrusted to me by the people with the firm determination to be the first servant of Chile and Chileans. [Applause.]

What can my fellow countrymen expect from me? That I exercise the power entrusted to me honestly and wholeheartedly, without expecting honors nor avoiding sacrifices, always seeking the common good, abiding by my principles; that I always tell the truth, never straying away from law and zealously seeking justice; that I be loyal to the democratic principles, and also loyal—within the framework of the program that represents our commitment to the Chilean people—to those who honor me with their support; that I respect all the people and the various viewpoints; that I listen to everyone; that I always strive to promote understanding and to reach agreements; that I do not hestitate to make the decisions that, according to my understanding, are in the country's higher interests; in sum, that I try to be a good father to all my fellow countrymen and that with effort, self-sacrifice, and authority I achieve the well-being and happiness of my people, worrying especially about those who need me most, that is, the poorest and humblest. [Applause]

What do I expect from my fellow countrymen? I expect and demand, above all, that they understand that the task of building a true and sound democracy, and of achieving the development and justice we desire, are not tasks exclusively for the government, Congress, and other authorities, but tasks for all Chileans. We require everyone's imagination, effort, initiative, discipline, and sacrifice. We can accomplish our tasks only with everyone's cooperation.

Our government will not fulfill the duties of each and every Chilean citizen, face social organization, face enterprise. It will be here to support them, encourage them, back them, but nobody must forget that Chile belongs to everyone and must be built every day by everyone. [Applause].

I hope for and demand patriotism from everyone so that they can understand and accept that Chile's interests come before the interest of particular individuals, groups, or sectors. Everyone must cooperate generously, to the extent of his own abilities. If we are to achieve a fair and stable political, economic, and social order. I hope and demand that all Chileans abide by the law and reason in working for their own aspirations and that they refrain from resorting to violence in order to impose their intentions. [Applause.] Whoever resorts to violence will fail. The use of force belongs to dictatorships; reason and law are the tools of democracy. [Applause.]

I hope that we mutually respect our different viewpoints, that we give up all sorts of sectarianism and hegemonic pretensions, and that we make every effort possible to understand each other and find paths to consensus. I am well aware that many Chileans have been ill-treated and neglected during these many past years. I am aware that they are tired of waiting and believe that the return to democracy will quickly solve their problems that are often distressing. I understand their needs and urge them also to understand, as I have insistently said during the electoral campaign. That we will need time and a lot of cooperation. If you have been forced to wait for so long, I now ask you for some voluntary and reasonable patience. To the Chileans who have made progress in the midst of a peace imposed by force, I ask them to understand that in modern societies there is no stable order or safety if it is not based on rational consensus rooted in law. [Applause.]

The desire for peace that prevails among us demands our utmost effort to maintain and project toward the future the climate of understanding that has marked our transit toward democracy. In this spirit we must praise the dialogue that is being held by workers and businessmen with the purpose of reaching agreements in the economic and labor fields. In order to support and complement this initiative, I have instructed my finance, economy, and labor ministers to arrange meetings between the central labor union, the production and commerce confederation, and the Government. In order to reach an agreement that will represent a guarantee of progress, justice, and stability. [Applause.]

Fellow countrymen, may the Lord help us fulfill the task that Chile has entrusted us with. May the Lord give us wisdom and spare us from mistakes and clumsiness. May the Lord give us wisdom to face reality without mistaking desire from capability and to act effectively. May the Lord give us energy to make the decisions and the courage not to be intimidated by difficulties. May the Lord give us the patience to overcome incomprehension and the humility to recognize our mistakes. May the Lord illuminate our minds and give us a powerful will to seek justice. May the Lord give us the love to always be united, to work together, and to help each other.

Chile is our home. Let us take care of it together, that its bread may feed all of its children, that the fruits of peace and the joy of living may grow. I have faith. I have a great deal of faith in Chile and in its people, in their sacrifices and common sense, in the strength of the Chilean women, in the spirit and imagination of our workers, in the creativity of our intellectuals and businessmen, in the idealism of our youth, in the moral values of our families.

Our beautiful history teaches us how this small and hard-working nation—overcoming the problems of poverty, its crazy and beautiful geography, and its earthquakes—was able to build an exemplary republic that is admired among nations. Because of several ideologies and various irreconcilable goals, hate prevailed for a while over solidarity; force prevailed over reason. After years of bloody divisions and the rule of violence, today we again have a patriotic spirit, and we stand ready to lead Chile into the new century as a prosperous and peaceful nation. [Applause.]

At this crucial time in our national life, I invite all of my countrymen to go deep into their minds to ask themselves how everyone can contribute to the great common task, and to be ready to assume their share of responsibility. The world is looking at us. The great leaders of our history demand that we act in a suitable manner. The future generations will judge our conduct. The task is beautiful: To build together the nation we want, free, just, and good for all Chileans. It is up to us countrymen. [Applause.]

By Mr. RIEGLE (for himself, Mr. Garn, Mr. Cranston, Mr. D'Amato, Mr. Bond, Mr. Heinz, Mr. Mack, Mr. Gorton, Mr. Grassley, Mr. McClure, Mr. Murkowski, Mr. Chafee, Mr. Symms, Mr. Wilson, Mr. Coats, Mr. Kasten, Mr. Domenici, Mr. Cochran, Mr. McConnell, Mr. Stevens, and Mr. Danforth) (by request):

S. 2304. A bill to amend Federal laws to reform housing, community and neighborhood development, and related programs, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE ACT

Mr. GARN. Mr. President, I along with Senators Garn, Cranston, and D'Amato am introducing, by request, the Homeownership and Opportunity for People Everywhere Act of 1990 [HOPE].

The affordable housing crisis in the United States is clear for all to behold. Walk down the streets of any major city in our country and the homeless are visible without even looking. Some 730,000 Americans are homeless on any given night, and between 1.3 million and 2.0 million persons experience homelessness each year. Millions more are only one missed paycheck or personal crisis away from themselves becoming homeless. An MIT housing analyst has projected that if present patterns persist, by the year 2003, 18.7 million Americans will be unable to find affordable housing.

The Housing Subcommittee has been working on comprehensive legislation for more than 2 years. I want to commend subcommittee Chairman Cranston and ranking Republican D'Amato for their leadership in this area and for their authorship of S. 566, the National Affordable Housing Act.

There are now two major housing initiatives before the Senate: S. 566, and the Homeownership and Opportunity for People Everywhere Act [HOPE]. These two bills are in many ways complementary, and the Banking Committee has already begun the process of merging them into a single package.

Housing legislation is an important priority of the committee this year. Such legislation must address the spectrum of housing needs faced by homeless people, low-income families and first-time home buyers. It must build upon public/private partnerships to expand the supply of affordable housing. It must create a strong low-income housing preservation program, encourage the conversion of public and assisted housing to tenant ownership where appropriate, and improve housing assistance in rural areas. It must provide affordable housing with supportive services for people with special needs, such as elderly people and people with disabilities. And, it also must increase rental assistance provided to low-income tenants.

Through a cooperative bipartisan effort it is our intention to enact comprehensive housing legislation this year.

Mr. CRANSTON. Mr. President, I join Senators Riegle, Garn, and D'Amato in introducing, by request, the administration's housing proposals in the Senate today. I have long worked on a cooperative basis with Secretary Jack Kemp and others in the administration, and I'm pleased to have the opportunity to extend this courtesy on this occasion.

Secretary Kemp's determination and hard work have brought the legislation to this important milestone. I value the leadership he is bringing to policies that affect our Nation's housing, and I deeply appreciate his efforts to win White House approval of significant, new housing initiatives.

The "Homeownership and Opportunity for People Everywhere [HOPE] Act" incorporates ideas that Jack Kemp has strongly advocated for many years. I have shared his desire to make sure that low-income and moderate-income Americans have greater opportunities for homeownership and management of their housing.

I believe Secretary Kemp wants to work together on a bipartisan basis to achieve important housing legislation that deserves strong support by the administration, the Congress and the American people. I look forward to incorporating as many of his suggestions as possible into the housing legislation that the committee will mark up on May 2.

This is the approach this committee has been following over the past 3 years. We have reached out nationwide for the country's best housing ideas. Hundreds of the country's housing leaders have spent thousands of hours to refine these ideas into sound legislation. I look forward to working with Jack Kemp over the next few weeks to refine those ideas even further.

The Secretary's desire to work with Congress is vastly helpful. I am confident that Congress will pass major housing legislation this year. I am optimistic it will be comprehensive legislation. And I suspect that what we do this year will determine the shape of national housing policy for at least the next 2 or 3 years.

The question is not: "Will we get a housing bill?" The question is: "Will we get a good housing bill—a housing bill that we can be proud of?"

The need is growing ever more urgent. During the past decade Congress and the administration have taken a number of actions through tax policy, through regulation and through legislation that have had a very harmful impact on housing in this country.

Funding has been slashed, programs have been mismanaged, and scarce resources were being ripped off by the politically well connected and the greedy.

The Tax Reform Act of 1986 sharply reduced the value of tax incentives for ownership of rental housing. The passive loss limitation rules, changes in the method of depreciation and restrictions on tax-exempt financing have all had a devastating impact on the construction and maintenance of multifamily housing.

The problems, unfortunately, have been made even worse by more recent actions.

We are only now beginning to understand ways in which last year's thrift reform act is having unintended negative consequences for housing. The limits on loans to one borrower and the risk-based capital requirements have sharply reduced thrift lending for apartment construction and rehabilitation.

While all this has been occurring, something has been going very wrong with housing for the poor. And housing has become less affordable for

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other Americans as well—as is shown by the declining home ownership rates.

But awareness of the housing problem is growing. I am convinced we have a rare opportunity—probably the best opportunity in several decades—to shape a fresh, effective national housing policy.

But we have to make sure we get a bill that will mobilize the country's resources to provide the affordable housing that our people will need during the next decade and beyond.

I believe a new housing bill should address the full range of our housing problem. It should help families to buy their first home. It should help preserve the stock of affordable low-income housing that is in danger of being lost during the next few years. It should help expand the supply of affordable housing that is so desperately needed. It should provide better housing opportunities for people with special needs, particularly elderly people, people with disabilities, and people who are homeless.

The administration's legislation offers a promising foundation for preserving the low-income affordability of federally assisted housing. The bill recognizes the need to provide service supported housing for the homeless and people with special needs. The package proposes valuable ways to target housing finance on urban neighborhoods. The bill would transfer ownership of federally assisted or owned housing to low-income families.

A separate piece of the package, which will be referred to the Finance Committee, would provide urgently needed tax incentives for housing. It would allow first-time home buyers to make penalty-free withdrawals from their IRA for a downpayment. And, lastly, the bill would extend the low-income housing tax credit program for 1 year at the current allocation rate. I feel strongly that new housing legislation should meet several important standards.

First, I believe the bill should ensure the long-term financial strength of FHA. I am concerned that past policies have exposed FHA to unacceptable losses in the coming years. Some of the problem results from mismanagement under the previous administration. Some of the problem is created by the arbitrary, nationwide ceiling on the size of FHA insured mortgages. Some of the problem is created by other elements of legislation that should be corrected.

I understand that the administration intends to offer major proposals on FHA after a report is received from Price-Waterhouse. I'm hopeful that the Senate has the administration's recommendations in plenty of time before markup.

Second, I believe a new housing bill should provide a permanent solution to the problem of prepayment. I appreciate the administration's recommendations included in this package. However, a cost-effective solution must involve changes in tax policy as well. Congress will need HUD's assistance to explore reasonable alternatives.

Third, I believe the bill should expand the supply of housing affordable to low-income and moderate-income Americans. Four million American families are living in substandard housing or are paying more than 50 percent of their income for rent. We are losing low-cost housing at a rate of 1.5 million units a decade, while the numbers of the poor are rising.

Any responsible housing bill must help reduce the size of that problem. Although tenant management and tenant ownership of low-income housing deserve support, national housing policy cannot be limited to transferring ownership of existing housing to current tenants.

Less than one-third of the Americans who are eligible for housing assistance are now receiving it. We have to provide decent, affordable housing for those who do not now have it.

Imagine that you are a sea captain. And at the break of dawn, you come upon the scene of a great shipwreck. You see there are only enough life boats in the water to hold 500 people, but more than 1,000 people are struggling in the sea.

Now, what if someone ran up to you and said, "Sir, we need to do something! Let's help the people in the boats become boatowners!"

I suspect that, instead, we would all want to do what we could to get more lifeboats out there for the poor souls who were drowning.

Well, that has got to be the objective of a new housing bill, as well. New legislation has got to help get more affordable housing out there for the people who desperately need it.

And that does not mean some simple-minded choice between vouchers and new production. We need a variety of approaches that meet the needs of widely different local housing conditions.

Fourth, the bill should build on the exciting new housing initiatives that have formed throughout the country. It should strengthen the housing partnerships—involving States, communities, nonprofit organizations, and private industry—that are finding better ways to meet the soaring need for low income housing.

The bill should give States and local governments flexibility to deal with local housing conditions and local housing markets that differ greatly throughout the country.

I am certain that we have the raw materials of good legislation that measures up to those important standards.

Together, the Senate and Secretary Kemp have the energy and commitment that we need to bring a new national housing policy into reality.

This is an exciting time to be working for affordable housing in our country. Many hurdles remain, but I am confident that—working together and redoubling our efforts—we will succeed in launching a new national housing policy that will improve the living conditions for millions of families in the years to come.

Mr. GARN. Mr. President, I am pleased to support and cosponsor Secretary Kemp and the administration's HOPE proposal. This morning I attended a hearing in which the Secretary described some of the new directions for housing contained in HOPE. I was quite impressed.

The HOPE proposal is an ambitious initiative which establishes a foundation upon which Congress, working with the administration, can develop a responsible housing authorization bill this year. While Members may have some disagreements over funding and policy, the thrust of the legislation embraces themes upon which we can all agree: expanding homeownership opportunities for low- and moderate-income families, providing supportive services with basic shelter assistance for the homeless, and resolving the prepayment problem to preserve low-income housing resources. I look forward to working with my colleagues and the administration to advance these ideas.

Mr. D'AMATO. Mr. President, I rise today in support of the administration's HOPE initiative. This proposal is the first housing legislative package to be submitted by the administration in a number of years. I commend the President and Secretary Kemp for generating innovative alternatives for our housing problems.

Senators RIEGLE, GARN, and CRANSTON join me in introducing this proposal. Similar legislation was introduced by Chairman GONZALEZ and Congressman WYLIE in the House last week. I am pleased to be part of a congressional effort to support and advance the administration's HOPE proposal.

The HOPE proposal has six major components. They include:

(1) HOPE GRANTS

A 3-year, $2.15 billion, multifaceted program to increase homeownership for low-income families in public housing, publicly held properties, and FHA distressed and foreclosed properties. States, localities, and nonprofits will be eligible to apply for the funding. A match of $1 for every $2 Federal dollars will be required.

(2) "SHELTER PLUS CARE" PROGRAM FOR THE HOMELESS

A 3-year, $761-million program that combines housing—group homes, single room occupancies and rental assistance—with supportive services for the homeless who are mentally ill or alcohol and drug abusers.

(3) PRESERVATION OF LOW-INCOME HOUSING

Over $1 billion provided over 3 years to resident groups and nonprofits to purchase federally insured and federally subsidized buildings which are subject to prepayment of their mortgages.

(4) OPERATION BOOTSTRAP

In fiscal year 1991 alone, over 56,000 tenant-based vouchers and certificates will be combined with job training, child care, transportation, and other assistance in order to help welfare families and those with low earnings achieve upward mobility.

(5) HOUSING OPPORTUNITY ZONES

Fifty zones competitively designated to communities that eliminate costly, unnecessary State and local government regulatory barriers to affordable housing. Federal incentives include targeted FHA insurance and rental rehabilitation preference.

(6) SERVICE-SUPPORTED HOUSING

A $44-million demonstration project to provide service supported housing to help the elderly achieve independent living, rather than entering nursing homes.

The HOPE proposal also includes an extension of the low-income housing tax credit, use of individual retirement accounts [IRA's] for downpayments, and creation of enterprise zones—a total of $187 million in tax subsidies for housing. I have been a long-time advocate for all of these concepts. Many of these are included in S. 566, the National Affordable Housing Act.

IRA'S FOR FIRST-TIME HOME BUYERS

I have been a particular proponent of the use of IRA's as a downpayment for first-time home buyers. The Rouse-Maxwell Task Force made a similar recommendation to Senator CRANSTON and I in our development of S. 566. The HOPE initiative confirms the merit of this proposal by providing $190 million in tax subsidies over 3 years for this purpose.

RESIDENT HOMEOWNERSHIP

But the HOPE proposal also expands the accessibility of homeownership. This step should not be downplayed. While many of us may differ about specific policy questions, the concept of homeownership is one that we can all embrace. It has proven itself to be a means of building self-confidence and pride. In my own home area of Brooklyn, NY, the Nehemiah program has been a vivid example of this. A neighborhood that was once decimated has now become a safe and proud community.

SHELTER PLUS CARE: ASSISTANCE FOR THE HOMELESS

Another core element of the proposal is also contained in the National Affordable Housing Act. This is the concept of combining housing and services for the homeless and the elderly. Housing advocates have long focused almost exclusively on the housing needs of these two particular populations. In the past few years, some have gone so far as to say that homelessness is entirely a housing problem. I believe these individuls do not have a firm grasp of the complexities of homelessness today.

On the contrary, the administration's proposal is a simple, yet sophisticated, approach to addressing homelessness. The "Shelter Plus Care" Program provides vouchers to nonprofits who assist homeless individuals, particulary those who are seriously mentally ill or alcohol and drug abusers. The voucher must be accompanied by social services.

SERVICE SUPPORTED HOUSING DEMONSTRATION

The HOPE proposal is equally as balanced in its approach to dealing with the elderly. It is not new news that the elderly have a variety of needs. Some of these needs relate to housing. For instance, many of our elderly do not have the income to be able to afford rent. But our elderly also have other needs—in terms of their health, their transportation, and their daily chores.

The HOPE proposal responds to the comprehensiveness of these needs by creating a service supported housing demonstration project. This demonstration provides vouchers to the elderly in conjunction with social services.

A PRESERVATION STRATEGY

Over the next 15 years, owners of nearly 334,000 units of FHA insured multifamily housing will become eligible to prepay their mortgages. Prepayment could result in the elimination of low-income use restrictions on these properties, forcing residents to look for other places to live. As a Senator from the State of New York, I am worried that there may not be alternative, affordable places to live.

The HOPE proposal establishes a three prong approach to preserve this housing for low-income families. The first step would be to allow resident groups and nonprofits the opportunity to purchase their buildings and become homeowners. A grant of about $60,000 per unit would be provided for this type of buyout. Should tenants choose not to purchase the property, a second alternative is available to preserve the property. HUD will offer incentives to current owners in return for a renewed commitment to keep the projects affordable to low-income families. This is similar to aspects of the Low-Income Preservation Act of 1987. The last phase of the three prong strategy can be summed up with the word "voluntary". If, after a 24-month period, attempts to convert the project to home ownership or maintain it as a low-income rental project have been unsuccessful, the owner may prepay the mortgage and find alternative, affordable housing for the current residents.

I believe that the administration's preservation proposal provides an excellent foundation for a congressional and administration solution to this difficult problem. For the first time in 3 years, the administration has come to the table with a credible and creative approach to preserving housing for low-income families. It should be noted that this is on top of an additional $7.7 billion requested in the President's budget for section 8 contract renewals. With such a strong statement from the administration on preservation, it is my belief that the administration and Congress will be able to find a reasonable solution to this problem.

REPLACEMENT HOUSING

One of the major obstacles to public housing home ownership has been the lack of resources to meet the one-for-one replacement requirement. In many parts of the country it would be appropriate for section 8 certificates and vouchers to be used for this purpose. The HOPE proposal provides $250 million for rental assistance to cover operating expenses, relocation housing, and replacement housing. I am hopeful that these resources will facilitate home ownership conversions for those projects that have spent years battling regulatory standards and procedures.

CONCLUSION

As we all continue to wait for HUD's recommendations on the FHA program. I look forward to working with Secretary Kemp and Senators RIEGLE, GARN, and CRANSTON to develop housing legislation which will incorporate many of the concepts in HOPE with other housing initiatives which have broad support within Congress and the administration.

Mr. CHAFEE. Mr. President, today we are introducing HOPE—home ownership and opportunity for people everywhere. This bill proposes a number of thoughtful and practical solutions to one of the most urgent problems confronting the Nation today: The dearth of affordable housing opportunities.

A visit to any city or State will reveal the depth of America's housing crisis. One can see empty public housing buildings, neglected and graffiti-scarred—a portrait of the Nation's failed building programs. One can also see the growing homeless population—a tragedy in the midst of the wealthiest county in the world. We need strong action to address these problems.

The HOPE initiative provides much needed direction to the Nation's housing policy. HOPE will bring new life and new opportunity for low-income

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Americans who have been squeezed out of the Nation's housing market. It will provide care and shelter homeless. It will bring new growth to depressed urban areas. And it will give hope to all Americans who are grasping at the first rung of the housing ladder.

First, I wish to thank President Bush for this innovative proposal. Tenants, builders, experts, Government officials, and social workers have all asked that someone come forth with a comprehensive housing plan to encourage homeownership and give poor and low-income Americans a stake in their community. Well, this is it. President Bush has listened and the result is home ownership and opportunity for people everywhere—HOPE.

From day 1 of his Presidency, George Bush has made housing policy a priority. His first move was to choose Secretary Jack Kemp to reorganize and breathe new life into the Department of Housing and Urban Development [HUD]. The President today offers a comprehensive housing plan to expand home ownership, help ease the plight of the homeless, and create jobs and opportunity to help low-income families achieve self-sufficiency.

The HOPE proposal will cost the Government $7.2 billion over the next 3 years—$4 billion in authorization and $3.2 billion in lost revenue—to relieve poverty, and to encourage home ownership, tenant management, entrepreneurship, and economic growth. Some will say this is too little; others will say this is too much. Seven billion dollars is a great deal of money and sends an important message to the country: President Bush is serious about bringing homeownership opportunity to each and every American.

The centerpiece of the plan is a $2.5-billion HOPE Grant Program to promote home ownership for low income and working poor families. These grants will allow public housing projects and other properties to be rebuilt—to rise from the dead if you will. Then, by turning renters into homeowners, HOPE will ensure that these units do not suffer from the problems of the past. Tenant ownership and tenant management will root people in their communities and allow people to take pride in their house, and in their neighborhood.

HOPE grants will provide $2 in Federal funding for every $1 raised on the State and local level. These funds will be used by public housing agencies, nonprofit organizations, and tenant groups to rehabilitate and transform Government-held public housing units.

In my home State of Rhode Island, we have a number of housing complexes, public housing authorities, and tenant groups that might fit the profile for HOPE grant recipients. For example, the Roger Williams Housing Development is a largely abandoned multibuilding project in a depressed section of South Providence. Its buildings are rat-infested, its windows are broken, its doors are bolted shut. Roger Williams and its small but creative tenant group would be an excellent candidate to rebuild this housing complex. HOPE grants could make it possible to bring life back to this property, and homeowners who would have a vested interest in ensuring that Roger Williams remains clean and safe.

Another component of the HOPE proposal is a $761 million "Shelter Plus Care" Program for the homeless. Perhaps no group of people have been harder hit by the Nation's housing crisis than the homeless. It is estimated that one-half of the homeless suffer from mental illness, or alcohol or drug dependency. Shelter plus care seeks to address the needs of those individuals by increasing Federal support to local programs designed to provide housing and services for the homeless mentally ill, or recovering substance abusers.

Shelter Plus Care would encourage the recreation of single-room-occupancy [SRO] housing so critical to the housing market. Many of these SRO units have been disappearing for much of the past two decades. The goal of the HOPE proposal is not to condemn the homeless to a lifetime in shelter care, but to provide those individuals with adequte housing and social services to meet their needs in a comprehensive and coordinated manner. The successful execution of this plan will see many homeless individuals moving from the streets, to the support of a SRO's, and ultimately back to the economic and social mainstream.

Many have been saying for years that the Government should include the private sector in its efforts to revitalize distressed areas and increase the supply of affordable housing. Some called for the removal of regulatory barriers such as restrictive zoning, obsolete building codes, and high permit fees. Others suggested "true" incentives such as reduced tax rates. HOPE incorporates these ideas by establishing 50 "housing opportunity zones" and 50 "enterprise zones" to facilitate the creation of affordable housing on the State and local level.

I am particularly pleased with title II of this legislation, "low-income housing preservation and resident ownership." This section addresses the need to protect and preserve the 300,000 plus units of FHA-insured multifamily housing units that could soon disappear from the low-income market.

HUD will provide more than $1 billion in preservation grants to resident groups in federally insured and subsidized projects when an existing owner chooses to prepay his or her mortgage. Prepayment has been like a dark cloud slowly moving over the Nation's low-income housing market. This section indicates that the Federal Government is prepared to intervene so that hundreds of thousands of public housing units are preserved for low-income use.

This preservation section will no doubt be welcomed by the Tenants Association at the University Heights Housing Development in Providence, RI. This 350-unit development is the State's first prepayment case, and represents a golden opportunity for tenants to become homeowners. The group is currently working with HUD to ensure that it has sufficient Federal support to complete its conversion. It appears that this element of the HOPE proposal will mean good news for the residents at University Heights and others as tenant ownership becomes an acceptable alternative to prepayment.

Another part of the HOPE plan extends home ownership opportunities to those Americans, often young people, who are trying to enter the housing market as first-time home buyers. HOPE would permit first-time home buyers to withdraw up to $10,000 from individual retirement accounts, [IRA's], without penalty, to use as a down payment on their first home. HOPE will spend $190 million to help these individuals reach the first rung on the home ownership ladder.

A year ago I joined Senators CRANSTON and D'AMATO as a sponsor of the National Affordable Housing Act. Over the course of the past 12 months this bill has been the subject of much discussion, and I am hopeful that the legislation is now ready to move forward. The President's HOPE initiative is a companion, not a competitor, to the National Affordable Housing Act. Both pieces of legislation propose strong medicine for the Nation's housing ailments.

The HOPE proposal will once again put housing policy at the top of the Nation's domestic policy agenda. Eighty million Americans don't own a home and don't have the means to join the ranks of homeowners. Some of these people are homeless. Others are low-income Americans struggling for decent, affordable housing. And still others are first-time home buyers who have trouble entering the housing market with limited savings for the downpayment. HOPE seeks to help those Americans move toward the American dream of home ownership.

The President's HOPE initiative is an important step forward the national goal of providing each and every American with safe, decent, and affordable housing. I look forward to seeing comprehensive housing legislation enacted this year.

Mr. GORTON. Mr. President, I am an original cosponsor of HOPE—President Bush's Homeownership and Opportunity for People Everywhere. I commend Secretary Kemp for his fervent and forthright advancement of a new national housing agenda and I commend it to my colleagues in the Senate.

Mr. President, last fall I urged the Bush administration to propose its own housing policy. President Bush and Secretary Kemp responded. HOPE represents a new agenda for the Federal Government to pursue in its efforts to help our Nation's poor and homeless.

Over the last year we have witnessed a series of disturbing events that draw into question our current method of providing housing assistance. The HUD scandals exposed the despicable practice of providing housing through a system which attracts a long line of developers, lawyers, consultants, ex-Cabinet members, and former debutante/bartending HUD officials who intervene between HUD and the poor, incur costly fees, and reduce the amount of financial assistance that ultimately reaches the poor.

Secretary Kemp proposed, and the Congress enacted, the HUD reform bill that rectified those policies. And now, Mr. President, we must take the next step.

The HOPE bill represents an encouraging first step toward a national affordable housing policy for the 1990's. The President's HOPE agenda empowers people, links individual effort and reward, gives poor people a stake in their neighborhoods and allows private enterprise to do a better job delivering affordable housing, decent jobs, and greater opporutnity.

Mr. President, at a time when Eastern Europe, of all places, is moving toward private enterprise and incentive-based philosophies as a means to create strong economies from once-stagnant states, it seems most appropriate that our own Federal policies to help the poor ought not ignore the potential that those philosophies offer.

Mr. President, as this body continues debate on natural resources issues—timber, wetlands, or clean air—it is time we recognize the human resources waiting to be tapped in our inner cities and rural communities.

I believe it is time we realize that we need look no further than our own public housing communities to discover bold new leaders for the tenant management programs proposed in HOPE.

It is time that Federal policies reflect that our Nation's poor need not remain wards of the state and a drain on the system indefinitely. There is a way up and out of poverty, up and out of public housing, into a life of self-respect and self-sufficiency. It is time our national housing policy not only reflect but compel those possibilities.

The HOPE package is by far the most advanced step toward a change in thought that this country most definitely needs. I congratulate President Bush and Secretary Kemp for steering a new path in the effort to provide homeownership opportunities as well as shelter and care for our most desperate citizens.

I would like to thank Senators MACK, KASTEN, and GRAMM for their continued interest and efforts on behalf of this new agenda. I look forward to working with my colleagues from both sides of the aisle on a bipartisan housing bill this year.

By Mr. HELMS:

S. 2305. A bill to amend the Internal Revenue Code of 1986 to deny net operating losses arising from operations conducted in controlled countries, to require certain extentions of credit to bear interest at a rate not less than the prime rate and to require certain extensions of credit to be publicly announced; to the Committee on Finance.

TAXPAYERS DEBT EXPOSURE REDUCTION ACT

Mr. HELMS. Mr. President, because of the wide-ranging changes taking place in the Soviet Union today, the United States must develop a coherent strategy to deal with increasingly persistent Soviet requests for foreign investment and Western financial support for its professed economic reforms. The legislation that I am introducing today is a step in that direction.

On February 7, the United States trade representative Carla Hills announced that the first round of talks would begin with the Soviet Union to discuss a U.S.-U.S.S.R. trade agreement. Both sides made it clear that they hoped this agreement will be ready to sign during Mr. Gorbachev's visit to the United States in June.

Ambassador Hills stated that, through these negotiations, the United States hopes to encourage economic reform within the Soviet Union, and create opportunities for American business in the Soviet Union.

Mr. President, these are important objectives, and I applaud Mrs. Hills' intentions. However, there are two problems that might result from such a U.S.-U.S.S.R. trade agreement. The first problem might be that the agreement may not be configured to ensure or encourage real economic reform in the Soviet Union. It would be a self-defeating result if the agreement merely were to reinforce the fundamental structural problems in the existing Soviet economy.

The second problem is that the record of American ventures in the Soviet Union is dismal, creating a risk that should in no way be transferred to the backs of American taxpayers. Investing in the Soviet Union is a high-risk business. The investors presumably are grown-ups. They should assess the risks, and be willing to lose everything if their judgment is wrong.

This applies not only to direct investors, but also to federally insured banks which lend money either to the Soviet Government or to joint ventures in the Soviet Union. An investment in the Soviet Union is not an ordinary and reasonable risk. Such investors should not be allowed to take tax writeoffs for loan defaults or business failures in the Soviet Union, nor should such losses be insured by the United States taxpayers. Moreover, any federally insured lending institution which participates in such high-risk activities should make full disclosure of such activities to its depositors and shareholders.

Mr. President, the achievement of economic reform in the Soviet Union is not a very likely outcome of any U.S.-U.S.S.R. trade agreement. Despite the recent saturation news coverage of the opening of the largest McDonald's restaurant in the world in Moscow, joint ventures with the Soviet Union have an impressively low success rate. Indeed, according to the New York Times, only 4 percent of the firms that have signed joint-venture agreements in the Soviet Union have even commenced operations, let alone make a profit.

An almost insurmountable obstacle to foreign investment in the Soviet Union is the inconvertability of the ruble. Despite massive devaluations internally, the ruble is still worth nothing abroad. Thus any foreign investor seeking to bring home profits from the investment must work out complicated swaps or barter deals—the unsung story of the McDonald's deal, which has yet to prove itself. An investor cannot live by rubles alone.

As a result American investments and trade would necessarily concentrate on exports to the dollar zone—and since Soviet manufacturing quality is poor, the evidence suggests investments must concentrate on export commodities and agricultural products to earn hard currency abroad.

Moreover, the structure of the Soviet economy is such that even so-called private joint ventures will have to deal with Soviet state trading entities—reinforcing the power and influence of these entities, instead of contributing to their demise. The effect of these private investments could well be an economic and political shot-in-the-arm for Soviet ministries and state enterprises entrenched in the system.

Finally, it should be pointed out that any entity trying to do business in the Soviet Union has to deal with the intractable Soviet bureaucratic system. Office space, supplies, trans-

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portation, fuel, electricity—all are dispensed at the whim of a corrupt and decaying system. Private enterprises cannot expect a reliable source of raw materials when the Soviet enterprises themselves can't get what they need.

Mr. President, there simply is no reasonable business environment in the Soviet Union. There may be some Americans who will want to take such risks. But it is unreasonable to require the U.S. taxpayer to guarantee or participate in such risks.

Therefore, the bill I am introducing has three sections: one addressing the tax writeoff question, one prohibiting insured U.S. commercial banks from lending to Communist countries at rates below the prime rate, and one requiring full disclosure of loans to countries subject to national security export controls.

TAX WRITEOFFS

The first section of the bill will assure that U.S. taxpayers will not be liable for losses sustained by companies which invest in Communist countries. Specifically, it prevents U.S. corporations from claiming tax deductions for losses incurred in investments in Communist countries. In effect, under this section, any American company which invests in a Communist country such as the Soviet Union and loses money, will no longer be reimbursed for its loss by taking tax deductions for such losses.

This first section addresses section 172 of the Internal Revenue Code of 1986 which states that American businesses which take net operating losses in foreign countries may deduct those losses from their American taxes. The first section would rescind this deduction for the so-called controlled countries specified in the Foreign Assistance Act of 1961.

Mr. President, the message should be clear to U.S. businesses dealing with command economies in Marxist-dominated nations: If U.S. businesses wish to undertake the extraordinary risks inherent in operating in Communist countries, they should not look to the American taxpayer to pick up the tab if and when their investments turn sour. They must understand that it is their own money on the line.

FAIRNESS TO AMERICAN BORROWERS

Mr. President, the second section of this bill will prohibit American commercial banks from lending to Communists at interest rates below the prime rate. Specifically, this section of the bill will prohibit any federally insured financial institution from making loans to countries on the controlled country list, as enumerated in the Foreign Assistance Act of 1961, at interest rates below the bank's prime rate. Because of the insurance liability, lenders have a special obligation to U.S. taxpayers. Surely this lesson was learned in the savings and loan bailout.

The banks justify lending to the Soviet Union by claiming that the Soviets are a good credit risk, especially when there are few good sovereign credit risks left in the world. Thus, our major banks are actually competing to lend to the Soviets.

Mr. President, the Third World debt crisis and the recent $300 billion taxpayer bailout of the savings and loan industry have sensitized U.S. voters to the dangers of taxpayer liability posed by unsound commercial lending practices.

As the saying goes, twice burned, thrice shy. I believe U.S. taxpayers are starting to understand who is called upon to bail out the banks from reckless and irresponsible lending: the U.S. taxpayer is at risk since U.S. taxpayers guarantee U.S. bank deposits.

Loans to Communist countries are even riskier because multilateral lending agencies—such as the World Bank—help prop up artificially the credit worthiness of controlled countries. For example, since 1980 the World Bank handed out over $15 billion to Communist countries. Twenty percent of that $15 billion is provided by U.S. taxpayer contributions to the World Bank, representing a funding obligation of $3 billion by the U.S. Government to the World Bank. This represents an average of $40 for every American who filed a tax return last year.

ENDING STEALTH BANKING

Mr. President, the third and last section of this bill deals with full disclosure of loans made by American banks to countries subject to national security export controls. Presently, only two groups are privy to information on rates and terms on loans to Communist countries: First, the Communist country borrowing the money; and second, the American commercial banks doing the lending.

The key group which is excluded in this arrangement consists of the American taxpayers, who guarantee the deposits in U.S. banks, and who must bear the financial burden if and when the Communists default on their loans. We must end this stealth banking.

Needless to say, the financial stability of the banks is threatened if large loans are made to financially unstable countries. And as we see all over the world, Communist countries—everywhere—are broke. Therefore, since Americans are ultimately responsible for these loans, Americans should have an absolute right to know the nature and scale of American commercial bank lending to the Communist bloc and other potentially hostile or economically insolvent nations. Banks whose deposits are insured by the taxpayer have an obligation to the taxpayers to inform them of loans made to inherently economically unstable countries.

Mr. President, this final section of the bill would require insured banks to report to the American taxpayer on such loans. Specifically, any federally insured financial institution will be required to report, in the financial institution's Securities and Exchange Commission filings, annual reports to stockholders and in each report of condition required by the Federal Deposit Insurance Act, the rates and terms of any loans to controlled countries as listed in the Foreign Assistance Act of 1961.

Mr. President, I believe that there is a broad interest in knowing the financial condition of the Soviet Union. For example, the senior Senator from New Jersey [Mr. BRADLEY] has said in a television documentary:

> What we need is a much better reporting system, because, as of now, there is no way to tell what outstanding indebtedness the Soviet Union has. We know some official lines, but we have no idea what they're doing in the capital markets or through third parties.

DISCLOSURE REASONABLE

Mr. President, there is nothing unreasonable about requiring commercial banks whose deposits are guaranteed by the American taxpayer to disclose to their shareholders and the American people the rates and terms of lending to controlled countries. Commercial banks initiating such loans normally seek the participation of other commercial banks to form syndicated loans, and must divulge loan rates and terms to the international banking community in the process. The U.S. taxpayers deserve no less.

Mr. President, I ask unanimous consent that a list of individuals and organizations supporting this bill, as well as the text of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayers Debt Exposure Reduction Act".

SEC. 2. DENIAL OF NET OPERATING LOSS DEDUCTION FOR BUSINESS CONDUCTED IN CONTROLLED COUNTRIES.

Section 172(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(7) DEDUCTION FOR OPERATIONS IN CONTROLLED COUNTRIES.—

"(A) GENERAL RULE.—The net operating loss for any taxable year shall be computed by not taking into account deductions allowed by this chapter which are properly allocable to sources within a controlled country to the extent such deductions exceed income allocable to such sources.

"(B) CONTROLLED COUNTRY.—For purposes of this paragraph, the term 'controlled country' means a country which is listed as a controlled country pursuant to section

620(f) of the Foreign Assistance Act of 1961.".

SEC. 3. LOANS TO COUNTRIES SUBJECT TO NATIONAL SECURITY CONTROLS.

(a) IN GENERAL.—It is unlawful for a covered organization to make, or participate in, an extension of credit to any country or entity described in subsection (c) unless the extension of credit bears interest at a rate in excess of the prime rate, as announced by the same institution and generally extended to other borrowers.

(b) DEFINITIONS.—As used in subsection (a):

(1) COVERED ORGANIZATION.—The term "covered organization" means—

(A) any bank, savings and loan association, credit union, or other entity the deposits or accounts of which are insured or guaranteed by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Administration Board;

(B) any organization the accounts of which are insured by the Securities Investor Protection Corporation; or

(C) any company subject to the provisions of the Bank Holding Company Act of 1956.

(2) EXTENSION OF CREDIT.—The term "extension of credit" means any transfer of currency or other thing of value pursuant to an agreement that provides for the repayment, in whole or in part, of the amount transferred. The term also includes a grant, subsidy, or concession made with respect to a transfer described in the preceding sentence, and any refinancing of an outstanding extension of credit.

(c) COUNTRIES SUBJECT TO THIS SECTION.—For the purpose of subsection (a):

(1) A country is described in this subsection if it is a country on the list of controlled countries established under section 620(f) of the Foreign Assistance Act of 1961.

(2) An entity is described in this subsection if it is owned or controlled, in whole or in part, by a country described in paragraph (1).

(3) An agency or other instrumentality of a country described in paragraph (1) shall be treated as a country described in paragraph (1).

SEC. 4. LOANS TO COUNTRIES SUBJECT TO NATIONAL SECURITY CONTROLS.

(a) IN GENERAL.—It is unlawful for a covered organization or any subsidiary thereof to make, or participate in, an extension of credit to any country or entity described in subsection (c) unless—

(1) the extension of credit and its terms and conditions are fully disclosed to the public at the time of extension;

(2) the terms and conditions are fully reported in all the organization's Securities and Exchange Commission filings, annual reports to stockholders, and in each report of condition required by the Federal Deposit Insurance Act; and

(3) such report includes a detailed statement of rates and terms of any debt exposures that are renegotiated restructured, or in any way extended beyond the original terms of the agreement and the commercial purposes of such extension.

(b) DEFINITIONS.—As used in subsection (a)—

(1) COVERED ORGANIZATION.—The term "covered organization" means—

(A) any bank, savings and loan association, credit union, or other entity the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, or the National Credit Union Share Insurance Fund;

(B) any organization the accounts of which are insured by the Securities Investor Protection Corporation; or

(C) any organization subject to the provisions of the Bank Holding Company Act of 1956.

(2) EXTENSION OF CREDIT.—The term "extension of credit" means any transfer of currency or other thing of value pursuant to an agreement that provides for the repayment, in whole or in part, of the amount tranferred. The term also includes a grant, subsidy, or concession made with respect to a transfer described in the preceding sentence, and any refinancing of an outstanding extension of credit.

(c) COUNTRIES SUBJECT TO THIS SECTION.—For purposes of subsection (a)—

(1) a country is described in this subsection if it is a country on the list of controlled countries established under section 620(f) of the Foreign Assistance Act of 1961;

(2) any entity is described in this subsection if it is owned or controlled, in whole or in part, by a country described in paragraph (1); and

(3) an agency or other instrumentality of a country described in paragraph (1) shall be treated as a country described in paragraph (1).

LIST OF INDIVIDUALS AND ORGANIZATIONS SUPPORTING THE TAXPAYER DEBT EXPOSURE REDUCTION ACT

1. Dr. Constantine Menges, American Enterprize Institute.
2. The Black Silent Majority Committee.
3. The Conservative National Council.
4. Howard Phillips, Chairman of the Conservative Caucus.
5. Howard Segermark, President of Free the Eagle.
6. The Conservative Campaign Committee.
7. The Freedom Research Foundation.
8. Lt. General Daniel Graham, President, High Frontier.
9. Amy Moritz, President of the National Center for Public Policy Research.
10. The Ruff Political Action Committee.
11. David Ridenour, President of the Liberty Institute.
12. Michael G. Pauley, Director of the Catholic Study Council.
13. The United States Defense Committee.
14. The Committee for a Free Afghanistan.
15. Young Americans for Freedom.
16. The United Conservatives of America Political Action Committee.
17. The American Foundation for Resistance International.
18. TASS, Taxpayers Against Subsidizing the Soviets.
19. Coalitions for America.
20. International Freedom Council.
21. Eagle Forum.
22. Inter-American Security Council.

By Mr. RIEGLE (for himself, Mr. GORE, and Mr. KERRY):

S. 2307. A bill to require the Secretary of Health and Human Services to provide intensive outreach and other services and protections to homeless individuals; to the Committee on Finance.

HOMELESS OUTREACH ACT

● Mr. RIEGLE. Mr. President, Charles Winter of Ann Arbor MI, is homeless. He is also a Vietnam veteran who for 3 years tried to get Federal supplemental security income [SSI] assistance. Mr. Winter did not have the mental skills to pursue or followup on his own application. Because he lived off the highway somewhere, he never received any paperwork from the Social Security Administration, including denials. It was not until he got in touch with my office in Lansing that he was able to receive SSI and get off the streets.

The National Law Center on Homelessness and Poverty estimates that as many as 3 million Americans are homeless like Mr. Winter. The National Housing Alliance to End Homelessness says that between 1.3 and 2 million Americans are homeless at some point during the year.

Tonight, the Federal Government will send out 15,000 census takers to every corner of the country to scour shelters, subway stations, roadsides, and abandoned buildings in the first attempt ever to count the number of homeless Americans, a group that was not even part of the national consciousness when the last census was taken in 1980.

As many as 55 percent of these homeless Americans may be eligible for a modest amount of Federal assistance under the SSI Program because they are elderly, physically handicapped, or mentally ill, like Mr. Winter. Yet studies reveal that only 10 to 30 percent actually receive such benefits. These SSI benefits coupled with the State supplements, Medicaid, and the food stamps that often accompany such benefits could provide a way out of homelessness for Mr. Winter and others like him.

To help these people receive the assistance they need, I am introducing the Homeless Outreach Act of 1990. This act would require the Social Security Administration [SSA] to reach out to the elderly and mentally and physically impaired in soup kitchens, shelters, and day centers and teach them about benefits to which they are entitled but may not be aware of. The bill also enables SSA to award grants to States, local governments, and nonprofit organizations to conduct outreach programs.

Under the Supplemental Security Income [SSI] program, persons whose income is substantially below the Federal poverty level of $6,700 a year and whose resources are valued at less than $2,000 are eligible for SSI benefits. These benefits can amount to as much as $386 a month. In addition, most States supplement this amount.

Many homeless people who are eligible for these benefits lack information about them and also are unable to navigate the complex application process, which includes a 12-page form, a medical exam, and followup visits, without assistance. As a result, they do not apply for or receive the benefits to which they are entitled. The bill would require that outreach services be available to assist homeless people with the application process, including obtaining proper documentation, medical exams necessary to determine eligibility, and transportation to such exams as well as any follow up assistance to ensure that they receive benefits.

This bill is not the Congress' first attempt to ensure outreach by the Social Security Administration to the homeless. Congress passed a law in 1987—Public Law 100-203, Budget Reduction Reconciliation Act of 1987, section 9117—providing for demonstration outreach projects to the homeless to combat the barriers that homeless people face in receiving benefits. The projects were supposed to help homeless people receive and appropriately use Social Security benefits to obtain permanent housing, food, and health care.

Despite congressional intent, SSA has not implemented the outreach demonstration program. As a result, the State of Michigan and seven other plaintiffs filed a lawsuit against the Social Security Administration [SSA] and the Department of Health and Human Services [HHS] for failing to implement the demonstration projects.

SSA contended that money for the outreach program was never appropriated, and it also claimed that it was already doing outreach. In February, a Federal judge ruled in favor of SSA and HHS. He determined that Congress was not clear in its direction and therefore SSA was justified in not implementing the outreach program.

As a result, there is no existing law requiring SSA to conduct outreach to the homeless and SSA does not have a nationwide outreach program in place. Thus, it is necessary to make what I believe to be a moral obligation a legal obligation, and that is to do everything possible to help our neediest Americans live decently.

Homelessness is one of the most troubling problems facing our Nation. This growing national problem affects all segments of our society and demands attention. If we help these people, the neediest in our society, receive benefits for which they are eligible, perhaps we will help bring about a more humane society where people care more for those who are less fortunate than themselves.

Senators GORE and KERRY have already agreed to cosponsor this legislation and I look forward to the support of many more of my colleagues. Our colleague in the House, Congressman MATSUI, will introduce a companion measure.

Mr. President, I ask unanimous consent that a list of organizations that have endorsed this legislation appear in the RECORD immediately following my remarks. I also ask unanimous consent that a copy of the bill be printed in full immediately following the list of supporting organizations.

There being no objection, the material was ordered to be printed in the RECORD as follows:

ACORN.

American Federation of State and County Municipal Employees.

American Psychiatric Association.

American Psychological Association.

California Homeless Coalition.

Cass Community United Methodist Church.

Catholic Charities USA.

Coalition on Human Needs.

Coalition on Temporary Shelter.

Denver Health Care for the Homeless.

Detroit/Wayne County Union of the Homeless.

Disability Law Center.

Downtown Cluster of Congregations.

Food Research and Action Center.

Georgetown Ministries.

Homeless Drop-In Center for Metropolitan Detroit.

Illinois Coalition for the Homeless.

Massachusetts Coalition for the Homeless.

Massachusetts Disability Determination Services, Homeless Coordinator.

Mental Health Law Project.

Michigan Legal Services.

Michigan, State of.

Michigan Welfare Rights Organization.

Minnesota Coalition for the Homeless.

National Alliance for the Mentally Ill.

National Association of State Mental Health Program Directors.

National Council for Community Mental Health Centers.

National Council of La Raza.

National Law Center on Homelessness and Proverty.

National League of Cities.

National Low Income Housing Coalition.

National Mental Health Association.

National Association of Social Workers.

National Urban League.

North Hudson Community Action Corporation, N.J.

Planners Network.

Shelter Partnership.

Travelers Aid International.

U.S. Conference of Mayor.

United Community Housing Coalition of Detroit.

Washington Legal Clinic for the Homeless.

S. 2307

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeless Outreach Act of 1990".

SEC. 2. STATEMENT OF FINDINGS AND PURPOSE.

Congress finds that homeless persons face extraordinary difficulties in securing benefits under the Social Security Act to which they are otherwise entitled. Without such benefits, homeless persons, lacking any resources, are unable to secure other vital necessities. This Act is intended to redress such critical needs by requiring the Social Security Administration to assist homeless persons in applying for, receiving, and maintaining Social Security benefits.

SEC. 3. OUTREACH TO HOMELESS INDIVIDUALS ENTITLED TO BENEFITS UNDER THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—The Secretary of Health and Human Services shall no later than 150 days after the date of enactment of this Act, conduct outreach designed to ensure that homeless individuals eligible for benefits under the Social Security Act are provided benefits under such Act. In addition, the Secretary may award grants to States, local governments, and nonprofit organizations to conduct outreach (as described in subsection (c)).

(b) SCOPE OF OUTREACH.—In conducting outreach under this Act, the Secretary shall institute procedures and services to overcome barriers that prevent homeless individuals from receiving and appropriately using benefits under the Social Security Act. Such procedures and services shall include the following:

(1) VISITS TO PLACES FREQUENTED BY THE HOMELESS.—Regular visits by employees of the Social Security Administration or employees of entities awarded grants to soup kitchens, homeless shelters, and day centers for the homeless, during which such employees will do all of the following:

(A) PROVISION OF INFORMATION ABOUT BENEFITS.—Provide information to homeless individuals about the benefit programs under the Social Security Act, as well as information on other programs under which such individuals may be eligible for benefits, such as the food stamp program.

(B) ACCEPTANCE OF APPLICATIONS FOR BENEFITS.—Take applications of homeless individuals for the benefits described in subparagraph (A).

(C) ASSISTANCE IN SUBMITTING NECESSARY ELIGIBILITY INFORMATION.—Provide assistance to homeless individuals with respect to—

(i) obtaining appointments for any medical examination required in order to obtain benefits for which such individuals may be eligible under the Social Security Act so that all such examinations take place within a week after submission of the application for benefits under such Act; and

(ii) other matters relevant to obtaining benefits under the Social Security Act.

Such assistance shall include assistance in obtaining and developing evidence of disability and supporting documentation for nondisability-related eligibility requirements and arranging transportation and accompanying applicants to any necessary examinations.

(2) PREVENTION OF INAPPROPRIATE SUSPENSION OF BENEFITS; ACTION TO IMMEDIATELY RESTORE INAPPROPRIATELY SUSPENDED BENEFITS.—

(A) IN GENERAL.—If the Secretary notifies an applicant for or recipient of benefits under the Social Security Act that the individual must provide additional information before receiving benefits for which such individual has applied, or continuing to receive such benefits, and the individual fails to respond to or fully cooperate with such request, the Secretary shall, before taking any action to deny, reduce, suspend, or terminate such benefits—

(i) determine whether the individual is likely to have difficulty in responding to the request due to a mental or physical impairment, advanced age, inability to communicate in English or any other comparable limitations;

(ii) if so, take steps to affirmatively locate the individual and assist the person in securing the evidence required for restoration of such benefits, and document such steps in the individual's file; and

(iii) if the steps referred to in clause (ii) are unsuccessful, and such benefits are suspended, reduced, or terminated, and the individual subsequently contacts the Social Security Administration to seek restoration of benefits, the Secretary shall immediately resume payment of such benefits. From funds retained in the local office accounts, the Secretary shall pay the individual's benefits for the current month and for subsequent months until resumption of benefits occurs.

(B) PROVIDE ASSISTANCE IN FILING DOCUMENTS FOR APPEAL AND IN SEEKING REPRESENTATION.—If the Secretary intends to issue a decision to deny, suspend, reduce, or terminate benefits under the Social Security Act to a homeless individual, the Secretary shall take steps to affirmatively locate the individual and provide such individual, if necessary, transportation to the local office of the Social Security Administration, at which time the Secretary shall—

(i) inform the individual of the importance of appealing such decision; and

(ii) if the individual indicates a desire to file such an appeal, assist the individual in filing the necessary forms.

(C) MAKE FEDERAL EMPLOYEES AVAILABLE TO TRAIN OTHERS IN RULES GOVERNING ELIGIBILITY FOR BENEFITS.—The Secretary shall make available staff who will train and assist public and nonprofit agency staffs, including shelter employees, on the rules for establishing eligibility for benefits under titles II and XVI of the Social Security Act (particularly benefits related to disability), as well as the procedures for establishing and maintaining such eligibility.

(D) PROVIDE ASSISTANCE TO ENSURE APPROPRIATE USE OF BENEFITS TO OBTAIN NEEDED GOODS AND SERVICES.—The Secretary may provide such assistance as may be necessary to ensure that homeless individuals appropriately use benefits under the Social Security Act to obtain permanent housing, nutrition, and physical and mental health care, and where appropriate, use their representative payees for case management services.

(E) OTHER HELPFUL PROCEDURES.—Such other procedures as the Secretary may approve.

(3) EXPEDITED CONSIDERATION.—(A) Except as provided in subparagraph (B), within 30 days after the Secretary receives an application for benefits from a homeless individual under the Social Security Act, the Secretary shall render a final decision on the application.

(B) IMMEDIATE BENEFITS FOR HOMELESS INDIVIDUALS WITH OBVIOUS MENTAL ILLNESS.—In the case of a homeless individual who has applied for benefits under the Social Security Act and is suffering from obvious mental illness, if the Secretary cannot render a final decision on the application within the 30-day period described in subparagraph (A), the Secretary shall make such benefits available to the individual immediately after the close of such 30-day period, retroactive to the date of application.

(c) GRANTS TO STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS FOR OUTREACH.—The Secretary shall promulgate regulations providing for the granting of funds to States, local governments, and nonprofit organizations, to conduct outreach programs. The Secretary shall provide grants under this section only to those entities which demonstrate to the Secretary that they are able to conduct outreach to the same extent as that described in subsection (a).

(d) ADMINISTRATIVE PROVISIONS.—The Secretary shall—

(1) promulgate such regulations as may be necessary to implement this section;

(2) notify States, local governments, and nonprofit organizations of the availability of grant funds to carry out this section within 60 days after the date of the enactment of this Act; and

(3) begin to award grants under this section as described in subsection (c) within 150 days after the date of the enactment of this Act or additional grants thereafter as the Secretary determines to be appropriate.

(e) REPORTS.—Not less frequently than annually, the Secretary shall submit to the Congress a full and complete report on the activities carried out under this section and such recommendations as may be deemed appropriate. The criteria used by the Secretary in evaluating such activities shall fully take into account the special circumstances of the homeless and their need for personalized attention and follow-through assistance, and shall emphasize the extent to which the procedures and assistance made available to applicants under such projects are recognizing such circumstances and meeting such need.

(f) DEFINITIONS.—As used in this Act:

(1) HOMELESS INDIVIDUAL.—The term "homeless individual" means an individual—

(A) who lacks a fixed, regular, and adequate nighttime residence; or

(B) whose primary nighttime residence is—

(i) supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);

(ii) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(iii) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.●

By Mr. EXON (for himself and Mr. KERREY):

S. 2308. A bill to provide that certain games of chance conducted by a nonprofit organization not be treated as an unrelated trade or business of such organization; to the Committee on Finance.

CONDUCTING CERTAIN GAMES OF CHANCE

● Mr. EXON. Mr. President, today I am introducing legislation, along with my colleague Senator BOB KERREY, to repeal a hidden tax on churches and charities imposed by the 1986 Tax Reform Act. A companion bill is being introduced in the House by Representative PETER HOAGLAND.

This new tax from the 1986 act first arose in obscure language put in by the House Ways and Means Committee. It taxes funds of churches, charities, and other nonprofit organizations from certain games of chance. Bingo is excluded under another section of law.

The 1986 act language exempts nonprofit organizations in North Dakota from the tax. Fairness requires that this law be changed.

My bill repeals the new tax in this unfair 1986 amendment on a retroactive basis.

State laws and local customs vary, but using raffles, lotteries, or similar means for fundraising is not unusual for many nonprofits. For example, in Nebraska, many churches, charities, and other nonprofit organizations have for years been authorized by State law to sell "pickle cards."

Pickle cards are merely small pull-tab lottery cards. They are so nicknamed because they were often held for sale in empty pickle jars. In Nebraska, the effect of the 1986 change is to tax the income from pickle card sales by nonprofit organizations. Many of these organizations have been hit hard by this new tax.

The Internal Revenue Code for many years has had an unrelated business income tax [UBIT]. It applies to certain income from nonprofit organizations. The reason is so nonprofit organizations do not enjoy an unfair competitive advantage in commercial ventures over taxpaying businesses. Of course, this assumes situations where nonprofit organizations are potential business competitors with private enterprise.

In situations affected by the 1986 tax bill and my bill today, competition with private taxpaying businesses is not even possible. It only applies where a State law permits nonprofit organizations to use such fundraising games and where the State law prohibits for-profit organizations from using them. In other words, the reason for applying a tax to prevent unfair competition with private business is totally absent here.

No mention of this new tax was made in the House Ways and Means Committee's report accompanying the 1986 Tax Reform Act, nor in any subsequent Senate or conference committee reports on the bill. No mention of this new tax was made in the listing of revenue effects for the bill. Thus, today we have a situation where the IRS is hitting up nonprofit organizations for back taxes, even though those organizations had no knowledge the tax even existed.

Unfortunately, this new tax is another example of the many problems from the 1986 tax bill of which the public was not aware until afterwards. I had high hopes for the original goals of the 1986 tax bill, but had to vote against the final version. Congress could and should have done better. We all remember the heifer tax and other problems from the 1986 act, many of which have since been corrected. This new tax on nonprofit fundraising games still needs correction.

The Federal Government has cut many social programs and increased the need for private charitable resources. The drug problem shows the

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need for the moral leadership from our religious organizations. This is not the time to send an IRS deficiency notice to the orphanage and the church.

I look foward to working with Senator Bentsen and the Finance Committee to help remedy this problem. Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2308

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE CONDUCTING OF CERTAIN GAMES OF CHANCE NOT TREATED AS UNRELATED TRADE OR BUSINESS.

Section 1834 of the Tax Reform Act of 1986 is repealed for games conducted after October 22, 1986, and subparagraph (A) of section 311(a)(3) of the Tax Reform Act of 1984 shall be applied and administered as if such section 1834 (and the amendments made by such section 1834) had not been enacted.●

● Mr. KERREY. Mr. President, I rise to join my senior colleague from the State of Nebraska [Mr. Exon] in introducing legislation to repeal a Federal tax provision that imposes a serious handicap on the fundraising and operating abilities of charitable organizations, such as churches, baseball teams, labor unions, and other nonprofit organizations in the State of Nebraska.

This provision, incorporated into the 1986 Tax Reform Act, calls for the collection of Federal income taxes, or "unrelated business income taxes [UBIT]", on the proceeds received by charitable organizations from "games of chance." It requires not only the payment of the future tax liability of funds collected, but also the payment of taxes back to 1986. The bill we are introducing today calls for a straightforward repeal of the provision included in the 1986 act and the return of the law to how it stood prior to passage of the act.

In Nebraska, many charities perform their fundraising activities by means of a pull-tab lottery system called pickle cards. Although not mentioned in the 1986 Tax Reform Act's official committee report and not enforced or apparently noticed by the Internal Revenue Service until very recently, the collection of taxes on pickle card proceeds, will have a devastating effect on the groups reliant on pickle cards for fundraising.

The effect of the collection of these taxes will be felt by a variety of groups performing inportant functions in the State of Nebraska. For example, a number of parish schools utilize pickle card revenues to finance athletic, transportation, equipment, tuition programs for students. Others negatively affected by the provision include the Septemberfest Salute to Labor; numerous athletic associations, such as the Nebraska Softball Foundation and Gladiators Athletic Association; the Knights of Columbus in North Platte and Schuyler, NE, along with other fraternal organizations; and other groups providing special services to their communities.

In a day when we, as a nation, have elected to rely more on private and nonprofit resources to provide important and needed services to our communities, we must not accept this provision that could wreak financial havoc on those organizations, groups, and associations that are left to pick up the pieces.

I urge that our colleagues give this legislation their consideration and approval.●

By Mr. BREAUX:

S.J. Res. 273. Joint resolution to designate the week of October 7-13, 1990, as "National Health Care Food Service Week"; to the Committee on the Judiciary.

NATIONAL HEALTH CARE FOOD SERVICE WEEK

● Mr. BREAUX. Mr. President, today I am introducing a joint resolution to designate the week of October 7 through 13, 1990, as "National Health Care Food Service Week."

Health care food service employees play an invaluable role in the overall system of health care in this country. Proper nutrition is a vital aspect of treatment in hospitals and long-term care facilities. The individuals who provide this care are dedicated professionals—dieticians, chefs, dietary assistants, and hospitals and long-term care facility administrators—whose services contribute immensely to the quality of our health care system.

The joint resolution that I am introducing recognizes the role that these professionals play in the healing process. A number of State and local governments, as well as the Federal Government, have recognized National Health Care Food Service Week in past years. I hope that my colleagues will add their support again this year.

Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 273

Whereas health care food service is a vital function of the provision of care and treatment of hospitalized persons;

Whereas health care food service workers, chefs, dieticians, dietary assistants, and administrators work in concert with other health care professionals to provide the best possible patient care; and

Whereas the provision of nutrition and sustenance is an essential component of the care and recovery of hospitalized persons: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 7 through 13, 1990, is designated as "National Health Care Food Services Week," and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe that week with appropriate ceremonies and activities.●

By Mr. LAUTENBERG:

S.J. Res. 274. Joint resolution to designate the week beginning June 10, 1990, as "National Scleroderma Awareness Week"; to the Committee on the Judiciary.

NATIONAL SCLERODERMA AWARENESS WEEK

● Mr. LAUTENBERG. Mr. President, I rise to introduce a joint resolution designating the second week in June as "National Scleroderma Awareness Week."

Three hundred thousand Americans are affected by scleroderma, a chronic disease of unknown origin that has no cure. It causes thickening and hardening of the skin. In its most severe form, the hardening process spreads to the joints, causing decreased mobility and to the body organs causing functional impairment.

Scleroderma usually strikes healthy individuals at any time between the ages of 25 and 55 years old, but it occurs in women two to three times more frequently than men. Early diagnosis allows therapeutic treatment that may slow the progression of the disease.

But even with treatment, the prognosis for scleroderma patients varies widely; some experience a remission or have minor symptoms that do not interfere significantly with a normal lifestyle. But for others, who may develop kidney malfunction, respiratory weakness, heart spasms, digestive and intestinal problems, or respiratory weakness, the disease can be fatal.

Activities and events organized around a nationally designated week will heighten public knowledge of scleroderma and facilitate financial support of much needed research and patient support groups. I urge my colleagues to cosponsor this joint resolution, and I ask unanimous consent that the text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 274

Whereas scleroderma is a disease in which connective tissue in the body becomes hardened and rigid, and might afflict any part of the body;

Whereas approximately 300,000 people in the United States suffer from scleroderma;

Whereas women are afflicted 3 times more often than men;

Whereas scleroderma is a chronic and often progressive illness that can result in death;

Whereas the symptoms of scleroderma vary greatly from person to person and can complicate and confuse diagnosis;

Whereas the cause and cure of scleroderma are unknown; and

Whereas scleroderma is an orphan disease and is considered to be under-studied: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 10, 1990, is designated as "National Scleroderma Awareness Week", and the President of the United Staes is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.●

By Mr. PELL (for himself, Mr. HELMS, Mr. KENNEDY, Mrs. KASSEBAUM, Mr. KERRY, Mr. D'AMATO, Mr. DODD, Mr. HUMPHREY, Mr. DURENBERGER, Mr. DECONCINI, Mr. SIMON, Mr. RIEGLE, Mr. MATSUNAGA, Mr. GORE, Mr. WALLOP, Mr. WILSON, Mr. COATS, Mr. COCHRAN, Mr. LUGAR, Mr. BRADLEY, Mr. CONRAD, Mr. MOYNIHAN, Mr. METZENBAUM, Mr. SARBANES, and Mr. KOHL):

S.J. Res. 275. Joint resolution designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet"; to the Committee on the Judiciary.

NATIONAL DAY IN SUPPORT OF FREEDOM AND HUMAN RIGHTS IN CHINA AND TIBET

Mr. PELL. Mr. President, I am today introducing a joint resolution to designate May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet."

We are fast approaching the anniversary of one of the seminal events in a year that has shaken the Communist world. In April 1989, students began to demonstrate in Tiananmen Square to commemorate the passing of Hu Yaobang, a reformist leader who had been ousted 2 years earlier.

The protests grew despite official attempts to shut them down, touching a deep nerve of frustration and discontent throughout China. The students were joined by journalists, by younger Communist Party members and sons and daughters of high officials, and by hundreds of thousands of ordinary workers. On many days the marching crowds in Beijing reached 1 million or more, and the vast majority of Beijing's population joined in the demonstrations at one time or another.

Despite the vast scope of the protests, the passions they unleashed, and the lack of organization that was inevitable in such a spontaneous movement, the demonstrations remained astonishingly peaceful. When troops first entered Beijing, they were met with thousands of citizens who passively blocked their way, but who also brought them food and water and tried to reason with them. Student leaders went out of their way to stop acts of vandalism.

On May 13, students began a hunger strike in Tiananmen Square. Their demands were not violent, and did not call for a radical overthrow of the regime, but rather for an admission that their demonstrations were patriotic, that steps be taken to curb rampant corruption, and for a continuing dialog with the leaders.

It is this day, May 13, that the students have requested we commemorate, rather than June 4, the day of the massacre. June 4 is a date that belongs to the regime, the date of what will most likely turn out to be its pyrrhic victory. May 13, however, is a day that commemorates the nonviolent ideals of the democracy movement, ideals that found fruition in Eastern Europe but were crushed in China itself.

This date will also serve to commemorate the peaceful demonstrations that have taken place in Tibet in recent years, demonstrations that have been answered only with brutality on the part of the Chinese military and police forces. It will commemorate the efforts of the Dalai Lama, the 1989 Nobel Peace Prize recipient, to resolve peaceably the situation in Tibet despite the bitterness engendered by Chinese occupation policies.

This joint resolution is meant to express bipartisan support for the Chinese students and ordinary Chinese and Tibetans. It is they who have decided to commemorate this day. The joint resolution is not meant to drive another wedge between the United States and China, but rather to promote support for the Chinese and Tibetan people and those in the leadership who seek a return to reform.

I thank Senators HELMS, KENNEDY, and KASSEBAUM, and the other Senators who join me in introducing the joint resolution. Corresponding legislation is being introduced in the House of Representatives. I urge the support of my colleagues in both the Senate and the House, and I ask unanimous consent that the full text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 275

Whereas the United States supports the legitimate and democratic aspirations for freedom of peoples throughout the world;

Whereas student and citizen groups throughout the world have taken great risks in pursuit of reform;

Whereas on May 13, 1989, Chinese students began a hunger strike in Tiananmen Square seeking nonviolent dialogue with the Chinese Government;

Whereas the Chinese Government responded to the Chinese students with violence, killing many;

Whereas the nonviolent resistance of the people of Tibet to the Chinese Government has also been met with violence;

Whereas the Chinese students and the Tibetan people follow the tradition of the Dalai Lama's and Mahatma Gandhi's doctrine of nonviolence, and have inspired the world;

Whereas student organizations throughout the United States and around the world have declared May 13, 1990, as an international day of fasting in support of democratic reforms in China and Tibet; and

Whereas this effort is being undertaken in the hope of bringing the current tragedies in China and Tibet to a peaceful end, and in the hope that productive dialogue will replace an atmosphere of suspicion and reprisal: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating May 13, 1990, as the "National Day in Support of Freedom and Human Rights in China and Tibet," and calling on the people of the United States to observe such a day with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 11

At the request of Mr. CRANSTON, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 11, a bill to provide for the protection of the public lands in the California desert.

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage-setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 276

At the request of Mr. DURENBERGER, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 276, a bill to establish a Department of Environmental Protection.

S. 434

At the request of Mr. REID, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 513

At the request of Ms. MIKULSKI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 513, a bill to amend chapters 83 and 84 of title 5, United States Code, to extend certain retirement provisions of such chapters which are applicable to law enforcement officers, to inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the U.S. Customs Service, and revenue officers of the Internal Revenue Service.

S. 563

At the request of Mr. MATSUNAGA, the name of the Senator from Nevada

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[Mr. Reid] was added as a cosponsor of S. 563, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive retired pay concurrently with disability compensation after a reduction in the amount of retired pay.

S. 700

At the request of Mr. Domenici, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 700, a bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs.

S. 814

At the request of Mr. Domenici, the names of the Senator from Maine [Mr. Cohen], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 1254

At the request of Ms. Mikulski, the names of the Senator from Florida [Mr. Graham], and the Senator from Massachusetts [Mr. Kennedy] were added as cosponsors of S. 1254, a bill to authorize the Secretary of Labor to make grants to public housing agencies for the provision of literacy training, training in basic and employment skills, and support services, and to establish the Gateway Task Force.

S. 1557

At the request of Mr. Roth, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 1557, a bill to amend title 17, United States Code, to permit the unlicensed viewing of videos under certain conditions.

S. 1560

At the request of Mr. Burns, the name of the Senator from Washington [Mr. Gorton] was added as a cosponsor of S. 1560, a bill to suspend the enforcement of certain regulations relating to underground storage tanks, and for other purposes.

S. 1627

At the request of Mr. Moynihan, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to governmental bonds.

S. 1664

At the request of Mr. Heinz, the name of the Senator from New Mexico [Mr. Domenici] was added as a cosponsor of S. 1664, a bill to establish a congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1675

At the request of Mr. Kennedy, the names of the Senator from New York [Mr. Moynihan], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of S. 1675, a bill to provide financial assistance for teacher recruitment and training, and for other purposes.

S. 1676

At the request of Mr. Pell, the names of the Senator from Georgia [Mr. Nunn], and the Senator from New York [Mr. Moynihan] were added as cosponsors of S. 1676, a bill to strengthen the teaching profession, and for other purposes.

S. 1696

At the request of Mr. Kennedy, the name of the Senator from Oregon [Mr. Packwood] was added as a cosponsor of S. 1696, a bill to amend title 28 of the United States Code to prohibit racially discriminatory capital sentencing.

S. 1758

At the request of Mr. Glenn, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 1758, a bill to provide for the establishment of an Office for Small Government Advocacy, and for other purposes.

S. 1770

At the request of Mr. Jeffords, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of S. 1770, a bill to assess the suitability and feasibility of including certain Shenandoah Valley Civil War sites in the national park system, and for other purposes.

S. 1791

At the request of Mr. Rockefeller, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1815

At the request of Mr. Boschwitz, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of S. 1815, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 1829

At the request of Mr. Biden, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of S. 1829, a bill to amend the Controlled Substances Act to further restrict the use of steroids and human growth hormones.

S. 1853

At the request of Mr. Chafee, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 1853, a bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

S. 1890

At the request of Mr. Thurmond, the names of the Senator from Idaho [Mr. McClure], and the Senator from Florida [Mr. Mack] were added as cosponsors of S. 1890, a bill to amend title 5, United States Code, to provide relief from certain inequities remaining in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

S. 1911

At the request of Mr. Dodd, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 1942

At the request of Mr. Rockefeller, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of S. 1942, a bill to provide for home and community care as optional State-wide service, and for other purposes.

S. 2006

At the request of Mr. Glenn, the names of the Senator from Kentucky [Mr. McConnell], the Senator from Wisconsin [Mr. Kasten], the Senator from California [Mr. Cranston], and the Senator from Maine [Mr. Cohen] were added as cosponsors of S. 2006, a bill to establish the Department of the Environment, provide for a global environmental policy of the United States, and for other purposes.

S. 2021

At the request of Mr. Dole, the names of the Senator from Wyoming [Mr. Wallop] and the Senator from California [Mr. Wilson] were added as cosponsors of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2039

At the request of Mr. Cochran, the names of the Senator from Missouri [Mr. Bond] and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2048

At the request of Mr. Sarbanes, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2051

At the request of Mr. Heflin, the names of the Senator from Mississippi [Mr. Cochran], the Senator from Montana [Mr. Burns], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of S. 2051, a bill to amend the Social Security Act to provide for more flexible billing arrangements in situations where physicians in the solo practice of medicine or in another group practice have arrangements with colleagues to "cover" their practice on an occasional basis.

S. 2056

At the request of Mr. Harkin, the names of the Senator from New Mexico [Mr. Bingaman], the Senator from New Jersey [Mr. Bradley], the Senator from Oregon [Mr. Packwood], the Senator from Colorado [Mr. Wirth], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of S. 2056, a bill to amend title XIX of the Public Health Service Act to provide grants to States and implement State health objectives plans, and for other purposes.

S. 2077

At the request of Mr. Grassley, the names of the Senator from Utah [Mr. Garn], the Senator from Arizona [Mr. McCain], and the Senator from Idaho [Mr. Symms] were added as cosponsors of S. 2077, a bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots.

S. 2097

At the request of Mr. Pell, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 2097, a bill to promote and encourage alternative nondefense uses of defense facilities, to provide assistance for the retraining of unemployed defense workers whose employment is terminated, and to provide adjustment assistance to communities adversely affected by the termination or curtailment of defense contracts or the closure or realignment of military installations.

S. 2104

At the request of Mr. Kennedy, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 2104, a bill to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes.

S. 2111

At the request of Mr. Matsunaga, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 2111, a bill designating the month of May as "Asian/Pacific American Heritage Month".

S. 2114

At the request of Mr. Kennedy, the name of the Senator from Georgia [Mr. Nunn] was added as a cosponsor of S. 2114, a bill to promote excellence in American mathematics, science, and engineering education; enhance the scientific and technical literacy of the American public; stimulate the professional development of scientists and engineers; provide for education, training, and retraining of the Nation's technologists; increase the participation of women and minorities in careers in mathematics, science, and engineering; and for other purposes.

S. 2149

At the request of Mr. Boschwitz, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 2149, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 2178

At the request of Mr. Lieberman, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 2178, a bill to amend title 18, United States Code, to establish a Federal criminal offense for illegal creation of a fuel shortage.

S. 2186

At the request of Mr. McConnell, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of S. 2186, a bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor.

S. 2187

At the request of Mr. Cochran, the name of the Senator from Nebraska [Mr. Kerrey] was added as a cosponsor of S. 2187, a bill to amend the Public Health Service Act to make grants to encourage States to establish Offices of Rural Health to improve health care in rural areas.

S. 2209

At the request of Mr. Heinz, the name of the Senator from Hawaii [Mr. Matsunaga] was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide that small life insurance companies need not amortize acquisition expenses for purposes of the minimum tax.

S. 2210

At the request of Mr. D'Amato, the name of the Senator from Vermont [Mr. Jeffords] was added as a cosponsor of S. 2210, a bill to provide for preservation of competitive rail freight service routes in the Northeastern United States.

S. 2215

At the request of Mr. Harkin, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 2215, a bill to amend the Public Health Service Act to provide for the development and operation of a center to conduct research with respect to contraception and centers to conduct research with respect to infertility, and for other purposes.

S. 2229

At the request of Mr. Dodd, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

S. 2255

At the request of Mr. Daschle, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of S. 2255, a bill to express the sense of the Congress that the Secretary of Agriculture should take certain actions concerning the modification and effects of acreage reduction programs and to require the Secretary to use existing programs to maintain prices for the 1990 crop of wheat resulting from a program modification, and for other purposes.

S. 2267

At the request of Mr. Symms, the name of the Senator from Wisconsin [Mr. Kasten] was added as a cosponsor of S. 2267, a bill to amend title II of the Social Security Act to exclude certain rental payments from self-employment income for the excess earnings test.

S. 2284

At the request of Mr. Kasten, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 2284, a bill to amend the Federal Food, Drug, and Cosmetic Act to define the term light or reduced fat butter, and for other purposes.

SENATE JOINT RESOLUTION 224

At the request of Mr. Byrd, the names of the Senator from Indiana [Mr. Coats], the Senator from New Jersey [Mr. Lautenberg], the Senator from Delaware [Mr. Roth], the Senator from Mississippi [Mr. Cochran], the Senator from New York [Mr. Moynihan], the Senator from Ohio [Mr. Metzenbaum], and the Senator from Connecticut [Mr. Dodd] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 231

At the request of Mr. Grassley, the name of the Senator from Colorado [Mr. Armstrong] was added as a cosponsor of Senate Joint Resolution

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231, a joint resolution to designate the week of June 10, 1990, through June 16, 1990, as "State-Supported Homes for Veterans Week."

SENATE JOINT RESOLUTION 235

At the request of Mr. Humphrey, the name of the Senator from Montana [Mr. Burns] was added as a cosponsor of Senate Joint Resolution 235, a joint resolution proposing a constitutional amendment to limit Congressional terms.

SENATE JOINT RESOLUTION 248

At the request of Mr. Boschwitz, the names of the Senator from Connecticut [Mr. Dodd] and the Senator from Ohio [Mr. Metzenbaum] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 261

At the request of Mr. Lieberman, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of Senate Joint Resolution 261, a joint resolution making dire emergency supplemental appropriations for low-income home energy assistance.

SENATE JOINT RESOLUTION 265

At the request of Mr. Dodd, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 266

At the request of Mr. Jeffords, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of Senate Joint Resolution 266, a joint resolution designating March 1990, as "United States Naval Reserve Month."

SENATE JOINT RESOLUTION 269

At the request of Mr. D'Amato, the names of the Senator from Michigan [Mr. Riegle], the Senator from Florida [Mr. Graham], and the Senator from Missouri [Mr. Bond] were added as cosponsors of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. Cochran, the names of the Senator from Minnesota [Mr. Durenberger], the Senator from Indiana [Mr. Coats], the Senator from West Virginia [Mr. Byrd], the Senator from Arkansas [Mr. Bumpers], and the Senator from Arkansas [Mr. Pryor] were added as cosponsors of Senate Joint Resolution 272, a joint resolution to designate March 30, 1990, as "National Doctor's Day."

SENATE CONCURRENT RESOLUTION 87

At the request of Mr. Kennedy, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of Senate Concurrent Resolution 87, a concurrent resolution in support of the United Nations Secretary General's current efforts regarding Cyprus.

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. Ford, the name of the Senator from New York [Mr. D'Amato] was added as a cosponsor of Senate Concurrent Resolution 96, a concurrent resolution to urge the administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services [GATS], and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. D'Amato, the names of the Senator from Wyoming [Mr. Wallop], the Senator from Pennsylvania [Mr. Specter], and the Senator from Indiana [Mr. Coats] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

At the request of Mr. Lugar, his name was added as a cosponsor of Senate Concurrent Resolution 97, supra.

SENATE CONCURRENT RESOLUTION 102

At the request of Mr. Dixon, the names of the Senator from Tennessee [Mr. Gore], the Senator from California [Mr. Wilson], the Senator from Connecticut [Mr. Lieberman], and the Senator from Michigan [Mr. Levin] were added as cosponsors of Senate Concurrent Resolution 102, a concurrent resolution expressing the sense of the Congress regarding the existing borders between Germany and Poland.

SENATE RESOLUTION 231

At the request of Mr. Bradley, the names of the Senator from Alaska [Mr. Stevens], the Senator from Kansas [Mrs. Kassebaum], and the Senator from Rhode Island [Mr. Chafee] were added as cosponsors of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 239

At the request of Mr. DeConcini, the names of the Senator from New Hampshire [Mr. Humphrey], the Senator from Iowa [Mr. Grassley], and the Senator from Florida [Mr. Mack] were added as cosponsors of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate ceasefire.

SENATE RESOLUTION 258

At the request of Mr. Durenberger, the names of the Senator from West Virginia [Mr. Byrd], the Senator from California [Mr. Wilson], and the Senator from Alaska [Mr. Murkowski] were added as cosponsors of Senate Resolution 258, a resolution to recognize and congratulate the 1990 International Trans-Antarctica Expedition.

SENATE CONCURRENT RESOLUTION 105—CONGRATULATING THE PEOPLE OF EAST GERMANY ON THEIR FREE AND DEMOCRATIC ELECTIONS

Mr. DODD submitted the following concurrent resolution; which was referred to the Committee on Foreign relations:

S. Con. Res. 105

Whereas on March 18, 1990 the people of East Germany participated in the first free and democratic legislative elections in almost 60 years;

Whereas an estimated 95% of those eligible to vote participated in those elections;

Whereas by the unanimous judgment of neutral observers the elections were conducted honestly and fairly;

Whereas this election for the people of East Germany meant the exercising of their right of self-determination toward the unity of the German people and within the framework of a free and peaceful Europe; and

Whereas the American people have always supported the rights of all peoples, including the people of East Germany, to freely choose their representatives, governments, and their political future: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States Congress—

Congratulates the people of East Germany and all the participating candidates for the dignified conduct of these free elections;

Congratulates the winners of those elections, the freely and democratically chosen representatives of the people of East Germany; and

Expresses its desire to work with those representatives for a free and peaceful Europe.

SENATE CONCURRENT RESOLUTION 106—CONCERNING JERUSALEM AND THE PEACE PROCESS

Mr. MOYNIHAN (for himself, Mr. Boschwitz, Mr. Lautenberg, Mr. D'Amato, Mr. Dixon, Mr. Exon, Mr. Gorton, Mr. Metzenbaum, Mr. Levin, Mr. Lieberman, Mr. Packwood, Mr. Wilson, Mr. Graham, Mr. Simon, Mr. Riegle, Mr. Hatch, Mr. McCain, Mr. Burns, Mr. Kasten, Mr. Lott, Mr. McConnell, and Mr. Grassley) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 106

Whereas the State of Israel has declared Jerusalem to be its capital;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths were not permitted access to holy sites in the area controlled by Jordan;

Whereas since 1967 Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas the President and the Secretary of State have demonstrated their strong desire to achieve a just and lasting peace in the Middle East and have worked diligently toward that end;

Whereas ambiguous statements by the Government of the United States concerning the right of Jews to live in all parts of Jerusalem raise concerns in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israeli citizens; and

Whereas such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) acknowledges that Jerusalem is and should remain the capital of the State of Israel;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected; and

(3) calls upon all parties involved in the search for peace to maintain their strong efforts to bring about negotiations between Israel and Palestinian representatives.

Mr. MOYNIHAN. Mr. President, I am today submitting a concurrent resolution which states that Jerusalem must never be divided again and acknowledges the reality that Jerusalem is the State of Israel's capital and will remain so.

I recently returned from a trip to the Middle East in my capacity as chairman of the Senate Foreign Relations Subcommittee on Near Eastern and South Asian Affairs. While I was in Israel I met with a broad cross-section of Israeli political and communal leaders and found that they had many different views on the peace process. There were, in fact, only two things on which they all agreed: Their desire to see a meaningful and secure peace between Israel and her Arab neighbors and their anguish over the continued confusion of American policy concerning the city of Jerusalem.

President Bush has, I am afraid, added to this confusion in a fashion that has already proven to be most unhelpful to the quest for peace in the Middle East when he stated that the United States opposes "new settlements in the West Bank or in East Jerusalem." The President thereafter wrote to Mayor Kollek arguing that the United States had also opposed the Jordanian occupation of East Jerusalem, but his words of reassurance would be more comforting if anyone could recall what the United States did to attempt to change the situation.

We were far too passive in May 1948 when the Jordanian Arab Legion drove the once flourishing Jewish majority out of the Old City at gunpoint. We were too passive when Israel's eternal capital was divided by barbed wire, mine fields, and cinderblock walls. A week ago I declared that President Bush's original statement "raises the frightful irony that a President who only 4 months ago celebrated the collapse of the Berlin Wall and the opening of the Brandenburg Gate might encourage the redivision of Jerusalem and the reimposition of the infamous Mandelbaum Gate."

Israel must make sacrifices for there to be peace in the Middle East. Yet no Israeli Government will join a process which it believes might end with the dismemberment of its eternal capital.

No Israeli Government can address the concerns of Jerusalem's Arab inhabitants if addressing these concerns will be construed as suggesting that it is prepared to negotiate away the right of Jews to dwell in security throughout a united Jerusalem. We would do well to remember that the Jewish presence in Jerusalem is not new. No people on Earth are as inexorably linked to any city as the Jewish people are to the city of Jerusalem.

For more than three millennia, ever since King David declared it the capital of his Jewish kingdom and bought the land on which his son Solomon would build his temple, Jerusalem has been the spiritual and cultural focal point of Jewish history. Yet Jerusalem's significance to the Jew goes back even further, for Jewish tradition states that Solomon's temple was built on the very spot where Abraham was prepared to sacrifice his son Isaac and where Jacob, the third of the patriarchs, dreamt of a ladder connecting heaven and Earth.

For 2,600 years Jerusalem has not been forgotten. The devout Jew prays six times a day—thrice in his daily prayers and thrice at grace—for the city of Jerusalem. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers: "Next Year in Jerusalem."

Not only is Jerusalem central to Jewish prayer and religious practice but Jews throughout the centuries have risked their very lives to be able to live in, or at least visit, their Holy City. Conquering armies came and went—Roman, Byzantine, Arab, Crusader, Mongol, and Turk—but the Jewish community, despite deprivation and persecution, remained in Jerusalem. Indeed, the first authoritative Turkish census of the city in 1884 discovered that 7,120 of Jerusalem's 12,510 inhabitants were Jewish—and this before there was a "west" or "new" Jerusalem. Thus even the Old City of Jerusalem had a Jewish majority well over a century ago. And the Jerusalem of prayer and history is at the very heart of the East Jerusalem that President Bush speaks of as a Jerusalem in which Jews are to be viewed as unwelcome settlers.

It is interesting to note that in 1980 President Bush criticized the Carter administration for sending mixed signals about Jerusalem. He claimed that they "undermined confidence in America's policy and purpose in the Middle East." Specifically, in a campaign speech delivered on October 19, 1980, he told the Zionist Organization of America that:

> I need not detail the recent history of mixed signals delivered in the U.N. and elsewhere around the world concerning the Carter Administration's policy on such issues as the PLO and the status of Jerusalem. The are only too well known. Nor need I stress that though these signals are mixed, they assume a pattern that has undermined confidence in America's policy and purpose in the Middle East.

I would also note that the United Nations General Assembly vote of November 29. 1947 acknowledged borders of an "International Zone" that acutally extended well beyond the present municipal boundaries of Jersualem. The United States and the Soviet Union both endorsed the 1947 boundaries. The Jewish Agency endorsed this plan as a "Jewish contribution to the solution of a painful problem." The Arab States rejected the plan and launched a brutal attack on the Jewish community of Jerusalem.

I believe it is time to reassure Israel. I believe that such reassurance is essential before this small nation can find the confidence to trust our initiatives. Accordingly, I am submitting this concurrent resolution. I invite my colleagues to join as original cosponsors of the resolution.

Mr. PACKWOOD. Mr. President, today I received a letter addressed to President Bush from a constituent of mine, Mr. Arden E. Shenker. Mr. Shenker is from Portland, OR, chair of the National Jewish Community Relations Advisory Council, and a respected member of the Jewish community. His letter is in response to the President's recent statements about Jerusalem. Because of Jerusalem's unique importance to Jews all over the world and because of our close relationship with the State of Israel, I respectfully request that Mr. Shenker's letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Jewish Community
Relations Advisory Council,
New York, NY, March 8, 1990.

The President,
The White House, Washington, DC.

Dear Mr. President: The National Jewish Community Relations Advisory Council welcomed the assurances that you gave Seymour Reich, chairman of the Conference of Presidents, in your telephone conversation last Monday that the United States is committed to a united Jerusalem. (The NJCRAC is comprised of 13 national agen-

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cies and 117 community agencies listed on the reverse side of this letterhead.)

The American Jewish community, with all its diversity, is united in support of Jerusalem as the undivided eternal capital of the state of Israel. As we know you appreciate, Jerusalem maintains a special place in the hearts and minds of the Jewish people. It is uniquely significant to us in religious, historic and cultural terms. The fundamental right of Jews to live in this city must be respected.

Jews have lived in this ancient city without interruption since the days of the Bible. For much of Jerusalem's history, including well over the last 100 years, Jews have comprised the majority of the population of the city. Only from 1948 to 1967, under Jordanian rule, were Jews for the first time prohibited from living in parts of Jerusalem. Fortunately, this prohibition ended in 1967 when Israel successfully defended itself against Jordanian aggression.

We understand that U.S. policy now is that the final status of Jerusalem is to be determined by a negotiated settlement. We also believe that U.S. policy recognizes the right of Jews to live in any part of Jerusalem, a judgment expressed by Vice President Dan Quayle on Tuesday to the Conference of Presidents.

This was reinforced in the statement today by Margaret Tutwiler in which she declared "the United States' position, as was enunciated earlier this week, is, of course, Jews can live in East Jerusalem and West Jerusalem. There is no difference from that policy, and it's been stated, as you know."

We trust that this correctly states U.S. policy in regard to the right of Jews to live in Jerusalem.

Respectfully yours,

Arden E. Shenker,
Chair.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

KENNEDY (AND OTHERS) AMENDMENT NO. 1343

Mr. KENNEDY (for himself, Mr. Kerry, Mr. Lautenberg, and Mr. Wirth) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health, protective national ambient air quality standards, and for other purposes, as follows:

On page 13, after line 9, insert the following:

(d) Section 103 of the Clean Air Act is amended by adding at the end thereof the following:

"(g) Studies.—(1) The Director of the National Institute of Environmental Health Sciences shall conduct a program of basic research to identify, characterize, and quantify risks to human health from air pollutants. Such research shall be conducted primarily through a combination of university and medical school-based grants, as well as through intramural studies and contracts.

"(2) The Director of the National Institute of Environmental Health Sciences shall conduct a program for the education and training of physicians in environmental health.

"(3) The Director shall assure that such programs shall not conflict with research undertaken by the Administrator.".

On page 512, line 25, strike out "Act."." and insert "Act.".

On page 512, after line 25, insert the following:

"(4) In addition to the sums authorized by paragraphs (1), (2), and (3), there are authorized to be appropriated to the National Institute of Environmental Health Sciences such sums as may be necessary to carry out section 103(g)(1). Funds appropriated for each such fiscal year pursuant to this authorization shall be available for a 24-month period following the expiration of the fiscal year for which such funds were appropriated.

WIRTH (AND OTHERS) AMENDMENT NO. 1344

Mr. WIRTH (for himself, Mr. Wilson, Mr. Moynihan, Mr. McCain, Mr. Lautenberg, Mr. Lieberman, Mr. Harkin, Mr. Kerry, Mr. Cranston, Mr. D'Amato, Mr. DeConcini, Mr. Pell, Mr. Gore, Mr. Rockefeller, Mr. Bryan, and Mr. Burns) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

In the matter between page 137, line 14 and page 138 of the amendment, line 1, strike all of Column B in tables 1a and 1b and footnotes 1 and 2.

On page 138 of the amendment, line 1, strike "(A) If more" and all that follows through "December 31, 2001, then the regulations" and insert "The regulations".

On page 138 of the amendment, line 10, strike "2004" and insert "2003".

Beginning on page 139 of the amendment, strike line 1 and all that follows through page 140, line 8.

On page 140 of the amendment, line 9, strike "(4)" and insert "(3)".

On page 141 of the amendment, line 14, strike "(5)" and insert "(4)".

On page 141 of the amendment, line 15, strike "(4)" and insert "(3)".

On page 141 of the amendment, lines 20 and 24, strike "2004" and insert "2003".

On page 142 of the amendment, lines 5 and 9, strike "2004" and insert "2003".

On page 142 of the amendment, line 10, strike "(6)" and insert "(5)".

On page 142 of the amendment, line 11, strike "(4)" and insert "(3)".

On page 142 of the amendment, line 13, strike "(5)" and insert "(4)".

On page 142 of the amendment, line 14, strike "(7)" and insert "(6)".

On page 142 of the amendment, line 16, strike "(5) and (6)" and insert "(4) and (5)".

On page 142 of the amendment, line 20, strike "(8)" and insert "(7)".

On page 143 of the amendment, line 3, strike "(2)" and insert "(8)".

On page 153 of the amendment, line 13, strike line 13 and all that follows through line 4 on page 201 and insert:

CLEAN FUEL VEHICLES

Sec. 206. Section 212 of the Clean Air Act is amended to read as follows:

"SEC. 212. CLEAN FUEL VEHICLES.

"(a) Definitions.—As used in this section—

"(1) Clean fuel.—The term 'clean fuel' means any fuel or power source used in a clean vehicle or ultra-clean vehicle that complies with the requirements applicable to such vehicle under subsection (f) when using such fuel or power source.

"(2) Clean vehicle.—The term 'clean vehicle' means any motor vehicle which meets the emission standards applicable to clean vehicles under subsection (f) when operated on a clean fuel.

"(3) Ultra-clean vehicle.—The term 'ultra-clean vehicle' means any motor vehicle weighing less than 14,000 lbs (gross vehicle weight) which meets the emission standards applicable to ultra-clean vehicles under subsection (f) when operated on a clean fuel.

"(4) Retail fuel provider.—The term 'retail fuel provider' includes any person dispensing fuel for ultimate consumption.

"(5) Covered fleet.—The term 'covered fleet' means 10 or more vehicles which are (A) owned or operated by a single person and (B) centrally fueled or reasonably capable of being centrally fueled. Such term shall not include emergency vehicles and law enforcement vehicles (as defined by the Administrator), vehicles used by manufacturers of motor vehicles for demonstration, testing, or evaluation purposes, vehicles rented or leased for use by the general public or held for sale by motor vehicle dealers (including demonstration vehicles). In determining the number of vehicles owned by a single person for purposes of this paragraph, all vehicles owned by such person, by any person which controls such person, by any person controlled by such person, and by any person under common control with such person shall be treated as owned by such person.

"(6) Covered fleet vehicles.—The term 'covered fleet vehicles' includes only those vehicles in a covered fleet which are centrally fueled or reasonably capable of being centrally fueled.

Nothing in this section shall apply to motorcycles.

"(b) Urban Buses.—

"(1) In general.—Not later than 12 months after the date of the enactment of the Clean Air Act Amendments of 1989 the Administrator shall promulgate regulations requiring new urban buses operated primarily in a metropolitan statistical area or consolidated metropolitan statistical area (as defined by the United States Office of Management and Budget) with a 1980 population of 1,000,000 persons or more to be clean vehicles and to use clean fuels. The regulations shall provide that all new urban buses beginning with the model year 1994 purchased or placed into service by owners or operators of urban buses in such areas shall be clean vehicles and shall be exclusively operated on clean fuels.

"(2) Phase in.—The Administrator shall prescribe a schedule phasing in the applicability of the requirements established by paragraph (1) over the 1991 through 1994 model years as follows: 10 percent of new urban buses purchased or placed into service in model year 1991; 25 percent of new urban buses purchased or placed into service in model year 1992; 60 percent of new urban buses purchased or placed into service in model year 1993; and 100 percent of new urban buses purchased or placed into service in 1994 and later model years.

"(3) Retrofits.—Not later than 12 months after the date of the enactment of the Clean Air Act Amendments of 1989 the Administrator shall promulgate regulations requiring that, beginning January 1, 1994, any urban bus operating in any area specified in paragraph (1) shall, at the time of any major engine overhaul, be retrofitted so as to comply with the standards applicable under paragraph (1) to new urban buses purchased in the area in model years 1994 and thereafter. The Administrator shall, by rule, phase in the requirements of this paragraph prior to January 1, 1994.

"(c) AVAILABILITY OF CLEAN VEHICLES IN 1994 AND AFTER.—

"(1) IN GENERAL.—Within the time periods specified in paragraph (2), the Administrator shall promulgate regulations requiring motor vehicle manufacturers to certify, produce, and offer clean and ultra-clean vehicles for sale. The regulations shall require clean and ultra-clean vehicles to be certified, produced, and offered for sale in serious, severe, and extreme ozone nonattainment areas in sufficient quantities to meet the clean and ultra-clean vehicle requirements of subsection (e).

"(2) APPLICABLE DATES.—The regulations under paragraph (1) applicable to vehicles manufactured during the calendar years specified in Table A below shall be promulgated on or before the date specified in Table A:

TABLE A

Final Date for Promulgation	Applicable to Calendar Years
January 1, 1992	1994, 1995 and 1996
January 1, 1994	1997, 1998, and 1999
January 1, 1997	2000 and after

The Administrator shall notify each manufacturer of its production requirements at least 2 years prior to the calendar year in which such requirements first apply. Each manufacturer shall thereafter notify the Administrator of the types and projected quantities of clean fuels required for the clean and ultra-clean vehicles such manufacturer intends to produce.

"(3) TYPES AND MODELS.—The Administrator may require manufacturers to produce a variety of types and models of clean and ultra-clean vehicles. Vehicle types and models shall be allocated among the areas concerned based upon the clean and ultra-clean vehicle requirements of implementation plans revised in accordance with subsection (e) and such other factors as the Administrator may determine appropriate.

"(4) ALLOCATION AMONG MANUFACTURERS.—The Administrator shall allocate production requirements imposed pursuant to this subsection among manufacturers based upon market shares in the areas to which such requirements apply and such other factors as the Administrator may determine appropriate.

"(5) SMALL MANUFACTURERS.—The regulations under paragraph (1) shall not apply to any manufacturer with annual motor vehicle sales in the United States of less than 5,000 vehicles.

"(6) COMPLIANCE.—Notwithstanding any other provision of law, manufacturers of clean and ultra-clean vehicles required to offer such vehicles for sale under this subsection shall satisfy such requirement by offering such vehicles for sale to motor vehicle dealers or furnishing such vehicles to dealers for retail sale on a consignment basis for a consignment period of 2 years. Manufacturers of such vehicles shall not require the purchase of such vehicles by dealers as a prerequisite of receipt of conventional gasoline-fueled vehicles. The provisions of the preceding sentence may not be waived by any dealer.

"(d) AVAILABILITY OF CLEAN FUELS.—

"(1) IN GENERAL.—Within the time periods specified in paragraph (2), the Administrator shall promulgate regulations requiring that clean fuels be produced by each fuel refiner and imported by each fuel importer and made available by such refiner or importer, directly or indirectly, to appropriate retail fuel providers located in an ozone nonattainment area to which the clean vehicle requirements apply under this section.

"(2) APPLICABLE DATES.—The regulations under paragraph (1) applicable to fuel made available by fuel refiners and importers during the calendar years specified in Table B below shall be promulgated on or before the date specified in Table B:

TABLE B

Final date for promulgation	Applicable to calendar years
January 1, 1992	1994, 1995 and 1996
January 1, 1994	1997, 1998, and 1999
January 1, 1997	2000 and after

The Administrator shall notify each refiner and importer of its production requirements at least 2 years prior to the calendar year in which such requirements first apply.

"(3) QUANTITIES.—The regulations under this subsection shall specify the quantities of such fuel to be produced, imported, and made available to retail fuel providers. Such quantities shall be adequate to assure that all clean and ultra-clean vehicles operating in each nonattainment area to which the clean vehicle requirements apply under this section can operate, to the maximum extent practicable, exclusively on clean fuel. The Administrator shall annually review whether the quantities so specified are adequate for such purposes. The Administrator shall ensure that the types and quantities of clean fuels to be produced and made available are consistent with the clean vehicle requirements of this section.

"(4) ALLOCATION.—The Administrator shall allocate production requirements among refiners and importers based upon total market shares in such areas and such other factors as the Administrator may determine appropriate.

"(5) OTHER AREAS.—The regulations promulgated under this subsection may also require fuel refiners and importers to produce and make clean fuels available in appropriate types and quantities to retail fuel providers located along the Interstate Highway System and other major transportation corridors (including those to major recreation destinations) outside of such nonattainment areas if there is a demand for such fuels in such locations.

"(6) EXEMPTION; SMALL REFINERS AND IMPORTERS.—The rules under this subsection may provide for the exemption of small refiners and small importers (each as defined by the Administrator in such rule) from any requirements established pursuant to such rule.

"(7) PROTECTION OF RETAIL FUEL PROVIDERS.—(A) Refiners and importers shall not require the purchase of clean fuels by independent retail fuel providers (directly or indirectly) as a prerequisite of receipt of gasoline or diesel.

"(B) For the purposes of supplying vehicles with clean fuels necessary to meet the requirements of this paragraph, a retail fuel provider who dispenses an average 50,000 gallons or more of motor vehicle fuel per month at a service station (as defined by the Administrator) in an area where the availability of such clean vehicles is required under this Act, shall offer for sale at such service station—

"(i) at a minimum, 1 clean fuel other than reformulated gasoline; or

"(ii) at a maximum, 2 clean fuels

as determined by the Administrator by regulation.

"(C) If, on the basis of available information, the Governor of any State for which the requirements of subparagraph (B) apply determines that the clean fuels described in clauses (i) and (ii) would be readily available in the area for the period of an exemption described in subparagraph (D), such Governor may exempt any service station in the area from the requirements of subparagraph (B).

"(D) Pursuant to subparagraph (C), the Governor may, for a period of not more than 4 years after the effective date of such requirements, exempt any service station in the area subject to the requirements of subparagraph (B).

"(E) The Administrator shall promulgate regulations to ensure that if an owner or operator of a service station described in subparagraph (B) demonstrates, to the satisfaction of the Administrator or the Governor, that if—

"(i) in order to comply with the requirements of this subsection, it would be necessary to remove or replace any underground storage tank (as defined in section 9001(1) of the Solid Waste Disposal Act (42 U.S.C. 6991(1)) at such service station; and

"(ii) such owner or operator had, before the date of the enactment of this paragraph, removed or replaced the underground storage tank at such service station;

then the owner or operator shall be exempt from the requirements of this subsection for a period of 10 years after such tank was last removed or replaced pursuant to clause (ii).

"(e) STATE PLANS FOR OZONE NONATTAINMENT AREAS.—

"(1) IN GENERAL.—Each State shall submit to the Administrator, on or before the date specified in this subsection, a revision of the State implementation plan under title I of this Act for the State for each serious, severe, and extreme ozone nonattainment area in the State.

"(2) FLEET VEHICLES.—

"(A) 1994 CLEAN VEHICLE REQUIREMENTS.—Each State required to submit a plan revision under this subsection shall, within 1 year after the date of the enactment of the Clean Air Act Amendments of 1989, submit a revision to require that, when replacing covered fleet vehicles or adding covered fleet vehicles during calendar years 1994 through 1999, the operator of each covered fleet operating in such area shall acquire for such purposes only clean vehicles complying with the emission standards applicable to such vehicles as provided in this section, except that during calendar years of 1994, 1995, and 1996 the State may phase in the requirements of this subparagraph. At a minimum, a schedule for the phasing in of such requirements shall require that 30 percent of the replaced or added vehicles described in this subsection shall be clean vehicles for the calendar year 1994, 50 percent of such replaced or added vehicles shall be clean vehicles for the calendar year 1995, and 70 percent of such replaced or added vehicles shall be clean vehicles for the calendar year 1996.

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"(B) **Near 2000 ultra-clean vehicle requirements.**—Each State required to submit a plan revision under this subsection for a serious, severe, or extreme area shall, within 4 years after date of the enactment of the Clean Air Act Amendments of 1989, submit a revision to require that, when replacing covered fleet vehicles weighing less than 14,000 lbs (gross vehicle weight) or adding fleet vehicles weighing less than 14,000 lbs (gross vehicle weight) during calendar year 2000 and thereafter, the operator of each covered fleet operating in such area shall acquire for such purposes only ultra-clean vehicles complying with the emission standards applicable to such vehicles under this section.

"(C) **Fuels.**—Each plan revision required under this section shall require that only clean fuels be used in clean or ultra-clean covered fleet vehicles when such vehicles are used in the area.

"(D) **Number of vehicles.**—Each State described in subparagraphs (A) and (B) shall determine for the purposes of this section the number of clean and ultra-clean vehicles required each year to meet the requirements of subparagraphs (A) and (B).

"(A) **1994 clean vehicle requirements**—Each State required to submit a plan revision under this subsection for an extreme area shall, within 1 year after the date of the enactment of the Clean Air Act Amendments of 1989, submit a plan revision specifying that at least 150,000 clean vehicles in 1994, 300,000 clean vehicles in 1995, and 400,000 clean vehicles in 1996 shall be subject to the rule promulgated by the Administrator under subsection (c).

"(B) **1997 clean vehicle requirements.**—Each State required to submit a plan revision under this subsection for a severe or extreme area shall, within 2 years after the date of the enactment of the Clean Air Act Amendments of 1989, submit a plan revision specifying the number of clean vehicles to be subject to the rule promulgated by the Administrator under subsection (c) for each severe and extreme area in the State, beginning January 1, 1997. Such number shall be equal to 30 percent of the total number of motor vehicles sold in any such area or such greater number as necessary to provide (in combination with other provisions of the applicable implementation plan) for attainment and maintenance of the primary ambient air quality standard for ozone by the applicable attainment date.

"(C) **2003 ultra-clean vehicle requirements.**—Each State required to submit a plan revision under this subsection for a severe or extreme area shall, within 4 years after the date of the enactment of the Clean Air Act Amendments of 1989, submit a plan revision specifying the number of ultra-clean vehicles to be subject to the rule promulgated by the Administrator under subsection (c) for each severe and extreme area in the State, beginning January 1, 2003. Such number shall be equal to 30 percent of the total number of motor vehicles weighing less than 14,000 lbs (gross vehicle weight) sold in any such area or such greater number as necessary to provide (in combination with other provisions of the applicable implementation plan) for attainment and maintenance of the primary ambient air quality standard for ozone by the applicable attainment date.

"(D) **Exemption.**—The Administrator may exempt a State from complying with this subsection with respect to any area if the State demonstrates in such revision to the satisfaction of the Administrator that the use of clean or ultra-clean vehicles, as the case may be, would not contribute to improved air quality in such area or if such revision achieves an equivalent improvement in air quality by measures not otherwise required under this Act.

"(E) **Reclassified areas.**—In the case of areas reclassified as serious, severe, or extreme, the plan revisions required to be submitted under this subsection shall be submitted within 1 year after reclassification. Such plan revision shall implement the requirements applicable under this subsection at the time of reclassification and thereafter, except that (i) the requirements of sub paragraph (3)(A) shall not apply to areas reclassified as extreme and (ii) the Administrator may adjust for a limited period the deadlines for compliance under paragraphs (2) and (3) where compliance with such deadlines would be infeasible. Upon approval of the plan revision, the Administrator shall revise the regulations under subsections (c) and (d) to ensure the production and availability of clean and ultra-clean vehicles and clean fuels for the area.

"(4) **Other areas.**—(A) The Governor of any State containing an area not included in the clean vehicle program under paragraph (3) of this subsection may submit to the Administrator a request to participate in such program. Such request shall specify the number of clean and ultra-clean vehicles required to be offered for sale in the area under the program. The Administrator shall approve any such request where the Governor has determined that participation is appropriate and would result in progress toward attainment and maintenance of any national ambient air quality standard and the Administrator finds that such determination is not arbitrary and capricious.

"(B) If the Administrator approves one or more requests under subparagraph (A) he shall, by regulation—

"(i) increase the total number of clean and ultra-clean vehicles that must be produced and offered for sale under subsection (c) by the amount requested; and

"(ii) revise, as appropriate, the requirements under subsection (d) regarding the production, importation, and availability of clean fuels in the area affected.

Any additional requirements resulting from such approval shall become applicable after such period as the Administrator finds necessary for the requisite vehicles and fuels to be made available (giving appropriate consideration to model availability and the cost of compliance within such period).

"(5) **Savings provision.**—Nothing in this subsection shall be deemed to preclude or limit the right or authority of any State which has, at any time, received a waiver under section 209(b) or exercised its authority under section 177 to adopt and enforce any requirements regarding clean or ultra-clean vehicles or clean fuels.

"(f) **Requirements Applicable to Clean Vehicles and Ultra-clean Vehicles.**—

"(1) **Motor vehicles weighing less than 14,000 lbs g.v.w.**—Not later than 18 months after the date of the enactment of the Clean Air Act Amendments of 1989 the Administrator shall promulgate regulations under section 202(a) containing specific emission standards for clean vehicles applicable to motor vehicles weighing less than 14,000 pounds (gross vehicle weight). Such emission standards shall apply to emissions of hydrocarbons, oxides of nitrogen, carbon monoxide, particulates, formaldehyde, benzene, 1,3-butadiene, and such other air pollutants as the Administrator may identify as a potential threat to public health or welfare. Such standards shall take effect with respect to the second model year after the model year in which such standards are promulgated. Such standards shall be based upon the best technology or other measures for the control of each air pollutant specified in this paragraph that can reasonably be anticipated to be available at the time such measures are to be implemented, taking into consideration the cost of achieving such emission reduction, and shall, at a minimum comply with each of the following:

"(A) **Reactive organic gases.**—The standards shall limit the total emissions of reactive organic gases from any clean vehicle so that such emissions have the potential to form no more than 50 percent of the ambient ozone formed by emissions allowed under the most stringent standard for emissions of reactive organic gases from a conventional gasoline-fueled vehicle of the same type pursuant to standards under section 202 for the same model year.

"(B) **Hazardous air pollutants.**—The standards shall limit the total emissions of hazardous air pollutants to no more than 50 percent of the actual level of such pollutants emitted by a conventional gasoline-fueled vehicle of the same type complying with the most stringent standards specified pursuant to section 202 for the same model year (or to such other levels as the Administrator determines will achieve at least as great a reduction in aggregate adverse health effects as such 50 percent reduction in emissions). The standards shall limit emissions of formaldehyde to no more than 0.015 per mile.

"(C) **Other pollutants.**—The standards shall prohibit emissions of oxides of nitrogen, carbon monoxide, or particulates in excess of the most stringent level allowed under emission standards applicable under section 202 to emissions of such air pollutants from a conventional gasoline-fueled vehicle of the same type and model year.

"(D) **Other fuels.**—The standard shall permit clean vehicles to use a fuel other than a clean fuel, if, when operated on any such other fuel, such vehicle complies with the emission standards applicable under section 202 to conventional gasoline-fueled vehicles of the same type and model year.

"(2) **Ultra-clean vehicles.**—Not later than 36 months after the date of the enactment of the Clean Air Act Amendments of 1989 the Administrator shall promulgate regulations under subsection (a) containing specific emission standards applicable to ultra-clean vehicles. Such standards shall apply to emissions of the same air pollutants and to the same vehicles as the standards under paragraph (1). The standards shall take effect with respect to the second model year after the model year in which such standards are promulgated. The standards for ultra-clean vehicles shall be the same as the standards under paragraph (1), except as follows:

"(A) **Reactive organic gases.**—The standards for ultra-clean vehicles shall, at a minimum, limit the total emissions of reactive organic gases from any ultra-clean vehicle so that such emissions have the potential to form no more than 50 percent of the ambient ozone formed by emissions allowed under paragraph (1) in the case of reactive organic gases emitted by a clean vehicle of the same type for model year 2000.

"(B) **Hazardous air pollutants.**—The standards for ultra-clean vehicles shall, at a minimum, limit the total emissions of hazardous air pollutants to no more than 50 percent of the actual level of such pollutants emitted by a clean vehicle of the same type complying with the standards applicable pursuant to paragraph (1) for model year 2000 (or to such other levels as the Administrator determines will achieve at least as great a reduction in aggregate adverse health effects as such 50 percent reduction in emissions).

"(C) NO_x and CO.—The standards for ultra-clean vehicles shall, at a minimum, limit emissions of oxides of nitrogen and carbon monoxide to no more than 50 percent of the level of such pollutants allowed under paragraph (1) for emissions of such air pollutants from a clean fuel vehicle of the same type in model year 2000.

"(3) Heavy-duty clean vehicles.—Not later than 18 months after the date of the enactment of the Clean Air Act Amendments of 1989 the Administrator shall promulgate regulations under section 202(a) containing specific emission standards applicable to clean vehicles with a gross vehicle weight of 14,000 lbs (g.v.w) or more. Such standards shall take effect with respect to the second model year after the model year in which such standards are promulgated. Such standards shall be based upon the best technology or other measures for the control of each air pollutant specified in this paragraph that can reasonably be anticipated to be available at the time such measures are to be implemented, taking into consideration the cost of achieving such emission reduction. At a minimum the standards shall comply with each of the following—

"(A) NO_x or particulates.—The standards for heavy-duty clean vehicles and engines shall require that (i) emissions of either oxides of nitrogen or particulate matter shall not exceed 50 percent of the emissions of such air pollutant allowed under the emission standard applicable for such air pollutant for a conventional heavy-duty vehicle or engine of the same type and model year pursuant to standards under section 202 and (ii) emissions of particulate matter shall not exceed 0.10 grams per brake horsepower-hour.

"(B) All air pollutants.—The standards for heavy-duty clean vehicles and engines shall prohibit emissions of any air pollutant in excess of the level allowed under the emission standard applicable for such air pollutant for a conventional heavy duty vehicle of the same type and model year pursuant to standards under section 202.

"(4) Periodic review.—The Administrator shall review the standards under this subsection at least every 3 years and shall promulgate revised standards to reduce allowable emissions whenever the Administrator determines that more effective emission control technologies or fuels allowing lower levels of emissions will be available. The Administrator shall promulgate revised, more stringent, standards for clean and ultra-clean vehicles whenever the Administrator determines that adjustments are needed to reflect more stringent emission standards for conventional vehicles under section 202.

"(5) Safety.—The standards under this subsection shall specifically include provisions under section 202(a)(4) regarding the safety of fuel systems (including the safety of storage cylinders and the testing and retesting of such cylinders and fuel systems), as appropriate.

"(g) Guidance.—Not later than 18 months after the date of the enactment of the Clean Air Act Amendments of 1989, the Administrator shall publish guidance for use in carrying out the provisions of this section, including guidance for determining the required number of clean and ultra-clean vehicles to be produced and offered for sale under such provisions. Such guidance shall include methodology to determine the local and regional air quality impacts of the use of clean and ultra-clean vehicles, including assessment of the need for areas upwind of nonattainment areas to use clean and ultra-clean vehicles. Such guidance shall be compatible with the inventory, modeling, and planning methods used in the implementation plan revision process.

"(h) Conversions.—The Administrator shall promulgate regulations establishing emission standards and requirements for the conversion of new or used vehicles into clean and ultra-clean vehicles. Such regulations shall ensure that such vehicles comply with all emission standards applicable to clean or ultra-clean vehicles, (whichever are applicable). The standards under this subsection shall be subject to all provisions of this title applicable to standards under section 202 (including the provisions of sections 206, 207, 208, and 209) with such modifications of the applicable regulations implementing such sections as the Administrator determines to be appropriate, and such standards shall be enforced in the same manner as standards prescribed under section 202.

"(i) Credits.—The Administrator, by regulation, may grant persons subject to the requirements of subsection (b) or (c) an appropriate amount of credits for producing more than the required numbers of clean or ultra-clean vehicles, for producing vehicles which have emissions substantially lower than required under subsection (f), or for producing more clean fuel than required under subsection (c). Credits may also be granted to persons subject to the requirements of subsection (b) or (c) or to other persons for the conversion of new or used vehicles into clean or ultra-clean vehicles in compliance with subsection (d). Any person granted such credits may transfer some or all of the credits to one or more other persons for use in demonstrating compliance with the requirements of subsection (b) or (c) and the clean vehicle and ultra-clean vehicle requirements of subsection (d) (relating to State plan revisions). Credits may not be transferred between any motor vehicle manufacturer and any refiner or importer, either directly or indirectly through any third party. Credits may be granted and transferred upon such terms and conditions as the Administrator determines to be appropriate to achieve the purposes of this section and part D of title I. Credits may be granted and transferred only if the Administrator determines that the total emissions of each pollutant within the nonattainment area after such transfer will be equal to or less than the total emissions otherwise allowed in such area without such transfer.

"(j) OTA Study.—The Office of Technology Assessment, in consultation with the Administrator, the Department of Energy, the State of California, the South Coast Air Quality Management District, and the Northeast States for Coordinated Air Use Management, shall review the introduction of clean vehicles in extreme ozone nonattainment areas pursuant to this section. Such review shall include an assessment of the market availability and public acceptance of clean vehicles and the fuels for such vehicles, the economics of producing and distributing such vehicles and fuels, and the effect on vehicle dealers and service stations. Not later than July 1, 1995, the Office of Technology Assessment shall report its findings to the Congress, together with any recommendations regarding the expansion of clean vehicle requirements to other nonattainment areas. To assist in such review, the California Air Resources Board and the South Coast Air Quality Management District shall provide reports at least every 6 months after the date of the enactment of this Act, on the market availability of such vehicles and fuels, any incentives or disincentives that may exist for the acquisition of such vehicles or the use of such fuels, any information on the safety, driveability, performance, maintenance, or emission characteristics of such vehicles in use, including the emission of any unregulated pollutants.

"(k) Global Climate Change.—The Administrator shall conduct a study to (1) characterize the potential effects of clean and ultra-clean vehicles and clean fuels on the emission of gases that affect global climate change, (2) identify existing technologies which could be implemented to maximize the benefits of the use of clean and ultra-clean vehicles and clean fuels in reducing global climate change, taking into consideration effects due to the production, distribution, and use of such vehicles and fuels, and (3) recommend research and development programs to develop new technologies to minimize the emissions of carbon dioxide, methane, and other greenhouse gases that occur in the production, distribution, and use of such vehicles and fuels. Not later than September 30, 1993, the Administrator shall submit a report describing the methods of analysis and the results and conclusions of such study, together with any recommendations, to the Senate Committee on Environment and Public Works and the House Committee on Energy and Commerce.

"(l) Clean Fuels for Conventional Vehicles.—(1) Within 1 year after the date of the enactment of this subsection, the Administrator shall promulgate standards under section 211 establishing specifications for cleaner gasoline to be used in gasoline-fueled vehicles. Such standards shall require the greatest reduction in ozone-forming and toxic emissions achievable through the reformulation of conventional gasoline, taking into consideration the cost of achieving such emission reductions, any nonair-quality and other air-quality related health and environmental impacts, and energy requirements. At a minimum, the specifications shall include each of the following requirements:

"(A) The benzene content of the fuel shall not exceed 0.8 percent by volume.

"(B) The aromatic hydrocarbon content of the fuel shall not exceed 25 percent by volume.

"(C) During the high ozone season (as defined by the Administrator), the total emissions of reactive organic gases from vehicles using the fuel shall in the aggregate have an ozone-forming potential at least 20 percent below the ozone-forming potential of the reactive organic gases emitted by comparable vehicles using conventional gasoline (as defined by the Administrator) of the same grade which meets the Reid vapor pressure requirements applicable under section 211.

"(D) The fuel shall have no lead content.

"(E) The fuel shall contain additives to prevent the accumulation of deposits in engines.

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"(F) The oxygen content of the fuel shall equal or exceed 2.7 percent by weight (except as otherwise required under this section or section 188).

"(2) The regulations promulgated under section 211 as required pursuant to this subsection shall include procedures under which the Administrator shall certify fuels as complying with the specifications established pursuant to paragraph (1). The regulations shall authorize the Administrator to certify a fuel as complying with such specifications if such fuel achieves equivalent or greater emission reductions than are achieved by a fuel meeting the specifications established pursuant to paragraph (1).

"(3) The regulations promulgated under section 211 as required by this subsection shall prohibit any person from selling, offering for sale, dispensing, supplying, offering for supply, transporting, or introducing into commerce in any ozone nonattainment area any fuel for use in conventional gasoline-fueled vehicles that has not been certified by the Administrator under this subsection. Such prohibition shall take effect not later than 3 years after the date of the enactment of this subsection.

"(4) Within 1 year after the date of the enactment of this subsection, the Administrator shall promulgate regulations to ensure that gasoline (other than gasoline subject to specifications required under this section) does not result in emissions of reactive organic gases, nitrogen oxides, carbon monoxide, or toxic emissions from motor vehicles in excess of the levels of emissions of such pollutants that would result if conventional gasoline of a similar grade sold in calendar year 1989 were used in such vehicles. Such regulations shall take effect no later than 3 years after the date of the enactment of this subsection.

"(5) (A) The regulations promulgated under section 211 as required under this subsection shall provide for the granting of an appropriate amount of credits to a person who produces and certifies a fuel that—

"(i) has an oxygen content that exceeds the minimum oxygen content specified in subparagraph (F) of paragraph (1); or

"(ii) has an aromatic hydrocarbon content that is less than the maximum aromatic hydrocarbon content specified in subparagraph (B) of paragraph (1).

"(B) The regulations described in subparagraph (A) shall also provide that a person who is granted credits may transfer all or a portion of such credits to another person for the purpose of producing and certifying a fuel that does not meet the oxygen content or the aromatic hydrocarbon content requirements specified in paragraph (1).

"(C) The regulations promulgated under subparagraphs (A) and (B) shall ensure the enforcement of the requirements for the issuance, application, and transfer of the credits. Such regulations shall prohibit the granting or transfer of such credits in a nonattainment area, if the granting or transfer of such credits would result in—

"(i) an average oxygen content of such fuel that is less than the minimum oxygen content specified in subparagraph (F) of paragraph (1); or

"(ii) an average aromatic hydrocarbon content of fuel used in conventional gasoline-fueled vehicles in such nonattainment area that exceeds the maximum aromatic hydrocarbon content specified in subparagraph (B) of paragraph (1)."

On page 215 of the amendment, line 6, after the comma insert "in addition to the requirements of section 212,".

On page 218 of the amendment, line 4, strike "(a)".

On page 218 of the amendment, strike line 10 and all that follows through line 10 on page 219.

On page 154 of the amendment, line 4, after "in," insert "(A) any area designated as a serious carbon monoxide nonattainment area, (B)".

On page 154 of the amendment, line 5, after "per million or greater" insert "(C)".

On page 155 of the amendment, strike line 18 and all that follows through line 20 and insert "purchase or placement into use pursuant to subparagraphs (B), (C), (D), and (E). For areas designated as serious carbon monoxide nonattainment areas, such standards shall contain, in addition to the standards otherwise applicable, standards that yield when the vehicle is operated exclusively on clean alternative fuels, reductions in emissions of carbon monoxide in the amount specified under subparagraph (D) of this subsection. For an area with an ozone design value equal to or exceeding .18 parts per million, such standards shall contain, in addition to the standards otherwise applicable,"

On page 162 of the amendment, line 18, strike "(D)" and insert "(F)".

On page 163 of the amendment, line 1, strike "(E)" and insert "(G)".

On page 163 of the amendment, line 8, strike "(F)" and insert "(H)".

On page 164 of the amendment, line 10, strike "(G)" and insert "(I)".

On page 165 of the amendment, line 3, strike "(H)" and insert "(J)".

On page 165 of the amendment, line 14, strike "(I)" and insert "(K)".

On page 166 of the amendment, line 13, strike "(J)" and insert "(L)".

On page 166 of the amendment, line 17, strike "(K)" and insert "(M)".

On page 168 of the amendment, line 1, strike "(L)" and insert "(N)".

On page 162 of the amendment, between lines 17 and 18, insert the following new subparagraphs:

"(D) CARBON MONOXIDE NONATTAINMENT PROGRAM.—(i) After notice and opportunity for public comment, the Administrator shall, not later than January 1, 1992, promulgate regulations that require for model years 1994, 1995, and 1996 the percentage calculated pursuant to subparagraph (A) of paragraph (2) of section 212(e) (and for subsequent model years the most recent percentage calculated pursuant to such subparagraph) of new fleet vehicles—

"(I) purchased by a covered fleet operator; and

"(II) operated primarily in an area designated as a serious carbon monoxide nonattainment area,

to meet a performance standard for carbon monoxide emissions.

"(ii) At a minimum, the regulations promulgated under clause (i) of this subparagraph shall provide for a reduction in emissions of carbon monoxide as follows:

"(I) For model year 1994 and 1995 vehicles, the regulations shall require an additional reduction of 35 percent over the amount of allowable carbon monoxide emissions (under applicable standards) for model year 1995 vehicles.

"(II) For model year 1996 and 1997 vehicles, the regulations shall require an additional reduction of 60 percent over the amount of allowable carbon monoxide emissions (under applicable standards) for model year 1995 vehicles.

"(III) For model year 1998 vehicles, and for subsequent model years, the regulations shall require an additional reduction of 80 percent over the amount of allowable carbon monoxide emissions (under applicable standards) for model year 1995 vehicles.

"(iii) Notwithstanding clause (ii), with respect to vehicles with a model year of 1998 and subsequent model years, if the Administrator determines that the amount of the reduction specified in clause (ii) would impose unreasonable costs (taking into consideration costs associated with vehicle acquisition, fueling facilities and fuel availability, operation, maintenance, safety, reliability, and resale value), the Administrator may modify the regulations described in clause (ii) to allow a reduction of less than 80 percent, but not less than 60 percent over the amount of allowable carbon monoxide emissions under applicable standards for model year 1995 vehicles.

"(iv) The Administrator shall promulgate regulations to allow a State to grant an appropriate amount of credits (applicable towards meeting the emission standards for carbon monoxide prescribed under this subparagraph) to a covered fleet operator for purchasing or placing into service additional vehicles that meet the emissions standards in this subparagraph, or for purchasing or placing into service vehicles with greater emissions reductions than are required under this subparagraph. Such regulations shall allow the Governor of the State to issue an appropriate amount of credits (applicable towards meeting the emission standards for carbon monoxide prescribed under this subparagraph) to an owner or operator of clean alternative fuel vehicles—

"(I) who has been designated as a covered fleet operator pursuant to subparagraph (M)(2);

"(II) whose vehicles meet the requirements under subparagraph (A);

"(II) whose vehicles are not subject to the requirements of clauses (i) through (iii); and

"(III) who operates the clean alternative fuel vehicles in a serious carbon monoxide nonattainment area.

The regulations promulgated under this clause shall provide that a person who is granted credits under this clause may trade, sell, or otherwise transfer all or a portion of such credits to a covered fleet operator (who operates in the serious carbon monoxide nonattainment area to which the credits may apply) for the purpose of assisting such covered fleet operator in meeting the requirements of this subparagraph.

"(E) WAIVERS FOR AREAS DESIGNATED AS BOTH CARBON MONOXIDE AND OZONE NONATTAINMENT AREAS.—For an area designated as—

"(i) a serious carbon monoxide nonattainment area; and

"(ii) a serious, severe, or extreme ozone nonattainment area,

the Administrator shall waive the requirements of subparagraph (D), unless the Governor of any State containing such area requests the Administrator not to waive the requirements of such subparagraph or to partially waive the requirements of such subparagraph. The Administrator shall approve any such request on the basis of a determination by the Governor that such are appropriate and would result in progress toward attainment and maintenance of applicable ambient air quality standards.

On page 162 of the amendment, line 19, strike "subparagraph (C)" and insert "subparagraph (B), (C), or (D)".

On page 164 of the amendment, lines 2 and 9, strike "subparagraph (C)" and insert "subparagraph (B), (C), or (D)".

On page 164 of the amendment, between lines 9 and 10, insert the following new clause:

"(iii) The requirements of subparagraph (A), (B), (C), or (D) may be met through the conversion of existing gasoline-powered or diesel-powered vehicles to vehicles which are capable of operating on a clean alternative fuel and which comply with applicable emissions standards when operating on such clean alternative fuel.

On page 165 of the amendment, line 7, strike "(B) and (C)" and insert "(B), (C), and (D)".

On page 165 of the amendment, line 18, after "(C)" insert "or (D)".

On page 165 of the amendment, line 24, after "183(b)(3)(B)" insert "or 190(b)".

On page 165 of the amendment, line 25, before the period insert "or (D)".

On page 166 of the amendment, line 3, after "183(b)(3)(B)" insert "or 190(b)".

On page 166 of the amendment, lines 4 and 16, after "subparagraph (C)" insert "or (D)".

On page 167 of the amendment, lines 14 and 20, after "(C)" insert "or (D)".

BOSCHWITZ (AND OTHERS) AMENDMENT NO. 1345

Mr. BOSCHWITZ (for himself, Mr. **Boren**, Mr. **Ford**, Mr. **Wallop**, Mr. **Grassley**, Mr. **Symms**, Mr. **Matsunaga**, Mr. **Hatch**, Mr. **Helms**, Mr. **Burns**, Mrs. **Kassebaum**, Mr. **Nickles**, Mr. **Dole**, Mr. **Bumpers**, Mr. **Shelby**, Mr. **Pryor**, Mr. **Murkowski**, Mr. **Mack**, Mr. **McConnell**, and Mr. **Kasten**) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. **Mitchell** (and others) to the bill S. 1630, supra, as follows:

On page 34 of the amendment, between lines 15 and 16, insert the following:

(a) Section 110 of the Clean Air Act is amended by adding at the end the following:

"(c) SMALL BUSINESS STATIONARY SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM.—

"(1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator as part of the State implementation plan for such State or as a revision to such State implementation plan under this section, plans for establishing a small business stationary source technical and environmental compliance assistance program. Such submission shall be made within 24 months after the date of enactment of this subsection. The Administrator shall approve such program if it includes, as apropriate, the following:

"(A) adequate mechanisms for developing, collecting, evaluating, and coordinating information concerning compliance methods and technologies for small business stationary sources (as defined in paragraph (6));

"(B) adequate mechanisms for advising small business stationary sources on pollution prevention, including providing information concerning alternative technologies, process changes, chemical products, and methods of operation that help reduce air pollution;

"(C) a designated State office within the relevant State agency to serve as ombudsman for small business stationary sources in connection with the implementation of this Act;

"(D) a program for voluntary compliance Agreement for Term permits that meets the requirements of paragraph (B) of this subsection; and

"(E) adequate mechanisms to assure that small business stationary sources receive notice of their rights under this Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposal of final regulation or standard issued under this Act.

"(2) The Administrator shall establish within 9 months after the date of the enactment of this section a small business stationary source tecnnical and environmental compliance assistance program. Such program shall—

"(A) assist the States in the development of the program required under paragraph (1) of this subsection and section 112(m);

"(B) issue technical guidance for the use of the States in the implementation of these programs that includes alternative control technologies and pollution preventing methods applicable to small business stationary sources;

"(C) implement the program required under paragraph (1) of this subsection in any State that fails to submit an approvable program under this subsection;

"(D) assure that any Compliance Agreement for Term permit to implement a control techniques guideline issued under section 108 or 185, a standard issued under section 111, a regulation issued under section 185(c), or a standard issued under section 112 shall take into account the technical and financial capabilities of small business stationary sources, and any such control techniques guideline shall take into account such capabilities and where appropriate, separately categorize small business stationary sources.

"(3) The State (or the Administrator) shall establish a permit program under part B of title III for small business stationary sources located within a nonattainment area, ozone transport area, or subject to a standard under section 112. Such program shall provide that—

"(A) a small business stationary source shall have the option of obtaining a Compliance Agreement for Term permit under this subsection as a substitute for any general permit issued under section 353(e);

"(B) such Compliance Agreement for Term permit shall be developed after consultation with the small business stationary source or with duly authorized representatives of the small business stationary sources and shall expire not less than 3 years and not more than 5 years after the effective date of such permit;

"(C) Compliance Agreement for Term permits issued under this subsection to small business stationary source shall require compliance with applicable emission limitations, pollution control measures, and recordkeeping and reporting requirements under this Act: *Provided*, That methods of compliance with any such standard or requirement may be modified for a small business stationary source in such permit based on the technical and financial capability of the small business stationary source or group of sources and the availability of less burdensome alternatives, and, in particular, pollution prevention measures, that will achieve comparable environmental benefits consistent with the goals and deadlines of this Act;

"(D) any Compliance Agreement for Term permit issued to a small business stationary source under this subsection shall be issued in accordance with the procedures under part B of title III of this Act, and shall be subject to review by the Administrator, as provided in such part;

"(E) the State (or the Administrator) may reduce any fee required under this Act to take into account the financial resources of a small business stationary source;

"(F) requirements for continuous emission monitoring may not be imposed on a small business stationary source (or sources) unless the State (or the Administrator) has determined, on the basis of substantial evidence, that such requirements are necessary and appropriate; and

"(G) any owner or operator of a small business stationary source who is not regulated under this Act may apply for a Compliance Agreement for Term permit if such source meets the requirements of this subsection.

"(4) With respect to small business stationary sources, in exercising prosecutorial discretion under section 113(c) of this Act, in issuing orders under section 113(d) of this act, or in determining the amount of any penalty to be assessed under this Act, the United States, the State, and the court shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

"(5) Compliance with the terms and conditions of a permit issued in accordance with the requirements of part B of title III and this subsection shall be deemed compliance with all requirements of the Act that are explicitly addressed by such terms and conditions: *Provided, however*, That compliance with the terms and conditions of a permit so issued shall not alter, modify, or otherwise affect the authority of the Administrator under section 303 (emergency power) or the requirement to comply with any order issued under section 303.

"(6) For purposes of this subsection the term 'small business stationary source' means any stationary source of air pollutants regulated under this Act that emits or has the potential of emitting 100 tons per year or less of violatile organic compounds or any other criteria pollutant or pollutant regulated under section 112. The Administrator, in consultation with the Administrator of the Small Business Administration and after providing notice and opportunity for public comment, may exclude from this definition any category or subcategory of sources that the Administrator determines to have sufficient technical and financial capabilities to meet the requirements of this Act without the application of this subsection.

"(7)(A) The Administrator, acting through the Director of the Office of Small Business Advocacy (hereinafter referred to as the 'Director') to monitor the Small Business Environmental Compliance Assistance Program under this subsection. In carrying out such monitoring activities the Director shall—

"(i) render advisory opinions on the overall effectiveness of the Small Business Environmental Compliance Assistance Program, difficulties encountered, and degree and severity of enforcement;

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"(ii) make periodic reports to the Congress on the compliance of the Small Business Environmental Compliance Assistance Program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;

"(iii) review information to be issued by the Small Business Environmental Compliance Assistance Program for small business stationary sources to ensure that the information is understandable by the layperson; and

"(iv) have the Small Business Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

"(8)(A) There shall be created a Compliance Advisory Panel (hereinafter referred to as the Panel) on the State level of not less than 7 small business owners. This Panel shall—

"(i) render advisory opinions concerning the effectiveness of the Small Business Compliance Assistance Program, difficulties encountered, and degree and severity of enforcement;

"(ii) make periodic reports to the Administrator concerning the compliance of the State Small Business Environmental Compliance Assistance Program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;

"(iii) review information for small stationary sources to assure such information is understandable by the layperson; and

"(iv) have the Small Business Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

"(B) The Panel shall consist of—

"(i) 2 members selected by the Governor;

"(ii) 2 members selected by the State legislature (1 member each by the majority and minority leadership of the lower house, or in the case of a unicameral State legislature, 2 members each shall be selected by the majority leadership and the minority leadership, respectively, of such legislature, and clause (iii) shall not apply);

"(iii) 2 members selected by the State legislature (1 member each by the majority and minority leadership of the upper house, or the equivalent State entity); and

"(iv) 1 member selected by the head of the department or agency of the State responsible for air pollution permit programs.".

GRAND ISLAND NATIONAL RECREATION AREA

RIEGLE AMENDMENT NO. 1346

Mr. BAUCUS (for Mr. RIEGLE) proposed an amendment to the bill (H.R. 1472) to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes, as follows:

On page 5, line 23, insert ", stepchildren," after "children".

On page 7, lines 10 and 11, strike "the date of enactment of this Act" and insert "January 1, 1990".

On page 8, line 14, strike "historically consistent" and insert "architecturally compatible".

On page 9, line 11 insert "stepchildren," after "adopted),".

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION AND STABILIZATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Production and Stabilization of Prices of the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing in preparation for the 1990 farm bill on April 2 at 10 a.m. in SR-332. The hearing will address deficiency payment problems associated with barley. Senator BAUCUS will preside. For further information, please contact Tamara McCann at 224-4352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

This hearing will be a continuation of a hearing held April 3, 1990. The purpose of both hearings is to receive testimony on the Department of Energy's decision plan related to the opening of the waste isolation pilot plant in Carlsbad, NM. Testimony will also be received on any proposed legislation to withdraw the public lands surrounding the WIPP site.

The second hearing is scheduled to take place on Thursday, April 26, 1990, at 2 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony for the printed hearing record should send their comments to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510, Attn: M.L. Wagner.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee will hold its second full committee hearing on the President's proposed budget for the Small Business Administration and on the reauthorization of the Agency's programs on Wednesday, April 4, 1990. The hearing will take place in room 428A of the Russell Senate Office Building and will commence at 2 p.m. For further information, please call John Ball, staff director of the committee at 224-5175.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Small Business Committee's Subcommittee on Export Expansion will hold a hearing on Wednesday, March 28, 1990, to examine the effects of the 1992 European Community integration on U.S. small business. The hearing will be held in room 428A of the Russell Senate Office Building and will commence at 2 p.m. For further information, please call Annie Lesher of Senator MIKULSKI's staff at 224-8873.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that hearings previously scheduled before the Subcommittee on Energy Research and Development have been postponed.

The purpose of the hearings was to receive testimony on Senate bill S. 1966, the Advanced Nuclear Reactor Research, Development, and Demonstration Act of 1989.

The hearings were scheduled for Thursday, March 29, 1990, at 9:30 a.m. and Monday, April 2, 1990, at 2 p.m. Future dates have not been determined at this time.

For further information, please contact Ben Cooper or Mary Louise Wagner at (202) 224-7569.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearings was to receive testimony on the Department of Energy's superconducting super collider program.

The hearing will take place on Tuesday, April 24, 1990, at 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC. 20510, Attn: Ben Cooper.

For further information, please contact Ben Cooper at (202) 224-7569.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearings was to receive testimony on the Department of Energy's uranium enrichment program.

The hearing will take place on Tuesday, May 1, 1990, at 9:30 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC. 20510, Attn: Cheryl Moss.

For further information, please contact Cheryl Moss at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON MANPOWER AND PERSONNEL

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Armed Services Committee be authorized to meet in open session on Tuesday, March 20, 1990, at 9:30 a.m. to receive testimony on the Department of Defense request for strength reduction management authorities in review of S. 2171, the Department of Defense authorization bill for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 20, 1990, at 10 a.m. to hold a hearing on high technology weapons in the war on drugs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., March 20, 1990, to receive testimony on S. 2088, the Energy Policy and Conservation Act Amendments of 1990, which would: Extend basic authority of titles I and II for 3 years; expand SPR to 1 billion barrels; and provide for the predrawdon diversion authority of SPR oil.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON GOVERNMENT INFORMATION AND REGULATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Government Information and Regulation, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on March 20, 1990, at 9:30 a.m., to discuss the quality of U.S. health promotion statistics.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER RESOURCES, TRANSPORTATION, AND INFRASTRUCTURE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Water Resources, Transportation, and Infrastructure, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Tuesday, March 20, beginning at 10 a.m., to conduct an oversight hearing on the Public Buildings Program of the General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Tuesday, March 20, 1990, at 10 a.m. to hold hearings on the administration's housing proposals; and to markup S. 1853, the Rockefeller Commemorative Medal Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, March 20, 1990, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FEDERAL ROLE IN LAW-RELATED EDUCATION

● Mr. INOUYE. Mr. President, on March 12, 1990, at a luncheon sponsored by the Consortium on Children, Families and the law, Gary Melton and Katherine Federle delivered the following briefing on the issue of the Federal role in law-related education.

The consortium comprised of the University of Hawaii, the University of Nebraska-Lincoln, State University of New York at Buffalo, University of Michigan, University of Virginia, and University of Pittsburgh, coordinates the network of participating institutions to facilitate independent and collaborative research on social, psychological, educational, economic, and legal issues affecting families. It disseminates the information in forms that will allow policymakers, governmental decisionmakers, and practitioners to take appropriate action.

Mr. President, I request that the following text be included in the RECORD in its entirety.

The text follows:

THE FEDERAL ROLE IN LAW-RELATED EDUCATION

(By Katherine Hunt Federle, Assistant Professor of Law, University of Hawaii, and Gary B. Melton, Carl Adolph Hippold Professor of Psychology, University of Nebraska-Lincoln)

Since its inception in the early 1950s as an integral part of liberal arts study, law-related education has pervaded the undergraduate, secondary, and primary curricula. Law enhances the liberal arts degree within the undergraduate institution by providing a broad context for understanding political and social issues and assessing the law's impact on public and private life. At the secondary and primary levels, law-related education at its most basic seeks to educate our youth about law, its processes, and its systems. While students at both levels explore fundamental legal principles, elementary school children focus primarily on the fundamentals of a democratic legal system. At the secondary level, students learn about the law's origins and roles and about substantive legal issues.

Inherent in the teaching of law-related education is a fundamental lesson about democratic values and an implication that, as a society, we must inculcate these values in our youth. Over time, however, this concept of law-related education has mutated into a program that will prevent and reduce juvenile and adult criminal behavior. This view of law-related education presupposes that crime is a function of undereducation and that learning to say "no" is a key to improve behavior and, ultimately, to better citizenship. This approach, however, fails to provide youth at risk, many of whom are minorities and poor, with a reason to participate in the societal mainstream. The challenge for law-related education is to provide these youths with some tangible benefit in society by teaching the relevance of good citizenship to their everyday lives.

The literature of law-related education as well as the role of the Federal Government in this area reflects this pedagogical schism, that is, the notion that law is a field of knowledge encompassing democratic values versus law as a crime prevention tool. The literature abounds with examples of cases that provide students with an understanding of their civil rights and of mock trial exercises that illuminate the legal process. Since many children have both the capacity and the competence to exercise their rights, these lessons create a stake in a well-functioning society. But the literature also emphasizes the responsibilities of students in terms that minimize the conceptualization of rights. The message thus conveyed is contradictory and increases the likelihood that youth at the margin will see no tangible benefit in participating within the societal mainstream.

The federal role in law-related education has supported both pedagogical aspects. Under Title 20 of the United States Code, the Federal Government has provided State and local school districts with federal monies for innovative educational programs, including programs designed to teach about the legal system. In 1978, Congress, enacted the Law-Related Education Act within the Elementary and Secondary Education Act of 1965 to enhance an understanding of the law and the legal system.

Although the Act was repealed in 1981 as part of the budget reconciliation process, Congress continued funding for a law-related education program. By 1984, the program received priority funding and, in 1988, the law-related education program was revitalized to provide nonlawyers with knowledge about the law, the legal system and its fundamental values.

Federal statutes also authorize law-related education programs designed to prevent juvenile delinquency. The Juvenile Justice and Delinquency Prevention Act provides federal funding for law-related education programs designed to prevent and reduce juvenile delinquency. The Anti-Drug Abuse Act of 1988 also envisions a decline in drug usage and, therefore, criminal behavior by utilizing law-related education programs. But federal involvement in these programs will not facilitate the reintegration of youth at risk into society. Law-related education must, of necessity, return to its origins and focus on democratic values and their benefits in the everyday lives of children to have a positive effect on our future citizenry.

The movement to a view of law-related education as intended to promote democratic participation is also lent credence by research on children and adolescents actually involved in the legal process. Juvenile respondents in deliquency cases are substantially less likely to comprehend Miranda warnings than are adult defendants. Moreover, experience in the juvenile justice system does not affect respondents' understanding of their rights. Similarly, victim witnesses in criminal sexual abuse cases know less on average about the legal process than do most children their age, even after their cases have been completed. These differences are related at least in part to social class; lack of an experience with entitlement results in lowered appreciation of the meaning of legal protections for oneself, for children as well as for adults.

Therefore, research-based approaches to education of children about the concepts underlying the legal process and rights within it are important not only because of their significance in citizenship education (itself a critical matter), but also because of their potential relevance to helping children to be active participants in the legal process and thereby to feel more in control and more satisfied and to be more effective as witnesses and clients. Such emphasis on preparation of witnesses and clients is likely to result in more confident participants in the legal process and to prevent trauma induced by the legal system and to do so without raising constitutional issues, as do many reforms of trial procedures to protect child witnesses.

Even primary grade children typically understand the rudiments of the adversary system and the reasons for it, although they know few relevant terms. Moreover, the more that children learn about the legal process, the fairer that they believe it to be. Therefore, children's sense of fairness, acquired in large part by the time that they enter school, provides an excellent foundation for teaching children about basic legal concepts (e.g., rights, due process, contract) and their application in the legal process as well as the children's everyday lives.

Pursuit of development of such curricula and the research base for them falls well within the historic role of the federal government in research and development of program models that the states may adopt. Although the Missing Children's Act (as amended) provides the Office of Juvenile Justice and Deliquency Prevention with express authority to conduct research on child witnesses, no federal agency currently has a priority for research on children's involvement in the legal system in all its' aspects (including, e.g., custody disputes and child protective proceedings). Such an initiative would be desirable for its long-term significance in educating citizens to be active participants in the democratic process as well as preparing children for involvement in the legal process, whether as respondents, witnesses, or the subjects of custody disputes. With its interdisciplinary, interjurisdictional approach, the Consortium on Children, Families and the Law is well situated to be an active participant in such an initiative for research and program development on children and the law.●

INTERNATIONAL PROFESSIONAL EXCHANGE, PHILADELPHIA, PA

● Mr. **HEINZ**. Mr. President, given the great changes that have taken place in Eastern Europe and, closer to home, in Central and South America, I would like to commend the International Professional Exchange of Philadelphia, PA, on the occasion of its 25th anniversary.

Over the past 25 years, great progress has been made in the social and economic development of underdeveloped nations, thanks in part to the efforts of IPX. International Professional Exchange has brought leaders of independent service industries, government agencies, medical and legal communities to the United States from more than 100 nations.

In this new era of increased openness and cooperation, all nations should strive to share their human assets. International Professional Exchange has been dedicated to this principle for the past 25 years, and on behalf of all Pennsylvanians, I would like to express my congratulations.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

● Mr. **HEFLIN**. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for Kathy Chumachenko, a member of the Joint Economic Committee staff, to participate in a program in the Soviet Union, sponsored by USIA in conjunction with the Soviet Communist Youth League, from February 2–16, 1990.

The committee has determined that participation by Ms. Chumachenko in the program in the Soviet Union, at the expense of USIA in conjunction with the Soviet Communist Youth League, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Theodore Totman, a member of the staff of Senator GRASSLEY, to participate in a program in Japan, sponsored by the Government of Japan, from March 11–17, 1990.

The committee has determined that participation by Mr. Totman in the program in Japan, at the expense of the Government of Japan, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Rita Lewis, a member of the staff of Senator DASCHLE, to participate in a program in Japan, sponsored by the Government of Japan, from March 11–17, 1990.

The committee has determined that participation by Ms. Lewis in the program in Japan, at the expense of the Government of Japan, is in the interest of the Senate and the United States.●

WESTVACO CORP.

● Mr. **WARNER**. Mr. President, in honor of Earth Day, which will be celebrated on April 22, Westvaco Corp., a major manufacturer of paper, packaging, and chemicals, is distributing over 200,000 pine seedling to employees, shareholders, community neighbors, and friends.

We in Congress have been invited to be a partner with Westvaco in this tree-planting program. Today, March 20, every Member of Congress will be receiving pine seedlings, hand-delivered by a Westvaco employee. I am proud to accept this seedling and to recognize Westvaco's initiative because I know Westvaco and its commitment to Virginia.

Westvaco's partnership with the Commonwealth of Virginia began almost a century ago. The company's bleached board paper mill in Covington, the largest of its type in the world, along with converting, printing, and customer service facilities in Richmond and Low Moor, employ more than 2,500 Virginians. In addition, the mill and outlying wood buying yards provide a market for tree farmers and some 3,000 independent loggers and sawmillers.

Westvaco also manages 225,000 acres of highly productive forestland in the State, forming a land and raw material base for the mill at Covington.

Westvaco's commitment to Virginia, its people, and its economy can be seen in the fact that the company has more invested in Virginia than in any other State in which it operates. Virginia's sound economic and investment climate has been a principal factor in the company's investment decisions.

Westvaco has planted more than 1 billion seedlings and continues to plant 45 million more each year. Please join me in taking part in Westvaco's tree-planting program, for the benefit of generations to come.●

TRIBUTE TO GENE KLEIN

● Mr. **WILSON**. Mr. President, I rise today with a profound sense of loss to pay tribute to a splendid friend, a great American, and a preeminent Californian whose life and remarkable business success are legendary.

With Gene Klein's untimely death last week, our State and our Nation have lost a valued citizen, a man who was a consummate sportsman, one who created a vast fortune with daring and talent, and one who so ably transformed the rewards of his personal success into pursuits which gave his California community enormous enrichment. Gene knew how to enjoy life to the fullest, but he was ever mindful of his civic responsibilities, and chose to share a large measure of his success with the people of California as a generous partner and supporter of myriad charities and deserving causes. He was a man who opened his heart and his home with magnanimity and an abiding sense of humanitarianism.

Gene Klein will be remembered for the business enterprise he built from an initial $2,000 investment into the giant conglomerate, National General Corp. But it was his love of football, cultivated during his own experience in college as an end for New York University, his fulfillment of a long-held dream to own a professional football franchise when he acquired the San Diego Chargers, which carved for Gene a revered place in the annals of California history.

With his purchase of the Chargers in 1966, Gene gave his fellow San Diegans many exciting years of professional football. His commitment to his team was so intense that he divested himself of his interests with National General to devote his full attention to turning the Chargers into a winning football team. That he succeeded in this mission was evidenced by the winning record that the Chargers compiled under his guidance and tenure of ownership.

When Gene sold his Charger franchise in 1984, he turned his irrepressible energies and winning ways to his thoroughbred horse farm and enjoyed the ultimate success from this pursuit when his horse, "Winning Colors" captured the Kentucky Derby in 1988.

As a bomber pilot with the rank of captain in the U.S. Air Force in World War II, as a highly prominent businessman, as a notable patron of sports and the arts, Gene Klein exemplified America's quintessential success story. He will be remembered with enormous affection and respect by his fellow Californians, and certainly by people across our Nation who were privileged to know this fine man.

I am proud to honor the memory of Gene Klein today in the U.S. Senate, and to illuminate for posterity his lifetime of success and achievement.●

TRAGEDY IN KOSOVO

● Mr. LAUTENBERG. Mr. President, I rise to draw my colleagues' attention to what has occurred in Kosovo, Yugoslavia, over the last few months and express my own deep concern about the situation. I am concerned about and condemn the violence which has taken place there. I am also concerned about ethnic Albanians who may be denied their fundamental human rights simply because they have peacefully advocated greater autonomy for Kosovo.

In late January and February, violent confrontations took place in the autonomous province of Kosovo in Yugoslavia which caused many deaths, and much pain and suffering. In demonstrations in late January, well over 100,000 ethnic Albanians throughout the region called for the resignation of local political leaders, the release of all political prisoners, and free elections.

Federal riot police units responded with force using water cannons and tear gas, among other things, to break up the demonstrations. Many of the protestors were detained. As clashes between authorities and protesters continued into February, there were numerous reports of actual shootings and several incidents of police atrocities.

The situation in Kosovo has since quieted somewhat. But the region remains tense and could explode again at any time. For this reason, we need to follow events in Kosovo and in all of Yugoslavia very carefully.

Yugoslavia is a signatory to the Helsinki Final Act. As such, it has pledged to respect human rights and fundamental freedoms, including the rights of members of national and ethnic groups to freely express their views. As a member of the Helsinki Commission, mandated to monitor and encourage compliance with the human rights and other provisions of the Helsinki Final Act by all signatory states, I intend to follow the situation to make sure that Yugoslavia complies with its commitments.

The causes of the current difficulties in Kosovo are as complicated as their effects are tragic. The overwhelming majority of the region's population—about 90 percent—is ethnic Albanian. A large number of Albanians want greater autonomy for Kosovo, which is currently part of the Serbian republic within Yugoslavia.

Serbs, however, claim Kosovo as their own, maintaining that it was the cradle of their culture and civilization. In recent years, they have rallied under the nationalist banner of Slobodan Milosevic. Through constitutional changes limiting Kosovo's autonomy, and a crackdown on Albanian protests, they have reasserted their control over the province.

Albanians and Serbs each allege that the other has instigated violent acts against them. The worsening economic situation in Kosovo, marked especially by high unempoyment levels, has seriously exacerbated the resulting tensions.

Mr. President, there is no easy solution to the tragedy which exists in Kosovo today. The best solution, however, is simply for all of Yogoslavia to move quickly and fully to a more democratic political system. That system should include free elections, political pluralism, respect for the rule of law, and human rights guarantees, including guarantees for members of national minorities. Only in such a system can there be a peaceful and open dialogue on issues on public concern, a dialogue which will lead to effective and fair results.

Fortunatley, it seems that an increasing number of Yugoslavs are rejecting violence and repression in favor of such an approach. They believe that only through a more democratic political system can Yugoslavia overcome its divisions and improve its economic performance. These people deserve our full support as they face the repressive forces which continue to exist.

As a nonaligned country that followed its own course of reform, Yugoslavia was once known as the best that could be hoped for from a communist country. This positive image has been seriously tarnished by the events in Kosovo and some other parts of Yugoslavia, especially in light of the many rapid strides toward democracy we are now witnessing in Eastern Europe and elsewhere. As a result, the Congress has been increasingly critical of Yugoslavia's human rights record.

By calling upon the Yugoslav Government to comply with its Helsinki promises, I join with many other Senators, including the Chairman of the Helsinki Commission, DENNIS DECONCINI, and the chairman of the Senate Foreign Relations Committee, CLAIBORNE PELL, who are concerned about human rights in Yugoslavia and the recent events in Kosovo.

I hope, Mr. President, that the Yugoslav Government will hear our expressions of concern, and will take immediate action to ensure that the problems plaguing Kosovo will be peacefully and democratically resolved.●

IRELAND'S ABBEY THEATRE

● Mr. MOYNIHAN. Mr. President, I rise to recognize Ireland's national theater, the Abbey Theatre, which is performing "A Moon for the Misbegotten" at the Studio Arena Theatre in Buffalo.

The Abbey Theatre evolved from a society formed by William Butler Yeats, Edward Martyn, and Lady Augusta Gregory to promote Irish drama and Irish playwrights. Two years after its inception, the society united with the well-known acting company of Frank and Willie Fay and, in 1904, moved into the Abbey Theatre in Dublin.

Since then the Abbey has nurtured many great actors, including Sara Allgood, Una O'Connor, Barry Fitzgerald, Arthur Shields, and Cyril Cusak. And true to its original goal, the Abbey has focused on presenting Irish drama, including works by Yeats, J.M. Synge, Sean O'Casey, Brendan Behan, Brian Friel, Graham Reid, and Hugh Leonard.

It is appropriate that the Abbey players are presenting an O'Neill work in America, as O'Neill credited the troupe with showing him the existence of real theater when he saw them on their first American tour in 1911. He went on to become one of America's greatest playwrights, and a Nobel Laureate, and the Abbey Theatre has become one of the world's finest.

Perhaps among the audience in Buffalo is another future giant of the American theater, who will appreciate and build on Irish drama as presented by the Abbey players.●

CHARLES W. BONNER TO BE HONORED

● Mr. WILSON. Mr. President, it is with heartfelt admiration for a fellow Californian and civic activist, Charles W. Bonner, that I rise today in this Chamber of the U.S. Senate to publicly salute his long and productive association with the Fresno Philharmonic Orchestra for which he will be honored on March 30.

Charles Bonner has been a mainstay of the Fresno Philharmonic Orchestra since its inception 36 years ago, playing a central role in its growth and development through his extraordinary cultural activism and patronage. In doing so, he has blessed his California community in general, and its Central Valley in particular, with a rich legacy of cultural arts which will well serve many future generations of Californians.

The Fresno community and its orchestra correctly have chosen to honor this splendid philanthropist in this, his 80th year. It is an appropriate time to thank Mr. Bonner for the inestimable gift of music which he has bestowed on his community and for his enduring tenacity and leadership in creating an orchestra worthy of its "Metropolitan" status.

At the heart of any great community lies a steadfast commitment to its cultural arts. Charles Bonner has given rhythm and measure to the heartbeat of Fresno and has succeeded in creating a vibrant community, blessed with a first-rate orchestra and a thriving appreciation and support of its cultural arts.

I am privileged to join with the people of Fresno in paying tribute to Charles Bonner, a sterling Californian in every sense of the word.●

THE CHILDREN'S SUMMIT

● Mr. JEFFORDS. Mr. President, we have all been focused in recent days on the top party brass of the Soviet Union as they have attempted dramatic change in the Nation's political structure. It has certainly been fascinating to watch. We all hope this will allow new freedom and a greater exchange of ideas for the Soviet people.

But today, I would like to discuss another event in the Soviet culture and in our culture that is already helping to promote cultural freedom, and an exchange of artistic ideas. During a recent visit to the Soviet Union, I was very privileged to attend exciting performances that kicked off a new film partnership between the United States and Soviet Union, which will create films for children in both countries, and will benefit programs to help disadvantaged children in both countries.

Washington Film Associates and PARITET film of Moscow organized the unique charity events in Moscow and Leningrad to benefit Save the Children of Westport, CT, and the Soviet Children's Fund. The idea was originated by Charles W. Sutherland, the president of Washington Film Associates, who has been a "Save the Children" supporter for many years.

The events were called "The Children's Summit" to dramatize the needs of the world's children, including the Soviet Union which has many orphans and disadvantaged children. The performances helped to announce a 15-year partnership between the two organizations, Washington Film Associates, and PARITET, and a policy of donating a percentage of profits from the Soviet-American joint productions to Save the Children and the Soviet Children's Fund.

Washington Film Associates is pioneering innovative arrangements with the Soviet film industry to achieve, in the words of Charles Sutherland, "a free exchange of ideas, which is the cornerstone of democratic values, and financial cooperation, which creates partners instead of adversaries."

The benefit performance, which was attended by a number of disadvantaged Soviet children, included American performers Marty Balin—of Jefferson Starship—and his band, dancers Sharon and David Savor, and the Jhoon Rhee Martial Arts Ballet, which performed choreographed dances to the American and Soviet national anthems as a finale. Master Rhee, who many in Congress know from his classes in the House gym, dedicated the performance of the Soviet anthem to Mr. Gorbachev's "glasnost and perestroika," saying he hoped for "the beginning of a new age of freedom, prosperity, and happiness * * *."

Mr. President, I want to thank Mr. Sutherland, and Master Rhee for their great efforts as cultural ambassadors. I hope that this will become an example for future cultural exchanges, which will indeed build upon our new age of freedom.●

LITHUANIA

● Mr. DECONCINI. Mr. President, the Helsinki Commission is disappointed that Moscow has decided to take such a transparent step to intimidate the Lithuanian people. Troop exercises, aircraft overflights, cutting off the telephone, jamming the phone lines, "repairing" the television station, these are intimidating tactics unworthy of a nation that has lately made such progress in ending the cold war and living up to its Helsinki agreements. We trust that Mr. Gorbachev and his advisers will reconsider this policy of intimidation and will soon sit down with representatives of the Lithuanian Government to discuss the future of a sovereign Lithuania.●

TRIBUTE TO PERCY L. REDMON

● Mr. SASSER. Mr. President, I rise today to pay tribute to Mr. Percy L. Redmon of Murfreesboro, TN.

Mr. Redmon retired several years ago, but he wanted the opportunity to remain active in the community. He sought the help of the Rural Senior Employment Program, which referred him to the Social Security Office in Murfreesboro on May 15, 1978. Mr. Redmon was scheduled to work for a period of 6 weeks.

Twelve years later and at age 77, he works 20 hours each week, performing numerous clerical tasks essential to the smooth operation of the office. Mr. Redmon is a highly motivated and diligent employee who rarely misses a day of work. He has become a much-loved and respected addition to the Social Security Office. In his spare time, Mr. Redmon and his wife, Gladys, bake bread and other snacks to share with his coworkers.

There is legislation pending in the Senate, Senate Joint Resolution 269, which will designate the second week of March 1991, as National Employ the Older Worker Week. I am pleased to be a cosponsor of this measure. I feel that older workers possess an invaluable wealth of experience and knowledge that businesses and government should utilize. I am hopeful that this legislation will serve to promote a greater awareness by the American public of the value of older workers and will encourage employers to give senior citizens the employment opportunities they deserve.

Mr. President, Percy L. Redmon has set an example for other retirees and employers to follow, and it is fitting that he be recognized for his untiring efforts. I commend him for his energy and dedication and I wish him many more years of health and happiness.●

FINAL TOWN MEETING RESULTS

● Mr. LEAHY. Mr. President, earlier this month, I announced that an overwhelming number of Vermont towns approved a resolution calling for a reduction in military spending by 5 percent every year, until the end of the century. I inserted the results of the early returns into the CONGRESSIONAL RECORD.

The final tallies around the State are now complete and 4 additional towns approved the resolution, bringing the total to 114 communities. I ask that these additional results be included in the RECORD.

The information follows:

Addison County: Bristol, Starksboro.
Bennington County: Pownal.
Rutland County: Hubbardton.●

THE WAR IN ANGOLA IS FINALLY ACKNOWLEDGED

● Mr. DECONCINI. Mr. President, the old sayings goes. "Don't trust everything your read in the papers." On the other hand, in this town things frequently are ignored untill they are printed in the Washington Post. If you are a believer in this school of thought, then you will be interested in recent Post article that points out that there is a war being fought in Angola.

To those of us who have followed this issue, this comes as no surprise. We have been working with the State Department and UNITA and many others to find a negotiated solution to this civil war since last fall. We redoubled our efforts after the Soviet-backed regime in Luanda, the MPLA, launched a military offensive in December.

It is ironic that Gorbachev is winning praise the world over by releasing his grip on his satellites in Eastern Europe, yet at the same time he is escalating his proxy war in Angola—seemingly with impunity. There is no doubt that Angola no longer has any strategic significance to the Soviets, especially since it has withdrawn its troops from Afghanistan and allowed democracy to begin blossoming in Eastern Europe. If the Soviet press is to be believed, then the same people in Moscow who are complaining about the drain that Cuba represents on Soviet resources should also be complaining about the hundreds of millions—if not billions—of dollars in military equipment which is being dumped into this poor and devastated country.

David Ottaway's article in yesterday's Washington Post clearly focuses on the situation surrounding the events and losses currently being felt in the Angolan civil war. He notes the advanced Soviet aircraft being used against civilian UNITA targets and UNITA's headquarters. He also speaks of the diplomatic efforts being pursued by the State Department, Assistant Secretary Hank Cohen, and Secretary of State James A. Baker III. After much footdragging, the State Department has begun to raise this issue in loud terms with the Soviets, including Soviet Foreign Minister Shevardnadze.

As Chairman of the Senate Angola Task Force, I have been closely involved in the issue of achieving national reconciliation and free and fair elections in Angola for a number of years. More recently, I introduced a resolution (S. Res. 239) with a number of my Senate colleagues condemning the MPLA's military offensive, urging the administration to raise the issue of Soviet military assistance with the Soviets, and calling for a ceasefire and withdrawal of troops from the area of the fighting. Last month, my counterpart from the House Angola Task Force, Representative DAVE MCCURDY, joined me in sending a letter to National Security Advisor, Brent Scowcroft, urging him to take a personal interest in the issue of continued appropriate assistance to UNITA. And last week, a bipartisan group of Senators and Representatives joined Senator KASTEN and myself in sending a letter to Secretary Baker urging him to publicly raise the issue of continued Soviet military assistance and logistical advice with Mr. Shevardnadze when they meet this week in Namibia.

I ask that the article to which I referred, "Angolan War in Showdown as Superpowers Plan Settlement," be printed in the RECORD at the conclusion of my statement. I urge my colleagues to consider the issues raised in the article and also to consider joining me and a growing number of my colleagues in cosponsoring Senate Resolution 239 which calls for a cease-fire and withdrawal of troops in Angola.

The article follows:

[From the Washington Post, Mar. 19, 1990]

ANGOLAN WAR IN SHOWDOWN AS SUPERPOWERS PLAN SETTLEMENT

(By David B. Ottaway)

JAMBA, ANGOLA.—The Angolan civil war appears to be reaching a climax as U.S.-backed rebels led by Jonas Savimbi and the Soviet-armed Angolan army are locked in their biggest battlefield encounter, with heavy casualties on both sides.

After nearly three months of fighting, however, an offensive launched by the Angolan army Dec. 21 to take Mavinga, the gateway town to Savimbi's headquarters here, has reached what appears to be a stalemate just to the north.

The latest offensive in sub-Saharan Africa's only sustained conventional war, however, leaves the government in a stronger military position than before it attacked, and comes as U.S. and Soviet officials are preparing to discuss a possible joint intervention to settle the continent's last Cold War conflict.

Both superpowers have heavy and long-term stakes in Angola, with massive amounts of Soviet-supplied equipment used by government forces and with the Bush administration providing $50 million in covert military aid to Savimbi and an emergency airlift of supplies to help thwart the current offensive.

Secretary of State James A. Baker III and Soviet Foreign Minister Eduard Shevardnadze are planning a two-day meeting in Windhoek, the Namibian capital, beginning Tuesday, the eve of that country's independence from South Africa.

After its deepest penetration into Savimbi's heartland in southeastern Angola in the 15-year-old war, the Angolan army now finds its most forward units outside Mavinga in a tenuous position. The army's logistical lines are stretched 85 miles, from Cuito Cuanavale to the west, and are exposed to constant harassment by Savimbi's guerrillas. Its soldiers are facing shortages of oil, gasoline, food and water, according to Savimbi and his military intelligence chief, Gen. Peregrino Isidro Wambu Chindondo.

Savimbi said the two sides are now engaged in a "war of logistics." He claimed to be in a better position to prevail by bringing "the mostest and fastest" resupplies to the front, because the government forces "are in my land."

"No one is ambushing my convoys, no one is harassing my roads," Savimbi said.

The latest offensive, which even the government in Luanda has described as the last of the war, has caused heavy casualties on both sides. As of March 12, the Angolan army had lost 724 men and Savimbi's forces 186, with 558 wounded, according to his side's count.

Making use of hundreds of Soviet-provided, fast-moving armored personnel carriers, as well as Soviet tactics, the Angolan army has mounted its most impressive offensive to date, managing to cross the Lomba River and almost seizing Mavinga for the first time in the war. Pentagon officials estimate that the Soviet Union has provided $1.2 billion to $1.5 billion in materiel for this offensive over the past two years.

But the United States has come to the rescue of Savimbi's forces by mounting an emergency airlift of oil, gasoline and antitank missiles, allowing Savimbi to stall the Angolan offensive just shy of its main objective of capturing Mavinga.

The American airlift has made use of the Kamina air base in southern Zaire and involved scores of night flights to dirt-strip airports around here and Licua, 125 miles northwest, according to U.S. and Angolan sources.

The Bush administration had already earmarked at least $50 million for its covert military program to aid Savimbi's National Union for the Total Independence of Angola (UNITA) this fiscal year. It is unclear whether the United States has increased that amount or accelerated the shipment of weapons already in the pipeline, including Stinger antiaircraft missiles and TOW and LAW antitank missiles.

"Without the support we got from the United States, I think this time we would be in really serious trouble," said Savimbi in a late-night interview earlier this week at his underground bunker headquarters here. "They [the Americans] have been very, very helpful."

But he said it had been "very difficult" to convince the U.S. intelligence community that the Angolan government was seeking more than small-scale tactical advantages at the onset of the current fighting. The U.S. response was delayed "until they saw it was really a big offensive," Savimbi said.

Gen. Wambu said UNITA had committed 15,000 regular forces and guerrilla commandos to halt what he estimated to be 12,000

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regular Angolan army troops using 400 tanks and armored personnel carriers to pierce UNITA's defenses.

Both Savimbi and Wambu said it was by far the Angolan army's biggest offensive and involved Soviet advisers and transport planes but—for the first time—no Cuban assistance.

Savimbi said the Soviets proved to be "the radicals" in favor of the offensive, while the Cubans were "the moderates." During secret meetings in Paris, Geneva and Vienna, Savimbi said, the Cubans told him that "they were against this offensive."

Cuba has become preoccupied with the logistics of withdrawing its 50,000 troops from Angola under terms of a U.S.-brokered agreement among South Africa, Angola and Cuba, signed in December 1988, which also set in motion the independence process for Namibia.

Cuba has notified South Africa that the mandated withdrawal of two-thirds of the Cuban force by April 1 is running a few hundred troops behind schedule. This was caused by a month-long halt to the pullout, ordered by Havana, after four Cuban soldiers were killed in a UNITA attack.

The Bush administration also believes that Soviets are deeply involved in the offensive and has complained repeatedly to Moscow about it, according to U.S. officials.

Savimbi appeared relaxed and relatively confident of success as he recounted an attack that day on a 47-vehicle convoy carrying food, fuel, water and ammunition to the Angolan army's most forward position, which he said was about five miles northwest of Mavinga.

"It is my feeling the offensive is going against them. I don't say all the resources of the [Angolan army] are depleted, not yet. They have more resources. But they have committed their best troops and commanders from the beginning. . . . They have committed the best they have. If the results are what they are, I don't see where they are going to get more troops to better the situation," he said.

Beginning in 1988, the Soviets have supplied hundreds of armored personnel carriers to the Angolan army and taught it how to use them in large numbers for fast strikes over long distances, Gen. Wambu said.

The Angolan forces have used Soviet-built MiG-23 and Su-25 attack aircraft to bombard UNITA positions. However, the warplanes have had to fly at such a high altitude to avoid the three-mile range of UNITA's U.S.-provided Stinger missiles that they are "not effective" in the fighting, Savimbi said.

He said UNITA intelligence estimated that only high-altitude missiles could shoot down the high-flying Angolan fighters, but these weapons were so sophisticated that he decided not to ask the United States to provide them.

Savimbi seemed to dismiss the threat of the Angolan warplanes, except to his headquarters in Jamba, which was bombed for the second time this month while three reporters visited last week.

UNITA officers accompanying the reporters handed them wet towels, for use in the event the warplanes dropped bombs that, they said, spewed canisters filled with nerve gas. They said the poison gas was responsible for paralyzing a number of UNITA soldiers and civilians.

Thirty-six hours after the bombing, the reporters were taken by UNITA officers to a spot where one of these bombs allegedly had exploded. Scattered over a 500-yard area and sometimes dug into the earth were a number of canisters that were the shape, and perhaps twice the length, of a soup can.

A white substance was visible around several of the canisters, which emitted a strong, pungent smell. However, it was impossible to determine whether the substance was toxic, as UNITA claims.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 101-15

Mr. BAUCUS. Mr. President, as in executive session, I ask unanimous consent that the injuction of secrecy be removed from Amendments to the 1928 Convention Concerning International Expositions, as Amended, Treaty Document No. 101-15, transmitted to the Senate today by the President.

I also ask that the treaty be considered as having been read the first time, that it be referred, that accompanying papers to the Committee on Foreign Relations be ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith amendments to the Convention of November 22, 1928, concerning International Expositions, as amended (Treaties and other International Acts Series 6548, 6549, 9948, and Treaty Doc. No. 98-1), with a view to receiving the advice and consent of the Senate to their acceptance. I also transmit, for the information of the Senate, the report of the Secretary of State on the amendments.

The main purposes of these amendments are: To halt the proliferation of world fairs by requiring 5-year intervals between such expositions, beginning in 1995; to establish a single category of "registered" international expositions (world fairs); and to create a new category of "recognized" international expositions.

I strongly support these amendments to the Convention concerning International Expositions, as amended, and recommend that the Senate give prompt consideration to the amendments and advise and consent to their acceptance.

George Bush.

The White House, *March 20, 1990.*

MEASURE PLACED ON CALENDAR—S. 2306

Mr. BAUCUS. Mr. President, on behalf of Senators Hollings and Thurmond, I ask unanimous consent that S. 2306, a bill to provide relief for national forests damaged by Hurricane Hugo earlier today be placed directly on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR STAR PRINT—SENATE REPORT 101-251

Mr. BAUCUS. Mr. President, on behalf of Senator Biden I ask unanimous consent that the report 101-251 to accompany S. 865 be star printed to reflect the changes which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRANK E. MOSS U.S. COURTHOUSE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 482, H.R. 3311, designating the Frank E. Moss U.S. Courthouse in Salt Lake City, UT.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3311) to designate the Federal building located at 350 South Main Street in Salt Lake City, UT, as the "Frank E. Moss United States Courthouse".

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 3311) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 3311) was passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

U.S. NAVAL RESERVE MONTH

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 266 regarding the designation of March 1990 as "United States Naval Reserve Month," and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 266), regarding the designation of March, 1990, as "United States Naval Reserve Month."

The **PRESIDING OFFICER.** Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The joint resolution (S.J. Res. 266) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 266

Whereas March 1990, is the 75th anniversary of the establishment of the Federal Navy Reserve Forces;

Whereas thousands of men and women of the United States have served the Nation as "Twice the Citizens" by serving with the United States Naval Reserve;

Whereas thousands of Reserve members have been a critical component of the Fighting Force of the United States Navy;

Whereas 600,000 individuals were members of the Naval Reserve during World War I and 80 percent of Naval personnel were reservists during World War II;

Whereas, in the Berlin Crisis, Korea, Vietnam, and most recently in the Persian Gulf, Naval reservists played vital roles;

Whereas the United States Naval Reserve continues to serve the Nation in peace time by maintaining military readiness and contributing to fleet support;

Whereas the reservists serve as part-time regular Navy personnel which economically fulfills important military missions and expands the operational abilities of the Navy around the world;

Whereas thousands of employers throughout the United States and the families of reservists have contributed to the support and encouragement needed for a successful Reserve program;

Whereas many Naval reservists have died while serving the Nation; and

Whereas in recognition of great sacrifice of Naval reservists during peace time and during war: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1990, is designated as "United States Naval Reserve Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the Nation to observe the day with appropriate ceremonies and activities in recognition of the 75th anniversary of the United States Naval Reserve.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GRAND ISLAND NATIONAL RECREATION AREA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 469, H.R. 1472, the Grand Island National Recreational Area bill.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1472) to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes.

The **PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

H.R. 1472

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF GRAND ISLAND NATIONAL RECREATION AREA.

In order to preserve and protect for present and future generations the outstanding resources and values of Grand Island in Lake Superior, Michigan, and for the purposes of providing for the conservation, protection, and enhancement of its scenery, recreation, fish and wildlife, vegetation, **[botany]** and historical and cultural resources, there is hereby established the Grand Island National Recreation Area (hereafter in this Act referred to as the "national recreation area"). These resources and values include, but are not limited to, cliffs, caves, beaches, forested appearance, natural biological diversity, and features of early settlement.

SEC. 2. BOUNDARIES.

The national recreation area shall comprise all of the Grand Island in Lake Superior, Michigan, and all associated rocks, pinnacles, and islands and islets within one-quarter mile of the shore of Grand Island. The boundaries of the Hiawatha National Forest are hereby extended to include all of the lands within the national recreation area. All such extended boundaries shall be deemed boundaries in existence as of January 1, 1965, for the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9). All federally owned lands within the national recreation area on the date of enactment of this Act are hereby components of the National Forest System and shall be administered by the Secretary of Agriculture as provided in this Act.

SEC. 3. ADMINISTRATION.

(a) Administration.—Subject to valid existing rights, the Secretary of Agriculture (hereafter in this Act referred to as the "Secretary") shall administer the national recreation area in accordance with the laws, rules, and regulations applicable to the National Forest System in furtherance of the purposes for which the national recreation area was established.

(b) Special Management Requirements.—The national recreation area also shall be administered according to the following special management requirements:

(1) Subject to such terms and conditions as may be prescribed by the Secretary, including the protection of threatened and endangered species and the protection of other natural, cultural, and scenic values, owners of privately owned land and homes within the national recreation area shall be afforded access across National Forest System lands.

(2) Consistent with section 7 of this Act, and the purposes of this Act, the Secretary shall provide for and maintain traditional public access, including vehicular roads for general recreational activities such as camping, hiking, hunting, fishing, and trapping.

(3) The Secretary shall permit the use of snowmobiles on Federal lands in the national recreation area in accordance with the rules and regulations of the National Forest System and consistent with the management plan developed pursuant to section 7 of this Act. Such use shall be regulated to protect the resources of the national recreation area in a way that minimizes the degradation of these resources.

(4) Timber management shall be utilized only as a tool to enhance public recreation, scenic quality, game and nongame wildlife species, and the protection and enhancement of threatened, endangered, or sensitive species. Trees damaged or downed due to fire, insects, disease, or blowdown may be utilized, salvaged, or removed from the recreation area as authorized by the Secretary to further the purposes of the national recreation area.

(5) The Secretary shall, after acquiring fee title to at least 10,000 acres of land on Grand Island, provide reasonable water transportation from the mainland to Grand Island. Transportation may be provided through concession, permit, or other means, and a reasonable charge may be imposed. Transportation shall be subject to reasonable regulation by the Secretary and shall not be required when the Secretary deems it to be unsafe because of factors such as weather and water conditions.

(6) The Secretary shall provide through concession, permit, or other means docking and lodge facilities consistent with the management plan developed pursuant to section 7 of this Act.

(7) The Secretary shall take reasonable actions to provide for public health and safety and for the protection of the national recreation area in the event of fire or infestation of insects or disease.

(8) Under the authority of the Act of March 4, 1915, as amended (16 U.S.C. 497), the Secretary **[shall]** *shall, as a condition of acquisition,* issue occupancy and use permits for any privately owned home as of the date of Federal acquisition of the land within the national recreation area on which the home is located. Any such permit shall be issued for an initial period of 20 years and shall be renewed thereafter for successive 20-year periods so long as the permittee is in compliance with the purposes of this Act, the terms of the permit, and other applicable rules and regulations. Any such permit shall be issued in accordance with the laws, rules, and regulations of the Secretary pertaining to the National Forest System, except that such permit shall be subject to the following special provisions:

(A) Such permit may only be issued to the owner of such home as of the date of Federal acquisition of the property, such owner's spouse, the children and grandchildren of such owner and spouse, and their direct lineal descendants (natural or adopted offspring).

(B) Only noncommercial recreation occupancy may be permitted.

(C) The Secretary shall collect fees on an annual basis based on the fair market value of the occupancy permitted.

(D) The expansion, remodeling, or reconstruction of such homes shall be subject to approval of and regulation by the Secretary. No expansion, remodeling, or reconstruction may increase the height of structure or result in an increase of more than 25 percent of the sum of the exterior dimensions of a structure as it existed on the date of enactment of this Act. Any expansion, remodeling, or reconstruction shall be consistent with the criteria developed pursuant to section 7(b)(4) of this Act and shall be subject to such other terms and conditions as the Secretary may prescribe.

(E) Any such home may be purchased at the fair market value of the structure and improvements by the Secretary on a willing seller basis.

(F) The permit may be terminated at any time for failure to comply with its terms and conditions and applicable regulations without cost to the Federal Government in accordance with the permit.

(G) After termination of any such permit, if any improvements or property are not removed by their owner within one year of the termination, they shall become the property of the Federal Government.

(9) Solely for purposes of payments pursuant to section 6904 of title 31, United States Code, lands on Grand Island acquired by the United States after the date of enactment of this Act shall be considered to have been acquired for addition to a National Forest Wilderness Area (national forest portion of the National Wilderness Preservation System).

SEC. 4. ACQUISITION.

(a) **General Authority.**—[The] *Subject to the provisions of subsection 3(b)(8) and subsection (b) of this section, the* Secretary is authorized and directed to acquire by purchase, gift, exchange, or otherwise, lands, waters, structures, or interests therein, including scenic or other easements, within the boundaries of the national recreation area to further the purposes of this [Act.] *Act: Provided, That the Secretary may not acquire any privately owned lands within the national recreation area other than with the consent of the owner so long as the owner agrees to the restrictions contained in subsection (b)(1) of this section and grants the Secretary a right of first refusal as provided in subsection (b)(2) of this section.* The Secretary also is authorized and directed to acquire lands or structures by such means on the mainland to the extent necessary for access to and administrative facilities for the national recreation area. In acquiring lands or structures under this subsection, the Secretary is directed to give prompt and careful consideration to any offer to sell land or structures made by an individual, organization, or any legal entity owning property within the boundaries of the national recreation area.

(b) **Private Lands.**—(1) An owner of unimproved real property within the national recreation area may construct recreational residences that are historically consistent with other structures within the national recreation area, as described by the management plan developed pursuant to section 7 of this Act.

(2) Any privately owned lands, interests in lands, or structures within the national recreation area shall not be disposed of by donation, exchange, sale, or other conveyance without first being offered at no more than fair market value to the Secretary. The Secretary shall be given a period of 120 days to accept an offer and, after such offer is accepted, a period of 45 days after the end of the fiscal year following the fiscal year in which the offer was accepted to acquire such lands, interests in lands, or structures. No such lands, interests in lands, or structures shall be sold or conveyed at a price below the price at which they have been offered for sale to the Secretary, and if such lands, interest in lands, or structures are reoffered for sale or conveyance they shall first be reoffered to the Secretary, except that this subsection shall not apply to a change in ownership of a property within the immediate family of the owner of record on January 1, 1989. For the purposes of this subsection, the term "immediate family" means, with respect to any such owner of record, the spouse, siblings, children (whether natural or adopted), and lineal descendants of that owner.

SEC. 5. FISH AND GAME.

(a) **In General.**—Nothing in this Act shall be construed as affecting the responsibilities of the State of Michigan with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping in any lands acquired and managed by the Secretary under this Act, except that the Secretary may, in consultation with the State of Michigan, designate zones where, and establish periods when, no hunting, fishing or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(b) **Notice of Secretarial Action.**—As soon as practicable after each case in which the Secretary exercises authority under subsection (a), the Secretary, in consultation with appropriate officials of the State of Michigan, shall take steps to notify area residents as to the nature of actions taken, and the location of zones designated and periods established, under subsection (a).

(c) **Consultation.**—Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect after consultation with the fish and wildlife agency of the State of Michigan.

SEC. 6. MINERALS.

Subject to valid existing rights, the lands within the national recreation area are hereby withdrawn from location, entry, and patent under the United States mining laws and from disposition under all laws pertaining to mineral leasing including all laws pertaining to geothermal leasing. Also subject to valid existing rights, the Secretary shall not allow any mineral development on federally owned land within the national recreation area, except that common varieties of mineral materials, such as stone, and gravel, may be utilized only as authorized by the Secretary to the extent necessary for construction and maintenance of roads and facilities within the national recreation area.

SEC. 7. MANAGEMENT PLAN.

(a) **Development.**—After the Secretary acquires fee title to at least 10,000 acres of land on Grand Island, the Secretary, within 30 months, shall develop with public involvement a comprehensive management plan for the national recreation area which implements the provisions of this Act.

(b) **Special Issues To Be Included.**—The comprehensive management plan shall include, but not be limited to, the following issues:

(1) Public recreation, including consideration of a range of appropriate recreational opportunities consistent with the rustic, natural, and historic character of the island, including, but not limited to, a system of trails and campsites in conjunction with the lodge referred to in paragraph (2) of this section.

(2) The feasibility of a concessionaire constructed, operated, and maintained rustic lodge and educational facility on no more than 55 acres located so as not to impair or alter existing scenic views or the existing tree line and forested appearance of Grand Island from any point within the boundaries of Pictured Rocks National Lakeshore. The plan shall address the economics of constructing, operating, and maintaining such a facility by a concessionaire or other entity; access by roads and waters; utilities; waste water treatment, garbage disposal, and other associated environmental impacts; management operations including construction, operation and maintenance; and the potential for permitted uses by government agencies, profit and nonprofit organizations, or individuals.

(3) Prescriptions concerning any management and harvest of timber, subject to section 3(b)(4) of this Act.

(4) General design criteria for new facilities or the improvement of existing facilities that are compatible with the rustic, natural, and historic character of the island and their topographic and geological location, and that do not impair scenic views from the Pictured Rocks National Lakeshore.

(5) Water transportation from the mainland to the national recreation area by a concessionaire or other entity.

(6) The feasibility of concessionaire constructed, operated, and maintained docking facilities in the national recreation area and on the mainland.

(7) An inventory and assessment of existing traditional roads, the level of road use, access needs, and any vehicular regulation and management needed to protect the resources of the national recreation area while, at the same time, providing reasonable access to private property.

(c) **Consultation.**—In preparing the comprehensive management plan, the Secretary shall consult with the appropriate State and local government officials, provide for full public participation, and consider the views of all interested parties, organizations, and individuals.

SEC. 8. GRAND ISLAND ADVISORY COMMISSION.

(a) **Establishment.**—Subject to appointments as provided in subsection (b), there is established a Grand Island Advisory Commission (hereafter in this Act referred to as the "Commission") comprised of 12 members for the purpose of advising the Secretary on the preparation of the management plan which is provided for in section 7 of this Act.

(b) **Appointment.**—(1) Commission members shall be appointed by the Secretary as follows:

(A) Three non-voting members, who shall be employees of the Forest Service including the Forest Supervisor of the Hiawatha National Forest.

(B) One member who shall be a resident of Munising, Michigan, who is not a Forest Service Employee.

(C) Two members who shall be recreational users of Grand Island who are not Forest Service employees.

(D) One member from nominations made by the Alger County Board of Commissioners who is a member of such board.

(E) One member from nominations made by the Alger County Economic Development Corporation who is a member of such corporation.

(F) One member from nominations made by the Grand Island Association who is a member of such association.

(G) One member from nominations made by the private landowners of Grand Island who is a private landowner on Grand Island.

(H) One member from nominations made by the Grand Island Township Board who is a member of such board.

(I) The Munising city manager, upon accepting the invitation of the Secretary.

(2) Any vacancy shall be filled in the same manner as the original appointment.

(c) Quorum.—A quorum shall be six members. The operations of the Commission shall not be impaired by the fact that a member has not been appointed as long as a quorum has been attained.

(d) Procedures.—The Commission shall elect a Chairman and establish such rules and procedures as it deems necessary or desirable.

(e) Consultation.—The Secretary shall consult with the Commission on a periodic and regular basis with respect to the management plan.

(f) Pay.—(1) Members of the Commission who are not full-time officers or employees of the United States shall serve without pay.

(2) Members of the Commission who are full-time officers or employees of the United States shall receive no additional pay by reason of their service on the Commission.

(g) Proposals for Non-Federal Development on Federal Land.—The Commission shall recommend proposals for non-Federal development on the 55 acres described in section 7(b)(2) of this Act. It shall submit any such proposals to the Secretary for approval, rejection, or revision. The Secretary shall include in the management plan a development proposal submitted by the Commission or arrived at by any other means available to the Secretary.

(h) Termination.—The Commission shall cease to exist on the date upon which the management plan is adopted.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) Acquisition of Lands.—There are hereby authorized to be appropriated an amount not to exceed $5,000,000 for the acquisition of land, interests in land, or structures within the national recreation area and on the mainland as needed for access and administrative facilities.

(b) Other Purposes.—In addition to the amounts authorized to be appropriated under subsection (a), there are authorized to be appropriated not more than $5,000,000 for development to carry out the other purposes of this Act.

The **PRESIDING OFFICER**. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

AMENDMENT NO. 1346

(Purpose: To make certain technical amendments)

Mr. **BAUCUS**. Mr. President, on behalf of of Senator Riegle, I send four technical amendments to the desk, en bloc, and I ask for their immediate consideration, en bloc.

The **PRESIDING OFFICER**. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Baucus], for Mr. Riegle, proposes an amendment numbered 1346.

Mr. **BAUCUS**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 5, line 23, insert ", stepchildren," after "children".

On page 7, lines 10 and 11, strike "the date of enactment of this Act" and insert "January 1, 1990".

On page 8, line 14, strike "historically consistent" and insert "architecturally compatible".

On page 9, line 11 insert "stepchildren," after "adopted),".

Mr. **RIEGLE**. Mr. President, I rise today on the occasion of the enactment of H.R. 1472, a bill creating the Grand Island National Recreation Area. The bill will add one of Michigan's greatest wild areas to our national recreation system and open up the opportunity for many Americans to enjoy the island's splendor.

Grand Island is a unique natural treasure of unparalleled beauty. From the pristine and isolated beaches to the imposing sheer cliffs rising 200 feet above Lake Superior, this island is a wonder to behold. In the interior of the island you will find the world's third largest beaver-formed lake. Eagles, bear, and numerous other kinds of wildlife make the island their home.

This bill represents 3 years of careful discussion resulting in a measure acceptable to the parties concerned with this proposed recreation area. The islanders, who now have exclusive access to the island, are ready to share their seasonal home with the Nation. They are willing to do this with the knowledge that their island will be forever protected from unbridled development and unsound environmental practices. The people of Munising have agreed to this plan because they have come to realize that the qualities that make Grand Island a valuable economic resource are beauty, isolation, and quiet grandeur. Through the careful management of the Forest Service, many people will be able to enjoy this unique resource and will, I hope, leave with a new spirit of commitment to preserving our public lands.

The compromise that is represented by H.R. 1472 demonstrates that by working together we can reconcile the need for limited development and protection of fragile and unique resources. While 55 acres of the island are slated for development consistent with the forest management plan, over 12,000 acres will remain undeveloped and timber cuts are forbidden. Some roads will remain open to motorized vehicles, while others will be reserved for hiking only. Under the Forest Service planning process, with strong public involvement, Grand Island will be accessible to all.

I commend the people of Munising, the summer residents of Grand Island, the conservation community and local officials for their patience and willingness to develop a bill that is fair to all parties involved in this project. We must continue to work together to preserve our valuable wild areas places so future generations can experience this important part of our national heritage.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 1346) was agreed to.

Mr. **BAUCUS**. Mr. President, I move to reconsider the vote.

Mr. **CHAFEE**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The **PRESIDING OFFICER**. The bill having been read the third time, the question is, Shall the bill pass?

So the bill (H.R. 1472), as amended, was passed.

Mr. **BAUCUS**. Mr. President, I move to reconsider the vote.

Mr. **CHAFEE**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR STAR PRINT—S. 1862

Mr. **BAUCUS**. Mr. President, I ask unanimous consent that a star print be made of S. 1862, to reflect the change I now send to the desk.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

POLICE FORCE OF THE NATIONAL ZOOLOGICAL PARK

Mr. **BAUCUS**. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1521.

The **PRESIDING OFFICER** laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1521) entitled "An Act to amend Public Law 91-34 relating to the police force of the National Zoological Park of the Smithsonian Institution, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

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SECTION 1. INCREASE IN THE MAXIMUM RATES OF BASIC PAY FOR THE POLICE FORCE OF THE NATIONAL ZOOLOGICAL PARK.

(a) IN GENERAL.—Section 5375 of title 5, United States Code, is amended to read as follows:

"§ 5375. Police force of the National Zoological Park

"The Secretary of the Smithsonian Institution shall fix the annual rates of basic pay for positions on the police force of the National Zoological Park as follows:

"(1) Private, not more than the maximum annual rate of basic pay payable for grade GS–7 of the General Schedule.

"(2) Sergeant, not more than the maximum annual rate of basic pay payable for grade GS–8, of the General Schedule.

"(3) Lieutenant, not more than the maximum annual rate of basic pay payable for grade GS–9 of the General Schedule.

"(4) Captain, not more than the maximum annual rate of basic pay payable for grade GS–10 of the General Schedule.".

(b) CLERICAL AMENDMENT.—The item relating to section 5375 in the table of sections for chapter 53 of title 5, United States Code, is amended to read as follows:

"5375. Police force of the National Zoological Park.".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall apply with respect to pay periods beginning after the date of the enactment of this Act.

The PRESIDING OFFICER. Mr. President, I move that the Senate concur in the House amendments.

The motion was agreed to.

MEASURE REREFERRED—H.R. 1243

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 1243, regarding Metal Casting Competitiveness Research Centers, and that the bill then be rereferred to the Senate Energy and Natural Resources Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TOMORROW

RECESS UNTIL 9:15 A.M.; REDUCTION OF THE LEADERS' TIME

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m. Wednesday, March 21, 1990, and that the time for the two leaders be reduced to 7½ minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, on tomorrow, at 9:30 a.m., when the Senate resumes consideration of the clean air bill, under a unanimous-consent agreement entered earlier tonight there will be 30 minutes for debate on the Boschwitz-Boren small business exemption amendment, amendment No. 1345, with a vote to occur on or in relation to that amendment at 10 a.m. on Wednesday.

RECESS UNTIL TOMORROW, AT 9:15 A.M.

Mr. BAUCUS. Mr. President, if the distinguished acting Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9:15 a.m., Wednesday, March 21, 1990.

There being no objection, the Senate, at 10:09 p.m., recessed until Wednesday, March 21, 1990, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate March 20, 1990:

DEPARTMENT OF JUSTICE

STEPHEN D. EASTON, OF NORTH DAKOTA, TO BE U.S. ATTORNEY FOR THE DISTRICT OF NORTH DAKOTA FOR THE TERM OF 4 YEARS, VICE RODNEY S. WEBB, RESIGNED.

MORRIS LEE THOMPSON, OF KANSAS, TO BE U.S. ATTORNEY FOR THE DISTRICT OF KANSAS FOR FOR THE TERM OF 4 YEARS, VICE BENJAMIN L. BURGESS, JR., RESIGNED.

STATE JUSTICE INSTITUTE

KEITH MCNAMARA, OF OHIO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1992, VICE JOSEPH WENTLING BROWN, TERM EXPIRED.

DEPARTMENT OF THE INTERIOR

THOMAS LAWRENCE SANSONETTI, OF WYOMING, TO BE SOLICITOR OF THE DEPARTMENT OF THE INTERIOR, VICE MARTIN LEWIS ALLDAY.

DEPARTMENT OF COMMERCE

ROBERT MARSHALL WHITE, OF MINNESOTA, TO BE UNDER SECRETARY OF COMMERCE FOR TECHNOLOGY. (NEW POSITION)

COMMUNICATIONS SATELLITE CORPORATION

JAMES B. EDWARDS, OF SOUTH CAROLINA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNICATIONS SATELLITE CORPORATION UNTIL THE DATE OF THE ANNUAL MEETING OF THE CORPORATION IN 1993. (REAPPOINTMENT)

NATIONAL TRANSPORTATION SAFETY BOARD

JOHN K. LAUBER, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1994. (REAPPOINTMENT)

DEPARTMENT OF LABOR

KAREN L. GILLMOR, OF OHIO, TO BE DIRECTOR OF THE WOMEN'S BUREAU, DEPARTMENT OF LABOR, VICE JILL HOUGHTON EMERY, RESIGNED.

FEDERAL EMERGENCY MANAGEMENT AGENCY

JERRY D. JENNINGS, OF MICHIGAN, TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE ROBERT H. MORRIS, RESIGNED.

RESOLUTION TRUST CORPORATION

ROBERT C. LARSON, OF MICHIGAN, TO BE A MEMBER OF THE OVERSIGHT BOARD OF THE RESOLUTION TRUST CORPORATION FOR A TERM OF 3 YEARS. (NEW POSITION)

DEPARTMENT OF LABOR

JULIAN W. DE LA ROSA, OF TEXAS, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR, VICE JAMES BRIAN HYLAND, RESIGNED.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT:

To be assistant surgeon

GREGORY M. BUCHALTER
PAUL P. CARNES
MICHAEL C. ENGEL
NEIL W. GRAVEN
RONALD W. JOHNSON
DOUGLAS S. MITCHELL

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

RICHARD L. FODOR
JOHN I. GALLIN
MARK HALLETT
CURTIS C. HARRIS
WILLIAM J. MINER
PETER M. NAKAMURA
HOWARD W. ORY
WILLIAM A. PATON
EVERETT R. RHOADES
DIXIE E. SNIDER, JR.
HARRISON C. SPENCER, JR.
RICHARD G. WYATT

To be senior surgeon

DAVID E. HEPPEL
JAMES S. MARKS
WILLIAM J. MARTONE
BARTON C. MCCANN
STEPHEN B. THACKER
DONALD L. WEAVER

To be surgeon

DAVID M. BAND
RICHARD D. KLAUSNER
FRANK O. RICHARDS, JR.
WILLIAM M. SAPPENFIELD

To be senior assistant surgeon

KENNETH J. FATTMANN, JR.
EARL H. LYNCH
DIANE A. MITCHELL

To be dental director

JEROME L. GORDON
TOMMY N. JOHNSON
DAVID B. JONES

To be senior dental surgeon

JAY ARTHUR BALZER
ERIC D. BOTHWELL
ERIC B. BRODERICK
WILLIAM R. BURNS
GARY S. GRITZBAUGH

To be dental surgeon

GREGORY K. BAKER
MAUREEN P. CLEARY
ROBERT J. DAVIS
BETTY DEBERRY-SUMNER
LAWRENCE J. FURMAN
MICHAEL H. HESS
KENNETH E. HOFFMAN
KENNETY T. JONES
MICHAEL L. MARK
GENE J. MCELHINNEY
STEPHEN W. WYATT

To be nurse director

MARILYN W. GETTY
JULIA R. PLOTNICK
JEANETTE M. SCHEPPAN
JACK F. SLUSSER

To be senior nurse officer

KATHLEEN A. MCCORMICK
JERRILYN REGAN

To be nurse officer

MELISSA M. ADAMS
BRUCE C. BAGGETT
CLIFTON E. CARR, JR.
HOWARD E. DOTY
MARIE G. HARTMAN
GALE L. HEAVNER
MELINDA S. LEE
ANTHONY E. R. MANN
RUDOLF R. REICHELT
CRISTINO RODRIGUEZ
GALE G. WHITE

To be senior assistant nurse officer

THOMAS M. CONRAD
MARVA J. RANDOLPH

To be engineer director

OLIVER T. LOVE, JR.
RONALD A. ROBINSON
GENE W. SMITH
KENNETH R. WOODARD

To be senior engineer officer

STANLEY M. BLACKER
THOMAS G. GALLEGOS
RICHARD J. GUIMOND
JOHN R. HAMILTON
TIMOTHY R. WEBSTER

To be engineer officer

ROGER A. ANDERSON
CURTIS C. BOSSERT
DANIEL J. CARPENTER
DANIEL J. HABES
ROBERT M. HAYES
CHRISTOPHER G. MCCUNE
JAMES L. THODE
RANDY N. WILLARD

To be scientist director

THOMAS W. ATHEY III
RICHARD P. CHIACCHIERINI
STANLEY E. EDINGER
ROBERT W. GWADZ
JERRY M. JOHNSON

To be senior scientist

MARION G. CLOWER, JR.
LAURENCE W. GROSSMAN
GEORGE J. NEMO

To be scientist

JOHN J. JESSOP

To be sanitarian director

WAYNE A. BLISS
GREGORY J. GLAHN

To be senior sanitarian

GARY L. ROTHFUS
RICHARD J. SMITH III

To be sanitarian

RANDY E. GRINNELL
RICHARD S. SCHURZ
JOHN A. STEWARD

To be veterinary director

ALLAN LOCK

To be senior veterinary officer

MARTIN L. MORIN

To be pharmacist director

ARTHUR H. HOLMES, JR.
GORDON H. JENSEN
THEODORE A. WESTLEY

To be senior pharmacist

JAMES W. BREDON
RICHARD M. CHURCH
ARTHUR J. LAWRENCE, JR.
JAMES R. MINOR
WAYNE M. TURNER
RICHARD S. WALLING

To be pharmacist

JANET L. ANDERSON
ROBERT W. BOYCE
JOSEPH M. BUCCINE
EDWARD J. DANNENBERG
PAUL N. DERAMO
PAUL W. ERICKSON
JOHN A. HECKEL
PAUL L. HEPP
WILLIAM A. HESS
MICHAEL F. JOHNSTON
KEVIN M. LEMIEUX
RALPH B. LILLIE
JON A. MCARTHUR
THOMAS J. MCGINNIS
GLEN M. PREWETT
LINDA J. SHULL
RONNIE D. THOMAS
DENNIS J. VETTESE
STEPHEN W. WICKIZER

To be dietitian director

EDWARD R. TATE

To be senior dietitian

EMMA J. LUTEN

To be dietitian

JOHN E. FINN

To be therapist director

WILLIAM A. FROMHERZ
ARTHUR J. PLUMSTEAD, JR.

To be senior therapist

BARBARA A. SLOOP

To be therapist

CHARLES L. MCGARVEY
MARIE A. SCHROEDER

To be health services director

JOSEPH S. ARCARESE
WINSTON J. DEAN
ALAN S. HARRIS
ELLERY D. SAVAGE
JOSEPH G. SIRMONS

To be senior health services officer

AMY C. BARKIN
BRIAN W. FLYNN
BRUCE IMMERMAN
HOWARD C. LERNER
JAMES L. MORRISON
PENNI I. ST HILAIRE
JAMES W. LANGFORD

To be health services officer

MARY P. ANDERSON
EDITH M. BAILEY
THOMAS F. CARRATO
ROBERT L. DAVIDSON
DONALD W. GANN
JAMES W. GARVIE
TERENCE M. GRADY
RICHARD P. HASKINS
ELLEN M. HUTCHINS
THOMAS M. JAKUB
ROBERT M. KROCHAK
RICHARD A. LAENG
HECTOR LOPEZ
ARNULFO MANANGAN
SARAH E. MEACHEN
JOHN C. PYTLIK
CAROL REST-MINCBERG
GARY N. SANDEN
HERBERT L. VENABLE

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATED CODE, SECTION 1370:

To be general

GEN. JAMES J. LINDSAY, 391-26-8187, U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. CHARLES W. BROWN, 505-32-7062, U.S. ARMY.

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. ALLEN K. ONO, 576-30-7573, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO BE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 610(A):

To be lieutenant general

MAJ. GEN. TEDDY G. ALLEN, 244-54-5182, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

LT. GEN. THURMAN D. RODGERS, 408-48-2175, U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR PROMOTION TO THE GRADE OF MAJOR GENERAL WHILE ASSIGNED AS CHIEF OF CHAPLAINS, U.S. ARMY, UNDER TITLE 10, UNITED STATES CODE, SECTION 3036(B):

To be major general

BRIG. GEN. MATTHEW A. ZIMMERMAN, 250-62-9941, U.S. ARMY.

IN THE AIR FORCE

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED IN NO CASE SHALL THE FOLLOWING OFFICER BE APPOINTED IN A GRADE HIGHER THAN LIEUTENANT COLONEL.

LINE OF THE AIR FORCE

IRIS M. HAGENEY, 436-78-5011.

THE FOLLOWING OFFICERS FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED. PROVIDED THAT IN NO CASE SHALL ANY OF THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN LIEUTENANT COLONEL.

CHAPLAIN CORPS

THEODORE A. HENDERSON, 564-92-4673.
ROBERT F. IPPOLITO, 016-34-2438.

MEDICAL SERVICES CORPS

SCOTT J. CALL, 562-64-7671.

BIOMEDICAL SERVICES CORPS

HAROLD D. ROSENHEIM, 076-40-7589.

IN THE ARMY

THE FOLLOWING NAMED RESERVE OFFICER'S TRAINING CORPS CADETS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THE GRADE OF SECOND LIEUTENANT, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

TIMOTHY L. ADAMS, 163-60-3382
MICHAEL D. ADDIS, 152-72-4593
KYLE J. ADRIAN, 391-66-0755
BRYAN F. AGENA, 575-88-7415
KELLY J. ALDRIN, 381-88-3082
DEXTER A. ALEXANDER, 247-29-8268
DAVID ALLEN, 230-80-8374
GREGORY D. ALLEN, 383-72-3371
BRIAN ALMQUIST, 514-60-3382
FELICIA F. ALSTON, 240-43-2822
KELLY J. ALTENHOFEN, 516-80-6860
ELIZABETH A. ALTER, 205-54-2045
REIK C. ANDERSEN, 477-72-3614
JAMES C. ANDERSON, 413-37-4992
MARK W. ANDERSON, 472-98-9491
CYNTHIA M. ANGELL, 214-78-4759
JOSEPH E. ANGERER, 499-78-3500
NICHOLAS M. ANTHONY, JR, 229-29-0026
GEORGE N. ANTONE, JR, 523-23-5266
FRANCISCO I. AQUINO, 586-76-3437
ADRIENNE B. ARI, 157-58-6679
CORTIER M. ARMSTEAD, 418-96-6118
KIRSTEN B. ARNDT, 328-74-4639
KRIS A. ARNOLD, 467-45-2980
THOMAS L. ARRINGTON, 427-43-1773
MARSHA ATCHISON, 516-78-3333
CATHY M. ATKINS, 420-15-2927
PAMELA J. ATTERBERRY, 259-06-4313
SUSANNE T. AZZI, 408-02-4806
MARK J. BACON, 526-39-4500
PHILIP C. BADAR, 589-28-6849
HAN S. BAE, 545-25-1997
SCOTT C. BAHRKE, 390-56-4889
MICHELLE BAILEY, 145-52-2226
PAUL F. BAILEY, 133-64-9887
WILLIAM J. BAILEY, 552-27-2927
JERRY L. BAIRD, 358-56-5034
GREGORY E. BAK, 072-66-1079
KIMBERLY K. BAKER, 523-13-7033
TRACY A. BALDWIN, 547-69-6630
JOSEPH A. BANKOVICH, 178-54-9919
TERESA M. BARBER, 008-58-8908
JEFFERY M. BARLUP, 179-56-6459
JOSEPH H. BARNES, 236-88-4090
LEE BARNES, 244-31-0891
JAMES E. BARNETT, II, 415-39-7283
PATRICK A. BARNETT, 507-84-7996
EDMUND J. BARRETT, 138-68-6562
JOHN BARRETT, 155-66-7670
SUSAN L. BARRETT, 127-60-2273
CHRISTOPHER J. BARRON, 053-70-4395
RICHARD O. BARWIN, JR, 008-50-5076
DANA J. BASILE, 225-35-8278
SUSAN L. BATEMAN, 190-50-0477
JAMES D. BATES, 406-19-0415
ERIK V. BAUSLER, 509-58-6623
MILFORD H. BEAGLE, JR, 248-55-9000
JAMES G. BEALE, 255-06-0696
CHRISTINE C. BEATTY, 158-76-9312
KEATON L. BEAUMONT, 505-80-9246
JAMES R. BECKER, 404-84-9760
KEVIN J. BELANGER, 012-56-6805
LAGENIA A. BELCHER, 406-76-1970
REGINALD J. BELTON, 425-31-7958
SALVADOR BELTRAN, III, 585-37-9161
GRETA L. BENNETT, 454-39-9175
CHARLES E. BENSON, 501-74-3515
RONALD R. BENSON, JR, 238-43-3247
WILLIAM E. BENSON, 023-64-7910
THOMAS A. BERTRAND, 405-94-5568
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ARRON D. VANWORMER, 542-84-2495
CHRISTOPHER H. VARHOLA, 238-31-0516
DAVID I. VASQUEZ, 455-39-9717
FRANCISCO S. VELEZ, III, 264-89-9647
KENNETH G. VERBONCOEUR, 540-11-6942
DON M. VIERS, II, 266-11-8689
BRET A. VINCENT, 133-54-3959
TIMOTHY J. VINSON, 542-76-6798
PAMELA A. VITT 521-33-8204
ROBERT J. VOLLMUTH, 501-90-4418
CONSTANCE E. VON MUEHLEN, 554-69-0720
JESSICA R. VOSS, 419-78-9341
DOUGLAS J. WADDINGHAM, 189-64-4902
KURT O. WADZINSKI, 389-78-7410
JOSEPH E. WAGNER, 226-84-9396
DWIGHT S. WALKER, 238-35-3566
SHERYL A. WALL, 544-94-2912
GREGORY L. WALLACE, 525-19-4062
MICHAEL S. WALLACE, 407-04-0552
WILLIAM B. WALLER, JR, 426-43-8750
RICHARD D. WALLIN, 258-17-9814
LAURA C. WALSH, 332-48-0218
TODD E. WALSH, 130-66-1446
CURTIS J. WALTER, 328-60-8530
MARK W. WALTER, 415-13-9522
IVORY WARD, 435-19-1528
KURTIS L. WARNER, 558-08-8672
KYLE W. WARREN, 446-78-2161
GREGORY G. WASHINGTON, 256-47-3280
KURT E. WATERSTRADT, 393-74-3517
SCOTT R. WATSON, 471-86-0055
MICKEY E. WEAVER, 229-17-1192
KENNETH H. WEBB, 498-64-5907
WAYNE C. WEIDENHAMER, 505-94-7714
MICHAEL S. WEIS, 357-70-0827
EVA T. WEISS, 554-81-5551
MICHAEL D. WEISZ, 093-62-6911
PHILIP W. WENTWORTH, 223-98-9424
CRAIG A. WEST, 276-64-9737
NEAL A. WEST, 466-27-5443
JAMES C. WESTERFIELD, 272-66-6029
DAVID J. WESTERMAN, 288-62-0746
GREGORY D. WHITAKER, 533-82-7800
BRADLEY A. WHITE, 507-74-2862
LENELL D. WHITE, III, 265-55-7849
NATHANIEL R. WHITE, 568-61-2984
RODERICK S. WHITE, 454-51-7155
ERIC L. WHITEHURST, 224-21-9056
JAMAL WIGGLESWORTH, 225-35-4247
AUDIE M. WILKINS, 218-86-4313
MARK A. WILKINS, 016-60-5346
HARRY WILKLOW, III, 377-54-2017
ANDREA R. WILLIAMS, 117-58-1592
CHRISTINE E. WILLIAMS, 071-46-7517
FELITA P. WILLIAMS, 426-33-5115
JOSHUA B. WILLIAMS, 106-62-0319
LEMUEL K. WILLIAMS, 417-90-4896
PATRICK D. WILLIAMS, 536-80-7886
THOMAS M. WILLIAMS, 493-82-3971
GREGORY S. WILLIS, 368-82-0336
LAWRENCE D. WILSON, 313-72-5648
TODD P. WILSON, 264-85-3426
DAVID S. WINAKOR, 042-68-9904
JEFFREY S. WITHROW, 061-60-8529
ELIZABETH W. WITTIG, 006-74-5275
DOUGLAS A. WOJCIK, 071-46-9264
DONALD C. WOLFE, 403-88-0382
JOHN W. WOLTZ, 298-52-3271
DAVID L. WOOD, 314-76-2288
LYNN F. WOOD, 421-98-4757
DARRON L. WRIGHT, 464-61-2606
JOHN A. WRIGHT, 454-49-1595
MICHAEL T. WRIGHT, 481-82-7586
THOMAS E. YACKEY, JR, 523-19-9594
VICTORIA YATES, 438-33-1692
ARTHUR F. YEAGER, 202-60-8811
JOSEPH J. YINDRICK, JR, 505-06-9181
DAVID G. YONKOVICH, 526-87-0314
ANTHONY R. YOUNG, JR, 546-19-4747
MARK Q. YOUNG, 593-36-2490
PATRICK M. YOUNG, 428-31-1760
STEVEN D. YOUNG, 274-70-7974
WANDA L. YOUNG, 228-27-6420
LOUIS A. ZEISMAN, 244-35-7100
DENNIS M. ZINK, 301-72-5093
TODD M. ZOLLINGER, 511-86-6951

ARMY NURSE CORPS

To be second lieutenant

KRISTIN R. ANDERSON, 094-50-0981
BARBARA J. BAKER, 509-82-3111
CESAR J. CAVAZOS, 464-21-4086
JOSEPH B. CHAPMAN, 297-60-6808
KATHERINE A. COUCH, 403-13-6448
JILL M. COX, 110-56-2860
GRETCHEN J. DAMROW, 511-58-0501
SUSAN E. DAMSCHRODER, 286-64-0052
COLLEEN A. DASCHBACH, 306-88-4865
SHEILA M. DATKO, 193-44-0904
LORI L. FISHER, 207-56-6921
TIMOTHY L. FRAZIER, 292-66-8612
THERESA A. GARBER, 219-82-7373
REBECCA S. HALE, 394-88-4070
BETHANY L. HULTQUIST, 508-04-6968
MICHELLE M. HUSCHAK, 204-52-9551
CAROL S. JEMMISON, 231-06-8825
JENNIFER A. JONES, 403-13-5779
LYLE D. KEPLINGER, JR, 512-74-9542
TINA M. KNIGHTON, 217-70-3953
LEANN M. LAKIN, 485-92-2254
KATHERINE A. LARES, 132-54-4884
SHIRLEY M. MADRID, 570-55-1125
MOLLY E. MARLOW, 523-78-2469
RICK L. MARTIN, 575-86-3391
TAMMY J. MCCOMBS, 164-62-7639
VAN E. MCCOY, 245-06-0773
SCOTT D. MCDONNALD, 276-76-5546
ELIZABETH A. MCEACHEN, 133-48-9250
JEANETTE R. MEEK, 349-68-4190
DEBRA A. MOHORIC, 534-90-8756
MARGARET A. MOLONEY, 155-54-1154
REBECCA J. MOTTL, 227-82-8417
VIRGINIA R. MULLIN, 381-74-5813
ANNE M. NYE, 001-44-5382
SANDRA V. PEREZ, 558-73-3531
GEORGETTE M. RENEAU, 225-23-5004
CINDY S. RICE, 287-60-1065
NANCY A. SADDLER, 298-72-5227
MICKI D. SCARLETT, 522-19-8889
MICHELLE L. SCHREINER, 476-04-4094
MARY E. SHIVER, 255-17-2925
CARMEN M. SINGLETON, 528-49-6696
BETH A. SMITH, 363-56-9973
DANIEL L. ST ARMAND, 036-46-5630
JEANNEAN L. TURNER, 275-60-5794
RODRIGUEZ J. VELEZ, 584-47-9188
VERA F. VON RECUM, 373-78-5129
KATHLEEN M. WALTON, 086-48-9272
ANNE B. ZSCHOCHE, 463-39-4343

MEDICAL SPECIALIST CORPS

To be second lieutenant

TIMOTHY BRENNER, 501-92-5575
CHRISTINE K. LOTHEN, 395-88-4539

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES, IN THEIR ACTIVE DUTY GRADE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 531, 532, AND 533:

VETERINARY CORPS

To be major

WILLIAM P. ELKINS, 491-54-5440

DENTAL CORPS

To be captain

THOMAS W. DACZKOWSKI, 196-46-0532

MEDICAL SPECIALIST CORPS

To be captain

LORI S. RYAN, 505-84-8424

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS OF THE REGULAR MARINE CORPS FOR APPOINTMENT AND DESIGNATION AS UNRESTRICTED OFFICERS IN THE REGULAR MARINE CORPS UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531 AND 5589:

To be lieutenant colonel

WILLIAM G. BYRNE, JR, 384-42-3021
RICHARD W. CHRISTIANSEN, 504-48-9151
WILLIAM B. CORLEY, JR, 465-60-0312
REX L. CURTIS, 458-68-8577
HUBERT A. GRUMMER, 431-74-5786
WILLIAM H. HAMLIN, 369-32-3070
HAROLD S. HEINBAUGH, 190-30-3068
ROLAND N. PANNELL, JR, 577-60-7746
ARTHUR H. RICHARDSON, JR, 123-32-9942
MINTER C. SKIPPER, JR, 242-52-9921
CHARLIE F. SMITH, 129-34-0015
BILLY W. WOODARD, 420-56-8906

To be major

CLARENCE T. ANTHONY, JR, 320-30-4546
JOHN C. BRADFORD, 563-70-4917
JOSEPH B. BURROUGHS, JR, 486-52-8561
MICHAEL G. CANTERBURY, 522-76-8733
JOHN W. CHANDLER, 377-56-9269
MELVIN L. COCHRAN, 572-88-0228
MATTHEW W. CONLEY, 421-58-6695
STEPHEN H. CZAIKOSKI, 553-86-2126
WILLIAM C. FARLEY, 142-40-8683
PAUL T. FILLA SR, 496-50-3395
STEPHEN H. FOREMAN, 226-74-1959
CLARENCE N. FRANCE, 213-56-8212
RICHARD M. FRAZIER, 412-70-4140
THOMAS E. FULTZ, 293-46-1833
EDWARD GREEN, 347-42-1691
DAVID A. HEALY, 042-38-7514
DANIEL A. HENRY, 457-72-9959
LARRY E. JELLISON, 311-52-2862
MICHAEL L. KERNAN, 019-34-8055
ROBERT M. LABROUSSE, 541-60-0619
STEPHEN C. LAMBETH, 420-66-0296
WALTER S. LAWSON, 274-54-2051
RICHARD W. LEVAN, 161-34-2835
MORGAN J. LOFTON, 452-72-8245
CHARLES A. LUNDY, 214-50-4051
WILLIAM E. MANGINEN, 328-38-2730
JAMES R. MILNER, 261-64-0505
MARK A. NALL, 424-64-4168
JAMES H. NEAL, JR, 264-72-4223
JOHN K. NEEL, 488-50-1783
DAVID T. PENN, 220-48-7378
GARY N. PETERS, 555-62-1840
LOREN D. PRIMMER, JR, 520-52-9185
MICHAEL L. ROBINSON, 005-52-6821
GARY A. SLOAN, 524-62-8751
PAUL SOFRANAC, 569-78-5808
TERRY G. STEVENS, 528-54-9528
DANNY W. SULLENGER, 402-70-8038
DANIEL G. WALCZAK, 198-34-1205
JAKE WALKER, JR, 417-56-9870
ALEXANDER W. WALMSLEY, 039-34-1262
JACK L. WARFORD, 314-48-6516
TERRENCE M. WESTERMAN, 228-72-1707
WESLEY WIECKOWSKI, 314-46-9302
KENNETH R. WILLIAMS, JR, 045-34-9391

To be captain

RUDY K. ABRAMS, 414-88-8501
EDUARDO ACOSTA, 453-84-6924
ALLEN D. ALSTON, 587-42-9053
JERALDO T. ALVAREZ, 462-08-9970
DONALD J. ANDERSON, 447-46-7943
TERRY R. ARMSTRONG, 522-66-7563
ROBERT R. BACK, 305-58-4893
RICHARD J. BALLENTINE, JR, 566-82-4689
RICHARD L. BARFIELD, 251-11-8030
LEONARD L. BERNAT, 186-46-3912
CAROL S. BONSON, 178-42-3523
CLIFTON BOURDA, 449-98-6677
BENJAMIN R. BRADEN, 585-70-6761
RONALD R. BRASSARD, 019-34-3747
DANIEL J BRESNAHAN, 479-74-8022
KENNETH M. BROWN, 368-66-8867
FRANKIE D. BURGESS, 426-98-8518
DERRICK BURNSIDE, 327-52-9544
WAYNE D. CARSON, 016-44-8364
DANIEL D. CARY, 395-62-0676
ROBERT E. CICCOCIOPPO, 174-46-6679
JACK CIESLA, 351-48-8535
CARL L. COLLETTE, 572-80-9705
STEPHEN J CONBOY, 064-46-6253
FRANCIS X. CUBILLO, 089-46-5335
WILLIAM A. CZARNIAWSKI, 382-52-9284
CHRISTOPHEM DALEY, 195-44-6499
JOSEPH R. DAVIS, 442-50-4727
STEVEN DELLAPORTA, 079-44-5689
THEODORE E. DEVLIN, 481-68-8497
DAVID A. DIPMAN, 513-46-0536
JOHN E. DIXISON, 374-50-1122
HECTOR J. DUENEZ, 450-06-8595
JAMES R. EDWARDS, 432-86-9184
MINERVA S. EDWARDS, 550-94-9042
JOHN E. EVANS, 142-36-4040
RONNIE J. FARMER, 252-84-9242
CLYDE FRAZIER, JR, 587-64-0972
GARY W. FUNK, 493-62-7224
REUBEN C. GENTRY, 574-16-9308
RAYMOND S. GIRARDIN, 056-42-6770
RUSSELL E. GLOVER, 263-15-1746
PATRICK S. GOETZ, 353-44-8167
STEWART O. GOLD, 140-50-2718
EARL GOODWIN, 587-76-9716
DOUGLAS M. GREEN, 504-66-3124
WILLIAM A. GRIPP, 533-58-7182
RONALD L. HALSTEAD, 101-42-4492
RALPH J. HANEGAN, 427-96-4589
MICHAEL A. HELLIGRATH, 292-52-0980
WILLIAM R. HOUSTON, 493-64-2679
JOHN E. JOY, JR, 214-58-0212
BEDFORD E. KAATZ, JR, 526-88-6476
WILLIAM D. KIDWELL, 461-11-9265
BRUCE E. KILLIAN, 500-54-2448
JOHN T. KRAUSE, 174-38-7321
FRANK R. LAWSON, 264-86-7971
ARTHUR E. LEONE, 206-44-6692
ROOSEVELT LINDSEY, JR, 432-92-6015
JAMES P. MACFARLANE, 098-40-5180
RICHARD D. MARTIN, 261-96-0276
DAVID E. MARVIN, 536-50-8390
RONALD J. MATTHEWS, 258-86-0849
DANIEL J. MCGEE, 137-38-4503
PATRICK J. MCGRATH, 169-42-5955
GARY W. MONTUORI, 460-72-6839
PETER D. MORNEAU, 002-46-1047
ROMEO NELSON, 254-82-3952
MICHAEL J. O'DONNELL, 030-42-8313
BRADLEY P. PANGLE, 225-80-9546
RAY D. PRATHER, 587-01-7024
STEVEN D. RAPP, 538-54-9035
PABLO F. RIBADENEIRA, 573-78-4518
SHIRLEY M. RITZDORF, 543-52-6894
JAMES A. ROBERTS, 456-84-8532
RONALD G. RUPPELT, 398-50-4530
PAUL V. SCHICHTEL, 120-44-2738
JOHN C. SEIBEL, 285-50-1219
THOMAS P. SEVERIT, 328-52-3831
JAMES C. SMITH, 329-44-3823
ROLAND C. SWENSEN, 518-68-6948
DONALD R. SWINGLER, 163-44-2240
RONALD E. TERHAAR, 563-82-4135
ROBERT S. THIEN, 216-58-6483
RICKY L. THOMPSON, 491-58-8112
RONALD E. TUCKER, 249-88-5054
IVAN L. WALLEN, 544-60-3091
MARK L. WARD, 506-78-4995
ROBERT V. WINTON, 431-86-5436
TONY L. WUNDERLICH, 307-64-1272

To be lieutenant

DEAN M. ARCHULETA, 585-68-6971
ANTHONY E. BLOUNT, 057-50-7001
RAND A. BRINKMAN, 197-48-1742
MARK S. BROWN, 344-48-6463
YANCEL C. CAMPBELL, JR, 186-46-5534
JOHN M. CARTER, 123-46-9071
HERSCHEL L. CLAYTOR, 264-21-6847
STEVEN M. CRUDDAS, 459-15-2604
JAMES R. DENNEY, 300-44-0586
THOMAS M. DURGIN, 213-60-3689
WILLIAM E. ENGLISH, JR, 306-62-7061
PAUL F. EVEN, 502-68-4964
ELSIE M. FAYSON, 407-84-5437
KEVIN M. FOX, 550-98-9499
JAMES R. GEHRIS, JR, 027-46-5559
STEVEN M. HANSON, 473-80-8776
GARY L. HARDY, 466-06-3201
ROBERT L. HEAD, 273-58-4370
JAMES L. HUFFORD, 170-44-1227
ROBERT B. HUTCHINSON, 532-64-4553
KIM C. JOHNSON, 476-78-3214
KENNETH W. JONES, 568-29-2208
DAVID A. KADERBEK, JR, 286-52-7177
JIMMY W. LEWIS, 286-29-1192
DONALD H. MCCOLLUM, 456-92-2810
STEPHEN D. MUDERY, 159-42-7055
BENJAMIN C. PATTERSON, 306-54-5363
STANTON H. PATTY, JR, 539-52-6392
FRANKLIN O. PAYNE, 226-82-5347
VIRGINIA E. PEREZ, 568-29-7212
ANTHONY P. QUINTANA, 462-06-4082
JOHN G. RHODEN, 246-02-0698
DOUGLAS D. ROBERTS, JR, 356-52-4419
LYLE S. SCHMITZ, II, 466-82-5547
DANNY R. STRAND, 374-66-0340
RICHIE L. SULLIVAN, 222-36-8582
LONZELL TERRY, 239-86-2925
VICTOR E. TOMPKINS, 262-31-1666
ALVIN J. VANSTEENBERGEN, 470-70-1228
MICHAEL V. VILLALVA, 524-90-0792

IN THE NAVY

THE FOLLOWING NAMED COMMANDERS OF THE RESERVE OF THE U.S. NAVY FOR PERMANENT PROMOTION TO THE GRADE OF CAPTAIN IN THE LINE, IN THE COMPETITIVE CATEGORY AS INDICATED, PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE OFFICERS

To be captain

DAVID DONALD ABELSON
DALE ALAN ACHENBACH
DOUGLAS WILLIAM AHRENS
JOHN WOODRUFF ALEXANDER
WILLIAM VAN METER ALFORD, JR
LARRY NORTON AMLING
HAROLD ROBERT ARMET
CRAIG STEVEN ARMSTRONG
WILLIAM RAY BACUS
MORRIS W. BADOUD
THOMAS BRANSFORD BALLOU, JR
MICHAEL JAMES BARRETT
FRANCIS BARTOSIK
WAYNE LESLIE BATES
ROBERT MICHAEL BAXTER
CHARLES LEON BEAUCHESNE
RONALD EUGENE BECKER
JAMES D. BERENS
GARY WALTER BETHKE
CHARLES HAMPTON BIGGER
MICHAEL EDWARD BISGROVE
ROBERT STEWART BLACKBURN
ALAN JOSEPH BLANCHARD
EDWARD LEE BOHANNON
JOHN MEREDITH BONDS
LINDSAY LEE BOWEN
ROBERT R. BOZZELLI
DON ALAN BRADSHAW
ROBERT ALAN BRENNAN
ARTHUR FRANKLIN BROWN, JR
LYNN EDWARD BROWN
RICHARD FRANCIS BROWN, JR
TERRY DYER BROWN
THOMAS WATSON BROWN
ROBERT LEWIS BRUNNER
MICHAEL GRAHAM BUNNEY
ROSS WALDRON BURGESS
JOHN JOSEPH BURKE, III
RICHARD MILES BURSON
DENNIS RAY BYERLY
DWIGHT BURNETT CALDWELL
CARROLL EUGENE CAMPBELL
BERNARD FRANCIS CARLSON
REGINALD E. CASSIBRY, III
JOHN JACOB CATANIA
STEPHEN DRAKE CAVINESS
CARTER STANLEY CHAPMAN, JR
EDWARD JOSEPH COFFEY
EDWARD RICHARD COOPER
DANNY DWAINE CRAIGE
JOSEPH CECIL CRAIN
STEPHEN NEAL CRANE
GEORGE WAYNE CRUMP
JAMES ANTHONY CUTROPIA
DONALD JOSEPH DARRAH
STEPHEN BRODERICK DAUNIS
SCOTT HARVEY DAVIS
RICHARD WALLACE DEMING, JR
TIMOTHY PAUL DEWHIRST
JOHN ANGELO DIGIUSEPPE
MERRILL COLLINS DONAHOO
JON W. DOWIE
JESSE CYRUS DRAIN, III
FREDERICK GEORGE DREXLER
JOHN ROBERT DUCK, JR
GEORGE DUSKIN
KEVIN RICHARD DWYER
JOSEPH P. EITING
JAMES LEE ELDER
JOHN WARREN ELGIN
PATRICK WILHELM ELLIOTT
PHILIP CLARENCE EMMONS
GLENN CLIFFORD ERNST
MICHAEL FRANK EVANS
DENIS MICHAEL FAHERTY
NILE KIM FALK
WILBOURN MAX FARLEY
RAINER FELLER
VICTOR JAMES FERRAR
KEVIN PATRICK FINAN
DOUGLAS ROSS FISCHER
CHARLES A. FITZGERALD, III
MICHAEL THOMAS FLAHERTY
WILLIAM HARRY FLEMING, III
GEORGE HENRY FOLEY, JR
PETER J. FOLEY
DOMINIC V. FORTUNATO
JEFFREY BRIAN FOWLER
BRUCE CANA FOX
RODNEY WAYNE FREED
JOHN ROBERT FULLER
EDWARD IVEY FUTCH
VIRGIL FITZHUGH GANT
WILLIAM JOSEPH GEARY
THOMAS EUGENE GIBSON
JOHN RALPH GIVENS
XENOPHON GEORGE GLAVAS
JOHN PHILLIP GOSHOW
MICHAEL ANDREW GOSS
PATRICK DALE GRAVITT
CRAIG ALBERT GRAY
GLEN BURTON GRAY
JON SEVERN GREGORY
JOSEPH S. GREMILLION, JR
RICHARD LEE HABLE
DAVID PARKIN HALL
JIMMIE JOE HAMILTON
MICHAEL ALLEN HARBIN
RAY WILSON HARVEY, JR
GERALD DONALD HASER
ROBERT KARL HATCH
JOHN CURTIS HAVERTY
RICHARD THOMAS HEATLEY
JEFFREY MICHAEL HELLRUNG
CARMIE LYN HENRY
ROBERT STEVEN HERBERT
BILLY LEE HEWITT
HAROLD STROUD HICKS, JR
SPENCER HERBERT HIPP
CARL I. HOLMES
DANIEL CARTER HOLSENBECK
JAMES DENBY HOOKER
GREGORY HORNEY
EARLYN PERRY HOWARD
RONALD JOHN HREBENAR
FRANK CUTLER HUGHES
ALEXANDER PAUL HUISH
ROBERT TODD HYDE, JR
CHARLES BRADWELL ISH
RICHARD DOUGLAS JACOBS
JASPER TRUETT JERNIGAN
ERNEST FRANK ARTHUR JOHNSON
JAMES BRUCE JOHNSON
WILLIAM F. JOHNSON, II
DAVID LEE JOHNSTON
JOHN WESLEY JOHNSTON
WILLIAM EDWARD JOHNSTON
MEADE ADDISON JONES, JR
SAMUEL ARTHUR JONES
STANLEY ALFRED JORGENSEN
JOHN FORREST JOSLIN
WILLIAM PATRICK JUNGE
RICHARD LEE KAHLE
RANDALL M. KAWAMURA
WILLIAM ROSS KELLER, JR
JOHN LYNDON KIDDER
CARL DAWSON KILHOFFER
PHILIP KING, III
DONALD LEROY KINGERY
BRADFORD ALBERT KIRLEY
DAVID JOSEPH KLASSEN
JOHN ALBERT KNEIPP, JR
DEAN LESLIE KNUTH
FREDDIE RUDOLPH KOENIG, JR
DONNELL KENNETH KOOS
ARTHUR KENNETH KOZMA
WILLIAM RAYMOND

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KRANDA
PETER PARK KRECH
JOHN WESLEY LAINHART
RICHARD WARREN LAMBERT
RONNY DEAN LANKFORD
DAVID PETERSEN LASKEY
CARLTON EDMUND LEE
MICHAEL FRANCIS LETTIERI
RICHARD DAWSON LLOYD
LINCOLN CLARE LOEHR
NORMAN ARTHUR LOFGREN
WILLIAM JOHN LOGAN
MICHAEL THOMAS LOPS
PETER WALTON LOVE
WALTER ARNE LUNDE, JR
ROBERT A. LUNDSTROM
ROBERT THOMAS LUTTRELL, III
JOSEPH MICHAEL MACDONALD
ROBERT WILLIAM MACELUCH
MICHAEL LEE MACWILLIAMS
RICHARD JAMES MAHAN
SAMUEL ARTHUR MALENE
MICHAEL PAUL MANNING
NICHOLAS SOTIR MARKOFF
WESLEY GILBERT MARSH
JOHN JAY MARSHALL
RAYMOND LEE MARZULLO
ROSS WARREN MAST
KEVIN MICHAEL MCCARTHY
WILLIAM R. MCCLELLAND, JR
ROBERT EDWARD MCCORRY, JR
JAMES MICHAEL MCCOY
BERNARD EDWARD MCELDOWNEY
JAMES EDWARD MCGROARTY
STEWART LAIRD MCINTYRE
DAVID ALLEN MCPHERSON
WILLIAM FREDERICK MEHLMAN
WAYNE WILLIAM MERTZ
MICHAEL DONALD METCALF
TOMMY LEE METHENY
GEORGE ALLEN MICHELSON
KENNETH MATHEW MICHLITSCH
ROGER ARLING MILAM
JOHN STANDEFORD MILLER
SCOTT FULLERTON MILNER
PERRY ETHELBERT MILTON, III
THOMAS PAUL MONAHAN, JR
DONALD GEORGE MONTGOMERY
TERRY ALLEN MOORE
THOMAS EDWARD MORAN
WILLIAM EDWARD MULLINS, III
TERRANCE MICHAEL MURPHY
THEODORE ALVA MYERS, JR
MICHAEL KENNEDY NATTER
DOROTHY MAY NAZARENUS
ALAN SANDERS NEELY
CHARLES DUNCAN NESBITT
DAVID PAUL NEWELL
ROBERT JOSEPH NICHOLSON, JR
JIMMIE RAY NIX
JOHN THOMAS NUGENT
GORDON HENRY OCHENRIDER, III
DANIEL WALTER OCONNELL
GEORGE MAKOTO OKI
FRANCIS MICHAEL OLAUGHLIN
TIMOTHY JOSEPH OLAUGHLIN
WAYNE RICHARD OLSON
DOUGLAS LEE OPPENHEIMER
HENRY CARRINGTON ORR
CLAUDE EDWARD PAGE
BRUCE PARIZEK
WALTER JOSEPH PARKER
DAVID WILLIAM PARSONS
DONALD JAY PATTERSON, JR
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KENNETH BRYCE PENNEY
RALPH EVERETT PENNY
MICHAEL DOUGLASS PETERSON
DENNIS MICHAEL PINKARD
RAYMOND FRANCIS PIONTEK
ALAN RALPH PITTMAN
KARL JAMES EDWARD POND
NATHAN F. S. PORTER, JR
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WALTER WINFIELD PRICE, III
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HARRY RECTOR, III
CARL ARNOLD REED
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MICHAEL GEORGE REYNIERSE
JAMES WILLIAM RHODES
JOHN MOAK RICE, III
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GEORGE JAMES RIPPEL
WILLIAM NUNNALLY ROBERTS
ROGER JOHN ROBINSON
WILLIAM LAMARR ROBINSON
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PAUL FRANCIS ROSS
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GEORGE KIMBALL SARGENT, III
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JOHN RODGER SINCLAIR
JOHN NELSON SKRIEF
GARY WEBB SMITH
GREGORY FRANKLIN SMITH
RONALD GORDON SMITH
RAYMOND WILLIAM SONNENBERG
GARY ERNEST SPEES
GERALD R. STAATS, JR
RICHARD MARVIN STAFFORD
RUSSELL LEROY STAI
ROBERT MARCUS STALLMAN
CHARLES MILTON STATTON, JR
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DAVID GORDON STILLINGS
FRANCIS MICHAEL STOCKREITER
DENNIS NELS STRAND
THOMAS WILLIAM STRAUGH
DAVID PARKS SUTTON
PETER WILLIAM SYMASKO
JOHN FREDERICK TAUSCHER, III
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THOMAS WAYNE THACHER
ROLAND C. THATCHER, III
MARILYN MASON THOMAS
LAWRENCE STEPHEN THOMSON
DAVID NEWELL TODD
THOMAS VINCENT TROTTER
JAMES D. TROWER
THOMAS RICHARD TUCKER, JR
THOMAS JONATHAN TURNER, III
GEORGE J. VELLELLA
MICHAEL JOHN VELTE
JAMES RAYMOND VENETTE
THOMAS JAMES VERRENGIA
ROBERT WAYNE VINING
NEIL STEPHEN WALSH
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ANTHONY WAYNE
GARY NICHOLS WEAVER
CHAUNCEY FRANK WEBB
PETER BERNHARDT WEED
JOHN ALFRED WEEKES
ALFRED J. WEINSCHENK, JR
WAYNE LEONARD WESEMAN
ROBERT ALSBURY WHITEHURST
STEVEN KIRK WHITNEY
PAUL JOHN WILHELM
JOHN FREDERICK WILKINSON, JR
BRUCE LUXTON WILLIAMS
JOHN ALLEN WILLIAMS
JAMES STEPHEN WILSON
JAMES THOMAS WILSON
LAWRENCE EDWARDS WODA
GREGORY LAURENCE WOOD
ROBERT GRAHAM WOODFORD
ERIC GEORGE WYLIE
RICHARD MORRIS YEATES
JOHN MICHAEL ZEB, JR
SAMUEL REDDING ZIEGLER, JR
THOMAS GARY ZIELINSKI

UNRESTRICTED LINE OFFICERS (TAR)

To be captain

RONALD PAUL BORATEN
DAVID BRUCE BRADSHAW
THOMAS LEE BUSH
GEORGE WAYNE CONNER
FORREST EMERSON CURRAN
RICHARD ARTHUR ERWIN
BENNY VICTOR GARLINGTON
DONALD STEWART HARBISON
DAVID L. HARTSOUGH
JOHN P. HAZELRIG
CRAIG EDDIE HOWERTER
MICHAEL GEORGE KELLARD
JOHN MICHAEL KING
ANDREW JOSEPH KISELA, JR
JOHN S. KISTLER
KEITH R. LAFLAIR
ERIC LEONARD LEKBERG
RICHARD LAWRENCE LYMAN
STEVEN C. MAIFERT
HENRY JOSEPH NYLAND, III
THOMAS E. PLICHTA
JAMES JOSEPH QUINN
MICHAEL PAUL RISHEL
STEPHEN A. SPOTTSWOOD
ROBERT JOHN THOMAS, JR
SHIRLEY JEAN THOMAS
RICHARD BEATY WARNER

ENGINEERING DUTY OFFICERS

To be captain

DENNLY RICHARD BECKER
ROBERT WILLIAM BECKWITH
BRUCE ALAN CAMPBELL
THOMAS LLOYD DAHL
LEONARD ANTHONY DILORENZO
THOMAS CHARLES ELSASSER
WILLIAM HARLEY FRANKENFIELD
ROBERT TERRY NEWELL
DAVID ALAN STEIN
DAVID ALAN STOCK
GREG A. GILLILAND
JOHN JAMES GRIFFIN
KENT WILLIAMS HAMLIN
FRANCIS DANIEL KACZMARCZYK
MICHAEL ROY KOZIEWICZ
RANDALL JAMES MCEWEN
ROBERT LOUIS MERRING
JOSEPH ANDREW MIHALCIK
ROBERT HUGO NELSON
BARRY CRAIG STREETS
JOHN HUDSON TURNEY

AERONAUTICAL ENGINEERING DUTY OFFICERS (AERONAUTICAL ENGINEERING)

To be captain

PAUL LEONARD FONTAINE
THOMAS WYNNE GEORGE
JAMES NICHOLAS KRAFT
DENNIS MICHAEL LOSH
ANDREW JACKSON MILLER, JR
THOMAS PRESTON MILLER
KENNETH VAUGHN SPENSER

AERONAUTICAL ENGINEERING DUTY OFFICERS (AVIATION MAINTENANCE)

To be captain

CHARLES ANTHONY BENNETT, JR
MARK MICHAEL HAZARA
STEPHEN PAUL JOCA
MICHAEL DOUGLAS MORGAN
DAVID LOWELL OSBORNE
ROBERT EDWARD TREVETT

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

To be captain

ROBERT E. DELL
GERARD HASSELBACH
WILLIAM MCCLAIN SWEATT, JR

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be captain

LYNN PIERRE CARLTON
JOHN WILLIAM HEINRICH, JR
JOHN ROBERT POIMIROO

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be captain

NORMAN JOHN AARON, JR
JAMES WYCLIFFE DELONG
PAUL DEWITT, JR
VANCE GEORGE DUNN
GEORGE MALCOLM FIELDING
JOHN JOSEPH FITZPATRICK
DOUGLAS RUSSELL HALE
JIMMIE RONALD HALE
THOMAS WALTER HUGHES
PAUL JOSEPH JORCZAK
TIMOTHY LESLIE KATHKA
GEORGE MARLOWE KISSINGER
CLEMENT CRAIG KOPSTAIN
EDWARD WILLIAM LOGAN
MARK WILLIAM MANLOVE
GUYTE PIERCE MCCORD, III
JAMES MICHAEL MCDONALD
RICHARD HENRY MILLER
CARY RICHARD PALMER
ROBERT BLAKE SATTERFORD, JR
JAMES JOSEPH SCHIADA
JOHN JOSEPH SCULLY
DELBERT EARL SMITH
GERRY DEE TURNER
JOSEPH DAVID WALSH
JAMES DAVID WHITE
JAMES SYDNEY WILLIAMS

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

To be captain

EDWARD JOE WRIGHT

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be captain

JOHN FRANCIS CONNOLLY
EDWARD EELLS DARROW, JR
RITCHIE KENNETH EICH
DENNIS DOWE FISHER
JOHN ALEXIS GALLANT, JR
MICHAEL JOHN KASUN
JAMES ANTHONY NOONE
DALE GREGORY POTTS
JOHN CHARLES PREVES
LEWIS MONROE SMITH
PHILIP MEREDITH STRUB
MELVIN J. WOOD

PECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be captain

RODGER ALFRED LANGLAND
CHARLES JOEL MAUCK III
BYRON RICHARD MAXWELL

EXTENSIONS OF REMARKS

IT IS TIME FOR ALARM

HON. CONSTANCE A MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mrs. MORELLA. Mr. Speaker, I am increasingly concerned by the explosion of anti-Semitism now taking place in the Soviet Union. In spite of protests which we in Congress and in the Bush administration have made to the Kremlin, many Jewish groups continue to document reliable reports of anti-Semitic demonstrations and violence. I find particularly disturbing those reports that indicate a growing anti-Semitism within Soviet intellectual circles.

I would like to bring to the attention of my colleagues two recent articles which discuss the increasing acceptance and justification of anti-Semitism in Soviet publications. The second article, "Soviet Monarcho-Nazis and the Specter of Antisemitism," was written by Vitalii Goldanskii, a member of the Council of People's Deputies and of the foreign relations committee of the Supreme Soviet. It appeared in the Washington Post National Weekly Edition (Feb. 26–Mar. 4, 1990).

The first article was sent to me by my constituent, Stephen Sella. Mr. Sella's extraordinary background makes him uniquely qualified to comment on the problem of anti-Semitism in Eastern Europe. Born in Poland, Mr. Sella escaped advancing Nazi troops in 1939, fleeing to the Soviet Union. He joined the Soviet Army in 1943 to fight against the Nazis, rising to the rank of captain by the end of the war. Transferring to the Polish Army in 1946, he faced growing anti-Semitism in his native country, and fled to Israel with his family in 1957. He went on to serve in the Israeli Armed Forces as a deputy armored brigade commander in both the Six-Day War and the Yom Kippur war. A true hero of the Jewish people, Mr. Sella correctly addresses the direness of the crisis in the Soviet Union not only in his article, but in the title: "It Is Time For Alarm."

Both articles, as well as Mr. Sella's bio, are reprinted below. I hope that this information proves useful to Members as we work together to fight the growth of anti-Semitism in the Soviet Union.

IT IS TIME FOR ALARM

(By Stephen Stella)

In the extremely fragile internal situation prevailing in the U.S.S.R. there are increasingly alarming signs of a rapidly growing, aggressively anti-Semitic movement among leading Russian intellectuals and nationalists.

Reading the Soviet press, one sees numerous articles and letters to the editor with the sharply anti-Semitic tone. The options being expressed, however, do not allow an outsider to gauge the depth of this extremism or whether it enjoys a wide sympathetic audience.

In a 1989 issue of the monthly *Nash Sovremiennik*, an official publication of the Union of Soviet Writers, an article appears by the world-famous mathematician Igor Shafarevich, which has become the manifesto of Russian Neo-Fascism. Shafarevich has for many years been a close friend of Alexander Solzhenitsin, and they shared the views presented in the article "Russophobia," a term devised and popularized by Solzhenitsin.

Shafarevich sees a "Small Nation," a euphemism for the Jewish people, completely alienated from Russia, acting "out of hostility to the country's spiritual principles" and waging war on the "Big Nation," i.e. the Russians. He argues that "the aim of the 'Small Nation' is the final destruction of religious and national foundations. The result will be a final catastrophe, after which probably nothing will remain of the Russian people."

Shafarevich's ideas have been embraced warmly by Russian nationalists of all kinds, including well-known writers. From this circle the theory is advanced that "some kind of Russophobic Satan is preventing things from getting better" in Russia. "Russophobia" has become the "enemy of the people" and the target of increasingly open, vitriolic anti-semitism.

This brand of nationalistic activity reached a new peak of intensity during the November 23–24, 1989 debates of the Board of the Writers Union of the Russian Republic, held in Leningrad. The wildest anti-Semitic remarks made by participants were received with applause and enthusiasm by the audience. On the other hand, isolated attempts to temper the trend did not enjoy any support from the audience. Here are some excerpts from the debate.

Anatoli Builov—"There are computers, and viruses penetrate them. Let's look closely. A virus was planted into our system, and it grew! The soil was fertile for it, and all went wrong . . . The Jews were named here, so let's talk about them! They are the only nation interested in sowing discord among us . . .

"On August 10th a new item appeared in *Pravda* reporting that a Zionist Committee has been organized. Look how quietly it was received! It is a terrible event . . . This virus was able to arouse masses of cosmopolitan people. Well, nobody was alarmed about this Zionist Committee. The editor of *Pravda* was removed, and I am confused. I don't know why they removed him. Maybe for publishing the tiny bit of information that we have Zionism here? Why are the Jews everywhere? I asked and was told: because they are smart. Well, O.K., I agree. They are smart. Then why did they bring us to a dead end? (General laughter and applause) Indeed, wherever we are, this problem always hangs in the air. Finally we have to solve it! Some people asked Gorbachev why he oppresses the Jews. He answered: "For God's sake, 20% of them are in the most important positions." Let's add three times more—those who have another name and are hiding under a cover of another nation."

Tatiana Glushkova—"The controversy in Moscow and also in Leningrad isn't at all between groups. Somebody calls it the controversy between Russians and Jews . . . This is a dispute with Zionism, the worst form of world fascism. . . . Everybody who appears like me risks his head. Like a Palestinian kid . . . (Applause) I will support Builov, not because he is a writer, but because he is a Russian, and Russians need support now a million times more than Jews . . ." (Stormy applause)

These were debates occurring among the national leadership of Russian writers. The daily press contains many examples of how these ideas have permeated other Soviet organizations, like the nationalistic and anti-Semitic "Pamyat."

In the February 4, 1990 issue of the weekly "Nyedyela" supplement to the government daily *Izvyestia* staff writer Boris Andreyev describes actions taken to help Russian refugees arriving in Moscow from Azerbaijan. "On Saturday a meeting of various social-patriotic movements took place in Ostankino (a Moscow suburb) under the slogan 'For the Rebirth of Russia.' They talked about the refugees from the Transcaucassas. Money was collected and addresses taken of those ready to share their 'Pamyat' displayed signs such as: 'Clean Russia from the Zionists.' 'Isn't it time to clean the motherland from the hydra?' The anti-Semitic slogans were dense in the air. Although deputies from the Soviet Parliament and candidates to the Supreme Soviet of the Russian Republic were present at the meeting, calling for reason and appealing to conscience, the activity of the 'Pamyat' activists just increased the tension in the atmosphere."

Andreyev concludes: "Where will this bad air lead us, if we by ourselves wouldn't put an end to it? Is it possible that there would be refugees from other regions? Is it possible, we wouldn't understand that firing up the hatred between nationalities leads to violence and blood? Would our children forgive us if we didn't stop this insanity? Would they be able to forget how their mothers escaped from their homes in fear?"

This is how the official newspaper of the Soviet Government views the situation in February 1990.

I have the strong feeling that history is repeating itself in the lukewarm reaction in the West to the grave danger and possible catastrophe for Soviet Jewry. It is not unlike the 1930s, when the Nazi speakers were dismissed as not worthy of attention. Today, we see the same sort of reaction, and the same lack of knowledge. What else should happen to open the eyes of the Jewish leaders and of the world's media to the grave danger?

It is time for world-wide alarm!

BIOGRAPHICAL SKETCH OF STEPHEN S. SELLA

I was born in Warsaw, Poland, in 1921, to a family of a furniture maker, Jacob Silberstein, a religious Jew, sympathetic to the Zionist movement.

We lived in a predominantly Polish, catholic neighborhood, where our family was isolated from neighbors, who refused to accept us as part of the community. My earliest

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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childhood memories include a bitter taste of religious and ethnic intolerance among the Polish population. There was broad support to the official Polish position of antisemitism and my earliest memories were tainted by injustices and humiliation at school and in the street for being a Jew. I frequently had to overcome the daily frustrations of being threatened and physically attacked only for being myself. In 1939 I escaped the Nazi troops and landed in a coal-mine in the Soviet Ukraine, where I worked as a miner for a year and half. Although being praised by the bosses as a model worker, I discovered soon, that despite the officially declared struggle against antisemitism the strong antisemitic feelings among the population was ever present. No real education to change attitudes was ever undertaken, and the severe punishments of jailing people found guilty publicly expressing antisemitic views, just fueled the hatred against Jews.

Lacking training and experience in my new profession as a miner, I was often given deliberately assignments by my foremen, that placed my life in jeopardy. Just by luck I was able to survive in an environment where death and work related injuries on work were a daily occurrence.

At the beginning of the Soviet-German war, I had to escape again the forthcoming Nazis. Early in 1943, I volunteered for the Soviet Army, and was sent to the Western Front to fight with a special commando unit until the end of the war. As a Soviet officer I was decorated several times for battle merits, and ended the war as a captain. During and immediately after the war I believed that the terrible experiences of the Russian and Jewish people at the hand of the Nazis would completely change the traditional hatred towards the Jews in the Soviet Union, but very soon I was disillusioned also in this belief.

After the war I married a Siberian born Soviet officer whom I met on the front. Her Russian colleagues—officers tried to convince her not to marry me because I was a Jew. None of my accomplishments were relevent in their eyes, just this fact. (After 44 years of a happy marriage we sometimes recalled that "friendly advise" she refused to accept.)

In September 1946, I transferred from the Soviet to the Polish Army. In order to avoid the unfriendly reception by my colleagues—officers and the general population I was supposed to live among, I had to change my Jewish surname Silberstein to a "pure" Polish name Sarnowski. Needless to say that throughout this time I had to hide my roots and identity as well as endure listening to extremely antisemitic remarks made in my presence by people by those who didn't know or guess the truth about my origins. Between 1950-1953 I learned about Stalin's antisemitic campaign in the Soviet Union, from a most reliable source, a Soviet KGB colonel, on assignment in Poland, who had befriended me and who, like myself had to hide his Jewish origins. He detailed the oppression, persecution and intimidation many Jewish heroes of the war were suddenly exposed to in the Soviet Union.

In 1955 I graduated as valedictorian from the Academy of the Polish General Staff (Gen. Jaruzelski was my classmate), and continued as a deputy armored regiment commander until the end of 1956. Due to the upheaval and turmoil accompanied by the change of the entire leadership of the army and of the country, I succeeded leaving Poland with my family in January 1957 for Israel. Between the period 1946-1956 I visited my parents-in-law in Siberia four times, and had the unique occasion to observe "real Soviet life", having been accepted as one of their own in a remote town, where never before had a stranger been exposed to the daily realities. It was during those visits that we became disillusioned with the Soviet system and decided to risk everything and leave for the West.

In Israel, where my parents and siblings had lived since 1946, I was accepted as an armored-corps specialist to the Army. I retired as a Lt. Colonel in 1965, however staying in the reserves. I had the opportunity to fight on the Golan Heights in 1967 and in 1973., as a deputy armored brigade commander.

Since 1970 I have been active with a private Israeli group helping Soviet Jews arriving in Israel to overcome absorption difficulties. I established a company that enabled about 80 Soviet immigrants to work in translation and publishing of technical documentation for American companies.

My son and his family live in Gaithersburg, MD, and were the reason for my settling in the Washington area.

I am currently writing a non-fiction book "Memoirs of a Soviet Officer in Poland", where I describe the process of Sovietization of Poland by the Soviets.

I have followed closely the current Soviet press as it is the most reliable source of information about what is happening inside the Soviet Union. My personal experiences and authentic knowledge of Soviet society had led me recently to a growing understanding and an unmistaken premonition of the hovering catastrophe facing Soviet Jewry, if the West doesn't intervene.

[From the Washington Post, Feb. 6-Mar. 4, 1990]

SOVIET MONARCHO-NAZIS AND THE SPECTER OF ANTISEMITISM

(By Vitalii I. Goldanskii)

(The following essay represents the sharpest public criticism to date by a senior Soviet official of the growing antisemitism in the Soviet Union. It was written by Vitalii Goldanskii, a prominent Soviet scientist and director of the Semenov Institute of Chemical Physics of the Soviet Academy of Sciences. Goldanskii is a member of the Council of People's Deputies and the foreign relations committee of the Supreme Soviet. He wrote this essay in English, with editing assistance from John P. Holdren, a professor of energy and resources at the University of California at Berkeley.)

Supporters of President Gorbachev's perestroika are increasingly alarmed by the possibility that this program of restructuring and reforms may collapse. Should this occur—and it cannot be ruled out even in the near future—it would be a disaster not only for the Soviet Union but also for all humankind.

Many of the difficulties being encountered by perestroika are well known outside the Soviet Union, as are some of the potential consequences if perestroika fails. But too little attention has been given, until now, to the special dangers posed by the growing aggressiveness in the Soviet Union of extreme right-wing, virulently antisemitic groups that seek to subvert perestroika, to blame the country's past and present problems on the Jews, and (as some of their propaganda states explicitly) to "finish what Hitler started."

These extremists are flourishing in the climate of spite, envy, scapegoating and hatred associated with the increasingly severe difficulties in the Soviet economy and growing ethnic tensions. They are perhaps already the strongest, and certainly the fastest-growing, of the divisive forces pushing the country toward bloodshed and civil war.

The extremist groups go by a variety of innocuous-sounding names, of which the best-known outside the Soviet Union is the "National Patriotic Front Pamyat" (pamyat means "memory"). A number of them recently entered into a confederation under the title of "Bloc of Social-Patriotic Movements of Russia." I prefer to call them Russian monarcho-Nazis (or monarchofascists), to reflect their combination of deep reverence for the autocratic czarist Russian empire and ferocious hatred of Jews.

Incredibly, the Russian monarcho-Nazis openly and widely condemn the Jews as the main culprits in all of the troubles of Russia from the October Revolution of 1917 up until the present—including genocide against the Russian people with the millions of Russian deaths in civil war, collectivization and purges; destruction of tens of thousands of Russian churches and historical monuments; and spiritual poisoning of the people through the introduction of decadent and corrupt Western culture alien to Russian tradition. They even accuse the Jews of ritual murders and a worldwide conspiracy against humankind, making reference to the disgraceful hoax, "The Protocols of the Elders of Zion."

There is striking similarity, in fact, between the views, programs and intentions of the Russian monarcho-Nazis and the original Nazi platform as laid out in Hitler's "Mein Kampf" and other infamous documents of the German Nazi period. This similarity, and the resemblance of the general situation in the Soviet Union in 1988-90 to that in Germany in 1931-33, have been publicized by progressive Soviet mass media. The newspaper Soviet Circus, for example, has printed a point-by-point comparison of Pamyat's manifesto with the program of the Nazi Party of the 1930s. The main organization serving as a coordinator of the monarcho-Nazi forces is the Union of Writers of the Russian Federation. As outlets for their propaganda they have at their disposal such newspapers and journals as "Literaturnaya Rossiya" (Literary Russia), "Nash Sovremennik" (Our Contemporary), "Molodaya Gvardija" (Young Guards) and "Moscow." Movement leaders include many notorious writers, some scientists, some artists and others.

These Nazi-type speeches and publications are becoming routine features of everyday life in the Soviet Union. Their form and content were analyzed by Prof. Herman Andreyev from Mainz University in West Germany in a recent issue of the weekly magazine Ogonyok. He concluded that in Western European countries such statements would be treated as unconstitutional, the persons propagating them would be called to account and the organizations supporting them would be dissolved.

Yet the monarcho-Nazis seem to be meeting no serious opposition—indeed, more often sympathy and connivance—from important party and government leaders of the U.S.S.R. It is instructive, for example, that in the platform of the Soviet Communist Party on ethnic problems published in August 1989, not a single word was said about the antisemitic campaign against so-called cosmpolites (1949), the shooting of leading Jewish writers and artists (1952), or the disgraceful "Doctor's plot" (1953), while many other Stalin-era crimes against various nationalities of the Soviet people were scrupulously mentioned. Similarly, an appeal by more than 200 people's deputies of the U.S.S.R. to the Presidium of the First Session of the Congress of People's Deputies in June 1989, expressing concern about the "growing wave of antisemitic activities, including open calls for violence that could lead to irretrievable consequences," went unanswered. That was the fate of a letter written to President Mikhail Gorbachev on this subject by 10 distinguished scientists and writers in September 1989.

The explanation of such passivity on the part of the authorities seems quite simple. In addition to the evident sympathy of many authorities on different levels to the views of the monarcho-Nazis, others who do not sympathize hesitate to act because of the way the growing aggressiveness of the monarcho-Nazis is linked to the bloody ethnic conflicts and intensifying separatist movements in nearly all of the outlying districts of the Soviet Union.

Specifically, this situation offers the monarcho-Nazis considerable opportunities for blackmail and intimidation of Gorbachev and his closest advisers, through the claim that, in conditions of the "decline of empire," the Russian heartland and her "genuine sons" constitute the only reliable basis for the preservation of Gorbachev's power. Such arguments are being used to push Gorbachev toward the right and to divide him from his true supporters on the left—the liberal intelligentsia. The result could be a repetition of the circumstances that produced the downfall of Nikita Khrushchev in 1964.

In parallel with their attempts to intimidate Gorbachev, the monarcho-Nazis have been openly attacking his foreign policy. They even have accused Gorbachev of being an agent in the service of the CIA and the Israeli intelligence service, the Mossad. With this two-pronged strategy of intimidation and direct attack, the Russian monarcho-Nazis hope to attain either a decisive influence over Gorbachev's policies or his removal and replacement at the seat of power by supporters of their movement.

What would that mean for Soviet Jews? The answer is all too clear from the similarity of the monarcho-Nazis' program to that of Hitler. The Russian monarcho-Nazis already possess their equivalent to Hitler's SA and SS, in the form of the Pamyat movement. This movement does not disguise its intentions to carry out pogroms against the Jews, to whom it refers using the insulting word *"zhidy"* (yids). In fact, members of Pamyat have been organizing well-attended meetings all over the country to call for pogroms—even in Moscow's Red Square on Nov. 12, 1989—and no one has stood in their way.

Hitler treated as Jews those who have more than one-quarter Jewish blood. Pamyat goes further. It has announced its intention to search for Jewish progenitors back to the 10th generation. New recruits to Pamyat are required to prove their "racial purity" and to provide to the organization the home addresses of five Jews—no doubt for the purposes of the pogroms to come. Opponents of the monarcho-Nazi movement who happened to be "racially pure" or "Aryan" are characterized, along with all liberal intelligentsia, as "masons" (or *"zhido-masons,"* i.e., supporters of Jews); and these are also the targets of pogrom propaganda.

The brazenness of monarcho-Nazi threats against Soviet Jewry has been increasing. In addition to antisemitic rallies and the desecration of Jewish cemeteries around the country, which have been going on for some time, it now seems that meetings of liberal intellectuals are no longer safe from disruption by Pamyat thugs. On the evening of Jan. 18 of this year, for example, a meeting of the progressive "April" group of writers at the Central House of Writers in Moscow was invaded by dozens of Pamyat monarcho-Nazis with megaphones. They roughed up some of the writers, forcibly ejected others from the hall, shouted antisemitic slogans and announced that their next visit would be with automatic weapons. They also designated St. George's Day, at the beginning of May, for a pogrom. The police were called but took their time in arriving, and there were no arrests.

Further increases in antisemitic activities (especially, of course, actual violence) surely will lead to a mass exodus of Jews, people of partly Jewish extraction and "racially pure" liberal intelligentsia. This new wave of emigrants—refugees from monarcho-Nazi power—could reach several millions and would represent a serious brain drain from the U.S.S.R.

As for the possibility of another Holocaust, it certainly could not reach the scale of earlier Nazi crimes: The world has changed too drastically in the last half century for that. But a wave of pogroms more or less along the lines of the infamous *"Kristallnacht"* cannot be ruled out—weaker if a government like the present one tries to oppose them, stronger if a successor government of the monarcho-Nazi stripe sympathizes with the pogrom lust.

What should be done? As a start, the world public should be informed of the activities and intentions of the new followers of Hitler in the Soviet Union and should be told their names. The famous "Brown Book" published by anti-fascists in 1933 was the first important step in the exposure of the Nazi crimes of that era.

The stakes are high. If the monarcho-Nazis prevail and perestroika collapses in an orgy of chauvinism and racism, the results are likely to include not only a rapidly growing degree of anarchy in the Soviet Union but even the outbreak of civil war. In a country still laden with tremendous stockpiles of nuclear and chemical weapons, as well as a widespread network of nuclear power plants, such a chain of events could quickly become not just a national but an international catastrophe.

H.R. 4312, A BILL WAIVING NAVIGATIONAL SERVITUDE OVER PORTIONS OF PELICAN ISLAND, TX

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. BROOKS. Mr. Speaker, today I am introducing legislation to waive the Federal Government's right of navigational servitude over portions of Pelican Island in Galveston, TX, in my district. This bill, which I am sponsoring at the request of the city of Galveston, is necessary to promote development on Pelican Island, bolster the city's property tax base, and remove the cloud hanging over the title to certain properties on the island.

Today, Pelican Island comprises some 3,900 acres in Galveston Bay. In the 1800's, however, Pelican Island and nearby Pelican Spit were two relatively small upland masses surrounded by large areas of marsh land called flats. In the early 1900's, the U.S. Corps of Engineers began using the flats as a deposit site for the spoil from its local dredging operations in Galveston Channel. As a result of this dumping and buildup by natural accretion, by the 1960's Pelican Island, Pelican Spit, and the surrounding flats formed one land mass. Ownership of the island today is shared by the Federal Government, the city of Galveston, and dozens of other public and private property owners.

Over the past few years, the Corps of Engineers has been analyzing various options for a future spoil deposit site. In a preliminary report issued in 1988, the corps indicated that one likely option would involve acquiring the site by asserting the right of navigational servitude over properties on Pelican Island.

Derived from the commerce clause of the Constitution, navigational servitude permits the Federal Government to use, regulate, or compel the removal of obstructions in navigable waters—without providing compensation to affected property owners. The right may even be asserted over lands—such as portions of Pelican Island—that are now "fast lands" due to artificial fill, but were once the site of navigable waters.

Mr. Speaker, the prospect of the Federal Government asserting navigational servitude has created a number of problems for the city of Galveston and property owners on Pelican Island. A dark cloud now hangs over title to lands owned by the city and others. This cloud affects the value of Pelican Island properties for ad valorem tax purposes and hinders further development. Under current conditions, any owner of Pelican Island property subject to navigational servitude will think twice before investing a cent in improvements.

The legislation I am introducing today will address these problems. The bill waives the Federal Government's right of navigational servitude over all non-Federal properties on Pelican Island. It does not, however, waive important Federal environmental requirements, such as the Federal Water Pollution Control Act and the National Environmental Policy Act. The bill specifically states that these and other important statutes and regulations remain in place, where applicable.

Mr. Speaker, this legislation is not unique. On over 60 separate occasions, dating back to 1894, the Federal Government has waived its right to navigational servitude over certain waterways and lands. Moreover, the bill is a carefully balanced and prudent proposal to provide the certainty needed for beneficial development of Pelican Island while protecting important Federal interests. I am hopeful the House will give this proposal its prompt and overwhelming approval.

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GREEK INDEPENDENCE CELEBRATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on Sunday, March 25, the Greek people will be celebrating the 169th anniversary of Greek Independence. Inspired and encouraged by freedom-loving Americans such as Samuel Gardley Howe of Massachusetts, George Jarvis of Washington, and Jonathan Peckham Miller of Vermont, a small group of people—not formally organized but determined, struck out for their independence against the powerful Ottoman Empire. The Greek Revolution of 1821, and its success, resounded to the four corners of the world. These gallant freedom fighters derived strength from the slogan and song: "It is better to live 1 hour of freedom than 40 years of slavery and imprisonment."

The Primate of the Greek Orthodox Church of the Americas, Archbishop Iakovos, has designated March 25 as Greek Independence Day, to be celebrated in prayer and doxology. The Greek American community of southeast Florida, under the leadership of Dr. George Palatianos and Dr. Basil Yanakakis, has designated April 1, 1990, to celebrate this important event.

In light of the many changes the world has witnessed during the past few months, the many men and women who have worked so hard for true freedom in Romania, East Germany, Poland, Czechoslovakia, Nicaragua, we should also remember those who so many years ago did the same for Greece.

Mr. Speaker, it is an honor for me to congratulate the Greek Community of southeast Florida during this celebration of the spirit of freedom and justice that March 21, 1821, exemplifies.

MEMPHIS AREA NEIGHBORHOOD WATCH PRAISED

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. SUNDQUIST. Mr. Speaker, all of us agree that winning the war against crime depends on the support and involvement of ordinary citizens. Perhaps no program or initiative has activated citizens as well as Neighborhood Watch.

In Memphis, TN, Attorney General Richard Thornburgh joined us in saluting those who have made Neighborhood Watch work in our communities for the last 6 years. I'd like to share with my colleagues an account of the awards breakfast and ask them to join me in saluting the award winners.

MEMPHIS AREA NEIGHBORHOOD WATCH, INC.

SIXTH ANNUAL NEIGHBORHOOD WATCH AWARDS BREAKFAST—MARCH 10, 1990

The Sixth Annual Neighborhood Watch Awards Breakfast sponsored by Memphis Area Neighborhood Watch, Inc. was held Saturday, March 10, 1990 at 8:30 a.m. in the Cotillion Ballroom of the Memphis Marriott. Approximately 500 persons attended the event.

Co-sponsor of the 1990 event was Big Star Supermarkets. The Kiwanis Club of Memphis and the East Memphis Kiwanis Club underwrote the awards. Christine Glenn of the Public Defender's Office was master of ceremonies. R. H. Pender, president of the Board of Directors of Memphis Area Neighborhood Watch, welcomed the group. Fred Leatherwood, interim executive director of Free The Children, gave the invocation.

Guest speaker for the occasion was the Honorable Richard Thornburgh, Attorney General of the United States, who was introduced to the group by Congressman Don Sundquist, representative for the Seventh Congressional District of Tennessee.

Seated at the head table along with Attorney General Thornburgh, Congressman Sundquist, Mrs. Glenn, Mr. Pender, Mr. Leatherwood, were Mrs. Thornburgh; Memphis Police Department Director James E. Ivy; Maida Pearson, member of the Board of Directors of Memphis Area Neighborhood Watch, Inc. and Republican National Committeewoman representing Tennessee; the Honorable William N. Morris, Mayor of Shelby County, Tennessee; U.S. District Attorney General Hickman Ewing; Linda Demos, Director of Consumer Affairs for Big Star Supermarkets; Shelby County Sheriff Jack Owens; and Vida J. Andersen, Executive Director of Memphis Area Neighborhood Watch, Inc.

Attorney General Thornburgh opened his speech with the following statement: "Today we give special recognition to those individuals and organizations who took that one extra step, that one determined step, forward, sometimes the toughest one to take to help stop crime before it occurs."

After Mr. Thornburgh's speech, the following persons presented tokens of appreciation to Mr. Thornburgh and Mrs. Thornburgh for their visit to Memphis and for his presentation: Mrs. Maida Pearson, member of the Board of Directors of Memphis Area Neighborhood Watch, Inc., and the Republic National Committeewoman from Tennessee, presented a plaque to Mr. Thornburgh expressing the appreciation of Memphis Area Neighborhood Watch, and she presented a box of chocolate-covered strawberries, a Memphis specialty, to Mrs. Thornburgh. Memphis City Council Chairman Jimmy Moore gave Mr. Thornburgh a certificate making him an honorary member of the Memphis City Council. Shelby County Mayor Bill Morris made Mr. Thornburgh an honorary citizen of Shelby County, Tennessee by acclamation of the persons present at the Breakfast.

Michael Sheahan, President of Kiwanis Charities, and George Barber, III, Treasurer of the East Memphis Kiwanis Club, presented plaques to the following winners:

Neighborhood Watch Leader of the Year (co-winners): Rachel Shannon and Otharee Perry.

Best Neighborhood Watch Patrol: Shankman Hill Watch Patrol.

Outstanding Neighborhood Watch Group: Glenview Community Action Association.

Outstanding NEW Neighborhood Watch Group: Raineshaven Civic Club Neighborhood Watch.

Outstanding Law Enforcement/Crime Prevention Officer (co-winners): Memphis Police Officer Troy Berry and Reserve Sheriff's Deputy Lt. Robert Ladley.

Innovative Project in Support of Crime Prevention: State Farm Agents of Memphis and Shelby County.

Outstanding Organization Supporting Crime Prevention: Greater Memphis Area Automobile Dealers Association and Honorable Mention, Hyde Park Coalition.

Also congratulating the winners—in addition to Mr. Sheahan and Mr. Barber—were Attorney General Thornburgh; Shelby County, Tennessee Mayor Bill Morris, who gave the Shelby County key chains to the winners; and Linda Demos of Big Star Supermarkets who gave gift certificates for shopping at Big Star to the individual winners.

More than thirty door prizes were distributed to persons whose ticket stubs were drawn.

TRIBUTE TO AN OUTSTANDING FEDERAL WORKER: TONY PEROTTI

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. SOLARZ. Mr. Speaker, I wish to pay tribute to Mr. Tony Perotti, manager of the Duffield Street Social Security office located in my district in Brooklyn, as Federal Worker of the Month.

In this day and age, we too often hear only of society's shortcomings and virtually nothing about its success stories. For this reason, it brings me great pleasure to be able to stand here before my colleagues and honor this remarkable human being. His uncommon professional ability and personal grace, shown to me, my staff, and constituents over and over again is unmatched by most public servants we come in contact with, making Tony most deserving of this honor.

In his dealings with my office, Tony has always acted in a most professional and courteous manner and has responded to questions and requests from my office efficiently and promptly. His broad knowledge of the Social Security System has made him invaluable in helping me to resolve countless, extremely complicated problems for many, many of my constituents who were unable to find help elsewhere.

Tony's enthusiasm in performing the job at hand, his gentle and considerate way of interacting with constituents, and his devotion to the highest standards of public service make him a credit to the Social Security Administration and, indeed, to the entire civil service industry in our country.

I am proud to honor him.

THE MAGNIFICENCE OF HAVEL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. FASCELL. Mr. Speaker, we are entering what we all hope will be a magnificent new era in European history. The peaceful revolutions of 1989 began the quest for free and democratic regimes across the continent.

During the final days of the decade, the Czechoslovakian people unanimously elected

Vaclav Havel, a man who just 4 months ago was a dissident in jail. President of the first democratic government in Czechoslovakia since 1948. On February 21, Mr. Havel addressed a joint session of Congress. His eloquent words suggest that a positive future lies ahead for Europe and the United States. Mr. Havel, who voiced his expectations to a truly captivated audience suggested that, "We are living in very extraordinary times. The human face of the world is changing so rapidly that none of the familiar political speedometers are adequate * * * The totalitarian system in the Soviet Union and most of its satellites are breaking down, and our nations are looking for a way to democracy and independence."

He further noted the permanence and inevitability of the transition to democracy in Czechoslovakia and throughout the rest of the Eastern bloc, speculating that the changes would introduce a new, multipolar world accommodating the universal "family of man." Applause rang out as Havel said, "This I am firmly convinced is a historically irreversible process and, as a result, Europe will begin again to seek its own identity without being compelled to be a divided armory any longer * * * Europe will at last be able to stand guard over itself."

President Havel outlined a number of ways to accommodate the changes in the East into the world system. In addressing the key question, "How can the United States help?", Mr. Havel responded with the insightful plea: "Help the Soviets." More precisely, he said: "You can help us most of all if you help the Soviet Union on its irreversible but immensely complicated road to democracy * * * the more quickly, and the more peacefully the Soviet Union begins to move along the road to genuine political pluralism, respect for the rights of the nations to their own integrity and to a working—that is a market—economy, the better it will be not just for the Czechs and Slovaks but for the whole world * * * The millions you give to the East today will soon return to you in the form of billions in savings."

As we take the necessary steps to act responsibly and decisively to sustain the trends toward freedom across Eastern Europe and the Soviet Union, Congress should heed the insightful words of this new Czechoslovakian statesman.

MARITIME ADMINISTRATION SENDS WRONG SIGNAL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Ms. PELOSI. Mr. Speaker, I was very disappointed to learn that the Maritime Administration has conditionally approved the sale of the SS *Monterey* to a foreign corporation. The SS *Monterey* is one of only three operational U.S.-flag passenger vessels. Once this vessel is gone, it is gone forever and with it the jobs, tax dollars, tourist dollars, shipyard work, and other economic benefits generated by this vital sealift asset.

More importantly, MarAd which is charged with promoting and developing the U.S.-flag industry is sending a dangerous and erroneous signal as to the future of the U.S.-flag industry. Their actions say that MarAd does not believe the private sector can successfully operate vessels under the U.S. flag and they are throwing in the towel. This capitulation will only benefit foreign interests and sends a deadly message to banks and other financial institutions that will destroy any chance for worthy U.S. corporations to receive financing for U.S.-flag maritime investments.

I urge my colleagues to join me in insisting that MarAd reject the application to sell to foreign interests the SS *Monterey* as inconsistent with U.S. shipping laws and detrimental to the national defense, foreign policy, and commerce of our country.

TRIBUTE TO THE LATE THOMAS EDWIN BASKIN

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. DARDEN. Mr. Speaker, Marietta, GA, lost one of its leading citizens with the recent death of Mr. Thomas Edwin Baskin. Mr. Baskin, who passed away at the age of 95, was a respected businessman who devoted much of his time and talents to worthy causes and community activities. He was the last surviving charter member of the Marietta Kiwanis Club. Mr. Baskin was also a devoted member of the Marietta First United Methodist Church, my home church. His family and many friends will miss him, but we can say with certainty that we are better people for knowing him.

RETIRED EXECUTIVE BASKIN DIES AT 95

Retired executive and Cobb community activist Thomas Edwin Baskin of Marietta died Friday at the age of 95.

Funeral services will be 11 a.m. Monday at the chapel of the Mayes Ward-Dobbins Funeral Home in Marietta.

The Rev. Charles Sineath and the Rev. Gordon Thompson will officiate. Interment will be at the Mountain View Cemetery in Marietta.

Baskin was a native of Temple in Carroll County. The son of Dr. Charles Lee and Martha Louise Connell Baskin, he attended Temple Grade School and Locust Grove Institute.

From 1910 to 1914, Baskin studied accounting by correspondence courses from LaSalle Extension University in Chicago.

Baskin retired in 1975 as secretary and executive vice president of Marietta Federal Savings and Loan, where he had been employed since 1954.

Prior to joining the Marietta institution, Baskin worked for A.J. Baskin Company in Carrollton, Railway U.S. Mail in Chattanooga, Tenn., W.A. Florence in Marietta, Berkeley Granite Company in Atlanta and the Georgia Highway Department in Atlanta.

He also was an employee of the Brumby Chair Company in Marietta and was the executive director of Marietta Housing Authority from 1943 until 1954.

Baskin joined Marietta First United Methodist Church in 1922 and was elected to the Board of Stewards in 1926. He served on the board until he was appointed honorary steward in 1977. He served two years as chairman of the board and two years as finance chairman.

Baskin was a co-organizer of the Marietta Young Men's Christian Association. He served two years as president, five years as treasurer and 25 years as director. He also was a co-organizer and life member of the Cobb Tuberculosis Association in which he served as director for 20 years and president for two years.

He was a charter member of the Marietta Kiwanis Club in which he served five years as director and one year each as vice president and president.

Baskin was a life member of Kiwanis International and the American Legion Post in Marietta where he served 21 years as director and treasurer.

A commissioner of the Marietta Housing Authority for six years, Baskin served one year as vice chairman. He served as president of the Georgia Housing Authority and for two years as director of Cobb Chamber of Commerce.

Baskin is survived by one daughter, Betty Baskin Rambo of Marietta; two sons, Ed Baskin of Marietta and Todd Baskin of Monroe, La.; six grandchildren, and seven great-grandchildren.

Contributions may be made to First United Methodist Church, 56 Whitlock Ave., Marietta 30064 or Georgia Lung Association, 1383 Spring St., Atlanta.

VOICE OF DEMOCRACY BROADCAST SCRIPT

HON. JIM OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. OLIN. Mr. Speaker, each year the Veterans of Foreign Wars conducts the Voice of Democracy broadcast scriptwriting contest. The theme for this year was "Why I Am Proud of America"; the winner for Virginia was a constituent of mine, David E. Haynes.

David is a senior at Harrisonburg High School. He is an Eagle Scout candidate, is listed in Who's Who Among American High School Students and has served as a student ambassador to the U.S.S.R. He also is a member of the National Honor Society and has been active in forensics and debate.

I know how proud David's parents are of him because David's mother, Margaret E. Haynes, is my field representative in Harrisonburg. I join David's parents, his school, and his community in expressing my congratulations to him for being Virginia's winner in the VFW's Voice of Democracy scriptwriting contest.

Mr. Speaker, I have included the text of David's script below:

WHY I AM PROUD OF AMERICA

(By David Haynes)

When I was on the streets of Moscow buying flowers from an elderly woman and she asked me in her best broken English if I was American, and when I said yes, her face broke into a smile, I was proud of my country. She said, "We're trying to make changes here you know. Many of us want government more like yours." I said, "That's wonderful, and I wish you all the best of luck in the world."

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As I returned to my hotel with my flowers, I thought about what it meant to be an American. After all, I was a part of the country that is the envy of all the world. Even in Moscow. But is that really why I'm proud of America. No, true pride for me comes from knowing that the United States is the leader of democracy, political freedom, and human rights around the world. No cause could be more noble than to fight to ensure that democracy be developed and sustained in foreign lands; no cause could be more noble than to encourage and endorse human equality and rights for all people.

To me, this is much more important than the wealth of our nation. For these values of liberty and political freedom are ones that stand the test of time, and I believe they should be at the forefront of global politics today. How proud I am that the United States is the country leading that fight. Whether it is donating aid to Eastern European countries to assist in their governmental reform or if it is condemning apartheid in South Africa, America is the leader of democratic policy throughout the world.

I am proud of my country because of the leadership role we have played in my lifetime. I am proud that we value democracy enough to have our own citizens fight for it. I am proud we assist in providing aid to developing countries and show them the path to a true government of, for, and by the people. It is also encouraging and exciting for me to know that America has led the way toward peace in the 1980's and no doubt will pilot the ship that charts the course to peaceful harmony throughout the world in the 1990's. George Bush will continue negotiations with Mikhail Gorbachev working towards the noble goal of nuclear disarmament, and Americans will continue to spread the message of the United States to other people in other lands as I was privileged able to do in the Soviet Union, and we, the people of America, will continue to lead the fight for peace and democracy to the death, for no values are more virtuous to us than those.

But I am not only proud of America for its present actions, but also for our past. We have a wonderful heritage to take pride in. From the origins of our country over 200 years ago when yesteryear's leaders declared that all men were created equal and set the guidelines for democractic ideals for years to come.

Those works have stood the test of time as has our country. And from recent events in Eastern Europe and elsewhere around the world we have every indication that our country and the ideals America stands for will lead the way in years to come.

This is evident in the faces of the Soviets and evident in the rest of the world. That alone gives me great pride in my country. To know that America is looked upon with honor and admiration from all others, to know our strength we draw from our history and our heritage, but the knowledge of our country's worth is not all, but to be a part of this nation, to be a part of this movement is something more, something for which I am very grateful. To be a proud American and be able to share our ideals anywhere around the world, even with that wonderful flower merchant in Moscow.

COMMENDATION OF NEW MEXICO NATIONAL GUARD'S EFFORTS IN THE WAR ON DRUGS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. RICHARDSON. Mr. Speaker, while so much is being said about the war on drugs, not enough is being said about the people who are doing the fighting.

Experts estimate that drug passage across our international border from Mexico into New Mexico has increased sevenfold to tenfold in the past 4 years alone. Nationally in 1988, 5,655 metric tons of marijuana were seized coming into the United States from Mexico. The State Department estimates that seizures in 1989 totaled 47,590 metric tons.

In an effort to end this increasing flow of drugs, the New Mexico National Guard has created the drug interdiction support program. Under this program, the New Mexico National Guard assists other law enforcement agencies in surveillance of high drug traffic areas, aircraft monitoring by radar, and drug seizure. About 25 successful missions have already been executed since the program began last February.

Mr. Speaker, I strongly commend the efforts of the New Mexico National Guard to help stop the flow of drugs into this country. I would like to share with my colleagues a recent article from the Albuquerque, NM, Tribune which details the important role the New Mexico National Guard plays in the war on drugs.

NEW MEXICO LEADS REGION IN MILITARY TACTIC

(By Danielle Cass)

New Mexico is responding to escalating instate drug trafficking with a new drug interdiction program that combines the forces of the National Guard with local, state and federal law enforcement agencies.

While the program was described by drug czar William Bennett as "exemplary" and makes New Mexico stand out as a leader among other Southwest states bordering Mexico, not everyone is pleased with it.

"I find it extremely scary that we have soldiers, weekend ones or any sort, spying on us," said Reher Boult, co-legal director of the New Mexico American Civil Liberties Union.

A 19-year-old mechanic from Santa Fe, who, on weekends, has participated in the Guard's drug interdiction missions, said he believes the nation's drug war needs to be fought with military measures.

"I volunteered for the program because I've always had a really strong anti-drug feeling and I like crawling around on the ground being a real soldier," said the guardsman, whose anonymity was requested by his superior officers.

Drug passage across the international border into New Mexico has increased sevenfold to tenfold in the last four years, said Peter Lupsha, a University of New Mexico political science professor whose specialty areas are narcotics and crime.

Nationally in 1988, 5,655 metric tons of marijuana were seized coming from Mexico. In 1989, that figure rose to 47,590, the U.S. State Department said.

In response, the New Mexico National Guard created the Drug Interdiction Support Program.

Through the program, law enforcement agencies like the Drug Enforcement Administration, Bureau of Land Management, Bureau of Indian Affairs, U.S. Border Patrol and U.S. Customs inform the National Guard of suspected drug production and trafficking and the Guard helps them seize drugs.

A six-day program at Kirtland Air Force Base this month trained 30 National Guardsmen in surveillance, weapons, rope descent from helicopters and first aid.

About 25 successful missions have already been executed since the program began last February, said Maj. Barry Stout, counternarcotics coordinator for the New Mexico National Guard. The missions included guardsmen and at least one law enforcement officer who were:

Strapped into doorless helicopters using binoculars to search for marijuana plantations and methamphetamine laboratories;

Camouflaged and hiding in canyons across from marijuana plantations to observe with binoculars and night vision goggles and record the activities;

Camouflaged and hiding in bushes to observe with night vision goggles and with listening devices in areas where there have been reports of airplanes flying without lights and below Federal Aviation Authority radar;

Sitting on high peaks near the Mexican border to watch for mule train crossing, people with packs on their backs or people crossing over to hide things in culverts;

Helping U.S. Customs radar operators monitor aircraft flying over Mexico, just across the border; and

Hauling away marijuana for destruction after it was used for evidence in court.

In the first year of the program, last year, the Guard helped find, seize and destroy drugs valued at more than $100 million, Stout said. He said several 21-day missions have been planned through September.

Guardsmen receive brief, specialized training before each mission, said Lt. Col. Max Johnson, National Guard counternarcotics liaison to the 5th Army.

The program uses seven UH1 Vietnam-era helicopters and numerous transport vehicles but will get more modern helicopters with air-surveillance and night-vision capabilities as the program expands, said Maj. General Edward Baca, adjutant general of the New Mexico National Guard.

"A program like this is very important for New Mexico because legally the National Guard can do many things that federal troops cannot, so there is a greater flexibility of action," said Lupsha, who lectured to trainees last week.

The New Mexico ACLU is worried about the growing domestic role of military troops.

"No country can be a democracy if it involves its military in civilian law enforcement," Boult said.

Boult says he feels the program is a symptom of the larger problem of how the military will justify its existence now that the "Red Menace," and Cold War are subsiding.

The Drug Interdiction Program was born in 1989 when the Defense Appropriation Act gave the National Guard $40 million to get involved in the drug war, Baca said.

For fiscal year '89, the federal government gave the New Mexico National Guard $367,000 for the program, said Guard spokesman Tom Koch.

In fiscal '90, the Guard received $582,500 and expects to see more before the end of the year, Koch said.

"New Mexico first emerged as a leader when Governor Carruthers appointed Secretary Robert Kimball as the coordinator for drug interdiction, making him the one central point of contact," Baca said.

Kimball, cabinet secretary for the Department of Public Safety, perceived a need of a tight network in the Southwest border states and brought together the military support counterparts and drug patrol authorities from Arizona, California and Texas last month to outline New Mexico's program and encourage them to implement similar programs.

The program follows on the heels of a year in which drug seizures reached a record high in amount and volume, said Doug Mosier, a public affairs officer with the U.S. Border Patrol in El Paso.

In fiscal year 1989, drug seizures were up 285 percent from 1988 in the sector that includes New Mexico and part of West Texas, Mosier said.

In 1989, there were 1,645 drug seizures, estimated to be worth $225 million.

From Oct. 1 to March 1 of the current fiscal year, there have been 620 drug seizures in this area, estimated to be worth $60.2 million, he said.

The figures are determined by the Drug Enforcement Agency and are based on the current street value of the drugs at time of seizure.

IRAQ AGAIN VIOLATES HUMAN RIGHTS—THE WHITE HOUSE AGAIN IS SILENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. LANTOS. Mr. Speaker, last week we were again treated to a display of the ruthless, vicious brutality of the Government of Iraq. An accredited British journalist in Iraq, Farzad Bazoft, heard reports of an explosion near the Iraqi capital. Suspecting that it was a problem at one of Iraq's plants producing poison gas, which was used against Iran in the recent Iran-Iraq war and more recently against Iraq's own Kurdish population, or one of its missile plants in that area, Mr. Bazoft disguised himself and went to the area to investigate, despite the fact that the area was closed to journalists. He was caught, tried as a spy, and summarily hanged.

Great Britain condemned the vicious act of barbarism and gross violation of human rights, and a number of other countries joined in protesting this action. The White House and our State Department deplored the action, but had little else to say or do about this latest example of human rights abuse by Iraq.

Mr. Speaker, William Safire wrote an excellent essay on this issue which appeared in yesterday's issue of the New York Times. I ask that it be placed in the RECORD, and I urge my colleagues to give careful attention to his views.

[From the New York Times, Mar. 19, 1990]

A DANGEROUS THING

(By William Safire)

WASHINGTON.—Saddam Hussein, widely feared as "the Butcher of Baghdad," declared a school holiday last Saturday to swell the crowds ordered to demonstrate in front of the British Embassy.

The dictator took offense because Mrs. Thatcher's Government dared to protest—as "an act of barbarism deeply repugnant to all civilized people"—his handing of a reporter for The London Observer.

"Mrs. Thatcher wanted him alive; we gave her the body," crowed the Iraqi propaganda minister, after the remains were turned over to the British Embassy in Baghdad.

The accredited journalist, Farzad Bazoft, had heard reports of an explosion at a plant to the southwest of Iraq's capital. Reporters were denied permission to investigate; suspecting trouble at one of Iraq's poison-gas or missile plants in that area, the reporter disguised himself and went anyway. He was caught, tried as a spy, and promptly hanged.

Not all the people of the civilized world found the lynching repugnant: "moderate" King Hussein of Jordan, no relation to Saddam, deplored "a concerted attack on Iraq for a long period of time without any reason to justify it."

Arab apologists are busily trying to besmear the victim: Mr. Bazoft had a prison record in the early 20's, was stateless, confessed to spying under the always-gentle Iraqi interrogation, etc. The P.L.O.'s Salah Khalef broadcast support for Iraq's gleeful leader.

Saddam sent no demonstrators to the U.S. Embassy for good reason: the Bush Administration's reaction was of such studied indifference as to border on condoning the assasination.

President Bush refused to join in the worldwide appeals for clemency. After the hanging, the President's spokesman, Marlin Fitzwater, said only that "we regret those [appeals] went unheeded. But we don't have a lot of details on the case itself."

At the State Department, our rip-'n'-read spokesman, Margaret Tutwiler, read "We deplore Iraq's decision . . ." but when asked what our Government intended to do about it, went into her usual flustered state: "I did not think to ask . . ."

A couple of questions we should all ask:

What terrible secret was the journalist trying to uncover? President Bush knows, from the same satellite observation that showed poison-gas production at Libya's Rabta plant, that Saddam is producing poison gas at 10 different locations. Some of that gas was used in the Iranian war, some in killing thousands of Iraqi Kurds. Three months ago, Iraq launched a three-stage, 48-ton rocket, demonstrating its missile capability. Was the damaged plant producing gas, rockets or nuclear weapons?

Why is Mr. Bush so eager to help the dictator of what has become the world's most dangerous nation/ When the Congress identified Iraq as a terrorist nation to be denied U.S. favor, Mr. Bush invoked an exception enabling him to ignore this ruling "in the national interest."

That's why Iraq still gets loan guarantees from us on grain purchases. The Atlanta branch of Italy's Bank of Lavoro scandalously slipped $3 billion in financing to Iraq, in a deal being laconically prosecuted by our Justice Department. Even after the scandal broke, and our Agriculture Secretary promised a Senate committee no new loan guarantees would be issued without notification, Secretary Yeutter supplied an additional $500 million guarantee.

When these fishy dealings were outlined in this space, with wonderment at Mr. Bush's needless exposure of U.S. taxpayers, the Iraqi press counselor in Washington, Abdul Rahman Jamil, wrote to my editor to insist our aid was used for grain, not missiles, explaining: "It is not uncommon to expect delays of payments in financial arrangements." That tipped off future repayment problems.

"Mr. Safire ought to be reminded," Mr. Jamil added, "that a little knowledge is dangerous, and he is using this knowledge dangerously."

A colleague cheerily passed this along with "Hope you weren't planning a holiday in Baghbad." (I did not take Mr. Jamil's reminder to be intimidation, noting it only as a misquotation of Alexander Pope's "A little *learning* is a dangerous thing.")

So now they're hanging foreign journalists in Iraq and nobody in the Bush Administration gives a damn. Mr. Bush ignores this state murder, allows the U.S. to become dependent on Arab oil while Saddam urges OPEC to raise prices, and keeps guaranteeing loans to the country that spends billions on mustard gas and missiles.

In what national interest? What hold does the Butcher of Baghdad have on the President of the United States?

VOICE OF DEMOCRACY WINNER

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. BILBRAY. Mr. Speaker, I rise today to congratulate Ms. Miranda J. Smith, a junior at Bonanza High School in Las Vegas, for being honored as this year's first place national winner in the 1990 Voice of Democracy Program.

Each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest. This year more than 137,000 students participated in the contest competing for the 12 national scholarships.

The program is now in its 43d year, and requires high school student entrants to write and record a 3- to 5-minute script on an announced patriotic theme. "Why I am Proud of America" was this year's theme.

Miranda, the daughter of Mr. and Mrs. Charles Smith, was sponsored by VFW Post 1753 and its Ladies Auxiliary in Las Vegas, NV.

Mr. Speaker, I ask that Miranda's winning script be placed in the CONGRESSIONAL RECORD and urge my fellow colleagues to give it careful and thoughtful attention.

WHY I AM PROUD OF AMERICA

(By Miranda Judith Smith)

America, a glimpse into her past commences the pulse to quicken and the heart to throb with an intense loyalty. Hers is a fascinating history, rich with romance, violent with strife, and rife with intrigue. She is a nation comprised of dreams; dreams which have been preserved for over two hundred years—penned on fragile parchment and embedded upon the human soul.

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She is a nation embodied by opportunities as boundless as the azure waters of the Atlantic Ocean, liberties, as numerous as the leaves upon a mighty oak, and people, as contrasting as the pink and violent hues of a summer sunset.

She is America, land of the free, home of the brave. She is blood, sweat, and tears; triumph, struggle, and defeat; man, womans and child. And I am proud of her, proud of her forefathers, whose resilience and determination shaped our Constitution. Proud of her citizens, both men and women, whose courage and strength unified our country. And proud of her leaders, whose prudence and hindsight better our country daily.

Much like the seedling, that with care and time grows into a mighty oak, America was a nation conceived in liberty. But this liberty, this freedom, endured only through the diligence and perseverance of our country's leaders. Men like Thomas Jefferson, John Adams, George Washington, and Abraham Lincoln. And women. Women like Betsy Ross, Susan B. Anthony, Harriet Tubman, and Elizabeth Cady Stanton. Men and women whose dreams and aspirations shaped our country's ideals and beliefs. Dreamers, perhaps, but what dreams these individuals possessed; life, liberty, the persuit of happiness. Freedom, equality, and choice. Their dreams have become our reality. Each day as I attend public school, voice my opinion, or engage in leisure activities each day, I experience what was once only a dream in the minds of a few brilliant men.

Our nation encompasses people of all races, creeds, and colors, viewpoints, goals, and beliefs. To some, our country would appear divided; when in actuality, our citizens share a common bond that penetrates skin color and transcends religious belief and political affiliation. This affinity overlooks our differences and focuses upon our similarities, much in the same manner the summer sky combines colors of every shade and hue. We, the people of the United States of America possess a dream, the American dream if you will. This aspiration is apparent in the actions of an inner-city school teacher, struggling to reach an impoverished pupil, it is visible in the salty tears of a Vietnam War veteran, whose horrific tales cannot overshadow his devotion to our country, and it radiates from the innocent blue eyes of a six-year old girl, who knows one day she will become a doctor, lawyer, or president of the United States.

It seems incomprehensible that people so diverse in nationality, background, and creed can share something as personal as the American dream, and yet, we do. We each desire the best for ourselves, for our children, and for our country, and together, we strive to achieve these goals. It is this desire, this passion, that unites us as one.

It is times such as these when I realize what America truly represents, both to myself and to others; dreams, opportunities, choices, people. That is why I am proud of the United States of America.

OIL IMPORT TAX

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. BROOKS. Mr. Speaker, I am submitting the following letter from Mr. Frank Pitts, a highly competent, farsighted, independent oil producer, who understood 5, 6, 10 years ago that we needed an import tax on oil and other incentives to maintain our energy production in the United States. He also was one of those independent Texas energy producers who recognized years ago that energy imports are a steadily increasing threat to the stability of American industry and our economy.

I commend his letter to you and suggest that it is a blueprint for resolving this problem.

Pitts Oil Co.,
Dallas, TX, February 28, 1990.

Hon. Jack Brooks,
House of Representatives,
Washington, DC.

Dear Congressman Brooks: Last February, I mailed members of Congress the enclosed chart which projects that our trade deficit, for oil imports alone, will climb to $112 billion annually by 1995 unless higher levels of U.S. oil and gas drilling are restored.

Voters are already calling for action. A study released this month by Cambridge Energy Research Associates of Boston, shows that two-thirds of the American public favor new U.S. oil and gas production tax incentives as the best means to slow imports. Every additional shipload of oil from overseas increases the danger of another environment-ravaging tanker spill.

Every other producing nation in the free world (to my knowledge) is providing strong tax relief and encouragement to their producers, except the United States! Current U.S. policies are driving American producers into the arms of foreign nations who welcome their investment and expertise at the expense of the American economy.

Imports are up a shocking 60 percent since 1985. New warnings of possible OPEC price increases abound. The study I commissioned in 1989 is still on track, and imports may exceed 50 percent this year, as indicated by the record-breaking January imports of 53.9 percent of U.S. demand.

The great economic power of this nation was created, and is maintained, by utilizing 37 percent of the world's energy output—and 70 percent of that use is oil and gas. A stable flow of oil and gas must continue to be available to Americans. Vast supplies of new natural gas, and a great deal of oil, can still be produced in this country with the simple expedient of incentives.

World oil and gas supplies are so delicately balanced that even a brief interruption of those foreign sources, for whatever reason, can seriously impair the U.S. economy and disrupt our physical security. U.S. production capacity must be brought into its full competitive potential so that we are prepared to fend off such possible blows.

I urge your active support of the several oil and gas incentive bills prepared by many of your congressional colleagues and the administration. Restoration of incentives can re-activate our nation's eager oil and gas industry, and help bring the unnecessary trade deficit into balance.

Cordially yours,

L. Frank Pitts.

MISSION 1000

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, on March 26 of this year, 1,000 Miamians will participate on a mission to Israel. "Mission 1000," The Miami Mitzvah, organized by the Greater Miami Jewish Federation, and co-sponsored by the Rabbinical Association of Greater Miami, is one of the most aspiring objectives ever envisioned by the Miami Jewish community.

Participants in this mission are certain to come away from the journey with a feeling for Israel which only a mission of this magnitude could instill. From the welcoming ceremony by Mayor Teddy Jollek to the gala farewell banquet, "Mission 1000" will feature one memorable event after another. Some of the other highlights will include a visit to Galilee with the Israeli Defense Forces, a tree planting ceremony in the Miami grove of the Galilee forest, a Shabbat solidarity march to the Western Wall, and a commemoration of the Holocaust at Yad Vashem.

Unlike other missions to Israel, individuals of all ages and professions will participate in "Mission 1000." Based on participants' requests, groups can be organized by profession, organizational affiliation, synagogue membership, special interests or friendships. There will be 25 buses, each with its own itinerary and special programming.

Miami "Mission 1000" was inspired to strengthen Miami's Jewish community, to show support for Israel, and to learn about the issues that are significant to the community. It is with great pleasure for me to congratulate the dedicated team of the mission: Kenneth Schwartz, Saby Behar, Jeffrey Dickstein, Bonnie Epstein, Rabbi Gary Glickstein, Alan Kluger, Joel Levy, Dr. Douglas Miller, Gail Meyers, David Parish, Helene Shear, and Joanne Solomon.

TELLING THE WHOLE TRUTH ABOUT NICARAGUA

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. SUNDQUIST. Mr. Speaker, as one who has visited Nicaragua and observed first hand what life under the Sandinistas meant for the people there, I was frequently surprised at the vastly different accounts by some others who spent time there. After reading an enlightening article by Frances Meeker of the Nashville Banner, I understand a little better how their view of Nicaragua could be so radically different from my own.

I'd like to share Ms. Meeker's remarks with my colleagues:

[From the Nashville Banner, Mar. 19, 1990]

GROUP WANTED TO CONTROL NEWS, NOT GET TRUTH OUT ON NICARAGUA

(By Frances Meeker)

I was excited to be accepted by Witness for Peace to go Nicaragua in its 112-member team of official observers for the much publicized Feb. 25 election.

The opportunity to be a part of such a historic event probably would come only once in my lifetime.

But I was not prepared for my rejection by the Witness for Peace team once they learned I am a fairly conservative secular journalist who wanted to see how Witness for Peace, one of the harshest critics of U.S. policy in Nicaragua, operates in the field.

I was not prepared for the acute disappointment in the defeat of Sandinista president Daniel Ortega expressed by most of the Witness for Peace team. I was not prepared for the excuses they gave for the reason the Nicaraguan people defeated Ortega at the polls in a free election where every voter was able to vote his or her conscience.

I was to be attached to the 16-member United Methodist delegation, since I am a United Methodist. There also were 16-member teams of Catholics, Episcopalians and Presbyterians as well as two interfaith teams.

I began receiving Witness for Peace material telling us our task would be to get the "truth" back to the United States about the election and about conditions in Nicaragua. I was ready to do that. However, I was not as keen on the organization's determination to change U.S. policy in that region.

We were told to be ready upon our return to contact our local news media and our congressman and to be ready to speak in churches in our area. Witness for Peace, which has had volunteers in Nicaragua since 1983, tries hard to influence public opinion and legislation in this country regarding Central America.

Apparently, my reputation preceded me. By the time the team arrived in Miami, Fla., for two days of orientation, there already was a move afoot to certify me exclusively as a journalist, thereby disqualifying me as an election observer privy to the group's "sharing" sessions, when they gave their feelings about the Nicaraguan situation.

But in Miami I was permitted to attend all the sessions, where the speakers mainly outlined what they called the "continuing violence" of the U.S. toward Central America for nearly a century. One speaker said Witness for Peace proposed "to form a shield of love to protect the people of Nicaragua from the violence of the U.S."

Another said the February election would give legitimacy to the Sandinista government and the U.S. would have to get out.

When we got to Managua, I continued to take notes at various interviews we had with a broad spectrum of people, including briefings by the Witness for Peace long-termers in Nicaragua.

These long-termers are a cadre of suntanned, highly-motivated young people who have a network of contacts throughout Nicaragua. My impression is that they try to convince Nicaraguans that U.S. citizens, especially the churches, don't support our government's policy in Nicaragua. They try to convince Americans that the Nicaraguans don't like the U.S.

I was not prepared for a statement made to our group by one of the long-termers.

"I am ashamed to admit that I am an American citizen," Witness for Peace long-termer Leslie Toser, a Presbyterian from Chicago, told us.

At that moment, the Rev. Wilson Boots, a United Methodist minister from White Plains, N.Y., interrupted the session.

"It offends me to see Frances Meeker taking notes in these sessions," Boots said.

Others immediately backed him up, saying they felt many of the things that were being said should not be publicized.

I reminded them of the main emphasis Witness for Peace had made—that we get the truth back to the people in the United States.

"I am trying to do that," I said.

For the next several days, meetings were held to try to determine what to do about me. Several told me that I had upset their "sense of community." Others said my presence caused them to have "a terrible situation on their hands."

Once I was almost abandoned in a rural town when the part of the delegation I was to accompany wanted to have a "sharing" session in the back of the truck they were to travel in to the next town. I was told to ride in another truck, which turned out to be going to a different town. I found out in time to catch a ride in the cab of the same truck with the Witness for Peace delegation.

We were stuck with each other for two weeks.

I believe that Witness for Peace wants to control the news coming out of Nicaragua. It didn't want a newspaper reporter along.

TRIBUTE TO OUTSTANDING FEDERAL WORKERS: JOANNE STADERMAN AND VINCENT VENTIMIGLIA

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. SOLARZ. Mr. Speaker, I wish to pay tribute to Ms. Joanne Staderman and Mr. Vincent Ventimiglia, operations supervisors of the Avenue X Social Security office located in my district in Brooklyn, as Federal Workers of the Month.

In this day and age, we too often hear only of society's shortcomings, and virtually nothing about its success stories. For this reason, it brings me great pleasure to be able to stand here before my colleagues and honor these two remarkable human beings. Their uncommon professional ability and personal grace, shown to me, my staff, and constituents over and over again is unmatched by most public servants we come in contact with, making them most deserving of this honor.

In their dealings with my office, Joanne and Vincent have always acted in a most professional and courteous manner and have responded to questions and requests from my office efficiently and promptly. Their broad knowledge of the Social Security System has made them invaluable in helping me to resolve countless, extremely complicated problems for several of my constituents who were unable to find help elsewhere.

Their enthusiasm in performing the job at hand, their gentle and considerate way of interacting with constituents, and their devotion to the highest standards of public service make them credits to the Social Security Administration and, indeed, to the entire civil service industry in our country.

I am proud to honor them.

PUBLIC HOSPITALS AND SCHOOLS ALIEN COMPENSATION ACT OF 1990

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. FASCELL. Mr. Speaker, I have today introduced legislation to authorize funds for public school systems and for public hospitals severely impacted by aliens.

In those parts of the United States impacted by refugees, asylum applicant, and other alien entrants, the situation in our schools and hospitals continues to be critical.

Even if substantial flows of new entrants can be avoided, a hope but by no means a certainty, the staggering numbers of people already here have generated heavy costs and service requirements which must be met.

The first obligation of any government is to defend the borders, but our government has not been able to fully meet this obligation. That, in itself, is a grievous fault. By turning its back on the localities most seriously harmed by this failure adds insult to injury. The Federal Government can disregard, and has ignored, this problem despite repeated, urgent and bipartisan appeals for assistance. Impacted communities do not have this luxury. Children must be taught and the ailing must be treated, regardless of the cost or the circumstances. It is a burden our communities may neither shirk nor wish away, even though they bear no responsibility whatever for the problem.

Nor is it an insignificant burden. In my own Dade County the cost for Nicaraguans alone has been estimated in excess of $100 million. County authorities project the need for $40 million this year for health and education costs for undocumented, status pending, and other entrants. This does not count the long-term capital construction costs of over $140 million for new school space. Similar desperate situations prevail in other parts of the country with the same problem.

Aside from the unconscionable financial burden this places on the working men and women of these communities, they are forced to accept deteriorating educational and health care services from overcrowded and impoverished facilities. They see their children packed ever more tightly into classrooms and are forced to wait in ever longer lines for basic health services.

As we continue to promote freedom in Central America and as we move to bind up the wounds in Nicaragua, it would be tragic to neglect the ravages wrought in our cities by a decade of war and instability in those lands.

MR. AGING

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Ms. PELOSI. Mr. Speaker, I rise today to commend Jack McKay, "Mr. Aging" of San Francisco, on his retirement from Support Services for Elders, Inc.

Jack McKay was instrumental in planning Support Services for Elders, Inc., which provides unique protective services to seniors to enable them to extend their years of independent living. He has served as its executive director since its inception in 1982, and in that time has provided guidance to numerous groups around the country in starting similar services.

Between 1956 and 1980, Jack McKay served in several executive positions with the San Francisco Council of Churches initiating some 16 new and innovative programs such as the first Meals on Wheels service, senior drop-in centers, telephone reassurance programs, friendly visitor programs, and many more.

Jack has taught at universities and colleges in the bay area and provided leadership in developing geriatric mental health programs in San Francisco.

Although he is retiring from Support Services for Elders, he will remain actively involved with the Geriatric Coordinating Committee, the Stonestown "Y," Coalition of Agencies Servicing the Elderly [CASE], and other organizations involved with our older generation.

Because of Jack McKay's wise counsel to all involved with the elderly, it is clear why Jack McKay is considered "Mr Aging" of San Francisco.

PEACE DIVIDEND

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. DARDEN. Mr. Speaker, our former colleague Elliott Levitas is widely recognized for his expertise in international policy and his knowledge of NATO. He recently wrote a special editorial for the Atlanta Journal/Constitution regarding the "peace dividend." He offers valuable insight on this issue, and I ask that this article be included in the RECORD.

[From the Atlanta Journal/Constitution Mar. 3, 1990]

PEACE DIVIDEND: PAYOFF FROM OUR INVESTMENT

(By Elliott Levitas)

(Mr. Levitas, a former Georgia congressman, was a member of the U.S. delegation to the North Atlantic Assembly (NATO's parliamentary arm) and Interparliamentary Union.)

The "peace dividend" is the financial, political and spirtual payoff flowing from the historic changes taking place primarily in Eastern Europe and the Soviet Union.

All dividends—including the peace dividend—are a result of investment. Little attention has been given to the peace investment that made it possible. That investment had four particularly significant components:

NATO's intermediate-range nuclear forces (INF) decision and steadfast adherence to it.

In 1978, under the leadership of President Jimmy Carter and West Germany, the alliance made the two-track decision to deploy modern intermediate-range nuclear missiles if Geneva negotiations did not result in the removal of the Soviet Union's SS-20 missiles.

President Ronald Reagan fully embraced the Carter/NATO plan. Mr. Reagan's proposal for the "zero" option of no INF missiles in Europe was laid on the table in Geneva, but the INF talks languished.

The Soviet Union mounted "peace offensives" in every NATO country to oppose INF deployment and to split the alliance's solidarity. As the INF deployment date neared, massive "peace" demonstrations, civil disobedience, political challenges, and missile referendums consumed Western Europe. The battle raged on the streets, in the parliaments and at the ballot box. Our allies remained resolute; the decision was supported and the Soviet "peace" offensive was defeated.

As the deployment began, the Soviets walked out of the Geneva talks, vowing never to return. Of course, they did return and negotiated INF withdrawal from Europe. The zero option and NATO prevailed. This failure to split NATO started the East bloc's slide down the slippery slope.

The defeat of nuclear freeze efforts and unilateral disarmament.

During the late 70s and early 80s, a widespread and mostly well-meaning "grassroots" movement emerged in Western Europe and North America. Its objective was to impose a freeze or substantial unilateral reduction of nuclear weapons in NATO and stop the modernization of the Western nuclear deterrent arsenal outside of the Geneva INF and strategic arms (START) negotiations.

The understandable fear of a nuclear holocaust brought wide public support to the unclear freeze movements. Their success would have given the Soviet Union a significant victory with reductions in NATO forces but without the necessity of negotiating the reduction of its own larger nuclear arsenals.

As democracies do, these issues were publicly debated, but in the end the U.S. Congress and other Western parliaments, defeated the nuclear freeze efforts. The Soviets had to rely on negotiations to reduce the nuclear weaponry on both-sides. More importantly, the Soviets realized the resoluteness and unity of the Western democracies.

The maintenance of a strong and credible military; the importance of sanctions in response to flagrant Soviet misbehavior; and the strength of a strong Western economy.

The buildup of U.S. and NATO military capability during the late 70s and early '80s let the Soviet Union know it had no "free ride." The Soviet's already-weak economy was required to devote resources to military needs—which they could not afford. Our economic sanctions in response to martial law in Poland or the invasion of Afghanistan posed serious problems to the Soviet economy. Their need for U.S. agriculture and technology became more apparent.

Our economic strength created worldwide problems for the Soviet Union. Growing internal pressure by Soviet consumers, who were learning more about a better life in the West, caused the Soviet leaders to realize the need to redirect resources from guns to butter and to realize the necessity of reforming their economic and political system to avoid losing altogether the support of their Soviet people.

Our adherence to our basic democratic principle and holding up this example as model for the world.

More important than our military or economic prowess is the American ideal of freedom, respect for the dignity and rights of individuals and a democratic system in which the people can determine their own destiny. Whatever our difficulties may be, the world saw, through our free press, that America is a nation that recognizes and deals with its problems of civil rights, economic disparities, religious diversity and political differences.

Our ideals and our system provided the hope that burned in the hearts of people around the world. It provided the model and blueprint for a better life. Our greatest weapon in the victory we have won over totalitarian communism, was, in the end, our principles.

Our strength lay, ultimately, not so much in the principle of our power, but rather in the power of our principles.

We should not forget the peace investments we have made that are now paying off.

WINDS OF CHANGE IN SOUTH AFRICA

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. GALLO. Mr. Speaker, when Republican leader ROBERT MICHEL asked me to be the Republican cochairman of an official congressional delegation to investigate current conditions in southern Africa, I was, frankly, skeptical about the prospects for a peaceful solution to the various conflicts that have been going on for quite a long time in South Africa.

The purpose of our trip was to assess the mood of the country and the progress being made in the talks about talks—the process of deciding who will sit at the negotiating table. We held 25 meetings in 4 days with government, community, business, and labor leaders and paid courtesy calls on Zambian President Kenneth Kaunda and Namibian President-elect Sam Njomo and members of his Cabinet.

Namibia becomes officially independent this month and the successful process of constitutional change, including free nonracial elections, is being watched closely by the parties to change in South Africa.

In South Africa, State President F.W. De Klerk took the first bold steps toward nonracial democracy in his February 2 speech before Parliament and his words gave reason for optimism.

In that historic speech, President De Klerk declared an electorial mandate to place South Africa "on the road of drastic change. Underlying this is the growing realization by an increasing number of South Africans that only a negotiated understanding among the representative leaders of the entire population is able to ensure lasting peace."

President De Klerk's words leave little doubt that he is committed to change:

> The well-being of all in this country is linked inextricably to the ability of the leaders to come to terms with one another. The aim is a totally new and just constitutional dispensation in which every inhabitant will enjoy equal rights, treatment, and opportunity in every sphere of endeavor—constitutional, social, and economic.

The release from prison of Nelson Mandela and other black leaders, and the legalization of the African National Congress have provided black leaders with the opportunity to organize a coalition that can sit across the bargaining table from the Government to chart a new, nonracial course for the country.

Some black leaders are understandably skeptical that President De Klerk can be successful, based on their past experiences of being jailed and detained for years because they talked publicly of the need for change. Yet, I sensed none of the bitterness among black leaders that could be expected as a result of their past treatment by earlier South African Governments.

Our congressional delegation was a diverse mixture of individuals, but we all came away with renewed hope that there is a window of opportunity for a successful transition, as long as the process keeps moving forward.

My colleague from Michigan, Mr. WOLPE, who had been in South Africa just 6 weeks before he traveled with us said he was struck by the rapid change in attitude both by the Government and by the leaders of the ANC. He was hopeful that this new attitude was a permanent one.

This was my first trip to Africa and I sensed the great potential for leadership on all sides of the negotiations. In addition to Nelson Mandela and Walter Sisulu, who have been ANC leaders since the 1960's, a new generation of young black leaders, is emerging within the organization who have the political skills and ability to meet the challenges of governing with a nonracial democracy.

I was interested to see, for example, that one of these young leaders, Thabo Mbeki, responded to most of our questions during our meeting with ANC leaders in Lusaka, Zambia, one of the homes of the ANC in exile and its base of operations until the eventual move back to South Africa.

Within the white minority government, President De Klerk is considered to be a member of the new generation of leadership among the whites.

Recent polls released while we were there showed that the people are following the example set by the leadership. Although De Klerk's National Party had lost support on its right, it had gained support among more liberal white organizations and has held a firm level of support in the polls since the elections last fall that brought the De Klerk government to power.

The greatest sign of progress is the development of a common vocabulary among the black and white leaders who share a number of goals. There is common ground.

There is a recognition among whites and blacks that a non-racial democracy can be achieved, based on a new constitution with a bill of rights that provides a blueprint for transition by providing reassurances that, as Nelson Mandela told us, the new South Africa will not be a white tyranny or a black tyranny.

The road to a nonracial democracy is not without pitfalls, however, and progress down this particular road is not yet irreversible, but everyone understands that South Africa cannot go back to the way it was before.

Recent violence in the Homelands regions is an indication that black coalition building will take time and must be allowed to run its course, although there will be unfortunate short-term consequences.

We met with Homeland leaders, including General Holomisa of Transkei, who feels that the Homeland structure is one of the most devastating elements of the apartheid system. Holomisa views the Homelands as a sort of prison, where they are locked up and left to wither away.

Many Homeland leaders now being removed from office by force were put there by the South African Government as part of the apartheid system and are out of step with the new realities.

But the danger of this violence is that overreaction by the Government or by small groups of militants on all sides could have disasterous consequences.

As we look to the future, there are indications that further movement is possible by the Government and the black leadership to bring negotiations closer to reality.

President De Klerk indicated to us that he was considering use of the budget process within the current Government structure as a further sign of good faith toward further progress.

Statements by the ANC leadership showed a willingness to soften some of their more controversial positions such as the need for armed struggle and the call for far-reaching nationalization of the economy. The open discussions about these and other important issues are part of the commitment by most leaders we met to approach the table without preconditions.

Because our trip was factfinding, we avoided getting into a lengthy debate about the issue of United States sanctions on South Africa, but it was clear that their effects were being felt.

Virtually every black leader with whom we met agreed that sanctions have contributed to progress so far, but that the pressure must continue until the movement to end apartheid is irreversible.

I met with white business leaders who openly discussed the poor atmosphere for investment capital, which has slowed the country's growth rate from 8 to 3 percent in recent years. They expressed a hope that negotiations could bring about a settlement soon so that foreign investors would have the confidence to return.

I was impressed that these white business leaders agreed that the current system of apartheid is untenable and that there is a need for the black majority to share power.

I supported the 1986 sanctions law out of frustration with the lack of progress toward a peaceful resolution to the conflicts in South Africa, but I still questioned whether we were actually hurting the people we were trying to help—the black majority who would depend on the jobs created by a healthy South African economy.

I come away from this 5-day trip convinced that sanctions have played a positive role in bringing the South African Government and representatives of the black majority groups to the negotiating table with a common goal—creation of a nonracial democracy in South Africa.

I was also pleased that the gentleman from California [Mr. DELLUMS], who is author of the sanctions law, has said that this trip convinced him to suspend his call for divestiture and further sanctions, recognizing the progress has been made.

The United States has consistently imposed sanctions on nations such as Nicaragua and Poland that have suppressed the freedoms of their peoples. And, when those conditions were irreversibly changed, we lifted sanctions.

Now we are encouraging private as well as public investment in Eastern Europe and Central America under a program that I believe will come to be known as aid for trade. Unlike classical aid programs, investment is a two-way street.

In order to be consistent and send a clear signal to all the world that we are committed to freedom and democracy, I believe that we should apply the same principles to the nations of southern Africa.

It was clear to us all that there is an understanding among virtually all of the leaders across the spectrum of political thought in South Africa that there is no turning back—change is inevitable.

When the inevitability of change becomes irreversible, we should apply the aid-for-trade principle on an even-handed basis.

A STRATEGY FOR THE DRUG WAR

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. GINGRICH. Mr. Speaker, in May of last year, President Bush outlined a comprehensive program to combat violent crime. After more than 9 months of inaction by the Democratic leadership of both Houses, Senator PHIL GRAMM and I decided to introduce legislation which incorporated many provisions of the President's proposal. The National Drug and Crime Emergency Act, S. 2245/H.R. 4079, already has over 50 cosponsors in the House of Representatives. I urge my colleagues to read the article, "A Strategy for the Drug War," which appeared in the Washington Times editorial page on March 13, 1990, and to cosponsor the National Drug and Crime Emergency Act to finally implement some of President Bush's crime proposals.

[From the Washington Times, March 13, 1990]

A STRATEGY FOR THE DRUG WAR

(By Newt Gingrich)

Even as Eastern Europe is taking dramatic steps toward democratic freedom, the United States, leader of the Free World, seems to be plummeting toward the inevitable slavery of drug addiction and violence.

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Even "casual" drug users, who assume that they can smoke a few rocks of crack cocaine without long-term addiction or permament physical damage, are forcing our society deeper and deeper into drug dependence. Their demand is sustaining the illicit and violent trade in drugs which threatens our entire society.

When the Justice Department estimates that 83 percent of Americans will be victimized by violent crime during their lifetimes, when a violent crime affects one person every 20 seconds, as it did in 1988, then we can accurately claim that we are losing our personal freedom at an alarming rate.

The primary purpose of civil government is to preserve freedom by protecting us from all enemies, both foreign and domestic. Over the past 45 years, the U.S. government has done a good job at protecting us from foreign aggression, but it has failed in the attempt to provide personal safety. The nation is free, but too many of our people live in fear. Instead of building bomb shelters in our back yards, we put bars on our windows and burglar alarms in our homes. How can America win the war on drugs and violent crime? How can we stand up against tremendous odds to provide for our personal security?

Part of the answer can be learned from our success in defending national security. For 45 years, the West has succeeded in protecting its borders against the threat of communist expansionism. This great success is partly the result of our policy of containment, of forcing communist revolutionaries to remain within their own borders.

In civilized society, a sovereign state is the only entity which has the right to use its strength to protect the interests of its citizens. The United States and our allies asserted this right and, with a strong military presence, maintained peace for the longest period in this century. Today, democracy is strong and vibrant, while communism is crumbling. Not only have we contained the communist threat, but we have diminished that threat by standing firmly against it.

In domestic society, however, exactly the opposite is true. Every day, we see crimes that go unpunished. We see the state neglecting to use an appropriate level of force, its legitimate weapon against crime, to protect innocent people. We see the abject failure of government in its primary duty. I would suggest that the threat posed by drug dealers is just as menacing as Marxist-Leninist ideology. Drug dealers will rot our society from within through drug addiction, and they are willing to destroy anyone or anything that stands in their way.

The United States has a duty to resist this threat with its strength, but the government seems unwilling to act against violent criminals, even in defense of innocent citizens. In 1985, 19 states reported the early release of thousands of prisoners, nearly 19,000 in all, because the prisons were overcrowded. According to the U.S. Bureau of Justice Statistics, 63 percent of state inmates were rearrested for a serious crime within three years of their discharge from prison.

That means that 19,000 criminals were roaming around because they were too crowded in prison. By 1988, 11,970 of those same criminals were arrested for similar crimes. Each day for those three years, at least 11 innocent people were victimized by someone who should have been in prison but wasn't, because the state decided to let him go free. Clearly, our priorities are misguided.

Our government must reconsider using its strength in defense of our freedoms. We must propose solutions big enough to tear down the "Berlin Wall" of drug addiction which threatens to enslave our young people. We must resist the oppression of violent crime, which denies individuals the freedom of walking in their own neighborhoods at night. We must contain the drug dealers who wish to expand their empires into every school and every neighborhood through addiction enslavement.

Sen. Phil Gramm, Texas Republican, and I have proposed a decisive solution which will provide sufficient strength to combat the drug menace. Our bill, The National Drug and Crime Emergency Act, is guided by the same principles that energized and sustained the mobilization for World War II.

The bill declares a national emergency for a period of five years during which extraordinary, forceful measures will be used to win the war on drugs and violent crime. The bill mandates that violent criminals and drug felons serve their full prison sentences. If necessary, they will be housed in temporary facilities, not released into general society, free to commit further crimes.

Prisoners will be required to work to help pay their own way. They may have to live without air conditioning, cable TV, or other luxuries which law-abiding citizens correctly understand are privileges they can not always afford. The American Civil Liberties Union may call this unfair, but it's not nearly as unfair as asking taxpayers to provide luxury commodations for convicted felons.

In addition to tough measures against drug dealers, the anti-drug policy of the 1990s must emphasize user accountability and strict user penalties. Domestic demand is the lifeline of the drug trade. It provides the tremendous profits which make people willing to kill, and it buys the weapons which give them the power to kill. The principle of zero tolerance, therefore, must guide enforcement efforts in schools, in businesses, on the roads and on the seas.

Revoking drivers' licenses and pilot's licenses, confiscating cars, boats and planes and withholding unearned federal benefits will serve to deter "casual" drug use. The threat of expulsion from school or termination from a job should have the same effect. Of course, sanctions alone cannot eliminate the demand for drugs. Our bill calls for drug-treatment plans in every state. It also encourages programs for drug- and alcohol-abuse prevention in schools at every level.

Many people will claim that our efforts are too stern or lacking in compassion. Our compassion is reserved for the innocent. The United States clearly is facing an emergency of crisis proportions, an emergency which threatens each individual as well as the very fabric of our society. If America is strong enough to stand up to brutal dictatorships, then we should find the strength to stand up against the thugs who directly threaten the well being of our own children. We simply need to reconsider the tools at our disposal and use them in dramatic new ways. We should be at least as energetic as the East Europeans in exploring new solutions to these desperate problems.

The Gramm-Gingrich bill is a decisive, new approach. Its emphasis is on strength because that is the tool for winning wars. The war on drugs and violent crime is a fight for freedom, and each American has a responsibility to participate. It can be won only if we have the courage to use every weapon at our disposal.

TRIBUTE TO BILL W. THURMAN

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. BROOKS. Mr. Speaker, the Federal work force includes many exemplary and dedicated individuals who serve our Nation with distinction. All of us who regularly interact with members of the civil service are well aware that among them are a special few who rise even above these high levels of acheivement. Bill Thurman of the General Accounting Office was one of the special few.

Bill Thurman was Director of Planning and Reporting for GAO's National Security and International Affairs Division when he passed away unexpectedly in September 1989. During his almost 28-year career, he served the GAO and, by extension, the Congress of the United States with extraordinary skill and insight. He was responsible for seeing to it that GAO reports to this body on matters affecting the management of Department of Defense operations and the security of our Nation were accurate, timely communicated, informative, and of maximum usefulness. He fulfilled this responsibility with utmost care and earned great respect and admiration from those he worked with at GAO, the executive branch, and the Congress. His commitment to excellence and his devotion to duty will serve as a standard for GAO for a long time.

Above all, Bill believed in the service. He placed great value in the taxpayers' trust and carried out his role in our democracy with serious dedication and good humor. His respect for and commitment to the Congress he served were evident to everyone who knew him. I am sad that he is gone, but very proud that the State of Texas sent such a remarkable public servant to Washington.

In recognition of the affection in which he was held, and considering Bill's many contributions to the General Accounting Office, to the Congress, and to the Nation, I ask that this tribute be made a part of the record of the House of Representatives.

A TRIBUTE TO THE SOUTH FLORIDA SHOMRIM SOCIETY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, at a time when fighting crime in south Florida is of prime importance, I am pleased to pay tribute to the South Florida Shomrim Society, a fraternal organization of Jewish law enforcement personnel. The Shomrim Society are having their sixth annual dinner dance on March 24, 1990.

The Shomrim Society, a Jewish fraternal and charitable organization of law enforcement personnel, was organized in New York over 60 years ago. Shomrim, in the Hebrew language, means guardian, or watcher. The society was then organized to be a guardian against discrimination of Jewish police officers.

The south Florida chapter was founded in 1984 from the roots of previously established Shomrim societies. According to Shomrim president, Robert Singer, a Metro-Dade homicide detective, Shomrim does much more than battle anti-Semitism these days. Shomrim is a group in the Jewish community bound together by the common vocation of law enforcement to help the community at large. As a minority organization they have a special sensitivity to minority concerns of discrimination and harassment. Also, Shomrim offers more tangible services to the community, such as sending members to condominiums to instruct elderly residents on safety, and by raising money and foodstuffs for needy families.

Among the south Florida society's 125 members, there are two police chiefs, several judges, prosecutors, probation officers, police officers, and rabbis, serving as police chaplains. Mr. Speaker, I am proud to have the Shomrim organization, with its concern for minorities and less fortunate, in my congressional district.

TRIBUTE TO CHARLOTTE GERSHENSON

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. SOLARZ. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to my good friend, Charlotte Gershenson, upon the completion of the National Historical Pictorial Map Contest, which she administered in my congressional district.

Happily married for over 30 years, Charlotte and her husband, Monroe, are the parents of two lovely children, Peter and Eve, and the grandparents of two little boys, Jason and Joshua. In addition, Charlotte is one of those exceptional human beings who devotes an enormous amount of time to volunteer work, and—luckily for me—much of that time is spent as a volunteer in my district office back in Brooklyn.

During the years that she's been volunteering her time, Charlotte has undertaken and excelled at many tasks. A retired employee of the Veterans' Administration, she is a caseworker with skills in line with those of my full-time, professional staff. And, although her specialty in veterans' affairs might very well make her want to stay with this type of casework, Charlotte never backs down from tackling any topic or problem confronting her, in areas ranging from Social Security matters to consumer complaints.

Aside from casework, my staff and I probably rely most on Charlotte for her willingness to undertake long-term projects and see them to fruition. One such project is the National Historical and Pictorial Map Contest.

Early last fall, Charlotte began to organize both public and parochial schools in my district, on the elementary and high school levels, for participation in the contest. Her diligent efforts resulted not only in the tremendous success of the contest but, more importantly, in the education of many, many local students on the philosophical and historical background of the Constitution and the Bill of Rights and on the responsibilities which accompany the rights of citizenship in a democracy. Anyone would agree, I'm sure, that these are no small accomplishments. Add to this the fact that Charlotte turned down a free trip to our Nation's Capital in order to save the contest sponsors additional expense, and you will have a small sense of just what type of person Charlotte is.

Over the years, Charlotte has become like a real member of my staff and, in fact, she has outlasted many of my salaried district employees. Her thoughtfulness and sensitivity are unmatched, and she always goes out of her way to see that office birthdays are celebrated.

In light of Charlotte's exceptional dedication and loyalty, I am proud to count her as a constituent and a friend. I look forward to continuing our association for many years to come.

KENDALL AWARENESS WEEK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. FASCELL. Mr. Speaker, from April 1 to April 8, the Kendall neighborhood of Dade County, FL, will be celebrating Kendall Awareness Week.

This neighborhood, which has been my home for the last 35 years, has seen tremendous growth since 1985 and has evolved into a cohesive, defineable community with its own flag, song and newspaper. It has become the community of choice for young families and is equally attractive to singles and senior citizens. Its schools and other community institutions are among the best in the county.

While Kendall has a predominantly suburban ambiance, it also encompasses rural areas with horse farms and u-pick-fields, and is on the edge of the everglades—one of our national treasures.

The residents of Kendall have taken an active role in the political life of Dade County, with numerous homeowner associations and the umbrella organization, the Kendall Federation of Homeowner Associations, to represent them on issues of concern at the local, State and Federal levels of government. Their influence is important and it is felt. They have had a significant impact on the kind of community Kendall has become.

It is a pleasure to bring to the attention of our colleagues this unique and very special community and to congratulate it during this upcoming week of festivities and observance.

Therefore, Mr. Speaker, I want to advise everyone that April 1-8 should be known as Kendall Awareness Week.

All citizens in the 19th Congressional District of Florida, which I am honored to represent, are requested to join in celebrating and commemorating this joyous event in Kendall, a great place to live. And, if any of our colleagues are in Florida, they are especially invited to join in the festivities, as are all folks who care to participate.

A WEEK IN THE LIFE OF A HILL DWELLER

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. McEWEN. Mr. Speaker, I would like to bring the attention of my colleagues to an article in the March 8 Roll Call by Duncan Spencer. The article is one more glaring example of the inability of the District of Columbia government to function.

A WEEK IN THE LIFE OF A HILL DWELLER

(By Duncan Spencer)

Leading the silent, sedentary, solitary—and often melancholy—life of a Capitol Hill writer makes one perhaps ovesensitive to the wild tumult of this city.

But last week was so extraordinary that I feel compelled, as was Samuel Pepys of London at the time of the great fire, to record it somehow.

For it was extraordinary.

MONDAY

Wife's car broken into again. Hmmm. Why do they want a brown, '83 Olds station wagon?

This time, they stole battery, distributor, wires, air cleaner. Police at substation don't even bother to investigate or take prints. They give out a report number over the phone "for insurance." Of course, we don't dare mention this to our insurance agent.

Downtown. Lunch with the Comite Jefferson/Lafayette; this tiny American French amity group plans to strike a handsome medal to celebrate the bicentennial of the L'Enfant Plan of the city for 1993 * * * sounds like this diamond-shaped medal, with L'Enfant's profile on one side, the grand city plan on the other will be the souvenir everyone will want; the French, headed by Pastor H. Stein-Schneider, a man of beautiful manners, wants a statue of L'Enfant erected here.

After lobster souffle; two wines; amiable wit of the host, DC Records administrator Phil Ogilive (who paid for the catered lunch); a seat next to gorgeous former aide to Sen. Bob Dole (R-Kan), Anne Quinn, now head of the National Aquarium, I think, "This is what makes city life a joy."

Was chased out of the adjacent uptown alley by savage dogs which somehow manage never to cut their feet on the broken glass.

TUESDAY

Down to Superior Court, the heart of the city's criminal justice system, a bizarre place.

If you want to see drug dealers in the flesh, this is it. Leather coats, coal black sunglasses, brillant shoes glitter on escalators and hallways.

I go to the Criminal Division to get a printout on the two men accused of killing Daniel Hotz last August. But when's the trial? Confusion reigns in the computer-ordered records.

The two men, 19 and 18, have not even been arraigned, one clerk says. This can't be true. I'm invited to leaf through 200 pages of indictment sheets. Drug mayhem reflected in almost every case.

Eventually discover they're in DC Jail and due for a court appearance March 15. While there, I learn a crazy fact: When dope dealers want to announce that the market's

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open, they toss a pair of sneakers into overhead wires in the block. I've often wondered why those shoes were up there.

Tunnicluff's Tavern, 7th Street and North Carolina Avenue, SE, holds Mardi Gras: din of Cajun music, piles of plastic crawfish. Walter Lee (Surf Boy) Bettis, former aide to Rep. Les Aspin (D-Wis) is dressed in harem pants, vest, beads.

Realtor Don Dention, gloomily sipping a "Hurricane," predicts Eastern Market will be sold for a condo development if renovation isn't done soon. Someone stuffs a crawfish in his breast pocket. A gorilla climbs onto the bar.

WEDNESDAY

The Washington Times runs a big front page story plus double truck inside on "Minister" Louis Farrakhan. The orator and leader of the Nation of Islam (and demagogue, race baiter, and Jew hater) is given the "total respect" treatment.

I figure the Moonies have flipped—this is one "exclusive" that will be theirs alone.

Go to a Hill community Eastern Market meeting called by a rump protest group. People demand to know, for about the 1,000th time, what's going to happen to Eastern Market in the city's $3.3 million renovation plan.

Many resent this "done deal" plan, want no change to the old market. Chad Glasgow, one of the merchants, asks who's going to pay if the city's planned dry goods grocery store in the north end of the market fails.

Says market renovation committee chairman Karen Walker, "That's a good question, Chad."

Whenever "Mayor" Marion Barry's name comes up (he's pushing the market rehab), there are snickers. The city's representative says, "We are marching to the Mayor's orders." Laughter, glances.

THURSDAY

The Washington Post, one day late, runs a big front-page story plus double truck inside on "Minister" Louis Farrakan. Treatment: "total respect." I figure Len Downie is off his gourd.

In the mail I get the city's notice of tax assessment: DC says my 1888 row house is worth 24 percent more than last year, when it was worth 20 percent more than the year before, etc., etc.

House, which cost me $57,000 in 1970, now assessed at $411,000. No garage, needless to say. No sauna, no deck, no pool.

Let's see: The house has increased in phony value 820 percent, the tax bill is now higher than the mortgage payments, the roof leaks, the walls seep.

I long, not for the first time, for one of those sleazy raw brick garden apartments in PG County.

DC city services have actually declined the same period, except for parking enforcement.

Post carries story about plans for a $20 million health facility to benefit city employees. Health studio, 100 bedrooms, four racquetball courts, two saunas; "wellness needs" is the explanation.

FRIDAY

Car's been fixed. Bill is $555. Cheerful John Distad at Distad's Amoco says that the thieves effectively destroyed the most valuable parts they stole by clipping wires. "But they sure knew what they wanted." I buy a car burglar alarm which is sure to go off and cause great neighbor-hate.

Post runs story about the city's Retirement Board, the head of which has been what's charmingly called here "loading her plate" by charging more than $90,000 for the past two years on the part-time job.

Buried in the story like a landmine is the fact that the future pensions for many of the 48,000 employees now on the payroll have been forgotten somehow, that no money has been set aside for them, that close to $5 billion will have to be squeezed and gouged out of the city tax base if this army of employees is to retire with financial ease.

FEDERAL FUNDS FOR TOLL ROADS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. WOLF. Mr. Speaker, I am introducing legislation today that would allow Federal funds to be used in the construction of new toll highways. Current Federal law prohibits the use of the Federal funds to build toll roads.

As Secretary of Transportation Skinner's National Transportation Policy documented, our Nation's transportation system is in need of dramatic improvements. Highway capacity must be expanded. Crumbling roads need to be rebuilt.

And new highways need to be constructed. In the Washington metropolitan area, to make one example, we desperately need an outer bypass highway An outer bypass would divert as much as 33 percent of northbound and southbound I-95 traffic that must now travel through the Washington metropolitan area.

In real terms, an outer bypass means that thousands of cars and trucks traveling north and south on I-95—most of which would perfer to avoid the congestion of the metropolitan area completely—would be able to do so by using the bypass.

In the metropolitan area traffic congestion on the Capital Beltway, the Wilson Bridge, the American Legion Bridge and other area highways could be dramatically decreased. Commuters would be able to get to and from work more quickly and have more time to spend with family and friends or productively at work.

Safety on area roads would also increase as thousands of dangerous trucks would use the bypass instead of coming through the metropolitan region where commuters in passenger vehicles are trying to get to work.

To Washington commuters, this description sounds like a dream. And, with local, State and Federal transportation resources limited, I fear the bypass, expected to cost $3 billion, may not get off the drawing board for many years.

The problem is the same in many other areas of the country. New roads are needed in many large urban and suburban areas.

I am introducing this legislation today because it will help many areas of the country, including the Washington metropolitan area, build the new roads that are so badly needed to reduce traffic congestion.

Under current Federal law, Federal funds cannot be used in the construction of new toll highways. The few exceptions to this rule are the result of special legislation passed for individual projects.

The legislation I am introducing would allow Federal funds to be used together with State and local funds and bond financing to construct new toll highways.

This approach would allow all of the necessary funds for road construction to be obtained at one time so that construction could begin early and be completed quickly. Most experts agree, there is no faster way to begin and complete construction of important and badly needed new highways than to use toll financing and I believe it is appropriate that Federal funds be used in this process.

The American Association of State Highway and Transportation Officials [AASHTO] supports linking Federal funds with tolls and Secretary of Transportation Skinner has endorsed the concept behind this legislation.

I encourage my colleagues to join me in supporting this initiative.

H.R. –

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 129 of title 23, United States Code, is amended by adding at the end the following new subsection:

"(1) CONSTRUCTION OF NEW TOLL HIGHWAYS.—

"(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Subject to the provisions of this subsection, the Secretary shall permit Federal participation in toll facilities on the same basis and in the same manner as in the construction of free highways under this chapter.

"(2) LIMITATION ON TYPES OF FACILITIES.—The Secretary may only permit Federal participation under this subsection in construction of new toll highways, bridges, and tunnels (other than highways on the Interstate System).

"(3) LIMITATION ON FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share payable for the construction of a toll highway, bridge, or tunnel under this subsection shall not exceed 75 percent.

"(4) PUBLIC OWNERSHIP REQUIREMENT.—Each highway, bridge, tunnel, or approach thereto under this subsection must be publicly owned and operated; except that Federal funds may participate under this subsection in the approaches to a toll highway, toll bridge, or toll tunnel whether the highway, bridge, or tunnel is to be or has been constructed by a State or other public authority.

"(5) LIMITATIONS ON USE OF REVENUES.—Before the Secretary may permit Federal participation under this subsection in a State, the State highway department must enter into an agreement with the Secretary which provides that all toll revenues received from operation of the tolled facility constructed under this subsection will be used only on the tolled facility, and only for construction costs, or for the costs necessary for the proper operation, maintenance, and debt service of the tolled facility, including resurfacing, reconstruction, rehabilitation, and restoration; except that any excess toll revenues may be used for construction of other transportation projects in the region.

"(6) EFFECT ON APPORTIONMENT.—Toll mileage constructed under this subsection shall not be used to increase a State's apportionment under any apportionment formula.

"(7) NEW TOLL HIGHWAY DEFINED.—For purposes of this subsection, the term 'new toll highway, bridge, or tunnel' means initial construction of a highway, bridge, or tunnel on a new location at any time before it is open to traffic and shall not include any improvements to a toll highway, bridge, or tunnel after it is open to traffic.".

NIGERIA IS TRYING FOR DEMOCRACY AGAIN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. SMITH of New Jersey. Mr. Speaker, because Nigeria is one of Africa's most important countries, the efforts of that nation to end military rule and restore democracy is of great importance to America—and of special importance to those of us who work with human rights issues as members of the Committee on Foreign Affairs.

The population of Nigeria now exceeds 110 million, making it the eighth most populous nation in the world. And by the turn of the century it is predicted that the population will pass that of Japan and Brazil, making Nigeria the world's sixth most populous nation. One out of every four blacks in Africa south of the Sahara is a Nigerian. Thus what is happening in that nation is of vital concern to all of us.

In the preparation of the new Nigeria pamphlet for his now 20-volume set on the "Constitutions of the Countries of the World"—with Dr. Gisbert Flanz; Dobbs Ferry, N.Y., Oceana Publications—Prof. Albert P. Blaustein of Rutgers University, the State university of my State of New Jersey, has drafted a memorandum, which I would like to call to the attention of my colleagues.

NIGERIA IS TRYING FOR DEMOCRACY AGAIN

Nigeria is seeking once again to end military rule and, in its own words, effect a "transition to civil rule." It is doing so via a new constitution, closely following the Constitution of 1979, which itself ended a long period of military government. The 1979 Constitution, praised for its modern approach to democratic constitutionalism, lasted only four years. It was suspended on December 31, 1983, following a coup d'etat under Major General Mohammed Buhari, who was replaced by the present Federal Military Government on August 27, 1985, in a bloodless coup led by the Major General, now General Ibrahim Babangida.

But the new military leaders almost immediately made plans for the end of their military power. The Federal Military Government on January 13, 1986, established a Political Bureau which shortly thereafter recommended the Transition to Civil Control (Political Programme) Decree of 1987 which established a Constitution Review Committee to review the 1979 Constitution. This was followed by the passage of the Constituent Assembly Decree of 1988 and the establishment of a Constituent Assembly to deliberate on the Draft Constitution prepared by the Constitution Review Committee.

The work of the Constituent Assembly was completed last year and the results of its deliberations presented for the review of the Armed Forces Ruling Council. The Council, with some changes, approved the work of the Constituent Assembly and, before the year ended, issued the Constitution of the Federal Republic of Nigeria (Promulgation) Decree 1989. This promulgates a new 1979-style civilian constitution to take effect on October 1, 1992—with provision that specified articles could come into force before that date.

There was virtually nothing eliminated from the 279-article, six-schedule Constitution of 1979. But significant material was added, creating a 331-article Constitution with seven schedules.

What was not eliminated (which is of special significance) is the long, detailed recital of human rights, now set forth in Sections 32 to 44. Section 44 is possibly the most comprehensive human rights provision that can be found in any constitution of the world dealing with enforcement of rights. It gives "any person who alleges that any provision of this [human rights] Chapter has been, is being or is likely to be contravened" access to "a High Court * * * for redress."

It also makes provision "for the rendering of financial assistance to any indigent citizen * * * where his rights under this Chapter has been infringed or with a view to enabling him to engage the services of a legal practitioner to prosecute his claim, and ensure that opportunities for securing justice are not denied."

The significant changes fall into four categories:

a. Expanded federalism.
b. Elections supervision.
c. Anti-corruption provisions.
d. Control over legislators through recall.

EXPANDED FEDERALISM

The long or official name of Nigeria is the Federal Republic of Nigeria—a federation consisting of 21 states and a Federal Capital Territory. But now there will be further distribution of power, more power-sharing.

This is accomplished principally through a new Chapter VIII establishing a "Local Government Councils for each Local Government Area in the Federation." There are then 28 sections dealing with the structure and functions of such Councils.

The new Section 8 provides for additional federalism through special councils based on tribal considerations. It provides first that the House of Assembly of a State "may enact a Law for the establishment of a Traditional Council for a Local Government Area or a group of Local Government Areas." And it directs that "each of such Councils are to be presided over by a "Traditional Ruler appointed in the manner prescribed by Law." Further, Part II of Schedule IV details the function of the Traditional Councils.

ELECTIONS SUPERVISION

There will now be more control over the elections process and consequently less opportunity for elections abuses. Section 269 is devoted to the establishment and jurisdiction of elections tribunals and Section 232 gives the Supreme Court exclusive jurisdiction to hear appeals from decisions of Presidential Election Tribunals. A comprehensive Schedule VI provides for the composition of these tribunals and the qualifications of its members.

ANTICORRUPTION PROVISIONS

Six added sections—and parts of sections—seek to reduce the possibility of official corruption by clauses requiring that both elected and appointed officials "declare assets and liabilities" before taking office. See in this connection Sections 50, 92, 137, 149, 183 and 274.

RECALL PROVISIONS

Also new are the provisions of Sections 68 and 109 on recall. The former establishes the procedure directing that a member of the Senate or the House of Representatives may be recalled if "there is presented to the Chairman of the National Electoral Commission a petition in that behalf signed by more than one-half of the persons registered to vote in that members's constituency alleging their loss of confidence in that member; and the petition is thereafter in a referendum * * * approved by a simple majority of the votes of the persons registered to vote in that member's constituency." The latter make similar provision for the recall of members of the State Houses of Assembly.

The most criticized section in the new Constitution is one obviously influenced by success in the United States and one obviously designed to further democracy. It is a provision prohibiting the one-party state for Nigerians know that the prevalence of one-party states has meant an absence of democracy in most of Africa. But instead of declaring against a one-part state and setting forth procedures for its prohibition, Section 220 states that "There shall be only 2 political parties in the Federation."

Such dictate denies the rights to exercise that combination of freedom of speech, freedom of assembly and freedom of petition which together give the people the right to express themselves collectively in freely established political parties. Last October, rules were announced providing that one party shall be to the right of center and one to the left of center—and that they would compete on the basis of economic and social issues rather than religion or tribal affiliations. However, the fear has been expressed that the two-party limitation creates the danger of intensified friction between the Muslim and Christian populations of that great nation.

JERUSALEM

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. McNULTY. Mr. Speaker, I join my colleagues in voicing my grave concern over the remarks made by President George Bush concerning the status of Jerusalem.

I am convinced that the President's position on this issue has undermined—if not fatally crippled—the process we all hoped would lead to a peaceful solution of the problems between Israel and the Palestinians.

Whether the President and our State Department recognize it or not, the fact remains that Jerusalem is the capital of the sovereign State of Israel.

The late Arthur J. Goldberg, when he was U.S. Ambassador to the United Nations, was one of the drafters of U.N. Security Council Resolution 242, which deals with Israel's withdrawal from occupied territory.

Ambassador Goldberg made it clear that this important resolution, considered for so many years an integral part of United States foreign policy affecting Israel, "in no way refers to Jerusalem, and this omission was

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deliberate * * * Jerusalem was a discrete matter, not linked to the West Bank."

By opposing Jewish "settlement" in East Jerusalem, the President has drastically altered our foreign policy. And not only that, the President has repudiated his own Republican Party. The Republican platform of 1988 called for Jerusalem to "remain an undivided city with continued free and unimpeded access to all holy places by people of all faiths."

Several Democratic Party platforms in recent years have affirmed support of Jerusalem as the capital of Israel "with free access to all its holy places provided to all faiths."

This is not a partisan issue.

Jews have lived in Jerusalem for more than 3,000 years—even while Jordan captured the Holy City and controlled it from 1948 to 1967. Now, the President of the United States tells Israel that Soviet Jews cannot live in Jerusalem! And that the status of Jerusalem is in limbo.

There is no such thing as Jewish settlements in Jerusalem. There are Jewish homes. Jews do not occupy their homeland. Nor do they occupy its capital. Jews live in their homeland. They live in their capital. They have an inalienable right to do so.

The relationship between Israel and the United States is a two-way street. Both countries benefit from that relationship. Surely, since its establishment 41 years ago, the State of Israel—the only democratic ally we have in the Middle East—has demonstrated its value to the United States time and time again.

I don't know what made the President say these things about Jerusalem. But I do know that it is incumbent upon him and his administration to act swiftly to repair the damage already done at a time when Prime Minister Shamir was moving toward making elections in the occupied territories a reality.

I hope the President will retract his statement on Jerusalem. And I hope that such a retraction will help to breathe new life into the peace process.

TRIBUTE TO ELMONT MEMORIAL HIGH SCHOOL TEAM

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. McGRATH. Mr. Speaker, in my district on Long Island, NY, there are several high school's which have distinguished themselves with local, State, and Federal awards for outstanding performances.

This year, Elmont Memorial High School brought such distinction on a global scale. A team of dedicated students, their teacher, Mr. Lee Marcus, and his assistant, Mrs. Elaine Murphy were named fourth best in the world at the 1990 World Model United Nations Competition held at The Hague in the Netherlands.

The road to this honor began in 1988 when the Elmont team won their first national title at a Harvard University competition. Following several other victories, Elmont's Model U.N. Team was recognized as the finest in the Nation and eligible for the world competition.

Using every fundraising event they could think of, the students at Elmont High raised the $20,000 needed to send their team to Europe. Their efforts paid off handsomely. Thanks to hard work and the intense commitment of Lee Marcus, Elmont was one of only four teams represented to receive recognition.

I ask my colleagues to join me in congratulating the world-renown members of the Elmont Memorial High School Model U.N. Team. I am submitting their names into the CONGRESSIONAL RECORD: Aly Kayne, Jennifer Lindbom, Nataly Gross, Glen Hanna, Jaya Balbo, Ace Garcia, Jennifer Hili, Hussein Rachid, Monique Rahmi, John Gazzola, Diane Beasely, and Gary Nelson.

SUPPORT FAIRNESS FOR OUR VETERANS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. DORNAN of California. Mr. Speaker, the House Armed Services Committee's Subcommittee on Personnel and Compensation has scheduled hearings on Public Law 97-252, the Uniformed Services Former Spouse Protection Act [FSPA], for April 4: This hearing will address the problems addressed in H.R. 572, 2277, and 2300, legislation which I introduced last session. Specifically, the hearing will seek to determine if the FSPA warrants amending.

Public Law 97-252 is one of the most ill-conceived pieces of legislation the Congress has ever enacted. Rather than redressing the real concerns of the former spouse and the military member, the act literally promotes the breakup of American families by providing congressionally sponsored incentives for divorce. But there are other national security concerns including the effect this law has on our mobilization base because of Public Law 97-252's diversion of military compensation to third parties and I don't want to wait until a crisis to find out. Equally reprehensible is that Congress has delegated to the States the authority to determine the amount of retainer pay to be paid to military personnel for fulfilling a Federal mobilization obligation.

If you share my view that military retirement compensation is an important career incentive for the core of professionals who will always, even in a smaller military force, be necessary, then surely you must also join with me in observing that anything which adversely affects the military retirement system also adversely affects our security. Public Law 97-252 as it exists and is interpreted by the States is just such a disincentive.

This is not the gender-based issue. It equally effects all members of the armed services and their families—current and former. As a former active duty Air Force officer, I know the important contributions that spouses make to the career of the military member. But I also know that any division of property during a divorce must be fair, equitable, and determined by the courts on a case by case basis. Public Law 97-252 does not provide for an equitable division of property.

If you are not yet well read on Public Law 97-252, and I confess that I was not until its pernicious effects were brought to my attention, I commend to your reading my June 15, 1989 extension of remarks as well as a short article that I wrote for the Army Times.

Mr. Speaker, I for one don't relish the thought of answering in perpetuity the flood of mail from angry veterans and their spouses who have legitimate complaints. Perhaps it is time for Congress to get out of the military divorce business by repealing appropriate sections of this law?

[From the Army Times, Mar. 26, 1990]

FOR RICHER OR FOR POORER, FSPA PREVAILS

(By Hon. Robert K. Dornan)

Divorce. It is not a pleasant word. Unfortunately, it is one that has become prevalent in today's society.

The two hardest decisions a divorce court must resolve are the custody of the children and the division of property. In general, the courts do a good job of equitably determining division and custody on a case-by-case basis. But what happens when the federal government steps in and limits the court's ability to make a fair decision? In the case of our armed forces, the answer often is: inequality and injustice. Unfortunately, this is the unintended and unresolved fallout of the 1983 Uniformed Services Former Spouse Protection Act, or FSPA.

The intent of FSPA was to recognize the important role military spouses play in the careers of our military servicemen and women. The rigors of military life have not changed much over the years. There still are frequent moves from one base to another, sometimes extended separations for those on active duty, and the real risk, even in peacetime, of death in the line of duty. Many members of Congress believed these hardships placed military spouses at a disadvantage because they could not pursue individual careers. Thus, if a military couple divorces, the former spouse may be unprepared to compete in the civilian labor force. Ex-spouses now could claim, as their own, regardless of the circumstances of the divorce, a percentage of their former spouses's military retirement.

The catalyst for the FSPA was the 1981 Supreme Court decision *McCarty vs. McCarty*. The court ruled that military retirement benefits could not be divided as part of a divorce property settlement. The rationale behind the ruling was that a number of community property states had statutes that allowed their courts to divide military retirement pay, although federal law at the time, as interpreted by federal courts, prohibited such division. The Supreme Court ruled that in such instances, federal law should prevail over conflicting state law.

Another consideration is that under federal law, retired military personnel continue to be members of the armed forces. In other words, military retirement is treated more as retainer pay for possible future service. Also, the Internal Revenue Service considers military retirement as "wages" and the military member is taxed for the full amount. This tax treatment has complicated the determination of who is credited for the taxes withheld when pay is divided.

Since military retirement was not considered property in the same sense that civilian pensions or annuities were, the court suggested that if Congress wished to change the law and explicitly allow military retirement to be divided, it could do so legislatively.

As passed, the FSPA was to affect only divorce decrees finalized on or after Feb. 1, 1982. The state courts then were free to treat limited portions of military retired pay as they would any non-military pension. While the new law did not stipulate a minimum amount of time a marriage should last, a minimum of 10 years was required for an automatic, direct federal payment to the former spouse. The 10-year mark also was intended to serve as a guideline to the state courts.

Why was the military subjected to these draconian laws? Quite simply, the Pentagon always has been an easy target for the whims of Congress. Other professionals are not. Any number of civilian professionals also suffers similar hardships that military careerists experience—long hours, frequent moves, separations, etc. The civilian spouse plays the same "critical" role in the advancement of his or her mate. It is unfortunate that these hardships sometimes lead to divorce.

Civilian pensions often are based on member contributions or annuities that constitute real property that accrued during marriage. During the course of their careers, civilians can quit at any time. This is not an option for the armed forces. Enlisted men and women must serve until their commitment is completed; officers may request to resign any time after their initial commitment is complete, but acceptance of that resignation is at the discretion of the president.

Furthermore, members of the armed services are obliged to accept a highly discplined and controlled life. Military spouses endure these hardships with their mates, but it is the service members who is subject to the Uniform Code of Military Justice. Military retirement can be applied only under specific circumstances and those who accept retirement are subject to the code and are eligible for recall until the age of 60. Moreover, the retirement pay can be taken away if the service member is convicted of certain federal crimes. A change of citizenship also can extinguish retired pay for the service member, but has no effect on the former spouse.

Does Congress or any legislative body have the right to judge that one class of individuals—service members—automatically is presumed to be at fault? No. But that is exactly how state courts have interpreted the FSPA.

State courts consistently have ruled that if a former spouse reopens a divorce case under the FSPA, they are mandated to rule in favor of the former spouse, regardless of circumstances. As one Texas judge wrote when he had to rule in favor of a former spouse, "This court had no choice . . . If equity were permitted, this court would have come to a conclusion exactly opposite . . . The mandated result [of the FSPA] is grossly unfair and inequitable under the facts and circumstances of this case."

Was it congressional intent that all former spouses have a right to military retirement by virtue of marriage in all cases? Was the FSPA to be retroactive to divorces settled before the law was in force? I believe not.

The FSPA as currently interpreted is biased against those who have served and earned the right of military retirement pay. I know of no military spouse who has not shared in extraordinary sacrifices that our servicemen and women make every day. But to what extent do they have the right to share in the benefits accrued by that military member during the course of a career that spans more than 20 years?

Congress needs to revisit the issue of military retirement and draft legislation that will amend the FSPA so it provides equal and fair treatment to both the service member and the former spouse.

WESTVACO CORPORATION

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mrs. BYRON. Mr. Speaker, I would like to bring attention to the efforts of one of Maryland's outstanding corporate citizens. Westvaco Corp., a major manufacturer of paper, packaging, and chemicals, has been an important part of the State's economy for more than 100 years. The company's operations statewide employ over 1,400 Marylanders and include a fine papers mill in beautiful western Maryland, a container manufacturing plant in Baltimore, research facilities in Laurel, and an envelope plant in Jessup.

Westvaco has expressed a strong commitment to environmental excellence. It is appropriate that this commitment be associated with the 20th anniversary of the environmental movement during 1990, beginning with Earth Day on April 22.

President Bush recently challenged the American people to plant a billion trees. Westcavo can proudly say that they achieved this milestone in 1988, and continue to plant more than 45 million genetically advanced pine seedlings each year.

To commemorate this commitment to environmental excellence, Westvaco has initiated a pine seedling planting program nationwide. The company is making available over 200,000 pine seedings to employees, shareholders, customers, community neighbors, and friends. Today, March 20, is the day seedlings are being distributed to each Member of Congress. We are invited to join with Westvaco in planting these seedlings for the future—for the benefit of our children and their children.

I applaud Westvaco for this outstanding tree-planting program and for their continued commitment to environmental progress.

THE 36TH ANNIVERSARY OF WOMEN'S AMERICAN ORT, BRONX REGION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. ENGEL. Mr. Speaker, March 25, 1990 marks the 36th anniversary of the Women's American ORT [Organization for Rehabilitation Through Training], Bronx region.

In the Jewish religion, the number 18 signifies life, so the number 36 must mean twice as much. Giving an extra effort to enhance someone's life is the mission of the Women's American ORT.

As one of our Nation's largest volunteer organizations, Women's American ORT provides a network of vocational and technical training programs throughout the world. At the present time, more than 200,000 students are engaged in learning a wide range of trades and skills.

ORT is also an activist organization. Its members are involved in local issues that effect their neighborhoods, as well as national issues that impact on everyone's quality of life.

I represent a large part of Bronx County, which has a number of ORT chapters, and I know that each chapter is made up of active, concerned women who are dedicated to making our world a little better.

I commend the Bronx region of ORT for a job well done. They are the type of organization we can always point to when people ask, "Who is still concerned?"

Thank you Bronx region of Women's American ORT for your devotion and dedication.

SAN CLEMENTE CHAMBER OF COMMERCE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. PACKARD. Mr. Speaker, next month marks yet another major milestone in the long and distinguished history of the San Clemente Chamber of Commerce, located in my district, California 43.

April brings the 50th anniversary of this active and effective chamber which has been a leader in the community and throughout Orange County because of its innovative programs designed to promote the free enterprise system.

In its 50-year history, the San Clemente Chamber has organized numerous special events, educational forums and seminars for the benefit of its 700 members and the community at large.

As San Clemente has grown, so has the chamber of commerce. With that growth has come a greater responsibility to help ensure the continued economic well-being of the area. While following its main objective of championing the free enterprise system, the chamber leadership has instituted numerous scholarships and awards designed to recognize achievements both in business as well as education.

Each year the chamber recognizes an outstanding educator in the community. Also recognized is a citizen of the year; awarded to individuals who volunteer their time to make the community a better place to live, work and play.

Fortunately for the community, the chamber doesn't concentrate all of its energies on just the business community. There is also a growing concern for the environment and future leadership of the city. This is reflected through the chamber's various forums that involve everything from military affairs, trade and tourism to legislation.

This past year, President Chuck Kurtz adopted a philosophy of "Together We Can."

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A statement that became the guiding light for all the organization's activities. Even more exciting programs are being formulated for the coming year under the direction of President Sharon Jansen, President-elect Don Kindred and the other members of the board of directors.

Fifty years ago momentous events were taking place in our world. Events such as the first successful helicopter flight in the United States, the first electron microscope was demonstrated, a new combustion chamber for jet engines was introduced, Franklin Roosevelt was reelected President for a precedent-setting third term with 54 percent of the vote and the Walt Disney classic "When You Wish Upon a Star," hit the charts.

Based on the distinguished record it has amassed over the past five decades, the San Clemente Chamber of Commerce has also earned special recognition on its golden anniversary.

CORNELIA, GA, AN INNOVATIVE CITY

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. JENKINS. Mr. Speaker, I ask permission today to recognize a town in my district for its innovative approaches in developing recreation facilities for its citizens. The Georgia Municipal Association chose Cornelia, GA to receive the 1989 City Innovations Achievement Award for its accomplishments. The award was based on the city's efforts in encouraging and coordinating a partnership of government, businesses, and citizens to develop and maintain recreation facilities.

Three projects represent those efforts. The city, the Georgia Department of Natural Resources, and the Nicolon Corp. jointly converted an abandoned landfill site to a jogging trail and fitness area including a ballfield and parking area. In another project, the city's staff worked with the First National Bank of Cornelia and the Cornelia Garden Club to turn an eyesore into a small neighborhood park in an area where there were no recreation facilities. And, in the third project, the local Coaches' Association, Habersham County Recreation Department, Smart Construction Company, Simmon's Grassing Co., Georgia Power Co., Standard Telephone Co., Coca-Cola Corp., Norfolk-Southern Railway and many individual citizens completely rebuilt the city's old ballfield in 6 weeks.

These projects demonstrate the coordination and cooperation of Cornelia's citizens in combining government and private resources to enhance the recreational facilities for the community. I want to commend the citizens of Cornelia, its business leaders, and city officials: Mayor Don Higgins; Commissioners Richard Grant, Fred Lowery, Bobby Pickens, and Terry Rogers; City Manager Howard Whatley; City Clerk Ross Maxwell; City Attorney Linton Crawford; and other city workers for their contributions to these and other community projects. Their "can do" spirit should serve as an inspiration to other small cities and towns.

OREGON EDUCATOR NAMED "TEACHER-SCHOLAR"

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. WYDEN. Mr. Speaker, I'm pleased to recognize Janet L. Martin, an English teacher from Grant High School in Portland, OR. Ms. Martin has been selected by the National Endowment for the Humanities [NEH] to be Oregon's NEH/Reader's Digest Teacher-Scholar for 1990.

The NEH announced the selected teachers on March 13, on the eve of a White House luncheon honoring the teacher-scholars. Ms. Martin was one of 52 educators selected for this honor from a pool of 566 eligible applicants. One teacher was chosen from each State, the District of Columbia, and the U.S. Virgin Islands.

The selected teachers have the opportunity for 1 year of academic independent study in the humanities. Ms. Martin will use her award to pursue her research project, entitled "Metaphor in Asian, African, and North American Mythology." She plans to bring the results of her year of study to the classroom, linking her insights with the very diverse ethnic backgrounds of her students.

Oregon should be proud, particularly the administration, faculty, and students of Grant High School. Her success can be an incentive for other educators.

I ask my colleagues to join me in congratulating all the NEH/Reader's Digest Teacher-Scholars. This unique program offers an opportunity for teachers at the elementary and secondary educational levels to pursue their academic interests both inside and outside the classroom.

The ideal learning evironment incorporates elements of new and old—ideas, beliefs, or facts—it is the synthesis of these elements that produces revelations. This type of exciting and learning intensive environment is where progress is charged. Creative energies can be tapped, momentum builds and the effect can be intoxicating. Students are motivated to learn, and teachers are excited to teach. The system is interdependent—teachers are spurred on by their students' drive, and the students are engulfed in their teacher's enthusiasm about the subject.

This is what constitutes education; the shared enthusiasm, energy, motivation, and creativity. We must have educators who demonstrate this attitude in the classroom. Janet Martin is an example of a dedicated teacher and scholar.

BASEBALL HERO REMEMBERED IN FIELD DEDICATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. MILLER of California. Mr. Speaker, in the spirit of baseball we often recall the names and careers of great players such as Babe Ruth and Joe DiMaggio. On March 25, 1990, the Rodeo Baseball Association in Rodeo, CA, will remember and honor its own hometown hero, Vernon "Lefty" Gomez, baseball Hall of Fame pitcher for the New York Yankees.

Lefty Gomez loved pitching ball. Since grammar school, it had been his dream to wear the uniform of a professional baseball team. The more he pitched, the more intense his love for the game became and the more determined he was to achieve his dream. When not playing for the local team, Lefty was often seen practicing his pitching arm with rocks. He used his chores at home to strengthen his arm, among them milking the family owned cows. He still had time to play "marathon" baseball.

In 1929, Lefty's childhood dream became a reality. With a sensational high school pitching record, he was signed to the San Francisco Seals of the Pacific Coast League. A year later he was traded to the New York Yankees, where he became friends with fellow teammates Babe Ruth and Joe DiMaggio.

Lefty's 14-year professional baseball career is best illustrated by his overall statistics. Three times he led the American League in strikeouts and shutouts. Twice he held the league's best winning percentage, number of wins, and ERA. In 1934, he topped the league with 25 complete games, 281¾ innings pitched, 158 strikeouts and 6 shutouts. He was the winning pitcher for the historical first All-Star Game and in later years made four more appearances.

In 1943, Lefty Gomez went to the Washington Senators but retired from his playing career after pitching just one game. From there Lefty acted as a manager for the Yankees farm system, joined the Wilson Sporting Goods Co., and served as a consultant and unofficial goodwill ambassador for baseball. In 1964, Lefty was elected to his first term on the Babe Ruth League, Inc., board of directors and was an active member until his death in 1989. In 1972, Lefty Gomez was elected to the Baseball Hall of Fame.

On Sunday, March 25, 1990, the Rodeo Baseball Association will designate the baseball field where Lefty Gomez played as a child the "Lefty Gomez Field." A marble memorial will be unveiled to commemorate his career and to encourage the children who share Lefty's dream. Lefty Gomez will forever be the pride of Rodeo. His memory will remain in our hearts, and he will be an inspiration to all those who love the great game of baseball.

THE SELLINGER SCHOOL OF BUSINESS AND MANAGEMENT AT LOYOLA COLLEGE HONORS JACK MOSELEY AS BUSINESS LEADER OF THE YEAR

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mrs. BENTLEY. Mr. Speaker, my fellow colleagues, on Wednesday, March 21, 1990, I will have the pleasure of attending the Business Leader of the Year Award Dinner. This year the Sellinger School of Business and Management at Loyola College will be honoring Mr. Jack Moseley as Business Leader of the Year for 1990.

Currently, Mr. Moseley is chairman of the board, president and chief executive officer of the USF&G Corp., a post which he has held since 1981. Mr. Moseley began his career with USF&G in 1953 as a trainee in the Birmingham, AL, office. Prior to his appointment as head of USF&G, he served in numerous senior positions.

Perhaps most impressive is Mr. Moseley's list of professional, personal and civic achievements. A graduate of Auburn University, Mr. Moseley quickly advanced at USF&G and undoubtedly helped the firm gain the reputation as one of the best insurance companies in the Nation. He also has devoted much of his time and energy in community activities as well.

I know of very few people who have given so much of themselves to better others. I truly believe that success cannot be measured by only professional achievements. All too often we tend to judge individuals by their material or monetary wealth. Unfortunately, few realize that wealth of spirit and character are much more desirable traits than simple material possessions.

Indeed, we all must realize the importance of character and spirit. Mr. Moseley has demonstrated that success does not just carry a professional connotation.

Among his professional and civic accomplishments, Mr. Moseley has served as a member of the board of directors for USF&G Corp., C&P Telephone Co. of Maryland, and Signet Banking Corp. He also has held directorships with the Baltimore Symphony Orchestra, the Greater Baltimore Committee, and the Ethics Resource Center. Other activities include serving as chairman of the Maryland Economic Growth Association and the Baltimore Convention Bureau, Inc. and as vice chairman of the John F. Kennedy Center for the Performing Arts.

Currently, Mr. Moseley is heading up USF&G's annual Drive to Cure Paralysis. I find it quite fitting that Mr. Moseley receives recognition as Business Leader of the Year, for he truly exemplifies the meaning of success.

I cannot help but be reminded of American statesman John C. Calhoun when he described the people and formation of the New England colonies. Mr. Calhoun spoke of the inconsiderable beginnings of the colonies and the insurmountable difficulties which they faced. However, he continued to say that their strength could be found in their high moral and intellectual qualities. He also said that it was their faith, piety, and confident trust in a superintending Providence; their stern virtues; their patriotic love of liberty and order; their devotion to learning; and their indomitable courage and perseverance. These are the causes which surmounted every obstacle, and which have led to such mighty results.

Undoubtedly, it was such traits that have brought this Nation from its humble beginnings to that of world power. I also strongly believe that those who seek excellence must possess such qualities. Mr. Moseley personifies these qualities for he shares a strong commitment to both his work and fellow man.

Mr. Speaker, my fellow colleagues, it is with great respect and admiration that I commend Mr. Jack Moseley on his recognition as the Business Leader of the Year.

CONGRESSIONAL CALL TO CONSCIENCE FOR SOVIET JEWS: DAVID AND OLGA MIKHAILEV

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. BEILENSON. Mr. Speaker, thank you for this opportunity to join my colleagues in supporting the 1990 Congressional Call to Conscience Vigil for Soviet Jews.

Today I would like to direct my colleagues' attention to the continuing plight of David and Olga Mikhailev, and their 9-year-old daughter, Marina. In 1975, David left his job as an applied mathematician at the Central Science Research Institute of Communications where his work involved theory only and where all his results were published in open literature. In 1978, David received his first refusal to emigrate on the grounds that he allegedly had access to state secrets while working at the institute, and his applications since that time have been repeatedly refused on secrecy grounds. Since his original application, David has been dismissed from jobs twice, and he is now working at a level below his abilities. As a long-time and active refusenik, David is now vice chairman of the public monitoring committee of OVIR.

In September of 1988, David and Olga were forced to obtain a fictitious divorce so that Olga and Marina could come to the United States to obtain necessary medical treatment for Marina, who has a genetic disorder. The United States is the only country which offers this particular treatment.

I would like to take this opportunity to urge the Soviet Union to honor its commitments as expressed in the Helsinki Final Act and allow David to be reunited with his family in the United States. Such action would be a positive example of the continued success of the glasnost campaign and would help to further amicable relations between our two great nations.

THE NEED TO RETAIN OUR AMERICAN-FLAGGED SEA-LIFT CAPABILITY

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. TAUZIN. Mr. Speaker, I would like to bring to my colleagues attention a recent policy decision which not only threatens the economic well being of our maritime industry, but also seriously compromises our strategic defense capabilities.

The Maritime Administration has conditionally agreed to approve an application filed under section 9 of the Shipping Act of 1916. This sale involves the American-flagged vessel *SS Monterey* to be operated under a foreign flag. The *SS Monterey* is one of only three operational U.S.-flagged passenger vessels capable of supporting an emergency transport of troops and supplies overseas.

The Commission on Merchant Marine and Defense estimated a need for troop-lift capacity of 27,000 personnel by the year 2000. The commission made note that with the *Monterey* in U.S. contol there would still be a two-thirds shortfall in U.S. military transport capability. It is, therefore, troubling to hear that this sale is being allowed. There is no doubt that this sale will be detrimental to our national defense.

Instead of allowing this vital asset to be removed from our U.S.-flag fleet, our Government should, by its words and actions, promote the operation of vessels which are flying our flag and crewed with American citizens.

Time is running short to preserve our sea-lift and defense capabilities.

I strongly urge my colleagues to register their protests with the Maritime Administration in regard to the sale of the *SS Monterey*.

INTRODUCTION OF TIRE RECYCLING PROMOTION ACT

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, today I am introducing the Tire Recycling Promotion Act of 1990, a bill to encourage recycling of waste tires.

Nationwide, 240 million tires are scrapped each year. Most end up in unsightly and hazardous tire piles or are landfilled. Some are incinerated with mixed solid waste. In each of these disposal scenarios, they can create problems.

Tire piles present significant environmental and public health threats. They provide ideal breeding ground for mosquitos and other insects, and thus can encourage the spread of insect-borne diseases and require greater use of chemical insecticides. Tire piles also present severe fire hazards, and have been known to ignite and burn uncontrollably for months.

When buried, tires tend to migrate upward, and they have been known to poke through the top of a capped landfill. Such damage can allow rain water to enter a landfill, creating both surface and groundwater contamination. Landfill damage caused by tires can also allow methane gas to escape into the atmosphere, which contributes to the depletion of the ozone layer.

Solid waste incinerators experience problems with tires, unless the combustion system is designed to burn tires.

Given the inadequacy of current systems for disposing of tires, I believe the Federal Government should investigate potential technologies for reusing and reprocessing scrap tires.

A major form of recycling for tires is to retread and reuse them. Many companies with large fleets of trucks do this, but in general, retreading is much less common than it was a generation ago because new tires are so inexpensive. Recycling for tires currently consists of a smorgasbord of technologies that incor-

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porate rubber from scrap tires in low-grade rubber products, in replacement material for certain plastics, and for other uses. Although there is increasing interest in developing and implementing tire recycling technologies, only a very small proportion of all scrap tires are being recycled.

The proposed Tire Recycling Promotion Act is compatible with another measure I have introduced, the Recyclable Materials Science and Technology Development Act (H.R. 500). Like H.R. 500, the Tire Recycling Promotion Act authorizes the creation of a Commerce Department Office of Recycling Research and Information, which would work cooperatively with the Environmental Protection Agency to support research and development of technologies and markets to facilitate solid waste recycling, and to collect and disseminate information. The bill I am introducing today would authorize this office to include in its research and grant-making activities support for innovative tire recycling technologies. Like H.R. 500, the Tire Recycling Promotion Act limits appropriations for this office to $10 million.

The Tire Recycling Promotion Act seeks to define for the Congress and the American people the extent of problems created by disposal of scrap tires and offers strategies for solving such problems. Should tires be shredded before burial to prevent them from disrupting landfills? Or should landfilling of tires be prohibited? The bill addresses these questions. It also directs the Federal government to catalog the technologies available for recycling tires and for integrating scrap tires into construction material, pavement, and durable products.

Finally, the bill directs the Secretary of Commerce to work with industry, government, and the public to search for economic incentives to increase recycling of tires.

PUBLIC WORKS AT WORK

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. PORTER. Mr. Speaker, in 1982 rains flooded several communities in my district near the North Branch of the Chicago River. I was dismayed to see the damage on television, and I was further discouraged when I found my campaign office under 5 feet of water.

Since then, I have worked with the Army Corps, State, and local governments, and the Public Works and Appropriations Committees to obtain flood control relief. Two reservoirs are now under construction, and a third breaks ground in August.

Mr. Speaker, last week extremely heavy rains drenched Illinois again. The Army Corps activated an unfinished reservoir, collected over 45 million gallons of water, and prevented $500,000 in damage to my district.

The district engineer for Chicago, Col. Jess Franco indicated that flooding and damage definitely would have occurred without the reservoir.

Mr. Speaker, flooding on the Des Plaines River in more recent years has caused an additional $100 million in damage to my district. I want to thank my congressional colleagues who helped bring the North Branch project to fruition, and remind them that I will again need their participation and help with Des Plaines River flooding.

NATIONAL FAMILY CAREGIVERS WEEK

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Ms. SNOWE. Mr Speaker, today I am introducing legislation, along with my colleagues, to establish the week of Thanksgiving as National Family Caregivers Week. Since this measure has been enacted for the past 4 years, it is being introduced as a 2-year resolution this year.

For the past 3 years, the broad-based support and interest in this legislation has culminated in a national policy forum on caregiving which I have sponsored with Senator GLENN. This broad-based support is indicative of the vital role that families play in providing care to the Nation's elderly citizens.

Historically, family members provide over 75 percent of the care given to their elderly relatives. This care includes medically related and personal care, household maintenance, transportation, and shopping. Informal family-provided care is a key factor in delaying or preventing the need for nursing home placement.

Traditionally, the average family caregiver is a middle-aged employed woman with children under 18 years of age. However, the elderly themselves now are providing one-fourth to one-third of all care given to their spouses, and family, and friends. This trend is likely to increase as the population continues to age and the number of frail "old-old" grows.

The pressures of caring for elderly family members is of growing concern to families, employers, service providers, and community and government leaders. Today the average middle-aged couple has more parents than children. And a woman spends more years caring for elderly parents than caring for children.

Families provide care to their elderly members even though it is frequently at great emotional and financial cost to them. The stresses and demands of caregiving often result in absenteeism, decline in productivity and inefficiency at work as the caregiver attempts to meet conflicting demands. Therefore, employees and communities are collaborating to find ways to assist family caregivers. These services include information and referral, home health care, respite care, adult day care and support groups.

National Family Caregivers Week is a tribute to the significant role that families make in caring for our elderly citizens. It is also a time to focus on ways to strengthen and support family caregivers throughout the year. This bill reflects our Nation's appreciation for caregivers by recognizing and commending their important contributions.

CLAUDE PEPPER DESERVES TO BE HONORED WITH A POSTAGE STAMP

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. MOODY. Mr. Speaker, on June 12, 1989, I introduced House Concurrent Resolution 149, a resolution that expresses the sense of Congress that our late colleague Claude Denson Pepper should be honored with a postage stamp. This resolution requests that the Citizen's Stamp Advisory Committee consider waiving its usual requirement that an individual be deceased for 10 years before a stamp recommendation be made on that person's behalf.

Senator Pepper brought honor to the institution of Congress throughout his years of service. As both a Senator and a Representative he worked tirelessly to promote concern and care for the elderly, the poor, and the disadvantaged. Pepper's commitment to his causes never waivered, even when the political winds were against him.

First elected to the Senate in 1936, Pepper was a leading advocate for FDR's New Deal programs and he buoyed the Allies in World War II through the creation of Lend-Lease. After suffering a defeat in 1950 following a campaign fraught with McCarthyesque attacks, Pepper returned to Congress as the Representative of Florida's 18th Congressional District in 1962. For 27 years, until his death last year, Pepper served with distinction in the House, chairing the Select Committee on Aging and the Rules Committee and leading the fight on dozens of humanitarian causes.

Anyone surveying Senator Pepper's lengthy and diverse record can hardly fail to be impressed by his many accomplishments.

However, Pepper will always be remembered most for his championship of the elderly and his advocacy of accessible health care for all. Senator Pepper saw the aged population for what it is: a diverse group of individuals deserving respect and consideration. His articulate and passionate defense of the interests of the elderly made him the representative of millions; in that sense, Pepper's constituency numbered in the tens of millions. As one of the architects of Medicare and the protector of the integrity of the Social Security system, Pepper's actions epitomized good public service.

I would like to stress that this resolution does not direct, suggest, or in any way attempt to order creation of a Pepper stamp. We recognize the appropriateness of the 10-year rule in most cases. This resolution, rather, requests the Advisory Committee to consider the merits of waiving the rule in light of Pepper's singular and extraordinary career, and the profound impact he has had on American society. He is truly an historic figure.

Mr. Speaker, a postage stamp is a small but fitting tribute to Claude Denson Pepper. The number of cosponsors of my resolution in the House is approaching 300. Senator BOB GRAHAM recently introduced a companion bill in the other body and has already been joined by 27 of his colleagues in honoring Claude Pepper. I hope the rest of my colleagues will agree to cosponsor House Concurrent Resolution 149 to acknowledge in our own small way Senator Pepper's selfless dedication and inspirational service in Congress.

HONORING COMDR. FRANK A. SEAMANS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. CONTE. Mr. Speaker, I rise today in honor of Comdr. Frank A. Seamans, Massachusetts District 13 Commander of the Veterans of Foreign Wars. It is an honor for me to have this opportunity to pay tribute to a great American.

Commander Seamans who joined the VFW in 1981 is hard-working and exceedingly dedicated. He has patiently served through the chairs on the District level and is currently serving as the commander. On the post level, he has held the office of post adjutant and is currently the post quartermaster of the corporation and serves as treasurer on the bingo committee. On the State level, Commander Seamans has served on the Rules and Regulations Committee and Budget Committee as well as serving as the VAVS Representative to the VA Medical Center in Leeds, MA.

Through his works on each of these levels, Frank has been known to be reliable and dependable. I salute Frank Seamans. Frank has worked tirelessly with all who he has come in contact with. His accomplishments, spurred by his love and dedication for humanity, are impressive.

Mr. Speaker, not only is Frank Seamans a kind and sharing individual, he is also industrious. He has faithfully served the community as an employee at AT&T, and at Lead Stamps, a printing shop which he owned.

On March 31, 1990, the family and friends of Frank Seamans will gather together at a testimonial dinner in his honor. There is good reason for this testimonial dinner, Mr. Speaker. Frank has spent most of his adult years helping others in any way possible. Whether it be the auxiliary, a neighbor, or a friend, Frank has always been there to lend a helping hand. This dinner is a small tribute to a big-hearted man.

Mr. Speaker, it is truly an honor to have the opportunity to speak on behalf of such a dedicated and loyal worker. Comdr. Frank A. Seamans is an exemplary man and devoted individual. Frank Seamans has been able to combine both business acumen and community service. Under his direction, his printing business flourished as did the 13th District of the Veterans of Foreign Wars. Through his outstanding achievements as commander and citizen, Frank Seamans has earned the respect of the entire Commonwealth. I am proud to have such an inspiration and role model in my First Congressional District of Massachusetts. I wish him the best of luck and continued success in the many years to come.

SOVIET JEWS STILL EXPERIENCE DISCRIMINATION AND SPECIAL PROBLEMS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. MAZZOLI. Mr. Speaker, at a time when relations between the United States and the Soviet Union are developing in very positive new directions, it is important to note that Soviet Jews still experience discrimination and special problems in the Soviet Union.

Many Jews who wish to leave the Soviet Union are repeatedly denied the right to leave. This is particularly poignant in the case of David Mikhalev.

David Mikhalev has been repeatedly refused a visa on the grounds that he holds state secrets from the Ministry of Communication, where he worked as a mathematician. Mr. Mikhalev has applied many times for a visa over the last 11 years to no avail despite the fact that in 1988, his wife, Olga, and their young daughter were permitted to emigrate to the United States. To accomplish their depature, Mrs. Mikhalev had to divorce her husband.

This heartbreaking story is only one of many existing cases of Soviet refusniks who have been denied the right to leave the U.S.S.R.

At a time when anti-Semitism appears to be on the rise in the Soviet Union, and when the secret organization, Pamyat, threatens pogroms against Soviet Jews, the Soviet Government should facilitate—not retard—the departure of any Jewish citizen who may wish to emigrate to another land.

BUD JOHNSON, SPORTS ENTHUSIAST

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, I join the community of Avon, NY, in mourning the recent loss of Bud Johnson, a local sports enthusiast who dedicated his life to helping young people discover baseball. As I pass a Little League game, watching the young players ready to give their all and their parents beaming with pride, I will be reminded of the significant contributions Bud Johnson made to the community of Avon as a coach, player, and spectator.

Bud instilled the virtues of sportsmanship, teamwork, and dedication into many a young athlete. Coaches, umpires, players, and friends who knew Bud through the years have all singled him out as a man who contributed significantly to the development of many responsible members of the community.

Bud worked for more than 40 years at A & A Equipment, never missing an early morning delivery of machine parts to customers on his long route, but his lifelong career was being a second father and mentor to every child who aspired to play sports in Avon. They responded, too, by rewarding his generosity and compassion with several championship teams.

Mr. Speaker, someone once said that baseball's most significant message for our lives is that the players always return home to score. Bud Johnson stayed in his hometown and helped generations of young athletes start on a firm footing. He deserves acknowledgement for tirelessly giving of himself on behalf of Avon's youth.

THE SDI PROGRAM

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. KYL. Mr. Speaker, yesterday, in a speech before the ADPA conference on SDI, Secretary of Defense Dick Cheney delivered some significant remarks concerning the SDI program. I will be sending those remarks around in a "Dear Colleague," but let me briefly say that Secretary Cheney reiterated that both he and President Bush are bullish on the SDI program and are committed to deploying defenses when they are ready. Secretary Cheney said it is no longer an issue of whether we can meet the President's goals, but how to meet the goals.

Tomorrow, I will be holding a special order on SDI. I cordially invite my colleagues to join me in discussing this very vital defense initiative.

COMMENDING PAUL M. CARON

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. SCHULZE. Mr. Speaker, I rise today to congratulate Paul Caron, of West Chester, PA, who will be receiving his fifth Eagle Palm on March 22, 1990, at a court of honor held by Boy Scout Troop 6, of West Chester.

In all, Paul has received 46 merit badges. To put this accomplishment into perspective, 21 merit badges must be earned to become an Eagle Scout. That means Paul has gone on to obtain 25 additional merit badges, with each Palm representing five badges. Indeed, this is a rare achievement.

I wholeheartedly applaud Paul for being the first scout in the 75-year history of Troop 6 to become so decorated, and am proud to have the opportunity to hail his impressive talent.

TRIBUTE TO DR. WILLIAM S. BOYD, RICHARD W. ALLEN, AND JIMMIE SUE MULLEN

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. BARNARD. Mr. Speaker, the St. Joseph Foundation in Augusta, GA annually recognizes three individuals who have greatly con-

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tributed volunteer efforts in the categories of time, talent, and treasure at the Annual Good Samaritan Recognition Program. I rise today that recognition and acclamation may be given the following three individuals.

Dr. William S. Boyd has had an outstanding career in the practice of medicine in Augusta. He graduated magna cum laude from the University of Georgia and was a member of Phi Beta Kappa Honor Fraternity. He also graduated with high honors from the Graduate School of Emory University and the Medical College of Georgia.

Dr. Boyd has played an important role in the early development of the National Center for Disease Control in Atlanta and has served many years as an associate clinical professor at the Medical College of Georgia.

Dr. Boyd has had an intense interest and important role in the development and progress of St. Joseph Hospital having served on the executive committee, as chief of staff, as the medical director, and as a member of the board of trustees over a period of 35 years. In 1989, Dr. Boyd was the founding chairman of the Remembrance Society of the St. Joseph Foundation, Inc.

Music and painting are two areas of special interest to Dr. Boyd and he has made outstanding contributions in these areas as well. His works of art have been selected for inclusion in the Graphic Arts Division of the Smithsonian Institute in Washington, DC. In 1970, he funded the William S. Boyd Augusta Symphony Piano Competition, which has become international in scope. Dr. Boyd has also been awarded the nonalumnus distinguished service award and an honorary degree by Newberry College.

As a result of his many outstanding accomplishments and endeavors, William S. Boyd, M.D. has been named the Good Samaritan Award winner for Treasure.

Richard W. Allen has been described as a person who does not seek self-promotion and, therefore, few people are aware of his generous gifts to charitable organizations.

Mr. Allen has served as a member of the board of directors of the Exchange Club, chairman of the board of the Augusta Easter Seals Society, chairman of the Augusta Red Cross, member of the Augusta Symphony League, member of the United Way Budget Review Committee, member of the Augusta Opera Association, member of the board of directors of the YMCA of Augusta, member of the advisory committee of the Augusta Technical Institute, and is chairman of the Corporate and Foundations Committee of the Saint Joseph Foundation, Inc.

Mr. Allen also devotes time to his wife, Robin, and their children, Jennifer, Andy, Molly, and Robin Ann. He is recognized in the business community as owner of R.W. Allen and Associates.

Having proven that one can be a successful business person and lead a life dedicated to Christian service, Richard W. Allen has been named the Good Samaritan Award winner for Talent.

Jimmie Sue Mullen has devoted more than 45 years of service to a wide variety of volunteer activities in locations from Washington, DC, to Soperton and Augusta, GA.

In 1944, Mrs. Mullen began her volunteer career as a Red Cross nurses aide at Walter Reed Hospital in Washington, DC. She worked more than 2,200 volunteer hours in an 8-year period, and at Georgetown University Hospital, formed the Youth Volunteer Program known as the Pink Angels.

In 1960, when she and her late husband, Frank, returned to Augusta, she became an active member of the Women's Club and later a charter member of the Opera Guild and served as its president. She is also a contributing member of the Augusta Opera, the Augusta Ballet, Historic Augusta, and the Augusta Historical Society.

In Soperton, her hometown, Mrs. Mullen assisted in forming the Million Pines Arts and Crafts Festival, an annual event with more than 10,000 visitors each year. She also assisted in founding the St. Joseph Hospital Auxiliary as a charter member and has served as its president. She has worked more than 3,600 volunteer hours at St. Joseph Hospital.

Mrs. Mullen is a devout member of St. Mary on the Hill Church in Augusta and is happiest when she is involved in helping other people. She possesses the qualities of love and sharing which is the true meaning of a good samaritan.

In recognition of her love and devotion to volunteer activities, Jimmie Sue Mullen has been named the Good Samaritan Award winner for Time.

A FIVE-YEAR DEFENSE PROGRAM

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. IRELAND. Mr. Speaker, I rise to offer a piece of legislation on a matter that falls under the jurisdiction of the Armed Services Committee.

The purpose of this measure is quite simple.

If adopted, it would prohibit the obligation of all advance procurement money requested in the fiscal year 1991 budget until the Department of Defense [DOD] submits a Five-Year Defense Program [FYDP] that is consistent with the President's budget, as it is required to do by law—section 114a of title, 10, United States Code.

I offer the idea as a freestanding bill because this is the only way to formally introduce it legislatively at this juncture. When the Procurement Subcommittee of the Armed Services Committee begins marking up the fiscal year 1991 defense authorization bill, I intend to offer the measure in the form of an amendment.

Mr. Speaker, DOD is requesting $4.7 billion in the fiscal year 1991 budget for advance procurement, saying that this money is needed to support ongoing production programs in fiscal year 1992 and beyond.

Advance procurement bridges the gap between the budget and the outyears in the Five-Year Defense Program.

Unfortunately, a piece of the puzzle is missing. Congress has the budget. We have the advance procurement numbers. But, we have no FYDP. Without an approved outyear program, Congress has no way of knowing what the advance procurement money will buy. Without a FYDP, as Senate Armed Services Committee Chairman SAM NUNN has pointed out, Congress can't make rational decisions on the budget.

Mr. Speaker, DOD is required under the law to submit a FYDP to Congress each year, and it must be consistent with the President's budget. A recent ruling by the General Counsel of the General Accounting Office finds DOD in violation of that law.

The outyear numbers in the FYDP have not been updated since the April 1989 FYDP submission. They are no longer valid. Indeed, Secretary Cheney has testified that those numbers are meaningless—a fact recently confirmed in a General Accounting Office report, which estimates that the fiscal year 1992-94 program must be cut by another $137.9 billion in order to be consistent with the budget.

Mr. Speaker, until those decisions are made, we will not know which programs are in, and which ones are out. Those decisions will not be finalized until late this year.

Mr. Speaker, the Armed Services Committee cannot be expected to approve any advance procurement money until Congress has a FYDP that is consistent with the President's budget as required by law. We need a FYDP that tells us what the money is for and how it fits into a fully approved fiscal year 1992-95 program.

One important point needs clarification.

Mr. Speaker, I get the feeling that DOD would like Congress to look at selected programs independently of the FYDP. Well, it can't be done.

Congress cannot make judgments about the pieces independently of the whole. Outyear funding profiles for individual programs must be linked to an outyear topline that matches the dollars projected in the budget—otherwise they are truly meaningless. Without the contraints of a realistic topline, no hard choices are made—everything fits.

The military services have submitted congressional data sheets to Congress. These documents contain outyear funding information on selected weapon systems. Those numbers are supposed to be derived from and consistent with the FYDP data base. But which FYDP? Are they connected to the September 1989 FYDP submitted to Congress? If that's the case, then the problem is even worse than I thought.

Mr. Speaker, if this provision were adopted, it would not cause undue hardship for the military services, provided they do what is required under the law.

Under normal circumstances, DOD would not begin obligating advance procurement moneys until late in the year at the very earliest. By that time, DOD should have completed its internal program and budget review process and be in a position to submit the fiscal year 1992 budget and the fiscal year 1992-96 FYDP. If the programs in the new FYDP are fully consistent with the President's budget as required by law, then it could obligate the money as planned. If not, the prohibition would remain in effect until the outyears are brought into line with the budget.

Mr. Speaker, I am searching for a way to apply some leverage on the FYDP. I thought a provision of law would suffice. But DOD has chosen to ignore the law. For me, that is unacceptable. So I now take the next logical step—withhold the expenditure of money until the department complies with the law of the land.

Hopefully, this approach will yield the desired results and next year we see a FYDP that is properly aligned with the budget.

TIME/WARNER COMMUNICATIONS SUPPORTS HOWARD UNIVERSITY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. TOWNS. Mr. Speaker, today I rise to pay tribute to Time/Warner Communications, an innovative company, and Howard University School of Communications, an outstanding institution. These two giants in their respective fields have joined together to build a bridge which will be walked upon by many young people in their quest to fulfill their educational aspirations.

First, I salute the contribution of Time/Warner. At a time when social responsibility and community involvement are sorely needed but severely lacking, this company has acted definitively and decisively to forge a path for other corporations to follow. This corporate pioneer and communications giant has donated over $150,000 to help defray the production costs of a television series originating from the Howard University School of Communications studios.

I also want to salute the Howard University School of Communications. The series, entitled "Howard Vision", is an innovative approach to exploring topical issues which concern the Howard University community and the community of the Greater Washington Metropolitan area. In addition to enriching the university and community by illuminating difficult issues, this series provides an opportunity for students in the Howard University School of Communications to become involved in every facet of the broadcast industry. The students put their talent and intellect to work by serving as writers, directors, producers, editors, camera operators, and in all other capacities necessary to assemble a television production.

Time/Warner and Howard have embarked on a bold mission to join together to meet the desperate need of underrepresentation of minorities in the communications industry. Through the combined efforts of the Howard University School of Communications and Time/Warner Corp., these participating students have an opportunity to aspire and achieve challenging and meaningful educational experiences.

Time/Warner Communications has shown its commitment to the realization of the goals and objectives of this school. Howard University School of Communications has shown its commitment to the students and to the people of the community. I applaud all of the participants in this project. Hopefully, the tangible and intangible benefits created by this association will provide an incentive which inspires emulation and imitation. I am certain that the benefits of this project will be dispersed over the Nation when these gifted and talented students graduate from the university and take their rightful places in the communications industry.

CAREGIVING—A FAMILY MATTER

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. DOWNEY. Mr. Speaker, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services, I rise in support of the resolution being introduced today designating Thanksgiving week of 1990 and 1991 as National Family Caregivers Week.

As in the past, I would like to commend Hon. OLYMPIA J. SNOWE, the ranking minority member of our Subcommittee for introducing this resolution. This year's resolution differs only slightly from those Ms. SNOWE has introduced in the past, because it is a 2-year resolution. However, the issue has not changed and remains as significant as ever.

Caregiving is one of the most important issues facing the American people. Recent estimates indicate that more than 12 million older Americans have some form of limitation in their daily activities because of a chronic condition. Approximately 5 million of these people need assistance in one or more basic physical activities or require help in managing domestic activities. At the present time, there are over 2 million Americans who act as caregivers, providing help to elderly family members residing in the community. A recent survey indicates that 47 percent of all American families have had to deal with providing long-term care to a member of their family. More than two-thirds of functionally dependent elderly people live in the community, and 42 percent live with a spouse. Without these spouses and children, that quality of life for millions of older Americans would deteriorate immeasurably.

As we approach the end of the 20th century, the number of elderly Americans requiring assistance is bound to increase as the number of Americans over the age of 75 grows. Complicating the situation is the changing nature of the American work force as more and more women pursue full-time careers. Women, who have traditionally been the primary caregivers for their elderly relatives, face greater challenges and stress as they try to balance the competing claims on their time and energy. Clearly we need to find a better solution to the growing needs of older Americans and their caregivers.

Designating Thanksgiving week as National Family Caregivers Week reaffirms our commitment to finding that solution, and formally acknowledges the millions of people in our country who contribute vast amounts of their time and energy providing care for their loved ones.

REPRESENTATIVE FLAVEL BUTTS DIES

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 20, 1990

Mr. SKELTON. Mr. Speaker, on Sunday, March 17, the State of Missouri lost a distinguished citizen. Flavel J. Butts of Camdenton, MO, passed away after a lengthy illness. Flavel, a lifelong resident of the Lake of the Ozarks area, was a businessman and community leader. He belonged to the Elks Club, several Masonic organizations, Farm Bureau, Camdenton Chamber of Commerce, Camdenton Booster Club, Linn Creek Lodge, American Legion, Disabled American Veterans, and Veterans of Foreign Wars. During World War II, Flavel served his country in the Pacific Theater.

In 1972, Flavel was selected to the Missouri General Assembly. He served his constituents and the people of Missouri commendably in this capacity until his death. Many of his colleagues in the general assembly have spoken of his courageous stands on moral issues, his kindness, and his dependability. He will be missed in the general assembly, and by the people of Missouri.

Flavel leaves his wife, Eileen, his son, Joe, and two grandchildren. I extend my sympathy to his family and know they will be comforted by the knowledge that Flavel served his fellow man to the best of his abilities.

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HOUSE OF REPRESENTATIVES—*Wednesday, March 21, 1990*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 21, 1990.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore today.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, assistant to the bishop, Washington, DC, Metropolitan Synod, Evangelical Lutheran Church of America, offered the following prayer:

O God, our Father, we acknowledge Your presence in our midst, and we place our trust in Your care.

Hear our prayer this day, O God.

May our deeds mirror our words, may our words emanate from benevolent thoughts, and may our thoughts be rooted in Your goodness and love for us and for all people, everywhere.

Help us to be mindful of and concerned for those whom it would be so easy to forget: the old, the sick, the poor, and the disconsolate.

Hear our prayer this day, O Lord. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mrs. MORELLA. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mrs. MORELLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 124, not voting 25, as follows:

[Roll No. 35]

YEAS—282

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Clinger
Coleman (TX)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McEwen
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Scheuer
Schneider
Schumer
Sharp
Shaw
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weiss
Wheat
Whitten
Wise
Wolpe
Wyden
Wylie
Yatron

NAYS—124

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clay
Coble
Coleman (MO)
Coughlin
Courter
Cox
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Edwards (OK)
Fields
Frenzel
Gallegly
Gekas
Gingrich
Goodling
Goss
Grandy
Hancock
Hastert
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Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Murphy
Packard
Parris
Pashayan
Paxon
Porter
Regula
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Saxton
Schaefer
Schiff
Schroeder
Schuette
Sensenbrenner
Shays
Shuster
Sikorski
Slaughter (VA)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stearns
Stokes
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (AK)
Young (FL)

NOT VOTING—25

Barnard
Brooks
Brown (CA)
Collins
Craig
Dingell
Flippo
Ford (MI)
Gallo
Gibbons
Hawkins
Horton
Martinez
Nelson
Nowak
Pursell
Savage
Schulze
Shumway
Stump
Tanner
Udall
Williams
Wilson
Yates

□ 1424

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore [Mr. BRUCE]. Would the gentleman from Pennsylvania [Mr. WELDON] please come forward and lead the House in the Pledge of Allegiance.

Mr. WELDON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 3311. An act to designate the Federal building located at 350 South Main Street in Salt Lake City, UT, as the "Frank E. Moss United States Courthouse".

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1472. An act to establish the Grand Island National Recreation Area in the State of Michigan, and for other purposes.

The message also announced, that the Senate agrees to the amendments of the House to the bill (S. 1521) entitled "An act to amend Public Law 91-34 relating to the police force of the National Zoological Park of the Smithsonian Institution, and for other purposes."

NEW AVIATION TAX PLAN IS A TROJAN HORSE

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, last year, American air travelers were forced to endure more than 177 million hours of delays. Those delays were not trivial—they cost the national economy some $5 billion.

This week, the President sent us a bill to fix this problem by making air travelers pay two additional taxes. He must be using that special OMB math, because it just does not compute.

Before we talk about saddling air travelers with another tax, we should spend the $7 billion that OMB has stashed away in the aviation trust fund. Any new tax, even call it a user fee, call it a facility charge, it's still a tax, will just add to that stash. Under the administration spending plan, that new tax money would not even be needed until 1994. Until then, it would just be another smokescreen for the deficit.

The administration is asking these new taxes of the traveling public, who already pay the full cost of improvements to the aviation system. It's an administration con game in which air travelers think all their money is being spent to improve aviation, and it's not.

The Subcommittee on Aviation is crafting legislation that will meet these same needs with money from the trust fund, and read my lips, no new taxes.

For the traveling public and local airport authorities, the administration plan is nothing but a fiscal Trojan horse. It looks good on the outside, but if you let it in, it will eat you alive.

STOP APPLYING STEALTH TECHNOLOGY TO AVIATION AND TRANSPORTATION BUDGETS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, with his reauthorization proposal for the FAA, President Bush engages us in a game of hide and seek. Seeking taxes from consumers to hide the extent of the budget deficit.

Although the President projects a fiscal year 1991 deficit of $63.1 billion, CBO expects it to be $131 billion.

We may be able to mask the B-1, but we should not try to hide the deficit in the air transport budget. We are talking about rebuilding our economic infrastructure to encourage more private investment and to increase productivity. We are not going to achieve that by not expending the aviation trust fund balance.

□ 1430

Although the President does call for a partial spend down in fiscal year 1991, at his rate it will take us 7 years to achieve a total spend down. The country cannot afford to wait that long.

And while the administration would point to its progressive spend down policy in aviation, they ask that we accrue further surpluses of $700 and $800 million in the respective highway and mass transit accounts next year.

Now you see it, now you don't.

Mr. President, its time to stop applying stealth technology to our aviation and transportation budgets.

SPECIAL ORDER ON STRATEGIC DEFENSE INITIATIVE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, I want to invite my colleagues to join me this afternoon in a special order on the subject of the strategic defense initiative.

It was just 7 years ago this week on March 23, 1983, that President Ronald Reagan announced the beginning of work on the strategic defense initiative, a new concept for the defense of the American people.

The question is no longer one of technology. The technology is here. It will never be uninvented. The question now is a matter of political foresight in support of this important program.

Last weekend I visited the Lawrence Livermore Laboratories where I saw the work being done on Brillian Pebbles technology, and can assure my colleagues that this program will fly this year. Two tests are scheduled for this year.

So I urge my colleagues this afternoon to join me in discussing this important project, the strategic defense initiative, and to support the program proposed by the President for full funding of that program in this next fiscal year.

READ MY LIPS: RAISE YOUR TAXES

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, the "read my lips, raise your taxes" policy of the Bush administration continued yesterday with the FAA now the latest to fly in the face of common sense.

Mr. Speaker, the aviation trust fund has a huge surplus: $7.6 billion. So what does the President do? He raises aviation taxes. He raises taxes on airline tickets, raises taxes on airline fuel, he creates a so-called user-fee for round-trip tickets. But who is being used and abused here?

The answer is obvious. American consumers are being used and abused.

The President continues to mask the size of the deficit by raising taxes in those areas, Social Security payroll, aviation, which already have huge surpluses.

While the President's rich friends greedily eye a capital gains cut, while the deficit mounts, working Americans continue to be used by user fees. These are the friendlier skies of the Bush administration: The postal officials ride first class and sip wine, while the rest of us fly coach and pay user fees for peanuts.

USING THE "PEACE DIVIDEND"

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, today I have introduced legislation to direct the Congress to use 50 percent of any real reduction in defense spending, or peace dividend, directly for deficit reduction.

I am delighted and encouraged by the easing of cold war tensions in Eastern Europe. Communist countries continue to make remarkable progress toward self determination and democracy. Glasnost, the upheavals in the Warsaw Pact and the current budget crisis make major cuts in defense spending an achievable goal.

It is long past time for the Congress to take responsible action to reduce the huge national debt. The continued burden of deficit spending should not continue to fall solely on the shoulders of the American taxpayer. Fifty percent of any real peace dividend directly applied toward reducing the deficit would be a step in the right direction of fiscally responsible action on the part of Congress.

In determining use of the other 50 percent of peace dividend we are constantly looking for alternative methods of revenue, without raising taxes, to address vital domestic issues. I believe one of our priorities must be to direct funds to our local governments to assist in implementing a national infrastructure plan. Our Nation's roads, bridges, and sewers are of vital importance and must be developed and maintained, like any natural resource. We have got to remain innovative and competitive in utilizing technology to advance our transportation systems and strengthen our national infrastructure.

Research and development in the areas of mass transit, high speed rail, magentically levitated trains, computer operated smart cars and alternative fueled vehicles is necessary and costly. However, we cannot afford to lose ground in an area that is vital to the continued growth and productivity of our Nation.

This brings up my second point: competitiveness. The United States must remain competitive with foreign nations that consistently beat us to the mark with spectacular developments in the fields of science, technology, and communications. If the United States is to remain competitive, we must fund those programs that will ensure our superiority in the global marketplace.

Closer to home are the various regional problems across the country that tend to get lost in the budgetary shuffle between Congress and the administration. These programs have a serious impact on the quality of life for the entire Nation. I know that southern California is grappling with many social responsibilities relating to its large migrant population.

Current funding is insufficient in providing for adequate housing, health care, education and job training for a large majority of the migrant population. Local governments are left to deal with an enormous burden that the Federal Government has consistently underfunded.

These are just a few of the needs that should be addressed in consideration of how to best utilize a peace dividend. Join me in cosponsoring legislation to direct the Congress toward a commonsense approach to fiscal responsibility.

THE AMERICAN PEOPLE DESERVE A MEANINGFUL BUDGET

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, Franklin Roosevelt gave the American people the New Deal. Harry Truman offered the Fair Deal.

And when it comes to dealing with the Federal deficit, President Bush's program can best be described as the Three-Card Monte Deal.

Every time the American people think they have finally learned the true size of the Federal deficit, billions more pop up "over there" somewhere; tucked away and hidden by the "hand is quicker than the eye" misuse of a trust fund.

First it was the Social Security trust fund.

Now it's the aviation trust fund. Rather than use its money for what the trust fund was designed to finance—improvements in the Nation's airports and airways—the administration wants to use more than $3 billion from it to hide the Federal deficit.

And George Bush wants to raise airplane ticket and aviation fuel taxes to pay for it and impose new user fees, to pay for it.

Mr. Speaker, America has a serious and urgent need to invest in our transportation infrastructure. In rural America, our ability to diversify and strengthen our economies depend on it. In a rapidly expanding world market, our ability to compete demands it.

At this critical hour in our Nation's history, the American people deserve better than the sleight-of-hand budget tricks they are getting from this President. They deserve a meaningful budget.

AVOIDING FEDERAL MANDATES

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, business owners across America believe that parental leave is a valuable benefit for their employees. Many businesses, both small and large, offer individualized benefits designed to meet the needs of their workplace.

Employers offer voluntary leave, extended vacation or sick time, personal days, child care assistance, flex-time, work sharing, dependent health insurance coverage, and allow work in the home. Offering these individualized benefits is good policy and one that I support.

A 1988 Bureau of Labor Standards benefit plan survey of over 30 million employees at medium and large firms found that approximately 90 percent were covered by a disability leave with some level of income replacement. Another study found that in the absence of formal leave policies, 72 percent of respondents indicated that employers informally accommodated workers with ill or seriously ill children. Another small business study showed that 75 percent of small business owners provide leave to new parents.

Business owners currently have the flexibility to design a benefit package that best meets the needs of their employees. Promoting flexibility in the workplace is a far different matter than imposing an onerous Federal mandate on employers.

Rushing to mandate a benefit will limit employee choice and end the current trend toward creative and flexible benefits. Join me in opposing federally mandated family and medical leave.

ADMINISTRATION'S AVIATION POLICY

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, the President has said, "Read my lips; no new taxes," and then he presents the aviation policy, and I just want to read a list.

A 25-percent hike in user charges for airline passengers. That increases the ticket tax from 8 to 10 percent. That is a user fee. Do not worry, it is not a tax increase, they say.

Airports are permitted to charge their own passenger user fees of up to $12 per round trip.

Freight fees increased from 5 to 6 percent.

Aviation gasoline tax up from 12 cents a gallon to 15 cents a gallon.

Jet fuel tax up from 14 cents a gallon to 18 cents a gallon.

The Department of Transportation Secretary is given the power to increase airport taxes after 1991.

Every $1 collected by an airport would reduce Federal funds available to that airport by 50 cents.

Finally, Mr. Speaker, if we want to build airports, what this policy proposes is pay now, fly later, maybe. Or better said, to say no new taxes is to fly by night.

STRATEGIC DEFENSE INITIATIVE

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, it was 7 years ago this week when Ronald Reagan in a speech from the White House mobilized the genius of the American people and challenged our brightest minds to build a defensive system that would protect us from nuclear attack. It was the strategic defense initiative. It was called star wars. It has been a turning point in the cold war, and perhaps a turning point in all human history.

It was the strategic defense initiative, our moving forward with great gusto, and our scientific accomplishment in this area that made possible the first agreement to reduce Soviet and American nuclear arsenals. If we are to achieve further arms reductions agreements with the Soviet Union, SDI is essential. SDI will give us the leverage we need to make agreements so that if there is cheating they will not seem so threatening to the other side, because we will have some level of protection.

SDI is an insurance program for peace. SDI should be fully funded this year, and I call on my colleagues to support that position.

□ 1440

ANTIABORTION MOVEMENT CURTAILS FREEDOMS

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, something happened in the U.S. territory of Guam which shows the danger of the antiabortion movement and how our freedoms will be curtailed if their policies and the politicians prevail.

In Guam, an antiabortion bill was passed and a woman faces a 1-year prison term for merely stating at a press conference that the women of Guam could still get legal abortions in Hawaii.

This woman faces charges of abortion solicitation.

Imagine in 1990 such an incredible circumstance.

My friends, pro-choice means trusting the women of America to make their own private and personal choices.

Let us pass the Freedom of Choice Act so that women in every State and territory can have the right to choose.

WHERE IS H.R. 3, THE CHILD CARE BILL?

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, the whip notice for today indicates that we should be voting on H.R. 3, the child care bill. Where is the rule? Where is the bill? Could it be that the bill the majority leader promised us last October that we would protect religious day care is coming unglued?

Could it be that the Democrats are afraid to bring that bill out here and debate it on the floor?

This building was built and this room is here for debate and discussion. If every bill is going to come out under a close rule and if every bill is going to come out after the deal is made, then let us rent this place out as a movie theater, put a screen up here and let the taxpayers get some benefits from their money.

Otherwise let us do what they pay us to do.

Let us debate child care, debate parental choice, debate religious-based child care, debate whether we want a bigger bureaucracy or whether we want American parents to make these choices.

It is now Wednesday, and we still have not seen H.R. 3.

MORE JAPANESE UNFAIR TRADE PRACTICES

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I rise today to bring to the attention of my colleagues a disturbing matter of unfair trade that the Japanese Government and Japanese companies are engaging in. These unfair trade practices are the subject of a petition submitted to the Office of the U.S. Trade Representative on March 5, 1990, pursuant to section 301 of the Trade Act of 1974, as amended by the Trade and Competitiveness Act 1988.

I hold in my hand a patented sample of amorphous metal made by Allied-Signal. It's not hammered out to this sheet—it's actually cast in this form. Allied creates this metal in my district, and it is the only place in the world where it is made.

This amorphous metal is extremely important. When used in electrical transformers it can dramatically reduce energy loss. Not only does that save energy but it saves on the fuel we use to run the power generators and therefore reduces the amount of air pollution emitted by those same facilities. In addition, this amorphous metal will have future use in the aerospace industry and in the semiconductor industry—two areas that we currently lead the world. This is the future of metallurgy, and the Japanese know it.

Allied, which developed, patented, and produces amorphous metals, would benefit from being able to sell these wonderous new high-technology materials in the lucrative Japanese market. However, the Japanese have steadfastly refused to allow this Allied product into their country. The reasons are simple: if the Japanese can refuse Allied long enough—and they have for years already—then the patents that Allied holds will expire and the Japanese will be able to produce this metal on their own. They want it, but seem to be unwilling to obtain it through proper means.

The Japanese Government has gone so far as to form and subsidize a cartel-like group of Japanese companies to develop Japan's own amorphous metal, so when Allied's patents expire the Japanese will be prepared for full production and world sales. This cartel refuses to deal with Allied, and the Japanese Government has orchestrated the manipulation of the Japanese patent system to delay and devalue Allied's patents until they expire. They have also pressured Japanese public utilities to refrain from purchasing transformers made with this amorphous metal, even in the face of clear energy savings.

Allied has made repeated, good-faith efforts with the Japanese to negotiate a contract for the sale of this product. All of this has been for nothing, and I find this situation so extraordinary that I now bring it to you, my colleagues.

I have written to Ambassador Carla Hills, asking her to take special note of this section 301 application from Allied. I have also written to the Secretaries of State, Commerce, and Treasury, asking them to take up this matter and correct it to the best of their ability.

For years, many have suspected that the Japanese have been engaging in unfair trade tactics, but this has been hard to document. But not this time. Let us not let another high-technology product, created here in the United States and rightfully owned by an American company, slip away. I ask you to join me in urging all of these departments to investigate these activities and seek an immediate halt to this pattern of unfair behavior by the Japanese Government.

PADEREWSKI SHOULD BE RETURNED TO POLAND

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, Ignace Jan Paderewski, Polish pianist, composer and statesman, dedicated his life to his country's unity and freedom. Even after Nazi aggression in Europe drove him from his homeland, he traveled to America to speak on behalf of the Polish people, never giving up hope that Poland would be free again. In December 1941, he died in New York City and, by a grant from President Franklin D. Roosevelt, was interred in Arlington National Cemetery with the promise that he would be returned when Poland became free.

Poland suffered great humiliation, terror, and economic desolution under Nazi and then Communist totalitarianism. But now, almost half a century later, Paderewski's dream is becoming reality and there is hope that at last he will rest in peace in his native homeland. The fall of communism in Eastern Europe and the imminence of free elections this spring are encouraging indications that the Polish-American Congress will soon determine that it is time that Paderewski be returned home. Today's Poland, inspired by the courage and ideals of Mr. Lech Walesa, is the Poland that Paderewski hoped to build. Therefore it is imperative that Mr. Paderewski be welcomed under the leadership of this disciple who is carrying out his dream.

As a descendent of grandparents from Kracow, I am especially interested in both Paderewski's and Poland's fate. I have contacted the Polish-American Congress to reiterate my concern and I urge that everyone who believes in the cause of freedom also demonstrate support in having this Polish national hero returned as soon as Poland is politically free and stable.

SUPPORT THE COMPUTER MATCHING CORRECTIONS ACT OF 1990

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, I am pleased to join my friend, Congressman KLECZKA, in introducing the Computer Matching Corrections Act of 1990.

This measure is designed to correct a mistake in the Computer Matching and Privacy Protection Act of 1988.

The requirement ignored pre-existing due process procedures established by program regulation or statute which impose on State agencies A 10-day advance notice requirement.

For my State of Texas, the combined State-Federal costs for complying with the 30-day notice provision will add up to $5 million in 1990.

Congress never intended to place such a cost and administrative burden on Federal and State governments.

This measure corrects this mistake by exempting AFDC, Medicaid and food stamp programs from the 30-day advance notice and independent verification requirements.

I urge my colleagues to join me and Representative KLECZKA in supporting this bill.

DOES THE POSTAL SERVICE NEED A RATE INCREASE?

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, the U.S. Postal Service is asking for a large postal rate increase to take effect next January.

Why do they need this rate increase? Well, let me tell you: Last year, 1989, a year in which they barely broke even, postal costs rose at twice the rate of inflation. And how were the managers of our postal system rewarded for this? Seventy-five out of seventy-five of the managers received bonuses averaging over $6,000 for this management.

When the General Accounting Office reviewed 22 post offices, they found that in 20 of them the highly automated expensive equipment that you and I paid for with our postage stamps was routinely turned off while the mail was sorted manually with an overinflated labor source.

In fact, in that year alone the post office used 25,000 work-years of labor more than they projected going into the year. That is why their costs are out of control.

Mr. Speaker, I have introduced House Resolution 351, encouraging the board of governors to admonish the Postal Service to reduce their costs, not raise our rates.

FORMER PRESIDENT REAGAN'S TESTIMONY IN THE POINDEXTER TRIAL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today former President Reagan took center stage in the Poindexter trial. So help me God, he said, "I can't recall," and, "I can't remember," so many times he got lockjaw.

He could not remember anything Mr. Meese did, Mr. Shultz did, and he said, "Furthermore, I don't remember much about the Tower Commission," that he created.

When they asked him if he knew why Mr. Poindexter was indicted, he said he was not sure. They reminded him that it was for lying to Congress, and he says, and I quote, "I'll take your word for it."

What a soap opera. If you can believe this charade, you can believe in both Mother Goose and the Tooth Fairy, ladies and gentlemen.

Mr. Poindexter has the one chance, folks, to be found guilty like Mr. Secord. Then he will get no jail time, no fines, he would not even have to do community service.

That is show biz, folks.

CONGRATULATIONS TO NAMIBIA ON THEIR INDEPENDENCE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, as the struggle for freedom continues throughout the world in Lithuania, China, Vietnam, and a wide range of other places, it is important for us to note the tremendous success which has taken place in a number of spots.

First of all, we today warmly welcome Prime Minister Tadeusz Mazowiecki to Washington from Poland. At midnight last night we saw a very historic occurrence in sub-Saharan Africa. We witnessed Namibia actually proclaim its independence, being the newest nation to join the United Nations and the Organization of African Unity.

I would like to extend my congratulations to President Nujoma and wish the people of Namibia very well as they move in the direction of independence and freedom.

☐ 1450

HONORING PUBLIC SERVANT BOB HALL

(Mr. AKAKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AKAKA. Mr. Speaker, I rise today to proudly associate myself with a fellow public servant, Mr. Robert J. Hall, our State of Hawaii Employee of the Year, and to join our State in commending and honoring him for his outstanding contribution to the people of Hawaii.

Bob is the manager of three major public housing complexes in urban Honolulu which, under his leadership, were tranformed into socially and physically attractive and desirable communities in which to live and raise families. He has been recognized with awards from Gov. John Waihee, Lynne Waihee, our first lady, and the private sector for his outstanding achievements in public housing management, beautification and voluntarism. Among his other honors is a certificate of special achievement from the Department of Housing and Urban Development, 1 of only 20 awarded nationally, for his dedicated and unrelenting fight against drugs in public housing, and for his excellence in administration and management. Under his leadership, rent delinquency rates have been reduced and preventative maintenance minimized at a substantial cost savings, all contributing to making the housing complexes under his administration pleasant and desirable communities.

Mr. Speaker, Bob Hall is the epitome of a competent and excellent dedicated public servant. I praise you Bob for your continuing outstanding service to our community.

MITCH SNYDER'S TACTICS HARM HOMELESS

(Mr. DeLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DeLAY. Mr. Speaker, I am appalled by the actions of Mitch Synder, the so-called leader of the homeless here in Washington. His deliberate action to prevent an accurate count of the homeless people in our Nation's Capital is just another one of his futile attempts to "help" the homeless. By obstructing an accurate count of the homeless here in Washington, he will actually cause more harm than good to homeless people nationwide. What is he so afraid of? Is it possible that the studies that have estimated the number of the Nation's homeless far fewer than Mr. Synder's estimates might be true? Is that what he fears? Does he really believe that blatant obstruction of the census, an important part of our Constitution, will help the plight of the homeless? This is a travesty. By the way, does Mitch Snyder pay taxes?

LITHUANIA DESERVES SUPPORT

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, "When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another. * * *" Our history as a Nation is established on this principle. If we are to remain true to ourselves, we can no more deny it today to the people of Lithuania who seek to dissolve the bonds which have connected them to the Soviet Union than we could deny it to our own forefathers.

We all want to see Mr. Gorbachev succeed in reforming his country, but if the price of that success is the compromise of our own most basic national principles, then the price, Mr. Speaker, is very high indeed.

Fifty years ago America spoke with outrage as Stalin and Hitler conspired to deny Lithuania her sovereignty. Two generations later the proud people of Lithuania seek to repair this terrible injustice, and they look for America's support. To remain silent at this moment is to become complicitous in Stalin's theft of Lithuanian independence, while denying the principles that we hold most dear as Americans.

INTRODUCTION OF WETLANDS CONSERVATION RESERVE PROGRAM ACT OF 1990

(Mr. STANGELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. STANGELAND. Mr. Speaker, today several of my colleagues join me in introducing the Wetlands Conservation Reserve Program Act of 1990. The bill makes the Conservation Reserve Program more environmentally responsive by including wetlands and surrounding upland areas.

The Wetlands Conservation Reserve Program Act of 1990 would make wetlands and surrounding uplands eligible for inclusion in the Conservation Reserve Program. It would extend the Conservation Reserve Program another 5 years but would not change the existing acreage cap of 45 million. It does, however, acknowledge that at some point we may want to expand the cap and extend the Conservation Reserve Program for additional years.

My bill would target sensitive areas that have been farmed in the past as well as those likely to be farmed in the future. It's a preventive measure that builds upon public-private partnerships. We should share the costs and benefits of wetlands protection among the public at large—not solely among selected individual private property owners. It also embodies the recommendations of many—including the National Wetlands Policy Forum and environmental organizations—to establish an agricultural wetlands reserve or preservation trust.

I believe this is a workable and balanced approach to protect wetlands from future drainage, help meet the President's "no overall net loss" goal, and recognize private property owners' rights. Too often we resort to heavy-handed regulation steps when we can accomplish the same resource protection goals through other innovative measures.

Mr. Speaker, I look forward to working with my colleagues on moving this legislation in the 1990 farm bill. I would note that Congresswoman SMITH and Congressman SCHULZE and others have similar proposals. I think we can all work together on specific ways to improve the CRP. In addition, I hope to introduce more comprehensive legislation on wetlands protection involving agricultural practices and permitting programs—such as under the Clean Water Act—in the near future.

Attached is a section-by-section summary of the Wetlands Conservation Reserve Program Act of 1990.

WETLANDS CONSERVATION RESERVE PROGRAM ACT OF 1990

SECTION-BY-SECTION ANALYSIS

Section 1 provides the bill's short title: the Wetlands Conservation Reserve Program Act of 1990.

Section 2 expands the Conservation Reserve Program (CRP) to include "converted wetlands" and "wetlands" (as those terms are defined in the 1985 Food Security Act) and upland areas surrounding such converted wetlands and wetlands. These "surrounding areas" are eligible for CRP enrollment because of the many environmental benefits they often provide—such as wildlife and waterfowl habitat. Wetlands not yet converted are eligible for CRP enrollment if the Secretary of Agriculture determines such wetlands are likely to be converted based on technical feasibility, economic considerations, weather patterns, or other factors.

Section 3 extends the CRP for another 5 years (through 1995), while leaving unchanged the existing acreage limitation (45 million acres).

Section 4 requires the Secretary to report to House and Senate Agriculture Committees within two years on the need for and advisability of extending the CRP beyond 1995 and increasing the acreage limitation beyond 45 million. The Secretary must also report on the effects of increasing the cap, including the impacts on rural and national economies.

PRESIDENT REPUDIATES PARTY PLATFORM ON JERUSALEM

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I join my colleagues on both sides of the aisle in voicing my concern about the recent statements by President Bush relating to Jerusalem. I just cannot understand his motivation.

Not only did the President repudiate his own party's 1988 platform, which calls for a "united" Jerusalem, he even repudiated his own stated position. In 1980, when the United Nations was considering a resolution opposing all settlements "including Jerusalem," then Vice Presidential candidate George Bush condemned it is an unwise policy that "undermines confidence in America's policy and purpose in the Middle East."

Mr. Speaker, this is not a partisan issue.

Most Americans believe Jerusalem should be the undivided capital of Israel.

That recognition can be found in several Democratic and Republican Party platforms.

As one who has been generally supportive of the Bush foreign policy, I urge the President to reconsider and retract his recent statements on Jerusalem. They have damaged the Israeli Government, they have damaged the

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peace process, and they are not in the best interests of the United States.

CONGRESS IS READY FOR DEBATE

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, in this morning's Post is an op-ed piece by the distinguished majority leader entitled "How I Dare Criticize the President?"

I'm not going to get to the difference of opinion between the majority leader and our distinguished President, but there are several lines in the article that rather intrigued me. One, "We had better discuss and debate those choices * * * refusing even to debate important policies, we are doomed to be the victims of change."

Admittedly the majority leader was talking of foreign policy issues, and I would like to pick up on the comment of the distinguished gentleman from New Hampshire [Mr. DOUGLAS], when he expressed the lack of seeing the day care/child bill on the floor of the House of Representatives.

I do not know how long it has been scheduled, or how long we have been talking about the need for having it debated and discussed openly on the floor of the House. There are several plans on this side, maybe several plans on that side. Some of the intricate provisions I am not fully aware of, nor do I know the implications. That is a debating society. This is where it ought to take place. Let all Members have their say. I do not know why it has to be so manufactured and so dished out to Members, in such limited form that we cannot even alter it by a free debate here in this House. My view is we have several real controversial issues, including acid rain, clean air is coming down the pike, along with campaign reform and some others. We are not doing all that much with the days off on Monday and Friday and all in between. What are we waiting for? Let Members at least get something out here on the floor of the House. I cannot predict who will win, but let Members talk them all out.

NO NEW AVIATION TAXES

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, air travelers in the United States are being threatened today by a group of powerful pencil pushers who threaten to take us all to the cleaners.

The Office of Management and Budget has for years put up a brick wall which prevented the aviation trust fund from doing what it was intended to do: improve our airports and airways.

Now, not satisfied with the $7 billion surplus built up in the trust fund, OMB and the White House want to raise the tax that every passenger pays when they purchase an airline ticket.

To that I say, "Read this Democrat's lips: No new aviation taxes!"

The American people do not want to pay more money to have it only sit for years in OMB's equivalent of a Swiss bank account.

Mr. Speaker, the American people are demanding honesty and truth when it comes to spending the moneys entrusted to us. I believe we should spend every dime in the aviation trust fund to improve our airports and airways. Before raising aviation taxes, if the White House cannot live up to its end of the bargain, then I say let us live up to ours.

FORTRESS AMERICA

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, strategic defenses are likely to be essential for Americans to participate fully in the world of the 21st century. America as the richest, most successful, and avowedly democratic country, is likely to continue to be the chief target of ideologues and fanatics of several stripes. At the same time, the 21st century will be marked by the widespread proliferation of technologies for mass destruction across long ranges, and by extreme sophistication in the forces of our chief adversaries. This will enable precise, extraordinarily rapid, and powerful attack, in which undefended targets will have zero chance of survival. To put it plainly, they will be naked and vulnerable to attack.

Traditional deterrence of such threats based on counterthreats of retaliation against populations will have to handle attacks too fast and too effective for undefended forces to survive for retaliation; and some irrational attackers will not care if their resources are threatened offensively. Therefore, keeping the United States participating in the world, not surrendering to future coercion, must include defenses to ensure that free world leaders are able to resist and avoid pressures for quick or ineffective or life-threatening situations and reactions.

In other words, Mr. Speaker, there should be an SDI plan in our future.

CELEBRATING 75 YEARS OF AMERICAN AEROSPACE LEADERSHIP

(Mr. VALENTINE asked and was given permission to address the House for 1 minute.)

Mr. VALENTINE. Mr. Speaker, the first Saturday in this month marked the 75th anniversary of a little known event that profoundly enhanced America's position in the world. On March 3, 1915, President Wilson signed a naval appropriations bill that contained a $5,000 rider establishing the National Advisory Committee on Aeronautics, and instructing the committee to:

> Supervise and direct the scientific study of the problems of flight, with a view to their practical solution.

From those simple, but visionary, words came 75 years of discovery and innovation which secured for our Nation a position of unquestioned preeminence in aviation.

In 1958, the NACA became the core of another agency that has played an extraordinary role in American life over the past 30 years. I am speaking, of course, about the National Aeronautics and Space Administration [NASA].

As we reflect on those 75 years, on the legacy of the DC-3, the X-1, the P-51 Mustang and today's superb flying machines, I call on all of us to be true to the NACA heritage and to assure America's continued aerospace leadership.

A DREAM OF FREEDOM FOR LITHUANIA

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, I believe in the American dream. It is the dream to be able to bow our heads and worship our God at any time and any place we want. It is the dream to get up and say whatever we want to say, to have freedom of the press, to have the freedom to choose any occupation that we wish, and the freedom to choose to live anywhere we want to live and to raise our families. It is the dream of freedom. It is a dream of independence. It is the dream that we all want to pass on to our children.

It is the same dream that the people of Lithuania are struggling for today. It is the same dream that they want to pass on to their children. It is the same dream that some people are denying to give them so they may have that recognition that they deserve as a free and independent country.

Mr. Speaker, I challenge the President and I challenge my colleagues to give them that recognition so that they may pass those dreams on to their children.

THE NATION'S TRANSPORTATION SYSTEM FACES NEW CHALLENGES

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, the transportation system of our Nation currently stands at a crucial crossroad. Years of hard work have given us the most extensive and most utilized transportation configuration in the world. We are the possessors of an interstate system that alone is nearly large enough to circle the globe twice. However, growth in population and expanded use have created levels of demand unimaginable by the system's founders. We must now, face the task of maintaining and expanding that system in an era of fiscal austerity.

Our transportation system is the result of a partnership between the Federal Government and the States. This partnership has historically centered on joint planning and joint funding. However, new patterns of partnership will be required for the challenges ahead

Additionally, the state of the Nation's transportation system is inexorably linked with the state of business. As we seek to strengthen commerce, both at home and abroad, our transportation system must become a central focus for our efforts. Just as the world of business never rests, so too must the Nation's transportation system reorient itself to maintain its role as a facilitator of commerce and provider of access for all its citizens. The National Transportation Policy provides guidance to achieve these ends.

For the past decade, it has been the administration's policy to identify any and all unnecessary Federal regulations that impede the activities of our citizens, and to otherwise remove any further encumbrances to the progress of its people. Today, perhaps more than ever, new initiatives along these lines are required in order to streamline the procedures of the Federal Government.

I feel confident that the National Transportation Policy will help us to face the obstacles that I have enumerated. I am grateful to Secretary Skinner for having provided us with so helpful a product to use as our blueprint for the future.

SEALED JUDGMENTS COVERUP JUSTICE DEPARTMENT ACTIONS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I have a very serious question, and that is: What has happened to the Justice Department? I am really startled by what they have been doing of late.

First of all, it has taken us a long time to crank the Justice Department up to do the things that they should be eager to do. It has taken everything we have had to get them to go after waste, fraud and abuse in the Defense Department and to go after some of the scandals in the savings and loans.

But now what do we see? Now that they have gotten in there and the waste and fraud jumped up and grabbed them, there was no way to cover it up and they are now sealing the judgments. Northrup's judgment will be sealed. They say, "Well, we brought them to justice, but you will never know what has happened because we are sealing the judgment."

They are now talking about sealing the judgment on many of the big eight accounting firms that cooked the books so that we could pay all the bills to bail out those savings and loans.

Mr. Speaker, that is not justice; that is a coverup. I think we should be very indignant that our tax money is going to that purpose, and I hope we straighten out the Justice Department.

THE STENHOLM-SHAW SUBSTITUTE ON CHILD CARE

(Mr. McEWEN asked and was given permission to address the House for 1 minute.)

Mr. McEWEN. Mr. Speaker, as we know, there are basically two approaches to child care. One is that we allow the parents to make the decisions; the other is to have Washington make the decisions.

After a great deal of debate, there has been a very good piece of legislation introduced. It is called the Stenholm-Shaw substitute, which would empower parents to choose the kind of child care they wish their children to have. I believe it is appropriate that that bill be given a good hearing so that the American people would be informed about its contents. Under that legislation, empowerment would be given to the parents either through a certificate or a voucher or an income tax credit whereby they could choose what kind of child care their young child would have.

The alternative is to have Washington decide and set up licensed care centers and license those people who work there, certainly disqualifying the family members. That would be a wrong direction to take.

I am grateful that the Speaker has been reluctant to bring that bill to the floor this week, as was threatened. It would be unfair to all of us if such a major decision for the decade would be made under such hurried circumstances. Given the time of a week or two in order to discuss all the merits, I am sure that people will come down on the side of parental choice and support the parental choice bill as sponsored by the gentleman from Texas [Mr. STENHOLM] and the gentleman from Florida [Mr. SHAW].

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PARENTAL DECISIONMAKING IN CHILD CARE

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, apropos of the comments just made by my distinguished colleague, the gentleman from Ohio, I would like to point out that there are not two, but really three proposals on child care before the Congress this week.

The original child care bill, known as the ABC bill, was largely the product of the Education and Labor Committee. It might fairly be described, as the gentleman described it, as bureaucrats in Washington making decisions, but the bill coming to the House floor will probably be the Ways and Means Committee bill which does provide the maximum amount of parental decisionmaking.

We expand the income tax credit. We funnel more money through an established vehicle in title 20.

The differences between the child care bill reported by our committee and the Stenholm amendment are relatively narrow and small, so I hope indeed, as my friend, the gentleman from Ohio says, that Members will take a careful look at this issue. It deserves to be looked at carefully by all Members of the House.

PROVIDING FOR COMMEMORATION OF 100TH ANNIVERSARY OF BIRTH OF DWIGHT DAVID EISENHOWER

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that the Committee on House Administration, the Committee on Post Office and Civil Service, and the Committee on Rules be discharged from further consideration of the Senate joint resolution (S.J. Res. 237) providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. DELLUMS). Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 237

Whereas Eisenhower was born on October 14, 1890, in Denison, Texas, and soon thereafter moved with his family to Abilene, Kansas;

Whereas Eisenhower developed an interest in military history early in childhood, and attended the United States Military Academy at West Point, New York, from 1911 through 1915;

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Whereas in 1915, upon graduation from the United States Military Academy, Eisenhower was commissioned as a second lieutenant and assigned to the 19th Infantry at Fort Sam Houston, Texas;

Whereas at the conclusion of World War I, Eisenhower assumed the rank of captain, and was promoted to the rank of major shortly thereafter;

Whereas in 1935, Eisenhower accompanied General Douglas MacArthur to the Philippines, where he served as a senior military assistant to General MacArthur;

Whereas Eisenhower was promoted to the rank of lieutenant colonel during his service in the Philippines;

Whereas Eisenhower was subsequently assigned to Fort Lewis, Washington, where he served as executive officer of the 15th Regiment of the 3d Infantry Division from January through November 1940, and as chief of staff to General Kenyon A. Joyce of the 9th Corps from March through June of 1941;

Whereas in March 1942, Eisenhower was promoted to the rank of General and named Chief of the Operations Division for the General Staff of the United States Army;

Whereas in June 1942, Eisenhower achieved the rank of Lieutenant General, and in December 1944, he became a General of the Armies;

Whereas Eisenhower served as President of Columbia University from 1948 through 1950;

Whereas Eisenhower was appointed by President Harry S. Truman as Supreme Commander of the North Atlantic Treaty Organization forces in Europe, and served in that position from 1951 through 1952;

Whereas Eisenhower was elected the 34th President of the United States on November 4, 1952, and was reelected to serve a second term on November 6, 1956;

Whereas President Eisenhower hosted 115 foreign chiefs of state and heads of government on visits to the United States, traveled to 28 foreign countries, and participated in 20 summit talks with foreign government leaders;

Whereas Eisenhower strongly supported education and promoted international understanding through education;

Whereas Eisenhower had a long and productive association with Gettysburg College, serving as a member of the College's Board of Trustees, using a campus office to write his memoirs and to fulfill the numerous duties of a former President, and receiving an honorary doctorate from the College;

Whereas after leaving office on January 20, 1961, Eisenhower retired with his wife to their farm and home in Gettysburg, Pennsylvania;

Whereas Eisenhower died on March 28, 1969, and was buried in military uniform in the place of meditation on the grounds of the Eisenhower Center in Abilene, Kansas; and

Whereas throughout 1990, various public and private organizations, including the Eisenhower Society, the Eisenhower Foundation, the Eisenhower World Affairs Institute, the Eisenhower Exchange Fellowship Program, Inc., the Eisenhower Centennial Commission, and others, will be sponsoring and conducting events across the Nation to commemorate the centennial of the birth of Dwight David Eisenhower: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 14, 1990, the 100th anniversary of the birth of Dwight David Eisenhower, is designated as "Dwight D. Eisenhower Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

SEC. 2. The members of the Senate and the House of Representatives who are members of the Dwight David Eisenhower Centennial Commission, with the assistance of the other members of that commission (referred to hereinafter as the "Commission"), shall—

(1) make arrangements for a joint meeting of the Congress to be held on Tuesday, March 27, 1990, or such other day as may be designated by the Speaker of the House of Representatives, in the Hall of the House of Representatives in commemoration of the centennial of the birth of Dwight David Eisenhower;

(2) plan the proceedings of and issue appropriate invitations to the joint meeting; and

(3) coordinate the foregoing arrangements with the activities of the Dwight David Eisenhower Centennial Commission.

SEC. 3. The expenses of carrying out this joint resolution shall not exceed $25,000 and shall be paid from the contingent fund of the House of Representatives upon vouchers approved by Speaker of the House of Representatives.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ANNUNZIO] is recognized for 1 hour.

Mr. ANNUNZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am happy to join my good friend and colleague, the gentleman from Kansas [Mr. ROBERTS] in supporting the purpose of this resolution. It is identical to House Joint Resolution 483, introduced by the gentleman from Kansas [Mr. ROBERTS]. I had the honor of managing the legislation that authorized the striking of the coins commemorating President Eisenhower, and this resolution further demonstrates our respect for this distinguished American.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman from Illinois, my friend and colleague and distinguished chairman of the Subcommittee on Financial Institutions Supervision, Regulation and Insurance, of the Committee on Banking, for yielding me this time.

Mr. Speaker, I am pleased to rise today in support of Senate Joint Resolution 237, providing for the commemoration of the 100th anniversary of the birth of Dwight D. Eisenhower. In Kansas where Eisenhower grew up, across the Nation, and around the globe, we remember the many ways in which Ike's leadership and foresight helped to shape today's world. We remember, and we like Ike.

I would like to thank Chairman ANNUNZIO for his assistance in bringing this resolution to the floor. I would like to recognize once again Chairman ANNUNZIO's assistance with the Eisenhower coin when that bill was under consideration by the House Banking Committee.

As my colleagues remember, I introduced legislation in the 99th Congress along with Senator DOLE in the Senate that established the Dwight D. Eisenhower Centennial Commission to plan and coordinate the centennial events. That bill became Public Law 99-624 and laid the ground work for the resolution that is before us today.

This commemoration is in keeping with those held for other Presidents in their centennial year. The Roosevelt and Truman commemoratives are recent examples.

Senate Joint Resolution 237 does three things. First, it designates the date of Ike's birth, October 14, 1890, as "Dwight D. Eisenhower Day."

Second, it provides for a joint meeting of the Congress to be held March 27, 1990, in the Hall of the House of Representatives in honor of the centennial.

Third, it provides that the expenses of carrying out this resolution shall not exceed $25,000 and shall be paid from the contingent fund of the House of Representatives.

Mr. Speaker, I urge the passage of this important resolution.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I thank my colleague for yielding to me. I applaud him on the introduction of this legislation and I urge my colleagues to support it.

Dwight David Eisenhower was buried in Abilene, KS, April 2, 1969. It was the city he grew up in. His mother, Ida, pregnant with Ike took his two brothers Arthur and Edgar to Texas to join her husband David when he had lost his business in Kansas. Not long after Ike was born, the family returned to Abilene.

From there Ike went to West Point, met Mamie when he joined the Army, and in 1952 became the supreme commander of allied forces in Europe. It was General Eisenhower who commanded the largest invasion ever on D-Day June 6, 1944, and it was on that day we won the war.

As President, it is ironic this great military man considered his highest achievements as ending the Korean war and keeping America out of war during his 8-year tenure. It was in his Farewell Address, January 17, 1961, when he made this oft quoted statement, which particularly consistent with the ideals and goals of the gentleman who now occupies the chair, Mr. DELLUMS. In that regard, Mr. Eisenhower said:

> In the councils of government we must guard against the acquisition of unwarranted influence, whether sought or unsought,

by the military industrial complex. The potential for the disastrous rise of misplaced power exists and will persist.

When we honor that great Kansan, Dwight David Eisenhower, we honor a man of war and a man of peace and we honor an uncommon man who liked best to be seen as a common man. Perhaps therein lies his greatness.

Mr. ROBERTS. Mr. Speaker, I thank my colleague for his unique contribution.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS. I am happy to yield to my friend and colleague, the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding to me.

I just want the Record to note that Pennsylvania has a great deal to boast about with respect to the general and President of the United States, Dwight David Eisenhower. His grandfather, his grandparents lived in Elizabethville in Dauphin County, PA, and later, of course, everyone in the world knows that the general and President retired and chose to live in Gettysburg near the battlefield and near the points of history which preceded the making of the history of which he was a part. So when we proceed toward lauding the President of the United States who made us as proud, I for one want to make sure that the Record is clear that Pennsylvania had a great deal to do with his background and with the history that he made.

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for his contribution.

Mr. ANNUNZIO. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Maryland [Mrs. Byron].

Mrs. BYRON. Mr. Speaker, let me say as a member of the Centennial Commission, it gives me a great deal of pleasure and pride to stand before you today and talk about Senate Joint Resolution 237, which designates March 22, next Tuesday, for a joint session for the honoring of the centennial year of our 34th President.

It is interesting to listen to the Members from Kansas who say that Ike was one of them from Kansas, and then Pennsylvania gets up and says Ike is one of us, he is from Pennsylvania. Republicans get up and say he is ours, he is Republican. The Democrats have not gotten up yet, but I remember vividly back in 1948 when he was president of Columbia University and a torch light parade went up Morningside Heights, with the Democrats asking him to be their standard bearer for President that year.

So I think he does not really belong to Kansas or Pennsylvania or the Democrats or the Republicans. I think what he really epitomizes is an American, one who started as a humble beginner and achieved greatness, one that we all look to in a time of need to lead us and one that we can now sit back and say we are glad we knew him.

I have a very personal part in this, because as a young child when World War II broke out, he was a personal friend of my family, and came to my father and said, "I'm going to Europe to lead our troops. Mamie has no home."

And as it turned out, she moved in with us, and so for 3 years I was the little kid that ran up and down the elevator at the Wardman Park and alerted them as to who was coming, whether it was President De Gaulle, General MacArthur, General Marshall, and a wide assortment of individuals.

So it gives me a lot of pride and pleasure to serve on that Commission that will be here next week in a joint session to honor this great American.

Mr. ANNUNZIO. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. Emerson].

Mr. EMERSON. Mr. Speaker, on Tuesday, March 27, we will hold a joint meeting of Congress to pay tribute to our 34th President and victorious World War II general born nearly 100 years ago on October 14, 1890—Dwight D. Eisenhower.

As a member of the Eisenhower Centennial Commission, I would like to urge my colleagues to join us in this tribute to President Eisenhower—a man with a clear vision for the future of this Nation, deep compassion for those less fortunate, a distinguished record of leadership, and solid family values whose 8 years in office brought this country an exceptional period of peace and prosperity.

Many distinguished individuals will be addressing the joint meeting including Ike's son, former Ambassador John Eisenhower; Newsman Walter Cronkite; Winston S. Churchill, grandson of the wartime Prime Minister; Washington Dean Clark Clifford; golf professional Arnold Palmer; and James D. Robinson III, Commission Vice Chairman and Chairman of the Eisenhower Centennial Foundation.

As we celebrate this distinguished President's 100th birthday, I would also like to call to the attention of my colleagues President Eisenhower's cultural achievements which he bestowed upon this Nation. For example, it was during the Eisenhower administration that the original National Cultural Center Act was passed. This was the legislation that established what was later named the John F. Kennedy Center.

Unfortunately, many do not know how extensive Eisenhower's cultural contributions were. Therefore, I would like to recommend a book that annals these accomplishments. The book is "Miracle On the Potomac; the Kennedy Center From the Beginning," and it gives a fascinating chronicle of Eisenhower's firm commitment to fostering this Nation's cultural heritage.

The book was written by a dear friend of mine, Ralph Becker. Ralph, a former Ambassador to Honduras, was a trustee and general counsel for the John F. Kennedy Center and is one of the founders of the National Cultural Center for Performing Arts. Without the devoted and untiring work of Ralph Becker, I assure you that there would be no Kennedy Center today.

Mr. Speaker, I commend to my colleagues the joint meeting of Congress on March 27 and the interesting and informative book by Ralph Becker—"Miracle On the Potomac."

Mr. SLATTERY. Mr. Speaker, I would first like to thank the chairman of the House Administration Committee, Frank Annunzio, the ranking minority member, Bill Thomas, and the members of the House Administration Committee for their support in bringing this legislation to the floor today.

This legislation is identical to House Joint Resolution 483, introduced by Representative Pat Roberts, of which I am an original cosponsor.

Dwight D. Eisenhower's contributions to our country and the world—as President, general, and elder statesman—continue to positively affect the United States.

From his courageous commanding of the allied invasion of Normandy, to his signing of the Civil Rights Act of 1957—the first civil rights legislation since Reconstruction—President Eisenhower stressed his commitment to freedom and the principles Americans hold dear.

The influence the State of Kansas had on this great leader, and ultimately world events, makes those of us from the Sunflower State especially proud of our heritage at this moment.

As a fellow Kansan, I am indeed pleased to be able to stand before you today and endorse this effort to honor one of America's great leaders on the eve of his centennial celebration.

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Mr. ANNUNZIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANNUNZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Joint Resolution 237, the Senate joint resolution just passed.

The SPEAKER pro tempore (Mr. Dellums). Is there objection to the request of the gentleman from Illinois?

There was no objection.

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AUTHORIZING FUNDS FOR INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES OF THE HOUSE

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 346) providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the 2d session of the 101st Congress, and ask for its immediate consideration.

The SPEAKER pro tempore (Mr. GLICKMAN). The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 346

Resolved, That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigation and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,530,120; Committee on Agriculture, $2,027,519; Committee on Armed Services, $2,119,398; Committee on Banking, Finance and Urban Affairs, $4,523,254; Select Committee on Children, Youth, and Families, $780,652; Committee on the District of Columbia, $371,705; Committee on Education and Labor, $3,860,707; Committee on Energy and Commerce, $5,840,111; Committee on Foreign Affairs, $3,430,064; Committee on Government Operations, $3,492,470; Committee on House Administration, $1,320,000; Committee on House Administration—House Information Systems, $7,430,000; Select Committee on Hunger, $645,395; Permanent Select Committee on Intelligence, $305,000; Committee on Interior and Insular Affairs, $2,075,500; Committee on the Judiciary, $2,355,476; Committee on Merchant Marine and Fisheries, $2,302,435; Select Committee on Narcotics Abuse and Control, $753,580; Committee on Post Office and Civil Service, $1,802,906; Committee on Public Works and Transportation, $2,747,813; Committee on Rules, $672,413; Committee on Science, Space, and Technology, $2,800,042; Committee on Small Business, $1,029,000; Committee on Standards of Official Conduct, $1,500,000; Committee on Veterans' Affairs, $719,458; and Committee on Ways and Means, $4,221,000.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $30,000; Committee on Armed Services, $40,000; Committee on Banking, Finance and Urban Affairs, $100,000; Select Committee on Children, Youth, and Families, $10,000; Committee on the District of Columbia, $10,000; Committee on Education and Labor, $105,924; Committee on Energy and Commerce, $25,000; Committee on Government Operations, $35,000; Committee on House Administration, $35,000; Committee on House Administration—House Information Systems, $450,000; Committee on Post Office and Civil Service, $100,000; Committee on Public Works and Transportation, $15,000; Committee on Science, Space, and Technology, $10,000; Committee on Standards of Official Conduct, $1,200,000; Committee on Veterans' Affairs, $37,500; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,000; Committee on Armed Services, $8,000; Committee on the District of Columbia, $1,500; Committee on Education and Labor, $10,000; Committee on Government Operations, $2,000; Committee on House Administration, $10,000; Committee on House Administration—House Information Systems, $280,000; Committee on Interior and Insular Affairs, $2,000; Committee on the Judiciary, $1,000; Committee on Post Office and Civil Service, $15,000; Committee on Public Works and Transportation, $35,000; Committee on Rules, $4,000; Committee on Science, Space, and Technology, $14,000; Committee on Standards of Official Conduct, $3,000; and Committee on Veterans' Affairs, $2,500.

SEC. 4. The Committee on House Administration—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 7. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1990, and ending immediately before noon on January 3, 1991.

SEC. 8. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

Mr. GAYDOS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike out all after the resolving clause and insert:

That there shall be paid out of the contingent fund of the House in accordance with this primary expense resolution not more than the amount specified in section 2 for investigations and studies by each committee named in such section, including expenses—

(1) in the case of a committee named in section 3, for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946; and

(2) in the case of a committee named in section 4, for provision of assistance for members of professional staff in obtaining specialized training under section 202(j) of such Act.

SEC. 2. The committees and amounts referred to in the first section are: Select Committee on Aging, $1,481,499; Committee on Agriculture, $2,016,015; Committee on Armed Services, $2,070,657; Committee on Banking, Finance and Urban Affairs, $4,045,000; Select Committee on Children, Youth, and Families, $734,479; Committee on the District of Columbia, $324,512; Committee on Education and Labor, $3,686,681; Committee on Energy and Commerce, $5,491,231; Committee on Foreign Affairs, $3,369,145; Committee on Government Operations, $3,062,942; Committee on House Administration, $1,505,000; Committee on House Administration—House Information Systems, $7,089,000; Select Committee on Hunger, $628,505; Permanent Select Committee on Intelligence, $305,000; Committee on Interior and Insular Affairs, $1,873,875; Committee on the Judiciary, $2,189,205; Committee on Merchant Marine and Fisheries, $2,211,483; Select Committee on Narcotics Abuse and Control, $700,770; Committee on Post Office and Civil Service, $1,737,075; Committee on Public Works and Transportation, $2,630,875; Committee on Rules, $672,413; Committee on Science, Space, and Technology, $2,637,645; Committee on Small Business, $1,006,395; Committee on Standards of Official Conduct, $500,000; Committee on Veterans' Affairs, $719,458; and Committee on Ways and Means, $4,098,565.

SEC. 3. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for consultant services under paragraph (1) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $30,000; Committee on Armed Services, $40,000; Committee on Banking, Finance and Urban Affairs, $100,000; Select Committee on Children, Youth, and Families, $10,000; Committee on the District of Columbia, $10,000; Committee on Education and Labor, $105,924; Committee on Energy and Commerce, $25,000; Committee on Government Operations, $35,000; Committee on Housing Administration, $135,000; Committee on House Administration—House Information Systems, $450,000; Committee on Post Office and Civil Service, $100,000; Committee on Public Works and Transportation, $15,000; Committee on Science, Space, and Technology, $10,000; Committee on Standards of Official Conduct, $500,000; Committee on Veterans' Affairs, $37,500; and Committee on Ways and Means, $10,000.

SEC. 4. (a) Of the amounts provided for in section 2, each committee named in subsection (b) may use not more than the amount specified in such subsection for specialized training under paragraph (2) of the first section.

(b) The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $5,000; Committee on Armed Services, $8,000; Committee on the District of Columbia, $1,500; Committee on Education and Labor, $10,000; Committee on Government Operations, $2,000; Committee on House Administration, $10,000; Committee on House Administration—House Information Systems, $280,000; Committee on Interior and Insular Affairs, $2,000; Committee on the Judiciary, $1,000; Committee on Post Office and Civil Service, $15,000; Committee on Public Works and Transportation, $35,000; Committee on Rules, $9,000; Committee on Science, Space, and Technology, $14,000; Committee on Standards of Official Conduct, $3,000; and Committee on Veterans' Affairs, $2,500.

SEC. 5. The Committee on House Administration—

(1) shall, through House Information Systems, develop, operate, maintain, and improve computer and information services for the House, including direct computer and information systems support for Members, committees, administrative offices, and other governmental entities, and shall conduct necessary investigations and studies of such services;

(2) is authorized to receive reimbursement for services under paragraph (1) and to expend amounts so reimbursed in accordance with policies of the committee; and

(3) is authorized to provide for professional development programs, office and personnel management consultation services, and periodic publication of handbooks, guides, bulletins, and other items necessary for the House.

SEC. 6. Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 7. Amounts shall be available under this resolution for investigations and studies carried out during the period beginning at noon on January 3, 1990, and ending immediately before noon on January 3, 1991.

SEC. 8. Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 9. The Committee on House Administration shall have authority to make adjustments in amounts for investigations and studies under section 2, if necessary to comply with an order of the President issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 2.

Mr. GAYDOS (during the reading.). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 1 hour.

Mr. GAYDOS. Mr. Speaker, I yield the customary 30 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH], the ranking minority member of the Subcommittee on Accounts, for purposes of debate only, pending which I yield myself such time as I may consume, with the understanding that any additional time which I may yield will be subject to the specific limitation, for debate purposes only.

Before explaining this amendment, I wish to thank all of the members of the Accounts Subcommittee for their hard work in considering each budget request from the respective committees. Attendance at each of the sessions was very good. The product which I present to the House has the support of a united subcommittee, it is not perfect, but it does reflect the best possible agreement that could be crafted in the spirit of reasonable compromise.

In particular, I wish to thank the ranking minority member of the subcommittee, BARBARA VUCANOVICH, and BILL THOMAS, the ranking minority member of the full committee for their diligent and thoughtful work. Additionally, I wish to thank Chairman ANNUNZIO for his consultations during the whole budget review process. As our distinguished chairman his views are always appreciated.

Furthermore, I wish to thank all of the chairmen and ranking minority members from the respective committees and their staffs. Their cooperation with the Accounts Subcommittee enabled us to evaluate all the budgetary requests in a thorough and timely manner. In particular, I commend the committee chairmen this year for submitting very reasonable and responsible budgets.

The committee amendment in the nature of a substitute is the product of the deliberations of the Subcommittee on Accounts over each committee's budgetary request. The subcommittee's proposed amendment was subsequently adopted without change by the full Committee on House Administration.

As the subcommittee deliberated during the proceedings, it was always mindful that this resolution was the first funding matter out of the legislative chute in the second session. The subcommittee recognized that there presently exists in this country a strong public concern over the manner in which Federal funds are expended. The debate is over both the size of the expenditures and the priorities for their allocation. Accordingly, in my view, the Subcommittee on Accounts in constructing the committee amendment in the nature of a substitute has balanced both of these interests and it has successfully met its major responsibilities. The subcommittee has ensured that the committees of the House have adequate funds to discharge their legislative and oversight responsibilities and it has made certain that this authorization from the contingent fund of the House is fiscally responsible.

Regarding the subcommittee's work product, the amendment in the nature of a substitute provides a total authorization of $56,787,425 for investigations and studies by all standing and select committees of the House of Representatives with the exception of the Committees on Appropriations and the budget for 1990. The total authorization for 1989, excluding funds provided to the Committee on the Judiciary for judicial impeachment matters, was $54,166,958. Therefore, the total amount approved by the subcommittee is $2,620,467 or 4.84 percent over this total 1989 authorization. In my judgment, this percentage is very reasonable when you take into consideration the 1990 pay comparability increase of 3.6 percent for Federal workers, the so-called Federal COLA; the projected inflation rate of 3.9 percent for 1990, and the raising of the cap on congressional staff salaries.

In making its determinations, the subcommittee did not use any set mathematical formula. Instead, it evaluated each budget proposal on its own merits. Proposed spending levels in each of the respective budget categories were examined very closely. The final product attempting to direct most of the large increases to the major legislative standing committees, such as Ways and Means, Banking, Energy and Commerce, Agriculture, Foreign Affairs, Public Works, and Science and Technology. This year, the subcommittee was able to assist two smaller committees, namely Veterans' Affairs and House Administration. The amendment also contains funds to enable the permanent Select Committee on Intelligence to purchase a secured information processing system.

Since, for the fiscal year beginning on October 1, 1990, the appropriations level has not been established, and since the possibility of sequestration does exists, the amendment provides authority for the Committee on House Administration to make adjustments in the authorized amounts if necessary to comply with any order of the President issued under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, or to conform to any reduction in the applicable appropriations. Similar authority was granted to this committee through the

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1986, 1987, 1988, and 1989 omnibus primary expense resolutions.

On the subject of sexual discrimination in the determination of compensation for committee employees, I wish to indicate that the provisions of clause 9 of House rule 43 govern such determinations. Enforcement of this clause is within the jurisdiction of the Committee on Standards of Official Conduct. Additionally, House employees now have a detailed procedure for making discrimination complaints and resolving disputes. Specifically, the Office of Fair Employment Practices has been established in the House of Representatives to counsel, mediate, investigate, and hear alleged violations of the House antidiscrimination policy. However, as chairman of the Subcommittee on Accounts, I have encouraged the committee chairmen and the ranking minority members to review their compensation practices on a continuing basis to assure that there is no prohibited discrimination. This encouragement was made on the record during the hearings on the individual primary expense resolution and in the preliminary meetings between the staff of the Accounts Subcommittee and the staff directors of the respective committees. During the past 6 years improvements have been made. More and more women are occupying key policymaking positions at the subcommittee and full committee levels. For example, women hold the position of staff director on the Committee on Education and Labor, the Committee on Agriculture, the Committee on Post Office and Civil Service, the Select Committee on Children, Youth, and Families, and the position of general counsel on the Committee on Armed Services. On the Committee on House Administration the minority staff director is a woman. These are but a few of many examples indicating substantial progress.

Concerning the committee report (H. Rept. 101-419) which accompanies this funding resolution, it should be noted that the amount listed under the section entitled "General Discussion" on page 3 for the Committee on Small Business is erroneous due to a GPO typographical error. The correct amount for the Committee on Small Business is $1,006,395 as provided in the committee amendment in the nature of a substitute.

Finally, I urge my colleagues to vote in favor of the committee amendment in the nature of a substitute and the resolution.

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Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 346, providing expenses from the contingent fund of the House, for investigations and studies by standing and select committees of the House of Representatives. I enthusiastically commend Chairman GAYDOS and Mr. THOMAS, the ranking member of the full committee, for all their hard work, dedication, and the bipartisan cooperation which went into the formation of the 1990 committee funding measure.

House Resolution 346 authorizes $56.8 million for House standing and select committees as well as the House Information Systems [HIS]. The total authorization—$56,908,000—is a 4.8-percent increase over the 1989 authorization and over 6 percent less than the amount requested by the committees themselves.

As you know, Republicans comprise 40 percent of the membership in the House and represent over 97 million Americans. However, Republicans are collectively limited to only 19 percent of all standing and select committee investigative staff positions. One can certainly agree that in order to fully represent these citizens, Republicans understandably require proportionate committee resources and staff. In fact, since the primary function of Congress is to represent the American people, it is certainly ironic to note that when it concerns committee staff, Congress cannot fairly represent itself.

This is not a question of a minority request for additional resources, it is a question of the minority requesting its fair share.

During the 1989 committee funding process, House Administration Committee Republicans and Democrats reached an agreement that minority investigative staff positions have a floor of 20 percent, increasing annually through additional funding and attrition, to a goal of 33 percent. Please note, it is not my opinion that reaching the 33 percent mark requires substantial funding increases. In fact, I believe that these funding increases can be minimized through the use of attrition in concert with reasonable additions to committee resources.

Mr. Speaker, it is important that the Democratic leadership display a tangible commitment to reform throughout the committee funding process if Republicans are expected to vote for increases in committee funding levels. This commitment can be best illustrated in the allocation of committee staff and overall committee spending.

I believe that during the 1990 committee funding process, there have been signs of such a commitment. With some exceptions, committee chairmen have made progress in reaching this goal and in many cases genuinely understand the inequity of minority committee staff and resource rations. Unlike previous years, House Resolution 346 is a bipartisan effort which represents a funding resolution process that has seriously considered the minority throughout the committee budget deliberations.

I urge my colleagues to support House Resolution 346. Through the leadership of Chairman ANNUNZIO, Chairman GAYDOS, and the ranking member of the full committee, Mr. THOMAS, the Committee on House Administration has taken a positive step in the right direction.

Mr. Speaker, I reserve the balance of my time.

Mr. GAYDOS. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the full Committee on House Administration, the gentleman from Illinois [Mr. ANNUNZIO].

Mr. ANNUNZIO. Mr. Speaker, I rise in support of House Resolution 346, our annual committee funding resolution. The resolution was reported from our committee by a unanimous vote, and deserves to be supported by every Member of this body.

The gentleman from Pennsylvania [Mr. GAYDOS] and the gentlelady from Nevada [Mrs. VUCANOVICH], together with all members of the Accounts Subcommittee, worked hard and long to complete this resolution. This is a tough year. We do not have unlimited funds. Every committee has a long list of things it wants to do. We cannot do it all, but within the limits of the money we had to work with, we have done the very best we know how to do.

Again this year, we have prepared a conservative and responsible proposal. To do that, we had to cut the requests, and they were meritorious requests, of many committee chairmen. We have tried to accommodate the minority as best we could within the money we had.

Mr. Speaker, I sat on the Accounts Subcommittee for many years, and I was its chairman. I know how difficult it is to deal with all of the other committees, and I can therefore appreciate the excellent job that JOE GAYDOS does. I can also appreciate how necessary it is to work with the minority, so that we can pass this bill with total support.

There should not be a single Member of this body voting against this resolution. It cannot be cut, and it cannot be defeated. It is the life's blood of the committee system, and none of you can carry out the work for which you were elected without total, complete passage of the funding resolution.

Mrs. VUCANOVICH. Mr. Speaker, I yield 3 minutes to the ranking minority member of the Committee on House Administration, the gentleman from California [Mr. THOMAS].

Mr. THOMAS of California. Mr. Speaker, I rise in support of House Resolution 346. I rise to commend both sides of the aisle on this particular endeavor. It takes a cooperative effort to determine who should and who should not receive money. It is a very difficult job that we have to undertake in this subcommittee every year. People always request more than they are going to receive. For example, this year although budgets are going to be increased $2.6 million, that amount is $3.9 million less than the committees requested. So first of all you have friction over dollar amounts.

At times in the past there has been friction over particular committee assignments. The argument has been made that one committee is being favored over another, since many of us on the House Administration Committee have other committee assignments as well.

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In addition, there has been at times partisan rancor in the subcommittee.

I wish to commend the full committee chairman, the gentleman from Illinois [Mr. ANNUNZIO], and the subcommittee chairman, the gentleman from Pennsylvania [Mr. GAYDOS], and all of the Democrats on the House Administration Committee for last year deciding that what we were trying to do as a minority on the Republican side was to create a more professional committee system. Rather than a partisan request, it was an appeal to improve the public's attitude toward this institution in terms of their respect or lack of respect for Congress. It was an attempt to put more professionalism into the way in which we run our committees. To that end the Committee passed a resolution indicating that they thought it was entirely appropriate that at the beginning a floor of 20 percent of the staff should be allocated to the minority, working toward what is currently a statutory percentage with certain committee staff of one-third.

We embarked this year on that rocky course. We were, I will have to say, not completely successful. We believe it to be a long-term journey, not a short-term one, and we will hear today from some ranking members who believe that it was a successful effort. We will hear from some who believe that it was not a successful effort.

All our committee can do is create an atmosphere for the chairman and the ranking member to resolve their particular problems. I am pleased to say that on many committees those problems have been resolved, and we will attempt to provide the wherewithal to continue to resolve their problems in the future. On some committees it has not been as worthwhile an experience. I am hopeful that we will focus our attention next year on making sure that those committees who have been able to understand the need for professionalism on both sides of the aisle, will have their requests looked at in a positive fashion, and those committees who have not understood the need for professionalism on both sides of the aisle will be looked at with a bit more scrutiny.

I am pleased to say the leadership on our side of the aisle is willing to continue their support for this kind of a funding resolution, which is about an average increase over the last 10 years in terms of money to committees, but with a significantly different atmosphere governing how it is to be allocated. We believe from a committee level that this should be a decision made at the leadership level, and not left continually to the subcommittee level.

But I would ask Members' support for House Resolution 346. It is not perfect, as some of my colleagues will tell you. It is always too much money, but within the normal constraints, we believe it is a positive step forward for professionalism within the committees.

Mr. GAYDOS. Mr. Speaker, I would like to compliment my distinguished friend and member of the committee, the gentleman from California [Mr. THOMAS] for his very accurate, and, I think, elucidating explanation of the problem we face. I agree with him. I think we have moved in that direction. Whether we have moved far enough rapidly enough, that is open for debate. I hope that eventually we are going to solve this problem in the very near future.

Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from California [Mr. ANDERSON], the distinguished chairman of the Committee on Public Works and Transportation.

Mr. ANDERSON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, as chairman of the Committee on Public Works and Transportation, I rise in support of House Resolution 346, the Committee Funding Resolution for 1990.

I want to thank and commend the chairman of the Subcommittee on Accounts, Mr. JOE GAYDOS, and the chairman of the Committee on House Administration, Mr. FRANK ANNUNZIO, and the distinguished members of the committee and the committee staff for their hard work on a resolution that is fair to our committee and to the American taxpayers.

Mr. Speaker, over the past 10 years, appropriations for all congressional operations, including House, Senate, and various support agencies, have actually declined by 3 percent, after accounting for inflation. In light of our Nation's deficit, this is a track record we can all be proud of.

With the limited allocation House Administration had available, theirs was an awesome task in creating some balance between needs and resources for our diverse priorities.

The recommendations they have brought to us are fair and reasonable. Mr. Speaker, I will be supporting this resolution and urge my colleagues to do the same.

Mr. HAMMERSCHMIDT. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of House Resolution 346, the committee funding resolution, and I commend the distinguished members of the House Administration Committee for their fine work.

I would also like to commend Chairman ANDERSON for his excellent work in ensuring that the Committee on Public Works and Transportation will have sufficient resources to carry out its mandate and in continuing the longstanding tradition of allocating at least 33 percent of those resources to the minority.

The Republican leadership of the House should also be commended for their efforts in attempting to obtain more staff and funding for Republicans in general. I was pleased to see that Republicans did make some gains, and hopefully in the near future the minority on all committees will be treated as equitably as the minority is treated on Public Works. The House of Representatives, as well as the entire country, will benefit by the broader participation in the legislative and investigative agendas of our committees.

Mr. Speaker, I urge my colleagues to support this resolution.

Mrs. VUCANOVICH. Mr. Speaker, I yield 3 minutes to our minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I guess it is really no secret that our Democratic friends have controlled this body for many many years running. As a matter of fact, I think this is the 36th straight year that there has been a Democratic majority in this House of Representatives. How should I remember it so well? Because this is my 34th year, and I have yet to enjoy the fruits of being a Member of a majority party in this body.

That ratio has fluctuated over a course of years. Currently we are roughly, as the Speaker and I make the determination on committee ratios around here, except for the Rules Committee, on a 60-40 basis, 60 percent Democratic, 40 percent Republican.

But as has been indicated through the course of this debate, the staff on committees certainly does not reflect that same kind of ratio, and I am not altogether sure that it should. But I think it does demonstrate that we do have some rights as a working minority to work in conjunction with a ma-

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jority to craft legislation, and that we ought to have adequate staffing of a good professional caliber.

I like what the committee has done, at least for this year, as distingusihed from what it has not done in years past. I applaud them for making the progress they have, and particularly the work of the gentlewoman from Nevada [Mrs. VUCANOVICH], the gentleman from California [Mr. THOMAS], and what they have been doing in those committee deliberations to argue the case for the minority. I compliment them on that.

I am reminded that last year a report on the funding resolution stated, in reference to one-third staff resources for the minority:

> The committee directed that the aforementioned views be referred to the Democratic Caucus for review by its Committee on Organization, Study and Review, for a determination as to whether the Caucus should propose changing House rules with respect to the minority request, which this committee is endorsing and recommending.

Institutionally, I was troubled by a committee of the House referring a legislative proposal to the Democratic Caucus for recommendation. To make matters worse, there has been no recommendation on the issue from the caucus after an entire year.

I guess I have to ask the distinguished chairman, what happened. Has the recommendation been lost in the files, or has the computer swallowed up the committee's views? I know "slow but sure" is a prudent policy, but after a year surely the caucus can speed up a bit.

I guess the patience of the minority is growing thin on the issue, to put it in the mildest terms. I hope that some resolution can be reached before consideration of next year's committee funding resolution.

But I do applaud you for the progress that you have made thus far. While there has been an inclination of Members on our side, frustrated in the role of the minority, to automatically vote against the funding resolution, today I think we have an obligation and a responsibility to act differently. We have taken this up in our own leadership in combination with what has been done by both parties in working out these allocations, and we have an obligation certainly in our leadership, and I would recommend to our Members, to support this funding resolution, and hopefully it will work to the advantage of both parties as we strive to move forward with the legisative schedule.

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Mr. GAYDOS. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in strong support of House Resolution 346, the House committee funding resolution. This resolution provides funding for House committees during the second session of the 101st Congress.

Much of the debate surrounding the committee budgets this year has focused on the issue of the level of resources available to the minority. I personally dislike the notion of allocating specific percentages of resources on a partisan basis. Committee chairmen have the responsibility for insuring that the needs of all committee members are met. However, I am aware that each committee within the House operates differently. Since I have been chairman of the Committee on Ways and Means, we have always worked out issues such as this on an amicable and nonpartisan basis. Almost without exception, past minority requests for additional staff or other resources have been granted.

I am confident that we will continue this tradition in the future. For example, and although our budget request was not fully funded, I have assured Mr. Archer that the additional minority positions included in our original budget request will be protected.

All Members should realize that significantly changing the allocation of resources between the majority and minority of each committee can only realistically be achieved through increased funding. Most of us do not have excessive staff members on our committees. Thus, attrition could only be utilized in isolated cases. If we are to work together to resolve this ratio issue, we have to realize that we will have to continue working together not only on this bill but also on the legislative branch appropriations bill which will actually provide the increased committee funding necessary to achieve the desired staffing ratios.

Another area of concern relating to funding for committees is an area in which I have been outspoken in the past. We must make sure that we can hire and retain qualified staff in the House. Many of the staff on my committee could command significantly higher levels of pay in the private sector. This funding resolution partly addresses this problem—a problem which we will continue to deal with in future years.

The resolution before us today provides necessary funds for the major committees in the House, allowing us to properly conduct committee business and fulfill our legislative obligations. I urge the Members to support the resolution.

Mrs. VUCANOVICH. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. HILER].

Mr. HILER. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in support of House Resolution 346, and I encourage my colleagues on the Republican side to vote for this measure.

Now there are some Members on our side who will vote against this, have always voted against it and will never vote for it. My remarks really are not directed to you.

But my remarks are directed to those Republicans who have voted for it, voted against it in the past. I would urge you that this is a time to vote for it.

We have set out in our caucus a desire to try to achieve a 33-percent ratio of our staffs and funding to the majority staff and funding. We will not get to 33 percent in 1 year. We probably will not get to it in 2 or 3 years. But this year we have made marginal progress toward getting to that point.

The response on the part of the Republicans to when we have been able to make progress ought to be affirmative votes for those budgets.

I would also direct remarks particularly to those committee members who find themselves on committees where the committees are doing a good job, where the chairman and ranking member are communicating, where they are doing a good job at either achieving the 33 percent or getting close to the 33 percent.

I would say to you that I think you have a responsibility to vote for this funding bill as well because clearly you are a committee that is benefitting from the efforts to get to 33 percent.

Now I think if you take the percentage increases for all the different committees and you rank them by percent, you will get an idea on those committees that have done a good job toward hitting the 33 percent and those that have not.

If you find yourself on one of those committees that has done a good job, I urge you to vote for this bill.

I think it is the proper response to make to the chairman and the committee members, and I think it is the proper response to make to the Committee on House Administration.

I know some will object to the 4.8-percent increase in overall funding, and maybe it would have been better if it were only 3 percent or 3.5 percent. But I can tell the Republican Members that it is a lot easier to swallow the 4.84 percent knowing that we got a significant amount of that 4.84 percent.

So I would commend the chairman of the full committee, the chairman of the subcommittee and the ranking members of both; I think you have done a good job in trying to effect a difficult compromise.

I urge Members to vote for the measure.

Mrs. VUCANOVICH. Mr. Speaker, I yield an additional minute to the gentleman from Illinois [Mr. Michel], our minority leader.

Mr. MICHEL. I thank the gentlewoman for yielding.

I want to compliment the gentleman on his statement. It is a little bit more than simply getting a percentage of help around here.

We have in this country divided ourselves into two political parties, one a check upon another. I prefer that, frankly, to the proliferation of parties and all the log-rolling that goes on.

That means we have got to be a responsible minority in responding to the will of the majority, and the majority itself has got to, ought to, at least, give consideration to the minority's rights around here.

We all feel like we are honorable men and women trying to do the very best, to craft the best legislation.

If we are short-handed or our hands are tied behind our backs because we do not have the kind of professional staff to do what ought to be done, simply to ask the questions, simply to help crafting a better piece of language or a better phrase, then we have been deficient in our role. So it is not simply a percentage; this is directed towards getting comparable help to sustain the Members in their chores around here.

Mrs. VUCANOVICH. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. Parris].

Mr. PARRIS. I thank the gentlewoman for yielding.

I gather this debate, and I hope it will continue to be, to be kind of an exercise in mutual admiration society.

I wanted to rise to extend my appreciation to the chariman of the subcommittee and the chairman of the full committee, particularly my friends and colleagues on this side, Mr. Thomas and Mrs. Vucanovich, and to publicly express to the chairman of the committee on which I have the privilege of serving as the vice chairman, my respect and admiration and appreciation for his cooperation in coming closer at least to meeting proportional justice in the staffing arrangements on our committee.

That has not historically been the case in the past. We are much closer to fairness this time. It is largely due to his cooperation, and I am very proud to stand publicly on the floor of this House and to express that statement.

The system does in fact work, ladies and gentlemen.

Mr. GAYDOS. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. Glickman). The gentleman from Pennsylvania [Mr. Gaydos] has 16 minutes remaining, and the gentlewoman from Nevada [Mrs. Vucanovich] has 17 minutes.

Mr. GAYDOS. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Select Committee on Narcotics Abuse and Control, the gentleman from new York [Mr. Rangel].

Mr. RANGEL. My colleagues, let me thank the leadership on both sides of the aisle for the support they have given to the chairman of the committee, Mr. Annunzio, and certainly my friend from California, Mr. Thomas.

In turn, they have placed their confidence in Mrs. Vucanovich and Chairman Gaydos, listening attentively to the various problems that the committees and select committees have faced.

I was particularly taken by the fact that they took into consideration the expanded problems and responsibilities placed on the Select Committee on Narcotics Abuse and Control, the fact that we have had more hearings, more studies, more reports, and the fact that our membership has expanded.

Also I was taken by the intelligent questioning, the concern that we had about minorities and the balance that we seem to be achieving, as I and the ranking member of the Select Committee on Narcotics Abuse and Control were able to present our case to people who did not look like Republicans and Democrats but looked like colleagues trying to resolve serious fiscal problems with limited resources.

So even though we did not even come close to what we requested, we left knowing that the process was fair, consideration was given to our request, and we will continue to work with the committee and the rest of the committees and try to make some contribution in resolving this epidemic of drug addiction facing our country, indeed the world.

□ 1600

Mrs. VUCANOVICH. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. Lent].

Mr. LENT. Mr. Speaker, I want to commend the gentleman from Illinois [Mr. Annunzio], the gentleman from Pennsylvania [Mr. Gaydos], the gentleman from California [Mr. Thomas], the gentlewoman from Nevada [Mrs. Vucanovich], and all the members of the Committee on House Administration for an outstanding effort in bringing this resolution, as amended, to the floor. I think they deserve the appreciation of all the Members of the House, and we for the most part appreciate the progress toward fairness that has been made during these deliberations.

Regrettably, I rise in opposition to House Resolution 346, at this time I am unable to support this resolution because we do not have an allocation for the minority that meets our needs. I have been in extensive discussions with the chairman of the Energy and Commerce Committee and regret that we have not been able to resolve this in a satisfactory manner. I must, therefore, oppose the resolution.

The investigative budget allocation for the Republican members of the Energy and Commerce Committee has been a long standing problem. The need for an equitable allocation to fund the staffing of the Republican members of the committee is urgent.

Last year our allocation for investigative funds was 13.82 percent of the total committee budget. This year, it only increases to 14.62 percent. That is simply not an acceptable level of funding. Therefore, it is essential that we undertake an ongoing corrective course of action so as to make appropriate salary commitments needed to increase our staff ratio.

The House Administration Committee has confirmed in its report on this resolution the need for 20 percent staffing ratio for minority. This cannot be achieved in our committee until there is an adequate funding level for minority; 14.62 percent is far below the target agreed to by both minority and majority of the House Administration Committee of 20 percent.

Without a satisfactory resolution in this matter at this time, I must, with regret, oppose this resolution in protest to the allocation for minority in the Energy and Commerce Committee, and recommend that my Republican colleagues on the committee do likewise.

Mrs. VUCANOVICH. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. Dannemeyer].

Mr. DANNEMEYER. Mr. Speaker, the way to analyze the level of spending that we are authorizing for investigative staff is to compare what we spent in the last calendar year, 1989, $51.386 million, with what we are authorizing to be spent this year. When we make that comparison, this issue before Members authorizes an increase of 10.5 percent for all investigative staff for all committees for calendar year 1990.

I got that by comparing what we are authorizing, which is $56.79 million, for what was spent in the preceding calendar year, $51.386 million. That, to me, is how we measure increases that we are authorizing. I do not think it makes sense for we, the stewards of the Nation's funds, to give an example to the American people that we are authorizing an increase that is twice the level of the rate of inflation. I believe that we should be limiting our increase to no more than the rate of inflation, as an example for the people in the country.

As a member of a committee that is spending one of the lowest levels of investigative staff, the Committee on Energy and Commerce, I come here on the floor almost with hat in hand to the majority. The majority has the votes, friends, to do anything they

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want. The inequity that we Republicans are hearing and seeing in investigative staff in the House of Representatives is an abomination and a nuisance. Besides that, it is unfair. Members ought to cut it out. I ask for a "no" vote on this resolution.

Mr. GAYDOS. Mr. Speaker, I yield myself such time as I may consume.

For the edification of our colleagues, I would like to make one comment at this time, and that is that yes, it is true that that disparity does exist. However, I would like to emphasize the fact that we have always, on the committee, encouraged all of the committe chairmen to have no hesitation or regret when they come before our committee, to return funds. If that were not the case, and if they did not spend all their funds, we would start their funding the next year, for the next fiscal year, minus those funds that they returned. We would have just one stampede by every committee chairman to spend all their funds they had allocated the year before, or appropriated, or authorized. We do not want to create that situation.

We can look at the agencies throughout this entire Government and find that policy in effect. As soon as it comes time to have their budgets analyzed, and the submission of new requests, they start spending on foolish, unheard things, just to get rid of that money. We will not encourage it.

I think it is a good policy, and until the majority, along with the minority, on this very close-knit and close-working committee, until they agree to another policy, I think that we are going to continue along those lines. I think it has been successful.

Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. Manton].

Mr. MANTON. Mr. Speaker, as a new member of the accounts subcommittee, it has been both a privilege and an education for me to participate for the first time in the annual committee budget review process. The funding resolution which Chairman Gaydos brings to the floor today represents an excellent example of the spirit of bipartisanship on an issue which should never be partisan, that is, the adequate funding of the committees of the House of Representatives. In an era of declining resources we must be certain that our committees have sufficient funds to oversee the activities of the vast executive branch and private sector. We must also be certain that we do not exceed the appropriation. This difficult task was accomplished successfully in an atmosphere of comity and fairness to the needs of both the majority and the minority.

The subcommittee continues to be among the pioneers concerning the issue of the advancement of women employed by the House committees. This year more committee chairmen were pleased to report the appointment of more women staff directors, chief counsels and other women in key policy-making positions. Our colleagues on the subcommittee, Ms. Oakar and Mrs. Vucanovich, were encouraged by the continuing progress in this area. Chairman Gaydos made it clear that the subcommittee would continue to address this issue in the future.

As to the merits of the funding resolution itself, the total aggregate increase which we are recommending is only 4.84 percent over 1989's authorized level. This represents a fiscally responsible budget which does not exceed the appropriation. In addition, it is only slightly more than 1 percent over the 3.6-percent pay comparability increase approved by the President. I would suggest that this is a very frugal budget to deal with the many difficult tasks which we face this year.

The major standing committees which demonstrated pressing needs were funded at higher levels. We all agreed that these higher amounts were warranted given those committee's mandates to address many critical problems. It was recognized that if you are not willing to spend a few extra million for those committees whose jurisdictions involve such critical issues, you will never be able to solve these problems which are costing our taxpapers billions of dollars annually. I must stress that this 4.48 percent increase was approved unanimously by the subcommittee and the full Committee on House Administration. I reiterate, that the adequate funding of the House committees is an institutional rather than a partisan issue.

This, then, is the difficult task which was so ably met by Chairman Gaydos and the accounts subcommittee. The tough choices were made with regard to the allocation of our limited resources. I am aware that some committees did not receive as much of an increase as they would like, but I would note that many of those committees have received generous increases in the recent past. Please support the hard work and sound recommendations of the accounts subcommittee.

Mrs. VUCANOVICH. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas [Mr. Hammerschmidt].

Mr. HAMMERSCHMIDT. Mr. Speaker, in behalf of our distinguished ranking member of the Veterans' Affairs Committee the gentleman from Arizona [Bob Stump] who has been called away on a family medical emergency, at his request I am reading his statement into the Record.

Mr. Stump. Mr. Speaker, I support House Resolution 346 and urge the support of my minority members on the Committee on Veterans' Affairs. This resolution approves as requested increases for minority investigative staff salaries. It does not create new staff positions but fully funds our existing subcommittee staff, including provision for a greater degree of pay comparability with the majority staff.

The efforts of the chairman and ranking member of the subcommittee on accounts, Mr. Gaydos and Mrs. Vucanovich, are very much appreciated as are those of Chairman Annunzio and the membership of the full Committee on House Administration. Their willingness to address this longstanding problem of minority staff on the Veterans' Affairs Committee will result in an improved legislative product and better programs for our veterans. A particular note of appreciation is due Bill Thomas, vice chairman of the full committee, for his special assistance.

As always, the consideration shown to the minority members of the Veterans' Affairs Committee by its chairman and my good friend Sonny Montgomery has proven invaluable toward resolving our staffing situation in the most bipartisan fashion. It is a pleasure and privilege to work so closely with our distinguished chairman on behalf of the Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the distinguished chairman of the committee.

Mr. MONTGOMERY. Mr. Speaker, I certainly want to follow up on what the ranking minority member has said about the Committee on Veterans' Affairs. I do thank him for his statement. I certainly support what has been said by the ranking member of our Committee on Veterans' Affairs. I want to thank the chairman of this subcommittee, the gentleman from Pennsylvania [Mr. Gaydos], and also the charming gentlewoman from Nevada [Mrs. Vucanovich], as well as all the members of the subcommittee, for treating us so fairly.

This is a very decent resolution as far as veterans are concerned. It will help us run our committee staff in a fairer manner. I certainly want to join the gentleman from Arkansas [Mr. Hammerschmidt] in commending the full committee for being fair to the Committee on Veterans' Affairs.

Mr. Speaker, I rise in support of the resolution. Since assuming the chairmanship of the Committee on Veterans' Affairs, I have worked closely with the ranking minority member of the committee to keep expenses to a minimum. Our record will show we have been one of the more successful committees in accomplishing this.

In addition, I have fully cooperated with the ranking minority members of the committee in support of their efforts to obtain an adequate funding level for minority staff. Again, I think a review of the record will show that the Committee on Veterans' Affairs is among the leaders in regard to majority/minority staff ratio.

This year's funding for our committee has been worked out in conjunction and cooperation with the chairman of the Subcommittee on Accounts, my good friend, Joe Gaydos, of Pennsylvania, and the very able ranking minority member, Barbara Vucanovich, of Nevada. In addition, we have always had a fine relationship with the chairman of the full Committee on House Administration, Frank Annunzio, of Illinois, and the ranking minority member, Bill Thomas, of California. Mr. Annunzio and Mr. Thomas have been very understanding of the needs of our committee.

Again, Mr. Speaker, I rise in support of the resolution and would like to thank the leadership of the Committee on House Administration and all members of the committee for working with us in providing an adequate funding level to carry out our investigative and legislative responsibilities.

Mr. GAYDOS. Mr. Speaker, I yield myself such time as I may consume so I may respond to my good friend, the gentleman from Mississippi [Mr. Montgomery].

Mr. Speaker, let me say that it is nicer and much better this way, because I recall that in the last 2 or 3 years we kind of overlooked the gentleman's committee. We are very happy that we had the wherewithal this time to take care of the gentleman and his committee. I like it much better this way.

Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Speaker, let me first commend the chairman of the committee, the gentleman from Illinois [Mr. Annunzio], the subcommittee chairman, the gentleman from Pennsylvania [Mr. Gaydos], the ranking minority member, the gentlewoman from Nevada [Mrs. Vucanovich], and all the members of the Committee on House Administration and the Subcommittee on Accounts for the excellent work they have done in this endeavor.

We on the Committee on Agriculture have always been very frugal. We have been responsible, and we have always leveled with the committee and given them the amounts that we felt we rightfully needed to perform our work.

I must say at this point that we are exceedingly elated at the kindness and generosity of the committee, but beyond that, I appreciate the responsible way in which they acted, allowing the committees to do their work and allowing us to fulfill our responsibilities in the Committee on Agriculture. We are now doing the farm bill, we are doing rural development, we have to do CFDC, and we are doing seafood inspection. We are doing legislation on environmental issues such as on pesticides. We are doing food safety.

All of those need adequate staffs and need the necessary consultants at times. We are able to do this by the assistance of the funding that we get from this committee.

So our commitment is to continue working with the chairman of the committee and with the members of his committee to do the best possible job that we can with the funds that they allow us. If, as we have always done before, there should be some reason we are able to save, we will come and tell the committee that we have saved and will do what we can to help them with their very difficult task.

Mr. Speaker, I must commend the committee chairman again for the excellent bipartisan way in which he has handled the committee, giving us the opportunity to follow what they have done as we fulfill our responsibilities in our own committee.

Mrs. VUCANOVICH. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. Hefley].

Mr. HEFLEY. Mr. Speaker, I rise to voice my opposition to House Resolution 346, the committee funding resolution for 1990.

House Resolution 346 would authorize $56.79 million for committee investigations and studies, a 4.8-percent increase over last year. However, if you account for the supplemental funding resolutions we can expect this year, the actual increase is well over 7 percent, a growth rate 56 percent greater than inflation.

For instance, this year's committee funding resolution claims a 67-percent decrease for the Ethics Committee over last year's funding level. What the resolution doesn't spell out, however, is that last year's Ethics Committee budget was increased 275 percent through supplemental authorizations. Compared to last year's original funding authorization, the Ethics Committee is not receiving a cut, but a 25-percent increase.

This increase is not an isolated case. Every year, we adopt committee funding resolutions that propose across-the-board increases. Through the last decade, for example, a number of committees have nearly doubled their budgets, including Agriculture, 80 percent; Armed Services, 130 percent; Foreign Affairs, 79 percent; Post Office, 91 percent; and Ways and Means, 85 percent. Considering our current deficit problems, this is not the type of fiscal leadership Congress should be displaying.

This year, as part of a compromise over minority party staff levels, Republicans have agreed to increase funding for those committees that budget for additional Republican staffers. I applaud the movement toward more equitable staff allocations, but reject the notion that it has to be done through higher spending.

Each year Congress gives lip service to holding down spending and balancing the budget, yet each year we increase the budgets of our legislative branch operations. As I pointed out last year, Congress is the most expensive legislative body in the world, outspending our closest competitor, Canada, by a factor of 10. When foreign representatives criticize the Federal deficit and our wasteful habits, our legislative branch funding stands out as a prime example.

Last year we asked hospitals, farmers, airlines, and business to bear the burden of balancing the budget. This was the same year we increased our committee funding by 7.5 percent. If we are going to ask the American taxpayer to accept fewer services from the Federal Government, then we need to address our own budgets in the same manner.

Mrs. VUCANOVICH. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. Walsh], a member of the committee.

Mr. WALSH. Mr. Speaker, as a member of the Committee on House Administration, I rise in support of House Resolution 346, the investigative funding resolution for the standing and select committees of the House.

I believe this resolution is fiscally responsible because spending would be increased by only 4.8 percent over 1989 levels. This certainly is a responsible figure based on our very heavy work load.

This resolution provides the respective committees of the House the necessary funding to meet their legislative and oversight responsibilities. We could not have achieved this goal however, without the dedicated hard work of several of our colleagues.

In particular, I would like to recognize Subcommittee on Accounts chairman, Mr. Gaydos, the ranking member, Mrs. Vucanovich, for their hard work that produced this truly bipartisan agreement.

Let me also commend our distinguished chairman of the Committee on House Administration, Mr. Annunzio, and ranking member Mr. Thomas, for their expeditious handling of this matter.

I would, however, be negligent by not noting that we on this side of the aisle have been working for quite some time for equitable committee staffing levels.

I am delighted to see that this resolution supports in principle a 20-percent minority represenation on investigative committee staff, and that we are moving toward 33-percent representation over the next few years. I hope for continued bipartisanship in this area.

I respectfully urge your support for House Resolution 346.

Mrs. VUCANOVICH. Mr. Speaker, I would just like to make closing remarks and then let our whip finish up and use the remainder of our time. So at this point, Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for many years, the committee funding process received

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little or no input from the minority. This in turn has left the minority in a hole which will be very difficult to climb out of without a bipartisan commitment from the leadership.

The 1989 committee funding process began the House Administration Committee reaching a bipartisan agreement on a 20-percent floor and a 33-percent goal for minority investigative staff positions. This was a vital step in correcting the inequities the minority had incurred in previous years.

The 1990 funding process has been a continuation of the work we did last year. I will be the first to admit that the problem is far from being corrected. However, I am pleased that the committee remained on course and progress was indeed realized.

Mr. Speaker, before closing, I would again like to commend the staff on both sides of the aisle. We could not have completed this process without the hard work and dedication of our staff members.

Mr. Speaker, I would like to reiterate my support for House Resolution 346, and I urge the membership to support this funding measure.

Mr. Speaker, I now yield the balance of my time to the gentleman from Georgia [Mr. GINGRICH] so that he may make the closing remarks.

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Georgia [Mr. GINGRICH] is recognized for 5½ minutes.

□ 1620

Mr. GINGRICH. Mr. Speaker, I appreciate this opportunity to close.

Let me first say, Mr. Speaker, that it has always been a pleasure to serve on two of the committees which have been, I think, among the most bipartisan in the House in their approach to things, both the Committee on Public Works and Transportation, which I cherish my status on, even though I am temporarily on leave, but which has always had a very bipartisan approach to things, and the Committee on House Administration where under the gentleman from Illinois [Mr. ANNUNZIO], the chairman, and in this particular subcommittee, the gentleman from Pennsylvania [Mr. GAYDOS], we have always been able to work together in a very bipartisan way.

Mr. Speaker, I am going to urge my Republican colleagues to vote yes today. I think this again, as last year, is a step in the right direction, but I want to take a minute or two to talk about why we are engaged in this exercise and why we are trying so hard to convince our friends on the Republican side to vote to support something they normally do not feel comfortable supporting.

Mr. Speaker, a sound legislative process has to involve mutual respect between majority and minority, and it has to involve the minority controlling their staff and having adequate staff. The very rise in the process of government, the complexity of the Department of Defense, the complexity of the Department of Transportation, the nature of the world market, and the complications that are brought about as we try to pass legislation affects both the Democrat and the Republican sides of a committee. Those committees which have not had adequate staff for the Republican side have not allowed the ranking Republican member adequate opportunity to manage that staff and to manage those resources, in effect short-changing the 47 percent of the American people who voted Republican in the last congressional election.

Mr. Speaker, I know some of my friends on the Democratic side make the point that the executive branch, which currently has a Republican President, does not allocate one-third or one-fifth of the Democrat Party, just as when Jimmy Carter was President there was not any great desire on the part of the executive branch to allocate one-third or one-fifth of the executive branch jobs to Republicans.

Mr. Speaker, I would make this point: I have had two different experiences in the House. I have had an experience of confrontational politics, and I have had an experience of collegial politics. I think, as I understand the Speaker's, the gentleman from Washington [Mr. FOLEY], general direction, he would much prefer to move us toward collegial politics, to recognize that the legislative branch has a joint interest together that transcends our parties, that we, as Members of the House, have a joint interest in the legislative process that transcends our parties.

So, Mr. Speaker, I would appeal to my colleagues who belong to the Democratic Party, but who cherish being in the House of Representatives and who cherish being in the legislative branch. I would appeal to them, as they look at our position in space, our position in staffing, our position in controlling our resources, to ask themselves, to walk, if my colleagues will, a mile in our shoes, to look at the process and say, "If you really want a collegial relationship," as I said earlier, "in both House Administration and Public Works," and I have always felt we have had that kind of relationship, "then it's useful in every one of these committees, and it's useful in allocating space, and allocating staff, and allocating responsibility to recognize that while we're the minority, we're a minority that represents 40 percent of the membership, 47 percent of the vote, and we, therefore, deserve the kind of treatment, the kind of fairness, that you would want in return when you become the minority."

Let me say in closing, Mr. Speaker, that I want to urge every Republican, and I know some of my fiscally more conservative colleagues find it hard to vote for it, and I know that it hurts them seeing this kind of money being spent, but I want to argue that if we are going to ask for a fair share, then we have to carry out our fair share of the responsibility. If we are going to ask for a fair share of the staffing, then we ought to vote to pay for the staffing.

While this bill does not get us there yet, and this is not the promised land, this is one more significant step in the right direction. It continues to establish in the committee language, in the report language, the right principles. It rewards the committees which were good to a fair share for Republicans, and it frankly does not give quite as much to those who were not fair, and so I would think it is an important thing for us to move in the right direction and for us to continue to support this, and I would urge every Republican to vote for this because I think it is a fair thing.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Speaker, I want to commend the gentleman from Georgia [Mr. GINGRICH]. I think his statement is a very profound one and one that a political science instructor could well deliver, and he has to be commended on the approach he has taken and the information he is providing the body.

I would just, as an addendum, and I must confess that I am not totally familiar with all the numbers in the resolution, but I will read the report before I vote. What is important is I would also add that from the standpoint of good government the majority party, whatever that party is, always has the responsibilities, as the gentleman from Georgia [Mr. GINGRICH] well knows, for the development of the legislation. It does require additional work in that regard.

Mr. GINGRICH. Sure.

Mr. TRAXLER. Mr. Speaker, I think the gentleman from Georgia [Mr. GINGRICH] would agree.

But what is important is that I want to commend the gentleman from Georgia [Mr. GINGRICH] for his statement, and I want to join with him in those remarks.

Mr. GINGRICH. Mr. Speaker, I appreciate that, and let me say, as I think the gentleman from Pennsylvania [Mr. GAYDOS], the chairman, will be glad to say, to save my colleague from the detailed work, from reading all of the report; the gentleman from Pennsylvania [Mr. GAYDOS] would be glad, I think, to assure my colleagues that the Democratic side is ably represented in developing this, and we agree with the gentleman from Michigan

[Mr. TRAXLER]. We are asking in the long run that we move to one-third of the staffing because we think that the majority does bear a disproportionate responsibility for developing legislation, for managing the institution, and we think it would not be necessarily appropriate to suggest proportional, but we do think every committee ought to accept two principles, that its goal is to get to one-third staffing for the minority and that the minority should control totally the resources that it gets within the framework so that it can work its will and have a fair, competitive relationship, trying to do the best it can within that context, and I think most Members can agree with that.

I would just strongly urge everyone on the Republican side to vote yes.

Mr. GAYDOS. Mr. Speaker, I would like to apologize to the Chair and to my colleagues, but I have a request for 1 additional minute for my good friend and yours, the gentleman from New Jersey [Mr. ROE], the distinguished chairman of the Committee on Science, Space, and Technology.

Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. ROE].

Mr. ROE. I do not know whether it was necessary, Mr. Speaker, for the gentleman from Pennsylvania [Mr. GAYDOS] to apologize.

Mr. Speaker, I ventured over here for the purpose of extending my highest regards and support for the legislative process in the package that has been submitted and to offer my high regards to the gentleman from Pennsylvania [Mr. GAYDOS] who is the chairman, and equally high regards to the gentlewoman from Nevada [Mrs. VUCANOVICH] for the work she has been doing on this, and let me add one point, if I might, that may add a little light to the gentleman from Georgia [Mr. GINGRICH] who did such an eloquent job in his presentation. I think our committee has worked very closely in attempting to achieve these balances, but I think there is an important point to make here to the gentleman from Georgia [Mr. GINGRICH] if he would listen to me for a moment. I think the point we should make for our colleagues is that it is not necessarily the quid pro quo around here. I think what is basically important to the Members who do not understand the importance of this measure is the resources we need to do the job.

Mr. Speaker, as chairman of the House Science, Space, and Technology Committee, I believe this funding resolution appropriately reflects our Nation's concerns over global competitiveness.

I believe House Resolution 346 embodies the committee members' recognition that science, technology, and education are the underpinnings of America's current and future economic power. America's civilian science and technology programs are the vehicles for developing the new wealth for our country. These programs are proven mechanisms for increasing economic vitality. They are positive revenue producers. This new wealth is required to meet America's people needs, to improve the standard of living for all our citizens.

Mr. Speaker, I want to call attention specifically to the concurrence between the majority and the minority members of our committee. There has been a concerted effort on the majority's part to address and accommodate the minority's needs. We have approached this in a bipartisan manner with the goal of developing maximum effectiveness in the committee as an organization. My distinguished colleague and ranking Republican member of the committee, Congressman BOB WALKER, and I have worked together to develop these arrangements. They are institutional improvements, not partisan politics.

I want to compliment the distinguished chairman on his leadership. His efforts clearly represent his strong understanding of America's needs. I ask my colleagues to join me in voting for House Resolution 346.

Mr. GAYDOS. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, that was very nice of the gentleman from Pennsylvania [Mr. GAYDOS] to yield to me, and I just want to go on record as the ranking Republican on the Committee on Science, Space, and Technology to indicate that the gentleman from New Jersey [Mr. ROE] is absolutely accurate in his remarks. He has attempted to bring about a cooperative working partnership between majority and minority. We are utilizing the resources, as a result, to the benefit of both sides, and he is really, I think, working in the spirit of what the gentleman from Georgia [Mr. GINGRICH] and others have talked about here today, and I want to thank him for that.

Mr. GAYDOS. Mr. Speaker, in asking my colleagues to give an affirmative vote, let me just emphasize very hurriedly that 4.8 percent is not an outlandish figure. I think it is quite conservative, and a lot of hard work on both sides of the committee structure went at arriving at that figure under all the circumstances. We tried to be fair to all. We are cognizant, all of us are, that the caps on staff salaries are continually increasing. That creates a problem for us. I think the resolution we brought to the floor, the division of funds, is fair to the majority and the minority.

□ 1630

Admittedly, it is not perfect. I admit it is not perfect; however, I would ask you to look. I would ask everybody to be just a little patient with us on the committee. We have had a longstanding problem. The committee I think is resolving it and I think with your cooperation and understanding I am sure it will be resolved in conjunction with the Frost committee, and I think everything will work out to the satisfaction of all of us, because this is an area of basic and fundamental importance; that is, we have got to keep this Congress moving.

I want to conclude by saying there was a unanimous vote in the subcommittee and in the full committee. That speaks for itself and I call on my colleagues to support the resolution.

Mr. FASCELL. Mr. Speaker, I rise in support of House Resolution 346, which provides funding for the standing and select committees of the House in the second session of the 101st Congress.

Once again the Subcommittee on Accounts, chaired by the gentleman from Pennsylvania [Mr. GAYDOS] and the members of that subcommittee were faced with the difficult task of allocating limited financial resources among the standing and select committees of the House. The funds available to work with during calendar year 1990 represent only a 4.84-percent increase over funds allocated during 1989—a meager amount to address the individual committee mandates. In addition, the recent developments in the world and the need to respond to those changes impact on programs and activities of many committees, such as the Committee on Foreign Affairs.

I would also like to take this opportunity to thank my colleague from Michigan, Mr. BROOMFIELD, the ranking minority member of the Foreign Affairs Committee, for his cooperation and support during the budget process.

Mr. Speaker, 1989 was a year of revolution around the globe. As a consequence, 1990 has already begun as a year in which the work of the Foreign Affairs Committee has increased substantially. Changes in Soviet relations and the needs of emerging democracies in Eastern Europe, Panama, Nicaragua, and other regions of the globe will have enormous implications for and impact on the future course of United States interests and the direction of this Nation's foreign policy in the world of the 1990's. As the committee responsible for foreign policy, national security, and arms control, for example, the Foreign Affairs Committee has a special and primary responsibility and role to play in developing programs and policies to meet these new challenges and opportunities. What we do in committee and in the Congress will greatly influence what happens in this struggle to establish democratic governments around the globe. To ensure the job is performed adequately will require more, not less resources.

The committees of the House are the backbone of this body's ability to carry out the legislative and oversight programs of our Federal Government. It is, therefore, essential that the committees be given the resources to discharge their respective responsibilities. To do

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less would undermine the progress made thus far and impede our current and future attempts to deal with the many far-reaching problems and domestic and international crises with which we are confronted today.

Accordingly, I urge my colleagues to support House Resolution 346, as reported from the Committee on House Administration.

Mr. DINGELL. Mr. Speaker, I rise in strong support of House Resolution 346, the committee funding resolution for 1990. I want to thank and commend the chairman of the Subcommittee on Accounts, Mr. GAYDOS, and the chairman of the Committee on House Administration, Mr. ANNUNZIO, for their excellent work in crafting this resolution. The Energy and Commerce Committee is grateful for the fairness and courtesy with which it has been treated in this process.

All Members of the House should recognize the extreme constraints under which the Accounts Subcommittee was forced to labor. The overall funding increase they were given was not even enough to maintain current services, much less allow for any growth.

Our committee's budget submission endeavored to recognize the needs of the minority for adequate funding. However, this will require real growth—an infusion of new funds. Attempting to enlarge the minority's share of the pie without also enlarging the pie is simply not a viable approach. I believe that good progress has been made in the last year in this respect and hope this progress can continue. But I urge my colleagues to think seriously about the importance next year of giving the subcommittee the increased funding necessary to increase the minority's resources on our committee and others.

Mr. GAYDOS. Mr. Speaker, I move the previous question on the committee amendment in the nature of a substitute and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GLICKMAN). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 349, nays 71, not voting 11, as follows:

[Roll No. 36]

YEAS—349

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Broomfield
Browder
Brown (CA)
Bruce
Bryant
Buechner
Byron
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coleman (MO)
Coleman (TX)
Combest
Condit
Conyers
Cooper
Costello
Coughlin
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Ireland
James
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Marlenee
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Roberts
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Snowe
Solarz
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—71

Armey
Ballenger
Barton
Bliley
Brown (CO)
Bunning
Burton
Callahan
Campbell (CA)
Coble
Conte
Courter
Cox
Crane
Dannemeyer
DeLay
DeWine
Dornan (CA)
Douglas
Dreier
Duncan
Fawell
Fields
Fish
Grant
Hancock
Hansen
Hefley
Holloway
Hopkins
Houghton
Hunter
Inhofe
Jacobs
Johnson (CT)
Kyl
Leach (IA)
Lent
Lewis (FL)
Machtley
Martin (IL)
McCandless
McMillan (NC)
Miller (OH)
Miller (WA)
Moorhead
Nielson
Paxon
Petri
Porter
Pursell
Ritter
Robinson
Rohrabacher
Roth
Schaefer
Schuette
Sensenbrenner
Shays
Shumway
Slaughter (VA)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stearns
Tauke
Thomas (WY)
Upton
Whittaker
Young (AK)

NOT VOTING—11

Brooks
Bustamante
Collins
Craig
Flippo
Gibbons
Nelson
Savage
Schulze
Stump
Tanner

☐ 1651

The Clerk announced the following pair:

On this vote:

Mr. Stump for, with Mr. Craig against.

Mr. UDALL changed his vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 346, the resolution just agreed to.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall 35 and 36.

TWENTY-THIRD ANNUAL REPORT OF UNITED STATES-JAPAN CO-OPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, March 21, 1990.)

ANNUAL REPORT OF NATIONAL SCIENCE FOUNDATION FOR FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, March 21, 1990.)

CONGRATULATIONS TO THE FORT RECOVERY INDIANS' LADIES BASKETBALL TEAM

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, yesterday I spoke of the Coldwater Lady Cavaliers becoming the first ever State basketball champions from Mercer County, OH. Just 3 hours after the Coldwater victory, the Fort Recovery Indians' ladies became the second State champion from Mercer County, winning the Ohio high school division IV championship from a gutsy Middletown Fenwick Falcons squad, 54-41.

What a year for the Indians from Fort Recovery. Not only were they Ohio's lone undefeated team, recording a 27-0 mark, but this was their first ever appearance in a State tournament. Coach Diane McClung was voted Division IV coach of the year and lady Indian Lynn Bihn won division IV player of the year.

Not to be overlooked were those courageous and tough Falcons from Middletown Fenwick. Coach Lockhart's team need not hang their heads, as they compiled a respectable 24-3 record.

But today belongs to the lady Indians of Fort Recovery. Two State champions from one county in the same year. Another first for Fort Recovery. Well done and congratulations to our new State champions, the lady Indians.

FORT RECOVERY LADY INDIANS

Head Coach: Diane McClung.

Assistant Coach: Jeff Roessner.

Players: Lynn Bihn, Tina Bihn, Becky Brunns, Jenny Etzler, Tammy Hartnagel, Jennia Jenkins, Kathy Lennartz, Jenny Rammel, Kate Schoeherr, Vikki Smith, Brenda Tobe, and Dina Weigel.

[From the Celina (OH) Daily Standard, Mar. 19, 1990]

MERCER DOMINATION: FORT RECOVERY GOES 27-0, WINS TITLE

(By Rusty Miller)

COLUMBUS.—Fort Recovery coach Diane McClung said it was an honor for her team to be deemed the best in the state in Division IV during the regular season.

But it was a bigger honor to be the best at the very end of the year.

"We didn't mind being No. 1 all year. We knew it didn't give us any extra points. When the season was over, we just wanted people to say we were No. 1 then," McClung said after her Indians broke away late to whip Middletown Fenwick 54-41 and win the small school state championship Saturday night.

The title was the second of the day for a team from Mercer County and the Midwest Athletic Conference. Coldwater, which Fort Recovery had beaten by 16 points in midseason, won the Division III crown earlier over Brookfield, 62-55.

Kathy Lennartz scored 18 points and Lynn Bihn had 16 and Fort Recovery finally broke free of Fenwick with a late 12-0 run to put the game away.

Lennartz was celebrating her 18th birthday.

Fenwick coach Mike Lockhart was more than a little perturbed with the foul differential. Fort Recovery was called for 12 fouls to 21 against Fenwick. The champions were 20 of 30 at the line to 5 of 12 for the Falcons.

"You can't beat a team when they go to the line (30) times and they get only two team fouls in the second half. We were not allowed to play defense," said Lockhart. "I'm not taking anything away from Fort Recovery because they earned it. Going 27-0 is a great season. But if this is supposed to be the state tournament, then you're supposed to have the best officials working."

Fort Recovery (26-0), rated No. 1 in the final AP regular-season poll, won the title in its first appearance ever at the state tournament.

Fort Recovery never trailed after the first basket, but was unable to put the Falcons (23-3) away.

The Indians led 13-4 after a quarter, 23-18 at the half and 33-28 through three quarters.

The Indians led 42-38 with 4:17 remaining after Fenwick's Jeri Lee hit a shot in the lane.

But Fort Recovery awakened to reel off the next 12 points over the next four minutes.

Lennartz hit three free throws and Bihn, the co-player of the year and a first-team All-Ohio selection, hit two free throws and a shot inside to make it 49-38 by the 1:36 mark, Jennia Jenkins then hit five free throws to close out the streak.

Jenkins added 11 points for the Indians.

Lennartz hit 5 of 11 shots from the field and 8 of 12 free throws, while Bihn, Jenkins and Bihn's sister Tina each had six rebounds.

All-stater Kathy Long led Fenwick with 13 points, while Denaire Nori had 11.

Fort Recovery hit 17 of 35 shots from the field for 49 percent compared to Fenwick's 17 of 37 for 46 percent. The Indians won the game at the line, where they were 20 of 30 to the Falcons 5 of 12.

Fenwick, which had lost in the semifinals in 1983 in its only previous state tournament appearance, was ranked fourth in the final regular season poll.

WHY I AM PROUD OF AMERICA

(Mr. CARPER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARPER. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies Auxiliary conduct the Voice of Democracy broadcast script-writing contest. This year more than 137,000 students participated in the contest competing for the 12 national scholarships totaling $56,000, which was distributed among the top 12 winners. The contest theme this year was "Why I Am Proud of America."

The winning contestant from each State came to Washington, DC, for the final judging as a guest of the Veterans of Foreign Wars.

I am proud to announce that Christopher David Castellani, from Delaware won sixth place honors in the Voice of Democracy broadcast script-writing contest. This young man, a senior at Salesinnum High School in Wilmington, DE, represents the very best in our Nation's young people. All of us in Delaware are proud of him. I am submitting Mr. Castellani's speech for the RECORD so that others may benefit and be inspired by this young man's words.

WHY I AM PROUD OF AMERICA

(By Christopher David Castellani)

Why I am proud of America. There is one story my father likes to tell more than any other. When he tells it, a glaze comes over his eyes as he looks far in the distance, like he can see it clearly though it happened over forty years ago.

The story is about a man, himself, leaving his love of many years behind and sailing to America after World War II. He faces a big country alone, ignorant of its language, and devoid of any skills except those learned from a third grade education.

The ride to America is long. Fifteen days long. But when he sees its shores, a feeling erupts uncapturable by poets or even dreamers. What is before him is his life, in all its possibilities; his life, in all its promises. He stays in America for a while, working in a small bakery, saving up enough to send for his love, who he is to marry. But instead of just sending for her, he goes himself, because he want to be there when she, too, first sees America; when her eyes grow red and heavy, when she sees what can really be theirs. At this point my father usu-

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ally stops, and remarks how maybe someone who hadn't sacrificed thirteen Christmases in a row working in a hot bakery might not realize the absolute luxury of a warm bed, and three meals a day, and a gathered, happy family.

But I know. I look into my father's eyes and know why I am proud of America. It is because if a man so alone and unlearned as my dad was can become a father of three grown, happy children; a husband of thirty-five years; an owner of a paid-for house; and a happy citizen above all; then it is a direct result of the opportunity America gave to him. It is a result of the hope that was inspired in him by that first sight of land. But most of all, it is because America was and is a gift to all men and women. A gift that never goes out of style, or fades, or gets lost. It is the gift of self-betterment.

When I look at my family, and realize it came from nothing, I really do think I can feel what my father must have felt when he first saw the flag flapping in a forgotten breeze, or when he was first able to utter words in English, or when he saw his first child being born an American.

I, too, can feel the passion because it is a part of my everyday life; passion for family, and happiness, and for what is yet to come. For the possibilities are endless in a country where a leader can rise from ruin, and a saint from despair, all because of the freedom this country bestows on its every citizen.

So I am not only proud, but honored, to say "thank you America," for the opportunity you gave to a young, scared man long ago, and for the hope you keep giving as an example to the world of a dream's immense power.

REAL PEOPLE WILL BE HURT BY UNFAIR APPROACH TO CLEAN AIR ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois [Mr. Poshard] for 5 minutes.

Mr. POSHARD. Mr. Speaker, the people of southern Illinois accept their fair share of the burden to clean up our air. But we will not stand idly by and shoulder an unfair portion of that burden.

So, as I have done on several occasions before, I want people to know a little more about what's at stake.

Because proposals that do not include cost sharing are totally unfair and against the notion that we take care of national problems with national solutions.

Finding a reasonable approach to air-quality improvement is a complex undertaking. But it is not just a technical process. It is more than just deciding how many tons of sulfur dioxide and nitrogen oxide have to be eliminated.

This is something that will dramatically impact real people—living, working, people—neighbors of ours who are looking at economic disaster unless we come up with something better.

To underscore the importance of this issue I held a Small Business Subcommittee hearing in southern Illinois last year. I found that small businesses in coal areas will be absolutely decimated by the loss of economic activity of the coal mines and their employees. Under current proposals that do not include cost sharing, Illinois job loss estimates are pegged at nearly 20,000.

This is an area where counties regularly report unemployment rates of 10, 15, 20 percent or more. High unemployment—a shortage of steady employment—and now we're faced with severe losses in a linchpin industry.

I mentioned the hearing in southern Illinois. Here's just a little of what Keith Ward, a United Mine Workers of America member from southern Illinois, told the committee.

> The money I make stays here in my community. It supports my friend who runs the auto parts store, helps the grocery store owner employ the lcoal kids who need a part-time job, and contributes to the sales and property tax base that keeps the courts open and fire trucks running.
>
> I guess what I'm trying to say is this is not just my fight, or the fight of people who wear coal dust for a living. It involves everyone in southern Illinois who depends on the paychecks the coal mines provide to achieve their own goals and dreams. If we go, we take an awful lot of good people with us.

Truer words were never spoken. And with permission I will include into the record the complete statement of Mr. Ward.

There's someone else you need to meet. His name is Joe Pop, and his story is told by Cheryl Frank, who writes for the southern Illinoisan newspaper which serves my district. I'll enter this article for the record also with permission, but let me read just a bit of this article for you now.

> Pop says the people running the show do not realize that they need people like him. "Why should miners be the ones to pay the full price of acid-rain pollution by losing their job?" Pop asks. "The bottom line is who's going to pay for it. I think it will be you and me.

One final headline for you. And with permission I'll enter the complete article for the Record. The headline says the price of clean air may be paid in the coal fields of southern Illinois. I'm afraid that's less a prediction and more a statement of fact.

And the same scenario lies in wait for other high sulfur coal regions unless there is a change in our approach.

Clean air does not have to come at the complete sacrifice of Midwestern coal miners, power companies, and the people who depend on them. We can do better. For their sake, as well as ours, we must do better.

Testimony on Acid Rain Control Legislation

(By Keith Ward)

Those of us who work in the coal mines are at a real crossroads. We have to make sure the path we take leads us in a new direction instead of down a blind alley.

I have dedicated my life to working in a coal mine. That's my decision, although I'm proud to carry on a tradition that's been in my family and in my community for many years. I take a great deal of pride in the job I do alongside my union brothers and sisters. You better believe in what you're doing to take a man-car a couple of miles underground each day, with the nagging little fear in the back of your mind that disaster could strike, and this could be the last time you make that long hard trip.

I've attended enough memorial services, visited with enough widows and fatherless children, heard enough stories about what it used to be like in the mines before the union and before labor laws were enacted, to understand what it is to be a coal miner. We in the industry take that responsibility seriously. We believe in producing American energy with American jobs.

I can't tell you how much it hurts me to know that thousands of my co-workers are out of jobs, with a decent standard of living taken from them by factors out of their control. I urge you not to to do that to another generation of coal miners, who want nothing more than to work hard, support their families, and contribute to the American way of life we hold so dear in southern Illinois.

The money I make stays here in my community. It supports my friend who runs the auto parts store, helps the grocery store owner employ the local kids who need a part-time job, and contributes to the sales and property tax base that keeps the courts open and fire trucks running. I guess what I'm trying to say is this is not just my fight, or the fight of people who wear coal dust for a living. It involves everyone in southern Illinois who depends on the paychecks the coal mines provide to achieve their own goals and dreams. If we go, we take an awful lot of good people with us.

I'm also a man who enjoys the blessings God has given us. I respect and appreciate the lakes and forests of southern Illinois, and believe in protecting those areas for others to enjoy in their hometowns and backyards.

I urge the Congress and President Bush to find a compromise which will allow us to preserve the environment and preserve our jobs as well. We don't have to accept an either/or situation, and we can keep our men and women working to provide the energy that runs our factories and lights our homes, without hurting people we don't even know but still consider our neighbors.

Chairman Torres, members of the Subcommittee, and all of those with an interest in this debate, please consider the welfare of our families and our communities. Please resist the temptation to forge ahead until you consider the impact on the thousands of coal miners out here.

We are not hostile towards the environmental needs of this country. But it will be a hollow victory for a man without a job to fill his lungs with the clean air that cost him his piece of the American dream. That doesn't have to happen. We hope and pray that it won't.

Mr. Speaker, I include for the Record the full text of the articles I quoted from:

[From the Southern Illinoians, Mar. 4, 1990]

Family Looks at Dim Days Ahead

(By Cheryl Frank)

Kincaid.—The Joe Pop family depends on extracting high-sulfur coal from the earth. Illinois mining jobs like Pop's are in jeopardy.

If acid rain legislation now pending in Congress is enacted this year—as most everyone involved predicts—thousands of miners in central and southern Illinois could be washed off the job as utility companies curb their use of the state's coal.

The mining camps-turned towns that line Illinois 104 and its by-ways in Christian County are abuzz with constant talk of new layoffs. They cringe at the thought that Commonwealth Edison Co.'s Kincaid power plant could close. The central Illinois plant uses all the coal produced at Peabody's Coal Co.'s mine No. 10 where Joe Pop works.

It is called a "mine-to-mouth" operation. The newly mined coal is funneled directly into the mouth of the power plant furnace.

Pop, age 49, is "honest and upfront" in the view of a fellow miner. Another brother of the mines calls him "controversial" for speaking out.

Pop says the people running the show do not realize that they need people like him. "Why should miners be the ones to pay the full price of acid-rain pollution by losing their jobs?" Pop asks. "The bottom line is who's going to pay for it. I think it will be you and me."

He and his forebears have paid a big price already. Tears come to his eyes when he talks of his father, who spent 43 years underground. In 1972 his father died in a roof cave-in at Peabody No. 10. Pop says it took seven people to lift the rock off.

Five years later, Pop broke a promise he made to his father when he began work as a miner. He works the second shift, 4 p.m. to midnight.

"Dad would probably turn over in his grave if he knew," Pop says. "But the money is underground. My check almost doubled." Miners make between $32,000 and $35,000 a year.

Now he regrets his decision, because at his age, Pop would have trouble finding another job that pays as well in this area. And Pop intends to stay in the tightly knit string of old communities that sprang up when Italian, Irish and other groups camped near the mines.

He became a miner after he married Debbie, 39, who works as a school cook.

Pop is of Hungarian lineage. The 6-foot, 2-inch, 230-pounder describes himself as an "emotional" third-generation miner. As the father of Joseph, 14, and Vince, 11, Pop is a family man interested in coaching and guiding youth groups.

Pop says if he can hold on to his job for six more years, he will earn enough seniority to earn a pension of $500 a month and keep his family's medical benefits.

Pop has had to undergo "expensive" back surgery and has been told it may be possible that he he will have to have more. Without his mining job and health coverage, he would have it rough.

Joe and Debbie Pop openly voice their fears. It's as heavy as the tons of coal mined by generations past, something both of them are constantly reminded of.

The Pops and their neighbors live in the shadow of the electric plant's main smokestack. The plant's flashing white warning lights blink across the highway, a beacon for its many employees who live in constent fear of becoming unemployment statistics.

Price of Clean Air May be Paid in Coal Fields of Southern Illinois

(By Cheryl Frank)

The congressional acid-rain compromise announced last Thursday would keep tons of chemicals out of the air that would otherwise fall to earth as acid rain.

The chemicals, sulfur dioxide and forms of nitrogen oxide, spew skyward when power plants burn high-sulfur coal mined in Midwestern states such as Illinois. The theory is that rainwater and polluting particles mix to form an acid.

The legislation hits home in Illinois, where the pending compromise legislation could be a threat to miners' jobs.

The miners' logic: Government regulations will become so stringent that utilities will no longer be able to afford to burn high-sulfur coal.

That, in turn, would shrink or destroy markets for the type of coal they mine. Most of the high-sulfur coal is purchased by power plants that burn it to generate electricity.

Acid rain has been blamed for casting a haze over nature that is killing trees, polluting air, ruining streams and lakes, killing fish, and eroding buildings and monuments.

Ironically, the situation is worse not in coal mining regions but in the northeastern United States and eastern Canada because of nature's eastward drift of air currents.

Focus of congressional debate is compromise legislation that combines the thinking of President Bush and of Senate Majority Leader George Mitchell, D-Maine, as well as other interests. The other parties include utility companies, the coal industry, environmentalists and the United Mine Workers.

But environmentalists are not that happy because they want stiffer pollution controls applied faster. And utility, mining and union interests are not happy because there is no cost-spreading in the compromise legislation. Cost-spreading means that the costs of pollution cleanup would be spread among all states and not concentrated in high-sulfur Midwestern states such as Illinois.

Legislative support comes from the Northeast—where acid rain is linked to dying forests—and the West, where low-sulfur, cleaner coal is mined.

While Illinois miners cling to their jobs, debate has raged in Washington, D.C.

The Bush-Mitchell compromise legislation, if passed, would require sulfur dioxide emissions to decrease 10 million tons by the year 2000 and nitrogen oxides 2 million tons by the same deadline. This is a drastic cut compared to the present emissions.

It includes "freedom of choice" for utilities. This allows them to meet pollution goals by various methods: They could install costly scrubbers to clean the high sulfur coal or decide to "switch" to low sulfur coal from Western states such as Montana, for example.

Devices such as scrubbers to clean utility plant emissions cost hundreds of thousands of dollars that would be passed on to utility customers, utilities have repeatedly said.

The legislation provides an "allowance or credit program." This would permit a low-polluting plant to sell or trade "credit" to a higher polluting plant to allow it to continue operating when otherwise it would not meet standards. This could keep Illinois coal burning in some cases, but the coal industry does not think this incentive goes far enough.

It does not include cost-spreading provisions of the magnitude deemed necessary to protect Illinois coal and coal miner jobs. Utilities generating pollution and ultimately consumers would be responsible for any costs connected to meeting new standards. (Some earlier proposals would have spread costs over the whole country by various ways, including a national utility surcharge.)

Separate amendments from Illinois and other high-sulfur states have been introduced. They would require high-polluting power plants to install scrubbers so that high sulfur coal can continue to be used. Costs would be shared nationwide.

Gerald Hawkins, chief lobyist for Illinois District 12 of the UMW, says without spreading the costs to all states, some 3,000 to 4,500 Illinois jobs could be lost.

He speculates that markets for Illinois coal would dry up, leading to widespread job losses.

ICF Resources Inc., a Virginia consulting firm that does work for the U.S. Environmental Protection Agency, confirmed in a September 1989 report that acid-rain legislation would result in significant shifts of coal mining jobs away from places like Illinois.

□ 1700

BELORUSSIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, 72 years ago, on March 25, 1918, Belorussia proudly proclaimed its independence, and today as the people of Belorussia struggle to regain their freedom and remove the yoke of tyranny of communist rule, it is appropriate that we in Congress recognize this important day in history of freedom-loving people.

The Belorussian Coordinating Committee of Chicago, will again celebrate Belorussian Independence Day at a luncheon banquet to be held on Sunday, March 25 at 1 p.m., at the Regency Inn in Chicago. I would like to take this opportunity to extend my greeting to Vera Romuk, the Secretary of the Belorussian Coordinating Committee of Chicago, IL, who has worked tirelessly on behalf of the Belorussian people, and all those participating in this imporant commemoration.

This year also marks the quincentenary of the birth of Dr. Francisak Skaryna, the printer and translator of the Holy Scripture in the Belorussian language in 1517. Dr. Skaryna also excelled as a writer, poet, scholar and doctor of medicine, and in recognition of his contributions and service to his people, UNESCO has dedicated 1990 in tribute to his memory.

During the many dark years of Soviet occupation, the Communists have been brutal in the treatment of the Belorussian people, attempting to completely destroy their rich culture and their language. Yet the desire to preserve Belorussian heritage and regain independence has remained strong.

Today the call for democratic reforms and representative government, free from Soviet interference, is sweeping across Eastern Europe, as well as the countries which were forc-

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ibly incorporated into the Soviet Union. Recent elections in Belorussia clearly demonstrate an overwhelming rejection of Communist rule, and an unwavering desire to achieve freedom and independence for Belorussia.

Mr. Speaker, on this 72d anniversary of the Belorussian Independence, I am honored to join with Americans of Belorussian descent in the 11th Congressional District of Illinois which I am honored to represent, and Belorussian-Americans throughout our Nation, in their hopes and prayers that this year will see that Belorussian people move closer to the ultimate goal of an independent Belorussia, free from the tyranny and oppression of the Communists.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

IN CELEBRATION OF GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 60 minutes.

Mr. BILIRAKIS. Mr. Speaker, it is a great honor for me to pay tribute today to Greeks both ancient and modern who struggled to bring democracy to their countrymen and to the world.

In 4 days, people of Greek heritage and the Greek Orthodox faith—as well as freedom loving people everywhere—will celebrate a very special day.

March 25 is Greek Independence Day, the 169th anniversary of the beginning of Greece's struggle for independence from more than 400 years of foreign domination. It was on this historic day that the Greek people began a series of uprisings against their Turkish oppressors, uprisings which soon turned into a revolution that attracted international support and respect.

This long and arduous struggle by the Greeks against the Ottoman Empire is a perfect example of the ability of mankind to overcome all obstacles—obstacles that often appear insurmountable—if the will to persevere is strong enough. It is an example that oppressed people throughout the world may look to and gain strength from in their struggle to overcome their oppressors.

Mr. Speaker, I am happy to yield to the gentleman from New York [Mr. MANTON] for some remarks on this subject.

Mr. MANTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a cosponsor of House Joint Resolution 473, legislation to designate March 25, 1990, as Greek Independence Day, I am proud to join my colleague Mr. BILIRAKIS in this special order. On Sunday, March 25, the people of Greece will celebrate the 168th anniversary of the beginning of the revolution which freed the Greek nation from more than 400 years of tyranny and oppression.

Mr. Speaker, it is fitting for Americans to celebrate Greek Independence Day because of the important role the nation of Greece has played in fostering freedom and democracy throughout the world. The concept of democracy was first conceived by the ancient Athenians 2,500 years ago. All of the free nations of the world are indebted to the Greeks for this most important tradition.

Mr. Speaker, the United States and Greece have a special friendship based on mutual respect and admiration—200 years ago when our Founding Fathers gathered to draft a constitution they looked to the ancient Greeks for their inspiration. In the 1920's, when the young nation of Greece began its fight for independence, the Greek people turned to the United States and translated our Declaration of Independence into Greek to use as their own. As allies, the friendship between Greece, and the United States has remained strong through peace and wartime. In World War II, the brave soldiers of Greece and America fought shoulder to shoulder against the Axis powers.

As the Representative of the Ninth Congressional District of New York, which has perhaps the largest Greek-American population in the United States, I am pleased to join my constituents in marking Greek Independence Day. On this special day, I urge my colleagues to join me in paying tribute to the wisdom of the ancient Athenians, the friendship of modern Greece and the important contributions Greek-Americans have made in the United States.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for his kind remarks and for his friendship toward the nation of Greece.

Mr. Speaker, the history of the Greek war for independence is one filled with heroes and heroism, of remarkable events by many peoples in a common cause. It is partly the story of the Klephtes, who descended upon the invaders from their mountain strongholds. It is also the story of the Hydriots, seafarers who broke the Ottoman naval blockade; and it is the story of the Philhellenes, who took these tales of courage to Europe where their significance was not overlooked.

These stories woven together formed the fabric of a free and independent Greece, of democracy returned to the cradle where it was born, and defended by the defiant cries of the Greek patriots: "eleftheria i thanatos"—liberty or death.

This year, Mr. Speaker, is one of special importance in this regard, for it marks the 2,500th anniversary of democracy itself. Dr. Bernard M.W. Knox, director emeritus of the Center for Hellenic Studies here in Washington, has noted the following:

> Twenty-five hundred years ago in 510 B.C., Hippias, the last tyrant of Athens, was driven out of the city. Athens had been under his dictatorship—and that of his father, Pisistratus, before him—for 30 years. Out of the political chaos and factional infighting that followed his expulsion, there emerged a new political system.
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> It was derived by the aristocrat Cleisthenes, one of the organizers from exile of the tyrant's downfall. It was a thorough reorganization of Athenian political institutions that gave supreme power to the full assembly of the free male citizens, to which annually elected magistrates had to render accounts of their year in office at the end of the year. It was called democracy—"the rule of the people"—and it was the first of its kind the world had ever seen.
>
> Almost at once the newborn democracy had to deal with foreign attempts to suppress it. "Its victory," said the historian Herodotus, "proved, if proof were needed, how noble a thing freedom is * * *. For while the Athenians were oppressed under a despotic government, they had no better success in war than any of their neighbors. Yet once the yoke was flung off, they proved the finest fighters in the world." This clearly shows that, so long as they were held down by authority, they deliberately shirked their duty in the field, as slaves shirked working for their masters; but when freedom was won, then every man amongst them longed to distinguish himself.

Mr. Speaker, these words by Dr. Knox hold great significance for all of us in 1990 as nation after nation in East Europe throws off the yoke of despotism that their people may live free.

Indeed, in this very special year for democracy and freedom, as the Berlin Wall collapses and the Iron Curtain lifts across Eastern Europe, we as Americans should reflect on the lessons learned from ancient Greece.

☐ 1710

The ancient Greeks, of course, forged the very notion of democracy, placing the ultimate power to govern in the hands of the people themselves. Of course, our Founding Fathers drew heavily on the political and philosophical experience of ancient Greece in forming our government, and for that contribution alone we owe a great debt to the Greeks.

In the American colonial period, during the formative years of what would be our great Republic, no feature was more prominent than the extent to which Greek and Roman sources were cited by the Framers of the Constitution. The very basis of our Constitution derives from Aristotle and was put into practice in ancient Rome, in 18th century England and in the early State constitutions, before it was given its national embodiment by the Convention of 1787.

The overriding appreciation was for Aristotle's sense of balance, since the delegates viewed the tyrant and the mob as equally dangerous. Indeed, both James Madison and John Adams emphasized what Aristotle had written in "The Politics," that "The more perfect the admixture of the political elements, the more lasting will be the state."

Polybius, a leading authority on Greek city-states, also was of special interest to the Framers of the Constitution. In his "Histories," Polybius wrote that the best governments consists of one of three forms: kingly government, artistocracy, or democracy. Our own national experiment has shown us that, in fact, the best government is one that comprises all three.

The delegates in Philadelphia, of course, noted that the Executive represented the kingly power, the Senate the aristocratic and the House the popular power.

Centuries later, Montesquieu would expand on Polybius' ideas and the lessons of ancient Greece and Rome by writing that the vice of kingly government is monarchy; that of aristocracy, oligarchy; and that of democracy, rage and violence, into which, in process of time, each must degenerate.

Through the recognition of these processes, the idea of a separation of powers, a system of checks and balances, was instituted in American Government. Thus, as Polybius foresaw and wrote, "When one part, having grown out of proportion to the others, aims at supremacy and tends to become too dominant * * * none of the three is absolute * * *."

The idea of a union of separate States, in fact the necessity of a common defense, also was drawn by the Founding Fathers from the experiences with democracy by Greece and Rome. Alexander Hamilton noted that "Leagues among the old Grecian Republics were continually at war with each other, and for want of a union, fell prey to their neighbors."

This is why the states of Greece were splintered by Philip of Macedon and afterward by the Romans—because they contended for freedom separately.

In "The Continentalist" of 1781, Hamilton continued, "The commonwealths of Greece were a constant scene of the alternate tyranny of one part of the people over the other."

In a memorandum that he prepared for the convention, we see the recurring theme, the desire for a mixed government. Hamilton saw the Articles of Confederation as no more stable than the confederation of Greek city states. They had ample powers to declare war and use force against delinquent members, but these powers were self-destructive in the context of unity. The ancient democracies resulted in tyrannies, and this in turn resulted in an illusion of democracy.

In continuing to refer to the experience of the ancient democracies we refer to Lycurgus, who in wanting to avoid the anarchy into which these governments would degenerate, united in one all of the advantages and properties of the best governments, in order that no one branch would degenerate into the tyranny that accompanied its excesses.

Mr. Speaker, at this time I yield to the gentleman from Massachusetts [Mr. Mavroules].

Mr. MAVROULES. I thank the gentleman very much for yielding. Let me commend the gentleman, my friend the gentleman from Florida [Mr. Bilirakis] for taking this very important special order.

Mr. Speaker, I also rise today to add my voice to the chorus of congressional support for Greek Independence Day. This anniversary commemorates the beginning of Greece's long struggle to free itself from the bonds of the Ottoman Empire. For it was on March 25, 1821 that Archbishop Germanos and his fellow Hellenes raised their banner of rebellion and began their triumphant march towards independence.

This year's anniversary is particularly moving because Greece is also currently celebrating the 2,500th anniversary of Greek democracy. In the 6th century B.C., the democratic reforms of Cleisthenes in Athens gave rise to the Western World's first true democratic government.

What more appropriate year to celebrate the 2,500th anniversary of democracy than 1990. Night after night on the evening news, we have witnessed the triumph of democratic movements throughout the world. From the countries of Eastern Europe to Panama to Nicaragua—from the meteoric rise of Vaclav Havel's chapter 77 party to the successful ouster of Noriega's government, to the triumphant electoral victory of Chamorro's united opposition—the walls of repression have come tumbling down.

However, at a time of democratic celebration, there remains one sore spot on the southern flank—the divided island of Cyprus. Sadly, 16 years after its invasion, 40 percent of Cyprus remains under Turkish military occupation. Recently, the once promising negotiations under the auspices of the United Nations between President George Vassiliou and Mr. Rauf Dengtash broke down. I would like to take this opportunity today to encourage the Bush administration to move the talks forward—to elevate the Cyprus issue on the United States foreign policy agenda. Specifically, I would like to see Secretary of State Jim Baker take an active role in articulating an American policy that makes it clear that a Cyprus settlement is important to United States policy in the region. It is time the winds of peaceful change sweep the divided island of Cyprus. As the 2,500th anniversary of democracy is celebrated throughout the world, it is my sincere hope that both Greek and Turkish Cypriots embrace the opportunity to renew negotiations on the democratic future of their island.

I also want to give President Bush credit—yesterday he signed into law a joint resolution recognizing Greek Independence Day.

Finally, I end on a personal note: As a Greek-American, I take particular pride in the winds of democratic change that have swept the world. It is my motherland and the motherland of all Greek-Americans that served as the cradle of western culture—the cradle of democracy. I appreciate the opportunity to speak on behalf of such a special anniversary.

Mr. BILIRAKIS. I thank the gentleman for his statement, my very close friend and fellow Greek-American, the gentleman from Massachusetts [Mr. Mavroules].

Mr. Speaker, at this point I yield to the gentlewoman from Florida [Ms. Ros-Lehtinen].

Ms. ROS-LEHTINEN. I thank the gentleman for yielding and congratulate my colleague, the gentleman from Florida, for leading this effort to honor so many wonderful Greek-Americans in our country.

Mr. Speaker, it fills me with pride to join my colleagues in this celebration of Greek Independence. Our world has witnessed incredible changes during the past few months: the advent of democratic governments in Poland, Czechoslovakia, and Nicaragua, among many, many other countries. Nations who had been oppressed have united their voices to say "No!" to dictatorships and tyranny. The example set by the brave people of Greece during the 1821 Greek Revolution, as well as the legacy of classical Greece's democratic ideals, are being emulated by our modern-day fighters for democracy.

On March 25, 1821, a small group of Greeks, not formally organized but determined, struck out for their independence against the powerful Ottoman Empire. For over 400 years, the Greek people had been under Ottoman rule. Their pride and love for jus-

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tice and independence could not be controlled anymore. This valiant group of Greeks received the support of freedom-loving Americans such as Samuel Gardley Howe of Massachusetts, George Jarvis of Washington, and Jonathan Peckham Miller of Vermont.

In Miami, the proud and thriving Greek community will be celebrating the 1821 Greek Revolution on April 1, 1990. Under the leadership of Dr. Basil Yanakakis and Dr. George Palatianos, they will come together to remember this most significant event in Greece's illustrious history. The revolution's slogan and song: "It is better to live 1 hour of freedom than 40 years of slavery and imprisonment" will be the force behind this celebration.

I congratulate the Greek-American communities in the United States for the many contributions they have made to our great Nation. The legacy of democracy which began so many centuries ago in Athens continues today as an inspiration to us all.

□ 1720

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman from Florida [Ms. Ros-Lehtinen] for her remarks.

I yield such time as he may consume to the gentleman from Pennsylvania [Mr. Ritter].

Mr. RITTER. Mr. Speaker, I thank the gentleman for yielding. I thank my friend and colleague from Florida for calling this special order during the 2,500th anniversary of Greek democracy. Greece: the birthplace of a movement which in this 2,500th year has probably seen a greater expansion than in any other single year in all of human history. March 25 is Greek Independence Day, the 169th Anniversary of the beginning of Greece's struggle for independence from more than 400 years of foreign domination.

Greeks and Americans share a greater legacy. The Founding Fathers looked with great favor on the writings and the history of the Athenian democracy as they forged a new Nation. Today, our two countries share in the defense of freedom. Since the founding of NATO after World War II, Greeks and Americans have cooperated to defend freedom in the European theater.

Greek-Americans can be very proud of their rich cultural heritage. Our Lehigh Valley Greek-American community, which participates in national Greek-American activities, can be extremely proud—not only of the 169th anniversary of the struggle for independence from the Ottoman Empire—but also during this 2,500th anniversary of Greek Democracy.

Democracy! Perhaps the greatest gift that any nation has given to modern civilization—the forum of freedom.

Mr. Speaker, once again I thank the gentleman from Florida [Mr. Bilirakis] for his leadership in taking this special order.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from Pennsylvania [Mr. Ritter] for his remarks. I might add that the gentleman, on an everyday basis here in the House, exemplifies the courage and the stick-to-itiveness to principle that the ancient Greeks were so very famous for.

Mr. RITTER. Mr. Speaker, I thank the gentleman for his kind words.

Mr. BILIRAKIS. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah [Mr. Owens].

Mr. OWENS of Utah. Mr. Speaker, I commend the gentleman for his organization of this special order on this very special occasion. Today we celebrate the 169th anniversary of Greek independence from the Ottoman Empire and the restoration of democracy to the very people who invented it more than 2,000 years ago. The ancient tradition of Greek democracy is enshrined in our monuments and public buildings, and finds expression, to this day, in the very underpinnings of our Constitution and way of life.

Today, in celebrating Greek democracy, we celebrate our own. For as Aristotle and Pericles handed down the principles of power emanating from the people and equality under law, so was the legacy of Thomas Jefferson and James Madison bestowed to the Greek Republic in 1821. That year, the Greek commander in chief declared to the Americans:

> Having formed the resolution to live or die for freedom, we are drawn toward you, by a just sympathy, since it is in your land that liberty has fixed her abode, and by you that she is prized, as by our fathers.

Adopting the American Declaration of Independence as their own, the Greeks sealed a bond, which has endured between our two peoples, ever since. As comrades in arms during the Second World War and partners today in NATO, both Greeks and Americans have stood together in the face of adversity to preserve our fundamental freedoms and democratic ideals, as we enter Greece's 170th year of independence and celebrate the greatest year for democracy since the end of the Second World War. Let Members reaffirm our historic partnership and work toward the day when every nation can point to their ballot booths and our proud example.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for his very powerful remarks.

I yield such time as he may consume to the gentleman from Florida [Mr. Smith].

Mr. SMITH of Florida. Mr. Speaker, I want to thank the gentleman for taking this time to commemorate this wonderful occasion.

I do not know how many people really understand the context and the significance of 2,500 years. The gentleman has pointed out that 2,500 years of Greek independence, when our historical reality, that which is the United States, the Declaration of Independence, the Constitution of the United States, espouse ideals which were to a large degree not crystallized, not formulated, but made into reality in Greece.

After this special order that the gentleman has taken out, I am doing a special order on Jerusalem. Jerusalem is even older than Greek independence, but it was in Greece where that Judeo ethic came alive and became a reality in the word that we now carry as the underpinning of our society, and that is democracy.

All I can say is that the proud tradition which the Greeks around the world, and especially the Greek-American community here in this country carry as part of their heritage, is something that they should cherish, and something that we should be envious of. For all that period of time, the tradition, the history, the reality of the glory that was Greece then, and is a modern-day Greece today, have been alive and well, and being the clarion call for what democracy can be, and taken by men of good will and of long, clear vision. I think that the Greeks of then had that vision and were able even through today to understand what it means to be a democracy.

Therefore, I congratulate the gentleman, rejoice with him in this anniversary, and hope that people not only in the United States but all over the world will stop for a minute and think how long that democratic ideal put into implementation in Greece has served the world well, for democracy.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for his most kind remarks, and I know that those remarks come from the heart.

If I might just hitchhike on the gentleman's comments, I find it amazing, even though I am Greek, that in spite of centuries of occupation by foreigners, we talk here about 400 years prior to independence, but we can go back even much further than that, and in spite of those centuries of occupation by so many different nationalities with our own religions, and with our customs and our own language, still, the Greeks were able to hold on to this culture and heritage that the gentleman from Florida refers to. That was in spite of all of the obstacles. I just find it amazing that our people have retained the religion, certainly stronger than ever, and have retained the culture and the heritage, and the language.

I certainly am just very proud to be a descendant of those tough, courageous people. I know I speak for all

Greek-Americans, and Greeks all over the world when I say that we are just grateful to those people: my parents and grandparents, and so many others throughout the world.

Mr. Speaker, in continuing now to refer now to the experience of the ancient democracies where we talked about those ancient democracies as a result of their self-destructive motives resulting in tyrannies, which in turn resulted in an illusion of democracy.

□ 1730

Mr. Speaker, in continuing to refer now to the experience of the ancient democracies, where we talked about those ancient democracies as a result of their self-destructive modus, if you will, which resulted in tyrannies and this in turn resulted in an illusion of democracy, I would like to refer to Lycurgus, who, in wanting to avoid the anarchy into which these governments would degenerate, united in one all the advantages and properties of the best governments in order that no one branch would degenerate into the tyranny that accompanied its excesses.

Does that sound familiar to us? I would like to think so, because our Founding Fathers were eager to relate the American experiment to the efforts of the ancient Greeks to establish a balance of powers. Such a relationship, it was hoped by the framers, would allow America to escape the disintegration of government that had proven inevitably fatal to such political systems throughout history.

So it is the example, I think, of the ancient Greeks that we celebrate each March 25, about which so many speakers here this evening have so very eloquently spoken, and that example is the return of democracy to Greece on this day of glory for the Greek people. The spirit of democracy and of this day lives on in the defense of the principles for which so many of the free world's citizens have given their lives.

The gentlewoman from Florida [Ms. ROS-LEHTINEN] spoke of the celebration on April 1 in Miami that the Greek-Americans and hopefully other philhellenes in the area will join in to celebrate the 2,500th anniversary of democracy, if you will.

And, Mr. Speaker, my community of Tarpon Springs, FL, will be celebrating on March 25 through a parade and through other speeches. I think it is just wonderful that so many philhellenes around the country, such as the gentleman from Florida [Mr. SMITH] and the gentleman from Utah [Mr. OWENS] and others, feel very strongly about this subject, because when we looked back, that is where we all came from.

Mr. Speaker, I would like to close my remarks by stating that it is fitting that we celebrate March 25 together with Greece in order to reaffirm the democratic heritage that our two nations share so closely.

At this point, Mr. Speaker, I am pleased to yield to the gentlewoman from Maryland [Mrs. BENTLEY] for her remarks.

Mrs. BENTLEY. Mr. Speaker, I thank the gentleman from Florida for yielding, and I want to commend him very much for taking this special order in order to commemorate Greek Independence Day.

Mr. Speaker, It is a pleasure for me once again to join with my colleagues in the Congress to commemorate Greek Independence Day. This is, as my distinguished colleague from Florida [Mr. BILIRAKIS] points out the anniversary of the return of democracy to the land that gave the world the very concept of democracy so long ago. I might point out, Mr. Speaker, that Mr. BILIRAKIS is one of the prides of the Greek-American community.

It was on March 25, 1821, that the Greek people, under the banner and leadership of the Bishop of Patras, rose in insurrection against the Ottoman Turks who had held the Greek people in both physical and cultural slavery for nearly 400 years.

This day of revolution was not chosen randomly, Mr. Speaker. In the Greek Orthodox faith, March 25 is the feast of the Annunciation, that holy event for which the Greek Orthodox mother parish in Baltimore, the Cathedral of the Annunciation, was named.

For Orthodox Christians, this feast marks the beginning of the plan of salvation that we celebrate during this Lenten season, culminating the feast of Easter in 3 weeks.

The Greeks turned this religious feast into a civic one by launching the insurrection that would bring salvation to the country on the day when they also commemorated the Archangel Gabriel bringing his good news to Mary of Nazareth.

It gives me great pleasure to join with our own Greek-American community in this country and with people of Greek descent around the world in celebration of the return of freedom and democracy to the Greek people.

And I send special greetings to the parishioners of the Greek Orthodox Cathedral of the Annunciation in my district, the church in which my husband Bill and I were married, as they celebrate jointly their religious feast day and this feast day for democracy that Greeks the world over will celebrate this weekend.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman from Maryland [Mrs. BENTLEY].

Mr. Speaker, in closing, I would say that these principles of which we have spoken today are truly not uniquely Greek or American, but they are our promise to the world and they form a legacy that we cherish and have a responsibility to protect and to defend.

Ms. PELOSI. Mr. Speaker, I rise today in celebration of Greek Independence Day, and thank the gentleman from Florida [Mr. BILIRAKIS] for calling this special order.

After nearly 400 years of foreign domination, on March 25, 1821, the Greek people began a series of uprisings that led to the Greek Revolution. This struggle returned Greece to its early democratic traditions.

The love of freedom and the desire for self-determination motivated the Greeks to struggle for their independence. Much like the American Revolution, the Greeks had been deprived of their basic human rights. Religious freedoms where severely restricted, and access to education limited. It was the teaching of Aristotle that power should rest in the hands of the people, which eventually prevailed.

Even today, as Cyprus stands divided, Greek-Cypriots remain committed to the peaceful resolution of the island's armed conflict. It is fitting, on this day of celebration, to restate our responsibility to work for a unified Cyprus.

The rich history of Greece's contributions to our culture does not stop with ancient history. Over 3 million Greek-Americans live in the United States and have excelled in virtually every aspect of American life. San Francisco's mayor, Art Agnos, ranks among the distinguished list of Greek-Americans who have a significant impact on our society.

Again, I thank my colleague, Mr. BILIRAKIS, for calling this special order to recognize the importance of Greek Independence Day. We should all take a great deal of pride in celebrating the enduring relationship between our two countries.

Mr. RINALDO. Mr. Speaker, as we witness the rebirth of democracy in Eastern Europe, and calls for free elections in the Soviet republics, we can only admire the wisdom of the ancient Greeks who devised the best form of government known to mankind. Even when democracies have been crushed by the power of the state, they have inevitably been restored through the will of the people and the thirst for freedom and independence that the Greeks first recognized as an essential state of man.

As Aristotle said, "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will best be attained when all persons alike share in the government to the utmost."

Our Nation was founded on the ideas of the Greeks. America's Founding Fathers relied on Greek thought and experience to write our Constitution, and it has worked remarkably well. It serves as a bond between our Nation and the Greek people.

In my State of New Jersey, thousands of Greek-Americans will celebrate the anniversary of Greece's independence from the Ottoman Empire. The freedom of the Greek people was won with their blood and courage as Greek villages stood up against their oppressors and finally ended foreign domination of their nation.

On March 25, we will celebrate Greek Independence Day and remind ourselves that

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while democracy is the most natural form of government, it must be nurtured and defended if it is to endure.

The Greek-Americans have made many contributions to the growth and prosperity of our Nation, but none is more important than their respect and belief in democracy. It is everywhere, in the arts, humanities, philosophy and enterprise that the Greeks have taught us since ancient times. It is an unbreakable bond between our two nations.

I join my colleagues here today in commemorating the anniversary of Greek independence and in expressing my admiration for the Greek people who have enriched Western culture for over 2,500 years.

Mr. NEAL of Massachusetts. Mr. Speaker, as we continue to witness the emergence of democracy throughout the world, it is perhaps fitting that we pause today to recognize history's first democratic republic, Greece. This Sunday, March 25, marks the 169th anniversary of the Greek struggle for independence. In 1821, inspired by the lesson of the American Revolution, the Greek citizenry revolted against the oppressive Ottoman Empire. After nearly four centuries of Turkish rule, the men and women of Greece finally regained their sovereignty in 1827.

The crusade for an independent Greece is reflected in modern Greco-American relations. Both countries have shared a common commitment to the principles of equality and freedom, and in many ways, the American experiment might not have been possible without the Greek experience. Indeed, as Thomas Jefferson noted, "to the ancient Greeks * * * we are all indebted for the light which led ourselves, American colonists, out of Gothic darkness."

It is with this understanding that I enthusiastically join my colleagues in the House of Representatives in extending my personal best wishes to the people of Greece on the anniversary of their day of independence. It is my hope that this celebration will reinforce our relationship, and serve as an example to the many emerging democracies throughout the world.

Mr. YATRON. Mr. Speaker, on March 25, 1821, after four centuries of Ottoman rule, Greeks rose up in arms, fought valiantly, and finally achieved a dream centuries old—freedom from Turkish denomination.

The ancient Greeks created the very notion of democracy, in which the ultimate power to govern was vested in the people. As Aristotle said: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be attained when all persons alike share in the government to the utmost."

It was this concept that the Founding Fathers of the United States of America drew heavily upon in forming our representative government.

Constitutional democracy has made the American way of life possible. For that contribution alone, we owe a heavy debt to the Greek people. But the contribution of democracy was not the only contribution made by Greek patriots to American society. The ancient Greeks contributed a great deal, both to our cultural heritage, as well as to European culture, in the areas of art, philosophy, science, and law. In the preface to his poem "Hellas" Shelly wrote: "Our laws, our literature, our religion, our arts have their roots in Greece."

Mr. Speaker, Greek-Americans have followed the rich traditiion of their ancestors. They have made their mark in many professions including medicine, science, law and business, among others. The welfare and progress of the Greek community, both here and abroad, is of great importance to all of us.

We have, through this special order, another opportunity to thank Greek-Americans for their contribution to the United States. Last Wednesday, March 14, the House passed House Joint Resolution 473, which President Bush signed yesterday, commemorating the ancient Greeks and paying tribute to the Greek-American community by designating March 25 as "Greek Independence Day." It called for a national day of celebration of Greek and American democracy. I am proud to have been a cosponsor of this legislation.

Greek Independence Day was a model for a new nation, and continues to be an inspiration for all those living in the darkness of oppression.

I want to commend the gentleman from Florida [Mr. BILIRAKIS] for authoring and sponsoring House Joint Resolution 473, as well as this special order. I also want to commend him on his leadership in this, and many other issues in the Congress.

Mr. BROOMFIELD. Mr. Speaker, I join my colleagues in sponsoring this special order celebrating Greek Independence Day and American democracy. I commend Congressman BILIRAKIS for his leadership on this issue. Today is an historic day for all people who treasure freedom.

March 25 marks the 169th anniversary of the beginning of the struggle that liberated the Greek people from the Ottoman Empire. In shedding their blood for liberty and winning their freedom, Greeks showed the world their deep and abiding commitment to democracy. Today also marks the beginning of one of America's most valued and rewarding friendships.

The roots of democracy in Greece are deep. This year represents the 2,500th anniversary of the practice of democratic government that was first seen in Athens in 510 B.C. Throughout history, Greece has represented an ideal in man's search for liberty. The principles of Greek democracy represent the greatest contribution a nation has ever made to society. Democracy and freedom are the guiding tenets that give hope to millions around the world and fuel the democratic revolution that is today sweeping the planet from Eastern Europe to Nicaragua. Those ancient principles guided our Founding Fathers and inspired Alexander Hamilton and James Madison in writing "The Federalist Papers."

As Greece gave America the gift of democracy, America later responded in kind and became the role model for Greek independence. The American Revolution guided Greece in its struggle for independence during the 1820's. Greek patriots adopted the American Declaration of Independence during their quest for freedom. Many Americans traveled to Greece to fight against the Ottoman oppressors. Today, Greeks and Americans continue that tradition of defending freedom through our partnership in NATO.

Greece has also given another gift to America. Nearly 1 million Greeks came to America's shores and enriched this great country of ours. They have distinguished themselves in professions ranging from government to entertainment. Some of our most illustrious citizens claim Greek ancestry. Those children of the cradle of democracy have made America—the leader of the free world—a better place to live.

Today's celebration of Greek independence is, in a sense, a celebration of the development of democracy for all mankind. Our most fitting tribute to Greece, the birthplace of democracy, is to continue the fight against tyranny wherever it exists.

Mr. BATEMAN. Mr. Speaker, on March 25, we will once again be celebrating the anniversary of the beginning of the effort by the Greek people to liberate themselves from oppression. As important as acknowledgement of Greek Independence Day has been in the past, it takes on even greater significance this year.

The past year has witnessed a monumental transformation in the international order established from the ashes of the Second World War. Around the world, Communist and right-wing dictatorships alike have been swept aside in favor of democracy. From Prague and Budapest to Santiago and Managua, the rights of people to live without fear and to freely elect their leaders are being firmly established and codified in national constitutions. Only the most hard-line Communist dictators, such as those in Cuba and North Korea, have resisted the collapse of their regimes. Not coincidentally, these are also the most belligerent regimes in the world.

This wave of pro-democracy sentiment, as with the United States Constitution, has its genesis in the experience of the Greek people. The democratic tradition begun in Greece and continued in the American experience is taking root in an increasing number of countries and the implications for world peace, while very uncertain, are nevertheless the most promising they have been in decades.

The most important lesson to remember on Greek Independence Day is that freedom and democracy do not come easily. This occasion has its origins in the struggle of the Greek people against the oppressive rule of the Ottoman Empire. The Greeks have subsequently fought to retain freedom and democracy against Nazi Germany and against the threat of communism in the years immediately following the defeat of fascism in Europe. Most recently, the Greek people rejected authoritarian rule in favor of a return to democracy. Greece is the living embodiment of the rewards available if a people are willing and able to fight for what they believe in. Witness the words of the former Supreme Allied Commander and late President of the United States Dwight D. Eisenhower: "* * * Greece asked no favor except the opportunity to stand for those rights in which it believed, and it gave to the world an example of battle * * * a battle that thrilled the hearts of all free men and women everywhere."

Greece is indeed the cradle of democracy; it is also a living example of what it takes to remain that way.

Mr. ANNUNZIO. Mr. Speaker, I join with my colleagues in the House of Representatives in celebrating Greek Independence Day. It is fitting that we in Congress join with our Greek friends in celebrating this important day in their history, not only because their struggle for self-determination has inspired others in their quest for freedom, but also because Greek philosophy, art, literature, and political thought have significantly contributed to our own civilization.

One hundred and sixty-nine years ago, on March 25, 1821, the people of Greece declared their independence, and began a series of uprisings against their Turkish oppressors, which culminated in the creation of an independent state. The Ottoman Turks had dominated Greek lands since the 1300's. However, inspired by America's own experience, a Greek national revival movement developed during the 1700's.

The flag of revolt was blessed by Bishop Germanos of Paleion Patron, at the monastery of Aghia Lavra, and for 7 years a handful of rebels in fierce fighting were able to contain the combined forces of the Sultan's Ottoman Empire. The confrontations at Valtetis, Dervenaia, as well as Missolonghi, where Lord Byron fought and died, rank among the most glorious and important pages of Greek history, and the exploits and victories of the Greek Navy, under Miaoulis, Kanaris, and Sachtouris, inspired the people of Europe, who finally brought pressure upon their governments to intervene in the fighting and compel the Sultan to recognize Greek independence.

On October 20, 1827, at the battle of Navarino, the Turkish fleet was finally defeated by the British, French, and Russian navies which had joined in the effort, and by September 14, after many centuries of foreign rule, freedom for the Greeks was regained by the Treaty of Adrianople of 1829 and later by the London Protocol of 1830.

Mr. Speaker, in recognition of the many contributions the Greeks have made to our civilization, and to reaffirm the longstanding friendship and democratic links between the people of Greece and the United States, I was glad to add my name as a cosponsor to House Joint Resolution 473, a bill to designate March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." Similar legislation has been approved by the full Senate and the House of Representatives, and has been sent to President Bush for his signature into public law. A copy of House Joint Resolution 473 follows:

H.J. RES. 473

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas 1990 marks the two thousand and five hundredth anniversary of the birth of democracy;

Whereas the Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy;

Whereas March 25, 1990, marks the one hundred and sixty-eighth anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire;

Whereas these and other ideals have forged a close bond between our two nations and their peoples; and

Whereas it is proper and desirable to celebrate with the Greek people, and to reaffirm the democratic principles from which our two great nations sprang: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 25, 1990, is designated as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy", and that the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the designated day with appropriate ceremonies and activities.

Mr. Speaker, the Greek civilization which flourished in Athens in the millennium before the birth of Christ gave rise to the democratic principles which we cherish in the free world today. Greek philosophy, art, literature, and science have had a significant and lasting impact on Western civilization. This rich legacy has helped and enhanced our own traditions, and Greek immigrants who have come to the United States have contributed greatly to our national way of life.

As we celebrate Greek Independence Day, it is a genuine pleasure for me to extend my greetings to Greek-Americans residing in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Greek descent throughout our Nation, as we recognize the ties of friendship and democracy which have linked our two nations and strengthened us both.

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the Americans of Greek descent from my 17th Congressional District of Ohio.

As you know, March 25 is "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." This date is a very significant day in Greek history because it marks the 169th anniversary of Greece's deliverance from domination by the Turkish Empire. Greek Independence Day recognizes the devotion and dedication Greek-Americans lend to democratic principles and the preservation of civil and human rights in this country.

I am proud to have many Americans of Greek descent in my district. Greek civilization is thriving in our community and one of the most enduring institutions is the Arch Angel Michael Greek Orthodox Church. Many outstanding people are associated with this church, one of which is Rev. George T. Pappas, who has been with the church since it was established 35 years ago. Other outstanding individuals in the church are Irene Thomas, who has taught the Greek language, customs, and traditions to our children for more than 50 years; George Nicholis is the host of the Greek Radio Hour and has been an unfailing inspiration to Greek-Americans; and finally, Nick Franzeskos who is a former deputy sheriff and has devoted many hours of service to our community.

I am proud to be a cosponsor of House Joint Resolution 473 which commemorates Greek Independence Day. It is important that we recognize the contributions Greek ideas and principles have made to our democracy. The Founding Fathers of the United States applied many Greek democratic principles and political thoughts as examples for the system they founded over two centuries ago.

Mr. Speaker, I would like to take this opportunity to recognize and pay tribute to Greek Independence Day and to the Americans of Greek descent from my district. They have made great contributions to my district and to our country. I am honored to have these outstanding individuals in my community.

Mr. HORTON. Mr. Speaker, I join my colleagues today in commemorating Greek Independence Day. I want to thank the gentleman from Florida [Mr. BILIRAKIS] for taking this time out to reflect on the contributions to Western civilization that this great nation has produced.

This year's celebration of Greek Independence Day is especially fitting in light of the current wave of democracy which is sweeping the globe. As the birthplace of democracy, Greece holds a special place in the hearts of all freedom-loving people. The day Greece regained her independence was a victory for all democracies around the world.

Today, Greece is once again a vibrant democracy. In addition, it is a trusted ally in the North Atlantic Treaty Organization. Through its membership in NATO, Greece has helped set the stage for the current democratic surge in Eastern Europe, as have all of our allies in Europe. She plays a vital role due to her location on the southern flank of Europe and with her proximity to vital sea lanes.

In ancient times and today, Greece has been a true role model for other democracies. I can think of no other nation's independence day which it would be more fitting for the U.S. Congress to commemorate. Again, I thank Mr. BILIRAKIS for taking this time.

Mr. HUGHES. Mr. Speaker, this Sunday, March 25, 1990, marks the 169th anniversary of the beginning of the Greek people's struggle for independence. That struggle ultimately succeeded in liberating Greece from the Ottoman Empire, paving the way for democracy to return to its birthplace.

It is only appropriate that we celebrate this momentous day. As we look around the world we see country after country rejecting totalitarian rule and moving toward democratic government. The ancient Greeks developed many of the principles that serve as the basis for democratic governments around the world today, including our own. Perhaps the British poet Shelley said it best when he wrote:

> We are all Greeks. Our laws, our literature, our religion, our arts have their roots in Greece.

The anniversary of Greek independence is also an appropriate time to acknowledge the many contributions of Greek-Americans to our own country. Our citizens of Greek ancestry have joined in that great American melting pot and distinguished themselves in every segment of our society. For these reasons and many more, I take great pleasure in joining with my colleagues here today to honor the celebration of Greek Independence Day.

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Mr. DYSON. Mr. Speaker, it is with great pride and pleasure that I join my colleagues in recognition of March 25, 1990, as Greek Independence Day. This year, as we enter a promising new decade with freedom breaking out across the globe, it is especially fitting to celebrate the 169th anniversary of the independence of the Greek people.

Greeks and Americans alike can share in the historic meaning of this day because we are joined by a common baptism in democracy. The word, and the very concept of democracy, originated in ancient Greece, while in modern times, our own Constitution presented a bold example of democratic government. Our two nations share an illustrious history in defense of this cherished ideal.

In times of antiquity, the Greeks waged a heroic struggle against the aggression of the Persian Empire. Their triumph assured that the fruits of Greek civilization would be passed on through the ages. As Thomas Jefferson noted, "to the ancient Greeks we are all indebted for the light which led ourselves our to Gothic darkness."

In 1821, the Greeks again took to arms to drive out an imperial oppressor. This time, it was the example from America which inspired Greece as they adopted our Declaration of Independence and later our Constitution itself in their cause. Not only did they win their own liberty from the Ottoman Empire, but Greece's victory led other freedom-loving people to revolt against tyranny all across Europe.

Greece and the United States fought together in both World Wars. They twice shared in a victory over totalitarian aggression and advanced the democratic ideal for all the world to see.

After World War II, a new menace threatened the liberty of Greece. A Communist insurgency was devastating the already war-torn nation. This time, the United States came to the direct aid of Greece. In justifying our intervention, President Truman issued his famous Truman doctrine which committed the United States to assume the mantle of defense for freedom-loving people everywhere.

Today, after four decades of vigilance in pursuit of this policy of containment, we have witnessed the collapse of totalitarianism and watched the long-deferred blossoming of democracy in every corner of the world. The beacon of freedom first lit centuries ago along the shores of the Aegean continues to burn brightly on every continent.

As we reflect on the challenges to the democratic ideal still ahead of us, we can draw strength from the timeless contributions which Greece has made. Mr. Speaker, I extend my best wishes to the Greek people and especially the Greek-Americans in our own country. I ask of my colleagues and of all Americans, whether of Greek ancestry or not, that we pay homage to the special significance which Greek Independence Day holds for all of us.

Mr. FAZIO. Mr. Speaker, I rise today in recognition of Greek Independence Day on March 25, 1990.

This year marks the 169th anniversary of the beginning of the revolution which freed the Greek people from the Ottoman Empire. To commemorate this occasion, Congress passed Senate Joint Resolution 64, which I cosponsored, a joint resolution to designate March 25 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

As this auspicious day approaches, we must not forget the commingled history of Greece and the United States that has created the long-standing political system known as democracy. Democracy has a deep foundation in Greece, as is evident in a description of an ancient Greek constitution:

> Our constitution is called a democracy because power is on the hands not of the minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not membership of a particular class, but the actual ability which the man prossesses.

This description, by Pericles, of democracy in Greece was made nearly 2,000 years ago. Certainly this foundation of Greek democracy was a model used by the Founding Fathers in creating our own political system.

The American example has also served as a model for the Greeks in their formation of a modern democracy. While Greece was fighting for its independence 159 years ago, Petros Mavomichalis, Greek commander in chief, appealed to the citizens of the United States saying:

> Having formed the resolution to live or die for freedom, we are drawn toward you by a just sympathy since it is in your land that liberty has fixed her abode. . . . Hence, honoring her name, we invoke yours at the same time, trusting that in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you.

Given our common historical roots with Greece, I look forward to the celebration of Greek Independence Day on March 25 and to the United States' continued and special relationship with the Greek people.

Mr. FASCELL. Mr. Speaker, it is an honor for me to join with my colleagues in this special order commemorating Greek Independence Day. This honor rests upon the recognition of the inextricable links that Greece and the United States retain toward one another. These links are clearly delineated in the knowledge that the basis of the American system of government comes from Greece—the cradle of democracy.

Our country's most cherished heritage—that of a free and open political form of government—would not be possible in the absence of the significant and substantial contributions that Greece has made toward the development of such a form of government and its inherent institutions. Thus, our country's past, and indeed its future, remain interdependently tied to that of Greece.

Given the closeness of these ties, one cannot deny that United States-Greek relations remain a critical element to the long-term success and advancement of United States foreign policy interests in the Eastern Mediterranean. These ties have been forged upon mutually beneficial security cooperation efforts between our nations. Today, Greece remains an ally of paramount importance to the United States from both geopolitical and strategic perspectives.

In light of its strategic importance, the United States must remain cognizant and grateful for the fact that Greece has been and will continue to be a valuable friend and reliable ally. In this regard, there is no doubt that Greece could make vital and irreplaceable contributions to the defense of NATO's southern flank should such defense efforts ever be necessitated.

In recognition of this fact, the House of Representatives has authorized $350 million in foreign military financing for Greece in fiscal years 1990 and 1991. Further, in an effort to continue to maintain the regional military balance that currently exists within the Eastern Mediterranean, the House of Representatives specified that no more than $500 million in foreign military financing may be provided to Turkey in fiscal years 1990 and 1991.

These earmarks which are based upon a quantitative 7 to 10 ratio are designed to maintain the integrity of NATO's southern flank, without jeopardizing Greek security, and are intended solely for the defensive purposes of these NATO allies. These earmarks are designed to preserve Greek independence, as well as to promote a just and lasting settlement to the situation on Cyprus.

In my view, the current climate in United States-Greek relations remain warm. Clearly, these relations will continue to evolve into the future. Nevertheless, the foundations upon which these relations are based remain sound, and will serve to ensure that United States-Greek relations will continue to flourish and grow.

These foundations are based upon our mutual commitment to democratic principles and institutions, our shared willingness to take those steps that are necessary to defend those principles and institutions, and the deep cultural ties that bind our peoples and governments together. Taken together, these foundations auger well for the continued and excellent state of health in United States-Greek relations as we congratulate the Greek people on the anniversary of their independence day.

Mr. DWYER of New Jersey. Mr. Speaker, I would like to thank my colleague, Congressman BILIRAKIS, for arranging time today so that we might pause to commemorate Greek Independence Day.

America is a melting pot of people from diverse cultures, all of whom have made significant contributions which have enriched our Nation as a whole. The Greeks, however, have a special relationship with America because we modeled our very ideals of democracy on the constitutional form of government early Greeks were practicing over 1,000 years before our revolution.

Our country's Founding Fathers drew on the ideals expressed by Plato and Pericles when formulating the guidelines which would establish the new democracy of the United States. The freedoms which are the core of our own independence were equally precious to the Greek people centuries before there was an American Nation.

Conversely, our revolution became a model for the Greeks in the 1820's as they fought their war of independence; and our Declaration of Independence was used by them as their own. When the world went to war in 1940, the Greeks fought and died with their allies for the cause of democracy. Over 600,000 Greeks, 9 percent of the entire Greek population, lost their lives during World War II. And, today, Greece continues to be a valued member of the North Atlantic Treaty Organization.

It has been 169 years since the Greeks secured independence from the Ottoman Empire. We join in their celebration of this anniversary, and I know that their contributions to freedom and democracy will continue to be vital in the international community.

Ms. SNOWE. Mr. Speaker, as a cosponsor of House Joint Resolution 473 designating March 25, 1990 as Greek Independence Day: A National Day of Celebration of Greek and American Democracy, I am pleased to join the gentleman from Florida [Mr. BILIRAKIS] in marking this important occasion again this year.

I think it is particularly relevant and worthwhile to commemorate democracy in this way, at a time when the democratic ideal is cherished and upheld as never before throughout the world. International events in recent months have brought stunning news of political upheaval and dramatic changes from one continent to another, in Eastern Europe, Central America, and Southern Africa alike.

But the common theme of these upheavals has been democracy: millions of citizens too long deprived of their basic political rights and human freedoms, rising up in largely peaceful protests to oust tyrannical regimes and to reclaim power over their own lives through free media, free parties, and free elections.

Greek contributions to the democratic ideal and practice have been fundamental, from classical times to the present, in Europe and here in America. The word democracy derives from the Greek, and liberal democratic thought owes much to the work of ancient Greek philosphers. Greece today remains a proud and thriving democracy, and its sons and daughters have carried on that tradition in their participation in the democratic system of our own country.

Mr. Speaker, as a Greek-American I am proud to hear the echo of Greek democracy today in the Soviet Union, in Poland, in Hungary, in Czechoslovakia, in Romania, in Panama, and in Nicaragua, to name only a few countries where democracy is now flourishing after the long night of repression. I am therefore delighted to join today in this national celebration of Greek and American democracy.

Mr. GILMAN. Mr. Speaker, on March 25, 1821, the Greek people took arms against four centuries of Ottoman rule, fighting bravely and valiantly to achieve freedom from Turkish domination.

Greek Independence Day has special significance to all Americans. It is the ancient Greeks who formulated the concept of democracy which is the keystone of the American political system. Democracy is but one of the myriad contributions of the Greek people to the development of civilization. Art, philosophy, science, and law are just a few of the disciplines in which the Greek people have enriched our culture.

Mr. Speaker, the contributions of Greek-Americans to the development of our great Nation are much too numerous to mention. Our Distinguished Congressional colleagues, GUS YATRON, OLYMPIA SNOWE, PAUL SARBANES, MICHAEL BILIRAKIS, GEORGE GEKAS, and JOHN BRADEMAS are just a few of the current examples of the many fields of endeavor in which Greek-Americans have excelled and contributed to our Government.

Through this special order, we have the opportunity not only to salute our own Greek-American community for their contributions, but to commemorate the independence of the Greek people.

I commend the gentleman from Florida [Mr. BILIRAKIS] for his work on House Joint Resolution 473, a bill to commemorate Greek Independence Day, as well as for his calling this special order.

Mr. MOODY. Mr. Speaker, this Sunday, March 25, 1990, has been designated "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I'm pleased to join my colleagues in recognizing the unique contributions to our civilization of Greece and of Americans of Greek descent.

I have a special love and empathy for Greece and for its people, having lived in and attended high school in Athens. There are many Greek influences in my own upbringing. The people of Greece are known for their warmth, their enthusiasm, their love of family, their intellectuality, and their rich appreciation of beauty and culture. These values live on in Greece today, and have enriched American values profoundly. To take but two examples: The artistic treasures of ancient Greece set standards of grace and form that still stand unchallenged in the West. The basic structure of logic invented in ancient Greece remains the structure today.

Democracy was first born in Greece over 2,000 years ago, based on the fundamental principle of consensual government self-determined by free citizens. It is fitting that we take this day to recall that precious political heritage as democratic ideals sweep the politics and social movements of Eastern Europe and Central America. The ideas forged in ancient Greece by brilliant minds of the day have such clarity and force that 2,000 years later they still hold more power than a host of armed weapons. These ideas and ideals are toppling dictators like Ceausescu, Zhivkov, Hoenecker. They are again rewriting national borders, as they did in Eastern Europe after World War I, as they did in much of the Third World—such as India—in the postcolonial period, and as they are today in modern, post cold war Germany.

The priceless ideas of democracy and equality born in ancient Greece have strongly shaped the American national identity, which became a beacon of freedom and dignity to the individual. They continue to give hope and inspiration to the millions around the world who yearn to live in a free society like ours. Greece set the example for us and we have set the example for countless others.

Mr. Speaker, it is appropriate that the Congress has set aside this national day of celebration in 1986, 1988, 1989, and again in 1990. Each year, it seems, we have a greater appreciation for the tremendous contribution of Greece to our American values and our priceless democracy.

Mr. RITTER. Mr. Speaker, March 25 will mark the 169th anniversary of Greek independence. This day marks the anniversary of the independence of Greek from the Ottoman Empire, after centuries of oppression.

Mr. Speaker, Greece is the birthplace of democracy—a movement which is in its 2,500th year. In 1990 this movement has probably seen more expansion than in any other year.

As Eastern Europe experiences a rebirth of democracy and independence it is fitting for America to remember and celebrate the same positive changes that were restored to Greece 169 years ago. Like many of the nations of Eastern Europe, Greece emerged out of a milieu of oppression that sought to deny it the things it cherished the most: freedom, democracy, and its national identity.

Mr. Speaker, at the end of World War II, America interceded with the Marshall plan and other United States assistance, and aided the people of Greece from falling back into the totalitarian darkness that shrouded Eastern Europe under communism.

As America has helped Greece in its struggle for freedom, so Greece has helped America.

America owes to classical Greece credit for many of the fundamental ideas—including freedom and democracy—which so influenced and guided many of our Founding Fathers during the conception and infancy of our Nation.

In defending its belief in democratic values, Greece and America have worked hand in hand in that post-war era. As a member of NATO, Greece has helped in protecting the southeastern flank of NATO and the strategic Hellespont Strait.

Mr. Speaker, we in America should be mindful of the rich contributions made by Greece to our Nation. American and Western culture has been richly embellished by Greece. Indeed, many of the architectural wonders of this our Nation's Capital—Washington, DC—point to this very fact.

Greek immigrants coming to America over the past two centuries have woven beautiful threads into our Nation's cultural tapestry. Indeed, the contributions of Greek-Americans to our Nation are legion.

Mr. Speaker, for these and other reasons, I have cosponsored House Joint Resolution 473 which designates March 25, 1990, as "Greek Independence Day." I encourage my colleagues to support this measure, and to join me in celebrating this important day.

Mr. FEIGHAN. Mr. Speaker, as we watch the enormous changes around the world, the steady march toward democracy in Eastern Europe, the celebration of Greek independence takes on a double meaning. Recognized as the birthplace of democracy, Greece celebrates the 169th anniversary of its independence. At the same time, in 1990 we celebrate the 2500th anniversary of the birth of the concept of democracy.

It was 510 B.C., in Hippias when the last tyrant of Athens was driven out of the city. The system that replaced the dictatorship was based on the rule of the people, where those

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in public service were held directly accountable by the people. The power of that idea carried forth through the ages and found its way to the United States where our Founding Fathers used the Greek example in creating a Federal republic, accountable to the people. As we celebrate the anniversary of Greek independence, we celebrate our own love of democracy.

And just as our Founding Fathers saw democracy as the key to securing and protecting individual freedoms, we see these ideas shaping the democracy movements across the globe—in China, when a solitary student stood down a column of tanks. In Poland, where the once outlawed solidarity movement was swept into power in free elections; and today in Lithuania as a war of nerves continues between the Soviet Union and the Baltic Republic seeking its own independence.

This year's celebration of Greek Independence Day belongs not only to the Greeks or only to the Americans—but to all those countries who have struggled to live free throughout the world.

I am pleased to be a cosponsor of House Joint Resolution 473 and I commend the gentleman from Florida, [Mr. BILIRAKIS], for introducing the resolution and providing us the opportunity to celebrate Greek Independence Day.

Mr. COBLE. Mr. Speaker, I rise to honor Greece—ancient and modern. This year marks two historic occasions: the 169th anniversary of Greek independence, and a celebration of democracy as conceived by the Athenians 2,500 years ago. Those of us who cherish freedom, human dignity, and other Western values owe a great debt to Greece for her contributions to mankind.

On Sunday, March 25, we observed Greek Independence Day. Archbishop Germanos and his fellow Hellenes led a triumphant revolt in 1821 that ended 400 years of foreign domination. To some extent, the Greek freedom fighters drew on the American experiences of 1776 and 1787, which is highly ironic. For as we all know, the Founding Fathers looked to the ancients for philosophic guidance in crafting the U.S. Constitution. In fact, Aristotle's influence on Western development predates our republic. Ancient Rome, 18th-century England, and the early State constitutions all drew on the early teachings of this great master.

Such influence is alive and well today. We are all astonished by the pace and direction of world events, especially developments in the Communist bloc. Greek thought, while suppressed in the Soviet Union and Eastern Europe for years, was never smothered. These events are a real-life testimony to the power of great ideas.

I am also heartened by the modern day contributions that Greek-Americans have made to the United States. It is only natural that a country like Greece which has endured so many hardships—particularly foreign invasion—would produce citizens of stern moral fiber. Such character manifests itself in the Greek work ethic. I know that in the Sixth District of North Carolina a small but thriving group of Greek-Americans has left its mark in the fields of law, medicine, education, and numerous areas of business and commerce.

Again, Mr. Speaker, my colleagues and I salute Greece and those of Greek ancestry for their many contributions to freedom-loving people everywhere.

Mrs. BOXER. Mr. Speaker, it is fitting that today we take a moment to commemorate Greek Independence Day. As democracy is breaking out all over the world, we should pay tribute to the birthplace of democracy itself—Greece.

Twenty-five hundred years ago, the Greeks became the first people in the history of the world to establish democracy, the rule of the people. It became the most important political experiment the world has ever known. Now, centuries later, we have seen the fruition of that experiment. In the United States, democracy has given us a stability in government that many nations have never known. It has given us the power to influence the course of our country and to chart our own destiny. It allows us to speak, write, and worship as we wish, without fear of repression.

It is a happy irony that centuries after they invented democracy, the Greeks turned to the United States as their role model as they struggled to escape from rule by the Ottoman Turks. Their revolution for independence began March 25, 1821—169 years ago. Eight years later, the Greek people won their freedom. They used our Declaration of Independence as the basis for their own.

The contributions of the Greek people do not end with their remarkable achievements in the world of government. Indeed, our entire Western civilization is based on the ideals and culture that first sprouted in ancient Greece. The Greeks gave us poetry, drama, philosophy, and history. They were scientists too, making the first scientific studies of medicine, zoology, botany, physics, and geometry. Our debt to them is tremendous.

In modern times, these contributions have continued. Invention of the Pap test by Dr. George Papanicolau, which has saved the lives of many women, is only one example. For a nation the size of Alabama, the accomplishments of its sons and daughters to the worlds of science, religion, culture, and politics are immense.

As an American, I am proud of the long friendship between the United States and Greece. As a Member of Congress, I am pleased to have the privilege of representing the many Greek-Americans in my district and the honor of sitting with my Greek-American colleagues. As a Californian, I am proud of the Greek heritage of my good friend Art Agnos, the mayor of San Francisco.

On the 169th anniversary of Greek Independence Day, I salute the Greek people and their long and noble traditions. May they last another 2,500 years.

Mr. PALLONE. Mr. Speaker, the historic connection between America and Greece goes back at least as far as the drafting of our Declaration of Independence. Throughout the last two centuries, those common values shared and enshrined by Americans and Greeks—democracy, individual freedom and equal justice under law—have benefited both nations, and have also been an inspiration to people all over the globe. As we approach the occasion of Greek Independence Day, it is especially appropriate for Americans to pay tribute to the timeless ideals of Greek civilization, as well as the contributions and accomplishments of individual Greeks and Greek-Americans in our own time.

The inspiration of the ancient Greeks, their ideals of freedom, had a profound effect on the Founding Fathers of our Nation, just as Greek artistic and scientific attainment had inspired the European Renaissance several centuries earlier. When we look at the monuments and Government buildings here in our Nation's Capital, the soaring white marble pillars obviously evoke the ancient Greek ideals of aesthetics and rationality. A recent television advertising campaign for Greek tourism showing Americans of various ethnic backgrounds talking about going home to Greece was right on the mark. So much of what the Western World stands for is derived from that civilization that sprung up on the rocky shores and islands of the Aegean Sea millenia ago.

But, Mr. Speaker, of course the contributions of Greek civilization did not simply grind to a halt somewhere in the mists of antiquity. Modern Greece has emerged as a stable and prosperous democracy in the face of many daunting challenges. The Greek Independence Day that we celebrate on March 25th marks the 169th anniversary of the revolution that freed Greece from almost 400 years of political and cultural domination by the Ottoman Empire. During World War II, Greece suffered mightily at the hands of the Axis Powers. Over 600,000 people, 9 percent of the population, died during this heroic struggle. Then, in the early years of the cold war, the Greek people endured, and triumphed over a violent Communist insurgency. Eventually, Greece has rejoined the family of Western nations to which it provided so much inspiration, through membership in NATO and the European Community.

Of particular interest to those of us in this country are the impressive contributions and achievements of those sons and daughters of Greece who have come over to the United States, in the process greatly distinguishing themselves and enriching our society. In the early 1900's, approximately one in four of Greece's young men came to this country in the search for a better life, many of them bringing with them little more than their ambition and sincere work ethic. In the years since, the children and grandchildren of these immigrants have become among the most successful ethnic groups in the United States, with many distinguished leaders in the fields of science, medicine, politics, commerce and the arts.

So, Mr. Speaker, it gives me great pleasure on the occasion of Greek Independence Day to join my colleagues in saluting the Greek people for literally thousands of years of progress, achievement and leadership.

Mr. WALGREN. Mr. Speaker, the United States has a rich ethnic diversity and every nationality contributes to the unity of our country. Through the recognition of significant contributions of each individual group, our Nation gains greater strength and harmony. I am pleased to cosponsor House Joint Resolution 473, a resolution designating March 25, 1990 as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

Our Founding Fathers based our system of government on the principles of democracy defined in Ancient Greece. In an address made in Greece over 2,000 years ago, Pericles stated:

> Our Constitution is called a democracy because power is in the hands not of a minority but of the whole people. When it is a question of settling private disputes, everyone is equal before the law; when it is a question of putting one person before another in positions of public responsibility, what counts is not membership of a particular class, but the actual ability which the man possesses.

These basic principles define American society today.

As the Greeks struggled for independence from the Ottoman Empire during the early 1800's, Greek citizens looked to the United States as an example of the freedom for which they fought. Greek intellectuals translated the Declaration of Independence of the United States and used it as the basis for their own declaration. The United States became the role model for a new democracy emerging in Greece just as it serves as a role model for the emerging democracies in Eastern Europe today.

It is with pleasure that I join with my colleagues in honoring the spirit of democracy born in Ancient Greece and kept alive in the continued struggle for freedom throughout the world.

FOREIGN POLICY WITH REGARD TO ISRAEL AND JERUSALEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SMITH] is recognized for 60 minutes.

Mr. SMITH of Florida. Mr. Speaker, it really is rather difficult and sad for me to have to take the floor, having taken out this special order, to address the question of the foreign policy of the United States in regard to Israel and especially the question of Jerusalem. It is sad because for the last number of years, up until the advent of the Bush administration, the policy of the United States was, on an even-handed basis and on a balanced approach, to try to coalesce the conflicting parties in the region of the Middle East to come to some true and lasting peace.

Now, it is so that it did not bear great fruit, but by the same token, it was an approach that perhaps over the long term was calculated to be successful. Secretary of State Schultz had a commitment in that region to finding peace. President Reagan, for all that I have criticized him over the years—and that is a great deal—I believe, wanted to find peace and, I believe, understood the plight that Israel over the years found itself in.

It was conceived or born actually in 1948. For 40 years or more it has attempted to withstand the pressures of its neighbors. It has seen four wars, many dead, significant numbers of citizens killed, enormous numbers of terrorist attacks practiced against it, and it has been isolated, very isolated, as a single small nation against many others. It has been castigated in international bodies by the very same body that created it, it has been given short shrift, and as a Jew, I can tell the Members that ultimately and the worst of all, Israel and Jews have been insulted by the actions of millions of people around the world who refuse to acknowledge Israeli's right to exist. It is a right that stems from over 3,000 years of historical existence, and right that is not subject to the whims of some single group or a number of groups who think that a public relations campaign or a hate campaign or even a war can do what over 3,000 years of hatred was incapable of doing, and that is to wipe out the Jewish people or now to cause the existence of Israel to be diminished and snuffed out.

☐ 1740

Mr. Speaker, the policy that this administration followed in the Reagan years was based upon prior administration policy, especially as it related to the question of Jerusalem.

Let me read to my colleagues, in addressing the rationale for the deliberate omission of the issue of Jerusalem from the U.N. Resolution 242, which addresses the question of territorial withdrawal by Israel and which Israel has endorsed as part of the whole peace process, then U.S. Ambassador Arthur Goldberg; Ambassador to the United Nations for the United States made the following statement:

> I wanted to make clear that Jerusalem was a dissassociated matter not linked to the West Bank.

United States policy prior to 1967 was a de facto acceptance that that part of Jerusalem known as East Jerusalem, because it was controlled by Jordan, and the West Jerusalem, which was in Israeli hands, was one city.

In fact, U.S. policy wanted to make it an international city. From 1969 to the present the United States has recognized territories won by Israel as occupied territories. Throughout the post-1984 history of Jerusalem successive administrations, including this one, have made statements supporting a unified Jerusalem.

And yet, Mr. Speaker, we have statements by this President which are most puzzling, made just recently, and they are most puzzling because of the policy of the United States with reference to our foreign policy vis-a-vis the Soviet Union. It has been our policy, at least since the mid-1970's enunciated, and even before, but enunciated significantly as a result of the Jackson-Vanik amendments, both congressional and administration policy for 15 years, that the Soviet Union should allow the release at will of any Soviet citizen that wishes to emigrate, whether Jewish, Pentecostalist, Armenian, native ethnic German, Seventh Day Adventist, anyone, whose rights, of course, are guaranteed by the constitution of the Soviet Union. For 15 years we have adhered to that policy; the Reagan administration adhered to it, and the Bush administration adhered to that policy. We raised the issue and all it is for around the world. We signed the Helsinki Final Accords, as did the Soviet Union, talking about the right of free emigration.

And, Mr. Speaker, it began to happen. In 1979, 50,000 Jewish people came out, and then the Soviet clamped down, afraid of a brain drain, among other things, and the message that would send to others in the Soviet Union and around the world that all of a sudden the Soviet Union was not such a popular place to live, that there was people who would get out, if they had any opportunity at all.

In the last couple of years our policy has begun to work miraculously with the advent of Gorbachev a year or two after he took power. The whole question began to crystalize and coalesce, and the numbers of people leaving the Soviet Union, Jew and non-Jew alike, became larger, and larger and larger. Last year over 75,000 left the Soviet Union, many of them settle in the United States and Israel, and, lo and behold, at a time when there is, in fact, almost unfettered ability to leave subject only to orderly processing more narrowed by the United States than even by the Soviets, the President of the United States decides to tell Israel, where now more of the immigrants are going than ever before, that they cannot settle in most places.

Mr. Speaker, this is while walls are falling in Berlin, and walls are falling in South America and the divisions between people are being taken down that the President, this President, builds a wall down the middle of Jerusalem and says to the Jewish people in Israel and the Jewish people in the Soviet Union: "You can't settle there. No settlements in that part of Jerusalem."

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Since when? That has never been our policy.

Arthur Goldberg, the Supreme Court Justice, an ambassador to the United Nations, a professor of history, made our policy, I thought, very clear, that Jerusalem was totally disassociated with the question of occupied territories, and it is very sad to understand that this President has chosen at the height of the success of the foreign policy of the United States to destroy, to draw a distinction which no one has drawn for 3,000 years, except for the 20-year period when the Jordanians occupied what is known as the east part of Jerusalem. There has been no such distinction of East or West Jerusalem for 3,000 years, and all of a sudden somehow there becomes an East Jerusalem.

Mr. Speaker, I fail to understand how that happened, except for political purposes, because it has no basis in fact in history or in good, solid diplomatic foreign policy.

Mr. FROST. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Florida. I would be happy to yield to the gentleman from Texas, my dear friend.

Mr. FROST. Mr. Speaker, I want to commend the gentleman from Florida [Mr. SMITH] for taking out this special order today because this is a subject upon which we cannot remain silent. It is a subject that Members of Congress must continue to speak out on and speak out vigorously.

Mr. Speaker, nearly 3 weeks after the calamitous remarks of President Bush that precipitated the collapse of the Israeli coalition government the American Jewish community still waits. We are waiting for a vote of confidence from our own Government. We are waiting for President Bush to renew his conviction for peace, not peace at the expense of Soviet Jews seeking relief in Israel, and not peace at the expense of the holy city of Jerusalem, but accords achieved through honest agreements without manipulation.

Mr. Speaker, it concerns me that this administration watched the fall of the Israeli government and yesterday announced that the Palestinian Liberation Organization is adhering to their commitment of renouncing terrorism. What has happened since December 1988 when Yasser Arafat said he recognized Israel's existence and said he renounced terrorism? Repeated acts of terrorism. Palestinian groups have led almost 30 border and rocket attacks against Israel. President Bush refuses to give the Palestinians any requisites on peace. He is not willing to acknowledge that their continued hostile activities still smell strongly of terrorism. President Bush was acutely aware of the explosive nature of the Jerusalem issue, yet he chose to deliver an ultimatum to the Israelis. He deliberately thwarted the peace process and threatened the Israelis with new U.S. policy conditions for peace in the Middle East.

Mr. Speaker, on March 3 the PLO applauded President Bush when it said that East Jerusalem was not undeniably Israeli territory open to all Jews who sought sanctuary there. The PLO cheered because they believe that Jerusalem is there for the taking. Where were the President's good intentions when he spoke such harmful words?

Mr. Speaker, a new Israeli Government will be formed that will need U.S. support so the process can move on.

□ 1750

Unfortunately, the Bush administration's lack of commitment and ability to bring about peaceful talks leaves us with a vote of no confidence.

Again I want to applaud the gentleman for continuing to bring this matter to the attention of the American public. It is one of the most serious mistakes made by this administration, perhaps made by this Government since World War II.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman. I want to commend him for his remarks and tell him that I could not agree more. I have never in my 8 years here seen what I consider to be as major a foreign policy blunder as this has been, and an attempt by the administration of the United States to meddle directly with an ally, not an enemy, not a system of government that is corrupt or a communist system or one that was an avowed enemy, but an ally, one of the strongest and closest allies this country has ever had. I have never seen an attempt made so to meddle in their internal affairs, which ultimately resulted in bringing down the government, and I commend the gentleman for his remarks.

Mr. OWENS of Utah. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield to the gentleman from Utah, who shares with me a seat on the Foreign Affairs Committee.

Mr. OWENS of Utah. It is a junior seat.

To the distinguished gentleman from Florida, in all sincerity, I commend him. He is one of the great voices in the Congress on Foreign Affairs and brings an immense background and knowledge, not to mention oratorical skills, to this task. For all of these things, I admire him.

I want to associate myself with his concerns about the ineptitude with which our President addressed the most sensitive of all the Middle Eastern issues, Jerusalem, and the concern that I have in sharing with my friend, the gentleman from Florida, that the President had impacted adversely on the political activities of our greatest ally in the Middle East, this, the only real democracy in the Middle East.

I regret sincerely that the President was not sensitive to this most delicate question of Jerusalem. I think he spoke in good faith. I do not question that he misspoke in good faith. I think he did it not understanding how sensitive the issue of Jerusalem is, for it has been American policy since 1967, as the gentleman stated, that Jews can settle in Jerusalem. Moslems can settle in Jerusalem. Christians can settle in Jerusalem. It is not to be a divided city. It is to be a city where all religions have access to their holy places, and for reasons both political and substantive, our Government has chosen not to raise the Jerusalem issue, to be very careful and in all contexts to consider that separate and apart from the occupied territories in all discussions.

The President inadvertently blundered into that foreign policy disaster, I think, precipitating at least in part not only the fall of the Israeli Government, but the difficulty in the organization of a new government. Mr. Speaker, he made a serious blunder and caused a serious problem for our allies in the Middle East in their struggle toward peace.

I was here, Mr. Speaker, in 1974 in my first incarnation in this body and voted for Jackson-Vanik. Along with others in this body and elsewhere, I have struggled for those 16 years since to try to assist in the immigration from the Soviet Union of those Soviet Jews who decided to leave the Soviet Union. And we worked very hard to get them out.

I hope this body and the Congress will be assisting in a very material way very soon in helping to effectuate that outward migration.

When I was in Moscow 4 weeks ago, I had the opportunity of visiting the American Embassy with a number of refusnik leaders. I was impressed with the urgency of that outward migration from the Soviet Union, with the specter of pogroms, the rumors and the rise of anti-Semitism in almost all the republics of the Soviet Union. The imperative need to assist in that immigration is very real. This is an associated issue with Jerusalem.

I hope, Mr. Speaker, that Soviet Jews immigrating to Israel will not settle on the West Bank and in the Gaza. But I think it ought not to be American policy to interfere with their settlement in Jerusalem.

The Jerusalem issue is the most sensitive of all and must be left until last to be settled. American interference in the political process, whether through ineptitude or bad faith, and I believe in this instance it was the former, ought to be avoided.

I commend the gentleman for his statement.

Mr. SMITH of Florida. Well, I thank the gentleman. I certainly think he has made an appropriate anlaysis, especially historically.

The only thing I would find no fault with, but rather would take exception to, because of the facts subsequent, is the feeling that this was done on an inadvertent basis. I wish I could believe that. I wish I could truly believe that this was not a calculated design to meddle directly in the affairs of the Israeli Government, knowing they have hit one of the most sensitive and raw nerves around which most Israelis coalesce, and thereby by design actually forcing a confrontation between the opposing forces of how to get to that peace process that currently exists in Israel.

The reason I say that is because at a subsequent press conference the President refused to modify, refused to revoke, refused in any way to take back any portion of his statement. No one has really rushed to any degree at the State Department or any other agency to put any real spin control, as they normally do when the President makes an inadvertent statement.

Surely many of use are aware during all the Reagan years that spin control was No. 1 in everyone's mind because of all the inadvertent statements. My problem is that I give more credit to President Bush than I did to President Reagan with regard to avoiding inadvertent statements. I believe he knows much more about foreign policy. I believe he spent much more time in government and understands the ramification of the words that he speaks, the strong signal that those words send.

So while I agree with the gentleman very strongly on almost everything, the issue here about whether or not this statement was inadvertent or was calculated, to me is very unclear. I would like to believe the gentleman's view that it was inadvertent. Unfortunately, I have grave difficulty overcoming my belief that this was a calculated statement.

Mr. OWENS of Utah. Mr. Speaker, and may I say to my friend, the gentleman from Florida, perhaps it is a good idea to give the President good faith credit in this matter. It is a delicate and I think a complex differentiation that I do not think he consciously made at the time. Gratefully, I think it is starting to blow over. I note that in the most recent statements from the White House, they talk now not of Jerusalem in terms of prohibiting settlement, but they talk in terms of a nondivided Jerusalem in the future, reverting I think to more of the earlier rhetoric. I think if we accept that, hopefully it will become less and less a factor in this very delicate political situation.

Mr. SMITH of Florida. Well, I certainly appreciate the gentleman's remarks. I agree that it is always appropriate to allow the President of the United States latitude in the conducting of policy, foreign policy especially. By the same token, however, what strikes me as odd is that this statement was made in the context of other additional changes in policy thrust and statements made to the public with reference to the whole question of the peace process.

The gentleman is aware that I am talking about the statements made by Senator DOLE which were adopted by this administration and I think sponsored by this administration with reference to cutting foreign aid, including Israel, and the statements made with reference to the peace process by Secretary Baker with reference to the possibility of using the housing loan guarantees as a hammer to obtain some kind of Israeli compliance or consent to the latest series of Baker plan initiatives on the peace process.

□ 1800

In that context and with all the other ramifications including a nonbalanced approach which I will get into shortly, that strikes me as unique, especially in light of the fact that the statement was made about an issue which had been settled long ago in foreign policy terms. That is what bothers me.

I understand the gentleman, and I believe that he has an approach that most people would like to take. I personally have a significant problem with that. I thank the gentleman for his fine comments.

Mr. MILLER of Washington. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Florida. I am happy to yield to the gentleman from Washington.

Mr. MILLER of Washington. Mr. Speaker, I thank the distinguished gentleman from Florida for yielding and for holding this special order.

Mr. Speaker, at this special order I speak in response to the President's statement that Jews should not be allowed to settle in East Jerusalem.

As an American Jew, I was stunned by your statement, Mr. President, and I want to let you know why. Factors of religious history and fairness must be considered.

RELIGION

Jerusalem is the center of the three great faiths of the Western World. But in no faith is Jerusalem more important than in Judaism. "Next year in Jerusalem" resonates through Passover services and High Hold Days services and in Jewish marriages and funerals. To be told that for a substantial part of World Jewry there can be no next year in a major part of the Holy City comes as a shock to Jews all over the world.

HISTORY

For thousands of years Jews have settled and lived in all of Jerusalem. Today Jews form a large part of the population of East Jerusalem. It is true that during the period from 1948 to 1967 when East Jerusalem was under Jordanian occupation, Jews were prohibited from settling there. But that is the exception. Today under Israeli rule, as for most of Jerusalem' history, Jews and members of all faiths are allowed to settle in any part of the city.

FAIRNESS

Americans of all faiths oppose discrimination. We do not believe in banning people of any faith or race from any area. Yet, Mr. President, you propose that Jews—and only Jews—should not be allowed to settle in East Jerusalem. Other nations at various times in history have banned people from settling in countries or cities based on race or religion. But this should be the position of an American President.

Mr. President, the Arab-Israeli conflict has many issues and sub issues. I understand that in your effort to bring peace to the Middle East you cannot adhere to every position taken by our ally Israel. But please, Mr. President, whatever stance you take on other points in the Arab-Israeli negotiations, do not tell Jews they cannot settle in part of the world's holiest city.

Mr. SMITH of Florida. Mr. Speaker, let me thank the gentleman for a very, very edifying historical and current context analysis of what the President's remarks had to be placed within in order to make sense out of them.

When we do place it within those contexts, we come up with the fact that they just do not make sense.

Let me flesh our just a little bit what the gentleman has in a few moments put on the table: the historical context. The King of the Jews, the first king, David, 3,000 years ago, wrote, wrote a song of steps, and this is not made up. This is not something we just conjured up. This has been in the prayer books of Jews for 3,000 years. They cannot make this go away like some would like the Holocaust to go away, that it never happened.

He wrote:

I rejoiced when they said
"Let us go up to God's House."
Our feet would stand
Within your gates, O Jerusalem.
Jerusalem is built
Like a city that is bound together.
For it is there that the tribes ascend
The tribes of God
A testimony to Israel
To praise the name of God.
For it is there that thrones of justice are set.
Thrones of the house of David.
Seek peace for Jerusalem.
May those who love you prosper.
Peace be within your ramparts.

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Prosperity in your palaces.
For the sake of my brothers and friends
I say, "Peace be within you."
For the sake of the House of the Lord our God
I will seek your good.

That God is the God that almost every religion of the world identifies as the supreme God. That God: 3,000 years ago that was written about Jerusalem, not West Jerusalem, not East Jerusalem, not Tiberius. Jerusalem.

In the era of 700 B.C.E., 2,700 years ago, in the prophecy of Isaiah, contained in the Bible in the chapters of Isaiah, he wrote:

> And it shall come to pass in the end of days that the mountain of God's house shall be set over all other mountains and lifted high above the hills and all the nations shall come streaming to it.
>
> And many peoples shall come and say: Come, let us go up to the Mountain of God to the house of the God of Jacob and He will teach us His ways and we will walk in His paths.
>
> For out of Zion shall go forth the Torah and God's word from Jerusalem.
>
> And He will judge between nations and decide between peoples.
>
> And they will beat their swords into plowshares and their spears into pruning hooks.
>
> Nation shall not lift up sword against nation neither will they practice war any more.

Twenty-seven hundred years ago this was written by the prophet Isaiah as emanating from Jerusalem, not West Jerusalem, not East Jerusalem, but Jerusalem, for all the nations of the world.

The first temple built on what is now the Temple Mount where the dome of the rock now sits is a mosque.

That temple was built by King Solomon. It stood for 410 years in what now the President of the United States would describe as "East Jerusalem." That was not and is not "East Jerusalem." There was no Jordanian occupation for that 19 years that the gentleman so aptly described. That was Jerusalem.

□ 1810

That temple was destroyed by Nebuchadnezzar and the Babylonians, as is written in the Hebrew Bible and in the Christian Bibles.

And 70 years later the second temple was built in that same place by Ezra. According to tradition it stood for 420 years, until it was razed by the Roman legions under Titus, which we know was near the beginning of the Christian era.

Mr. Speaker, we are not talking about some kind of current event. Jerusalem did not spring up overnight from some unique place and have a suburb called "East Jerusalem." This is a city that stood where it is standing for at least 3,000 years or more, we know from the excavations.

From the historical context there is no question that not only Jews, but others, are entitled to live anywhere in Jerusalem that they like, and have, and nothing that the President of the United States says will make that any different. He cannot wash that away. He cannot rewrite history. Some of us will not let him.

Mr. MILLER of Washington. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Florida. I would be happy to yield to the gentleman.

Mr. MILLER of Washington. I think the moving accounts that the gentleman has read illustrate a very important point here. We understand that the President can agree or disagree with this part or that part of Arab or Israeli policies in the Middle East. I think Members understand that the whole Israeli-Arab conflict over the past 40 years has been a very difficult one. There have been many issues and subissues and nuances.

However, whatever position one takes on whatever aspect of that conflict, and whatever position the President takes on whatever aspect of that conflict, the message I would give to the President is please do not take the position that Jews are not allowed to live in or settle in a part of Jerusalem.

Mr. Speaker, I thank the gentleman.

Mr. SMITH of Florida. I thank the gentleman for his contribution. I would certainly join the gentleman in that message, at least as being one of the messages that the President should understand.

Mrs. BOXER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Florida. I would be delighted to yield to the gentlewoman from California, my dear friend of many, many, many years.

Mrs. BOXER. I thank the gentleman so much for taking this time so that we can reflect on this very serious issue and for his eloquence.

The problems of the Middle East are very difficult. There is no question about that. There are no easy answers here. Trying to solve the very legitimate security needs of our ally and the only democracy in the Middle East, Israel, trying to balance those security needs against the needs of the Palestinians for some kind of self-determination, this is what we hope will come out of the peace talks eventually so that these people can live side by side.

It is very difficult. As history will tell us, in the beginning there was going to be a two-State solution. There was going to be the Palestinian State and and the State of Israel. But the Palestinians did not accept it. People forget that. The rest is history, and it has been a very brutal and a very difficult history.

Let me state, having said the difficulties as best I can, that there was one point that I always thought in recent history, since the reunification in 1967, one thought and one reality that really wasn't ever controversial, and that was that Jerusalem would be united and part of Israel.

No American President ever said that Jews could not move freely and live freely in Jersusalem. When this President said that, it took my breath away. It did that kind of collectively from the people who watched this area of the world with great concern.

When I was in Israel, the thing that struck me more than anything else is the incredible freedom of worship that goes on in that city of Jerusalem and the way Israel runs that city. It is a model. It is a thrill.

I went there with people of every race and religion. I say to the gentleman it was a real thrill for me.

The history of that city is being preserved by Israel. Respect to all the diversity is given by Israel in this city. We must have visited every church and synagogue there was. To see people worshipping side by side, it was really a thrill.

The Arab residents of East Jerusalem are entitled to Israeli citizenship. Noncitizen residents can vote in municipal elections. So the fact is with all the controversy swirling around the Middle East, this was one thing I thought would never come up again. That is why when President Bush threw this out there, and others in the administration unfortunately backed it up, it was very disquieting.

So I am glad that the gentleman took this special order today. I do not want to go on too long. I just want to say how I feel having been there, having seen the way this magnificent city functions, the way people live side by side, the international flavor and nature of this city, indeed it is really a model for the world just the way it is.

To throw this hand grenade into, if you will, the peace process, into the dialog at this time, was not good. I hope that the dialog that we are having here tonight will be helpful. I hope it will be healing. I hope that we can move forward with this administration toward peace, a just peace in the Middle East, for all sides. I think we can do it around a united Jerusalem.

Mr. Speaker, I thank the gentleman from Florida very much for yielding me this time.

Mr. SMITH of Florida. Mr. Speaker, I certainly thank the gentlewoman for her comments. They were very moving. I have been in that position and seen for the first time Israelis have many Jews and non-Jews, and have been moved in the same way.

Also I thank the gentlewoman for reminding us that there is a historical context which has been related that has not been mentioned before. First, there was a two-state solution proposed back in 1947-48 that was rejected by the Arab States. When in 1948 Israel was declared by the United Nations as a State and recognized as a State, it was the fulfillment of a dream that had been 3,000 years old, and they were immediately attacked by those same groups and Arab States that had previously just a few short months ago rejected what would have been a permanent solution in that region, at least from the point of view of the United Nations at that time.

Second, the gentlewoman reminds us that we all want a just resolution to the self-determination of all the people in that region. Yet the President's remarks are interesting, because to him an avowed member of the PLO, a Palestinian, could move to East Jerusalem but a Soviet Jew whose tradition and roots may go back 3,000 years, cannot. What kind of self-determination is that?

The gentleman from Washington [Mr. MILLER] talked about the irrational logic of saying to some, "You can move there," but saying to others, whose history goes back to that very spot, "You cannot." That is not self-determination for everyone.

☐ 1820

Finally, for reminding us about the administration by Israel of the city of Jerusalem. Before 1948 when it was run by others, there was freedom of the houses of worship, and some of those houses of worship fell into grave disrepair by neglect by their own people. After 1948 when the Jordanians captured that portion of the city which now people are glibly calling East Jerusalem, most of those houses of worship were closed, access was forbidden by the Jordanians, and they fell into total disrepair.

But since 1967 when people seemed to forget, but it is good to remind them, Israel was again attacked by the Arab State forces, and was triumphant to the extent that they were able to retake that portion of the city, Israel embarked on a campaign to open to everyone all those houses of worship, guaranteed access to those houses of worship, and has allowed for refurbishing and fixing, and has paid for some of that refurbishing and fixing of those houses of worship, both Jewish and non-Jewish alike.

Why is it that for some reason now Jews are the only ones who cannot settle next to a synagogue when an Arab can come and settle next to a mosque in East Jerusalem? The logic is flawed, if we want to be kind. I thank the gentlewoman for reminding us so that we can discuss the issue in this context as well, which again leads us to the puzzling question of what could the President have been thinking when he made these statements. I would imagine that he was thinking in political terms because it is the only way you can make sense of what he said.

But if you are thinking in terms of politics, then you must also think in terms of foreign policy and fairness and balance, and there has not been any. I am not speaking of the fairness the gentleman from Washington [Mr. MILLER] talked about, about having Jews be able to live where apparently now others can but they cannot, but the innate unfairness of a foreign policy that seems to want to punish those who are there now because in reality there has been no balance in the policy of that administration for quite some time.

The gentleman from Texas [Mr. FROST] talked about the issue of the Arab States, and what the rhetoric was from the chairman of the PLO, Mr. Arafat, and documented to some degree the number of terrorist attacks that have taken place. We could go on and on about that, and there are a lot of people I believe in both bodies of this Congress, the House and the Senate, who honestly believe that Mr. Arafat has not renounced terrorism at all.

But let us go beyond the PLO. Let us not talk about them, because there is always consternation. Let us talk about the other Arab States.

First of all, for a little geographic context and a little current context, there are about 100 million Arab citizens living in that area around Israel. There are a little over 3½ million Israelis. With the current migration, it may go to 4 million Israelis. That means it will be 100 million Arab citizens against 4 million Jewish, Israeli citizens. Does that represent a significant threat to anyone? I do not think so. I do not think this administration ever thought so, and yet, what do we have? We have statements by Arab nations, state after state, representatives of those nations, incredibly critical of the policy of the United States as enunciated by us for many years with the Soviet Union, and no reply by the United States, not one.

A member of the Lower House of Parliament of Jordan, Tahir Al-Masir, January of this year:

> The continued migration of Jews to Israel constitutes a grave danger to the Arab nations in general and the Palestinians in particular and, therefore, Arab governments must join hands to do all they can to contain such migration.

This is the policy of the United States. Has the gentlewoman heard the President of the United States or the Secretary of State of the United States speak out against this? This was in the Jordan Times.

Or this from Salah Khalaf (Abu-lyad), a terrorist and a member of Fatah Central Committee:

> PLO is against Soviet Jews immigration because it harms the Arab, pan-Arab security and greatly disturbs the balance of power in all aspects.

Is he kidding? It is 100 million to 3½ million, or maybe it will be 100 million to 4 million, and that upsets the balance of power? That was January of this year.

Let me read another one. King Hussein of Jordan. This was in the Washington Post, January 29, 1990:

> I warn of this serious impending danger. Whom will these thousands of immigrants replace, and what will happen to these replaced by these new arrivals? This is not a threat to Jordan only. It threatens the depth of the Arab world and the Palestinian people's national rights.

This is about a group of persecuted people who have been subjected to beatings, and stonings, and jailings, and mock trials, and anti-Semitism, and pogroms, and killings in the Soviet Union. And now, with our urging and at our policy urging, with our consent, they are leaving the Soviet Union, and the King of Jordan makes these irrational statements and we say nothing. There was not a blessed cry from anyone in this country, in the administration refuting what is basically a refutation of U.S. policy, not one.

Mrs. BOXER. Mr. Speaker, will the gentleman yield on that point?

Mr. SMITH of Florida. I am happy to yield to the gentlewoman from California.

Mrs. BOXER. Mr. Speaker, it is a supreme irony. How many speeches were made by leaders in the Reagan and Bush administrations along with so many of us in a bipartisan way to say to the Soviet Union: "You have to let those who want to leave, leave, you have to let them leave, that is what human rights is all about"? How many vigils did we all go to throughout this country, again hand in hand with Republicans, Republicans and Democrats alike?

Now, in a moment to cherish, a moment when the gates are opening, a moment when the words "next year in Jerusalem" can come true for these people, and then to hear these comments, it really is absolutely ludicrous.

I myself have worked to reunite divided spouses where we have one American spouse and one Soviet-Jewish spouse, and all these people wanted was to be together, to have a family, to reunite, to be productive members of society.

I never met one refusnik who was a threat. I never met one refusnik that wanted anything more to breathe the free air, and many of them were very elderly, and they had been trying to get out for many years.

So the gentleman is correct. Sometimes we are judged by what we do not say as much as by what we say, and I think the deafening silence emanating from this administration on this particular issue is really quite remarkable.

Let me say to the gentleman, because I must now go to a meeting in my office, how much again I appreci-

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ate the opportunity to listen to him and to engage in a dialog with him. I look forward to continuing this type of dialog as we move forward in this legislative year.

Mr. SMITH of Florida. I thank the gentlewoman for her comments. Let me say her comment about the deafening silence is extremely appropriate, especially within the foreign policy context. It is not always what we say within that diplomatic context, it is also what we do not say, and the most damning of all is that just last week the Syrian President, one of the people that this country has no respect for, principle, policies, et cetera, said that he does not care what happens, he will continue his attempt to drive Israel into the sea, to push Israel out of existence.

□ 1830

Did you hear a single soul in this administration refute the President of Syria? I did not. A man that we put on the list of international terrorists-sponsored states, and we said nothing.

I thank the gentlewoman for pointing this out to us.

Let me go further. The speaker of the Palestinian National Council, Shaykh Abd al-Hamid al-Sa'lh, reviewing this grave issue and noting that its toleration is tantamount to tolerating Israel and the Balfour Declaration, only 70 years old:

> The total of 1 million Jews who will emigrate include experts and scientists who will support the Zionist entity, something that Israel itself had been planning.

My God, they actually let out people who think.

What a terrible grave danger to the rest of the world, people who actually are scientists are going to leave the Soviet Union, and that is a grave threat. Where has our administration been? Nowhere.

Jordan's King Hussein, on February 6 of this year, said,

> The emigration of Soviet Jews to the Israeli-occupied territories presents a real danger to the Arab world.

They never tell you what danger. They just say danger.

> This issue should be an incentive for us to meet at the highest level to discuss this danger in a frank and sincere manner and to adopt a suitable formula for confrontation.

That is the King of Jordan. Confrontation? Is this a declaration of war? Why does he not speak up?

In 1970 he had no problem when the Israelis moved their troops and tanks to the border between Jordan and Israel to scare the PLO and prevent them from taking over during a significant attempt on the life of that President Hussein and taking over Jordan itself. He has no problem with that. Oh, no.

But now, watch. You know, there may be a few more Jews in Israel and they may even be scientists. Boy, that will scare the heck out of a lot of people.

He said, Jordan's Hussein did, just a few days ago, "We should have an Arab summit to forge a unified Arab stand against the snowballing danger of Soviet Jews to Israel." He said further, "In the name of human rights," he said to the Soviet Union, to Mikhail Gorbachev, "we call on you to quickly intervene, to stop the Soviet Jewish exodus which is considered another Jewish invasion of our homeland."

Is now Jordan saying that Israel is their homeland too?

After all, in light of the fact that 70 percent of Jordan, which used to be Transjordan, and which was part of Palestine, in light of the fact that 70 percent is Palestinian, that is a rather awkward statement to make.

And so in the context of those statements with no reply by this administration at all to any of them, where is Defense, where is the balance? You want to meddle in Israel's internal affairs, do you? You want to make statements calculated to make Shamir over the edge, do you? Well, you have.

But you have also emboldened those who are our sworn opponents to our policy, U.S. policy. And it gets worse.

Following on the heels of the President's remarks about East Jerusalem, the hostage holders in Beirut issued a statement that said they were going to attack the airliners bringing Soviet Jews to Israel.

They never said that before. Emigration from the Soviet Union to Israel has been going on for 10 years. They never once threatened to blow up an airliner carrying Jews to Israel to the Soviet Union until the President made that statement.

Now I am not by any stretch accusing the President of the United States of attempting in any way—and I mean this in all sincerity—foster any kind of rhetoric like that. But the point is that by using those words impliedly he gave comfort to those who would destroy our policy, who would thwart our foreign policy goals.

That is what is wrong with what the President said. It was historically incorrect, it was incorrect from the former foreign policy views of this country held over many years by many different administrations and from the current context of foreign policy totally inappropriate, calculated only to result in an increased tension, an increased incapability to bring the peace process forward; a weakening of our ally, not a strengthening of Israel but a weakening by bringing the government down. Also a rash of irrational threats, now, against Israel and against Jews because those people take comfort, unfortunately, in the message that is being sent.

The President did not intend that, and I know that, and I believe that, but I would beg this President and the Secretary of State and others in this administration who seek to make policy to bring peace in the Middle East to give much more serious thought to the consequences of the statements made when dealing on this issue.

Historically peace in this region has never been present. One need only look at the issue of Lebanon to see what goes on between peoples, even of the same religion.

Mr. President, I urge you to give much greater thought to the kinds of statements you make if you truly wish peace to be achieved in your term in that region. We all want to help you. Help us help peace break out in the Middle East, bring peace to Israel.

Mr. LEVINE of California. Mr. Speaker, I rise to join my colleagues in reaffirming a fundamental truth about which there must be no ambiguity: Jerusalem has been and will remain the undivided capital of the State of Israel.

I want especially to thank and commend my good friend from Florida, Mr. Smith, for taking out time for the special order on this vital topic and also to commend my good friend from Ohio, Mr. FEIGHAN, for his special order on the same vital subject last week.

Mr. Speaker, at a time when conflicts in other parts of the world appear to be resolving themselves, the search for peace in the Middle East remains elusive.

I have publicly supported Bush administration efforts on the Mideast peace process and especially their efforts to bring the Shamir election plan to fruition. It has been a long process but, in my view, it is the only plan with any change of success. As I have often done before, I want to commend Secretary Baker for his persistence and patience in trying to bring the parties together.

It is precisely because those efforts at long last seemed within an eyelash of succeeding that the events of the last several weeks are so disturbing, in particular the President's regrettable remark on East Jerusalem. A Washington Post headline from last week says it best: "Bush's Remark Undercut Peace Plan."

I believe the process was finally about to move forward. My conversations with senior officals in the Israeli Government 3 weeks ago led me to conclude that the Israeli Government would likely agree to the formula for tripartite talks advanced by Secretary Baker. Israeli Foreign Minister Moshe Arens had already accepted such a formula.

In fact, published reports out of Israel the same weekend as the President's press conference indicated that Mr. Shamir was ready to sign on. Assuming those reports were true, my understanding was that the remaining stumbling block for the Prime Minister was Jerusalem. In other words, the administration knew that Jerusalem was the key issue on which Mr. Shamir sought reassurances. And yet, the President responded by contradicting previous American policy and essentially calling East Jerusalem "occupied territory."

Such a change is as offensive as it is wrong. The administration seems not to understand the universal consensus within Israel and the Jewish community that Jerusalem will never again be divided. While the President's letter to Jerusalem Mayor Teddy Kollek was welcome in its reassurance that the United States will not support a divided Jerusalem, the letter had two flaws: first, the damage had already been done, and; second, it demonstrated little or no historical understanding concerning Jerusalem.

For Jerusalum was divided and occupied between 1948 and 1967 by Jordan, and that brought with it barbed wire and snipers. That brought with it complete denial by Jordan of access to the Jewish holy places. That brought with it a wholesale destruction of the city's Jewish heritage. And, ultimately, it brought on Israel's recapture of East Jerusalem in a war the Arabs started. As the April 2, New Republic, points out;

> If the Arabs cared so desperately to maintain Arab dominion over the city, they should not have risked a war of annihilation * * * they lost the war, and so they lost the city.

No, Mr. Speaker, Jerusalem is not Jerusalem without its eastern half. To quote again from the New Republic:

> Many hearts stir for Jerusalem, but no hearts stir more than Jewish hearts. If the faith and memory of Jews have an incarnation in a place, it is this city.

And so control of that half of this holy city will never again be turned over to anyone who might repeat the dastardly deeds noted above.

Furthermore, the President simply misstated American policy, which had never considered Jerusalem in the same category as the West Bank and Gaza. Jerusalem, rightly, was accorded a special status, one which recognized the unity of the city, which left it to the end of the negotiating process, which understood—even if implicitly—that Jerusalem, East and West, would forever remain the capital of the Jewish State.

President Bush chose to do otherwise. He chose to be the first American President to imply that Jews have no right to live in certain sections of that unique city called Jerusalem. His subsequent attempts at clarification do not change the fact that he said what he said.

As a consequence, Mr. Bush's statement has derailed the peace process. Indeed, the Washington Post story mentioned earlier starts by saying:

> President Bush's recent comment * * * has led Israeli and American officials to question how a promising U.S. diplomatic effort to start peace talks in the Middle East came to be undermined by the President's own words.

And, make no mistake, Israelis across the political spectrum criticize the administration for contributing to the collapse of both peace efforts and the Israeli Government—probably the one government best able to deliver on an ultimate peace settlement.

Such liberal Israeli leaders as Shimon Peres, Teddy Kollek, and Simcha Dinitz have made it clear that this administration is in part responsible for the current situation. Teddy Kollek himself was recently quoted in the New York Times saying, "Why did the White House have to bring it up? Why didn't they know that by shooting their mouth off, they would bring this on? They brought this on, not us."

In addition, the administration may well have lost the support of the American pro-Israel community for its approach on Mideast peace.

Many of Israel's strongest friends in Congress and around the country wanted to see the peace process proceed. They have gone out on a limb in urging the Prime Minister to say "yes." They have even been willing to hold their fire in the face of the more questionable administration actions and statements regarding the peace process, especially concerning the PLO. They have done all these things even though many remain uneasy about the ultimate direction of this administration when it comes to the Middle East.

We now understand that our worst fears have been realized: That the Republican platform and candidate Bush say one thing, but President Bush says another.

In recent weeks, in addition to the Jerusalem faux-pas, this administration has made three separate statements whose inevitable consequence was to reawaken deep Israeli fears with regard to American policy:

First, they supported "shaving" aid to Israel.

Second, they continued to question the proposed loan guarantee for housing for Soviet Jews at the same time as these Jews face unprecedented peril in the U.S.S.R.

Third, they whitewashed PLO involvement in terror.

Coming as they did at such a delicate and significant time in our negotiations with Israel, the statements undermined Israel's ability to move forward, and highlighted the Bush administration's ineptitude in dealing with the Middle East peace process.

The point is crystal clear. Israelis of the right and left understand that this administration has set back prospects for peace. This development renders unlikely any possibility that the peace process can move forward in the immediate future, given the political turmoil in Israel.

Opportunities for success are rare in this region. Mr. Speaker, an opportunity was lost, and the White House has no one but itself to blame.

Mr. DEWINE. Mr. Speaker, as we all know, Jerusalem is the ancient capital of Israel. Its importance to the Jewish people cannot be understated. Jerusalem is the only religious and national center the Jewish people have ever had. It is a place where the ancient Jewish heritage is preserved in a modern urban setting. It is important that the United States recognize the indivisibility of Jerusalem. Jerusalem must remain wholly a part of Israel.

I am reminded, Mr. Speaker, that U.N. Security Council Resolution 242, which traditionally has been the basis of our policy toward peace in the Mideast, does not mention Jerusalem. This document calls for Israeli withdrawal from the West Bank and the Gaza Strip in return for full peace and security guarantees from the Arab States. It is silent of Jerusalem. This silence is a recognition of Jerusalem's special status. United States policy must do the same.

The Jewish people have been the most numerous residents of Jerusalem for a century. However, Jerusalem was not united under Israeli control until the 1967 Arab attack. Over 2,000 Israeli lives have been lost uniting and defending Jerusalem. The Israeli people will never stand for ceding any portion of their capital city.

Of course, one must remember that Jerusalem is unlike any other city in the world. It is a holy place to three of the world's major religions. Since 1967, Israel has allowed access of all peoples to their holy grounds. Prior to that time, the Jewish people were denied access to their most cherished places of worship. Today, the opposite is true; the rights of all peoples are respected and even guaranteed by the Israeli Government.

As Americans, historically we have treasured our religious freedoms. The Israeli Government has made Jerusalem a model for these values which we hold so dearly. Only Israel can ensure that these freedoms will continue to be respected.

It is clear, Mr. Speaker that Jerusalem is integral to the Israeli people. In addition, Jerusalem's special status and freedoms are best guaranteed by Israel. Consequently, the United States must continue to support Israel's claim to all Jerusalem.

Mr. BILBRAY. Mr. Speaker, I rise today to differ with President Bush's recent statements on Jerusalem.

In one phrase, he broke with a 20-year policy of tacit acceptance of permanent Israeli control over the unified city. Although the United States has never officially recognized Israeli sovereignty over the city to avoid disputes with Arab governments, the United States had never before protested any Israeli residence, construction, or the unified city government in Jerusalem. In this regard, Jerusalem had always been regarded as separate from other disputed territories, until this administration.

It had long been understood in Israeli and American circles that Israel would never relinquish control over Jerusalem, and would also insist on controlling the many strategic points captured in the 1967 war for the sake of its own military security. America's longstanding support for a unified Jerusalem had been seen as tacit acceptance of the Israeli stand.

Practically all Israelis insist that unified Jerusalem is the only possible capitol of Israel—which is why Israelis of every political stripe were so offended by Bush's statement. The belief that Jewish residence should be restricted in the eternal Jewish capitol has offended Israelis and Jews around the world. No Israelis consider the Western Wall negotiable, or the Jewish Quarter of the Old City of Jerusalem a settlement. The Old City had Jews in continuous residence for many centuries until 1948.

On Jerusalem I must strongly disagree with President Bush, and I feel confident that I do not stand alone, since the majority of Congress has agreed with me in the past. A majority of the House cosponsored a resolution in the 98th Congress to move the United States Embassy to Jerusalem and thus recognize Israeli sovereignty over the entire city. A similar resolution was cosponsored by a majority of the Senate. (H.R. 4877 and S. 2031)

Some prominent members of this administration appear to agree with me—Vice Presi-

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dent DAN QUAYLE cosponsored the Senate resolution, as does HUD Secretary Jack Kemp who was on the House version.

The Bush administration has recently made a freeze in new settlements in captured territories a major demand on Israel, and even threatened to withhold aid for refugee housing without the cutoff. In one swoop, the Bush administration reignited Israeli nationalism regarding the settlements and reopened a major sticking point in the coalition regarding negotiations with Palestinians. All this despite the fact that practically no Soviet Jews are moving into such territories.

The Israeli coalition government was willing to enter negotiations if Israeli security would not be threatened by the primary Arab threats to Jerusalem and the borders needed to protect Israel. Recent administration statements have only threatened that feeling of security needed to enter negotiations.

I reject the administration threat to withhold housing aid for Soviet Jews. It is a needless threat and undercuts the historic American support for emigration rights for Soviet Jews.

The administration approach to housing aid is not only unnecessary, it is also a poor political move since it plays into the hands of antinegotiation Israelis who fear being bullied and blackmailed by the United States once they enter negotiations.

The recent administration comments: on the status of Jerusalem, making new aid conditional on a needless official freeze on new settlements, and supporting cuts in current aid levels can all be seen as trying to bully the Israeli Government to change a policy. Why shouldn't Israelis fear being bullied into insecure borders once they enter negotiations?

In closing I must ask, if the administration really wanted to start the Israeli-Palestinian talks—why has it been causing unnecessary conflicts with the Israeli Government?

Recent American statements toward Israel have been less than fully supportive—I can easily understand the reluctance of Israel to enter into major territorial negotiations without the support of its major ally.

I can only hope that the Israelis are soon reassured that their United States ally will not turn against them. Only then will they confidently enter negotiations with Palestinian representatives and take the next step toward a peace agreement.

GENERAL LEAVE

Mr. SMITH of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from Florida?

There was no objection.

THE STRATEGIC DEFENSE INITIATIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. KYL] is recognized for 60 minutes.

Mr. KYL. Mr. Speaker, this week is the seventh anniversary of the beginning of the strategic defense initiative. It was on March 23, 1983, that then-President Reagan announced to the people of the United States that this country would embark upon a bold, imaginative new program to defend the United States against any kind of a missile attack, deliberate or accidental, that might be launched against us.

His program was called the strategic defense initiative, or SDI.

Some people called his program star wars. But what it is, initially, is a program of research by contractors, laboratories, our services, even some foreign cooperative ventures, to determine whether or not it would be possible to build a defense that could actually protect the United States against a ballistic missile attack or an accidental launch by someone not friendly to the United States.

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This research has progressed very, very well over the past 7 years to the point that we believe the President, the Secretary of Defense, and many Members of Congress believe that it will be possible to deploy an effective defense before the end of this century.

Tonight, what I would like to do, Mr. Speaker, is to address Members on this important topic during this anniversary week of the strategic defense initiative, to talk about the progress of the program, to answer some of the critics of the program, to describe its need in a new and changing world, and hopefully, to convince some of our more skeptical colleagues that the time has come to fully support the President's program when it comes to the time to appropriate funds, and to approve next year's funding level for the strategic defense initiative.

Now, of course, many people are under the erroneous assumption that the United States does have some kind of a protection against ballistic missiles. So the first thing that it is necessary to do is to understand that the United States has no such defense. To show the American people that if a missile were launched today, either out of belligerence or because of an accident, there is absolutely nothing that the President, the Secretary of Defense, our Armed Forces, or anyone else could do to prevent that missile from coming down on the United States at some point and destroying, literally, millions of American lives and, of course, if there were enough such missiles, literally to obliterate the United States from the face of the Earth.

It remains true that the only thing that could destroy every living thing in the United States of America is a ballistic missile attack from the Soviet Union. It would take about an hour, and there would not be any living thing remaining, at least on this side of our planet. The question is whether we could defend ourselves against any of that. The answer is no. Well, then, how did we prevent them from occurring during the time of the cold war between our two nations? A doctrine called mutual assured destruction, an idea that at least theoretically said if an enemy launched missiles against the United States, we would immediately launch our missiles against that nation, and thereby destroy both nations, and essentially, because of the amount of megatonnage involved, destroy an awful lot, if not all of the life on this planet.

That is a very scary thing upon which to base the peace of future generations. That is why President Reagan said in 1973 that there might be a better way, there might be a better way than risking and threatening mutual suicide as the basis for deterrence. His idea was to gather all the scientific community that he could together, to research this question of a defense which would be based both in space and on Earth to, in effect, shoot down those incoming missiles so that neither our people nor our military assets were threatened by such an attack. That makes more sense from a moral point of view. It also makes more sense in terms of preventing accidents or dealing with threats from the Third World that is gaining more of these weapons.

However, Mr. Speaker, the point that I would especially like to emphasize tonight is that it makes more sense in a changing world, and that is the question that many of our colleagues have been posing because, of course, the Soviets have made great strides, particularly in Eastern Europe, in demonstrating that they no longer have the economic capacity and perhaps the stomach for the kind of confrontation that would exist if they were to attack our NATO allies in the European theater.

As a result, they begin to reduce and even pull back some of their conventional forces in that area. So the question naturally arises: In this area of better feelings between our two countries, is it time to begin thinking of new strategies? The answer is yes. But one of those new strategies is no longer rely upon a doctrine of Mutual Assured Destruction, basically of two neighbors threatening to kill each other if one should make the first move; but rather, of building fences. As Robert Frost said, good fences make good neighbors—I am paraphrasing. However, the point is that a defensive nonthreatening way of saying to the other side, "We mean you no harm, but don't mind if we put a fence up that would preclude you from succeeding if you were to attack us or if something were to accidentally happen."

In this changing world, it makes more sense among friends to uncock the guns and put them back in the holsters, and instead develop a technology which essentially is based upon a field or a defensive mechanism, at least in part, and thereby enable Members to reduce in significant numbers the amount of offensive forces that we have arrayed around the world.

We will first discuss the historical context of SDI for just a moment, because I think it presents a good backdrop for what I want to present in a moment. While the basic missions of strategic forces have remained fundamentally constant over the last 40 years, the capabilities of countries around the world have changed dramatically over time. The capabilities of ballistic missiles and even nuclear, and certainly chemical warhead technology is a genie that is out of the bottle. It is something we have to recognize. The world is not the same now as it was in the 1960's. Until the early 1960's, the United States relied on our massive strategic superiority, as I described. If deterrence failed, the United States would retaliate with an all-out offense attack. But it was precisely that superiority that stimulated the Soviet Union into building additional nuclear capability to achieve parity first, and ultimately, superiority in their nuclear aresenal.

The increasing importance of the ballistic missile in the Soviet arsenal by the late 1960's meant that air defenses would be increasingly ineffective in limiting damage from an attack. Initially, the United States responded by developing its own ballistic missile defenses, but that was short-lived. In 1972, the United States took a major step away from defenses by signing the ABM or Antiballistic Missile Treaty. There were two rationales that were offered for that treaty. It is important to discuss the treaty at this juncture, because if a strategic defense were employed, the AMB treaty would have to be modified like the Berlin Wall is anachronistic. If it had a purpose, it does not.

It is important to understand the precepts: The first rationale was that the technology of the time did not permit truly effective defenses. But instead, only ground-based limited area defenses, using nuclear-armed interceptors which, nevertheless, could be easily countered; second, people believed that given the state of technology the development of defenses would lead to a destabilizing action-reaction scenario. They hoped that the abandonment of the ballistic missile defenses would eliminate any incentive for the Soviet Union to proliferate its offensive forces, and in fact, to encourage offensive reductions. The United States signed the ABM treaty, as did the Soviets, and thereafter made no effort in effect to further develop our ballistic missile defense system.

However, during the same period the Soviets developed counterforce first strike capabilities, extensive air defenses, and modernized their ABM system. Signing the ABM treaty, in other words, did not deter the Soviets from building a large and effective force of offensive nuclear weapons. In fact, today, the number of weapons in their stockpile exceeds the 1972 force level by over 600 percent. So the ABM treaty, unfortunately, did not achieve the primary objective for which it was signed.

Now, that is one of the reasons why, in 1983, President Reagan decided that it was important for the United States to revisit this question of how best to defend the United States. By then the Soviets had acquired a vast superiority over the United States. They were modernizing their defense around Moscow, the United States still had none, and people were beginning to wonder whether the United States would be willing, for example, if an attack on Europe occurred, to push that nuclear button and unleash these horrible forces of war against the peoples of the Soviet Union in such a way that, clearly, all of the people in both countries would be obliterated. It is a sobering prospect for one man, the President of the United States, to face. Ronald Reagan understood that was a question he may have to face, for if there was one night he were told that a missile was incoming, that we did not know whether it was an accident or deliberate, but we know that in a matter of 20 minutes or so it would strike the United States, he had only two choices. He had the choice, first of all, of deciding that it was, in fact, an accident, and it would be acceptable for the United States to accept the loss of maybe 20 or 25 million people, and just chalk it up to a bad night; or, on the other hand, he could anticipate that this was really the first move in a decapitating strike by the Soviet Union, that the allegation that it was an accident was merely intended to keep the United States from launching our forces against the Soviet Union.

☐ 1850

And we would, therefore, decide that nuclear war had come and that we had to make good on that threat that we would actually push the nuclear button and obliterate everything in the Soviet Union. By that time it would have been clear to the President and his advisers that our deterrent force had not worked because the Soviets had launched against us and now it was no longer a matter of deterrence but was a matter of striking back in retaliation to destroy everything in the Soviet Union.

Those are the only two choices our President would have, and I am sure that President Reagan weighed that very carefully and said to himself and to his advisers, "Isn't there a third way? Isn't there some way we can protect American lives without having to accept a damaging strike and without necessarily having to throw everything we have back at the Soviets? Isn't there a better way?"

Well, ironically it was Dr. Edward Teller, the father of the H-bomb, who said to the President, "Yes, Mr. President, there is a third way. It is called strategic defense."

That is why the President announced on March 23, 1983, that we would begin this program of trying to modernize our defense, our deterrence, by actually providing a defensive way of deterring attack.

Upon entering the office, President Bush asked for a review of the SDI program as it existed at that time, and based upon that review, President Bush determined the following things: First, the goals of the SDI program remained sound; second, pursuit of a robust SDI program provides a hedge against any Soviet effort to break out of the ABM treaty; third, the SDI program will be structured in a way that permits the President to make a decision within the next 3 years—in other words, before the end of his first term in office—on deployment of strategic defenses; fourth, the emphasis on program flexibility will continue toward deployment of a system that will meet the requirements of phase I of the strategic defense by focusing on an evaluation of the potential of the most rapidly advanced technologies such as brilliant pebbles; and finally, that these goals were important and necessary for the defense of the United States.

Now, I mentioned brilliant pebbles, and I am going to come back to that in a moment, but what I would like to do at this point is simply to describe, Mr. Speaker, the general architecture of what our scientists have come up with over these last 7 years so my colleagues will know what we speak of when we talk about a strategic defense. It can include different things. The decision of exactly what to do does not now need to be made and has not been made, but we do know the following components could effectively be deployed: The first thing we should have is some satellites in space to tell us when the launch of a missile has occurred, and that technology exists today.

Second, we need orbiting satellites which would have the capability of zooming down on that missile that has just been launched to destroy it, preferably while it is in its boost phase, that is, in the 3 to 5 minutes or so while it is going up through the heavy

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atmosphere of the Earth rather slowly before it gets to the relative vacuum of space. The reason that is important is because the large Soviet missiles, the SS-81's have a capacity for at least 14 warheads—they are known to carry at least 10—and obviously if that missle could be destroyed as it is coming up out of the Earth's atmosphere, 10 warheads could be destroyed in effect for the price of 1.

But there is another stage. After the missile has gotten up in space, it coasts for quite a while before or during the process of the deployment of its warheads. It is called busing, because a vehicle that almost looks like a bus gradually throws off each of the warheads the missile carries, each one going to its lethal destination until all 10 or 14 warheads, or however many warheads there are, have been tossed off into their own orbits. At that point the bus is destroyed, and then the target is each of those warheads. In addition, the missile could carry decoys, and that could further complicate the process of discriminating between the warheads and the decoys and make it less effective as a defense.

So it is important to have these orbiting satellites that would be able to, upon command by someone on the Earth, zoom down and destroy that missile as it is coming up. That is the primary mission of brilliant pebbles.

How did brilliant pebbles get its name? Well, its predecessor was called smart rocks, and the reason they were called smart rocks is because these small satellites, no bigger than the table here before us, would be orbiting the Earth, and because of their intelligence—they had little computers in them—and the eyes they could see these missiles with and the fact that they carry no nuclear warhead or even a conventional warhead, were simply a self-contained little bit of metal that could zoom down on an incoming missile, and the combined speed of the two objects coming together would be enough to obliterate everything, including both of them. So they were called smart rocks. That was the first generation.

But out at Lawrence Livermore laboratory the scientists came up with a second generation of an even more sophisticated orbiting satellite, a single little satellite that weighs no more than about 10 pounds, fully fueled about 100 pounds, and with a few thousand of these orbiting, we could totally cover all the parts of the Earth from which a missile could be launched at any given time. So as that missile comes up, this even smarter rock, this brilliant pebble, smarter and smaller, could zoom down and destroy that missile.

Now, the idea is to destroy enough of them so that even though some would leak through, the Soviets would understand that their attack would not likely succeed, so they would be deterred from even launching it in the first place.

But what about those that leaked through? That is the third part of SDI. That is the ground-based missile. One of them is called ARIS. This missile would be based in the United States, and upon advice that a launch of adverse missiles was in process and some were beginning to leak through the brilliant pebbles part of our defense, these ARIS missiles would take off and with their sophisticated sighting capability, try to discriminate between the warheads and the decoys that were in space and pick off those that were remaining. The combination of brilliant pebbles and this ground-based ARIS system is such that the percentage of warheads getting through is so small that the Soviets clearly would be deterred from launching an attack because they would know an attack could not succeed.

A capability that will be coming along in the not too distant future and that could be added to this structure is a much faster burn point defense kind of missile. One kind is called HEDI. This is a smaller missile. It is very, very fast. It is clustered around things that we particularly want to defend, and if any missile happens to get through the brilliant pebbles and happens to get through the ARIS midcourse defense and begins to come back down through the atmosphere toward the United States, these HEDI missiles can be launched, and almost as fast as you can snap your finger they can get into the air and with their special sighting capability destroy those last few remaining missiles. So it is likely, with the development of this additional technology, that an extremely robust defense could be created.

In addition to these near-term technologies, as we call them, there are other things being researched that show great potential, but they would come along at a little bit later pace and could be used to complement the first phase I have described that would already be deployed by that point.

Interestingly enough, there are things which the Soviet Union might do if they had enough money in their economy and a strong enough economy, which is doubtful. If the Soviets were to do some of the countermeasures we suspect they might try to do, if they were successful with these things and they could afford them, after a 10- or 15-year period it is possible that they could effectively provide a countermeasure against some of our deployed system. It is these follow-on phases which, when added to the first phase, would prevent that from rendering our strategic defense impotent. As a matter of fact, it would make it much stronger and much more robust. The kind of things I am talking about is the kind that President Reagan talked about in his initial talk—the lasers, neutral particle beams, in other words, the so-called directed energy weapons, those things which are now being researched and tested and which seem to have great potential for working.

□ 1900

Mr. Speaker, some of them could be based on Earth. Some could be based in satellites in space, and these lasers and particle beams would have devastating effect, devastating impact, on any kind of missile attack that would ever be launched.

Those are a few years down the road, but, Mr. Speaker, my point is that this all is what is included in our strategic defense research program today, and it is important that that research continue both on those first phase programs that are relatively close to deployment and those that are longer term that would be deployed after the beginning of the next century.

Mr. Speaker, I have briefly described the architecture, so the next question, I think, is: What is the mission of SDI in a time when we are certainly bringing the cold war to a much warmer point of relationship, maybe bringing it to a close as a matter of fact? And what kind of technological progress have we made here? Could we really deploy this if we wanted to? In other words, what is the status of things as we speak today?

Mr. Speaker, let me briefly talk to the technology first. I just got back from the Lawrence Livermore Laboratory last weekend where I saw not just an idea of brilliant pebble, but I saw the actual brilliant pebble; in other words, the actual components of this little satellite that could be launched and put into space to defend us. I saw it being tested, flying around in its little chamber, sighting on a mythical star and a mythical target, and I saw it put together in a form that will actually be launched into space to conduct a test later this year to determine whether it really can sight with its great eye a star to orient itself, a missile that might be coming up to be attacked, and then there will be a test to engage the target, and all of this will be done within a space of just a little bit over a year so that in 13 or 14 months from now we will actually have seen brilliant pebbles do that which we want it to do. It will then be merely a question of building it, making the decision to build it and deploying it.

Mr. Speaker, the same thing goes with the other technologies. We have seen the effort to move this program along, greatly reduce the cost of the program, and also produce a lot of technology that can be transferred to the commercial and private sectors and other defense areas as well. Just a little over a year ago the guidance system in one of these missiles, in one of these satellites, was a system that was used in the F-16. It is one of the most advanced in the world.

The question is: Is it bigger than a breadbox? Well, slightly. It was the size of a pretty big breadbox. Less than a year later they have gotten it down to the size of maybe a very large softball, and today it is down to the size of something just about as big as a golf ball, and the idea is eventually it would be put into the shape of something like a deck of cards, greatly lightened and much, much less expensive than that original, large gyro kind of a system, and that is just one of many, many technologies that has seen progress, reduction in cost and reduction in size.

As a result, Mr. Speaker, the original estimates of cost of the strategic defense program has been coming down over time. I remember one estimate that was $160 billion. Well, Mr. Speaker, I remember some of our colleagues talking about a trillion dollars, but that was fanciful. But then the cost came down maybe to $120 billion, and then I heard $75 billion, and then $69 billion, and then $55 billion. Today the official estimate is somewhere around $55 billion to deploy a complete phase one system with the spy-in-the-sky kind of satellites, these brilliant pebbles, these Eros rockets, as well as some other component.

However, Mr. Speaker, the truth is that the cost is coming down every day, and it could be possible within a very short period of time to deploy a system in the neighborhood of maybe $40 or $50 billion, and, if we wanted only a system that would provide us minimal protection; that is to say against an accidental launch, or a rogue missile, or to deal with a threat from a Third World nation or terrorist country, we could do that for in the neighborhood of only $10 billion.

Just to put these costs in perspective, Mr. Speaker, we know that today our deterrence relies upon our nuclear triad, our system of offensive land-based missiles, the missiles in our nuclear submarines and the bombs that are carried on the air-breathing leg of the triad or bombers. We are now talking about modernizing one part of one leg of that triad; that is to say, building the B-2 or Stealth bomber, which is part of our air-breathing leg, and the cost of building out the entire B-2 program would be in the neighborhood of $70 billion, $70 billion.

The point, Mr. Speaker, is that for $55 billion we could have a complete defense for less than the cost of modernizing just one part of one leg of our existing offensive nuclear deterrent, the offensive triad. Our offensive strategic systems are actually a large part of the overall defense budget. They only comprise approximately 12 percent of the total defense budget. The strategic defense initiative request for funding this year by the President of $4.6 billion represents less than a percentage and a half, 1½ percent, of our Defense budget, so on this first point on how far technology has come and how far we have driven costs down, I think it is clear to say that no one can really argue that either technology or cost is the inhibiting factor here.

The question rather is whether we really need this kind of a system in a changing world, and that is the second thing I would like to address, and the answer to that question, Mr. Speaker, is, as the President said not too long ago, "We need this program now more than ever."

As a matter of fact, in a speech just a couple of days ago, delivered by the Defense Secretary, Richard Cheney, he said the following. Secretary Cheney says:

> President Bush and I want to keep moving forward as fast as we possibly can on SDI. We are also committed to deploying strategic defenses when they are ready, not just to researching forever, wasting taxpayers' dollars, but to deploying defense when they are ready. In other words the President and I are bullish about SDI. We are convinced that the program is on track. We are also convinced, as the President has said, that in the 1990s strategic defense makes much more sense than ever before.

Well, why would the President say that? Let me read some other portions from Secretary Cheney's speech. He said:

> Almost everyone now will concede that a defense against ballistic missiles is possible within a very few years. I know that. Independent review boards tell us that a first phase strategic defense system with brilliant pebbles should be well within reach. Of course there is still development work to be done. That's the purpose of the SDI program. But I am convinced that the issue is how we can meet the President's timetable for SDI's deployment, not whether we can.

And I think the Secretary, as I said before, is correct on that point.

Well, what is the mission then? Why do we need it? The first mission, of course, is still to deal with that overwhelming superiority of Soviet strategic offensive weaponry, the most massive, destructive force ever amassed anywhere on earth at any time by the hands of man. It is a fearsome force that the Soviets have amassed, much larger than ours, many times over, more than necessary to achieve its goal.

As Secretary Cheney said, and I am quoting:

> We must never forget that the Soviets retain enormous military capabilities, and those military capabilities are getting stronger in the one area that is most dangerous to the United States, strategic nuclear weapons.

Mr. Speaker, let me digress to note that this is the only kind of force that can obliterate us from the face of the Earth in less than an hour. Is it likely that it is going to happen? No. But we, Mr. Speaker, those of us in this Chamber, and the President would be derelict in our duty not to provide a defense against that one thing that could absolutely destroy every American and everything, every living thing, in this country.

As Secretary Cheney said:

> At the same time the Soviets have begun to reduce their conventional threat, they are pursuing a major strategic modernization program, and that program will significantly improve their nuclear capabilities.

□ 1910

Well, what precisely is he talking about? First of all, the Soviets are building not one, but two different kinds of new mobile ICBN's. It is likely that at least one of them is in violation of the ABM Treaty, but leave that argument to another day. These two missiles are the rail mobile SS-24 and the road mobile SS-25. These are not on the drawing boards. These are missiles in existence today, being deployed, and Mr. Speaker, it is very, very difficult for us to find those missiles on rail cars in the Soviet Union.

In addition to these two brand new missiles, and the United States has nothing like either one of them in a mobile mode, the Soviets are upgrading their SS-18's. This is the hugest, largest, most destructive offensive weapon ever developed by man, a huge multiple warhead missile, which is in fixed silos in the Soviet Union, and which as I said has a capacity of at least 14 huge warheads. Moreover, its construction and basing mode make it particularly effective for a first strike capability, and that is the most discouraging thing, from a peace point of view that we face.

Well, are they really building and deploying these missiles? Last year, the fourth year that Mikhail Gorbachev has been in power, Time Magazine's Man of the Year, the Man of Peace, Mikhail Gorbachev, last year in his fourth and fifth years in power, the Soviet Union produced 140 of these new massive destructive capability ICBM's. The United States produced 12, and that was in 1989, the year that our critics say the threat went away.

The Soviets are also improving in other areas, their submarines, cruise missiles, their antiballistic missile system, which is the only deployed system in the world, and despite all their protestations about what we are doing, the Soviets have a long-standing program of their own for developing advanced missile defenses. We all recall Secretary Gorbachev himself saying, I guess it is now President Gorbachev, saying not too long ago that of

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course, they were doing the same thing we were doing.

But let me point out, there is a big difference between the Soviet strategic program and that of the United States. As I say, the Soviets continue to upgrade their first strike ICBM's, the SS-18's. In contrast, the United States is not looking for a first strike capability. We never have. Our emphasis is on systems that can survive a first strike if necessary, and then respond flexibly. That has been the basis for our deterrence, as I said; but that is also, and now I want to quote from Secretary Cheney again:

> That is also why we believe it is crucial to move forward rapidly with strategic defense.

He goes on to say:

> Strategic defense can make a unique contribution to deterrence, even apart from the moral reasons for building defenses. It will make no difference to a brilliant pebble whether a ballistic missile is launched from a mobile or a fixed site on land or at sea. It will work against any ballistic missile.

And I would add, or launched accidentally whereby somebody in the Third World would do that.

As a matter of fact, Mr. Speaker, I think this is a very important point. It is unfortunate, but true, that the doctrine we have been relying on for deterrence over the last many years is fast becoming much less viable. Why? If we are talking about a Soviet Union with most of its missile force now in mobile capacity after the START Treaty and perhaps after the follow-on START Treaty, a large percentage of their force will be mobile. If we cannot find that force, we cannot hold it at risk. So if they have launched an attack against us with their large SS-18 missiles and we are counting on retaliating by destroying their SS-24's and SS-25's, but we cannot find them, then this whole notion of deterrence has fallen apart. It does not work anymore, and that is of course precisely the reason that they are trying to make their system survivable. They are making it mobile, and therefore survivable; so the old notion of deterrence does not work as well anymore.

It also does not work as well, of course, if you are dealing with someone in one of the southern republics of the Soviet Union who has access to these missiles and is trying to do something with them, not in a cold calculating logical way, which is what we have to rely upon if we are relying upon a theory of mutual deterrence by offensive destruction. The doctrine of deterrence based upon retaliatory force has no applicability to people whose idea of going to Heaven is dying in a Jihad or in a holy war of some kind or other; nor does our doctrine of mutual assured destruction do anything at all against a person like Mu'ammar Qadhafi or his ilk, who may want to threaten the United States for one reason or another. It matters not to him that we plan to blow up all the sand in Libya once he has launched a missile at us.

As a matter of fact, his threat is more likely to come along like this. He decides that West Germany, for example, has blown up his chemical plant—excuse me, his aspirin factory, or perhaps more to the point, he suspects that the Israelis or the United States or Germany or Great Britain is planning an attack on his chemical factory once he has got it rebuilt, or the Iraqus decide that they want to protect an emerging nuclear factory being built in their country, and they say to the world:

> We have a bill of sale here from one of these Chinese ICBM's. Here it is. They sold it to us. We have got it and we have screwed a chemical warhead on top of it and if any of you make one move toward us, that missile goes off. Now, we are not telling you which city it is going to, but it is either Tel Aviv or Bonn or London or anyplace else we might be able to reach, but just understand, if anybody comes after us, this missile gets launched.

Now, as we have seen in the last couple decades, Mr. Speaker, it is a lot easier to go after somebody in Granada or Panama where you are not likely to get a strike back than it is to try advance United States interests in the world and places where they have a capability of fighting back, of giving us a real bloody nose, particularly if it is a nuclear warhead delivered against us or our allies or one of those chemical warheads that practically everybody has in the world today.

Deterrence does not apply here at all, nor does deterrence apply against an accidental launch.

Now, why are we concerned about that? For 40 years there have been no accidental launches. In my mind that only means that for 40 years, it is like an earthquake, you know it is going to come sometime or other. We have been lucky the last 40 years, but that gets us ever so much closer to the day when it might happen.

Both the Soviet Union and the United States are relatively careful about what we do with our weapons. But as the weapons proliferate around the world, there is no guarantee at all that the kinds of very expensive and technical locking and protective devices will be developed and employed by the countries who will acquire these weapons so as to prevent their accidiential launch and detonation. It is a very complex matter. We are working all the time to make ours safer and urging the Soviets to do the same thing, and as more and more countries get this kind of capability, the chance of an accidential launch increases dramatically.

The threat of mutual assured destruction or offensive retaliation has nothing to do with that. That does not stop a missile from coming our way. That is why in this day and age it makes a lot of sense to have some kind of protection against that kind of an accidental launch.

As I said, if all we wanted to do was to deploy enough brilliant pebbles, a couple hundred of them or so, to ensure that we could protect ourselves and our allies against that kind of accidental or Third World launch, it would cost no more than about $10 billion.

Now, just for protecting the people in the United States, that is a pretty good bargain if you want to calculate it out. What is an American life worth? What is an American city worth? I think you can see that the price is affordable for the threat that exists.

But there is another reason in this emerging time of peace that we need strategic defense now more than ever before, as the President said. We want to encourage further arms reductions. The START talks suggest to us that we can get our nuclear warheads down on both sides to about 6,000, still far too many, but about half of what the Soviets have today. It is a great first step.

Now, would it not be nice to even get below that point, maybe to 3,000 or 2,000, maybe even to 1,000, to a point where we had enough to ensure that if somebody around the globe wanted to trifle with us in a clearly improper way, we would have the ability to do something back to them offensively, but not enough to assure anybody in the world, particularly the United States and the Soviet Union, that we had any chance of winning a war with nuclear weapons against each other.

☐ 1920

To get to that point, we need a couple of things. First of all, we need the ability to verify, and, unfortunately, if one has mobile missiles and smaller systems, it becomes virtually impossible to verify the compliance with these treaties. Therefore, cheating becomes much more important.

Let me give just an analogy: the old six gun in the West. If you had six bullets and I had five, and I cheated by putting one more in, it did not make a whole lot of difference between us, but if I had one bullet and you had one bullet and you cheated by putting just one more bullet in, you would have twice as much capability as I did. In other words, as both sides bring their forces down, even a small amount of cheating matters a whole lot. It adds to the capability of the other side in a devastating way, but it does not matter if you have a strategic defense, because you are still protected from a launch of those numbers of missiles. It encourages us to negotiate those numbers down and not to cheat. It does not do any good.

It also is necessary because of what is going on in the rest of the world. As CIA Director Webster pointed out, by the end of this decade, at least 15 more countries are going to have ICBM capability. Many of these countries will also have nuclear capability. Let us look at some of these countries: China, Iraq, Iran, Pakistan, India, Israel. Those are countries in a real hot area of this world. As each of these countries, in addition to those that already have them, acquires the ballistic missile, and Argentina, Brazil, by the way, and others in our hemisphere, as all of these countries begin to acquire this technology, they can become real powerful, a big player on the world scene if they have just a modest number of weapons, say, 50 or 100 or 200, which is very cheap to produce. They get to be almost as powerful in this sense as a country like the Soviet Union, France, or the United States.

In order to render those weapons impotent against us and our allies, we need a strategic defense system, because particularly at those levels of 1,000 or 2,000 warheads, there is no problem in a strategic defense protecting against all of those missiles even if they were launched all at once, so all of these countries that might be encouraged by events in this next decade and the next century to develop this offensive capability, we can respond to them by saying, "It is not going to do you any good, so do not bother to waste your money," and I think that is another important reason why in this changing environment we should move toward a defense and not rely upon offense.

I would like to refer just two more times to the recent remarks of Secretary Cheney, because he pointed out that it is true critics have pointed out potential problems with the strategic defense system, for example, countermeasures that might be deployed against it. The Secretary, however, responded to that by saying the following, and of course, much of this is classified and complex and cannot be discussed in this setting, Mr. Speaker, but even here on the floor of the House of Representatives we can say this much, and I will quote from the Secretary of Defense's recent speech:

> We are well aware of the countermeasures that have been discussed by our critics, and we acknowledge they must be addressed. However, our opinion so far is that countermeasures will not be easy or cheap to deploy and that they can be answered.

He points out that the countermeasures would cost far more than the original defensive deployment, so they are not economically efficient to produce. In addition, he says:

> We believe we can respond more cheaply to any next round of Soviet countermeasures, and that each stage of escalation, upgrading the defense should be cheaper than maintaining the offense.

That is what we mean by being cheaper at the margins. He concludes:

> We hope that the Soviet Union would avoid this kind of losing competition to move to a greater mutual reliance on strategic defense.

Then I would like to make this point: He says:

> When we began SDI, we assumed Moscow would spare no expense to counter a first-phase deployment. We thought in the neighborhood of tens of thousands of warheads, hundreds of thousands of decoys, and extremely high spending. Given the state of the Soviet economy, we no longer believe that that is likely to happen. In addition, a START agreement would limit the certain countermeasures such as decoys by reducing the number of missiles and warheads under the treaty.

Bear in mind that as we reduce each of these weapons in numbers by hundreds and thousands, we make a strategic defense more effective by that same amount. The Secretary says:

> Some of our critics would like to skip phase 1 entirely and keep funding this more advanced research.

And the Speaker will recall that I talked about the directed-energy weapons, the lasers and neutron particle beams that are on the drawing boards and being researched today, but the Secretary says:

> This is another example of rejecting a system that we can build in favor of the one still in the laboratory or in the mind's eye. It is a favorite tactic of people who oppose all kinds of defense spending. In this case it would mean not meeting today's threat because of a fear about some future threat that may never materialize. The remarkable thing, is that this fear comes from the very same people who say we have no reason to worry about the threat in any case; we do still have good reason to be worried about Soviet strategic capabilities.

And to conclude his speech on this point:

> A strategic defense system is a crucial element that will help protect us against a first strike for decades to come.

I noted a moment ago that there were at least 15 countries that would require the capability of launching their own ballistic missiles by the year 2000, many of which already have that capability. Also, by the year 2000 at least six developing countries will have intermediate-range missiles, not merely these shorter-range missiles we have seen in the past, and some are now developing nuclear weapons, as I pointed out.

Who among us is willing to bet that such a missile will never be used? Mr. Speaker, I would like to advise my colleagues here that that threshold has already been crossed.

In 1986 Libya fired two Soviet-made Scud missiles at a U.S. Coast Guard station on an offshore Italian island. These Libyan missiles fell short of their target, but most Americans do not know this fact because it has not been well publicized. They do know that Iraq and Iran have used hundreds of ballistic missiles during their recent war. This has become the weapon of choice for the poor countries who wish to wage war or threaten each other.

As I said before, and I would like to quote this from Secretary Cheney's talk:

> Fortunately Brilliant Pebbles will be able to give worldwide protection against all but the shortest-range missiles.

I might point out that the strategic defense initiative includes research on shorter-range interceptors, intercepting missiles such as the Arrow missiles, which we are jointly developing with the Israelis. The Israelis are people who understand the need for this kind of defense against missiles, because their opponents have rained missiles down upon them, and they understand that offensive retaliation does not always deter, that they need to have a protective way of preventing the missiles from ever reaching their population in the first place.

Let me conclude this portion of my presentation, Mr. Speaker, by quoting the last paragraph of Secretary Cheney's speech, after noting the technological progress of the SDI, the reduction in costs, the need for a strategic defense in a changing world, a world which is less threatening, the Secretary said that there is one thing remaining for us to do. He said:

> We can have greater stability only if Congress cooperates. We can move ahead with strategic defense or continue relying on offense. A balanced mixture would make for a better world. The choice should be clear. The question is whether Congress will make it.

□ 1930

Mr. Speaker, I wanted to quote that from Secretary Cheney's speech of a couple days ago because we will soon be debating in this Chamber the level of funding for the strategic defense initiative for this fiscal year, for fiscal year 1991.

The President has requested $4.6 billion for the SDI Program this year. Mr. Speaker, that is $1 billion less than was requested last year, almost a 20-percent reduction. It is $1 billion less than was requested last year.

As I said, it is less than 1½ percent of the defense budget. So we are not talking about an enormously large sum of money in relative terms. But this body has historically reduced the level of funding for SDI, primarily on the theory that if we cut it to a low enough point, we will be able to bargain it with the other body and achieve a level of funding that makes some sense.

Mr. Speaker, that is a dangerous game. We ought to be making decisions here based upon strategic realities, logic, and facts, not upon some

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perceived ability to deal with someone else in the future and to create a level of funding which is so low that even we recognize it would be foolish in today's context.

But we do it in order to be able to bargain, to bring the other body down, particularly since we cannot be assured that the other body will produce a level of funding any greater than this body does.

Another thing that occurred last year that I hope we do not do this year was to use the strategic defense initiative as a cash cow. My colleagues know what I mean when I say that. We took the strategic defense initiative budget and raided it by well over $1 billion for other programs that were worthy programs to fund, like assistance in the drug war, assistance in environmental cleanup, but programs which, however worthy, could easily have been funded from other portions of our budget. They did not have to come out of SDI.

Our opponents have discovered that one way to reduce the SDI budget is not to attack it frontally, because that battle has been lost. The technology has been proven, so they can no longer say it will not work.

I do not think they can win the argument that it is not a good idea. So what they do is say well, SDI is not quite here yet. It is not quite ready. But we do have a need to fight the drug war or clean up our environment. After all, who can argue with those things?

Therefore, we say all right, if we do not really need the money for SDI right now, we will get to that later. But we will take that money and address it to these more pressing, more politically attractive concerns.

Mr. Speaker, that is a shame, because it deprives us of the ability to recognize that both can be important programs, and that it is important both to provide for the defense of our people as well as the protection of our environment and the protection of our streets from the horrible drug problem that we currently have.

As a great nation, a nation that has global responsibility as well as responsibility to our own citizens, we can indeed afford the resources necessary to attack the problems that face us. We have a responsibility elsewhere in the world if we are going to be a superpower to project our views, to be a beacon for others to follow, and to assist our allies in their time of need.

It requires the expenditure of relatively large sums of money in defense to be able to do this. We cannot go into a Panama or a Grenada or assist Corazon Aquino in the Philippines or do many of the other things that have to be done around the world that lead to a more stable world, a more peaceful world, a more just world, if we are unwilling to fund the programs that will enable us to play that important role.

That is why we should not be required to choose in this battle, but should understand that the first thing necessary is to develop a logical, coherent defense system, which will include the element of a strategic defense.

That is why the President and the Secretary have been much stronger this year I think in getting the message across that they want this level of funding to permit the program to go forward, because the President is determined to be able to make the decision before the end of his first term, to be able to deploy the system if it is deployable, to enable us to achieve that goal that President Reagan announced 7 years ago.

Mr. Speaker, I think that as we think back on the way the world was during the time that we felt great hostility with the Soviet Union, we are inclined to be relieved today and to feel that it is no longer necessary to spend the great sums of money for defense that we have in the past. But I would urge my colleagues to consider carefully testimony that has been received before the House Committee on Armed Services and the Senate Committee on Armed Services and that has frankly been presented in speeches by the President, the Vice President, and the Secretary of Defense, that with all of the changes occurring in Eastern Europe and in the Soviet Union relating to the conventional force reductions, there has been no decline in the strategic modernization program of the Soviet Union.

We tend to forget that. We say well, the world is changing. Therefore, let us reduce our forces. We have to be careful about which forces.

Unfortunately, Mr. Speaker, the problem in this body is that most of us have constituents at home in the form of a military base or a production or research program or company that is producing something like a tank or an airplane or a ship, and we want to be able to protect the interests of our districts, to continue the jobs and economic benefits that come with those military programs.

But it is largely those kinds of programs that are becoming obsolete as a result of the decline in the Soviet threat in Europe. The threat there is one of a conventional war fought with big battle tanks and airplanes and helicopters and artillery and so on that you fight those kinds of battles with.

Yet those, many of them, are the very kind of programs, the large numbers of troops in those kinds of land battles, conventional war weapons, the kinds of programs that our colleagues are seeking to protect in the defense budget, to the detriment of the future programs like strategic defense.

It is rather the long-term future programs embedded in our research and development programs, such as strategic defense, that will enable this country and the rest of the free world to remain free in the next century. It is into those areas that we ought to be putting more of our resources, not less.

We ought to therefore consider the political gamesmanship that goes on here as a very destructive program for the defense of this country. For that reason, Mr. Speaker, I urge my colleagues as this debate unfolds for the funding levels for defense for this coming year, that we consider strongly the importance, as President Bush said, now more than ever, of the strategic defense initiative.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 60 minutes, today.

Mr. DELAY, for 60 minutes each day, on March 27 and 28.

Mr. MICHEL, for 5 minutes, today.

(The following Members (at the request of Mr. POSHARD) to revise and extend their remarks and include extraneous material:)

Mr. GEREN, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. JONTZ, for 5 minutes, on March 22.

Mr. GONZALEZ, for 60 minutes, today and on March 26 and 29.

(The following Member (at the request of Mr. SMITH of Florida) to revise and extend their remarks and include extraneous material:)

Mr. FAZIO, for 15 minutes, on March 22.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. WYLIE.

Mr. RIDGE in two instances.

Ms. ROS-LEHTINEN.

Mr. SCHUETTE.

Mr. GREEN.

Mr. GEKAS.

Mr. HASTERT.

Mr. MACHTLEY in three instances.

Mr. MARLENEE.

Mr. SOLOMON.

Mr. MCEWEN.

Mr. LEWIS of California.

Mr. GILLMOR.

Mr. CRANE in two instances.

Mr. DENNY SMITH.

Mr. Ritter.
Mr. Parris.
Mr. Courter.
Mr. Dornan of California.
Mr. Gradison.
Mr. Schaefer.
Mr. Dreier of California.

(The following Members (at the request of Mr. Poshard) and to include extraneous matter:)

Mr. Guarini in three instances.
Mr. Towns.
Mr. Traficant.
Mr. Kastenmeier.
Mr. Mavroules.
Mr. Nelson of Florida in two instances.
Mr. Hamilton.
Mr. Sabo in two instances.
Mr. Slattery.
Mr. Kanjorksi.
Mr. Matsui in five instances.
Mr. Yatron.
Mr. Rangel.
Mr. Hoyer.
Mr. Roe.
Mr. Manton.
Mr. Stark.
Mr. Panetta.
Mr. Rostenkowski.
Mr. Dorgan of North Dakota in two instances.
Mr. Udall.
Mr. Hawkins.
Mr. Hertel.
Mr. Eckart.
Mr. Hutto.

ADJOURNMENT

Mr. KYL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 39 minutes p.m.) the House adjourned until tomorrow, Thursday, March 22, 1990, at 11 a.m.

CONTRACTUAL ACTIONS, CALENDAR YEAR 1989, TO FACILITATE NATIONAL DEFENSE

The Clerk of the House of Representatives submits the following report for printing in the Congressional Record pursuant to section 4(b) of Public Law 85-804:

National Aeronautics and
Space Amdinistration,
Office of the Administrator,
Washington, DC, March 19, 1990.

Hon. Thomas S. Foley,
Speaker of the House of Representatives,
Washington, DC.

Dear Mr. Speaker: In accordance with Section 4(a) of Public Law 85-804 (50 U.S.C. 1431-35), I am reporting to the House of Representatives on all calendar year 1989 actions taken by the National Aeronautics and Space Administration (NASA) under authority of that Act which involve actual or potential cost to the United States in excess of $50,000.

During calendar year 1989, the NASA Contract Adjustment Board did not grant any request for extraordinary contractual relief under P.L. 85-804.

On January 19, 1983, the Administrator made a decision to provide indemnification to certain NASA Space Transportation System contractors for specified risks arising out of contract performance directly related to NASA space activities. The authority of that decision was extended from September 30, 1984, through September 30, 1989, and has been extended again through September 30, 1994. Copies of the Administrator's Memorandum Decision Under Public Law 85-804, dated September 26, 1984, and November 5, 1989, are enclosed.

During calendar year 1989, four NASA prime contractors performing under 22 contracts were indemnified under the Memorandum Decision for the risks set forth therein. A summary description of each contract indemnified is also enclosed.

Sincerely,

Richard H. Truly,
Administrator.

Enclosures.

Memorandum Decision Under Public Law 85-804

Authority for National Aeronautics and Space Administration Contracting Officers to idemnify certain NASA contractors and subcontractors involved in NASA space activities

1. On July 4, 1982, the Space Transportation System (hereinafter STS) completed its design, development, test and evaluation phase and was declared an operational system of the United States for the transportation of payloads into and out of outer space for Governmental and commercial purposes. With the commencement of these space operations, the STS has conducted and will continue to conduct launch, in orbit and landing activities on a repetitive basis and at an increasing frequency.

2. Scheduled STS operations at an increasing frequency has dictated a continuing examination of the risks in repetitive space activities of the STS and the present availability of adequate insurance at reasonable premiums to manufacturers and operators of the system. While NASA's STS space activities are designed to be safe, and have been proven to be safe, there exists the remote and low statistical probability that a malfunction of either hardware, sofeware or operator error could occur resulting in an accident. This low probability of occurrence, albeit remote, cannot be totally removed. In the event that such a malfunction or operator error led to an accident, the potential liability arising from such an accident could be substantially in excess of the insurance coverage NASA contractors could reasonably be expected to acquire and maintain considering the availability, cost and potential terms and conditions of such insurance at the present time.

3. Pursuant to the authority of Public Law 85-804 and Executive Order 10789, as amended, and notwithstanding any other provisions of the contracts to which this determination may apply, I therefore authorize that certain NASA contractors, as further defined in paragraphs 4 and 5 below, be held harmless and indemnified against certain risks as specifically set forth herein. Accordingly, and subject to the limitations hereinafter stated, cognizant NASA contracting Officers are authorized to include in prime contracts, described in paragraphs 4 and 5 below, contract provisions for the indemnification of the contractors and their subcontractors at any tier, against claims or losses, as defined in paragraph 1A of E.O. 10789, as amended, arising out of contract performance directly related to NASA's space activities.

4. This authorization is limited to prime contracts which have an effective date before October 1, 1989, by or for NASA for:

a. Provision of Space Transportation System and cargo flight elements or components thereof;

b. Provision of Space Transportation System and cargo ground support equipment or components thereof;

c. Provision of Space Transportation System and cargo ground control facilities and services for their operation; and

d. Repair, modification, overhaul support and services and other support and services directly relating to the Space Transportation System, its cargo and other elements used in NASA's space activities.

5. This authorization is further limited solely to claims or losses resulting from or arising out of the use or performance of the products or services described in paragraph 4 in NASA's space activities. For this purpose, the use or performance of such products or services in NASA's space activities begins solely when such products or services are provided to the U.S. Government at a U.S. Government installation for or in connection with one or more Space Transportation System launches and are actually used or performed in NASA's space activities.

6. The risks for which indemnification is authorized are the risks arising under the contracts described in paragraph 4 and 5 causing personal injury or death, or loss of or damage to property, or loss of use of property. These risks are considered unusually hazardous risks solely in the sense that if, in the unlikely event, the Space Transportation System, its cargo or other elements or services used in the NASA's space activities malfunctioned causing an accident, the potential liability could be in excess of the insurance coverage that a NASA prime contractor would reasonably be expected to purchase and maintain, considering the availability, cost and terms and conditions of such insurance. In no other sense are the Space Transportation System, its cargo or other elements or services used in NASA's space activities unusually hazardous.

7. a. This authorization may be applied prospectively, without additional consideration, to existing prime contracts and subcontracts and in new prime contracts and subcontracts which otherwise meet the conditions of this memorandum.

b. Indemnification of prime contractors and subcontractors may be provided under this authorization only when the Government will receive the benefit of all cost savings, if any, to the prime contractor and its subcontractors at every tier.

8. All contract indemnification clauses shall comply with applicable provisions of Federal Acquisition Regulation 50.4 as modified by the NASA FAR Supplement 18-50.4.

9. This authorization is given upon condition that each prime contractor is approved by me and that such contractor maintains financial protection of such type and in such amounts as may be determined by me in writing to be appropriate under the circumstances. Each prime contractor shall provide a statement of applicable financial protection through the cognizant NASA contracting officer for my review and determination. In making this determination, I shall take into account such factors as the availability, cost and terms of private insurance, self-insurance and other proof of fi-

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nancial responsibility and workman's compensation insurance.

10. When indemnification provisions are included in a prime contract pursuant to the authority of this decision, the cognizant Contracting Officer shall immediately submit directly to the Contract Adjustment Board a report referencing this decision and containing the information required by NASA/FAR Supplement 18-50.403-70—Reporting and records requirements.

11. The actual or potential cost, if any, of the actions hereby authorized is impossible to estimate since it is contingent upon the remote possibility of an occurrence and extent of loss resulting from certain space activities which malfunction. Such an event may never occur; however, should a major incident occur, millions of dollars of damage could result.

12. I find that this action will facilitate the national defense. In the remote event that the Space Transportation System, its cargo or other elements or services used in NASA's space activities malfunctioned causing damage in excess of insurance maintained by contractors and subcontractors, the resulting excess liability could place the contractors and subcontractors continued existence in jeopardy, making those contractors and subcontractors unavailable to continue to support space activities and the Department of Defense. I note that for purposes of the Defense Production Act of 1950, the term national defense is defined as "programs for . . . space, and directly related activity." (50 U.S.C. App. 2152(d).)

JAMES M. BEGGS,
Administrator.

Date: September 26, 1984.

MEMORANDUM DECISION UNDER PUBLIC LAW 85-804

Authority for National Aeronautics and Space Administration Contracting Officers to indemnify certain NASA contractors and subcontractors involved in NASA space activities

1. On July 4, 1982, the Space Transportation System (hereinafter STS) completed its design, development, test and evaluation phase and was declared an operational system of the United States for the transportation of payloads into and out of outer space for governmental and commercial purposes. Except for suspension of STS launches as a result of the Challenger accident, the STS has conducted and will continue to conduct launch, in orbit and landing activities on a repetitive basis and at a prudent frequency.

2. Scheduled STS operations have dictated a continuing examination of the risks in repetitive space activities of the STS and of the present availability of adequate insurance at reasonable premiums to manufacturers and operators of the system. While NASA's STS space activities are designed to be safe, there exists the low statistical probability that a malfunction of either hardware, software or operator error could occur resulting in an accident. This low probability of occurrence cannot be totally removed. In the event that such a malfunction or operator error led to an accident, the potential liability arising from such an accident could be substantially in excess of the insurance coverage NASA contractors could reasonably be expected to acquire and maintain, considering the availability, cost and potential terms and conditions of such insurance at the present time.

3. Pursuant to the authority of Public Law 85-804 and Executive Order 10789, as amended, and notwithstanding any other provisions of the contracts to which this determination may apply, I therefore authorize that certain NASA contractors, as further defined in paragraphs 4 and 5 below, be held harmless and indemnified against certain risks as specifically set forth herein. Accordingly, and subject to the limitations hereinafter stated, cognizant NASA Contracting Officers are authorized to include in prime contracts, described in paragraphs 4 and 5 below, contract provisions for the indemnification of the contractors and their subcontractors at any tier, against claims or losses, as defined in paragraph 1A of E.O. 10789, as amended, arising out of contract performance directly related to NASA's space activities.

4. This authorization is limited to prime contracts which have an effective date before October 1, 1994, by or for NASA for:

a. Provision of Space Transportation System and cargo flight elements or components thereof;

b. Provision of Space Transportation System and cargo ground support equipment or component thereof;

c. Provision of Space Transportation System and cargo ground control facilities and services for their operation; and

d. Repair, modification, overhaul support and services and other support and services directly relating to the Space Transportation System, its cargo and other elements used in the NASA's space activities.

5. This authorization is further limited solely to claims or losses resulting from or arising out of the use or performance of the products or services described in paragraph 4 in NASA's space activities. For this purpose, the use or performance of such products or services in NASA's space activities begins solely when such products or services are provided to the U.S. Government at a U.S. Government installation for or in connection with one or more Space Transportation System launches and are actually used or performed in NASA's space activities.

6. The risks for which indemnification is authorized are the risks arising under the contracts described in paragraphs 4 and 5 causing personal injury or death, or loss of or damage to property, or loss of use of property. These risks are considered unusually hazardous risks solely in the sense that if, in the unlikely event, the Space Transportation System, its cargo or other elements or services used in the NASA's space activities malfunctioned causing an accident, the potential liability could be in excess of the insurance coverage that a NASA prime contractor would reasonably be expected to purchase and maintain, considering the availability, cost, and terms and conditions of such insurance. In no other sense are the Space Transportation System, its cargo or other elements or services used in NASA's space activities unusually hazardous.

7. a. This authorization may be applied prospectively, without additional consideration, to existing prime contracts and subcontracts and in new prime contracts and subcontracts which otherwise meet the conditions of this memorandum.

b. Indemnification of prime contractors and subcontractors may be provided under this authorization only when the Government will receive the benefit of all cost savings, if any, to the prime contractor and its subcontractors at every tier.

8. All contract indemnification clauses and procedures shall comply with applicable provisions of Federal Acquisition Regulation (FAR) Subpart 50.4 as supplemented by NASA FAR Supplement (NFS) 18-50.4.

9. This authorization is given upon condition that each prime contractor is approved by me and that such contractor maintains financial protection of such type and in such amounts as may be determined by me in writing to be appropriate under the circumstances. Each prime contractor shall provide a statement of applicable financial protection through the cognizant Contracting Officer for my review and determination. In making this determination, I shall take into account such factors as the availability, cost and terms of private insurance, self-insurance and other proof of financial responsibility and workman's compensation insurance.

10. When indemnification provisions are included in a prime contract pursuant to the authority of this decision, the cognizant Contracting Officer shall immediately submit directly to the Contract Adjustment Board a report referencing this decision and containing the information required by NFS 18-50.403-70, Reporting and records requirements.

11. The actual or potential cost, if any, of the actions hereby authorized is impossible to estimate since it is contingent upon the remote possibility of an occurrence and extent of loss resulting from certain space activities which malfunction. Such an event may never occur; however, should a major incident occur, millions of dollars of damage could result.

12. I find that this aciton will facilitate the national defense. In the remote event that the Space Transportation System, its cargo or other elements or services used in NASA's space activities malfunctioned causing damage in excess of insurance maintained by contractors and subcontractors, the resulting excess liability could place the contractors' and subcontractors' continued existence in jeopardy, making those contractors and subcontractors unavailable to continue to support space activities and the Department of Defense. I note that for purposes of the Defense Production Act of 1950, the term "national defense" is defined as "programs for . . . space, and directly related activity." (50 U.S.C. App. 2152(d).)

RICHARD H. TRULY,
Administrator.

Date: November 5, 1989.

CONTRACTORS INDEMNIFIED DURING CALENDAR YEAR 1989

Name of Contractor: Rockwell International Corporation

Date: March 15, 1989.

Affected NASA Contract(s): NAS10-11500—Shuttle Orbiter Logistics Operation.

Name of Contractor: McDonnell Douglas Corporation.

Date: May 5, 1989.

Affected NASA Contract(s): NAS10-11400—Payload Ground Operations.

Name of Contractor: Rockwell International Corporation.

Date: June 23, 1989.

Affected NASA Contract(s): Because this coverage is time-limited, the following active Rockwell International Corporation contracts are extensions of previously approved coverage:

NAS1-15309—Provision of Advanced Composite Mechanical Properties Test Specimens for Long Duration Exposure Facility.

NAS8-36700—Space Shuttle System Integration Effort.

NAS8-40000—Space Shuttle Main Engine Design, Development, Test, and Evaluation and Related Support.

NAS9-14000, Schedules B, C, D, and E—Space Shuttle Orbiter Production and Spares; Related Support, Integration, and Hardware.

NAS9-17800—Space Shuttle Orbiter (OV-105) and System Upgrades and Improvements.

NAS9-18000—STS Flight Program Support.

NAS10-11500—Shuttle Orbiter Logistics Operation.

The following inactive Rockwell International Corporation contracts are being extended for time, because they provide coverage for hardware that is still flying:

NAS8-27980—Space Shuttle Main Engine Design, Development, Test, and Evaluation and Related Support.

NAS8-33711—Provisions of the Monodispere Latex Reactor.

NAS8-35140—STS System Integration Support to Marshall Space Flight Center.

NAS8-36131—Space Shuttle System Integration Effort to Marshall Space Flight Center.

NAS9-16577—Provision of OSTA-3.

NAS9-17104—Technical Launch Support Effort.

NAS9-17244—Advanced Orbiter Flight Evaluation Experiment Design Development, Manufacture, Integration, and Certification for Installation on the Shuttle Orbiter.

NAS9-14000, Schedules A, K, and L—Shuttle Orbiter Design, Development, Test, Evaluation and Production and Related Support and Integration; Orbiter Sustaining Engineering, and Related Hardware; Orbiter Logistics Operation.

NAS10-9100—Technical Launch Support Effort.

Name of Contractor: Lockheed Space Operations Company.

Date: August 31, 1989.

Affected NASA Contract(s): NAS10-10900—Shuttle Processing.

Name of Contractor: General Dynamics Corporation, Space Systems Division.

Date: September 8, 1989.

Affected NASA Contract(s): NAS3-25059—Launch of Atlas/Centaur AC-68R Carrying FLTSATCOM F-8 Satellite.

Name of Contractor: Rockwell International Corporation.

Date: December 14, 1989.

Affected NASA Contract(s):

NAS9-18400—Orbiter Operations Support.

NAS9-18500—Orbiter Systems Integration.

NAS9-18600—Orbiter Payload Integration.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2802. A letter from the Comptroller General of the United States, transmitting a review of the President's second special impoundment message for fiscal year 1990, pursuant to 2 U.S.C. 685 (H. Doc. No. 101-161); to the Committee on Appropriations and ordered to be printed.

2803. A letter from the Secretary of Energy, transmitting notification that the Department was unable to complete the required greenhouse gas data collection study by April 1989, and anticipate completion by May 1990; to the Committee on Appropriations.

2804. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "Analysis of Cash-Flow Projections for Miscellaneous Disbursements," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

2805. A letter from the Secretary of Health and Human Services, transmitting the 1988 report on the consolidated Federal programs under the maternal and child health services block grant, pursuant to 42 U.S.C. 706(a)(2); to the Committee on Energy and Commerce.

2806. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to provide for the financing of the retirement system of the Public Health Service Commissioned Corps on an actuarially sound basis; to the Committee on Energy and Commerce.

2807. A letter from the Chief Special Master, Office of the Special Masters, U.S. Claims Court, transmitting the annual report on the activities of the Office of the Special Masters; to the Committee on Energy and Commerce. March 21, 1990.

2808. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting reports on policy toward recent armed incursions into Israel by PLO-affiliated groups; PLO compliance with its commitments; policies of Arab States toward the peace process, pursuant to Public Law 101-246, section 804(a), (b), (c); to the Committee on Foreign Affairs.

2809. A letter from the Director, Selective Service System, transmitting the agency's report of its activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2810. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the calendar year 1989 report on contractual actions to facilitate the national defense, pursuant to 50 U.S.C. 1431; to the Committee on Government Operations.

2811. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 26, United States Code, to require the Secretary of the Treasury to disclose certain information from the files of the Internal Revenue Service to the Secretary of Veterans Affairs for the purpose of verifying entitlement to, and determining the correct amount of, title 38, United States Code, pension benefits; to the Committee on Ways and Means.

2812. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; jointly, to the Committees on Public Works and Transportation and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FORD of Michigan: Committee on Post Office and Civil Service. H.R. 4014. A bill to amend Public Law 101-86 for purposes of carrying out the 1990 decennial census of population, and for other purposes (Rept. 101-426, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI (for himself, Mr. Archer, Mr. Gibbons, and Mr. Crane):

H.R. 4328. A bill to authorize appropriations for fiscal years 1991 and 1992 for the customs and trade agencies, and for other purposes; to the Committee on Ways and Means.

By Mr. ROE (for himself, Mr. Walker, Mr. Brown of California, Mrs. Morella, Mr. Scheuer, Mr. Ritter, Mr. Walgren, Mr. Schiff, Mr. Valentine, Mr. Nelson of Florida, Mr. Wolpe, Mr. Hall of Texas, Mr. Torricelli, Mr. Bruce, Mr. Perkins, Mr. McMillen of Maryland, Mr. Price, Mr. Skaggs, Mr. Costello, Mr. Browder, Mr. Fawell, Mr. Mineta, Mr. Hayes of Louisiana, Mr. Packard, Mr. Buechner, Mr. Volkmer, Mr. Nagle, Mr. Stallings, Mr. Boehlert, Mr. Henry, Ms. Schneider, Mrs. Lloyd, Mr. Hamilton, Mr. Lewis of Florida, and Mr. Sensenbrenner):

H.R. 4329. A bill to enhance the position of U.S. industry through application of the results of Federal research and development, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. HAWKINS (for himself, Mr. Ford of Michigan, Mr. Gaydos, Mr. Clay, Mr. Miller of California, Mr. Murphy, Mr. Kildee, Mr. Williams, Mr. Martinez, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Perkins, Mr. Sawyer, Mr. Payne of New Jersey, Mrs. Lowey of New York, Mr. Poshard, Mrs. Unsoeld, Mr. Washington, Mr. Rahall, Mr. Fuster, Mr. Jontz, Mr. Panetta, Mr. Atkins, Mr. Bonior, Mr. Montgomery, Mrs. Morella, and Mr. Neal of Massachusetts):

H.R. 4330. A bill to establish school-based and higher education community service programs, to establish youth service programs, and for other purposes; jointly, to the Committees on Education and Labor; Banking, Finance and Urban Affairs; Foreign Affairs; and Interior and Insular Affairs.

By Mr. BUECHNER:

H.R. 4331. A bill to require the National Science Foundation to establish a program of grants for the development and dissemination of learning technology; to the Committee on Science, Space, and Technology.

By Mr. COURTER:

H.R. 4332. A bill to direct the Administrator of the Environmental Protection Agency to carry out a study and make recommendations to the Congress with respect to the development of uniform standards and definitions of plastic degradability; to the Committee on Energy and Commerce.

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By Mr. HUGHES (for himself, Mr. Roe, Mr. Dwyer of New Jersey, Mr. Saxton, Mr. Manton, Mr. Tallon, Mr. Carper, Mr. Foglietta, Mr. Gallo, Mr. Guarini, Mr. Pallone, Mr. Courter, Mr. Kostmayer, Mr. Smith of New Jersey, Mr. Hochbrueckner, Mr. Payne of New Jersey, Mrs. Roukema, Mr. Borski, Mrs. Saiki, Mr. Torricelli, and Mr. Rinaldo):

H.R. 4333. A bill to establish the Clean Coastal Beaches Council to develop a program for monitoring coastal zone recreation waters; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

By Mr. DORGAN of North Dakota:

H.R. 4334. A bill to amend the Internal Revenue Code of 1986 to deny the deduction for interest on junk bonds used in hostile takeovers; to the Committee on Ways and Means.

H.R. 4335. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain high yield discount obligations; to the Committee on Ways and Means.

By Mr. GEREN (for himself, Mr. Spence, Mr. Hoagland, Mr. Bateman, Mr. Mollohan, Mr. Bereuter, Mr. Rahall, Mr. Bryant, Mr. Frost, Mr. Bustamante, Mr. Parker, Mrs. Saiki, Mr. Hall of Texas, Mr. Stenholm, Mr. Coleman of Texas, Mr. Washington, Mr. Andrews, Mr. Bilbray, Mr. Barnard, Mr. Chapman, Mrs. Smith of Nebraska, Mr. Owens of Utah, Mr. Hayes of Louisiana, Mr. Espy, Mr. Combest, Mr. Gonzalez, Ms. Kaptur, Mr. Rose, Mr. Montgomery, Mr. Valentine, Mr. Jones of North Carolina, Mr. Akaka, Mr. Ravenel, Mr. Lowery of California, Ms. Slaughter of New York, Mr. Wise, Mr. Sarpalius, Mr. Gray, Mr. Leath of Texas, Mr. Armey, Mr. Anthony, Mr. Laughlin, and Mr. Neal of North Carolina):

H.R. 4336. A bill to amend the Public Health Service Act with respect to the size of the service areas of qualified organ procurement organizations, and to provide for the establishment of a temporary advisory committee to make certain recommendations with respect to the procurement and transplantation of human organs; to the Committee on Energy and Commerce.

By Mr. GILLMOR:

H.R. 4337. A bill to provide for a visitor's center and other facilities at Perry's Victory and International Peace Memorial in the State of Ohio, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HERTEL:

H.R. 4338. A bill to provide that no funds may be obligated for expansion of the Detroit City Airport, MI; to the Committee on Public Works and Transportation.

By Mr. JOHNSON of South Dakota (for himself, Mr. Emerson, Mr. Dorgan of North Dakota, Mr. Stangeland, and Mr. Stallings):

H.R. 4339. A bill to amend the Agricultural Act of 1949 to provide a support program for producers of sunflower seed, canola, rapeseed, safflower seed, and flaxseed; to the Committee on Agriculture.

By Mr. KASTENMEIER (for himself, Mr. Synar, and Mr. Edwards of California):

H.R. 4340. A bill to amend title 18, United States Code, to protect the privacy of telephone users; to the Committee on the Judiciary.

By Mr. LEATH of Texas (for himself, Mr. Montgomery, Mr. Lehman of Florida, and Mrs. Patterson):

H.R. 4341. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make grants (in conjunction with the Secretary of Defense) for the establishment of research centers at qualifying medical schools; jointly, to the Committee on Veterans' Affairs and Energy and Commerce.

By Mr. LEWIS of Florida (for himself, Mr. Hatcher, Mr. Emerson, Mr. Grant, and Mr. Panetta):

H.R. 4342. A bill recognizing the importance of the domestic fruit and vegetable industry in U.S. farm policy, and the importance of fruits and vegetables to the diets of the American people; requiring the Secretary of Agriculture to conduct a study of the domestic fruit and vegetable industry; and amending the Perishable Agricultural Commodities Act; to the Committee on Agriculture.

By Mr. MATSUI (for himself and Mrs. Schroeder):

H.R. 4343. A bill to provide, with funds available to the Department of Defense, for employment retraining of civilian personnel at military installations to be closed or realigned; jointly, to the Committees on Armed Services and Education and Labor.

By Ms. OAKAR:

H.R. 4344. A bill to amend title XVIII of the Social Security Act to provide increased protection against fraud and abuse with respect to the marketing and selling of Medicare supplemental policies, to establish a grant program for establishing toll-free hotlines to provide individuals with information concerning Medicare supplemental insurance, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. Clinger, and Ms. Oakar):

H.R. 4345. A bill to amend title 5, United States Code, to provide that service performed by air traffic second-level supervisors and managers be made creditable for retirement purposes; to the Committee on Post Office and Civil Service.

By Mr. RANGEL (for himself, Mr. Akaka, Mr. Fauntroy, Mr. Guarini, Mr. Levine of California, Mr. Mazzoli, Mr. Mfume, Mr. Smith of Florida, Mr. Stark, Mr. Towns, and Mr. Traficant):

H.R. 4346. A bill to amend title 18, United States Code, to prohibit certain exports of fully automatic or semiautomatic assault weapons; to the Committee on the Judiciary.

By Mr. RIDGE:

H.R. 4347. A bill to provide for the establishment of a wetland reserve program on agricultural land; to the Committee on Agriculture.

By Mr. RIDGE (for himself, Ms. Slaughter of New York, Mr. Boehlert, and Mr. Smith of Vermont):

H.R. 4348. A bill to amend the Agricultural Act of 1949 to modify the Price Support Program applicable to milk during fiscal years 1991 through 1995; to the Committee on Agriculture.

By Mr. SABO:

H.R. 4349. A bill to amend the Internal Revenue Code of 1986 to revise the Medicare tax, to impose a health insurance enhancement tax, and to set aside a portion of the revenues from such taxes for low-income and catastrophic health insurance programs; to the Committee on Ways and Means.

By Mrs. SAIKI (for herself and Mrs. Bentley):

H.R. 4350. A bill to prescribe the conditions under which contractors receiving operating-differential subsidy or their affiliates may engage in coastwise or intercoastal trade; to the Committee on Merchant Marine and Fisheries.

By Mr. SLATTERY (for himself, Mr. Lent, and Mr. Ritter):

H.R. 4351. A bill to make amendments to the Liability Risk Retention Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DENNY SMITH (for himself, Mr. AuCoin, and Mr. DeFazio):

H.R. 4352. A bill to authorize the Secretary of the Army to release the reversionary interest of the United States in certain portions of Camp Withycombe, Clackamas County, OR, to the State of Oregon in exchange for a contingent interest in Camp Rilea, Clatsop County, OR; to the Committee on Armed Services.

By Mr. STANGELAND (for himself, Mr. Madigan, Mr. Huckaby, Mr. Schulze, Mr. Ridge, and Mr. Weber):

H.R. 4353. A bill to provide for the enrollment of wetlands in the Conservation Reserve Program, and for other purposes; to the Committee on Agriculture.

By Mr. UDALL (for himself, Mr. Young of Alaska, Mr. Rhodes, Mr. Campbell of Colorado, Mr. Williams, Mr. Richardson, Mr. DeFazio, Mr. Faleomavaega, Mr. McDermott, and Mr. Johnson of South Dakota):

H.R. 4354. A bill to amend the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2401 et seq.); jointly, to the Committees on Interior and Insular Affairs, Education and Labor, Energy and Commerce, and the Judiciary.

By Mr. WALSH:

H.R. 4355. A bill to amend section 1126 of title 10, United States Code, to provide for the furnishing of gold star lapel buttons to the dependents of a member of the Armed Forces who dies as a result of an injury or illness sustained in the line of duty; to the Committee on Armed Services.

By Mr. HAYES of Louisiana:

H.J. Res. 526. Joint resolution designating the week of October 9 through 13, 1990, as "National Health Care Food Service Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H.J. Res. 527. Joint resolution designating May 20, 1990, as "Peace Day"; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Colorado (for himself, Mr. Broomfield, Mr. Clarke, Mr. Lagomarsino, Mrs. Martin of Illinois, Mr. McCloskey, Mr. Rowland of Connecticut, Mr. Smith of New Hampshire, Mr. Solarz, and Mr. Wolpe):

H. Con. Res. 291. Concurrent resolution expressing the sense of the Congress regarding the need to account as fully as possible for Americans still missing or otherwise unaccounted for in Southeast Asia and to secure the return of Americans who may still be held captive in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. PACKARD:

H. Res. 361. Resolution expressing the sense of the House of Representatives that at least one-half of any future reduction in defense spending shall be used for deficit reduction; to the Committee on Government Operations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 4 of rule XXII,

By Mr. McDADE:

H.R. 4356. A bill for the relief of John Barren; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. DeFazio.

H.R. 84: Mr. Solarz and Mr. Walgren.

H.R. 283: Mr. Kleczka.

H.R. 290: Mr. Chandler.

H.R. 303: Mr. Pease and Mr. Thomas of Wyoming.

H.R. 467: Mr. Washington.

H.R. 505: Mr. Washington.

H.R. 545: Mr. Markey, Mr. Poshard, Mr. Porter, and Mr. Scheuer.

H.R. 857: Mr. Waxman and Mr. Towns.

H.R. 995: Mr. Fish and Mr. Emerson.

H.R. 1200: Mr. Young of Alaska, Mr. Marlenee, Mr. Anderson, Mr. Grandy, Mr. Swift, Mr. Gallegly, Mr. Hall of Texas, Mr. Brown of California, Mrs. Saiki, Mr. Livingston, Mr. Moorhead, Mr. Miller of California, Mr. Berman, Mr. Lowery of California, Mr. Hayes of Louisiana, Mr. Fauntroy, and Mr. Tauzin.

H.R. 1383: Mr. Crockett.

H.R. 1438: Mr. Walsh.

H.R. 1746: Ms. Pelosi.

H.R. 1875: Mr. Petri, Mr. Hefley, Mr. Staggers, and Mr. Bliley.

H.R. 2121: Mr. Skelton, Mr. Hiler, and Mr. Frank.

H.R. 2192: Mr. Ireland.

H.R. 2460: Mr. Fish and Mr. Lantos.

H.R. 2617: Mr. DeFazio.

H.R. 2618: Mr. DeFazio.

H.R. 2700: Mr. Gillmor.

H.R. 2740: Mr. Conte.

H.R. 2761: Mr. Morrison of Connecticut.

H.R. 2801: Mr. Hyde.

H.R. 2955: Mr. Cardin.

H.R. 3423: Mr. Rowland of Connecticut.

H.R. 3498: Mr. Morrison of Connecticut, Mr. Chandler, Mr. Rowland of Connecticut, Mr. Geren, and Mr. Shumway.

H.R. 3500: Mr. Jones of Georgia.

H.R. 3511: Mr. Weldon.

H.R. 3539: Mr. Annunzio.

H.R. 3571: Mr. Roe and Mr. Dwyer of New Jersey.

H.R. 3582: Mr. Chapman and Mr. Herger.

H.R. 3732: Mr. McMillen of Maryland, Mr. Geren, Mr. Neal of North Carolina, Mr. Roe, Mr. Hastert, and Mr. Staggers.

H.R. 3757: Mr. Levine of California.

H.R. 3768: Mr. Baker.

H.R. 3805: Mr. Jones of Georgia, Mr. Hayes of Illinois, and Mr. Eckart.

H.R. 3821: Mr. Savage, Mr. Martinez, and Mr. Foglietta.

H.R. 3859: Mr. Conyers, Mr. Poshard, and Mr. Moakley.

H.R. 3862: Mr. Towns, Mr. Bosco, Mrs. Morella, Mr. Wise, Mr. Torricelli, Mr. Dornan of California, and Mr. McDermott.

H.R. 3880: Mr. Cooper, Mr. Goss, Mr. Rahall, and Mr. Bilirakis.

H.R. 3922: Mr. Bonior, Mr. Wheat, Mr. English, Mr. Wolpe, and Mr. Nielson of Utah.

H.R. 3923: Mr. Madigan, Mr. Marlenee, Mr. James, Mr. Lent, Mr. Robinson, and Mr. Weldon.

H.R. 3929: Mr. Neal of Massachusetts and Mr. Bevill.

H.R. 3934: Mr. Penny.

H.R. 3979: Mr. Lagomarsino.

H.R. 3982: Mr. Gonzalez, Mr. Kanjorski, Mr. Hunter, Mr. Oxley, Mr. Gallegly, Mr. Chapman, Mr. Frank, Mr. Kyl, Mr. Barnard, Mr. Gallo, Mr. Burton of Indiana, Mr. Hyde, Mr. Neal of Massachusetts, Mrs. Johnson of Connecticut, Mr. Leach of Iowa, Mr. Baker, Mr. Roth, Mr. Neal of North Carolina, Mr. Price, Mr. Ridge, Mr. McCandless, Mr. Lagomarsino, Mrs. Roukema, and Mr. Shumway.

H.R. 3988: Mr. Frenzel and Mr. AuCoin.

H.R. 4042: Mr. Rowland of Connecticut and Mr. Yatron.

H.R. 4059: Mr. Bates, Mr. Beilenson, Mrs. Boxer, Mr. Bruce, Mr. Bustamante, Mr. Dorgan of North Dakota, Mr. Dwyer of New Jersey, Mr. Edwards of California, Mr. Hawkins, Mr. Herger, Ms. Long, Mr. Martinez, Mr. Pease, Mr. Torres, and Mr. Towns.

H.R. 4080: Mrs. Unsoeld.

H.R. 4110: Mr. Dymally, Mr. Russo, Ms. Slaughter of New York, Mr. Solarz, Mr. Flake, Mr. Wheat, Mr. Foglietta, Mr. Bilbray, Mr. Dwyer of New Jersey, Mr. Hayes of Illinois, Ms. Kaptur, Mr. Kostmayer, Mr. Bruce, Mr. Conyers, and Mr. Harris.

H.R. 4130: Mr. Bustamante, Mr. Roybal, Mr. Smith of Vermont, Mr. Fauntroy, Mr. Penny, Mr. Richardson, Mr. Wheat, Mr. Rangel, Mr. McNulty, Mr. Brown of California, and Mr. Lehman of Florida.

H.R. 4144: Ms. Long, Mr. Ackerman, Mr. Frank, Mr. Levine of California, Mr. Fazio, and Mr. Lewis of Georgia.

H.R. 4146: Mr. Schulze, Mr. Campbell of California, and Mr. Dannemeyer.

H.R. 4159: Mr. Hayes of Illinois.

H.R. 4164: Mr. Stark and Mr. Martinez.

H.R. 4184: Mr. Sangmeister and Mr. Manton.

H.R. 4261: Mr. Rangel, Mr. James, and Mr. Baker.

H.R. 4264: Mr. Hansen, Ms. Pelosi, Mr. Neal of North Carolina, Mr. Espy, Mr. de Lugo, Mrs. Lloyd, Mr. Fauntroy, Mr. Jones of Georgia, Mr. Emerson, Ms. Slaughter of New York, Mr. Owens of New York, Mr. Montgomery, Mr. Geren, Mr. de la Garza, Mr. Frost, and Mr. Nielson of Utah.

H.J. Res. 121: Mr. Vento and Mr. Kasich.

H.J. Res. 180: Mr. Roybal and Mr. LaFalce.

H.J. Res. 413: Mr. Alexander, Mr. Berman, Mr. Brooks, Mr. Conte, Mr. Courter, Mr. DeFazio, Mr. Ford of Tennessee, Mr. Hall of Ohio, Mr. Herger, Mr. Hiler, Mr. Hoagland, Mr. Hopkins, Mr. Huckaby, Mr. Kennedy, Mr. Kleczka, Mr. Lehman of Florida, Mr. Lightfoot, Mr. Livingston, Mr. Matsui, Mr. Mrazek, Mr. Ortiz, Mr. Owens of Utah, Mr. Pallone, Mr. Rinaldo, Mr. Ritter, Mr. Robinson, Mr. Sangmeister, Mr. Skelton, Mr. Smith of New Jersey, Mr. Solarz, Mr. Stallings, Mr. Stangeland, Mr. Tauke, Mr. Taylor, Mr. Traxler, Mr. Valentine, Mr. Walgren, Mr. Waxman, Mr. Weber, Mr. Whitten, Mr. Wolpe, and Mr. Wyden.

H.J. Res. 452: Mr. Smith of Florida, Mr. Smith of Vermont, Mr. Donnelly, Mr. Bonior, Mr. Conte, Mr. Rowland of Connecticut, Mr. Burton of Indiana. Mr. Skelton, Mr. Watkins, Mr. Kleczka, Mr. Gejdenson, Mr. Madigan, Mr. Clement, Mr. Lehman of Florida, and Mr. Roberts.

H.J. Res. 463: Mr. Mfume, Mrs. Byron, Mr. Pallone, Mr. Horton, Mr. Lagomarsino, Mr. Towns, Mr. Bilirakis, Mr. Hammerschmidt, Mr. Pursell, Mr. Emerson, Mr. Dwyer of New Jersey, Mr. Skeen, Mr. Walsh, and Mr. Owens of Utah.

H.J. Res. 464: Mr. Blaz, Mr. Chapman, Mr. Coble, Mr. Dyson, Mr. Espy, Mr. Fauntroy, Mr. Gallegly, Mr. Hoyer, Mr. Kasich, Mr. Matsui, and Mr. Wilson.

H.J. Res. 475: Mrs. Meyers of Kansas, Ms. Long, Mr. Lagomarsino, Mr. Green, Mr. Gallegly, Mr. Cox, Mr. Murphy, Mr. Yatron, Mr. Fazio, Mrs. Collins, Mr. Hyde, Mr. Vento, Mr. Studds, Mr. Mavroules, Mr. Clement, Mrs. Bentley, Mr. Buechner, Mr. Courter, Mr. Lewis of California, Mr. Hansen, Mr. Blaz, Mr. Hall of Ohio, Mr. Hefner, Mr. Levin of Michigan, Mrs. Lowey of New York, Mr. Davis, Mr. Duncan, Mr. Gingrich, Mr. Towns, Mr. Mineta, Mr. Fish, Mr. Coble, Mr. Markey, Mr. Kleczka, Mrs. Morella, Mr. Baker, Mr. Lantos, Ms. Slaughter of New York, Mr. Brown of Colorado, Mr. Poshard, Mr. Jenkins, Mr. Emerson, Mr. Frank, Mr. Huckaby, Mr. Ballenger, Mr. Levine of California, Mr. Akaka, and Mr. Nowak.

H.J. Res. 476: Mr. Stangeland.

H.J. Res. 492: Mr. Martinez, Mr. Walsh, Mrs. Boxer, Mr. Spence, Mr. Volkmer, Mr. Fazio, Mr. Evans, Mr. Sarpalius, Mr. Darden, Mr. Lancaster, Mr. Baker, Mr. Livingston, Mr. Cooper, Mr. Geren, Mr. Emerson, and Mr. Fish.

H.J. Res. 495: Mr. Gray, Mr. Payne of New Jersey, Mr. Valentine, Mr. Geren, Mr. Washington, Mr. Fish, Mr. Lewis of Georgia, and Mr. Moakley.

H.J. Res. 497: Mr. Carper, Mr. McNulty, Mr. Emerson, Mr. Wise, Mr. Moakley, Mr. Tanner, Ms. Slaughter of New York, Mr. Valentine, Mr. Lent, Mr. Nowak, Mr. Wyden, Mr. Smith of New Hampshire, Mr. Denny Smith, Mr. Robert F. Smith, Mr. Clement, Mr. Hoyer, Mr. Bliley, Mr. AuCoin, Mr. Pickett, Mr. Miller of Ohio, Mr. Boehlert, Mr. Bunning, Mr. Gordon, Mr. Gilman, Mr. Sisisky, Mr. Martin of New York, Mrs. Vucanovich, Mr. Markey, and Mr. McCollum.

H.J. Res. 500: Mr. Schumer, Mr. Frost, Mr. Early, Mr. Laughlin, Mr. Bates, Mr. Morrison of Connecticut, Mr. Donnelly, Mr. Brown of Colorado, Mr. Ravenel, Mr. Sangmeister, Mr. Derrick, Mr. Rahall, Mr. Thomas of Georgia, Mr. Gunderson, Mr. Kasich, Mr. Davis, Mr. Vento, Mr. Wilson, Mr. McHugh, Mr. Sabo, Mr. Tallon, Mr. Ballenger, Mr. Foglietta, Mr. Gilman, Mr. Parris, Mr. Upton, Mr. Houghton, Mr. Bosco, Mr. Petri, Mr. Weber, Mr. Darden, Mr. Emerson, Mr. Cardin, Mr. Payne of New Jersey, Mr. Payne of Virginia, Mr. Valentine, Mrs. Saiki, Mr. Mazzoli, Mr. Jones of North Carolina, and Mr. Dellums.

H.J. Res. 522: Mr. Shumway, Mr. Emerson, Mr. Nielson of Utah, and Mr. Lewis of Georgia.

H.J. Res. 524: Mr. McNulty, Mr. Roe, and Mr. Kasich.

H. Con. Res. 66: Mr. Feighan.

H. Con. Res. 249: Mr. Smith of New Jersey.

H. Con. Res. 265: Mr. Gallegly.

H. Con. Res. 273: Mr. Ford of Michigan, Mr. Hochbrueckner, Mr. Nowak, Mr. Pallone, and Mr. Carper.

H. Con. Res. 290: Mr. Borski, Mr. Douglas, Mr. Frank, Mr. Manton, Mr. Matsui, Mr. Scheuer, Mr. Schuette, Mr. Weiss, Mr. Lent, Mr. McGrath, Mr. Owens of New York, and Ms. Ros-Lehtinen.

H. Res. 298: Mr. Rowland of Connecticut.

H. Res. 351: Mr. Shaw, Mr. Gingrich, Mr. Smith of Texas, Mr. Callahan, Mr. Dickin-

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son, Mr. Douglas, Mr. Dornan of California, Mr. Hutto, Mr. Stearns, Mrs. Lloyd, Mr. Hall of Texas, Mr. Hyde, Mr. Cox, Mr. McCollum, Mr. Broomfield, Mr. Walker, Mr. DeLay, Mr. Hunter, Mr. Jacobs, Mr. Pursell, Mr. Donald E. Lukens, Mr. Rohrabacher, Mr. Goodling, Mrs. Vucanovich, Mr. Nielson of Utah, Mr. Tauzin, Mr. Livingston, Mr. Ireland, Mr. Whittaker, and Mr. Miller of Washington.

H. Res. 358: Mr. Panetta, Mr. Hansen, Ms. Slaughter of New York, Mr. Frank, Mr. de la Garza, Mr. Poshard, Mr. Studds, and Mr. Ballenger.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3581

By Mr. de la GARZA:

—Insert at the end of Title II the following:

SEC. . LOAN AND LOAN GUARANTEE ALLOCATION AND TRANSFER.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), as amended by section 201 of this Act, is amended by adding at the end the following:

"SEC. 362. LIMITED TRANSFER AUTHORITY OF LOAN AMOUNTS.

"(a) Transfer of Funds.—If the sums appropriated for direct loans for the water and waste or community facility program authorized under section 306(a) and made available to the State under such program for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer, subject to subsection (b), to one program from the other such program part or all of the sums appropriated for loans made available to the State for such other program.

"(b) Limitation on Loan Amounts Transferred.—

"(1) Amounts transferred within a state.—With regard to each State, the amount of direct loan funds transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.

"(2) Amounts transferred on a national basis.—On a National basis, the amount of direct loan funds transferred in a fiscal year from a program under this section (after accounting for any offsetting transfers into such program) shall not exceed $90,000,000.

"SEC. 363. ALLOCATION AND TRANSFER OF LOAN GUARANTEE AUTHORITY.

"(a) Allocation of Loan Guarantee Authority.—The Secretary shall allocate among the States the loan guarantee authority appropriated under the water and waste or community facility program authorized under section 306(a), and the business and industry loan program authorized under seciton 310B, in a manner similar to that used for the allocation of direct loan and grant funds appropriated for such programs, and that the Secretary determines to be fair, reasonable, and appropriate.

"(b) Transfer of Loan Guarantee Authority.—

"(1) In general.—If the sums appropriated for loan guarantees and made available to the State under a program specified in subsection (a) for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer to the program from the other such programs part or all of the sums appropriated for loan guarantees made available to the State for such other program for such fiscal year.

"(2) Limitation on guarantee amounts transferred.—With regard to each State, the amount of loan guarantees transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.".

By Mr. GRANDY:

—Amend section 361(c)(1)(J) as follows:

On page 30, strike lines 10 through 17 and insert the following:

"(J) one of whom is appointed by the Governor of the State from either a statewide rural development organization or a statewide association of publicly-owned electric utilities, neither of which is described in any of subparagraphs (C) through (I);".

By Mr. STALLINGS:

—Page 93, after line 8, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Rural Economic Development and Education Partnership Act of 1990".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Education and Business Development

Sec. 1011. Short title.

Chapter 1—Rural Economic Development and Education Partnership

Sec. 1021. Purposes.
Sec. 1022. Program of grants for rural economic development and education projects.
Sec. 1023. Consideration of projects by review panels.
Sec. 1024. Administration of grant program.
Sec. 1025. State allotment formula.
Sec. 1026. Limitations on authorization of appropriations.
Sec. 1027. Relationship to State law.
Sec. 1028. Regulations.
Sec. 1029. Definitions.

Chapter 2—Business Development

Sec. 1031. Purposes.
Sec. 1032. Loans for business telecommunications partnerships.

Subtitle B—Miscellaneous Rural Telecommunications Provisions

Sec. 1051. Short title.
Sec. 1052. Rural telecommunications zones.
Sec. 1053. Grants for emergency public safety telephone answering systems.
Sec. 1054. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Education and Business Development

SEC. 1011. SHORT TITLE.

This subtitle may be cited as the "Advanced Rural Telecommunications and Economic Development Act of 1990".

Chapter 1—Rural Economic Development and Education Partnership

SEC. 1021. PURPOSES.

The purposes of this chapter are to—

(1) improve rural schools and school systems to attract and keep industry in rural areas;

(2) fully utilize rural school facilities and personnel to provide needed social services to rural areas;

(3) involve rural school facilities and personnel in supporting and creating an expansion of businesses that provide new and enhanced employment opportunities for youth and other residents of rural areas; and

(4) provide educational service providers with access to advanced telecommunications services and computer networks for training and retraining of the workforce in order to improve job opportunities and the business environment in rural areas.

SEC. 1022. PROGRAM OF GRANTS FOR RURAL ECONOMIC DEVELOPMENT AND EDUCATION PROJECTS.

(a) In General.—The Administrator shall make grants in accordance with this chapter to enable rural economic development and education partnerships to carry out rural economic and education projects.

(b) Rural Economic Development and Education Projects.—A project is eligible for a grant under this chapter if the project, at a minimum, is designed to—

(1) train displaced farm families and other natural resource-based workers, displaced homemakers and single parent heads of households, and other rural underemployed and unemployed citizens;

(2) use school facilities for the provision of health care, feeding programs, early childhood and elderly day care, and transportation of individuals residing in rural areas to essential services;

(3) provide adult literacy training and retraining programs for individuals residing in rural areas;

(4) involve students and teachers in support of entrepreneurial enterprises offering services or products not currently available in the rural area in which such persons reside;

(5) create enterprises between local businesses and educational institutions to improve schools and to sustain and expand business investment and economic activity in rural areas;

(6) provide training programs for guidance counselors which would enable such counselors to provide information to secondary school students in rural areas about postsecondary opportunities for such students to obtain training to sustain and expand business investment and economic activity in such areas; or

(7) provide instruction and other educational opportunities for rural school districts using interactive audio, video, and computer technologies between distant locations, including—

(A) acquiring, through lease or purchase—

(i) computer hardware and software;

(ii) audio and video equipment;

(iii) telecommunications terminal equipment; or

(iv) interactive video equipment;

(B) developing rural distance learning curricula or computer software; and

(C) providing technical assistance and instruction for the development or use of rural distance learning curricula.

(c) Rural Economic Development and Education Partnerships.—A partnership is eligible for a grant under this chapter if the partnership—

(1) includes, at a minimum, a rural school district, a regional educational laboratory, and—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education; or

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), an educational communications entity;

(2) is governed by an agreement which provides that—

(A) in the case of a partnership established to carry out an activity described in paragraph (1), (2), (3), (4), (5), or (6) of subsection (b), an institution of higher education in the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects;

(B) in the case of a partnership established to carry out an activity described in subsection (b)(7), a single member of the partnership shall be responsible for—

(i) the overall administration of any project with respect to which a grant is made under this chapter; and

(ii) accounting for the funds of such projects; and

(C) in the case of any partnership, a regional educational laboratory in the partnership shall be responsible for research-based technical assistance that will increase the probability that the school-based program will be successful; and

(3) submits to the Administrator an application which meets the requirements of subsection (d).

(d) Application Requirements.—Each application by a partnership for a grant under this chapter shall include—

(1) a detailed explanation of the project for which the grant is requested;

(2) a description of other sources of funds for the project and a 4-year financial operating budget forecast for the project;

(3) a description of the manner in which the partnership intends to use the grant;

(4) an assurance that the partnership will not use the grant in any manner not described in the approved application for the grant;

(5) in the case of an application with respect to a project that includes any activity described in subsection (b)(7)—

(A) a copy of a binding commitment entered into between the partnership and each entity which is legally permitted to provide, and from which the partnership is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the partnership receives the grant the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

(B) an assurance that the partnership will use not less than 25 percent of the amount of the grant for instructional curriculum development and programming (including programming or software systems development to assist students, instructors, or teachers at elementary and secondary schools and at adult and vocational education and training centers), with priority given to programs in mathematics, science, writing skills, and foreign languages.

(6) a copy of all agreements governing the division of functions within the partnership;

(7) a description of how the project will be evaluated; and

(8) such other information as the Administrator may reasonably require.

SEC. 1023. CONSIDERATION OF PROJECTS.

(a) Review of Applications.—

(1) Review by administrator.—The Administrator shall—

(A) review each application submitted pursuant to section 1022(c)(3);

(B) determine whether or not the application meets the requirements of section 1022(d);

(C) approve each application which meets such requirements;

(D) disapprove each application which fails to meet such requirements; and

(E) transmit each approved application to the review panel of the State in which the partnership which submitted the application intends to implement the project described in the application.

(2) Review by state review panels.—

(A) In general.—The review panel of each State shall examine each application transmitted to the review panel pursuant to paragraph (1)(E) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

(B) Consultation with state educational agency.—The review panel of each State shall provide the State educational agency (within the meaning of section 1471(23) of the Elementary and Secondary Education Act of 1965) with such information with respect to the applications transmitted pursuant to paragraph (1)(E) as the agency may request, and shall solicit and obtain the views of the agency with respect to the ranking of the applications.

(C) Authority to obtain information from applicants.—Each partnership which submits an application for a grant under this chapter shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to aid in reviewing the application.

(D) Authority to request applicants to modify projects.—The review panel may, before final consideration of the an application of a partnership for a grant under this chapter, request the partnership to modify the project described in the application.

(b) Ranking of Applications.—

(1) In General.—The review of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for grants under this chapter, in an order which takes into account—

(A) the results of the review conducted under subsection (a)(2);

(B) the views of the State educational agency referred to in subsection (a)(2)(B);

(C) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1) of the Consolidated Farm and Rural Development Act) developed for the areas in which the projects are to be implemented;

(D) all of the criteria set forth in section 361(b)(3) of such Act, without regard to the character of the projects described in the applications; and

(E) in the case of an application which describes a project which would duplicate existing services, the reasons therefor.

(2) Grouping of Applications.—The review panel shall separate into 2 groups the applications received during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

(3) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

(4) Written policy and criteria.—

(A) In general.—Subject to subparagraph (B), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3) of the Consolidated Farm and Rural Development Act.

(B) Prohibition against development or acquisition of telecommunications transmission facilities.—The policy and criteria developed under subparagraph (A) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

(c) Transmittal of Ranked Applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) of the Consolidated Farm and Rural Development Act each list of applications ranked pursuant to subsection (b) of this section, in the same manner in which lists of applications ranked pursuant to section 361(b) of the Consolidated Farm and Rural Development Act are transmitted to the State coordinator pursuant to such section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

SEC. 1024. ADMINISTRATION OF GRANT PROGRAM.

(a) Authority To Make Grants to Eligible Projects.—The Administrator shall, with respect to each list transmitted by the State coordinator of a State pursuant to section 1023(c)—

(1) review the list and determine whether—

(A) each project and partnership described in an application in the list meets the requirements of section 1022; and

(B) the partnership proposing the project is committed to the continuation or successful completion of the project;

(2) remove from the list any application for a project if the project, the partnership, or the application proposing the project does not meet the requirements described in paragraph (1); and

(3) subject to the availability of funds allotted to the State under section 1025, make grants to eligible projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (2), giving great weight to the order in which the applications for such projects are ranked by the review panel under section 1023(b).

(b) Report Required if Administrator Determines To Fund Projects Other Than as Recommended by Review Panel.—If the Administrator determines to make grants to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

(1) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry

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of the Senate a report on the reasons for making grants to projects other than in the manner so recommended; and

(2) shall not make such grants before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

(c) Monitoring of Use of Grants.—The Administrator shall take such steps as may be necessary to ensure that the grants made under this chapter are used in accordance with the approved grant applications.

(d) Informational Efforts.—The Administrator shall establish and implement procedures to inform providers of educational services, local governments, businesses, and residents in rural areas about the grant program established by this chapter, including application procedures and deadlines.

(e) Program Evaluation.—

(1) Report Required.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare a report on the grant program established by this chapter and the social and economic effects of the program.

(2) Contents.—The report required by this subsection shall include for the period covered by the report—

(A) a complete description of each project which has received a grant under this chapter;

(B) an evaluation of the achievements and failures of the grant program; and

(C) the long range plans to develop the grant program further.

(3) Submission of Report.—The report required by this subsection shall be submitted to the Committee on Agriculture and the Committee on Education and Labor of the House of Representatives, to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Labor and Human Resources of the Senate, and to each review panel.

SEC. 1025. STATE ALLOTMENT FORMULA.

(a) Formula.—From the sums appropriated for any fiscal year to carry out this chapter, the Administrator shall allot to projects in any State for the fiscal year the sum of—

(1) an amount which bears the same ratio to ½ of such sums as—

(A) the nonurban population of the State, multiplied by the State's sparsity factor; bears to

(B) the nonurban population of the United States, multiplied by the sparsity factor for the United Stated (determined as if the United States were a single State); and

(2) an amount which bears the same ratio to ½ to such sums as—

(A) the nonurban population of the State, multiplied by the State's school sparsity index; bears to

(B) the nonurban population of the United States, multiplied by the average school sparsity index for the United States (determined as if the United States were a single State).

(b) Primary Definitions.—As used in subsection (a):

(1) Sparsity factor.—The term "sparsity factor" means, with respect to a State, a number equal to the lesser of—

(A) 10; or

(B)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the United States in square miles; divided by

(ii) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years, divided by the total area of the State in square miles.

(2) School sparsity index.—The term "school sparsity index" means, with respect to a State—

(A)(i) the number of children in the United States who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the United States, multiplied by the total area of the United States in square miles; divided by

(B)(i) the number of children in the State who have attained the age of 5 years and have not attained the age of 18 years; divided by

(ii) the number of public schools in the State, multiplied by the total area of the State in square miles.

(c) Secondary Definitions.—As used in subsection (b):

(1) Nonurban population.—The term "nonurban population" means the population of the State residing in nonurban areas, as determined by the Bureau of the Census on the basis of the most recently available data.

(2) Public school.—The term "public school" means a public elementary or secondary school operated by a State or a local educational agency, as determined by the Secretary of Education.

(3) Total area.—The term "total area" means with respect to a State, the land area of the State plus the water area of the State, as determined by the Bureau of the Census on the basis of the most recently available data.

(4) United states.—The term "United States" means all of the States.

SEC. 1026. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.

For grants under this chapter, there are authorized to be appropriated to the Administrator $20,000,000 for each fiscal year.

SEC. 1027. RELATIONSHIP TO STATE LAW.

This chapter shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

SEC. 1028. REGULATIONS.

Not later than 120 days after the date of the enactment of this Act, the Administrator shall prescribe final regulations governing the grant program established under this chapter, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

SEC. 1029. DEFINITIONS.

As used in this chapter:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Educational communications entity.—The term "educational communications entity" means—

(A) an entity licensed by the Federal Communications Commission to operate a noncommercial educational television station;

(B) a telecommunications partnership organized on a multistate basis which meets the requirements of section 904 of the Education for Economic Security Act; or

(C) an institution of higher education with an advanced telecommunications ability.

(3) Institution of higher education.—The term "institution of higher education" means any public or private college or university, including a land grand university and a junior of community college, that is accredited by a nationally recognized accrediting agency or organization approved by the Secretary of Education for purposes of section 1201 of the Higher Education Act of 1965.

(4) Interactive video equipment.—The term "interactive video equipment" means equipment used to produce and prepare video and audio signals for transmission between distant locations so that individuals at such locations can see and hear each other, and related equipment.

(5) Regional education laboratories.—The term "regional education laboratories" means the regional education laboratories described in section 405(d)(4)(A)(i) of the General Education Provisions Act.

(6) Review panel.—The term "review panel" means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361 of the Consolidated Farm and Rural Development Act.

(7) Rural area.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

(8) Rural school district.—The term "rural school district" means a school system in a rural area which provides elementary and secondary education.

(9) State.—The term "State" has the same meaning given such term by section 343(a)(6) of the Consolidated Farm and Rural Development Act.

(10) Telecommunications terminal equipment.—The term "telecommunications terminal equipment" means telecommunications equipment (excluding telecommunications transmission facilities) that—

(A) interconnects with telecommunications transmission facilities; and

(B) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

(11) Telecommunications transmission facilities.—The term "telecommunications transmission facilities" means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

Chapter 2—Business Development

SEC. 1031. PURPOSES.

The purposes of this chapter are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC 1032. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i) Loans for Business Telecommunications Partnerships.—

"(1) In general.—The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment, computers, computer software, and computer hardware.

"(2) General requirements.—

"(A) Application process.—

"(i) Submission of application.—Any entity desiring a loan under this subsection shall submit an application therefor to the Administrator.

"(ii) Contents of application.—Each application for a loan under this subsection shall include—

"(I) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

"(II) a description of the manner in which the proposed project is to be funded;

"(III) a copy of a binding commitment into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

"(IV) a description of the manner in which the applicant intends to use the loan requested in the application;

"(V) a description of how the proposed project will be evaluated; and

"(VI) such other information as the Administrator may reasonably require.

"(B) Consideration of Applications.—

"(i) Review by administrator.—The Administrator shall—

"(I) review each application submitted pursuant to subparagraph (A)(i);

"(II) determine whether or not the application meets the requirements of subparagraph (A)(ii);

"(III) approve each application which meets such requirements;

"(IV) disapprove each application which fails to meet such requirements; and

"(V) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

"(ii) Review by state review panels.—

"(I) In general.—The review panel of a State shall examine each application transmitted to the review panel pursuant to clause (i)(V) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

"(II) Authority to obtain information from applicants.—Each entity which submits an application for a loan under this subsection shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

"(III) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of an entity for a loan under this subsection, request the entity to modify the project described in the application.

"(iii) Ranking of applications.—

"(I) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this subsection, in an order which takes into account—

"(aa) the result of the review conducted under clause (i);

"(bb) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1)) developed for the areas in which the projects are to be implemented; and

"(cc) in the case of a project which would duplicate existing services, the reasons therefor.

"(II) Grouping of applications.—The review panel shall separate into 2 groups the applications for a loan under this subsection received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

"(III) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

"(IV) Written policy and criteria.—

"(aa) In general.—Subject to subdivision (bb), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3).

"(bb) Prohibition against development or acquisition of telecommuncations transmission facilities.—The policy and criteria developed under subdivision (aa) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

"(iii) Transmittal of ranked applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to the section 360(b)(3)(B) each list of applications ranked pursuant to clause (ii) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) are transmitted to the State coordinator pursuant to section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

"(C) Priority.—The Administrator shall establish procedures to target loans under this subsection to the rural areas and applicants that demonstrate the need for such loans, taking into consideration—

"(i) the relative needs of all applicants;

"(ii) the needs of the affected rural areas;

"(iii) the financial ability of the applicants, without such loans, to use telecommunications for the business purposes for which such loans may be made; and

"(iv) the recommendations of the review panels for the States in which such areas are located.

"(D) Report required if administrator intends to fund projects other than as recommended by review panel.—If the Administrator determines to provide loans under this subsection to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

"(i) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

"(ii) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

"(E) Monitoring of use of loans.—The Administrator shall take such steps as may be necessary to ensure that loans provided under this subsection are used in accordance with the approved application therefor.

"(3) Relationship to state law.—This subsection shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

"(4) Regulations.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall prescribe final regulations governing the loan program established under this subsection, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

"(5) Definitions.—As used in this subsection:

"(A) Administrator.—The term 'Administrator' means the Administrator of the Rural Development Administration.

"(B) Review panel.—The term 'review panel' means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361.

"(C) Rural area.—The term 'rural area' has the meaning given such term in section 306(a)(7) for purposes of loans for essential community facilities under section 306(a)(1).

"(D) Telecommunications terminal equipment.—The term 'telecommunications terminal equipment' means telecommunications equipment (excluding telecommunications transmission facilities) that—

"(i) interconnects with telecommunications transmission facilities; and

"(ii) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

"(E) Telecommunications transmission facilities.—The term 'telecommunications transmission facilities' means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

"(6) Treatment of loan program as designated rural development program.—For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2)).

"(7) Limitations on authorization of appropriations.—

"(A) In general.—For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Availability.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

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Subtitle B—Miscellaneous Rural Telecommunications Provisions

SEC. 1051. SHORT TITLE.

This subtitle may be cited as the "Rural Telecommunications Infrastructure Improvements Act of 1990".

SEC. 1052. RURAL TELECOMMUNICATIONS ZONES.

(a) Lists of State Rural Telecommunications Zones.—

(1) Preparation of List.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) Number of rural areas per state in list.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) Provision of Report to Federal Agencies Considering Relocating Data Processing Operations.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) Agencies Required To Analyze Costs and Benefits of Certain Relocation Options.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee of Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) Regulations.—The Administrator shall, in consulation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Rural area.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

SEC. 1053. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) In General.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) Maximum Grant Per Local Government.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) Maximum Amount of Grants Per Year.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) Limitation on Authorization of Appropriations.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) Definitions.—As used in this section:

(1) Eligible government.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) Emergency public safety telephone answering system.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) Under secretary.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1054. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) In General.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) Coordination.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) Recommendations.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) Rural Area Defined.—As used in this section, the term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

By Mr. WISE:

—Page 93, after line 8, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This title may be cited as the "Rural Business Development and Telecommunications Act of 1990".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Business Development

Sec. 1011. Purposes.
Sec. 1012. Loans for business telecommunications partnerships.

Subtitle B—Rural Telecommunications Provisions

Sec. 1051. Rural telecommunications zones.
Sec. 1052. Grants for emergency public safety telephone answering systems.
Sec. 1053. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Business Development

SEC. 1011. PURPOSES.

The purposes of this subtitle are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1012. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i) Loans for Business Telecommunications Partnerships.—

"(1) In General.—The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment, computers, computer software, and computer hardware.

"(2) General requirements.—

"(A) Application process.—

"(i) Submission of application.—Any entity desiring a loan under this subsection shall submit an application therefor to the Administrator.

"(ii) Contents of application.—Each application for a loan under this subsection shall include—

"(I) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

"(II) a description of the manner in which the proposed project is to be funded;

"(III) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

"(IV) a description of the manner in which the applicant intends to use the loan requested in the application;

"(V) a description of how the proposed project will be evaluated; and

"(VI) such other information as the Administrator may reasonably require.

"(B) Consideration of applications.—

"(i) Review by administrator.—The Administrator shall—

"(I) review each application submitted pursuant to subparagraph (A)(i);

"(II) determine whether or not the application meets the requirements of subparagraph (A)(ii);

"(III) approve each application which meets such requirements;

"(IV) disapprove each application which fails to meet such requirements; and

"(V) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

"(ii) Review by state review panels.—

"(I) In general.—The review panel of a State shall examine each application transmitted to the review panel pursuant to clause (i)(V) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

"(II) Authority to obtain information from applicants.—Each entity which submits an application for a loan under this subsection shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

"(III) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of an entity for a loan under this subsection, request the entity to modify the project described in the application.

"(iii) Ranking of applications.—

"(I) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this subsection, in an order which takes into account—

"(aa) the results of the review conducted under clause (i);

"(bb) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1)) developed for the areas in which the projects are to be implemented; and

"(cc) in the case of a project which would duplicate existing services, the reasons therefor.

"(II) Grouping of Applications.—The review panel shall separate into 2 groups the applications for a loan under this subsection received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

"(III) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

"(IV) Written policy and criteria.—

"(aa) In general.—Subject to subdivision (bb), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3).

"(bb) Prohibition against development or acquisition of telecommunications transmission facilities.—The policy and criteria developed under subdivision (aa) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

"(iii) Transmittal of ranked applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) each list of applications ranked pursuant to clause (ii) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) are transmitted to the State coordinator pursuant to section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

"(C) Priority.—The Administrator shall establish procedures to target loans under this subsection to the rural areas and applicants that demonstrate the need for such loans, taking into consideration—

"(i) the relative needs of all applicants;

"(ii) the needs of the affected rural areas;

"(iii) the financial ability of the applicants, without such loans, to use telecommunications for the business purposes for which such loans may be made; and

"(iv) the recommendations of the review panels for the States in which such areas are located.

"(D) Report required if administrator intends to fund projects other than as recommended by review panel.—If the Administrator determines to provide loans under this subsection to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

"(i) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

"(ii) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

"(E) Monitoring of use of loans.—The Administrator shall take such steps as may be necessary to ensure that loans provided under this subsection are used in accordance with the approved application therefor.

"(3) Relationship to state law.—This subsection shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

"(4) Regulations.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall prescribe final regulations governing the loan program established under this subsection, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

"(5) Definitions.—As used in this subsection:

"(A) Administrator.—The term 'Administrator' means the Administrator of the Rural Development Administration.

"(B) Review Panel.—The term 'review panel' means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361.

"(C) Rural area.—The term 'rural area' has the meaning given such term in section 306(a)(7) for purposes of loans for essential community facilities under section 306(a)(1).

"(D) Telecommunications terminal equipment.—The term 'telecommunications terminal equipment' means telecommunications equipment (excluding telecommunications transmission facilities) that—

"(i) interconnects with telecommunications transmission facilities; and

"(ii) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

"(E) Telecommunications transmission facilities.—The term 'telecommunications transmission facilities' means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

"(6) Treatment of loan program as designated rural development program.—For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2)).

"(7) Limitations on authorization of appropriations.—

"(A) In general.—For loans under this subsection, there are authorized to be ap-

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propriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Availability.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

Subtitle B—Rural Telecommunications Provisions

SEC. 1051. RURAL TELECOMMUNICATIONS ZONES.

(a) Lists of State Rural Telecommunications Zones.—

(1) Preparation of list.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1, of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the areas which are set forth in subparagraph (C).

(2) Number of rural areas per state in list.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) Provision of Report to Federal Agencies Considering Relocating Data Processing Operations.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) Agencies Required To Analyze Costs and Benefits of Certain Relocations Options.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) Regulations.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Rural area.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

SEC. 1052. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) In General.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) Maximum Grant Per Local Government.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) Maximum Amount of Grants Per Year.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) Limitation on Authorization of Appropriations.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) Definitions.—As used in this section:

(1) Eligible government.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) Emergency public safety telephone answering system.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) Under secretary.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1053. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) In General.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) Coordination.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) Recommendations.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) Rural Area Defined.—As used in this section, the term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

SENATE—*Wednesday, March 21, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Honorable CARL M. LEVIN, a Senator from the State of Michigan.

PRAYER

The Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Bless the Lord, O my soul: and all that is within me, bless his holy name. Bless the Lord, O my soul, and forget not all his benefits: Who forgiveth all thine iniquities; who healeth all thy diseases; Who redeemeth thy life from destruction; Who crowneth thee with loving kindness and tender mercies.—Psalm 103:1-4.

Gracious God, Lord of life, full of mercy, grace and love, we commend to Your comfort and care Senator SPARK MATSUNAGA, his loved ones, and his staff; Robin Nickles and her parents, Senator and Mrs. Nickles; Officer Bill Ashton who enters the hospital today for treatment of his heart; Pat Makanui of the Journal office; and we pray for George McClain and any others among our large family who are ill or in need of the comfort of God.

Thank Thee, Lord, for the assurance of Your love and healing. In the name of Jesus, the great Physician. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CARL LEVIN, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. LEVIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning the time for the two leaders has been reduced to 7½ minutes each and at 9:30 the Senate will resume consideration of the clean air bill. Under the unanimous-consent agreement entered into last evening, between 9:30 and 10 there will be 30 minutes of debate on the pending Boschwitz-Boren amendment, with the vote relative to that amendment to occur at 10 a.m.

Following that vote, I expect that several Senators will be ready to proceed. I am advised that the distinguished Senator from Massachusetts [Mr. KERRY], the distinguished Senator from Washington [Mr. ADAMS], and the distinguished Senator from Idaho [Mr. SYMMS], all have amendments that they are prepared to proceed with. I hope they will be here at that time and work with the managers on a schedule for those amendments to take place.

Senators should expect numerous votes today, as we hope that other Senators will be prepared to come forward with their amendments.

RESERVATION OF LEADER TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. HEINZ. Mr. President, I ask unanimous consent that I may proceed for not to exceed 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMPETITIVE RAIL SERVICE IN THE NORTHEASTERN UNITED STATES

Mr. HEINZ. Mr. President, we Americans believe strongly in the concept of competition. It is at the very heart of our economic policy. It is at the very heart of our approach in area after area. But competition can only exist when power has been brought into balance.

In the Northeastern United States, the balance of competitive power among railroads has been disrupted. The roots of this disruption go back to the mid-1970's and the creation of the Consolidated Rail Corporation, or, as we refer to it, Conrail.

What is at stake, of course, are not only jobs but captive shippers, businesses that depend on railroads to move their goods and to do so at competitive rates or prices.

Those of us who remember the Final System Plan of 1975 recall that it explicitly provided for a competitive rail system and structure. So, in addition to designating the property to be given to the Consolidated Rail Corporation, Conrail, which was originally created back in 1973 by the Regional Rail Reorganization Act, Congress also provided for the expansion of the Chessie System in order to provide some competition for the new entity of Conrail.

But history records that the Chessie System declined the offer and the new competitor designated by our legislation was to be the small Delaware & Hudson Railroad, a small railroad at that time which was to become larger and to afford some competition to Conrail.

As has been pointed out by some, the route structure that was provided to the D&H was flawed, it was inadequate, and as a result the D&H Railroad was doomed, in retrospect, to failure from square one. It never posted an operating profit. And now that the Delaware & Hudson is a bankrupt railroad, it was the little engine that could not.

Mr. President, I am one of Conrail's strongest and longest supporters. I was in the House serving on the Commerce Committee when we created it. When there was a proposal by the Reagan administration to sell it to another railroad and eliminate competition, I fought that administration, a Republican administration. I fought, instead, for the position that the Government sell its interest in Conrail, not to some other railroad, but that that interest be sold to the public and that Conrail be an independent entity, not absorbed as the captive of some other railroad competitor. And, in the 99th Congress, I sponsored resolutions and

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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amendments relating to the return of Conrail to the private sector through a public stock offering.

I did all of that, Mr. President, because, like most Americans, I strongly believe in competition. I felt it was vital that Conrail have the opportunity to compete against other railroads and that it could only do so if it was independent. And, of course, Conrail believed exactly as I do, at least at that time. Conrail, 7 or 8 years ago, said, "We want to be independent because we believe in competition." Eight years ago, Conrail stood for independence and competition. Today, I am sorry to say, Conrail stands on the other side of the tracks, opposing competition. Instead of being for competition, it is for driving the Delaware & Hudson Railroad into bankruptcy and out of business.

It is this Senator's view that Conrail cannot and should not have it both ways. The need for competitive rail service has never been greater. Mr. President, the fact is the Delaware & Hudson Railroad, which we need for competition, now has a prospective buyer. But that buyer recognizes it simply cannot just purchase the railroad and nurse it back to health as is. The Delaware & Hudson's route structure has to be modified but the modification depends on Conrail negotiating in good faith.

Conrail claims that providing the trackage rights that the buyers requested would cost it $50 to $100 million a year in business, or 2 to 3 percent of its annual revenue. It claims it would result in the loss of 600 to 900 jobs. This is an argument that this Senator would not just dismiss out of hand. Many of those jobs could be Pennsylvania jobs.

But I have repeatedly requested that Conrail provide me with its analysis of how they reach these figures. I would like to find out if they are sound, if they are true, or if they are false. These requests have been made in face-to-face discussions with Conrail executives as well as in writing.

I am sorry to say, nothing, absolutely nothing meaningful has been forthcoming—just the claims, the numbers, the figures—but none of the justification and backup.

Mr. President, last week I was encouraged by the news that Conrail and the D&H's buyer sat down with Members of Congress and a new offer was made. But this week I read in the Journal of Commerce an editorial by a Conrail executive that flies in the face of a good faith negotiating stand. I ask unanimous consent that this editorial appear in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HEINZ. Mr. President, it is my sense that Conrail will not budge unless Congress gives them the incentive to budge and that incentive is the legislation introduced by my colleague the Senator from New York [Mr. D'AMATO]. Therefore, Mr. President, I ask unanimous consent that my name be added as a cosponsor to S. 2210.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, I do not take this type of legislation lightly. I believe deeply in letting the marketplace decide. But I believe more deeply in competition.

When the public decided that competition was healthy for the telecommunications sector, the Government intervened and AT&T divested itself of the Baby Bells. The public has decided we must save the Delaware & Hudson to preserve competitive rail service in the Northeast. I only wish that in this matter Charles Warner was right when he said public opinion is stronger than the legislature. This time the public needs our help.

EXHIBIT 1

[From the Journal of Commerce, Mar. 19, 1990]

WHO PAYS TO SAVE THE D&H?

(By Charles N. Marshall)

About 20 years ago, the bankruptcy of six railroads threatened vital rail service throughout the Northeast and Midwest. Shippers across the nation demanded that Congress solve the "railroad crisis."

As a matter of public policy, Congress invested substantial tax dollars, creating Consolidated Rail Corp. to operate and rebuild that rail network. The public investment was a huge success. Today, Conrail provides high-quality, market-competitive freight service to customers throughout the region. In 1987 the government, after determining correctly that it ought not be involved in owning a company competing in the private sector, sold its interest in Conrail to investors through a public stock offering, and retired Conrail's debt after receiving a total of nearly $2 billion: $300 million in payments from Conrail and the rest through the stock offering. Conrail's investors paid the market value for what they received.

Today, another railroad is in bankruptcy, the Delaware & Hudson. The D&H, with a long history of bankruptcy, serves a few shippers and a much smaller area than the six railroads that formed Conrail.

Some believe that saving the D&H is a matter of important public policy. They believe this, even though "saving the D&H" is not necessary to preserve rail service for D&H customers, most of whom could easily be served by short-line railroads.

Those who want to "save the D&H" don't want to do so with public dollars. Instead, they want Congress to require that Conrail cede to the D&H freight traffic worth from $50 million to $100 million in annual revenues by giving D&H use of Conrail-owned and maintained tracks between Harrisburg, Pa., and Hagerstown, Md.

Even before the D&H bankruptcy trustee selected Canadian Pacific to purchase the D&H, Conrail began negotiations with the Canadian Pacific on access to Conrail's Harrisburg-Hagerstown tracks. But the most Canadian Pacific offered to compensate Conrail for its $50 million to $100 million annual revenue loss was traffic worth, at best, $1.5 million a year. Canadian Pacific refused to provide Conrail access to significant Quebec traffic. Both parties agreed that a settlement was unlikely, and ended discussions.

If Conrail is forced by legislation to grant Canadian Pacific or another D&H successor rights to its Harrisburg-Hagerstown tracks, more is at stake than Conrail revenue.

Jobs, for instance. As Conrail loses revenue, it would be forced to consider job cuts. If Conrail loses $50 million to $100 million, or about 2 percent to 3 percent of its annual revenue, that would mean 2 percent to 3 percent of Conrail jobs, or 600 to 900 positions. Is it fair to ask Conrail workers in Massena, N.Y., and Altoona, Pa., to sacrifice their jobs for a few hundred on the Canadian Pacific or the Delaware & Hudson?

And the cost could be even greater than lost revenue and lost jobs.

The bill now being considered in Congress would re-involve the government in the railroad industry in a significant new way, undermining the market-based principles which have restored most railroads to health over the past 10 years.

Government involvement in railroad business decisions was a major reason why the railroads of the Northeast and Midwest failed in the 1960s and 1970s. A return to this active federal economic intervention would return us to the "railroad crisis" of 20 years ago. This threatens not only the economic health of Conrail and the shipping public it serves, but of the entire U.S. rail freight network.

Trucks are the real competition for freight traffic today. It makes no sense to weaken a successful railroad just to allow the D&H trustee to sell the property for a huge price. What we must work toward is stable, continuing rail service for D&H shippers. This objective can be achieved without confiscating Conrail's property. Several short lines, led by the Delaware Otsego system, have proposed just such a solution.

Conrail is no stumbling block. But Conrail should not be made responsible for supporting and subsidizing the D&H. At the same time, Conrail remains open to reaching a solution fair to all parties. Subsidies seem not to be required. But if they are, as some contend, then it is the beneficiaries who should pay, not Conrail.

(Charles N. Marshall is senior vice president, Consolidated Rail Corp., Philadelphia.)

Mr. HEINZ. Mr. President, seeing no other Senators on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293, to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purpose.

(3) Wirth/Armstrong amendment No. 1313 (to amendment No. 1293), to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

(4) Byrd modified amendment No. 1329 (to amendment No. 1293), to provide benefits for terminated coal mine workers.

(5) Boschwitz/Boren amendment No. 1345, (to amendment No. 1293), to require States to adopt a small stationary source technical and environmental compliance assistance program.

AMENDMENT NO. 1345

Mr. BOSCHWITZ. Mr. President, I send a modification of my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. If the Senator will suspend for a moment, the Chair informs the Senator that under the previous order issued last night, there will be a rollcall vote on this amendment at 10 a.m.

AMENDMENT NO. 1345, AS MODIFIED

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. I ask unanimous consent that I now be allowed to modify the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1345), as modified, is as follows:

On page 34 of the amendment, between lines 15 and 16, insert the following:

(d) Section 110 of the Clean Air Act is amended by adding at the end the following:

"(q) SMALL BUSINESS STATIONARY SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM.—

"(1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator as part of the State implementation plan for such State or as a revision to such State implementation plan under this section, plans for establishing a small business stationary source technical assistance program. Such submission shall be made within 24 months after the date of enactment of this subsection. The Administrator shall approve such program if it includes, as appropriate, the following:

"(A) adequate mechanisms for developing, collecting, evaluating, and coordinating information concerning compliance methods and technologies for small business stationary sources (as defined in paragraph (6));

"(B) adequate mechanisms for advising small business stationary sources on pollution prevention, including providing information concerning alternative technologies, process changes, chemical products, and methods of operation that help reduce air pollution;

"(C) a designated State office within the relevant State agency to serve as ombudsman for small business stationary sources in connection with the implementation of this Act;

"(D) adequate mechanisms to assure that small business stationary sources receive notice of their rights under this Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposal or final regulation or standard issued under this Act, and

"(E) Such a program may, at the discretion of the States include a voluntary Compliance Agreement for Term permits as described in paragraph (3) of this subsection;

"(2) The Administrator shall establish within 9 months after the date of the enactment of this section a small business stationary source technical assistance program. Such program shall—

"(A) assist the States in the development of the program required under paragraph (1) of this subsection and section 112(m);

"(B) issue technical guidance for the use of the States in the implementation of these programs that includes alternative control technologies and pollution prevention methods applicable to small business stationary sources;

"(3) The State may establish a permit program under part B of title III for small business stationary sources located within a nonattainment area, ozone transport area, or subject to a standard under section 112. Such program may provide that—

"(A) a small business stationary source may obtain a Compliance Agreement for Term permit under this subsection as a substitute for any general permit issued under section 353(e);

"(B) such Compliance Agreement for Term permit may be developed after consultation with the small business stationary source or with duly authorized representatives of the small business stationary sources;

"(C) Compliance Agreement for Term permits issued under this subsection to small business stationary source shall require compliance with applicable emission limitations, pollution control measures, and recordkeeping and reporting requirements under this Act: *Provided*, That methods of compliance with any such standard or requirement may be modified for a small business stationary source in such permit based on the technical and financial capability of the small business stationary source or group of sources and the availability of less burdensome alternatives, and, in particular, pollution prevention measures, that will achieve equivalent emission reductions consistent with the public health, welfare and environmental protection goals and deadlines of this Act;

"(D) any Compliance Agreement for Term permit issued to a small business stationary source under this subsection shall be issued in accordance with the procedures under part B of title III of this Act, and shall be subject to review by the Administrator, as provided in such part;

"(E) the State (or the Administrator) may reduce any fee required under this Act to take into account the financial resources of a small business stationary source;

"(F) requirements for continuous emission monitoring will not be imposed on a small business stationary source (or sources) unless the State (or the Administrator) has determined, on the basis of substantial evidence, that such requirements are necessary and appropriate; and

"(4) With respect to small business stationary sources, in exercising prosecutorial discretion under section 113(c) of this Act, in issuing orders under section 113(d) of this Act, or in determining the amount of any penalty to be assessed under this Act, the United States, the State, and the court shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

"(5) Compliance with the terms and conditions of a permit issued in accordance with the requirements of part B of title III and this subsection shall be deemed compliance with all requirements of the Act that are explicitly addressed by such terms and conditions: *Provided, however*, That compliance with the terms and conditions of a permit so issued shall not alter, modify, or otherwise affect the authority of the Administrator under section 303 (emergency powers) or the requirement to comply with any order issued under section 303.

"(6) For purposes of this subsection, the term 'small business stationary source' is a small business concern as defined by the Small Business Act, 15 U.S.C. 632 and regulations promulgated by the Environmental Protection Agency: *Provided*, That for any small business compliance program promulgated pursuant to paragraph 3 of this subsection, a 'small business stationary source' is further defined as any stationary source of air pollutants regulated under this Act that emits or has the potential to emit not greater than 100 tons per year of any criteria pollutant or of oxides of nitrogen or volatile organic compounds (or 50 tons of such compounds in any severe or extreme nonattainment area) and not greater than 10 tons per year for any pollutant or 25 tons per year for any combination of pollutants which have been listed as hazardous air pollutants under section 112. The Administrator, in consultation with the Administrator of the Small Business Administration and after providing notice and opportunity for public comment, may exclude from this definition any category or subcategory of sources that the Administrator determines to have sufficient technical and financial capabilities to meet the requirements of this Act without the application of this subsection.

"(7)(A) The Administrator, acting through the Director of the Office of Small Business Advocacy (hereinafter referred to as the 'Director') to monitor the Small Business Environmental Compliance Assistance Program under this subsection. In carrying out such monitoring activities the Director shall—

"(i) render advisory opinions on the overall effectiveness of the Small Business Environmental Compliance Assistance Program, difficulties encountered, and degree and severity of enforcement;

"(ii) make periodic reports to the Congress on the compliance of the Small Business Environmental Compliance Assistance Program with the requirements of the Paper-

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work Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;

"(iii) review information to be issued by the Small Business Environmental Compliance Assistance Program for small business stationary sources to ensure that the information is understandable by the layperson; and

"(iv) have the Small Business Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

"(8)(A) There shall be created a Compliance Advisory Panel (hereinafter referred to as the 'Panel') on the State level of not less than 7 small business owners. This Panel shall—

"(i) render advisory opinions concerning the effectiveness of the Small Business Compliance Assistance Program, difficulties encountered, and degree and severity of enforcement;

"(ii) make periodic reports to the Administrator concerning the compliance of the State Small Business Environmental Compliance Assistance Program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;

"(iii) review information for small stationary sources to assure such information is understandable by the layperson; and

"(iv) have the Small Business Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

"(B) The Panel shall consist of—

"(i) 2 members selected by the Governor;

"(ii) 2 members selected by the State legislature (1 member each by the majority and minority leadership of the lower house, or in the case of a unicameral State legislature, 2 members each shall be selected by the majority leadership and the minority leadership, respectively, of such legislature, and clause (iii) shall not apply);

"(iii) 2 members selected by the State legislature (1 member each by the majority and minority leadership of the upper house, or the equivalent State entity); and

"(iv) 1 member selected by the head of the department or agency of the State responsible for air pollution permit programs.".

Mr. BOSCHWITZ. Mr. President, this is a modification agreed to by all of the parties. It is an overview that does not preempt any State from its rights under this bill or its rights with respect to imposing clean air standards. It sets up a technical assistance standard for small businesses. It allows States to have a special permitting requirement for small business so that small businesses will be more easily able to comply with this very, very technical bill.

This bill, Mr. President, as I have said in my earlier statements, is one of the more complex pieces of legislation that I have dealt with since coming to the Senate. I foresee that there will be a great consternation among the small business community in terms of complying with this bill. It was the purpose of this amendment to try to make it easier for small business.

I think that our purpose will be achieved because we mandate technical assistance on the one hand, but on the other hand, the permitting is not mandated but discretionary. It is our hope that the States will take it upon themselves to use the discretion to have specialized permitting sections for the small businesses so that they will reasonably able to comply.

Mr. BOREN. Mr. President, I want to commend my colleague from Minnesota. It has been a real pleasure to work with him on this very important piece of legislation, and this amendment.

I want to express my appreciation also to the managers of the bill.

I think we have drafted a very constructive compromise here, one that will help small businesses, one that will provide technical assistance, and one which gives States and local governments flexible approaches to working out very difficult problems that small businesses may have in coming into full compliance.

I think it actually will result in more effective and full compliance, and thereby promote a cleaner environment as well. So it is a happy solution.

I commend my colleague for his leadership well done.

Mr. BOSCHWITZ. I thank the Senator from Oklahoma who has stated our goal very well. I say to my friend from Oklahoma and also from Montana that we went on until almost 11 last night. I had not eaten. I had not realized why I felt so, but I had to eat a little bit to stay alert.

I yield the floor.

The PRESIDING OFFICER. The Chair informs the Senate that under the previous order there is a vote scheduled at 10 a.m.

The time for the Senator from Minnesota under the previous order is expired.

The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I ask unanimous consent that that vote occur not at 10 o'clock but at 10 minutes after 10.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Does the Senator wish to allocate time?

Mr. BAUCUS. Mr. President, I ask unanimous consent that the remaining 10 minutes be allocated evenly between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, this is a modified version of the Boschwitz-Boren amendment, and it is acceptable to the managers of the bill. The amendment essentially sets up a small business technical assistance program, so that small businesses can more easily comply with the provisions of the act, not only the air toxic provisions, but the nonattainment provisions.

The amendment has been modified, though, so that the alternative regulatory scheme that would apply to small businesses would be discretionary; that is, the State would not have to set up a program; it is not mandatory for a State to set up a program, but at its discretion the State may, if it so chooses.

In addition, the amendment has been so modified so that the program that a State may set up must have a result so the consequences of the small business, emissions consequences of the small business, in no way are less rigid than those that would apply if the State alternative program were not in effect. It is not only that the same environmental standards must be met, but the same public health standards. The amendment has been modified to make that last change.

With the modifications, I think it is a good assist, particularly providing technical assistance to the small business amendment. In no way will it degrade the environment. It is the intent of the authors that this amendment in no way degrades the environment. That is, if the amendment were not enacted, the standards the businesses would have to comply with would be just as stringent as the standards the businesses would comply with if the State were to set up an alternative scheme. There is no difference in environmental consequences or public health consequences. This amendment has been modified, and with that change, we accept the amendment.

Mr. DOLE. Mr. President, I rise today in support of the Boschwitz-Boren amendment because it is a commonsense solution to the problems of how to ensure small businesses understand the requirements of the act and how to assist them to comply.

The Boschwitz-Boren amendment combines a commitment to tough standards for cleaning the air with assurances to small businesses that they have the assistance they need to meet the new requirements. In addition, it achieves comparable health benefits consistent with the goals and deadlines of the act.

Small businesses want to do their fair share to clean the air. The results of a recent National Federation of Small Business survey of their membership revealed a majority of the small business owners were willing to make changes in their business practices to clean the air even though these changes were likely to be expensive.

In order for small businesses to contribute to environmental improvement and to stay viable, the technical and regulatory assistance contained in this amendment must be available to them.

This improvement will be welcome in my State of Kansas where there are numerous small businesses that will be seeking advice on how to comply with this complex piece of legislation. The Small Business Environmental Compliance Assistance Program created through the State implementation plans makes for good policy and good sense.

I welcome the regulatory tone this amendment sets. The vast majority of small business owners want to be responsible, but resent being treated like wrongdoers and resent useless redtape. This amendment encourages small businesses to come into compliance earlier by offering technical assistance and a regulatory consideration of their financial and managerial limitations. I urge my colleagues to vote for small business and for clean air. I urge them to vote for the Boschwitz-Boren amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Who yields time? The time is controlled by Senator BOSCHWITZ and Senator BAUCUS.

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, I want to congratulate those who offered the amendment. The senior Senator from Oklahoma and the distinguished Senator from Minnesota have both been long interested in attention to small business. This is a helpful amendment for small business. It provides for technical assistance, regardless of the amount of the emissions. In other words, if the business qualifies as a small business under the SBA definition, then that business is entitled to the technical assistance provided by the EPA in meeting these difficult permit standards.

So I think it is a good amendment, as modified. It will accomplish the goals. Yet, as has been pointed out, it will not denigrate in any way the health standards that are provided for in this legislation. I congratulate both authors of the amendment.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that Senator GORTON and Senator LOTT be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. I yield back the remainder of my time.

The PRESIDING OFFICER. Senator BAUCUS still has 1 minute 13 seconds.

Mr. BAUCUS. Mr. President, I yield back the remainder of my time. I see no reason why we cannot have the vote immediately and ask unanimous consent that the vote on the Boschwitz amendment now be in order.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. BOSCHWITZ. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—98

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—0

NOT VOTING—2

Matsunaga
Stevens

So the amendment (No. 1345), as modified, was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the distinguished junior Senator from Missouri [Mr. BOND] and myself both be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1329, AS MODIFIED

Mr. CHAFEE. Mr. President, the pending business, I believe, is the Byrd amendment.

The PRESIDING OFFICER. That is correct.

Mr. CHAFEE. Is there any objection to setting that aside to consider an amendment by the distinguished Republican leader, Senator DOLE?

Mr. BYRD. Mr. President, I have no objection to setting it aside. I have been ready to vote on that amendment since a week ago tomorrow. I have been ready to vote on Thursday, ready to vote on Friday.

I would be pleased to agree on a vote and make it a day ahead so that everybody knows when the vote is going to occur. I would be happy to do that, set some time for debate on it, so that we know the hour and the day. That would be satisfactory to me. It will have to be voted on at some point, or some amendment will have to be voted on; I think we are all aware of that.

I have not tried to obstruct the activity on the bill. I do not intend to. I have been ready to vote. But the more I thought about it, I have come to the conclusion that we ought to have a time and day for that vote. We have at least one Member of the Senate who is quite ill and whether or not he can come to the vote, I do not know. But at least if we set a time and a day everybody is on notice.

In the meantime, I have no objection to setting the amendment aside for the moment.

The PRESIDING OFFICER. Is there objection? Hearing none, the amendment is set aside.

AMENDMENT NO. 1347 TO AMENDMENT NO. 1293

(Purpose: To require a determination of the impact on small communities)

Mr. CHAFEE. Mr. President, on behalf of Senator DOLE, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DOLE, for himself, and Mr. PRESSLER, proposes an amendment numbered 1347.

At the end of the bill, add the following new title:

TITLE —MISCELLANEOUS PROVISIONS

IMPACT ON SMALL COMMUNITIES

SEC. 01. Before implementing a provision of this Act, the Administrator of the Environmental Protection Agency shall consult with the Small Communities Coordinator of the Environmental Protection Agency to determine the impact of such provision on small communities, including the estimated cost of compliance with such provision.

Mr. CHAFEE. Mr. President, this amendment is being offered on behalf of Senator DOLE. I think it is self-explanatory. Senator DOLE wishes to point out that most citizens of his State live in small communities that do not have the ability to analyze complex environmental legislation such as this. They rely on their elected representatives to analyze these bills and make the right choices when it comes to how they impact on the State. And

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EPA has chosen to create a small communities coordinator who listens to the concerns of these towns when it comes to compliance with the rules and regulations that EPA implements. It is a unique service and one that is not well known outside the agency.

Mr. President, I believe that there is no objection on either side to this amendment.

Mr. BAUCUS. Mr. President, I come from a rural State, the State of Montana. I can tell you that most communities in my home State have a very, very difficult time finding the personnel, finding the resources, and finding the means to meet Federal and State requirements that are imposed upon them, whether this is environmental regulation of the Safe Drinking Water Act or whether it is now going to other regulations under the Clean Air Act. It is very difficult for smaller communities to do what they want to do. Larger cities have the resources, larger cities have the expertise, larger cities are closer to the agencies both in proximity and mentally, in some sense, than are smaller communities.

I frankly think that it is imperative, if we are to exercise our support here in the Senate, to assist smaller communities so that they can do what they want to do.

This is an excellent amendment. I endorse it very strongly. I am very happy that the Senator from Kansas, the Republican leader, has offered this amendment. I urge its adoption.

Mr. DOLE. Mr. President, I am offering a very important amendment that substantially improves the clean air bill. The sum and substance of many of the discussions that have been going on with regard to the bill's cost have left out a way to determine the severe impact on small communities.

Most of the citizens of Kansas live in small communities that do not have the ability to analyze complex environmental legislation such as this. They rely on their elected representatives to analyze these bills and make the right choices when it comes to how they impact our States.

EPA has chosen to create a small communities coordinator who listens to the concerns of these towns when it comes to compliance with the rules and regulations EPA implements. It is a unique service and one that is not well known outside the agency.

I believe it is important that EPA take a close look at the economic impact to small communities before implementing these rules. If small communities know in advance what they are going to be required to do it will greatly assist them as they plan.

I also believe it important that EPA be aware of the impact of its actions. Too many times my constituents remind me that Washington is quick to mandate and regulate without regard to the consequences. This amendment does those things and I encourage my colleagues to support it.

The PRESIDING OFFICER. Is there further debate on amendment No. 1347? If not, the question is on agreeing to the amendment.

The amendment (No. 1347) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, yesterday the Senator from Massachusetts [Mr. KENNEDY] offered an amendment essentially providing for basic research and also an authorization for medical school grants to help train medical students on environmental matters. Yesterday the amendment was not cleared on the other side. It is my understanding that it has been cleared.

Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1343, AS MODIFIED

(Purpose: To authorize the Director of the National Institute of Environmental Health Sciences to conduct certain research in connection with air pollutants)

Mr. BAUCUS. Mr. President, I ask unanimous consent the amendment of the Senator from Massachusetts now be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I send the amendment to the desk on behalf of the Senator from Massachusetts and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. KENNEDY, for himself, Mr. KERRY, Mr. LAUTENBERG, and Mr. WIRTH, proposes an amendment numbered 1343, as modified.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment as modified is as follows:

On page 13, after line 9.

At the appropriate place in the amendment (No. 1293), insert the following:

Section 103 of the Clean Air Act is amended by adding at the end thereof the following:

"(g) STUDIES.—(1) The Director of the National Institute of Environmental Health Sciences may conduct a program of basic research to identify, characterize, and quantify risks to human health from air pollutants. Such research shall be conducted primarily through a combination of university and medical school-based grants, as well as through intramural studies and contracts.

"(2) The Director of the National Institute of Environmental Health Sciences shall conduct a program for the education and training of physicians in environmental health.

(3) The Director shall assure that such program shall not conflict with research undertaken by the Administrator.

"(4) There are authorized to be appropriated to the National Institute of Environmental Health Sciences such sums as may be necessary to carry out the purposes of this subsection.

Mr. BAUCUS. Mr. President, we discussed this at some length yesterday. I think with the changes the Senator made and the modifications he made, it is acceptable to this side.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, likewise on this side, it is acceptable.

Mr. KENNEDY. Mr. President, this amendment would authorize necessary funds for studying the adverse health effects of air pollution, and for training medical students to recognize and treat those effects.

It will authorize $120 million over 5 years for the National Institute for Environmental Health Sciences [NIEHS] to conduct a program of basic research on the risks to human health from air pollutants.

NIEHS has already contributed invaluable data from long-term population studies on the health effects of air pollution. This amendment will permit the agency to continue awarding research grants to universities and medical schools, conducting intramural studies, and overseeing research contracts. The amendment authorizes $20 million for fiscal year 1991; $22 million for fiscal year 1992; $24 million for fiscal year 1993; $26 million for fiscal year 1994; and $28 million for fiscal year 1995.

It will authorize $20 million over 5 years for NIEHS to conduct a program for the education and training of physicians in environmental health.

NIEHS currently sponsors a program of fellowships and institutional grants to prepare graduate students in a range of disciplines—for example, biochemistry, toxicology, and biostatistics—to conduct research on the impacts of air pollution. But NIEHS does not currently have such a training program for medical students. The amendment authorizes $4 million each year over the next 5 years for NIEHS to promote the teaching of environmental health in medical schools. The amendment will promote the proper diagnosis and treatment of medical problems resulting from air pollution.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 1343), as modified, was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I see the Senator from Massachusetts [Mr. Kerry] on the floor. I think we are now ready to consider his amendment.

Might I ask the Senator from Massachusetts if he wants to proceed with his FIP amendment?

Mr. KERRY. Mr. President, I would be delighted to proceed at this time.

Mr. BAUCUS. Mr. President, I ask unanimous consent the pending amendment be temporarily laid aside so the Senate can now consider the amendment by the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts [Mr. Kerry] is recognized.

AMENDMENT NO. 1348 TO AMENDMENT NO. 1293

(Purpose: To return to current law)

Mr. KERRY. Mr. President, I send an amendment to the desk and ask for its immediate consideration, on behalf of myself and Senator Wilson, Senator Cranston, Senator Kennedy, Senator Leahy, Senator Biden, Senator Bradley, and others.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Massachusetts [Mr. Kerry], for himself, Mr. Wilson, Mr. Cranston, Mr. Kennedy, Mr. Leahy, Mr. Biden, Mr. Bradley, Mr. Lieberman, Mr. Wirth, Mr. Kohl, Mr. D'Amato, Mr. Pell, Mr. Kasten, Mr. Lautenberg, Mr. Bryan, Mr. Adams, Mr. Metzenbaum, Mr. Harkin, and Mr. Gore, proposes an amendment numbered 1348.

Mr. KERRY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's Record under "Amendments Submitted.")

Mr. KERRY. Mr. President, the amendment that I sent to the desk on behalf of myself, Senator Wilson from California, and others, is a very simple amendment even though it is a long amendment because of the procedure. It actually only changes the substitute in five places, and only changes it in a way that restores the substitute to the state of current law. I want to emphasize that at the outset of all of my comments.

I approached, with Senator Wilson and others, the question of this particular amendment very sensitively with respect to the compromise situation that we find ourselves in. I would like to take a moment, if I may, just to address that.

I believe that Senator Mitchell, the majority leader, deserves extraordinary credit from all of us for having even gotten this bill to this stage where we are able to be debating it on the floor. As a person who participated from time to time in the course of those negotiations, I understand how difficult they were and the needs that required a compromise to get us to the point where we were even able to debate.

Clearly, Senator Mitchell's efforts on this have really been, I think, a legislative tour de force, and I give him extraordinary credit for that.

I likewise want to praise Senator Chafee and Senator Baucus, in fact all of those people mentioned who, I believe, would support the thrust of my amendment but for the fact that we are here on the floor of the Senate at this moment in a compromise situation.

I would like to question whether or not it is either appropriate or reasonable for the U.S. Senate, in the context of an effort to provide a clean air bill that is true to the original intentions of the clean air bill and the original action and words of the clean air bill of 1970—it is very difficult for me to understand how the compromise could stand in the way of maintaining existing law.

I have heard the distinguished majority leader—and I respect his words enormously—as he has tried to distinguish between those amendments that have come to the floor that attempt to establish new standards, or attempt to apply new statistics or new models of where we are going in the future and that require various new performance standards by various industries in our country. And, in accordance with the compromise, I can understand how interests might be ruffled in the process of those amendments being adopted.

But no U.S. Senator ever proposed the changes that we are now voting on. No U.S. Senator in the committee ever suggested that current law should be retreated from. No U.S. Senator, in the course of those negotiations, has ever suggested that there was a reason to apply some new standard to the EPA's right to apply a Federal standard to the States that do not comply, or some new loophole for a cost analysis which the Governors will involve themselves in, or a diffferent standard for the application of reasonable available control technology, or RACT, as we call it.

Mr. President, I heard the majority leader yesterday in his arguments say there is a difference between moving from existing law—I think his words were, "Let us make law, not a statement."

This is not a statement, Mr. President. This is an effort to make a good law and to keep a good law where there has been absolutely no showing whatsoever that that current law is somehow faulty or inadequate, or that there is a reason to change it from where we have been.

Mr. President, this is a debate about the primary pollution control law of this country. The outcome of this debate is going to determine the shape of our national cleanup effort for at least 10 years. And the decisions that we make, I believe, have to be made with an understanding of where we have been and what has brought us to this point, and the delays that have been built into the system and how the EPA has or has not chosen to respond in the past, as we measure what powers we do or do not take away from it now as we move into the future.

It is my belief, shared by colleagues who join me in this effort—and again I say I believe truthfully it is a view shared by some of those who may be forced to speak against it, that this compromise inadvertently, and I truly believe without full thought at that particular time as to some of the consequences—this is going to have the impact of having a dramatic adverse effect on the Nation's air pollution programs. And the reason is that these provisions which were put in at the final moments within the context of the negotiations essentially repeal essential elements of the 1970 Clean Air Act.

I know that not all Senators have had a chance to completely weigh every provision in this bill. I know how difficult it was, even as a sometime participant in the negotiations, to understand aspects of the bill with which committee members are not always familiar.

But, notwithstanding that, I am convinced that the results of the negotiations will be to have the unintended consequence that many of us often fear come out of our legislative efforts. What my amendment seeks to do is restore in three places the current law.

I respectfully suggest, whether one likes it or not, if we do not have those in the law we will have set back the capacity of the EPA and the States to be able to enforce what is the existing law and to enforce the standards that we are seeking in this current compromise.

I would like to just focus on the first area of change that we are proposing to restore. The substitute removes the Federal obligation to assure—and I underscore "obligation"—the obligation to assure that every city cleans up its smog and other pollutants to a healthful level.

That Federal role is a requirement of current law. It has worked in these past years. We merely seek to hold onto existing law, continually asking the question why it is, if we are passing a law to have stricter standards and meet healthful standards in the long run, we would want to retreat from where we have been and from what has worked?

The second area my amendment seeks to change: The substitute would allow calculations of technology, cost, and non-air-quality considerations to slow down the progress toward health standards.

It is not intentional that they do that. I know they did not set out to slow it down. But the consequence of the change in language is that there will now be an entry into the process of a new calculation that is an opportunity and an invitation for polluters to engage in a new kind of economic pressure, a whole new opportunity to come to Governors in each State on a case-by-case basis and say, "We cannot meet the standard; give us a waiver."

My amendment would seek to go back to existing law, which does not allow that loophole.

The third area: The substitute would limit the State and local authority in imposing reasonably available control technology on existing sources of pollution. The RACT technology requirement is part of existing law. No Senator asked that this be taken out. No hearing has been held to show why it should be taken out. There is no documentation in the committee report that suggests it should be taken out, and yet it is taken out, and it will have an adverse effect on our ability to be able to promote the clean air standards and to meet them. This amendment would seek to restore existing law.

Mr. President, this is obviously a very technical bill. The last debate was very technical. I would like to try just for a moment, if I can, to bring the debate back to the 1970 Clean Air Act and what our efforts are supposed to be really all about. That is health standards. The entire purpose of this exercise is to meet a national health problem and to try to do the best we can in order to clean up our Nation's air in the effort to do that.

We have made some progress, but progess has slowed significantly, and it has ultimately been reversed, as we know, during the 1980's. In 1977, Congress gave the areas with the worst auto-related pollution 10 years, until 1987, to achieve healthful air quality. As late as 1982, the EPA testified that only a handful of areas were going to miss that deadline by 1987. The fact is that in 1990, Mr. President, there are 101 areas in the country still suffering chronic smog, 44 areas with carbon monoxide pollution, and more than 50 areas that are also suffering unhealthful levels of fine particle pollution.

Most of us are obviously aware of the scope of that problem, particularly the summertime smog problem in our cities. But I would like to just draw attention for a moment, if I may, to the scope of this problem. There is a chart in back of me which points to the ozone nonattainment areas of the Nation. There are 10 areas in the entire country that currently are in attainment. The rest of the Nation are out of attainment. Most disturbing is that the red areas that are shown are those that have been newly added in the 1985 to 1987 period. The yellow represents the areas from 1985 to 1987. So we have been, and science shows, a rapid increase of population.

It is clear that this is not the moment to allow any kind of change in our capacity to meet clean air standards, and that is really what we are talking about.

Let me talk for a moment about the health impact of this, if I may, because I think that has to be kept as the paramount driving force behind this effort.

Ozone, as we know, is a highly reactive gas. More than 90 percent of the ozone inhaled by human beings is not exhaled. It is fixed to the respiratory tissues by a chemical combination. Unlike some air pollutants, which concentrate very close to their source, ozone is a regional pollutant. It moves. Pollution levels hundreds of miles downwind from the source can be affected as the ozone travels on the prevailing winds.

Anyone can suffer from ozone problems, from the ill effects of ozone pollution. In fact, today in the United States, over half of our citizens live in areas where one or more of the air quality standards are not met. Those especially vulnerable to this pollution include 31 million children, 19 million elderly, 6 million asthmatics, and 7.5 million individuals with chronic lung disease. For these individuals—all of them—the millions of individuals, the current risk due to the air pollution that we have now that is growing at this point in time is severely delimiting, it is debilitating, and it is even painful, Mr. President.

All of us understand some basic biology. The respiratory system, as we know, is the principal site of the human being's interaction with air pollution. There are a couple of simple facts one ought to think about when we think about why this is so important for us in the larger context. We breathe, each and every one of us, as a human being, an estimated 20,000 liters of air every day. That is to be compared to maybe the 2 liters of liquid that we drink. Twenty thousand liters of air we breathe. Each minute, 6 to 10 liters of air move across the surface of the tiny air sacs in our lungs. If those air sacs were spread end to end, they would cover an entire tennis court. A child starts out with only 30 million air sacs, but by the time that child becomes an adult, those 30 million have grown to 300 million.

The phenomenal rate of lung growth is what particularly puts infants and children at the greatest risk, and that is precisely why the American Lung Association and the American Medical Association and others have taken pains to point out the billions of dollars of health care costs that this air pollution is costing us on an annual basis.

Our knowledge of the impact of ozone on each and every one of us has grown dramatically in the last few years. The fact is that since we began debating the Clean Air Act, we now know that when ozone is inhaled in those thousands of liters a day, it reacts with our sensitive lung tissues. What happens is it irritates and inflames lungs, it causes a variety of consequences, including chest pain, pain on deep respiration, shortness of breath, coughing, nausea, throat irritation, and increased susceptibility to various lung and respiratory diseases.

There is a growing body of evidence that also shows that repeated exposure to ozone pollution scars lung tissue permanently. Similar effects of that kind of repeated exposure actually result in a stiffening of the lungs, reducing capacity and creating what scientists refer to as a premature aging of the lungs.

As I mentioned, Mr. President, the greatest concern that scientists have expressed are the effects on children. Why? Because their lungs are still growing and the increased amount of ozone has the impact, obviously, of increasing their risk of disease, which, obviously, then increases our medical costs and the societal costs at the back end.

Mr. President, I apologize for going at such length into it, but we have been wrapped up with extraordinary technical language. We are talking about RACT, talking about available this, furthering progress and definitions. We have to remember why we are here, what this is about, and what the consequences of our not taking the strongest action that we ought to be taking are and certainly what the consequences of not leaving existing law the way it is would be.

I was not in the U.S. Senate when Senator Edmund Muskie of Maine guided this landmark legislation through the body and to signature at the President's desk. A participant in that debate, Senator John Sherman Cooper, said then about this act that "it may have had a larger impact upon the social and economic life and health of this Nation" than any bill that he had observed during his service in the U.S. Senate.

The bill at that time passed unanimously, Mr. President. The Clean Air Act of 1970 made protection of the public health the primary purpose of air pollution control. It declared that when public health considerations conflicted with other concerns, public health was to be given the top priority.

Health standards were declared in 1970 to be the primary standards of this bill. The reason I emphasize this is that this amendment seeks to reassert the primacy of health standards, because what has happened in the compromise is that by virtue of the pulling away of those changes that no Senator asked for we are actually changing the primacy of the health standard. Now we are asserting a new process whereby each State will be free to choose and pick according to its waiver process and, worse, some States will be disadvantaged against other States because of economic considerations that will now gain a higher foothold above the primacy of those health standards.

The 1970 law set out to achieve healthful air quality as quickly as possible. The term was "as expeditiously as practicable." Very ambitious deadlines were set. Reductions were required for existing sources and state of the art controls were required on new soures. Where necessary, as we know, as in the case of automobiles, the act required the cleanup to go beyond the state of the art, and Congress recognized that modern society's ability to pollute outstripped our ability to control pollution, so the public health protection was given that higher priority and the law forced the development of technologies in order that we do an adequate cleanup job.

The 1970 act carefully balanced the responsibility to deliver healthy air and the Federal Government-State government roles in that process. The States and localities in 1970 were given the legal authority. The Federal Government had the power to review the plans and stood ready to step in when special interests made adequate State and local plans impossible.

The important point is that the original act contemplated, and we have successfully used for these 20 years, a major enforcement tool in the hands of the Federal Government.

The most significant enforcement tool of all was the right of citizens to be able to bring suit against the Government. A citizen had the right to force the Federal Government to do what it was supposed to do. That right of action is taken away, inadvertently, we believe, but it is taken away, by the substitute because there is no mandatory duty any more on the Federal Government side. Where there is no mandatory duty, the citizen has nothing to force. You cannot force a permissive or discretionary choice. You only have a right under administrative law to force a mandatory duty. The word "shall" has been removed so there is no mandatory duty and there is no capacity of a citizen to come to the Government and seek redress.

Mr. President, many of us have come to the Senate, have spent time in the Senate advocating the goals about which Senator Muskie and Senator John Sherman Cooper talked. We have criticized Presidents and EPA Administrators in the past for not adhering to those standards, and here we are now potentially about to join in a process that deletes the essence of the Clean Air Act's capacity to guarantee the meeting of these standards down the road.

I hope that is inadvertent, Mr. President. I hope we will correct it today, at this moment, when the Senate has the ability to work its will.

I say again to the distinguished majority leader and to the chairman of the subcommittee, who is managing this bill so well, that the whole notion of our approach to the compromise was that the Senate ought to be able to work its will. Senators ought to have the ability, when we come to the Chamber, to take whatever happened in a back room and improve it and shape it. It is my hope we are not going to be so locked into this notion that whoever participated in that process is somehow frozen by virtue of that process from having the Senate work its will effectively particularly on something so critical as maintaining the fabric of existing law.

The compromise strips away the enforcement power of the Federal Government. It leaves it discretionary. It leaves some sanctions. Indeed, it sets a percentage reduction, but it takes away the capacity of the Federal Government to step in and make people do what they clearly have proven over the last 20 years they are reluctant to do, they do not want to do, they will do as slowly as they possibly can.

The compromise substitute has, again I am confident, the absolutely unintended consequence but real consequence as a result of the language of saying to the States and localities that they can now get away with a loose concept of simply doing the best they can with limited expectations and limited cleanup tools. If they fail to do the best they can, the EPA can no longer threaten a Federal decisionmaking if the States and localities fail to act, or if it chooses to try to threaten one action or another it is usually going to be the least strong alternative and citizens are going to be left 10 or 15 years behind.

In a moment I will show how the 3-percent reduction process will leave us way out of attainment and far from the standards that we were supposed to meet under this bill.

So, Mr. President, not only does the compromise eliminate the mandatory duty under the existing law, but it repeals the right of the public to seek judicial intervention in order to assure healthy air.

Added to this is a critical provision that provides a loophole for pollution control evasion which, frankly, makes the pre-1986 Revenue Code look rigid. Without any public discussion, with no record in the Senate Environment and Public Works Committee, with no identifiable sponsorship, we have before us a provision which says that any Governor of any State can seek to walk away from pollution control requirements whenever someone with influence or access says pollution control costs too much or is not feasible or has nonair quality environmental impacts. What the amendment of the Senator from California and I and others seeks to do is maintain existing law which does not allow that loophole to exist.

Mr. President, the first part of our amendment requires the Federal Government to intervene where necessary. Now, during the debate on this amendment we will hear that the EPA is not really losing anything because the EPA has never voluntarily used the Federal cleanup authority; therefore, if they have never voluntarily used it, they are not about to use it, they are not really giving anything at all. The problem is this is a circular argument, Mr. President. In fact, it is not true.

I ask unanimous consent to have printed in the Record at the end of my remarks several documents which show specifically how the EPA has used this authority both at its own initiative and at the behest of citizen suits. I might note that the EPA in 1987 issued three Federal implementation plans for visibility protection alone.

The PRESIDING OFFICER (Mr. Ford). Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERRY. Mr. President, admittedly the Reagan EPA did not use the authority voluntarily. They only used it under legal duress. But I consider that a commentary not only on the Reagan Environmental Protection Agency, which did nothing to voluntarily move the processes, but it is also a comment on precisely what some States will choose to do absent the ability of the Federal Government to hold a sledgehammer over their heads. If nothing has happened voluntarily and you take away from the States' citizens the ability to be able to force people to do something, you are guaranteeing that in the future nothing is going to happen.

If those waivers existed previously, it is certain that they are going to exist to a greater degree when we get into the more difficult, more compressed choices of the last percentages, and of the newer technologies that are going to have to gather up

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the additional pollution. It is clear that the very same attitude that conditioned the nonvoluntary response of the administration exists also in States. Therefore, if the States are willing to adopt the same lackadaisical, noninvolved attitude, you wind up with nobody responsible, and with no lever to be able to come in and create change.

The existence of successful court action in my view demonstrates the very strength of this existing Clean Air Act. Why change it? The very fact that the Federal Government came into Wisconsin, came into Tucson and Phoenix, came into California and made a difference is testimony to the fact that the current law works. And the question must be asked why at a moment when we are pressing a new Clean Air Act to move us forward are we stepping back from this powerful tool which has enabled us to be able to create the small progress that we have made at this point in time?

We will hear in this debate that the EPA can accomplish as much under the new discretionary authority that has been granted by the pending substitute. I respond to that and ask unanimous consent to have printed in the RECORD a speech made by Senator Muskie when he introduced the 1970 Clean Air Act to the Senate.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE DEBATE ON S. 4358, SEPTEMBER 21, 1970

Mr. MUSKIE. Mr. President, I move that the Senate proceed to the consideration of Order No. 1214, S. 4358.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read the bill by title, as follows: S. 4358, to amend the Clean Air Act, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. MUSKIE. Mr. President, one of the most troubling aspects of our national mood is the crisis in confidence which afflicts too many Americans in all walks of life. It is a crisis marked by self-doubt, by a fear that our problems may be greater than our capacity to solve them, that our public and private institutions may be inadequate at a time when we need them most.

Our environmental problems have contributed heavily to that self-doubt and fear. A nation which has been able to conquer the far reaches of space, which has unlocked the mysteries of the atom, and which has an enormous reserve of economic power, technological genius, and managerial skills, seems incapable of halting the steady deterioration of our air, water, and land.

The legislation we take up today provides the Senate with a moment of truth: a time to decide whether or not we are willing to let our lives continue to be endangered by the wasteful practices of an affluent society, or whether we are willing to take the difficult but necessary steps to breathe new life into our fight for a better quality of life.

This legislation will be a test of our commitment and a test of our faith: in our institutions, in our capacity to find answers to difficult economic and technological problems, and in the ability of American citizens to rise to the challenge of ending the threat of air pollution.

I am prepared to affirm that faith—on the basis of the knowledge we have gained from existing air pollution control legislation, on the basis of our committee's studies, and on the basis of what Americans have been telling me and other Members of the Senate about their determination to overcome the obstacles to clean air.

I. THE NEED FOR THE LEGISLATION

Mr. President, we are considering this legislation in a year of environmental concern. The President devoted much of his state of the Union message to the environment, young and old together marked Earth Day in April, and Congress has considered an unprecedented number of bills dealing with the degradation of our air, water, and land.

In January of this year the President signed the National Environmental Policy Act. That law commits all agencies of the Federal Government to continuing environmental concern. In April of this year the Water Quality Improvement Act, built upon the record established by the Congress since 1965 in the area of water pollution control, was enacted.

The bill we consider today, however, faces the environmental crisis with greater urgency and frankness than any previous legislation. The effect of these amendments to the Clean Air Act will be felt by all Americans. This bill states that all Americans in all parts of the Nation should have clean air to breathe, air that will have no adverse effects on their health. And this bill is aimed at putting in motion the steps necessary to achieve that level of air quality within the next 5 years.

It is a tough bill, because only a tough law will guarantee America clean air. It is a necessary bill, because the health of our people is at stake.

Over 200 million tons of contaminants are spilled into the air each year in America. Each year we soil more clothes and buildings, destroy more plant and animal life, and threaten irreversible atmospheric and climatic changes. And each year these 200 million tons of pollutants endanger the health of our people.

The costs of air pollution can be counted in death, disease and debility; it can be measured in the billions of dollars of property losses; it can be seen and felt in the discomfort of our lives.

A reduction of 50 percent in air pollution in urban areas would result in savings of over $2 billion in the annual costs of health care in America.

So there is a need for this legislation. During the past year all of us have recognized this need. Last month, in transmitting the first annual report of the Council on Environmental Quality, President Nixon recognized this need:

"Man—

He said—

"has been too cavalier in his relations with nature. Unless we arrest the depredations that have been inflicted so carelessly on our natural systems . . . we face the prospect of ecological disaster."

In hearings on the bill before us, Mr. Joseph Germano, a steelworker from Chicago, also recognized this need. He told the committee:

"This old philosophy, that when you see the smoke rolling out of the tops of the blast furnaces there is prosperity, doesn't go anymore. The people don't look at that anymore.

"Prosperity doesn't mean anything if they are not going to live to enjoy the prosperity."

All Americans have agreed on the need for action. It is now time to determine whether that agreement has reflected only a lack of disagreement, or a genuine commitment to action.

II. A REVIEW OF THE LAW

The bill now before the Senate would amend the Clean Air Act. It is consistent with the purpose of that law and with the basic approach of the present program. In the Air Quality Act of 1967, Congress adopted this basic approach in amendments to the Clean Air Act of 1963.

The Senate report on the 1967 bill stated the purposes of the legislation:

"(It) is the intent of the Committee to enhance air quality and to reduce harmful pollution emissions anywhere in the country, and to give the secretary authority to implement that objective in the absence of effective state and local control."

The committee feels that S. 4358 is consistent with those purposes and reflects knowledge gained since the law has been in force.

The 1967 act established procedures for the achievement and maintenance of federally approved regional standards of ambient air quality. These standards, based on Federal criteria documents describing the effects of pollutants on health and welfare, are adopted and enforced on the State and local level. In the event that adequate standards are not developed or enforced, the Federal Government assumes the responsibility.

The underlying wisdom of the original legislation has been confirmed. We have learned from the criteria documents which have been issued for five pollutants that more decisive action must be taken now. We have learned from the standards-setting process that public participation is important, and we have learned from experience with implementation of the law that States and localities need greater incentives and assistance to protect the health and welfare of all people.

III. WHAT WE HAVE LEARNED FROM THE LAW

From the operations of the existing law, we have learned a great deal—about the concern of Americans over air pollution, about the response of polluters to this concern, and about the sacrifices we must make to protect our health.

The effectiveness of existing law depends in great part on the willingness of people to make tough decisions concerning the quality of air they want to breathe. And it depends on their willingness to make their wishes known in public hearings on the local level. This experiment in public participation has worked. It has opened doors once closed. People have become involved in the standards-setting process. They have learned of the threats to their health and they have sought to make the program responsive to their needs.

At the same time, some industries have not exceeded their best efforts to control air pollution. Two steel companies in the Chicago area, for example, dumped more pollutants into the air in 1968 than in 1963—3,500 tons more. Oftentimes, funds which should have gone for air pollution control have been spent on advertising and public relations designed to reduce the pressure on the companies to do what is necessary.

In the face of citizen concern and corporate resistance, we have learned that the air pollution problem is more severe, more pervasive, and growing faster than we had thought. Unless we recognize the crisis and generate a sense of urgency from that recognition, lead times may melt away without any chance at all for a rational solution to the air pollution problem.

IV. WHAT WE HAVE LEARNED ABOUT THE LAW

While we have learned much from the operations of the laws passed in 1963, 1965, and 1967, we have also learned much about the law itself.

It is clear that Congress was right in 1967 when national emissions standards without ambient air quality standards for stationary sources were rejected—in favor of regional ambient air quality standards with emissions standards as tools to meet them. Emissions standards alone will not—and probably cannot—guarantee ambient air quality which will protect the public health. The implementation of air quality standards must take more forms than emissions controls.

It is also clear that ambient air quality standards which will protect the health of persons must be set as minimum standards for all parts of the Nation, and that they must be met in all areas within national deadlines.

Congress did adopt emissions standards as the basic control technique for moving sources in 1965, because they are not controllable at the local level. Here we have learned that tests of economic and technological feasibility applied to those standards compromise the health of our people and lead to inadequate standards. It is clear that the long-range proposal for emission standards will only be adequate if the timetable is accelerated.

In 1963, Congress recognized that the Federal Government could not handle the enforcement task alone, and that the primary burden would rest on States and local governments. However, State and local governments have not responded adequately to this challenge. It is clear that enforcement must be toughened if we are to meet the national deadlines. More tools are needed, and the Federal presence and backup authority must be increased. [Sec. 116(a)] [1]

Finally, no level of government has implemented the existing law to its full potential. On all levels, the air pollution control program has been underfunded and undermanned. To implement the greater responsibilities of this bill, great financial commitments will have to be made and met at all levels. Air pollution control will be cheap only in relation to the costs of lack of control.

V. CHANGES RECOMMENDED

What we have learned—from and about the existing law—forms the basis of the changes recommended by the committee. Because we have fallen behind in the fight for clean air, it is not enough to implement existing law. We must go further. The Senate committee report on the Air Quality Act of 1967 warned polluters:

"Considerations of technology and economic feasibility, while important in helping to develop alternative plans and schedules for achieving goals of air quality, should not be used to mitigate against protection of the public health and welfare."

The warning, Mr. President, has been on the books of this committee for 3 years, for all to read.

Contrary to this intent, these considerations have been used as arguments to compromise the public health. Therefore, the committee has made explicit in this bill what is implicit to standards designed to protect our health. That concept and that philosophy are behind every page of the proposal legislation.

"The first responsibility of Congress is not the making of technological or economic judgments—or even to be limited by what is or appears to be technologically or economically feasible. Our responsibility is to establish what the public interest requires to protect the health of persons. This may mean that people and industries will be asked to do what seems to be impossible at the present time. But if health is to be protected, these challenges must be met. I am convinced they can be met.

"First, the bill provides for national ambient air quality standards for at least ten major contaminants that must be met by national deadlines. [Sec. 110(a)] This means that in every region of the country, air quality must be better than that level of quality which protects health. Anybody in this Nation ought be able at some specific point in the future to breathe healthy air.

"Second, national air quality goals—protective against any known or anticipated adverse environmental effects—will be set for the major pollutants and must also be achieved within specific time-frames on a regional basis. [Sec. 110(b)] Air quality goals are especially important because some pollutants may have serious effects on the environment at levels below those where health effects may occur. For example, the Secretary would be expected to disapprove regional air quality goals which would delay the application of controls required to protect plants and animals from the well-known hazards of exposure to fluorides.

"Third, the bill provides that newly constructed sources of pollution must meet rigorous national standards of performance. [Sec. 113] While we clean up existing pollution, we must also guard against new problems. Those areas which have levels of air quality which are better than the national standards should not find their air quality degraded by the construction of new sources. There should be no "shopping around" for open sites. These standards of performance would not specify what technology must be used by particular types of sources, only the emissions performance that must be met.

"Fourth, the bill provides the Secretary with the authority to prohibit emissions of hazardous substances. [Sec. 115] The committee was presented with strong evidence that any level of emissions of certain pollutants may produce adverse health effects that cannot be tolerated.

"Fifth, the bill provides the Secretary with the authority to set emission standards for selected pollutants which cannot be controlled through the ambient air quality standards and which are not hazardous substances. [Sec. 114] These pollutants could later be covered by either ambient air quality standards or by prohibitions as hazardous substances."

These five sets of requirements will be difficult to meet. But the committee is convinced that industry can make compliance with them possible or impossible. It is completely within their control. Industry has been presented with challenges in the past that seemed impossible to meet, but has made them possible.

As far back as 1869, the Alkali Act prohibited the emissions of hydrogen sulfides in England. Although industry had said that requirement could not be met, there was compliance within 2 years.

At the beginning of World War II industry told President Roosevelt that his goal of 100,000 planes each year could not be met. The goal was met, and the war was won.

And in 1960, President Kennedy said that America would land a man on the moon by 1970. And American industry did what had to be done.

Our responsibility in Congress is to say that the requirements of this bill are what the health of the Nation requires, and to challenge polluters to meet them.

The committee has also recommended significant changes in title II of the Act dealing with moving sources, and especially with automobiles.

In 1968, moving sources were responsible for more than 42 percent of the total emissions of the five major pollutants—including 64 percent of the carbon monoxide and 50 percent of the hydrocarbons. In health effects, these pollutants mean cancer, headaches, dizziness, nausea, metabolic and respiratory diseases, and the impairment of mental process. Clearly, solving the air pollution problem depends on the achievement of significant reductions in the emissions from automobiles. Clearly, protection of the public health requires quick and drastic reductions.

Since legislation to deal with the problem of automotive emissions was first introduced in 1964, the industry has known that they would have to develop the solutions to the problem. In 1965 they announced that national standards could be met in the fall of 1967.

As the report of the committee indicates, it is now clear that continued reliance on gradual reductions in automotive emissions would make achievement of the ambient air quality standards impossible within the national deadlines established in title I of this act. More important, it would continue hazards to our health long after they should have been eliminated.

In order to maintain those standards set under title I—standards which are necessary to protect the public health and which must be met in the next 5 years—the emissions standards for carbon monoxide, hydrocarbons, and nitrogen oxides which have been protected for 1980 must be met earlier. This bill would require that this be done by 1975. [Sec. 202(b)]

To insure that production line vehicles perform adquately, this bill would require that each vehicle manufactured comply with the standards for a 50,000-mile lifetime. [Sec. 207(c)] The manufacturer would be required to warranty the performance of each vehicle as to compliance with emission standards. The increased price of new cars that would be a result of the bill can be defended only if the emission control systems work satisfactorily for the life of the car.

The committee, in setting the 1975 deadline, made every effort to make that requirement consistent with what the industry has told the committee on many occasions over the years: It provides 2 years for research and development of the necessary technology, and 2 years to apply that technology in the mass production of vehicles.

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[1] Section numbers in this chapter refer to section numbers of S. 4358, as reported (pp. 531–625).

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In response to claims that these requirements cannot be met, the committee has included in the legislation an opportunity for a secretarial review of the 1975 deadline. A 1-year extension of the deadline could be granted upon a secretarial finding that such an extension would be necessary and justified. [Sec. 202(b)(4)(C)] The bill also provides for a review of that decision by an appellate court. [Sec. 202(b)(4)(D)]

It was only on the issue of secretarial review that the committee was divided. Several members, including myself, felt that an extension of the deadline was a major policy decision that should be made only by the Congress. We felt that if Congress decided that requirements of public health were not to be compromised in any way, any change in that policy would be properly reserved to the Congress.

It should be clear that the committee was unanimous on the important question of when review could be sought—either before Congress or the Secretary. In the committee's review, such review would not be available until the last possible moment. For an extension to be granted, the manufacturer would have to demonstrate not only impossibility, but also that all good-faith efforts had been made. [Sec. 202(b)(4)(D)]

The committee is aware of the problems these requirements might create for individual companies. Therefore, the bill provides a procedure for mandatory licensing which would make available patents, trade secrets, or know-how necessary to achieve compliance with the Standards Act to any manufacturer who can show a need and to whom the information is not otherwise available. This provision would also apply to stationary sources. [Sec. 309]

Mr. President, I should like to make the philosophy of the bill clear, with this emphasis:

Predictions of technological impossibility or infeasibility are not sufficient as reasons to avoid tough standards and deadlines, and thus to compromise the public health. The urgency of the problems requires that the industry consider, not only the improvement of existing technology, but also alternatives to the internal combustion engine and new forms of transportation. Only a clear cut and tough public policy can generate this kind of effort.

This philosophy has been stated by the committee before. In reporting the Air Quality Act of 1967 to the Senate, the committee said:

"The Committee recognizes the potential economic impact, and therefore economic risk, associated with major social legislative measures of this type. But, this risk was assumed when the Congress enacted social security, fair labor standards, and a host of other legislation designed to protect the public welfare. Such a risk must again be assumed if the nation's air resources are to be conserved and enhanced to the point that generations yet to come will be able to breathe without fear of impairment of health."

Detroit has told the Nation that Americans cannot live without the automobile.

This legislation would tell Detroit that if that is the case, they must make an automobile with which Americans can live.

The third major area in which the committee has recommended significant changes is the area of enforcement. Standards alone will not insure breathable air. All levels of government must be given adequate tools to enforce those standards. [Sec. 112]

The committee remains convinced that the most effective enforcement of standards will take place on the State and local levels. It is here that the public can participate most actively in bringing the most effective pressure to bear for clean air.

Public participation is therefore important in the development of each State's implementation plan. [Sec. 111(a)] These plans do not involve technical decisions; they do involve public choices that citizens should make on the State and local level. They should be consistent with a rational nationwide policy and would be subject to the approval of the Secretary.

The powers to enforce these standards must be increased for the State and local governments as well as the Federal Government. The bill thus requires adequate State enforcement authority as a part of implementation plans [Sec. 111(a)(2)(G)] and provides that abatement orders may be issued by the Secretary or his representative. [Sec. 116(a)(2)] Violations of these orders will be punishable by statutory penalties of as much as $25,000 for each day of a first violation [Sec. 116(b)(2)]

The bill also provides the Federal Government with the authority to use the influence of the Federal contract as an incentive to compliance with standards established under this act. [Sec. 306(c)] Federal contracts could be awarded only to facilities which were in compliance with the standards and requirements of this act.

Finally, the bill extends the concept of pulbic participation to the enforcement process. [Sec. 304] The citizen suits authorized in this legislation would apply important pressure. Although the committee does not advocate these suits as the best way to achieve enforcement, it is clear that they should be an effective tool.

VI. WHAT THE LAW CAN MEAN

These, then, are the commitments that the Congress should make—commitments to meaningful environmental protection; effective protection of the health of all Americans; and the early achievement of these goals.

Committing the Congress with this legislation, however, will not be enough. Here we can make only promises to provide the funds and manpower necessary to set and enforce the standards. We must carry this commitment through to the appropriations of those funds. If these promises that we make here are not kept, these will be empty promises.

May I reemphasize the point, Mr. President, that the number of personnel in the agency available today to deal with these problems is less than 1,000. We asked the administration to give us its best estimate of the numbers needed and the costs to administer and fully implement the bill before us if it is enacted into law.

The details on the administration's figures are in the report. Personnel would have to be increased to 1,741 in the present fiscal year; 2,535 in fiscal 1972; and 2,930 in fiscal 1973. In 1973, in order to provide the necessary personnel, the annual appropriations would have to be $320 million.

We talked about commitment, Mr. President. The 1967 act has not worked as well as it should have because we did not provide the manpower and the money to enforce it. For that reason, we are now forced to consider a more stringent law. So, for those who look to the law enacted in 1967, to those who are tempted to weaken this one let me make this point.

If the Senate passes the bill, if the House passes it in this form, and if the President signs it into law, we cannot make it work unless we have as a minimum the personnel and the dollars recommended by the administration.

Mr. President, I emphasize this because it is such an important point. The committee got these detailed estimates from the administration so that we could tell the Senate and the House of Representatives in advance what it is going to cost to make this law work.

I know the traditional attitude of the Appropriations Committee is that we in the legislative committees are good at putting together the big promises, but that since we do not have to concern ourselves with the details of what it will cost or how many people it will take, we are really not a very good bunch to write the figures into the law.

This is one time a legislative committee got the details. They are here for all to see. If the members of the Appropriations Committee are interested in those details, they are here.

If there is any doubt on the part of any Senator about whether he would support the appropriations necessary to make this law work, let him vote against the bill. Let us not vote for empty promises.

Mr. President, I emphasize that this bill seeks a commitment not only from Congress but also from the people. As I said earlier in this statement, clean air will not come cheap and it will not come easy.

The legislation would require new kinds of decisions with respect to transportation and land-use policies. [Sec. 111(a)(2)(D)] It would require new discipline of our desire for luxury and convenience. And it would require a new perspective on our world, a recognition that nothing is more valuable or essential to us than the quality of our air.

Mr. President, 100 years ago the first board of health in the United States, in Massachusetts, said this:

"We believe that all citizens have an inherent right to the enjoyment of pure and uncontaminated air and water and soil, that this right should be regarded as belonging to the whole community and that no one should be allowed to trespass upon it by his carelessness and his avarice, or even by his ignorance."

Mr. President, 100 years later it is time to write that kind of policy into law. The pending bill is such a law. I urge the Senate to approve it overwhelmingly.

Mr. President, at this point I would like to pay tribute to all members of the Committee on Public Works and the Subcommittee on Air and Water Pollution for their involvement in, their commitment to, and their dedication to what, for me, has been one of the most unusual experiences of committee work since I have been a Member of the Senate.

Hearings on this legislation began early this year. They were concluded early in the spring, in ample time for us to have simply passed out any one of the bills that were introduced and consider our work done. But we were conscious of the fact that the legislation already enacted had proven inadequate.

We were also conscious of the fact that in the climate of environmental concern which we faced in the country, it was important that Congress give to the country the best bill it was possible for Congress to devise.

Since the completion of the hearings, therefore, the subcommittee and the full committee have spent long hours in deliberation and consultation and finally in decision. Never was a partisan line drawn in any of those deliberations. Never was there any effort to obstruct or delay the action of the committee.

The discussions were long because it was necessary to educate ourselves, the Senate and ultimately the country as to the options available to us and the implications of these options.

We have been conscious. I think, since early June that what we were considering writing into law could result in drastic changes in the pattern of the life we live in the urban areas of America. We felt that just such changes were essential if we were really to come to grips with the problem of air pollution. We cannot solve the problem of air pollution in the city of Washington by prohibiting the backyard burning of leaves. That has already been done in some of the suburban counties. It does not begin to touch the job.

All of us in the Senate travel about this country by air. I know of no city of more than 50,000—and that includes my own State—which is not threatened already by the pall of smog. Beyond any question the automobile is the principal contributor to that pall; and the results have grown visibly since 1967. The problem that troubled the committee most was not the problem of the new car, but the problem of the used car. There are more than 100 million on the road. And before this law takes effect, if it is enacted into law, four or five new generations of automobiles will become used cars at the rate of 8 million to 9 million a year.

After new cars roll out of the showrooms onto the streets and into the control of their owners, it is technologically almost impossible to make them clean cars.

In title I of this act we have written a national deadline for the purpose of implementing applicable ambient air quality standards. [Sec. 111] That is going to require every State Governor and the mayor of every city in this country to impose strict controls on the use of automobiles before the new car is a clean one.

The only way we can deal effectively with the used car is to begin making clean cars in Detroit. Under the program as it is presently planned, the used car population will not be cleaned up until 1990. Under the pending bill, the used car population would not be cleaned up until 1985. [Sec. 202(b)]

Mr. President, that is not too soon to be concerned about the health effects of automobiles on the lives of the people living in these cities.

Drastic medicine? Yes.

Necessary? Yes.

The industry will have 5 years to make its peace with this proposal. As we bear in mind the space program and other great technological achievements of American industry, I find it difficult to believe that, whatever their present doubts, they cannot meet the challenge of this bill.

They have been able to meet such challenges in the case of war when President Roosevelt asked them to build 100,000 planes a year.

They have been able to meet such challenges in the case of national curiosity when President Kennedy asked them to make it possible to send a man to the moon in the 1960's.

Here, in the case of a national objective more serious than either of those—the national health, I think that we have an obligation to lay down the standards and requirements of this bill.

I think that the industry has an obligation to try to meet them. If, in due course, it cannot, then it should come to Congress and share with the Congress—the representatives of the people—the need to modify the policy.

That is the philosophy of this bill. The committee felt it owned no less duty to the Senate and the Congress than to state it in these terms. That is why we have this kind of bill. It was not unreasonable or arbitrary in the sense that it was ill-considered. The committee spent hundreds of hours over weeks and months before it came to this hard decision.

Mr. President, I wish to list in the Record at this point the names of the members of the committee: Senator Randolph, Senator Young of Ohio, Senator Muskie, Senator Jordan of North Carolina, Senator Bayh, Senator Montoya, Senator Spong, Senator Eagleton, Senator Gravel, Senator Cooper, Senator Boggs, Senator Baker, Senator Dole, Senator Gurney, and Senator Packwood.

After all these hundreds of hours covering weeks and months of deliberations, all those Senators—obviously of widely varying political philosophies—voted unanimously to recommend to the Senate and Congress the passage of this bill, the goals it establishes, the sense of urgency it incorporates, and the program for meeting the problem. I cannot think of a major piece of domestic legislation that has had such complete committee support from that spectrum of opinion. There was no doubt in the minds of any of them about supporting it.

It is with that recommendation that I am proud to submit the legislation to the floor of the Senate.

At this point, I would like to express my heartfelt appreciation to the chairman of the committee, the Senator from West Virginia [Mr. Randolph], the ranking Republican member, the Senator from Kentucky [Mr. Cooper], the ranking Republican member of the subcommittee, the Senator from Delaware [Mr. Boggs], and every one of the members of the committee for the most conscientious attention of duty, committee meetings, and the responsibilities this legislation imposes that I have ever witnessed in a committee in my experience.

This is not the usual pat on the back one gets on the floor of the Senate. This is heartfelt. Not only did they contribute their energy and time, but the ideas in this bill could not be separated along party lines of Democratic and Republican. These are Democratic, Republican, liberal, and conservative ideas. This is an integrated piece of legislation incorporating the full thought of all members of the committee.

I would like to express my appreciation to the members of the committee staff. I include their names here because they have given such a fine example of the kind of staff work that is possible in Senate committees. The are: Mr. Richard B. Royce, chief clerk and staff director; Mr. M. Barry Meyer, chief counsel; Mr. Bailey Guard, assistant chief clerk for the minority; Mr. Tom Jorling, minority counsel; Mr. Leon G. Billings, Mr. Richard W. Wilson, Mr. Philip Cummings, Mr. Richard Grundy and Mr. Harold Brayman, professional staff members; and Mrs. Frances Williams, Miss Rebecca Beauregard, Miss Sally White, and Miss Cecily Corcoran of the committee staff.

I would like to express my appreciation to Mr. Eliot Cutler of my staff, and to the members of the staffs of members of the committee.

Mr. GRIFFIN. Needless to say, there are portions of this bill which have a significant impact on the State of Michigan. The Senator from Maine has addressed himself to those provisions. I realize, of course, that there are other important portions of the bill. I would be less than honest with the Senate if I did not indicate some serious misgivings about certain provisions of the bill which write into legislative concrete, in effect, that certain standards—standards which are exceedingly high—must be met by 1975 or 15 million workers will lose their jobs. [Sec. 202(b)]

Mr. KERRY. Mr. President, in that speech Senator Muskie made it very clear that it was exactly the abuse of discretion by the EPA and the Federal Government that led to the current law. It was the unwillingness of the EPA's predecessor to use their regulatory authority which resulted in Congress in the first place providing a more activist Federal role in order to achieve change.

Why is it that at this moment when we are recognizing the nonattainment problem, when we are here precisely because the goals have not been met, when we are here because we understand how difficult it has been to get here and because there are countless entities that do not want to proceed forward, that we would take away the very tool that was to provide the redress of abuse of discretion in the first place when Senator Muskie and others passed this legislation?

Mr. President, I respectfully suggest there is not one argument in the RECORD that shows why we would want to move to that position at this time.

Current law says that the administrator has to impose all of the sanctions that are listed in the legislation. The substitute would require that the Administrator only impose one sanction, and clearly the Administrator can choose to impose the less strong sanction if he so desires. Obviously we have seen too many instances in the past where they have chosen to do that. The least sanction could be something like simply withholding air pollution funds which is an authority that the Administrator has already.

Mr. President, we will hear in this debate that the requirement of a Federal cleanup plan where local government fails has been adequately replaced in the substitute by a provision that requires the Administrator to impose one control measure each year that a State fails to have an adequate plan. The control measures from which the Administrator can choose are generally obviously the easy regulatory requirements that most areas in the country are either in the process of imposing or already have imposed.

I should note that in the short term the compromise does not take into account the fact that right now while we are here debating this the EPA is considering revising the ozone health

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standard. There is widespread scientific evidence, even as we are here debating how we are going to meet the current standard, that the fact is the current standard is too high to assure health protection. So not only would the compromise not produce clean air, according to the current standards, but it will fall dramatically short providing real health protection based on current scientific evidence which argues for tougher air quality standards. For areas which are downwind from regions with serious air quality problems, I believe the compromise has an even more deleterious effect.

In the State of Maine, for example, the Acadia National Park is a nonattainment area. The Kennebunkport area, which is the summer home of President Bush, and also the long time residence of the author of the Clean Air Act, Senator Muskie, is in nonattainment. It does not meet today's Federal standards for healthy air.

The pollution problem of the State of Maine however has little to do with the pollution that occurs from activities in Maine itself. The State of Maine just like the State of Rhode Island, of the distinguished Senator **Chafee**, have public health-related air pollution problems because of pollution which emanates from sources in other States. It is my perception and the perception of those who have studied this compromise that the compromise will make it impossible or much harder for those States to achieve healthy air, particularly like Maine and Rhode Island for the following reasons:

No. 1, without Federal enforcement, the reduction of pollution emissions in New York, Pennsylvania, or even Massachusetts, those downwind States, will be wholly dependent on the resistance within those States, and Maine and Rhode Island will wind up being subject to whatever it is decided will occur in those States with the potential that whatever is decided will be totally outside of the enforcement of the Federal Government.

Second, the cost test that the compromise has added gives upwind States a justification and probably a political imperative to go no further than the absolute minimum Federal law requires.

Third, a 25-percent reduction in emission in upwind States, which is all that the compromise requires, does not assure clean air either upwind or downwind.

Mr. President, the substitute would make Massachusetts, Rhode Island, Maine, and other downwind States even more vulnerable to the excesses of upwind States than they are today. Since there would be no Federal obligation—and I underscore "obligation"—does it leave a voluntary right? Yes, it leaves a voluntary right. But there is no Federal obligation to impose a cleanup plan. There would be no opportunity therefore for downwind States to sue to force the Federal intervention when the upwind States ignore the requirements.

Let me give you an example of where this makes a difference, Mr. President. The State of Wisconsin recently was able to use the current law to protect itself in precisely this situation. It had a severe ozone situation. There were bad violations reported each year in southern Wisconsin, right near the Illinois State line. Very little of the pollution causing the problem, however, was emitted in Wisconsin. The great bulk of those emissions originated in Illinois, but Illinois had not adopted an ozone plan. Wisconsin was able to go to court to force the EPA to fulfill its obligation to prepare a Federal plan. That led recently to an agreement that will protect Wisconsin.

Under the terms of the substitute, Mr. President, Wisconsin loses that remedy. The New England States would have no remedy if up wind States fail to act and the health of our people would be held hostage to decisions in other States over which they have no control and no opportunity to have an influence.

At best, the health problem that I referred to earlier would wind up becoming a matter of EPA discretion, the very thing that in 1970 Senator Muskie, Senator Eagleton, Senator Baker, and others sought to address when they created this law.

As the opponents of my amendments will no doubt point out, EPA is reluctant to fulfill its current obligations. That is precisely why they argue they are not giving up anything. But the fact is that we have to retain the power of the States to be able to take some kind of action when other States fail to do their fair share.

I mentioned earlier, Mr. President, the compromise before us would allow States to slow down programs for attainment of health standards, based on this broad cost and noncost factor. What does that mean? What is this new loophole? There is a section in the bill on page 73, section 3(4), line 11, which permits the Governor of the State, following a public hearing, and by a statement signed by the Governor, to demonstrate to the satisfaction of the administrator that the plan reflecting lesser amounts includes all measures that can be feasibly in the area, in light of technology achievability, costs and known air quality and other air quality health and environmental impacts.

In other words, Mr. President, there is now a secondary stage by which Governors will be besieged by industry or by one polluter or another in their State, and you can imagine what is going to happen with campaign contributions, jobs within the State; the whole process will be opened up to a new political involvement of the States. And you are going to have people pouring in the door saying, "Governor, we cannot meet the standard because it is too expensive. If you do not want us to move to another State, you better give us your approval of this waiver."

We have already seen this kind of problem, countless number of times. We have seen the kind of economic blackmail that takes place. And you are going to be able to encourage a State to perhaps become something of a polluter haven because they can say, in our State we do not apply a stronger standard and because there is no Federal imperative that you do it, you merely have to come to our State, and we will allow you to get your waiver, and we will sign it off and you go to the administrator, and you wind up again subject to the very discretion that in the final analysis this bill originally sought to preclude.

They do not have to show that the local pollution control requirements is going to cause economic harm. They do not have to show that the pollution control costs imposed in their region are any more expensive than those imposed in another region. All they have to do is assert that the controls are too costly. Indeed, they only have to assert that complying with the pollution control requirements will not maximize profits.

Mr. President, in simple terms, this language legalizes economic pressure, and it will legalize a new loophole of delay in the process. Any one of us could imagine the amount of paper that is going to be dumped in a Governor's office or in the hearing process as people try to make the arguments about technology achievements, et cetera, at yet a second tier of consideration. All of us know that the Clean Air Act has a first tier of consideratioin in deciding about the original control technology. It balances questions of cost and health. And it would be beyond anybody's wildest imagination that we intended for this second level of that very consideration to take place in the most political of circumstances.

In addition, Mr. President, I respectfully suggest that the impact would be to wipe out residual technology forcing benefits of the Clean Air Act. For instance, today, pollution control agencies establish emission standards at a degree of reduction which is required from any given source within an area in order to achieve the ambient air quality of that particular area. The responsibility rests with the polluter to find the most cost-effective means of attainment, or of getting those reductions. If we now give every polluter the opportunity to argue infeasibility, expense, or some other unquantified adverse impact, then the

American public is going to be guaranteed a slowdown in progress toward pollution control.

It would even be an admission against interest for any polluter to identify a feasible cost effective reduction technique. I suspect that if you were in business, it would be important for you as a business person to be able to find ways and find information that you could submit in a waiver request to permit you to avoid responsibility.

Mr. President, that is not hypothetical. In 1970, the auto industry conspired to suppress pollution control technology. The electric power industry collaborated to argue that scrubbers are infeasible, too expensive, and they have been doing that for decades. This amendment actually inadvertently memorializes the process by which they now will be able to do that.

Every pollution control agency, local, State, and Federal, has heard that every pollution control regulation is infeasible, not cost effective, produces unwarranted effects on other environmental values, and so forth. We have heard that for 20 years and now, at the very moment that we are supposedly moving forward to get more progress in clean air control, we wind up potentially codifying the very potential of that kind of argument to be made, yet again at another level and forever.

Mr. President, I ask unanimous consent that I be able to have printed articles from the Los Angeles Times and Business First at this point relative to that particular issue.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Feb. 7, 1990]

COALITION SEES HIGH COSTS, LOST JOBS IN AQMD CLEAN AIR PLAN

(By Steve Padilla)

A coalition of builders, manufacturers and labor unions charged Tuesday that a plan to clean Southern California skies will burden industry with costly and cumbersome regulations that could force at least 350,000 people out of work.

The South Coast Air Quality Management District should crack down on smog-producing vehicles, the main source of the region's air pollution, rather than place unreasonable demands on industry, which accounts for one-third of the problems, said William T. Huston, a builder and spokesman for the Community Air Quality Task Force.

"We need to have jobs and clean air," Huston said. "They have to go hand in hand."

The coalition created the task force about a year ago, shortly after the AQMD adopted a 20-year air quality management plan designed to bring the counties of Los Angeles, Orange, Riverside and San Bernardino into compliance with federal clean air standards.

At the time, a study by the Southern California Assn. of Governments suggested that there would be a net gain of more than 80,000 jobs and an industry study predicted the region would lose only 55,700 jobs.

But on Tuesday, in its first attempt to create widespread opposition to the plan, the task force released an 86-page study predicting that the loss would be much higher—350,000 positions immediately and the potential for a ripple effect that could displace 1.4 million in all.

The report said unnecessary regulation will drive businesses out of Southern California and into regions where government regulations are less stringent.

But Claudia Keith, an AQMD spokeswoman, said a district analysis done when the plan was approved showed that any loss of industry would be offset by overall economic growth. The AQMD analysis predicted an additional 3 million jobs in the region over 20 years.

"Some of the assumptions [the task force] made we wouldn't agree with," Keith said.

Speaking for the task force at a press conference were representatives of the California Manufacturers Assn.; the AFL-CIO Oil; Chemical and Atomic Workers International Union; the Construction Industry Air Quality Coalition; the Los Angeles County Federation of Labor, and a few owners of small businesses.

The air quality plan includes 120 rules which, among other things, restrict the use of certain chemicals or mandate extra pollution controls on manufacturing. Some rules already are in effect, such as car-pooling incentives and new controls on industrial emissions. Other rules still must be approved after public hearings, Keith said.

If all 120 rules are adopted, the aerospace industry would be hardest hit, losing at least 82,000 jobs, said Joseph E. Haring, an economist with the Pasadena Research Institute, which analyzed the potential impact of the plan on eight industries for the task force.

The task force report said the electric and electronics industry would lose 77,000 jobs; the fabricated metal products industry, 62,000; the chemical, rubber and plastics industry 45,000, furniture makers 45,000, and the construction industry 24,000. The plan would displace 13,000 workers in the motion picture industry but have a negligible effect on restaurants, the report said.

The figures were based on census data and surveys of the companies themselves, Haring said.

Huston said the task force is trying to find supporters in the state Legislature to introduce legislation that would require an independent analysis of the air-quality plan and its potential impact on jobs.

David Finegood, owner of a furniture company, said AQMD rules are forcing him to move a manufacturing plant from Compton to Tijuana, where he can still produce furniture at competitive prices. He said he laid off 200 workers at the Compton plant two weeks ago and expects to lay off 100 others. "We really cannot stay here," he said.

[From Business First, Aug. 15, 1988]

FURNITURE FOLKS FEEL HOT BREATH OF AIR AGENCY

(By Karen Morris)

Orange County furniture manufacturers are holding their collective breath over their next move—which may be out of the county.

"There's an AQMD Sword of Damocles hanging over our heads," said Gerry Rosen, vice president of operations for PCI Tandem in Buena Park.

He was referring to a recent South Coast Air Quality impact on the industry. The board's approval of Rule 1136 places stringent controls on wood furniture finishing processes that cause air pollution. The reduction of volatile organic compounds—chiefly hydrocarbons—must be accomplished within six to eight years with technology that may not be available, according to Rosen.

His uncertainty appears to be widely shared.

"It's too soon to tell the effect on the industry," said California Furniture Manufacturers Executive Vice President Les Riddell. "But we believe the rules of the district will cause manufacturers to move."

Rosen doubted that companies can afford the cost or find the technology to comply with AQMD standards. His own, he said, would have to spend $3 million to install clean air equipment and $500,000 annually to maintain it. Giants in the industry might be able to afford that, Rosen said, but smaller companies can't.

The alternative is to switch to water-borne finishes, he said, but they can't provide the high-quality, very transparent finish used for PCI Tandem's "top end of mid-priced" wood furniture.

"There's no technology to do that," claimed Rosen.

"We couldn't compete," he said, in the highly design-oriented market for his firm's office furniture," unless furniture manufacturers across the country—and the world—were subject to the same restrictions.

"I don't see companies staying in the county or basin," he said. "They'll move south possibly under the Maquilladora program to the Island Empire or North, over the Tehachapis.

The ruling affects only the makers of wood furniture and wood products.

"The industry is badly fragmented, said Rosen. "Shops that do only upholstery won't be hurt, for example."

Nor will the large firms that produce case goods.

"It (Rule 1136) will have very little impact on us because we don't make wood furniture," said Bob Ballard, vice president and general manager of Steelcase Inc., a $1.6-billion office furniture manufacturer in Tustin.

Mike Reed, Steelcase's plant manager, explained that the metal furniture industry is covered by AQMD rule 1107, to which no change is anticipated.

Custom shop owners aren't particularly alarmed, either. Leroy Smuskiewicz of Light Furniture in Tustin doesn't expect his business in medical suites and office furnishings to suffer. But he suggested other small manufacturers may not be so fortunate.

"I know of a lot of people moving out of Orange County," said Smuskiewicz. "They're keeping an office here, but not production. They're moving out where it's cheaper—to Riverside or Corona."

"We're in the same position as the auto industry in the '70s," PCI Tandem's Rosen said. "We may meet (air quality) requirements, but at the cost of quality and performance."

"The industry is about to shrink," he predicted. "Economically we can all fit here (in Orange County)," but Rule 1136 will drive some manufacturers elsewhere.

"If I were starting a business today, I wouldn't do it in South Coast AQMD," Rosen said.

Mr. KERRY. Mr. President, we are going to hear in this debate that the substitute maintains the requirement that all cities achieve clean air by a

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deadline. This provision and others in the bill assure that, at best, no community is going to achieve public health protection before the deadline. In fact, the more realistic outcome is that cities are not going to meet their clean air goals at all because they will have lost the weapons I talked about a few moments ago.

It is my sense that the chairman of the subcommittee, who has worked so hard to bring this bill to this point, ought to be particularly sensitive to this point because in his own State, the Anaconda Co., I believe, spent many, many years pressuring the State of Montana into relaxing pollution control requirements on its smelters. It was only after they succeeded in stretching out compliance schedules well beyond a reasonable basis, and they pressured the State to relax the environmental rules. Once they had done that, and after they had received all the available financial benefits and assistance and extensions, bailouts, then they finally announced they were closing the plant and leaving the State of Montana, not because of pollution controls, but because the new owner, ARCO, wanted to get out of the mining business. That is a classic example of the difficulty that we face, potentially, in this kind of loophole.

Mr. President, there is not one of us in the context of this legislation who is not aware of the arguments that are made by those who were required to invest in some kind of pollution control technology.

It seems to me that you have to recognize why in the first place we originally required the capacity of the Federal Government to be able to assert a national standard. This legislation, I believe, permits now a process, for the first time in 20 years of the legislation, of moving away from a critical requirement which has held people accountable to a different standard.

Now, some people, I believe, will ask: Should not we be weighing cost; is it not important that we have the costs to clean up in the analysis balanced against the health costs that we have talked about?

Obviously, it is, and we have always recognized that. The 1970 legislation and the bill that originally came out of committee, as well as the 1970 law that we are currently operating under, take costs into consideration. The current Clean Air Act builds cost into the choice of the pollution control for every single facility, and it is a choice that is made at the local level in a process that I believe weighs fully all of the circumstances of that particular facility.

The law currently requires the words "reasonably available control technology," and EPA and the State agencies are specifically currently directed to weigh the costs of control technologies as well as to consider carefully whether a given control technology is really necessary to attain health standards.

In the words of the EPA, the pollution control officials are required now to give due consideration to the social and economic impact of alternative means of control.

To summarize on this important third part, costs are currently weighed, they are taken into account in the technology that is applied, and that process is carried out in a very specific way with the clear understanding of the terms of art that are applied to it.

What has happened in the negotiations process that has brought us the substitute is that a second level of consideration has been created where we will take into account far more nebulous costs than other factors, and do so in a way that is far more political than the original act contemplated.

The final aspect of this amendment simply restores the current law with respect to reasonably available control technology as applied to existing stationary sources. The substitute would eliminate what has really proven to be one of the least costly, least onerous, and most effective requirements of the 1970 act.

Again, I believe that this is an inadvertent or unintended consequence of the legislation, but the fact is that these so-called smaller sources of pollution would not be subject to the Clean Air Act restraints under the substitute that has been suggested.

Control of these sources, Mr. President, has actually proven far and away the most cost-effective pollution reduction option available. What we are talking about—let me try to simplify that a little bit. The compromise says that we will not have an automatic application, or any application at the EPA, to stationary sources that are emitters of less than 100 tons in a serious area, and less than 50 tons of emissions in a severe area.

The reason that changes the current law is that under the current law the EPA has the right to go down—and has gone down—to emitting sources as low as 3 tons. So what we are actually doing is taking away from the EPA its current capacity to go to the lower sources and restricting them to the 50-ton, 100-ton definition, which in fact restricts their ability to restrain some 43 percent of the ozone precursor emissions that are contributed in the country.

According to an OTA, Office of Technology Assessment study, small stationary sources, those emitting less than 50 tons of pollution per year, are responsible for nearly half of the Nation's smog-forming emissions, and they are by far the fastest growing segment of the emission emitting inventory.

As I noted previously, the EPA has repeatedly used its authority to require adequate clean air plans without actually promulgating the entire plan. There are thousands of examples of EPA and State and local control officials using the threat of Federal enforcement to achieve the clean air objective. I have included in the RECORD examples where citizens have used the mandatory responsibility of the Federal Government to assure healthier air, and I have included in the RECORD examples which document how the EPA regional officials have used their authority in the interest of clean air.

Against these examples, I cannot find on the record anywhere in this debate or in the committee report any support for changing this authority other than the President's proposal. There is nothing that shows why the EPA administrator and his associates should seek to avoid the authority which they have never voluntarily used but which is also the fundamental underpinning of the Federal role in achieving the healthier air quality standards.

I can certainly understand why polluters want to get rid of it, and I can understand why they want to be able to get into the political process, to have a second bite at the apple, and I can understand why they would like to avoid expenditures on pollution control. But I cannot understand what it is that brought us to a point in negotiations where in the name of getting a stronger Clean Air Act, we take away the power of the EPA to regulate those sources that provide almost 50 percent of the smog-causing ozone in this country. It simply does not make sense.

The sum of the negotiated retreat, in essence, is that the EPA does not want to get involved, that it does not want to make those tough decisions, or that someone does not want the EPA involved in making those tough decisions and in helping us.

So, Mr. President, I have spoken for a long time, and other colleagues want to join in this debate. But I ask unanimous consent that the original language of an article written in the Environmental Forum by Senator Muskie be printed in the RECORD at the end of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. KERRY. I simply say those comments of Senator Muskie articulate very clearly how important it is to hold onto what we have, how vital it is that we not turn our backs on the power that was originally given to the Federal Government, which this substitute threatens to take away.

let me just share one paragraph of Senator Muskie's words. What he said was:

For many of the clean air emission standards, explicit deadlines were written into the law. In order to ensure attainment of these Federal standards by the deadlines specified, section 110 required States to develop the SIP's that limit emissions. EPA was then required to approve or disapprove the plans within the statutory deadline. If the State plan is inadequate, the administrator must promulgate another plan that will bring the State into compliance.

The 1970 Clean Air Act is significant, not just because it established statutory regulation of the auto industry, or because it established deadlines for achieving air quality levels protective of public health. The Clean Air Act was the first Federal environmental statute to include provision for citizen enforcement.

I believe that the reasons that existed in 1970 are in fact more important today, and that it is vital we take this opportunity.

Mr. President, this is not an amendment that sets new standards. This is not an amendment that depends on new evaluation of statistics. This is not an amendment that in any way places a new burden on any segment of American society.

The is an amendment that seeks to maintain the integrity of the Clean Air Act as it was originally passed. It is an amendment that seeks to maintain the original intent of the Environment Committee itself, which never contemplated these changes.

It is my fervent hope that the Senate will have the ability today not to be pushed into a corner of confrontation on this compromise, but to recognize our ability to be able to make a decision independently and work the will of the Senate, which is what the legislative process is about.

I know that Senator Mitchell and Senator Baucus want the strongest bill possible, and I know that they are not opponents, per se, of this. But I hope the process will not tie us up and restrict us from the ability to be able to guarantee that, as Senator Mitchell said yesterday, we do make good law, not a bad statement.

Exhibit 1

Environmental Protection Agency,
San Francisco, CA, December 26, 1989.
Secretary of the Commission,
Federal Energy Regulatory Commission, Washington, DC.

Dear Secretary: The Environmental Protection Agency (EPA) would like to express certain concerns suitable for treatment in the National Environmental Policy Act (NEPA) document planned to evaluate the proposed merger between the Southern California Edison Company and the San Diego Gas and Electric Company. We understand that at present the Commission (FERC) is examining materials submitted by the applicant and information generated by the California Public Utilities Commission's development of an Environmental Impact Report pursuant to the California Environmental Quality Act. Having reviewed the majority of these materials within the agency, the enclosed comments are provided pursuant to NEPA and our responsibilities under section 309 of the Clean Air Act.

We understand that uniting these two companies would create the largest privately-held utility in the U.S. The surviving company, Southern California Edison, could utilize its expanded power network in ways not previously feasible, some of which might result in increased air pollutants emissions. The air basins affected presently suffer the nation's worst air quality. The Proponent's Environmental Assessment submitted by Southern California Edison to the California Public Utility Commission projects increased air pollution in the South Coast, Ventura, and South Central Coast basins as a result of the merger. Any potential increase in pollution to this region is unacceptable.

We strongly support your decision to develop a NEPA document in conjuction with this proposed merger. NEPA requires the development of such a document when an agency proposes any major federal action with the potential to significantly affect the environment. Guidance on the preparation of NEPA documents is provided in the Council on Environmental Quality's "Regulations for Implementing the Procedural Provisions of NEPA." The regulations require that an agency consider developing an Environmental Impact Statement (EIS) when proposing a controversial action (1508.27). We encourage FERC to consider the value of preparing an EIS as opposed to an environmental assessment (EA). We also encourage you to involve the public and environmental agencies to the fullest extent possible (1500.2 and 1508.9).

Pursuant to NEPA, FERC should fully address the merger's potential environmental impacts and define mitigation measures that would eliminate any increases in pollutant emissions. FERC must ensure that any activity it approves conforms to the requirements and purpose of the Clean Air Act, including measures to attain and maintain compliance with the National Ambient Air Quality Standards (NAAQS) (42 USC 7506). In particular, emissions of "non-attainment pollutants," those for which ambient levels exceed the NAAQS, should be mitigated with "offsets" within the same basin as they are produced. These measures should be incorporated as conditions into the merger approval in order to achieve compliance with the Clean Air Act.

Under the Clean Air Act, EPA is ultimately responsible for compliance with the NAAQS. The South Coast and Ventura basins are under federal sanctions for failure to produce implementation plans that demonstrate attainment of the federal ozone standard. These sanctions prohibit the construction of major new sources of hydrocarbons and carbon monoxide. EPA is presently developing a Federal Implementation Plan (FIP) that would impose additional controls beyond those required in the air quality management plans for these basins. Under these circumstances, EPA would consider unacceptable any increase in the emissions of non-attainment pollutants to these basins (including nitrogen oxides as a precursor to ozone).

Thank you for the opportunity to provide input to your NEPA process. Our detailed comments are enclosed. Please send a copy of the scoping notice for the document to this office and to our Washington, D.C. headquarters office when it is distributed. We request that these comments be included as part of your public NEPA record. Please do not hesitate to call me at (415) 744-1051 or have your staff contact Lisa Micheli at (415) 824-4812 if you have any questions.

Sincerely yours,
Jacqueline Wyland,
Chief, Office of Federal Activities.

[From the Federal Register, Dec. 7, 1988]

The Notice recognizes that each of these alternative interpretations has significant strengths and weaknesses, and that none of them presents an easy resolution of the vexing legal and environmental problems that beset the South Coast. At this point, it appears difficult to project attainment of the standards in the South Coast Basin, even uder a plan stretching over twenty years, and containing measures that require some serious economic and social dislocation.

In filling the gap in the current statute, EPA must attempt to reconcile conflicting Congressional values embodied in the Clean Air Act, and each of the interpretations advanced fulfills different of these values to varying degrees. The immediate and five-year FIP interpretations—while satisfying an arguable Congressional desire for short-term attainment dates—would impose health control measures that would disrupt daily life in the South Coast beyond anything Congress might have envisioned, or that would be impossible to enforce, even with gargantuan efforts.

The longer-term FIP approach, while mitigating economic disruption by offering the possibility of more realistic and workable requirements, represents a departure from EPA's prior interpretations of the Act, and arguably puts EPA in shoes that only Congress should fill. While any significant extension of the attainment date beyond 1987 would necessarily reflect some legislative-type gap-filling by EPA, a longer-term plan might impose upon the Agency the responsibility for making especially difficult legislative choices about the direction and pace of technological, social, and economic change in the South Coast.

EPA solicits comment on how it should interpret the Clean Air Act to provide an appropriate attainment date for a FIP under the circumstances presented here. We seek comments on the legal interpretations we present, on whether EPA should explore any alternatives that it has not considered, on what EPA should conclude to be the most appropriate FIP attainment date under the current Act, and on what form the FIP should take.

II. STATUTORY AND REGULATORY BACKGROUND

This section discusses the historical development of the Clean Air Act and how the South Coast has attempted to comply with its requirements. Included is a review of EPA's development of several short-term attainment FIPs in response to the act and litigation, and the subsequent failure of these plans because of political, judicial and public opposition.

The federal government first became involved in the regulation of air pollution in 1955 with the passage of the Air Pollution Control Act, Pub. L. No. 84-159, 69 Stat. 322 (1955). This statute, as expanded in 1963 in the Clean Air Act, Pub. L. No. 88-206, 77 Stat. 392 (1963), provided technical and financial assistance to encourage the States to define and address the problem of air pollution. When the States failed to respond adequately to this encouragement, the federal government increased its role, primarily by the passage of the 1970 Clean Air Act.

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A. The 1970 Clean Air Act

In 1970, Congress amended the Clean Air Act to establish a joint State and Federal program to control air pollution. New sections 109 and 110 of the statute directed EPA to establish in 1971 NAAQS for such pollutants as photochemical oxidants (currently measured as ozone and therefore referred to here as ozone) and CO, and these sections called on States to submit by early 1972 "State Implementation Plans" (SIPs), providing for attainment of those standards within nine months of promulgation of the NAAQS.

Section 110(a)(2) of the 1970 statute specifies the requirements for these initial SIPs. It directs EPA to approve a SIP within four months after its submission if, among other things, it "provides for the attainment" of the standard "as expeditiously as practicable but [subject to subsection (e)] in no case later than 3 years from the date of approval of such plan * * *." The law (section 110(a)(2)(H) also directs each State to revise its SIP whenever the Administrator finds that it is "substantially inadequate" to achieve the NAAQS or otherwise meet the requirements of the Act.

Section 110(e) permits a two-year extension of the three-year attainment period if the technology to attain within three years is not available and the State has applied "reasonably available alternative means" of attaining the standard in the interim. In the event a State fails to submit an approvable SIP of fails to submit a plan to promulgate its own implementation measures, section 110(c) directs EPA to make up this failure, by promulgating a FIP. Finally, under section 110(a)(3), a State may revise its plan at any time, but EPA may approve the change only if the SIP continues to conform to the requirements of this Act.

B. Implementation of the Act in the 1970's

1. Implementation of the Act Nationally: 1970–1977

In August 1971, EPA recognized that many States would find it extremely difficult if not impossible to attain primary standards[2] by 1975, that is, roughly within three years of the time their SIPs would be approved.[3] Accordingly, the Agency bowed to reality and granted blanket two-year extensions to all control regions that, even given the application of reasonably available technology, could not attain primary air quality standards by 1975, EPA also extended (or, as we shall see, tried to extend) another statutory deadline. Section 110(a)(1) required States to submit, by January 30, 1972, the transportation control portions of their plans for controlling ozone and CO. EPA, following the statute, required transportation control plans for all areas in which stationary source controls and federal emissions standards for new cars would not be sufficient to attain compliance by May 31, 1975. EPA proposed to move the deadline for submitting these plans from January 30, 1972 to February 1973.

EPA's efforts to read the law in the light of the real world problems of implementing it, however, were stymied in 1973, when the United States Court of Appeals for the District of Columbia Circuit held illegal EPA's grant of the one-year extension for States to submit the transportation control portions of SIPs. *See Natural Resource Defense Council (NRDC)* v. *EPA*, 475 F.2d 968 970–71 (D.C. Cir. 1973). The Court also ordered EPA to rescind its blanket two-year extension for NAAQS attainment. Furthermore it held that the Agency could allow additional extensions only if the requesting States had demonstrated under section 110(e) that, even given the application of reasonably available alternative technologies, they could not achieve air quality standards by 1975. *Id.* at 971. Thus, States were still required to produce SIPs showing attainment by 1975 in order to obtain an extension of the deadline to 1977. Finally the Court ordered EPA to promulgate the necessary plans under section 110(c) by September 1975. The decision in *NRDC* gave EPA a broad mandate to develop transportation control programs to attain the standards by 1977.

The obstacles to the States' attainment of air pollution control deadlines soon grew even greater. Under an agreement with NRDC, in April, 1973, EPA issued ambitious guidelines regulating a broad range of nonpoint or "indirect" pollution sources—including not only shopping centers and highways, for example, but also residential and commercial developments. These guidelines had the attention of NRDC and ultimately the courts, which under the language of the law, directed EPA to promulgate them. Few States followed them, however. Technical problems, political opposition, and legal difficulties compelled the Agency to narrow the scope of these guidelines and to propose its own indirect source review (ISR) program.

EPA's attempt in its own ISR program to interpret the law to make it more practicable, however, faltered once again. EPA lacked the resources necessary to implement and to enforce its ISR-program. The final regulations EPA published in 1974, therefore, failed to offer the technical support necessary for carrying them out. Because it operated under short-term deadlines, the ISR Program, moreover, had to apply fairly severe remedies—and it could not wait for better ones to be developed. And so, bearing questionable environmental results, confronted by various legal challenges, and troubled by technical infeasibility, the ISR Program, for all its lofty ambitions, became the victim of the same problems that doomed the earlier ISR guidelines. Perhaps recognizing this problem, Congress, in section 110(a)(5) of the 1977 Amendments to the Clean Air Act, prohibited EPA from conducting ISR (except for federally funded projects) and allowed the states to rescind previously published proposals.

This was not the last obstacle to EPA's efforts to imporve air quality. EPA's transportation control program proved no more edifying than its attempt at enforcing ISR guidelines.

In light of the *NRDC* holding, states would not be eligible even for two-year extensions under section 110(e) until they submitted plans showing attainment by 1975. States therefore submitted such plans—whether or not for *pro forma* reasons—in which they endorsed costly and possibly unworkable measures that would, colorably, attain air quality standards by the 1975 deadline. (The states might have considered that these measures, or many of them, might be rendered superfluous in any case by 1977, when the fleet of emission-controlled cars began to take over the highways and cause lower levels of ozone and CO.) Accordingly, states may have begun to write SIPs that they knew to be partly fictinal in-order to obtain the extensions they required to make realistic progress toward air pollution goals.

When several states, rather than submitting SIPs they knew to be unworkable, balked at submitting plans showing attainment by 1975, EPA was forced to promulgate its own transportation controls programs for them. Thus, in 1973, EPA proposed control strategies containing a combination of far-reaching measures, including parking restrictions, mandatory bus and carpool lanes, and expansion of mass transit. Some of these provisions, however, ran into insurmountable political opposition. In early 1974, for example, Congress passed a provision ultimately codified in the Energy Supply and Environmental Coodination Act of 1974, prohibiting EPA from imposing surcharges on fees for parking cars.

By 1977, EPA found itself in a double bind. On the one side, the courts, as in *NRDC*, held EPA firmly to the deadlines that were explicity stated or implied in the Clean Air Act. If the state did not submit plans to attain air quality standards by those dates, EPA would be required to prepare plans, programs, or guidelines to make up for this failure. Hence, EPA's efforts at ISR review, transportation control programs, and the like.

On the other side, in a series of cases challenging EPA's legal and constitutional authority to adopt various transportation controls and other measures, the courts found that EPA had overstepped its statutory and constitutional authority in telling states what to do to clean up their air.

For example, in *Brown* v. *EPA*, 521 F.2d 827 (9th Cir. 1977), vacated on mootnees grounds in *EPA* v. *Brown*, 431 U.S. 99 (1977), the 1973 California transportation control plan was challenged. There, the United States Court of Appeals for the Ninth Circuit ruled that the Clean Air Act "permits sanctions against a State that pollutes the air, but not against a State that chooses not to govern pollutants as the Administrator directs." *Id.* at 839. The court ruled, in effect, that the Agency could direct States to improve air quality or to stop pollution within their boundaries, but EPA could not require States to pass legislation that effected the polluting behavior of individual citizens.

The plaintiffs in *Brown*, moreover, challenged the constitutionality of EPA's transportation control regulations on Tenth Amendment and Commerce Clause grounds. *Id.* at 837–842. Although the court expressed serious misgivings about whether the regulations would pass constitutional muster, it chose to rest its opinion solely on statutory grounds. *Id.* at 840. *See also District of Columbia* v. *Train*, 521 F.2d 971 (D.C. Cir. 1975) *vacated* 431 U.S. 99 (1977) (Act did not support Administrator's regulations, which require states to enact statutes).[4] Other hastily prepared FIPs that included transportation controls were challenged and overturned for lack of adequate technical support. *See, e.g. Texas* v. *EPA*, 499 F.2d 289 (5th Cir. 1974) *cert. denied* 427 U.S. 905 (1976) (Texas FIP); *South Terminal Corp.* v. *EPA*, 504 F.2d 646 (1st Cir. 1974) (Boston FIP). Lacking judicial and political support, generating nothing but public outrage, and draining resources, EPA's FIP efforts eventually failed.

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[2] Section 109(b)(1), 42 U.S.C. 7609(b)(1) defines the primary standards as "ambient air quality standards the attainment and maintenance of which, in the judgment of the Administrator, based upon such air quality criteria and allowing an adequate margin of safety, are required to protect the public health."

[3] EPA arrived at the year 1975 by adding together nine months (after the 1971 NAAQS promulgation) in which the SIPs were to be submitted to EPA, four months for EPA to act on the SIPs, and three years from the date of approval in which to attain.

[4] With respect to the state inspection and maintenanced regulation, *Brown*, along with other cases from the Fourth and District of Columbia Circuits, was granted *certiorari* by the Supreme Court. When EPA admitted that it lacked authority under the act to force states to enforce EPA-promulgated

2. Implementation of the Act in California: 1970–1977

California submitted its SIP for ozone and CO to EPA in February 1972. In May of the same year, EPA Administrator William Ruckelshaus disapproved the plan because it failed to show attainment by the deadline stated in the Act 1975. When EPA failed to promulgate a FIP under section 110(c) within six months of it disapproval of the SIPs for Los Angeles, a Los Angeles-based public interest group brought suit. In *City of Riverside* v. *Ruckelshaus*, 4 E.R.C. 1728 (C.D. Cal. 1972), the U.S. District Court for the Central District of California ordered EPA to produce by January 15, 1973 a plan adequate to bring Los Angeles—an area plagued with the worst air pollution in the country—into attainment by 1975 (three years from adoption of the plan) or 1977 (if the governor requested a two-year extension).

Ruckelshaus obeyed the order by proposing a plan that included, among other traffic control measures, a provision that would have required reducing gasoline supplies by 82 percent by the summer of 1977. 38 FR 2194 (1973). As Ruckelshaus explained to the citizens of Los Angeles. "Faced with the choice between my freedom and your mobility, my freedom wins," R. Shep Melnick, *Regulation and the Courts: The Case of the Clean Air Act, at 331-22 (1983).* With the intention of drawing wide public and Congressional attention to the dilemma presented EPA by the Clean Air Act, EPA held public hearings in 1972. The plan was decried by all concerned.

On July 2, 1973, the Administrator proposed a revised plan that set forth three options. Under the first option, literal compliance with the Act would be achieved through 100% gasoline rationing. Nothing else would do to meet the letter of the law. Under the second, gasoline consumption would be limited to 1972-3 levels and other transportation control measures would be introduced. Finally, under the third option, only existing control measures would be implemented. Again, the plans were assailed as unduly restrictive and unworkable.

On October 12, 1973, the Administrator announced a third attempt at formulating a plan for the Los Angeles area. 38 FR 31232. This third plan included several specific and drastic transportation control measures. It required the use of specified freeway lanes and surface streets exclusively by buses and carpools. In addition, by imposing a surcharge on commercial parking rates, it called for a radical change in the Basin's parking rate stucture. It also imposed initial annual surcharges on free parking spaces provided by businesses to their customers.

The plan went further. Employers were to impose a charge on employee parking spaces; they also were to provide employees with various other incentives to use carpools and mass transit systems. Portions of the funds collected were to be used to support mass transit facilities. The final plan also included a provision stipulating that literal compliance with the Clean Air Act would require a further reduction of vehicle miles traveled, and that gasoline limitations would be necessary. Commenting on the plan, the Administrator asserted: "The EPA does not believe that massive gasoline rationing is either socially acceptable or enforceable, and will work toward alleviating the necessity for such drastic control in 1977." *See* Chernow, Implementing the Clean Air Act in Los Angeles; the Duty to Achieve the Impossible, 4 *Ecol. L.Q. 537, 553 (1975). (citing* 38 FR 31232, 31237 (1973)).

These transportation control measures pleased the public no more than their predecessors. Soon after promulgation of the plan, plaintiffs filed many suits to enjoin the plan's enforcement, and the Administrator deferred the effective date of its more extreme provisions. 38 FR 34124 (1973). Eventually, EPA's authority to promulgate gas rationing regulations was upheld, *see City of Santa Rosa v. EPA*, 534 F.2d 150, 154 (9th Cir. 1976).

Public outrage at the Ruckelshaus plan ultimately led to its withdrawal in 1976. In explaining his rationale for withdrawal of the plan, Acting Administrator John Quarles stated: "I realize that this revocation will render the affected SIP defective as a legal matter, since such SIPs will no longer contain regulations which provide for NAAQS attainment. I am convinced, however, that whatever benefits may be gained from keeping a technically legal SIP on the books by retaining the gasoline rationing regulations are outweighed by the seriously disruptive social and economic consequences of such regulations." *See* 41 FR 45565 (Oct. 15, 1976). The withdrawal went unchallenged.

Q. The Clean Air Act Amendments of 1977

Congress in 1977 amended the Clean Air Act in response to persistent nonattainment of the NAAQS for ozone and CO and in reaction to the failed FIP and SIP efforts of the early 1970's. The House of Representatives Report on a bill to amend the Act (H.R. 6161) reviewed the history of the EPA Administrator's inability to use section 110(c)(1) promulgations to achieve the statutory objectives. H. Rep. No. 6161, 95-294, 95th Cong., 1st Sess., *reprinted in* 4 Legislative History of the Clean Air Act Amendments of 1977, at 2748-55 (1978). The Report noted that "this is a delicate area of Federal-State relations. Clearly, a careful balance is required as a matter of wise legislative policy, if not as a matter of constitutional requirement." *Id.* at 2755.

The Committee Report therefore concluded that the wisest course was to adopt "an approach that is intended to involve the least possible intrusion into State affairs consistent with the primary task of protecting public health." *Id.* at 4 *Legislative History* 2755. Noting that, "as a practical matter, State and local governments are in a better position than EPA to resolve those pollution problems, which involves millions of motor vehicles, through inspection and maintenance program and similar measures," the Report stressed the need to induce States voluntarily to adopt and implement their own transportation control programs. *Id.*

Similarly, the Committee Report on the Senate bill (S. 252) stated that the transportation control aspects of the bill had been designed to take into account that "[t]he Federal Government does not have and will not have the resources to do an effective job of running the air pollution control programs of the State." S. Rep. No. 95-127, 95th Cong., 1st Sess. 10 (1977), *reprinted in* 3 *Legislative History* at 1384-85. The Senate committee noted that "transportation planning," in particular, "is a local political process" and that any amendments to the Act should create incentives for local planning and remedy the "lack of local involvement in the process". *Id. at* 3 *Legislative History*, 1412.

Conceding that the plans had "imposed vast economic and social costs for relatively small improvement in the quality of the environment." Clean Air Act Amendments of 1977, H. Rep. 95-294, pp. 228-29, S. Rep. 95-127 (GPO, 177, p. 14), Congress extended the Act's deadlines and created a new Part D, a planning process to get the States to revise the SIPs for areas that were exceeding the standards.

The new Section 107(d) required EPA, by roughly March 1978, to identify those areas that in August 1977 were still experiences NAAQS violations. The States were then required by January 1, 1979, to adopt and submit such revisions to the SIPs for these "nonattainment" areas that would meet the requirements of Part D and the new section 110(a)(2)(I). Section 129(c).

Under Part D, each revision was to provide for attainment of the relevant primary NAAQS as expeditiously as practicable, but in general no later than December 31, 1982. Section 172(a)(1), 42 U.S.C. 7502(a)(1). A revision could provide for attainment of the primary standards for ozone and CO as late as December 31, 1987, if the State demonstrated that attaiment by the 1982 deadline was not possible, despite the implementation of all reasonably available control measures (RACM). Section 172(a)(2).

In any event, each revision due in 1979 was to provide for the implementation of RACM and for "reasonable further progress" (RFP)—defined as annual incremental reductions in emissions sufficient in EPA's judgment to provide for attainment by the applicable deadline, including such reduction as may be obtained through the adoption of "reasonably available control technology" (RACT). Sections 172(6)(3), 171(1).

Each revision also was to have, among other things, a permit program for the preconstruction review of major new sources of the relevant pollutants. Section 172(b)(6). As outlined by section 173 of the Act, the permit program would allow construction even before attainment occurs, upon a determination that (1) the source would have state-of-the-art controls; (2) Its emissions would be offset by greater than one-for-one reductions elsewhere, or would be accounted for in an approved demonstration of attainment by the applicable date for the area in which the source was locating: (3) the applicant's other sources in the state were in compliance with the SIP, and (4) the state was carrying out the SIP.

With respect to the areas with 1987 deadlines (i.e., "extension" areas) each revision due in 1979 had to identify any measures beyond RACM that would be necessary to assure timely attainment, and it had to continue commitments to adopt a motor vehicle inspection and maintenance program. In addition, each state with an "extension" area

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transportation control programs, the Court declined to rule on the program, as its ruling would amount to an advisory opinion and remanded the case for consideration of mootness and ripeness. *EPA* v. *Brown* 451 U.S. 104 (1977). *See also Brown* v. *EPA*, 586 F.2d 685 (9th Cir. 1977) (holding EPA's inspection and maintenance program for California invalid).

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was to submit a supplemental revision before July 1, 1982, containing those additional measures necessary to assure attainment in those areas by the end of 1987. Section 129(c).

As part of the 1977 Amendments, section 110(a)(2)(I) required a construction ban that would operate against major new sources and major modifications of existing sources of the relevant pollutants in each nonattainment area after June 30, 1979, "* * * unless, as of the time of application of a permit for such construction * * *, such pain meets the requirements of Part D * * *."

As further incentive for timely submission of Part D SIP revisions, Congress added sections 176(a) and 316(b). Section 176(a) bars the Department of Transportation from funding certain highway projects, and EPA from making air program grants in an ozone or CO nonattainment area, upon a determination by EPA that the State has failed to make "reasonable" efforts to submit SIP revisions for the area that meet Part D requirements. Section 316(b) authorizes EPA to withhold certain grants for sewage treatment construction where an area has failed, among other things, to submit an adequate Part D SIP for the area.[5]

D. History of Regulatory Development Under Part D

1. Implementation of Part D Nationally: 1978-1985

The EPA began its administration of Part D with the promulgation in 1978 of attainment status designations under section 107(d). *See, e.g.,* 43 FR 8962 (March 3, 1978); 43 FR 40502 (September 12, 1978). Then, on April 4, 1979, EPA published a notice describing in detail the prerequisites to EPA approval of the SIP revisions that Part D required the states to submit in 1979 for areas that were designated nonattainment (44 FR 30372).

On July 2, 1979, EPA issued an interpretive rule establishing that the construction ban in section 110(a)(2)(I) would begin to operate immediately in any designated nonattainment area that was not yet covered by an approved Part D SIP (44 FR 38471 [now codified at 40 CFR 52.24(a), (1987)]. At the time, EPA had yet to approve a Part D SIP for any ozone or CO nonattainment area, so the ban came into effect in all of them. Gradually, the states submitted for most of these areas the first round of Part D SIP revisions that were due at the beginning of 1979, and EPA approved or conditionally approved these revisions. Thus, by the end of 1982, most ozone and CO nonattainment areas were free of the ban.

With respect to areas, like the South Coast, that had received an extension of the attainment date for CO or ozone to the end of 1987, EPA issued a new policy describing the criteria it would use to judge the supplemental SIP revisions that were due for such extension areas in mid-1982, 48 FR 7182 (January 22, 1981). The Agency received 1982 SIP revisions from all extension areas and approved many of them as adequate to produce attainment by the end of 1987. *See, e.g.,* 48 FR 51472 (November 9, 1983) (New Jersey, ozone); 50 FR 25073 (June 17, 1985) (New York City, ozone and CO). EPA also disapproved the SIPs for some extension areas and imposed the construction ban under section 110(a)(2)(I). *See, e.g.,* 50 FR 8616 (March 4, 1985) (Albuquerque, CO).

2. Implementation of Part D in the South Coast: 1978-1984

In the initial round of section 107 nonattainment designations in 1978, EPA found the South Coast in nonattainment for both CO and ozone. Several years after EPA's July 2, 1979 imposition of the section 110(a)(2)(I) construction moratorium, California submitted and EPA approved the 1979 Part D SIP for the area. As a result of that approval, on November 25, 1983, the Agency lifted the construction ban that it had imposed in July 1979. (48 FR 53114).

As part of the initial round of Part D SIP planning, the State of California requested that EPA approve an extension of the statutory attainment date to December 31, 1987 for CO and ozone for the South Coast. EPA approved the request. The State then submitted 1982 updates for the ozone and CO SIPs for the South Coast. Although these SIP revisions included control measures that would produce expeditious progress toward attainment of the applicable standards, the State conceded that the revisions did not demonstrate that the area would attain the standard by the statutory date of December 31, 1987. As a result EPA proposed to disapprove the plan on February 3, 1983, 48 FR 5074.

In final rulemaking published July 30, 1984 (49 FR 30300), however, EPA approved the emission control measures in the CO and ozone extension SIPs, on the ground that they strengthened the SIP. In addition, in that same rulemaking, EPA held open the question of whether the attainment and reasonable further progress (RFP) demonstrations in the South Coast SIP submittals met the requirements of Part D. In September 1984, a citizen named Mark Abramowitz filed a petition in the United States Court of Appeals for the Ninth Circuit seeking review of EPA's July 30, 1984 decision. *See Abramowitz* v. *EPA,* 832 F.2d 1071 (9th Cir. 1987).

3. The Reasonable Extra Efforts Program: 1984-1987

Beginning approximately in 1984, EPA began to explore how it might address the likelihood that many extension areas, as well as some non-extension areas that had already received SIP calls,[6] would not attain the ozone and CO standards in the near term with their existing SIPs and pending SIP revisions. In particular, EPA began to consider withholding disapprovals of the pending plan revisions and deferring sanctions where, though the states had failed to demonstrate attainment of the standards by the end of 1987 (or even shortly thereafter), they had submitted commitments to adopt all control measures that became reasonably available. EPA solicited comment on whether such an approach, as applied to the South Coast Air Basin and three other California (extension) areas, would be consistent with the Act. *See* 51 FR 34428 (September 26, 1986) (soliciting comment on the "Reasonable Extra Efforts Program" ("REEP") for four areas in California).

After reviewing the language and legislative history of the relevant provisions of the Act,[7] EPA concluded that the REEP approach, as well as a similar approach called the "Sustained Progress Program" ("SSP"), would be inconsistent with the Act—both for extension areas that had not yet received approval of the Part D SIP's and for areas that, though receiving such approvals, needed to revise their SIP's in response to notices of SIP deficiency under section 110(a)(2)(H). 52 FR 26404, 26.407 (July 14, 1987) (General Preamble). With regard to applying REEP and SPP to areas without approved Part D SIP's, EPA stated:

> On its face Part D * * * contemplates an entirely different planning process [from REEP], under which such an areas [sic] must develop within a set period a fully plan to produce attainment by a fixed near-term deadline.
>
> * * * * *
>
> The only argument supporting REEP in the face of this statutory language is the one sketched by EPA in its REEP proposal and by industry in its comments, namely, that some extension areas could produce attainment by the end of 1967 only by the application of measures that would tear the economic and social fabric of the areas and that the 95th Congress could not really have intended the areas to put such draconian measures into enforceable form and actually begin to implement them.
>
> The argument, however, misses the point * * *. In fact, the legislative history shows that the Congress set up the Part D system in order to force communities and industry to do their utmost to bring about attainment as rapidly as possible and expected that a future Congress would change the course it had set, if necessary, to avoid any unacceptable consequences.
>
> In sum, REEP and SPP would frustrate the purposes of Part D by abandoning upfront, complete planning for attainment by a near-term fixed deadline in favor of iterative planning for progress alone.

[52 FR 26404, 26406 col. 3 (July 14, 1987)].

Based on this conclusion, EPA proposed to disapprove several pending ozone and CO SIP's for extension areas that did not contain persuasive demonstrations of attainment within such a short-term period, and to impose the construction moratorium in those areas. *See, e.g.,* 52 FR 26431 (July 14, 1987) (reproposal to disapprove California ozone and CO SIP's for the South Coast of Fresno; reproposal to disapprove California ozone SIP's for Ventura and Sacramento).

On November 3, 1987, the Ninth Circuit issued its opinion in *Abramowitz,* v. *EPA,* the challenge to EPA's 1984 decision to approve control measures in the 1982 South Coast SIP and to defer action on the plan as a whole. The court found that EPA had exceeded its authority by approving the South Coast control measures without finding whether California had submitted an adequate demonstration of attainment by December 31, 1987, and the Court ordered EPA to take final action to disapprove the relevant SIP provisions forthwith. 832 F.2d

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[5] Congress also added two other funding sanctions for failure to implement a SIP. First, it extended the discretionary withholding of sewage treatment grants under section 316 to such failures. Second, it provided in section 176(b) for a withholding of air grants for any area in which the State is not implementing an applicable SIP. Beyond those funding sanctions, the requirement in section 173(4) operates, in effect, as a ban on the construction of major now sources in the event that a State is not "carrying out" the SIP. This means that, even when the SIP for a designated nonattainment area has been approved and is adequate, the area may become subject to a construction ban if it fails to carry out the SIP.

[6] Under section 110(a)(2)(H), 42 U.S.C. 7610(a)(2)(H), EPA may call for a SIP revision whenever the Administrator finds that the plan is "substantially inadequate" to achieve the NAAQS or in other respects fails to comply with the 1977 Clean Air Act Amendments.

[7] This analysis appears in a memorandum of EPA's General Counsel, dated November 25, 1966. The evaluation in this memorandum is reflected by the General Preamble discussed in the text below.

1071, 1079 (9th Cir. 1987). Pursuant to the court order, EPA took final action to disapprove those SIPs and to lay the groundwork for imposing the construction ban under section 110(a)(2)(I), 53 FR 1760 (January 22, 1988). The ban did not take effect until August 31, 1988, due to the sanctions freeze imposed by the Mitchell-Conte Amendment to the 1967 Continuing Resolution (Pub. L. 100-202).[8]

4. Formulation of Post-1987 Policy

On November 24, 1987, EPA issued a proposed policy on how, after passage of the December 31, 1987 statutory attainment date, states should correct their remaining ozone and CO nonattainment problems, 52 FR 45044. The proposal reflected EPA's view at that time of how to apply Part D to state plans after the statutory dates have passed. The Agency received over 2,000 comments on the proposal, and is still analyzing how those comments should affect EPA's final decisions on post-1987 ozone/CO policy. The Agency has not yet reached any conclusions on issues raised by the commenters. A summary of relevant sections of the proposed policy is provided below.

On it face, Part D (section 172(a)) calls for plans that "provide for attainment" of the standard by the stated date (December 31, 1982, or December 31, 1987). Because plans developed after 1987 cannot provide for attainment by either of these dates, under the strictest reading of Part D, a state (or EPA) could never develop a plan that meets Part D requirements, and hence could not actually satisfy the applicable requirements. But EPA stated its belief that Congress would have intended EPA in such circumstances to select, in place of the elapsed dates, a subsequent date consistent with the general principles of the Act and Part D. See *Chevron, U.S.A.* v. *NRDC*, 467 U.S. 837 (1984).

Although it is not clear what subsequent date Congress would have intended in these circumstances, EPA's post-1987 proposed policy referred to the history of the Act's planning requirements and suggested that Congress would have provided EPA (and these areas) an additional period analogous to the three- and five-year periods set forth in section 110(a)(2)(A) and section 110(e), respectively, 52 FR 45085. The Agency reasoned that, when Congress in 1977 directed EPA to initiate a new round of planning for areas that had failed earlier to produce an adequate plans meeting the section 110 requirements, it created new planning periods comparable to the section 110 periods (three-to-five years from EPA's approval of the State plan), rather than shortening those periods and thereby demanding plans for immediate attainment. Section 172(a)(1) required the SIP's for nonextension areas to provide for attainment by the end of 1982, four years from the date these submittals were due [January 1, 1989] (see section 129(c)).

EPA stated in the policy proposal that, to be sure, Congress had provided a much longer attainment period for extension areas—from January 1, 1979 to December 31, 1987, approximately nine years from the date of the initial Part D SIPs were due. But the Agency then noted that Congress had set up two planning periods for these areas—one to apply all "reasonably available" measures and a second to supplement those measures. Since one might assume that most reasonably available measures should already have been implemented in areas such as the South Coast by now, EPA stated that post-1987 planning for the area might be viewed as comparable to the second Part D planning period. That period spanned from the July 1982 submittal date (see section 129(c)) to the end of 1987, a period roughly consistent with the three- and five-year periods in section 110.

Based on analogy to sections 110(a) and (e) and the second Part D planning period of three to five years, the November 1987 policy proposed that EPA apply the relevant construction moratorium (or leave it in place) in all areas whose new plans do not contain a persuasive showing of attainment within three to five years after EPA action on the plan. Other sanctions would not follow if the plan indicated reasonable efforts. These reasonable efforts would be reflected in a rate of progress that would bring (at least presumptively) an average annual emission reduction of at least 3% of the base year inventory for the area, not including the reduction from certain baseline control measures.

The post-1987 proposed policy focused on how states should develop SIPs now that the December 31, 1987 statutory attainment date has passed. The proposal addressed FIPs only tangentially, and did not contain a detailed evaluation of the statute's FIP provisions. Nor did it describe how EPA might construct a post-1987 FIP for the South Coast Basin.

E. Recent and Current FIP Litigation

As the December 31, 1987 attainment date approached, citizens groups began to seek court action to compel EPA to promulgate FIPs for areas still lacking approved Part D ozone and CO SIPs. The first such case was a suit by the Arizona Center for Law in the Public Interest (ACLPI) to compel the Agency to impose highway funding sanctions and promulgate CO FIPs for Phoenix and Tucson, two areas whose 1982 Part D CO SIPs had not received EPA approval. In August 1987 the United States District Court for Arizona held that, although EPA was not under a nondiscretionary duty to impose the highway funding sanctions, its 1986 disapproval of the CO SIPs for those areas had triggered a duty for the Agency to create FIPs, *McCarthy* v. *Thomas*, slip op. (D. Ariz. 1987). The court then set a schedule for EPA to produce the FIPs or approve corrective SIPs for the two areas.

EPA proposed to promulgate a CO FIP for the Phoenix area on May 16, 1983, 53 FR 17378. The proposed FIP would have consisted of two measures that, together with the previously submitted SIP, would produce attainment of the CO standard within three years of FIP promulgation. Thus, the proposal would have applied EPA's views on post-1987 SIP attainment to the FIP for Phoenix. EPA stated that, while the two measures in the proposed FIP could not be said to be clearly practicable to implement, their implementation *might* be practicable and hence the Agency could not find grounds to support a two-year extension of the attainment date under section 110(e).

Subsequent to the FIP proposal, Arizona supplemented its SIP with new state-adopted measures sufficient in EPA's view to remove the need for a FIP for the Phoenix area. Because the SIP as supplemented would produce attainment within three years of SIP approval, EPA approved it, 53 FR 30220 (August 10, 1988). The notice stated, however:

> Certain important qualifications apply to this analysis. First, EPA is here dealing with a situation in which attainment within 3 years is a practicable possibility given the size of the nonattainment problem and the measures that the state has submitted. EPA currently has rulemaking and policy proposals outstanding which raise the question of whether EPA must disapprove a SIP and thereby trigger a construction ban, even where a state has failed to submit measures that would provide for attainment with 3 to 5 years and where attainment by means of any measures would be impossible as a practical matter. See 52 FR 26404 (July 14, 1987) and 52 FR 45044 (November 24, 1987). Thus EPA has yet to decide in final form what the role of impossibility is under the Act for the purpose of approval or disapproval of SIPs.
>
> Second, EPA is not deciding in this notice of final action what its obligations under section 110(c) to promulgate a federal implementation plan are. Again, the role of the doctrine of impossibility is uncertain. Further, it is uncertain in any event that EPA must promulgate a FIP that provides for attainment by a near term fixed date. EPA currently is exploring these issues in connection with the ozone and CO SIPs for certain areas in California including the South Coast Air Quality Management District. EPA does not intend by means of the discussion and analysis in this notice to express a final view on these issues.

Id. at 30,277, n.l. Thus, the Arizona rulemaking did not purport to address what section 110(c) requires in relation to an area facing such severe nonattainment that attainment within three to five years would destroy its socioeconomic fabric.

In early 1988, the Coalition for Clean Air and Sierra Club filed a complaint in the U.S. District Court in California to compel EPA to promulgate a FIP for ozone and CO in the South Coast Air Basin. Following some initial procedural filings, the court transferred the case from the Northern District (San Francisco) to the Central District (Los Angeles). Just before that transfer took effect, EPA had filed a response to the plaintiffs' motion on the issue whether EPA has a duty to promulgate a FIP. EPA's response acknowledged such a duty, which was affirmed by the court in an order dated September 19, 1988. Today's Advance Notice of Proposed Rulemaking reflects EPA's initial efforts to describe and solicit comment on how the Agency can and should fulfill its obligation.

The Agency is involved in similar litigation relating to ozone in other cities. A citizens group, Citizens to Preserve the Ojai, filed suit in the U.S. District Court for the Central District of California to compel EPA to disapprove the 1982 Ventura County ozone SIP and write an ozone FIP for that area. EPA published its disapproval of that

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[8] The Mitchell-Conte Amendment to the Budget Reconciliation Act of 1987 (Pub. L. 100-202) (December 22, 1987), provided in relevant part:

> No restriction or prohibition on construction, permitting or funding under sections 110(a)(2)(I), 173(4), 176(a), 176(b), or 316 of the Clean Air Act shall be imposed or take effect during the period prior to August 31, 1988 by reason of (1) the failure of any nonattainment area to attain the national primary ambient air quality standard under the Clean Air Act for photochemical oxidants (ozone) or carbon monoxide (or both) by December 31, 1987; (2) the failure of any State to adopt and submit to the Administrator of the Environmental Protection Agency an implementation plan that meets the requirements of part D title I of such Act and provides for attainment of such standards by December 31, 1967; (3) the failure of any State or designated local government to implement the applicable implementation plan or (4) any combination of the foregoing.

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SIP on October 5, 1988, 53 FR 39087. The Sierra Club and the Environmental Council of Sacramento have filed suit in the U.S. District Court for the Eastern District of California to compel EPA to disapprove the 1982 Sacramento ozone SIP and promulgate a FIP. Finally, the State of Wisconsin has filed suit in the U.S. District Court for the Eastern District of Wisconsin to compel EPA to disapprove the 1982 Illinois and Indiana ozone SIPs for the Chicago area and create a FIP. EPA published its disapproval of those SIPs on October 17, 1988 (53 FR 40415) and November 18, 1988 (53 FR 46808). None of those three courts has ruled on the FIP issues.

III. THE SOUTH COAST BASIN: CURRENT PROBLEMS AND PLANNING

The South Coast Air Basin (Basin) consists of Orange County, and portions of Los Angeles, San Bernardino, and Riverside Counties. The Basin is bounded on the north by the San Gabriel Mountains, on the northwest by the San Bernardino Mountains, and on the east by the San Jacinto Mountains. Lying off the semi-permanent high pressure zone of the eastern Pacific * * * existing dependency on private vehicle use, and to reduce future needs for additional private vehicle trips to accommodate growth in population and employment. Most of these transportation and land use measures (such as provisions for jobs-housing balance or construction of new mass transit facilities) necessarily involve lead times of at least five years and, in some areas, more than 15 years, for full implementation.

1. State and Local Expertise

EPA has not yet fully analyzed all features of the South Coast AQMP, and does not yet know if it is adequate to provide for attainment, or whether it can be fully implemented within its projected timeframe. But the SCAQMD has consistently been recognized as one of the nation's most comprehensive, progressive, and effective air quality control agencies, particularly with respect to the development, application and refinement of effective controls of ozone precursors, VOC and NO_x. Their effort on the proposed AQMP, in conjunction with SCAG's, includes identifying and scheduling for adoption every feasible stationary source, transportation, and mobile source control measure. The plan has scheduled pilot studies, legislative needs, funding commitments, public awareness programs, and implementation time frames.

EPA's involvement in the South Coast planning effort has primarily been to oversee and provide technical assistance to the state and local agencies. EPA has limited expertise in the specific approaches that would be used to control emissions in the Basin. Much of EPA's regulatory approach to the control of emissions continues to be derived from the knowledge and experience of the SCAQMD and the ARB in the control of stationary, area, and mobile sources.

EPA would be unable to implement many of the measures identified in the South Coast draft plan. Many control strategies require commitments on the local level and must be initiated by local agencies. These include land use measures, incentive based transportation control measures (TCMs), and long-range transit planning. Because of the nature of these control measures, and the fact that there are over 150 local jurisdictions in the basin, local government coordination is essential.

EPA believes that air quality benefits are best achieved through a federal partnership with the state and local planning agencies to ensure that all needed control measures are adopted, monitored, and enforced primarily at the state and local levels. The SCAQMD, SCAG, ARB, and EPA have been working together successfully to refine control strategies included in the draft plan to generate local support for controversial measures. Federal preemption of the planning process at the culumination of a uniquely ambitious and resource intensive planning process, could jeopardize the extensive efforts and progress of the state of local agencies and jurisdictions.

2. Federal Versus State/Local Resource Allocation

The staff and budgets of the local and state agencies responsible for solving the air pollution problems in the Basin far exceed currently budgeted federal sources. The staff levels in the fiscal year 1989 budgets of the SCAQMD and the ARB are 900 and 670, respectively; this combined work force is more than 22 times the staff size (70) of the Air Management Division (AMD) in the EPA Region 9 office in San Francisco. The Region 9 office is responsible for directly implementing or overseeing the implementation of the Clean Air Act throughout the states of California, Arizona, Nevada, Hawaii, and the Pacific Islands. The approximate fiscal year 1989 budgets of the three agencies are similarly proportioned:

SCAQMD	$75,000,000
ARB	58,000,000
EPA Region 9 (AMD)	3,500,000

The imbalance of federal and state/local air pollution planning resources is still more extreme when the staff and budget of SCAG are considered. SCAG, which is the largest of the approximately 700 Councils of Government in the country, shares responsibility with the SCAQMD for preparation of the local air pollution control plan.

Appendix B: Technical Issues

I. Developing the Federal Implementation Plan

This Appendix is intended to provide a better understanding of the technical issues associated with the FIP process. The process of developing an implementation plan is similar whether the plan is to be promulgated by the state, as a SIP, or by the federal government as a FIP. Typically, states have been given only nine months to prepare and submit to EPA a fully adopted and approvable plan. During this time, EPA must complete appropriate guidance, and the state must gather information, conduct an analysis of the problem, select appropriate control measures, and write and adopt a plan. Because the development of post-1987 plans is expected to be more difficult than previous efforts, EPA in its proposed policy to address continued nonattainment of the ozone and CO NAAQS, proposed to allow states two years to develop post-1987 ozone and CO SIPs.

In order to produce a technically sound plan, the following types of activities are required:

a. development of data bases (inventories)

b. determination of emission reduction requirements

c. selection of control measures

d. preparation of the FIP or SIP

e. review and adoption of the plan.

A. Development of Data Bases

1. *Current Emission Inventory.* An emission inventory of air pollutants and their sources is essential in identifying major contributors of air contaminants. Sources of emissions are classified as either stationary or mobile sources. Stationary sources are further divided into point and area sources.

The most recent comprehensive inventory for the South Coast is for the base year 1983. For the purposes of the South Coast draft plan, the 1983 inventory was updated to create a 1985 base year emission inventory. The next comprehensive update is expected in 1990 for the base year 1987.

A technical evaluation of the South Coast draft plan inventory and projections has not yet been performed. However, some preliminary conclusions can be drawn about the inventory. Stationary VOC sources in the South Coast include surface coating operations, consumer use products, petroleum processing, and industrial/manufacturing processes. The total VOC contribution from stationary point and area sources comprise 48 percent of the inventory. For NO_x stationary point and area sources contribute 28 percent of the inventory. The major stationary NO_x sources include electric utilities, petroleum refineries, and manufacturing/industrial process. Stationary sources contribute only 4 percent to the CO inventory and are mostly fuel combustion sources.

Mobile source emissions are attributed to on-road vehicles (automobiles; light, medium and heavy duty trucks; buses; and motorcycles) and other mobile sources (airplanes, ships, trains, and mobile utility equipment). On-road vehicles account for 48 percent of the VOC emissions, 59 percent of the NO_x emissions, and 87 percent of the CO emissions in the South Coast.

2. *Forecasted Emission Inventories.* The 1985 base year inventory has been projected to create the baseline inventory for 2000 and 2010. The projected inventories take into account existing control strategies presently in the South Coast, including the California and the Federal Motor Vehicle Control Programs (CMVCP) and (FMVCP), and anticipated stationary and mobile source growth.

Due to existing efforts of local, state and federal air pollution control agencies, per source emissions of VOC, CO, and NO_x in the South Coast are declining. The SCAQMD estimates that per source emissions will continue to decline in the near future because of the effect of existing controls on air pollution sources. The major reason for this steady decrease in per source emissions is the expected turnover of vehicles in use due to the implementation of the CMVCP and the FMVCP. As older cars, which have higher emissions, are replaced by newer, cleaner burning cars, the associated emissions have decreased.

As noted above, however, the South Coast Basin is growing in population at a remarkable rate. If the excess cumulative emissions caused by this growth are not offset or mitigated, the South Coast will quickly begin to experience a net increase in emissions throughout the basin.

3. *FIP Emission Inventory.* The FIP emission inventory would give an indication of what sources would be able to provide additional reductions and would provide an overall baseline against which the adequacy of the control strategy is judged. The FIP emission inventory would include VOC, NO_x, and CO.

EPA would need to establish a base year inventory; a projected inventory for future years with no new control measures; and a series of projected control strategy inventories. This would involve the identification of sources; data collection on stationary source production levels.

[From the Environmental Forum, January/February 1990]

NEPA TO CERCLA

THE CLEAN AIR ACT: A COMMITMENT TO PUBLIC HEALTH

(By Edmund S. Muskie)

(A little more than 20 years ago, on the very last day of 1970, President Nixon signed the Clean Air Act into law. Senator Edmund Muskie, the primary author of the law, was not invited to the ceremony. At the time, Muskie was a front-runner for the Democratic presidential nomination and often antagonized the Nixon White House, particularly by attacking the Administration for denying stronger support to environmental concerns.

(This is the second in a special series of Forum articles on the laws of the environmental decade, Muskie reflects on the drafting and enactment of the original clean air law. "NEPA to CERCLA" celebrates the twentieth anniversary of Earth Day by offering reminiscences from the past and advice for the future from the primary architects of our major environmental laws.

(Serving as the first chairman of the Senate's Public Works Subcommittee on Air and Water Pollution from 1963 to 1980, Edmund Muskie compiled a remarkable record, forging innovative legislative mandates that have served as the basis for our system of pollution control. Under his leadership, many of the nation's major environmental laws were conceived and enacted—including the Clean Air Act, the Clean Water Act, the Toxic Substances Control Act, and the Resource Conservation and Recovery Act. As Secretary of State in the Carter Administration, Muskie continued to be a key spokesman for international environmental concerns. He is presently a partner in the D.C. office of Chadbourne & Parke, a New York-based international law firm.

(The Environmental Forum is pleased to present former Senator Muskie's remarks on the twentieth anniversary of the Clean Air Act. Next issue, former Senate staffer, Leon Billings, will look back on the passge of the Clean Water Act.)

This year marks the 20th anniversary of the Clean Air Act of 1970—the most comprehensive air pollution control bill in American history. It also marks the 20th anniversary of Earth Day.

In 1970, the members of the Senate Subcommittee on Air and Water Pollution were ready to launch a tough new approach to clean up the nation's air. Earth Day occurred during the hearings. Members were overwhelmed by mail from across the nation. We used every ounce of political leverage the Earth Day constituency created to prod a reluctant President and an equally reluctant House of Representatives to accept landmark clean air legislation.

Passage of the Act was a success against tremendous odds. We overcame political adversity and the business community's inertia. And because grasping the moment was imperative, we set goals, standards, and objectives beyond our reach.

The Clean Air Act of 1970 defined the air pollution control program we have today. It has been amended since then, but the basic principles still apply. My purpose here is to restate the basic objectives of the original Clean Air Act with the hope that they will be kept in mind in the current clean air debate.

THE EARLY YEARS: SHAPING CONVICTIONS

The 1970 Act had its modest beginnings in the 1960s, following the establishment in 1963 of the Senate Subcommittee on Air and Water Pollution. In the 1960s, air pollution was widely perceived as a Los Angeles smog problem. But as research programs and public hearings were convened across the country, we soon learned that it was a rapidly escalating national health problem. Our legislative initiatives evolved slowly but picked up momentum as the Subcommittee developed confidence in its understanding of what was required.

In the 1963 Act, we expanded programs for research and technical assistance and provided grants to states to develop and improve their air pollution control programs. We directed the development of "air quality criteria" to identify pollutant levels that cause adverse health effects. States could then use these criteria to regulate sources of air pollution. We authorized the Secretary of the Department of Health, Education and Welfare (HEW) to convene conferences of state and local authorities to deal with interstate air pollution problems. In 1965, we directed the Secretary to develop emissions standards for new motor vehicles and motor vehicle engines.

By 1967 there was broad agreement that current local and state efforts were inadequate. The nation's air quality, and the accompanying threat to public health, continued to worsen. Federal action was required. The Air Quality Act of 1967, which passed the Senate 88 to 0, provided the first comprehensive federal air pollution control by establishing ambient air quality standards based on federal "air quality criteria."

The debate continued over how to implement these criteria. State and local actions weren't enough, but federal regulation seemed insensitive to local conditions. A regional approach was chosen as a compromise. Under the 1967 Act, HEW was directed to designate broad "atmospheric regions" of the country, where meteorological, topographical, and other conditions were similar. In order to simplify regulations, these regions were also to conform to local political/jurisdictional boundaries with similar industrial conditions. States were required to adopt state implementation plans showing how they would achieve the air quality standards. HEW was directed to report within three years on progress towards meeting the new emissions standards.

Another major feature of the 1967 Act was the federal preemption of the authority of the states—with the sole exception of California—to establish automobile emission standards. The logic here was simple. Trucks and automobiles are mobile sources, frequently crossing state boundaries, and therefore require federal regulation. California fought hard to maintain sovereignty so that its tougher emissions standards would not be preempted. Since the size of the California auto market would prevent this from being too much of a hardship for manufacturers, it was agreed that the state could have such an exemption, and it stands today.

THE 1970 CLEAN AIR ACT

The experiences and lessons of the 1960s prepared the members of the Subcommittee for the challenge of the 1970 Act. It was clear that air pollution continued to threaten public health. Continuing squabbles over establishing the atmospheric regions and enforcing the law made it clear that—while implementation measures must remain sensitive to local conditions—federal standards and action were needed. By 1970 the Subcommittee members were ready to launch a tough new approach in the requirements and the procedures of the Clean Air Act.

A series of outside events helped build political momentum for a tough new law. Earth Day occurred during the hearings. That summer, Washington suffered the worst and longest air pollution episode in its history. Caught up in the spirit of the day, a coalition of labor and other environmental groups went so far as to call for prohibition of the internal combustion engine.

Three fundamental principles shaped the 1970 law. I was convinced that strict federal air pollution regulation would require a legally defensible premise. Protection of public health seemed the strongest and most appropriate such premise. Senator Howard Baker believed that the American technological genius should be brought to bear on the air pollution problem, and that industry should be required to apply the best technology available. Senator Thomas Eagleton asserted that the American people deserved to know when they could expect their health to be protected, and that deadlines were the only means of providing minimal assurance.

Over a period of several markup sessions, those three concepts evolved into a proposed Clean Air Act that set deadlines, required the use of best available technology, and established health-related air quality levels. The success or failure of the program would be determined by measurement against these criteria.

When the bill was made public, the business community was outraged. The auto industry complained about the unanticipated requirement that they achieve 90 percent reductions emissions by 1975. Most of the business community joined in a demand for hearings.

Public Works Chairman Jennings Randolph directed the committee staff to distribute the subcommittee's print for comment and to meet with any groups desiring an opportunity to discuss specific provisions prior to full committee markup. The result of that process was a modest delay in full committee consideration of the bill, and the inclusion of a provision authorizing a one-year extension of the strict emissions deadline upon a finding that the standards could not be met.

The bill was passed unanimously after just two days on the floor. After the vote, Senator Eugene McCarthy commented to me, "Ed, you finally found an issue better than motherhood—and some people are even against motherhood."

An extended conference with the House followed, interrupted by the mid-term congressional elections. The House was adamant on not accepting the Senate auto deadlines. But with an election year approaching, the congressional members wanted to pass a Clean Air Act. So the Senate stood its ground, and the conference agreement passed by voice vote in both houses. President Nixon finally signed the bill on December 31, 1970.

DEFINING THE CLEAN AIR AGENDA

As mentioned above, the 1970 Act set the three-pronged formula for air pollution regulation that is still essentially in place today. A quick review of several sections of the original Act illustrates how the concerns with protecting public health, forcing the use of the best available technology, and setting deadlines were written into law.

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Under section 109, EPA is directed to publish National Ambient Air Quality Standards for specific pollutants. The decisions on which pollutants to regulate and at what level they were to be regulated are based on health and welfare criteria. The pollutants selected included carbon monoxide, nitrogen oxides, sulfur oxides, ozone, lead, and particulate matter.

The division between primary and secondary standards also reflects the emphasis on health-related issues. EPA was directed to set both primary and secondary ambient air quality standards; the primary standards are aimed at protecting human health with an "adequate margin of safety." and the secondary standards are expected to protect visibility, damage to buildings, materials, plants, and other aspects of public welfare.

Similar health concerns drove the regulation of toxic air pollutants. Section 112 directs EPA to establish limits for the emission of hazardous pollutants, or those air pollutants "which may cause or contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness."

Some standards were tied to the level of control technology available. While existing sources were controlled under State Implementation Plans (SIP), § 111 directed EPA to establish nationally applicable limitations on emissions coming from large new stationary sources, such as factories, smelters, and power plants. The strictness of the standards must represent the application of the best control technology that has been demonstrated to be available.

Development of better technologies was to be "forced" by §202, which required a 90 percent reduction of automobile emissions by 1975-76. Although there was no assurance that appropriate control devices could be designed and installed on cars within five years, strict standards and deadlines were expected to force the development of an appropriate control technology.

For many of the clean air emissions standards, explicit deadlines were written into the law. In order to ensure attainment of these federal standards by the deadlines specified, § 110 required states to develop SIPs that limit emissions. EPA was then required to approve or dispprove the plans within the statutory deadline. If the state plan is inadequate, the Administrator must promulgate another plan that will bring the state into compliance.

A CITIZEN'S RIGHT TO SUE

The 1970 Clean Air Act is significant, not just because it established statutory regulation of the auto industry, or because it established deadlines for achieving air quality levels protective of public health. The Clean Air Act was the first federal environmental statute to include provision for citizen enforcement. This so-called citizen suit provision allows individuals to sue violators of the Clean Air Act instead of relying on government action. Furthermore, the Act removed many of the former impediments to bringing suits in federal courts—such as the need for the plaintiff to reside in a different state than the defendant.

In order to make that provision effective, little discretionary authority was provided to EPA. Throughout the Act, the word "shall" was used to mandate the functions required to be performed by the Agency. Regulations, implementation, and enforcement all became specific, non-discretionary responsibilities, and enforceable civil and criminal penalties were included.

THE 1977 AMENDMENTS

In the seven years that followed, a great deal of work was done in the clean air laboratory of the real world. Governments imposed regulations and industries invested in pollution control. Great gains were achieved in controlling automobile emissions, and perhaps most important, new control technologies were developed. Some parts of the country even saw improvements in their air quality. At the very least, the deterioration of air quality in many of our growing urban areas was slowed.

In those same seven years, the special interests mobilized their forces. Industry and business groups—ranging from national oil and coal interests to service stations owners and local land developers—prepared a myriad of studies proving the inappropriateness of the application of the Clean Air Act. Law firms gathered environmental experts. Trade associations hired people specifically to cover the environmental legislation and committees. Environmental over-regulation became a buzzword of business and conservative interests.

The target legislative year was 1977, when the Clean Air Act authorization needed to be extended. The entire focus was on weakening and limiting the application of policies previously adopted. The auto industry waged an all-out battle against the statutory standards. A session-ending filibuster in the Senate pushed consideration of the amendments into 1977, and then the auto industry gained yet another delay of four years to comply with the statutory auto emission standards. Fortunately, most of the special interests' political capital was exhausted in the fight for the auto industry amendment, and we were able to avoid a number of other special industry efforts.

Since many of the deadlines had passed without achievement of the emissions standards, the 1977 law included a "non-attainment" section. For example, the amendments provided guidelines for construction of new facilities in areas where ambient air quality standards had not yet been attained. Five-year extensions of deadlines for compliance were provided for all areas that had not yet met the standards.

Tucked into the non-attainment section were a number of special interest provisions that removed important regulatory tools from the clean air toolbox. Land developers were exempted from any air quality related transportation controls. Similar exemptions were extended to service stations, small refineries, and the after-market parts industry. Such provisions may have been politically essential at the time, but they removed significant options available for achievement of health-based air quality standards.

Despite these setbacks, the 1977 amendments also incorporated several major new features. One of the most important was a "non-degradation" or "clean growth" policy to prevent the significant deterioration of air quality in regions where the air is already cleaner than the ambient air quality standards.

MAJOR GAINS AND UNFINISHED BUSINESS

The Senate subcommittee did not regard the 1970 Act as the ultimate solution to the problems generated by air pollution. Our knowledge as to its health effects was incomplete. It was impossible to identify a threshold below which health effects could be regarded as inconsequential. But we were convinced that progress toward a maximum reduction of adverse health effects must be the critical test of the Act's effectiveness. We realized that achievement of that result would require the development of technology not yet available. We established deadlines as a technology-forcing mechanism, with progress to be monitored by Congress itself.

As Senator John Sherman Cooper pointed out at the time of final action on the 1970 Clean Air Act, this was the most far-reaching piece of social legislation in American history; it would set in motion a course of events that history could not reverse. He was right. It began a process that yielded a change in the American people's fundamental relationship with their environment. It began an ethic that now pervades the academic, intellectual, and business structure of our country. And it put in place an infrastructure of air quality planning and management throughout the country.

Not everything we charted in the 1970 Act has been accomplished, however. Many of our goals have been delayed. Deadlines have been missed. The air is still dirty. But much has been accomplished and in a few cases we achieved more than expected. These accomplishments are particularly significant when viewed in the light of the continuing growth of the American population and the expansion of the economy over the last two decades.

A major achievement of the Clean Air Act has been the near elimination of lead from the atmosphere. EPA estimates that emissions of this toxic metal, emitted primarily from smelters and motor vehicles, have been reduced by 85 percent since 1970. And continued progress can be expected as older motor vehicles and agricultural equipment operating on leaded gas become obsolete.

In addition, most urban centers are now in compliance with the federal standard for sulfur dioxide (SO_2). Emissions have been reduced by almost 20 percent since 1977, notwithstanding an increase in coal consumption. This achievement will be enhanced if Congress adopts Senators George Mitchell's (D-ME) and Max Baucus' (D-MT) current Clean Air Act proposals requiring the reduction of emissions of SO_2 and nitrogen oxide (NO_x) which produce acid rain.

Because of repeated delays by Detroit to require new cars to meet statutory emissions requirements, and because of a constantly increasing number of cars on our roads each year, mixed results have been achieved in the reduction of pollutants from motor vehicles. But even though the original deadlines of the Clean Air Act were unfortunately permitted to slip, the "technology-forcing" provisions of the Act must still be regarded as substantially responsible for much of the success of mobile source regulation.

The number of vehicle miles travelled by automobiles has increased dramatically. From 1978 to 1987, for example, the number of vehicle miles travelled in the United States increased 24 percent. Despite this increase, emissions of particulate matter dropped by 22 percent, hydrocarbons by 17 percent, while NO_x emissions remained relatively stable. In fact, today's new automobiles produce only four percent as much pollution as did their 1970 predecessors.

Regulating emissions of carbon monoxide (CO) has been a particularly difficult feat. Even though CO emissions dropped 25 percent from 1978 to 1987, CO pollution persists today as one of the most intractable air pollution control problems facing society. Specifically, approximately 50 American cities are not in attainment with the CO standard, and 6 of these have a CO problem that EPA classifies as a "serious" health hazard. In addition, about 100 million Americans live in some 80 urban areas that exceed the health standard for ozone.

The continued growth in population, travel, and industrial activity will only exacerbate these problems. One shudders to contemplate the magnitude of the problem with which we would be confronted had we neglected to address these conventional pollutants 20 years ago.

Our persistent air quality problems are also precipitated, at least in part, by the failure of state and federal governments to implement the goals of the Act as intended. Current information clearly indicates that further controls on stationary and mobile sources are required in order to achieve enhanced compliance with standards.

One serious failure, which I greet with great consternation, is the dilatory pace at which the federal government has proceeded to regulate, or rather, failed to regulate, hazardous air pollutants. While § 112 of the Clean Air Act clearly provides for the regulation of toxic air pollutants, only seven standards have been established. Many of the pollutants not yet regulated are known carcinogens. In fact, EPA estimates that approximately 1,500 to 3,000 fatal cancers per year may be attributed, at least in part, to the release of air toxics. This does not even include respiratory diseases and birth defects that may be caused by these emissions.

EMERGING PROBLEMS

In the past 20 years, scientific inquiries have revealed the alarming new problems of global warming and ozone depletion. We are now becoming increasingly aware of the contribution of greenhouse gases such as carbon dioxide (CO_2) and chlorofluorocarbons (CFC) to the phenomenon of global warming, and of the effects of the CFCs on the earth's stratospheric ozone layer. The scientific community tells us that global warming, or the "greenhouse effect," is believed to cause rising climatic temperatures, and that depletion of the earth's ozone is believed to cause skin cancer.

The Montreal Protocol is a positive step towards international cooperation on the problem of ozone depletion, but, as our knowledge of CFCs becomes more sophisticated, the international treaty may become outdated. With respect to global warming, many initiatives that could be taken to reduce CO_2 buildup in the atmosphere—such as improving energy efficiency and increasing reforestation—are attractive in and of themselves. However, many unresolved scientific issues still surround the phenomenon of global warming, and the need to accelerate research in both areas cannot be overstated. While we should continue to seek answers and international cooperation, let us not neglect to act on what we now know and, if necessary, to act alone.

The authors of the original Clean Air Act were also unable to anticipate the phenomenon of acid rain and the associated long-range transboundary pollution problems. However, the Administration's recent proposals attempt to provide a solution by restricting SO_2 emissions that are known to contribute to the production of acid rain.

To the contrary, indoor air pollution—another new and controversial issue that was discovered subsequent to the passage of the original Clean Air Act—does not appear to be receiving the level of attention that it deserves. New information suggests that a substantial and growing segment of the population suffers adverse health effects as a result of indoor air quality problems. Using the original Act's emphasis on health-related criteria as a guide, this problem deserves more attention.

LEGAL PIONEERS, THEN AND NOW

As we consider these and other new challenges, we should remind ourselves of an essential characteristic of the 1970 Act, one that holds true to this day: it was an "experimental law." It used innovative approaches to achieve the desired results on a more timely basis than provided under any previous law. It defined a new role for government in areas previously believed to involve a private right to a free resource. It was premised on a new and basic public policy tenet—that the federal government has a responsibility to assure that the health of the public is protected from the effects of air pollution. In other words, it was pioneering legislation.

The objectives of the original Clean Air Act are still valid. Poor air quality affects the health of millions of Americans. Thousands of rivers and lakes are being destroyed by a change in their acid composition. Auto emissions continue to contaminate the air in too many of American cities. And new pollutants are being found that pose a risk to the health and welfare of our people. It is true that cleanup efforts have already improved many of these conditions. But in considering the future of the Clean Air Act, we would do ourselves a great disservice to harbor any feelings of complacency when we consider the trade-offs at stake.

I continue to believe that a healthy economy and clean air are not mutually exclusive goals. As policymakers guide this Act through the winding corridors of change in national policy, I hope we will bear in mind that a great nation cannot be measured solely in terms of its industrial capacity and Gross National Product. Ultimately our progress as a nation will be measured by how well we preserve and improve our own quality of life and that of future generations.

Fortunately, today's Americans now believe that pollution is unacceptable ethically and economically. No amount of resistance to our clean air laws based on claims of cost or antagonism to objectives can change that. That is the message of the 1970 Clean Air Act.

Earth Day 1970 helped create the national psyche which molded that result. But a few committed, progressive Senators sitting in a back room in the Dirksen Senate Office Building made the political and intellectual commitment which forced the achievement of that objective. As Earth Day 1990 approaches, we should call the roll of that small band of men who changed history so we don't forget their important contribution! Jennings Randolph, West Virginia. Stephen Young, Ohio. B. Everett Jordan, North Carolina. Birch Bayh, Indiana. Joseph Montoya, New Mexico. William Spong, Virginia. Thomas Eagleton, Missouri. Mike Gravel, Alaska. John Sherman Cooper, Kentucky. J. Caleb Boggs, Delaware. Howard Baker, Tennessee. Robert Dole, Kansas. Edward Gurney, Florida. And Robert Packwood, Oregon.

The American people owe a great deal to Earth Day, as does much of my success in writing environmental laws. Without the political momentum created by this event, we might not have been able to pass such pioneering legislation. Nor would people the world over be rallying to the global warming issue without the spirit captured in classrooms, auditoriums, and amphitheaters across the country in 1970. Earth Day 1990—and today's Senators and Congressmen—have a similar opportunity. We must review that spirit so that our legislators can tackle the 1990 Clean Air Amendments with the same energy and innovative thinking.

Mr. SYMMS. Mr. President, I only want to remind Senators and announce Dr. Wilbur A. Steger, the author of "Jobs at Risk," is in the LBJ room. There may be some Senators who want to look at some of the materials he has and visit with him on how he came up with the numbers on job losses. I thank the Senator very much.

(Mr. SANFORD assumed the chair.)

Mr. BAUCUS. Mr. President, the amendment offered by the Senator from Massachusetts, I think, on examination, should be opposed very simply because it will not work. And the best evidence that it will not work is that it does not work. The Senator from Massachusetts is asking essentially that a full Federal implementation plan be mandatory if a State fails to submit an approval plan. There are some other portions of his amendment, but that essentially is his amendment. That has not worked.

In fact, I would like to ask the Senator from Massachusetts if he can name any single example when the full Federal implementation plan has resulted in any actual emissions reductions, because it never has. It never has because it has not worked.

Now, he might say there is a court order or two, but those court order still have not been enforced. There was never a case when the Federal implementation plan has actually resulted in emissions reduction. It has not happened.

Why has it not happened? Over 20 years, this has been in effect, why has it not happened? It has not happened because it does not work. The full Federal implementation plan system does not work. Why does it not work? It does not work because it is too broad based. It is not tailored to the actual problems, for example, in a State implementation plan. It is too broad based. It requires massive resources of the EPA to implement a Federal implementation plan for a State if a State fails to submit an approval plan.

The EPA and Federal Government are reluctant to fully implement a full Federal plan because of all the resources that are required. That is why it has not worked. And that is why EPA has been taken to court to implement the full Federal plan. In fact, in only several cases that come to mind is the EPA in court, and, as I said earlier, even those cases are not yet enforced. It is the kind of system that just does not work.

Mr. President, one other point here. I have the highest regard for the Senator from Massachusetts, but he has made some points here which are flatly erroneous. He is saying, for example, that the committee agreement

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reduces or eliminates citizen suits. Now, I ask the Senator to turn to page 506 of the bill. Citizen suits are still in the bill. They are in the bill. He said earlier that citizens cannot sue to force the EPA to take an action. He is wrong. He is flat wrong. In the bill, citizen suits are fully kept. We keep that in the agreement. A citizen may sue the EPA for nondiscretionary action. That is the law today. It is still the law if this agreement is enacted.

Further, the Senator from Massachusetts says that the agreement eliminates mandatory Federal action; that is, the agreement provides discretionary action on the part of the EPA. That is wrong, too. I ask the Senator to turn to pages 28 and 29 of the bill. It is mandatory action—mandatory. That is, the administrator must take mandatory action either enacting one of the control measures or in selecting the sanction. It is mandatory. The Senator is wrong. He has not read the agreement. Under the agreement, there is mandatory action. The administrator must take mandatory action under provisions of that bill.

The Senator also says the agreement reduces the primacy of health standards. That is wrong, too. We do not reduce the primacy of health standards. The Senator also says—he did not say it directly, but he strongly implies—the agreement reduces the availability of States to set smaller emissions requirements; that is, to set an emissions allowance below 100 tons. The State of Massachusetts, for example, controls down to 20 tons. And we, in the agreement, allow the States to control the smaller sources if they so choose. That is in the agreement as well.

Mr. KERRY. Will the Senator yield?

Mr. BAUCUS. In just 1 minute.

The final point I want to make is there just are not instances wherein there has been actual reductions in emissions, because the present full Federal implementation plan system simply does not work.

The Senator from Massachusetts also goes on to say, well, the Senator from Montana, the Senator from Rhode Island, and perhaps the Senator from Maine really, deep down in their hearts, favor what the Senator from Massachusetts is proposing but that they are constrained by the agreement to oppose the proposal by the Senator from Massachusetts.

I must say, Mr. President, that, too, is incorrect. I have been persuaded that the committee bill was wrong with respect to its full implementation plan provision. I am convinced that it makes much more sense for the EPA to have a tailor-made solution, a tailor-made remedy, that is more like a scalpel, in effect, to be sure that the State does what it should do in implementing this plan.

Now, what am I saying? I am saying this: Under the agreement, we require a State, if it failed to submit an approval plan, to meet 3-percent annual increment reductions in ozone. That is not in current law. In addition, if a State fails to submit an implementation plan, we require the Administrator, after a year, to choose one of several control measures—that could be tailor-made—choose the control measure that seems to make the most sense. Also, he must choose one that has the greatest emissions reduction consequences. That is in there, too.

So I am saying, instead of an all-or-nothing approach, instead of a generalization, we are requiring annual increment improvements on the part of the State and also requiring the administrator to choose the control measure which seems to make the most sense for that State rather than taking over the full implementation plan; that is, tailor it to the circumstances that make the most sense. I believe that makes more sense.

I strongly support the agreement because the agreement is better. The agreement is an improvement upon the committee bill. It is an improvement. I submit that it is an improvement because in the past the full implementation plan system has not worked. In 20 years, it has not worked.

Now, if the Senator from Massachussetts really wants something that works, if he wants to in fact reduce ozone, reduce volatile organic compound emissions, reduce nitrous oxide emissions, I think he would want a plan that works.

There is another analogy here. The current Clean Air Act requires communities not in attainment to be in attainment by a certain date. We all know the history of the Clean Air Act. That has not worked either. Why has that not worked? Because that, too, has been an all-or-nothing approach; that is, we set a date out in the future for a city to meet. If a city does not meet that date, well, it does not meet it. Ordinarily, because it has been all or nothing, the State or the community has not met the attainment date.

The committee bill tries to address that problem. It addresses it by telling cities and States which are not in attainment to meet certain benchmark requirements on an annual basis of 3- or 4-percent annual improvement. That way we know whether a city, for example Los Angeles, is actually getting a job done or not. That is, we do not have to wait a full 20 years, to the year 2010, to find out whether L.A. is in attainment or not.

That is the reason why I believe the nonattainment provisions in this bill are much more workable and, therefore, increase the likelihood that we will reach our final goal. Likewise, the Federal implementation plan all-or-nothing approach has not worked either. But if we tailor it to the problem, find a solution that is tailored to the problem, I think we are more likely to reach the results that we have in mind.

So, again, just to summarize, I know the Senator means well, but he has made statements which just are erroneous. The agreement does provide for citizens suits. The agreement does have mandatory provisions in it. The agreement does not reduce health as a primary standard. In addition, the full implementation plan system approach has not worked. We are trying to come up with a system that does work.

Mr. KERRY. Will the Senator yield.

Mr. BAUCUS. Yes, I yield.

Mr. KERRY. Mr. President, I beg to differ on the question of whether or not I have misspoken here. I point out to the Senator that I have not said there is not a capacity for citizens to sue.

The Senator is correct that there is a section, which he has pointed out on page 509, which talks about civil penalty. We acknowledge there is a civil penalty capacity. But there is no capacity there for the citizen to take a suit to force the administrator to meet an obligation as to the overall health plan or standard. And the reason for that is that that power has been taken away. That power is taken away because there is no longer a mandatory duty, as the Senator has just acknowledged, to have a full implementation plan.

There are examples——

Mr. BAUCUS. If I might just ask the Senator the question, are there mandatory duties in the agreement? Not a full plan, but there are mandatory duties to implement one of the sanctions?

Mr. KERRY. That is correct.

Mr. BAUCUS. Mandatory duties which are subject to citizen suits?

Mr. KERRY. I acknowledge that, indeed, there is a mondatory duty with respect to the 3-percent reduction.

Mr. BAUCUS. And also the sanctions?

Mr. KERRY. And what it does——

Mr. BAUCUS. And also the control measures?

Mr. KERRY. Agreed. But that is begging the problem here. That does not solve the problem.

Let me show my colleague specifically why that does not solve the problem. First of all, the compromise will, in fact, delay the process by which we will wind up getting one of those mandatory remedies. If a State submits an inadequate plan and the administrator is then going to respond, the compromise calls for a process that consumes 5½ years to 6½ years, to achieve even a partial remedy. It goes as follows:

The State would submit a plan. The EPA would then find the plan inadequate. That would be 6 months to a year-and-a half. If efforts are reasonable, the EPA then makes a second finding 1 year later and imposes one sanction only, if the problem is not cured. So, what the compromise does is say you have to apply one sanction which is a diminishment of the current power to apply all sanctions or even a full plan.

Second, 1 year later the EPA adopts one measure that achieves the mandatory 3-percent reduction that my colleague referred to and I acknowledge the Senator is right. That consumes 3 to 3½ years. Three years later it has to achieve a 3-percent reduction in emissions.

So, under the compromise bill, the EPA cannot, as the Senator has referred to, be required to adopt measures covering more than 1 year's failure at a time. That is a significant diminishment.

Mr. BAUCUS. May I respond to that?

Mr. KERRY. Absolutely.

Mr. BAUCUS. First, we have, in effect, 20 years where it has not worked. I stack up the empirical evidence against the theoretical.

The empirical evidence is the present system that has not worked. The system, which is what my colleague is advocating, has not worked. It has not worked. For 20 years we have been dealing with this problem and it has not worked. That is the empirical evidence.

The Senator says theoretically under the agreement, because of the 1-year delay and the time phasing it in, that takes too long. No. 1, again, empirically, the present law has not worked. That is No. 1.

No. 2, we have other provisions in the agreement which will make it much more likely that the State will be much more in conformance. The annual increment provisions, for example, and the monitoring provisions. There are many, many provisions that make it much more likely that a State will be complying with its emission reductions requirements.

No. 3, there is a reason for the 1-year delay.

Mr. KERRY. Will the Senator yield?

Mr. BAUCUS. That is, I think we would want the State voluntarily to come up with a plan that reduces ozone omissions, or organic compounds. So that is the reason for the year, to work with the State, to figure out a way to help the State and show the State how it can come up with its own plan on a voluntary basis.

Mr. KERRY. Can the Senator document to me how the States of Illinois, Indiana, Kentucky, and other States have responded voluntarily in the last 20 years?

Mr. BAUCUS. There are many reasons, I might say to the Senator. Again, under current law we have this kind of all or nothing approach which does not work. "Chicago will be in attainment by a certain date." Nothing happens, over 5, 10, 15 years as we get close to that date.

Again, under the agreement there are many, many provisions which make it much more likely that Chicago, that Los Angeles, that other nonattainment areas are going to be in attainment. That is No. 1.

No. 2, because of a citizen's suit, the EPA has been in court with respect to Chicago to implement a full implementation plan, as my colleague says, but that, too, is evidence the current plan is not working it because as people saw, the State did not do it, the Federal Government did not do what they should have been doing, and as I also said earlier, that has not been implemented yet. There have been no reductions in emissions as a consequence of the EPA suits. The point is, EPA did not respond voluntarily. That is a court order.

Mr. KERRY. I have agreed that the EPA has never responded voluntarily. That is precisely what underscores the critical nature of my amendment.

Mr. BAUCUS. If I might say to the Senator, again, the agreement provides for full availability of citizens to sue. That is undiminished in the agreement.

Mr. KERRY. Will the Senator show me the language?

Mr. BAUCUS. The agreement also has mandatory requirements on the part of the Administrator. I agree with the Senator there is no mandatory requirement for a full Federal implementation plan. I agree. I also say, this should not be. But I am saying there are mandatory requirements of the Administrator to implement a partial Federal implementation plan and there are other mandatory requirements, that is to impose sanctions. That is all mandatory. It is in the bill.

Mr. KERRY. Precisely. What this debate is about is the issue of whether or not it is adequate to have a partial or full plan.

Mr. BAUCUS. Correct.

Mr. KERRY. And absolutely whether or not there should not remain in effect the capacity to require the full plan.

Mr. BAUCUS. The whole debate here has been partial and full.

Mr. KERRY. Let me go one step further with respect to what the Senator has said in terms of the 3-year mandatory requirement.

The Senator from Montana has suggested that there is an adequate remedy here in this 3-percent reduction per year requirement. I would respectfully point out to the Senator that by the year 2000 which is the attainment date for 31 serious areas, under the compromise, the 3-percent rate will have reduced emissions by only 9 percent. In contrast, the average serious area should have had a reduction of 43 percent.

Similarly, for the eight severe areas, they need an average reduction of 59 percent in order to meet attainment. They will, by the year 2005, have achieved only 24-percent reduction.

What I am saying to the Senator is that the current compromise adopts a "mandatory requirement" of the 3-percent process; one sanction per year; and one effort per year. That will guarantee we will not meet the health standards by the attainment dates and furthermore, there is no recourse for a citizen to push to get an overall plan by which they have to meet the standard.

Mr. BAUCUS. I must say to the Senator, not only is there no guarantee that the full Federal implementation plan will achieve the same results but there is actual proof it has not achieved the results the Senator seeks and the results all of us seek. The present full implementation plan procedure which the Senator advocates has not worked. It has not resulted in a single ounce of emissions reductions. It has not worked.

I am trying to accomplish the same goal the Senator from Massachusetts is attempting to accomplish, that is emissions reductions. The agreement we have come up with is a better way to get emissions reductions.

Mr. KERRY. I think we ought to explore that because I think it is the critical point here. If the compromise of my colleague results in only a 9-percent reduction in areas that are supposed to be at 43 percent, and if they are only at a 24 percent in the eight most severe areas when they are supposed to be at 59 percent, what are we doing here?

Why are we not creating a mandatory requirement that the EPA enforce standards on them that would permit that to happen? The only way you are going to have a mandatory requirement to meet that, based on the lessons of the last year, is to permit a citizen to be able to go to court and enforce it. The fact is, the reason we do not have the full implementation reduction, is because we have not had the time. It has not taken place because we have been caught up in the process of really feeling out the full measure of the court process and FIP process and so forth.

But the reality is that the SIP process has only just taken place in Phoenix and Tucson. There was a 1985 lawsuit. Arizona revised its SIP for Tucson and Phoenix. The EPA announced its intent to impose highway funding sanctions. Phoenix would not demonstrate attainment. In the spring of 1988, they announced a plan. Finally, it was under the threat of that plan in June 1988 that the Arizona Legislature adopted a plan and now, presumably, they have a plan in place that would put them in attainment. Absent the power to be able to enforce that, you are not going to be able to enforce any of these standards.

Mr. **BAUCUS**. I totally disagree. We have mandatory provisions. The citizen's right to sue is still available. Because of the other provision which I indicated to the Senator, if you add it all together, it is, first, more likely States are going to be on an annual basis reaching its emissions reductions target and, second, because of the mandatory requirements imposed on the Administrator, control sanctions on a partial FIP, then it is likely we get true emissions reductions, which is our goal. The difference here really is theoretical versus the practical. If the Senator's amendment is the theoretical pure pie-in-the-sky amendment, that is, we want everything all at once, it does not work.

In the real world, we have to take a significant step at a time. We have to be practical and pragmatic in achieving results. I have spent some time looking at this subject, and I am convinced that the full implementation plan approach which I earlier thought was better for the reasons outlined by the Senator from Massachusetts is unworkable; it does not work.

I am much less ideological about this. I am much more practical. I want a bill that works. The agreement we have, the partial Federal implementation plan procedure, is one that is going to work. That is why I strongly support the agreement. It is not because I am bound by the agreement. I think the agreement is better. It is an improvement to the committee bill.

Mr. **KERRY**. Let me say to the Senator from Montana—and then I will yield to the Senator from California—I think it is very important to point out that I understand what the Senator says about the theoretical versus what works and what does not work. The standard that is being adopted in the compromise is a lesser standard. In effect, section 110 of 172 of current law requires a deadline which has been applied under the law to require continued progress, reasonable further progress. Under current law, they have, in effect, had have no waiver, and that has permitted them to reduce. Under the compromise, they will now be granted a waiver that would actually permit them to step away from a continued process of reduction.

I fail to understand how the opening up of a new second tier of examination is going to facilitate or enforce this process. In the compromise, there is, in fact, more discretion being built into a process that at the very outset was designed to avoid discretion. What is there empirically to show that today States are now more prepared to take on this responsibility: Can they do it more effectively with different standards from State to State, and can Governors make decisions that have not been made at the national level?

Let me say, to the Senator from Montana, with respect to pragmatism, the State and territorial air pollution program administrators of the Nation support keeping the law as it is. The division of air quality in the Department of Environmental Conservation in Alaska wants to keep it the way it is. The California Air Resources Board, the South Coast Air Quality Management District, the Bay Area Quality Management District, and the San Diego Area Pollution Control District want to keep it the way it is. The Colorado Air Pollution Control Division, Department of Health, wants to keep it the way it is. The Connecticut Bureau of Air Management wants to keep it the way it is. The Delaware Resources Region wants to keep it. The Florida Air Programs and Environmental Protection Commission, the Indiana Air Programs, the Maine programs, the Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York Division of Air, Ohio Division of Air, Akron Regional Air Quality, Toledo, Southwestern Ohio, Oregon Air Quality Control, Pennsylvania, Rhode Island, Utah, Vermont, Washington, and Wisconsin—there are letters from countless Governors who argue: if you take this away from them; it is not going to happen. That is pragmatism, I suggest. Let me yield.

Mr. **MITCHELL**. Will the Senator yield for a moment? Might I inquire of the managers and the sponsors of the amendment, we have now spent about 1½ hours on this amendment, whether we might consider an agreement for a time for a vote? Almost all of the time has been used by the principal sponsor. We would like to get an even balance of time. Is the Senator agreeable to reaching some kind of understanding on when we might vote to give Senators an idea when the vote might occur?

Mr. **KERRY**. Mr. President, I will be delighted to come to an agreement. How long does the distinguished Senator from California need?

Mr. **WILSON**. Mr. President, I will probably consume about 20 minutes. I know the distinguished Senator from Wisconsin wishes to be heard also; the Senator from Connecticut; also the Senator from Arizona. It may well be that there are others who I am unaware of who wish to speak in favor of the amendment. The Senator from Wisconsin has indicated that he would like at least 10 minutes.

Mr. **KERRY**. Mr. President, I think the times that I have heard on our side from a couple Senators who are not here add up to something in the vicinity of about 2 hours.

Mr. **MITCHELL**. Two hours?

Mr. **KERRY**. Half hour, 25 minutes for the Senator from California; I believe 15 minutes for the Senator from Wisconsin; 15 to 20 minutes for the Senator from Connecticut; that is an hour there; 5 minutes here; and a couple Senators are not here. I know we are going to need a couple colloquys. That is about 2 hours; 1½ to 2 hours.

Mr. **MITCHELL**. The opponents have not had a chance to speak yet.

Mr. **KERRY**. I understand.

Mr. **MITCHELL**. Let the Senator from California go ahead. It is obvious we are not going to get an agreement.

The **PRESIDING OFFICER**. The Senator from California is recognized.

Mr. **WILSON**. I thank the Chair. Mr. President, this amendment offered by the Senator from Massachusetts and myself is a relatively simple amendment, though this is obviously a complex area. What it will do is to restore the provisions of current law, existing law. It is not really a breaking of new ground. The so-called amendment, which is to say the committee substitute, has, in fact, retreated from existing law, and this amendment seeks to return to existing law in three specific ways.

It will restore, as in current law, the ability of the Federal Government to mandate a clean air program if a State fails to do so.

Second, it limits, as in current law, the role of costs as a consideration. It says instead that health will be paramount but, obviously, takes into consideration costs. That is what the current law does.

It restores, third, as in current law, the authority that existing pollution sources in areas violating public health standards must apply reasonably available control technology.

In each of those three specifics, Mr. President, in each of those three specific ways, the amendment returns to existing law. It will strengthen the committee substitute. You will hear in the debate today that we cannot really have a stronger bill without losing the entire package. That was the argument made last night by the distinguished majority leader. He said, "In striving for perfection we will achieve nothing. We will not have a clean air reauthorization in this century." Dramatic words.

Mr. President, there are many who think that whatever the other improvements of the bill—and I have been candid to acknowledge them; it requires no great generosity on my part to congratulate the sponsors of the committee substitute for what are in fact improvements, improvements, Mr. President, in the specifics that are addressed by the Kerry-Wilson amendment, there is a need to return to existing law, to strengthen the law.

That is not just the view of the Senator from Massachusetts and my own view. It is not just the view of the Senator from Connecticut. Significantly, Mr. President, it is the view of those who will actually have to administer the law and who have been administering current law and find it not simply preferable; they find it necessary to have the strength of the existing law, current law, in order to do their job.

Mr. President, I want to make clear to the Members who are listening to this debate the seriousness that is attached to this amendment by those who are on the front line, those who are the local air pollution control officers throughout this Nation. They are represented in two formal organizations. One is the State and Territorial Air Pollution Program Administrators, STAPPA, and the other is the Association of Local Air Pollution Control Officials [ALAPCO]. Between the two, they represent the 54 State and territorial agencies and over 165 major metropolitan areas across the Nation, and both have joined to express serious concerns with the committee substitute.

In fact, writing on behalf of STAPPA, Bradley J. Beckham, the president of that organization, in a letter dated March 5, stated that it is the belief of his organization that the compromise outlined in the agreement:

> Represents a significant weakening to provisions contained in the committee bill, S. 1630, and in some cases represents a weakening to existing law. Moreover, as the State and local officials who hold primary responsibility for implementing our Nation's air pollution control laws and regulations, we are troubled by the fact that this agreement will make it difficult for us to expeditiously attain and maintain the health-based air quality standards nationwide. If we are to be successful in providing our citizens with heathful air, we must have strong regulatory tools with which to work. This agreement falls short in providing us with those tools.

That is putting it about as simply and clearly as it is possible to put it. But they are more specific. They are specific in ways that relate to the effort by the Senator from Massachusetts and myself, the Senators from Connecticut and Wisconsin, and others to try to restore the provisions of current law to strengthen the committee substitute.

I could not help but listen with fascination to the dialog that occurred between the chairman of the committee, the sponsor of the committee substitute, and the Senator from Massachusetts. Repeatedly my friend from Montana makes the claim that Federal implementation plans have not worked.

Well, he is wrong because they have worked. Who says so? Why, the very people to whom I think we should be looking for expert advice, the experts who are responsible for the administration of the law, for its implementation at the local level. They say so. They say it has worked.

My friend from Montana asked of my friend from Massachusetts, give me one example where this law has worked.

My friend from Massachusetts gave him one. He spoke of Arizona. He could just as easily have spoken of Wisconsin. Both the Senators from Wisconsin favor this amendment and well comment on the experience of Wisconsin as a downwind State troubled by the nonattainment not in their own area but in the Chicago area, by the transfer from Illinois and Indiana to Wisconsin. Finally, Wisconsin, through a lawsuit, was able to compel the threat of a Federal implementation plan. It is that very threat that has helped air administrators make progress for clean air attainment.

I say to my friend from Montana, there are several examples. Another is from my own State. I assure you that the threat of a Federal plan worked to produce change that had not occurred in all the many years since the standards were in the law. Now, I will tell him—and I think he knows—that the South Coast Air Quality Management District has submitted to the State agency, the California Air Resources Board, clearly the most stringent plan that exists anywhere. They will also tell you, the people who devised that plan, that it was under pressure, under fear of the threat of Federal implementation.

Now, I must confess I have some mixed feelings, as a States righter generally, about the necessity to threaten States and localities that fail to comply with the law. As a realist, I acknowledge that there is a necessity to have that kind of threat. And I will go further, as they have, and say that had it not been for that threat, the progress which has occurred very likely would not have occurred. But perhaps, since I am citing them, I would do well to specifically quote one of the more articulate of those local air pollution control officials who is in fact the President of all of them, who speaks formally as the representative for 220 local air pollution control officials throughout the Nation. Dr. James Lents, who is the executive officer of the South Coast Air Quality Management District for the South Coast Air Basin in the greater Los Angeles area, has spoken eloquently in a critique of the committee substitute, and what he has said is the reason that the Senator from Massachusetts and I others have brought this amendment.

He begins by describing himself and his colleagues as: "In a sense the foot soldiers in the war on smog. It is on our turf that the war will be won or lost. As a local air pollution control official, I am responsible for protecting the health of the 12 million Los Angeles area residents who breathe the worst air in the Nation. My compatriots who are here with me today"—and they represented a good dozen or more of the States that were ticked off by my friend from Massachusetts—"along with other members of our association who are with us in spirit, develop and enforce the clean-up plans for every single one of our Nation's polluted urban areas.

"We local officials are held accountable by our citizens to protect their health."

Again, I commend my friend for the very articulate fashion in which he detailed what the health impacts are. We had some discussion of that the other day; what happens when our citizens, particularly the young children, the elderly, those with allergies, those with chronic lung disorders, are compelled to breathe unclean air.

"We local officials are held accountable by our citizens to protect their health and we take a lot of heat from our industry, and chamber leaders, mayors, and other elected officials as we attack the problems of smog."

They find themselves between a rock and a hard place.

Mayors, having been one, are eager for economic development and responsive to the needs of local business because they are concerned with providing jobs for their people, and on the other hand the mothers of those children with allergies and chronic lung disorders are the people from whom air administrators take a lot of heat.

Dr. Lents continues: "We rely upon the Federal Government to provide the leadership and support in achieving local consensus."

That is a rather diplomatic way of saying they need the Federal pressure in order to bring about consensus between those understandably eager for economic development and those who insist upon the kind of clean air standards that are required for health.

Continuing, Dr. Lents says "Unfortunately the agreement"—referring to the committee substitute—"that has been reached provides us neither with the leadership nor the tools to achieve the national health-based standards."

How specifically? "The Administration-Bipartisan Senate Clean Air Act agreement, we believe, represents the opening shot in a new economic war between the States. It creates loopholes through which States can take a dive on cleanup efforts."

That is pretty strong language. That is a little less diplomatic.

He goes on to state:

> Through exclusions, waivers and regulatory "triggers" which ignore areas with severe air quality problems, the agreement significantly retreats from basic prinicples underlying the 1970 Clean Air Act. The Act established a national mandate for progress

> towards, and attainment of, health-based ambient air quality standards. These requirements could not be waived or avoided for any reason, including cost. The Act's mandates were backed up by provisions establishing a duty on the part of the Environmental Protection Agency to promulgate a comprehensive Federal Implementation Plan (FIP) to achieve attainment if a State failed to act. These provisions give areas which seek to apply effective emission control strategies assurance that their efforts will not result in flight by businesses to areas failing to live up to their air quality obligations, and give the public the ultimate assurance that healthful air quality will be achieved consistent with maximum economic vitality and equity among the States.

That is what he means when he speaks of the agreement setting off a second war between the States, an unfair economic competition as some seek to achieve waivers that will allow them to in effect become pollution havens to attract business.

Is that a way to encourage compliance? Is that a way to reward those who in fact do the best job in seeking to bring about clean air? Well, obviously the answer is no. It goes in exactly the opposite direction. That is why the Kerry-Wilson amendment is before us. It is to bring back the kind of assurance that Dr. Lents and his colleagues are seeking.

"The amendments," he continues "would eliminate EPA's duty to adopt a comprehensive Federal Implementation Plan if the State fails to adopt sufficient measures to attain air quality standards. EPA would only be required to adopt one measure per year pursuant to the FIP process. History has shown"—I wish my friend from Montana were here to hear this—"that the mere threat"—and he has underscored the word "threat"—"of a comprehensive Federal plan has created a strong incentive for creation of consensus among State and local officals, and the adoption of effective emission controls. This is particularly important in areas where measures must be adopted by numerous governmental bodies."

Well, he is talking about every metropolitan region in the country, every severe nonattainment area, every serious nonattainment area. We all have seen the multiplicity, the proliferation, of these different governmental bodies.

> The amendments would eliminate the only real assurance that all States will carry out their obligations under the act so as to avoid unfair competitive advantage to businesses in noncompliance States.
>
> The amendments would largely retain the current unrealistic 100-tons-per-year definition of "major sources," a definition which is critical because * * * it triggers several control requirements. This definition is virtually meaningless in nonattainment areas which must control relatively small sources in order to reach standards.

Oh, my friends, what a mistake we made yesterday when we did not pass the Wirth-Wilson amendment which sought to take the maximum possible pollutants out of the air by cleaning up mobile sources. Today we are compelled to look at the stationary sources, large and small, those that provide the economic base to employ our people. We made a terrible mistake and now having done so we are compelled to determine whether the law will be adequate to achieve the healthful air standards that this piece of legislation states are required if our people are not to suffer.

The definition of "major sources" at 100 tons is "virtually meaningless," according to Dr. Lents, "in nonattainment areas which must control relatively small sources in order to reach standards." The kind that my friend from Connecticut will tell us about with respect to Hartford, the kind that I will tell you about because what the South Coast Air Quality Management did under Dr. Lents' administration was to require truly stringent controls upon relatively minor sources.

That is why I was in such pains yesterday with my friend from Colorado to try to provide some relief in a far more equitable fashion by distributing the burden through the automakers and the oil companies. But we did not do that. Instead, we are now compelled by the compromise, driven by concerns for the oil industry and the auto industry, to inflict upon stationary sources what will be very painful requirements. And the reason that Dr. Lents and his colleagues are compelled to look at these small sources and seek to control them is because if they cannot get enough from mobile sources, then they are looking at about 35-percent contribution to unclean air from these smaller sources, smaller than 100 tons.

Dr. Lents says:

> The amendments would permit an area to obtain a waiver from annual reduction requirements for "certain specified conditions." We understand that such waivers could be granted if required control measures were not considered to be cost-effective.

That appears to be the specified condition.

Who will determine cost-effectiveness?

> Such consideration of cost-effectiveness in determining required overall emission levels (as opposed to the appropriateness of a particular control strategy) is a stark departure from principles underlying the current Act, which require reasonable further progress towards, an attainment of, ambient air quality standards, regardless of cost.

It is not that present law ignores cost, it does not. That is what reasonable control technology is all about. But what these area administrators are complaining about is that the loopholes which they have described in the committee substitute will, in their words, "encourage procrastination and divide the Nation." That is a fairly severe indictment.

But they are compelled to say in strong language what they believe because, as they have said, they are the soldiers on the front line, and the battle will be fought and won or lost on their turf. Of course, they are looking to the Federal law for the assistance that is required, the "assurance," as they put it, that they will be able to compel the consensus they seek which is from the business leaders eager to give employment who say, "my God, we are competing with these other States." We cannot declare ourselves Camelot and say we are off limits.

Well, the health-based standards which these administ ators are being asked to administer prompt them to say that we can declare ourselves off limits to the health-based standards, but in order to bring about the consensus necessary, there has to be two things, both arising from the requirement under current law for a Federal implementation plan.

I say to my friend from Montana that it is compelled compliance that brought about the kind of State implementation plan in Arizona that the legislature clearly was reluctant to enact, and did not enact, until such time as they were compelled to do so by the threat of Federal overreaching, as they view it, Federal implementation, as the law views it. The same thing was true in California. The same thing was true with Illinois and Indiana, compelled to achieve attainment in order to not perpetuate nonattainment in Wisconsin, nonattainment which was not the fault of Wisconsin.

That is what is meant when Dr. Lents speaks of bringing consensus. And in order to do that, he has to be able to also state to those business leaders and those mayors and Governors who are eager for jobs in their States and localities, that they will not be at a competitive disadvantage with their competition throughout the Nation. And again, unless there is the Federal implementation plan to compel those who are reluctant to take the painful steps necessary to meet the clean air standards on a universal basis, why then, what they will be told by the mayor, Governor, and the business leader threatening to leave is that we do not have to do that in *x* State. We are not required to operate under these stringent conditions, so why should we stay here when it will cost us more to be clean? Tough question.

It is very difficult for the local administrator to answer that, unless he can say that they are going to be under the same pressure. You will not achieve anything by moving. It will not be cheaper for you to operate there. You will have to do the same thing.

I must tell you that I think it is grossly unfair, but just to these professionals who are the local area administrators, it is grossly unfair to those concerned with economic development. It is unfair to the Governors, the mayors, the business leaders, the Chamber of Commerce presidents who labor so long and hard to bring economic vitality to their communities, who spend so much on programs of institutional marketing for their communities, who say, for example, bring your plant to Milwaukee, bring it to Plymouth, bring it to my State, to my locality where we welcome you, where we want those jobs.

There is the need for some kind of equity, Mr. President. That is what this amendment is all about. It is a fundamental effort to restore equity by returning the committee substitute to current law.

I am not going to repeat the instances that were given by my friend from Massachusetts. As a response, my friend from Montana said to him, well, we are required to do these things under the committee substitute. It is without dispute that the discretion in the EPA to impose a Federal implementation plan is far greater than it is under current law. In the committee substitute, much greater discretion is given to the EPA, much greater discretion is given in determining whether the administrator will grant a waiver, if after years of presumed effort and compliance, it remains "not cost-effective" to achieve compliance.

That is why the administrators at the local level are so concerned. They see this discretion in the Federal Government as robbing them of the assurance that they need, of taking away the Federal pressure that is their means of assuring those local businessmen and governmental leaders that they will not suffer economically by compliance, by good efforts at compliance under a State implementation plan worthy of the name. So that is what is at stake. I will, at the risk of offending people for whom I have a deep respect and affection, read the words with which Dr. Lents concluded his presentation on behalf of the 220, which is all of the Nation's local area air administrators.

In describing the faults that they have addressed and which this amendment addresses in the committee substitute, he said:

> These loopholes will encourage procrastination and divide the nation.

That is positively Lincolnian, but he is right.

> They are designed, whether by purpose or chance, to force local elected officials to make an either-or choice between jobs and public health. Polluting industries can shop around from state to state to find those areas promising the least regulation.

And, of course, the dirtiest air.

> States seeking economic development will be openly bidding for industrial growth based upon who does less to clean up the air.

Mr. President, he is right to be concerned, to protest. We are right to bring this amendment and to adopt it, because otherwise what has been heralded as a dramatic improvement, which in many respects it offers, will also be a retreat from existing law, and to the extent that it fails to address nonattainment it will be, and again I quote: "The opening shot in a new economic war between the States, one that creates loopholes through which the States can take a dive on cleanup efforts."

Mr. President, we should not allow that to happen. We should keep faith with those local administrators, with those local business and economic development officials, with those children and elderly persons, those who suffer respiratory disease and allergies; we should have the kind of assurance that we will in fact implement that health-based standard. Otherwise we make a mockery of the good intentions of the law.

The **PRESIDING OFFICER.** The Senator from Connecticut.

Mr. **LIEBERMAN.** Thank you Mr. President.

Mr. President, I rise to support the amendment offered by my colleagues and Senators from Massachusetts and California.

I do so with a certain sense of discomfort at being placed into conflict here with the chairman and ranking Republican member of the Environmental Protection Subcommittee who are and have been for a long time among the leading environmentalists in this country. I know they supported the original strong provisions in Senate bill 1630 which we in essence are trying to put back in with this amendment. I know they are supporting the compromise as that, a compromise with opponents of the bill, particularly the administration, to guarantee that we have some bill.

But I feel strongly, particularly because of the quality of the air in Connecticut, which is not good, and the sources of that dirty air, so many of which are from stationary sources of ozone, so many of which are from outside of my State, that I am compelled to join with and support the efforts to further strengthen this bill.

I think it is now accepted as an article of faith, at least among those Members of the Senate who are on the floor at this point, and I would say by most Members of the Senate, that ozone pollution is a real health problem in this country. It is in my opinion the most pervasive environmental threat to human health that we have, and I know that is an absolute statement.

If you look at all the studies and comparisons that have been done and you put on a list so many other environmental threats to human health like toxic waste and asbestos, even acid rain, I think that you have to say that there are more Americans whose health is threatened by ground-level ozone than by any other single source of pollution. It affects particularly those who are most vulnerable, such as the young and elderly and those with lung disease. But healthy adults are also affected by ozone pollution as well.

In one of the most alarming studies that have been done, researchers found in Los Angeles that severe lung lesions and chronic lung disease were occurring in one-fourth of the 15- to 25-year-olds that they studied who were otherwise healthy, had no particular long infirmities to start out with, no particular vulnerability, were just active young people in Los Angeles, and found that simply by being active and breathing the air they were damaging their lungs.

I know that regardless of our position on these amendments, I think most of us agree, certainly those again who are on the floor, that ozone is a serious threat to human health. The question is what do we do about it.

The compromise bill before us I think has some exceptionally good parts to it. Before I get into why I support these amendments, I do want to say for the RECORD and point out what some of those parts are because they are very important steps forward in dealing with ozone pollution in a very comprehensive manner, and they are based on more than 17 years of experience that we have now had in this country in trying to bring our various areas into compliance with health-based ozone standards which means make the air healthy to breathe.

Title I of this bill that deals with stationary sources of pollution is extremely complex and it is technical, and that is one of the reasons that some of the most important improvements in current law which are part of the compromise may not be as evident as they should be to those who looked at this bill.

I think those changes are going to be critical in making this law work and helping to bring our Nation's air into a healthier state.

They reflect the extraordinary work of those who labored on this committee, Senators and staff members, for years, and it is an unglamorous area. But it really involves the public health of the American people. I think all of us should be grateful to those who led this battle and supported it at the staff level over the years.

May I now just point out what I take to be the positive aspects of the compromise bill. The deadlines in the bill for achieving attainment with the health standards are realistic. While I think the ozone deadlines are longer

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than I personally and others would like—in other words, they recognize the complexity of the ozone problem and the large amount of work that will be required to bring America's air to a healthier state. Importantly, however, the emphasis in the bill is not just on the deadline but on what happens in the time periods before the deadlines. The objective here is to assure that the nonattainment areas proceed on a course of emission reductions which will bring them into attainment with the ambient air quality standards by the deadlines set. The bill, therefore, requires annual percentage reductions in VOC's, volatile organic compounds, that are precursors, the stuff that makes ozone take place.

As my colleague, Senator BAUCUS, indicated on many occasions, the mandate on annual reductions is extremely important. It is designed to avoid a repetition of the situation that occurred when the 1977 amendments were passed. Those amendments required States to reach attainment by a certain date and to demonstrate how they would meet those deadlines in State implementation plans, otherwise known as SIP's.

The States submitted SIP's and showed they would reach attainment by the required date, but when the deadline finally came in 1987 there were still 102 areas not in attainment and that involved more than half the population of this country.

There are many reasons for this failure which have been discussed before the Environment Committee, but one point is clear: Earlier checkpoints would have shown that the expected progress was not being made and would have presumably brought about demands by EPA that more be done. The compromise bill now provides those checkpoints, and I think that is a very, very significant step forward.

Another important provision in the compromise which is particularly critical to my home State of Connecticut is the establishment of a Northeast Transportation Commission. The need to control pollution traveling from one State to another is a matter of basic fairness which cannot be addressed by the States themselves and will not in the normal course. It can only be addressed by Congress in this Clean Air Act.

Creation of a regional air quality commission is an important and very creative part of the bill. It recognizes the fact that you cannot put a bubble over an individual State. It puts some responsibility on all States to be good neighbors, but it does so with a degree of reason and a good degree of sensibility. I am very pleased and grateful that this provision remains in this bill that is before us in the compromise.

So there are many good aspects to the title I provisions.

Why am I therefore supporting this amendment? I am supporting it because the problem with the compromise fundamentally is that it takes away the certainty of controls which the States need to achieve attainment of the air quality standards, and that is to provide clean and healthy air for our people.

The ways in which that is done have been documented, described, and discussed here at some length. It simply reduces the number of mandatory Federal controls. In other words, the requirement that the Federal Government intervene and promulgate a plan of emission controls, which is the FIP, is eliminated in this bill. Instead, the compromise requires that EPA promulgate only one control measure per year.

As we heard here on the floor today, EPA has argued that it does not voluntarily use its FIP authority and that that mandatory duty simply creates bureaucratic burdens for EPA without significant benefits, but the record does not bear out that contention.

There has been colloquy here on the floor about this issue and I want to join it now, if I may. While EPA has consistently and unfortunately refused to act voluntarily to promulgate these Federal plans to clean up the air in the worst areas during the last 10 years, the Agency has repeatedly been forced to act through the intervention of the citizens filing lawsuits.

This action or even the threat of action by EPA has had extremely important tangible results during the last 13 years. One of the best examples which has been pointed out is the situation in Phoenix. In Phoenix there were years of delay in dealing with dirty air, and EPA finally disapproved the State's SIP, its own implementation plans in 1985, but then EPA took no action whatsoever to do what the law required them to do which is to promulgate a Federal plan to clean up the air in Greater Phoenix.

Citizens of the area then came along and filed a lawsuit, and the court in response ordered EPA to promulgate a Federal plan to clean up the air in Phoenix. Ultimately, the EPA did promulgate that plan according to the court order. And once it did, and only when it did, the Arizona Legislature, fearing that the EPA would not only adopt a plan but would come in and enforce mandatory controls within the State, acted quickly as the less troublesome of the then available alternatives.

Finally, after all of these years of delay, inaction, and litigation, the State did submit a plan for cleaning up the air which was approved, and the Federal plan was withdrawn.

That is not the only area where that has happened. Citizen suits have forced action by either the EPA or the States in other areas of the country, including Ohio, Idaho, Illinois, and, as Senator WILSON has indicated, four areas of California.

Since the announcement of the draft compromise, I have found in my office a virtual outpouring of protests from State and local government officials. They have told us as directly and compassionately as one can that the threat of the Federal Government to come in and promulgate a complete plan is the most effective tool available to them at the State level to do their job.

The ability of the Federal Government to establish control plans when States fail to adopt their own in those areas where the air quality is largely determined by air transported from other States is absolutely critical.

In other words, it matters where the State is facing perhaps political or economic objections to imposing a plan within its State. It matters because the State needs us to come along and say, "Folks, if you do not do it, we are going to do it." That is an excuse for the local officials to do what they know they need to do. But it is absolutely critical in cases where that dirty air is coming from outside of a particular State.

I presume, I am sure, that we will hear particular evidence offered in a moment or two about Wisconsin. But I remember at one moment when I was in the negotiations in that room, S-224, Senator KOHL spoke eloquently of the importance of this provision in current law requiring the mandatory FIP in his home State of Wisconsin, for the obvious reason that Wisconsin receives so much of its ozone from the Chicago area. I am sure Senators KOHL and KASTEN will document that in some detail.

But their case is a compelling argument on its own for why this amendment should be adopted. I can tell you that my own State of Connecticut may well find itself in a similar position to Wisconsin because so much of our ozone problem is caused by air transported from areas upwind of our State.

Mr. President, I was startled a couple of years ago when our State department of environmental protection, working with computer modeling, which is a sophisticated science at this point in predicting air quality, reached a conclusion that we in Connecticut could effectively shut down our State—no cars moving, no industry working—and still not satisfy the national air quality standards. Why? Because of the dirty air blowing in from the south of us, particularly from the Greater New York area.

Governor O'Neill, our Governor of Connecticut, has written to me as strongly and as forcefully as he could urging the adoption of the mandatory FIP provision, as he said in his letter, because it is "needed to assure a consistent level of effort by all States and to prevent our air—Connecticut's—from being harmed by lax efforts elsewhere."

Mr. CHAFEE. I wonder if the Senator would yield for one question.

Mr. LIEBERMAN. Yes.

Mr. CHAFEE. I have listened to the litany of problems that currently exist. The Senator has just pointed out in his State, to comply with the attainment standards, they would have to shut down everything in the State. There could not be a car moved. Yet, after saying all that, he thinks we ought to maintain that existing system. I find that a little confusing.

Why stick with an existing system that is a total failure, by the Senators own testimony? Can the Senator help me on that point?

(Mr. ADAMS assumed the chair.)

Mr. LIEBERMAN. I will try my best to help. The response to the Senator from Rhode Island is because the existing system offers us more hope than the compromise bill, which reduces quite clearly our opportunity in Connecticut to go into court, have citizens from Connecticut go into court, as the folks in Wisconsin have done to protect themselves from dirty air from Chicago, as we one day may wish to do to protect ourselves from dirty air blowing in from the south of us.

There is here also in this bill the Northeast Transportation Commission, which will create a structure for improving that situation.

But there is no question that our Governor, our State environmental commissioner, and all the air quality enforcement people feel that as we go forward, making our own efforts in Connecticut to clean our air, that this is a tool that we want to have available to us if we find that States upwind of us are not taking the steps they should to clean their air.

Mr. CHAFEE. If I might comment just 1 minute. When the whole country was meant to achieve attainment by 1987, and we have massive areas, one-third of our population in the Nation, now living in nonattainment areas, to say that is the system we want; that is a great system; let us stick with it; do not change it, seems to me a very odd way to proceed.

Mr. KERRY. Will the Senator yield?

Mr. LIEBERMAN. Yes.

Mr. KERRY. If I could comment on what the Senator from Rhode Island has said, what you have to balance here is the two mechanisms that exist for getting this done.

The existing mechanism has really only been attempted to be enforced in the last few years, because Congress granted a waiver and, as everyone knows, the Reagan EPA was not watching anything. So it took time for those suits to make it through the legal process. The State of Wisconsin was in the legal process from 1985 to 1988.

But if you measure the right of people to be able to come into court to force an action against what the compromise has, which is not only no right, but on its face an absolute guaranted inability to meet the clean air standards by the year 2000 and by the year 2005 you are clearly not offering us a better alternative.

Now, just because we have not done away with crime in the streets of America, we do not disband police forces. Just because the troops have not gone into North Korea, we do not take them out of Korea. They are there to serve as a deterrence to potentially something that may happen.

In the very same way, we request the police officers to do what they are supposed to do, and provide greater capacity to be able to make them do it. That is precisely what I understand the Senator from Connecticut says this will do.

Mr. CHAFEE. The Senator from Connecticut has the floor, and I just want to make one comment, if I might. The Senator from Massachusetts has illustrated clearly the danger of arguing analogies. To get tangled up in what police forces do and do not do just gets us astray totally from the subject at hand.

The subject at hand is how are we going to clean up the air in the United States of America. We have had a system that has clearly been a failure. We hear these Senators say, "Stick with it. It is great. It has provided wonderful things for Wisconsin." And there was some talk about the Reagan administration doing nothing. The Wisconsin case, as has been pointed out, was in 1985.

But I will have my chance later. I thank the Senator from Connecticut.

Mr. LIEBERMAN. Let me just respond to this colloquy, and particularly the Senator's question, in this way. I have said earlier in my statement that I think the compromise bill before us contains some important steps forward that will make it more likely that Americans, particularly those living in the most severely polluted areas, will breathe cleaner air.

But why remove from the bill another tool that is available to achieve that objective just because it has not of its own achieved the kind of goals and quality of air throughout the country that we had hoped to achieve?

The fact is that the existence of the right to require a FIP through citizen lawsuits has helped in four or five areas of this country and helped substantially. It has probably helped in more areas just by result of the fact that one can threaten to try to implement the FIP.

So, I would say we have here in the compromise bill some reactions to the insufficiencies in existing law that meant that we have not achieved the air quality standards that were set out either in the 1970 bill or the 1977 amendments. But the existence of the FIP power and the citizen lawsuit to compel it is another outstanding tool to achieve that goal, and I would not withdraw it simply because it has not solved the whole problem.

Mr. President, I know some may argue it is inappropriate that the State officials are now urging us to write this legislation that will only need to go into effect if they themselves are not meeting their responsibilities under the Clean Air Act. But looking at the situation clearly, I think the mandatory FIP actually reflects what the role of our Federal Government should be in these areas, to give local and State officials the first right to protect the health of their citizens. If they do not, then and only then the Federal Government must act.

I also support the two other provisions in the Kerry-Wilson amendment. I previously addressed the requirement in the bill that areas achieve annual percentage reductions in VOC's, volatile organic compounds, the stuff that leads to ozone. Unfortunately, many of the benefits of that particular provision could be undermined if areas around the country are allowed a waiver that is based on cost. And, under the compromise that is before us now, the decision on whether or not areas will be allowed to waive out of percentage requirements will, in my opinion, in all probability be made by the Office of Management and Budget.

I say that because, if there is one message that has emerged from the whole process of negotiations and discussion that brought this bill to the floor of the Senate, it is that OMB and the White House have rigid limits on what should be spent by polluters to protect public health.

During the course of these negotiations, as is well known, the administration placed an absolute limit on the costs it would demand polluters pay, regardless of the health consequences or the health costs of pollution incidental to American business and individuals.

I am deeply concerned that allowing the kind of broad-based cost waiver that is in the compromise bill that would be eliminated by this amendment would permit OMB vast discretion to determine what is an appropriate level of expenditures to protect public health. Under the compromise, areas could repeatedly get waivers from their percent reduction requirements. While the areas are still required to reach attainment by the dates in the bill, the certainty that we previously had, in the literal wording of the compromise, that these dates

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would actually be met, is gone. If areas get cost waivers from their annual requirements, they will simply not meet those dates.

Finally, the provision in this Kerry-Wilson amendment requiring installation of reasonably achievable control technology on existing sources is very important. It is significant that the technology that we are talking about, which is known as RACT, only requires those controls which are technologically and economically feasible for a majority of sources in a class or category of sources.

So we are dealing here not with maximum achievable control technology, a term that we are now familiar with from our debate on air toxics, but only what is reasonably achievable, and costs of that technology play an important part in determining what is reasonably achievable.

So, our concern for the financial impact on business and particularly on small businesess is reflected in this RACT proposal.

According to the Office of Technology Assessment, sources which emit between 25 and 100 tons of hydrocarbons per year actually account for between 15 and 35 percent of the total problem of VOC emissions. It is very important to point out that even sources which emit 25 tons are not in the category of what we would traditionally consider small business.

A source emitting 25 tons is not going to be your local drycleaner or your local bakery, as some have suggested. To get to over 25 tons, they would have to be a very large industrial cleaner or a very large commercial bakery. Essentially, they would have to be a good-sized factory.

Although Connecticut, as Senator WILSON pointed out, requires RACT on sources which emit very low amounts, in some cases actually sources which emit more than 7.5 tons per year, again the State alone does not have the ability to regulate sources of air pollution, ozone pollution, in other States which contribute to Connecticut's dirty air.

Again, Governor O'Neill has written to me:

> Without stronger Federal oversight, many States whose sources affect Connecticut's air may not take action to regulate these smaller sources.

One additional point, Mr. President. There has been a lot of talk about deal breaking. I understand the implications of it. There was a lot of work done that led to a compromise.

One of the basic points that led to the compromise was the limit that the administration set down about how much money they were willing to have spent to protect people from air pollution. I do want to point out a couple of things about that limit. We are not talking about taxpayers dollars here. We are talking about money that would be spent by people who create pollution to stop the pollution to protect our public health.

Second, the numbers are in large part speculation or estimates about things that may happen 10, 15, 20, 25 years from now. Several times in the debate on the amendments that have come up on the Clean Air Act, the amendments have been described as deal breakers because of a substantial cost that they would add to the Clean Air Act. Mr. President, as I view this amendment, and as I understood the standard that the administration was applying in costing out these various amendments, this should not be, at least financially, a deal breaker.

Most of the requirements that are now in law that would be preserved by this amendment add little or no cost. They certainly do not mandate costs, which was the ultimate standard that the administration applied to this bill. In that sense, I hope Members of the Senate who for one reason or another are concerned about the total dollar impact of the Clean Air Act on those who create pollution will understand that this amendment is not a costly amendment.

Mr. President, the provisions of the Clean Air Act dealing with standards for stationary sources which emit the ingredients of ozone pollution are very technical and complex. It is probably hard for people in the galleries and maybe those who are faithful enough to their citizenship to be watching on television to follow all of this dialog because it is so technical and complex. But they mean something very real and very understandable. And that is whether people around this country will breathe air that is harmful to their health or protective of their health.

These are the provisions that we are talking about today that will make the difference. They will really make the difference of whether or not the promise of cleaner air, which in the consideration of this legislation we are holding out to the American people, is a promise that will be truly kept.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KASTEN. Mr. President, first of all, I want to say that the point that was made by the Senator from Massachusetts, [Mr. KERRY], is exactly the point that all of us are trying to make, the analogy of crime and police. If we have crime in this country, and we do, and it is growing, that does not mean that we therefore reduce funding for the police department or start to lay off policemen. The analogy is perfect. We have a pollution problem in this country, and what we need is more and not less protection. And this amendment is a step back, not a step forward.

What we are simply saying is do not step back. At least maintain where we are. Do not step back from present law as, unfortunately, this bill before us, the so-called compromise legislation, does. It takes not a small step but a significant step back from present law.

And we in Wisconsin made present law. As I am going to say in a moment, the fact that this requirement was there, was the only way we were able to get as far as we have gotten addressing pollution and environmental protection and issues with regard to air quality coming from outside of our State border.

The current law requires the Federal Government to step in to implement air quality laws if States fail to act on their own. We are saying in the compromise legislation, let us get rid of that. As I said, Wisconsin, the State that I represent, is a State downwind from heavily polluting areas. The six southeastern counties of Wisconsin have great difficulty meeting any of the air quality standards not because of their air or the pollution that they are creating, but because air is so dirty when it blows into southeastern Wisconsin. That is the problem.

Wisconsin went to court to force the EPA to carry out the Federal implementation plan requirements that are mandatory under current law which this compromise seeks to drop. If these requirements were made optional, we would never have been able to get the States of Illinois and Indiana to take the necessary steps to protect Wisconsin's air. So when the Senator from Montana says the law does not work and that is why we are getting rid of it, or the Senator from Rhode Island says we have dirty air under the old system so let us change the system and, if you will, make it more lenient, I think they are wrong.

The fact is we went to court, and because we went to court, in the case of Wisconsin versus Reilly, we achieved an out-of-court settlement. The out-of-court settlement was the first step for regional cooperation, the kind of regional cooperation which we had been unable to get voluntarily from Illinois and the kind of regional cooperation that came only because of the threat of the EPA forcing a Federal implementation plan.

What we ended up with was an out-of-court settlement, a first step in regional cooperation, a State air quality plan and a State management plan. We are now making progress in our region toward solving the problems. It worked. We are the example. We did it under the present law.

If this amendment is not agreed to and this ability of a State to force the EPA to go forward with a Federal implementation plan is taken away, the progress that we made in Wisconsin will be turned back. This amendment, I am proud to say the Kerry-Wilson-Kasten amendment—I am a cosponsor of this amendment—will assure that all States act to implement the Clean Air Act. The fact is we won our court case. This history—that Wisconsin has been successful in the court case—means that other States will see that in court they are going to lose if they fail to clean up and they, therefore, will voluntarily go forward and establish the necessary air quality plans. The fact that the threat is there and it has been upheld in the court is very, very important. We now are taking the threat away.

If, for example, Chicago and Gary had been as aggressive in complying with the Clean Air Act as we have been in Wisconsin, we would not have had an air quality problem in Milwaukee, and the surrounding areas and the southeastern counties.

The amendment levels the playing field. It gives some teeth to the legislation which assures that EPA does its job and assures that EPA carries out the requirements of this legislation.

I strongly support this amendment. I hope this amendment can be adopted. But for people to say it does not work, the present system does not work, therefore, let us change it and make it more lenient I think is crazy. This amendment has the support of the environmental community. It is one of the most important steps we can take to protect the health of all Americans and assure that every reasonable step is made to clean up our urbanized areas as soon as possible.

Mr. President, I would like, if I could, to ask the Senator from Massachusetts if he will yield for a question with regard to this legislation?

Mr. KERRY. Mr. President, I will be delighted to yield.

Mr. KASTEN. Members have expressed concerns about the cost of the pollution control technology. As I understand it, the pending substitute would allow calculations about technology, cost, and nonair quality considerations to slow progress toward public health standards. Governors would be authorized to seek a waiver from progress requirements based on these considerations.

Is it appropriate or, I should say, is it inappropriate to consider costs in developing clean air policy?

Mr. KERRY. Mr. President, I answer my colleague by saying, no, it is not, not at all in anyway whatsoever. I believe I mentioned that somewhat earlier. In fact, the Clean Air Act and the current EPA policy both require at this point in time a consideration of costs and other factors as an integral part of the case-by-case process of selecting the pollution control.

It seems to me it is inappropriate, though, to give equal weight to cost considerations and public health, which is what really happens as a result of the compromise.

As I understand it, the 1970 act gave primacy to attaining the health standards as quickly as possible, recognizing that it was not possible economically to clean up instantaneously. The substitute envisions deadlines as long as 20 years, which means really 40 years from the time of enactment of the original act.

Obviously, some pollution reductions are easier than others. Some technology is obviously cheaper than others. The best way to balance cost and reductions on a case-by-case basis and the case-by-case choice, in fact, is what is in current law for both existing sources and for new sources.

I should add that for existing sources in polluted areas, the law requires reasonably available control technology, which has been referred to as RACT. EPA and State agencies are specifically directed to weigh the costs of control technologies, as well as to consider carefully whether a given control technology is really necessary to attain the standards. The EPA, in fact—let me use the language they use—says they have to "give due consideration to the social and the economic impact of any alternative means of control."

So, obviously, they have the right now to weigh all the factors in coming to a consideration about what control technology to apply. That includes costs which are considered now not only in the RACT but also in the new source performance standards. By law, the choice of technology has to take into consideration the cost of achieving the emissions reductions and any nonair quality health and environmental impact and energy requirements.

So, every single choice of control technology passes a test of cost, and, it seems to me, that there is absolutely no reason at all to open up a new area of inquiry at a whole different level which is simply going to delay the process interminably.

Mr. KASTEN. I have the floor, but I would like to ask the Senator to respond. What would be the likely air quality impact of these waivers?

Mr. KERRY. Under the substitute, the areas with serious smog problems are going to be required to meet an annual reduction benchmark of 4 percent per year for 6 years and then 3 percent per year thereafter. What the waiver authority will do is allow polluted areas to make no additional reductions at all, to make no progress toward a health standard, and they can do that, supposedly, in the language of the compromise based on arguments of control technology, cost, and factors other than air quality.

So in answer to the Senator's question, if you can avoid the annual benchmarks by virtue of a waiver, at best you would delay attainment of the health standards and, at worst, you are going to wind up missing the deadlines altogether.

I think you have to put that in the context of what we have already learned by experience. In 1982, the Environmental Protection Agency was confidently predicting that all but a handful of areas were going to clean up by the 1987 deadline. Here we are in 1990, and we have 101 areas still suffering chronic smog; 44 areas with carbon monoxide health problems; and more than 50 with nonhealthful levels of find particle pollution.

So obviously there is an enormous impact, and a negative one, on the effect of the waiver provision on anything other than health-related standards.

Mr. KASTEN. I think it is important to point out that this is exactly the problem that we are dealing with in Wisconsin and exactly why we have had to work through the courts in order to force the agreement that we have been able to reach. Some people are saying, should not the individual States be given the opportunity to make all these decisions themselves? What does the Senator say to that?

Mr. KERRY. My answer to that would be that the Clean Air Act is supposed to be a national program, and it is that for several reasons because, first, public health is a national concern. We acknowledge that. Second, pollution does not know boundaries, as the Senator has described in the problem of Wisconsin. It was not Wisconsin emissions. It was coming from elsewhere. So obviously you need some kind of national application. Ozone smog is obviously a regional concern, and many of the rural areas of this country are affected by smog emissions of other people.

Third, every citizen deserves equal protection under the Clean Air Act, as under other laws, and you are not going to get that if you suddenly allow the States to begin to apply a patchwork process.

Fourth, the 1970 act established national minimum requirements and Federal enforcement to protect the States themselves. All you have to do is look at the list that I supplied earlier of agency after agency, in State after State in this country that says do not take this weapon away from us. Do not do this. Because there is not one of them that has not heard that a regulation is not feasible, that it is too costly, or that somehow it is not beneficial.

I believe that is the most singular constant of the entire debate on clean air. It seems to me that since the industrial community sees its interest in minimizing pollution control regulation without the Federal law, then the local agencies become much more vulnerable to economic pressure. Large polluters are going to wind up playing State against State and shopping for the best pollution control deal.

Mr. KASTEN. As I understand it, the Kerry-Wilson, I will say Kerry-Wilson-Kasten amendment, works to correct the situation. I am just thinking for example of someone not even in an urban area in Wisconsin, someone in a rural area of Wisconsin, in the southeastern part of the State. They are not being exposed to Wisconsin pollution. They are being polluted by air contaminants generated in Illinois. Whatever we do in Wisconsin, and we have strong laws in Wisconsin, cannot possibly affect it. It must be a national standard. If you have a national standard, you have some element of national control. That is what the present law has and, unfortunately, what we, if we adopt the compromise without this amendment, will end up with.

Does the amendment impose any new requirements related to cost?

Mr. KERRY. Mr. President, no, it does not.

Mr. KASTEN. Does the amendment impose any new pollution reduction requirements?

Mr. KERRY. Mr. President, no, none that are not already imposed by the substitute itself.

Mr. KASTEN. So then basically we are back at current law. Does the amendment simply restore current law?

Mr. KERRY. Mr. President, all this amendment does is seeks to restore, retain, current law.

Mr. KASTEN. I thank the Senator. I believe that if we do not adopt this amendment, we will be taking a step in the wrong direction if, as the Senator from Rhode Island and the Senator from Montana are saying, the present system does not work. Do not change the system to make it less workable. We should be working to change it to make it more workable and, frankly, to give more teeth to some of the Federal implementation efforts. But at least if we do not give more teeth to those Federal implementation efforts, we should not be retreating from where we are. We would not in Wisconsin have been able to come to the agreement, the out-of-court settlement, if this law had not been in place. It is unfortunate that the so-called compromise is about to take away that tool we used successfully in Wisconsin. It is very, very important that this amendment be adopted.

Mr. CHAFEE. Mr. President, first a couple of points of clarification. There are no waivers whatsoever. There has been discussion of waivers for cost as though that is a duck-out system. There are no waivers whatsoever on the 4 percent that each State must attain under its plan for 6 consecutive years. So let us get that straightened out right away.

Mr. KERRY. Will the Senator yield?

Mr. CHAFEE. Let me finish. That is the first point we want to make clear.

The second point, there is some discussion that the Kerry amendment is a return to present law. Now, under the current law, EPA has approved plans that require RACT only on 100-ton or larger sources. Under the Kerry amendment, EPA could not approve a plan unless it controls all sources of VOC's or NO_x, no matter how small.

I would call everybody's attention—I do not think they know what is in this amendment. I really do not. I cannot believe that they have brought up this amendment. If you will look on page 51 of the amendment of Senator Kerry, it provides that within 12 months of classification—in other words, within a year of an area being classified as serious or above, that that area must implement RACT [Reasonable Available Control Technology], for all sources, all stationary sources, and require them to make a reduction of 80 percent or more.

We had a discussion yesterday about doing something about small business, and it was pointed out that to make a reduction in small business below 100 tons, why, the local dry cleaner was going to have to put in equipment that might cost $80,000. Under this amendment, they bring them down to 1 pound. I mean there it is. Read the language. It is absolutely clear.

I wonder if they know what they have in this amendment. They have thrown out the language that we had of a 100-ton minimum and 50 tons in severe or other areas. They eliminate that.

Let me just read the language. "Within twelve months of classification"—namely being listed as a serious area—"a revision to require implementation of Reasonably Available Control Technology"—RACT as we call it—"for all stationary sources"—there is no exception here—"of volatile organic compounds that are not covered," et cetera. "Such provision shall require the implementation of such technology no later than two years after classification and, in the case of volatile organic compounds, shall provide that reductions of 80 per centum or more from uncontrolled levels be achieved unless the State determines for a category sources that such level is not technologically or economically feasible." In other words, they are meant to go down by 80 percent. Now, you can squeeze up a little bit if there is some excuse, but all sources are covered.

We have not had anything like that in this bill before. I wonder what the National Federation of Independent Businessmen is going to say when they find out about that one.

Now, secondly, about what are we arguing? We are trying to achieve clean air. We have had a system where if a State is not in compliance, the Federal Government can come in and do the whole plan.

EPA can. EPA has not wanted to do that. Frankly, they do not have the manpower to do it. So they have dragged their feet.

Finally, they can be forced to do it by court suits. But as the distinguished chairman of the subcommittee and the floor manager of this bill has pointed out, never voluntarily since this act has been in effect has EPA come in and done a State plan, done a Federal implementation plan in place of the State plan—never.

At some point we are going to realize the system does not work. There have been all kinds of analogies to police departments around here. If there is a problem, just have more of it. That is not the solution. Let us step back and look and see what is going to work.

Under this system that we have proposed in the agreement, we provide what you might call a rifle-shot approach rather than just a shotgun approach, just laying down a barrage. What we provide is that EPA will come in and levy sanctions on that State unless they come up with its plan.

What are we talking about, sanctions? Are we talking some slap on the wrist? This has to do with one of the following four sanctions, and these are not little petty measures at all. What are the four sanctions? The highway funding for that State or area must be directed toward enhancing air quality. You cannot build additional highways. You may be able to work out something where there is ride sharing, parking lots, greater use of single automobile by more people. That is a stiff provision.

Second, they can, remember, levy a prohibition on drinking water hookups. In other words, you cannot attach any freshwater to newly built houses. That is what I call a pretty stiff provision. There are not going to be any more outlying suburbs because you cannot get the hookup with the freshwater.

What else? There is a reduction in Federal air pollution grants—no more air pollution grants which are important to carry out the very provisions of this bill.

Finally, there can be a construction ban. You want a new factory. No, you cannot have it. That factory is going to emit pollutants, and you just cannot have that factory built.

I will tell you, those are stiff provisions, every single one of them, and EPA must implement one of those provisions and can implement more if it wants.

So that takes care of the first year. The State does not still come into compliance. What happens next? Have them submit a plan or a corrected plan. Then EPA must impose controls that reduce the VOC emissions by 3 percent, and they can require them all, and if they do not do this, a citizen can sue. This is not any complicated suit. This is a simple suit, far simpler than a State requiring the Federal Government to impose a Federal plan on the State. So these are provisions that are going to get the job done.

Now the argument has been presented that cost waivers under the agreement will permit one area to induce business to migrate from a high-cost area to another one because of lesser regulations.

Well, it is this Senator's view as one of the chief sponsors of the agreement that took place and delved with this matter that we are concerned with today that a cost waiver can only be granted if the costs are higher than are incurred anywhere else in the country. In other words, you can only give a cost waiver, say, this is too expensive—it is more expensive than elsewhere in the country, anywhere else. I will tell you that is a tough hurdle to get over.

So, Mr. President, I hope this amendment will be rejected. I think it is a setback. I might say it gets States into areas they have never been in before, going down with no limitation on pollutant emissions, and the tonnage. that is going to be restricted. We have never had anything like that before.

Sure we have gone to 100 tons, in some cases to 50 tons, and the States can go in and go to 25 tons or 5 tons in very rare cases. But this mandates it. They have to impose reasonably available control technology on every single source of pollutants of VOC's in the whole State. If that is what people want, I would be very, very surprised.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise to speak today in support of the Kerry amendment. This amendment is one of the most important amendments which we will consider in the clean air bill. I urge every Member of this Chamber to support the Kerry amendment.

I am concerned that the compromise clean air bill now pending would seriously weaken current law by eliminating Federal implementation plans. These FIP's represent the best available means of forcing State and local governments to get down to the business of cleaning our air. If State or local officials will not cooperate at the local level to control pollution, they can be threatened with Federal intervention.

You can imagine the effectiveness of such a threat. Nobody likes being told what to do and under such a threat. Everyone involved is more likely to support the kinds of control measures needed to reduce areas of dirty and unhealthy emissions.

But FIP's have yet another important function. FIP's can be used by one State to force another State to clean up its dirty emissions. Current law recognizes that pollution does not respect State boundaries. States cannot always rely on each other to act in good faith with respect to pollution control.

My own State of Wisconsin is well aware of this. For many years, the residents of southeast Wisconsin have breathed dirty air blowing north from Chicago. On one side of the State line residents and industry in Milwaukee, Racine, and Kenosha were required to implement numerous control measures to curb emissions, and on the other side, residences and businesses in Chicago did very, very little. Yet people on both sides of the State line continue to breath the very same dirty air.

Wisconsin cannot build a wall to keep Chicago's dirty air out but Wisconsin could ask the EPA to step in and do something. When EPA refused, Wisconsin had grounds to sue in Federal court to require the EPA to fulfill its mandatory duty. And a Federal district court sided with Wisconsin. On appeal, the EPA, Wisconsin, and Illinois all agreed to a fair settlement. And now they are working together to solve the areas' pollution problems.

Right now things seem to be moving forward. Residents of Wisconsin have some assurance that their air will be cleaner in the very near future but that would not have been the case if it were not for the FIP provisions in the current clean air law.

I have to admit that the committee substitute gives us some protection. It does not go back retroactively and undo Wisconsin's court settlement. FIP's which are already required under current law or court order remain in effect. We fought hard to uphold Wisconsin's court victory and the committee substitute protects our favorable court settlement.

Chicago will be required to undertake immediate cleanup actions. And the States and EPA will continue to work on development of an urban air shed modeling system. But all that being said, the bill could be better. Without this amendment, the bill would prevent our ability to go to court in the future if Chicago or any other neighboring State refuses to clean up its air. The bill would deny other States the ability to get results as Wisconsin did.

So I need to repeat: The Kerry amendment restores current requirements under the Clean Air Act for the EPA to develop and implement a FIP if a State fails to curb its dirty emissions as required under the law. If a State either does not submit a State pollution plan, or submits an inadequate plan, the EPA is required to develop a comprehensive pollutant control strategy.

Mr. President, this is a matter of simple fairness and equity. If Wisconsin had not used the threat of a FIP to require cleanup in Illinois, our businesses and industries would have continued to operate at a competitive disadvantage. They would have been spending more on emissions controls than companies in Illinois or Indiana who would have continued to send dirty emissions north to Wisconsin.

Mr. President, I believe that our new clean air law must be fair to business. This bill should foster a healthy economic environment for business growth and job creation.

That is why I am a cosponsor of this amendment. That is also why I supported the Boschwitz-Boren amendment earlier today, to help small businesses comply with the clean air law. That is also why I voted for the Wirth-Wilson amendment yesterday, which was strongly supported by the National Federation of Independent Businesses. That amendment was fair to business because it would have shifted some of the cleanup burden away from small business who provide jobs and perform important services in our economy. By the same token, businesses and industry in Wisconsin know how important FIP's are. The residents know how important FIP's can be. FIP's inject fairness into the process.

We are not asking EPA to develop a lot of FIP's. We simply want to keep the threat of Federal intervention alive so that States and cities will do what they are supposed to do to clean up their air.

This is a good amendment. It ensures that we will get clean air in our communities, and I am pleased to offer the amendment with Senators KERRY and WILSON, this amendment with the ultimate purpose of our legislation, and I urge my colleagues to support this amendment.

Mr. CRANSTON addressed the Chair.

Mr. MITCHELL. Will the Senator yield for a moment?

Mr. CRANSTON. Yes.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, we have been on this amendment now since 10:30 this morning—4 hours. Almost all of the time has been used by the proponents, and I wish to suggest that we attempt to reach some agreement limiting further debate and permitting the Senate to vote on this matter.

I believe there has been a full exposition of the issue, and I suggest to the distinguished Senator from Massachusetts that we now agree to a 1-hour time limit, equally divided. If we do that, that means we will have spent 5 hours on the amendment with 4 of the 5 hours for the proponents and only 1 for the opponents. It seems to me to be a reasonable request. I hope the Senator will agree to that.

Mr. KERRY. Mr. President, let me first thank the distinguished majority leader, because he has the right to move to table at any time. He has graciously withheld that exercise in order to permit us an opportunity to air this.

I certainly want to be helpful. I have a couple Senators who have asked to speak. I will try to cover our side because of those requests. Rather than a half hour to our side, may we have 45 minutes on our side, and we would agree to a time certain for a vote, so that I can make certain I can accommodate those Senators; would that be amenable to the distinguished majority leader?

Mr. MITCHELL. Well, obviously——

Mr. KERRY. I suspect, Mr. President, I would be able to yield some of that back. I just do not want to get into a corner.

Mr. MITCHELL. Mr. President, might I suggest that we agree to a vote at 3 o'clock, which would give us a little less than 1½ hours.

The PRESIDING OFFICER. Does the majority leader put that in the form of a request?

Mr. KERRY. Would he permit us to have an up and down vote on this?

Mr. MITCHELL. I am sorry. We have proceeded under the practice of tabling votes. While I agree to withhold the motion to accommodate the Senators who wish to speak on this, I am not prepared to relinquish the right for a motion to table.

Mr. KERRY. I will not object.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on or in relation to the pending amendment occur at 3 p.m., and that the time between now and then be equally divided in the usual form under the control of Senators BAUCUS and KERRY.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. MITCHELL. I thank my colleague, Mr. President, for his cooperation, and I thank the distinguished manager.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON addressed the Chair.

Mr. KERRY. Mr. President, I yield to the distinguished Senator from California 7 minutes.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I congratulate the Senator for this very important amendment. I rise in strong support of Senator KERRY's amendment.

Unlike most of the amendments that have been offered so far on this particular bill, this amendment does not attempt to strengthen existing law, it merely maintains current law.

This amendment attempts to undo the provisions in the compromise dealing with the ozone nonattainment title that weaken current law as it relates to Federal implementation plans—major stationary sources—and allowing States to obtain a waiver of the percent reduction requirement based upon the cost of control.

Mr. President, the purpose behind clean air legislation has always been to provide clean, healthy air for everyone. Today, nationwide attainment of health-based air quality standards remains a distant goal. Approximately 100 million Americans still live in areas where the air they breathe is dirty. There still remain over 100 areas around the country that are classified as ozone nonattainment.

Local pollution control districts in my State and in other States are unhappy with the compromise particularly as it relates to ozone nonattainment. They argue that we are, in the compromise bill, giving States deadlines by which they must reach attainment or be sanctioned—but not giving them the tools they need to achieve clean air within those deadlines.

What's worse is that in the compromise we are actually weakening current law as it relates to stationary sources in ozone nonattainment areas, which, given the tremendous obstacles that still lie ahead before we can deliver on our promise of clean air, is exactly the wrong thing to do.

The nonattainment provisions in the compromise represent a major setback in the fight for urban air quality.

The compromise would change current law by changing the mandatory nature of the Federal implementation plan. This constitutes a serious and unnecessary weakening of the current Clean Air Act.

Mr. President, the Clean Air Act established a Federal mandate for attainment of health-based ambient air quality standards. The act backed this up with provisions which established a duty whereby EPA would step in and enforce a Federal air-quality plan for any State that either failed or refused to take action on its own.

The compromise, by removing EPA's duty to promulgate such a plan and instead requiring EPA to adopt only one measure a year, withdraws the Federal Government's obligation to achieve clean air where the States fail to do so.

Mr. President, the threat of Federal action has always provided healthy pressure on States to implement their air-quality plans—often forcing States to adopt necessary controls.

For example, in my State, the existence of mandatory sanctions was the spur that led California to implement a motor vehicle inspection and maintenance program. Similarly, the threat of Federal action played a key role behind the formulation of the south coast plan which is designed to bring the Los Angeles area, which has the worst air quality in the Nation, into attainment in 20 years.

Second, the compromise would allow an area to obtain a waiver from annual reduction requirements under certain conditions. Such waivers could be granted if the required control measures were not considered to be cost-effective. This is a dramatic departure from current law which requires reasonable further progress toward attaining healthy air—irrespective of cost. It would establish a precedent in which the costs of controls could determine whether or not the health-based standards are reached.

Third, the compromise would define major sources as those emitting 100 tons per year. This allows new sources emitting less than 100 tons per year to escape control and offset requirements.

These sources represent a significant portion of the stationary emission inventory. For example, in California these sources represent 39 percent of total stationary source VOC emissions. In New York City they represent 63 percent—nationwide, they constitute 34 percent.

These changes that were made as part of the compromise package go to the very heart of the Clean Air Act. These deficiencies in the compromise must be addressed. This amendment would do that by ensuring that current law is not weakened and that we are not taking away the tools that States and local agencies need in order to accomplish their task of attaining clean air.

Mr. President, the last thing we want to do is weaken in any way current clean air law. Voting for this amendment will be a vote to prevent that from happening.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I yield to the Senator from New Jersey 12 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 12 minutes.

Mr. LAUTENBERG. I thank my colleague from Massachusetts and commend him for an excellent job done thus far in presenting his amendment. I strongly support it.

Mr. President, this amendment raises a fundamental question. It has been discussed several times throughout the day here.

The question, obviously, is why do we want to pass a bill that weakens certain provisions of current law? That is exactly what this substitute would do. And that is what this amendment is intended to undo.

These are not abstract questions. We have passed clean air bills before, in 1970 and 1977. But what is the result today? The air is still filthy. We have learned a lesson. If we do not write into the Clean Air Act the tools we need, the only thing that will happen is that the air will continue to get dirtier.

Under existing law, EPA is required to develop and implement a FIP, Federal implementation plan, when a State fails to develop a plan which achieves air quality standards that are acceptable. The administration objected to this requirement, and the substitute only requires EPA to impose one additional control measure each year that the failure continues.

Mr. President, I was present throughout the negotiating sessions that took place day and night over a long period of time. I did not hear any Senators raise objections to the FIP plan; I did not hear any Senators request that this be dropped from the substitute. What I heard was an administration objection to which we agree.

Mr. President, we will hear arguments that EPA never voluntarily used its authority to implement the FIP's, but because this requirement exists, citizens have successfully sued EPA to require that they use their authority. And the record is clear that the threat of Federal involvement led many areas, including Arizona, California, and Chicago, to take action to reduce smog. There is simply no basis for the Clean Air Act to be weakened in this manner.

The substitute also weakens existing law by allowing States to obtain a waiver of the requirement to make improvements in air quality if it is deemed too costly to achieve reductions. This waiver would apply even if air quality is still far worse than allowed under the health standards. The waiver will in essence change the health-based standards established in the act to a cost-based standard, and the public health will suffer.

Mr. President, again it is hard for me to understand why, when we have the chance, we are agreeing to a weakening of existing law in this bill. Why should we give OMB and EPA the authority to set low thresholds for obtaining cost waivers? Why should States be allowed to escape the more stringent measures needed to achieve the health standards and control atmospheric transport, particularly when some States already are requiring sources to spend more than the waiver level which may be selected?

Finally, the amendment offered by the distinguished Senator from Massachusetts addresses the sources of pollution that must be regulated in areas that have failed to achieve health standards. The substitute only requires controls for factories emitting more than 100 tons of smog-forming pollutants per year in serious nonattainment areas, and more than 50 tons in severe and extreme nonattainment areas.

Under existing law, EPA regulates sources emitting lower amounts of pollutants. Sources emitting less than 100 tons per year contribute significantly to air quality standards. According to OTA, up to 34 percent of the smog-forming hydrocarbon emissions from stationary sources are from facilities which emit between 25 and 100 tons a year. So we will not be requiring States to address a major source of pollution.

This provision also is going to create economic inequalities. States which regulate sources emitting less than 100 tons a year will be at an economic disadvantage with States which do not regulate these sources.

And of particular concern to my State, New Jersey, the failure to require regulation of sources emitting less than 100 tons will exacerbate the problem of transport of air pollution. Downwind States like mine may not achieve the health-based standards even where they regulate sources emitting less than 25 tons because of the pollution that comes from upwind areas in which smaller sources are inadequately regulated.

I want to quote from a letter sent by our New Jersey Governor, Jim Florio. He says:

> New Jersey currently regulates sources that emit 25 tons or more per year, and our State right-to-know law has demonstrated that emissions from smaller commercial and industrial operations are one of the largest source categories of pollution. This change in the Federal definition will exempt facilities that are significant polluters and will put New Jersey and other States that regulate smaller sources at a serious economic disadvantage.

So it is clear that without the amendments offered by the Senator from Massachusetts, we are going to weaken existing law which has not yet achieved clean air. And we will not have the tools that we need to provide our citizens with to fight for clean air.

So, Mr. President, I urge my colleagues to support the amendment, and I hope that that will be the case.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, I wanted to address a couple of questions to the Senator from Rhode Island, who is not here at the moment. I do not know if the Senator from Montana intends to speak again on their time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I suggest I will do it at a later time; at a later time, yes.

Mr. KERRY. At a later time.

Mr. BAUCUS. Correct.

The PRESIDING OFFICER. If no one yields time, time will be charged equally.

Mr. KERRY. Mr. President, I am going to use some of the time, and what we may do is resort to the usual quorum call. I want to try to hold some of the time to yield back, if I can.

I am sorry that the Senator from Rhode Island is not here right now, but I would like to address a couple of points that he made, if I may.

He suggested, No. 1, that there is no waiver. He suggested, No. 2, that the RACT requirements of the Kerry-Wilson, et cetera, substitute will provide a more costly impact on small business. And he suggested, No. 3, that the sanctions that are put into place through the compromise are adequate. They are big tough sanctions.

I would like to deal with each one of those, because it is this Senator's belief that the Senator from Rhode Island is wrong on each count.

The Senator from Rhode Island has suggested that we are wrong in asserting that there is a waiver. Rather than make the assertion and let that try to carry weight, let me refer to the language of the compromise itself. Page 73 of the compromise, line 11, says: "The demonstration"—and what the language talks about is the demonstration to the Administrator referred to in a prior page—"the demonstration referred to in this paragraph may in order to meet the requirements, provide for an emission reductions in an amount less than 3 percent per year, following a public hearing, and by a statement signed by the Governor demonstrating to the satisfaction of the Administrator that the plan reflecting" this less amount—I am not reading the language now; I am interpreting the plan.

It now is permitted to be less than 3 percent; all they have to show is that there is technological achievability, or costs, or non-air-quality issues which merit them getting that less than 3 percent.

That is a waiver. That is a process which is new, which opens up the ability of Governors to be dragged into this process, and of individual arguments to be made about cost that permit a less-than-3-percent reduction per year.

That is a waiver.

Second, with respect to the issue of RACT, the reasonable available control technology, it is very clear that currently States are already applying less than the 100 tons and 50 tons per year, which is all that is required in this act. Pennsylvania has a 5-ton level; Wisconsin, 10 tons; Colorado, 10; New Jersey, 10; New York 3 to 4; Tampa, 3.

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The point is that this amendment seeks to do nothing more than maintain the current discretion which is available to the EPA Administrator. The Administrator today has that discretion. The Senator from Rhode Island has argued that if you take out the 100-ton limit, we are going to require the EPA to apply technology requirements to smaller sources than is required by current law. Let me read the current law to you. The current law, section 172(b)(3) says that it requires all nonattainment areas to "require such a reduction in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology."

Current law requires RACT on all existing sources. There is no exemption for 100-ton sources or 50-ton sources. It is the compromise that adds the exemption and weakens the requirements of current law.

So there is no additional new requirement.

Now, as to the third issue, when he asserts that these sanctions are somehow tough and adequate to do the job, it is clear that they are not adequate to do the job because the job has not been done. But let us compare the two laws.

Under the current Clean Air Act, EPA is required to impose sanctions if States do not submit or implement their air quality plans. If an area does not submit an approval plan, EPA is required to withhold Federal highway grants, impose a ban on construction of new sources of pollution, and withhold air pollution grants. And, additionally, if the area does not implement the provisions of its plan, EPA is required to impose a construction ban and withhold air pollution grants. That is current law, four requirements that EPA must do.

The compromise only requires EPA to impose one of the available sanctions if an area fails, and then it can only do so on this time-out basis, which effectively takes 6½ years before you get to a 3-percent reduction.

Now, construction bans are currently in effect in nine areas. Several have been in place for as long as 11 years. The impact of that has been limited for a lot of different reasons. But the point is that the current compromise actually relaxes current law. It does not strengthen it.

So in each and every comment that the distinguished Senator from Rhode Island made, the fact is that current law is stronger, current law does what we believe we ought to do with the exception that current law as to the RACT technology is not more expensive. It is simply the same discretion as we have had in place these years. And it does not weaken it, as the proposal of the compromise does, to limit it to simply 50-ton and 100-ton sources.

Let me add, we are not talking just about small businesses in a less than 50-ton source. There is not one mom and pop business that has been put out of business by the EPA's exercise of this discretion in the past. All that our amendment does is leave that current discretion in place. To apply to whom? Well, let us take a look at it.

You have furniture finishing, metal finishing, aerospace, film industry, airlines, chemical and industrial boilers, all of which are in the 25- to 50-ton area, hardly mom-and-pop businesses. In the 10- to 20-ton area, you have printing, breweries, electric lighting manufacturers, commercial bakeries, metal finishing, once again, hardly mom-and-pop establishments. But even if they were or are mom-and-pop establishments, the fact is that the EPA does not have a record of abusing that process or of applying technology under a definition of "reasonable" that is not reasonable.

So, Mr. President, I respectfully suggest that it is a very simple choice here. And the choice is between taking an existing tool and stripping it away because people have not been willing to apply it or to allow it to be applied.

Let me say to the distinguished Senator from California that I know he wanted a couple of minutes, so I think I will withhold further time and I reserve the additional time.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, the Senator from Rhode Island is not here, but I would just like to make a point or two in response to the Senator from Massachusetts. I was here on the floor when the Senator from Rhode Island spoke, and I was here on the floor when the Senator from Massachusetts spoke. I heard what they both said. The Senator from Rhode Island said correctly that there is no waiver for 6 years. There is a 4-percent annual increment requirement to reduce VOC's, and there is no waiver, no exceptions, no waiver. No waiver for the first 6 years. It is in the language; it is in the agreement.

So the Senator from Massachusetts stood up and talked about a waiver. He is talking about the waiver that is provided for in the agreement after 6 years—after 6 years. There is no waiver the first 6 years, and it is a 4-percent annual increment requirement that must be met by a State in the first 6 years.

Now, let us talk about what happens after the first 6 years.

Mr. KERRY. Will the distinguished Senator yield?

Mr. BAUCUS. Yes.

Mr. KERRY. How does the distinguished Senator believe that? If a company knows it has the ability to come in for a waiver involving the Governor, which has never yet existed, what is the incentive for them to meet the deadline in those first 6 years?

Mr. BAUCUS. I will answer that. First of all, there is no waiver in the first 6 years; it is an increment that must go into effect in each of the 6 years. And if it does not, then the partial FIP can kick in. That is, if a State does not meet the 4-percent annual requirement during the first 6 years, according to the provisions that are in the agreement, someone could sue and bring an action against EPA saying it is not enforcing the 4-year provision. So that is one of many actions that could be taken.

But, in addition to that, let us say we are getting past the 6 years and we are into the 3-percent annual increment requirements when a waiver is required.

No. 1, the EPA does not initiate a waiver hearing. The waiver hearing, if there is a waive at all, must be asked for and sought by the Governor of the State. So the Governor of the State of California would have to ask for it in the first place, the Governor of the State of Massachusetts must ask for the waiver in the first place. It is not something that is sought by the EPA. Rather, the request must be made by the Governor.

Mr. KERRY. Will the Senator yield for a question?

Mr. BAUCUS. Not yet. I will later.

In addition to that, as the Senator from Rhode Island pointed out, there is not going to be any economic forum shopping or State shopping here because of cost. If cost is a consideration, if one part of the country says, well, it is too costly, but the cost for the same procedure in another part of the country is less, then it is the interpretation, it is the intent of this section that the waiver could not be granted to prevent economic State shopping or forum shopping around the country.

In addition to that, even if a partial waiver is granted—let us say, instead of a 3-percent, it is a 1-percent waiver, so the State must only reduce another 2 percent during the particular year—even if that is put into effect, the State must still meet its deadline. If it is a serious area, that is 10 years. If it is a severe area, it is 15 years. There is no waiver from the deadline. Let us say a serious area does not meet its deadline under the ageement, then that area is automatically kicked up into the next category, a severe area. And if it is kicked up in the severe area, then it must implement transportation control areas, which serious areas do not have to, but severe areas do have to. There are other provisions, too, that are added on that a State must have to meet if it is kicked up into that category.

In addition to that, at the end of 15 years, because if a waiver is granted—I do not think a waiver would be granted, but is it is—and a serious area after 10 years has not done the job, then 5 years after that there are additional penalties. For example, all major sources must pay $5,000 a ton on 20 percent of their emissions. And that is the additional penalties.

There are all kinds of incentives here to encourage a State, with a serious or severe or extreme area, to meet the provisions that are required of them.

Frankly, to sum up on this one point, it seems very clear to me that there are a lot of hammers here, there are a lot of requirements on attainment areas to get the job done. It is clear to me that this is tailored as well as it could be to help encourage those attainment areas to get the job done.

Point No. 2, this is a small business buster, this amendment that we are now considering. The language of the amendment is clear. It says that within 12 months of classification, that is 12 months after the enactment of this bill, all stationary sources must meet reasonably available control technology. That is not just a 100-ton-a-year cutoff, not just a 50-ton-a-year cutoff, not just a 25-ton-a-year cutoff, not a 5-pound-a-year cutoff, not a 5-ounce-a-year cutoff; it means no cutoff. If you are a stationary source and you are emitting EOC's or you are emitting nitrogen oxides, you must use reasonable control technology. If that is not a small business buster I do not know what it is.

I do not think NAB knows what is in this or they would be here en masse. Think of all the businesses that would be regulated, controlled, would have to apply reasonably available control technology under this amendment that we are now considering. I do not think the sponsors of this amendment know what is in this amendment. They could not know. If they knew, something else is going on here. It does not make any sense because the language of this amendment requires reasonably available control technology to be applied to all existing stationary sources.

The PRESIDING OFFICER. The 5 minutes of the Senator has been exhausted.

Mr. BAUCUS. For that reason alone in addition to other reasons, this amendment should not be approved.

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KERRY. Let me point out with respect to the last issue raised by the Senator from Montana, this is not a change from existing law. It is not a small business buster. It is precisely what has existed in the law until this date and it is applied according to the standards of the EPA.

The EPA generally defines the threshold for RACT which publishes a controlled technique guideline.

Mr. BAUCUS. Will the Senator yield? It is not required in existing law. I defy the Senator to show an example of a stationary source that is regulated in this country, I mean actually regulated in this country today, that emits, say 5 ounces, 5 pounds of VOC's or nitrogen oxides. It does not exist.

Mr. KERRY. Let me answer the Senator by saying I have in my hand a EPA regulation cutoff point which talks about, where EPA has previously specified 3 pounds VOC, or 15 pounds VOC—they have the discretion now to do that and they do it in certain cases.

Mr. BAUCUS. If I might say to the Senator, those are control technique guidelines. That is not RACT.

Mr. KERRY. I am not referring now to the control technique guidelines. The EPA has the power now, the discretion, to decide what it is going to apply to a particular industry or particular sources as the standard. They can go as low as they want right now.

The law, current law, section 172(b)(3) of current law requires all nonattainment areas to require such reduction in emissions from existing sources in the area as may be obtained through the application of reasonably available control technology. That is it, blanket. All across the board. It is open season.

The difference is they have chosen not to apply it in that way. What is happening in the compromise is——

Mr. BAUCUS. I might ask the Senator——

Mr. KERRY. The compromise is taking away from the EPA the ability to apply that, because the compromise has a cutoff of 50 tons and 100 tons, depending on whether it is serious or severe.

Mr. BAUCUS. That is correct.

Mr. KERRY. So in fact it is more restrictive—it is less demanding. The compromise demands less.

Mr. BAUCUS. But the amendment of the Senator requires, it mandates reasonably available control technology for all stationary sources regardless of size—regardless of size.

Mr. KERRY. That is exactly the current law.

Mr. BAUCUS. No, the Senator said discretionary. I am sorry, earlier the Senator said discretionary. There is a difference between discretionary and mandatory.

Mr. KERRY. It requires the application of it but it has been interpreted. It is discretionary under the definition of "reasonable." Reasonable, itself, infers a test. Let me read precisely. This is from the law. Only reasonable technology is required. The concept of reasonable inherently involves a balancing of environmental benefits and economic costs. Under the current regulation, RACT is defined as follows:

> Reasonably Available Control Technology means devices, systems, process modifications or other apparatus or techniques giving due consideration to the necessity of imposing such emissions, limitations, in order to attain and maintain the national health standard and, two, the social and economic impact of such limitations.

So the standard has been applied by them historically so they do not put mom and pop out of business.

It is exactly that same standard that this amendment seeks to maintain in place and the compromise, regrettably, takes away that discretion, takes away that application. It will only be the 50-ton and 100-ton sources, and that is worse. There is no other way to describe it.

Mr. BAUCUS. I must say to the Senator, there is no CTG under current law. The cutoff is 100 tons. I am asking the Senator, under the amendment of the Senator, if there are no CTG's, what is the emissions cutoff if any?

Mr. KERRY. Under our amendment the same standard would apply. If there is a CTG in place——

Mr. BAUCUS. I am talking about if there are no CTG's, if there are no control technique guidelines in effect. Under the agreement before the Senate the cutoff is 100 tons. As I read the Senator's amendment, if there are no CTG's in effect, still there is no emissions cutoff and all stationary sources must apply RACT?

Mr. KERRY. That is precisely what the current law calls for.

Mr. BAUCUS. It is not the current law.

Mr. KERRY. The Senator and I differ. The EPA has interpreted the 100 tons as to the general threshold for RACT, and that has been the sort of standard threshold they used. But on May 25 of 1988 EPA published a policy memorandum and in the 1988 policy memorandum, EPA required States and localities to regulate certain existing sources having the potential to emit more than 10 tons per year. So, EPA in fact has gone down to 10 tons.

Mr. BAUCUS. That is for CTG's, I might say to the Senator. The Senator confuses the availability and unavailability of CTG's.

Mr. KERRY. Let us come back to the other side of the question. What are we trying to do here?

Mr. BAUCUS. The Senator is trying to pass this amendment and I can tell the Senator this amendment is a small business buster because it requires full RACT for all stationary sources and I

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do not think all small businesses can comply.

Mr. KERRY. I am happy to continue the colloquy. Can we take some of it from the time of the Senator from Montana because I will be getting low. Can we do that?

Mr. BAUCUS. Absolutely.

The PRESIDING OFFICER (Mr. DECONCINI). Without objection, the time for the colloquy will be evenly divided.

Mr. KERRY. Let me just say to the distinguished Senator that the EPA currently has a policy that goes down to 10 tons. The RACT application is very clear in so much as it only applies under the reasonableness standard. So, this would not put industry out of business. To describe it so is a scare tactic. If the Senator wants to come in here and tell people this is going to effect small business, that is the kind of argument we have grown used to.

Mr. BAUCUS. I say to the Senator the 10-ton requirement applies to CTG's. I do not think the Senator understands the difference between CTG's and RACT.

Mr. KERRY. Mr. President, what I am saying is that the same standard applies with respect to the application of RACT. That is the current standard. What I read to the Senator is the RACT standard. The RACT standard currently takes into account the economic costs and the balancing. That is precisely current law. That is precisely what would flow in this amendment. It does not change the application of RACT one bit. It is taken from the current law. The standard of the application of RACT is just very clear: Current RACT application directs EPA and the State agencies to weigh the costs of control. They do it now; they will do it under this amendment. Let me reverse the question, if I may.

Mr. President, I think the Senator agreed the time is being charged to the Senator.

The PRESIDING OFFICER. The unanimous-consent agreement, interpreted by the Chair, is that it is going to be equally divided. I believe the Senator from Massachusetts wanted to know if the Senator from Montana will absorb all the time for the colloquy; is that correct?

Mr. KERRY. That is correct.

Mr. BAUCUS. Mr. President, I yield myself 5 minutes for the purposes of this colloquy.

The PRESIDING OFFICER. And the previous time?

Mr. BAUCUS. The previous time equally divided. That was the understanding.

Mr. KERRY. The key question is, Mr. President, we are trying, I believe, to get the best means of meeting the air standard here, and the air standard is how we are going to get this 3-percent reduction process. Incidentally, I think that specific percentage reduction per year is an improvement. I think the Senator is correct in saying that it is helpful to have a per-year reduction where we did not have that previously and had no definition of further progress. But the difference is this: The 3-percent process will not, absolutely guarantee, a meeting of the goal of what we are trying to do here. It will not reduce those 31 nonattainment areas or the 8 severe ones according to the 3-percent rate; it will not meet the standard.

Mr. BAUCUS. If I might say to the Senator, the current program certainly has not resulted in any reductions. The current program has the full Federal shotgun implementation plan approach, and it has not worked. I am just saying to the Senator, what is really going on here is the difference between pure imperfection, on the one hand, and something that is pragmatic and workable on the other. It is analogous to the problem in the Clean Air Act we now have before us.

Mr. KERRY. Can I respond to that?

Mr. BAUCUS. That is on my time. Just a minute.

The present Federal implementation plan approach, the full Federal implementation plan has not worked. It just has not worked. So we on the Environment and Public Works Committee—Republican and Democratic Senators—and the administration negotiated all this and tried to find something that works better. I earlier thought that a full Federal implementation plan would make more sense for the reasons very well stated by the Senator from Massachusetts.

But, frankly, after listening particularly to the EPA, not OMB, not the White House, not others who have different axes to grind, but the EPA, I became convinced that they were right. I do not have a monoploy on good ideas, I can tell the Senator that. If somebody has a better idea and I am convinced it is a better idea, I am going to adopt it.

In this case, the EPA, after days and days of negotiating out this point, convinced me that they had a better idea. The better idea is to say, hey, we, the EPA, do not have the resources. We do not have the dollars. We do not have the personnel to implement a full Federal implementation plan for a whole State. We just cannot do it. We certainly cannot do it for 50 States. We cannot even do it, they say, for a major State like the State of California, or a major city like Chicago. It is so exhaustive. Instead, they say give us the authority to choose from a menu of actions that are very specific but, more important, very effective. Under the agreement, we say, OK, list three control measures and tell the EPA, you choose the one that has the greatest emissions consequences, or if they are in effect already, another that has emissions consequences that are as great.

The Senator should not forget that there is no slippage here. There is no slippage here whatsoever because a State still has to meet its deadline. If a State does not meet its deadline, it kicks up to the next category and has additional measures.

It is all very analogous to a story I read in the Wall Street Journal last week about Exxon. Exxon has dramatically cut back the number of employees it has. I have forgotten the percentage of Exxon employees, but it is much, much lower now than it was a couple of years ago. The whole point of this article is this: It is probably because of Exxon's stretching itself so thin—there have been so many Exxon oilspills lately. Not just *Exxon Valdez*, but the company is spread very thin now; its resources are spread thin. They just do not have quite the control to do what they know they should do.

I can say to the Senator, if the Senator wants the EPA to implement full Federal implementation plans, I am pretty well convinced that the EPA is going to be stretched so thin that nothing is going to happen, not only in this area, but Superfund, under the Clean Water Act, under all of the other areas that are administered by the EPA.

I must say to the Senator, too, I was with the Administrator of the EPA a few days ago in my home State of Montana. He explained to me it is so hard for him to allocate resources. He is going more to enforcement, forcing people to do what they should be doing in all areas under his jurisdiction. That means he is taking people away from developing regulations, developing control technique guidelines, away from all the things that have to be done.

The PRESIDING OFFICER. The time the Senator from Montana yielded himself has expired.

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The time will be equally divided.

Mr. WILSON addressed the Chair.

The PRESIDING OFFICER. Who yields to the Senator from California?

Mr. KERRY. Mr. President, I yield 5 minutes. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 17 minutes.

Mr. KERRY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 5 minutes.

Mr. WILSON. Mr. President, this discussion I think has been interesting, but it has not covered all of the considerations that should obtain to it. One of the things that I think has not been mentioned and should be, is that this reasonably available control technology is, in fact, under existing law factors in cost considerations. In other words, if you are seeking to determine whether something is reasonably available as a control technology, cost is a factor. It is not the determinant factor.

What we are objecting to is making it the determinant factor, but it is now under existing law very much a factor, a consideration. What the Kerry-Wilson amendment seeks to do is to continue existing law rather than weaken it, as with the committee substitute.

A point that has not yet been raised is that there will be those areas with special problems that have need of imposing a control technology that, in fact, they may be barred from imposing if the committee substitute goes through. What does the local air control administrator do if the strategy that he has devised is one that is not permitted by a combination of the operation of State law and Federal standard?

Under the Federal standard that now exists, States can and, in many cases, do impose a stricter standard than the 100-ton emission requirement that is proposed by the substitute. As a result of that fact, Hartford and Los Angeles are required, as a matter of meeting their clean air requirements within any kind of deadline, and presently impose a far more stringent standard than that, one that is painful for them to impose. But, Mr. President, there are 14 States, I believe, that would actually be forbidden from doing what Connecticut and California do, even if they wanted to do so, because they are precluded by State laws that say that they may not impose regulations more stringent than permitted under Federal law.

Under existing law, that may make some sense, but under the committee substitute, which has a far more lenient standard, one that imposes a much less stringent control, those States will be barred from doing something more stringent than Federal law, which is to say they cannot reach down to any source that is emitting less than 100 tons.

What that means is not just that they will be ignoring, or can be compelled to ignore sources that are fouling their own air, but again there is a thing called transfer. We are talking about air that moves. We are talking about the danger to those States that are downwind from those that are upwind.

Suppose there is a waiver granted to an upwind State. Suppose that that State is one of those whose State law precludes the State from imposing a more stringent standard than Federal law, and they do not. What happens to the State downwind? What happens to Wisconsin if they are unable to compel a cleanup on the part of those nonattainment States that border it?

The answer is they may be without hope of ever gaining attainment regardless of what they do in their own locality because of transfer from a State which has conveniently adopted a law which says that they cannot enforce anything more stringent than the Federal law, which in effect creates for them a pollution haven which makes them perhaps attractive competitively in bringing about new business. They may even say to the State whose air they are polluting——

The **PRESIDING OFFICER**. The Senator's 5 minutes has expired.

Mr. **WILSON**. Mr. President, I request an additional 3 minutes.

Mr. **KERRY**. How much time remains?

The **PRESIDING OFFICER**. The Senator has 11 minutes remaining.

Mr. **KERRY**. I yield the Senator 3 minutes.

Mr. **WILSON**. Mr. President, we have the distinct prospect, not just the possibility but the prospect that in several States we will have the bitter irony of a State that is not doing the kind of job that it should, saying it is precluded from doing so by its State law, and at the same time, they may be sending economic development emissaries into the State whose air they are fouling urging that the businesses in that State relocate to the State that is guilty of that sin.

That is hardly fair, Mr. President. That is in fact a prospect because the committee substitute does not permit, as does current law, those jurisdictions that wish to do so from reaching sources less than 100 tons. That is what gives rise to the fear on the part of local air administrators that the committee substitute is the opening shot in a new war between the States. That is what prompts Dr. Lents to say this is a proposal which will divide the Nation because it creates loopholes through which the States can take a dive on attainment.

Serious charges, Mr. President, are entirely valid.

What we are suggesting is that there should be the kind of flexibility that the present law allows—not a retreat from present law, not a weakening of it.

There is a certain irony, I must say, Mr. President, in hearing the opponents of this amendment argue that it is a small business buster. These are the people who yesterday were arguing against the NFIB-endorsed Wirth-Wilson amendment.

So let us hear no pleas, let us not be mocked by any salty tears shed for small business on the occasion when we are compelled realistically to ask that present law be continued, because yesterday when we had the opportunity, we denied States and localities the opportunity to take more out of the air from tailpipe emissions, from evaporation, from in-use by vehicles. That is what we did yesterday. We defaulted on an opportunity to do it in a much more sensitive way.

Mr. President, this is a formula for unfairness. It is something that will divide the States. It will produce an unfair economic competition. It will produce pockets, havens of pollution, and as such it is not fair to small business any more than it is fair to those with allergies and chronic lung disorders.

The **PRESIDING OFFICER**. The Senator's time has expired.

Who yields time?

Time will be equally charged against both sides.

Mr. **KERRY**. Mr. President, let me, if I may, try to summarize.

I would like to address one important issue that has remained unaddressed almost since the beginning of this debate, that is, the question of the citizen lawsuit. It was asserted that citizens do not lose the right to bring a suit, and I would like to clarify that a little bit.

There is a citizen suitability for a civil penalty contained within the language of the compromise, but that is not the operative issue with respect to the loss of a right of a citizen to enforce clean air standards.

On page 27 of the compromise it states, on line 8, "The Administrator may, after notice and opportunity for public comment, promulgate regulations setting forth an implementation plan."

The operative word is "may." That used to be "shall." By taking the word "shall" and making it "may," this compromise takes away a duty on the part of the Administrator. Lacking that duty, no citizen has a right to compel something which is not required as a mandate in terms of administrative action. Therefore, there is no longer a right of action for citizens to be able to compel an action except a subsequent action stated in a lesser paragraph. The action a citizen might compel is the 3-percent reduction process.

But you cannot compel an overall implementation plan. And the reason you cannot compel that is because the process is now being limited. That is a taking away of clean air power.

Mr. President, the tragedy of it is that at best the Senator from Montana has conceded citizens could require the EPA to get the partial plan in place. It seems to me that it is inappropriate for this compromise to limit what the citizens are able to do to protect the quality of air that this deal is supposed to provide them with.

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Moreover, the plan, even if it works exactly according to Hoyle as described by the Senator from Montana, if it did everything he has said according to its best expectations, this plan will not meet clean air standards. And it will not meet clean air standards because the 231 cities with the serious ozone or smog problem that have to achieve those standards by the year 2000 are going to be way below this emission standard. In reality, they have to reduce it by more than 40 percent, and under the compromise they are only going to get a 9-percent reduction at best.

In addition, for the serious areas, they are going to get only 27 percent where they ought to be getting 57 percent.

So what we are about to do is pass a compromise that absolutely is guaranteed not to provide the States with the clean air they are supposed to get under the deal, and simultaneously it takes away from citizens the ability to be able to compel a broad overall plan.

The second issue is: Has this ever worked? The Senator from Montana asserted earlier it has never worked. There has never been a full implementation plan. Mr. President, it simply is not true that it has not worked. It worked in Phoenix and Tucson. It worked in California. It worked in Wisconsin. It has worked in Indiana, Illinois, Idaho, and Ohio. And in fact, there are specific examples of areas where there has been a significant reduction.

Ohio is a classic example. Back in 1975, tons of reductions had been made as a result of a Federal implementation plan being imposed. In a number of States in the Northeast, New York and Massachusetts among them, there were requirements made with respect to buses and car lanes. Those had the effect of reducing pollution.

This is a matter of common sense; simple common sense.

If you take away from the Federal Government the very right that was given in 1970 to be able to come in and force a State to comply, there is little there except the lanugage of this bill to make the State comply. When you examine the language of this bill that is supposed to make States comply, you realize that there are less enforcement measures than there are in current law, and you realize it will not meet the standards that we are supposed to be achieving here.

I know we are going to hear the words: "This is a compromise-breaker; if this passes we cannot have a bill" and so forth. I cannot understand how in the effort to pass a clean air act my amendment would break the compromise that is supposed to give us clean air, but in fact is taking away the very tools that best enable us to achieve clean air.

The Senator from Montana suggested that this will give the Governors the power in terms of the waiver. No Governor requested this power except perhaps Governor Sununu. I do not know that he did, incidentally. But not one of the Governors of this country asked for it.

In fact, I have here a letter from the National Governors Association, and I quote:

> NGA policy recommends reasonably available controls on existing hydrocarbon sources and we are concerned that the definition—the current definition—in the compromise of "major sources" as those emitting more than 100 tons may not be adequate.

Mr. President, I respectfully suggest that we have a chance here to hold on to a tool that works. It is an additional tool that adds to the tools that the administration and the compromise has created. I believe it will strengthen our ability to be able to have clean air, not detract from it.

I reserve the remainder of my time.

Mr. D'AMATO. Mr. President, I rise as a cosponsor of the Kerry-Wilson amendment.

This amendment simply restores the authority already established in the current Clean Air Act. It provides an invaluable weapon to State and local air pollution controllers to use against businesses and industries who are opposed to air pollution controls—the threat of Federal intervention.

New York has taken its clean air responsibilities seriously. We have some of the strictest standards in the Nation. But unfortunately, that does not protect our citizens from pollution originating from our neighboring States. Yet we in New York are powerless to control these sources of pollution.

Neighboring States that may seek to maximize economic development may be tempted to establish pollution havens attracting industry at the expense of States, such as New York, that have pursued air quality goals responsibly. The constant threat of tougher Federal standards has worked to encourage many of these States to crack down on polluters.

As proof of this success, I have some examples of businesses that have left New York State and relocated to areas with less stringent pollution control programs:

First, Kleer Pak, a printing company that emitted over 100 tons per year in violation of standards, left New York and moved to Pennsylvania;

Second, Equitable Bag Co., another printer that emitted over 1,000 tons per year, moved to Kentucky;

Third, Ulano Corp., moved portions of its business that were in noncompliance to Connecticut;

Fourth, Perfect Line, a metal surface coater that emitted 100 tons per year, moved to New Hampshire; and

Fifth, Korfund Dynamics, another metal surface coater presently in violation, just announced its intention to move to North Carolina in August of this year.

It has been said by opponents of this amendment that this threat of Federal intervention is not necessary and has not been employed. That is completely untrue.

There have been documented instances in Arizona, Wisconsin, Illinois, Indiana, and Michigan where the law has been effective.

It is clear that the present law works. We can not afford to meddle with such an important tool.

We have been fighting a losing battle against urban smog for 20 years. There are more than 100 communities that do not meet clean air standards and over 150 million Americans that live in these areas.

If we do not vote to adopt the Kerry-Wilson amendment, we will be taking a step back. We will be taking a step back. We will be retreating from current law.

This is our first opportunity in more than a decade to revisit the Clean Air Act. It is a virtual certainty that we will not get this opportunity again until the next century. We must ask ourselves do we want a clean air law that really has teeth in it, or will we cave in to special interests.

Mr. President, the future of America's health and environment are at stake. We need a strong clean air bill. We need this amendment.

The PRESIDING OFFICER. Who yields time?

If neither side yields time, the time is taken from both sides.

The time has been charged equally and the time of the Senator from Massachusetts has expired.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, parliamentary inquiry. How much time is remaining for the majority side?

The PRESIDING OFFICER. The time remaining is 24 minutes and 20 seconds.

Mr. BAUCUS. Mr. President, I ask that 8 minutes be reserved to the distinguished Republican leader and the balance of the time be allocated to the distinguished majority leader.

The PRESIDING OFFICER. The Senator from Montana has that right. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I thank my colleagues, the managers. I thank my colleague from Massachusetts and all those who participated in this debate. This has been a useful and informative discussion.

But I believe, as so often happens in the Senate, words were applied to circumstances that tend to inflate them beyond their true significance. Thus the authority under law for the EPA to adopt Federal implementation plans, in those circumstances where State implementation plans are not submitted or are submitted in inadequate form, has been variously described here in the debate as a "powerful tool," the "most effective tool," the "tool that is working" to clean up the American air.

I submit, Mr. President and my colleagues, those statements are simply incorrect. For it is undisputed, it is beyond dispute that not one single pound of emissions reductions have occurred anywhere in this country in the 20 years that this authority has been on the books; not one pound. There have been no emissions reductions that have resulted from the existence of this authority.

Rather than being a powerful tool, rather than being an effective tool, rather than having worked, it has been an ineffective tool that has not worked. And the compromise attempts to put some teeth into a power that for 20 years has been toothless.

The Environmental Protection Agency has not ever voluntarily exercised this authority because, as has been made clear time and time again, the whole structure of the Clean Air Act is based upon State administration of the law. And the Federal agency simply does not have the resources to substitute for the States. The Federal implementation power was always intended as a last resort backup to force State action, and it has not accomplished that.

In those instances when Federal authority has been exercised, it has been pursuant to court order. The one instance in which reductions have been made which might arguably be indirectly the result of this authority is in Phoenix. But the authority that compelled the State action there continues to exist in law, and would continue to exist in the compromise.

Under current law, the EPA Federal implementation plan is "comprehensive." Under the compromise, the EPA Federal implementation plan is required to achieve a specific amount of emissions reductions, 3 percent a year.

So what all of this talk has been about has been whether we retain the word "comprehensive" in the law, or whether we substitute for it a specifically mandated reduction requirement of 3 percent a year.

And since the comprehensive language has demonstrably not worked, it has not produced 1 pound of reduction of pollution in this country in 20 years, substituting for it the 3-percent per year mandated reduction strengthens the law. This does strengthen current law. That is the reason it was included, because the current provision simply does not work.

Why are we so insistent on continuing to hold on to words and phrases and authorities which, in practice, have demonstrably not worked? Is not our objective to achieve reductions of those emissions which cause pollution? That is what we want to do, not to deal in abstractions of authority.

So I say to my colleagues, if we want a Federal authority with some teeth and some meaning and some specific requirements—not that the plan has to be comprehensive, not that it be defined in any way, but rather that it be required to achieve a result—that is what counts. Reducing pollution is what counts, not how you describe the authority.

That is what the compromise does. It does not tell the EPA that the plan must be comprehensive or not. It does not say whether it has to come in a blue, white, or red cover. All it says is that we have to produce a result, and the result is what we are trying to accomplish in this bill: the result of reducing the pollution that is creating the problem in our society.

So I will say to my colleagues, purely on the merits, purely on the question of whether or not we are going to achieve reductions in pollution, the compromise is stronger than what is proposed.

Contrary to what has been asserted, the pending amendment does not just retain current law. It goes far beyond current law in another respect that all Senator ought to be concerned about, and that is with respect to its application to small business. This is a small business killer amendment, and those Senators who have stood out here over the past few days and expressed concern about the effects on small business ought to read this amendment. This amendment extends authority far beyond what exists now with respect to small business, and it will subject thousands of small businesses to the possibility of regulation which does not exist under current law. Let me explain why.

Under current law, if an area is not in compliance and the EPA issues a control technique guideline, the EPA may then control sources of pollution of less than 100 tons. But under current law, if the EPA does not issue a control technique guideline, only sources of 100 tons or above may be controlled.

The amendment changes that. The amendment says that even if the EPA does not issue a control technique guideline, even then all sources may be controlled. There is no tonnage limit. A source emitting 10 pounds a year could be controlled, not 100 tons, not 25 tons, not 10 tons.

This will subject every small business of any kind that emits any amount of pollution to the possibility of regulation that does not now exist. And so any Senator who says he is concerned about small business ought to think twice before voting for this amendment, because no one has proposed extending to small business this type of regulation, as this amendment does.

Gasoline service stations, drycleaners, paint shops, print shops, fast-food outlets; there is hardly an enterprise that does not emit a few pounds. They are now subject to the possibility, under this amendment, of regulation that they are not subject to under current law in the circumstances which I have described; that is, in certain nonattainment areas where the EPA does not issue a control technique guideline. Under current law, only sources of 100 tons or above may be controlled in those circumstances. Under this amendment, every source, regardless of the quantity of emissions, is subject to being controlled.

So this does not retain current law; this changes current law in a way that every small business in America ought to be concerned about, and every Senator who is concerned about the effect on small business ought to be concerned about.

Mr. President, we face the same circumstance that we have confronted repeatedly with respect to the provisions of this compromise. With the very best of intentions and with the very best of faith, the proponents are trying to change the compromise because of a perceived flaw in it.

The reality is that the compromise, when compared with current law in this and virtually every other respect, is a substantial improvement, a substantial expansion over current law, and a change that will produce reduction of emissions of pollution. That is what we are trying to do in this law.

It does not matter what we call the authority. It does not matter what phrases and words are used. What matters is can we achieve reductions in pollution? That is what we are trying to do.

On the central issue now before us, this strengthens current law by requiring a reduction of 3 percent a year under the Federal plan, where no such requirement exists under current law.

The current law merely requires a comprehensive Federal plan and does not mandate any specific amount of reduction as a consequence thereof.

What we have done is to substitute a standard that is result-oriented as opposed to one that describes the power, because demonstrably the power, as it exists and described under current law, has not worked.

The only way this kind of an amendment would, in my judgment, improve current law is if the sponsors wanted to say, "Let us scrap the whole basis of the Clean Air Act; let us get the States out of the business and let the Federal Government take the whole thing over." That is a completely different concept. It is not proposed here. I do

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not favor it. But then and only then would this type of an approach make sense.

The reality is, and Senators ought to know this and understand it, the Clean Air Act is based upon a regulatory scheme which provides for State implementation of the law. The Federal Environmental Protection Agency does not have, has never had, the resources to prepare and implement plans in each and every State.

So what we are saying here is let us now in those cases, which we hope are rare, that the States do not meet their responsibilities under law, create a power that has teeth and that will produce a specific result, 3 percent a year in reductions of emissions as opposed to the current law which does not require any specified amount of reductions in any given year.

That is the choice before the Senate. I strongly hope that Senators will join me and the distinguished minority leader in tabling this amendment and letting us proceed to move forward on what I believe is and will be a strong, effective compromise bill.

For these reasons, current law has not worked, the compromise amendment improves on current law, and, finally, because of the potentially drastic effect on small business as a result of this amendment, I urge Senators to join in tabling this amendment.

Mr. President, I yield to the distinguished Republican leader.

The **PRESIDING OFFICER.** The Republican leader is recognized.

Mr. **DOLE.** Mr. President, for all the thoughtful reasons stated by the distinguished majority leader, I am very pleased to join him in opposition to this amendment. It seems to me that there are a lot of short memories around here. We spent the whole month of February, a lot of Members, some on the floor here now, the two managers, probably every minute of that month trying to work out a compromise because we knew, at least we felt certain, that without some changes the bill would not pass.

Certainly the majority leader has been at the forefront of clean air legislation for a dozen years, as has the Senator from Montana, the Senator from Rhode Island, and many others who were on the committee.

A compromise was negotiated with the White House, with the administration. Now, as we had last evening, we have another test of whether or not the compromise will hold.

I can say that the administration, for whatever it may be worth for anybody on either side of the aisle, feels very strongly about this amendment. We agreed that all amendments which violated the provisions of the agreement would be opposed by the leadership and members of the committee who are signatories to the agreement.

That is why the majority leader rises in opposition, and that is why the Republican leader rises in opposition, because there is no doubt in my mind that this violates the basic agreement reached after weeks and weeks and hundreds of hours of negotiation.

I share the concern of the Senator from Massachusetts. We must ensure States submit implementation plans, that the plans must pass the scrutiny of the Environmental Protection Agency, and that States must take action to guarantee the State implementation plans, or SIPS, are put in place or enforced.

As a matter of fact, all the negotiators shared that concern, and a great deal of time was spent to make certain that the health and environmental goals set forth in the bill are achieved. And, as the majority leader has pointed out, we still have a very strong piece of legislation, too strong for many, as has already been demonstrated in some of the votes.

The basic flaw with the amendment, which calls for the Federal implementation plan, or FIP's, is that the Federal Government, as pointed out 2 minutes ago by the majority leader, does not have the resources, either financial or the number of employees which would be necessary, to successfully impose a Federal implementation plan.

I say to all those who have been wringing their hands privately and publicly about the impact of this bill on small business, I only wish we had 100 Senators who were here because most Senators are not concerned about small business. In fact, there was great discussion earlier today on the Boschwitz-Boren amendment, discussion last night on how we provide technical assistance to small business. But this amendment would have Federal employees, as pointed out again by the majority leader, visit gas stations, drycleaning shops, Dairy Queen's, you name it, because there is no limit on how far the possibility could go. It would have Federal employees run tailpipe inspections on every car in the State, have Federal employees visiting every business covered by this act to check monitors and manufacturing processes. Simply put, it is unrealistic to think that a Federal implementation plan would be successful in achieving clean air.

I do want to say, however, that the underlying principle of the amendment offered by the Senator from Massachusetts is one that I have been forced to reluctantly support in the past. The principle upon which this amendment is constructed holds that, in instances where a State cavalierly acts or fails to act in some matter which is contrary to the public good, the Federal Government must step in.

I believe in States' rights, but in some cases it does not work, and the Federal Government must be relied upon to step forward to make the tough decision, to act in the public good.

A similar situation has occurred in New England, as a matter of fact, in the States of New Hampshire and Massachusetts. Under Federal law, we require States to provide for the public health and safety by establishing emergency planning zones around commercial nuclear reactors so nearby residents can be evacuated in the event of an emergency at the nuclear facility. We told the States to do this because we are justifiably concerned with public health and safety.

But the States do not always act, as in this case it was Massachusetts did not act. They do not always share our concerns with the public health and safety. This occurred when the State of Massachusetts refused to provide for the health and safety of its citizens who reside near the Seabrook reactor. Even though the Federal Government directed the State to provide for the evacuation of its residents, to make certain that the men, women, and children of the Commonwealth of Massachusetts would be protected from a nuclear accident at Seabrook, the State refused to act.

I assume in this case, like in other cases the Senator from Massachusetts wants to protect against, the Federal Government had to step in. The Federal Government had to protect the citizens of Massachusetts. It did violate States' rights, but it was essential, and I assume the Senator from Massachusetts probably supports what the Federal Government is doing in that area.

To guard against that need in the clean air bill, the agreement provides for a series of sanctions against any State which acts in such a cavalier manner. They are tough sanctions. They are sanctions which will force responsible action by the States, without violating the States rights principle.

So, while I compliment the Senator from Massachusetts for what appears to be a tacit agreement that the Federal Government is sometimes, like in the Seabrook situation, forced to step in and offer protection to residents of particular States, I will say that when he transfers that to the Clean Act Act, it is unnecessary due to the provisions we already have in the agreement.

So I underscore what the majority leader has said. It seems to me that we are taking up amendment after amendment. There are 200 amendments left to deal with. This is one of those deal-breakers. This is one where we had an agreement. And I only hope that the Senators who are prepared to vote on this amendment understand the impact it is going to have on small business. Make no mistake about it. The possibilities are there. And for those who are concerend about small businesses in their States and the impact of this litigation, the only way to protect that small business interest is by voting against the Kerry amendment.

Mr. PELL. Mr. President, I rise in support of the amendment offered by the junior Senator from Massachusetts [Mr. KERRY] and the junior Senator from California [Mr. WILSON]. I am an enthusiastic cosponsor of their measure.

Although I am enthusiastic about this amendment, I also appreciate the work that has been done by all of those who labored so long and hard to produce the clean air compromise.

I believe, however, that it is our duty to do what we can to make sure that the result is an improvement of the current Clean Air Act and clearly that it does not retreat from the standards we already have set into law.

Under the compromise measure, public health standards will be subordinate to cost. The compromise provides new opportunities to delay antipollution efforts in our urban areas by making cost and feasibility part of the decision process.

Current law already addresses these concerns in the beginning of the regulatory process. The compromise, however, would hobble local efforts and would foster competition among States as they try to attract jobs in exchange for air quality concessions.

Our amendment would not add new cleanup requirements, but would simply restore the authority already established in the current Clean Air Act. I am convinced that, if we do anything, we must not weaken the current law.

This amendment is designed to achieve three objectives:

Require EPA to institute a Federal implementation plan [FIP] as under current law, if States fail to implement the requirements of the Clean Air Act.

Eliminate a provision in the clean air compromise which would allow States to obtain a waiver of the percent reduction requirements after 6 years if control measures prove too costly.

Require the application of reasonably available control technology [RACT] on existing sources.

In my own State of Rhode Island, the Division of Air, within the Rhode Island Department of Environment, strongly supports our amendment. In a rare show of unity, their counterparts in each State in New England are all in favor of this amendment.

This, however, is not a regional issue, the air pollution agencies supporting our amendment include the Association of State and Territorial Air Pollution Program Administrators and includes agencies from Alaska and California to Florida and Maine.

We must give these agencies, which are on the front line of our antipollution efforts, the tools that they need to achieve our goal of healthful air for all of our citizens. We must not take away the tools that already have helped us toward that goal.

The PRESIDING OFFICER. Does the Senator from Montana yield further time? The majority leader.

Mr. MITCHELL. Do the opponents of the amendment have any more time?

The PRESIDING OFFICER. They do not. The opposition to the amendment has 1 minute and 26 seconds remaining.

Mr. MITCHELL. Mr. President, I merely want to take a minute, if I might, with the permission of the manager.

In my remarks I made the assertion that there is no instance of reductions as a result of this provision in the law. That is the information I have been provided by staff and the EPA.

The Senator from Massachusetts asserts that there have been such instances, specifically one in Ohio and some other places. The EPA remains insistent that has not occurred. So there is a factual dispute.

I merely want to make that clear. I am advised as recently as in the last few moments that the EPA stands by the assertion which I represented during my remarks.

So there is a dispute in the fact the Senator from Massachusetts alleges there have been some reductions in the past. EPA insists that there has not been. That was the basis of my remarks. I merely wanted the record to be clear that there is a factual dispute because I used the word "undisputed" in referring to that comment.

Mr. President, if all time has expired—may I have the attention of the distinguished Republican leader—I am prepared to move to table in behalf of the distinguished Republican leader and myself.

Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maine [Mr. MITCHELL] to table the amendment of the Senator from Massachusetts [Mr. KERRY]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—53

Armstrong
Baucus
Bentsen
Bond
Boren
Boschwitz
Breaux
Bumpers
Burdick
Burns
Chafee
Cochran
Conrad
Danforth
Daschle
Dole
Durenberger
Ford
Fowler
Garn
Gramm
Grassley
Hatch
Heflin
Helms
Inouye
Jeffords
Johnston
Kassebaum
Kerrey
Levin
Lott
Lugar
McClure
McConnell
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Pressler
Pryor
Riegle
Rockefeller
Roth
Sanford
Sasser
Shelby
Simpson
Symms
Thurmond
Wallop
Warner

NAYS—46

Adams
Biden
Bingaman
Bradley
Bryan
Byrd
Coats
Cohen
Cranston
D'Amato
DeConcini
Dixon
Dodd
Domenici
Exon
Glenn
Gore
Gorton
Graham
Harkin
Hatfield
Heinz
Hollings
Humphrey
Kasten
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Mack
Matsunaga
McCain
Metzenbaum
Mikulski
Packwood
Pell
Reid
Robb
Rudman
Sarbanes
Simon
Specter
Wilson
Wirth

NOT VOTING—1

Stevens

So the motion to lay on the table amendment No. 1348 was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the motion to lay on table was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I again encourage all Senators who have amendments they wish to offer to please come forward and do so. We have made good progress in disposing of several major amendments, and the managers are prepared to receive other amendments. I understand that some have been agreed to, worked out, and will be offered shortly.

The distinguished Senator from Washington advises that he will be ready on the floor about 4:15. In the interim, I am inviting any Senator who has an amendment to come forward. We continue to be in a situation where we have a very large number of amendments intended to be offered and then difficulty getting Senators to actually come and offer them. We are now waiting for further amendments to be offered. I will yield to the managers.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1349 TO AMENDMENT NO. 1293

(Purpose: To strike the joint EPA, NASA, NOAA "Domestic Methane Source Inventory and Control Options" with regard to methane emissions from livestock)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1349 to amendment No. 1293.

On page 564 of amendment No. 1293, beginning on line 18 strike the words "and animal production".

Mr. SYMMS. Mr. President, the amendment is very simple, very self-explanatory. New Zealand's National Academy of Nuclear Physics has already conducted a study of methane emissions from livestock, and that study is available and I have it here for any Senators who are interested in it. I commend it to my colleagues. The use of that study could enable us to determine livestock emissions in the United States to three digits of accuracy.

While the rhetoric swirling around this bill would make one believe it is vitally important in saving of lives, then I would say how can we justify in this bill the time, the effort, the funds, the resources of EPA, in not saving lives but preparing an inventory of the intestinal gas of cows.

It seems to me that this provision has gone too far, as is true with many other parts of the bill. But it is full of many provisions that put the nose of the Federal Government in almost every place it does not belong.

It is self-explanatory. I hope my colleagues will accept the amendment.

Mr. BAUCUS. Mr. President, we have looked at the amendment, and we accept it.

Mr. CHAFEE. Mr. President, what the act does, it mandates a study of a whole series of methane emissions, and included in that, under section 524, IV, methane emissions associated with agriculture: "Such reports shall include an inventory of methane emissions associated with rice production and animal production in the U.S." The amendment of the Senator from Idaho takes out "and animal production" in the United States.

That is fine. However, if in the course of its studies they do that, I think that is possible. In other words, I do not read this as mandating that they cannot do it, although we are lifting the requirement that they do do it. Frankly, I do not think they will do it. But that is the way I read the language as it finally is, so we are agreeable to accepting the amendment.

Mr. GRASSLEY. Mr. President, I would like to express my gratitude to the Senator from Idaho [Mr. SYMMS] for offering his amendment to strike section 526, entitled "Domestic Methane Source Inventory and Control Options." The entire Senate should be in Senator SYMMS gratitude for his effort to save our collective face.

Among other things, this section required the Administrators of EPA, NASA, and NOAA to report to Congress on the methane emissions associated with agriculture, particularly with animal production. These very important, highly paid Administrators would then be required to develop a plan including measures to stop the growth of concentrations of methane, along with technical options for reducing methane, and finally identify the emission reductions that must be achieved.

Now the section clearly specified animals in the United States, so the Administrators would be spared from surveying methane gas spewing from those foreign animals—clearly a very sane, prudent limitation. After all, we all know that only American animals have problems with offensive methane gas releases.

Seriously, by limiting the methane monitoring to only American animals, we will save our Administrators a lot of work. For instance, the Department of Agriculture reports from its 1988 statistics book that we have about 100 million American cattle and buffalo. In sharp contrast, out of 48 other selected countries around the world, there are nearly 1 billion cattle and buffalo. Just think how relieved our Administrators are to learn they need only monitor 100 million head of cattle instead of 1 billion.

Certainly we have millions of other fine methane gas spewing farm animals, but come to find out, it is our poor cows that have really been singled out.

A Reuters News Service story reported that environmental groups have targeted the cow as the new Public Enemy No. 1.

The story reported that a member of the Natural Resources Defense Council warned that agriculture is a "significant contributor of emissions of methane * * *, and within agriculture, livestock flatulence is one of the principal sources."

One Natural Resources Defense Council staffer reflected that "I used to think of it in terms of flatulence, but I am told by scientists that its actually more akin to burping."

Of course at the time of the article which was printed last September, Congress had not yet had the opportunity to jump head first into the fray with a proposal aimed at controlling the American animal gas problem. The answer at that time was offered by the Greenhouse Crisis Foundation which urged "people worried about global warming, to reduce your consumption of beef and other meats. Let vegetarian cookbook ideas help you enjoy the transition away from a meat diet."

But Congress is always ready to set in with its own solution—get our Administrators of EPA, NASA, and NOAA out there in our cattle lots collecting cow gas. Now, that's a thought worth dwelling upon.

Think about it a moment. Is the problem really "burping" as our learned scientist explained to the Natural Resources Defense Council, or is the problem flatulence.

I think we better hedge our bets—we better monitor and collect the gas coming out both ends.

Now, we have not been told exactly how our Administrators are expected to collect this gas, but we might envision some sort of bag to catch gas.

Just think of it, our cows will be better equipped than our Detroit automobiles. Our cows will be equipped with two air bags, not just one.

Now, once the Administrators finish monitoring how much cow gas is spewed out by American cows, they will then proceed to identify the technical options available to reduce this cow gas. Who knows, if cows can have air bags, why not equip them with catalytic converters?

And if that does not work in reducing cow methane gas emissions, we can tax them. Call it another gas tax.

Mr. President, sometimes I wonder why the American public puts up with Congress. When we seriously consider such silly proposals as this, in a bill which is extremely important, no one need question why Congress is held in such underwhelming esteem.

In all fairness, section 526 was not without some redeeming value. I see that subsection 6 required similar monitoring and control of methane emissions associated with human activities. No doubt they had Congress in mind as a starting point.

The PRESIDING OFFICER. Is there further debate on the amendment? It not, the question is on agreeing to the amendment.

The amendment (No. 1349) was agreed to.

Mr. SYMMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS. I thank my colleagues.

Mr. BAUCUS. Mr. President, earlier this morning the Senate adopted the Boschwitz small business amendment. It is my understanding that in the drafting of that amendment a paragraph was unintentionally omitted. I have that paragraph before me, and I ask unanimous consent that the language that I now send to the desk be incorporated in the Boschwitz amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator? If not, without objection, the previously agreed-to amendment will be modified appropriately.

(Note: Amendment No. 1345, as modified, appearing earlier in the Record, contains the correction as above ordered.)

Mr. BAUCUS. I thank the Chair.

Mr. President, that language really is the small business definition, the definition of the small business. For the purpose of that amendment, the definition of a small business was unintentionally omitted. The language which I sent to the desk is that definition, so that it is clear what is or is not small business for the purpose of the Boschwitz amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1350 TO AMENDMENT NO. 1293

Mr. CHAFEE. Mr. President, on behalf of the distinguished Republican leader, the senior Senator from Kansas, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. Chafee], for Mr. Dole, proposes an amendment numbered 1350 to the amendment No. 1293.

On page 324, line 19, insert after "measures" the following: ", including process changes or substitution of materials".

Mr. DOLE. Mr. President, I would like to call attention to section 304 of the Clean Air Act, which is an important addition to the bill, and I commend the committee for addressing this issue. Accident prevention at facilities which handle extremely hazardous substances must continue to be a top priority of our Federal environmental policy.

Accidents involving the sudden release of hazardous substances that result in an adverse impact on health and the environment have become commonplace in the United States. Recent incidents involving extremely toxic substances illustrate the very real need for the kind of hazard assessment required under section 304. As the committee report so convincingly points out, there were 11,048 events in the United States between the years 1982 and 1987 involving the accidental release of extremely hazardous substances. These events caused 309 deaths, 11,341 injuries, and the evacuation of almost a half million people from their homes or jobs.

The bill before us requires facilities to anticipate the consequences of a sudden release of toxic substances, to provide information that may aid in the response to such a release, and to review measures designed to aid in the prevention or mitigation of such releases. In particular, the bill calls for a review of the effectiveness of various release and control measures.

I would like to suggest to the managers of the bill that it may also be worthwhile to require facilities to review all available alternate processes, since, in many instances, substitute processes—such as substituting sulfuric acid for hydrofluoric acid—may provide a more cost-effective method of minimizing and controlling risks at these facilities. Examples of possible substitute processes include the use of diaphragm cells instead of mercury cells, the use of sulfuric acid instead of hydrofluoric acid, the use of NMP solvent instead of phenol, and the use of hydrated and oxidized isobutylene instead of hydrogen cyanide. I have drafted a brief amendment which incorporates this concept, and which I believe is in the spirit of the language already contained in the committee bill.

Please note that this amendment does not require process substitutions of any additional controls for facilities. The amendment simply includes process substitutions among the range of control measures facilities should review in developing the hazard assessments which will be required by law.

Mr. CHAFEE. Mr. President, the bill before us requires facilities to anticipate the consequences of a sudden release of toxic substances, to provide information that may aid the response to such a release, and to review measures designed to aid in prevention of mitigation of such releases.

In particular, the bill calls for review of the effectiveness of various release and control measures. The Republican leader suggests to the managers that it would be worthwhile to require facilities to review all available alternative processes, since in many instances substitute processes, such as substituting sulfuric acid for hydrochloric acid, may provide a more cost-effective method of minimizing and controlling risks at these facilities.

For that reason, the amendment has been drafted and submitted. I believe it is in the spirit of the language already contained in the committee bill.

Mr. BAUCUS. Mr. President, I have reviewed the amendment. I think it is a constructive and important improvement to the present bill. I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment—No. 1350—was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Rockefeller). Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, momentarily the distinguished Senator from Wyoming will be offering three amendments that will be accepted by the managers. Subsequent to that I am advised that the distinguished Senator from Indiana [Mr. Coats] is on his way to the floor to offer an amendment which I am advised will be contested and will require a vote.

I inquire of the managers if my understanding is correct on that. Will Senator Coats' amendment be contested and require a vote or will it be accepted?

Mr. CHAFEE. I believe that has been cleared.

Mr. MITCHELL. Mr. President, I am now advised that it is unclear whether or not Senator Coats' amendment will be contested and require a vote or will be accepted.

Mr. CHAFEE. We will straighten that out soon.

Mr. MITCHELL. I understand from the managers that will be resolved shortly after Mr. Coats gets to the floor.

In either event the point I wish to make is we are now at the point where we are prepared to consider any further amendments. The pending amendment of Senator Byrd remains unresolved and I hope to discuss the timing of the vote on that with Senator Byrd again later today—we discussed it briefly this morning—and to discuss it as well with the distinguished Republican leader. But I am going to ask both colleagues, after consultation with my Republican colleagues and the distinguished manager, the Senator from Montana, to now hotline their Members and say if anyone has an amendment that they

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wish to offer let us bring the amendment over and offer it. If not, let us proceed to complete action on this bill.

We are now at that point where Senators, if they have an amendment, no one can any longer credibly say they have not had time to prepare the amendment or they do not know what is in the bill. We have been on this bill for a very long time. I know all Members share my feeling that we would like very much to complete action on it and move on to other business.

So I again urge any Senator who intends to offer an amendment to come to the floor immediately and do so. The managers are prepared to accept them if possible; if not, to debate and vote on them. and I am asking both Cloakrooms to hotline the offices to give us an indication as to which Senators are able to do so. After we receive that information from both Cloakrooms, I will then be in a position to indicate to Senators the schedule for the remainder of the week with respect to this legislation and other matters. I thank my colleagues.

I thank the distinguished Senator from Wyoming for permitting me to make this statement before he proceeds with his amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The pending amendment is set aside.

The Senator from Wyoming.

AMENDMENT NO. 1351 TO AMENDMENT NO. 1293

(Purpose: To authorize funding for acid deposition research)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1351 to the amendment No. 1293.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 495, between lines 6 and 7, insert the following new section:

ACID DEPOSITION RESEARCH BY THE UNITED STATES FISH AND WILDLIFE SERVICE

SEC. 409. There are authorized to be appropriated to the United States Fish and Wildlife Service of the Department of the Interior an amount equal to $500,000 to fund research related to acid deposition and the monitoring of high altitude mountain lakes in the Wind River Reservation, Wyoming, to be conducted through the Management Assistance Office of the United States Fish and Wildlife Service located in Lander, Wyoming and the University of Wyoming.

Mr. SIMPSON. Mr. President, before I proceed—and it should take just a few moments to dispose of these amendments, which I hope have been cleared with the managers—I want to commend the managers of this bill for their work to this point. It is a difficult, difficult job which they are doing here. I commend Senator BAUCUS and Senator CHAFEE for their patience, understanding, courtesy, and ability.

It is a very complex bill, and there are many staff members and "principals," as we call ourselves, who are having a difficult time with the amendments because many of them are very difficult to understand. Other than that it is interesting work.

There are some amendments that have been pressed upon us from both sides of the aisle by people who have been working on the issue for 20 years. Unfortunately for them, they have never been able to get their particular tilt to this legislation. In the meantime, they have learned the most extraordinary nuances and sophistries of wording so that they might succeed in getting their language slipped into this bill. Fortunately we have a couple of managers who are able to slip it out again, and I appreciate that and I commend them both.

Then, of course, I want to commend the majority leader. I have legislated for 25 years, and I must say in complete sincerity that I have never seen a single piece of legislation so complex, yet so remarkably understood by a single legislator in every single aspect of its coverage. You cannot pull up anything on the reel in the Clean Air Act that Senator MITCHELL does not have some remarkable firsthand knowledge of and ability to describe, define, and debate. I think that we have to admire that. I certainly do. I say that as a legislator. That is what we are here to do.

I do commend those who have presented their amendments. They have been well presented, thoughtfully debated, in this ongoing and remarkable process. But we should all remember that we have been here 10 years trying to do something. If we can all remember that, then what we really have learned in those 10 years is how to kill a clean air bill but not how to pass one. Now we must remember how to pass something so that we can get on with our work and do the Nation's business. So I commend all of those who have participated, as I have been a very interested observer, in this very critical issue to all of us in the United States.

The amendment I offer relates to the Wind River Indian Reservation research funding. When we talk about acid rain we seem to think of it as an Eastern State phenomenon. It is not. We are also concerned about acid precipitation in the high country, in the high mountain lakes of the Rocky Mountain West. Those high mountain lakes have low buffering capacity and are very, very sensitive.

Several years ago I requested that the Forest Service install acid rain monitors in the sensitive Wind River Mountains of Wyoming. The Forest Service has done a very fine job in monitoring lakes in certain parts of the Wind River Mountains. Accordingly, we can determine if environmental problems are emerging there and do something before there is any damage.

Unfortunately and realistically, there are portions of the Wind River Mountains over which the Forest Service has no jurisdiction and which are not being monitored for acid rain. Those areas are located within the Wind River Indian Reservation and are controlled by the respected Shoshone and Arapahoe Tribes of Wyoming.

Some of the lakes and streams in the Wind River Mountains within the reservation are some of the finest trout fisheries in the Rocky Mountain West. Blue ribbon. These aquatic resources are very sensitive and it is important that we have a monitoring system in place to safeguard them.

For that reason I am offering an amendment today to authorize the appropriation of $500,000 to be used by the U.S. Fish and Wildlife Service and the University of Wyoming in order to establish a monitoring network in the Wind River Indian Reservation. This would complete the monitoring network that the Forest Service has already begun.

Research would be coordinated through the U.S. Fish and Wildlife Management Assistant's office in Lander, WY, and would allow the participation of the University of Wyoming Zoology Department in providing student assistance.

I urge adoption of the amendment.

The PRESIDING OFFICER (Mr. KERRY). Is there further debate?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, 3 years ago I had the privilege of being in Western Europe viewing the results of profound acid rain depositions in Switzerland, Sweden, Germany, and England.

In Sweden we had the privilege of seeing in a mountain lake their attempts made to combat the acid depositions in that lake by liming the lake. It is an extremely interesting process and one that I think should be carried out in our country to see how well it succeeds.

So I think this is an interesting experimentation that the junior Senator from Wyoming has proposed. I commend him for it. It certainly has the total support of this side.

Mr. BAUCUS. Mr. President, I very much agree with the Senator from Rhode Island. The amendment by the Senator from Wyoming makes good sense. We have some high altitude mountain lakes in our State as well. Certainly the results of the Wind River Reservation study would be helpful to other areas as well. I commend the Senator for his amendment and urge its adoption.

The **PRESIDING OFFICER.** Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1351) was agreed to.

Mr. **SIMPSON.** Mr. President, I move to reconsider the vote by which it was agreed to.

Mr. **CHAFEE.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1352 TO AMENDMENT NO. 1293

(Purpose: To authorize funding for a study of buffering and neutralizing agents used to restore lakes and streams damaged by acid deposition)

Mr. **SIMPSON.** Mr. President, I send to the desk the second amendment.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1352 to the amendment No. 1293.

Mr. **SIMPSON.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

On page 455, between lines 11 and 12, insert the following new section:

STUDY OF BUFFERING AND NEUTRALIZING AGENTS

SEC. . There are authorized to be appropriated to the United States Fish and Wildlife Service of the Department of the Interior an amount equal to $250,000 to fund a study to be conducted in conjunction with the University of Wyoming of the effectiveness of various buffering and neutralizing agents used to restore lakes and streams damaged by acid deposition.

Mr. **SIMPSON.** Mr. President, I offer an amendment dealing with buffering agents.

Mr. President, we are going to pass an acid rain provision this year that will do much to reduce acid rain and safeguard lakes that are undamaged or have only experienced a small amount of damage. We are still going to have to deal with the lakes that have been so damaged that the fish have vanished from these aquatic resources. In that regard we are going to have to restore the Ph of those lakes by using some type of buffering or neutralizing agent and restocking the necessary aquatic organisms.

My feeling is that much of the focus in aquatic ecosystem repair has been on limestone or other conventional buffering compounds.

I am offering an amendment today that would authorize $250,000 in order for the U.S. Fish and Wildlife Service to conduct a study on the relative effectiveness of various buffering and neutralizing agents in order to determine if there are other agents that may be cheaper to use that may be more effective than conventional liming methods in restoring acid damaged lakes.

There may be other buffering agents such as trona minerals, soda ash, dawsonite, or nacholite or other minerals that may be more useful in restoring these damaged ecosystems. It is my intent that the Fish and Wildlife Service evaluate these and determine which of them may be more useful in restoring aquatic ecosystems.

That is the essence of the amendment.

Mr. **BAUCUS.** Mr. President, again, this is a very thoughtful, constructive, amendment. I think it would be very helpful to try to find various alternative buffering and neutralizing agents. Acid deposition is a problem and could be an even greater problem as the year goes by. Additional research would be helpful.

The **PRESIDING OFFICER.** Is there further debate?

If not, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 1352) was agreed to.

Mr. **SIMPSON.** Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **CHAFEE.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1353 TO AMENDMENT NO. 1293

Mr. **SIMPSON.** Mr. President, I send the final amendment to the desk.

The **PRESIDING OFFICER.** The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1353 to the amendment No. 1293.

Mr. **SIMPSON.** Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the amendment, add the following new section:

ENVIRONMENTAL IMPACT STATEMENT

SEC. . (a) The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency and the Director of the Centers for Disease Control, shall each prepare an environmental impact statement on the Federal forest fire management policy applicable to lands within their respective jurisdictions.

(b) Such environmental impact statements shall address, among other things, the health effects of cancer-causing chemicals in wood smoke and the impacts of smoke and particulates from forest fires on visibility in class I areas and regional haze.

(c) Based upon such environmental impact statements, the Secretary of the Interior and the Secretary of Agriculture shall determine whether to modify the Federal forest fire management policies applicable to lands within their respective jurisdictions.

(d)(1) The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency shall, where appropriate, install temporary air quality monitors at sites where natural fires are allowed to burn as well as adjacent to such sites where humans reside.

(2) The appropriate Secretary, in consultation with the Administrator, shall determine the nature and location of such monitors, the time and duration of such monitoring activity, and other appropriate criteria related to the monitoring program.

Mr. **SIMPSON.** Mr. President, this amendment has to do with our national forest fire policy. Not one of you here could forget—certainly, we who live in Wyoming next to Yellowstone Park do not forget—that period 2 years ago when Yellowstone Park burned so hideously. During that terrible natural disaster we saw a regional smoke problem that was very, very significant.

As I said in September 1988, if you can, imagine a cloud of smoke going to an altitude of 40,000 feet, forming its own cloud formations and then its own lightning bolts which flashed back to the Earth. That was seeing nature in its very rarest and rawest form. The particulate matter and pollution from that fire dwarfed all the pollution that could be created by the dirtiest cities in America over the entire summer. The smoke drifted into Pennsylvania and to Los Angeles. The dense smoke covered four States. It affected asthmatics. It caused healthy individuals to breathe cancer-causing chemicals and particulates in amounts that might actually be very threatening to the public health.

So we saw that this regional smoke problem was very significant. Tons and tons of pollution in the form of smoke were spread throughout the West. Cities like Denver were unable to meet their own clean air standards because of forest fire smoke from the Yellowstone fire.

We know too that forest fire smoke contains the potent carcinogen benzo-a-pyrene and other harmful chemicals. Wood smoke also contains particulates that interfere with visibility.

My amendment would direct the EPA Administrator in cooperation with the Secretary of the Interior and the Secretary of Agriculture to conduct an environmental impact statement on Federal forest fire management policies. It is my belief that those who have developed forest fire policies have not adequately taken into account the public health effects of forest fires. My amendment directs these agencies to place special emphasis on the health effects of cancer-causing chemicals in wood smoke.

In addition, the Secretary of the Interior and the Secretary of Agriculture are directed to develop a plan to in-

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stall air quality monitors at sites where natural fires are allowed to burn—this is prescribed burning—and at sites near those fires where humans reside. In this manner we can determine if natural or prescribed fires are producing pollution which harms human health.

I certainly realize, and I have said publicly many times, that fire can have positive effects on an ecosystem. But when we have a policy which allows the uncontrolled burns to take place, without distinguishing between those caused by man or by nature, we have a very difficult situation when the fire is allowed to burn and then spreads onto private property. The Senator from Montana and I have worked on that issue in great detail.

When Federal agencies develop their fire policies—and they talk about prescriptive burns or "let it burn"—that they must remember that there is more to this issue than simply trees. In an ecosystem, there are severe impacts upon human beings and animals and, of course all life, caused from the heavy, heavy smoke, especially when a plume of smoke literally covered two States at one time.

I just want to ensure that they do take that into account—the air pollution impacts of their own forest fire policy. I believe that is an area that has been neglected in the past and that needs much more attention in the future. It is almost as if those who say they were most interested in human health and safety were forgetting completely the impact of this tremendous, overwhelming, and appalling pall of smoke over areas of my State and Montana and throughout the West, the Southwest, the Southeast and the Northeast.

These matters should not be neglected further and it requires much more attention in the future. For that reason, I present the amendment to the managers.

Mr. BAUCUS. Mr. President, this is a very helpful amendment to us in the West. The National Forest Service, the BLM, and the Park Service's so-called let-burn policy is one that is very much contested in our part of the country. In an addition, as a result of let-burn, there were massive fires in our State, massive fires in the State of Wyoming, including Yellowstone Park. The consequences of those fires were significant. And not only the cultural consequences of the forests, but also the health effects, as the Senator points out, the carcinogenic effects of the massive amount of wood smoke and the other environmental effects on animal life and plant life not only in the Yellowstone Park and in the forests but in adjacent areas.

I think it is important to know what those environmental effects are. I think it is important to know what the health effects are. This amendment offered by the Senator will help us find the answer to those questions.

I am also, I might say, Mr. President, a cosponsor of the amendment because I think it is such a good amendment, and I urge the Senate to adopt it.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I can well remember in June and really through September 1988, the terrible fires that took place in Wyoming and Yellowstone Park and can remember the concern of the distinguished Senator from Wyoming, both Senators from Wyoming, in connection with that matter and their very strong views that the policy that the National Park Service and Fish and Wildlife, I suppose, and others had adopted toward noncontrol of the fires.

Being somebody from the East, I was interested to learn more about the whole process. I, frankly, cannot claim any expertise about those great fires out West.

So I think this proposal of the Senator from Wyoming, cosponsored by the Senator from Montana, for a study of, not only the environmental effects, which would come from the Environmental Protection Agency, but also the Centers for Disease Control, for them to analyze what are the effects of these tremendous clouds of smoke that go up from the burned wood and forest. I think it is a good amendment, and I commend the sponsors for it.

The PRESIDING OFFICER. Is there further debate?

Mr. JOHNSTON. Mr. President, I appreciate the efforts of Senator SIMPSON with regard to this amendment. I am pleased that we were able to modify the language of his original amendment and come up with a compromise version which I could support. While I understand his interest in pursuing this amendment, it is still my view that such an amendment is in large measure unnecessary and is duplicative of what is currently required by existing law and regulations.

Through the land management planning procedures of the various Federal land managing agencies, the National Environmental Policy Act, and other existing statutes, there are already ample opportunities to assess the health effects of smoke and other pollutants from forest fires on Federal lands. It is my understanding that mechanisms are currently in place to establish monitoring devices on a temporary basis to establish weather trends and other information which could impact the behavior of fire and smoke. Models are already available which can help us determine if there may be any impact on welfare and safety as a result of projected smoke emissions from forest fires.

On September 28, 1988, after the Yellowstone fires, the Secretaries of the Interior and Agriculture chartered a Federal fire management policy review team and charged it with the task of reviewing current Federal fire management policies for all agencies within both Departments. The team's draft report was published in the Federal Register for public comment on December 20, 1988. Eleven public hearings were conducted around the Nation on this draft report. On June 1, 1989, the Secretaries issued a joint press release stating their acceptance of the report and concurrence with the team's recommendation. This final report basically reaffirmed that Federal fire management policies were sound but the implementation of those policies needed to be refined and strengthened. It is my understanding that those policies are indeed being reviewed and improved within the various land management agencies. If there are to be changes to this policy at some point in the future, CEQ guidelines would already require an environmental analysis for such changes.

In summary, Mr. President, while I continue to believe that this amendment is largely unnecessary and duplicates existing law and regulations, I believe that the amendment which the Senator has offered is much better than the original proposal and I have no objection to its passage.

The PRESIDING OFFICER. The Senator from Wyoming?

Mr. SIMPSON. Mr. President, I ask unanimous consent that Senator BURNS and my friend from Wyoming, Senator WALLOP, be included as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I thank the Presiding Officer.

The PRESIDING OFFICER. Is there further debate?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 1353) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I thank the managers. I will share with the managers, I believe we have worked out the visibility issue on the vista amendment with Senator ADAMS and Senator REID, and that may be offered in a few minutes. I wanted the managers to be aware of that.

I certainly appreciate the work of Senator ADAMS of Washington, and Senator REID of Nevada, and the able work of Senator Domenici for their roles in developing a compromise on a very difficult issue which would have been another great and contentious thing to wrestle with on this bill. I appreciate very much their patience and their understanding and I think we reached a good result. I wanted to share that with the managers. We should be able to proceed very shortly with that.

Mr. BAUCUS. Mr. President, I see no Senators who wish now to offer amendments.

Does the Senator from Indiana have an amendment?

Mr. COATS. Mr. President, I do have an amendment which I am prepared to offer, but I believe staff is looking to see if it is acceptable. If we can just wait a few minutes.

Mr. BAUCUS. I thank the Senator.

Mr. President, pending resolution of staff discussion or otherwise of the amendment and also pending the arrival of the visibility amendment to be offered, apparently, by Senator Adams, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Pell). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Barry Zalcman be entitled privilege of the floor during the course of the clean air debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I ask that I might be permitted to proceed for no more than 5 minutes as if in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

CALLING FOR DIPLOMATIC RECOGNITION OF LITHUANIA

Mr. D'AMATO. Mr. President, I believe that our Nation has a historic opportunity and obligation to stand up for freedom and democracy. Therefore, I urge our President to grant full diplomatic recognition to Lithuania.

Our country has a historic role to play in the cause of freedom, of democracy, and of self-determination. The people of Lithuania have spoken out with one voice for freedom, and at this crucial juncture we must support their efforts.

Having voted unanimously for independence on March 11, 1990, the Lithuanians are now locked in a standoff with the Soviets over the legitimacy of the newly proclaimed Republic of Lithuania.

On March 17, Lithuania offered an appeal for international recognition, a plea that has yet to be answered. I hope our President, President Bush, will grant full diplomatic recognition to the newborn Republic of Lithuania, just as France recognized the American colonies in 1778 and, in so doing, assured our eventual independence. We should help speed Lithuania on the road to freedom by granting recognition now.

I believe that the history of the Soviet domination of Lithuania leaves little doubt that Lithuania has the right to declare its independence. Further, I believe that history offers Mr. Gorbachev a way to free Lithuania without causing a crisis in the Soviet Union.

On August 23, 1939, German Foreign Minister von Ribbentrop and Soviet Foreign Minister Molotov signed the Soviet-German Non-Agression Pact in Moscow. That compact was and is recognized as the immediate cause of World War II. Less well-known, though, is the secret protocol attached to that treaty that carved up Poland and allowed for the occupation of the Baltic States.

The illegal annexation of the Baltic States has never been recognized by the United States. In fact, Mr. President, though few know it, we continue to maintain diplomatic relations with respresentatives of the pre-1940 Governments of Lithuania, Latvia, and Estonia.

For five long decades the Baltic people were pinned under the boot of the Soviets, but with the rise of Mikhail Gorbachev and the unfolding of his policy of disengagement in Eastern Europe, the people of Lithuania, Latvia, and Estonia saw a way out. Each State set forth on a course of independence. Lithuania took the lead on March 11, 1990, when its Parliament voted 124 to 0 in favor of a proclamation of sovereignty.

Last December, a commission of the Supreme Soviet appointed by Gorbachev repudiated the pact and its secret protocol. Freeing Lithuania is totally consistent with repudiating the secret protocol and need not result in the dissolution of the Soviet Union.

In conclusion, history provides Gorbachev an opportunity to grant Lithuania its independence without endangering the cohesion of the Soviet Union.

Mr. President, I submit we must do all that we can to ensure that the Soviets take this opportunity. I urge the President to move quickly and expeditiously, for the United States should answer that call for international recognition.

Mr. President, I yield the floor.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, I ask unanimous consent that amendment No. 1329 be temporarily set-aside in order that I may offer an amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1354 TO AMENDMENT NO. 1293

Mr. ADAMS. Mr. President, I rise today to offer an amendment, which I will send to the desk in a moment, to the Clean Air Act on behalf of myself, Mr. Reid, Mr. Hatfield, Mr. Bingaman, Mr. Wirth, Mr. Robb, Mr. Matsunaga, Mr. Kerry, Mr. Bryan, Mr. Gore, and Mr. Sanford. I want to thank at this point the members of the staffs of all of these Senators, Senator Simpson and a number of the other Western Senators, who have worked very hard to achieve agreement on this amendment.

I believe this amendment will be agreed to by nearly all parties, but I am going to ask for a vote on this, Mr. President. And at this point, after I offer the amendment, I will ask that the yeas and nays be granted.

Mr. ADAMS. At this point, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Washington [Mr. Adams], for himself, Mr. Reid, Mr. Hatfield, Mr. Bingaman, Mr. Wirth, Mr. Robb, Mr. Matsunaga, Mr. Kerry, Mr. Bryan, Mr. Gore, and Mr. Sanford, proposes an amendment numbered 1354 to the amendment No. 1293.

Mr. ADAMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add the following new section:

SEC. 169(B).

Studies

(a)(1) The Administrator, in conjunction with the National Park Service and other appropriate Federal agencies, shall conduct research to identify and evaluate sources and source regions of both visibility impair-

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ment and regions that provide predominantly clean air in class I areas. A total of $8 million per year for 5 years is authorized to be appropriated for the Environmental Protection Agency and the other Federal agencies to conduct this research. The research shall include—

(A) expansion of current visibility related monitoring in class I areas;

(B) assessment of current sources of visibility impairing pollution and clean air corridors;

(C) adaptation of regional air quality models for the assessment of visibility;

(D) studies of atmospheric chemistry and physics of visibility.

(2) Based on the findings available from the research required in subsection (a)(1) of this section as well as other available scientific and technical data, studies, and other available information pertaining to visibility source-receptor relationships, the Administrator shall conduct an assessment and evaluation that identifies, to the extent possible, sources and source regions of visibility impairment including natural sources as well as source regions of clear air for class I areas. The Administrator shall produce interim findings from this study within 3 years of enactment.

Impacts of Other Provisions

(b) Within 24 months of enactment, the Administrator shall conduct an assessment of the progress and improvements in visibility in class I areas that are likely to result from the implementation of the provisions of the Clean Air Act Amendments of 1990 other than the provisions of this section. Every five years thereafter the Administrator shall conduct an assessment of actual progress and improvement in visibility in class I areas. The Administrator shall prepare a written report on each assessment and transmit copies of these reports to the appropriate committees of Congress.

Establishment of Visibility Transport Regions and Commissions

(c)(1) AUTHORITY TO ESTABLISH VISIBILITY TRANSPORT REGIONS.—Whenever, upon the Administrator's motion or by petition from the Governors of at least two affected States, the Administrator has reason to believe that the current or projected interstate transport of air pollutants from one or more States contributes significantly to visibility impairment in class I areas located in the affected States, the Administrator may establish a transport region for such pollutants that includes such States. The Administrator, upon the Administrator's own motion or upon petition from the Governor of any affected State, or upon the recommendation of a transport commission established under subsection (b) of this section may—

(A) add any State or portion of a State to a visibility transport region when the Administrator determines that the interstate transport of air pollutants from such State significantly contributes to visibility impairment in a class I area located within the transport region, or

(B) remove any State or portion of a State from the region whenever the Administrator has reason to believe that the control of emissions in that State or portion of the State pursuant to this section will not significantly contribute to the protection or enhancement of visibility in any class I area in the region.

(2) VISIBILITY TRANSPORT COMMISSIONS.—Whenever the Administrator establishes a transport region under subsection (c)(1) of this section, the Administrator shall establish a transport commission comprised of (as a minimum) each of the following members:

(A) The Governor of each State in the Visibility Transport Region, or the Governor's designee.

(B) The Administrator or the Administrator's designee; and

(C) A representative of each Federal agency charged with the direct management of each Class I area or areas within the Visibility Transport Region.

(3) All representatives of the Federal Government shall be ex officio members.

(4) The visibility transport commissions shall be exempt from the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix 2, section 1).

(5) Sections 113(a) and 113(a)(2) are revised to add "or of implementing section 169(B)" after "air pollution)".

Duties of Visibility Transport Commissions

(d) A Visibility Transport Commission:

(1) shall assess the scientific and technical data, studies, and other currently available information, including studies conducted pursuant to subsection (a)(1), pertaining to adverse impacts on visibility from potential or projected growth in emissions from sources located in the Visibility Transport Region; and

(2) shall, within four years of establishment, issue a report to the Administrator recommending what measures, if any, should be taken under the Clean Air Act to remedy such adverse impacts. The report required by this subsection shall address at least the following measures:

(A) the establishment of clean air corridors, in which additional restrictions on increases in emissions may be appropriate to protect visibility in affected class I areas;

(B) the imposition of the requirements of Part D of this title affecting the construction of new major stationary sources or major modifications to existing sources in such clean air corridors, specifically including the alternative siting analysis provisions of section 172(b)(11)(A) of this title; and

(C) the promulgation of regulations under section 169A of this title to address long range strategies for addressing regional haze which impairs visibility in affected class I areas.

Duties of the Administrator

(e)(1) The Administrator shall, taking into account the studies pursuant to subsection (a)(1) and the reports pursuant to subsection (d)(2) and any other relevant information, within eighteen months of receipt of the report referred to in subsection (d)(2) of this section, carry out the Administrator's regulatory responsibilities under section 169A, including criteria for measuring "reasonable progress" toward the national goal.

(2) Any regulations promulgated under section 169A of this title pursuant to this subsection shall require affected States to reivse within 12 months their implementation plans under section 110 of this title to contain such emission limits, schedules of compliance, and other measures as may be necessary to carry out regulations promulgated pursuant to this subsection.

Grand Canyon Visibility Transport Commission

(f) The Administrator pursuant to subsection (c)(1) shall, within 12 months, establish a visibility transport commission for the region affecting the visibility of the Grand Canyon National Park.

(g) NOTICE TO FEDERAL LAND MANAGERS.—Section 165(d)(2)(A) of the Clean Air Act is amended to read as follows:

"(2)(A) Upon transmitting a copy of a permit application and notice under paragraph (1) to the Administrator, the State shall also provide a copy of such permit application to any Federal land manager and any Federal official charged with direct responsibility for management of any lands within a class I area, or an area described in paragraph (1) or (2) of section 164(a), which may be affected by emissions from the proposed facility. The Administrator shall require applications submitted under paragraph (1) to contain sufficient information to enable the appropriate Federal land manager of such Federal lands to determine the potential effects of such facility on the air quality related values (including visibility) of such Federal lands.

(h) IDENTIFICATION OF POTENTIAL ADVERSE IMPACTS.—Section 165(d)(2)(b) of the Clean Air Act is amended—after the words "affirmative responsibilities to" add the words "identify and".

Mr. ADAMS. Mr. President, this amendment has been nicknamed "the visibility in the parks" amendment. It is a clean air amendment for clean air attainment in the parks and wilderness areas of the United States. This amendment, which has been worked on by staffs for both the majority and the minority, is our effort to move EPA forward from the 1977 amendments.

I was part of the Congress when the original Clean Air Act was adopted, and it is a great pleasure to be here today to say that we have achieved something. It is not as pleasurable to say that we did not achieve nearly as much as we hoped to achieve when we passed that measure years ago. And it is also a great disappointment that we have not achieved what we expected with the clean air amendments of 1977.

That is the reason I am offering this amendment on behalf of Senators WIRTH, REID, ROBB, MATSUNAGA, KERRY, BRYAN, GORE, SANFORD, LIEBERMAN, and myself. This amendment will move us toward a very important goal, that of assuring clean air in our national parks and wilderness areas.

In 1977, Congress enacted clean air legislation that directed the Environmental Protection Agency to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional, natural, recreational, scenic, or historic value."

This legislation identified certain parks and wilderness as class 1 areas, to be protected from manmade pollutants. Today, Mr. President, 13 years later, the promise of that legislation has yet to be fulfilled. In fact, the air in our parks is far worse than we ever imagined back in 1977.

The National Park Service estimates that the scenic vistas in the park are affected by man-made pollution over

90 percent of the time. Visibility is almost degraded, even in our most remote wilderness areas. A dramatic example, which my colleague, Senator REID, will show by visual portrayal, is the Grand Canyon, which is known worldwide as a scenic wonderland and whose visibility has been studies extensively. On a good day in the Grand Canyon, you can see at least 200 miles. On a bad day, you can barely make out the features of the Grand Canyon, let alone see the other side, which is only 10 miles away.

Unless we do something, this problem will get worse. Analyses indicate the growth and increased emissions projected for the West are that our present day's visibility will grow less and less with each passing year. And these breathtaking panoramas will vanish. This simply must not happen.

In my own State of Washington, Mount Rainier is suffering from haze. There are days when you cannot see it because of the pollution. People come from all over the world, both to live in the Northwest and to see these vistas.

Yet on many days, the scenic vistas are obscured by a thin layer of haze resting on the horizon.

Another extraordinarily beautiful park in my State, the Olympic National Park, is currently listed as one of the four places in the world with the purest air. Yet even this pristine area has reported plant damage resulting from air pollution. For this area to lose its precious purity as a result of our inaction would be a tragedy.

Every year, thousands of Americans visit our parks to escape the dirt and pollution of the big cities. They go to breathe deeply of the clean air and enjoy the majesty of the natural landscape. It is therefore not surprising that, according to a Park Service study, most visitors rank clear air among the most important features of a park or wilderness area. "Naturalness," or the lack of human disturbance, is universally the most important attribute. I believe that we have a responsibility to continue to provide these important experiences to the public.

Human beings are not the only ones who appreciate the undisturbed nature of our parks. Plants and wildlife in these areas also rely upon the purity of the air for their survival. Parks and wilderness areas have become our best hope of preserving natural systems in our otherwise human-dominated environment. In fact, many unique species of plants exist only in our parks. If we allow pollution to continue to degrade these ecosystems and destroy their living components, we will be causing irreversible damage. If we do not enforce the goals articulated in 1977 now, we may experience even graver problems in the future.

Mr. President, Congress specifically protected these important areas, their scenery and natural systems, from human destruction by drawing boundaries on a map—by designating these areas as parks or wilderness. We set aside these areas in order to preserve at least a portion of our irreplaceable natural heritage for the benefit and inspiration of mankind. We drew these lines to prevent many forces from ruining the natural attributes of the area. Unfortunately, Mr. President, dirty air does not respect boundaries on a map.

In 1980, the EPA said that it did not have sufficient technical knowledge to identify the sources of regional haze in class 1 parks and wilderness areas. However, in the last decade the National Park Service and others have advanced the scientific and technical knowledge substantially. Although there will always be uncertainties, we know enough today to take action. The amendment I introduce today reinforces the goals set forward in 1977 and provides guidelines to the EPA for reaching these goals. First, it authorizes EPA to spend $8 million per year to study the visibility problems in our parks and wilderness areas.

Simultaneously, States and regional commissions will be established to assess this information and make recommendations regarding improvement to EPA. EPA will then issue regulations based on these recommendations. Monitoring of the progress toward this goal will occur every 5 years.

Mr. President, this amendment is intended to require the administrator to undertake studies of the causes of visibility impairment in class I areas, with particular emphasis on impairment caused by regional haze.

EPA defines "regional haze" as widespread regionally homogeneous haze resulting from manmade air pollution. Regional haze has been reported in all of the class I areas managed by the National Park Service in the lower 48 States. It accounts for all of the visibility impairment identified in every class I area except for two class I areas where visibility impairment has been attributed to plumes from nearby industrial sources: the Georgia-Pacific paper mill in Maine and the Navajo generating station in the Grand Canyon.

EPA has failed to address the visibility impairment caused by regional haze under the visibility protection requirements added to the act in 1977. In the State of Maine versus EPA case, the court of appeals for the first circuit dismissed a suit by the States to require EPA to carry out its responsibilities to adopt requirements for regional haze designed to achieve reasonable progress toward the national goal in section 169A(a). The court held that even though EPA's duty may be nondiscretionary under the act, and therefore enforceable by citizen suit, it is no longer an enforceable duty because EPA announced its intention to address regional haze at a later date. I believe that this is not a correct reading of the district court's jurisdiction under section 305, but nonetheless, the court deprived the States of an opportunity to require EPA to adopt guidelines for State plans to address regional haze.

The adoption of guidelines was made critically important by a prior decision of the Second Circuit Court of Appeals in Vermont versus EPA which held that the States could not obtain EPA approval of visibility plans for regional haze until EPA had adopted guidelines for such plans. I believe this case also misinterpreted the statute. EPA's guidelines were intended to set minimum requirements for State plans, not serve as preconditions for the adoption of State plans.

Together, these two court decisions have served to prevent States from adopting plans that would protect class I areas. The courts have interpreted the act in such manner as to frustrate the intent of Congress, and not to secure implementation of the act. As a result, Congress is required to act again. The amendments to section 304 and 307 of the act address the specific circumstances raised by these cases. These amendments should clarify the jurisdiction of the district court to provide relief when EPA defers final action, and then fails to complete the action deferred. This amendment will allow a district court to provide the relief denied in the State of Maine case.

This amendment supplements the authority of EPA to protect class I areas under current law. This amendment was developed as a compromise between the sponsors and other members. The elements of the compromise include agreement that EPA's obligations to adopt guidelines for State plans to implement section 169A as enacted in 1977 remain unchanged and enforceable in a court with appropriate jurisdiction, and that the compromise would add new obligations to EPA's duties in current law. These new obligations are set out in the new section 169B that adds to, and does not modify current law. These new obligations include: First, a duty by EPA to perform studies to augment currently available information regarding the sources of regional haze—section 169B(a); second, a duty to assess the improvements in visibility in class I areas that are expected to result from the implementation of all provisions of the Clean Air Act Amendments of 1990 other than the new section 169B, and an assessment of actual progress and improvement in visibility in class I areas each 5 years thereafter; third, a

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duty by EPA to establish a visibility transport region for the Grand Canyon National Park; fourth, a duty by EPA to adopt such regulations in addition to those already in effect under section 169A, as may be necessary to implement the requirements of section 169A with regard to achieving reasonable progress toward the national goal for visibility in the Grand Canyon; and fifth, requiring States included in any visibility transport region, including the region to be established for the Grand Canyon, to revise their plans in order to implement any supplemental requirements added by the administrator under subsection 169B(e)(1) to ensure progress toward the national goal. In addition, the administrator is required to set up other visibility transport regions and commissions whenever information becomes available to the administrator that interstate transport of air pollutants from one or more States contributes significantly to visibility impairment in class I areas.

The obligation to conduct research is intended to increase the evidence available regarding the sources of pollution that contribute to regional haze, and also to provide the data needed to determine visibility trends in class I areas. These date are to be used to carry out the other provisions of the amendment, including the assessments required under subsection (b), the collection of data for use by visibility transport commissions—but funding for data collection may not be used for the administrative or staff costs of such commissions—and the promulgation of supplemental guidelines needed to carry out the administrator's regulatory responsibilities under section 169A.

Funding authorized for studies under subsection (a)(1) shall be limited to expansion of current visibility related monitoring in class I areas. The sponsors recognize that visibility monitoring is already conducted by some States under existing visibility State implementation plans, and that both the National Park Service and the U.S. Forest Service have already implemented visibility monitoring programs in class I areas. This funding may not be used as a substitute for current funding sources, but is intended to expand the collection of visibility monitoring data.

Visibility monitoring is especially important for the assessment of actual progress and improvement in visibility required by subsection (b). This assessment will provide the basis for determining whether progress is being made toward the national goal as required by section 169A. If the monitoring data collected by existing monitors and the expanded network required by section 169B shows that progress is not being made, then the administrator should revise the guidelines under section 169A to ensure that the requirements of that section are met. The administrator has yet to provide a definition of reasonable progress under section 169A. We expect he will have to provide such a definition before he can determine whether progress and improvement in visibility is being achieved during each 5-year period. At a minimum, progress and improvement must require that visibility be perceptibly improved compared to periods of impairment, and that it not be degraded or impaired during conditions that historically contribute to relatively unimpaired visibility.

In the course of evaluating whether progress and improvement in visibility is being achieved, the administrator will also determine the extent to which monitoring data are needed to measure progress, and whether adequate monitoring data are being collected at each class I area—or areas in close proximity to one another—as part of existing SIP requirements. If this research shows that adequate data are not being collected to measure future progress and improvement over each 5-year interval, then the administrator shall require SIPs to be revised to provide adequate monitoring.

The authority to establish visibility transport regions and commissions is a supplement to the administrators obligation under current law to issue guidelines for State implementation plans. The administrator is not required to identify regions and appoint commissions as a prerequisite to the adoption of guidelines that identify States for which a plan is required under section 169A. The administrator may not delay requirements under section 169A because of the appointment of a commission for a region under section 169B.

The authority to appoint commissions is intended to allow flexibility to the States in the development of plans that affect more than one State. If emissions from more than one State contribute to visibility impairment, the States working together may develop more cost-effective strategies to achieve reasonable progress toward the national goal. Such strategies may be accepted as a supplement to individual State plans under section 169A, but only if the administrator adopts requirements for such multi-State plans under subsection 169B(e)(1). Such requirement must be consistent with the requirements of section 169A for achieving reasonable progress toward the national goal. They may not be used to slow or reduce the progress required in plans under section 169A.

The administrator is given discretion, upon the administrator's motion to establish visibility transport commissions for regions other than the region that contributes to visibility impairment in the Grand Canyon. This discretion is constrained by the usual requirements governing the exercise of agency discretion under the act, including the obligation to respond to petitions for the administrator to act on his own motion. Such petitions are not restricted to those filed by the Governors of two States. Any person affected by the failure to provide reasonable progress toward the national goal may petition for such action.

Another important section of this amendment clarifies the Federal land managers' role in protecting the class 1 parks and wilderness. In the past, these Federal land managers have protested they have been left out of decisions affecting and permitting new pollution sources.

The General Accounting Office recently studied this problem and said the program of coordination with land managers was not working well. Mr. President, I ask unanimous consent that a copy of the GAO report may be printed, in the Record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ADAMS. Mr. President, I will quote just one short section from this report but I commend it to my colleagues. it says as follows:

> Land manager reviews conatinued to be hampered, however, because they do not have enough information about the resources they are trying to protect: Wildlife, vegetation and visibility. For example, the effects of air pollution on these resources. Without this information land managers cannot adequately carry out their responsibilities under the PSD program which is to determine whether proposed industrial sources will have an adverse effect on park resources.

A portion of our amendment is designed to cure this information gap. First, Mr. President, we clarify a provision allowing land managers to monitor parks and wilderness areas regarding the impact of emissions. Second, the amendment requires the States to notify Federal land managers about new permit applications early in the process so that the Federal manager can participate in the States' decision-making process.

Mr. President, the GAO report clearly shows that the law is not working to protect our national parks and wilderness. The GAO recommends that changes be made to ensure the protection we intended in 1977. These amendments will close the data gaps that leave Federal land managers without the information they need to carry out their statutory responsibility. Without these new tools, I believe we will continue to see the long-term degradation of our national parks and wilderness.

My goal, Mr. President, is a simple one, yet of vital importance: to ensure that our national parks and wilderness areas have clean air. We owe future generations nothing less. I hope that my colleagues will join me in furthering this goal.

Before I close, Mr. President, I would like to express my appreciation to all members and staff people who have spent countless hours on this amendment. In particular, I would like to thank Sam Spina, Melissa Kehoe, and Anne Badgley on my staff, for their hard work and dedication. Melissa deserves special recognition as this was her first involvement in major environmental legislation. She has distinguished herself well and should be proud of her contribution.

Thank you, Mr. President. This concludes my remarks.

Exhibit 1

[U.S. General Accounting Office Report to the Chairman, Environment, Energy, and Natural Resources Subcommittee, Committee on Government Operations, Housé of Representatives]

Air Pollution: Protecting Parks and Wilderness From Nearby Pollution Sources

U.S. General Accounting Office,
Washington, DC, February 7, 1990.

Hon. Mike Synar,
Chairman, Environment, Energy, and Natural Resources Subcommittee, Committee on Government Operations, House of Representatives.

Dear Mr. Chairman: Following your request, we reviewed federal and state efforts to maintain clean air in national parks and wilderness areas. As you know, the Clean Air Act Amendments of 1977 authorized the Prevention of Significant Deterioration (PSD) program. Among other stipulations, the PSD program required strict emission controls on major new stationary sources of air pollution that are located near the 158 national parks and wilderness areas designated by the amendments as Class I areas (national parks over 6,000 acres, national wilderness areas and memorial parks over 5,000 acres, and international parks.) Under the PSD program, states issuing construction permits are required to forward permit applications for facilities proposed within 100 kilometers, or about 60 miles, of Class I areas to the Environmental Protection Agency (EPA). EPA, in turn, must notify the responsible federal land management agency. These agencies—the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service—are then required to review the applications. If they find, and can demonstrate to the state, that the proposed facilities would adversely affect Class I areas, then the permits cannot be issued.

In discussions with your office, we agreed to examine (1) the extent to which stationary sources located near Class I areas are regulated under the PSD provisions of the Clean Air Act, (2) how federal land managers are carrying out their responsibilities to protect Class I areas from stationary source emissions, and (3) why states have added no other federal lands to those that originally qualified under the act for Class I designation. We selected 5 of the 158 Class I areas for review—Rocky Mountain National Park and Flat Tops Wilderness in Colorado, Shenandoah National Park and James River Face Wilderness in Virginia, and Cape Romain Wilderness in South Carolina. (See app. I for a more complete discussion of our objectives, scope, and methodology.)

RESULTS IN BRIEF

The permit requirements of the PSD program cover few stationary sources of air pollution near Class I areas—only 1 percent of the sources near the five Class I areas in our review. Sources that are exempt from those requirements—either because they are considered minor sources or because they were in existence before the PSD program went into effect—account for up to 90 percent of the pollutants emitted near these five areas.

Further, although administrative improvements are either underway or planned, federal land managers have not fully met their responsibility to review PSD permit applications because (1) the EPA region originally receiving the permit applications did not foward them all, (2) the federal land managers lacked sufficient staff and time to review the permit applications received, and (3) the managers lacked sufficient data to determine whether the proposed facility would adversely affect the air quality of the nearby Class I area.

Finally, although the Interior Department and the Forest Service recommended additional federal lands in 14 states for Class I designation, the states have not designated any new areas, citing a variety of reasons, including the belief that recommended areas where already amply protected and concern that Class I designation would hamper state economic development.

FEW SOURCES NEAR CLASS I AREAS ARE SUBJECT TO PSD PERMIT REQUIREMENTS

PSD permit requirements cover very few sources of air pollution around Class I areas. As further described in appendix II, 99 percent of the stationary sources near the five Class I areas we reviewed were either grandfathered in or considered minor sources and therefore did not have to obtain permits under the PSD program. These exempt sources, particularly those that were grandfathered, also account for up to 90 percent of five pollutants emitted around these areas. These five—sulfur dioxide, nitrogen oxides, carbon monoxide, particulates, and ozone—are pollutants for which EPA has set national standards under the Clean Air Act.

Around Shenandoah National Park, for example, where ozone levels in 1988 exceeded national standards, sources exempt from PSD permit requirements contributed 95 percent of the volatile organic compounds and 83 percent of the nitrogen oxides—substances that are both precursors to ozone formation—emitted near the park. Grandfathered sources accounted for most of these emissions.

Minor sources generally contributed only small portions of total pollutants emitted around the five Class I areas we reviewed. However, in some cases, their share was significant: They accounted for 60 percent or more of the particulates emitted around Rocky Mountain National Park and Flat Tops Wilderness and 64 percent of the volatile organic compounds emitted around Flat Tops Wilderness. EPA and the Park Service are already concerned about the contribution of minor sources, nationwide, to emissions of volatile organic compounds, and both have proposed that states consider lowering current thresholds for minor sources.

Under certain meteorological conditions, nearby sources can account for the major portion of pollutants that each Class I areas, and in a number of national parks some of these pollutants have already begun to exceed national standards. In Shenandoah and in Mammoth Cave National Park (Kentucky), the Park Service estimates that from 60 to 80 percent of sulfur dioxide emissions that enter the parks come from local sources. The Park Service has also found that impaired visibility in Grand Canyon National Park (see figs. 1 and 2), which is caused mostly by high concentrations of sulfates (the oxidized form of sulfur dioxide) in the air, is largely attributable to a nearby power plant that is grandfathered under the PSD program. According to an air program official there, Arizona believes that most of its air quality problems in clean air areas are caused by sources exempt from PSD permit requirements; for this reason, the state has not attempted to create additional Class I areas.

[Graphs not reproducible in the Record.]

Nearby sources may not account for all of the emissions that eventually enter Class I areas, however. Atmospheric modeling and monitoring data indicate that, to some extent, air pollutants are also being transported to some Class I areas over long distances from urban areas.

The Clean Air Act currently provides for this installaiton of retrofit technology on grandfathered sources, but this provision applies only in cases in which certain existing facilities are found to be adversely affecting visibility in Class I areas. In 1981, however, a National Academy of Sciences study found that visibility was not the only air problem then affecting Class I areas and suggested that additional controls on both existing and minor sources might be necessary to correct acid rain and protect other air quality-related values.

Since our review looked at only 5 of the 158 Class I areas, we cannot say with certainty that there are similar proportions of exempt sources near all Class I areas. Nor do we know the extent to which nearby sources contribute to air pollution in Class I areas other than Shenandoah, Mammoth Cave, and the Grand Canyon. However, we believe that it would be worthwhile for EPA to examine a broader group of Class I areas to determine the extent to which exempt sources are contributing to emissions and the extent to which air quality in these areas is affected by these emissions. Depending on the outcome of these studies, it may be necessary to revise the Clean Air Act to lower the threshold for minor sources of emissions or to require installation of additional controls on grandfathered major emission sources. We believe that with data maintained by state air quality offices and with currently available atmospheric monitoring and modeling capabilities, such a survey could be completed quickly enough to inform current efforts to reauthorize the Clear Air Act.

PERMIT REVIEW PROCESS IMPROVED BUT STILL HAMPERED BY LACK OF DATA

As discussed further in appendix III, the PSD permit review process has not been well implemented, although improvements are either underway or planned. EPA regions did not forward all the applications that should have been reviewed by federal land managers, and the land managers, with the exception of the Park Service, did not always have the staff or time to review the applications they did receive. Most of these problems, however, appear to have been addressed. EPA plans steps to help ensure that its regions forward PSD permit applications to land managers with sufficient time for review. The Forest Service and the Fish and

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Wildlife Service have also devoted more staff to reviewing the applications.

Land managers' reviews continue to be hampered, however, because they do not have enough information about the resources they are trying to protect—wildlife, vegetation, and visibility, for example—and the effects of air pollution on those resources. Without this information, land managers believe they cannot adequately carry out their responsibility under the PSD program, which is to determine whether proposed industrial sources will have an adverse effect on park resources.

The Park Service, alone among the land management agencies, has been actively gathering information for a number of years. However, Park Service officials believe that they still need more information because their standards for information are highly rigorous: According to agency officials, any adverse impact determination might be legally challenged and would consequently have to be based on very certain information. By contrast, the Forest Service and Fish and Wildlife Service have collected far less information and have had much smaller research programs. The Forest Service now has plans, however, for a 10-year data-gathering and research program for which it has requested over $18 million. On the other hand, the Fish and Wildlife Service, which also has considerable data needs, has provided only a very small portion—$25,000 out of an estimated $10.5 million—of the funds that its air program staff believe is necessary to provide adequate information. According to an air program official, the Fish and Wildlife Service has given higher priority to other data needs—relating to groundwater contamination, for one—and refuge managers have requested funding for studies only if they perceive air pollution to be a problem.

STATES HAVE DESIGNATED NO NEW CLASS I AREAS

On the question of designating new Class I areas (discussed in app. IV), we found that although states have the authority to do so, they have not designated any new Class I areas in addition to those established by the Clean Air Act Amendments. Officials in the 14 states and territories with areas recommended for Class I designation by the Forest Service and the Interior Department in 1979 and 1980 offered a variety of reasons, among them a belief that the areas were already adequately protected, the lack of resources to conduct the studies necessary before redesignation, and a concern that Class I designation would hamper economic development in their state. In some states, officials believed that there are other, more effective means of controlling their air quality problems. Neither the Interior Department nor the Forest Service has taken an active role in redesignation, having chosen not to encourage the process.

The absence of state designations is not surprising. Without some sort of federal initiative or requirement, it is difficult to imagine why states would choose to create additional Class I areas. Although it could be used more broadly, Class I designation is, by and large, a tool to protect federal lands. While those lands lie within state borders, the responsibility for protecting the resources of Class I areas is fundamentally a federal one. It seems to us that only in exceptional cases would states choose to constrain development in order to protect lands for which they are not responsible. Unless the Congress were to do so, the designation of many more Class I areas appears unlikely. However, the desirability of creating additional Class I areas depends, first, on whether the PSD program can be changed to better control air pollution.

RECOMMENDATIONS

We recommend that the Administrator of EPA, in cooperation with the National Park Service, the Fish and Wildlife Service, and the Forest Service, expeditiously survey a group of Class I areas where nearby emission sources are believed or are known to contribute to air quality degradation. The survey should determine the extent to which sources exempt from PSD permit requirements are contributing to air pollution in Class I areas. At the end of his review, the Administrator should report his findings to the Congress. Since the Congress is currently considering reauthorization of the Clean Air Act, this information should be developed as quickly as possible, perhaps within the next 6 months.

We also recommend that the Secretary of the Interior instruct the Director of the Fish and Wildlife Service to develop a long-range plan for gathering the information necessary to support reviews of PSD permit applications. While we do not take issue with the agency's priorities, we note that the Fish and Wildlife Service has a responsibility to protect air quality-related values in its Class I areas, a responsibility it cannot exercise without sufficient information.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Depending upon the results of the EPA survey, the Congress may wish to consider whether the current thresholds for minor sources and exemptions for existing major sources contained in the Clean Air Act ought to be revised. Should the survey indicate a need for legislative change, the Congress may also wish to consider revising the process for designating Class I areas to make federal land managers responsible, rather than the states.

We have discussed the factual information in this report with EPA, National Park Service, Fish and Wildlife Service, and Forest Service officials and have incorporated their comments where appropriate. However, as you requested, we did not obtain official agency comments on a draft of this report. As arranged with your office, unless you publicly release its contents earlier, we plan no further distribution of this report until 30 days from the date of this letter. At that time, copies will be sent to appropriate congressional committees, the Administrator of EPA, the Secretary of the Interior, the Chief of the Forest Service, and other interested parties.

This work was performed under the general direction of Richard L. Hembra, Director, Environmental Protection Issues, who may be reached at (202) 275-6111. Other major contributors are listed in appendix V.

Sincerely yours,

J. DEXTER PEACH,
Assistant Comptroller General.

APPENDIX I—BACKGROUND AND METHODOLOGY

The Clean Air Act Amendments of 1977 authorized the PSD program to ensure, among other things, that new development would not cause any significant deterioration of air quality in relatively clean air areas. Although the act established minimum air quality standards for the entire country, the PSD program goes beyond this to maintain the quality of air that was already cleaner than required by the standards.

The amendments gave the highest level of protection to 158 national parks and wilderness areas, designating them Class I areas. These areas, which make up about 1 percent of all U.S. lands, included the national parks over 6,000 acres, national wilderness areas and memorial parks over 5,000 acres, and the international parks that were in existence in 1977, when the amendments were enacted. All other areas in the United States that did not exceed national air quality standards were designated Class II. The Congress conferred authority on the states and Indian tribes to redesignate any of these Class II areas to Class I and directed federal land managers to determine if any other federal lands including national monuments and preserves or primitive areas, should be redesignated Class I.

The amendments set certain tests that must be met before a major new source of pollution can be built near a Class I area. First, the owner or operator of the new source must demonstrate that it will not cause the National Ambient Air Quality Standards to be exceeded. These standards are for six "criteria" pollutants: sulfur dioxide, nitrogen oxides, lead, carbon monoxide, particulates, and ozone. In addition, for two of the criteria pollutants—particulates and sulfur dioxide—a new source near a Class I area may not emit more than a small amount beyond existing levels, allowable increments that are specified in the amendments. The amendments authorized EPA to develop allowable increments for nitrogen oxides, carbon monoxide, and ozone precursors, but as of September 1989, EPA had done so only for nitrogen oxides.

To receive a construction permit under the program, the owner or operator of a proposed facility must demonstrate to the state regulatory agency that it will meet the required emission standards and that it will employ the best available control technology. Under section 165(d) of the Clean Air Act the state agency is required to send to EPA a copy of the permit application. EPA, in turn, must notify the responsible federal land manager of any permit application it receives that may affect a Class I area; EPA guidance requires federal land managers to be notified of a major source permit application within 100 kilometers, or about 60 miles, of a Class I area.

Once they receive a PSD permit application, federal land managers are responsible for determining whether emissions from new sources near Class I areas will have an adverse impact on the air quality-related values of the park or wilderness area. These values are the scenic, cultural, biological, recreational and other resources, including visibility, that may be affected by changes in air quality. If the federal land manager demonstrates to the state agency that the proposed facility will adversely affect these values, the facility may not be built, even if the allowable increments would not be exceeded.

The land management agencies that administer Class I areas include two agencies in the Department of the Interior: the National Park Service, which manages 48 Class I areas totalling 14.2 million acres, and the U.S. Fish and Wildlife Service, which manages 21 Class I wilderness areas totalling 2.3 million acres. The U.S. Forest Service, in the Department of Agriculture, manages 88 Class I wilderness areas totalling 13 million acres. One additional Class I area—the Roosevelt-Campobello International Park, which is in the United States and Canada—

is administered by the Roosevelt-Campobello International Park Commission.

The PSD permit requirements apply to major stationary sources of pollution built after the law was enacted and to major modifications of already existing facilities. The act defines as "major" any facility with the capacity to emit at least 250 tons a year of any of the pollutants regulated under the act; for certain types of facilities, such as fossil fuel-fired steam electric power plants, petroleum refineries, and ore smelters, the threshold is 100 tons a year. Facilities emitting less than these amounts are considered minor sources and do not have to obtain PSD permits.

Major modifications, which must also meet PSD permit requirements, are defined as changes to a facility or its methods of operation that increase emissions by more than certain minimal levels, which vary by pollutant. A modification that would result in an increase of 100 tons or more per year of carbon monoxide, for example, or 40 tons or more per year of nitrogen oxides, would require a PSD permit. However, EPA exempts from this requirement any increases that result from fuel switching, routine maintenance and other procedures, changes in ownership, and any increases that are offset by decreases in emissions that occurred in the previous 5-year period.

OBJECTIVES, SCOPE, AND METHODOLOGY

Following Chairman Synar's request and discussions with his office, we focused our review on (1) the extent to which stationary sources located near Class I areas are regulated under the Clean Air Act, (2) how federal land managers are carrying out their responsibilities to protect Class I areas from stationary source emissions, and (3) why states have added no other federal lands to those that originally qualified under the act for Class I designation.

To determine the extent to which stationary sources are regulated under the PSD program, we focused on five Class I areas in three states: Shenandaoh National Park and James River Face Wilderness in Virginia, Cape Romain Wilderness in South Carolina, and Rocky Mountain National Park and Flat Tops Wilderness in Colorado. These include two areas managed by the National Park Service, two managed by the Forest Service, and one managed by the Fish and Wildlife Service. From the Park Service, we obtained information on air quality in its Class I areas, including Mammoth Cave National Park in Kentucky and Grand Canyon National Park in Arizona.

From each of the three state air quality agencies, we obtained the most recent annual inventory of stationary source emissions, developed by the states, in part, as a means of determining compliance with national air quality standards. Since these inventories do not include data on lead, we collected information on just five of the six criteria pollutants. Using these lists, we identified sources located within 100 kilometers of the Class I areas—the distance established by EPA as requiring federal land manager review—and determined the level of air pollutants annually emitted by these sources. For the two Class I areas in Virginia, this 100-kilometer range extends into portions of West Virginia, Maryland, and the District of Columbia, but we did not include any sources in these states and the District because the relatively small area did not justify the extra effort involved in collecting data from their emissions inventories. We also obtained from state agency officials a listing of the nearby stationary sources that were exempt from PSD requirements and, in most cases, the reasons for these exemptions.

We determined the extent to which federal land managers carried out their PSD program responsibilities largely through information compiled by the agencies at our request. These data included information on the numbers of permit applications they had received for review and their disposition. Agencies also supplied information on funding for data collection efforts and the need for additional research and information and its costs.

To examine EPA's implementation of its PSD permit responsibilities, we interviewed responsible EPA officials and examined PSD program policies and procedures. We also used the results of EPA's audits of state air programs for 1985 and 1986-87.

In order to address the redesignation issue, we conducted a structured telephone interview with officials of the air pollution agencies in the 14 states and territories in which lands has been identified by federal land managers as suitable for redesignation. These included Alaska, Arizona, California, Colorado, Utah, Wyoming, and the Virgin Islands. In addition to asking officials why these areas had never been redesignated, we asked about any plans for redesignating other federal lands that had not been recommended in the earlier studies. We also interviewed federal land managers to determine whether they had followed up their initial efforts with other attempts to have additional Class I areas designated.

Following generally accepted government auditing standards, we conducted our review between August 1987 and August 1988, with some information updated to May 1989.

APPENDIX II.—FEW SOURCES NEAR CLASS I AREAS ARE SUBJECT TO PSD PERMIT REQUIREMENTS

Of the 2,332 stationary sources operating within 100 kilometers of the 5 Class I areas in our review,[1] only 27—1 percent—were required to have permits under the PSD program. The remaining 2,305 sources did not have to obtain PSD permits for the following reasons:

Ninety percent, or 2,105 facilities, were minor sources of pollution as defined by the act;

Nine percent, or 200 facilities, were "grandfathered," that is, they were major sources built before 1977 when the amendments were enacted. Among these, seven facilities had undergone major modifications, but they were exempt from PSD permit requirements because they could demonstrate that emission increases would be offset by previous decreases

NON-PSD PERMITTED FACILITIES

Collectively, non-PSD permitted facilities contribute from 53 to 90 percent of five[2] of the six criteria pollutants emitted within a 100-kilometer radius of each of the five Class I areas. (See fig. II.1.)

MINOR SOURCES

Minor sources, while large in number, generally contribute relatively small quantities of pollutants to the total. However, they account for nearly 30 percent of the particulates emitted around all five Class I areas, and in Rocky Mountain National Park and Flat Tops Wilderness, they account for over 60 percent. Minor sources around Flat Tops also account for 64 percent of the volatile organic compounds emitted by stationary sources within 100 kilometers.

Both EPA and Park Service officials have already expressed some concerns about the contribution, nationwide, of small sources to total emissions of volatile organic compounds. In its proposed post-1987 ozone policy, EPA noted that a significant portion of total emissions of volatile organic compounds generally comes from small sources. The agency, suggested that as part of an overall ozone control strategy, states might want to consider lowering thresholds for regulating new sources to 25 tons of volatile organic compounds a year. EPA acknowledged, however, that even this level might be too high, citing a study that had shown that modifications and new sources emitting less than 5 tons a year compose 55 percent of total new volatile organic compound emissions. In commenting on the proposed policy, the Park Service expressed similar concerns about small sources and supported lowering the threshold to 25 ton a year.

SOURCES OF POLLUTANTS ENTERING CLASS I AREAS

These exempt sources could account for most of the pollutants emitted near Class I areas. The Park Service has found that, under certain meteorological conditions, nearby sources are the primary source of air pollutants in Class I areas. According to an air program official, the Park Service estimates that local sources may account for 60 percent of the sulfur dioxide that enters Shenandoah National Park. Similarly, the Park Service has found that local sources can contribute about 70 to 80 percent of the sulfur dioxide in Mammoth Cave National Park in Kentucky, according to the air program official. In Grand Canyon National Park, the Park Service has traced visibility problems to a nearby coal-burning power plant. The agency has estimated that, at times, the power plant has contributed from 60 to 78 percent of the sulfur in the park, which, in the form of sulfates, is largely responsible for impaired visibility. On winter days with the worst visibility, the power plant is highly likely to cause 70 percent of the visibility degradation, according to the Park Service. Because the plant was built before 1977, it was not permitted under the PSD program, and it does not have any sulfur dioxide controls.

Under section 169A of the Clean Air Act, if EPA or a state regulatory authority finds that certain grandfathered sources are adversely affecting visibility in Class I areas, the agency can require the source to install retrofit technology to correct the problem. This retrofit provision applies only to cases of impaired visibility, however, and does not extend to other air pollution problems. Nevertheless, in a 1981 report on the implementation of the PSD provisions, the National Academy of Sciences found that impaired visibility was not then the only air pollution problem affecting Class I areas and warned that controlling only new sources would not deal adequately, in this century, with acid rain or the protection of other air quality-related values. The Academy study also concluded that minor sources could, cumulatively, cause significant deterioration of air quality and suggested that the administrative convenience and other factors that support the distinction between major and

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[1] Although four additonal sources were listed in Virginia's inventory, the state's listing did not contain enough information on these sources to allow us to determine their status.

[2] These are sulfur dioxide, nitrogen oxides, carbon monoxide, particulates, and volatile organic compounds (measured as precursors to the formation of ozone.)

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minor sources should not be allowed to subvert the basic intent of PSD, which is to regulate emissions causing significant deterioration, regardless of the type or source.

Information developed by the Park Service over the last several years indicates that, in addition to pollutants from nearby sources, some portion of certain types of pollutants that reach Class I areas are carried through the atmosphere from long-distance sources. For example, using data collected during the summer of 1978, the Park Service has estimated that high proportions of the airborne sulfate within four national parks in the eastern United States are the result of emissions quite distant from the parks. At Shenandoah National Park, the Park Service estimates that about 75 percent of airborne sulfates result from emissions generated more than 100 kilometers from the park. Similarly, it estimates that approximately 90 percent of the sulfate concentrations in Great Smoky National Park is attributable to sources more than 250 kilometers from the park, and that at Mammoth Cave National Park, 40 to 60 percent of sulfates come from sources more than 150 kilometers away.

APPENDIX III.—PERMIT REVIEW PROCESS IMPROVED BUT STILL HAMPERED BY LACK OF DATA

On the whole, federal land managers have not fully carried out their responsibility to review PSD permit applications, either because (1) EPA did not forward all applications to them, (2) they did not have the staff or time to review the permit applications when they were forwarded, or (3) they lacked sufficient information to determine whether the proposed facility would adversely affect the resources, or air quality-related values, of their Class I areas. Although many of these problems have been or are likely to be resolved, land management agencies—particularly the Fish and Wildlife Service—still do not have adequate information for determining the effects of proposed emission sources on the natural resources of Class I areas.

PERMIT APPLICATIONS NOT FORWARDED

Since August 1977, when the PSD program began, 27 PSD permits have been issued in the 5 Class I areas we reviewed. Of these, federal land managers had received the applications for 12. The remaining 15 had not been forwarded to them by the EPA regions. Although EPA established a policy in 1979 to notify land managers of proposed facilities within 100 kilometers of a Class I area, the EPA regional PSD coordinators we spoke with said that at the time many of the permits were issued, in the early days of the program, EPA's policy was not well known. In addition, these staff decided, on the basis of the data submitted with the application, that the projected emissions would not reach the Class I area. One case, however, involved a facility that would be located 10 to 15 miles from Rocky Mountain National Park. EPA's regional PSD coordinator said that neglecting to send the application to the Park Service had simply been an oversight.

EPA's reviews have yielded similar findings. In its fiscal year 1985 and 1986-87 audits of the air program, EPA could find no record that land managers had been notified of approximately 30 percent of the permits involving construction within 100 kilometers of a Class I area. EPA's report did not explain why these omissions might have occurred.

To address this and other problems, EPA's Assistant Administrator for air programs informed the EPA regions that they were to make sure that state and local regulatory agencies follow certain notification procedures, including notifying the regions of all PSD permit applications they received for major sources. To aid this effort, EPA devised a checklist for regional reviewers to use to help ensure that the state has properly handled the application. One of the items included in the checklist has to do with whether federal land managers have been notified when the application is near a Class I area. EPA transmitted the checklist to the regions in May 1989.

PERMIT APPLICATIONS NOT REVIEWED

Even when they have received applications for review, federal land managers have not always reviewed them and provided comments to the permitting agencies. From August 1977 to August 1987, nationwide, 392 permit applications had been forwarded to federal land managers. (See table III.1.) Of these, comments were provided on 261, or two-thirds. Land managers did not provide comments on the remaining 131 permit applications, for a couple of reasons. For one thing, federal land managers did not receive a number of the permit applications until 30 to 60 days before they were issued, at the same time they were made available for public comment. According to the Park Service, about one-quarter of the applications it received arrived at this time; about half the applications sent to the Fish and Wildlife Service also arrived at this point. (The Forest Service could not furnish us with similar information.) Federal land managers believe this is not enough time for them to complete a review of emission impacts.

To help deal with the problem of insufficient time, the Forest Service plans to institute a screening procedure that will help its managers use their time more efficiently. By using estimates of expected pollutant concentrations, Forest Service managers could screen out those applications that are not likely to cause adverse impacts and concentrate on obtaining additional, more detailed information from the other projects. Published as a proposal in April 1989, the screening procedure is expected to be developed over the next year.

Federal land managers also did not respond with comments because they did not have the staff to review permit applications. The Fish and Wildlife Service, for example, did not have any staff assigned to permit application review between November 1982 and the end of 1984, according to a member of the agency's air program staff. Since 1985, however, the agency has had two full-time staff members assigned to review PSD permit applications, among other things, working under an interagency agreement with the National Park Service's air program office and receiving technical support from that office. The Forest Service has also had problems with insufficient staff. However, it requested funds to enlarge its air program staff in fiscal year 1988 to 12 full-time equivalent positions, and it planned to increase the number to 21 in fiscal year 1989 and to 30 in fiscal year 1990.

As shown in table III.1, the Park Service has had a somewhat better record in reviewing and commenting on permit applications than the other agencies. It reviewed 82 percent of the applications it received and made recommendations to the permitting authority in 69 percent of the cases it reviewed, recommending, among other things, that applicants install better control technology. For example, in its review of an application to construct and operate an energy/resource recovery facility near Shenandoah National Park, the Park Service recommended that the state agency not issue the permit as drafted unless the applicant employed a dry scrubber/baghouse system to reduce emissions. In another case, involving a permit application to modify a Department of Energy fuel-processing restoration facility near Craters of the Moon National Monument in Idaho, the Park Service recommended that nitrogen oxide controls be installed to mitigate and perhaps eliminate any visibility impacts.

The Fish and Wildlife Service and Forest Service each reviewed about 60 percent of the applications. While the Fish and Wildlife Service recommended changes to 56 percent of the applications, the Forest Service recommended changes to only 17 percent of the applications. We were not always able to evaluate the outcome of these reviews, however, in part because agencies were not always informed by the permitting agencies about the disposition of their recommendations. The Park Service, for example, was not aware of how the permitting authority had handled about 44 percent of the applications on which it had made recommendations. In addition, even in those cases where land managers' recommendations were adopted, it is not clear whether changes were made because of the land manager review or whether the permitting agencies would have required the changes independently of the land manager review.

INSUFFICIENT INFORMATION FOR LAND MANAGER REVIEW

In order to evaluate whether a proposed facility will adversely affect air quality-related values in a Class I area, land managers believe they need to know what these values are—that is, the vegetation, wildlife and other natural resources of the area—the current condition of those values (or resources), the effect of anticipated pollution levels on those resources, and whether these effects are adverse. According to land managers, they have the burden of persuading the permitting authority that the emissions from a proposed source will have an adverse impact on air quality-related values. Therefore, assessments based on incomplete data or inadequate tools are likely to compromise the mangers' ability to be persuasive. However, agency officials feel that they do not now have enough information to adequately determine adverse impacts in all cases.

Fish and Wildlife Service

The Fish and Wildlife Service, for example, does not have a complete inventory of air quality-related values in any of its Class I areas, and has studied causes and effects of air pollution in only 3 of its 21 Class I areas. According to the Fish and Wildlife Service, only one Class I area has been characterized (i.e., inventoried and assessed) well enough to provide an adequate basis for approving or denying PSD permit applications, and only in terms of visibility.

To obtain complete information about all its Class I areas, the Fish and Wildlife Service estimates that it would require nearly $1.6 million over 5 to 10 years for inventories of air quality-related values and about $8.9 million more, and 8 to 10 years, to adequately assess ambient air quality, visibility and biological conditions. By contrast, in the 10 years following the Clean Air Act Amendments (to August 1987), the Fish and Wildlife Service spent a total of $145,818 on related data-gathering efforts. Nevertheless, the agency did not request any funds for inventory purposes for fiscal year 1988 and requested and received only $25,000 in fiscal year 1989. Also in fiscal year 1988, the air program staff requested $64,000 for air pollution cause-and-effect studies in 2 of the agency's 21 Class I areas, but the studies were not funded by the Fish and Wildlife Service.

According to the Fish and Wildlife Service official in charge of the day-to-day operations of the agency's air quality program and one of his staff members, air quality issues have been a low priority within the Fish and Wildlife Service, falling below groundwater contamination and other concerns. They explained that funds for studies were made available only when refuge managers were concerned about air pollution and requested funds through the normal regional budget process. There has been no Service-wide budget initiative to support the air quality program, they added, especially for ambient and biological effects monitoring, in order to fulfill PSD responsibilities.

National Park Service

The Park Service, by contrast, has spent considerably more to monitor and evaluate air pollution effects and believes it has at least partially inventoried or assessed all its Class I areas for the purposes of PSD permit application reviews. At the time of a permit review, the agency says, the Park Service reviews available information and may supplement it with additional studies as necessary. Between 1977 and 1987, the Park Service spent about $4.6 million on inventory and monitoring activities, focusing on visibility and vegetation resources as indicators of air quality-related values. The agency also spent about $11.8 million on cause-and-effect studies during this same period.

According to officials of the Park Service's Air Quality Division, the agency still lacks sufficient information to determine, in all cases, whether a proposed facility will have an adverse impact on park resources. This is particularly true in cases involving ozone, where it is difficult to establish a source-receptor relationship because ozone is not directly emitted. It is also difficult in the case of ozone to determine precisely what constitutes an adverse impact, that is, whether spots on leaves can be considered an adverse effect, or whether some more drastic effect, like a change in an entire ecosystem, must be demonstrated. Park Service officials acknowledged that they have set highly rigorous standards for information, anticipating that any adverse impact determination might be legally challenged and would therefore have to be based on very certain information.

Although Park Service officials believe the agency's air quality data are good, they believe more information is needed on the resources of Class I areas, along with additional research on the biological effects of air pollution. The Park Service estimates it will need about $11 million over the next 10 years for inventory and monitoring activities and another $15 million for cause-and-effect studies, again focusing just on visibility and vegetation. For an adequate inventory of additional air quality-related values, including visibility and vegetation, the Park Service estimates it would need a total of $14.4 million over a 5-year period, or $300,000 for each of the 48 Class I areas.

Park Service officials believe that the current level of staff and resources is more or less adequate and will ultimately yield the necessary information if funding levels are maintained. According to its fiscal year 1988 action program, the Park Service plans to develop inventory and monitoring programs for at least 20 parks a year over the next 5 years, beginning in fiscal year 1989. Officials said that the Park Service also plans to continue its biological effects research program at least at current funding levels, although the agency is currently in the process of reviewing its program and anticipates some internal redirection.

Forest Service

Although it did relatively little in the past, the Park Service has begun to expand its air resource management program. Between 1977 and 1987, the agency spent $1.5 million on efforts to inventory air quality-related values, with no Class I area completely inventoried. Moreover, according to the Forest Service's watershed and air management director, none of the Class I areas had been adequately characterized for the purposes of reviewing Class I permit applications. During this same 10-year period, the Forest Service spent close to $10 million on research related to effects of air pollution, research it characterizes as applicable to numerous Class I areas.

In 1986, however, the Forest Service began to reevaluate its air resources program and its compliance with the Clean Air Act. According to its August 1987 draft report, the natural resources at risk from potential development around Class I areas were unknown. The Forest Service noted that because of this lack of information, permit applications were handled inconsistently, with regional foresters sometimes recommending approval of an application because of inadequate information, and in other regions, recommending denial for the same reason.

Following the evaluation, the Chief of the Forest Service decided to strengthen the agency's program by committing additional funds and staff to inventory and monitor the condition of air quality-related values in Class I areas. The Forest Service's goal is to inventory all Class I areas by the year 2000 and to monitor the 50 or so areas that are threatened. The Forest Service therefore added funds to its fiscal year 1988 and fiscal year 1989 air program budgets and requested $3.5 million for fiscal year 1990—more than twice the amount it spent on inventory activities in the entire preceding decade. The Forest Service plans to seek similar funding levels for inventory and monitoring purpose for each of the next 10 years. In addition, the Forest Service has undertaken a long-range research program on atmospheric effects on forest ecosystems. Although not aimed specifically at Class I areas, the Forest Service believes that research results are well suited for application to these areas. For fiscal year 1990, the Forest Service requested $14.7 million for the program and believes that the same amount (in constant dollars) would be required over each of the next 10 to 20 years to complete the studies necessary to adequately protect all Class I areas.

APPENDIX IV.—STATES HAVE DESIGNATED NO NEW CLASS I AREAS

In keeping with the states' overall responsibility for the PSD program, section 164 of the Clean Air Act authorized states and Indian tribes to designate any areas they deem appropriate as Class I areas. In addition, the act directed federal land managers to review national monuments, primitive areas, and national preserves, and recommend to the states and the Congress any areas appropriate for redesignation from Class II to Class I because of important air quality-related values. In 1979 and 1980, land managers recommended 59 areas to be redesignated. In addition, over 260 new national parks and wilderness areas have been created that meet the original acreage criteria for Class I areas. Nevertheless, the states have not designated any additional Class I areas.

Following the act, federal land managers evaluated 110 areas altogether: 82 national monuments, 2 national preserves, and 11 primitive areas administered by the Interior Department, and 15 Forest Service primitive areas. The Forest Service in 1979 recommended that all 15 of its areas be redesignated as Class I. In 1980, the Secretary of the Interior published a final list of 44 areas recommended for redesignation, based solely on the presence of air quality-related values. However, none of the 14 states and territories in which these 59 areas are located—Alaska, Arizona, California, Colorado, Florida, Idaho, Montana, Nevada, New Mexico, Oregon, South Dakota, Utah, Wyoming, and the Virgin Islands—ultimately redesignated any of these areas, for a variety of reasons.

According to officials of the air quality agencies in 10 of these states,[1] the states often did not pursue redesignation because they lacked the resources or expertise to perform the redesignation studies required by the Clean Air Act, or because they did not believe they were responsible for conducting them. Although the act does not state who should conduct these studies, it requires an analysis of the health, environmental, economic, social and energy effects of redesignation, and it requires that public hearings be held before the states can redesignate any area.[2]

In Florida, which has three areas recommended by the National Park Service, an official of the state air quality office said that the state believes that it is up to the Park Service to conduct the environmental studies since the state has neither the responsibility nor the ability. Officials in both Wyoming and Montana report that their states require by law that the party seeking redesignation perform the necessary studies. In 1981, a citizens coalition petitioned the state of Wyoming to redesignate the Cloud Peak Wilderness, but the state denied the petition, according to its air program administrator, in part because the citizens had not conducted the required studies.

In other cases, state officials claimed that redesignation had not occurred because the state's air quality program already adequately protected the recommended areas; this was reported by Alaska, Montana, Nevada and New Mexico. Some state officials also believed that the PSD program was not the most effective way to deal with air quality problems. In California, for example, the state Air Resources Board began in 1980 to conduct redesignation studies for those areas recommended by federal land managers as well as for other Class II areas

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[1] Air quality officials in Idaho and the Virgin Islands were not familiar with redesignation recommendations and could not respond to our questions. In South Dakota, the air program administrator had been unaware that the portion of Badlands National Monument recommended for Class I designation was not already a Class I area, along with the rest of the monument.

[2] In a June 1983 opinion, the U.S. court of Appeals for the Ninth Circuit stated its view that the act required the state of California to conduct these studies.

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in the state (such as areas that had been designated wilderness after the 1977 amendments to the Clean Air Act.) However, according to a staff member of the Board, the state's ozone problem shifted priorities and resources away from the redesignation studies. This staff member said that the state currently believes that solving urban ozone problems would also solve air pollution problems in remote areas that were caused by atmospheric transport of pollutants.

According to a state air program official, Arizona also did not pursue redesignation for the nine areas in the state that were recommended because the state believes that the PSD program is not adequate to solve air quality problems in the state's clean air areas, which come from sources that are exempt from regulation, including grandfathered and minor sources. Similarly, a Colorado air program official said that the state believes that the PSD program is not adequate to deal with regional haze and acid deposition, two of the state's biggest air pollution problems, and it has therefore not put much effort into redesignation. He said the state believes that an EPA standard for fine particulates is a less complex and less controversial tool for dealing with visibility problems than is redesignation.

For a number of areas recommended by federal land managers, state officials did not pursue redesignation because of concerns about the effects on economic development in the surrounding areas. In Utah, for example, which has seven areas that were recommended for redesignation, state air program officials said that the state dropped further plans after they were met with intense opposition from industry and elected officials during public hearings on redesignating one of the areas. In the case of Death Valley National Monument, which is located in both California and Nevada, the state of California undertook a redesignation study, but a Nevada air program official said that Nevada was opposed to redesignation because it claimed that it would cause economic hardship to nearby industries if they were required to reduce emissions. Similarly, according to an air program official, the state of Colorado dropped its plans to redesignate Dinosaur National Monument, which lies in both Colorado and Utah, after the state of Utah objected.

In a couple of states, officials told us that they had not pursued redesignation, in part, because federal land managers had not been more aggressive in recommending redesignation. Florida's air program official, for example, said that the state had given redesignation a low priority because the Park Service had not pressed the state. The Alaska air program official we interviewed said that he regarded Interior's recommendation as a finding of suitability rather than a recommendation for the state to act. He said that in his view, the federal land manager would have to actually recommend redesignation and conduct the necessary studies before the state would proceed. Neither Interior nor the Forest Service, however, have taken an active role in redesignation. The Forest Service's policy is to provide assistance and to consult with states considering redesignation but not to initiate redesignation. While Interior does not have a formal policy statement on redesignation, it has, in the past, discouraged Park Service officials from pursuing redesignation for wilderness areas in Alaska.

For the same reasons that kept them from redesignating areas to Class I status in the past, almost all of these states have no plans to pursue redesignation in the future. However, the state of Oregon began work in 1987 to redesignate 29 Class II areas in the state, most of which became wilderness areas after 1977. The state believes that a Class I designation would better protect these areas from possible new industrial sources and also from Forest Service burning practices. Formal action is not expected before the Spring of 1991.

APPENDIX V.—MAJOR CONTRIBUTORS TO THIS REPORT

RESOURCES, COMMUNITY, AND ECONOMIC DEVELOPMENT DIVISION, WASHINGTON, DC

Peter F. Guerrero, Associate Director.
William McGee, Assistant Director.
Bernice Steinhardt, Assignment Manager.
Douglas Isabelle, Evaluator-In-Charge.
Carol Ruchala, Evaluator.

Mr. President, on this amendment I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Who seeks recognition?

The Chair recognizes Senator REID from Nevada.

Mr. REID. Mr. President, I am pleased to join Senators ADAMS and WIRTH in sponsoring this amendment which reiterates our concern and objective to set goals for the preservation, protection, and enhancement of air quality in our national parks and wilderness areas.

Mr. President, since speaking on S. 1630 during the first hours of debate, and the substitute amendment introduced 2 weeks ago, I took the opportunity to express my admiration for Senator BAUCUS and Senator MITCHELL on this side, and Senator CHAFEE on the other side of the aisle for the personal efforts they took to establish the framework and spirit of conciliations. Today, I would also like to express my appreciation on this particular amendment for the steadfast effort of Senator SIMPSON.

This amendment has undergone significant discussions over the course of consideration. Two weeks ago and again last night, we were ready to proceed in an adversarial way on this amendment. But based on Senator SIMPSON's persistent efforts to try to resolve contested issues, we went back to the bargaining table again today to find common ground. We believe that we have arrived at the right location at the right time.

As Senator ADAMS has indicated, this amendment will direct the Administrator to deal with regulations of both plume blight and regional haze as intended in the 1977 amendments. The National Parks and Conservation Association shares our view that, without this amendment, EPA will do nothing about regional haze. This amendment will provide us, in Congress, with assurances, on a periodic basis, that reasonable progress is being made toward a national goal of protecting and preserving visibility in our national parks and wilderness areas.

I admit, Mr. President, that I have a personal interest in this subject. In 1988, I authored an article on visibility in the National Parks magazine. It was entitled "Restricted Vision: Clean Air Amendments Are the Key to Saving Our Sweeping Vistas." We are at the point now where the Clean AIr Act may finally take into consideration what I wrote about in 1988. I said then, and I believe now, that the clean air amendments are essential to the preservation and protection of our magnificent vistas.

My experiences in Nevada lead me to conclude that—if we are to preserve for future generations, a number of memorable experiences in our lifetimes—then, today, we must preserve some of our heritage through the protection of our national parks and wilderness areas. Demands in national parks are increasing; air pollutants are increasingly impacting our national parks. All too often, visibility is degraded in the parks; in fact, there are reports of degradation in all of our parks in the lower 48 States.

Mr. President, I must call to your attention and to the attention of my colleagues graphic illustrations of the problem. They will remain available to my colleagues during the course of this debate on this amendment.

These must be kept in mind when each of us will decide what this generation shall pass along to the next. These pictures speak for themselves: They represent the wide range of visibility conditions that occur on the parks. These photographs are from Yosemite National Park, Glacier National Park, Shenandoah National Park, and the Grand Canyon National Park in my neighboring State of Arizona.

But, Mr. President, before we get too enthralled with these photographs, let us recognize that there is a reduction in visibility that is due to nature. That is where the name "the Smokies" came from; they were aptly named. The snowfall in the Nation's Capital yesterday decreased our visibility. In fact, a measure of precipitation intensity is its reduction in visibility.

But that is not what we are addressing. We are addressing manmade pollution and manmade impairment to visibility.

As I mentioned earlier, the Grand Canyon is something special to the residents of and the visitors to Nevada. As I spoke on the floor at the start of this second session, the junior Senator from Arizona was present. He talked about a trip that he took to Japan where some people in Japan actually thought the Grand Canyon was in Nevada. We take pride in the Grand Canyon even though it is not physically located in the great State of Nevada.

It is very common for Nevadans to take short trips to see nature's handiwork in all its colorful splendor. Visitors to Nevada do the same by the tens of thousands every month. We do not want to see, nor do our visitors want to see, these bright colors muted by haze.

I had the opportunity to speak to the substitute amendment 2 weeks ago and expressed, at that time, my concern that we must be careful that we do not allow significant increases in emissions of sulfur dioxide and oxides of nitrogen to lead to significant deterioration of these magnificent vistas in the West.

This amendment complements the acid rain provisions of the substitute amendment that is now before this body. With the reductions in emissions mandated under the other titles of the bill as well; namely, the nonattainment and air toxics provisions, we recognize that the potential for improvements in visibility exists. We welcome this!

We also recognize that we must be cautious with future development in the vicinity of those areas. We must not allow the breathtaking views of the West, the true national treasures, to be lost in the haze.

Proper siting of major facilities and effective use of air pollution control technology will provide the crucial balance between environmental protection and economic development. Our Nation needs both of these to sustain a vibrant "Quality of Life." This is not, I repeat, this is not a no-growth initiative. It is a sensible growth initiative.

We have seen the appreciation for the natural wonders of our Nation already reflected in the additional attention given to site selection for major stationary sources in the West. This was the intention of Congress with the 1977 amendments. So was dealing with regional haze. This is an unfulfilled promise to Americans that we must remedy; and we are doing that with this amendment.

The U.S. National Park Service reports that millions of people visit the parks each year in search of rest, recreation, and physical and spiritual renewal. Visitors continue to be astounded by these national treasures and place a high value on knowing these resources are being protected and preserved for future generations.

The research on the effects of visibility indicate that one of the most important features of the visitor experience in the park is the clean, clear air. The park visitors value an environment undisturbed by man above all other features. We must decide whether the visitors to our national treasures must resort to buying a picture postcard and say, "This is what I missed when I went to the national park."

And with these graphic statements, behind me, Mr. President, you can appreciate that on a clear day you can see almost forever; but when manmade haze envelopes these treasures you cannot see very far. This must be remedied.

The majority of "America the Beautiful" is vested in our National Park System. We proudly put our gems on display for all Americans and visitors from around the world to see. Let them see it in all of its splendor the way our forefathers envisioned when they created the National Park System.

I urge my colleagues to consider, seriously, the meaning of this amendment to our Nation and to future generations, and to support it enthusiastically. As far as I am concerned, this is a vital part of this clean air bill that has taken so much of the Senate's time. This amendment reaffirms the intent of Congress and ensures that EPA will finally move effectively to address plume blight, regional haze, and reasonable progress toward achieving our national goal.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I think this is a fine amendment. As a matter of fact I would like to be added as a cosponsor, if that will be all right with the sponsors of the bill. I think it has been eloquently explained by the Senator from Washington and the Senator from Nevada.

I must say the pricetag seems a little steep. I am not sure how they arrived at the particular figure of the $8 million for 5 years but I suppose these studies are expensive. But whatever, whether that is the right figure or it should be something less, I presume that the EPA can always contract it out for less than that to achieve the goals. But I think it is a fine objective they are seeking here. I am glad they brought up the amendment. But I would like to ask how did the Senator arrive at the figure?

Mr. REID. Mr. President, will the Senator yield?

Mr. CHAFEE. Yes, I would like to know the answer.

Mr. REED. This amendment, I say to Senator Chafee, has been in the process of being worked on now for weeks. The administration has been part of each negotiation and this was the best estimate we could all come up with. It may be a little bit less or a little bit more but this is the best we could come up with.

Mr. ADAMS. If the Senator will yield, this was the figure recommended by EPA with $5 million for the East and $3 million for the West and was an agreed-upon figure. We are happy to have the Senator join as a cosponsor and I ask unanimous consent that might be done, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I thank the Senator very much.

The PRESIDING OFFICER. The Chair recognizes Senator Baucus.

Mr. BAUCUS. Mr. President, this is a very constructive amendment offered by the proponents of the amendment which we have gone through long and intense negotiations with to arrive at this point. I compliment the Senator from Washington and the Senator from Nevada for the very hard work they have undertaken so we can now here today take up their amendment.

There were some other Senators here that had some questions about earlier versions of the amendment. Those other Senators and their staffs have worked very long and hard to try to work out those differences, and I commend the Senator from Washington and the Senator from Nevada as well as other Senators, particularly the Senator from Wyoming, Senator Simpson, who has worked very diligently on this amendment.

It will help—that is, the study that is authorized by this amendment as well as the commission to be set up which would include Governors and administrators of the areas in question—the commission along with the study will very much help EPA adopt regulations to help assure that the State implementation plans in fact take visibility into due consideration.

Visibility is a problem in the West. There are many people who believe that there may be smog in some Eastern States, Eastern cities, and the air may be a little bit less pristine than the Southern cities in the country, but the West is pure, clean air. We in the West do have relatively clean air but there also are parts of the West where there is haze, where visibility is a problem. It is very important that, not only for the West generally but for all American visitors who visit our national parks, who visit our National Forest Service land, that the air is as clean as possible and the visibility is much less of a problem then otherwise might be.

So this is a very constructive effort here. I commend the Senators and thank them for offering this amendment.

Mr. President, I am unaware of any other Senator who wishes to speak on this amendment. I think we are ready for a vote.

Mr. ADAMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator SIMPSON and Senator DOMENICI be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, the pending amendment has a minor technical omission which, for drafting purposes, must be cleared up. I have checked with both sides. There seems to be no problem with it. I ask unanimous consent that the technical correction be added to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1354), as modified, is as follows:

On page 127 after line 2 insert the following:

Visibility

Section 169(A) of the act is amended by adding the following new section.

"SEC. 169(B).

Studies

(a)(1) The Administrator, in conjunction with the National Park Service and other appropriate federal agencies, shall conduct research to identify and evaluate sources and source regions of both visibility impairment and regions that provide predominantly clean air in class I areas. A total of $8 million per year for 5 years is authorized to be appropriated for the Environmental Protection Agency and the other federal agencies to conduct this research. The research shall include—

(A) expansion of current visibility related monitoring in class I areas;

(B) assessment of current sources of visibility impairing pollution and clean air corridors;

(C) adaptation of regional air quality models for the assessment of visibility;

(D) studies of atmospheric chemistry and physics of visibility.

(2) Based on the findings available from the research required in subsection (a)(1) of this section as well as other available scientific and technical data, studies, and other available information pertaining to visibility source-receptor relationships, the Administrator shall conduct an assessment and evaluation that identifies, to the extent possible, sources and source regions of visibility impairment including natural sources as well as source regions of clear air for class I areas. The Administrator shall produce interim findings from this study within 3 years of enactment.

Impacts of Other Provisions

(b) Within 24 months of enactment, the Administrator shall conduct an assessment of the progress and improvements in visibility in class I areas that are likely to result from the implementation of the provisions of the Clean Air Act Amendments of 1990 other than the provisions of this section. Every five years thereafter the Administrator shall conduct an assessment of actual progress and improvement in visibility in class I areas. The Administrator shall prepare a written report on each assessment and transmit copies of these reports to the appropriate committees of Congress.

Establishment of Visibility Transport Regions and Commissions

(c)(1) AUTHORITY TO ESTABLISH VISIBILITY TRANSPORT REGIONS.—Whenever, upon the Administrator's motion or by petition from the Governors of at least two affected states, the Administrator has reason to believe that the current or projected interstate transport of air pollutants from one or more States contributes significantly to visibility impairment in class I areas located in the affected States, the Administrator may establish a transport region for such pollutants that includes such States. The Administrator, upon the Administrator's own motion or upon petition from the Governor of any affected State, or upon the recommendation of a transport commission establishes under subsection (b) of this section may—

(A) add any State or portion of a State to a visibility transport region when the Administrator determines that the interstate transport of air pollutants from such State significantly contributes to visibility impairment in a class I area located within the transport region, or

(B) remove any State or portion of a State from the region whenever the Administrator has reason to believe that the control of emissions in that State or portion of the State pursuant to this section will not significantly contribute to the protection or enhancement of visibility in any class I area in the region.

(2) VISIBILITY TRANSPORT COMMISSIONS.—Whenever the Administrator establishes a transport region under subsection (c)(1) of this section, the Administrator shall establish a transport commission comprised of (as a minimum) each of the following members:

(A) The Governor of each State in the Visibility Transport Region, or the Governor's designee.

(B) The Administrator or the Administrator's designee; and

(C) A representative of each Federal agency charged with the direct management of each Class I area or areas within the Visibility Transport Region.

(3) All representatives of the federal government shall be ex officio members.

(4) The visibility transport commissions shall be exempt from the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix 2, section 1).

(5) Section 113(a)(b) and 113(a)(2) are revised to add "or of implementing section 169(B)" after "air pollution)".

Duties of Visibility Transport Commissions

(d) A Visibility Transport Commission:

(1) shall assess the scientific and technical data, studies, and other currently available information, including studies conducted pursuant to subsection (a)(1), pertaining to adverse impacts on visibility from potential or projected growth in emissions from sources located in the Visibility Transport Region; and

(2) shall, within four years of establishment, issue a report to the Administrator recommending what measures, if any, should be taken under the Clean Air Act to remedy such adverse impacts. The report required by this subsection shall address at least the following measures:

(A) the establishment of clean air corridors, in which additional restrictions on increases in emissions may be appropriate to protect visibility in affected class I areas;

(B) the imposition of the requirements of Part D of this title affecting the construction of new major stationary sources or major modifications to existing sources in such clean air corridors, specifically including the alternative siting analysis provisions of section 172(b)(11)(A) of this title; and

(C) the promulgation of regulations under section 169A of this title to address long range strategies for addressing regional haze which impairs visibility in affected class I areas.

Duties of the Administrator

(e)(1) The Administrator shall, taking into account the studies pursuant to subsection (a)(1) and the reports pursuant to subsection (d)(2) and any other relevant information, within eighteen months of receipt of the report referred to in subsection (d)(2) of this section, carry out the Administrator's regulatory responsibilities under section 169A, including criteria for measuring "reasonable progress" toward the national goal.

(2) Any regulations promulgated under section 169A of this title pursuant to this subsection shall require affected States to revise within 12 months their implementation plans under section 110 of this title to contain such emission limits, schedules of compliance, and other measures as may be necessary to carry out regulations promulgated pursuant to this subsection.

Grand Canyon Visibility Transport Commission

(f) The Administrator pursuant to subsection (c)(1) shall, within 12 months, establishing a visibility transport commission for the region affecting the visibility of the Grand Canyon National Park.

(e) NOTICE TO FEDERAL LAND MANAGERS.—Section 165(d)(2)(A) of the Clean Air Act is amended to read as follows:

"(2)(A) Upon transmitting a copy of a permit application and notice under paragraph (1) to the Administrator, the State shall also provide a copy of such permit application to any Federal land manager and any Federal official charged with direct responsibility for management of any lands within a class I area, or an area described in paragraph (1) or (2) of section 164(a), which may be affected by emissions from the proposed facility. The Administrator shall require applications submitted under paragraph (1) to contain sufficient information to enable the appropriate Federal land manager of such Federal lands to determine the potential effects of such facility on the air quality related values (including visibility) of such Federal lands.

(h) IDENTIFICATION OF POTENTIAL ADVERSE IMPACTS.—Section 165(d)(2)(b) of the Clean Air Act is amended—after the words "affirmative responsibilities to" add the words "identify and".

Mr. WIRTH. Mr. President, as I have traveled around this country in recent years, I have come to appreciate more than ever an extraordinary

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resource that we enjoy in the American West—our largely pollution-free skies and nearly limitless visibility.

The grandeur of the American West lies partly in the shimmering snow-capped peaks of the central Rockies, and the vast panoramas of the canyon country throughout the Colorado plateau. But it is also the result of our ability to experience these natural wonders.

Without clean air and the ability to see nearly to the limits of the Earth's horizon, we would not be able to experience the full breath-taking scope of the Grand Canyon from the South Rim, or Colorado's mountain scenery.

In the Colorado plateau region of the West, average visibility exceeds 130 miles during the summer. This compares with average visibility in the East of only 10 miles. Visibility in the West is as good as any in the world. This is a resource that draws millions of visitors from around the world each year to see and experience the natural wonders of the American West.

This is a tremendous resource, both environmentally and economically. But, Mr. President, the National Park Service's research on visibility protection for national parks and wilderness demonstrates that visibility in the American West is an endangered resource.

We know from visibility records that visibility 45 years ago in the eastern United States averaged 50 miles. Now it is only 10. This deterioration in visibility is no longer a mystery. Park Service research shows us now that visibility degradation in the East is caused primarily by sulfates—the same pollutant that causes acid rain.

The increase in sulfate pollution in the East has followed from the large increase in sulfur emissions that has accompanied the installation of coal-burning plants since World War II. Most of what is seen as visible haze in the East today is not natural. It is sulfates in the air.

We can see the early warning signals of the same phenomenon occurring in the West. The National Park Service has been conducting visibility research and monitoring in Western parks for more than 12 years. They have dramatically demonstrated how manmade pollution contributes to visibility impairment in the Grand Canyon.

I have another example closer to home, Mr. President. Last Sunday, the Denver Post reported that the Mt. Zirkel wilderness area, high in Colorado's Park Mountains, suffers from the worst sulfate pollution levels in the Rockies. In fact, the Mt. Zirkel wilderness area receives 20 percent more sulfate pollution than does Rocky Mountain National Park, which is a wintertime victim to metro Denver's brown cloud.

The Denver Post explained that government scientists have long suspected that the Hayden powerplant was contaminating the wilderness area. On some days, forest rangers said, haze obscures the spectacular peaks and meadows of the wilderness area.

Mr. President, this pollution problem is what EPA calls regional haze. And while the Rocky Mountain West has made some real progress in reducing sulphate pollution—primarily from the cleanup of copper smelters—pollution levels are expected to begin increasing again. And increasing pollution means decreasing visibility.

A 1985 EPA study showed that visibility in the region is expected to decline by 10 percent between 1980 and 1995.

The National Park Service has also looked at future pollution trends in the West. Their research projects that bad pollution days in the Grand Canyon will increase from only 9 days per summer to about 30 days per summer by 2010 if expected increases in sulfate pollution occur. At the same time, the clean days depicted, are expected to nearly vanish.

Despite these findings, EPA has refused to move forward with the adoption of regional haze regulations under the 1977 visibility protection amendments. EPA defeated a citizen suit brought to require the adoption of regulations needed to control regional haze. As a result, the EPA has effectively repealed the protections we thought had been enacted in 1977.

Mr. President, 2 weeks ago the administration conceded, in testimony before a House subcommittee, that it does not intend to implement a regional haze program for at least another 10 years. Another 10 years.

But at the same hearing, Mr. President, the National Park Service and the U.S. Forest Service witnesses testified that it is time for EPA to act. The problem is going to get worse and the technical tools are available today to remedy this threat to our wilderness areas and national parks.

And EPA admitted that visibility in Western parks could be degraded by as much as 23 percent, even after the acid rain provisions in the bill now before us, have been implemented—because the acid rain reductions will occur primarily in the East and Midwest.

To protect our national parks and wilderness areas, EPA needs to get on with the task of identifying the sources of regional haze, and then developing as strategy to reduce this blight in our parks and wilderness areas. This amendment tells EPA to do that. I hope they hear the message of our amendment and move forward quickly to stop pollution of our parks and wilderness areas before the problem gets any more serious.

In closing, Mr. President, I want to emphasize the importance of this issue to the West. This is not just an environmental issue. This is an economic issue vital to the health of the economy of Colorado and other Western States. Today, tourism and outdoor recreation is the second largest sector of Colorado's economy. It has increased in this decade to the point where it exceeds mining and agriculture as a source of income for the people of my State. This is a bread-and-butter issue, Mr. President.

President Bush last summer expressed the importance of environmental protection as an essential element in developing a healthy economy. There is no better example than visibility protection in our parks and wilderness where environmental protection and economic growth go hand-in-hand. In this case, as in most cases, we can have environmental protection and economic growth, but in this case we must have effective protection of our world class resource to continue to promote the growth of our recreation-based industry.

I urge my colleagues to support the protection of our parks and wilderness. Let me remind you that last summer the President chose the Grand Teton National Park as the place to announce his Clean Air Act amendments. This was no accident. The whole world understands the importance of clean air in our national parks. The President promised his commitment to protect clean air in the parks. We can do no less.

This amendment is an important step toward assuring that we achieve that result.

I would have liked to do more. I would have liked to set up a far more aggressive program to clean up the air in our parks, and I hope that the Congress will return to this subject, and do that.

For now, Mr. President, this amendment represents a compromise which is a first step in this direction.

Mr. President, there is one thing I would like to make especially clear about this amendment. That is that it is in no way intended to in any way diminish or alter the duties the administrator of the EPA already has under part C of title I of the Clean Air Act to protect visibility in class I areas such as our national parks and wilderness areas.

Instead, this compromise amendment attempts to provide a series of new tools for the administrator and Federal land managers to work together with Governors of affected States and others to achieve the goals set by section 169A(a).

It is my belief that EPA needs to do more using its current authorities, and that the efforts it has made to control regional haze and visibility impairment have not met the intent of existing law, which is quite clear—to make reasonable progress toward the nation-

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al goal of prevention of any future, and remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.

In other words, Mr. President, the amendment before us is intended to provide additional ways to reach an important goal set out in existing law; but it in no way removes the obligation of the administrator and other Federal officials to do their utmost to meet that same goal by every other means at their disposal under the law.

Mr. SANFORD. Mr. President, I rise today in support of Senator Adams' amendment to S. 1630 of which I am a cosponsor. This amendment will protect and improve the visibility in our country's national parks and wilderness areas.

Mr. President, this amendment does not breach a new subject. The amendment merely directs the EPA to carry out the visibility protection goals and regulations that were previously adopted in this Congress in the 1977 Clean Air Act. The goals in 1977 were to protect the beauty and the ability to view the beauty of our Nation's most precious and nationally recognized parks and wilderness areas.

It is 13 years later and not only have these goals not been met but the situation has worsened in many areas. In my home State of North Carolina, the visibility in the Great Smoky Mountains National Park has declined from nearly 50 miles to less than 10 miles.

Mr. President, North Carolina has been blessed with an abundance of natural wonders; from the Great Smoky Mountains, the crown jewel of the Smoky Mountains, to the Cape Hatteras area and barrier islands. As my colleagues know, I have fought long and hard to preserve the beauty of these areas, for not only ourselves and our children, but also for our children's children.

To ensure progress in the fight to preserve our national parks and wilderness areas this amendment is essential. We have waited too long for visibility protection for our parks. While we waited, the visibility problem in North Carolina, as I am sure in every other State, has steadily worsened.

In addition, the beauty of our national parks and wilderness areas brings in revenue to the communities near those parks and areas. By not passing this amendment, we will be the cause of a negative economic impact on the communities that depend on the parks for their well-being.

Mr. President, Senator Adams' amendment will allow us to finally reach the goals of the 1977 Clean Air Act in regard to visibility. We have fought too long and too hard in the preservation of our Nation's natural treasures to allow the visibility problem in these areas to go unfixed. I call upon my colleagues to approve of this amendment in order to carry out the national commitment to protect our parks and wilderness for ourselves and future generations.

Mr. McCLURE. Mr. President, I rise in opposition to this amendment. It is, I believe, unnecessary, but is a vast improvement over earlier versions. As I understand it, the thrust of the amendment is to provide funding for additional research and studies on visibility problems within class I areas, as currently defined in existing law. The amendment is also designed to give added encouragement to the EPA to exercise its current regulatory authority under section 169A of the Clean Air Act. The amendment makes only minor substantive amendments with respect to the information requirement in section 169A.

It is important to note what the amendment does not do. First, it does not establish any requirement for EPA to issue regulations under 169A. If the Administrator does decide to issue regulations, then they must include certain provisions, but again, the decision to issue regulations is discretionary.

Second, the amendment does not authorize or envision, the establishment of visibility standards or integral vista outside the class I areas. Existing law remains unchanged on this point.

Because I believe this amendment does little to change existing law and its thrust could be accomplished by other less expensive means, I urge opposition to the amendment.

Mr. GARN. Mr. President, I would like to add my views to those already given by several Senators on the floor of the Senate here this afternoon. It has been purported that this amendment is a strong step toward achieving the original intent of the 1977 amendments to the Clean Air Act visibility standards. I mostly agree with those statements, but believe some explanation is required to place the issue in its proper context.

The original Adams amendment as proposed a few weeks ago would have wreaked havoc on my State of Utah. It would have established 200-mile buffer zones around existing and future national parks and wilderness areas, effectively eliminating any future industrial development—large scale or small—in the State. The National Park Service and the Environmental Protection Agency tried a similar gambit during the waning days of the Carter administration in 1980.

Thankfully, President Reagan and two Utah Governors stopped the Carter visibility standards and saved Utah from being locked-out of legitimate industrial development opportunities. I spoke out then against this interpretation of the visibility standards just as I am speaking out today. Specifically I am speaking out against the creation of so-called integral vistas in Utah's high altitude national parks. Geographically, these vistas would preclude any industrial development in over one-third the land area of Utah. I must emphasize that unelected Federal bureaucrats, the Federal land managers, identified these vistas only in national parks. Thank heavens there was no mention of including wilderness areas at that time. As I have said, this would create economic chaos in my State.

So, for the record let me say the original draft of the Adams amendment would have substantially codified the ill-conceived Carter administration interpretations. Fortunately, both Senator Adams, Senator Reid, and their staffs have been very reasonable over the past couple of weeks in addressing my concerns and the concerns of several other Senators on the issue of visibility protection in the Clean Air Act.

I should point out that our staffs spent over 7 hours today in the majority leader's office negotiating a much more reasoned approach to visibility protection. As has been said, our national parks are treasures set aside for permanent protection. No one is more proud of Arches, Canyonlands, Capitol Reef, Bryce Canyon, and Zion National Park than I am. These five parks are Utah's crown jewels along with the Glen Canyon National Recreation Area. I want to keep them in a pristine condition for selfish reasons. I want my children, my grandchildren, and all of their decedents to be able to enjoy our parks and to enjoy quality visibility while they visit the national parks in my State. I also want the Grand Canyon in neighboring Arizona to be clear, and Mr. President, I believe it will be.

This amendment, rather than doing mischief to legitimate growth and development opportunities will hopefully provide the Administrator of the Environmental Protection Agency and other appropriate Federal agencies with the tools to assess in a scientific way, the effects of regional haze on our national parks. States will now play a significant role in establishing visibility transport commissions in regions around the country. The studies these commissions conduct will provide the EPA with valuable recommendations on how to deal with regional haze problems in the Eastern United States as well as in the West. The EPA administrator then can attack the source of the problem, the cause, and not simply take actions—like imposing integral vistas—which prevent legitimate future growth.

With strong requirements imposed on the automobile industry and the electric utility industry already in the bill, the EPA Administrator can now assess how cleaning up pollution problems associated with those industries effect visibility. That is the point I wish to make. The Administrator does not have to impose integral vistas as his only course of action, in fact this measure we have just adopted, should place such integral vistas in their anachronistic coffins once and for all.

I am pleased to say that the State of Utah was way out in front on its recommendations that we attack the source of the regional haze problem back in 1985. As a result of today's negotiations, States can now deal with the real source of the problem based on good science. It was for those reasons, I could support the amendment and vote for it. Thank you, Mr. President.

Mr. ADAMS. Mr. President, I wish to particularly thank Senator BAUCUS and Senator CHAFEE for their courtesy. They have been most patient as we have worked this out. I thank the members of the staff and some of the others who worked long on it. I hope that we can vote on this now. If the managers are ready, we are certainly ready to vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 1354, as modified.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 92, nays 7, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—92

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Byrd
Chafee
Coats
Cochran
Cohen
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
Matsunaga
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Thurmond
Warner
Wilson
Wirth

NAYS—7

Burns
Conrad
Helms
Kassebaum
McClure
Symms
Wallop

NOT VOTING—1

Stevens

So the amendment (No. 1354) as modified, was agreed to.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BREAUX. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE ABILITY OF STATES TO REGULATE FUELS AND FUEL ADDITIVES TO MEET AIR QUALITY STANDARDS

Mr. KASTEN. Mr. President, the State of Wisconsin is concerned that the compromise would impede the State's right to regulate the emission of volatile components of motor fuels. My State is particularly concerned that without the ability to regulate all motor fuels they could have difficulty complying with some of the attainment standards contained in this bill.

However, I understand that in fact the "compromise" retains the provisions in current law that allow a State to regulate any fuels as a component of the State Implementation Plan, SIP. I would like to ask the distinguished managers of the bill if that is correct?

Mr. CHAFEE. That is correct. Section 211(c)(4)(C) of the Clean Air Act allows States to control motor fuels to control emissions as part of the SIP. Therefore, the Senator's State of Wisconsin would continue to be able to control this type of emissions through the SIP.

Mr. KOHL. I want to be very clear. Current law allows a "state to prescribe and enforce * * * a control * * * respecting the use of a fuel or fuel additive" for automobiles. If a State needs to adopt an RVP standard that is more rigorous than the Federal requirement for fuel additives or fuels they have that authority under current law. That authority is maintained in the legislation we are now considering. Is my understanding correct?

Mr. BAUCUS. The Senators from Wisconsin are both correct. Wisconsin will be able to regulate fuels and fuel additives under the SIP. The Administrator of the Environmental Protection Agency shall allow this State action if he or she finds the State control is necessary to meet national primary or secondary air quality standards.

Mr. KASTEN. I thank the managers.

Mr. KOHL. I thank the managers for clarifying this issue of such importance to Wisconsin.

Mr. MITCHELL. Mr. President, may I have the attention of Senators? The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. MITCHELL. Mr. President, we now have reached the situation where we have completed several major amendments and there are a number of others pending. I am asking all Senators who have reserved amendments to be prepared to offer them this evening. We are making substantial progress.

Everyone has had plenty of opportunity to review the bill and to consider what amendments they want to offer. It simply inconveniences all the other Members of the Senate for Senators to say they want to offer amendments, insist on having amendments reserved, but then be unwilling to come to the Senate Chamber and offer them.

It simply means more days in which we do not use our time to maximum efficiency, and longer in the evenings.

I see the distinguished Senator from North Carolina present. Do I understand the Senator is going to offer an amendment?

Mr. HELMS. Yes.

Mr. MITCHELL. That is fine. Before he does so, I would like to make a unanimous-consent request. Again, we have this long list that is included in the unanimous-consent agreement.

I have asked both Cloakrooms to check with their respective Senators, and the response we got back on the Democratic side was very few were withdrawn but even fewer Senators are ready to come forward and offer their amendments. There just comes a point in time when we have to proceed to complete action on the bill. And so I again urge and implore all Senators, we are just going to stay here until we finish it. If Senators like to stay around until midnight, 1 o'clock wasting time, that is, of course, their privilege.

Mr. ARMSTRONG. Will the Senator yield?

Mr. MITCHELL. Yes.

Mr. ARMSTRONG. I am one of the Senators who has some reserved amendments, but so far as I know there has not been any delay, and I believe as soon as he can gain the floor, the Senator from North Carolina is going to offer an amendment, of which I am a cosponsor. But the Senator, the distinguished leader, makes the point that the result of any delay, if a delay should occur—I am not aware there has been a delay. As far as I know, there has been active debate on amendments all through this day and other days. But the leader makes the point if there were such a delay, it would result in our staying late.

For my own part, I have no objection to staying late. I am not eager to do so. But as one Senator, I do object when we stay late and then we create what are known as windows. If we are going to have a window that starts at 5 or 6 o'clock in the afternoon and extends until 8, 9, 10 o'clock at night, I would rather have the window go on until the next morning. It does seem to me that to the extent we can avoid creating windows, it would serve us better in advancing the cause of the bill and convenience of Senators. I am not aware if there is any window contemplated tonight. I hope there is not. Generically, I wanted to offer that comment.

Mr. MITCHELL. I found in my limited experience that Senators are opposed to windows unless they themselves request them.

May I ask the Senator from Colorado—he is listed for five clean air amendments—is he able to identify those amendments and whether he intends to offer them and when he intends to offer them?

Mr. ARMSTRONG. If the leader will yield, I am not prepared to do so at this point, but I will shortly. We are running our trap lines now. My hope is we will not need all five amendments, and my desire is to move quickly on anything I have to offer.

Mr. MITCHELL. When the Senator says soon and very quickly, is the Senator talking about today?

Mr. ARMSTRONG. Not necessarily, Mr. President. But I want to point out that it took 10 years of activity to get us to this point, and if it may take me as much as 10 days, which would be another day or two, to run my trap lines in Colorado, that would not be excessive, in my opinion. It may even be, may I say to the Senator, that I will not offer the amendments. I hope that is the case. But there are some issues that I may need to raise and interests that I need to protect.

Mr. MITCHELL. I thank the Senator. I merely repeat that I would like to proceed. There have been substantial gaps during the day today in which no amendments were offered and matters were not debated. To the extent that occurs during the day, it means we stay later in the evening. I am just trying to accommodate the interests of most Senators.

I wonder if the Senator from North Carolina would perimit the distinguished Senator from New Mexico to address the Senate just briefly on the previous amendment which is relevant to this concern.

Mr. HELMS. By all means.

Mr. MITCHELL. And then the Senator is welcome to offer his amendment.

Mr. DOMENICI. Mr. President, I thank the distinguished majority leader for helping me get the floor and yet keeping the order and movement of this bill.

I will not take but a few moments. Basically, before we are finished with this bill, I will address a couple other issues in which I am interested and on which I worked very hard to get this bill where it is today. But now I want to take a few minutes to thank the distinguished Senator from Washington who offered the visibility amendment that we just adopted. I note he is on the floor, and I am delighted he is.

I might first say to the distinguished Senator, I was pleased to be a party to that amendment, to cosponsor it, and work with the Senator on it.

Mr. ADAMS. Will the Senator yield?

Mr. DOMENICI. I will be pleased to yield.

Mr. ADAMS. I express my gratitude and appreciation to the Senator and particularly to the staff of the Senator for the hours and hours of work that they spent in seeing to it that this amendment was properly drafted. I know of the great interest the Senator has in it and the great impact it has upon his State. I express the gratitude of myself and other Members of the Senate for the Senator's assistance in the adoption of this amendment. It is appreciated.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, the Senator from New Mexico was involved in the 1977 Clean Air Act. I was on the committee that produced it. I take a great deal of pride in two portions of the bill, one of which is the subject matter of the visibility amendment. The other is the very diligent efforts to protect national monuments and the like from brandnew facilities that would have imposed upon them. That is another section of the law, and I think it has worked rather well, the so-called no-significant-deterioration portion of the 1977 act. That is not really a visibility issue in the sense of the amendment that we just adopted and that I am discussing, but essentially that portion called no significant deterioration has worked. What it really did was to establish a number of areas in the country, large in size, that deserved to have pristine air, as pristine as we could maintain, and it set in motion a permitting system that essentially said, if you are going to build a major source close by, let us look at it very carefully and do not locate it too close. Apparently, that has been working.

The visibility issue is another issue. Frankly, in many parts of the United States, I assume mostly in the West, we have some real majestic sites where people of the United States and the world go to see some of the real jewels of nature. If we do not have visibility protected, then much of the majesty is lost. So what we have been trying to do is, in a reasonable and credible way, begin to regulate such that we will minimize the adverse visibility effects of various ambient pollutants.

We have not been too successful, and the amendment we just adopted will eliminate one of the major problems. One of the major problems is that we have not had either the authority or the resources or the appropriate mix of people to do the studying so that we come up with the kind of conclusions and evidence required to try to get at the visibility issue.

The commission that was established in the amendment that just adopted will do that. The various regional commissions and the authority and the resources to do the studies in the best way possible with current technology and current science is, indeed, exactly what we have to do. There may be some areas we have to regulate in advance of this commission work with reference to visibility, but essentially we have done that.

The next thing we have done in this amendment is add the right players, so to speak, because we have added the States and their respective representatives, Governors, and the like. We have added informed citizens, the EPA, and others to the regional commissions that will be in charge of determining the kinds of studies which should take place to determine, once and for all, in an orderly manner over the next few years what is the visibility issue. Do we have sufficient information about the adverse effects on visibility and, if so, do we know enough about from whence they come?

That is what we hope will come about over the next few years, so that we will not have consistently and constantly before those of us who are concerned an argument that there is not sufficient information or knowledge about the adverse effects on visibility and what is causing it.

So I rise tonight to say to the distinguished Senator from Washington, the principal sponsor of this amendment, I congratulate him and all of those who participated. It is a good amendment. It is not as rigid as some would like. It does not get things done as rapidly as some would like. I think it will stand the test of time. I think it will stand the test of those who want to contest the costs that are going to be incurred by people of the United States or regions in an effort to control the visibility issue.

I am fully aware that it is complicated. We have both clean and haze. That is a very broad, broad range, and dust can come from miles and miles away.

Having said that, let me once again say that I hope when we go to conference we keep this. It will put a giant tool in the hands of those who want to affect this in a positive way. It will end up with objective evaluations, and I do not believe it is going to be too costly when you consider what it will cost, if we do not do it and do it right, and let this visibility issue which has been presented in an admirable manner on the floor further deteriorate over the years, such that none of us will be proud.

Thank you very much. I yield the floor.

Mr. HELMS. Mr. President, I ask unanimous consent that I might yield to my friend for the time he requires without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I thank my friend.

Mr. President, I would like to associate myself with the remarks of my colleague from New Mexico concerning the amendment that was just agreed to.

Mr. President, I represent a State that has one of the great natural beauties of the world, and that is the Grand Canyon. As most of us know, there has been considerable controversy over reduced visibility in the Grand Canyon. I believe that there are short-term answers to this problem which are being addressed through studies, through the National Academy of Sciences, and other ways that show that not only Arizonans, but all Americans, are concerned about the visibility of this great crown jewel of America's park system.

At the same time I believe the commission which will be appointed as a result of the amendment of the Senator from Washington will cure the long-term problems as far as visibility in the Grand Canyon and other parks throughout the Nation.

Mr. President, these things are bound to cost money. They are bound to be of some financial cost to all of us. But how can you compare the cost of a commission and their studies and the results of those commissions to be implemented with the preservation of the greatest natural treasure that makes America and my State unique throughout the entire world?

It is not an accident that 6 million foreign nationals visited the Grand Canyon last year. It is because the Grand Canyon's notoriety has spread throughout the world. Mr. President, if they came and viewed this canyon or any other national park which is close to sources of emission and saw that they were clouded with smog or visibility, I think all of us as Americans would be embarrassed. But more important than that, our job is not only to protect our National Park System and its great natural beauty for present generations, but for future generations.

I believe that the amendment that we just agreed to so overwhelmingly will take the giant step forward in that obligation that we as Americans have to preserve the great natural beauties of American for future generations.

I thank my colleague from Washington. I think he is to be congratulated for his innovative proposal which I think will be a very valuable part of this legislation.

Mr. HELMS. Mr. President, with the understanding that I do not lose the floor, I ask unanimous consent that I may yield to my friend, Senator CHAFEE, for such time as he may require.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, the only reason that I wish to speak at this time is to commend the remarks of the distinguished Senator from Arizona who has long been active in the affairs dealing with the Grand Canyon National Park. He has called the attention of those of us on the floor here in the Senate to the glories of that park many, many times. He has enticed us all to go out in that direction and visit the park.

I want to commend him for his remarks and his continued interest in that great national treasure.

I thank the Chair. I thank the Senator from North Carolina.

Mr. HELMS. The Senator is quite welcome.

Mr. President, I ask unanimous consent to set aside temporarily the pending Byrd amendment in order that I may offer an amendment which I am able to offer under the unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I advise the Chair that before I offer the amendment, let me pay my respects to several Senators who are cosponsors of the amendment I shall offer. Senator D'AMATO, for example, originally intended to offer an amendment similar to the one I am about to offer. I think Senator PRESSLER and Senator MURKOWSKI were intending to join with him, but having read the text of the amendment that I shall shortly offer, they graciously agreed to cosponsor the amendment that I shall offer. The cosponsors of the amendment, in addition to Senator D'AMATO, are Senator PRESSLER, Senator MURKOWSKI, Senator ARMSTRONG, Senator KASTEN, Senator MACK, and Senator HUMPHREY.

AMENDMENT NO. 1355 TO AMENDMENT NO. 1293

Mr. HELMS. Mr. President, as I indicated, I shall shortly offer an amendment which will support the democratically elected leaders of the Republic of Lithuania, who redeclared Lithuania's independence from the Soviet Union on March 11. Without a doubt the Lithuanian parliament's declaration of the continuance of Lithuania's independence directly reflects the desires of the people of Lithuania for freedom and national self-determination.

However, despite this declaration, the independent Republic of Lithuania remains militarily occupied, and I think that is a disgrace. All democratic nations should immediately stand behind the newly elected president of the Republic of Lithuania, Vytautas Landsbergis, the new president, and the parliament as they take courageous steps to regain full control over their sovereign territory in the face of the omnipresent Soviet military force.

Mr. President, since the redeclaration of independence, the Lithuanians have experienced economic sanctions and military intimidation. Yet, the Lithuanian Government refuses to bow to such pressure, and God bless them for taking that position. With the support of the Lithuanian people their government now stands completely behind the reemergence of the independent Lithuanian state.

Yet, as the Lithuanians courageously move to return to the West as a pluralistic democracy, and ask for recognition of their government, they are being constantly rebuffed. Instead of being welcomed with open arms, and shouts of joy from the United States, they are greeted with hesitant words and mixed feelings. The Lithuanian people are asked to wait and to negotiate when what they really deserve, Mr. President, is immediate applause and recognition.

Let us look at a little history. For almost 50 years, the Soviet Union has militarily occupied the independent and democratic Lithuanian state. On June 15th, 1940, Stalin ordered the Red army to invade Lithuania in complete disregard for peace treaties signed between the independent Lithuanian state and the Soviet Union of Lenin in 1920.

Immediately following the Soviet Union's premeditated act of invasion, President Franklin D. Roosevelt adopted the policy of nonrecognition of the forced seizure of territories.

It is worthy of note, continuing the historical record, that every President since Franklin Roosevelt, including President Bush, has refused to recognize the Soviet claims to the independent states of Lithuania, Latvia, and Estonia. In addition, the United States has maintained diplomatic relations with the charge d'affaires at the legation of Lithuania, which has consistently and effectively represented Soviet-occupied Lithuania through the painful 50-year period of military occupation.

During the past month, Mr. President, the people of Lithuania have exhibited great courage as they have moved peacefully, step-by-step, to regain their independence. On February 24, the Lithuanian people elected representatives in the first free and democratic election in Lithuania since the Communist takeover.

Given the choice of candidates from the opposition group and other political parties, the Lithuanian people overwhelmingly chose candidates who supported independence from Moscow, the removal of Soviet troops and military installations, and the creation of free market economy. Candidates fol-

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lowing the Communist Party of Moscow were unable to convince the people of Lithuania that their country will be better off within the Soviet Union. The Lithuanian people made that choice, and they made it in a flat-out clear way. The people of Lithuania indeed proved to the free world in a democratic process that communism has absolutely no future in Lithuania.

The new parliament, now controlled by the former opposition, met on March 11 and proclaimed—and get this, Mr. President—the "restoration of the exercise of sovereign powers of the Lithuanian State, which were suspended by an illegal occupation in 1940," and further declare that "Lithuania is once again an independent State."

Clearly, Lithuania has exercised its internationally recognized right of self-determination by declaring independence from the Soviet Union. Lithuanians have waited patiently since World War II for the day that justice would get around to triumphing over oppression. The Lithuanian move was hardly brash, hardly unnecessary, and certainly not unexpected. It was simple in the eyes of everybody who beheld it. It was the natural outcome of man's desire for freedom.

Mr. President, the popularly supported parliament immediately elected Vytautas Landsbergis, a non-Communist leader of the Sajudis opposition group, as President of the Republic of Lithuania. Together Mr. Landsbergis and the parliament have maintained law and order and human rights in the sovereign territory of Lithuania, despite the presence of hundreds of thousands of Soviet Red Army troops in that country.

The Lithuanian Government has set the removal of hundreds of thousands of Soviet troops and installations, the return of Lithuanian conscripts of the Red Army to Lithuania, and the removal of the KGB security apparatus; all of these things are a top priority. The Lithuanian Government is working to regain control over the borders and plans to issue passports and visas, to print a national currency, and very important, to privatize industry as soon as possible.

The Lithuanians have exhibited a commendable willingness to pursue bilateral negotiations with the Soviet Union. The Republic of Lithuania is hardly unreasonable in its demand for sovereignty and international recognition of its independent government.

The Soviet Union, by all laws, should recognize the democratic government and let Lithuania go free. The independent Republic of Lithuania is not a threat to the Soviet Union and, therefore, should not be treated as an errant child. No, the Republic of Lithuania is an independent State, and any declaration made by President Gorbachev and the Soviet Congress of People's Deputies is ultra vires.

Immediately following the declaration of the continuance of the independent Lithuania, President Landsbergis and the parliament called upon the governments of democratic nations to recognize the laws and legislative acts of March 11 and to recognize the new government of Lithuania.

Let us look at the words of this appeal issued to the nations of the world. Let me quote:

> Having declared the continuation of the independence of the Lithuanian State and returned into the family of free nations of the world, the Supreme Council of the Republic of Lithuania is hoping for their brotherly solidarity and support.

They asked, and I quote: "The governments of the democratic nations—that includes us—to recognize," and I quote again: "the laws and legislative acts of March 11, 1990, and to recognize the new government of Lithuania." It is signed, "So help us God and all people of good will."

Mr. President, the United States of America is a nation of good will. Is the United States going to sit back now and allow the Soviet Union to recapture Lithuania once again? The Lithuanian people are struggling as we speak in this Chamber this moment against economic coercion and other tactics of intimidation. They are brave people, but they are frightened, as well. They are frightened that they may lose their democratic gains to military force by the Soviet Union. So the question is paramount: Is the United States going to tolerate another Tiananmen Square massacre, this time in Lithuania?

As a nation that has historically committed itself to freedom and democracy in all of Europe, which includes the culturally Western Baltic States, and to the policy of non-recognition of Soviet seizure of Lithuania, Latvia, and Estonia, the United States, in the judgment of this Senator, should be the very first Nation to embrace the new government of Lithuania. As a symbol of our support, the United States should congratulate the President of the Republic of Lithuania and recognize his government. Without hesitation, the President of the United States should, under his constitutional authority, send an ambassador to the Republic of Lithuania and invite the democratic government of the Republic of Lithuania to send an ambassador to the United States.

Mr. President, the time for Lithuania's independence is 50 years overdue. The time has come, this Senator believes, for Lithuania to stop having to endure the devastating effects of communism on their ancient and proud land and to enjoy once again the Western democracy and political pluralism that the Lithuanina people naturally prefer.

Mr. President, the people of Lithuania want recognition like the people of Poland, Hungary, and Czechoslovakia have wanted. They want recognition of the government they have elected to represent the people of that country. I might add that there are about 2 million Lithuanian Americans in this country who have greatly contributed to this free Nation.

Mr. President, I send an amendment to the desk and ask that it be stated. I reiterate that this amendment is cosponsored by Senators D'AMATO, ARMSTRONG, KASTEN, HUMPHREY, PRESSLER, MACK, and MURKOWSKI.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. D'AMATO, Mr. ARMSTRONG, Mr. KASTEN, Mr. HUMPHREY, Mr. PRESSLER, and Mr. MURKOWSKI proposes an amendment numbered 1355 to the amendment No. 1293.

Mr. HELMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of amendment 1293, add the following new section:

"SEC. . Relating to international cooperation with respect to the independent Republic of Lithuania.

The Senate finds that:

On February 16, 1918, the sovereign Lithuanian people declared their independence from foreign domination; and

On July 12, 1920, the Government of the Union of Soviet Socialist Republics recognized Lithuanian independence and renounced forever any claim over Lithuania or its territory; and

On June 15, 1940, the independent state of Lithuania was militarily occupied by the Soviet Union in violation of peace treaties signed by the Soviet Union and Lithuania in 1920; and

Immediately following the illegal annexation of Lithuania, Latvia and Estonia in 1940, President Franklin Delano Roosevelt refused to recognize the Soviet claim to the independent Baltic States and adopted the policy of nonrecognition of the forced seizure of territories; and

Each President through ten administrations of both political parties since the time of President Roosevelt, including President Bush, has refused to recognize the annexation of Lithuania, Latvia and Estonia by the Soviet Union; and

The United States has maintained diplomatic relations with the charge d'affairs at the Legation of Lithuania who has continued to represent Soviet-occupied Lithuania since 1940; and

On February 24, 1990, the people of Lithuania held free and fair democratic elections under the specter of the occupation Red army, in which candidates who supported independence from Moscow, the removal of Soviet troops and military installations and the creation of a free market economy succeeded overwhelmingly over the communist party loyal to Moscow; and

On March 11, 1990, the Lithuanian Parliament proclaimed "the restortion of the exercise of sovereign powers of the Lithuanian state, which were suspended by an illegal occupation in 1940," and declared that "Lithuania is once again an independent state."; and

Pursuant to the U.N Charter Lithuania has exercised its internationally recognized right of self-determination by declaring independence from the Soviet Union; and

The Lithuanian Parliament elected Vytautas Landsbergis, a non-Communist leader of the Sajudis opposition group, as President of the independent Republic of Lithuania and has formed a government which reflects the full aspirations of the Lithuanian people; and

The Republic of Lithuania is now in legal control of the Government and the territory of independent Lithuania; and

Hundreds of thousands of Soviet Red Army troops and all Soviet military institutions nevertheless illegally remain in the independent Republic of Lithuania, contrary to the wishes of the government of Lithuania; and

Soviet President Mikhail Gorbachev and the Congress of People's Deputies have called the Lithuania Parliament's declaration of independence illegitimate and invalid and maintain that Soviet law remains binding on the citizens of independent Lithuania; and

The declaration by President Gorbachev and the Soviet Congress of People's Deputies is ultra vires; and

President Vytautas Landsbergis has called upon "the governments of democratic nations" to recognize the "laws and legislative acts of March 11, 1990 and to recognize the new Government of Lithuania":

The Senate therefore—

(1) congratulates President Bush for responding to the declaration of independence by urging Moscow to begin negotiations with the Lithuanian leaders;

(2) urges the President to recognize immediately the current democratic Government of Lithuania headed by President Vytautas Landsbergis and to establish direct relations with such government, since it represents the democratic aspirations of the people of Lithuania;

(3) calls upon the President to send appropriately accredited diplomatic representation at the ambassadorial level to the independent Republic of Lithuania under his constitutional authority and to invite the Republic of Lithuania to name an ambassador to the United States; and

(4) urges the Soviet Union to desist from the threat of or use of military force, tactics of intimidation, or economic sanctions in order to suppress democracy in the independent Republic of Lithuania.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thought this was a clean air bill we have here. I am a little concerned over this amendment being attached to our clean air bill. We have, it seems to me, a lot of problems just with our bill alone as has been indicated by the fact we have been here on the floor for so long, I guess as long as any bill has been on the floor under active consideration since I have been here.

I understand the strong feelings of the distinguished Senator from North Carolina and his cosponsors. But I would be anxious to know just exactly what our President thinks of this amendment and what the State Department, which would reflect his views, thinks of the amendment.

I do note on page 2 that the Senator has included the provision as follows: "The Republic of Lithuania is now in legal control of the government and the territory of independent Lithuania."

I think that is the crux of the difficulty here. I am not sure that it is recognized or that our Government does say that the Republic of Lithuania is now in legal control of the government and the territory of independent Lithuania.

I will not suggest that I am an expert on Lithuania. But I do know that our President is moving with considerable caution through this thicket, and it is a time that seems to be fraught with problems, difficulties and challenges for all involved.

I notice that the President when asked about this particular situation responds in a very gentle manner, without making strong claims one way or the other. I think the President is very conscious of the role of Mr. Gorbachev in connection with all these problems. So the President has his own reasons for treading softly, you might say, in connection with matters dealing with Lithuania.

Therefore, I am relucant to proceed at this time on this measure without further understanding the view of the White House and especially the President and perhaps we can receive those view very shortly. But pending that, unless other Senators wish to speak, I would suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Rhode Island makes an excellent point. We do not know the view of the administration on this amendment. It would be appropriate that we have those view before we proceed further.

In addition, I have informed the chairman of the Foreign Relations Committee, Senator PELL, of the amendment and I am advised that he is coming to the floor so we will have the views of the Foreign Relations Committee on this amendment as well.

Pending the arrival of either the bearer of good views or the nature of the administration position itself, I think it is probably appropriate that we suggest the absence of a quorum, and I do so.

Mr. HELMS. Will the Senator withhold?

Mr. BAUCUS. I withhold.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I think no amendment could be more appropriate to the Clean Air Act than this one. We want to clear the air about the Soviet domination of Lithuania.

I cannot believe that President Bush will have any objection whatsoever with this amendment as some of the people around him might, some of these sophisticated State Department types who always want to make a deal with the Soviet Union, and that sort of thing.

But we will let Senators vote on it. I think the case is stated pretty clearly in the amendment itself, line by line, precept by precept, and I hope equally so in the statement that I just made.

In any case, the yeas and nays have been ordered, and I am perfectly willing to wait for whatever information we want.

I will say it is something of a novelty in this Chamber to be concerned about the opinion of the administration, but I will be delighted to hear what they say about it. I would like to hear them or someone from the State Department not only state their opposition if they care to do so but to state why they oppose this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, every year, I believe, since I have been a Member of the Congress, we have at some time during the year adopted the so-called captive nations resolution, a resolution which annually conveys the sense of the Senate or the sense of the Congress that the United States disapproves of the forceful subjugation of the so-called captive nations, Estonia, Latvia, and Lithuania. We have done it year after year and it has not been something that has been an item of controversy or debate. It has been something I believe for 40 years—in fact, although I have not been around here for quite that long—I think for about 40 years, year after year, Congress has said we do not recognize the illegal annexation of these independent countries by the Soviet Union.

Recently, as we all know, Lithuania took a bold and courageous step through their leaders there. It is a part of a trend which raises the spirits and morale and hearts of people who love freedom. To watch what is happening in Lithuania, Poland, and

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Czechoslovakia and elsewhere is really to witness things that many of us believed would never happen in our lifetime.

Mr. President, now that the Lithuanian people, through their leaders, have taken this step of faith to declare their independence, to take a step which may have consequences that none of us can foresee at this point, it seems to me that the resolution which is propounded by the Senator from North Carolina [Mr. Helms] of which I am proud to be a cosponsor, is really right on target. What it says is that we still feel the same way now that they have taken this step that we did all those years when year after year we passed resolutions to commemorate the captive nations and declaring our solidarity with those who cared about freedom in Lithuania, Estonia, and Latvia.

Mr. President, I do not know whether there will be those who will speak against this. I anticipate that somebody might come to the floor and say, "Well, we have not studied this enough." Mr. President, I hope that will not be said, because we have studied it. We have been studying this for 40 years.

This is not, in the final analysis, something that requires much in the way of subtle thought. It does require careful thought, but it is not a complex matter. This is just a basic issue of freedom, of the independence of a country which was swallowed up by its larger and repressive neighbor. And if the United States would fail to give diplomatic recognition and other forms of moral encouragement to the people of Lithuania on this occasion, it would be a blemish and a stain upon our reputation which would adhere to the United States all through the ages.

If we did so, it would not be the first time. There are some regrettable episodes in our history where we have held out some encouragement to people to fight for their freedom, to stand up and be counted, and when they did, we said, "Well, that does not mean we intend to do anything."

We all remember when people were fighting in Eastern Europe and even throwing rocks at tanks and they had some reason to think the United States would come to their rescue. We did not do that. In fact, we closed our eyes and turned our back. none of us can forget after World War II when the tragic survivors of the death camps, the handful who were still alive, came marching out from behind the barbed wire and they looked us in the eye and said, "Where were you when they were busing us and trucking us and sending us by railcar across Europe to our death? Where were the people of Western democracies?" We did not stand up and be counted. We let millions of people die.

Mr. President, I do not necessarily think that this resolution is quite that ominous or quite that serious, but it might be. Because, in fact, a few days ago the people of Lithuania declared their intention to be free. The drove off the imposed rule of the Soviet Government. Whether or not that will happen and whether or not that spirit of liberty will be again repressed may very well depend upon the reaction of the free nations of the world and principally that of the United States.

So what the Senator from North Carolina proposes and what I am glad to join him in cosponsoring is simply to put the Senate on record in favor of human liberty, on record in favor of the spirit of freedom which is rising, an unquenchable spirit in Lithuania and elsewhere.

Mr. President, I am just glad to have had a chance to come to the floor and express my approval of the resolution, and my compliments to the Senator from North Carolina for bringing it to our attention.

Mr. President, I do not presently see other Senators seeking recognition, so, unless someone wishes to speak at this time, I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, since no Senator seems to be seeking recognition at the moment, I might just amplify briefly my observations about the resolutions which we have passed each year.

I mentioned a moment ago my recollection that year after year, for all the years I have been here and I think going back for about four decades, that we have annually given recognition here in the Senate to the independent status of the so-called captive nations.

When I mentioned that, someone was kind enough to produce a copy of the Record of February 28, 1989, and the resolution which was adopted at that time. Although I referred to it earlier, since we seem to have a moment, I thought it would be useful, and perhaps worthwhile on this occasion, to just quote from it.

This is the resolution entitled "Baltic Freedom Day." It was passed, Senate Joint Resolution 63, on February 28, 1989, and appears on page 2953 of the Record of that date.

Whereas the people of the Republics of Lithuania, Latvia, and Estonia (hereinafter referred to as the "Baltic Republics") have cherished the principles of religious and political freedom and independence;

Whereas the Baltic Republics existed as independent, sovereign nations and as fully recognized members of the League of Nations;

Whereas 1989 marks the 50th anniversary of the infamous Molotov-Ribbentrop Pact in which the Soviet Union colluded with Nazi Germany, thus allowing the Soviet Union in 1940 to illegally seize and occupy the Baltic Republics and to incorporate such republics by force into the Soviet Union against the national will and the desire for independence and freedom of the people of such republics;

Whereas due to Soviet and Nazi tyranny, by the end of World War II, 20 percent of the total population of the Baltic Republics had been lost;

Whereas the people of the Baltic Republics have individual and separate cultures and national traditions and languages which are distinctively foreign to those of Russia;

Whereas since 1940, the Soviet Union has systematically implemented Baltic genocide by deporting native Baltic peoples from Baltic homelands to forced labor and concentration camps in Siberia and elsewhere;

Whereas by relocating masses of Russians to the Baltic Republics, the Soviet Union has threatened the Baltic cultures with extinction through russification;

Whereas through a program of russification, the Soviet Union has introduced ecologically unsound industries without proper safeguards into the Baltic Republics, and the presence of such industries has resulted in deleterious effects on the environment and well-being of the Baltic people;

Whereas the Soviet Union, despite recent pronouncements of openness and restructuring, has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed every vestige of democracy, civil liberty, and religious freedom;

Whereas the people of the Baltic Republics are subjugated by the Soviet Union, are locked into a union such people deplore, are denied basic human rights, and are persecuted for daring to protest;

Whereas the Soviet Union refuses to abide by the Helsinki accords which the Soviet Union voluntarily signed;

Whereas the United States stands as a champion of liberty, is dedicated to the principles of national self-determination, human rights, and religious freedom, and is opposed to oppression and imperialism;

Whereas the United States, as a member of the United Nations, had repeatedly voted with a majority of that international body to uphold the right of other countries of the world to self-determination and freedom from foreign domination;

Whereas the Soviet Union has steadfastly refused to return to the people of the Baltic Republics the right to exist as independent republics, separate and apart from the Soviet Union, or to permit a return of personal, political and religious freedoms; and

Whereas 1989 marks the 49th anniversary of the continued policy of the United States of not recognizing the illegal forcible occupation of the Baltic Republics by the Soviet Union: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the Congress recognizes the continuing desire and right of the people of the Baltic Republics for freedom and independence from the domination of the Soviet Union;

(2) the Congress deplores the refusal of the Soviet Union to recognize the sovereignty of the Baltic Republics and to yield to the rightful demands for independence

from foreign domination and oppression by the people of the Baltic Republics;

(3) June 14, 1989, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, is designated as "Baltic Freedom Day", as a symbol of the solidarity of the people of the United States with the aspirations of the enslaved Baltic people; and

(4) the President is authorized and requested—

(A) to issue a proclamation calling upon the people of the United States to observe Baltic Freedom Day with appropriate ceremoneis and activities, and

(B) to call upon the Soviet Union, the Federal Republic of Germany, and the Democratic Republic of Germany to renounce the acquisition or absorption of the Baltic Republics by the Soviet Union as a result of the Molotov-Ribbentrop Pact.

Mr. President, I am grateful to the member of my staff who handed me that after my earlier remarks because, while I had referred to the joint resolution that we passed a year ago and it is similar in tone and purpose to resolutions which we have repeatedly adopted, whoever wrote this summed up in a few words so well not only the circumstances and the facts surrounding the subjugation of Lithuania and the other Baltic Republics, but also, I think, put into words the best and highest traditions of this country in expressing its solidarity with people who struggle for freedom, whether it is in Eastern Europe or Africa or Latin America or Asia, or wherever it might be.

So, since this came to my attention, I thought it worth sharing with my colleagues.

Mr. President, I am going to yield the floor.

Mr. D'AMATO. Will the Senator yield for a question?

Mr. ARMSTRONG. Yes, I will be happy to. By the way, there were 57 cosponsors of the resolution. I do not know who the actual author was, but 57 Senators cosponsored it.

Mr. D'AMATO. I found very interesting in reviewing the history of the annexation, the illegal annexation, the fact that the United States has never recognized this annexation. I am wondering, was the Senator aware of the fact that we actually continued to maintain diplomatic relations with representatives of the pre-1940 Governments of Lithuania, Latvia, and Estonia?

Mr. ARMSTRONG. Mr. President, the Senator perhaps knows more than I do. I am aware that we have never recognized the annexation. We regarded it as illegal. So, technically, whether we have diplomatic relations or whether a relationship is something slightly different than that, I would leave to him.

The resolution which is before us, however, makes it very clear that the Senate advises and requests that the President send an ambassador to Lithuania, and to receive the Lithuanian Ambassador here.

It is not, however, the technicalities I am concerned with; it is the spirit of this. And I know my friend from New York shares a desire to really commend and to lift up the people of Lithuania who are seeking their freedom.

Mr. D'AMATO. What I am concerned about—and I am wondering if the Senator is concerned about the same thing—is that here we have the Soviets calling upon the Lithuanians to surrender their arms, so to speak, moving troops across the border, doing the kinds of things that indicate that we may see a situation that some say, oh, no, could not take place, but took place in Tiananmen Square when we said oh, no, it could not happen, and a repeat of what took place in Hungary some time ago.

When a country stands up and broadcasts an appeal for international recognition, I would ask my colleague, who should be first?

Mr. ARMSTRONG. We should. The United States.

Mr. D'AMATO. Otherwise, we surrender the mantle of leadership that says yes, we stand for democracy.

Does the Senator believe, because there would be some who would say this to my distinguished colleague, that somehow this might in any way endanger Mr. Gorbachev or the peace?

Mr. ARMSTRONG. Mr. President, I do not know the answer to that. I do not know that the action of the United States may even in some sense precipitate a situation in Lithuania that is beyond my contemplation. The fact is the people of Lithuania have raised that issue. They are the ones who have taken the step of reaffirming their independence, and they are the ones, as the Senator from New York points out, who have asked for our support.

Since it is their lives on the line, it is their freedom, it is their homeland, indeed, it is literally their homes and families at stake, it is not up to us to try to second guess them or be Monday morning quarterbacks. It is up to us to stand up and be counted in their support. They made the tough decision. They are the ones literally under the gun. The least we can do is affirm our support and encouragement for them.

Mr. D'AMATO. I wonder if I might ask a question of my friend and colleague and also make a comment. First of all, I could not agree more. I am reminded of the brave people in Poland of Solidarity. We were all thrilled when we heard Lech Walesa make his statement at how they stood, and how there were so many who said they are crazy, they are mad, they are going to plunge us into war. Is this not an analogous situation?

Mr. ARMSTRONG. Exactly.

Mr. D'AMATO. One further thought. It seems to me we have been putting so much in the way of hopes and aspirations in Gorbachev: He is such a wonderful person; he stands for freedom and democracy. What better test than to see by way of deed now, rather than rhetoric, if, indeed, he is ready to give people freedom and democracy? Would this not be the real test?

Mr. ARMSTRONG. It seems to me it is a very appropriate test. I, myself, am disposed to believe that Mr. Gorbachev is sincere in his representations. I guess my credentials as a skeptic of Soviet leadership are pretty well in order. I am very much impressed with his statements and representation and developments within the Soviet Union. I hope and, in fact, I believe that his standing on this matter will reflect his intentions to be honorable in his dealings with people of occupied lands, including Lithuania. So I am optimistic he will respond correctly. But I do think the Senator makes a very good point that deeds speak louder than words.

Mr. D'AMATO. May I raise a question to whether or not this amendment should be considered at this point in time? We are considering clean air. What is clean air without freedom? Maybe it is a most appropriate place and opportunity in which to consider it.

Mr. ARMSTRONG. I am persuaded maybe the people of Lithuania did not know the Senate would be working on the clean air bill for a couple of weeks. They may have arranged things differently. I guess we have attracted a few potential speakers to the Chamber. I notice the Chamber is filling up a little. My hunch is in very short order we will have all had a chance to express ourselves. I do not know whether there will be 57 cosponsors of this resolution, but I would not be surprised if there would be a number who want to cosponsor and some who want to speak of it and proceed quickly to the adoption of it.

If that is the case, as I expect it to be, I hope the President will take seriously the advice of the Senate and will recall, as we are, the dozens of resolutions commemorating the spirit of independence in these captive nations and do just as the resolution suggests; that is, to receive an ambassador from Lithuania and to send an ambassador of this country there.

Mr. D'AMATO. I am pleased to join the Senator as an original cosponsor, and I believe that it is important that we send a signal that we are now looking for deeds and that we are prepared to undertake the actions that have been requested, indeed, that have been implored, by Lithuania and, if not the United States, then who? I commend my colleague from Colorado.

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Mr. ARMSTRONG. Mr. President, I thank the Senator from New York for his statement and for his leadership on this issue and for his concern about the rights of people who seek to be free in Lithuania and elsewhere. It would be awfully easy for the Senator from New York to be unconcerned about these things. Lithuania is a long ways from home. The Senator from New York has spoken often and eloquently about his concern for such matters. I thank him for his participation.

Mr. President, I see other Senators, including the distinguished chairman of the Foreign Relations Committee, are in the Chamber wishing to address the Senate on this matter.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I sympathize with the spirit of this proposal because I used to be the Baltic desk officer at the State Department. Now, 30 years later we still recognize the charge d'affaires to Lithuania, Latvia, and Estonia. Having followed the fate of the Baltic republics for a long time, I have acquired, as all of us have, a tremendous sympathy and sense of sadness for the independence they have lost and the suffering they have experienced.

Now we see some bright lights on the horizon, and we see freedom moving across Europe. Soviet Foreign Minister Shevardnadze has said publicly that his government does not intend to use force to maintain any of these countries within the Soviet empire. He also stated this 2 months ago in private conversation, when I asked him directly whether force would be used. In that meeting, which I believe the Presiding Officer attended he assured us that force would not be used in this regard.

This is certainly not a time for confrontation with the Soviet leaders. I think we all agree that what Gorbachev has done is extraordinarily helpful to the cause of freedom and peace on the Earth. This is simply not the time to force confrontations. For that reason, I do not see any great purpose served by this amendment. However, I will be guided in my own thinking by what the views of the administration are on this matter and await anxiously to hear their view. We can adopt it, or we can, consider it separately which in my view would be preferable.

The PRESIDING OFFICER. Is there further debate?

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I view the resolution with some mixed feelings. I have been one who has spoken out consistently for freedom for Lithuania. I welcome the developments that have taken place over there. For a variety of reasons that this body does not need to get any background on, I have been very much interested in this whole question of freedom in Lithuania. I may be the only Member of the U.S. Senate where the Soviets denied me the opportunity to visit Lithuania perhaps 5 years ago or so. I tried to make a trip to Vilnius and was denied that opportunity by the Soviet Government at that point.

On the resolution itself congratulating President Bush for the way he has responded, I agree. No. 4, urging the Soviet Union desist from threat of use of military force, I agree.

The next two points, that we should immediately recognize the Government and send diplomats, I think we would be well advised to work with the administration, and my own feeling is I would be very interested in what the administration's attitude is. We do not want to do anything that could precipitate some damage over there. I am not going to vote against the resolution, or at least that is my present intent, but I am not sure we are doing any good for the cause with this resolution as it is right now. I have some real concerns.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. SIMON. Mr. President, if there is no further debate, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FOWLER). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I noted on the television screen in my office the pending business is the amendment by the distinguished Senator from North Carolina on the Lithuanian issue. I think it is a very significant amendment. For those who watch the proceedings of the Senate on C-SPAN II, some may wonder how the clean air bill raises the issue of recognition of Lithuania, and a brief word of explanation might be in order. Although I did not hear all the preceding debate, under the rules of the Senate an amendment may be offered on virtually any subject at any time, and the offering Senator has the right to call for a vote and that is granted on most occasions.

I compliment the distinguished Senator from North Carolina on this amendment because I think it articulates a position which could have a profound effect on the future of Lithuania, and perhaps on the future of Latvia and Estonia as well, and beyond that on what will happen as the emerging position evolves with the Soviet Union.

It is a matter of some delicacy, but I believe the Senator from North Carolina is correct in calling for the voice of the Senate to urge the Soviet Union, in . paragraph 4 of his amendment, to desist from the threat of military force, intimidation, or sanctions.

The Soviet Union has undergone an enormous change, and we have complimented President Gorbachev on perestroika and glasnost. We have complimented him upon the movement away from a monolithic party, so that in a very unexpected way the Soviet Union has articulated the proposition that there ought to be a multiparty system, that the Communist Party ought not to have all of the power. And that is an enormous achievement and at least an initial step toward democratic values because as long as there is only one party you do not have a contest. That is a very important step forward.

The Soviet Union is beset by problems. As President Gorbachev has articulated a new policy, there are many of us in the United States, myself included, who hope that he succeeds. We continue to be concerned about the great arsenal of weapons which the Soviet Union has. We hope that their intentions are as good as they articulate them. We have to move with some caution in terms of how we respond to the Soviet Union so that we maintain our own strength and do not move away from our own position of preparedness precipitously. We doubt that the genie can be put back in the bottle but we are not sure as to what is going to happen in the Soviet Union or what President Gorbachev's tenure may be, but we do wish him well.

This amendment with respect to Lithuania puts some pressure on President Gorbachev. It is my sense that he has the strength to withstand the pressure. It is my sense that Lithuania ought to be recognized as an independent nation. We know the history of Latvia, Lithuania, and Estonia. We know they are rightfully independent States, independent nations, that they have been amalgamated into the Soviet Union against their will. On accepted principles of international law, they are entitled to be recognized as states.

The Soviet Union has made a declaration in general terms that the Soviet Union will not use force. The situation in Azerbaijan was different but it is the preferable course that Lithuania be able to maintain an independent position. It just could be that the voice of the U.S. Senate speaking on this issue could be decisive in saying to President Gorbachev and the others in power in the Soviet Union that the preferable course is to negotiate with the Government of Lithuania, to establish relations with that Government, and not to use military force, intimidation, or sanctions against Lithuania to discourage Lithuania from its rightful position as an independent state.

The part of the amendment which calls on the President to send an Ambassador and invite Lithuania to name their Ambassador goes somewhat further. Our President has been circumspect and somewhat cautious on taking that stand, but I believe it follows as a logical course that such action be taken.

That, of course, is the President's prerogative but the voice of the Senate could be significant. It seems to me that this is a significant amendment, and that while it is obviously not directly relevant to the clean air bill it comes at a time when it could have great international significance.

So I support the amendment. I compliment my colleague, Senator HELMS, for offering it, and I urge my colleagues to support it.

I thank the Chair.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. I am just going to speak for 1 minute on this thing. Mr. President, I have, as I indicated earlier, probably spoken as much on the floor of the House and the Senate for freedom for Lithuania as anyone. But there are times when the Senate should speak out and there are times when we should be silent. And my feeling, frankly, is this is a time for us to be silent.

There is one fundamental question. Will adoption of this in any way help freedom in Lithuania? And my answer is that it will not.

I believe there are more Lithuanians in the State of Illinois than in any other State. I am sensitive to their wishes. Their wishes clearly are for freedom. But I do not think this amendment helps the cause, and I am going to vote no.

Mr. GORTON. Will the Senator yield?

Mr. SIMON. I will be pleased to yield to my colleague from Washington.

Mr. GORTON. I want to say I listened with great care to my friend's comments, with particular regard to the fact that he does represent more Americans of Lithuanian extraction, I believe, than any other Member of this body.

I tended very strongly to feel the way he does, that clearly the only question which we ought to be considering in this connection is whether or not the passage of this resolution will contribute to the liberation and the full independence of the Republic of Lithuania or whether it could detract from our ability to work toward that end. My own inclination is that the administration has been working with a degree of wisdom in this connection and that we continue to support freedom, not only for Lithuania, but for Latvia and for Estonia as well, as long as that liberation represents the majority view in each of those nations, which, indeed, I believe it does.

I guess the dilemma, on the horns of which each and every one of us is impaled at this point, is, assuming we do have to vote on this, will a vote against the resolution be as mischievous as a vote for the resolution? A vote against the resolution can be taken, and might easily be taken, by authorities in the Soviet Union to be an expression of indifference toward what takes place in those three Baltic nations.

So I would be happy to listen to the wisdom of my good friend from Illinois on that. I had tended to believe, starting from exactly the same position which he takes, that we should concern ourselves with what will do most to liberate Lithuania and the other two Baltic nations. I had reached, perhaps, the opposite decision, though maybe as did my friend from Illinois, that to vote against it could be taken as an expression of indifference toward the fate of those nations; that we were ignoring them, we were staying away from them.

Under those circumstances, while it is almost certain that the administration will simply ignore any resolution which is passed here, faced with these two bad choices, perhaps the less bad was to vote for it.

Does my friend from Illinois have any thoughts on that question?

Mr. SIMON. In response to my friend from Washington, the answers are bad either way. I do not want anyone misinterpreting a negative vote as believing I am not for freedom for Lithuania. But I really believe this amendment could cause some mischief right now when things are very, very delicate over there. The ideal answer—and my colleague from North Carolina is not present right now—the ideal answer from my perspective would be if the resolution were to be withdrawn.

I understand, and I think someone else can speak to this, I understand the administration is opposed to this. Sometimes the administration has not stood up as forcefully as I would like for freedom for Lithuania and the other Baltic States. But right now, with a very, very delicate situation over there, I think we would be wise to maintain some silence and to commend the people of Lithuania for what they are doing courageously for freedom, to commend the Soviets for not using force up to this point, and to hope that things can work out.

To needlessly meddle, and it will not do any good for the cause of freedom over there, I think is unwise.

Mr. GORTON. I fully agree with my friend from Illinois. Unfortunately, it does not look like we have the opportunity to remain silent. That is why I remain on the horns of dilemma in this connection.

Mr. BYRD. Mr. President, I am in agreement with the sentiments expressed in the amendment offered by the distinguished Senator from North Carolina. The people of the Baltic nations have been subjugated by the rule of Soviet Empire for more than 40 years. During that time the United States steadfastly refused to recognize Soviet sovereignty over these nations.

This month the Lithuanians have taken bold and courageous steps toward securing self-determination. In the wake of these historic events the United States seems suddenly to have lost sight of what we have hoped for all of these years. Suddenly it is not convenient for us to continue to support the cause of freedom for the captive nations. Now we have decided that the freely elected governments of Lithuania and the other Baltic Republics must meet some higher test before they can count on our support. Do we intend to wait until the Soviets have withdrawn all of their troops and relinquished any claim on Baltic territory before we show our support.

Mr. President, I wonder if the administration plans to wait until every Soviet soldier has been withdrawn from East Germany before we recognize the newly elected government there. I think not. Why then have we lost the will to act decisively in the case of the Baltic Republics? These people deserve our support, they have pleaded for international recognition, and we must make our position clear.

Mr. President, I do not know if this amendment is the proper vehicle to help the Lithuanians, but I know that the United States is obligated to do whatever we can to encourage the Soviets to grant them their freedom and I urge the President to move forcefully in that direction.

Mr. DURENBERGER. Mr. President, I will not be supporting the amendment by the Senator from

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North Carolina to this bill. While I agree with his objective, to show support for the aspirations of the Lithuanian people, I have grave concerns that the vehicle he has chosen may do that cause more harm than good.

The situation in Lithuania tonight is extremely tense. The Soviet Government has ordered confiscation of all weapons in Lithuania; the borders are being secured. Emergency powers granted to Gorbachev only last week are being exercised. As our President has stated, the American people are concerned over the steps taken by the Soviet Government to date, and would view the use of force as a very serious violation of human rights.

There is no doubt in Lithuania or in Moscow tonight about where the United States stands. For that reason, we should not risk inflaming a very heated situation by making statements on the floor tonight which are susceptible to misinterpretation. That is why the administration opposes this amendment. This is no time for the U.S. Government to be speaking with multiple voices.

In matters of diplomacy, how you speak is often just as important as what you say. Of course we stand tonight with the people of Lithuania, and they know that. But it would be unwise for the Senate, at this crucial time, to risk confusing that issue by saying more than the President already has.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from California.

Mr. CRANSTON. Mr. President, I admire the leadership Mikhail Gorbachev has provided in the Soviet Union in opening up a path toward democracy and toward a wiser economy based upon market principles. I admire the courage of the Senator from Illinois for the stand he has taken on this matter. I do not admire the resolution. It will not advance the cause of freedom in Lithuania. It might well do the opposite.

I presume it will be adopted in part because the decision is made not to make such a big fuss about it and dignify a resolution that does not deserve dignified attention by this body. So it will be agreed to by an overwhelming vote.

It should be understood many people will vote for it who do not believe it is a wise resolution. It has nothing to do with the bill pending before us that relates to clean air. I presume the measure will be dropped when a conference comes about with the House on this measure. I will vote against it because I do not think it is a contribution to the cause of freedom in Lithuania.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on or in relation to the pending amendment occur at 8:10 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Republican leader, Mr. DOLE, is recognized.

Mr. DOLE. Mr. President, I want to just say for the record that I have been in contact with the President's National Security Adviser, Mr. Scowcroft, and with the Deputy Under Secretary Lawrence Eagleburger with reference to the pending amendment. The administration opposes the amendment. They also recognize that it will probably be adopted by the Senate. It is a sense-of-the-Senate resolution.

I think the record should reflect the opposition of the administration is pretty much the same as has been expressed on the floor. Are we helping or hurting Lithuania and the Lithuanian people? Those two spokesmen of the administration believe that we are making progress; that there are discussions ongoing between Mr. Gorbachev and the leaders of Lithuania and that we should not at this time be doing anything that might upset those discussions or in any way indicate that we are trying to meddle in their affairs.

Having said that, I also have had an opportunity to talk to a number of my colleagues. It seems to me we have a couple of choices: To start an all-out assault on the amendment to see if we can successfully table the amendment; or, everyone support the amendment, vote for the amendment because it is a sense-of-the-Senate amendment. I do not know when this bill will finally go to conference or finally go to the President, but it seems to me that the amendment is going to be adopted. It cannot be tabled based on my contacts.

I am just rising to reflect the administration's position.

There are a couple of troubling areas. One, on page 2, "the Republic of Lithuania is now in legal control of the government of the territory of independent Lithuania," that may or may not be accurate.

And then the recommendations congratulating the President for responding to the declaration of independence by urging Moscow to begin negotiations, that is going on right now, so there is certainly no problem with that first section. It urges the President to recognize immediately the current democratic government of Lithuania.

Third, it calls upon the Senate to send appropriately accredited diplomatic representation at the ambassadorial level to the independent Republic of Lithuania under his constitutional authority and invite the Republic of Lithuania to name an ambassador to the United States.

And, fourth, it urges the Soviet Union to desist from the threat of use of military force which they have agreed to do in talks with Secretary Shevardnadze and Secretary Baker.

I think the three parts that are objectionable, as I view it, would be the determination that Lithuania is now in legal control of the government and territory—but I understand that legal was used for a purpose; it may not be actual but legal control—and urging the President for immediate recognition and sending ambassadors and providing Lithuania to name an ambassador to this country.

Having said that, I have indicated to both Secretary Eagleburger and Brent Scowcroft, I do not believe there are the votes to table the amendment. I yield back my time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. MITCHELL. Will the Sentor yield? I wish to give him 5 minutes. The vote previously had been set at 8:10. The Senator from Arkansas asked for 5 minutes. I ask unanimous consent he address the Senate for 5 minutes and upon the conclusion of his remarks the vote occur.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. GORTON. Reserving the right to object, I believe, I say to the majority leader, there were a couple others who wished to speak as well. They do not include myself.

Mr. MITCHELL. Under the agreement now in effect, the vote will occur in 8 minutes. I am trying to get a few more minutes for the Senator who came in and wanted to speak. Unless we can get a unanimous-consent agreement, no one will be able to speak, and the vote will occur at 8:10.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. HELMS. Reserving the right to object, I would like 1½ or 2 minutes to respond to some of the things that have been said. The Senator from North Carolina being a sponsor of the amendment, I would think the majority leader would want us to have that.

Mr. MITCHELL. How much time will the Senator from Washington need?

Mr. GORTON. The Senator from Washington said he thought there are other people in the Chamber who did wish to speak.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. If I can just respond to the leader, I was going to speak for a minute or two but I hesitate to open this up to further time.

Mr. MITCHELL. There are only three people. Mr. President, I ask unanimous consent that the following persons be recognized for the following times to permit further debate without extending this too long because we already have notified Senators a vote is going to occur: 5 minutes to the Senator from Arkansas; 2 minutes to the Senator from North Carolina; 2 minutes to the Senator from Rhode Island [Mr. CHAFEE]; 2 minutes to the Senator from Kansas [Mrs. KASSEBAUM]; and 2 minutes to the Senator from Rhode Island [Mr. PELL].

Mr. FORD. I do not want any time, Mr. President.

Mr. MITCHELL. Upon the completion of those remarks that the vote occur on or in relation to the amendment.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mr. FORD. Will the leader answer a question for me? At what time will we now have the vote? We all left and got our cars and came up here for an 8:10 vote. I do not mind what is happening because I guess I can do the same things other Senators have done. When we were alerted by our Cloakrooms we were going to vote at 8:10, we all came up here to vote, and there are several Senators on their way. Then will we vote on this?

Mr. MITCHELL. I apologize to the Senator.

Mr. FORD. You do not have to apologize to me. You have no control over it.

Mr. MITCHELL. It is difficult to accommodate some Senators without inconveniencing others. If we can begin the debate, I estimate 13 minutes from now, at 8:23 p.m.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I may not take the full 5 minutes. I want to make a point as best I know how. I have been roaming around the floor of the U.S. Senate for the last 25 to 30 minutes.

I had not heard one single Senator do anything but lament the fact that they have to vote on this amendment. Not one Senator thinks it is a good idea. Every Senator thinks it is a continuation of the cold war so we can send out one more mailer, solicit money one more time, tell everybody how terrible communism is, which even Gorbachev says is dead as it can be. There is not a person in the Senate who does not want Lithuania free. We wish them well.

This amendment is mischievous. Everybody in the Senate knows it. And yet there is an assumption in virtually every word tonight that it will pass overwhelmingly despite the President's objection, despite the White House objection. All it can do is create mischief. It has no effect. No wonder the people of this country have so little confidence in Congress. Even when they disagree with us, the people of this country know that when things like this come up Members of the Senate are going to jump under their desks. So why would they have much respect for Members of the Congress?

Mr. President, one of the most exciting things that has happened around here in a very long time, to say nothing of all the dynamic events in Eastern Europe, was when Vaclav Havel came to town to address a joint meeting of Congress. I put him right up there with James Madison and Thomas Jefferson in my books. I have never been on an escort committee, never cared anything about being on an escort committee to escort somebody into the Chamber of the House of Representatives for a joint meeting. But I called the majority leader, Senator MITCHELL, and said, "Majority leader, this is one time I would like to be on an escort committee. Here is a real hero."

Why is he a hero? If nothing else, his inaugural address was only 8 minutes long. You could be elected king in this country if you could learn to make an 8-minute speech and put words together as he did.

But here is what he said. I recommend these words to the attention of the Members of this body. He told the Czechoslovakian people in January, for 40 years we have been lied to: We have bought into it. We have developed a mental state from which we are going to have to extricate ourselves. Above all, he said, for 40 years we have said one thing and believed in another.

That is what we do in this country. We are about to vote on an amendment that not 10 people in the Senate out of 100 believe is a good amendment. Mr. President, what we are going to do, if we adopt this amendment, is say we do not believe in it but we do not want to take any heat. It has nothing to do with our desire to see Lithuania free, or the Estonians, or the Latvians for that matter. What it has to do with is a continuation of the cold war.

Two weeks ago in Los Alamos, NM, a Soviet scientist named Sergie Kapitsa said, "I guess you know the cold war is over. And I guess you also know who won. The Germans and the Japanese."

Yet there are people in this country who want to spend another $2 trillion to fight an enemy that does not exist, continue an arms race against a party that has already dropped out, so they can get out one more mailer.

I recommend to all Senators, go back and read the inaugural address of Vaclav Havel and vote for the American people and for yourself. Do not vote one way and believe another.

I thank the majority leader very much for getting me the time.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, on Monday when I was in Kansas, I said I believed we should recognize an independent Lithuania. We have never regarded Lithuania, or Latvia, or Estonia as part of the Soviet Union. They have been regarded as captive nations.

But I also believe, Mr. President, this is not the way to respond. I have great confidence that President Bush will be able to provide leadership, and that I think is where it should rest. At this time, on this particular measure, to respond in such a way that does cause confusion is not, I think, the correct response that as a body we are called upon to make. It is not a responsible action at this time of night to what I think is an extremely important and delicate situation. I think it is important to recognize an independent Lithuania, but I would agree with the Senator from Illinois [Mr. SIMON] when he said this is not the way to respond.

The PRESIDING OFFICER. The time of the Senator has expired. Who seeks recognition?

Mr. CHAFEE. Mr. President, first of all, this amendment has nothing to do with clean air, which is the subject before us.

Second, I do not think anybody should interpret a vote against this measure as having anything to do with lack of support for the Lithuanians or their bid for independence. These are times that demand diplomacy and skill and a sure hand. It does not demand that the Senate of the United States come thundering in and pass a resolution dealing with a matter that should be left to the President of the United States and his assistants.

The President, as we know, at this exact time is devoting a good deal of energy and skill and effort in dealing with the Lithuanian situation. I do not think we should be fishing in these waters. Therefore, Mr. President, I will vote against the resolution and hope that it will not prevail. Let us leave these matters to those who are, indeed, entrusted with them, the President of the United States.

Mr. DOLE. Will the Senator yield to me?

Mr. CHAFEE. Yes. I have a little time.

Mr. DOLE. Mr. President, somebody who asked me about my position said,

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"You stated the administration position, you did not state your own."

I want to make it clear that as Republican leader, one of my responsibilities is to support the administration position, and I am going to vote against this resolution, even though it is only a sense-of-the-Senate resolution. It does seem to me, based on conversations with Mr. Scowcroft and Secretary Eagleburger, that there may be a better way to do this. So I wanted people to know I am not ducking it. I will be voting against the resolution.

Mr. LEAHY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Rhode Island yields back his 15 seconds.

Mr. CHAFEE. How much time do I have?

Mr. LEAHY. Will the Senator yield me 15 seconds?

Mr. CHAFEE. Whatever I have remaining, yes.

Mr. LEAHY. Mr. President, this is one of the most difficult and crucial times since the end of World War II. We have had the Marshall plan. We have had NATO. We have had all these other things in trying to bring about some kind of stability throughout Europe and with the Soviet Union.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. LEAHY. Mr. President, briefly, I am one Democrat who will support the President on this, and I will vote "no."

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. As I said before, I do not believe this is a wise amendment. This is a time when we should be helping the Soviet leadership move down the path upon which it has embarked. It is not a time to seek confrontation. I know that as a candidate for reelection this year, voting against this amendment may not be popular. I have great respect for the Lithuania Club that is in my capitol city and their members, but I really believe their interest and that of Lithuania is best served by a negative vote in this regard, and I shall vote against the amendment.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

The remaining time belongs to the Senator from North Carolina, who is recognized for 2 minutes.

The Senate will be in order.

Mr. HELMS. Mr. President, the only thing wrong with the arguments tonight is that they are specious and false. I am sure the Senator from Arkansas is just as virtuous as he contends he is. The truth of the matter is this amendment was drafted in consultation with and at the urging of Lithuanian-American groups all over this country.

The oldest and most established Lithuanian-American group, the Supreme Committee for the Liberation of Lithuania, has endorsed this amendment.

If Lithuanians thought gaining international recognition would hurt their cause, they would not have declared their independence and sought international recognition.

Let me point out again, the President of Lithuania, duly elected in a free election, has called upon "the governments of democratic nations" to recognize "the laws and legislative acts" of March 11, 1990, and to recognize the Government of Lithuania.

He pleaded with us to stand up for once for Lithuania. That is what this amendment is all about. And the rest of what has been said here tonight is nonsense. Vote as you please, but do not try to fool the Lithuanians that you are voting in their favor when you vote against this amendment.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has been yielded.

The question is on agreeing to the amendment of the Senator from North Carolina.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Missouri [Mr. BOND], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 59, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—36

Armstrong
Boschwitz
Burns
Byrd
Coats
Cohen
D'Amato
DeConcini
Domenici
Garn
Gorton
Gramm
Grassley
Harkin
Hatch
Heinz
Helms
Humphrey
Johnston
Kasten
Levin
Lieberman
Lott
Mack
McCain
McClure
Mikulski
Murkowski
Nickles
Pressler
Riegle
Rockefeller
Specter
Symms
Thurmond
Wilson

NAYS—59

Adams
Baucus
Bentsen
Biden
Bingaman
Boren
Bradley
Breaux
Bryan
Bumpers
Burdick
Chafee
Cochran
Conrad
Cranston
Danforth
Daschle
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Graham
Hatfield
Heflin
Hollings
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lugar
McConnell
Metzenbaum
Mitchell
Moynihan
Nunn
Packwood
Pell
Reid
Robb
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Warner
Wirth

NOT VOTING—5

Bond
Matsunaga
Pryor
Stevens
Wallop

So the amendment (No. 1355) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, if I may have the attention of Senators.

The PRESIDING OFFICER. The Senate will please be in order. All conversations in the well will please cease.

Mr. MITCHELL. Mr. President, for the information of Senators, I will describe the schedule for the remainder of the evening as best I can at this time.

It is my understanding that the managers have cleared several amendments from Senators on both sides which will now be offered.

During that time, the distinguished Senator from Washington and others who join in his amendment are preparing to present their amendment, which will be contested and require a vote this evening.

So what we will do will be to have a period now in which some amendments will be accepted. It is my understanding the Senator from Washington will offer his amendment. That will be contested.

I am unable to estimate the length of time of debate on that because I have not discussed it with any of the principals, but upon the completion of that debate there will be a vote on that. So we will be in session for some time yet to go this evening, hopefully disposing of several of the amendments that remain.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. Would it be possible, if the parties interested in the Gorton amendment, if agreeable, may have the debate tonight and have the vote occur first thing in the morning?

Mr. MITCHELL. If they are agreeable to that, certainly it will be agreeable, as it was previously.

I am unable to request that now because I have not had an opportunity to discuss it with the principals. I think in fairness to them we should wait and give them the opportunity.

Mr. DOLE. I would be happy to discuss it on this side. I know the Finance Committee will oppose the amendment, Senators PACKWOOD and BENTsen. I will get back to the majority leader.

Mr. MITCHELL. Fine. We will attempt to do so with those on this side who are involved in offering the amendment and attempt to do it as we did previously.

Mr. President, I yield now to the distinguished chairman of the Appropriations Committee.

AMENDMENT NO. 1329, AS MODIFIED

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, while the two leaders are on the floor and while there are Senators on the floor, the pending amendment before the Senate is the Byrd, et al., amendment; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I have been yielding to those who have wanted to bring up their amendments. The distinguished majority leader has just announced there are amendments that may be agreed to yet this evening and that there may be a rollcall vote.

I think I should say that I do not want for the moment to agree to set this amendment aside. I may do that later this evening. But I would hope that Senators would listen to what I have to say.

Mr. President, the pending amendment was offered by me on behalf of the following Senators: Messrs. Bond, Danforth, Coats, Heinz, Specter, Glenn, Metzenbaum, Ford, McConnell, Rockefeller, Kennedy, Burdick, Heflin, Shelby, Moynihan, Dixon, and Simon, and I ask unanimous consent that Senator Sanford's name be added.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this statement will take a few minutes. I hope that Senators will listen carefully.

The amendment before the Senate is one that has been pending since last Thursday. I was prepared to vote on the amendment last Thursday. I was prepared to vote on it on Friday.

I have indicated to the distinguished majority leader and the Republican leader that I would like to have a day's notice for a vote on the amendment. They both know why. I want Senators to have a day's notice so that they could be here to vote. There is one Member of the Senate who is ill. I do not know whether he can come and vote or not. But if he can, I think he ought to have a day's notice. I indicated earlier today that I hope that we could get an agreement today to vote on this amendment tomorrow.

Now, I have personally talked with scores of Senators about this amendment. I have talked with them on the telephone. I have talked with them on the floor. I have talked with them in their offices. I have visited more than 25 offices of Senators because I feel that this is a matter that is so serious and of such importance to the coal mining region, the Midwest and Appalachia, that the legislation ought to be adopted. So I have taken the time to personally talk with Senators in the interest of the legislation.

Meanwhile, I have not tendered any objection to going to other amendments. It was not my desire to slow up the business of the Senate. I have not had any desire to kill the bill. I have had no desire to filibuster. I stated that at the beginning. And the bill has been improved to some extent by virtue of the inclusion of the so-called Byrd-Bond amendment. For this, I am very grateful to the majority leader and to the Republican leader, as well, because had he not been willing to accept it, I am sure there would have been some problems.

But this is not enough. I feel very deeply about the people in my region of the country who are going to be hurt. So, the pending amendment is an amendment that is intended to provide temporary assistance to those coal mine workers who will lose their jobs as a direct result of enactment of the Clean Air Act Amendments of 1989.

According to the Environmental Protection Agency, 3,000 to 5,000 men and women who risk their lives to provide our Nation with the energy it needs are going to be put out of work because of the legislation we are now considering. I believe we owe something to these brave men and women along the lines I am suggesting and to their families and to their communities because coal mining is the backbone of many of these communities, the backbone of the economy of many of the counties in this region. I have no doubt that many of my colleagues believe we owe something to these men and women.

But I also know that many of my colleagues are troubled about providing assistance to terminated coal mine workers without providing any assistance to workers in other industries who may lose their jobs as a result of the bill before us. In response to the concerns of my colleagues, let me note that significant changes have been made in this bill over the last several weeks. As a result, the number of workers who will be affected by this legislation has been substantially reduced. In many industries, the number of workers who are expected to lose their jobs as a result of this legislation has been reduced to zero.

For example, the Environmental Protection Agency estimated that the air toxic provisions of the bill originally reported by the committee would have put at risk 11,300 to 14,400 jobs in the steel and petrochemical industries. According to the widely quoted Hahn and Steger study, the residual risk provisions of the original committee bill potentially could have put at risk 19,500 to 22,600 jobs in a broad range of industries. Yet, the residual risk standards contained in the original committee bill have been substantially modified. The residual risk provisions of the Mitchell-Dole substitute before us now are far more lenient than those contained in the original committee bill.

As a result, the expected job losses associated with those provisions have been substantially reduced, if not eliminated altogether. The Hahn and Steger study, for example, estimated that, if the residual risk provisions of the original committee bill were enacted into law, as many as 15,000 coke oven workers could have lost their jobs. Yet, because of changes negotiated over the last several weeks, the substitute before us now would provide coke ovens with an exemption from the residual risk requirements of the bill until the year 2020. In other words, coke ovens will be exempt from the residual risk standards of the bill for 30 years.

Furthermore, the actual residual risk standards have been relaxed for all industries. As a result, the expected job losses associated with the residual risk requirements of this legislation have been minimized. It has even been suggested on this floor that the number of jobs at risk of being lost because of the air toxics provisions of this legislation has been reduced to zero.

In a number of other areas, the Senate has acted to mitigate the potential impact of this legislation on affected businesses and, therefore, on affected workers. For example, earlier today, the Senate unanimously passed the Boschwitz-Boren small business stationary source amendment. This amendment provides small businesses with the option of negotiating alternative compliance agreements with State or Federal regulators. The effect of this amendment will be to reduce the burden this legislation will impose on small businesses across the country. By reducing the costs of compliance for small businesses, I would suggest that we have also reduced the potential impact of this legislation on small business employees.

Significant changes have also been made in the mobile source provisions of this legislation over the last several weeks. As a result, the impact this legislation is likely to have on the auto industry and on auto workers has been substantially reduced.

Changes have even been made in the acid rain provisions of the bill that will likely reduce the impact on coal mine workers, and I am pleased that these changes have been made. I have already referred to them. According to the EPA, the original committee bill would have resulted in the loss of be-

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tween 5,000 and 9,000 high-sulfur coal mining jobs by 1995. I am pleased that through inclusion of key parts of the Byrd/Bond acid rain proposal, the estimated job loss has now been reduced to between 3,000 and 5,000 by 1995.

Although the changes that have been made in the acid rain title have been a step in the right direction, the fact remains that this legislation will still have a tremendously adverse impact on high-sulfur coal mine workers. The fact remains that the men and women who toil in our coal mines are likely to pay a far higher price, in terms of jobs, than any other group of workers in the United States. I do not believe there is any other industry in which 35 percent of all jobs will be lost as a result of the Clean Air Act Amendments of 1989. That is what the EPA is estimating will happen in the high-sulfur coal industry by the year 2000—one-third of all jobs will be lost over the next 10 years as a result of this bill.

This estimate on job losses in the high-sulfur coal industry is above and beyond the job losses expected to occur even without any new clean air legislation. As has been noted previously on this floor, employment in the high-sulfur coal industry has been declining for a number of years as a result of rising labor productivity. As the result of continued productivity gains, the EPA estimates that, absent any new clean air legislation, 13,000 to 14,000 high-sulfur coal miners will lose their jobs between now and the year 2000. What this bill threatens to do is eliminate 35 percent of the remaining jobs—doubling the expected job loss in the high-sulfur coal industry by the year 2000.

No other group of workers will be so directly and adversely affected by the legislation before us as high-sulfur coal mine workers. I say "will be so directly and adversely affected" because there is one further point that must be made about the various estimates that have been made about job losses in the high-sulfur coal industry and other sectors of the economy that could result from enactment of this legislation.

The estimated 3,000 to 5,000 high-sulfur coal mining jobs that will be lost as a result of the phase I sulfur dioxide emission reduction requirements of this bill are jobs that will be lost. They do not represent potential job losses that might occur 15 to 20 years after the date of enactment, as was true of the auto, chemical, and steel industry job loss estimates made with respect to the original committee bill. They represent actual job losses that will occur within the first 5 years after enactment of this legislation.

This is not what ROBERT BYRD says. This is what the EPA has said. This is what the administration said.

They represent actual job losses that will occur by 1995. And those 3,000 to 5,000 jobs that will be lost are held by real people, with real families, who live in real communities, all of which will feel the real effects of this legislation.

Simply put, coal mine workers are the only group of workers who will definitely be so adversely affected by this legislation. So my amendment targets assistance on coal mine workers because this bill targets the high-sulfur coal industry more than any other single industry in the United States.

Mr. President, there has been a lot of guessing going on as to how the vote will turn out on this amendment. The answer to that question is, only God knows. But I believe that more than any other Senator in this body knows, I know. And, if this amendment were put to a vote this minute or tomorrow, it could pass—it could be adopted. It might not be adopted. It is that close.

And I have been amazed at the number of Senators, and I think other Senators would be also, at the number of Senators who are willing to walk the plank for this amendment; who are not representatives of regions that would be affected by it. They see in this amendment the element of fairness and justice. So they are willing to do what, in their conscience, is right. And they are subject to all the pressures to which other Senators are subject. They are subject to the pressures from those who say, well, why are you willing to do this for coal miners? How about me? I may lose my job. What about this industry and what about this industry? They have those pressures. And yet, they are willing to walk the plank to vote for this amendment.

That vote is so close that I cannot say that I will win nor can I say that the amendment will not be adopted.

I use the personal pronoun "I." I have introduced this measure on behalf of 18 other Senators and everyone knows it is not just ROBERT BYRD. I have won and I have lost before. And I know that the day after the vote, we have other problems that always confront us as Senators and as the Senate. But there are a small number of Senators who really do not know how they are going to vote in the final analysis. And I have run into two or three, I am sure, who just hope the whole thing will go away and that in the final analysis they will not have a showdown either way.

So, why commit? I can understand that. So they hope the whole thing will go away. And the only thing that forces a showdown is a vote. When that vote comes, if it comes, I may get some or most of those who right now have not decided. I may not get some or most of those for this amendment. But I am leveling with you. I am not going to stand here and say I have 51 votes. But I can tell you, you do not have 51 votes either. I can tell you that I am very, very close.

And so, for all the conjecture and the guesswork that has been going on, may I say that that is the way I see it precisely. I do not have any cards under the table. I am not hiding anything.

I have worked at this. I hope that this amendment will be adopted and it may be adopted. It may not be adopted. But I have listened to the concerns of my colleagues. My two leaders—they are my leaders, too. My leader on this side of the aisle is my majority leader. I do not care who runs against him, if anybody does. I am going to vote for him the next time. I have not seen many majority leaders challenged around here.

Even this one, when he was majority leader. I have seen a few minority leaders challenged—this one. But I have never seen that one challenged. Not recently.

But let me say this, they are both my leaders. I respect them both and I understand the problems they have. I am fully aware of the problems they are confronted with. They have asked me if I would be willing to sit down and listen to the administration, try to work out a compromise. My leader on this side of the aisle called me from California during the break. "Would you be willing to sit down with the administration and listen to them?" I said yes. I would be willing to.

I hope there is not an unfair cell in my body, and I am certainly always willing to listen. Yes, I will be glad to. I have already compromised. I came down from $1.6 billion. That was a voluntary reduction, $1.6 billion, to a program which would cost at the maximum outside limit $700 million. That means, if the full 5,000 jobs go under, that means if no miner would die in that 4 years, that means if no miner paid income taxes during that time, put all that over on that side of the table, given you the absolute worst case scenario—$700 million. I voluntarily reduced it on behalf of my colleagues who are supporters of the amendment, who are coauthors of it, because I listened to my colleagues.

So, I said, yes, I will be glad to listen to what the administration has to say. I have read the stories and I have heard Senators by the dozens that said to me, "Well, how did the negotiations go?" They all think negotiations are going on. "How are you coming along, working out a compromise?"

Well, two representatives of the administration from the White House came up to my office at 10:30 on this past Monday morning. The Senate was out so we took our time and talked. And they let go with their verbal shots at my amendment, in a constructive way, stating their problems with it. And, as best I could, I attempted to answer their questions.

Then I said, what are you proposing? I had understood from both leaders that the White House would be willing to compromise. I already compromised once of my own volition, but I said in response to them, I think I owe them that respect and that consideration; yes, I will sit down and see if they have something better. Do you have a proposal? No, we do not have any proposal.

I thought we were going to work out a compromise perhaps. What would you think about going back downtown and come up with an alternative? How about doing that? What do you think about trying to work out something? Would you want to do that? They said, yes, we will do that. I said, OK, now, I am going to hear from you, right? You are going to call me, right?

That was Monday at 10:30. I suppose we talked about an hour, so Monday at 11:30. Today at 12 minutes after 9, I have not received any call. The White House has not sent me any proposal. There has been no offer. I do not have any hearing aids. I can hear if they have an offer. I can see, not as well as I used to. But I have not seen anyone coming from downtown. No offer.

And so I have been negotiating with myself. I have continued to make the rounds and talk to Senators and find out what their problems are. I have listened to those problems, and they have raised legitimate concerns to me.

Meantime, I continued to chip away. Two more votes today.

But I have listened to those concerns. What are they? We think the price tag is too high. That is awfully high, $700 million. We wish there were some way whereby the other workers and other industries would have some compensation. Why do you single out the coal miners? I said the coal mines suffered a direct hit. Back in World War I, the Germans perfected a gun that could shoot 75 miles. Think of it. That was back in the days before I was in high school. I was born during World War I. Back in those days, all the talk was about going a mile a minute, 60 miles an hour. The Germans perfected that gun that would shoot 75 miles. Big Bertha. That is what they called it, Big Bertha.

I say to my colleagues who say what about those coal miners, they are constituents. Why are you singling out the coal miners? My answer is Big Bertha is going to score a direct hit on those coal miners. They are in the immediate line of fire. They are going to suffer job reductions amounting to 35 percent, according to the EPA. That is more than one-third, more than any other industry will suffer. That is why it has been narrowly drawn to affect that group that is going to suffer a direct hit.

So after listening to my colleagues, I have tried to weigh this matter, and I want to do what is right, too. I have not been negotiating with anyone. The White House has not negotiated. I have not received that telephone call. My colleagues are all laboring under the impression that negotiations are going on. There are no negotiations going on except those I am having with myself, and I must say they have been rather amicable. [Laughter.]

I do not fault the leaders. I did what they asked me to do. But I do not think the administration has been very forthcoming about this. And time is marching on. Here my amendment keeps getting put off, put off, and put off.

So I have negotiated with myself, having taken a few liberties along the way, to decide to draw back a little bit.

Here is the new proposal which I have, and it will require unanimous consent for me to modify my amendment. I hope I will receive unanimous consent to modify this amendment to make it in order.

This amendment that I would offer is a modification which would provide a 3-year program of benefits for terminated coal mine workers as follows: Understand, the first proposal I put up here, may I say to my dear friend from South Carolina, Senator HOLLINGS, that would cost at the outside $1.6 billion provided 100 percent for the first 2 years, 80 percent for the next 2 years, and 60 percent for the next 2 years. A total of 6 years. The proposal which I negotiated with myself and sent to the desk as a modification last Thursday, I believe it was, some days ago, cut that from 6 years to 4 years. Instead of 100 percent the first 2 years, it was 80 percent, 70 percent, 60 percent, and 50 percent, bringing the cost down to the absolute maximum outside, $700 million.

So now instead of the 4-year program, I have negotiated with myself further. The amount I now want to offer provides a 3-year program of benefits for terminated coal mine workers as follows: One, in the first 12 months following termination, a terminated worker would be eligible to receive benefits equal to 70 percent of the total compensation and benefits that such worker received during the 12-month period prior to termination. So I have come back now from Byrd, et al, amendment No. 2 which was 80 percent the first year down to 70 percent.

Second point: In the second 12 months following termination, a terminated worker would be eligible to receive benefits equal to 60 percent of the total compensation of benefits such worker received during the 12-month period prior to termination.

Third point: In the third and final year, the third and final 12 months following termination, the terminated worker would be eligible to receive benefits equal to 50 percent of the total compensation and benefits such worker received during the 12-month period prior to termination.

No. 4, which is in the amendment at the desk as well: To encourage worker retraining at any time during their period of eligibility, terminated workers would be eligible to receive an additional 20 percent of their prior compensation and benefits if enrolled in a full-time retraining or education program that is certified by the Secretary of Labor for a period not to exceed 12 months.

What is the impact of this proposed modification that I have? The maximum appropriation that would be required for this portion of the amendment is $500 million.

So the amendment has been dropped from $1.6 billion to $700 million now to $500 million. I am asking for the same amount of money that the administration is asking for Panama.

That would be the case if 5,000 coal miners lost their jobs as a result of enactment of the Clean Air Act. If all 5,000 eligible miners received the maximum benefits for all 3 years of eligibility and if all 5,000 chose to enter into a 12-month retraining program, and if all of them lived through those 3 years, and if they did not pay any income tax—which they will—but if they did not, that would be the maximum, $500 million.

EPA's estimate is that between 3,000 and 5,000 miners will lose their jobs as a result of enactment of this act, and if only 3,000—take the bottom range—were to lose their jobs, the maximum appropriation would be reduced to $300 million; if 4,000, the midrange, were to lose their jobs, the maximum appropriation would be $400 million.

But as with my original amendment, these benefits would be reduced dollar for dollar by any earnings from other employment during the period of eligibility. Also, the actual cost of this portion of the amendment would be much less than that of the worst case estimated since—let me sum this up now—since the benefits would cease upon the death of a recipient, many terminated workers will find other employment during their 3 years of eligibility, we hope, at least some will perhaps, and not all terminated workers would take advantage of the retraining and educational programs.

Furthermore, the net cost of the program to the Federal Government would be substantially less than the worst case estimate above since: First, the recipients of benefits would not be eligible for other Federal assistance; second, the ripple effect of mine shutdowns would be reduced, thereby reducing the need in mining communities for other Federal assistance; and third, the benefits paid to terminated

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workers would be subject to Federal income taxation.

So I have now added a new section to the pending amendment that will provide benefits to noncoal mine workers who may lose their jobs as a result of enactment of this legislation. This new section would extend to these eligible terminated workers benefits that are now available under the Trade Act of 1974, as amended, to persons who lose their jobs because of trade imports. The benefits under the modified amendment, if I am allowed to modify it, would provide up to 52 weeks of trade adjustment allowances, including up to 26 weeks of training for eligible recipients. In other words, what we are going to do for the noncoal miner loser of a job, if the loss of that job is directly attributed to this act, is allow him trade adjustment assistance for a year beyond the 26 weeks that he would get in unemployment compensation.

So we have provided this for workers whose jobs are adversely affected because of the imports in certain cases, and what I have been seeking here is that those noncoal miners who lose their jobs because of this act may have 52 weeks of benefits in training such as they would get under the Trade Assistance Act on top of the 26 weeks of unemployment compensation to which they will be entitled in any event.

So that this modification would not be directed just at coal miners but it would help other workers, chemical workers, steelworkers, laundry workers, automobile workers, whatever, who lose their jobs directly as a result of this act passed by the legislative branch. They are also going to have a cushion.

That is in sum the modification that I seek to offer. So I say to every Senator here, if someone in their State as a direct result of this legislation loses their job, they will get trade adjustment benefits a total of 78 weeks, 52 plus 26.

So, in sum, I have lowered the cost of the benefits available to the coal miners. I reduced the number of years, reduced the percentage per year, and in doing so, I think I have heard and responded to Senators who have voiced these concerns about the amendment which I presently have at the desk

Mr. President, I indicated to both leaders that I would ask unanimous consent to modify my amendment.

The PRESIDING OFFICER (Mr. LEAHY). Is there objection?

Mr. BYRD. I am going to ask unanimous consent, and I will ask it now while I have the floor.

I ask unanimous consent that I may modify my amendment with the amendment which I now send to the desk.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from West Virginia?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, reserving the right to object, and I am not certain whether I will object, I would like to comment on the statement and the amendment.

First, I would like to know what it is going to cost, what is this additional coverage going to cost. If it is $500 million just for the coal section, are there any estimated costs covering the other industries?

Again it is a question of some importance because we are looking at the total cost of this bill, trying to meet the guidelines set down in the President's letter of 2 or 3 months ago. If the distinguished President pro tempore has that information, it would be helpful.

Second, I know that the distinguished Senator from West Virginia is persuasive. I saw it in the Armenian resolution. He pealed off one after another around here on my Armenian resolution, and I know when I asked unanimous consent to modify my amendment, the Senator from West Virginia objected twice.

So it is very difficult to say no to the distinguished Senator from West Virginia, and I know that he has been knocking on doors, making house calls, visiting with Senators, and I know how strongly he feels about those who work in the coal mines, which is certainly justifiable, and I do not quarrel with that at all.

But, as the Senator from West Virginia knows, sometimes you have to pay a penalty for leadership. I have just paid one. I had to vote against my distinguished friend from North Carolina on an amendment on Lithuania because of administration opposition.

While there may not have been negotiations between the distinguished Senator from West Virginia and the administration, I can assure my friend from West Virginia that we were negotiating. I was negotiating; the Senator from Maine was negotiating, or trying to get the administration to negotiate on the basis that if we could come to the Senator from West Virginia with a counteroffer, if it were reasonable, he might accept it or he might say, well, with the following changes, I will accept it.

I can say that as recently as 7 p.m. this evening, I have been in contact with the White House—the majority leader just shortly before then—stressing the need to send up some counterproposal, some generic proposal, something that would cover coal miners and steelworkers and chemical workers and something that would cover more than the acid rain section and the air toxic section where there are going to be some people out of work, chemical workers.

In fact, Senator, I had letters today from the West Virginia steelworkers, letters addressed to me with copies of letters sent to the distinguished Senators from West Virginia, saying do not forget us—steelworkers.

I think I can report with some accuracy the administration's first preference is to defeat the Byrd amendment and go ahead and pass this bill. It has been my suggestion that they give us, give me or the leadership, or whatever, something to work with so that we can tell our colleagues that, if this Byrd amendment is defeated, there will be an opportunity to vote for a generic amendment that covers extra workers, steelworkers, rubber workers, whatever. And it would be based on the Trade Adjustment Act that the Senator from West Virginia referred to, and that has been referred to in the previous debate here last week.

I believe that information will be forthcoming from the White House in the morning.

I have said before I think this is probably the most important legislation Congress is going to consider all year. Sometimes you do not win every time. We have been successful in defeating a couple of major amendments that might have impact on whether or not this bill survives. The votes were very close—six votes on one and seven votes on the other.

I said the other night that if the Byrd amendment were adopted in the form that we are in, before it was modified, and even after the modification, that might be the end. I am not certain what the administration's view would be. But I am wondering if the distinguished Senator from West Virginia would permit the Republican leader at least to look at what the White House sends up before he makes his request.

I do not like objecting to the request of the Senator from West Virginia or any other Senator. I have not made a practice of it in 20 some years I have been around here. But since this information was probably not known to the Senator from West Virginia when he made the statement in the request, it still may be that there can be some resolution.

I did say that we have been trying to find a resolution to satisfy the legitimate concerns not only of the Senator from West Virginia, but of other Senators who are convinced that some people will lose their jobs as a direct result of this legislation, not because of increased technology in the coal mines or whatever it might be. There are going to be people who lose their jobs in any event in the coal mines because of the new technology, not as a result of this legislation. They are going down in any event, whether this legislation passes or not. I have the figures of how much the employment will drop to. I do not see them in front of me. But they are dramatic between now and the year 2000.

I would like to be able to craft an amendment that a great majority could vote for with the distinguished Senator from West Virginia. And I indicate to the Senator now that I have no objection if the request were made in the morning. But I think, in fairness, at least I hope the Senator from West Virginia would see, in fairness, that this Senator would like to have an opportunity to look at what the administration may have crafted since I indicated they would have that up here by tomorrow morning.

Is it possible that we might make the request in the morning?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Republican leader appeals on the basis of fairness. That is kind of what brought me to the floor with this modification. I have waited and waited and waited. The administration had its opportunity. I have nothing. I received nothing and I have waited. And how long can I wait?

Just now I am exercising my rights. The distinguished Republican leader will be exercising his rights if he objects. But I understand this situation very well. The Republican leader is doing a good job as a representative of his administration. If I were in his shoes, I would say exactly what he has said. Can you wait? Would you wait until in the morning?

Now, in the morning what we get is something from the administration. So I have shown my hand. The administration can react to this after it is modified. My ears are not closed after it is modified. I may not want to go along with whatever the administration might want to propose. I think I have gone back and back and now am in the third trench from where I was. I do not think that it is right for the coal miners to have to wait until tomorrow morning to have the modification at the desk. I have done what I have felt was fair to my colleagues and fair to the other workers of the country.

I was told, I have heard it on this floor, that the losses in jobs to steel, chemicals, coke ovens, all these have been reduced to a minimal. They have been minimized to virtually zero.

The distinguished Republican leader raised the question about costs. If the losses in other industries have been reduced to virtually zero, it is not going to be much additional cost for the trade adjustment portion of this amendment.

The cost will be negligible if the number of job losses have been reduced to negligibility. If they have not been reduced, then we ought to know that. If the losses are still going to be great in the chemical industries, if the job losses are still going to be great in the steel industries, I want to know, too, because I have steel. I have the great steel mills in the northern panhandle of West Virginia. I have one of the largest chemical complexes, if not the largest. I will not say it is the largest. It is one of the largest. It may be the largest in the Western Hemisphere in the Kanawha Valley, along the Ohio River.

I have been led to believe that those job losses have been reduced to virtually zero. If they have not been, I would like to know. We need to know whether the jobs reduction element has been reduced to zero, near zero, or it has not been reduced. If it has not been, we may need to craft a new amendment.

As to my good friend who said that Senator BYRD has objected twice on the Armenian resolution to the leader's request to modify, of course I did. And I explained why. Lest anyone did not hear at that time or has not read the RECORD, there was a basic reason for objecting. The distinguished Republican leader wanted to change a Senate joint resolution to a simple resolution or to a concurrent resolution, which means that that resolution would only be agreed to by both Houses, and it would not have to go to the President. The President would not have to veto it if he did not like it. He would not have to sign it. It would just be a matter among us folks up here. I wanted the President to have to showdown on that.

My good friend, Mr. DOLE, spoke of how the tables have been turned now, which I am requesting that I be allowed to modify an amendment when I objected to his doing so. The second reason I objected to the Senator doing so was because the concurrent resolution, as the verbiage read, would have been just as potently injurious to our relations with Turkey as was the language in the Senate joint resolution.

So there was no difference in the language. It would have been just as insulting to the Turks as a Senate joint resolution. No change in that. Besides, as I said, it would not go to the President.

The other way the table has been turned, since my good friend mentioned the tables being turned—and the Senator is right; the tables did turn. But he also turned the tables. The Senator said tonight during the debate on the Lithuanian resolution that he was the Republican leader, and it was his job to defend the administration's position. He was not defending the administration's position on that Armenian resolution.

I talked with the President on the phone. He did not call me; I called him. I talked with Mr. Eagleburger on the phone. He did not call me; I called him. I talked with the President's Security Adviser, General Scowcroft. He did not call me; I called him, not once, but twice or three times. I talked to him. I talked to him on Air Force One. I talked with the Secretary of State. He did not call me; I called him.

All of them, to the man, including the President, was opposed to the Armenian resolution. Yet, my good friend, Mr. DOLE, opposed the President's position. So tonight Senator DOLE says he has to support the President's position and the administration's position, and indeed he is supporting it. He indicated again that the adoption of this amendment might cause the President to veto the bill. I do not presume to speak for the administration. I could not do that.

I have been around here long enough to know that if there is an extremely controversial bill that the President is supporting and wants, and he has publicly stated that he wants it, and because when an amendment is adopted in one body, it still has to go to conference, to the other body, it has an obstacle course to run, at best.

But if it emerges from this obstacle course as a part of the legislation, I cannot believe that the President would veto this bill because of that legislation. If he vetoes this bill because of that, what assurance does he have that he will get another bill? What assurance does he have?

Members of this body have been working on this bill for years. It has already been before the Senate for 3 months. It is in the third month. And it still has a long way to go. If it is vetoed and it finally passes the Senate along about April or May or June, or whatever, and we have all these other matters, budget matters, appropriations matters, and so on, what assurance does the President have that he is going to get another bill, and if he does, what assurance does he have that it will not be worse than this one, in his viewpoint? So I take that with a grain of salt.

I do not presume to speak for the President on this, but I have heard that around here. Common sense tells me that the President is going to think once, twice, three times or more before he vetoes this bill because of this amendment. It may be included with other amendments so that the President would feel like he would want to veto it, but I want each Member to think about that, just think about it.

It will not be easy if the President vetoes this bill. I do not think it will be a quick turnaround if he gets another one. I hope that Senators will not be presuaded by that argument on this amendment, because this amendment is demanded by justice.

The PRESIDING OFFICER. The Chair asked if there is objection to the further modification of amendment No. 1329, the unanimous consent request.

Mr. BYRD. I have not yielded the floor, Mr. President.

The PRESIDING OFFICER. The Chair has shown a great deal of leeway with the Senators on the reservation of the right to object, but there was a unanimous consent request.

Mr. MITCHELL. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Maine.

Mr. MITCHELL. Mr. President, it is not my intention to object, but I wish to make a brief comment, and then I want to ask the distinguished Senator from West Virginia a couple of questions, because I did not fully understand the modification which he seeks to make.

First, in fairness to the administration, I think it important that the full sequence of events be described. As the distinguished Senator from West Virginia indicated, I telephoned him last week and asked if he would meet with a representative of the President, because this is an important amendment to the Senator from West Virginia and to the President.

The Senator agreed to, and I then telephoned the President's representative and asked him if he would be willing to meet with Senator BYRD. The representative indicated that he would, and as a consequence of my calls to both of them, which followed discussions I had had prior to that with the distinguished Republican leader, the meeting occurred on Monday, 2 days ago.

When I received a report of that meeting upon my return to Washington late Monday, I discussed the matter further with the distinguished Republican leader and the administration and encouraged the administration to review the matter and to make a proposal. To further encourage such activity, today I took the initiative and asked my staff to draft a proposal, which I had previously indicated to the distinguished Republican leader and to the administration that I thought represented an appropriate approach to what many of us feel is a serious problem. That was drafted today and delivered to the President's representative this afternoon as well as to the distinguished Republican leader.

Earlier this evening, prior to the statement by the distinguished Senator from West Virginia, I indicated to him that I was in the process of developing such a proposal and I hope to gain agreement with the administration and to be in a position to present that to the distinguished Senator from West Virigina as soon as possible. That was immediately prior to his statement when he indicated to me he was going to make a statement on the floor here.

I had hoped to receive final indication this evening. I do not know if I may have been called in the meantime. I have been on the floor for the last several hours.

So it is my hope that a proposal either identical to or similar to or based upon the one that I suggested would be available to be made. It did, as I indicated briefly to the distinguished Senator from West Virginia, include provisions that applied to other workers because, as he himself has indicated in his remarks here tonight, that is a concern that has been troubling many Senators; that is, how can we adopt legislation which says one category of workers that loses their jobs as a result of this legislation receives benefits, but all other workers who may suffer the same fate will receive no benefits. He is obviously attempting to respond to that concern now.

It remains my hope that this matter can be resolved in a manner that will be acceptable to all, and it is my hope that if not this evening—the hour is now late—the first thing in the morning, or as soon as possible tomorrow, hopefully the first thing in the morning, that I will be in a position to discuss this further with the distinguished Senator from West Virginia.

I had initially suggested that the discussions be between the Senator from West Virginia and the administration. Since that did not produce a specific counterproposal, I indicated to the administration and to the distinguished Republican leader that I felt I would take the intitiative and draft this proposal and discuss it with the Senator from West Virginia. That remains my intention, and I hope it will be possible to do that whatever happens with respect to the proposal.

Having said, that, I would like to make just an inquiry of the Senator from West Virginia regarding the substance of the proposal.

First, as he will recall, in our prior discussions I had expressed a reservation about a provision in his initial proposal which created a rebuttable presumption that any person who lost his job during the covered period did so as a consequence of this legislation. I indicated to the Senator from West Virginia that I felt that that effectively negated the certification process that was required in another provision of the law that in effect required the Secretary to certify that the loss was due to this legislation. We had some discussions about that, and I wonder if the Senator in his modification is proposing to eliminate that rebuttable presumption.

Mr. BYRD. The rebuttable presumption has been eliminated.

Mr. MITCHELL. I thank the Senator. I think, as I indicated to him, that is a step which I think is important because otherwise there would not be a certification process.

My second question is, because I did not fully understand it, do I understand what the Senator has suggested is that for coal miners who have lost their jobs the benefits will be those described in the original proposal, that is, a percentage of their income prior to the job loss for the 3-year period in the percentages stated in the Senator's amendment?

Mr. BYRD. Yes.

Mr. MITCHELL. But for persons who lose their jobs who are not coal miners, that the benefits will be those under the Trade Adjustment Assistance Act extended under this proposal for an additional 53 weeks?

Mr. BYRD. That is correct.

Mr. MITCHELL. And it is further my understanding that the benefits under the Trade Adjustment Assistance Act, of course, entitles one to unemployment compensation as determined by the State of residence of the person involved plus payments for the cost of training, plus job search and relocation assistance, if that is appropriate. Is it my understanding that those are the benefits that the Senator from West Virginia is contemplating having the benefits that exist under current law out of the Trade Adjustment Assistance Act for persons who lose jobs as a result of imports be available to those persons who lose their jobs as a result of this legislation but who are not coal miners?

Mr. BYRD. That is correct.

Mr. MITCHELL. I ask the Senator from West Virginia then, since the concern to which he is obviously attempting to respond and which many Senators have expressed to him, to myself, to the Republican leader, and others of having some benefits for coal miners and no benefits for others, is he concerned about the fact that under his proposal, while there are some benefits for others, they are different, less in amount, and shorter in period than those with respect to coal miners?

Mr. BYRD. They are.

Mr. MITCHELL. And I inquire further whether or not that does not at least permit the continuation of the same concern that previously existed that two categories of persons are being created by virtue of this proposal, one who will receive a certain type of benefits and others who will receive another type of benefits lesser in duration and lesser in amount during the period of coverage.

Mr. BYRD. I still have the floor, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. MITCHELL. That is an inquiry.

Mr. BYRD. There is a difference.

Mr. MITCHELL. I am sure the Senator has the same concerns as others have, and I want to make certain there was that difference, and perhaps he might address that.

Mr. BYRD. Yes, I would be happy to address that.

The bill targets the high sulfur coal miner by singling that group out for a 35-percent reduction in jobs. That is according to the EPA. If I am wrong, they are wrong.

In no other industry is that the case. The average age of the coal miner is 39 years. Eighteen percent of the coal miners are under 30; 41 percent are between 30 and 40; 41 percent are between 40 and over; and 16 percent are 50 and over.

The mean average experience for coal miners is 11 years. I do not believe it can be contemplated that coal miners are going to take a retraining course and go into some complicated microchip industry, do computer work or whatever if it were even there for them to do.

The mining regions of the Midwest and Appalachia have been ravaged. They have been devastated already. West Virginia has an 8.6 percent unemployment rate, the highest in the Nation. Louisiana is next with 7.9. Mississippi is next with 7.8. Arkansas is next with 7.2. Michigan is next with 7.1. And Alabama is next with 7 percent.

Where are they going to get jobs? The steel industry in my State has suffered as a result of imports. We need to have great pottery mills, shoe factories. They are gone—gone. When I ran for the House of Representatives I had 130,000 coal miners in West Virginia. Now we have 29,000. There are two different sets of figures. One says 29,000 plus but the other says 29,000. There are between 29,000 and 30,000.

The average number of workdays in the coal industry of this country are 202, at 5 days a week, 52 weeks a year, they could work 260 days. I am answering the majority leader's question. But, this past year, at least the latest we have figures for, is 202 days.

And so, let us say, as some would say, well, there will be an increase in the number of jobs in the low sulfur industry that will absorb those jobs that are lost in the high-sulfur industry. They will merely crank up the machinery and work more days, so that they could work 260 days and still produce far more coal. The country produced 949 million tons of coal, the latest year, I believe 1987, 949 million.

We produced 143 million of it; Kentucky produced 158; and my good friend from Wyoming that represents a State that is in the lead, they produced 163 million tons that last year. What I am saying is, do not look to the low sulfur areas to pick up the jobs that are lost in the high-sulfur areas.

All this goes to what I said about the high-sulfur coal being targeted. Nobody intends to target it, but that is where the cookie crumbles. The high-sulfur industry is being targeted not intentionally, but that is the result of this bill. And I have already explained why. So I am targeting the high-sulfur industry for relief.

These miners work in the most hazardous job that there is. I know. My brother-in-law died of pneumoconiosis. His father was killed in a slate fall. My dad was a coal miner back in the days of the carbide lamp and my wife's father was a coal miner. I have the blood in me of coal miners, and they are going to be hurt.

But not only is that coal miner going to suffer, the communities in which he lives are going to be seriously impacted. And for every coal mine job that is lost here, two nonmine jobs are estimated to be lost.

Now you know what that is going to do to the coal mining communities of West Virginia, Kentucky, Pennsylvania, Ohio, and other States. Those communities are going to be devastated. And so what I am trying to do here is target a group that is due for a direct hit, a hard hit and an immediate hit. I am trying to give them the kind of consideration that I think they deserve, remembering that if that coal miner still has some income, that community could live.

So if the bill targets them and if their areas are already devastated, as my State is devastated in many of its areas, and they are 40 years of age and they live the life of their father and their grandfather, it is only fair that they be given an adjustment that is not what they are accustomed to by any means, but that is higher than other workers who have not been earning that much money. Other workers do not have that hazardous a job.

Get on one of those mine motors if you have not been on one. Ride it along there, having to bend over in the motor to keep your brains from being bashed out when they strike the ceiling of that mine.

Walk under one of those kettle bottoms. I saw in the Congressional Record the word that was used was tunnel bottoms. It is k-e-t-t-l-e bottoms. Why? Because it is a piece of slate shaped like a kettle only it is upside down, the small end is up above. So, if you just jar that, hit it, and it would drop right out. Go in that kind of a condition. Go back into that face, walk around in the water a little bit all stooped over. Lie down in one of those continuous miners that grind out the coal, tons of it every day. Live in that dust a while, then you will understand why the miner gets more pay than people who work in many other occupations.

I would not want to work for that wage. I would not want to work in the mines for any wage.

But to them it is their life, it is their bread and butter. It is all they have ever had. Their fathers took them into the mines. It is an extremely hazardous duty. That is why they ought to be paid more. I do not have that hazardous duty here.

Of course, there is a difference. There is a difference in that amendment that I had at the desk at the beginning. I did not have any provisions to pay any other dislocated worker anything. In Byrd, et al., No. 2, there is no provision to pay any other worker. And yet we are at the river's edge. Perhaps we will have to go ahead with that amendment, I do not know, and vote on it.

I am entitled to offer another amendment. I do not have first recognition here. I understand the situation I am in and the situation is at some extremity. I am offering Senators a choice. Do you want to vote on that bill that is at the desk that has nothing for the other dislocated workers and costs more for the dislocated coal miner? I am offering something that I think is reasonable.

There is a difference, I do not deny it, and there are reasons for it. There are reasons for the distinction in the two. I understand that. I think there is some justice in the fact that coal miners, working in the hazardous jobs that they have, earn more money than a lot of the other workers in my own State.

So this is not just the coal miners of West Virginia bidding against noncoal miners of other States. I have noncoal miners who will lose their jobs perhaps, too. But if what I have read and heard on this floor is accurate, job reductions in other industries are going to be minimized as a result of the amendments that have been accepted, the amendments that were worked out in the distinguished majority leader's office. And if that be the case, the other industries are not going to suffer much by way of job losses.

Now that is my response. It was lengthy, but I have attempted to answer what I think is a very reasonable question by the majority leader, because he has posed a question that a lot of people ask.

So, Mr. President, I would like to have my request acted upon.

I do not intend to keep the majority leader or minority leader from speaking, but I do have the floor and I have put a request. I do not lose the floor by virtue of making a unanimous-consent request.

The PRESIDING OFFICER (Mr. Lieberman). The Senator from West Virginia is certainly correct. He does

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not lose the floor by virtue of making that request.

Is there objection?

Mr. DOLE. Reserving the right to object.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, first, I want to clarify. I do not want to redebate the Armenian resolution. I would say to the distinguished Senator from West Virginia that I sought to modify so I could accommodate the concerns expressed by the President of the United States, just as my colleague is now seeking to modify to accommodate the concerns some of his colleagues have expressed.

Had the modification been permitted—and we were only on a motion to proceed, we did not even have the bill before us, just to take it up which I was not even allowed to do—the President supported the modification. So I would not want the record to reflect that I had, by design or intention, literally, intentionally confronted the President of the United States on this issue.

We had a difference of opinion and I acceded to the concerns of the President. If I had been permitted to modify, it would have been before us in a way that was supported by the President of the United States. That was objected to on two occasions.

But, I also am aware that the Senator does have another amendment, can offer another amendment. He is going to be recognized sooner or later.

Mr. BYRD. Mr. President, would the distinguished Senator yield? If I said anything that, by implication connoted that I meant the distinguished Senator was dissembling in any way, fashion, or form, I certainly did not mean that, would never intend it. We are kind of debating this thing. The Senator was telling how I reversed the situation on him, and I was simply saying, well, the way I thought, it had had been turned, likewise, on the Armenian resolution. I certainly meant nothing dishonorable by what I said.

Mr. DOLE. No, I understand. I just wanted the RECORD to reflect what I thought the facts were at the time.

But I would say, it seems to me we are still dealing with the same basic problem, even with modification. Because you are giving preferential treatment to one person who loses a job and has a family, and you are giving a different treatment, different benefits, different duration, to somebody, a steelworker who is in a very dangerous, hazardous job but the benefits he would receive will be much less. He may have the same number of children, the same obligations, the same mortgage payments, the same grocery payments, and he gets much less. Or maybe it is a textile worker. Or maybe it is somebody else.

What this Senator has been trying to do, and I think I can say the majority leader and I have been trying to figure out, is to try to figure out how we can make certain there is fairness. If you are out of work you are out of work.

I assume the Senator from West Virginia is correct; coal mining is probably the most hazardous job in America. But the bottom line is, when you lose that job, or lose the job in a rubber factory, or auto plant, or steel plant, or whatever, you are out of work. You do not have many things to turn to. You do not have any recourse. Unless there is some generic proposal in this measure which would address that problem for a period of time while you were retrained, if possible, or while you were trying to find another job or relocating.

Under the proposal by the distinguished Senator from West Virginia, still in the first year, if you were in training you would get 90 percent in the first year, 90 percent——

Mr. BYRD. Seventy.

Mr. DOLE. Seventy plus the twenty.

Mr. BYRD. If he takes retraining, yes.

Mr. DOLE. So you would get almost your full pay the first year. But somebody in the textile plant, or somebody in the steel plant, or whatever, they would get unemployment compensation. I am not certain what the payment is. It would be different by State.

The reason I wanted to focus on the amendment, make certain I understood it—again, I do not quarrel with the Senator's intent. He knows precisely what he wishes to do because of his strong conviction about people who work underground, in the coal mines, in the dark, in danger. But, it would seem to me if they lose that job they are not in any more danger than a steelworker who has lost his job, or a farmer who might lose his job. They are not in the mines. They are on the ground, and they are all out of work. They all have families to feed. They all have obligations to meet.

So, I would still make the argument, if in fact the Byrd amendment as modified were adopted, you are giving preferential treatment to one class of Americans. And that was the basic objection in the first place.

I just say, with all respect, I do not believe this changes it much, unless everybody accepts all of the coal miners' level, or all of the other level. And that is why I was suggesting that I would like to have at least until tomorrow morning to have a chance to focus on the amendment. But I am advised and I would ask parliamentary inquiry—the Senator from West Virginia stated, and I know it to be a fact, that he is permitted to offer another amendment?

The PRESIDING OFFICER. The Senator does not have another amendment on the list that was part of the unanimous-consent agreement adopted that is jobs related.

Mr. DOLE. It is jobs related. If he withdrew the amendment, it would take unanimous consent at this point. But, in any event, say the amendment is defeated, the Senator from West Virginia is going to offer this amendment sooner or later. I am not going to object to his modification. And I want to preserve that next one in case we reach some agreement. There will still be an opportunity for the Senator from West Virginia to further modify.

So, I would say to my friend from West Virginia, I am not going to object. I am going to try to, as I indicated earlier, receive from the administration what I hope they have prepared, and hope at that point we can submit it to the Senator from West Virginia for his perusal.

Mr. DOMENICI. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. DOMENICI].

Mr. BYRD. Mr. President, I thank the Republican leader for indicating he will have no objection.

Mr. DOMENICI. Might I say to the distinguished chairman of the Appropriations Committee, I reserve the right but I do not intend to object. But I think this is an opportunity to just clarify a few things and, in a sense, express some concerns.

Might I do two things? First, let me say to the distinguished majority leader, and the Republican leader, and to my good friend, the chairman of the Appropriations Committee, I did not just stand up here because I have a inquisitive mind. I spent a lot of time trying to get a clean air bill to the floor. And it was a rare privilege to see us working together. We had the majority leader, we were there under the auspices of the minority leader, and I think the senior Senator from West Virginia will acknowledge that it took a long time.

But he has used the words "fairness" tonight. We did a lot of fairness in that room. A number of us worked for fairness for the cause of the distinguished Senator from West Virginia. I think Senator BYRD knows a number of us had problems with our States in terms of the allowance system. We worked together and ultimately in a bipartisan manner we came to the floor with a very good bill. The Senator's State came out better, as did the other six Midwestern States that have a big problem of cleanup under this 10-million-ton limitation that we are imposing. So I spent a great deal of time at that and I do not want to see our effort lost. I am not suggesting that it will be.

Having said that, I am a bit concerned about what we are talking about tonight. I would just like to ask a couple of questions. I think I am correct, the Senator from New Mexico believes he is correct in saying that on the acid rain cleanup there are two phases to this bill. There is a phase I, which goes to around the year 2000 or shortly thereafter, and then there is an extended phase.

Mr. BYRD. I believe it is to 1995. And then——

Mr. DOMENICI. To 1995, and then.

Mr. BYRD. Then.

Mr. DOMENICI. On the toxic air pollutants, there are at least two phases. We do not have exact times, but one of them is the time it takes to get the maximum available control technology on the industry, a very broad industry. Then there is a next phase. We are not sure that is standard yet, but it will be there when we have to impose it, perhaps 7½ years out.

Then there is another major section of the bill on attainment, for some of the nonattainment, some of the very major cities. All of these are part of this Clean Air Act and all change, to some extend, the way we live, the way we work, the way people do business, and all could have an impact on jobs, one way or another.

I am concerned because this Clean Air Act is going to run for a long time the coal industry, like the uranium industry, in New Mexico.

Let me say to the Senate, the distinguished chairman of the Appropriations Committee indicated how he called the Secretary of State during the previous debate on Turkey. Let me suggest that he did not call the Senator from New Mexico; I called on him. He did not call on me; I called on him. I did that because I am seriously concerned about his problem, the problem of his miners and of this bill. But I also am concerned about the American economy and its future. That was a private discussion, and I will go no further than to say we had a very good conversation about the problem.

Might I say to the distinguished chairman of the Appropriations Committee, my concern is how long will the modified Byrd amendment, the one he is going to get here tonight without objection, for how long will we continue to apply it to coal miners and those who might be entitled to trade adjustment if that is what we choose to do? For the first phase of the bill or for as long as this Clean Air Act has economic implications on the American worker and American business?

Mr. BYRD. Through 1995.

Mr. DOMENICI. For every provision, including trade adjustment, 1995 and we are finished.

Mr. BYRD. That is correct.

Mr. DOMENICI. Might I ask, with reference to getting rid of the rebuttable presumption, had the distinguished majority leader not asked, I would have asked, so let me ask a follow-on question. If the rebuttable presumption is gone, will the distinguished Senator—and I do not want to put him to a lot of trouble; he has been standing a long time on this floor—tell us briefly how his amendment goes about determining the person is entitled to either his percentage of their previous pay or trade adjustment?

Mr. BYRD. The Secretary of Labor draws up regulations in consultation with the appropriate congressional committees, makes the determinations as to who will qualify and who will not qualify.

Mr. DOMENICI. That is it. That certification is final, binding. When the Secretary of Labor determines that a person has suffered a job loss, I assume it is as a direct result of this act.

Mr. BYRD. That is correct.

Mr. DOMENICI. I take it then that in some of these Midwestern States, I say to my good friend, where the concern has been the dramatic rise in electric rates that might occur—they may be right; they may not be right—just as I assume here the loss of coal miner jobs is an estimate, and I will ask him a question about estimating shortly, but I believe some are estimating electric bills will go up in some of these Midwestern States 30, 40, 50 percent. I assume if that happens, some people might be put out of jobs. In fact, I can envision entire factories closing if the price of electricity goes up high enough.

Are those people in Indiana or Illinois entitled to trade adjustment compensation?

Mr. BYRD. Not under this provision.

Mr. DOMENICI. And that is because you assume the word "direct" means that they are not entitled because they are "indirect."

Mr. BYRD. I am saying that those who directly lose their jobs as a result of Government action enacting this bill into law are entitled to the benefits that are included in the amendment.

Mr. DOMENICI. Then I assume that the Senator from West Virginia is saying if a computer manufacturer in the State of Indiana closes down and moves to New Mexico or Taiwan because utility rates go up dramatically under this law and 400 workers are laid off, they get neither 70 or 80 percent of their pay nor trade adjustment under this bill.

Mr. BYRD. The amendment speaks for itself. It provides for those who lose their jobs directly as a result of this law. I removed "rebuttable presumption," and the Secretary of Labor, I would think, would make the determination under the regulations that the Secretary formulates.

Mr. DOMENICI. This is my last question, and I hope the Senator understands that I am trying to learn. I suggested that when we talked this morning.

Mr. BYRD. The Senator said that he asks incisive questions and I admire him for that. I wish more people would ask incisive questions about a lot of things. That is not something to apologize for.

Mr. DOMENICI. I said my mind asks me a lot of questions. I do not always ask them. Let me have one more.

Might I ask, is this a true statement? In the event the EPA's estimates of miner job loss, the loss of miner jobs or the loss of other jobs, am I correct in assuming that either coal miners who lose their jobs and are unemployed or others who might directly lose their jobs and be entitled to the trade adjustment provisions, that the best we are doing on the floor in giving EPA's estimates, and if EPA's estimates are wrong, we will pay whatever employees lost their job under this act whether it is 3,000, 5,000, 1,000, or far more; is that fair to say?

The Senator is using an estimate, but if the estimate is wrong, we are going to pay the reality.

Mr. BYRD. No; we are not.

Mr. DOMENICI. How will we prevent that?

Mr. BYRD. Because this is not creating entitlement. When the appropriations for a particular year are utilized, then the remaining appropriations will be reduced on a pro rata basis for those who qualify.

Mr. DOMENICI. The Senator is suggesting that he has a cap on this and to the extent those entitled might exceed the cap on an annualized basis, that the amount to be received will be reduced to fit within the cap? Maybe he did. I do not know that, and that is why I am asking.

Mr. BYRD. That is a good question, and I was very careful not to create an entitlement here. I was very careful not to put something in here concerning which point of order would lie at some future time. I will find that for the Senator.

Mr. DOMENICI. Might I say, while the distinguished Senator is looking, I was not asking about entitlements now within the purview of the Budget Act.

Mr. BYRD. I understand that. I am responding to the Senator by telling about that language, lest it be seen as an entitlement which would result in exactly what the Senator is going after. An entitlement would not make any difference if it was 8,000, 10,000, or 20,000. It would all be entitlement for that.

That is not what I am intending to do, create an entitlement.

Now, I read section 610(a):

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> The Secretary shall be responsible for the payment of all benefits provided coal mine workers pursuant to this title.
>
> (b)(1) There are authorized to be appropriated to the Department of Labor, such sums as may be necessary not to exceed $500 million.

So there I am using the EPA's estimates as to the number of jobs that would be lost. I am using the outside range, 5,000. The first year that would amount to, at the maximum, with 70 percent, $175 million, the second year would be $150 million, the third year would be $125 million, plus the $50 million for training, which adds up to $500 million.

I am using the EPA's outside estimates, highest range. So I put in this legislation that there are authorized—it does not make any appropriation at all. That is a good point, too, which I overlooked earlier. We are not appropriating money. This also has to run the additional obstacle course of appropriations.

> There are authorized to be appropriated to the Department of Labor such sums as may be necessary not to exceed $500 million—

There is a ceiling—

> and such sums shall remain available until such sums are expended, to meet obligations payable pursuant to sections 605 and 606 of this title. In any fiscal year, the Secretary shall limit—

And this is the answer to the Senator's question—

> the total benefits payable under this title to an amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of sections 605 and 606 of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

So I am using EPA's estimates.

Mr. DOMENICI. I thank the Senator.

Mr. BYRD. I am not providing for an entitlement. We computed as to the EPA's estimate the number of jobs that would be lost, amount of moneys that would be required. That is it. If the EPA has underestimated, well, it is too bad as far as this legislation is concerned.

Mr. DOMENICI. I thank the Senator.

Mr. BYRD. I thank the Senator.

Mr. THURMOND. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the distinguished Senator from West Virginia came here in 1957, just about 2½ years after I came here, and I want to say that I feel great personal affection for him. He is a man of conscience. He is a man of principle. He is a man of understanding. I admire him for his long, capable, and faithful leadership here in the Senate. I doubt if any man in the history of this Senate has served in leadership positions longer than he has. I have had tremendous faith in him and still do.

But I am disturbed about giving certain benefits to one class of workers and not to another. For instance, today, this very day, I have two announcements here of textile mills closing. What is going to happen to these people? Here is an announcement. This company announced that in approximately 60 days the company will close the plant; 235 people will be out of work. This announcement says the company has continually invested in new company renovation of plant facilities and new projects development. However, textile imports have adversely impacted the Robins operation for several years. Mr. Miles Hodge, the Robins plant manager, announced that while all of us have worked very hard to be successful with our customers, it has not been enough to overcome the massive continuing growth of imported textile products into the United States. Overall textile imports entering the United States rose 13 percent last year, 1989. The total value increased to $32 billion. Think of that: $32 billion of textile imports coming in here and taking jobs of Americans.

In the month of January, this past January, it broke all-time records for that month, increasing almost 10 percent. Imports of fabric and apparel increased from 10.7 billion square meters in 1988 to almost 12 billion square meters in 1989. This huge escalating textile import burden has directly impacted the Robins plant and made it impossible for the plant to continue operations.

That is an announcement that was made today.

For another plant that will reduce operations in 60 days, the manager of that plant says, "We have had the most modern textile equipment, renovated facilities, and new product development, but we never have gotten our Federal Government's attention on the devastating textile import problem."

Now, Mr. President, I know how much work has been put in there. We passed that bill in the Senate. The President vetoed it and we lacked a few votes overriding the veto. But these textile workers have worked there for many years, some of them 25 or 30 years. It would be hard to retrain them.

I can certainly sympathize with the able Senator on these coal miners. There is no tougher job in the world than that. I sympathize with him. On the other hand, how can I go back home and tell my textile workers that I voted for an amendment here that would give benefits to certain workers who are put out of jobs because of Government action, while Government action caused them to be put out of jobs? Government action—entering into agreements—textile agreements, is what caused these thousands of people to be put out of jobs. Just in the past few years between 350,000 and 400,000 textile workers have been put out of jobs. In my State alone, between 25,000 and 30,000 workers have been put out of jobs.

Mr. President, this disturbs me. If the able Senator is willing to modify his amendment to include textile workers, I will vote with him. Otherwise, I do not see how I could vote for the bill and explain to my people why I did not try to protect them when they were put out of jobs while others who worked in coal mines were protected.

Again, I hold the Senator in high affection and esteem. At the same time, I cannot support this amendment unless we include these textile workers in this bill.

Mr. BYRD. Mr. President, I would like very much to have the support of the distinguished Senator from South Carolina [Mr. Thurmond]. I had hoped he would support the amendment that I had offered earlier. I had no indication that he intended to support it. And now I have offered an amendment that does broaden the assistance to noncoal mine workers.

I was here and helped the distinguished Senator and his colleague, Mr. HOLLINGS, when it came to legislation to protect the textile workers. I had many meetings with labor groups, other groups, and stood shoulder to shoulder with them when their people were hurting. I did not have any textile workers in West Virginia. I am talking about the Trade Act. But I am a little like Webster was when he responded to Hayne during the famous Webster-Hayne debate of 1830. Hayne took 2 days to address the Senate and his speech was a ringing, ringing confirmation of the theory of nullification.

And during that debate, he implied that his State had no interest in railroads and canals in other States of the Union. Webster replied, and he had 12 pages of notes. And his speech also took parts of 2 days.

But in his speech, he said that the distinguished Senator from South Carolina, Senator Hayne, has indicated that the State of South Carolina has no legitimate interest in canals and railroads in any other State. In other words, the Senator from South Carolina, Mr. Hayne, has no more interest in a canal in Ohio than he would have in Mexico.

But Webster said "We are narrow-minded New Englanders, and do not think thusly. We believe that Ohio and South Carolina are parts of the same country," and States under the same form of government, for interests that are common and intermingled and associated. And he said, "We do not put geographical limits on patriotic feelings."

This is where I want to get what the Senator has said. Webster said to Hayne, "We are narrow-minded New Englanders," and "We do not put geographical limits on on patriotic feelings." He said, "We do not follow rivers, mountains, and lines of latitude to determine lines beyond which public improvements do not benefit us." And he said, "If I were to stand up here and say that Massachusetts has no interest in a canal or railroad in South Carolina, even though I were convinced of its national significance and national magnitude, I would not have the face to go back to my constituents."

What I am saying is that I have never drawn the line, may I say to my good friend from South Carolina, I have never drawn a line to say where people need help, that I would not help them. I have never said that patriotism lies wholly and solely within the boundaries of West Virginia. And whatever affects South Carolina affects West Virginia, as well.

I tried to help the Senator when the textile legislation was before the Senate. When the act of God imposed the terrible catastrophe on the State of South Carolina, I was the first to stand here at this desk, propose an amendment, and manage the bill that gave relief to the States that had been stricken by Hurricane Hugo. Coal miners are not going to lose their jobs as a result of an act of God.

But whatever affects South Carolina affects West Virginia. Whatever affects any other State in the Union affects West Virginia.

John Donne said that "No man is an iland, intire of it selfe . . . every man is a peece of the continent, a part of the maine . . . And therefore never send to know for whom the bell tolls; It tolls for thee."

That is the way I look at it. Right now we are dealing with a bill that targets high-sulfur-coal miners. That is what I am dealing with. The bill targets them. I have said already it does not intentionally do it, but it targets them. I am pleading the case of those people.

I anticipated this argument. The Senator would not have voted for the amendment that I had at the desk before. It made no provisions to help textile workers who lose their jobs, but if any textile workers lose their jobs directly as a result of this legislation, they would qualify for the trade assistance provision that adds a year to the 26 weeks of unemployment compensation for his textile people.

If they lose their jobs as a result of this legislation, that is what I am talking about. I am not trying to deal with every job that is lost in this country, jobs that are lost because of imports. That has already been done under the Trade Adjustment and Assistance Act.

I say to my friend, I am not trying to deal with every kind of job that is lost and for whatever reason that one may conceive of. I am talking about jobs that are directly lost and can be proved to have been lost as a result of this act which this Government hopes to make a law.

Mr. THURMOND. Mr. President, if this bill passes and the coal miners lose their jobs, they lose it as a result of the Government action. Textile workers are losing their jobs because of Government action.

Mr. BYRD. In this bill?

Mr. THURMOND. Not this bill. I am just speaking about in general.

Mr. BYRD. Yes; that is right.

Mr. THURMOND. How can we grant special favor to any one group, whether it is on this legislation or some other legislation? Government action will be the cause of coal miners losing their jobs. It is the cause of textile workers losing their jobs. And I just think they ought to all be treated the same and given equal treatment, and show no partiality to any group.

I think if the Senator is willing to accept an amendment where coal miners will be affected by this job or any job—in other words, whatever they put out—and apply it to textile workers, too, that would be a fair thing to do.

I do not know how I can explain to my people that we give coal miners certain special considerations; we ignore textile workers and do not give to them, where both have lost their jobs because of Government action.

Mr. President, that is my position. I hope the Senator will see it and will see fit to amend his amendment and bring in these textile workers. If he does, I will vote for this legislation.

Mr. BYRD. Mr. President, I respect the Senator's views.

Has objection been made to my request?

The PRESIDING OFFICER. No objection has been heard.

Mr. SIMPSON. Mr. President, reserving the right to object, I will be brief at this hour.

I have been listening with great interest to the debate of the Senator from West Virginia, and all other individuals.

I just want to clarify one thing that I do not think has come forth, and I think there is a bit of misconception or misinterpretation about; that is that any delay here has not been occasioned by the majority leader or the minority leader. Some perhaps, but a great deal of the delay has been to accommodate the Senator from West Virginia who is waiting for one more vote to come from a far-flung region of the United States.

I think that needs to be fairly said. We are talking about fairness.

There is a great deal of talk about fairness here tonight. I think that needs to be said. A lot of that delay was to accommodate a Senator, and that Senator will not be here until tomorrow. That is the Senator who will support Senator BYRD's position and a Senator from our side of the aisle. That is the way the game should be played. No one has any complaint about that. But to leave the impression that somehow the delay in getting to this has been created—and the Senator from West Virginia has been more than accommodating in letting us leapfrog that amendment all day—I think it is very important that that be entered into the record.

Then, just swiftly, I am curious as to why the Senator from West Virginia—and we have discussed this before, so perhaps I do not want to belabor the point—does not concur with at least what the EPA is telling us, that low-sulfur-coal jobs will increase in West Virginia. That now seems to be in dispute here.

I know that these underground miners are not able sometimes to go into the strip mining. We do not call it that in Wyoming. We call it surface mining. That low-sulfur production is going to help offset the losses in the high-sulfur sector. I heard the Senator speak the other evening of the geographical areas within the State. Nevertheless, that is what we are told. We have a provision here under the modified amendment which, as I gather, is $500 million for something between 3,000 and 5,000 people, in a 3-year period, which in effect, if there are 5,000, is $100,000 per person, per miner, a tremendous expenditure. We have never done that before in anything, whether it was the redwood workers or Conrail or wherever. We have never, ever done that kind of generous act.

And then I guess it still hangs down in the craw of those of us in the low-sulfur-coal States, and it comes back to the issue of what goes around comes around, and if we stay in this business long enough and legislate, we will eventually get bit by something we did 5 years, 10 years ago, and each person I see here on the floor tonight has been, I think, a State legislator or given a shot at that. All of us remember deep in our bosoms that, "I better be careful because some day the Big Bertha will be headed my way."

In 1977 they loaded the howitzer in this Chamber and shuffled about 22 1,000-pound rounds in and fired them all toward the West. At that time, Senator Ed Muskie, one of the great statesmen of this place and a man that was chairman when I came here, and I think one of the most respected Members of the Senate; Senator MITCHELL worked with him when he was first in Washington, when they did a number

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on the West with great glee, and some of the ones who did it are still here—not in this Chamber tonight, or maybe some are—but when that occurred in 1977, Senator Muskie rose and said this. This was called percentage reduction. It was a blatant attempt to do one thing and one thing only, to protect the high-sulfur-coal industries in the United States—nothing more. It had no other function, nothing.

That percentage reduction requirement has been in place for 13 years, and this is the reason high-sulfur-coal employment has been artificially high, higher than it would have been in the normal course of the decline of this industry, which is going to continue, apparently, not from my studies, but the studies we read.

So that makes the job impact seem ever more significant, But here is what Senator Muskie said:

> The dominant thrust of this amendment is not its relationship to clean air, but its relationship to the economics of the areas that it is designed to protect. For that reason, I regret that it is being offered to a clean air bill.

Then Senator **Byrd** was relating to regional difficulties, earlier debates in this Congress by remarkable historians, and then here is what Senator Muskie said:

> Second, I must say in all candor that the constitutional convention was the result of the fact that 13 colonies were busily erecting trade barriers against each other. I do not think we want to get to another constitutional convention. I just see this as a first step, benign as its intentions are, in that kind of regionalization, around regional economic interests. It disturbs me a great deal.

That is what he said. Then he concluded:

> It is a propensity we all find in all of our regions and in all of our States from time to time. For that reason, I will oppose it.

Then he said:

> Insofar as its mechanisms are concerned, I think they could stand refinement, in fact, if it were to be determined that it would be something we should do.

That was what Senator Muskie said. And now we are here, really seeing that those who imposed that terribly stringent thing are seeking fairness. It is a curious business. One of those, who is not in the Chamber, will be on the floor with an amendment which is not exactly an environmental amendment. It will be an amendment to open up the stacks in the United States. So the wheel does come around. And when the uranium industry went belly up, Senator **Domenici** and I did not point out Three Mile Island and say what happened there with NRC has closed our minds in New Mexico and Wyoming, it has killed our industry, and now we want a Federal program to take care of our people, for the displaced uranium miners. No, we took our lumps.

When the bottom fell out of the oil and gas industry and prices went from 40 bucks a barrel down to $9 and less, we took our lumps. And I have seen the Senator from West Virginia fight the good fight. I do not know what more he could do, but the people of West Virginia, and especially in the coal mines and in the unions of West Virginia, ought to know that there is no better protector of their remarkable craft—and a terribly hazardous one it is—than this man from West Virginia. He has fought the good fight. But the fight has been so good over the years that the Senator from West Virginia has also parlayed into the Eastern high-sulfur-coal States, not $500 million, but billions—$5.3 billion has come into the high-sulfur-coal States through clean coal technology programs, right here on the floor of this Senate.

Until this year, DOE never made a grant to a Western State, not one. First round, second round, and finally on the third round a few crumbs dribbled west of the Mississippi and fell off the edge of the wagon as it went through. And so he has been extraordinarily successful, extraordinarily, in placing billions of dollars for programs designed primarily to help Eastern high-sulfur coal, much of that in West Virginia.

Why cannot some of those miners work at these new clean coal plants? And I was one who for the Byrd-Bond amendment I held strong. I had the stuff still in me that I did not want to do that and yet I said we cannot penalize those people and we did not. The Byrd-Bond amendment was a result of that and we took it on.

We could have played big stuff at that point. I did not choose to do that. I am not a vindictive man. But we got clean coal technology. It is narrowly defined. Why cannot some of these miners work for the clean coal plants that are being built and will be built in the future?

So here we are now at this stage with Senator **Thurmond** ably speaking for the textile workers. There will be others speaking for every other group as soon as we get into this amendment, modified or unmodified.

So we have the clean coal program. We have the Byrd-Bond amendment, which gave allowances to the Midwest, allowances that can be sold, methods for them to sell them in ways they can buy the pollution equipment. Pollution equipment is detrimental to the low-sulfur coal. But we are going to let them do that, stretch it out.

Now, what is next? We are going to get a job relief amendment. I do not know what all is lurking. There is no unidentified relevant amendments in that stack of 200 that I will ever know, but I know we are going to be here to watch carefully. There is going to be a tax credit amendment and we remain very wary, those of us who were treated this way in 1977.

It is odd to me as to whatever happened to the risks of capitalism? Now you go broke and you come to your Government to be made whole. It used to be in capitalism you could make a wad or go broke. Now if you go broke, you come to the Government to be made whole. That is a bad precedent. Government becomes the indemnifier of employees in America. We cannot afford that. We voted for a debt limit of $2.3 trillion. I do not know what that is but we did that last session.

These are called the risks of capitalism and even if we did not do a thing, this marvelous piece of work is not going to die. I am not going to let this die, not with the work people put in it for 10 years while extremists on both sides picked it off every year. They are trained on how to kill a bill and not pass one. We discovered that from mean greenies and soot-covered slobs. We have done all that.

Now we have the risks of capitalism. We are trying to remove those from the picture and that is a disturbing trend, a most disturbing trend.

So we shall continue to remain wary. I am not going to object. I do not believe I have ever done that in my 11 years here. I will not do it now, but we will have the administration's proposal in the morning and I know that the Senator has indicated that he will review that because indeed it must be not a good experience to continue negotiating with oneself.

The PRESIDING OFFICER. Is there objection to the request for a further modification of amendment No. 1329? Without objection, the amendment is so further modified.

The amendment (No. 1329), as further modified, is as follows:

On page 567 of the amendment No. 1293, on line 20, strike "dioxide" and insert the following:

TITLE VIII—RELIEF FOR TERMINATED WORKERS

BENEFITS

Sec. 801. The Clean Air Act is amended by adding at the end thereof the following new title:

TITLE VI—RELIEF FOR TERMINATED WORKERS

"SHORT TITLE

"Sec. 601. This title may be cited as the 'Relief for Terminated Workers Act'.

"PURPOSE

"Sec. 602. The purpose of this title is to help minimize the effects on workers who are terminated from their employment as a result of the enactment into law of the provisions of this Act, as added by the Clean Air Act Amendment of 1990.

"DEFINITIONS

"Sec. 603. As used in this title, the term—

"(1) 'terminated coal mine worker' means any individual employed as a coal mine worker on the date of the enactment of this title, and who, after having been employed, prior to or after date of enactment, as a coal mine worker for a period in excess of 6 months, is terminated at anytime thereafter from such employment as a direct result of the enactment into the provisions of title IV of this Act, as added by the Clean Air Act Amendment of 1990;

"(2) 'eligible terminated employee' means any individual, other than a terminated coal mine worker, who is a member of a group of workers that the Secretary of Labor certifies, under the procedures described in subchapter A of chapter 2 of title II of the Trade Act of 1974, as eligible to apply for assistance under this title because the Secretary determines that—

"(A) a significant number or proportion of the workers in such workers' firm or appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

"(B) the sales or production, or both, of such firm or subdivision have decreased absolutely; and

"(C) compliance with the provisions of the Clean Air Act Amendments of 1989 was the direct cause of such total or partial separation, or threat thereof, and of the decline in sales or production.

"(3) 'Secretary' means the Secretary of Labor.

"PROGRAM OF BENEFITS

"SEC. 604. (a) Prior to the expiration of the 180-day period following the date of the enactment of this title, the Secretary of Labor, by regulation, shall establish and carry out a program to provide benefits for coal mine workers in accordance with this title.

(b) Prior to the issuance of such regulations, and from time to time thereafter, the Secretary shall consult with the appropriate Committees of Congress with respect to such regulations and the implementation of this Act.

"TERMINATION ALLOWANCES

"SEC. 605. (a) In promulgating regulations pursuant to section 604, the Secretary shall include provisions which assure that, under such program, a terminated coal mine worker shall be entitled to a monthly termination benefit computed as follows:

"(1) The monthly termination benefit for the first 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 70 percent of such worker's average monthly compensation determined by computing the total compensation received by the worker, including vacation allowance and monthly compensation guarantees, during the last 12 months immediately prior to his employment being terminated, and by dividing the total compensation by 12, thereby producing the average monthly compensation.

"(2) The monthly termination benefit for the second 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 60 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(3) The monthly termination benefit for the third 12-month period following the date on which a coal mine worker is first determined to be a terminated coal mine worker shall be an amount equal to 50 percent of the amount of the average monthly compensation of such worker computed in accordance with paragraph (1) of this subsection.

"(b) Each monthly termination benefit to which a terminated coal mine worker is otherwise eligible under this section shall be reduced by an amount equal to the amount of any earnings of such worker from employment during the period for which such benefit is payable, and shall be further reduced by any benefits to which such worker is otherwise entitled as a result of having been employed as a coal mine worker.

"(c) A coal mine worker and his representative shall be furnished by the employer of such worker with such worker's average monthly compensation and average monthly time paid for, computed in accordance with the provisions of this title, together with the data upon which such computations are based, within 30 days after the worker notifies the Secretary in writing that he has been terminated from employment. The coal mine worker shall make such information available to the Secretary.

"RETRAINING AND EDUCATION PROGRAMS

"SEC. 606. At any time during the 3-year period described in section 605(a), any terminated coal mine worker while engaged in a full-time retraining or educational program certified by the Secretary, after consultation with the appropriate Committees of the Congress, as appropriate for purposes of this title, shall, while satisfactorily participating, receive, in addition to the benefit under section 605, an amount equal to 20 percent of the average monthly compensation of such worker computed in accordance with section 605(a)(1), for a period not to exceed 12 months.

"OTHER FINANCIAL ASSISTANCE

"SEC. 607. For the purpose of any law, other than this Act, providing Federal benefits or assistance to an individual based on need as determined by the earnings of that individual, benefits under this title shall be deemed earnings for the purpose of determining whether such individual qualifies for benefits or assistance under such law.

"TERMINATION OF BENEFITS

"SEC. 608. Benefits payable under this title shall cease on the date of the death of the individual entitled to such benefits.

"LENGTH OF BENEFITS

"SEC. 609. Any terminated coal mine worker shall be entitled to benefits, in accordance with this title, for the 36-month period following the date on which such worker first becomes a terminated coal mine worker, or for a period of months following such date equal to the number of months that such worker was employed as a coal mine worker prior to such termination, whichever is less.

"PAYMENT OF BENEFITS

"SEC. 610. (a) The Secretary shall be responsible for the payment of all benefits provided coal mine workers pursuant to this title.

"(b)(1) There are authorized to be appropriated to the Department of Labor, such sums as may be necessary, not to exceed $500,000,000, and such sums shall remain available until such sums are expended, to meet the obligations payable pursuant to sections 605 and 606 of this title. In any fiscal year, the Secretary shall limit the total benefits payable under this title to an amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of sections 605 and 606 of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

"(2) There are authorized to be appropriated to the Department of Labor, annually, such sums as may be necessary to provide for additional administrative expenses to be incurred by the Secretary in carrying out his functions under this title.

"REPORTS

"SEC. 611. (a) The Secretary shall report annually to the Congress with respect to the carrying out of the provisions of this title, together with the recommendations, if any, of the Secretary.

"(b) Within 12 months of enactment and annually thereafter until utility unit emissions reductions and controls are fully implemented, the Secretary shall determine the potential adverse employment effects (including the number of jobs at risk of termination and the schedule for job termination) of title IV of this Act on the coal mine workers of the Gascoyne Mine, Knife River Coal Mining Company, Bowman County, North Dakota, and report such determination along with supporting information to Congress together with any recommendations.

"RETROACTIVE CLAIMS

"SEC. 612. Claims based upon terminated employment of terminated coal mine workers must be filed not later than 180 days following the date on which such termination occurred. Claims for such termination which took place during the period beginning on the date of the enactment of this title and the date on which the program established by the Secretary pursuant to section 604 becomes operative may be made within the 180-day period following the date on which such program becomes operative.

"PROGRAM OF BENEFITS FOR ELIGIBLE TERMINATED EMPLOYEES

"SEC. 613. (a) Not later than 180 days after the date of the enactment of this title, the Secretary of Labor shall, by regulation, establish for eligible terminated employees—

"(1) a program of readjustment allowances substantially similar to the trade readjustment allowance program under part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291 et seq.),

"(2) a program for job training and related services substantially similar to the program under part II of subchapter B of chapter 2 of title II of such Act (19 U.S.C. 2295 and 2296), and

"(3) a program for job search and relocation allowances substantially similar to the program under part III of subchapter B of chapter 2 of title II of such Act (19 U.S.C. 2297 and 2298).

"(b) The Secretary is authorized to enter into agreements with any State to assist in carrying out the programs under subsection (a) in the same manner as under subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.).

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 614. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of section 613 of this title. Such sums shall remain available until expended. In any fiscal year, the Secretary shall limit the total benefits payable pursuant to section 613 of this title to an amount not in excess of the appropriations provided in advance for such fiscal year. If the requirements of such section exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

"TERMINATION

"SEC. 615. No application for benefits under section 605 or 613 of this title may be filed after December 31, 1995.".

Mr. BYRD. Mr. President, I do not intend to belabor the time of the Senate, but I just want to apologize to my majority leader who has been sitting here waiting patiently, and to the other Senators.

But I must say I have not delayed action on my amendment. The distinguished Senator from Wyoming mentioned delay. I have not. I said I was ready to vote last Thursday and ready to vote Friday. I did say, I believe it was yesterday, that I would like to have a day's notice so that Senators will be given notice.

One of my leaders said you are wanting to wait until Senator STEVENS gets here. I said, "yes." Also, I was thinking of another Senator who is ill and I felt if it were possible to do so we have a day's notice to give him a chance to make a decision to come in.

But the request was never put. I would not have objected if we voted yesterday or today.

I do not have the advantage I used to have in charge and knowing what Senators are coming and who is leaving and precisely what hour. But I did know of a couple of Senators' problems.

I will not go into the low-sulfur/high-sulfur job opportunities to which the distinguished Senator has referred briefly.

He made a point over and over and over again about what happened in 1977. I did not do whatever happened in 1977. It was not ROBERT BYRD who did that. As I understand, that was something that happened in conference. I was not a conferee. And the Senator has mentioned the Senator who was here in the past.

Mr. President, I do not think we can be governed by, I will not say the dead hand of the past, particularly the Senator who was mentioned, the former Senator, is not dead. But the past is dead insofar as that Senator. I do not think I am any part of that past. That is, whatever was done was done. I was not on the committee. I was not a conferee. I do not believe I made any speech in support of whatever provision there was in that bill.

I hope we are not vengeful. I will not hold responsible today's people who are going to be impacted by today's problems by something that happened in 1977. I can understand if the people in the Far West felt they were treated unfairly. I understand the feeling. But we are long past 1977, and we are dealing with today's problems and we have taken our lumps too. We all take our lumps around here. I have taken my lumps.

The distinguished Senator mentioned the clean coal technology program. I think it is $2.7 billion that I have been able to get for that program, a total of 2.7. It is not all there yet but I have it appropriated ahead I believe for this year and next year, a total of 2.7 in all, $2.7 billion.

And those clean coal plants, the distinguished Senator says why can the miners not work at those clean coal tech-nology plants?

No. 1, the miners are not technicians. I do not know who will be employed at those clean coal technology plants. There will probably be some scientists involved.

In the second place, I have no jurisdiction over where those plants go. I do not know if any are going to West Virginia. I do not know if any are going to Kentucky or not. We do not decide. Senators do not decide where those plants will go. That is not our function.

That is determined on the basis of the interest that is shown by the private sector which is supposed to pay half. And I think the experience has been that the private sector has been paying two-thirds. We have had a good response from the private sector and the Department of Energy will determine what proposals are going to be accepted, what contracts will be accepted, and so on. That is not any of my doing.

I do not know that any of those clean coal technology plants will be located in West Virginia. There has been indication one will be located around Point Pleasant, but that is not a foregone conclusion and I certainly am not one who will decide that. They may be located in Wyoming or somewhere else. I do not care where they are located. As a matter of fact I would like to see some big ones in West Virginia. But the object is not where the plant is located. That is not my purpose in seeking funds for clean coal technology, but to get clean coal technology to try to improve the acceptability of coal, make coal, provide coal that can be burned in an environmentally acceptable manner and to increase the use of coal.

So wherever that plant is located and accomplishes that fact that I think is our goal. But we are interested in improving the use of coal, increasing the use of coal, and burning it, as I say, in a manner that is environmentally acceptable.

I do not care to engage any longer in holding the floor. I thank the majority leader again and I thank the distinguished acting Republican leader and friends of the Senate.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRIENDS OF IRELAND ST. PATRICK'S DAY STATEMENT—1990

Mr. KENNEDY. Mr. President, this is the 10th year in which the Friends of Ireland in Congress have joined together in an annual St. Patrick's Day statement on Northern Ireland.

Formed in 1981, the Friends of Ireland is a bipartisan group of Senators and Representatives dedicated to maintaining close historical ties between the United States and Ireland, opposing the use of violence in Northern Ireland, and developing a United States policy that promotes a just, lasting, and peaceful settlement of the conflict there—a tragedy that has cost over 2,700 lives in the past two decades, and that has brought economic devastation and political instability to the region.

The Friends of Ireland statement this year urges all sides to the conflict to reject the path of violence and work for a negotiated settlement that addresses the concerns and needs of both communities in Northern Ireland.

Mr. President, I believe that all our colleagues will be interested in this statement, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

ST. PATRICK'S DAY STATEMENT OF FRIENDS OF IRELAND, U.S. SENATE AND HOUSE OF REPRESENTATIVES, MARCH 17, 1990

As Friends of Ireland in the United States Congress, we join today with people of Irish heritage everywhere on this first St. Patrick's Day of the new decade to honor Ireland and to support the cause of peace, reconciliation, and justice for Northern Ireland.

Again this year, in the strongest possible terms, we condemn the violence and bloodshed in Northern Ireland. Absolutely and unequivocally, we abhor all attempts to achieve political goals in Northern Ireland through a campaign of hate and terror. We oppose all those in Ireland, the United States, or anywhere in the world who lend support to this terrorism, and we call on them to cease any political or financial support for violence.

We are troubled at this time by two developments in the past year that are serious setbacks for the cause of reconciliation in Northern Ireland.

First, while we welcome the British Government's acknowledgement of the gross miscarriage of justice in the case of the Guildford Four, we continue to be deeply concerned by the lack of relief in the Birmingham Six case. Inevitably, the circumstances of the Guildford Four case call into question the convictions of the Birmingham Six, who were sentenced to life imprisonment for the 1974 bombings of two pubs in Birmingham, England. We urge the British Government to support the fullest possible review of this case and we take particular notice of the recent resolutions introduced in both the House and Senate calling for a review of the Birmingham Six case.

Second, we are concerned over reports of collusion between British security forces and extremist paramilitary groups in Northern Ireland. Reports of such collusion only serve to deepen the mistrust in Northern Ireland. The allegations that British security officers have provided information about the identities and activities of Nationalists in Northern Ireland are extremely troubling. We urge the British Government to get to the bottom of these allegations immediately, to make the findings of the investigation public, and to prosecute any officers responsible for such reprehensible activities.

We welcome the successful recent efforts of the Irish Government in reviving the economy and in achieving a rate of economic growth of 3 to 4 percent a year, one of the highest rates of growth among the nations in the European Community. We hope that this progress will soon be reflected in a significant decline in unemployment.

For too long, emigrants from Ireland have endured unnecessary additional hardships because of the injustices in U.S. immigration laws. We applaud the success of the Donnelly visa program and its contribution toward reducing these injustices in recent years.

We commend President Bush and his administration for their continuing support for the efforts of Ireland and Great Britain to work together to address the social, economic, political and security problems of Northern Ireland, and we stand ready to work with the Administration to achieve these goals.

We continue to support the work of both the Irish and British Governments through the framework of the Anglo-Irish Agreement to promote peace and reconciliation in Northern Ireland. We remain committed to the belief that the solution to the problems of Northern Ireland will be found in a context which involves improved relations between the two communities in the North, between all the people sharing the island of Ireland, and between Ireland and Great Britain.

We commend the work of the International Fund for Ireland, established in a bilateral agreement between Great Britain and Ireland in 1986, to promote cooperation in economic and social development projects in areas most affected by the conflict in Northern Ireland.

We are encouraged by the success of the Fund in providing assistance for more than 1,200 projects and helping to generate over 8,000 permanent full-time jobs, half in the past year. We commend the Fund's shift in focus in 1988 toward assisting disadvantaged areas and helping local groups in depressed communities to revive their local economies. In our view, economic development is an essential part of the reconciliation process in Northern Ireland, and we urge the Fund to expand these important efforts.

We continue to be concerned about the disparity in unemployment rates between the two communities in Northern Ireland. We note the recent enactment by the British Parliament of a new Fair Employment Act, and we are hopeful that it will be vigorously implemented to reduce discrimination against the Nationalist minority in Northern Ireland.

Finally, we renew our commitment to the goal of Irish unity. We encourage the leaders of both the two great traditions in Northern Ireland, as well as the British and Irish Governments, to become part of the sweeping process of global reconciliation so that the spirit of reconciliation may come to all of Ireland too.

NEEDED: A NEW ROADMAP FOR UNITED STATES-SOVIET RELATIONS

Mr. CRANSTON. Mr. President, the transformation of the Eastern bloc continues at a rate unimaginable just a few short months ago. The Soviet Communist Party has begun to relinquish its monopoly on power and has opened the way to some forms of private ownership. Peaceful revolution has been sweeping Eastern Europe, ending nearly a half century of totalitarian rule and paving the way for democracy and economic liberalization. Germany is reunifying. Unprecedented proposals have been made by both NATO and Warsaw Pact nations to cut troops and reduce nuclear arsenals. In short, our foreign policy objectives of the past 40 years are being realized. And yet too many U.S. policymakers are still approaching the new world with the same formula that has guided our perceptions and our policies since WWII—a model characterized by the zero-sum competition of the cold war.

It is time—indeed past time—for the United States to construct a new paradigm. While the Soviet Union retains a formidable nuclear arsenal, the ideological contest of the cold war is over. We won. Democracy has shone through as the promise of the future. It is now incumbent upon us to work with the newly democratic and swiftly democratizing nations of Eastern Europe to build a solid foundation for freedom.

We need to redefine our relationship with the Soviet Union.

We need a new vision of how this relationship will fit into a changed world.

We need to keep pace with the change, so that we do not become an anachronism in a new order, without a seat at the table, unable to influence events, not a player.

In short, we need a new vision to guide our foreign policy toward Eastern Europe and the Soviet Union.

Congress has made a modest beginning. The Support for East European Democracy Act [SEED] and its successor SEED II address some of the most immediate needs of the nascent East European democracies. Food aid, currency stabilization, election training, and educational programs are included in these aid programs. These efforts are clearly designed both to provide humanitarian aid and to help ensure that these new democracies do not founder. In additon, the SEED legislation takes important steps to broaden economic relationships with the Soviet Union.

Yet our basic approach to the world—the cornerstone of which is our relationship with the Soviet Union—has changed very little. Fundamental questions remain to be addressed:

Should we aid President Gorbachev?

Will Gorbachev survive the upheavals overtaking his country?

How much has the security threat diminished?

What will be our future security concerns?

I would like to take this opportunity to explore these questions, to help begin the process of formulating foreign policy in a less reactive fashion.

DEMOCRACY IN THE SOVIET UNION

I strongly believe that we should encourage President Gorbachev in the efforts he is making to liberalize the Soviet Union. We should respond to his initiatives positively—and provide initiatives of our own. Remarkably, President Havel of Czechoslovakia reached this conclusion in his address to the Congress when he requested our support for Gorbachev's policies of change—which Havel believes is crucial to the success of democracy in Czechoslovakia.

The United States must begin to remove some of the trade barriers that are in place. Jackson-Vanik is a good place to start. This legislation was designed to be used as a leverage against the Soviet Union's prohibitive emigration tax. Now that remarkable progress has been made in this area—and more than 70,000 Soviet Jews were permitted to leave last year—we should uphold our intentions and relax this sanction. We need to make clear that we are willing to live up to the spirit of our own policies and that when our conditions are met, we will remove our sanctions.

There are those who argue that removing Jackson-Vanik, relaxing Cocom restrictions, or otherwise normalizing economic relations with the Gorbachev government will merely prolong the collapse of the Soviet empire. This view maintains that we should indeed be more severe in our policies toward the Soviet Union in the hopes of accelerating change. I do not believe this is an effective way to proceed.

I believe that swift but orderly change is the best hope for a democracy in the Soviet Union. The pressures on the people of the Soviet Union—a people intensely dissatisfied with economic and political stagnation—is proving to be an irresistable impetus for change. One hundred thousand people rallied for democratic change in the streets of Moscow on February 25. They need to experience the benefits of a more liberal state. Democracy cannot be supported by destitution.

I am convinced that, should we refuse to respond to liberalization in the Soviet Union, the danger for chaos will increase and the prospects for a democratic government will diminish.

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I emphasize that U.S. cooperation will not bolster a faltering Communist dictatorship, rather it will encourage and strengthen those pluralistic forces that are finally beginning to be heard.

REDUCTION OF BILATERAL TENSIONS

The security threat from the Soviet Union has greatly diminished. We need to take advantage of this new security environment not only to swiftly conclude those outstanding negotiations—Conventional Armed Forces in Europe [CFE], Strategic Arms Reduction Talks [START], Conventional Test Ban Treaty [CTBT]—but to push for new, more comprehensive proposals that look toward the future. We should not limit ourselves to treaties and agreements that were structured during the heyday of the cold war. For example, given the rapid pace of change, the emerging START Treaty may prove a modest step for nuclear reductions.

We need to complete these agreements promptly. But we should not be satisfied with them. To those who say do not go too fast I respond: "events are outstripping the capacity of U.S. bureaucrats and policymakers to address them." It has been 18 years since the ratification of a strategic arms agreement with the Soviets. It is hardly rushing to now finally move to conclude another.

NEW SECURITY CONCERNS

We must work for a more stable security environment, recognizing that while the most deadly threat—the Soviet threat—has eased, new concerns are emerging. As dictators topple and regimes change in Eastern Europe and as the chains of dictatorship loosen in the Soviet Union, latent ethnic and religious hostilities are reemerging. These developments are destabilizing and disturbing. Our policies must not support those whose independence movements mask a supremacist program. We must support change, but we must ensure that it is democratic change.

We must also work with the Soviet Union, as well as the other Eastern block nations, to address their security concerns in the light of inevitable and rapid German reunification. Their perceptions and concerns regarding a unified Germany will affect our own security. There are grave questions that attend these developments, questions that I fear are being skirted in the momentum of events. And I am deeply concerned that few people seem willing to address these questions in a serious way. In my mind, the issues are threefold:

First, the issue of the German-Polish border needs to be satisfactorily resolved. Not later, when a unified Germany can debate the issue, but now. I understand that Chancellor Kohl has domestic political concerns that make him reluctant to take unequivocal action on the inviolability of the Oder-Neisse border. Nevertheless I firmly believe that the international security concerns of the nations of Europe—individually and collectively—should take precedence. It is irresponsible demagoguery to suggest that this border—that any of the borders established in Europe at the end of the Second World War—are subject to negotiation or debate. These borders are permanent, and responsible governments should acknowledge that irrefutable fact.

Second, while I understand the desire of the German people to reunify according to their own specifications, it is altogether appropriate that those countries who suffered greatly through two world wars should have some consultative role in shaping a new Europe. Yes, 40 years can be a long time, but in human history it is very short. The past 40 years have changed many things. But they have not erased the security concerns bred over the course of centuries. I am not anticipating German aggression toward its neighbors. But I am acknowledging that security rests on confidence and confidence requires participation. I for one feel that the pace of German reunification should be slowed and expanded to allow for such essential confidence building to take place.

Third, I believe we need to pay more attention to the sensitivities of ethic minorities not only in Germany, but in other East European countries, the Soviet Union and here in the United States. Ethnic rivalries and virulent animosity are beginning to appear once again. Reunification raises renewed fears of persecution. I hope that these fears can be assuaged as the process of liberalization and unification continues.

As I watch the staggering political upheaval in Europe, I am reminded of another tumultuous time, when, as a young reporter, I was stationed in Rome for International News Service.

It was the mid-1930's, and I covered the rise of Mussolini and Hitler. I decided to return home, and do what I could to awaken our people to the changes I had seen and the threats we all faced.

It was clear to me that America could not be complacent—that the Nazis and Fascists would stop at nothing, and that we needed to prepare to fight for freedom.

Fortunately, the changes in Europe today are more hopeful, far more promising—but perhaps no less significant to the future of that continent and to world peace.

And they are no less urgent in their cry against complacency.

Today, the challenge for the United States is not to bring an end to worldwide aggressions and tyranny, as it was in the 1930's but to nurture the infant democracies that are just being born and to seize this golden opportunity to bring about a reduction in deadly nuclear arsenals and in the costly burdens of the arms race.

We must not shrink from this challenge.

If you look at the new political map of Europe, you see that the Warsaw Pact has collapsed. The Communists in Poland, Hungary, Czechoslovakia, East Germany, Bulgaria, and Romania no longer hold dictatorial power in their hands.

These events present us with the most significant opening for arms reductions since the end of World War II.

But so far, how has President Bush responded?

His answer is to propose to increase military spending in fiscal year 1991 by $5 billion—from $301 to $306 billion. He wants more missiles and more bombers.

I submit that to increase military spending when the Communist threat to us is so greatly reduced would be a profligate waste and misuse of the American taxpayers' money. In the face of revolution, to change the status quo, we should not be defending the status quo.

The Pentagon's planning guide for fighting the Warsaw Pact countries is unchanged from 1 year ago. Yet the 55 central European divisions of the Warsaw Pact have been swept off the table. Or, more likely, have moved to our side of the table.

If we are supposed to build up our nuclear armaments to fight in Europe, who does the President expect us to fight?

Vaclav Havel in Czechoslovakia?

Lech Walesa in Poland?

Three former military heads of the Joint Chiefs of Staff, who served under Presidents Reagan and Carter, have recently stated that we do not need both the MX and the Midgetman missiles and could get along without either.

These hardened military men see that times have changed. Why can't President Bush?

I believe we can at least do away with both the MX and the B-2 Stealth bomber. Each B-2 will wind up costing $1 billion. The B-2 is the first airplane in the history of the world to literally cost more than it would cost if it was made of solid gold. The B-2 has no clear military mission. Experts believe that if B-2's are ever sent out to bomb, the odds that they will ever return are not too good.

I am leading the fight against the B-2 here in the Senate.

And I will be a leader in the fight to make sense out of the military budget—to cut from it all that we can, consistent with our security. That is my highest priority now in the Senate because it touches everything. If I and many Democrats and Republicans in Congress who share my view succeed in reducing military spending significantly, a sizable part of the savings should be used to cut the overall deficit. The rest should be put to work. If, step by step with matching military reductions by Mikhail Gorbachev's Soviet Union, we move far enough and fast enough in this direction, we may be able to avoid a tax increase while slashing the deficit and addressing the real needs of our people, like education.

The prospects have never been better for improvements in United States-Soviet relations. The Soviets' acquiescence—indeed, their encouragement of the changes in Eastern Europe—together with the funadmental changes occurring in their own nation auger well for the birth of a new era in this most important of bilateral relationships. We must assist in this transformation. We must give carrots when progress is made; we must use sticks when progress is halted. And we must be ready to follow through with both. The changes that have occurred during the past few months were unimaginable 1 year ago. The next few months have even more changes in store. With some insight, with some imagination, and with a purposeful foreign policy, we can help shape these changes in a way that will enhance peace and the prospects for democracy in Europe, in the Soviet Union, and throughout the world.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,831st day that Terry Anderson has been held in captivity in Beirut.

THE DEMISE OF THE FAMILY—LIES AT THE DOORSTEPS OF ALL-POWERFUL GOVERNMENT

Mr. HELMS. Mr. President, in February I made the first in a series of statements on the condition of the American family. Today I continue that series by addressing the destruction that Federal tax policy has wrought upon our Nation's households.

Mr. President, for many years the tax policy of the U.S. Government has meant misery for the American family. The message has gone out from Washington that the traditional family is of little consequence to the tax-and-spend policymakers inside the Capital Beltway. Every special interest group imaginable has managed to shelter itself in tax legislation—except the most important part of our society: Husband, wife, and children.

In an era when the Congress so often makes discrimination the political focus of debate, the one part of American life which has suffered most from clearly discriminatory treatment has been the families of our Nation. The tax burden of a profligate government has been unfairly shifted to them and the consequences can be seen on the streets, in the homes, and in the schools of this country.

What has been accomplished in the last four decades? Let us take a look:

In 1948, the median family of four paid little or no income tax and only $30 a year in direct Social Security tax. In 1948, the personal exemption was set at $600, which removed those small American families from most income tax liability. Incredibly, the exemptions taxpayers received for themselves and their dependents remained virtually unchanged as inflation eroded it and income rose. If the tax exemption in 1990 were equivalent to the 1948 average percentage, it would be $6,300 for this family of four.

Between 1960 and 1990, the average tax rate for a family of four, the parents and two children, rose 43 percent. But for a family with four children, the increase was a shocking 223 percent. Yet, some in this town wonder why stable family life and productive work falter. Could it be that our families are overtaxed and underserved by us? Of course—that is precisely the point.

Mr. President, I realize that reeling off statistics perhaps does not hit home. But what does hit home is dollars and cents. Just about everybody understands the message when put in those terms.

The average moderate-income family of four—earning $45,000—is today required to send Uncle Sam a check for $12,938 in payment of taxes. It gets worse when this family's share of the Federal deficit—about $718—is added in because that average American household then has a $13,656 burden in 1990.

Every day there are more and more stories about families who cannot meet medical bills, cannot buy a home or send their children to the school of their choice. How can they meet their family's needs when their governmental masters continue to eat away at their income?

To support the Federal deficit and a $1.23 trillion budget, Mr. and Mrs. America must pay the Federal Government almost one-third of their hard-earned income. And this is only Federal taxes, not State and local. This prompts a question about politicians who unfailingly propose to spend the so-called peace dividend on more Federal programs, more Federal waste, and more Federal bureaucracy instead of returning that money to its rightful owners, the families who hold the future of our democracy in their hands.

Tax fairness for families was a major impetus for President Reagan's tax reforms during the last decade. However, when it came time to make a real difference, the big spenders in the Congress balked.

The child care tax credit is a prime example. Many called that tax credit "pro-family." But that tax credit will do nothing for those who need it most. For example, the credit can be claimed by two wage earners—but not by parents who choose to stay at home. In other words, more than one-half of America's families pay higher taxes because one parent spends more of the time at home. Those citizens subsidize the Government's march toward socialized child care.

If tax policy will not promote the care of children in the home, at least it should not be skewed in favor of a massive, impersonal, Federal child care program. Men and women who stay at home, often at considerable sacrifice, provide an incalculable service to our Nation. But it is clear that their traditional lifestyle doesn't fit the so-called progressive agenda of so many in the Congress.

Mr. President, Americans are the most beneficent people in history. In his great treatise, "Democracy in America," Alexis de Tocqueville marveled at the extent of private giving and community service he witnessed as he traveled around our young country. Like de Tocqueville, the American people understand that works of the greatest importance can best be accomplished by institutions closest to home: the family, the church, and volunteer organizations. These institutions provide better services because they approach people with a caring attitude which bureaucracies and social engineers will never be able to duplicate.

To continue to tax away the family's resources bodes ill for the future of our Republic. It is ironic that as people across the world are fighting and dying to dispose of state-sponsored tyranny, our Government continues to erode our greatest bulwark against despotism: "the family." When the family is finally swept away, we will be left with, as President Reagan said, "big government and small individuals and in that match up the State always wins."

Mr. President, I ask unanimous consent that an article by Thomas Humbert of the Heritage Foundation, a report by the Tax Foundation, and an article by Gary Bauer of the Family Research Council be printed in the Record at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the Record, as follows:

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[From the Heritage Foundation, Jan. 30, 1989]

ENDING THE TAX CODE'S ANTI-FAMILY BIAS BY INCREASING THE PERSONAL EXEMPTION TO $6,300

(By Thomas M. Humbert)

INTRODUCTION

Every lawmakers claims to be pro-family. Yet the income tax code devised by Congress reflects a different reality. The federal income tax system treats children less favorably than a business lunch. Like spending for the movies, the costs of raising children are for the most part considered a routine, discretionary expense, instead of America's most important investment in its future.

Reflecting this strange premise, the tax allowance for the costs of nuturing children—the personal exemption—has been permitted to erode dramatically in value over the years. The result has been a half century of steeply increasing federal income taxes on Americans who raise children. In 1948, the median-income family of four paid virtually no income taxes, and only $30 a year in direct Social Security taxes (1 percent of income). This year, the equivalent family will pay $2,669 in income taxes and over $2,500 (7.51 percent of income) in Social Security taxes. Just looking at federal income taxes, this median-income family's tax burden has soared over 2,500 percent from 0.3 percent of income to over 8.0 percent of income in about four decades. Singles and married couples without children, by contrast, largely have escaped this income tax increase.

Sapping Families' Financial Health. As taxes on children have climbed, the family's ability to provide for its own needs has been impaired. New government programs are touted as a cure for the family's financial ills. But these congressional "remedies" are for a problem created by Congress. And new taxes to finance government programs would sap even further the financial ability of the family to stand on its own.

A far more effective strategy to address the problem would be simply to allow a family with children to keep a greater portion of its own income. Restoring the personal exemption to the equivalent of its level after World War II would allow that family to keep thousands of dollars more of its own money, making the family less dependent on government, improving access to health care, child care, and education opportunities, and giving the working poor a fighting chance to climb out of poverty.

Toward a Fair Tax System. As a political strategy, increasing the personal exemption could head off government-provided day care, mandatory health care, education subsidies, and similar initiatives that would prolong the process of first taking away family income and then giving it back in government-determined services. It could also reduce pressure for a boost in the minimum wage—which would cut employment opportunities for the poorest and least skilled Americans.

In the presidential campaign, George Bush recommended a $1,000 tax credit for each child under age four in families earning less than $20,000. The Bush proposal would be an important step toward a fair tax system for the American family. Moreover, the Bush plan does not discriminate between traditional families and families where both spouses work. It does not subsidize one life style at the expense of another. Further, the tax credit approach gives the same financial assistance to all families, not bigger tax breaks to wealthier families.

Yet this "toddler tax credit" is not enough. The real challenge for Congress and the incoming Bush Administration is to empower the family by rolling back the postwar tax increases on children. This strategy will require tax policy to recognize that children are America's most important capital investment and are fundamental to productivity gains and to future economic growth.

Reversing 40 Years of Discrimination. As its ultimate goal, the Bush Administration should press Congress to increase the personal exemption to at least $6,300—$4,300 above where it now stands. At this level, the personal exemption would shield from taxes about the same portion of income as it did in 1948 when the modern income tax first began to take form. This would give the median-income family of four over $25,000 in tax-free income. Combined with the current $5,000 standard deduction, this exemption would eliminate from the income tax rolls those four-person families earning less than $30,200 yearly—about one-half of today's tax returns.

More important, with this action, Congress and the Bush Administration would strengthen the family and reverse 40 years of mounting tax discrimination against children.

HOW THE TAX CODE BECAME ANTI-FAMILY

On October 13, 1981, senior Treasury official Eugene Steuerle told a tax conference that "perhaps no change in the nation's tax laws has been more significant, yet less recognized, than the shift since the late 1940s in the relative tax burdens of households of different size." [1] In the years since Steuerle's observation, the anti-family, anti-children bias has remained, despite the 1981 and 1986 tax acts.

The 1981 Economic Recovery Tax Act (ERTA) at least has kept matters from getting worse by indexing the tax system for inflation and by providing modest additional tax relief. Had ERTA not been enacted, inflation-induced "bracket creep" and the erosion of the personal exemption would have raised the average income tax on the median-income [2] family of four from about 10 percent in 1980 to almost 13 percent by 1986. But thanks to ERTA, the median-income family's tax burden actually fell one percentage point to about 9 percent of income. Families of all sizes experienced similar tax reductions (see Table 1).

The 1986 Tax Reform Act was the most pro-family and pro-children legislation in 50 years. At last, the income tax threshold was raised above the poverty line, with 5 million poor families taken off the tax rolls altogether. Moreover, a disproportionate share of tax relief was given to larger families, as a result of doubling the personal exemption, which will take full effect this year.

TABLE 1.—FEDERAL INCOME TAX FOR MEDIAN INCOME FAMILY BY FAMILY SIZE AND TYPE, 1948–89 [1]

Year	Median family income	Single		Joint						Head of household			
				No children		2 children		4 children		2 children		4 children	
		Tax	Tax as percentage of income	Tax	Tax as percentage of income	Tax	Tax as percentage of income	Tax	Tax as percentage of income	Tax	Tax as percentage of income	Tax	Tax as percentage of income
1948	$3,187	$300	9.7	$208	6.5	$9	0.3	0	0	$109	3.4	0	0
1954	4,167	534	12.8	402	9.6	162	3.9	0	0	282	6.8	$42	1.0
1960	5,620	780	13.9	625	11.1	385	6.9	$145	2.6	511	9.1	265	4.7
1966	7,532	962	12.8	741	9.8	524	7.0	328	4.4	668	8.9	451	6.0
1972	11,116	1,544	13.9	1,201	10.8	916	8.2	631	5.7	1,108	10.0	814	7.3
1978	17,640	2,602	14.8	2,101	11.9	1,768	10.0	1,408	8.0	2,093	11.9	1,722	9.8
1980	21,023	3,348	15.9	2,643	12.6	2,176	10.4	1,756	8.4	2,600	12.4	2,110	10.0
1982	23,433	3,543	15.1	2,767	11.8	2,327	9.9	1,904	8.1	2,757	11.8	2,297	9.8
1984	26,433	3,641	13.8	2,844	10.8	2,421	9.2	2,061	7.8	2,888	10.9	2,429	9.2
1986	29,458	4,107	13.9	3,217	10.9	2,744	9.3	2,348	8.0	3,283	11.1	2,767	9.4
1987	30,853	3,869	12.5	2,876	9.3	2,306	7.5	1,736	5.6	2,611	8.5	2,041	6.6
1989 [2]	33,499	4,244	12.7	3,269	9.8	2,669	8.0	2,069	6.2	2,969	8.9	2,369	7.1

[1] Figures for 1948–78 from Eugene Steuerle "The Tax Treatment of Families of Different Size," Taxing the Family, 1983, p. 76.

[2] Estimates based on projected median family income using CPI figures from the U.S. Government.

Note: Example assumes itemizable expense equal to 23 percent of AGI in all years. No deductions are made for 2-income families.

Source: Median family income—U.S. Bureau of the Census, "Money Income of Households, Families and Persons in the United States."

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[1] Eugene Steuerle, "The Tax Treatment of Households of Different Size," in Rudolph G. Penner, ed., Taxing the Family (Washington, D.C.: American Enterprise Institute, 1983), p. 73.

[2] Median income is the level of income such that 50 percent of all families are above it, and 50 percent, below. Median family income is a useful measure for tax purposes because it provides a snapshot of the financial condition of the household in the middle of the income distribution. Average family income is total income divided by number of households, and thus average family income could be anywhere in the income distribution of families and is therefore less representatives of the typical household.

Neither the 1981 nor the 1986 tax reforms, however, completely removed the decades of accumulated tax bias against families. The median-income family of four will have its income taxes cut to 8.0 percent of income in 1989, down from the 1989 level of 9.3 percent. But this tax burden is still far above the level for the median-income family with children throughout most of the 1940s, 1050s, and 1960s (see Table 1).

TAX INCREASES ON THE FAMILY

Despite the 1981 and 1986 tax reforms, the American family is still overtaxed. Table 1 shows the tax burden on singles, heads of household, and married couples with no children, two children, and four children. Measured as a percentage of income, the income tax burden has risen most dramatically for families with children, with the biggest tax increases hitting the largest families. Single Americans and married couples without children pay about the same portion of their income in taxes as they did in the 1950s.

The reason for such a tax increase on families has been the erosion of the real value of the personal exemption as a result of inflation. The personal exemption is $2,000 per person under current law. By comparison, adjusted for inflation, the personal exemption in 1948 was worth $3,000, $7,000 in 1940, and around $10,000 in the 1920s and 1930s. Though increased numerous times, the personal exemption has fallen far behind the amount needed to keep up with inflation.

Nor has the value of the exemption kept up with increases in income. The exemptions for a median-income family of four shielded 75 percent of income from tax in 1948. The exemptions for the same median-income family today would shield less than 25 percent of household income. The personal exemption would have to equal about $6,300 per person, or over $25,000 in tax-free income for a family of four, to shield the same proportion of income as in 1948. Simply put, today's family faces heavy tax discrimination compared with equivalent families in earlier generations, and its tax status also has eroded when it is compared to that of single Americans or couples without children.

Advent of the Income Tax. The best standard for judging the current tax code is the immediate postwar period. During that time, the modern income tax emerged as the basic government revenue source. Prior to World War II, the U.S. government was far different in size and scope. In 1929, for example, total government receipts were less than 4 percent of gross national product (GNP). But in the years preceding and immediately after World War II, the U.S. became a modern industrial society and assumed world leadership. To finance these growing domestic and foreign responsibilities, the income tax was extended to a majority of workers; and in 1943 income tax withholding became the backbone of the current system.

Starting in the postwar years, receipts have tended to average 15 percent to 20 percent of GNP, with the individual income tax accounting for the overwhelming proportion of general revenue funds. Thus, making comparisons between the late 1940s and late 1980s gives an accurate and valid picture of how the tax burden has changed, given the similar scale of government activity as a feature of national economic activity.[3]

THE CASE FOR INCREASING THE PERSONAL EXEMPTION

There is little justification in tax theory for allowing the personal exemption to decrease in real value when measured against income growth or inflation. Nor is there any rationale for shifting the burden of taxation more onto families with children, especially for imposing the largest tax increase on those families least able to pay. Admittedly, Congress never legislated the change specifically, least of all did lawmakers explicitly try to justify raising taxes on children. Indirectly and unintentionally, however, by not legislating remedies to soften the effects of inflation, Congress has eroded the value of the personal exemption.

Inflation and other factors have, of course, affected various groups. Some might argue, therefore, that there is no particular reason to turn back the clock to aid families rather than other groups. But there are at least six reasons why good tax policy requires restoring the relative value of the personal exemption to what it was in the 1940s.

Reason No. 1: There is growing concern about the cost of raising children. It is a longstanding principle of taxation that some relief should be given to parents for their financial sacrifice in raising children. In the immediate postwar period, in fact, the median-income family with children was not subject to income taxes at all. But especially during the 1960s and 1970s, income taxes on the family soared, even as the costs of raising children also jumped, and education, housing, and health expenditures outpaced inflation. Even moderate-income families today face a severe financial burden in raising children. Increasing the personal exemption would help roll back tax increases and offset some of the higher costs of raising chidren.

Reason No. 2: Demographic changes are straining the economy and social insurance programs. Raising the personal exemption could provide an incentive for Americans to have more children. American Enterprise Institute Senior Fellow Ben Wattenberg argues that the U.S. will need a higher fertility rate to sustain its growing economy and social benefits. He points out that, in recent years, the fertility rate in the U.S. has fallen significantly below its long-term replacement rate. This poses a number of problems. For one thing, it means that the economy will face a decline in young workers. For another, it means that such social programs as Social Security will come under increasing financial strain as a rising population of elderly Americans have to be supported by contributions from a declining population of workers.

Reason No. 3: Raising the exemption would aid the working poor and encourage more Americans to go off welfare. It makes no sense to tax low-income workers so much that government support programs—paid for out of those taxes—are necessary to give them a subsistence income. To be sure, the 1986 Tax Reform Act raises the income tax threshold (which includes exemptions plus the standard deduction) slightly above the poverty line for virtually every type of family, except singles.[4] Yet families significantly above the poverty line have not been given sufficient tax relief to roll back the tax burden accumulated since 1940's.

Incentives for the Poor. The working poor are especially vulnerable; they are hit with a high initial tax bracket of 15 percent, together with the equivalent of an additional tax if they lose benefits by leaving the welfare rolls. This combination can easily raise their effective marginal tax rate to higher levels than now are imposed on the rich.

If the personal exemption were increased to $6,300, the income tax threshold for a family of four would increase to 250 percent of the poverty level, up from 105 percent under current law. Thus such a family would not begin to pay income tax until it was well clear of the poverty level. The benefit of this is that incentives are enhanced for the poor and working groups to save, work, and invest. Families of other sizes would enjoy similar proportionate increases in tax-free income under such a change.

Moreover, an increase in the personal exemption would be very effective in directing government financial assistance toward those moderate- and low-income workers who suffered the heaviest tax increases over the last 40 years and faced the greatest barriers to work effort. In fact, a $6,300 personal exemption initially would wipe out at least the federal income tax burden for low-income and working families.

Reason No. 4: The change would be of immediate help to the embattled middle class. Middle-income Americans have been hard pressed by escalating taxes on the family. These families today are forced to make heavy financial sacrifices to raise their children. This has encouraged many middle-income families to press for new government programs to assist them with such expenditures as child care and college tuition—even though these programs limit their discretion as parents and cost tax dollars, imposing a heavier tax burden and a further erosion of their financial situation.

Increasing the personal exemption would allow middle-income families to escape this "Catch 22" situation. They would be able to keep more of their income and thus to pay for the costs of raising their children. This would reduce the pressures to seek new programs that could be financed only through tax hikes. The overwhelming portion of the tax benefits from higher exemptions would go to those earning less than $70,000 per year.

When the family is strong, the need for government programs is reduced. Increasing the personal exemption is a strategy to empower the family, strengthen its resources, and liberate it from reliance on government.

Reason No. 5: Raising children should be treated as an "investment" for tax purposes, not as an item of "consumption."

Economists long have disagreed about the nature of expenditures on children. Some believe that they should be treated as any other item of "consumption." Parents, they say, receive pleasure from raising children, so they alone should bear the cost. In this view, there is little reason for giving a special tax preference for children, any more than providing a tax break for purchasing a television set.

This view is disputed by a growing body of economic literature. It considers outlays on such items as health services, housing, and education as an investment in "human capital," which leads to higher productivity and future output, much like maintaining or

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[3] Economic Report of the President, Council of Economic Advisors, February 1988.

[4] Joseph A. Pechman, *Federal Tax Policy* (Washington, D.C.: Brookings Institution, 1987), pp. 83 and 84.

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constructing an industrial machine.[5] Moreover, the prospective returns on investments in education, according to one 1988 British government analysis, could be about 25 percent, much larger than most investments in the British or American economies.[6]

Investing in People. The distinction between capital and consumption—always somewhat arbitrary—is particularly difficult in the case of spending on human beings. Yet reasonable distinctions are possible. The U.S. tax code allows businesses to deduct their expenditures for the health or training of their workers, but gives very limited tax benefits to parents investing in their children's future productivity.

A higher personal exemption is one practical way of providing some allowance for the outlays in raising children, such as education and health care, which are more in the nature of human capital expenditures.

Reason No. 6: The family is the basic unit of taxation, and exemptions should reflect this. Most tax theorists regard the family household as the basic unit of taxation. Thus one goal of tax policy has been to impose equal taxes on families who have command over equal resources. The two-earner deduction, different rate schedules for marital status, and income splitting have been used in the past as rough devices to help adjust taxable income for family circumstances. The personal exemption is another adjustment for the taxpaying ability of the family.

For example, a single person earning $25,000 enjoys a much higher standard of living than a family with children earning the same amount. The personal exemption is supposed to help account for the greater sacrifices and necessary costs of raising a family, thereby more accurately measuring a family's actual living standard.

The current $2,000 personal exemption does not come close to measuring the true sacrifice required by a family to raise a child. A larger exemption would lead to a tax liability more in line with each household's real circumstances.

COVERING THE REVENUE LOSS FROM INCREASED EXEMPTIONS

Raising the exemption to $6,300 for all Americans would reduce the U.S. Treasury's income tax revenues by about $100 billion to $130 billion.[7] This revenue loss could be lowered, however, by limiting the increased exemption to children claimed as dependents. A $6,300 children's exemption, for example, would cut income tax revenues by about $30 billion to $50 billion.[8] If limited further to children under five years of age, the tax revenue loss would be less than $12 billion.[9] George Bush's proposal to give families earning less than $20,000 a $1,000 tax credit for each child under four would cost $2.5 billion.[10]

Some imaginative proposals, however, would link increases in the personal exemption with other social policy objectives, potentially leading to less revenue loss for the U.S Treasury. Under one plan, the personal exemption could be increased in return for further tax reform. The deduction for state and local income and property taxes is used primarily by upper-income families and tends to subsidize high-tax states. Eliminating this deduction would raise $15 billion.[11]

Another option would be a floor for itemized deductions of 20 percent of adjusted gross income. Under this plan, only the amount of allowable expenses exceeding 20 percent of income would be deductible from taxes. This would raise $31 billion.[12] While eliminating many tax-induced distortions in the economy, however, a deduction floor would make no distinction between economically efficient and inefficient deductions.

Relief for the Middle Class. Changes in the homeowner's mortgage interest deduction could be viewed as another option to offset an increased personal exemption, as some studies show that the mortgage interest deduction inefficiently shifts resources to the housing stock and away from more valuable capital investment and saving.[13] Few deductions enjoy more popular and political support, and home purchases currently are regarded as the family's most important capital investment, deserving of special tax treatment, yet many American families fiercely support the mortgage deduction mainly as a tax break for the middle class, rather than an objective in itself. They argue that they need the tax relief to help finance other family expenditures. Increasing the personal exemption would give them this relief and could soften their support of the mortgage deduction. And in general, increasing the personal exemption would provide more total tax relief to middle-income families with children than they can obtain from the current deduction for mortgage interest.

THE DYNAMIC EFFECT OF RAISING THE EXEMPTION

In reality, concerns about revenue losses are vastly overstated. Little faith should be put in "static" revenue estimates because they do not incorporate any change in economic incentives for work, saving, or investment. In essence, these models assume that the economy would be no more productive or robust following the tax cut than before. Such static assumptions were shown to be erroneous in 1981, when they predicted that tax cuts would trigger an economic slowdown and a sharp reduction in tax revenue. They are just as unrealistic when used to assess the impact of an increase in the exemption.

Drawing Americans Off Welfare. Exempting upwards of one-half of all taxpayers from the income tax rolls obviously would have enormous consequences for economic incentives and social welfare outlays. Reducing the marginal income tax rate for millions of low paid taxpayers to zero would give poor and working Americans an enormous income boost as well as an incentive to work, engage in entrepreneurial activity, and pursue work training or further education. And by making work more rewarding, a higher exemption also would draw people off the welfare rolls and make them less dependent on government support programs, thereby reducing government social welfare spending.

Middle-income Americans also would enjoy lower marginal tax rates. With higher exemptions, millions of middle-income taxpayers would drop from the 28 percent tax bracket into the 15 percent bracket—enjoying almost a 50 percent increase in productive incentives.

Thus, by increasing such incentives for economic expansion, a higher exemption would boost the size of the nation's economy and lead to more tax revenues flowing into the government's coffers. A significant portion of the tax cut thus would ultimately be recouped in increased government revenues through faster economic growth.

CONCLUSION

As the foundation of a free society, the incubator of traditional values, and the crucible for instilling good character in future generations, the American family must be the first priority of a free and democratic society. Yet the financial pressures on traditional families raising children are acute. The government's discriminatory tax treatment of children has undercut the family's financial security and impeded the ability of parents to provide for the health, education, and welfare of their children. Many point out the bias in the U.S. tax code against saving and investment. They are correct. The greatest bias, however, is that against families with children.

Tax Relief for Rearing Children. Two paths lie ahead. Down one are more government programs to support weakened families. If high taxation of the family is allowed to continue, families, increasingly will be unable to provide for themselves. They will look increasingly to the govenment for help to meet the burden of raising children. The prospect of government taking over the functions and choices of parents should alarm most Americans.

The other path leads toward strong families, a more appropriate role for government, and a growing economy. This path begins by giving American families substantial tax relief for the costs of rearing children. It will require a major, long overdue change in tax policy—it will treat children as an investment in America's future.

Restoring the personal exemption to where it was, in relative terms, in 1948 would allow America's median-income families with two children to keep over $2,500 more of their own income to raise and nurture their children. A median-income family with four children would enjoy almost a $44,000 tax cut. With this income boost, families would be less reliant on government programs and have access to vastly improved health and education opportunities.

Strengthening the Family. George Bush's proposal for a "toddler tax credit" shows that he appreciates the vital role in America of families raising children. But to strengthen that crucial institution, his Administration ultimately must ask Congress to roll back a half century of unfair and discriminatory tax increases on America's children.

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[5] See Gary S. Becker, *Human Capital* (Cambridge, Massachusetts: National Bureau of Economic Research, 1964).

[6] Cleve Wolman, "A Better Way to Finance Students," *Financial Times*, December 1, 1988, p. 17; see also, Becker, *op. cit.*

[7] Estimates based on Internal Revenue Service, "Individual Income Tax Returns," *Statistics of Income*, 1984, p. 61. Since these estimates are based on numerous simplifying assumptions, they should be viewed as broadly indicative of possible revenue losses, rather than as precise figures. They are also "static," and therefore unrealistically assume no changes in economic behavior resulting from the change.

[8] IRS, *op. cit.*

[9] *Statistical Abstract of the United States*, 1987, U.S. Department of Commerce, Bureau of the Census. No phase-out of the exemption is assumed.

[10] Figures released by Bush campaign staff.

[11] Pechman, *op. cit.*, pp. 358–363.

[12] 12 *Ibid.*, p. 100.

[13] Patricia H. Hendershott and Sheng-cheng Hu, "The Allocation of Capital Between Residential and Nonresidential Uses: Taxes, Inflation, and Market Constraints," Working Paper No. 718 (Cambridge, Massachusetts: National Bureau of Economic Research, 1981).

[From the Tax Foundation, Feb., 1990]

AVERAGE FAMILY FACES TAX BILL OF $12,938 IN 1990

President Bush has released the Administration's budget to an uproar of criticism and commentary from interest groups all along the political spectrum, but few people are asking the most basic, down-to-earh question: How much will the government tax the average American family and how will that money be spent? According to Tax Foundation economists, a moderate-income family—two workers earning $45,000 with two dependent children—faces a tax bill of $12,938 for 1990. That covers the family's direct and indirect federal taxes. Add to this its $718 "share" of the federal deficit and the average family will contribute $13,656 to support the estimated $1.23 trillion Uncle Sam plans to spend in the new budget.

Assuming that the $12,938 tax bill is allocated to cover the typical family's entire share of federal spending, the following expenditures stand out:

Income security tops the list at $418.5 billion. This comprises primarily Social Security, federal retirement, and unemployment, extracting 33 cents of each $1 the American family sends to Washington, for a per-family total of $4,237.

National defense will cost $303.3 billion—or 24 cents out of each tax dollar. For the moderate-income family, this amounts to $3,070 per year.

Interest payment on the federal debt ranks third at $173 billion, costing a family 13 and ½ cents of its tax dollar, or a whopping $1,751 per year.

Health outlays, mainly Medicare and Medicaid, will take 13 cents of each tax dollar. The typical family will send Uncle Sam $1,643 in 1990 to pay for the $163.3 billion national health bill.

These four items alone will claim 83 percent of all federal spending and will cost the moderate-income family $10,701, or 83 cents of each tax dollar. Compared to these big four items, spending on all other programs is relatively small. With the remaining 17 cents, Uncle Sam will spend 3 cents of the family's tax dollar on education, and less than 3 cents each on environment, transportation, science, and administration of justice.

THE FAMILY TAX BILL

Direct federal taxes—individual income and personal Social Security taxes—will cost this family $8,219 in 1990. However, direct levies do not explain the whole tax burden, accounting for only about three-fifths of what the government takes in. To these must be added such indirect taxes as the employer share of Social Security taxes; corporate income taxes; excise taxes on such items as gasoline, liquor, and tobacco; and miscellaneous levies. These will take another $4,719 from the average family's income.

Direct and indirect federal taxes will claim 28.8 percent of this family's annual income, but even that does not tell the whole story. All told, current federal taxes and borrowing will add up to nearly 30 percent of the moderate-income family's earnings.

See table below for futher details.

HOW THE FEDERAL GOVERNMENT WILL SPEND A FAMILY'S TAX DOLLAR IN 1990 [1]

Function	Family's Share		
	Amount	Percent of Total	Spending (billions)
Income security [2]	$4,237	32.75	$418.5
National defense	3,070	23.73	303.3
Net interest	1,751	13.54	173.0
Health [3]	1,643	12.70	162.3
Education, training, employment, social services	415	3.21	41.0
Veterans' benefits and services	307	2.37	30.3
Transportation	302	2.33	29.8
Environment and natural resources	184	1.42	18.2
International affairs	184	1.42	18.2
Commerce and housing credit	174	1.35	17.2
General science, space and technology	168	1.30	16.6
Agriculture	151	1.17	14.9
Administration of justice	128	.99	12.6
General Government	114	.88	11.3
Community and regional development	79	.61	7.8
Energy	30	.23	3.0
Total [4]	12,938	100.00	1,233.3

[1] This example uses a two-earner family earning $45,000 per year with two dependent children.

[2] Primary social security. Includes Federal employee retirement, unemployment compensation, and nutrition assistance. Excludes veterans' income security.

[3] Primarily Medicare and Medicaid. Excludes veterans' health care.

[4] After deducting $44.7 billion in undistributed and offsetting receipts not classified by function.

Source: Tax Foundation computations based on fiscal year 1991 U.S. budget presented January 29, 1990, and 1990 tax laws from U.S. Department of Treasury.

[A Publication of the Family Research Council, March/April 1989]

THE "PARENTING PENALTY"—HOW THE TAX CODE DISCOURAGES PARENTAL CARE

(By William R. Mattox, Jr.)

Should parents be penalized for spending time with their children? Before dismissing such a crazy question, consider this: a provision in the U.S. tax code actually has that effect. It penalizes parenting.

The provision is the Dependent Care Tax Credit, a write-off afforded taxpayers who pay someone to care for their children while they work.

While easing the tax burden on families with young children is certainly laudable, the problem with the Dependent Care Tax Credit is that it ties tax benefits to child care expenses—a configuration which perversely rewards parents for not spending time with their children.

Generally, the more time a child spends in substitute care, the greater the family's day care expenses. And the greater the day care expenses, the higher the family's tax credit.[1]

Thus, the current Dependent Care Tax Credit discourages parent-child interaction by increasing the "opportunity cost" (in foregone after-tax earnings) that parents pay to spend time with their children.

In essence, the credit redistributes income from families that make little or no use of paid day care to those that make extensive use of such services. Not only does this penalize families in which one parent stays home full time to care for children, but it also shortchanges two-income and single-parent families that seek to minimize their use of paid substitute care by working part time, working different shifts, working from home, or having a grandparent or other relative care for their children.

FAULTY REASONING

Despite the fact that the Dependent Care Tax Credit penalizes parenting, there are those who defend it by asserting that paid child care is a mandatory precondition to employment. "When the second parent or a single parent takes a job, [paid] child care is as mandatory as union dues for a Teamster or gasoline for a cabbie," argues the Philadelphia Inquirer in a recent editorial.[2]

But this is not necessarily true. According to a recent Census Bureau survey of child care arrangements, half of all preschool children with employed mothers are primarily cared for outside the paid day care market.[3] Some are cared for by grandparents or other relatives. Others have "tag-team parents" who work different shifts and trade off caretaking responsibilities. Still others have "doubletime mothers" who hold jobs which allow them to care for their children while they earn income. Thus, paid day care is clearly not a precondition to employment. Despite recent rises in maternal employment, many families—indeed, most families—primarily care for their own children at home.[4]

Supporters of the current Dependent Care Tax Credit are quick to point out that all employed parents do not have extended family networks or flexible work arrangements which permit them to minimize their use of paid child care. While this is true (and lamentable), it serves as no justification for tying tax credits to day care expenses. Indeed, doing so only penalizes families that make financial sacrifices to care for their own children. And public policies which penalize parenting undermine efforts to develop more family-sensitive work arrangements for employed parents.

Since the Dependent Care Tax Credit cannot be defended credibly by arguing that paid day care is a mandatory precondition to employment, supporters of the current credit often turn to a second argument to justify linking tax benefits to day care expenses. They argue that families that make extensive use of paid child care are deserving of special tax benefits since they use their after-tax earnings to pay for child care while families that care for their own children receive their child care "free."[5]

Not only does this reasoning overlook the significant opportunity cost families pay to care for their children, but it implies that people who hire housekeepers, butlers, gardeners, interior decorators, and chauffeurs are also deserving of special tax breaks since they use their after-tax earnings to purchase services that other people provide "free" for themselves.

Of course, most defenders of the current Dependent Care Tax Credit see a big difference between giving families a tax break for child care expenses and giving people a write-off for hiring a chauffeur. Caring for children is, after all, an investment in the future of our nation, economy and culture.

Here, dependent care credit proponents are right. Caring for children is of far greater social value than hiring a butler, buying a poodle, or making some other discretionary expense. It is an investment in our future. But if the justification for the current Dependent Care Tax Credit is based upon the fact that child care is an investment rather than a discretionary expense, a strong case can be made that this tax credit should be extended to families that invest in children outside the paid day care market.

An investment is an investment whether it is paid in parental time or paid by parental money. Indeed, most child development experts would argue that the investment of parental time in a child's life is more important (or, to use economic terms, pays greater long-term dividends than an investment in paid day care services.

Footnotes at end of article.

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BREAKING THE LINK

Given the significance of parental time with children, the tax code in no way should penalize taxpayers who forego extra income to spend time with their children. Instead, tax credits should be extended to all families with preschoolers—irrespective of whether or how much they used paid day care services.

Congressmen Clyde Holloway and Dick Schulze recently introduced legislation designed to address the "parenting penalty." The Holloway-Schulze Bill severs the link between child care expenses and tax benefits by replacing the current Dependent Care Tax Credit with a new refundable credit worth up to $1,000 per preschool child.

This new credit, which is structured much like the Earned Income Tax Credit, allows parents to keep more of their own earned income to purchase or provide child care for their preschoolers. Apart from eliminating the "parenting penalty," the Holloway-Schulze Bill would:

Reduce the Tax Burden on Families with Children. During the last four decades, families with children have seen their federal tax liability rise dramatically. In 1948, a median-income family of four paid two percent of its gross earnings to the federal government in income and payroll taxes. Today, a median income family of four pays 24 percent of its earnings to the Federal Treasury.[6]

The failure of the personal exemption to keep pace with inflation has been the primary cause of rising income taxes on families with children. If the exemption had been indexed since 1948, it would now be $6,300.[7] Instead, it is a mere $2,000.

The erosion of the personal exemption's value has had an especially deleterious effect on families with children, because the exemption is the tax code's primary mechanism for adjusting tax liability to reflect variations in family size. Since 1948, the income tax liability of families with two children has risen nearly three times as much as the income tax burden borne by single taxpayers and childless couples.[8]

The Holloway-Schulze Bill increases the tax benefits available to families with preschool children, including those that currently claim the Dependent Care Tax Credit. Under the Holloway-Schulze plan, all families with an annual income below $45,000 (and some above this threshold) would experience a net tax reduction. In all, tax benefits would be distributed among the families of 15 million preschool children. And nine families out of ten affected by this bill would enjoy a cut in taxes.

Target the Greatest Tax Relief to Lower-Income Families. The Dependent Care Tax Credit has long been a boon to the rich. In 1985, the average tax benefit for a family earning less than $10,000 was $247. In the same year, families making more than $200,000 enjoyed an average Dependent Care tax benefit of $522.[9]

Moreover, many lower-income parents currently receive no benefit at all from the Dependent Care Tax Credit because their children are exclusively cared for by family members.

For families earning less than $10,000, the Holloway-Schulze Bill offers 12¢ for every dollar earned up to a maximum of $1,000 per child or $2,000 per family. While credit size declines as income rise, credit amounts remain quite large for middle-income taxpayers. For example, a family earning $30,000 a year can claim a $700 per child tax credit under the Holloway-Schulze Bill. This represents a 46 percent increase over the maximum credit permitted under current law.

Encourage Parenting Without Discouraging Economic Self-Sufficiency. The Holloway-Schulze Bill recognizes that public policies directed at families with young children should attempt to both encourage economic self-sufficiency and facilitate parent-child interaction. This legislation is designed to help parents meet their responsibilities as both providers and nurturers.

By tying the credit's size to the amount of earned income, the Holloway-Schulze Bill differs markedly from some European child allowances which offer no work incentive to low-income families. As such, this legislation largely builds on recent welfare reform initiatives which have sought to reduce dependence on government spending programs by encouraging greater economic self-sufficiency.

Maximize Parental Choice and Autonomy. Allowing parents with young children to keep more of their own earned income strengthens their economic standing and gives them greater autonomy over important life decisions, such as how to care for their children. While the Holloway-Schulze Bill would not penalize familial care of children, neither would it penalize families which utilize some form of paid substitute care. Indeed, by giving parents the freedom to use their tax credit as they see fit, the Holloway-Schulze Bill ensures that parents will find it easier to provide or purchase the child care arrangement of their choice.

Enhance the Quality of Substitute Care. In testimony before a Senate Subcommittee, a licensed family day care provider named Deanne Dixon noted that parents strongly prefer family day care over center-based care for their infants and toddlers. And she noted that most family day care providers are themselves mothers of preschool children who care for their own children while offering substitute care to other families. Ms. Dixon said that offering a tax credit to all families with children (rather than just those who pay for care) would prevent some family day care providers from feeling economic pressure to take in more children than they are able to adequately care for.[10] In other words, a universal tax credit like that found in the Holloway-Schulze Bill would enhance the quality of family day care by keeping provider-child ratios low.

Avoid Preschool Policy Schizophrenia. If parenting leave legislation were enacted and no changes were made in the current Dependent Care Tax Credit, the federal government would be simultaneously urging parents to take leave from their jobs to care for their newborns while offering a tax break only to those families that refused such leave and paid for child care. The Holloway-Schulze Bill addresses this inequity by breaking the link between day care expenses and preschool tax benefits. It ensures that parents who take leave from work to care for children will not be penalized.

DISTRUSTING PARENTS

However meritorious the Holloway-Schulze Bill might be, some critics have suggested that breaking the link between day care expenses and tax credits is unwise because it offers no guarantee that parents will use their new $1,000 tax rebate for child care purposes.

This argument shows a fundamental distrust of parents. It implies that the very people society expects to clothe children cannot be trusted to purchase or provide care for them. Moreover, this argument fails to recognize that, except among the very poorest families, the money being offered in tax credits is money parents originally earned. Unless the government imposes a 100 percent tax rate on all taxpayers, there will always be a risk that citizens in a free society will use their own money in ways the state does not like.

Furthermore, since there are laws which protect children from neglect, society has some recourse if a family fails to adequately care for its children. Indeed, the presence of child abuse and neglect laws strengthens the case for across-the-board tax credits because they help to explain why the tax treatment of child care should be different from the tax treatment of charitable contributions.

Under current tax law, individuals that make financial contributions to charities are eligible for a tax deduction, while those that do volunteer work receive no comparable tax break (largely because donations of time are difficult to measure and verify). While some argue that child care tax benefits should follow a similar pattern, it is important to note that individuals who do not volunteer time to a charity do not violate the law for failing to volunteer, yet parents that fail to care for their own children or to find adequate substitute care violate child neglect statutes. In other words, there is no law which compels one to contribute time or money to charity, but there are laws which compel parents to provide or purchase care for their children.

Accordingly, the measurement and verification problems associated with unpaid "volunteer work" are not found with unpaid child care. And since all parents are responsible for the care of their children, the tax code should not distinguish between those that purchase substitute care and those that provide care themselves.

IRRECONCILABLE DIFFERENCES

While the Holloway-Schulze Bill would eliminate the "parenting penalty" found in current law, several other legislative initiatives would exacerbate it. For example, legislation recently introduced by Senators Robert Packwood and Daniel Patrick Moynihan would increase the tax benefits offered to day care users under the current Dependent Care Tax Credit.

As such, the Packwood-Moynihan Bill is a classic case of making a bad law worse. The Packwood-Moynihan Bill directly challenges the "level playing field" principle found in the Holloway-Schulze Bill, and it directly contradicts pronouncements from President Bush that federal law should not discriminate against families that care for their own children.

Indeed, the Packwood-Moynihan Bill bears a strong resemblance to other bills—like Senator Chris Dodd's Act for Better Child Development and Education Act—which discriminate against families that care for their own children.

The Dodd and Hawkins bills, which attempt to supplant parental responsibility for child rearing with new government spending programs, are often touted as possible bridegrooms should there be Congressional interest in a marriage between a nondiscriminatory tax credit and a new day care spending program. Clamors for such a marriage are frequently heard from day care advocates who claim, rather curiously, that tax credits designed to help parents purchase or provide care for their children are not "child care proposals."

Essentially, these advocates want to undo whatever progress is made towards eliminating the "parenting penalty" by creating a new government spending program that transfers income from families that care for their own children to families that make extensive use of day care. Thus, a "compromise" bill which combines a non-discriminatory tax credit proposal with an ABC-type spending program amounts to nothing more than a cruel shell game for families currently victimized by the "parenting penalty."

THE BOTTOM LINE

In the late 1960's, Congress addressed the federal tax code's "single's penalty." In the early 1980's, it took on the tax code's "marriage penalty." Now is the time for Congress to eliminate the "parenting penalty."

Certainly, doing so will reduce federal revenues. But the net revenue loss of the Holloway-Schultz Bill (an average of $2.9 billion per year over five years) is not unreasonable.[11] Indeed, this price tag is comparable to the cost of the Senator Dodd's ABC Bill. And the Holloway-Schulze proposal offers much better bang for the buck since 100 percent of its benefits flow directly to parents, whereas one dollar in four under ABC goes to administer the new federal bureaucracy it would create.

The Holloway-Schulze Bill recognizes that the best federal policy is one that breaks the link between day care expenses and tax benefits by replacing the current Department Care Tax Credit with a new refundable tax credit that offers significant tax relief to lower- and middle-income families with preschool children. Such a policy is equitable, affordable, and long overdue.

FOOTNOTES

[1] The correlation between time in day care and size of tax benefits is a general truism—not an absolute rule. Since all substitute care arrangements do not cost the same per hour and since there is a ceiling on the amount of expenses which can be claimed, a moderate user of expensive day care could receive tax benefits equal to or greater than those claimed by a heavy user of less expensive care. Also, for families below the median income, variations in the percentage of expenses which can be claimed may also affect the opportunity cost parents pay to care for their own children.

While these variables prevent one from drawing absolute correlation between time in day care and size of tax benefit, they in no way contradict the basic premise of the "parenting penalty" which is that the Dependent Care Tax Credit redistributes income from families that make little or no use of paid day care to those that make substantial use of such services.

[2] "Say No to Paid Homemaking," The Philadelphia Inquirer, August 6, 1988.

[3] Bureau of the Census, U.S. Department of Commerce, series p. 70, No. 9, Who's Minding the Kids? May, 1987.

[4] When one factors in the children cared for by full-time mothers at home, approximately 76% of all children under age five are primarily cared for by one or more family members. See William R. Mattox, Jr., "Notorious Myths About Child Care," The Washington Post, June 4, 1988.

[5] Michael Kinsley, "Discrimination Against Full-Time Mothers?," The Washington Post, May 26, 1988.

[6] Robert Rector, "The 'ABC' Child Care Bill: An Attempt to Bureaucratize Motherhood," Issue Bulletin, The Heritage Foundation, October 6, 1988.

[7] Thomas Humbert, "Ending the Tax Code's Anti-Family Bias by Increasing the Personal Exemption to $6,300," Backgrounder, The Heritage Foundation, January 30, 1989.

[8] Ibid.

[9] "1985 Dependent Care Tax Credit Data," National Women's Law Center, December, 1988.

[10] Deanne Dixon, Testimony before the Subcommitee on Children, Families, Drugs and Alcoholism, U.S. Senate Labor and Human Resources Committee, January 24, 1989.

[11] The Holloway-Schulze Bill will be phased in over a five-year period between 1990 and 1994. During this phase-in period, eligible taxpayers will be permitted to choose between the current Dependent Care Tax credit and the new credit. Fully phased-in, the new credit will replace the Dependent Care Tax Credit and will reduce federal revenues $5.6 billion per year. This net cost reflects the total cost of the new credit minus the savings gained by discontinuing the current Dependent Care Tax Credit for families earning above $50,000 a year and the Employer-Sponsored Dependent Care Assistance Plan. The Employer-Sponsored Dependent Care Assistant Plan (or DCAP) is a little-known tax provison which allows employed parents to shield from taxation up to $5,000 of employer-provided day care assistance. Since DCAP ties tax benefits to day care expenses, it is every bit as discriminatory as the current Department Care Tax Credit.

A TALE OF TWO FAMILIES

Mrs. Jones and Mrs. Smith are two working women who have a lot in common. Both live on the same block. Both have husbands who earn $26,000 a year. And both are pregnant with their first child.

After her child is born, Mrs. Jones decides she will return to her $12,000 a year job immediately. Conversely, Mrs. Smith decides to take at least a year off to be home with her baby.

When April rolls around and Mrs. Jones prepares her family's taxes, she discovers that she can claim a $480 tax credit for day care expenses incurred while she and her husband were working.

No such credit is extended to the Smiths. Indeed, the taxes they pay help subsidize the day care expenses incurred by their wealthier neighbors.

Now, the Smiths and Joneses have a good bit less in common. Not only do the Joneses have a significantly higher income than the Smiths, but they also have twice the tax-free employee benefits. And thanks to the Dependent Care Tax Credit, the Joneses now have a lower marginal tax rate than their poorer neighbors.

Not surprisingly, the Joneses, soon buy a larger house in the suburbs (and reap the benefits of a greater tax deduction for mortgage interest).

Meanwhile, the Smiths—who have no particular desire to keep up with the Joneses—continue to wonder why federal tax policy penalizes their decision to devote significant attention to raising their own child.

WHITHER MANAGED TRADE?

Mr. HEINZ. Mr. President, I have been asked by Caterpillar, an important company in my State, to bring to the Senators' attention a speech given last November by the company's president and chief operating officer, Donald V. Fites. I am asking that that speech be printed in the RECORD today following these brief remarks because it reflects what has been the prevailing thinking about trade policy, particularly trade with Japan, for 40 years, and that thinking deserves viewing before it is finally laid to rest.

Yet, laid to rest it ultimately must be, Mr. President, not because it was wrong for its time, but because times have changed. Mr. Fites' comments are based on the idea of the liberal trading system first articulated by Adam Smith and David Ricardo in the 18th and 19th centuries, respectively. And his ideas work—in that system.

What he—and the rest of us—must grapple with in 1990 is the impact a mercantilist actor has on the trading system and how it forces the rest of us to change our tactics. There is growing awareness in the United States that Japan is such a power and that the policies it pursues very effectively will ultimately destroy our ability to compete internationally in critical sectors of our economy. While a liberal trading response may be theoretically best, it may not be practically possible in a mercantilist world. Here there are only second best solutions and very little time left to pursue them.

Mr. Fites attacks one of those solutions—managed trade—without ever managing to explain precisely what it is. No doubt some definitions would have little public support and little effectiveness. Others, which take a microeconomic approach, focusing on sectoral discussions designed to achieve concrete results are well within the traditional Japanese approach to settling trade disputes, and could well be the most effective way to produce mutually satisfactory results. We should not let the ideology of the past dictate the policies of the future, but rather we should open our minds to innovative solutions to unprecendented challenges. Macroeconomic solutions to the bilateral trade deficit with Japan have manifestly failed. Managed trade can be nothing more than a page out of Japan's own book—which is perhaps why they oppose it so strenuously.

So, Mr. President, I do not agree with Mr. Fites, but in the interest of full disclosure and continuing the trade policy debate, I want to make it available to Senators. Accordingly, I ask that it be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

MANAGED TRADE: BEYOND THE RHETORIC

(Remarks of Donald V. Fites)

There's a catchy new phrase making the rounds in Washington. Politicians are using it. So are businessmen—and educators—and members of the press. They're talking about a new way to address the U.S.-Japan trade relationship . . . and they're calling it "managed trade."

Most advocates of managed trade claim to be free traders at heart. They extol the virtues of an open trading system . . . but at the same time, they contend that because Japan's culture and economic system are unique, we ought to treat the country differently. Free market forces won't work in Japan, they argue, so we should deal with the Japanese in another way. We should "manage" our bilateral trade relationship, and in so doing, we'll restore balance to it.

The managed traders have done a clever job packaging their position. Just the use of the word "manage" makes the concept ap-

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pealing to some members of the business community. People like us are conditioned to believe that if something is managed—as opposed to unmanaged—it's automatically better. And when proponents of managed trade start labeling it an "organized approach to free trade" and a "results-oriented" trade policy, they make the idea sound even more logical—to business people and others.

But when you cut through all that carefully chosen rhetoric and take a good look at what managed trade is all about, you'll find that it's really protectionism repackaged. It's a more acceptable way to bash Japan . . . and a more legitimate way to close U.S. markets to Japanese imports.

Protectionism is back in the headlines again, partly because of the controversy surrounding the book by Messrs. Morita and Ishihara—*The Japan That Can Say "No."* There's no doubt about it . . . the book is provocative. But before we let trade friction escalate into a trade war, we'd all do well to remember that the book doesn't reflect mainstream Japanese thinking. I'm not saying that there isn't cause for concern about the U.S.-Japan bilateral relationship. But the solution is not managed trade.

Some of you might think Caterpillar would support that solution because our most formidable competitor is Japanese. Komatsu, a $5.6 billion company, is a major force in the U.S., Japanese, and European construction equipment markets. They strengthened their foothold in the United States during the early eighties when the dollar was grossly overvalued with respect to the yen. More recently, they've expanded their presence—in the United States and in Europe—by opening manufacturing facilities and by teaming up with former competitors in both regions of the world.

Komatsu is global competitor in every sense of the word. They're aggressive and tenacious . . . and they'd like nothing more than to replace us as industry leader. So why don't we want the U.S. government to step in and help us "manage" the situation?

Quite simply, because in the long run, managed trade weakens our own competitiveness and threatens the strength and vitality of the entire world trading system. We—Caterpillar—and we—the nation's business community—have little to gain and much to lose if the managed trade concept is allowed to drive U.S. trade policy.

What's at stake for Caterpillar? Three things: sales, profit, and jobs. We traditionally do more than half our business outside the United States, so any policy that affects world trade affects Caterpillar. Last year we sold more than $5 billion worth of products and parts in overseas markets. Close to $3 billion of that was exported from U.S. facilities. Exports represented 40 percent of total U.S. production and supported 16,500 Caterpillar jobs in the United States. That makes our company one of America's largest net exporters. In fact, if you look at exports as a percent of sales, we're consistently ranked among the top five.

I should emphasize that Caterpillar is more than just a U.S. exporter. We're a global competitor. We design and manufacture products in more than 30 facilities located in North and South America, Europe, Asia, and Australia. Parts are distributed from 22 additional facilities located in 10 countries. Caterpillar's supplier network also spans the globe. And our worldwide dealer organization—more than 200 members strong—serves customers in over 150 countries.

When you put it all together, we have a global presence our competitors are trying to match. Protectionist trade policies weaken that presence . . . and can do irreparable damage to our worldwide competitive position.

The protectionist policy now called managed trade has the potential to be especially devastating because of its focus on Japan. Japan is a strategic market for Caterpillar—the second largest in the world behind the United States. It also happens to be home to our biggest customer. Yoshihiro Yamazaki is co-owner of Yamazaki Construction Company Limited. He's one of Japan's largest contractors with more than 100 major projects currently under way. We've done business with Mr. Yamazaki for close to 25 years, and he now owns more than 1200 pieces of Caterpillar equipment. That makes him the world's largest single private user of our products.

Yamazaki could do business with a whole host of Japanese suppliers, but he's shopped the world—and selected us—because we provide a premium value product. And he's not the only important customer we have in Japan. Last year, Cat exports to Japan were up 76% over the previous year. Today, more than half of the large construction machines sold there were made in Illinois and bear the Caterpillar name. As does about 70% of the large equipment at work on the Kansai airport project.

We've been a key player in the Japanese construction equipment market since 1963 when we joined forces with Mitsubishi Heavy Industries. Our 50-50 joint venture was one of the first of its kind between a U.S. and Japanese company. In 1987, we doubled the size of the company by merging another Mitsubishi product line and an additional Japanese factory into the original joint venture. Now the joint venture—which we call SCM—an acronym for Shin Caterpillar Mitsubishi—with "shin" being the Japanese word for "new"—is a $2.5 billion company with more than 7000 employees. Products are sold and supported by 18 dealers located throughout the country.

But SCM is more than just a manufacturing and marketing organization. It also has worldwide responsibility for design of a key Caterpillar product family called hydraulic excavators. Each year about 40% of the construction machines sold around the world are excavators—and more than half of those units are sold in Japan. That's one of the primary reasons why we created a hydraulic excavator design center in Japan and staffed it with a team of U.S. and Japanese employees. They're at work developing a new world-class line of excavators that will be manufactured in the United States, Japan, and Europe.

So obviously Japan plays a critical role in our global business strategy . . . and consequently, we have a big stake in the managed trade debate. But we oppose the issue for a number of other reasons.

One is as basic as the mechanics of the process. Just exactly how would the United States manage its trade relationship with Japan? And who would do the managing? The talk these days is long on generalities and short on specifics. But it seems to be the consensus that politicians would be the trade managers . . . and the "management tools" of choice would be tariffs and quotas.

We don't like the idea of giving government more control over market forces. Nor are we comfortable with the prospects of additional tariffs and quotas. Unilateral tariffs nearly always result in retaliation . . . so if we choose that alternative, we must be prepared to pay the price—more barriers, more political pressure, a lower overall volume of trade, higher prices for consumers, and fewer American jobs. Quotas—or voluntary restraint agreements as they're often called—can have even more onerous consequences, the primary one being that quotas tend to become permanent. Steel quotas are a case in point.

In 1984, the Reagan administration imposed voluntary restraint agreements on foreign steel producers. This extended the special treatment American steel companies had been receiving since 1968. After the quotas were imposed, the steel industry cut costs, streamlined operations, and invested in new equipment. In short, they got competitive . . . and some companies even began selling in foreign markets. That was the good news. But the bad news was that when the 1989 expiration date rolled around, and the steel industry came back to the U.S. government. They asked that quotas be renewed for another five years and be extended to cover additional countries not included in the original agreement.

Caterpillar helped form a 320-member coalition of American steel using manufacturers to oppose extension of the quotas. We argued that the steel industry had become competitive and no longer needed government protection. We also pointed out that VRAs had created artificial shortages . . . which increased our steel costs by about 10%, caused inefficiency in our manufacturing operations, compromised our $1.5 billion factory modernization program, and frustrated our efforts to increase production in U.S. facilities.

To add a note of irony, we found that many of the very countries engaged in unfair steel trade practices actually liked VRAs. The reason: Rather than being forced to open their markets or end subsidies, unfair traders were being guaranteed a share of the U.S. market—by virtue of the VRAs. And because supply was restricted, they were getting a better price for their product. In addition, foreign steel producers that had affiliated with U.S. companies were receiving the kind of protection originally designated for American manufacturers.

For another example of a VRA that backfired we need only look to Detroit. Auto VRAs allowed American manufacturers to sidestep their competitiveness problems for years. And in the meantime, Japanese manufacturers profited from quota-induced price increases in the U.S. marketplace . . . which, in turn, were a major encouragement to establishing low-cost manufacturing bases in the United States.

But aside from the fact that managed trade—with its proliferation of tariffs and quotas—would hurt American competitiveness and help foreign producers, there's another important reason why we oppose the concept. It violates the fundamental principle of the General Agreement on Tariffs and Trade—the principle of nondiscrimination. A basic tenet of GATT is that member countries grant each other equal treatment. But the whole premise of managed trade is that Japan is different—and should be treated as such.

What's the harm in a GATT violation like this? Proponents of managed trade argue that the agreement's been broken dozens of times—by many member countries. So another violation won't really make much difference.

We disagree. In the first place, managed trade isn't a minor violation like, for example, the U.S. oil import fee to fund toxic waste cleanup. Nondiscrimination is to the GATT what the Bill of Rights is to the Constitution. It's the foundation. Weaken it, and the whole agreement comes tumbling down.

The Uruguay round of GATT negotiations has been positive and productive . . . and the member countries are well on their way toward negotiating an agreement with some teeth in it—an agreement that will serve as a more effective mechanism for regulating the world trading system. Clearly, now isn't the time to take action on any bilateral front that could undermine the multilateral process. Managed trade would do that.

One final reason why we oppose managed trade: It would allow uncompetitive U.S. manufacturers to avoid making the tough decisions necessary to become world-class competitors.

There are no short cuts to competitiveness. If you really want to be a global competitor you have to act like one. That means you don't rely on quotas and other trade barriers to restrict imports. Instead, you get busy and do what it takes to increase exports.

You offer a differentiated product or service that represents value to customers. You get your costs down and your quality up. You focus your research and engineering resources on technologies that satisfy customer needs. You improve the efficiency of your manufacturing operation and the responsiveness of your distribution system. And you support your product after the sale with first-class customer service.

It all boils down to making customers the focal point of your business. And that means every action you take—every decision you make—is evaluated in terms of its impact on the people who buy and use your products.

Above all, a company that wants to be a global competitor must play for the long haul. It's tough to succeed in foreign markets. The risks are high, and the margins can be razor thin. Like I said before, there are no short cuts. You must be willing to endure a volatile business environment—ride out the tough years—and sacrifice some short-term profitability for long-term gains. If you can't make that kind of a commitment, you won't be a viable global competitor—no matter what kind of trade policy comes out of Washington.

Caterpillar believes the primary responsibility for correcting the U.S.-Japan trade imbalance rests with individual companies—not just U.S. exporters, but global competitors—on both sides of the Pacific. But that doesn't mean we've let our governments off the hook.

Access to the Japanese marketplace is a serious problem in some sectors of the economy. The Japanese government must move more swiftly to open markets and dismantle trade barriers. The U.S. government can help in that process by working within the context of current trade laws.

Both the U.S. and Japanese governments are also responsible for maintaining sound fiscal and monetary policies—policies that stimulate worldwide economic growth and ensure that currencies remain properly valued. They're not responsible, however, for the management of trade. Let's leave that to the experts—the men and women who manage the day-to-day operations of global companies like IBM, Boeing, 3M, and Caterpillar—Toyota, Matsushita, Hitachi, and Komatsu.

Managed trade is a threat to the world trading system. On the surface it may sound logical—this "common sense", "results-oriented", "organized" approach to trade. But when you strip away all the jargon, you're left with little more than protectionism repackaged—a policy that perpetuates the plight of an uncompetitive manufacturer and undermines the strength of a competitive one.

So rather than look for new ways to bash Japan—or close markets—or restrict trade—American business, labor and government need to concentrate on increasing exports. Let's avoid the quick-fix solution managed trade promises . . . and get to work on the long-term challenge of building and sustaining a competitive advantage.

VERMONT'S AWARD-WINNING WIC PROGRAM

Mr. LEAHY. Mr. President, last week the U.S. Department of Agriculture awarded a special citation to the Vermont Women, Infants and Children [WIC] Program for exceptional efforts in coordinating with the Medicaid Program to foster better health and nutritional services for pregnant women.

This special recognition is well deserved. Vermont's WIC program is one of the best in the country, in part because it works so well with other agencies to fill unmet needs. Helping people make sense of government forms and letting them know what services are available to them are important parts of the WIC mission.

Last year on Child Health Day, Vermont Gov. Madeleine Kunin and I announced that our State would be the first in the country to allow pregnant women to apply for Medicaid and WIC at the same time through a simplified, one-page form.

This change makes it easier for Vermont's pregnant women to get early, regular prenatal care. They can apply for WIC and Medicaid benefits, as well as the State's prenatal and children's health program, in one stop at any WIC clinic or any health department or social welfare office.

I encourage other States to follow Vermont's lead. This is the kind of initiative I had in mind when we developed the Commodity Distribution and WIC Reform Act. That law requires States to better coordinate their WIC and Medicaid programs.

There are many other examples where Vermont's WIC program serves as a model for the Nation. To name just one, our program has long used a wholesale purchasing system to buy infant formula and WIC foods and then turned any savings into serving more women and infants. This is one of the reasons the Vermont program boasts the highest State participation rate in the Nation. Over 75 percent of those eligible for the program receive the extra food and nutritional education WIC provides.

With the Child Nutrition and WIC Reauthorization Act passed last year, all States are now required to buy infant formula through competitive bidding or other cost saving measures. This change, inspired by Vermont's successful system, will save an estimated $300 to $350 million in this fiscal year and allow WIC to serve an additional 600,000 to 700,000 pregnant women and children at no cost to taxpayers.

My sincerest congratulations to Vermont's WIC Program and the dedicated and caring people who work in the 63 clinics around the State. WIC makes a difference for thousands of Vermonters. And it can make a difference to thousands more. Our job will not be done until every eligible woman, infant, and child is served.

VFW VOICE OF DEMOCRACY EIGHTH PLACE WINNER JOSHUA T. BURGESS OF CALIFORNIA

Mr. CRANSTON. Mr. President, I am delighted to note that a constituent of mine, Joshua T. Burgess of Corona, CA, placed eighth nationally in the 1990 Voice of Democracy Scholarship program sponsored by the Veterans of Foreign Wars and its ladies auxiliary. The VFW presented Josh with a $1,500 scholarship in recognition of his excellent presentation. This is the 43d year that the VFW has sponsored this program to encourage patriotism in our Nation's students.

Josh is the son of Donald and Karyn Burgess and a senior at Corona High School. He enjoys tennis, singing, volleyball, and public speaking and plans to pursue a career in politics or the ministry at Biola University.

In 1987, another Californian, Lori Ann Martens of Gustine placed second in the Voice of Democracy contest, and three other Californians have won this great contest—Cindie Pridy of Long Beach in 1973, Steven Russo of Santa Clara in 1974, and Elaine Barnett in 1986.

The theme of this year's program was "Why I Am Proud of America", and over 134,000 students participated in the program nationwide.

Mr. President, I want to congratulate Josh on a job well done and ask unanimous consent that the text of his very stirring speech be printed in the RECORD at this point so that all of my colleagues can share in his very special message.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

WHY I AM PROUD OF AMERICA

(By Joshua Thomas Burgess)

The darkening night pressed down harshly as the rain fell to the ground all around the mall. After some disoriented searching, I found what I was looking for. At other

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malls, people were shopping, looking for articles of clothing, but at this special mall I was searching the list of 58,175 names carved in a granite wall. I was at the Vietnam Veterans' Memorial in Washington, DC.

Finally, I found the name of a high school friend of my parents. He had been the same age as my father, and now I was staring at this deceased friend's name on that granite wall. My father had served, too, but this man had paid the supreme sacrifice. I was thankful to him, and proud that such a man stood for America.

The following day, I joined a crowd of several hundred respectful mourners at the Tomb of the Unknown Soldier. But it wasn't all sadness at the tomb. There was pride, pride in the United States and her people.

More than a century ago, Senator Daniel Webster said, "I was born an American; I will live as an American; I shall die an American." Many men and women have died as Americans, fighting for their land on foreign soil. Yes, those men and women were proud of the United States; they were proud enough to die. Through war after war, the people of America have risen to the call to arms in time of need.

I am proud of America because of those soldiers who willingly chose to lay down their lives for the United States. Such displays of patriotism caused the English Statesman William Pitt to say, "You cannot conquer America." Why is this? It's because of the unceasing willingness of Americans to sacrifice for the good of their country.

My comments would be meaningless were it not that they are shown to be demonstrably true by history. A 1951 recruiting poster pictured a U.S. soldier and said, "But for him . . . words would be sterile meaningless things . . . words like freedom, liberty, justice, equality . . . words that make pacts, proclamations, constitutions, charters . . . hopes for a better more peaceful future."

Because of the faithful souls who have lived and died to protect our liberty, I am proud of America.

The people of the United States have always stood up and been counted for America. From the Revolution to the present, America has shown herself worthy of respect. A parent's pride in a child grows as the youngester develops into maturity, pursuing excellence. In the same way, our pride in America has grown as our nation has matured, seeking after excellence in every way. America has always risen above its troubles . . . social, economic, or political . . . to show itself to be the greatest nation in the world. This is why I am proud of America.

Yet, there are still more reasons to be proud of the United States. Consider this: homeowners will tell you that it is pride of ownership that causes them to take good care of their houses. The same is true for our democracy. Because Americans have pride of ownership in this great land, we protect our investments, our equity, our heritage to be passed on to future generations. This incomparable heritage was purchased with tears, sweat, and blood.

In 1989, thousands of persons fled Eastern Europe for freedom in the West. Many of these refugees will not rest until they have come to our nation of open borders, the land of the free, the home of the brave. It is democracy which fosters freedom and America, the strongest democracy in the world, still stands as a beacon of liberty to a beleaguered people. That's another reason why I am proud of America.

And more recently, when a terrible hurricane ripped through the east coast and a 7.1 earthquake devastated portions of the San Francisco Bay area, the people of America banded together to help one another. They showed that the people of this country have heart and compassion for their fellow man. That is why I am proud of America.

For all these reasons, I take pride in my right and responsibility to vote . . . for I thereby help preserve freedom here and abroad. I could easily keep going as the reasons to be proud of America are countless. These are but a few. But, if these few reasons truly were the only reasons to be proud of America, I would still be bursting at the seams with pride. America is certainly the greatest nation on our planet. With good cause, I echo the pride of that great patriot Daniel Webster, who declared, "Thank God, I am an American."

THE VIRGINIA MOTOR VEHICLE CONFERENCE AND THE VIRGINIA ROAD AND TRANSPORTATION BUILDERS ASSOCIATION

Mr. **WARNER**. Mr. President, yesterday I had the honor to participate in a breakfast meeting hosted by the Virginia Motor Vehicle Conference and the Virginia Road and Transportation Builders Association for the congressional delegation. The meeting focused on a critical piece of legislation for our State—the reauthorization of the Surface Transportation Assistance Act in 1991. The transportation sector is vital to the economic development of the State of Virginia as we begin the new decade. Today, Virginia's economy is threatened in urban areas where gridlock results in lost time and business. In the rural areas of the State, roads must be built to expand business and residential communities.

As the Congress begins to hold hearings on authorization of a new Surface Transportation Act, the call is for the Federal Government to adhere to its commitments to appropriate transportation funding. Since 1986, the Commonwealth of Virginia has taken steps to raise revenue to cover the costs of improvements in its transportation infrastructure. The general assembly has gone beyond the traditional motor fuel, titling and vehicle license taxes in order to raise needed transportation revenues.

The general assembly has authorized privatization of toll roads where feasible, State-operated toll roads, an increase in the general sales tax by ½ cent—and dedicated it to the Virginia Transportation Trust Fund—and special tax districts for transportation purposes. The legislature also has approved an increase in the titling tax on motor vehicles from 2 to 3 percent, raised motor vehicle licensing fees by $3, increased the tax on rental cars by one-third, and raised the motor fuel tax by one cent per gallon. Further, Virginia has increased the road tax differential by 1.5 cents per gallon, raised the aviation fuel tax by 1 percent on additional purchases, dedicated a portion of the recordation tax to fund rebuilding of Route 58 across southside Virginia and authorized bonds to expedite that $700-plus million project.

The total additional "revenue enhancement" from these actions is well over $400 million annually. The general assembly is doing its part to meet some of the transportation needs of the Commonwealth.

Mr. President, last Thursday March 15, the Governor of the Commonwealth of Virginia, the Honorable Lawrence Douglas Wilder, testified before the Surface Transportation Subcommittee of the Committee on Public Works and Transportation in the U.S. House of Representatives. As a member of the Senate Committee on Environment and Public Works, I would like to ask that the full text of the Governor's statement be printed in the RECORD at the conclusion of my remarks.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

(See exhibit 1.)

Mr. **WARNER**. Mr. President, the Virginia delegation is now in a much better position to work together due to our respective committee assignments, and to pursue our fair share of the Federal funds allocated when negotiations commence with respect to the reauthorization of the Surface Transportation Act. As Governor Wilder stated at the hearing, the Commonwealth of Virginia is prepared to meet its transportation responsibilities. We also expect the Federal Government to also play its traditional part in the negotiations.

EXHIBIT 1

STATEMENT OF GOV. LAWRENCE DOUGLAS WILDER BEFORE THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, SURFACE TRANSPORTATION SUBCOMMITTEE, HOUSE OF REPRESENTATIVES, MARCH 15, 1990

THE FUTURE FEDERAL SURFACE TRANSPORTATION ACT

Good morning, Chairman Mineta, Congressman Payne, Members of the Subcommittee. I'm Doug Wilder, Governor of the Commonwealth of Virginia.

I appreciate the opportunity to testify on one of the most important issues facing Virginia and the nation as a whole. . . . the need to re-energize our partnership on transportation. The Commonwealth appreciates your consideration of our views and concerns.

During the 1980s, Virginia's population grew by 12 percent, but highway travel in the Commonwealth increased by 50 percent, to [illegible] than 57.5 billion miles travelled.

[illegible] 116,250 lane miles of state-maintained highways, Virginia has the third [illegible] state highway system in the nation. [illegible]ingly, we are hard at work maintaining and improving our transportation systems. We estimate that this year's transportation funding in the Commonwealth will total $1.8 billion. But, still, we are falling behind.

And yet, Virginia is prepared to meet its transportation responsibilities. But we expect the federal government to play its traditional part.

In my State of the Commonwealth address on January 15, of this year, I indicated that re-enactment of the Federal Surface Transportation Act would be one of my top priorities. Consequently, I come here, today, to offer to work with you as a partner to achieve that objective.

As you consider these issues over the next several months, Mr. Chairman, I ask you to help to renew a partnership that will meet those national transportation needs. I can assure you that Virginia will do her part in this joint effort.

As a foundation for that partnership, we believe that the federal government should give to the taxpayers the transportation improvements for which their federal gasoline tax dollars have already paid.

With that objective as a beginning, I ask you to join with us in developing a forward-looking national transportation policy that will:

. . . deal with the growing problem of congestion and its environmental consequences within our urban and suburban areas;

. . . reward efforts such as those in Virginia that make imaginative use of new financing techniques;

. . . push the private sector, as well as state and local governments, to continue research and development in the transportation field;

. . . focus on moving people, not just automobiles; and

. . . support our efforts to use transportation policy as a means to encourage economic development and progress in our rural areas.

We estimate that at the end of the fiscal year, Virginia will have a $179 million apportionment balance in the Trust Fund. These are monies that have been paid in motor fuel taxes intended for highway improvements in the Commonwealth, but are being held hostage in the Old Executive Office Building where they are not doing anyone any good.

The sum of $179 million is the equivalent of nearly one year of our current federal program. We have projects in our urban and suburban areas just waiting for that money which Virginia taxpayers rightly deserve.

I expect, Mr. Chairman, that this very morning you and other members of this subcommittee crawled through traffic in corridors that cried out for these funds.

Mr. Chairman, my request is simple: Let our money go.

I urge that this subcommittee use its considerable influence in this body to set the Highway Trust Fund obligation ceiling at least $15 billion for the coming fiscal year.

All of the studies show that this can be done safely, while maintaining the necessary reserves and funding the urgent needs.

For my state, raising the obligation ceiling in this manner would add an additional $24 million in this year alone.

Ours is a national transportation system—not simply fifty state systems linked together. The movement of goods and people in interstate commerce . . . . as well as the requirements of national security . . . . place this issue on your desk as well as on mine.

Secretary Skinner acknowledges that we have to deal with the urgent issue of congesting in our urban and suburban areas. But he has yet to back up that conclusion with flexible federal dollars to address these problems.

Moreover, he must acknowledge—as Virginia has done in its most recent initiative—that it costs more to build in congested areas; the formula should be weighted accordingly.

Furthermore, Secretary Skinner needs to consider a special program focusing on those areas—one which will back up that rhetoric with funding.

Likewise, the secretary should reward states like Virginia that have addressed the issue head-on through new initiatives and creative solutions.

Yes, we are flattered that reference was made in his report to the HOV lanes on I-95 and I-395; to partnerships with the private sector such as our special tax assessment districts on Route 28 near Dulles Airport—as well as the proposed private toll facility linking Dulles with Leesburg to the west.

And yet, it would be appreciated if he mixed his shower of praise with a sprinkling of dollars as well.

Yes we are heartened by his commitment to intensified federal interest in research and technology, such as our contemplated use of "smart" highway technology between Roanoke and Blacksburg.

But breakthroughs come only after effort and a lot of shared costs.

And only the federal government has both the resources and the national perspective to lead that research effort.

Yes, we know that he agrees with our view that transportation policy requires a balanced commitment to move people: by transit, by automobile, by bicycle, and by foot.

If he and you will join us, we will finish the 103-mile Metrorail system in this area;

. . . we will bring commuters north by rail from Fredericksburg and Manassas;

. . . we will provide the transportation links in the regions of Virginia critical to national security;

. . . we will open up some of the rural areas of our state to the economic progress which can be provided by essential transportation links such as Route 58 across Virginia's southern border.

Mr. Chairman, we are prepared to be a partner.

We are prepared to do our share.

We have significantly increased the resources of the Commonwealth devoted to this effort since the last time this Committee considered the Surface Transportation Act.

We ask only that you join us in this commitment.

I thank you for your time, and look forward to working together during the coming months.

APPENDIX A

HOV LANES ON I-95 AND I-395

The current Six Year Improvement Program of the Commonwealth Transportation Board envisions the extension of the high occupancy vehicle lanes in the I-395/I-95 Corridor from Springfield in Fairfax County to Route 619 (Triangle) in Prince William County a distance of 19.1 miles at an estimated cost of $345 million.

The project when complete would provide for at least six conventional lanes with two separated lanes for high occupancy vehicles.

One project near Springfield is under construction at a cost of approximately $30,000,000 with a second project extending the construction to Accotink Creek anticipated in July 1990 at an estimated cost of approximately $46,000,000.

The advertisement of the balance of the work in the corridor is dependent upon the I-4R apportionments to the Commonwealth under the 1991 Reauthorization Legislation.

ROUTE 28 PRIMARY HIGHWAY TRANSPORTATION IMPROVEMENT DISTRICT

The 1987 session of the General Assembly approved legislation granting authority for special tax districts to provide localities with an alternate means of financing critical transportation improvements.

In December 1987, Fairfax and Loudoun Counties, in cooperation with local property owners, formed the Route 28 Primary Transportation Improvement District to improve the Route 28 corridor in the Dulles Airport area.

Specifically, the proposal called for expanding Route 28 in two separate phases. Under Phase I, the existing two-lane roadway will be widened to six lanes with three interchanges. Phase II will expand the roadway to an eight-lane facility with ten additional interchanges. The 1988 General Assembly authorized the sale of $160.7 million.

The two counties enacted a special levy of 20 cents per $100 valuation on all commercial and industrial property located within the Transportation District effective calendar year 1988. The financial obligation for the payment of principal and interest on the 30 year bonds is 80% by the District special tax revenues and 20% by the State's Transportation Trust Fund.

Construction began and the entire Phase I construction should be completed by mid 1991.

DULLES TOLL ROAD EXTENSION—PRIVATE INITIATIVE

The Loudoun County Board of Supervisors in May 1983 identified the Dulles Toll Road Extension as a part of its Dulles North Area Management Plan. The Extension is 14 miles in length and connects to the existing Dulles Toll Road at Route 28 to the Route 15 Bypass at Leesburg.

The preliminary engineering for the project was initiated by the Commonwealth Transportation Board in February 1987 with the location adopted by the Board in November 1988.

In March 1988, the General Assembly enacted the Virginia Highway Corporation Act permitting privately constructed and owned toll facilities. A preliminary application was filed by the Toll Road Corporation of Virginia (TRCV) with the Commonwealth Transportation Board (CTB) in March 1989 with amendments in May 1989. The CTB approved the application in July 1989.

The TRCV filed its application with the State Corporation Commission (SCC) on February 2, 1990 and it is expected that the SCC will take action within the next 90 to 120 days.

ROANOKE TO BLACKSBURG "SMART" HIGHWAY

The Six Year Improvement Program of the Commonwealth Transportation Board provides finding for the preliminary engineering for the improvement to Route 460 between Blacksburg and I-81.

The preliminary engineering studies have identified a number of alternatives with two having the support of all of the local governing bodies.

This construction of the direct connection as a federal project to use as a laboratory to test the technology associated with "Smart Highways" has been supported by the local governments in the area and, in concept, by the CTB. The proximity of the corridor to the research facilities at Virginia Polytechnic Institute & State University and the desire by the local governments to attract

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the manufacturers of the technology to be used in future transportation systems lend credence to such a proposal.

U.S. ROUTE 58 CORRIDOR DEVELOPMENT PROGRAM

The U.S. Route 58 Corridor Development Program contemplates the development of a modern, safe and efficient highway system generally along the U.S. Route 58 Corridor. This corridor extends approximately 508 miles from Cumberland Gap in Lee County in the west along the southern border of Virginia to the ocean front in Virginia Beach.

The final location of all of the improvements has not been determined, but several alternatives are now under study. To the maximum extent possible, the U.S Route 58 Corridor will conform to the existing arterial highway network and will utilize existing four-lane divided highways and available rights-of-way. The most expensive alternatives being considered would cost an estimated $1.2 billion, while the least expensive would cost an estimated $638 million, both in 1988 dollars. The final location of the highway system will depend on a number of factors, including engineering and environmental considerations, cost and economic development benefits.

The Program is funded from a $40 million annual appropriation from the State Recordation Tax. In addition, the 1989 Special Session of the General Assembly authorized the issuance of $600 million in 9(d) bonds. The Transportation Board issued $200 million in debt in November 1989 and plans to issue the remaining $400 million over the next 3 to 4 years.

ROUTE 64—CITIES OF HAMPTON AND NORFOLK PROPOSED THIRD HAMPTON ROADS TUNNEL

Although I-64 was recently improved to a six-lane roadway between I-664 and Mallory Street in the City of Hampton, it is already experiencing congestion during peak hours. The existing traffic, which is over 72,000 vehicles per day, is expected to reach 132,000 vehicles per day by the year 2010.

The volume of heavy trucks (six-tired vehicles or larger) ranges from 10 to 12 percent of the traffic volume. This heavy volume of trucks is an indicator of the vital role played by the Hampton Roads Bridge-Tunnel in the economy of Hampton Roads. However, this heavy truck traffic effectively uses up the capacity of the right lane of each tunnel and severely limits the total capacity of the tunnels during the week days. This causes the tunnels to operate at a level of service F during weekday peak periods. Also, on weekends during the tourist season, the heavy traffic demand causes the tunnels to operate at a level of service F (stop and go conditions).

In an effort to relieve some of the traffic congestion on this section, VDOT formed the Hampton Roads Tunnels Advisory Committee to explore ways of improving communications and advising motorists of alternate routings. The strategies of this committee have had a positive effect on this severe traffic congestion. Although this section of I-64 is expected to gain some relief with the opening of I-664, traffic is still expected to grow to the level of 147,000 vehicles per day by the year 2010.

Regional Transportation plans for the Peninsula and Southeastern Virginia, as well as VDOT's Statewide Transportation Plan, show the need for 8 lanes on I-64 from I-644 in the City of Hampton to I-564 in the City of Norfolk. This proposed widening which includes the Hampton Roads Bridge-Tunnel is estimated to cost $1.13 billion to construct.

COMMUTER RAIL FROM MANASSAS AND FREDERICKSBURG TO WASHINGTON, D.C.

The Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission are continuing their efforts to have commuter rail service in operation by the fall of 1991. The service is proposed for operation on two existing rail lines. One line will originate near Manassas, Virginia and the second will originate near Fredericksburg, Virginia. Both lines will end at Union Station in Washington, D.C. Bonds in the amount of $79.35 million have been sold and the rail cars have been ordered. Bids for locomotives are expected to be received this month. Assistance is needed from Congress to ensure that this service has access to Union Station. The Amtrak Reauthorization bill contains an amendment which limits Conrail's liability. Conrail is requiring such a limitation on liability prior to allowing the commuter rail to operate over its tracks and into Union Station.

CONSTRUCTION OF METRO RAIL IN THE WASHINGTON, D.C. METROPOLITAN AREA

The Metrorail System for the Washington, D.C. area was planned as a coordinated 103 mile rail system. Legislation enacted in 1979 (Stark-Harris) authorized $1.7 billion in federal funds for the completion of the full 103 mile rail system. Including FY 89 funds, a total of $1.507 billion has been appropriated so far. Due to increases in construction costs, the original $1.7 billion will be sufficient to build only 89.5 miles of the planned system. Legislation pending in Congress H.R. 1463 and S. 612 would authorize federal funding to construct the remaining 13.5 miles at a cost of $2.6 billion.

Funding would start in 1991 and $200 million per year would be provided to complete the system by the year 2002. These funds would support 80% of the total cost of constructing the system.

APPENDIX B

SELECTED LEGISLATIVE INITIATIVES BY THE GENERAL ASSEMBLY SINCE 1986

Enactment of Senate Bill 79 provided about $60 million per year to posture the Department for substantial increases in funding for transportation purposes. Funding was used to initiate preliminary engineering on critically needed projects on all State systems.

Enactment of Senate Bill 10 which created the Commission on Transportation in the Twenty-First Century to verify needs, develop a funding package to address the needs, and examine the relationships between the Commonwealth and local governments and agencies in transportation matters.

Enactment of a transportation revenue package approximately $422 million per year with 85% dedicated to highways, 8.4% to public transportation, 4.2% to ports, and 2.4% to airports.

Enactment of Primary Highway District legislation which permits the owners of fifty-one percent of the industrially and commercially zoned properties to petition a local jurisdiction to create such a district and to impose a maximum of twenty cent per one hundred dollars assessed tax surcharge and to dedicate such proceeds for a specific transportation improvement.

Enactment of the Virginia Highway Corporation Act of 1988 which encourages the privatization of transportation projects and improvements and establishes the mechanism for such initiatives.

Enactment of the Route 58 Corridor Development Program which dedicates $40 million in general funds from the State Recordation Tax to support a debt issuance in the amount of $600 million for the development of a four-lane divided highway across the southern boundary of the State connecting ports and recreational areas of the Tidewater area with the most western parts of the Commonwealth.

Enactment of legislation which would permit municipalities with the approval of the Commonwealth Transportation Board to dedicate up to one-third of their urban highway construction allocation to the repayment of loans by the municipalities or debt issued by the municipalities for highway projects.

Enactment of legislation calling for a constitutional amendment to permit the issuance of pledge bonds supported by revenues from the Transportation Trust Fund and established the statutory mechanism for the issuance of the pledge bonds subject to the passage of the referendum in November 1990.

Enactment of numerous pieces of legislation which permit local governments through zoning and site plan activities to cope with major developments.

Enactment of legislation which would permit the local governments in Northern Virginia and the City of Norfolk, after referendum, to impose up to 1.0% income tax for transportation and education purposes.

Increased through the State Budget, the Rail Industrial Access Program which provides funding for rail access to industries seeking to locate in the Commonwealth.

THE DEEPENING CRISIS IN BURMA

Mr. MOYNIHAN. Mr. President, the crisis in Burma continues. The assault on human rights and political reform has taken a sharp and precipitious turn for the worse in that country. The New York Times today reports that the military regime in Rangoon has implemented a policy of forced migration of Burmese from their homes in cities throughout the country to relocation camps—what one diplomat was quoted as characterizing as "a Burmese form of gerrymandering." With every passing day, events in Burma bring to mind Pol Pot's genocidal policy in Cambodia in which more than a million persons were exterminated. Atrocities are nearly countless in Burma, and attacks against minority peoples on the border with Thailand are nothing short of genocide.

I would remind my colleagues that elections in Burma have been scheduled for May of this year. Since that announcement, Gen. Saw Maung's regime has, with shameless disregard for the most basic democratic principles, subverted any possibility of those elections being free and fair. Indeed, the leading and most popular opposition figure, Daw Aung San Suu Kyi, has been confined to house arrest and she is banned from participating in that election. The chairman of the National League for Democracy, U Tin Oo, was sentenced to 3 years at hard labor for treason and conspiracy. U Nu, a former Prime Minister of Burma, has also been sentenced to house arrest. There was but one remaining obstacle, the people themselves. The regime seems well on its way to solving this problem too.

Mr. President, this is a country governed by the most contemptible persons. Despite a resolution of condemnation which was adopted by the Human Rights Commission in Geneva earlier this year and which our Government strongly supported, conditions in Burma deteriorate dramatically. Contemptible government. Only one rule applies: No matter what this Government may tell you—it is in all likelihood a lie.

The Congress has spoken on this on numerous occasions. It had been my understanding that the Congress and the administration were now of one voice on this subject. Apparently not. The DEA's policy is at odds with the State Department's. And it is repugnant to see.

As example, I would simply note the Department of State's recent assessment of human rights in Burma. In its "Country Reports on Human Rights Practices for 1989," the administration states: "During 1989, the Government"—the Government of Burma, that is—"sought accommodation with several insurgent/narcotic trafficking groups, to gain short-term advantages vis-a-vis other dissident groups, to reinforce a split in the Burma Communist Party, and to secure areas for teak and logging concessions." In nondiplomatic language this simply means the Burmese Government are criminal traffickers. No different—indeed, perhaps worse, if that is possible—than the government of General Noriega.

Despite this assessment of that Government, I read shortly thereafter in the Sunday Times that our DEA agent in charge in Rangoon traveled with members of the Burmese Government to participate in a burning ceremony at which some amount of opium was destroyed—he was given the honor of starting the fire—and he reportedly found a new willingness by the Burmese Government to cooperate with United States drug eradication efforts. A lie, Mr. President, a lie.

Recall that we suspended aid to the Burmese Government in September 1988. Our Ambassador in Burma reportedly does not speak to the Government in Rangoon. Apparently this does not deter our drug enforcement personnel from proceeding. It would appear that DEA is running its own foreign policy. Indeed, in testimony delivered just this month to the Senate's Committee on Foreign Relations, David Westrate, Assistant Administrator for Operations at the DEA, stated publicly that "On February 26, 1990 DEA met with a Burmese delegation headed by the Burmese Foreign Minister and discussed initiatives. The Burmese want DEA training and now recognize the official presence of DEA in Burma." Can we possibly be prepared to give it? It defies all logic.

At this same hearing, Mr. President, the State Department's Assistant Secretary of State Melvyn Levitsky warned us of the kind of government with which we are dealing.

> In a country like Burma it is just that you have to be very skeptical about whether, in fact, that issue is being used by the other side to try to draw you into a relationship that seems to legitimize themselves as a government and where they can say that the United States after all has a relationship with us.

And in the most recent turn of events, our Department of Justice has indicted the notorious drug trafficker, Khun Sa whose involvement with the regime in Rangoon has been known for years. Indeed, as has his free access to Thailand. In response to a question at a news briefing on the indictment which was reported in the Baltimore Sun the Attorney General, Dick Thornburgh, said of the Burmese Government, "They are as determined governmentally as we are to deal with the problem."

Hardly. This is not my assessment of that Government nor is it apparently the opinion of some in the administration. It seems that DEA is permitting the Attorney General to be used, and it is most disturbing. Certainly, if he were given the facts he would hold an opinion much closer to Secretary Levitsky. The Burmese Government is undoubtedly willing to end its long collusion with Khun Sa in order to establish the appearance of responsibility—there are others who will replace Khun Sa. Others have already been put in place by the Burmese regime—namely the remnants of the former Burma Communist Party. A party which has now disintegrated into its component parts—the largest being the major drug trafficking organization in Burma. The regime has done nothing more than change business partners. Turn on Khun Sa and get the public relations advantage that the Attorney General and DEA are giving them. Use the former Communist Party—turn an armed enemy into a willing drug trafficking partner.

This is an outdated, brutal dictatorship willing to do or say anything to preserve its grasp on the complete control of that country. Its most recent actions continue to demonstrate this fact.

Mr. President, I would ask that an article which appeared today in the New York Times be printed at this point in my statement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 21, 1990]

BURMESE MILITARY IS FORCING MASS MIGRATION FROM CITIES

(By Steven Erlanger)

BANGKOK, THAILAND, March 20.—At least 500,000 Burmese are being forced to move from Myanmar's cities to new, ill-prepared outlying towns where malaria and hepatitis are rampant, diplomats say.

The military Government calls the relocations, which began late last year, a beautification measure to re-house "squatters." But with the approach of military-controlled elections in May the forced exodus in fact appears to be intended to break up areas where anti-Government sentiment erupted in demonstrations in 1988, said the Western and Asian diplomats, who are based in Myanmar, formerly Burma.

"These population movements have overtones of what the Khmer Rouge did in Cambodia," said a senior diplomat who has witnessed the relocations. "It's an absolute horror story."

During their rule of Cambodia from 1975 to 1979, the Communist Khmer Rouge guerrillas undertook a radical remaking of Cambodian society, emptying Phnom Penh and other major cities and forcing the population to work as peasants in the countryside. More than a million people perished.

The relocations in Myanmar are not as thoroughgoing as those in Cambodia and lack the same ideological impetus, the diplomat said.

The diplomats described Burmese families sitting along the roadside by their dismantled houses with all their belongings, waiting for up to three weeks for army transport. Their destinations—reclaimed rice paddies that lack fresh water, shade, sanitation, health care and markets—are hours away from their jobs and former homes. Some people have died from the lack of medical care, the diplomats said.

The cities were focal points of large-scale demonstrations for democracy that were crushed by military gunfire in September 1988. Many of the neighborhoods being torn down were known to support the strongest opposition party, the National League for Democracy.

The military authorities have scheduled elections for May 27, but have imprisoned thousands of political leaders, diplomats say, including nearly all the leaders of the two main opposition parties. Some have been tortured, American diplomats have said.

FORM OF GERRYMANDERING

The chairman of the National League for Democracy, U Tin Oo, was sentenced to three years of hard labor for sedition, and the party's popular leader, Daw Aung San Suu Kyi, has been under house arrest since July 20. In January, she was disqualified from running in the election. U Nu, a former Prime Minister and leader of the League for Democracy and Peace, was put under house arrest in late December.

The residents of the new towns have no idea where they are supposed to vote, the diplomats said. "It's a Burmese form of gerrymandering," a diplomat said. "They don't move the boundaries. They move the people."

Myanmar has been largely closed to foreign journalists for nearly a year and repeated efforts to secure visas have been unsuccessful.

The diplomats, who were interviewed by telephone or in Bangkok, said the reloca-

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tions have been taking place in most major cities: the capital, Yangon, formerly Rangoon, Mandalay, Bassein, Prome and Taunggyi.

250,000 MOVED FROM CAPITAL

At least 250,000 people have been moved out of areas of the capital, they said, including neighborhoods around the central Shwedagon Pagoda and a major intersection near the airport, an area where about 30,000 people once lived.

About a year ago, the military authorities announced in the country's only remaining newspaper, the official Working People's Daily, that about 160,000 "squatters" would be relocated to such satellite towns. But the relocations did not begin until late November, and recently they have been accelerated, the diplomats said.

Disputing the military authorities' claim that slums of squatters are being demolished the diplomats said many of the neighborhoods that were leveled had two-story buildings of brick, framed timber or even steel-reinforced concrete. The inhabitants are rarely compensated for the loss of their land and must pay for the dismantling and reconstruction of their houses, the diplomats said.

THEY LIVE IN SHANTIES

Many displaced people must wait by the roadside for days, some up to three weeks, for military trucks to bring them to their new locations, the diplomats said. There is no protection from the weather and theft is common, they said.

Once in their new areas, which can be up to 50 miles away, the Burmese are required to buy land and secure and pay for Government permits to rebuild.

"Most haven't received the permits," a diplomat said, "so they live in shanties, with no shade, few working wells and normally no electricity or medical facilities." Needed building supplies can be purchased only from the Government, the diplomats said.

There are at least five new satellite "towns" around Yangon, the diplomats said. The best-established one is called Shwe Pyitha, or "the golden country," and seems designed for Government employees or supporters of the Government-backed party, the National Unity Party. Another Ayemya Thayar, which diplomats described as squalid, means "tranquility in the country."

DIPLOMATS BARRED FROM TOWNS

A third, Hlaing Thayar, across the river from Insein, near Yangon, is built on treeless, reclaimed farm land, with shanties built in rice paddies that are prone to flooding as soon as the monsoons begin. It's population is now estimated at about 180,000, the diplomats said.

Most of the new towns cannot be visited, since diplomats are prohibited from traveling more than 25 miles outside the city center or from crossing any body of water without Government permission. Some diplomats have driven toward the satellite towns, picking up residents trudging home from work, but have been prevented from entering them by soldiers.

Most of the relocated Burmese spend several hours a day getting to and from their jobs in the central city by foot, river ferry and bus, the diplomats said. The fares can take as much as three-fourths of a laborer's daily wage of 20 kyat. The kyat is worth 17 cents at the official exchange rate, but only 2 to 3 cents on the black market.

"The resentment among the population is enormous and growing," a diplomat said. I used to see evolutionary possibilities for Burma, but I no longer see anything changing except through violence."

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawal which were referred to the appropriate committees.

(The nominations and withdrawal received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL SCIENCE FOUNDATION—MESSAGE FROM THE PRESIDENT—PM 103

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

I am pleased to transmit the annual report of the National Science Foundation for Fiscal Year 1989. This report describes research supported by the Foundation in the mathematical, physical, biological, social, behavioral, and computer sciences; in engineering; and in science and engineering education.

Achievements such as those described here are the basis for much of our Nation's strength—its economic growth, national security, and the overall well-being of our people.

The National Science Foundation will be 40 years old in 1990. Over those years, it has played a key role in supporting this Nation's remarkable research achievements. The Foundation looks forward to the challenges and accomplishments of the new year, the new decade, and the new century.

GEORGE BUSH.

THE WHITE HOUSE, *March 21, 1990.*

ANNUAL REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with section 5(h) of the International Health Research Act of 1960 (Public Law 86-610; 22 U.S.C. 2103(h)), I transmit herewith the Twenty-third Annual Report of the United States-Japan Cooperative Medical Science Program for the period of July 1988 to July 1989.

GEORGE BUSH.

THE WHITE HOUSE, *March 21, 1990.*

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The ACTING PRESIDENT pro tempore [Mr. LEVIN] announced that on today, March 21, 1990, he had signed the following enrolled bill and joint resolution previously signed by the Speaker of the House:

S. 2231. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II; and

S.J. Res. 229. Joint resolution to designate April 1990 as "National Prevent-A-Litter Month."

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 21, 1990, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 2231. An act to amend the Energy Policy and Conservation Act to extend the authority for titles I and II: and

S.J. Res. 229. Joint resolution to designate April 1990 as "National Prevent-A-Litter Month."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2616. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice that the funds appropriated for the Board for International Broadcasting for grants to Radio Free Europe/Radio Liberty are less than the amount necessary to maintain the budgeted level of operation; to the Committee on Appropriations.

EC-2617. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1991 and 1992 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-2618. A communication from the Acting Director, Improved Energy Productivity Division, Office of Industrial Programs, Conservation and Renewable Energy, Department of Energy, transmitting, pursuant to law, a report on the status of the Metals Initiative Program; to the Committee on Energy and Natural Resources.

EC-2619. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a revised list of projects or separable elements of projects which have been authorized but for which no funds have been obligated; to the Committee on Environment and Public Works.

EC-2620. A communication from the Secretary of the Interior, transmitting, pursuant to law, the first annual report of the United States Fish and Wildlife Service on expenditures for the conservation of endangered species; to the Committee on Environment and Public Works.

EC-2621. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the expenditure and need for worker adjustment assistance training funds under the Trade Act of 1974; to the Committee on Finance.

EC-2622. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the provision of emergency military assistance to Columbia; to the Committee on Foreign Relations.

EC-2623. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreement, other than treaties, entered into by the United States in the 60 day period prior to March 15, 1990; to the Committee on Foreign Relations.

EC-2624. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, a draft of proposed legislation to authorize appropriations for fiscal year 1991 for the Department of State; to the Committee on Foreign Relations.

EC-2625. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation to amend title 39, United States Code, to curb abuses of postage subsidies, to provide more equitable rates for Government mail, and for other purposes; to the Committee on Governmental Affairs.

EC-2626. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the establishment of an automated management information system for the Indian Health Service; to the Committee on Governmental Affairs.

EC-2627. A communication from the Chairman of the United States Arctic Research Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1989 entitled "Arctic Research: A Focus of International Cooperation"; to the Committee on Governmental Affairs.

EC-2628. A communication from the Attorney General of the United States transmitting, pursuant to law, the annual report on the private counsel debt collection pilot project for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2629. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Financial Audit: EPA's Financial Statements for Fiscal Years 1988 and 1987"; to the Committee on Governmental Affairs.

EC-2630. A communication from the vice president of Farm Credit Services (Human Resources and Planning), transmitting, pursuant to law, the annual audit reports for the Twelfth District Farm Credit Retirement Plan and Thrift Plan for calendar year 1988; to the Committee on Governmental Affairs.

EC-2631. A communication from the Acting Administrator of General Services, transmitting, pursuant to law, the annual report of the General Services Administration on competition advocacy for fiscal year 1989; to the Committee on Governmental Affairs.

EC-2632. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2633. A communication from the Acting Administrator of the Agency for International Developmment, Department of Agriculture, transmitting, pursuant to law, the fourth quarterly report on progress made in implementing the recommendations of the Agricultural Trade and Development Missions; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2634. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on budget rescissions and deferrals dated March 1, 1990, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, referred jointly to the Committee on Appropriations and the Committee on the Budget.

EC-2635. A communication from the Acting Assistant Secretary of Energy (Environment, Safety and Health), transmitting, pursuant to law, the annual report on implementation of the requirements of the Superfund Amendments and Reauthorization Act for fiscal year 1989; to the Committee on Environment and Public Works.

EC-2636. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report on methods to manage and control plastic waste; to the Committee on Environment and Public Works.

EC-2637. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation to amend title 26, United States Code, to require the Secretary of the Treasury to disclose certain information from the files of the Internal Revenue Service to the Secretary of Veterans Affairs for the purpose of verifying entitlement to, and determining the correct amount of, title 38, United States Code, pension benefits; to the Committee on Finance.

EC-2638. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Harmonized Tariff Schedule of the United States provisions implementing Annex D of the Nairobi Protocol to the Florence Agreement on the Importation of Educational, Scientific, and Cultural Materials, and for other purposes; to the Committee on Finance.

EC-2639. A communication from the General Counsel of the Department of the Treasury, transmitting a draft of proposed legislation to provide for further participation by the United States in the International Development Association and for the establishment of the legal status of the International Finance Corporation's securities in the United States; to the Committee on Foreign Relations.

EC-2640. A communication from the Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FORD, from the Committee on Rules and Administration, with amendments:

S. 137. A bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes (Rept. No. 101-253).

By Mr. GLENN, from the Committee on Governmental Affairs, without amendment:

S. 29. A bill to provide for a 2-year Federal budget cycle, and for other purposes (Rept. No. 101-254).

By Mr. RIEGLE, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 1853. A bill to award a Congressional Gold Medal to Laurence Spelman Rockefeller.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself, Mr. Mack, and Mr. Graham):

S. 2309. A bill to establish a Presidential Advisory Committee for Policy Toward Cuba; to the Committee on Foreign Relations.

By Mr. SASSER (for himself, Mr. Domenici, Mr. Leahy, Mr. Harkin, Mr. Boschwitz, Mr. Johnston, Mr. Riegle, Mr. Simon, Mr. DeConcini, Mr. Dodd, Mr. Daschle, Mr. Lautenberg, Mr. Conrad, Mr. Fowler, Mr. Pryor, and Mr. Kerrey):

S. 2310. A bill to improve certain food programs through the expansion and reauthorization of such programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself, Mr. Garn, and Mr. Sanford):

S. 2311. A bill to modify the Qualified Thrift Lender Test, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SYMMS (for himself, Mr. Pryor, and Mr. Boren):

S. 2312. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. Kennedy, Mr. Specter, Mr. Cranston, Mr. DeConcini, Mr. D'Amato, Mr. Kerry, Mr. Adams, Mr. Lieberman, Mr. Johnston, Mr. Simon, Mr. Bradley, Mr. Pryor, Mr. Metzenbaum, Mr. Heinz, Mr. Heflin, and Mr. Baucus):

S. 2313. A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

By Mr. FOWLER (for himself, Mr. McConnell, Mr. Helms, and Mr. Ford):

S. 2314. A bill to amend the Agricultural Act of 1949 with respect to the level of milk price support in effect for 1991 through

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1995; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FOWLER (for himself and Mr McConnell):

S. 2315. A bill to amend the Agricultural Act of 1949 to provide soybean producers with fair income and freedom of planting choice support, and to eliminate any indirect subsidization of foreign oilseed production; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY (for himself, Mr. Roth, Mr. Moynihan, Mr. Lautenberg, and Mr. Pell):

S. 2316. A bill to amend the Agricultural Act of 1949 to establish an equitable sugar price support program, and to require the use of a tariff rate quota to make this program effective; to the Committee on Finance.

By Mr. McCONNELL:

S. 2317. A bill to require Federal, State, and local law enforcement agencies to report all cases of missing persons under age 18 to the National Crime Information Center of the Department of Justice; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MITCHELL (for himself and Mr. Dole):

S. Res. 265. Resolution amending Senate Resolution 171 of the One Hundred First Congress (agreed to on August 4, 1989); considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Mr. Mack, and Mr. Graham):

S. 2309. A bill to establish a Presidential Advisory Committee for Policy Toward Cuba; to the Committee on Foreign Relations.

PRESIDENTIAL ADVISORY COMMITTEE FOR POLICY TOWARD CUBA

● Mr. SIMON. Mr. President, today I am introducing legislation, along with my colleagues Senator Mack and Senator Graham, to establish a Presidential Advisory Committee for Policy Toward Cuba.

As democratization sweeps the world, we should be prepared to see those changes come to Cuba's shores as well. This Presidential Advisory Committee will advise and make policy recommendations to the President and the Secretary of State on sound policies toward Cuba while the dictatorship there continues, and will also recommend policy options to encourage freedom in Cuba, including designing a plan for proceeding with appropriate assistance in the event the present government is changed by the people of Cuba. In addition, the committee will make recommendations on immigration and trade policy. No appropriation is necessary to establish this committee.

I encourage my colleagues to join in this effort, and I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESIDENTIAL ADVISORY COMMITTEE FOR POLICY TOWARD CUBA.

(a)(1) Presidential Advisory Committee for Policy Toward Cuba.—The President shall establish a Cuban-American Advisory Committee for Policy Toward Cuba (hereafter in this Act referred to as the "Advisory Committee") to provide overall policy advice and recommendations on matters concerning United States policy toward Cuba. The Advisory Committee shall be composed of not more than 7 individuals appointed by the President, not more than 4 of whom may be from the same political party. Each member of the Advisory Committee shall serve a three-year term.

(2) The President shall appoint one of the members of the Advisory Committee to serve as Chairman. The Advisory Committee shall meet as may be necessary at the call of the Chair or at the call of two-thirds of the members of the Committee.

(3) The Secretary of State shall make available to the Advisory Committee such staff, information, personnel, and administrative services and assistance as it may reasonably require to carry out its activities.

(b) Purpose.—(1) The Advisory Committee shall advise and make policy recommendations to the President and the Secretary of State on sound policies toward Cuba while a dictatorship continues. The Advisory Committee shall recommend policy options to encourage freedom in Cuba, inlcuding designing a plan for proceeding with appropriate assistance in the event the present government is changed by the people of Cuba. The Advisory Committee shall also advise the President and make recommendations on immigration and trade policy.

(2) The Advisory Committee shall submit annual reports detailing its recommendations and a final report 30 days before its termination date. The Advisory Committee shall submit these reports to the President, the Secretary of State, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(c) Application of Federal Advisory Committee Act.—The provisions of the Federal Advisory Committee Act shall apply to the Advisory Commnittee, except that—

(1) the meetings of the Advisory Committee shall be exempt from the requirements of subsections (a) and (b) of sections 10 and 11 of the Federal Advisory Committee Act (relating to open meetings, public notice, public participation, and public availability of documents), whenever and to the extent it is determined by the President or his designee that such meetings will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of policy toward Cuba; and

(2) meetings may be called of special task forces or other such groups made up of members of the Advisory Committee.

(d) Scope of Participation by Members of Advisory Committees.—Nothing contained in this section may be construed to authorize or require any member of the Advisory Committee or any other indiviudal to participate directly in any other official Government meeting on any matter referred to in subsection (b). To the maximum extent practicable, the members of the Advisory Committee shall be informed and consulted before and during any such meetings. Advisory Committee members may be designated as advisors to a United States delegation to such meeting and may be permitted to participate in other international meetings to the extent the President deems appropriate, except that they may not speak or negotiate for the United States.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this Act.

(f) Termination.—Nothwithstanding the Federal Advisory Committee Act, the Advisory Committee shall terminate 3 years after the date of enactment of this Act.●

By Mr. SASSER (for himself, Mr. Domenici, Mr. Leahy, Mr. Johnston, Mr. Riegle, Mr. Simon, Mr. DeConcini, Mr. Harkin, Mr. Boschwitz, Mr. Dodd, Mr. Daschle, Mr. Lautenberg, Mr. Conrad, Mr. Fowler, Mr. Pryor, and Mr. Kerry):

S. 2310. A bill to improve certain food programs through the expansion and reauthorization of such programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

HUNGER PREVENTION ACT

● Mr. SASSER. Mr. President, I am pleased to be joining the distinguished ranking member of the Senate Budget Committee, Senator Domenici, on the Senate floor today. We are here today to submit to the Senate a bill that addresses one of the most compelling and troublesome issues in America today: hunger.

Make no mistake about it, hunger is taking its toll on American children.

Consider these statistics. In infant mortality, we rank 19th in the world. In the mortality rate for children under 5, we rank 22d. And in low birthweight babies, we rank 19th.

If nations are judged by how they treat the less fortunate of their citizens, these numbers respresent an index of shame for the United States of America.

A few weeks ago, the Senator from New Mexico and I convened a hearing of the Senate Budget Committee dealing with hunger and America's children. We learned that more than 9 million American children are hungry or at nutritional risk, 2 to 5 million of these children may have severe hunger problems.

These numbers only confirm what I have seen with my own eyes. In my State of Tennessee, I have seen the many children, particularly in the eastern mountainous areas of the State, who experience the problem of hunger each and every day. And I have heard personal testimony from their mothers and fathers.

We are fortunate in this country to have a wide range of Government programs and community-based volunteer efforts to assist families in need. Unfortunately, poverty and hunger continue to plague a large proportion of our people. We can and must do more to combat hunger in Tennessee and the Nation.

That is why I have joined efforts with the distinguished ranking member of the Budget Committee in preparing and introducing the single largest expansion of antihunger efforts in this country in more than a decade. We are pleased to be joined by the distinguished chairman of the Senate Agriculture Committee and the chairman and ranking member of the Nutrition Subcommittee as original cosponsors of this landmark legislation.

The key features of this legislation are as follows:

First, funding for the Women's, Infant, and Children's Program would be increased by $150 million per year for the next 4 years. Consequently, nearly all eligible women and children would be served by the program by the mid-1990's.

Second, more food stamp benefits would be directed to families with excessively high housing costs. Three out of ten poor households pay more than 70 percent of their income on housing costs. Currently, these high housing costs substantially reduce benefits to many low-income families.

Third, basic food stamp benefits would be raised to reflect the actual cost of food and thereby prevent benefits from running out before the end of every month. Eighty-three percent of all food stamp benefits go to children.

Fourth, low-income rural households would not be penalized as much for their automobiles, thereby gaining more benefits. Right now many households in rural areas do not receive food stamps because they own a vehicle that is essential for transportation to and from work, shopping, and medical facilities.

Fifth, the temporary Emergency Food Assistance Program would be reauthorized to continue the mandatory distribution of emergency food to households in need. Other emergency and supplemental food programs would also be continued. Nutrition assistance for Puerto Rico would be increased to begin to redress current inequities and expand participation.

Sixth, food assistance for homeless children would be expanded and homeless families would have better access to food stamps.

This antihunger initiative as well as other measures that may be pursued by this Senate this year are long overdue.

As chairman of the Budget Committee, I am well aware that the fiscal constraints we face require that we carefully establish our priorities and target our resources to those most in need. Therefore, it is my intention to insure that the funds required for a strong antihunger program will be contained in the 1991 budget resolution.

When one-fifth of our children live in poverty and perhaps as many as 9 million children experience hunger in their daily lives, we cannot stand idly by.

Poor children without enough food to eat need us now. They need food to grow, to learn, and to be productive.

Our country and our economy will most surely need these children in the future.

Mr. President, I ask unanimous consent that additional background materials describing the contents and costs of the Hunger Prevention Act of 1990 be included in the Record.

Sasser/Domenici Anti-Hunger Bill

PRIMARY OBJECTIVES

1. Children: Focus on children and their families, the poorest and hungriest segment of the population.

2. Housing and homelessness: Target poor families with excessively high housing costs who are facing the impossible tradeoff between paying for food and paying for shelter.

3. Child support: Encourage families and individuals who receive government support to seek alternative sources of income through work or child support collections.

4. Barriers to participation: Improve accessibility to food programs among low-income rural families, the homeless and other groups that are difficult to reach by simplifying rules and expanding outreach.

5. Emergency food aid: Continue federal support for local emergency food distribution efforts.

LEGISLATIVE PROPOSALS

1. WIC: Increase funding for the Women, Infant and Children (WIC) feeding program by $150 million per year above the CBO current services levels.

Currently, the WIC program serves only about 55-60 percent of the eligible low-income mothers and children at nutritional risk. By steadily increasing WIC funding over the next five years, nearly the entire eligible population could be served.

Subject to appropriation.

2. Food stamps and housing costs: Remove the current cap on the "excess shelter deduction" so that all eligible households can deduct the full amount of their excess shelter costs for determining the amount of food stamp benefits.

This provision primarily affects families with children who currently can deduct only $177 from their monthly income in calculating their food stamp benefits. Currently, only the elderly and disabled can deduct their full shelter costs. Housing costs are taking up an increasingly large share of the family budget among the poor so that fewer dollars are left over for food.

Outlay Cost: 1991: $330 million; 1991-95 $2,255 million.

3. Food stamps and child support: Allow food stamp households to collect the first $50 of child support per month without penalizing food stamp benefits.

This provision encourages families to seek child support as an alternative source of income and standardizes the rules for participants in both the AFDC and food stamp program. The bill's authors also believe that current child support enforcement procedures should be improved for single-parent families who receive food stamps. Securing more child support payments for these families would encourage greater self-sufficiency for families in need and decrease long-term dependence on public assistance.

Congress and the Administration should work together in framing legislation this year that requires greater cooperation between the agencies that administer food stamps and child support, provides adequate safeguards for food stamp applicants and recipients, and reduces long term federal costs. Savings generated from enhanced child support enforcement, such as the proposals being offered by the Administration, could help offset some of the costs of this bill.

Outlay Cost: 1991: $70 million; 1991-95 $535 million.

4. Low-income households and reliance on motor vehicles: Increases the current limit on the value of motor vehicles that may be owned by food stamp households from $4,500 to $5,500 in 1991 (indexed annually thereafter, according to the consumer price index).

This provision, which was recommended by President Reagan's Task Force on Food Assistance in 1984, would assist low-income households, particularly in rural areas, who are currently disqualified from food stamps because they own a vehicle (with a market value exceeding $4,500) for essential transportation to work, shopping and medical facilities.

Outlay Cost: 1991: $35 million; 1991-95 $590 million.

5. Increase in food stamp basic benefits: Increases benefits from 103 percent to 105 percent of the Thrify Food Plan spread out over 4 years.

This provision would increase basic benefits by one-half percent of the Thrifty Food Plan per year from 1992-1995. This expansion would allow benefit levels to better reflect the actual costs of food, which usually exceed projections from the previous year, and help households get further through the month before running out of food stamps.

Outlay Cost: 1991: $0 million; 1991-95 $1,045 million.

6. Reauthorization of funding for the Food Stamp Program: Authorizes "such sums as may be necessary" to fully fund the food stmp program.

In order to avoid potential disruption in benefits, this provision changes the current annual authorization cap on food stamp spending. This more flexible authorization would eliminate the need for supplemental appropriations in the event of higher program costs due to unanticipated participation or food price inflation. Currently, food stamp benefits can be cut if the annual authorization limit is reached.

No direct spending impact.

7. Reduce barriers to participation in rural areas: Sets up demonstration projects and requires mail-issuance of food stamps to improve accessibility to food programs in rural areas.

These provisions would expand outreach efforts, improve coordination with other agencies and simplify application procedures. Problems of physical isolation, inadequate transportation, and lack of information compound the problems of the rural

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poor who have difficulty accessing government benefits and services.

Outlay Cost: 1991: $1 million; 1991-95 $19 million.

8. Improved assistance to the homeless: Expands access to food stamps and assistance among the homeless.

Many homeless families and individuals have difficulty obtaining and using food stamps without cooking or storage facilities. This provision addresses this problem directly by allowing the homeless to use food stamps to: (1) purchase prepared meals at shelters and soup kitchens, and (2) purchase meals at restaurants offering reduced prices. In addition, the federal government would continue purchasing and distributing commodities to soup kitchens and food banks serving the homeless after the current program expires at the end of 1991.

Homeless Outlay Costs: 1991 $1 million; 1991-95 $9 million.

Soup Kitchens Outlay Costs: 1991 $0 million; 1991-95 $128 million.

9. Emergency food assistance: Reauthorizes the Temporary Emergency Food Assistance Program (TEFAP) and continues mandatory purchase requirement.

Requires that USDA provide $120 million per year worth of commodities, above and beyond any available surpluses, to state and local food distribution centers. This provision is a continuation of curent law which expires at the end of 1990.

Outlay Cost: 1991: $120 million*; 1991-95 $600 million*.

*Since TEFAP is not included in the CBO baseline, continuation of current funding levels is scored as a cost.

10. Homeless preschoolers: Increases funding to pilot projects for providing food assistance to homeless pre-schoolers who are currently left out of existing nutrition programs.

This provision uses federal funds to encourage organizations to set up food service programs for homeless children under the age of 6. In general, these children do not benefit from the school lunch and breakfast program because they are not yet in school.

Outlay Cost: 1991 less than $500,000; 1991-95 $6 million.

11. Reauthorization of the Commodity Supplemental Food Program: Continues the distribution of surplus commodities to low-income women, infants, children and elderly.

No Direct Spending Costs

12. Reauthorization of the Nutrition Assistance Program for Puerto Rico: Continues the current mandatory block grant for nutrition assistance to Puerto Rico and indexes funding levels consistent with the CBO baseline.

No Direct Spending Costs.

13. Demonstration of electronic benefit transfer [EBT] systems: Encourages use of EBTs to address food stamp fraud and modernize food stamp delivery to improve access and lower administrative costs.

By expediting and coordinating tests of EBTS now in progress in several states, this provision would allow states to undertake their own projects by April 1992. These projects must meet standards set by the Department of Agriculture and their costs must not exceed those of current issuance systems. In addition, this provision establishes safeguards to ensure that food stamp participants in states where EBT tests are held will not be subject to any discriminatory procedures or added inconvenience. As under current law, retail food stores are exempt from incurring additional costs due to EBTs.

No anticipated additional costs.

14. Effective dates and sequestration: All food stamp provisions would take effect on January 1, 1991 except in the event of across-the-board cuts triggered by the Gramm-Rudman-Hollings (GRH) law.

All food stamp provisions would be delayed until October 1, 1991 if there is a final sequestration order from the President for 1991 that is not later rescinded. Other provisions in this bill affecting TEFAP and other reauthorizations would not be affected by sequestration.

Total direct spending costs: $557 million in 1991; $5,188 million over five years.

Report to Accompany the Hunger Prevention Act of 1990, S. 2310

HUNGER IN AMERICA: THE NEED FOR LEGISLATIVE ACTION

Poverty in the United States remains entrenched in spite of six years of economic growth and low unemployment. Of the 32 million Americans that were poor in 1988, some 12.4 million were children, a substantial increase from 10.2 million poor children in 1979, at a similar point in the business cycle. Children have a one in five chance of being poor in American today. Among black children, the chances of being poor are greater than 2 in 5. In rural areas, nearly 3 out of every 5 black children are poor.

A primary consequence of this intractable poverty has been the escalation of hunger, particularly among children. An ongoing study of childhood hunger being conducted by the Food Research and Action Center (FRAC) estimates that there are 2 to 5 million low-income children in the U.S. today that are hungry. The same study claims that more than 9 million children are hungry or at risk of being hungry.

Reports by the Conference of Mayors indicate that emergency food requests are rising by an average of 19 percent in cities that were surveyed. In more than 8 out of 10 cities surveyed, emergency food facilities were being used not only for emergencies but as a steady source of food.

Our Nation's experience with poverty and hunger over the past decade has taught us many lessons:

That a "rising tide" of economic growth by itself does not lift the poor out of poverty or feed the hungry;

That poverty and hunger plague cities and rural areas in almost the same proportions;

That particular groups, especially children, are disproportionatly hurt;

That the erosion of wages, the erosion of government benefits, and the increase in the proportion of female-headed households have contributed to the intractability of poverty in this country; and

That work is no longer a guarantee of lifting a family out of poverty or providing enough food on the table.

This year provides the perfect opportunity to launch a full-scale attack on the hunger crisis in America. The primary objective of the Hunger Prevention Act of 1990 is the reduction and eventual elimination of hunger among America's children. This legislation would expand and improve utilization of the government programs and community volunteer efforts that are most effective in providing food and nutritional assistance to low-income children and their families.

Two years ago, the Senate Budget Committee was instrumental in finding room in the budget resolution to fund the Hunger Prevention Act of 1988. Once again, it is time to act. The Budget Committee will take the lead in 1990 by providing funding for a major initiative in the 1991 Budget Resolution.

STRENGTHENING THE FOOD STAMP PROGRAM

The food stamp program, which is subject to reauthorization by Congress this year, should be the primary vehicle for expanding the federal government's role in this war on hunger. The food stamp reforms in the Hunger Prevention Act of 1990 are targetted at the following objectives:

Meeting the food needs of families with children;

Targeting benefits to poor families with excessively high housing costs;

Expanding participation and improving accessibility to the program among eligible recipients who currently do not receive benefits;

Facilitating other income sources for households thereby encouraging more self-sufficiency and less need for governmental assistance.

The food stamp program is the government's largest and most universal assistance program for low-income Americans. Other programs target benefits to specific groups in need of assistance: Supplemental Security Income (SSI) serves the elderly, blind and disabled; Aid to Families with Dependent Children (AFDC) serves families with children; Unemployment Compensation serves individuals who have lost their jobs. Food stamp eligibility, however, is based almost exclusively on the income and assets of a household rather than demographic criteria. Some 94 percent of food stamp households have incomes below poverty and nearly 40 percent have incomes below half the poverty line.

The food stamp program is the nation's leading child nutrition program. The largest group of low-income people that are assisted by food stamps are families with children who receive some 83 percent of total benefits, according to the Department of Agriculture (USDA). Important changes in food stamp program rules are essential to respond to the increasing burden of housing costs on the budgets of these poor families. Other rule changes are needed to simplify and rationalize procedures for households to qualify for and receive benefits. Only one-half to two-thirds of eligible recipients actually receive food stamps, according to data from the Congressional Budget Office (CBO) and the USDA.

In the early 1980s, the food stamp program was scaled back by President Reagan and Congress. According to CBO estimates, food stamp budget cuts totaled $7 billion during the first four years after enactment. There were 1.1 million fewer people receiving benefits in 1988 than in 1980 although there were 2.6 million more people living below the poverty line. During this same period, the poor themselves have been getting poorer. According to the Center on Budget and Policy Priorities, the proportion of the poor with annual incomes below half the poverty line—the so-called "poorest of the poor"—was as high or higher in 1988 than at any other time in the past 15 years.

TEFAP AND EMERGENCY FOOD ASSISTANCE

The Temporary Emergency Food Assistance Program (TEFAP) was set up in the early 1980s to reduce the federal government's huge inventories of surplus commodities, especially cheese, and to provide emergency food assistance to needy Americans. At its peak in 1983, TEFAP provided emergency food assistance to 15 million people at a value of approximately $850 million. In

1989, about 12 million people received food packages valued at $250 million.

For the most part, TEFAP distribution centers are operated by community-based organizations. About half of the commodities are provided to urban areas and half to rural areas. Households that received food packages through TEFAP often do not participate in other public assistance programs. Many recipients—particularly the elderly and those from rural areas—prefer TEFAP because it does not involve long application procedures or dealings with the welfare office. As many of 40 percent of TEFAP recipients are not on food stamps. Although a large share of TEFAP benefits are provided to elderly households, nearly half of TEFAP communities go to families with children.

Although TEFAP serves a critical role in filling the gap of other food programs, TEFAP does not serve as poor of a population group as food stamps. While 58 percent of all food stamp benefits go to households with gross incomes below half of the poverty line, according to USDA, 31 percent of TEFAP benefits go to this group. While 98 percent of food stamp benefits are provided to families below the poverty line, 75 percent of TEFAP benefits are provided to these same families (although the remaining 25 percent have incomes near the poverty line).

Until enactment of the Hunger Prevention Act of 1988, TEFAP exclusively distributed surplus commodities from USDA stocks. Because food surpluses were running low and cheese became totally unavailable, the Hunger Prevention Act of 1988 mandated that the Secretary of Agriculture provide $120 million per year in food commodities, above and beyond any available surpluses. These additional commodities would be purchased in U.S. markets and distributed through established TEFAP centers. Without this mandatory purchase requirement, only $130 million worth of surplus food would have been provided through TEFAP in 1989.

SECTION-BY-SECTION ANALYSIS

(1) Reauthorization of funding for the Food Stamp Program [Section 2(a)]:

The current authorization for the food stamp program expires at the end of fiscal year 1990. This provision authorizes "such sums as may be necessary" to fully fund the food stamp program through the end of fiscal year 1995.

In order to avoid potential disruption in benefits, this provision changes the current annual authorization cap on food stamp spending. This more flexible authorization would eliminate the need for supplemental appropriations in the event of higher program costs due to unanticipated participation or food price inflation. Currently, food stamp benefits can be cut if the annual authorization limit is reached.

(2) Provided a modest increase in basic benefits to more closely reflect the costs of food [Section 2(b)]

Food stamp benefits are based upon the costs of the Thrifty Food Plan as calculated each year by the USDA. The Thrifty Food Plan is a computer estimate of the least amount of money a family of four with cooking and food storage facilities would need to spend each month to provide meals meeting minimum nutritional requirements. Food costs in the month of June are used for determining the Thrifty Food Plan for the following fiscal year. One study has found that actual food costs have been an average of 5 percent higher than projections used for the Thrifty Food Plan.

Under the current benefit structure, food stamps normally do not last the entire month for households. One study conducted in New Haven Connecticut found that 93 percent of hungray families ran out of food stamps before the end of the month and that on average, benefits lasted only 2.4 weeks. Oftentimes, households must rely upon emergency food assistance to make it through the last week of the month. Food stamp benefits currently average only 65 cents per person per meal. The maximum benefit for a family of four is 92 cents per person per meal.

Under current law, maximum food stamp benefits in 1991 will be based on 103 percent of the value of the Thrifty Food Plan. This provision would increase basic food stamp benefits by one-half percent of the value of the Thrifty Food Plan for each year over four years: 103.5 percent in 1992, 104 percent in 1993, 104.5 percent in 1994 and 105 percent in 1995. This two percent increase spread out over four years should allow low-income persons to purchase at least two additional meals per month on average. This expansion would also allow benefit levels to more accurately reflect the actual costs of food which oftentimes exceed projections from the previous year.

(3) Provide improved assistance to the homeless [Section 2(c) and (d)]:

This provision expands access to food stamps and assistance among the homeless. Many homeless families and individuals without cooking or storage facilities have difficulty obtaining and using food stamps. This provision addresses this problem directly by allowing the homeless to use food stamps to: (1) purchase prepared meals at shelters and soup kitchens, and (2) purchase meals at restaurants offering reduced prices. In addition, up to $1 million is made available for grants to public and private organizations for projects designed to improve the effectiveness of the food stamp program in delivering food assistance to homeless individuals.

(4) Allow families to receive the first $50 of child support payments each month without lowering their food stamp benefits [Section 2(e)]:

Under current law, families who participate in the Aid to Families with Dependent Children (AFDC) program may receive the first $50 per month in child support payments without having their benefits reduced. This rule was designed to give these families more incentive to help state agencies track down absent parents and collect court-ordered child support. Under current law, however, these same families would have their food stamp benefit reduced because their monthly income would be increasing by $50.

This provision would expand the current allowance by permitting AFDC families to collect $50 per month in child support without a reduction in their food stamp benefits. This change would achieve many objectives: 1) encourages families to cooperate with government agencies in collecting child support; 2) opens up other income sources for these families thereby reducing the family's long-term dependence on public assistance; 3) standardizes the rules for families who participate in both the AFDC and food stamp programs. Other efforts should also be undertaken to assist these families in securing court-ordered child support payments.

This provision was included in the House welfare reform bill in 1987 but was later dropped in conference.

(5) Remove the cap on the excess shelter deduction [Section 2(f)]:

Housing costs are taking up an increasingly large share of the family budget among the poor so that fewer dollars are left over for food. Seven out of ten poor households pay more for housing than the maximum amount (30 percent of income) considered affordable under federal standards. Three out of ten poor households pay more than 70 percent of their income on housing expenses.

These excessive housing costs have put too many poor households in the impossible position of choosing between food and shelter. Fortunately, the food stamp program does allow households with high housing costs relative to their income to qualify for increased benefits. However, the current "excess shelter deduction" could be expanded so that fewer families will face this Hobson's choice.

The amount of a household's food stamp benefits is based on the income of the household (among other things). In determining monthly income, current law allows households to deduct housing expenses that exceed 50 percent of their income. For elderly and disabled households, there is no limit to the amount of excess housing costs that can be deducted. For everyone else, the maximum amount that can be deducted from income is $177 per month.

This provision would allow *all* eligible food stamp households to deduct the full amount of their excess shelter costs for determining the amount of food stamp benefits. According to CBO, this provision would affect more than one million households per month. The prime beneficiaries will be families with children who are most burdened today by the high cost and scarcity of housing.

(6) Raise the $4,500 limit on the value of motor vehicles [Section 2(g)]:

Current food stamp rules require that eligible households may not own a motor vehicle with a market value greater than $4,500. This vehicle limit was established in 1977 and has never been indexed although automobile prices have increased by 120 percent. Many otherwise eligible households with low-incomes are denied food stamp benefits because they own vehicles used for essential transporation. Low-income households in rural areas are hurt the most because owning a vehicle is often an obsolute necessity to cover the great distances between home, work, shopping and medical services. Unemployed households also face a difficult tradeoff between having a vehicle to look for work or selling the vehicle in order to qualify for food stamps.

Although the President's Task Force on Food Assistance recommended in 1984 to raise the vehicle limit to $5,500 immediately, another six years has passed without Congress changing the law. Legislative action is required now so that these households do not have to face the dilemma of working to earn an income or receiving food stamps to avoid being hungry.

This provision would make this long overdue change by increasing the limit on the value of vehicles to $5,500 in 1991 and indexing the vehicle limit in each year thereafter (consistent with the consumer price index of cars).

(7) Reduce barriers to participation in rural areas [Section 2(h) and 2(j)]:

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Households in rural areas face particular difficulties in participating in the food stamp program. These barriers include: long distances to state or county food stamp centers; reliance on others for transportation; social stigma in small towns and farming areas that deters eligible participants from applying for benefits. As a result, food stamp participation is quite low in many impoverished rural areas.

This bill provides funds for demonstration projects of at least two year duration to study and break down these barriers to participation in rural areas. The Secretary of Agriculture would be required to conduct projects over a five year period designed to improve accessibility to the food stamp program. Additionally, upon the approval of the Secretary, states could conduct their own demonstration projects and receive a 60 percent funding match from the federal government to cover costs. Since states normally would receive only 50 percent of administrative costs, this enhanced matching rate is designed to encourage states to participate.

Demonstration projects would be designed to study and test the following procedures aimed at increasing participation: increased availability of in-home and telephone interviews and mail applications; more flexible office hours; more accessible sites for eligibility certification and benefit issuance; expanded outreach activities; outstationing of agency staff; reduced verification and reporting requirements; and enhanced coordination with other agencies such as the Expanded Food and Nutrition Extension Program, community action agencies, and other local organizations in providing program information, screening and advising applicants, and providing transportation. Other procedures for improving accessibility and participation could also be considered.

In order to make food stamps more accessible in rural areas, this bill also requires states to issue food stamps through the mail in designated regions. Households in outlying areas with transportation difficulties will greatly benefit from this simplification of procedures. Under current law, states already have the option to issue stamps through the mail in rural counties. While expanding mail issuance, this bill includes exemptions for areas and households with high mail loss rates.

(8) Reauthorization of Nutrition Assistance to Puerto Rico [Section 2(i)]:

Like the food stamp program, the authorization for the Nutrition Assistance Program for Puerto Rico is set to expire at the end of fiscal year 1990. This provision extends the authorization for five years through the end of fiscal year 1995. Funding levels for the current mandatory block grant are increased each year above the 1990 level of $937 million consistent with the CBO baseline: $974 million in 1991, $1,014 million in 1992, $1,054 million in 1993, $1,096 million in 1994, and $1,140 million in 1995. These increases help to redress the current inequities of the Puerto Rico program with a view towards ultimate full participation consistent with budgetary considerations. The people of Puerto Rico currently are the only U.S. citizens not entitled to the benefit levels of the food stamp program.

(9) Alternative Methods of Issuance: Electronic Benefit Transfer (EBT) Systems [Section 2(k)]:

This provision encourages the use of electronic benefit transfer systems as an alternative to the standard issuance of food stamp coupons. The expanded use of EBTs is designed: (1) to address problems with the fraudulent usage of food stamp coupons, and, (2) to modernize food stamp delivery to improve access and lower administrative costs.

By expediting and coordinating tests of EBTs now in progress in several states, this provision would allow states to undertake their own projects by April 1992. These projects must meet standards set by the Department of Agriculture and their costs must not exceed those of current issuance systems. In addition, this provision establishes safeguards to ensure that food stamp participants in states where EBT tests are conducted will not be subject to any discriminatory procedures or added inconvenience. In an area where EBT systems are required, a sufficient number of retail food stores must provide EBT services to preserve the shopping choices available to food stamp households. Additionally, participating stores must operate EBTs at all checkout lines so as not to separate and stigmatize food stamp beneficiaries. Retail food stores would not incur additional costs due to installation of EBTs.

(10) Effective dates and sequestration [Section 2(1)]:

The reauthorization of the food stamp program and the Nutrition Assistance Program for Puerto Rico would take effect on October 1, 1990. All other food stamp provisions would take effect on January 1, 1991 except in the event of across-the-board cuts triggered by the Gramm-Rudman-Hollings (GRH) law.

These other food stamp provisions would be delayed until October 1, 1991 if there is a final sequestration order from the President for 1991 that is not later rescinded. Other provisions in this bill affecting TEFAP and other reauthorizations would not be affected by sequestration. Current exemptions of existing programs from sequestration would not be affected.

(11) Reauthorize the Temporary Emergency Food Assistance Program (TEFAP) and extend support for soup kitchens [Section 3]:

This bill would extend for five years the authorization for TEFAP which expires at the end of 1990. The Secretary of Agriculture would be required to continue purchasing $120 million worth of commodities, above and beyond available surpluses. These commodities are necessary to make up for declining food surpluses. As under current law, surplus commodities would still be distributed when available and $50 million would be authorized for administrative costs. Additionally, the name of the program would be changed to the Emergency Food Assistance Program to more accurately reflect the program's permanent nature.

In addition, this bill would extend federal commodity support for soup kitchens and food banks which primarily serve the homeless. Funding for soup kitchens and food banks provided in the Hunger Prevention Act of 1988 is set to expire after 1991. This bill would provide mandatory funding of $32 million per year through 1995.

(12) Expand the authorization for the Womens, Infant and Children (WIC) feeding program [Section 4]:

This provision sets the authorization level for the WIC program at $2,361 million for fiscal year 1991, an amount equal to $150 million above the 1991 CBO baseline and $235 million above the 1990 appropriated level. For the subsequent three years, this provision authorizes "such sums as may be necessary" for WIC, consistent with current law. It is the intention of the bill's authors to seek increased funding for the Women, Infant and Children (WIC) feeding program of $150 million per year above the CBO current services levels for the remaining four years of the WIC authorization.

Currently, the WIC program serves only about 55-60 percent of the eligible low-income mothers and children at nutritional risk. By steadily increasing WIC funding over the next five years, nearly the entire eligible population could be served. The $150 million annual funding increases envisioned by this provision would add approximately 300,000 eligible women and children per year to the program.

One way or another, our society has to pay the bills associated with at-risk babies and unhealthy children. In a period of budgetary constraint, it is critical to allocate our resources to cost-effective programs like WIC that emphasize preventive health and early intervention. At Vanderbilt University Hospital in Tennessee, it costs an average of $23,708 to keep a newborn baby in the emergency neonatal clinic. Yet, it costs only $787 in Tennessee to provide 12 months of prenatal and post-partum assistance to a low-income mother plus six months of support for her baby.

(13) Reauthorization of the Commodity Supplemental Food Program (CSFP) [Section 5]:

The Commodity Supplemental Food Program is scheduled to expire at the end of fiscal year 1990 along with other programs in the farm bill. The authorization of this program would be extended for five years. Funding levels are subject to appropriations. This provision would continue the distribution of surplus commodities to low-income women, infants, children and the elderly. CSFP currently provides nutritional counseling and government-acquired commodities as food benefits in 13 states.

(14) Food Service for Homeless Preschoolers [Section 6]:

Homeless children under the age of 6, who are not yet in school and therefore, do not benefit from the school lunch and breakfast programs, do not have ready access to the government's nutrition programs for children. Because of the extreme disruption in the lives of their families and the lack of a fixed residence with storage and cooking facilities, the Food Stamp and Women, Infant and Children (WIC) program are usually not able to provide assistance to these kids. The Summer Food program is not year-round and most children do not qualify for assistance under the Child Care Food Program. As the number of homeless families with children in this country increases, the nutritional needs of these children must be given greater attention.

The Child Nutrition and WIC Reauthorization Act of 1989 set aside a small amount of funding for pilot projects to provide year-round food service to homeless children under age 6 in emergency shelters. Currently, the Archdiocese of Philadelphia is working with the U.S. Department of Agriculture to design a meal service program for children in homeless shelters that may begin as early as this summer.

This bill would provide increased funding to encourage similar projects in other cities and would simplify the complicated funding mechanism set up by last year's legislation. This bill establishes minimum funding amounts that would be expended by the Secretary of Agriculture from child nutrition accounts in each year: $500,000 in 1991, $2 million in 1992, $2 million in 1993 and $4 million in 1994. These amounts are mandatory (assuming a sufficient number of applicants) and would not be subject to appropriation. If excess funds are available from child nutrition administrative accounts, they would also be made available for these projects, as under current law. A maximum of $5 million would be available in total each year.

APPENDIX

TARGET: RURAL HUNGER AND POVERTY

The Hunger Prevention Act of 1990 contains numerous provisions targetted at rural areas. Poverty is no less a problem in America's rural areas as it is in our cities. Problems of physical isolation, inadequate transportation, and lack of information compound the problems of the rural poor who have difficulties accessing government benefits and services.

From 1978-1987, the poverty rate in rural areas increased by 3.5 percent, more than in urban areas. While central cities remain the poorest areas of the country with a poverty rate of 18.6 percent in 1987, rural areas are not far behind with a poverty rate of 16.9 percent. Compared to the cities, the poor in rural areas are more likely to be from two-parent families with the head of the household working.

For specific, high-risk groups, poverty is worse in rural areas than in the cities. In the cities, three of every nine blacks are poor compared to four of every nine blacks in rural areas. Among black children, 46 percent are poor in the cities compared to 57 percent in rural areas. Among black elderly, 29.1 percent are poor in the cities compared to 46.4 percent in rural areas. The need for government food assistance is further punctuated by a Census Bureau study which showed that from 1983-1986 one in every six rural families received food stamps for at least one month.

Behind these statistics is increasing evidence that rural households have fewer resources of their own to purchase food. Housing costs are eating up a larger share of the family budget in rural areas so that fewer dollars are left over for food and other necessities. Nearly three out of four (72 percent) of all rural poor households exceed the federal standard of affordable housing by paying more than 30 percent of their income for housing. More than one in four of these poor households are paying more than 70 percent of their income for housing.

To combat the intractability of poverty in rural areas and the inaccessibility to government assistance, particularly food stamps, the bill includes numerous provisions (discussed in more detail elsewhere in this report) that address the particular problems of the rural population:

Assists low-income rural families that require vehicles for transportation by increasing the limit on the value of vehicles that food stamp recipients may own;

Provides funding for pilot projects designed to improve accessibility to the food stamp program and increase participation in rural areas;

Simplifies procedures for receiving food stamps by requiring states to issue food stamps through the mail in designated areas;

Reauthorizes the Temporary Emergency Food Assistance Program (TEFAP) which has approximately half of all food distributions sites and 55 percent of all recipients in rural areas;

Increases funding for the WIC program which successfully reaches low-income pregnant women and children at nutritional-risk that often have limited access to other health programs.

CHILDREN IN AMERICA

Poor: 12.4 million.

Hungry: 2-5 million.

Hungry or at risk of hunger: More than 9 million.

Average cost of maintaining low-birthweight baby (Intensive Care Clinic, Vanderbilt University Children's Hospital, Nashville, TN), $23,708.

Average one-year cost of WIC Program for a low-income mother and newborn baby (Tennessee), $787.

OTA: Save between $14,000 and $30,000 for every low-birthweight baby that is averted.

HUNGER AND POVERTY

Nearly 32 million Americans live below the poverty line.

The poverty rate for all persons was 13.1 percent in 1988, a year of modest economic growth and low unemployment. In no year during the 1970's, including the recession years of 1974 and 1975, was the poverty rate this high.

Nearly 20 percent of all U.S. children are poor, an increase from 16 percent in 1979. The poverty rate was 44.1 percent for Black children and 37.8 percent for Hispanic children.

In 1988, 12.4 million children were living in poverty, as compared to 10.2 million in 1979.

One in every two Black children under age six is poor.

For Black children, 57 percent living in rural areas are poor compared to 46.2 percent in central cities.

Poverty rates between 1978 and 1987 rose from 13.5 percent to 16.9 percent in rural areas and from 15.4 percent to 18.6 percent in central cities.

The Census Bureau has estimated that cash benefits lifted from poverty only 10.5 percent of families with children compared to 18.9 percent lifted from poverty in 1979. AFDC benefits fell roughly 25 percent in real terms between 1975 and 1987.

Combined benefits from AFDC and Food Stamps brought a poor household to only 66.3 percent of the poverty level in 1988, a decrease from 70.9 percent in 1980.

The poverty rate among women is much higher than among men. In 1988, 12.9 percent of adult women were poor compared to 8.3 percent of adult men.

Nearly half of all poor renters—some 3 million households—paid at least 70 percent of their income on housing in 1985.

Hunger is a condition of poverty. In 1985, the Harvard's Physician Task Force on Hunger in America estimated that 20 million people, or one in twelve Americans suffered from hunger at least some time every month.

COMMUNITY CHILDHOOD HUNGRY IDENTIFICATION PROJECT FINDINGS ON CHILDHOOD HUNGER

2 to 5 million low income children in the U.S. today are hungry.

More than 9 million children are hungry or are at risk of being hungry.

44 percent of the children from families with insufficient food supplies ate nothing for lunch.

In 1987, 18 percent of low-income families with children in a New Haven, Connecticut neighborhood were found to be chronically hungry and 47 percent were at risk of being hungry.

In 1988, the Washington State Governor's Task Force on Hunger reported that chronic hunger among low-income families with children in three regions of the state ranged from 21 to 42 percent.

Hungry children were more likely to have a variety of health problems—fatigue, frequent colds, an inability to concentrate, irritability and weight loss—at levels significantly higher than children from non-hungry families. These health problems among hungry children were strongly associated with more absenteeism from school.

Hunger has a negative impact on children's ability to learn. Children who do not eat breakfast perform poorly at school.

93 percent of hungry families reported that Food Stamp benefits did not last all month.

Single female-headed households were more likely to be living below the poverty level than other households. The total income of these households averaged 74 percent of the poverty level.

In the state of Texas, a statewide survey of nearly 2,000 emergency food providers revealed that the number of people requesting food assistance more than doubled from 1984 to include nearly four million people a year by 1986.

The average shelter cost for hungry families was 55 percent of their income.

EMERGENCY FEDERAL ASSISTANCE

In every year since 1982, the U.S. Conference of Mayors has documented an increase in the demand for emergency food assistance.

The demand for emergency food assistance increased in all but one of the surveyed cities by an average of 19 percent in 1988.

The demand by families with children increased in more than 9 out of every 10 cities surveyed.

In 81 percent of the survey cities, emergency food assistance facilities were relied upon by families and individuals both for emergencies and as a steady source of food over long periods of time.

In nearly ¾ of the cities, emergency food assistance facilities must turn away people in need because of lack of resources.

SOURCES

1. A Status Report on Hunger and Homelessness In America's Cities: 1989. The United States Conference of Mayors.
2. A Vision for America's Future. Children's Defense Fund.
3. Poverty in Rural America, A National Overview. Center on Budget and Policy Priorities.
4. The Community Childhood Hunger Identification Project. Food Research and Action Center (FRAC)

(Prepared by Senate Budget Committee, Majority Staff, February 1990.

THE CHANCES OF A U.S. CHILD BEING POOR

If:

White, one in seven.

Black, four in nine.

Hispanic, three in eight.

In a female-headed family, one in two.

Younger than three, one in four.

Three to five, two in nine.

Six to seventeen, two in eleven.

The family head is younger than twenty-five, one in two.

The family head is younger than thirty, one in three.

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THE STATUS OF CHILDREN IN THE U.S.: INTERNATIONAL RANKING

Infant mortality rate: 19th.

Mortality rate for children under the age of 5: 22nd.

Low-birthweight births: 19th.

Childnood poverty (among eight industrialized countries): 8th.●

● Mr. DOMENICI. Mr. President, it's not often when the chairman and ranking member of the Budget Committee can jointly offer a new initiative while we face budget deficits. However, today, I am pleased to join the distinguished chairman of the Budget Committee to offer a food and nutriton initiative, designed to assist vulnerable low-income families.

Before I discuss this initiative, let me say for the record that the Federal effort in this area has been and continues to be extensive. There is a false impression, I believe, that Congress significantly reduced the assistance for these programs in the 1980's. That is simply not true. In 1980 the Federal Government expended $12.6 billion for food programs. This last year, that figure exceeded $23.7 billion, an 88 percent increase.

In addition to Federal food assistance expenditures, other programs providing aid to low-income Americans have increased. Mr. President, I ask unanimous consent that a table highlighting the growth in Federal expenditures for low-income Americans be inserted in the RECORD at the point.

Even with these resources, we still find areas where additional targeted assistance is required. Our nutrition initiative will benefit the 19 million individuals who receive food stamps each month, and we add approximately 300,000 recipients under the nutritional assistance program for women, infants, and children [WIC]. Our bill will also benefit homeless and rural households that are eligible to receive food stamps.

This initiative was developed following a hearing held by our Budget Committee on the subject of hunger in America and its effect on our children. In that hearing we learned that some Federal initiatives in this area are working, and working well.

The Nutritional Assistance for Women, Infants, and Children is one of those programs. However, the eligible population exceeds current participation. Our legislation focuses on this program, authorizing additional funding of $150 million each year over the next 5 years.

This program will continue to grow as it has throughout the 1980's, from $872 million in 1981 to $2.4 billion this year. Indeed, this program has been the fastest growing low-income nutrition and medical assistance in the 1980's—an astonishing 171 percent increase between 1981 and 1990.

Our initiative also reauthorizes food stamps, the Commodity Supplemental Food Program [CSFP], and the Temporary Emergency Food Assistance Program [TEFAP]. We ensure that $120 million in commodities will be provided above and beyond available surpluses in the TEFAP program.

In my State, the CSFP has been a key program in providing food supplements to 6,300 individuals per month on average in 1990. Since only 10,500 children participate in the WIC program in New Mexico—far less than the estimate of the eligible population—this supplemental program has been extremely beneficial for us.

In addition to these authorizations, we propose to improve the Food Stamp Program:

Assisting an additional 3.3 million individuals, by removing the cap on the deduction that food stamp households can claim for shelter expenditures, in excess of 50 percent of their income. It is estimated that in 1985, 45 percent of all low-income households paid at least 70 percent of their income for housing costs. The shelter deduction cap limits the effectiveness of the Food Stamp Program. As a result of this provision, those households that expend a significant percentage of their income on housing costs—allowing a larger share of these costs to be deducted in determining their food stamp benefits—will literally not have to choose between housing and eating at the end of the month.

Allowing food stamp households to receive the first $50 of child support payments each month without lowering their food stamp benefits. This provision would standardize rules between AFDC and food stamps. In addition, it would provide the incentive for families eligible to receive child support payments to seek such payments.

Assisting 85,000 additional households by 1995, through an increase in the value of vehicles that can count toward the allowable asset test—$2,000 for nonelderly or disabled households. Currently the fair market value of motor vehicles in excess of $4,500 is counted against the asset test. This provision increases that limit to $5,500. We do not believe a family owning a modest car should see their eligibility for food stamp benefits jeopardized. It is a modern fact of life that a car is essential for transportation to work, the grocery store, and the doctor, particularly in rural areas of this country.

Reducing barriers to participation in rural areas by mandating mail-issuance of food stamps. This now optional in a number of States.

Assisting all food stamps recipients by increasing the basic food stamp benefit by ½ percent per year, to more closely reflect the cost of food in the thrifty food plan. By the end of the fiscal year, the current food plan used to determine benefits is 12 months out of date.

Allowing the homeless to use food stamps to purchase meals at shelters and reduced-price meals at some restaurants, extending government support of soup kitchens and food banks, and supporting a homeless preschoolers pilot project.

Our initiative also would improve the efficiency of food stamps issuance by expediting the testing of electronic benefit transfers [EBTs]. New technologies and welfare programs need not be a contradiction in terms. The State of New Mexico and a number of other States are now testing an electronic benefits transfer card. Through such initiatives, we can make progress on an essential goal: Reaching more people in need per Federal dollar spent.

The food stamp improvements in this initiative would add to Federal costs by $557 million in 1991 and a total of $5.2 billion over the 5-year period ending in 1995. In preparing the budget for this year, we will be required to find offsets for the increased spending assumed in this bill.

Is this level of Federal spending too much or not enough?

I am not sure, but I am convinced it will continue to increase. The challenge we face in Congress is to try to make sure that the money is spent wisely and targeted to those most in need. The Sasser/Domenici initiative does just that, by supporting expansion of an effective program [WIC] making improvements in food stamps, and encouraging research to improve delivery and increase the efficiency of low-income assistance.

As a final note, I am concerned that if we fail to meet our overall budget targets this year, across-the-board cuts in low-income discretionary benefits will reduce with one hand what we are giving out in food stamp benefits with the other. This initiative includes a provision to delay the food stamp provisions of this bill for 1 year if across-the-board cuts occur.

Both Chairman SASSER and I look forward to working with our colleagues in the House and Senate to fashion an effective, yet fiscally responsible initiative, meeting the nutritional needs of our Nation's most disadvantaged citizens.

Mr. President, I ask unanimous request that a table of Federal spending on assistance to low-income Americans be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL SPENDING FOR ALL PROGRAMS ASSISTING LOW-INCOME AMERICANS

[In billions of dollars]

Program	Fiscal years—		Change in	
	1981	1990	Dollars 1981 +/− 1990	Percentage 1981 +/− 1990
Health program	25.3	53.8	28.5	112.9
Cash assistance	30.8	45.6	14.8	48.2
Food	15.1	23.7	8.6	56.6
Housing	7.5	15.9	8.4	113.0
All other	21.9	23.2	1.3	5.8
Total	100.6	162.2	61.6	61.3

Source: CBO Re-estimate of the President's Budget.

Prepared by SBC, minority staff Mar. 20, 1990.

Note.—General inflation measured on the CPI-W increased 41.0 percent between fiscal year 1981 and fiscal year 1990.●

● Mr. LEAHY. Mr. President, I am pleased to sponsor the Hunger Prevention Act of 1990.

This bill is a natural continuation of the Hunger Prevention Act of 1988. This bill extends or expands key provisions of that act. The Hunger Prevention Act of 1988 was labeled by Time magazine as "landmark" nutrition legislation. This bill deserves the same label.

At our hearing on February 27, 1990, the Committee on Agriculture, Nutrition, and Forestry was honored to have Senator Sasser and Senator Domenici as the leadoff witnesses.

They vividly described the need for significant nutrition legislation. As the chairman and ranking minority members of the Senate Budget Committee their support is crucial to the success of this effort.

I was pleased to hear Senator Jim Sasser state: "I intend to work hard to push antihunger legislation through the Congress this year and to provide the funds in the 1991 budget resolution we are now preparing in my committee. I intend to make this initiative one of my highest priorities this year."

Similarly, Senator Pete Domenici eloquently described the need for legislation this year and his commitment to that end. Their early and strong support for a major nutrition this year deserves the praise of every Senator.

At that hearing, Senators Sasser and Domenici set forth the blueprint for a broad nutrition initiative, which I strongly endorsed.

Their support will enable the Agriculture, Nutrition and Forestry Committee to begin work immediately to achieve the objectives of their proposal.

My plan is to include a major nutrition title in the 1990 farm bill—which will be the heart and soul of the farm bill. At that hearing I was very pleased to hear the ranking member of the Agriculture Committee, Senator Lugar, call for a "compassionate nutrition title to the 1990 farm bill."

Hunger is not a political issue. It is a moral issue. It gnaws at the inner fiber of our Nation's health.

It jeopardizes the future of our entire Nation.

One in every five children in America lives in poverty. When kids go to school with empty bellies, they simply cannot learn.

If our Nation's children are not learning, our Nation's future is seriously at risk. We must not surrender our future.

Nutrition programs are a test of the conscience of this Nation. The farm bill cannot be complete until the needs of the hungry are met.

America is the richest, most self-sufficient Nation on Earth. Yet millions go to bed hungry. This problem is not limited to the homeless living on our street corners. It is far more extensive.

It's time to shatter the stereotype of the hungry.

Millions of Americans work day in and day out, but still do not earn enough to make ends meet. They work hard, but often they do not earn enough to adequately feed and clothe their children.

Eight million Americans who work live in poverty. The working poor are one of the fastest growing segments in our society. They are my neighbors. They are your neighbors.

Let's look at the hard facts. Housing costs are skyrocketing. Forty-five percent of poor renters spend 70 percent of their family income on housing. Many of these families must often choose between paying their rent or feeding their children.

Farmers, storekeepers, factory, and steelworkers across this country are sending their sons and daughters to school hungry every day. Millions of Americans are two or three paychecks away from hunger.

A 1988 Carnegie Foundation study in my home State of Vermont, found that 81 percent of Vermont teachers reported that undernourished children were a problem in their schools. In the world's wealthiest nation, this is truly a disgrace.

It's time to get our priorities straight.

I am also making a commitment to Puerto Rico in this nutrition effort. In the early 1980's, USDA food assistance to Puerto Rico was greatly reduced. Hungry American citizens everywhere must be treated fairly. Puerto Ricans have died defending America's freedoms—we must not treat them unfairly.

I am very proud that this committee has established a grand bipartisan tradition on nutrition legislation. Ranking minority member, Senator Dick Lugar, and the ranking member on the nutrition subcommittee, Senator Rudy Boschwitz, deserve a great deal of praise. Senator Bob Dole played a major role in establishing this bipartisan tradition.

Senator Harkin, the chairman of the Nutrition Subcommittee, has fought for years to help the hungry. He is a true friend to the needy.

Senator McConnell has already introduced child nutrition legislation this year which I think the committee should carefully consider.

The committee has joined together in recent years to enact major nutrition legislation. The Hunger Prevention Act of 1988 represented the most significant commitment to hunger relief in over 10 years.

The Commodity Distribution Reform Act and WIC Amendments of 1987, approved 97 to 0, and the Child Nutrition and WIC Reauthorization Act of 1989, approved by voice vote, also made major improvements in child nutrition programs. The nutrition title of the McKinney Homeless Assistance Act also was broadly supported by the Agriculture Committee.

These four laws indicate the strong support of Democrats and Republicans, on this committee, to America's children and America's future.

The nutrition title of the farm will will demonstrate their continuing commitment.

I will just discuss a few of the provisions of the Hunger Prevention Act of 1990. As I mentioned earlier, this bill builds on the Hunger Prevention Act of 1988.

The Hunger Prevention Act created the "mandatory purchase" program within the Temporary Emergency Food Assistance Program, the TEFAP Program, for the first time. That mandatory purchase program was created because of a huge drop in surpluses provided by USDA to TEFAP.

Thus, TEFAP now provides surplus foods from USDA stockpiles of wheat, corn, butter, or other surplus commodities and foods with high nutrient density, such as peanut butter, canned meats and beans, purchased by USDA under the Hunger Prevention Act of 1988.

In fiscal 1990, USDA will purchase 72 million pounds of peanut butter, 30 million pounds of canned pork, 38 million pounds of beans and 7 million pounds of raisins under the mandatory purchase program.

These commodities will be distributed along with the distribution of surplus commodities: 144 million pounds of flour, 48 million pounds of cornmeal, 72 million pounds of butter and 41 million pounds of honey.

TEFAP Program expires this year. This bill—the Hunger Prevention Act of 1990—extends that important program for the length of the farm bill.

Up to 15 million Americans per month depend on TEFAP. TEFAP is a vital safety net—families may have to wait up to 30 days for food stamps.

Almost half of TEFAP families contain children. Sixty percent of TEFAP participants are not on food stamps,

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many elderly and rural residents do not apply for food stamps.

Another important provision of the bill affects the food stamp excess shelter cost deduction. Under the nutrition title of the McKinney Homeless Assistance Act, the amount of that deduction was increased. Nonetheless is it still too low.

Under current law, households may deduct shelter expenses that exceed 50 percent of their incomes, but only up to $177 a month. This cap of $177 may force families to choose between paying rent and eating. This cap of $177 does not apply to households containing an elderly and disabled person.

The most significant new problem faced by the poor is soaring housing costs. Homelessness among poor families with children has dramtically increased in recent years.

Forty-five percent of all poor renters in the United States were spending at least 70 percent of their income for housing costs—including rent and utilities.

Two-thirds of all poor renters were spending at least half of their income for housing. Yet in 1988, only 29 percent of all poor renter households received Federal, State, or local housing assistance.

The bill thus "uncaps" the excess shelter cost deduction.

Another provision of this bill—the Hunger Prevention Act of 1990—directly builds on the Hunger Prevention Act of 1988.

The Hunger Prevention Act of 1988 increased food stamp benefit levels modestly. Food stamp benefits are based on the cost of purchasing a theoretical "market-basket" of foods for 1 month called the thrifty food plan. Since the creation of that plan in 1977 food price inflation has eroded the ability of food stamp recipients to buy the thrifty food plan worth of food each month.

The Hunger Prevention Act of 1988, of course, helped in that it based food stamp benefits in 103 percent of the cost of the thrifty food plan, starting in fiscal year 1991.

Even that increase is not enough. Under current law, the cost of that plan in June of the previous fiscal year is used to determine benefits for each of the 12 months in the current year.

Over the 13-year history of the thrifty plan, the average cost of the plan in the last half of the fiscal year has exceeded the cost in the previous June by an average of 5.4 percent.

Using the cost of 105 percent of the thrifty food plan, for June of the previous year, as the basic benefit level will normally assure that participants have benefits based on the cost of the thrifty food plan for the month they receive the benefits.

This bill gradually increases the basic benefit levels for food stamp recipients.

I am anxious to begin work in the committee as soon as possible on this vital effort. I again want to thank Senator SASSER and Senator DOMENICI for helping make this effort possible.●

● Mr. BOSCHWITZ. Mr. President, I am pleased to join with my distinguished colleagues in proposing the Hunger Prevention Act of 1990.

Nutrition programs have a strong bipartisan tradition here in the Senate. Another Minnesotan—Hubert Humphrey—was the founder of WIC, and worked on nutrition programs with George McGovern and BOB DOLE. I am pleased that this bipartisan coalition continues with the introduction of this bill today.

As the senior Republican on the Senate Nutrition Subcommittee, I have been a strong supporter of Federal nutrition programs such as food stamps, WIC, school lunch and breakfast, the Commodity Supplemental Food Program [CSFP], and the Temporary Emergency Food Assistance Program [TEFAP].

As part of the 1990 farm bill, several nutrition programs must be reauthorized. This bill will serve as our basis in strengthening these important programs. I look forward to working with my colleagues on the Nutrition Subcommittee and the full Agriculture Committee in formulating the nutrition provisions of the 1990 farm bill.

I want to commend Senator SASSER and Senator DOMENICI for their commitment to alleviating hunger in our Nation and for putting this proposal forward. This bill will go a long ways toward ensuring that those in need receive vital nutritional assistance.●

● Mr. FOWLER. Mr. President, I am pleased to join my distinguished colleagues Senators SASSER and DOMENICI in introducing this important piece of legislation, which represents the largest expansion of Federal nutrition programs in more than a decade.

All across this country, particularly in rural America, we see families suffering the pains of poverty and hunger. We cannot afford to ignore this because rural Americans are the people who clothe and feed us. They are the keepers of our national heritage for, as a society, we owe our beginnings to rural America.

In these days of growing limits on Federal assistance, how do we address the problems of poverty all across America? One answer is that, as we look at our enormous Federal budget deficits, we need to make sure that every dollar we spend is a sound and necessary investment in our future. In my mind, as I have watched things like homelessness triple in this decade even in Atlanta, I have no doubt that adequate housing for our people is just such an investment.

Right now, many Americans are hurting. Among these are our most vulnerable, our most innocent—our children. They are also our most precious resource and we must make a commitment to improve the quality of the lives of those who need it most in our society. We must help them to help themselves.

This legislation makes that commitment. It doesn't throw money at problems. It meets the challenge of being responsible, dedicated, and innovative in using our Nation's resources by carefully targeting these investments. It provides resources for Outreach programs and grants through the Department of Agriculture for emergency food assistance. The authorization for the women, infants and children [WIC] feeding program would be increased. These programs are of vital importance to my State, particularly in the rural areas.

The bill focuses on child support by encouraging families and individuals who receive government support to seek alternative sources of income through work or child support collections. It improves accessibility to food programs among low-income rural families and other groups by simplifying rules and expanding Outreach.

Again, I commend my two colleagues for providing the necessary leadership to move this country in the moral direction that should never have been strayed from in the beginning. Congress must respond to the cries for help from our neediest population and this legislation accomplishes that.●

By Mr. ROTH (for himself, Mr. GARN, and Mr. SANFORD):

S. 2311. A bill to modify the qualified thrift lender test, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MODIFICATION OF THE QUALIFIED THRIFT LENDER TEST

Mr. ROTH. Mr. President, today I am introducing legislation to cure one of the major defects in last year's savings and loan legislation, the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. That defect is the restrictive qualified thrift lender test. This test is an asset composition test imposed on institutions to measure their "thriftness." It is a test of faith in residential home mortgages.

Last year when the Senate first considered the FIRREA legislation, I voiced strong objection to the effort to make the QTL test more restrictive. Failure to meet the QTL test was not the cause of the industry's problems. The more restrictive QTL test, designed to make even healthy thrifts fail, was hardly the cure. The amendment's rationale was that if the bill was going to bury the dead thrifts, it should bury the healthy heretics, too.

As I said on April 18 of last year:

> I do not criticize the new QTL test because I am soft on the thrift industry. It is because I am soft on the taxpayer. And the best thing for the taxpayer is to create a healthy thrift industry so that depositors do not face the risk of default. Thus, for the taxpayers' sake, the best policy is to invite capital to flow into this industry. But we make the invitation unattractive if we create new tougher tests of housing purity and limit investment options.

Believing that the more restrictive QTL test was a formula for disaster, I opposed adoption of the FIRREA conference report. Then and now, I believe that the QTL test sucks the opportunity for profit out of the industry and repels new capital.

On August, 4, 1989, I voiced my concerns:

> The thrift industry needs new capital. Correctly, the bill requires it. But where will it come from? Will volunteers come in from the sidelines when their investment choices are so limited? I fear they will not come forward in sufficient numbers.
>
> If we want to phase out the thrift industry, I suspect that there is a kinder, gentler way to do it than to give them a fresh start but stack the deck against them. The path this legislation takes is certainly more expensive for the taxpayer.
>
> In my view, the fundamental philosophical rationale of the reform is flawed. Investment restrictions do not attract investors. By choking off the supply of voluntary capital, the taxpayer is left to shoulder the burden of meeting depositor obligations. And that is simply the wrong answer.

So now the RTC has accumulated nearly 350 thrifts and finds it difficult to sell them. The lack of profitability, because of the 70-percent QTL test, is making resolutions more costly.

Chairman Seidman of the FDIC, responding to a question from Senator GARN on the 70-percent QTL test, reached a similar conclusion:

> The 70 percent QTL test on thrifts may require a concentration of asset risks and thus carries with it a potential for problems, particularly in a volatile interest rate environment. While a 70-percent QTL test may have some positive effect in reducing credit risk, it may well have negative implications for profitability, as a 70-percent QTL test may limit thrifts' ability to react to fluctuating interest rates. While it is possible to sustain profitability in a volatile rate environment, the maintenance of the suitably matched position needed to do so becomes increasingly more important. Potential difficulties in attaining desired levels of profitability may very well increase the costs of resolving thrift industry problems:

Manuel Johnson, Vice Chairman of the Federal Reserve Board, responded to the same question in similar fashion:

> Whether it was a mistake or not to impose the QTL provisions of FIRREA depends upon a number of considerations. On the one hand, the test encourages thrifts to concentrate on their traditional function of providing housing finance and, in this regard, may limit their ability to engage in more risky nontraditional activities. On the other hand, by requiring thrifts to concentrate in the mortgage lending business, such limitations will tend to make thrifts more vulnerable to interest rate risk unless they take steps, through use of variable rate mortgages or other means, to minimize such exposure. Moreover, while it is entirely the prerogative of the Congress to seek to subsidize or encourage certain activities, such as home ownership and financing, it is not clear that the QTL test is the most efficient way, from an economic or financial standpoint, to achieve this objective. To the extent the QTL requirement reduces the attractiveness of some thrifts to investors, it would also increase the initial costs of resolving the thrift problem, at least somewhat.

That's exactly the point. The 70-percent QTL test increases the cost of resolving the thrift problem. It doesn't help thrifts. It doesn't help housing and it doesn't help the taxpayer.

The stricter QTL test enacted in FIRREA affected thrifts in two different ways. First, it raised the percentage of a thrift's portfolio that had to be invested in housing-related assets from 60 to 70 percent. Second, it tightened the definition of which assets qualified. It was commonly viewed that the 60-percent requirement before FIRREA was closer to a 50-percent requirement. Thus the effect of FIRREA was to raise the requirement from 50 to 70 percent.

The legislation I am introducing today would reduce the 70-percent requirement down to 50 ercent. I chose not to repeal the FIRREA provisions in total because that would have reinstated the loose definition of QTL assets that was criticized by some members of the Banking Committee as an imprecise formulation. Rather it is my purpose to confront the question of the level of the QTL test directly rather than rekindle former arguments about the definition.

My intention is not to strip savings associations of their thriftness but to increase their value in the eyes of those who might be able to buy them or invest in them. If we do not make thrifts more attractive to investors, the industry will deteriorate, and a valuable provider of home Mortgages will be lost. The present test-intended to promote housing—is counterproductive.

The second change made by my bill is to allow domestic residential real estate loans to be included as qualified thrift investments. Inadvertently, I believe, Congress permitted only loans for domestic residential Housing to be included when it rewrote the definition. The difference is that it appears that residental land loans are excluded. In many parts of the country it is common for the prospective homeowner to buy his lot first and then go about selecting a builder. The land loan would appear not to be covered by the present language which is limited to housing. My bill would correct this error.

Third, my bill would include as a qualified thrift asset any loans held by the savings association that were made to purchase any asset from the resolution trust corporation. In my opinion, salvaging the thrift industry is housing related in view of the special role of thrifts in promoting housing. Moreover, I believe that thrifts have a special obligation to help clean up their own mess. RTC assets have plummeted in price and have bottomed out. Loans to purchase such devalued assets should not pose unusual risks for savings associations.

Finally, one reason why RTC assets are not moving is the lack of available financing. This change would help address that problem.

Mr. President, the S&L problem, indeed, required quick congressional action. While Congress reacted quickly, it did not act wisely. The QTL test was one of the major mistakes made in enacting FIRREA. Someday congress will have to face that fact. I hope this bill hastens that day.

Mr. GARN. Mr. President, today, I join with Senator ROTH in cosponsoring legislation that would revise the qualified thrift lender or QTL test adopted in last year's savings and loan legislation. The QTL test mandates that a savings and loan association maintain a certain percentage of its assets in residential mortgages and related investments. The 1989 legislation amended this test so that effective July 1, 1991, a savings association must maintain at least 70-percent of its assets in QTL-qualified investments The bill I am cosponsoring today would lower this percentage to 50 percent. It would also permit assets purchased from the RTC as well as loans on and investment in residential real estate to count toward meeting this test. The bill would not permit any investments that would otherwise be prohibited by Federal law. It simply would provide that if an investment is otherwise permissible. It could count in meeting the QTL test.

I agreed to cosponsor this bill because it is vital that every effort be made to assist the RTC in minimizing the cost of resolving insolvent thrift institution cases. Earlier today RTC Chairman William Seidman stated that the the QTL test imposed by the 1989 legislation may be hampering the ability of the RTC to obtain the maximum value for thrift institutions under its jurisdiction, and he urged Congress to reexamine this provision as soon as possible.

While I do not necessarily agree that 50-percent is the appropriate level for the QTL test, I do believe that this legislation will provide the vehicle for the reexamination process recommended by Chairman Seidman. During this process, other alternatives also should be explored. For example, we may want to provide additional

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QTL credit for mortgage originations and sales.

We cannot afford to delay taking legislative action that will help the RTC in doing its job, and thus save taxpayer funds. This legislative proposal provides an excellent opportunity for beginning this process with respect to the QTL issue.

Mr. SANFORD. Mr. President, I rise in support of the bill introduced today by my colleague from Delaware. As I stated many times during the debate on the savings and loan legislation last year, I am convinced that the crisis in the thrift industry can be traced to a number of things, including: First, lax enforcement and supervision by the administration; second, the interest rate squeeze that many thrifts were caught in during the early 1980's; third, fraud and abuse on the part of a significant number of thrifts; and fourth, regional economic difficulties in the Southwest.

It is the interest rate squeeze problem, among others, that this bill focuses on. The problem that many thrifts faced in the early 1980's was large portfolios of long-term mortgage loans at low interest rates at a time of high interest rates. The cost to thrifts for bringing in funds was therefore significantly higher than their earnings. I am concerned that we not repeat those problems by mandating a very tight qualified thrift lender [QTL] test which again forces thrifts to lend long and borrow short. Should we enter a period of rapidly rising interest rates, this could have disastrous consequences for the thrifts.

During debate on the FIERREA legislation, the decision was made to strengthen the existing QTL test by raising the percentage of assets that must qualify from 60 percent to 70 percent and by tightening the definition of what qualifies as housing related lending for purposes of meeting the QTL. I fear that in so doing, the Congress may have gone too far. The result of this overreaching may be making it more difficult for the RTC and the FDIC to dispose of failed thrifts, thereby raising the cost to the taxpayers in addressing the thrift crisis. My fears were confirmed in a speech made today by William Seidman, Chairman of the FDIC, who noted that the stringent QTL test is a problem that must be addressed by the Congress.

While I don't know if 50 percent is the magic number or if we have arrived at a perfect definition of what should be included within that 50 percent, I do think the Congress should take another look at this issue. I don't think we can afford to be placing restrictions on the thrifts which both raise the cost of the resolution to the taxpayers and add an element of risk from interest rate mismatches in the future. I commend my colleague Senator ROTH for raising this issue and look forward to working with him and others on the Banking Committee to arrive at the proper test.

By Mr. SYMMS (for himself, Mr. PRYOR, and Mr. BOREN):

S. 2312. A bill to amend the Internal Revenue Code of 1936 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures; to the Committee on Finance.

TAX TREATMENT OF COST OF ENERGY CONSERVATION

Mr. SYMMS. Mr. President, every American should be committed to energy conservation and efficiency as a means of meeting our long run demand for electricity, natural gas, and water. Since the sudden awareness of the rising costs of energy and clean water have come upon us in the recent past, many industries have significantly increased their efforts for conservation—since conservation of existing supplies and capacity is a good substitute for new supplies and new production capacity.

The electrical utility industry, for example, spends more than $1 billion each year to promote energy efficiency and, at present involves more than 15,000,000 residential customers in some type of energy program. These programs enable the industry to influence the consumption of electricity by curtailing use at times and by promoting its efficient use.

While individual customers are the most direct beneficiaries of public utility conservation programs, all customers ultimately benefit from the impact on total demand, which allows the several public utility industries to postpone or avoid the construction of new generating facilities. For that reason, many public utility programs include consumer-payment incentives for participation in energy conservation and efficiency programs.

The Internal Revenue Service, however, in a technical advice memoranda, has recently indicated that payments made by a utility for energy efficiency activities must be included in a customer's gross income and reported by the taxpayer. The IRS ruling apparently overlooks the existence of section 216(i) of the National Energy Conservation Policy Act, which, until June 30, 1989, allowed a customer to exclude from gross income incentives paid by a utility for energy conservation measures. NECPA expired last summer—it was not repealed or overturned by Congress; it simply sunset.

I understand the IRS is reviewing its decision based on additional input from the electric utility industry and others and may reverse its decision based on the long-standing public policy of encouraging conservation.

Mr. President, I sincerely hope the IRS will administratively review its decision, and reaffirm the generic concept that incentives paid in cash to consumers by suppliers simply constitute trade discounts or reductions in the purchase price, and therefore are not taxable income to the consumer.

However, the outcome at the IRS is unclear at this time and a legislative effort, in parallel with the work at the Internal Revenue Service is in order.

Prior to the issuance of the technical advice memo, commercial and industrial customers have, in many instances, used incentives paid by the utility to acquire more efficient capital equipment. As a reduction in an asset's purchase price and, therefore, a reduction in depreciation expense the Federal Government has benefited as well on the revenue side due to a resultant increase in the utility consumer's net income subject to tax.

The result of the IRS ruling on commercial and industrial customers is that they must include the incentive directly as income. This turns an incentive into a disincentive. What a shortsighted ruling. This will inflate the income of the customer over previous methods of accounting to the point that the customer may not be interested in participating in the public utility's conservation program. Then subsequently the public utility will have to invest in future production capacity to supply a generally less conservation-oriented population. Afterall the moaning and groaning we have had to undergo in the debate over the clean air bill, I would certainly expect all of my colleagues to support my proposal here to establish the principle that cash incentives are nothing more than reductions in price to consumers.

To provide legislative authority that would state conclusively that incentives paid for energy efficiency are not included in gross income calculations I am introducing today a bill to reinstate the exclusion from gross income, for all public utility customers, both residential and commercial-industrial, incentives paid for energy efficiency. In the commercial and industrial sectors the incentives would be allowed to be carried as some other tax treatment, including but not limited to modifying, depreciation schedules and rates for energy efficiency measures promoted by the utilities.

By Mr. BIDEN (for himself, Mr. KENNEDY, Mr. SPECTER, Mr. CRANSTON, Mr. DECONCINI, Mr. D'AMATO, Mr. KERRY, Mr. ADAMS, Mr. LIEBERMAN, Mr. JOHNSTON, Mr. SIMON, Mr. BRADLEY, Mr. PRYOR, Mr. METZENBAUM, Mr. HEINZ, Mr. HEFLIN, and Mr. BAUCUS):

S. 2313. A bill to provide emergency Federal assistance to drug emergency areas; to the Committee on the Judiciary.

DRUG EMERGENCY AREAS ACT

● Mr. BIDEN. Mr. President, today I am introducing the Drug Emergency Areas Act of 1990, a bipartisan alternative to the President's approach. The drug emergency areas legislation will provide emergency assistance to the cities, towns, and communities that have been the hardest hit by the drug problem confronting this Nation.

The drug crisis in this country is taking a toll on U.S. cities unlike any natural disaster in modern history. Each year, thousands die in drug-related violence and overdoses. Tens of billions of dollars are lost in health costs and lowered productivity. The drug crisis has—literally—destroyed neighborhoods in every major city in this country.

When natural disasters have hit this country—Hurricane Hugo and the San Francisco earthquake to name the most recent ones—this Nation responded in a selfless fashion, rushing billions of dollars in Federal emergency assistance to help these areas rebuild.

No one seriously questioned how much it would cost, or where the money was coming from. The safety, health, and welfare of thousands of Americans was at stake. They were emergencies. They required an emergency response.

Mr. President, we need a similar response to the drug crisis in this Nation.

This is not the first time that we have tried to address the drug crisis in our cities. In November 1988 Congress passed—and the President signed—the Anti-Drug Abuse Act. This law directed the President to designate high intensity drug trafficking areas. Once designated, these areas were to receive immediate Federal assistance to these hard hit areas.

Fifteen months after the law required the President to act, not a single Federal dollar, not a single extra police officer, not a single extra treatment bed has been delivered to these hard hit areas.

Fortunately, the President's latest drug plan does designate five cities as high intensity areas. New York City, Miami, Los Angeles, Houston, and the Southwest border. At some point in the future, these areas will split approximately $50 million to beef up antidrug efforts—about $10 million each. And, if history is a guide, the money will be used primarily for Federal law enforcement efforts—based on the Washington, DC, plan launched by Director Bennett last summer.

Frankly, the President's plan is simply too cautious to respond to the drug crisis in these areas. In the 15 months that we have waited since the high-intensity drug law was enacted, the drug problem in our cities and communities has not gone away. In many areas, it has gotten worse. And virtually nothing has been done to help less-populated areas—rural and suburban communities—where drug traffickers have overwhelmed the ability of local law enforcement agencies.

That's why 16 of my colleagues and I are introducing the Drug Emergency Areas Act of 1990 as a bipartisan alternative to the President's plan. Our legislation is both simple and direct. It would:

Provide $300 million—six times the amount in the President's antidrug plan—in emergency Federal assistance to those areas of the Nation hardest hit by drug trafficking, abuse, and related violence;

Direct that emergency Federal aid be available not only for big cities, but also to rural and suburban areas, where the drug crisis has overwhelmed the ability of State and local law enforcement agencies to respond; and

Allow funding for both law enforcement and prevention and treatment initiatives—to attack the problem at every possible level.

Mr. President, there is one additional—and perhaps the most critical—difference between this new initiative and the President's plan.

My bill offers direct Federal assistance to the cities and counties where the drug problem hits the hardest, and where emergency assistance is needed the most. Federal assistance to drug emergency areas should be delivered the same way we help areas affected by natural emergencies—directly to the local officials who know what needs doing, and how best to do it.

Last month, at a Judiciary Committee hearing on the urban drug crisis, the Republican mayor of Kansas City, Richard Berkley, and the Democratic mayor of New York, David Dinkins, endorsed my drug emergency areas legislation. The bill is also strongly supported by the National League of Cities and the Delaware League of Local Governments.

Mr. President, drug trafficking and abuse in our cities is a national emergency. We need an emergency response. I believe the Drug Emergency Areas Act is a major step in the right direction.

I ask unanimous consent that the bill, an explanatory factsheet and a chart comparing this legislation with the President's plan be printed in the CONGRESSIONAL RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2313

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Emergency Areas Act of 1990".

SEC. 2. DRUG EMERGENCY AREAS.

Subsection (c) of section 1005 of the National Narcotics Leadership Act of 1988 is amended to read as follows:

"(c) DECLARATION OF DRUG EMERGENCY AREAS.—

"(1) PRESIDENTIAL DECLARATION.—(A) In the event that a major drug-related emergency exists throughout a State or a part of a State, the President may, in consultation with the Director and other appropriate officials, declare such State or part of a State to be a drug emergency area and may take any and all necessary actions authorized by this subsection or otherwise authorized by law.

"(B) For the purposes of this subsection, the term 'major drug-related emergency' means any occasion or instance in which drug trafficking, drug abuse, or drug-related violence reaches such levels, as determined by the President, that Federal assistance is needed to supplement State and local efforts and capabilities to save lives, and to protect property and public health and safety.

"(2) PROCEDURE FOR DECLARATION.—(A) All requests for a declaration by the President designating an area to be a drug emergency area shall be made, in writing, by the Governor or chief executive officer of any affected State or local government, respectively, and shall be forwarded to the President through the Director in such form as the Director may be regulation require. One or more cities, counties or States may submit a joint request for designation as a drug emergency area under this subsection.

"(B) Any request made under clause (A) of this paragraph shall be based on a written finding that the major drug-related emergency is of such severity and magnitude that effective response to save lives, and to protect property and public health and safety, that Federal assistance is necessary.

"(C) The President shall not limit declarations made under this subsection to highly-populated centers of drug trafficking, drug use or drug-related violence, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond.

"(D) As part of a request for a declaration by the President under this subsection, and as a prerequisite to Federal drug emergency assistance under this subsection, the Governor(s) chief executive officer(s) shall—

"(i) take appropriate response action under State or local law and furnish such information on the nature and amount of State and local resources which have been or will be committed to alleviating the major drug-related emergency;

"(ii) certify that State and local government obligations and expenditures will comply with all applicable cost-sharing requirements of this subsection; and

"(iii) submit a detailed plan outlining the State and local government's short- and long-term plans to respond to the major drug-related emergency, specifying the types and levels of Federal assistance requested, and including explicit goals (where possible quantitative goals) and timetables and shall specify how Federal assistance provided under this subsection is intended to achieve such goals.

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"(E) The Director shall review any request submitted pursuant to this subsection and forward the application, along with a recommendation to the President on whether to approve or disapprove the application, within 30 days after receiving such application. Based on the application and the recommendation of the Director, the President may declare an area to be a drug emergency area under this subsection.

"(3) FEDERAL MONETARY ASSISTANCE.—(A) The President is authorized to make grants to State or local governments of up to, in the aggregate for any single major drug-related emergency, $50,000,000.

"(B) The Federal share of assistance under this section shall not be greater than 75 percent of the costs necessary to implement the short- and long-term plan outlined in paragraph (2)(D)(ii).

"(C) Federal assistance under this subsection shall not be provided to a drug disaster area for more than 1 year. In any case where Federal assistance is provided under this Act, the Governor(s) or chief executive officer(s) may apply to the President, through the Director, for an extension of assistance beyond 1 year. The President, based on the recommendation of the Director, may extend the provision of Federal assistance for not more than an additional 180 days.

"(D) Any State and/or local government receiving Federal assistance under this subsection shall balance the allocation of such assistance evenly between drug supply reduction and drug demand reduction efforts, unless State or local conditions dictate otherwise.

"(4) NONMONETARY ASSISTANCE.—In addition to the assistance provided under paragraph (3), the President may—

"(A) direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law (including personnel, equipment, supplies, facilities, and managerial, technical, and advisory services) in support of State and local assistance efforts; and

"(B) provide technical and advisory assistance, including communications support and law enforcement-related intelligence information.

"(5) ISSUANCE OF IMPLEMENTING REGULATIONS.—Within 90 days after the enactment of this subsection, the Director shall issue regulations to implement this subsection, including such regulations as may be necessary relating to applications for Federal assistance and the provision of Federal monetary and nonmonetary assistance.

"(6) AUDIT BY COMPTROLLER GENERAL.—The Comptroller General shall conduct an audit of any Federal Assistance (both monetary and nonmonetary) of an amount greater than $100,000 provided to a State or local government under this subsection, including an evaluation of the effectiveness of such assistance based on the goals contained in the application for assistance.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year 1991, 1992, 1993, 1994, and 1995, $300,000,000 to carry out the purposes of this subsection.".

DRUG EMERGENCY AREAS ACT OF 1990

GENERAL BACKGROUND

Modeled closely on the Federal Disaster Assistance program, the Biden-Kennedy-Specter-Cranston Drug Emergency Areas Act (DEAA) would provide direct federal aid to areas that are particularly hard hit by drug abuse, trafficking and violence—and where state and local agencies are overwhelmed and unable to respond effectively.

WHO WOULD GET HELP?

The Drug Emergencies Areas bill would allow any local official to apply directly for aid:

Any city (irrespective of its population) could receive aid if the President declares that the area is in need of federal assistance due to a high level of drug trafficking, drug abuse, or drug-related violence.

A "yes or no" response by the Drug Director's office to any such application would be required within 30 days.

EXACTLY WHAT ASSISTANCE DOES THE DEAA PROVIDE?

Funding.—Up to $50 million in "emergency relief aid" would be available to a specific drug emergency area.

These funds would be provided directly to the state or local government.

Other.—The Act also authorizes increases in the number of federal agents in such areas.

Also, it provides communications, intelligence and equipment to such areas.

WHAT ARE THE MAJOR DIFFERENCES BETWEEN THIS PROPOSAL AND THE ADMINISTRATION'S PLAN?

The Drug Emergency Areas Act is an alternate to the Administration's High Intensity Drug Trafficking Area Plan. What are the differences between them?

1. More aid.—The DEAA would provide $300 million in new aid to hardest-hit areas—up to a maximum of $50 million per city.

The Administration's plan provides a total of $50 million.

2. More cities eligible.—As mentioned above, any city could apply for and receive aid under the DEAA if designated an "emergency area" by the President.

The Administration's plan limits aid to five specified areas (New York, Los Angeles, Miami, Houston, and the Southwest Border).

3. Direct funding.—The DEAA provides immediate and direct aid to local governments, designated "drug emergency areas."

The Administration's plan, according to current accounts, will focus on expanding federal task forces within the five specified areas.

4. Use of funds for demand reduction.—The DEAA directs that local governments spend emergency relief funds on both supply and demand reduction efforts, unless local conditions dictate otherwide.

The Administration's plan is expected to focus almost exclusively on law enforcement.

COMPARISON OF PROVISIONS FOR DRUG EMERGENCY AREAS

Issue	Bush plan	Bipartisan alternative
Funding level	$50 million	$300 million.
Funding targets	100% enforcement (?)	50% enforcement, 50% prevention.
Targeted areas	New York, Los Angeles, Houston, Miami, Southwest Border.	Any area designated a drug emergency area by the President.
Direct funding		Yes (100%). ●

● Mr. SIMON. Mr. President, I rise today in support of important legislation that will provide much-needed assistance to communities battling the scourge of drugs and crime. The Drug Emergency Areas Act of 1990 represents our commitment to win the war on drugs, on all fronts.

Mr. President, our Nation is faced with a terrible crisis. While Government studies report a decrease in casual drug use, there are more people using dangerous drugs like cocaine, and its derivative crack, in greater quantities than ever before. The ravaging effects of illegal drug use and drug abuse do not discriminate between young and old, rich or poor, black or white. We, as a nation, are all victims.

The Drug Emergency Areas Act is an alternative to the administration's high-intensity drug trafficking area plan. The act is a better way to attack the problem of drugs and crime in the United States. It provides $300 million in new money for communities across the Nation currently unable to cope with their drug-related problems. The administration's plan earmarks only $50 million for the effort, and specifies only five areas to receive funds. I am very concerned that Chicago, a city that unfortunately has it share of drug-related problems, is not included in this group. The legislation introduced today would enable all communities to apply for and receive aid.

This act recognizes the plight of many American communities beset with the problems of drug use, abuse, and related criminal activity. Funding will be made available directly to any community, or collection of communities, designated as emergency areas by the President. We are not excluding any area from the possibility of receiving emergency aid, nor are we biased toward high-population areas. In my own State of Illinois, I want to ensure that rural areas, many of which have contacted me in search of support for local or regional programs, have as much opportunity to receive funding as a city like Chicago, which is also deserving of assistance. The drug problem is as serious in many rural areas as it is in our cities—all communities deserve relief.

The legislation also recognizes that the drug problem is multifaceted, that a variety of tactics must be used to combat it. This is a point missed by the administration. Its plan is not only limited geographically, but it will focus almost exclusively on law enforcement programs. My support for our men and women in law enforcement is well known, but I also believe that education, counseling, and treatment are of key importance in our efforts to combat drugs. Communities receiving emergency aid under this act must divide it evenly to develop supply and demand reduction programs. I applaud this even-handed approach; law enforcement is not going to solve the problem alone. It must be complemented with education, treatment, and counseling programs.

Mr. President, the war on drugs is one that we as a nation must win, one that we will win. The front line of this war is at the local level. That is why this legislation is so important. By providing emergency relief to communities of every size, the battles can be fought effectively by people at the local level who know what they are trying to accomplish. Now is not the time to abandon these efforts.

I am proud to consponsor the Drug Emergency Areas Act of 1990, and I strongly urge my colleagues to join me in this effort.●

● Mr. ADAMS. Mr. President, I am pleased to join as an original cosponsor of the Drug Emergency Areas Act of 1990. This legislation will provide local communities with vitally needed Federal resources to enable them to fight back against the drug trafficking, drug abuse, and drug-related violence that is beginning to overwhelm communities across this country.

When Congress passed the National Narcotics Leadership Act of 1988, we gave the Director, or so-called drug czar the authority to designate high-intensity drug trafficking areas, and to commit additional Federal resources to assisting State and local authorities in waging the war against domestic drug trafficking. Unfortunately, Director Bennett has chosen to interpret this authority in a narrow and restrictive manner, giving primary consideration to high-population, high-volume areas such as New York, Miami, Los Angeles, and Houston. While those areas are, obviously, in need of assistance, there are other cities and counties, many of which are in rural, less populated areas where the need for Federal help matches, and in some cases, exceeds, the needs in our major urban cities.

Mr. President, earlier this week, yet another national news program focused on Yakima County, WA, and the effect that drug trafficking is having on that community. The reporter sat with local officials as they watched Mr. Bennett's nationally televised address announcing the second year of the administration's effort to reduce the supply and demand for drugs in this country. The mayor of Yakima, Pat Berndt, expressed the disappointment of her entire community when Mr. Bennett listed his choices for designation as high-intensity drug trafficking areas. Yakima County was conspicuously absent from the list.

Mr. President, I ask unanimous consent that my letter to Director Bennett urging that designation for Yakima County, together with the letter of response from Stanley Morris, Deputy Director of the Office of Supply Reduction be entered in the RECORD at this point.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 8, 1990.

WILLIAM BENNETT,
Director, Office of National Drug Control Strategy, Old Executive Office Building, Washington, DC.

DEAR DIRECTOR BENNETT: I very much appreciate your having taken the time to visit several communities in the state of Washington to discuss your role, and that of the Office of National Drug Control Policy, in leading the federal government's war on drugs. In recent months, I have had the opportunity to spend time with many of the same local officials and private citizens in each of the communities you visited, to get a first hand view of the extent of the drug problem locally, and to try to ascertain how our federal government can help those on the front lines of this urgent national effort.

It has become apparent that existing state and local resources, and present federal support, are simply inadequate to deal with the nature and extent of the narcotic trafficking problem in the Yakima Valley. Therefore, I am writing to urge that you utilize your authority under Section 1005(c) of the National Narcotics Leadership Act of 1988 to designate Yakima County, Washington, a "high intensity drug trafficking area". I am aware that you have already given this designation to the cities of New York, Miami, Los Angeles, and the Southwest border region of our country. My reading of the criteria for such designation contained in the statute, together with data assembled by state, local and federal authorities who are aware of the magnitude of the drug trafficking problem in Yakima County lead me to conclude that such a designation is fully warranted.

The trail of death, criminal behavior, and strained local resources that accompany this illicit trade is growing by the day in virtually every community in the Pacific Northwest. While our larger counties are managing to cope with the crisis, the criminal justice system in Yakima County is on the verge of collapse. I believe that an urgent need exists for you to utilize your authority to put additional federal resources into the state and local battle against narcotics trafficking in Washington state that emanates out of Yakima County.

On November 20, 1989, local officials in Yakima County held a Law and Justice Summit entitled "The Criminal Justice Crisis in Yakima County". I understand that you have been provided with a copy of the report of that meeting. The statistics released at that conference document a frightening trend: a 34% increase in major felonies over the last five years, over 80% of which are drug related; a 206% increase in narcotics arrests in the City of Yakima in the last four years, 87% of which involve cocaine or herioin; an overloaded criminal justice system with twice as many felony filings per capita than the rate in our state's most populous county; prosecutors, public defenders, juvenile and adult probation officials whose caseloads are as much as three times the recommended national standards. In addition, the relatively new Yakima County Jail is operating 30% over capacity, while thousands of felony arrest warrants, many for narcotics violations, remain outstanding because there is no space in which to house additional prisoners. As a result of Yakima County's status as a major regional narcotics distribution point in our state, the already excessive demand for police, prosecutors, defense services, judicial administration and jail capacity is expected to continue to grow.

As you know, the use of illegal drugs in the major cities of my state has created law enforcement problems similar to many of the other urban areas you have visited around the country. Because of the particular "pipeline" effect existing in this largely rural county, I am convinced that your immediate attention to the problem of narcotic trafficking in central Washington would have significant benefits. For several years, highly potent Mexican "black tar" heroin has been distributed through Yakima County to Seattle, Tacoma and Spokane. In more recent years, large quantities of "crack" cocaine have moved through the Yakima Valley distribution points to my state's urban areas. Law enforcement officials have advised me that Mexico is the source of these narcotics, and illegal aliens are the couriers.

As we approach the first anniversary of your tenure in office, I want you to know that I look forward with keen anticipation to your February 1, 1990 submittal of the annual National Drug Control Strategy as required by law. As a member of the Senate Appropriations Committee, I am prepared to be a tenacious advocate for additional funding to assure local communities the resources to match or exceed the rhetoric that has come from Washington, DC. regarding federal assistance in this effort. As a former United States Attorney, I firmly believe this battle can be won at the local level, but only if the federal government is a full partner in the struggle.

Directing additional federal resources and personnel from the Drug Enforcement Administration and Immigration Service into Yakima County at this time will benefit the urban counties of King, Pierce, and Spokane, where street sales of narcotics distributed through that area is overburdening local criminal justice systems. Perhaps most importantly, designating Yakima County, Washington as a "high intensity drug trafficking area" would demonstrate the commitment of your office to assuming the kind of aggressive federal role contemplated by the Congress in passing the National Narcotics Leadership Act of 1988.

Sincerely yours,

BROCK ADAMS,
U.S. Senator.

OFFICE OF NATIONAL DRUG CONTROL POLICY, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, February 1, 1990.

Hon. BROCK ADAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR ADAMS: Thank you for your letter of January 8, 1990 regarding your concern for the serious drug trafficking problems in the Yakima, Washington area. After Director Bennett's visit to the Yakima area last fall, I was asked to review the drug situation in the Central Washington area and to identify ways to support Federal, State and local efforts.

The Office of Supply Reduction recognizes that the Yakima area is a drug trafficking hub that effects the supply of drugs to other areas in the northwest and will make recommendations for additional resources to support ongoing law enforcement efforts. An enhanced Federal presence of DEA, INS and prosecutors, for example, is being reviewed.

Though your area was not designated as a "High Intensity Drug Trafficking Area,"

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I'm sure you understand the significance of the five major areas selected: Los Angeles, New York, Miami, Houston and the Southwest Border. Los Angeles and the Southwest border effect the supply of drugs in your area, so by concentrating our resources there we can also make some impact on the supply to Yakima and other areas.

Sincerely,

Stanley E. Morris.

High Intensity Drug Trafficking Area

To simply recite that the federal government "recognizes that the Yakima area is a drug trafficking hub that affects supply of drugs to other areas of the Northwest" does nothing more than state the obvious. During his first year in office, Mr. Bennett personally visited Yakima, met with local officials, and saw the effects on a county that is now spending 70% of its general fund budget on law and justice. By visiting a beautiful, central Washington community that has emerged as our regional crime capital, Director Bennett obtained personal knowledge of the crisis that community faces. And despite the fact that Yakima now has a drug-related serious crime rate that exceeds every city designated for special assistance in Mr. Bennett's address, Yakima receives only a vague promise of some potential future federal assistance. Mr. President that is just not good enough. Clever sound bites and inspirational speeches are of no use to the citizens of Yakima County. The legislation we are introducing today will provide real, meaningful assistance to help Yakima and other local communities stem the flow of drugs and drug related crime that are driving the institutions of local government to the brink of collapse.

The Drug Emergency Areas Act of 1990 will allow Yakima County and other local communities to apply directly to the President for emergency assistance. Within 30 days of receipt of the application, the Director of the Office of National Drug Control Strategy would have to respond, "Yes or no". Quite frankly, given the scope of the problem now facing Yakima County, and in light of the excellent job done by local officials last November at their law and justice summit conference entitled "The Criminal Justice Crisis in Yakima County", Director Bennett should need about 30 seconds to designate Yakima for assistance under this legislation.

Mr. President, if a county anywhere in this country suffered from the effects of a hurricane, or a flood, or some other natural disaster, that county would apply for and receive federal disaster assistance. Under this bill, when a county such as Yakima is suffering from a flood of drug trafficking, and from the unnatural disaster of cocaine importation, and Mexican "black tar" heroin sale and use, similar federal assistance would be forthcoming.

Our national drug strategy is being fine-tuned and improved by this legislation. The local officials I have met with over the last year in Yakima, Seattle, Tacoma, Spokane and Vancouver have unanimously asked for some form of federal assistance in cutting off the flow of drugs from Yakima. This legislation responds to that request. Those same officials have also pointed out that the front line of our drug battle is on the streets of local communities. This bill responds to that fact by allowing local officials to play a key role in developing strategies for fighting back at the local level.

To have an impact on our nation's 150 billion dollar illegal drug business, we need a strategy that is as creative and imaginative as the distribution plan being followed by the drug dealers. We cannot help Yakima by relying on a plan that focuses on major cities, while ignoring Yakima and other small towns and rural communities that are now attracting major drug dealers. The institutions of local government: the criminal justice system, the courts and treatment programs, the drug prevention programs in local schools, and all the other pieces of a local drug prevention strategy will be outspent and outgunned if the federal government fails to be a full partner in the effort.

I call my colleagues attention to the clause of this bill which states' "The President shall not limit declarations made under this subsection to highly-populated centers of drug trafficking, drug use or drug-related violence, but shall also consider applications from governments of less populated areas where the magnitude and severity of such activities is beyond the capability of the State or local government to respond". I appreciate Chairman Biden's willingness to add this clause to the bill. I call it "the Yakima amendment", because it provides Director Bennett with specific direction, and it provides the citizens of my state with some hope that the disappointment experienced by the citizens of Yakima County after Mr. Bennett's recent speech need not continue indefinitely.

I urge my colleagues on both sides of the aisle to join with those of us who have introduced the Drug Emergency Areas Act of 1990 today. This legislation recognizes an emergency situation, and responds to it. It would certainly be an ironic legacy of the 101st Congress for us to respond to the emerging democracies of eastern Europe with assistance, and to the rebuilding of democratic institutions in central America, and yet neglect the threatened and besieged democratic institutions in Yakima County, Washington and other small towns and rural areas of America.●

● Mr. KENNEDY. Mr. President, the 1988 Anti-Drug Abuse Act gave the Drug Director specific authority that Senator Biden and I authored to designate certain areas as "high intensity drug areas." We left considerable discretion with the Director in exercising that authority. Our concept was intended to provide a mechanism for the Federal Government to bring greater pressure to bear on areas of the country hardest hit by the drug problem.

The legislation we introduce today expands on this concept by authorizing the President to declare "drug emergency areas." Currently, the Drug Director's authority is limited to reassigning existing resources and that authority is important. This new proposal will authorize the President, on the advice of the Drug Director to inject new resources to high density areas, instead of taking away important resources from other assignments. This legislation will provide an important and indispensable weapon in our fight against drug abuse. I intend to pursue similar authority to enable the President to direct emergency relief for areas with acute educational treatment needs.

The Nation is at a critical turning point in the war on drugs. A winning strategy against drug abuse involves three approaches: law enforcement, prevention, and treatment. Each is vital, and none can be downgraded or ignored. On the enforcement side of the drug war, wiser policies and more resources are needed, especially at the State and local level—where the real war is fought every day on our streets and in our communities. We must learn to support our State and local police—and do it without abandoning fundamental constitutional guarantees or turning any local jurisdiction into a police state.

More important, Federal law enforcement officials must do a better job of coordinating Federal efforts, so that we direct drug enforcement resources in a way that brings maximum pressure on drug trafficking organizations here and abroad.

In recent months the Senate has approved enhancements in State and local law enforcement authority, tougher asset forfeiture, quicker prosecutions of drug offenders, broader use of civil sanctions, high-intensity drug trafficking area improvements, and additional Federal trial judges for areas of the country hardest hit by the drug crisis.

We have also included a provision to encourage Federal prosecutors to make broader use of civil injunctions, including stay-away orders to keep offenders out of drug trafficking areas and crack houses, and to use RICO's civil and forfeiture sanctions against all criminal offenders. Offenders who violate these civil orders would be subject to enhanced punishment at the discretion of the court.

Taken together, these provisions will provide substantial new assistance to all levels of our law enforcement and civil justice system.●

● Mr. BRADLEY. Mr. President, I rise to join Senator Biden in introducing the Drug Emergency Areas Act of 1990. This legislation will provide $300 million in aid to areas particularly hard hit by drug abuse. The bill provides more police officers on the street to cut the supply of drugs as well as more education and prevention programs in our schools and communities to reduce the demand for drugs.

Mr. President, last year Congress provided $25 million to expand Federal law enforcement efforts in areas designated by the President as "high-intensity drug trafficking areas." Earlier this year, the administration designated the New York area as one of the areas to receive extra help. It is my understanding that because of this program, North Jersey should receive extra Federal agents to combat the drug problem.

This legislation goes much further. Localities hardest hit by the drug problem need more than extra Federal agents. They need a larger police presence on the streets to protect our citizens and more comprehensive drug education programs in their schools to help ensure that the future of our children is a safe and healthy one.

Some of the urban areas of New Jersey have been particularly hard hit by the drug problem. Under this legislation, these cities could receive extra Federal aid if the President declares that the area is in need of assistance due to the high level of drug trafficking, drug abuse, or drug-related violence. I fully expect that many New Jersey communities will benefit greatly by this new program.●

Mr. CRANSTON. Mr. President, I am pleased to join as an original cosponsor of the Drug Emergency Areas Act of 1990. This legislation would provide $1.5 billion, equally divided over a 5-year period, to areas on the front lines in the war against drugs.

In the Anti-Drug Abuse Act of 1988, Congress recognized that some localities needed additional Federal resources if they were to battle the drug crisis successfully. Accordingly, Congress authorized the designation of high-intensity drug trafficking areas, areas which, because they faced acute drug problems, would receive additional Federal help in their antidrug efforts. The administration finally acted this year to name Los Angeles, New York, Miami, Houston, and 34 counties along the Southwest border as high-intensity areas. However, the President's budget only allocates $50 million for the high-intensity program for the fiscal year 1991, a $25-million increase over current funding. Mr. President, I have been one of the principal supporters of the high-intensity designations. However, given the proposed funding, the administration's program simply is not good enough.

If we are serious about fighting drugs in this country, we must give cities and States the resources they need to do a thorough job, and we must encourage them to create their own plans of attack. The Federal Government must do far more than it is doing if we're going to respond adequately to the drug crisis that is destroying neighborhoods and communities across the country.

The legislation introduced today is an important beginning. It would allow any area that can prove that its drug problem is so severe that it cannot be managed solely by the State or local government to apply for up to $50 million in Federal grants to help combat drugs. Any Federal funds received must be augmented by State or local governments, with no more than 75 percent of the money coming from Federal grants, and no less than 25 percent coming from the government of the area which receives the funds. The requirement that the areas receiving funds provide at least 25 percent of the total means that cities and States must make a serious commitment to working with the Federal Government in combating this national problem.

Under this bill, hard-hit drug areas like Oakland, Sacramento, and San Diego no longer will have to wait to be designated specifically for special help. Any locality that can show its need would be eligible for Federal assistance. Moreover, under the provisions of this bill, the money could be used for drug treatment and antidrug education as well as for law enforcement.

It would be easy in legislation such as this to focus exclusively on the law enforcement approach to the drug crisis. But such an approach, to the exclusion of the demand side, is an unbalanced approach. Thousands of people die each year from drug-related violence and overdose, and tens of billions of dollars are lost in health costs and lowered productivity. If we reduce the demand for drugs through treatment and community-based prevention efforts, we can make law enforcement more effective and reduce the problems our law enforcement officials face. Passage of this legislation would allow local governments to balance better their treatment and law enforcement needs.

Mr. President, in order to mount a credible war against drug abuse and its attendant effects, cities and States must have the resources and the autonomy to do what they believe best. To that end, this legislation is a needed boost in our battle against drugs.

● Mr. LIEBERMAN. Mr. President, I am pleased to be an original cosponsor of the Drug Emergency Areas Act of 1990, which was introduced today by my colleague from Delaware, Senator BIDEN. I would like to commend Senator BIDEN for the initiative he has shown, not only with this measure, but in leading the Senate's fight in the war on drugs.

Modeled on the Federal Disaster Assistance Act with which we are all familiar, the Drug Emergencies Areas Act allows the President, upon request by either State or local government, to declare certain States, counties, or cities to be a drug emergency area. These States, counties, and cities would then be eligible for Federal assistance to combat drug trafficking, drug abuse, or drug violence. The act would require the Director of National Drug Control Policy to forward a recommendation to the President within 30 days of application by a State, county, or city for designation as a drug emergency area.

Mr. President, I am pleased that this act, unlike the President's high-intensity drug trafficking area plan, focuses on demand reduction problems as well as supply reduction. While we must vigorously attack sources of drug supply, we must also vigorously look for ways to lower the demand for drugs in our communities. Indeed, until we can curb demand, we will not have halted our drug plague.

In stark contrast to the administration's budget, which would allocate only $50 million for emergency assistance, this bill would authorize $300 million a year to be appropriated for local drug emergency assistance. While such a large figure always makes me think twice during this era of budget deficits, I know we must not be penny-wise and pound-foolish. Failure to take strong action now to stem the tide of drugs will result only in larger and greater expenditures in the future.

We must invest now in a drug-free America. I urge my colleagues to support this act, which would give our State and local governments some badly needed added assistance in fighting the war on drugs.●

By Mr. FOWLER (for himself, Mr. McCONNELL, Mr. HELMS, and Mr. FORD):

S. 2314. A bill to amend the Agricultural Act of 1949 with respect to the level of milk price support in effect for 1991 through 1995; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY STABILIZATION ACT

● Mr. FOWLER. Mr. President, I rise to introduce, along with my friend, the Senator from Kentucky, the Dairy Stabilization Act of 1990, which establishes a price support program for milk through 1995.

This bill, we hope, will accomplish what its title suggests. We are emerging from a decade of budget problems and inefficiency in our dairy programs. Through this legislative effort, we seek to avoid a return to the difficulties of the last decade in the 1990's.

This legislation does not repeal or amend any existing dairy laws, but it does make a major change in calculating dairy surpluses by using both the milkfat and the nonfat solids components of whole milk. Present law uses only the milkfat component of milk in these calculations. In addition, the bill raises levels at which price adjustments are triggered.

The price support level would be increased if purchases of both milkfat and nonfat solids exceed the amounts contained in 3.5 billion pounds of milk. Price support reductions would not be triggered until purchases exceed both the milkfat and nonfat solids contained in 7 billion pounds of milk. If purchases of either milkfat or nonfat solids exceed the amounts contained in 10 billion pounds of milk, the support price would be reduced.

CCC purchase prices will be adjusted to better reflect the relative market values of the milk components when either the milkfat or nonfat solids

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exceed the amount contained in 7 billion pounds of milk. Additionally, the Secretary of Agriculture will have discretionary authority to implement production adjustment measures if either the milkfat or nonfat solids exceed the amounts contained in 12 billion pounds of milk. This authority would also limit the extent of additional price support adjustments.

In contrast to the dairy programs of the 1980's, this legislation will establish a cost-effective and fiscally responsible program. At the same time, it will ensure a stable market for America's dairy farmers.●

● Mr. McCONNELL. Mr. President, today I join my colleague from Georgia as we introduce the Dairy Stabilization Act of 1990. This bill would establish a new 5-year price support program for milk. It does not repeal or amend any existing dairy laws, but simply allows for a change in calculating dairy surpluses.

Over the 40-year period that the Federal dairy price support program has been in effect, there have been only two occasions when milk production exceeded commercial use to the extent that burdensome surpluses of dairy products have been held by the Commodity Credit Corporation. The first was in the early 1960's and more recently in the 1980's.

The Food Security Act of 1985 had the primary objective of increased market orientation through a gradual realignment of supply and demand through price support adjustments. There is a general consensus among dairy producers of my State of Kentucky and also with producers nationwide that dairy policy is working.

Currently, supplies are stable and consumption is strong, nearly balancing supply and demand. Government stocks of cheese and powdered milk have disappeared, and the support price for butter is being adjusted to closely reflect its market value. Therefore, I believe there is no time to be proposing major changes in the Dairy Program. Instead, let us focus on small changes that will prepare and enhance the future of the dairy industry.

Mr. President, this bill will extend authority for a market-oriented dairy price support program through 1995, while also providing discretionary authority for the Secretary of Agriculture to implement additional adjustment measures. Government inventories will be maintained within limits sufficient to meet the demand for dairy products needed in Federal food assistance programs and still keep budget outlays, associated with the program, within generally acceptable limits.

More specifically, beginning January 1, 1991, the Secretary shall base price support adjustments on estimates of annual Commodity Credit Corporation purchases of both milkfat and nonfat solids components. Price support reductions would not be triggered until purchases exceed both the milkfat and nonfat solids contained in 7 billion pounds of milk. Also, if purchases of either milkfat or nonfat solids exceed the amounts contained in 10 billion pounds of milk a price support reduction would be triggered.

CCC purchases prices for dairy products will be adjusted to better reflect the relative market values of the milk components, when either the milkfat or nonfat solids exceed the determined level. This new method of calculating the support price will help avoid the situation where there is an imbalance in the product that is being purchased. Currently, only butter is being purchased making it the only milk product available to food assistance programs.

I believe this is a fair approach and one equitable to dairy farmers. It allows producers to maintain flexibility and promote efficiency on their farms. Furthermore, the bill will keep Government inventories within acceptable limits and very importantly, does it without transferring the cost of the program to the producer through an assessment or tax. Because the bill does not mandate reductions in herd size, administrative costs associated with a quota system are avoided.

Finally, Mr. President, this legislation would provide a national framework for dairy policy. The proven parts of existing law are maintained and changes will allow the industry to adapt to changing market conditions. Farmers can expand herds in milk deficit areas without being penalized. The goal of developing and expanding markets for fluid milk and dairy products will continue both domestically and abroad. Mr. President, our bill is a producer program designed to benefit not a few dairy farmers but U.S. dairy farmers.●

By Mr. FOWLER (for himself and Mr. McCONNELL):

S. 2315. A bill to amend the Agricultural Act of 1949 to provide soybean producers with fair income and freedom of planting choice support, and to eliminate any indirect stabilization of foreign oilseed production; to the Committee on Agriculture, Nutrition, and Forestry.

SOYBEAN GRADUATED EQUITY LOAN PROGRAM ACT

● Mr. FOWLER. Mr. President, I rise today to introduce, along with my friend the Senator from Kentucky, the Soybean Graduated Equity Loan Program Act of 1990. This bill is designed to ensure that the United States remains a major soybean producer in the world market.

Soybeans are an important crop in our country, and in my home State of Georgia. Last year, over 400,000 soybean farmers produced 1.9 billion bushels of soybeans on 59 million acres, with a crop value of over $10 billion. Soybeans rank as Georgia's No. 2 farm income crop. However, I am concerned that Georgia soybean acreage has fallen by almost 50 percent in the last decade and, with it, farm income.

Overall, despite a 25-percent growth in world demand for soybeans over the last 10 years, U.S. production of soybeans had decreased by 17 percent. Our foreign competition has seized this opportunity to expand their production by 75 percent since 1979. The lost income potential for American farmers in 1989 alone amounts to an estimated $2 billion.

One has to wonder why this is happening when market prices are so favorable to soybean production. The answer is that our farmers find more attractive economic returns from program crops.

That is why the 1990 farm bill must include a farm program for soybeans which unleashes the productive potential of the Nation's soybean farmers to produce profitably for the growing world market. The Graduated Equity Loan Program will help level the playing field for American soybean producers and encourage them to plant for the market.

During the past 3 out of 4 years, market prices have been more profitable for soybeans than for corn, yet soybean acreage has continued to fall. In 1988, the same was true for soybeans in comparison to cotton, yet farmers did not respond. We need the Graduated Equity Loan for soybeans to balance the economic returns for soybeans compared to program crops.

By establishing this soybean program, we will, at a very limited cost to the taxpayers, help American farmers regain their prominence in the world soybean market. We will, at the same time, encourage farmers to practice environmentally sound crop rotations that conserve soil and enhance water quality.

Most importantly, this legislation will allow our farmers to base their planting decisions on market signals, not competing Government programs.●

● Mr. McCONNELL. Mr. President, I join in support of legislation introduced to establish a graduated equity loan for soybeans. The Soybean Graduated Equity Loan Program Act of 1990 provides a combination of income support and planting freedom for U.S. soybean farmers.

Times have changed, 10 years ago the United States was the dominant producer of soybeans in the world. We were the leader in not only soybeans, but soybean products. We had captured and held 65 percent of the world trade in soybeans and soybean meal.

Then in 1985, when the Food Security Act of 1985 was written, the U.S.

held less than 50 percent of the world trade in soybeans. In 6 short years we had lost or given away an extremely valuable share of the world market and we are still far short of our potential.

A major goal of the farm bill in 1985 was to make agriculture more competitive, but unfortunately soybean production was not properly addressed. The current non-recourse loan program for soybeans encourages foreign competition by making the U.S. government the buyer of last resort at a guaranteed price in the event of a world surplus. As a result of our policy on soybeans, over the past 10 years, foreign soybean production has increased 75 percent while, U.S. production has decreased 17 percent.

During the time this shift in production was taking place, world demand for soybeans and soybean products increased nearly 25 percent. For every acre of soybeans cut in the United States, our competitors planted an additional 1.3 acres. In my home State of Kentucky, soybean acreage has declined steadily. Kentucky has lost 500,000 acres of soybeans over the last 10 years and nationally there are 14 million fewer acres of soybeans planted.

Farmers are not to blame for this acreage loss; they made sound economic decisions. Even when market prices favor soybean production, producers see larger incentives to plant program crops. Not only would they lose deficiency payments for the program crop acreage shifted to soybeans, but they would also lose acreage base that would have longer term implications to their farming operation.

A combination of these factors have reduced the U.S. share of the world soybean market to only 35 percent. If we do not change our soybean policy this year our acreage will decline more and by 1995 South America could be a larger producer of soybeans than the United States. Think of our lost market share. If the United States had been able to maintain the position we held in 1979, U.S. exports would be 330 million bushels greater in 1989. That is equal to the combined production of Alabama, Arkansas, Georgia, Mississippi, Missouri, Tennessee and my home State of Kentucky.

Erosion in market share must be stopped. The soybean industry is vital to this country and action must be taken before more markets are lost. The Graduated Equity Loan Program will provide a combination of income support and planting freedom crucial to U.S. soybean producers. Farmers across the country have worked together to set up this program, a program that farmers in Kentucky and across the Nation support.

Furthermore, the program could easily include other oilseed crops. As we continue to debate the 1990 Farm bill, I hope that we will be able to incorporate the farmers ideas into the final proposal so it will work for them also. This legislation is a great opportunity to help our farmers and change the current policies that benefit our foreign competitors.●

By Mr. BRADLEY (for himself, Mr. ROTH, Mr. MOYNIHAN, Mr. LAUTENBERG, and Mr. PELL):

S. 2316. A bill to amend the Agricultural Act of 1949 to establish an equitable Sugar Price Support Program, and to require the use of a tariff rate quota to make this program effective; to the Committee on Finance.

SUGAR EQUITY AND REFORM ACT

● Mr. BRADLEY. Mr. President, I rise today to introduce the Sugar Equity and Reform Act of 1990. I am pleased to have Senators ROTH, MOYNIHAN, LAUTENBERG, and PELL join me as cosponsors of this legislation.

Mr. President, our Sugar Program is in desperate need of modification. The program is not good agricultural policy. It is not good foreign policy. And it is not good trade policy. This year, as we draft a new farm bill, we have an excellent opportunity to address some of these problems. I believe the Sugar Equity and Reform Act provides some of the solutions we need.

Under the current Sugar Program, our 12,000 sugar farmers are guaranteed a price of 21 to 22 cents per pound for their sugar, about 7 cents above the current world market price. According to a USDA report released last month, this premium translates into a benefit of up to $50,000 for each of the 9,900 sugar beet farms and a whopping $235,000 for the 1,900 sugar cane farmers. That's a total of $1 billion, a hefty price to pay for a no cost program.

But these high returns to sugar farmers have other pernicious effects. No other crop is so profitable. Indeed, whereas the 1985 agricultural bill decreased price supports for all other major commodity groups, the loan rate for sugar farmers remained the same. This disproportionate return to sugar has had predictable consequences—sugar farmers have increased their acreage, often at the expense of farmers who grow other crops. The total acreage devoted to sugar beet production grew 21 percent between 1982 and 1987—30 percent in California—while cane acreage in Florida increased 17 percent during the same time.

This increase in the area farmed has in turn had predictable consequences—domestic production has expanded rapidly. Cane production was up nearly 25 percent between 1980—the year before the program began—and 1988. Sugar production from beets rose 11.5 percent. And despite a slight decline in the harvest last year, due to the drought in the Midwest and the freeze in Florida, the USDA in its February report expects record harvests this year for both beet and cane.

Mr. President, given the way our current program operates, this record harvest will mean another major decrease in sugar imports, since this is the only instrument the Secretary of Agriculture has to regulate overall supply and thus maintain the mandated market stabilization price. Imports have already been slashed 70 percent from the 4 million ton level the year before the program, with disastrous foreign policy consequences.

Over the past decade, we have spent literally millions of dollars fighting the scourge of communism in Central America and the burgeoning drug trade from the Andean region. Yet, while taxpayers shell out this money in foreign assistance, we undo that aid by closing our market to one of the few ways these same countries have to earn money. According to a Department of Commerce report, in 1987, cutting the sugar quota effectively transferred $126 million from the poor in the Dominican Republic to American sugar farmers. Similarly, we took another $90 million from the Philippines, $35 million from Guatemala, and about $20 million each from Panama and El Salvador. The Caribbean Basin Initiative was designed to bring economic growth and social stability to the countries of the region, and yet the Overseas Development Council estimates that our Sugar Program has offset the entire benefit of CBI. Peru's quota is now 64 percent below what it was in 1982—had it been able to ship at the 1982 rate, some 114,800 tons, it would have had nearly $75 million in export earnings to help promote growth and perhaps discourage production of some of the cocaine that is now devastating American youth.

As the dramatic changes in Nicaragua last month show, we can no longer afford the luxury of an agricultural policy which conflicts so directly with our foreign policy goals. We do not have the money in our budget to provide Violetta Chamoro the resources she will need to reconstruct the Nicaraguan economy, ravaged by years of war and Sandinista mismanagement. And yet sugar is a major export for the country. While the deficit is constraining our aid budget, are we going to add insult to injury by telling Mrs. Chamorro that we're sorry, but we're only going to import 14,700 tons of sugar—a 75-percent cut from 1982?

Mr. President, these flaws in our Sugar Program were obvious before, but the program has resisted change. Now the use of absolute import quotas to maintain the sugar support price at no cost to the Government has been declared illegal by the GATT. We

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have no choice but to change the program.

We can make virtue out of this necessity. We can gradually reduce the support prices for our sugar farmers, maintaining their safety net on a basis equitable with other crops. This will allow us to increase imports gradually, promoting our foreign policy objectives. And we can maintain the support program at no cost to the U.S. Government, not by using absolute quotas as before, but by establishing a tariff rate quota which will discourage imports above a level set by the Secretary of Agriculture.

Mr. President, this is in fact what the Sugar Equity and Reform Act of 1990 does. It mandates a 5-percent decrease in the support price over a 5-year period. This decrease is very much what was required of other crops in the 1985 farm bill, restoring balance between the crops. Domestic sugar production will gently return to its more traditional levels as marginal land. This land is now used for sugar only because of the high sugar price and should be taken out of production.

This decline in domestic production will allow the Secretary of Agriculture to gradually increase the level of imports consistent with maintaining the required market price, and given anticipated demand. The overall import level will be divided among our current suppliers, as is done now, and will be charged the current rate of duty: Zero for beneficiaries of the Generalized System of Preferences and Caribbean Basin Initiative, and two-thirds of 1 cent for all others. My bill does set a low, but gradually rising, floor for the import quota to provide some certainty to our suppliers in Central and Latin America, the Philippines and elsewhere, but this floor will remain well below the import quantities expected under the designated support price level.

Finally, SERA establishes a tariff rate which will ensure that any imports above the quantity designated by the Secretary of Agriculture will always cost 1 cent more than the market stablization price of 21 to 22 cents. This difference is sufficient to ensure that, when domestic sugar is available, it will be bought. There will be no forfeitures on CCC loans, and the support program will continue at no cost the U.S. Government.

Mr. President, this bill is essentially the same as S. 552, the Sugar Supply Stabilization Act of 1989, which I introduced on March 9, 1989, along with Senators ROTH, MOYNIHAN, CHAFEE, SPECTER, LAUTENBERG, DOMENICI, KENNEDY, and PELL.

There are, however, two key differences. SERA is a much more moderate program. The loan rate declines only 4 cents from its current 18-cent level over a 5-year period. The previous bill asked for a 5-cent decline in 4 years. In addition, while S. 552 mandated that the import quota increase 500,000 tons each year for 4 years, SERA suggests increasing the quota floor by half that amount—250,000 tons—each year until it reaches a level of 2 million tons in 1955.

The second difference is the use of the tariff rate quota rather than absolute quotas to regulate supply and demand. This would make the Sugar Program fully legal under the General Agreement on Tariffs and Trade. But there is more to it than that. Every day that we delay implementation of the GATT decision against our sugar quota regime, we give our trading partners an excuse not to implement GATT decisions in our favor, notably increasing access for our dairy products in Canada and for our beef in Korea. Once again, sugar is benefitting at the expense of other agricultural sectors.

I believe that reforming our Sugar Program now, making it GATT consistent, will provide a significant impetus to the agricultural talks in the Uruguay round. If we are seen as willing to undertake politically difficult reforms, we will give others—most notably the Europeans—courage to do the same. By establishing a tariff rate quota that is gradually liberalized over 5 years, we will also be showing other countries how they can dismantle some of their barriers to agricultural trade. Indeed, the administration has proposed a similar mechanism in the GATT talks; we will strengthen the American negotiating position if we are seen as being clearly willing to take some of our own medicine.

There are many other reasons to adopt the Sugar Equity and Reform Act. The current program is bad industrial policy, weakening U.S. competitiveness. As merely one example, the candy industry saw imports skyrocket 140 percent between 1980 and 1987; many other food processing industries have been similarly affected. The program is also bad environmental policy, as the debate over the ecological impact of the sugarcane industry on the Everglades shows. And it is bad consumer policy—for after all, it is the consumer who pays $2 to $3 billion a year to maintain this no cost program.

But in the end, it is the inequities created in our agricultural policy, the contradictions with our foreign policy, and the inconsistencies with our trade policy, that demand that the sugar program be changed this year.

Mr. President, I ask unanimous consent that a section-by-section analysis of this bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SUGAR EQUITY AND REFORM ACT OF 1990: SECTION-BY-SECTION DESCRIPTION

Title I.—Modifies the Agriculture Act of 1949 to establish an equitable sugar price support program.

Section 101.—The Secretary is required to reduce the loan rate for raw sugar by five percent a year in order to gradually adjust supports to a more equitable level. This would result in the following loan rates:

Crop year:	*Cents/pound*
1991	17.10
1992	16.25
1993	15.44
1994	14.67
1995	13.94

The effective level of price support (the Market Stabilization Price or MSP) would eventualy decline 18–20 percent, depending on how much ocean freight costs increase over the next five years.

This would impose the same 10–15 percent reduction on sugar as the Food Security act of 1985 imposed on other crops, and would provide for a modest additional reduction comparable to what other crops might experience either in the 1990 Farm Bill or as a result of other measures to reduce the federal budget deficit. By 1995/96 the MSP would be about 18 cents per pound, i.e. the same as the current loan rate.

Other aspects of the sugar program would be continued in their current form. The Secretary would set the loan rate for refined beet sugar at its traditional level relative to that for raw cane sugar. Loans would be for a period of six months and would mature before the end of the fiscal year in which they are issued so that the Commodity Credit Corporation books will not show significant outlays or revenues from the sugar program.

Title II.—Requires the use of a tariff rate quota to make the sugar price support program effective and to enable the United States to meet its obligations under the General Agreement on Tariffs and Trade, provides guidelines for implementation of such tariffs, and strikes the no cost provision.

Section 201(a).—This requires the Secretary to announce both a "market stabilization price" (MSP) and a "threshold price' 30 days before the marketing year (fiscal year) begins. In comparison to current regulations, the MSP would be based on the loan rate for raw cane sugar in Hawaii, rather than the national average, since the purpose of the MSP is to represent the level of market prices that would prevent Hawaiian sugar destined for East Coast refineries from being forfeited under the loan program. The only other change is to delete the unnecessary "incentive factor" of 0.20 cents per pound from the MSP formula.

The threshold price is defined as the MSP plus one cent. It serves as a reference level for determining one of the tariff rates, as described further below.

Section 201(b).—This section directs the President to use his existing authorities to implement a tariff rate quota. The articles covered by the current quota system would be allowed to be imported subject to current tariff rates of approximatley 0.625 cents per pound of raw sugar up to a specified quantitative limit. Duty free treatment on those quantities currently provided through the GSP or the CBI would be preserved, but imports entered above quota limits at higher tariff rates would not be duty exempt.

Section 201(c).—Quotas for entry at the lowest tariff rate would continue to be allocated on a country-by-country basis, with the same shares as in recent years, recognizing that countries are occasionally added to or deleted from the list of eligible suppliers, that minimum quantities for the basket category change from year to year, and that shortfalls have to be reallocated. A minimum quota of one million metric tons is established for 1991-92, with subsequent increases of 250,000 tons per year until the minimum reaches 2 million metric tons in 1995-96.

This provision would once again give foreign suppliers a significant share of the U.S. sugar market. The final minimum import level of two million tons is approximately equal to the minimum import quota that could be imposed under section 22, i.e. 50 percent of the average 4 million metric ton import level in the 1975-81 period when quotas were not in effect.

The Secretary retains the discretion to adjust the length of quota periods and the size of the quota in order to insure that supply and demand are kept in balance and that adequate stock levels are maintained. Therefore he could continue to adjust the level and pace of imports as necessary to insure effective operation of the sugar program, provided that imports do not go below the minimum level assured to foreign suppliers.

Section 201(d).—With a tariff rate quota, sugar may enter the United States at a higher tariff rate in addition to the quota amounts that can enter at the lowest tariff rate. This section defines the higher tariff rate as the difference between the threshold price and the ten-day average of the world price for raw sugar, FOB Caribbean, delivered to the United States. Consequently, if domestic raw sugar prices rise above the threshold price, it will become profitable for refiners and sugar importers to bring in non-quota sugar and pay the higher duty. As long as the world price is below the U.S. price this will provide a ceiling on U.S. prices, just as the sugar price support program provides a floor.

Section 201(e).—This section provides that quota-exempt sugar entered for production of polyhydric alcohol or for re-export as refined sugar or in sugar-containing products will enter at the lowest tariff rate.

Section 202.—This eliminates the no-cost provision included in the 1985 farm bill, putting sugar on the same footing as all other price support crops. However, no budget costs are expected to be incurred if this legislation is passed. Projected supply demand balances indicate that imports would need to be higher than the minimum levels in any case.●

By Mr. McCONNELL:

S. 2317. A bill to require Federal, State, and local law enforcement agencies to report all cases of missing persons under age 18 to the National Crime Information Center of the Department of Justice; to the Committee on the Judiciary.

NATIONAL CHILD SEARCH ASSISTANCE ACT OF 1990

● Mr. McCONNELL. Mr. President, today I rise to introduce a bill that would unite our search efforts for missing children throughout the Nation by funneling information to our primary source, the National Center for Missing and Exploited Children. As my colleagues will recall, in 1987 I introduced legislation, which subsequently passed, that provided States with assistance to establish or expand clearinghouses to locate missing children. Over the past 3 years, these clearinghouses have successfully assisted parents and local authorities in locating thousands of missing children. To date, 48 States have developed such clearinghouses, and the two remaining States are preparing to implement similar programs. The ground swell of support for these types of organizations is providing hope to families across America that maybe theirs will be the next child found.

Now, Mr. President, the time has come to bring the resources of these missing children clearinghouses together. A time to implement a system through which divisions of the Office of Juvenile Justice could retrieve information relating to every reported case of a missing child in the United States. I have spoken with the Department of Justice, the International Association of Chiefs of Police, the FBI and numerous children's organizations concerning the matter. These groups agree that State police departments and clearinghouses should report missing children information to the National Crime Information Center in a uniform fashion. They are confident that this would greatly increase the ability of the National Center for Missing and Exploited Children to do exactly what Congress mandated with the Missing Children Assistance Act of 1984, find our missing children.

The National Center for Missing and Exploited Children is the coordinating agency for the child search effort, working with parents and police to track children as missing. Since its inception, the center has found over 12,000 children and trained 30,000 law enforcement officers in child location techniques.

However, this child search effort has been hindered by the lack of a comparable nationwide network of State clearinghouses. Although these States have methods of collecting information on missing children cases, there is not a cohesive network among these States.

Currently, the facilities are in place at the National Crime Information Center to receive these missing children reports, and the State clearinghouses and police departments are ready to provide the needed information. All that's missing, ironically, is Congress.

The process is quite simple. State authorities would provide information pertaining to missing children cases in their State to the National Crime Information Center in Washington. The National Crime Information Center would then process and store the data in their computer banks. When the time arose that an agency required assistance with a particular case, the National Crime Information Center could easily provide necessary data and reports from across the country instantly. For those States which fail to report to the National Crime Information Center, cases of missing children in their jurisdiction, funding authorized by the Missing Children Assistance Act of 1984, would be withheld.

Today, I ask my fellow Senators to provide the leadership and direction for this cause by taking another step to protect our Nation's future, another step to locate our missing children. A nationwide resource center to provide information relating to all missing children reports is necessary now. So little is needed to accomplish so much.●

ADDITIONAL COSPONSORS

S. 137

At the request of Mr. Boren, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 416

At the request of Mr. Domenici, the names of the Senator from Massachusetts [Mr. Kennedy], the Senator from Maine [Mr. Cohen], and the Senator from Massachusetts [Mr. Kerry] were added as cosponsors of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost of living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 1216

At the request of Mr. Simon, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 1216, a bill to amend the National Labor Relations Act to give employers and performers in the live performing arts, rights given by section 8(e) of such act to employers and employees in similarily situated industries, to give to such employers and performers the same rights given by sections 8(f) of such act to employers and employees in the construction industry, and for other purposes.

S. 1349

At the request of Mr. Pryor, the name of the Senator from Michigan [Mr. Riegle] was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements.

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S. 1629

At the request of Mr. SPECTER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1629, a bill to establish clearly a Federal right of action by aliens and United States citizens against persons engaging in torture or extrajudicial killings, and for other purposes.

S. 2005

At the request of Mr. GRAHAM, the names of the Senator from Nevada [Mr. BRYAN], the Senator from Idaho [Mr. SYMMS], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 2005, a bill to repeal the provision of law exempting intercity rail passenger service from certain waste disposal requirements.

S. 2034

At the request of Mr. BINGAMAN, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 2034, a bill to authorize the creation of a National Education Report Card to be published annually to measure educational achievement of both students and schools and to establish a National Council on Educational Goals.

S. 2035

At the request of Mr. BINGAMAN, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 2035, a bill to establish a commission to examine the advisability of lengthening the school day and school year in U.S. public elementary and secondary schools.

S. 2041

At the request of Mr. SYMMS, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 2041, a bill to amend title XVIII of the Social Security Act to provide uniform national conversion factors for services of certified registered nurse anesthetists.

S. 2067

At the request of Mr. FOWLER, his name was added as a cosponsor of S. 2067, a bill to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

S. 2119

At the request of Mr. LEAHY, the names of the Senator from Maine [Mr. COHEN] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 2119, a bill to amend the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to increase the total amount of commitments which may be made to finance projects for housing and infrastructure in Israel for Soviet refugees, and for other purposes.

At the request of Mr. KASTEN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2119, supra.

S. 2179

At the request of Mr. SIMON, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 2179, a bill to maintain funding for State and local law enforcement programs in the war against drugs and crime.

S. 2210

At the request of Mr. HEINZ, his name was added as a cosponsor of S. 2210, a bill to provide for preservation of competitive rail freight service routes in the Northeastern United States.

At the request of Mr. D'AMATO, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2210, supra.

S. 2216

At the request of Mr. COATS, the names of the Senator from Arizona [Mr. DECONCINI] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 2216, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses.

S. 2234

At the request of Mr. PRESSLER, his name was added as a cosponsor of S. 2234, a bill to extend the price support program for wool and mohair.

S. 2241

At the request of Mr. GRAHAM, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 2241, a bill to provide scholarships to law enforcement personnel who seek further education.

SENATE JOINT RESOLUTION 224

At the request of Mr. BYRD, the names of the Senator from Missouri [Mr. BOND] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 231

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming [Mr. WALLOP] was added as a cosponsor of Senate Joint Resolution 231, a joint resolution to designate the week of June 10, 1990, through June 16, 1990, as "State-Supported Homes for Veterans Week."

SENATE JOINT RESOLUTION 240

At the request of Mr. SYMMS, the names of the Senator from West Virginia [Mr. BYRD], the Senator from Maine [Mr. COHEN], and the Senator from North Carolina [Mr. SANFORD] were added as cosponsors of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 246

At the request of Mr. BOSCHWITZ, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 246, a joint resolution calling upon the United Nations to repeal General Assembly Resolution 3379.

SENATE JOINT RESOLUTION 262

At the request of Mr. SIMON, the names of the Senator from Virginia [Mr. WARNER], the Senator from Ohio [Mr. METZENBAUM], the Senator from Indiana [Mr. LUGAR], the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. GLENN], the Senator from Utah [Mr. GARN], the Senator from Idaho [Mr. MCCLURE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Alabama [Mr. HEFLIN], the Senator from Alaska [Mr. STEVENS], the Senator from Maine [Mr. MITCHELL], the Senator from North Dakota [Mr. CONRAD], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 262, a joint resolution designating March 1990 as "Irish-American Month."

SENATE JOINT RESOLUTION 269

At the request of Mr. D'AMATO, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week."

SENATE CONCURRENT RESOLUTION 62

At the request of Mr. DODD, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of Senate Concurrent Resolution 62, a concurrent resolution commending the decision of the Board of Immigration appeals to allow Joseph Patrick Doherty to apply for political asylum, expressing concern at the Attorney General's June 30, 1989, decision to deny Joseph Patrick Doherty a political asylum hearing, and asking the Attorney General to respect the BIA decision on political asylum and immediately to release Joseph Patrick Doherty on bond pending final completion of the immigration proceedings.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. HATFIELD, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. Simon, the names of the Senator from Virginia [Mr. Robb], the Senator from Delaware [Mr. Biden], and the Senator from Oregon [Mr. Hatfield] were added as cosponsors of Senate Concurrent Resolution 94, a concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa.

SENATE CONCURRENT RESOLUTION 95

At the request of Mr. Simon, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of Senate Concurrent Resolution 95, a concurrent resolution concerning the consultations of nations at the conference on the reunification of Germany.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. Pressler, the name of the Senator from Mississippi [Mr. Lott] was added as a cosponsor of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular anti-Semitism in the Soviet Union.

SENATE CONCURRENT RESOLUTION 104

At the request of Mr. Biden, the names of the Senator from New Jersey [Mr. Bradley] and the Senator from New York [Mr. D'Amato] were added as cosponsors of Senate Concurrent Resolution 104, a concurrent resolution expressing the concern of the Congress regarding the Birmingham Six, and calling on the British Government to reopen their case.

SENATE CONCURRENT RESOLUTION 106

At the request of Mr. Ford, his name was added as a cosponsor of Senate Concurrent Resolution 106, a concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process.

At the request of Mr. Moynihan, the names of the Senator from Rhode Island [Mr. Pell], the Senator from California [Mr. Cranston], the Senator from Iowa [Mr. Harkin], the Senator from Maryland [Mr. Sarbanes], the Senator from Delaware [Mr. Biden], the Senator from North Carolina [Mr. Sanford], the Senator from Connecticut [Mr. Dodd], the Senator from Texas [Mr. Bentsen], the Senator from Wisconsin [Mr. Kohl], the Senator from Massachusetts [Mr. Kerry], the Senator from Arizona [Mr. DeConcini], the Senator from Washington [Mr. Adams], the Senator from North Dakota [Mr. Burdick], the Senator from Louisiana [Mr. Johnston], the Senator from Massachusetts [Mr. Kennedy], the Senator from Maine [Mr. Cohen], the Senator from Indiana [Mr. Coats], the Senator from Missouri [Mr. Bond], the Senator from Florida [Mr. Mack], the Senator from Colorado [Mr. Armstrong], the Senator from Minnesota [Mr. Durenberger], the Senator from North Dakota [Mr. Conrad], and the Senator from Pennsylvania [Mr. Specter] were added as cosponsors of Senate Concurrent Resolution 106, supra.

SENATE RESOLUTION 231

At the request of Mr. Bradley, the names of the Senator from North Dakota [Mr. Burdick], the Senator from North Dakota [Mr. Conrad], and the Senator from California [Mr. Cranston] were added as cosponsors of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

SENATE RESOLUTION 239

At the request of Mr. DeConcini, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate ceasefire.

AMENDMENT NO. 1321

At the request of Mr. Gorton, the names of the Senator from New Hampshire [Mr. Rudman] and the Senator from New York [Mr. D'Amato] were added as cosponsors of amendment No. 1321 intended to be proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

AMENDMENT NO. 1329

At the request of Mr. Byrd, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of amendment No. 1329 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

AMENDMENT NO. 1345

At the request of Mr. Chafee, his name, and the name of the Senator from Missouri [Mr. Bond] were added as cosponsors of amendment No. 1345 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

At the request of Mr. Boschwitz, the names of the Senator from Mississippi [Mr. Lott], the Senator from Washington [Mr. Gorton], and the Senator from Indiana [Mr. Coats] were added as cosponsors of amendment No. 1345 proposed to S. 1630, supra.

SENATE RESOLUTION 265—AMENDING SENATE RESOLUTION 171 OF THE ONE HUNDRED FIRST CONGRESS

Mr. MITCHELL (for himself and Mr. Dole) submitted the following resolution; which was considered and agreed to:

S. Res. 265

Resolved, That Senate Resolution 171 of the One Hundred First Congress (agreed to on August 4, 1989), as amended by Senate Resolution 241 of the One Hundred First Congress (agreed to on February 6, 1990), is amended—

(a) In section 1(a)(1) by adding "including the District of Columbia," after "United States,"; and

(b) by redesignating section 6 as section 7 and adding after section 5 the following section:

"Sec. 6. Notwithstanding the provisions of rule XXXVIII of the Standing Rules of the Senate, and pursuant to the Senate rulemaking authority provided by subsection (b)(1) of section 7353 of title 5, United States Code, in carrying out the purposes of this resolution the delegation is authorized to solicit, accept, and administer gifts of money, other property, and services, and conduct other transactions related to such purposes.".

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

DOLE (AND PRESSLER) AMENDMENT NO. 1347

Mr. CHAFEE (for Mr. Dole, for himself and Mr. Pressler) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

At the end of the bill, add the following new title:

TITLE —MISCELLANEOUS PROVISIONS

IMPACT ON SMALL COMMUNITIES

Sec. 01. Before implementing a provision of this Act, the Administrator of the Environmental Protection Agency shall consult with the Small Communities Coordinator of the Environmental Protection Agency to determine the impact of such provision on small communities, including the estimated cost of compliance with such provision.

KERRY (AND OTHERS) AMENDMENT NO. 1348

Mr. KERRY (for himself, Mr. Wilson, Mr. Lieberman, Mr. Wirth, Mr. Kohl, Mr. D'Amato, Mr. Biden, Mr. Pell, Mr. Kasten, Mr. Kennedy, Mr. Leahy, Mr. Cranston, Mr. Lautenberg, Mr. Bryan, Mr. Bradley, Mr. Adams, Mr. Metzenbaum, Mr. Harkin, and Mr. Gore) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

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Strike from the beginning of line 1, page 28 through the end of line 8, page 78 and insert in lieu thereof, the following:

(d) Section 110 of the Clean Air Act is amended by adding at the end the following:

"(q) SMALL BUSINESS STATIONARY SOURCE TECHNICAL AND ENVIRONMENTAL COMPLIANCE ASSISTANCE PROGRAM.—

"(1) Each State shall, after reasonable notice and public hearings, adopt and submit to the Administrator as part of the State implementation plan for such State or as a revision to such State implementation plan under this section, plans for establishing a small business stationary source technical assistance program. Such submission shall be made within 24 months after the date of enactment of this subsection. The Administrator shall approve such program if it includes, as appropriate, the following:

"(A) adequate mechanisms for developing, collecting, evaluating, and coordinating information concerning compliance methods and technologies for small business stationary sources (as defined in paragraph (6));

"(B) adequate mechanisms for advising small business stationary sources on pollution prevention, including providing information concerning alternative technologies, process changes, chemical products, and methods of operation that help reduce air pollution;

"(C) a designated State office within the relevant State agency to serve as ombudsman for small business stationary sources in connection with the implementation of this Act;

"(D) adequate mechanisms to assure that small business stationary sources receive notice of their rights under this Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standard issued under this Act; and

"(E) Such a program may, at the discretion of the States include a voluntary Compliance Agreement for Term permits as described in paragraph (3) of this subsection;

"(2) The Administrator shall establish within 9 months after the date of the enactment of this section a small business stationary source technical assistance program. Such program shall—

"(A) assist the States in the development of the program required under paragraph (1) of this subsection and section 112(m);

"(B) issue technical guidance for the use of the States in the implementation of these programs that includes alternative control technologies and pollution prevention methods applicable to small business stationary sources;

"(3) The State may establish a permit program under part B of title III for small business stationary sources located within a nonattainment area, ozone transport area, or subject to a standard under section 112. Such program may provide that—

"(A) a small business stationary source may obtain a Compliance Agreement for Term permit under this subsection as a substitute for any general permit issued under section 353(e);

"(B) such Compliance Agreement for Term permit may be developed after consultation with the small business stationary source or with duly authorized representatives of the small business stationary sources;

"(C) Compliance Agreement for Term permits issued under this subsection to small business stationary source shall require compliance with applicable emission limitations, pollution control measures, and recordkeeping and reporting requirements under this Act: Provided, That methods of compliance with any such standard or requirement may be modified for a small business stationary source in such permit based on the technical and financial capability of the small business stationary source or group of sources and the availability of less burdensome alternatives, and, in particular, pollution prevention measures, that will achieve equivalent emission reductions consistent with the public health, welfare and environmental protection goals and deadlines of this Act;

"(D) any Compliance Agreement for Term permit issued to a small business stationary source under this subsection shall be issued in accordance with the procedures under part B of title III of this Act, and shall be subject to review by the Administrator, as provided in such part;

"(E) the State (or the Administrator) may reduce any fee required under this Act to take into account the financial resources of a small business stationary source;

"(F) requirements for continuous emission monitoring will not be imposed on a small business stationary source (or sources) unless the State (or the Administrator) has determined, on the basis of substantial evidence, that such requirements are necessary and appropriate; and

"(4) With respect to small business stationary sources, in exercising prosecutorial discretion under section 113(c) of this Act, in issuing orders under section 113(d) of this Act, or in determining the amount of any penalty to be assessed under this Act, the United States, the State, and the court shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by credible evidence, payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation.

"(5) Compliance with the terms and conditions of a permit issued in accordance with the requirements of part B of title III and this subsection shall be deemed compliance with all requirements of the Act that are explicitly addressed by such terms and conditions: *Provided, however*, That compliance with the terms and conditions of a permit so issued shall not alter, modify, or otherwise affect the authority of the Administrator under section 303 (emergency powers) or the requirement to comply with any order issued under section 303.

"(6) For purposes of this subsection the term 'small business stationary source' means any stationary source of air pollutants regulated under this Act that emits or has the potential of emitting 100 tons per year or less of volatile organic compounds or any other criteria pollutant or pollutant regulated under section 112. The Administrator, in consultation with the Administrator of the Small Business Administration and after providing notice and opportunity for public comment, may exclude from this definition any category or subcategory of sources that the Administrator determines to have sufficient technical and financial capabilities to meet the requirements of this Act without the application of this subsection.

"(7)(A) The Administrator, acting through the Director of the Office of Small Business Advocacy (hereinafter referred to as the 'Director') to monitor the Small Business Environmental Compliance Assistance Program under this subsection. In carrying out such monitoring activities the Director shall—

"(i) render advisory opinions on the overall effectiveness of the Small Business Environmental Compliance Assistance Program, difficulties encountered, and degree and severity of enforcement;

"(ii) make periodic reports to the Congress on the compliance of the Small Business Environmental Compliance Assistance Program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;

"(iii) review information to be issued by the Small Business Environmental Compliance Assistance Program for small business stationary sources to ensure that the information is understandable by the layperson; and

"(iv) have the Small Business Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

"(8)(A) There shall be created a Compliance Advisory Panel (hereinafter referred to as the 'Panel') on the State level of not less than 7 small business owners. This Panel shall—

"(i) render advisory opinions concerning the effectiveness of the Small Business Compliance Assistance Program, difficulties encountered, and degree and severity of enforcement;

"(ii) make periodic reports to the Administrator concerning the compliance of the State Small Business Environmental Compliance Assistance Program with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act;

"(iii) review information for small stationary sources to assure such information is understandable by the layperson; and

"(iv) have the Small Business Environmental Compliance Assistance Program serve as the secretariat for the development and dissemination of such reports and advisory opinions.

"(B) The Panel shall consist of—

"(i) 2 members selected by the Governor;

"(ii) 2 members selected by the State legislature (1 member each by the majority and minority leadership of the lower house, or in the case of a unicameral State legislature, 2 members each shall be selected by the majority leadership and the minority leadership, respectively, of such legislature, and clause (iii) shall not apply);

"(iii) 2 members selected by the State legislature (1 member each by the majority and minority leadership of the upper house, or the equivalent State entity); and

"(iv) 1 member selected by the head of the department or agency of the State responsible for air pollution permit programs.".

SYMMS AMENDMENT NO. 1349

Mr. SYMMS proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 564 of amendment no. 1293, biginning on line 18 strike the words "and animal production".

DOLE AMENDMENT NO. 1350

Mr. CHAFEE (for Mr. Dole) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 324, line 19, insert after "measures" the following: ", including process changes or substitution of materials".

SIMPSON AMENDMENT NOS. 1351 and 1352

Mr. SIMPSON proposed two amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

Amendment No. 1351

On page 495, between lines 6 and 7, insert the following new section:

ACID DEPOSITION RESEARCH BY THE UNITED STATES FISH AND WILDLIFE SERVICE

Sec. 409. There are authorized to be appropriated to the United States Fish and Wildlife Service of the Department of the Interior an amount equal to $500,000 to fund research related to acid deposition and the monitoring of high altitude mountain lakes in the Wind River Reservation, Wyoming, to be conducted through the Management Assistance Office of the United States Fish and Wildlife Service located in Lander, Wyoming and the University of Wyoming.

Amendment No. 1352

On page 455, between lines 11 and 12, insert the following new section:

STUDY OF BUFFERING AND NEUTRALIZING AGENTS

Sec. . There are authorized to be appropriated to the United States Fish and Wildlife Service of the Department of the Interior an amount equal to $250,000 to fund a study to be conducted in conjunction with the University of Wyoming of the effectiveness of various buffering and neutralizing agents used to restore lakes and streams damaged by acid deposition.

SIMPSON (AND OTHERS) AMENDMENT NO. 1353

Mr. SIMPSON (for himself, Mr. Burns, and Mr. Wallop) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

At the appropriate place in the amendment, add the following new section:

ENVIRONMENTAL IMPACT STATEMENT

Sec. . (a) The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency and the Director of the Centers for Disease Control, shall each prepare an environmental impact statement on the Federal forest fire management policy applicable to lands within their respective jurisdictions.

(b) Such environmental impact statements shall address, among other things, the health effects of cancer causing chemicals in wood smoke and the impacts of smoke and particulates from forest fires on visibility, in class I areas and regional haze.

(c) Based upon such environmental impact statements, the Secretary of Interior and the Secretary of Agriculture shall determine whether to modify the Federal forest fire management policies applicable to lands within their respective jurisdictions.

(d)(1) The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Administrator of the Environmental Protection Agency shall, where appropriate, install temporary air quality-monitors at sites where natural fires are allowed to burn as well as adjacent to such sites where humans reside.

(2) The appropriate Secretary, in consultation with the Administrator, shall determine the nature and location of such monitors, the time and duration of such monitoring activity, and other appropriate criteria related to the monitoring program.

ADAMS (AND OTHERS) AMENDMENT NO. 1354

Mr. ADAMS (for himself, Mr. Hatfield, Mr. Bingaman, Mr. Reid, Mr. Wirth, Mr. Robb, Mr. Matsunaga, Mr. Kerry, Mr. Bryan, Mr. Gore, Mr. Sanford, Mr. McCain, Mr. Chafee, Mr. Simpson, Mr. Domenici, and Mr. Warner) proposed an amendment, which was subsequently modified, to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 127 after line 2 insert the following:

Visibility

Section 169(A) of the amendment is amended by adding the following new section.

"SEC. 169(B).

Studies

(a)(1) The Administrator, in conjunction with the National Park Service and other appropriate federal agencies, shall conduct research to identify and evaluate sources and source regions of both visibility impairment and regions that provide predominantly clean air in class I areas. A total of $8 million per year for 5 years is authorized to be appropriated for the Environmental Protection Agency and the other federal agencies to conduct this research. The research shall include—

(A) expansion of current visibility related monitoring in class I areas;

(B) assessment of current sources of visibility impairing pollution and clean air corridors;

(C) adaptation of regional air quality models for the assessment of visibility;

(D) studies of atmospheric chemistry and physics of visibility.

(2) Based on the findings available from the research required in subsection (a)(1) of this section as well as other available scientific and technical data, studies, and other available information pertaining to visibility source-receptor relationships, the Administrator shall conduct an assessment and evaluation that identifies, to the extent possible, sources and source regions of visibility impairment including natural sources as well as source regions of clear air for class I areas. The Administrator shall produce interim findings from this study within 3 years of enactment.

Impacts of Other Provisions

(b) Within 24 months of enactment, the Administrator shall conduct an assessment of the progress and improvements in visibility in class I areas that are likely to result from the implementation of the provisions of the Clean Air Act Amendments of 1990 other than the provisions of this section. Every five years thereafter the Administrator shall conduct an assessment of actual progress and improvement in visibility in class I areas. The Administrator shall prepare a written report on each assessment and transmit copies of these reports to the appropriate committees of Congress.

Establishment of Visibility Transport Regions and Commissions

(c)(1) Authority to Establish Visibility Transport Regions.—Whenever, upon the Administrator's motion or by petition from the Governors of at least two affected states, the Administrator has reason to believe that the current or projected interstate transport of air pollutants from one or more States contributes significantly to visibility impairment in class I areas located in the affected States, the Administrator may establish a transport region for such pollutants that includes such States. The Administrator, upon the Administrator's own motion or upon petition from the Governor of any affected State, or upon the recommendation of a transport commission establishes under subsection (b) of this section may—

(A) add any State or portion of a State to a visibility transport region when the Administrator determines that the interstate transport of air pollutants from such State significantly contributes to visibility impairment in a class I area located within the transport region, or

(B) remove any State or portion of a State from the region whenever the Administrator has reason to believe that the control of emissions in that State or portion of the State pursuant to this section will not significantly contribute to the protection or enhancement of visibility in any class I area in the region.

(2) Visibility Transport Commissions.—Whenever the Administrator establishes a transport region under subsection (c)(1) of this section, the Administrator shall establish a transport commission comprised of (as a minimum) each of the following members:

(A) The Governor of each State in the Visibility Transport Region, or the Governor's designee.

(B) The Administrator or the Administrator's designee; and

(C) A representative of each Federal agency charged with the direct management of each Class I area or areas within the Visibility Transport Region.

(3) All representatives of the federal government shall be ex officio members.

(4) The visibility transport commissions shall be exempt from the requirements of the Federal Advisory Committee Act (5 U.S.C. Appendix 2, section 1).

(5) Section 113(a)(b) and 113(a)(2) are revised to add "or of implementing section 169(B)" after "air pollution)".

Duties of Visibility Transport Commissions

(d) A Visibility Transport Commission:

(1) shall assess the scientific and technical data, studies, and other currently available information, including studies conducted pursuant to subsection (a)(1), pertaining to adverse impacts on visibility from potential or projected growth in emissions from

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sources located in the Visibility Transport Region; and

(2) shall, within four years of establishment, issue a report to the Administrator recommending what measures, if any, should be taken under the Clean Air Act to remedy such adverse impacts. The report required by this subsection shall address at least the following measures:

(A) the establishment of clean air corridors, in which additional restrictions on increases in emissions may be appropriate to protect visibility in affected class I areas;

(B) the imposition of the requirements of Part D of this title affecting the construction of new major stationary sources or major modifications to existing sources in such clean air corridors, specifically including the alternative siting analysis provisions of section 172(b)(11)(A) of this title; and

(C) the promulgation of regulations under section 169A of this title to address long range strategies for addressing regional haze which impairs visibility in affected class I areas.

Duties of the Administrator

(e)(1) The Administrator shall, taking into account the studies pursuant to subsection (a)(1) and the reports pursuant to subsection (d)(2) and any other relevant information, within eighteen months of receipt of the report referred to in subsection (d)(2) of this section, carry out the Administrator's regulatory responsibilities under section 169A, including criteria for measuring "reasonable progress" toward the national goal.

(2) Any regulations promulgated under section 169A of this title pursuant to this subsection shall require affected States to revise within 12 months their implementation plans under section 110 of this title to contain such emission limits, schedules of compliance, and other measures as may be necessary to carry out regulations promulgated pursuant to this subsection.

Grand Canyon Visibility Transport Commission

(f) The Administrator pursuant to subsection (c)(1) shall, within 12 months, establishing a visibility transport commission for the region affecting the visibility of the Grand Canyon National Park.

(g) Notice to Federal Land Managers.—Section 165(d)(2)(A) of the Clean Air Act is amended to read as follows:

"(2)(A) Upon transmitting a copy of a permit application and notice under paragraph (1) to the Administrator, the State shall also provide a copy of such permit application to any Federal land manager and any Federal official charged with direct responsibility for management of any lands within a class I area, or an area described in paragraph (1) or (2) of section 164(a), which may be affected by emissions from the proposed facility. The Administrator shall require applications submitted under paragraph (1) to contain sufficient information to enable the appropriate Federal land manager of such Federal lands to determine the potential effects of such facility on the air quality related values (including visibility) of such Federal lands.

(h) Identification of Potential Adverse Impacts.—Section 165(d)(2)(b) of the Clean Air Act is amended—after the words "affirmative responsibilities to" add the words "identify and".

HELMS (AND OTHERS) AMENDMENT NO. 1355

Mr. HELMS (for himself, Mr. D'Amato, Mr. Armstrong, Mr. Kasten, Mr. Humphrey, Mr. Pressler, Mr. Murkowski Mr. Mack, and Mr. Domenici) proposed an amendment to amendment No. 1293 (in the nature of a substitute), proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

At the end of amendment 1293, add the following new section:

"Sec. . Relating to international cooperation with respect to the independent Republic of Lithuania.

The Senate finds that:

On February 16, 1918, the sovereign Lithuanian people declared their independence from foreign domination; and

On July 12, 1920, the Government of the Union of Soviet Socialist Republics recognized Lithuanian independence and renounced forever any claim over Lithuania or its territory; and

On June 15, 1940, the independent state of Lithuania was militarily occupied by the Soviet Union in violation of peace treaties signed by the Soviet Union and Lithuania in 1920; and

Immediately following the illegal annexation of Lithuania, Latvia and Estonia in 1940, President Franklin Delano Roosevelt refused to recognize the Soviet claim to the independent Baltic States and adopted the policy of nonrecognition of the forced seizure of territories; and

Each President through ten administrations of both political parties since the time of President Roosevelt, including President Bush, has refused to recognize the annexation of Lithuania, Latvia and Estonia by the Soviet Union; and

The United States has maintained diplomatic relations with the charge d'affairs at the Legation of Lithuania who has continued to represent Soviet-occupied Lithuania since 1940; and

On February 24, 1990, the people of Lithuania held free and fair democratic elections under the specter of the occupation Red army, in which candidates who supported independence from Moscow, the removal of Soviet troops and military installations and the creation of a free market economy succeeded overwhelmingly over the communist party loyal to Moscow; and

On March 11, 1990, the Lithuanian Parliament proclaimed "the restortion of the exercise of sovereign powers of the Lithuanian state, which were suspended by an illegal occupation in 1940," and declared that "Lithuania is once again an independent state."; and

Pursuant to the U.N Charter Lithuania has exercised its internationally recognized right of self-determination by declaring independence from the Soviet Union; and

The Lithuanian Parliament elected Vytautas Landsbergis, a non-Communist leader of the Sajudis opposition group, as President of the independent Republic of Lithuania and has formed a government which reflects the full aspirations of the Lithuanian people; and

The Republic of Lithuania is now in legal control of the Government and the territory of independent Lithuania; and

Hundreds of thousands of Soviet Red Army troops and all Soviet military institutions nevertheless illegally remain in the independent Republic of Lithuania, contrary to the wishes of the government of Lithuania; and

Soviet President Mikhail Gorbachev and the Congress of People's Deputies have called the Lithuania Parliament's declaration of independence illegitimate and invalid and maintain that Soviet law remains binding on the citizens of independent Lithuania; and

The declaration by President Gorbachev and the Soviet Congress of People's Deputies is ultra vires; and

President Vytautas Landsbergis has called upon "the governments of democratic nations" to recognize the "laws and legislative acts of March 11, 1990 and to recognize the new Government of Lithuania":

The Senate therefore—

(1) congratulates President Bush for responding to the declaration of independence by urging Moscow to begin negotiations with the Lithuanian leaders;

(2) urges the President to recognize immediately the current democratic Government of Lithuania headed by President Vytautas Landsbergis and to establish direct relations with such government, since it represents the democratic aspirations of the people of Lithuania;

(3) calls upon the President to send appropriately accredited diplomatic representation at the ambassadorial level to the independent Republic of Lithuania under his constitutional authority and to invite the Republic of Lithuania to name an ambassador to the United States; and

(4) urges the Soviet Union to desist from the threat of or use of military force, tactics of intimidation, or economic sanctions in order to suppress democracy in the independent Republic of Lithuania.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Wednesday, March 28, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building on S. 381, recognition of Mowa Band of Choctaw Indians; S. 1413, Aroostook Band of Micmacs Settlement Act; S. 1747, Ponca Restoration Act; and S. 1918, Jena Choctaw.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a hearing on Thursday, March 22, 1990, beginning at 9:30 a.m., in 485 Russell Senate Office Building on Indian health facilities.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy Research and Development.

The purpose of the hearing is to receive testimony on Senate bill S. 1848, the Natural Gas Cofiring Promotion Act of 1989.

The hearing will take place on Tuesday, May 8, 1990 at 2:15 p.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to provide written testimony for the printed hearing record should send it to the Subcommittee on Energy Research and Development, U.S. Senate, Washington, DC 20510, Attn: Ben Cooper or Cheryl Moss.

For further information, please contact Ben Cooper or Cheryl Moss at (202) 224-7569.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, March 21, at 9:30 a.m., for a hearing on S. 2274, the Federal Pay Comparability Reform Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate, Wednesday, March 21, 1990, at 10 a.m. to hold hearings on Third World debt strategy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, March 21, 1990, at 10 a.m., to hold a hearing on the impeachment of article III judges, Senate Joint Resolution 232, Senate Joint Resolution 233, and Senate Joint Resolution 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on March 21, 1990, at 2:30 p.m. on magnetically levitated transportation: S. 1898 and S. 2286.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 21, 1990, immediately following the 10 a.m. full committee nomination hearing, on FCC's syndicated exclusivity and network nonduplication rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on March 21, 1990, at 10 a.m. on the nomination of James B. Edwards to be a member of the Communications Satellite Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Armed Services Committee be authorized to meet in open session on Wednesday, March 21, 1990, at 2 p.m. to receive testimony on the lessons learned from recent procurement fraud investigations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Wednesday, March 21, at 10 a.m. to hold a hearing on American business initiative in Eastern Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, March 21 1990, at 9:30 a.m. to hold a hearing in preparation for the 1990 farm bill. The hearing will address general farm issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, March 21, 1990, at 10 a.m. for a hearing on reauthorization of the National Bone Marrow Registry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, March 21, 1990, at 9:30 a.m. The committee will hold a hearing on the problems that confront small businesses in complying with the Environmental Protection Agency's regulations on underground storage tanks.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 21, 1990, at 2 p.m. to hold a hearing on various proposals, including a Kassebaum-Dole bill (S. 1654), exploring the effects of short-term trading on long-term investments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(a) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 20, 1990.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through March 9, 1990. The estimates for budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under section 308(b) and in aid of section 311 of the Con-

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gressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since may last report, dated March 5, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,

Robert D. Reischauer.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 2D SESS., AS OF MAR. 9, 1990

[In billions of dollars]

Fiscal year 1990	Current level [1]	Budget resolution, H. Con. Res. 106	Current level (+/−) resolution
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,984.6	3,122.7	−138.1
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlement or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus MDA.

PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990 AS OF CLOSE OF BUSINESS MAR. 9, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions			
Revenues			1,068,600
Permanent appropriations and trust funds	954,917	791,226	
Other legislation	639,255	638,374	566
Offsetting receipts	−237,825	−233,738	
Total enacted in previous sessions	1,356,347	1,195,862	1,069,166
II. Enacted this session			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution			
Salaries of judges	−2	5	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−2		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−624	−192	
Federal unemployment benefits (FUBA)	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black Lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to States for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to States	84	84	
Payments to States for AFDC work programs	15	15	
Payments to States for foster care	−83		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	(1)	(1)	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	(1)	(1)	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−800		
Child nutrition programs	−74		
Federal crop insurance corporation fund	(1)		
Agriculture credit insurance fund	342		
Rural housing insurance fund	(1)		
Rural communication development fund	(1)		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	448	398	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	238	238	
Disaster relief	−1,100	−883	
Total entitlement authority	−1,757	62	
VI. Adjustment for Economic and Technical Assumptions	−28,685	−26,763	−8,900
Total current level as of Mar. 9, 1990	1,325,905	1,169,160	1,060,266
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		3,960	
Under budget resolution	3,495		5,234

[1] Less than $500 thousand.

Notes.—Numbers may not add due to rounding. Amounts shown in parenthesis are interfund transactions that do not add to totals.●

A TRIBUTE TO H. JOSEPH RHODES

● Mr. SYMMS. Mr. President, during the past decade I have been privileged to work with many fine Federal employees who give unselfishly of themselves for the betterment of public policy. One of these individuals is H. Joseph Rhodes of the Federal Highway Administration.

With no fanfare and little public acclaim, Joe epitomizes the finest of what the term "public servant" is meant to connote. His reliance on sound professional judgment, combined with an uncompromising adherence to the highest ethical standards, has earned him the respect and friendship of Senate and House Members on both sides of the aisle, as well as the esteem of all segments of the highway community.

For more than 20 years Joe Rhodes has constructively influenced national transportation policy here in Washington, serving with the American Association of State Highway and Transportation Officials [AASHTO] and subsequently with the FHWA. As liaison to the National Governors Association, the National League of Cities, the National Conference of State Legislatures, the National Association of Counties, the U.S. Conference of Mayors, and the National Association of Regional Councils, his insightful understanding of the social and economic implications of transportation policy has well served the Nation, and has helped envolve today's highway policy which is not only to build better roads, but to do so with sensitivity to the environment and to the people they affect. He is a true professional, combining knowledge with integrity and common sense.

On March 9, 1990, Joe ended his decade of outstanding service with the Federal Highway Administration, and he is now Managing Director designee of the Interstate Commerce Commission. We of the Senate Environment and Public Works Committee especially will miss him. Mr. President, I know that my colleagues here in the Senate, our staffs, his associates in Government, and the literally hundreds of individuals throughout the highway community who have benefited from his wise counsel and friendship throughout the year, join me in thanking Joe for his many contributions to the Nation's vital highway program, and wish him continued success in his new undertaking with the Interstate Commerce Commission.●

TERM LIMITS

● Mr. HUMPHREY. Mr. President, support for term limits is growing every day. Although 98 percent of all House incumbents who ran in 1988 were reelected, a recent Gallup Poll has shown that 70 percent of the American public favors the concept of term limitation. In addition, several former Members of Congress have expressed their support for this concept. For the benefit of my colleagues, I would like to share a letter I have recently received from former Congressman Clair W. Burgener, who represented the 43d District of California from 1973 to 1983. The Senator from Arizona [Mr. DeConcini], and I have introduced Senate Joint Resolution 235, and at present, 10 other Senators have cosponsored. I urge all Senators to examine this important resolution. I ask that former Congressman Burgener's letter be inserted in the Record immediately following my statement.

The letter follows:

RANCHO SANTA FE, CA,
March 6, 1990.

Hon. GORDON J. HUMPHREY,
U.S. Senator, New Hampshire,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HUMPHREY: Thank you for your kind and informative letter asking me, as a former Member of Congress, my support for Senate Joint Resolution 235 (Humphrey-DeConcini) which would limit Senators and Members of the House of Representatives to 12 years in office.

I offer my unqualified support for the measure and believe it to be totally and absolutely in the public interest. During my ten years in the House (1973–1983) I introduced similar legislation. The "Press" suggested to me that my authorship of such legislation was not an act of great courage since it was obvious at the time that the Congress would never enact such legislation proposing a Constitutional Amendment. I agreed that its chances were "slim to none"—since only incumbents would be acting upon it. Then they asked the next obvious question—"even if your legislation does not become law, will you apply its provisions to your own political career?" The answer was an unqualified "yes"—and I left after ten years in the House—representing one of the "safest" seats in California. Nothing unusual about that—about 98 percent of the seats in the House—nationwide—are "safe" for the incumbent. This is due, of course, to heavy-handed Gerrymandering—enjoyed by members of both parties in the House—but of course—not in the Senate.

Enough of my "frustration venting"—put me down as a long-term supporter of your proposed legislation—S.J. Resolution 235—and I commend you both for your vision and insight.

Warm personal regards,

CLAIR W. BURGENER,
Former Member of Congress, 43d District, Calif., 1973-1983; Former Chairman, California Republican Party, 1986–1987.●

CONGRATULATIONS TO HUNTINGTON NORTH, INDIANA'S HIGH SCHOOL GIRLS BASKETBALL CHAMPS

● Mr. COATS. Mr. President, recently the team from Huntington North High School captured the title at the 15th Indiana high school girls basketball State championship. Before a crowd of 14,762 in Market Square Arena in Indianapolis, Coach Fred Field's valiant Vikings upset previously unbeaten Bedford North Lawrence by a close score of 50 to 47.

This victory marked the triumphant conclusion to a 21-game winning streak as Huntington North finished its season 26-4 overall. Earlier the girls of Huntington had pulled a stunning upset victory when they made a spectacular comeback from 15 points down late in the third quarter to post a 46 to 42 win over Noblesville in the semifinals. Senior Kamie Arnold scored 17 points and junior Diane Poulson added 16 points in the final contest. Earlier in the season Kamie Arnold was forced to miss several games due to a stress fracture, and the team was forced to rebuild its backcourt after the graduation of Indiana all-star Nancy Hoover. But in the final game Huntington North could do no wrong, as it masterfully mixed its man-to-man, 3-2 and matchup defenses while successfully running its fast break and shooting 50 percent—19 for 38—from the field.

Bedford ended its season 25-1, and Coach Pete Pritchett's team played a great game.

However, Bedford's Shannon Cummings was selected by the IHSAA executive committee to receive the Mental Attitude Award for girls' basketball. This award is presented annually to a senior player in the State finals who excels in mental attitude, athletic ability, scholarship, and leadership during her 4 years in high school. Miss Cummings, a 6-1 forward, captained the stars and, with an 11.8 scoring average, was one of the main reasons for Bedford North Lawrence's success this season. Off the court she has maintained a 3.8 grade point average and is involved in student council, the National Honor Society, and Pep Club, among other activities. She has been a member of the girls' varsity squad during all 4 years of high school.

Shannon Cummings is the kind of well-rounded female athlete that makes Indiana high school basketball so exciting and inspiring. She has earned for her school a $1,000 scholarship from Farm Bureau Insurance, and from us Hoosier high school sports enthusiasts our admiration and best wishes.

Both the Huntington North and Bedford North Lawrence teams are to be congratulated for making it to the finals and providing an exciting conclusion to the girls' basketball season. Special kudos to Huntington North under Coach Fields for winning the State championship.

I would be remiss if I failed to mention those players who were selected for the All-Tourney Team in high school girls' basketball. My congratulations go to Amy Walker, of Bedford North Lawrence, Monica Cox, of Noblesville, and Angela Cotton, of Anderson, all of whom are forwards; Kamie Arnold, of Huntington North, and Areatha Beard, of Anderson, who are centers; Carrie Mount, of Bedford North Lawrence, and Diana Poulson and March Hiner, of Huntington North, are guards.

Clearly, Hoosier basketball players are maintaining the high standards of athletic prowess that we in Indiana have come to expect from our home teams.●

REMOVING RESTRICTIONS ON BELL OPERATIONS

● Mr. SYMMS. Mr. President, I was recently contacted by Senator Mike Crapo and Representative Tom Boyd, the president pro tem of the senate and the speaker of the house of the Idaho Legislature. The Idaho Legislature recently passed House Joint Memorial 15, which encourages Congress and the President to enact appropriate legislation to remove restrictions currently imposed on Bell operating companies. Senator Crapo and Speaker Boyd asked me to insert the memorial in the CONGRESSIONAL RECORD for my colleagues' review, and I am pleased to do so. I ask that this joint memorial appear in the RECORD following my remarks.

The joint memorial follows:

HOUSE JOINT MEMORIAL No. 15

Whereas, advances in technology have brought our society to the threshold of the information age; and

Whereas, the national welfare will be greatly enhanced by bringing about the universal availability of the information age to the American people through the development and deployment of innovative technologies; and

Whereas, the provision of information services, and the removal of judicially imposed restrictions on the development and availability of such services, will stimulate and encourage use of information age technology by the American people; and

Whereas, it is the responsibility of Congress, rather than the courts, to determine communications public policy including its effect on economic competitiveness, national security, and foreign trade which are essential elements of a sound national telecommunications policy; and

Whereas, the continued economic growth and international competitiveness of American industry are dependent upon permitting all American companies to provide information services, to conduct research and to design, develop, manufacture, and market software, firmware, telecommunications equipment and customer premises equipment for all American residential, business and governmental telecommunications users; and

Whereas, it is imperative that American industry provide new and innovative telecommunications services and an efficient, reliable, state-of-the-art, and internationally competitive public telecommunications network to serve the growing needs of the people of the United States; and

Whereas, existing new and innovative telecommunications technologies are less accessible and less affordable in rural and small communities than in larger, urban centers; and

Whereas, the Federal Communications Commission is the appropriate federal agency, in conjunction with appropriate state regulatory agencies, to ensure fair competition in the telecommunications industry, while protecting the interests of the basic local exchange customers; and

Whereas, the court order, referred to as the "Modification of Final Judgment" (MFJ) that broke up the former Bell System, prohibits the divested Bell operating companies from participating in certain telecommunications markets, namely, manufacturing and information services and long distance services; and

Whereas, the MFJ has prevented some two-thirds of America's domestically-owned telecommunications industry from compet-

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ing with foreign telecommunications firms in the United States; and

Whereas, removal of MFJ restrictions on manufacturing of telecommunications equipment and customer premises equipment and on provision of information services would foster American competitiveness because:

(a) Removal would facilitate competitiveness with foreign telecommunications companies who are free to compete in markets in the United States;

(b) Removal would help bring needed telecommunications technologies that are already in existence, but which the Bell operating companies are prohibited from providing by the MFJ, to hearing impaired persons, rural schools and hospitals and others who might benefit from improved and affordable telecommunications;

(c) Removal would help stimulate the invention of new and innovative telecommunications technologies and facilitate access of said innovations to rural America;

(d) Removal would encourage investment in research, development, design and manufacture of telecommunications and customer premises equipment: Now, therefore, be it

Resolved by the members of the Second Regular Session of the Centennial Idaho Legislature, the House of Representatives and the Senate concurring therein, That we urge the President of the United States, George Bush, and the Congress of the United States to remove restrictions that prohibit Bell operating companies from engaging in the manufacture of telecommunications equipment and customer premises equipment and the provision of information services, in the public interest of the citizens of the state of Idaho and the citizens of the United States of America, through the passage of appropriate legislation: Be it further

Resolved, that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, George Bush, and to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.●

WILKENING LEAVES BIG FOOTPRINTS AT WILDER

● Mr. DURENBERGER. Mr. President, a subtle change was made recently in the fabric of St. Paul's community service structure. It made no bold headlines in the area's daily papers. And, it was not the result of budget cuts, a hostile take-over or an election.

Rather, it was the decision of one dedicated man to draw to a close his service to a powerful community legacy, and the great good for which it has come to stand.

Leonard H. Wilkening has served the people of the St. Paul area community, via his position as CEO of the Amherst H. Wilder Foundation, for more than two decades.

The Wilder Foundation is the largest nonprofit human services organization in Minnesota and has gained a national reputation for its commitment, compassion, and results. That standing can be traced directly to Wilkening's leadership, and the direction he has given the 80-year-old foundation.

Under Wilkening's administration, the foundation has not only grown in its financial stability, but maintained its historical intention to support and foster community residents in need. The foundation's endowment has grown substantially in the past 20 years, as has its operating budget.

Subsequently, the Wilder Foundation has become a formidable employer, and, under Wilkening's governing hand, a breeding ground for those concerned with addressing unmet community needs.

Over the years, Wilkening has gained a herd of followers and admirers who are sorry to see him retire from his hands-on leadership of the foundation. However, there is no one more deserving of many years of relaxation and family time than he.

That which Wilkening has given to the community is indeed a tremendous gift. And as we continue to receive from him, in his new role as the organization's first "Wilder Fellow," we can rejoice in his generosity and good spirit, making tomorrow's world even better.

Ron Clark, the St. Paul Pioneers Press' editorial page editor feels much the same way. He recently wrote an insightful tribute to Wilkening which I ask to insert at this point in the RECORD, as a proper honor to the distinguished career of Leonard Wilkening.

The article follows:

[From the St. Paul Pioneer Press, Mar. 4, 1990]

WILKENING LEFT BIG FOOTPRINTS AT WILDER

(By Ronald D. Clark)

For more than two decades, Leonard H. Wilkening has been a giant around these parts. You don't expect giants of his size to slip into retirement with little or no fanfare. But Wilkening managed to do so as skillfully as if some Jack had lent him a magical beanstock on which he could climb out of view.

Wilkening, 64, joined the staff of the Amherst H. Wilder Foundation in 1968 and became its chief executive officer in 1971. He was only the third CEO of the foundation, created in 1910 with $2.6 million from the family fortune of one of St. Paul's pioneer businessmen, Amherst H. Wilder.

When a national search for a new CEO settled in January on Thomas Kingston, Wilder's senior vice president and head of direct care services, Wilkening decided not to stick around until June 30 as planned. Kingston was ready to go; no transition period was necessary. So Wilkening—the Regina, Saskatchewan, native, former United Way executive and Navy Air Corps veteran—left in mid-February.

In his last few days on the job, Wilkening was toasted at various Wilder celebrations, the largest being a gathering of some 300 present and former staff members and the directors at the foundation's headquarters at 919 Lafond Ave. in St. Paul. Speakers there helped make connections between Wilkening's two sides; hard-driving, aggressive and very results-oriented on the one hand, and tender and supportive on the other.

"He was very demanding, always on the side of making sure something was done right, never satisfied until it was done right," said Kingston. At times, those demands could get under the skin of Wilder's staff, but no one could argue with the results. At the going-away party, staff members took time to thank Wilkening for the "tough love" he showed toward them, said Kingston.

Tributes also flowed at several receptions for Wilkening at Wilder facilities, including a day care center that serves many children and families of color in the Frogtown neighborhood. A party thrown by some 100 youngsters at the center moved Wilkening to tears.

His retirement ends a remarkable era for a remarkable St. Paul-based non-profit human service organization, the largest of its kind in the state and one with few peers nationally. Wilder is not flashy; it doesn't get its name in the newspapers or on TV and radio a lot. It just quietly goes about making life easier for people in the Metro East area who are in difficult circumstances.

Widier means many things, most of them related to helping families, refugees, children and the elderly in need. It also owns and manages more than 1,000 units of housing.

Under Wilkening's tenure, Wilder's programs have taken root and blossomed as rapidly as daffodils in spring. Operating expenses went from $2.8 million in 1969 to $35 million this year. The foundation now operates more than 50 direct service programs. The growth was possible without draining the endowment, now at $143.7 million, because of a rule of thumb Wilkening imposed: He insisted on leveraging $3 from the outside—government, the private sector, other foundations—for every $1 of trust money. He consistently met that target. Endowment earnings applied to this year's operating budget are expected to be nearly $9 million.

Wilkening has become such a part of the social services fabric in the Metro East area that its marks are everywhere. In 1989, the foundation provided direct care assistance to nearly 20,000 community residents; it supplies housing for 2,380 residents. Many cities around the country would turn cartwheels to get a Wilder in their midst.

Not to speak of getting a community leader like Wilkening. "He has done as much as anyone I know to help this community address human need," said Diane Ahrens, Ramsey County commissioner. She has frequently turned to Wilkening to help the county evaluate human service problems and design programs to meet them. "Whenever I knew there was a tough job to be done, frankly, I called Leonard," she explained. "He never ever turned me down."

Wilder is planning a community reception to honor Wilkening in April. He and his wife Jean, who uses a wheelchair as a result of polio in 1952, will split their retirement years between homes in Grand Rapids and St. Paul. He is exploring options to consult and launch a development program for Widler to increase its endowment. Wilder's directors also have named him their first Wilder Fellow, meaning that he will continue serving as a Wilder ambassador to the community on human service issues.

Translation: Giants that ascend beanstalks don't disappear forever. In Leonard Wilkening's case, that's good news.●

EXCELLENCE AWARD FOR TROSTEL

● Mr. KASTEN. Mr. President, I rise today to honor the accomplishment of one of my truly distinguished corporate constituents—Albert Trostel Packings, Ltd., of Lake Geneva, WI.

Trostel has been a real leader in quality and cost containment—and its achievements have earned it the General Motors Mark of Excellence Award, a recognition of quality that has been conferred on only 86 of General Motors' more than 14,000 suppliers.

Trostel is the largest employer in the Lake Geneva area, and has earned widespread praise for its precision seals for automotive and other manufacturers. Robert Gamache, the company's president, says this recent award is a tribute to Trostel's employees—I agree, and I think all America could learn from Trostel's dedication to quality and its example of hard work.●

QUESTIONING JAPAN'S HONOR

● Mr. DURENBERGER. Mr. President, I was interested to discover recently that a constituent of mine from Prior Lake, MN, had a paper published in the August 1989 issue of Stars and Stripes. Dr. Guy J. Kelnhofer, Jr.'s paper, "Questioning Japan's Honor," is an essay on the history of American and Japanese relations, beginning with World War II, and the prospects for future relations with Japan.

Dr. Kelnhofer spent nearly 4 years in a Japanese prisoner of war camp following the surrender of Wake Island in 1941. He is disabled as a result of the injuries he received, and is a member of the American Defenders of Bataan and Corregidor, the Wake Island Defenders, and the Disabled American Veterans. As a tribute to his outstanding service to his country and his unique insights, I ask that Dr. Kelnhofer's paper appear at this point in the RECORD.

The document follows:

QUESTIONING JAPAN'S HONOR

(By Guy J. Kelnhofer, Jr., Ph.D.)

There are certain events which change the world. Our world was never the same after December 7, 1941. That begun as a peaceful Sunday morning until the calm was shattered in Pearl Harbor, Hawaii. People on their way to church or just sitting down to breakfast found their ordered world destroyed suddenly by wave after wave of bombing and strafing Japanese war planes. This was how the Japanese Government informed the United States that war was declared. It was truly a "day of infamy."

The long, bloody war that followed the unprovoked attack on Pearl Harbor stands out as a watershed event in the history of Japan and the United States. Yet, it is a conflict which now is largely forgotten and seemingly it is ignored by the current generation of Americans and Japanese. Partly, it is the result of deliberate policy. Through a judicious mix of revisionist history and censorship, Japan tries to escape reminders of her past mistakes. America also downplays this aspect of our relations with Japan as it seeks to building strong ties to a country that has become an important economic and political ally.

This conspiracy of silence about the recent past endangers the development of that trust which both countries strive to achieve in their transactions each other. There remain lingering after with effects of that war because certain questions persist which leave that conflict not wholly settled. Japan and the United States need to move beyond these lasts doubts if we are to have a durable peace and ensure harmonious relations between our two peoples.

More than forty years have passed since Japan was forced to give up its grandiose plans of establishing through military conquest a Greater East Asia Co-Prosperity Sphere. When Japan surrendered in 1945, its economy was destroyed; its major urban centers were piles of smouldering rubble; and its people were starving. Despair and fear gripped the defeated Japanese. There was a widespread expectation that the victorious Americans would deal as harshly with the defeated civilians of Japan as Japan's own forces had dealt with the populations of the territories they had so recently occupied.

Through the generosity of the American people, the humanity and vision of General McArthur, and the industriousness of the Japanese workers, Japan rebuilt its economy. Today, more than forty years after the cessation of hostilities, Japan is recognized by the world community for its wealth, its inventiveness, and its productivity. The discipline of its labor force is admired and its production techniques are studied and emulated throughout the world.

Americans find it admirable that our former enemy has risen from the ashes of defeat to become a world renowned economic success. Many of us, however, temper our admiration for Japan's progress with a gnawing suspicion about that country's ambition concerning economic and political leadership. We are not sure that Japan is really the trustworthy ally that it purports to be.

Looking back on Japan's past behavior, many Americans question whether the present economic contest between our two countries is wholly peaceful in its intent. Some have suggested that this economic rivalry constitutes a strategic continuation of the struggle that we thought was ended in the surrender ceremonies aboard the U.S.S. *Missouri* in 1945. It seems to many Americans that Japan gave up the military phase of its campaign of domination but that it failed to give up its imperialist ambitions.

Are these unwarranted suspicions? Is there reason to believe that Japan is not an honorable nation in which we can safely repose our trust? How well would the Japanese score on our tests of their ethical standards in foreign relations?

Foreign observers have commented on the high regard accorded to personal honor by the people of Japan. Affronts to a man's dignity, to his family name, or to his community reputation are deadly serious matters to a Japanese. We Americans share many of these same values, respecting courage, honesty and integrity. Unlike the Japanese, however, we seldom feel impelled to commit suicide to redeem our honor as a consequence of some social disgrace. The Japanese code of honor appears to be more demanding in that respect.

Reviewing Japan's international conduct in the past, we Americans find it difficult to understand how that conduct conforms to our own concepts of honorable behavior. We wonder whether the Japanese may have two different codes of honor; one for their interpersonal and community behavior and another for their behavior abroad. Perhaps the Japanese regard foreigners as little more than brute barbarians whose good opinion is not worthy of regard and may safely be ignored.

For example, in 1941 Japan launched a surprise military attack against the United States while their diplomats were negotiating with ours in Washington, D.C. From an American point of view, that was a treacherous and cowardly action; one which an honorable people would not countenance. Yet, the men who were responsible for that unprincipled act, whose policies brought their country to the very brink of annihilation, are honored and respected by the people of that country. We wonder how to interpret these examples of Japan's concern for international honor.

Americans do not understand how an honorable people could give their allegiance to a military organization which won the reputation of being one of the most brutal and merciless in the annals of history. Testimony at the Tokyo Tribunals by witnesses, survivors and participants proved beyond any doubt that Japanese troops regularly engaged in acts of murder, mutilation, rape, arson, infanticide and cannibalism. Japanese military photographers even filmed such atrocities as the Rape of Nanking. There, in 1937, hundreds of thousands of innocent Chinese civilians were tortured and butchered in a bloody rampage that went on for forty days. Is this the behavior of an honorable people?

The many victims of Japanese cruelties during WW II find it especially difficult to forgive their enemies for their transgressions. The Japanese pretend that there is nothing to forgive. They admit to no wrongdoing. Americans believe that an honorable person admits his errors and tries to atone for any injuries he has caused to innocent parties through his neglect or misconduct.

Recent newspaper accounts tell us about how Japanese leaders are trying to cover up Japan's past misdeeds. Seizuki Okuno, director general of the national land agency, declared that Japan, the country that occupied Korea, invaded China, and attacked the USA in peacetime, was not an aggressor nation in WW II. His views, we read, were supported by 41 members of the governing Liberal Democratic Party. In 1986, Education Minister Masayuki Fujio wrote in a magazine article that Korea was partly to blame for its occupation by Japan in 1910. It was reported also that, in 1980, the Education Ministry censored a high school text book which referred to medical experiments conducted on prisoners of war by the Imperial Army's Unit 731 in China; referred to the invasion of China as an "advance"; and called the forced transfer of Koreans to Japan an "implementation of the national mobilization order to the Koreans."

In January 1988, the press carried reports of the efforts of the Shochiku Fuji Co. to delete from the film "The Last Emperor" the scenes depicting Japanese atrocities in the occupation of Nanking. These are examples of Japanese attempts to escape the consequences of their behavior by lies and evasions. Americans would condemn such a course of action as both cowardly and dishonorable. How do the Japanese justify this

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as the proper conduct of an honorable people?

Following WW II, the German Government acknowledged its guilt and confessed it shame for the atrocities committed by the German people under the rule of the Nazi Party. To show its repentance, German leaders have gone to Israel to lay wreaths at memorials dedicated to the victims of the Holocaust. Reparations have been paid by the German Government to many of those who were the objects of the criminal acts of the German people in WW II. An honorable people could do no less.

Contrast this civilized behavior with that displayed by Japan, a country that professes to place great importance on upholding its national honor. No Japanese leader has come to Pearl Harbor to lay a wreath on the sunken U.S.S. *Arizona* and its entombed crew. To my knowledge, no Japanese leader has ever come forward to any American forum to admit that Japan engaged in atrocious behavior in its treatment of allied prisoners of war; or declared that the Japanese people are truly sorry for the terrible suffering they caused by their actions in WW II.

It would be naive to believe that these few words here will move the Japanese to respond with appropriate expressions of remorse and a request for America's forgiveness. Convinced of their racial and cultural superiority, they see themselves as a chosen people, descendants of the sun god, with a destiny of leadership to fulfill. Those inferior peoples who would stand in the way of that ordained mission must suffer the consequences. More than likely, the majority of the Japanese people have never felt and may never feel any shame about the atrocities committed by their troops in WW II. Our Judeo Christian ideas of what is proper behavior among nations seem to be foreign to Japanese cultural standards. This observation is made without implying any disrespect or supposing inferiority to the Japanese because of these differences from our own cultural norms.

Nevertheless, it is important for the Japanese to understand that they are regarded with suspicion in the West because of their failure to respect our Western sensibilities. Former enemies of Japan retain a deep and abiding mistrust of the Japanese. How could it be otherwise? This distrust is not likely to abate so long as Japan continues to indicate to the world that Japan will judge its behavior by its own internal standards of national honor and will ignore outside opinions and foreign notions of rectitude.

Pragmatic considerations alone should convince the Japanese that the way foreigners view Japan can have important effects for the export-dependent economy of their country. There must be many hundreds of thousands of foreign customers who will not buy goods made in Japan regardless of its merits. They have long memories and they harbor resentment against the Japanese for the way they or their friends and relatives were treated by Japan during WW II. Some of these disaffected people are influential individuals in commerce, government and finance. It would be in the best interests of Japan to cultivate the good opinion of these important people who do not feel comfortable dealing with the Japanese or buying Japanese products.

The time has come for Japan to act and to speak in ways that are designed to satisfy America's legitimate aspirations for resolving this unsettled business which continues to divide us. Japan has many moral debts to settle in America if she is to satisfy her creditors and close her accounts on WW II. Although it might not prove feasible for Japan to compensate properly the remaining foreign survivors for the unnecessary cruelties inflicted on them by their Japanese captors, much could still be done to alleviate some of the economic consequences visited on their widows and children.

Trust funds, scholarships, endowed university chairs, the establishment of specialized hospitals, and the funding of research institutes are just a few examples of the kinds of measures Japan might take to demonstrate its concern for the victims of its criminal behavior. Japanese commercial interests have a role to play also in this accounting. Japanese industrial conglomerates benefitted economically during WW II by employing prisoners of war as slave laborers to unload their ships, mine their coal and pour their steel. Back wages, plus interest, could be paid to survivors of the former prisoners of war who made up these slave labor parties.

Western sensibilities and public opinion would be affected in a vey positive way by the delivery of a personal apology by a respected Japanese leader for the unprovoked attack on the United States in 1941. A public act of contrition would rebound to the benefit of Japan and would go far to strengthen the relations between our two countries. Such an act of statesmanship would win worldwide attention and engender a significant shift of world opinion in favor of Japan.

Japan may be confident that it has abided by its own concepts of its national honor. Until it takes steps along the lines suggested here, there is little prospect that Japan will be regarded as an honorable nation in the world that America represents.●

A SALUTE TO SOME BRAVE WISCONSINITES AND A CALL FOR HOUSING NOW

● Mr. KOHL. Mr. President, earlier this year, I was visited by some very special people from Wisconsin. I would like to take a moment to salute them and pass along their message to the rest of the Senate and to the Nation.

During the first week in January, Karina O'Malley, Bill Mullooly, Tami Fedyna, James Tews, and Eugene Kienert experienced life without a home under a Route 395 overpass. Preceding this courageous group was Richard Dickerson, Ray Young, Willie Night, Irene Zvaigznitis, and Henry Clark who survived the same living conditions for the week beginning Christmas Eve. And for those of you who don't recall the weather during that time, let me tell you that it was vintage Washington winter: cold, damp, and windy.

Now, these people did not travel hundreds of miles just to be cold. There is plenty of that back home. No, these people came all this way simply to dramatize the Nation's criminal lack of affordable housing.

By day, they passed out pamphlets to passers-by on the Capitol steps and visited congressional offices in hopes of gaining an open ear and, even better, an open mind to hear their protest against the lack of affordable housing. By night, they huddled together, each of them shivering from the cold and moving restlessly due to the uncomfortable circumstances of trying to get rest on hard pavement.

The minutes that I shared with these individuals were very inspirational. To look into the eyes of these sleepless, yet determined, crusaders was a very encouraging experience. It is rare to meet people that are willing to take off from work or use a semester break from school to dedicate their time to such a hellish week for such a noble cause.

They told me that their experience gave them even more respect for the daily trials of our country's homeless population. They certainly brought the problem home for me and others here in Congress. America's homeless were without shelter the many nights before and the many nights since my friends visited Washington. It is a problem that has gone on for far too long.

We agreed that present funding levels for public housing are inadequate. I gave them my commitment to support effective legislation which would more adequately fund housing programs. We have the resources: They are just being spent on the wrong priorities. I share their call for action and I salute their dedication. We need housing now.●

ST. PATRICK'S DAY

● Mr. SIMON. Mr. President, March 17 was St. Patrick's Day, a day of celebration and joy. In cities and communities all across the United States, people gathered in the streets, in the churches, and in their homes to commemorate the life of the patron saint of Ireland and to pay tribute to the innumerable contributions the Irish people have made to our own great Nation.

As sponsor of Senate Joint Resolution 262, which designates March 1990 as "Irish-American Heritage Month," I am particularly proud to honor St. Patrick's Day today. The warmth, wisdom, courage, and faith of the Irish have touched all of our lives in some way.

By 1776, nearly 300,000 Irish men and women had emigrated to the United States. Thousands fought in the Revolutionary War; nine men of Irish origin signed our Declaration of Independence. A century later, waves of Irish immigrants brought talent and energy to our growing Nation. Their contributions to the arts, athletics, politics, science, and other fields of human endeavor have been extensive and need no elaboration.

In the 1980 census, just over 40 million Americans claimed to be of Irish descent. Many Irish-Americans reside in my own State of Illinois, and Chicago is host to a fabulous St. Patrick's Day parade—one I march in every year with both pleasure and pride. This year I was especially honored to march as the guest of the Irish Immigration Reform Movement. There are other St. Patrick's Day events in Chicago as well: dances, dinners, and even a race known as the Shamrock Shuffle. And in Chicago, as in every community, the warmth and spirit of St. Patrick's Day embraces all citizens, not just those of Irish descent.

But as we all must recognize, the festivity and good humor of St. Patrick's Day cannot erase the violence and conflict that have rent the Emerald Isle for so long. I am deeply saddened by the bloodshed and confusion in Ireland, and hope with all my heart that the new decade will bring peace to its proud people. As we pay tribute to that beautiful country and its people, let us renew our plea for peace, freedom, and justice in the spirit of St. Patrick.●

TRAGEDY IN KOSOVO

● Mr. LAUTENBERG. Mr. President, I rise to draw my colleagues' attention to what has occurred in Kosovo, Yugoslavia, over the last few months and express my own deep concern about the situation. I am concerned about and condemn the violence which has taken place there. I am also concerned about ethnic Albanians who may be denied their fundamental human rights simply because they have peacefully advocated greater autonomy for Kosovo.

In late January and February, violent confrontations took place in the autonomous province of Kosovo in Yugoslavia which caused many deaths, and much pain and suffering. In demonstrations in late January, well over 100,000 ethnic Albanians throughout the region called for the resignation of local political leaders, the release of all political prisoners, and free elections.

Federal riot police units responded with force using water cannons and tear gas, among other things, to break up the demonstrations. Many of the protestors were detained. As clashes between authorities and protesters continued into February, there were numerous reports of actual shootings and several incidents of police atrocities.

The situation in Kosovo has since quieted somewhat. But the region remains tense and could explode again at any time. For this reason, we need to follow events in Kosovo and in all of Yugoslavia very carefully.

Yugoslavia is a signatory to the Helsinki Final Act. As such, it has pledged to respect human rights and fundamental freedoms, including the rights of members of national and ethnic groups to freely express their views. As a member of the Helsinki Commission, mandated to monitor and encourage compliance with the human rights and other provisions of the Helsinki Final Act by all signatory States, I intend to follow the situation to make sure that Yugoslavia complies with its commitments.

The causes of the current difficulties in Kosovo are as complicated as their effects are tragic. The overwhelming majority of the region's population—about 90 percent—is ethnic Albanian. A large number of Albanians want greater autonomy for Kosovo, which is currently part of the Serbian republic within Yugoslavia.

Serbs, however, claim Kosovo as their own, maintaining that it was the cradle of their culture and civilization. In recent years, they have rallied under the nationalist banner of Slobodan Milosevic. Through constitutional changes limiting Kosovo's autonomy, and a crackdown on Albanian protests, they have reasserted their control over the province.

Albanians and Serbs each allege that the other has instigated violent acts against them. The worsening economic situation in Kosovo, marked especially by high unemployment levels, has seriously exacerbated the resulting tensions.

Mr. President, there is no easy solution to the tragedy which exists in Kosovo today. The best solution, however, is simply for all of Yugoslavia to move quickly and fully to a more democratic political system. That system should include free elections, political pluralism, respect for the rule of law, and human rights guarantees, including guarantees for members of national minorities. Only in such a system can there be a peaceful and open dialog on issues of public concern, a dialog which will lead to effective and fair results.

Fortunately, it seems that an increasing number of Yugoslavs are rejecting violence and repression in favor of such an approach. They believe that only through a more democratic political system can Yugoslavia overcome its divisions and improve its economic performance. These people deserve our full support as they face the repressive forces which continue to exist.

As a nonaligned country that followed its own course of reform, Yugoslavia was once known as the best that could be hoped for from a Communist country. This positive image has been seriously tarnished by the events in Kosovo and some other parts of Yugoslavia, especially in light of the many rapid strides toward democracy we are now witnessing in Eastern Europe and elsewhere. As a result, the Congress has been increasingly critical of Yugoslavia's human rights record.

By calling upon the Yugoslav Government to comply with its Helsinki promises, I join with many other Senators, including the chairman of the Helsinki Commission, Dennis DeConcini, and the chairman of the Senate Foreign Relations Committee, Claiborne Pell, who are concerned about human rights in Yugoslavia and the recent events in Kosovo.

I hope, Mr. President, that the Yugoslav Government will hear our expressions of concern, and will take immediate action to ensure that the problems plaguing Kosovo will be peacefully and democratically resolved.●

BEING OVERSENSITIVE

● Mr. SIMON. Mr. President, I confess I was appalled at the amount of pressure that the Turkish Government was able to leverage within the administration and outside of the administration to defeat a simple resolution calling on us to remember the massacre of the Armenian people that took place three-quarters of a century ago.

It was not a criticism of the current Government of Turkey. It was not a criticism of the people of Turkey. But the oversensitivity of that government to even this innocuous resolution has caused me to pay a little more attention to Turkey, and I found a few paragraphs in the publication, Extra!, of interest. Extra! has a special edition on human rights and the coverage of human rights in American journals.

I ask to insert these paragraphs in the Record at this point. I urge my colleagues, as well as journalist who cover the world scene, read this commentary. The excerpt follows:

> Among the 35 signatory nations of the 1975 Helsinki Accord, Turkey is one of the most egregious human rights violators, yet it is a low priority for US media. When the Turkish government figures in human rights stories, they are usually about the brutal mistreatment of the Kurdish ethnic minority (see page 58). Occasional articles dicuss the Bulgarian government's persecution of its Turkish minority. But very little is said about the Turkish government's ongoing oppression of its own people.
>
> "The coverage of Turkey is terrible," says Helsinki Watch director Jeri Laber. "It's amazing how little gets into the press." Laber has spoken with US journalists who have filed human rights stories from Turkey (the fourth largest recipient of US aid), only to have them killed by editors more interested in travel articles. Ironically, freedom of movement is a right many Turks cannot exercise. Since the military coup in 1980, as many as 300,000 Turkish citizens have been denied passports, and, according to Amnesty International, 250,000 political prisoners were detained and nearly all were tortured; 200 Turks died while in custody because of torture.
>
> Turkey gets far more coverage in Western European countries with large communities of Turkish immigrants and guest workers. Even so, one might think that US news organizations would show more interest when their own employees are brutalized by Turk-

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ish authorities. But the US media didn't publicize the case of Ismet Imset, a UPI reporter who was beaten and imprisoned on trumped-up charges in 1984. (Imset was fired by UPI after he criticized how it responded to the incident.) Nor have US media shown much concern for the 2000 reporters and editors who've been tried in Turkish courts since a civilian government was installed in 1983, or the 41 journalists currently in jail.

Labor unions have also been a prime target of Turkish government repression. Martial law in Turkey in the early 1980s put an end to collective bargaining, and the trade union movement was decimated by mass arrests, torture and executions. This occurred at a time when the fledgling Solidarity movement in Poland was receiving a great deal of US press attention. Driven more by US policy interests than by a concern for human rights, many in the mass media averted their eyes from the nightmare in Turkey, and thereby helped to perpetuate it.●

NAMIBIAN INDEPENDENCE

● Mr. DECONCINI. Mr. President, yesterday, Africa's last colony became not only the newest member of the family of nations, but the latest member of the growing ranks of the world's democracies. According to the Washington Post's description of this event, the 20,000 people that attended the celebration "roared in full-throated approval as Namibia's new red, blue, and green banner emblazoned with a vibrant sunburst was raised * * * marking the official instant of independence."

This exuberant description of the scene was matched by the enthusiastic comments of the participants. U.N. Secretary Perez de Cuellar reportedly hailed the event as "the triumph of the international rule of law" and refered to the U.S. mediated settlement as an "imaginative venture of statesmanship."

As the euphoria of this event recedes into history, Namibia's people and its leadership will find that independence and a new democratic constitution are only the beginning of a long and perhaps difficult process of governing. This new country faces serious problems. It must overcome the backlog of unmet social and educational needs that are a part of the legacy of apartheid. It must learn to balance a national budget without subsidies from South Africa. Even with the help of Namibia's international friends and supporters—and I hope we move quickly to join the ranks of these nations—the solutions will not come easily.

The Namibian people have chosen a good starting point for this journey by adopting one of the few truly democratic constitutions on the continent. The Washington Post said that the atmosphere of the independence celebration "was one of near euphoria and diplomatic achievement." Namibia has every right to celebrate, as do all democratic nations worldwide. I ask that the article "Namibia Gains Freedom in Midnight Celebration" from the March 21 Washington Post be included in the RECORD following my statement.

The article follows:

NAMIBIA GAINS FREEDOM IN MIDNIGHT CELEBRATION—AFRICA'S LAST COLONY BECOMES NEWEST NATION

(By David B. Ottaway)

WINDHOEK, NAMIBIA, March 21.—Namibia, Africa's last colony, gained independence early this morning in an international celebration that marked the end of 105 years of German and South African rule and more than four decades of guerrilla warfare and contentious negotiation over the territory.

The midnight ceremony was attended by the largest crowd of foreign dignitaries ever assembled for such an occasion in Africa, and indication of the international importance that the struggle over this southwest African nation gained in recent years.

United Nations Security General Javier Perez de Cuellar and South African President Frederik W. de Klerk shared the platform in this city's small soccer stadium with Namibia's first president, Sam Nujoma, to watch the South African flag lowered over this mineral-rich desert land of 1.5 million people.

"Down! Down! Down!" the crowd of 20,000 cried as the orange, white and blue South African ensign fluttered earthward. Moments later they roared in full-throated approval as Namibia's new red, blue and green banner emblazoned with a vibrant sunburst was raised at 22 minutes past midnight, marking the official instant of independence.

Perez de Cuellar administered Nujoma's oath of office under the country's new constitution, a far-reaching document that guarantees one of the rare multi-party political systems in Africa. It was believed to be the first time a U.N. secretary general has played such a role in the birth of a nation.

Perez de Cuellar, referring to the United Nations' 40-year struggle to gain South Africa's acceptance of a U.N. mandate over Namibia, hailed the country's independence as "the triumph of the international rule of law." He called the lengthy U.S.-led negotiating process with South Africa, which ruled Namibia since it ousted German colonial authorities in 1915, "this imaginative venture of statesmanship."

A solemn-looking de Klerk, invited to speak by the new Namibian government, also referred to the country's "long and arduous road" to independence 30 years later than most of the rest of Africa.

But the white South African leader seemed more eager to mark the turn of a new page in his country's relations with Namibia and all of southern Africa, saying: "I stand here tonight as an advocate for peace. The season of violence has passed for Namibia and for the whole of southern Africa."

A new era was dawning in the region, he told the crowd—the result of protracted negotiations "in which we Africans found a solution to an African problem."

"We extend a hand of friendship to our new neighbors," he said. "Good neighborliness is in our mutual interest."

Among those congratulating de Klerk on his speech was Palestine Liberation Organization leader Yasser Arafat. Also looking on with approval was Nelson Mandela, leader of South Africa's most prominent black nationalist group, the African National Congress, who was recently released by de Klerk from 27½ years in prison.

Nujoma, leader of the South West African People's Organization (SWAPO), which led a guerrilla war against South African rule in Namibia for 24 years and then was elected to form the first Namibian government, spoke last at the ceremony and thanked the international community for its role in gaining Namibia's independence.

"Africa's last colony is from this hour liberated," he said. He called South Africa's decision to withdraw from Namibia "an act of statesmanship and realism," which he said de Klerk would demonstrate further in dealing with his own country's internal problems.

None of the other 50 black and Arab African nations witnessed such a gathering of foreign leaders for independence celebrations as did the one here today. Hundreds of dignitaries from 70 countries took part, and the atmosphere was one of near euphoria and diplomatic achievement.

A delay in the flag-raising ceremony, originally scheduled for mid-night, was caused partly by the problem of seating the large number of foreigners present. Such was the crush that both Secretary of State James A. Baker III and Soviet Foreign Minister Eduard Shevardnadze had to struggle to make their way to their seats through the crowd of presidents, foreign ministers and other guests.

Perhaps the most surprising guest was de Klerk, the first time any white South African leader had been welcome at the independence ceremony of a black African nation.

Namibia's transition from a de facto South African colony to an independent nation has been seen as a triumph for U.S. diplomacy and the United Nations.

A senior Bush administration official said today that the United States was "very proud" not only because it had played a central role in the negotiations for Namibia's independence but because the result was a constitution embodying a pluralistic democracy. "We'd like to see this emulated all over Africa," he said.

The constitution was written after U.N.-sponsored elections held last November, the outcome of which seemed to have included something that pleased virtually everyone—SWAPO, the 100.000 white residents of Namibia, South Africa, leaders of South Africa's black neighboring states and the United Nations.

SWAPO won 57 percent of the vote and 41 of the 72 seats in the new national assembly, short of the two-thirds majority needed to write its own constitution.

This forced it into making many compromises with the mixed white-black Democratic Turnhalle Alliance, which surprised most observers by winning nearly 30 percent of the vote and 21 seats. Five other parties, one white-led but all of them with mixed constituencies, won the other 10 seats, giving Namibia a true multi-party system.

Former Assistant Secretary of State Chester A. Crocker spent the entire eight years of the Reagan administration seeking a solution to both the conflict here and the withdrawal of Cuban troops from neighboring Angola. He became the chief architect of the December 1988 agreement providing for a settlement of both issues.

Crocker, attending the ceremonies here as part of the U.S. delegation, said he had "a very warm feeling" about seeing Namibia become independent. "It's wonderful, wonderful."

"The constitution here could enable Namibia, after Botswana, to become the second real democracy in the whole region," Crocker said in an interview. "What's exciting about it is that the various sides [blacks and whites] are looking at democracy with comparable enthusiasm, though perhaps for different reasons. . . . It seems to tell us that minorities can take heart from democractic constitutions, and so can majorities."

The U.N. supervision of the elections here Nov. 7 was the largest such operation ever undertaken by the organization. it involved 4,500 troops, 1,500 police officers and, at its peak, 7,900 total personnel.

The cost of the operation, budgeted for $416 million, is now estmated at $367 million, according to Cedric Thornberry, director of the office of the U.N. special representative here, Martti Ahtisaari.

Thornberry said the U.N. operation was unique in that the United Nations had been asked both to provide security and logistics for the elections and to become involved in instruction Namibians how to vote.●

WINNER OF THE WESTINGHOUSE SCIENCE TALENT SEARCH

● Mr. SIMON. Mr. President, I would like to take this opportunity to congratulate Matthew Headrick, of Hyde Park, IL, this year's winner of the Westinghouse Science Talent Search. Matthew's project on molecular genetics was the top entry among 1,431 projects submitted by students from 36 States.

Matthew's teachers and school deserve congratulations as well, not just because of his success, but because the school appears to be able to turn out many future scientists. University High School had another first-place winner 3 years ago, and a third-place winner the following year.

Mr. President, I ask that a Chicago Tribune article about the Science Talent Search Award winner be reprinted in the RECORD.

The article follows:

TEENAGE SCIENCE WHIZ CAPTURES NATIONAL HONOR

(By Marja Mills and Eric Smith)

A 17-year-old Chicago student won the Westinghouse Science Talent Search Monday, and with it, national recognition as a young scientist to watch.

Matthew Headrick, of Hyde Park, was awarded the honor for his project on molecular genetics at a banquet Monday night in Washington, D.C. He received a $20,000 college scholarship.

Matthew is a senior at University High School, part of the Laboratory Schools of the University of Chicago. He said he plans to attend Princeton or Stanford Universities next year, and major in math.

In terms of the long-term future, I want to get a Ph.D. in math and become a theoretical physicist," he said.

A field of 1,431 students from 36 states was whittled to 300 and then to 40 finalists before Matthew was selected the winner.

His project "used molecular genetics techniques to isolate for the first time the gene that is necessary for nitrogen fixation in a fresh-water blue-green alga, according to Eileen Milling, a spokeswoman for the Westinghouse competition.

"It has vast significance in terms of agriculture," Milling said.

Matthew will have plenty of opportunities to try to put all that in simple terms, predicted Wendell McConnaha, principal of University High School, 5840 S. Kenwood Ave.

Past winners of the competition, sponsored by Westinghouse Electric Corp., did rounds of television and newspaper interviews.

Since 1942, when the competition was established, five of the first-place finishers have gone on to win Nobel Prizes.

"The fact that he won puts him in a very elite group of scientists," McConnaha said.

"The hope is that Matthew and the others will make a real impact on the scientific community. They have the potential."

But first, there is celebrating to be done at a Chicago high school where the students appreciate better than most the thrill of the science award.

A pep rally is in the works for Matthew, much like the one that three years ago when Louise Chang, then a senior and now a Harvard student, won first place in the Westinghouse competition.

The rally was held after Louise made the round of morning talk show interviews in New York and just before the Laboratory Schools' elementary students collected her autograph.

Add Matthew's to the list of signatures in demand.

This, after all, is a high school where being on the math team, as Matthew is, can actually enhance one's social status, and talk of molecules mixes easily with discussions of baseball scores.

"The kids will be blown away by this," McConnaha said. "But it's not an oddity."

A year after Chang won the competition, another University High School student took third.

For more than a year, Matthew spent hours after school poring over the project in a laboratory, McConnaha said.

The teenager, who attends classes at the University of Chicago as well as the high school, also is a strong history and math student, the principal said.

The Westinghouse competition brought Matthew and the 39 other finalists to Washington for a final evaluation of their scientific creativity and potential.

"The main thing about the past five days is how amazingly fun it's been," Matthew said.

The second-place winner entered a neuroscience project and the third-place winner submitted work that involved genetic coding. Both received $15,000 scholarships.●

GREEK INDEPENDENCE DAY

● Mr. SARBANES. Mr. President, each year millions of Greeks throughout the world join in celebrating March 25 as Greek Independence Day. On that day in 1821, the Greek nation began its long and arduous struggle to reestablish its independence after nearly four centuries of Turkish Ottoman rule. For 8 difficult years, determined Greek patriots fought tenaciously and against tremendous odds to secure the liberty of their homeland and to reaffirm the individual freedoms which are the heart of the Greek tradition.

Regarded skeptically by the monarchical governments of Europe, the uprising in Greece nonetheless captured the imagination and commanded the admiration of peoples on both sides of the Atlantic. This was particularly true in the young American Republic. President James Monroe remarked in 1823 that "the whole civilized world took a deep interest in the heroic struggle of the Greeks which brought to mind both exalted sentiments and the best of feelings."

American sympathy for the Greek uprising was rooted in our young Nation's own experience in overthrowing colonial domination and establishing a democratic republic. State legislatures and town meetings across the nation passed resolutions in support of the Greek effort, and in the House of Representatives Congressman Daniel Webster eloquently put the Greek case to his colleagues in the 18th Congress:

"The Greeks," he declared on the floor of the House in 1823—

> A people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the most atrocious, unparalleled Tartarian barbarism that ever oppressed the human race.
>
> They look to us as the great Republic of the Earth and they ask us by our common faith, whether we can forget that they are now struggling for what we can so ably enjoy? I cannot say, sir, that they will succeed; that rests with heaven. But for myself, sir, if we tomorrow hear that they have failed—that their last phalanx had sunk beneath the Turkish scimitar—that the frames of their last city had sunk in ashes and that naught remained but the wide melancholy waste where Greece once was, I would still reflect with the most heartfelt satisfaction, that I had asked you, in the name of seven million of free men, that you would give them at least a cheering of one friendly voice.

The Greek patriots drew inspiration from the American Revolution, as the founders of the American Republic had earlier drawn from the ancient Greeks. The noted American historian Henry Steele Commager has discussed the extent to which the architects of the Revolution and the authors of the Declaration of Independence, the Constitution, and the Bill of Rights were familiar with Plutarch and Thucydides, and with the ancient Greek ideas of civil liberty and citizenship. There is, he wrote, a "continuous rain of references" in the debates in the experience of the ancient world, and in the Federalist Papers to ancient history. As Thomas Jefferson observed of himself and his colleagues, "to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness."

The ties which join the two nations and the two peoples were thus forged through mutual inspiration in the early days of our republics; for more

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than 150 years they have been reinforced in countless ways. As nations and peoples in World War I, Americans and Greeks were steadfast allies. During the darkest days of World War II, when it seemed inevitable that Hitler and Mussolini's forces would overrun Europe with little resistance, the courageous Greek people defeated Mussolini's army, thus giving the free world its first victory over the Axis powers and effectively delaying their occupation of Greece. Nowhere was the Nazi occupation more brutal than in Greece; and nowhere, in turn, was the resistance more determined or heroic than in Greece.

In the postwar period, the commitment of President Harry Truman and the American people helped the people of Greece to turn back a communist insurgency and to rebuilt their country, ravaged by years of armed conflict. Today Greece is a stable democracy, a member of the NATO alliance and of the European Community. The enduring ties of history are reinforced every day by the very personal ties which join the American and Greek peoples, and by the role Americans of Greek background play in the cultural, scientific, economic and, indeed, every aspect of our national life.

The Greek people are justly proud of the abiding commitment to freedom which marks their heritage, unwavering through the centuries and enduring in the face of great adversity. The continuing Turkish occupation of a significant portion of the Republic of Cyprus therefore remains a source of great concern among Greek Americans. In the past year, there have been signs of a renewed commitment to the search for a just and enduring solution to this situation. It is in the best interests to all to promote the healing of this society torn by war and military aggression.

Mr. President, 169 years later we commemorate the Greek War of Independence which serves as a reminder of the strong ties of friendship and solidarity and the mutual respect between the peoples of the United States and Greece. It is not only an inspiring chapter in the long history of Greece's steadfast devotion to the principles we also cherish; it is a milestone in the struggle for freedom in the modern world. In the words of the resolution which for the first time officially authorized March 25 as Greek Independence Day, "The ancient Greeks developed the concept of democracy, in which supreme power to govern was vested in the people. The Founding Fathers of the United States of America drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy." In celebrating Greek Independence Day, we celebrate and reaffirm our commitment to the principles which inspires the free and democratic peoples of America and Greece.●

ILLINOIS TEACHER OF THE YEAR, LORNA ANDERSON

● Mr. SIMON. Mr. President, I would like to take this opportunity to congratulate Lorna Anderson, the Illinois Teacher of the Year, who was honored in a special television program on literacy last Sunday. Ms. Anderson is proof that the key to a good education is a good teacher.

Researchers at Harvard University discovered this by accident some years ago. They were studying all of the new, modern audio-visual tools used in foreign language teaching, to determine which was effective, and which wasn't. They came to a very interesting conclusion: if you have a good teacher, you learn, and if you don't have a good teacher, you don't learn—no matter what fancy equipment you might have.

Mr. President, Lorna Anderson is to be commended for her dedication to education. Her students learn because she is a good teacher. I ask that a March 16 Chicago Tribune article about Ms. Anderson's appearance on last Sunday's television special be printed in the CONGRESSIONAL RECORD.

The article follows:

[From The Chicago Tribune, Mar. 16, 1990]

"MEAN" TEACHER? READ THAT AS "SUCCESSFUL"

(By Kenneth R. Clark)

Lorna Anderson, Illinois' 1989 teacher of the year, is warm, caring, softspoken and, by her own admission, "the meanest teacher you ever met."

Her views might shock some fellow educators and infuriate civil libertarians, but when it comes to teaching the illiterate to read, she gets the job done as few other teachers have been able to.

Anderson, who lives in Forest Park, teaches adult classes at South Suburban College. Along with other leaders in First Lady Barbara Bush's drive to check the epidemic of illiteracy, she will be honored on nationwide TV Sunday when ABC, in conjunction with public broadcasting, presents "The Bell Atlantic Showcase: To Be Free" (6 p.m., WLS–Ch. 7).

The national-literacy-honors special, pretaped in the East Room of the White House with President and Mrs. Bush as hosts, will feature Morgan Freeman, Patrick Swayze, Barbara Mandrell, Anita Baker, Jamie Lee Curtis, Beau Bridges, Jim Henson and Kermit the Frog.

In addition to Anderson, who was named teacher of the year by the Illinois State Board of Education, it will honor Harold McGraw Jr. of the McGraw-Hill publishing empire, and Wally "Famous" Amos for their efforts in the campaign, as well as two other teachers and three "new learners" who have turned their lives around by learning to read.

The show-biz approach is fine with Anderson, so long as the spotlight is on illiteracy, a problem that she said is worse than most people realize: An estimated 23 million U.S. adults are functionally illiterate.

"Illiteracy was widespread back in the 1950s, but it was not publicized," she said. "It was something they thought would go away if they didn't look at it. It was swept under the rug because once you start talking about it, suddenly you're talking money; you're talking grants."

A NATION AT RISK

"We're more of a nation at risk today than we were 10 years ago," she said. "The prime cause is children not going to school. Back in those days, parents were different. There was more of a home environment. Children were made to go to school. So many juveniles today are getting into trouble; so many are being expelled.

"Before, there were always a few young women in high school who became pregnant, but now you've got them at 12 and 13 years of age. It's an issue that goes beyond reading and writing."

Anderson goes beyond by serving as parent, guidance counselor and therapist to her charges. Many of them—men 18 and older, and girls of any age who are raising children on welfare—are a hard-case lot. Some, on parole from prison terms, come to her only because a judge or a parole officer has ordered them to.

They live, unemployed and uneducated, drug-ridden ghettos, and while simply learning to read and write is a vital goal, other matters frequently take precedence.

"Maybe I want to teach English, and they want to talk about something that happened on the street last night," she said. "I have to be able to set aside the English lesson and deal with them and straighten up their problems. They can be sitting next to a student at 1 o'clock today, and at 1 o'clock tomorrow, that student is dead. You don't just forget it and let them talk on the corner. All teachers in GED [adult] education have to do this. You have to be more than just a teacher. You have to be whatever the student needs you to be at the time."

Everything, that is, but a pushover for excuses. If her students fail to show up, she goes to their homes to find out why, and self-pity has no place in her curriculum. The Canadian-born Anderson can empathize. Early in her life, after a divorce, two heart attacks and a slipped disc, she found herself raising two daughters on public assistance. She used the 2½-year welfare hiatus to return to school.

"They can't tell me anything about public aid," Anderson said. "They will try excuses: 'The system did this to me,' and, 'You don't understand—there was slavery.' I tell them, I don't want to hear it. The system did something through slavery to your great-grandparents; the system hasn't done anything to you. The way the world is today, you can find an excuse for everything that goes wrong in your life, but I don't accept it.

"When they say, 'Oh, Miss Anderson, you're so hard on us; you're mean,' I say, 'Fine, if you think that of me then I know I have your attention. Until you have your diploma—until you walk in here and say, "See, I got it"—then I'm going to be the meanest teacher you ever met.' "

A PUPIL'S PRAISE

Mary McClaskey is one former student who knows what Anderson means about "mean". Like Anderson, McCaskey found herself in her mid-30s with four children, no husband, no high school diploma and plenty of despair, contemplating a future chained to the wheel of welfare. She was in no mood for the hassle Anderson gave her.

"When I first went into this, I wanted to kick her butt!" McCaskey said, laughing at the idea. "She would say, 'If you ever want to get off public aid, you have to do this," and I'd say, 'You ain't got to tell me I'm on public aid, and I ain't asking you for nothin'!' But she wouldn't accept that. She just kept coming back, saying, 'You can do it; you can do it.' Finally, I said, 'Well, I'll give it one more shot, and, if not, leave me alone.' "

Under Anderson's prodding, McCaskey gave it one more shot, then another and another. Finally, in 1986, she got her high school diploma and, in May 1989, her associate degree in social work. She is now Anderson's assistant and will enroll in September at Chicago State University to work on her bachelor's degree.

"She's a strong motivator," McCaskey said of Anderson. "Without her, I wouldn't be where I am today."

MANDATORY SCHOOLING

Anderson is so committed to literacy and subsequent education that she would like to see nursery schools set up and education made compulsory for anyone on welfare.

"People on public assistance should be made to come to school," she said. "You have a young woman on public aid, and she has one child. She gets about $4,000 a year. Add the food stamps, and it comes to about $5,000 a year. That young lady can stay on until the child is 18 years of age. That's something like $60,000 you and I are going to pay her for that one child, but she's young and she's going to have three or four more children.

Wouldn't it be better to have a nursery where these young mothers can put the babies, and then order [the mothers] to return to school? Let's make it mandatory. Let's say, 'We don't mind paying to help you with your children, but you must do something with your life.' Let's have no more of this, 'You're infringing on someone's civil rights to make them get an education if they don't want it.' Aren't you infringing on my rights when you take my tax dollars and use them to support this system? If a person does not want to be educated, why should they receive benefits?"

Anderson is equally hard on the school system, which she said is timid and so balkanized in terms of curricula that one district has no idea what a neighboring district is doing.

"I tell my students every day; 'Don't allow the system to use you. Use the system, but while your children are growing up and going to school, you grow up with them and you go to school. Then you can stand on your own two feet, and your children will start to appreciate you and respect you.' "

And do her students respect the "meanest teacher" they ever met?

"I can get very angry with them, especially the young ones," she said. "But the next day, they're all back. I think this is what the school system is going to have to do, especially with adults. We're going to have to start to care." ●

APPOINTMENTS BY THE PRESIDENT PRO TEMPORE

The **PRESIDING OFFICER**. The Chair, on behalf of the President pro tempore, upon the recommendations of the majority and minority leaders, pursuant to Public Law 98-237, appoints the following Senators to the Advisory Commission on Conferences in Ocean Shipping:

From the Committee on Commerce, Science, and Transportation: The Senator from Louisiana [Mr. BREAUX] and the Senator from Oregon [Mr. PACKWOOD].

From the Committee on the Judiciary: The Senator from Ohio [Mr. METZENBAUM] and the Senator from South Carolina [Mr. THURMOND].

AUTHORIZING THE SECRETARY OF THE SENATE TO MAKE TECHNICAL CHANGE

Mr. **SIMPSON**. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make the following technical change in the engrossment of Senate Joint Resolution 266, which I send to the desk.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

INTERNATIONAL CONFERENCE ON GLOBAL ENVIRONMENT

Mr. **MITCHELL**. Mr. President, on behalf of myself and Senator DOLE, I send a resolution to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 265) amending Senate Resolution 171 of the One Hundred First Congress (agreed to on August 4, 1989).

The **PRESIDING OFFICER**. Is there objection to the request of the majority leader?

There being no objection, the Senate proceeded to consider the resolution.

The **PRESIDING OFFICER**. The question is on agreeing to the resolution.

The resolution (S. Res. 265) was agreed to, as follows:

Resolved, That Senate Resolution 171 of the One Hundred First Congress (agreed to on August 4, 1989), as amended by Senate Resolution 241 of the One hundred first Congress (agreed to on February 6, 1990), is amended—

(a) In section 1(a)(1) by adding "including the District of Columbia," after "United States,"; and

(b) by redesignating section 6 as section 7 and adding after section 5 the following section:

"Sec. 6. Notwithstanding the provisions of rule XXXVIII of the Standing Rules of the Senate, and pursuant to the Senate rulemaking authority provided by subsection (b)(1) of section 7353 of title 5, United States Code, in carrying out the purposes of this resolution the delegation is authorized to solicit, accept, and administer gifts of money, other property, and services, and conduct other transactions related to such purposes.".

Mr. **MITCHELL**. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. **SIMPSON**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TOMORROW

RECESS UNTIL 9 A.M. AND MORNING BUSINESS

Mr. **MITCHELL**. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. on Thursday, March 22, and that following the time for the two leaders, there be a period for morning business, not to extend beyond 9:45 a.m., with Senators permitted to speak therein.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. **MITCHELL**. Mr. President, at 9:45 a.m. tomorrow, the Senate will resume consideration of the clean air bill with rollcall votes occurring throughout the day and into the evening, I anticipate.

RECESS UNTIL TOMORROW AT 9 A.M.

Mr. **MITCHELL**. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m. on Thursday, March 22, 1990.

There being no objection, the Senate, at 11:11 p.m., recessed until Thursday, March 22, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 21, 1990:

INTER-AMERICAN FOUNDATION

JAMES HENRY MICHEL, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 20, 1992, VICE M. ALAN WOODS, DECEASED.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR PERMANENT PROMOTION IN THE U.S. AIR FORCE, UNDER THE PROVISIONS OF SECTION 628, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

To be major

RANDALL W. MARTIN, 520-66-3462

THE FOLLOWING OFFICER FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM THE DUTIES INDICATED, PROVIDED THAT IN NO CASE SHALL THE OFFICER BE APPOINTED IN A GRADE HIGHER THAN CAPTAIN.

NURSE CORPS

DONALD L. THORNTON, 547-96-7387

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER AS INDICATED, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 628, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

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UNRESTRICTED LINE OFFICER

To be lieutenant commander

DAVID A. LEWELLYN

MEDICAL CORPS

To be lieutenant commander

DAVID O. CHILDERS, JR.
STEPHEN L. HENDRIX

WITHDRAWAL

Executive message received March 21, 1990, withdrawing from further Senate consideration the following nomination:

INTER-AMERICAN FOUNDATION

RONALD WILLIAM ROSKENS, OF NEBRASKA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 20, 1992, VICE M. ALAN WOODS, DECEASED, WHICH WAS SENT TO THE SENATE ON JANUARY 25, 1990.

EXTENSIONS OF REMARKS

SPEAK OUT AGAINST ANTI-SEMITISM

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. GREEN. Mr. Speaker, almost daily now there are deeply distressing accounts of growing anti-Semitism in the Soviet Union.

Fears that pogroms are again a possibility in the U.S.S.R. are increasingly being heard. We must not ignore those dangerous warning signs. The rise of popular anti-Semitism—as opposed to the official anti-Semitism that preceded it—is a problem with which the Soviet Jewish community is ill prepared to deal, because of past Soviet legal restrictions on Jewish organizations in the U.S.S.R. Obviously, until the last couple of years, anyone who tried to organize a Soviet Anti-Defamation League or similar endeavor would have been subject to persecution by the Soviet authorities. Fortunately, that day appears to have passed, but given 70 years in which Soviet Jews had no possibility of forming community organizations, the Jewish community has little ability to deal with the new anti-Semitism.

We must continue to insist that Soviet officials root out institutional bias in universities and other establishment centers and speak out loudly against racial attacks. I am especially concerned because not enough has been said by President Gorbachev himself. I urge Mr. Gorbachev to exert strong leadership on this issue, and to encourage all Soviet officials to send out an unambiguous and forceful message to all their citizens that crimes of racial violence will be not tolerated.

The following special report, from the March 1990 edition of Physics Today, focuses on this deeply troubling problem and reminds us all that we must remain ever vigilant in speaking out against bigotry and racism:

THE PARADOX OF PERESTROIKA: ETHNIC TURMOIL AND ANTI-SEMITISM

A specter is haunting Soviet society. The specter is the economic, cultural and political turmoil that a writer in the government newspaper *Izvestia* likens to "a fever . . . that weakens *perestroika* . . . and deafens the leadership to the voices that cry out in alarm to prevent disorder and anarchy." As democracy and diversity sweep through much of Eastern Europe, the Soviet behemoth is mired in ethnic upheavals and nationalist upsurges. Such is the nature of the troubles in this era of *glasnost* that extremist groups with names like Fidelity, Renewal, Fatherland and Memory, all xenophobic and ostensibly devoting themselves to the preservation of historic buildings, churches and monuments, combating drunkenness or reviving Russian folksinging, are waging a rearguard action, deploring Western-style freedoms and advocating anti-Semitism. The actions of these groups cause Soviet Jews to think about a modern exodus.

Though worries about anti-Jewish outbursts have been increasing for nearly two years, anxieties were inflamed by recent events—notably the disruption of a meeting of "April," the liberal writers' society, at the Central House of Writers in Moscow on the evening of 18 January. A gang of about 30 bullyboys, members of a paramilitary group called *Pamyat*, broke into the hall, shouting, "Yids, get out to your Israel" and "Today we are here with loudspeakers; tomorrow we will come with guns."

Anti-Jewish episodes are becoming bolder. Jewish cemeteries have been desecrated. Since late January, posters have appeared on Moscow's Arbat Street with the text "If you are Russian, kill the Jewish." *Pamyat* has gone so far as issuing a blacklist on which appear the names of prominent Jewish physicists such as Arkady Migdal. In addition, leaflets are being distributed warning that pogroms will take place in May.

To many Soviet Jews the organized hatred is a paradox. Conditions for Jews have improved considerably under Mikhail S. Gorbachev's policies. Synagogues have been allowed to reopen. Jewish books and newspapers, though still few in number, are being published again. Jewish cultural societies have sprung up in Moscow, Leningrad, Kiev and many provincial cities, especially in the Baltic republics. Jews are being admitted to more universities and taking command of the news media. Many more Jews are being allowed to emigrate, and more visas have been issued for Jews to travel.

Yet memories of tsarist oppression and Stalinist violence run deep. The mood of Soviet Jews hovers between pessimism and panic.

Soviet leaders have been curiously silent. Last year, a Lithuanian Jewish writer, Grigory Kanovich, joined by two members of the Soviet Academy of Sciences, physicist Vitaly Ginzburg and biophysicist Oleg Gazenko, submitted a petition to Gorbachev, signed by more than 200 of their fellow members of the Congress of People's Deputies, calling on him to condemn anti-Semitism and to create a special committee to investigate the problem. The petition was buried. A few weeks later, ten prominent scientists and writers sent a letter on the subject to Gorbachev (see the box on page 54). No formal answer was received—though one of Gorbachev's associates informed them that their message was discussed with Politburo members.

Then, on 21 February, Soviet prosecutors indicated they had begun a criminal investigation of *Pamyat*, the most aggressive faction of the anti-Jewish extremists. The Interior Ministry announced the same day that "rumors of pogroms against Jews . . . have no grounds whatsover." The statements did not allay fears. As one Jewish physicist told an American colleague, "Whenever a stranger comes to my door I think I am about to be shot dead."

Jewish scientists have long been prey to open and furtive discrimination. But after the end of the Stalin era their condition improved—through they could still be sent to prison or gulags for acts considered hostile to Soviet policies, such as participating in human rights demonstrations. Refuseniks were fired from their jobs for no other reason than that they applied for an exit visa.

Today's enemy of Soviet Jews seems to be, ironically, *glasnost* and *perestroika*, which have unleased forces that appear out of control. Gennadi I. Gerasimov, spokesman for the Soviet Foreign Ministry, told an iterviewer recently that "we have no history of democratic experience. Freedom to some means anarchy."

When the Soviet public contemplates the harsh realities of food shortages, urban crime and ethnic strife, along with the deterioration of authority, they may wonder whether their leaders, Gorbachev included, aren't just fiddling while the USSR burns.

In his column in *The New York Times* on 12 February, William Safire wrote that "with their inborn barometers of bigotry, Soviet Jews sense a coming disintegration of authority and now they will be scapegoats in any return to ethnic passions." While Soviet authorities are unsure of the exact number of Jews in the country, US groups estimate that about 15 million consider themselves Jews. Increasing numbers seek to emigrate.

Indeed, Soviet scientists are coming to the US as immigrants and visitors in record numbers. "It would be easy for any one of my colleagues to get a tenured professorship here," says a visiting Soviet physicist. "But I don't know any who want to emigrate. Still the Jewish ones are frightened about the political instability and the anti-Semitic insanity."

In the past year or two, "Little Russias" have emerged at such universities as MIT, Princeton and the University of Minnesota. Yuri Cherniak, a planetary physicist at MIT who once ran the refusenik science seminar in Moscow, insists that Soviet authorities aren't likely to improve conditions for Jews—and that negligence, he says, will impel more scientists to "join the brain drain" from the USSR.

One who understands the current situation is Vitalii I. Goldanskii, director of the Semenov Institute of Chemical Physics and a member of the Soviet parliament. Goldsanskii recently wrote a pointed and poignant essay; it is pubished in this issue, beginning on page 53.

ON "SPECIAL DANGERS" OF PERESTROIKA TO SOVIET JEWS, SCIENCE AND SOCIETY

(By Vitalii I. Goldanskii)

(Vitalii I. Goldanskii is the director of the Semenov Institute of Chemical Physics of the Soviet Academy of Sciences, in Moscow, and a member of the Congress of People's Deputies and of the foreign relations committee of the Supreme Soviet.)

Supporters of Mikhail S. Gorbachev's perestroika are increasingly alarmed by the possibility that this program of economic restructuring and reforms may collapse. Should this occur—and it cannot be ruled out, even in the near future—it would be a disaster not only for the Soviet Union but for all humankind.

Many of the difficulties already encountered by perestroika are well known outside

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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the Soviet Union, as are some of the potential consequences if the program fails. But too little attention has been given, until recently, to the special dangers for Soviet society posed by the increasing aggressiveness of extremist right-wing, virulently anti-Semitic groups that seek to subvert perestroika, to blame the country's past and present problems on the Jews, and (as some of their propaganda states explicitly) to "finish what Hitler started."

These extremists are flourishing in a climate of spite, envy, scapegoating and hatred associated with the increasingly severe troubles in the Soviet economy and the steadily mounting tensions in ethnic regions. They are perhaps already the strongest, and certainly the fastest growing, of the divisive forces pushing the country toward bloodshed and, in the worst scenario, civil war.

The extremist groups go by a variety of innocuous-sounding names, of which the "National Patriotic Front Pamyat" (pamyat means "memory") is the best known outside the Soviet Union. A number of them recently entered into a confederation under the title of "Bloc of Social-Patriotic Movements of Russia." I prefer to call them Russian Monarcho-Nazis (or monarcho-Fascists), to reflect the combination of their deep reverence for the autocratic tsarist Russian empire and their ferocious hatred of Jews.

Incredibly, these monarcho-Nazis openly condemn the Jews as the main (if not the sole) culprits in all of Russia's troubles from the 1917 October Revolution up to the present—including genocide against the Russian people in the form of the millions of deaths during the civil war, collectivization and various purges; destruction of tens of thousands of Russian churches and historical monuments; and spiritual poisoning of the people through the introduction of "decadent" and "corrupt" Western culture alien to Russian tradition. These extremists also accuse the Jews of ritual murders and of a worldwide conspiracy against humankind, making reference to the falsified and discredited "Protocols of the Elders of Zion."

There is a striking similarity, in fact, between the views, programs and intentions of the Russian Monarcho-Nazis and the original Nazi platform as laid out in Hitler's Mein Kampf and other infamous documents of the period. The resemblance of the current situation in the Soviet Union to that of Germany in 1931-33 has been publicized by progressive Soviet mass media in recent weeks.

The principal organization serving as a coordinator of the monarcho-Nazi forces is the Union of Writers of the Russian Federation (RSFSR). As outlets for their propaganda the extremist groups have at their disposal such newspapers and journals as Literaturnaya Rossiya (Literary Russia), Nash Sovermennik (Our Contemporary), Molodaya Gvardija (Young Guards) and Moskva. The leaders of this movement include many writers, some scientists, some artists and others.

The speeches and publications of these Russian neo-Nazi groups are becoming routine features of everyday life in the Soviet Union. Professor Herman Andreyev of Mainz University in the Federal Republic of Germany analyzed their form and content in a recent issue of the weekly magazine Ogonyok. He concludes that in Western European countries such statements would be treated as unconstitutional, the persons propagating them would be called to account and the organizations supporting them would be dissolved.

Yet the monarcho-Nazis seem to be meeting no serious opposition—indeed, more often sympathy and connivance—from important party and government leaders of the USSR. It is instructive, for example, that the platform of the Soviet Communist party on ethnic problems, published in August 1989, said not a single word about the anti-Semitic campaign against so-called "cosmopolites" (1949), the shooting of leading Jewish writers and artists (1952) or the disgraceful episode of the "doctors' plot" (1953), when it was alleged that several Jewish physicians and surgeons were attempting to murder Stalin. By contrast, many other Stalin-era crimes against various nationalities of the Soviet people were scrupulously singled out in the party platform.

Similarly, in June 1989, more than 200 people's deputies expressed their concerns to the Presidium of the First Session of the Congress of People's Deputies about the "growing wave of anti-Semitic activities, including open calls for violence that could lead to irretrievable consequences." The appeal went unanswered. That was also the fate of a letter on the subject that ten distinguished scientists and writers sent to Gorbachev the following September.

The explanation of such passivity on the part of the authorities seems quite simple: It is the evident sympathy of many Soviet government officials on different levels to the views of the monarcho-Nazis. Others in positions of authority who do not sympathize nonetheless hesitate to act because of the way the growing aggressiveness of the extremist groups is linked to the bloody ethnic conflicts and intensifying separatist movements in nearly all of the outlying districts of the USSR.

Specifically, this situation offers the monaracho-Nazis considerable opportunities to blackmail and intimidate Gorbachev and his closest advisers by claiming that with the "decline of the empire" the Russian heartland and her "genuine sons" constitute the only reliable saviors of Gorbachev's power. Such arguments are being used to push Gorbachev toward the right and to divide him from his true supporters on the left—the liberal intelligentsia. The result could be a repetition of the circumstances that led to the downfall of Nikita Khrushchev in 1964.

In parallel with their attempt to intimidate Gorbachev, the monarcho-Nazis have been openly attacking his foreign as well as domestic policies and the underlying principles of his "new thinking"—the primacy of universal human values, disarmament, ending the Cold War, and building a "common European home." They even have accused Gorbachev of being an agent in the service of the CIA and the Israeli intelligence service, the Mossad. With this two-pronged strategy of intimidation and direct attack, the Russian neo-Nazis hope to attain either a decisive influence over Gorbachev's policies or his removal from power and his replacement by members of their own movement.

What would that mean for Soviet Jews? The answer is all too clear from the similarity of the Russian monarcho-Nazi program to that of Hitler. The Russian extremists already possess their equivalent of the storm troops of the SA and SS, in the form of the Pamyat movement. Pamyat does not disguise its intentions to carry out pogroms against the Jews, to whom it usually refers by the denigrating term zhidy, or "yids." In fact, members of Pamyat have been organizing well-attended meetings all over the country to call for pogroms—one such meeting even took place in Moscow's Red Square last 12 November—and no one has stood in their way.

Hitler treated as Jews those who have at least one Jewish grandparent. Pamyat goes further. It has announced its intention to search for Jewish progenitors back to the tenth generation. New recruits to Pamyat are required to prove their "racial purity" and to provide to the organization the home addresses of five Jews—no doubt to locate them for the pogroms to come. Opponents of the monarcho-Nazi movement who happen to be "racially pure," or "Aryan," are characterized, along with all the liberal intelligentsia, and "masons" or "zhido-masons" (that is, supporters of Jews). These are also the targets of pogrom propaganda.

The brazenness of monarcho-Nazi threats and actions against Soviet Jewry has been increasing. In addition to the anti-Semitic rallies and the desecration of Jewish cemeteries around the country, which have been going on for some time, it now seems that meetings of liberal intellectuals are no longer safe from disruption by Pamyat thugs.

On the evening of 18 January, for instance, a meeting of the progressive "April" group of writers at the Central House of Writers in Moscow was invaded by several dozen Pamyat thugs with megaphones. They roughed up some of the writers, forcibly ejected others from the hall, shouted anti-Jewish slogans and announced that on their next visit they will be armed with automatic weapons. They also designated St. George's Day, 2 May, as the date for a pogrom. St. George, the dragon slayer, is a patron saint of old Russia.

Further increases in anti-Semitic activities (especially, of course, actual violence) surely will lead to a mass exodus of Jews, people of partly Jewish extraction and "racially pure" members of the liberal intelligentsia. This new wave of emigrants—refugees from monarcho-Nazi extremism—could reach several millions and would represent a serious brain drain from the USSR.

As for the possibility of another holocaust, it certainly could not reach the scale of the Nazi crimes. The world has changed too drastically in the last half-century for that to happen. But a wave of pogroms more or less along the lines of the infamous Kristallnacht cannot be ruled out—weaker if a government like the present one tries to oppose the neo-Nazi bigots, stronger under a government with monarcho-Nazi sympathies and a lust for pogroms.

What should be done? For starters, the worldwide public should be informed of the intentions and activities of the new followers of Hitler in the Soviet Union and should be told their names. The famous Brown Book published by anti-Fascists in 1933, after all, was the first important step in the exposure of the Nazi crimes of that era. Clearly, the publishers and editors of newspapers, journals and books as well as producers and writers in the electronic media have an important role to play.

The stakes are high. If the monarcho-Nazis prevail and perestroika collapses in an orgy of chauvinism and racism, the results are likely to include not only a rapid heating of an atmosphere of anarchy in the Soviet Union but even the possibility of a civil war. In a country bearing a huge stockpile of nuclear and chemical weapons, as well as possessing a far-flung system of nuclear power plants, a not implausible chain of events could quickly lead to not just a national but to an international catastrophe.

To THE GENERAL SECRETARY OF THE CENTRAL COMMITTEE OF THE COMMUNIST PARTY OF THE SOVIET UNION, CHAIRMAN OF THE PRESIDIUM OF THE SUPREME SOVIET OF THE U.S.S.R.—COMRADE M.S. GORBACHEV

Dear Mikhail Sergeevich,

Basing our remarks on events in our country and on discussions held between June and August of this year with a number of prominent foreign political figures, scholars and writers, we want to express in this letter (and, if possible, in person) our most serious apprehensions about what might happen in the next months and years if urgent measures are not taken to guarantee Jews safe residence in the USSR, unpoisoned by streams of ethnic insults, destruction of graveyards and direct threats of pogroms.

. . . in earlier times, the main source of emigration was those Jews who . . . could be considered part of the Jewish culture because of their use of the ancient Hebrew language or of the Yiddish language that developed much later in Europe. Now, as a consequence of the increasing aggressiveness by several monarcho-Fascist groups, through acts and publications. Jews whose flesh and blood have been infused with Russian culture since childhood, whose spoken and written language is Russian and who make contributions, commensurate with their abilities, to the life of our country and to the development of our culture and science are being literally forced to flee our borders. It should be noted that as many as 75% of the Jewish population of the USSR may consider themselves in peril from actions taken or proposed by the extremist groups. In addition it should be kept in mind that our monarcho-Fascists consider as Jews (or, as they call them, Judo-Masons) those who are half Jewish . . . or one-quarter Jewish, those who have even a small amount of Jewish blood and those who are married to or were married to Jews. (In the future, no doubt, these monarcho-Fascists are likely to search for signs of "racial inferiority" in each other.) In a word, the extremists, both in their propaganda and practice, are guided by the Nuremburg laws of Fascist Germany—right down to their demand for the prohibition of mixed marriages.

They compare Jewish people to a parasitic vine that twists around a healthy tree and eventually drains the vitality of the tree. Their publications contain anti-Jewish characterizations such as "This is a people without a homeland." . . . In their diatribes they assert that Jews exclude from their thoughts, speech and writings such concepts as motherland, patriotism, *et cetera*.

Even Lenin's famous decree "On the Struggle Against Anti-Semitism" provokes a frenzy in members of the extremist groups. "If you open your mouth against the Jews, they will drag you around the corner and shoot you, and this will be covered up by the thunderous music of the 'Internationale,'" said *Molodaya Gvardija* in a recent issue. An Italian woman, teacher of history who accidentally found herself at a *Pamyat* meeting in Leningrad, was moved to write, "It seemed to me that I was attending a replay of a Fascist rally during the 1930s." Demonstrations by *Pamyat* in Moscow, on Pushkin Square, are replete with signs, posters and T-shirts that bear such slogans as "Down with the occupation of Russia by Jewish Nazis!" and "Down with the domination of the 0.69%!"

Every day, *Pamyat* agitators gather outside your offices in Moscow. Is it possible to imagine that in the center of Moscow they could go unpunished for insulting the national dignity of, say, Yakuts or Byelorussians or demanding the exile of Ukrainians or Georgians?

Appeals such as ours in this letter, written in a multinational state, acquire an explosive force. The work of the monarcho-Fascists is leading to the point where, in the coming years, the country may be deprived of 5–6 million of its best and brightest scholars, engineers, doctors, artists and others. History has already taught the awful lesson of Nazi Germany and her Fascist allies. It is easy to see and be convinced which countries lost and which gained from the banishment of "racially impure elements" (like the Jewish physicist Einstein or the Italian physicist Fermi, who was married to a Jewish woman) and which people benefited or did not after Jews were forced into exile from their native lands . . . .

It may seem to you that, against the background of the events in Nagorno-Karabakh, in the Baltic regions and in Moldavia, the problem of anti-Semitism does not look so alarming or so primary in importance. As a matter of fact, events are occurring with such rapidity that, if they are not stopped now, the consequences may be irreversible. The situation has caused deep distress for many people in the Communist Party who remember the unlawful acts that were tolerated during the years of Stalinism and the miserable manifestations of anti-Semitism that were propagated from above, such as the campaign against "stateless cosmopolitans," the devastation and extermination of the Jewish Anti-Fascist Committee and the notorious "doctors' plot.

In our view, your agenda at the forthcoming Plenum of the Central Committee of the Communist Party of the Soviet Union must include discussions of the most acute national problems. Your views, as the author of *perestroika*, must be expressed explicitly and unambiguously about anti-Semitism in the USSR and its potential to destroy the chances for transforming our society.

Dear Mikhail Sergeevich! *Perestroika* meets everywhere with the most fervent, impassioned sympathy. People want to campaign for *perestroika*; they want to promote it by all available means. Each of us, using the means available to us, has discussed possible ways of bringing this about with political figures, industrialists and scholars here and abroad, and in these conversations many different projects and prospects became clear.

In the declaration adopted by highly authoritative scholars from 42 countries after the 39th Pugwash conference in Cambridge, Massachusetts, from 23 to 29 July 1989, an appeal was made to the world scientific fellowship—not without difficulty, we observe—to support *perestroika*. As a rule, Pugwash declarations do not contain statements dealing with internal matters of individual countries, but in the case of last July's meeting the conviction prevailed that the fate of our *perestroika* is likely to determine the future not only of the USSR but also of the entire world.

In such a situation, any shadow cast over our *perestroika* may lead to horrifying results, not only for the internal life of our country, but for world opinion toward the Soviet Union. The nationalities question is one of the indicators [of world public opinion]—one of the most sensitive sore points. It is ironic the during the observance of the 50th anniversary of the start of the Second World War, the world feels especially sharply the danger of any kind of recurrence of Hitlerism and Stalinism, and the intelligentsia of the West very guardedly takes notes that precisely in the years of *perestroika* the Soviet Union has become the focus for the most aggressive activities of neo-Nazis and monarcho-Fascists in Europe and for the most repulsive and massive propaganda on anti-Semitism.

Such are the external political impressions that we would like you to consider as part of our appeal for the active measures that we called for in the first part of this letter.

In conclusion, we want to repeat our request for a personal meeting.

Yours very respectfully,

Gregory Baklanov [editor in chief of Znayma, a literary magazine]
Yevgeny Yevtushenko [poet and People's Deputy in the Soviet parliament]
Andrei Voznesenkii [poet]
Roald Z. Sagdeev [former director of the Space Research Institute and now head of the institute's theory division; a People's Deputy]
Vitali I. Goldanski [director of the Semenov Institute of Chemical Physics and a People's Deputy]
Vyacheslav Ivanov [director of the State Library of Foreign Literature, a noted Linguist and a People's Deputy]
Bulat Okudzhava [poet and popular folksinger]
Anatoli Rybakov [writer and author of Children of the Arbat]
Yuri Chernichenko [Soviet TV commentator of agricultural matters, essayist and a People's Deputy]
Oleg Bogomolov [director of the Institute of Economics of Socialist Countries and a People's Deputy]

September 5, 1989.

HONORING YOLANDA A. CODA

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. GUARINI. Mr. Speaker, I rise today to honor a woman whose work has been so important to improving the well-being of Italian immigrants in the United States, Yolanda A. Coda.

On Sunday, March 25, 1990, the Staten Island chapter of the ACIM will honor Yolanda A. Coda and the Reverend Joseph A. Cogo at the ACIM annual fundraiser [Un Ballo in Maschera] which is being chaired by Giovanna Scana and Norma D'Arrigo. Ms. D'Arrigo was the founding president of the Staten Island chapter of ACIM.

Yolanda Coda was born in London, England to Italian immigrant parents. She earned degrees in business administration and languages at the Notre Dame de France, London, England; the Sacred Heart Convent in Ivrea, Italy; and Pitman's College in London, England.

From 1943 to 1946, she served in the British Auxiliary Territorial Service. She was personal assistant to the colonel-psychiatrist, president of the War Office Medical Board,

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and was associated with the War Office in London throughout her time of service.

In 1946, she was asked to serve as assistant-liaison interpreter to the managing director of Eagle Lion Films, which at that time was establishing film distribution centers throughout the Italian peninsula.

In 1949, she left Rome for the United States to become personal bilingual secretary to Judge Marchisio, president of the Boys Republic of Italy. In 1952, she followed Judge Marchisio to the ACIM, which he founded with Bishop Edward E. Swanstrom, Howard Molisani, and Dr. Mario F. Tagliagambe at the request of His Eminence Cardinal Stritch of Chicago. Together, Yolanda A. Coda and Judge Marchisio started the office in 6 months. They raised $10,000 from a small group of Italian-Americans, established their headquarters on 51st Street in Manhattan, and hired a small staff to start what became the core of the national organization. Soon, Yolanda was promoted to executive assistant of the ACIM.

After a brief sabattical in Greece with her family, Yolanda returned the United States in 1956 and founded the women's division of ACIM. As its director, she developed women's chapters throughout a few years thereafter, she was promoted to ACIM national coordinator, the position she holds today.

On 1967, Yolanda Coda was awarded the Cavalierato of the Star of Solidarity by the President of Italy. In 1977, she received the Pro Ecclesia et Pontefice from the Holy Father on behalf of her efforts for Italian immigrants.

ACIM is a nonprofit organization that promotes fair immigration policies aimed at reuniting families. It assists immigrants with resettlement and assimilation problems, among them citizenship, Social Security, and pensions from Italy.

I am sure my colleagues here in the House of Representatives will join me in honoring Yolanda Coda and the many other people at ACIM who have devoted so much time and energy to the betterment of life for Italian immigrants in the United States.

DAIRY 1990: POLICY OR PUNISHMENT?

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. RIDGE. Mr. Speaker, the 1985 farm bill proposed a policy designed to control surpluses of milk on the market. Through a series of price support cuts, farmers were to be "encouraged" to reduce production levels thereby reducing the surplus. While attractive in theory, the reality for our dairy farmers was quite different.

Under the 1985 farm bill, if production of milk exceeds 5 billion pounds, the Secretary of Agriculture reduced the price support price by 50 cents per hundredweight. This 5-billion-pound figure does not take into account those commodities purchased by the Government for school lunches, feeding programs, or meals for military personnel. Instead, these commodities are considered surplus. How can products needed and used for these programs be considered surplus? While there still remain surpluses of butterfat on the market, there are shortages of fluid and dry milk.

In addition, the 50-cent-per-hundredweight cut in price support does little, if anything, to prevent overproduction by large dairy corporations. Instead, it forces small, family owned farms to close down. At this time, we are seeing a shift in dairy production from all parts of the country to the South. Many or our areas are being left without a local source for fresh dairy products.

Today, I have introduced the Dairy Price Stabilization Act. My proposal changes the formula for calculating surplus into two separate tests:

(a) If the Secretary of Agriculture estimates that net CCC purchases of milkfat will exceed 5 percent of commercial use, the USDA will establish an effective inventory management program designed to reduce that specific surplus;

(b) If the Secretary of Agriculture estimates that net CCC purchases of milk solids exceed 5 percent of commercial use, the USDA will again implement an effective inventory management program designed at targeting a milk solids surplus.

Why two formulas? Formula (a) targets the surpluses of butter, while formula (b) targets the possibility of surpluses of fluid milk.

Under no circumstances will the support price fall below $10.60 throughout the next 5 years.

The new 5-percent figure takes into account products used by the Government for its own feeding programs.

I look forward to working with you on the Dairy Price Stabilization Act, and hope you will cosponsor this necessary change in policy.

IN MEMORY OF JOHN SMITH KINGDON

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MATSUI. Mr. Speaker, I rise today in great sadness to advise you that an outstanding citizen of the Washington, DC, metropolitan area, Mr. John Smith Kingdon, has recently passed away. He has made numerous contributions to his community and the legal profession and we will all miss his presence.

John was a man who gave of himself in many ways. Being active in church and school organizations was a very important priority of his. John's involvement in community and educational organizations included serving as a vestryman at St. Patrick's Episcopal Church in Washington and as a member of the board of trustees of St. Patrick's School. He was also a regent of Northwestern University and a member of its John Evans Club, an alumni service group. In recognition of his service to Northwestern, John received the university's "Distinguished Service Award." Additionally, John was a member of the Metropolitan Club and the Congressional Country Club.

Born in Jacksonville, FL, and raised in Indianapolis, John graduated from Northwestern University, where he was a member of Phi Beta Kappa. He went on to receive a law degree from the University of Virginia, and in 1968, relocated to Washington to work for the Justice Department in the tax division. He joined the Howrey & Simon law firm in 1970, and became a specialist in antitrust matters. Upon his death, he was a partner in the firm.

John is survived by his wife of 25 years, Jo Ann Reynolds Kingdon of Chevy Chase, MD; two sons, John S. Kingdon, Jr., and James R. Kingdon of Chevy Chase, MD; his father, Henry R. Kingdon of St. Simons Island, GA; and two sisters, Dr. Margaret Kingdon of Takoma Park and Marie Kingdon of East Lansing, MI. We will all mourn the loss of such a giving, dedicated, and exceptional man.

GAS TAX—ONE MORE TIME

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. CRANE. Mr. Speaker, in recent months we have once again heard the cry to increase gasoline taxes in an effort to help solve some of our budgetary woes.

Some Members of Congress and others outside of the Congress, including the Governor of my State of Illinois, have made various proposals to increase the Federal gas tax. Some of these proposals call for the proceeds of such an increase to go directly toward reducing the deficit, while others call for putting all or a portion of the money in the highway trust fund. Both of these approaches are poor policy.

First of all, the highway trust fund presently contains a surplus of $16 billion that could be used for repairing our Nation's roads and bridges. We do not need to be raising taxes at this time to add to a fund that is already sufficient and is not being fully used. Second, with regard to using any new proceeds for deficit reduction, increasing excise taxes is the most regressive manner in which to close the deficit. As I have emphasized time and again on the floor of the House and in the Ways and Means Committee, increasing excise taxes for the purpose of raising revenue to reduce the deficit results in the middle class and the poor contributing a disproportionately large share toward the solution of our budgetary woes.

In his January 5, 1989, column entitled "Nose of the Tax Camel," William Murchison discusses why a gasoline tax increase is inappropriate. Although his column is more than a year old, the points he makes are worth repeating and I highly recommend the column to the attention of my colleagues.

[From the Washington Times, Jan. 5, 1989]

NOSE OF THE TAX CAMEL

(By William Murchison)

Read my lips: Higher gasoline taxes are d-u-m-b. This is contrary to Washington wisdom, which holds that increasing the federal gasoline tax, as a means of Closing the Deficit, is ever so smart an idea.

The idea is politically smart, but that is a horse of another color entirely from economically smart. I would go so far as to say that a politically smart tax increase is the kind we should fear most, on the grounds that there's no telling what it may lead to.

We were speaking of horses just now; let me turn the conversation to a different steed—the camel.

Gasoline taxes represent the camel's nose in the taxation tent. George Bush has invited us to read upon his lips his unswerving opposition to new taxes, but the so-called "responsible" leadership in Congress professes to know better. It thinks the way to deal with Mr. Bush is to nickel-and-dime him. Nobody's going to vote for higher income tax rates this year, so we lay before Mr. Bush a series of small, gentle, tax increases—civic minded increases, the kinds on which right-thinking hearts beat in unison.

Liquor and cigarette tax increases are an example. Goodness, we can't let the foul pastimes of smokers and drinkers stand in the way of fiscal rectitude.

Another such proposal is for higher gasoline taxes. The rationale is so high-minded you can barely see it for the clouds.

A gasoline tax would raise money—supposedly a billion dollars for every penny increase. It would cut gasoline consumption and help free us from the monstrous exactions of those foreigners who sell us cheap oil. The very highest-minded ones talk of raising the tax by $1 a gallon. The more pragmatic ones talk of 10, 15, 20 cents a gallon. Why, in any case, that is just pennies a day to the ordinary American. Take our word for it—he will spend more than that renting Playboy videos at the grocery store.

We all heard just such arguments, 25 years ago, in favor of the poll tax: Its cost equaled two six packs of beer. The Supreme Court proved to be unimpressed with this line of reasoning. It laid poll taxes in the dust.

The gasoline tax is unquestionably constitutional, nor is it even unfair as taxes go. If you drive a car you pay it; if you don't, you don't.

Fairness isn't the issue here. The issue is that the tax-and-spend Democrats on Capitol Hill, and their allies in the economics profession, are endeavoring to shove their camel, nose first, into Mr. Bush's tent.

They want the old sheik to say: "Read my lips now; oh, if during the convention I had only known how pressing were our economic needs, I would never have promised no tax increases."

First the smokers, the drinkers and the gas guzzlers. Having smitten these small-bore sinners, Congress moves on, cautiously but firmly, to the serious work—enacting a national sales tax.

This is the unspoken summum bonum of liberal tax policy. Few on Capitol Hill have the stomach to raise income tax rates significantly; a national sales tax, piled atop the state sales taxes almost all Americans pay, looks increasingly like the answer. You go in cheap—a penny on the dollar, then you ooch it up—a half-cent here, a quarter-cent there. Pretty soon you're at 5 percent, or 6 or 7, and you're rolling in money.

Would that the taxpayer could say as much, but he's the one paying the freight.

It's time to put a stop to this nonsense about balancing the federal budget by tax increases. Economists and congressmen may not live in the real world, but taxpayers do. These apprehend Congress' disposition to spend every red cent raised through the tax laws.

Congress' problem is not too little money; it is too much enthusiasm for spending all the money it has, plus all it can borrow. Some of us, in Christian charity, understand the propensity to spend, spend, spend. This because we share it, but then the money we spend is our own. Congress has not a penny of its own.

How ironic that a special commission recently cleared Congress (together with the President and the Supreme Court) for whopping pay increases. Just at the moment Congress contemplates feathering its own nest, its leaders talk of defeathering ours, through tax increases.

What's George Bush going to do about it? It is harder to read minds than lips, but one course of action commends itself. The president-elect can say, slowly and distinctly, to the proponents of gasoline taxes: "Get that camel outta here!"

END THE JUNK BOND/HOSTILE TAKEOVER CONNECTION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing legislation that would attempt to discourage hostile takeovers by restricting the junk bond financing that drives most of these deals. Specifically, my legislation would deny the deduction for interest on risky junk bonds that fuel hostile takeovers.

Over the past several months, we have all read in the papers about the virtual collapse of the junk bond market and the number of investors looking to dump their entire junk bond portfolios. We are now seeing a growing number of companies that played the junk bond game being forced into bankruptcy because they cannot afford to make interest payments on junk bonds.

It did not take more than one quick look into a crystal ball to predict what is now happening in the area of grossly speculative hostile takeovers and LBO's. While the administration sat idly by, the number of below-investment-grade junk securities skyrocketed to over $200 billion. Repeatedly, Treasury officials came to Congress and testified that they did not think junk bonds and hostile takeovers were a problem, and if this activity became a problem the market would correct itself.

A few of us in Congress saw things much differently from Treasury. We believe that this merger mania is unhealthy for the economy and it became clear that the hostile takeover engine was being fueled by junk bonds. Unfortunately, the market's now adjusting itself which means that some once-strong companies have been completely raped of value and many good folks have been pushed out of their jobs.

We need to take this opportunity to tell Wall Street that enough is enough, and that we will no longer continue to be a party to the junk bond charade by providing tax benefits to these funny-money pushers who float junk bond issues for hostile takeovers.

Let me be clear about junk bonds. I do not believe that all bond issues that are below investment grade are bad. Some can be very productive and very important and useful to small- to medium-sized firms that need capital with which to grow. I do, however, think that the use of junk bonds for hostile takeovers is a terrible practice for this country's economy. Armed with junk bonds, midgets become giants in search of and scavenging for underpriced assets. They float 19-percent junk bonds that rest on projections of 20 percent annual growth rates to allow them to buy assets they could not afford with money they did not have. Is it any wonder that the house of cards has begun to collapse? Does anybody think we should sit idly by and let this continue to happen? It seems to me that it is time for us in public policy to say that we will no longer provide tax subsidies to those who want to use junk bonds for hostile takeovers. That is what my legislation intends to accomplish.

The highlights of the bill are as follows:

First, the interest deduction for junk bond indebtedness is denied where such financing is used to purchase 20 percent or more of a company's stock if the acquisition is accomplished pursuant to a hostile offer. The term "hostile" is defined as any offer to acquire stock of a corporation if a majority of the independent members of the board of directors of such corporation disapproves of such offer.

For purposes of this legislation, prohibited "junk bonds" means any corporate obligation that has a below-investment-grade rating from a nationally recognized rating agency.

I urge my colleagues to cosponsor this legislation to curb the use of junk bonds that drive hostile takeovers and LBO's which threaten the stability of our national economy.

The full text of the bill follows:

H.R. —

A bill to amend the Internal Revenue Code of 1986 to deny the deduction for interest on junk bonds used in hostile takeovers

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF DEDUCTION FOR INTEREST ON JUNK BONDS INCURRED TO ACQUIRE STOCK OR ASSETS IN HOSTILE TAKEOVERS.

(a) IN GENERAL.—Part IX of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items not deductible) is amended by adding at the end thereof the following new section:

"SEC. 280I. INTEREST ON JUNK BONDS INCURRED TO ACQUIRE STOCK OR ASSETS IN HOSTILE TAKEOVERS.

"(a) GENERAL RULE.—No deduction shall be allowed under this chapter for interest on junk bonds incurred or continued by a corporation (hereinafter in this section referred to as the 'issuing corporation') to purchase or carry the stock or assets of any corporation if—

"(1) such stock is purchased as part of a partial hostile qualified stock purchase, or

"(2) such assets are acquired on or after the partial acquisition date and were held by such corporation on such date.

"(b) PARTIAL HOSTILE QUALIFIED STOCK PURCHASE.—For purposes of this section—

"(1) IN GENERAL.—The term 'partial hostile qualified stock purchase' means a hostile qualified stock purchase determined by substituting '20 percent' for '80 percent' each place it appears in section 1504(a)(2) for purposes of applying section 338(d)(3).

"(2) HOSTILE QUALIFIED STOCK PURCHASE.—For purposes of this subsection—

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"(A) In general.—The term 'hostile qualified stock purchase' means any qualified stock purchase (as defined in section 338(d)(3)) if any significant portion of the stock included in such purchase is acquired pursuant to a hostile offer.

"(B) Hostile offer.—

"(i) In general.—For purposes of subparagraph (A), the term 'hostile offer' means any offer to acquire stock of a corporation if a majority of the independent members of the board of directors of such corporation disapprove such offer.

"(ii) Revocation of disapproval.—An offer shall not be treated as a hostile offer if—

"(I) a majority of the independent members of the board of directors of such corporation revoke such disapproval, and

"(II) no stock is acquired pursuant to such offer before such revocation.

"(iii) Independent directors.—For purposes of this subparagraph, a member of a board of directors shall be treated as independent if such member is not, and was not at any time during the 1-year period ending on the date of his approval or disapproval of the offer, an officer or employee of the target corporation.

"(3) Special rules for determining whether there is a qualified stock purchase.—In the case of a hostile offer, for purposes of determining under section 338 whether there is a qualified stock purchase—

"(A) the person (whether or not a corporation) who makes the offer to acquire stock of a corporation shall be treated as the purchasing corporation, and

"(B) all stock acquired by—

"(i) any person acting in concert with such offeror, and

"(ii) any person who is related (within the meaning of section 5881(c)(2)) to such offeror or to the person described in clause (i),

shall be treated as acquired by such offeror.

"(c) Junk Bond Defined.—For purposes of this section, the term 'junk bond' means any obligation of a corporation evidenced by a bond, debenture, note, or certificate, or other evidence of indebtedness, unless such obligation, at the time of its issue, was rated in 1 of the 4 highest rating categories by at least 1 nationally recognized statistical rating organization.

"(d) Partial Acquisition Date.—For purposes of subsection (a), the term 'partial acquisition date' means, with respect to any corporation, the 1st day on which there is a partial hostile qualified stock purchase with respect to such corporation.

"(e) Successor Corporation Included.—The corporation referred to in subsection (a) shall be treated as including its successor described in section 338(a)(2)."

(b) Clerical Amendment.—The table of sections for such part IX is amended by adding at the end thereof the following new item:

"Sec. 280I. Interest on junk bonds incurred to acquire stock or assets in hostile takeovers."

(c) Effective Date.—The amendments made by this section shall apply to indebtedness incurred after the date of enactment of this Act.

"BORN ON THE FOURTH": IT'S A LIE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. RITTER. Mr. Speaker, as communism implodes worldwide, those who fought against it in Vietnam are still not receiving the justice that comes with simple truth. Hollywood's rich and famous, particularly one Oliver Stone, continue to do grave injustice to the memory and legacy of Vietnam combat veterans by characterizing them as heinous villains.

I would like to place into the Congressional Record a piece written by Richard Eilert, a Vietnam veteran who served, and was seriously wounded, as a rifleman with the 26th Marine Regiment. This piece is a poignant response to the film "Born on the Fourth of July."

Mr. Speaker, I would also like placed into the Congressional Record the piece written by Toan Truong which also discusses Hollywood's misrepresentation of the Vietnam war.

[From the Washington Post, Feb. 6, 1990]

"Born on the Fourth": It's a Lie

(By Richard Eilert)

"Born on the Fourth of July," Oliver Stone's latest offering, is another box office bonanza and may win several Oscars. Stone has shown again that, like the divas of yesteryear, if you play to the critics in the "Golden Horseshoe" instead of the people in the cheap seats, success is just around the corner. Stone has talent as a director, particularly in his ability to bring to the screen the subtle sights and sounds that inflame the memory of those who were there and stir the imagination of those who were not.

"Born on the Fourth" and "Platoon" share common characteristics. Both are laced with enough fact to make the stories difficult to refute, while at the same time they are saturated with so much hateful negativism that in the end of the proper term to describe them is probably "propaganda" or "disinformation." In the end, both films seem to work most effectively on the guilt of those who did not serve in Vietnam, while at their kindest they disappoint the honest expectations of those who did.

I, like many who were seriously wounded in Vietnam, have a bone to pick with both Stone and Ron Kovic, the paraplegic Marine Corps veteran whose "true story of innocence lost and courage found" comprises "Born on the Fourth." There is an inherent dishonesty in Stone's depiction of those who served. And there is an overwhelming self-pity in Kovic that seems even to have shaped his politics.

It was not easy for any of us. During the time I was hospitalized at the Great Lakes Naval Hospital, I was surrounded by some of the most hideously wounded people the war produced: single and double amputees, the blinded, the paralyzed, some without testicles—America's finest, now broken-hearted from the loss of friends in Vietnam and sweethearts at home. A visitor once commented that it was a miracle many of us survived. I replied that the real miracle was that so many even wanted to survive. Up to my crotch and armpits in plaster, trying desperately to prevent doctors from amputating my legs, shot also through the face, I kept a cynical sign over my bed: "All The Way With LBJ/Made Me What I Am Today."

But there was a camaraderie and acceptance of responsibility in that hospital—and even today among those who have known heavy combat—that curiously seem to have evaded both Stone and Kovic. Men fight wars for each other. Most commendations for heroism I observed were to men who came to the aid of wounded friends. In Vietnam simple decisions, such as which trail intersection to follow or who had the "watch," had enormous consequences. We walked point when it was our turn because if we did not, our friend would have to do it for us. And so we learned about interdependence and accountability for our actions.

These concepts are not a part of either Stone's or Kovic's makeup. In all of Stone's films, his characters are unlikeable. They are humorless, friendless. They make acquaintances but never confide in or rely on others. And they are patronizing and arrogant about those around them.

Near the opening of "Platoon," as Stone takes us on an ambush, the main character is voicing over a letter to his grandmother. The character describes his fellow soldiers by saying, "They come from the end of the line. They're the bottom of the barrel and they know it." He then reassures Grandma, who no doubt is sitting on the veranda back in the Hamptons, that they're the best he's seen. Come on—if this was true, why did he trash them in the film?

There may be an even deeper hatred here. In "Platoon" Americans killed each other and innocent civilians. In "Born on the Fourth" this theme intensifies. At the same time Kovic emerges holding himself blameless for the actions he has taken, because he has purged himself of these sins by denouncing his parents, his God, his country and the Marine Corps for having created his original circumstances.

What is hard to swallow for those who know the Marine Corps well is that Kovic was on his second tour when he was wounded. He seems to be telling us that the killing and maiming of others—including fellow Marines—was acceptable during his first tour, and became reprehensible only when he himself was disabled. In the film, Kovic remains the quintessential Marine, until after his release from the VA hospital, when he finds himself alone. No one is around to reaffirm his sacrifice, to show him love or compassion. He searches for acceptance and finds it among those who want to use him for their own ends.

Over the past 22 years, I have journeyed through many hospital wards in the process of undergoing 47 operations (and counting) as a result of my Vietnam wounds. I have met hundreds of veterans whose lives were changed with a terrible finality by their service in our nation's wars. When I think about all the dignified, courageous people I have met in those hospital stays, sometimes I feel so proud of them that I honestly could cry. And after seeing the disservice that this lauded Hollywood lie does to them, I wanted to.

[From the New York Times, Feb. 19, 1990]

Hollywood's Vietnam, Not Mine

(By Toan Truong)

San Francisco.—I grew up in Vietnam during the war and came to the U.S. in 1975 with the first wave of refugees. It is always with mixed emotions that I watch Vietnam war movies like "The Deer Hunter," "Full

Metal Jacket," "Platoon" and, now, "Born on the Fourth of July," which has received eight Academy Award nominations.

The average American has never cared about the Vietnamese people and still doesn't; Vietnam has become an abstract symbol for pundits who debate about ideology and politics. These movies, although powerful and moving, are vehicles for men like Ron Kovic, who wrote "Born on the Fourth of July," and Oliver Stone, who directed it, to atone for the their past misdeeds.

Mr. Kovic's spine was severed in Vietnam and he is confined to a wheelchair. Watching the movie, I felt his pain and admired his courage. I even cried at his triumph at the end of the film. But I wondered if, even now, he has any idea about the kind of pains the Hanoi Government is still inflicting on the Vietnamese people. For all of us, the suffering continues.

While Americans tend to remember the Vietnam War through images depicting the massacre of innocent civilians by American troops, what is chiseled in my own mind is footage of Vietnamese wailing over the bodies of loved ones who were buried alive in huge mass graves by the Viet Cong during the Tet offensive, in 1968. I will never forget how the Viet Cong killed thousands of civilians who were fleeing toward Hue on Highway 1 in 1975.

Most Americans remember the late 60's as a time in which the forces of truth and righteousness triumphed over the lies and hypocrsies of government and the military-industrial complex. But I remember my parents' concern that anti-war demonstrations would undermine U.S. support for the war at a time when Russian and Chinese support for North Vietnam was stronger than ever.

I cannot even begin to describe the feeling of abandonment my countrymen felt at the start of North Vietnam's offensive in 1975, when our soldiers were restricted to firing a few rounds a day because the bullets had run out and none were forthcoming.

At one point in "Born on the Fourth of July," the hero says that the U.S. was interfering in the Vietnamese people's struggle for independence. The "Vietnamese people" are always being quoted as supporting the North and rejecting American imperialism. Yet, I know of no public opinion poll on what Vietnamese people really wanted during the war.

I believe that they only wanted to be left alone to farm that ancient piece of land and enjoy the fruits of their labor. They did not want to shoot each other or shoot Cambodians. The Vietnamese people would prefer not to be so oppressed that they feel obliged to seek freedom elsewhere, as they have done since 1975. We tend to forget that, after the American pullout, the free people of South Vietnam succumbed to totalitarianism, and Communists gained control of Laos and Cambodia.

Is defending freedom in the world a worthy goal for the U.S.? Americans do not ask that question about their involvement in Europe during World War II. Why is Vietnam different?

The difference, I think, lies mainly in the fact that Europeans are just plain easier to identify with, whereas Vietnamese are just a bunch of "gooks." What the hell was the U.S. doing there, risking the lives and limbs of good American kids? As casualty figures came in on the evening news, the idea of fighting for democracy in Vietnam became only a vague concept related to some Asians 13,000 miles away.

I visted the Vietnam War Memorial in Washington in November. A similar monument for Vietnamese soldiers would stretch 20 times longer. As I walked down that black slab, scanning the names, it was painful to realize that, although these men gave their lives for my country, I knew nothing about them.

In a guest book at the monument, I wrote a dedication, not only to those who had fallen, but to all American Vietnam veterans still alive: "Thank you all for having fought for my people. We will never forget your sacrifice."

TRIBUTE TO JEAN HICKS

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to honor an exemplary member of my community who has been recognized for her contributions to local minority residents.

Jean Hicks, of Portsmouth, RI, has been selected as the winner of the George Downing Award. The award was presented to her recently at the Rev. Robert Williams National Black History Month Assembly. Ms. Hicks currently is the executive director of New Visions for Newport County, a local community action program. She has also been appointed by Rhode Island Governor, Ed DiPrete, to the Balance of State Private Industry Council, the Interagency Coordinating Council, the Governor's Human Service Advisory Council, and the Minority Affairs Council.

In past years Ms. Hicks has been named as 1987 Woman of the Year by the Women's Division of the Newport County Chamber of Commerce and has received many other accolades.

It is with great pleasure that I congratulate Ms. Hicks for her tremendous efforts for her community. I wish her the best and great success in the future.

HONORING ELIAS KARMON

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. ENGEL. Mr. Speaker, I rise today to salute a living legend in the history of the Bronx, Mr. Elias Karmon, who is being honored by the people of the borough on the occasion of his 80th birthday.

Few people can boast of the accomplishments that Elias Karmon has achieved during his life. The list of his civic affiliations is endless, as are the acts of generosity he has bestowed on his neighbors through his activities. He can be called a community activist, a concerned businessman, or a philanthropist—but even these titles fall short in describing the contributions Elias Karmon has made.

Some of the organizations that have grown to reach their highest potential because of Elias Karmon's work include the Albert Einstein College of Medicine, the Bronx Chamber of Commerce, and the Bronx Urban League Advisory Board. Even as he enters his ninth decade of life, Elias Karmon remains active in these and many other organizations.

While searching for a classic example of Elias Karmon's generosity among the many things he has done, I was reminded of one of his most heart-warming activities. Beginning in 1959, Elias took over the entire RKO Franklin Theatre for a day and hosted an annual Christmas party for the children of the Bronx. More than 3,000 children from local schools, churches, Boy and Girl Scout troops, and settlement houses were invited as his guests. Until the theatre was closed down 9 years later, Elias Karmon personally organized this annual event, and no doubt he personally touched the lives of many young men and women.

It is this spirit of community and generosity that the people of the Bronx are celebrating when they honor Elias Karmon. On behalf of my constituents, I say thank you Eli and wish you health and happiness in the years ahead.

INTRODUCTION OF THE MEDIGAP FRAUD AND ABUSE PREVENTION ACT OF 1990

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Ms. OAKAR. Mr. Speaker, today I join my colleague of the other body, Senator KOHL of Wisconsin, in introducing the companion to his legislation, the Medigap Fraud and Abuse Prevention Act of 1990.

Let me say up front, that I would rather see the need for Medigap insurance done away with completely in our Nation through a national, universal health plan. However, the sad fact is that Medicare currently covers only 45 percent of the health care needs of elderly and disabled Americans. Therefore, they must contend with a deluge of confusing advertising ploys and programs which, in many ways, claim to bridge that gap.

A recent report by the House Committee on Aging Subcommittee on Health and Long-Term Care, looking at exactly how well both Federal and State provisions were working for controlling the cost of Medigap insurance, revealed that a significant number of insurance companies around the country were not meeting the Federal minimum standard of paying out 60 percent for individual policies. In other words, companies paying out 60 percent of the premiums they take in, back to policy holders in the form of benefits, and 75 percent for group policy holders in the form of benefits.

The study found that a whole host of companies were below the 60 percent mark, which raised questions about what was going on at the State level in assuring that the Federal minimum standard was being met. The study of the 150 or so insurers who offer Medigap policies, found 10 to 20 insurers ranging from 60 percent down to 50 percent; another 20 to 30 ranging from 50 percent down to 30 percent; and they found two going all the way down to an 8 percent premium to benefit ratio. In the latter case, the elderly people who were

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holding those policies, could only get back 8 cents on every dollar they had paid in premiums. Yet, those policies were allowed to be in force in some States, despite the minimum requirements of 60 percent. Just as a point of comparison, the Medicare Program pays about 97 percent of funds it takes in on claims.

Mr. Speaker, I am proud to join Senator KOHL today, and I commend his efforts to bring some justice to bear and sort out the confusion for America's seniors. The Medigap Fraud and Abuse Prevention Act will do three things. First, the bill will require that all Medigap policies maintain a minimum 75 percent premium to benefit ratio. Fines for failure to comply with this standard will also be increased significantly. Finally, the bill calls upon States, with Federal assistance, to set up toll-free Medigap hotlines to disseminate information on the myriad of confusing choices that seniors are called upon to make as they shop for a Medigap policy.

Mr. Speaker, as I have said, I would rather forge ahead with a national universal health and long-term care program, as addressed in my bill H.R. 4253, that would once and for all do away with the need for these expensive supplemental policies. Seniors are too often duped into purchasing several duplicative policies that still don't cover all of their needs, and the ripoff has got to stop. Those who dishonestly profit by playing on older Americans' worst fears deserve to be punished severely. It is a shame that this continues to happen in America. I urge all of my colleagues to support this important legislation.

THE MEDICARE TAX FAIRNESS ACT OF 1990

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. SABO. Mr. Speaker, one of the most disturbing trends of the last dozen years is the growth in the inequity of the Federal tax system. The extent to which the system is skewed in favor of the richest Americans is finally getting some needed attention.

A recently released study by the Citizens for Tax Justice shows that most taxpayers are earning less and paying more taxes, while the extremely wealthy are making more and paying less. The study reveals that, because of tax law changes made in the last dozen years, this year alone the richest 1 percent of the population will pay $84 billion less in taxes than they would have under the pre-1978 system; the top 10 percent will pay $93 billion less. At the same time, the other 90 percent of the population will pay $26 billion more.

Senator MOYNIHAN has grabbed the attention of Washington and the American public with his blunt and honest talk about the use of the Social Security trust fund to support a deficit-spending government. He has clearly outlined how regressive it is to fund the daily operations of government with a payroll tax.

Today I introduced legislation that is designed to address part of this inequity in our tax system. The Medicare Tax Fairness Act of 1990 makes the system of taxation we use for Medicare much more equitable. The bill also raises an additional $10 billion, which is designated to help insure the uninsured and to support a new Federal catastrophic health insurance program for senior citizens.

There is a sound theoretical basis for funding Social Security retirement and disability benefits out of a limited payroll tax, because there is a direct relationship between income and benefits. There is a correlation between the amount contributed and the benefits received.

This is not true for Medicare. There is absolutely no relationship between how much you pay in Medicare payroll taxes and the benefits you receive. That is why I believe we need a fairer system of financing Medicare.

IMPROVING MEDICARE FINANCING

Under the current Medicare payroll tax system, employees pay 1.45 percent on the first $51,300 of their salary. Likewise, employers contribute 1.45 percent of the first $51,300 of an employee's salary.

The most significant part of my bill reduces Medicare payroll tax rates and broadens the base from which Medicare taxes are collected. My bill changes the employee's tax to 1.1 percent of Federal adjusted gross income. It changes the employer's tax to 1.3 percent of total payroll.

The new tax rate structure is designed to retain the 50–50 split between business and individual contributions to the Medicare fund. The employer rate is higher because the base for individual contributions has been broadened through the inclusion of unearned income.

In other words, for individuals, both earned and unearned income would be taxed under my bill. Since there is no relationship between earned income and the Medicare benefits people receive, there is no good policy reason for financing Medicare primarily from earned income. Likewise, there is no limit on benefits, so there is no good reason for applying the tax to only a limited portion of income.

Under my bill, most workers would pay lower taxes. In fact, all workers whose incomes are less than $67,000 would pay less. Higher income people and those with significant amounts of unearned income would pay more.

Here are a few examples of the tax savings working Americans would enjoy: A worker with a $20,000 salary and no other income would save $70 a year; a worker with a $30,000 salary and $500 in other income would save $99.50; a worker with a $40,000 salary and $2,000 in other income would save $118.

Most businesses would pay less too. In fact, most firms that do not have a high concentration of highly paid employees would pay less.

Here are two examples of how my bill would affect businesses. A firm with 10,000 employees earning less than $51,300—at an average salary of $25,000—and 300 workers earning more than $51,300—with an average salary of $70,000—would save $325,155 a year. A firm with 50 employees earning less than $51,300—again, at an average salary of $25,000—and three higher-paid workers earning an average of $70,000 would save $16,637.

ADDRESSING OTHER HEALTH CARE PROBLEMS

My bill also raises an extra $10 billion a year. The tax fairness improvements could, of course, be made in a revenue-neutral manner. If we don't have the will to raise additional revenue, I think we should still make Medicare taxation more equitable. That is the primary purpose of this bill, to bring greater fairness to the Medicare tax system.

But my bill offers a good way to raise money that is needed to address two serious health care problems. The staggering number of Americans—37 million—who are not covered by health insurance and the lack of adequate protection from catastrophic illness for many of our senior citizens are problems that are too serious to ignore.

First, my bill designates $6 billion to help States develop programs to provide health insurance for low-income people. The money would be distributed on a per capita basis. Great flexibility would be granted to the "laboratories of the States" to encourage them to try innovative approaches to help these people gain access to coverage.

I have introduced separate legislation—H.R. 872, The Comprehensive Health Care Improvement Act of 1989—that would guarantee all Americans access to comprehensive and affordable health insurance. Part of that bill would create a State-run, low-income assistance program. The $6 billion provided by the Medicare Tax Fairness Act of 1990 could be used for that kind of program.

Second, my bill designates $4 billion to support a new catastrophic health insurance program for senior citizens. Although our earlier effort on catastrophic insurance did not succeed, the problem remains and we need to address it. My bill does not create a specific program, but it does provide money to deal with the problem.

FOR TAX FAIRNESS AND BETTER HEALTH CARE

A paramount issue of 1990 must be the inequity of the U.S. tax system. A top priority for the 1990's must be to restore greater fairness to our tax laws, which are far too skewed in favor of those at the very top of the economic ladder.

Our challenge today is to examine every tax proposal with an eye on whether it makes our tax system more regressive or progressive. We need to choose the route of greater progressivity and reject calls for giving more tax breaks to those who have already benefited so much from tax changes over the last dozen years.

We will never have perfect equity in the Nation's Tax Code. But that does not mean we should stop trying. It means we should try harder and keep working at it.

My legislation addresses the need for greater tax fairness in one significant area. It deals with an important and large part of the Tax Code. Taking this important step forward, will help us move down the road toward a fairer and more equitable tax system.

THE MEDICARE TAX FAIRNESS ACT OF 1990

The bill makes the system of taxation we use to finance Medicare much more equitable and provides an extra $10 billion to help insure the uninsured and to support a new catastrophic health-insurance program for senior citizens.

IMPROVING THE WAY MEDICARE IS FINANCED

	Tax rate (percent)	Tax on
Employees:		
Current law	1.45	Earned income up to $51,300.
Sabo plan	1.10	Federal adjusted gross income.
Businesses:		
Current law	1.45	First $51,300 of workers' wages.
Sabo plan	1.30	Total payroll

(The new tax rate retains the 50-50 split between individual and employer contributions to the Medicare fund. The tax fairness improvements can also be made in a revenue-neutral way.)

EXAMPLES OF THE IMPACT OF THE MEDICARE FAIRNESS ACT OF 1990

Employees: All workers with income below $67,000 will experience some tax savings.

Salary	Other income	Tax savings
$20,000	$0	$70.00
$30,000	500	99.50
$40,000	2,000	118.00

Businesses: Most firms that do not have a high concentration of highly-paid employees would pay lower taxes. Here are two examples of the tax savings. The first shows a firm with 10,000 workers earning less than $51,300 (with an average wage of $25,000) and 300 workers earning more than $51,300.

	Number of workers with average wage of $25,000	Number of workers with average wage of $70,000	Tax savings
Firm 1	10,000	300	$325,155
Firm 2	50	3	16,637

RAISING MONEY TO ADDRESS THE HEALTH CARE PROBLEMS

The bill designates $6 billion to be distributed to the states on a per capita basis to help them provide health insurance for low-income people. (States would design their own programs.) It also designates $4 billion to support a new federal catastrophic health-insurance program for senior citizens. (No program is created.)

REPRESENTATIVE SABO OFFERS FAIRER MEDICARE TAX PLAN—PROPOSES WAY TO FUND HEALTH CARE ACCESS AND CATASTROPHIC PROGRAMS

In an effort to bring greater equity to the way Medicare is financed, Congressman Martin Olav Sabo (D-MN) today introduced legislation that would sharply revamp the Medicare tax system. The bill would reduce Medicare payroll tax rates and broaden the base from which it is financed. It would also raise an extra $10 billion a year to support programs that will help insure the uninsured and provide catastrophic coverage for senior citizens.

Under the Sabo plan, most workers and businesses would pay lower taxes. High-income people and those with substantial unearned income would pay more.

"There is a sound theoretical basis for funding Social Security out of a limited payroll tax," Sabo said, "because there is a direct relationship between income and benefits. That's not true for Medicare."

Under the current system, employees and employers each pay into Medicare 1.45% on the first $51,300 of salary. Sabo would change the employee's tax to 1.1% of federal adjusted gross income. In other words, unearned and earned income would be taxed. Workers with incomes under $67,000 would pay less. Employers would pay 1.3% of total payroll. Most firms that do not have a high concentration of highly-paid employees would pay less. (The new tax structure retains the 50-50 split in employee and employer contributions to Medicare.)

"There is no link between earned income and the Medicare benefits people receive," Sabo noted, "so there is no good policy reason why the financing of Medicare should be derived primarily from earned income. Just as there is no limit on benefits, there is no reason for the tax to be applied to a limited portion of income."

"We can improve the tax fairness of the Medicare system in a revenue-neutral way," Sabo said, "and even if we can't raise more money we should make it more equitable. But I think we should raise more money to deal with two serious health-care problems. This is a good way to do it."

Sabo's bill would raise an extra $6 billion that would go to states on a per capita basis to support programs that provide health insurance for low-income people. "This will help the states develop innovative approaches to give these people access to coverage," he explained.

(Sabo has introduced separate legislation that would guarantee access to affordable health insurance to the 37 million Americans who lack coverage. Part of that measure would create a state-run, low-income assistance program. The $6 billion provided here could be used for that kind of program.)

Sabo's plan would provide $4 billion to support a new catastrophic program for senior citizens. "Although our earlier efforts on catastrophic insurance didn't succeed, the problem remains and needs to be addressed," Sabo said. "My bill doesn't create a specific program, but it provides the money to help finance a program when we develop one."

VOICE OF DEMOCRACY WINNER

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MARLENEE. Mr. Speaker, it is my profound pleasure to submit the following essay written by Mark Stott of Fairfield, MT, for my colleagues to read. He was the Montana winner of the 1989–90 Veterans of Foreign Wars Voice of Democracy scriptwriting contest. We are living in exciting times, with many changes in the Eastern bloc for democracy and freedom. Mark reminds us of our precious heritage, which continues to serve as a light beacon for the rest of the world. His essay is as follows:

WHY I AM PROUD OF AMERICA

On April 19, 1775 the Revolutionary War began. On that same day men left their homes, their families, and their crops, to fight for the freedom of self-government. They gave their lives for "Old Glory," the flag that represents the freedom of life, liberty and the pursuit of happiness.

I can't be anything but proud every time I see red, white and blue flying overhead in a wave of glory. I remember, as a Cub Scout, marching the flag down the street in a Fourth of July parade. Quickly the hats would be taken off, hands would be placed on hearts, and a look of awe and respect would come on the crowds faces. Editors of the Reader's Digest wrote, "It triggers within us the deepest feelings about a place where breadlines, prison camps, and tanks in the square, are not the general order of things. The flag signals to us a phenomenon of history that protects us from indignities, permits us peace, draws refugees with priceless hope and offers help with a boundless heart.

I am proud to live in a country where the people have one common belief of freedom. People like Robert Stethem, a passenger on the TWA Flight 847 the day it was hijacked. When the terrorists asked for passports, Robert quickly stood up and stated that he was a member of the U.S. Navy. He did not cry out once while being beaten. Other passengers later said that if it hadn't been for his courage, the rage of the terrorists would have fallen on them also. Robert Stethem was the only hostage killed. It was later said that his heroism shows to the world America's proudest traditions of strength, sacrifice for others, unwavering faith in God and a love of country. I am proud to have been born in a country where such men have lived.

Other countries look to us with respect and jealousy. During the Chinese student occupation of Tianamen Square, a "Statue of Liberty," freedoms most powerful beacon, stood in the political center of a communist state. And the famous American words, "Give me liberty or give me death," was their motto.

I am proud and grateful to live in a country that is not surrounded by fences and walls holding us in. How often do we, on impulse, jump in our car and head for the mountains, or go see friends in another state?

We have the freedom to travel freely without hesitation, permits, or informing the government of our plans.

I am proud to live in a country where our states are united into one nation under God. During the Olympics, a warm sense of pride swept over me every time an American won a medal. But that pride was not even comparable to the feeling I had when hearing of the sacrifices made, time spent, and money donated to the victims of the hurricane in South Carolina and those people devastated by the earthquake in California.

I am proud to live in a country where people can sit outside their homes, listen to the birds, watch a beautiful sunset, and talk about the next election. I am proud to live in a country where you don't have to stand in lines to buy a pillow or a blanket, where milk, bread or for that matter, Coco Puffs, can be bought at the nearest grocery store.

We are one nation under God, indivisible, a nation with justice for all. I am proud of my country. I am proud to be an American.

FIGHTING DRUGS: HOW CITIZENS CAN HELP

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. GUARINI. Mr. Speaker, problems in American society seize public attention suddenly and then fade out of sight, like a tidal wave breaking and receding from the sand. The rhythm of politics intensifies this trend:

Politicians ride the rhetorical tide during campaigns, then let the issue ebb away after election day. So it is with the issue of drug abuse.

Everyone agrees the problem is overwhelming. Some 23 million Americans use drugs regularly; 1.3 million are intravenous abusers. Illicit drugs—especially crack—are the major contributor to the recent wave of crime and prison overcrowding. Crack continues to devastate the lives of increasing numbers of minority and inner-city youth, single-parent mothers, and innocent babies, while treatment lags far behind.

And while Federal agents frantically work to stop the drugs pouring over our borders, the cocaine supply skyrockets. In 1988, approximately 400 metric tons of cocaine entered the United States and wholesale prices dropped to a record low. Children are first trying drugs at younger ages, being sucked into criminality and jamming our juvenile courts. Jails in Hudson County, and across the Nation, are so full that police must stand by as their arrestees walk back out on the street.

Still, we've only begun to fight. Clearly, the Federal Government has a responsibility to allocate more money for prison space, local law enforcement, and treatment. But what can the ordinary citizen do about the drug problem? There are several concrete and realistic steps he or she can take.

First, citizens should work closely with police to report drug dealers in their neighborhood or housing projects. Set up a police hotline or neighborhood watch if one doesn't already exist. Studies show that the best policing occurs where police and citizens work together to protect their neighborhoods.

Second, residents must keep city officials and police aware of vandalism or run-down spots and get them repaired imediately, perhaps employing local youth to do so. Blocks with abandoned houses, damaged windows, broken lighting and fencing are open invitations to dealers to set up shop. Don't let them.

Third, parents and schools must throw real resources and imagination into drug prevention programs. New research shows that effective programs can significantly reduce the incidence of drug experimentation and abuse. Make sure your children participate and follow up with them after school.

Fourth, we must reach out to the young people most at risk for substance abuse, including minority, inner-city dwellers with single parents. If these young people are in school, we should help them participate in prevention programs; if not, community outreach must be conducted for them.

Finally, workers and employees should institute EAP's—employee assistance programs. These programs, tailored to individual private or public workplaces, provide intervention and treatment for substance-abusing employees and can help drastically reduce the costs of drug abuse and the attendant absenteeism, accidents, and low productivity in the workplace. For example, the Jersey City police and fire departments provide rehabilitation for employees under confidential circumstances as part of their EAP.

With active, focused public activity, New Jersey citizens can make real progress in the war on drugs. In the end, the national drug problem will not be solved by Congress alone but together with individual citizens, working to glue their communities back together. While the tide of concern flows, let us build a seawall to permanently stop substance abuse from eroding our society.

INTRODUCTION OF THE PERMANENT WETLANDS AGRICULTURAL RESERVE ACT

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. RIDGE. Mr. Speaker, I rise to introduce the Permanent Wetlands Agricultural Reserve Act, a bill to preserve wetlands and substantially assist farmers in their efforts to protect America's environment.

We all recognize that wetlands are a valuable natural resource that must be protected. While estimates vary with respect to actual wetlands losses, the U.S. Department of Agriculture [USDA] estimates that between the mid-1950's and mid-1970's, 87 percent of wetland losses have occurred on agricultural property. The farmers in my northwestern Pennsylvania district understand this phenommena full well. The Federal Government encouraged and paid for much of the wetland conversion. Today, due to a better understanding of wetlands values, our Federal policy is changing. It is therefore essential that the Government become every bit as active a partner in conservation as it was in providing incentives for increased production.

Since President Bush embraced a policy of no overall net loss of wetlands, there has been a considerable amount of discussion and a number of congressional hearings on the subject. Now is the time to stop talking and start working. This year's farm bill provides an excellent vehicle for progress. However, any action which we take must meet the challenge of wetlands conservation head on. Any approach to wetlands conservation must include a recognition of private property rights within the context of a long-term environmental management plan. The legislation which I introduce today calls for the Federal Government to fully assist America's farmers by creating permanent wetlands reserves on private property.

The legislation requires the Secretary of Agriculture to establish a wetlands reservation program of no less than 2.5 million acres of eligible wetlands, converted wetlands, and adjacent lands located on eligible agricultural property. It also mandates that we stay within the currently authorized cap of 45 million acres as established in the Conservation Reserve Program between now and 1995.

The bill requires that the Secretary of Agriculture consult with the Secretary of the Interior in the development of a long-term management plan which will be included in a permanent conservation easement agreement. The expertise and interest of the Department of the Interior, particularly as it relates to wildlife and waterfowl protection, should be productively utilized.

In return for the landowners significant commitment to the private stewardship of wetlands, the owner of the property will be compensated for the fair market value of the land. In addition, the farmer will receive compensation for the income that would have been generated by the lands placed in the wetlands reserve program had they continued to be used for agricultural purposes.

While the reserve provisions will assist in the permanent protection of existing wetlands, we will also need to reclaim lost acreage if no overall net loss of wetlands policy is ever to become a reality. Therefore, my legislation would require the Federal Government to pay up to 100 percent of the cost of restoring converted wetlands and 50 percent of the cost of establishing vegetation in existing wetlands. The Federal Government would also be encouraged to provide technical assistance to the farmer in carrying out the obligations of the permanent easement agreement.

The commitment to conservation must work both ways. The Federal Government must be willing to come forth with real financial incentives for conservation on private agricultural property. While the benefits of wetlands conservation are distributed to society as a whole, the burden of the regulations falls to a few. A Government that for decades paid farmers to drain their land for agricultural production must now provide real incentives for conservation.

I plan to encourage members of the Agriculture Committee to take a careful look at my proposal for a permanent wetlands conservation reserve program. Proposals for short-term conservation reserves are not cost effective and provide no solace to those who know that wetlands losses must be halted. We have an opportunity to expand our Nation's wetlands base in a manner which compensates rather than punishes America's farmers. I would urge all of my colleagues to recognize the need and to seize the opportunity for substantial progress to be made on the road to a fair and effective national wetlands policy during consideration of this year's farm bill. Thank you.

OUTSTANDING STUDENT ATHLETES OF SACRAMENTO VALLEY, CA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute to 15 high school and 3 college members of the Sacramento community upon their acceptance as this year's National Football Foundation Sacramento Valley Chapter's Scholar Athletes of the year. These outstanding individuals deserve to be recognized for their dedication to the pursuit of excellence not only in their sport but also in their academic undertakings.

Tonight's ceremony is to recognize the achievements of a very elite group of outstanding student athletes in the Sacramento Valley area. The 3 college students: Ted Diehl, University of the Pacific; Ty Endean, California State University Sacramento; James

Tomasin, University of California Davis, along with the 15 high school students: Mark Hatzenbuhler, Galt High School; Greg Hoffman, Del Oro High School; Andrew Stoddard, El Camino High School; Curtis Vals, Nevada Union High School; Mario Carreon, Yuba City High School; Jason Savorn, Cordova Senior High School; Brandon Johnson, Davis High School; Jason Fisk, Davis High School; Lenny Tran, Tokay High School; James McGahna, Folsom High School; Dan Gibbons, Bella Vista High School; Jason Skaggs, Nevada Union High School; Tony Cline, Davis High School; Tolan Dworak, Lincoln High School; and Mike Sample, Bear River High School, are to be congratulated for their outstanding achievements. It is through their commitment and skill that these individuals have made significant contributions to the entire Sacramento community.

Mr. Speaker, I commend the 1990 Scholar-Athletes for their many accomplishments. I am sure that my colleagues join me in saluting these invaluable members of the National Football Foundation and Hall of Fame for their expertise and their sportsmanship. It is through their hard work and sacrifice that these young men have met the challenge of excelling in two different environments head on. I extend my best wishes for their continued success in all their future endeavors.

A "POINT OF LIGHT," THE RABBI ALEXANDER S. GROSS HEBREW ACADEMY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, I am honored to have this opportunity to extend my wholehearted congratulations to the Rabbi Alexander S. Gross Hebrew Academy, Fana Holtz High School. On March 9, 1990, President George Bush awarded the school one of the "Thousand Points of Light" for outstanding community service.

In 1946, Rabbi Alexander S. Gross came to Miami Beach with the dream of establishing a community-supported day school. As the school's spiritual and scholastic founder, Rabbi Gross met with community leaders interested in the project which agreed was needed to fill a community need. And in 1948, the same year Israel became a nation, the modest school opened its doors with Rabbi Gross as its first principal.

As the school grew, the goal of the program became to acquaint the students with social, economic, and psychological programs of those less fortunate. The Hebrew Academy also wanted to adopt a realistic program in which the students can help achieve these programs and provide for the common good.

The school's late principal, Rabbi Josef Heber, wanted community service to become an integrated part of the education provided by the Hebrew Academy. Their community service programs in the past have involved basically the older students, and, in time, Rabbi Heber felt that the younger students should have the chance to participate. He believed that if you educate the students early enough, community service would eventually become a part of their lives.

The Hebrew Academy's first project, "Poverty" turned into an instant success. The project began by teaching the students about poverty through the use of background information. Each class provided the students with knowledge on poverty. For example, in English class, they received poems and essays on the poor. In social studies, the students learned of poverty levels, what makes a person poor, and social programs provided by governments. Each week the students were introduced to various guest speakers who would discuss aspects of poverty existing in south Florida.

Following the weeks of speakers, films, activities, projects, and meetings, the students prepared a program to present on their visit to meal sites on Miami Beach. They collected money and purchased coffee urns as gifts for each site, as well as distributing cake following their presentation. The interaction between the students and the needy people derived pleasure and enthusiasm from the time shared together.

There are numerous other projects the Hebrew academy is involved in, including services to hospitals, collections of cans, toys, and clothes, and projects involving the elderly. Everything the students at the Rabbi Alexander S. Gross Hebrew Academy study and learn is shared with the community at large.

On January 24, of this year, I had the pleasure of meeting Ryan Feig, a student from the Hebrew Academy in Washington, DC. Representing the school as a participant in the Presidential Classroom for Young Americans Program, Ryan observed firsthand the inner workings of the Federal Government, adding a new perspective to the process of textbook learning.

I commend the efforts of the founders, leaders, and staff of the Rabbi Alexander S. Gross Hebrew Academy. The work done at the academy is essential to our country, because the youth of today are the leaders of tomorrow.

LEGISLATION TO TIGHTEN THE JUNK BOND RESTRICTIONS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. DORGAN of North Dakota. Mr. Speaker, today I am introducing legislation to tighten a provision in the 1989 reconciliation bill which restricts the tax deduction for interest on certain OID junk bonds. The provision was written in an attempt to dampen the speculation in the type of junk bonds that were issued that were called PIKS and ZEROS—payment-in-kind and zero coupon. These so-called payment-in-kind and zero coupon bonds were the most recent devices used by Wall Street's fast buck artists to give a new definition to "risk" in the name of unharnessed greed.

These bonds don't actually pay interest when interest is due—they pay more bonds. And yet the issuer gets to deduct the interest as a business expense.

The 1989 act generally defers, under certain conditions, the interest deduction for junk bonds until the interest is actually paid. Congress did that to discourage the use of these junk bonds that drive LBO's and hostile takeovers. We wanted to limit the deductibility on the junk bond debt service until cash payments were actually made. Unfortunately, this provision applies only to junk bonds that have a term of more than 5 years.

When the Ways and Means Committee enacted this provision I felt that we had been too generous in drawing the line at 5 years. Frankly, I was afraid that some people would come forward and float these risky securities for 4½ years—just under the 5 year limit—and continue to deduct interest payments that they in fact, don't make. It appears that's what is now happening. And that's why I am introducing legislation today to limit the interest deduction for these junk bonds with a term of more than 2 years, rather than the 5 years that currently exists. Requiring actual cash payments for interest on junk bonds with terms of more than 2 years make sense to me. It will raise some additional money—the Treasury will save up to $300 million, I am told. It also just makes good common sense. Why should people get deductions for interest they didn't pay, use those deductions to generate cash refunds and then use to go out and engage in more hostile takeovers.

Those who have rushed to paper America's financial hallways with junk bonds are now in plenty of trouble. But there is an army of recruits ready to take their place and we've got to begin regulating this activity in a way that makes sense.

I urge my colleagues to join me in trying to further restrict this loophole. Wall Street can't police itself. The junk bond lobby has demonstrated its willingness to do almost anything to make money, even if it is not healthy for the country. I think it's our responsibility to respond to the public interest on these issues and that's why I'm introducing this bill.

The full text of the bill is as follows:

H.R. —

A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain high yield discount obligations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN HIGH YIELD DISCOUNT OBLIGATIONS.

(a) DEFINITION OF APPLICABLE HIGH YIELD DISCOUNT OBLIGATION.—Paragraphs (1)(A) and (2)(A) of section 163(i) of the Internal Revenue Code of 1986 (defining applicable high yield discount obligation) are each amended by striking "5 years" and inserting "2 years".

(b) DISQUALIFIED PORTION OF ORIGINAL ISSUE DISCOUNT.—Clause (ii) of section 163(e)(5)(C) of such Code (defining disqualified portion) is amended by striking "plus 1 percentage point".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to instruments issued after the date of the enactment of this Act.

(2) SPECIAL RULE.—The amendments made by this section shall not apply to any instrument to which the amendments made by

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section 7202 of the Revenue Reconciliation Act of 1989 do not apply.

GOV. LOUIS KOSSUTH

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. RITTER. Mr. Speaker, March 15, 1990, the United States accepted the gift of the American Hungarian Federation, a bust statute of Gov. Louis Kossuth, the legendary Hungarian freedom fighter and statesman of 1848 in the form of a solemn ceremony led by Representative TOM LANTOS with the participation of the congressional leadership and the administration.

Afterward the American Hungarian Federation sponsored a gala dinner at the Rayburn House Office Building at which I served as the main speaker. President Matyas Szuros of Hungary was also present at both the ceremony and the dinner. I want to express my sincere appreciation to the American Hungarian Federation for a work well done in connection with the Kossuth statute.

SPEECH BY REPRESENTATIVE DON RITTER, PLACEMENT OF A BUST HONORING HUNGARIAN PRESIDENT LOUIS KOSSUTH

Ladies and Gentlemen: As the son of a father born in Hungary, it is a distinct pleasure for me to address this gathering on Hungarian National Independence Day, especially as we celebrate the permanent placement of the bust of Governing President Louis Kossuth in the United States Capitol.

Indeed, there is an organic connection between Louis Kossuth and March 15, 1848—the July 4 of the Hungarian nation. Without the work of Kossuth during the Metternich era which landed him in jail as a young journalist, and without the accomplishments of the Era of Reform between 1825-48, there would have been no rising of the Hungarian youth on March 15, no overthrow of the feudal, absolutist regime, and no establishment of Hungarian democracy.

During his lifetime, Kossuth was one of the foremost revolutionary democrats in Europe. Despite his commitment to the Hungarian nation, he remained a European; a freedom fighter who sympathized with Germans, Italians, and other nations in their yearnings for freedom and democracy; a man who was respected and loved by Mazzini and the German democrats as well.

Yet Kossuth loved his nation first. His oratory, his sincerity, his idealism and patriotism, caused the Hungarian nation to follow him first to victory, then to the bitter end following the Tsarist intervention. The contemporary song stated it well: "If Kossuth calls again, we all have to go to replace those fallen."

The Fight for Freedom between March 15, 1848, and August 1849, constituted one of the golden pages of Hungarian history. Incredible heroism stopped the military might of the Hapsburg Empire, and created a democratic Hungary in which the nobility voluntarily surrendered their privileges, the serfs were emancipated, and a government responsible to a parliament was called into being.

Throughout their history, the love of freedom is a typical Hungarian trait. Liberation campaigns were led by Prince Francis Rakoczy II between 1704 and 1711. And again, the blood of Hungarian youth was shed profusely in the dark days of October and November, 1956, when the nation rose as one against Soviet occupation and the Communist dictatorship. It is a wonderful irony that as I am speaking here, Soviet troops are finally withdrawing from Hungary. With free elections only 10 days away, a new day of democracy is dawning in Hungary.

These are exciting days in Hungary, despite the economic hardships. A nation is being reborn. Out of the bonds of a 40-year-old tyranny, Hungary is resuming its rightful place in Europe, from which it was separated by Soviet Communist fiat. As we welcome these developments, we must remember the legacy of Kossuth to the people of Hungary, and to the world.

What were the basic tenets of Kossuth's philosophy? First, belief in the freedom of the individual as the keystone of all democracy; and the faith that the individual rather than the monarch or the state should be governing the realm. Without democracy, there can be no guaranteed individual freedom; without individual freedom, there can be no national unity. This brings us to Kossuth's second tenet: the national self-determination of peoples. In this, Kossuth pre-dated President Wilson by many decades. He spoke out for the national self-determination of all peoples; and only because he believed in it could he espouse, without reservation, the national self-determination of the Hungarian people. He was no chauvinist; he respected the freedom of all nations, and worked with the Italian and German democrats to create Italian and German unity, sending emissaries to the German Parliament as it was writing the German Constitution at St. Paul's Cathedral, and to the leaders of the many Italian city states struggling to become one.

It is interesting to note that today, we are witnessing new efforts to reunite the divided people of the German nation, also kept from unity by Soviet Communist fiat. History repeats itself.

Kossuth, both during his short-lived reign in his exile, promoted the cooperation of the peoples of Central and Southeastern Europe. He know the pressures put on the Hungarian people by the Austrian Hapsburg power and the imperialist Russian power of Tsar Alexander II. He knew that without cooperation between the peoples of the region, either Teutonic or Russian imperialism would wrest control of their destinies away from them.

The geopolitical situation has changed only a little since then. But events have placed an onerous burden on the Hungarian nation. As a result of the Trainon and Paris Peace Treaties, one-third of all Hungarians live in the neighboring states as minorities, especially in Rumania, which harbors 2.5 million Hungarians, mostly in Transylvania. Without a just resolution of the problems of these national minorities, the region will remain a hotbed of ethnic conflicts, an easy prey for outside powers to dominate.

We in the United States are aware of the problems. We have denounced the chauvinistic-communist measures of the Ceausescu regime for many years. Here I must praise your Federation and Dr. Z. Michael Szaz, the Chairman of the International Relations Committee, for the fine work in Congress on the issue. We're glad that that repressive period has come to an end. It is a particular pleasure to have here with us the Reverend Laszlo Tokes from Temesvar, whose eviction and arrest sparked the revolution against Ceausescu in Rumania by Hungarians, Rumanians, Germans and Serbs alike. He is a shining example of total commitment to human and religious rights—even amid persecution and brutality. We hope that the new Rumanian government will use his tremendous prestige and goodwill for a reconciliation between the two peoples rather than to give away to renewed nationalist passions which are not far from the surface.

Finally, let us ask ourselves: what is Louis Kossuth's message for us today? For Americans living in a bountiful land of freedom and democracy, for Hungarian-Americans who partake in this freedom and prosperity, yet here the anguished cries of our former fellow countrymen for freedom, justice, and economic progress.

I believe Kossuth's famous words that a world cannot live half-free and half-slave must be echoing in our ears. We must promote democracy, freedom and justice in Hungary, and in all countries of Central and Southeast Europe, not only with words, but by technical and managerial aid, investments, and—only were it can be effectively applied—financial assistance.

We must remember that unless we find a just solution to the problem of national minorities we can never establish a lasting peace in the region. Freedom and democracy mean tolerance and the respect for national self-determination. It is on these principles that we hope to establish a new world order in the wake of the decline of communism and dictatorship. And it is to these principles that I am pledging my support—and to you and the Hungarian people everywhere.

TRIBUTE TO KELLIE McCULLOUGH

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to congratulate an outstanding student from my community who is being recognized for her overall excellence.

Kellie McCullough, of Newport, RI, was one of the top award winners at the recently held Rev. Robert Williams National Black History Month Assembly. Kellie received the Marcus Wheatland Award and Scholarship, which is given annually to a senior from Rogers High School in Newport.

Kellie was chosen for this award for her outstanding academic and extracurricular work at Rogers. Kellie, as cited from one of her teachers, is "an outstanding student who has superior academic ability." Kellie also participates in cheerleading, volleyball, the school yearbook, and other activities while attending Rogers. She also teaches Sunday school and is a past president of the Baptist Youth Foundation Teen Club. Kellie plans on attending college and is interested in majoring in engineering.

Perhaps one aspect of Kellie's life that is not seen in her academic or extracurricular work is her genuine caring for others. Kellie dedicated her award to the memory of her friend, Lisa Pierce. Lisa died tragically at 15 years old after collapsing during a basketball game.

It is with great pleasure that I recognize Kellie McCullough for her outstanding record both inside and outside of the classroom. I wish her continued success in her future endeavors.

HONORING WILLIAM C. DANA, PRINCIPAL OF P.S. 21

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. ENGEL. Mr. Speaker, today I wish to join the people of the Bronx in honoring William C. Dana, who is celebrating his 20th year as principal of Public School 21.

It is virtually impossible to count the number of lives that have been touched by William Dana over the years. As a teacher of science since 1956, and a school principal since 1970, Bill Dana has developed curriculum, formed teacher training programs, and most importantly, educated the children of the Bronx in a creative way.

The list of Bill Dana's accomplishments and affiliations also goes on and on. Clearly, his influence has been felt not only in the Bronx but throughout the entire educational community. Examples of his work include his association with professional and teacher training programs in conjunction with Columbia University, Fordham University, and Lehman College. He has been a leader in emphasizing the educational needs of minorities, and he has supervised after-school and summer programs in reading and the training of para-professionals.

Despite all his credentials, Bill Dana remains a principal who students can look to for support. It is his understanding of his pupils' needs and abilities that has enabled Bill Dana to endure as a principal.

His reward is not only the celebration being held in his honor, but also the knowledge of knowing that he helped countless students reach or exceed their potential. For that, and for all the good things he has done for the Bronx community, I thank William Dana on behalf of all my constituents.

LITHUANIAN INDEPENDENCE

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. ECKART. Mr. Speaker, I rise today to express support for the people of Lithuania during their struggle to regain their freedom from the Soviet Union. Last November, the Soviet legislature granted economic autonomy to the three Baltic republics, giving them full control over their land and resources. In February, Lithuania held multiparty elections and on March 11, Lithuania declared its independence from the Soviet Union.

The Soviet Union, however, maintains that the Lithuanian declaration of independence is illegal. Soviet troops have exhibited unusual troop movements in Lithuania since March 11. If the Soviet legislature granted the Baltics economic autonomy, why are they now denying them political autonomy?

Ever since 1940 when the Soviet Union forcibly annexed the Baltic States, United States policy has been not to recognize Soviet claims on the Baltic States. The United States has never condoned, and will not condone any attempts by the Soviet Union to deny freedom and independence to the valiant people of the Baltic States.

Soviet President Mikhail Gorbachev has repeatedly renounced the use of force to settle disputes. It is crucial for the Soviet Union to uphold the principles of national sovereignty as they have done in the rest of Eastern Europe, and continue the policy of nonviolence. The United States must persevere in assisting nations gain their sovereignty and their human rights against oppressive regimes such as we have done in China and South Africa.

ORGAN PROCUREMENT PROCESS REVIEW ACT OF 1990

HON. PETE GEREN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. GEREN. Mr. Speaker, today I am introducing legislation that will amend the Public Health Service Act with regard to the size of organ procurement organizations that serve this country and will create a temporary advisory committee to review the organ procurement program.

The legislation has been cosponsored by the following Members of Congress: SPENCE, HOAGLAND, BATEMAN, MOLLOHAN, BEREUTER, RAHALL, BRYANT, FROST BUSTAMANTE, PARKER, SAIKI, R. HALL, STENHOLM, COLEMAN, WASHINGTON, ANDREWS, BILBRAY, BARNARD, CHAPMAN, V. SMITH, OWENS, HAYES of Louisiana, ESPY, COMBEST, GONZALEZ, KAPTUR, ROSE, MONTGOMERY, VALENTINE, JONES, AKAKA, RAVENEL, LOWERY, L. SLAUGHTER, WISE, SARPALIUS, GRAY, LEATH, ARMEY, ANTHONY, LAUGHLIN, and NEAL.

Organ procurement organizations [OPO] are nonprofit organizations that identify potential organ donors, recover and distribute donated organs around the country. The OPO's operate through the United Network for Organ Sharing [UNOS] network which ensures the effectiveness of the Nation's organ procurement, distribution, and transplantation system and increases the availability and access of donor organs for patients with end-stage organ failure. There are currently 73 OPO's that are certified by the Health Care Financing Administration [HCFA] and each OPO has an identified service area within each State.

Of these 73 OPO's, 41 are in jeopardy of losing their HCFA certification and eligibility for Medicare payments due to a provision that was included in Public Law 100-607 which was signed into law on November 4, 1988. The legislation I am introducing today amends Public Law 100-607 and would correct this situation.

Public Law 100-607, the Health Omnibus Programs Extension Act of 1988, included a provision that set the geographical OPO service area "at such a size that the organization can reasonably expect to procure organs from not less than fifty donors each year." This provision replaced the prior OPO size certification standard of "at least 50 potential donors."

This new standard was based on the premise that bigger OPO's are better. However, performance records of the Nation's OPO's show the premise to be unfounded. There are many OPO's that transplant more organs pe capita than some of the larger OPO's, but are in jeopardy of losing their certification just because they are below the 50-donor limit. This 50-donor rule is clearly an arbitrary number that is not supported by the facts.

I would like to cite an example of how this provision would affect an organization in the district I represent. The Tarrant County Organ Donor Program is located in the 12th Congressional District of Texas. The Tarrant County Organ Donor Program:

Ranked 14th out of 73 OPO's in renal recovery rates in the U.S.; in the top 19th percentile in the U.S.;

Ranked 19th out of 73 OPO's in total donor recovery rates; in the top 24th percentile;

Ranked 23d out of 73 OPO's in heart recovery rates; top 31st percentile;

Ranked 14th out of 73 OPO's in liver recovery rates; top 19th percentile;

Ranked 6th out of 73 OPO's in pancreas recovery rates; top 8th percentile; and

Ranked 17th out of 73 OPO's in multi-organ recovery rates; top 23d percentile.

Although these numbers show that the Tarrant County program is in the top percentile of organ transplants, this program would be decertified because it does not meet the requirement of the 50-donor rule of Public Law 100-607. Additionally, of the top 10 OPO's in the United States 5 of the OPO's—50 percent—do not do 50 donors per year. Yet, these OPO's are doing an outstanding job in organ recovery, and unless this provision is changed, these programs would be threatened with decertification, regardless of the quality or track record of a program.

Mr. Speaker, the organ procurement program as it exists is an effective health program that saves lives; however, we currently are experiencing a shortage of transplantable organs. This is not the time to decertify over 56 percent of the organizations that are participating in the program.

We need an opportunity to review the organ program to ensure that a reasonable approach is taken in evaluating the health of the OPO system and formulate a plan to improve it. This legislation calls on the Secretary of HHS to form a 27-member committee to study OPO's, develop criteria for their evaluation, and report his findings to Congress within 1 year of formulation of the committee. I believe that this is the approach we should take. The provision contained in Public Law 100-607 is unworkable and threatens to wreak havoc with the organ procurement system.

I would hope that the Secretary of Health and Human Services will reconsider his Department's position of beginning the decertification process on April 1, 1990, and delay im-

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plementation until after Congress has had an opportunity to review this issue.

THE 75TH ANNIVERSARY OF THE JEWISH HOME FOR THE AGED

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MORRISON of Connecticut. Mr. Speaker, on March 25, the friends of the Jewish Home for the Aged will celebrate its 75th year of providing compassionate and attentive care to older citizens. Located in New Haven, CT, the home continues to fulfill its pledge of nourishing and improving life for its residents. I want to take this opportunity to join their celebration and thank them for all of their good work.

Originally, the Sisters of Zion established the Jewish Home for the Aged to aid the Jewish poor and the sick, both young and old alike. Even though there were many services available to Jews in the New Haven community, the Sisters noticed that no services had been specifically provided for the aged. They decided to concentrate their efforts on feeding and housing the Jewish aged.

In a very short time, the Sisters of Zion formed a corporation, developed community and rabbinic support, and found and acquired a suitable building. Because of the home's overwhelming success, it quickly outgrew the original facility. A new main building was erected to facilitate more residents. Not forgetting their heritage, the Sisters established a synagogue on the first floor of the new building for the convenience of the residents.

Although the primary needs of the residents were perceived to be food and shelter, it was soon realized that medical care would also be of great importance. Round-the-clock medical coverage by physicians was instituted, and later a full-time nursing staff was provided.

Today, nursing care, recreation, counseling, and dietary and rehabilitative services combine to create a comfortable living environment for the residents. This compassionate and attentive care has greatly contributed to low mortality statistics, long resident stays, and few trips to the hospital emergency room.

Most importantly, each resident of the Jewish Home for the Aged is recognized as a unique and precious individual.

On the occasion of its 75th anniversary year, I congratulate all those who have done so much to keep the Jewish Home for the Aged an enriching residential experience for southern Connecticut's aged.

CONGRESSMAN DALE E. KILDEE HONORS HELEN B. HARRIS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. KILDEE. Mr. Speaker, I ask my colleagues to join me in paying tribute to a person who has dedicated herself to improving the quality of life for the residents of my hometown on Flint, MI, Mrs. Helen B. Harris.

Born in High Point, NC, Helen and her husband, Dr. Wendell Harris, moved to Flint in 1952 after learning the community was in need of black professionals. As a sign of those bleak times in our country's history, Mrs. Harris was denied a teaching position in the Flint school system because she was black. It is at this time that Helen began a career in public service that has changed the lives for so many people in the Flint area. Ironically, 17 years after being denied a position in the Flint school system, Helen was elected a member of the Flint Board of Education with the highest vote total of any candidate, and she eventually served two terms as the board's president.

Mr. Speaker, it gives me great pleasure to speak highly of an individual who I personally know and truly respect. For the last 37 years, Helen Harris has dedicated more than just her time and energy to our community, she has given her soul. In one way or another, she has touched all our of lives. During times of economic and social trouble, Helen Harris was able to work with all segments of our community to resolve many difficult issues. She has been our social conscience and a tireless soldier in the war to attain justice and equality in our society. She has also devoted much time and effort to her life long love of education. Helen has made our school board more racially sensitive, and our school system more efficent and productive. She has worked to improve our neighborhoods, the quality of health care, and the availability of housing. In essence, Helen Harris has worked to improve the human dignity of our community.

Helen continues to serve our community as an active member of the Delta Sigma Theta Sorority, president of the Flint Area Educational Foundation, trustee of the Community Foundation of Greater Flint, board member of Questar School for the Gifted and Talented, chairperson of the Ebony Fashion Fair fundraiser, and several other organizations.

In addition to Helen's community service, she has taken the time to help produce a feature length film titled "Chameleon Street", a movie which won the top award at the prestigious U.S. Sundance Film Festival in Utah. Dr. and Mrs. Harris have also passed on the value of education and community involvement to their children. Their eldest son, Wendell, Jr., a graduate of Julliard School of Fine Arts, has received numerous awards for his innovative film "Chameleon Street", which he wrote, starred and directed. Charles Harris was a graduate of the Minnesota School of Arts and Design and operated an art gallery in Flint before he became active in the family effort to produce "Chameleon Street." Their youngest son, Hobart, is a graduate of Harvard Medical School and is completing his surgical residency at the University of California. Truly, the Harris family is a remarkable success story, and we in Flint are indeed fortunate to have shared in their lives. They are stalwarts in our community, and they serve as role models for all the people of Flint.

Mr. Speaker, on March 23, 1990, the American Lung Association of Genesee Valley will honor Helen Harris as the Health Advocate of the Year. This tribute is fitting to an individual who has dedicated herself to ensuring that all residents in our community receive proper medical treatment. But Helen is not just a health advocate, she is an advocate for the poor, for the children, for the elderly, and for those who are the most vulnerable in our society. It is for these reasons that I am proud to honor Helen Harris and thank her for all she has done for making Flint, MI a better place to live.

HONORING THE REVEREND JOSEPH A. COGO

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. GUARINI. Mr. Speaker, I rise today to honor a man who has devoted his career to promoting the well-being of Italian immigrants in the United States, the Reverend Joseph A. Cogo, C.S. For 24 years, Reverend Cogo has been executive secretary of the American Committee on Italian Migration [ACIM]. In January 1990, he was named vice chairman of the board of the ACIM.

On Sunday, March 25, 1990, the Staten Island chapter of ACIM will honor the Reverend Joseph A. Cogo and Yolanda Coda at its annual fundraiser, Un Ballo in Maschera, which is being chaired by Giovanna Scana and Norma D'Arrigo. Ms. D'Arrigo was the founding president of the Staten Island chapter of ACIM.

The Reverend Joseph A. Cogo, C.S. was born in Italy in 1933 and became a United States citizen in 1966. Father Cogo attended elementary schools of Schiavon (Vicenza) and the Istituto Scalbriniano-Tirondolo (Junior High) at Bassano del Grappa (Vicenza). He studied liberal arts at the Istituto Scalabrini-Obrien at Cermenate (Como); he studied philosophy and science at the Istituto Scalabrini at Piacenza, and theology at the Sacred Heart Seminaries of Stone Park, IL and St. Charles of Staten Island, NY.

He served at Our Lady of Pompei Church in New York from 1959 through 1965, where he worked with Italian immigrants, and on August 22, 1966, he was appointed executive national secretary of the American Committee on Italian Migration. The American Committee on Italian Migration is a private, voluntary, nonprofit agency which supports a fair immigration policy and offers services to assist Italian immigrants in their problems of resettlement and assimilation.

In his capacity as ACIM executive national secretary, Father Cogo has often testified with regard to immigration legislation before the House and Senate Immigration Subcommittees. He was received with ACIM delegations by Presidents Johnson, Nixon, and Carter.

He broadcasts an Italian language radio program three times weekly on behalf of ACIM giving information on immigration, citizenship, and social services. He also appears on Italian language television on alternate Sundays.

Father Cogo was the founding father of the Italian committee on education, which sponsors the teaching of Italian to children of Italian immigrants and the teaching of English to recently arrived immigrants.

In line with the unique character of the Society of St. Charles—Scalabrini Fathers—Father Cogo has developed new forms of ministry among Italian immigrants in the New York metropolitan area. He is responsible for coordination of the ministry in Italian in 15 churches on a weekly basis and of many other occasional services.

He is a member of the executive board of the Northeast Italian Apostolage Conference, a group of priests, religious, and lay people, organized for the purpose of promoting and coordinating the spiritual and social care of Italian immigrants in the eastern seaboard States.

He broadcasts a 10-minute religious program weekly in Italian on WEVD for the Italian Church of Our Lady of Pompei in New York City.

He is director of the Italian Seaman's Club on West 44th St. in New York City where seamen, mainly but not exclusively Italian, are being provided with a home away from home when they call on the Port of New York.

In recognition of Father Cogo's work on behalf of Italian immigrants, the Government of Italy conferred upon him in 1977 the Knighthood in the Order of Merit of the Republic of Italy, and promoted him to the rank of commander in 1985.

He received the Medal of Liberty Award from the readers of Il Progresso Italo-Americano as an outstanding member of the Italian-American community. This award was presented in Washington by H.E. Rinaldo Petrignani, Ambassador of Italy to the United States, in October of last year.

Father Cogo has been reassigned last January and is now pastor of Sacred Heart Church, the oldest Italian church in the historic north end of Boston, and coordinator for the Archdiocese of Boston for the pastoral care of immigrants of all nationalities.

ACIM was founded by Judge Juvenal L. Marchisio, Bishop Edward E. Swanstrom, Howard Molisani, and Dr. Mario F. Tagliagambe. ACIM is a nonprofit organization that promotes fair immigration policies that favor reunion of families. It assists immigrants with resettlement and assimilation problems, among them citizenship, Social Security and pensions from Italy.

I am sure my colleagues here in the House of Representatives will join me in honoring Rev. Joseph A. Cogo and the many other people at ACIM who have devoted so much time and energy to the betterment of life for Italian immigrants in the United States.

BUILDING BRIDGES IN OUR COMMUNITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, there are always a few precious members of our community who are peacemakers. Those few make all the difference. I take this opportunity to tell you about a man who is both a peacemaker and visionary, Mr. Eduardo Martinez. Mr. Martinez sponsors a spectacular Fourth of July celebration for the Miami area, attempting each year to surpass the last. But this annual event is much more than a party, it is a event to build bridges across ethnic and racial divides.

Our Nation's Independence Day has been transformed by Mr. Martinez into an occasion to bring Miami's diverse population together. "A Tribute to America," the title of this Fourth of July celebration, is offered to the community free of charge. The exciting entertainment program includes: music, theater, circus acts, and sports. The central theme of all these events is a celebration of ethnic, racial, and religious diversity in America.

Mr. Martinez is in immigrant, not unlike myself, who found in America ethnic tolerance and freedom to succeed. He has recognized that tolerance and freedom cannot be taken for granted, rather they must be nurtured. In his words: "a divided community is a weak community," thus it is his vision to bring Miami together. It is his vision that by celebrating our Independence Day together that we might recognize the wonderful freedom that we share. Together, Mr. Speaker, our society can solve a myriad of problems. And Mr. Martinez has made bold steps in this direction.

TRIBUTE TO RITA G. EVICCI

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MATSUI. Mr. Speaker, I rise today in great sadness to advise you that an outstanding citizen of the Sacramento community, Mrs. Rita G. Evicci, has recently passed away. She has made numerous contributions to the Sacramento community and we will all miss her presence.

Rita was an extremely valuable part of the community because of her commitment to the people of Sacramento, especially the senior citizens. Together with her husband, Rita founded the Senior Citizen Weekly, now Senior Spectrum newspaper, for seniors in 1973. Rita worked with the paper for 13 years, during which she covered stories, took pictures, and wrote a column called "Neither Here Nor There."

Prior to founding and working on the Senior Spectrum, Rita was editor of the weekly San Lorenzo Journal, where she wrote a column called "As I See It." She, along with her husband, also lived in Woodland, CA, and worked for the Yolo County newspapers for approximately two decades. Rita was born in Lowell, MA, on January 19, 1916, and had resided in California since 1943.

Rita is survived by her husband of 50 years, Fred Evicci; two children, Judy Goss and Fred Evicci III; three grandchildren, Jackie Carrick, Jennifer Morrison, and Laura Sobal; and a cousin, Helen Gallagher. Rita has made a tremendous contribution to all our lives and she will be missed greatly. I offer my sincerest sympathy to her entire family and friends We will all mourn the loss of such a giving, dedicated, and exceptional woman.

POSTAL SERVICE SHOULD CUT COSTS BEFORE ASKING FOR A RATE INCREASE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. DORGAN of North Dakota. Mr Speaker, I am strongly opposed to the recent proposal by the U.S. Postal Service to raise its postage rates by up to 19 percent. It was only 2 years ago that the cost of sending a first class letter increased from $0.22 to $0.25. Now the American consumer is being asked to dig deeper into their pockets and come up with nearly 20 percent more for the same first-class letter. In addition, the Postal Service is proposing a rate increase at the very same time it proposes to reduce service by changing first- and second-class delivery in some areas of the country. This makes no sense.

According to the GAO [Government Accounting Office], this rate increase could have been prevented. Mismanagement, poor productivity, and a considerable underestimation of the cost saving of automated equipment resulted in this rate increase request. In fact, the Postal Service's deficit is expected to reach a whopping $1.65 billion in fiscal year 1990.

The Postal Service closely predicted the amount of mail volume and operating receipts, however, they predicted a work force which was 5 percent below the actual workyears utilized, and this alone will cost postal consumers close to $1.34 billion. The U.S. Postal Service has spent over $1.2 billion in the past decade on automated equipment which the Service predicted would save 22,000 workyears. However, the Postal Rate Commission reported to Congress in 1987 that no cost improvement was accomplished.

The GAO concluded in its testimony before the Postal Office and Civil Service Committee that if the U.S. Postal Service does not put "resources to effective use, the financial performance of the Postal Service will continue to be disappointing". I think that it is time the U.S. Postal Service be forced to increase efficiency and cut costs before it even considers another rate increase.

Even the Postmaster General, Anthony Frank, said that the increase is "too much, too soon". I agree, Mr. Frank, it is far too much and far too soon.

TRIBUTE TO JEAN CAHILL

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community who has been nationally recognized for her charitable efforts.

Mrs. Jean Cahill, of Uxbridge, RI, is one of five recipients from Rhode Island of the Jefferson Award for public service in a local community. Mrs. Cahill has devoted her time to provide social and recreational programs for

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the developmentally delayed. She is the founder of the Valley Adult Counseling Service's Social/Recreation program for the mentally handicapped. This program serves over 300 residents from 15 towns in the Blackstone Valley area in Rhode Island. Participants enjoy many social activities from dances and dinners to horseback riding and bowling.

Mrs. Cahill started this program on a volunteer basis in 1972 and through her tireless efforts, Mrs. Cahill managed to gain State funding for this worthy program. However, due to financial difficulties, State funding was cut and Mrs. Cahill had to return the program to a volunteer effort. Nevertheless, Mrs. Cahill continued her efforts and has kept the program going strong. According to one coworker, "Jean has a great gift of finding volunteers and getting them to do what they never thought was possible. Remarkably, Mrs. Cahill manages to hold down a full-time job while still finding time to coordinate activities three nights a week, to recruit volunteers, and to raise funds for the program.

It is with distinct pleasure that I salute Mrs. Cahill for her efforts on behalf of the mentally handicapped. Her years of dedicated work in the Blackstone Valley area have been a great service. I wish her and her program continued success and in the future.

TRIBUTE TO LATE PATERSON, NJ, MAYOR FRANK X. GRAVES

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. ROE. Mr. Speaker, it is with a great sense of sadness, and yet at the same time a tremendous sense of admiration for a life lived to the fullest that I rise today to pay tribute to a truly great man who was taken from us earlier this month.

I am speaking of Frank X. Graves, Jr., the outstanding mayor of Paterson, NJ, and one of New Jersey's foremost State senators who passed away suddenly on March 4, 1990. The tributes which have poured forth for Mayor Graves tell the story of what he meant to the people of his community, his city, the State of New Jersey, and to our Nation.

Mr. Speaker, for the RECORD, I would like to insert two of those tributes, the homily for Mayor Graves by Rev. Msgr. M. Giordani, and a resolution adopted by the Paterson City Council in Mayor Graves' honor. I believe these two tributes speak volumes about the giant of a man that Frank Graves was, and how his spirit will live on in the fond memories so many of us have of him:

"The son of man has come not to be served, but to give his life in ransom for the many"—(Mk. 10:45).

Frank X. Graves, in his own unique way, certainly gave his life in service for others. His unexpected death has shocked us all. The city of Paterson will never be the same.

As Sheriff Ed Englehardt said: "With the death of Frank X. Graves an era ends and he becomes a legend in our hearts that will never die." Gruff and rough as he appeared to many, at the same time he was sensitive, compassionate, loving to all in need. People may not realize what a great heart Frank had for children. He would stop by various schools in the city with gifts such as sport equipment and candies. He kept toys in the car to comfort children in times of emergencies like a fire.

Many people felt his charity, generosity, and love in the unexpected gifts he gave them to cheer and brighten their lives with no desire for a return.

Frank X. Graves was truly a human dynamo. He could answer four phones at the same time and call out orders to 10 staff members at the same time. He was a man of action and when you came to him for help you received a prompt and generous reply.

Frank Graves was a man of firm law enforcement. He could shout out orders on his car radio to clean up a littered street or graffiti on a statue—you can bet the response was immediate. Everyone had a real fear of Frank. People in a position of authority need our prayers as well as our support. It is not an easy task to balance one's obligation to God and office, to be in authority over others and yet still be humble before God.

This past January someone was threatening to jump off a roof, Frank arrived at the scene and looked up at the man and said: "Do you know who I am?" and the man replied, "You are the mayor." At that the mayor offered the man a cigarette and he came down. We could go on describing Frank's human touch and the power he exercised over the lives of all of us.

Frank X. Graves used the proceeds from various fundraising events in his honor to help needy families or some worthy projects. I remember once having a victory dinner for him at St. Gerard's. We netted about $10,000; we gave Frank a plaque and we kept the $10,000 for the parish. Frank said to me jokingly, "That's the most expensive plaque I've ever received."

His good friends for many years, Sheriff Ed Englehardt said: "Frank X. Graves dedicated his life to public service and public service took his life."

He began his political career as alderman in 1950. He then served on the board of freeholders of Passaic County from 1954 to 1960. In November 1960 he was elected mayor of Paterson and served two terms until 1967. In 1971 he was appointed to Passaic County Parks Commission. In 1974 he was elected to the Paterson City Council and the council elected him as president. In 1977 he was elected to the State senate. In 1981, the N.J. Legislature approves Graves' proposal to raise the drinking age from 19 to 21 and also passed Graves' act, which provides a mandatory jail term for anyone using firearms to commit certain crimes. In 1982 he was reelected once again as mayor of Paterson. In 1987, the Drug Reform Act which Graves cosponsored, is passed by the legislature, establishing mandatory sentence for anyone selling drugs within 1,000 feet of a school.

Mayor Graves zealously endeavored to rid the city of Paterson of drugs. A former Governor said of Frank that he was the greatest crime fighter in the State. Mike Adamo, his other good friend for many years and PBA president said: "Frank looked on the Paterson cops as his own. As much as he made high demands on them he loved them much and was proud of them. He had a most profound concern for the welfare of all people. His love for others is beautifully symbolized in the two purple hearts that he received during World War II.

Mayor Graves was loved and supported by a most extraordinary wife, Ethel and family. He was a most dedicated and consciencious public servant and many demands were made upon his time. Because of this the family was often time deprived of his presence. We commend Ethel and the family for the sacrifices they have made.

In the name of the church and on behalf of the city of Paterson I wish to extend our most profound heartfelt sympathy and prayers to you Ethel; daughters, Karol, Nancy, Linda; and granddaughters, Lisa and Jennifer.

We pray that Christ will receive Frank into his heavenly kingdom. We intercede for him that he may enjoy the light and love of God for all eternity and that he may interced for us from heaven. Death puts a period at the end of earthly life and marks the termination of familiar things. It is the end of breathing, the end of human endeavor, the end of going to work and returning home again, the interruption of relationships that to some of us are dearer than life itself.

There is an unmistakable, undeniable note of finality in the moment of death.

But here is the beautiful part that belongs to us through Christ—it really isn't the end at all, it is only the beginning.

A wealthy and famous Christian layman stated it like this: "Some day you will pick up the paper and read that I am dead. Don't you believe it. I will be more alive in that moment than I have ever been before."

In the old testament the patriarch job said essentially the same thing. His words were these: "I know that my redeemer lives and though worms may destroy this body of mine, yet in my flesh I shall see God".

And finally we remember the promise of Chirst: "He that believes in me though he should die, yet shall he live". We need not fear death. It is a door through which the followers and friends of Jesus walk to a fuller, more meaningful life.

Mayor Frank X. Graves, we the city of Paterson salute you, a man of action, a man of strength, a man gruff and tough, a man of justice, a man of compassion, a man of boundless generosity and love. We love you, we miss you, we'll see you again.

RESOLUTION OF THE CITY OF PATERSON, NJ

Whereas the City of Paterson has suffered a great loss in the untimely and sudden death of its Mayor and State Senator Frank X. Graves, Jr.; and

Whereas the City now faces the long and difficult future ahead without the leadership of this dynamic and energetic man; and

Whereas Frank X. Graves, Jr. reached out and touched every person in the City, regardless of their ethnic, social or political background and beliefs, and dedicated himself to pulling those individuals together for the benefit of everyone living within the City; and

Whereas Frank X. Graves, Jr. dedicated his life to the tradition of public service beginning with the service on the Paterson Board of Alderman in 1959, his election to the Passaic County Board of Freeholders, and his election as Mayor of the City in 1960; and

Whereas Frank X. Graves, Jr. exemplified this City's long tradition of tenacity and courage by coming back from political defeat in his career to be reelected again as Mayor in May of 1982 with an astounding 82% of the vote and repeated said victory in his mayoral campaign in May of 1986; and

Whereas Frank X. Graves, Jr. was an untiring advocate for the City of Paterson and other urban communities within the State of New Jersey in his capacity as a member of the New Jersey Senate since November 1987; and

Whereas Frank X. Graves, Jr. leaves us as a legacy of his Senate membership legislation committed to winning a victory against the war of drugs and crime including the Graves Act and the legislation regarding selling drugs within 1,000 feet of a school; and

Whereas the death of Frank X. Graves, Jr. has left a void within the City of Paterson that no man or woman will ever fill in the distinctive and personal fashion in which he served the City; and

Whereas the manner in which Frank X. Graves, Jr. handled every aspect of the day-to-day management of the City of Paterson, won the admiration and respect of even his most grudging critics for his quickness, dedication, and involvement with the City; and

Whereas the Municipal Council wishes to pay tribute to Frank X. Graves, Jr. for his life of dedication to the City of Paterson, and the residents therein; and

Whereas the Council wishes to extoll Frank X. Graves, Jr. for the passion, dedication, individual concern and the life which he dedicated to his fellow citizens: Now, therefore, be it

Resolved, That the municipal council, of the City of Paterson on behalf of every resident of the City of Paterson pays tribute to the Honorable Frank X. Graves, Jr. for the life of dedicated public service which he so generously gave in every aspect to the City of Paterson and its citizens; and be it further

Resolved, That the Municipal Council extends its condolences to the widow and children of Frank X. Graves, Jr. who must mourn the loss of husband and father as the City mourns the loss of a great public figure and friend; and be it finally

Resolved, That the Municipal Council pledges to the memory of Frank X. Graves, Jr. its commitment to follow in the footsteps of Frank X. Graves, Jr. and calls on all citizens of the City to dedicate their untiring efforts to help the City not only survive these troubled times but to triumph in the future and fulfill the final legacy of Frank X. Graves, Jr.

CALLING UPON EPA TO STUDY DEGRADABLE PLASTICS MISLEADING CLAIMS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. COURTER. Mr. Speaker, today I am introducing legislation to direct the Administrator of the Environmental Protection Agency to carry out a study and make recommendations to the Congress with respect to the development of uniform standards and definitions of plastic degradability.

The solid waste disposal crisis faced by our Nation is well documented. The Office of Technology Assessment estimates that over 160 million tons of municipal solid waste, more than one-half ton per person, is generated in the United States each year. Plastics account for approximately 7.3 percent of the municipal solid waste stream and are estimated to account for over 9 percent by the year 2000.

In 1986, almost 80 percent of the Nation's municipal solid waste was disposed of in landfills. The Environmental Protection Agency estimates that 80 percent of existing permitted landfills will close within 20 years, and that nearly half of the municipal landfills that were in operation in 1986 will close by 1991.

In an effort to develop and encourage solid waste disposal alternatives, many proposed bans on polystyrene or other nondegradable plastic products require or promote the substitution of degradable products. However, although the term "biodegradable plastic" generally refers to a plastic that can be broken down by biological means and the term "photodegradable" means that there is a breakdown due to the effect of ultraviolet radiation on chemicals that have been blended with the basic plastic resin, uniform definitions of these basic terms have not yet been established, nor have uniform methods of testing been developed.

Furthermore, the rate of biodegradation depends on the presence of micro-organisms, temperature, and moisture conditions, starch content, and additives used, and photodegradation depends upon the presence of sunlight. However, both of these degradation processes are greatly retarded in landfills where entombed waste in deprived of the necessary conditions, and even naturally degradable items, such as newsprint, often take decades to waste away. Many of us are familiar with the work of archeologist, William L. Rathje, who in 1989 recovered from a landfill a legible newspaper from 1952. In addition, little is known about what happens to plastics when they degrade. Depending on conditions, metal additives could be released in soluble forms and become part of leachate which can contaminate ground water.

In fact, a 1988 General Accounting Office report found widespread concern among officials and scientists about the current lack of standards such as uniform definitions and methods of testing for degradable plastics. The report further stated that testing remains necessary to resolve two basic technical uncertainties about the performance of degradable plastics in the environment: the rate of degradation and the safety of the end products.

Everyone has a role to play in seeking solutions to the solid waste disposal crisis. Eliminating the problem at the source through coordinated pollution prevention research efforts is the ideal solution. The quest for new technologies to achieve this goal must be encouraged, as must the continued advancement of recycling research and development. Industry's efforts must also be matched by those of the consumer. It is a lot easier to complacently rely upon future generations to clean up after us than it is abandon our throwaway, consume-and-dispose mentality, reeducate ourselves and conscientiously alter our habits.

While strides are being made to effectively address these issues, I am concerned that claims on product degradability made on several plastic products, particularly garbage bags and diapers, may be misleading. If in fact these products end up in a landfill where degradation is stunted, these claims are serving to perpetuate a reliance on products that do not contribute to the reduction of the solid waste stream. The environmentally conscientious consumer is deprived of the information necessary to make environmentally sound purchasing decisions. For example, a mother may choose to forgo the use of a cloth diaper service because the local grocery store shelves are stocked with disposable diapers which claim to be biodegradable.

Furthermore, widespread consumer responsiveness to products which claim to be safe for the environment may discourage industry to continue to seek alternative solutions. In fact, the producer of one brand of plastic trash bags which advertises the degradability of their product admits in its own literature that biodegradation may not be desirable in landfills, that the gaseous byproduct of the biodegradation process, methane, is unhealthy to breathe and explosive, that the biodegradation process is greatly retarded in landfills where moisture and air are in short supply and that photodegradation may give people a "license to litter." Shockingly, however, in the very same brochure the company states that it will "make degradable products if our customers want them. But, to do so would be a costly and ineffective solution since neither bio nor photodegradation provides a solution to our solid waste problem."

I believe we need to ensure the dissemination to consumers of environmentally sound packaging information so they can make environmentally responsible purchasing decisions. The bill I introduced today would achieve this goal by requiring the Administrator of the Environmental Protection Agency to conduct a study of the process by which plastics degrade and make recommendations to Congress for the purpose of developing standards and definitions of plastic degradability which can be used in the packaging of consumer goods to prevent consumer reliance on misleading claims.

My bill also provides that the study shall be conducted in consultation with other relevant agencies, and taking into consideration any previous relevant data collected. In particular, an investigation into the accuracy of claims that certain degradable plastics are good for the environment is currently being conducted by the Federal Trade Commission. Furthermore, GAO's 1988 report stated that the National Institute of Standards and Technology was planning an experiment to evaluate degradable plastics, and that the private-sector American Society for Testing and Materials was preparing to develop formal definitions and methods of testing.

Mr. Speaker, I urge my colleagues to support this much needed legislation, and it is my hope that we will send a strong signal to those who share my concern for the environment by swiftly enacting this bill.

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TRIBUTE TO THE LATE EDMOND COMBATALADE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MATSUI. Mr. Speaker, I rise today in great sadness to advise you that an outstanding citizen of Sacramento, CA, Mr. Edmond Combatalade, has recently passed away. He has made numerous contributions to the Sacramento community and the State of California and we will all miss his presence.

Mr. Combatalade, also known as Mr. Camellia, was an extremely active member of the Sacramento community. He is remembered most for having founded the Sacramento Camellia Festival Association in 1955. Over the years, the festival has evolved into one of Sacramento's longest standing events, featuring various children's parades. The festival was initially planned to occur at time which would enhance the already existent annual Sacramento Camellia Show. It has been 35 years since the first festival, and the celebration has been a success ever since.

Ed was a man who gave himself in many ways. Being an active member of his community was an important priority of his. In addition to founding the Camellia Festival, Ed took on leadership roles in several local and national groups including: the Rotary Club of Sacramento, Boy Scouts of America, the Golden Empire Council, the Gold Spike Centennial Celebration, the California State Junior Chamber of Commerce, the Sacramento County grand jury, the Salvation Army, and the Sacramento Convention Bureau, to name a few.

In 1929, Ed began teaching at Sacramento High School. He went on to earn a master's degree in education at Columbia University in New York in 1935, after which, he served in the Army throughout World War II. In 1946, he returned to Sacramento where he taught for another year at Sacramento High. Ed was employed as the public relations director for the Sacramento Municipal District for 26 years, after which he retired in 1973.

Ed is survived by his wife, Barbara; his son, Albert; his brother, Robert, of Oregon; and two grandchildren. I offer my sincerest sympathy to his entire family and friends. We will all mourn the loss of such a giving, dedicated, and exceptional man.

NATIONAL LEAGUE OF CITIES REPRESENTATIVES, MEETING

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. RANGEL. Mr. Speaker, on Tuesday, March 6, 1990, I had the distinct opportunity to host a meeting with over 30 representatives from the National League of Cities. This was in conjunction with the league's congressional city conference here in Washington, that week. There were representatives from as far west as the State of Washington and as far east as my hometown of New York City.

I, as well as Select Committee Narcotics members JOSEPH E. BRENNAN, BENJAMIN A. GILMAN, JAMES M. INHOFE, and BILL GRANT, were joined by JIM MOODY and PETER GEREN in listening to the overwhelming plea from the league representatives for congressional support to give the cities more control over Federal anti-drug law enforcement assistance funds.

The common, yet critical complaint from the representatives was with the present system of allocating the Federal drug grants totally to the States. It is often an entire year before the cities see any of that money and what they have seen was substantially less than what they had requested. Mayor Bob Bolen of Fort Worth, TX, and president of the National League of Cities, emphasized to the members in attendance that the cities were often not able to participate at the State level in discussions concerning how to set up the drug funds. This lack of communication has led to gaps among law enforcement programs throughout the Nation. Congress needs to realize that cities have varied law enforcement needs and the States, based upon criticism received to date, have not taken that into account when allocating the Federal antidrug funds.

Mayor Kathryn Whitmire of Houston, TX, president of the U.S. Conference of Mayors, convened her appreciation for the commitment that Members of Congress share with the cities to deal with the problem and to take our streets back from drug criminals. When cities are asked about the Federal money they have received, Mayor Whitmire informed us that "too little too late" is what she heard from the front lines of this war on drugs.

As other representatives from the league spoke, it became evident there was a tremendous lack of money reaching the cities where it was desperately needed. The cities agreed the grants have helped, but by far, have not solved the problem nor have they reached areas where most needed. The league felt that local government officials were most familiar with the drug problems in their own communities and knew best how to solve them.

The league representatives also emphasized a need to increase treatment facilities. In many cities, the waiting period is up to 9 months for treatment. That is 9 months too long. We heard from many municipal officials who echoed the same problem. In Los Angeles County for example, where there were 5,379 juvenile drug law violations in 1988 there are only 12 beds available for juvenile delinquents with drug problems.

The National League of Cities supports House Concurrent Resolution 279, which I introduced on March 1, 1990. This resolution expresses the sense of Congress that Federal support for local drug enforcement should be substantially increased and that a mechanism for direct funding to local governments should be developed. I have urged them to lobby every Member of Congress so that measures that address the direct funding of law enforcement programs are passed by this Congress. The meeting provided a rare opportunity for their membership to hear directly from Federal policymakers and for the Congress to gain input from the municipal level.

Mr. Speaker, if we truly want to end this scourge, it is imperative that we continue the dialog with the municipal level.

Those invited to attend the meeting included:

LIST OF NATIONAL LEAGUE OF CITIES REPRESENTATIVES WHO HAVE CONFIRMED PARTICIPATION IN MARCH 6, 1990, MEETING WITH CHAIRMAN RANGEL AND OTHER HOUSE MEMBERS

The Honorable Bob Bolen, Mayor, Fort Worth, Texas, President, National League of Cities.

The Honorable Sidney Barthelemy, Mayor, New Orleans, Louisiana, NLC First Vice President.

Ms. Glenda Hood, Commissioner, Orlando, Florida, NLC Second Vice President.

The Honorable James Moran, Mayor, Alexandria, Virginia, Chairman, NLC Human Development Committee.

The Honorable John Norquist, Mayor, Milwaukee, Wisconsin.

The Honorable Ronald Norick, Mayor, Oklahoma City, Oklahoma.

The Honorable Bill Thomson, Mayor, Pasadena, California.

Ms. Kathryn Nack, City Director, Pasadena, California.

Ms. Pamela Plumb, Councilor, Portland, Maine, Past President, National League of Cities.

Mr. Lynn Buchanon, Mayor, Pro Tem, Yakima, Washington.

Ms. Bev Numbers, Council Member, Spokane, Washington.

The Honorable Kathryn Whitmire, Mayor, Houston, Texas.

Mr. Wayne Creelman, Town Councilor, Cape Elizabeth, Maine.

Mr. Anthony Gazzana, Councilmember, Lakewood, Ohio.

The Honorable Bill Souder, Mayor, Hurst, Texas.

Mr. Henry Wilson, City Council, Hurst, Texas.

Ms. Elaine Pfalzgraf, Mayor, Pro Tem, Cedar Falls, Iowa, Vice-Chair, Human Development Committee, President, League of Iowa Municipalities.

Peter King, Executive Director, League of Iowa Municipalities.

Brian O'Neill, Council Member, Philadelphia.

Ruth Messinger, Manhattan Borough President, New York City, or her designee.

The Honorable Daniel Frawley, Mayor, Wilmington, Delaware.

Fred Van Sant, Executive Director, Delaware League of Local Governments.

Mr. Steve Gallegos, Council President, Albuquerque, New Mexico.

Mr. Calvin Goode, Councilmember, Phoenix, Arizona.

Mr. Thomas Kaplin, Councilmember, Columbus, Ohio.

Mr. Bill Gillespie, Councilmember, Northglenn, Colorado.

Ms. Beverly Hodges, Councilmember, Oklahoma City, Oklahoma.

Mr. B. Don Skelton, City Councilman, La Porte, Texas.

Mr. Thomas Werth, Councilman, Rochester, Michigan.

The Honorable Raymond Flynn, Mayor, Boston, Massachusetts.

Ms. Jane Noland, Councilmember, Seattle, Washington.

Mr. Charles Swearingen, City Council, Hurst, Texas.

Mr. Ralph Bryan, City Council, Hurst, Texas.

SUMMERS COLUMN REFUTES LIES IN "BORN ON THE FOURTH OF JULY"

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. SOLOMON. Mr. Speaker, I don't need to see—and I will not honor by seeing—"Born on the Fourth of July" to know that it is one of the most dishonest, most anti-American, anti-veteran movie ever made.

Beyond the million or so Americans who have given their lives in our Nation's wars, hundreds of thousands have been wounded, many of them even more seriously than Ron Kovic, the lead character and author of the original book. Most of them, I am grateful to say, went about their lives without a trace of the whining and bitterness shown by Mr. Kovic. I am particularly displeased at seeing an ex-Marine helping director and fellow Vietnam vet Oliver Stone afflict this country with his slick, anti-American films.

In this latest movie, we are given scenes of disgraceful care at the South Bronx Veterans Hospital, which invite us to imagine such care as typical. It was not. Nor is it typical of such care at VA hospitals today.

That is why I am pleased to submit for today's CONGRESSIONAL RECORD a recent Washington Times column by Harry G. Summers, Jr., a retired colonel, who tells the truth about how America cares for its veterans.

TAKING CARE OF AMERICA'S VETERANS

(By Harry Summers)

With the Academy Awards near at hand, one of the movies sure to get a lot of attention is Oliver Stone's Vietvetsploitation film, "Born on the Fourth of July." One of its powerful segments is the supposed travail of its protagonist, Ron Kovic (played by Tom Cruise), in the South Bronx Veterans Hospital as he undergoes treatment for his paralysis.

The portrayal of the filthy, rat-infested wards and the uncaring hospital staff made for gut-wrenching drama, although it did beg the question of how Mr. Kovic not only lived through that treatment but also evidently prospered from it. Unfortunately, many Americans will believe that those scenes are typical of how America cares for its veterans.

But just as the whining, sniveling, self-pitying Mr. Kovic is not representative of America's veterans, including its paraplegic veterans, so the staged scenes at the South Bronx Veterans Hospital are not representative of the care provided by the Veterans Administration, now the Department of Veterans Affairs. It was not representative of the care provided during the Vietnam War, as the detailed account of VA hospital care in the September 1970 issue of the American Legion magazine makes clear.

And it is certainly not true today, if for no other reason than the top VA leadership would not permit such dereliction. The top leadership of the VA was once portrayed as a bunch of old fogeys out of touch with the needs of Vietnam-era veterans. If that was ever true, it certainly is not true today. Of the top eight officials, only the secretary, Edward Derwinski, and David Lewis, the assistant secretary of veterans affairs for acquisition and facilities, are World War II veterans. The remainder are combat veterans of the Vietnam War.

When it comes to hospital care, one cannot imagine the assistant secretary for veterans liaison, Allen Clark, tolerating the conditions depicted in the movie. A Vietnam War Special Forces veteran who lost both legs during the battle of Dak To in 1967, Mr. Clark is one of two former Green Berets serving in the upper echelons of the department. The other, Ronald Ray, now the assistant secretary of veterans affairs for human resources, won the Medal of Honor, America's highest award for bravery, on the battlefield in Vietnam.

Former Marine Edward Timperlake, the assistant secretary for congressional and public affairs, flew F-4 Phantom fighter-bombers in Indochina and Ted Lewis, the assistant secretary for information resources management, served with the 3rd Battalion, 5th Marine Regiment, in combat in Vietnam. The department's deputy director, Anthony Principi, commanded a River Patrol Force in the "Brown Water Navy" which fought in Vietnam's inland waterways.

These men have assumed an enormous responsibility, for one of every three Americans is a potential VA beneficiary, including 27 million veterans and 53 million dependents and survivors. Widows and children of Civil War and Indian Wars veterans still draw VA benefits, as do more than 4,300 dependents and survivors of the Spanish-American War. The 9,310,000 living veterans of World War II make up the largest subgroup, with the 8,276,000 Vietnam-era veterans following close behind. Next are the 4,966,000 Korean War veterans, followed by the 100,000 still living veterans of World War I.

As of March 1989, the median age of all 27 million veterans was 54.7 years, with World War II veterans at 67.4 and World War I veterans at 92.1. Twenty-five percent of all veterans are 65 or older. This requires a major emphasis on health care, and the VA operates the largest medical system in the country, with 172 hospitals, 231 outpatient clinics, 119 nursing homes and 27 domiciliaries. In addition, the VA operates some 194 "storefront" centers across the country providing specialized counseling for Vietnam veterans.

Medical care is but one of the VA's three major program areas. Another, memorial affairs, includes maintenance of 112 national cemeteries and the provision of headstones and markers.

But the programs that has touched most American lives is the benefits programs. These include the 2.8 million veterans now receiving disability compensation or pension payments, as well as an additional 900,000 widows, children and parents of deceased veterans, including 119,089 survivors of Vietnam era veterans. Also included in this category are home-loan assistance, life insurance (the VA operates the nation's fifth-largest life-insurance program) and the more than 20 million Americans who have received GI Bill educational benefits. Through September 1988, the cost of educational benefits has totaled $69 billion, or $33 billion more than the United States spent to fight World War I.

Like all bureaucracies, the VA has its problems. But its new leadership is working hard to resolve them with new and innovative programs. For example, while Ron Kovic was whining himself across the networks promoting his movie, other paraplegic Vietnam War veterans were in Colorado, thanks to the VA, learning to sitz ski. Instead of feeling sorry for themselves, they were enjoying life. Helping veterans and promoting such positive attitudes is what the Department of Veterans Affairs is all about.

H.R. 4330, THE NATIONAL SERVICE ACT 1990

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. HAWKINS. Mr. Speaker, as we enter the last decade of this century, a consensus has emerged on the need for a governmental catalyst to promote and coordinate efforts to address social problems through community service. As a result, I am pleased to introduce the National Service Act of 1990, a comprehensive service bill that addresses the needs of school children in grades K–12, channels the desires of America's college students to improve their communities through loan deferment or loan forgiveness, authorizes the creation of the American Conservation Corps [ACC], and establishes the Youth Service Corps [YSC].

This bill authorizes $35 million to promote service learning, a tool which combines community service with academics and is a method through which teachers energize themselves and their students. It provides $25 million to encourage college students to tutor disadvantaged students in chapter 1 schools; to encourage participants in the Student Literacy Corps to tutor the illiterate parents of disadvantaged elementary school students; and to enable institutions of higher education to create or expand service opportunities for their students and to train teachers and other personnel.

The bill authorizes $83 million for the ACC and YSC. The ACC is intended to perform such projects as conservation, rehabilitation, and improvement of wildlife habitat, rangeland, parks, and recreational areas, as well as urban revitalization and historical and cultural preservation, environmentally desirable projects, and energy conservation projects, among others.

YSC's are intended to work to address unmet social needs. Such service may be in government agencies, nursing homes, day care centers, libraries, and other facilities, law enforcement agencies, nonprofit organizations, and other activities. It may not be in businesses, labor unions, partisan political organizations, religious activities, and domestic or personal service companies or organizations.

The legislation also authorizes $40 million for a series of demonstration projects intended to call attention to special social needs and promising programmatic approaches. For example, the bill authorizes a demonstration program to encourage intergenerational exchange by encouraging foster grandparents to participate in Head Start Programs. It also creates a program intended to enhance service opportunities for rural youth, and one which provides construction skill training for disad-

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vantaged youth. Because we agree with President Bush that meritorious service should be recognized and promoted, the bill creates a series of Presidential Volunteer Service Awards for that purpose.

I believe that this bill is faithful to a set of principles which emerged from hearings conducted by the Education and Labor Committee. First, it categorically rejects any linkage between service and student financial assistance. Second, it contains adequate and realistic protections regarding job displacement. Third, the service programs authorized include appropriate compensatory education and job training, where necessary. Fourth, the programs contained in this bill are run through existing departments and agencies. It does not create a new bureaucracy.

I am convinced that existing public and private service programs mean that no major new Federal initiative is required. Given the large number of service efforts underway in virtually every American community, the programs included in the National Service Act of 1990 are intended to build upon, not smother, existing efforts. A summary is attached.

I want to note that this bill reflects the input of many Members on, and off, the Education and Labor Committee. Mr. FORD of Michigan, Mr. WILLIAMS, Mr. KILDEE, Mr. MARTINEZ, Mr. OWENS of New York, Mr. PERKINS, and Mr. LOWEY on the committee have made key contributions to the legislation. Mr. PANETTA, Mr. MONTGOMERY, Mr. BONIOR, Mr. ATKINS, and Mrs. MORELLA have also been instrumental in developing this bill.

Finally, I urge Members on both sides of the aisle to cosponsor this bill, which I believe makes a significant contribution to voluntary national service in this country.

The summary follows:

BILL SUMMARY—THE NATIONAL SERVICE ACT OF 1990

TITLE I—SCHOOL-BASED AND HIGHER EDUCATION COMMUNITY SERVICE

Part A. The Secretary of Education is authorized to make grants to States to implement school-based service learning programs. The authorization level is $35 million for FY1991, not less than 80% of which must be passed through to localities.

The Director of ACTION is authorized to make grants for up to 90% of the costs of Youthbuild projects, which provide service opportunities for economically and educationally disadvantaged youth in the construction or rehabilitation of low-income housing. The authorization level for FY1991 is $10 million.

Additional funds for Federal Volunteer Service Programs are authorized for FY1991: $2 million for a rural youth demonstration project; $3 million for Governors' initiatives in nonschool-based voluntary service projects; $5 million for the development of a model service-learning program; $10 million for model programs for out-of-school youth; $5 million to increase the number of Foster Grandparents participating in Head Start programs; $2 million for program evaluations and the establishment of clearinghouses on national service; and $1 million for Presidential Volunteer Service Awards.

Part B. The Secretary of Education is authorized to make $25 million in grants to institutions of higher education to permit the creation or expansion of service activities for attending students. Priority activities will include the expansion of the Student Literacy Corps and the creation of a demonstration Student Tutorial Corps.

In addition, students who enter 1) full-time volunteer community service, 2) professional employment in drug counseling or prevention programs, or 3) full-time volunteer service providing health care to Native Americans, may have their Guaranteed Student Loans deferred and their Direct Student Loans partially cancelled.

Part C. The Director of Peace Corps is authorized to carry out a training and educational benefits demonstration at the $2 million level. Participants will receive 2 years of educational benefits and specialized training in exchange for a 3 year service commitment with the Peace Corps.

TITLE II—THE AMERCIAN CONSERVATION AND YOUTH SERVICE CORPS

Part A. The ACC is established to allow youth to perform such projects as conservation, rehabilitation and improvement of wildlife habitats, historical and cultural preservation, and environmentally desirable projects. The Secretaries of Agriculture and Interior will administer the ACC on federal lands and make grants to states for work on nonfederal lands and waters. The authorization level for FY1991 is $38 million.

Part B. The Director of ACTION is authorized to make $28 million in grants to Youth Service Corps to undertake projects of substantial social benefit in meeting unmet need. Service may be in government agencies, nursing homes, day care centers, and other nonprofit organizations.

Part C-E. Both the ACC and YSC shall maintain or enhance the educational skills of enrollees. $13 million is authorized for in-service and post-service education. An additional $4 million is authorized for clearinghouses, training, and technical assistance.

Total authorization is $183 million.

HIGH-SPEED TRAINS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 21, 1990, into the CONGRESSIONAL RECORD:

HIGH-SPEED TRAINS

A futuristic technology known as magnetic levitation—"maglev," for short—may revolutionize train travel in the coming decades. Prototypes have carried passengers at speeds up to 250 miles an hour on test tracks in West Germany and Japan. Now, private investors and government officials in the U.S. are taking a growing interest in maglev as a way to reduce the congestion on our roads and in our airports.

BENEFITS

Maglev technology is promising for several reasons. Because maglevs use electricity rather than fuel, energy costs are low. It is an environmentally friendly transportation system, producing neither engine noise nor fumes. Maglev trains are easy to maintain once set up, and have a smaller chance of derailment. However, high speed is the major appeal; for trips under 500 miles, maglev trains offer an alternative to airplanes. High-speed trains may challenge aircraft on many of the prime routes within the next decade.

COMPETING TECHNOLOGIES

In contrast to conventional trains, maglev trains travel along a steel-cement guideway that is elevated to even out contours of the land. The train floats above the guideway on a magnetic wave, much like a surfer rides a wave. Because there is no friction, maglev trains can achieve speeds of 300 miles per hour and more.

Although U.S. scientists came up with the key idea for maglev trains, West Germany and Japan have done more to develop the technology. The West German system uses conventional magnets, whereas the Japanese system uses more sophisticated, superconducting magnets, which must be cooled to minus 452 Fahrenheit. While superconducting maglev is more difficult to develop, it could mean lighter and cheaper guideways and cars, and lower costs resulting from superconductivity research. Most maglev research in the U.S. has pursued the superconductor approach.

Maglev train technology must also compete with advances in traditional rail technology, such as that used in the French and Japanese bullet trains. Because the cost of the largely untested maglev technology is still high, bullet trains offer strong competition, at least for now.

PLANNED SYSTEMS

Currently only the German system is ready for market. A low-speed 1.1 mile "people mover" is under construction in Las Vegas based on a design already operating in West Berlin. A more ambitious plan is underway to link Disney World to the Orlando airport. The $500 million maglev system, to be built with German technology and considerable Japanese capital, would make the 13-mile trip in about five minutes. As many as 2.5 million riders a year are expected. Proposals for high-speed trains (either maglev or rail) are also being developed for other corridors, including Los Angeles-Las Vegas, Tampa-Orlando-Miami, Chicago-Detroit, and Cincinnati-Cleveland.

In any national transportation system jet aircraft will cover the long-distance market. But high-speed rail can be just the thing for heavy traffic corridors between 250-400 miles. By the end of the century high-speed trains will be operating throughout Western Europe, cutting many rail journey times in half. The United States is lagging behind, but my guess is that we will move quickly after we see the success of foreign systems. I think maglev trains will become widely used in the next century.

FEDERAL ROLE

Japanese and German consortiums have spent large sums on maglev development and are clearly ahead of us. But interest is growing in the U.S., as airport and road congestion becomes an increasingly expensive problem. President Bush's national transportation policy mentions the role the federal government can have in stimulating maglev R&D. The question is how far the federal government should go to back maglev.

Most experts agree that maglev can be self-financing in high density corridors if two federal subsidies are available. The first is a tax exemption for bonds used to raise revenue for high-speed trains. Congress granted that in 1988, but a federal cap on the use of tax-free bonds limits the subsidy: Only 75% of high-speed train bonds are exempt from the federal cap; by contrast, airports and docks enjoy a 100% exemption. Maglev proponents say that the full exemption is critical. The second essential federal contribution is authority to construct high-speed train lines along the right-of-way of federal highways. Pending legislation would give states such authority.

The evidence that high-speed trains (not just maglev) can in fact pay for themselves comes from the Los Angeles-Las Vegas and Florida plans. In both cases, the financing for construction and operation—roughly $10 million per mile of two-way guideway—is coming largely from the private sector. In return, investors get development rights to the land surrounding proposed stations, as well as passenger and freight revenues.

In addition to the essential federal contributions, maglev proponents favor a federal role in supporting research and development of the technology itself. A group of scientists and businessmen recently recommended that Congress fund a seven-year, $750 million program to develop and demonstrate alternative maglev designs, with the goal of "leapfrogging" the West German and Japanese technologies. The President's budget would fund federal maglev R&D for the first time in fifteen years, providing $10 million in 1991. Although an ambitious federal R&D program for maglev could help the U.S. recapture its technology lead, it runs up against current budget constraints. More money for maglev could mean less money for something else.

I do not expect Americans to abandon their automobiles or the airports, but I do think it is important that we look at all the options and invest in new technologies offering the greatest promise. Maglev is one of the options, and it should not be dismissed. High-speed rail travel is coming to the U.S., offering a new excitement. Some of the dreams for it will turn into sturdy and even profitable realities.

MARK AND DIANE COHN RENEW WEDDING VOWS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MATSUI. Mr. Speaker, I rise today to pay tribute and to congratulate Mr. Mark Cohn, a longstanding friend and citizen of Sacramento, who renewed his wedding vows with his lovely wife, Diane, March 17, 1990.

Mark has been an outstanding citizen of Sacramento and a respected leader in the community for many years. An entrepreneur, Mark has always taken time out of his busy schedule to contribute to the enrichment of our community through his exceptional work with the Anti-Defamation League as well as with other organizations dedicated to service. His active participation clearly demonstrates his commitment to service above self.

On Saturday, Mark and Diane celebrated their 10 years of commitment to each other by renewing their wedding vows in the company of their family and friends. This day marked another beginning of their lives together and will serve to commemorate their deep love and dedication to one another. I rejoice in their happiness and join with their family and friends in wishing Mark and Diane many wonderful years ahead.

Mr. Speaker, I ask that my colleagues join me in congratulating Mark and Diane on their marriage.

INTRODUCTION OF THE LIABILITY RISK RETENTION AMENDMENTS OF 1990

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. SLATTERY. Mr. Speaker, in 1986, Congress enacted the Liability Risk Retention Act (Public Law 99-563), to facilitate the ability of businesses, professionals, nonprofit organizations, and governmental entities to form convenient and competitive alternatives to traditional sources of liability insurance. The act achieves its purpose by simplifying and streamlining State regulation of certain State-licensed liability insurance programs, such as risk retention groups and purchasing groups.

In one respect, Mr. Speaker, the Liability Risk Retention Act is a legislative success story. There is no question that despite the "soft" liability insurance market conditions that have existed since its enactment 3 years ago, the act is being utilized widely. Clearly, the act has both enhanced the availability and affordability of liability insurance, particularly for small enterprises, and had a positive competitive effect on the insurance industry generally.

Despite the preemption of State regulation provided by the act, however, some State regulatory authorities have attempted to institute burdensome and conflicting multistate regulation of Risk Retention Act entities. I am concerned that the Liability Risk Retention Act will fail to achieve its full potential in the current climate.

In September 1987, and December 1989, the Department of Commerce issued reports regarding implementation of the Act which discuss many of these State-imposed restrictions. The Department concluded that revisions to the Liability Risk Retention Act are necessary if congressional objectives are to be met, and the Commerce Department's staff developed a draft legislative proposal to amend the act. The Senate Commerce, Science and Transportation Consumer Subcommittee held an oversight hearing in May 1989, regarding implementation of the Act at which the National Risk Retention Association [NRRA] and others presented testimony detailing current restrictions. NRRA unveiled its own comprehensive legislative proposal for amending the act at that time. S. 1936, the Liability Risk Rentention Amendments of 1989, was later introduced by Senator ROBERT KASTEN of Wisconsin.

I am today introducing similar companion legislation in the House of Representatives: the Liability Risk Retention Amendments of 1990. Representative NORMAN LENT, the ranking Republican on the House Energy and Commerce Committee and Representative DON RITTER, the ranking Republican on the Commerce, Consumer Protection and Competitiveness Subcommittee, are original cosponsors of this measure. The purpose of this legislation is to clarify the rules under which group liability insurance is to clarify the rules under which group liability insurance programs form and operate, achieve a greater degree of consistency in the regulation of entities operating under the act, and maximize the potential of the act to add capacity to and enhance competition in the liability insurance market. This legislation seeks its objective within the confines of the public policy upon which current law is predicated and within the regulatory structure contemplated by the 1986 act.

In the Liability Risk Retention Amendments of 1990, provisions applying to both risk retention groups and purchasing groups deal with uniform registration forms, fees, direct marketing, and the preemption of countersignature laws. Other provisions address the specific needs of risk retention groups: uniform financial statements, letters of credit, reinsurance, premium taxes and financial responsibility laws.

In addition, the Liability Risk Retention Amendments of 1990 would clarify that the insurer of a purchasing group need file the rates and policy forms for the group or its members only in the State in which the group maintains its "principal place of business." This provision would overturn the U.S. Court of Appeals for the Second Circuit in Insurance Company of the State of Pennsylvania versus Corcoran, which held that the act does not exempt an admitted insurer providing coverage to a purchasing group from State policy form and rate regulation.

Finally, the measure would clarify that a purchasing group is the resident of a single State—the State in which it maintains its principal place of business. This provision is consistent with the decision of the U.S. Court of Appeals for the Eighth Circuit in Swanco versus Hager. The Liability Risk Retention Amendments of 1990, however, would overrule the Eighth Circuit's holding in Swanco that Congress did not preempt the right of "nonlocation" States to apply their licensing laws to an insurer providing coverage to a purchasing group member residing in their State. Under the Liability Risk Retention Amendments of 1990, reporting requirements would be established for purchasing group insurers that parallel those of risk retention groups under current law. Additionally, the amendments would establish minimum financial criteria for purchasing group insurers.

Let me emphasize, Mr. Speaker, that I share the concern of many in both Congress and elsewhere regarding the solvency of insurance companies, a matter that remains the subject of close scrutiny by the House Energy and Commerce Oversight and Investigations Subcommittee. The subcommittee's recent report: "Failed Promises: Insurance Company Insolvencies" is a sobering indictment of the way in which insurers are regulated for solvency and it deserves the careful attention of all Members of this body. Clearly, entities doing business under the Liability Risk Retention Act must be subject to the same level of scrutiny in this regard. For this reason, I believe Congress must enhance public protection by acting to ensure that purchasing group insurers are indeed financially sound and adequately regulated. The minimum financial

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standards and strengthened reporting requirements for insurers of purchasing groups that are set forth in the Liability Risk Retention Amendments of 1990 speak to that concern.

The time for Congress to consider and act upon these issues is now, Mr. Speaker. The current market environment for liability insurance offers us an opportunity to do so in a thoughtful, measured way. I am introducing this legislation because I believe it offers a meaningful springboard for discussion in the House Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness, on which I serve. While I am not giving my unqualified endorsement to every provision of this measure, I believe that the amendments proposed by this bill will help to crystallize the issues regarding implementation of the Liability Risk Retention Act which Congress should address this year.

I recognize that a consensus among affected players in the insurance marketplace in support of some of the provisions of the Risk Retention Amendments of 1990 does not exist. For example, concerns regarding provisions of this measure have been brought to my attention by Kansas Commissioner of Insurance Fletcher Bell, who currently is completing a distinguished 20-year tenure in that office. As the subcommittee considers this legislation, I want to ensure that concerns he has raised with me regarding overturning of Insurance Company of the State of Pennsylvania versus Corcoran and modification of Swanco versus Hager, as well as the issue of countersignature requirements, are addressed fully and thoughtfully. I have requested of Commerce, Consumer Protection and Competitiveness Subcommittee Chairman DOUG WALGREN that he scheduled a hearing concerning implementation of the Liability Risk Retention Act and the proposals contained in the measure I am introducing today, and I hope that Commissioner Bell will be able to testify.

I urge my colleagues to cosponsor the Liability Risk Retention Amendments of 1990, a section-by-section description of which follows:

SECTION-BY-SECTION ANALYSIS OF THE RISK RETENTION AMENDMENTS OF 1990

Section 1. This section is the short title of the bill, the Liability Risk Retention Amendments of 1990.

Section 2. This section specifies that whenever an amendment specifies a section, the reference is to the Liability Risk Retention Act.

Section 3. Adds a new purpose section to the Act stating that the purpose of the Act is facilitate the formation and operation of risk retention groups and purchasing groups by eliminating certain government regulations that would otherwise prevent or hinder the operation of these groups in interstate commerce. This section is intended to give additional focus to the importance of exempting risk retention groups and purchasing groups from regulations that prevent or hinder their operation in interstate commerce.

Section 4. Section 2(a)(1) of the Act is amended to simplify the definition of insurance.

Section 5. Section 2(a)(2) of the Act is amended by adding a new provision to permit insuring all coverages included in commercial motor vehicle and trucking policy forms and to authorize insuring employers' liability insurance in excess of any coverage required under applicable state workers' compensation laws. The purpose of the first provision is to authorize a risk retention group (or purchasing group) to include all of the standard commercial motor vehicle coverages, including physical damage and collision, that are included in a standard commercial motor vehicle or trucking policy form. Excess employers' liability coverage is authorized so that risk retention groups can incorporate these risks into their policies to the same extent they are included in standard commercial excess and umbrella policy forms.

Section 6. Section 2(a)(4)(G)(ii) is amended to permit a risk retention group to reinsure the liability exposure of "its own members." Thus, a risk retention group is authorized to reinsure the risks that are written by a "fronting" company that issues liability insurance policies to the group's members.

Section 7. Section 2(a) is amended by adding a definition of the principal place of business of a purchasing group. Principal place of business is defined as the city and state in which a purchasing group maintains its principal office, if the group has and maintains members in that state. This definition is intended to replace the concept of the state in which a purchasing group is "located," which has caused misunderstanding and litigation.

Section 8. Section 3(a)(1)(B) is amended to provide that a risk retention group may be required to pay, on a non-discriminatory basis, applicable premium taxes and other taxes which are levied on admitted insurers. This conforms to the practice of the vast majority of states which treat risk retention groups as admitted insurers for the purpose of taxation. It will prohibit a state from treating a risk retention group as a surplus lines insurer for the purpose of determining the amount or method of payment of premium taxes.

Section 9. Section 3(a)(1)(I) is amended to permit a risk retention group notice that it is not covered by a state guaranty fund and is not subject to all insurance laws may be in 10 point "or larger" type. The purpose of this amendment is to prevent state insurance departments from threatening a risk retention group with technical violation of its regulations because it has provided notice to its policyholder members in type that is larger than the minimum required under the Act.

Section 10. Section 3(a)(3) of the Act is amended to clarify that an insurance policy issued to a risk retention group is not required to be countersigned by an insurance agent or broker. The language of the current Act prohibits a state from requiring a policy to be countersigned by an agent or broker "residing in the state" and some states have construed this as permitting them to require policies to be countersigned by a non-resident agent or broker. Because the purpose of the Act was to remove all counter-signature requirements, it is amended to clearly implement this policy.

Section 10. Section 3(a) is amended by adding three new paragraphs. Paragraph (4) prohibits a state from preventing a risk retention group from ceding any or all of the insurance issued to its members to a reinsurer which meets the requirements of the risk retention group's chartering state for allowing balance sheet credit for reinsurance ceded. The purpose of this provision is to require recognition of reinsurance that is recognized in the group's chartering state.

Paragraph (5), as added by these amendments, prohibits a state from requiring a risk retention group to file its policy forms and rates for approval. This simply clarifies existing practice and implements the policy that except as specified in the Act, a risk retention group is exempt from insurance regulation except in the state in which it is licensed as an insurance company.

Paragraph (6), as added by these amendments, prohibits a state from refusing to recognize as an asset of a risk retention group a letter of credit that has been issued by a bank that is a member of the Federal Reserve System, if the letter of credit is drafted in a form that has been approved by the commissioner of the state in which the group is licensed as an insurer and that commissioner has recognized the letter of credit as an asset of the group. Several states, including states with special captive insurance laws, recognize a letter of credit as an asset for determining if the group meets the state's minimum capital and surplus requirements. Other states under their Statutory Accounting Principles do not recognize a letter of credit as an asset although they recognize surplus notes and other instruments.

Because it is a policy of the Risk Retention Act to promote the formation of risk retention groups which can be licensed as captive insurance companies, and to exempt these groups from most insurance regulations of a non-chartering state, a non-chartering state should recognize a letter of credit as an asset of the group. Of course, if a non-chartering state believes that the letter of credit is a forgery, or is invalid or has no value, or that the risk retention group is otherwise in a "hazardous financial condition," then that insurance department may take action to enjoin the operation of the risk retention group in that state.

Section 11. Section 3(c) of the Act is amended to specify in greater detail persons who are eligible to act as an agent of a risk retention group and to define those situations in which such a person must be licensed as an agent. Paragraph (1) provides that officers, directors, and full-time employees of a risk retention group may engage in the direct sale and servicing of insurance to members of the group without being licensed as an insurance agent or broker under the laws of any state.

Paragraph (2) provides that other persons acting as an agent or broker for a risk retention group must obtain a license from the group's chartering state, but that state may not impose any qualification that discriminates against a non-resident agent, impose licensing requirements different from those applicable to resident agents, or require a risk retention group to appoint a licensed agent, if no person is acting or offering to act in that capacity.

Paragraph (3) provides that any person who is licensed as an agent by the state in which the risk retention group is chartered may act as an agent on behalf of that group in all states in which it does business, notwithstanding the insurance agent licensing laws of any other state.

The purpose of these amendments is to simplify and clarify the insurance agent licensing requirements for a risk retention group. Because the purpose of the Act is to remove conflicting and burdensome state insurance regulations, it is necessary in carrying out that policy to exempt persons acting as an agent for risk retention group from these multi-state licensing requirements. The amendment also exempts the officers, directors and employees of a risk retention group from agent licensing requirements and does not impose any licensing requirements if a group solicits members through direct marketing without the use of any agents or brokers.

Section 12. Section 3 is amended by adding two new subsections. Subsection (d) provides that a risk retention group may provide insurance for a non-member that is assumed under a contract entered into during the course of any business or activity that is similar or related to the business or activity of the members of the group. The purpose of this amendment is to permit a tenant or lessee of equipment to include as an additional named insured the owner of the property or equipment so that the group member can meet the requirements of a lease agreement requiring it to include the owner of the property or equipment as an additional named insured and to permit other coverage in other situations where contractual liability coverage is a common business practice.

Subsection (e) provides that no state other than the jurisdiction in which the risk retention group is chartered, may require the group to submit to an examination for the purpose of determining whether its members are engaged in similar or related businesses or activities as defined in Section 2(a)(4)(F) of the Act. Generally, risk retention groups have been formed by homogeneous groups of businesses or professionals. There have been some instances, however, of state insurance departments requiring risk retention groups to submit extensive information to prove that their members have a similar or related exposure liability. Review by the chartering state is considered sufficient to assure that this requirement is met.

Section 13. Section 4(a)(2) of the Act is amended to permit the insurer of a purchasing group to provide liability insurance on a group basis or on any other basis which affords "rate, coverage, policy form, or other advantages to a purchasing group which are not available to persons who are not members of the purchasing group." This incorporates the exemption as set forth in the Department of Commerce Risk Retention Proposal of 1979 and, gives insurers greater flexibility in the manner in which an insurer may offer special terms regarding rates, coverages, or policy forms to members of a purchasing group.

Section 4(a)(7) is amended to prohibit any state from requiring an insurance policy issued to a purchasing group or any member of the group to be countersigned by an insurance agent or broker. This clarifies the exemption from countersignature laws contained in the existing Act and is identical to Section 3(a)(3).

Section 14. Section 4(c) of the Act is amended in exactly the same manner as Section 3(c) to simplify the licensing requirements of any person acting as an agent or broker of a purchasing group.

Section 15. Section 4(d)(1)(C) is amended to specify in greater detail the information about a purchasing group insurer that must be provided to each state insurance department.

Section 4(d)(1) is amended by adding three new subparagraphs: (E) which requires the group to identify its principals or officers; (F) to identify any organization engaged to manage or service the operation of the purchasing group and the address of any such organization; and (G) to certify that all members of the purchasing group are engaged in similar or related activities with regard to their exposure to any liability which is insured under the group's program.

Section 16. Section 4(f) is amended to provide that a purchasing group may purchase insurance from any insurer meeting the requirements set forth in a new Section 5 added by these amendments. Reference to the state in which a purchasing group is "located," which had lead to litigation is deleted. The purpose of this amendment is to clarify the requirements for an insurer providing insurance to a purchasing group.

Section 17. Section 4(g) is amended by adding after the phrase "purchasing group" the phrase "or purchasing group insurer." The purpose of this amendment is to clarify that a state may apply any of its insurance laws to a purchasing group or the group's insurer that are not preempted by the Risk Retention Act.

Section 18. This section contains a new Section 5 of the Act that specifies the qualifications of an insurance company that is eligible to provide liability insurance to a purchasing group, specifies certain state laws, reporting requirements that apply, and specifies enforcement actions that may be taken against any such insurer.

Section 5(a), as added by these amendments, provides that an insurer is authorized to write coverage for a purchasing group if the insurer is: (1) admitted in at least one state; (2) retains risk, net of reinsurance, in an amount less than the maximum permitted for admitted insurers under the laws of each state in which the insurer is writing insurance for a purchasing group or its members; and (3) maintains minimum capital and surplus of at least $3 million as determined in accordance with the Statutory Accounting Principles of the state in which the group has its principal place of business. In addition, an alien insurer that is listed on the most recent NAIC "Non-Admitted Insurers Quarterly Listing" is authorized to insure a purchasing group. The purpose of this provision is to establish some minimum financial or listing qualifications for the insurer of a purchasing group.

Section 5(b) provides that the insurer of a purchasing group shall be regulated "by the state in which the purchasing group has its principal place of business and the authority of other states in which insurance is provided to any member of the group is limited to those matters authorized by this Section [5]." The purpose of this provision is to focus the regulation of the purchasing group insurer on the insurance department of the state in which the group maintains its principal place of business. The insurer of a purchasing group is not, however, totally exempt from regulation or review by the insurance departments of other states.

Section 5(b)(1) provides that the state in which a purchasing group has its principal place of business shall apply its laws to the policy form, coverage, and rates of the purchasing group's insurer in the same manner as it applies those laws to an admitted insurer doing business in that state.

Section 5(b)(2) provides that any state may require a purchasing group insurer to (A) to comply with its unfair claim settlement practices law, (B) pay on a non-discriminatory basis applicable premium taxes, (C) register with and designate the state insurance commissioner as the insurer's agent for service of process, if it has not already done so, (D) submit to an examination by a state insurance commission of any state in which it is doing business, if the commissioner of the insurer's domicile has not begun or refused to initiate such an examination, except that any such examination must be coordinated to avoid unjust duplication and repetition, (E) comply with a lawful order issued in a delinquency proceeding or a voluntary dissolution proceeding, (F) comply with any state law regarding deceptive, false or fraudulent acts or practices, (G) comply with an injunction issued by a court of competent jurisdiction based on a finding that the insurer is in a hazardous financial condition or is financially impaired and (H) provide a notice in 10 point or larger type in any insurance policy issued by a purchasing group that the insurer may not be subject to all of the insurance laws of the state and that the insurer (if it is a non-admitted carrier) is not covered by the state's guaranty fund.

Section 5(b)(3) provides that no state may (A) require any insurance policy issued to a purchasing group to be countersigned by an insurance agent or broker, (B) require the submission of declinations or certificates of non-availability prior to or as a condition of writing purchasing group insurance; or (C) otherwise discriminate against a purchasing group insurer.

Section 5(b)(4) provides that no state, other than the state in which the purchasing group has its principal place of business, shall have the right to regulate policy forms, rates, or coverage provided to a purchasing group except as otherwise authorized by the Risk Retention Act.

Section 5(c) provides that a purchasing group insurer must furnish to the insurance commissioner of the state in which the purchasing group has its principal place of business information regarding (A) the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the insurer intends to offer to the purchasing group, (B) a copy of the insurer's annual financial statement, which must be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expenses rendered by a member of the American Academy of Actuaries or a qualified loss reserve specialist and (C) any other information the commissioner may require. Copies of all of this information must be filed with the insurance commissioner of each additional state in which the purchasing group is doing business. Copies of any documents filed with the state in which the purchasing group has its principal place of business shall be sufficient for submission in all other states.

Section 5(d) provides that nothing in this section shall be construed to affect the authority of any federal or state court to enjoin (1) the solicitation or sale of insurance by a purchasing group insurer to any person who is not eligible for membership in the group, (2) the solicitation or sale of insurance by or the operation of a purchasing group insurer that is in a hazardous financial condition or is financially impaired, or (3) any false, deceptive, or fraudulent conduct by a purchasing group or its insurer, agents, or broker. The purpose of Section 5(d) is to clarify that state insurance commissioners retain the authority to take action to prevent or halt any false or deceptive acts or practices or the insurance operations of any insurer that is in a hazardous financial condition.

Section 5(e) provides that nothing in the Risk Retention Act shall be construed to affect the authority of any state to make use of any of its powers to enforce the laws

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of that state with respect to any activities of a purchasing group insurer which are not exempt from state regulation under the Risk Retention Act. This simply restates a provision of existing loss—that any activity of a purchasing group insurer which is not exempt from state regulation remains subject to that regulation—and (2) that if a state seeks an injunction regarding the conduct described in Section 5(d), the injunction must be obtained from a federal or state court of competent jurisdiction.

Section 5(f) provides that nothing in the Risk Retention Act shall affect the authority of any state to bring an action in any federal or state court.

Section 5(g) provides that a purchasing group insurer must register with and designate the state insurance commissioner of each state in which the purchasing group has insured members (and in which it has not already appointed the insurance commissioner as its agent) as the insurer's agent solely for the purpose of receiving service of legal documents or process.

Section 5(b)(2), (b)(3), and (b)(4), and Sections 5(c), 5(d) and 5(g) are virtually identical to similar provisions dealing with the requirements of a risk retention group and the authority of a state insurance commissioner to regulate such a group.

Section 19. Section 2(a) of the Act is amended by adding a new paragraph (9) defining "group basis" to include a group master policy, coverage issued on an individual basis pursuant to a mass marketing plan, or any other arrangement providing liability insurance to members of a purchasing group on substantially the same terms and conditions. The purpose of this amendment is to set forth a broad definition of the meaning of group basis and thereby provide insurers with substantial latitude in developing group liability insurance programs under the Act.

Section 20. Section 5 (now Section 6) is amended by adding a new paragraph 2 which provides that the ownership interest in a risk retention group shall be considered an exempted security for the purpose of the broker-dealer registration requirements of Section 15(a)(1) of the Securities Act of 1933, 15 U.S.C. § 77o(a)(1). Because the ownership interest in a risk retention group are not primarily investments but a necessary capital expenditure to permit the formation of a joint insurance venture, and because in most cases these ownership interests are promoted on an accommodation basis rather than for the purpose of earning fees or commissions, the exemption from the registration requirements under the securities laws is extended to the broker-dealer registration requirements.

In addition, a new Section 6(d) provides that the exemption from the registration requirements of the securities laws includes the promotion, sale, and distribution of ownership interests in a company or association which is being organized solely for the purpose of qualifying as a risk retention group. The purpose of this amendment is to clarify that the exemption from the registration requirements of the securities laws extends to the activities, including capital formation, which necessarily precede the licensing of a risk retention group as an insurance company and its certificate of authority to commence doing business.

Section 21. Section 6 (now Section 7) of the Act is amended by (1) adding after the words "risk retention group" in subsections (a), (b), and (c), the phrase "or purchasing group insurer"; (2) by amending subsection (d) to provide that state financial responsibility laws will apply only if they are incorporated in a state statute or regulation issued under a state statute that specifies financial responsibility as a condition for obtaining a license or permit to undertake specified activities, and by defining "acceptable means of demonstrating financial responsibility" to include a demonstration that a risk retention group or the insurer of a purchasing group maintains the minimum capital and surplus required for an admitted insurer in the state in which coverage is provided to a group member.

In addition to a new Section 7(e) is added which provides that no state may prohibit any political subdivision or other public entity from becoming a member of a risk retention group or a member of a purchasing group or from obtaining insurance provided by or for a group of which it is a member. The purpose of this provision is to prohibit states from enacting laws and to prevent state insurance commissioners from promulgating regulations that attempt to defeat the purpose of the Risk Retention Act by preventing political subdivisions and other organizations of a state from participating in risk retention insurance ventures.

Section 22. The Risk Retention Act is amended by adding four new sections that further clarify the exemption of risk retention groups and purchasing groups from state insurance regulation and provide methods for reducing misunderstandings regarding the scope of this exemption.

Section 8, as added by the amendments, provides that no state, except the state in which a risk retention group is chartered or the state in which a purchasing group maintains its principal place of business, may require a risk retention group or purchasing group to pay any registration fee. The purpose of this amendment is to prevent state insurance departments from imposing burdensome registrations fees and annual fees on risk retention groups and purchasing groups when the only purpose of the registration is to appoint the insurance commissioner as the group's agent for service of process.

Section 9, as added by the amendments, provides that the Attorney General or the Secretary of Commerce (with the concurrence with the Attorney General) may bring a civil action to enjoin a state insurance commissioner from (1) applying any state law or regulation that is inconsistent with the Risk Retention Act or (2) discriminating against a risk retention group or a purchasing group. The purpose of this provision is to allow the federal government to initiate legal action in those cases where a state is interfering with the policy of the Risk Retention Act by applying its laws or regulations in a manner that are inconsistent with the Act or that discriminate against a risk retention group or a purchasing group. Similar authority is granted to the United States and government departments under many other laws.

Section 10, as added by these amendments provides that whenever the Risk Retention Act establishes a requirement or authorizes an activity, no state or political subdivision of a state may establish or apply any requirement or limitation on the authority of a risk retention group or purchasing group which is not identical to those set forth in the Risk Retention Act. The purpose of this provision is to prevent states from enacting risk retention laws or regulations that depart from the provisions of the Risk Retention Act and that seek to impose different or conflicting burdens or requirements on risk retention groups and purchasing groups.

Section 11, as added by these amendments, provides that the Secretary of Commerce shall, in accordance with the Administrative Procedures Act, promulgate standard forms for the filing of notification by a purchasing group or risk retention group that it intends to do business in a state and to promulgate a standard form appointing the insurance commissioner as the group's agent for service of process. The Secretary is required before issuing any such standard forms to consult with the National Association of Insurance Commissioners. The purpose of this provision is to prevent the unnecessary burden now imposed on purchasing groups and risk retention groups of filing out fifty different registration forms.

SENIORS DELIBERATELY MISLED

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. ROSTENKOWSKI. Mr. Speaker, in recent years, many of my colleagues have heard from senior constituents who were frightened and outraged by deliberately misleading information distributed by various organizations.

A constituent of mine recently sent me a copy of such a letter from "The Senior's Coalition" signed by former Congressman Mark Siljander. This letter seems to be written purposefully to create enough anxiety among seniors to produce a successful fundraising appeal.

I would like to submit for the RECORD and for the benefit of my colleagues a copy of this letter and my response to former Congressman Siljander.

THE SENIOR'S COALITION,
Brentwood Station, Washington, DC.

Please take just a minute of your time and take part in our 1990 Medicare and Social Security Questionnaire.

I'm asking you how you seniors feel about the future of Medicare, the type of benefits it should provide, and how those benefits will be funded.

You will also see I'm asking you to sign a petition to President Bush asking him to hold firm on his campaign promise to veto any attempts to tax Social Security or Medicare benefits. I need you to return the petition with your completed survey.

As you know, last year's infamous Catastrophic Health Tax Battle is over. But we cannot rest on our laurels and wait for the next political attack to distort or destroy Medicare.

Because right now, the same professional politicians and bureaucrats who gave us the Catastrophic Medicare Tax are already hatching some new schemes. For instance . . .

House Ways and Means Chairman Dan Rostenkowski wants to cut back on amounts Medicare will pay for doctor's bills. This may lead to rationing of health care and big bills for seniors.

Other proposals include taxing 100% of Social Security benefits that are now only 50% taxable.

And Budget Director Richard Darman was recently looking into taxing the value of Medicare benefits, which are now not taxed.

The results of this survey will be revealed to Congress by the Seniors Coalition in early 1990.

That's important, because there are several critical Medicare and Social Security issues that will come up next year.

Remember how the Senior's Coalition fought for a repeal of the Catastrophic Health Tax? Next year we could face similar battles. And now is the time to find out how you and other Seniors feel about this issue.

That's why we must remain united and keep up our battle to preserve the Medicare benefits we've earned.

Just as important, the whole future of Medicare is now open to question as to what types of benefits senior citizens really need and want, and how to pay for them fairly.

Clearly, we cannot depend on the politicians in Congress to protect the interests of seniors.

If anything, the whole ugly Catastrophic Health Tax episode shows that too many Congressmen and Senators are completely out of touch with the needs of the average senior citizen.

What's more, seniors cannot even count on some of the traditional senior citizen organizations to properly represent them in Washington.

The leaders of some of the most prominent senior citizen groups actually lobbied for the Catastrophic Medicare Tax and continued to support it in the face of senior citizen opposition.

Unfortunately, some "senior citizen leaders" have become part of the Washington establishment and lost sight of the true interests of their groups' members.

So you are entirely justified to ask: "Who can we count on? I, for one, hope you will continue to count on us at the Seniors' Coalition.

When many politicians and other groups let you down, we were there leading this historic battle to protect your interests.

That's why I hope you'll stick with that battle now and help the Seniors' Coalition keep fighting for your interests.

As a former Congressman and member of the House Select Committee on Aging, I can tell you the biggest battles are yet to come.

The arrogant leaders of the House and Senate are angry that senior citizens rebelled against their Catastrophic Medicare Tax. If anything, they'll now look for ways to cut Medicare benefits or stick seniors with coverage they don't want and find new taxes to pay for it.

Some politicians are looking at ways to reduce benefits and tax Social Security and Medicare.

This is why we've got to act now and take advantage of our winning momentum from the Catastrophic Medicare battle. That's why I urge you to take part in the enclosed 1990 Medicare and Social Security Questionnaire and return it to me today.

You see, this Questionnaire will do the one thing our opponents fear the most we might do:

It will let senior citizens like you tell Congress:

What Medicare benefits you most prefer.

What coverages you fear may be cut.

How Medicare should be fairly financed.

Whether Medicare or Social Security should be taxed.

Few, if any, members of Congress attempted to poll senior citizens this way before passing the Catastrophic Medicare Tax in 1988. If they had, I think our views would have been quite clear and we could have avoided the tax battle.

Our goal is to use the results of this Questionnaire to achieve action on what senior citizens want done in the future.

First, we will distribute Questionnaire results every 90 days to every Congressman and Senator on Capitol Hill. No longer will they be able to say they don't know what seniors want.

Second, we'll also release our Questionnaire results to the nation's newspapers, TV networks, and local radio and TV stations. That publicity can help keep our politicians honest.

Third, and most important, the Questionnaire results will also guide us in mobilizing our own grassroots lobbying efforts to fight for the Medicare preferences of most senior citizens.

The Seniors' Coalition has already shown Congress how effective we can be in channelling senior citizen public opinion. We used it to help defeat the tax—and we can use it again to help protect Medicare and shape its future directions.

So, frankly, I do hope that every single person I'm writing to will join in taking part in the enclose Questionnaire. Remember, we beat the tax because we all joined in signing petitions. Our Questionnaire will likewise succeed only if we all take part in it.

However, our Questionnaire will only work if we can put it to use—and that means we must raise the money to do so.

I estimate that we will need to raise some $132,000 to pay for this Questionnaire project, and further funds in the future for our lobbying campaign to drive home the Questionnaire in Congress.

That's why I must ask you include a contribution when you complete the survey. Your contribution will help pay for the survey and remaining costs of our massive campaign against the Catastrophic Health Tax as well as on past, present and future efforts against taxes and for traditional values.

The Seniors Coalition is just that: A voluntary coalition of concerned citizens who've banded together to support this vital cause with our own donations.

We don't receive funding from big corporations or special interests that might want to sacifice senior citizens' interests. Nor do we take any government grants that would compromise our independence. We're totally dependent on donations from citizens like you whose interests we protect.

Your contribution will help us pay current, future and past expenses associated with the campaign I mentioned earlier.

So please be as generous as you can. $10, $15, $20 will help us move forward with the plan described and pay for this important survey.

But whatever amount you can give, it's most critical you take part in the 1990 Medicare and Social Security Questionnaire and return it to me for tabulation today.

We can't sit back and just wait for the politicians to start tinkering with Medicare and taxes once again. This time, we've got to seize the initiative and tell them what we want.

Please let me have your views on these vital Medicare issues today. I look forward to receiving your Questionnaire.

Fighting to Protect Medicare,

MARK D. SILJANDER,
U.S. Congressman (Ret.)

P.S.—Remember, your enclosed 1990 Medicare and Social Security Questionnaire can help make the difference in protecting Medicare from more political tinkering, and in guaranteeing full, fair, and adequate Medicare coverage for your needs. The real Medicare fight is just beginning. Help win it by returning your Questionnaire with your most generous contribution, today. Remember, we oppose efforts to increase the role and cost of government and we are dedicated to protecting the interests of seniors. Your contribution will help us pay for this survey, the Catastrophic Health Tax battle, and our past, present, and future efforts to protect Medicare and Social Security, traditional values, and fight efforts to increase taxes.

COMMITTEE ON WAYS AND MEANS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, March 20, 1990.

Hon. MARK SILJANDER,
The Senior's Coalition, Brentwood Station, Washington, DC.

DEAR MR. SILJANDER: I am writing to express my strong objection to your recent letter mailed to senior citizens regarding Congressional action on policies affecting the Medicare program.

Your letter was clearly drafted to alarm seniors about the future of Medicare. I regret that you and others use such tactics in an effort to raise funds for operations such as The Senior's Coalition.

More specifically, I object to the statement: "Chairman Dan Rostenkowski wants to cut back on amounts Medicare will pay for doctor's bills. This may lead to rationing of health care and big bills for seniors."

Nothing, as you should know, could be further from the truth.

Over the years the Committee has reported legislation to reduce the rate of increase in payments to hospitals and physicians only upon the direct instruction of the entire Congress as expressed by the annual budget resolutions.

The budget resolutions have provided reductions of Medicare spending substantially less than those proposed by the Reagan and Bush Administrations. These resolutions have been adopted with bipartisan majorities.

For the past several years, I have written to the Budget Committee to express my concern about the Administration's proposed cuts in the Medicare program. The budget resolutions provided reductions in Medicare spending substantially less than those proposed by the Reagan and Bush Administrations. These resolutions have been adopted with bipartisan majorities.

In developing budget reconciliation provisions with regard to payments to physicians, the Committee on Ways and Means has generally followed the recommendations of the Reagan and Bush Administrations. Since 1986, Presidents Reagan and Bush have proposed reductions in Medicare Part B spending of $1.4 billion while the Congress has adopted savings of $1.3 billion.

The Committee, under my Chairmanship, has worked effectively to protect senior citizens against extra-billing by physicians on unassigned claims. Since the establishment of the Medicare participating physician program in 1984, the share of physician services on assignment has increased to over 80%. Limits on extra-billing by physicians on unassigned claims adopted by the Committee provide further protection for the elderly against high physician bills.

I trust that any future mailings to the elderly will accurately represent my position on these vital issues.

Sincerely,

DAN ROSTENKOWSKI,
Chairman.

THE BENEFIT TO THE CONSUMER FROM SUGAR PROGRAM REFORM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. GRADISON. Mr. Speaker, consumers pay a great deal for the generous price support, relative to other commodities, that the Federal Government provides for domestic producers of sugar. In April 1988, the U.S. Department of Commerce issued a report, "United States Sugar Policy: An Analysis," which asserted that the sugar program cost consumers over $3 billion annually. More recently, the U.S. Department of Agriculture, in its recent report on the sugar market, "Sugar: Background for 1990 Farm Legislation," concluded that the sugar program cost consumers, at a minimum, an average of approximately $1.9 billion per year over the last 3 fiscal years. Variations in methodology and the time periods observed account for the disparity in the figures. That there is a substantial consumer cost, however, is beyond question.

I have long been a proponent of reform of the sugar program. The evidence shows that the current program encourages domestic overproduction which bears little relationship to demand. This has resulted in restricted market access for traditional foreign suppliers to the American market, which works against our foreign policy interests and violates our obligations under the General Agreement on Tariffs and Trade. It has also artificially inflated the domestic price of sugar. For that, consumers pay.

Defenders of the current program are quick to discount the effect of the sugar program on consumers. They argue that consumers would see no change in the price of processed foods and beverages which contain sugar, or in the price of a 5-pound bag of refined sugar on the supermarket shelf, if reform resulted in lower prices for raw sugar in the U.S. Market. They would have you believe that in the intensely competitive environment of the market, raw material costs do not matter and that the laws of comparative advantage and supply and demand have been repealed. Of course, this is utter nonsense.

On March 15, 1990, the House Subcommittee on Cotton, Rice, and Sugar held its final hearing prior to markup of the sugar provisions of the 1990 farm bill. Ms. Eva Lynne Disbro, manager for communications and public relations, of the McKee Baking Co., made a strong case that the consumer will benefit from reform of the sugar program. I commend Ms. Disbro's testimony to my colleagues.

STATEMENT OF THE INDEPENDENT BAKERS ASSOCIATION

My name is Eva Lynne Disbro, and I am employed by McKee Baking Company in Collegedale, Tennessee. We are also a member of the Independent Bakers Association, and I am representing them today as Vice Chairman of its National Affairs Committee. Our company is the nation's largest independently owned snack cake bakery. McKee Baking produces Little Debbie Snack Cakes and Sunbelt snacks. More than 3,300 people work at our bakeries in Tennessee and Arkansas. Another McKee plant is under construction in Virginia to handle projected sales growth. Consumers in 43 states recognize the great value and good taste of Little Debbie Snack Cakes.

As a high-volume wholesale producer of sweet snacks, we use thousands of tons of sugar each year. The current sugar program keeps domestic sugar prices artificially high while benefitting only a few producers. Since July of last year, raw sugar prices have been on a roller coaster ride, mostly upwards. We are now paying prices for sugar that are more than fifteen percent higher than we paid a year ago. Yet we have not had a significant increase in our suggested retail price since September, 1988. Sugar prices make up a large portion of our ingredient costs. Any increase or decrease in sugar prices has a definite effect on our total costs.

The bill introduced by Representatives Thomas J. Downey and Willis D. Gradison would lower our sugar costs almost a million dollars the first year and even more in successive years. Very little, if any, of the savings would fall to our bottom line as increased profits. The consumer would be the primary beneficiary because the savings in sugar cost would be used to offset increases in other areas. Almost daily we see price adjustments that affect our cost of doing business. For example, our employee health insurance costs for 1989 were 22.9 percent higher than in 1988, and we are spending almost 15 percent more for cartons today than we did a year ago. For the consumers' benefit, we try not to pass along price increases every time we have wage or ingredient cost increases. If the savings in sugar cost were to be greater than the other cost increases incurred in a given year, we would pass along the cost savings through lower prices. We are committed to producing high value sweet snacks. Our track record bears this out. Since Little Debbie Snack Cakes were first introduced in 1960, our selling price has just slightly more than doubled while the Consumer Price Index has quadrupled. Two times in the past 14 years we have passed on cost savings when ingredient costs came down.

I urge to rewrite the United States sugar program in 1990. Reduce the sugar loan rate and increase import quotas. Both American business and the American public—our customers and your constituents—will benefit.

TELEPHONE PRIVACY ACT OF 1990

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill that would bring automatic number identification devices within the purview of Federal law. In 1986, Congress passed the Electronic Communications Privacy Act [ECPA], bringing together civil liberties groups, the Justice Department, businesses, and consumers. The Subcommittee on Courts, Intellectual Property, and the Administration of Justice, which I chair, held extensive hearings on ECPA, in which all witnesses agreed that technology had outstripped our laws regulating the interception of electronic communications and that the laws did not cover a variety of new technologies. As the House report on ECPA stated:

> Although it is still not twenty years old, the Wiretap Act was written in [A] different technological and regulatory ERA. Communications were almost exclusively in the form of transmission of the human voice over common carrier networks. Moreover, the contents of a traditional telephone call disappeared once the words transmitted were spoken and there were no records kept. Consequently the law primarily protects against the aural interception of the human voice over common carrier networks.
>
> The [wiretap law] did not attempt to address the interception of text, digital or machine communication. This statutory framework appears to leave unprotected an important sector of the new communications technologies.
>
> Many communications today are carried on or through systems which are not common carriers. Electronic mail, videotex and similar services are not common carrier services. Under existing law the interception of these services or the disclosure of the contents of messages over these services are probably not regulated or restricted. Moreover, totally private systems are rapidly being developed by private companies for their own use. It is not uncommon for businesses now not to use the local telephone company [or] in some instances the long distance companies in the creation of voice and data networks. Since these networks are private they are not covered by existing Federal law. In addition, data is transmitted over traditional telephone services as well as by these services. Since data, unlike the human voice, cannot be aurally intercepted, it is also largely unregulated and unrestricted under present law.
>
> Today, we have large-scale electronic mail operations, cellular and cordless telephones, paging devices, miniaturized transmitters for radio surveillance, and a dazzling array of digitized information networks which were little more than concepts two decades ago. Unfortunately, the same technologies that hold such promise for the future also enhance the risk that our communications will be intercepted by either private parties or the government.

Society had come to believe that these new technologies were appropriate for use, but the laws did not set forth the parameters for that use. ECPA attempted to consider each of these new technologies and, where possible, to integrate them into the law.

Technology changes so quickly that, unfortunately, only 4 years later, we are already faced with new devices that may not be covered by ECPA. Automatic number identification, commonly known as Caller ID or ANI, is an example. ANI is designed to trap the telephone number of a caller and display it on a device next to the telephone of the party being called. Presumably, the party being called may decide, upon review of the telephone number, to answer the call or not.

I welcome new technological developments and believe that they should be made available to consumers. However, technological advances must always be balanced against competing societal interests.

While in appearance ANI is a simple electronic device, it promises to significantly alter the communications landscape. There are privacy interests on both sides of the ANI debate. Congress must assess the impact that this new service will have on the privacy interests of both telephone callers and call receipients. We must evaluate how it will affect practices and customs that have developed over many years, and how to protect against adverse uses of information that was once considered private, but that will now be widely available through use of ANI.

Advocates of ANI contend that the new service will expand privacy protections for telephone call recipients. ANI will serve the same function as a peephole in one's front door, allowing the called party to decide whether the person calling has a familiar number, and whether to answer the telephone. Adherents further believe that ANI will deter harassing telephone calls by enabling people to easily screen callers. They therefore oppose any limitations on the use of the service, arguing that any limitations would defeat these purposes.

On the other hand, many people are concerned that ANI may invade privacy because it shifts the historical privacy balance away from the calling party and to the called party. It has become accepted in our society that when a person places a telephone call, it may be done anonymously. It is only when and if the caller decides to reveal his or her identity that the recipient knows who is calling. Contrary to present practice and custom, ANI would automatically display the caller's telephone number with or without the caller's consent. Even answering machines today permit callers to decide whether or not to leave a message and thereby reveal their identities.

ANI would suspend this expectation of privacy on which callers have come to rely, even with respect to callers with unlisted telephone numbers. Those expressing concerns about the service maintain that a privacy custom that is so ingrained in our society must be safeguarded. Accordingly, they either oppose the service altogether, or at a minimum urge the imposition of specific measures to protect the privacy interests of the calling parties.

As a preliminary matter, there are questions about whether the new service is necessary to achieve some of its stated purposes. For example, as noted, ANI has been promoted as a means to protect people against harassing telephone calls. However, other technologies may serve the same purposes, without the potential privacy invasions created by ANI. The technology exists to allow a recipient to "trap" a caller's number within the system, thus permitting the telephone company to read it and identify the caller. A person can also block all future calls from certain numbers. Finally, answering machines can screen out unwanted telephone calls.

Information obtained through the ANI service may erode personal privacy interests in ancillary but important ways. For example, if consumers call mail order companies for information, the companies can obtain the consumer's phone number and, through a reverse directory, the consumer's name and address. As a result, the consumer may be involuntarily added to mailing lists and be subjected to unwanted telephone sales solicitations.

Moreover, by affording the caller privacy, our current telephone system furthers many vital societal purposes. These purposes arguably would be frustrated if the ANI service is implemented without safeguards. For example, those taking refuge in battered women's shelters who call home to talk to their children would have their whereabouts revealed to their husbands. Those contacting AIDS hotlines, or serving as news sources, police informants, or as whistleblowers often do so by using the telephone. They depend on anonymity in making those calls. Similarly, psychiatrists, other medical professionals, and social workers who need to call their patients or clients from their homes could not do so without disclosing their telephone numbers and home addresses.

Finally, certain businesses might use ANI to screen calls and thereby discriminate against minorities or people who live in poor neighborhoods by refusing to respond or to provide services.

I know that telephone companies across the country are developing their own policies about ANI. Some companies have decided to offer it; some have decided that the privacy concerns must be ironed out first, and have not decided whether or not to offer it. Some have decided to offer ANI, but only with blocking devices for those who want them.

I am also aware that some of the telephone companies that have offered ANI have reported enthusiastic consumer reaction. Others have determined that their customers want blocking devices.

Communications policy is a Federal matter, and there should be uniformity. If it is to be effective, that policy should not be made by the States or regions, or by individual telephone companies.

In addition to the policy arguments about whether and how ANI should be implemented, there are significant legal issues involved. The primary one is whether ECPA already covers ANI. The Library of Congress has provided my subcommittee with a legal analysis that concludes that ECPA does in fact cover ANI, and that it prohibits it. If this is the case, then the telephone companies that are offering the service are violating the law. I know that there are legal opinions to the contrary. These questions must be resolved clearly and promptly.

I am therefore introducing a bill that I believe will resolve these legal and policy questions. I am pleased to cosponsor the bill along with another member of my subcommittee, the gentleman from Oklahoma, Mr. SYNAR. The bill will provide uniformity, and will adequately balance the various privacy concerns expressed by the supporters and opponents of ANI. It will permit the telephone companies to offer ANI to their customers, but it will require them to also offer blocking devices to customers who do not want their telephone numbers revealed.

A blocking device would maintain the status quo, at least for those who want it. There may be some who have no problem with having their telephone numbers revealed. They do not need to request a blocking device. But for those who do not want their numbers revealed, blocking devices would be available.

The premise of the bill is simple. It amends 18 U.S.C. 3121, which currently sets forth general prohibitions on the use of pen registers and trap and trace devices. ANI is a trap and trace device "which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted" (18 U.S.C. 3126(4)). The bill creates an exception to section 3121's prohibition for the use of devices allowing telephone call recipients to determine any "individually identifying information" about the caller or the caller's number. This exception applies only if the telephone company provider enables the caller to block receipt of the identifying information. Section 3121 already makes certain exceptions, but they apply to providers, rather than users, and would thus be inapplicable to ANI devices. Section 3121 now provides for criminal penalties. This bill would also create civil liability, with remedies set forth in 18 U.S.C. 2707, for providers who enable telephone call recipients to obtain individually identifiable information about the caller, but who fail to provide blocking devices.

The approach taken in this bill is supported by the White House Office of Consumer Affairs, by State attorneys general around the country, such as in Pennsylvania and North Carolina, and by the National Association of State Utility Consumer Advocates. In addition, law enforcement officers have expressed concerns that offering ANI without also providing blocking devices will compromise their efforts by discouraging confidential informants.

We should not allow ANI to be offered without Federal guidance. The Congress must consider the importance of a uniform communications policy, the significant privacy concerns that I have noted, and the implications of a change in the status quo such as ANI would cause. In addition, I am aware that questions exist about whether the state of technology today will permit complete and immediate implementation of the bill's requirements. These questions will be fully aired when the Subcommittee on Courts, Intellectual Property, and the Administration of Justice, which I chair, holds early hearings on this bill. I am confident that the concerns of all sides will be resolved satisfactorily.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, October 18, 1989.

To: House Committee on the Judiciary.
(Attention: Virginia Sloan)
From: American Law Division.
Subject: Caller identification telephone equipment and the Electronic Communications Privacy Act.

This is in response to your request for information as to whether installation or use of caller identification telephone equipment is contrary to the proscriptions of the Electronic Communications Privacy Act of 1986 (ECPA), Pub. L. No. 99-508, 100 Stat. 1848 (1986). It appears to be. The language of the Act prohibits installation and use. Under ordinary circumstances the statutory exceptions appear inapplicable. The legislative history, while not specific, seems to support

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such an interpretation. The courts, on the other hand, might consider the privacy interest involved relatively minor and accordingly find that Congress did not intend to preclude the use of such equipment.

Caller identification telephone equipment uses a device to identify the number of the telephone from which an incoming call originated and then to display a name associated with that number. It may also be used in conjunction with equipment which remotely records or displays the telephone number or a name associated with that number for either incoming or outgoing calls or both.

The ECPA established a new chapter 206 in title 18 of the United States Code, 18 U.S.C. 3121-3127, which prohibits the installation or use of pen registers or trap and trace devices.[1] Pen registers record the numbers of the telephone instruments dialed from a particular telephone instrument; trap and trace devices record the numbers of telephone instruments upon which calls to a particular instrument have been dialed.

Caller identification equipment constitutes a "trap and trace device" for purposes of the ECPA, for it meets the definition of 18 U.S.C. 3127(4) regardless of whether a number or a name associated with the number are displayed after the trap and trace has occurred.[2]

The ECPA's legislative history seems to confirm a Congressional intent to embody the type of equipment under consideration here within the prohibitions of 18 U.S.C. 3121. Admittedly, the equipment does not appear to have been specifically mentioned anywhere within that history and its discussion of trap and trace devices involved surreptitious use of those devices by a third party, ordinarily either the phone company or the police. THe ECPA was intended to protect communications privacy against both private and law enforcement intrusions.[3] Congress also intended to protect communications privacy against threats possible under the existing state of technology and those that might become possible in the future.[4]

The most persuasive argument within ECPA's history seems to flow from Congress' treatment of tracking devices. H.R. 3378 and S. 1667, the bills under consideration during the hearings which led to enactment of the ECPA, each have added a new chapter 206 to title 18 of the United States Code. That chapter would have forbidden the installation and use of pen registers and tracking devices except under certain designated circumstances.

During the hearings evidence was offerd that suggested that the definition of tracking devices had been drafted so as to arguably encompass ordinary private use paging devices (including video display pagers), rather then merely surreptitious use.[5]

Both committees responded by removing the tracking provisions from chapter 206. The Senate committee also added language elsewhere in the bill designed to outlaw the interception of communications to, but not the use of, video display paging devices. It then inserted trap and trace device provisions into chapter 206.

Neither the Senate committee report nor the subsequent debate in either House explain the substitution in specific terms. It is difficult to believe, however, that Congress would have unintentionally approved a definition of trap and trace devices which facially proscribed their use by both parties and nonparties to a communication when it had so recently rejected such a definition of tracking devices.

Even assuming Congress intended the trap and trace provisions of chapter 206 to apply to the use of caller identification display equipment it does not necessarily follow that it restricts all such use. The ECPA's trap and trace restrictions are subject to a number of exceptions. Two of these involve installation and use pursuant to court orders issued either under the procedures of chapter 206 or under those of the Foreign Intelligence Surveillance Act, 18 U.S.C. 3121(a). The caller identification display is likely to be offered by a communications provider as a customer convenience rather than for purposes of criminal investigations or foreign intelligence, the purposes upon which the court orders must be based. The court order exceptions are therefore not likely to be applicable in most cases.

The provider exceptions are arguably more relevant and in earlier memoranda we noted that the prohibitions do not apply when the provider exceptions are available. ("The Application of Restrictions on Trap and Trace Devices to Phone Service Allowing Display of Phone Numbers of Incoming Callers," July 14, 1989; "Trap Devices and the Electronic Communications Privacy Act of 1986, P.L. 99-508," August 31, 1989).[6]

The first exception exempts "use of a pen register or trap and trace device by a *provider* of electronic or wire communication service—(1) relating to the operation, maintenance, and testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service." 18 U.S.C. 3121(b)(1) (emphasis added.)

On its face the exception does not exempt use of a trap and trace device by users of wire or electronic communication service. It affords the exception only to providers. In other parts of chapter 206 where Congress intended an exception to apply to both providers and their customers it stated that intention clearly, see e.g., 18 U.S.C. 3127(3) which includes both provider and customer use within the billing exception to the restriction of the use of pen register. Finally, the legislative history of the exception supports the view that it was only to be available to providers.

When the legislation was introduced the exception was limited to only the operation, maintenance and testing language component of the current exception. The current language appeared in the clean bills reported out by both the House and Senate committees, although in the case of the House version the exception was limited to pen registers since proposed chapter 206 only covered pen registers in the House version.

The Senate report simply paraphrases the language of the exception, S. Rep. No. 541 at 46, but the House report identifies a number of instances where the original language would not reach pre-existing protective practices, "[t]elephone companies can use pen registers to verify long distance billing information. Telephone companies can use pen registers to detect the use of illegal devices, such as 'blue boxes' [devices used to avoid toll charges for long distance calls]. Additionally, a pen register could be placed on the phone of a person suspected of placing harassing or obscene calls." H.R. Rep. No. 647 at 24 n.50.

During the House hearings telephone company representatives had described their use of pen registers or trap and trace devices and/or called for amendments consistent with their past uses in terms comparable to those added to the exception.[7]

Even assuming that the exception could be read to embrace user rather than provider use of trap and trace devices, its authorization seems limited to uses designed to prevent toll charge fraud, obscene or harassing phone calls or similar threats or abuses. It does not seem to permit perpetual use offered as a customer convenience.

Congress' treatment of internal communications systems may offer a final hint as to whether chapter 206 was intended to include a user exception. Prior to the enactment of the ECPA, an employer who monitored his employees' calls on a private, internal communications system had been found not to have violated the wiretap prohibitions. Those proscriptions, it had been held, applied only to the interceptions occurring on a wire communications system furnished or operated by a communications common carrier, *United States* v. *Christman*, 375 F.Supp. 1354, 1355 (N.D.Cal. 1974); cf., *People* v. *Santos*, 26 Cal.App.3d 397, 402, 102 Cal.Rptr. 678, 681 (1972). The ECPA amended the definition of "wire communications" to overcome that result.[8] The same definition of wire communications applies for both purposes of the wiretap law and chapter 206, 18 U.S.C. 3127(1). Absent that change an employer would be permitted to use pen registers and trap and trace devices to monitor communications within an internal communications system. By redefining wire communications and by limiting the exceptions to providers Congress may have believed it was affording a level of protection that would not be available it subscribers were permitted to qualify for the provider exceptions.

Much the same can be said of the second exception which permits "use of a pen register or a trap and trace device by a *provider* of electronic or wire communication service— . . . (2) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service." 18 U.S.C. 3121(b)(2) (emphasis added).

This exception appears to mean that the telephone company, in order to prevent toll charge fraud and misuse of service by obscene or harassing calls, may use pen registers and trap and trace devices to record customer calls placed and received. It does not appear to authorize the telephone company to offer, nor its consumers to use, trap and trace devices as continuous convenience. The legislative history cited above with respect to the first exception seems to confirm this.

Any suggestion that either of these exceptions authorizes a user's employment of a trap and trace device to identify all incoming calls in order to avoid answering those from sources likely to be obscene or harassing overlooks the fact that permissible use is limited to providers.

The third exception is somewhat more obscure. It permits "use of a pen register or a trap and trace device by a *provider* of electronic or wire communication service— . . . (3) where the consent of the user of that service has been obtained" 18 U.S.C.

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[1] Footnotes at end of article.

[2] Footnotes at end of article.

[3] Footnotes at end of article.

[4] Footnotes at end of article.

[5] Footnotes at end of article.

3121(b)(3) (emphasis added). The term "*the* user" rather than "*a* user" as found in the second exception seems to imply the exception is restricted to consent to use a trap or trace in connection with a particular call where there is only a single user who may consent, as opposed to continuous use of a trap and trace device in connection with a particular line which might over the course of time have many users.

The terminology "use . . . where . . . consent . . . has been" indicates that the consent exception is limited to instances where there has been *prior* consent to use of the device with respect to a particular call.

The language from the legislative history quoted earlier concerning pre-ECPA practices appears to confirm both of these interpretations.

The consent exception therefore cannot embody consent of a telephone subscriber to include a continuously operating trap and trace device as a feature of his or her telephone service. Such instances involve use of the device by the user or subscriber rather than the provider.

It is possible to argue that anyone who purchases or subscribes to a telephone service which includes a caller identification display feature has given prior consent to its use. Such an argument has weaknesses beyond the fact that the exception is limited to providers. The phrase "the user" imples that the exception is limited to particular calls rather being a general exception. Since the trap and trace has already occurred when the name associated with the calling number is displayed regardless of whether a "user" chooses to answer the call or not, there is no "the user" to consent when a call is not answered. But the situations where the subscriber is not the user present greater difficulties. Even if a subscriber may be presumed to have consented to use for purposes of his or her calls, other users cannot be presumed to have consented because they do not necessarily have any effective means of denying that consent and the exception clearly envisions user consent rather than just subscriber consent.[9]

The final exception is inapplicable for purposes of our discussion since it is contained in the definition of a pen register and is limited to billing activities.[10]

It is possible that notwithstanding the language of chapter 206 and the fact that its legislative history at least fails to contradict that language, a court may feel that Congress simply did not intend chapter 206 to reach commonly available caller identification display equipment. Some courts reached an analogous conclusion with respect to spousal wiretapping within the home, see *Simpson* v. *Simpson*, 490 F.2d 803 (5th Cir. 1974). Such a result may be more likely in cases where the privacy intrusion may seem relatively minor to some. Since this result occurs in the absence of facial or legislative history support, it must be acknowledged but is virtually impossible to predict.

In summary, use of telephone equipment which displays a name associated with the number of the instrument used for incoming calls appears to be prohibited by the language of 18 U.S.C. 3121 enacted as part of the Electronic Communications Privacy Act of 1986. The Act's legislative history fails to refute the plain meaning of the Act's language and may be read to confirm that Congress intended the Act's proscriptions to apply to such cases. None of the Act's exceptions appear applicable under most circumstances.

CHARLES DOYLE,
Senior Specialist.

FOOTNOTES

[1] "§ 3121. General prohibition on pen register and trap and trace device use; exception

(a) IN GENERAL.—Except as provided in this section, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 3123 of this title or under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(b) EXCEPTION.—The prohibition of subsection (a) does not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service—

(1) relating to the operation, maintenance, and testing of a wire or a wire or electronic communication system or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service; or

(2) to record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service; or (3) where the consent of the user of that service has been obtained.

(c) PENALTY.—Whoever knowingly violates subsection (a) shall be fined under this title [not more than $100,000 if the offender is an individual and not more than $500,000 if the offender is an organization] or imprisoned for not more than one year, or both."

[2] "As used in this chapter— . . . (4) the term 'trap and trace device' means a device which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted." 18 U.S.C. 3127(4).

[3] "These new modes of communication have outstripped the legal protection provided under statutory definitions bound by old technologies. The unfortunate result is that the same technologies that hold such promise for the future also enhance the risk that our communications will be intercepted by either private parties or the Government." 131 Cong. Rec. 24396 (1985) (remarks of Rep. Kastenmeier upon the introduction of H.R. 3378). See also, S. Rep. No. 541 at 3; H.R. Rep. No. 647 at 18.

[4] "The first principle [upon which the ECPA is based] is that legislation which protects electronic communications from interception by either private parties or the Government should be comprehensive, and not limited to particular types or techniques of communicating. . . . Any attempt to write a law which tries to protect only those technologies which exist in the marketplace today, that is, cellular phones and electronic mail is destined to be outmoded within a few years." 132 Cong. Rec. 14886 (remarks of Rep. Kastenmeier accompanying H.R. Rep. No. 647) (1986).

[5] See e.g., *Electronic Communications Privacy Act: Hearings Before the Subcomm. on Courts, Civil Liberties, and the Administration of Justice of the House Comm. on the Judiciary*, 99th Cong., 1st & 2d Sess. 98-9 (statement of John Stanton, Chairman of Telocator Network of America) (1986); *Electronic Communications Privacy: Hearing Before the Subcomm. on Patents, Copyrights and Trademarks of the Senate Comm. on the Judiciary*, 99th Cong., 2d Sess. 118-19 (statement of John Stanton) (1986). These hearings will hereinafter be cited as House Hearings and Senate Hearings respectively.

[6] Our earlier memoranda also point out that it would be somewhat inconsistent for Congress to have outlawed a customer convenience in a law that was otherwise designed to protect customer wire and electronic communications from unjustified, surreptitious intrusions.

[7] "The gist of the statutory exception is for use of a pen register when such use relates to the operation, maintenance and testing of an electronic communication service. . . . However, they do not appear to permit two of the most common uses of pen registers, i.e., in toll fraud and abuse of service (harassing call) investigations." House Hearings at 421 (memorandum of James S. Golden, Southwestern Bell Corp.).

"To my everlasting surprise, it has been the other area, involving the tracing of more common events, that seems to present the most problems. These events are normally obscene or harassing telephone calls. While I believe there are actually fewer wiretap orders than most people might expect, telephone call tracing is fairly common. . . With tracing devices, no entry is required. An adjustment in the central office permits a circuit to stay open or be pinpointed so that the number of the caller and called party can be identified. The particular activity depends upon the technology used in the telephone company's central office switch. Interception of conversation does not occur in those cases. With traces, the cooperation of a victim is needed to match the time of the call that is traced by the telephone company with the time of the call identified as offensive or harassing by the victim." id. at 454-55 (letter of Martin T. McCue, Centel Corp.); see also id. 526, 536 (memorandum of John R. David, AT&T); id. 550 (comments of H.W. William Caming).

[8] "Subparagraph (D) specifies that wire, cable or similar connections furnished or operated by any person engaged in providing or operating such facilities for the transmission of 'communications affecting interstate or foreign commerce,' are within the definition of a 'wire communication.' This language recognizes that private networks and intracompany communications systems are common today and brings them within the protection of the statute."

[9] It should be noted that such remote recording might be considered permissible under either of the first two exceptions in 18 U.S.C. 3121(b) but for the fact those exceptions are only available to providers.

[10] "The term 'pen register'. . . . does not include any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business" 18 U.S.C. 3127(3).

PEACE DAY 1990

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. PANETTA. Mr. Speaker, I rise today to introduce comemorative legislation that would designate the third Sunday in May as Peace Day 1990.

In light of the recent and rapid changes in the world and the resulting spirit of hope for peace, it would be only fitting that we recognize May 20, 1990 as Peace Day 1990. 1989 was a historic watershed for the cause of peace. From Poland to Czechoslovakia, throughout all of Eastern Europe and down to Nicaragua, the citizens of the world have loudly proclaimed their devotion to peace, their thirst for democracy. The idea of peace includes not only the absence of war, but also the ideals of individual liberty, basic human rights, and freedom to pursue economic enterprise.

Peace Day 1990 will recognize the efforts of the many people who have given of themselves selflessly to fight for freedom and democracy around the world. Accordingly, the United States should be the first to recognize the importance of these peace movements. Let us remember the sacrifice of the Chinese students, the sacrifices of East Europeans, and the sacrifices of so many other peoples in search of freedom and peace.

On this we can all agree: peace is the great equalizer; it cuts across all social lines, all nationalities and race, and all economic levels. Peace should be at the forefront of all endeavors and an ultimate goal for United States foreign and domestic policies.

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The State of California has already designated the third Sunday in May as Peace Day 1990. This is the second year that Californians will celebrate Peace Day. The Second Annual Peace Day's theme will be "discovering our common ground." It would certainly be appropriate to focus our national effort on "discovering our common ground" with the peoples of the world who have fought for freedom and peace on earth.

I encourage my colleagues to join me in sponsoring this legislation to designate Peace Day 1990, and I urge its speedy adoption.

The text of the resolution follows:

H.J. Res —

Whereas peace is a primary goal for all peoples, regardless of political association, nationality, or race;

Whereas peace and freedom are primary goals of the United States for its own citizens and for those of other nations;

Whereas the United States has led the world in helping to establish peaceful democracies;

Whereas there has arisen within many nations a strong voice calling for its leadership to seek peace with other nations of the world and to banish the threat of nuclear war;

Whereas international cooperation among all nations is essential to prevent military and environmental crises;

Whereas it is vital that people everywhere acknowledge and understand their role in achieving peace at the local, State, Federal, and global levels;

Whereas the citizens of the United States now call on other nations of the world to unite and demonstrate their commitment to the promotion of peace and peaceful acts; and

Whereas such efforts reinforce community cooperation and help to nourish a spirit of peace, notwithstanding the diverse cultural, economic, political, racial, and ethnic groups involved: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That May 20, 1990, is designated as "Peace Day" in recognition of the desire of the people of the United States to establish a solid and binding peace in the world, and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

ATTACKS BY ETHNIC ROMANIAN GANGS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. DORNAN of California. Mr. Speaker, several of my colleagues reacted with disgust and concern to the press reports today and yesterday reporting 2 days of continued attacks by ethnic Romanian gangs armed with clubs and axes against ethnic Hungarians and their party, the Hungarian Democratic Federation in Romania. The attacks took place in Tirgu Mures (Marosvasarhely), a city whose population is still 50 percent Hungarian.

This Romanian group, Vatra Romanesca, was not curbed by the Romanian army until 2 people were dead, and 16 ambulances were needed to carry the injured to hospitals. Among the severely injured was the famous playwright, Andras Suto, who lost sight in one of his eyes, and suffered several fractured ribs, and a broken arm. He had to be transported first to Bucharest, then to Budapest by helicopter, for operations. While not bloody, anti-Hungarian demonstrations spread to Cluj (Kolozsvár), Satmar (Szatmárnémeti) and Oradea (Nagyvarad).

I call upon our State Department to protest strongly the mob attacks against the peaceful Hungarian minority and warn the Romanian Government that without an adequate solution of the Hungarian and other nationality problems, democracy cannot flourish in Romania.

Mr. Speaker, I would also like to submit the following Washington Times article on this violence for the RECORD.

[From the Washington Times, Mar. 21, 1990]

ROMANIANS ATTACK ETHNIC HUNGARIAN PROTESTERS; 2 KILLED

TIRGU MURES, Romania—About 2,000 Romanians armed with scythes and clubs attacked 5,000 ethnic Hungarian protesters yesterday in this Transylvanian town, killing two persons and injuring about 60, police said.

Eyewitnesses said the Romanians charged the Hungarians and drove them from the central square, where they had occupied the town hall.

They reported seeing Hungarians clubbed to the ground, and Arad Kovacs, an official of the Hungarian Democratic Union party, said, "I am afraid this is going to be a horrible night."

But as night fell, seven army tanks formed a barricade between the rival groups.

The Hungarians had gathered yesterday morning to protest a Romanian attack on the Hungarian Democratic Union headquarters in Tirgu Mures the previous night.

Four persons in the building were seriously injured while police tried to escort them to safety.

They included Andreas Suto, an ethnic Hungarian who is one of Romania's best-known writers. He was flown to the Bucharest military hospital suffering from eye injuries, broken ribs and a broken arm.

President Jon Iliescu visited Mr. Suto before he was taken to Hungary for treatment in Budapest to save his sight.

Tensions have been growing between Romanians and the 2-million-strong Hungarian minority in Transylvania since the December revolution in which communist dictator Nicolae Ceausescu was ousted and executed.

Romanian nationalists fear Hungarian demands for greater autonomy could lead to the creation of a separatist movement in Romania's richest province.

The Hungarian government has protested to Romania against "grave atrocities" and said the Hungarian community had been subjected to "pogromlike" attacks.

Hungarian radio said Prime Minister Miklos Nemeth sent a letter yesterday to Romanian Premier Petre Roman protesting the attacks.

"The Hungarian government is particularly aggrieved over the fact that while all this was going on the Romanian forces of order remained inactive," the letter said.

In Budapest, an estimated 70,000 Hungarians bearing torches and waving national flags rallied in the main square Tuesday protesting the attacks in Romania.

Gaspar Miklos Tamas, a leading Hungarian opposition politician who left Romania in 1978, urged Romania's leaders to act immediately against "fascist gangs" in Transylvania, which belonged to Hungary before World War I.

"We can promise one thing," Mr. Tamas told the crowd in Budapest. "We will never standly idly by and watch our Hungarian brothers being maltreated in Transylvania."

A TRIBUTE TO REV. ERNEST GIBSON, RELIGIOUS LEADER

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. FAUNTROY. Mr. Speaker, today I would like to call to the attention of my colleagues in the House of Representatives the life and work of Rev. Ernest Gibson, pastor of First Rising Mt. Zion Church and the retiring executive director of the Council of Churches.

Reverend Gibson was born on August 20, 1920, in Southwest Washington. His birth into this era came during the struggle for the abolition of the lynching, segregation, and overall degradation of black people in America.

Responding to the call to serve mankind, through the will of God, Reverend Gibson chose a path of higher education which resulted in him graduating from the Washington Baptist Seminary in 1952; a bachelors of arts degree in 1962, from Howard University; and a bachelor of divinity degree, carrying a cum laude status, from the Howard University School of Divinity in 1966.

Two years before the deliberation of the U.S. Supreme Court on the 1954 Brown versus Board of Education case in Topeka, KS, which overturned the separate-but-equal laws in the United States, Reverend Gibson, a young assistant pastor of First Baptist Church, in Southwest Washington, was chosen to lead the congregation of the First Rising Mt. Zion Baptist Church.

Under his 38 years of leadership, First Rising Mt. Zion has been erected from a storefront church with 65 members to a church building with over 1,500 members. In addition, he has spearheaded the building of a 217-unit apartment complex for low- and moderate-income families and an education building for the church.

In August 1975, the board of directors of the Council of Churches of Greater Washington unanimously appointed Reverend Gibson to the position as the executive director of the body. His nomination marked the third time in the history of the council that a black minister had held this position.

The Council of Churches is a public charity, representing over 250 churches, 17 denominations, and 5 ecumenical groups, established in the District of Columbia and surrounding areas.

During his tenure, Reverend Gibson has touched the lives of thousands of people from all walks of life in the Nation's Capital and throughout the country. His dedication to improving the quality of life has resulted in providing shelter for the homeless; feeding the hungry; educational opportunities; training and employment for youth; health care services; and drug counseling to individuals and families.

Reverend Gibson is the recipient of several prestigious awards and honorary positions for his commitment to and achievements in the cultural, economic, and political and religious development of the elderly, the poor, the disenfranchised, and our youth. On January 29, 1982, Reverend Gibson was named a "Washingtonian of the Year," by Washingtonian Magazine for his dedication and service to meeting the needs of the people in the District of Columbia and surrounding areas. During the summer of this same year, the American Federation of Teachers presented him with the "Human Rights Awards," during their annual meeting in New York City. And in 1983, he received the NAACP Public Service Award.

Troubled by the influx of drugs and the violence and destruction it has plagued and planted in our communities, Reverend Gibson has taken to the streets to preach the need to win the war on drugs.

Capturing the essence of the foundation of the church, Gibson has and continues to preach that "The Church must be much more than its internal workings. It must be a living witness, a vital force for good, a creative organism that gives life and with God's help, brings the power of a resurrected and living Saviour into the lives of people and the structure of society."

THE TRUE GENTLEMAN

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. DREIER of California. Mr. Speaker, I recently had the privilege of being initiated as an honorary member of the Sigma Epsilon national fraternity at the University of La Verne in California. Since we refer to each other as gentlemen and gentlewomen I thought that the SAE creed might be interesting reading for our colleagues.

THE TRUE GENTLEMAN

The true gentleman is the man whose conduct proceeds from good will and an acute sense of propriety, and whose self-control is equal to all emergencies; who does not make the poor man conscious of his poverty, the obsecure man of his obscurity, or any man of his inferiority or deformity; who is himself humbled if necessity compels him to humble another; who does not flatter wealth, cringe before power, or boast of his own possessions or achievements: who speaks with frankness but always with sincerity and sympathy; whose deed follows his word; who thinks of the rights and feelings of others, rather than his own; and who appears well in any company, a man with whom honor is sacred and virtue safe.

JOHN WALTER WAYLAND.

LT. GEN. JOHN J. YEOSOCK HONORED DURING TESTIMONIAL DINNER

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Lt. Gen. John J. Yeosock, deputy commanding general, U.S. Forces Command and commanding general 3d U.S. Army, for his years of service and the lifelong commitment he has made to the armed services.

General Yeosock was born on March 18, 1937 in Wilkes-Barre, PA. He was educated in the public schools of Plains Township through the 10th grade and completed his high school education at the Valley Forge Military Academy. He entered the U.S. Army through the Reserve Officer Training Corps upon graduation from the Pennsylvania State University in August 1959 with a bachelor of science degree in industrial engineering. He also has earned a master of science degree in operations and research and systems analysis from the U.S. Naval Postgraduate School and attended the Advanced Management Program for Executives at the University of Pittsburgh. His military schooling includes the armor officer basic course, the U.S. Marine Corps Amphibious Warfare School, the Armed Forces Staff College, and the National War College.

For his first assignments, General Yeosock served in company grade troop command and staff positions in the 3d Cavalry Regiment and 2d Infantry Division in the United States and Germany. He also served in Vietnam as a senior district adviser.

General Yeosock was assigned as an operations research/systems analyst in the management information systems directorate, Office of the Assistant Vice Chief of Staff, Headquarters, Department of the Army, Washington, DC, and then as an analyst for the project manager reorganization in the Office of the Chief of Staff of the Army. He was again assigned to the 3d Cavalry Division, Fort Bliss, TX where he commanded the 3d squadron of the regiment.

He was assigned as the Chief of Force Development, Office of the Assistant Chief of Staff, J3—Operations Directorate—United Nations Command/United States Forces/Eighth United States Army, Korea. He commanded the 194th Armored Brigade, Fort Knox, KY and was the Chief of Staff of the 1st Cavalry Division, Fort Hood, TX.

After General Yeosock was assigned as the project manager, Saudi Arabian National Guard Modernization Program, he returned into the 1st Cavalry Division as the assistant division commander. General Yeosock left Fort Hood to assume duties as the Deputy Chief of Staff, Operations, U.S. Army Forces Command, Fort McPherson, GA, in January 1984. He again returned to Fort Hood and commanded the 1st Cavalry Division from June 1986 to May 1988. General Yeosock was then assigned as Assistant Deputy Chief of Staff for Operations and Plans, Headquarters, Department of the Army in June 1988. On March 16, 1988, he assumed the positions of deputy commanding general, Forces Command, and commanding general, 3d U.S. Army. His current assignment charges him with the rsponsibility of guiding the training and readiness of almost 1 million soldiers. This strategic force is made up of the Active Army, Army Reserve and Army National Guard who can respond rapidly to a broad spectrum of operations needs. As the commanding general of "Patton's Own" 3d Army, he must plan, exercise and deploy Army Forces in response to contingencies threatening vital United States interests in the 19-country area covering Southwest Asia, Northeast Africa and the Persian Gulf.

General Yeosock's awards include the Distinguished Service Medal, the Legion of Merit—with oak leaf cluster, the Bronze Star Medal with V Device—with oak leaf cluster, the Meritorious Service Medal, the Army Commendation Medal, the Combat Infantryman Badge, and the Army General Staff Identification Badge.

In addition, he has been named the "1990 Outstanding Engineer" at the Pennsylvania State University. This award is presented annually to recognize and reward graduates who have established themselves in their respective fields of engineering and who hold promise for continued contributions to the engineering profession. It is the highest honor that the college can bestow on one of its alumni.

He is married to the former Betta L. Hoffner of Clarks Summit, PA. They have a son, John, and his wife Lori, in Chicago, IL, and a daughter, Elizabeth J. Funk, the wife of an Army captain, Paul, in Germany with his grandson Matthew.

General Yeosock will be honored for his years of service during a testimonial dinner on Saturday, March 24, 1990. I know my colleagues in the House of Representatives will join me in congratulating General Yeosock on his dedication to his country and the great contributions he has made to the U.S. Army.

IN HONOR OF NEW YORK STATE SUPREME COURT JUSTICE JOSEPH G. GOLIA

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MANTON. Mr. Speaker, it is my great honor and a distinct privilege to bring to my colleagues attention an outstanding jurist from my home State, New York State Supreme Court Justice Joseph G. Golia. My good friend Justice Golia has had a long and distinguished career, and he is being honored on March 27, 1990, by the Queens Borough Lodge No. 878 of the Benevolent and Protective Order of Elks. Lodge 878 is located in Elmhurst, Queens, which I have the pleasure to represent as the Representative of New York's Ninth Congressional District.

Mr. Speaker, as you might expect, Justice Golia has demonstrated an unyielding dedication to the law and his fellow citizen during his many years on the bench. He has received numerous honors and awards, including a

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valued Presidential Citation by President Jimmy Carter.

Mr Speaker, Justice Golia graduated from the New York Law School in 1965, after having received his bachelor's degree from New York University. From 1965 to 1968 he worked in the legal department of the Hartford Insurance Group in New York City. In 1968 he became an assistant district attorney for Queens County, where his outstanding work resulted in his appointment as chief of the youth bureau. His position as assistant district attorney provided him with substantial trial experience where he achieved an envious track record for convictions. Justice Golia also exhibited outstanding administrative skills within the district attorney's office, including managing the in-house computer network, and the supervision and training of other assistant district attorneys.

Upon completing his tenure with the district attorney's office in 1973, Justice Golia clerked for State Supreme Court Justice Bernard Dubin. This first experience within the State Supreme Court resulted in his appointment as principal law clerk. In 1982, Justice Golia was appointed as judge of the Civil Court, city of New York, where his professional capabilities resulted in his election to a full term in 1983.

Mr. Speaker, in January 1987, Justice Golia joined the bench of the Supreme Court of the State of New York where he has continued to exhibit his superior abilities and substantial knowledge of our laws and the legal system. I have no doubt Justice Golia will continue to excel as a justice of the New York Supreme Court.

Justice Golia's achievements are numerous, and they are not restricted to his professional activities. He has been active in many areas. While in undergraduate school, Joe was a member of the student council, Theta Chi fraternity, and the wrestling team. In law school, he was a member of both the Phi Delta Phi professional legal fraternity, as well as a representative to the Student Bar Association. Since leaving school, Joe Golia has been extremely active, achieving recognition in a variety of professional and volunteer positions; including membership in various bar associations and legal organizations, community planning boards, local Democratic organizations, the Queens County Youth Development Corp., and as Catholic Youth Organization basketball coach.

Mr. Speaker, I believe lodge 878 has made an excellent choice for their honoree in Joe Golia. He is a well-rounded individual who has exhibited many outstanding characteristics. He is a distinguished junst and an active leader in his community. I am confident Justice Golia will continue to serve the law and our fellow citizens well in the years ahead. I hope my colleagues will join me in congratulating Justice Golia on his selection as "Man of the Year" by Elks Lodge 878. I also want to extend my congratulations to Joe's wife and their two children.

A TRIBUTE TO CAROL YOCOM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention today an outstanding and dedicated leader, Carol Yocom of Redlands, CA, who is being recognized on April 4 for her many years of community service. Indeed, Carol Yocom exemplifies the meaning of voluntarism and community service.

Carol Juanita Polumbus Yocom was born of Italian ancestry, the only child of Bill and Mable Polumbus in Tulsa, OK. She frequently reminds others that her grandfather, Emile Polumbus, came from Italy when he was 16 and was proud to be an American citizen when he died in 1961. From a very early age, Carol became involved in school and community activities, and she graduated from high school in 1947 ready to contribute her many skills and talents to the world.

Carol's life changed dramatically in 1955 when she met, and a year later, married a Navy man from California, K.G. (Jerry) Yocom. After moving to California in 1958, Carol became very involved in a number of community and service organizations including the local PTA, the March of Dimes, the Cub Scouts, the Heart Fund, and the San Jose City Council.

In 1968, Carol moved to Redlands where she met her now longtime friend, Mary Wilson, who introduced her to many new and varied community activities. Carol was elected president of the Redlands Republican Women in 1970–72 and served as a delegate to the National Republican Womens Convention in Washington, DC, in 1971 and in Dallas in 1975. In 1969, Carol began volunteering for the YWCA, an interest she has maintained to this day.

Never too busy to become more involved, Carol served as special gifts chairman for the United Way, vice president of the Contemporary Club, program chairman of the Breakfast Club, treasurer of Bowl Associates, and also participated in the Assistance League of Redlands, as well as her childrens' many school activities. Carol left Redlands in 1979, but returned 7 years later and continued to contribute her time and energy to the community through her involvement with the Assistance League, the Redlands Country Club, the Contemporary Club, and pursuing other interests too numerous to mention.

Mr. Speaker, helping people means everything to Carol Yocom. Please join me, her husband Jerry, her children, grandchildren, and many friends in thanking and congratulating Carol for her outstanding achievements and for offering so generously her time to our community. Her commitment, leadership, and hard work have made and will continue to make a difference to the people of Redlands in the years ahead.

WILMA JOHNSON RETIRES AFTER 34 YEARS OF SERVICE

HON. FORTNEY PETE STARK

SPEECH OF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Ms. Wilma Johnson, the director of Public Health Nursing Services for Alameda County, in California's Ninth Congressional District. Ms. Johnson is retiring after serving the community with distinction for 34 years.

After earning a B.S. from the Stanford School of Nursing, Ms. Johnson entered the nursing profession in 1952 as a registered nurse at Stanford University Hospital in San Francisco. In late 1952, she moved to New York where she completed her masters at Columbia University. She then returned to California and accepted a position at Kaiser Hospital in Oakland, CA.

In 1955, Ms. Johnson began her career as a staff public health nurse. She immediately began to show the supervisory and leadership skills which came to characterize her entire career by becoming involved in the development of many new and innovative programs at the hospital, including the "Oak-Chip" Program and the Home Health Care Program.

In 1977, Ms. Johnson became director of Public Health Nursing, a position she held until her retirement. As the community began to change and new health needs began to emerge, Ms. Johnson was instrumental in keeping nursing focused on, and advocating for such emergent health needs as interdisciplinary training for professionals serving the Chemically Dependent Families Project, the Drug Exposed Infant Project, AIDS Case Management and Education Projects, and the current measles epidemic.

As community health care and public health nursing became more complex and marked by rapid changes, Ms. Johnson provided a clear vision of the long-term picture as well as the nursing leadership which kept the focus on client and community services, positive action, and humanistic values.

Ms. Johnson has always been an advocate of both affirmative action and women rights—she is used to being the first. At her high school graduation she was not only the first black, but also the first female commencement speaker. She was the first black nursing student at Stanford, the first black public health nurse in Alameda County, and, the first black public health nursing director in both Alameda County and the State of California.

Ms. Johnson is the recipient of numerous awards including the Ross Award for Distinguished Service in Maternal and Child Health and, the North Award for Outstanding Professional from the California Public Health Association.

Ms. Johnson has also served on numerous professional and community boards and committees including the American Nurses Association, the American Public Health Association, the Bay Area Black Nurses Association, the Stanford Nurses Club, the California Conference of Local Health Department Nursing

Directors, the Oakland Chapter of Planned Parenthood, the YWCA, the Easter Seal Society, the College of Holy Names of Nursing, and the University of California Education Innovation Program.

Mr. Speaker, I would like to commend Ms. Johnson for 34 years of service to the community and to wish her happiness in her retirement. Her leadership and dedication will be missed by all.

THE BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH ACT OF 1990

HON. WILLIAM J. HUGHES

SPEECH OF

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. HUGHES. Mr. Speaker, I rise today to introduce the Beaches Environmental Assessment, Closure, and Health Act of 1990. This legislation would require uniform beach testing and monitoring to improve and protect public safety and environmental quality of recreation waters along the coast.

Every year, millions of people visit our Nation's beaches to swim, surf, and walk along the shore. Yet, protection from bacteria and viruses in coastal waters may vary from State to State. High bacteria concentrations in the coastal waters of some States may only lead to an advisory warning, while in other States the beaches would be immediately closed.

The BEACH Act of 1990 would address these inconsistencies among States' water quality standards, testing methods, and decisions to close beaches. It would establish a 15-member clean coastal beaches council to develop new criteria and protocols for uniform monitoring of coastal recreational waters.

The council would be chaired by the National Oceanic and Atmospheric Administration [NOAA] and include representatives of the Environmental Protection Agency [EPA], the National Institute of Environmental Health Sciences, the National Academy of Sciences, coastal States, and public and private organizations.

The Council would develop environmental quality criteria for pathogens, disease-carrying organisms, and floatable debris in coastal zone recreational waters. The Council woud also develop uniform beach monitoring and testing protocols.

Each coastal State with a federally certified Coastal Zone Management Program would be required to submit a coastal beaches plan for approval by NOAA to become part of its Coastal Zone Management Program. The plan would identify the recreational waters in the State, detail the steps the State will take to assure its recreational waters comply with the criteria, contain procedures for monitoring and testing beaches, describe a process the State will use to close beaches that are found to exceed that criteria and to reopen those beaches when they are clean. It will also provide for penalties to be assessed against persons whose activities resulted in a beach closure.

Clean beaches are essential to public health and the environment. Clean beaches are also necessary economically. In 1989, State beaches in New Jersey, for example, attracted 5.7 million vacationers, who spent some $7.5 billion. In Florida, over 13 million people used the State's beaches, generating over $4.5 billion in revenues.

The tourist industry of coastal States along the east, west, and gulf coasts, and the Great Lakes rely on clean beaches and coastal waters. However, all have endured water quality and marine debris problems. If coastal States are to continue to attract people to their beaches and assure their health and well-being, action is needed to develop national criteria and uniform beach monitoring procedures.

My own State of New Jersey has adopted one of the strictest beach monitoring programs in the country. By testing weekly at some 300 sites along the coast, beach-goers are assured that the waters are safe for swimming—if not, the beaches are closed. While this program has resulted occasionally in negative publicity and public concern over the quality of New Jersey's coastal waters, it has served the public interest and will benefit our economy in the long term.

Incidents of high bacteria concentrations in coastal waters may happen anywhere along our Nation's coast. All coastal States should be required to respond effectively and in the same manner. As importantly, the public should have the right to know the true water quality.

THE INTRODUCTION OF LEGISLATION TO REAUTHORIZE THE INDIAN ALCOHOL AND SUBSTANCE ABUSE PREVENTION AND TREATMENT ACT OF 1986

HON. MORRIS K. UDALL

SPEECH OF

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. UDALL. Mr. Speaker, President Bush and the Congress have joined together in a bipartisan effort to declare war on alcohol and substance abuse. These efforts have been set forth in comprehensive legislation which begins to address the crisis our society faces in combating drug abuse. I am pleased to note that the Omnibus Drug Act included native Americans.

The epidemic of drug addiction discriminates against no one. It has touched people of all races. Men, women, children and even the unborn all have become victims. While we have provided great resources in the area of eradication, more needs to be done in the area of treatment and prevention. Nowhere is this more true than on Indian reservations. As chairman of the House Interior Committee, I have seen the devastating impact that alcohol and substance abuse has had on Indian people.

There are now more than 1.5 million native Americans who live on reservations and in urban areas. Statistics concerning native Americans are grim. It can be argued that native Americans are among the most impoverished population in the United States. Unemployment ranges anywhere from 65 to 80 percent and more than one-third live below the poverty line. Many reservations and Indian communities are located in rural isolated areas where it is hard to obtain basic services such as running water and electricity. These life situations have led to a high rate of alcoholism, crime and suicide.

Alcohol and substance abuse is the leading health and social risk factor among Indians. Alcohol-related deaths are above the norm. Four of the top 10 causes of death among Indians are alcohol and drug-related. In response to these statistics, my committee developed comprehensive alcohol and substance abuse legislation specific to the unique needs of Indian people. Public Law 99-570, the Omnibus Drug Act included the Indian Alcohol and Substance Abuse Prevention and Treatment Act which provides direction, to the Bureau of Indian Affairs and the Indian Health Service for several initiatives which we believe are responsive to the situations in Indian communities. Today, I am introducing legislation to reauthorize these critical programs.

The following is a brief summary of broad array of programs authorized in the act. First, the Bureau of Indian Affairs has responsibility for programs in education, social services, and law enforcement. In the area of prevention, the Indian Alcohol and Substance Abuse Prevention Act implements educational programs in the schools. The Bureau assists Indian tribes in establishing, licensing, and operating emergency shelters or half-way houses for Indian youth who are alcohol or substance abusers. The Bureau also provides law enforcement and judicial training for investigation and prosecution of offenses relating to illegal narcotics and in alcohol and substance abuse prevention and treatment.

The Indian Health Service provides various health services relating to alcohol and substance abuse prevention, treatment and rehabilitation efforts. The IHS is the primary health care provider for educational intervention in Indian communities; acute detoxification and treatment; community-based rehabilitation programs; and training of health care personnel. The IHS is responsible for establishing in-patient youth alcohol treatment centers in each of its 11 regional areas. This includes funds for constructing or renovating such facilities. In addition, IHS makes funds available for staffing and operation of treatment centers. When services are not available, the IHS may enter into contracts with public or private providers. This legislation also provides similar health-related services to the Indian urban population.

As you can see, we have the mechanism in place to address drug abuse on Indian reservations. The Indian Alcohol and Substance Abuse Prevention and Treatment Act is due for reauthorization. I hope my colleagues will join me in supporting reauthorization and amendment of this critical legislation.

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TRIBUTE TO THE ACHIEVEMENT SCHOLARSHIP PROGRAM

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. SCHAEFER. Mr. Speaker, a new milestone has been reached by a successful citizen program in this area designed to slow down the revolving door for the ex-offender. The Achievement Scholarship Program [ASP] has been taken over by the ARCH Training Center of Washington, DC to assure ASP's future.

ASP provides second-chance seed-money scholarships to ex-offenders on parole/probation in the Washington, DC metro area to help them attend college, trade school or special school and move back into the community as productive citizens.

ASP was founded in February 1973 by Helene C. Monberg, a native of Leadville, CO, and a veteran Washington newswoman with a long history of working with youth. Now semiretired, Ms. Monberg recommended to the ASP board of directors, and it approved on November 30, 1989, the transfer of administration of ASP to the ARCH Training Center.

Both ASP and ARCH are Washington-based, nonprofit, tax-exempt organizations. ARCH provides on-the-job training [OJT] and other services to disadvantaged youths in the Washington metro area. Previously independent, ASP has become, in effect, the college and trade-school arm of ARCH under a new board of directors. ARCH President Duane Gautier, who directs the community development services program for the Potomac Electric Power Co. [Pepco], has taken over as ASP's new president. He succeeds Ms. Monberg, ASP's founder, who has become ASP president emeritus and a member of the new ASP board of directors.

The success of ASP speaks for itself. From February 1973 through November 1989 ASP provided more than 340 scholarships to Washington metro area youths to attend college, trade school, special school or OJT. Its' awardees have maintained a completion rate consistently higher than for the general population, even though all ASP recipients are ex-offenders, mainly young black males. From January 1986 through July 1989 ASP's completion rate stood at 40.6 percent, twice that of the general population for post-high school completions. During ASP's nearly 17-year life span, the completion rate stood at 29.7 percent, also much higher than for the general population. Additionally, the recidivism rate for ASP recipients has been low, less than 5-percent.

Always privately funded, ASP scholarships have increased over the years, from a low of two at $500 in 1973, when the program was founded, to a high of 42 scholarships awarded in 1988 at $1,500 per scholarship. The ASP board voted in May 1989 to increase the ASP scholarship in 1990 to $1,600 per awardee. About $400,000 was raised for ASP from 1973–89 from private sources only and no qualified applicant has ever been turned down for lack of funds. ASP has always operated in the black.

Since 1978, ASP has been the recipient of nine awards and citations for its no-nonsense approach to help those in need who want to help themselves.

Political writer Neal R. Pierce, who has served on the ASP board of directors and is a long-time ASP contributor, recently stated that under Ms. Monbergs guidance, ASP befriended youths, overwhelmingly black, who'd gone so far astray as to get into prison. She looked these young in the eye, told them they could make it, could advance their educations, and they responded. The product is there to see today—in hundreds of saved advanced, successful lives. In the meantime she looked hundreds of us, her friends, in the eye. We had to help ASP help these young people with their educations, she said. Of course, we responded.

Donald H. Shannon, a Washington correspondent for the Los Angeles Times, also a long-time contributor to ASP, recently said: "ASP represents the best kind of help that can be given or received: it's helping people help themselves. Teaching a skill and following the student into the job comes as close to a fail-safe method as anybody has come up with yet to get a youth on his feet after a bad start." He called ASP a program with heart.

IN RECOGNITION OF CHARLES A. WEEKS ON BEING NAMED AS MISSISSIPPI'S NEH/READER'S DIGEST TEACHER-SCHOLAR FOR 1990

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. PARKER. Mr. Speaker, today I stand in the Halls of Congress, in the people's Chamber, to speak in honor of a great citizen of my district, Charles A. Weeks.

Mr. Weeks, who teaches humanities at St. Andrews Episcopal School in Jackson, MS, has been named as Mississippi's National Endowment for the Humanities/Reader's Digest Teacher-Scholar for 1990. He holds a bachelor's degree in European history from Dartmouth College in New Hamsphire, a master's degree in American history from the University of Michigan, Ann Arbor, and a Ph.D. in Latin-American history from Indiana University. Mr. Weeks will use the award to study conflicts between European and native American cultures in the Old Southwest between 1527 and 1820.

Mr. Speaker, I am pleased to have this opportunity to recognize one of Mississippi's great educators. I am sure that every Mississippian would join me in wishing him the best in his year of independent study in the humanities.

THE MARITIME ADMINISTRATION BETRAYS MANDATE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. ENGEL. Mr. Speaker, the U.S. Maritime Administration is responsible for developing and maintaining a strong U.S. merchant marine capable of meeting our Nation's requirement for both commercial trade and national defense. They are further directed to ensure adequate seafaring manpower for peacetime and national emergencies.

For this reason, I was dismayed and shocked to discover that MarAd had conditionally agreed to approve the sale of the SS *Monterey* to a foreign corporation. If the approval is allowed to stand, foreign interests will be the sole beneficiaries. This decision will also ensure that the many American enterprises and citizens who are creditors of the SS *Monterey* will never recover any of their losses.

It will ensure the loss of a vital national security asset and with it the U.S. jobs, taxes, and other economic benefits that would be generated by its U.S.-flag passenger vessel operation.

The Maritime Administration has no financial interest in this vessel. Therefore, their action will generate no money for the U.S. Government. Instead, this pure and simple bailout for foreign interests will forever serve as a prime example of the betrayal of their mandate.

Our merchant fleet and commercial sealift capability are at their lowest point since World War II. We cannot afford further destruction of our minuscule fleet.

I call on my colleagues to demand that this approval be reversed. If MarAd refuses, I call for oversight hearings so that MarAd will have an opportunity to explain their protection of foreign interests.

WATSON HIGH SCHOOL GRADUATING CLASSES 1948–54

HON. BERYL ANTHONY, JR.

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. ANTHONY. Mr. Speaker, today I rise to recognize the many men and women whose educational background originated at Watson High School in Watson, AR, located in my district. This weekend dozens of graduates from the classes of 1948–54 will gather at the annual Watson Fish Fry to participate in a reunion.

I commend the many teachers, administrators, and community leaders who over the years supported the educational endeavors of the Watson High School and its deserving students. Mr. Speaker, I am delighted to pay tribute to an outstanding vessel of public education and ask my colleagues in the Congress to take notice of the productive contribution to the community and this country which Watson High School has made in the form of its graduates from 1948 through 1954. Clearly, the people of Watson, AR, are truly fortunate to be served by this dedicated educational entity.

HONORING BERT DONLIN

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. HERTEL. Mr. Speaker, I rise today to honor Bert Donlin, on the occasion of his 80th birthday.

Bert has a long and interesting history of involvement in politics for over 60 years. It first began in Huron, SD, where he became involved in Al Smith's Presidential campaign in 1928. Shortly thereafter he held his first political office as the president of the Huron County Young Democrats where he became first acquainted with Hubert Humphrey who was the president of the neighboring county's young Democrats chapter. He continued his interest in politics by helping his mother's successful bid for county clerk.

In the 1930's with some political experience under his belt, he left South Dakota and headed for Michigan. He began to work at Chrysler and got involved in UAW Local 7. This is where he first met Walter Reuther and Doug Fraser and continued involvement in UAW politics. He later served as the deputy sheriff for Wayne County yet always found time for politics. He worked on Harry Truman's 1948 campaign and also on G. Mennen Williams' campaigns for Governor of Michigan.

Bert was instrumental in getting a strong and active 14th District Democratic Party in the 1950's. He discovered Bill Ryan, a former speaker of the Michigan House of Representatives, Zolton Ferency, and Michigan State Representative Robert Mahoney. The 14th District was an exciting place to be during that time. Every meeting had over 150 people and huge parties and banquets were held. In 1956 when Bert was still chair he hosted a banquet which featured John F. Kennedy. This was one of the most memorable events for the 14th District Democratic Party.

In the 1960's he worked on Jerry Cavanaugh's first campaign as mayor of Detroit and was later named by him the secretary of the board of health. He served in this position until 1969 when he became a bailiff in the Wayne County Courts and later retired in 1980 at the age of 70.

Bert Donlin is a man of tremendous ambition and always full of energy. He is a legend in Michigan politics and has contributed greatly to the Michigan Democratic Party and the State of Michigan. My dear colleagues please join me in honoring an outstanding individual on the occasion of his 80th birthday.

PANAMA CONGRATULATIONS

HON. EARL HUTTO

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. HUTTO. Mr. Speaker, my constituent, Walther H. Humphrey of Fort Walton Beach, FL, has asked that I make the following telegram which was sent to President George Bush on the morning after the Panama invasion a part of the official record of the House of Representatives:

> DEAR MR. PRESIDENT: On behalf of the Board of Directors and the 2,000 plus member of the Air Commando Association, an organization dedicated to the support of Special Operation Forces, we commend you and offer our congratulations on your decision to take military action in Panama. We are confident that the vast majority of the American people are fully behind you in this undertaking.
>
> For much too long America has been humiliated by the self-proclaimed Dictator Noriega. The people of Panama have been denied the services of a government duly elected by the majority of their citizens in accord with democratic processes. America's society has been damaged greatly by the criminal drug activities of Noriega, and until now he has avoided appropriate legal proceedings, or otherwise been held accountable.
>
> We are profoundly proud of you, our Nation, and the gallant members of our military services as we follow the developments of America's expression of will to do what is morally our obligatiion.
>
> WALTER H. HUMPHREY,
> *President, Air Commando Association,*
> *Fort Walton Beach, FL.*

H.R. 3581—THE RURAL ECONOMIC DEVELOPMENT AND EDUCATION PARTNERSHIP ACT OF 1990

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. WILLIAMS. Mr. Speaker, I was pleased to work with my colleague GLEN ENGLISH on H.R. 3581, the Rural Economic Development and Education Partnership Act of 1990. As he knows, I would have preferred adding a rural education component to this package, but the rule didn't allow me to offer it.

Nevertheless, were I not on important business in Montana, I would be joining Mr. ENGLISH, both in working and voting for this bill.

A TRIBUTE TO JAMES F. COUCH, JR.

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. HOYER. Mr. Speaker, today I rise in tribute to Judge James F. Couch, Jr., a friend and constituent of mine, who passed away on March 4, 1990.

Judge Couch had a remarkable career in the judiciary. He was the only Marylander in history to serve at every level of the judiciary in our State. In 1987, he had retired judge of the Maryland Court of Appeals. It had been my privilege and honor to support him in his nominations both to the Maryland District Court and to the circuit court early in his judicial career.

Judge Couch began his judicial career in 1971 when he was appointed to a position on Maryland's District Court. A year later he was elevated to the circuit court to handle cases from Prince George's County and Southern Maryland. From 1977 to 1982, he served on the court of special appeals. With his appointment to the court of appeals in 1982, he became the first and, to date, only judge to serve at all four levels of the Maryland court system. Clearly, James Couch was a brilliant judge.

Before becoming a judge, Jim Couch was the senior partner in the law firm of Couch, Blackwell & Miller. He was president of the Prince Georges Bar Association in 1967 and 1968. I first came to know him because of the very active role he played in democratic politics as I was beginning my political career.

Throughout his career as an attorney and judge, Jim Couch was known for his intelligence and for the fair manner in which he treated everyone. Young people who knew Jim Couch will remember him as always ready to lend a hand or guidance.

My wife Judy and I want to send our heartfelt sympathy to Jim's lovely wife Evelyn, his son, Jimmy, his two grandchildren Chris and Alice, and his brother Joseph.

HONORING EDWARD J. ANGELETTI RECIPIENT OF THE THOMAS D'ALESANDRO GOOD CITIZEN AWARD

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Ms. PELOSI. Mr. Speaker, I rise to congratulate Edward J. Angeletti who will be receiving the Thomas D'Alesandro good citizen award on April 20, 1990. The award is being given to Judge Angeletti by the order of the sons of Italy in America. Judge Angeletti is the State chairman of the OSIA in Maryland.

Edward Angeletti was born in Pittsburgh, PA, on January 26, 1931. He received a B.A. in criminology from the University of Maryland in 1960. He received his LL.B and J.D. from the University of Maryland School of Law in 1963. He was admitted to the Maryland bar in 1963. He is a member of the American, Maryland State, and Baltimore City Bar Associations; American Judicature Society, and the Archdiocesan Pastoral Council, Baltimore.

Judge Angeletti served in the U.S. Army from 1955 to 1957. He was an assistant State's attorney for Baltimore City from 1963 to 1967 and an assistant public defender for Baltimore City from 1971 to 1979.

Gov. Harry Hughes appointed Judge Angeletti to the district court for Baltimore City in 1981, and later to the circuit court for Baltimore City in 1983. Judge Angeletti currently serves as the administrative judge for criminal matters in the circuit court for Baltimore City.

Over his career, Judge Angeletti has handled thousands of cases. He is a humanitarian, and his integrity is above reproach. His devotion to the Italian-American community is well documented.

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TRIBUTE TO ROBERT W. JONES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to attorney Robert W. Jones, who passed away on February 2. Robert Jones was a man who devoted his life to serving those less fortunate than himself. He was a brilliant criminal lawyer and a devoted family man. The community has truly suffered a great loss.

Robert Jones began practicing law in 1960. A graduate of Youngstown Law School, Robert has been described by close friends as "a classic lawyer for the underdog." Attorney Calvin Woodward best summed up the life of Robert Jones when he said, "He found the good—at least one good thing—in every person and that is difficult in our profession." Robert was well known for his integrity and strong sense of fairness. He believed in justice for all, and was dedicated to ensuring that the less fortunate had their rights protected.

In addition to his work as an attorney, Robert Jones was also involved in many community organizations. He served as a special counsel to the State attorney general and as a trustee of the Ohio Academy of Trial Lawyers. Robert was a member of the Ohio State and Trumbell County bar associations, the National Association of Criminal Defense Lawyers, and the American Trial Lawyers Association. He was also a former trustee and general counsel of the First Methodist Church and a former president of the Warren Optimist Club. He was involved as well in the Trumbell County Council on Alcoholism, the Trumbell County Mental Health Center, and the Civil Service Commission.

Mr. Speaker, Robert Jones stands as a model of compassion and human service. His outstanding contributions to his community have made him a towering example of leadership and citizenship. We would all do well to follow the example of this generous man. Robert will always live in the memories and hearts of those who knew and loved him. We will long remember Robert Jones for his tremendous gifts to his fellow human beings.

NATIONAL AGENT ORANGE SCREENING AWARENESS WEEK

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. HASTERT. Mr. Speaker, today, my esteemed colleague, LYNN MARTIN, introduced a resolution proclaiming July 8 through 14 "National Agent Orange Screening Awareness Week." I support her efforts to heighten the awareness of agent orange screening among Vietnam veterans.

This resolution encourages the over 3 million Vietnam veterans to be screened at their local VA clinic. Although the screening itself does not reveal if the dioxin is in the veteran's system, it can reveal previously undetected conditions which may require treatment.

It is extremely vital that all Vietnam veterans be screened. Many veterans came into contact with agent orange during their service in Vietnam. Of those veterans exposed to agent orange, only 239,000 have been screened. A majority of veterans who were exposed to agent orange therefore have not been screened and may be experiencing medical complications that could be treated if screened by a VA clinic.

We owe an enormous debt of gratitude to the many men and women who fought for democracy in Southeast Asia. This resolution is but one way that we as a Nation can demonstrate our concern for the health and welfare of the veteran.

MARITIME ADMINISTRATION AT ODDS WITH MANDATE

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MAVROULES. Mr. Speaker, the U.S. maritime industry is at its lowest point since World War II. Those of us who strongly believe in the importance to this Nation of a vital and growing merchant marine have long been concerned about its decline.

Therefore, I am extemely disturbed to learn that the Maritime Administration has conditionally approved the sale of the SS *Monterey* to a foreign corporation. I find it unbelievable that the agency entrusted with the responsibility for developing and maintaining a strong U.S. merchant marine could so completely ignore its mandate.

If MarAd goes forward with this planned approval, they will have turned their backs on the industry they were created to preserve and protect. They will have ignored their mandate to the benefit of foreign interests and the detriment of the U.S.-flag merchant marine and the American taxpayer.

MarAd has no financial interest to protect in the SS *Monterey*. This proposed action will generate no revenues for the U.S. Government. What it will do is lose the U.S. jobs, taxes, and other economic benefits generated by the U.S.-flag passenger operation.

What makes this proposed action even more dangerous is that the impact will not be limited to the SS *Monterey* but would in all probability, ensure that no new U.S.-flag cruise ships would enter into operation in domestic trade. Why? After such a clear and negative message that, in the opinion of MarAd, Americans cannot successfully operate in this trade, no lending institution would retain confidence in American shipping.

I urge my colleagues to take the strongest possible action to convince MarAd to reverse this ill-conceived action and return to carrying out their original mandate.

CONGRATULATIONS TO BOB FEENEY, DISTRICT COORDINATOR OF BICENTENNIAL PROGRAMS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, we have just witnessed a year in which millions of people have toppled governments in their quest for freedom and democracy. We, who have benefitted from the longest lasting constitutional democracy in history, should rejoice in the courage and strength of those citizens who recognized the importance of the freedom we have cherished for so long.

At the same time, we must not neglect to pass on to our own youth the understanding of the fundamental principles and values of our democratic institutions. In this regard I would like to commend the efforts of Bob Feeney, chairman of social studies for the William Floyd School District of Long Island, whose dedication to educating our students has been exemplary. Mr. Feeney coordinates the "We the People" bicentennial programs of the Constitution and Bill of Rights in the first congressional district. That program includes the National Bicentennial Competition, its noncompetitive companion program, Congress and the Constitution, and the National Historical Pictorial Map Contest.

Through Mr. Feeney's efforts, thousands of upper elementary, middle and high school students have studied the program's curriculum. Under his tutelage, the Smithtown East School District has become the State champion this year. But, more importantly our young people were introduced to the philosophy of our Founding Fathers and the issues and debates that shaped the writing of our Constitution. These students learned how our Government works and how it protects the rights and liberties of all citizens. They also learned the responsibilities of every citizen who is part of a democracy.

At a time when only one in five eligible voters under 30 takes the time to vote, it is very necessary to reach our young so that they understand how vital it is that they become informed, educated citizens who exercise their right to choose. I feel that Mr. Feeney has made an impressive contribution toward that goal.

EARTH DAY 1990

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. SANGMEISTER. Mr. Speaker, I rise today to remind my colleagues that "Earth Day 1990" is only 32 days away. Hopefully, on this day, everyone will rise to the challenge of assuring a clean environment for future generations. We must all start identifying ways, however small, that we can contribute to help preserve our planet—be it by reusing plastic materials, recycling newspapers, or something as simple as remembering to turn off the lights in our home. Earth Day offers us the ideal opportunity to draw attention to problems that transcend party affiliation or national boundaries. I encourage Members to participate in this event and want to emphasize the importance of getting children involved. In my district, I am sponsoring an Earth Day coloring contest for elementary students, and an essay contest at the junior high level. These projects are easy to organize and a fun, effective way of raising our kids' environmental awareness. There is still time to become involved in Earth Day and make an impact. I encourage every Member to do so because what cause is more important than educating our kids and preserving our environment?

TRIBUTE TO ANN LOEHNERT KITZMILLER

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. GILLMOR. Mr. Speaker, I rise today to honor Mrs. Ann Loehnert Kitzmiller, an outstanding Ohioan. I often try to place the spotlight on the citizens in my State who set a fine example for others to follow, and Ann Kitzmiller is one such citizen.

Mrs. Kitzmiller has had a distinguished professional career in fields ranging from education to personnel management to public relations. But her job experience only tells a small part of her ability to contribute to the society around her. I have heard much about her personal contributions of time and effort to that which she puts her mind to; particularly the National Society, Daughters of the American Revolution.

Her service in numerous DAR leadership positions, culminating in her service as State Regent of Ohio, is evidence of the respect and esteem that she has earned from her peers. In all of these positions of responsibility, Ann Kitzmiller has been an admirable embodiment of traditional values and American strength.

Whether it is her religious, political, or community activism, Ann Kitzmiller has labored to seize the opportunities and responsibilities that our freedom gives us. It is for this reason, Mr. Speaker, that I pay tribute to her today.

CAMP WITHYCOMBE/CAMP RILEA LAND TRANSFER LEGISLATION

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. DENNY SMITH. Mr. Speaker, today I am introducing, along with my colleagues from Oregon, Mr. AuCoin and Mr. DeFazio, the House companion legislation to S. 1948. This bill would exchange Federal reversionary interest in Camp Withycombe, Clackamas County, for a contingent interest in Camp Rilea, Clatsop County. This transfer will be at no cost to the Federal Government, despite the fact that the value of the land and improvements at Camp Rilea is twice that of Camp Withycombe.

The State of Oregon needs to use 156 of the 234 acres at Camp Withycombe for a much needed extension of an expressway designed to relieve hazardous congestion at a nearby interchange. The other 3 acres included in the reversion—which are not contiguous with the rest of the camp—would be used to establish a railroad museum. The final 75 acres would maintain their current status, and still be subject to the original reversion clause.

In exchange for this land, the State of Oregon has generously offered the Federal Government a reversionary interest in a 166-acre parcel of land at Camp Rilea. This land has already undergone numerous improvements, and is a much better facility than Camp Withycombe. It has close access to the deep-water port at Astoria, as well as extensive road, sewage, water, and electrical distribution systems. It currently has no reversionary interests, but this legislation would complete transfer of the interests from the Camp Withycombe parcel to Camp Rilea, ensuring the Federal Government full access to the tract in time of national emergency. Finally, this entire transfer would take place without any additional financial commitment on the part of the Federal Government.

I believe this trade is in the best interests of both the United States of America, and the State of Oregon. I urge quick consideration of this legislation, and urge my colleagues to support this bill when it comes to the floor.

TRIBUTE TO CAPTAIN DON GENTILE

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. WYLIE. Mr. Speaker, I would like to bring to the attention of the House of Representatives a move to strike a Congressional Gold Medal in honor of the late Capt. Don Gentile, an American Air Force hero in World War II.

Captain Gentile was born in Piqua, OH on December 6, 1920. He was a sensitive, shy, and devoutly religious young man who suffered deep anguish over the deaths not only of his friends and comrades but also the killing of the German Luftwaffe airmen he shot down. When he destroyed his 30th Nazi warplane, on April 8, 1944, Captain Gentile had shot down more enemy aircraft than any fighter pilot in American history. This achievement propelled him into the national spotlight as a war hero. Captain Gentile was tragically killed at the age of 30 when he sacrificed his own life in a vain attempt to save the passenger in his 2-seater training jet.

Gentile's decorations include 2 Distinguished Service Crosses (our country's second-highest award), 8 Distinguished Flying Crosses, the Silver Star, 4 Air Medals, and various British, Italian, Belgian, and French medals, totaling 26 in all. A Congressional Gold Medal would convey the gratitude of a thankful nation to Captain Gentile's family. It is past time to bestow this national honor. I hope that those who have not already done so can join me and a growing number of our colleagues in cosponsoring H.R. 2436, Congressman ANNUNZIO'S bill to award a Congressional Gold Medal to Don Gentile.

TIRGU MURES VIOLENCE

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. MCEWEN. Mr. Speaker, it is with disgust I learned from the Washington Times of March 20 about the violence done to the Hungarian leadership in Tirgu Mures (Marosvasarhely) resulting in the vicious beating of the best know Hungarian playwright in Rumania, Andras Suto. Suto had to be brought to Budapest by helicopter via Bucharest to a hospital. He is unable to see with one of his eyes, suffered broken ribs and a broken arm and also abdominal injuries from kicking.

Is hatred going to replace the brutal communism of Ceausescu in Rumania? Is the army, which is the power behind President Iliescu going to countenance and even promote anti-Hungarian violence? Yesterday peaceful Hungarian demonstrators in Tirgu Mures were met with armed gangs of the Vatra Romanesca (Rumanian Hearth) and attacked viciously.

I call upon our State Department to protest in strongest terms this return to medieval barbarism in Tirgu Mures (Marosvasarhely).

PRESIDENTIAL ELECTION IN THE REPUBLIC OF CHINA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr. YATRON. Mr. Speaker, the Republic of China's National Assembly just elected President Lee Teng-hui and Dr. Li Yuan-zu as the eighth president and vice president of the Republic of China. This is good news for the United States, because we can be assured that over the next 6 years the Republic of China will continue its present successful economic and political policies.

Taiwan is a prosperous country. Its GNP of $7,300 is comparable to Japan's GNP a decade ago. The people of Taiwan are well-educated and friendly toward the United States. Its cabinet level ministers of state include Chicago-educated, Lien Chan and Georgetown Ph.D, James Soong. Most importantly, Taiwan is committed to improving its existing relationship with the United States and closing the trade gap within the next few years.

Mr. Speaker, Taiwan is a major economic power—being our fifth largest trading partner and the 13th largest economic entity in the world. It is therefore important for the United States Government to promote Taiwan's

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place in the international community, such as supporting its application for membership to the General Agreement on Tariffs and Trade [GATT] and in the Organization of Economic Cooperation and Development [OECD].

Politically, Taiwan has moved steadily toward a full constitutional democracy. In its latest annual survey, the New York-based human rights organization, Freedom House gave Taiwan high ratings in both categories of political rights and civil liberties. I hope to see even more political reforms in the months and years ahead in the Republic of China in such areas as political pluralism, press liberalization, and parliamentary rejuvenation.

In the last 18 months, the Republic of China on Taiwan has been well represented by Minister Ding Mou-shih. Ambassador Ding is a premier diplomat, who has considerable knowledge about issues affecting the Republic of China and the United States. He has significantly enhanced our understanding of his country, his people, and his president, to whom we send our warmest congratulations on the occasion of his being elected as the chief executive of our friend across the Pacific: the Republic of China.

INTRODUCTION OF THE OILSEEDS EQUITY LOAN ACT OF 1990

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 21, 1990

Mr JOHNSON of South Dakota. Mr. Speaker, I am today introducing the "Oilseeds Equity Loan Act of 1990 or OELA," which will provide producers of sunflowers, rapeseed—including canola—safflowerseed, and flaxseed, with an adequate level of income support and planting flexibility for the 1991 through 1995 crop years.

This legislation addresses one of the major flaws in the Food Security Act of 1985—the lack of meaningful opportunity and incentive for farmers to produce oilseeds as part of their rotation with traditional program crops. Outside the Farm Program, oilseeds have had to compete not only with the stimulus of current programs to increase base acreage, but with the mandated expansion of the Conservation Reserve Program. Moveover, the absence of equitable income protection has made the U.S. oilseed sector vulnerable to the rapid growth in oilseed production and subsidized exports by our major foreign competitors.

The crisis facing our domestic oilseed industries can be best summarized in terms of the devastation of sunflower production during the 1980's. In 1981, sunflower acreage reached a high of 5.5 million acres. Last year, sunflowers were produced on only 1.8 million acres—a decline of nearly 70 percent. Half of the sunflower crushing facilities have gone through bankruptcy in the past decade, and the remaining plants are operating at between 50 percent and 62 percent of capacity.

The same conditions now confront efforts to develop a viable canola industry in the United States. Canola has the lowest saturated fat content of any vegetable oil—about 6 percent. Canola oil was approved for food use by the Food and Drug Administration in 1985. Since then, the United States has imported the annual equivalent of 450,000 acres, primarily from Canada. If this promising and healthful new crop is going to become a part of farmers' planting rotations, we must provide fair and balanced treatment, both between oilseeds and between oilseeds and program crops.

Much has been said about the benefits of increasing the flexibility of the current Farm Program to allow farmers to choose the best crops for their operations, based on market prices, weather conditions and environmental concerns. The reality is that if we are going to address this issue in this year's farm bill, flexibility must either be coupled with crop-specific income protection or decoupled from program benefits, as proposed by the administration.

In my view, current farm policies provide a needed and necessary relationship between production decisions and program eligibility for individual program crops. This approach has worked well in providing voluntary incentives for producers to reduce production when supplies of a particular crop have been excessive. Rather than eliminating the time between production decisions and benefits, we need to find a way to provide equitable treatment for oilseeds, combined with the flexibility farmers need in order to choose the crops which best fit their rotations.

The "Oilseed Equity Loan Act of 1990" responds to both of these needs. First, it will establish an income protection level for sunflowers, canola, rapeseed, safflower and flax that reflects historical price relationships between these crops and wheat, which is the primary program crop produced in the same growing regions of the country. The level of support could be reduced by up to 10 percent in order to maintain the proper relationship with the support levels of alternative crops, taking into account supply and demand factors and any unpaid acreage limitation programs.

Second, this approach allows farmers to repay their equity loan at prevailing world market prices. This is similar to the highly successful marketing loans which the 1985 act established for cotton and rice. Repayment at an adjusted world price will ensure the competitiveness of U.S. oilseeds products with exports of our global competitors.

Finally, my legislation will provide producers the opportunity to substitute oilseeds on up to 30 percent of their program crop permitted acreage, without loss of base. Substituted oilseeds will be eligible for the equity loan rather than for program crop deficiency payments. This approach will put oilseeds on an equal footing with program crops in years when market prices, weather or other considerations encourage rotation on base acreage.

In conclusion, I hope this legislation will provide my colleagues on the Agriculture Committee with a useful starting point for consideration on how to best address the current crisis in the oilseed industry, and the need for greater flexibility.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 22, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 23

9:00 a.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on U.S. policy with respect to El Salvador.
SD-419

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold hearings to review the Internal Revenue Code rules governing private pension plans and options for simplification.
SD-215

Small Business
To hold hearings on small business opportunities with the Soviet Union and Eastern Europe.
SR-428A

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, and Agricultural Marketing Service.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Architect of the Capitol, and the Capitol Police Board.
SD-116

Banking, Housing, and Urban Affairs
To hold hearings on the nominations of David W. Mullins, Jr., of Arkansas, and Edward W. Kelley, Jr., of Texas, each to be a Member of the Board of Governors of the Federal Reserve System, and Robert H. Swan, of Utah,

to be a Member of the National Credit Union Administration Board.
SD-538

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on proposed legislation reauthorizing funds for the Institute of Museum Services.
SD-430

MARCH 26

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the outlook for the world oil market in the 1990s and its implications for U.S. energy, economic, and security interests, focusing on future price and production patterns, the effect of recent events in Eastern bloc nations, the role of OPEC, and implications of new environmental policies.
SD-366

10:30 a.m.
Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for military construction programs, focusing on base closure and NATO infrastructure.
SD-192

2:00 p.m.
Armed Services Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on ammunition programs.
SR-222

MARCH 27

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on manpower and personnel programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 1355, to assist private industry in establishing a uniform residential energy efficiency rating system.
SD-366

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Consumer Product Safety Commission, the Consumer Information Center, and the Office of Consumer Affairs.
S-126, Capitol

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Indian Health Service of the Department of Health and Human Services, and the U.S. Fish and Wildlife Service, Department of the Interior.
S-128, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-G50

11:00 a.m.
Finance
To hold hearings to examine savings trends in the United States and proposals to improve the low rate of personal savings.
SD-215

Judiciary
To hold joint hearings with the Caucus on International Narcotics Control to examine recent developments in Andean nations.
SD-226

11:15 a.m.
Environment and Public Works
To hold hearings on the nominations of L. Joyce Hampers, of Massachusetts, to be an Assistant Secretary of Commerce for Economic Development, and Brig. Gen. Arthur E. Williams, to be a member and president of the Mississippi River Commission.
SD-406

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

MARCH 28

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 2227, to revise the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104) governing exported pesticides.
SR-332

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.
SR-253

Environment and Public Works
Toxic Substances, Environmental Oversight, Research and Development Subcommittee
To hold oversight hearings on the regulation of lawn chemicals.
SH-216

Veterans' Affairs
To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.
SR-418

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.
SD-116

Finance
To hold hearings to examine investment trends in the United States and the President's proposal to lower the tax rate on capital gains income.
SD-215

2:00 p.m.
Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on miscellaneous public lands measures, including S. 456, H.R. 1109, S. 465, H.R. 1159, S. 1756, S. 1864, H.R. 76, S. 2059, S. 2208, and S. 1770.
SD-366

Small Business
Export Expansion Subcommittee
To hold hearings to examine the effects of the 1992 European community integration on U.S. small business.
SR-428A

Select on Indian Affairs
To hold hearings on S. 381, to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama, S. 1413, to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, S. 1747, to provide for the restoration of Federal recognition to the Ponca Tribe of Nebraska, and S. 1918, to provide for Federal recognition of the Jena Band of Choctaws of Louisiana.
SR-485

3:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

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MARCH 29

9:30 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Research and General Legislation Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.

SR-332

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.

SR-253

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.

SD-192

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.

S-126, Capitol

Appropriations

Energy and Water Development Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.

SH-216

Appropriations

Commerce, Justice, State, and Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.

S-146, Capitol

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.

SD-138

Finance

To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.

SD-215

1:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.

SD-192

2:00 p.m.

Agriculture, Nutrition, and Forestry

Conservation and Forestry Subcommittee

To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.

SR-332

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.

SR-253

MARCH 30

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.

SD-366

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.

SD-138

APRIL 2

10:00 a.m.

Agriculture, Nutrition, and Forestry

Agricultural Production and Stabilization of Prices Subcommittee

To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on deficiency payment problems associated with barley.

SR-332

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, Department of the Interior.

S-128, Capitol

APRIL 3

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.

SR-253

Energy and Natural Resources

To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.

SD-366

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.

SD-192

2:30 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.

SD-192

APRIL 4

10:00 a.m.

Appropriations

Agriculture and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.

SD-138

Appropriations

Energy and Water Development Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.

SD-192

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.

SD-192

Judiciary

Patents, Copyrights and Trademarks Subcommittee

To hold hearings on S. 626, to revise the Lanham Trademark Act to prohibit the importation or sale of goods manufactured outside the U.S. and bearing an identical trademark of goods manufactured within the U.S.

SD-226

Small Business

To resume hearings on the President's proposed budget request for fiscal year 1991 for the Small Business Administration.

SR-428A

APRIL 5

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.

SR-253

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.

SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

APRIL 6

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the implementation of the Omnibus Taxpayer Bill of Rights (P.L. 100-647).
SD-215

Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on the quality of U.S. health promotion statistics.
SD-342

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian lands.
SR-485

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

2:15 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Energy, focusing on atomic energy defense programs.
SD-116

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

Select on Indian Affairs
To hold oversight hearings on the Indian Federal acknowledgement process, including S. 611 and S. 912, bills to establish administrative procedures to determine the status of certain Indian groups.
SR-485

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's superconducting super collider program.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

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10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Energy and Natural Resources
To resume hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on provisions of S. 1203, to provide tax incentives for businesses on Indian reservations, and S. 1650, to allow an Indian employment opportunity credit for qualified employment expenses of eligible employers on Indian reservations; to be followed by a business meeting to mark-up S. 143, to establish the Indian Development Finance Corporation to provide development capital for Indian businesses.
SR-485

MAY 1

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's uranium enrichment program.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Corps of Engineers.
SD-192

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 7

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 10

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 7

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

MARCH 23

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To resume hearings on S. 1741, to increase competition among commercial air carriers at the Nation's major airports.

SR-253

POSTPONEMENTS

MARCH 29

9:30 a.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.

SD-366

APRIL 2

2:00 p.m.

Energy and Natural Resources

Energy Research and Development Subcommittee

To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.

SD-366

APRIL 4

9:00 a.m.

Commerce, Science, and Transportation

Communications Subcommittee

To resume hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.

SR-253

HOUSE OF REPRESENTATIVES—*Thursday, March 22, 1990*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We remember with gratitude, gracious God, those people who have gone before us along the paths of life, who have shared their gifts of kindness and peace and friendship with us, whose love has been lavished for our benefit and that of many more. For those family and friends whose grace and generosity have been the foundation on which we have built our lives, and whose names we remember in the quiet of our own hearts, we offer this word of thanksgiving and praise. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Wisconsin [Mr. Kleczka] please come forward and lead the House in the Pledge of Allegiance.

Mr. KLECZKA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

> S.J. Res. 266. Joint resolution designating March 1990, as "United States Naval Reserve Month."

The message also announced, that pursuant to Public Law 98-237, the Chair on behalf of the President pro tempore, upon the recommendations of the majority and minority leaders, appoints Mr. Breaux and Mr. Packwood, from the Committee on Commerce, Science, and Transportation, and Mr. Metzenbaum and Mr. Thurmond, from the Committee on the Judiciary to the Advisory Commission on Conferences in Ocean Shipping.

APPOINTMENT AS MEMBERS OF CONGRESSIONAL AWARD BOARD

The SPEAKER. Pursuant to the Congressional Award Act (2 U.S.C. 803), the Chair appoints the following individuals to the Congressional Award Board on the part of the House: from the U.S. House of Representatives: Representative Payne of New Jersey, and from private life: Mr. Thomas Hale Boggs, Jr., of Washington, DC.

COMMUNICATION FROM THE HONORABLE ROBERT H. MICHEL, REPUBLICAN LEADER

The SPEAKER laid before the House the following communication from the Honorable Robert H. Michel, Republican leader:

> House of Representatives,
> *Washington, DC, January 24, 1990.*
>
> Hon. Thomas S. Foley,
> *Speaker of the House, House of Representatives, Washington, DC.*
>
> Dear Mr. Speaker: Pursuant to Section 4 of the Congressional Award Act (2 U.S.C. 803) as amended by Public Laws 98-33, 99-61, and 100-674, I hereby appoint the following individuals to the Congressional Award Board: Rep. Tom Lewis of Florida; Ms. Candice Shy Hooper of Alexandria, Virginia; and Mr. Glen D. Gaddy of Baltimore, Maryland.
>
> Sincerely yours,
> Robert H. Michel,
> *Republican Leader.*

INTRODUCTION OF COMPUTER MATCHING CORRECTIONS ACT OF 1990

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today my good friend Congressman Albert Bustamante and I are introducing the Computer Matching Corrections Act of 1990.

This bill will correct an unintentional and expensive mistake in Public Law 100-503, the Computer Matching and Privacy Protection Act. This oversight is estimated to cost States and the Federal Government over $90 million this year.

Public Law 100-503 extended the notice period for States reducing or ending certain welfare benefits from 10 to 30 days.

Our bill corrects this mistake by restoring the 10-day notice period for recipients of food stamps, Medicaid, and aid to families with dependent children.

The law needs to be changed because it forces States and the Federal Government to provide 20 additional days of benefits to ineligible recipients. These 20 days of benefits cost the States and Federal Government roughly $91 million.

This legislation would ensure that all due process rights are protected and that all individuals would continue to have 60 to 90 days to appeal any change in their benefits.

It should be noted that the American Public Welfare Association and State human service agencies endorse the Computer Matching Corrections Act.

All Members have been sent a dear colleague letter listing how much this legislation can save your State. If you agree that the law must be changed, please join Congressman Bustamante and myself in cosponsoring the Computer Matching Corrections Act. Your State's taxpayers will thank you.

LITHUANIAN INDEPENDENCE

(Mr. MILLER of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Washington. Mr. Speaker, the courageous struggle of Lithuania goes on. A nation of a few million people peacefully seeks to reclaim its independence, an independence stolen by the collaboration of Hitler and Stalin 50 years ago.

Soviet President Gorbachev has promised not to use force on this issue.

Mr. Speaker, the world should hold him to that promise. Soviet relations with this country and much of the world will depend on whether the man who has spoken of glasnost and the peaceful resolution of disputes means what he says.

Mr. Speaker, I thank the scores of our colleagues who joined in our letter urging the President to renew recognition of an independent Lithuania.

Mr. Speaker, Mr. President, leaders of all three nations, now is the time to answer Lithuania's call for peaceful political and moral support.

THERE ARE 31 DAYS UNTIL EARTH DAY

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. PEASE. Mr. Speaker, there are only 31 more days until Earth Day 1990.

Why celebrate Earth Day? Is it because every 20 minutes, the people of this country dump enough cars into junkyards to form a stack as high as the Empire State Building? Is it because each year a leading fast-food restaurant chain uses enough foam packaging to cover Washington with a foot-deep layer of trash? Is it because, laid end-to-end, the 18 billion disposable diapers thrown away in this country every year could reach back and forth to the Moon seven times? Is it because on the average, a car adds its own weight in carbon to the air each year?

Mr. Speaker, the answer is yes to all of these questions.

Each and every one of us needs to lead our constituents in celebrating this very important 20th Earth Day. I urge you and all of my colleagues to participate in the activities during the week preceding and on Earth Day next month. With proper care and attention, we can set this planet back on course for a healthy future.

□ 1110

OLD JOE STALIN WOULD BE PROUD

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, an iron curtain is closing around Lithuania. Step by step, the Soviets are putting on the squeeze.

Old Joe Stalin would be proud of his successor in the Kremlin.

America can not and will not send tanks and planes to rescue the Lithuanian people. But there are some things we can and should do.

First, Congress should boldly restate America's long-time recognition of Lithuania as a sovereign and independent state. Today, Congressmen EDWARDS, JOHN MILLER and I are introducing a resolution urging our Government to recognize Lithuania and we urge support of the Members.

America must show the world that it places the same faith in self-determination that it did 200 years ago.

Second, we should make it clear to Gorbachev that a Stalinist foreign policy will put an end to the thaw in United States-Soviet relations.

No aid, no trade benefits, no help at all. If the Soviets insist on beating up small, defenseless nations, they will have to do it without our support.

ADMINISTRATION AVIATION PLAN WILL NOT GET OFF THE GROUND

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, although the President has pledged no new taxes, the administration's aviation plan clearly does call for tax increases at both the Federal and local levels. For instance, increased Federal taxes include taxes on aviation gas, jet fuel, passenger ticket taxes, and freight waybills.

With more than $6 billion now sitting already idle and unspent in unobligated aviation trust funds, how does the administration claim they need more money, yet it wants to raise money from airport users in order to continue to mask the budget deficit with the aviation trust fund?

Airports receive Federal funding but if they levy passenger taxes under the administration plan, they can lose 50 percent of that Federal funding. Mr. Speaker, it makes no sense. With passenger use up, with airports with delay time expected to double in the next 10 years, clearly this is an administration policy that simply will not get off the ground.

TRIBUTE TO MIDDLETOWN LADY FALCONS

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, although the fiesty Middletown Lady Falcons fell to the Fort Recovery Indians 54-41, in this division IV State basketball championship, they captured the hearts of Ohio.

Fenwick head coach Mike Lockhart took his well prepared Lady Falcons into the State finals in his first year as head coach, finishing with a very respectable 24-3 record. Although the final score was not to the liking of the Fenwick followers, these young ladies displayed a never-die attitude of which true champions are made.

The afternoon following the game, a huge rally was held in Middletown, at Fenwick High School. Hundreds of people attended, including the players, coaching staff, Principal Butch Rossi, Athletic Director Dick Martin and Fenwick Boosters Club President Bob Weaver.

All of Middletown is very proud of their Lady Falcons basketball team, runner-up victors in the State. Like the Maltese Falcon of Hollywood fame, these Lady Falcons are special gems to those who watched them play.

[From the Middletown Journal, Mar. 19, 1990]

FALCONS: "NO. 1 IN OUR HEARTS"

(By Rick McCrabb)

The St. John Arena scoreboard high above the floor displayed the final result: Fort Recovery 54, Fenwick 41.

There would be no state girls basketball championship this year in Middletown.

The 1989-90 Fenwick High girls basketball team will be forever labeled the runner-up in the Division IV state basketball tournament.

But Sunday afternoon, less than 17 hours after Fenwick lost to Fort Recovery in the Ohio High School Athletic Association Division IV finals, the Falcons were given a champion's welcome home party.

More than 100 Fenwick followers, many of them still tired from the two-game weekend, showed their support for the team at a rally in the high school gymnasium.

The team attended Mass Sunday morning in Columbus, then returned to Middletown in the afternoon for the celebration.

After the team, which finished the season 24-3, entered the gym, it was greeted with a thunderous standing ovation.

Mike Lockhart, the first-year coach, his assistant, Mary Jo Gephart, and the players joined Principal John "Butch" Rossi and Athletic Director Dick Martin in folding chairs on the floor.

"You're No. 1 in our hearts," said Bob Weaver, the president of the Fenwick Boosters Club. "You have helped put Middletown on the map. You've brought the pride back to Middletown."

Fenwick's Principal Rossi, who coached the boys team to a state championship in 1982, said the Falcons displayed tremendous character during the tournament.

"Fort Recovery brought a bigger crowd, and Fort Recovery and Buckeye Central had bigger players," he said, "but nobody had bigger hearts than the Fenwick Falcons. They're the best. You young ladies have what it takes to be champions."

Martin, the school's football coach and AD, said "It's really hard to be in this position. It's the end; it's sad. But you're winners."

Then Lockhart, who enjoyed tremendous success in his first year as a coach of a girls team after coaching boys teams in Louisiana and Washington, D.C., discussed the difficult transition to coaching at Fenwick, a Catholic institution.

"I know it wasn't easy for you at first," said Lockhart, an assistant pastor in Middletown. "I wasn't a part of the Fenwick community, the Fenwick family. It was difficult. But this team has made a lot of us very proud. The Fenwick community and the entire city of Middletown should be proud of these young ladies. They're a special group of ladies."

Lockhart said the Falcons shouldn't be judged by their tournament loss.

"They came out ahead on the scoreboard in 24 of the 27 games," he said. "They're champions."

INTRODUCTION OF LEGISLATION DIRECTING MINTING OF WORLD WAR II COMMEMORATIVE COIN

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, next year marks the 50th anniversary of U.S. entry into World War II.

Franklin Roosevelt once said:

> Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them.

Today I am introducing a companion bill to my bill to authorize the construction of a World War II memorial here in Washington, DC. This bill directs the U.S. Treasury Department to mint a commemorative coin to honor the 50th anniversary of U.S. involvement in World War II.

Proceeds from the sale of this coin will be used to fund the construction of the World War II Veterans' Memorial here in the Nation's Capital.

During that war 405,399 Americans made the ultimate sacrifice in defense of our freedoms around the world. Over 16 million Americans served. Their sacrifice bears witness to this Nation's ongoing commitment to securing the fundamental rights inherent to freedom-loving peoples everywhere. It is time to commemorate them.

Over 270 Members have joined me in cosponsoring my original memorial bill, H.R. 2807—221 are now cosponsors of this commemorative coin bill. Please join us in cosponsoring this important legislation.

INTRODUCTION OF LEGISLATION ENCOURAGING ENTRY OF DISPLACED HOMEMAKERS INTO WORK FORCE

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, today I am introducing legislation, as I have in two previous Congresses, that would encourage the entry of displaced homemakers into the work force. A displaced homemaker is an individual who has not worked in the labor force for a number of years and is seeking reentry.

They are known as the hidden poor, many of whom are already receiving public assistance, due to the loss of a spouse or the demands of single parenting or even the regular financial burden of raising a family. That, Mr. Speaker, is a financial overloading of the American family that we should all be able to understand.

My legislation would amend the Internal Revenue Code to allow employers a tax credit for hiring displaced homemakers. It would do this by expanding the targeted jobs tax credit program to include displaced homemakers.

This approach is extremely cost effective. If we give these people a second chance and a helping hand, then we will save the money that would have to be spent later on them and their families for general support.

Mr. Speaker, I hope my colleagues will see the logic and compassion of this bill and join me as cosponsors.

NEW TAXES FROM THE ADMINISTRATION

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, President Bush, who coined the phrase "Read my lips, no new taxes," is seeking dramatic increases in aviation ticket and fuel taxes, taxes that millions of passengers, our constituents, pay every time they fly.

In my judgment these new taxes will simply be used to further build up revenues in the idle aviation trust fund to mask the true deficit size.

Mr. Speaker, there are current real aviation needs that remain unfunded despite a pending balance of over $7 billion in the trust fund. Ask anyone who flies, and their No. 1 concern is safety. So why do we not spend these existing trust fund moneys to purchase new weather radar enhancements, explosive detection equipment, the most advanced collision avoidance systems or to hire additional air traffic controllers to meet capacity demands?

Since we are not spending the moneys we already have collected from the taxpayers in the skies, why does the President believe we need to raise the tax rate to collect additional funds? This skyway robbery is just another example of a tax increase from the no-new-taxes President.

Talk about a plane that will not fly: this proposal is like a glider made out of a lead weight.

URGENT MESSAGE TO PRESIDENT GORBACHEV

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, this is an urgent message to President Gorbachev.

President Gorbachev, we understand that you have made great strides in the last year toward opening up and restructuring the Soviet Union, and all of us in the United States Congress recognize these achievements.

But recent moves by Soviet authorities, the Red Army, and the secret police in Lithuania are extremely disquieting to the Congress and the American people.

We urge you, we implore you, we beg you: let the Lithuanian people go.

The United States has never recognized the forcible incorporation of the Baltic nations into the U.S.S.R. That incorporation was a result of the Hitler-Stalin Pact in 1939.

Indeed, history shows that the Soviet attack on the Baltic nations was an act of war helping to precipitate World War II.

Please, President Gorbachev, do not squander the good will that you have built up in this Congress and among the American people by holding on, with brute force, to something that was never yours.

Prove to the world that "the ghost of Stalinism" is gone from the Kremlin.

We urge that you recognize the Lithuanian people's right to self-determination, freedom, and independence—and that you cease all military, political, and security measures now being used to obstruct the will of Baltic peoples to restore their freedom.

ADMINISTRATION IS PRACTICING VOODOO MATHEMATICS WITH THE AVIATION TRUST FUND

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the administration is practicing voodoo mathematics. The actual extent of the Federal deficit is being masked both by the surpluses in the Social Security trust fund and by the over $7 billion of surplus in the aviation trust fund.

Heaping salt on the deficit wound, the administration proposes to tax air travelers to pay for needed improvements in the air system rather than spending down the surplus in the aviation trust fund.

I am pleased that congressional leaders including the senior Senator from Kentucky in the other body are denouncing this misguided effort.

Rather than raise the tax on travelers, Mr. Speaker, the administration should authorize release of the funds in the bloated aviation trust fund for worthy airway projects, including the project in Louisville, KY, to expand Standiford Field.

Mr. Speaker, we in Congress should take every step to ensure that funds for needed airport and airway improvements across this Nation are made available to the communities and not used to mask the Federal deficit.

□ 1120

WESTLANDS WATER DISTRICT RISES TO CHALLENGE

(Mr. PASHAYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASHAYAN. Mr. Speaker, agriculture, its practioners and its scientists, have again risen to a challenge. This time the occasion is near Kesterson National Wildlife Refuge in California, where the Westlands Water District has begun the process of establishing a wildlife preserve to help to control the problems associated with naturally occuring selenium.

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It was not too many years ago that some of us sat at a hearing in Los Banos, CA, and heard from the Department of the Interior that the collector and drainage system for Westlands Water District was going to be closed because of the threat of selenium salts that constituted the drainage water of about 42,000 acres.

Instant experts emerged, no answers came forth, and the problem persevered. But Westlands, with the help of the State of California, the Bureau of Reclamation, and the Soil Conservation Service, took the road to the answers.

What Westlands developed and will promote is called "Los Arboles," Spanish words meaning "The Trees." Los Arboles at its current stage will create a 4,240-acre forest of trees, which should both alleviate the problem of selenium and provide a wildlife habitat where none exists now.

Perhaps its design will serve as a prototype for other parts of the country where selenium threatens agriculture or the environment.

Westlands' concept is that the highly salt-tolerant eucalyptus trees will naturally and safely draw the salt water out of the ground. In addition to 480 acres of these trees, Westlands will add 120 acres of atriplex, a salt-tolerant shrub. As well, Westlands proposes to acquire an additional 3,640 acres of marginal lands near the Los Arboles site for conversion into an upland game habitat.

In saluting the entire board of directors of Westlands for taking this bold step, I should point out that the $10.5 million cost of this project will require no Federal expenditures.

The 600,000 trees that will be planted at Los Arboles will serve the San Joaquin Valley and its air resources problem by removing carbon dioxide from the area. The Los Arboles project is but a few miles removed from a major interstate highway that links the commercial interests of San Francisco and Los Angeles, which is a contributor to the carbon dioxide problem facing that particular area of California.

STAPLE LIPS INSTEAD OF READING LIPS

(Mr. ESPY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPY. Mr. Speaker, the administration has come up with another Stealth program in their aviation proposal, another program on Stealth taxes. They want to raise the aviation taxes to hide the truth from the American public. They want to increase the aviation gas tax from 12 cents to 15 cents per gallon. They want to increase the jet fuel tax from 14 cents to 18 cents per gallon. They want to raise the tax on passenger tickets from 8 percent to 10 percent. To add to all of this misery, Mr. Speaker, they want to invisibly pad the deficit from what is now about $7 billion in surpluses in the trust fund.

We need to use this money, Mr. Speaker. Our urban airports are crowded. Eleven of our major airports have severe delay problems. We need to use this money. In rural America we need airport improvements to keep our economies strong.

Mr. Speaker, on the tax side, instead of reading lips, perhaps we need to staple lips. And certainly we need to unstaple these tremendous surpluses in the aviation trust fund.

ECONOMIC CONTROL MEANS POLITICAL CONTROL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Japan keeps buying America. From back streets to side streets, from byways to highways, from main street to Wall Street, Japan keeps buying America.

Ladies and gentleman, yesterday they bought the massive 7-Eleven store chain. And I am not talking about a crapshoot here. The only question that might remain is when Japan buys the White House, will it be the Best Western or the Best Eastern?

Let me remind Members, when Japan buys something, Japan controls it. When you have economic control, you have political control. Congress better take a look at this thing before it becomes a fire sale. Japan bought 7-Eleven yesterday. What is tomorrow's paper going to tell us?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOYER). The Chair would admonish the gallery that it is against the rules of the House for guests in the gallery to demonstrate or express their opinion in any way, and the Chair would ask the guests to respect those rules.

BREAD OR BAYONETS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, before I begin I want to join in the remarks of the gentleman from Ohio [Mr. TRAFICANT].

First, Budapest; then, Prague; and now, Vilnius.

The ghosts of Stalin, Andropov, and Beria are again marching west as KGB stormtroopers "reconnoiter in force" at the Lithuanian border.

Gorbachev demands Lithuanians turn over their weapons—or they will be confiscated. How he does not say, but the velvet gloves are coming off the Soviet fist.

At the same time, Soviet are requesting concessions from United States trade negotiators.

The Soviet Union wants most-favored-nation status; they want United States wheat for the Soviets; they want bread for their troops.

Secretary of State Kissinger once advocated linkage.

There should be linkage.

The Soviets want trade concessions. Fine. But United States trade concessions must be matched by Soviet military restraint.

The Soviets must be informed that the choice is theirs—Soviet repression or United States economic assistance, but not both; Soviet bayonets or United States most-favored-nation status, but not both; Soviet guns or United States bread, but not both.

CONGRESSIONAL EMPLOYEE COMP TIME BILL

(Mr. MURPHY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY. Mr. Speaker, I rise today to introduce a resolution to apply the comp time provisions of the Fair Labor Standards Act [FLSA] to employees of the House of Representatives.

The FLSA as amended by recent legislation will require all of the Members of this body to pay overtime wages to nonprofessional, nonmanagerial, congressional or committee staff, and other House employees. Understandably, the financial cost of compliance with the overtime provisions in section 7 of the FLSA has become a matter of concern in many Member's offices. The effective date for these new congressional payroll obligations is April 1, the same day that the minimum wage increase goes into effect for employers all over the country.

Mindful of this imminent deadline, I have been studying the statutory and legislative history of the FLSA to see if there is a way to alleviate some of the budgetary burden on my colleagues while preserving essential overtime pay protection for our dedicated employees. As many of the Members of this body may recall, a few years ago we passed legislation to allow State and local governments to provide their employees with compensatory time off in lieu of overtime pay for hours worked in excess of the normal workweek. Our bill was enacted by the House and Senate and signed into law by President Reagan on November 13, 1985, as Public Law

99-150. Many people commonly refer to this act as the "Garcia Law." I believe it is both timely and appropriate for us to extend comp-time coverage to congressional employees.

Comp time is ideally suited for the cyclical work schedule of the House of Representatives. My bill allows our offices the opportunity to provide compensatory time off, in lieu of cash overtime pay for all hours worked in excess of 40 in a workweek. The language of this resolution is identical to certain provisions of section 7(o) of the FLSA which has worked quite well for State and local governments and their employees since the 1985 Garcia amendments. It would work as well and as fair for congressional employees.

An hour and one half of compensatory paid leave at a later date would be banked for every hour of overtime work. Such leave would, of course, have to be in addition to regular annual or sick leave that is customarily provided to employees. Congressional district work periods and adjournment should provide ample opportunity for House employees to make good use of additional time off either with their families or simply to get away from the office.

The original intent of the overtime premium pay requirement in the FLSA was not to give a windfall of additional pay to workers but to reduce excessive hours for all workers by making the excessive hours more expensive for employers. This commendable purpose is still being served today, creating a financial incentive for employers to hire additional workers rather than over working their existing staff. In a properly managed business more workers can mean more profits so any additional costs can be passed on. In public service there are no profits only expenditures funded by the taxes of our constituents. In recent years our budgets have become leaner while our workload has increased. Consequently, the additional cost of overtime pay would be borne not by us as employers but by the people we represent. Since we may have more time than money in the years ahead I think it is prudent that we seek an arrangement that gives essential overtime protection to nonprofessional congressional employees while mitigating the impact of compliance costs on the Federal budget.

Complying with Federal wage and hour laws is a serious obligation for all employers. My resolution will be a positive incentive for all congressional employers to fulfill their statutory obligations. Staff, as well as Members, will benefit from the increased flexibility in dealing with the sometimes extraordinary demands on our time and our patience. Our organization is unique. Our work can be very rewarding and sometimes exasperating. However, it should not be humiliating or exploitive for our staff.

I ask all of you to join with me to promptly approve this measure so that we may have a smooth transition to a new era of statutory labor protections here on Capitol Hill.

ALLOW FULL DEBATE ON FLAG BURNING ACT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to read from papers.)

Mr. GINGRICH. Mr. Speaker, I asked to be allowed to read from papers because I want to read into the record what Senator Dole said yesterday. I think it is very important for Democrats in this House to understand what we are about to do.

Mr. Dole said, quoting from page S 2731 of the Congressional Record:

> George Orwell is alive and well and is apparently working in the Office of the House Legal Counsel. "Slavery is freedom," "war is peace," and now, according to the House Legal Counsel, the phrase "expedited review" means "delayed consideration."
>
> Last week, the House Legal Counsel filed a brief with the Supreme Court, urging the Court to take its time when reviewing the constitutionality of the Flag Protection Act of 1989.

It goes on to say:

> Even worse, the House Legal Counsel informed the Supreme Court that Republican Leader Bob Michel and Republican Whip Newt Gingrich declined to co-sign the brief—which is a pretty remarkable statement since neither knew that the brief even existed until after the brief had been filed with the Supreme Court.

Mr. Michel will presently offer a privileged resolution. I would urge the Democratic leadership not to attempt to cut off debate, but instead to allow this to be fully explained to the House.

□ 1130

RECOGNITION FOR LITHUANIA

(Mr. SARPALIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SARPALIUS. Mr. Speaker, the people of Lithuania are crying out, and they are turning to this country for hope. As they see the Soviet troops begin to build up in their small country, as they see the Soviets demanding their weapons to be turned in, they turn to us for help, not asking for money, they are not asking for us to move our Navy to the Baltic, they are not asking for us to furnish them with tanks or planes, they are only asking for one thing, and that is recognition, recognition as a free and independent country.

So please, Mr. President, listen to their cries of hope for freedom and independence and peace, and give them that recognition that they deserve.

REVIEW OF FLAG BURNING CASE BY THE SUPREME COURT

(Mr. DOUGLAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOUGLAS. Mr. Speaker, the distinguished minority leader is about to offer a privileged resolution, and I want to rise and support it ahead of time and let people know what is going to happen, as our whip just said, because what has happened is an outrage.

This House and the Senate and the President signed a law that said the Supreme Court should expedite to the greatest extent possible the flag case. The Democrats in the House who wrote that brief now want to give flag burners the entire summer to be free to burn flags, because they have asked the Supreme Court not to expedite this case.

It is an outrage to think that a law passed by the U.S. Congress is being negated by a brief filed by the Clerk and the Counsel of this House, and I hope that every Member who comes here when we start to vote makes a decision whether they want to protect the flag and have the Supreme Court decide the case this term, before July, or if they want to wait until after the November election so they can con the American public again.

CLEAN AIR

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Mr. Speaker, like many others, I was disappointed by the clean air compromise which appears to be exiting from the U.S. Senate. A compromise bill is one thing, Mr. Speaker, but this compromise is another one which has been polluted by too many bad decisions.

The House, which usually does the substantive work around here, will apparently have the responsibility to lead on clean air. The Energy and Commerce Committee is debating these issues at markup, and I want to offer my unqualified support to the gentleman from California [Mr. Waxman], for his comprehensive amendment to title I. I hope the full committee will ultimately support his determined effort. If it does not, I believe the House will do so later on the floor.

Salt Lake County, my home district, has special clean air problems which must be addressed. Because of the seriousness of the issue to my constituents, and because of the timeliness of

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the current debate, I am sponsoring a public clean air conference this weekend at the University of Utah in Salt Lake City. Speakers from industry, Federal agencies, public interest groups and government will participate.

No other issue currently before Congress has such significant impact on the health, environment, economic growth and aesthetic beauty of this country. I hope that in a few weeks we will be found adequate to this historic task, and can report to our constituents that Congress has responded to their increasingly serious needs with a tough and effective clean air bill which begins to address this desperate problem.

REVIEW OF THE FLAG PROTECTION ACT STATUTE

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, will history repeat itself? Will the majority party in this Chamber once again vote to gag and stifle a free debate over an important issue of procedure?

Shortly the gentleman from Illinois [Mr. Michel] will offer a privileged resolution relative to the brief that the Clerk of the House filed with the Supreme Court on the Flag Protection Act statute. The House was clear last year in stating that the review in the Supreme Court should take place as soon as possible, and now the Clerk's legal counsel has filed a brief trying to delay and delay this matter until after the November election.

I was quoted out of context in that brief, and I would like to be able to explain to the House and the American public why in more than a minute. I hope that the House will allow the free and full debate on the gentleman from Illiniois' privileged resolution and not do what was done in the House Judiciary Committee last week when by a party line vote a witness was not allowed to present her complete testimony.

Please vote for a complete and fair debate on the resolution to be offered by the gentleman from Illinois [Mr. Michel].

ETHNIC TENSIONS IN ROMANIA

(Mr. ATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ATKINS. Mr. Speaker, last week Rev. Laszlo Tokes, father of the Romanian revolution, stood in the well of this House and offered a prayer for the salvation of his country; he recalled ". . . walls separated Romanians and Hungarians from each other within their own country" but "now all these differences, contradictions and hostilities have begun to disappear." Reverend Tokes was looking forward to a time when the people of Romania would escape the terrible darkness of the Ceausescu years and learn to live again as free people, in harmony and mutual trust.

Events of the past week have tragically shown that Reverend Tokes' vision is yet unfulfilled. Terrible ethnic riots have swept through Transylvania. Three months ago, Hungarians and Romanians stood side by side, as they united to free themselves from the horrors of the Ceausescu regime. Today, those same Hungarians and Romanians have embarked on a path of violence that jeopardizes all that they have achieved.

A true test of the transition from totalitarianism to freedom is tolerance. Romania's challenge is now to overcome the terrible ethnic tensions that are tearing the country apart. If they fail, they are in danger of a resurgence of the totalitarianism they sacrificed so much to conquer.

ENGLISH AS OFFICIAL LANGUAGE

(Mr. EMERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMERSON. Mr. Speaker, the English language amendment which has been proposed in the past is probably one of the most grossly misunderstood pieces of legislation I have seen in my five terms in Congress. I have heard protests from folks who are under the mistaken belief that declaring English as the official language of the United States will put a halt to the teaching of all foreign languages.

This argument is entirely fallacious. In fact, supporters of official English strongly encourage the teaching of foreign languages in our schools. But the emphasis must be on English first. The study of a foreign language can open doors to new and exciting worlds for young students. But if these same students are not proficient in English, the doors of our own country will be closed to them.

I would like to share with you some thoughts on the subject by Yolanda T. De Mola, the coordinator for study abroad and assistant foreign study advisor at Fordham University. Ms. De Mola has written, "With many others whose first language was not English, I am convinced that its mastery is the fastest route out of the ghetto, the best formula for professional and personal success * * * as long as we remain a polyglot society without one common linguistic system to unite us, fear of one another is perpetuated and ethnic prejudices endure."

Fear of one another. Therein lies the root of hatred and prejudice. We need not—indeed, should not—all be alike, but we do need to know and to understand our differences. First and foremost, we need to be able to talk to one another. Let's learn foreign languages, and learn them well. But let us learn English first.

CLEAN AIR

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, clean air is a national challenge. It deserves national attention and a national solution.

Any approach to cleaning up the air we breathe that abandons that premise is flawed, and particularly unfair to the coal mines and the utilities in Midwest States like Illinois which I represent. We have historically dealt with large issues that impact all of us with solutions that ask for some sacrifice for all of us. If we achieve cleaner air by putting thousands of miners out of work and raising electricity rates for Midwestern businesses and residents, it will be a hollow victory.

Cleaning up our coal is a national problem which demands a national solution. This Nation eventually will have to use every ton of high sulfur coal. A few States should not have to bear the entire burden.

Share the burden, share the cost, and share the reward of improving the quality of life for every American.

□ 1140

WE SHOULD NOT DELAY CONSIDERATION UNTIL THE FALL TERM

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, the Republican leader will soon rise on a question of privilege. He should not have to rise.

We spoke clearly last summer when we passed a statute on the flag, when we said that should this matter come before the Supreme Court that the Supreme Court should clear the docket and hear it expeditiously.

Yet, against that statute we had a brief filed supposedly on behalf of the House, in which the Republican leaders were not consulted, that says that now we should delay it until the fall term. This is wrong. You will not deceive the American public. They know better and they will remember in November. Let us hope so, anyway.

ON THE ANNIVERSARY OF THE "EXXON VALDEZ" OILSPILL

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, we are closing in on the anniversary of the *Exxon Valdez* spill, which many consider the worst environmental disaster this country has ever known.

Attorney General Thornburgh has said that the recent indictments in Alaska "throw the book" at Exxon. Unfortunately, it is too thin a book.

Simply put the law hasn't kept up with technology. We live in an age of potential industrial disasters beyond the imagination of our parents. The punishments are minimal.

What the *Exxon* case shows is that there is a hole in the law big enough to drive a tanker through. We need a new law which makes a connection between size of the environmental crime and the size of the punishment.

The Environmental Crimes Act of 1989, which I introduced last year, would make that connection. The act punishes those who knowingly or recklessly commit environmental catastrophes, and forces the guilty company to actually change its dangerous policies.

Finally, on this anniversary, I hope that we will see an end to efforts to reach out-of-court settlements against the wishes of the State of Alaska. Having been victimized once by a terrible accident, they should at least have a say in deciding the proper settlement.

FLAG BURNING SEEMS TO BE LEGAL UNDER THE LAW THAT WE PASSED AND WILL BE FOR SOME MORE MONTHS

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, recently the Democratic leadership field an astounding brief with the Supreme Court. Despite the fact that when we debated the flag law back some months ago and the chairman of the Committee on the Judiciary told us on the floor that the real protection for the flag would be in the fact that we would expeditiously consider any challenge to this law in the courts, the Democratic leadership went to the court with a brief suggesting we ought not expeditiously consider this matter before the Supreme Court.

In essence, what that means is that the flag burning which now seems to be legal under the law that we passed, can continue for several more months and we would do nothing about it.

We should make certain we are expediting consideration of this matter. But it appears as though we are going to not be able to debate the question of that brief here today, and I will tell my colleagues if we move to cut off debate it will be clear that the Democrats wanted to stop the Supreme Court from expediting consideration of the flag and now want to stop the House from debating that action.

BIG BROTHER GOVERNMENT IS ON THE PROWL AGAIN

(Mrs. UNSOELD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. UNSOELD. Mr. Speaker, Big Brother Government is on the prowl again. It used to be that the feet of women were bound or women were sold like chattel, or widows were thrown on the funeral pyres of their husbands.

Now they are coming after women with balls and chains and the threat of jail.

A woman stood up to speak in Guam recently, where the most repressive legislation known to women has just been adopted; she merely told the women of Guam that they could go, they could still go to Hawaii to obtain a legal abortion.

She was arrested.

Mr. Speaker, that most personal decision must not be made by Big Brother Government, must not be made by politicians. That difficult decision must be made by women.

ANOTHER BLACK DAY IN THE ANNALS OF THE HOUSE

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, soon the minority leader of the House will rise to make a preferential motion. That motion presents a couple of issues that need to be thought about before that time.

First is whether the House, when it wrote in the law, meant expedited review, or did not. Anyone who can read will agree that it did.

The second is whether the brief filed by the House Clerk in the name of the House of Representatives has any standing at all because it ignored the Representatives who were put here by 47 percent of the people. Most people would say it does not.

The third point is the most important of all. It is that the distinguished majority leader of the House is likely to make a motion intended to prevent a vote on the minority leader's motion. For me that is a clear and flagrant violation of the precepts of this House.

The founders believed that this House was an arena in which ideas could clash; and in which compromises or winners could rise, and that the people could review those decisions if they wished.

To make a motion to prevent a vote on the minority leader's resolution is, in my judgment, a breach of the founders' intention and expectations for this House.

It will be another black day in the annals of the House and a step backward in the annals of free speech, open debate, and open decisionmaking if that motion were allowed to stand. Let's quash that motion early so the majority leader won't make the mistake again.

THE AMERICAN PEOPLE HAVE MADE IT CLEAR THEY WANT OUR FLAG PROTECTED

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, in light of recent transgressions against the flag, the American people have made it very clear they want our flag protected.

A year ago there was a great debate on how to best protect our flag. The debate was: Should we use a constitutional amendment, or should we use a statute?

Last year the Flag Protection Act of 1989 was passed by this body. I voted against it. I voted against it because I believed the way the statute was written it did more to protect flag-burners than it did to protect the flag.

To this point at least the court seemed to uphold my judgment of the manner in which that bill was written and is now a matter before the Supreme Court.

Now I am told that the Democratic leadership, the people who wrote the statute, have written a brief to the Supreme Court and said, "Please do not expedite your procedures to review these decisions," and have done so on behalf of the leadership of the House.

My leadership on the House on the Republican side did not see the brief, and our leader today is going for a chance to talk about that, and I think it ought to be aired out on behalf of the American people.

WILL THE RULING PARTY IN THE HOUSE ALLOW THE MINORITY TO CONDUCT A FREE, FAIR, AND OPEN DEBATE?

(Mr. SMITH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Vermont. Mr. Speaker, the issue as we stand here today before we begin the business of the House is not the issue of flag-burning, it is not the issue of an expedited brief, but far more than that, which is something my colleague from Minnesota just said. It is a question of whether or not the ruling party in this House will allow the minority party and the leader of that party to conduct a free and fair and open debate on an issue of tremendous importance to all Americans. Right now what we are standing here talking about and warning the American people about is that there will not—may not be that debate. If in fact we can close debate and vote away issues when in fact the minority party believes that a wrong has been done, I take you back to the phrase of de Tocqueville, when he came to this country so long ago and he talked about the protection of the rights of the minority and the "terrible tyranny of the majority" when it ran amok.

I say to my colleagues on the other side: What are you afraid of? I come from Vermont, where we are not afraid to have the debates and let the chips fall where they may, and I hope you will let us do that today.

WE ARE WORKING ON A DOUBLE STANDARD

(Mr. NAGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NAGLE. Mr. Speaker, it seems to me we had the debate just mentioned by the gentleman from Vermont on Monday, and I am again puzzled by the attitude of the minority which spent the entire year praising the majority for our fairness and evenhandedness, for our willingness to take their concerns into consideration.

But it would seem that we are working on a double standard here: As long as the majority meets the wishes of the minority, we will be treated as fair and not subject to denunciation from the floor. But the minute we exercise our will as we should as the majority party, they wish to regurgitate all the kind things they have said about us and consumed on previous occasions.

☐ 1150

I would only remind the minority, distinguished as it is, they cannot have it both ways. They cannot praise this side and praise this side and praise this side, and when one thing does not go their way, denounce this side.

We have been fair and we will continue to be fair.

APPEAL TO MAJORITY LEADER

(Mr. HENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENRY. Mr. Speaker, let me make it very clear, the majority leader and the Speaker are aware of this: I have not supported a constitutional amendment relative to the flag-burning issue. The majority leader is aware of the fact that I worked with him and with the majority, at some risk to myself on my side of the aisle, in trying to expedite the floor consideration of the majority's alternative on this issue. I did so out of the matter of conviction and principle.

Quite frankly, I feel a sense of betrayal at this point that a petition would go to the court asking for a delay without at least the involvement of our side on what was part of a broader, bipartisan approach, as to how the procedure would unfold in this regard. I simply appeal to the majority leader, in a sense of fairness, to honor the concerns of those Members who, in fact, worked with the other side in conjunction with this issue, earlier in this congressional session.

PLEDGE BROKEN CONCERNING DEBATE

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, I may be just a little bit out of breath here because I just heard that we were not going to be able to debate the proposition, that the majority in this House is not willing to have an expedited hearing in the U.S. Supreme Court over the flag-burning issue. I distinctly remember that when we debated the issue in this House, those Members who believed that a statute alone would not solve a problem, were assured that if the courts so held, we would expeditiously get that issue before the U.S. Supreme Court.

I voted against the statute that came before Members, the bill, because I knew that it would require a constitutional amendment. I practiced constitutional law myself in the U.S. Supreme Court.

Therefore, it was a shock to me to hear we were not willing to back up the pledge that had been given to try to get this issue resolved in the U.S. Supreme Court as soon as possible, so that we could then have a debate in this body, whether we want to initiate a constitutional amendment or not. I believe that we ought to do that so that our States can debate the issue and decide for themselves whether or not to amend the Constitution to prohibit flag-burning. I sincerely hope that we will have the opportunity to debate this issue today.

REPUBLICANS RESERVE RIGHT TO PROTEST

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, the gentleman from Iowa seems to be saying to Members that if the majority refrains from committing mayhem on the minorities for 3 months, we should be grateful. Then when the majority turns on the minority and whacks Members down, that we should let it go without comment. I am afraid it does not work that way.

We certainly do not take back the kind words we have said in the past, but we certainly also do not waive our right to protest when the tables are turned on Members.

REQUEST TO DISCHARGE COMMITTEE ON APPROPRIATIONS AND COMMITTEE ON FOREIGN AFFAIRS FROM FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION 471 CORRECTING ENROLLMENT IN DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations and the Committee on Foreign Affairs be discharged from further consideration of the joint resolution (H.J. Res. 471) to make technical changes and correct enrollment errors in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, and to make technical changes in the Foreign Relations Authorization Act, fiscal years 1990 and 1991, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. HOYER). The Chair has been notified preliminarily that the Speaker's guidelines have been met with regard to this request.

Is there objection to the request of the gentleman from Iowa?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from Iowa to explain what he intends to do.

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for yielding, and I recognize the gentleman's position and that he feels very strongly that all new appropriations should be offset by reductions, but I would like to point out the unusual situation we are in: a provision of permanent law which is a holdover from the Vietnam era, provides that the State Department and the USIA cannot spend any of their appropriations without an enacted authorization. Due to a dispute between the administration and Congress last fall, they were not able to get an authorization for fiscal year 1990 enacted before the Congress adjourned, and so as a compromise, the committee waived this section of permanent law but limited the State Department's and USIA's obligations generally to the fiscal year 1989 level. Since that time, an authorization bill has been enacted.

I would like to point out that we were within our 302(b) allocation both for budget authority and outlays for this appropriations bill. We stayed within it, including the increase of $363 million in budget authority and $258 million in outlays that would be involved in the repeal of section 614.

When Hurricane Hugo occurred and the earthquake occurred in California last fall, the Congress used the reductions in budget authority and outlays in the State Department and USIA resulting from section 614 to finance the additional SBA disaster assistance laws without offsets. However, the State Department and USIA need the funds badly that were originally agreed to for fiscal year 1990 and would be made available by repeal of section 614, especially in view of the changes that have taken place in Eastern Europe and the Soviet Union since last fall.

I think this is a special case, and I might say OMB agrees. They recognized that it is a special case that does not require offsets, although they object to not having offsets in any other case where the Congress wants to increase spending for fiscal year 1990. The Committee on Foreign Affairs supports this joint resolution and I bring it up because I believe it is a special case. I would like to have it passed, if it is possible.

At this point in the RECORD I will insert two letters, one from the Office of Management and Budget and the other from the Congressional Budget Office that further discusses this matter:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 13, 1990.

Hon. NEAL SMITH,
Chairman, Subcommittee on Commerce, Justice, State, and the Judiciary, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: This letter concerns the possible repeal of Section 614 of the Commerce, Justice, State Appropriations Bill for FY 1990. I was asked about this when I testified before the House Appropriations Committee on February 7, 1990. Representative Conte inquired about the need for offsets. I responded that I was torn on the issue.

On the one hand, I favored offsets—for all the obvious, conventional reasons. On the other hand, I felt it was unfair to penalize State and USIA for what had been our collective failure to insist on offsets in funding emergency relief for the California earthquake. I said I was about 93 percent of the way toward decision.

After the hearing, I asked my staff to review the programs under the Subcommittee's jurisdiction to see if any legitimate offsets could be found that would not unfairly penalize an innocent party. We discovered that the SBA Disaster loan fund had over $2 billion in available resources and that less than half of that total would be used during FY 1990. We therefore suggested rescinding $475 million of the SBA funds in order to offset the budgetary impact of repealing Section 614. This rescission would have had no impact on the disaster program in FY 1990. It seemed reasonable to propose the offset to maintain the important principle of providing offsets for discretionary supplemental appropriations.

Apparently, the offset that we proposed is not acceptable. In view of this response, I have been asked to consider once again my position on offsets—given that this is an unusual case.

The case is, indeed, unusual. At the time that the first Commerce, Justice, State conference was completed (October 19th), our Subcommittee was within your 302(b) allocation. The House-Senate Conference Report included the higher funding levels for State and USIA that we are now proposing to make available by repealing Section 614. At the time of the conference, you would have had enough room under your 302(b) allocation to repeal Section 614 without going over your limit.

On October 25th, however, Congress passed the second continuing resolution. It included earthquake disaster relief (with $500 million for SBA disaster loans and an increase in the SBA loan limitation to $1.8 billion). During consideration of the second continuing resolution, the House waived any Budget Act points of order that could have been raised as a result of the disaster assistance funding. In the Senate, no Member raised Budget Act points of order. In the interest of providing assistance to the State of California quickly, the Administration supported passage of the resolution.

The additional SBA funding (and the $219 million in associated outlays from increasing the loan limit) is now included in the Budget Committee's scoring of the Subcommittee allocation. It is the reason that you have only $45 million in budget authority and $39 million in outlays remaining in your 302(b) allocation.

Of the four subcommittees that received earthquake disaster funding, yours is the only one that remains under the 302(b) ceilings. The other three, Transportation, VA/HUD, and Treasury/Postal exceed their budget authority limits by a total of over $3.4 billion. This fact lends further credence to the view that your Subcommittee had planned to accommodate funding at the Section 614 repeal levels, only to have the plan overtaken by the disaster bill.

Given that the Congress did not raise the points of order against the second continuing resolution in October, and that that is what caused the current problem, and given the apparent absence of offsets that are both acceptable and fair, I now conclude that it is unfair to insist on the points of order that could be raised against your resolution (H.J. Res. 471) to repeal Section 614 if it is not offset. In reaching this conclusion, however, please let me assure you that I view this as a very special case. The peculiarities of timing involving your original intentions, the subsequent action which triggered the interest in repeal, and the intervening decision on disaster funding apply only to your Subcommittee and the Section 614 limit. I do not view this as precedential. Indeed, I continue to believe in the fundamental importance of offsets and intend routinely to seek them for discretionary supplemental appropriations.

With best regards,

RICHARD G. DARMAN,
Director.

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 14, 1990.

Hon. NEAL SMITH,
Chairman, Subcommittee on Commerce, Justice, State, and Judiciary, Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your committee staff, the Congressional Budget Office has estimated the budgetary effect of repealing section 614 of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162).

Section 614 imposes an obligation limitation on almost all Department of State and United States Information Agency funds included in the act. If section 614 is repealed, we estimate an increase of $363 million in budget authority and $258 million in outlays in fiscal year 1990 above amounts now scored for that year. This estimate is consistent with the technical and economic assumptions used by the Budget Committees in the budget resolution for fiscal year 1990. Also, the scoring effects of repeal are the same—but, opposite in sign—as the amounts scored when section 614 was enacted.

The Administration, however, estimates that the repeal would increase budget authority by $188 million and outlays by $190 million in fiscal year 1990. The estimates for budget authority are different not because the funding levels after repeal are in question (they are stated in the bill) but mainly because different assumptions were used in calculating the budget authority with the section 614 restriction. OMB's base (i.e., its estimate of budget authority with the section 614 restriction) is higher than CBO's scorekeeping estimate. Therefore by arithmetic, the difference between OMB's base and the funding levels stated in the bill is less than the difference derived from CBO's estimate. The estimates for outlays are different because of the difference in the CBO and OMB bases, and also due to different spendout rates.

In a letter to your committee dated February 8, 1990, the Administration proposed to offset the increased budget authority and outlays by rescinding $475 million of unobligated balances in the Small Business Administration's (SBA) Disaster Loan Fund account. For 1990, we have estimated direct loan obligations of $796 million from the Disaster Loan Fund, while the Administration has estimated obligations of $1.8 billion. As a result, the CBO scoring base includes $1.2 billion in fund balances that will not be obligated in 1990, and the rescission of a portion of them would have no 1990 outlay impact. The only effect of such a rescission would be to reduce the unobligated balances in the SBA Disaster Loan Fund.

We would be pleased to provide you or your staff with any additional information about these estimates that would be helpful. The CBO staff contacts are Kent Christensen for section 614 (226-2840) and Doug Criscitello for the SBA Disaster Loan Fund (226-2860).

Sincerely,

ROBERT D. REISCHAUER,
Director.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Kentucky [Mr. ROGERS], the distinguished Republican vice chairman of the subcommittee.

Mr. ROGERS. Mr. Speaker, just to further elucidate that the predicament was not caused by our subcom-

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mittee, and Mr. Darman, that the OMB has written to the chairman on March 13 of this year giving his approval for what the chairman is seeking to do here. Certainly I join the chairman in asking that we approve this repeal because of the peculiar nature of the way the situation arose.

To quote from the letter of Darman, he says in the last paragraph:

> Given that the Congress did not raise the points of order against the second continuing resolution in October.

And that was the disaster resolution, and that is what caused the current problem—

> And given the apparent absence of offsets that are both acceptable and fair, I now conclude that it is unfair to insist on the points of order that could be raised against your resolution—

That is the one before the Members today—

> to repeal section 614 if it is not offset. In reaching this conclusion,

Mr. Darman says—

> however, please let me assure you I view this as a very special case.

And he continues on.

So, the Director of OMB says it would be unfair, under the circumstances, to object to the passage of this repeal. I would hope that we could do just that, repeal section 614, so that State and the USIA will be able to continue what we asked them and hope that they could do.

Mr. FRENZEL. Mr. Speaker, further reserving the right to object, I do not disagree with the statements made by the two distinguished gentlemen who have just completed their statements. Mr. Speaker, I will object to the consideration of House Joint Resolution 471, a bill to repeal section 614 of the Commerce, State, Justice and Related Agencies Appropriations Act for 1990. Section 614 states that funds appropriated for the Department of State for the U.S. Information Agency may be obligated only at the rates provided for in fiscal year 1989 or the levels provided in the Senate-passed appropriations bill for fiscal year 1990—whichever is lower.

This obligation limitation was placed in the appropriations bill because the State Department authorization had not yet been completed and disputes remained between the authorizing committees and the appropriations committees. I have been informed that there was an understanding that once the State Department authorization had been completed, section 614 would be repealed, thereby allowing the higher, appropriated amounts for fiscal year 1990 to govern State Department and USIA operations.

A problem exists from a Budget Committee point of view because the Appropriations Committee has already breached its committee allocation provided in the fiscal year 1990 concurrent budget resolution by $1.7 billion in budget authority and $2.6 billion in outlays. The repeal of section 614 would add an additional $363 billion in budget authority and $258 million in outlays to these overages, in violation of section 302(f)(1) of the Budget Act. Furthermore, the aggregate outlay ceiling contained in the fiscal year 1990 budget resolution has also been breached by $6.2 billion—again, this bill adds another $258 million amount over the aggregate outlay ceiling, thereby violating section 311(a) of the Budget Act.

In terms of the fiscal year 1990 bipartisan budget agreement, this bill would cause the level of budget authority set for the international affairs function to be exceeded by approximately $140 million, but outlays would still be $10 million under the level set in the agreement.

Due to the Budget Act violations created by this legislation, I must oppose its passage. Some will argue that taking out the disaster assistance provided for in the fiscal year 1990 appropriations, the Appropriations Committee is below its budget authority allocation—outlays are, however, still over the committee allocation even with this adjustment. I believe that Congress must take responsibility for all of its actions, even unexpected events, otherwise levels set by a budget resolution become irrelevant. Once budget resolution levels have been reached, new spending must be accommodated by accompanying offsets.

In conclusion, Mr. Speaker, because the budget has been violated, I am obliged to object, and I do so.

The SPEAKER pro tempore. Objection is heard.

Mr. BROOMFIELD. Mr. Speaker, I support this resolution and hope that it will bring the lengthy process of State Department authorization to a close.

I understand that this compromise is essential to completion of the State Department budget process. Let me make clear, however, that I will continue to insist that State Department funds receive authorization from this committee before being spent.

Mr. Chairman, I want to thank you for your efforts on the State Department authorization bill. Your leadership and persistence have protected the committee's role as an authorizer in the budget process. Both Republican and Democrat members of the committee have benefited from your efforts.

☐ 1200

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 471, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Iowa?

There was no objection.

PRIVILEGES OF THE HOUSE—SUPREME COURT REVIEW OF CONSTITUTIONALITY OF STATUTE TO PROTECT THE FLAG

Mr. MICHEL. Mr. Speaker, I rise to a question of the privileges of the House, and I send to the desk a privileged resolution (H. Res. 362) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 362

Whereas, the statute to protect the Flag has been twice found unconstitutional and the question of constitutionality must be resolved by the Supreme Court before the statute can protect the Flag;

Whereas, Congress intended that such Supreme Court review be expedited so that the lapse of time in which the flag goes unprotected would be as brief as possible and the statute states: "The Supreme Court shall, if it has previously not ruled on the question, accept jurisdiction over the appeal and advance on the docket and expedite to the greatest extent possible.";

Whereas, as an example of its intent for expedited review of the Flag statute, the Committee Report cited a similar provision in the Gramm Rudman Hollings law, which resulted in a Supreme Court ruling in less than seven months, and already almost five months have lapsed since the Flag protection statute became law;

Whereas, the Chairman of the Judiciary Committee stated in his floor remarks that expedited review is provided in the statute "so that we will have *immediate* consideration by the Supreme Court" and that such language insures "that we will have *prompt* Supreme court review of the constitutionality of the revised Federal Flag protection law";

Whereas, a brief filed with the Supreme Court on behalf of the House indicates, contrary to this legislative history, that the House did not intend for the Court to expedite its own proceedings, and that the House preferred that the Court wait until next fall to hear arguments on the case;

Whereas, the brief, which states "The Court can, and should, set a briefing schedule that guarantees full consideration, and give the case priority when it devises its argument calendar for *October*", is wholly inconsistent with the plain reading of the statute adopted by the House;

Whereas, the Bipartisan Legal Advisory Group should have, but did not, meet to discuss the brief, as at one time had been the practice regarding legal activities of the House;

Whereas, the integrity of the House suffers when officers or employees of the House misrepresent legal positions by Members as was the case with the Republican Members of the Bipartisan Legal Advisory Group who were not notified of the brief, but are cited in the brief as having declined to support it; and

Whereas, such action involves the conduct of officers and employees of the House, affects the integrity of the proceedings of the House, and affects the protection of the constitutional prerogatives of the House regarding expedited review which is now directly questioned in the courts and thus involves a question of privilege of the House: Therefore be it

Resolved, that the House directs the General Counsel to the Clerk of the House to withdraw the Brief for the Speaker and Leadership Group of the U.S. House of Representatives in Support of Jurisdictional Statements pending a full and proper review by the Bipartisan Legal Advisory Group.

The SPEAKER pro tempore. The Chair wishes to make a statement prior to proceeding further.

Having reviewed the resolution offered by the gentleman from Illinois [Mr. MICHEL], the Chair finds that the resolution does constitute a question of the privileges of the House under rule IX.

MOTION OFFERED BY MR. GEPHARDT

Mr. GEPHARDT. Mr. Speaker, I move to refer the resolution to the Committee on the Judiciary.

PARLIAMENTARY INQUIRIES

Mr. MICHEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. MICHEL. Mr. Speaker, is it not true that under rule XVI if the gentleman from Illinois were to move the previous question at this juncture, it would be a motion of higher privilege than that offered by the distinguished majority leader?

The SPEAKER pro tempore. The minority leader is correct.

Mr. MICHEL. I have a further parliamentary inquiry, Mr. Speaker.

Mr. Speaker, is it not true that if I were to pursue that course and the previous question were adopted, I would be within my rights to demand the 40 minutes of debate equally divided between the two sides?

The SPEAKER pro tempore. The minority leader is again correct.

Mr. MICHEL. I, therefore, move the previous question on the resolution, Mr. Speaker.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. MICHEL) there were—yeas 21, nays 10.

Mr. GEPHARDT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 203, nays 204, not voting 24, as follows:

[Roll No. 37]

YEAS—203

Annunzio
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Campbell (CO)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Cox
Crane
Dannemeyer
Darden
Davis
DeLay
DeWine
Dickinson
Douglas
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (LA)
Hefley
Henry
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Myers
Natcher
Nielson
Oakar
Oxley
Packard
Parker
Parris
Pashayan
Paxon
Perkins
Petri
Porter
Pursell
Quillen
Rahall
Ravenel
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Schneider
Schuette
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wolf
Wylie
Young (AK)
Young (FL)

NAYS—204

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Bruce
Bryant
Byron
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Condit
Conyers
Cooper
Costello
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hoagland
Hoyer
Jacobs
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Moody
Murtha
Nagle
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Pickett
Pickle
Poshard
Price
Rangel
Ray
Richardson
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Torres
Torricelli
Towns
Traxler
Udall
Unsoeld
Valentine
Vento
Volkmer
Walgren
Washington
Waxman
Weiss
Wheat
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—24

Brooks
Browder
Brown (CA)
Bustamante
Collins
Craig
Dorgan (ND)
Dornan (CA)
Flippo
Ireland
Marlenee
Mollohan
Morrison (CT)
Mrazek
Nelson
Penny
Roth
Savage
Schulze
Skeen
Stump
Sundquist
Tanner
Visclosky

☐ 1227

The Clerk announced the following pairs:

On this vote:

Mr. Craig for, with Mr. Brooks against.

Mr. Stump for, with Mr. Nelson of Florida against.

Mr. Marlenee for, with Mr. Brown of California against.

Messrs. SCHEUER, GAYDOS, HALL of Ohio, MARKEY, and WILSON changed their vote from "yea" to "nay."

Messrs. CAMPBELL of Colorado, WHITTAKER, BARNARD, JENKINS, and HUGHES changed their vote from "nay" to "yea."

So the previous question was not ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DORGAN of North Dakota. Mr. Speaker, due to my involvement with pending business with the Ways and Means Committee, I was inadvertently detained and missed rollcall vote No. 37 on the previous question on the Michel motion. The motion sought to withdraw a brief drafted by the counsel for the Clerk of the House in support of the constitutionality of a law which banned the burning of the American flag. Had I not been detained, I would have

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voted "no." My vote would have been cast to keep this law on the books.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

PRIVILEGES OF THE HOUSE—SUPREME COURT REVIEW OF CONSTITUTIONALITY OF STATUTE TO PROTECT THE FLAG

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 1 hour on his motion.

□ 1230

PARLIAMENTARY INQUIRY

Mr. MICHEL. Mr. Speaker, may I propound a parliamentary inquiry?

The SPEAKER pro tempore (Mr. HOYER). The Chair recognizes the minority leader.

Mr. MICHEL. Mr. Speaker, as I indicated in my earlier parliamentary inquiry prior to the vote, if the previous question were to be adopted, I would have demanded the 40-minute rule, which would have given both sides 20 minutes of debate.

My understanding now, the previous question having been defeated, is we are back to square one and the motion of the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader, on referring the resolution to committee. I suspect that the gentleman is then given an hour of debate on his resolution.

The SPEAKER pro tempore. The Chair would advise the distinguished minority leader that he is correct. There will be 20 more minutes of debate than if the House had adopted the notion of the minority leader for the previous question.

The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I yield 30 minutes of my time to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL], for purposes of debate only.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I would be happy for the gentleman from Illinois [Mr. MICHEL] to begin the debate, if that would be the wish of the gentleman.

The SPEAKER pro tempore. The Chair recognizes the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first thank the majority leader for honoring the practice here of yielding one-half of the time to the minority side.

At the heart of this resolution is our concern with the general counsel's communication to the Supreme Court on behalf of the House that the Court should address the flag issue next October. In our view that communication is wholly inconsistent with the plain reading of the statute and what Congress intended.

In our resolution we make mention of those references in the statute specifically. For example, "The Supreme Court shall, if it has previously not ruled on the question, accept jurisdiction over the appeal in advance on the docket and expedite to the greatest extent possible." That is what we said. That is what was adopted.

The chairman of the Judiciary Committee stated in his floor remarks that expedited review is provided in the statute, "so that we will have immediate consideration by the Supreme Court," and that such language ensures, "that we will have prompt Supreme Court review of the constitutionality of the revised Federal flag protection law."

Now, this incident indicates to me that there has been a breakdown I guess in the institutional machinery whereby Members are informed and made part of the prefiling process.

We have to rebuild that. I have talked to the Speaker this morning about it on the phone when discussing what I felt I had to do today by way of introducing the resolution and bringing it to the attention of the House so that what has been an error can be corrected.

Now, the minority whip, the distinguished gentleman from Georgia [Mr. GINGRICH], and I were not informed, and there is no question that unwarranted assumptions were drawn in the brief about our respective views. There is no question but that I had made it quite clear in earlier conversations about my being opposed, obviously, to petitioning the Court, because I voted against the statute.

But that is not cause enough for the kind of communication dispatched to the Court when I was not told the specific language of how our views were going to be communicated to the Court. That is where I run afoul of our general counsel.

Mr. Speaker, what we have here is not simply an isolated case of poor communication. Unfortunately, it is a part of a pattern in which the filing of such briefs has become the prerogative of the Legal Counsel's Office with insufficient consultation with all the members of the bipartisan legal advisory group.

In such sensitive matters as this, the Legal Counsel's Office cannot simply assume to know or to guess at the intention or views of Members. This is particularly important in a matter dealing with sensitive questions such as the definition of expedited procedure.

This is not just a case of minority rights and sensitivities being ignored, although that certainly plays a role here. More importantly, it is a case where the reputation of the House as a fair, open and deliberative body is publicly damaged. The brief as filed ought to be returned to the House, where we can treat the questions involved with dignity, sense of comity, and institutional seriousness they most certainly deserve.

Those are the points I wanted to make here very briefly, my colleagues. I know earlier on I thanked my colleagues for their contribution to this, thinking there would not be any time to discuss it whatsoever, and opening up the whole question of the validity of the statute and all the rest, when frankly the core of my argument today is one of improving the institutional integrity of this body by making absolutely certain that on matters of this kind there is the kind of consultation that we have come to recognize as being a part of our deliberations on sensitive matters of this kind.

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members of the House, I would like it if the House would indulge me to give a version of the facts of what transpired here which I think support the idea that this motion should be referred to the committee.

Mr. Speaker, I have great respect for our minority leader. I know that he is acting in good faith and believes that the procedure here was not perfect or what the gentleman would have liked it to have been.

We have had a close and good working relationship on all matters and on the matters of how the House will be represented, and I expect and believe that that relationship will continue.

In this case, when the counsel talked to the leadership that forms this committee between the leadership about this brief debate at the district court level, the counsel was informed by the distinguished minority leader and the distinguished minority whip that they declined to take part in the brief or in the argument on behalf of the statute. Clearly that is their prerogative.

In the Supreme Court brief which has been filed there is a footnote, as there was a footnote in the argument to the district court, that said this:

> For the purposes of this brief the leadership group joining the Speaker consists of Majority Leader Richard Gephardt and Majority Whip William Gray.

Then it goes on to say:

> Republican Leader Robert Michel and Republican Whip Newt Gingrich declined to join in this brief.

UMI

It was assumed by the counsel that that would remain the position. Perhaps there should have been another meeting. Perhaps there should have been for this purpose another communication. But the assumption was made that since they did not want to be part of the moving party on behalf of the House and on behalf of the statute at that level, that that position would continue.

So that people understand here the expedited procedure, we are operating in the Supreme Court under an expedited procedure. It is not as I understand it the case that in an expedited procedure you have necessarily a briefing procedure which is also expedited or different than a normal briefing procedure. In a normal briefing procedure one side brings down their brief and then there is about a 20-day period in which the other side can bring their brief.

What our counsel is simply asking the Supreme Court to do is to allow that normal 20-day period. Now, the question is why are they asking for the 20 days? The reason they are asking for the 20 days is that they want to argue this case from a unique viewpoint because it is a unique case. They feel that it deserves a historical analysis that cannot be easily done on the very day that the opposing briefs are filed, which could be done, uniquely sometimes is done, but their feeling is should not be done in this case. And the reason for that, quite simply, is they want the best possible opportunity for the statute to be upheld.

□ 1240

Let us go back to the basics of what this is all about. The House decided by an overwhelming vote last year that we wanted to try to solve this problem of flag burning by the passage of a statute. We continue to hope and believe that the Court will uphold that statute and, in fact, after the original Supreme Court case saying that you could burn flags in this country, which we have tried to overcome, there was an Eighth Circuit case that took an opposite view. So it may be that we can win this case. We believe we can.

One other thing I would like to note. The only thing that exists in the law today, that keeps people from burning flags, is this statute. I believe that if the statute is ruled unconstitutional that this House and the Senate will move to promulgate a constitutional amendment, because I think the people of the country want the flag to be protected. But that will take time. It has to be ratified by the States. I realize that could happen quickly, but right now the best thing that stands between us and the burning of flags is this statute, and we should give it its best chance to be upheld by the Court. We all want it, I think, to be upheld by the Court. There is a great deal of unanimity about that. Why in the world would we not want the best possible brief to be on the books to be in front of the Court so that we would have the best possible chance of winning this argument?

The final point is this: While I can understand the concern on the other side and the feeling that there was not the fullest and best type of communication, I want to assure all of the Members of the house that on the part of this Member, and I am sure I speak for the Speaker, and I am sure I speak for the majority whip, there was absolutely no intention of delaying this case or trying to see that it was held over to the October term. I am told that that may be what happens, but I am also told that the Court could, if it wanted to, and it may, because this is an expedited procedure, not hold this over this summer and go ahead and decide the case.

There is no motivation, absolutely none on this side to delay, to try to put this off, to try to see that it can be moved beyond the November period. We want the case decided, but we want the best possible chance of getting the Court to uphold this statute. We think that is in the best interests of this House, and the best interests of this country.

So we would respectfully ask that the Members vote to refer this to the committee. The Chairman of the subcommittee that is involved will make his own statement about how this motion will be handled, and the hearings that might be held. We think it is a reasonable way to handle this, and again to give us the best possible opportunity to convince the Supreme Court to uphold the statute we passed, which we think is the fastest and the most effective way to protect the American flag.

The SPEAKER pro tempore (Mr. Hoyer). The gentleman from Missouri [Mr. Gephardt] has consumed 8 minutes, and the gentleman from Illinois [Mr. Michel] has consumed 5 minutes.

Mr. MICHEL. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. Walker].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the majority leader just said there was no intention on the part of this brief to have this case laid over to October. Let me quote from the brief.

The brief says:

> The Court can and should set a briefing schedule that guarantees full consideration and give the case priority when it devises its argument calendar for October.

Not for sometime this spring, not for sometime this summer, for October.

So I would want to make clear on the Record that the intention of the brief was to make certain that the expedited procedures were held over till at least October.

Mr. MICHEL. Mr. Speaker, I appreciate the contribution of the gentleman from Pennsylvania. That was one of the things that struck us in reading the brief and caused part of the concern.

Mr. Speaker, I am happy to yield 5 minutes to the distinguished gentleman from Wisconsin [Mr. Sensenbrenner].

Mr. SENSENBRENNER. Mr. Speaker, I thank the gentleman from Illinois for yielding me the 5 minutes. I do not want to publicly disagree with the majority leader, Mr. Gephardt, on this issue, but I believe that the point the gentleman from Pennsylvania made on what the brief says ought to be emphasized and reemphasized.

It says in the beginning of the brief that:

> For purposes of this brief, the leadership group joining the Speaker consists of majority leader Richard A. Gephardt and majority whip William Gray, III.

And the next to the last sentence says that:

> The Court should give priority consideration to this case when it devises its argument calendar for October.

That goes clearly against the plain text of the statute that was passed by the House and Senate and which was allowed to become law without the President's signature when the 10-day period expired. So the brief that the majority leadership has signed on goes contrary to the clear intent of Congress and the plain wording of the statute as well as the statements that were made by the chairman of the Judiciary Committee, the gentleman from Texas [Mr. Brooks] during the floor debate in determining what the legislative intent would be.

I would like to address my remarks specifically to the motion of the gentleman from Missouri [Mr. Gephardt] to refer this matter to the Judiciary Committee. The Judiciary Committee, as we all know, is Brooks' domain. We have not had a full Judiciary Committee meeting since October. I do not know of any full Judiciary Committee meeting that is currently scheduled, whether it is for next week of otherwise.

The gentleman from Missouri [Mr. Gephardt] has said in the course of his remarks that the matter will be referred to the subcommittee headed by the gentleman from California [Mr. Edwards], on which I serve as the ranking Republican member. This is nothing but a move to delay the consideration of whether the brief accurately stated what the House said or whether it did not, and meantime the Court is going to determine the question before it, and that is whether to have an expedited briefing schedule with the simultaneous submission of

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briefs before the Congress can act on speaking its mind on this resolution.

The motion to refer to the Judiciary Committee is purely and simply a move to delay. Already two Federal district courts have declared the Flag Protection Act of 1989 unconstitutional. There is no Federal statute until the Supreme Court reverses those two district court determinations, and the longer this House delays and tries to muddle up the procedure in the Supreme Court, the longer the flag goes unprotected.

So when I vote on the motion pending before the House at the present time, is it going to leave that flag unprotected for a longer period of time, maybe all summer, maybe till after the election? A no vote will cause the Clerk of the House to withdraw the brief, which is very clearly inaccurate, from the plain English language in his wording matched up against the statute, and allow the Court to do what the House said, and that is to give this case the highest priority possible, so we will know before we break for the election, and before the Court breaks for the summer whether or not we have to pass a constitutional amendment and send that matter to the States for their hopeful speedy ratification.

Please defeat the Gephardt motion to delay and refer to committee. Please adopt the Michel resolution, and let us stand up for the integrity of the House in the briefings that we filed before a coordinate branch of government.

I thank the gentleman from Illinois for giving me this time.

Mr. GEPHARDT. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. EDWARDS].

□ 1250

Mr. EDWARDS of California. I thank the majority leader for giving me this time.

I would first like to suggest that the gentleman from Wisconsin [Mr. SENSENBRENNER] ought to check his law books. The statute passed overwhelmingly by the House of Representatives and which it is the House of Representatives' obligation to defend before the Supreme Court is still in existence, still working.

If someone burns the flag, except perhaps in a couple of districts in the State of Washington and in the District of Columbia, the law is very much in effect. One district judge or two district judges cannot speak for the entire country.

So what we intended when we passed the law so that we would not have to face at this time the enormously dangerous prospect of amending for the first time in our history the Bill of Rights, that is what we are talking about. And that is why we passed a statute with only 43 Members voting against it. Only 43.

Most of the Republicans voted for that statute, and now the Republicans, our friends in the minority, want us to rush to judgment, to give the Supreme Court, to give the lawyers who are defending mightily this statute for the House of Representatives and indeed for the people of the United States 15 or 16 days to prepare their briefs. What an enormous responsibility. And that is superexpediting this issue.

Who started this? Who started this expediting? The Solicitor General of the United States.

The Solicitor General, in essence, is not in favor of the statute. The defenses put up so far by the various U.S. attorneys, Republican U.S. attorneys throughout the country, are not very effective; 15 days, 16 days, 20 days, whatever it is, I think it is to April 26, is certainly not enough time. And I might say the attorneys for the flag-burner Johnston—is that what his name is—they do not want this ridiculous superexpedited treatment requested by the Solicitor General.

So let us lay the facts out. We did not insist on slowing the process down.

What happened is the process was working very well. The statute requires expedited treatment, and that is what was going on until the Solicitor General jumped in and asked for superexpedited consideration.

Lastly, Mr. Speaker, in the event this matter is referred to the Committee on the Judiciary and in the event the chairman, Mr. BROOKS, in his wisdom assigns it to the subcommittee I chair, I assure the Members it will receive fair treatment with all sides being heard. We held hearings on the statute before. We did not have one single complaint from anybody on this side or this side, that everybody was not heard and not treated fairly.

Mr. Speaker, I urge approval of the majority leader's motion.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. I thank the gentleman for yielding.

Mr. Speaker, there have been two points made by the gentleman from California to which I would like to respond.

The first is that the law is still in effect in those States in which a district court has not ruled. While that is technically true, all lawyers and judges understand that by virtue of precedent which is used by the courts in this country to determine what to do in hard cases, the district courts around this country will use the precedent of the other two courts, probably, to also find the statute unconstitutional in their district.

In addition to that, the law enforcement officers are going to be less willing to enforce this statute when it is pending in the Supreme Court and at least two district courts have found it to be unconstitutional.

So it is not correct, I think, to argue that the existence of the statute protects the flag in the other States of the Union.

Second, to the point that 15 or 20 days is not a long time and therefore it does not really matter, I would refer again to the point that the gentleman from Pennsylvania and Mr. SENSENBRENNER just a moment ago both made, and that is that we are not talking here about 15 or 20 days. What we are talking about is withdrawing a brief which explicitly says, and I quote:

> The court can and should set a briefing schedule that guarantees full consideration and give the case priority.

When? When it devises its calendar for October.

So we are not talking about 15 or 20 days. We are talking about a brief that specifically argues that the case should not be considered until October.

Now if we were just talking about 20 days, I would say that I probably have heard and read more articulation, some would say pontification, by lawyers and judges and other experts, law professors, on this subject than on about just anything else in recent memory, and because the case has been fully briefed before, I do not think it is a matter of lawyers needing more time to find the arguments to make in this particular case. So I do not think we can realistically say that there is some reason why we have to have this additional time.

But certainly since the brief itself argues for going forward in October, it seems clear that the question is very simple: Do we want to stand here for a decision as soon as possible so as to be able to protect the flag; or do we want to stand, in effect, on legal technicalities to argue to our constituents that we are willing to take a chance that the flag will not be protected, that some courts might still find it constitutional, notwithstanding the other decisions against it and notwithstanding the fact that it is pending in the Supreme Court? I do not want to have to argue that point to my constituents because as a lawyer I think I know what is going to happen. And that is the statute is not going to be enforced.

So I believe that resolution should be defeated, that we should withdraw the brief and we should expedite this matter in the Supreme Court as much as possible.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, let me focus in on what has obviously become the debate, which is the line on page 14 of the brief where the counsel says:

> The court can and should set a briefing schedule that guarantees full consideration and give the case priority when it devises its argument calendar for October.

Now why is that in that brief? Well, it is simply in that brief because it is following the orthodox method that we use to allow the Supreme Court to set its own schedule.

If we file a brief and we allow the regular period of time to expire, the Court will be in recess during the summer and therefore what we are asking the Court to do is to put it as the priority in the October session as they come back. That is exactly what we did with the Sentencing Commission. When those were filed in the spring of that year, the briefs were done during the spring and summer, and we asked the Court to take it up, and they did in October.

The point of this is that we are not following an unorthodox or unusual procedure. What we are saying is the Supreme Court should follow the expedited procedure. As all of us who voted for this statute originally remember, there were no specifics in the statute because, as in previous statutes such as Gramm-Rudman and others that we have used expedited review, we did not specifically mention how they should review it.

Now in the Supreme Court, when expedited review is done, they follow a procedure to have briefs and cross briefs and replies, and the question is: If we allowed the district court to follow that procedure, is it not proper that the Supreme Court should follow that same procedure? The answer is "Yes." The Supreme Court should be given the opportunity to follow that same procedure.

Now since the statute did not indicate that the rules of the Court were to be waived, the only prior example that the Court has is Gramm-Rudman and, secondly, the Sentencing Commission. And as I pointed out, with the Sentencing Commission they took the briefs during the spring and summer, they moved it to early consideration in October, and that is exactly what our counsel asked.

Let me conclude by saying that it is regrettable that we are here today. This is too important of a matter that is disserved with the political tone that it is getting. This issue more than any other issue that we have dealt with in this 101st Congress is one that deserves full debate and full review and full briefing so that when the Court finally makes the decision all parties are satisfied that their side was heard.

That is what this brief is all about. That is what the counsel filed in behalf of, that is why the counsel filed it only on behalf of the leadership and the Democratic Party because those in the Republican Party said they did not want to be part of that brief. And we are trying to uphold that law and statute which the Court has before us.

□ 1300

Mr. MICHEL. Mr. Speaker, I yield 7 minutes to the gentleman from New Hampshire [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I want to go back just a little bit into history as to what happened, because we have heard from the gentleman from California [Mr. EDWARDS] about how the committee had full and fair discussion of this issue. That is true. We had good discussion from witnesses who testified. What we did not have, and I participated, was the chance to take up the constitutional amendment. Everything that has happened since last summer in that committee has been a sham and joke. They got an "F" when they wrote that statute, and they are going to get an "F" on the briefs.

The reason is very simple. They know, despite all the rhetoric, that they cannot write a statute to overturn the Texas versus Johnson decision. They said, "Look, let us try, and the deal we will make is to those who support the amendment such as me is this: We will expedite this case."

I refer to page 10 of the committee report, and it says:

> In order to achieve prompt Supreme Court review of the constitutionality, the bill includes a provision for expedited review. The procedure is similar to the provisions included in the Gramm-Rudman-Hollings law.

So the committee said to the American people:

> Let us try this statute, and we are going to give you the same speedy review, we are using the same language as in Gramm-Rudman.

What was the period of time for Gramm-Rudman? Seven months from start to finish in the Supreme Court.

The gentleman from Texas [Mr. BROOKS] stood on the floor of the House and said on September 12, 1989. "I think it will be held constitutional. To provide that it has immediate consideration by the Supreme Court, we have provided in this bill the following provision." "Immediate," the chairman said. He wants it "immediately."

The law itself is clear, and it has been quoted. It is fairly simple. "This Supreme Court will advance on the docket and expedite to the greatest extent possible."

Now, I was a judge on a supreme court for 8 years, and if some lawyer said to me, "Your Honor, the statute says 'expedite to the greatest extent possible' "—I cannot think of any way to say it faster. That is fast.

The chairman says "immediate," but the House brief—now there is a work of art. All that meant, and I am quoting from page 12 that the gentleman from Oklahoma [Mr. SYNAR] did not quote from, where it says;

> Congress intended that clause to avoid delays of an order of magnitude greater than those of a regular briefing period.

Now, that is phenomenal. "Expedite to the greatest extent possible" means avoid a delay. Normal delays are all right, but if it is any longer than that, that is what we mean to expedite to the greatest extent possible.

Now, come on. It is very hard to say that with a straight face. It is amazing that someone wrote it and put it in a brief on behalf of a House that very specifically said the point of the exercise is that we are willing to try this sham, we are willing to do it. I voted against the sham, but they wanted to try it. However, what is terrifying them is July 4. They know the Supreme Court goes out in June, and something might happen before the Fourth of July or the anniversary of that opinion.

The Justice Department, unfortunately, had to end up defինding the House statute. They had to say:

> We oppose what the House is doing, and the reason we oppose it is what the House said in the statute namely, to 'expedite to the greatest extent possible.'

This is an exercise in sophistry. It is a humiliation to the House to think that its own lawyer would try to say to the Court that all we mean is to not delay it more than the normal routine, and that that is what "expedite to the greatest extent possible" means. That is what the reference to Gramm-Rudman means. We will all have a chance, very soon, to vote on that constitutional amendment, because next Wednesday I am filing my discharge petition, right here, and I am placing everyone in this House on notice that I will not be bound by the rule that says hypocrites can hide by not having anyone know if they signed that petition.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. WASHINGTON].

Mr. WASHINGTON. Mr. Speaker, the problem that I have with the discussion so far is I have failed to hear anyone articulate why it is necessary that there be some resolution before the November elections.

What is the connection, logically, if there is one, between the elections being held in November, and the flag? The flag does not belong to the election process. In fact, to politicize the flag, to me, is as bad as to burn the flag. It seems to me that we desecrate the flag in a number of ways, and burning is only one of them. For politicians to use the flag as a cheap means of glorifying themselves, and that is as much a desecration of the flag as anything else.

What has the November election to do with this flag-burning amendment and with the Flag Protection Act? I suggest nothing, except someone

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wants to use it for political purposes in the November election. That, to me, is desecration of the flag. We set a poor example for the people in this country when we politicize the flag. The flag is not the subject of politicalization in my opinion. The flag is something that we should revere in this country. The flag is something we should protect. The flag is something that we defend in many parts of the globe and on many occasions. However, to put this pressure on, and I do not think anyone is fooled by this, and I would like to have someone come up here and articulate it.

I heard the distinguished minority leader in his opening remarks use October and a slip of his tongue, November. November is when we have the election, Mr. Minority Leader, not when the Supreme Court meets. The Supreme Court meets in October. The election is held in November.

The people of this country ought to make that decision free and unfettered by how we feel about the flag. It seems to me that when they decide about the candidates and which elections they would like to have elected, but it seems to me that much is being said today that has absolutely nothing to do with the flag but who gets elected to what office and when. I think the people of this country are tired of that, and I think they ought to show that to the people of both parties when the elections come in November. We ought to do what we can for the flag. We ought to do what we can for the flag, but without partisan politics, because that is the cheapest trick of all.

Mr. MICHEL. Mr. Speaker, I yield myself 1 minute.

I would like only to respond to the distinguished gentleman from Texas [Mr. Washington], to remind him that when the distinguished gentleman from Mississippi and I joined in a constitutional amendment as the means by which we thought this issue ought to be dealt with, it was all done on a bipartisan basis. Everything we did had to do with keeping it a nonpartisan kind of issue.

I would never have talked about the merits or demerits of the flag during the course of this resolution I have introduced today, other than the fact that it opened some kind of flap about the possibility of limiting debate here, because all I was concerned about was the institutional problem that we had in not having the kinds of consultation with the minority that I thought we were deserving of having, and that they be on specific instances when there are these different communications submitted as this case, through the Supreme Court.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. Henry].

Mr. HENRY. Mr. Speaker, I appreciate the minority leader yielding time to me.

Let me simply say this to the majority: I have supported your position on the flag issue. I personally have never supported an amendment to the Constitution on the flag-burning issue, and at the request of the majority leader and the Speaker, I joined with Members in standing up to what I personally, as an individual, felt was yet a needless and reckless politicizing of the issue.

I will say it, I said it then, I will say it again, but to try to duck the issue in the way which has been done today, and to betray a trust that was part of the agreement when we voted on this procedure last year is nothing more than trying to carve out profiles in Jell-O. Jell-O. Members talk about having courage to defend the Bill of Rights. I will get down here and defend the Bill of Rights and defend it in my district before the election. However, do not doublecross the minority and do not use high-faluting language about trying to preserve the Constitution when Members are busy involved in inconsistent legislative arrangements here that really betray a trust that was granted to the minority as part of a bipartisan agreement on the procedure itself, which becomes part and sum of the substance.

□ 1310

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Hoyer). The Chair wishes to admonish the Members, as the Chair is sure all the Members know, that it is contrary to the rules to characterize the motives of another Member. Let us caution ourselves to follow the rules and conduct the debate, which is an important debate, in the fashion as required by the rules.

The Chair recognizes the majority leader.

Mr. GEPHARDT. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. Kastenmeier].

Mr. KASTENMEIER. Mr. Speaker, I thank the majority leader for yielding this time to me.

Mr. Speaker, I think we need not debate the question of politicizing this issue. I am quite content, let me say in response to my friend, the gentleman from Michigan, that I believe the American public can determine who politicized this issue.

But the question really is the brief itself, and I think this is much ado about nothing. I think the majority counsel, the counsel for the House, honestly felt in terms of the time sequence that the Court could not entertain this matter until the October session. But that is for the court to determine, and whether "for October" needed to be part of the brief is problematical. The fact is that we do need to have a brief. There are people who support the statute. The House of Representatives supported that statute, and as a matter of fact, we need representation in the Supreme Court, and that brief represents that position.

I am sorry that there are so many people or so many Members apparently who are now unhappy with the statute that we voted for. I would think at this late hour the least we could do is try to defend that statute, to uphold it and thereby uphold the flag.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield for one moment?

Mr. KASTENMEIER. I yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to make the point that I think in a Freudian slip the gentleman stated precisely our concern when he said it was the majority counsel. The counsel to the Clerk is the counsel to the House, and there is a procedure for involving all of the House through the leadership committee. That is our point. And, by the way, we have been through this routinely in the past. We would normally have declined, but we would have known what was going to happen. So I would ask the gentleman to reconsider. This is not the majority counsel; this is the Clerk's counsel for the House.

Mr. Speaker, I thank the gentleman for yielding.

Mr. KASTENMEIER. Mr. Speaker, I thank the gentleman from Georgia.

Mr. Speaker, it may have been a procedural slip, but it was not a Freudian slip on the part of the gentleman from Wisconsin. But whoever is responsible for it, we need a brief represented before the Supreme Court.

The position of the minority is to withdraw the brief, and that has to be rejected here by agreeing to the motion offered by the majority leader, the gentleman from Missouri [Mr. Gephardt].

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. The Chair would again caution visitors in the galleries that expressions of support, of pleasure, or of displeasure are against the rules of the House, and the Chair would request our guests to refrain from any such expressions.

Mr. MICHEL. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. Dannemeyer].

Mr. DANNEMEYER. Mr. Speaker, let me say to the Members that I notice that the brief, in terms of the legal counsel that submitted it, was submitted by Steven Ross, general counsel to the Clerk, and I note this brief is filed in its terms on behalf of one of the Members on the floor, our majority leader, the gentleman from Missouri [Mr. Gephardt].

Would the gentleman be kind enough to listen to a question by me?

Mr. GEPHARDT. Surely.

Mr. DANNEMEYER. Mr. Speaker, would the gentleman please explain to the Members how the legal counsel to the Clerk of the House functions? On whose behalf does this lawyer speak when he speaks on behalf of the Clerk of the House?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will yield, as I get it, his task is to represent the views of the House in this legal proceeding on behalf of the Clerk. He is directly assigned to the Clerk.

Mr. DANNEMEYER. Is there a proceeding or a committee of the House that meets to advise legal counsel as to what position to take on behalf of the House?

Mr. GEPHARDT. There are frequent meetings of the joint leadership with the legal counsel, and matters are discussed as to the position of the House on various different subjects.

Mr. DANNEMEYER. Mr. Speaker, I have been told there is a legal committee consisting of five Members that serve in the House to give advice and direction to the Clerk and to legal counsel for the Clerk; is that correct?

Mr. GEPHARDT. The gentleman is correct.

Mr. DANNEMEYER. Are there Members of the minority on that legal committee?

Mr. GEPHARDT. There are.

Mr. DANNEMEYER. And in the proceeding that produced this brief, were the Members of the minority asked with respect to whether or not they took a position on the filing of this brief?

Mr. GEPHARDT. As I understand it, the Members—and in some cases it may have been their staffs—were asked prior to the pleadings being filed in the district court.

Mr. DANNEMEYER. Mr. Speaker, let me say to the gentleman from Missouri [Mr. GEPHARDT] that I am talking about this brief that was dated March 15, 1990.

Mr. GEPHARDT. To the Supreme Court?

Mr. DANNEMEYER. Yes. That is prior to the filing of this latest document I hold in my hand.

Mr. GEPHARDT. Mr. Speaker, the counsel assumed—and I mentioned this in my statement—that the position taken at the time the district court pleadings were filed was the position of the Republican members of that committee throughout the litigation.

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague for his response, and I think that makes my very point. We have in existence in the House a legal committee that is in business for the purpose of considering what actions shall be taken on behalf of the House, and if I heard what the majority leader said, in this instance for reasons that are not entirely clear, the legal committee that is in business and in existence was not asked, at least insofar as a member of the minority on the committee is concerned. I think that was an error of judgment on his part. I am willing to concede that it was innocent, but I think the way to correct that error of judgment is not to refer this matter to the committee but to let the House take it up today.

Mr. GEPHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I rise as the chairman of the Committee on the Judiciary to clarify some issues that have been raised surrounding the Flag Protection Act, the provision for expedited review by the Supreme Court of that act, and the legal brief which has been filed in defense of that act on behalf of the House. As the Members undoubtedly are aware, during consideration of the act by the committee, the House, and the Congress last year, a provision was added to respond to the concerns of a number of witnesses—including former Federal judge Robert Bork—over the delay and uncertainty that might result from protracted litigation to determine the constitutionality of the act.

The so-called expedited review provision of Public Law 101-131 provides for an appeal to be taken directly to the Supreme Court of the United States from a district court ruling on the constitutionality of the act. It also requires that the Supreme Court accept jurisdiction over the appeal and "advance on the docket and expedite to the greatest extent possible." This process, in fact, is exactly what has taken place. The case has been moved expeditiously to the Supreme Court, by passing what would have been a lengthy process of review at the appellate level.

To read into this provision a mandate that the Supreme Court bypass due process considerations at the Supreme Court level is, in my mind, a misreading of the intent of the committee and the Congress in enacting the expedited review provision.

Nowhere, either explicitly or implicitly, does the act mandate that the Supreme Court foreclose the standard and valuable process of permitting opportunity for the filing and cross-filing of briefs on this matter. Nor do I believe this was the intent of the committee. I would note that the issues at hand touch on basic questions of constitutionality. There is little to be gained, and much to be lost, by bypassing due process at this stage of judicial consideration.

As to the question of whether or not the House brief misrepresents the position of the minority leadership, I believe that the minority leadership has made it clear consistently through this process that it was not inclined to participate in defending the constitutionality of the Flag Protection Act—notwithstanding the fact that an overwhelming number of the Republican Members of the House voted for its enactment. As such, I do not believe that the House brief unfairly or inaccurately portrays the position of the minority leadership.

□ 1320

The SPEAKER pro tempore (Mr. HOYER). The gentleman from Illinois [Mr. MICHEL] has 6 minutes remaining and the gentleman from Missouri [Mr. GEPHARDT] has 3 minutes remaining.

Mr. MICHEL. Mr. Speaker, I would just like to make one quick comment.

The price of those big bulk of Republican votes was the assurance in the State that there would be an expedited procedure to the court. That is what brought the votes, and that is the bone of contention.

Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Speaker, the flag—and the Constitution it represents—does not fly proudly today.

As it stands, free speech to the Federal district courts includes burning the flag—and free speech to the general counsel apparently includes delaying review of those decisions by the Supreme Court.

Last year, Congress passed a law to protect the flag. We passed the law because we were assured it was enough, that a constitutional amendment was not needed.

It now appears that a law is not enough to protect the flag when the general counsel can disregard the intent of Congress by asking the Supreme Court to delay an expedited review of the lower court rulings.

The general counsel's brief specifically refers to having this case scheduled for the Court's October Calendar, which puts any Supreme Court decision beyond the wishes of the voters this November.

The Supreme Court must review these lower court decisions.

This Congress must know whether we need a constitutional amendment to protect the flag.

The flag—and those who have died to preserve it—deserve no less.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL], the majority leader, has 5 minutes remaining, not 3. Each party now has 5 minutes remaining.

Mr. MICHEL. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, when I started in law school, longer ago than I care to remember, I remember my first professor saying that a lawyer has to be plausible in support of groundless motions, and I must say this is a groundless argument being

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MR 20—29
1990
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made by the majority party here today, and they are not even being plausible.

First of all, Mr. Speaker, the brief that was filed was filed on behalf of the Democratic leadership, and, although it was filed by counsel who says he is counsel for the House, the Republicans had no look at that brief. It was not submitted to them, even though the brief says they declined to participate.

Mr. Speaker, I say to my colleagues, "You can't decline unless you're offered a look at the brief," so that was not done.

Second, counsel for the Democratic leadership presumes to suggest to the court when this should be heard, even though the language, the plain English language, which I do not think anybody could have any trouble understanding, says, "Expedite to the greatest extent possible."

However, Mr. Speaker, counsel for the Democrats says, "Suggest that be October."

I would suggest again that that be left to the court to decide, when the greatest extent possible for expedition is attained.

Now, Mr. Speaker, the gentleman from Texas [Mr. BROOKS] talked about politicizing the flag. Many of us voted for this statutory remedy to burning the flag on the premise that the language meant what it said, that a constitutional evaluation of this statute would be expedited to the Supreme Court, and based on that we did not press for a constitutional amendment at that time. Now two judges have found it unconstitutional.

Mr. Speaker, all we ask for is what the statute itself says, and I find it incredible that the English language does not mean what plainly the words mean. It reminds me of stepping through the looking glass.

Mr. MICHEL. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from Georgia [Mr. GINGRICH].

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is recognized for 3 minutes.

Mr. GINGRICH. Mr. Speaker, I appreciate very much the gentleman from Illinois [Mr. MICHEL] recognizing me, and I appreciate the fact that he took to the floor with this point of personal privilege.

Mr. Speaker, I think there are two questions at issue in this question of personal privilege or privileges of the House rather. The first is the question of procedure in the House, and in the last few minutes after the gentleman from Oklahoma [Mr. SYNAR] spoke, I met with him and with counsel for the Clerk, and I think we have reached an agreement that counsel for the Clerk in fact made a mistake, that it was the wrong procedure, that we were not asked whether or not we declined on this brief, that on this brief it is clear that neither the gentleman from Illinois [Mr. MICHEL], nor myself, were involved and that that was an error.

However, Mr. Speaker, there is a larger issue at stake. What would we have done? It is not just a question of our egos or our personalities. Had we been approached with a brief which suggested that the Court wait until October, we would have asked for a meeting of the leadership committee, and we would have pointed out that the House had been assured during the debate on September 12, 1989, that the Court would be asked to give it immediate consideration.

Now the gentleman from Texas [Mr. BROOKS], the very distinguished chairman of the Committee on the Judiciary, spoke earlier and talked about expedited procedure. That is not the word he used on September 12, 1989. He said:

> To provide that it has immediate consideration by the Supreme Court, we have provided in this bill the following provision.

I voted on final passage for the bill that was in the House because I had been promised by the chairman of the Committee on the Judiciary that the Supreme Court would be asked to test the legality. I frankly do not think the bill is constitutional. I think the Court will throw it out, but I was prepared to give the Democratic leadership the benefit of the doubt because they had asked for immediate consideration.

It is interesting, if my colleagues will read the Biden quote which is on page 12 of the brief. He says:

> The House added a provision for expedited procedure, and if I can note parenthetically the reason for that: One of the things that the critics of this approach, the legislative approach, have is they say "Now, wait a minute, Biden; if you and Thurmond and others go ahead and pass a piece of legislation * * * at some point in the future the Court may strike this down, a year, 2 or 3 years from now, and then we will have lost a great deal of time in dealing with * * * a constitutional amendment.

Mr. Speaker, that is quoted on page 12, but on page 13 they cut out the beginning of the quote, and they talk about no realistic prospect of, quote, "2 or 3 years from now," dropping a year.

But the fact was very simple. We wanted this bill to go to the Court in time for this Congress in this session to decide on a constitutional amendment if the Court rules it unconstitutional. Now, as somebody who has voted for this bill, I believe that we clearly were promised immediate consideration. I believe that the brief is misleading, and I would urge every Member to vote "no" because a "yes" vote on this motion is a vote to urge the Supreme Court not to decide on constitutionality until after this Congress has adjourned, and that is explicitly not what we were offered.

Mr. GEPHARDT. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, I think this has been a useful debate. I understand what the distinguished minority whip was saying about the kind of consultation that we would like to have. I think the lawyer for the Clerk made it very clear that he made an assumption. Perhaps he was wrong in making this assumption, but he made the assumption based on conversations he either had with the Republican Members or their staff prior to the filing of the pleadings in the district court, and his recollection of those meetings was that the view of those Republican Members, the distinguished minority whip, the distinguished minority leader, was that the statute was not constitutional, that they were not confident of our case on constitutionality, and they wanted us to know of their decision not to participate in the pleadings and in the case.

☐ 1330

I understand Members who believe that this statute is not constitutional. There were Members, primarily on the other side, who voted against the statute and wanted a constitutional amendment. I understand that. That is a legitimate position for one to take. It however was not the position of the House.

I want to go back, no matter what miscommunication or lack thereof transpired, I want to go back to what is going on here. What is going on here is how do we get into the position where we have the maximum possible opportunity to have the Supreme Court uphold this statute?

It is the opinion of our counsel who we hire and pay to put the best foot forward on behalf of the position of the House, that he needs 15 or 20 days in order to develop the best possible historical argument to support our position on the case.

It was said earlier that it is the position of the solicitor that we should not make this kind of a historical argument. The solicitor simply wants to say to the Supreme Court, "Change your mind."

So what is at stake here is whether or not we are going to stand behind our counsel to put that kind of best case forward, giving him the time to do the research, to consult the books, to get the experts behind this kind of an opinion that will give us the best possible case.

Why would we not want to do that? Why would we not want the Court to see our best possible arguments, and why would we not want to settle this issue with the Supreme Court saying the statute is constitutional? That is what we should want to do.

If the Court decides they can do this in a quicker manner, that they can break some of their rules, fine, let us do it; but let us not now back up and let us not now say to our counsel that we are not going to take those 15 or 20 days, we just want to run to the Court, because we do not think, some of us may not think, a minority of us may not think, the statute is going to be constitutional.

So I ask Members, if you are interested in the statute being held up, if you are interested in the flag being protected in the fastest and the most effective manner we can find, then vote for the motion to refer and let us let our counsel do his work and let us win this case before the Supreme Court.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HOYER). The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MICHEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 176, nays 233, not voting 22, as follows:

[Roll No. 38]

YEAS—176

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Campbell (CO)
Cardin
Carper
Carr
Clay
Clement
Coleman (TX)
Condit
Conyers
Coyne
Crockett
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank
Frost
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hertel
Hoagland
Hoyer
Hughes
Jacobs
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Pease
Pelosi
Penny
Pickle
Price
Rangel
Richardson
Roe
Rose
Rostenkowski
Roybal
Sabo
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Traxler
Udall
Unsoeld
Vento
Visclosky
Walgren
Washington
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Walsh
Watkins
Weber
Weldon
Whittaker
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—233

Annunzio
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Chandler
Chapman
Clarke
Clinger
Coble
Coleman (MO)
Combest
Conte
Costello
Coughlin
Courter
Cox
Crane
Dannemeyer
Darden
Davis
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
James
Jenkins
Johnson (CT)
Jones (GA)
Kasich
Kolbe
Kyl
Lagomarsino
Lancaster
Laughlin
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Myers
Nielson
Olin
Oxley
Packard
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Perkins
Petri
Pickett
Porter
Poshard
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Sangmeister
Sarpalius
Saxton
Schaefer
Schiff
Schneider
Schuette
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stearns
Stenholm
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker

NOT VOTING—22

Brown (CA)
Bustamante
Collins
Cooper
Craig
Fascell
Flippo
Ford (TN)
Hansen
Ireland
Leath (TX)
Marlenee
Morrison (CT)
Mrazek
Nelson
Roth
Savage
Schulze
Stump
Sundquist
Tanner
Waxman

☐ 1355

The Clerk announced the following pairs:

On this vote:

Mr. Nelson of Florida for, with Mr. Stump against.

Mr. Brown of California for, with Mr. Craig against.

Mr. SPRATT and Mr. DERRICK changed their vote from "yea" to "nay."

Mr. ANTHONY changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

Mr. MICHEL. Mr. Speaker, I think it is quite clear and evident by the vote that was just cast that the House has spoken. Unless there is any reason for extended debate on the part of any other Member, it would be the inclination on the part of the gentleman from Illinois simply to move the previous question.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEPHARDT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 309, nays 101, not voting 21, as follows:

[Roll No. 39]

YEAS—309

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Borski
Bosco
Boucher
Brennan
Broomfield
Browder
Brown (CO)
Bruce
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Campbell (CO)
Carper
Carr
Chandler
Chapman
Clarke
Clement
Clinger
Coble
Coleman (MO)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Crane
Dannemeyer
Darden
Davis
de la Garza
DeLay
Derrick
DeWine
Dickinson
Donnelly
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Dwyer
Dyson
Eckart
Edwards (OK)
Emerson
Engel
English
Erdreich

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Espy
Fawell
Feighan
Fields
Fish
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gekas
Geren
Gibbons
Gillmor
Gilman
Gingrich
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kennelly
Kleczka
Kolbe
Kolter
Kyl
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)

Lent
Levin (MI)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Martin (IL)
Martin (NY)
Matsui
Mavroules
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
McNulty
Meyers
Michel
Miller (OH)
Miller (WA)
Moakley
Montgomery
Moorhead
Morella
Morrison (WA)
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Olin
Ortiz
Oxley
Packard
Pallone
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Pease
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts

Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Russo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schneider
Schuette
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stearns
Stenholm
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Traficant
Udall
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wilson
Wolf
Wylie
Yatron
Young (AK)
Young (FL)

NAYS—101

Ackerman
Atkins
AuCoin
Bates
Beilenson
Berman
Bonior
Boxer
Brooks
Bryant
Cardin
Clay
Coleman (TX)
Coyne
Crockett
DeFazio

Dellums
Dicks
Dingell
Dixon
Dorgan (ND)
Durbin
Dymally
Early
Edwards (CA)
Evans
Fazio
Flake
Foglietta
Ford (MI)
Gejdenson
Gephardt

Glickman
Gonzalez
Gray
Guarini
Hawkins
Hayes (IL)
Hoyer
Jontz
Kastenmeier
Kennedy
Kildee
Kostmayer
LaFalce
Lehman (FL)
Levine (CA)
Lewis (GA)

Markey
Martinez
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
Mfume
Miller (CA)
Mineta
Mollohan
Moody
Nagle
Oberstar
Obey
Owens (UT)
Panetta

Payne (NJ)
Pelosi
Rangel
Roybal
Sabo
Scheuer
Schroeder
Schumer
Sikorski
Skaggs
Slattery
Smith (FL)
Smith (IA)
Solarz
Staggers
Stark
Stokes
Studds

Swift
Synar
Torricelli
Towns
Traxler
Unsoeld
Vento
Visclosky
Washington
Waxman
Weiss
Wheat
Williams
Wise
Wolpe
Wyden
Yates

NOT VOTING—21

Brown (CA)
Bustamante
Collins
Craig
Fascell
Flippo
Ford (TN)

Ireland
Marlenee
Morrison (CT)
Mrazek
Nelson
Owens (NY)
Quillen

Roth
Savage
Schulze
Sharp
Stump
Sundquist
Tanner

□ 1416

The Clerk announced the following pairs:

On this vote:

Mr. Sharp for, with Mr. Nelson of Florida against.

Mr. Stump for, with Mrs. Collins against.

Messrs. McMILLEN of Maryland, ATKINS, and EARLY changed their votes from "yea" to "nay."

Mr. HOAGLAND and Mr. AKAKA changed their votes from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

A POINT OF PERSONAL PRIVILEGE—MISQUOTATION OF MEMBER IN BRIEF OF THE COUNSEL TO THE CLERK OF THE HOUSE

Mr. SENSENBRENNER. Mr. Speaker, I rise to a point of personal privilege.

The SPEAKER pro tempore (Mr. BRUCE). The Chair is aware of the gentleman's position, and he will be recognized on his point of personal privilege.

The gentleman from Wisconsin [Mr. SENSENBRENNER] is recognized for 1 hour.

Mr. SENSENBRENNER. Mr. Speaker, in my 11½ years as a Member of this body I have never before risen to a point of personal privilege. I am compelled to do so at this time because the brief that was filed by the counsel for the Clerk of the House, Mr. Steven Ross, with the Supreme Court of the United States names me by name and flat out misrepresents the position that I took during the markup in the Judiciary Committee on the Flag Protection Act of 1989.

I am taking the time of the House this afternoon in order to correct the record as well as to express my profound disappointment that the Clerk's counsel decided to file this erroneous and misleading brief quoting me.

On page 12 of the brief the brief states relative to the expedited review clause contained in the Flag Protection Act of 1989, and I quote:

> The cause rose in reaction to complaints such as those of Representative Sensenbrenner, the ranking minority member on the House subcommittee with jurisdiction over the measure, that the legislative consideration of the statute delayed adoption of a constitutional amendment. Representative Sensenbrenner forecast further delays in considering a constitutional amendment "even if this statute reaches the Supreme Court and is found unconstitutional several years down the road." Transcript of the markup session on H.R. 2978, House Committee on the Judiciary, July 26, 1989, at page 17, emphasis added.

The brief continues to state, and I quote:

> The complaint that it would take several years before the Supreme Court would hear a case continued to reverberate. The sponsors of the statute responded.

That is the end of the quote from the brief.

The complaint that I made during the markup session in the Judiciary Committee was not that the Supreme Court would delay but that the Congress would delay. Furthermore, the insertion of the expedited review procedure in H.R. 2978 was not done following my comments as just quoted in the House Judiciary Committee, but those provisions were contained in the legislation which I was debating then and there.

Mr. Speaker, I ask unanimous consent that H.R. 2978, as introduced by Mr. BROOKS and Mr. EDWARDS of California on July 24, 1989, be inserted in the RECORD at this point.

The material referred to is as follows:

H.R. 2978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection Act of 1989".

SEC. 2. CRIMINAL PENALTIES WITH RESPECT TO THE PHYSICAL INTEGRITY OF THE UNITED STATES FLAG.

(a) IN GENERAL.—Subsection (a) of section 700 of title 18, United States Code, is amended to read as follows:

"(a)(1) Whoever knowingly mutilates, defaces, burns, or tramples upon any flag of the United States shall be fined under this title or imprisoned for not more than one year, or both.

"(2) This subsection does not prohibit any conduct consisting of the disposal of a flag when it has become worn or soiled.

(b) DEFINITION.— Section 700(b) of title 18, United States Code, is amended to read as follows:

"(b) The term 'flag of the United States' as used in this section, shall include any flag, standard, colors, or ensign, or any part or parts of either, made of any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America.

SEC. 3. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

Section 700 of title 18, United States Code, is amended by adding at the end the following:

"(d)(1) If the question of the constitutionality of this section, under the first article of amendment to the Constitution of the United States, is properly presented in any case before a United States district court, that court shall, if the Supreme Court of the United States has not previously ruled on that question, immediately certify that question to the Surpeme Court.

"(2) The Supreme Court shall, if it has not previously ruled on that question, accept jurisdiction over the certified question and advance on the docket and expedite to the greatest extent possible the disposition of that question. The Supreme Court may, with respect to such question, give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

"(3) The Clerk of the Supreme Court shall promptly notify the Clerk of the House of Representatives and the Secretary of the Senate of the receipt of such certification, and each House of Congress shall have the right to intervene in the case for the purpose of defending the constitutionality of this section.".

Mr. SENSENBRENNER. To give the Members of the House an idea of what I actually did say in the Judiciary Committee rather than what the counsel for the Clerk of the House filed with the Supreme Court of the United States, I will read the transcript of that markup session verbatim.

□ 1420

> I am afraid that the leadership in this committee is determined to make the flag issue go away. As I alluded in the first day of our hearings, rather than to address the problem in a way that would fix it forever. The American people must be made aware of this. Even if the statute reaches the Supreme Court and is found unconstitutional several years down the road, there is still not a commitment by Chairman Brooks and others to then set the amendment motion in process.

Now, I believe that whenever someone approaches the courts, stating a position of the House of Representatives, they should clearly and accurately quote the debate in the context in which it was given, rather than taking bits and pieces out of transcripts to serve their own personal purpose. I chose not to debate this issue during the Michel resolution's consideration because it did not go to the procedure under which Mr. Ross filed this brief with the Supreme Court of the United States, but the actual argument that was contained in that brief. I believe that Mr. Ross was flat-out misleading the Court as to the position that I had taken. Had he had the time to consult with me before writing this brief and filing it with the clerk of the Supreme Court of the United States, he would have found out that my intent was to try to get a commitment by Chairman BROOKS to bring a constitutional amendment up for a vote, should the statute be struck down by the Supreme Court of the United States, whenever that time may have been.

I hope that the counsel for the Clerk of the House of Representatives takes greater care in his drafting and filing briefs which are to represent the House as an institution. He did not do so in this instance, particularly as it related to the remarks that I made in the Committee on the Judiciary markup.

The House of Representatives is the highest legislative body in the United States of America. That means that our counsel, when we go before the two coordinate branches of government, should take care to be professional and accurate and as ethical as possible. On page 12, Mr. Ross failed, and I have taken this time in order to set the record straight.

Mr. DOUGLAS. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from New Hampshire [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, if I may I have the opportunity to say I agree with the gentleman. I think he brings up a very good point, and I think also if the gentleman from Wisconsin would consider it one of the problems we have had here in the House is a lack of clarity between the role of the counsel to the Clerk when it comes to the merits of statutes.

I was just wondering if the understanding the gentleman has is that the Clerk's attorney is here really only to represent Members in an institutional case? For instance, a wage-and-hour dispute, or some interbranch dispute, or is it to just take a political position that really should be taken by the Democratic National Committee and their attorneys, as opposed to ours as an institution where our rights or privileges are being infringed?

Mr. SENSENBRENNER. The gentleman from New Hampshire states my feelings precisely. In previous instances the Clerk of the House has gone before the courts, including the Supreme Court of the United States through his counsel, particularly when there have been attempts to abridge the speech and debate clause upon which the independence of the Congress is based. That is when the institution of Congress is being legally challenged, and I believe in that instance we do need vigorous and effective representation.

It is obvious that the brief that was filed in this instance was a politically motivated brief, and it seems to me that that is best done outside of the institution of the House of Representatives. I think all Members have been parties to lawsuits, challenging the constitutionality of statutes or filed briefs amicus curiae urging the Supreme Court to take one position or another. However, we have gone out and retained independent counsel to prepare those legal arguments rather than relying on the counsel of the Clerk of the House of Representatives, which we had always believed was there to represent the institution of Congress, and the prerogatives and privileges that are conferred upon the Congress as an institution and its Members by the Constitution of the United States.

Mr. Speaker, I thank the gentleman from New Hampshire [Mr. DOUGLAS] for his contribution, and I yield back the balance of my time.

STATEMENT REGARDING BRIEFS

(Mr. FOLEY asked and was given permission to address the House for 1 minute.)

Mr. FOLEY. Mr. Speaker, I understand from the gentleman from Wisconsin's remarks his concern with references made to him in the brief filed by the counsel for the Clerk of the House. I respect his right to state his opinion, as he has very clearly. But I would not let the RECORD seem to show that silence on this side indicates any concurrence either in the suggestion that counsel for the Clerk had acted deliberately to misrepresent the gentleman's views, or that he had acted in a way designed to present a political belief to the court, rather than express the view of Members on whose part it was filed. Nor would I wish the RECORD to indicate that by supporting a full debate and briefing of the Court in defense of a statute passed by the House by an overwhelming vote of its Members—to declare such statute in our opinion to be constitutional in its criminal sanctions against the burning of the American flag—are we in any sense departing from our conviction that this statute is constitutional. Nor do we pose any motive other than to impress upon the court our conviction that it is constitutional, and that the American people have a right through their Congress to enact such a statute and to defend its constitutionality.

I am deeply concerned if there is any sense on either side of the aisle that we are proceeding in a legal matter before the courts in a way that does not reflect the greatest attention to comity and concern between the Members of the House. I intend in all of my efforts to ensure that comity and respect is fully complied with on every occasion. However, I emphaticaly state that there was no political and is no political motive in the filing of this brief other than to undertake the fullest defense of a statute of this House passed by an overwhelming bipartisan

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vote of its Members. To defend—I repeat, to defend—the constitutionality of the statute declaring that it is a crime to burn an American flag.

I am sure the Members on the other side of the aisle believe that the statute should be defended. I am sure they believe that the Court should have the fullest opportunity to make a determination so important to the constitutional concerns of this House and of its legislative responsibility.

I am, in response to the resolution adopted by the House, asking the Members of the Speaker's Bipartisan Legal Committee to meet at 4 o'clock this afternoon. We will undertake, I hope as quickly as possible, to deal with the matter that has been expressed in the resolution.

RURAL ECONOMIC DEVELOPMENT ACT OF 1989

The SPEAKER pro tempore (Mr. Bruce). Pursuant to House Resolution 355 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3581.

□ 1430

IN THE COMMITTEE ON THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," with Mr. Kostmayer Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Thursday, March 15, 1990, the amendment offered by the gentleman from North Carolina [Mr. Rose] had been disposed of and the bill was open for amendment through title VIII.

No amendments to said substitute, except pro forma amendments for the purpose of debate, are in order today except those printed in the Congressional Record on or before Wednesday, March 21, 1990.

Are there further amendments to the bill through title VIII?

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that the remainder of the Committee amendment in the nature of a substitute be printed in the Record and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The remainder of the Committee amendment in the nature of a substitute, consisting of title IX, is as follows:

TITLE IX—NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES

SEC. 901. SHORT TITLE.

This title may be cited as the "National Forest-Dependent Rural Communities Economic Diversification Act of 1990".

SEC. 902. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the economic well-being of rural America is vital to our national growth and prosperity;

(2) the economic well-being of many rural communities depends upon the goods and services that are derived from national forests;

(3) the economies of many of these communities suffer from a lack of industrial and business diversity;

(4) this lack of diversity is particularly serious in communities whose economies are predominantly dependent on timber and recreation resources and where management decisions made on the national forests may disrupt the supply of those resources;

(5) the Forest Service has expertise and resources that could be directed to promote modernization and economic diversification of existing industries and services based on forest resources;

(6) the Forest Service has the technical expertise to provide leadership, in cooperation wih other governmental agencies and the private sector, to assist rural communities dependent upon national forest resources to upgrade existing industries and diversify by developing new economic activity in non-forest-related industries; and

(7) technical assistance, training, education, and other assistance provided by the Department of Agriculture can be targeted to provide immediate help to those rural communities in greatest need.

(b) Purposes.—The purposes of this title are—

(1) to provide assistance to rural communities that are located in or near national forests and that are economically dependent upon forest resources or are likely to be economically disadvantaged by Federal land management practices;

(2) to aid in diversifying such communities' economic bases; and

(3) to improve the economic, social, and environmental well-being of rural America.

SEC. 903. DEFINITIONS.

As used in this title—

(1) the term "action team" means a rural forestry and economic diversification action team established by the Secretary pursuant to section 904(b);

(2) the term "economically disadvantaged" means economic hardship due to the loss of jobs or income (labor or proprietor) derived from forestry, the wood products industry, or related commercial enterprises such as recreation and tourism in the national forest;

(3) the term "rural community" means—

(A) any town, township, municipality, or other similar unit of general purpose local government having a population of not more than ten thousand (according to the latest decennial census) that is located in a county where at least 15 per centum of the total labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation and tourism; or

(B) any county or similar unit of general purpose local government having a population of not more than twenty-two thousand five hundred and fifty (according to the latest decennial census) in which at least 15 per centum of the total labor and proprietor income is derived from foresty, wood products, and forest-related industries such as recreation and tourism

that is located within the boundary, or within one hundred miles of the boundary of a national forest; and

(4) the term "Secretary" means the Secretary of Agriculture.

SEC. 904. RURAL FORESTY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.

(a) Requests for Assistance.—Economically disadvantaged rural communities may request assistance from the Secretary in identifying opportunities that will promote economic improvement and diversification.

(b) Establishment.—Upon request, the Secretary is authorized to establish rural foresty and economic diversification action teams to prepare an action plan to provide technical assistance to economically disadvantaged communities. The action plan shall identify opportunities to promote economic diversification and enhance local economies now dependent upon national forest resources. The action team may also identify opportunities to utilize value-added products and services derived from national forest resources.

(c) Organization.—The Secretary shall design and organize any action team established pursuant to subsection (b) to meet the unique needs of the requesting rural community. Each action team shall be directed by an employee of the Forest Service and may include personnel from other agencies within the Department of Agriculture, from other Federal and State departments and agencies, and from the private sector.

(d) Cooperation.—In preparing action plans, the Secretary is authorized to cooperate with State and local governments, universities, private companies, individuals, and nonprofit organizations for procurement of services determined necessary or desirable.

(e) Eligibility.—The Secretary shall ensure that no substantially similar geographical or defined local area in a State receives both a grant for technical assistance to an economically disadvantaged community under this title and a grant for assistance under a designated rural development program, as defined in section 360(b)(2) of the Consolidated Farm and Rural Development Act, during any continuous five-year period.

(f) Approval.—After reviewing requests under this section for financial and economic feasibility and viability, the Secretary shall approve and implement in accordance with section 905 those action plans that will achieve the purposes of this title.

SEC. 905. ACTION PLAN IMPLEMENTATION.

(a) In General.—Action plans shall be implemented, insofar as practicable, to upgrade existing industries to use forest resources more efficiently and to expand the economic base of rural communities so as to alleviate or reduce their dependence on national forest resources.

(b) Assistance.—To implement action plans, the Secretary is authorized to make grants and enter into cooperative agreements and contracts to provide necessary technical and related assistance. Such grants, cooperative agreements, and contracts may be with the affected rural community, State and local governments, universities, corporations and other persons.

(c) Limitation.—The Federal contribution to the overall implementation of an action plan shall not exceed 80 per centum of the total cost, including administrative and other costs. The Secretary shall attribute the fair market value of equipment, personnel, and services provided in calculating the Federal contribution.

(d) Availabile Authority.—The Secretary may utilize the Secretary's existing authorities under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and other authorities in implementing action plans.

SEC. 906. TRAINING AND EDUCATION.

(a) Programs.—In furtherance of an action plan, the Secretary is authorized to utilize the Extension Service of the Department of Agriculture to develop and conduct education programs that assist businesses, elected or appointed officials, and individuals in rural communities to deal with the effects of a transition from being economically disadvantaged to economic diversification. These programs may include—

(1) community economic analysis and strategic planning;

(2) methods for improving and retooling existing enterprises now dependent on national forest resources;

(3) methods for expanding existing enterprises and creating new economic opportunities by emphasizing economic opportunities in other industries or services not dependent on national forest resources; and

(4) assistance in the evaluation, counseling, and enhancement of vocational skills, training in basic and remedial literacy skills, assistance in job seeking skills, and training in starting or operating a business enterprise.

(b) Existing Educational and Training Programs.—Insofar as practicable, the Secretary shall utilize existing Federal, State, and private education resources in carrying out these programs.

SEC. 907. LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.

(a) In General.—The Secretary, under such terms and conditions as the Secretary shall establish, may make loans to economically disadvantaged rural communities for the purposes of securing technical assistance and services to aid in the development and implementation of action plans, including planning for—

(1) improving existing facilities in the community that may generate employment or revenue;

(2) expanding existing infrastructure, facilities, and services to capitalize on opportunities to diversify economies now dependent on national forest resources; and

(3) supporting the development of new industries or commercial ventures unrelated to national forest resources.

(b) Interest and Other Charges.—The interest rates on a loan made pursuant to this section shall be as determined by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loan, plus not to exceed 1 per centum, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 908. AUTHORIZATION OF APPROPRIATIONS AND SPENDING AUTHORITY.

(a) Authorization of Appropriations.—Except as provided in subsection (b), there is authorized to be appropriated—

(1) an amount not to exceed an amount that is equal to 5 per centum of the sums received by the Secretary from sales of timber and other products of the forests, and of user fees paid in connection with the use of forest lands; and

(2) such additional sums as may be necessary to carry out the purposes of this title.

(b) Limitation on Authorization.—Subsection (a) shall not in any way affect payments to the States pursuant to chapter 192 of the Act of May 23, 1908 (16 U.S.C. 500).

(c) Spending Authority.—Any spending authority (as defined in section 401 of the Congressional Budget Act of 1974) provided in this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

Mr. MILLER of Washington. Mr. Chairman, I rise in support of H.R. 3581 and in specific support for title IX, which will help communities that are dependent on our national forests.

My colleague Sid Morrison has done yeoman work on this title and deserves our thanks.

Title IX recognizes three crucial realities. First, the cut level on our national forests will decline. Second, many communities whose economies are almost totally dependent on national forests need our help to survive into the 21st century. And, third, if we don't act soon, it may be too late for small towns.

I understand that some bureaucrats downtown don't think the Forest Service should provide this assistance. I also know that this title has solid support from my State government, the environmental community and from timber dependent communities. The Forest Service has the expertise, the resources, and the obligation to help these communities. Many in the Forest Service live in these communities and want to help. Under this title, the Forest Service will work with State and local governments, and it will work with private businesses in the communities to help these communities renew themselves.

Mr. Chairman, I urge my colleagues to support H.R. 3581 and I urge the administraton to drop its objections to title IX.

Mrs. LLOYD. Mr. Chairman, I rise in support of the Rural Economic Development Act of 1990. This measure is designed to focus and strengthen Federal rural development activities and allow local areas greater input into the allocation of Federal funds for rural development. It is my belief that rural communities and citizens can best make decisions about their own needs and goals and it is my hope that this legislation will facilitate better management and distribution of existing services in areas in dire need of assistance.

The need for this legislation is evident, as we are all aware that rural America is faced with tremendous obstacles in providing basic services which many Americans take for granted, such as clean water and safe sewage disposal systems. Basic elements of life in many communities, such as health care, transportation, and education are faced with severe shortages of resources. Coupled with that, rural unemployment rates are substantially higher than those in the rest of the Nation and rural job growth continues to lag well behind job growth in urban centers.

It is imperative that we act to improve the delivery of rural development programs and I believe that this legislation is a positive step in that direction. By giving each State the opportunity to fund their priority programs, we are recognizing that as a nation our needs are diverse and that our own communities have individual needs that deserve Federal support. And, by requiring rural communities to work with local governments, business, industry, finance, transportation, utility, labor, agriculture, and education entities, in preparing economic development plans we are ensuring that all interested parties are involved in seeing that the Federal assistance dollars available are wisely spent.

This proposal offers us a good opportunity to provide rural communities with the tools that are necessary for them to become economically viable and deserves to be adopted with all possible speed. I urge my colleagues to join with me in supporting the Rural Economic Development Act of 1990.

Mr. GRANDY. Mr. Chairman, may I first commend Chairman de la Garza for his bipartisan and cooperative handling of this legislation and for his heartfelt desire to bring to the House a well-rounded and effective bill that will positively impact rural America. I also believe Mr. English, chairman of the Conservation, Credit, and Rural Development Subcommittee on which I serve, and Mr. Coleman, ranking member of the same subcommittee, deserve recognition for their leadership in formulating this legislation. While some have reservations about particular aspects of the bill, and as we have seen, have acted upon those reservations, I believe it is a balanced approach which provides a better delivery mechanism while at the same time improving existing programs and providing increased authorizations which will truly benefit rural America.

One of the designated rural development programs recognized under H.R. 3581 is the Nonprofit Rural Development and Finance Corporation or NNC Program established under section 1323 of the Food Security Act of 1985. This program has been vitally important and widely successful in providing business enterprise loans to rural businesses across America. It was my hope that H.R. 3581 would contain provisions reauthorizing and improving the NNC Program. Due to uncertainties regarding the operation of this program under the new State rural economic development review panel and reservations about earmarking Federal dollars for a program which all States have not taken the advantage of, the Committee on Agriculture did not choose to include such language.

I believe the section 1323 program operates in a manner consistent with the objectives of Congress regarding rural development and of H.R. 3581. I believe that some technical changes are needed, however, to ensure that the dollars expended under the program may be used as effectively as possible in aiding rural businesses and State economic development initiatives.

Section 1323 or NNC Program has been utilized by approximately 20 States in offering low-interest loans to businesses located in rural areas for expansion of current operations and the addition of new jobs. It is currently administered by the Farmers Home Administration, and under H.R. 3581, would be transferred to the Rural Development Administration and subject to the review of the State Economic Development Review Panels.

The NNC Program has been responsible for assisting companies in various States that employ over 1,500 people. These figures are just from two of the three NNC's currently operating and almost half of these jobs are ones created by the expansion activities financed through the NNC Program. The types of businesses funded range from a catfish processing facility in Drew, MS, to a wood products manufacturing plant in Belmond, IA, to a business incubator project in Winton, CA, to a low-income housing project in Hilton Head Island, SC. In many States, the program is just getting started.

The total NNC Program, which is administered by the Farmers Home Administration, is operating with $19.1 million in loan guarantees and $14.3 million in grant funds. These dollars are already in the program, they will remain until expended, and the program will continue to exist because the moneys are utilized on a revolving fund basis. Also, several foundations are currently working with existing NNC's on plans to pump more capital into the section 1323 program. One of the beauties of this program is that it leverages private dollars. The section 1323 moneys cannot finance over 75 percent of the proposed project and existing loan figures indicate that the leverage ratio is much closer to 50/50. This leveraging is what we need in today's fiscally prudent times.

Mr. Chairman, I believe that the reauthorization and improvement in an existing rural development program that has proven itself as an effective tool for aiding rural businesses across the country are necessary and will help provide greater assistance to rural Americans. Although such language is not included in H.R. 3581, it is included in the Senate's measure, S. 1036, with which H.R. 3581 will be molded. It is my hope that the final conference measure will include provisions improving and revitalizing this worthwhile and effective program.

Mr. CRAIG. Mr. Chairman, I rise today in support of the rural economic development bill, H.R. 3581.

Rural communities have been the lifeblood of our Nation since its foundation. For Idaho, this is particularly true. From the mining and logging towns of north Idaho to the farm communities of southern Idaho, these communities have been the heart of Idaho's economy.

But, today we are seeing change in rural America. While agriculture and natural resources will remain the base for these small communities, they also must search for new businesses and avenues to utilize the resources available to them. One obstacle for rural towns in attracting new businesses is the lack of sufficient infrastructure such as the availability of waste water systems, telecommunication capabilities, and adequate support facilities for new businesses. This bill begins to address these shortcomings by providing rural areas with grants and loans to develop the necessary infrastructure and encouraging the development of business enterprises.

We need to support and encourage small business enterprises based on rural communities' need.

H.R. 3581 is one step in helping rural communities as they strive to develop a more diverse economy. By providing for greater State and local involvement in Federal rural development programs we are giving rural areas more control over their own destinies.

Rural America and Idaho face a myriad of problems in 1990. From the loss of persons to urban areas, to the lack of adequate educational facilities and funds, and finally, the burden of updating or developing the physical plants of their communities in the face of new environmental regulations, rural communities must address all these problems in the near future. H.R. 3581 will provide needed assistance to these rural communities as they search for solutions.

Mr. WOLPE. Mr. Chairman, I rise today in support of H.R. 3581, the Rural Economic Development Act of 1989, as amended by the gentleman from Texas [Mr. DE LA GARZA]. This act is an innovative and dynamic approach to providing flexibility for State and local citizens in meeting the individual needs of their rural communities.

Today, most of rural America faces adverse economic conditions, with limited resources to address the increasing number of burdens such as inadequate health care facilities and sagging infrastructures. This act offers the tools that are necessary for rural communities to regain their economic viability. It will facilitate rural economic development by encouraging coordination between local communities and State governments in the development of strategic plans and in the setting of priorities. And it provides for a far more effective and responsive delivery system with the creation of the Rural Development Administration in the Department of Agriculture.

Indeed, absence of coordination and the inability to establish long-term development plans has caused my home State of Michigan to turn back allocated funds in community and business programs. In one of many examples, Michigan was forced to turn back more than $2 million in fiscal year 1989 community facility loans—yet the funds clearly were needed in other rural development programs within the State. Mr. Chairman, this makes no sense.

Under the amended bill Michigan's rural communities would be able to more effectively utilize these scarce rural development funds by being allowed to transfer funds from one loan program to another loan program where additional funds are needed. This additional flexibility will allow our rural communities to determine where these funds will best serve their unique needs.

Mr. Chairman, the Rural Economic Development Act of 1989 is effective rural development. I would urge my colleagues to support this measure and thereby reaffirm our commitment to rural America.

Mr. GEPHARDT. Mr. Chairman, I want to thank Chairman DE LA GARZA, Chairman ENGLISH, and my colleagues from both sides of the aisle for their hard work in crafting a good bill and moving us forward on this important issue.

The purpose of this legislation is simple: To enable the 60 million people in rural America the opportunity to build a better future.

The committee in its report has amply documented the problem facing our rural areas. In the past decade, rural America has endured upheavals in agriculture and industry as profound as any in our history, with dire consequences for communities, schools, businesses, and families. For all of the administration's glowing talk about record employment in our economy, the fact is that disproportionately few of the new jobs are created in rural areas. As opportunities have dwindled, people, particularly the young, have left their communities in droves: 1 million in 1986 and 1987 alone. Rural America's unemployment rates, poverty rates, dropout rates, and suicide rates all remain higher than urban ones.

Throughout the 1980's, the Reagan/Bush administration turned its back on rural needs, proposing deep cuts or outright elimination of entire programs. It was left to Congress to preserve a Federal commitment to rural development.

So far the President's program has fallen short. As he has with so many other programs, his proposals would leave us no better off—or even worse off—than where we already are.

We can and must do better. The people in rural America don't want to have to move to the cities to find work. They don't want to have to beg companies to move low-wage jobs into their communities. And they don't want just empty promises from Washington.

They want instead to try to build their own futures and reclaim control over the destinies of their communities. This bill is a positive step in that direction. It is past time to put Government back on the side of people in rural America.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. MR. SPEAKER, I OFFER AN AMENDMENT.

The Clerk read as follows:

Amendment offered by Mr. DE LA GARZA:

Insert at the end of Title II the following:

SEC. . LOAN AND LOAN GUARANTEE ALLOCATION AND TRANSFER.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), as amended by section 201 of this Act, is amended by adding at the end the following:

"SEC. 362. LIMITED TRANSFER AUTHORITY OF LOAN AMOUNTS.

"(a) TRANSFER OF FUNDS.—If the sums appropriated for direct loans for the water and waste or community facility program authorized under section 306(a) and made available to the State under such program for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer, subject to subsection (b), to one program from the other such program part or all of the sums appropriated for loans made available to the State for such other program.

"(b) LIMITATION ON LOAN AMOUNTS TRANSFERRED.—

"(1) AMOUNTS TRANSFERRED WITHIN A STATE.—With regard to each State, the amount of direct loan funds transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.

"(2) AMOUNTS TRANSFERRED ON A NATIONAL BASIS.—On a National basis, the amount of direct loan funds transferred in a fiscal year from a program under this section (after accounting for any offsetting transfers into such program) shall not exceed $90,000,000.

"SEC. 363. ALLOCATION AND TRANSFER OF LOAN GUARANTEE AUTHORITY.

"(a) Allocation of Loan Guarantee Authority.—The Secretary shall allocate among the States the loan guarantee authority appropriated under the water and waste or community facility program authorized under section 306(a), and the business and industry loan program authorized under section 310B, in a manner similar to that used for the allocation of direct loan and grant funds appropriated for such programs, and that the Secretary determines to be fair, reasonable, and appropriate.

"(b) Transfer of Loan Guarantee Authority.—

"(1) In general.—If the sums appropriated for loan guarantees and made available to the State under a program specified in subsection (a) for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer to the program from the other such sections part or all of the sums appropriated for loan guarantees made available to the State for such other program for such fiscal year.

"(2) Limitation on guarantee amounts transferred.—With regard to each State, the amount of loan guarantees transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.".

Mr. de la GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. de la GARZA. Mr. Speaker, let me mention at the outset that the leadership has requested our cooperation and has asked that we conclude this measure by 3 o'clock. It is our intention to do so. This amendment is part of the effort to expedite the matter.

As most of the Members recall, there was debate on an amendment offered by our distinguished colleague, the gentleman from North Carolina [Mr. Rose], and that amendment was adopted by the House. This indicated that there was a division not only within the committee but within the Membership of the House.

In an effort to conciliate the differences and to arrive at some degree of compromise, I consulted our distinguished colleague, the chairman of the subcommittee, the gentleman from Oklahoma [Mr. English], our distinguished ranking minority member of the subcommittee, the gentleman from Missouri [Mr. Coleman], and our distinguished colleague, the gentleman from North Carolina [Mr. Rose], and all of them were very amenable and very cooperative. We discussed diligently the issue to arrive at a compromise satisfactory to all the parties.

In discussing this matter with Members from other States and other areas who had questions on this issue, we find that this appears to satisfy the greater majority of those who had any concern about the amendment.

Mr. Chairman, again I want to reiterate my appreciation and commendation to the subcommittee chairman, the gentleman from Oklahoma [Mr. English], our ranking minority member, the gentleman from Missouri [Mr. Coleman], and our colleague, the gentleman from North Carolina [Mr. Rose].

Mr. Chairman, I include the following letter of March 14, 1990 addressed to me:

U.S. Department of Justice,
Office of Legislative Affairs,
Washington, DC, March 14, 1990.

Hon. E (Kika) de la Garza,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

Dear Mr. Chairman: I am writing to inform you that the Department of Justice will remove its objections to Title II of H.R. 3581, the "Rural Economic Development Act of 1990," as reported by the Committee, if the following changes are made to section 360(c)(4):

Substitute "consideration" for "great weight" (page 17, line 20); and

Substitute "that determination" for "not assisting any project ranked higher in priority by the panel" (page 18, lines 4–5).

The Department has also objected to the provisions in Title VII of the bill that govern the appointment of the members of the Rural Telephone Bank Board. Since we have not been informed that these provisions have been modified, we retain our objections to Title VII. With respect to the remainder of the bill, the Administration's views were expressed in a Statement of Administration Policy sent to the House of Representatives on March 9, 1990.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Bruce C. Navarro,
Acting Assistant Attorney General.

Mr. Chairman, if I might, I will yield briefly to the gentleman from Oklahoma [Mr. English], the chairman of the subcommittee.

Mr. ENGLISH. Mr. Chairman, I appreciate the gentleman's yielding to me.

Mr. Chairman, this compromise meets the concerns, I think, of both sides. It provides the flexibility we were looking for in the original legislation as brought to the floor, and it calms many of the fears, I think, that some had about the water and sewer provisions. It consists of allowing transfers of funds as far as guaranteed loans are concerned between the business and industry guarantees and the community facility guarantees and water and sewer guarantees. It also allows the transfer among the categories on direct loans up to $90 million in community facility loans and in water and sewer loans. Under the grant funds, there is no transfer allowed between the categories.

Let me say, Mr. Chairman, that this does not cause any serious damage to the legislation at all, and we would simply urge the strong support of the Members for this compromise. I think without question it will allow the objective of the legislation as it came to the floor to be met, and at the same time I think it recognizes and, as I say, calms the fears of those who were concerned.

Mr. de la GARZA. Mr. Chairman, I thank the gentleman from Oklahoma [Mr. English].

Mr. Chairman, again let me express my very sincere appreciation and commendation to the gentleman from North Carolina [Mr. Rose] for his cooperation and his interest in promoting the rural legislation.

Mr. Chairman, I am happy at this time to yield to my colleague, the gentleman from North Carolina [Mr. Rose].

Mr. ROSE. Mr. Chairman, I thank the chairman of the committee for yielding.

Mr. Chairman, I am glad that we have worked out a compromise. I will say that after the passage of the Rose amendment the gentleman from Texas and the gentleman from Oklahoma [Mr. English] talked a little better than they did before the passage of the Rose amendment, and we are certainly appreciative of their consideration. But the gentleman and the gentleman from Oklahoma [Mr. English] had said at the time of the debate last week that we had misled some of our colleagues in the House.

I do not want to make this a point for debate, but we certainly did not intend by the Rose amendment to mislead anybody. In a Dear Colleague letter that the gentleman from Oklahoma [Mr. English] and the gentleman from Missouri [Mr. Coleman] sent out, the last line of it says: "Under the status quo nearly 5 million people left rural America during the last decade." And the status quo is what the Rose amendment provides.

We are trying to work in a peaceful environment in the Agriculture Committee, and one of the reasons that I have agreed to this compromise is because we have a farm bill ahead of us, and I want us to work together. But I think we ought to be as accurate as we can when we describe the legislation that we deal with, and then, whether we win or lose, we should never attribute any motives or intentions to what the result is.

The CHAIRMAN pro tempore. The time of the gentleman from Texas [Mr. de la Garza] has expired.

(By unanimous consent, Mr. de la Garza was allowed to proceed for 5 additional minutes.)

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Mr. ROSE. Mr. Chairman, will the gentleman yield further.

Mr. de la GARZA. I continue to yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, my last comment is that in 1981 32 percent of the American population lived in poverty, and at the conclusion of the Reagan years 38 percent of the American population lived in poverty. Most of that poverty is reflected in what is happening in rural America.

The intentions of the gentleman from Oklahoma [Mr. English] are to make rural America a better place for people to live in. That is the intention of the gentleman from Texas also, and I am very happy to cooperate with him and with the gentleman from Oklahoma. I totally support the compromise amendment that the gentleman has introduced, and I will support it on passage of this bill. Although it is not everything we hoped it would be, it is in the best interest of the country and of the Congress, and I thank the chariman of the committee for offering it.

Mr. de la GARZA. Mr. Chairman, I thank the gentleman from North Carolina [Mr. Rose].

Let me just state that any interpretation of my comments at the end that would indicate any disrespect or any accusation against Members, that was not my intention then, and it is not my intention now. Unfortunately, there had been information from within and without this House that did not fully apprise the Members of the impact of this. But I think that has now been put to rest. It never will be my intention and it never has been my intention in all the years I have been a Member of this Congress to attribute to any Member any such thing.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to the gentleman from Arkansas.

Mr. ANTHONY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I, too, would like to rise and thank the chairman of the committee for working with us and accommodating us in trying to take care of some local sewer and water concerns. This is obviously not everything we would like.

I think, if the Members will recall what I said, it forces us to fight one another because we are really looking at shortage of moneys in each one of the categories. I hope what we can all do in the House, is to go to the appropriations process, and through the appropriations process see if we can get some additional money in there so that then we can make this a real fine bill for rural America.

Mr. Chairman, I do support the thrust of the legislation.

Mr. Chairman, I thank the chairman of the committee and the chairman of the subcommittee for working with us in trying to reach our concerns.

Mr. de la GARZA. Mr. Chairman, I thank the gentleman from Arkansas [Mr. Anthony].

Mr. Chairman, the gentleman can rest assured of our continued cooperation and our effort to continue working in this respect with all the Members who basically have at heart the interest of what we are trying to do for rural America.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. de la GARZA. I yield to our distinguished colleague, the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas [Mr. de la Garza] because I think what it has done is to capture the essence of what the gentleman from Oklahoma and I were trying to do in our original bill, and that is to find flexible funding for States to still be able to, under this amendment, transfer some funds from one program to another to assure that local decisions and the priorities of each State can be met, not by requirements or limitations set by Washington but with those priorities determined by review panels and the ability to look at various programs and mixes of programs. That is what we have, I think, captured here. I think it is a breakthrough, and I think it is a good one.

I am glad to say that we have been able to resolve this, with the cooperation of the gentleman from North Carolina [Mr. Rose] and others.

There were differences of opinion and there are still differences of opinion, but the legislative process lends itself to compromise. I think this is a true compromise. I am glad we have the precedents set, and I certainly support the amendment offered by the gentleman from Texas [Mr. de la Garza].

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. de la Garza].

The amendment was agreed to.

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AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. de la GARZA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. de la Garza: Page 81, after line 19, insert the following:

(2) in paragraph (3), by striking "paragraph (1) and (2)" and inserting "paragraphs (2) and (3)";

Page 81, line 20, strike "(2)" and insert "(3)".

Page 81, line 22, strike "(3)" and insert "(4)".

Page 82, line 17, strike "and".

Page 82, after line 17, insert the following:

(vi) in paragraph (d), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

Page 82, line 18, strike "(vi)" and insert "(vii)".

Page 83, strike line 9, 10, 11, 12 and 13 and insert the following:

(f) Section 343(a) Amendments.—Section 343(a) of such Act (7 U.S.C. 1991(a)) is amended—

Page 83, line 19, strike "(h)" and insert "(g)".

Page 83, line 22, strike "(c)" and insert "(C)".

Page 83, line 16, strike "(i)" and insert "(h)".

Mr. de la GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore (Mr. Kanjorski). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. de la GARZA. Mr. Chairman, this is a technical amendment which corrects typographical errors, et cetera, and I would hope that my colleagues would approve it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. de la Garza].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TALLON

Mr. TALLON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Tallon: At the end of title VIII of the bill insert the following new section:

"SEC. . EXTENSION OF QUALIFIED SMALL ISSUE BONDS.

"(a) Extension.—Section 144(a)(12)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 144(a)(12)(B)) is amended by striking '1990' and inserting '1995'.

Mr. TALLON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. ANTHONY. Mr. Chairman, I reserve the point of order against the amendment.

Mr. TALLON. Mr. Chairman, I intended to offer this amendment today because I believe reauthorization of the small issue development bond program can unlock the economic future for many rural communities. SIDB's represent exactly what we are trying to get at with rural economic development. They are a proven vehicle for raising low-cost capital to stimulate growth. They create jobs. They are an equal opportunity development tool that is available to all towns and cities regardless of size or location. They have provided for the construction of new plants and the expansion of existing facilities in communities across South Carolina and, indeed, across this Nation, and, best of all, they are a bargain.

Mr. Chairman, the SIDB Program operates with no direct Federal expenditures, and a 1-year extension of the SIDB Program represents a revenue loss of less than $10 million.

This program has made a tremendous difference to the futures of many small communities across the country. I cannot think of a more worthwhile thing to do today than to reauthorize the SIDB Program.

While I do not intend to offer my amendment today, I wanted to let my colleagues know how important this program has been to rural communities across our Nation and in my State and our strong support for the long-term reauthorization of this program once it expires in September.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: On page 75, after line 24 add the following new section and redesignate each succeeding section accordingly:

"SEC. 802. (a) For the purpose of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture is encouraged, where appropriate and feasible, to use private enterprise concerns located in rural areas, rather than government employees or government enterprises, to provide commercial activities or products to carry out the purposes of this Act.

"(b) The Secretary shall develop and implement a plan that will result in increasing the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of this Act."

Mr. DUNCAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. DUNCAN. Mr. Chairman, this amendment would encourage USDA, where appropriate and feasible, to use private firms located in rural areas to provide commercial services or products needed to carry out the provisions under this bill. USDA is also directed to develop and implement a plan that will result in an increase in contracts awarded to private firms by USDA and maximizing the use of grant, loan, or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of this act.

It encourages the Secretary of Agriculture to use private enterprise concerns located in rural areas whenever appropriate and feasible in carrying out the purposes of this act.

Most business in rural America is small business.

Small business is in a real struggle to survive all over this country today, but particularly in rural areas.

This amendment would help create jobs and promote and assist many small businesses wherever this act is carried out.

It is a flexible amendment and does not tie the Secretary's hands—it simply encourages him to use the private sector where it is appropriate.

This amendment could help provide an increase in contracts awarded to private firms by the USDA.

It would not eliminate a single job in the department, whose employees already have a heavy workload and where assistance is needed from the private sector.

This is an amendment primarily in support of free enterprise and small business, and to make sure that the purposes of this act get carried out to the fullest extent possible.

This amendment helps define the bills basic intent—that real economic development in rural areas should be in small businesses across America.

I appreciate the assistance of Mr. ENGLISH and Mr. COLEMAN on this amendment and I urge its adoption.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, we have no objection to the amendment. It is a fine amendment, and we will be happy to accept it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WISE

Mr. WISE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WISE: Page 93, after line 8, insert the following:

TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Rural Business Development and Telecommunications Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1001. Short title; table of contents.

Subtitle A—Rural Business Development

Sec. 1011. Purposes.

Sec. 1012. Loans for business telecommunications partnerships.

Subtitle B—Rural Telecommunications Provisions

Sec. 1051. Rural telecommunications zones.

Sec. 1052. Grants for emergency public safety telephone answering systems.

Sec. 1053. Study on use of telecommunications infrastructure by businesses in rural areas.

Subtitle A—Rural Business Development

SEC. 1011. PURPOSES.

The purposes of this subtitle are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1012. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i) LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.—

"(1) IN GENERAL.—The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment, computers, computer software, and computer hardware.

"(2) GENERAL REQUIREMENTS.—

"(A) APPLICATION PROCESS.—

"(i) SUBMISSION OF APPLICATION.—Any entity desiring a loan under this subsection shall submit an application therefor to the Administrator.

"(ii) CONTENTS OF APPLICATION.—Each application for a loan under this subsection shall include—

"(I) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

"(II) a description of the manner in which the proposed project is to be funded;

"(III) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

"(IV) a description of the manner in which the applicant intends to use the loan requested in the application;

"(V) a description of how the proposed project will be evaluated; and

"(VI) such other information as the Administrator may reasonably require.

"(B) CONSIDATION OF APPLICATIONS.—

"(i) REVIEW BY ADMINISTRATOR.—The Administrator shall—

"(I) review each application submitted pursuant to subparagraph (A)(i);

"(II) determine whether or not the application meets the requirements of subparagraph (A)(ii);

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"(III) approve each application which meets such requirements;

"(IV) disapprove each application which fails to meet such requirements; and

"(V) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

"(ii) Review by state review panels.—

"(I) In general.—The review panel of a State shall examine each application transmitted to the review panel pursuant to clause (i)(V) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

"(II) Authority to obtain information from applicants.—Each entity which submits an application for a loan under this subsection shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

"(III) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of an entity for a loan under this subsection, request the entity to modify the project described in the application.

"(iii) Ranking of applications.—

"(I) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this subsection, in an order which takes into account—

"(aa) the results of the review conducted under clause (i);

"(bb) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1)) developed for the areas in which the projects are to be implemented; and

"(cc) in the case of a project which would duplicate existing services, the reasons therefor.

"(II) Grouping of applications.—The review panel shall separate into 2 groups the applications for a loan under this subsection received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

"(III) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

"(IV) Written policy and criteria.—

"(aa) In general.—Subject to subdivision (bb), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3).

"(bb) Prohibition against development or acquisition of telecommunications transmission facilities.—The policy and criteria developed under subdivision (aa) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

"(iii) Transmittal of ranked applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(B) each list of applications ranked pursuant to clause (ii) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) are transmitted to the State coordinator pursuant to section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

"(C) Priority.—The Administrator shall establish procedures to target loans under this subsection to the rural areas and applicants that demonstrate the need for such loans, taking into consideration—

"(i) the relative needs of all applicants;

"(ii) the needs of the affected rural areas;

"(iii) the financial ability of the applicants, without such loans, to use telecommunications for the business purposes for which such loans may be made; and

"(iv) the recommendations of the review panels for the States in which such areas are located.

"(D) Report required if administrator intends to fund projects other than as recommended by review panel.—If the Administrator determines to provide loans under this subsection to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

"(i) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

"(ii) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

"(E) Monitoring of use of loans.—The Administrator shall take such steps as may be necessary to ensure that loans provided under this subsection are used in accordance with the approved application therefor.

"(3) Relationship to state law.—This subsection shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

"(4) Regulations.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall prescribe final regulations governing the loan program established under this subsection, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

"(5) Definitions.—As used in this subsection:

"(A) Administrator.—The term 'Administrator' means the Administrator of the Rural Development Administration.

"(B) Review panel.—The term 'review panel' means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361.

"(C) Rural area.—The term 'rural area' has the meaning given such term in section 306(a)(7) for purposes of loans for essential community facilities under section 306(a)(1).

"(D) Telecommunications terminal equipment.—The term 'telecommunications terminal equipment' means telecommunications equipment (excluding telecommunications transmission facilities) that—

"(i) interconnects with telecommunications transmission facilities; and

"(ii) modifies, converts, encodes, or otherwise prepares signals to be transmitted through, or modifies, reconverts, or carries signals received from, the facilities.

"(E) Telecommunications transmission facilities.—The term 'telecommunications transmission facilities' means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

"(6) Treatment of loan program as designated rural development program.—For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2)).

"(7) Limitations on authorization of appropriations.—

"(A) In general.—For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Availability.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

Subtitle B—Rural Telecommunications Provisions

SEC. 1051. RURAL TELECOMMUNICATIONS ZONES.

(a) Lists of State Rural Telecommunications Zones.—

(1) Preparation of list.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1, of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the areas which are set forth in subparagraph (C).

(2) Number of rural areas per state in list.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) Provision of Report to Federal Agencies Considering Relocating Data Processing Operations.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) Agencies Required To Analyze Costs and Benefits of Certain Relocations Options.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) Regulations.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Rural area.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

SEC. 1052. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) In General.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) Maximum Grant Per Local Government.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) Maximum Amount of Grants Per Year.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) Limitation on Authorization of Appropriations.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) Definitions.—As used in this section:

(1) Eligible government.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) Emergency public safety telephone answering system.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) Under secretary.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1053. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) In General.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) Coordination.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) Recommendations.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) Rural Area Defined.—As used in this section, the term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

Mr. WISE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. WISE. Mr. Chairman, I offer my amendment also on behalf of my coauthor, Congressman Stallings. The legislation—which we call the Rural Business Development and Telecommunications Act of 1990—would assist rural America in tapping the potential of telecommunications to help revitalize our Nation's less developed areas.

Recent years have been a time of rapid technological development in the telecommunications industry. Urban businesses and consumers have come to take for granted such minor miracles as fax machines, personal computers, and computerized databases.

But for some rural Americans even single line telephone service is stll not yet a reality. Because of the comparative expense of bringing new telecommunications services to sparsely populated areas, there is a danger that it will be many years before the entire country will fully enjoy the technological advances of recent times.

As a nation we can't afford to let the informaion age pass rural America by. Small-town America is striving to recover from a period of economic decline. The rural economy has shifted away from its traditional mainstays—mining, manufacturing, and agriculture—and turned instead to service industries. Deregulation of the transportation industry has made travel and transport less available and more costly for rural residents. As a result people are leaving the less populous regions of America to make their fortunes in our increasingly congested and polluted metropolitan areas.

Information age technology is a major key to reversing this trend. Modern telecommunications can help replace the buses, trucks, and trains that pass the small towns by. It can help existing rural businesses compete and it can allow businesses such as mail order companies and airline reservation services to locate in rural areas.

Our amendment would expand the provisions of section 310B of the Consolidated Farm and Rural Development Act to permit businesses, local governments and public agencies in rural areas to obtain Federal loans to fund facilities for shared telecommunications equipment and computer hardware and software. The loans would be made pursuant to an application and ranking process wholly consistent with the procedures established in H.R. 3581.

Our amendment contains two additional provisions. The first would encourage—but not require—Federal agencies to move their data processing and other telecommunications-intensive operations to rural areas capable of supporting advanced telecommunications services.

The other provision would make funding available to rural local governments for the creation of street addresses in rural areas that are unable to have emergency 911 service due to the lack of such addresses.

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Finally, I would like to mention language that is not included in the amendment we offer today. As originally drafted, our amendment included a medical link provision. That provision would have enabled rural hospitals and other rural health care providers, through a loan guarantee program, to take advantage of telecommunications technologies, computer networks and related advanced technologies for the purpose of improving medical diagnosis and treatment.

In recent days my colleague from California, Congressman WAXMAN, and my colleague from Michigan, Congressman DINGELL, have expressed some concern that our health care provisions might duplicate to some extent existing Federal programs. Congressman WAXMAN has assured me that he plans to include in upcoming legislation programs that will meet the goals Congressman STALLINGS and I share for improving health care in rural America. The gentleman from California has generously offered to work with Congressman STALLINGS and me to ensure that we have a voice in the shaping of that legislation.

Based upon these assurances—and in order to facilitate smooth passage of our amendment and H.R. 3581—Congressman STALLINGS and I eliminated the health care telecommunications provisions from our language. We look forward to working with the gentleman from California [Mr. WAXMAN].

Mr. Chairman, our amendment to the Rural Economic Development Act would enhance the ability of the rural areas of our country to overcome the economic obstacles they face. And that is good not just for rural America but for the entire Nation. I urge support for our amendment.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, we have no objection to the amendment. We think it is a fine amendment, we are happy to accept it, and we commend the committee.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, it is a fine contribution to what we are doing in this amendment, and I thank the gentleman from West Virginia [Mr. WISE].

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from West Virginia [Mr. WISE].

The amendment was agreed to.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in keeping with our commitment with the leaders I will be very brief, but I just wanted to show the Members, as graphically as I can, what this bill is all about.

I have here a photograph that was taken in my congressional district. My colleagues can see a little boy on a broken-down bicycle with a smile on his face. They can see the shacks behind them. There is one REA light pole. There is no water. There is no drainage. There is no sewerage. There is no pavement.

Mr. Chairman, this is what this bill is all about.

Mr. ENGLISH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would simply like to say at this particular point that this legislation that is coming together we think is an outstanding piece of legislation. It is one that does, I think, offer real hope to rural America.

The one point that we made when we opened debate pertaining to this bill was the fact that given the budget crisis that we face here in Washington there is very little new money that is available. Certainly not in large sums.

So, Mr. Chairman, what we have to attempt to do is to make sure that we use those dollars that we have much more wisely, and that is the way that this legislation has been crafted.

I think that what we end up with certainly is 95 percent of what we came into the House of Representatives with, into the full House. It contains, certainly, the most vital part of the rural development legislation.

However, Mr. Chairman, we leave this House with something that is probably far more important than that 5 percent, and that is the commitment of every member of the Committee on Agriculture that we will in fact fight for this legislation in conference. It is one that we think puts us in a very strong position, certainly much stronger that we would have been had we had a hundred percent of this bill when we left this House with a divided committee.

So, Mr. Chairman, I would simply like to say that I am very optimistic, I am very pleased, and I want to thank the Members of the entire House for their cooperation, and I want to thank the fine contributions that have been made to this legislation, and I also, in particular, want to commend my ranking member on the Subcommittee on Conservation, Credit, and Rural Development, the gentleman from Missouri [Mr. COLEMAN], the fine contributions which he has made. He has been a great partner, and I have enjoyed working with him on this legislation.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Missouri.

Mr. COLEMAN of Missouri. Mr. Chairman, this has been, I think, the culmination of many years of work. I think it is a very important thing that we are about ready to pass here on the floor of the House, and I also think the gentleman from Oklahoma [Mr. ENGLISH] and I both agree that we would like to see a separate rural development bill passed and sent to the President this year as opposed to having a part of the farm bill which must pass later on this year.

Mr. Chairman, this issue is one that is important enough to stand on its own two feet legislatively, and I hope we will be able to dip into Congress and be able to expedite what we do over there with the other body in order to assure that the needs of the community of the gentleman from Texas [Mr. DE LA GARZA], as well as all of us all over rural America, will be met.

It has been a pleasure to work with the gentleman from Oklahoma [Mr. ENGLISH]. He is truly a gentleman.

This is a bipartisan bill. There is nothing that I could say. There has not been a finer opportuntiy for me to work in the House of Representatives than on this bill, and I really appreciate the courtesies he has shown to the Republican side and to me personally in evolving, and supporting, and introducing and now helping getting the bill passed.

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Mr. TALLON. Mr. Chairman, will the gentleman yield?

Mr. ENGLISH. I yield to the gentleman from Alabama.

Mr. TALLON. Mr. Speaker, I just thank the gentleman for yielding to me. I want to express my support for the bill and also to add my appreciation for the hard work that the chairman and the subcommittee chairman have done on this bill, and let us work to get it passed.

Mr. COLEMAN of Missouri. Mr. Chairman, I move to strike the last word.

I do so, Mr. Chairman, because I know we want to get out of here in 10 minutes. I think there will be a recorded vote.

I also have a Member who I understand wants to offer an amendment that has been published in the RECORD. I cannot offer it on his behalf, according to my understanding. If he is not here in the next 2 minutes, I am going to let it go.

There was and is some interest in this bill as a result of the reorganization of the Department of Agriculture under the Rural Development Administration. I know that some of my colleagues were thinking about offering amendments on an educational component.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. COLEMAN of Missouri. Surely, I yield to the distinguished gentleman from Texas.

PARLIAMENTARY INQUIRY

Mr. de la GARZA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. de la GARZA. Mr. Chairman, under the rule, would it be permissible for a Member to ask unanimous consent to introduce the amendment printed in the Record by another Member?

The CHAIRMAN pro tempore. Any Member can offer an amendment printed in the Record.

Mr. COLEMAN of Missouri. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. COLEMAN OF MISSOURI

Mr. COLEMAN of Missouri. Mr. Chairman, I offer an amendment, the Grandy amendment.

The Clerk read as follows:

Amendment offered by Mr. Coleman of Missouri: Amend section 361(c)(1)(J) as follows:

On page 30, strike lines 10 through 17 and insert the following:

"(J) one of whom is appointed by the Governor of the State from either a statewide rural development organization or a statewide association of publicly-owned electric utilities, neither of which is described in any of subparagraphs (C) through (I);".

Mr. ENGLISH (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. COLEMAN of Missouri. Mr. Chairman, this is the amendment that the gentleman from Iowa [Mr. Grandy] wanted to offer.

The gentleman from Iowa wanted to make sure that an alternative on the review panel of 16 people might be able to have a publicly owned utility representative there on the statewide association in lieu of either investor-owned or electric co-ops.

Under the circumstances, the gentleman from Oklahoma [Mr. English] is supporting this and has no opposition to it.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Oklahoma.

Mr. ENGLISH. Mr. Chairman, I have no objection to the amendment and would ask that it be accepted.

Mr. GRANDY. Mr. Chairman, may I first commend Chairman de la Garza, Mr. English, chairman of the Conservation, Credit and Rural Development Subcommittee on which I serve, and Mr. Coleman, ranking member of the same subcommittee for their leadership in formulating this legislation. They have done a yeoman's task in bringing this bill before the House.

Mr. Chairman, I rise to offer this amendment to section 361(c) of the Rural Economic Development Act of 1990 which outlines the composition of the State Rural Economic Development Review Panel. Currently the last seat on that panel is either filled by a representative from a statewide rural economic development organization or it is left empty if such an organization does not exist. My amendment will allow that seat to be filled by either a representative from a statewide rural economic development group or from a statewide association of publicly owned utilities; the seat will not be empty.

I offer this amendment due to the vital role which the electric utility industry plays in rural development. There is no doubt that our rural infrastructure is a key to economic development. While many of our rural areas are served by cooperative electric companies or investor-owned utilities, there are a large number of small communities whose source of power comes from publicly owned systems. Public power systems provide about 15 percent of electricity in the United States; this is compared with co-ops which supply about 10 percent, and investor-owned facilities which generate about 75 percent. While rural electrics and investor-owned utilities have direct representation on the State Economic Development Review Panel, public power does not. Some States, as I believe Mr. Staggers of West Virginia noted in committee, are not even served by electric cooperatives. This amendment recognizes those facts, and gives publicly owned electric utilities, if chosen by the Governor, an opportunity to be represented on the State Rural Economic Development Review Panel.

Almost 88 percent of all public power systems serve 10,000 or fewer customers. In May, the American Public Power Association profiled small public power systems. In summary, the report found that of the 1,982 publicly owned and operated electric systems that provide electric service at retail, the median public power system serves 1,696 meters—or a population of approximately 4,500 people. Almost 64 percent of these smaller systems are located in the nine States of Iowa (113 of 138), Nebraska (99 of 159), Kansas (96 of 122), Minnesota (82 of 126), Missouri (52 of 89), Ohio (50 of 84), Wisconsin (48 of 82), Indiana (43 of 72), and Oklahoma (38 of 63).

This amendment does not guarantee anyone a seat on the State Economic Development Review Panel. What it does do, however, is provide those States where publicly owned utilities play a vital role in rural America or where a statewide rural economic development organization does not exist with the opportunity to have those areas served by these utilities represented on the panel and/or to have a full panel of 16 members.

Thank you for your consideration of this amendment, and I urge your support.

Mr. STALLINGS. Mr. Speaker, this afternoon I had planned to offer an amendment to the Rural Economic Development Act of 1990 to improve the quality of rural communities, schools, community centers, and businesses by providing technical assistance and funding to rural economic development partnerships. By fully utilizing the largest investment in rural areas—the schools—economic development partnerships can provide services and facilities not now available in rural areas. This amendment, the Rural Economic Development and School Partnership Act of 1990, was developed jointly with Congressman Wise.

In order to more refine this amendment to address the critical needs of our rural communities, and improve upon its primary purpose of economic development using school facilities, I have agreed to withdraw the amendment from consideration today, and will reintroduce it early next week.

Mr. Speaker, there is strong bipartisan support for my amendment. Mr. English and Mr. Coleman, the chairman and ranking member on the Conservation, Credit and Rural Development Subcommittee, and the sponsors of the Rural Economic Development Act of 1990, have agreed to help this measure move expeditiously through the Agriculture Committee. I believe that with the commitments I have received from both Education and Labor and Agriculture Committee leadership, we can improve upon this amendment, and have it available for floor consideration promptly so that it can be available to the conference committee members as they work on the Rural Economic Development Act of 1990.

Specifically, this amendment would provide States with a pool of grant money for economic development projects. The projects would be designed and administered by local partnerships involving business and education communities. Using the investment already present in local schools, residents can identify their own needs and construct their own solutions with technical and financial assistance provided for in this amendment. The State economic review panel, as outlined in H.R. 3581, would rank and prioritize eligible projects.

This amendment provides technical and financial assistance to rural economic development education partnerships to:

First, improve rural schools and school systems as a means of attracting and keeping industry in rural areas,

Second, involve rural school facilities and personnel in creating and supporting businesses that provide employment opportunities for youth and other residents of rural areas, and

Third, provide educational service providers with access to advanced telecommunications services and computer networks to improve job opportunities and the business environment.

Mr. Speaker, rural communities are invaluable to the fiber of our country, yet they are often overlooked when it comes to Federal economic development efforts. It is critical that we promote economic health in rural America and provide resources and expertise to these communities that they can use as they see fit. I believe this amendment will accomplish this goal. I am looking forward to its prompt consideration by the full House.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. Coleman].

The amendment was agreed to.

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The CHAIRMAN pro tempore. Are there further amendments? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. Panetta] having assumed the chair, Mr. Kostmayer, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3581) entitled the "Rural Economic Development Act of 1989," pursuant to House Resolution 355, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COLEMAN of Missouri. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 360, nays 45, not voting 26, as follows:

[Roll No. 40]

YEAS—360

Ackerman
Akaka
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Barnard
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CO)
Bruce
Bryant
Buechner
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank
Frost
Gallegly
Gallo
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Petri
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schulze
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Denny (OR)
Smith, Robert (OR)
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—45

Alexander
Archer
Armey
Ballenger
Bartlett
Bates
Bunning
Burton
Campbell (CA)
Cox
Crane
Dannemeyer
DeLay
Dornan (CA)
Douglas
Dreier
Fawell
Fields
Frenzel
Goss
Gradison
Hancock
Hefley
Henry
Hopkins
Hyde
Kasich
Kyl
Lagomarsino
Livingston
McCandless
McCollum
Moorhead
Perkins
Porter
Pursell
Rogers
Rohrabacher
Schaefer
Sensenbrenner
Shays
Shumway
Smith, Robert (NH)
Stearns
Walker

NOT VOTING—26

Brown (CA)
Bustamante
Collins
Craig
Dwyer
Flippo
Ford (TN)
Gaydos
Ireland
Kolter
Lewis (CA)
Luken, Thomas
Marlenee
Morrison (CT)
Mrazek
Nelson
Quillen
Roe
Roth
Savage
Schuette
Snowe
Stump
Sundquist
Tanner
Traxler

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The Clerk announced the following pairs:

On this vote:

Mr. Craig for, with Mr. Marlenee against.

Mr. Schuette for, with Mr. Stump against.

Messrs. PORTER, MOREHEAD, LIVINGSTON, and McCOLLUM changed their vote from "yea" to "nay."

Messrs. HUNTER, WHITTEN, and UDALL changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill entitled the 'Rural Economic Development Act of 1990.'"

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NELSON of Florida. Mr. Speaker, had I been present, I would have voted "aye" on rollcall 40.

☐ 1520

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON H.R. 3847, ESTABLISHING A DEPARTMENT OF ENVIRONMENTAL PROTECTION

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight to file a privileged report on H.R. 3847, a bill to establish a Department of Environmental Protection.

This request has been cleared with the minority.

The SPEAKER pro tempore (Mr. Weiss.) Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3581, RURAL ECONOMIC DEVELOPMENT ACT OF 1990

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill (H.R. 3581), the clerk be authorized to correct the table of contents, section numbers, punctuation, citations, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3581, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON DISTRICT OF COLUMBIA TO HAVE UNTIL 4 P.M. FRIDAY, MARCH 23, 1990, TO FILE REPORT ON H.R. 1463

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia have until 4 p.m. on Friday, March 23, 1990, to file a report on H.R. 1463.

The SPEAKER pro tempore. The Chair would ask the gentleman from California, has this been cleared with the minority?

Mr. DELLUMS. It has, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this 1 minute so that I might inquire of the distinguished majority leader the program for the balance of this week and next week.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, our business will soon be finished for the day and there will be no session of the House tomorrow.

On Monday, March 26, 1990, the House will meet at noon. However, there will be no legislative business.

On Tuesday, March 27, 1990, the House will meet at 9 a.m. The House will recess immediately and reconvene at 10 a.m. for a joint meeting to commemorate the centennial of Dwight David Eisenhower.

Following that meeting there will be six suspension bills. Recorded votes on suspensions will be postponed until after debate on all suspensions.

We will be considering H.R. 4328, Trade Agency Authorization Act; H.R. 2209, Soybean Promotion, Research, and Consumer Information Act; H.R. 3386, Safe Transportation of Food Act; H.R. 908, FERC Member Term Act of 1989; Senate Concurrent Resolution 98, to permit a public event on the Capitol Grounds in recognition of Earth Day; House Joint Resolution 471 regarding Commerce, State, Justice, the Judiciary and Related Agencies Appropriations for fiscal year 1990; and H.R. 3847, to establish a Department of Environmental Protection, subject to a rule.

On Wednesday, March 28 and Thursday, March 29 the House will meet at noon Wednesday and 11 a.m. on Thursday to consider H.R. 3, Childhood Education and Development Act, subject to a rule; H.R. 1463, to amend the National Capitol Transportation Act of 1969 relating to the Washington Metrorail System, subject to a rule; and H.R. 644, to amend the Wild and Scenic Rivers Act by designating the East Fork of the Jemez and Pecos Rivers in New Mexico, open rule, 1 hour debate.

On Friday, March 30, the House will not be session.

Mr. MICHEL. I thank the distinguished leader.

HOUR OF MEETING ON WEDNESDAY, MARCH 28, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, March 27, 1990, it adjourn to meet at noon on Wednesday, March 28, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 27, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 26, 1990, it adjourn to meet at 9 a.m. on Tuesday, March 27, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

ADJOURNMENT TO MONDAY, MARCH 26, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

PERMISSION FOR THE SPEAKER TO DECLARE RECESSES AT ANY TIME ON TUESDAY, MARCH 27, 1990

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses at any time on Tuesday, March 27, 1990, for the purpose of a joint meeting to commemorate the 100th anniversary of the birth of Dwight D. Eisenhower.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

NATIONAL TREE TRUST ACT OF 1990—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 101-162)

The SPEAKER pro tempore (Mr. Evans) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture and ordered to be printed:

(For message and statement, see proceedings of the Senate of today, Thursday, March 22, 1990.)

NO COMPROMISE ON THE FAMILY AND MEDICAL LEAVE ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include therein extraneous material.)

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Mr. BALLENGER. Mr. Speaker, as the debate continues on the Family and Medical Leave Act, I wanted to clarify that small businesses in New Jersey were bitterly opposed to the enactment of parental leave.

As pointed out in a recent editorial, "In the areas of employee-employer relations and negotiations, the 9,000 New Jersey members of the National Federation of Independent Business [NFIB] firmly believe that government has no role." A copy of the editorial is submitted for the RECORD.

As a former small businessman, I can tell you that most small firms just want the flexibility to choose the types of benefits offered to their employees. Freedom of choice ensures that the type of benefits offered meets the needs of the employees and the employer.

The issue is not whether the leave is a good policy to pursue, the issue remains the appropriate role for Government. Let's support freedom of choice for benefits and oppose the mandate. Join me in voting "no" on the Family and Medical Leave Act.

[From the Record, Dec. 31, 1989]

SMALL BUSINESS OWNERS WON'T COMPROMISE ON PARENTAL LEAVE

EDITOR, THE RECORD: New Jersey's small-business owners did not and will not compromise on the issue of parental leave. In the area of employee-employer relations and negotiations, the 9,000 New Jersey members of the National Federation of Independent Business (NFIB) firmly believe that government has no role.

Last year, 86 percent of the NFIB members in New Jersey said government should not require employers to provide parental leave. The issue of government interference in employer-employee relationships is one of the top concerns of the state's small-business owners; the Legislature's fondness for mandated employee benefits is not favorably viewed by the state's small-business owners.

This does not mean that small firms are insensitive or oblivious to the needs of employees. Small business values capable employees and will often make arrangements on an individual basis to keep good workers when personal demands make it necessary. About half of the NFIB members in New Jersey now accommodate employees with time off to care for sick family members or the birth of a child.

NFIB's refusal to compromise on its parental leave issue boils down to flexibility. Small-business owners ask only that government allow them the flexibility in structuring benefits so those benefits are best suited to the individual and mutual needs of the employee and employer.

The concept of mandated parental leave is also discriminatory, favoring one group of employees over another. Certainly leave to care for a sick child or to give birth is a laudable benefit for those employees with children. But other employees might prefer employer-paid dental benefits or subsidized day care. Under the parental leave legislation sent to the governor, all employees not using this extended leave would subsidize others through the diminution of other benefits.

Mandated benefits deny employers and employees the right to choose a mix of wages, salaries, and benefits most appropriate to their situation. Government intervention results in a one-size-fits-all approach to New Jersey's diverse workplace.

Our members have strong opinions about the impact of government intervention in the marketplace. Those opinions are based on experience, not theory. Their experiences have shown that when necessary, parental leave and other benefits will be offered. And the benefits when offered will suit the situation, not the whims of the Legislature.

LAURA GIANNOTTA,
Director, NFIB-New Jersey, Trenton.

POST-TRAUMATIC STRESS DISORDER AND THE FINDINGS OF THE "TWINS" STUDY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. JONTZ] is recognized for 5 minutes.

Mr. JONTZ. Mr. Speaker, I would like to call to the attention of my colleagues the findings of a study published in the March 2 edition of the Journal of the American Medical Association regarding the relation of military service during the Vietnam era on post-traumatic stress disorder [PTSD], a mental health problem associated with combat-related service in Vietnam and previous wars. The study used a sample of over 2,000 male identical twin pairs who both served in the military during that era.

In 715 of the twin pairs, one twin served in the Vietnam theater while the cotwin served elsewhere. Among this group, PTSD was found to be strongly associated with military service in the Vietnam theater. The prevalence of PTSD was 16.8 percent in twins who served in the Vietnam theater compared to 5 percent in their cotwins who did not serve in the Vietnam theater.

There was a ninefold increase in the prevalence of PTSD comparing twins who experienced high levels of combat with their cotwin who did not serve in the Vietnam theater. These results show that nearly 15 years following the end of the Vietnam war, there remains a substantially increased prevalence of PTSD among veterans who served in the Vietnam theater.

This study confirms the findings of the Research Triangle Institute's National Vietnam Veterans Readjustment Study published in December 1988. The RTI study, which was contracted by the Department of Veterans Affairs, found that 479,610 veterans—a number much higher than previously estimated—are currently afflicted with PTSD. The RTI study also concluded that only 10 percent of veterans with PTSD received help from the VA in the last year of the study. Eighty percent of the estimated 963,000 veterans with life-time PTSD have never used VA resources for treatment. The VA accepts these findings.

Mr. Speaker, it has been over 14 months since the RTI study was completed but the VA has not adequately responded. For each of the past 6 years, the chief medical director's own special committee on PTSD has recommended substantial improvements in the VA's service delivery system for PTSD treatment, but the VA has done little to expand its capacity to serve these veterans who have PTSD problems, including many category "A" veterans.

There are only 16 PTSD inpatient units within VA medical centers nationwide, and many of these have waiting lists 18 months long. Cities as big as Toledo, OH, and Nashville, TN—both with substantial minority veteran populations—have no vet centers. The quality of treatment for PTSD problems varies widely across the Nation. In fact, Mr. Speaker, 110 of our country's 172 VA medical centers do not have a dedicated PTSD treatment unit of any kind.

While the President is proposing a $900 million increase for the VA medical care programs, and the Veterans' Affairs Committee an additional $539 million, funding for PTSD programs is not expected to change from the fiscal year 1990 level except for a $7 million increase which I proposed when the Veterans' Affairs Committee considered its recommendations to the Budget Committee. A $7 million increase is not nearly enough to meet the needs which exist, but it is a start and I believe that we can do even more this year.

Mr. Speaker, I would urge my colleagues to consider the findings of the twins and RTI studies and to talk to veterans back home regarding the level of service which your nearest VA facility provides for PTSD treatment. Chances are that the veterans will tell you about 4-hour drives to seek treatment and year long waiting lists, and will ask you why no one seems to care.

I hope that we will show these veterans that we do care and will act to improve the services they receive for PTSD. I believe that it will take congressional action to reach more of these veterans. We need to take the lead and give the Department of Veterans Affairs a push in the right direction if we are to correct this inequity. It is a national disgrace that there are approximately 430,000 American veterans who aren't being served by the Government that sent them into battle.

I fully appreciate the budget constraints which we are facing, but we can't afford to wait an additional year or more to see if this problem is otherwise resolved by the VA.

COPYRIGHT AND MASK WORK DISPUTE SETTLEMENT AUTHORITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, today I am introducing a bill to establish a dispute settlement procedure for bilateral relations between the United States and foreign countries in the context of copyright and semiconductor chip mask work law. This bill will promote respect for principles of dispute resolution and the rule of law in international intellectual property disputes. Since American copyright law does not generally have extraterritorial operation, our relationships—through bilateral and multilateral agreements with foreign countries—become the primary mode of enforcement.

The effective intellectual property protection of copyrights and mask works in international fora is essential to United States interests. To that end, the United States adheres to several multilateral treaties and has concluded many bilateral agreements respecting copyrights. But because the minimum standards are not being enforced, billions of dollars in potential income to United States nationals are lost through piracy. A recent report issued by the Annenburg Washington Program—Curbing International Piracy of Intellectual Property—Policy Options for a Major Exporting Country—confirmed this proposition by stating that the "piracy of copyrights, patents and other intellectual property costs the U.S. economy tens of billions of dollars and thousands of lost jobs every year."

Our international intellectual property agreements do not contain adequate enforcement procedures or mechanisms, and therefore fail to provide adequate protection.

In the multilateral context, the United States has recently adhered to the Berne Convention for the Protection of Literary and Artistic Works which provides a high level of copyright protection to United States nationals in foreign nations, but does not contain internal enforcement mechanisms or procedures for resolving disputes between members about the correct interpretation of treaty obligations.

The General Agreement on Tariffs and Trade [GATT] does contain dispute settlement procedures, but does not reach all aspects of intellectual property, and the United States is actively seeking inclusion of standards and enforcement procedures to ensure adequate and effective enforcement of all intellectual property rights.

On a positive note, the World Intellectual Property Organization [WIPO], at its last administrative meetings—in September 1989—considered the proposal of a new multilateral treaty establishing a mechanism to settle disputes concerning the interpretation of several WIPO intellectual property treaties, including the Berne Convention. A meeting of experts was held earlier this year and another is scheduled to occur later in the year.

A recently drafted WIPO treaty on the protection of semiconductor chips—in May 1989 in Washington, DC—provided for the first time in an intellectual property treaty for the settlement of intellectual property disputes. In article 14, the treaty provides that where a dispute arises concerning the interpretation or implementation of the treaty, member parties shall engage in consultations and attempt to reach, in a reasonable period of time, a mutually satisfactory solution to the dispute. If an amicable resolution is not reached, the parties may use other means designed to lead to a settlement of the dispute, such as conciliation, mediation, or arbitration. If a consensual solution is not identified through these means, either party may ask the assembly of all the member states to examine the matter. The assembly will convene a panel from a list of experts, hear from the parties on the matter, and prepare a written report containing a statement of facts and recommendations for the resolution of the dispute. Finally, the assembly shall, by consensus, make recommendations to the parties to the dispute as to an ultimate resolution. In the opinion of expert observers, however, the treaty did not go far enough in terms of providing for adequate and effective dispute settlement.

United States bilateral copyright and mask work relations, based on Presidential proclamations, lack dispute settlement mechanisms. The failure to provide for such mechanisms arises in part from a gap in American intellectual property laws, and in part from similar gaps in the laws of foreign countries. The U.S. Copyright Act—in section 104 of title 17—provides authority for the President of the United States to extend, by proclamation, copyright protection to works of nationals and domiciliaries of a foreign country which protects United States works on substantially the same basis as it protects works of its own nationals and domiciliaries—so-called national treatment. As regards semiconductor chip products, section 902 of title 17 provides for the extension of protection to foreign mask works on a similar basis.

Without the existence of effective mechanisms for settling disputes regarding the nature and scope of rights within international agreements and providing means of enforcement of such rights, American works cannot receive effective protection. Therefore, to stem the tide of piracy and to promote the efficient resolution of disputes, it is of paramount importance that the United States buttress its trade laws by requiring the establishment of dispute settlement mechanisms as a condition of bilateral copyright and mask work agreements.

This bill would therefore condition further Presidential proclamations concerning copyright and mask work relations with foreign countries on the latter's agreement to follow the delineated dispute settlement procedure. Under this procedure, either the United States or the foreign country could initiate consultations if there was a disagreement about the fulfillment of the obligation to accord adequate and effective copyright or mask work protection. The settlement process would end if the parties could reach agreement.

If either party did not agree to consultations, or their consultations did not resolve the dispute within one year of initiation, the other party could demand arbitration by a panel of three governmental intellectual property experts who would prepare a report for submission to the United States President and Congress, and their foreign equivalents.

The Register of Copyrights would be required to monitor developments regarding dispute settlement procedures and issues and file annual reports to the Committees on the Judiciary of the Senate and House of Representatives. To recommend modification of the procedure in title 17, the Register of Copyrights would have to consult with the U.S. Trade Representative, the Secretary of Commerce, and the Secretary of State.

Mr. Speaker, the proposed legislation confirms the importance of formalized and peaceful dispute settlement techniques between foreign countries. The proposal, which is firmly rooted in congressional authority to promote the progress of science and useful arts, also solidifies the important partnership that exists between the executive and legislative branches to use law and diplomacy to protect American intellectual property interests both domestically and internationally. Further, the bill will promote the development of and reliance on multilateral dispute settlement—such as the GATT—as preferable to bilateral dispute settlement. Finally, a short-term effect of the bill may be to stimulate membership in the world's intellectual property treaties—such as the Universal Copyright Convention, the Berne Convention, and the mask work treaty—since the proposed legislation will only be triggered in instances when the United States and a foreign country do not have multilateral copyright or mask work relations.

I urge my colleagues to give serious consideration to this proposal. If there are any questions, please contact the Subcommittee on Courts, Intellectual Property, and the Administration of Justice, 2137 Rayburn Building, Washington, DC 20515; telephone (202) 225-3926.

PAUL HARVEY RECEIVES THE 1990 DANTE AWARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues in the House of Representatives the many accomplishments of Paul Harvey, nationally known radio, television, and newspaper commentator, who will receive the 19th annual Dante Award of the Joint Civic Committee of Italian Americans at a luncheon to be given in his honor on Friday, April 6, 1990, at the Como Inn in Chicago.

The Dante Award was established by the Joint Civic Committee of Italian Americans, an umbrella organization comprised of more than 40 civic organizations in the Chicagoland area, to extend recognition annually to an individual in the mass media communications field who has made a positive contribution to the profession of journalism.

Born in Tulsa, OK, on September 4, 1918, Paul Harvey began his career in broadcasting as a radio announcer at KVOO in Tulsa in 1941. Joining ABC as a news commentator in 1944, his broadcasts are now heard on 1,348 radio stations—more than any other single na-

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tional network radio program. In 1954, he became a syndicated columnist for General Features Corp., which is now the Los Angeles Times Syndicate, and his columns today appear in 300 newspapers throughout the country. His television commentary, "Paul Harvey Comments," appears in 120 television markets. He has also written several books, and has produced several records. His books, records, newspaper columns, and radio and television commentaries have reached millions of people.

Paul Harvey has also been very active in community and charitable endeavors. He serves on the board of directors of the John D. and Catherine T. MacArthur Foundation. In recognition of his efforts, he has received several awards, including certificates of merit from the American Legion, the Veterans of Foreign Wars of the United States, and the Humane Society of the United States; as well as the "American of the Year" award from Lions International.

In recognition of his contributions to the communications industry, Paul Harvey has received over 10 honorary degrees, and scores of awards, including his induction into the Hall of Fame by the National Association of Broadcasters in 1979, and the John Peter Zenger Freedom Award in 1975. He also richly deserves the Dante Award, because it was Dante Alighieri in his book "Divine Comedy," who said, "if I should prove a timid friend of truth, I fear to lose my fame among the people whose age will call the present era ancient."

The 19th annual Dante Award luncheon will be held at the Como Inn, under the auspices of the human relations committee of the JCCIA, chaired by Richard B. Caifano. The president of the JCCIA, Dominic Di Frisco, will serve as the master of ceremonies for the luncheon. The invocation will be offered by the Rev. Lawrence Cozzi, C.S., administrator of Villa Scalabrini, the Italian Old Peoples Home in Melrose Park.

For the 15th consecutive year, the John Fischetti Scholarship will also be awarded at the luncheon. The scholarship was established by the Joint Civic Committee of Italian Americans to further the study of Italian-American students in communications, and is named after the Pulitzer Prize-winning political cartoonist. This year's award of $2,000 will be presented by Michael Coli, chairman of the board of trustees of the JCCIA.

Mr. Speaker, I extend my warmest congratulations to Paul Harvey on receiving the Dante Award, and for the strong and constructive impact he has made on the communications industry. His career, his character, and his splendid record of achievement demonstrate that he is, indeed, a "friend of truth."

THE DEVASTATION OF ACID RAIN

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York [Mr. BOEHLERT] is recognized for 60 minutes.

Mr. **BOEHLERT**. Mr. Speaker, we are on the threshold of the Congress of the United States passing significant environmental legislation to deal with the very serious problem of acid rain. We have dealt with this issue year after year. A lot of press releases, but not much progress.

There has always been that missing ingredient, and George Bush has filled the void, leadership from the top.

Last July the President of the United States submitted to the Congress of the United States the most comprehensive package of amendments to the Clean Air Act since the inception of that very significant legislation. A cornerstone of that package is a program to effectively, aggressively and completely deal with the problem of acid rain which does so much damage to our environment.

Mr. Speaker, I am encouraged about the criticism that is being launched at the recent national acid precipitation assessment program report. Just recently the New York Times ran an article outlining the scientific dispute. I would like this article included in the RECORD.

I was horrified to find out that the original report ignored a number of studies suggesting serious air pollution problems caused by acid rain. I am even more frustrated to learn that many interest groups used that report as fodder to conclude that acid rain is not a problem. Anyone who would suggest that acid rain is not a problem just is not paying attention to what is going on in the United States.

I invite these scientists and interest groups who have some question about the seriousness of the problem to leave their laboratories and offices for a day or so and come to my area of the country to talk to the people who daily have their lives negatively impacted by the destructive powers of acid rain.

There they will learn about the murder and rape of our countryside, there the people can show them fishless lakes and streams, the decimated maple syrup industry, the dead red spruce stands, the decaying monuments and gravestones and the steady, tragic decline of so much of our wildlife, mink, otter, loons, blue heron, toads, frogs, and darting needles.

Our ecological balance is under serious threat. Acid rain is acidifying thousands of lakes and streams in the United States and Canada, threatening our public health and the survival of our environment.

I am encouraged that the scientific community for the most part is rising to the challenge and they are challenging the shortsightedness of that NAPAP report and the lack of thoroughness in the study.

Let us not let emotion guide our actions, let scientific fact.

Come up to the Adirondack Mountains in beautiful upstate New York where at least 25 percent of those lakes are certifiably dead, no longer can sustain wildlife. Go to our Nation's great forests, not just in New York, New Hamsphire or Vermont, but all up and down the east coast, and what do you see? Trees that are slowly being strangled. The once-beautiful, pristine forests of America are dying.

What is the cause? A little problem called acid rain.

We are determined to do something about it. We must do something about it. I have told you the bad news. The bad news is that systematically we have witnessed this year after year after year repeatedly, my colleagues, Democrats and Republicans alike concerned about our environment, have come to the well of the House to talk about that problem.

☐ 1540

There has been a lot of talk in this Chamber, Mr. Speaker, but quite frankly, there has not been much action. I think the time for action is now. The good news is that finally we have in the Oval Office a President of the United States who places environmental concerns at the very top of his agenda. Not only did he campaign on environmental issues, having a strong platform dealing with urban smog and toxic waste and acid rain in our Nation's wetlands, not only did he talk about that as a candidate, and we all know from experience that candidates do a lot of talking, but what happens after the votes are tallied? What happens when that candidate who does all the talking is successful? I have to admit, Mr. Speaker, too often in the past the talk has been nothing more than so many words. It has not been followed by action once the election is over.

However, George Bush is different. George Bush committed himself to the American people to deal with the problem of acid rain, to put the environment high on his agenda. He has followed through. One of the first things he did is to nominate for the position of Administrator of the Department of Environmental Protection—it is now an agency, but it will soon become a department, and I will address that in a moment or two—one of the first things he did was nominate William Reilly to be the Administrator of the Environmental Protection Agency. The first time in the history of that agency, which dates back to the Nixon administration, that we have had a committed, professional, environmentalist at the top. My friends in the environmental community such as the National Audubon Society, the Sierra Club, the National Wildlife Federation, all those people in white hats who, day in and day out, are so committed to doing everything they possibly can constructively to enhance the quality of our environment, they stood up in chorus and applauded the appointment of Bill Reilly. But that was not all the President did. He did not just put one committed environmentalist in a very sensitive post. He followed up with definite proposals, and the Clean Air Act amendments he sent to the Congress in July 1989 were universally acclaimed as being a major step forward.

Now, I wish to point out that not everyone accepts chapter and verse of that very comprehensive package. Not everyone says that all of the provisions go as far as they would like them to go. I am the first to admit it. I have never seen a perfect plan yet. I came to this town 26 years ago as a bright, starry-eyed staff member, and now I am privileged to serve as a Member of the House. I have never seen perfect legislation. That is part of our responsibility, to take a package that is advanced, fine-tune it, strengthen it where necessary, and then finally bring it to its logical conclusion, passage. That bill submitted by the President has 3 major components, and it is my purpose today to address one of those components. That deals with the problem of acid rain.

Mr. Speaker, I can say in all good conscience that Democrat friends as well as my Republican colleagues, that this is the strongest feature of the President's plan. This is the feature that gets the most acclaim from all people concerned about the problem of acid rain. However, I am disturbed, Mr. Speaker, I am disturbed because I keep counting, I keep looking at that calendar, and July turns to August and fall turns to winter, and here we had a new year, and still we do not have action on the President's plan. Now, who is at fault? I would suggest to Members that it is the Congress that has to take the heat. We deserve the criticism. It should be directed at the Congress because the President has given Members a package, and he said, "I will work with Members." We have had a lot of talk, but still no definite complete action. But there is even good news here, and I will turn a lot for this, some people claim that these are rose-colored glasses. But they are not really. They just have clear lens bifocals reflective of my middle-age status. I see things very clearly. What I see happening now encourages me about the future.

The Senate of the United States finally is in the midst of debate which hopefully will lead to the conclusion we want—passage in the very near future before the next recess, of the Clean Air Act Amendments. The administration and the leadership of the Senate, Senator GEORGE MITCHELL, a colleague and a Democrat from the State of Maine, a committed environmentalist. Bill Reilly, at the Environmental Protection Agency, committed environmentalist. The President of the United States, George Bush, a committed environmentalist. They are all working together to fashion a package that will pass the test and do the job that needs to be done. So we expect action very soon from the Senate. There are encouraging words from the chairman of the House Committee on Energy and Commerce, the gentleman from Michigan [Mr. DINGELL]. He, too, is telling Members and the American people that this important legislation is now on the fast track. Hopefully, by the end of next month the House will be able to act its will. This will be the first time in the whole protracted history of debate on this subject of acid rain that the House of Representatives, the People's House, will be allowed to work its will.

I could not be prouder than I am of my fellow Republicans who in some quarters are viewed as being just the supporters of big business, do not care about the environment. Let me tell Members that is unmitigated nonsense. Quite frankly, we have some people in my party that I am not particularly proud of when I examine their environmental record, and there are some people on the other side I am not particularly proud of when I examine their environmental record, but collectively, we have strong majority sentiment in Republican and Democrat ranks to get on with the job of cleaning up our environment, of adequately addressing the problem of acid rain.

Many of my colleagues have been so helpful these last couple of years. One of them, a colleague from New Hampshire, [Mr. DOUGLAS], has taken a leading role. I appreciate that because if we are going to do that, what we need to do, it cannot be one or two or three or four. It has to be a majority. We have to have people who have had experience and exposure. One of them, as I say, is my friend, the gentleman from New Hampshire [Mr. DOUGLAS].

I will be pleased to yield to the gentleman from New Hampshire [Mr. DOUGLAS] for any comment he would care to make in line with this consideration.

Mr. DOUGLAS. Mr. Speaker, I thank the gentleman for yielding.

I wanted to say that I certainly praise the work that the gentleman from New York [Mr. BOEHLERT] has done as chairman of the House Working Group on Acid Rain. It has been important that we have somebody who takes a leadership role. This gentleman has done that. The gentleman and the folks who work in that House Working Group on Acid Rain deserve to be commended for making it possible to keep the pressure on for not only a clean air bill but finally to do something about acid rain.

I wanted to share with Members an experience I had, because I know the gentleman mentioned New Hampshire, mentioned New England and art. Two summers ago, back in 1988, I had the opportunity to go to Cornish, NH, which is over near the Connecticut River over near Vermont. In that district of mine is the Saint-Gaudens Memorial. Saint-Gaudens is a very famous sculptor. In fact, if anyone has seen the movie "Glory," the ending sculpture is one done by Saint Gaudens. He did the sculpture of Col. Robert Gould Shaw in the 54th Regiment of Massachusetts. That is what inspired that movie.

☐ 1550

Augustus Saint-Gaudens has a mausoleum in Cornish, and it has a temple. It is called the temple, and it is where his remains are at this national park. But when I went there, it is amazing how much damage acid snow and acid rain have done to that magnificent marble temple that is only 75 years old. If it will do that to a structure of such beauty made of marble, not made of paper mache but a solid stone-like marble, we know how involved and how dangerous the continuation of this process is.

I just wanted to ask the gentleman from New York [Mr. BOEHLERT] this question: To what extent does he feel the acid rain provisions of the bill he and I support will start to work some miracle at least in preserving our artistic treasures in this country?

Mr. BOEHLERT. Mr. Speaker, I think it is going to move us in the right direction by leaps and bounds. It has been estimated that acid precipitation—and I use the term, "acid precipitation" now, as opposed to "acid rain" because, as we know, it comes down in many forms, in rain, snow, and fog, so "acid precipitation" is a more inclusive phrase—it has been estimated that acid precipitation does approximately 7 billion—that is billion—dollars' worth of damage to public buildings and structures in the United States every single year.

Under the innovative proposal of the President of the United States, George Bush, we will have approximately a 50-percent reduction in sulfur dioxide emissions over a 10-year period. Some people might ask, "Why don't you do it immediately? Why don't you do it overnight?"

We would love to do it that way, but obviously that is not practical. It is not feasible from a dollar-and-cents point of view. It would threaten to throw thousands of people out of work, so we cannot do it that way. It has to be a systematic plan phased in over a 10-year period.

But I would point out that the President's goal, that is, the reduction that he has envisioned over the decade of the 1990's, is the same goal embraced by all the major environmental groups in America, and we are going to make the progress that we want so the beautiful works of art the gentleman de-

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scribed and all those public buildings owned by the taxpayers of America are protected and so we will see a beginning of the end of the steady deterioration of those works of art and public buildings. And that is good news.

Mr. DOUGLAS. Mr. Speaker, I am glad the gentleman mentioned the President because, of course, both the gentleman and I feel that he is the "environmental President," and there have been some attacks recently on the President, as well as on the Chief of Staff.

I note that my colleague, the gentleman from New Hampshire [Mr. SMITH], has joined us, and I know BOB has served with the gentleman as the vice chairman of the House working group on acid rain and has been one of the leaders in this Congress in the fight against acid rain.

But one thing that concerned me is that I think people forget that the Chief of Staff, whom obviously BOB and I know because he was Governor of our State, was the first in the Nation to enact a State acid rain law. He has always been a very strong supporter of acid rain reduction, and his efforts have led to a dramatic reduction in New Hampshire-produced precipitation from powerplants and other sources that contribute to this degradation of our environment.

So while we applaud the President, I think we also have to recognize—and I am sure the gentleman from New York [Mr. BOEHLERT] does—that there have been a lot of cheap shots made, and I think unjustifiably, about the commitment not only of the President but of our Chief of Staff, especially in the area of acid rain.

Mr. Speaker, I would ask the gentleman if he has any comments on that. I ask that because there have been statements made in recent weeks that we have heard from the other side of the aisle on this subject.

Mr. BOEHLERT. Mr. Speaker, as my colleague, the gentleman from New Hampshire [Mr. SMITH] knows full well, because he has been cochairing the working group on acid rain with me for several years, before John Sununu came to town as Chief of Staff to the President of the United States, was in fact Governor of the gentleman's State, and in that capacity he played a leading role in fashioning a program to deal very effectively with the problem of acid rain.

But now he is in a new capacity, and quite frankly, if he is going to do the job we want him to do, he must be more than just a cheerleader for the President; he has to answer some of the tough questions. He has to occasionally put obstacles in front of the path so we do not just rush ahead too fast.

I have some areas where I do not agree with the Chief of Staff to the President, Mr. Sununu, and I certainly do not qualify as a rubber stamp of the President of the United States. I am not reluctant to oppose him when I think the plan he advances is wrong. I tell the people I represent, "If I differ with the President, you can assume he is wrong and I am right." That is said a little bit in jest and having some fun.

But in this instance I think the media, quite frankly, does not know how to respond to a Republican in the Oval Office who is an environmentalist. We have not had one since Teddy Roosevelt. They are looking around and saying, "Wait a minute. Everything is going too well and too smoothly. We have got to find some controversy here." So what do they do? They try to develop a war between Bill Reilly, the Administrator of the Environmental Protection Agency, and John Sununu, the Chief of Staff to the President. So this makes for some good copy.

But in the final analysis, the gentleman and I both know that we have been looking at this problem for a long time, and that we have an ally in the White House and in the Chief of Staff. We have a strong advocate in the EPA in Bill Reilly, the Administrator. But that is not nearly as important as the most important feature of all in this battle. We have a President of the United States in George Bush in the Oval Office who, in his gut, in his heart, in his words, and in his deeds, is an environmentalist.

Mr. DOUGLAS. Mr. Speaker, if the gentleman will yield, I see that our distinguished colleague, my senior in the New Hampshire delegation, is here. We are seeing the entire delegation from New Hampshire, if the gentleman from New York does not mind, and I would be happy to hear the comments of the gentleman from New Hampshire [Mr. SMITH], as well if we could.

Mr. SMITH of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I just want to say that it is a privilege to come down and join my colleague, the gentleman from New Hampshire, and my colleague, the gentleman from New York, on this very important issue and pick up on the conversation the two gentleman have been engaged in.

For years and years, I say to the gentleman from New York [Mr. BOEHLERT], you have worked diligently in the working group on acid rain, trying to craft some legislation that we could use as a vehicle to get acid rain legislation and the Clean Air Act out on the floor of this Congress. I remember a lot of meetings we have had over the past several years with the gentleman, and we have been through a lot of frustration because we could not get enough of our colleagues to join with us. And, quite frankly, in the past, there has not been a lot of support from the executive branch either.

But this year it has been different. I can recall Governor Sununu asking us down on a number of occasions. There were a couple of meetings at which I was present myself either at the White House or some other place involving White House personnel. We talked to Mr. Reilly and talked to Governor Sununu, and in essence we had a tremendous amount of input into that legislation and into the Clean Air Act that is now before this Congress. We were provided that opportunity.

That is leadership. This was not just a piece of legislation George Bush and John Sununu and some of his advisers sat down and wrote somewhere in a back room. They invited our input from the Congress side. We provided that, and I think it was good input. We had some differences, and we still do, with the current legislation.

The vehicle is here, but where is it? It is still tied up in the committees of the House, and that has been the story, as we know, for a number of years. I think it is time the leadership of these committees got this bill out here on the floor, as it is being debated in the Senate. I think it is time to get it out on the floor and let us debate it, and if we have amendments to strengthen it, we could offer those amendments, and if somebody wants to weaken it with amendments, that is their prerogative. That is the process, and that is what the American people want.

I think that joining in this effort, as my colleague, the gentleman from New Hampshire [Mr. DOUGLAS] said, to slam John Sununu or George Bush is just simply uncalled for. It is not helpful. The responsibility lies right here. Nobody is blaming anybody. There has been enough blame to go around through the years we have tried to get this legislation. But it is here now, and it is the vehicle. We can change it, we can amend it if we can get it to the floor under an open rule. That is the way the process should work.

Mr. Speaker, I know the gentleman feels as I do, that we ought to get this legislation out here and get it passed.

Mr. BOEHLERT. Yes, I do, Mr. Speaker, and I thank the gentleman for his participation. More importantly, I want to thank him for his commitment over the years. He has been right here in the front ranks, and sometimes our ranks were thin initially as we started this. But more and more, as we talked with our colleagues, as we presented them with the evidence, they began to appreciate how serious the problem of acid rain is across America.

I can recall when I first came here in 1982, when I was elected in 1982, that a good part of my campaign was that I was going to try to make a difference in Washington in dealing with environmental concerns.

☐ 1600

Mr. Speaker, when I came to Washington and started making speeches from the well of this House about the problems of acid rain, invariably, after I made the speech, one of my colleagues from the Midwest, or the South, or the Far West, would grab me as we were walking over after and said, "Gee, I can understand why you're so concerned. It's a big problem up in your neck of the woods. But that's your problem. That's not a national problem."

Mr. Speaker, I would say to my colleagues in response, "Don't think it's just New York, or New York and New England. This is truly a national problem, documented. Scientific evidence proves conclusively, among other things, that some of the most seriously negatively impacted waterways in America are not in New Hampshire, or New York, although we've got our problems, but in the State of Florida, one of the fastest growing of our United States. Some of the most severe damage to our Nation's forests, in addition to New York, and New Hampshire and New England, occurs in the State of North Carolina."

I mean we have got problems with acid rain all over the United States. It is not simply a northeast regional problem. As a matter of fact, it is an international problem.

When our previous President, Ronald Reagan, went to Canada to meet with the prime minister, I think he was prepped, as he always was, for this meeting, and he had a lot of briefings, but I think the President was caught off guard because he probably figured Prime Minister Mulroney would say, "The most important issue between our two nations is trade or defense."

Prime Minister Mulroney said;

> Mr. President, the most important issue is the unresolved issue of acid rain which is systematically destroying the North American Continent.

Now, Mr. Speaker, to prove my credentials as being someone who is not blindly partisan and not someone who is just a cheerleader for the occupant of the Oval Office when this person is of my party, I would like to remind my colleagues that I was a frequent critic of President Reagan for his inaction on this issue. Quite honestly I do not think he quite adequately ever addressed it, but that is history.

Now we have someone in the Oval Office who is quite different, someone who campaigned on the issue, who is knowledgeable about the issue and is following through, not just with words, but with deeds, so I know my colleague, the gentleman from New Hampshire [Mr. SMITH] and I share the view that it is time for action, and I would remind everyone that every single committee of the House and Senate is chaired by a Democrat.

Mr. Speaker, I am not suggesting that the Democrats are not as concerned as we are about the environment. They are. I mean GEORGE MITCHELL, the Senate majority leader, is someone who is deeply concerned about that, and I applaud that. But the fact that we do not have this legislation on the floor for our consideration is not the fault of any single Republican, and we have got to keep that in mind.

Mr. SMITH of New Hampshire. Mr. Speaker, if the the gentleman would yield for just a moment, I would also point out that I agree with him on some of the frustrations that we felt during the Reagan years, however it is also in defense of Ronald Reagan important to point out that Ronald Reagan never vetoed an acid rain bill. He never got one. And the Congress of the United States represents the American people, and they should be the conduit to bring this legislation to the floor.

One of the things that the gentleman from New York [Mr. BOEHLERT] was talking about earlier was the cost. There is a lot of emphasis put on how much it is going to cost to clean it up. Sometimes we forget the costs of not cleaning it up, what I think the gentleman was addressing when I came into the Chamber. It is estimated that about $5 billion a year, just in the eastern part of the United States, in our area of the country, just on such things as health effects, materials, visibility, climate, nonhuman biological effects, agriculture, forestry, fishing, residential. What damage does it do to the ecosystems? It goes on, and on and on. Tremendous costs. It is not even very difficult to measure those costs.

So, Mr. Speaker, the gentleman from New York [Mr. BOEHLERT] is absolutely right. It is time for action, and I think we have debated this thing, we have studied this thing, about as much as we can debate and study it, and I think it is time to bring it here where we can resolve it once and for all.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman from New Hampshire [Mr. SMITH], my colleague, very much.

Mr. CARR. Mr. Speaker, if the gentleman will yield I want to assure the gentleman from New York [Mr. BOEHLERT] that there are plenty of Democrats who want to do something about acid rain, and I congratulate him on taking this particular special order.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 876

Mr. CARR. Mr. Speaker, I ask unanimous consent to withdraw my name from cosponsorship of H.R. 876.

The SPEAKER pro tempore (Mr. EVANS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOEHLERT. Mr. Speaker, I thank my colleague, the gentleman from Michigan [Mr. CARR] for that observation, and I would like to stress that in this Chamber. There are strongly committed environmentalists in this Congress, Democrat and Republican alike, who want to do something about the problem of acid rain.

This is not a partisan issue by any stretch of the imagination, but I think what my be lost in the shuffle, as we consider what is happening, is the fact that the missing ingredient, the person who is critical to the overall success of a program, is George Bush. The missing ingredient has been leadership, and he is providing it. That is the significant point I wish to make today. It is so heartwarming to me, not as a Republican, but as a citizen of this country who is concerned about our environment; it is so heartening to me to see someone like George Bush providing that leadership as we address the problems of acid rain.

As my colleagues know, I like to joke. I tell my friends, and supporters and my family, too, that, when they gather around, the clan gathers around, for the reading of the will when I am no longer here and I am gone, if people are assembled there with the thought that they are going to have some great legacy in terms of dollars and cents from me, they are going to be disappointed because quite frankly I am just like most Americans. I mean I spend money on a house, on a car, and I educate my children, and our family enjoys a good time, and it seems as though I spend about what I make. I think that is sort of the American way. I try to save a little, but I am not going to accumulate any great nest egg, and I do not come from any great wealth.

Mr. Speaker, what I hope to leave as a legacy for future generations is a positive impact on enhancing the quality of our environment. If I am able to do that and we collectively, as Members of this Chamber, this magnificent House of Representatives, if we are able to make a contribution toward enhancing our environment, I think we will be able to hold our heads up very high and say that we have done a good day's work. This is very serious business.

When I get a report, as I have had, from the New York State Department of Environmental Conservation which tells me that of the 1,500 lakes in New

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York State that 352 of them, 25 percent, are critically acidified, they are dead, they no longer can sustain fish life—that is 352. There is an equal number where the obituary is about to be written, and some people used to joke, one of the previous Directors of the Office of Management and Budget, used to say, "Oh, you guys worried about acid rain, all you care about is fish, and, if you equate it all up, it will end up costing us about $9,000 per fish saved."

Well, Mr. Speaker, that was a little attempted humor. I did not think it was very funny. I am not a fisher person. I have not fished since I was a little kid. That is not what we are talking about. We are talking about enhancing and preserving the quality of our environment. I mean the water we drink, the air we breathe, the public buildings we pay for, our very public health is at risk unless we do something constructive about the issue of acid rain.

There are a number of people in the Republican ranks who have been in the forefront, who have done so much to help us get where we are now. One of those individuals, the gentlewoman from Maryland [Mrs. Morella], is someone who has worked particularly hard, and I wish to acknowledge her efforts, and I would be more than happy at this juncture to yield to her for any comments she may care to make.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. Boehlert] very much, and I certainly want to thank the gentleman from New Hampshire [Mr. Smith]. Both of them are cochairing the House working group on acid rain. I appreciate their leadership. The gentleman from New Hampshire [Mr. Douglas] is here, and he is a very active member of it, too.

As my colleagues know, Shakespeare once said, "To nature none more bound," and I think that he or she was very prophetic in terms of the situation that we now face, and I want to talk a little bit about my area that I represent.

Mr. Speaker, 1 week ago today, President Bush visited the Potomac Electric Power Co. Chalk Point station on the Patuxent River in Maryland. The headline in the Montgomery County, MD, Journal was "Bush Visit Promotes Clean Air Act."

There is a lot to be learned from this visit. Both the President of the United States and the president of Pepco have made an important statement by supporting the effort to introduce acid rain controls, and by showing a willingness to put the health of the Nation over out-of-pocket additional costs for pollution controls.

I believe that this is a very important point, for the Washington area is not immune to the monetary effects of clean air legislation. I have discussed the acid rain provisions of the bill with as diverse businesses as Baltimore Gas and Electric, with five powerplants serving Maryland, and Washington Metropolitan Area Transit Authority [WMATA], which has told me how much it will cost for them to install new fueling devices in 10 garages full of buses.

I have also discussed the Clean Air bill with the National Conservation League, the Sierra Club, the Maryland Public Interest Research Group [Maryland PIRG], and many others. Of paramount interest is health, of course, but the actual costs do not go unnoticed.

What may be different in my district, however, is that despite this specter of increased costs, there is genuine support for whatever is necessary to clean up our air, or keep it clean. Perhaps they prefer for a slower phase-in period, perhaps they prefer some mitigation of the regulations, but without exception, they have expressed support for the national effort.

I have joined in cosponsoring a clean air research bill, H.R. 4197, which has just been approved by the Science, Space and Technology Committee. I believe that this is an essential component to the Clean Air Amendment Act, and it will help to provide the science and the technology to ease in pollution controls.

Mr. Speaker, I know how difficult it has been to obtain agreement on an effective clean air bill, and I want to commend the leadership and both the House and the Senate committees for their perseverance, hard work, and insight. I offer support and encouragement to finish the job and pass a strong clean air bill before the Easter recess.

□ 1610

Mr. BOEHLERT. Mr. Speaker, I yield to my colleague, the gentleman from New Hampshire [Mr. Smith].

Mr. SMITH of New Hampshire. Mr. Speaker, I thank the gentlewoman for her remarks, and I thank the gentleman for yielding to me.

One of the problems that we face with this legislation, as the gentleman knows, is that there is a tremendous amount of regional, political and economic conflict, in terms of how to resolve this thing. It has left us in this legislative stalemate.

I think it is to President Bush's credit that he has addressed that in this legislation. We are not saying that every stone of the President's proposal has to be set just the way he has it, but we certainly ought to insist that any bipartisan acid rain bill include certain features that the President has there. I think one ought to be deep reductions in SO_2 and NO_x emissions, both from utility and nonutility sources. Certainly the President has set a goal of 10 million tons. I think we ought to expect that minimally, and also in terms of the deadline, as the gentleman knows, the President's bill contains a two-phase reduction in SO_2 and NO_x in 1995 and the year 2000. We think those midterm targets are economically and technically feasible and would bring quicker environmental relief than otherwise.

Also, I want to commend the gentleman on this, because I remember in a couple meetings where the gentleman was so emphatic about the cap, how important it was that we did not want to see this cap be lifted and in essence there be no cap by the year 2000, otherwise it would be all for naught, and the gentleman was so strong and forceful in the meetings that we had with all the individuals involved, from the White House and the other groups, environmental groups as well, in making that point. I think it is because of the gentleman's leadership that that cap is in the President's proposal.

Finally, I think the President's proposal provides a great deal of flexibility. It is realistic. It is not as strong as some of us would like. It is probably too strong for others. The point is that it does provide flexibility. It gives us an avenue, a vehicle, a conduit, or whatever, to decide how to tailor the control strategy to local conditions, and it is a strategy that I think we favor overall.

So I think the President, as the gentleman has said, and certainly the gentleman from New York [Mr. Boehlert] deserves credit for getting this bill where we are now, and hopefully very soon, certainly before the end of this session I hope we see it on the floor.

Mr. Speaker, I thank the gentleman again for yielding to me.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman. I am so glad the gentleman used a key word in his presentation. That key word that is the cornerstone of President Bush's program is flexibility.

We all know and the scientists confirm this, that high sulfur content coal is a significant problem in terms of contributing to acid rain.

Now, we could mandate tomorrow that no longer could high sulfur content coal be burned in the United States of America. That would help solve the problem of acid rain, but it would throw tens of thousands of people out of work, and the people who are burning this high sulfur content coal would have to go to other sources of energy.

Now, if you solve the problem of acid rain and in the process you unemploy thousands of people, I do not know if you are really making much progress. We do not want to do it that way; or we have the technology in place, we know how to do it, install this sophisticated new expensive technology in these smokestacks so that when the gook comes up the chimney, it is filtered out and it does not go into the sky and form acid rain and come over and kill our lakes and forests and damage our buildings and public health.

We could say tomorrow, "all you people out there who are polluting America, you must install this technology," but the cost would be prohibitive. We cannot do that. That is not realistic.

Many of them would say, "Well, we can't afford that. We are going to have to close up shop and unemploy a lot of people."

Or the utilities would say, "Well, all right, we will do it. It's going to be very expensive," and they would jack up dramatically the utility rates of all those people they serve, and that would not be reasonable.

Now, what we have got to do, and as we know so well, is be flexible. The President has presented a flexible program. Some will fuel switch. They will go to a new source of energy. Others will put in new technology. That is the way to do it. Give him the choice, not the heavy hand of the Federal Government coming in and saying you must do it this way, and that is the only way you can do it. Flexibility is the key.

Once again let me stress that the environmental community in America, the Sierra Club, the Audubon Society, the National Wildlife Federation, all those people who share our concern for the environment, have applauded this provision of the President's program so we are all in this together, and that is very good news.

I want to tell you a little story that I have not used very often publicly, but it is a significant story because it says a lot about the President of the United States. I was privileged in 1988 to be actively involved in his campaign for the Presidency. One time during a tour of New York State, I was flying with him on a plane as we were coming on Air Force II from Syracuse, NY. It was in April 1988 from Syracuse, NY, down to New York City, where the President was due to throw out the first ball in the New York Mets home opening game of baseball. Flying down on the plane, lunch was being served and the steward said the Vice President, at that time Mr. Bush was Vice President, would like to see you. So I came up and sat down at the table. He said:

> Sherry, I know you have been really active in acid rain legislation and you are doing a lot with this working group on acid rain. Let's talk about it a little bit.

And for the next 20 minutes I had the undivided attention of the next President of the United States, not because I was important, but because the issue was important. That is the measure of the man. He reached out and listened and then followed through.

I will tell you another little story. Once I had the Vice President at that time up to Cooperstown, NY, in my congressional district. Cooperstown, as we all know, is the home of the National Baseball Hall of Fame and Museum.

□ 1620

George Bush is a great baseball fan. As a matter of fact, he was an outstanding first baseman for Yale. He did not have a particularly good batting average, only .256, but he was a slick fielder, and I reminded him that .256 slick-fielding first basemen today are making millions of dollars, so if he wants to give up the Presidency and try major league baseball, he could probably do better financially.

I had him up to Cooperstown, NY, for the induction ceremony for the new entrants to the national baseball Hall of Fame Museum. We went to the ballgame. They always have a ball game in conjunction with this, a National League team which will play an American League team, and it is sort of an exhibition game. I was like a little kid at a Sunday school picnic. I have had idols all of my life, and one of my boyhood idols was a guy called "the Splendid Splinter" who used to be the great outfielder for the Boston Red Sox, Ted Williams. There I was in this box at Doubleday Field, where baseball originated, in Cooperstown NY, sitting between Ted Williams, the Hall of Fame idol of my youth, and George Bush, the political idol of my adulthood, and I am in the middle, and the two guys are talking between innings about fishing and complaining about the damage to the environment.

I tell that story because it demonstrates, I think in very vivid form, that this President is sort of an outdoors person who sees for himself, and he knows the damage being wrought on our environment by acid rain. He is determined to do something about it, and I am determined to help him.

I know my colleague, the gentleman from New Hampshire [Mr. SMITH] is, too. I know there is a sizable segment of the Republican Party in this Chamber who are just as committed as George Bush is to doing something about the problem of acid rain.

We know the bad news. We have it reported to us every single day, lakes dying, forests being destroyed, public buildings being damaged, the public health being jeopardized. We know those stories all too well. That is the bad news.

But the good news is that we have in the President of the United States a man who is committed to being part of the solution, not someone who is going to stand idly by and let the problem perpetuate. I could not be prouder of my President as he deals with this very sensitive, important issue, and I could not be happier than I am at the prospect in the very near future in this Chamber that the vote is going to be called for, and we are going to be put to the test. The American people will be watching, and they are going to be pleased by the result, because this Congress is going to pass an acid rain bill that is meaningful, a bill that addresses the problem in a very comprehensive manner, and all of this will be possible because a lot of people who worked long and hard to convince the doubter that it is time for action, and it will be made possible because finally we have a President of the United States in George Bush who is committed to do the job.

Mr. SMITH of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. BOEHLERT. I am happy to yield to the gentleman from New Hampshire.

Mr. SMITH of New Hampshire. Mr. Speaker, the gentleman is very eloquent, and I did not want to break in on his train of thought.

I think it is important to point out, and I think the gentleman senses this, because I have worked with him now for 6 years on this issue very closely here in the Congress, and I think he senses, as I do, that the debate and the focus of the debate now has moved. It is not whether we are going to get a bill anymore. It is when and how. I think that is really where it is.

I think that President Bush has brought us to that point. I think the gentleman senses it, and I sense it. There is certainly much more enthusiasm among our colleagues. We see what is happening in the other body, and the President deserves a great deal of credit for that, as the gentleman well knows.

I think one of the other things that has been touched upon here, but it is very important, because I know there are a lot of people out there who would say, "Well, yes, it all costs money," and I think that most people realize where I come from how I vote on spending or lack thereof in this body. I have a pretty good record in that regard. It is important to point out that the President's bill rejects the attempts to impose some specific technology on a specific site with massive Federal subsidies. It rejects all of that. Instead, it sets the precedent that a mission target can be achieved in a cost-effective manner by using innovative market-based initiatives. That is the beauty of this plan. It is not quite as fast as the gentleman and I would like it to happen, but realistic in the sense that we are going to get this vehicle out here before us.

President Bush has offered Congress a credible, coordinated plan against

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acid rain. He has given us the strongest chance yet for a comprehensive solution to the problem, and I think he has brought a lot of people into the loop, even some of our colleagues in the Midwest who otherwise may not have been there.

The gentleman and I both know, and have shared, the frustration in many meetings without casting any aspersions on anybody else, but the gentleman and I both know that for many years the only people who came to an acid rain task force meeting or any meeting on acid rain were the guys from the Northeast. The folks from the Midwest did not want anything to do with it, and they were kind of skeptical. I think we have moved that dialog. We have moved that debate, as I say, not from whether, but when and how, and George Bush and John Sununu and folks here in the Congress who have worked so hard on it; I think the American people are grateful to all of them for moving that debate to that point.

I certainly want to thank again my colleague for calling this special order and asking me to participate. It is a privilege, and I am sure that because of some of the things said here today we will help to move this issue out here on the floor where we will have the opportunity once again, the gentleman and I, to debate this matter again.

I thank the gentleman again.

Mr. BOEHLERT. Mr. Speaker, I thank the gentleman.

There is one other name that I would like to mention. There are a number of names I could mention. This may surprise some people. The Prime Minister of Canada, Brian Mulroney, who has been absolutely magnificent.

Mr. Speaker, he is the individual who first took the initiative to try to convince the then-President of the United States, Ronald Reagan, that this was a serious issue dividing our allied nations, and Prime Minister Mulroney repeatedly said to President Reagan, "You must do something about it," and Prime Minister Mulroney persisted.

The Embassy of Canada here in Washington, DC, has been very helpful to so many of us, and to the credit of President Reagan, he did get some action going by the appointment of a special envoy, Drew Lewis, who is former Secretary of Transportation, and from the Canadian side, Prime Minister Mulroney appointed Bill Davis, the former Premier of Ontario. Those two people, in the last years of the Reagan administration, developed a plan to begin to address the problem. It got started then.

But it was going, quite frankly, at a snail's pace until the new team came, in, the new leader was aboard, and that leader is George Bush, and he is doing it for America.

Mr. Speaker, I am including in the RECORD an article that appeared in a recent issue of the New York Times.

ACID RAIN REPORT UNLEASHES A TORRENT OF CRITICISM

(By Philip Shabecoff)

WASHINGTON.—A comprehensive Federal report that was supposed to resolve the issue of how much damage is caused to forests by acid rain has come under criticism from some distinguished scientists who are reviewing it.

The critics said that the report gave an incorrect impression that air pollution was not causing any large-scale problems for forest ecosystems. They also said that the report, still in draft form, ignored a number of studies suggesting serious air pollution problems.

But other experts contend that the general conclusion of the report is essentially right. The report concluded that with the exception of damage to red spruce at high elevations in the East, forests in the United States are not suffering serious damage from acid rain.

CLEAN AIR LEGISLATION

The debate over the draft report has become important because Congress is now considering new clean air legislation and will almost certainly pass a new clean air law before the report can be issued in final form this summer or fall.

The document on forest damage is one part of the final draft of a Federal assessment of current scientific knowledge about the effect of acid rain on lakes and streams, forests, health, atmospheric visibility and materials. After it is reviewed, the assessment will be the basis of a separate report, to be issued in September, on strategies for dealing with acid rain.

Dr. James R. Mahoney, director of the National Acid Precipitation Assessment Program, or Napap, which coordinated the Federal research effort, said that he agreed with some of the reviewer comments about the forest problems and that the final report would probably be changed to reflect them. He said that there had been comments in "both directions," with some reviewers saying, "We don't have evidence of damage and we shouldn't try to find something that isn't there."

But lobbyists are using the draft report to try to influence the debate over legislation to amend the Clean Air Act of 1970 that is on the Senate floor. In the House, the Energy and Commerce Committee began drafting new clean-air legislation last week. Laws passed this year will affect the way the nation deals with air pollution problems for at least the next decade.

Diane Smiraldo, a spokeswoman for the Edison Electric Institute, which represents the private electric utility industry, said the Napap report "lends credence to our argument that the industry should be given flexibility in dealing with acid rain." She said the study "shows that rain is causing damage but much less than anticipated."

Several senators have referred to the draft report in questioning whether the high cost of an acid-rain control program was proportionate to the seriousness of the problem.

Napap was created 10 years ago when Congress ordered that an interagency Federal group be set up to study the nature and environmental consequences of acidic air pollution from coal-powered electricity plants and other sources. The idea was to enable lawmakers to make informed decisions when they came to vote on the problem.

The report now being reviewed is the final draft, completed at a cost of nearly $500 million. It examines the effects of other pollutants, like ozone, as well as acid deposits, and it concludes that air pollution causes far less environmental damage than has been feared.

An interim report issued by the study group in 1987, before Dr. Mahoney became director, was sharply criticized by many scientists. They contended that it tailored research findings into conclusions that matched the political goals of the Reagan Administration, which opposed new controls on air pollution. No such criticism has been leveled at the 28-volume final draft, which has been generally praised as a sound scientific document.

There is, however, some unhappiness among scientists with the volume dealing with forest health and productivity in the United States and Canada.

Dr. Ellis B. Cowling, associate for research at North Carolina State University's College of Forest Resources, said in a telephone interview: "The tone is that we don't have a problem except in southern California, and with red spruce at high altitudes. That is not a fair statement of the state of scientific knowledge." He added, "Perhaps the authors were a bit too hasty in reaching conclusions."

Dr. Cowling, who is highly regarded by colleagues as a conservative, solid scientist, wrote a memorandum to the authors of the forest health volume. He offered a series of suggestions for changing the wording of conclusions in ways that he said would reflect the state of science more accurately.

The first of those would change a finding that stated, "The vast majority of forests in the United States and Canada are not affected by decline." To be more consistent with the data, Dr. Cowling said, the conclusion should read: "Most forests in the United States do not show unusual visible symptoms of stress, marked decreases in the rate of growth or significant increases in mortality."

Just because symptoms of forest decline are not currently visible, Dr. Cowling argued, does not rule out the possibility that they are under way.

Dr. Cowling also urged that more studies be incorporated into the final report, including work by Dr. Robert Bruck, a plant pathologist at North Carolina State University who has done extensive research on tree damage in the Appalachians and believes that air pollution is seriously affecting the forests. Dr. Bruck said that he had submitted a number of papers on his work at the request of the Environmental Protection Agency and Agriculture Department, both participants in the Napap process, but that none were included among the roughly 400 studies in the report's list of references.

Dr. Gerard Hertel, national program manager of the Forest Response Program, a joint research effort of the United States Forest Service and the Environmental Protection Agency, said the Napap forest report needed "beefing up."

He noted that only 31 lines were devoted to what was happening to Southern forests, despite reports by Dr. Bruck and others of severe problems there. He also said the report gave short shrift to recently emerging evidence that pollution might be affecting hardwood forests in the East.

Dr. Hertel and Dr. Jay S. Jacobson, a plant physiologist with the Boyce Thompson Institute at Cornell University, both said the report did not deal adequately with the issue of how acid deposition might be affecting nutrients in the soil.

Sulfur and nitrogen carried in acidified water or dry particles are building up to high levels in the soil, Dr. Jacobson said. He added that other nutrients required by trees, particularly phosphorus, calcium and magnesium, appear to be replaced in the soil or leached from foliage by acid rain.

While the seriousness of this problem is still uncertain, Dr. Jacobson said, it could create nutrient imbalances that over the long run could lead to serious forest declines.

Among those who defend the report is Dr. John M. Skelly, a professor of plant pathology at Pennsylvania State University. "The report is well written and clearly states our present knowledge at the time the report was required to be submitted," Dr. Skelly said. "The report says that there are species in decline, but that the causes are well identified and they are not air pollution. That is what I read in the report and that is what I strongly concur with."

Dr. Alan A. Lucier, an author of the forest report, said that he agreed with some of the comments made about his work and disagreed with others. He rejected the conclusion that the report understates the seriousness of the issue.

Dr. Lucier, who is wetlands program manager for the National Council of the Paper Industry for Air and Stream Improvement, said that so little space had been given to the Southern forests "because the data does not support the contention that there is an unusual decline or any sort of decline in the Southern Appalachians."

Dr. Mahoney said that all comments received after the Hilton Head meeting would be considered by the authors of the various volumes of the report and that the reports would be changed or modified where appropriate. The revised report would then be peer reviewed by scientists and by Government agencies before it is released in September, he explained.

INTRODUCTION OF AMENDMENT TO EARTHQUAKE HAZARDS REDUCTION ACT OF 1977

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 15 minutes.

Mr. FAZIO. Mr. Speaker, earthquakes are truly a national problem. More than 35 States—with three-quarters of our Nation's population—are at risk from earthquakes at least as large as last October's earthquake which killed 62 people, collapsed freeways, and caused $10 billion in damage.

Future earthquakes are geologically inevitable and a great earthquake could strike Memphis or Seattle or Boston or Charleston as well as Los Angeles or San Francisco. In a truly great earthquake, which would be much, much stronger than last October's moderate quake, thousands or tens of thousands of people could be killed and property damage could exceed $50 billion. The economic disruption resulting from a major quake would have a devastating impact on our whole national economy.

According to the U.S. Geological Survey, the following areas are all at high risk for major earthquake disasters: First, northern California; second, southern California; third, Mid-continent—Missouri-Illinois-Arkansas-Kentucky-Tennessee, the New Madrid fault zone—fourth, Pacific Northwest—Seattle area, extending southward along the coast into Oregon—fifth, Utah—Salt Lake City area; sixth, Montana-Idaho-Wyoming—Yellowstone area—seventh, Alaska; eighth, California, eastern—Nevada, western; ninth, Charleston, SC, and tenth, Boston, MA. Many other parts of the country are also at significant risk.

The terrible price communities will pay for not being prepared is emphasized by the recent examples in Armenia where a quake smaller than last October's California earthquake killed more than 25,000 people or in Australia where a small quake of less than magnitude 6 resulted in many deaths, many collapsed buildings, and more than $1 billion in damage. Future earthquakes are inevitable but the deaths and the economic costs are not. If Congress takes responsible action now, we can reduce the loss of life and minimize property damage and economic disruption from future earthquakes.

"Every part of the National Earthquake Hazards Reduction Program is now funded at a level well below that required to achieve the primary goal of reducing losses of life and property on a time scale acceptable to society." This is the stark conclusion drawn by a nonpartisan, expert review panel. Our bill would revitalize the earthquake program by funding a pragmatic, national program of risk assessment and risk reduction.

Last October, we in Congress appropriated $3.5 billion dollars in disaster relief funding. Does it really make sense to spend billions on post-disaster relief when a few million dollars before the disaster could greatly mitigate the human and economic cost of such disasters? Earthquake experts tell us that a modest investment now will pay off enormously in saving lives and minimizing damage from future earthquakes.

The funding authorized for the National Earthquake Hazards Reduction Program by this bill will make possible a sensible, pragmatic national program that can significantly mitigate earthquake hazards. Given adequate funding, the agencies responsible for reducing earthquake hazards could carry out their critical responsibilities in a timely manner. There are two essential themes: risk assessment and risk reduction.

To assess risk we need to better understand regional seismic risk by intensively monitoring the most hazardous fault systems. We need to determine the local extreme-risk areas by conducting microzonation studies of urban and other highly developed areas. We need to perform seismic safety inspections of critical buildings—schools, hospitals, and other public facilities—and of lifeline infrastructure—transportation, utilities, and communications). In particular, we need to inspect Federal buildings for seismic safety.

To reduce risk we need to develop the seismic engineering techniques to retrofit buildings and other structures in a cost-effective manner. We need a rapid implementation program to expedite incorporating seismic engineering research into building codes and actual building practice. We need to develop short-term predictive capability for future earthquakes.

If we invest modest resources in these programs now, we can save thousands of lives and billions of dollars in future earthquakes. If we do not, then our penny-wise and pound-foolish inaction will reap a terrible harvest of casualties and destruction in future earthquakes that could have been mitigated by constructive action now.

SURFACE IRRIGATION ENCOURAGEMENT ACT OF 1990

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, the old adage has it that "you never miss the water until the well runs dry."

Today I'm introducing legislation, the "Surface Irrigation Encouragement Act of 1990," that will help keep the wells from going dry in the first place.

As debate over the next farm bill grows near, there is a lot of talk about water quality. In northeast Arkansas, as in the rest of the country, water quality is an important issue. But perhaps even more important to the sustainability of agriculture in Arkansas is water quantity.

The First Congressional District of Arkansas produces more rice than any State, except for Arkansas itself. Rice cannot be grown without irrigation, and in Arkansas that means wells.

What's more, the severe drought of 1988 and the very hot summer of 1989 convinced many northeast Arkansas soybean farmers that irrigating was the only way to produce yields large enought to ensure a profit. That means wells, too.

Over the years, much progress has been made in bringing water for residential use to northeast Arkansas. Since 1968, the Farmers Home Administration has made $85.9 million in loans and $56 million in grants to rural water systems in the First Congressional District.

Nonetheless, in some places in Arkansas and many places around the country people still depend on wells to provide water for daily living.

In northeast Arkansas, the wells may indeed run dry in the next 40 years if we don't do something soon. Similar problems exist throughout the South, the Southwest, and the Midwest. Underground aquifers millions of years old are being depleted at an alarming rate.

One hears a great deal these days about sustainable agriculture. If agriculture is going to be sustained in the 21st century, water conservation is critical.

What can be done about this problem? In Arkansas, we've led the Nation in finding out.

For 6 years, the U.S. Soil Conservation Service, in cooperation with the Arkansas Association of Conservation Districts, the Arkansas Soil and Water Conservation Commission, individual conservation districts throughout the State, and the U.S. Geologic Survey, has in-

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tensively monitored groundwater supply and use in 26 Arkansas counties.

The East Arkansas Water Conservation Project, as the study is known, was the brainchild of the Jackson County Conservation District in Jackson County, AR. Farmers in Jackson County experienced dry wells in the severe 1980 drought. Naturally, they had a lot of questions about what was happening to the aquifers, and what could be done to save them.

The project has come up with answers to those questions.

It has determined that two things must be done to save the aquifer in northeast Arkansas.

First of all, farmers must be encouraged to adopt best management practices to increase the efficiency of their irrigation. These practices include installation of irrigation pipelines, land leveling, tailwater recovery systems, and the like.

Secondly, farmers must be encouraged to build storage reservoirs to capture winter and spring rainfall and surface runoff. This stored water can reduce the demand for groundwater.

It's this second recommendation that poses a problem.

The current farm law discourages the construction of on-farm reservoirs. Under the current system, a farmer who wants to build a reservoir has to take the land for the reservoir out of production, and then he must take still more land out of production to meet the set-aside requirements of the Government farm programs. If he does the right thing by building a reservoir, he plants fewer crops and makes less money.

The Secretary of Agriculture has the authority to count an acre of reservoir as an acre of set-aside land. However, this Secretary and his predecessor have steadfastly refused to do so. Therefore, legislation is needed.

I propose that instead of penalizing farmers for construction surface reservoirs, we should encourage them.

That's why I've just introduced the "Surface Irrigation Encouragement Act of 1990."

This bill would provide farmers with credit for two acres of set-aside for every acre of land on their program crop base that they put into a reservoir. It would also provide credit for one acre of set-aside for every acre adjacent to the base that was put into a reservoir.

Here's how it would work:

Let's assume that a farmer with a 100-acre milo base wanted to build a reservoir. Under provisions of my bill, he would have two options.

His first option would be to build a reservoir on part of his base acreage. Each acre of the farmer's milo base devoted to the reservoir would count as two acres toward the set-aside. Therefore, he could construct a 5-acre reservoir, have that count as the required 10 set-aside acres, and plant 95 acres of milo.

His second option would be to build a reservoir on land adjacent to, but not part of, his acreage base for the farm. Each acre not part of the base but devoted to the reservoir would count as one acre toward the set-aside. The farmer could build a 10-acre reservoir on land adjacent to his base, count it as the required set-aside, and plant 100 acres of milo—100 percent of his base.

To sum it up, under current law, if you build a reservoir you plant less and lose money. Under my bill, if you build a reservoir, you plant a little more and make money.

There are some limitations contained in the bill. It would be applicable only in counties designated by the Soil Conservation Service as areas of severe ground water depletion, and farmers would not get set-aside credit for converting virgin wetland to a reservoir.

But these provisions should not damage the enthusiasm for reservoir construction in those areas where it is most desperately needed. As one farmer said the other day, "If they gave me two for one set-aside credit, I'd build a reservoir tomorrow."

I hope the new farm bill will embrace the concepts of the Surface Irrigation Encouragement Act of 1990. In this way, we can help keep the water flowing and the crops growing. I invite all of my colleagues to join me as sponsors of this bill.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hastert) to revise and extend their remarks and include extraneous material:)

Mr. McEwen, for 60 minutes, today.

Mr. Leach of Iowa, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. English, for 5 minutes today.

Mr. Kastenmeier, for 5 minutes today.

Mr. Annunzio, for 5 minutes today.

Mr. Alexander, for 15 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Hastert) and to include extraneous matter:)

Mr. Broomfield in two instances.
Mr. Vander Jagt.
Mr. Ballenger.
Mr. Ritter.
Mr. Lightfoot.
Mr. Porter.
Ms. Ros-Lehtinen.
Mr. Conte.
Mr. Horton.

(The following Members (at the request of Mr. Gonzalez) and to include extaneous matter:)

Mr. Dingell.
Mr. Thomas A. Luken.
Mr. Rahall.
Mr. Fascell in two instances.
Mr. Walgren.
Mr. Nelson of Florida.
Mr. Frost.
Ms. Pelosi.
Mr. Mazzoli.
Mr. Hoyer.
Mr. Rangel.
Mr. Weiss.
Mr. Montgomery.
Mr. Neal of Massachusetts.
Mr. English.
Mr. Sangmeister.
Mr. Stark.
Mr. Stokes.

SENATE RESOLUTION REFERRED

A resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 266. Joint resolution designating March 1990, as "United States Naval Reserve Month;" to the Committee on Post Office and Civil Service.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee has examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3311. An act to designate the Federal building located at 350 South Main Street in Salt Lake City, UT, as the "Frank E. Moss United States Courthouse."

SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 1091. An act to provide for the striking of medals in commemoration of the bicentennial of the U.S. Coast Guard;

S. 1521. An act to provide for an increase in the maximum rates of basic pay for the police force of the National Zoological Park;

S.J. Res. 190. Joint resolution designating April 9, 1990, as "National Former Prisoners of War Recognition Day"; and

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

ADJOURNMENT

Mr. BOEHLERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 29 minutes p.m.) under its previous order the House adjourned, until Monday, March 26, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2813. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 12th annual report on the administration of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Banking, Finance and Urban Affairs.

2814. A letter from the Assistant Vice President, Government and Public Affairs, National Railroad Passenger Corporation, transmitting the annual review of rail passenger service routes, which includes actual financial performance results for fiscal year 1989 and projections for fiscal year 1990 and fiscal year 1991, pursuant to 45 U.S.C. 564(c)(4)(C); to the Committee on Energy and Commerce.

2815. A letter from the Comptroller General, transmitting the annual report of activities of the General Accounting Office for the fiscal year ending September 30, 1989, pursuant to 31 U.S.C. 719(a); to the Committee on Government Operations.

2816. A letter from the Administrator, U.S. Small Business Administration, transmitting the 1989 annual report of the agency's activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2817. A letter from the Secretary of Agriculture, transmitting a copy of "Report of the Forest Service, Fiscal Year 1989", pursuant to 16 U.S.C. 1600-1614; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

2818. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a Governor's certification for the Commonwealth of Puerto Rico, supplementary information to the Governor's certification for the Commonwealth of Massachusetts, and a submittal from the State of Vermont concerning the State's status for the 1990 milestone under the act; these were received subsequent to the letter (Ex. Com. No. 2458) transmitting Governors' certification for 30 States and the District of Columbia of their capability to manage any low-level radioactive waste generated within the State, pursuant to 42 U.S.C. 2021e(e)(1)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 4328. A bill to authorize appropriations for fiscal years 1991 and 1992 for the customs and trade agencies, and for other purposes (Rept. 101-427). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. H.R. 3847. A bill to establish a Department of Environmental Protection, and for other purposes; with amendments (Rept. 101-428). Referred to the Committee of the Whole House on the State of the Union.

Mr. BONIOR. Committee on Rules. House Resolution 364. Resolution providing for the consideration of H.R. 3847, a bill to establish a Department of Environmental Protection, and for other purposes (Rept. 101-429). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTION

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 4357. A bill to encourage the construction of on-farm reservoirs, and for other purposes; to the Committee on Agriculture.

By Mr. APPLEGATE (for himself and Mrs. McEwen) (both by request):

H.R. 4358. A bill to amend title 38, United States Code, to revise the formula for computation of dependency and indemnity compensation paid to a surviving spouse of a veteran who dies from a service-connected disability or while on active duty; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 4359. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 4360. A bill entitled the "Federal Crop Insurance Reform Act of 1990"; to the Committee on Agriculture.

By Mr. FASCELL:

H.R. 4361. A bill to amend title 28, United States Code, to provide that amounts shall be made available from the Department of Justice assets forfeiture fund to support trauma care services provided by local nonprofit hospitals; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. FAZIO (for himself, Mr. Brown of California, Mr. Emerson, Mr. Boelert, Mr. Walgren, and Mr. Clinger):

H.R. 4362. A bill authorizing funding for certain programs under the Earthquake Hazards Reduction Act of 1977, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Science, Space, and Technology.

By Mr. JOHNSON of South Dakota (for himself, Mr. Grandy, and Mr. Penny):

H.R. 4363. A bill to promote the development of new and expanded markets for the export of U.S. agricultural commodities and products, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Ms. KAPTUR:

H.R. 4364. A bill to extend until January 1, 1994, the existing temporary suspension of duty on umbrella frames; to the Committee on Ways and Means.

By Ms. Kaptur (for herself, Mr. Gonzalez, Mr. Montgomery, Mr. Michel, Mr. Stump, Mr. Akaka, Mr. Applegate, Mr. Armey, Mr. AuCoin, Mr. Barnard, Mr. Bateman, Mr. Bates, Mr. Bennett, Mrs. Bentley, Mr. Bereuter, Mr. Bevill, Mr. Blaz, Mr. Boehlert, Mrs. Boggs, Mr. Borski, Mr. Bosco, Mr. Boucher, Mrs. Boxer, Mr. Brennan, Mr. Brooks, Mr. Brown of California, Mr. Brown of Colorado, Mr. Bruce, Mr. Bryant, Mr. Burton of Indiana, Mr. Bustamante, Mr. Campbell of Colorado, Mr. Cardin, Mr. Carper, Mr. Chapman, Mr. Clarke, Mr. Clement, Mr. Conte, Mr. Conyers, Mr. Cooper, Mr. Costello, Mr. Cox, Mr. Crane, Mr. DeFazio, Mr. DeLay, Mr. de Lugo, Mr. Derrick, Mr. DeWine, Mr. Dingell, Mr. Donnelly, Mr. Dornan of California, Mr. Douglas, Mr. Downey, Mr. Durbin, Mr. Dymally, Mr. Dyson, Mr. Early, Mr. Eckart, Mr. Emerson, Mr. Engel, Mr. English, Mr. Erdreich, Mr. Espy, Mr. Faleomavaega, Mr. Fascell, Mr. Fauntroy, Mr. Feighan, Mr. Fish, Mr. Flake, Mr. Frank, Mr. Frenzel, Mr. Frost, Mr. Fuster, Mr. Gallegly, Mr. Gallo, Mr. Gaydos, Mr. Geren, Mr. Gibbons, Mr. Gillmor, Mr. Gordon, Mr. Grant, Mr. Guarini, Mr. Hall of Texas, Mr. Hammerschmidt, Mr. Hancock, Mr. Harris, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Hayes of Louisiana, Mr. Herger, Mr. Hertel, Mr. Hochbrueckner, Mr. Horton, Mr. Hoyer, Mr. Hubbard, Mr. Huckaby, Mr. Hughes, Mr. Hyde, Mr. James, Mr. Johnston of Florida, Mr. Jones of Georgia, Mr. Jones of North Carolina, Mr. Jontz, Mr. Kanjorski, Mr. Kasich, Mr. Kennedy, Mrs. Kennelly, Mr. Kildee, Mr. Kleczka, Mr. Kolter, Mr. Kostmayer Mr. Lagomarsino, Mr. Lancaster, Mr. Lantos, Mr. Laughlin, Mr. Leath of Texas, Mr. Levin of Michigan, Mr. Lewis of Georgia, Mr. Lewis of Florida, Mr. Lightfoot, Mr. Livingston, Mrs. Lloyd, Mr. Thomas A. Luken, Mr. Donald E. Lukens, Mr. McCloskey, Mr. McDermott, Mr. McEwen, Mr. McGrath, Mr. McMillen of Maryland, Mr. McNulty, Mr. Machtley, Mr. Madigan, Mr. Manton, Mr. Martinez, Mr. Matsui, Mr. Mavroules, Mr. Mazzoli Mr. Mfume, Mr. Miller of Ohio, Mr. Miller of California, Mr. Miller of Washington, Mr. Mineta, Mr. Moody, Mr. Moorhead, Mrs. Morella, Mr. Morrison of Connecticut, Mr. Mrazek, Mr. Murphy, Mr. Myers of Indiana, Mr. Nagle, Mr. Natcher, Mr. Neal of Massachusetts, Mr. Neal of North Carolina, Mr. Nelson of Florida, Mr. Nielson of Utah, Ms. Oakar, Mr. Olin, Mr. Owens of New York, Mr. Oxley, Mr. Pallone Mr. Panetta, Mr. Parker, Mr. Parris, Mrs. Patterson Mr. Payne of Virginia, Ms. Pelosi, Mr. Penny, Mr. Perkins, Mr. Pickett, Mr. Poshard, Mr. Pursell, Mr. Rahall, Mr. Rangel, Mr. Ravenel, Mr. Ray, Mr. Richardson, Mr. Roberts, Mr. Roe, Mr. Rose, Mrs. Roukema, Mr. Roybal, Mr. Sangmeister, Mr. Sawyer, Mr. Schiff, Mr. Schulze, Mr. Scheuer, Mr. Sharp, Mr. Shumway, Mr. Shuster, Mr. Sisisky, Mr. Skeen, Mr. Slattery, Ms. Slaughter of New York, Mr. Denny Smith, Mr. Smith of Florida, Mr. Smith of Iowa, Mr. Spence, Mr. Spratt, Mr. Staggers, Mr. Stallings, Mr. Stenholm, Mr. Stokes, Mr. Tallon, Mr. Taylor, Mr. Thomas of Georgia, Mr. Towns, Mr. Traxler Mrs. Unsoeld, Mr. Upton, Mr. Valentine, Mr. Vander Jagt, Mr. Volkmer, Mr. Walgren, Mr. Walsh, Mr. Waxman, Mr. Weiss, Mr. Wheat, Mr. Whitten, Mr. Wolf, Mr. Wolpe, and Mr. Yatron):

H.R. 4365. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the United States involvement in World War II; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KASTENMEIER:

H.R. 4366. A bill to amend title 17, United States Code, to create a dispute settlement

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procedure for bilateral agreements between the United States and other countries with respect to copyrights and mask works, and for other purposes; to the Committee on the Judiciary.

By Mr. KLECZKA (for himself and Mr. Bustamante):

H.R. 4367. A bill to amend section 552a of title 5, United States Code, to exempt State and local governments from verification requirements applying to certain information disclosed to computer matching programs, and for other purposes; to the Committee on Government Operations.

By Ms. LONG (for herself, Ms. Kaptur, Mr. Miller of Ohio, Mr. Burton of Indiana, Mr. Evans, Mr. Towns, Mr. Inhofe, Mr. Houghton, Mr. Hammerschmidt, Mr. Jacobs, Mr. Walgren, Mr. Gaydos, and Mr. Murphy):

H.R. 4368. A bill to treat all semimanufactured and manufactured glass products as import sensitive under title V of the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. THOMAS A. LUKEN (for himself, Mr. Whittaker, Mr. Swift, Mr. Rinaldo, Mr. Boucher, Mr. Tauke, Mr. Manton, Mr. McMillen of Maryland, Mr. Tauzin, Mr. Eckart, Mr. Richardson, Mr. Skelton, Mr. Campbell of Colorado, Mr. Nelson of Florida, Mr. Tallon, Mr. Poshard, Mr. Towns, Mr. Wilson, Mr. de Lugo, Mr. Machtley, Mr. Lent, Mr. Hansen, Mr. Lancaster, Mrs. Vucanovich, Mr. Hatcher, Mr. Upton, Mr. Bilbray, Mr. Nowak, Mr. Neal of Massachusetts, Mr. Rahall, Mr. Roth, Mr. Mrazek, Mr. Payne of Virginia, Mr. Bateman, Mr. Henry, Mr. Boehlert, Mr. Lehman of Florida, Mr. Emerson, Mr. Hefner, Mr. Lagomarsino, Mr. Grant, Mr. Fuster, Mr. Rangel, Mr. Ritter, Mr. Akaka, Mr. Costello, Mr. Nielson of Utah, Mr. Craig, Mr. Darden, Mr. Hammerschmidt, Mr. Olin, Mr. Mavroules, Mr. Mineta, Mr. Sikorski, Mr. Dyson, Mr. Mazzoli, Mr. Wolpe, Mr. Pallone, Mr. Fields, Mr. Livingston, Mr. Blaz, Mr. Hall of Texas, Mr. Bevill, Mr. Scheuer, Mr. McEwen, Mr. Hancock, Mr. Pickett, Mr. Clement, Mr. Wise, Mr. Mollohan, Mr. Bilirakis, Mr. Parris, Mr. Morrison of Washington, Mrs. Unsoeld, Mr. Miller of Washington, Mr. Thomas of Wyoming, Mr. Espy, Mrs. Collins, Mr. Bustamante, Mr. Skeen, Mr. Inhofe, Mr. Gillmor, Mr. Gekas, Mr. Chandler, Mr. Dicks, Mr. Valentine, Mr. Jenkins, Mr. Oxley, Mr. Lewis of Georgia, Mr. Staggers, and Mr. Schaefer):

H.R. 4369. A bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes; jointly, to the Committee on Energy and Commerce and Ways and Means.

By Mr. MRAZEK (for himself and Mr. Hochbrueckner):

H.R. 4370. A bill to authorize appropriations for fiscal year 1991 for a construction project at the Department of Veterans Affairs Medical Center at Northport, NY; to the Committee on Veterans' Affairs.

By Mr. RANGEL:

H.R. 4371. A bill to provide for a permanent extension of the targeted jobs credit, and for other purposes; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 4372. A bill to amend title 10, United States Code, to encourage recruitment and retention of members of the reserve components through extension of various educational assistance programs of the Department of Defense; to the Committee on Armed Services.

H.R. 4373. A bill to amend title 38, United States Code, to strengthen the enforcement procedures with respect to violations of the reemployment rights of veterans; to the Committee on Veterans' Affairs.

By Mr. SCHULZE (for himself, Mr. Guarini, Mr. Gallo, Mr. Pease, Mr. Regula, Mr. Dwyer of New Jersey, Mr. Dannemeyer, Mr. Walsh, Mr. Tallon, Mr. Petri, and Mr. Lagomarsino):

H.R. 4374. A bill to amend the Omnibus Trade and Competitiveness Act of 1988 and the Trade Act of 1974 in order to achieve the international harmonization of patent laws; to the Committee on Ways and Means.

By Mr. VANDER JAGT:

H.R. 4375. A bill to amend the Internal Revenue Code of 1986 to promote savings for qualified higher education expenses; to the Committee on Ways and Means.

By Mr. HOCHBRUECKNER:

H.J. Res. 528. Joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. LEWIS of Georgia (for himself, Mr. de Lugo, Mr. Shays, Mr. Manton, Mrs. Unsoeld, Mr. Gray, Mr. Kildee, Mr. Gordon, Mr. Fauntroy, Mr. Rahall, Mr. Ray, Mr. Hayes of Illinois, Mr. DeFazio, Mr. Savage, Mr. Ackerman, Ms. Pelosi, Mr. Foglietta, Mr. Stokes, Mr. Dixon, Mr. Geren, Mr. Fuster, Mr. Horton, Mr. Pallone, Mrs. Collins, Mr. Ford of Tennessee, Mr. Erdreich, Mr. Buechner, Mr. Towns, Mr. Owens of Utah, Mr. McNulty, Mr. Levin of Michigan, and Mr. Evans):

H.J. Res. 529. Joint resolution designating the year 1990 as the "Year of the Vote;" to the Committee on Post Office and Civil Service.

By Mr. PAYNE of New Jersey:

H.J. Res. 530. Joint resolution designating July 2, 1990, as "National Literacy Day;" to the Committee on Post Office and Civil Service.

By Mr. BROOMFIELD (for himself, Mr. Edwards of Oklahoma, and Mr. Miller of Washington):

H. Con. Res. 292. Concurrent resolution to express the sense of the Congress on continued United States support for democracy in Lithuania, the right of the Lithuanian people to national independence, and the establishment of diplomatic relations with the Government of Lithuania; jointly, to the Committee on Foreign Affairs and Ways and Means.

By Mr. MICHEL:

H. Res. 362. Resolution relating to a question of privilege of the House; considered and agreed to.

By Mr. MURPHY:

H. Res. 363. Resolution to apply the compensatory time off provisions of the Fair Labor Standards Act of 1938 to employees of the House of Representatives who are covered by that act; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DYMALLY:

H.R. 4376. A bill for the relief of Miguel A. Perez; to the Committee on the Judiciary.

By Mr. MILLER of Washington:

H.R. 4377. A bill to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WELDON:

H.R. 4378. A bill for the relief of Rebecca T. Zagraniski; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 159: Mr. Smith of New Hampshire.

H.R. 173: Mr. Thomas of California and Mr. Neal of North Carolina.

H.R. 520: Mr. Fuster, Mr. Poshard, Mr. Moody, Mr. Levine of California, Mr. Rangel, Mr. McNulty, Mr. Frost, and Mr. Erdreich.

H.R. 521: Mr. Fuster, Mr. Poshard, Mr. Moody, Mr. Levine of California, Mr. Rangel, Mr. McNulty, Mr. Frost, and Mr. Erdreich.

H.R. 522: Mr. Fuster, Mr. Poshard, Mr. Moody, Mr. Levine of California, Mr. Rangel, Mr. McNulty, Mr. Frost, and Mr. Erdreich.

H.R. 523: Mr. Fuster, Mr. Poshard, Mr. Moody, Mr. Levine of California, Mr. Rangel, Mr. McNulty, Mr. Frost, and Mr. Erdreich.

H.R. 563: Mr. Pickle.

H.R. 707: Mr. Dwyer of New Jersey.

H.R. 726: Mr. Hatcher.

H.R. 780: Mr. Rowland of Connecticut.

H.R. 1024: Mr. Skaggs.

H.R. 1028: Mr. Robinson, Mr. Bliley, Mr. Fauntroy, and Mr. Hubbard.

H.R. 1141: Mr. James, Mr. Duncan, Mr. Gallegly, and Mr. Porter.

H.R. 1390: Mr. Crane.

H.R. 1699: Mr. Courter, Mr. Yates, Mr. Dymally, Mr. Nielson of Utah, Mr. Henry, Mr. Murtha, Mr. Crockett, Mr. Stokes, Mrs. Saiki, Mr. Vander Jagt, Mr. Frost, Mr. Upton, Mr. Whitten, Mr. Blaz, and Mr. Gallegly.

H.R. 1994: Mr. AuCoin and Mr. Roybal.

H.R. 2098: Mr. Rinaldo, Mr. Hertel, Mr. Boucher, and Mr. Whittaker.

H.R. 2213: Mr. Brown of California, Mr. Wolpe, Mr. Machtley, Mr. Markey, Ms. Schneider, Mr. Jontz, Mr. Derrick, Mr. McNulty, Mr. Ravenel, Mrs. Patterson, Mr. Spratt, Mr. DeFazio, Mr. Tallon, Mr. Rangel, and Mr. Rowland of Connecticut.

H.R. 2319: Mr. Yates Mr. Poshard, Mr. Costello, Mr. Bruce, and Mr. Weldon.

H.R. 2418: Mr. Rhodes, Mr. Moody, and Mr. Gunderson.

H.R. 2460: Mr. Marlenee.

H.R. 2648: Mr. Torricelli.

H.R. 2826: Mr. Dicks.

H.R. 2832: Mr. Dicks.

H.R. 2870: Mr. Lewis of Georgia, Mr. Brennan, and Mr. Rinaldo.

H.R. 2881: Mr. Rinaldo and Mr. Whittaker.

H.R. 3126: Mr. Chapman.

H.R. 3349: Mr. Buechner, Mr. Valentine, and Mr. Akaka.

H.R. 3432: Mr. Evans.

H.R. 3440: Mr. Inhofe, Mr. Shumway, and Mrs. Saiki.

H.R. 3520: Mrs. Collins, Mr. Courter, and Mr. Dwyer of New Jersey.

H.R. 3732: Mr. Crane, Mr. Rahall, Mr. Ballenger, Mr. Mrazek, Mr. Paxon, and Mr. Flake.

H.R. 3735: Mr. Traxler, Mr. Thomas of Georgia, and Mr. Downey.

H.R. 3763: Mr. Atkins, Mr. Nielson of Utah, Mr. Bryant, Mr. Engel, Mrs. Meyers of Kansas, Mr. Wise, and Mr. Vento.

H.R. 3789: Mr. Bilbray, Mr. Brennan, Mr. Brown of California, Mr. Evans, Mr. Gordon, Mr. Guarini, Mr. Hatcher, Mrs. Lowey of New York, Mr. Rahall, and Mr. Wheat.

H.R. 3800: Mr. Wise, Mr. Pease, Mr. Skaggs, Mr. Geren, Mr. Stenholm, Mr. Cooper, Mr. Browder, Mr. Richardson, Mr. Bustamante, Mr. Tallon, Mr. Clement, Mr. Barnard, Mr. Visclosky, Mr. Johnston of Florida, Mr. Huckaby, Mr. Stallings, Mr. Parker, and Mr. Leath of Texas.

H.R. 3813: Mr. Holloway.

H.R. 3831: Mr. Owens of New York, Mr. Slattery, Mr. Rangel, Mr. Towns, Mr. Gilman, Mr. Bonior, Mrs. Collins, Ms. Schneider, Mr. Green, Mr. Tallon, Mr. Nowak, Mr. Spratt, Mr. Penny, Mr. Oberstar, Mr. Bates, Mr. Dymally, Mr. Dellums, Mr. Sikorski, Mr. Sisisky, Mr. Dyson, Mr. English, Mr. Bosco, Mr. Lagomarsino, Mrs. Patterson, Mr. Condit, Mr. Huckaby, and Mr. Johnston of Florida.

H.R. 3859: Mr. Jontz.

H.R. 3880: Mr. Dixon.

H.R. 3895: Mr. Frenzel and Mr. Lewis of Georgia.

H.R. 3904: Ms. Schneider, Mr. Scheuer, Mr. Roe, Mr. Hughes, Mr. Hochbrueckner, and Mrs. Meyers of Kansas.

H.R. 3927: Mrs. Martin of Illinois.

H.R. 3937: Mr. Bunning.

H.R. 3957: Mr. Slaughter of Virginia, Mr. Wyden, and Mr. Coble.

H.R. 3974: Mr. Owens of Utah.

H.R. 4006: Mr. Frost, Mr. Fuster, Mr. Hayes of Louisiana, Ms. Pelosi, Mr. Porter, Mr. Mrazek, and Mr. Rangel.

H.R. 4026: Mr. Bevill, Mr. Lewis of Georgia, and Mr. Hayes of Louisiana.

H.R. 4075: Mr. Bustamante, Mr. Miller of Washington, Mr. Nagle, Mr. Frost, Mr. Houghton, and Mr. Clay.

H.R. 4081: Mr. Kyl.

H.R. 4083: Mr. Sikorski and Mr. Bates.

H.R. 4147: Mr. Hochbrueckner, Mr. Wheat, Mr. Towns, and Mr. Fish.

H.R. 4149: Mr. Kolter, Mrs. Schroeder, Mr. Roberts, and Mr. Wheat.

H.R. 4198: Mr. Gunderson.

H.R. 4201: Ms. Pelosi.

H.R. 4207: Mr. Hunter, Mr. Chapman, and Mr. Leath of Texas.

H.R. 4220: Mr. Marlenee, Mr. Kyl, Mr. Petri, Mr. Slaughter of Virginia, and Mr. Smith of Vermont.

H.R. 4250: Mr. Rahall and Mr. Bevill.

H.R. 4262: Mr. Foglietta.

H.R. 4269: Mr. Vento and Mr. Ridge.

H.R. 4337: Mr. Paxon.

H.J. Res. 51: Mr. Holloway.

H.J. Res. 457: Mr. Fish, Mr. Packard, Mr. McHugh, Mr. Mineta, Mr. Owens of Utah, Mr. Brown of California, Mr. Weber, Mr. Douglas, Mr. Panetta, and Mr. McNulty.

H.J. Res. 498: Mr. Chapman, Mr. de la Garza, Mr. Jones of Georgia, Mr. Lancaster, Mr. Levine of California, Mr. Markey, Mr. Martinez, Mr. Ortiz, Mr. Owens of New York, Mr. Perkins, and Mr. Wilson.

H.J. Res. 500: Mr. Nagle, Mr. Bevill, Ms. Pelosi, Mr. Schuette, Mr. Grandy, Mr. Roberts, Mr. Crane, Mr. Lancaster, Mr. Spence, Mrs. Bentley, Mr. Broomfield, Mr. Gonzalez, Mrs. Byron, Mr. Geren, Mr. Brennan, Mr. Rose, and Mr. Lantos.

H.J. Res. 505: Mr. Cardin.

H.J. Res. 518: Mr. Kolter, Mr. Neal of Massachusetts, Mr. Moakley, Mr. Clarke, Mr. Sisisky, Mr. Roe, Mr. Valentine, Mr. Harris, Mr. Hatcher, Mr. Wolpe, Mr. Mavroules, Mr. Jenkins, Mr. Boucher, and Mr. Solomon.

H. Con. Res. 138: Mr. Gonzalez and Mr. Donnelly.

H. Con. Res. 249: Mrs. Unsoeld, Mr. Horton, and Mr. Fuster.

H. Con. Res. 281: Mr. Lipinski and Mr. Neal of North Carolina.

H. Res. 359: Mr. Livingston, Mr. Nielson of Utah, Mr. Frenzel, Mrs. Vucanovich, Mr. Thomas of California, Mr. Kyl, and Mr. Herger.

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SENATE—*Thursday, March 22, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable HERBERT KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Is anything too hard for the Lord?—Genesis 18:14.

* * * *with God all things are possible.*—Matthew 19:26.

Almighty God, the assurance implicit in Your question to Abraham, "Is anything too hard for the Lord?" confirmed by Jesus, "* * * with God all things are possible," speaks to our present situation. As the Senate struggles with this Herculean task, finding solutions to the accumulative pollution resulting from technical and scientific progress, plus generations of human neglect, selfishness, greed, carelessness, and thoughtlessness, when no matter what is done, many will suffer, many will be angry, and few, if any, will be satisfied, move the Senators to look to Thee, Creator of a universe which You declared to be "all very good." May they seek the wisdom of the Lord of history as they find their way through the maze of conflicting and controversial efforts. In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 22, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERBERT KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is now recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders this morning there will be a period for morning business not to extend beyond 9:45 a.m., with Senators permitted to speak therein. At 9:45, the Senate will resume consideration of S. 1630, the clean air bill. Votes are expected throughout the day and late into this evening on this measure.

RESERVATION OF LEADERS' TIME

Mr. MITCHELL. Mr. President, I reserve the remainder of my leader time and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for morning business not to extend beyond the hour of 9:45 a.m. with Senators permitted to speak therein. The Chair recognizes the Senator from Virginia, Senator WARNER.

CURRENT WORK OF THE ARMED SERVICES COMMITTEE

Mr. WARNER. Mr. President, in the absence of the distinguished Republican leader I wish to thank the majority leader for making available this time. Senator NUNN, as I understand it, is going to speak with respect to his perspectives on the current work of the Armed Services Committee and the eventual work of the Senate as a whole in connection with the authorization bill for fiscal year 1991.

I have had the opportunity to work with my distinguished colleague in his preparations for this series of comments. I anxiously await his views on this. Perhaps at some point at the conclusion, the Senator from Virginia would ask for a few minutes recognition for the purpose of making some reply.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator NUNN.

DEFENSE BUDGET BLANKS

Mr. NUNN. Mr. President, I thank my colleague from Virginia and thank the majority leader for making this time available this morning to begin discussing one of the most important and one of the most contentious of issues, and that is the overall defense budget for fiscal year 1991.

My colleague from Virginia and I have worked for 2½ months, very long and hard hours, and our whole committee has done the same thing, in focusing on the defense budget for this year and particularly the changed circumstances in the world, the threat change, what strategy changes have been made. This is the first in a series of speeches that I will be making on the floor. I am encouraging our committee members on the Democratic side of the aisle as well as the Republican side of the aisle to also offer their comments as we go along.

This is the beginning of the deliberation, not the conclusion of it. Our subcommittees have not finished their own hearings. Our full committee has not completed all of our hearings. We have not even begun to put a pencil to the budget. We have not even started that process. So these are initial observations. I believe in the circumstances we are in today we are called on to go ahead and make our initial observations so the Budget Committee and others can begin to get a feel for the picture as we see it on the Armed Services Committee.

I speak only for myself this morning. I make no attempt to speak for any other Senator. Everyone will be speaking for themselves and until the committee acts there is no such thing as a committee position.

Mr. President, the Committee on Armed Services has been reviewing the threat, our military strategy, and the Defense Department's fiscal year 1991 budget request for the past 2 months.

In my view, Defense Secretary Cheney has the toughest job in town, and I want to say that loud and clear right now at the beginning. I will have some critiques to make of the Department of Defense as I go through my remarks this morning and in the next several weeks. But I want to put it in this perspective. He has the hardest job in town. I do not envy him that job and I think he deserves credit for making some very difficult choices in putting this defense budget together. The problem is the Defense Department is a long way from finishing the job.

We have a great deal more work to do—and so does the Department of Defense—before we can report a fiscal year 1991 defense authorization bill to the Senate. However, in light of the increasing amount of attention being given to what level of defense spending is appropriate for next year, I do want to take a few minutes today to outlines what the committee has learned to this point.

The Armed Services Committee review has shown the administration's 1991 defense budget and the 5-year defense plan contains at least five big blanks.

First, there is the threat blank. The basic assessment of the overall threat to our national security on which this budget is based is rooted in the past.

Second, there is a strategy blank. The development of a new military strategy that responds to the changes in the threat has not yet occurred.

Third, there is a dollar blank. The Department of Defense has identified only $70 billion of the overall $167 billion in budget cuts necessary to bring the Pentagon spending levels down to the 5-year target levels for national defense contained in President Bush's own 1991 budget. In other words, there has been an announcement of $167 billion in cuts over 5 years. So far, we have seen only $70 billion of those cuts identified.

Fourth, there is a force structure blank. The Defense Department has not told us what the size and structure of our military forces will be over the next 5 years at their own budget levels.

And fifth, there is a program blank. Secretary Cheney has initiated top-to-bottom reviews of major weapons programs for which he is requesting tens of billions of dollars in the fiscal year 1991 budget.

Mr. President, in summary, I have concluded that the Bush administration's 1991 defense budget proposal is based on a 1988 threat and a 1988 strategy. Essentially, the administration took the level of spending and programs for fiscal year 1991 that was developed back in 1988 and reduced it for fiscal reasons. They have not adjusted the underlying assumptions about threat and strategy. The few adjustments that have been made in ongoing programs have been made primarily for fiscal reasons. With threat strategy and program assumptions that are at a minimum 2 years out of date, we are left with big blanks in the fiscal year 1991 defense budget.

By the time we get our bill on the floor, Members of the Senate will expect, and indeed many will demand, that the Armed Services Committee report a defense authorization bill for fiscal year 1991 that is based on the world as it is today, one that looks forward and not backward.

If the Department of Defense wants to remain relevant to this process, they must begin filling in these big blanks in the defense budget.

At the request of the majority leader and as we have in previous years, the Armed Services Committee began our work this year with a series of hearings on the implications of the changes in the Soviet Union and Eastern Europe for our national security policy, our military strategy and, ultimately, our defense budget.

In these hearings, the Armed Services Committee received testimony from representatives of the United States intelligence community in both open and closed sessions concerning the changes in the nature of the threats to our security from United States experts outside the Government concerning the changing nature of the threat and its impact on force structure; from European and Japanese experts; and from a delegation of the North Atlantic Assembly on allied perceptions of the changing threat; and from three former Secretaries of Defense and three former Chairmen of the Joint Chiefs of Staff on how the United States and our allies should respond to the changing threat.

Virtually all of the Government and private witnesses who testified before the committee confirmed what we have all seen on television every night: the world has changed dramatically, probably in permanent ways. These changes have fundamentally altered many of the basic assumptions on which our national security policy, our military strategy, and our defense budgets have been based for the last 40 years.

Former Secretary of Defense James Schlesinger summed up these changes very well, as he always does, when he told the committee:

> The military balance has been radically altered. How long the Warsaw Pack may survive as a political institution is open to question, but its role as a military alliance and a military threat is largely broken.

With these hearings as a backdrop, the committee began its review of the President's fiscal 1991 defense budget and 5-year defense plan. We heard from many witnesses, including the Secretary of Defense and the Joint Chiefs. We heard from the unified and specified combatant commanders, the service chiefs, the service Secretaries and from Charles Bowsher, the Comptroller General.

Mr. President, our committee's overall challenge is to determine whether the fiscal 1991 defense budget and the 5-year defense plan respond to the changes in the threats to our national security, the political situation in the Soviet Union and Europe and the fiscal situation here at home. That is what we will have to present when we come to the floor, and we will have to answer questions on that point, as well we should.

Our committee is asking three broad questions in order to meet out own responsibilities: First, how do the recent changes in the Soviet Union and Eastern Europe affect our national interests, and how have these changes altered the traditional threats to our national security? What new threats have to be encountered in the future?

Second, how has our military strategy been revised in light of these changes and the threat to our national security? By military strategy, I do not mean our fundamental national security objectives such as deterring military attacks against the United States, preventing nuclear war and deterring attacks against our allies, or insuring access to markets of the world for our country. By military strategy, I mean the way that we structure and plan to use our military forces based on the threat and resources available to achieve our national security objectives.

Third question: What do these changes in the threat mean for our force structure, our overseas deployments, and the future modernization of our military forces? What level of defense spending over the next 5 years is appropriate to deal with the changing threat overseas and with the fiscal constraints at home? In short, how do we change our defense budget in light of the changes in the threat and the development of a new strategy?

So far, Mr. President, the Department of Defense has only provided us with fragmentary answers to these questions.

FISCAL YEAR 1991 DEFENSE BUDGET AND THE 5-YEAR DEFENSE PLAN

This year represents the first complete budget submitted to the Congress by President Bush and Secretary Cheney. Overall, the fiscal year 1991 defense budget is $22 billion below the fiscal year 1991 figure submitted to Congress last year in the biennial 1990-91 budget. The biennial budget was developed in 1988 and submitted to the Congress in 1989. That means that the basic structure of the fiscal year 1991 defense budget is 2 years old.

The budget continues the effort begun last year to terminate marginal acquisition programs. Some of these program terminations will be controversial, but there is no doubt that some of the current weapons programs will have to be terminated to meet the budget targets of the next 5 years. In

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fact, I am certain that more programs will have to be terminated than the Department of Defense has recommended so far.

The beginning of the force structure reductions that will result in a smaller active duty force in all of the military services are also reflected in this budget. Overall active duty military strength declines by 91,500 from 1989 to 1991. In Secretary Cheney's budget and President Bush's budget that has been submitted, two Army divisions will be deactivated in 1991. The Navy will retire two battleships and eight attack submarines in 1991 and begin planning for the deactivation of two nuclear cruisers in the outyears.

In general, Secretary Cheney and Secretary Powell have begun the process of restructuring our Military Establishment in response to the fiscal threat, but not yet in response to the changing military threat. Mr. President, this restructuring is still in the very early stages, and there are some very critical blank spaces in the fiscal year 1991 defense budget and the 5-year defense plan that have been submitted to the Congress. The Armed Services Committee and the Congress really should not act on the fiscal 1991 budget until most of these blanks have been filled in.

I hope these blanks will be filled in by the Defense Department, but the Congress will have to act if the Defense Department does not. At this time, we do not have any firm indication of when or if this information will be provided. We have a pledge from Secretary Cheney to continue to keep us informed, but we have no timeframe yet to anticipate the information.

Let me take just a few moments to expand on what I mean by the blanks and why they are important.

THREAT BLANK

The first blank involves the basic assessment of the threats to our national security. The central question is how these traditional threats, particularly from the Soviet Union and the Warsaw Pact, have changed in the past year. This broad question cannot be answered, however, without addressing a large number of other questions, such as: Are the changes in the Soviet Union reversible? Are the changes in Eastern Europe reversible? If so, how fast can these changes be reversed and how rapidly would the threat to our national security interests increase if these changes are reversed?

We need to keep this term "reversibility" in mind during our deliberations this year because we have to adopt a strategy; we have to adopt a force posture; and we have to adopt an overall modernization program that will allow us in this country to reverse course, if need be, if the threat changes. We have to keep that in mind.

The second question: Have there been any significant changes in the pace and the scope of the Soviet's modernization of their strategic nuclear forces? That is a subject we have not heard a lot about lately, but a very important subject that is going to be a major part of our deliberations this year.

Third question: How have the changes in the Soviet Union and the Warsaw Pact altered the conventional balance in Europe?

Fourth question: Are there changes in Soviet naval deployment and operations that could affect our own naval deployment and operations?

Fifth question: Do we still expect our military forces to defend against a Soviet invasion of Iran to seize the Persian Gulf oil fields, a contingency on which we have put an enormous effort and resources.

Administration officials have given different and sometimes conflicting answers to these questions in recent weeks. I do not expect and I do not think anyone expects complete agreement within the administration on the assessment of the current and future threats to our national security. I think it is healthy to have more than one opinion. I am not one of those who believes the debate between CIA Director Webster and Secretary Cheney is an unhealthy debate. I feel strongly the reason we have a CIA, primarily going back into the late 1940's and 1950's when it was created, was because we wanted an independent assessment. I think we should all encourage Director Webster and his people to continue to give us that independent assessment. That is what we have them there for, and that is what they are paid for.

We should, however, in all of this debate expect some form of general consensus on the range and priority of threats that we must be prepared to count on. We have not yet received that from the administration. We should also expect that the changes in the threat would be more apparent in the Defense Department's budget interest.

STRATEGY BLANK

The second blank is in the area of our military strategy and how we respond and the changes in the threat.

Just before the fiscal 1991 budget request was released, President Bush said that he would propose "a defense budget that begins the transition to a restructured military, a new strategy that is more flexible, more geared to contingencies outside of Europe while continuing to meet our inescapable responsibility to NATO and while maintaining the global balance."

I agree completely with President Bush that we need a new military strategy that takes into account the dramatic changes in the Soviet threat and the resources which we will have to have to meet this threat.

Many of the witnesses testifying before the Armed Services Committee shared this view that we need a new military strategy. Former Defense Secretary Frank Carlucci said:

> We need at a minimum to redefine our key interests around the world and to develop a new blueprint for the forces needed to defend these interests.

At the time the fiscal 1991 budget was released after President Bush's remarks, Secretary Cheney stated that this is "the worst possible time to contemplate changes in defense strategy."

When I asked Secretary Cheney at our hearing whether this statement contradicted the President's statement on the call for a new military strategy, he responded by saying, "If the President says we need a new strategy, obviously we need a new strategy."

There may be some differences in how people define military strategy. Some define strategy in terms of broad national objectives, deterring nuclear war, ensuring U.S. access to world markets, to which no one can object, and other broad sweeping kinds of national objectives.

I regard military strategy in a more practical sense: how we structure our military forces to achieve these broader national objectives, or stated another way, what is it we expect our military forces to do to protect our Nation's interests? That is what I mean by military strategy and that is what the services think of when they structure their forces and make their budget requests.

Using this more focused definition of military strategy, we have some fundamental rethinking to do. Major changes to our military strategy are both necessary and inevitable.

DOLLAR BLANK

The next blank is the dollar blank. In his testimony before our committee, Secretary Cheney indicated that the current 5-year defense plan has been reduced by a total of $167 billion from last year's 5-year defense plan. So far, however, the Defense Department has indicated how approximately $70 billion of these savings will be achieved.

I should note at this point that $39 billion of the accumulated savings over the next 5 years come from proposals in the Defense Management Report, and the definitive path to these savings has not yet been revealed. It will take strong leadership in the Defense Department to achieve these savings, and if the savings are not achieved in the activities outlined in the Defense Management Review, other defense programs will have to be reduced instead.

But the most important point is that the Defense Department has identified less than half of the savings in defense programs necessary to bring last year's 5-year defense plan in line with the 5-year defense spending levels in the President's budget submitted this year.

Last year's 5-year defense plan must still be reduced by at least $90 to $100 billion in what we call the outyears, meaning the years beyond fiscal year 1991. It could be more. The General Accounting Office has testified they believe the figure for the reduction still to be made is closer to $138 billion.

Mr. President, dollar reductions of this magnitude to our defense programs over the 5-year period will require major restructuring. The Armed Services Committee and the Congress need to have a clear idea of how these reductions are going to be achieved in fiscal 1992 before we act on the fiscal 1991 defense budget. As Comptroller Bowsher told the committee last week, if we have no view of the outyears of our defense year budget, if we cannot see beyond 1 year, we have no way to judge this year.

FORCE STRUCTURE BLANK

The fourth blank is the area of force structure. Both Secretary Cheney and General Powell have indicated that the size of our military forces will be reduced over the next 5 years if the CFR and START agreements are signed.

What kind of reductions will be made in our force structure over the next 5 years? How large a force will we keep stationed overseas? What will be the balance between Active Forces and Reserve Forces?

Unfortunately, we do not have the answer to these questions yet. Beyond the force structure reductions in fiscal year 1991, the Defense Department has not yet told us what our force structure will look like over the next 5 years. The Department has given us a glimpse. They have indicated there is a possibility of eliminating three more Army divisions in addition to the two being deactivated in fiscal year 1991 and five Air Force tactical fighter wings, but at this point, these are only national reductions. They are not yet firm proposals. The Navy has even maintained that the recent changes in the Soviet Union and Eastern Europe have not changed the requirement for naval forces. Admiral Trost, the Chief of Naval Operations, made the rather puzzling statement before the committee recently that "the requirement for globally deployed naval forces has not been reduced."

Again, Congress needs to know what our force structure will look like over the next 5 years before we can make reasonable decisions on this year's budget.

PROGRAM BLANK

The final blank in the fiscal 1991 budget in the 5-year plan is what I call the program blank. I am not complaining about this one. I want it to be clear that I think this programmatic review is necessary, but I want it also to be clear that we cannot make our decisions until that review is completed.

Secretary Cheney told the committee that he has initiated top-to-bottom reviews of five major defense programs: the B-2 bomber, the C-17 aircraft, the advanced tactical fighter, the advanced tactical aircraft, and the SDI Program. Since his appearance, other programs have been added to this list. I congratulate Secretary Cheney for taking these steps. These and other major defense programs must be thoroughly reviewed in light of the threats to our national security.

In his confirmation hearing before the committee last month, the new Vice Chairman of the Joint Chiefs of Staff, Admiral Jeremiah stated—and I think he is absolutely on mark here—that "We need to go back and look at the requirements documents for weapons systems that are on the street and decide whether these things that were needed a year ago or 2 years ago still have the same requirements in terms of the weapon systems or the capability, the numbers, * * * and the required operational capability."

Mr. President, we must not develop and we should not buy weapon systems to meet a threat that has substantially changed or no longer exists. But Admiral Jeremiah cannot carry out his weapon review until there is a threat reassessment, until there is a warning time reassessment, and until there is a strategy reassessment. It cannot be done because if you have the same projected threat or warning time or strategy as assumption, or you are going to get the same weapons systems unless you have different people making different subjective judgments. So there is a fundamental foundation that is missing, and that is what I keep emphasizing.

The problem right now is that over $16 billion requested in this year's budget is involved in just those five programs I mentioned. Each of these programs over their procurement lifetime will cost at least $30 billion to complete and some of them much more. We are talking about $200, $250 billion just in these five programs. The review of these programs underway could have a major effect on this year's budget, but the reviews have not yet been completed. Congress must know the outcome of these top-to-bottom reviews before authorizing and appropriating large sums of money for these programs in fiscal year 1991.

BUDGET DISCONNECTS

Mr. President, I want to make a few more observations. There are some disconnects in the fiscal year 1991 defense budget request. I cite these as examples as to why I believe this is a fiscally driven budget that has not been calibrated to the strategy or the threat changes. Let me just give you a few examples.

Why is the Army requesting $112 million for the follow-on-to-Lance Program when German officials have made it clear they will never permit that system to be deployed on their soil, and the commander of United States forces in Korea says he has no requirement for it?

I see the Senator from New Mexico on the floor. He has been a leader in this respect. He and I have talked and I know he is going to have some comments in this respect. I believe it is time for a complete reassessment of NATO's nuclear posture. Short-range nuclear weapons which cannot reach beyond the borders of Germany and Czechoslovakia have no mission in today's changed world.

Another example: Why is the Air Force continuing to procure F-16 aircraft at a procurement rate designed to support 36 tactical fighter wings when the Defense Department has indicated the likelihood of eliminating five Air Force tactical wings over the next 5 years? Another question.

Why is the Army requesting $40 million to set up a second source for the TOW antitank missiles when the current producer has sufficient capacity to produce three times as many missiles per year as the Army plans to buy?

Next question: Why is the Army proposing to send $4 billion over the next few years to develop a new heavy tank that will not see service for the next 6 to 8 years when they believe that the threat posed by the Warsaw Pact today has diminished to the point that it is no longer necessary to produce a main battle tank?

Another question: Why do the recruiting and training budgets for the Army and for the Air Force increase in fiscal year 1991 when the number of people in these services is being reduced in fiscal year 1991 with larger reductions likely in the outyears?

Another question: Why does the fiscal year 1991 defense budget contain over $1 billion for new military construction projects overseas when the level of our forces deployed overseas will almost certainly be reduced over the next several years?

Finally, why does the Pentagon leadership keep saying that people are their highest priority when they fail to seek Presidential exemption from the fiscal year 1990 sequester for the military personnel accounts, preferring instead to reduce the sequester impact on hardware programs?

Mr. President, the Armed Services Committee will be looking at these disconnects very carefully in the coming weeks.

In order for the Armed Services Committee and the whole Congress to make decisions on the fiscal year 1991 defense budget we must have a clear vision of where our defense policies are going over the next 5 years. Our committee has repeatedly emphasized the need to take a long-term multiyear approach to the process of adjusting defense program and policy.

Some people are calling for reductions in the fiscal 1991 defense outlays of $12 billion, $15 billion, or even $20 billion. People are going to hear a lot about this term "outlays in budget authority." I can see some of the articles already saying "Why do you speak in these arcane terms?" Well, if you do not understand the difference between outlays and budget authority you cannot understand the defense debate that is going to take place this year because it is a very important difference.

One of the tragedies of the Gramm-Rudman-Hollings proposal that we now have is that it measures everything in outlays, and the Defense Department is run on budget authority, budget authority represents funds that can be spent over several years, rather than how much is actually going to be spent this year, which is outlays. Outlays are what will actually be spent this year. There is a big difference.

In my view, large and immediate reductions in the defense budget to achieve outlay savings of $12 billion, $15 billion, $20 billion, would result in severe disruptions of our military personnel programs and operations.

Our military personnel today are volunteers. They are not draftees as they were when we drew down the forces after World War II, after Korea and after Vietnam. We have to understand that. If we are not careful, and if we are not sensitive in handling our men and women in uniform, then we will damage our Nation's ability in the future to respond to threats that today no one foresees.

The Congressional Budget Office recently testified before the Senate Budget Committee on what actions would be necessary to achieve $15 billion in outlay savings in Defense Department programs for fiscal year 1991. The Congressional Budget Office testified that "To reduce outlays by $15 billion in 1991 would require reducing budget authority by $35 billion below the CBO baseline, which is roughly $26 billion more than the reduction recommended by the administration."

If anyone thinks that reductions of $26 billion in budget authority and $15 billion in outlays would be easy to achieve in 1 year and would not adversely affect our Nation's security, they should look at some of the things the CBO says we would have to cut. I am going to walk through a couple of those examples.

The military personnel accounts under this $15 billion hypothetical outlay reduction would have to be reduced by $1.6 billion from the budget request. CBO noted that the reduction of 100,000 active duty personnel would save only $1.4 billion, and the savings would be less if Congress approved separation payments for enlisted personnel who are involuntarily thrown out of the service. This massive layoff of military personnel in 1 year would be extremely disruptive under the All Volunteer Force concept.

It would do damage to those people who are being terminated, but it would also do damage to those who remain because they would lose a great deal of confidence in their own future.

In the operation and maintenance accounts, CBO projects that $6.5 billion in budget authority would have to be cut. That is in the area we call operation and maintenance. CBO noted that these "large O&M cuts would, among other things, require layoffs of civilian personnel, reductions in tempos of weapons systems, and postponement of repairs to DOD property that would adversely affect the readiness of the remaining military forces."

For example, if DOD laid off 100,000 civilian employees in fiscal year 1991, the savings would be only $1.8 billion, less than one-third of the O&M cuts necessary to again achieve this $15 billion hypothetical outlay target.

Mr. President, CBO's analysis indicates that the most logical way to achieve significant savings in the military personnel and O&M account is to reduce the size of our force structure. We can do that over time. But force structure reductions take time to carry out, and do not achieve significant savings in the first year. That is what people need to understand.

There is a big difference in reducing force structure and what you can save over 3 years and what you can save in that first year. CBO has pointed out, for example, that eliminating an additional active Army division, two active Air Force tactical fighter wings, and an entire Navy carrier battle group—a total of 66,750 militarily personnel—would save only $2 billion in budget authority and $1.4 billion in outlays in fiscal year 1991. Savings would be much larger in 1992, 1993, 1994, but not in fiscal year 1991.

Procurement programs under this hypothetical example would have to be cut $9.5 billion below the fiscal 1991 budget request under CBO's example.

Everyone has their own candidates for major programs to terminate. I expect we will have some lengthy debates on some of the program terminations, because it will be very difficult to get a majority in the Senate to endorse termination or reductions in major weapons systems of this magnitude—not impossible, but difficult.

People need to remember that procurement funds spend out very slowly. Large cuts in weapons programs produce very little outlay savings in the first year, but larger outlay savings in the future.

I want to give some examples to show people the difficulty of making this kind of large cut in defense outlays in 1 year. If you were hypothetically—and I emphasize "hypothetically" I do not advocate this—if you were to cancel all strategic modernization programs, that is, no procurement, or military construction for the B-2, for the rail garrison MX, for the Trident submarine or the D-5 missile, in other words, eliminate everything in terms of the strategic modernization programs, you save $8.6 billion in budget authority. But you save only $700 million in outlays—only $700 million in outlays.

Somebody is talking about a $15 billion outlay reduction. Knocking out all the modernization of all strategic weapons programs would save only 5 percent of this outlay reduction.

Another example: terminating new programs. We could terminate the SSN-21—that is the new attack submarine—terminate the C-17 transport plane; terminate the LHX helicopter; terminate the ADATS Program, and terminate the National Aerospace Plane as well as the new Air Force tactical fighter. Guess what we save in fiscal year 1991? $8.3 billion in budget authority; $1.5 billion in outlays. If you knock all of those programs out of the budget, you save only $1.5 billion out of this $15 billion target some people are bandying around.

A third example I would give that may strike close to home with some people in this body: let us assume you terminated all major current generation platforms—ships, planes, tanks, fighting vehicles and so forth. Let us take the F-15, the F-16, the F-18, the AV-8B, the DDG-51, Minehunters, tanks, fighting vehicles, the M-1 tank, the Bradley fighting vehicle—terminating those programs this year would save $12.6 billion in budget authority, but only $800 million in outlays. That is knocking them all out of the fiscal year 1991 budget. Why is that? The reason is because most of these programs spend out over a long period of time. The money we are spending this year is based on previous years' contracts. If you terminate those contracts, you have very big penalty clauses which can end up costing you more than you save.

So if you cancel all the strategic modernization programs, terminate several new programs, which I enumerated, and all the major current generation platforms you save a total of $3 billion in outlays in fiscal year 1991 out of the $15 billion so many are talking about.

Finally, CBO notes that under their example, almost $5 billion would have to be cut from the R&D budget request and, of course, that would require some very disruptive changes.

Mr. President, I summarize by saying I am confident that substantial savings will be possible in the level of defense spending requested in the fiscal 1991 budget. In the near term, these savings should be much larger in budget authority than outlays.

Budget authority is what we actually authorize and appropriate in a given fiscal year. Some categories of budget authority, particularly in the procurement accounts, are actually spent in from 3 to 7 years after they are authorized and appropriated. Outlays are the actual expenditures in a given fiscal year. We are going to have to repeat that many times during the course of the next several months, because unless people understand that, we cannot arrive at a logical defense decision that is in our national interest. This is not arcane. This is the very heart of what we are going to be debating.

As the CBO example shows, large immediate reductions in the Defense Department budget to achieve outlay savings would result in severe disruption of the personnel programs and operating activities and would not get into large capital investment programs that drive up outlays in the future.

If we are given that kind of outlay redirection target, there is really only one thing we can do—take it out of people and operation maintenance. There is really no way you can achieve these savings in procurement cuts, although we will try to do some of that also.

What we are going to have to do, Mr. President, is reduce the appetite for budget authority in the near term by cutting back on the large investment programs and by reducing the size of military forces in an orderly fashion, with sensitivity to the men and women in the military. That is the key to reducing defense outlays over the long term and yet preserving our ability in the national security field to meet the threats that we will have to meet today and tomorrow. This approach means larger savings, including large outlay savings, will be possible but in the outyears.

Mr. President, I know that the rapid and dramatic pace of change over the past year has made long-range planning very difficult in the Pentagon. Secretary Cheney and General Powell are currently in the process of addressing these issues. They promised to keep the Armed Services Committee informed of the important decisions on the 5-year defense plan.

I hope that the Defense Department will fill in the blanks in the budget that I have discussed today. We want and need to know what their priorities are, and the Pentagon can show us their priorities by submitting a complete 5-year defense plan that meets the spending cuts announced by President Bush and Secretary Cheney.

Mr. President, the Armed Services Committee will meet our responsibilities to the Senate in the authorization process for national defense programs. In the absence of administration decisions on major program and force structure issues, the committee will have to rely on our own best judgments about the changes in the threat and our military strategy, and the implications of these changes for the future structure of our military forces.

I am constantly being asked for a bottom-line defense number. "Senator Nunn, what do you think the defense number ought to be for 1991? How much can we cut over 5 years? What is the peace dividend? Give us a number."

Mr. President, I do not know of any logical way to arrive at a figure without analyzing the threat first, and without, second, determining what changes in our own strategy should be made in light of changes in the threat; and then, finally after looking at the changed threat and the new strategy, determining what the force structure and the weapons programs are that we need to carry out this revised strategy to protect our security in the future. To decide on the size of the defense budget without first going through this process would be little better than just reaching up into the air and pulling out a number—which is what is happening in a lot of places these days.

Mr. President, over the next several weeks, I will lay out some of my own views on the changes in the threats to our national security. I will make some suggestions for ways we should consider revising our military strategy in light of these changes in the threat. I will attempt to point out some changes in our force structure and weapons programs that we should consider in light of this revised strategy. And I will offer my views, finally, after going through that process, on the appropriate level of defense spending in light of this revised strategy for the next 5 years.

These will be one Senator's views, not the views of the committee. I have kept in close touch with the members of the committee, and I have encouraged the members on the Democratic side to come to the floor and give their own views.

I see the Senator from New Mexico is here this morning, and he will be making some very important statements. I know the Senator from Virginia is going to be part of this dialog all along. He and I have been together in virtually every meeting we have had this year on this budget, public and private.

We are going to be hearing from, I am sure, many members of the committee on their own views. Senators Cohen and McCain have undertaken a view. So we are not going to come out here on the floor with one unified view, but we will give our colleagues a bit of our own thinking as we go through this process, because there is a vacuum here, and we are going to have to have the best judgment of the Senate before this year is over in terms our national security and the changed threat and what our strategy should be. It is our duty in the Armed Services Committee not only to arrive at judgments, but to give our colleagues, in this rare set of circumstances, a view of how we are arriving at those judgments, so they will not only know the final result when they are required to vote on various items on the floor of the Senate, they will also know what our assumptions were based on. That is the process by which I think we can play our own limited role in trying to fill this vacuum.

I thank the Members of the Senate, and I thank my colleague from Virginia for his continued splendid leadership in the defense area.

I yield the floor.

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

Mr. WARNER. Mr. President, I am advised by the Republican leader that the Senator from Virginia may have his time. The distinguished majority leader, as he departed the floor, reserved the time for both leaders.

Might I inquire as to the amount of time the Republican leader has, which he has now given to the Senator from Virginia?

The ACTING PRESIDENT pro tempore. The Republican leader reserves 10 minutes.

Mr. WARNER. Thank you, Mr. President.

Mr. NUNN. Will the Senator yield for a minute? I have used more time this morning than I anticipated. I thought I would have 10 minutes remaining, and I was going to yield that to the Senator from New Mexico.

I ask unanimous consent that there be an additional 10 minutes for the Senator from New Mexico.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, first, I want to say to my good friend that I think he has given chapter 1 of our very pragmatic overview of the problems that confront not only the Senate, but the Congress as a whole, and both the executive branch and the legislative branch, as we struggle to reach sound judgments in this all-important area of our national security.

I particularly cite his comments with respect to Secretary Cheney. I have

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had the opportunity in the past few days to visit with Secretary Cheney. I witnessed this morning that he was on national television addressing the very points that the distinguished chairman of the Armed Services Committee covered today. And we all recognized that this man working with the President is doing the very best he can under most unusual circumstances.

But, Mr. President, I say to my good friend, I think he has used one word today which I find somewhat troublesome, and I hope, as time passes, he might reconsider the choice of words and substitute another word for the word "blank" because we recognize that the President, in his message to the Congress on the State of the Union, and the Secretary of Defense, both in his written statement and his testimony before our committee and other committees, have indeed provided the Congress with their current insights into all five of those areas which the chairman characterized as blanks. The word "blank" implies that there is nothing. I do not think that the distinguished chairman meant that. Those five areas, critical as they are, are moving targets.

As the Secretary of Defense was preparing the budget for presentation to the President and then to the Congress, the changes taking place throughout the world were dramatic, foremost those in Eastern Europe. All the world is grateful for the courage displayed by those brave individuals in those countries as they have sought and have succeeded in rolling back the forces of communism. But that chapter is just beginning and in no way has run its full course.

Each of the witnesses that came before the various hearings that Chairman NUNN enunciated, that our committee held, I asked each witness, "Could you have predicted, in the fall of 1989, the events that transpired leading to the elections which we are now witnessing in Eastern Europe?" Not one, Mr. President, not one of these experts said that he or she could have predicted the magnitude, the unprecedented goals that these moves in Eastern Europe have achieved.

Therefore, in fairness to the Secretary of Defense, who concurrently was working on the strategy, the budget, how could he have predicted the outcome of these events and the impact on the 1991 budget and in the 5-year program? So with a sense of fairness and to seek bipartisanship, which is absolutely essential to the success of the foreign policy of this country and the security policy of this country, I think we should provide the President and the Secretary of Defense with that opportunity to come forward again and again to the Congress and update us with respect to their perspective on those five categories, which indeed are not blanks.

Mr. President, I had the opportunity, on Monday of this week, to debate a Member of this body on national television on these same subjects. In preparation, I looked over the various public statements that this particular Member of the Senate had made. And he had espoused cuts of $15 billion, but on that particular program at 7:10 in the morning he espoused $20 billion, saying in a matter of days he had upped the ante from $15 to $20 billion of outlays that could be cut from this defense budget. He has a perfect right to give his views to this body, to the American public, but I say to that Member, if the Secretary of Defense has to fill in the blanks, to use that word, so does each and every Member of this body holding positions of responsibility who want to go out and state that this is the level of spending that should be taken out of the defense budget.

So it seems to me, on one hand there is a responsibility which I feel is being discharged by the President and the Secretary of Defense to keep the Congress advised with respect to these five categories, but I say, on the other hand there is an equal and commensurate responsibility for those Members in positions of authority in this body over these issues to likewise fill in the blanks.

Mr. President, returning once again to the dramatic events in Eastern Europe, that is but one section of the world, and while we rejoice in the progress being made and recognize that the Warsaw Pact is rapidly becoming an insignificant military alliance, we further recognize that the United States must keep a credible, stable force there for purposes of stability. We cannot let that one geographic area drive all thinking throughout the world with respect to our security interests.

This morning I met with a distinguished group of parliamentarians from South Korea. We discussed the strategic questions throughout the Pacific Rim region, the instability that exists today and could worsen tomorrow in North Korea with respect to our alliance with South Korea and the instability in the Philippines, the question about Chinese leadership. Those are factors that impact on this budget.

Then, turning to another part of the world which, in the judgment of this Senator, is the most serious overall, the Middle East, we see a rapid proliferation of a certain category of weaponry known as tactical ballistic missiles threatening the very existence of our most valued ally in that region, the State of Israel.

No, I say, Mr. President, we cannot let one epochal development or series of developments in Eastern Europe drive the thinking for the entirety of our analysis no matter how much we rejoice in that success.

Last, Mr. President, this Nation is engaged in a series of arms control talks in Vienna of a multilateral nature, in Geneva of a bilateral nature with the Soviet Union, and we are on the very threshold of the most dramatic breakthroughs of arms control in the history of the world. We cannot jeopardize the success, the potential success, of those agreements, and I am confident that the distinguished chairman, in his subsequent remarks to this body with respect to strategic issues, will cover those points. But bear in mind there are many factors that focus upon these moving targets of strategic and budget planning as it relates to our national defense.

Mr. President, I thank the Chairman of the Senate Armed Services Committee for coming to the floor of the Senate today to publicly state his concerns about the complexities that surround the defense budget for the coming years.

As my colleagues well know, during my 12 years in the Senate, and most especially during the last 3 years while serving as ranking Republican member of the Armed Services Committee, I have sought a bipartisan approach to questions involving our national defense. I believe that the chairman and I have largely succeeded in ultimately forging such a bipartisan approach in most instances, and I thank Senator NUNN for his willingness to work with Members on both sides of the aisle on these important national security issues. It is my hope and expectation that, when all has been said and done, we will again this year emerge from this process having found an approach that is bipartisan and can be supported by Members of both parties. Such a result is in the best interest of our Nation.

However, in attempting to find bipartisan common ground, it is important that all Members have an understanding of the arguments on both sides of the issues. Therefore, while I may find myself in personal agreement with much of what the chairman has said here today, and what he may say in the coming weeks, it is my intent to make short replies to the chairman's speeches on the fiscal year 1991 defense budget in hopes that the chairman and I can provide the Senate with a comprehensive record of the arguments on those issues.

Turning now to the subject addressed by Senator NUNN today, I am in agreement that, at the present time, there are many uncertainties surrounding the fiscal year 1991 and outyear defense budgets. Not the least of these uncertainties is the changing threat throughout the world. I agree with the chairman that the Congress will be better served if and when we have the administration's complete updated views about what these changing world conditions mean for our future defense needs. But at the same time, we must all recognize that none of us—not the President, not the Secretary of Defense, not a single Member of this body—has a crystal ball. Any view expressed about what an event of today may mean for the future can only be tested by time. So when we demand that the Secretary of Defense provide us with a complete "updated defense budget," we should temper our request with the understanding that such a budget is up to date only so long as nothing else changes in the world.

When we note that we do not have a complete 5-year defense plan for the outyears, we should remember that such an undertaking involves the adjustment of tens of thousands of individual programs in the budget. Making those thousands of adjustments is not merely a matter of changing the numbers. It also involves an analysis of the changing threat as it relates to each program, of the economic impact of changing the program, as well as the overall total cost resulting from those changes.

We in Congress also bear a responsibility for much of the difficulty in preparing long-term planning documents. Each time we alter a particular program or add a new one, the 5-year plan must also be altered. This past year, we too were late as we did not complete action on the fiscal year 1990 defense budget until late in November, some 7 weeks after that fiscal year began. This was then followed by a partial sequester on every item in the defense budget. These two congressional actions alone required the Department of Defense to make adjustments in every line item in the then-existing 5-year defense plan. While I agree that the preparation of these long-range planning documents is the responsibility of the Secretary of Defense and that we in Congress have a right to expect that the Secretary will provide us with his plans, we cannot and should not expect that to be done overnight.

Today, thousands of people in the Department of Defense are dedicating their total efforts toward revising and updating our long-range defense plans. This is a constant, day-to-day effort as each program, project, and activity is reevaluated for its evolving role in our defense needs. The Secretary of Defense has assured me that the Department is expending maximum effort to provide the Congress with the kind of information which we must have as we seek to make decisions about our future defense. While it may be helpful to have a complete 5-year plan for every program in the budget, I believe that it is more important that we focus on the overall approach to the future envisioned by the President and the Secretary of Defense. Secretary Cheney has undertaken major and comprehensive reviews of some of the most significant programs now in the budget to determine how they will fit into our evolving strategy, and has assured me that Congress will be provided with the results of those reviews in the near future.

So, Mr. President, while I join with Chairman Nunn in noting that we do not now have all the information that might make our task easier this year, I have been assured by the administration that it will continue to provide the Congress with updated planning and budget information. Some of the information which we wish we had may simply not exist, but that is a function of the changing world. But I am sure that, working together here in Congress and with the administration, we can, if we wish, find that common ground upon which our national security has been and should be based.

Mr. President, I ask unanimous consent to print in the Record a letter, dated March 8, 1990, to the chairman and ranking minority member of the Committee on the Budget, from the chairman and ranking minority member of the Committee on Armed Services.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Committee on Armed Services,
Washington, DC, March 8, 1990.

Hon. Jim Sasser,
Chairman,
Hon. Pete Domenici,
Ranking Minority Member, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Jim and Pete: In accordance with the provisions of Section 301(d) of the Congressional Budget Act, we are forwarding the views of the Committee on Armed Services on the President's budget request for the National Defense function for fiscal years 1991 through 1995.

The Armed Services Committee has been conducting a series of hearings on the implications of recent changes in the Soviet Union and Eastern Europe for our national security policy, our military strategy, and ultimately our defense budget. As part of these hearings, we have also received testimony on the President's FY 1991 defense budget from Secretary Cheney, General Powell, and other senior officials in the Department of Defense.

These hearings have demonstrated that there are still a large number of critical uncertainties or gaps associated with the President's FY 1991 defense budget and the Five Year Defense Plan. For example:

Secretary Cheney has indicated that the current five-year spending plan for the Defense Department is $167 billion below last year's Five Year Defense Plan. So far, Secretary Cheney has indicated how approximately $70 billion of the savings will be achieved. This leaves approximately $100 billion of program reductions from last year's Five Year Defense Plan still to be identified to bring current defense spending plans in line with the defense spending levels in the Administration's FY 1991 budget proposal.

Secretary Cheney has also indicated that he has ordered a detailed review of five major defense programs—the Advanced Tactical Aircraft; the Advanced Tactical Fighter; the C-17 transport; the B-2 bomber; and SDI. Each of these programs will cost tens of billions of dollars to complete. We understand that additional programs have been added to this review as well. We need to know the outcome of these program reviews before we act on the FY 1991 defense budget.

So far, the Defense Department has not provided Congress with adequate details regarding what the size or structure of our military services will be over the next five years or what the balance between active and reserve factors will be.

At this time, the Defense Department has not filled in these gaps in the Five Year Defense Plan. Frankly, we recognize that the rapid and dramatic pace of change over the past year has made long-range planning very difficult. Secretary Cheney and General Powell are currently in the process of addressing these issues, and they have promised to keep the Armed Services Committee informed in a timely manner for the FY 1991 budget cycle of important decisions on the Five Year Defense Plan.

Our challenge is determine whether the FY 1991 defense budget reflects the realities and the full dimension of changes in the threat, the political situation in Europe, and the fiscal situation here at home. In order for the Armed Services Committee and the whole Congress to make decisions on the FY 1991 defense budget, we must have a clear picture of where our defense policies are going over the next three to five years. In the absence of Administration decisions on major program and force structure issues, Congress will have to rely entirely on its own judgements as to the threat and the outyear structure of our military forces. For this reason, the Defense Department must provide Congress with a complete Five Year Defense Plan that meets the spending limits in the President's FY 1991 budget, or at least a five year spending plan outlining major military force levels and program decisions.

We want to emphasize the need for a long-term, multi-year approach to the process of adjusting defense programs and policies. Large, outlay-driven reductions in the defense budget in the near-term can be very disruptive. We expect that savings will be possible from the level of national defense spending requested in the FY 1991 budget, and larger savings will be available in the outyears assuming current diminishing threat trends continue.

With the information available to us at this time, we are not able to make an informed recommendation on the appropriate level of national defense spending for FY 1991 and the next five years. We will keep the Budget Committee informed on the progress of our continuing review of national defense programs in the coming weeks.

Sincerely,

Sam Nunn,
Chairman.
John W. Warner,
Ranking Minority Member.

Mr. WARNER. I thank the Chair and I thank the Members.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from New Mexico [Mr. Bingaman].

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Mr. BINGAMAN. Mr. President, I rise to second the sentiments expressed by my colleague from the State of Georgia, the chairman of the Armed Services Committee, and particularly with regard to the "disconnects" that he sees and anomalies in the defense budget. These anomalies not only reflect a waste of funds but they are indicative of a deeper confusion on the part of the administration. Particularly, I believe this confusion affects the posture that we are taking as a nation regarding the timing and content of arms control negotiations in Europe.

I think that posture as it now stands is not realistic. It is anachronistic and it is counterproductive to U.S. interests.

The reason why the administration's policy in my view is counterproductive is that it takes little account of the great watershed events of our time, the collapse of Communist rule in Eastern Europe and the disappearance of the specter that haunted us all for the last 40 years, a Soviet and Warsaw Pact invasion of Western Europe.

While few could have forseen the breakneck pace of change in the Warsaw Pact, that change is ongoing and is on the road to consolidation. Nothing could signal more strongly that we have seen a definitive break with the past than the recent presence in this Congress of Czechoslovakia's President, Vaclav Havel, a heroic figure dedicated to leading his country into the democratic family of nations. Even more dramatic events are occurring in Germany, the very cockpit of the cold war and the crossroads of the NATO and Warsaw Pact alliances, where soon we will see the formation of a single German state.

Unfortunately, while all these sweeping changes proceed, in my view at least, the administration remains hobbled by what can only be characterized as old thinking. The President's fiscal year 1991 defense budget requests funds for the modernization and upgrading of short-range nuclear forces in Europe. With the virtual elimination of a military threat from the Warsaw Pact, the question as to why there is a need for such new forces, including the Follow-on-to-Lance missile, is one the administration is hard pressed to answer.

I questioned Defense Secretary Cheney and Chairman Powell, the chairman of the Joint Chiefs of Staff, before the Armed Services Committee on this issue and they responded that our decision was taken in response or consistent with the decisions of the NATO heads of State at their May 1989 North Atlantic Council meeting. However, with the events of the last year, the circumstances which led to those decisions have changed irrevocably and all justification for proceeding with these short-range nuclear systems has disappeared. In fact, West German Foreign Minister Genscher, in speaking about the Follow-on-to-Lance missile on the eve of the Ottawa Open Skies Conference, declared, "This is politically dead. * * * It would be laughable if anybody would come and bring it up again." Unfortunately, the administration is bringing it up—is proposing to the Congress that we fund it—and it is no laughing matter.

What is most disturbing in the administration's reliance on NATO's May 1989 decision is the effect it will have on the timing of negotiations on short-range nuclear forces of SNF. The NATO decision, made largely at U.S. insistence, postpones SNF negotiations until after reductions in conventional forces in Europe [CFE] are underway. That presumably must await the ratification of a CFE treaty. When the time required to finalize negotiations, bring a CFE treaty before the Senate for ratification, and begin implementation of such reductions are all added up, the start of SNF negotiations could be postponed until as late as 1992. Given the rapid course of events in Europe, adherence by the administration to this schedule, in my view, is outmoded and threatens to make the United States an also-ran in the shaping of a future Europe.

Already the Governments of Czechoslovakia and Hungary are pressing the Soviet Union to remove its troops from their countries in the shortest possible time. A prospective united Germany can be expected to argue for the same treatment in any talks with four Allied Powers. Surely the administration cannot believe that Soviet forces departing these countries would leave short-range nuclear missiles behind when they go. Former Defense Secretary Schlesinger testified to the Armed Services Committee about his fear that extended CFE negotiations might legitimize the continued presence of Soviet troops in Eastern Europe. Similarly, we must guard against a rigid schedule for SNF talks legitimizing the presence there of Soviet SNF forces as well.

According to the Arms Control Association here in Washington, there are approximately 10,000 nuclear warheads on the two sides poised for combat in central Europe. Well over half of these are launchers that are located on German soil, aimed at German soil; that is, both launchers on the Soviet side and launchers on the side of NATO.

One of these days, and in my opinion very soon, the Germans are going to tell the Soviets and ourselves to get those missiles out. This is an area in which we should be leading, Mr. President, not hanging back and waiting for the inevitable to occur. President Bush should take the initiative. He should lead the NATO allies to commence discussions with the Soviets on a timetable for the withdrawal of all short-range nuclear weapons from central Europe.

This is not a situation like START where we want to have reductions in weapons. It seems obvious to me that with a unified Germany there will soon be a demand for the withdrawal of all short-range nuclear weapons from German soil.

Senator NUNN stated it very well in his statement this morning when he said short-range nuclear weapons, which cannot reach beyond the borders of Germany and Czechoslovakia, have no mission in today's changed world. There is no reason why we should be the last to wake up and smell the coffee and understand this new reality.

I urge the President to take the initiative in reformulating with our NATO allies the schedule for SNF negotiations and in bringing alliance strategy into line with the evolving realities of Europe.

Mr. President, I yield the floor.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,832d day that Terry Anderson has been held in captivity in Beirut.

BRAD BUTLER'S LEADERSHIP ON EDUCATION REFORM

Mr. KENNEDY. Mr. President, the Committee for Economic Development, an organization of senior executives from the Nation's top businesses, is one of America's leading advocates for educational reform. CED, under the leadership of Chairman Brad Butler, the retired chief executive officer of Procter & Gamble, has been an effective advocate for early childhood education, school restructuring, and other innovations to reinvigorate our Nation's system of public education.

Through his tireless efforts for education reform, Brad Butler and CED have won international renown. Recognizing this groundbreaking work, Daiwa Securities Co., Ltd., of Tokyo has made a gift of $1 million to CED for the Owen B. Butler Program in Education Studies. CED and Daiwa recognize that economic success depends on the skills and abilities of educated citizens. Daiwa's generous gift will make it possible for CED to continue its leadership role in improving American education, and I commend Brad Butler, CED, and Daiwa for this farsighted project that reflects the best in educational reforms and international cooperation.

I ask unanimous consent that a press release about the gift may be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

DAIWA SECURITIES GIVE $1 MILLION ENDOWMENT FOR CED EDUCATION STUDIES

NEW YORK, September 13.—Daiwa Securities Co. Ltd. of Tokyo announced today a gift of one million dollars to the U.S. Committee for Economic Development (CED) for the "Owen B. Butler Program in Education Studies."

In presenting the check to Mr. Robert C. Holland, President of CED, Mr. Takuro Isoda, Chairman of Daiwa Securities America, made the following statement:

"All of us at Daiwa Securities are proud and pleased to make the initial contribution to this important endowment fund for the following reasons:

"It is part of our basic corporate philosophy to be good corporate citizens in every country in which we operate.

"We believe that people are the key to prosperity in every country and to the success of every corporation. In the long term, the strength of our own U.S. operations will entirely depend on the abilities of the U.S. citizens who will be a key part of those operations.

"We believe that the finest possible public education system is essential to the development of the human resources in every society, and we believe that the Committee for Economic Development has been and continues to be a national leader in developing sound policies for improving public education in the United States. This endowment fund will help ensure that this work can continue for many years to come.

"We are, of course, particularly pleased that this endowment is named for CED's Chairman Owen "Brad" Butler, who has led the education studies at CED for the last seven years and who also serves as Senior Advisor to Daiwa Securities America.

"We hope this gift will serve as an inspiration to other companies—both U.S. and foreign—to support, through endowment programs, the important work of the Committee for Economic Development."

In acknowledging the Daiwa gift, CED President Robert C. Holland commented, "This endowment recognizes the importance of long-term investments in U.S. educational excellence. Daiwa's generous contribution will enable CED to continue the pioneering work we have done in developing innovative education policies, in identifying practical programs and strategies, and in helping American businesses and communities forge effective and lasting partnerships."

Daiwa Securities Co. Ltd., established in 1902, ranks among the world's largest securities firms. A leader in the financial services industry, Daiwa plays an active role in key international capital markets as a broker, dealer, underwriter, distributor, and financial advisor.

While the parent company is based in Tokyo, Daiwa Securities America has been a U.S. corporation for 30 years. In 1986, Daiwa Securities America Inc. became the first Japanese company to become a primary dealer in U.S. government bonds.

The Committee for Economic Development is a private, nonprofit research and education organization. CED's 250-member board is composed chiefly of presidents and chairmen of major corporations and university presidents. CED's trustees conduct research and develop policy recommendations on major national and international economic and social issues.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. LIEBERMAN). Morning business is closed.

The Chair recognizes the Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, I ask unanimous consent to proceed as though in morning business.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. CHAFEE. Mr. President, I think the request was for 5 minutes, was it?

Mr. DANFORTH. Mr. President, I am going to attempt to keep this to about 5 minutes. I do not think I will take much longer than that. I fully recognize the desire of the floor manager, who has labored on this bill for months, maybe years, to get on with it. I am not going to take a lot of time. I have certainly not taken much of the Senate's time on the bill so far, and I would like to proceed on another matter that will not take long.

The PRESIDING OFFICER. The Senator from Missouri.

REDUCING THE DEFICIT IN THE FEDERAL BUDGET

Mr. DANFORTH. Mr. President, at the beginning of the last recess, the chairman of the House Ways and Means Committee, DAN ROSTENKOWSKI, wrote a very interesting piece in the Washington Post that was covered nationally, and it had to do with the question of getting on with the process of reducing the deficit in the Federal budget.

I believed, when I read that piece in the newspaper, that when I returned to Washington and got back and started talking with my colleagues in the Senate, the place would be abuzz with Congressman ROSTENKOWSKI's article. In fact, to my knowledge, at least to my hearing, the Senate has been less than abuzz. I think it is fair to say that people are either ignoring it or they wish that he would not have said it in the first place.

I would simply like to indicate to the Senate that this is one Senator who believes that Congressman ROSTENKOWSKI made a real contribution. I hope that all of us, including those within the executive branch, would take this as an opportunity to open up some important questions for our country.

I recognize that in his campaign for the Presidency in 1988 George Bush made some solemn commitments relating to taxes and relating to the entitlement programs. But, Mr. President, the world has changed more dramatically since the summer of 1988 than during any other period in our history, perhaps.

Country after country has turned from a Marxist system toward a free political and free market system. And they have literally shown up at our doorstep. Lech Walesa, Vaclav Havel, some of the people associated with Mrs. Chamorro in Nicaragua, have all come here and asked for help. And they have asked for more than just aid. They have asked that they might attach themselves to the greatest engine of economic growth in the world since World War II, which is the United States.

I think what is at stake is whether or not we are going to hear that call and whether we are going to continue to be the engine for economic growth.

I believe that the question that has been put to us by the people of Eastern Europe and the people of Nicaragua is whether or not the United States of America is going to lead or whether we are not going to lead. They have come to us, in effect, and they have said to us, "Does the free market system work?" We have a marvelous opportunity to answer that question in the affirmative, but I am not sure we are going to do it.

The conventional political wisdom is, of course, that no one wants to have a single benefit cut, nobody wants to pay any new taxes in any form. But it seems to me that if we in Washington were to ask the American people whether they want America to lead the world or whether they want America to drift behind, most people would say that they want America to lead. Most people would want to say that, unlike the title of Ezra Vogel's book a decade or so ago, they want America to be No. 1, and they recognize that there is a price to be paid by continually building up the national debt. The price that we are paying is a continuing weakness in our country.

There are, in my opinion, some things that we should be doing in addition to balancing the Federal budget. We should be investing more in education. The President has recognized that. We should be investing more in our Nation's infrastructure. We should be investing more in science and research and development.

But there is no way that we can do any of that with the numbers out of balance as they now are. There is no way that we can do any of that if we are locked into decisions that were made 2 years ago during the 1988 Presidential campaign.

I know that any politican is reluctant to change his mind. I admire the President very greatly and I applauded the commitments that he made back in 1988. But I would simply like to indicate that there is one Senator who would be very supportive if the President were to decide that changing times required some changes in decisions previously made; and that the worst thing that can happen in the changing world is for our country to be locked into decisions that were made at another time under different circumstances.

I hope that Congressman ROSTENKOWSKI's article would generate yet more discussion. I think it has not sufficiently done so yet. I hope that we in the Congress could indicate some support for changing some of the decisions we made in the past and I hope that the administration would be open to serious negotiations on these proposals that Congressman ROSTENKOWSKI made.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I would like to make comments on the remarks of the Senator from Missouri and ask him a question.

I agree with everything the Senator said. Indeed, I have been long concerned over this situation, where the present administration is locked into a pledge for no tax increases that was made during an election campaign 2 years ago.

I might say I find receptivity to an increase in the marginal rates beyond what they are currently, for adding another bracket, perhaps getting rid of the so-called bubble so the rates would remain at 33 percent for those high-income taxpayers.

The problem I find, and I wonder if the Senator from Missouri has any solution to this—I believe people would be receptive to that type of procedure. I might say, perhaps it can be coupled with the capital gains cut, because unquestionably it is the rich who are going to get most out of the capital gains cut. But the belief is, and I think a correct one, that there is no point in doing it unless that money is truly going to go for reduction of the deficit. And so far, it seems to me, no one has been able to come up with a solution that guarantees that these funds brought in by an increase in the marginal rate, or adding another bracket, indeed will go to reducing the deficit.

The fear is that a voracious Congress will consume those funds and spend them on worthy programs, certainly, whether better education, better health, better day care. But when all is said and done, maybe the country will be a little better off in those categories but the deficit will be no better off.

What do we do about that dilemma?

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I share the concern Senator CHAFEE has expressed. I think we do have a tremendous ability around here to blow what resources we have. I think the business of Government is setting priorities. The first priority has to be reducing the budget deficit.

There are some investments we have to make in infrastructure and in education and in science. But to me the question is one of immediate enjoyment versus long-term investment, and that we should follow a strategy of long-term investment.

How do we do it? Maybe we are just a couple of voices crying in the dark. I do not know. But I think the only way to find out is to see if there could be some meaningful negotiations involving Democrats and Republicans, members of the executive branch and Members of the Congress, to see if we could not make some kind of arrangement whereby we do invest in the future and we do not just squander whatever we come up with on very popular spending programs for the day.

I think it is worth a try. We go over to House of Representatives and listen to these wonderful speeches made by Lech Walesa and President Havel of Czechoslovakia, and then we all come back to the Senate and we say, well, that was certainly a good speech. But we never move from that to what we are supposed to do about it.

What is America's obligation in the world? I think the time has come to start asking ourselves what constructive steps should be taken, and not just giving up in advance and saying, in effect, well, whatever we do we will blow it.

I never realized, before I took this job, that when people said I was going to get a seat in the U.S. Senate, it should be taken quite as literally as it is. It seems we are sitting. Maybe we should move beds into this place. But at a time when we are really called upon by the rest of the free world, and looked to for answers, and asked whether we are going to show the world that the free market system functions, that the response we give is—drift. Nothing. No answer there.

We should at least see if we can put together some sort of answer, on a bipartisan basis. I think we can, and I think the American people would welcome it.

I think, if we were a little less timid, the American people would say, fine, let us get on with it. America is No. 1. America does have responsibilities, and we want our country to grow and not shrink. And if it continues on its present path it will shrink.

So, I am very optimistic that we could put something together but I think we are going to have to start the ball rolling right here.

Mr. CHAFEE. Mr. President, I have a proposal involving some of the measures that the distinguished senior Senator from Missouri was discussing. I look forward to discussing those with him further, if this clean air bill ever finishes. I hope we can get on with something else.

I agree with what the Senator said, although I will note that certainly President Lech Walesa asked for additional aid. President Havel did not, but Lech Walesa did. And, of course, additional aid means the spending of the funds that come in from the increased taxes rather than going toward reduction of the deficit, which we set forth as our top priority. That is point 1.

Point 2, I have never seen anyone rise in support of additional money for education or health or day care who does not give a fiery speech saying this is not an expenditure, this is an investment. Thus, money that we thought was going to go for the deficit instead is invested for the future betterment of the Nation, of the Nation we all love here. So, we are beset by all pressures.

Finally, I will say, as recognizing a fellow warrior who survived that battle, I believe it was in 1985 when the Senate, at least most of the Republicans and one Democrat, bit the bullet, so-called, and had a cost-of-living adjustment freeze on Social Security for a year. We passed that, brought in one of our colleagues on a stretcher, practically with blood plasma going into him, for a dramatic vote. It passed by one vote. Then we got down to the White House 2 days later, and the President said, well, he did not support us. So if you ever saw a group of Senators way out on the end of the limb with the limb being sawed off, that was it. I think we both were way out there on that limb, and it was hardly a plus in the following election.

We have to get the administration on board. Clearly we have to get the House of Representatives on board, or it does not go anywhere. So I want to thank the Senator for his remarks.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293), to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth/Armstrong amendment No. 1313 (to amendment No. 1293), to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

(4) Byrd modified amendment No. 1329 (to amendment No. 1293), to provide benefits for terminated coal mine workers. (By unan-

imous-consent, the amendment was further modified.)

AMENDMENT NO. 1329, AS FURTHER MODIFIED

The PRESIDING OFFICER. The pending question is amendment No. 1329, as further modified.

Mr. BAUCUS. Mr. President, we are back on the Clean Air Act. We have, I think, several noncontroversial amendments, which we can accept.

Before moving forth with the amendment to be offered by the Senator from Washington, Senator GORTON, Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1356 TO AMENDMENT NO. 1293

Mr. CHAFEE. Mr. President, on behalf of the junior Senator from Mississippi [Mr. LOTT] I send an amendment to the desk and ask for its immediate consideration.

Mr. President, I note that the cosponsors of this amendment are Senators BURDICK, BOSCHWITZ, COATS, COCHRAN, HEFLIN, DIXON, MACK, MCCLURE, MCCONNELL, FORD, LUGAR, and HELMS.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. LOTT (for himself, Mr. BURDICK, Mr. BOSCHWITZ, Mr. COATS, Mr. COCHRAN, Mr. HEFLIN, Mr. DIXON, Mr. MACK, Mr. MCCLURE, Mr. MCCONNELL, Mr. FORD, Mr. LUGAR, and Mr. HELMS), proposes an amendment numbered 1356 to the amendment No. 1293.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 426 strike line 15 through page 428, line 16, and insert:

"SEC. 407. (a) APPLICABILITY.—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 404, 405, 409, or on the date a unit subject to the provisions of 404(d) or 409(b), must meet the SO_2 reduction requirements, each such unit shall become an affected unit for purposes of this section and shall be subject to the emission limitations for nitrogen oxides set forth herein.

"(b) EMISSION LIMITATIONS.—(1) Not later than eighteen months after enactment of the Clean Air Act amendments of 1989; the Administrator shall by regulation establish annual allowable emission limitations for nitrogen oxides for the types of utility boilers listed below, which limitations shall not exceed the rates listed below: *Provided*, That, the Administrator may set a rate higher than that listed for any type of utility boiler if the Administrator finds that the maximum listed rate for that boiler type cannot be achieved using low NO_x burner technology. The maximum allowable emission rates are as follows:

"(A) for tangentially fired boilers, 0.045 lb/mmBtu;

"(B) for day bottom wall-fired boilers and for cell burners, 0.50 lb/mmBtu.

After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

"(2) Not later than January 1, 1997, the Administrator shall, by regulation, establish allowable emission limitations on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

"(A) wet bottom wall-fired boilers;

"(B) cyclones;

"(C) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account the available technology, costs and energy and environmental impacts; and which is comparable to the costs of nitrogen oxides controls set pursuant to subsection (b)(1). Not later than January 1, 1997, the Administrator may revise the applicable emission limitations for tangentially fired and dry bottom, wall-fired boilers (including cell burners) to be more stringent if the Administrator determines that more effective low NO_x burner technology is available: *Provided*, That, no unit that is an affected unit pursuant to section 404 and that is subject to the requirements of section (b)(1), shall be subject to the revised emission limitations, if any.

"(c) REVISED PERFORMANCE STANDARDS.—(1) Not later than January 1, 1993, the Administrator shall propose revised standards of performance to section 111 for nitrogen oxide emissions from fossil-fuel fired steam generating units, including both electric utility and nonutility units. Not later than January 1, 1994, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen.

"(d) ALTERNATIVE EMISSION LIMITATIONS.—The permitting authority shall, upon request of an owner or operator of a unit subject to this section, authorize an emission limitation less stringent than the applicable limitation established under subsection (b)(1) or (b)(2) upon a determination that:

i. a unit subject to subsection (b)(1) cannot meet the applicable limitation using low NO_x burner technology; or

ii. a unit subject to subsection (b)(2) cannot meet the applicable rate using the technology on which the Administrator based the applicable emission limitation.

The permitting authority shall base such determination upon a showing satisfactory to the permitting authority, in accordance with regulations established by the Administrator not later than eighteen months after enactment of the Clean Air Act amendments of 1989, that the owner or operator:

(1) has properly installed appropriate control equipment designed to meet the applicable emission rate;

(2) has properly operated such equipment for a period of 15 months (or such other period of time as the Administrator determines through the regulations), and provides operating and monitoring data for such period demonstrating that the unit cannot meet the applicable emission rate; and

(3) has specified an emission rate that such unit can meet on an annual average basis.

The permitting authority shall issue an operating permit for the unit in question, in accordance with section 408 and part B of title III:

i. that permits the unit during the demonstration period referred to in subparagraph (2) above, to emit at a rate in excess of the applicable emission rate;

ii. at the conclusion of the demonstration period to revise the operating permit to reflect the alternative emission rate demonstrated in paragraphs (2) and (3) above.

Units subject to (b)(1) for which an alternative emission limitation is established shall not be required to install any additional control technology beyond low NO_x burners. Nothing in this section shall preclude an owner or operator from installing and operating an alternative NO_x control technology capable of achieving the applicable emission limitation.

"(e) EMISSIONS AVERAGING.—In lieu of complying with the applicable emission limitations under subsections (b)(1), (b)(2) or (d), the owner or operator of two or more units subject to one or more of the applicable emission limitations set pursuant to these sections, may petition the permitting authority for alternative contemporaneous annual emission limitations for such units that ensure that (1) the actual annual emission rate in pounds of nitrogen oxides per million Btu averaged over the units in question is a rate that is less than or equal to (2) the Btu-weighted average annual emission rate for the same units if they had been operated, during the same period of time, in compliance with limitations set in accordance with the applicable emission rates set pursuant to subsections (b)(1) and (b)(2).

If the permitting authority determines, in accordance with regulations issued by the Administrator not later than eighteen months after enactment of the Clean Air Act amendments of 1989; that the conditions in the paragraph above can be met, the permitting authority shall issue operating permits for such units, in accordance with section 408 and part B of title III, that allow alternative contemporaneous annual emission limitations. Such emission limitations shall only remain in effect while both units continue operation under the conditions specified in their respective operating permits.

Mr. CHAFEE. Mr. President, this is an amendment that deals with the nitrogen oxide provisions of the legislation in such a manner that will benefit both the environment and the utilities because the utilities will not be forced to install unreasonably expensive equipment.

This has the support and concurrence of those on the other side. It is consistent with the bipartisan agreement which we have reached to base NO_x emission rates on the application of low NO_x burner technology.

It is the belief of the sponsor of the amendment that more reasonable and cost-effective methods have proven to be successful in achieving significant NO_x reductions.

Mr. BAUCUS. Mr. President, this is a good amendment. It essentially encourages the most cost-effective utilization of new NO_x production technologies. The EPA set its resource performance standards and those stand-

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ards should be based as much as possible on the least costly alternative. The amendment by the Senator from Mississippi will help move us in that direction. I urge adoption of the amendment.

Mr. LOTT. Mr. President, I commend my colleagues who have attempted to write a clean air bill which will balance environmental benefit with costs to industry and consumers. I also want to thank them for working with me to establish the nitrogen oxide provisions in such a way that the environment will benefit and utilities will not be forced to install unreasonably expensive equipment.

I am most pleased to offer this amendment which is consistent with the bipartisan agreement to base NO_x emission rates on the application of low-NO_x burner technology, a much more reasonable and cost-effective method proven to successfully achieve significant NO_x reductions.

We are fulfilling our promise to enact major legislation to protect our environment, and we are allowing industry the flexibility to comply with these strict regulations in the most cost-effective manner.

Again, I thank my colleagues for their good spirit in negotiations and for working with me to do all that is possible to strike a balance in this bill which would address our environmental needs without placing an impossible burden on industry, the economy, and especially on the consumer.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1356) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1357 TO AMENDMENT NO. 1293

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. KERREY, and Mr. HARKIN, proposes an amendment numbered 1357 to the amendment No. 1293.

Mr. EXON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On Page 213, line 20, strike "1991" and insert in lieu thereof "1992";

On Page 213, line 24, strike "may" and insert in lieu thereof "shall";

On Page 213, line 25, strike "1991" and insert in lieu thereof "1992";

On Page 213, line 25, immediately following "deadline" insert "annually";

On Page 213, line 25, strike "two" and insert in lieu thereof "three";

On Page 214, line 2, immediately following "that", insert "adequate".

Mr. EXON. Mr. President, this amendment is offered by myself, my colleague from Nebraska, Senator KERREY, and Senator HARKIN from Iowa. It addresses a prohibition that we discovered in the bill and the substitute to the bill by the committee.

The purpose of the amendment is a simple one. Under the committee bill, and the substitute, leaded gasoline is prohibited from highway use beginning January 1, 1991. Discretionary flexibility, however, has provided for a 2-year delay if the Environmental Protection Agency determines that this prohibition would result in the unavailability of leaded gasoline for farm vehicles that use such fuel and that if, in the future, substitutes are not readily available.

By way of background, let me just say many farm vehicles require small amounts of lead or other lubricants to avoid valve recession. I appreciate the risk of lead in the urban areas, but I want to be sure that flexibility is maintained for farmers. I think this amendment accomplishes that without upsetting the apple cart.

The amendment postpones a prohibition for 1 year and says that the EPA "shall", rather than "may", delay the prohibition of an annual basis for up to 3 years. In a nutshell, this makes the review of availability an annual thing rather than a one-shot deal. This amendment provides flexibilities for farmers while maintaining the overall momentum for reducing lead emissions in the area where that is a problem.

I urge the adoption of this amendment. I believe it has been approved on both sides.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, in order to accommodate the managers of this very difficult bill—I thought the amendment had been cleared on both sides. That is why I offered it. I understand there may be some kind of a hitch or glitch. I think we can straighten that out. To expedite things, I will withdraw the amendment at this time and offer it at a later date.

The PRESIDING OFFICER. Is there objection? Hearing none, the amendment is withdrawn.

The amendment (No. 1357) was withdrawn.

Mr. BAUCUS. Mr. President, we are now ready for the Gorton amendment. I ask unanimous consent that the pending amendments be temporarily laid aside.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I object, temporarily.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. I hope the Senator will understand that at some point I probably will have no objection, but I would like to speak on the pending amendment for the time being.

The PRESIDING OFFICER. The pending question is on amendment No. 1329, as further modified. The Senator from Virginia, the President pro tempore, is recognized.

Mr. DIXON. Mr. President, will my distinguished friend yield for a question?

Mr. BYRD. Yes, I will be happy to yield.

Mr. DIXON. May I ask my distinguished friend, the President pro tempore, who is discussing a subject matter on which I completely support his position, how long he expects to be on this matter this morning. In view of the fact—and I apologize in advance for interrupting—that the Senator from Washington and this Senator are scheduled to do the next amendment, we are trying to determine, with particular reference to other committee assignments and other things we have, how much time may transpire this morning in connection with what I consider an important subject which the senior Senator from West Virginia is addressing.

Mr. BYRD. I will respond to that question, but before I attempt to get directly to it, may I say that last evening, when it was rather late, I came to the floor with a further modification to the amendment which has been pending at the desk for several days.

Mr. DIXON. I was here at the time. I remember.

Mr. BYRD. The Senator was here. But as the discussions went on and the evening lengthened and Senators saw there was going to be no vote, the audience naturally thinned out. The media representatives had probably thought that the votes of the day had ended and controversial issues had already been dealt with, and most of the press were gone.

So, as a result I feel that I have to again this morning lay out the background of the further modification that I offered on behalf of myself and other Senators yesterday.

Mr. DIXON. May I say to my colleague, I fully support that, have no problem at all with it, and cannot think of anything more important than protecting American business and American jobs, which is the effort we see centered in what my distinguished friend, the senior Senator from West Virginia, is doing.

I am only trying to determine from a scheduling standpoint, for my colleague and myself, what we could expect the plan to be for a little while this morning. I support fully what the Senator is doing.

Mr. BYRD. I thought it necessary that I explain for all who are listening why I believe it is important that I again at this moment, at this early hour in the day, seek the floor and explain the further modification.

Having said that, I have no problem with yielding to the Senator for a short length of time. Can he indicate how much time might be required?

Mr. DIXON. May I advise the Senator of our problem? During the course of time that my friend and colleague was discussing his hope for further modification of his amendment, the amendment I support and the modifications of which I support, discussions were taking place with the managers last night, may I advise my colleague and friend.

It was understood that we would proceed to the Gorton-Dixon amendment this morning, which has to do with job losses as a consequence of countries that do not meet our environmental standards in attempting to send goods and products into this country, a related subject I am sure my colleague considers very important.

We would take that up this morning after morning business, and have a vote about 1 o'clock. We do not have any problem at all in yielding to our colleague, except we are trying to determine how we reconstitute our arrangements with respect to this amendment in view of the fact that I have a committee meeting, a subcommittee that I chair.

My colleague has to make a speech here on the Hill elsewhere. So we are trying to determine how we proceed. I say with all the affection and respect to my colleague, that is our sole and only purpose in making this inquiry.

Mr. BYRD. I understand. Of course, I was not part of that understanding. I knew nothing about it.

If the Senator will indicate how much time he feels he would need at this point so he could go to his committee meeting, perhaps I could relinquish the floor with the understanding that I not lose it, and pick up later where I left off. If it is going to be a considerable length of time, however, I would want to weigh that a bit.

Mr. DIXON. I say to my colleague, I would prefer for my colleague to proceed on the matter at hand, if we would only know thereafter when we could turn to this amendment so we could schedule accordingly.

I think we are talking about this amendment, which incidentally will be opposed, as I understand it, by the distinguished chairman of the Finance Committee, the ranking members, and others. In view of that, I think it is an extended debate that probably will require a couple of hours, perhaps as much as 3.

So that what we had intended to do was to proceed near 9 and conclude with the rollcall at 1. That obviously cannot now take place, but there was other intervening matters as well. So I accept that, of course, as the business of the Senate as it goes forward. We are only now trying to determine when we might reschedule. It is as simple as that.

Mr. BYRD. I understand now more fully what the Senator has in mind. I wonder if I could take, suppose, until—it is a quarter of 11 now—no longer than an hour and 15 minutes, at this point. It probably would take longer otherwise. If that would help the Senator and his colleague——

Mr. GORTON. Will the Senator yield?

Mr. DIXON. If I could interrupt and then yield, may I say to my friend from West Virginia, I have no problem with that. The Illinois congressional delegation has a luncheon meeting from 12 to 1 on the House side in Congressman BOB MICHEL's office.

We meet sometimes, 22 House Members and 10 Senators. Since I am Secretary-Treasurer and keep records and run the meetings, I have to be there from 12 to 1. That would put us into a 1 o'clock timeframe. I have no problem with that, I may say.

To the extent that my colleague from Washington could accommodate that, I am ready anytime after lunch. I thank my distinguished friend and continue to support in every way his effort.

Mr. BYRD I yield to the Senator for a question.

Mr. GORTON. This Senator is a joint sponsor with the distinguished Senator from Illinois on this amendment. I simply wish to agree with Senator DIXON. Our amendment will require some time. It is very likely to require a rollcall vote. I would prefer not to interrupt the remarks of the distinguished President pro tempore at all, and simply to get together with the managers of the bill and reschedule our amendment for sometime later on in the day.

Mr. BYRD. Very well. I thank the distinguished Senator. I certainly want to accommodate both Senators.

Mr. BAUCUS. Mr. President, will the chairman of the Appropriations Committee yield?

Mr. BYRD. Yes.

Mr. BAUCUS. I wonder if the Senator from Washington would agree to setting his amendment for a certain time.

Mr. DIXON. One o'clock suits me.

Mr. GORTON. Mr. President, answering the distinguished Senator from Montana, the next time at which it would be convenient for this Senator would be no earlier than 3 and perhaps as late as 3:30.

Mr. BAUCUS. In view of that, Mr. President, I think it appropriate not to set a time certain.

I thank the Chair and I thank the Senator from West Virginia.

Mr. BYRD. I am sorry if I am discommoding the managers. They certainly played fair with me all along. I had no indication that this was the situation. I walked onto the floor without any understanding that there had been any tentative agreement reached with respect to any other amendment and the time which debate would occur thereon.

So I apologize to them.

Mr. CHAFEE. Would it be possible for them to proceed?

Mr. BYRD. As I indicated, my speech last night, which was a very eloquent and persuasive one, as is always the case with the West Virginia Senator from the coal fields, and I am trying to be rather modest about that, my speech largely fell upon deaf ears because as I have indicated a good many people in the Chamber and those in the press had gone home.

I feel that they are entitled to some enlightenment as to what my further modification attempts to do. I hesitate to wait until the shank of this afternoon and begin anew. I thought it might be well if I had the floor now. I have no intention of speaking overly long, but at least I think I owe them that explanation.

Mr. CHAFEE. Mr. President, I heard the distinguished Senator's speech last night. I was here the whole time. I found it persuasive; not totally persuasive, but certainly eloquent.

I noticed that the distinguished Senator from West Virginia was commenting that he had to end up negotiating with himself. I thought negotiations between himself came out rather well. They reduced the amendment. My thought was that perhaps the best system would be for him to go back to negotiate some more with himself. [Laughter.]

I thought he was bringing the amendment right down to the realm of sensibility.

My thought was the distinguished Senator from West Virginia, the senior Senator, should meet with the President pro tempore and talk with each

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other, and probably get this amendment right down into some reasonable type of shape, because he has made a lot of progress talking with himself.

Mr. **BYRD**. Yes, I have. I have made a great deal of progress.

I made a lot of progress. He travels farthest who travels alone. So I have been traveling alone. But I am in the third trench here. I have to make that clear. I first had my trench dug out in a forward position, at a cost of $1.6 billion, the absolute maximum. And then I retreated to a second trench and brought the cost down to $700 million. That was an absolute maximum. Now I am in the third trench. I have now reduced the cost to $500 million. I will not retreat further, I must say.

Mr. **CHAFEE**. First of all, in your negotiations you were negotiating with a very able person, and if there could be a few more trenches back there, it would improve the situation.

Mr. **BYRD**. The point is that there are no more trenches. I must say that the Senator has certainly made a noble effort to disarm me by his soothing compliments, but I think I have voluntarily retreated about as far as I can go backward.

I suggest the absence of a quorum, with the understanding that when the quorum call is ended, I will be recognized to offer my speech.

The **PRESIDING OFFICER**. Is there objection? Hearing none, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **BYRD**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 1329, AS FURTHER MODIFIED

Mr. **BYRD**. Mr. President, the pending amendment is the amendment that is offered by myself on behalf of 17 other Senators. That amendment, as modified, is intended to provide temporary assistance to those coal mine workers who will lose their jobs as a direct result of enactment of the Clean Air Act Amendments of 1989.

The men and the women that my amendment is designed to help are not people who might possibly face higher utility bills as a result of this legislation. They are not business executives who might find their profit margins slightly diminished. They are not plant managers who might have to deal with higher operating costs as a result of the legislation. The men and women that my amendment is designed to help are the men and women who will lose their jobs as a result of the enactment of this legislation.

So that the rest of the Nation, including my own people in Appalachia and the Midwest, may benefit from cleaner air, the hard working men and women of the coal fields, especially in Appalachia and the Midwest, are being forced to pay a very high price, the loss of their livelihoods, and I believe we owe something to those men and women.

I would certainly prefer to be able to stand here today and assure them that they will not lose their jobs as a result of the enactment of this legislation. Toward that end, other Senators from Appalachia and the Midwest, including the distinguished Senator from Illinois [Mr. DIXON] who is on the floor at this moment, and I have worked hard to minimize the job loss that will occur as a result of this bill. I believe that we have achieved some success, some success.

We in the Midwestern and Appalachian group have been meeting since last fall in an effort to develop legislation on which we could unite and that would help minimize the economic impact on this region.

Mr. President, I know that it is not possible to protect every high-sulfur coal miner or every low-sulfur coal miner in the country from being adversely affected by legislation that mandates such major reductions in emissions of sulfur dioxide.

Despite the best of efforts, thousands of coal miners are still going to lose their jobs as a result of this legislation. According to the Environmental Protection Agency, enactment of this legislation will still result in the loss of 3,000 to 5,000 high-sulfur coal mining jobs in 1995, even with the changes that we have been able to make in the original committee bill in recent weeks, the changes being the so-called Byrd-Bond amendment that was agreed to in the task force meetings that went on in the distinguished majority leader's office for several weeks. That portion of our amendment, dealing with phase I, was agreed to. Although the phase II provision, for which Senator BOND and I hoped to get an extension of 2 additional years, and for which all of the other Midwestern and Appalachian State Senators hoped to get an extension of 2 years, so as to enhance the chances of the utilization of clean coal technology, was not included, I think the bill was made better in any event.

Yet, I believe that we owe the men and women who will lose their jobs some temporary assistance that will help them to make the transition to new jobs and new careers.

Fairness requires that we help these men and women, and so does common sense. I do not believe that we can afford not to provide the assistance that this amendment would provide. When a coal mine shuts down, not only do the miners and their families suffer but whole communities are also put at risk. For each mining job that is lost as a result of this legislation, it is expected that two nonmining jobs will also be lost.

By adopting this amendment, as modified, we can ensure that the loss of 5,000 jobs does not spread to a loss of 15,000 jobs. And by doing so we can prevent the accumulation of tremendous additional social costs. I am saying again that the loss of one coal mining job is attended by a loss of two nonmining jobs.

So, when we use the absolute maximum reduction in jobs that has been given to us by the EPA, the maximum figure, the 5,000 coal mining jobs, we are really talking about 15,000 jobs. My amendment does not, of course, address the additional 10,000 jobs that will be lost, the nonmining jobs, but it would address the 5,000. But, in addressing the 5,000, of course that has a ripple effect in the communities. So by adopting this amendment we avoid some of the severe results of such a ripple effect in those communities.

There are those who ask why we should be providing more assistance to coal mine workers who will lose their jobs as a result of this legislation than to workers in other occupations who might also lose their jobs.

I have listened to that concern that has been expressed by my colleagues on both sides of the aisle. This is not a party matter, and, as a consequence, I have attempted to contact Senators on both sides of the aisle. It is a matter of enormous consequence to people who live in Appalachia and the Midwest. The impact will be so great on coal mining jobs. Those people who are coal miners and who are noncoal miners, who would be so severely affected, are not Republican or Democrat in that sense. They are Republicans and Democrats, and a hungry stomach does not pause to inquire as to what the political faith of the affected individual may be.

No other group of workers is likely to be so directly and adversely affected by the legislation before us as would be the high-sulfur coal mine workers. There may be some job losses in other industries. The EPA estimated that the air toxics provisions of the original committee bill could have resulted in the loss of between 11,000 and 15,000 jobs in the steel and petrochemical industries.

The Hahn-Steger study suggested that an even greater number of jobs would have been put at risk. Yet, both the EPA and the Hahn-Steger estimates were based on an analysis of the original committee bill. That bill is no longer being considered on the Senate floor and we are now debating the Mitchell-Dole substitute, which is a substantial modification of the original committee bill.

The residual risks, then, have been greatly modified. As a result the expected job losses have been significantly reduced, possibly even driven to zero in many instances. It is my understanding that the Congressional Research Service now indicates that the potential job losses projected by the EPA in the Hahn-Steger study have been eliminated. As a result, I seriously question whether this legislation will cause any significant number of job losses in other industries.

My colleagues may debate the issue of how many jobs may be lost in other industries, but if we are to take the words of the EPA at full value and perforce take the words of Senators who have made statements on this floor at full value, which we do, then it has been indicated that as a result of the actions that have been taken on this bill off the floor and on the floor, the job losses in other industries have been reduced to virtually zero.

Now if that is not the case, then Senators ought to know. We ought to know if job losses have indeed not been reduced to zero. But as of now that has been the indication. So, that being the indication that other industries are not going to suffer from job losses as a result of this legislation, I feel that we ought to direct our attention to the industry that is targeted by the bill, not targeted by intent, but the results of this bill, and that is the high-sulfur coal industry. There is where the jobs are going to be lost. We have not reduced that figure to zero by a long shot.

There should be no debate as to how many high-sulfur coal miners' jobs will be lost as result of this legislation. I have seen no study that disputes the EPA is estimated that between 3,000 and 5,000 high-sulfur coal jobs will be lost between now and 1995. I have seen no study that disputes the EPA is estimated that 35 percent of all jobs in the high-sulfur coal industry will be lost by the year 2000, as a direct result of this legislation.

As I have noted before, this estimate on job losses in the high-sulfur coal industry is above and beyond the job losses expected to otherwise occur even without any new clean air legislation. Employment in the high-sulfur coal industry has been declining for a number of years as a result of labor productivity and mechanization. More high-sulfur coal is being produced today than 10 years ago and yet high-sulfur employment is much lower today than it was 10 years ago. Assuming continued increases in productivity, it is reasonable to expect that high-sulfur coal employment will be lower 10 years from now.

As a result, there are those who do not believe that 5 years from now it will be possible to distinguish between those coal mine workers who will have lost their jobs due to increased productivity and those who will have lost their jobs as a direct result of whatever new clean air legislation we might enact.

While attempting to draw a direct connection between job losses and enactment of the Clean Air Act Amendments of 1989 is likely to be difficult if not impossible in many industries, I do not believe it will be difficult to do so with respect to job losses in the high-sulfur coal industry.

(Mr. BRYAN assumed the chair.)

Mr. BYRD. Mr. President, high-sulfur coal mine workers are going to lose their jobs in the years ahead as utilities switch from high-sulfur to low-sulfur coal in an effort to comply with the emission reductions requirements of this legislation. The cancellation or the nonrenewal of high-sulfur coal contracts combined with cutbacks in production should enable the Secretary of Labor to determine without any great difficulty whether or not particular coal industry job losses are the direct result of enactment of the legislation before us.

Mr. President, let me again explain the modification that is now before the Senate.

The first proposal that was submitted by me on behalf of myself and 17 other Senators, provided for a total cost—absolute maximum, based on EPA's unemployment figures resulting from this legislation—of $700 million. That was the absolute worst-case scenario. That would provide 100 percent of the compensation to the coal miners who lost their jobs as a result of this legislation for the first 2 years immediately after their termination from their jobs. The first 2 years they would get 100 percent. The next 2 years they would have gotten 80 percent, and the next 2 years they would have gotten 60 percent—a total of 6 years. And with all the attendant costs, it would have amounted to the maximum outside limit, taking the highest range of job losses estimated by the EPA resulting from this legislation in the high-sulfur coal mining, $700 million.

Then, having listened to the concerns of Senators, I offered a modification that reduced the number of years from 6 years to 4, and made these changes in the 4 years. Instead of the first 2 years being 100 percent, as in the first Byrd, et al., amendment, that was reduced to 80 percent the first year, 70 the second, 60 the third, and 50 the fourth. The absolute outside maximum would then have been $500 million.

So it would have dropped the cost from $1.6 billion—I think I misstated the cost for the first amendment. The cost for the first amendment would have been over $1.6 billion. Then the modification—for the sake of cutting down on verbiage, I shall call it Byrd, et al., No. 2—reduce the costs for the reasons I have stated from $1.6 billion to $700 million.

Then, after listening further to my colleagues on both sides of the aisle—as I say, this is no party matter, so I felt the liberty to talk with Senators on both sides of the aisle—last evening, I sent to the desk a further modification. So we will refer to that as Byrd, et al., No. 3.

In that proposal, I reduced the number of years further for coal miners from 4 years, as in the second modification, to 3 years—70 percent the first year of the total compensation that the dislocated coal miner would otherwise have received, 60 percent the second year, and 50 percent the third year, which in turn reduced the outside maximum cost, if 5,000 coal miners lose their jobs as a result of this legislation, to $500 million. The cost has been dropped from $1.6 billion-plus, to $700 million, to $500 million. In addition, in the modification that I sent to the desk last evening, I provided for noncoal mining workers who lose their jobs as a direct result of this legislation.

Now, I had been advised that the substitute had been changed to the point that the impact on steelworkers and chemical workers, the impact on coke oven workers, and the impact on other workers had been reduced to virtually zero. Whether or not that is the case, I do not know, but that is what has been stated on this floor, at least that is my understanding.

Nevertheless, there may be workers in other industries who would lose their jobs as a direct result of this legislation. And so the amendment, in addition to the 26 weeks of unemployment compensation which workers would normally get when they lose their jobs, provides for 1 year of trade adjustment assistance benefits. Nonmine workers, instead of getting only 26 weeks of unemployment compensation, would now get an additional 52 weeks, making a total of 78 weeks, in addition to the other services that are provided in the Trade Adjustment Act.

Therefore, we now have a modification before the Senate that gives assistance to workers in any industry, in any of the 50 States, who lose their jobs as a result of the enactment of this legislation. I am not talking about workers who lose their jobs for other reasons, but rather, workers who lose their jobs because of this legislation.

All workers in 50 States who lose their jobs, in whatever industry, as a direct result of the enactment of this clean air legislation, would be helped by this modification.

That, in brief, is the explanation. Now let me detail it a little more thoroughly.

This amendment now provides a 3-year program of benefits for terminated coal mine workers as follows:

In the first 12 months following termination, a terminated worker would be eligible to receive benefits equal to 70 percent of the total compensation

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and benefits such worker received during the 12-month period prior to termination.

In the second 12 months following termination, a terminated worker would be eligible to receive benefits equal to 60 percent of the total compensation and benefits such worker received during the 12-month period prior to termination.

In the third 12 months following termination, the terminated worker would be eligible to receive benefits equal to 50 percent of the total compensation and benefits such worker received during the 12-month period prior to termination.

Moreover, to encourage worker retraining, at any time during their period of eligibility, terminated workers would be eligible to receive an additional 20 percent of their prior compensation and benefits if enrolled in a full-time retraining or education program that is certified by the Secretary of Labor for a period of not to exceed 12 months.

The maximum appropriation that would be required for this portion of the amendment is $500 million. That would be the case if 5,000 coal miners lose their jobs as a result of enactment of the Clean Air Act, if all 5,000 eligible miners receive the maximum benefits for all 3 years of eligibility, and if all 5,000 chose to enter into a 12-month retraining program.

If we take the lower end of that range, if only 3,000 miners lose their jobs, the maximum appropriation would be reduced to $300 million instead of $500 million.

We could take the middle of the range, the median number between 3,000 and 5,000. If we take 4,000 coal miners and say they lose their jobs, then the maximum appropriation would be $400 million. So, for 3,000 it would be $300 million; for 4,000 it would be $400 million; and for 5,000 it would $500 million.

But, as with the original amendment which I introduced on behalf of myself and 18 other Senators, these benefits would be reduced, dollar for dollar, by any earnings from other employment during the period of eligibility. Also, the actual cost of this portion of the amendment would in all likelihood be much less than the worst case estimate.

Why? Well, No. 1, benefits would cease upon the death of a recipient; No. 2, some of the terminated workers will find other employment during their 3 years of eligibility; and, No. 3, not all terminated workers will take advantage of the retraining and education bonus.

Furthermore, the net cost of the program to the Federal Government would be substantially less than the worst case estimate above since, first, recipients of benefits would not be eligible for other Federal benefits; second, the ripple effects of mine shutdowns would be reduced, thereby lowering the need within mining communities for other Federal assistance; and third, benefits paid to terminated workers would be subject to Federal income taxation.

A new section has been added to the pending amendment that would provide benefits to noncoal mine workers who may lose their jobs as a result of enactment of this legislation. This new section will extend to these eligible terminated workers' benefits that are now available under the Trade Act of 1974, as amended, to persons who lose their jobs because of trade imports. These benefits will provide up to 52 weeks of trade readjustment allowances, including up to 26 weeks of training for eligible recipients.

Mr. President, I have mentioned on previous occasions that there are precedents for this legislation. As I have talked personally with many Senators on both sides of the aisle, some have raised the question, or made the suggestion that we would be setting a precedent in adopting this amendment. But it would not be a precedent. Let me talk briefly about some precedents.

For example, the Urban Mass Transportation Act, enacted in 1964. The start of eligibility was as of the date of termination of the affected person's job. The benefits would be full salary, plus benefits, plus COLA's plus relocation assistance. The length of benefit was the length of service or 4 years, whichever is the lesser.

In Amtrak legislation, which was adopted in 1970, there again, the start of eligibility was as of the date of termination of the affected person's job; the benefits would be full salary, plus benefits, plus COLA's. This legislation that I have introduced does not provide for COLA's, does not provide for full salary. The length of benefits under Amtrak was the lesser of the length of service, or 6 years.

As to Conrail legislation, title V, 1976; 1981. Again, the start of eligibility was as of the date of termination of the job. The benefits were full salary, plus benefits, but not to exceed $2,500 per month, plus inflation increases, plus COLA's, plus relocation assistance.

If relocation was required, then the affected job loser would be assisted in relocating himself and his family.

As for the length of benefits, the length of service if less than 5 years, 5 or more years of service would equal the date of termination to age 65. In other words, if it was less than 5 years the person had been employed, then that would be the length of benefits, whatever length of service that was—4 years, 3 years, whatever. But if he had had more than 5 years of service, then his benefits would extend from the date that he lost the job until he became 65 years old.

Then there was a title VII modification in 1981-86, which provided for benefits to those persons affected by the Conrail legislation—$350 per month, times the months of service, or $25,000.

Now, in 1978, the Redwood National Park employee protection program was enacted. The start of eligibility was to be as of the date of termination. The benefits were to be the full salary, plus benefits, plus relocation assistance, plus retraining. The length of benefits was for length of service up to 7 years, or to age 65, whichever is less.

Regarding trade adjustment assistance, the start of eligibility is after the unemployment compensation is exhausted. That would be the case in the modification that I have offered. The average payment is $197 a week, and what it means is that there is an additional 52 weeks of unemployment benefits plus retraining.

Let me say further with respect to Conrail, title V of the 3R Act guarantees to employees of the railroads incorporated with Conrail that their pay and benefits would continue in amounts not less than the level of the jobs reached. Employees who had 5 or more years of service on January 1, 1974, were protected until age 65. An employee with less than 5 years of service on January 1, 1974, was guaranteed benefits for a period equivalent to the length of service as of that date. Section 505(b)(1)(e), however, set the monthly displacement allowance at not to exceed the sum of $2,500 in any month except that such amounts shall be adjusted to reflect subsequent general wage increases. This meant that the maximum annual allowance in 1974 could not exceed $30,000 per year. But this monthly displacement allowance was inflated each year thereafter.

Also, the amount of $30,000 in 1974 was set because that amount was adequate to cover the full salary plus benefits of virtually all rail workers except possibly for engineers. In addition, there was no provision in title V to require that these benefits be reduced by any earnings that these qualified rail workers may have during their period of coverage.

Conrail has not been able to provide me with the inflationary increases that have occurred since 1974, but they would be substantial in light of the high rates of inflation during the 1970's.

Public Law 97-35, the Omnibus Budget Reconciliation Act enacted on August 13, 1981 repealed title V of the 3R Act and replaced it with title VII, as I indicated earlier. This title provided employee protection for Conrail employees effective September 1, 1981.

To receive title VII benefits, an employee had to meet the following requirements. To qualify for benefits under section 701, an employee had to meet these eligibility requirements: One, as of August 31, 1981, the individual had an employment relationship with Conrail and was protected under title V of the Regional Rail Reorganization Act.

Two, the employee was deprived of employment. He had to have been deprived of employment because of action taken by Conrail under provisions of the Regional Rail Reorganization Act or the Northeast Rail Service Act.

Number 3, the employee was unable to obtain work with Conrail, Amtrak, a commuter authority, or acquiring railroad, through the exercise of his seniority.

An employee deprived of employment could elect one of two benefit options. Each option provided for a maximum of $20,000 in total benefits, and the total options were, one, resign, and accept a separation allowance or, two to remain in furlough status and receive one or more of the following benefits: daily subsistence allowance, health and welfare coverage, new career training assistance and reimbursement for moving expenses.

There was a lump sum separation allowance also.

An employee who elected to receive a separation allowance terminated his employment relationship with the carrier. The amount of the lump separation allowance was $20,000. The allowance was reduced, however, by the amount of any health and welfare premium paid on behalf of the employee in the period beginning on the date an employee was deprived of employment and ending on the date of his election to receive the allowance.

Subsistence allowance, health and welfare coverage, new career training assistance and moving expenses, an employee who elected to remain in furlough status and retain seniority rights was eligible to receive $20,000 which could be paid by accommodation of subsistence allowance, retraining expenses, moving expenses and payments for health and welfare coverage.

As to the subsistence allowance, a subsistence allowance of $42 per day for up to 5 days per calendar week was payable for each day an employee was deprived of employment beginning September 1, 1981. The allowance was payable in addition to any unemployment benefits payable to the employee under the Railroad Insurance Act. A subsistence allowance was reduced by the amount of earnings an employee had during the claim period but only to the extent the earnings exceeded unemployment benefits that would have been payable to the employee had he not earned remuneration during the claim period.

As to health and welfare coverage, employees who elected to receive a subsistence allowance were eligible for continued health and welfare coverage under group policies unless such coverage was waived at the time of benefit election. Employees were eligible for up to 19 months of health and welfare coverage. No coverage was provided, however, for any month that the employee was otherwise covered by the group policy because of employment in the railroad industry.

The premium amounts paid on behalf of the employees were applied toward the maximum of $20,000 in benefits that an employee could receive.

As to new career training assistance, an employee who elected to receive a subsistence allowance and who was enrolled in a retraining program at a qualified institution could receive a maximum of $3,000 in new career training assistance.

As to moving expenses, an employee was eligible to receive reimbursement for moving expenses if he was required to make a change of residence to obtain or maintain employment with Conrail, Amtrak, a commuter authority, or a railroad which acquired a portion of Conrail under the provision of the Regional Rail Reorganization Act or the Northeast Rail Service Act of 1981.

Mr. President, there are those who feel that, granted, there will be a loss of jobs in high-sulfur coal regions as a result of the enactment of this legislation; that there will be a concomtant increase in employment in low sulfur regions which, in turn, will absorb, should absorb all or most of the workers who have been displaced and whose jobs have been terminated as a result of the legislation in the high-sulfur area.

But I should point out, Mr. President, that this will not be the case. The average number of days coal miners have worked over the last several years has ranged from 184 days in 1982 to 202 days in 1987. That is nationally. In West Virginia, they ranged from 202 days in 1980 to 203 days in 1988. What does that mean? That means that there are somewhere between 50 and 60 weekdays that were not worked, that were not utilized by coal miners. They were not working, for one reason or another.

But when we take the spread of years in West Virginia, there were an average number of 202 days: 1981, an average of 177 days worked; in 1982, an average of 182 days worked; in 1983, an average of 181 days worked; in 1984, an average of 189 days worked; in 1985, an average of 192 days worked by the coal miners; in 1986, there was an average of 192 days worked by miners; 1987, an average of 200 days; in 1988, an average of 203 days.

It might be said that in a particular year, perhaps, there was a strike which reduced the number of days in which the coal miners worked. That cannot be said with reference to the spread of the full 9 years which I have enumerated for the Record.

So taking the highest number, 202 days in 1980, 200 days in 1987, 203 days in 1988, taking the highest number of days worked, one can see that the coal miners have not been able to work 5 days a week all of the weeks of the year, even under the best of circumstances.

And so I think it is reasonable to say that if there is an increase in low-sulfur-coal production, which is expected to occur, that increase will ipso facto absorb the loss of jobs in the high-sulfur sections.

But I say that that increase will simply mean that those miners in the low-sulfur regions will work more. They will work more days out of the year. Take 5 days a week, 52 weeks a year. That is 260 days. One would say, well, they would not be expected to work 5 days a week during Christmas week. Well, I have seen the time when coal mines did operate during Christmas week.

But in any event, if one wished to eliminate that week entirely, that would mean 51 weeks out of the year, 5 days a week. That would be 255 days. So there is quite a spread between 200 days or 203 days or 177 days or 189 days, whatever number I have mentioned in any one of the 9 years I have laid in the Record, quite a spread between that number and 255 or 260 days.

So those mines in the low-sulfur regions can increase their days of work and fulfill the needs for the increased tonnage of low-sulfur coal mined, which may result from the cancellation of high-sulfur coal contracts or the nonrenewal of high-sulfur coal contracts by utilities.

It does not merely mean an increase in the number of days worked in those mines in low-sulfur regions—there is already high unemployment in the low-sulfur regions of West Virginia—in which event, if those low-sulfur coal mines had to add on persons, they would simply pick up the persons who are now living on welfare and put them back to work.

Those skilled workers are there, some of them. Some have died. Some have finally faded away from the State, perhaps the younger ones, very young, and others are still around living on welfare, food stamps, living with their children, making it the best way they can.

What I am saying is that those miners in the high-sulfur regions of Appalachia and the Midwest would not ipso facto go to the low-sulfur regions and get jobs. And in addition to that, even if they did, what about the barber, the baker, and the candlestick maker who are in those communities in the high-sulfur regions? Are we to imagine that they, too, would flock down to the low-sulfur regions of southern and western West Virginia and that they would set up stakes there? Why, one has to believe in Alice in Wonderland to contemplate that.

Thus, for every one of those high-sulfur jobs that are lost in northern West Virginia—I take just my State, for example, because that is closest to me—those communities in the high-sulfur regions of northern West Virginia are going to suffer when those miners lose their jobs.

In some counties, 30 percent of the income, in some counties 40 percent of the income in the county comes from coal mining, high-sulfur coal mining. And so counties have already been devastated, these regions I am talking about in Appalachia and the Midwest have already been devastated, devastated for many reasons—the increase in productivity, the inexorable march of mechanization, and other factors which have led to the devastation of those regions.

Just take West Virginia for an example. In many of the counties, there has been such a terrible devastation, such a terrible loss of jobs, remembering that coal mining has been and is the backbone of the economy. If you do not have a job in the mines, what do you do?

The average age of the coal miner is 39 years. Only 18 percent of the coal mining jobs in this country are held by persons under 30 years of age; 41 percent by persons from 30 to 40; 41 percent 40 and over. Of those 40 and over, 16 percent of the total number of jobs are held by persons 50 years and older.

We are not talking about a negligible group of young miners who are beginning to spread their wings. We are talking about people who have grown, grown to the soil, who are working as their fathers worked, working as their uncles worked, working as their grandfathers worked, toiling in the coal mines.

Eighty percent of the coal that is mined in West Virginia comes out of the deep mines, not surface mines, not strip mines. Twenty percent of the coal in West Virginia is produced by surface mines. Unlike the mining in the West, where it is mostly surface mining, here in the East it is deep mining. That means a miner goes down into a shaft or he goes into the ground to mine a perpendicular vein of coal.

You may go underground 2 miles, 3 miles, or more. That is the only living they know. If they could be retrained to work in the microchip or computer industry, to work as scientists in various other industries, there would not be any such industries nearby. All they have is the coal mines.

Therefore, it is unreasonable to believe that those people will be picked up by any increase in low-sulfur coal mining as a result of this legislation.

Let me take just a few counties in southern West Virginia. I am talking about that part of West Virginia—incidentally, I have indicated to the managers of the bill, I indicated to Senator BAUCUS about close to 25 minutes ago that I would yield the floor at any time if he has an amendment which he wished to take up.

So I want the record to show and those who are watching and listening to know I am not here just to hold the floor. I made the statement that I indicated I wanted to make with respect to the modification and was ready to yield the floor at around 11:30.

So the distinguished manager of the bill is attempting to find out if there are some amendments around that could be taken up, and I indicated I would be happy to fill in until he could do so, at least for a while. That is why I am continuing at this point. I am ready to relinquish the floor at any time when another Senator wishes to speak or other amendments are taken up, to have this amendment set aside for amendments that can be taken up and addressed in a reasonably short length of time, or that are agreed upon and worked out in advance. I am not saying I would want to lay this amendment aside for any major amendment, but I certainly want to cooperate with the lesser amendments so progress on the bill can go forward.

In southern West Virginia—West Virginia is a State which has both high-sulfur and low-sulfur coal. High sulfur coal is mined in the main in the northern part of West Virginia. Low-sulfur coal is mined in the main in the southern part of West Virginia.

Let us take the suggestion that the increased tonnage in the low-sulfur coal mines will ipso facto absorb the job losses that would occur in northern West Virginia in the high-sulfur coal regions as a result of this legislation. Let me just paint this picture of southern West Virginia where the low-sulfur mines are located.

Let us take Boone County, for example. In Boone County, which probably has more coal in West Virginia, more recoverable coal, than any other county, certainly one of the top, in 1979 there were 5,410 coal miners employed in that county. In 1988, 10 years later, 1988 included, the number of coal miners employed in Boone County had dropped from 5,410 to 3,350. In other words, that is a drop of 38 percent.

Proceed there to a county slightly south of Boone County but adjoining Boone County. Let us take a look at Logan County, a great coal-producing county. These counties I am talking about are great coal-producing counties. Logan County employed 4,720 coal miners in 1979. That dropped in 1988 to 2,540, a drop of 45 percent, almost half.

Now let us go to my own home county of Raleigh, one of the largest counties in West Virginia population-wise. There were 5,030 coal miners employed in 1979 in Raleigh County's low-sulfur coal fields. That dropped by 1988 to 48 percent, almost one-half, getting closer and closer to one-half.

Let us take the adjoining county to Raleigh County, Wyoming County, which I used to represent along with Raleigh County in the West Virginia State Senate. Wyoming County is another great coal-producing county. The number of miners employed in 1979 in Wyoming County was 5,630. By 1988, that had dropped 65 percent—65 percent—to 1,950 coal-mining jobs. In other words, two-thirds of the coal-mining jobs in Wyoming County as of 1979 had been lost by 1988, including 1988.

Now, let us go to McDowell County, which at one time was the greatest coal-producing county in West Virginia, southern West Virginia, low-sulfur coal, the county in which my foster father worked in the coal mines at Land Graff, West Virginia many years ago. As late as 1979, McDowell County had 8,260 coal miners employed, 8,260 in 1979. By 1988 there were 1,320. In other words, 83 percent of the coal-mining jobs in what was once the largest coal-producing county in West Virginia among 55 counties, McDowell County had lost 83 percent of its jobs in 10 years; 83 percent.

If that is not virtually total desolation, I would like to know what is total desolation. I suppose 100 percent would be total. But for all practical purposes that county has been ravaged and devastated, decimated, 83 percent.

How can one expect that if low-sulfur coal tonnage were to be increased that the high-sulfur jobs in northern West Virginia, that would flock down to Raleigh and McDowell, Wyoming and Logan and Boone, the five counties I mentioned, that those miners would get their jobs down there. Why there are still miners down there living on welfare. They do not want to live on welfare. They want to work. They were working at one point in time. They should have their jobs back. Some of them are still living in the area.

So those high-sulfur coal miners in northern West Virginia that would lose their jobs need not look to southern West Virginia for succor and comfort and relief in jobs, because there are people already down there who are unemployed.

This is a bit of the picture, Mr. President, with which we are confronted in West Virginia. I am sure that it can be repeated in other areas of Appalachia and the Midwest. So this is a region that is suffering, that has suffered and will continue to suffer.

These States, most of them in Appalachia and in the Midwest, have no seacoast. Take my own State, for example, we have no seacoast. We cannot expect a naval base. We have mountains, high winds, storms, and temperatures fluctuate. We cannot expect, for various reasons, to have army bases or air bases. We cannot expect the Government to build a Pentagon over in West Virginia.

We have some steel jobs remaining in West Virginia. One of the largest complexes, if not the largest in the Western Hemisphere, of chemical plants, is in West Virginia, in the Kanawha Valley, up near the Ohio River, a great chemical complex.

We used to have the largest ax factory in the world, pottery plants, several footwear plants, shoe manufacturing plants. These are gone. We do not have them any more.

When I came to the House of Representatives 38 years ago, we had six Members of the House from West Virginia. After this census, we are going to be down to three. We have four now. We will be down to three after the census is taken.

That speaks for what is happening to West Virginia. Where are these people going when they lose their jobs? I have heard that the bill has been changed to protect the steel industry, the chemicals industry, some of the other industries, the coke oven industry, to the extent that there will not be the serious job losses that were earlier contemplated when the original committee bill was reported. So they are down to virtually zero. If that is accurate, then it is true that the coal industry is being targeted by this bill—not intentionally by anyone, but that is the fallout, the result for the coal industry, especially the high sulfur coal industry.

Contracts are going to be broken by utilities, because they are going to want to switch to low sulfur coal inorder to meet the emissions requirements. When they renew their contracts, they are not going to renew them with high sulfur coal operators. They will renew them with low sulfur coal. So this is an industry that has been ravaged.

The figures I gave about the last 10 years constitute less than half of the real picture, because using the first year of 1979, talking about the losses of jobs in our southern West Virginia counties, that is just since 1979. If we go back to 1952 when I ran for the House of Representatives, there were 130,000 coal miners in West Virginia. In 1979, there were 62,500, less than half of what there were earlier. By 1988 they were down to 29,400. So we are down now under 30,000. And that has served as the basis of the economy for so long, as is the case in many other regions of Kentucky and Ohio and Pennsylvania and other States in the Midwest and Appalachia. It is a hard luck, bleak picture that confronts us.

Now government action is about to take those jobs, further reducing the number of jobs in the high sulfur-producing areas of the country.

For those who say, "why single out the coal miners," I am not singling out the coal miners. The bill singles out the coal miners. Why single out the coal miners? The bill singles out the coal miners.

And there are those who say, "Well, people in my State wonder why we want to do this for the coal miners. We do not have any coal miners in our State." So they wonder why do we want to do this to help the coal miners. Mr. President, anything that affects one State in this country adversely affects the whole country.

As I said last night, John Donne wrote:

> No man is an island intire of it selfe, Every man is a piece of the Continent; A part of the maine;
>
> * * * * *
>
> Therefore, never send to know for whom the bell tolls; it tolls for thee.

That means every one of us. It tolls for me. It tolls for Senators, and it tolls for the States that are not in these regions that are going to be directly affected as a result of this bill. It tolls for all of us.

Daniel Webster said: "Let our object be our country, our whole country, and nothing but our country." That is what we are saying. We, in the coal mine region, say there is no geographical limit or boundaries to patriotism. We are talking about what goes through the anatomy of the whole country, not just to those States that are the coal-producing States, high sulfur coal-producing States of the Union.

(Mr. FOWLER assumed the chair.)

Mr. BYRD. Mr. President, the distinguished senior Senator from South Carolina [Mr. THURMOND] said last night that his textile workers had suffered loss of a job. Why are they not included? Well, my answer is that if they lose their jobs directly as a result of the enactment of this clean air legislation they will receive help from the amendment that is now before the Senate. They will receive in addition to the 26 months of unemployment compensation to which they will be normally entitled a year of trade adjustment assistance.

So again I repeat this amendment goes to 50 States, all the States in the Union. It is not confined just to States in the Midwest and Appalachia where the high sulfur coal mining industry is going to suffer a severe, a direct hit as a result of this legislation.

Now I have modified the amendment so that it will provide some assistance to all workers, laundry workers, drycleaning workers, chemical workers, steel workers, workers anywhere in the United States of America, our country, our whole country—it will help all of them. All 50 States are involved in this amendment.

I am not just talking about coal mine workers now. We are talking about workers in any industry. Automobile workers—if they lose their jobs as a direct result of this legislation they are going to get an additional 52 weeks of unemployment compensation benefits.

As Webster said: "It is our country, our whole country and nothing but our country."

The administration is asking for $500 million for Panama, and it is in a hurry, we have to have it now. Once the appropriation runs through both Houses, through conference, if there has to be a conference, it is to be on the President's desk by the Easter break. Why the hurry? Why $500 million? There are some questions that need to be answered as to why $500 million for Panama. We have already helped Panama. Why $500 million more?

Well, $500 million is the outside limit to the cost for the coal miners in Appalachia and the Midwest who will lose their jobs, no ifs, ands or buts. According to EPA, 3,000 to 5,000 coal miners are going to lose their jobs as a direct result of this legislation.

So the cost is $500 million. Now take it from there. Do we appropriate $500 million for Panama with few questions asked, and we want it done by the Easter break? What about $500 million for the coal miners of West Virginia, Kentucky, Ohio, Pennsylvania, Alabama, Tennessee, Indiana, Illinois? What about $500 million for them?

What did I run into last night? A piling on. It almost appeared to be a piling on. The Senator from West Virginia ran into a storm. There were a lot of questions when I introduced my modification. Five hundred million dolars? This is money that will be spent in the United States of America and will have a ripple effect. Every dollar that is put in the hands of those coal miners who lose their jobs is going to be spent, most of it right in the community where they live, and it will have that ripple effect. There will be taxes paid on it.

And it will take the place of unemployment compensation benefits just because they will be subtracted and it will be money spent, and it will be money put across that meat counter, across that dry goods counter. That will be spent here in this country. Five

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hundred million dollars for Panama—where will that be spent, and for what? I think there is a matter of justice involved here, and we ought to weigh it. That is the case I am offering for my colleagues to consider.

As I have indicated already I will be happy to yield the floor to any Senator who wishes to speak, or if there are other amendments that will be taken up I will yield the floor for them as I have indicated to the distinguished manager of the bill 45 minutes ago, beginning 11:30 a.m. today. I am finished for now and I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON].

Mr. FORD. Mr. President, I want to say a few words about the so-called Byrd amendment. If anyone, I say to the floor leader, comes with another amendment, I would be more than pleased to step aside and allow that amendment to be brought up.

Mr. President, the other evening, I made mention of Harlan, KY. On the lawn of the courthouse, there is a large monument of marble that contains almost 1,400 names of residents of Harlan County who had lost their lives in coal mines. They paid a dear price. It is a way of life, however. It takes a special person to go 3, 5 miles underground, extract the coal and bring it to the top of the surface and ship it to other communities so they might fire their factories and move their assembly lines and employ people, which they have for years.

The question of me after that statement was: What connection is that of Harlan County to the Harlan Boys Choir that sang for the inauguration? I was pleased with their performance there and pleased that President and Mrs. Bush would invite them to sing during the inauguration. This Harlan Boys Choir has been going on now for, I believe 26 years. They have been all over the world at different times performing. They went to Vienna while I was Governor and brought back first place in 1972 or 1973, I am not sure of the exact year.

The director of that choir now teaches six classes a day in school, coaches the girls' basketball team, and directs the choir. The boys who went to Vienna in the early seventies are now the fathers of the sons that sang for the inauguration last year. Those that are the fathers of these sons are coal miners—a very special group.

They do not want a handout. They would like to have a job. The economic situation of mechanization of the coal operation has caused a decline in jobs. The same argument could be made for other industries.

Mr. SIMON. Mr. President, I join in support of the amendment by Senator BYRD. Perhaps other than Senator FORD and Senator BYRD, I have been in more coal mines than any other Member of the Senate. I spent a good portion of my life with coal miners. I go back to the time, and my guess is that Senator BYRD and Senator FORD may do the same, that I have been in coal mines where they used mules back in the early days. I have seen these men risk their lives day after day after day. Now there are a few women who join those ranks.

A couple points have been made here that I think we should respond to. One is the inequity between coal miners and others. The argument is used that because there is an injustice and inequity therefore we should not have any help to anyone. We do not use that same argument, for example, with Medicaid or AFDC. In fact, the inequity is greater because in those programs it is the richer States that get more Federal funding on a per capita basis than the poorer States in terms of individuals.

To say because there is something of an inequity in response, therefore we are not going to help anyone, results in the greater inequity.

My strong hope is that we can respond affirmatively to the amendment offered by the distinguished Senator from West Virginia.

Then the second thing where there really is a difference in addition to the hazardous difference that there is between coal miners and any of the other major occupations, there is this difference and that is what happens to the communities. Last night the senior Senator from West Virginia, who also serves as the President pro tempore, talked about the Big Bertha, a big gun from World War I that could at that point go an unbelievable 75 miles.

That Big Bertha is aimed not just at coal miners but at communities. When that coal mine goes down, that community is just devastated. It is true that there are other aspects of this bill that will spread more generally throughout the State of Illinois or the State of West Virginia or the State of Kentucky. But this Big Bertha is aimed right at these communities. The Byrd amendment is an attempt to give those communities a chance.

Mr. President, I think it is extremely important that we provide some protection to a region, to people who have risked a great deal to provide energy to this country and to communities. I am certainly going to support the Byrd amendment. I hope a majority in this body will support the Byrd amendment.

Mr. BAUCUS. I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection it is so ordered.

AMENDMENT NO. 1358 TO AMENDMENT NO. 1293

(Purpose: To direct the Administrator to submit a report on the feasibility and effectiveness of requiring all cities of 100,000 population or higher to use oxygenerated fuels of 3.1 percent or greater during the period from October 1 through March 31)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] purposes an amendment numbered 1358 to amendment No. 1293.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 216 of the amendment No. 1293, line 12, immediately after the period, add the following: "Not later than twelve months after the enactment of this subsection, the Administrator shall submit to the Congress a report on the feasibility and effectiveness of requiring the provisions in this paragraph to be applied to all cities of 100,000 population or greater regardless of their attainment status.

Mr. SIMON. Mr. President, this is an amendment that I believe has been agreed to by both sides. It calls for a study by the EPA Administrator to take a look at requiring that the 3.1 percent of oxygen content in gasoline be required for all cities of 100,000 or more in population. It is a request for a study only, but I believe that study is going to find, first, we are going to have cleaner air as a result; second, we help American farm products; and, third, we help the revenue of the U.S. Government. So I think it should result in a major plus. But it is only a request for a study.

I have discussed it with representatives of both sides. I believe it is acceptable. I know of no opposition to the amendment.

Mr. BAUCUS. Mr. President, I have seen and examined the amendment by the Senator from Illinois [Mr. SIMON]. Frankly, I think it is a very good amendment. I would like to ask the Senator from Illinois if I could be a cosponsor.

Mr. SIMON. I would be honored to have Senator BAUCUS as a cosponsor.

Mr. President, I ask unanimous consent that Senator BAUCUS be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I urge adoption of the amendment.

Mr. CHAFEE. Mr. President, this is a good amendment and we accept it on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. Simon].

The amendment (No. 1358) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The pending business is the Byrd amendment, as further modified.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1359 TO AMENDMENT NO. 1293

(Purpose: To amend provisions of the Mitchell-Dole substitute relating to requirements for extreme areas)

Mr. BAUCUS. Mr. President, on behalf of Senator Cranston, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Baucus], for Mr. Cranston, proposes an amendment numbered 1359 to amendment No. 1293.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 81 of the amendment No. 1293, between lines 17 and 18, insert the following:

"(3) The Administrator may approve provisions of an implementation plan for an extreme area which anticipate development or improvement of control technologies, and an attainment demonstration based on such provisions, if the State demonstrates to the satisfaction of the Administrator that:

"(A) such provisions are not necessary to achieve the periodic emission reductions required by paragraphs (2) and (3) of subsection (b) during the first ten years after enactment of this subsection; and

"(B) the State has submitted enforceable commitments to develop and adopt contingency measures to be implemented as set forth herein if the anticipated technologies do not achieve planned reductions. The contingency measures shall be submitted to the Administrator no later than three years prior to proposed implementation of the plan provisions. The contingency measures shall be adequate to produce emission reductions sufficient to, in conjunction with other approved plan provisions, achieve the periodic emission reductions required by paragraph (3) of subsection (b) and attainment by the applicable dates. If the Administrator determines that an extreme non-attainment area has failed to achieve an emissions reduction requirement set forth in paragraph (3) of subsection (b) or to attain by the applicable date, and that such failure is due in whole or part to an inability to fully implement provisions approved pursuant to this subsection, the Administrator shall require the State to implement the contingency measures to the extent necessary to assure compliance with paragraph (3) of subsection (b) or to achieve attainment.

"(C) the plan contains enforceable, adopted measures establishing an economic incentive program that the Administrator determines is adequate, when considered in conjunction with other enforceable plan measures, to induce the development or improvement of the anticipated technologies.

Mr. BAUCUS. Mr. President, this amendment that I am offering on behalf of Senator Cranston pertains to the Los Angeles area only. Specifically, it concerns the south coast air quality plan which is designed to bring the Los Angeles area into attainment in 20 years.

Los Angeles has the dirtiest air in the Nation. The south coast plan is an ambitious plan to clean the air. The plan is divided into three phases. The second and third phases of the plan relies and anticipates the development of new technologies.

Under current law, a plan must demonstrate that it will provide for attainment by the appropriate deadline. Since the south coast plan relies, to a certain extent, on technologies that have yet to be developed, EPA may not be able to approve the plan.

This amendment allows EPA to approve the plan provided that certain contingency measures are included in the plan which would go into effect to achieve the necessary reductions if the technology fails to materialize.

Mr. CRANSTON. Mr. President, I have an amendment here that I understand has been cleared on both sides of the aisle and the committee is willing to accept the amendment.

Mr. President, this amendment pertains to the Los Angeles area and specifically it relates to the local air quality plan that has been put together for the south coast air basin, known as the south coast plan.

Los Angeles has by far the worst air quality problem in the Nation. Ozone levels are three times the Federal standard. Carbon monoxide and fine particulate levels range up to twice the national health-based standards. Air pollution costs residents of the area about $13 billion a year in health expenses and damage to property and crops. Add to this the fact that population in the basin is expected to rise from 11.3 million people to 15.5 million, or 37 percent, over the next 20 years.

It will not be easy but the Los Angeles area is committed to achieving healthy air. In an effort to do this the south coast air quality management district has put together an ambitious plan which is designed to bring the area into attainment in 20 years as required under this legislation.

The south coast plan is divided into three phases. The first phase of the plan will entail the adoption and implementation of all known control technologies. This will include controls on paints and solvents, on the petroleum industry and other industries, on residential and agricultural pollution sources, and on motor vehicles. All in all this will require adopting 123 new regulations. It is anticipated that these measures will reduce peak ozone levels by 31 percent.

The second phase of the plan envisions, among other things, converting 40 percent of the cars and 70 percent of trucks and diesel buses to clean fuels. The third and final phase of the plan, which will go into effect from 1998 to 2007, anticipates the development of new control technologies such as electric vehicles.

The plan also contains contingency measures which would be implemented if the hoped-for technological breakthroughs do not materialize. These measures would provide the necessary emissions reductions if for any reason the technology did not materialize.

Mr. President, the south coast plan has already been approved by the California Air Resources Board and is now awaiting EPA approval. However, under current law and S. 1630, a plan must demonstrate that it will provide for attainment by the applicable date. Because the phase 3 and possibly the phase 2 technologies will not be fully developed at the time of plan submittal, the south coast may not be able to demonstrate that attainment will timely occur. EPA may therefore be unable to approve the portions of the plan which rely upon the development of new technologies.

This amendment would allow EPA to approve a plan for an extreme area that relies upon technology-forcing measures so long as the plan includes contingency measures producing equal reductions which would be implemented should the improved technologies not develop.

Mr. President, unfortunately, short of taking draconian measures such as gasoline rationing or prohibiting the registration of new vehicles, Los Angeles will not be able to achieve ambient air quality standards without advances in technology. Fortunately, there is great potential in a number of new areas such as fuel cells, solar cells, storage batteries, and superconductors. But these new technologies need additional time. EPA should be allowed to approve this plan and give these new potential technologies a chance. If these new technologies prove disappointing the contingency measures which are also in the plan can be implemented to achieve the necessary reductions.

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Mr. President, on behalf of Senator CRANSTON, I urge the amendment be adopted.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this side concurs with the amendment and also urges its adoption.

The PRESIDING OFFICER. If there be no further debate on the amendment, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1359) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent the pending amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1360 TO AMENDMENT NO. 1293

(Purpose: To strike certain fee and tax provisions from the clean air bill)

Mr. BAUCUS. Mr. President, I send an amendment to the desk on behalf of the chairman of the Finance Committee, Senator BENTSEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. BENTSEN, proposes an amendment numbered 1360 to amendment No. 1293.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 42, beginning with line 4, strike out all through line 23 on page 43.

On page 43, line 24, strike "(e)" and insert "(d)".

On page 84, beginning with line 18, strike out all through line 15 on page 85.

On page 85, line 16, strike "(4)" and insert "(3)".

On page 89, line 20, strike out "limitations, or fees" and insert in lieu thereof "or limitations".

On page 90, beginning with line 1, strike out all through line 6.

On page 367, line 13, beginning with the comma, strike out all through "article" on line 14.

On page 440, line 12, strike out "FEE" and insert in lieu thereof "PENALTY".

On page 440, line 13, strike out "FEE" and insert in lieu thereof "PENALTY".

On page 440, line 22, strike out "fee" both places that it appears and insert in lieu thereof "penalty".

On page 440, line 26, strike out "fee" and insert in lieu thereof "penalty".

On page 441, line 19, strike out "FEE" and insert in lieu thereof "PENALTY".

On page 441, lines 4, 5, 8, 20, 24, and 25, strike out "fee" each place it appears and insert in lieu thereof "penalty".

On page 461, beginning with line 3, strike out all through line 4 on page 462.

Mr. BAUCUS. Mr. President, the purpose of this amendment is to modify certain fee provisions contained in the substitute amendment. The intent behind the fee provisions is to help provide resources to EPA to implement the new requirements of the legislation. Our colleagues in the House have indicated that they have some problems with the way those fees are structured, and that certain provisions infringe upon their constitutional prerogative to initiate revenue legislation.

This amendment will delete the provisions of the bill that authorize the EPA Administrator to directly assess certain emission fees.

I have discussed this amendment with Senator BENTSEN. He is fully supportive and committed to considering these provisions in the context of the 1990 tax bill. Based on that commitment, I am willing to accept the amendment.

CLEAN AIR AMENDMENT FUNDING PROVISIONS

Mr. BAUCUS. The Environment and Public Works Committee included several fee provisions in this legislation to help provide the Environmental Protection Agency and the States with resources to implement the bill's requirements. It is my understanding that the chairman of the Finance Committee has concerns about the fee mechanisms and proposes changes to them. I ask my distinguished colleague if he would elaborate on those concerns.

Mr. BENTSEN. I strongly support this legislation, and I agree with the managers of the bill that the Environmental Protection Agency should have the resources it needs to fully implement the clean air program. We will not accomplish the objectives of this bill if the EPA's budget is in a straitjacket; if it is unable to hire the necessary staff and perform the necessary testing and monitoring programs, it cannot carry out the mandate of this bill.

I am prepared to work with the managers of the bill to come up with measures that would raise the revenues needed to fund the clean air program. However, the problem we face today is that we cannot include revenue raising measures in this bill without violating the House's constitutional prerogatives that all revenue measures shall originate in the House. And that is a prerogative the House jealously protects.

I am prepared to make a commitment to the managers of the bill that, when the Finance Committee marks up a tax bill this year, we will work to come up with appropriate measures to provide revenues needed to fund the Clean Air Act.

Mr. BAUCUS. I appreciate the statement of the chairman of the Finance Committee respecting funding for the Clean Air Act amendments. The issues the chairman of the Finance Committee brings forward are relevant. It is my sense that if the fees remain in the bill adopted by the Senate, our colleagues in the House would raise objections. However, EPA must have the resources to implement the amendments or they will be severely constrained in their ability to meet the requirements of the law.

The Environment and Public Works Committee has given this matter careful consideration and included mechanisms in the bill to provide resources to help States and EPA meet the additional responsibilities that will result from this legislation. In particular, as part of the substitute amendment, there is included a $15-per-ton emissions fee that would result in $90 million of revenue to support EPA air quality activities, and Agency contingency authority to assess other fees in the event States fail to do so. I ask the distinguished chairman if the Finance Committee would be agreeable to specifically considering the revenue proposals contained in the substitute clean air amendment when the committee takes up a tax bill this year?

Mr. BENTSEN. I say to the floor managers of the bill, that the fees proposed in the clean air substitute amendment will receive careful consideration when the Finance Committee takes up a tax bill this year.

Mr. CHAFEE. I appreciate the comments made by the distinguished chairman of the Finance Committee, and the comanager of the clean air bill, Senator BAUCUS. It is my belief that we must divise a dedicated revenue source to assure that the requirements of the clean air legislation are met.

I would observe that some of the fees in the substitute amendment were proposed as well in the clean air bill submitted by the administration to Congress. Further, these fees were part of the amendment package that was carefully negotiated and agreed upon with the administration. I would urge that the specific proposals that were included in the substitute amendment receive particular consideration when the Finance Committee takes up a tax bill this year.

Mr. BENTSEN. I appreciate the willingness of the managers of the bill to accept my amendment to strike the revenue provisions of the bill.

Mr. CHAFEE. Mr. President, this side concurs with the amendment.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1360) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1361 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, on behalf of Senator BURDICK, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. BURDICK, proposes an amendment numbered 1361 to amendment No. 1293.

Mr. BAUCUS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 416, line 5, strike "After" and insert the following in lieu thereof: "Except as otherwise provided in paragraph (3), after".

On page 417, line 10, after "factor.", insert the following: "(3) After January 1, 2000, it shall be unlawful for any existing utility unit with an actual 1985 emissions rate equal to or greater than 1.20 lbs/mmBtu whose annual average fuel consumption during 1985, 1986 and 1987 on a Btu basis exceeded 90 per centum in the form of lignite coal which is located in a State in which, as of July 1, 1989, no county or portion of a county was designated non-attainment under section 107 of this Act for any pollutant subject to the requirements of section 109 of this Act to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions."

Mr. BAUCUS. Mr. President, I am offering this amendment on behalf of the chairman of the committee, Senator BURDICK. This amendment concerns lignite-fired powerplants in States where all areas are in attainment for all pollutants.

These powerplants burn low-sulfur coal and lignite coal at the mouth of the mines. These powerplants, covered by the amendment are all located in the State of North Dakota, where no areas are in nonattainment.

Lignite coal is a form of coal that cannot be economically transported at any great distance. It is a coal that is relatively low in heat content, Btu content, but is relatively large in volume.

It is a fuel that is heavily relied upon to provide power in my part of the country, Mr. President, and also certainly in the State of North Dakota.

About three-quarters of the power generated from lignite-fired powerplants in North Dakota is from scrubbed units. North Dakota has already paid a very high price to keep its air clean—not just for SO_2, but all pollutants. In fact, North Dakota is one of the three or four States in the Nation that is an attainment State. The entire State is presently in attainment.

Moreover, lignite-fired powerplants are not owned and operated by utilities that have units subject to the first phase of sulfur dioxide reductions. That means they do not have an opportunity within their systems to overcontrol some plants and create allowances to continue operations at current levels.

This amendment will allow the current level of emissions in North Dakota and prevent economic losses in a State that has already endured considerable economic hardship. It seems only fair to the people of that State who have already paid a heavy price for clean air, who have achieved clean air and who have made North Dakota a complete attainment State.

I urge the Senate's adoption of the amendment that I am offering on behalf of the Senator from North Dakota.

Mr. BURDICK. Mr. President, this amendment concerns unscrubbed lignite-fired powerplants in attainment States. These powerplants burn low-sulfur lignite coal at the mine. These powerplants are located in North Dakota.

Lignite coal cannot be economically transported any great distance. It is a fuel that is heavily relied upon to provide electricity in my region of the country.

Seventy-five percent of the electricity generated from lignite-fired powerplants in North Dakota is from scrubbed units. North Dakota has already paid a high price to keep its air clean. North Dakota is one of three or four States that is an attainment State.

Lignite-fired powerplants are not owned and operated by utilities that have units subject to first phase sulfur dioxide reductions. These utilities do not have an opportunity within their own systems to overcontrol some units to create enough allowances to continue operations at current levels.

Lignite units in Canada are in the same international power pool as the North Dakota lignite units. Yet no coal-fired powerplant in Canada is scrubbed and none of the Canadian units west of the Manitoba-Saskatchewan border are required to reduce emissions or participate in an "allowance system."

This amendment will allow the current level of emissions in North Dakota and prevent economic losses in a State that has already endured considerable economic hardship. This seems only fair to people who have already paid a heavy price for clean air and have made North Dakota an attainment State.

Mr. CHAFEE. Mr. President, I think it is important to stress that this does not break the cap. In other words, the amount that is committed under this amendment does not exceed the cap that has been imposed on overall sulfur dioxide emissions in the country from the year 2000 on.

It is an amendment that I think is a worthy one, understanding the particular situation in North Dakota where, as was mentioned, the entire State is in attainment. So I support the amendment, as does this side.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from North Dakota.

The amendment (No. 1361) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, is it in order to send an amendment to the desk that was cleared by the managers?

Mr. BAUCUS. Mr. President, I ask unanimous consent the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1362 TO AMENDMENT NO. 1293

(Purpose: To require the Administrator of the Environmental Protection Agency to correct factual errors in data from which Phase II units' baselines or actual 1985 emission rates have been calculated)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1362 to amendment No. 1293.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 388, after line 22, insert the following:

(4) CORRECTION OF DATA.—The Administrator shall, upon application or on his own motion, by December 31, 1991, correct any factual errors in data from which affected Phase II units' baselines or actual 1985 emission rates have been calculated. Corrected data shall be used for purposes of issuing allowances under the title. Such corrections shall not be subject to judicial review, nor shall the failure of the Administrator to correct an alleged factual error in such reports be subject to judicial review.

Mr. LEVIN. Mr. President, this amendment requires EPA to correct data that the agency uses to determine utilities' allowable phase II emissions. If the agency should find, upon petition or its own initiative, any errors in that data, it shall revise that data by 1992.

Under the clean air bill that the Senate is now considering, utilities would have been locked into the National Utility Reference File, NAPAP, version 2, as published earlier this year without any recourse should there be a mistake in that file.

There are a number of databases and forms that the Federal Energy Regulatory Commission and the Agency require utilities to file on each of their units' heat input, sulfur dioxide content in their fuel, and sulfur dioxide emitted. Given the complexity of the calculations involved and the possibility that errors can occur in transposing numbers, I think that it is fair to allow the affected utilities to have a mechanism by which their position can be reevaluated by EPA, if they have reason to believe that an error has been made in calculation or transposition or measurement in the compilation of NURF-NAPAP data. We do not want to lock any utility into a position that would not allow them to produce power at an optimal capacity because of a bookkeeping mistake.

I would also like to command the managers and the concerned Senators who have arrived at a workable compromise on the provisions in the substitute affecting the nitrogen oxides emission rates of utility boilers. The amendment which effects that compromise will be protective of the environment, still reaches the tonnage reduction goals set out by S. 1630, without unduly harming the economic viability of our utilities.

Mr. LEVIN. Mr. President, I am interested in assuring that the utilities in my State get credit for the investments that they have made to control sulfur dioxide emissions. I am also interested in assuring that the "Class of '85" fix in the compromise compensates for low-capacity problems experienced by Michigan utilities in that year.

According to the EPA and committee staff, the State of Michigan will receive at least 404,000 allowances for sulfur dioxide emissions under the substitute amendment No. 1293. This is 24,000 more allowances than would have been provided under the revised administration proposal. Are these statements correct?

Mr. BAUCUS. The Senator from Michigan's statements are correct.

Mr. LEVIN. Furthermore, the distribution system for these allowances is complex and makes it difficult to determine with certainty to which units or systems these extra allowances will be distributed. This makes it hard to determine the exact impact within the State of this part of the bill. Therefore, I request that the Senator from Montana, as the chairman of the Subcommittee on Environmental protection, attempt to determine where the extra 24,000 allowances allocated to Michigan would go on a unit by unit basis, before the bill goes to conference.

Mr. BAUCUS. I will make every effort to do so.

Mr. LEVIN. I thank the Senator for his assistance and his leadership on this issue. I would also like to convey my thanks to the committee staff for their cooperation in this area and in the other areas of this bill in which I have a particular interest.

Mr. President, I note the managers have cleared this. It is an error correction amendment, when those errors are determined to be in existence by the EPA.

Mr. BAUCUS. Mr. President, I have examined the amendment and accept it.

Mr. CHAFEE. Mr. President, likewise we have examined the amendment on this side and find it acceptable.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 1362) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1363 TO AMENDMENT NO. 1293

Mr. McCLURE. Mr. President, I send an amendment to the desk on behalf of myself and Senator JOHNSTON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Idaho [Mr. McCLURE], for himself and Mr. JOHNSTON, proposes an amendment numbered 1363 to amendment No. 1293.

Mr. McCLURE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend Amendment No. 1293 on page 42, line 1, by amending the sentence beginning with "Emissions" to read as follows: "Emissions reductions otherwise required by this Act for a pollutant shall not be creditable as emissions reductions for purposes of any such offset requirement to the extent this Act requires the reduction of the pollutant."

EMISSION REDUCTION CREDITS

Mr. McCLURE. Mr. President, emission reductions may be imposed on a stationary source under several different titles of the Clean Air Act; for example, for the purposes of nonattainment under title I, or as hazardous emission controls under title III, or as acid rain controls under title IV.

Controls imposed for one purpose often may have secondary benefits in other areas. For example, controls imposed under title III to achieve hazardous emission reductions also may achieve nonattainment benefits. However, as presently structured the source may not be able to take credit for these title I related reductions.

As presently drafted, section 106(a) prohibits a source from receiving credit under title I for related benefits achieved as a result of actions under other titles of the Clean Air Act. By comparison, no such limitation exists under current law.

Under current law the situation, in a nonattainment area, is that a new or modified source cannot increase emissions. In practice, before construction or operation of a source can commence such source must obtain emission offsets equal to or greater than the emissions anticipated from the new or modified source. Current law does not restrict where these offsets may be obtained.

My amendment would preserve this situation. The amendment permits sources to take credit under title I for emission reductions accompanying reductions required under provisions of the Clean Air Act other than title I. For example, if a source undertakes to control a specific pollutant under title III and in the process also controls other pollutants as a secondary benefit of control of the toxic pollutant, or is able to achieve greater control than MACT, then the source would be permited to take credit for these secondary reductions under the nonattainment provisions of title I. Credit for these secondary reductions would be allowed for the purposes of offsets under title I. Provision for such a credit would provide an incentive and additional benefits for facilities that undertake to modernize existing facilities for the purpose of hazardous emission reductions since by such modernization the sources may be able to obtain secondary benefits that they can utilize in nonattainment areas.

Mr. President, I understand that this amendment was discussed with the committee staff and, if I am correct, there are no objections.

Mr. CHAFEE. Under the air toxics program established by this bill, sources may be granted an exemption from the MACT standards for a particular hazardous air pollutant, if they achieve a voluntary reduction of 90 percent or more. Since that is a voluntary reduction, a question may be raised as to whether the full amount of that reduction could be used as a VOC offset under the nonattainment program. My view is that it could not be used as an offset, because it is in lieu of an otherwise required reduction for purposes of the air toxics program. It is in that sense a required reduction. In the same vein, a reduction accomplished to fulfill an offset requirement under the nonattainment program would not be considered a voluntary reduction for the purpose of the MACT standard. Does the sponsor of this amendment agree that the language of the amendment should be interpreted in that way.

Mr. McCLURE. Yes. Emissions reductions required for the purpose of the air toxics program, for example, would not qualify for offsets under the nonattainment program except to the extent that the emission reductions are in excess of those required under the air toxics program or are reductions of pollutants not regulated under that program. If a voluntary reduction of greater than 90 percent is made in order to achieve an exemption from MACT, the reductions in excess of 90 percent would qualify for offsets as would any incidental pollutants controlled by such reduction.

Mr. President, it is my understanding the amendment has been discussed with staff on both sides and is acceptable on both sides. I urge adoption of the amendment.

Mr. BAUCUS. Mr. President, the Senator is correct. We have examined the amendment. It addresses the interrelations between air toxics and nonattainment. We accept the amendment.

Mr. CHAFEE. Mr. President, likewise on this side we have examined the amendment. It is totally agreeable to this side.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 1363) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANFORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANFORD. Mr. President, I come to the floor to say a kind word about Senator BYRD's amendment that is now pending. I have always admired Senator BYRD's compassion and concern for people, and I have admired a lot of other things about him. But I think that his particular caring about people who need help is commendable at any rate, and I hope that from time to time I can emulate that.

I was reminded of this as I was preparing for a Jefferson-Jackson Day speech this weekend and looking at a quote that I think is appropriate for this occasion, and for this bill. Jackson, while talking about the distinction between the privilege of the rich and the poor, said about men of high standing, that "In general, the great can protect themselves, but the poor and humble require the arm and the shield of the law."

Mr. President, some 22 or 23 years ago when I was Governor of North Carolina, when John Kennedy was President, we undertook an endeavor that ultimately put together the Appalachian Regional Commission. That effort was instigated and brought about because of our concern for what had happened to the people of the Appalachian region—especially those individuals in the mountains of West Virginia, Kentucky, Tennessee, and North Carolina, though extending as far north as Pennsylvania and as far south as Alabama. It struck me at that time, as I began to ponder their problems, that here indeed was an enigma, that the people who settled the mountains of America were of the hardiest pioneer stock. They were the people not willing to stay in the safety and relative comfort of the coastal areas of the new world. They pressed onward and pushed toward conquering the new land, and here, 100-some years later, they found themselves destitute and neglected, and cut off from the rest of the world. But it was not because of any lack of character nor lack of ability, it simply was a lack of opportunity.

Neither time nor geography has served them well. We need to do those things that might be done to help them help themselves. Certainly, that has been the creed of the Democratic Party in the Government, I contend. I did not really intend to be partisan, Mr. President, but I have been working on the Jefferson-Jackson Day speech, and it gets you in the mood to be partisan. Certainly, our creed and direction has been to care about people and to understand that the way to build a great State or Nation is to help people build greater opportunities for themselves. So the whole Appalachian region concept was based on the fact that these strong, sturdy survivors and pioneers could very well make it for themselves if we gave some additional assistance.

North Carolina had its own set of problems. Primarily, it had the problem of isolation and building roads, as well as providing other parts of basic infrastructure, and it pretty well did there what needed to be done.

West Virginia had those same problems, but had the added problem of a collapsed and collapsing coal economy. But by opening up, by providing health care, by enhancing education, not only with whatever work the Appalachian Commission did, but also the work of our distinguished colleague, shortly later, the then-Governor of West Virginia, Senator ROCKEFELLER, who added to the kind of effort that gave all of those people new hope and life and ultimately a new level of prosperity.

But for all of that, the coal miners have always suffered, have always been closer to the bottom of the American working force than any other group. So that is how I view Senator BYRD's effort to do something special for those miners and their families, who would be more immediately and directly adversely affected by what we are doing to improve the clean air for the people of this country. It seemed to me that this has very little to do with the bill itself, and truly has nothing to do with clean air itself.

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But it is simply a matter of fairness, a matter of fairness to a group of people who have never had very many breaks in life. I decided at that point that it was a small price to pay to do justice to these people, whom once again have been given such a cruel blow, to give a little added break in life.

I was perfectly willing to go with Senator BYRD on his first proposal. Nevertheless, Senator BYRD, in order to accommodate the doubts and the reservations that others had, amended immediately the proposal and then last night amended it once again.

So, Mr. President, I strongly support and ask Senator BYRD to permit me to be a cosponsor. But I also support strongly the clean air bill. These two views are not contrary. I want the clean air bill to pass. I want it to get the President's approval without a veto. I think it is a good bill. I think that the Senator from Montana has provided the most skilled leadership during one of the most complicated subjects of anyone I have seen since I have been in this body. I am totally in support of this bill.

I do not think I am parting company, I might be parting votes, but I am not parting company with that general thrust and direction when I decide to support Senator BYRD in his appeal. Senator BYRD is appealing for those people who have for so long had all the bad breaks in life because while we are in order to serve the rest of the Nation we are giving those people yet another tough break.

So, Mr. President, it is with a great deal of satisfaction that I carry forward my interest of a quarter of a century in the people of the Appalachian region, particularly the distressed areas of that region and, more particularly, the coal miners in that region who had it worst of all by supporting Senator BYRD's noble effort to put these people in some way right again. Senator BYRD's amendment will help those who will be suffering so much because of this very good legislation that we are in the process of passing.

I thank you very much, and I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am just curious as to the rationale. Can somebody explain to me why two people lose a job, one person is a coal miner and one person who is a textile worker——

Mr. SANFORD. I will be glad to do that since I represent the textile workers.

Mr. CHAFEE. Wait a minute until I finish the question.

Mr. SANFORD. That is about all the question I want.

Mr. CHAFEE. There are two people and one is working at a lower wage than the coal miner. One has a family to support, a mortgage to carry, trying to earn a living where wages such as paid to the coal miner, true, it is more dangerous, are way above anything that that textile worker gets and he loses his job due to a clean air legislation directly. Somehow the Senator comes up with a theory, and he used the words equity and fairness several times, that it is fair that this individual who has been scraping along in a modest job, gets thrown out on the street and gets only to be an extension really of unemployment pension, maybe $143 a week or something like that; somebody else gets something like $500 a week for 3 years, where the textile person gets it for 1 year. If the Senator can work equity out of that, I would like to hear it.

Mr. SANFORD. The Senator asked exactly the right person because I can work equity out of that. In the first place, I have watched the textile workers and fought for the textile workers for a long, long time. The textile workers are not directly threatened by this legislation.

Mr. CHAFEE. That was an assumption that I made, that both lost their jobs directly due to the clean air legislation. That is what this bill is all about. That is what the provision the Senator is discussing is about.

Mr. SANFORD. Why should we use false assumptions. The coal miner mining high sulfur coal is immediately affected because the basis of his job is in effect outlawed. I have watched this very carefully as we have gone forward in supporting this bill. I have been constantly looking for ways that we could help improve the bill's effect on workers with more or less technical amendments. I am well aware of what the textile workers as well as other workers in North Carolina face and we have more textile workers in North Carolina than any other State.

Our great problem in the textile business has not been that we are going to be directly put out of business by the clean air bill. There has been another set of problems. But there are two or three reasons that I can distinguish the plight of the coal miners from that of the textile workers with a clear conscience.

One is that the cost of cleaning up any pollution in the textile industry can be handled with additional investment. Not so in the coal industry.

The second thing is that for the most part the textile industry is located where there are standing, diversified business opportunities, where it is much easier to get another job, much easier to readjust, much easier to get the kind of training that can put one back to work. But in the coal mining regions, by and large, that kind of diversity is not available.

So I have no problem at all in distinguishing. But I am told—and I have not read the details but my notes indicate that Senator BYRD has been willing to expand the amendment to make workers in industries other than coal eligible for expanded benefits if they lose their jobs because of this bill. I would go along with his amendment if that were not in it. But I think that being there helps explain why there is a distinction between the coal miner whose loss is immediate and others who are working in jobs where the situation is correctible. In any event, that is my thought.

And I thank the Senator.

Mr. CHAFEE. Mr. President, I want to say that I remain unconvinced. You have two Americans both losing their jobs under the hypothesis directly due to the Clean Air Act. And one gets these very substantial large benefits for 4 years and another gets a mere extension of unemployment compensation and that is what the modified amendment of the distinguished senior Senator from West Virginia provides for, in effect, trade adjustment assistance, an extension of unemployment compensation for those who lose, the others, noncoal miners.

To me that is a basic unfairness. I think it is treating two groups of our citizens completely differently. But I am sure we are going to have a chance to discuss that on the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, we are at a time now when we are open to accept amendments and we are accepting amendments and disposing of a good number of them. At the same time various Senators have spoken on the bill and also on the Byrd amendment. Senators who are speaking on the amendment have told me as manager of the bill that they will temporarily cease their expositions if at that time there are other amendments that we are willing to work on and process and take at that time.

I thank those Senators for making those statements and giving me those assurances. The main point is therefore we can and will accept amendments virtually any time for the next several hours. So I strongly encourage Senators who may be listening, members of their staffs who may be listening to undertake that extra effort to get the amendments put together and try to clear them with our staffs as quickly as possible so that those amendments can be taken up now.

I remind Senators and remind staff that the closer we get to final passage of this bill, the more difficult it will be for Senators to clear their amendments. It is a natural progression. That is the closer we get to the end, the harder it is. That deadline makes it more difficult for amendments to be cleared and accepted. So I encourage Senators to take advantage of the lull we have now, the opportunity we have now to bring their amendments to the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DeCONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DeCONCINI. Mr. President, what is the order of business? Is it necessary to lay aside an amendment to call up another amendment?

The PRESIDING OFFICER. That is correct. The pending question is No. 1329, as further modified.

Mr. DeCONCINI. Mr. President, I ask unanimous consent that it be set aside to bring up an amendment.

The PRESIDING OFFICER. without objection, it is so ordered.

AMENDMENT NO. 1364 TO AMENDMENT NO. 1293

(Purpose: To provide for a program to monitor and improve air quality in regions along the border between the United States and the United States of Mexico).

Mr. DeCONCINI. Mr. President, very shortly, I will send an amendment to the desk regarding the Clean Air Act. Before I do so, I wanted to talk about it for just a moment. In my opinion, it is a very significant step that we deal with this whole subject matter. I want to compliment the ranking member, the chairman of the subcommittee, the managers of the bill, and also the leadership for the outstanding work that they have done on this for I guess 4 weeks or more.

In the Southwest and the Western part of our great Nation, we border a great nation, which is Mexico, and that country has tremendous problems in many, many areas, one of which is environmental and the lack of control in environmental conditions, not too dissimilar to what the United States has. In protecting the health and environment of those Americans living along the border between the United States and Mexico, this amendment will be offered.

This amendment is consistent with S. 192, legislation which I introduced last year, and is cosponsored by Senator BINGAMAN. This amendment that I send to the desk is on behalf of myself, Senator BINGAMAN and Senator BENTSEN. Congressman COLEMAN has introduced this legislation in the House.

As Congress considers legislation that will hopefully become the first major revision of the Clean Air Act since 1977, we must not forget those Americans living in border communities along the United States-Mexico border. These people are breathing air that does not meet current air quality standards, let alone the new ones that are being proposed in this legislation.

In Arizona, for example, there are three border communities that are nonattainment areas for particulate pollution. Studies by the Arizona Department of Environmental Quality have determined that in at least two of these cities, Douglas and Nogales, the predominant sources of the air pollution are the many miles of unpaved roads in the Mexican communities just to the south—Agua Prieta and Nogales respectively.

Air quality degradation along the United States-Mexico border is not isolated to just Arizona border communities and to just particulate pollution. El Paso and San Diego, for example, have been classified by the EPA as serious ozone nonattainment areas.

The problem, Mr. President, lies in the fact that the northern border of Mexico is the fastest growing area in that country and infrastructure development has not kept pace with this growth.

Mr. President, this amendment is offered on behalf of myself, the Senator from Texas [Mr. BENTSEN] and the Senator from New Mexico [Mr. BINGAMAN].

Mr. President, I send to the desk the amendment and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. DECONCINI], for himself, Mr. BENTSEN, and Mr. BINGAMAN, proposes an amendment numbered 1364 to amendment No. 1293.

Mr. DeCONCINI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment insert the following:

SEC. . ESTABLISHMENT OF PROGRAM TO MONITOR AND IMPROVE AIR QUALITY IN REGIONS ALONG THE BORDER BETWEEN THE UNITED STATES AND THE UNITED STATES OF MEXICO.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") is authorized, after consultation with the Department of State and the affected States, to negotiate with representatives of the United States of Mexico to authorize a program to monitor and improve air quality in regions along the border between the United States and the United States of Mexico. The program authorized under this section shall not extend beyond July 1, 1995.

(b) MONITORING AND REMEDIATION.—

(1) MONITORING.—The monitoring component of programs conducted under this section shall identify and determine sources of pollutants for which National ambient air quality standards (hereinafter referred to as "NAAQS") and other air quality goals have been established in regions along the border between the United States and the United States of Mexico. Any such monitoring component of the program shall include, but not be limited to, the collection of meteorological data, the measurement of air quality, the compilation of an emissions inventory, and shall be sufficient to the extent necessary to successfully support the use of a state-of-the-art mathematical air modeling analysis. Any such monitoring component of the program shall collect and produce data projecting the level of emission reductions necessary in both the United States of Mexico and the United States to bring about attainment of both primary and secondary NAAQS, and other air quality goals, in regions along the border in the United States. Any such monitoring component of the programs shall include to the extent possible, data from monitoring programs undertaken by other parties.

(2) REMEDIATION.—The Administrator is authorized to negotiate with appropriate representatives of the United States of Mexico to develop joint remediation measures to reduce the level of airborne pollutants to achieve and maintain primary and secondary NAAQS, and other air quality goals, in regions along the border between the United States and the United States of Mexico. Such joint remediation measures may include, but not be limited to measures included in the Environmental Protection Agency's Control Techniques and Control Technology documents. Any such remediation program shall also identify those control measures implementation of which in the United States of Mexico would be expedited by the use of material and financial assistance of the United States.

(c) ANNUAL REPORTS.—The Administrator shall, each year the program authorized in this section is in operation, report to Congress on the progress of the program in bringing nonattainment areas along the border of the United States into attainment with primary and secondary NAAQS. The report issued by the Administrator under this paragraph shall include recommendations on funding mechanisms to assist in implementation of monitoring and remediation efforts.

(d) FUNDING AND PERSONNEL.—The Administrator may, where appropriate, make available, subject to the appropriations, such funds, personnel, and equipment as may be necessary to implement the provisions of this section. In those cases where direct financial assistance of the United States is provided to implement monitoring and remediation programs in the United States of Mexico, the Administrator shall develop grant agreements with appropriate representatives of the United States of Mexico to assure the accuracy and completeness of monitoring data and the performance of remediation measures which are financed by the United States. With respect to any control measures within the United States of Mexico funded by the United States, the Administrator shall, to the maximum extent practicable, utilize resources of the United States of Mexico where such utilization would reduce cost to the United States. Such funding agreements shall include authorization for the Administrator to—

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(1) review and agree to plans for monitoring and remediation;

(2) inspect premises, equipment and records to insure compliance with the agreements established under the purposes set forth in this Act; and

(3) where necessary, develop grant agreements with affected States to carry out the provisions of the Act.

Mr. DeCONCINI. Mr. President, I will be very brief. I know there are other amendments on the way, ready to go.

It authorizes the Administrator of the Environmental Protection Agency to enter into negotiations with the appropriate authorities in the Mexican Government to establish joint air quality standards in the United States.

This data will allow projections to be made on the amount of emission reductions necessary to both the United States and Mexico to bring about attainment of air quality standards.

Second, it authorizes the Administrator to negotiate with the Mexican Government to develop joint remediation measures to reduce the level of air pollution in the border region. These joint remediation measures may include those that are outlined in the EPA's control techniques and control technology documents.

Third, it gives the Administrator the authority to make available funds, personnel, and equipment to carry out the joint monitoring and remediation programs.

The Administrator may also develop grant agreements with Mexico to carry out the provisions of the act.

This legislation also requires the Administrator to assure that American resources used in Mexico are effectively utilized in implementing the provisions of this legislation.

Mr. President, I know there have been other amendments offered here, one by the Senator from Texas, Mr. GRAMM. This goes much further than that amendment, in my opinion. I was here when he offered the amendment. It is a good step in the right direction, and I know the manager accepted that amendment.

But this amendment puts up kind of an umbrella, or puts it into a package, what is going to be done along the border—not just in, particularly, El Paso or one counterpart city across the border that would happen to be polluting, and then their pollution would be included in any determination on our side. This actually goes further. It directs the EPA Administrator to get involved with the Mexican Government to try to study and find out what the problem is and see what can be done to cope with it.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment goes to one of the major problems that we have in trying to control air pollution. Namely, whether it is air toxics or hydrocarbons or volatile organic compounds or whatever, air pollutants do not respect State or national boundaries. The pollution does not care whether it is one State or another, or one country or another. Air pollution tends to go from wherever it emanates to wherever the wind or air currents take it.

We have significant problems with the country of Canada to the north. That is why Canada is so very, very interested in the United States passing this legislation, particularly the acid rain portions, so the acidification in Canada, caused in some respect by American coal-fired powerplants, is diminished so there is less acid rain damage in Canada.

We are very proudly working on this bill so we can in fact help not only Americans by reducing acidification of lakes and streams and other health-effects damage, but also, likewise achieve the same reductions in environmental degradation in the condition of Canada.

We now have the same problem with respect to our neighbor to the south, Mexico. Unfortunately, prevailing winds tend to flow from Mexico north across the border to the United States.

Of course, if American utilities along our southern border and American stationary sources and American mobile sources conform with the provisions of this act, and yet those areas are still not in attainment because of air pollution from the country of Mexico, then we will not have accomplished very much. Americans will be spending a lot to reduce their pollution, yet it will somewhat be for naught.

This amendment offered by the Senator from Arizona is another in a series of amendments that we are dealing with and will accept to help address that problem. The Senator from Texas offered an amendment earlier providing the amount of pollution which might flow from Mexico into the State of Texas, particular communities in the State of Texas, would be offset in calculating the attainment requirements for those communities in the State of Texas; a necessary provision.

Now the Senator from Arizona is going even further. He is seeking an amendment which, in effect, will allow and require the EPA to negotiate joint air quality monitoring agreements with the country of Mexico with appropriate jurisdiction in Mexico.

It is important to know where the pollution is coming from; how much of it is coming from American sources and how much from Mexican sources. This amendment will help address that problem and find a solution to that problem.

In addition, the amendment will authorize the Administrator to negotiate with the Mexican Government to develop joint remediation measures to help reduce air pollution levels in this border region; another necessary effort.

As we move along, as we learn how to control air pollution, we will continually adopt amendments like the one offered by the Senator from Arizona because it moves us forward in a joint, cooperative way so we Americans are trying to control our pollution not only jointly with Canadians to the north, but also jointly with our Mexican neighbors to the south.

I commend the Senator for his farsightful efforts in finding ways to constructively resolve border air pollution problems.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I would like to echo the comments of the Senator from Montana on this amendment. He, like I, comes from a State that borders Canada, and we are pleased and proud with our ability to cooperate with that country. And it would make no sense if we did not move to try to do the same with the southern border.

I would like to make one statement and ensure I properly understand the amendment. As I understand the amendment, it merely authorizes, it does not mandate, that the Administrator of the Environmental Protection Agency have the authority, after consultation with the Department of State and the affected States, to enter into the program which is outlined and has been outlined under the bill; and that it would require, in other words, the consent of the administration to move forward and it would not require the expenditure of funds at this particular time.

I want to make sure I have a clear understanding on that, and I would yield to the Senator.

Mr. DeCONCINI. The Senator from Vermont is correct. This does not directly mandate that they do it, but it does authorize them to do it. There was some question whether or not you could even mandate it.

But it does authorize them, and now there is opinion that they do not have that authority under the present law or in the bill that is before us here today.

Mr. JEFFORDS. Mr. President, with that understanding, this side of the aisle supports the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DeCONCINI. Mr. President, I would like to thank the Senators from Vermont and Rhode Island and their staffs, and certainly the Senator from Montana for his willingness to work with us on this amendment.

Also the staff, David Steele, in my office, who has worked about 3 weeks putting together this 10-minute amendment here.

But it is very important to our part of the country, and I think to our relations with Mexico, and I hope for the whole Nation. I appreciate it very much.

Mr. President, I have proposed an amendment to the Mitchell compromise to S. 1630 that takes significant steps in protecting the health and environment of Americans living along the United States-Mexican border. This amendment is cosponsored by Senator BINGAMAN and Senator BENTSEN. Also, this amendment is consistent with legislation which I introduced in November of last year concerning this subject.

As Congress considers legislation that will hopefully become the first major revision of the Clean Air Act since 1977, we must not forget those Americans living in communities along the Mexican border. These people are breathing air that does not meet current air quality standards, let alone new ones being considered in the legislation currently before the Senate. In Arizona, for example, there are three border communities that do not meet attainment standards for particulate pollution. Studies by the Arizona Department of Environmental Quality have determined that in at least two of these cities, Douglas and Nogales, the predominant sources of the air pollution are the many miles of unpaved roads in the Mexican communities of Agua Prieta and Nogales, just south of the border.

The major provisions of my amendment are:

First, authorizes the Administrator of the Environmental Protection Agency to enter into negotiations with the appropriate authorities in the Mexican Government to establish joint air quality monitoring agreements. This program will identify and determine the Mexican sources of pollutants that cause the nonattainment of air quality standards in the United States. This data will allow projections to be made on the amount of emission reductions necessary in both the United States and Mexico to bring about attainment of air quality standards in border areas.

Second, authorizes the Administrator to negotiate with the Mexican government to develop joint remediation measures to reduce air pollution levels in the border region. These joint remediation measures may include those outlined in the EPA's control techniques and control technology documents.

Third, gives the Administrator the authority to make funds, personnel and equipment available to carry out the joint monitoring and remediation programs. The amendment allows the Administrator to develop grant agreements with Mexico to carry out the provisions of the act. This legislation also requires the Administrator to ensure that United States resources used in Mexico for air quality remediation are effectively utilized in implementing the provisions of this legislation.

The adoption of this amendment will, in my estimation, go a long way in providing those Americans living along the United States-Mexican border the air quality benefits of S. 1630.

Mr. BAUCUS. I thank the Senator from Arizona. He has long recognized a need for this country to address binational air quality issues with our neighbor to the south. As the Senator is aware, the Senator from Texas [Mr. GRAMM] offered an amendment concerning United States-Mexico air quality issues which was agreed to by the Senate. I wonder if the Senator from Arizona has had the opportunity to review Senator GRAMM's amendment and assess its relationship to the amendment he is offering.

Mr. DECONCINI. In response to the floor manager, I have had an opportunity to review Senator GRAMM's amendment and I commend the Senator for his efforts in this regard. However, Senator GRAMM's amendment only addresses a part of the problem. The amendment, as I understand it, provides different treatment of States under the Clean Air Act if such States demonstrate to the satisfaction of the Administrator that the pollution causing their nonattainment comes from outside the United States. Unfortunately, Mr. Gramm's amendment does not address the source of the pollution so that these areas can achieve acceptable air quality standards. The comprehensive approach of my amendment allows the Administrator to work with his or her counterparts in the Mexican Government to address binational air quality issues affecting the health and environment of those living along the border. In light of the passage of the Gramm amendment, I think it is absolutely imperative that we also adopt the DeConcini amendment.

Mr. BAUCUS. I thank the Senator for responding to my question. I would agree that his amendment provides a vehicle to comprehensively address air quality issues affecting both the United States and Mexico.

Mr. BINGAMAN. I am pleased to join my colleagues, Senator DECONCINI and Senator BENTSEN, in cosponsoring this amendment. I am also very concerned with the growing problem of air degradation along the United States-Mexico border. The citizens of southern New Mexico have recently become exposed to air quality conditions that were previously unknown to this part of the State. I am interested, as other New Mexicans are, in finding out what causes this problem so that we can work for potential solutions. For this reason, I offered an amendment on March 8 that would authorize a clean air study of the causes of degraded visibility in southern New Mexico. I am pleased that the Senate agreed to this amendment as part of S. 1630.

However, the citizens of southern New Mexico are just one group of Americans being exposed to adverse air quality conditions along the United States-Mexico border. Further, these air quality problems are not limited to visibility degradation. I consider my amendment as just one component of a broader strategy needed to address this health threatening issue. Senator DECONCINI's amendment, which is identical to the United States-Mexico Air Quality Improvement Act he introduced last year, addresses these large concerns. Adoption of this amendment is essential to ensure that those Americans living along the United States-Mexico border will enjoy the air quality benefits Americans in other parts of the country will enjoy as a result of passage of the legislation currently before the Senate.

Mr. BAUCUS. As always, the Senator from New Mexico states his position with clarity. I agree with him that the Clean Air Act should provide air quality protection to all Americans, including those living along the United States-Mexico border.

Mr. BENTSEN. I join my fellow border colleagues, Senator DECONCINI and Senator BINGAMAN, in cosponsoring this amendment to provide for a program to monitor and improve air quality along the United States-Mexico border. I am sure the floor managers are aware of the fact that El Paso is a serious carbon monoxide and ozone nonattainment area. It is Texas' largest border city with a population of approximately a half million. Juarez, Mexico, is El Paso's sister city; it has approximately 1.2 million inhabitants. Juarez contributes significantly to the area's air pollution with exhaust from mobile sources, open wood fires. It has substantial industry also. There has already been an amendment added to this bill which gives El Paso and other border cities a chance to demonstrate that its nonattainment problems are due to their location as international border cities. That amendment, as useful as it is, may not go far enough. The DeConcini amendment cuts to the source of the problem and authorizes EPA to work with the proper Mexican authorities to begin the work necessary to improve air quality in border cities. This is a useful development and I am pleased to support the amendment.

Mr. BAUCUS. The Senator from Texas raises excellent points with respect to the unique environmental problems facing cities along the United States-Mexico border. The Senator's comments point to the need for passage of the DeConcini amendment.

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The **PRESIDING OFFICER**. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 1364) was agreed to.

Mr. **DeCONCINI**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **BAUCUS**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER**. The Senator from West Virginia.

CLEAN AIR ACT AMENDMENTS OF 1989

Mr. **ROCKEFELLER**. Mr. President, I want to thank the distinguished managers of the bill for permitting me to offer some observations at this point.

In fact, I would like to comment on several aspects of the amendments that we are considering, and the Clean Air Act in its entirety. The legislation, I think, has received very widespread attention because it is very, very significant environmental legislation.

I feel quite strongly that the bill does more than set important environmental policy. It establishes national industrial policy with sweeping effects across the country on industry, on employment, and on communities. I feel, therefore, that the legislation must be considered in all of its dimensions to be considered fairly.

The debate so far on this important legislation makes me, in fact, very optimistic in many ways about the years that are ahead. Americans will experience a cleaner and a healthier environment. In other respects, I think the bill needs improvement. For example, I am hopeful that as this legislation moves, we will see stronger encouragement of alternative fuels to help combat urban smog and, as importantly as that, to decrease our dependency upon imported oil.

However, the debate so far has also caused me profound concern, particularly with respect to how the costs and the burdens of environmental cleanup are going to be allocated across this country.

States like my own State of West Virginia and the central industrial States have experienced very difficult economic times during the past decade. My senior colleague, Senator Byrd, referred last night to an unemployment rate in West Virginia of around 8 percent. He did not go on to say that probably 200,000 of our best and brightest over the last 2 to 5 years have left the State. I remember only too recently, when I was Governor of West Virginia in 1982 and 1983, our unemployment was officially designated at 21 percent, which, in effect, means it is 25 percent, which is what it was during the depression.

I ask my colleagues to consider what that means in the psyche of a State and to the people of a State when one out of every four people have been unemployed, remember when they were unemployed, and, therefore, as they look to the future, may fear such unemployment again. It can get built into the psychology of a people, and it is devastating.

Many of these problems have been caused in large part, in fact, by national policies. And the difficulties of the region have been, I think, bad for the country as a whole.

Now, with large environmental cleanup work before us, there has been a debate over who would pay the costs of the acid rain cleanup. Both the administration bill and the bill reported by the Senate Environment Committee would place a disproportionate share of the burden for acid rain cleanup on a few States, including the one that I represent.

This approach, to me, is intensely unfair, and it is a mistake. It is damaging, obviously, to the States that are targeted and ultimately, I believe, it will be damaging to our country as a whole.

The question honestly is not who is more of an environmentalist. We, in West Virginia, have seen the effect of acid rain on our red spruce. When I was Governor, I observed the pH content as it changed in the streams of our own State. I have strong environmental feelings and have a strong environmental voting record in this body. We, in my State, are intensely proud of the State's beauty. A large part of our State's economy comes from its beauty. Seventy-seven percent of the State is forested. Only 4 percent of the State is flat, which means that virtually all of industry and all of the people and all of the communities and all of the infrastructure have to fold into a 4-percent area of the State.

So this is not a debate, at least in this Senator's mind, about who is an environmentalist. This is a debate about how we pay the costs of the cleaner environment that each of us passionately wants.

As I have listened to the debate over the many months and, more recently, on the floor of this Senate, I am truly dismayed by the extent to which it is dominated by misleading cliches and misinformation. They say that the industrial Midwest must pay more under new regulations because of the guiding principle that "the polluter pays." That has a nice kind of equitable ring about it until one looks at it closely and one does not find, in fact, equity.

The administration's bill and the committee bill require 13 States—mine and a number of others—which contribute 55 percent of U.S. sulfur dioxide emissions, to make 80 percent of the reductions. Mr. President, this is not equity.

Or compare some individual States. Under these bills, States that are among the largest overall emitters of sulfur dioxide and nitrogen oxide escape their cleanup responsibilities. Texas is the sixth largest emitter of sulfur dioxide, and its combined emissions of nitrogen oxide and sulfur dioxide are the highest of any State in the country. Yet, it largely escapes responsibility because most of its emissions are from refineries and other industrial sources rather than from utilities. What happened, Mr. President, in that case of the principle of "polluter pays"?

Under these bills many so-called clean States will have to make lower, often considerably lower, reductions as a percentage of nationwide emissions reductions that they contribute in emissions. What happened to equity, Mr. President, in these instances?

The fact of the matter is that since the emitters in a State like Texas are dispersed while those in States using coal-fired utilities are concentrated, it is cheaper for Texas to pay the States targeted by the legislation for cleanup than to do the cleanup itself.

For these and other reasons, many of us from the targeted States have advocated cost sharing for the cleanup of acid rain. We have advocated it not to avoid the principle of "the polluter pays," but to make it work as a principle fairy and to ensure that we only pay our fair share. Cost sharing has somehow been cast aside as outdated. I do not understand that. Cost sharing strikes me and has always struck me as fair, but that is gone now from this bill. It is considered moot and it is gone. I question the equity of that.

Another troubling aspect of the debate on this subject is that it is often carried on in overly abstract terms. We are not talking about an abstraction. We are talking about jobs. As Senator Byrd indicated last night, we are talking about real people with families, with mortgages to pay, with kids to get through school, with college education to hope for, and with everything on the line. Many have failed to recognize or even count as part of the cost of this legislation the thousands of jobs that are threatened. I myself feel that far more than what EPA is estimating could be lost in the way of jobs.

Mr. President, the Nation enjoyed the benefits of cheap electricity from coal for decades. It has been part of the privilege of other States to grow prosperous off the resources that we have in West Virginia. Jobs were created by the coal industry, and people are relying on those jobs. It is not acceptable now to just say, "oh, well, the country has changed its mind." It is not acceptable when the result could be to throw thousands and thousands of coal miners out of work, as well as others dependent on that income.

That is a cost, Mr. President, and that is a terrible human cost imposed by a national change of mind. And yet it is a cost that the administration and the committee bills do not allocate on a national basis. They target a few. They put the burden disproportionately on a few States and on the few people in those States, and particularly on fewer people in those States who mine the coal that gives prosperity to so much of the rest of the Nation.

Some of our friends from other parts of the country respond to all of this with historical arguments about expenditures made in earlier decades. I am convinced, however, that when you are through adding and subtracting who paid what and when, all of those arguments have answers, and the justification for misallocating the burdens of acid rain cleanup remain thoroughly unpersuasive.

But I think there is an even broader issue than the arithmetic of costs. There is a more basic inequity in what is going on than what is reflected in the numbers. Compare this legislative debate, Mr. President, to other recent Federal initiatives and this is where the blood begins to boil.

Tax dollars from West Virginia, not a rich State, and the Midwest went to earthquake victims in California, without question; hurricane victims in the Carolinas, without question. We did not begrudge that aid at all, and no one suggested that we calculate who will pay whom the most for earthquakes over the years or in what region of the country.

Americans from across the country were asked to pay billions, billions to deal with bank failures, largely concentrated in the Southwest. That legislative bailout, Mr. President, did not give any break or any consideration to those States, in fact, lacked high rollers or speculative fever in real estate markets.

Nor do the ledgers in this debate take into account the benefits that the country has gained over the decades from the States that are being asked to bear the cost of the burden of acid rain cleanup. The coal miners of West Virginia, the coal miners of Kentucky, of Pennsylvania, and of other States have been going down into the mines for generations to haul out the means that gave America the highest standard of living in the world. The coal they mined powered the railroads west, electrified our farms, and helped fire the furnaces of the American industrial heartland in war and in peace.

More than 50 percent, Mr. President, of the electricity generated in New Hampshire has been coming from West Virginia coal. I am glad of that. But understand that the 2.3-percent unemployment rate in New Hampshire bears a relationship to what is happening in the coal mines of West Virginia. Their prosperity, our hard and dangerous work.

For all of this our miners have paid a high price in lung disease, in injury, and in death. It is a grim irony that these miners gave Americans the prosperity and that these miners gave Americans the time to become environmentalists.

Last week at some point the senior Senator from Wyoming and I engaged in a brief debate about black lung benefits. I pointed out that 3 percent of American miners who ask for black lung benefits get them. I do not think it was his intention to say it as such, but the basic result was that the junior Senator's answer was that that proves that all of those other 97 percent must have been cheating.

I have no words, Mr. President, to describe my anger at that lack of understanding about black lung. I want to point out that in Wyoming 99.3 percent of coal mining is done through surface mining, and I have been to those mines in Gillette and other places where people ride in big, huge, air-conditioned trucks, and never touch something called coal.

In West Virginia, 76 percent of the coal mined is underground and the people have to go down there where the dust is, where the danger is, and where the dirt is, to get it out.

What is black lung? I have been in mines lots of times. I have never worked in one, but as the distinguished Presiding Officer would understand, if you go into a mine for, let us say, 2 or 3 hours, you will be blowing your nose to get rid of the black soot for 2 to 3 days afterwards—for 2 to 3 hours underground. And when those of us who are Senators or Governors go into these mines, they are cleaned up, so they can be at their cleanest.

It is not the way it works for the miners. It is not the way it worked for the miners in the old days. It is not the way it works for the miners today. You go down there, you work 8 hours, you do it every day, and you breathe that stuff into your lungs, it cakes your lungs. I would bet anybody and debate anybody, in fact, on the presumption that if you have served in the mines for 10 years you, by definition, have black lung.

Black lung miners as cheaters? I am offended by that, I wonder if the junior Senator from Wyoming has ever seen a miner with black lung attempt to get up from his chair on one side of the room and simply walk to the other side of the room to turn off the television set or to turn it on. It is a half day's journey.

The miner rises wheezing, gasping, weak, buckled, and crosses the room slowly, probably with a cane, adjusts the television set, and it is a half day's journey to go back to this chair. His life is in the chair or his life is in the bed because his lungs are caked with pneumoconiosis, black lung dust. It is a horrible, horrible way to end your life. People die from it. Those who do not, sometimes probably wish they could. It makes it impossible to breathe. It takes away all activity.

I am angered when somebody stands on the floor of the Senate and refers to black lung claimants as cheaters. Three percent get the claims because the Congress and the administration, before I got here, made a judgment that that is what the country could afford, I guess. But let there be no misunderstanding about the need for black lung benefits, about the agony of black lung and the certainty of black lung if one goes down into the mines in the central Appalachian coalfields day after day for 10, 20, 30 years.

So what do miners ask for in return? The United Mine Workers of America recently celebrated their 100th birthday, Mr. President. They are led today by Richard Trumka, one of the most progressive people in the country. The UMW is today, as it has been for a century, a force for positive change in our national life.

The summer before last, Mr. Trumka and Majority Leader Mitchell spent a lot of time together trying to work out an acid rain bill. In fact, they reached agreement. That may not be known to everybody who happens to be listening or to my colleagues. I hope they would note that. They reached agreement.

The UMW was not trying to destroy the environment. They did not come to the Capitol to stand in the way of stronger environmental protection. The President of the United Mine Workers and the majority leader of the Senate reached agreement on an acid rain bill.

The miners said let us have tough environmental protection. They did not come to Capitol Hill and try to use this legislation to regain the tens of thousands of jobs, hundreds of thousands of jobs, that were lost due to mechanization since World War II. That was another subject. They did not even come and say they want to use this legislation to gain more jobs than what they would have had without this legislation. They did not, even though at this time of supposed prosperity there is still double-digit unemployment in coal counties of West Virginia and other States. Some people have simply dropped out of the system, have given up. There are places where the psychology of failure is deep in the coal fields of central Appalachia.

I remember, Mr. President, seeing Hubert Humphrey in 1968 traveling into one of our southern counties on his Presidential campaign in a bus and

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weeping at what he saw. That was in 1968 when the coalfields were booming. Bobby Kennedy came to West Virginia and wept at what he saw of the hollows, up the creeks. He did not know that life was like that in this country.

All the United Mine Workers and all the miners have said is do not take away the jobs that we have. All they have said is if America wants the benefits of a clean environment and a high standard of living, we should all be willing to pay our fair share of it. They did not ask for charity. They asked for justice.

Justice. Is it possible that the message of this legislation is that a clean environment will be purchased not only with dollars but at the price of justice? Is it possible that it will be paid for with the jobs of thousands of people who are willing to work and with the well-being of entire communities dependent upon their jobs? It seems to me inconceivable and yet the administration's own data shows thousands of jobs lost in the wake of the bills. My suggestion to you, Mr. President, and to my colleagues, is that it could be far more than 5,000, far, far more—public policy ending jobs. Alternatives that I and others have urged to avoid such an outcome have been accepted but only in part.

I suggest there are even broader implications that go beyond this bill. The whole experience shows that there has to be a more serious consideration given to the potential social troubles that could be created by this kind of legislation.

A few years ago there was a debate on Capitol Hill about the need for this Nation to have an industrial policy. Critics said then and they say now that the Government should not involve itself in decisions about industrial policy, and that the picking of winners and losers is not something that Government ought to be doing.

Some of us replied that in the face of fierce international competition and complex social problems here at home there will be times when Government will inevitably become involved. We argued that the issue is not whether Government will become involved but whether when it does it will do so in a way that is enlightened, open, and fair.

The echoes of that debate have faded, but the issue is back. This legislation is industrial policy with a vengeance. It could determine the rise and fall of whole industries and of whole regions of this country. It could determine the fate of thousands of jobs and communities. It makes the notion of nurturing productive enterprise debated some years ago and criticized as picking winners and losers look insignificant by comparison.

Yet in my judgment this is only the beginning. After this there will come the debate over global climate change and whether to deal with it there will need to be a massive industrial restructuring throughout the world. The implications are staggering. Those implications dwarf the matters that we consider in this legislation.

So before it is too late we had better stop and consider what we are doing and how we should be doing it. What we are doing has implications far beyond whether the air is clean. We should be doing it in a way that is fair and that preserves our people and our environment at the same time. We can, Mr. President. We should to the extent possible have both jobs and clean air.

That is where cost sharing comes in. Unpopular it may be to some but it is fair. In considering environmental legislation, we can pursue a course of regional conflict or we can pursue a course of regional accommodation. We are not going to achieve a fair national policy that accomplishes both our economic and our environmental goals if we follow the course of conflict, and it is that course that we are now following.

Maybe you can maintain the popularity of programs for a while by projecting an image of widespread benefits but at the same time imposing the heaviest burden on a minority. But in the long run it will not work. It will not work even for those who seem to benefit in the short term. It is not an acceptable way to govern. It is not I believe what the American people want.

Is it in the interests of Americans to devastate one region of the country supposedly to the benefit of the rest? I think not. States like my own State of West Virginia and the central industrial States have been the foundation of this Nation's global economic strength. That has been said on this floor before and it ought to be said many, many times. Our industries are not glamorous. Steel, coal, is not glamorous. But it is what built this Nation.

Without economic strength in our States, America will follow a sure road to economic decline. Yet, in the decade, national policy has dealt our region punishing blows. Budget and trade deficits have decimated our competitive position in the markets of the world.

West Virginia has more padlocked plant gates than any State in the Nation. We lead the Nation, unhappily, in plant closings. Now we are facing the prospect of bearing a disproportionate share of the burdens of environmental cleanup.

This is not a prospect in keeping with either American traditions or American interests. In The Federalist Papers, Hamilton observed that the new government should be adopted to remove the dangers of commercial rivalry among the States. Under the old confederation, he argued, economic conflict was developing to the point where the citizens of one State would consider those of another "in no better light than that of foreigners and aliens." The Constitution was written to avoid that kind of conflict among the States over economic issues.

Two centuries later we live in a world in which we face rivals that know how to mobilize all their resources, human and material for economic competition. We cannot afford to waste the resources of any group of our people or any region of our country.

We cannot afford to waste our children, a disastrous one-fifth of whom today are growing up in poverty.

We cannot afford to waste the contribution to our national life of the more than 31 million Americans who live in constant jeopardy because of a lack of health insurance.

We cannot afford to write off any region of this country, much less the industrial heartland that is the keystone in the arch of America's prosperity.

Ultimately, what we come to is one's view of government. We will not enjoy the promise of American life unless all Americans enjoy it.

So I say to my colleagues who have worked so hard, and in some respects so successfully, on this clean air legislation, that our challenge is even greater than it may at first appear. It is not enough to be for the environment, Mr. President. It is not enough. We must take care to preserve opportunity for all Americans. We must try to ensure that in distributing the costs of protecting the environment, Government does more than just register the will of the strongest interests of the moment, and that is what is happening on this floor today. We should move America toward the long run best interests of the entire country.

I know that some of my colleagues share my views—probably a minority—and have been trying to modify this legislation accordingly. It remains to be seen whether by the time this bill emerges from conference the better policy will prevail. But, Mr. President, eventually it is going to prevail. It will, indeed. It will, because in the end an approach that seeks popularity at the expense of particular regions, groups, and people will discredit itself.

I intend, vigorously, to keep this issue before the public. I owe no less to my State, to my coal miners and, frankly, to my country. Even if we do not fully succeed now, Mr. President, eventually the tide will turn and we will.

I thank the Chair and yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Iowa [Mr. GRASSLEY].

Mr. GRASSLEY. Thank you, Mr. President.

Mr. SIMPSON. If I might ask the Senator to yield for a moment so that I might briefly respond to my friend from West Virginia.

Mr. GRASSLEY. Yes, I yield.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for a response.

Mr. SIMPSON. I thank the Senator.

I was kind of rambling through the Chamber and heard my friend from West Virginia speaking with great passion and great frustration. He represents a State that is going to be very much affected by this bill. There is no question about it.

I have come to know Senator JAY ROCKEFELLER. I have the greatest admiration and regard for him. We have a very real friendship. He is very special. That is not just a preface for an opportunity to "let her rip!"

However, I do have a comment or two in response, because this really may be the first time that the Senator from West Virginia has had the opportunity to express to his constituents the awesome impact of this bill on his State.

It is a tough bill. That is why for the last 10 years nothing has been done to improve the air quality in this Nation. We all knew that when we reached this point, the bill would affect heavily the high-sulfur coal-producing States or those States who did not choose to participate fully in the pollution control reduction process in the past.

We all know that during the consideration of this bill many people are watching closely and saying, "what are you going do for us?" and "we are watching you," and "we are watching Senator BYRD," and "you had better produce." This is especially the case when you have a rough, tough, 400-pound gorilla like UMW head Don Trumka looking over your shoulder.

I called him that once, and he gave me a whole bunch of bananas! He is an interesting chap and a very steady person. GEORGE MITCHELL and I were working on a clean air bill together last year. We were an ace away from getting it done, until Trumka waddled into the scene and swung the big stick of unionism. I think that he believes he is some kind of poor man's version of John L. Lewis or something. Maybe, one day, he will reach that stature, and I do not think so. To his credit, he is tough, canny, wily, attractive and garrulous, and he swings a big stick in the coal country.

Unfortunately, while he is swinging that stick in the high-sulfur coal country, he does not do anything for his own members in Wyoming, who are members of the United States Mine Workers. As I said the other evening in debate, my father was a member of the United States Mine Workers, so it is not some foreign thing to me.

Obviously, the remarks I made about black lung triggered in my friend from West Virginia a "sense of anger." But I have a hunch that it was not the remarks of the Senator from Wyoming, as much as it was the awesome reality of what is going to happen to West Virginia, regardless of what we do with this bill, because the hard scrabble, high-sulfur coal industry is going to the pits, literally. It will not matter what we do here. It is a dying industry, and that is not an attempt to debate or enrage or engorge one about the situation. It just is.

As the senior Senator from West Virginia said, the employment was 320,000 when he came here, and now it is 120,000. It is going to continue to decrease. So I can understand the sense of anger. I can also say that although I used a rich tapestry of words to describe people who have misused the black lung benefits system, but I do not believe the word "cheater" was one of them.

I believe I said clearly, and I remember very succinctly, that I am familiar with people who have been involved with the Black Lung Program. I recall one individual in particular who said, "I cannot believe they would do this to me." He had worked for the Union Pacific Coal Co., but he had never been in a mine. He worked in their retail store. I have previously described that. I could revisit it, but I shall not.

I know what black lung is. We probably have more victims per capita than any State in the Union. We have a marvelous Miners Hospital in Rock Springs, WY which treats these deserving people. A description of their lives and the anguish they endure, is exactly as the Senator from West Virginia has described it: very real, very tragic, very pathetic. And I am sensitive to their tragedy, and have voted for the program each time I have had the opportunity to do so, so is the administration. The fiscal year 1991 budget request for black lung programs is $915 million in budget authority.

The black lung disability trust fund is collected from the coal industry under the Black Lung Benefits Revenue Act of 1981 and the Reconciliation Act of 1985. The funds are raised through an excise tax on coal tonnage and by borrowing from the Federal Treasury. From the beginning, it was anticipated that the bulk of the funds would be derived through the excise tax, and not from the general treasury. The fund pays compensation, medical, survivor benefits to eligible miners and their survivors where mine employment ended before 1970, or, where no other mine operator can be assigned the liability, it pays the cost of administering the benefits.

When the program was initiated in 1969, the highest cost estimate was that it would cost $3 billion over 20 years. Instead, we have now paid out $25 billion over that period. That constitutes an increase of over 800 percent of the highest estimated costs.

Two-thirds of those costs have already come directly from the Federal Treasury. I cannot think of any other Federal program where spending has so exponentially surpassed all estimates. Spending has been reduced somewhat in recent years. In 1978, 86 percent of the claims made were approved. That figure dropped to 5 percent in 1985, and it is less than 10 percent today. These figures speak for themselves. It is inconceivable that there is no correlation between this huge drop in accepted claims and the elimination of at least some measure of abuse of the system.

An example might be the person who has been out of the mine for 40 years and smokes three packs of cigarettes a day and suddenly revisits himself or herself on the Black Lung Program. That is what happens in real life, without question.

We spend entire days in this place, using emotion, fear, guilt and racism as engines to drive the legislation we advocate here.

We have hearings on farm programs that are attended by movie stars, who just finished some dazzling terrifying picture about the destruction of the family farm. They testify about what policies we should pursue, and that serves to tear us further apart. So we put together a bill. But we forget that about 70 percent of the money goes to 17 percent of the producers. Some are real heavy hitters who do about 2 million bucks or more of activity a year. People have learned to work the programs instead of the land. That is an example of what we do all day long here.

To always believe that every single person who is a veteran, or a miner, or a lawyer, or a teacher, is somehow unsullied by greed or gimmickery is just a fake. There are people who are not so highly motivated. That is exactly what the junior Senator from Wyoming, not the senior Senator from Wyoming who is my fine long-time friend, MALCOLM WALLOP, is saying.

So today we are talking about the Black Lung Program, which has gone almost off the rail in terms of spending from the time it was established until today. The best example of why is what my friend from West Virginia said the other night, about a 97-percent rejection rate for benefits in the Black Lung Program. That was his figure. Guess why? It is because 97 percent of them do not deserve to be

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taking money out of the black lung system.

Good heavens, if you showed me a 50-percent rate I would have been intrigued, but my distinguished friend said it was 97 percent. The reason for such a high rate it is that those who are not the good ones, not the people who are spasming their life away with emphysema, they are the ones, they are the people saying, "Hey, I have heard about that program. I am going to try it, too." They have and that worked for a while until we tightened it up.

When we try to tighten things up around here, those of us who are goofy enough to try, then get the 30-second spot slapped in our face the next election. "This is the slob who diddles with your Social Security. This is the slob that took all our veterans benefits. This is the slob that messed with our railroad retirement."

I have been here.

So I just say to my colleagues that the frustration level has got to be so heavy * * * if you were using a scale of from 1 to 10, it is an 11 for the two Senators from West Virginia. I truly understand that totally and it matches equally the frustration level of the two Senators from Wyoming who were then here in 1977. They got it rammed in their ear with an ice pick on a thing called "percentage reduction."

I have tried to put aside that issue for now, although I speak of it because I feel just as strongly about my fine constituents as the Senator from West Virginia feels about his.

So, I think it is time to get on with the action. We will. We are going to get a bill this time. We are not going to succumb to the people on both sides who throw in emotion, fear, and guilt. I guess we should leave racism out, but that will be used next week on somebody. If we can put aside those "engines" of destruction, we will then get at this issue which for 10 years has been befouling the United States of America while we have all talked grandly about what we wanted to do but have not allowed it to get done.

I pledge, and I have pledged, and the Senator from West Virginia knows, that I will continue to assist in any way I can with this compromise, as I did with the Byrd-Bond proposal. I could have in my own small way filibustered that proposal a bit in our sessions. I did not choose to do so because I knew of the pain the authors felt and I watched the senior Senator from West Virginia express that pain. Let us try to keep our eye on the rabbit. What is it we are trying to do? We are not trying to do a number on anybody in America.

But I tell you the issue of black lung is totally ancillary to this debate. I did not insert it. But someone who can debate better than I will have to tell me why in the world you would have a 97-percent rejection rate on the program of black lung claims. Somebody else will have to explain that to me in some rational, honest appraisal of just why in any stretch of imagination we would think it is not or has not been misused and gimmicked. Of course it has. That is what I said and that is what I meant. But I did not use the word "cheater." Thank you.

Mr. GRASSLEY. Mr. President, at the time I yielded the floor to the Senator from Wyoming I was rising to address the Senate on two points. One is on the amendment that was discussed yesterday, but before I do that, I want to address the Senate on the subject of our newest of nations, Namibia.

(The remarks of Mr. GRASSLEY pertaining to the submission of Senate Concurrent Resolution 107 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

AMENDMENT NO. 1349

Mr. GRASSLEY. Mr. President, I would at this time also discuss an amendment that was adopted yesterday. It was adopted very quickly. I was going to participate in the debate. I was looking for a very long discussion of this issue, but it was very quickly accepted and I am thankful for that.

But I want to express my gratitude to the Senator from Idaho, Senator SYMMS, for offering his amendment to strike section 256, entitled "Domestic Methane Source Inventory and Control Options." The entire Senate should be in Senator SYMMS' gratitude for his efforts to save our collective face.

Among other things, this section required the administrators of the EPA, NASA, NOAA, to report to Congress on the methane emissions associated with agriculture, particularly with animal production. These very important, highly paid administrators, all three of them, would then be required to develop a plan including measures to stop the growth of concentrations of methane, along with technical options for reducing methane, and finally identifying the emission reductions that must be achieved.

Anybody who has been in rural America at all, even rural areas right here in nearby Virginia, and who has ever watched a cattle operation knows that this sort of bureaucratic intervention that was proposed by this legislation just is not the real world in agriculture.

The section clearly specified animals in the United States, so at least these administrators of these agencies would be spared from surveying methane gas spewing from all the foreign animals on the face of this Earth—clearly a very sane, prudent limitation that the authors of this legislation had in the original bill. After all, we all know that only American animals have problems with offensive methane gas releases.

Seriously, though, and statistically, by limiting the methane monitoring to only American animals, we will save our administrators a lot of work. For instance, the Department of Agriculture reports from its 1988 statistics book that we have about 100 million American cattle. In sharp contrast, out of 48 other selected countries around the world, there are nearly 1 billion cattle. Just think how relieved our administrators are to learn that they need only monitor 100 million head of cattle instead of 1 billion head of cattle.

Certainly we have millions of other fine methane gas spewing farm animals, but come to find out, it is our poor cows that have really been singled out.

A Reuters News Service story reported that environmental groups have targeted the cow as the new Public Enemy No. 1.

The story reported that a member of the Natural Resources Defense Council warned that agriculture is a "significant contributor of emissions of methane * * *, and within agriculture, livestock flatulence is one of the principal sources."

One Natural Resources Defense Council staffer reflected that, "I used to think of it in terms of flatulence, but I'm told by scientists that it's actually more akin to burping."

Of course at the time of the article which was printed last September, Congress had not yet had the opportunity to jump head first into the fray with a proposal aimed at controlling the American animal gas problem. The answer at that time was offered by the Greenhouse Crisis Foundation which urged "people worried about global warming, to reduce your consumption of beef and other meats. Let vegetarian cookbook ideas help you enjoy the transition away from a meat diet."

But, of course, Congress is always ready to step in with its own solution—get all three of these administrators or these three very busy organizations, these three big bureaucracies, out there is our cattle lots collecting cow gas. Now, that is a thought worth dwelling upon for awhile.

Think about it a moment. Is the problem really "burping" as our learned scientist explained to the Natural Resources Defense Council, or is the problem flatulence.

I think we better hedge our bets—we better monitor and collect the gas coming out both ends.

Now, we have not been told exactly how our administrators are expected to collect this gas, but we might envision some sort of bag to catch gas.

Just think of it, our cows will be better equipped than our Detroit automobiles. Our cows will be equipped with two air bags, not just one.

Now, once the administrators finish monitoring how much cow gas is spewed out by American cows, they will then proceed to identify the technical options available to reduce this cow gas. Who knows, if cows can have air bags, why not equip them with catalytic converters?

And if that does not work in reducing cow methane gas emissions, we can tax them. Call it another gas tax.

Mr. President, sometimes I wonder why the American public puts up with those who write legislation. And in turn, that is the responsibility that is on our backs, because there is no legislation written here that at least does not have a Member signing on.

When we seriously consider such proposals as this in a bill which is extremely important—and this clean air legislation is probably one of the five or six most important pieces of legislation that we are dealing with in this Congress, as well as this is the first clean air bill that will pass this Congress in 13 or 14 years—then I guess in my judgment, as I think about it, when we consider these small portions of this bill, that shows that Congress is not very practical as it approaches how to solve the dirty air problems, and no one need question why Congress is held in such underwhelming esteem.

Now in all fairness, section 526 was not without some redeeming value. I see that subsection 6 required similar monitoring and control of methane emissions associated with human activity. Did they, Mr. President, have Congress in mind as a starting point on that section?

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that the pending amendments be set aside temporarily.

The PRESIDING OFFICER. Without objection the pending amendments are set aside temporarily.

AMENDMENT NO. 1365 TO AMENDMENT NO. 1293

Mr. BOND. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. DANFORTH, proposes an amendment numbered 1365 to amendment No. 1293.

Mr. BOND. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered

The amendment is as follows:

On page 417, line 13, after "(1)", strike "After" and insert in lieu thereof: "Except as provided in paragraph (3), after December 31, 2000, it shall be unlawful for any existing utility unit with a nameplate capacity below 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu which became operational on or before December 31, 1965, which is owned by a utility operating company with a total fossil fuel steam-electric generating capacity greater than 250 MWe and less than 450 MWE that serves fewer than 78,000 electrical customers as of the date of enactment of the Clean Air Act Amendments of 1989 shall be subject to an annual sulfur dioxide emissions tonnage limitation equal to the product of its baseline multiplied by its actual 1985 emission rate divided by 2000, unless the owner or operator holds allowances to emit not less than the unit's total annual emissions. After December 31, 2010, each unit subject to the emissions limitation requirements of this paragraph shall be subject to an annual emissions tonnage limitation equal to the product of its baseline multiplied by an emissions rate of 1.20 lbs/mmBtu, divided by 2,000.

On page 418, line 20, strike "3" and insert "4" in lieu thereof.

Mr. BOND. Mr. President, today I rise on behalf of Senator DANFORTH and myself to offer this amendment to ensure that small municipal utility systems, under 450 megawatts, be able to meet their responsibility under the acid rain title of the clean air legislation that is currently before us. According to the Environmental Protection Agency, there are approximately five such utilities in the country. It happens that three of these small, old utility systems are owned and operated by Springfield, MO, and Independence, MO. A small system in St. Joseph, MO, is also included.

They currently burn high-sulfur coal and they must comply with the bill's requirement to reduce their SO_2 emissions.

There is no question that they are committed to reducing their emissions, and to generate electricity in an environmentally responsible manner. The only request we make on their behalf is to help them achieve this goal in a fair and economically feasible way.

Under the compromise, these systems would be required to make the same emissions rate reductions in the same time frame as the largest utility systems in the country, systems as large as 10,000 to 20,000 megawatts.

But these systems are small, under 450 megawatts, and rely on many aging and small generating units to generate electricity for their communities. They are planning to replace these old units, Mr. President, with new, clean-burning units. But they need extra time to reach that goal.

Under the current requirements of the bill, they would have to install scrubbers on each of these old units. The cost of this would be prohibitive for these systems and their ratepayers.

Under this amendment, they would be allowed 10 extra years, to 2010, instead of the year 2000, to meet the bill's toughest emissions rate standard. In 2010 they will have to meet the emissions limit of 1.2 pounds of SO_2 per billion Btu's, just like the largest utilities.

Mr. President, the impact of this amendment will be to protect the ratepayers of small municipal electric utility systems in St. Joseph, Springfield and Independence, Missouri, from an unacceptable rate shock that would result if they had to install scrubbers. It is neither economically feasible nor responsible to force them to incur the costs of installing scrubbers when they already are planning to replace the old, dirty units with clean burning units.

To me, it is a question of fairness, and I am grateful to the managers of the bill, to the majority leader, to Senator CHAFEE, to my colleagues from Montana and Vermont for their understanding of this particular problem. Their help in finding a solution has been invaluable. I am, indeed, grateful to each and everyone of them. I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from Missouri offers an amendment which perfects and defines a particular problem that we addressed in the bill; namely, smaller units and smaller systems. The smaller units and smaller systems face particularly onerous economic hardships.

We established in the bill the principle that those smaller units and smaller systems would generally get an appropriate increase in additional allowances to offset that hardship. The Senator from Missouri takes that same principle. It is a slight expansion of the principle. It would apply for the years 2000 to 2010 and sunset, that is end, after the year 2010.

I think it is an improvement. It is a perfection of a principle already established in the bill that face small units and small systems. I thank the Senator for this improvement.

The PRESIDING OFFICER. The Senator from Vermont, Senator Jeffords.

Mr. JEFFORDS. Mr. President, I have reviewed this amendment and it is my understanding, in addition to what the Senator from Montana has expressed, that this does not in any way affect the cap on the amount of emissions, but really redistributes a

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small percentage of the allowance to assist these particular utility systems to be able to operate as they have to keep their cost of electricity within bounds and to give them some leeway, but only until the year 2010.

With that understanding, this side of the aisle has no objection to that amendment.

Mr. BAUCUS. Mr. President, I would like to underline the point made by the Senator from Vermont that this does not increase the cap. It does not break the cap. The cap is a very important principle. It is important that principle be retained in this bill.

There are several requests on the part of various interests around the country that would have the effect of breaking the cap. We are not going to break that cap, frankly. We have fashioned the amendment in a way so that the cap is not broken. I again commend the Senator from Missouri for finding a way to accomplish that objective as well.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1365) was agreed to.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCLURE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KERREY). Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1366 TO AMENDMENT NO. 1293

(Purpose: Fuel volatility: Reid Vapor Pressure)

Mr. McCLURE. I send an amendment to the desk on behalf of myself and Senator JOHNSTON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. McCLURE], for himself and Mr. JOHNSTON, proposes an amendment numbered 1366 to amendment No. 1293.

Mr. McCLURE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend amendment No. 1293 on page 210, by amending from line 24, through page 211, line 16, to read as follows:

"(2) Regulations under this subsection shall include a standard for gasoline volatility which shall apply to all gasoline sold, offered for sale, or introduced into commerce for use in motor vehicles during the high ozone period of each year, as determined by the Administrator under paragraph (3). Effective with respect to gasoline sold in the second high ozone period which commences after the date of enactment of the Clean Air Act Amendments of 1989, the standard shall require that such gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles in class C areas (as defined by the American Society of Testing Materials, as of said date of enactment) shall not exceed a Reid vapor pressure of nine pounds per square inch except that the Administrator may establish a lower Reid vapor pressure as necessary and appropriate to achieve further overall reductions in motor vehicle emissions contributing to the formation of ozone, taking into account safety, enforceability, driveability, and public health. The Administrator shall establish standards for gasoline volatility for class B and class A areas that achieve comparable overall reductions in motor vehicle emissions to those achieved by the standard for class C areas; taking into account appropriate variables such as temperature and humidity.".

Mr. McCLURE. Mr. President, the substitute pending before the Senate contains a provision that directs the EPA Administrator to promulgate regulations to reduce evaporative emissions from motor vehicles. In high-ozone areas the applicable gasoline standard may not exceed a Reid vapor pressure of 9 pounds per square inch. Additional authority is provided to establish a lower vapor pressure in certain instances.

However, environmental and safety problems may arise at lower pressures. In addition, at lower pressures, in some instances, overall emissions from motor vehicles may actually increase. But, more importantly, on cold days certain gasoline formulations present safety problems, as they develop explosive properties.

The amendment clarifies that the Administrator is to consider these and other factors when establishing Reid vapor pressures in class C areas below 9 pounds per square inch.

In addition, the provision requires that the Administrator establish comparable standard for class B and A area to those for class C area. Of course, it is anticipated that the Administrator would consider such appropriate variables between such areas, such as temperature and humidity, and other relevant factors affecting the formation of ozone.

Mr. President, I understand that this amendment was discussed with the committee and, if I am correct, there are no objections. I urge the adoption of the amendment.

Mr. JOHNSTON. Mr. President, I am happy to cosponsor the amendment of Senator McCLURE concerning fuel volatility, which is an important factor in evaporative emissions from motor vehicles. The amendment specifies that the EPA Administrator must take into account various factors if he deems it necessary and appropriate to establish a Reid vapor pressure lower than 9 pounds per square inch to achieve further overall reductions in motor vehicle emissions contributing to the formation of ozone.

This amendment ensures that the Administrator must take into account the safety of gasoline with lower Reid vapor pressure, the enforceability of such standard, the effects such reduction would have on driveability factors including starting and hesitating during operation, and public health.

The amendment clarifies that the Administrator must also take these factors into account if EPA deems it necessary and appropriate to reduce volatility further in certain geographic areas with warmer climates to achieve ozone forming emissions reductions.

The American Society of Testing Materials classifies these warmer areas as either class B or class A, covering much of the United States west of the Mississippi River.

This amendment improves the original language requiring the Administrator to order directly proportional reductions in these extensive class B and A areas despite the fact that preliminary data from the California Air Resources Board indicates that ozone forming emissions may actually increase at Reid vapor pressures somewhat below 8 pounds per square inch.

Mr. BAUCUS. Mr. President, the majority side has had an opportunity to examine the amendment. It addresses characterization of Reid vapor pressure. It is an improvement upon the bill, and we accept it.

Mr. JEFFORDS. Mr. President, this side of the aisle, likewise, has reviewed the amendment and finds it acceptable.

The PRESIDING OFFICER. Is there further debate: If there be no further debate, the question on agreeing to the amendment.

The amendment (No. 1366) was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1321 TO AMENDMENT NO. 1293

(Purpose: To express the sense of the Senate regarding provisions that should be included in the bill by the House of Representatives concerning global environmental protection and enhanced competitiveness of domestic business)

Mr. GORTON. Mr. President, I have an amendment at the desk for which I ask immediate consideration.

Mr. BAUCUS. Mr. President, I ask unanimous consent the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for himself, Mr. DIXON, Mr. BOSCHWITZ, Mr. LOTT, Mr. SPECTER, Mr. McCONNELL, Mr. COHEN, Mr. RUDMAN, and Mr. D'AMATO, proposes an amendment numbered 1321 to amendment numbered 1293.

Mr. GORTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following new section:

SEC. . ACTIONS TO ENCOURAGE GLOBAL ENVIRONMENTAL PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Global Clean Air Incentive Act."

(b) FINDINGS.—The Senate finds that—

(1) global air pollution has adverse health effects on United States citizens;

(2) businesses in the United States are disadvantaged in international markets due to the costs of reducing air polluting emissions, resulting in the potential loss of jobs for working Americans;

(3) air pollution released anywhere adversely affects the Earth's environment;

(4) foreign polluters, which are not required to pay pollution control costs comparable to those paid by businesses in the United States, should not be allowed to undersell United States businesses on comparable products as a result of savings made by not incurring pollution control costs;

(5) an import fee will reduce the incentive for domestic businesses to eliminate domestic jobs by siting business facilities in foreign countries;

(6) an import fee will equalize international competition and prevent unfair competitive advantage being gained by air polluting foreign industries that are not required to meet air pollution standards comparable to the Clean Air Act;

(7) an import fee will insure that the prices of foreign goods produced by air polluting industrial processes reflect the same costs incurred by domestic businesses meeting air quality standards under the Clean Air Act;

(8) the United States has an obligation to provide global leadership to promote pollution control while at the same time continuing its economic and political leadership; and

(9) the legislation proposed in subsection (d) will enhance global environmental protection by providing an equitable mechanism through which all countries can pay pollution control costs while maintaining economic competitiveness.

(c) REQUEST.—In recognition of the prerogative of the House of Representatives under the Constitution to originate bills raising revenue, the Senate most respectfully requests that the House of Representatives amend this Act to include the provisions described in subsection (d).

(d) REQUESTED PROVISIONS.—The provisions referred to in subsection (c) are provisions that would—

(1) require the Secretary of Commerce to implement on January 1, 1992, a schedule of fees which would be—

(A) imposed on any product imported into the United States that has been subject to processing, or manufactured from a process, which does not comply with the air quality standards prescribed under the Clean Air Act, and

(B) in an amount (adjusted annually), according to industry groupings, equal to the differential between the cost incurred by businesses located in the United States in meeting such air quality standards and any expenditures made by foreign businesses to reduce air polluting emissions, and

(2) make the revenues derived from any of such fees available to fund programs that enhance the export of products of the United States, the costs of which are increased by the Clean Air Act.

(e) NEGOTIATIONS.—The United States Trade Representative shall take steps to initiate for negotiations an amendment to the General Agreement on Tariffs and Trade that would allow any country to impose additional duties on the importation of products of any foreign country that does not comply with air quality standards comparable to those prescribed under the Clean Air Act.

Mr. GORTON. Mr. President, as every Member of this body is aware, this debate has been long, detailed, and intense. This debate has been highly worthwhile. We are dealing with the most important piece of environmental legislation which this body has dealt with in a decade. It is complicated.

In its present form, before any of the floor amendments have been adopted, it is 567 pages in length and it deals with a major and vital set of social and political goals; the health of the American people, the American work force, and very specifically our lifestyle, our very desire for clean air.

During the course of this debate, we have seen Eastern Europe open up. We have seen what countries and cities look like which are indifferent to clean air. Some of the photographs of parts of East Germany, Poland, Czechoslovakia, Poland, and Romania have been profoundly moving and profoundly shocking.

The reason, however, that a bill which is aimed at such important social and political goals nevertheless becomes one of intense controversy and intense scrutiny is that these improvements in our air quality are not without cost. There are great concerns expressed about the impact of this legislation and similar legislation on the economic system of this country. That economic cost is very real. It will undoubtedly affect our international competitiveness both with respect to domestic industries which compete with imports and with those of our domestic industry which are engaged in the export business.

In fact, one of the reasons for the intensity of this debate is the sincerely held belief that there are a number of business enterprises, the very existence of which is threatened by some of the provisions of the legislation and an equal threat to the jobs of the employees of those businesses.

The single amendment which has occupied the greatest amount of our time, the Byrd amendment, is designed to deal with the expected impact of this bill on a very, very important part of our basic economy. We can note how strongly felt these views are when we read some of the other news stories about Eastern Europe. It was only yesterday that a long article appeared in the Washington Post about what may be the most polluted single city in the Republic of Poland where some 700 stacks belch out undiluted filth and where the life expectancy of the citizens has been extremely, sharply, adversely impacted. Nevertheless, workers in that mill, when they are interviewed, seem often to prefer dirty air and jobs to clean air and unemployment. So these are concerns with which we really must deal.

All of this introduction, Mr. President, is simply background for the amendment which my good friend, the distinguished Senator from Illinois [Mr. DIXON] and I propose to the Senate at this point.

We have, I believe, a unique amendment in the consideration of the literally hundreds which have either already been voted upon or are to be considered in the future, unique in that this amendment is supported by the coalition of environmental organizations which are the spearhead and the philosophy behind this constructive change in America's Clean Air Act, backed by labor union organizations representing industrial workers in the United States, and backed as well by a wide range of business organizations which are a part of the clean air group. As far as we can determine, the most important opposition to this amendment comes from foreign polluters, an organization which we hope are not overly well represented in this body.

What does the amendment do, Mr. President? The amendment deals both with improving the environment of the world and in retaining the competitiveness of American industry. If the costs of this bill have the effect of causing business and industrial enterprises now located in the United States to seek more comfortable surroundings elsewhere outside of the borders of the United States where they will not be subjected to this Clean Air Act, we will not have caused a net cleanup in the world's air. In fact, we may have caused a net deterioration, because there is no other country which has a Clean Air Act even as strong as the present U.S. law. Some of these exported industries will not even go around the world to India or Malaysia. They can cross the Rio Grande to Mexico where their emis-

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sions can have a marked, measurable, adverse impact on the air here.

If we have learned anything in the course of our many years of debate over environmental issues, Mr. President, it is that we live in one world and that the United States standing alone cannot solve all of the problems related to global warming. We alone cannot prevent emission of other kinds of pollutants into our atmosphere. We should do everything we can to encourage policies which are similar to our own in the rest of the world, whether it has a direct impact on air quality in the United States or not. At the same time, we should show a great deal of concern for the impact of these changes on businesses, industries, employees, and consumers in the United States of America.

The amendment Mr. DIXON and I have just submitted would petition the House of Representatives seriously to consider and to adopt an import fee on all manufactured goods imported into the United States which would make up precisely the difference in costs imposed upon domestic producers of those goods by the Clean Air Act and foreign producers who do not have to meet such requirements. It is really as simple as that.

It is designed to equalize the competitive field between our industries and offshore industries which compete with our American industries. It is not to gain any special advantage but to create an equal playing field. Senator DIXON and I hope that this proposal will not produce any significant additional revenues because it will give an incentive to these various competing countries to improve the quality of their own clean air acts, to bring their own houses in order, to improve the environment of the entire world. But if they are not so motivated, this will protect our industries against unfair competition, against the loss of jobs and opportunity in this country, against the export of industries to places in which they can go without significant controls and pollute the air of other parts of the world.

It is in the form of a sense-of-the-Senate resolution, Mr. President, for one profound, deep, and significant constitutional reason. The Senate is not entitled under the Constitution to initiate a revenue bill. This, of course, would be a revenue proposal. But we are entitled to say that we are seriously concerned about this question both from the perspective of the quality of the air here and abroad and from the perspective of the competitiveness of our own industries. So the form is a request to the House for those constitutional reasons.

But it is not only those industries which will be adversely impacted with respect to their domestic economy here in the United States by foreign competitors who do not meet these requirements. Not only our industries who can suffer some significant economic loss when their costs for complying with the Clean Air Act rise. It is also obviously those industries which depend on exports here in the United States. And so we propose in this amendment to take any money, any import fees, which come into the Treasury as a result of the implementation of this idea and to use them for export enhancement.

The Presiding Officer and I serve together on the Senate Committee on Agriculture. We understand export enhancement for our agricultural products. Much of it is motivated by an uneven playing field due to the subsidies which foreign producers provide for their farmers.

This is the same thing by analogy for industrial goods produced by American manufacturers, who will find themselves less competitive because of this legislation.

Finally, Mr. President, there is a third element in this proposal. It is directed at the proposition which will be argued in opposition to this amendment that to impose such an import fee would violate the General Agreement on Tariffs and Trade. Mr. President, that is not certain to be the case. Nations have the right for health reasons to impose restrictions of this sort. A good argument could be made that this is just such a restriction.

Nevertheless, the third part of this amendment directs our international trade representative to negotiate the validity of import fees of this sort with the General Agreement on Tariffs and Trade itself.

In summary, Mr. President, we wish to deal generically and as broadly as possible with a concern expressed by members of both parties frequently which has underlaid much of the debate over the amendments to this bill which have already been considered; that is, the fact that we want clean air and a prosperous economy at the same time.

We believe we can attain both clean air and a prosperous economy. We believe that we can encourage and provide incentives for cleaner air in other countries, whether they lie adjacent to the United States or halfway around the world. We believe that we serve the American people best by passing a strong Clean Air Act which works to clean up our own air and does not undercut our economic competitiveness in what is an increasingly competitive world.

It is for that reason that we have such great interest and such strong support across the spectrum from environmental organizations, from labor unions, and business and industrial organizations at the same time.

Can we answer at this point all of the details of exactly how such a proposal would be both written and implemented? No Mr. President, we cannot. We need the expertise of the Ways and Means Committee in the House and of the Finance Committee in the Senate to come up with the very complex details which are necessary to implement this proposal. But even if the Finance Committee had wished to do this, it could not do so in the absence of consideration of some revenue bill in the House of Representatives first.

But I believe that we are attempting to do what most Members in this body would like to accomplish with this bill. We have come up with an idea which will help the environment here in the United States and the environment around the world, and also retain jobs in this country and the competitiveness of our American industries.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, this particular amendment has broad support. Let me say it also has broad opposition and bipartisan opposition. The administration is against it. The ranking Republican on the Finance Committee is opposed to it. And the chairman of the Finance Committee is opposed to it.

My friend also talks about it being a broad, generic piece of legislation. It sure is. It reaches across the spectrum. I might say that it would have enormous repercussions from an international trading standpoint. Here we are working at GATT and trying to get concessions from our trading partners. Here we have a proposal that is very disruptive and is likely to create an enormous reaction that will hurt us.

We just have been through the problem with the Customs user fee, trying to make it GATT compatible. That was a rather minor thing and something that could be measured. This fee is for broader and immeasurable.

I have had 20 years in the Senate. I have looked at a lot of amendments. I believe this is one of the most poorly drafted amendments, one of the most badly flawed amendments that I have seen since I have been here. When I think of trying to measure it, trying to decide how much has been contributed by air pollution, by not having scrubbers, whatever it might be, for all of these businesses around our country and then around each of these countries that it deals with, it would be an enormously complicated problem. It would be virtually impossible to come up with the specific numbers. Let me give you an example.

Let us suppose we went down to Mexico and we were looking at the imports of tile or pottery. You went down to Guadalajara and tried to determine there how much of the cost came from the fact that you had a utility plant which was providing electricity that was doing what it had to do insofar as cleaning up air.

Let us suppose that we came into our own country, and we looked at the variety of products that we would have to evaluate here and determine how much U.S. businesss spend to clean up the environment, think of the number of employees that we would have to put in the Commerce Department, and think of charing the Commerce Department with this kind of responsibility.

I do not know how you get enough employees to try to do this. I can think of many instances where the cost in trying to evaluate it and decide the difference in the quality of air, and the cost involved for business in a foreign country and a business here—would be greater than the duty that might be imposed.

So I do now see how this can possibly work or how it could be effective.

In addition, this is obviously a GATT violation. Article 20 really refers to trying to protect against contaminated meat, against rabid dogs, against infected plant life. It has no relationship to this kind of amendment. I do not think it is applicable at all.

The Senator from Washington has tried to take care of the "blue slip" problem making it, in effect, sense of the Senate directed toward the Chairman of the House Ways and Means Committee; if that is the objective, that could be accomplished by just writing a letter to Chairman ROSTENKOWSKI and trying to affect his opinion. But to take this approach I think is a major violation of the jurisdiction of the Finance Committee.

As I talk about the complications of trying to apply it, and try to evaluate the difference in costs, it shows that not enough scrubbing of this particular piece of legislation has been done, and shows the necessity of referring it to the jurisdiction of the Finance Committee where we could have appropriate hearings and find out if there is an effective way to accomplish the objective.

I must tell you in all candor I do not see how you can do it.

I look at other things we do in this country and then see them not done in other countries. When I look at OSHA as we try to see that we have safe working conditions in this country. Then if you go down to a country like Thailand, go down to Indochina, Indonesia, or get into Mexico, and see the lack of stringent regulations placed on their production, and try to evaluate that, it raises and important question. Why do not we have our costs on minimum wages put into the equation too, say we ought to check the diffence on that, and impose a tax because of the differential?

Then I look at the countries to which it would be most injurious.

The countries it would affect the most would be Third World countries that have done the least in trying to clean up some of their air and some of the products that they are producing. But which countries are doing the most; countries like Germany and Japan, the two countries that have the biggest surplus of trade with us today, they are the ones that would benefit by this kind of legislation, and their competition from Third World countries would be the ones that would be the most injured.

I really think that the amendment has not been throught through and that it would be a very disruptive piece of legislation and would be harmful to us. I strongly urge my colleagues in this body to reject it.

We do not have an allocation of time on this, do we?

The PRESIDING OFFICER. The Senator is correct.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DIXON. Mr. President, I am sure in the course of this afternoon's debate a great deal will be said concerning this amendment and the economic impact upon businesses in corporate America and small businesses on main streets all over little towns in the United States, and the working people of this country.

Just as we heard, I think, the finest debate I heard in many years the other night, when we heard the exchange between the distinguished President pro tempore and the Republican leader about the number of jobs that might be adversely affected by this bill, I am pleased to join my friend from Washington State, the distinguished Senator who has just spoken, Senator GORTON, and others, Mr. President, in proposing this global environmental incentive amendment to the clean air bill.

I believe that the amendment that Senator GORTON and I and others have offered will send a powerful message to our foreign trading partners that if they want our markets, they have to help clean up the air.

I think clean air is a global responsibility, Mr. President. I think we are deceiving ourselves, if we think that the United States alone can do the job. We cannot clean up the air in this world all by ourselves, and we are undermining our own economy, in my view, if we allow foreign competitors to escape the costs paid by our industries and our working people to reduce air pollution in this country.

All this amendment does is urge the House of Representatives, which is jurisdictional, to pass legislation that requires foreign industries, foreign industries selling products in this country, to either meet the stringent environmental controls that we are going to require in the bill under debate of our manufacturers, this nice thick bill right here, S. 1630, or to pay a fee that matches the costs borne by our industries for environmental compliance.

Nobody here will question the fact, and in every debate I have heard everybody has conceded the fact that this bill places upon American industry and American working people and American consumers a tremendous expense. All we are saying is, in the appropriate place to look at it, let us impose a similar fee on our competition that is already killing us in the American marketplace.

My friends, if the Constitution of our country did not prohibit such revenue raising measures from originating in this body, I would have already introduced an amendment here in the Senate to this bill saying that we ought to do it right here. We checked that out. My good friend, and he is my good friend, a great, great Senator, the senior Senator from Texas, knows the jurisdiction for this question under the Constitution lies in the House.

So we are asking our colleagues to join us in a sense-of-the-Senate resolution—that is all this is—to provide instructions to the other body saying they should consider it.

I think it simply does not make economic sense for American industry to shoulder the costs of global environmental protection. My friends, this bill says that. Meanwhile, foreign industries continue to pollute the world. It is the same air. And those foreign industries are consequently awarded with an increased share of the U.S. market. Is our trade deficit not enough now, without doing that?

I think we cannot accomplish our environmental goals if we do not keep U.S. businesses competitive. If we do not include a provision something like this one, in the clean air bill that we send to the President of the United States, we will be giving our foreign competitors another advantage in an increasingly competitive global market.

It is an international market, ladies and gentleman of the Senate. We are not America alone in this world; we are America competing with all of these other countries of the world and all of these other working people and all of these other massive industries of the world in an international competitive marketplace.

There are two goals that this amendment want to reach. I want the world to get the message that environmental protection is a worldwide responsibility, and I also want very much, Mr. President, to keep the international trade playing field a level playing field.

My friends, we are never going to have a healthy environment in this country if we have a sick economy.

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My friend, the great Senator from Texas, and he is my friend, mentions Mexico and other countries, that truly life-threatening pollution in the economically weak states of Mexico, Poland, and the Soviet Union stands as proof of this fact that I have just talked about. Let us not put ourselves in a position that allows countries that are not respecting the environment to injure our economy. That is the point here.

If as a consequence of this clean air bill, this one right here I keep showing you, we shut down our coke and steel plants, is there anyone here that would deny that those activities will go on somewhere else in the world?

Is the environmental community satisfied to simply stop the pollution here under this bill, only to send it to some poor Third World that would jump at the chance to increase its exports of coke and steel?

I promise you that other nations that manufacture goods which can no longer be economically manufactured in this country will do so, and they will do it without the strict controls that we already require right now.

My friend from Washington State made that point, that with reference to the existing law, we are tougher under existing law than almost every other competitive nation in the world. The reality is that we live in a global economy, and my friends, we live in a global environment; a global economy, but also a global environment. Can we really accomplish an environmental purpose such as we want to accomplish under this bill if we do not keep the United States and its businesses competitive internationally?

I submit we cannot. If we allow ourselves to become noncompetitive, we will send American jobs overseas. That is the message. This will result in a loss to the American economy, and incidentally it will result in no net gain to the global environment in the long-term. We have to ensure that developing nations do not continue to compete with U.S. businesses while simultaneously sacrificing the environment.

As my friend, the Republican floor manager from Rhode Island, pointed our earlier this week, the New York Times has covered the horrendous environmental devastation that is occurring in Eastern Europe. Eastern Europe, which has so recently thrown off the shackles of a controlled economy, is hungry for economic development.

What do you think these countries are going to do? Will they spend their modest resources on environmental controls? I do not think so.

Will they make decisions to get their economies on track so that they can raise their standards of living to match those of their Western European neighbors? I guess it is plausible that they will do a little of each, or perhaps more likely a little bit of environmental control and a lot of economic development.

To be sure, the neophyte democracies in Eastern Europe will make decisions that they consider to be for the best for them, for the long-term future of their countries.

Mr. President, we ought to think along the same lines. Certainly protecting our environment serves the long-term interest of this country.

My friend from Montana is to be congratulated on thinking in those terms. But we must not, however, proceed blindly without regard to the long-term effects of American competitiveness, and American competitiveness will be affected by the passage of this clean air bill.

Those of us who are sponsoring this amendment, this sense-of-the-Senate amendment, have suggested that the Senate ought to consider certain things. Sometimes we debate here and I think many times we do not look at the amendment. Folks come here and vote. They look at the table. They vote.

We will have some of our important leaders on both sides of the aisle obviously very much against this amendment. I respect them. They are good people. They have influence here.

But what does this amendment say? Well, the first thing the amendment says is this: The Senate finds this, and I quote. Here is what the amendment says: "Global air pollution has adverse health effects on the United States citizens." Everybody here believes that.

The next thing we find is that "Businesses in the United States are disadvantaged in international markets due to the cost of reducing air polluting emissions resulting in the potential loss of jobs for working Americans." We know it is so. It was part of the debate the other night.

In the course of that debate, when my friend from West Virginia discussed the loss of thousands of jobs to coal miners, my friend the Republican leader got up and said: Wait; why do we sort those out? Hundreds of thousands of jobs will be affected.

I think it is given here in this debate that is the case. If that is given, have we not the courage to vote for an amendment here that is a sense-of-the-Senate resolution that says it is so? We know it is so.

Now we say next. I am just reading down this amendment: "Air pollution released anywhere adversely affects the Earth's environment."

Does anybody think that is not so? Does anybody think that air stops at the line of the border between the United States of America and Mexico at the Rio Grande?

Then we say: "Foreign polluters which are not required to pay pollution control costs comparable to those paid by businesses in the United States should not be allowed to undersell United States businesses on comparable products as a result of savings made by not incurring pollution control costs."

Who would not agree with that? Who would not agree with that? You want to talk about Mexico. I have been there a lot of times. If they are polluting down there to make a product that is going to come into the United States of America and compete with the product made in this country, we ought to be able to do something for a fair level playing field about it.

There ought to be fairness. I am not talking about unfairness. I am not talking about giving us an advantage. I am talking about making it fair for American working people that carry American lunch buckets to American business houses to compete.

Then it says: "An import fee will reduce the incentive for domestic businesses to eliminate domestic jobs by siting business facilities in foreign countries."

It is happening now, and everybody knows it. We know American businesses are going offshore now under existing laws. They are doing it by the hundreds, maybe by the thousands. It is an established fact and a reality of economic life in this country that that is occurring, and all we are saying is that that will be accentuated and that that will occur in larger numbers under this bill.

Then we say: "An import fee will equalize international competition and prevent unfair competitive advantage being gained by air polluting foreign industries that are not required to meet air pollution standards comparable to the Clean Air Act."

Does that not make sense? I think everybody knows it is so.

And we say: "An import fee will ensure that the prices of foreign goods produced by air polluting industrial processes reflect the same costs incurred by domestic businesses meeting air quality standards under the Clean Air Act."

I could go on and read the remainder of it, which is the suggestion about what ought to be done. But suffice it to say there is not one thing said in this amendment as a sense-of-the-Senate resolution that is not a fact. Every bit of it is.

I hear what is being said by those who chair the jurisdictional committees. I am sensitive to that. I respect them. They play an important role. I see the ranking member, who before that was the distinguished chairman here, and I understand where they are coming from and I understand their concerns.

But let me say this: If we do not do something along the lines of what my distinguished friend from the State of

Washington wants to do and we then pass this bill—which we are going to pass whether this Senator votes for it or not, and this Senator does not yet know what he will do. But whether he votes for it or not, this Senator knows this bill is going to pass. I have been around awhile, and I know when a bill is going to pass and this bill is going to pass.

But let me tell you something, friends, and I am not being humorous when I tell you this; I weep when I tell you this; I weep when I tell you this. Here is what I do not know. I do not know how much of this is true. I do not know how much of this is true.

But a newspaper in this city printed this. It is already in the RECORD. And it says: Jobs at Risk from Bush-Mitchell bill, and it is, of course, the study that has been done by economists by the names of Robert Hahn and Wilbur Steger. It is an analysis of this bill, Senate bill 1630.

And here is all I know that that says. It says for my State, that under this bill, under the air toxics features, it could affect 109,660 working men and women in my State. It says that the permits part for small businesses could affect on the main streets of my home town of Belleville and all over Illinois, in Linchfield, Effingham, Carbondale, Milford, and Kankakee, 79,707 jobs. And it said here that the acid rain part could affect 6,250.

What that is in my State, my dear friends, is 195,617, and I am going to tell you something. The biggest city in our State is Chicago. After that comes Rockford, and next Peoria. And 195,617 is bigger than any other city in my State. I care about that a whole lot.

I am sure this is in the RECORD, but I am going to ask unanimous consent that it be printed again because it lists every State from Alabama to Wisconsin. It adds up to millions of jobs—millions of jobs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOBS AT RISK FROM BUSH/MITCHELL BILL

Large States only	Air toxics 1 × 10–6) [1]	Permitting (Small bus.)	Acid rain	Total
Total	2,414,804	1,114,088	231,895	3,760,787
Alabama	56,412	9,438	4,890	70,740
California	132,991	210,243	....	343,234
Florida	26,619	30,781	7,599	64,999
Georgia	51,433	22,019	6,329	79,791
Illinois	109,660	79,707	6,250	195,617
Indiana	155,798	16,788	28,558	201,064
Kentucky	37,506	11,334	9,000	57,840
Louisiana	38,894	7,757	....	46,651
Maryland	27,169	29,526	10,502	67,197
Michigan	181,083	36,272	3,464	220,819
Missouri	87,336	25,914	21,442	134,692
New Jersey	43,817	90,458	69	134,344
New York	140,458	98,652	8,570	247,680
North Carolina	114,736	27,427	....	142,163
Ohio	210,170	69,351	46,780	326,301
Pennsylvania	135,015	71,533	24,714	231,262
Tennessee	92,377	17,833	8,305	118,515
Texas	114,967	69,377	....	184,344
Virginia	107,378	19,542	....	127,020
Wisconsin	74,949	16,731	26,437	118,117

[1] Assumes Maximum Available Control Technology with shutdown for failure to achieve residual risk of less than 1 in 10,000, rising to 1 in 1,000,000 Standard was slightly modified in Mitchell White House compromise from "maximum exposed individual" to "maximum REAL exposed individual" as an option to plants willing to do costly demographic and exposure studies.

Source: Economists Robert Hahn and Wilbur Steger, Analysis of Clean Air Bill S. 1630 for Clean Air Working Group, February 1990.

Mr. DIXON. I heard one of my friends talking about the minimum wage. We are not talking about whether there is philosophical differences between us as partisans about a wage level. We are not talking about the question of philosophical differences among us as partisans about whether there ought to be some kind of parental leave or anything of that sort.

We are talking here about whether we will pass a bill this big to clean up our air and say to all the rest of the world, "It's OK with us if you do not clean up yourself. It's OK with us if you send your dirt to our country for us to breathe. And, at the same time, an extra break you are going to get here is send your products here, too, that you manufacture cheaper and we will let you undersell us in the American marketplace and lose more American jobs when you do that."

Well, one of my friends suggested that the amendment is not too well drafted. I want to say this. I do not know how well you can draft a bill to avoid the constitutional implications of the fact that it is really the House that has to do this first. But if we do not send some kind of message in this bill about this problem, then I want each one of you to explain to me and tell the folks in our townhall meetings how we let this take place with the knowledge we had and suffer the consequences of it.

Without a question, I say to the Senate, this bill that I hold in my hand is going to go out of this place almost the way it is now, page for page. Oh, you are going to mess around the edges a little bit, and my friends, the managers, are going to take a little something here and there, but you can bet all that you have got that you are about looking at this bill. The toxic part is worked out. The acid rain part is worked out. The automobile emissions part is worked out. Everything is pretty well determined. This bill is a given. America out there, get ready. This is coming. it is coming out of here and it is going through the House and it is going to the President of the United States. His administration was a party to this, and his administration, having been a party, indicates that he will sign it. This is going to be a law. All we ask is that when we commit this act that we take into account American business interests and American workers.

I just read an article in this morning's paper—I have it in my office; I am going to make a little speech on it later—by the Secretary of Commerce, Mr. Mosbacher, talking about how the Japanese are eating our lunch right now, telling about how we invent something and they do not let it get in here until they reinvent it over there and do it at least as good and make it competitive and so forth.

If you think they are eating our lunch now, if you think that we have a trade deficit now, if you think we are in trouble now, if you wonder why the United Auto Workers in Rock Island do not have any work to go to anymore and the same in Peoria and the same in other places in my State now, oh, my dear friends, if you wonder that now, you have to understand that when you do this without doing something correspondingly to protect our interest, they are going to really do a job on us; 3,760,787 jobs—I do not really believe it is that bad, but let me tell you, that is depression-type statistics. That is bitter stuff.

So I just want to say in conclusion, before we hear from our friends who are the authorities on these questions, I do not want to impose on anybody else's jurisdiction. I do not want to tell anybody how they ought to do these things around here. A lot of people have been doing things for a long time pretty well around here. But if we do not have some way to figure how to deal with this problem, if we are just going to trust the marketplace to work or the International Trade Representative to do something about this—you know, I have been trusting that a long time and seeing it get worse and worse and worse and worse and deteriorate to the point where it is a public scandal—we do not send some kind of a message in this bill, if we send this thing out of here naked on this question and it goes to the House that way, I really weep for American business interests and I weep for American workers that suffer the consequences of this.

I want clean air. So does every American. I want the kind of clean air that will protect our workers and our businesses and our jobs and our opportunities for a future in America. I do not want to destroy it. I think it is at risk here. I think my colleagues ought to bear that in mind.

So I say with the deepest and most heartfelt sincerity that we ought to be giving some thought to do, and we ought to be doing, something about that in this bill. I urge my friends to consider it in the light of the problem that I think is so very apparent.

I yield the floor.

Mr. PACKWOOD. Mr. President, I thank the Chair.

I hate to disagree with my good friend from Illinois because he and I are bound in common cause in some other issues that are of great concern to both of us. But on this one, I think he is begging the question. He is comparing apples and oranges.

We have a general Agreement on Tariffs and Trade. Through the agreement we are trying to lower tariff barriers in all the countries all the time, ours and theirs. We are trying to make it easier for American products to get overseas, where we are willing and able to compete. We talk about a level playing field. It is a major issue. We are involved with negotiating with all the principal countries of the world right now in the so-called Uruguay round.

There is no question if this sense-of-the-Senate resolution goes over the House, becomes a bill, and is sent back and enacted, it violates our obligations under the GATT. It violates them in any number of places. First it violates the GATT, because it says import restrictions are to be on a nondiscriminatory basis, and with this amendment they would be on a discriminatory basis.

Second, it violates the GATT because it raises the duties on imports where we have agreed to not raise our tariffs—what we call being bound. Now, the sponsors of this sense-of-the-Senate resolution realized the GATT problem. The sponsors want us to go back after we pass this provision to get the GATT charged. They want us to do this at the very time when we are trying to lower tariffs and make the world more competitive for American products. And, let us face it, Mr. President, most of the world is more protective of their markets than we are. And we will be better off and will serve the workers of this country better if we get foreign trade barriers down. But perhaps the worst flaw in this amendment is the almost impossibility of enforcement or even understanding if you extend this concept to other forms of pollution.

Now, my good friend, the chairman of the Finance Committee, mentioned minimum wage. Our good friend from Illinois says it is really not the issue. But I say it is the issue. If we are talking about American jobs—and that is what our friend from Illinois is talking about—then why not say if they do not pay what we pay, put a tariff on it. If we do not have the same water pollution standard, we put a tariff on it.

Canada is a good example. My friend, who is managing the bill at the moment, Senator Baucus, is well familiar with the problem of imported Canadian lumber. Unfortunately, we need the lumber. We do not have enough logs in this country. We import 30 percent of the logs we buy. But the Canadian environmental standards are infinitely lower than ours. So under the theory of this amendment, what would you do? Put a tariff on the Canadian lumber which we have to buy because we do not have enough in this country and raise the price to the American consumer?

I will give my colleagues another example. After fighting and fighting, we have finally succeeded in getting the Scandinavian countries to open their markets to pears and apples. They used to let American apples and pears in after their seasons closed. Well, we got them to say OK, you can come in all year. And our pear growers and apple growers are delighted.

But ironically, the Scandinavians have higher pollution standards than we do. So, if we are going to start talking about tit for tat and reciprocity, I can see what will happen. They will start considering amendments like this and up go their tariffs on our products because we do not meet their standards.

What are we going to do, go around the world and look at Tanzania's smokestack emissions? Or say to Mozambique, let us see what you have coming out of this coal-generating facility and then try to factor into each country's gross national product and determine whether they are meeting this standard and how much cheaper it is allowing them to produce a product?

What do you do when you have a business downstream from a foreign electric generating plant that is generating by coal and because they have dirty air the electricity can be cheaper? Then a company down the road buys the electricity, sells the product and sells it in the United States. We are going to try to go through those kinds of contortions in every country with every kind of air pollution and if the theory is right, it will apply to water pollution and air pollution and everything else you can think of. And I think the argument about minimum wage is a valid one.

So, if we adopt this sense-of-the-Senate resolution and then enact it into law, we will be in stark violation of the GATT—there is no question about that. If we are in stark violation and then turn around and try to renegotiate the agreement, we start down the road of an impossible enforcement situation in trying to figure every source of pollution and every source from every country in the world; then try to quantify that and qualify it and figure by how much does it allow them to produce a cheaper product, assuming we can actually figure that, and then try to put a tariff on it?

You want to have a bureaucracy? Do you want to hire 100,000 people? You can do it right here with this provision.

Then, lastly, for those countries that have higher standards—and I will say again it is not just the Scandinavian countries—be prepared for the reciprocity and the tariffs going up on the products we are trying to sell overseas. All this, at the very time we are trying to knock down trade barriers to our products going overseas.

Mr. President, for all of those reasons I hope we would defeat this sense-of-the-Senate resolution and not start down a road which would be unwise, which would violate our GATT obligations, and which in the long run would not serve the interests of this country.

The PRESIDING OFFICER (Ms. Mikulski). The Senator from Idaho.

Mr. SYMMS. Madam President, I have to say much of what the Senator from Oregon says about trade policy, I agree with. I heard him and the chairman both speak. I do not disagree philosophically with what they said. But I think the Senator from Illinois and the Senator from Washington are helping drive home a point here, that the American people thus far have barely recognized—thanks to the distinguished President pro tempore they are starting to recognize—that there are no free lunches. We have all heard that said for a long time, and there are no environmental free lunches.

One of the great things about the United States of America is that we have not had industrial policy. That was very popular in the late 1970's and the American people voted against that policy. We got away from that. We said no, we want to stay on the track of a market economy so people can have an opportunity to rise up and improve their own standard and improve their happiness, if they will.

Madam President, there is no question, the bill before this U.S. Senate today is industrial policy, clear and simple. It is going to put the Environmental Protection Agency in a position, more powerful than the IRS, more powerful than the Commerce Department, more powerful than any other Department, and they will be able to run America. They are going to be able to tell people what they can do.

My view is, if we are going to shove this kind of legislation down the throats of the American people in the name of a very noble cause, clean air—industrial policy is what it is—we need to tell them in advance you are either going to get lower wages or you are going to lose your job, and you are going to pay more for the products you buy and have a lower standard of living in order to have this cleaner air that we all want to have. That is exactly what we are talking about.

I think the Senator from Washington and the Senator from Illinois are doing us a favor here, to draw the attention to this of the American people. We are going to apply standards to the working men and women of the United States of America that will not be applied to the people who will then have to buy the products. That is basically what the whole thing is about.

So I am glad they brought the amendment forward. It may have some philosophical rubs in it, but I would say for those who get up and give the great speeches about free trade and free markets, there is absolutely nothing in this legislation that is free trade or free market. This bill is replete with Government edicts, authority, power to run the lives of the American people from top to bottom. It is going to cause millions of Americans to lose their jobs, and I think the general public, concerned people in general, are learning. It is a slow process but there are no environmental free lunches.

If we want legislation, it is going to cost us dearly. We have had the argument here about how many people are going to lose their jobs, and the Hahn-Steger report indicates that this bill will have, at a minimum, 2.7 million Americans lose their jobs.

I would say one thing, Madam President. If they do not lose their jobs in order to comply with the air toxics section, to comply with the acid rain section, mobile source emissions and so forth in this bill, then all those costs that are imposed on our economy are going to come out of profits and if profits are not there, they are going to come out of wages, or capital will then flow out of the United States.

It may be a little hard to measure how many jobs are lost in this bill, and how many people lose their opportunities for a better life. One thing we can be sure of, there are no environmental free lunches and I salute the two Senators for bringing this amendment forward so we can have a discussion about what the essence of this bill on industrial policy is.

This is a bill on industrial policy. I think if we are going to have industrial policy, and we are going to have a government-controlled command economy here in the United States, I can see it is perfectly consistent for the Senator from Washington and the Senator from Illinois to try to control and command those economies outside of the United States.

I yield the floor.

The **PRESIDING OFFICER**. The Senator from Texas.

Mr. **GRAMM**. Madam President, I hold the distinguished Senator from Illinois and the distinguished Senator from Washington in the highest regard, but I do not hold this amendment in similar high regard. In a sense, this amendment is just a sense-of-the-Senate resolution. But it is more dangerous than the Byrd amendment. While the logic behind it is well-intended and I think our colleagues have offered it with the best of intentions and the purest of hearts, this amendment could not be more wrong headed, and if implemented could not be more harmful to the American people.

Madam President, I assume the proponents of the amendment believe it would lessen the impact that we are imposing on the American economy from the Clean Air Act by imposing protectionist measures to eliminate the foreign competition that would be enhanced, as a result of the new costs that we would impose on American industry and agriculture from this bill.

Madam President, I will argue that, if this amendment were adopted and if the House did respond and if their response became law, it would multiply the cost of this bill to the working men and women of America many fold; it would cost us many times more jobs lost than the bill without the implementation of these proposals; it would greatly hurt our ability to compete on the world market; it would generate a new and bottomless pit of arguments for protectionism; and it would almost certainly lower the living standards of the American people and precipitate a trade war that could remove America from the center stage of the world economy.

Those are pretty general, broad, massive assertions. Let me start out and try to explain why it is so.

First of all, in terms of price, our distinguished colleagues from Idaho have talked about the costs this bill imposes. Those costs are real. They cannot be wished away. But they also cannot be protected away. There is no doubt about the fact that, to the extent that we, as a society, choose to have cleaner air, we are weighing the benefits of that against the costs, but the costs are real and they cannot be hidden by protectionism.

In the extreme case, what about products that could not be produced under this bill? What if it is not possible to produce products that are important components for the American economy under the standards of the Clean Air Act set in this bill? Madam President, I am not arguing those products do exist or do not exist, but I am trying to point out a fundamental flaw in the bill, though while it is not critical to my argument, I think it is important and interesting.

Let us say that under this bill there is a major component of the industrial process that could not be produced domestically, that the 10 to the minus 4 actual risk standard in the air toxics section might produce the situation where, under the existing technology, we could not produce a product which is fundamental to the American economy. I think anyone in here would say that that is possible. What would you do under this bill? What would the tariff be on the importation of that product? The tariff, by the directive, would be that price which would equalize competition, but I ask my colleagues if, under the Clean Air Act, we could not produce this product at any price given any available technology, what would the tariff be?

Mr. **SYMMS**. Will the Senator yield?

Mr. **GRAMM**. I do not want to break my train of thought, and I will yield at the end. Let me finish the point.

My point is, under this bill, the tariff would have to be prohibited because there is an infinite differential because under this law, we could not produce the product. We would generate an absurdity. America needs a component to create jobs, growth, and opportunity. We decide by our clean air standards that we cannot produce it here, so what do we do? We put a tariff on the product coming into the country and, in this extreme case, it is infinite tariff. As a result, we cannot buy the product which we cannot produce.

I am sure that our colleagues believe that they are protecting the steel industry. I believe our colleagues would argue that they are protecting the plastics industry, that they are protecting the petrochemical industry, but let me make the point as to why it is not so. Let us say that under the Clean Air Act, as it is now written, that the cost of producing steel in America rises by 10 percent. Let us say that we impose a protective tariff on steel of 10 percent, in addition to the protectionist measures we already have in effect.

You could argue that that will protect American steel jobs and, in fact, it eliminates the differential or advantage that these foreigners have by allowing a dirty environment. But I remind my colleagues that there are relatively few jobs in steel production. If you looked at the American economy and you looked at the production of raw steel and you looked at the number of jobs there and then you looked at all the jobs in fabricating steel, you would find that steel production is important to individual districts, it is important to individual States, but as compared to fabrication of steel—making tractors, making automobiles, making tools, making eyeglasses, making microphones, making component parts of furniture—that steel is relatively small as compared to the jobs in fabrication.

If we raise the cost of steel production in the United States and we prohibit the importation of steel except at that higher cost, we keep raw steel out of the country, we eliminate its competitive advantage, and we protect a few steel jobs. But do we really protect those jobs? I argue we do not. We do not import raw steel, but we import automobiles. We do not import raw steel, but we import tractors. We do not import raw steel, but we import drilling rigs. We do not import raw steel, but we import millions of component parts that embody that steel. We not only lose the jobs in our steel plants, but we lose hundreds of times those number of jobs in fabrication unless my colleagues propose imposing a protective tariff on everything coming into the country that is made in any minute part from this proposal.

Take plastics. I happen to be one who knows something about this because I have a lot of people working in the plastics business in my State. In the plastics industry, we are looking at this bill's environmental impact, and so we might say, look, we can help a State like Texas or we could help the country if we said if the cost of making plastic goes up by 25 percent, we just say if you are going to import plastic, you have to pay a 25-percent tariff, and we keep raw plastic out. But the problem is, we do not protect the jobs in plastics because they come in the form of windshields, eyeglasses, drinking cups, and styrofoam. We lose the jobs in plastics, and we lose the jobs in all of the fabrication parts. And the fabrication jobs are hundreds of times as important as the jobs that we are protecting and protecting the raw material.

Madam President, what we have here is an effort to do what cannot be done. What we have here is a well-intended amendment that seeks to violate the basic laws of economics, and the basic law of economics in this case is if you want clean air, you are going to have to pay for it.

We can debate here forever, Madam President, whether this bill really gives us what we are paying for. I think there are strong arguments on both sides. I think this bill, quite frankly, is a lot better than what we started with. My guess is it is better than we are going to do again. Whether it is worth what we are going to pay for it or not is an open question.

But we cannot, through protectionism, lower that cost. If it costs more to produce steel in America, it costs more to produce steel and you cannot cover it up. You cannot protect the steel industry without destroying thousands of jobs in other industries that use steel. I am not talking about some abstract theory. Steel is one of the most protected industries in America, and yet employment in the steel industry has gone right through the floor. It has gone right through the floor because we protected raw steel, but we have imported steel in automobiles, in tractors, in drilling rigs, in tools, and we have lost not only the steel jobs, but we have lost the fabrication jobs.

The same is true in virtually every basic building block of industry and agriculture you can talk about because the environmental problems are in fabricating the basic component parts of production. They, by and large, are not in manufacturing. So this amendment would greatly disadvantage the very industries that we are competitive in.

Let me also say that while one can argue for or against this bill, one of the checks on excesses in going too far is foreign competition. One of the things that has been on all of our minds as we have written this bill has been, what does this do to American competitiveness? Madam President, if we took this approach, not only would it not work, not only would it greatly multiply the jobs lost and the cost to the consumer, but it would tend to eliminate one of the balancing elements hereby inducing a coalition of groups that are not imperiled by extremist environmental moods with those who long ago have forgotten about economic growth because they have gotten a piece of the pie. The result can be ever-increasing standards and ever-increasing tariffs, and the result would be a pristine environment of a country that primarily is poor and hungry.

This bill does not help exports. It talks about funneling some subsidies to export, which would clearly be in violation of all of our trade agreements and would create tremendous retaliation. But the point is, if we are producing something, we are selling it on the world market. What we are producing, and much of that would be agriculture, would be subject to retaliation in terms of protective tariffs.

So if you are from a farm State and you really take this amendment seriously, under existing trade agreements, you are voting for retaliation against agriculture products when you vote for this amendment.

Finally, quite aside from the argument that was made by the Senator from Oregon about how in the world you would ever figure this stuff out, how you would ever figure out all of these components and these costs, I think most people can realize that every industry in America that was trying to protect itself from competition—and that is every industry in America—would argue that their lack of competitiveness was due to the Clean Air Act.

We would have the candied cherry industry coming into Washington saying, "If it weren't for the Clean Air Act, we could compete. And so we ought to have a protective tariff on candied cherries." And since we are responsive to all those pressures, if we were making candied cherries in Texas, I can assure you their argument may be nonsense but it would be heard if I had anything to say about it.

We will induce every industry in America, whether they have a problem with the Clean Air Act or not, to try to use this vehicle to get protective measures adopted, to try to stop the competitive process.

So let me, Madam President, conclude by saying that this bill will raise the cost of the Clean Air Act to the American consumer and it will raise it manyfold because it generates the absurd situation where, if something becomes too expensive to produce, you cannot buy it. It is sort of like saying, "I am going to stop dealing with A&P. I am going to stop going to the grocery store because they are not buying anything from me so I might stop buying something from them." Or if I decide I cannot in my own house produce it, I do not want to go outside to produce it because it is unfair to others in my household. It makes absolutely no sense. It will cost us more. It will destroy jobs in the fabricating industry, many times more jobs than it will ever protect in terms of the raw materials. In fact, those jobs will be lost as well. It will eliminate any checks and balances that world competition has on the setting of environmental standards. It will decimate our export industries in agriculture because of retaliation. And finally, it will create another excuse for protectionism.

In addition, Madam President, I do not think we need to encourage the House to be adopting protective legislation. I think there is plenty of encouragement to do that.

This is a well-intended amendment, but it is a very bad and harmful idea. I hope that it is not encouraged by a big vote. I am concerned that people will walk down on the floor and see this as the ability to be for something that on the surface looks good and we get to bash all those foreigners and it looks like a throwaway vote because it is a sense-of-the-Senate resolution.

But, Madam President, this is a very dangerous issue. We should tread very lightly on it. I assume there will be a motion to table or a straight up-and-down vote. I hope that this amendment will be voted down with a sound vote because it is very important, if we want to have clean air and jobs, which is what I want, that this amendment be rejected.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The manager of the bill.

Mr. BAUCUS. Madam President, I note the presence of Senator BREAUX and Senator FORD, who have not yet spoken on this amendment. I am wondering if the proponents of the amendment would be willing to enter into a time agreement on this amendment, say, by 5 o'clock, the time to be equally divided?

Mr. GORTON. Madam President, I would not be willing to enter into such a time agreement at this point. The Senator from Kentucky [Mr. MCCONNELL] has expressed his desire to speak, and the Senator from New Mexico [Senator DOMENICI]; Senator BOSCHWITZ was here ready to speak but was called back to his office. At the very least I want to summarize in one more opportunity, so I think the request, while it may be appropriate later, is premature.

Mr. BAUCUS. I thank the Senator.

I yield the floor.

Mr. BREAUX. Madam President, I think the debate and discussion on this issue has been very, very interesting because it really goes to the heart of two major problems we have as an industrial nation. No. 1, what requirements and procedures and standards are we going to continue to impose on American industry to the point of making them noncompetitive because of protections that we decide are good for the citizens of this country with regard to the question of competition from overseas? How far are we going to go before it starts becoming a real impediment to our industries to survive and compete in the world because, obviously, we are talking about world trade, not just trade within the boundaries of the United States. That is the first point.

The second point goes to how valuable is the U.S. market to other countries. Are they willing to do nothing in order to have the right to sell their products freely in this country?

These are two questions that I think are extremely important and that Congress has addressed in previous examples.

My good friend from Illinois, who spoke so aggressively on behalf of this amendment, was on the floor when we had the horrible problem in the fishing industry, when we were requiring the U.S. shrimp industry to follow certain rules and procedures. This Congress—and it is adopted into law—passed a provision that simply said shrimp imports from foreign countries that do not have a comparable program to ours will have their products banned from this country.

It calls on the Secretary of State—which they are doing right now, by the way—to survey foreign countries to see if they have a comparable program to ours. If they do not, then their products are going to be banned from import into this United States.

So I say if we are willing to consider doing that for fish products and for endangered species, are we not at least willing to consider the same type of action to protect human life? In existing law in the fisheries area, we tell foreign countries which catch tuna, if they do not have a program that is comparable to ours in protecting dolphins—the Senator from Washington State knows this with regard to the Dolphin Protection Act—that if foreign countries do not have a program equivalent to ours in the protection of dolphins, the tuna products they catch are banned from export into the United States.

So we as a nation have said very clearly that if you want our market, you are going to have to follow some rules and procedures that are at least comparable to the standards that we have in this country as to how you catch those products. That is the law. That law is aimed at protecting animals, whether it is dolphin or whether it is sea turtles. As the Senator from Illinois knows very well, that precedent and that standard has already been set.

As a Senator from a State that is very prominent in the production of oil and gas products as well as chemical products, our industries, our plants are going to have their costs increased, I do not by how much, 10 percent, 5 percent, 20 percent, depending on what the maximum available control technology is going to cost. With additional control technology running up to 10 to the minus 6 being required, it is going to cost them a lot of money. And yet we are saying that chemical plant manufacturers across the border in Mexico, for instance, can produce the same product, not having to meet any of these standards, and they have a free access to our market.

Something is wrong there. Something is wrong when we legislate in areas that affect international trade and put us at a disadvantage and we do not even consider a sense-of-the-Senate resolution to move towards doing something to compensate for that loss. I think it is high time that Congress start looking at what we do, not just in the vacuum of inside the beltway, and yet not even inside the boundaries of the United States. We have to start looking at these questions internationally, how it affects our competitiveness overseas.

Why would I not as the CEO of a chemical plant operating in Louisiana, looking at millions of dollars of extra cost, move my plant across the border to Mexico where I could produce the same product, put it in a box, ship it back to the United States at substantially less cost and sell it in the same market?

I think this sense-of-the-Senate resolution is good way to tell the rest of world like we have already done in fish, when we are dealing in human health, when they want our market they have to do some things we are requiring our citizens to do if they want our citizens to buy their product.

Mr. FORD. Madam President, let me compliment my friend from Illinois and my friend from Washington for the introduction of this sense-of-the-Senate resolution. I have been listening to the debate and it has been a good debate. There is a thread through all of the debate that we are now more dependent on others. For the last decade we have been going downhill and downhill and downhill as it relates to our deficit and balance of trade.

If we look at how small it was in 1989, it was a $105 billion deficit. We purchased more from them than they purchased from us. I was vigorously in favor of a trade bill. I hope that it is beginning to work. But I heard the simple explanation of it that if they trade with us we could trade with them. That was the simple explanation of that bill. I kind of liked it. I did not have to study all of the paragraphs and GATT and all that sort of thing. They will trade with us and we will get to trade with them. I kind of liked it.

I am not sure that anything will come of this sense-of-the Senate resolution. No one in this Chamber can guarantee what will happen to it. But we have started a debate of what is happening to America's business. The world was used to depending on us and now we are depending on them. We are over 50 percent in the import of the oil we use domestically. We had about 28 percent when we had an embargo in 1973. It scared us all to death, and then lost about 250 or 300 million barrels a day. That scared us again in about 1977. That is control on our economic well-being.

My colleagues who are arguing against this amendment, I respect and respect them very much. They are my friends. So I hope, Madam President, that as a result of this debate we will begin to look and look very hard at what we can do.

The Senator from Louisiana [Mr. BREAUX] talked about just moving across the border a very few miles, producing the same product, put it in the same box, and send it back to us. What is happening to our major industries? They are moving to Mexico, Canada, and other places in the world. And they send it back to us. We are trying to accommodate other countries, and trying to attract them here. But we have flights of industry from this country, and it is time we try to do something to turn that around.

We talk about fish, we talk about dolphins, and we talk about other things. We put a limit on products coming into this country with certain pesticides that are not healthy. That is an easy vote. But to protect a man's job, we have a hard time making a decision. We do not want to do that. The livelihood, the future, the education of our children, we spend hundreds of millions of dollars, billions of dollars, yet we do not protect that individual that is going to pay the tax so we can use this money for the future of this country.

Regardless of the outcome of the vote, I think our two Senators from Illinois and Washington have done a great service. At least we have looked at the possibility of what is going to happen to us. I think that possibility should frighten us considerably.

Madam President, I will not take any more time. But I hope that we can send a message, and that the message will be one that we should take an added interest in protecting the jobs here at home. I do not want to not trade with other people. They have products we want. But when you go to North Dakota, up in Montana, that area, and 3 miles south of the border you have a utility generating facility with a scrubber on it, and you go 3 miles over the border and they have nothing on it, that tells you something. They are generating their energy at a lot less cost than we are because they do not have the clean air rules that we have initiated here in this country.

So it is a border thing really. We are not going to tell other countries what they can do. We just will not trade with them, and that will give them an incentive to clean up and do the things that are necessary.

I yield the floor.

Mr. BAUCUS addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Montana.

Mr. BAUCUS. Madam President, despite the intentions of the author of this amendment, this amendment in fact, if it is enacted, is an antijobs provision. It will take away jobs. It will hurt jobs, not help jobs. Why do I say that? I say that, first, very simply, because if this amendment were enacted into law, it would be the opening shot of a trade war, a world trade war. If the United States started imposing fees on products that come into this country, we can be sure that other countries are going to start imposing fees and tariffs on products that go from America into their countries. It is tit for tat in this world.

Let us just put ourselves in their shoes, turn the tables. What if, for example, we export products to another country, and that other country starts to put a tariff on our products for whatever reason. The country says well, it is because you Americans do not have quite the same health and safety standards as we do. You Americans do not do something the same way we do.

How are we going to feel? We are going to feel what right do they have to tell us what to do. We are going to show them. We will put a tariff on their products. That is human nature.

People in the countries of Spain, Japan, Asia, are people, too. Human nature is not confined only to the United States. Human nature is worldwide. People are people. If we start enacting tariffs on other countries' products that come to this country, other countries are going to start enacting tariffs on our products into those countries.

The Senator from Oregon, Senator PACKWOOD, spoke earlier and mentioned that we are now in the middle of the Uruguay round of the GATT negotiations with other countries. What is the point of these negotiations?

The point is market opening. The point is to reduce tariffs and barriers to trade. The point is to reach agreement on services in intellectual property rights. The point is to reach agreement on subsidies in agriculture—to reduce them so that we are opening worldwide trade, not constricting it.

The fact is if we enact this amendment, if it were to become law, we would be dramatically regressing. In earlier rounds of GATT negotiations substantially reduced tariffs. At the time, it was tariffs that were constricting world trade. Those tariffs are now reduced.

So we are now going to the next step to reducing other kinds of trade barriers, the so-called nontariff trade barriers.

So if we enact this amendment, if it were to become law, we Americans would be saying to the world we are going backwards. We are going back to the tariff trade war.

I submit, Madam President, with all of the growth of the freedom in Eastern Europe and with the changes in the Soviet Union, and with the democratic elections in Central America, countries are opening up, we Americans cannot go backward.

We do not want to go backward. We want to go forward. We want to be world leaders. I tell you we all know that American leadership in the next decade in the next century is somewhat in question. There is no guarantee that the United States of America is going to be the world leader in the next century, no guarantee. We have to work for it. We have to earn leadership. I can guarantee you if we adopt this amendment we will start a trade war because we raise tariffs. We will be going backwards. There is no doubt about it.

Let me take a couple of examples. The Senator from Washington, one of the sponsors of this amendment, is very concerned about negotiations this country is now undertaking with Japan—the Super 301 action on satellites, supercomputers, and processed forest products.

We Americans right now are in the middle of very intense negotiations with the country of Japan to reduce its tariffs on American processed forest products—plywood, lighter board, fiberboard. We are asking them to reduce their tariffs because they are unfairly discriminating against American-processed forest products.

Let us say we enact this amendment and it becomes law. What is Japan going to say? They are going to say, "Well, those Americans are going to start enacting fees on Japanese automobiles, Japanese products in the United States. So they say the heck with Americans, we are not going to reduce our tariffs on processed forest products." That is a logical, probable consequence of this amendment.

In addition, the Senator from Washington says, well, article 20 in the GATT is an exception for health and safety standards. Let me tell you how the EEC used article 20 to unfairly discriminate against the United States. They have banned American beef from coming into Europe under the guise of health and safety.

The Europeans know they did not ban our beef in the European market because of health and safety. It is straight protectionism, to help European cattle producers.

I last year met with Margaret Thatcher. And I asked her this question. She agreed and said, that it is pure protectionism. But she could not convince the rest of the Europeans to back off.

I am telling you very, very simply, very directly that if this amendment passes, countries will find all kinds of excuses for enactment of tariffs. It could be for whatever reason. They can call it health and safety, but it will be because we Americans are putting a fee on their products. It is going to happen.

So that is why I say this amendment is an antijobs amendment. It is going to restrict trade in the world, reduce employment in the world. It is not going to help it. It is a bad amendment. It may be well intended, but the consequences will be severe if it is enacted.

The Senator from Washington and the Senator from Illinois have legitimate concerns. The legitimate concern is, we Americans, we are enacting good, strong environmental control laws and regulations, and it may have an adverse economic effect on America. What are we going to do if other countries do not enact similar standards.

If we are honest about it, there are a couple of answers to that point. No. 1, there are definite economic costs for enacting pollution control legislation. There is no doubt about it. There are all kinds of estimates. Who knows which estimates are accurate. But there also are very direct economic consequences for a failure to enact environmental protection laws.

I am not talking about the anxiety and pain and suffering of illness and disease, which in itself is a very dramatic and tragic cost because of increased illiness or death. I am talking beyond that of the economic costs of failure to enact good, strong environmental control legislation. The economic cost of doctors bills, hospital bills, lost employment, lost work. These are a direct economic costs.

They are economic costs on the other side of the ledger that have to be calculated in determining the true economic cost of the legislation we are passing.

So I ask the sponsors, if this bill before us becomes law—and I think there will be clean air legislation this year—does the Commerce Department then give a country a rebate because of the diminished economic costs in lower doctor bills, less hospital costs, less absenteeism because of health in the United States? Do they add those benefits in too? Logically, they have to be added in.

I do not think the sponsors thought of this. But the fact is, those are economic benefits that should also have to be calculated, if we are honest about it.

In addition, it seems to me we should remember another point. There is a strong correlation between increased environmental control equipment that a company puts in, and increased productivity that that company experiences.

That is, when a company undertakes the capital costs to add to, remodernize, or to build a new plant to meet higher environmental standards there is a strong correlation with increased productivity.

The company figures out a better way to build a new facility, or enact a better processing facility and a better process that is more productive.

It happened in the automobile industry. When this Congress required the automobile industry to begin to enact tighter standards on its tailpipe emissions on their automobiles, what happened? First, the auto industry said they could not do it. We enacted the law, and they did it. You know what else happened? It was a good excuse for the auto industry to become more productive and build better and more efficient cars. They admit that; it helped them build better cars.

So there is also economic benefit, a very definite economic benefit, because of the additional environmental standards that we are enacting.

Madam President, this is not a good amendment. The Senators are correct in suggesting that we Americans should try to forge agreements with other countries so that they too, adopt similar environmental control regulations and standards. Many environmental consequences are not limited only to that country, they are worldwide.

That is, chlorofluorocarbons emitted in this country affect the stratospheric ozone level, and therefore affect everybody in the world. CFC's emitted in Japan or in France deplete the stratospheric ozone level and affect Americans as well.

We already have a Montreal protocol on CFC's. The next major worldwide pollution problem is global warming. It is the greenhouse gases, carbon dioxide, methane, about which this country has been meeting and will continue to meet with other countries under UNEP. To begin to agree upon a protocol and a worldwide agreement to address the greenhouse phenomenon, to address ways to control greenhouse gases.

That is the way to get at the problem, not by beginning a trade war by enacting tariffs on other countries' products. It will not work. Not only will it not work, I guarantee that it is going to cause many, many more problems than it can solve.

I strongly urge Senators to remember that this is no throwaway vote. This is serious stuff. Americans are smart. They know what is really going on. They know they want cleaner air. They know that perhaps we have to undertake a little bit of extra effort to exercise leadership so that other countries also have cleaner air. But they also know that you do not do it by starting a trade war.

The Senators raise a problem that must be addressed, but it should not be addressed in the way they suggest in their amendment. There are other better ways to answer the problems that they are raising.

I strongly urge that this amendment not be adopted.

Mr. CHAFEE. Madam President, I cannot think of a more inappropriate day for this legislation to be brought forth. Last evening, a dinner was given at the White House for the Prime Minister of Poland. Today at lunch, our two leaders from the majority side and the minority side gave a luncheon for the Prime Minister of Poland, at which the distinguished Presiding Officer was present, as were others.

What we are saying with this amendment is, welcome, free Poland. We are delighted you have attained your freedom and democracy has been achieved there, just like we are thrilled with what has taken place in Czechoslovakia. But at the same time, you Poles who are striving to get your country together, we recognize you have the dirtiest polluted section of the world.

So we are not going to let you send your goods here. We are going to slap a tariff on these goods because we are spending money to clean up. You Poles over there, you are just striving to get your act together, and you have not been able to put on these scrubbers, air pollutant control devices, and you will not be for a long time.

I wonder how many read the article in yesterday's New York Times about Krakow, Poland. The place is a disaster area from toxic air pollutants and other pollutants, and it will not be able to be cleaned up. Why? Because the Poles just cannot afford the equipment. They are scrambling out of the Middle Ages industrially. They have been occupied for 40 years and with the heavy hand of the Soviets, as have the Czechs, as have the Hungarians, as have the Baltic regions, as have the Romanians, each of those countries. We applaud what they achieved. Now we are turning around with this amendment, "We cleaned up. You have not. Do not send your goods here. Do not try to compete with us. We are slapping a tariff on them."

I know the distinguished Senator from Illinois has a lot of Polish constituents. I would be curious of his reaction to what he is proposing here. Is this really what he wants to do? Is this really what he is doing to the country that so many of his citizens have come from and look back with pride and are trying to help out and realizing that the first thing they could do is not to clean up their air and control these emissions. Look at this wealthy country of ours. Look how long it has taken us. We have not had a clean air act in 13 years, and we are struggling to get this one passed. How long have we been on it? We have been on it since January 23 to February, to March, 2 months, and we are not through yet. I have a daughter-in-law that is expecting a baby in September. I want this act to be through before that baby arrives, and I think it is going to be a close call the way we are proceeding around here.

Madam President, that just gives a little indication of what these proponents of this legislation are talking about. These countries are struggling. They think it is a bash-the-Japanese program. Look, the Japanese are getting their air pollutant control devices. If you think you are going to punish the Japanese with this, I think you better think it over a little more. They are doing a good job. In many areas they are way ahead of us, certainly in solid waste control. That is point one.

Point two, I think it is clearly a violation of GATT, and that has been taken up by those who have spoken before me.

Point three, where do you draw the line? You say clean air legislation. Well, as you know, we have OSHA, occupational safety and health laws. Many countries do not have those. Can we not compute what it costs our manufacturers to observe OSHA, and should we not tack that onto the tariff?

All right, how about solid waste disposal legislation and hazardous waste disposal? You cannot take our hazardous waste and go out in the field and dump it somewhere because you will be slapped with a $1 million fine, and somebody might go to jail. Add to that a cost because they have to send it to a special hazardous waste processing plant. And let me tell you, that is expensive, that is far more expensive than this Clean Air Act is going to be for many of our plants.

What about the Clean Water Act? You talk to any plant in our country.

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They have invested literally millions of dollars in trying to clean the water discharges from their plants. Is that happening all over the world? It certainly is not happening in Poland. I read in one of these articles the description of what is happening in some of those rivers in Poland, and it is a shame, and we all deplore it, and we want to do something we can to help them. But I must say when they are struggling to get on their feet over there, this will not be the first thing they tackle.

That is where I would like to hear some answers to these when Senators have a chance to reply. Where do you draw the line? Child safety laws. Now child safety laws cost some money. You cannot have a 13-year-old working in your plant. Once upon a time in textile plants in the early days of this century there would be 15-year-olds, 14-year-olds tending the looms and bobbins. That is not true any more.

I suppose that cost some money to have to hire people and observe the child age limitation, whatever it might be in certain States, 18 and above for dangerous work, clearly. That cost a plant some money. Are you going to figure that in? I would like to know what the answers are to some of these questions.

Let us take the reverse side of this. Somehow there is a view that we are a net importer of all the countries in the world. That is not true. We have a net export dollar figure with Australia, for example. In 1989, we ended up with net exports to Western Europe. Suppose the Australians or the Europeans say, "Well, look, we have certain controls on that you do not have, certain protection that we take," whether it is for certain wildlife that they might choose to protect that we did not, certain species, whatever it is, it adds a cost. What do you do about that? Suddenly Australia one day is applying it on all the agricultural products or machinery products, all Boeing aircraft that we ship to them—is not that interesting? The Senator from Washington, where Boeing is made, has proposed this. Suppose the Australians said, "We have got tighter child labor laws than you do, and we have got tighter occupational safety and hazardous laws in our plants than you do, and it is costing us a lot of money. Therefore, we are slapping a tariff on every Boeing aircraft that we buy from you, just to help us share the burden."

Is that what you propose?

I must say in conclusion, Madam President, I think this resolution should be entitled the "Accountants Full Employment Act of 1990." If we have got any labor shortages or unemployed in the accounting industry, they ought to be thrilled at the possibility this suggestion would ever pass. How in the world do you ever do this accounting, because you have got all sorts of accounts to work. Clearly, if you are going to talk clean air, you have to talk clean water, solid waste, hazardous waste. You have to talk child safety. Look, I think probably you ought to talk education, too, because the heaviest single part of any plant's real estate bill is education. Any plant, anywhere in this country, pick up their real estate bill, and two-thirds of it, I am sure, goes for local education. That ought to be added on. That is something we are trying to do. We have got a law in this country that children have to finish school. We work hard to prevent dropouts. Other countries do not have that. They have got an advantage probably if you look at it that way.

So all the accountants who are busy figuring this out—but then they have to do the reverse because, presumably, there are some savings from these health measures we are taking. I should not say "presumably." I know it is a fact, that through cleaner water and cleaner air we are improving the health of our population. That ought to be figured out on the other side. That is a saving. So, Madam President, I find this a very, very odd amendment, and I hope it will be rejected.

I thank the Chair.

The **PRESIDING OFFICER**. The Senator from Minnesota.

Mr. **BOSCHWITZ**. Madam President, I listened to my friend from Rhode Island speak, and one would almost get the impression that he is not for clean air beyond our own borders as though the air will know to stop at our borders and not come across. We are indeed seeking to be constructive with this amendment, the Gorton-Dixon amendment, the countervailing duties amendment, and I say that if this amendment is an accountants' full employment act, the bill itself is probably another one of our unrelenting efforts to feather the nests of the attorneys of this country because certainly this bill is going to give much relief to the lawyers of this country. The lawsuits will abound, and the interpretations of this bill will go on for months and years.

We do not intend to make this an accountants' full employment act. As a matter of fact, they are fully employed in this country, perhaps too much, and perhaps too much so because of various government regulations already. However, we do not want the accountants to figure out the losses that our companies are now going to suffer because factories move abroad. It does not have to be from here to Poland. It just has to be from southern California down into Mexico, and I will dwell on that in my more formal remarks here.

Madam President, I am about as much a free trader as any Member of the Senate, and I believe very much in it, but I do not believe that we should unilaterally enact here penalties against our side of that free trade equation. We are debating the Clean Air Act in order to improve the health as the Senator from Rhode Island has said and the environment of all Americans. I am concerned, however, because I fear that other nations will not follow our lead and will continue to pollute, and the air actually is shared, of course, by all the people of the planet.

Our actions here will not only have great consequences for our environment, but for our economy as well, and I think that is what our amendment says.

American industry currently spends between $30 and $35 billion on pollution control. It is important to recognize in this debate that pollution control is not something that was just discovered with this bill; that clean air is not something that does not exist, that it will only exist after this bill.

In my State of Minnesota, the air is indeed clean and with most elements of the bill, we are already in compliance; with almost every aspect of the bill, we are almost in compliance, with the exception of Minneapolis-St. Paul in one element of the automobile section of the legislation.

Our actions here will not only have great consequences, as I said, for our environment, but for our economy. American industry currently spends $30 to $35 billion on pollution control. And again this bill is going to lay another $20 billion on top of that. So we will be way ahead of the rest of the world.

I understand that we have to make some sacrifices to protect our environment, and I am not against doing that. As the Senator from Illinois said before, this is a bill that is going to pass. He said repeatedly if he knows one thing about the legislative process it is that this bill is going to pass. But I fear that other countries will not begin to make anywhere near the same sacrifice as we are willing to make and as we will make with this bill.

I recently visited East Germany. The Senator from Rhode Island spoke about Krakow, Poland. While I was there, I smelled things and I had a sensation of smelling things that I have not smelled for 20 or 30 or 40 years in this country. I went to a cemetery, and next to it was a rubber plant. I smelled the smell of burning rubber and I realized I had not smelled that for an awfully long time.

The sight of factories coughing thick black smoke is something we have not seen here in the United States for many years. Everywhere I went in East Germany, I saw this high-sulfur coal laying outside in little briquettes and everybody was burning it and in a totally unprotected manner.

In countries like East Germany, industrial pollutants are the same as they were 50 or 100 years ago, perhaps even worse because of the volume that is coming out today.

While most developing countries spend almost nothing on pollution control, even the developed countries in west Europe spend much less than the United States.

The data are scant, but according to one study conducted by the Organization for Economic Cooperation and Development, the OECD, as percentage of gross national product, the United States spends four times as much as Japan and France, and three times as much as West Germany, for pollution control. No wonder that our economy is not competitive in every element.

While I recognize that the United States will take the lead in pollution control technology and the pollution control industry worldwide, there will be job losses in other industries. It is a simple matter of economics. This bill will make it much more expensive for many industries to do business in the United States. Installing pollution control technology, maintaining detailed records, and hiring lawyers to interpret this act all cost money. And indeed, it includes accountants, too. We will keep them busy by this bill. They probably do not need this amendment, as a matter of fact, to become fully employed.

In response to these costs, companies will be inclined to move abroad to countries that do not have strict antipollution laws. And some of these companies may move to our neighbor countries—not to Poland or Hungary or to these other countries that are trying to develop—but they will move into our neighbor countries where their emissions will still have a great effect on the air that we breathe here within the United States.

For example, already many furniture manufacturers in southern California have moved south to Mexico in response to strict pollution control laws in southern California. But do the emissions from those plants in Mexico know where the border is with California? And do they know that they should stop there and not come forward? Do they know we have these laws? Of course not. These plants continue to pollute California's air, and because Mexico's pollution control laws are so lax, far, far more lax, if they exist at all, than the pollution control laws that already exist in the United States, the pollution is often worse than it was before the plants move out of the United States and went south of the border.

This sense-of-the-Senate resolution would ask the House of Representatives to introduce legislation that would impose a fee on any product imported into the United States that has been manufactured in a manner that would not meet the standards of our own Clean Air Act. If there is a particular developing nation that—some were named by the distinguished floor leader from Rhode Island—if there are some nations, perhaps they should be omitted. If there is some element that should be considered that would exclude a nation from this particular amendment or this particular fee, perhaps that can be undertaken.

But this fee is still something that has to encourage cleaner air not only in the United States but in other parts of the world. The fee, as my friends from Washington and Illinois have said, is the difference between what the U.S. company producing the product pays in pollution control equipment and what foreign companies pay for similar controls if they are indeed necessary in those countries.

This amendment will not only reduce the incentive for domestic businesses to move their factories to foreign countires, it will also provide an incentive for other countries to follow our example on environmental policy.

How often here in the Senate do we pass resolutions of one type or another seeking to influence other countries to do certain things? Why not in the case of clean air? The import fee, along with the GATT negotiations on environmental tariffs called for in this amendment, will encourage foreign countries to adopt stricter pollution control laws.

For some time now, I have been calling for the United States to provide global leadership in the area of environmental policy, especially global warming. Regretfully, this Clean Air Act really does not deal with global warming. Indeed, this Clean Air Act, because of the provisions with respect to high-sulfur coal, worsens the problem of the greenhouse effect. This amendment will at least allow us to provide that leadership in the worldwide effort to clean up the air, while, at the same time, maintaining the competitiveness of American industry in global markets.

I should add that after consideration of this amendment, I plan to offer another amendment calling upon the General Accounting Office to conduct a study of how the clean air standards in other countries compare to our own standards and how foreign sources of pollution affect the U.S. environment and the health of our citizens. Currently there are little data about this problem and we will need more if we are to ensure that we have clean air not only in the United States, but around our entire planet, as well.

I yield the floor.

(Mr. LAUTENBERG assumed the chair.)

Mr. DANFORTH. Mr. President, I just want to make some brief points, because I think they have already been pretty well made in opposition to this amendment.

This amendment is, of course, not binding. It simply takes a position of what the House of Representatives should do in trade legislation. But it really states terrible trade policy. I think it would be a serious mistake if the Senate went on record in favor of a differential tariff, such as this amendment would urge on the House of Representatives, or flatly a violation of the concept of most-favored nations, therefore, clearly, a violation of the General Agreement on Tariffs and Trade.

Not only that, but the whole concept of trying to squeeze international trade and reduce it and make it more difficult and more expensive, which is the thrust of this amendment, is absolutely contrary to what we are attempting to accomplish, even now in the Uruguayan round of trade negotiations. Our policy has been to try to open the markets of other countries, not attempt to close down international trade.

We have believed that the United States would do very well in a world of open markets and that has been the position of our negotiators. I thought it was the position of most Members of Congress. This legislation goes in exactly the opposite direction of the kind of open trading system that we have been trying to achieve.

I do not understand how we could enter this area of trying to impose costs to other countries on the basis of governmental regulations that are imposed in the United States and draw the line at environmental regulations alone. Why, as a matter of concept, if this rule in this amendment is going to be the law of the land, why should not precisely the same theory be applied to all other kinds of costs that Government imposes on the private sector?

For example, if we do this with respect to environmental regulations, how about tax equalization? Why should we not say that the policy of the Government of the United States is to equalize tax burdens, and if other countries charge less taxes than we charge, then we are simply going to impose tariffs on those countries so this will be, as we constantly tell ourselves, a level playing field?

Or how about Social Security taxes? Why not utilize the same principle with respect to Social Security taxes and say that if other countries do not impose the same Social Security tax we do, we are going to tax them? Or unemployment compensation? Or OSHA? Or minimum wage regulations? Or anything else? How can we stop at environmental regulations?

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It really is a bad precedent and, as I say, it is terrible trade policy. It is contrary to what we have been trying to achieve. Part of this amendment would provide that the revenues that are extracted by the imposition of these tariffs would be used to provide an export subsidy for American goods. If we are going to provide an export subsidy I take it that that would be a violation of the subsidy code, and I take it that that, in turn, would trigger countervailing duties on U.S. exports to other countries. I wonder if that is what we want.

Furthermore, this amendment invites our trading partners to do the same. In fact, it makes it an objective of trade negotiations for the United States to accomplish a mirror of this provision in other countries. And, if we do that, then what we are going to do is to simply invite other countries to do precisely the same thing to us. It is a costly provision. It is going to end up costing the consumers. It is contrary to the trade policy of this country, flatly contrary to international agreements, a very bad precedent, and my hope is that it will be soundly defeated.

The **PRESIDING OFFICER**. The Senator from Colorado.

Mr. **WIRTH**. Mr. President, I had originally intended to offer an amendment to the bill, not dissimilar from the one offered by the distinguished Senator from the State of Washington and the Senator from the State of Illinois.

What I had been thinking about, Mr. President, was an amendment that would say that after a certain time, no automobile company could market automobiles in the United States if they were marketing automobiles elsewhere in the world without pollution control devices. The purpose of that, Mr. President, would be to use the market power of the United States to see if we could move on the very complex and difficult but extremely important issue of carbon dioxide emissions from automobiles and use the power of our marketplace and say to people, if you want to market here you have to be good citizens around the world.

The problems that I ran into, in just thinking about it, are not dissimilar from the arguments that have been raised here on the floor, about the GATT issues that get raised, what kinds of economic impacts are going to exist on this, what burden are we putting on poorer countries and so on; some very complicated issues.

Consequently, I backed off of that position and have been drafting an amendment which I will be offering a little bit later on. Senator BOSCHWITZ and I are trying to get an amendment together, basically a similar kind of approach, to do an analysis of this whole question. There are some extremely important issues out here in terms of global environmental pollution, in terms of global warming, in terms of carbon dioxide production, in terms of what is going on with air pollution in cities around the world, what the impact is around the United States, what the trade issues are and so on.

At this point I think we should not accept the amendment offered by the distinguished Senator from Washington and the Senator from Illinois, but rather turn that down and get a little more data before we get into this. I think the statement made by the Senator from Washington, that this issue is going to come back, is exactly right. It is going to come back. We are going to be seeing more and more of this issue. We are going to become more and more aware of the fact that we have a globally interconnected economy and globally interconnected environment and that all of the impacts elsewhere are going to show here.

So, I will come back later with an amendment. I hope Senator BOSCHWITZ and I will be able to meld our two amendments together. I know the distinguished manager of the bill is very concerned about putting responsibilities onto EPA. We have discussed that. I understand his concerns on that front. It seems to me we might be able to find another agency to do this particular kind of study and get the data back.

It is the concern, obviously, of EPA. They have jurisdiction over air, and I think they would be interested in this issue. Maybe we can find another agency to get this kind of data. We cannot ignore it and I hope the Senate would not ignore this amendment.

I think the Senator from Washington is doing a very good job of bringing this issue up and reminding us of the fact that there are a number of interconnected global issues. Let us not ignore it. Let us perhaps pick it up in a different form.

I want to again commend the Senator for bringing the issue up. I do not agree with the way in which we are moving on this but having us debate this, having us talk about the issue and understand the ramifications of this, is extremely important.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from Kentucky.

Mr. **McCONNELL**. Mr. President, I will be extraordinarily brief, particularly by Senate standards. At the outset I would like to commend the distinguished Senator from Washington for bringing to the floor a most important debate. As has been said previously by other speakers, we do not exist in splendid isolation, either in terms of the environment or in terms of the economy. America is a part of the rest of the world.

The amendment of the Senator from Washington, as everyone knows, is a sense-of-the-Senate resolution. It would not be binding but does, I think, send a message. That is the way we send messages around this place, with sense-of-the-Senate resolutions. So I think the Senator from Washington has correctly decided that that is the best way to address this particular issue.

His amendment raises two important points. No. 1, the global nature of the clean air issue, and No. 2, the impact of clean air legislation on the competitiveness of U.S. industry.

The amendment of the Senator from Washington will encourage other nations to develop clean air standards that are at least as stringent as ours, thereby contributing to the eventual solution to the global problem of air pollution.

Also, I believe this amendment will help ensure that we do not put our industries at a competitive disadvantage relative to industries in nations with weaker clean air requirements.

As a nation, Mr. President, we are about to impose upon ourselves a very strict, very sweeping clean air program. Virtually every sector of the economy and every region of our country will be affected in some way by this program. Some will be affected more than others, but all will be impacted.

Once this clean air program is implemented, the United States will have perhaps the toughest, most comprehensive clean air requirements of any nation in the world. As a country, we will pay a high price to meet those requirements. In many cases, jobs will be lost, workers will be dislocated, utility rates will rise and businesses will be forced to close their doors.

The absolute cap on sulfur dioxide emissions contained in the acid rain title will hinder our ability to cost effectively generate electric power and this, Mr. President, will certainly hinder economic growth and negatively impact our energy and national security.

Industries in our country will be forced to invest in pollution control equipment and to make certain changes in their operations and their manufacturing processes. The cost of electricity to industry will rise, as will the administrative costs of maintaining compliance with the requirements of the program. All of these factors will raise production costs.

This will occur, Mr. President, just as many of these industries are regaining their ability to maintain market share in the face of fierce international competition. Many of these industries have spent millions of dollars to modernize their facilities and improve productivity. As a result, these industries have begun to regain market share both here and overseas, and our balance of trade has begun to improve.

I am worried, though, that the clean air requirements we are enacting here will not be enacted in other countries and that these recovering industries will be put at a disadvantage.

Let me just say, Mr. President, a number of us are extremely interested in clean coal technology, not only because we believe it will allow us to burn coal more cleanly in this country, but because we expect it to be a great export product once a number of different clean coal technologies come on line.

But, Mr. President, I wonder if other countries would purchase our clean coal technology. It seems to me they could easily reach the conclusion that it pays to pollute. Simply produce your products with as much impact on the environment as possible and undersell the Americans.

So the Senator from Washington has raised an extraordinarily important point here. There will be a cost to our own economy in terms of lost jobs and it will be a frustrating experience if the end result of all the environmental steps that we take is that America is increasingly uncompetitive in the rest of the world and the rest of the world chooses not to improve its environment comparable to ours.

It is clear, Mr. President, that we cannot force other countries to adopt the same stringent air pollution controls being employed here in the United States. However, we can prevent other nations from taking advantage of the situation by selling products in this country at prices which reflect the lack of environmental controls in those nations.

We can charge a fee on imports from those countries which equals the added costs manufacturers in this country will incur as a result of the tough clean air requirements in place here. This will ensure that producers in polluting countries cannot come to the United States and undersell our domestic manufacturers.

Mr. President, clean air is truly a global issue. The United States is only one of many countries contributing to the global air pollution problem and, hopefully, we will not be the only nation contributing to its solution.

However, until other nations follow our lead and begin imposing similar environmental controls, it seems only prudent that we prevent them from stealing market share from our own industries which will soon be struggling to meet these new clean air requirements.

Mr. President, this Chamber has already accepted an amendment I offered to the acid rain provisions of the clean air bill to help ensure that our efforts to reduce acid rain emissions will be matched in Canada.

The amendment offered today by the distinguished Senator from Washington in many ways expands on that idea, and I hope my colleagues will support it.

I close again by commending my friend from Washington for a most important amendment that has added significantly to the debate on the clean air bill. I think it is right on the mark. At what price, Mr. President, do we achieve clean air? How many people will be unemployed? And will anybody else in the rest of the world mirror our efforts to improve the enviroment?

It is a most serious question, and I think the sense-of-the-Senate resolution, a nonbinding sense-of-the-Senate resolution is an appropriate way to raise the issue on this bill. This is entirely germane to this bill, entirely appropriate that we consider it, and it is hard for me to believe, Mr. President, that this measure would not pass this body overwhelmingly.

I yield the floor.

Mr. **BUMPERS** addressed the Chair.

The **PRESIDING OFFICER**. The Senator from Arkansas.

Mr. **BUMPERS**. Mr. President, I certainly do not impugn the motives of the authors of this amendment. I am sure they have the highest goals of the country in mind, and I think I understand the rationale for the amendment. The rationale almost has to be the fact that this bill is going to cost American industrialists a lot of money. Nobody would argue with that.

In many instances, utility rates are going to go up; electric rates are going to go up for many of our industries. That is a very significant part of their cost of operations. And there is a genuine fear among everybody here about the loss of jobs that may occur, as a result of this bill. So apparently this sense-of-the-Senate amendment would say we choose not to import any product from any country that has environmental standards less stringent than those imposed on American businessmen by this bill.

I used to be, when I was an undergraduate student, an absolute egalitarian. I thought everything ought to be equal, everybody ought to be equal, that only good should always prevail and that good was always easily discernible compared to the bad. Quite frankly, I carried a lot of that with me to the Governor's office in my State, and I found that oftentimes it is not quite that simple. Life cannot be pigeonholed into good and bad. Oftentimes there are gray areas.

I knew a woman one time who told her daughter to do something. She did not do it immediately, and she just slapped her. I said, "Why on Earth would you do that?" She said, "Because I have six children and I do not have time to tell all of them twice what I want them to do."

My mother was a great one for believing that everything could be easily categorized into good or bad, right and wrong.

This amendment has some merit, but on balance, I must oppose it. No. 1, it has no effect. It is simply a sense-of-the-Senate resolution. No. 2, if the goals of the amendment were ever to be codified into law, I do not know how you would enforce it. No. 3, we will never make everybody like us. We will never make every country meet the environmental standards of this country. No. 4, how do you deal with countries who are making a monumental effort to improve their environment but simply have not arrived yet?

Finally, Mr. President, how does this affect the people of Eastern Europe where the environment is about as bad as any Third World nation on Earth and where they are absolutely determined to clean up their environment, but where it is going to take years to get to the level of environmental protection we have right now?

I heard the distinguished Senator from Rhode Island [Mr. CHAFEE], mention a moment ago that the Prime Minister of Poland was here. I walked by to visit with him a minute at lunch. Poland is going to want to export to this country. I doubt that there is a country in the world, and certainly none in Eastern Europe, for whom this body has a greater respect. So are we going to say to the Poles who have suffered under a tyrannical system for 45 years, now that you are 3 or 4 months out of that system, when are you going to try to clean up your environment? Until you do, we cannot buy any of your products.

I was in Germany last week and had the opportunity to go to Leipzig, which is about 100 miles inside East Germany. I had never even been to Berlin before. I am still awed by the barbarity of that wall. You can see it on the evening news, and you can see pictures of it in the magazines, but, as far as I was concerned, nothing will prepare you for the fact that here was a country that enslaved its people, a government that enslaved its people.

One night the young people came storming out of the St. Nicolai Church in Leipzig and began that bloodless revolution that toppled Erich Honecker and the insidious Communist rule of 45 years. To talk to the people in East Germany and share their euphoria was exhilarating to me. But we went up on the top floor of perhaps the tallest building in the area—I forget whether it was a hotel, a trade center or what—for lunch and 25 floors up you could hardly see the ground. They burn high-sulfur coal raw in Leipzig, as they do all over Eastern Europe.

While those people are not asking us for any assistance, and they are in

East Germany, for example, depending mostly on West Germany to help them clean up their plants, I can tell you that every single person I talked to said that now that they have achieved democracy, the No. 1 topic of discussion was their environment.

Maestro Masur, conductor of the Gewandhaus symphony orchestra of Leipzig, and a hero of that revolution, said, "The children of this country are virtually all infected with respiratory illnesses. We must do something and do it soon." You can hardly breathe in that city.

Are we to say to the people, the brave people of Leipzig, the brave people of Prague, the brave people of Warsaw, of Bucharest, of Budapest, are we to say to all those people, "We admire you very much for your courage in overthrowing the yoke of communism, we think that is just hunky-dory that you have done that, and we admire you, but don't try to seel us any of your products because you still have some sulfur smoke in the air here." That is just how mischievous this could be. There is not a person here who wants that result.

Mr. President, I close by saying it will come as no surprise to the Members of this body that the junior Senator from Texas [Mr. GRAMM] and I do not agree very often on economic policy or much of anything else, but he made a very cogent argument a while ago against this amendment. I think it has not been as well thought out, even as a sense-of-the-Senate resolution, as it should have been. On the face of it looks highly meritorious to put everybody on a even playing field, and there may come a time in the not too distant future when we can do it, when a lot of people can sit down and we can hold hearings on it and everybody can conclude what would work and what would help clean up the world environment, but until that time we ought not to impose these kinds of penalties on some of our dearest friends.

I yield the floor.

Mr. WIRTH. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. WIRTH. I agree with the statement made by the distinguished Senator from Arkansas. Again he pointed out the need for us to understand this issue a lot better.

Senator BOSCHWITZ and I are going to be offering an amendment focused on trying to understand this, having the head of the General Accounting Office take a look at these issues, a lot of the variables involved in it from the public health and economic point of view, and overall emissions, so that we do get the right kind of data and we can come back and look at it in a quite systematic fashion.

The issue is serious. It is a terribly important one. People in the world are catching on to it. We cannot impose this on the rest of the world at this point.

Again, the issue is very well raised by the distinguished Senator from Washington, but we should not do that at this point. Let us take a little bit longer look, and that is what Senator BOSCHWITZ and I will be doing in the amendment which we will offer later.

I thank the distinguished Senator for yielding.

Mr. BUMPERS. I have yielded the floor but, Mr. President, If I may continue, I compliment the Senator from Colorado, who is always on the cutting edge of these issues. I too laud the authors of this amendment for raising the issue. I think it is good for all of us to start focusing on it and to state that it is a very laudable goal. But it is premature, even as a sense-of-the-Senate resolution, to do this right now.

Having said that, just to show the Senator how laudable the goal of the amendment is, I read the other day an interesting statistic. A main thrust of this bill is to reduce sulfur dioxide emissions by 10 million tons, over 50 percent, by the year 2000, and during that same precise period of time the Third World nations of the Earth will increase their sulfur dioxide emissions by 10 million tons. And so what we are pointing out is that health, global warming, ozone depletion, all of those things, are international environmental problems and you cannot deal with them in a vaccum.

Mr. President, I again yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. I thank the Chair.

Mr. President, as I listened to my friend from Arkansas observe that it is not often he is in agreement with our colleague, the junior Senator from Texas, I could not help but observe that alliances upon this floor are properly transient; that they do relate to single issues and do not bind us through the entire spectrum of issues that face this body.

Recently, my friend from Colorado and I engaged in an heroic, if unsuccessful, effort to try to reduce pollution from mobile sources, and I suspect that that effort is only the first and that within a very, very brief period of time this body will be compelled to revisit this issue. But here he and I disagree. He seeks a study.

My friend from Washington, in an amendment that he proposes, wants the Senate to go on record expressing its sense that the House of Representatives should undertake legislation which presumably will involve some analysis on their part of the kind he has already made, leading to equity of a kind that my friend from Colorado and I were very much concerned with the other day.

On the succeeding day, my friend, the junior Senator from Massachusetts, and I spent a good deal of time on the subject of nonattainment, and most of my concern related to the expressed fear of many local air pollution administrators that the so-called committee substitute would lead to, in effect, a bidding war or, as one of them said rather eloquently, "a new War Between the States creating loopholes through which States can take a dive."

Several of them expressed the fear that there will be pollution havens created under the substitute.

Well, Mr. President, if we have that concern, as properly we should, in a time when we are very much concerned with the impact of clean air reform upon employment, then it certainly would be a dereliction, a case of, at the most charitable really, unforgiveable naivate to spend all this time being concerned about the attractiveness of the place to do business within one locality of a State to another and ignore completely our reform efforts in terms of our competitive position worldwide.

I am sure that many on this floor—in fact I am not sure it was not all on this floor—in a unanimous vote not so long ago agreed there should be an international compact directed at reducing and ultimately eliminating the manufacture of CFC's. The point being very simply that it was understood that the United States alone should not in some unilateral effort undertake that but that we should, if we take the lead, at least assure we will be joined by other nations, by manufacturing nations.

Now, my friend from Arkansas has just expressed with proper sensitivity a fear that we may by our zeal for clean air in the United States inflict limitations upon the industrial capability of newly emerging democracies in Eastern Europe. That is not an unrealistic concern. I quite concede that. But I have also a concern, as does my friend from Washington, that not Third World nations, not newly emerging democracies, but highly industrialized competitors who are not operating under our clean air rules may engage in what is in fact a competition which will be distinctly unfair to American workers.

I am not among the protectionists on this floor. I am a free trader, but not one who believes in a free trade ideal that exists nowhere in the world.

As it happens, we have been compelled in recent times, with great reluctance on the part of President Reagan who was a dedicated free trader, we have been required in that administration and will be in this, I promise you, to take justified retaliation in order to combat protectionism on the part of our trading partners.

But what we are talking about is really much more akin to the decision that we made when we voted for an international assault upon the ills that flow from the manufacture and use of CFC's.

In a similar vein, very shortly I hope we will consider the necessity for a global ban upon pesticides and insecticides that we find so dangerous that we will not register them in the United States or countenance their use. If they are so dangerous that we cannot use them here, we should not permit them to be exported. It seems to me almost immoral, if they are that dangerous, to send them abroad where they can do presumably the same harm that we fear they would do if employed here.

But once again, Mr. President, we cannot do that unilaterally. It makes no sense for us to do that in perpetuity without being joined by other manufacturers of those pesticides, those same insecticides, those dangerous chemicals which we find too dangerous to use in this country.

Here we have a similar situation. The people of the United States, beginning with the passage of the Clean Air Act by the Congress in 1970, decreed that we would breathe healthful air, that is our concern for a vital free-enterprise system, for the kind of economy that we hoped would be as near to full employment as a free nation and a free economy can produce, we would nonetheless insist that the air be healthful even though it meant imposing scrubbers upon manufacturing so that there would not be emitted into the air, through tall stacks or through tailpipes or through any other sources, the kinds of emissions that genuinely threaten health in a significant way.

That, of course, should not need too much elaboration. That is what we spent all these long hours doing, passing a reauthorization that will, we hope, improve that first effort.

What the Senator from Washington is not seeking to do with the Senator from Illinois in a bipartisan effort is to see that there is an even playing field, not just with CFC's, not just with pesticides, but that the United States not take unilateral action in cleaning the air at the expense of our competitive position in the world markets.

It is a very simple and a very obvious and a very good idea to say let us not only have clean air in the United States, but let us emphasize the need to have clean air worldwide. Certainly, to have clean air. Just as we are concerned with what the downwind impact in Wisconsin may be from activities in Indiana and Illinois, what the downwind impact will be in the United States from Mexico or Canada, and what the downwind impact may be economically if in fact we insist upon clean and healthful air and import at much less cost those products which are less costly, because the cost to the manufacturer in foreign countries is less because they are not compelled to take the same pains as U.S. manufacturers, some say this is protectionism.

Then what they are really saying is that any time the United States undertakes an initiative for good health, whether it be the removal of dangerous pesticides from the marketplace, or efforts to combat sources of emissions that dirty our air, or CFC's, we are going to have to do so in a unilateral way and simply suffer the competitive disadvantage, recognizing that our reward will be in Heaven.

Mr. President, this is a sense-of-the-Senate resolution. The Senate cannot originate this kind of substantive legislation. Only the House can do so. It is necessary that we not ignore our obligations under GATT.

The sense-of-the-Senate amendment by the Senator from Washington and the Senator from Illinois addresses that point. It calls upon the U.S. Trade Representative to work to pass a GATT amendment allowing any country to impose duties upon another which does not comply with comparable clean air standards.

Mr. President, what the Senator from Illinois and the Senator from Washington are asking for is equity, just as it is equitable to apply uniform standards in a way that does not permit one part of America to become a pollution haven at the expense of jobs in another.

So it makes equal sense for us to recognize the need to protect American jobs, as well as American health, by the simple action of saying there must be in the GATT bylaws, the kind of authorization that will bring about not a unilateral U.S. action, but worldwide cooperation that will result first in clean air for children to breathe in every country, and second the kind of equal playing field in terms of international trade that the amendment seeks to bring about.

Mr. President, a study is a good thing. I am sure that the House will not enter lightly into complex legislation without a study. But it seems to me that the time is now; that the time is now; that the vehicle appropriate to urge them to undertake this action is this sense-of-the-Senate resolution.

I commend my friend from Illinois and my friend from Washington for undertaking this because, if we do not do so, we are bypassing not just an obvious opportunity and an obvious vehicle, but I think by failing to make this statement, we are in fact saying something. We are indicating that we are willing to undertake in perpetuity a unilateral action, the inescapable consequence of which will be the loss of jobs from the United States offshore.

That is not fair to American workers. It is not fair to those whose health we seek to protect, because just as certainly as we are standing on this floor, if enough jobs flow offshore and the announced reason for their departure is the implementation of the Clean Air Act, there will be pressure to undo it, to say it is not nearly as unhealthful to breathe a little smog as it is to be unemployed.

Mr. President, we speak every day of being competitive in a global marketplace, whether we are talking about education, math and science, or whether we are talking about the need to cooperate in eliminating the manufacture of CFC's. There is no more compelling example, no more real and urgent example that requires our action than that addressed by this sense-of-the-Senate amendment proposed by Senators GORTON and DIXON.

I am pleased to join them as a cosponsor if they will have me, and I ask unanimous consent, if they are willing, to be added as cosponsor of their amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, I will speak very briefly on the pending amendment. I will not take the time of the Senate on this bill, either positively or negatively, because there has been plenty of talk of air pollution. I do not intend to contribute very greatly to that problem in this country at this time, and particularly after the debate has gone on as long as it has on this subject matter.

But I do feel compelled to make a couple of observations. First of all, this amendment is a sense-of-the-Senate resolution. It does not legislate. It asks that legislation be undertaken. For those people who say, "Not now, study it," I am perplexed. That is about all this does, is to say we ought to move forward on this, let us look at it and see whether or not we can develop the legislation that would, in the appropriate manner, proceed through the legislative process to a resolution. So I do not understand the "do not do it now, let us study it" question. This initiates that period of retrospection that will lead to that kind of result.

The second thing that puzzled me a bit was a comment I heard made earlier, listening with one ear while conducting conversations in my office, with respect to the fact that this is only going to impose fees on some of our best friends; I think that was the terminology used. In my view, Ameri-

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can men and women who are going to lose their jobs because of this are our best friends. If we lose sight of the fact that our obligation lies to our citizens more than it does to someone else, then I think we are fundamentally misguided.

The third point I wish to make at this particular time is something I heard my good friend, the Senator from Arkansas, say, that we are going to reduce carbon dioxide emissions by 10 million tons. Meanwhile, the Third World, in their development over the same period of time will contribute an equal amount of pollution to the Earth's atmosphere.

I say, Mr. President, that it is my view that if we do not protect ourselves against the export of jobs under this legislation, the Third World will contribute a great deal more than that, because all we will have done for the world is to export our pollution quotient to the areas of the world that now do not produce it. There are some who believe that is an overstatement, that indeed other countries cannot possibly pick up these industries and will not get the chance, and we will clean up our own industries and they will stay here.

I tell you, just as an example, in the northern panhandle of Idaho we used to have a smelter and we used to smelt lead, zinc, and silver or concentrate as it came out of the mine in that smelter, and market the primary products within this country. The mines are again operating after they were closed for a period of time. They are operating again. They concentrate those ores. The ores are shipped to Belgium to go through a smelter in Belgium.

Tell me, if you can, how we bettered the Earth's atmosphere by closing down a smelter in the United States and having the same activity occur in Belgium and in Trail, British Columbia, just across the line where they still go on with the same activity that we closed down in our country. Do not tell me that you do not just export the activity and keep the pollution flowing into the Earth's atmosphere. I can give you concrete examples. It is not just there.

Look what they did in the States of New Mexico and Arizona as the copper industry in that part of our country closed down. Meanwhile, partially financed by the United States, officially, not just our financial markets, but official economic assistance to Mexico, they built and increased the operations just south of the border in Mexico in, again, a mining enterprise. Harsh, concrete examples of exactly what this amendment is trying to forestall.

Finally, Mr. President, this is precisely the kind of initiative I have been trying to support for several years, to find a way to assess the costs of our environmental cleanup in this country so that we can impose an environmental tariff at the barrier that does not encourage other people around the world to continue to pollute but also to increase their pollution, as business is exported from our country. It seems to me that if we do nothing else in this action, we ought to at least tell the rest of the world, "Do not just pick up what we have managed to clean up so that you can have the business and pollute."

Let us take the pollution benefit away from foreign competitors. We are not asking for anything unfair in something like this. It seems to me that this is totally supportable. It is incredible to me that there would be arguments against the theory, particularly when this is only a sense-of-the-Senate resolution. The theory is right. Why should we reward someone else to do the polluting that we are trying to stop? Why should we penalize our producers in this country by encouraging their competitors? That is what we do.

If we do not find a way to prevent the very thing this sense-of-the-Senate amendment starts us toward, then we are indeed saying to the rest of the world, "You go ahead and pollute, go ahead and take our jobs, you go ahead and do the things that we say are bad for the Earth's environment, not just for us but the entire Earth's environment."

Tell me if we are really talking about the right things here in the discussion on this bill, how it helps the global atmosphere to have pollution taken out of the air over the United States and put into the air over Brazil, Mexico, or Canada or wherever it may be. We ought to be moving toward a more positive and affirmative global assault upon global problems. Instead, if we do not address this, we will have simply said, "Hey, you take it up, we will wink at what you are doing. We will reward you. You take out the pollution quotient we have handed you, and you can have the jobs, and we, because you are good friends of ours, will reward you for doing it," and we will penalize whom? The American workers, the men and women and industries in this country that will lose the opportunities to continue within our own country as we export the jobs overseas.

I hope this amendment is adopted. I hope it is taken seriously. I hope it is the beginning of the fundamental effort that must be undertaken to develop the means by which we truly make this a global effort, not just a U.S. effort.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, I rise to compliment the Senator from Washington on his amendment. I think it is a very, very astute amendment. I intend to vote for it. And for those who think Senators are incapable of speaking briefly on any subject, I submit my statement on this legislation as an example to the contrary. This is a good amendment. I spoke for it.

Mr. DIXON addressed the Chair.

The PRESIDING OFFICER. Senator from Illinois.

Mr. DIXON. Mr. President, I sense that this debate is coming to a close. I simply want to say this in conclusion: I think it has been a very informative debate for all of us. I only want, in closing remarks, to respond to several things that everybody said here, because my friend, the Senator from Rhode Island, one of the managers, sort of put the challenge to us and said, "What do you say to the charge I am making?" So there are several things that have been said against this amendment that I want to respond to by very competent, highly respected Members of this body who have taken the floor in opposition to the amendment.

My friend from Texas, on the other side, in the course of his remarks, dwelled at considerable length on protectionism.

Mr. President, I do not come here, and I think that my colleague and friend from the State of Washington does not come here, and I am satisfied that others that I have heard in support of this amendment do not come here, advocating protectionism. Protectionism is saying that we do not want to let goods and products come in here that we want to advantage American business.

We are not saying that here. We are saying make it competitive, give American business a chance, prepare for a level playing field so that American business can compete, the very point that my friend from Idaho made a moment ago when he talked about a smeltering plant in his own State of Idaho where the business has gone to Belgium because of American laws.

I am saying it is not protectionism to say put us in a competitive position. I reject protectionism. I reject it out of hand. But give American working people and American business an opportunity to compete fairly. I think that is significantly important.

Now my friend, who is not on the floor, the manager on the other side, the distinguished Senator from Rhode Island, talked about the fact that this Senator has a great many Polish people in his State. I do, friends. I do. With the exception of Warsaw, there are more Poles in Chicago than any place in the world.

But I am going to tell you something. They are fine American citizens. I know and love and have a close relationship with hundreds of them. They believe in what I am saying. They want a competitive America. They want a level playing field with respect to our trade practices with other countries. They want that very much.

I say to my friend from Rhode Island that I do not have any trouble in going back to those people and discussing the fundamental principles of fairness and equitable relationships with other countries.

Now, others here have said that this is going to destroy the GATT, this is going to destroy the trade system that now exists.

You have not read the amendment. I refer the Senator to the last page of the amendment offered by the distinguished Senator from Washington and this Senator. What does it say? Page 4, lines 10 through 16, for anybody who wants to go to the trouble of reading this:

> The United States Trade Representative shall take steps to initiate for negotiations an amendment to the General Agreement on Tariffs and Trade that would allow any country—

Friends, any country, not just the United States.

> any country to impose additional duties on the importation of products of any foreign country that does not comply with air quality standards comparable to those prescribed under the Clean Air Act.

This bill right here is going to pass. I want to tell you again, it is going to pass, and we are talking about every country in the world being involved in negotiations to adopt fair standards.

Now, my friend, the manager on this side, who has done a brilliant job on this—the people of America, I know, respect the work that he has done to bring about the passage of this legislation—said that if we adopt this sense-of-the-Senate resolution there will be a trade war and we will lose the trade war.

Friends, there is a trade war going on right now, and we have been losing it for years. It reminds me of the story of a friend of mine in southern Illinois, who said he played on the last Southern Illinois football team that had a perfect record. And I said, what was the record that year you played on the team? He said 0 and 9, 0 and 9.

And that is the perfect record we have since I have been here in the Senate. Nine years on trade, we are 0 and 9 like SIU was the year that Boom Boom played on the team; 0 and 9. And we are going for 0 and 10, 0 and 11, 0 and 12, 0 and 13, on down through the decades.

My friend said out there in the negotiations and the trade with foreign countries it is tit for tat. I agree. It ought to be tit for tat. But it is not tit for tat.

Read this morning's Washington Post, Secretary of Commerce Mosbacher, where he talks about what is occurring to us. Ask anybody in your home State whether they think that the trade relations now with foreign countries are tit for tat?

What we are trying to do in this bill is memorialize the House, the jurisdictional body, to look at an appropriate remedy, and the International Trade Representative to seek an appropriate solution to this problem at the GATT in Uruguay and other places in the rounds of talks that take place.

One of my dear friends on this side, an eloquent speaker and a man for whom I have the warmest personal affection and the highest regard, made a moving speech awhile ago talking about a Third World country and the emission of sulfur dioxide. He said is it fair to the brave people of Prague, Bucharest and Warsaw, to say they cannot sell these products that emit a little sulfur dioxide?

I say it is as fair to them as it is to the brave people of Herrin, IL; Marion, IL; Carbondale, IL; Taylorville, IL; and my hometown of Belleville, IL. They are just as brave and fought as hard in many wars and have just as much right to have a level playing field with respect to trade practices between countries.

So I conclude by saying this bill only seeks common, decent equity and fairness between nations. I think we owe it to American business and we owe it to American working people that we are going to pass this kind of legislation to see to it that they are protected in the international marketplace and with respect to international competition.

I think we fail in our duty if we fail in this legislation and if we do not adopt this resolution, which is nothing more than a sense of the Senate. I think we have made a profoundly serious error that we will explain many, many years and that will be a great detriment to what we are trying to do here in this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise to take just a few moments to support the Gorton amendment. I am sure that if I wanted to I could find some technical reasons that as to the exact ideas contained in this sense-of-the-Senate resolution, I could find some flaws, and I could find some reasons to say it may not work in every instance.

But, Mr. President, about four nights ago or five when we were on this bill when we first started to address the economic or jobs impact of America's efforts to cleanup her environment, and the distinguished chairman of the Appropriations Committee had his amendment up, the distinguished Repubican leader followed and as I recall the discussion that night was whether there was going to be an accommodation to permit the distinguished chairman of the Appropriations Committee, Senator BYRD, to modify his amendment. I recall Senator DOLE, the Republican leader, started to talk about the jobs impact, loss of jobs impact potential, of the legislation.

And that changed the discussion. We have been talking about that for almost a few weeks now.

That evening as we discussed that, Senator RUDMAN stood up and, as I recall, said this is the first time we have heard anything about this. Could somebody explain? Are we really going to lose jobs as we seek to impose additional costs on American business, large and small, American utilities?

I would add he could have said even if we know it is right and the thing we should do. He did not necessarily phrase it that way.

But an hour followed when people tried to say there will be some job losses. And I recall speaking for a moment. And the reason I came back is because I reflected on what I said to Senator RUDMAN that evening, and I did not think I did a fair job of describing the previous history, as I know of it, of America's involvement in environmental cleanup legislation.

I believe when we passed the first Clean Air Act, I would say to my friend from Idaho, who was on the committee then, there was little discussion about the major impact of that bill on American jobs because two things were significantly different. We were in the first phase of cleaning up America's ambient air and which we had been principally focusing on the initial stages of ratcheting down the pollution coming out of stationary stacks, and we were beginning to ratchet down on what came out of tailpipes of automobiles, and clearly there was some discussion of how much we would add to the price of the car. And there was some discussion of whether we could accomplish the technological requirements especially on nitrous oxide out of the tailpipes of cars.

The reason there was not a great discussion about the economic impact is that we were not engaged in the kind of cleanup that we are going to accomplish in this bill, which I support. But, second, and more important, the United States of America was not involved in the economic competition that she is involved in today.

The automobile business was different than today. Steel was beginning to change into a major international market. Petrochemicals from that date to this have become hugely competitive in the international market.

What I should have said to Senator RUDMAN that night is indeed if we impose $19 billion or $20 billion worth of new additional costs on selective American industries, obviously you are going to raise the cost of their prod-

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uct. I do not see how we can assume that we will not.

Or, Let me put it another way, if there is already competition for those same products in the international market and we have to add $19 or $20 billion to our cost base, and the world does not add it to their cost base in competitive industries, I leave anybody that is listening to conclude what might happen.

I believe two things happen. One, you lose a competitive edge, and in a significant manner; and, second, I say to my friend from Washington, the second one that is equally as serious and hard to measure is that the decision may be made by a brand-new industry.

Let us assume that we are going to put together a billion-dollar improvement in a major petrochemical plant. Perhaps it is even a new one. We look out at the current site in the State of—let us pick one, Texas, Louisiana, or maybe New Mexico. Although we have the oil and the gas, we do not have petrochemicals.

So we are going to see whether we are going to invest a billion dollars. What are we going to ask? We are going to ask how much is it going to cost to build the plant, and how sure are we after we finish that we comply with the clean air laws of the United States?

One of the reasons some of us worked very hard on the air toxic pollutant section of this bill and the so-called 10-to-the-minus-6 test is because we were very concerned that many American industries looking at that would say, "Let us move to another country, we can sell the product in America anyway." I was very fearful, and so were others, that we ought to be sure that we have health data and scientific data about the risks and the standards, and make it more certain so that that would not occur.

Now, interestingly enough, for those who do not remember history, the distinguished Senator from Idaho has already spoken—and he does and this Senator does—about the copper industry. The distinguished manager on the Democratic side remembers the copper industry, but it is almost a faint part of his recollection because his copper industry is about gone.

Not all but part of the reason that the copper industry went down in the United States is because the United States said, "Cleanup the smelters." And we did. And for some to clean up the smelter meant close down the plant, because the cost to clean it up exceeded any opportunity to make a profit. Yet, competition in the world, with many other advantages, were building new smelters without controls. In fact, the distinguished chairman of the Interior Committee in the House of Representatives who comes from a copper State has tried to find ways to equalize the copper costs through environmental assessments of one type or another. So the concept is not very new.

It was very difficult for the copper State Senators to do it alone. We even found at one point—and I do not say this with one bit of an acrimony today—we did find at one point in time while we were closing down much of it—not all; let us say some of it—because of costs for pollution control across the border to the south, built with World Bank money were new facilities not as clean as ours. In the same ambient basin, the air was flowing into Arizona and New Mexico and we were cleaning it up, and they were using international money, a substantial portion of ours, to dirty it up.

Now I repeat that I do not stand here tonight knowing the precise solution to this very difficult problem, but I want to make two quick points.

One, it is time for the United States of America to encourage, cajole, and lead the developing world, not to hold them down, but to encourage them to use modern technology in the major polluting businesses, companies in their countries. We ought to join in offering them technical assistance.

I say to my friend from Idaho, if ever there was a reason to leave an international lending function, it is that. We ought to collectively lend those countries money if they will clean up the stacks that they are now using to generate electricity by burning dirty coal. If we could talk China into using modern technology and the free world lent them the money, the United States of America would come out on the long side.

Let me assure you that if we do not do something like that in the major polluting sources, sulfur dioxide, which we are very, very interested in here, and those pollutants which come out of the stacks in China and other countries, those countries and others are going to say to America, "You keep on. You reduce that last 4 or 5 percent because you are big and powerful and you are already a mature industrial nation. When we get big and powerful like you, we will clean ours up."

Do you know what will happen? The sum total will be we will continue to clean ours up—which I am for. The net effect is the ambient air will be dirtier when we are finished with ours than when we started. So something has to happen.

I am sure that it is difficult to take the entire gamut of competitiveness here and figure out a GATT solution, or a specific solution as contained in this resolution. But I perceive that this is a vote saying we ought to be doing something about this disparity. If it is nothing more than finding a way to cause other countries to do more, if it is nothing more than that, it is worth an aye vote. I perceive that it might work beyond that.

So for those two reasons, I believe this is an appropriate vehicle to seriously discuss this issue. I hope the message and the signal and idea gain some momentum as a result of a realistic discussion by some of us who want to proceed to clean up America's ambient air, to get rid of some toxics that we know we can get rid of, to get rid of some of our nonattainment areas and bring them to attainment, to continue to push mobile sources, our automobiles to more and more clean tailpipes and alternative fuels.

Those are all good things to be doing. But equally good is for us to set about to tell others that they have to do their share and that they will not have an open avenue to putting our companies out of business or enticing them to move from our shores to theirs and put our people out of work if we can find some way to address this issue collectively and more sensibly than is occuring today.

I yield the floor.

Mr. WIRTH addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from Colorado.

PRIVILEGES OF THE FLOOR

Mr. WIRTH. Mr. President, I ask unanimous consent that a congressional fellow in my office, Darrell McElhaney, from NOAA, be granted the privilege of the floor when the amendments he has been working on under this bill are up for consideration before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I appreciate the statement of my colleague from New Mexico, and I also appreciate the effort of my colleague from Washington in bringing to the attention of the Senate, I think, an important issue.

While I concur in many of the things that the Senator from New Mexico said, relative to the fact that we need to do something about the cost differential that exists between goods manufactured here in the United States and goods manufactured overseas, due to the difference in environmentally imposed costs, I have a great deal of problem with this specific remedy.

I know this is a sense-of-the-Senate resolution, asking the House of Representatives to address this matter. And, while we may want to request that they look at this and try to come up with a remedy, I think that this specific sense-of-the-Senate resolution goes beyond what we ought to be asking the House to do. Because we not only ask them to address the problem, we ask them to impose a specific remedy, and I guess that is where I differ from my colleague from New Mexico. Because, yes, I would vote to say we need to do something about this problem, but I cannot vote to say we need to do something about this problem and here is what we ought to do.

As I read the resolution that is offered here, I find it very difficult to disagree with many of the findings that are presented. Certainly, global air pollution has adverse health effects on U.S. citizens. Certainly, businesses in the United States are disadvantaged in international markets to the extent that costs imposed by our laws to deal with the environment are greater than costs imposed by industries or laws of other nations for manufacture of products sold here in the United States. I certainly agree that air pollution released anywhere adversely affects the Earth's environment.

Where I have a problem is with the findings that follow, because they imply that if House of Representatives drafts legislation imposing this remedy, that we will solve the problem that currently exists and that we will therefore end up with fair competition across the board.

What really bothers me is I think what we would be creating here is an absolute administrative nightmare. For if we require the Secretary of Commerce to implement on January 1, 1992, a schedule of fees to be imposed on any product imported into the United States that has been subject to a manufacturing process and that competes with a product made here in the United States subject to a manufacturing process that ties in restrictions to the Clean Air Act as currently exists and as will be amended—for I, too, believe the bill will pass and will be signed into law—we are requiring that a Secretary of Commerce to, No. 1, identify every product in the United States that is manufactured in any process that involves the imposition of the Clean Air Act or the Clean Air Act as we will amend it, and to make a finding and a determination as to a specific dollar and cents amount of that product's cost that is attributed to the Clean Air Act.

I do not know how many products we are talking about, but surely we are talking about hundreds of thousands, if not millions, of processes. In making an automobile, we are talking about manufacturing processes that are almost—well, I guess we can count them but we cannot count them very easily. We are running into tens of thousands of separate manufacturing processes.

Each one of those processes is going to have to be examined to determine what the incremental cost is going to be relative to compliance with the Clean Air Act. Then we are going to have to determine the nature of and the number of products that are imported into the United States which compete with those U.S.-made products.

I do not know how we are going to begin to even calculate it, and how much administrative cost and burden is going to be imposed, just to find out what the incremental cost is of U.S. products. But assuming we could do that, how in the world are we going to determine what the incremental cost is of foreign-made products? Are we going to ask the governments of the hundred-and-some nations around the world that import products into this country to give us a chart outlining the cost of the product that they are importing into the United States that is attributed to imposition of environmental laws of their country so we can measure the differential between the two? I cannot think of any government that is going to be rushing forward to supply us with those details and those costs.

Assuming that they will not do that, are we then charging the Secretary of Commerce to set up an army of bureaucrats to travel into every country in this world to somehow measure the incremental cost of environmental controls to be imposed—under the laws of that nation—on the cost of production of that particular product so we can then bring that back and compare it? I am not sure what government would allow us to come in to do that.

But, beyond that, I cannot conceive of the administrative nightmare and the tens of thousands of bureaucrats that would have to be shipped overseas to nose around in every small, little, tiny manufacturing process that takes place in making a product that comes into the United States.

So while the goals of this sense-of-the-Senate resolution are worthy goals, and while it is an issue that we ought to find the answer to in terms of equating the imposition of environmental costs on a global basis, because we all live on this globe and we all breathe the same air and we want to achieve a more competitive basis on which to sell our products, the impossibility of imposing the remedy provided by this sense-of-the-Senate resolution I think leads all of us to say to our friend from Washington, this is a worthy issue to be discussed; it is a legitimate question to raise; but it is not the remedy that will bring us the answer and solve the problem. Therefore, would it not be better for the Senate to express the sense of the Senate in terms of achieving the goal but not providing the remedy? Because we are asking the House of Representatives to do an impossible thing.

Having served in that body for 8 years, I have seen many attempts to do the impossible. And what I worry about is that they will write this thing into law and they will turn it over to the Secretary of Commerce. The Secretary of Commerce will say, "You need to double my appropriation and you need to triple the amount of people working here. Because in order to administer this I am going to need an army of people to travel into every country in the world to try to find out what the differential costs might be imposed by environmental laws of those countries."

Therefore, I reluctantly stand to oppose the measure offered, I think, with very good intentions by a very good friend, that addresses a very good issue. But I oppose it, as politically popular as it would be at home, as great as it would be to go home and talk about this in a State that is probably impacted as much by the Clean Air Act amendments on this floor as any State in the Nation. Steel, autos, electric utilities, coal-fired utilities, industrial processes—I doubt if any State is going to be impacted more by this bill than the State of Indiana.

How wonderful would it be to go back and say we are going to nail these other countries and we are going to make sure that our goods are competitive.

Well, that is my goal. I want to make our goods competitive. I want to bring about environmental changes on a global basis. I want to even the scales and make sure that we are all competing on a fair basis, and I wish this was the way to do it. But, my colleagues, I do not believe it is. I think a close examination of the remedy prescribed under this sense-of-the-Senate resolution has to lead all of us to say: Good intention, wrong remedy.

Let us send a message to the House of Representatives that they ought to address this issue but not prescribe to them the remedy with which they must come back, written into law that I think will cause this country great problems, great administrative nightmares, perhaps provoke retaliation, international trade war—and then we all lose.

So, I stand here expressing my concern about the Senate passing this and trust my colleagues will vote this down and then move on to pursue a means of expressing our concern about this in a different way.

I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, we have legislation here for which the chairman of the committee that has jurisdiction of this type of legislation, the ranking minority member and I think certainly most members of our committee feel this is the wrong way to go.

I want to say to the distinguished Senator from Indiana, I think he did a superb job explaining the concern and problem we are facing. What worries me, if you read the amendment, and I have seen what is written there—I can agree with all of those things. They are worthy objectives.

But I do not think anyone in this Senate has fought any harder than I have to try and open up foreign markets. I was the lead sponsor of the trade bill. I now see Korea—because of the pressures of Super 301 and also those countries that have been the most protectionist—open up markets substantially and make all kinds of concessions. That is making some headway.

We must remember that we are the largest exporter in the world and that we have great vulnerability to protectionism. I have watched this grandly disguised pretext of environmental safety—those kinds of things—used time and time again in Japan and Europe. That is what they did because we used hormones. All the scientists said that was all right, but they said that was a health problem and, therefore no U.S. beef into Europe. That is what we fought. We heard the Japanese say U.S. container trucks could not make right-hand turns off major roads in Japan because that was supposed to be dangerous. We heard Japan say that they could not use our skis because somehow their snow was different and our skis were dangerous and, therefore, we could not bring them into that country. We have fought those time and time again.

We have the Uruguay round coming to a conclusion. We put a deadline on those negotiations: The end of this year. We see our Trade Ambassador out there trying to convince them that they should open up their markets, using every pressure she can.

I have friends who I am sure will walk down and read that and say that this is a freebie; that is an easy one; it is a study; it is something that is not going to be put into the law. Do not believe that you will not have to face that one, because the first time we have a tax measure over here, someone is going to offer that and they are going to remind you of how you voted on this amendment. So you are going to take a position that is going to end up affecting what you might do later when you get to other legislation.

I am telling my colleagues that if we have a vote that carries in the U.S. Senate on this kind of a measure talking about this thinly phased protectionism, we are going to hear trade repercussions around the world, and the job of our Trade Ambassador is going to be exceedingly difficult and is going to continue to be complicated in these closing days of the Uruguay round. If my colleagues think the United States has had some trouble in trying to sell our points in the Uruguay round, wait until we have something like this adopted by the U.S. Senate.

I think of the kinds of exports that we have. I think of the corn from Illinois. I think of the wood from the State of Washington. I think of the capital equipment from my own State of Texas. If this amendment is adopted, I think we will find protectionism resulting all around the world and particularly under this Uruguay round.

My friends, this is not a freebie. This is not a vote you can casually cast and think it will not come back to you with concerns because I think it will. I think you will look at the Uruguay round and what we try to do in breaking down protectionism around the world and determine that will be severely complicated by this kind of a measure being adopted. That is why the administration is opposed to it. That is why the chairman of the Finance Committee is opposing it and, in turn, the ranking member of the Finance Committee that has the jurisdiction, because the complications of administration, the bureaucracy that will be created and, in many instances, the cost of trying to determine the information will be far more than any duty that might be imposed. I hope that my colleagues will defeat this resolution.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the distinguished Senator from Montana, who is the floor leader of this bill, is rightly proud of the vital role he played 2 years ago in strengthening and creating what is now called section Super 301 of the 1988 Trade Act. With the authority and the direction which was put into law in that section, the United States is now negotiating with Japan with a series of demands that Japan overturn decades of internal economic customs and laws in order that it import more goods from the United States.

It is difficult to think of a proposal which makes more demands on the internal structure of a major nation's economy. The distinguished Senator from Montana, however, is not quite satisfied with the present state of the law which allows but does not require the United States to retaliate against a country which has been cited under Super 301 and which fails to respond in a satisfactory manner to the United States. He wishes to make that retaliation mandatory.

I agree fully and completely with the distinguished Senator from Montana. I believe that he did a service to the people of the United States in leading to the passage of that proposal, and I believe that his proposals to strengthen the requirements of some kind of reaction, in the case of a nonresponse, is quite appropriate because the goals that we are seeking are goals which are vital for the economy of the United States.

This amendment also proposes to change some of the customs and laws of other countries which are trading partners of the United States. It, however, is not directed at activities which have their overwhelming impact only within those countries. It is aimed at environmental degradation in those nations which can have an immediate and adverse impact right here in the United States.

We are saying in this amendment that to the extent that those countries do not respond, not that they will be barred from the American economy or from the American market, but they will simply be required to make up by an import fee for the advantage which they illicitly gain over American businesses which are competing with them.

Mr. President, what in the world is the difference between what the Senator from Montana has so eloquently backed and so successfully backed with respect to trade policies and what this proposal asks for with respect to environmental policies? Can it be that the environment is less important than these economic barriers? I do not believe that the opponents of this amendment would make that kind of statement. I believe we are talking about precisely the same thing.

Is this going to create some immediate and negative reaction? We do not have to deal with that question as a matter of theory. The thoughtful and distinguished Senator from Louisiana pointed out in his remarks that we ban a number of types of imports from countries which do not engage in environmental practices in the seas, in their fisheries, which are the equivalent of ours. We just do not impose a tariff on those goods; we ban them.

Has there been some horrible protectionist reaction on the part of nations seeking American markets under those circumstances? There has not. I submit that the environmental practices of those countries which want markets in the United States in that respect have actually been improved.

Mr. President, we have been engaged in this debate for close to 4 hours. I think the amendment is important enough to have rated that debate. I have been on the floor during that entire period of time, and I believe that the arguments against the amendment, with a single exception, which I will come to later, fall into five categories. The sixth category was the pure free-trade position, totally unalloyed free trade position outlined by the distinguished junior Senator from Texas, and I will get to that at one point.

But to consider the remarks of other Members who have opposed it, their first argument is, well, if we actually pass such a law, it would be in violation of the General Agreement on Tariffs and Trade.

As I said earlier during the course of this debate, that may well be true, though the question is not without doubt. It is for precisely this reason that the operative section of this amendment calls on our International Trade Representative to negotiate with GATT for the allowance of exactly such requirements, not just on the part of the United States but on the part of any country which wishes to clean up its air and to encourage other countries to do so.

You cannot start down this road unless you start down this road. If we defeat this amendment, I can be quite well assured that there will be no such negotiations and we will simply pay the price which so many of my colleagues have already so eloquently outlined.

The second argument against this amendment falls perhaps under two subheadngs. The first is, oh, that it is just much too complicated; it would cost far too much to enforce any such requirement. We simply could not do it. It would require legions of accountants or lawyers or the like.

It is interesting that none of them have discussed how many accountants and lawyers it is going to take to comply with the 567 pages of the proposal which they have before us at this time. They legitimately ignore this question to a certain extent because it does have a good and a positive social goal, as does this amendment.

But the answer to all of those mythical accountants who have to pore over Mexico and every other country in the world is a very, very simple one: My guess is that if we wrote this and wrote this bill right, we would simply assume that these other countries were not complying with the law in any respect whatsoever, and require them to prove their compliance with it. It would be up to the countries that want American markets to do that work, not to a large number of bureaucrats from here in the United States.

At the same time, there is a legion of ways in which we could reach the goal which the Senator from Illinois and I have from the perspective of the United States itself. We could, of course, if we wished and thought it practical, go item by item, we could go category by category, we could go nation by nation.

To say that we should abandon an idea which is very important to the environment of the world and to the economy of the United States because we have not dotted every I and crossed every T in this initial discussion of the idea, and to say maybe there is some other way we can do this but not to present the other way in which we are to do this, seems to me to be a counsel of despair, Mr. President.

If in fact we can write a clean air bill, if we can write a trade bill, if we can write a tax bill, we can certainly write a bill which accomplishes this goal.

The Senator from Illinois and I have not done it. We are not members of the Finance Committee. We recognize the constitutional requirement that revenue bills begin in the House of Representatives, and we are in essence saying take this on. If you tell us this is absolutely impossible under any circumstances and persuade us of that case, perhaps then it would be appropriate to withdraw this idea, but not simply on the basis of a set of criticisms that we cannot do it from here.

The second branch of that argument was one made most forcefully by the Senator from Rhode Island, and that was, well, if you are going to do it for the Clean Air Act, you have to do it for everything else. You cannot be consistent if you do not do it for the Clean Water Act, for that matter worker safety, and the like.

My answer to that argument is that if we had to solve every problem to perfection every time we came to the floor of the Senate, we would spend very little time here at all. It is simply the classical argument in which the perfect is the enemy of the good.

If in fact we draw a statute based on this sense-of-the-Senate resolution, and if in fact it has the positive and beneficial effects the Senator from Illinois and I believe it will have, there will be time enough for us to adapt it to other environment requirements as well. You can be assured that the two of us will be among the leaders in doing so.

The third point which the opponents make is one that I have aready discussed, and so I will go over it briefly, that this will automatically create a great degree of retaliation.

Mr. President, that is simply not true. The American market is the largest market in the world. Countries want into it and the actual reaction, the actual invariable reaction to American demands for environmental excellence on the part of other countries, as the Senator from Louisiana has already pointed out, has been that those countries seeking our market attempt to comply and do not attempt to retaliate.

The fourth point which they make is that this is terribly injurious to Third World countries, to Poland, to East Germany, and the like.

Well, Mr. President, again there are two answers to that argument. The first one is that those 60- or 70-year-old steel mills in Poland and East Germany are not going to be selling steel in the United States with or without this amendment. They are far too inefficient and ineffective ever to get into this market against their Western European competitors unless and until they are modernized and modernized in a way which not only improves their technology but improves their environment as well.

The second point was the one that was made so well by the distinguished senior Senator from Idaho. While we have great sympathies there, while we must have great concern for the residents of Poland, I, like the Senator from Illinois, believe that our primary constituents are the Polish Americans in the United States, and for that matter all other working people in the United States, and not those in other countries, and that they should not be encouraged to continue to produce inefficiently, ineffectively, and in a polluting manner by artificially being given our markets and taking our jobs.

The fifth and, I suspect to some, the most important objection has been that we have trod on the toes of the Finance Committee. The implication in that argument is that nonmembers of the Finance Committee, though they are Members of the Senate, have no business attempting to bring up trade or tax issues; that, in the words of the chairman of the Finance Committee, we ought to write a letter to the chairman of the Ways and Means Committee in the House.

Mr. President, I simply do not agree with that. I am perfectly in agreement with the proposition that we cannot on the floor of the Senate write the details of the statute which we seek, but we can certainly express the views of the Members of the Senate that such a statute ought to be written by the committees which have jurisdiction.

Finally, of course, there was the forceful and eloquent statement by the junior Senator from Texas to the effect that we should never impose any kind of trade restrictions for all practical purposes under any set of circumstances.

The distinguished Senator from Texas, for some reason or other, seems to believe that the proposal that Senator DIXON and I have made applied only to raw materials and that, applying only to raw materials, it would increase the cost of our manufactured goods; and, that they would be undercut by similar manufactured goods, automobiles, tractors, and the like from other nations. That is a misconception of the amendment. It would obviously apply to those competing automobile and tractor manufacturers just as it does to those raw materials. So that part of his argument falls of its own weight.

He made one statement, however, which I think is true. He said there is not any way for us, as Americans, to escape the cost of the Clean Air Act. In that respect the junior Senator from Texas was entirely right. We are going to have to pay for the cost of

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the Clean Air Act. The difference is that we can pay for it once by spreading it out through the entire American economy, on our consumers, each of us paying his or her own fair share, or we can pay by adopting this amendment, or we can pay for it twice by ignoring this amendment and paying for it, first, in the loss of jobs here in this country; and, second, by sending all of that money overseas only to come back to own the capital stock of America.

You bet your life the people of the United States will pay for the Clean Air Act. But I think we will pay for it fairly, more effectively, and it will be far better for our own economy if we adopt this amendment.

To summarize, this is the only chance that Members of this body will have to vote for an amemdment to this bill which has been endorsed by environmental organizations, by labor unions, and by much of the business community. The reason for that is that it is both an environmental amendment and a jobs amendment. It is designed primarily to improve the environment not just in the United States but of the entire world. But it is also designed to see to it that we do not forfeit perhaps hundreds of thousands of jobs, as the distinguished Senator from Illinois pointed out, perhaps even in single States here in this country.

In summarizing, I simply want to read into the RECORD a few excerpts from those support communications which we have received.

From the National Clean Air Coalition:

> DEAR SENATOR GORTON: One of the arguments frequently levied against America's environmental consciousness is its alleged potential to put U.S. firms at a competitive disadvantage in the world marketplace. Your trade amendment to the Clean Air Act would address this question. We fully support the concept of your amendment.
>
> While we have always believed that there is more smoke than substance in the business community's claims of injury, the fact remains that not every nation has developed the same level of environmental consciousness. Many developing countries have made jobs and growth virtually the exclusive goal of their economic policies. These countries often are unwilling to demand environmental responsibility or are unable to resist pressure from industries shopping for the pollution control concessions in return for jobs. Thus your proposal, by seeking to eliminate the incentives for nations to seek commercial advantage in degrading the environment and public health represents a positive contribution to the current clean air debate.

I could not have put it better, Mr. President.

And from the administrator of the Clean Air Working Group:

> DEAR SENATOR GORTON: I am writing to commend your efforts to recognize the potentially severe competitive effects that can result from passage of Clean Air Act Amendments. * * *
>
> Last July, two Harvard professors concluded that environmental laws and regulations have been a major factor in this nation's growth slowdown since 1973, the first year the Clean Air Act of 1970 was really implemented. The Department of Commerce estimates that the Act now costs Americans $32 billion each year. * * *
>
> While the Clean Air Working Group is unable, under the brief time frame, to adopt a position in support of your amendment, we support the amendment's recognition of the difficulty American products face in international markets against foreign products that do not have our environmental conscience and resolve built into the cost of goods sold.

Finally, Mr. President, from the United Steelworkers of America. They back, among other things:

> A negotiation during the present Uruguay Round of a tariff rates which would be imposed by a host country on those trade items produced without comparable environmental controls—Gorton Amendment.

This amendment is both an environmental plus and it is at the same time something which will help American competitiveness both in this country and overseas.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I rise to support this amendment because I believe it addresses important issues and sends a necessary message to the industrial nations of the world. I agree with much that my colleagues Senators GORTON and DIXON have said in favor of this amendment.

What are we trying to achieve, Mr. President?

First, I agree with the amendment's sponsors that environmental pollution is not just our problem; it is a global problem. Many forms of pollution know no boundaries. We all face global warming, acid rain, and a host of world wide environmental challenges.

All countries have to make sure that economic growth goes hand-in-hand with environmental protection. It should be one of our Nation's policy goals to encourage economic development abroad that is environmentally sound development.

Second, I agree that American industry should compete on a level playing field. Clean air costs money. It costs American industry money to comply with pollution abatement and control legislation. When foreign industry subjects its workers and citizens to pollution that we won't tolerate and which we have asked our industries to prevent—then American industry operates at a disadvantage. American industry may lose sales, because its costs are higher. American workers may lose jobs.

There is another point. Mr. President, we are passing a tough clean air bill because we want to protect the health of the American people. The American Lung Association has estimated that the health costs of air pollution amount to $100 billion a year. Farmers face billions of dollars of crop losses as a result of air pollution. We are passing this bill because, while the costs of cleaning up the air are substantial, the costs of not cleaning up are even higher.

Many of our foreign trading partners are only beginning to realize that. We can look at the sad legacy of environmental neglect in Eastern Europe. We can point to our own costly burdens, in cleaning up Superfund toxic waste sites. America should be a leader, in convincing our neighbors that cutting corners on environmental protection is a false economy. They should clean up not because it is in our interests. They should clean up because it is in their interests.

So, Mr. President, we have a number of policy goals at play here. We want a cleaner global environment. We want fair trade. We want to persuade our trading partners that environmental protection is in their interests.

The question is how best to accomplish those goals. While I intend to vote for the amendment before us, I do so with some reservations about the implications of the precise approach proposed. I would hope that if the appropriate committees take up this issue, they will explore these questions.

We need to be mindful of our treaty obligations, and to seek solutions that would not provoke retaliation that could impose harm on our own industry and workers.

We must also keep in mind that the negotiations called for may be long and difficult. Other nations that are party to the GATT are not going to rush to make the changes called for in this amendment. These negotiations are tough. They are time consuming. They represent a wide diversity of economic and political views. Some have serious environmental problems. Others have excellent codes and standards to protect the environment. Communication among these countries about the relationship between international trade and environmental protection will be slow and careful. Negotiations may take years.

Should we pursue more immediate steps to encourage environmental awareness among our trading partners? I think we should.

Mr. President, I think we should also consider the extent to which we are ready to demand absolute parity among our trading partners when it comes to environmental pollution abatement costs. I want strong environmental protection around the world. But, we need to be mindful that different nations face different circumstances, and must weigh different risks and benefits, and may make different choices, while still being concerned about the environment.

Mr. President, I appreciate the sponsors' concerns. I share many of their goals. I also understand some of the reservations which have been stated. I will vote for the amendment because I think they have raised an important issue that should be addressed by our trade law writing committees and by the Congress as a whole.

Mr. President, I do want to discuss an alternative approach which I intend to incorporate in a bill I plan to introduce. I believe it will address the same issues in a way that comports with international trade rules; that takes account of the different circumstances of different countries; but that still pursues the policy goals I think we all agree on—that we should have a more level playing field, that we should encourage environmentally sound development abroad.

I will be introducing legislation that would tackle the problem in three ways. First, it would link compliance with environmental standards to the granting of generalized system of preference status to developing countries. As we know, GSP status provides developing countries and their products with important United States tariff reductions. The legislation I have in mind would require that before we grant GSP status to developing nations, we consider whether they have effective pollution and abatement control standards appropriate to their level of economic development.

In a similar vein, the legislation would encourage countries that benefit from the Caribbean Basin Initiative to establish effective and reasonable standards for environmental protection.

The proposed legislation would also expand the section 301 definition of unfair trade practices to include failure to provide a minimum standard of environmental protection in the production of goods.

The first two parts of this legislation are concerned with developing countries and encourage economic development which is environmentally sound. The 301 legislation will largely affect our trading relations with the developed world.

I believe that this legislation is in compliance with GATT. It is consciously modeled after the labor standards in section 301 and in the GSP law, a standard which I believe has been successful in encouraging a free labor movement in the world.

It is legislation which can achieve its goal of helping American industry and workers right away. It is based in our own international trade laws. It will not take years of complex negotiations to achieve. It cannot be derailed by the determined diplomacy of a group of countries unwilling to assume responsibility for industrial pollution.

I expect that it will be welcomed by many of our trade partners who are protecting their workers and citizens from the ravages of pollution.

In sum, Mr. President, I will support this amendment because it raises important issues that must be addressed. However, I do believe that the alternative I have outlined may provide a more promising avenue for achieving the goals that the sponsors have discussed.

Mr. LEVIN. Mr. President, the goals of the amendment offered by the Senators form Illinois and Washington are laudable: protecting the environment and preventing United States jobs from being exported to countries that do not have as stringent environmental protection measures as the United States does.

However, I am somewhat concerned that the fee mechanism as it has been described could be better defined. Also, it is important that we determine its practicality, its effectiveness and its impact on GATT before we can proceed with legislating such a fee mechanism.

But, it is important that we send a message that such legislation should be considered which prevents us from being put at a competitive disadvantage for taking this lead in environmental protection. We should not be penalized by other countries' unwillingness to follow or join with us to protect the global environment. For that reason, I will vote for this amendment.

Mr. SANFORD. Mr. President, I rise today to cast light on an important but overlooked issue in the clean air debate; air pollution caused by another Nation's businesses. The Clean Air Act is a health measure, designed to protect the health of our citizens, but we are overlooking a prime culprit of ill health in our own Nation.

Air pollution is global in nature. One nation's air pollution will have adverse health effects on another nation's population. One only needs to look at the United States and Canada, the United States and Mexico, and all over Europe for examples of this fact.

Mr. President, the clean air legislation we are working on now is needed. I have supported this legislation and will continue to support it until the legislation becomes law. The distinguished majority leader, the bill's floor manager, and all the others who have brought us this bill deserve nothing but the highest praise for their hard work.

However, to really solve the problem of air pollution we need to take the lead and encourage the world to clean their air.

Mr. President, there are many Senators who are very concerned about this issue. Senator GORTON is proposing an amendment to encourage other nations to impose their own clean legislation by levying fees on the imports of goods from nations that do not have clean air legislation similar to what we will pass.

I have proposed that before we enact legislation to impose fees the GAO study the feasibility of such action, because this issue has the potential to be very complicated. However, the important point is not the difference between my distinguished Senator from Washington's idea and my own but the fact that we are both concerned about this issue and are seeking to solve it.

Mr. President, I have drafted a proposed amendment on this topic that is a step toward establishing global clean air standards. To truly solve the problem of air pollution global standards are essential.

There is also a positive side effect of this type of legislation on the potential loss of jobs due to this clean air legislation. The fee would put our Nation's businesses on an equal footing with that of other nations that do not have as stringent clean air laws.

Mr. President, I urge my colleagues not to ignore this important issue and offer myself and my proposal to all concerned. There is no need for my burdening this legislation with this amendment. We can get our study without an amendment.

Mr. CHAFEE. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island to lay on the table the amendment of the Senator from Washington. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA] is necessarily absent.

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—52

Adams
Baucus
Bentsen
Bingaman
Bond
Boren
Bryan
Bumpers
Burdick
Byrd
Chafee
Coats
Cochran
Cranston
Danforth
Daschle
Dodd
Durenberger
Exon
Fowler
Glenn
Gore
Graham
Gramm
Hatfield
Hollings
Humphrey
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lugar
Mack
McCain
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pryor
Reid
Riegle
Robb
Sarbanes
Sasser
Simpson
Stevens
Wallop
Wirth

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NAYS—47

Armstrong
Biden
Boschwitz
Bradley
Breaux
Burns
Cohen
Conrad
D'Amato
DeConcini
Dixon
Dole
Domenici
Ford
Garn
Gorton
Grassley
Harkin
Hatch
Heflin
Heinz
Helms
Jeffords
Kasten
Lautenberg
Leahy
Levin
Lieberman
Lott
McClure
McConnell
Metzenbaum
Mikulski
Murkowski
Pell
Pressler
Rockefeller
Roth
Rudman
Sanford
Shelby
Simon
Specter
Symms
Thurmond
Warner
Wilson

NOT VOTING—1

Matsunaga

So, the motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote.

Mr. MITCHELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. FORD). The majority leader.

Mr. MITCHELL. Mr. President, for the information of Senators, according to the managers there are now lined up and ready to go three amendments: First, an amendment by the Senator from Indiana [Mr. COATS]; second, an amendment by the Senator from Wyoming [Mr. SIMPSON], and the Senator from Idaho [Mr. SYMMS], jointly, both of which will be accepted; therefore they will not take long; and then an amendment by Senator SYMMS which will not be accepted. It will be contested, an amendment that will require a vote.

I hope by the time that vote occurs that I will be in a position to indicate to Senators the schedule for the remainder of this week and next week regarding this matter and other matters. I, of course, will discuss it with the distinguished Republican leader prior to that. He and I have already had some discussions about that and we hope to firm them up.

There may be further amendments this evening, so I do not want anyone to conclude from the remarks I made this is all that will be done. All I am saying is this is all that will be done now. At this point we will be in a position to indicate how we plan to proceed.

Mr. DOLE. Mr. President, I just indicate we have discussed this, and I think, as indicated, later on this evening the majority leader will try to lay out what we need to do.

We have a lot of Members on the floor. It is a good time to indicate there are a couple hundred amendments there. It would be helpful to those on our side and the other side, if Members do not intend to offer amendments they would let us know, because I think the majority leader's intention is to complete action on this bill if it takes every night next week. If Members do not intend to offer amendments, let us know on our side and we will give the majority leader hopefully a short list.

Mr. MITCHELL. In addition, may I say, a number of Senators have amendments that we will accept. We have disposed of a large number of amendments in this bill already. We are making good progress. But it will require Senators willing to come forward and offer their amendments. I say we now have these three and I hope at the time of the vote on the Symms amendment to be in a position to indicate how we intend to proceed later this evening and for the remainder of the week.

Mr. EXON. Will the majority leader yield for a question?

Mr. MITCHELL. I yield.

The PRESIDING OFFICER. The majority leader yields to the Senator from Nebraska.

Mr. EXON. Mr. President, the majority leader outlined a series of Senators allowed to offer an amendment. Will the Senator tell what the order is? The Senator from Nebraska offered an amendment this morning, early and I was ready to debate the amendment. I drew it down with the consideration of the request of the two leaders after, I guess, I thought it was agreed to. I am prepared to offer it, and have been prepared to offer it since 10 o'clock this morning. I will offer it. How do I get in line to make my wish known?

Mr. MITCHELL. I will discuss it with the distinguished manager at this moment.

Mr. PRYOR and Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, if the distinguished majority leader will yield, I was not quite in earshot a moment ago when the majority leader was talking about the Symms amendment. Is there a time limit on the Symms amendment and, if that answer is in the negative, is it possible to discuss with the Senator from Idaho if a time limit is possible?

Mr. MITCHELL. The answer is that there is no time limit.

The Senator from Idaho is on the floor and I will be pleased to ask him to respond.

Mr. SYMMS. Mr. President, I do not know how the other Senators feel about it. I say to the distinguished leader, I do not believe it will take me too long to explain the amendment, but I do not know how other Senators feel about it. I think some Senators may think it is somewhat controversial. But in my opinion it should not take over 1 hour. Maybe we could start into it and see, but I am not opposed to a time agreement.

Mr. MITCHELL. Would the Senator from Idaho be willing to agree to a 1-hour time limit, equally divided, right now?

Mr. SYMMS. I think I would rather wait until we get into it and see how it goes. If there is not a lot of opposition to it and everyone understands the amendment, maybe we would not take that long.

Mr. WIRTH. Mr. President, I also have an amendment on the independent power producers that Senator LEVIN and I have which has been waiting to go for a good part of the day, if we could go on that.

Mr. MITCHELL. I am advised that the managers would be prepared to accept your amendment.

Mr. WIRTH. Could we do that before we get to the Symms amendment, if that is going to carry on for a long time?

Mr. MITCHELL. I think that would be for the managers to decide. Senator BAUCUS indicated that that would be acceptable to him if it would be acceptable to the Senator from Idaho.

Mr. WIRTH. I thank the leader.

Mr. MITCHELL. Mr. President, I will shortly yield the floor and the managers will be prepared to take what are now three amendments and then there will be the debate on the Symms amendment. I invite all other Senators who have amendments to please come forward and make that known to the managers.

I thank my colleagues for their patience and courtesy.

The PRESIDING OFFICER (Mr. DIXON). Who seeks recognition?

Mr. COATS. Mr. President, I have two amendments, both of which I believe have been fully cleared by the managers of the bill.

The PRESIDING OFFICER. May we have order in the Senate? The Senator from Indiana is addressing a question to someone.

Are you addressing the managers, may I inquire of the Senator from Indiana? I wonder if one of the managers would accommodate the Senator from Indiana.

Mr. COATS. I think we are all set, Mr. President. As I said, I have two amendments, both of which I believe have been cleared, and they are both at the desk. I would offer the first amendment at this time.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1367 TO AMENDMENT NO. 1293

(Purpose: To make a technical change)

Mr. COATS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 1367 to amendment No. 1293.

Mr. COATS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 32, line 17, after "(m)", insert the following: "and in newly designated subsection (1)(1)(A), after 'implementation plan' insert 'or of any requirement under section 411 (concerning excess emissions penalties or offsets) of title IV of the Act',"

On page 440, line 22, after "emission fee", add "except where such emissions were authorized pursuant ot section 110(1)."

Mr. COATS. Mr. President, this amendment would tie the enforcement provisions in title IV, the acid rain portion of S. 1630 to the emergency waiver provisions which are part of the current Clean Air Act.

I believe my amendment will give utilities the necessary flexibility to deal with emergencies, natural disasters, and fuel shortages which are not of their making. Electric utilities' primary function is to provide power to the public. The law should not penalize them for providing this service during a natural disaster.

In fact, the current Clean Air Act allows for a temporary emergency suspension of a State's Implementation Plan in the event of a temporary energy emergency involving high levels of employment or loss of necessary energy supplies for residential dwellings. I just want to make sure that this provision will be applicable to the utility emission allowance system, which is not part of current law.

I support the emissions cap concept. I believe it makes little sense to make expensive reductions, the responsibility for which would, incidentally, be centered on the Midwest, and then allow emissions to continue to expand and grow after the phase II deadline in the year 2000. However, I do not believe that power producers should be forced to pay for providing power in the event of an unexpected emergency requiring additional emissions.

The emission cap and substitution provisions of the bill allow a utility to trade its allowances among its affected units, as long as it doesn't exceed its total annual emission allowances. Many utilities will comply with the requirements of the bill by increasing the utilitization of their cleaner units and decreasing utilization of their higher emitting units.

But what if, for some unforeseen reason, the clean unit was unable to produce power for some period of time? The utility would have these choices:

First, it could cut back on power. During this past winter, we saw socalled brown-out conditions in several parts of the South. In the Midwest, we have long, cold winters. Power cutbacks are a definite threat to the public health and safety of Hoosiers.

Second, a utility could store up its excess allowances, or buy up sufficient allowances, for use in case of an emergency. This option is both expensive and unnecessary. The cost depends on what you think the value of these allowances will be. Why should utilities, which are generally acknowledged to be conservative by their very nature, have to put aside allowances for a rainy day, just in case they should experience an earthquake, hurricane, drought, or other natural disaster? This option would also limit the flow of allowances in the market, as utilities would be tempted to bank their excess allowances, not only for growth, but in case of an emergency.

A third option would be for utilities to pay the stiff fine imposed in the bill for violation of the emissions limitations. This fine is specifically stipulated to be $2,000 per ton of excess emissions.

Mr. President, I do not believe utilities should be expected to pay for energy emergencies which are either an act of God or sabotage, or some other unforeseen emergency. I believe this amendment is a necessary safeguard to protect utilities from penalties under the emissions cap, and I urge adoption of the amendment.

Mr. President, I believe this amendment is acceptable.

Mr. BAUCUS. Mr. President, I have examined the amendment and I accept it.

Mr. CHAFEE. Mr. President, this is a very thoughtful amendment that the Senator from Indiana has brought forward. It certainly covers a situation that is not completely taken care of in the pending legislation. I commend him for it. It is totally acceptable by this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana [Mr. COATS].

The amendment (No. 1367) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1368 TO AMENDMENT NO. 1293

(Purpose: To make a technical change)

Mr. COATS. Mr. President, my second amendment is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. COATS] proposes an amendment numbered 1369 to amendment No. 1293.

Mr. COATS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 142, line 20, after "(8)" insert "(A)".

On page 143, between line 2 and table 2 insert the following new subparagraph:

"(B) Notwithstanding any other provision of law, upon the completion of the regulations promulgated under this paragraph to accomplish the emission standards specified in table 2, the Administrator shall not promulgate additional regulations establishing emission standards under this paragraph that would be effective prior to January 1, 2002.

Mr. COATS. Mr. President, I am offering an amendment today which will simply require that the EPA Administrator not promulgate additional regulations establishing emissions standards for heavy-duty engines which would be effective prior to January 1, 2001.

The heavy engine industry is already being required by EPA to develop and market cleaner engines. S. 1630 includes the current standards which are in the process of being implemented by EPA. In fact, heavy duty engines have just met an important new emissions standard in January, and currently face another NO_x standard in 1991, as well as particulate standards in 1991, 1993, and 1994.

Furthermore, S. 1630, as amended by the Mitchell-Dole substitute, adds a further standard of 4 grams per brake horsepower hour [GBH], which must be in place by 1998. I think these tough standards demonstrate that diesel engines are willing to contribute their share of particulate and NO_x reductions. This is why I offer this amendment, which requires a 3-year period of stability after the industry's final NO_x deadline in 1998.

Mr. President, Indiana is home to about 10,000 employees of the heavy-duty engine industry, and Columbus, IN is the headquarters of the Cummins Engine Co. and itself employs about 7,000 Hoosiers. The industry has worked long and hard in the past decade to remain competitive in a tough field, I believe these Hoosiers who are struggling to ensure the survival of their company are entitled to fair consideration under this bill.

For this reason, I would also like to acknowledge that the Mitchell-Dole compromise amendment makes two important changes in the original language of S. 1630. First, I have already noted that the NO_x standard required of diesel engines now faces a 4-gbh standard beginning in 1998. This more reasonable deadline is enormously important to and industry which is already in the process of complying with strict EPA-mandated tailpipe stand-

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ards at the same time it is facing even tougher competition overseas.

Second, as reported out of committee, S. 1630 would have repealed the current ability of heavy engine manufacturers to average tailpipe standards among model types. I am pleased to note that averaging has been included in the compromise language offered by Senators Mitchell and Dole. Averaging is especially important to heavy-duty engines, since some model types would be impossible to build in compliance with the standards and still do the job of hauling, moving, and pulling, which is frequently the purpose of a heavy-duty engine.

I ask my colleagues in the Senate to consider the importance of domestically manufactured diesel engines to the American economy, and I urge adoption of the amendment.

I believe this amendment has also been cleared by the managers of the bill.

Mr. BAUCUS. Mr. President, we are prepared to accept the amendment.

Mr. CHAFEE. Mr. President, this is an amendment that deals with engines, primarily diesel engines. It is a very thoughtful amendment. It takes care of a situation that could arise, actually would arise but for the effect of this amendment providing for regulations dealing with emissions standards not being effective prior to the January 1, 2002.

So I congratulate the Senator for the amendment. It is supported by this side.

Mr. COATS. Mr. President, I just want to thank the managers of this bill before us for their cooperation in negotiating these two amendments and for accepting them and for all the hard work that went into making them acceptable so we did not have to debate them on the floor.

Mr. CHAFEE. Mr. President, I would like to congratulate the Senator from Indiana for his building tenacity in connection with these amendments. He has pursued us relentlessly in order to achieve acceptance of his amendments. He has done an excellent job.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Indiana, [Mr. Coats].

The amendment (No. 1368) was agreed to.

Mr. COATS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WIRTH. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment to consider the amendment by the Senator from Colorado?

Without objection, it is so ordered.

AMENDMENT NO. 1369

Mr. WIRTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. Wirth], for himself and Mr. Levin, proposes an amendment numbered 1369 to amendment No. 1293.

Mr. WIRTH. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 400, after line 20, add the following new subsection:

"(h) Nothing in this title shall be construed to interfere with or impair any program for competitive bidding for power supply in a state in which such program is established."

On page 424, after line 21, insert the following:

"(4) Any unit that is a qualifying small power production facility or qualifying cogeneration facility within the meaning of section 3(17)(C) or 3(18)(B) of the Federal Power Act [16 U.S.C. (17)(c) or 796 (18)] that:

"(A) has commenced operation as of December 31, 1989, or

"(B) has entered into a power sales contract prior to December 31, 1989, shall not be subject to the emissions limitations pursuant to this section, or to any other provisions of this title, except if the Administrator has approved a designation of such unit under section 410."

On page 440, line 3, after "shutdown" insert the following: ": *Provided*, That such allowances may be transferred or carried forward for use in subsequent years to the extent that the reduced utilization or shutdown results from the replacement of thermal energy from the unit designated under this section, with thermal energy generated by any other unit or units subject to the requirements of this title, and the designated unit's allowances are transferred or carried forward for use at such other replacement unit or units."

On page 452, line 22, after "sources", insert: ", including units subject to section 405(g)(4) of the Clean Air Act,".

On page 453, line 2, after "sources", insert: ", including units subject to section 405(g)(4) of the Clean Air Act,".

On page 453, line 8, after "emissions", insert: ", including units subject to section 405(g)(4) of the Clean Air Act,".

On page 453, line 9, after "sources", insert: ", including units subject to section 405(g)(4) of the Clean Air Act".

Mr. WIRTH. Mr. President, this is the so-called independent power producers amendment, which I am offering on behalf of Senator Levin, as well.

The purpose of this amendment is to clear up some oversights related to ensuring access to adequate allowances for independent power producers which are a small but increasingly important group of cogenerators of energy.

Let me begin, Mr. President, by congratulating the leadership for the outstanding package they have put together on acid rain. The acid rain provisions of this bill are based on one of the most innovative and significant environmental policies that has come before this body in some time. Specifically, I am referring to the system of acid rain credits that create market incentives for the private sector to protect the environment.

For the past 2 years, I have joined with my good friend, the Senator from Pennsylvania [Mr. Heinz], to seek new ways to harness the remarkable powers of the marketplace to reach our environmental goals. Last year, we cosponsored what I believe was a groundbreaking report on market-based environmental policy. Project 88 was credited by the President with helping him shape his acid rain proposal, which is the basis for title V of the compromise bill.

I bring up this history only to point out that I am a strong supporter of the credit system and of the outstanding work Senators Mitchell, Baucus, and Chafee, the administration and others have put together in this title.

As a member of the Energy Committee, however, I do think that in putting together the credit system, the drafters may have overlooked a new player in the energy sector. It would be ironic, Mr. President, if in activating market forces for control of SO_2 emissions, we destroyed another important market—the competitive market for wholesale electric power.

Like all of my colleagues, I am a strong believer in competition and in providing options in the marketplace. The introduction of competitive power arrangements, which began at the end of the 1970's, has gone a long way toward assuring that competitive options are available in the utility sector. This is not to say that there have not been growing pains in developing the process. But competition is working reasonably well and American ratepayers are better off for it.

The development of this new industry of independent power producers and a new set of incentives in the marketplace works in the favor of electric ratepayers in a number of States. Thus far, 19 States, including my own State of Colorado, have active bidding programs for power supply contracts, and another 8 States are in the process of developing competitive bidding programs.

There are any number of beneficiaries as a result of competition in wholesale electricity supply—including consumers, the environment and the Nation's energy security. Consumers have benefitted through lower prices. The environment has benefitted from the pioneering work of independent power producers in demonstrating the feasibility of both energy saving and clean coal technology—technology that can achieve SO_2 levels that are four times less than allowed under current new source performance standards.

The Nation's energy independence has benefitted as well from these innovative technologies. In its report language, the Senate Environment Committee acknowledged the growing role of independent power when it noted that 40 to 50 percent of the new electric supply additions during the next 10 years will come from efficient independent energy producers.

Because these independent energy producers are relative newcomers, however, they will get relatively few allowances under the proposed acid rain compromise and some of these facilities fall outside the traditional definition of existing facilities. Further, many of the existing independent power plants are so clean that they have very little ability to generate additional allowances by cleaning up. Consequently, independent power producers who want to build new plants in the next decade will have to buy these allowances in the marketplace—from their competitors. And their competitors have testified that they will need most of their own allowances to meet their own growth needs.

Under these circumstances, I believe there is a very real risk that our attempts to create the market for pollution control could stifle State competitive bidding programs. These programs simply cannot work if successful bidders for power supply contracts cannot get access to the allowances they need to build a new plant. Of course the vast majority of States will undoubtedly recognize this problem. But in order to ensure that these issues are considered, my amendment suggests advisory language to the States and asks them to conduct a proceeding to consider these issues.

I believe that we must make it clear that this legislation is not intended to interfere with State-established programs for competitive bidding, nor with the development of the budding independent power industry. And that is what my amendment is all about.

The amendments I am offering today simply correct several minor inequities in the compromise bill.

The compromise bill contains a provision that is aimed at preventing industrial facilities from abusing the privilege of taking boilers off line to create allowances. This is a good provision. But as I said, independent power producers operate under very unique circumstances. An independent producer might—for example—enter into an arrangement with a papermill, where the mill shuts down its dirty boiler and agrees to buy steam from a cleaner facility from an IPP. The independent producer produces steam as an intermediate step toward generating electricity, so it has steam to sell. In this case, the independent producer ought to be able to purchase any unused allowance from the papermill. I believe the EPA agrees with this procedure because this would not add emissions to the inventory—it would actually reduce emissions from the overall total.

The second part of my amendment, Mr. President, includes a provision that clarifies the situation for independent units that began operation or had entered into a power sales contract prior to July 31, 1989. This amendment would classify IPP's with contracts or accepted competitive bids as of December 31, 1989, to be classified as an existing unit. I think my colleagues would agree that this is a not an emissions buster and in fact given the emissions cushion that I believe exists, should not be a problem. Grandfathering these units is fair because these units are under contract or have accepted price bids. Any they cannot pass on extra costs of allowances the way a regulated utility can.

In summary, Mr. President, these are sound, procompetitive amendments for a small but growing segment of the energy industry. They will strengthen an emerging industry that is critical to the Nation's energy sector. I urge my colleagues to join me in support of these amendments.

I believe this has been cleared on both sides.

I thank the managers for their help in clearing this amendment and I want to thank the committee staff, particularly Joe Goffman, and the staff at EPA for their assistance.

Mr. DOLE. Mr. President, 60 municipal electric systems in Kansas operate generating units with less than 40 megawatts of capacity—with many of these units having less than 10 megawatts of capacity.

These clean oil and gas-fired units were operated during the baseline period—1985-87—for emergency standby, back-up and peaking purposes. Because of the infrequent use of these units during the baseline period, future operations of these units could be unfairly restricted to this low usage unless their owners secure additional allowances.

Most municipal utilities are small operations serving small communities. They do not have numerous large generating units that would afford them the opportunity to create allowances internally. S. 1630 recognizes the unjustifiable economics of retrofitting small units, and the value these small units represent to small municipal utilities. However, the bill allows small, dirty units to operate at higher capacity factors, but does not afford the same type of relief for small, clean units.

This amendment would allow these small, clean units to operate at the reasonable level of a 60-percent capacity factor. This increased utilization will provide considerable savings to the municipal systems and the consumers they serve, and represents a negligible emissions level.

I am proud to be a cosponsor of this amendment. The operation of these units allows municipal utilities to reduce costly power purchases and ensure reliable service.

Mr. BAUCUS. Mr. President, this is a good amendment. Essentially, it ensures that existing nonutility generators do not get inadvertently caught up in the acid rain provisions. It was never the intention of the agreement, either in the version of the bill or in the Environment and Public Works Committee that existing nonutility generators be subject to the same provision as the utility electric generators. We accept the amendment.

The PRESIDING OFFICER. Is there any further discussion on the amendment offered by the Senator from Colorado?

If not, the question is on agreeing to the amendment.

The amendment (No. 1369) was agreed to.

Mr. WIRTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there any objection to laying aside the pending amendment to consider the amendment of the Senator from Nebraska?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the Senator from Nebraska has been very, very patient. I appreciate that. He came here earlier this morning and as I told him at the time, I had to check on this side. I talked with the Senator from Iowa, who was concerned with this same amendment, and tried to arrange a meeting and perhaps he did get in touch with the Senator from Nebraska.

If the Senator would withhold his amendment once more, I just have to check with him once again. He has been very patient.

Mr. EXON. If I agree to withhold the amendment once more, may I have some general outline whether it will be hours or days before we get back to it?

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Mr. CHAFEE. I guarantee it will not be days. I cannot assure there will be sweetness and harmony after I talk with the Senator from Iowa, after I track him down, but I feel I have to do that.

Mr. EXON. I believe I still have the floor.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. EXON. Mr. President, I say this is a typical exercise in futility that this body goes through time and time and time again. The quality of life is supposed to be of substance here. We have been debating on a sense-of-the-Senate resolution since 2 or 3 o'clock this afternoon. I am trying to become efficient. I must advise the people on that side of the aisle that even if this is controversial I am going to propose it at a proper time.

The Senator from Iowa, who my colleague has been consulting with, Senator Grassley, is the one who called this matter to my attention in the first instance. I have been trying to work with him on it. We have called his staff the last 2 days. We have called him today. We have talked to him. All I am asking for, very respectfully, is an answer and not delay.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The assistant Republican leader.

AMENDMENT NO. 1370 TO AMENDMENT NO. 1293

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment for the consideration of the amendment by the distinguished Senator from Wyoming?

Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. Simpson] proposes an amendment numbered 1370 to amendment No. 1293.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 135 after line 22 add the following new subsection:

(c) Increment Exemptions.—Section 163(c)(1) of the Clean Air Act is amended by—

(1) replacing the comma and "and" at the end of subparagraph (C) with a period;

(2) replacing the period at the end of subparagraph (D) with a comma and "and"; and

(3) adding a new subparagraph (E), to read as follows:

"(E) except for purposes of determining compliance with the maximum allowable increases in ambient concentrations in any area designated as class I under this part, concentrations of particulate matter attributable to the increase in fugitive emissions resulting directly or indirectly from surface coal mines.".

Mr. SIMPSON. Mr. President, I am offering an amendment today that will remedy a situation that is unique to the West in general and Wyoming and Montana in particular.

Out in the land of high altitude and low multitude we often have furious wind storms that blow up huge clouds of prairie dust. When we have a storm like this in the Powder River Basin where our coal mines are located it is impossible to separate the natural dust from the so-called fugitive dust from the mines. This phenomenon coupled with our inability to accurately model surface mine dust emissions may cause problems for mines that may be required to expand production in an effort to help solve the acid rain problem.

EPA and many States have determined that for purposes of increment consumption it is not necessary to count fugitive dust emissions. We find with dust from mines and natural sources that the dust particles are relatively large—larger than 10 microns in size—and that they fall out very near to the mine site or the natural source. These particles do not degrade air quality because they are not a health threat and they do not stay suspended and therefore do not decrease visibility.

During the EPW Committee markup we were able to develop an amendment that requires EPA to develop new models for surface mine dust emissions which will be more accurate than existing models. The Senator from Montana indicated at that time that he would be willing to consider an amendment dealing with increment issue, but because we ran short of time during the markup we agreed to pursue this issue on the floor.

My amendment would simply allow the governor of a State to exempt surface mine fugitive dust emissions from measurements of increment consumption under Prevention of Significant Deterioration [PSD] reviews, except in designated class I areas.

EPA has already ruled that surface coal mines are not considered major sources for purposes of PSD review. This administrative determination was made after exhaustive review under authority of section 302(j) of the Clean Air Act. However, under current law, fugitive dust emissions from surface mines must still be considered for purposes of determining increment consumption under PSD reviews.

This is why my amendment is needed. It does not make sense to require fugitive emissions to be counted when surface mines are not major sources or when the dust is not affecting air quality.

I ask unanimous consent that a letter from the State of Wyoming air quality administrator regarding this amendment be printed in the Record following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. I believe the amendment is a good one. It has, I believe, been cleared on both sides of the aisle.

Exhibit 1

Department of
Environmental Quality,
Cheyenne, WY, January 25, 1990.

Hon. Alan K. Simpson,
U.S. Senate, Washington, DC.

Dear Senator Simpson: I have reviewed the proposed amendment to Title I of S 1630 concerning increment exemptions for surface coal mine fugitive dust. I can see no problem with coal mines in Wyoming complying with PSD allowable increments for particulate matter even if emissions from non-point sources are excluded for purposes of increment consumption.

To ally fears that such an amendment would allow significant increases in fugitive dust emissions, Wyoming can demonstrate through ambient monitoring data gathered for ten (10) years or more that increases in coal production do not cause a significant deterioration in air quality. During the period from 1980 through 1988 coal production in the Powder River Basin increased from 59 million tons to 140 million tons and yet overall the air quality in Basin has remained very good and in fact has improved in the City of Gillette which is very close to several large mines.

Wyoming believes that with a very active permit and control program which requires the use of best available control technology and which enforces compliance with ambient short term standards based on monitoring, surface coal mines will not be a significant threat to clean air areas. We have just not seen significant impacts based on our experience.

If I may be of further service to you, please do not hesitate to call on me.

Sincerely,

Charles A. Collins,
Administrator, Air Quality Division.

The PRESIDING OFFICER. Is there further discussion? The Senator from Montana.

Mr. BAUCUS. Mr. President, I have been working with the Senator on this amendment. The Senator is correct. When the bill was reported out of committee we did not have time to find a resolution involving fugitive dust that comes from surface coal mines. It was a fairly complex issue. We decided it best to postpone resolution until we came to the floor.

I have been working with the Senator from Wyoming as well as other Senators. The proposal that we now have before us is the result of those efforts. It essentially allows a State, which has an approved plan, after notice and the opportunity for public hearing, to exclude from the PSD increment consumption, except in class 1 areas, fugitive emissions resulting directly or indirectly from surface coal mines.

It is, frankly, needed to we can strike the right balance between, on the one hand, allowing coal mines to continue to operate and on the other hand, protecting the class 1 as well as class 2 and 3 areas from undue particulate matter as well as concentrations of sulfur dioxide.

I compliment the Senator. It is a complex matter. I think we reached a correct balance.

Mr. SIMPSON. Mr. President, I have an inquiry. I want to make certain we understand the meaning of section 113(b) of the bill and how the States will comply with this provision.

Section 113(b) requires EPA to analyze the accuracy of the industrial source complex model using AP-42 compilation of air pollutant emission factors and also make revisions to the model and revisions to the emission factors as may be necessary to eliminate any significant overprediction of air quality. Until EPA develops the revised model and emissions factors, which could take up to 4 years after the date of enactment, we want to assure that a State may use empirical based modeling approaches pursuant to guidelines issued by the EPA Administrator.

It is my understanding that until EPA issues its guidelines, that the State may use air quality monitors and State empirical modeling in order to demonstrate compliance with EPA fugitive dust standards or requirements for existing mines. For new mines or mine expansions permitted after the date of enactment, EPA's industrial source complex model will continue to be used until such time as EPA issues any new guidelines. At the time EPA's guidelines are issued, the States empirical based modeling would have to conform to the newly issued EPA guidelines. I believe the EPA Administrator should issue guidelines as soon as possible and no later than 9 months after the date of enactment.

Mr. BAUCUS. I would like to respond affirmatively to the Senator from Wyoming. I believe that a State may continue to use its empirical based modeling and air quality monitoring to demonstrate compliance with EPA's fugitive dust standards for existing surface coal mines, until the Administrator of EPA issues guidelines. New mines and mine expansions will continue to be subject to EPA's industrial source complex model for new source review until EPA issues new guidelines.

We accept this amendment.

The PRESIDING OFFICER. There being no further debate, the question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 1370) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

AMENDMENT NO. 1365 AS MODIFIED

Mr. BAUCUS. Mr. President, I ask unanimous consent the Bond amendment 1365 which has been agreed to, be modified to conform with the correct language which was erroneously omitted earlier. The correct language is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1365), as modified, is as follows:

On page 417, line 13, after "(1)", strike "After" and insert in lieu thereof: "Except as provided in paragraph (3), after".

On page 418, after line 19, insert the following: "(3) After" December 31, 2000, it shall be unlawful for any existing utility unit with a nameplate capacity below 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu which became operational on or before December 31, 1965, which is owned by a utility operating company with a total fossil fuel steam-electric generating capacity greater than 250 MWe and less than 450 MWe that serves fewer than 78,000 electrical customers as of the date of enactment of the Clean Air Act Amendments of 1989 to exceed an annual sulfur dioxide emissions tonnage limitation equal to the product of its baseline multiplied by its actual 1985 emission rate divided by 2000, unless the owner or operator holds allowances to emit not less than the unit's total annual emissions. After December 31, 2010, it shall be unlawful for each unit subject to the emissions limitation requirements of this paragraph to exceed an annual emissions tonnage limitation equal to the product of its baseline multiplied by an emissions rate of 1.20 lbs/mmBtu, divided by 2,000.

On page 418, line 20, strike "3" and insert "4" in lieu thereof.

AMENDMENT NO. 1371 TO AMENDMENT NO. 1293

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 1371 to amendment No. 1293.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the Mitchell substitute on page 216, line 12, after "greater.", add the following new sentence—

"At the request of a State with respect to any designated area as nonattainment for carbon monoxide, the Administrator may reduce the period specified in the preceding sentence, if the State can demonstrate that because of meteorological conditions a shorter period will assure that there will be exceedances of the carbon monoxide standard outside of the time that such fuels are to be sold."

Mr. DOMENICI. Mr. President, my amendment is quite simple. The bill before us requires that carbon monoxide nonattainment areas only sell during the period of October 1 to March 31 fuel that has an oxygen content of 3.1 percent or greater.

I support the requirement that oxygenated fuels be used in the winter months because it has been shown that these fuels are an important tool in our battle against carbon monoxide.

For the past 2 years, the city of Albuquerque has had an oxygenated fuels program. In the first year, it was a voluntary program; this year it was a mandatory one. The support for the program has been impressive.

This amendment makes one modification to the bill before us. It provides the possibility of a reduction in the 6-month requirement, at the request of a State and only after a showing can be made that a shorter period of time will not create violations of the standard.

This is a simple matter. Carbon monoxide is a winter problem. The 6-month period specified in the bill might not be necessary in some areas of the country. This amendment allows the possibility of some shorter period of time only if it will not jeopardize attainment of the standard.

I believe this amendment has been cleared on both sides and I thank the committee for their assistance in developing the amendment.

Mr. President, this amendment, clearly and simply stated, permits a State with respect to any designated area as nonattainment for carbon monoxide to request that the Administrator of EPA reduce the period specified for oxygenation to a period of time as low as 2 months, if they can prove that such is going to maintain the attainment requirements and if in that period of time that reduction is predicated upon meteorological findings that 6 months is not needed.

Essentially, in Albuquerque, NM, what has happened, we have had a voluntary program for 1 year, and then a mandatory one.

And it has found, because we have a very peculiar winter cycle and certain wind and meteorological phenomenon, that you can accomplish the goals of the Clean Air Act with a shorter period of time than 6 months.

This merely says they can ask for it; all things being equal, the EPA Administrator may permit it. He does not have to. I think it adds flexibility that is good and desirable. I do not believe there is any objection.

Mr. BAUCUS. Mr. President, the Senator is correct; there is no objection on this side. We accept the amendment.

Mr. SIMPSON. Mr. President, it is acceptable to this manager.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amend-

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ment of the Senator from New Mexico.

The amendment (No. 1371) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. I ask unanimous consent the pending amendment be laid aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment? Without objection, it is so ordered.

AMENDMENT NO. 1372 TO AMENDMENT NO. 1293

(Purpose: To waive provisions of title III requiring catalytic emission reductions if they cannot be attained through other means that do not increase the United States' dependence on the Republic of South Africa for strategic minerals).

Mr. SYMMS. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1372 to amendment No. 1293.

At the appropriate place in title II of amendment No. 1293, insert the following new section:

"WAIVER FOR PROVISIONS REQUIRING DEPENDENCE ON THE REPUBLIC OF SOUTH AFRICA

"SEC. . WAIVER FOR CATALYTIC REDUCTIONS RESULTING IN INCREASED DEPENDENCE ON STRATEGIC MINERALS FROM SOUTH AFRICA.—Any provision of this title requiring catalytic reductions of emissions from motor vehicles shall be waived, in whole or in part at the Administrator's discretion, if such provision is determined to require importation of any strategic mineral from the Republic of South Africa (including platinum, palladium, and rhodium) in excess of 150 percent of 1990 levels. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all possible alternative sources for these minerals. This determination notwithstanding, the Administrator may elect not to waive such provisions upon demonstration, approved by the Secretary of Transportation, that alternative technologies to achieve the catalytic motor vehicle emissions reductions required by this title are reasonably available, considering costs and any non-air-quality health and environmental impacts and energy requirements, and do not require importation of strategic minerals from the Republic of South Africa in excess of 150 percent of 1990 levels.

Mr. SYMMS. Mr President, about an hour or so ago, the Senate voted, when they voted to table the Dixon-Gorton amendment, to say that we recognize that there are no environmental free lunches; we recognize that we cannot have this clean air bill that is before us without paying a price for it; and that we are willing to export our jobs abroad and also export the pollution that goes with it. That is the message that comes out of the tabling of that amendment; that there just simply are no environmental free lunches.

This amendment that we have crafted tries to do two things. What we are doing by passing the Clean Air Act amendments with the second-stage auto emissions is passing a national industrial policy that triples our dependence on South Africa.

I think the American people need to know this, and I am trying to offer Senators an opportunity to reconcile two national policies that are going apart.

Everyone knows, Mr. President, that this bill will require significant ratcheting down of the tailpipe standards, 50 percent by the mid-nineties, and very likely 50 percent again in the year 2003, if the 11 cities do not reach attainment.

About the only technology that we know of to achieve these tighter standards to date is the load-to-load catalytic converters. Our modern three-way catalytic converter contains a form of platinum, palladium, and rhodium. Each metal is critical to the catalyst being able to remove the different pollutants.

Mr. President, it is my concern that these standards in this bill are so extreme that it is going to force our demand for platinum-group metals to skyrocket. In fact, I made an inquiry to CRS. They tell me that the standards in this bill may escalate our demand for rhodium alone by 260 percent.

Where are we going to get the rhodium? We have little reserves in the United States that are available. Most of the reserves in the Soviet Union are locked up and currently are letting no new sales contracts. Only South Africa, with 93 percent of the known reserves, fulfills the additional demand of the United States.

Mr. President, I want to read to my colleagues a letter I received November 16, when we were pushing at that time to waive the second-tier tailpipe standards, from Mr. Benjamin Hooks, the executive director of the National Association for the Advancement of Colored People:

> DEAR SENATOR SYMMS: I write to express the concerns of the NAACP about legislation now before the Congress to amend the Clean Air Act. I hope that you will consider these concerns.
>
> The NAACP is not concerned by the proposal to amend the Clean Air Act; we support revision of the legislation. However, it has come to our attention that certain proposed provisions would impose stringent requirements that exceed those necessary to improve the nation's air quality. Specifically, we understand that it is proposed to adopt mobile emission standards that are more stringent than those contained in the Administration's clean air proposal. The tough clean-air bills that are before the Congress need not be made any tougher.
>
> The NAACP is concerned that the adoption of more stringent mobile emission standards would have serious implications for the auto industry, auto dealers and consumers. Customer acceptance and satisfaction could be jeopardized by unreasonable standards which, in turn, could have a severe impact on the market and cause job losses. In recent years, the industry has lost thousands of jobs; many of these job losses were borne by minorities.
>
> In our view, the Administration's proposal adequately toughens current emission requirements, but avoids the magnitude of disruption to the economy that is inherent in alternative proposals. Accordingly, we urge you to support the bipartisan Administration bills, H.R. 3030 and S. 1490.
>
> Sincerely,
>
> BENJAMIN L. HOOKS,
> *Executive Director.*

Mr. President, the reason I point that out is when one examines where we are going with respect to our policy, we are now putting ourselves in a position, with the second stage, that most likely will be triggered in the year 2003—if it is not, then probably this amendment could be accepted and would have no impact on the legislation. But if it does trigger, we will be in the position where we are not only saying that we are going to pay a high price in America for this legislation; we are admitting that there will be thousands of Americans who will be unemployed.

We are also admitting with no environmental free lunches that there will be other Americans who will be employed, but their jobs simply will not pay. A $17 an hour job may end up paying $12 or $15 an hour so those people can have enough money to meet the environmental standards of the bill, to keep the plants operating, and so forth.

Maybe the $8 workers may find out they are working for $6, and the $6 workers may find out they are working for $4.50. It has a ratcheting effect in the country. If that is what we want in this country, then I think we need to tell the American people that is what we are going to have.

We are passing a national industrial policy piece of legislation where the EPA will be able to be not only what the IRS is to money, what the Commerce Department is to business, but a combination of all. The EPA will really be able to direct the national industrial policy of the United States.

In addition to that, we are going to make ourselves much more dependent on other countries for some of these goods. We have already voted on two occasions, once on an amendment that I offered earlier, and then today again on the amendment offered by the distinguished Presiding Officer and my colleague from Washington [Mr. GORTON] to try to address the problem of what this legislation does, what this national industrial policy does. It is going to shove jobs offshore.

But we are also going to push the pollution offshore. We also have a policy that we are trying, through our policies that have been passed by this Congress, to have an influence on the Government of South Africa that we would feel a favorable influence. So this amendment simply states that if we go past 150 percent dependence on South Africa, the Administrator will have to either—we have a sufficient amount to meet the first round in the standards, but in determining our dependence, the Bureau of Mines is required to look at all the other potential sources, including the possibility of boosting our domestic production. I want to repeat that. We could, through this amendment, boost domestic production.

This Senator believes we have a lot of platinum group metals. There is one mine in Montana. There is still potentially unlimited amounts of platinum group metals in Alaska. But the Congress, in the late seventies and in 1980, the last of 1980, actually ended up passing a bill which put most of those areas off limits to the prospectors and the extractors in the State of Alaska where those reserves lie. But this would be an alternative that the Administrator would be able to look to.

Then, after we find that we have become dependent, Mr. President, the Administrator has to look to Alaska and look to Montana, he could look in other areas in the Rocky Mountains where there may be potential that some of these minerals are locked up, but then, even if the Bureau of Mines still finds our dependence on South Africa will increase to more than 150 percent, the Administrator of EPA would be permitted to require alternate methods to achieve the tailpipe reductions that do not require such high increases in the platinum group metals loaded catalytic converters.

As I said earlier, the Bureau of Mines, in September 1988 reported the following findings: Studies indicate that there are no substitutes for platinum and rhodium in the emission control systems, nor could the development of promising alternatives be expected before 1995.

My amendment simply provides the Administrator with the authority to require alternate emission controls. For example, the Bureau of Mines does indicate that they are supporting research to develop substitutes for PGM catalysts, maybe another one. They have one that has some promise. A zirconium-nickel compound has been identified that might possibly even be superior to platinum group metals-based catalyst, and it may result from future research.

My amendment would have the Administrator of EPA seek out and encourage those substitutes in lieu of increasing U.S. dependence on South Africa of more than 150 percent.

Finally, Mr. President, if the Bureau of Mines can find no other source of platinum group metals besides South Africa, and if the Administrator can find no alternatives to achieve emission controls besides the heavy loading of platinum group metals catalysts, then and only then the Administrator shall modify any requirement in the mobile source title as necessary to prevent the United States dependence on South Africa from increasing to more than 150 percent.

Mr. President, I guess it is very simple here, so Senators understand this. I know it sounds more complicated than it is, but it is not. For Senators who wish to vote "yes" on this, at least we are going to have some intellectual honesty, in what our policy is consistent with what the United States policy is currently toward South Africa. If they vote "yes" for this amendment, it is consistent with U.S. policy. It gives the Administrator all kinds of flexibility to look for ways to solve this, to not be dependent on South Africa. If all else fails, he can waive the second tier emission standards so that we will not be dependent on South Africa. If you vote "no" on the amendment, you are saying up front that we are willing right today to admit that, in addition to the other votes that have been cast here so far on this bill and what we are going to do if this bill does pass and become law and thousands of Americans find their lifestyle disrupted, thousands of Americans find that they are working for lower wages so we can meet and achieve these pristine clean air standards that we all say we want, there are no environmental free lunches and, yes, we are willing to be hypocritical with respect to our policy, and we are willing to say that we may double and even triple our dependence on South Africa if the second stage tailpipe emissions go into effect. It is very simple.

This Senator has no wish to debate this amendment to any lengthy degree. I hope the committee will accept this amendment, because I think it makes sense with the past votes of the Senate. It is consistent with the policy of the United States of America. It is consistent with the good policy of human rights, and it gives us an opportunity to admit up front that there are other prices that must be paid if we are going to demand the ultimate in perfection in this legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho yields the floor. Who seeks recognition?

Is there any further debate on the amendment?

Mr. SYMMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Idaho asks for the yeas and nays. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. Is there any further debate?

The Senator from Montana.

Mr. BAUCUS. Mr. President, the amendment offered by the Senator from Idaho is an interesting one. Frankly, I am a bit surprised to find, in effect, a foreign policy amendment on the Clean Air Act. In fact, it is, I think, one of the main reasons why it can be troubling for us in the Senate to adopt this amendment. It is just that. It really is a matter that deals with foreign policy. It deals with imports of strategic metals from the country of South Africa, the metals of platinum, palladium, and rhodium. It is really a matter that has nothing to do with the Clean Air Act, but it has quite a bit to do with the foreign policy of this country with respect to the country of South Africa.

The Senator from Montana is no expert on foreign policy with South Africa. We do know, however, that negotiations and relations with that country are in a potentially positive mode; that is, with the release of Nelson Mandela, with the change of leadership in South Africa, it appears that perhaps our country is moving toward better relations with South Africa and perhaps the country of South Africa is moving more toward democratic rule where one man will finally have one vote and the majority vote will eventually rule in the country of South Africa.

But all that very much depends on United States embargoes or sanctions it may have with respect to South Africa, and the amendment offered by the Senator from Idaho is in the nature of, not sanctions, not embargoes, but an amendment which would have a significant effect on this country's relationship with that country. And so for that reason, Mr. President, I am troubled with the amendment. It is much more in the nature of a foreign policy amendment than it is a Clean Air Act amendment.

Now, there are other reasons which trouble me about this amendment as well. First, this amendment looks like it could be a camouflage attempt to waive the tailpipe standards in the act. Why do I say that? The amendment of the Senator is directed toward tailpipe precious metals, tailpipe strategic metals, platinum, palladium, and rhodium. It is not directed at other strategic metals that are also in automobiles; for example, magnesium, chrome or vanadium, titanium. Those, too, are strategic metals. It seems to me that if those strategic metals were also included, it might appear more that this amendment is geared toward America's strategic stockpile position rather than an attempt, in a camouflaged way, to attempt to waive the tailpipe standards. Now, the tailpipe standards in the Clean Air Act are very important; they are exceedingly important; they are very important. Automobiles today, even with improved tailpipe standards and improved technologies, account for half of the volatile organic compounds and half of nitrogen oxide which causes smog in our Nation's cities.

It also is the cause of 90 percent of the carbon monoxide in the nonattainment areas of this country. Ninety percent of the carbon monoxide in our Nation, its cities, comes from automobiles. And the tailpipe standards that are tightened up in this act in round 1 and round 2 will substantially reduce carbon monoxide as well as substantially reduce volatile organic compounds and nitrogen oxides. It is very important.

The tailpipe standards have been probably one of the singular successes of the Clean Air Act. They have gone a long way. The automobile industry is justifiably proud of its efforts to reduce emissions with the catalytic converters that have been developed. In addition the auto industry has cut back the cost of catalytic converters by about 50 percent. Because these metals are expensive, the industry has gone the extra mile, if you will, to find ways to reduce the cost of the catalytic converter and still be as effective in reducing emissions as much.

The industry has done that. They have reduced the cost down to about 50 percent.

So I suggest that it looks like there is sort of an end run, back door attempt to strike at, perhaps, or strike out the tailpipe standards in the bill. These tailpipe standards were negotiated under the agreement. The administration, Senators from the Republican side of the aisle, the Senators from the Democratic side of the aisle, at the behest of the majority leader—and the majority leader worked long and hard to work out an agreement that was a compromise; a very, very long protracted set of negotiations, debate back and forth, to try to find a Clean Air Act that in fact could pass and make sense.

We agreed to certain tailpipe standards. So I would like the Members of the Senate to know, therefore, this amendment is a deal breaker. This breaks the deal, the agreement that we reached on tailpipe standards and other provisions of the bill. This is a deal breaker. For that reason alone the amendment should be opposed.

In addition, Mr. President, the standards that this amendment uses are solely economic and have nothing to do with health. Basically the amendment says, if we import these metals at the rate of 150 percent of the levels of 1990, then the trigger could be implemented. The only alternative would be if there are other alternative ways to achieve emissions depending upon economic costs and other non-health-related reasons. There is not one word in this amendment, or even attempt, to balance the economic costs with the health needs.

So for that reason, too, I suggest we do not adopt this amendment.

So for a series of reasons; one, this is really a foreign policy amendment. It should not be on the Clean Air Act. Second, there are no health-based standards that would trigger the amendment. That is it is not balanced. No. 3, it is really a deal breaker. This amendment busts the agreement. The agreement is over. I do not say the agreement is over, but the passage of this amendment is definitely a deal breaker. For that reason, and all the other reasons I indicated, I feel that this amendment should not be adopted.

The PRESIDING OFFICER. Is there further debate?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, on behalf of Senator CHAFEE, our manager of the bill on this side of the aisle—he is presently necessarily absent and will return very shortly, and I have not been personally prepared to address this amendment—from listening to the debate and hearing the comments of my friend from Montana, the senior Senator from Montana, I say, and respectfully, to my friend from Idaho that it seems this is really much more of a foreign policy issue.

I know that the Senator from Montana has addressed it as that. I think I can see what is intended there, a theme which has been very real from the Senator from Idaho, which is a very mineral rich State with some very strategic minerals, with a very strategic stockpile emphasis, which is something that the Senator has talked about for many years, all the time I have known him on the floor of the Senate.

So that is a very clear theme here. I do not see it as something terrible sinister, but I do not think it has anything really to do here with the Clean Air Act. It has to do with foreign policy.

The issues of sanctions, the issues of watching the South African Government now, the issues then do apply to the Clean Air Act, and that is with regard to mobile sources.

I think it just creates a bit of confusion, and perhaps doubt as to what we are doing here, as we must know that unless we do something with mobile sources, if we fail to take the strides we need to—and that has been a tough grapple for us here—then of course these restrictions and the requirements for lessening that in the atmosphere will come from other sources; stationery sources obviously.

So I think from that standpoint it is something that throws things out of balance. We really do not know what we will be accomplishing until we get through conference on that. But I would just suggest that at this time I think it is not appropriate to be dealt with here. I do not know the intent of the manager of the bill. Is it the intent to make a motion to table this particular amendment?

I do not want to do that until everyone has had an opportunity to address it. But I indicate that on behalf of my colleague here, I was going to make that motion. I do not make any attempt to cut off debate at this time.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I have the highest esteem for my colleague from Wyoming, and my good friend from Montana, Mr. President.

The interesting thing about this debate is that it is obvious where the votes are. I want to summarize. I know where the votes will be on this amendment. I would be pleased if they would accept the amendment because I think it would be a very honest thing to do for the United States.

But I say to my colleagues that you noticed that no one denies that we are saying we are going to be more dependent on South Africa once this bill passes. I would also say to my colleagues that if we have a hot year like 1988, when the test year comes there will not be less than 11 cities out of attainment because some of these things happen with meteorological events, the weather, and so forth, that can put cities out of attainment.

I also say—and I will wrap this up and we go on to a vote as far as I am concerned—the Clean Air Act, which is an industrial policy act of 1990 in the United States of America, has foreign policy implications. I say to my good friend from Montana, you simply cannot pass legislation that reaches the big arm of government into every facet of Americans' lives and not have foreign policy implications.

I have heard the chest beaten by Senators on this Senate floor for the last 9 years about how we must be more competitive. We must be more competitive.

So that is one of the things that we tried to do, to reduce the burden of taxation on people, to reduce the burden of regulation, and tried to make America more competitive so American men and women can have higher wages, a better opportunity to raise their families. I did not come to the Senate to make people more miserable in the United States, to impose all kinds of rules and regulations on them.

Then I heard the great debate here how we must do something about apartheid, which I abhor and all Senators abhor, apartheid. Now we have already voted on this bill on two occasions, that we are willing to export the jobs of the working men and women of America, and we are willing to export the pollution, also.

We are going to drive the jobs and the investment offshore out of the United States, and we will let those foreigners take the pollution, and then we will bring the stuff back in here and buy it. Then we find that there is nothing that is more abhorrent to Americans than apartheid. We are saying, by passing this bill, that we can assuredly guess that we will not even give the EPA Administrator the flexibility to say maybe it would be better to go to Alaska and start mining platinum and group metals.

There is an area up there as big as the State of California, the largest State of the Union in terms of population, and one of the largest in terms of geography. There is an area in Alaska as big as the State of California that this Congress—I was still in the other body when it happened—put that land away into wilderness and said, "you prospectors cannot even go look for those metals." I will believe to my grave that we have the platinum group metals in the United States and Alaska, maybe in my State. We know there are some in Montana.

What we are saying here in this legislation, No. 1, is we are going to pass the industrial policy bill that will impose severe restrictions on the working men and women of America, on the captains of production of America, on the people who make America a great place to live. We are going to impose all of those regulations on them. Costs are going to be high. Some of them are going to lose their jobs. Some are going to end up working for lower wages. Some of the factories will simply leave because power rates will go up, and they will produce the electricity in Canada and ship it back to the United States, and we will let the Canadians have the pollution, or buy the goods from Taiwan or Tokyo and let those people have the pollution. We will have clean, pristine, living in the United States, and our people will live with lower wages.

This amendment will give the Administrator a little flexibility to try to work it out. He would be able to use other alternatives to reach the health standards that the Senator from Montana talks about.

But the point is that no one denies that this bill is going to force more dependence on South Africa by the United States of America. If that is what my colleagues want to do, I have no quarrel with that. But I do think we need to think and pay heed to the debate that we have had the last few days about jobs, the environment, the "no environmental free lunches."

We have had a great discussion here in the last several days by the distinguished President pro tempore of the Senate. I do not know how Senators feel about his amendment, and this Senator has not made up his mind yet how he is going to vote on it, but I think there is some rationale to say that if you are going to pass a national industrial policy, it is going to have some implications that are going to be negative on some people.

In this case, I simply say that CRS's only report says that we will be much more dependent on South Africa. I have the report here for any Senator who wishes to see it. I say to the distinguished Senator from Montana that I am ready to go ahead and vote. I ask for a vote on my amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. SIMPSON. Mr. President, I do very clearly hear my friend from Idaho, and he speaks eloquently on this issue, as he has in the committee and on the floor. It is something that we do hope we are listening to, because none of us have the desire to do that. I admire him and I appreciate him for expressing it as beautifully as he does.

Regretfully then, if he has concluded his portion of the debate, I move to table the amendment of the Senator from Idaho. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming [Mr. SIMPSON] to table the amendment of the Senator from Idaho [Mr. SYMMS].

The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Nevada [Mr. BRYAN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Hawaii [Mr. MATSUNAGA] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. HUMPHREY] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 5, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—91

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Burns
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Heinz
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Thurmond
Warner
Wilson
Wirth

NAYS—5

Byrd
McClure
Rockefeller
Symms
Wallop

NOT VOTING—4

Bryan
Humphrey
Inouye
Matsunaga

So the motion to lay on the table amendment No. 1372 was agreed to.

Mr. MITCHELL. I move reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SYMMS. Mr. President, I say to my colleagues, even though it looked like a lopsided vote, I was really not dissatisfied with the outcome of that vote, because I believe that amendment is a win-win amendment. The Senate, by the vote they have taken, has overwhelmingly admitted that our current policy with regard to South Africa and the industrial policy in this bill are 180 degrees opposed to each other. There is a 180-degree opposite position.

When called upon the decide our priorities, the U.S. Senate has stated that it eagerly accepts the crippling of United States dependence on South Africa. I hope this vote will set a precedent for upcoming debates on the role we should play in helping that struggling nation. I think that role should be a constructive engagement.

I yield the floor.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, if I may have the attention of Senators. Momentarily, the respective cloakrooms will hotline to all Senators a proposed unanimous-consent agreement which, if agreed to, would call for a vote on final passage of the bill by a time certain next week and would limit debate on the remaining amendments to a time certain.

We have been on this bill for a long time. There are still several potential amendments. But I believe we have now reached the point where we can, fairly to all Senators, agree upon a date and time certain. I hope that we

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can get this agreement. And, if we can, then there will be no further action on this bill this evening.

There will be one other matter taken up that will require a vote. That will be a joint leadership resolution on Lithuania. And there would be no votes tomorrow or Monday. So we return to session on Tuesday and would complete action by a time certain which I proposed to no later than midnight Wednesday, March 28. We would then have 2 full days in which to complete action on the legislation.

I hope Senators will agree to permit this unanimous-consent request to be granted. It means that we would accomplish two things. We would complete action on this legislation by a time certain. It would give everybody ample opportunity to come forward with their amendments on either Tuesday or Wednesday. We will be in session for a long time on Tuesday. It would permit us, after completion of the Lithuanian resolution vote tonight, to have Senators not having to be here, those who have other commitments, on tomorrow and Monday.

This will now be going out on the hotline from both Cloakrooms in a few moments, at approximately 9 o'clock. After every office has had a chance to receive it and consider it, I will then propound the request.

If anyone has a question, I will be pleased to respond or comment; I will be pleased to receive that. I hope very much Senators will agree.

Mr. SYMMS. Will the majority leader yield?

Mr. MITCHELL. Yes, certainly.

Mr. SYMMS. I might say to the majority leader, I do not know how many other Senators are in the shape I am in. We have several amendments we are trying to get passed. The leaders keep saying, well, we think we can accept that one, but they keep putting it off. If we accept this unanimous consent tonight, well, there are a number of amendments I would like to know about that are important to my region, the intermountain western region.

How are we going to get all that done tonight, I ask the leader?

Mr. MITCHELL. First off, the Senator would not be precluded from offering his amendment. What I propose is that each amendment offered between now and midnight Wednesday be limited to 1 hour equally divided.

If any Senators wishes that to be changed—the Senator would have time to offer his amendment at any time on Tuesday or Wednesday, and would be assured of 1 hour. If any Senator feels he or she has an amendment that actually would require more time than that, why, obviously we would be pleased to consider that and attempt to accommodate that request.

Mr. DOMENICI. Mr. Leader, I do not rise because I have any problem with the two or three Domenici amendments that are listed. They will be accommodated by what the leader suggests.

But I have a concern, and I would just like to share it. A great deal of time in the negotiating was spent on the allowance allocations, or the so-called clean State allowance, a kind of a separate allowance for those States that had the most serious problems with pollution and had to clean it up, and we gave them some special treatment all within the framework of—we will reduce acid rain by a given amount.

I am concerned that there may be amendments that would alter in some way that allowance when it has been delicately structured, and some of us who worked very hard for the clean States gave up an awful lot in order to help get this proposal to the floor. I do not speak only for the West. The clean State amendment, which was a combination of the leader's proposal and my proposal, gave the West, which has some very clean States with a lot of money spent on scrubbers, but we allocated pretty well between all the States that had a rather clean status.

Does the leader know whether amendments that are pending or negotiations on amendments that might alter that such that those States that now count on the allowances we agreed upon could end up with less when we finish the process that we have in front of us?

Mr. MITCHELL. I have no personal knowledge, but I believe the managers are more intimately involved than I have been in the details of the specific amendments. So I would defer to them. I think, obviously, the Senator from New Mexico must be cautious in the fact that, in this proposed list, there are many that are not specified. So it is conceivable, even if no such amendment has been offered or discussed, that one could be offered. If the Senator suggests we ought to have a longer time for amendments so that, if one came up, there would be full and ample opportunity to debate it, why, that is something I would be obviously prepared to consider and accommodate.

Mr. DOMENICI. It is not only a longer time for the amendments, Mr. President. I have not been one who objects to a time certain when we do not know what is going to happen between now and the time certain. That is the way we get things done. It is a much different situation to be defending against a reallocation.

I see the Senator from Louisiana. We worked out where Louisiana gets a certain allocation of allowances. I do not know if an hour or even a time agreement for Wednesday night is sufficient if somebody is going to come down here and take away some of the allowances that one part of the country got and put them somewhere else. One could figure out a number of States and have a pretty nice amendment. I do not know if I want to agree on a time certain if we are going to address the allowance system in any of these amendments. I am not yet saying I am going to object on that basis, but it does concern me.

Mr. MITCHELL. I will ask the managers if they are aware of any such amendment or proposed amendment. I am not aware of any such amendment.

Mr. CHAFEE. Here is the problem, I say to the majority leader. Senators are coming in and seeking allowances for this State or that State under very special conditions that apply to a certain plan. The Senator from New Mexico is quite right. We are operating under a cap. Any time you give a Senator for his little special situation a few tons, a few thousand tons, it comes out of the mass that is left.

So the Senator is right. One, we do know who is asking for what through the amendments. Second, we have held most of those back to try to work out some system that recognizes what is happening. Obviously, if the first fellow who gets through the gate gets a big share, it diminishes our enthusiasm to take the others. We try to hold those down, conscious of the Senator's problem.

Mr. DOMENICI. It is not only my problem.

Mr. CHAFEE. I know. I am not singling him out. I wish we could get the Senator to talk to some of these people talking to us seeking these substantial allowances.

Mr. DOMENICI. Let me suggest I am going to object, and we ought to ask the Senators, if they have amendments that are going to reallocate the allowances, to get them down here so we can understand them. I think you can ask them that, and then I will be ready to enter into a subsequent agreement, if we know what they are, how much people are asking for for their States—I am not opposing States. I did the whole West. I did not get just mine. In fact, my State did not come out terribly well. Nonetheless, we got something for the clean States.

So I am not interested in preserving something for my State alone. But I am not going to agree that we know what we are doing on a time agreement if there are going to be 8 or 10 States coming in where they have a new little powerplant with a special kind of technology, 30,000 tons. Where do they get it? Eventually, they take it out of the rest of us. I do not think we want to do that. If you want a subsequent agreement, but for those kinds of amendments, I am willing. If there are those kinds of amendments, they are not within the time limit unless we can find out what they are.

Mr. MITCHELL. I suggest the staffs immediately prepare a list of such amendments identifying the amounts—I do not think it would be a difficult, time-consuming task—and show it to the Senator. He can then make a judgment.

Mr. DOMENICI. I thank the majority leader. I think that is fair.

Mr. CHAFEE. I also want to say, the fact someone asks for an allowance does not mean they are going to get it.

Mr. MITCHELL. I understand that.

Mr. CHAFEE. We whittle away at these allowances.

Mr. MITCHELL. Let me say, after the experience of this bill and the manner in which we identified amendments, I am in favor of the maximum specificity possible, and I would be very amenable to including in this a specific list of remaining amendments with identification. Then the Senator's concern would be satisfied. The problem we have is that we have been unable to get Senators to agree to specify their amendments up to this very moment. Perhaps this would trigger it.

Mr. SYMMS. Will the leader yield for a question?

Mr. MITCHELL. Yes.

Mr. SYMMS. A second question occurred to this Senator, and I direct this question to the Republican leader also. It has been a little unclear to this Senator what will happen in the event that the Byrd amendment is part of this bill. If we agree to this time agreement, there may be some of us who wish to include pulp or paper workers or other workers in the bill. Would I be precluded? I have reserved two or three amendments, I believe, that are generic to the bill.

Mr. MITCHELL. No; the Senator would not be precluded.

Mr. SYMMS. I would not be denied that opportunity?

Mr. MITCHELL. No, providing the Senator has amendments on the list.

Mr. SYMMS. I do have amendments on the list. Provided the Byrd amendment is adopted, that is the question. What happens if the Byrd amendment is adopted; In other words, if the Byrd amendment is adopted, say, 10 minutes before final passage?

Mr. MITCHELL. I cannot predict what will happen, but it is my hope it will be resolved long before final passage. That is my hope and intention. I know that is the hope and intention of the distinguished chairman as well.

Mr. DOLE. We do have leadership amendments, so if it is adopted, we have each reserved three leadership amendments. We would be protected from that standpoint.

Mr. METZENBAUM. Will the leader yield for a question?

Mr. DOLE. Will the majority leader yield for an observation?

Mr. MITCHELL. Yes.

Mr. DOLE. Let me indicate we started about an hour ago just canvassing Members. I misunderstood the majority leader. I used Thursday instead of Wednesday at midnight. So far, we have 20 out of 45 saying OK. I think there have been some good questions raised about allowances and maybe some other things.

I just say to the majority leader, maybe by making it close of business on Thursday, or some other time, it would at least provide a little more time. We have a particular problem on this side of Tuesday evening, and that would also help accommodate that.

Mr. MITCHELL. Certainly; I would be pleased to accommodate the Republican leader in that regard. If he thinks it would be better and more appropriate and more fair to all Senators concerned, then I would be pleased to amend the request to make it Thursday so that Senators may have further time. If any individual Senator feels that 1 hour is insufficient in length, I will be pleased to make that 2 hours for any individual Members.

Mr. NICKLES. Will the leader yield?

Mr. MITCHELL. I am sorry, Senator Metzenbaum was next. I interrupted him for the Republican leader.

Mr. METZENBAUM. A very simple question. As I understand the unanimous-consent request, it would be that we would vote at a time certain, whatever the majority leader and the minority leader agree upon. Then the majority leader also indicated that there would be an hour for amendments. I do not have any problem with that.

My question is, the Senate arrives at that time and there are still 10, 20, 30 amendments outstanding. First, I assume those amendments are still in order prior to the actual vote and; second, I assume that they would then be precluded from any time at all.

Mr. MITCHELL. I believe they would be precluded from being offered, not still be in order. But I would ask the Chair for a ruling in that regard.

I just want to say that I hope we consider that question in this context, that this bill has been on the floor for weeks. I have been here pleading for people to come and offer amendments. This is not an effort to prevent anyone from offering an amendment. I have been trying desperately to get people to offer their amendments. At some point there has to be a terminal point.

Mr. METZENBAUM. I fully understand what the Senator is attempting to do and I support it. But I must say that even after cloture has been invoked and you come to the time, if there are amendments that are still pending, those amendments may be called up and put to a vote.

Mr. MITCHELL. Amendments pending.

Mr. METZENBAUM. Amendments that——

Mr. MITCHELL. But that is different from an amendment that has not yet been offered.

Mr. METZENBAUM. An amendment that has been offered. Because what we do postcloture is we file amendments at the desk. Sometimes you do not get a chance to call your amendment up because another amendment is pending.

And so I would just say to the leader, it seems to me that it is only fair that you make it possible that for such amendments as have not been called up but that members who are on the list and want to call them up, have a right to call them up, give them 5 minutes on a side or no time on a side, give them a vote.

Mr. MITCHELL. I have no objection at all to do that and I would be pleased to do that to accommodate any Senator.

Mr. BAUCUS. Will the Senator yield? In that situation though, in the cloture situation, the amendments are printed. We know what the amendments are. As manager of the bill, I would like to have some procedure where we have some advance notice of the text of amendments.

Mr. METZENBAUM. What you might very well do, might I suggest, perhaps you include in the unanimous-consent agreement that such amendments would have to be filed on or before Tuesday at 2 o'clock or something of the kind. That is up to those managing the floor.

I understand the Senator's point but I do not believe we should preclude any Senator from offering an amendment and calling it up for a vote.

Mr. MITCHELL. I have no objection to that, and I think it highly unlikely that we would ever get in that circumstance under this situation unless a Senator deliberately waited until the end.

Mr. METZENBAUM. He might. I do not know. I do not know that you would. I am not saying you would. I am just asking we see to it that the unanimous-consent agreement makes due allowance for that.

Mr. NICKLES. Will the leader yield?

Mr. MITCHELL. Yes.

Mr. NICKLES. I wish to ask the majority leader a question.

We have one rather significant amendment of which I know the majority leader is aware. It is basically a substitute for the existing sections 5 and 6 that are in the bill supported by Senator HEFLIN, myself and many others, at the administration's request. That is going to certainly take more than an hour. It is certainly not my desire to delay the bill in any way or even to object. Would the majority leader be willing to make it—we need 2 hours on this side. I do not know what

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the other side needs, but we have at least five speakers and it is pretty complicated.

Mr. MITCHELL. As the Senator knows, I understand the managers have been wanting the Senator to bring that amendment up today. Would the Senator be willing to offer it tonight? He can have as much time as he wants on it.

Mr. NICKLES. This Senator has been willing to do that. Right now we are in discussions with all parties trying to see if we cannot work out some accommodation. I hope that that would happen. It may or may not be successful.

Mr. MITCHELL. I have no objection to making 4 hours for that amendment and a lesser time for any others.

Mr. NICKLES. I appreciate the consideration. I thank the Senator.

Mr. BYRD. Mr. President, if the leader will yield, I have two observations.

One, unless the agreement specifically precludes the offering of those amendments which are listed at the time a vote arrives, I think Senators always understood that they would be allowed to at least call up their amendment without debate and get a vote on it. I tell you why. It would be possible, if you do not have a time agreement on amendments, one Senator could get up and take all the time on his amendment and thus shut out all other Senators whose amendments were not immediately pending when that time for the vote arrives.

I have always understood that Senators would at least have the right to call up their amendment when the time is consumed if they are on that list. They do not have to call them up. But they have a right to call them up without any debate and get a vote on it.

Now, unless we do that, I think I would have to object. I have an amendment. I might get shut out. No more time for debate. I have laid my case before the people. But I offer that observation.

The other is, I want to join with Senator DOMENICI, I want to agree with him in preserving the existing allowance system and warding off any changes in the allocation of allowances.

Mr. MITCHELL. I thank the distinguished chairman. With respect to the first point he made, that is precisely the reason, of course, why I am proposing a time limit on amendments, so as to preclude exactly that from occurring.

In this case, the case of the distinguished Senator from Oklahoma, he suggested he needs more time. I am agreeable to that. If any other Senator feels his amendment needs more time, I am pleased to consider that. I guess it would be a forlorn hope to think that any Senator would suggest his amendment needed less time, but I want everyone to know we would be pleased to accommodate any such request as well.

Mr. BUMPERS. Mr. President, will the majority leader yield?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BUMPERS. I have no objection to the request, but my staff has been in repeated contact with the staff of the floor managers and we have been repeatedly assured that most of our concerns, a few of them, were major, would be taken care of in technical amendments. I would like to request that we have some assurance that those technical amendments will be available for us to view and to look at by, say, Tuesday sometime.

Mr. BAUCUS. Mr. President, will the Senator yield?

Mr. MITCHELL. I yield to the manager.

Mr. BAUCUS. In response to the Senator from Arkansas, it is a bit difficult for us to know until we see the text, frankly, of the amendments.

Mr. BUMPERS. The amendment that I have, the principal amendment that I have in mind is on the list, has been all this time. As a matter of fact, I would be willing to offer it. The Senator from Louisiana [Mr. BREAUX] would have been willing to offer it for the past 10 days. But we have been put off by the staff during that period of time saying, they were looking at it. We are sure it is OK, but the staff is just not prepared to take it yet.

I have a reservation for this amendment on the list of reserved amendments. That is not my main concern. But it points up one of the problems we have about some of these technical amendments that we have been assured are going to take care of our concerns.

Mr. MITCHELL. May I say to the Senator, however, that if this agreement were entered into, he would not be precluded from offering that amendment.

Mr. BUMPERS. I understand.

Mr. MITCHELL. If he were ultimately dissatisfied with the manner in which his amendment was handled by the staff——

Mr. BUMPERS. The amendment that I have made a reservation on is not my main concern. There are other concerns that are supposed to be taken care of with technical amendments.

Mr. BAUCUS. If the Senator will yield, the major amendment—my understanding is the major amendment that the Senator is concerned with has been drafted, and we do agree with the amendment. It has been cleared. It is the co-firing amendment.

Mr. BUMPERS. That is right.

Mr. BAUCUS. We have that. We have drafted it.

Mr. BUMPERS. I am not sure that is the only one. But that is certainly the principal one.

If I could have the assurance of the distinguished Senator from Montana that the Senate will do its best to have such technical amendments as are going to be offered ready for us to see sometime Tuesday, then that will solve my problem.

Mr. BAUCUS. I might again say to the Senator though we cannot do the package until we see the amendments that the Senator wants to offer in the first place.

I might say, Mr. President, if the majority leader will yield, I frankly believe that we would all be better served, and it might help accommodate some of the concerns of the Senator from New Mexico on the allocation amendments, if part of the consent agreement provided that no amendment be in order unless it is printed in the RECORD, say by Tuesday of next week so that we know what the amendments are. In that way the Senator from New Mexico is in a better position to know what the amendments are, assuming the managers of the bill would be in a better position, and I think it would also better serve all Senators.

Mr. MITCHELL. I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me make this very clear right now. I am not going to agree to a time limit on this bill—so we save a little bit of time—for final passage unless we have reached agreement, and I am going to be part of that agreement, as to any amendments that have to do with changing the allowances. So if we are going to ask for a time agreement on that we had better have everybody getting their amendments in on allowances because I am not going to agree to anything until I know what they are.

It is not just a question of having it printed. Everyone should know the reason I am concerned. There are resources and jobs in our States. If we take allowances away from Georgia, Georgia has to go buy them from somebody. If they have to buy them, their utility companies have to spend money for the privilege of adding electrical energy for growth. We all understand the bill, but we have to understand if we are going to change it. We do not even know if 30,000 allowances, I say to the Republican leader, are worth $2 million to his State, or $250 million.

This is a big gamble. We have never done it before, but we know there are going to be limits on future growth based on the allowances you own. Frankly, there are two things I do not want to happen.

I do not want any amendments accepted on this that we do not know about. Second, it seems to me that we ought to know at some point before we agree on final passage what all of the amendments are that have to do with this so we are not at the end of this bill, there are three of them passed, somebody has only one left, and it is 100,000 tons of allowances. I will not want that to work up against the time limit. That may be a very serious amendment. Yet, some may say, well, I have it figured out nicely. I helped 26 States with this. They nicely add them up, and 26 times 2 is 52. People with 48 lose. That is how most of these regional allowances are worked out.

We did not work the bill out that way. As the majority leader knows, we gave the States that were most adversely effected by cleanup a lot more than we started with. We gave the very clean States less than they thought they were going to get because most of them are not big growth States. We gave the Southern States which had both growth and some degree of clean utilities a bonus. I do not want that set up against the time limit. It is just that simple.

You can probably get a time agreement from this Senator that says we will vote on everything except there will not be a time limit with reference to any amendments that have to do with changing the allowances—neither an hour time limit nor are they within the time agreement propounded for final passage. You can do it better than I have suggested, but if you cannot do that then my objection now stands that I object to a time limit on the bill.

Mr. BUMPERS. Will the Senator yield on that point?

Mr. DOMENICI. I yield the floor.

Mr. BUMPERS. Mr. President, I just want to make this point. It is late in the evening. I do not want to make a speech. But the class of 1985 problem in which 17 States were afflicted was solved by saying we will give those States so many allowances to make sure that they do not have to install scrubbers. There is a set amount of allowances that they are to receive.

But if you look at section, I believe it is 404(A) of the bill, you find language that is very troubling to me. The bill calls for cutting 10 million tons of SO_2 emissions by the year 2000. We are supposed to get these allowances that keep us from having to scrub our coal. But the language essentially says that we are not entitled to those allowances if the effect is to raise national emissions in the year 2000 to over 8,900,000 tons.

When you consider that industry is not covered by this bill, and that industry is emitting 5 million tons of SO_2 a year, you can see why I am nervous. Industry is not affected.

An industry can cut its emissions, get allowances, and sell them. But my point is this: we may be totally innocent in our State. But if the Nation is not down to 8.9 million tons in the year 2000, EPA can say we are not going to give you these allowances, and we are right back where we started.

We have been told by staff that my reading of 404(A) is not correct; but that there will be a technical correction. That is the reason I want to see these technical corrections. You are talking about 750 million bucks in my State.

(Mr. WIRTH assumed the chair.)

Mr. MITCHELL. Mr. President, I understand the concern of the Senator from New Mexico. I wonder if it might not be agreeable to suggest that with respect to any amendments that deal with allowance reallocation they be combined, considered, and with a longer time limit, whatever the Senator wants, and then there would be obviously an understanding of a full debate. There would be no other opportunity to offer them, that goes to the concern which the Senator expressed about the last minute. That would permit everyone to have their say, would alleviate what I think is the Senator's concern, would have enabled us to go forward with this agreement, and accommodate all of the Senators.

Mr. DOMENICI. Mr. President, let me say to the distinguished majority leader, nothing would please me more than to accommodate him this evening.

Mr. MITCHELL. It is not me. I am going to be here. I have a lot of Senators who tell me they are not going to be here in the next few days.

Mr. DOMENICI. Let me say to my fellow Senators, I do not want to tell you how long I have been a Senator, but I have never done this before. I have been part of it, and raised an issue long enough where maybe somebody else said, sorry, Mr. majority leader, we know how much you want to get the work done and fellow Senators need not be inconvenienced, but we cannot go on with it. I have never done that.

But frankly I cannot agree because this is just too complicated for me to understand the consequences of that. I could see putting them all together, and it makes more sense than one. I could see one at a time makes more sense in terms of people getting something than if they are combined.

I just want a fair opportunity to call to the attention of all the other Senators we have helped in this bill that something is happening that is not just quite right. So I would suggest if the Senators are interested in leaving that you do not need much time to get some kind of consent out of the Senate, that all of the allowance amendments are before us with numbers, and how they intend to get them, where they are going to take them from, and as soon as you have that, I am ready to talk about a time agreement.

Mr. MITCHELL. Well, the Senator needs no advice from me, but I really suggest to him that if his concern is on the aggregate impact of all the allowance proposals, that concern is best met if they are all before the Senate at a single time when the total impact can be measured and debated, which would be the case if an agreement were entered into, as opposed to individually at any random time not related and not in a single package, at which time the aggregate effect cannot be measured.

I suggest and make that observation in terms of what his own interests might be. I, myself, have an interest in maintaining the integrity of the bill and proceeding in that regard. I suggest to him that his concern might be better served by such an agreement that places them all in a single package, at least at the same time, and therefore the full effect could be measured at that time which would not be possible in any other circumstance.

I think, unless another Senator has a comment——

Mr. DOMENICI. Mr. President, let me just suggest, I would not disagree. That is a pretty good concept and probably would yield the best opportunity to see the total consequence and, probably, if the allowance was not fair, that would be the way it would get defeated most easily.

I do not want to agree to the final time for voting on this bill until I know more about that, because for many of us this is the real economic issue. Many talk about the other toxics, but for most of us, the only part that has economic significance is coal-burning, electric-generating plants. My State has no toxics in the air that we worked so hard to fix. We worked for other States, not mine. We have one nonattainment area.

I do not want to agree to a time limit until I know more about the allowances. I will stay here as long as you want, with whomever you want, to find out what they are. Then I think we are in a position to talk, and I do not see why that would take too long.

Mr. MITCHELL. I believe the staff has already prepared a list. I think the Senator's suggestion is a good one, and we should have that discussion.

I make one further point to the Senator, which he might consider from his standpoint. Getting them all into a package at a time certain, say, early in the week or well in advance of the deadline, requires the presentation of the text of the amendment by that time. In the absence of an agreement, that renders that unnecessary.

The Senator might be confronted with a situation not only when we face amendments of this type piecemeal,

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unable to measure the full effect, but also not seeing the text until the moment they are offered. I think his suggestion of a discussion is a good one.

What I propose to the Senate is that the Senator will discuss this with the managers and staff and see if some agreement can be worked out which is acceptable to him, which I hope will take a short period of time. Thereafter, I will propound the request and see if we can get an agreement. I simply say to Senators that the alternative to an agreement is that we will continue in session this evening on the bill, and we will continue in session on the following days: Friday and Monday and next week until we finish the bill.

So I thank the Senator, and I think he raised a good point. I hope it can be worked out in a manner acceptable to him.

Mr. DOMENICI. Mr. President, might I say this to my fellow Senators, if there are Senators requesting allowances, the Senator from New Mexico is not interested in interferring in your business. That is not why I am doing this. Frankly, I do not intend to arbitrarily say this Senator will not negotiate. I am willing to. I just think this is one of those areas where those of us who worked very hard to get this in a fair mode cannot be piecemealed, nor can we meet unexpected pressures that have a lot to do with many other things beyond fairness. Each one has his own concept of fairness and what he really needs. I am willing to work on it. I will stay here to do that. I do not intend to keep anybody here too long. I think we can work it out.

Mr. MITCHELL. I appreciate that. I am confident that we will be able to do that.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. Does the majority leader yield the floor?

Mr. MITCHELL. Certainly, yes. I yield the floor.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in just a moment I will offer a joint leadership resolution on Lithuania, and there will be a brief period for debate on that, and then a vote on that. During that time, it is my hope that we will be able to work out an agreement on the consent agreement I earlier proposed. If not, we should also know that by that time, and I will indicate that accordingly after the next vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RIGHT OF SELF-DETERMINATION OF THE LITHUANIAN PEOPLE

Mr. MITCHELL. Mr. President, I send a concurrent resolution to the desk on behalf of myself, Senators HELMS, SIMON, DOLE, RIEGLE, DIXON, and GORTON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the concurrent resolution.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 108) concerning the right of self-determination of the Lithuanian people.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. RIEGLE. Mr. President, although, last night, the Senate rejected an amendment to the Clean Air Act regarding independence in Lithuania, the Senate remains in strong support of the independence movements in Lithuania, as well as in the other Baltic Republics of Latvia and Estonia. Accordingly, the Senate should have the opportunity to demonstrate its support for the self-determination of the Lithuanian people as they courageously strive for independence.

Mr. President, I rise today as an original cosponsor of the resolution urging the Soviet Government to recognize and respect the aspirations of the Lithuanian people by entering into immediate, constructive negotiations with the new Lithuanian Government, and to refrain from acts of military, political, and economic intimidation that would impede the progress of negotiations with Lithuania or diminish Lithuania's long-term economic viability.

With each passing day the world watches the final chapter unfold in the Lithuanian people's 50-year struggle to regain their lost freedom. As the first of the Soviet Republics to formally declare its independence, Lithuania now faces the difficult task of implementing that decision.

The success of Lithuania's independence movement represents both a triumph and a dilemma for Gorbachev. It was Gorbachev's radical policy of glasnost that enabled Lithuanians, Latvians, and Estonians to freely express their long-suppressed grievances against Soviet rule, and to launch a courageous campaign to regain their lost independence. And while the Baltic peoples have continually pushed the limits of glasnost farther than Gorbachev may have wished, to his great credit, he has generally refrained from using force to stop them.

Unfortunately, Gorbachev's nonviolent responses to the crises in the Republics may be at an end. This weekend, military jets threateningly overflew the Lithuanian capital of Vilnius and today several armored personnel carriers and other military vehicles rolled through the city. Moreover, Gorbachev has used his heightened executive powers to set a 2-day limit for Lithuanian citizens to turn over personally owned firearms to the Government and for Lithuanians who have left the Soviet Army to return to their units. This is a serious development because the Soviet Government could conceivably use a search for army deserters to forcibly search Lithuanian citizens or their homes.

The main dilemma presented by Lithuania's success, however, is that it is now forcing Gorbachev to contemplate a partial fragmenting of the Soviet empire. Gorbachev has made it clear that this outcome is unacceptable, but how can he avert it without violating his policy of democratizing and his pledge not to use force?

In this historic standoff between a vast empire and a small but courageous nation, the only way to avoid chaos and bloodshed is, as the New York Times points out, for both parties "to get to the bargaining table quickly."

I would like to congratulate the administration for standing firmly behind the Lithuanians at this critical moment, declaring:

> We call upon the Soviet Government to address (the Lithuanian people's) concerns and interests through immediate constructive negotiations with the Government of Lithuania. We hope that all parties will continue to avoid any initiation or encouragement of violence.

Additionally, the Wall Street Journal reports that the administration has "drawn up some contingency plans to deal with any Soviet crackdown on peaceful dissent."

In last weekend's parliamentary elections in Latvia and Estonia, proindependence forces also won definitive majorities, and their leaders reportedly intend to follow Lithuania's example in declaring independence. Thus, what transpires between Vilnius and Moscow will serve a test-case for Latvia and Estonia, and possibly for other republics as well. This makes it all the more critical that we do all we can to make this Lithuanian test an example of a peaceful settlement, not a violent conflict.

I urge all of my colleagues in the Senate to support this concurrent resolution and join in expressing our support for the Lithuanian people and our hopes for a peaceful, negotiated solution of this standoff.

Mr. MITCHELL. I yield to the Republican leader.

Mr. DOLE. Mr. President, I ask unanimous consent Senator SIMPSON be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I am pleased to join with the distinguished majority leader, Senator MITCHELL, the distinguished Senator from North Carolina [Mr. HELMS], the distinguished Senator from Illinois [Mr. SIMON], the distinguished Senator from Michigan [Mr. RIEGLE], and others in offering this concurrent resolution.

Sometimes Senate votes can be misleading, or misunderstood. Usually, the worst that happens when there is that kind of misunderstanding is a little embarassment, or a small problem.

Sometimes, the potential consequences of a misunderstood vote can be much more serious.

A number of us worried that last night's vote on the Helms amendment on Lithuania might be subject to that kind of misunderstanding. We were particularly concerned that the Senate's views and intentions about Lithuania might be misunderstood in Moscow. If that happened, the results could be tragic, indeed.

So, we offer this resolution to send these clear messages to Mr. Gorbachev:

The U.S. Congress unequivolcally supports the right of the Lithuanian people to determine their own future.

We strongly support their right to achieve the goals of independence and democracy which they have freely embraced, through their recent elections.

We want Mr. Gorbachev and his Kremlin colleagues to be on clear notice: We regard their recent actions in attempting to intimidate the Lituanian people as reckless and irresponsible.

And we want the Soviet authorities to understand the bottom line: If they use force to deny the Lithuanian people the right to determine their own future, the consequences for United States-Soviet relations will be grave.

Under these terrible circumstances, the Soviets can kiss good-by to the kind of political and economic relationship that they so clearly want, and so badly need, with the United States. They can kiss good-by to U.S. technical assistance, vastly expanded investment and trade, and a fundamentally new kind of political relationship.

Lithuania is a small country—but the stakes for its people, for the Soviet Union, and for United States-Soviet relations could not be much higher.

Mr. Gorbachev: We are not threatening, but neither are we bluffing.

We have come a long way together.

Do not engage in reckless, unilateral actions which will preclude our going any further.

The PRESIDING OFFICER. Is there further discussion of the concurrent resolution? The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I rise in support of this concurrent resolution. Last night I differed with my colleague from North Carolina on his concurrent resolution. I recognize the good intent of that resolution, but it contained some inflexibility. Frankly, this resolution has some flexibility.

This resolution recognizes that we want a free and independent Lithuania and we want to take all practical diplomatic steps to move in that direction. It is in line with American policy. We have never recognized the occupancy of Lithuania. It is a sensitive matter over there; no question about it. What we want is freedom. But, if at all possible, we want to avoid bloodshed over there.

This concurrent resolution, I think, goes in the right direction. I am pleased that Senator HELMS and I are both cosponsoring this concurrent resolution. I think it sends a very clear, firm, strong message to the people of Lithuania, as well as to the Soviet Government that we want a free and independent Lithuania.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, here we are. Last night we marched way down the Hill, and then the telephone calls and telegrams began coming in, and up the Hill we march again tonight.

I want to pay my respects to the folks in the administration, two of whom took that wonderful journey to China, who called last night from the White House during a state dinner to persuade enough people here to vote against the amendment last night to cause its defeat.

I agree with a Senator who said to me, right after the vote last night, that the Senate overdosed on dumb pills. I agreed with the Senator, who said it was a disgrace what happened. But I am glad that we finally get to the point that we have a rational approach to the question of where America stands.

Last night the Senate failed to support the amendment on Lithuanian independence that would have clarified the Senate's position on the nonrecognition policy of Lithuania's incorporation into the Soviet Union. The Lithuanian people have asked the United States to stop sending mixed signals.

Mr. President, we heard a lot last night about the delicacy of the situation. We were told that the Lithuanians were worried about calls for recognition.

I say to that: Bah, humbug. Ask any Lithuanian-American how he feels.

Mr. President, the situation is more than delicate. The Associated Press reported just this afternoon, at 5 p.m., that 15 armored personnel carriers and 5 trucks drove through the center of the Lithuanian capital of Vilnius. In response, President Landsbergis issued an appeal for international support. He has done this over and over again.

In addition, Mr. Gorbachev himself told KGB border troops to reinforce the borders and told officials to reduce the number of visas issued to foreigners.

I hope it is not too late for the United States to give the Government of the Republic of Lithuania the support it so desperately needs and deserves. Last week the President of Lithuania pleaded with the nations of the free world to extend recognition to his country, not just relations or normalization, but official, formal recognition. And he called upon "the governments of the democratic nations to recognize the laws and legislative acts of March 11, 1990, and to recognize the new Government of Lithuania."

So, obviously, I am pleased that the Senate is now reconsidering its action of last night. The leaders of the Republic of Lithuania and the Lithuanian-American community are pleased to hear any expression of support that the Senate or the Government of the United States, or both, may give them. But what they need and deserve is formal recognition of the democratically elected government of Mr. Landsbergis.

Now, then, since last night I have received a deluge of telephone calls and FAXed letters and telegrams from frustrated and disillusioned Lithuanian-Americans who feel that the United States Senate last night betrayed the Lithuanian people after a half-century of declaring its protest against making those three countries captive nations. I imagine, Mr. President, that some other Senators received similar deluges of communications, and that is why we are tonight reversing field, doing something tonight that we should have done last night.

Specifically, among those I have heard from are:

First, the Legation of Lithuania;

Second, the Sajudis independence movement in Lithuania;

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Third, the Lithuanian Information Center;

Fourth, the Supreme Committee for the Liberation of Lithuania;

Fifth, the Lithuanian newspaper of Chicago, Draugas;

Sixth, the Lithuanian American Community;

Seventh, the Lithuanian Youth Association;

Eighth, Baltic World Council; and

Ninth, the Lithuanian American Council.

Mr. HELMS. Mr. President, I ask unanimous consent that a few of the typical messages be printed at this point in the RECORD.

There being no objection, the messages were ordered to be printed in the RECORD, as follows:

LITHUANIAN-AMERICAN
COMMUNITY OF THE U.S.A., INC.,
Chicago, IL, March 22, 1990.

Hon. JESSE HELMS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: On behalf of the Lithuanian American Community of the United States, I would like to express my deepest thanks for your recent introduction of the resolution calling on the United States to recognize the government of Lithuania.

When we were in touch with members of Sajudis in Vilnius yesterday, we were told that recognition by the United States was the single most crucial thing needed at this important juncture, to ensure that the nonviolent approach succeeds.

As you know the State Department has always been hesitant to take any initiative with reference to effective diplomatic support, which makes congressional leadership on this issue an imperative.

If you choose to reintroduce this measure, we will do all that we can to support your leadership. I am only sorry that we did not have enough chance to mobilize our support to support your earlier effort.

Sincerely,

ANDREW EIVA.

SUPREME COMMITTEE FOR THE
LIBERATION OF LITHUANIA,
Washington, DC, March 22, 1990.

Senator JESSE HELMS,
Dirksen Building, U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: We greatly appreciate your strong stand on behalf of Lithuania and its people on their uphill fight for independence.

We are disappointed that the Senate yesterday failed to adopt the resolution of Lithuania's recognition. We thank you and your colleagues who voted for the resolution.

We hope you will continue your just and noble fight on behalf of the oppressed people of Lithuania in their attempt to fulfill democratic aspirations and long deserved freedom.

God bless you.

Sincerely,

DR. C.K. BOBELIS,
President, Supreme Committee for the Liberation of Lithuania.

HILLSDALE, NJ,
March 22, 1990.

DEAR SENATOR HELMS: Thank you for introducing the resolution supporting the Independence of Lithuania. The Lithuanian Community sincerely appreciates your dedication to this bold freedom movement. It is a travesty that the resolution did not pass the Senate last night. The Soviets are flexing their military might and we must let them know that the United States stands behind the Lithuanian freedom fight. The time to act is now.

Please consider the reintroduction of your resolution to the Senate. We will do what we can to arouse the support of the other Senators, the Congress and the Administration for noble causes.

Sincerely,

DAVID DUTKUS.

Mr. HELMS. Mr. President, these Lithuanian-Americans are aware that the U.S. Senate failed to support, last night, the valiant Lithuanian people whose sovereign territory is presently under a state of siege. They cannot understand, and neither can I, how, on the one hand, the United States does not recognize the illegal occupation of Lithuania, yet on the other hand sits idly by, as the Senate tried to do last night, and watch the peaceful and unarmed Lithuanian nation stand up alone to the Soviet Union.

So, Mr. President, the question is obvious. Is America so afraid to anger the Soviet Union? Are we so intimidated by Mr. Gorbachev's P.R. blandishments that we hesitate to support the democratically elected government of the Republic of Lithuania? Despite the courage and the determination of the Lithuanian people, the first democratic government in 50 years may not survive, if very much continues to go on such as happened last night, and the United States does not formally recognize this land that was a captive nation for 50 years.

Mr. President, it is a tragedy that the Lithuanians have worked so bravely and so peacefully to be welcomed back into the free nations of the world, that there would be any hesitation about standing up and standing with the independent Government of Lithuania.

We are watching a gallant country once again being raped by the Soviet Union through an inundation of more Soviet troops and military vehicles. We have seen the Soviet Red Army flex its military might and watched the President of the Republic of Lithuania refuse to bow down to the enormous pressure.

Today the newspapers report that Gorbachev has issued, under this new Presidential powers, a decree ordering the Lithuanians to surrender their arms. Mr. President, question is, what arms? The Lithuanian people have been peaceful despite the many reasons for them to be angry. For 50 years they have seen their nation militarily occupied, plundered, and environmentally destroyed. They are willing to negotiate, on a state-by-state basis, with the Soviet Union. President Landsbergis has responded to the latest threat with statesmanship, saying and I quote, "this order, like any other adopted by a foreign state that pretends to claim sovereignty over Lithuania, has no legal power. It could be enforced only by brutal military force."

Mr. President, the situation which exists today parallels the situation of 1940 when the Soviet Union invaded Lithuania under the pretext of searching for Soviet Army deserters, and to protect the borders of the Soviet Union form the "militant" Lithuanians. For 50 years the West has not accepted the Soviets' excuse for invading Lithuania.

Mr. President, the Lithuania people know what is best for themselves. Why not let them decide their own fate. A democratically-elected government pleads to be recognized by the United States and should be recognized by the United States, especially when the United States has, through 10 administrations of both parties, held a nonrecognition of Lithuania's illegal incorporation into to the Soviet Union. I strongly believe that the nonrecognition policy implies that when the Lithuanian people achieve legal control over Lithuanian Government and territory the new government should be recognized immediately.

Mr. President, the Republic of Lithuania is in effective legal control of the territory and government of independent Lithuania. The U.S. Government has maintained that unless the Lithuanian Government achieves full control of its territory it will not be recognized. The fact remains that unless the Lithuanian Government is recognized, it will not be able to rid itself of the Soviet occupation forces.

This concurrent resolution makes amends for the Senate's action last night. It is at least a partial remedy for the dismaying default of last night.

We proclaim that we are the land of the free and home of the brave. I hope we never again yield to timidity, in the vain hope that a Communist government anywhere might decide to be a bunch of nice guys if we will merely forfeit the principle of standing firm against tyranny.

Mr. ARMSTRONG. Will the Senatory yield for a question?

Mr. HELMS. Go right ahead.

Mr. ARMSTRONG. Mr. President, I listened intently to the thoughtful statement which the Senator from North Carolina has presented, just as I listened to his remarks last night and, indeed, as I read the resolution which he offered last night and was proud to cosponsor.

There are two questions I have. Could the Senator explain to me what the difference is between the resolution we are considering tonight and the one we considered last night?

Mr. HELMS. Scarcely any difference. Scarcely any.

Mr. ARMSTRONG. Mr. President, I have looked at the two resolutions. Really there is not very much difference. I do note that there is one item that is not included in the resolution from last night. There was a little declaration as follows, if I can just read it, in the resolution we had last night, that "the Senate therefore congratulates President Bush for responding to the declaration of independence by urging Moscow to begin negotiations with the Lithuanian leaders."

That is not in the concurrent resolution we have before us tonight. Is that the essence of the difference here? Are we to understand that those who may vote for tonight's resolution and did not vote for it last night really were hung up last night over the question of whether or not we would or would not congratulate Mr. Bush?

Mr. HELMS. I will say to the Senator that I had no hangup in that regard.

Mr. ARMSTRONG. I would not either. I am not going to move to amend, but if anybody wants to put that back in to make tonight's concurrent resolution more nearly conform to last night's, I would like that, but I am not willing to do it.

Mr. HELMS. I am perfectly willing to do it.

Mr. ARMSTRONG. I point out to the Senator from North Carolina, some of the material preceding the resolving clause in his resolution last night is not included in the concurrent resolution tonight. I do not think any of the facts that were included in the "whereas" clauses were in dispute. They simply set out the record back as far as 1918 with a history of what has happened in that region of the world. That since 1918 the people of Lithuania have been a sovereign nation; that nearly 50 years ago, as a result of the notorious Molotov-Ribbentrop Pact, a shameful disgraceful episode of history, that the people of Lithuania were annexed into the Soviet Union illegally. For some reason it is not included in tonight's concurrent resolution. I am not aware that it is disputed by any Senator or any historian.

It is interesting, it seems to me, that this matter comes back to us so quickly and with the probable outcome that this is going to be adopted unanimously. It is occasion at least for this Senator to wonder what has caused the remarkable change of heart overnight.

Mr. President, I have one additional question. The Senator mentioned that there were responses around the world to the action of the Senate last night. I do not know how other Senators viewed our action last night, but, frankly, it was one of those rare evenings when I went home pretty disgusted with the U.S. Senate. Whether I win or lose, I go home generally with a great degree of respect for this institution and with a feeling in the eye of history. This is a unique place, a place of honor, a place where men and women can be proud to serve. But I did not go home feeling that way last night. I went home thinking this was a place where an appeal for support and encouragement was heard and rejected by men and women who should know better.

Mr. President, the question I was leading up to is this. I wonder if the Senator was aware of a story which moved on the Associated Press wire today involving the president of an international organization of Lithuanians who criticized Washington for failing to recognize Lithuania's new government in its effort to break away from the Soviet Union. Mr. Bieliauskas, President of the Lithuanian world community, said he could not understand why the United States Senate voted Wednesday to reject Senator JESSE HELMS' proposal urging President Bush to grant immediate diplomatic recognition to the new Lithuanian Government.

I do not know if the Senator is familiar with that story. I hope he would permit me to ask unanimous consent it be printed in the RECORD, along with a story also from AP which begins as follows:

> A column of Soviet armored personnel carriers and army trucks drove through the center of the Lithuanian capital today in the Kremlin's latest show of force in the breakaway republic.

I ask unanimous consent that both of these stories be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. ARMSTRONG. Finally, with the indulgence of the Senator, I want to offer one additional thought. I believe we are about to adopt this concurrent resolution unanimously or nearly unanimously tonight, as we should have done last night. I am glad we are going to do it. It is the right thing to do. Justice delayed is better than justice denied.

I say this to my colleagues who voted against the resolution last night: If the Russians had sent in tanks and a slaughter had begun in Lithuania today, they would have had a very heavy burden on their conscience as a result of their vote last night. I compliment the Senator for bringing this back to our attention tonight. I salute him. I would be honored if he would permit me to be a cosponsor of the concurrent resolution.

EXHIBIT 1

VILNIUS, U.S.S.R.—A column of Soviet armored personnel carriers and army trucks drove through the center of the Lithuanian capital today in the Kremlin's latest show of force in the breakway republic.

Lithuanian officials protested increased Soviet military activity and President Mikhail S. Gorbachev's decree Wednesday ordering citizens to turn in their guns, saying the republic's independence movement has been non-violent.

Gorbachev today also demanded that Lithuania stop signing up volunteer defense forces. The request came in a telegram to Lithuanian President Vytauts Landsbergis and was read on the evening TV news program "Vremya."

A convoy of 15 personnel carriers and five trucks, towing military equipment, rolled through Vilnius this afternoon.

The action came just hours after Lithuanian Prime Minister Kazimiera Prunskiene complained of the increasing activity of Soviet soldiers and demanded an explanation from the Kremlin.

During a break in today's Supreme Council session, she told reporters an estimated 30,000 Soviet troops were stationed in the republic, whose Parliament declared independence from Moscow on March 11 after the ruling Communists were removed from power in free elections.

"But, it changes daily," she said, explaining why she sent a telegram to Gorbachev on Wednesday night demanding to know the number of Soviet troops and amount of military equipment sent to Lithuania over the past few days.

Gorbachev has called Lithuania's declaration of independence illegal but has also said he would not use force to keep it from seceding from the Soviet Union, which annexed the republic after assuming control under terms of the Hitler-Stalin pact of 1940.

Ms. Prunskiene called Gorbachev's decree to turn in weapons within a week "an expression of mistrust in the whole population" of the Baltic state.

Lithuanian Interior Minister Marionis Myasyukonis told The Associated Press, "There are about 30,000 officially registered shotguns, mostly in the possession of hunters and collectors."

"There has not been one case of aggression, so why confiscate shotguns?" said Lithuanian legislator Algimontas Cekuolis. "The laws of Moscow are not valid in the sovereign state of Lithuania.

CINCINNATI.—The president of an international organization of Lithuanians on Thursday criticized Washington for failing to recognize Lithuania's new government in its effort to break away from the Soviet Union.

Vytautas Bieliauskas, president of the Lithuanian World Community, said he could not understand why the U.S. Senate voted Wednesday to reject Sen. Jesse Helms' proposal urging President Bush to grant immediate diplomatic recognition to the new Lithuanians government.

"It's incomprehensible," said Bieliauskas, 69, a native Lithuanian who came to the United States in 1949.

A newly elected Lithuanian parliament on March 11 declared the Baltic republic's freedom from the Soviet Union, but four days later, the Soviet parliament declared the action invalid. Bieliauskas and other Lithuanian activists say the new Lithuanian government is lawfully restoring the independence that ended when the Soviet Union illegally occupied the country in 1940.

Bieliauskas said his organization, which claims 1 million members in 19 Western nations, is lobbying some Western governments including Canada, Australia and the United States to recognize the new Lithuanian regime. The organization maintains contacts within Lithuania, including the Sajudis freedom movement.

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"The United States, unfortunately, cannot get moving," Bieliauskas said. "If the United States does not do anything, it does not make sense, because the United States does not recognize the occupation and now it does not recognize the new government. It's puzzling."

He said Bush should consider sanctions against the Soviets, including denying them favored-nation trading status.

Soviet President Mikhail Gorbachev, flexing newly acquired executive powers, ordered Wednesday that Lithuanians surrender their weapons and that authorities tighten border checks and restrictions on foreign travelers in the republic of 3.7 million people.

Bush said Thursday he is concerned, but is taking the Soviets at their word that they will not use force against outmanned Lithuania. But Bieliauskas said he is not convinced.

"Mr. Gorbachev is beginning to show his teeth. He's beginning to show that he's not as nice a guy as everybody thought," said Bieliauskas, a retired Xavier University psychology professor who lives in Cincinnati. "He's not killing anybody, but he's using what I would call the process of strangulation. He says everything belongs to the Soviet Union: communications, factories, the borders, everything. And if Lithuania wants to have them, it will have to buy them."

Landsbergis said Gorbachev's decree shows "the ghost of Stalinism is walking in the Kremlin" and that it could be enforced "only by brutal military force."

Gennady Gerasimov, the Soviet Foreign Ministry spokesman, reiterated today that Moscow had no plans to use force but declined to say whether the Kremlin might order the arrest of Lithuanian leaders.

"We want to solve this problem as peacefully as possible and according to the laws of the country," he told reporters during a news briefing.

The Soviet general who commands Lithuania's volunteer civil defense agency said he has partially complied with orders to turn over to the Soviet military the weapons and 16,000 vehicles under his command.

Gen. Ginutis Taurinskas told the Lithuanian Parliament he was ordered "to give all small caliber weapons to military units so there won't be any eventual theft of arms for inappropriate use."

He said firearms remained scattered among 500 to 600 units of volunteers who carry out air raid drills and train young people for military service. He gave no figures.

Gorbachev, using the powers he gained when the Congress of People's Deputies elected him the Soviet Union's first executive president last week, said Lithuanians had a week to turn in their firearms.

If they fail to do so, he said the Soviet Interior Ministry should be prepared to confiscate them.

Gorbachev also told KGB border troops to tighten their watch over the republic and told officials to reduce the number of visas issued to foreigners seeking to visit the republic.

His decree was the latest in a series of increasingly tough moves taken by Moscow in an attempt to discourage secession by the republic of 3.8 million people.

It came less than 24 hours after a strong protest from Lithuania's government over stepped up maneuvers by the Soviet military in the state.

Lithuania was independent from 1918 until 1940, when it was forcibly annexed along with Latvia and Estonia. So far, no foreign country has officially recognized Lithuania as independent.

Lithuania had rushed to declare its independence before Gorbachev could gain broad powers that include authority to impose direct presidential rule on areas of the Soviet Union.

Asked late Wednesday whether Gorbachev was conducting psychological warfare on the small republic, Cekuolis said, "Yes, this is a war of nerves, but we are not nervous. We have the motivation, we have our country, and we know where we are going."

Most firearms are tightly controlled in the Soviet Union, so Gorbachev's directive primarily touched hunting weapons. Relatively few people own firearms, and they must be registered with authorities.

Also Wednesday, Moscow lawmakers gave initial approval to a draft law that would make secession from the Soviet Union illegal without a republic-wide referendum and a five-year transition period.

One of two chambers in the Supreme Soviet standing legislature gave the bill preliminary approval and sent it to the other chamber.

Deputies said its prompt passage was needed to dissuade other republics from copying Lithuania, as fellow Baltic republics Latvia and Estonia are expected to do.

A group of conservative deputies to the Congress appealed to Gorbachev to impose direct rule on Lithuania, charging that the republic was about to pass legislation making it illegal to speak out against the independence movement.

Senior Lithuanian legislators confirmed such legislation existed, but said it was unlikely to be approved by Lithuania's Parliament.

Mr. HELMS. I ask unanimous consent that Senator ARMSTRONG be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate on the concurrent resolution? The Senator from South Carolina.

Mr. HELMS. I yield to the Senator.

Mr. THURMOND. Mr. President, I rise to commend the able and distinguished Senator from North Carolina for his leadership in this matter. I think he took the right stand last night, and I think the Senate is going to take the right stand tonight. I ask to be associated with the remarks the able Senator made last night and tonight. I am confident the American people feel just as the able Senator has expressed last night and tonight.

The Senate last night, I am afraid, was too timid. There may have been some other reasons, but I think last night probably they hesitated to get into this matter. But there are times when we have to take bold action, and I think last night was a time to do it. We did not do it last night. I hope we will do it tonight.

Mr. HELMS. I thank the Senator from South Carolina and the Senator from Colorado. I ask unanimous consent the distinguished Senator from Oklahoma, Mr. NICKLES, the distinguished Senator from Texas, Mr. GRAMM, the distinguished Senator from South Carolina, Mr. THURMOND, and the distinguished Senator from Idaho, Mr. SYMMS, be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, let me conclude by saying this.

This resolution, first, puts the Senate on record in support of the people of Lithuania in their struggle to gain independence.

Second, like the amendment of last night, it reaffirms the longstanding commitment of the United States of America to the policy of refusing to recognize the forced incorporation of Lithuania, Latvia, and Estonia into the Soviet Union.

Third, like the amendment last night, it puts the Senate on record supporting recognition of the democratically elected Government of the Republic of Lithuania.

And fourth, it puts the Senate on record as calling for severe repercussions in the United States-Soviet relationship should the Soviets use force against the people of Lithuania.

Mr. President, with that, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Is there further discussion on the concurrent resolution? The Senator from Illlinois.

Mr. SIMON. Mr. President, I will take only 1 minute. I agree with the final four points of the Senator from North Carolina. I do not see my colleague from Colorado on the floor immediately. There is one distinct difference from the resolution last night, and that is it gives greater flexibility to the President and that is why the White House is in favor of this concurrent resolution and was in opposition to the one last night. I think if my colleague from Colorado will read both resolutions carefully, he will see that.

Mr. ARMSTRONG. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ARMSTRONG. Mr. President, the Senator from Illinois properly elaborated on my earlier remarks. I just want to point out that the resolution which the Senator from North Carolina and I and others offered last night gave the advice of the Senate. It did not require the President to do anything. The President retains certain constitutional prerogatives. I believe that there are at least several dozen Senators—I think there were 39 last night—who were bold enough to give our advice without first checking to see whether or not the White House wanted to hear our advice.

I will say to my colleagues, I suggest there are plenty of times we ought to give our advice and ought to give it without checking with the State Department, the White House, or anybody else. And we ought to stand up and be counted for what we believe. Nobody was forcing the President's hand. We could not do that. The President is Commander in Chief. The President is the supreme architect of foreign policy. Our role is to advise and consent. Last night we sought to give our advice. It was the right advice last night. It is still the right advice. But I do not think we should kid ourselves that somehow we have to wait for a message or signal or Fed Ex or smoke signal from the White House before we tell the President and the whole world how we feel when people ask for our moral support in their fight for freedom.

Mr. DIXON. Mr. President, I rise to announce my original cosponsorship of Senate Concurrent Resolution 108 concerning Lithuanian sovereignty. Lithuanians the world over, and especially Lithuanians in Vilnius, the capital, need to hear their friends in the United States state in unequivocal terms their support and allegiance with the Lithuanian people at this fragile time.

Well, Mr. President, I stand with them. I always have stood for the principle of self-determination for the Baltic States, and the United States nonrecognition policy. The people of the Baltic States have suffered at the hands of the Soviet Union since the illegal annexation of the Baltic States by the Soviet Union.

However, as you know, Mr. President, I did not support the Helms resolution on Lithuanian independence offered last night. My vote has caused concern among a number of Lithuanians back in my State, which, incidentally, in the Chicago area, has the largest population of Lithuanians outside of Lithuania.

I listened intently to the discussion last night on the merits of the Helms amendment. My heart was with Senator **Helms**, because I am a vigorous supporter of Lithuanian independence, but I was troubled by the call in the amendment for immediate diplomatic recognition of Lithuania by the United States.

Many of my colleagues on both sides of the aisle, whose views on foreign policy I hold in the highest regard, made a persuasive case that what is transpiring in Lithuania requires a delicate balance between supporting and aligning ourselves with the brave and courageous people of Lithuania, while not taking an action which would harden the Soviet resolve to take action against Lithuania that we all wish to avoid. I believe adoption of the Helms amendment would do just that.

The joint leadership resolution before us tonight strikes that delicate balance. It is supported by the administration, and will have the effect of showing in no uncertain terms our resolute support of Lithuania in a way which I believe will not result in actions against Lithuania.

Mr. President, I pray that the independence of Lithuania flowers fully. I pray it happens as well in Latvia and Estonia. Finally, I want to ensure that this Nation did all it could to help bring about that result. The leadership resolution is the best way to go.

Long live an independent Lithuania.

Mr. LAUTENBERG. Mr. President, I rise in support of this resolution, which expresses our solidarity with the Lithuanian people and their yearning for freedom.

Lithuanians have taken courageous and bold steps to restore their nation's independence. They voted overwhelmingly last month for candidates who supported independence. This month, the Lithuanian Parliament proclaimed its independence.

These are steps that deserve our praise and our support. Lithuania as an independent nation fell victim to the Stalin-Hitler pact of 1939 and then to Soviet aggression in 1940. But, for 50 years, the yearning for freedom among the Lithuanian people never died. I pay tribute to the long and noble struggle of the Lithuanian people.

Now, President Gorbachev, who has led his nation down a new path, who has made a series of momentous decisions that are making substantial changes in his society, is faced with another momentous decision. How shall he respond?

President Gorbachev responded with restraint and with understanding for the yearnings of the Polish people, and the people of Czechoslovakia, and the people of Romania, and the people of East Germany. They have been allowed to transform their societies to secure new freedoms. Mr. President, I call upon President Gorbachev to exercise the same restraint and good judgment as he faces the yearnings for Lithuanian independence. The yearnings for freedom of the Lithuanians are just as strong as those who are leading the transformation of other Eastern European nations. Their claims for independence and freedom are no less legitimate. I urge President Gorbachev to resist the use of force, intimidation, or coercion. I urge him to choose the path of reconciliation, and negotiation.

Mr. President, the United States has consistently refused to recognize the annexation of Lithuania, as well as the States of Latvia and Estonia. It is our obligation to do all that we can to encourage and give strength to the brave Lithuanian people who are standing courageously for their independence. And it is our obligation to take all effective steps to encourage the Soviet Government to right the wrongs of the past, and to let independence ring in Lithuania. I support this resolution.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the concurrent resolution. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from New Mexico [Mr. **Bingaman**], the Senator from Hawaii [Mr. **Matsunaga**], and the Senator from North Carolina [Mr. **Sanford**] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Pennsylvania [Mr. **Heinz**], the Senator from New Hampshire [Mr. **Humphrey**], the Senator from Vermont [Mr. **Jeffords**], and the Senator from New Hampshire [Mr. **Rudman**] are necessarily absent.

I further announce that, if present and voting, the Senator from New Hampshire [Mr. **Humphrey**] would vote "yea."

The PRESIDING OFFICER (Mr. **Wirth**). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—93

Adams
Armstrong
Baucus
Bentsen
Biden
Bond
Boren
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Byrd
Chafee
Coats
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Exon
Ford
Fowler
Garn
Glenn
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McClure
McConnell
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Rockefeller
Roth
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner
Wilson
Wirth

NAYS—0

NOT VOTING—7

Bingaman
Heinz
Humphrey
Jeffords
Matsunaga
Rudman
Sanford

So the concurrent resolution (S. Con. Res. 108) was agreed to.

The preamble was agreed to.

The concurrent resolution and its preamble are as follows:

S. Con. Res. 108

Whereas:

(1) On February 24, 1990, the people of Lithuania held the first democratic election in Lithuania in more than half a century.

(2) In that election, the people of Lithuania elected a large majority of candidates who supported the independence of Lithua-

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nia and the establishment of a democratic state.

(3) On March 11, 1990, the newly elected Lithuanian Parliament proclaimed Lithuania an independent state.

(4) The United States has never recognized the incorporation of Lithuania into the Soviet Union.

(5) The Soviet Government has not yet recognized the action of the Lithuanian Parliament in declaring Lithuania independent.

(6) The Soviet Government has undertaken action, including staging military maneuvers and ordering Soviet military units to assert more active and visible control over Lithuanian installations, in an apparent attempt to intimidate the Lithuanian Parliament and people.

(7) More recently, Soviet President Gorbachev has reportedly ordered citizens of Lithuania to hand over any weapons they hold to Soviet authorities within seven days and has ordered tighter controls on the ability of foreigners to visit Lithuania.

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Lithuanian people should be commended for their courage and perseverance in holding free and fair elections, declaring an independent Republic of Lithuania, and in asserting their right to self-determination peacefully and through the democratic process.

(2) The Government and people of the United States strongly and unequivocally support the right of the people of Lithuania to independence and democracy.

(3) Recent actions of the Soviet Union apparently aimed at intimidating the Lithuanian Parliament and people have seriously exacerbated tensions and the possibility of violence in Lithuania.

(4) The Soviet Union should immediately cease all such efforts to intimidate the Lithuanian Parliament and people.

(5) The Soviet Union has no right to use force against Lithuanians peacefully exercising their democratic rights, and President Gorbachev and other Soviet leaders should clearly understand that the use of force against the Lithuanian people would have severe repercussions for United States-Soviet relations.

(6) The Soviet Union should immediately begin the process of good-faith discussions with Lithuanian authorities to satisfy peacefully the expressed desire of the Lithuanian people for independence.

(7) Supports the President's strong commitment to the doctrine of non-recognition of the forced incorporation of territory, such as occurred in the Baltic States in 1940, and urges the President to reaffirm his commitment to an independent and democratic Lithuania and to seek ways to actively demonstrate that commitment.

(8) Urges the President to consider the call of the elected Lithuanian Government for recognition.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. DASCHLE). Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

WIRTH-ARMSTRONG AMENDMENT NO. 1344 TO AMENDMENT NO. 1293

Mr. BIDEN. Mr. President, Tuesday night, the Senate voted to table one of the most controversial amendments to the pending bill, Senator WIRTH's amendment addressing auto tailpipe standards, reformulated gasoline and alternative fuels.

The Wirth amendment was far reaching—both in its coverage and in its establishment of future transportation and energy policy for the Nation. It was the kind of aggressive goal-setting that often is necessary to get industry to address serious environmental problems. But its adoption was the wrong step to take.

My concerns about the Wirth amendment were twofold. First, I believe it was flawed in design. Specifically, I was concerned about the effective methanol mandate established in the Clean-Fueled Cars Program. Serious questions remain unanswered on the wisdom or practicality of making methanol the fuel of the future. The amendment was argued to be fuel neutral, but it simply did not read that way.

I was also unconvinced that the program of mandated sales of clean and ultraclean cars called for in the Wirth amendment was workable. One result of the original Clean Air Act was development of the catalytic converter, a leap in technology unforeseen when the law was passed. The Wirth amendment sought to force similar improvements in the development of alternatively fueled vehicles.

But there is a difference between establishing a program to push development of a technology and a program to push alternatively fueled cars into driveways. Consumer acceptance, the basis for the success of the program, is missing from the amendment.

I just did not see the alternative fuel program for private vehicles outlined in the Wirth amendment as workable. If the vote were on the general need to move toward powering our Nation's cars by alternative fuels, there would be no doubt that I would have supported it. But the amendment went beyond that, deciding that methanol was the fuel of the future, that methanol was safe, and that consumers would buy methanol cars in large quantities as soon as they are introduced.

My second concern was the effect the amendment would have on reform of the Clean Air Act. It has been 13 years since we last considered clean air legislation. Five or six years ago, conditions reached the point that reform was clearly needed. But no law was passed.

In the last year, a President finally occupied the White House who decided to support change. The House of Representatives has also started to act. But no one should be fooled by the appearance of concerted action on this issue that a bill is destined to reach the President's desk no matter what. The whole process could be sidetracked.

Should this bill fail, we will be set back at least 2 years, and probably more. In the meantime, the current inadequate law would continue to be in force. Is that really in the best interest of our Nation's environment?

In this body, we have a reform bill moving forward under the most tenuous of conditions. Each vote must be measured against what will be gained over the compromise, but also what could be lost.

The leadership compromise contains provisions that address many of the programs in the Wirth amendment. It was not an all or nothing situation on tailpipe standards, reformulated gasoline and alternative fuels. The changes called for by the amendment were not worth the clear risk of losing the whole bill.

My belief that the entire bill was at risk for only marginal gains was confirmed as I saw colleagues who were supporting the Wirth amendment. It is no news that there are about a dozen Senators who oppose passage of any clean air legislation. They have articulated their opposition, clearly explaining why they are fighting passage of the bill.

I disagree with their assessment of environmental conditions in our Nation and the absence of urgency to improve them. When they voted in favor of the Wirth amendment, a proposal the environmental community has called one of their top votes, it only confirmed my belief that adoption of the Wirth amendment was the death knell for Clean Air Act reform for 1990. Other explanations for their votes are possible, but to me it was a backdoor attempt to kill the bill by joining with those who sincerely want to improve it.

For 20 years, dating from my efforts as a county councilman to block construction of a Shell refinery in the wetlands along the Delaware River, I have supported strong environmental legislation. For 17 years as a Senator, including the years when environmental protection was under unprecedented attack by the Reagan administration, I have consistently backed the environmental position.

But the vote on the Wirth bill was on more than triggers for tighter tailpipe standards, standards for reformulated gasoline, and an alternative fuel program for cars. It was also a vote on whether we want dramatic improvement in our Nation's clean air law this year or think it is best to wait for a chance at legislation in future years that might or might not result in additional gains. With those as the stakes, I believe it was necessary and right to table the Wirth amendment.

UNANIMOUS-CONSENT REQUEST

Mr. MITCHELL. Mr. President, there has now been a period of consultation with several of the Senators interested in the further proceedings on this bill with specific concerns as indicated in prior discussion. The proposed agreement has been revised to reflect and accommodate those concerns.

I have discussed this with the distinguished Republican leader, with the managers on both sides of the aisle, and, as I indicated, with several Senators who had expressed an interest. Accordingly, Mr. President, I will now propound the request.

I ask unanimous consent that no later than 6 p.m. on Thursday, March 29, the Senate, without any intervening action or debate, dispose of all pending amendments and vote on final passage of S. 1630, the clean air bill; that all remaining amendments to the bill be relevant to the Mitchell-Dole amendment No. 1293; that there be 4 hours of debate equally divided in the usual form on the Nickles permitting amendment; that debate on all remaining amendments offered between now and 6 p.m. on Thursday be limited to 1 hour each equally divided in the usual form and that all other provisions of the previous unanimous-consent agreements relative to this bill remain in force and that no points of order be waived by this agreement; that the agreement not apply to any amendment on the subject of allowances as contained in title IV of amendment 1293; that all amendments be filed at the desk by the close of business on Wednesday, March 28, with the exception of the leaderhip amendments; that, if any Senator offers an amendment when all time has expired, the amendment be in order and disposed of without debate; that all allowance amendments must be filed at the desk by 12 noon on Monday, March 26; that Senator GRAMM, of Texas, be permitted to offer an allowance amendment, one of his listed amendments that need not be previously filed and that would be limited to and in order to the language of any allowance amendments that may have been adopted to amendment 1293 after today; that Senators be permitted to file their amendments on Friday between the hours of 10 a.m. and 4 p.m. whether or not the Senate is in session; and that no allowance amendment may be in order prior to 2:15 p.m. on Tuesday, March 27.

The PRESIDING OFFICER. Is there objection?

Mr. BOSCHWITZ. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I would ask the majority leader, what does he want to turn to on completion of this bill? Nobody is filibustering this bill. Nobody is seeking to delay this bill. So what is the majority leader going to turn to at the termination of this bill that causes him to want to move through it as quickly as he does, recognizing that this is now the second full week of debate?

Mr. MITCHELL. The bill was reported by the committee in November and brought to the Senate floor on January 23. The substitute amendment was printed and presented on March 5, I believe. Therefore, I believe that there has been more than ample time for consideration of this legislation and for Senators to prepare and offer amendments.

Second, last week I met with the President who reminded me of his deep interest in and concern for this bill. He urged me to see that it be promptly and expeditiously considered and passed. I must say, I share the President's view. I think it is important legislation. It has taken a very great amount of the Senate's time. My interest is in passing clean air legislation, having it enacted into law in a manner consistent with fair and thorough consideration by the Senate. I believe there has been more than ample opportunity for such fair and thorough consideration, and, under the circumstance, believe that attempting to set a deadline is appropriate.

Third, and finally, the Senate has much important business to consider. I made a commitment last year, after consultation with the distinguished Republican leader, to bring up crime and drug legislation. That is another matter in which the President has a very great interest and on which he has for many months urged congressional action. That will be considered after we complete action on this legislation.

Mr. BOSCHWITZ. That will be the next order of business?

Mr. MITCHELL. I have not made a decision on precisely what the order will be, but it certainly will be taken up, if not the next order of business, then very soon thereafter. I do not know precisely when this bill will be completed. I have every intention of bringing that bill up soon.

Mr. BOSCHWITZ. Does the majority leader contemplate that the Central American aid package will be considered in the week following this in the event that we conclude this bill prior to the Easter recess?

Mr. MITCHELL. I indicated to the President in our meeting last week that I would do all I could to expedite consideration of that bill. I do not know when the bill will be ready for action by the Senate. I also do not know when we will complete action on the crime bill. I do not know when we are going to take it up. So I will certainly give consideration to that at the earliest possible time.

Mr. BOSCHWITZ. Mr. President, I share the majority leader's deep interest and concern for this legislation and desire to pass this legislation. I do not find, as I stated earlier, that anyone is filibustering this legislation or unduly delaying this legislation despite the fact that it came before us on the 23d of January and then was resubmitted early in March; that is, for a second full week of debate we have been on a bill that, in my judgment, is as far-reaching in economic consequences as any bill in which I have participated in my 11 years in the Senate.

I know that there are many, many amendments. I find some of mine, perhaps, are just jockeying position. As the distinguished Senator from New Mexico noted earlier tonight, we are not quite sure what all the other amendments are going to be, and so we want to have some amendments available for ourselves to respond.

I might also say with all due respect, Mr. President, that I have come to share to some degree Senator SIMPSON's view on some of the staff, and the difficulty working with it and I would emphasize that to some. It has been difficult to progress amendments, at some point. And I have in mind the comments the distinguished majority leader made to me when I commented in that vein to him.

So that inasmuch as this is one of the most far-reaching pieces of legislation, it is only now the end of the second week of debate. I have no desire to impose upon my colleagues or keep them here Friday or Monday or other days. We want to be with our families or be with our constituency. Nevertheless, Mr. President, I must object and I do.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Under the rules of the Senate, each and every Senator has the right to object to a unanimous-consent agreement. The Senator from Minnesota is, of course, well within his rights to do so.

I accept his objection. I regret it very much. I had hoped to call the President tomorrow to advise him that the end of this legislation was now in

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sight and that we would have a vote by a specific time, in response to his repeated desires, stated publicly and privately, for prompt action on the bill.

I obviously will now call him with different news. But I am certain he will understand and respect the Senator's objection, as I do.

Mr. BOSCHWITZ. If the Senator will yield, I would suggest the Senator make that call. I think the end of this legislation is in sight. Maybe not by this coming Thursday, but again I want to emphasize, I have what the Senator expressed, a deep interest and concern in the legislation. I do not want to hold it up. I do not think I have. And the President knows I think this legislation can pass in the near future.

Mr. SYMMS. Mr. President, I hope all Senators understand the Senator from Minnesota is not alone, and Senators who are very concerned but are not trying to have a filibuster. But there is one question. I would hope, and I would address this to the leadership, that before another unanimous consent comes in here that we have some understanding of who has control of the gate.

I know that may be difficult. But, with the parliamentary procedure we are working under, at the current time Senator Byrd has control of it. But if his amendment were disposed of, someone else may offer an amendment and we just simply cannot resolve this issue. I think we all do need to understand that before we try to enter into any time agreement.

I personally think, in reviewing what happened, this bill was rushed through the committee. Many of the amendments that this Senator tried to offer have now been accepted in part, some in total, which took an enormously long time on the part of the Senate to do it. And I think we could have done it sooner if we took more time in the committee. I believe probably if we just keep working on the bill, let these Senators bring their amendments in there, eventually they will get this worked out. But a time agreement just may not be possible at this point.

I know the leader wants to get it done. I do not envy the position he is in, or the minority leader, trying to do their duties. But it is a very complicated bill. It is clearly industrial policy. It clearly has implications to employment and the future of this country and our competitiveness. And I think Senators need plenty of time to work out these very complicated amendments because you have one industry against another.

I thank the majority leader.

Mr. KASTEN. Will the majority leader yield? I simply want to say there are a number of us who are concerned about this. I support the concerns of the Senator from Minnesota. I might say to the majority leader that one of the problems that we have in working with amendments that are about to be agreed to is we are told they are about to be agreed to, and then they are not quite agreed to.

I would point to three or four having to do with my State of Wisconsin, that Senator Kohl and I have now been trying to work through, for 5 or 6 days. We are told that 406(g) emission allowances are about to be agreed to, and then it's not completely cleared. We are told we are going to be having banking credits for sulfur dioxide and then the other side does not agree to it.

We have been going back and forth and back and forth. I do not know if it is going to take an hour. It should not take 10 minutes. But we have not been, in my view, adequately dealt with, with these issues.

Someone might be suggesting at this moment that a number of his issues have been agreed to and we have had them agreed to once or twice and then there is a sticking point.

I hope that as a result of several of us voicing our concerns that possibly the staff could work with us, both sides, and simply resolve these things which are not major issues but somehow have just been put off or bumped around or not been adequately addressed. It should not take an hour. All of the amendments that Senator Kohl and I have ought to be dealt with, I think, without even votes. And I am hopeful they can be.

Mr. MITCHELL. If I may comment, first, of course, no Senator has the right to insist that his amendment be accepted by the managers. No action by anyone has precluded any Senator from coming to the floor and offering his amendment. Indeed, there have been numerous occasions over the past several weeks when I have urged Senators to come to the floor and offer amendments.

It is simply not a reasonable position to expect that, because a Senator offers an amendment and asks that it be accepted, that it therefore be accepted. So, nothing with respect to this agreement or what has occurred now has prevented the Senator from Wisconsin from coming forward and offering his amendment.

Mr. KASTEN. If the majority leader will yield, my point is we are told at one point it is about to be agreed to. So we withhold coming to the floor to offer the amendment until it is cleared. Then later they are saying it may not be agreed to. But it might be agreed to later.

We are in a kind of a limbo. The point is, I agree completely, if the committee desires to not accept any of these amendments, then we should be told that.

Mr. MITCHELL. No one has said the committee would not accept any amendments.

Mr. KASTEN. We have been told, in the words of the staff, "We are very close on the banking amendment." "We almost are agreed to it"—with regard to something else. The problem is it gets that close and then it falls through. The result is we do not know whether to come here and spend the hour or if it can be expedited as an agreed provision.

Mr. MITCHELL. The Senate will be in session on Monday, and I urge the Senator to come to the Senate floor and offer his amendments.

Mr. BAUCUS. Will the Senator yield on that point? I might say to the Senator from Wisconsin, and I think I can speak for the Senator from Rhode Island, I encourage Senators to come personally and ask the managers about their amendments. If the Senator from Wisconsin would ask me, for example, or the Senator from Rhode Island about certain amendments, I would tell the Senator flat out where we are, whether we can accept it or not accept it. Sometimes I will not know immediately whether we can accept it because sometimes the Senators do not have the exact language of their amendments. We have to see the language.

I must also remind the Senator, the clearing process is a little complicated because we have not only both sides of the aisle but there is the administration that has to look at the exact language of the amendment, too. I understand the frustration, but I can tell the Senator if he were to come to me personally, the Senator from Rhode Island personally and ask, we will tell him. I will be here Monday.

Mr. MITCHELL. Mr. President, in light of the objection, I see no reason to prolong this discussion, unless some Senator wishes to comment.

Mr. DOMENICI. Mr. President, I will just take a minute. I want to suggest from the standpoint of the Senator from New Mexico, I think we have had a good working approach to the allowance amendments. That is not going to bind anybody now, and I understand.

I would like to state that I am not a Senator who likes to be the keeper of any watch around here. I have not been on the floor trying to find out what is in amendments, but I want to state tonight that if there are Senators who have allowance amendments, I would graciously ask the floor leaders that they not be accepted. I do not say the Senator from New Mexico has to be notified. If it is your wish, I will sit on the floor. I do not want to keep any from being adopted, but I think we ought to know what all the allowance amendments are. It is a reasonable request. If you work with us, we have to take them from somewhere. To know what we are taking we have to know the total amount we are taking, whether it is 12,000, 60,000 or 130,000. That is the highest one I know is around.

Mr. WIRTH. Will the Senator yield?

Mr. DOMENICI. It will take a long time.

Mr. WIRTH. Maybe it is possible on the allowance question alone which is a unique package of issues. Might we go back to the unanimous-consent request and have unanimous-consent request allowance amendments be into the leader by a certain time and they be acted upon by a certain time? This is a discrete package. It is very complicated.

Perhaps there can be unanimous-consent agreement that no allowance amendments be accepted by themselves; that all be together by Tuesday at noon and maybe we can act on them first thing Wednesday morning, something along that line so everybody knows what the allowance issues are.

The Senator from New Mexico has a valid concern. It might be an easy way to dispose of this complicated package. It is just a suggestion from this Senator as being useful as a way of expediting the process.

Mr. DOMENICI. Mr. President, I believe we may be making it more complicated. Frankly, I think a good way to do it, if it is the Senator's wish, is that the language which says the time by which all amendments have to be filed would be good, it seems to this Senator, and the time in the unanimous-consent agreement must pass before you can start offering them would be helpful to everyone. I do not think we want to bind anybody to a pooled amendment. Those two parts would be very helpful to those who are trying to work something out that is reasonable for everyone.

Mr. MITCHELL. We will certainly consider that.

Mr. ARMSTRONG. If the leader will yield, I want to congratulate the two leaders and the two managers for the progress we are making on this bill. I cannot recall wen I have seen a piece of legislation that I thought was really more important to the destiny of my State and the country than this. We handle a lot of big bills around here: Tax legislation, budgets, war and peace, so on. But the truth of the matter is, when historians look back at the 1990 session of the Congress, they are going to say this was landmark legislation. A lot of people have poured a lot of time and effort into it.

Personally, I think we are making extremely good progress on this bill. I came to the floor when this bill was first called up expecting to vote for it. Nothing has happened so far that makes me think I will not vote for it. There have been some amendments adopted at my request, some that Senator Wirth and I have offered. We offered three or four amendments. A couple of them were adopted. One has been put off to another bill. There have been some amendments I was interested in that were defeated on very close votes. But the net result is that we are working our way through this in a very thoughtful way.

We are doing it in full consultation every step of the way with the administration and with our constituents at home. I cannot recall in my office when we have worked more closely with a broader, wider, and more diverse group of people in Colorado than we have on this bill. Frankly, Mr. President, for a complicated, highly technical piece of legislation, I cannot recall when we have had a bill on this floor where there have been more Senators involved in a more thoughtful, detailed, carefully worked out process than this.

Honestly, Mr. President, I think we owe a debt of gratitude to the Senator from Montana, the Senator from Rhode Island, and our two leaders for bringing us to this point. I think we are making good progress.

I agree with the Senator from Minnesota that it would not be wise to enter into an agreement to vote at a certain time without knowing what all the amendments are, without knowing of the disposition of some of the controversial amendments. But I just want to say to the leader that while I agree with those who have objected, I think we are making good progress, and I do not know of a single Member who is trying to filibuster this. Personally, I think with or without an agreement, we are going to finish it next week. I congratulate him for the progress we are making.

Mr. MITCHELL. I thank the Senator. I will do everything within my power to see we do finish it next week.

There have been very few votes on Mondays since I have been majority leader. There have been no all-night sessions since I have been majority leader, and there have been very, very few weekend sessions. Next week, there will be votes on Monday. There may be all-night sessions, and if we have not finished the bill by the weekend, there will be weekend sessions—Saturday, Sunday, whatever time is necessary. We are going to finish this bill.

Senators may object to the agreement for setting a time, as they have their right to do. The fact of the matter is, this bill has had more thorough scrutiny than virtually any other bill that has been in the Senate in the 10 years since I have been here. There was more notice given to Senators with respect to this bill than virtually any other bill since I have been in the Senate.

I took the occasion to review the record of the past 10 years with respect to comprehensive legislation and length of time between committee consideration, legislation being brought to the floor, and final enactment. I can say to my colleagues that rarely during this period has legislation had so much notice, so much time for consideration, and there have been numerous instances in the past where comprehensive, significant legislation has been brought to the Senate floor in a much shorter time frame and pushed to final passage in much less time.

Everyone has had a fair chance to consider this bill, to consider what amendments they want to offer. There can be no more excuses for holding back on amendments.

We will just stay with it until we finish the bill.

I thank my colleagues for their patience and courtesy.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, the Senate will be in session on Monday considering this bill. There will be votes, and we will stay in session for such time as it takes to finish the bill. No request to consider other matters will be considered. No request by any Senator for time periods when not to vote will be considered.

MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TENTH ANNIVERSARY OF SENATOR BYRD'S FIRST HISTORY ADDRESS

Mr. DOLE. Mr. President, during the 100th Congress, I delivered a series of "bicentennial minutes," which drew attention to some event of interest that had taken place on that day in the Senate's history. These minutes were recently compiled and published in a volume entitled "Historical Almanac of the United States Senate." If I were still delivering that series, this is what I would have said for today's minute:

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Mr. President, 10 years ago, on March 21, 1980, Senate Majority Leader ROBERT C. BYRD launched the most ambitious effort ever undertaken by a Member of the Senate to record the history of this institution. He gave the first of what became more than 100 speeches that covered every aspect of the Senate's 200 years of evolution. He began this project completely by accident; but he stuck with it, mastering its every detail with the same tenacity and thoroughness that he has long brought to all of his Senate responsibilities.

Nothing much was happening on the Senate floor that Friday morning 10 years ago. Up in the gallery, however, was Senator BYRD's granddaughter, Mary Anne Moore, and her fifth-grade classmates, there to see the Senate in action. Not wanting to disappoint them, the majority leader delivered an impromptu speech on the customs and traditions of the Senate. The next week, when another granddaughter, Mona Byrd Moore, sat in the galleries, he delivered a second speech on different aspects of Senate history. Other Senators complimented these informative talks, and encouraged him to continue.

Thus began the series that has produced his handsome and hefty book, "The Senate, 1789-1989." Today, I think it most appropriate to pay tribute to Senator ROBERT C. BYRD and to his granddaughters, now young women of college age, for their unique contributions to this historic achievement.

TRAGEDY IN KOSOVO

Mr. DOLE. Mr. President, throughout the day there have been news reports of an outbreak of a mysterious illness among hundreds of children in the town of Poduvoje in Kosovo, Yugoslavia.

The cause of this massive outbreak of illness has not yet been determined. Some news reports have suggested that the children could be suffering from some type of poisoning.

Mr. President, this situation is deeply disturbing. I have sent a telegram to the United States Ambassador to Yugoslavia expressing my deep concern and urging that the United States do everything it can—expend all the resources necessary—to determine the cause of this outbreak and to assist in the treatment of these poor children.

The people of Kosovo have suffered greatly over the past year. Now they are facing this disaster. I believe we must do everything in our power to help the people of Kosovo in this time of need.

THE ANNIVERSARY OF THE PRINCE WILLIAM SOUND OILSPILL

Mr. MITCHELL. Mr. President, this Saturday marks the anniversary of the largest oilspill in U.S. history. One year ago, the tanker *Exxon Valdez* ran aground on Bligh Reef in Prince William Sound, AL, and spilled 11 million gallons of crude oil.

The spill polluted the Sound's pristine waters, fouled thousands of miles of beaches and shorelines, and killed large numbers of fish, shellfish, and wildlife.

This ecological catastrophe occurred because the oil industry and Government did too little to prevent it and then responded in an unreasonably slow, confused and inadequate manner, which failed miserably in containing the spill and preventing damage.

President Bush was slow to comprehend the magnitude of this disaster.

Valuable time—the most valuable time—was lost. There should have been a swift and decisive response by the President in the hours and days immediately following the accident. Unfortunately, there was no such response.

The President chose instead not to use the power available to him under the Clean Water Act to take over the cleanup effort. That decision clearly was in error.

Much has been learned during the last year from the mistakes made in Prince William Sound. Much too has been learned from the year's other major spills in the waters of Rhode Island, Texas, California and the Delaware River.

Any oilspill, no matter how quickly we respond to it, or how well we contain it, is going to harm the environment. Preventing oilspills, therefore, is more important than containing and cleaning them up quickly.

Shipowners and others involved in the traffic of oil must be encouraged to exercise greater care by holding them liable for much higher amounts under Federal law and preserving even tougher State liability laws.

Newly built tankers and barges must be required to have at least double hulls and the existing single hull fleet must be phased out.

Much tougher penalties must be imposed on those who pollute our waters with oil.

For those spills that do occur, the Federal Government must ensure that there is a prompt and effective response to reduce the likelihood of serious environmental and economic harm.

In cases where a spill creates a substantial hazard to the public health and welfare, such as the spill in Prince William Sound, the President must automatically be placed in charge of directing the cleanup to avoid the chaos so evident in the *Exxon Valdez* response.

Ship and facility owners must be required to prepare contingency plans that meet tough standards and that legally bind them to have adequate and personnel to contain and clean up spills without delay.

To make sure that the President can respond promptly and properly in the future, the Federal capability must be enhanced by establishing well-equipped response teams aroung the country.

A new Federal commitment and development is needed to improve oilspill prevention and cleanup technology.

And finally, there is a pressing need for a new fund to compensate citizens more quickly for the damages the they sustain from oilspills and to pay for spills where the polluter cannot be found, is not able to pay, or where costs and damages exceed a polluter's liability limits.

With one exception, these needed improvements to Federal oilspill policy were recognized and included by the Senate when it passed comprehensive legislation last August.

Events since that time have convinced me and other Senate conferees not only that new vessels must have double hulls, but also that the Senate bill should be modified to require that existing single hull vessels be retired.

I expect that the conference committee will meet in the near future to resolve differences between the House and Senate oilspill bills.

I hope that when the conferees do convene there will be broad agreement that the lessons of the *Exxon Valdez* spill for Federal oilspill policy are those which I have outlined here today.

AN EFFECTIVE STRATEGY TO ACHIEVE A BALANCED BUDGET BY 1994

Mr. SYMMS. Mr. President, I have recently come across a very impressive study conducted by the Hudson Institute that confirms what many of us in the Senate have known for quite some time. First, that raising taxes will not reduce the deficit; and second, that the budget sequester process does work when it comes to reducing overall governmental spending.

This excellent study is entitled, "America's Fiscal Future; Controlling the Federal Deficit in the 1990's," by Dr. Jeffrey A. Eisenach, a budget expert formerly in the office of James C. Miller III, Director of the Office of Management and Budget. It was published in January.

The Hudson Institute found from an analysis of past data that for every dollar of new tax revenue raised, the Congress managed to spend $1.58 of it. Of course, the Federal Government can't really spend more than the 100 cents contained in each new tax dollar. Even so, Congress always thinks it has more revenue that it actually does—so deficit spending, a phrase we are all quite familiar with, simply makes up for the 58-cent difference.

The process is straightforward, Mr. President. Federal revenues grow at the same general rate as nominal gross national product. That is another way of saying, the growth in revenues is the same as the average growth of everything else in our economy. But Federal Government programs grow at a faster rate than other things in our economy. Therefore, the baseline of the Federal budget is always on a steeper path than revenues. Deficits are a natural phenomenon—unless the Congress exercises self-control and good judgment. Congress has to make choices—and too often elected officials want to receive their pay raises without having to do any real heavy lifting.

Recently, there have been rumblings that some Members of Congress are in favor of some grand compromise of spending cuts coupled with tax increases. According the Hudson Institute study, this is a "grand illusion." I would go further and characterize it as "grand theft."

Mr. President, if I can make an analogy to every homeowner's backyard: The gross national product is like the grass in your backyard. It will grow at a certain rate, and if you water it, it will grow faster. But the weeds in the backyard, among the grass, will grow faster than the grass if you simply water them along with the grass. You have to take a hoe to the weeds, to keep them from sticking up above the grass.

Raising taxes to balance the budget is just like watering the weeds instead of using the hoe. Since Federal programs grow faster than the economy as a whole, they are like those weeds. And the Gramm-Rudman-Hollings sequester is like the hoe. I advocate using the hoe.

With the recent announcement of slower economic growth in our economy, now is certainly not the time for talk of a tax increase. If a significant tax increase made it by this Senate and the President, and I for one will never support a tax increase, such an extraction of capital from our presently weekened economy would surely cause a deep recession.

In turn, a recession would cause greater unemployment and actually leave fewer incomes for the Federal Government to tax than were available before the tax increase. This is exactly what happened to Herbert Hoover, who increased taxes in 1931 and 1932 to balance the budget.

Furthermore, once a recession gets into full swing those people who have been thrown out of work will be entitled to Federal unemployment and Medicaid and supplemental security income and AFDC and in some cases even disability benefits, meaning an even greater drain on the Federal Treasury. This always happens when we increase the Federal burden on people's ability to make their livings.

No, Mr. President, in the long run the tax element of the grand compromise would only add to our notoriously grand deficit. More importantly, I know that my constituents want to receive their income from their own hard day's work, not from Government benefits.

The Hudson Institute study is very interesting in its analysis of the long-run trends in Federal revenues and spending. With the sequester process, using Congressional Budget Office estimates for the Federal Government's growth in spending in fiscal 1991 and the estimates of the Office of Management and Budget for revenue growth in 1991, the Hudson Institute concluded that the budget can be balanced without a significant tax increase if Congress retains and uses the provisions of the Gramm-Rudman-Hollings Act.

Mr President, the Hudson Institute has analytically confirmed what we in the Senate have repeatedly experienced. The only reason there are battles over the levels of future governmental spending projections is because we the Congress do not assert our rightful authority to set those levels. We enact programs and then we stop exercising any judgment about how large we will allow those programs to become.

The President under the authority of the Gramm-Rudman-Hollings Act will do it for us. This is merely the bargain Congress bought into in 1974 when we adopted the Budget Act, in opposition to President Nixon's assertion of impoundment authority. Congress said, "No, we will do it." We do not.

The GRH process is doing what it was meant to do—cause Government spending to decrease by forcing Congress into an either/or situation. GRH has effectively been the closest thing we have to a balanced budget amendment, and perhaps it has even been more effective than a constitutional amendment would be.

There have been voices in Congress saying we need to repeal GRH because it causes too much dislocation of Federal budget priorities. But would spending go down if GRH were repealed? The American public knows the answer to that question and it is "No."

If anything the Congress ought to strengthen GRH by including certain expenditure items that it does not now include in the sequester process and exclude the revenue obtained from certain trust funds that are now included in the baseline calculations. If we included all of the programs, the size of any cuts overall would be very, very small and that would be the best way to deal with programs. The trust funds are intended to be already programs that are matched dollar for dollar, spending with revenues. I think trust funds should be excluded and treated separately because they have the design to be balanced independently. Indeed, I would propose that the entire Federal budget be transformed into dedicated trust funds.

The Gramm-Rudman-Hollings sequester process is the only forcing mechanism that keeps us honest with ourselves and our constituents. By no means should it be repealed or weakened. Mr President, I strongly recommend the Hudson Institute study, "America's Fiscal Future."

MEXICO AND THE BRADY PLAN

Mr. SYMMS. Mr. President, the Bush administration recently declared a victory in the struggle to solve the problems of heavily indebted countries by pressuring banks to sign a so-called "debt reduction" agreement with the Government of Mexico. Treasury Secretary Nicholas Brady, for whom the agreement is named, would have us believe that "lasting benefits" have thereby accrued to the people of Mexico. Yet as a recent article in the Journal of Commerce makes clear, nothing is farther from the truth.

"The Brady debt reduction plan is a political success, but a financial and economic failure," writes Christopher Whalen, a Washington financial analyst who has criticized the Brady process. "Sold as a panacea for all heavily indebted countries, it is really a financial assistance program for the one country in Latin America that Washington cannot completely ignore: Mexico."

Mr. President, the Brady Plan, has been attacked by some as providing too little in the way of relief for Mexico from its $100 billion in external, hard currency debt. Proponents of forgiving Mexico's foreign loans believe that by lessening the burden of foreign interest payments, our neighbor to the South will again grow and prosper. Yet they ignore the fact that the socialist policies and outright mismanagement which caused the indebtedness in the first instance still remain largely untouched.

Conservative commentators and most commercial banks, take the view that debt forgiveness is not the answer. Rather, they urge Mexico to abandon decades of centralized, socialist economic policies and reform its corrupt system of government. Dependence on foreign capital has destroyed Mexico's economy, they would argue, and only be cutting off foreign capital flows will Mexico be forced to restructure its economy.

The fact of the matter is that the Treasury plan has neither reduced Mexico's debt nor helped the cause of economic restructuring. Mexico's economy remains largely socialized, inflation in January reached a 60-percent annual rate, foreign debt has actually increased, and the little noticed peso-denominated internal debt now totals well over $65 billion. Moreover, while commercial banks refuse to make new loans, the World Bank and International Monetary Fund have significantly increased their exposure to Mexico by providing billions of dollars in new loans before truly significant reforms have been put in place. As you may already know, both agencies desire increases in funding from the United States to support just such ill-advised lending programs.

"The Brady plan does not satisfy Mexico's immediate cash needs, yet sufficient new loans have been made to delay the reform process," writes Whalen. "While Mr. Salinas has begun the reform process, in terms of tangible economic savings for his country, the effects are minimal. Contrary to government claims, liquidation of inefficient State-owned entities, on a scale of ten, barely ranks one or two in terms of the value of assets sold."

Mr. President, in many ways the situation in Mexico is directly comparable to that existing in Poland and other crippled socialist economies of Eastern Europe. Our Government has taken a tough stance with the countries of Eastern Europe: political and economic reform must begin before new loans. Yet with Mexico, a country that is far more significant to the future of the United States, we are providing loans that are actually delaying the reform which is so badly needed.

Is it possible that none at the Treasury understand that such new loans, like those before them, will almost certainly never be repaid? As the author notes, an eventual Mexican default on its foreign loans will "endanger the World Bank's coveted AAA credit rating." In the event, the members of this chamber would surely be asked to appropriate more funds to support the World Bank.

How would our constituents feel, I wonder, about $5 billion or $10 billion in additional funds for the World Bank when we cannot find sufficient moneys to meet our domestic obligations?

I suggest to my colleagues that our Government is needlessly creating a bigger problem by propping-up the Government of Mexico with further loans, albeit loans from the World Bank rather than private lending institutions. Instead of throwing more money at this terrible problem, we should require, as with East Europe, that substantial reform come before any new World Bank or IMF credits are dispersed to Mexico in future.

I ask unanimous consent that the text of Mr. Whalen's provocative article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Journal of Commerce, Mar. 14, 1990]

EMPEROR BRADY HAS NO CLOTHES

(By Christopher Whalen)

During the signing of the "first" Brady plan debt reduction package, Mexican President Carlos Salinas de Gortari said that "the difficult process of renegotiating Mexico's foreign debt has ended." Of course Mr. Salinas knows that this isn't true, but he promised the Mexican people a deal and a deal is what they got.

Speaking for the United States, Treasury Secretary Nicholas Brady said, "The agreement with (Mexico's) commercial bank creditors . . . will provide lasting benefits for the people of Mexico," a statement that proves beyond doubt that the weak link in the Bush cabinet does not understand his own plan.

The Brady plan is a political success, but a financial and economic failure. Sold as a panacea for all heavily indebted countries, it is really a financial assistance program for the one country in Latin America that Washington cannot completely ignore: Mexico. It offers nothing to the region's other heavily indebted nations.

The tangible benefits, such as they are, are two: a face-saving arrangement to support an unpopular government in Mexico, and a political "bridge" whereby the Bush administration can claim success in dealing with a problem that has no good solution. To the extent that official Washington believes that a substantial benefit has accrued, Mexico is in considerably worse shape than it was in 1989.

The Brady plan does not satisfy Mexico's immediate cash needs, yet sufficient new loans have been made to delay economic restructuring. The roughly $700 million in interest rate reductions are more than offset by the cost of new debt incrurred to make the plan work. Indeed, by emphasizing "debt reduction" while in fact increasing the overall level of debt, the Brady plan effectively cuts Mexico off from the two most important sources of financing: direct investment and commercial banks.

Commercial banks generally won't book new sovereign Mexico risk because they know that the government has not attacked the real sources of the country's economic stagnation.

For example, while Mr. Salinas has begun the reform process, in terms of tangible economic savings for his country, the effects are minimal. Contrary to government claims, liquidation of inefficient state-owned companies, on a scale of 10, barely ranks one or two in terms of the value of assets sold.

Protectionist investment laws remain in place, taxes on the private sector have increased significantly and key export sectors are depressed. A startling report from Mexico's state oil company, Pemex, predicts that even with new investment in exploration and development, Mexico cannot remain a net exporter of petroleum through the year 2000. Yet, politically, there is little prospect of privatizing Mexico's uniquely inefficient oil industry.

As a result, foreign direct investors, who typically take advice from commercial bankers, are extra cautious about equity investments in Mexico. The idea that foreign investors will supply billions in capital needed to support Mexico's economy, not just the border assembly plants known as maquiladoras, is perhaps the Brady plan's greatest flaw.

Yet massive new cash inflows have occurred. In 1989, the World Bank approved $1.9 billion in new credits, and a further $3 billion is promised for 1990. The International Monetary Fund and Japan have also supplied billions of dollars of new financing, while the U.S. Treasury and the Federal Reserve System have made available substantial sort-term credit facilities.

Ironically, World Bank and IMF guarantees extended to commercial banks under the Brady plan ensure that multilateral loans will continue. Because Mexico cannot otherwise service its foreign loans, it inevitably will pressure the IMF and World Bank for new funds under threat of defaulting on guaranteed debt—an event that would endanger the World Bank's coveted AAA credit rating.

Foreign loans have enabled Mr. Salinas to support an overvalued peso and thereby import food and consumer goods necessary to satiate an aggrieved populace.

Yet fundamental problems remain: Rates on Mexican treasury bills are again near 50%, the high for 1989, while internal debt now exceeds $65 billion. Inflation in January alone was nearly 5%, one-third of officially projected inflation for all of 1990. Hard currency reserves are below $4 billion, and a currency devaluation of 30% to 40% is considered inevitable.

Instead of reducing debt and building confidence through proven methods such a debt-for-equity swaps, Mexico has lost a great opportunity.

By following the advice of senior U.S. Treasury officials, foreign debt has been emphasized instead of domestic reform. As a result, the reform process has slowed to a crawl, bank loans are unavailable and new investment, not surprisingly, has failed to meet expectations. If this is the benefit to which Mr. Brady refers, other indebted Latin nations should start running.

Mexico's government has blamed poor economic performance on external debt while refusing to attack real problems such as centralized economic management and the issuance of domestic debt. When Mr. Salinas' commitments with respect to currency stability and inflation are not kept, increased social and economic pressures will become the pretext for requesting new assistance from Washington.

(Christopher Whalen is senior vice president for trade finance for The Whalen Co. in Washington.)

CLEAN AIR ACT WOULD CRUSH U.S. ECONOMY

Mr. HELMS. Mr. President, when an assessment is made of Senators who qualify for recognition as a profile in courage, the citizens of Idaho should be proud of their Senator STEVE SYMMS. STEVE SYMMS has demonstrated wisdom, dedication, and courage throughout the Senate's consideration of S. 1630, the Clean Air Act.

Human Events, a fine publication summed up Senator SYMMS' dedication in its March 17 edition, and it is an article well worth reading.

Therefore, I ask unanimous consent that the Human Events article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Human Events, March 17, 1990]

CLEAN AIR ACT WOULD CRUSH U.S. ECONOMY

(By Senator Steve Symms)

Congressional Democrats perhaps most notably House Majority Leader Rich Gephardt (Mo.), harp incessantly about the need for making American industry competitive against its counterparts in Japan, Germany, and the fast-growing Pacific rim nations. But harping and demagogic rhetoric is all that the Democrats seem willing to offer.

When it comes to actually doing something to bolster America's competitive position, such as the President's proposed capital gains tax reduction, they think of every excuse for obstructionism.

Meanwhile, bent on reversing the deregulatory trend of the Reagan years, the Democrat-controlled Congress has been pressing to impose a broad array of expensive new regulatory burdens on business, ranging from federally mandated but privately funded provision of employee health insurance to costly renovations and special requirements to meet the needs of the disabled.

But the harm posed by many of these regulatory schemes may be dwarfed by the unmitigated disaster that will hit the U.S. economy if the new Clean Air Act provisions now being considered by the Senate become law in anything like their present form.

Already, because of Clean Air legislation enacted in 1970 and 1977, American business is spending upwards of $31 billion every single year in pollution-abatement costs. One result is that U.S. air quality is far better than it was 10 years ago and far better than anywhere else in the industrialized world. That's the upside.

The downside, according to economics columnist Warren Brookes and others, is that the existing cost to American business is staggering—more than three times as costly as the standards anywhere else in the world. Yet these costs are small compared to those imposed by the measure now in the Senate.

The Bush Administration, which agreed to the "compromise" bill in negotiations with Senate Democrats, says it will cost business $21 billion a year to comply with its new requirements—only $2 billion more than the Administration's own bill. However, Brookes and others intimately involved in the Clean Air debate say that the Administration negotiators got fleeced. More realistic estimates of the current bill's cost range from $42 billion to as much as $104 billion a year. And that's on top of the $31 billion already being spent!

"There's nobody in Europe with standards like this," says Brookes. "Nobody. If you take standards that are already more costly than any others in the world by three to one, and then you add another order of magnitude to those costs, as this bill does, what is industry to do? What would you do? I'd take my money and run. I'd get out."

Sen. Steve Symms (R.-Idaho) made the same point on the Senate floor last week, warning his colleagues that the excessive regulatory power given to the Environmental Protection Agency under the so-called "compromise" bill will drive millions upon millions of American jobs to countries where the costs and conditions for doing business are more sensible.

Enactment of the Senate measure, foes such as Symms and Brookes agree, will do enormous damage to the U.S. economy. Many provisions are designed to force businesses to shut down. EPA will be given dictatorial powers to interfere in the lives of communities across the nation. Yet the benefits in cleaner air to be expected in exchange for all this pain are marginal at best, and some provisions will actually lead to more pollution.

As a prime example of environmentalist ideology run amok, Symms, in an interview with Human Events, pointed to the Senate bill's so-called "air toxics" standards, contained in Title III of the measure. The Business Round Table estimates that compliance with these provisions alone, when they become completely effective 10 years after enactment, will cost $62 billion a year.

Yet, said Symms, these standards are absurd. First, he noted, Title III contains what is called a "residual risk standard, residual because it is the risk left over after a firm has adopted the best available technology" to reduce emissions.

Almost by definition, said the Idaho Republican, who waged a lonely battle in the Senate March 6 to highlight the absurdity of the measure's "air toxics" standards, the residual risk standard "is a shut-down standard. . . . Because if you've already adopted the best technology, and they're telling you you've got to go further than that, and you can't, you shut down."

And what is this standard, which will lead to such obvious economic hardship? Quite simply, said Symms, the bill says that a plant will have to go out of business if, despite using the best technology, its toxic emissions will increase the risk of getting cancer during a lifetime by "one in 10,000."

"That's the incremental cancer risk to a hypothetical individual standing for 70 years, naked, on the fenceline of the plant, who never takes a bath. If the risk to him is one in 10,000 or greater, the plant will shut down." Even employers who meet the one-in-10,000 standard could still find themselves in trouble, Symms continued, because of another standard that could force them to close for economic reasons. "That could occur because a company is forced to continually upgrade its [emissions-abatement] equipment, regardless of how costly each upgrade is, to meet a standard of one in one million to that same hyothetical individual."

The one-in-one-million standard, Symms explained, is a "technology-chase standard. It doesn't automatically impose a shutdown, but it could easily force one anyway, with EPA saying, 'you've got to adopt this $3-million technology,' and the company says, 'look, it's just not worth it to keep that plant open if we've got to make a $3-million investment.' "

To show how ridiculous the one-in-one-million standard is, Symms told his colleagues: "If any senators ever go out and play golf, they have a lot bigger risk of being struck by lightning on a golf course, and yet we are going to pass a law that says if the risk is one in a million, we will have the power of the federal government to close down the plant."

This bill, said Symms, "could make it criminal to operate any business where a substance is used that might pose this kind of risk. . . . For some of these chemicals, we are talking about extremely minute amounts." He explained, for example, that a mere film of a chemical called 1-3 butadiene "on the water of a half-full paper cup is enough to trigger this hypothetical one-in-a-million risk level."

As other examples of how silly a one-in-a-million standard is, Symms noted that smoking just "two cigarettes in your entire life would give you a risk of cancer 50 per cent greater than one in a million. . . . One x-ray at the doctor's office increases the risk of cancer by eight in a million. Living in a house as compared to sleeping on a sidewalk grate raises your risk of dying in a fire to 50 in a million."

The bill's "air toxics" standards are not about health, said Symms, but, rather, about reducing risk to utterly unreasonable levels. Thus, he said, assuming an average life span of 70 years, "it would not be odds-on for an individual to get cancer" under the one-in-a-million standard unless he was constantly exposed to the toxic emissions in question for 70 million years! To be assured of getting cancer under the one-in-10,000 automatic shutdown standard, he'd have to be exposed for 700,000 years.

Clearly, a lot more people have to worry about losing their livelihoods if this bill passes than losing their lives to avoidable cancer if it doesn't.

The "air toxics" provisions are by no means the Senate bill's only controversial feature. Another heavy-handed provision authorizes the EPA administrator to set vehicle occupancy rates in any region designated as a "non-attainment area" for air quality. What that means, said Symms, is that, since Washington, D.C., is a non-attainment area, EPA could issue an edict requiring all employers in the city to order their workers to drive to work with at least three individuals in a car.

Nor, said Symms, should people be misled about the seriousness of a region's being a non-attainment area. He noted that a large city such as Los Angeles may have as many as 47 meters located throughout the region in areas considered most likely to have high concentrations of pollutants. A small city such as Pocatello, Idaho, may have one. All that is necessary for a city to be classified as "non-attainment," Symms explained, is that one of those meters registers an unacceptable level of emissions just once in a whole year.

According to current projections, Symms went on, there are only nine cities in the entire United States that will not come into attainment over the next five years for no other reason than that cars made before 1983, which account for the bulk of unhealthy motor vehicle emissions, will be replaced by new cars meeting current standards.

Symms says it would be more cost-effective to purchase new cars for people or to give them tax credits to encourage them to junk their pre-1983 cars than to enact some of the expensive tailpipe provisions and alternative fuels proposals contained in the Senate bill.

Some of the costly requirements for alternative fuels will actually be environmentally *counterproductive*. Thus, a provision requiring large cities to purchase buses using expensive alternate-fuels technology may encourage cities to keep using their old buses, which account for the highest level of harmful emissions.

A major part of the bill, which is designed to cut sulfur dioxide emissions in order to address the "problem" of acid rain, will not only cost businesses—and ultimately consumers—billions of dollars a year to comply but will condemn large sections of the country to economically stifling no-growth policies.

Ironically, Congress in 1980 authorized a massive study of the acid rain issue, known as the National Acid Precipitation Assessment Program (NAPAP). That study, which has cost the taxpayers half a billion dollars to conduct, has found that the acid rain problem is largely a myth, but EPA refuses to formally release its findings in time to influence the current Clean Air debate.

At a White House briefing for representatives of business last week, a participant heatedly challenged EPA Administrator William Reilly to release the NAPAP findings, citing the public's right to know. Reilly, according to any eyewitness, smugly refused, saying that its release wouldn't make any difference.

What is at stake in the current Clean Air debate, says columnist Brookes, is nothing less than U.S. survival as an economic power. He notes that the U.S. already took a big economic hit in the late 70's as a result of the Clean Air law passed in 1977.

"Now some of that was necessary," said Brookes, "and we have much cleaner air because of it. The point is, we took the hit. We took it in the '70s. We have slowly recovered from that."

But the bill now in the Senate is totally unnecessary. It is likely to increase environmental costs by at least 50 percent, probably much more and condemn this country to economic stagnation and decline. All of this for a negligible improvement in air quality of one to two percent.

"If this bill passes," said Brookes, "it's Armageddon for the Bush Administration. We can just kiss the U.S. good-bye. All the Reagan years—just down the drain. It's that serious."

Yet the President has got himself caught in a trap, allowing Administration negotiators to agree to a bill that is twice as costly as his own bill submitted last year. And many Republicans, either because they don't want to embarrass the White House or they fear the extreme environmentalists and their media allies, have been slow to react against this monstrous threat to the economic future of their own states and districts.

Under the circumstances, the only hope of rescue may lie with a Democrat, House Energy and Commerce Committee Chairman John Dingell, who has been critical of the Senate measure and is likely to push for a more reasonable bill in the House. Can Dingell turn the tide? With Senate Democrats and the White house ranged against him, it won't be easy.

But the alternative, which is the economic strangulation of the United States on the altar of ideological environmental madness, is too dismal to contemplate.

THE ANNIVERSARY OF THE "EXXON VALDEZ" ACCIDENT IN PRINCE WILLIAM SOUND

Mr. CHAFEE. Mr. President, this weekend marks the anniversary of the largest oilspill in U.S. history. It was 1 year ago that the *Exxon Valedez* veered off course and became impaled on bligh reef in Prince William Sound. The resulting gash in the hull released over 11 million gallons of North Slope crude into Alaska's pristine waters.

What ensued in the days following the spill was a comedy of errors: Alyseka, the consoritum of companies which boasted equipment and manpower to quickly cleanup a spill proved incompetent and ill-equipped. Within days the slick covered over 900 square miles, and eventually covered an area in Alaska, which, had the spill been on the Eastern Shore, would have run from Maine to Washington, DC.

Since that time we have been inundated with headlines informing us of the latest major oilspill: The Delaware River, Narragansett Bay in my own State of Rhode Island, Galveston Bay, the Arthur Kill in New York, and most recently, Huntington Beach in California. This rash of spills has spurred a lively debate in both Houses of Congress on the risks associated with the marine transportation of oil, or, more accurately, the Government's ability to minimize these risks. The Committee on Environment and Public Works held two hearings to examine the shortcomings of existing Federal law which allowed these spills to occur.

Congress has recognized its responsibility to put into place a Federal regulatory scheme which will prevent intoxicated captains or unqualified third mates from taking the helm of an oil tanker. Last summer this body unanimously passed the Oil Pollution Liability and Compensation Act of 1989, a bill which will significantly improve the Government's ability to prevent and respond to oil spills. This legislation was the result of a lot of hard work on the part of our distinguished majority leader, Senator MITCHELL; the chairman of the Environmental Protection Subcommittee, Senator BAUCUS; Senator LIEBERMAN; Senator LAUTENBERG; and myself.

The legislation approved by the Senate authorizes $1 billion fund which can be used by the Federal Government to respond to oilspills, and to compensate victims who suffer economic losses from an oilspill. The fund will be financed by a 5-cent-per-barrel fee on all domestic or imported oil.

The legislation will also create several oilspill response teams, capable of marshalling equipment and personnel on a moment's notice to respond to a major oilspill.

I am pleased to report, Mr. President, that the House and Senate are currently engaged in the initial phases of negotiating a conference agreement on oilspill legislation. Both the House and Senate bills address the fundamental issues of oilspill prevention and response, enhanced contingency planning for facilities and vessels, and streamlining compensation for the victims of oilspills.

I am confident that in the near future we will be sending to the President a strong oilspill response bill for his signature. It is fitting that we take this opportunity, on the anniversary of the most catastrophic spill ever to befoul U.S. waters, to remind ourselves that we must make significant strides to assure that we reduce the number of spills which occur in the future, and significantly improve our ability to contain and clean up those spills that do occur. We owe it to the environment to approve strong oilspill legislation, and I am confident that we will.

CORRECTING THE SOCIAL SECURITY "NOTCH"

Mr. PELL. Mr. President, I plead the case of a group of dedicated senior citizens known as the "notch babies." These citizens have received lower benefits than other Social Security recipients as a result of a 1977 legislative correction of a 1973 formula error.

To address this problem, I joined with Senator TERRY SANFORD in introducing a bill to provide additional benefits to those affected by the "notch." S. 1212, the Social Security Notch Adjustment Act, would increase benefits to most retired workers and disability beneficiaries born after January 1, 1917 and before January 2, 1927, as well as most survivors of workers born during that period. This legislation would increase the average benefits of eligible beneficiaries who retire at age 65 by $550 per year, and of those who retire at age 62 by $144 per year. In addition, the bill would provide a one-time retroactive payment of not more than $1,000 per family.

As you may know, Mr. President, the Sanford bill has languished in the Senate Finance Committee since its introduction on June 21, 1989. I urge the Senate Finance Committee to take action on this bill. Unless the committee takes action, it is extremely unlikely that those of us who do support correcting the notch will have an opportunity to vote to make these corrections.

Mr. President, the Senate of my own State of Rhode Island has approved and sent to me a copy of a resolution urging Congress to enact legislation to amend the Social Security laws to correct the Social Security notch. I ask unanimous consent to have printed at the end of my remarks, a copy of this resolution, and note that I agree fully with the views expressed in that resolution.

There being no objection, the assembly resolution was ordered to be printed in the RECORD, as follows:

SENATE RESOLUTION

Whereas the Congress in 1977, in an effort to keep the Social Security System from going bankrupt, established a new formula for calculating social security benefits; and

Whereas rather than introduce this formula overnight, the Congress chose to cushion the blow over a five-year period, choosing as the transition group those born between 1917 and 1921; and

Whereas persons born in 1917, 1918, 1919, 1920 or 1921 are being unjustly penalized by receiving lower benefits than those born prior to and after the above mentioned years; and

Whereas social policies and political actions should assure that all retirees receive equal treatment under the Social Security Act;

Whereas those born in the "notch years" between 1917-1921 are being unjustly punished; now, therefore be it

Resolved, That this senate of the State of Rhode Island and Providence Plantations hereby memorializes Congress to enact legislation which would amend Social Security laws so that those persons born during the period from 1917-1921 will not receive standard payments; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit duly certified copies of this resolution to the members of the Rhode Island delegation in the Congress of the United States.

PUERTO RICO—51ST STATE?

Mr. HELMS. Mr. President, legislation is currently being considered by Congress to allow Puerto Rico to vote on whether it should become the 51st State. Before Congress approves such legislation, it is important that consideration be given to the ramifications of such a decision.

With his typical eloquence, Pat Buchanan has laid out some concerns about the proposal. I suggest that Senators carefully consider Mr. Buchanan's points, and I ask unanimous consent that the text of his column be printed in the RECORD at this point.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

PUERTO RICO AS OUR 51ST?

(By Patrick Buchanan)

From opposite directions on Pennsylvania Avenue, Oscar Collazo and Girsel Torresola made their way to the front door of Blair House. The plan: meet at the stairs, shoot their way inside and assassinate President Truman. They came close. Torresola was killed on the spot by dying police hero, Leslie Coffelt, Collazo wounded. But, to the tiny Puerto Rican party then seeking a break free of the United States, Torresola would become a martyr, Collazo a hero.

Four years later, Independistas smuggled weapons into the visitors' gallery of the House of Representatives and sprayed the floor, wounding five.

That was long, long ago. But, as last June's march of 80,000 through San Juan demonstrates, the desire for an independent Puerto Rico yet burns in the breasts of many on that island we seized as war booty from Spain in 1898. Though only a tiny fraction of the 10 percent who seek independence endorse violence, that fraction yet finds bloody expression in Los Macheteros.

To the point, not enough hard thought is being given by Mr. Bush to the potential consequences of making Puerto Rico our 51st state. We may be about to create a Northern Ireland in the Caribbean.

Legislation is quietly moving through Congress for a summer 1991 vote, which would permit Puerto Rico's 3.5 million to choose statehood, commonwealth status or independence. The 248 million in the 50 states would have no say in the matter. If the island chose statehood, the grant of statehood would be automatic.

Again, we had best wake up to what is going down.

Already, 40 percent of the people on the island get federal benefits. If statehood is adopted, the cap on welfare spending comes off, and perhaps 60 percent would be eligible for Aid to Families with Dependent Children, food stamps, Medicaid, etc. The present $6 billion in U.S. budget outlays would explode.

Can we afford this—and not only in welfare payments?

Considering what the Great Society did to Washington, with the nation's highest per capita income, do we really want to convert Puerto Rico (per capita income $4,500, not half that of Mississippi) into a Caribbean reservation mired in the same rage and resentment that those dependent on welfare exhibit everywhere else in America?

Why not leave well enough alone? Today, Puerto Rico is an enterprise zone. Under Section 936 of the Internal Revenue Code, U.S. factories there are exempt from corporate income taxes; islanders need not file 1040s on April 15. But if Puerto Rico votes statehood—and the proffered bribe of a cornucopia of federal goodies is tilting it that way—all tax privileges would have to go; and we would soon have a tax revolt from Puerto Rico's middle and upper classes.

Have we considered the fundamental change in the character of our union, if Puerto Rico becomes the 51st state?

An English-speaking people, we Americans would become a bilingual nation. For the English language could not be forced upon this island of Spanish heritage, where 60 percent do not even understand it.

According to the Senate bill, all that is needed for this historic change is for just half the island to vote "yes" on statehood. While Puerto Rico is entitled to decide its own future, is 50.1 percent enough of a plurality to effect the permanent transfer of sovereignty, to make Puerto Rico a permanent part of the American Union?

Thirteen decades ago, we fought a bloody Civil War to prevent the Confederate states from breaking free. Are we prepared to send troops, if the people of Puerto Rico should later change their minds? Are we prepared to fight a guerrilla war, like the British in Belfast, if the Macheteros emulate the Irish Republican Army? Before entering a marriage, "till death do us part," ought not both the island and the mainland reflect longer upon how nasty a divorce would be?

If it ain't broke, don't fix it.

There is no overwhelming clamor for statehood on the island; nothing is wrong with today's commonwealth status that cries out for repair. And, as in the 13 Colonies in 1775, there is a vocal minority for total independence whose views ought to be respected, if not heeded. The last thing America needs now is to clasp to her bosom, forever, 300,000 embittered Hispanics who yet dream of an independent country.

Before this island, with the size and population of a small nation, becomes a state, at least two-thirds of its people, better yet three-fourths, should request it. And, the 248 million who reside in the 50 states should be given time to reflect on their request to join the American family, forever.

From Serbia to Azerbaijan, from the West Bank to Soweto, from Scotland to Quebec, ethnic chauvinism is on the rise. Separatism is everywhere winning converts. People are demanding not what is in their economic interest but what they deem vital to preserving the race, the tribe, the religion, the culture. While we may bemoan the trend, we cannot deny it; nor are we Americans immune to it.

In such an environment, prudence dictates that we think twice, then think again, before annexing forever to the American Union an island people with a separate cultural nationality, who do not speak our language, and who are still deeply divided in their own desires.

TRIBUTE TO DR. MILTON SEWELL

Mr. HEFLIN. Mr. President, I rise today to pay tribute to my good friend, Dr. Milton Sewell, who has been named as the new president of Freed-Hardeman University. He will step down as president of Mars Hill Bible School and begin his term at Freed-Hardeman on June 1, 1990.

Dr. Sewell has served as the president of Mars Hill Bible School since 1983. He has done a tremendous job at Mars Hill and they will be hard pressed to find a replacement with his numerous talents and abilities.

For Dr. Sewell, this move to Freed-Hardeman will be a little like a homecoming. In 1962, Freed-Hardeman awarded Milton with an associate in arts degree from Freed-Hardeman College. He also served as the college's director of institutional advancement and planning from 1976 until 1979. At that point, Milton was named as the vice president for institutional advancement and planning from 1979 until 1983.

Dr. Sewell has seen Freed-Hardeman change drastically over the years. In fact, in his earlier positions, Dr. Sewell played a large role in the improvements the institution has made in the past 20 years. Freed-Hardeman has risen through the ranks of higher education from an accredited 2-year college to a fully accredited 4-year liberal arts university.

I am confident the Dr. Sewell will continue to build upon the success that Freed-Hardeman has seen in the past few years. In my judgment, he will do an excellent job and represent the school well.

Mr. President, I ask unanimous consent that an article announcing Dr. Sewell's selection be printed in the CONGRESSIONAL RECORD.

There being no objection, the article is ordered to be printed in the RECORD, as follows:

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[From the Times Daily, Mar. 7, 1990]

SEWELL TO HEAD FREED-HARDEMAN UNIVERSITY

(By Lisa Parker)

FLORENCE.—Mars Hill Bible School President Dr. Milton Sewell will relinquish his administrative duties May 31 to take office as Freed-Hardeman University's president June 1.

Sewell, who has been Mars Hills president since 1983, will formally announce the transition at 10 a.m. today during a press conference at the Larimore House.

Freed-Hardeman University Public Information Director J. Algene Steele said Sewell was named president of the university by its board of trustees Saturday, Feb. 24, and will assume his post June 1.

"Sewell was selected from three finalists to succed Dr. E. Claude Gardner who has been the president since December 1969, and who will retire May 31," Steele said.

"I'm sad somewhat because there are so many exciting things going on at Mars Hill, but I'm excited about what's happening at Freed-Hardeman," Sewell said Tuesday about his move to Henderson, Tenn.

Sewell is not a stranger to the university. He received as associate in arts degree from Freed-Hardeman College in 1962, served as the college's director of institutional advancement and planning from 1976–79, and was the institution's vice president for institutional advancement and planning from 1979–83, before coming to Mars Hill.

Freed-Hardeman University, Steele said is a fully accredited liberal arts, Christian institution offering graduate studies with a related curriculum and a conservative philosophy.

The university has been transformed from an accredited two-year college in 1969 to a fully accredited four-year liberal arts university in 1990.

NATIONAL BAR ASSOCIATION HONORS MAYOR DAVID DINKINS AND ATTORNEY ALTHEA SIMMONS

Mr. HEFLIN. Mr. President, in conjunction with its 1990 midyear conference this weekend, the National Bar Association [NBA] will have its annual Gertrude E. Rush dinner on Saturday, March 24. Two of its five recipients will be the Honorable David N. Dinkins—the 106th mayor of the city of New York—and attorney Althea T.L. Simmons—director of the Washington bureau and chief lobbyist for the National Association for the Advancement of Colored People [NAACP].

Gertrude E. Rush was the only female cofounder of the NBA, which was formally organized in Des Moines, IA, August 1, 1925. Today, the NBA is the oldest and largest organization consisting primarily of African-American attorneys.

The criteria for the Gertrude E. Rush Award are that a recipient should manifest the pioneer spirit epitomized by Mrs. Rush: demonstrate leadership ability in the community within his/her profession; demonstrate concern for human and civil rights; and, be a model for excellence in legal education and perseverance in the law, public policy, or social activism.

Any person who meets the above minimum qualifications—whatever race, color, creed, sex, religion, or national origin, whether lawyer or nonlawyer—may qualify as a recipient of the Gertrude E. Rush Award.

The 1990 recipients of the Gertrude E. Rush Award are as follows: the Honorable David N. Dinkins, New York, NY; the Honorable Perlesta A. Hollingworth, Little Rock, AR; Faustine C. Jones-Wilson, Ph.D., Washington, DC; Althea T.L. Simmons, esquire, Washington, DC; Donald M. Temple, esquire, Washington, DC.

Mr. President, I would like to pay special tribute to the two outstanding recipients of the Gertrude E. Rush awards that I know personally—the Honorable David N. Dinkins and attorney Althea T.L. Simmons.

Mayor Dinkins' election in November 1989, marked the first time in New York City's 365-year history that an African-American was chosen to serve as the city's chief executive officer. He was inaugurated January 1, 1990, as the 106th mayor of the city of New York.

As mayor, Mr. Dinkins represents more than 7 million residents. He manages a budget that for 1990 exceeded $26 billion—one of the largest governmental budgets in the world.

Prior to assuming his official duties of mayor, Mr. Dinkins served a 4-year term as the Manhattan borough president. He was a great coalition builder and strong advocate of civil and human rights. He even formed an African-American group back in 1975 to support Israel. The Jewish vote was a critical factor in the equation for a Dinkins victory. With his tenacious pioneering and persevering determination, Mr. Dinkins was able to win the mayoral election in New York City.

Mr. President, I have known attorney Althea T.L. Simmons ever since she succeeded the late Clarence Mitchell as chief congressional lobbyist for the Washington, DC bureau of the NAACP. Although he was a very tough act to follow on Capitol Hill, Althea has met the challenge of becoming a good lobbyist by walking quietly in her own footsteps.

One of my colleagues and friends on the Senate Judiciary Committee, ORRIN HATCH, has said, of Althea, "She's one of the most effective, intelligent lobbyists on the hill today. * * * She knows the issues and pushes them with a great deal of aplomb. * * * She's had a great influence on me."

She has worked quietly behind the scenes with other civil rights groups to help win such legislative victories as the extension of the Voting Rights Act, the Martin Luther King, Jr., birthday national holiday bill, and a bill imposing sanctions against South Africa.

A seasoned NAACP'er, Ms. Simmons came to the bureau post from the position of associate director of branch and field services where she had the responsibility of supervising the NAACP's nationwide network or branches, field staff, and the membership and youth and college division.

She has held posts of national education director, national training director, special voter registration projects director, and director of the NAACP's 1964 national voter registration drive during the 28 years of her employment with the NAACP.

Mr. President, I regret very much to say that Althea will be unable to accept her Gertrude E. Rush Award in person on Saturday, March 24. It is my understanding that she has been an inpatient at the Howard University Hospital since around the first of November 1989. Her discharge date is still uncertain. Nevertheless, I still wish to congratulate her and wish for her a speedy return to her job and to Capitol Hill!

Before I close, Mr. President, I wish to congratulate attorney Ruby Burrows McZier, the chairperson of the NBA midyear conference and the Gertrude E. Rush dinner. It is my understanding that she does such a fantastic and successful job of it that she has been asked repeatedly to serve in this capacity. And, I understand that she has always accepted this responsibility with a challenging smile.

Finally, Mr. President, I would like to congratulate the incumbent NBA president, Mr. Thomas P. Duckenfield, for his dedicated service to and leadership of the NBA. I wish he and Mrs. McZier a very successful NBA midyear conference and Gertrude E. Rush Awards dinner this coming weekend.

TRIBUTE TO EARL MORGAN

Mr. HEFLIN. Mr. President, I rise today with great sadness to inform my colleagues of the recent death of Earl Morgan from Jefferson County, AL. He spent most of his 65 years serving the people of this country and his death left all who knew him with a sense of loss.

Before retiring in 1983, Earl Morgan had served for 17 years as the district attorney for Jefferson County, AL's most populous county. Throughout this his term, Earl was known as a tough prosecutor and a superior administrator. He had both the legal knowledge and the political acumen which allowed him to handle with ease the toughest and most volatile cases.

In addition to being an outstanding attorney, Earl Morgan was also a teacher of sorts—a mentor to numerous assistant district attorneys. He taught these people through advice, by example, and most importantly, by helping them learn from both successes and mistakes. These people have gone on to other things and one, David Barber, now holds Earl's old position of Jefferson County district attorney. I know he was extremely proud of all of his assistants.

Earl Morgan was an extremely patriotic American. He cared deeply about this country and spent his life fighting to protect the freedoms and rights which make America great. Most people from Birmingham knew him as the long-time Jefferson County district attorney, but some also knew him from his days as a devoted city attorney and judge in Tarrant, AL. Those who knew Earl best also knew that he was a soldier, a veteran of both World War II and the Korean War.

Earl Morgan was born in Cullman, AL, and was graduated from the University of Alabama Law School. He was appointed as the Jefferson County district attorney and soon won his first election in a landslide. He was so well respected as district attorney that he ran unopposed for each term except the first.

Mr. President, he was a fine Alabamian, an enormously talented man, and a trusted friend. He touched the life of all who knew him and will be missed greatly.

Mr. President, I ask unanimous consent that an article telling of Earl Morgan's accomplishments be included in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FORMER DA EARL MORGAN DIES AT 65

(By Susan Cullen)

Earl Morgan, Jefferson County district attorney for 17 years, was a behind the scenes administrator who rarely sought the spotlight.

Morgan, retired since 1983, died while on vacation in Ocala, Fla., Monday of an aneurysm. He was 65.

Rusty McDonald, his chief deputy for six years, remembers one case that Morgan chose to prosecute.

It was 1968 and Morgan had only been in office a few years. James Hammonds, chief deputy district attorney for the Bessemer cut-off, was accused of accepting bribes and conspiring to kill Bessemer Circuit Judge Gardner Goodwyn. Although Morgan was Hammonds' boss, Hammonds was an elected official and the case was a political hot potato, McDonald said.

Morgan, McDonald and Deputy District Attorney Louis Wilkinson went to Bessemer and relieved Hammonds of his duties, later winning a conviction of bribery. The conspiracy charge, plus seven other bribery charges, were dropped after Hammonds resigned his post and agreed to leave the state.

It all worked out in the end, but it was a gamble for Morgan, McDonald said. Prosecuting the case himself showed a lot of courage and fortitude.

"He could (have been) putting his own well-being on the line," McDonald said. "That was a political ball that if it had been fumbled, would have been costly to Earl."

Morgan's former colleagues remember him as an able administrator, a deft politician and a calming influence during the racial turbulence of the late 1960s.

Morgan, who was Gov. George Wallace's executive secretary before he was appointed district attorney in 1966, was able to placate both extremes on the racial issue, McDonald said. "Both sides of the community had faith in Earl that he'd look out for their interests," he said. "For the times, he was perfect in that position."

One of his former assistants, David Cromwell Johnson, said Morgan was "the finest politican I've ever known. He had the ability and the temperament to make people see that he was doing what was in their best interest."

Johnson said Morgan was an outstanding lobbyist who managed to get a pay raise for state district attorneys.

Morgan was "just a reasonable man with a good heart," Johnson said.

Another of Morgan's former assistants is current District Attorney David Barber, who said his appreciation of Morgan's talents has increased immensely now that he has his job.

Morgan hired Barber fresh out of law school in 1972 and kept a watchful eye on him and the other deputy district attorneys, Barber said. "He was always coming around, watching and listing to see how you were doing in court," he said.

Morgan was reserved, staying in the background, Barber said. But he never had any trouble getting elected. After J. Earl Langer in a landslide election shortly after he was appointed, no one ran against him again.

Morgan was a graduate of the University of Alabama Law School. A native of Cullman, he was a veteran of World War II and the Korean War. He once served as city attorney and judge in Tarrant.

The funeral will be at 11 a.m. Thursday at Jefferson Memorial, Trussville, with burial in Jefferson Memorial Gardens East.

Survivors include his wife, son Bryan Earl Morgan of Montgomery, daughter Mrs. Melany Wilbanks of Pensacola, and a sister Ms. Esther Jean Mangrum of Birmingham.

GREEK INDEPENDENCE DAY

Mr. KERRY. Mr. President, 2,500 years ago in 510 B.C., Hippias, the last tyrant of Athens, was driven out of the city. Out of the resulting chaos emerged a new political system—democracy—"the rule of the people"—the first of its kind in the history of the world. "To the ancient Greeks * * * we are all indebted for the light which led ourselves out of gothic darkness" to quote Thomas Jefferson. Our modern political system is only one of many things for which we are indebted to the Greek culture.

I rise today to support once again, the designation of March 25 as "Greek Independence Day: A national day of celebration of Greek and American democracy." Though the Greeks were responsible for forming the world's first democracy, they were ruled under the Ottoman Empire for almost 400 years—from the fall of Constantinople in 1453 until the Declaration of Independence in 1821. During this time the citizens were deprived of their civil rights, of the very democracy, government of, by and for the people, that their genius gave the world. This Sunday marks the 169th anniversary of the beginning of the revolution which freed the Greek people from this yoke of repression—one made more painful because it was borne by a people that taught the world how to live in freedom.

Modern Greek culture now flourishes in a healthy democracy and Greek-Americans continue to contribute to our society in the fields of politics, medicine, architecture and entertainment. My home State of Massachusetts boasts several noteworthy Greek-Americans who have contributed greatly to democracy in America—Governor Dukakis, Congressman NICK MAVROULES, and former Senator Paul Tsongas, to name a few. Greeks have also given their lives for our country—over 600,000 died fighting as our allies in World War II. After the war, many more gave their lives to defeat Communist rebels from seizing control of their country.

For these reasons, I am pleased to join in the celebration of an Independence Day for the people who have enriched our lives in so many ways.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbough, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

NATIONAL TREE TRUST ACT—MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Agriculture, Nutrition, and Forestry:

To the Congress of the United States:

Today I am pleased to transmit a legislative proposal entitled the "National Tree Trust Act of 1990." This proposal is a key part of my "America the Beautiful" initiative, and it would enhance the growing partnership between the public and private sectors to plant trees across America. Also transmitted is a section-by-section analysis.

President Theodore Roosevelt began this century by directing the Nation's

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attention to the protection of valuable public lands—America's treasure trove of parks, wildlife refuges, forests, and rangelands. As the end of the century approaches, it is appropriate that this final decade be one in which conservation, enhancement, and protection of our irreplaceable national assets rise to the forefront of national concerns. With this as our goal, my FY 1991 Budget proposes a new initiative—"America the Beautiful." Our initiative reflects my support for appropriate expansion and proper maintenance of the Nation's parks, refuges, forests, and public lands. It is also based on my determination to involve all Americans in strengthening the Nation's natural resources heritage. Finally, this initiative expresses my firm commitment to providing responsible stewardship of the country's heritage for the benefit of generations to come.

My "America the Beautiful" initiative includes three components. *First,* we propose to expand Federal recreational land acquisition that involves activities of the Departments of the Interior and Agriculture. *Second,* the Department of the Interior is undertaking an effort—"Legacy 99"—to enhance resource protection and recreation. *Third,* we propose a national tree planting and forest improvement initiative to be administered by the Department of Agriculture. The first two components will be carried out under existing authorities. The enclosed draft legislation will permit full implementation of the third component.

Trees are one of our most valuable resources. They contribute to the environmental, economic, and social well-being of this country. They enhance biodiversity, wildlife, air and water quality, and recreational opportunities. Trees improve landscape aesthetics and property values, reduce soil erosion, and provide many valuable wood products. They also contribute to energy conservation through the shading and cooling of buildings and by serving as windbreaks.

The proposal I am transmitting to the Congress today authorizes Presidential designation of a private nonprofit Foundation to receive a one-time grant for the purpose of promoting community tree planting and cultivation projects. Second, it authorizes the Secretary of Agriculture to establish a rural tree planting and forest improvement program and a community tree planting and improvement program. Third, it authorizes appropriations to the Secretary of Agriculture for a grant to permit the Foundation to begin its important work.

The Foundation will promote public awareness and a spirit of volunteerism, solicit private sector contributions, and oversee the use of these contributions to encourage tree planting and cultivation projects throughout the United States.

The Foundation will help forge cooperation among individuals, businesses, governments, and community organizations and provide financial assistance to grassroots volunteers to plant trees. It will help draw national attention to the need for increased planting of trees in our communities where, on average, only one tree is now being planted for every four that die or are removed. It is a program that will reach every State, if not each and every community. All of our citizens will be encouraged to participate in this program.

Enactment of this proposal will permit us to harness the efforts of individuals and organizations to undertake the nationwide planting and cultivation of invaluable trees. The prompt passage of this proposal by the Congress will demonstrate our shared commitment to preserving one of our most valuable natural resources, our precious heritage of trees. Let us ensure that our descendants will be able to share our pride in referring to this land as "America the Beautiful."

GEORGE BUSH.

THE WHITE HOUSE, *March 22, 1990.*

MESSAGES FROM THE HOUSE

At 10:29 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2566. An act to disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes;

H.R. 3182. An act to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park; and

H.R. 3834. An act to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system.

At 12:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 3:09 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1091. An act to provide for the striking of medals in commemoration of the U.S. Coast Guard;

S. 1521. An act to provide for an increase in the maximum rates of basic pay for the police force of the National Zoological Park;

H.R. 3311. An act to designate the Federal building located at 350 South Main Street in Salt Lake City, UT, as the "Frank E. Moss United States Courthouse";

S.J. Res. 190. Joint resolution designating April 9, 1990, as "National Former Prisoners of War Recognition Day"; and

S.J. Res. 237. Joint resolution providing for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

At 5:11 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the Congressional Award Act (2 U.S.C. 803), the Speaker appoints the following individuals to the Congressional Award Board on the part of the House: From the U.S. House of Representatives, Mr. PAYNE of New Jersey; and from private life, Mr. Thomas Hale Boggs, Jr., of Washington, DC.

The message also announced that pursuant to the Congressional Award Act (2 U.S.C. 803), the minority leader appoints the following individuals to the Congressional Award Board on the part of the House: From the U.S. House of Representatives, Mr. LEWIS of Florida; and from private life, Ms. Candice Shy Hooper of Alexandria, VA, and Mr. Glen D. Gaddy of Baltimore, MD.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2566. An act to disclaim any interests of the United States in certain lands on San Juan Island, Washington, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3182. An act to provide for the striking of medals in commemoration of the Centennial of Yosemite National Park; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated;

EC-2641. A communication from the Secretary of Transporation, transmitting, pursuant to law, a report on a technical violation of the Antideficiency Act; to the Committee on Appropriations.

EC-2642. A communication from the Assistant Vice President, Government and Public Affairs, AMTRAK Corporation, transmitting, pursuant to law, the annual review of rail passenger service routes; to the Committee on Commerce, Science, and Transportation.

EC-2643. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a Governor's Certification for the Commonwealth of Puerto Rico, supplementary information to the Governor's Certification for the Commonwealth of Massachusetts, and a submittal from the State of Vermont concerning the State's status for the 1990 milestone; to the Committee on Energy and Natural Resources.

EC-2644. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on the Powerplant and Industrial Fuel Use Act; to the Committee on Energy and Natural Resources.

EC-2645. A communication from the President and CEO of the Overseas Private Investment Corporation, transmitting, pursuant to law, the annual report of the Corporation for the fiscal year 1989; to the Committee on Foreign Relations.

EC-2646. A communication from the Assistant Secretary, Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, notification that the President has authorized the use of additional funds from the Emergency Refugee and Migration Assistance Fund for Southeast Asia, Africa, and Central America; to the Committee on Foreign Relations.

EC-2647. A communication from the auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "analysis of Cash Flow Projections for Miscellaneous Disbursements"; to the Committee on Governmental Affairs.

EC-2648. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued or released in February 1990; to the Committee on Governmental Affairs.

EC-2649. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on a Federal agency which did not fully implement a recommendation made by the Office of the Comptroller General; to the Committee on Governmental Affairs.

EC-2650. A communication from the President and CEO of the Overseas Private Investment Corporation, transmitting, pursuant to law, the Corporation's first annual report in compliance with the Inspector General Act Amendments of 1988; to the Committee on Governmental Affairs.

EC-2651. A communication from the Secretary of Transportation, transmitting, pursuant to law, the 15th annual report of the Department under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2652. A communication from the Chairman of the Council on Environmental Quality, Executive Office of the President, the Council's report under the Freedom of Information Act for the calendar year 1989; to the Committee on the Judiciary.

EC-2653. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report of the Administration under the Freedom of Information Act for the calendar year 1989; to the Committee on the Judiciary.

EC-2654. A communication from the Administrator of the U.S. Small Business Administration, transmitting, pursuant to law, the Administration's annual report under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2655. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report of the Service under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2656. A communication from the Agency Freedom of Information Officer of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the annual report of the Agency under the Freedom of Information Act for calendar year 1989; to the Committee on the Judiciary.

EC-2657. A communication from the Chairmen of the National Foundation on the Arts, the National Foundation on the Humanities, and the Institute of Museum Services, transmitting a draft of proposed legislation to reauthorize the National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum Services for fiscal years 1991 through 1995; to the Committee on Labor and Human Resources.

EC-2658. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on alcoholism treatment; to the Committee on Labor and Human Resources.

EC-2659. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the reports on Department of Defense procurement from small and other business firms for the period October through December 1989 to the Committee on Small Business.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENTSEN, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1594. A bill to extend nondiscriminatory treatment to the products of the People's Republic of Hungary for five years (Rept. No. 101-252).

Mr. **BENTSEN**. Mr. President, I ask unanimous consent that H.R. 1594, trade legislation reported by the Committee on Finance, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

H.R. 1594

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

TITLE I—TARIFF PROVISIONS

Subtitle A—Amendments to the Harmonized Tariff Schedule of the United States

Sec. 1001. Reference.

PART 1—PERMANENT CHANGES IN TARIFF TREATMENT

Sec. 1101. Gloves, mittens, and mitts.
Sec. 1102. Certain chipper knife steel products.
Sec. 1103. Bicycles having 26-inch wheels.
Sec. 1104. Edible molasses containing nonsugar solids.
Sec. 1105. Tobacco processed in Caribbean Basin country.
Sec. 1106. Articles exported and returned.
Sec. 1107. Brooms.
Sec. 1108. Foliage-type artificial flowers.

PART 2—TEMPORARY CHANGES IN TARIFF TREATMENT

SUBPART A—EXISTING PROVISIONS

Sec. 1201. Extension of certain existing provisions.
Sec. 1202. Certain hosiery knitting machines.
Sec. 1203. Parts and accessories of copying machines.
Sec. 1204. Toy jewelry, certain small toys and novelty goods.
Sec. 1205. Jacquard cards.
Sec. 1206. C-Amines.
Sec. 1207. Corned beef in airtight containers.
Sec. 1208. Menthol feedstocks.
Sec. 1209. Surgical gowns and drapes.

SUBPART B—NEW PROVISIONS

Sec. 1301. Calcium acetylsalicylate (calcium carbaspirin).
Sec. 1302. Bendiocarb.
Sec. 1303. Certain glass bulbs.
Sec. 1304. Octadecyl isocyanate.
Sec. 1305. Molten-salt-cooled acrylic acid reactors.
Sec. 1306. Dimethylbenzylidene sorbitol.
Sec. 1307. 4,4'-Isopropylidenedicyclohexanol.
Sec. 1308. Sulfachloropyridazine.
Sec. 1309. Thiothiamine hydrochloride.
Sec. 1310. Paramine acid.
Sec. 1311. Sucralfate.
Sec. 1312. Anthraquinone.
Sec. 1313. Theobromine.
Sec. 1314. Chlorhexanone.
Sec. 1315. Naphthalic acid anhydride.
Sec. 1316. K-Acid.
Sec. 1317. Broenner's acid.
Sec. 1318. D Salt.
Sec. 1319. Neville and winter's acid.
Sec. 1320. Anis base.
Sec. 1321. Naphthol as types.
Sec. 1322. Ceftazidime tertiary butyl ester.
Sec. 1323. Certain plastic web sheeting.
Sec. 1324. Magnetic video tape recordings.
Sec. 1325. Mixed ortho/para toluenesulfonomide.
Sec. 1326. 2,6-Dichlorobenzonitrile.
Sec. 1327. 1-[1-((4-Chloro-2-(trifluoromethyl)phenyl) imino)-2-propoxyethyl]-1-h-imidazole.
Sec. 1328. Certain Christmas ornaments.
Sec. 1329. Frozen carrots.
Sec. 1330. Impact line printers.
Sec. 1331. Amino acetanilide.
Sec. 1332. 6 Amino-2-naphthene sulfonic acid.
Sec. 1333. 8 Amino-2 naphthene sulfonic acid.
Sec. 1334. 5 (and 8) Amino-2 naphthalene sulfonic acid.
Sec. 1335. 5 Amino 2 naphthalene sulfonic acid.
Sec. 1336. 1-Naphthylamine.
Sec. 1337. 4 Amino-1-naphthalene sulfonic acid, sodium salt.
Sec. 1338. 1,4 Dihydroxyanthraquinone.
Sec. 1339. 7 Nitro naphth [1,2] oxadiazole 5-sulfonic.
Sec. 1340. 4-Chloro-α,α,α-trifluoro-o-toluidine.
Sec. 1341. 7-Amino-1,3-naphthalenesulfonic acid, monopotassium salt.
Sec. 1342. 2-Amino-4-chlorophenol.
Sec. 1343. 2,4-Diamino benzene sulfonic acid.
Sec. 1344. 2,5 Dichloro-4-(3-methyl-5-oxo-2 pyrazolin-1-yl) benzenesulfonic acid.
Sec. 1345. 7-Hydroxy 1,3-naphthalene disulfonic acid-dipotassium salt.
Sec. 1346. O-anisidine.
Sec. 1347. 1-Amino-2-bromo-4-hydroxyanthraquinone.
Sec. 1348. 2-Chloro-4-nitroaniline.
Sec. 1349. (1,3,3 Trimethyl-indoline-2-ylidene) acetaldehyde.
Sec. 1350. 2,3 Dihydro 1,3,3 trimethyl-2-methylene-1h-indole.
Sec. 1351. 2[(4 Aminophenyl) sulfonyl] ethanol hydrogen sulfate ester.

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Sec. 1352. 7-Anilino-4-hydroxy-2 naphthalene sulfonic acid.
Sec. 1353. 1,4-Diamino-2,3 dihydroanthraquinone.
Sec. 1354. Castor oil and its fractions.
Sec. 1355. 0,0-Dimethyl-s-[(4-oxo-1,2,3-benzotriazin-3-(4h)-yl)methyl] phosphorodithioate.
Sec. 1356. Suspension of duty on certain machines for use in the manufacture of wheels for bicycles and on certain bicycle parts.
Sec. 1357. L-alanyl - L-proline, also known as ala pro.
Sec. 1358. Tfa lys pro in free base and tosyl salt forms.
Sec. 1359. Certain timing apparatus.
Sec. 1360. Ciprofloxacin hydrochloride, ciprofloxacin, and nimodipine.
Sec. 1361. Certain furniture and seats.
Sec. 1362. Wicker products.
Sec. 1363. (6R-(6A,7B(Z)))-7-(((2-Amino-4-thiazolyl)((carboxymethoxy) imino) acetyl) amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0) oct-2-ene-2-carboxylic acid.
Sec. 1364. N-(4-(((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl) methyl)amino)benzoyl)-l-glutamic acid.
Sec. 1365. (1)3-Quinolinecarboxylic acid, 1-ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)-, also known as norfloxacin.
Sec. 1366. 2,2-Dimethylcyclopropylcarboxamide.
Sec. 1367. N-Amidino-3,5-diamino-6-chloropyrazinecarboxamide monohydrochloride dihydrate, also known as amiloride hydrochloride.
Sec. 1368. Chemical light activator blend.
Sec. 1369. Gripping narrow fabrics.
Sec. 1370. BPIP.
Sec. 1371. MBEP.
Sec. 1372. 2-Ethylanthraquinone.
Sec. 1373. Rhodamine 2C base.
Sec. 1374. Polymin P and Polymin P hydrochloride.
Sec. 1375. Polymin SNA 60.
Sec. 1376. Ornithine.
Sec. 1377. Teicoplanin.
Sec. 1378. Acetoacet-para-toluidide (AAPT).
Sec. 1379. Acetoacetsulfanilic acid, potassium salt (AA sulfanilic acid potassium salt).
Sec. 1380. 6-Methyluracil.
Sec. 1381. Ethyl 2-(2-aminothiazole-4-yl)-2-hydroxyiminoacetate (ATHAET).
Sec. 1382. Ethyl 2-(2-aminothiazole-4-yl)-2-methoxyiminoacetate (ATMAET).
Sec. 1383. 4,4'-Methylene-bis-(2,6-dimethylphenylcyanate).
Sec. 1384. 2,2'-Bis(4-cyanatophenyl-1,1,1,3,3,3-hexafluoropropane.
Sec. 1385. 4,4'-Thiodiphenyl cyanate.
Sec. 1386. 1,1-Ethylidene-bis-(phenyl-4-cyanate).
Sec. 1387. Hydrocarbon novolac cyanate ester.
Sec. 1388. 4,4'-Methylene-bis-(3-chloro-2,6-diethyl aniline).
Sec. 1389. 4,4'-Methylene-bis-(2,6-diisopropyl aniline).
Sec. 1390. L-Carnitine.
Sec. 1391. Diphenolic acid.
Sec. 1392. 2,6-HNA.
Sec. 1393. ADC-6.
Sec. 1394. Diflunisal.
Sec. 1395. Trifluoromethylaniline.
Sec. 1396. Tamoxifen citrate.
Sec. 1397. Fenofibrate.
Sec. 1398. 6-T-Butyl 2,4 xylenol.
Sec. 1399. 2,4-Diamino-6-phenyl-1,3,5-triazine.
Sec. 1400. Iopamidol.
Sec. 1401. Iohexol.
Sec. 1402. p-Hydroxybenzaldehyde.
Sec. 1403. Ioxaglate.
Sec. 1404. 7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene.
Sec. 1405. Modeling pastes.
Sec. 1406. Mercuric oxide.
Sec. 1407. 2,3,6-Trimethylphenol (TMP).
Sec. 1408. Protective sports apparel.
Sec. 1409. 1,5 Naphthalene diisocyanate.
Sec. 1410. Self-folding telescopic shaft, collapsible umbrellas.
Sec. 1411. 1,6-Hexamethylene diisocyanate.
Sec. 1412. Certain in-line roller skate boots.
Sec. 1413. Certain veneer.
Sec. 1414. p-Tolualdehyde.
Sec. 1415. Diltiazem hydrochloride, and sustained release diltiazem hydrochloride.
Sec. 1416. Clentiazim.
Sec. 1417. Personal effects and equipment of participants and officials involved in the 1990 Goodwill Games.
Sec. 1418. Copper acetate monohydrate.
Sec. 1419. Parts of generators for use on aircraft.
Sec. 1420. Certain infant nursery monitors and intercoms.
Sec. 1421. Certain glass fibers.
Sec. 1422. Three-dimensional cameras.
Sec. 1423. Personal effects and equipment for World University Games.
Sec. 1424. Karate pants and belts.
Sec. 1425. Metallurgical fluorspar.
Sec. 1426. Certain piston engines.
Sec. 1427. Quizalofop-ethyl.
Sec. 1428. Certain insulated electrical conductors.
Sec. 1429. Diphenyldichlorosilane and phenyltrichlorosilane.
Sec. 1430. Theatrical, ballet, and operatic scenery, properties, and sets.
Sec. 1431. 4-Fluoro-3-phenoxy benzaldehyde.

PART 3—EFFECTIVE DATES

Sec. 1601. Effective dates.

Subtitle B—Miscellaneous Provisions

Sec. 1701. Certain forgings.
Sec. 1702. Bi-level rail passenger cars.
Sec. 1703. Certain extracorporeal shock wave lithotripter.
Sec. 1704. Foreign trade zones.
Sec. 1705. Certain entries of digital processing units.
Sec. 1706. Nuclear magnetic spectrometer.
Sec. 1707. Foreign repair of vessels.
Sec. 1708. Certain methanol entries.
Sec. 1709. Certain frozen vegetables.
Sec. 1710. Certain films and recordings.
Sec. 1711. Certain distilled spirits in foreign trade zones.
Sec. 1712. Reliquidation of certain entries and refund of antidumping duties.
Sec. 1713. Substitution of crude petroleum or petroleum derivatives.

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

Sec. 2001. Short title.
Sec. 2002. Congressional findings.
Sec. 2003. Repeal of termination date on duty-free treatment under the Act.
Sec. 2004. Worker rights.
Sec. 2005. Reports.
Sec. 2006. Increase in duty-free tourist allowances.
Sec. 2007. Duty-free treatment for articles assembled in beneficiary countries from components produced in the United States.
Sec. 2008. Conforming GSP amendment.
Sec. 2009. Pilot preclearance program.
Sec. 2010. Application of Act in Eastern Caribbean area.
Sec. 2011. Caribbean-Central American scholarship partnership.
Sec. 2012. Promotion of tourism.
Sec. 2013. Agricultural infrastructure support.

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR TRADE AGENCIES

Sec. 3001. Office of the United States Trade Representative.
Sec. 3002. United States International Trade Commission.
Sec. 3003. United States Customs Service.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 4001. Technical amendments regarding nondiscriminatory trade treatment.
Sec. 4002. Customs user fees.
Sec. 4003. Drug paraphernalia.
Sec. 4004. Prohibition on the importation of certain articles originating in Burma.

TITLE I—TARIFF PROVISIONS

Subtitle A—Amendments to the Harmonized Tariff Schedule of the United States

SEC. 1001. REFERENCE.

Whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section, chapter, subchapter, note, heading, subheading, or other provision, the reference shall be considered to be made to a section, chapter, subchapter, note, heading, subheading, or other provision of the Harmonized Tariff Schedule of the United States (19 U.S.C. 3007).

PART I—PERMANENT CHANGES IN TARIFF TREATMENT

SEC. 1101. GLOVES, MITTENS, AND MITTS.

(a) ICE AND FIELD HOCKEY GLOVES.—

(1) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.10.10:

"	6116.10.05	Ice hockey gloves and field hockey gloves	Free		25%	".

(2) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.92.10:

"	6116.92.05	Ice hockey gloves and field hockey gloves	Free		45%	".

(3) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.93.10:

"	6116.93.05	Ice hockey gloves and field hockey gloves	Free		45%	".

(4) Chapter 61 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6116.99.30:

"	6116.99.20	Ice hockey gloves and field hockey gloves	Free		45%	".

(5) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.10:

"	6216.00.05	Ice hockey gloves and field hockey gloves	Free		25%	".

(6) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.34:

"	6216.00.33	Ice hockey gloves and field hockey gloves	Free		45%	".

(7) Chapter 62 is amended by inserting in numerical sequence the following new subheading, with the article description having the same degree of indentation as the article description for subheading 6216.00.44:

"	6216.00.43	Ice hockey gloves and field hockey gloves	Free		45%	".

(b) OTHER SPORTS GLOVES.—The article descriptions in subheadings 6116.10.10, 6116.92.10, 6116.93.10, 6116.99.30, 6216.00.10, 6216.00.34 and 6216.00.44 are each amended to read as follows: "Other gloves, mittens, and mitts, principally designed for sports use, including ski and snowmobile gloves, mittens, and mitts".

SEC. 1102. CERTAIN CHIPPER KNIFE STEEL PRODUCTS.

(a) IN GENERAL.—Subchapter IV of chapter 72 is amended by striking out subheadings 7226.91.10 and 7226.91.30 Harmonized Tariff Schedule of the United States and inserting in lieu thereof the following new subheadings, with the article description for subheading 7226.91.05 having the same degree of indentation as subheading 7226.91.50:

"	7226.91.05	Of chipper knife steel	Free		34%	
		Other:				
	7226.91.10	Of a width of 300 mm or more	9.6%	Free (E, IL) 7.6% (CA)	29%	
	7226.91.30	Of a width of less than 300 mm	11.6%	Free (E, IL) 9.2% (CA)	34%	".

(b) STAGED RATE REDUCTION.—Any staged rate reduction of a rate of duty set forth in subheadings 7226.91.10 and 7226.91.30 of the Harmonized Tariff Schedule of the United States that was proclaimed by the President before the date of enactment of this Act and is scheduled to take effect after the date of enactment of this Act shall take effect as provided in that proclamation.

SEC. 1103. BICYCLES HAVING 26-INCH WHEELS.

Heading 8712.00 is amended—

(1) by striking out "65 cm" each place it appears and inserting in lieu thereof "63.5 cm"; and

(2) by striking out "4 cm" in subheading 8712.00.20 and inserting in lieu thereof "4.13 cm".

SEC. 1104. EDIBLE MOLASSES CONTAINING NON-SUGAR SOLIDS.

Paragraphs (a)(i), (h)(i), and (ij) of Additional U.S. Note 3 to chapter 17 are each amended by striking out "1702.90.40,".

SEC. 1105. TOBACCO PROCESSED IN CARIBBEAN BASIN COUNTRY.

The Additional United States Notes for chapter 24 are amended by adding at the end thereof the following new note:

"5. For purposes of heading 2401, any tobacco grown in the United States, and any article of tobacco grown in the United States, that falls within any subheading of heading 2401 for which the rate of duty of 'Free' followed by the symbol 'E' appears in the special subcolumn of rate of duty column 1 and that—

"(a) has been processed, advanced in value, or improved in condition in a designated beneficiary country enumerated in general note 3(c)(v), and

"(b) is not processed, advanced in value, or improved in condition in any country other than such a designated beneficiary country or the United States,

shall, when imported directly from such a designated beneficiary country, be accorded duty-free entry as an eligible article for the purpose of the Caribbean Basin Economic Recovery Act.".

SEC. 1106. ARTICLES EXPORTED AND RETURNED.

The U.S. notes to subchapter II of chapter 98 are amended by adding at the end thereof the following new note:

"6. Notwithstanding the partial exemption from duties for the value of the metal product exported from the United States provided under subheading 9802.00.60, articles imported under subheading 9802.00.60 are subject to all other duties, and any other restrictions or limitations, imposed pursuant to title VII of the Tariff Act of 1930 (19 U.S.C. 1671, et seq.) or chapter 1 of title II, or chapter 1 of title III, of the Trade Act of 1974 (19 U.S.C. 2251, et seq., 19 U.S.C. 2411 et seq.)."

SEC. 1107. BROOMS.

Chapter 96 is amended—

(1) by inserting "wholly or in part" after "Whiskbrooms," in the superior article description for subheading 9603.10.10; and

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(2) by inserting "wholly or in part" after "Other brooms," in the superior article description for subheading 9603.10.40.

SEC. 1108. FOLIAGE-TYPE ARTIFICIAL FLOWERS.

Subheading 6702.90.40 is amended by inserting "and foliage" after "Artificial flowers" in the article description.

PART 2—TEMPORARY CHANGES IN TARIFF TREATMENT

Subpart A—Existing Provisions

SEC. 1201. EXTENSION OF CERTAIN EXISTING PROVISIONS.

Each of the following headings is amended by striking out the date in the effective period column and inserting in lieu thereof "12/31/92":

(1) Heading 9902.08.07 (relating to fresh cantaloupes).

(2) Heading 9902.29.04 (relating to p-toluenesulfonyl chloride).

(3) Heading 9902.29.06 (relating to dicofol).

(4) Heading 9902.29.10 (relating to 6-hydroxy-2 naphthalenesulfonic acid and its sodium, potassium, and ammonium salts).

(5) Heading 9902.29.11 (relating to triethylene glycol dichloride).

(6) Heading 9902.29.13 (relating to 2,6-dichlorobenzaldehyde).

(7) Heading 9902.29.14 (relating to dinocap).

(8) Heading 9902.29.21 (relating to m-hydroxybenzoic acid).

(9) Heading 9902.29.22 (relating to d-6-methoxy-a-methyl-2-naphthaleneacetic acid and its sodium salt).

(10) Heading 9902.29.23 (relating to triphenyl phosphate).

(11) Heading 9902.29.24 (relating to 3-amino-3-methyl-1-butyne).

(12) Heading 9902.29.28 (relating to α,α,α,-trifluoro-o-toluidine).

(13) Heading 9902.29.30 (relating to 8-amino-1-naphthalenesulfonic acid and its salts).

(14) Heading 9902.29.31 (relating to 5-amino-2-(p-aminoanilino)benzenesulfonic acid).

(15) Heading 9902.29.33 (relating to 1-amino-8-hydroxy-3,6-naphthalenedisulfonic acid; and 4-amino-5-hydroxy-2,7-naphthalenedisulfonic acid, monosodium salt (H acid, monosodium salt)).

(16) Heading 9902.29.35 (relating to 6-amino-4-hydroxy-2-naphthalenesulfonic acid (gamma acid)).

(17) Heading 9902.29.38 (relating to 3,3'-dimethoxybenzidine (o-dianisidine) and its dihydrochloride).

(18) Heading 9902.29.40 (relating to 2-amino-5-nitrophenol).

(19) Heading 9902.29.43 (relating to 1-amino-2,4-dibromoanthraquinone).

(20) Heading 9902.29.44 (relating to 1-amino-4-bromo-2-anthraquinonesulfonic acid (bromamine acid) and its sodium salt).

(21) Heading 9902.29.47 (relating to 4-methoxyaniline-2-sulfonic acid).

(22) Heading 9902.29.49 (relating to benzethonium chloride).

(23) Heading 9902.29.51 (relating to N-(7-hydroxy-1-naphthyl)acetamide).

(24) Heading 9902.29.57 (relating to N,N-bis(2-cyanoethyl)aniline).

(25) Heading 9902.29.59 (relating to 2,2-bis(4-cyanatophenyl)propane).

(26) Heading 9902.29.60 (relating to triallate).

(27) Heading 9902.29.62 (relating to paraldehyde).

(28) Heading 9902.29.63 (relating to aminomethylphenylpyrazole).

(29) Heading 9902.29.64 (relating to amino-J-pyrazolone; methylphenylpyrazolone).

(30) Heading 9902.29.66 (relating to m-sulfamino-pyrazolone (m-sulfamidophenylmethylpyrazolone).

(31) Heading 9902.29.67 (relating to 3-methyl-1-(p-tolyl)-2-pyrazolin-5-one (p-tolyl methyl pyrazolone)).

(32) Heading 9902.29.69 (relating to 3-methyl-5-pyrazolone).

(33) Heading 9902.29.71 (relating to barbituric acid).

(34) Heading 9902.29.74 (relating to terfenadone).

(35) Heading 9902.29.76 (relating to 2-n-octyl-4-isothiazolin-3-one and on mixtures of 2-n-octyl-4-isothiazolin-3-one and application adjuvants).

(36) Heading 9902.29.79 (relating to 2-amino-N-ethylbenzenesulfonanilide).

(37) Heading 9902.30.04 (relating to nicotine resin complex).

(38) Heading 9902.32.04 (relating to methylene blue).

(39) Heading 9902.36.06 (relating to metaldehyde).

(40) Heading 9902.38.06 (relating to mixtures of dinocap and application adjuvants).

(41) Heading 9902.38.07 (relating to mixtures of mancozeb and dinocap).

(42) Heading 9902.38.08 (relating to mixtures of maneb, zineb, mancozeb, and metiram).

(43) Heading 9902.38.10 (relating to mixtures of 5-chloro-2-methyl-4-isothiazolin-3-one, 2-methyl-4-isothiazolin-3-one, magnesium chloride, and stabilizers).

(44) Heading 9902.38.11 (relating to mixtures of dicofol and application adjuvants).

(45) Heading 9902.39.14 (relating to cross-linked polyvinylbenzyltrimethylammonium chloride).

(46) Heading 9902.40.11 (relating to bicycle tires, inner tubes, and rim strips).

(47) Heading 9902.51.01 (relating to certain wools).

(48) Heading 9902.61.00 (relating to certain knitwear fabricated in Guam).

(49) Heading 9902.70.13 (relating to certain kitchenware).

(50) Heading 9902.73.12 (relating to cable or inner wire for caliper brakes).

(51) Heading 9902.73.15 (relating to bicycle chains).

(52) Heading 9902.84.44 (relating to machines designed for heat-set, stretch texturing of continuous man-made fibers).

(53) Heading 9902.84.48 (relating to circular knitting machines and parts).

(54) Heading 9902.84.51 (relating to knitting needles).

(55) Heading 9902.85.12 (relating to generator lighting sets for bicycles).

(56) Heading 9902.87.14 (relating to caliper brakes).

SEC. 1202. CERTAIN HOSIERY KNITTING MACHINES.

Heading 9902.84.47 is amended—

(1) by striking out "12/31/90" and inserting in lieu thereof "12/31/92",

(2) by striking out "single cylinder fine gauge and all double cylinder" and inserting in lieu thereof "and parts thereof", and

(3) by striking out "or 8447.20.60" and inserting in lieu thereof ", 8447.20.60, or 8448.59.10".

SEC. 1203. PARTS AND ACCESSORIES OF COPYING MACHINES.

Heading 9902.90.90 is amended—

(1) by inserting "and accessories" after "Parts", and

(2) by striking out "12/31/90" and inserting in lieu thereof "12/31/92".

SEC. 1204. TOY JEWELRY, CERTAIN SMALL TOYS AND NOVELTY GOODS.

Heading 9902.71.13 is amended to read as follows:

"	9902.71.13	Toy jewelry provided for in subheading 7117.19.10, 7117.19.50, 7117.90.40 (except parts) or 7117.90.50 (except parts) valued not over 5¢ per piece; and articles (except parts) provided for in heading 9502, 9503, or 9504 or subheading 9505.90 (except balloons, marbles, dice, and diecast vehicles), valued not over 5¢ per unit	Free	No change	No change	On or before 12/31/92	".

SEC. 1205. JACQUARD CARDS.

(a) EXISTING SUSPENSION.—Heading 9902.48.23 is amended—

(1) by striking out "4823.90.85" in the article description and inserting in lieu thereof "3926.90.90, 4823.30.00, 4823.90.85,", and

(2) by striking "12/31/90" and inserting in lieu thereof "12/31/92".

(b) CARDS TO BE USED AS JACQUARD CARDS.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.39.27*	*Cards, not punched, suitable for use as, or in making, jacquard cards (provided for in subheading 3926.90.90, 4823.30.00, or 4823.90.85)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1206. C-AMINES.

Heading 9902.29.29 is repealed.

SEC. 1207. CORNED BEEF IN AIRTIGHT CONTAINERS.

Heading 9902.16.02 is amended—

(1) by striking out "3%" and inserting in lieu thereof "Free"; and

(2) by striking out "12/31/89" and inserting in lieu thereof "12/31/92".

SEC. 1208. MENTHOL FEEDSTOCKS.

Heading 9902.29.05 is amended—

(1) by striking out "20 percent" in the article description and inserting in lieu thereof "30 percent", and

(2) by striking out "12/31/90" and inserting in lieu thereof "12/31/92".

SEC. 1209. SURGICAL GOWNS AND DRAPES.

Heading 9902.62.10 is amended to read as follows:

"	*9902.62.10*	*Spunlaced or bonded fiber fabric disposable gowns of manmade fibers for use in performing surgical procedures (provided for in subheading 6210.10.40) and spunlaced or bonded fiber fabric disposable surgical drapes of manmade fibers (provided for in subheading 6307.90.70)*	*5.6%*	*No change (E*, IL)* *3.3% (CA)*	*26.5%*	*On or before 12/31/92, except that in the case of goods originating in the territory of Canada, the effective period is on or before 12/31/98*	".

Subpart B—New Provisions

SEC. 1301. CALCIUM ACETYLSALICYLATE (CALCIUM CARBASPIRIN).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.07*	*Calcium acetylsalicylate (provided for in subheading 2918.22.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1302. BENDIOCARB.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.08*	*2,2-Dimethyl-1,3-benzodioxol-4-yl methylcarbamate (Bendiocarb) (provided for in subheading 2932.90.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1303. CERTAIN GLASS BULBS.

Chapter 99 is amended by inserting in numerical sequence the following new heading:

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"	9902.70.11	*Monochrome glass envelopes with both (1) gray, tinted skirted faceplates, and (2) either a video display diagonal of 14 inches and under or a transmission level of 37% or less (provided for in subheading 7011.20.00)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1304. OCTADECYL ISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence of the following new heading:

"	9902.30.09	*Octadecyl isocyanate (provided for in subheading 2929.10.40)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1305. MOLTEN-SALT-COOLED ACRYLIC ACID REACTORS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.19	*Molten-salt-cooled acrylic acid reactors and their associated parts, accessories, and equipment, imported as an entirety (provided for in subheading 8419.89.50, 8419.90.30, or 8419.90.90)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1306. DIMETHYLBENZYLIDENE SORBITOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.10	*Dimethylbenzylidene sorbitol (provided for in subheading 2932.90.41)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1307. 4,4'-ISOPROPYLIDENEDICYCLOHEXANOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.11	*4,4'-Isopropylidenedicyclohexanol (provided for in subheading 2906.19.00)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1308. SULFACHLOROPYRIDAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.12	*Sulfachloropyridazine (provided for in subheading 2935.00.39)*	*Free*	*No change*	*No change*	*On or before 12/31/90*	".

SEC. 1309. THIOTHIAMINE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.13	*Thiothiamine hydrochloride (CAS No. 2443-50-7) (provided for in subheading 2934.10.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1310. PARAMINE ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.14	*1,4-Diaminobenzene-2-sulfonic acid (CAS No. 88-45-9) (provided for in subheading 2921.59.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1311. SUCRALFATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new subheading:

"	9902.30.57	*Sucralfate (provided for in subheading 2940.00.00)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1312. ANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.16	*Anthraquinone (provided for in subheading 2914.61.00)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1313. THEOBROMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.17	*Theobromine (provided for in subheadings 2939.90.10 and 2939.90.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1314. CHLORHEXANONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.18	*Chlorhexanone (provided for in subheading 2914.70.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1315. NAPHTHALIC ACID ANHYDRIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.19	*Naphthalic acid anhydride (provided for in subheading 2917.39.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1316. K-ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.20	*1-Amino-8-hydroxy-4, 6-naphthalene-disulfonic acid, monosodium salt (CAS No. 85294-32-2) (provided for in subheading 2922.21.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1317. BROENNER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.21	*2-Naphthylamine-6-sulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1318. D SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.22	*2-Naphthylamine-1,5-disulfonic acid*					

		and the monosodium salt (CAS Nos. 117-62-4 and 19532-03-07) (provided for in subheading 2921.42.50)	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1319. NEVILLE AND WINTER'S ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.23*	*1-Naphthol-4-sulfonic acid and the monosodium salt (CAS Nos. 84-87-7 and 6099-57-6) (provided for in subheading 2908.20.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1320. ANIS BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.24*	*3-Aminomethoxy-benzanilide (provided for in subheading 2924.29.25)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1321. NAPHTHOL AS TYPES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.25*	*3-Hydroxy-2-naphthanilide (CAS No. 92-77-3); 3-Hydroxy-2-naphtho-o-toluidide (CAS No. 135-61-5); 3-Hydroxy-2-naphtho-o-anisidide (CAS No. 135-62-6); 3-Hydroxy-2-naphtho-o-phenetidide (CAS No. 92-74-0); 3-Hydroxy-2-naphtho-4-chloro-2,5-dimethoxyanilide (CAS No. 4273-92-1); and N,N'-bis(acetoacetyl-o-toluidine) (CAS No. 91-96-3) (provided for in subheading 2924.29.14)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1322. CEFTAZIDIME TERTIARY BUTYL ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.60.10*	*(6R, 7R)-7-[(Z)-2-(2-Aminothiazol-4-yl)-2-[(2-tert-butoxycarbonyl)prop-2-oxyiminol acetamido]-3-(1-pyridinium-methyl)ceph-3-em-4-carboxylate (Ceftazidime tertiary butyl ester) (provided for in subheading 2934.90.25)*	*Free*	*No change*	*No change*	*On or before 6/30/92*	".

SEC. 1323. CERTAIN PLASTIC WEB SHEETING.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following new note:

"10. For purposes of heading 9902.56.03, the term 'nonwoven fiber sheet' means sheet comprising a highly uniform and random array of polyester fibers of 1.5 to 3.0 denier, thermally bonded and calendered into a smooth surface web having—

"(a) a thickness of 3.7 to 4.0 mils;

"(b) a basis weight of 2.5 oz. per sq. yd.;

"(c) a machine tensile strength of 30 lb. per sq. in. or greater;

"(d) a low cross-direction tensile (approximately ⅓ of MD tensile strength); and

"(e) a Frazier air permeability of 1.0 to 1.5 cfm per sq. ft."; and

(2) by inserting in numerical sequence the following new heading:

"	*9902.56.03*	*Nonwoven fiber sheet (provided for in subheading 5603.00.90)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1324. MAGNETIC VIDEO TAPE RECORDINGS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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“	9902.85.24	*Video tape recordings of a width exceeding 6.5 mm but not exceeding 16 mm, in cassettes of United States origin as certified by the importers, and valued at not over $7.00 per pre-recorded cassette unit (provided for in subheading 8524.23.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1325. MIXED ORTHO/PARA TOLUENESULFONAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.26	*Mixed ortho/para toluenesulfonamide (provided for in subheading 2935.00.47)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1326. 2,6-DICHLOROBENZONITRILE.

(a) In General.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.27	*2,6-Dichlorobenzonitrile (provided for in subheading 2926.90.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

(b) With Inerts.—Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.38.13	*Mixtures of 2,6-dichlorobenzonitrile (90%) and inerts (up to 10%) (provided for in subheading 3808.30.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1327. 1-[1-((4-CHLORO-2-(TRIFLUOROMETHYL)PHENYL) IMINO)-2-PROPOXYETHYL]-1-H-IMIDAZOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.30.28	*1-[1-((4-Chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyethyl]-1-H-imidazole (provided for in subheading 2933.29.30)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1328. CERTAIN CHRISTMAS ORNAMENTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.95.05	*Christmas ornaments other than ornaments of glass or wood (provided for in subheading 9505.10.25)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1329. FROZEN CARROTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.07.10	*Carrots, frozen (provided for in subheading 0710.80.70)*	*2.2¢/kg*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1330. IMPACT LINE PRINTERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.84.65	*Impact line printers using band drive mechanisms and capable of printing speeds of not less than 1,300 lines per minute (provided for in subheading 8471.92.65)*	*No change*	*No change*	*3.75%*	*On or before 12/31/92*	”.

SEC. 1331. AMINO ACETANILIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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"	9902.30.29	*4-Amino acetanilide (CAS No. 122-80-5) (provided for in subheading 2924.29.45)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1332. 6 AMINO-2-NAPHTHENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.30	*6-Amino-2-naphthalene sulfonic acid (CAS No. 93-00-5) (provided for in subheading 2921.45.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1333. 8 AMINO-2 NAPHTHALENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.31	*8-Amino-2-naphthalenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.20)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1334. 5 (AND 8) AMINO-2 NAPHTHALENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.32	*Mixtures of 5- and 8-amino-2-naphthalenesulfonic acid (CAS No. 119-28-8) (provided for in subheading 2921.45.30)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1335. 5 AMINO-2 NAPHTHALENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.33	*5-Amino-2-naphthalenesulfonic acid (CAS No. 119-79-9) (provided in subheading 2921.45.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1336. 1-NAPHTHYLAMINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.34	*1-Naphthylamine (CAS No. 134-32-7) (provided for in subheading 2921.45.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1337. 4 AMINO-1-NAPHTHALENE SULFONIC ACID, SODIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.35	*4-Amino-1-naphthalenesulfonic acid, sodium salt (CAS No. 130-13-2) (provided for in subheading 2921.45.20)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1338. 1,4 DIHYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.36	*1,4-Dihydroxyanthraquinone (CAS No. 81-64-1) (provided for in subheading 2914.69.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1339. 7 NITRO NAPHTH [1,2] OXADIAZOLE 5-SULFONIC.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.37*	*7-Nitronaphth-[1,2] oxadiazole-5-sulfonic acid (CAS No. 84-91-3) (provided for in subheading 2934.90.06)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1340. 4-CHLORO-α-α-α-TRIFLUORO-O-TOLUIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.38*	*4-Chloro-α,α,α-trifluoro-o-toluidine (CAS No. 445-03-4) (provided for in subheading 2921.43.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1341. 7-AMINO-1,3-NAPHTHALENESULFONIC ACID, MONOPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.39*	*7-Amino-1,3-naphthalenesulfonic acid, monopotassium salt (CAS No. 842-15-9) (provided for in subheading 2921.45.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1342. 2-AMINO-4-CHLOROPHENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.40*	*2-Amino-4-chlorophenol (CAS No. 95-85-2) (provided for in subheading 2922.29.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1343. 2,4-DIAMINO BENZENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.41*	*2,4-Diaminobenzene-sulfonic acid (CAS No. 88-63-1) (provided for in subheading 2921.50.51)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1344. 2,5 DICHLORO-4-(3-METHYL-5-OXO-2-PYRAZOLIN-1-YL) BENZENESULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.42*	*2,5-Dichloro-4-(3-methyl-5-oxo-2-pyrazolin-1-yl)-benzenesulfonic acid (CAS No. 84-57-1) (provided for in subheading 2933.19.424)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1345. 7-HYDROXY 1,3-NAPHTHALENE DISULFONIC ACID, DIPOTASSIUM SALT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.43*	*7-Hydroxy-1,3-naphthalene-disulfonic acid, dipotassium salt (CAS No. 842-18-2) (provided for in subheading 2908.20.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

SEC. 1346. O-ANISIDINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	*9902.30.44*	*o-Anisidine (CAS No. 90-04-0) (provided for in subheading 2922.22.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	”.

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SEC. 1347. 1-AMINO-2-BROMO-4-HYDROXYANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.45*	*1-Amino-2-bromo-4-hydroxy-anthraquinone (CAS No. 116-82-5) (provided for in subheading 2922.50.40)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1348. 2-CHLORO-4-NITROANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.46*	*2-Chloro-4-nitroaniline (CAS No. 121-87-9) (provided for in subheading 2921.42.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1349. (1,3,3 TRIMETHYL-INDOLINE-2-YLIDENE) ACETALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.47*	*(1,3,3-Trimethyl-indoline-2-ylidene)-acetaldehyde (CAS No. 84-83-3) (provided for in subheading 2933.90.39)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1350. 2,3 DIHYDRO 1,3,3 TRIMETHYL-2-METHYLENE-1H-INDOLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.48*	*2,3 Dihydro 1,3,3-Trimethyl-2-methylene-1H-indoline (CAS No. 118-12-7) (provided for in subheading 2933.90.39)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1351. 2[(4 AMINOPHENYL) SULFONYL] ETHANOL HYDROGEN SULFATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.49*	*2[(4-Aminophenyl)-sulfonyl]ethanol, hydrogen sulfate ester (CAS No. 2494-89-5) (provided for in subheading 2930.90.20)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1352. 7-ANILINO-4-HYDROXY-2 NAPHTHALENE SULFONIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.50*	*7-Anilino-4-hydroxy-2-naphthalenesulfonic acid (CAS No. 119-40-4) (provided for in subheading 2922.29.50)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1353. 1,4-DIAMINO-2,3 DIHYDROANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.30.51*	*1,4-Diamino-2,3-dihydro-anthraquinone (CAS No. 81-63-0) (provided for in subheading 2922.30.30)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1354. CASTOR OIL AND ITS FRACTIONS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	*9902.15.15*	*Castor oil and its fractions (provided for in subheading 1515.30.00)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1355. O,O-DIMETHYL-S-[(4-OXO-1,2,3-BENZOTRIAZIN-3-(4H)-YL)METHYL] PHOSPHORODITHIOATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.52	*0,0-Dimethyl-S-[(4-oxo-1,2,3-benzotriazin-3-(4H)-yl)methyl] phosphorodithioate (provided for in subheading 2933.90.18)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1356. SUSPENSION OF DUTY ON CERTAIN MACHINES FOR USE IN THE MANUFACTURE OF WHEELS FOR BICYCLES AND ON CERTAIN BICYCLE PARTS.

(a) MACHINES.—*Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:*

"	9902.84.79	*Wheelbuilding, wheeltruing, rim punching, tire fitting and similar machines for use in the manufacture of wheels for bicycles (provided for in subheading 8479.89.90)*	Free	No change	No change	On or before 12/31/92	".

(b) CERTAIN PARTS.—*Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:*

"	9902.87.15	*Bicycle handlebar stems wholly of aluminum alloy, valued over $2.15 each (provided for in subheading 8714.99.90)*	Free	No change	No change	On or before 12/31/92	
	9902.87.16	*Bicycle handlebar stem rotor assemblies (provided for in subheading 8714.99.90)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1357. L-ALANYL - L-PROLINE, ALSO KNOWN AS ALA PRO.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.53	*L-Alanyl-L-proline (provided for in subheading 2933.90.50)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1358. TFA LYS PRO IN FREE BASE AND TOSYL SALT FORMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.54	*Trifluoroacetyl-L-lysine-L-proline in free base and tosyl salt forms (provided for in subheadings 2922.49.50 and 2922.49.30, respectively)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1359. CERTAIN TIMING APPARATUS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.91.06	*Apparatus for measuring, recording, or otherwise indicating intervals of time, with clock or watch movements, battery or AC powered and with opto-electronic display only (provided for in subheading 9106.90.80)*	3.9% on the apparatus + 5.3% on the battery	No change	No change	On or before 12/31/92	".

SEC. 1360. CIPROFLOXACIN HYDROCHLORIDE, CIPROFLOXACIN, AND NIMODIPINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.30.55	*Nimodipine (provided for in subheading 2933.39.35)*	Free	No change	No change	On or before 12/31/92	
	9902.30.56	*Ciprofloxacin and its hydrochloride salt (provided for in subheading 2933.59.27)*	Free	No change	No change	On or before 12/31/92	".

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SEC. 1361. CERTAIN FURNITURE AND SEATS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.94.01	Furniture, seats, and parts thereof, of cane, osier, bamboo or other similar materials, including rattan (provided for in subheadings 9401.50.00, 9401.90.25, 9403.80.30, or 9403.90.25)............	Free	No change	No change	On or before 12/31/92	".

SEC. 1362. WICKER PRODUCTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.46.02	Wicker products (provided for in subheading 4602.10.11, 4602.10.13, 4602.10.19, 4602.10.40, or 4602.10.50)............	Free	No change	No change	On or before 12/31/92	".

SEC. 1363. (6R-(6A,7B(Z)))-7-(((2-AMINO-4-THIAZOLYL)(CARBOXY-METHOXY) IMINO) ACETYL) AMINO)-3-ETHENYL-8-OXO-5-THIA-1-AZABICYCLO(4.2.0) OCT-2-ENE-2-CARBOXYLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.58	(6R-(6A,7B(Z)))-7-(((2-Amino-4-thiazolyl)((carboxymethoxy)imino)acetyl)amino)-3-ethenyl-8-oxo-5-thia-1-azabicyclo(4.2.0)-oct-2-ene-2-carboxylic acid (provided for in subheading 2941.90.50)............	Free	No change	No change	On or before 12/31/92	".

SEC. 1364. N-(4-(((2-AMINO-5-FORMYL-1,4,5,6,7,8-HEXAHYDRO-4-OXO-6-PTERIDINYL) METHYL)AMINO)BENZOYL)-L-GLUTAMIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.59	N-(4-(((2-Amino-5-formyl-1,4,5,6,7,8-hexahydro-4-oxo-6-pteridinyl)methyl)amino)benzoyl)-L-glutamic acid (provided for in subheading 2936.29.20)............	Free	No change	No change	On or before 12/31/92	".

SEC. 1365. (1)3-QUINOLINECARBOXYLIC ACID, 1-ETHYL-6-FLUORO-1,4-DIHYDRO-4-OXO-7-(1-PIPERAZINYL)-, ALSO KNOWN AS NORFLOXACIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.60	1-Ethyl-6-fluoro-1,4-dihydro-4-oxo-7-(1-piperazinyl)(1) 3-quinolinecarboxylicacid (Norfloxacin) (provided for in subheading 2933.59.27)	Free	No change	No change	On or before 12/31/92	".

SEC. 1366. 2,2-DIMETHYLCYCLOPROPYLCARBOXAMIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.61	2,2-Dimethylcyclopropyl-carboxamide (provided for in subheading 2924.29.50)............	Free	No change	No change	On or before 12/31/92	".

SEC. 1367. N-AMIDINO-3,5-DIAMINO-6-CHLOROPYRAZINECARBOXAMIDE MONOHYDROCHLORIDE DIHYDRATE, ALSO KNOWN AS AMILORIDE HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.62	N-Amidino-3,5-diamino-6-chloropyrazinecarboxamide, monohydrochloride dihydrate (Amiloride hydrochloride) (provided for in subheading 2933.90.36)............	Free	No change	No change	On or before 12/31/92	".

SEC. 1368. CHEMICAL LIGHT ACTIVATOR BLEND.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.63	Mixtures of dimethyl phthalate, t-butanol, hydrogen peroxide, and sodium salicylate (provided for in subheading 3823.90.29)	Free	No change	No change	On or before 12/31/92	".

SEC. 1369. GRIPPING NARROW FABRICS.

Subchapter II of chapter 99 is amended by inserting in inserting in numerical sequence the following new heading:

"	9902.58.06	Fastener fabric tapes of man made fibers (provided for in subheading 5806.10.20)	7%	No change	No change	On or before 12/31/92	".

SEC. 1370. BPIP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.64	N,N'-Bis(2,2,6,6-tetramethyl-4-piperadinyl)-1,6-hexanediamine (CAS No. 612-55-7) (provided for in subheading 2933.39.47)	Free	No change	No change	On or before 12/31/92	".

SEC. 1371. MBEP.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.65	Monobutyl-p-ethylphenol (provided for in subheading 2907.19.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1372. 2-ETHYLANTHRAQUINONE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.66	2-Ethylanthraquinone (provided for in subheading 2914.69.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1373. RHODAMINE 2C BASE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.67	Rhodamine 2C base (CAS No. 41382-37-0) (provided for in subheading 2932.90.45)	Free	No change	No change	On or before 12/31/92	".

SEC. 1374. POLYMIN P AND POLYMIN P HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.11	Polymin P and Polymin P hydrochloride (provided for in subheading 3911.90.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1382. ETHYL 2-(2-AMINOTHIAZOLE-4-YL)-2-METHOXYIMINO- ACETATE (ATMAET).

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SEC. 1375. POLYMIN SNA 60.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.39.12	Polymin SNA 60 (CAS No. 28825-79-8) (provided for in subheading 3911.90.30)	Free	No change	No change	On or before 12/31/92	".

SEC. 1376. ORNITHINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.68	L-Ornithine, ethyl ester (L-2,5-Diaminopentanoic acid) (CAS No. 84772-29-2) (provided for in subheading 2922.49.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1377. TEICOPLANIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.69	Teicoplanin (provided for in subheading 3003.20.00 or 3004.20.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1378. ACETOACET-PARA-TOLUIDIDE (AAPT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.70	Acetoacet-para-toluidide (AAPT) (provided for in subheading 2924.29.09)	Free	No change	No change	On or before 12/31/92	".

SEC. 1379. ACETOACETSULFANILIC ACID, POTASSIUM SALT (AA SULFANILIC ACID POTASSIUM SALT).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.71	Acetoacetsulfanilic acid, potassium salt (AA SULFANILIC ACID POTASSIUM SALT) (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 12/31/92	".

SEC. 1380. 6-METHYLURACIL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.72	6-Methyluracil (provided for in subheading 2933.59.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1381. ETHYL 2-(2-AMINOTHIAZOLE-4-YL)-2-HYDROXYIMINO- ACETATE (ATHAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.73	Ethyl 2-(2-aminothiazole-4-yl)-2-hydroxyiminoacetate (ATMAET) (provided for in subheading 2934.10.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1382. ETHYL 2-(2-AMINOTHIAZOLE-4-YL)-2-METHOXYIMINO- ACETATE (ATMAET).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.74	Ethyl 2-(2-aminothiazole-4-yl)-2-methoxyiminoacetate (ATMAET) (provided for in subheading 2934.10.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1383. 4,4'-METHYLENE-BIS-(2,6-DIMETHYLPHENYLCYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.75	4,4'-Methylenebis-(2, 6-dimethylphenylcyanate) (provided for in subheading 2907.29.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1384. 2,2'-BIS(4-CYANATOPHENYL-1,1,1,3,3,3-HEXAFLUOROPROPANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.76	2,2'-Bis(4-cyanatophenyl)-1,1,1,3,3,3-hexafluoropropane (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/92	".

SEC. 1385. 4,4'-THIODIPHENYL CYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.77	4,4'-Thiodiphenyl cyanate (provided for in subheading 2930.90.20)	Free	No change	No change	On or before 12/31/92	".

SEC. 1386. 1,1-ETHYLIDENE-BIS-(PHENYL-4-CYANATE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.78	1.1-Ethylidene-bis-(phenyl-4-cyanate) (provided for in subheading 2929.90.10)	Free	No change	No change	On or before 12/31/92	".

SEC. 1387. HYDROCARBON NOVOLAC CYANATE ESTER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.79	Hydrocarbon novolac cyanate ester (provided for in subheading 3911.90.30)	Free	No change	No change	On or before 12/31/92	".

SEC. 1388. 4,4'-METHYLENE-BIS-(3-CHLORO-2,6-DIETHYL ANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.80	4,4'-Methylene-bis-(3-chloro-2,6-diethylaniline) (provided for in subheading 2921.42.30)	Free	No change	No change	On or before 12/31/92	".

SEC. 1389. 4,4'-METHYLENE-BIS-(2,6-DIISOPROPYL ANILINE).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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"	9902.30.81	*4,4'-Methylene-bis-(2,6-diisopropyl-aniline) (provided for in subheading 2921.42.50)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1390. L-CARNITINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.82	*L-Carnitine (provided for in subheading 2923.90.00)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1391. DIPHENOLIC ACID.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.83	*4,4-Bis(4-hydroxyphenyl)pentanoic acid (CAS No. 126-00-1) (provided for in subheading 2918.29.40)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1392. 2,6-HNA.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.84	*6-Hydroxy-2-naphthoic acid (provided for in subheading 2918.29.50)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1393. ADC-6.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.85	*3-Amino-2-(1-hydroxyethyl)-pentanedioic acid, 5-methyl ester (provided for in subheading 2922.50.50)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1394. DIFLUNISAL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.86	*2',4'-Difluoro-4-hydroxy-3-biphenylcarboxylic acid (Diflunisal) (provided for in subheading 2918.29.40)*	Free	No change	No change	On or before 12/31/92	".

SEC. 1395. TRIFLUOROMETHYLANILINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.87	*3-(Trifluoromethyl-aniline (CAS No. 98-16-8) (m-Aminobenzotrifluoride) (provided for in subheading 2921.43.50)*	Free	No change	No change	On or before 12/31/90	".

SEC. 1396. TAMOXIFEN CITRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.88	Tamoxifen citrate (provided for in subheading 2922.19.10)	Free	No change	No change	On or before 12/31/92	".

SEC. 1397. FENOFIBRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.89	2-[4-(4-Chlorobenzoyl)phenoxy]-2-methylpropanoic acid, isopropyl ester (Fenofibrate) (provided for in subheading 3004.90.60)	Free	No change	No change	On or before 12/31/92	".

SEC. 1398. 6-T-BUTYL 2,4 XYLENOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.90	6-t-Butyl-2,4-xylenol (provided for in subheading 2907.19.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1399. 2,4-DIAMINO-6-PHENYL-1,3,5-TRIAZINE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.91	2,4-Diamino-6-phenyl-1,3,5-triazine (provided for in subheading 2933.69.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1400. IOPAMIDOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.92	Iopamidol (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/91	".

SEC. 1401. IOHEXOL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.93	N,N'-Bis(2,3-dihydroxypropyl)-5-[N-(2,3-dihydroxypropyl)-acetamido]-2,4,6-triiodoisophthalamide (Iohexol) (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/91	".

SEC. 1402. p-HYDROXYBENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.94	p-Hydroxybenzaldehyde (provided for in subheading 2912.49.20)	Free	No change	No change	On or before 12/31/92	".

SEC. 1403. IOXAGLATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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"	9902.30.95	N-(2-Hydroxyethyl)-2,4,6-triiodo-5-[2-(2,4,6-triiodo-3-(N-methylacetamido)-5-(methylcarbamoyl)benzamido)acetamido]-isophthalamic acid (Ioxaglic acid) (provided for in subheading 2924.29.40)	Free	No change	No change	On or before 9/30/91	".

SEC. 1404. 7-ACETYL-1,1,3,4,4,6-HEXAMETHYLTETRAHYDRONAPHTHALENE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.96	7-Acetyl-1,1,3,4,4,6-hexamethyltetrahydronaphthalene (provided for in subheading 2914.30.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1405. MODELING PASTES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.34.07	Modeling pastes (provided for in subheading 3407.00.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1406. MERCURIC OXIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.28.25	Mercuric oxide (provided for in subheading 2825.90.60)	Free	No change	No change	On or before 12/31/92	".

SEC. 1407. 2,3,6-TRIMETHYLPHENOL (TMP).

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.97	2,3,6-Trimethylphenol (provided for in subheading 2907.29.30)	Free	No change	No change	On or before 12/31/92	".

SEC. 1408. PROTECTIVE SPORTS APPAREL.

Subchapter II of chapter 99 is amended—

(1) by adding at the end of the U.S. notes thereto the following:

"11. The general column 1 rate of duty for articles provided for under heading 9902.62.01 is a rate equal to the column 1 rate of duty that would have applied to such articles under the Tariff Schedules of the United States on the day before the effective date of this schedule."; and

(2) by inserting in numerical sequence the following new heading:

"	9902.62.01	Ice hockey pants, field hockey pants, and articles provided for under subheading 6201.93 or 6203.43 which because of their design, fabric, construction and special features provide protection to athlete participants against the hazards of a sport such as injury from blows, falls, flying objects, road burns, or fire	The rates of duty prescribed in U.S. note 11 to the subchapter	No change	No change	On or before 12/31/92	".

SEC. 1409. 1,5 NAPHTHALENE DIISOCYANATE.

Subchapter II of Chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.98	1,5-Naphthalene diisocyanate (provided for in subheading 2929.90.10)	Free	No change	Free	On or before 12/31/92	".

SEC. 1410. SELF-FOLDING TELESCOPIC SHAFT, COLLAPSIBLE UMBRELLAS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.66.01	Self-folding telescopic shaft, collapsible umbrellas chiefly used for protection against rain (provided for in subheading 6601.91.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1411. 1,6-HEXAMETHYLENE DIISOCYANATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.30.99	1,6-Hexamethylene diisocyanate (provided for in subheading 2929.10.50)	7.9%	No change (E,IL) Free (CA)	No change	On or before 12/31/92	".

SEC. 1412. CERTAIN IN-LINE ROLLER SKATE BOOTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.64.02	Skating boots (provided for in subheading 6402.19.10) actually used in the manufacture of in-line roller skates	Free	No change	No change	On or before 12/31/92	".

SEC. 1413. CERTAIN VENEER.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.21	Manmade or recomposed wood veneer not exceeding 6 mm in thickness, sliced from a block composed of wood veneer sheets produced from logs and flitches (provided for in subheading 4421.90.90	Free	No change	No change	On or before 12/31/92	".

SEC. 1414. p-TOLUALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

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“	9902.31.00	p-Tolualdehyde (provided for in subheading 2912.29.50)	Free	No change	No change	On or before 12/31/92	”.

SEC. 1415. DILTIAZEM HYDROCHLORIDE, AND SUSTAINED RELEASE DILTIAZEM HYDROCHLORIDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

“	9902.31.01	Diltiazem hydrochloride (provided for in subheading 2934.90.25, 3003.90.00, or 3004.90.60)	Free	No change	No change	On or before 12/31/92	”.

SEC. 1416. CLENTIAZIN.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.04	(+)-cis-(2s, 3s)-3-(Acetoxy)-8-chloro-5-[2-(dimethylamino) ethyl]-2,3-dihydro-2-(4-methodoxyphenyl)-1,5-benzothiazepin-4(5H) one maleate (provided for in subheading 2934.90.25)	Free	No change	No change	On or before 12/31/92	”.

SEC. 1417. PERSONAL EFFECTS AND EQUIPMENT OF PARTICIPANTS AND OFFICIALS INVOLVED IN THE 1990 GOODWILL GAMES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.98.00	Personal effects of aliens who are participants in or officials of the 1990 Goodwill Games, or who are accredited members of delegations thereto, or who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with such games, and other related articles as prescribed by the Secretary of the Treasury	Free		Free	On or before 9/30/90	”.

SEC. 1418. COPPER ACETATE MONOHYDRATE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.31.05	Copper acetate monohydrate (provided for in subheading 2915.29.00)	Free	No change	No change	On or before 12/31/92	”.

SEC. 1419. PARTS OF GENERATORS FOR USE ON AIRCRAFT.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

“	9902.85.03	Parts of generators suitable for use on aircraft (provided for in subheading 8504.40.00 or 8525.20.20)	Free	No change	No change	On or before 12/31/92	.”

SEC. 1420. CERTAIN INFANT NURSERY MONITORS AND INTERCOMS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.85.25	Infant nursery intercommunication systems, each consisting in the same package of a pair of transceivers operating on frequencies from 49.82 to 49.90 mHz and an electrical adapter (provided for in subheading 8504.40.00 or 8525.20.20)	Free	No change	No change	On or before 12/31/92	
	9902.85.26	Infant nursery monitor systems, each consisting in the same package of a radio transmitter, an electrical adapter, and a radio receiver (provided for in subheading 8504.40.00, 8525.10.60, or 8527.39.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1421. CERTAIN GLASS FIBERS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new headings:

"	9902.70.19	Fiberglass rubber reinforcing cord or yarn made from electrically nonconductive continuous fiberglass filaments 9 microns in diameter or 10 microns in diameter and impregnated with resorcinol formaldehyde latex treatment for adhesion to polymeric compounds (provided for in subheading 7019.10.10, 7019.10.20, or 7019.10.60)	Free	No change	No change	On or before 12/31/92	
	9902.70.20	Fiberglass tire cord fabric woven from electrically nonconductive continuous fiberglass filaments 9 microns in diameter or 10 microns in diameter and impregnated with resorcinol formaldehyde latex treatment for adhesion to polymeric compounds (provided for in subheading 7019.20.10, 7019.20.20, or 7019.20.50)	Free	No change	No change	On or before 12/31/92	".

SEC. 1422. THREE-DIMENSIONAL CAMERAS.

Subchapter II of chapter 99 is amended by adding in numerical sequence the following new heading:

"	9902.90.06	Cameras incorporating 4 fixed lenses which together are capable of producing a 3-dimensional effect (provided for in subheading 9906.53.00)	Free	No change	No change	On or before 12/31/92	".

SEC. 1423. PERSONAL EFFECTS AND EQUIPMENT FOR WORLD UNIVERSITY GAMES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.98.03	Personal effects of aliens who are participants in, or officials of, the 1993 World University Games, or who are accredited members of delegations thereto, or who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with such games, and such other related articles as may be prescribed by the Secretary of the Treasury	Free	No change	Free	On or before 9/30/93	".

SEC. 1424. KARATE PANTS AND BELTS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.62.04	Karate pants and karate belts (provided for in subheading 6203.42.40, 6203.43.40, 6204.62.40, 6204.63.35, or 6217.10.00)	8%	No change	No change	On or before 12/31/92	".

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SEC. 1425. METALLURGICAL FLUOROSPAR.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.25.29	*Fluorospar containing by weight 97 percent or less of calcium fluoride (provided for in subheading 2529.21.00)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1426. CERTAIN PISTON ENGINES.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.84.07	*Internal combustion piston-type engines, of a cylinder capacity exceeding 50 cc but not exceeding 1,000 cc (provided for in subheading 8407.32.20 or 8407.33.20), to be installed in vehicles specifically designed for traveling on snow, golf carts, non-amphibious all-terrain vehicles, and burden carriers, (provided for in subheading 8703.10.00, 8703.21.00, or 8704.31.00)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1427. QUIZALOFOP-ETHYL.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.06	*2-[4-[(6-Chloro-2-quinoxalinyl)oxy]-phenoxy]propionic acid, ethyl ester (Quizalofop-ethyl) (provided for in subheading 2933.90.20)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1428. INSULATED WINDING WIRE CABLE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.85.44	*Self-contained fluid filled submarine cable of 345 kilovolts (provided for in subheading 8544.60.40)*	*Free*	*No change*	*No change*	*On or before 12/31/91*	".

SEC. 1429. DIPHENYLDICHLOROSILANE AND PHENYLTRICHLOROSILANE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.07	*Diphenyldichlorosilane and phenyltrichlorosilane (provided for in subheading 2931.00.40)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1430. THEATRICAL, BALLET, AND OPERATIC SCENERY, PROPERTIES, AND SETS.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.44.22	*Theatrical, ballet, and operatic scenery and properties, including sets (provided for in subheading 4421.90.90, 5907.00.10, 5907.00.90, 9701.10.00, 9706.00.00, or 9813.00.65)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

SEC. 1431. 4-FLUORO-3-PHENOXY BENZALDEHYDE.

Subchapter II of chapter 99 is amended by inserting in numerical sequence the following new heading:

"	9902.31.08	*4-Fluoro-3-phenoxy benzaldehyde (provided for in subheading 2913.00.10)*	*Free*	*No change*	*No change*	*On or before 12/31/92*	".

PART 3—EFFECTIVE DATES

SEC. 1601. EFFECTIVE DATES.

(a) In General.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1990.

(b) Retroactive Application for Certain Liquidations and Reliquidations.—

(1) Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer after September 30, 1990, and before April 1, 1991, any entry—

(A) which was made after the applicable date and before October 1, 1990, and

(B) with respect to which there would have been no duty, or a lesser duty, if any amendment made by section 1102, 1103, 1108, 1201(53), 1203, 1207, 1305, 1324, 1325, 1329, 1330, 1359, 1369, 1411, 1412, 1419, 1426, or 1430 applied to such entry,

shall be liquidated or reliquidated as though such amendment applied to such entry.

(2) For purposes of this section—

(A) The term "applicable date" means—

(i) if the amendment described in paragraph (1)(B) is made by section 1412, April 30, 1986,

(ii) if such amendment is made by section 1324, December 31, 1987,

(iii) if such amendment is made by section 1330, October 1, 1988,

(iv) if such amendment is made by section 1102, 1103, 1108, 1203, 1325, 1329, 1359, 1369, 1411, 1419, or 1426, December 31, 1988,

(v) if such amendment is made by section 1305, July 1, 1989,

(vi) if such amendment is made by section 1201(53) or 1207, December 31, 1989, and

(vii) if such amendment is made by section 1430, January 31, 1990.

(B) The term "entry" includes any withdrawal from warehouse.

(c) Brooms.—The amendments made by section 1107 shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

Subtitle B—Miscellaneous Provisions

SEC. 1701. CERTAIN FORGINGS.

Notwithstanding sections 304 and 514 of the Tariff Act of 1930 or any other provision of law, the Secretary of the Treasury, within 180 days after the date of the enactment of this Act, shall, upon request filed with the appropriate customs officer, reliquidate entries numbered 85414397-7, 85414495-0, 85414647-9, 85414649-5, 85414983-2, 85414995-5, 85415031-3, 85415122-8, 85415244-7, 85415496-6, 85415619-7, 85415683-8, and 85415828-9, filed at the Port of Portland, Oregon, and, upon such reliquidation, shall refund the additional marking duties that were collected upon such entries pursuant to such section 304.

SEC. 1702. BI-LEVEL RAIL PASSENGER CARS.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the Secretary of the Treasury shall admit free of duty each bi-level rail passenger car that was—

(1) entered after March 14, 1988, and before January 1, 1989, and classified under item 690.15 of the Tariff Schedules of the United States; and

(2) designed for, and is for the use of, the Department of Transportation of the State of Florida.

If the liquidation of the entry of any such rail car has become final before the date of the enactment of this Act, the entry shall, notwithstanding any other provision of law, be reliquidated in accordance with the provisions of this Act and any duties paid with respect to such entry shall be refunded.

SEC. 1703. CERTAIN EXTRACORPOREAL SHOCK WAVE LITHOTRIPTER.

Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, upon request filed with the appropriate customs officer within 180 days after the date of enactment of this Act, entry numbered 86-707943-6, dated November 10, 1985, shall be reliquidated as duty-free and any duties paid with respect to such entry shall be refunded.

SEC. 1704. FOREIGN TRADE ZONES.

Section 3(b) of the Act of June 18, 1934 (19 U.S.C. 81c(b)), is amended by striking out "before January 1, 1991" and inserting in lieu thereof "on or before December 31, 1992".

SEC. 1705. CERTAIN ENTRIES OF DIGITAL PROCESSING UNITS.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon proper request filed with the appropriate customs officer within 180 days after the date of the enactment of this Act, any entry of a processing unit that—

(1) was entered under item 676.15 or 676.54 of the Tariff Schedules of the United States;

(2) would not, if classified under item 675.15, have been subject to temporary duties under item 945.83 or 945.84 of the Appendix to such Schedules; and

(3) was made after January 16, 1986, and before July 2, 1987;

shall be liquidated or reliquidated as free of duty and the Secretary of the Treasury shall refund any duties paid with respect to such entry.

(b) Processing Unit.—For purposes of this section, the term "processing unit" means a digital processing unit for an automated data processing machine, unhoused, consisting of a printed circuit (single or multiple) with one or more electronic integrated circuits or other semiconductor devices mounted directly thereon.

SEC. 1706. NUCLEAR MAGNETIC SPECTROMETER.

The Secretary of the Treasury shall admit free of duty a Phillips Medical Systems 4 tesla nuclear magnetic resonance (NMR) spectrometer for the use of the University of Alabama at Birmingham. If the liquidation of the entry of the spectrometer becomes final before the date of the enactment of this Act, the Secretary of the Treasury, notwithstanding any other provisions of law, shall—

(1) within 15 days after such date, reliquidate the entry in accordance with the provisions of this Act, and

(2) at the time of such reliquidation, make the appropriate refund of any duty paid with respect to the entry.

SEC. 1707. FOREIGN REPAIR OF VESSELS.

(a) In General.—Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466) is amended by adding at the end thereof the following new subsection:

"(h) The duty imposed by subsection (a) of this section shall not apply to—

"(1) the cost of any equipment, or any part of equipment, purchased for, or the repair parts or materials to be used, or the expense of repairs made in a foreign country with respect to, LASH (Lighter Aboard Ship) barges documented under the laws of the United States and utilized as cargo containers, or

"(2) the cost of spare repair parts or materials (other than nets or nettings) which the owner or master of the vessel certifies are intended for use aboard a cargo vessel, documented under the laws of the United States and engaged in the foreign or coasting trade, for installation or use on such vessel, as needed, in the United States, at sea, or in a foreign country, but only if duty is paid under appropriate commodity classifications of the Harmonized Tariff Schedule of the United States upon first entry into the United States of each such spare part purchased in, or imported from, a foreign country.".

(b) Effective Date.—The amendment made by this section shall apply to—

(1) any entry made before the date of enactment of this Act that is not liquidated on the date of enactment of this Act, and

(2) any entry made—

(A) on or after the date of enactment of this Act, and

(B) on or before December 31, 1992.

SEC. 1708. CERTAIN METHANOL ENTRIES.

Notwithstanding section 514 or 520 of the Tariff Act of 1930 or any other provision of law, the Secretary of the Treasury shall—

(1) reliquidate as free of duty—

(A) Entry No. 85322102-3, dated June 21, 1985, and

(B) Entry No. 85603168-9, dated September 20, 1985,

made at New York, New York, that consists of methanol, and

(2) refund any duties paid with respect to such entries,

if the appropriate certification of actual use for such entries is submitted to the appropriate customs officer by no later than the date that is 180 days after the date of enactment of this Act.

SEC. 1709. CERTAIN FROZEN VEGETABLES.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon request filed with the appropriate customs officer within 180 days after the date of enactment of this Act, the Secretary of the Treasury shall—

(1) liquidate or reliquidate as free of duty any entry, or withdrawal from warehouse for consumption, made after December 31, 1989, and before May 1, 1990, of—

(A) cut and frozen green beans (provided for in subheading 0710.22.40 of the Harmonized Tariff Schedule of the United States), or

(B) frozen and off the cob whole kernel sweet corn (provided for in subheading 0710.40.00 of such Schedule),

that is the product of a foreign country to which nondiscriminatory (most-favored-nation) trade treatment applies, and

(2) refund any duties paid with respect to such entry or withdrawal.

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SEC. 1710. CERTAIN FILMS AND RECORDINGS.

Notwithstanding section 514 of the Tariff Act of 1930 or any other provision of law, upon request filed with the appropriate customs officer within 180 days of the date of enactment of this Act, any entry, or withdrawal from warehouse for consumption, of any article described in items 960.50 through 960.70 of the Appendix to the Tariff Schedules of the United States (as in effect on August 11, 1985) which was made after August 11, 1985, and before January 1, 1987, shall be liquidated or reliquidated as though such entry or withdrawal had been made on August 11, 1985 and the Secretary of the Treasury shall make the appropriate refund of any duties paid with respect to such entry or withdrawal.

SEC. 1711. CERTAIN DISTILLED SPIRITS IN FOREIGN TRADE ZONES.

Subsection (c) of section 3 of the Act of June 18, 1934 (48 Stat. 999, chapter 590; 19 U.S.C. 81c(c)) is amended—

(1) by striking out "domestic" before "denatured distilled spirits",

(2) by inserting "which have been withdrawn free of tax from a distilled spirits plant (within the meaning of section 5002(a)(1) of the Internal Revenue Code of 1986)" after "distilled spirits",

(3) by striking out "Notwithstanding" and inserting in lieu thereof "(1) Notwithstanding",

(4) by adding at the end thereof the following new paragraph:

"(2) Notwithstanding the provisions of the fifth proviso of subsection (a), distilled spirits which have been removed from a distilled spirits plant (as defined in section 5002(a)(1) of the Internal Revenue Code of 1986) upon payment or determination of tax may be used in the manufacture of production of medicines, medicinal preparation, food products, flavors, or flavoring extracts, which are unfit for beverage purposes, in a zone. Such products will be eligible for drawback under the internal revenue laws under the same conditions applicable to similar manufacturing or production operations occurring in customs territory.".

SEC. 1712. RELIQUIDATION OF CERTAIN ENTRIES AND REFUND OF ANTIDUMPING DUTIES.

(a) In General.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law—

(1) the entries listed in subsection (b) shall be reliquidated within 180 days after the date of enactment of this Act,

(2) the importer of record of the entries shall not be liable for antidumping duties, and

(3) if any antidumping duties have been paid on the entries, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C. 1617), the Secretary of the Treasury shall refund the antidumping duties within 180 days after the date of enactment of this Act.

(b) Applicable Entries.—The entries referred to in subsection (a) are the following entries made at the port of New Orleans, Louisiana:

Entry Number	*Date of Entry*
74-222089	*May 7, 1974.*
74-225275	*June 17, 1974.*
76-237223	*July 9, 1976.*
76-247178	*October 1, 1976.*
79-251251	*September 11, 1979.*
80-223851	*October 9, 1979.*
80-224447	*November 27, 1979.*
80-224448	*November 27, 1979.*
80-225842	*April 29, 1980.*
80-225843	*April 29, 1980.*
80-225844	*April 29, 1980.*
80-225845	*April 29, 1980.*
80-226742	*August 13, 1980.*
80-226743	*August 13, 1980.*

SEC. 1713. SUBSTITUTION OF CRUDE PETROLEUM OR PETROLEUM DERIVATIVES.

(a) In General.—

(1) Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end thereof the following new subsection:

"(p)(1) When the articles manufactured or produced under subsection (a) or (b), or duty paid imported articles, are stored in common storage with other articles of the same kind and quality that were otherwise manufactured or produced, drawback shall be paid on the articles withdrawn for export from such common storage (regardless of the source or origination of the articles withdrawn) if—

"(A) inventory records on a monthly basis (not daily or transaction by transaction) demonstrate sufficient quantities of imported duty-paid articles, or articles manufactured or produced under subsection (a) or (b), in the common storage against which such withdrawal shall be designated;

"(B) the drawback paid does not exceed the amount of drawback that would be payable hereunder had all of the articles withdrawn from common storage been imported and duty-paid, or manufactured or produced under subsection (a) or (b); and

"(C) certificates of delivery, or certificates of manufacture and delivery, establishing the drawback eligibility of the imported duty-paid articles, or articles manufactured or produced under subsection (a) or (b), when required, are filed with the drawback entry.

"(2) For purposes of this section, the term 'common storage' includes all articles of the same kind and quality stored in an area regardless of the number of bins, tanks, or other containers utilized.".

(2) The amendment made by this subsection shall apply to all drawback entries which were liquidated, under protest or in litigation, in accordance with C.S.D. 88-1, or relevant predecessor decision letter versions thereof, and shall be reliquidated in accordance with such amendment.

(b) Drawback on Supplies.—Subsection (b) of section 309 of the Tariff Act of 1930 (19 U.S.C. 1309) is amended by inserting "imported articles," after "foreign-trade zone,".

TITLE II—CARIBBEAN BASIN ECONOMIC RECOVERY

SEC. 2001. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Expansion Act of 1990".

SEC. 2002. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) a stable political and economic climate in the Caribbean region is necessary for the development of the countries in that region and for the security and economic interests of the United States;

(2) the Caribbean Basin Economic Recovery Act was enacted in 1983 to assist in the achievement of such a climate by stimulating the development of the export potential of the region; and

(3) the commitment of the United States to the successful development of the region, as evidenced by the enactment of the Caribbean Basin Economic Recovery Act, should be reaffirmed, and further strengthened, by amending that Act to improve its operation.

SEC. 2003. REPEAL OF TERMINATION DATE ON DUTY-FREE TREATMENT UNDER THE ACT.

Section 218(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706(b)) is repealed.

SEC. 2004. WORKER RIGHTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended—

(1) by striking out "and" after the semicolon at the end of subsection (b)(5);

(2) by striking out the period at the end of subsection (b)(6) and inserting "; and";

(3) by adding at the end of subsection (b) the following new paragraph:

"(7) if such country has not or is not taking steps to afford internationally recognized worker rights (as defined in section 502(a)(4) of the Trade Act of 1974) to workers in the country (including any designated zone in that country).";

(4) by amending the last sentence in subsection (b) by striking out "and (5)" and inserting "(5), and (7)"; and

(5) by amending subsection (c)(8) to read as follows:

"(8) whether or not such country has taken or is taking steps to afford to workers in that country (including any designated zone in that country) internationally recognized worker rights.".

SEC. 2005. REPORTS.

Section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702) is amended by adding at the end thereof the following new subsection:

"(f) On or before October 1, 1993, and the close of each 3-year period thereafter, the President shall submit to the Congress a complete report regarding the operation of this title.".

SEC. 2006. INCREASE IN DUTY-FREE TOURIST ALLOWANCES.

(a) Duty-Free Allowance for Returning Residents.—Subchapter IV of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by inserting the following new note at the end of the notes to such subchapter:

"4. As used in subheadings 9804.00.70 and 9804.00.72, the term 'beneficiary country' means a country listed in general note 3(c)(v)(A).";

(2) by striking out "subheading 9804.00.65 or 9804.00.70" and all that follows thereafter in the superior article description to subheadings 9804.00.65 and 9804.00.70 and inserting "subheadings 9804.00.65, 9804.00.70, and 9804.00.72 within 30 days preceding his arrival, and claims exemption under only one of such items on his arrival.";

(3) by striking out "$800" in subheading 9804.00.70 and inserting "$1,200";

(4) by inserting "or up to $600 of which have been acquired in one or more beneficiary countries" before the parenthetical matter in subheading 9804.00.70; and

(5) by inserting after subheading 9804.00.70 the following new subheading with the article description for the new subheading having the same degree of indentation as subheading 9804.00.70:

"	9804.00.72	Articles whether or not accompanying a person, not over $600 in aggregate fair market value in the country of acquisition, including— (a) but only in the case of an individual who has attained the age of 21, not more than 1 liter of alcoholic beverages or not more than 2 liters if at least one liter is the product of one or more beneficiary countries, and (b) not more than 200 cigarettes, and not more than 100 cigars, if such person arrives directly from a beneficiary country, not more than $400 of which shall have been acquired elsewhere than in beneficiary countries (but this item does not permit the entry of articles not accompanying a person which were acquired elsewhere than in beneficiary countries)	Free		Free	."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to residents of the United States who depart from the United States on or after the 15th day after the date of the enactment of this Act.

SEC. 2007. DUTY-FREE TREATMENT FOR ARTICLES ASSEMBLED IN BENEFICIARY COUNTRIES FROM COMPONENTS PRODUCED IN THE UNITED STATES.

(a) IN GENERAL.—U.S. Note 2 of subchapter II of chapter 98 of the Harmonized Tariff Schedule of the United States is amended—

(1) by striking out "2. Any" and inserting "2. (a) Except as provided in paragraph (b), any"; and

(2) by adding at the end thereof the following new paragraph:

"(b) No article (except an article listed in section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) may be treated as a foreign article, or as subject to duty, if—

"(i) the article is—

"(A) assembled in whole of fabricated components that are a product of the United States, or

"(B) processed in whole of ingredients (other than water) that are a product of the United States,

in a beneficiary country; and

"(ii) neither the fabricated components or ingredtents, after exportation from the United States, nor the article itself, before importation into the United States, enters the commerce of any foreign country other than a beneficiary country.

As used in this paragraph, the term 'beneficiary country' means a country listed in general note 3(c)(V)(A).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to goods assembled or processed abroad that are entered on or after October 1, 1990.

SEC. 2008. CONFORMING GSP AMENDMENT.

Section 503(b) of the Trade Act of 1974 (19 U.S.C. 2463(b)) is amended to read as follows:

"(b)(1) The duty free treatment provided under section 501 shall apply to any eligible article which is the growth, product, or manufacture of a beneficiary developing country if—

"(A) that article is imported directly from a beneficiary developing country into the customs territory of the United States; and

"(B) the sum of—

"(i) the cost or value of the materials produced in the beneficiary developing country or any 2 or more countries which are members of the same association of countries which is treated as one country under section 502(a)(3), plus

"(ii) the direct costs of processing operations performed in such beneficiary developing country or such member countries,

is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

"(2) The Secretary of the Treasury, after consulting with the United States Trade Representative, shall prescribe such regulations as may be necessary to carry out this subsection, including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary developing country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary developing country; but no article or material of a beneficiary developing country shall be eligible for such treatment by virtue of having merely undergone—

"(A) simple combining or packaging operations, or

"(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.".

SEC. 2009. PILOT PRECLEARANCE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Subject to subsection (b), the Commissioner of Customs shall carry out, during fiscal years 1991 and 1992, preclearance operations at a facility of the United States Customs Service in a country within the Caribbean Basin which the Commissioner of Customs considers appropriate for testing the extent to which the availability of preclearance operations can assist in the development of tourism.

(b) RESTRICTIONS REGARDING PROGRAM.—

(1) The Commissioner of Customs may not consider a country within the Caribbean Basin to be appropriate for the testing referred to in subsection (a)—

(A) if preclearance operations are currently carried out by the United States Customs Service in that country; or

(B) unless immigration preinspection operations are currently carried out in that country with respect to individuals traveling to the United States.

(2) Preclearance operations may not be commenced in the country selected for testing under subsection (a) unless the Commissioner of Customs and the Commissioner of Immigration and Naturalization jointly certify that—

(A) there exists a bilateral agreement between the United States Government and the government of such country which protects the interests of the United States and affords diplomatic protection to United States employees working at the preclearance location;

(B) the facilities at the preclearance location conform to Federal Inspection Services standards and are suitable for the duties to be performed therein;

(C) there is adequate security around the structure used for the reception of international arrivals;

(D) the government of such country grants the United States Customs Service and the United States Immigration and Naturalization Service appropriate search, seizure, and arrest authority; and

(E) United States employees and their families will not be subject to fear of reprisal, acts of terrorism, and threats of intimidation.

(c) REPORT.—As soon as practicable after September 30, 1992, the Commissioner of Customs shall submit to the Congress a report regarding the preclearance operations program carried out under subsection (a). The report shall include—

(1) a summary of the preclearance operations, including the number of individuals processed, any administrative problems encountered, and cost of the operations;

(2) an evaluation of the extent to which the preclearance operations contributed to—

(A) the stimulation of the tourism industry of the country concerned, and

(B) expedited customs processing at United States ports of entry;

(3) the opinion of the Commissioner of Customs regarding the efficacy of extending preclearance operations to other countries within the Caribbean Basin that are developing tourism industries, and if the opinion is affirmative, the identity of those countries to which such operations should be extended and the estimated costs and results of such extensions; and

(4) such other matters that the Commissioner of Customs considers relevant.

SEC. 2010. APPLICATION OF ACT IN EASTERN CARIBBEAN AREA.

It is the sense of the Congress that there should be undertaken special efforts in order to improve the ability of the Organization of Eastern Caribbean States countries and Belize to benefit from the Caribbean Basin Economic Recovery Act.

SEC. 2011. CARIBBEAN-CENTRAL AMERICAN SCHOLARSHIP PARTNERSHIP.

(a) ESTABLISHMENT OF SCHOLARSHIP PROGRAM.—The Administrator of the Agency for International Development shall establish and administer a program of scholarship assistance, in cooperation with State governments, universities, community colleges, and businesses, to provide scholarships to enable students from eligible countries in the Caribbean and Central America to study in the United States.

(b) GRANTS TO STATES.—In carrying out this section, the Administrator may make grants to States to provide scholarship assistance for undergraduate degree programs and for training programs of one year or longer in study areas related to the critical development needs of the students' respective countries.

(c) CONSULTATION WITH STATES.—The Administrator shall consult with the participating States with regard to the educational

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opportunities available within each State and on the assignment of scholarship recipients.

(d) FEDERAL SHARE.—The Federal share for each year for which a State receives payments under this section shall be not less than 50 percent.

(e) NON-FEDERAL SHARE.—The non-Federal share of payments under this section may be in cash, including the waiver of tuition or the offering of in-State tuition or housing waivers or subsidies, or in-kind fairly evaluated, including the provision of books or supplies.

(f) FORGIVENESS OF SCHOLARSHIP ASSISTANCE.—The obligation of any recipient to reimburse any entity for any or all scholarship assistance provided under this section shall be forgiven upon the recipient's prompt return to his or her country of domicile for a period which is at least one year longer than the period spent studying in the United States with scholarship assistance.

(g) PRIVATE SECTOR PARTICIPATION.—To the maximum extent practicable, each participating State shall enlist the assistance of the private sector to enable the State to meet the non-Federal share of payments under this section. Wherever appropriate, each participating State shall encourage the private sector to offer internships or other opportunities consistent with the purposes of this section to students receiving scholarships under this section.

(h) FUNDING.—Any funds used in carrying out this section shall be derived from funds allocated for Latin American and Caribbean regional programs under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 and following; relating to the economic support fund).

(i) DEFINITIONS.—As used in this section—

(1) The term "eligible country" means any country—

(A) which is receiving assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 and following; relating to development assistance) or chapter 4 of part II of that Act (22 U.S.C. 2346 and following; relating to the economic support fund); and

(B) which is designated by the President as a beneficiary country pursuant to the Caribbean Basin Economic Recovery Act.

(2) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 2012. PROMOTION OF TOURISM.

(a) CONGRESSIONAL FINDING.—The Congress finds that the tourism industry must be recognized as a central element in the economic development and political stability of the Caribbean Basin region because of the potential that the industry has for increasing employment and foreign exchange earnings, establishing important linkages with other related sectors, and having a positive complementary effect on trade with the United States.

(b) FEDERAL AGENCY PRIORITY.—It is the sense of the Congress that increased tourism and related activities should be developed in the Caribbean Basin region as a central part of the Caribbean Basin Initiative program and, to that end, the appropriate agencies of the United States Government should assign a high priority to projects that promote the tourism industry in the Caribbean Basin.

(c) STUDY.—The Secretary of Commerce shall complete the study begun in 1986 regarding tourism development strategies for the Caribbean Basin region. The study shall include—

(1) information on the mutual benefits received by the United States and the Caribbean Basin economies as a result of tourist activity in the area; and

(2) proposals for developing increased linkages between the tourism industry and local industries in the region such as the agro-business.

SEC. 2013. AGRICULTURAL INFRASTRUCTURE SUPPORT.

It is the sense of Congress that in order to facilitate trade with, and the economic development of, the countries designated as beneficiary countries under the Caribbean Basin Economic Recovery Act, the Secretary of Agriculture should, in consultation with the Agribusiness Promotion Council, coordinate with the Agency for International Development the development of programs to encourage improvements in the transportation and cargo handling infrastructure in these countries for the purpose of improving agricultural trade between these countries and the United States. Such programs should focus on improving distribution of agricultural commodities and products in these countries, and the phytosanitary institutions, quarantine capabilities, and pesticide regulations of these countries regarding agricultural commodities and products.

TITLE III—AUTHORIZATION OF APPROPRIATIONS FOR TRADE AGENCIES

SEC. 3001. OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.

(a) IN GENERAL.—

(1) Subparagraph (A) of section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)(A)) is amended to read as follows:

"(A) There are authorized to be appropriated for the purpose of carrying out the functions of the Office—

"(i) $21,200,000 for fiscal year 1991, and

"(ii) $19,027,000 for fiscal year 1992.".

(2) Subparagraph (B) of section 141(g)(1) of the Trade Act of 1974 is amended—

(A) by striking out "for fiscal year 1990" and inserting in lieu thereof "for each fiscal year", and

(B) by striking out "$89,000"in clause (i) and inserting in lieu thereof "$98,000".

(b) PANELS AND COMMITTEES UNDER CANADA FREE-TRADE AGREEMENT.—Paragraph (1) of section 406(b) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112, note) is amended to read as follows:

"(1) There are authorized to be appropriated to the Office of the United States Trade Representative—

"(A) $2,050,000 for fiscal year 1991, and

"(B) $2,050,000 for fiscal year 1992,

to pay during each of such fiscal years the United States share of the expenses of binational panels and extraordinary challenge committees convened pursuant to chapter 19 of the Agreement.".

SEC. 3002. UNITED STATES INTERNATIONAL TRADE COMMISSION.

Paragraph (2) of section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere)—

"(i) $42,430,000 for fiscal year 1991, and

"(ii) $46,673,000 for fiscal year 1992.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for each fiscal year, $2.500 may be used, subject to approval by the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission for the making of any special study, investigation, or report that is requested by any agency of the executive branch, unless that agency reimburses the Commission for the cost thereof.".

SEC. 3003. UNITED STATES CUSTOMS SERVICE.

Subsection (b) of section 301 of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) There are authorized to be appropriated for the salaries and expenses of the United States Customs Service that are incurred in noncommercial operations (other than the air interdiction program)—

"(A) $521,882,000 for fiscal year 1991, and

"(B) $547,958,000 for fiscal year 1992.

"(2) There are authorized to be appropriated from the Customs User Fee Account for the salaries and expenses of the United States Customs Service that are incurred in commercial operations—

"(A) $671,645,000 for fiscal year 1991, and

"(B) $705,569,000 for fiscal year 1992.

"(3) There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air interdiction program of the United States Customs Service—

"(A) $143,047,000 for fiscal year 1991, and

"(B) $163,047,000 for fiscal year 1992.".

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 4001. TECHNICAL AMENDMENTS REGARDING NONDISCRIMINATORY TRADE TREATMENT.

(a) WAIVER AUTHORITY.—

(1) Paragraph (5) of section 402(d) of the Trade Act of 1974 (19 U.S.C. 2432(d)(5)) is amended—

(A) by striking out "the waiver authority granted by subsection (c) has been extended under paragraph (3) or (4) for any county for the 12-month period referred to in such paragraphs, and",

(B) by striking out "such authority will" in the first sentence thereof and inserting in lieu thereof "the waiver authority granted under subsection (c) will",

(C) by striking out "60-day period" each place it appears and inserting in lieu thereof "105-day period",

(D) by striking out ", either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of the Members present and voting in that House and under the procedures set forth in section 153, a resolution" and inserting in lieu thereof "a joint resolution described in section 153(a) is enacted into law,",

(E) by striking out "adoption by either House" each place it appears and inserting in lieu thereof "enactment", and

(F) by striking out "a resolution" each place it appears and inserting in lieu thereof "a joint resolution".

(2) Subsection (d) of section 402 the Trade Act of 1974 (19 U.S.C. 2432(d)), as amended by paragraph (1), is amended—

(A) by striking out paragraphs (1), (2), (3), and (4),

(B) by redesignating subparagraphs (A), (B), and (C) of paragraph (5) as paragraphs (1), (2), and (3), respectively, and

(C) by striking out "(5) If" and inserting in lieu thereof "If".

(3) Subsection (a) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(a)) is amended to read as follows:

"(a) CONTENTS OF RESOLUTION.—For purposes of this section, the term 'resolution' means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on ______________ with respect to ______________', with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with 'with respect to' being omitted if the extension of the authority is not approved with respect to any country.".

(4) Subsection (b) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(b)) is amended—

(A) by striking out ", and, in the case of a resolution related to section 402(d)(4), 20 calendar days shall be substituted for 30 days" in paragraph (2),

(B) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (3),

(C) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (3),

(D) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (4), and

(E) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (4).

(5) Subsection (c) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193) is amended by striking out "in subsection (a)(1)" and inserting in lieu thereof "in subsection (a)".

(b) BILATERAL COMMERCIAL AGREEMENTS.—

(1) Subsection (c) of section 405 of the Trade Act of 1974 (19 U.S.C. 2435(c)) is amended to read as follows:

"(c) An agreement referred to in subsection (a), and a proclamation referred to in section 404(a) implementing such agreement, shall take effect only if a joint resolution described in section 151(b)(3) that approves of the agreement referred to in subsection (a) is enacted into law.".

(2) Section 151 of the Trade Act of 1974 (19 U.S.C. 2191(b)) is amended—

(A) by inserting "or resolution" after "revenue bill" in subsection (b)(2),

(B) by inserting ", or approval resolution," in subsection (b)(2) after "implementing bill",

(C) by striking out "concurrent" in subsection (b)(3) and inserting in lieu thereof "joint",

(D) by striking out "revenue bill" each place it appears in subsection (e)(2) and inserting in lieu thereof "revenue bill or resolution", and

(E) by striking out "such bill" each place it appears in subsection (e)(2) and inserting in lieu thereof "such bill or resolution".

(3) Subsection (c) of section 407 of the Trade Act of 1974 (19 U.S.C. 2437(c)) is amended—

(A) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraph:

"(1) In the case of a document referred to in subsection (a), the proclamation set forth in the document may become effective and the agreement set forth in the document may enter into force and effect only if a joint resolution described in section 151(b)(3) that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.", and

(B) by redesignating paragraph (3) as paragraph (2).

(c) COMPLIANCE REPORTS.—

(1) Paragraph (2) of section 407(c) of the Trade Act of 1974 (19 U.S.C. 2437(c)(2)), as redesignated by subsection (b)(3)(B) of this section, is amended—

(A) by striking out "the 90-day period" and inserting in lieu thereof "the 135-day period",

(B) by striking out "either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 152)" and inserting in lieu thereof "a joint resolution described in section 152(a)(1)(B) is enacted into law that disapproves", and

(C) by striking out "the adoption" and inserting in lieu thereof "the enactment".

(2) Subparagraph (B) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(B)) is amended to read as follows:

"(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve ______________ transmitted to the Congress on ______________', with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.".

(3) Paragraph (2) of section 152(a) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended—

(A) by adding "and" at the end of subparagraph (A),

(B) by striking out "407(c)(3)" in subparagraph (C) and inserting in lieu thereof "407(c)(2)",

(C) by striking out subparagraph (B),

(D) by redesignating subparagraph (C) as subparagraph (B).

(4) Subsection (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(f)) is amended to read as follows:

"(f) FINAL PASSAGE IN THE SENATE.—A resolution that has passed the House of Representatives shall, when received in the Senate, be placed on the calendar. The procedures in the Senate with respect to a resolution introduced in the Senate that concerns the same matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, but the vote on final passage in the Senate shall be on the resolution that passed the House of Representatives.".

(5) Subsection (b) of section 154 of the Trade Act of 1974 (194 U.S.C. 2194(b)) is amended—

(A) by striking out "407(c)(2) and 407(c)(3)" and inserting in lieu thereof "and 407(c)(2)",

(B) by striking out "such sections" and inserting in lieu thereof "section 203(c) and the 135-day period referred to in section 407(c)(2)."

SEC. 4002. CUSTOMS USER FEES.

(a) MERCHANDISE PROCESSING FEE.—

(1) Subsection (a) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is amended by striking out paragraphs (9) and (10) and inserting in lieu thereof the following:

"(9) For the processing of any merchandise that is informally entered—

"(A) $14 if the entry is manual, and

"(B) $11 if the entry is automated.

"(10) For the processing of any merchandise that is formally entered, or withdrawn from warehouse for consumption, during any fiscal year, a fee in an amount equal to 0.15 percent ad valorem.

(2) Paragraph (8) of section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(8)) is amended—

(A) by striking out "be based" in subparagraph (A)(ii) and inserting in lieu thereof "except as otherwise provided in this paragraph, be based",

(B) by striking out "and" at the end of subparagraph (A)(iii),

(C) by striking out the period at the end of subparagraph (A)(iv) and inserting in lieu thereof "; and",

(D) by inserting after clause (iv) of subparagraph (A) the following new clause:

"(v) in the case of agricultural products of the United States that are processed and packed in a foreign trade zone, be applied only to the value of material used to make the container for such merchandise, if such merchandise is subject to entry and the container is of a kind normally used for packing such merchandise.",

(E) by redesignating subparagraphs (A) and (B) as subparagraphs (D) and (E), and

(F) by inserting before subparagraph (D), as redesignated by this paragraph, the following new subparagraphs:

"(A) The fee charged under subsection (a)(10)—

"(i) shall not exceed—

"(I) $403 for each manual entry, or

"(II) $400 for each automated entry, and

"(ii) shall not be less than—

"(I) $23 for each manual entry, or

"(II) $20 for each automated entry.

"(B) No fee may be charged under paragraph (9) or (10) of subsection (a) for the processing of any article that is—

"(i) provided for under any item in chapter 98 of the Harmonized Tariff Schedule of the United States, except subheading 9802.00.60 or 9802.00.80,

"(ii) a product of an insular possession of the United States, or

"(iii) a product of any country listed in subdivision (c)(ii)(B) or (c)(v) of general note 3 to such Schedule.

"(C) For purposes of applying paragraphs (9) and (10) of subsection (a), expenses incurred in conducting commercial operations do not include costs incurred in—

"(i) air passenger processing,

"(ii) export control, or

"(iii) international affairs."

(3) Paragraph (10) of section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(10)) is amended—

(A) by striking out "under subsection (a)(10)" and inserting in lieu thereof "under paragraph (9) or (10) of subsection (a)", and

(B) by striking out the last sentence thereof.

(b) DISPOSITION OF FEES.—

(1) Subsection (f) of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)) is amended—

(A) by striking out "All Funds" in paragraph (2) and inserting in lieu thereof "Except as otherwise provided in this subsection, all funds",

(B) by redesignating paragraph (4) as paragraph (5), and

(C) by inserting after paragraph (3) the following new paragraph.

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"(4) No funds may be expended from the Customs User Fee Account, and no reimbursement made under paragraph (3), for the costs incurred in providing any service which is exempt from the fee.".

(2) Paragraph (3) of section 13031(f) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)) is amended to read as follows:

"(3)(A) The Secretary of the Treasury, in accordance with section 524 of the Tariff Act of 1930 and without regard to apportionment or any other administrative practice or limitation, shall directly reimburse, from the fees collected under subsection (a) (other than paragraph (9) or (10) of subsection (a)), each appropriation for the amount paid out of that appropriation for the costs incurred by the Secretary—

"(i) in providing—

"(I) inspectional overtime services, and

"(II) all preclearance services,

for which the recipients of such services are not required to reimburse the Secretary of the Treasury, and

"(ii) to the extent funds remain available to make reimbursements under clause (i), in providing such additional personnel and equipment (distributed on a basis proportionate to the fees collected under subsection (a), other than paragraph (9) or (10) of subsection (a)), and in paying such other necessary expenses, as may be necessary to provide service to those persons paying such fees.

"(B) Reimbursement under this paragraph shall be made at least quarterly. To the extent necessary, reimbursement of appropriations under this paragraph may be made on the basis of estimates made by the Secretary of the Treasury and adjustments shall be made in subsequent reimbursements to the extent that the estimates were in excess of, or less than, the amounts required to be reimbursed.

"(C) At the close of each fiscal year, the Secretary of the Treasury shall submit a report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives summarizing the expenditures for which reimbursement has been provided under subparagraph (A)(ii).".

(c) EXTENSION OF FEES.—Paragraph (3) of section 13031(j) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking out "1990" and inserting in lieu thereof "1991".

(d) AGGREGATION OF MERCHANDISE PROCESSING FEES.—

(1) Notwithstanding any provision of section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c), in the case of entries of merchandise made under the temporary monthly entry programs established by the Commissioner of Customs before July 1, 1989, for the purpose of testing entry processing improvements, the fee charged under section 13031(a)(10) of the Consolidated Omnibus Budget Reconciliation Act of 1985 for each day's importations at each port by the same importer from the same exporter shall be the lesser of—

(A) $400, or

(B) the amount determined by applying the ad valorem rate determined in such section 13031(a)(10) to the aggregate value of each day's importations at each port by the same importer from the same exporter.

(2) The fees described in paragraph (1) that are payable under the program described in paragraph (1) shall be paid with each monthly consumption entry. Interest shall accrue on the fees paid monthly in accordance with section 6621 of the Internal Revenue Code of 1986.

(e) EFFECTIVE DATE.—The amendments made by this section, and the provisions of this section, shall take effect on October 1, 1990.

SEC. 4003. DRUG PARAPHERNALIA.

(a) STATISTICAL ANNOTATIONS.—The Secretary of the Treasury, the Secretary of Commerce, and the United States International Trade Commission shall take actions under section 484(e) of the Tariff Act of 1930 (19 U.S.C. 1484(e)) to implement the recommendations of the Commission regarding additional statistical annotations that were made in the report of the Commission on Investigation 332-277, which was submitted to the Committee on Finance of the Senate in September 1989.

(b) ADMINISTRATION.—

(1) Section 1822 of the Mail Order Drug Paraphernalia Control Act (21 U.S.C. 857) is amended by adding at the end thereof the following new subsection:

"(g)(1) The Commissioner of Customs shall prescribe guidelines for use in determining whether articles intended for importation or exportation are to be considered drug paraphernalia.

"(2) Prior to prescribing the final form of the guidelines under paragraph (1), the Commissioner of Customs shall hold a public hearing on the preliminary form of the guidelines.".

(2) The guidelines that the Commissioner of Customs is required to prescribe under section 1822(g) of the Mail Order Drug Paraphernalia Control Act, as amended by paragraph (1), shall be prescribed by no later than the date that is 6 months after the date of enactment of this Act.

(c) REPORT.—By no later than the date that is 1 year after the date of enactment of this Act, the Commissioner of Customs shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the operational response of the United States Customs Service to the recommendations contained in the report of the United States Trade Commission described in subsection (a). The report submitted by the Commissioner of Customs under this subsection shall address the effectiveness of the United States Customs Service in monitoring and seizing drug paraphernalia, including crack bags, vials, and pipes.

SEC. 4004. PROHIBITION ON THE IMPORTATION OF CERTAIN ARTICLES ORIGINATING IN BURMA.

(a) IN GENERAL.—After the date of enactment of this Act—

(1) teak, and any other tropical timber, that is cut in Burma,

(2) any product that contains teak, or any other tropical timber, cut in Burma,

(3) any fish or other aquatic animal taken from the territorial waters of Burma, and

(4) any product containing any fish or other aquatic animal taken from the territorial waters of Burma,

may not be imported into the United States or into any territory or possession of the United States.

(b) ENFORCEMENT.—

(1) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the provisions of this section.

(2) The regulations prescribed under paragraph (1) shall—

(A) require any importer of teak, of any other tropical timber, or of any product containing teak or any other tropical timber, to submit to the Secretary of the Treasury at the time of the importation of such teak, timber, or product into the United States, or into any territory or possession of the United States, a statement certifying the origin of the teak or other tropical timber, and

(B) require any importer of—

(i) fish or other aquatic animals, or

(ii) any product containing any fish or other aquatic animal,

that is imported from, or has passed through, Burma (or any foreign country whose nationals are allowed to fish in the territorial waters of Burma by a treaty or agreement between Burma and the foreign country or such nationals) to submit to the Secretary of the Treasury at the time of the importation of such fish, aquatic animal, or product into the United States, or into any territory or possession of the United States, a statement certifying the territorial waters from which the fish or aquatic animal was taken.

(c) COMPLIANCE WITH GATT.—The provisions of this section shall not apply if the President submits to the Congress a written statement certifying that the provisions of this section violate the obligations of the United States under the General Agreement on Tariffs and Trade.

Amend the title so as to read: "An Act to make miscellaneous and technical changes to various trade laws.".

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 393. A bill entitled the "Camp W.G. Williams Land Exchange Act of 1989" (Rept. No. 101-255).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 1230. A bill to authorize the acquisition of additional lands containing Indian burial grounds for inclusion in the Knife River Indian Villages National Historic Site, North Dakota, and to provide additional development funding for the historic site visitor center (Rept. No. 101-256).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 1859. A bill to restructure repayment terms and conditions for loans by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, VA, and for other purposes (Rept. No. 101-257).

By Mr. BIDEN, from the Committee on the Judiciary, without amendment:

H.R. 3341. A bill to amend the Sherman Act to increase the fines that may be imposed for a violation of such Act.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. METZENBAUM:

S. 2318. A bill relating to the transportation of hazardous materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GARN:

S. 2319. A bill to amend the Federal Deposit Insurance Act and the Federal Credit

Union Act to protect the deposit insurance funds, to limit the depository institutions, credit unions, and other mortgage lenders acquiring real property through foreclosure or similar means, or in a fiduciary capacity, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KASTEN (for himself, Mr. Dole, Mr. Nickles, and Mr. D'Amato):

S. 2320. A bill to establish a special facility of the International Bank for Reconstruction and Development for loans to Eastern European Countries; to the Committee on Foreign Relations.

By Mr. CRANSTON:

S. 2321. A bill to create a Federal criminal offense for interferring with access to and egress from a medical facility; to the Committee on the Judiciary.

By Mr. CHAFEE:

S. 2322. A bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States, to establish a Commission to study the impact of the antitrust laws on the competitiveness of the United States industries, and for other purposes; to the Committee on the Judicary.

By Mr. LAUTENBERG (for himself and Mr. Bradley):

S. 2323. A bill to require the issuance of certain hazardous liquid pipeline facility regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation..

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 2324. A bill to amend the hazardous Liquid Pipeline Safety Act of 1979 to require the Secretary of Transportation to promulgate regulations to ensure the safety of underwater pipelines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LIEBERMAN:

S. 2325. A bill to provide additional assistance for certain Eastern European countries; to the Committee on Foreign Relations.

By Mr. DeCONCINI (for himself, Mr. Hollings, Mr. Lautenberg, Mr. Cranston, and Mr. Kohl):

S. 2326. A bill to amend title 35, United States Code, with respect to patents on certain processes; to the Committee on the Judiciary.

By Mr. KERRY (for himself, Mr. Riegle, Mr. Metzenbaum, Mr. Garn, Mr. Bond, Mr. Bryan, and Mr. Hatch):

S. 2327. A bill to authorize Federal depository institution regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MACK (for himself and Mr. Graham):

S. 2328. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf off the State of Florida; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 2329. A bill to amend title 18, United States Code, relating to the protection of officers and employees of the United States; to the Committee on the Judiciary.

By Mr. PRESSLER:

S. 2330. A bill to require the Commodity Credit Corporation to reimburse producers for losses suffered as a result of the closing of Corporation licensed and approved grain warehouses or elevators, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE:

S. 2331. To amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. Dodd, Mr. Moynihan, and Mr. D'Amato):

S.J. Res. 276. A joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY:

S. Con. Res. 107. Concurrent resolution concerning the status of Namibia under the Comprehensive Anti-Apartheid Act of 1986; to the Committee on Foreign Relations.

By Mr. MITCHELL (for himself, Mr. Helms, Mr. Simon, Mr. Dole, Mr. Riegle, Mr. Dixon, Mr. Gorton, Mr. Wallop, Mr. Robb, Mr. Lautenberg, Mr. Graham, Mr. Thurmond, Mr. Armstrong, Mr. Nickles, Mr. Gramm, Mr. Symms, Mr. Pell, Mr. Metzenbaum, Mr. Glenn, Mr. D'Amato, Mr. Murkowski, and Mr. Simpson):

S. Con. Res. 108. Concurrent resolution concerning the right of self-determination of the Lithuanian people; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM:

S. 2318. A bill relating to the transportation of hazardous materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HAZARDOUS MATERIALS SAFE TRANSPORTATION ACT

Mr. METZENBAUM. Mr. President, I am today introducing legislation that will go a long way toward protecting public health and safety from the dangers of transporting hazardous materials over our Nation's highways and railroads.

In recent years, chemical spills, fires and other life threatening accidents involving hazardous industrial materials have been occurring with increasing regularity. It has been happening in my State, and it has been happening in States throughout the country.

One of the worst accidents involving hazardous materials took place on July 8, 1986, when 14 cars of a CSX railroad train derailed in Miamisburg, OH, igniting a load of white phosphorous that burned for 4 days. Fifty thousand people had to be evacuated, the largest evacuation ever caused by an accident in the transportation of hazardous materials.

But the only unique aspect of the Miamisburg event was the size of the evacuation.

Two years later, two CSX tank cars carrying highly flammable butane derailed in downtown Akron, OH, necessitating the evacuation of 2,000 people from their homes. Local firefighters had no way of knowing what dangerous chemicals were being transported in the cars.

A year later, a derailed tanker car in Freeland, MI, burned for 5 days, while authorities attempted to determine what was in the car. Two thousand people in a 14-square-mile area were forced out of their homes.

These examples are endless. A few years ago, several firefighters in Kansas City were killed when a chemical fire they were fighting suddenly ignited a quantity of stored flammable materials and exploded.

I chaired a hearing in Columbus, where witness after witness talked about dangerous accidents involving hazardous materials near their homes and communities.

Firefighters told me about the difficulties of fighting a chemical blaze when the truck's contents aren't labeled. If one thing was clear from that hearing, it was that local emergency response workers needed to know what is being carried in those vehicles.

State and local officials need to have more say in where dangerous materials are being routed.

More money is needed to provide training for firefighters on how to handle toxics and chemical fires.

We need tough, uniform penalties that are punitive, and not simply a cost of doing business.

But far and away—we need a national approach toward solving these problems.

That is what this bill would do. More specifically, the bill has five components.

First, the bill requires persons who manufacture or ship hazardous materials to pay an annual registration fee, which will be returned to the States to assist in developing and carrying out emergency response training programs for firefighters and emergency response workers.

Second, the bill will permit States to enforce Federal hazardous materials rail transportation rules. Currently, because of a preemption provision in the Rail Safety Act, States may enforce Federal hazardous materials regulations for trucks, but not for railroads.

Only the Federal Railroad Administration [FRA] is permitted to oversee hazardous materials on the rails, and the FRA is not doing its job. According to a recent report by the General Accounting Office, the FRA is hobbled

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by misdirected, poorly informed, and inadequate inspectors.

Safety violations have increased 600 percent in the past 5 years, but the number of annual inspections has declined. The agency has less than 50 inspectors to examine the safety practices of 85 railroads and 15,000 shippers. It makes no sense.

My own State of Ohio enacted legislation permitting the State to enforce Federal rail safety regulations. The State law was thrown out in court. In fact the State law was defeated by the very railroad company that brought us the Miamisburg and Akron train disasters.

Third, the bill will establish a central reporting system and data center to which all movements of hazardous materials will be reported. That information will then be accessible electronically to local firefighters and emergency response officials in the event of an accident.

Currently, no State or Federal agency has in place a system capable of tracking the number, types, quantities or routes of these shipments. I understand our modern telecommunications capability would make the establishment of such a nationwide tracking system easy. I intend to ask the Office of Technology Assessment to look into the cost and other aspects of the system. In the meantime, we should begin moving in that direction.

Fourth, the bill establishes meaningful penalties for those who choose to endanger public health and safety by violating the law. It increases the maximum fine for each violation from $10,000 to $50,000, and it sets a minimum fine of $5,000.

Under current law, transportation companies treat fines as just another cost of doing business. If we want to ensure that businesses comply with the law, we have to ensure that there are consequences associated with not doing so.

In addition, the bill directs the Secretary of Transportation to encourage more uniformity among the States in establishing penalties for violations of State hazardous materials transportation regulations. Under the current situation, with widely varying penalties from State to State, violators simply move their operations through low penalty States.

Finally, the bill establishes a system of cooperation between the Secretary of Transportation and the States in designating preferred highway routes for the movement of hazardous materials.

Just last month, a truck overturned on I-270 less than 20 miles from the Capitol Building. Firefighters in Montgomery County had no idea what was in the truck. Local neighborhoods had to be evacuated, and local and interstate traffic was brought to a standstill.

If this bill had been law, we would have known what was in that truck and how to handle it within minutes. So I believe this bill represents sensible solutions to a growing national problem.

I urge my colleagues to support the bill, and hope that the Commerce Committee sees fit to schedule hearings as soon as possible.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2318

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hazardous Materials Safe Transportation Act of 1990".

SEC. 2. AMENDMENTS TO HAZARDOUS MATERIALS TRANSPORTATION ACT.

(a) Section 106(b) of the Hazardous Materials Transportation Act (49 U.S.C. 1805(b)) is amended (1) by designating the existing text as paragraph (1); (2) by deleting "may be required" and inserting in lieu thereof "shall be required"; (3) by deleting "not more often than once every 2 years" and inserting in lieu thereof "not less than annually"; and (4) by adding at the end thereof, the following:

"(2) In carrying out the provisions of paragraph (1), the Secretary shall require each person referred to in the first sentence of paragraph (1) to pay an annual registration fee. Such fee shall be in an amount determined by the Secretary based on, among other things, the volume of hazardous material offered, transported, or otherwise involved. Moneys collected by the Secretary pursuant to this section shall be used by the Secretary for making grants to the several States to assist the States in developing and carrying out emergency response training programs. Grants under this section shall be made at such times, in such amounts, subject to such conditions, and in such manner as the Secretary, by regulation, shall prescribe. Nothing in this section shall be construed as prohibiting any State from imposing and collecting a fee or fees in connection with the registration requirements imposed by such State.".

(b) The Hazardous Materials Transportation Act (49 U.S.C. 1805) is amended by adding immediately after section 106 the following:

"SEC. 106A. The Secretary shall issue such regulations as may be necessary to enable each of the several States to perform flow surveys and in connection therewith, to request and receive specific routing information from carriers transporting hazardous materials in order to determine local transportation patterns and effectively target emergency response training allocations.".

SEC. 3. DESIGNATED ROUTES.

(a)(1) The Secretary of Transportation, within 180 days following the date of the enactment of this Act, shall—

(A) designate routes on the National System of Interstate and Defense Highways on which hazardous materials listed by the Secretary in accordance with subsection (c) may be transported, except that States are authorized to designate alternative preferred routes in the same manner and to the same extent as that provided for radioactive material under Part 177.825 of title 49 of the Code of Federal Regulations, and

(B) coordinate among the States the designations the States, and the political subdivisions of the States, are authorized to make under subsection (b).

(2) The Secretary, upon request, is authorized to arbitrate incompatible State designations under this section which occur in multi-State metropolitan areas.

(b) Notwithstanding any other provision of law, each State—

(1) may designate routes on the public highways located in the State (other than routes on the National System of Interstate and Defense Highways) on which hazardous materials listed pursuant to subsection (c) may be transported,

(2) may delegate to any political subdivision of the State the authority under subparagraph (A) of paragraph (1) of subsection (a) to make the designation described in subparagraph (A) with respect to any public highways located within the jurisdiction of that political subdivision,

(3) may prohibit the transportation of hazardous materials listed pursuant to subsection (c) on any public highway located in the State that is not designated in accordance with subparagraph (A) or (B) of paragraph (1) of subsection (a), and

(4) shall coordinate among the political subdivisions of the State the designations made under subparagraphs (A) and (B) of paragraph (1) of subsection (a).

(c) Prior to the expiration of the 180-day period following the date of the enactment of this Act, the Secretary shall compile a list of hazardous materials which he or she determines pose an immediate threat in the event of an accident. In establishing and keeping current such list, the Secretary shall identify subsets of hazardous materials which should be subject to the routing system set forth in this section. Such list, including revisions thereof, shall be published in the Federal Register.

(d) Each routing decision or designation of a State pursuant to this section shall be reported by such State, within 30 days thereafter, to the Secretary of Transportation. It shall be the function of the Secretary to compile such information and make it available to interested parties upon request.

SEC. 4. STATE ENFORCEMENT.

(a) Notwithstanding the provision of section 205 or any other provision of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.), or any other law, each State shall be entitled to enforce its laws, rules and regulations relating to the transportation of hazardous materials by railroads in the same manner and to the same extent as provided in connection with other carriers under section 112 of the Hazardous Materials Transportation Act (49 U.S.C. 1811).

(b) The Secretary is authorized to enter into agreements with the several States under which the States would cooperate with the Secretary in the enforcement of Federal and State rules, regulations, and laws relating to the transportation of hazardous materials by railroads. In entering into such agreements, the Secretary is authorized to make grants to the States to enable them to defray the costs involved in connection with such enforcement. Such grants shall be made at such times, in such amounts, subject to such conditions, and in such manner as the Secretary, by regulation shall prescribe.

SEC. 5. UNIFORMITY.

In the administration of the provisions of this Act, the Federal Railroad Safety Act of 1970, and the Hazardous Material Transportation Act, including the issuance of regulations, entering into agreements, and making grants, the Secretary shall take such action as may be necessary to encourage uniformity among the States in the establishment and enforcement, by such States, of penalties in connection with the enforcement of laws and regulations relating to the transportation of hazardous materials.

SEC. 6. REGULATIONS REQUIRING MANIFEST OF SHIPMENT OF HAZARDOUS MATERIALS.

Section 105 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1804) is amended by adding at the end the following new subsection:

"(d) MANIFEST.—Not later than 180 days after the date of the enactment of this subsection, the Secretary shall issue regulations requiring any generator of a shipment of hazardous materials to transmit a manifest for such shipment to the central reporting system and data center described in section 109(d)(1)(B). Such manifest shall contain vital statistics concerning the content of the shipment and the license plate or other identifying number of the carrier of the shipment.".

SEC. 7. ESTABLISHMENT OF CENTRAL REPORTING SYSTEM AND DATA CENTER.

Section 109 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1808) is amended—

(1) in subsection (d)(1)(B)—

(A) by striking out "establish and maintain" and inserting in lieu thereof "not later than 90 days after the date of the enactment of the Hazardous Materials Transportation Act Amendments of 1990, shall establish and maintain, or enter into a contract (pursuant to sealed competitive bids) with a private entity under which such entity shall establish and maintain,"; and

(B) by inserting "instantaneous" before "technical";

(2) by amending subsection (d)(2) to read as follows:

"(2) The central reporting system and data center referred to in paragraph (1)(B) shall satisfy the requirements contained in section 117(a).".

SEC. 8. CENTRAL REPORTING SYSTEM AND DATA CENTER.

The Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) is amended by adding at the end the following new section:

"SEC. 117. TERMS AND CONDITIONS OF CONTRACT WITH THE SECRETARY.

"In order to meet the requirements of this Act, the center referred to in section 109(d)(1)(B) shall comply with terms and conditions which—

"(1) require that the central reporting system and data center described in such subparagraph shall—

"(A) include a real-time computerized telecommunication system capable of handling at least 500,000 computer-based communication transactions per day, including transactions from any State or foreign nation that transports hazardous materials in any State or in any of the territorial waters of the United States;

"(B) be capable of receiving, storing, and retrieving data concerning shipments of hazardous materials;

"(C) be accessible by electronic and telephonic communications to persons referred to in section 109(d)(1)(B);

"(D) adequately protect proprietary data transmitted to such system and data center;

"(E) have an independent supply of internally generated power to ensure continuity of access to data for persons referred to in section 109(d)(1)(B);

"(F) include a redundant system which will operate in the event of failure of any one system;

"(G) be compatible with all recognized systems of electronic communication; and

"(H) be capable of fully interfacing electronically with any computer software program in use, at the date of the enactment of this section, in carrying out the provisions of title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 1101 et seq.);

"(2) require that such reporting system and data center be operational not later than 180 days after the date of the enactment of this section;

"(3) establish rates under which the center may charge a generator and a shipper of a shipment of hazardous materials for maintaining the manifest for such shipment;

"(4) require that the data center provide to persons referred to in section 109(d)(1)(B) below cost—

"(A) electronic access to the information reported to the data center for the purpose of obtaining information about shipments of hazardous materials;

"(B) instantaneous access at all times to data in the central reporting system and data center; and

"(C) technical and other information and advice for meeting emergencies related to the transportation of hazardous materials.

"(b) The Secretary shall establish and carry out a program to—

"(A) train, equip, and purchase telecommunications equipment and personal protective clothing and equipment for firefighters, police, and persons responding to hazardous materials incidents;

"(B) assist State governors in complying with the requirements of title III of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 1101 et seq.); and

"(C) establish national certification standards for firefighters and fire department hazardous material teams utilizing programs developed under the National Institutes for Environmental Health Science's grant program established under section 126(g) of the Superfund Amendments and Reauthorization.

"(c) LIMITATION ON CIVIL LIABILITY.—Notwithstanding any other provision of law, the United States, the center referred to in section 109(d)(1)(B), if any, shall not be civilly liable under any law of the United States or of any State (or political subdivision thereof) for damages resulting from the good faith reliance of the United States or such entity on information supplied to them by a generator of a shipment of hazardous waste.".

SEC. 9. DEFINITIONS.

Section 103 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1802) is amended—

(1) by striking out "and" at the end of paragraph (6); and

(2) by adding at the end the following new paragraphs:

"(8) 'real time' means the instantaneous telephonic or electronic communication of data from one source to another;

"(9) 'generator' means the party that is directly responsible for the manufacture or creation of hazardous materials and causes such materials to be transported or shipped;

"(10) 'incident' means a mishap in the transportation of a shipment of hazardous materials that may endanger life or property; and

"(11) 'manifest' means a bill of lading or other form that can be used for the purpose of describing the contents of and other information concerning a shipment of hazardous materials.".

SEC. 10. AUTHORIZATIONS.

For the purpose of making grants pursuant to this Act, there are authorized to be appropriated for the fiscal year ending September 30, 1991, and each of the next following 4 fiscal years, the sum of $40,000,000.

SEC. 11 PENALTIES.

Section 110 of the Hazardous Materials Transportation Act (49 U.S.C. 1809) is amended—

(1) in subsection (a), by striking out "$10,000" each place it appears and inserting in lieu thereof "$50,000 and not less than $5,000"; and

(2) in subsection (b)—

(A) by striking out "$25,000" and inserting in lieu thereof "$250,000"; and

(B) by striking out "5" and inserting in lieu thereof "10".

By Mr. GARN:

S. 2319. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to protect the deposit insurance funds, to limit the liability of depository institutions, credit unions, and other mortgage lenders acquiring real property through foreclosure or similar means, or in a fiduciary capacity, and for other purposes; to the Committee on Environment and Public Works.

PROTECTION OF FEDERAL DEPOSIT INSURANCE FUNDS

Mr. GARN. Mr. President, today I am introducing legislation to protect the Federal deposit insurance funds and to limit the liability of depository institutions and other mortgage lenders for environmental cleanup costs when they acquire property through foreclosure or similar means. The unexpected imposition of liability for environmental pollutants on innocent third parties has the potential to affect the health of every one of these lenders, as well as that of the Federal deposit insurance funds themselves.

This legislation would provide immunity for the Federal Deposit Insurance Corporation, the Resolution Trust Corporation, and the other Federal banking agencies from liability that might be imposed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, also known as the Superfund Act. However, it would only provide immunity for these agencies for property they hold or acquire in exercising their supervisory or assistance authority. The bill would also exempt insured depository institutions and other mortgage lenders from Superfund liability that might be imposed when a lender forecloses or acts as fiduciary for property containing hazardous wastes. If the agency or lender caused the environmental problem, however, the exemption would not apply.

Last year the Congress passed landmark legislation intended to place the Federal deposit insurance funds on sound footing and to help ensure the soundness of our financial institutions going forward. Those important goals may be impeded if liability for environmental hazards is imposed on the Resolution Trust Corporation, the Federal deposit insurance fund, or the lenders themselves even though they have not caused or contributed to the release of hazardous substances on the property collateralizing a loan or for which they act in a fiduciary capacity. This can have a dramatic and unanticipated impact on the lender who could find itself liable under Superfund for the costs of cleaning the entire site as a result of a mortgage foreclosure, even though the lender did not operate or manage the site when the hazardous materials were released or otherwise contribute to the problem.

Mr. President, this legislation is supported by the FDIC, which stated that absent enactment of the legislation, "the ability of the FDIC and the RTC to resolve failed institutions expeditiously would be impaired if we must incur environmental study expenses before foreclosing upon properties which are potentially contaminated. FDIC and RTC funds are designed to protect depositors and provide stability to the Nation's financial institution system and it is preferable that such funds not be diverted to unintended uses such as environmental cleanup costs."

These looming liabilities are already affecting the RTC's ability to market failed institutions and their assets, and they are threatening to sidetrack funds earmarked to resolve the thrift crisis. An article in today's Wall Street Journal, that I would like to have included in the RECORD, stated that Superfund liability could cost the RTC hundreds of millions or even billions of dollars, and poses a threat to health savings and loans and other lenders.

I believe that this legislation would provide a significant complement and support for the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, without adversely affecting the important purposes of the Superfund law. First, the bill would not exempt lenders who cause or contribute to the release of hazardous substances into the environment. Moreover, the exemption would not extend to any actual benefits the lenders derive from another party's remedial actions. Second, the financial institutions would continue to have every incentive to scrutinize the intended or past uses of property pledged as collateral for potential environmental liability. Standards of safe and sound lending would dictate this inquiry, given the potential impact of an adverse judgment on a borrower's ability to repay as well as on the market value of the collateral. To further ensure that such prudential standards would be maintained, the bill would require each Federal banking agency to take steps to assure that banking institutions have procedures to evaluate potential environmental risks and liabilities. Examples of such steps might be supervisory guidelines, examinations procedures, or regulatory action. Given these safeguards, there should be no diminution of the lender's role in helping to avoid the hazardous waste sites of tomorrow.

Mr. President, this legislation is fair, and it is necessary. I hope that it will be considered expeditiously by this Congress.

Mr. President, I ask unanimous consent that the Wall Street Journal article mentioned earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 22, 1990]

S&L BAILOUT FACES A COSTLY NEW COMPLICATION IN U.S. HAZARDOUS-WASTE CLEANUP REQUIREMENT

(By Amy Dockser Marcus)

Federal efforts to bail out the savings and loan industry face new trouble from an unexpected source: the environmental cleanup law known as Superfund.

The law's cleanup requirements for hazardous waste could cost the federal Resolution Trust Corp., which is responsible for selling insolvent thrifts and their assets, hundreds of millions or even billions of dollars.

Superfund looms as a thrat not only to the RTC but to healthy S&L's and other lenders as well. Already, some financial institutions, worried about potential liability, are tightening procedures for extending credit to companies with land holdings that might be contaminated.

The RTC estimates its real-estate portfolio will reach a value of about $180 billion. Some of that property is believed to contain hazardous waste. Potential acquirers, or even the RTC, may get stuck with a huge bill.

TIME BOMB

"It is a ticking time bomb," says Richard K. Kneipper of Jones Day Reavis & Pogue, who heads the firm's financial-institutions group. "The bailout plan doesn't include an estimate for Superfund liabilities. And it doesn't take more than one dump site to create big numbers."

Congressional analysts have predicted the RTC will need at least an additional $25 billion to $30 billion to resolve the savings and loan crisis. Part of that is expected to come from the RTC's sale of thrifts and their assets to other institutions. "If we can't sell property because it's contaminated, we can't recover any costs," said Stephen Katsanos, a spokesman for the RTC. "Or we may have to spend funds first to clean up the properties."

The failed thrifts hold huge real-estate portfolios because they had accepted real estate as collateral for loans that went bad. When the thrifts took title to the property, they became potentially liable for huge environmental costs. Under the Superfund law, those who own or operate contaminated sites are responsible for cleaning them up. The Environmental Protection Agency has estimated cleaning a single site can cost up to $100 million.

The problem for the RTC isn't just that it will have trouble finding buyers for such property. If the RTC itself takes title to any thrift assets through foreclosure on loans or other means, the agency might be required to foot the bill for the cleanup, lawyers for lenders say. The RTC might also be liable in its capacity as a conservator for assets that are transferred to new federally chartered thrifts before being sold. If the assets later turn out to be contaminated, the RTC's earlier control of them might make the agency liable under Superfund, these lawyers say.

BUYER BEWARE

While the potential liability of the RTC is uncertain, the perils for potential acquirers of the real estate seem much clearer. Because the RTC has refused to provide indemnities for any litigation that arises concerning environmental hazards, "You could be betting your own institution if you end up buying a Superfund liability," says John C. Murphy, Jr., an attorney who has represented acquirers.

Mr. Katsanos, the RTC spokesman, said the agency is scrambling to identify which of the tens of thousands of properties it has acquired have environmental problems. The RTC lawyers are also attempting to determine what situations might trigger the agency's liability under Superfund, he said. "We're aware of the problems, but the RTC has no choice in taking over savings and loans," Mr. Katsanos said. "if there are Superfund liabilities we'll have to deal with that and the costs we incur will be shared by the taxpayers."

The Superfund threat to lenders extends beyond concerns about failed S&Ls—although it's not clear how far. Congress thought it had allayed many worries of lenders when it included a "secured-lender exemption" in the environmental statute in 1980. Under it, those who appear to be owners because they have a security interest but don't participate in the management of a facility are shielded from liability.

But the exemption leaves room for argument as to when a lender who forecloses is deemed to be participating in management. And when a federal court in Maryland ruled in 1986 that a bank that had foreclosed on property and held title for four years could be liable for its cleanup, lenders realized they needed additional ways to protect themselves.

REFUSING CREDIT

Fears of liability have prompted some lenders to refuse credit to high-risk industries such as manufacturing and to small businesses whose only assets are real estate, says Jack Campbell, manager of environmental programs for General Electric Corp.'s G.E. Capital Corp.

At G.E. Capital Corp., environmental audits must be performed at the borrower's expense before a loan is extended. "We all agree there should be a cleanup," he says. "The question is how it can be done without affecting economic growth."

The most recent court ruling on the issue has alarmed already skittish lenders even further. Twenty-eight Punxsutawney, Pa., residents sued the National Bank of the Commonwealth in Indiana, Pa., seeking funds to pay for personal injuries and the cleanup of toxic waste at two nearby electroplating plants. The residents alleged the bank was liable because it foreclosed on property owned by one of the plants and held title for eight months.

In September, federal Judge Barron P. McCune of Pittsburgh refused to dismiss the case, ruling that simply by taking title to the property—even for a short period of time—the bank no longer qualified for the exemption.

"This goes farther in holding a lender liable than any prior decision," says Bradley S. Tupi of Reed Smith Shaw & McClay, an attorney for the bank. "If the decision is followed by other courts, it will have a chilling effect on credit."

The case has also highlighted the growing threat of suits by private parties like the Punxsutawney residents. "Neighbors near a contaminated site are a potentially greater threat to lenders than the government. They can sue for cleanup costs as well as for their personal injuries," says Lawrence P. Schnapf of Lord Day & Lord, Barrett Smith, who has written about lender liability.

Lenders are facing Superfund lawsuits on other fronts. Last April, 200 companies that produced toxic waste State Street Bank of Boston, alleging the bank's efforts to recover a loan from the company that operated the waste site made it liable for the entire cleanup bill. The suit is pending; the bank has denied any liability.

And last month the Michigan attorney general's office notified Manufacturers National Bank of Detroit it could be liable for a $33 million cleanup under Superfund at sites owned by a company on whose board a bank representative sat. A bank spokeswoman said it couldn't respond to "unsubstantiated allegations."

"You're definitely going to see this happening in other states," says Stanley Pruss, an assistant Michigan attorney general. "Rather than have the public bear the burden of cleanup costs when the actors disappear, we have to look at other parties who had control. Banks can be one of them."

In the wake of these incidents, lenders have called for stronger congressional protection and guidelines. Lenders plan to testify at hearings this spring on a bill introduced by Rep. John J. LaFalce (D-NY) that would exclude them from liability if they foreclose on contaminated property to protect a security interest. Last month, U.S. Rep. Silvio O. Conte (R-Mass.) introduced a bill that would exempt federal agencies from Superfund liability if they take over contaminated sites through foreclosure, bankruptcy, tax delinquency or abandonment.

"There is no comfort in waiting for the case law to determine liability. This is an area where statutory clarification is needed rather than allowing the courts to interpret the law," says John Byrne, senior counsel of the American Banking Association, which is lobbying for the LaFalce bill.

Both EPA and the U.S. Justice Department concede that no uniform guidelines for lenders currently exist. But officials at both organizations say they are unlikely to support either bill. "We oppose piecemeal legislation," says Assistant Attorney General Richard B. Stewart.

One fear is that lenders will wait for the completion of government-funded cleanups before taking title to property, thereby reaping a windfall at the taxpayers' expense, says Glenn Unterberger, an associate enforcement counsel for waste at the EPA. "We're not ready to say we'll let lenders off the hook," says Mr. Unterberger. "We think it's appropriate to have lenders in the game as well."

By Mr. KASTEN (for himself, Mr. DOLE, Mr. NICKLES, and Mr. D'AMATO):

S. 2320. A bill to establish a special facility of the International Bank for Reconstruction and Development for loans to Eastern European countries; to the Committee on Foreign Relations.

EASTERN EUROPEAN ECONOMIC RECOVERY ACT

Mr. KASTEN. Mr. President, I am pleased to be joined by the distinguished Republican Leader Senator BOB DOLE in introducing legislation that would establish a special facility of the World Bank to provide loans, economic guidance and technical assistance to the emerging democracies of Eastern Europe. This legislation, entitled the "Eastern European Economic Recovery Act of 1990," is designed to ensure a smooth transition from Marxist-socialist to market-oriented economics.

This legislation is an alternative to the proposed creation of a new Eastern European Development Bank spearheaded by the French and other Western European Governments. Under the proposed charter of this bank, the U.S. has been asked to contribute one of the largest shares of the bank's capital, while the Europeans would retain control of its lending policies.

The negotiations over the proposed charter have moved very quickly; the French plan to wrap up a preliminary agreement by mid-April. As I outlined in a floor statement on March 7, this new multilateral lending institution raises many troubling questions.

First of all, under the proposed charter the Soviets would contribute to the bank's capital—and borrow from the bank. As I understand it, the United States and Japan initially rejected the idea of Soviet borrowing. In the face of Western European pressure, the administration is trying to limit the Soviet's right to borrow—asking that it not exceed their 6 percent contribution to the bank's capital stock—and limit as well the amount of time that the Soviets would be allowed to borrow. I don't think that's enough. I believe that the U.S. should boycott the Eastern European Bank altogether if the bank's charter allows any Soviet borrowing.

I don't think we—the United States and our European allies—should put the Soviets in a position to influence the bank's policies. More importantly, I don't think we should use Western funds to subsidize a failed Communist economic system. Let the Soviets pay for perestroika themselves—by reducing the Soviet military budget, which is now running between 15 and 20 percent of their GNP.

Mr. President, another major source of concern I have about this bank is that it will be dominated by European policymakers who are indifferent—if not hostile—to growth economics. Incredibly, some of these policymakers are still debating whether Eastern Europe should reject socialism or reform it along the lines of the Swedish economic model.

To those who are still puzzling over this question, I can only echo the words of President Kennedy: "Let them come to Berlin."

The people of East Germany know about socialism. And they made that opinion known last Sunday.

They know that the Western European socialist model—emphasizing public sector growth and central planning—is just not the solution to Eastern Europe's economic problems. With the possible exception of West Germany, the track record of Western Europe's high-tax, welfare-state model in promoting economic growth, job opportunities and rising living standards is clearly inferior to the low-tax, free-market economies in the United States, Japan, and the Pacific Rim countries.

In the 1960's, the public sector in Western European countries—measured in terms of government taxes and spending as a percentage of national income—averaged about 32 percent. By the early 1980's, the European public sector had grown to 50 percent of gross domestic product; up to 60 percent in some countries. State-run industries led to an inefficient use of economic resources; high taxes stifled productive incentives; and huge public-sector bureaucracies crowded out private-sector opportunities.

By the mid-1980's, the public-sector boom had resulted in economic stagnation in Europe. Real growth declined from a healthy 4.42 percent per year in the late 1960's to less than 1 percent in the early 1980's. Between 1960 and 1985, no net new private sector jobs were created in OECD Europe. By contrast, those countries with a relatively smaller public sector, like Japan and the United States, created millions of new jobs—20 million in the United States alone to date.

While it is true that Europe has rebounded in recent years, it is only because they have been forced to adopt a small dose of American-style growth economics by cutting tax rates. Many European countries, such as France, the United Kingdom, Sweden and West Germany, feared that significantly lower United States tax rates would result in a "brain drain" of their best and brightest workers and capital flight to the United States.

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The Europeans have learned the words—but they still do not know how to play the music. Many European policymakers still believe that socialism can be reformed, that market incentives can work in a socialist-welfare state and that government action raises living standards. I am concerned that this is the kind of mindset that will shape the policies of this Eastern European Development Bank.

The Eastern Europeans have had firsthand experience with big bureacracies; outrageous salaries and lifestyles; and numerous perquisities for government officials; and environmentally disastrous public works programs. They rejected this approach the minute they got the chance.

Eastern Europe is searching for something new—and they are looking to the United States for leadership. If the Western Europeans balk at our demands on the issues of Soviet borrowing and market-oriented lending policies, then we should provide our own leadership by creating a special facility under the auspices of the World Bank. We can provide leadership through the World Bank, because we contribute almost 20 percent of the Bank's capital—and thus have more influence in setting lending policies.

U.S. withdrawal from the Eastern European Development Bank would send a signal to people of Eastern Europe that this bank is a bad idea—and that it would end up working against their economic well-being.

The Kasten-Dole legislation would instruct the U.S. executive director to begin negotiations to create a special facility of the World Bank which would provide financial aid, economic guidance, and technical assistance to the emerging democracies of Eastern Europe: Poland, Czechoslovakia, Hungary, East Germany, Romania, and Bulgaria.

No loans would go to the Soviets.

The principal aim of this special facility would be to help finance the development of the private sector in Eastern Europe. The majority of the financial aid would therefore go to private sector activities, projects and organizations; the operation of this facility would be similar to the activities of the International Finance Corporation. There would be no aid to parastatal organizations except for infrastructure projects carefully limited to roads and bridges.

Public sector loans should be used primarily to cover the transition costs from socialism to a free-market economy. Such costs could include temporary higher unemployment, inflation and shortages of foreign currency to cover outstanding debts.

These public sector loans would be conditioned on the progress toward a free market, including goals like guaranteeing individual private property rights; setting of wages and prices by individuals in the market; legal commercial codes and an independent judicial system; privatization of state-owned industries; reduction in tax rates; deregulation of the economy; a stable economy; and free trade.

My legislation would not specify a specific dollar amount of capital required; the World Bank currently envisions a lending program for Eastern Europe of $5 billion over 3 years. The legislation would require that any money designated for Eastern Europe be distributed through this special facility. My bill would sunset the facility after 5 years. I think this is important because it sends a message to Eastern Europeans that their economic well-being will depend on market-oriented reforms—not an endlessly flowing fountain of foreign aid.

The Eastern European Economic Recovery Act is only a small component of a comprehensive agenda for U.S. leadership in rebuilding the economies of Eastern Europe. We also have to encourage Western private investment. One of the steps we can take is to reform and simplify U.S. foreign tax laws and regulations that burden U.S. companies and inhibit their investments abroad. We could issue bonds to private U.S. individuals of East European descent to finance small business startups.

We have to open up opportunities for U.S. exporters. That means we have to reform export control restrictions for Eastern Europe and overhaul our outdated licensing process. These are a truly unnecessary handicap to both U.S. exporters and the emerging democracies of Eastern Europe.

Exporting American-style capitalism also means providing technical advice on how to establish a market economy. We have the knowhow. Let's share it—by encouraging exchange programs for business and managerial training.

The revolution of 1989 must not be betrayed in 1990. America must lead by example—toward a future of economic freedom and prosperity, not a retreat toward socialism and stagnation. It is in America's direct economic interest to do so because economic prosperity in Eastern Europe creates new market opportunities for U.S. businesses and workers.

I ask unanimous consent that the text of the bill be printed in the Record:

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2320

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Eastern European Economic Recovery Act of 1990".

Sec. 2. The Bretten Woods Agreement Act is amended by adding at the end the following:

"SEC. 54. EASTERN EUROPEAN FACILITY.

"(a) In General.—The Secretary of the Treasury shall instruct the United States Executive Director of the Bank to propose and work for the development of a special facility to provide loans, economic assistance, and technical assistance to the emerging democracies of Eastern Europe, including Poland, Czechoslovakia, Hungary, East Germany, Romania, and Bulgaria.

"(b) Principle Aim.—The principle aim of the special facility will be to help finance the development of the private sector in Eastern Europe.

"(c) Private Sector Loans.—The majority of the lending by the special facility shall be for private sector activities, projects, and organizations. No credit shall be provided to parastatal organizations except for infrastructure projects limited to roads and bridges.

"(d) Public Sector Loans.—Public sector loans by the facility shall be used primarily to cover the transition costs from socialism to a free market economy. Such costs may include temporarily higher unemployment, inflation, and shortages of foreign currency to cover outstanding debts. Public sector loans shall be conditioned on the progress toward guaranteeing individual private property rights, wages and prices set by individuals in the market, legal commercial codes and an independent judicial system, privatization of state-owned industries, deregulation of the economy, a stable currency, and free trade.

"(f) Sunset.—The facility shall terminate upon the expiration of 5 years after the date of enactment of this section.".

Mr. DOLE. Mr. President, I am pleased to join as an original cosponsor of the Eastern European Economic Recovery Act of 1990—introduced by the distinguished Senator from Wisconsin, Senator Kasten.

It's a superb initiative—the right idea, offered at precisely the right time.

The emerging democracies of Eastern Europe need our help, and deserve our help. It is in our interest—and the interest of all the nations of the democratic and industrialized West—to help them. It is a good investment—if it is an investment made wisely.

Senator Kasten's proposal is simple and time-tested. That the U.S. representative at the World Bank work for the establishment of a special facility, to be used to support the development of free enterprise in Eastern Europe.

Such a facility would do exactly what the French-proposed European bank for reconstruction and development should do—but will do it better.

It will do it more efficiently and cheaply, since it would rely on the established mechanisms of the World Bank—and not require the creation of an entirely new, and untried, bureaucracy.

It will keep economic assistance focused on the private sector—which is where our help should be focused if it is to be effective.

As Senator Kasten said in his statement:

If you have any doubt as to whether the Eastern Europeans want that focus—just take a look at the results of the East German elections. Or, if there is still any doubt, ask Polish Prime Minister Mazowiecki, with whom many of us met earlier today.

The emerging democracies are fed up with socialist, statist policies. They know where their future lies—with free enterprise. That's where our aid should focus.

I'm not sure that some of the European proponents of the French initiative understand, or believe, that. And I'm not sure the lending practices of their bank will reflect that.

Finally, the World Bank special facility would preclude lending to the Soviet Union, at least at this time.

Some people in Congress seem to believe we ought to get into the business of subsidizing Mr. Gorbachev. The French and others in Europe seem to think that is a good idea, too.

Well, I don't. Senator KASTEN doesn't. And I think the overwhelming majority of Americans don't think it's such a great idea, either.

And, in fact, I can cite a whole bunch of other people who probably wouldn't be too excited about United States hand-outs for Gorbachev.

The people of Lithuania might think it isn't the world's greatest idea right now. And the people of Latvia and Estonia would probably be a little skeptical, too.

The people of Afghanistan and Angola might suggest to Mr. Gorbachev that, if he needs some quick cash, he stop spending billions on sending arms into their countries.

The people of Central America—who have seen their region ravaged by the billions in military aid Gorbachev has dumped into Nicaragua, and still dumps into Cuba and to the rebels in El Salvador—they might have some reservations if we start writing Treasury checks to the Kremlin.

Mr. President, the United States should have no part of any bank that is subsidizing Soviet suppression in the Baltic states, aggression in Afghanistan and Angola, subversion in Central America—or any other of the still dangerous and disruptive policies of the Soviet state, at home and around the world.

As Senator KASTEN points out: The Soviet Union still spends a fifth of its budget on arms.

Mr. President, Senator KASTEN's bill is the way to go. I am pleased to cosponsor it, and I hope that it will receive quick committee action.

We want to help the emerging democracies of Eastern Europe, and we want to do it the right way.

The Kasten bill is the right way.

By Mr. CRANSTON:

S. 2321. A bill to create a Federal criminal offense for interfering with access to and egress from a medical facility; to the Committee on the Judiciary.

GUARANTEE OF FREE ACCESS TO MEDICAL FACILITIES ACT

Mr. CRANSTON. Mr. President, I am today introducing legislation, S. 2321, the Guarantee of Free Access to Medical Facilities Act of 1990, aimed at protecting the rights of women seeking medical assistance at health facilities which provide abortion services.

This legislation is patterned on a measure—the first in the Nation—enacted last year in Maryland which makes it a crime to interfere physically with an individual entering or exiting a medical facility. My legislation would provide that any person who intentionally prevents an individual from entering or exiting a medical facility by physically detaining the individual or obstructing, impeding, or hindering the individual's passage shall be guilty of a class E Federal felony, punishable by a sentence of up to 3 years and a fine of up to $250,000 in addition to restitution for any damages to property or bodily injury sustained by a victim. Medical facilities includes both public and private facilites as well as physician's offices. Under the new Federal sentencing guidelines, which I will discuss in a moment, the likelihood of a stiff sentence would be increased if aggravated circumstances are involved such as repeated conviction of the same offense or physical harm to a victim.

Mr. President, this is a tough bill because we are dealing with a very serious problem. Medical facilities throughout the Nation which provide safe, legal abortion procedures for women exercising their constitutionally guaranteed right to choice in this area have been under siege by highly organized groups like Operation Rescue. These organizations and groups are not engaged in peaceful, nonviolent protests; they have begun a concerted effort to force their will upon women and health providers by physically invading health facilities which provide abortion services, setting up blockades which prevent staff and patients from entering or leaving these facilities, and all too often engaging in direct physical assaults on individuals attempting to enter the buildings.

According to statistics compiled by the National Abortion Federation, in 1988 and 1989, there were some 379 incidents of clinic blockages throughout the country. Many of these involved violence or threats of violence against clinic staff, ranging from assaults and battery to death threats and vandalism. Medical equipment has been destroyed and confidential information stolen. In addition, there have been numerous incidents involving arson or attempted arson and bomb threats. Although the actual bombings have diminished since 1984 when 18 clinics were bombed, bomb threats continue to be used as means of harassment and interference with clinic activity.

Mr. President, my concern about this problem was generated from discussions I have had in the past several months with prochoice organizations and health providers in my own State of California about the growing problem of clinic violence. My constituents have reported an escalation of clinic violence and intimidation of women and staff members throughout my State. Health facility employees and volunteers are routinely cautioned against wearing jewelry that can be ripped from their bodies by clinic protesters who are reported to have been provided with training on how to poke and bruise clinic staff attempting to enter the facilities.

Last July, six patients and five staff members at a clinic in Monterey County, CA, were held prisoner in the facility for 6 hours by over 300 antichoice individuals. One patient seeking a scheduled cancer treatment was blocked from entering the facility. Of the 104 individuals who were eventually arrested, only 6 were local residents. The rest were outsiders, organized to shut down this local clinic.

In Daly City, CA, clinic blockaders refused to allow a pregnant patient who began suffering a miscarriage outside the clinic to enter. The clinic staff was able to find a car and transport the hysterical woman to another facility some 15 miles away.

Mr. President, it is important to understand that these women's health facilities often provide a broad range of health services for women, including cancer screening, pap tests, treatment of reproductive disorders, and family planning services. Patients who are unable to get into the facility may be forced to forgo essential treatment services. Moreover, clinic blockades could prevent or delay patients who may have a medical emergency requiring transfer to a hospital from being transported. Blockading health facilities is very dangerous activity and must be stopped.

Mr. President, the most effective way to bring a halt to this violence and interference with women exercising their constitutional right to freedom of choice is make sure that those who engage in this kind of conduct know that they will be subjected to tough punishment. This legislation is designed to send a very strong message that those who violate the rights of others will be subjected to the full force and weight of the law.

NEED FOR FEDERAL LEGISLATION

Mr. President, criminal sanctions have traditionally fallen within the responsibility of the State governments except in those instance where a Federal interest is involved which requires

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Federal protection. Historically, Federal criminal sanctions have been imposed, in addition to any State criminal sanctions, for criminal conduct where important Federal rights are involved, where interstate criminal activity is involved or where there is a compelling need to establish uniform Federal sanctions. For example, Federal criminal sanctions for violation of civil rights were enacted during an era when certain regions of the Nation were unwilling to protect the rights of black citizens.

The circumstances warranting Federal remedies are clearly present in this situation.

First, the basic right involved—the right of individual women to obtain safe and legal abortion services—is a federally protected right, guaranteed by the Constitution of the United States. The Federal Government has a responsibility and obligation to help assure the protection of federally guaranteed rights.

Second, there is ample evidence to indicate that the assaults on these health clinics are being masterminded by organizations such as Operation Rescue which are interstate in nature and involve interstate conspiracies to interfere with the exercise of constitutionally guaranteed rights by individual women.

Third, although many State and local law enforcement officials have been very courageous and vigorous in their efforts to protect the women and staff of these health facilities, there have been other instances where local government officials have refused to enforce the law against those engaged in clinic violence. For example, in January of this year, the sheriff of Nueces County, TX, told the Corpus Christi Times that he "would not stop pro-life demonstrators from blocking abortion clinics" or "take any action that would assist people to get into a place where abortions were going to be performed." Unfortunately, in some instances, individuals who have been found guilty of violating State trespass statutes—generally misdemeanor statutes—have been given token sentences.

In the case in Monterey County, CA, which I described earlier, the individuals convicted by a jury of holding five patients and six clinic staff members hostage for 6 hours were given $200 fines and 40 hours of community service as punishment. These minimal penalties were imposed after a 3-month trial in the municipal court where the judge allowed the defendants to conduct extensive debate over whether a health facility providing abortion services was a lawful business activity and permitted the defendants to engage in extensive discovery to ascertain the home addresses of the health facility employees—information that could easily be used for further harassment and intimidation of these employees.

Last December, despite the Los Angeles city attorney's recommendation for a 30-day sentence, individuals convicted by a jury for trespassing at a family planning clinic were given their choice of 5 days in the county jail or 10 days of community service by a judge who reprimanded the prosecuting attorney for making public the recommendation for a tougher sentence. The district attorney's office subsequently expressed the justifiable concern that the 5-day sentence would not deter the protesters from illegally blockading clinics in the future.

In other States, $25 fines and suspended jail sentences have been reported.

This legislation would guarantee that punishment commensurate with the offense is actually imposed. Under the newly issued Federal sentencing guidelines, repeat offenders and those who use physical force to impose their views on others will be subjected to the full force of the law. For example, the guidelines released November 1, 1989, provide for increased penalties where a victim is physically restrained in the course of the offense, where the defendant was an organizer or leader for a criminal activity that involved five or more participants or where the defendant had a record of prior offenses. Thus, under the objective sentencing criteria outlined in the U.S. Sentencing Commission Guidelines Manual, the likelihood that these individuals will get minimal sentences is greatly diminished.

Additionally, establishing a specific offense related to interfering physically with access to a health facility avoids some problems that have arisen under state trespass statutes. In some States, basic trespass laws have not been totally effective in dealing with clinic blockades that occur in rented buildings or multitenant facilities where the actual blockade does not occur on the property of the clinic, but rather in common areas like lobbies and stairways.

Finally, Mr. President, with regard to the appropriateness of a Federal criminal statute in this area, I would note that last fall, the Senate unanimously passed legislation, S. 727, aimed at protecting animal research health facilities from animal rights advocates who engage in illegal activities against such facilities. That legislation would impose a Federal penalty of imprisonment of not more than 1 year or a fine of not more than $5,000 or both for committing certain acts against such facilities. Legislation has also been introduced, S. 1330, to impose similar Federal criminal penalties against individuals who commit illegal acts against farm animal facilities. If there is a basis for such Federal legislation involving violence by animal rights advocates, a far stronger case can obviously be made where the constitutionally guaranteed rights of women to have access to health facilities which provide safe and legal abortions are involved.

STRONG CRIMINAL SANCTIONS WORK

Mr. President, some may suggest that because of the emotional nature of the issues involved, imposing tough criminal penalties upon those who use physical force in clinic blockades will have little impact. The facts show exactly the opposite. In those jurisdictions where these individuals have been subjected to stiff sentences and heavy fines, the violence and unlawful conduct have diminished.

A few weeks ago, after spending a month behind bars, two Florida antichoice activists announced that they would comply with the terms of a probation order and do their protesting off the clinic property in the future. The local organizer for Operation Rescue also announced that the tough sentences had led other activists to curtail their activities. In New York, where a Federal court has levied heavy fines against individuals and organizations for violating outstanding injunctions against blocking women from entering abortion and family planning clinics, potential lawbreakers have been deterred by the possibility of personal financial liability.

CLINIC VIOLENCE NOT LEGITIMATE FORM OF PROTEST

Mr. President, one thing should be made absolutely clear: Those who oppose abortion and family planning have every right to make their views known. Freedom of speech is a deeply cherished right protected by the first amendment to our Constitution. Those who oppose abortion are free to engage in peaceful demonstrations, to picket, to pass out literature, and to engage in political activities to articulate their views.

Abortion is a deeply emotional and divisive issue, and the passions on both sides often run deep and strong.

But those who oppose freedom of choice in matters relating to abortion cross the line between legitimate protest and criminal conduct when they physically prevent others from exercising their constitutional rights in this area.

Some have suggested an analogy between the antichoice protesters and the civil rights protesters of the 1960's. Antichoice protesters who go beyond peaceful protest and engage in violence, physical intimidation, and assault have little in common with those who sought to assert and protect constitutional freedom during the turbulent civil rights struggles of the sixties. An analogy can, however, be drawn between these violent protesters and the segregationists who barred black citizens from entering school house doors in a vicious and often violent effort to deny black Americans free exercise of their constitutional rights.

Mr. President, this legislation is carefully crafted to protect women and health providers from physical violence while recognizing the right of legitimate protest. It specifically excludes activities related to freedom of speech and peaceful protest. The legislation enacted last year in Maryland which this bill is patterned on enjoyed broad support from law enforcement officials, civil liberties organizations and the health community.

CONCLUSION

Mr. President, if we want the violence and physical intimidation to end, we need to send a very strong signal that it will not be tolerated. Those who engage in violence in seeking to deny women the right to exercise freedom of choice and seek to intimidate physically health providers who make safe and legal abortions available to those women need to know that they will be subject to the full force of the law if they undertake this kind of unlawful and violent activity. I hope that members of all perspectives on the issue of abortion will support this measure which is aimed solely at those individuals and organizations who step beyond the boundaries of peaceful protest and engage in physical violence and intimidation.

I ask unanimous consent that the text of the bill be printed in the RECORD at the conclusion of my remarks along with a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2321

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Guarantee of Free Access to Medical Facilities Act of 1990".

SEC. 2. OFFENSE.

Chapter 13 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 248. Interference with access to or egress from a medical facility

"(a) OFFENSE.—Any person who intentionally prevents an individual from entering or exiting a medical facility by physically—

"(1) detaining the individual; or

"(2) obstructing, impeding, or hindering the individual's passage,

shall be guilty of a class E felony.

"(b) DEFINITIONS.—As used in this section—

"(1) the term 'physically' does not enclude speech;

"(2) the term 'medical facility' means an agency, clinic, or office operated under the direction of a State or the local health officer or the regulatory authority of a State or local department of health and mental hygiene; and

"(3) the term 'person' does not include—

"(A) the Chief Executive Officer of the medical facility;

"(B) a designee of the Chief Executive Officer of the medical facility;

"(C) an agent of the medical facility; or

"(D) a law enforcement officer.".

SEC. 3. CHAPTER ANALYSIS.

The chapter analysis for chapter 13 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"248. Interference with access to or egress from a medical facility.".

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act may be cited as the Guarantee of Free Access to Medical Facilities Act of 1990.

Section 2 amends title 18 of the United States Code by adding a new offense for interfering with access to or egress from a medical facility. The new provision provides that any person who intentionally prevents an individual from entering or exiting a medical facility by physically detaining the individual or obstructing, impeding or hindering the individual's passage shall be guilty of a class E felony.

Section 2 further provides that the term "physically" does not include speech and that "medical facility" includes both agencies, clinics and offices operated under the direction of a State or local health officer or pursuant to the regulatory authority of a state or local department of health and mental hygiene. Thus, any facility permitted under state or local law or licensing authority to provide health services, including a physican's office, would be covered under this statute.

Finally, the statute provides that the term person does not include the chief executive officer of the facility or a designee or agent of the facility or a law enforcement officer. In other words, it would not be a violation of the statute for such a person to prevent someone from entering or exiting the facility. A law enforcement officer would mean an individual acting in his or her official capacity.

Section 3 amends the chapter analysis for chapter 13 of title 18, United States Code, to include a reference to the new provision.

By Mr. CHAFEE:

S. 2322. A bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States, to establish a Commission to study the impact of the antitrust laws on the competitiveness of U.S. industries, and for other purposes; to the Committee on the Judiciary.

NATIONAL COOPERATIVE RESEARCH ACT EXTENSION

● Mr. CHAFEE. Mr. President, America today finds itself at an important juncture of defining its role in the global marketplace. The ability of domestic companies to compete with European and Japanese rivals, especially in technically sophisticated industries, is a subject of the highest national importance. A cursory glance at the business section of virtually any newspaper starkly reveals the challenges we face in the international economic field.

For decades, our businesses were the world leaders in technology and innovation. In 1981, America's surplus in high technology exports over imports exceeded $26 billion. Alarmingly, that surplus had become a $2.5 million deficit by 1988. It is critical that we restore this balance and regain our leadership position in high technology and innovative products. Failure to act now carries the risk of America becoming a second-tier industrial power by the year 2000.

Japanese producers of semiconductors have solidified their dominant position in this vital international industry. The United States steady decline in the semiconductor market over the past 9 years now raises concern within our Government that this country's commercial and military manufacturers are becoming too dependent on overseas suppliers for key parts.

There is alarm over the failure of the United States to gain a foothold in the new technology for high definition television [HDTV]. Already, America lags far behind Japan and Europe in developing HDTV technology. In addition, vast economic opportunities await successful competitors in the emerging fields of high temperature superconductivity and robotics.

The future success of U.S. firms in these markets is questionable today. American companies often face barriers that companies in our competitor nations do not. Some countries, notably Japan, offer direct government financial support to private industry in markets targeted for international dominance. Almost uniformly, companies in other nations do not face the antitrust restraints which confront U.S. firms.

Developing and marketing a new product involves both research and production. The costs of researching, developing, producing, and marketing technically sophisticated products, such as HDTV, semiconductors, or high temperature superconductors, often exceed the resources of any single firm. Intense coordination among companies in both the strategic and operational phases is required.

Existing antitrust laws in both Europe and Japan recognize that cooperation through interfirm alliance is beneficial to industry as well as to the consumer. It is time for our antitrust policies to reflect the changing global markets. We must sanction joint production ventures in those instances where competition will be preserved. The cooperative industrial activity that gives a competitive edge to America's foreign rivals is, for the most part, effectively denied to our own companies.

Today I am introducing a bill to reform existing antitrust laws to permit U.S. companies to create joint ventures for production. I believe this proposal will help American business in its efforts to compete more effec-

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tively against foreign companies in global markets.

Current antitrust laws needlessly inhibit joint production ventures. The legal standards for these alliances are not as clear or as friendly as they are for mergers. Under existing law, two American firms interested in the joint production of an expensive new product can not even discuss such a proposal without the looming threat of treble damage liability. In the case of a merger, however, current law provides far more friendly treatment, and certainty even if a merger between these two firms poses a risk of inhibiting competition.

Opponents of these proposals will argue, and it is true, that joint ventures for production are not illegal per se under U.S. antitrust laws. In fact, joint production ventures that are not anti-competitive may be formed under current law. But even in those instances where the partners in the venture are fairly certain that a joint venture does not violate the law, the risk of guessing wrongly is simply too great. The threat of treble damages and attorney's fees broadly inhibits the kinds of cooperative arrangements in the United States that flourish in Japan and Europe.

Congress recognized, in 1984, that the uncertainties of antitrust laws, and the potential for treble damage litigation were primary reasons for the failure of U.S. firms to enter into cooperative innovative research and development [R&D] arrangements. The resulting legislation, the National Cooperative Research Act of 1984, took significant steps in the direction of fostering joint R&D efforts domestically. However, this important legislation failed to offer protection to joint arrangements for production.

U.S. companies require assurance that a potential joint venture will not violate the antitrust laws. It is that assurance which my legislation provides.

This bill creates two alternative methods for receiving an exemption from the antitrust laws. The first alternative, a certification program, requires the parties in a prospective joint venture to file a detailed, written application with the Department of Justice and the Federal Trade Commission. These organizations in consultation with the Department of Commerce will review these applications to determine which ventures will be certified. The Department of Justice, the Federal Trade Commission, and the Department of Commerce must look at the position and potential market share of each venture in the global market to ensure it will not substantially limit competition.

Once sanctioned, the joint venture participants are relieved of all potential civil liability, save injunctive relief, for activities within the scope of the sanctioned proposal. Either the authorizing agency or a private plaintiff could thereafter seek review of the appropriateness of the joint venture, and if it is found to have outgrown its original charter and poses anticompetitive risks, a court could order its termination.

This alternative offers prospective joint ventures the protection they need from civil antitrust liability and offers the public protection from anticompetitive activities. This process is very similar to rules enacted in the Export Trading Company Act of 1982 to encourage American exports.

The second alternative offers joint production ventures a simple notification option. Under this approach, a joint venture would notify the Department of Justice and the Federal Trade Commission of the formation and purposes of the venture. This notification would prohibit a court from condemning the joint venture without first considering the competitive benefits that the venture might create. In addition, under this alternative, notification would protect the participants against the threat of treble damages. It would only allow recovery of actual damages and injunctive relief in the event of a successful suit.

This bill carefully preserves antitrust protections against any abuse of cooperative arrangements by providing protection—economic damages or injunctive relief—against anticompetitive conduct for consumers and business competitors. In addition, the notification or certification processes resolve the uncertainties in our antitrust laws which currently inhibit the information of joint ventures for production.

In short, this bill will help more American businesses enter important and lucrative new markets, and protect competition for consumers. By encouraging procompetitive joint ventures, this bill will open the door to U.S. participation in the manufacture of high technology products—the major staple of tomorrow's global market. Equally important, it will assist domestic industries now undergoing rapid techological changes.

In honor of the 100th anniversary of the Sherman Antitrust Act of 1890, this bill would also establish a commission to study the competitive aspects of our antitrust policies. This commission would be given the duty of examining our antitrust laws in light of the global economy. It would be required to develop proposals to revise these laws to eliminate the burdens they place on the competitiveness of U.S. companies.

The proposals in this legislation enjoy a broad range of support in business, legal, and academic circles. I invite my colleagues to join me in this effort to enhance America's role in the global economy.

Mr. President, I ask unanimous consent to have a one-page summary of the bill, a section-by-section analysis of the bill, and the bill itself printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL COOPERATIVE RESEARCH

SEC. 101. SHORT TITLE.

This title may be cited as the "National Cooperative Research Act Extension of 1990".

SEC. 102. JOINT MANUFACTURING VENTURES.

The National Cooperative Research Act of 1984 (15 U.S.C. 4301 et seq.) is amended—

(1) in section 2(a)(6) by—

(A) inserting "or manufacturing" after "development" the first place it appears;

(B) redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively;

(C) inserting the following new subparagraph between subparagraph (C) and subparagraph (E), as redesignated:

"(D) the manufacturing and processing of equipment and materials,";

(D) inserting "and manufacturing" after "research" in subparagraph (E); and

(E) inserting "(D), and (E)" after "(C)" in subparagraph (F), and inserting "and development or manufacturing," after "research," in the matter following subparagraph (F);

(2) in section 2(b) by—

(A) inserting "or manufacturing" after "development" the first place it appears;

(B) striking "conduct the research and development that is the" in paragraph (1) and inserting in lieu thereof "carry out the"; and

(C) inserting "or manufacturing" after "development" in subparagraph (3)(B);

(3) in section 3 by inserting "or manufacturing" after "development" the first place it appears, and by inserting "or product" the second place it appears;

(4) in section 4 by inserting "or manufacturing" after "development" each place it appears in subsections (a)(1), (b)(1), (c)(1), and (e);

(5) in section 5(a) by inserting "or manufacturing" after "development";

(6) in section 6 by inserting "OR MANUFACTURING" after "DEVELOPMENT" in the section heading;

(7) in section 6 by inserting "and any party to a joint manufacturing venture, acting on such venture's behalf, may, not later than 90 days after entering into a written agreement to form such venture or not later than 90 days after the date of enactment of the National Cooperative Research Act Extension of 1989, whichever is later," after "Act"; and

(8) in section 6 by inserting "or manufacturing" after "development" each place it appears in subsections (d)(2) and (e).

TITLE II—COOPERATIVE INNOVATION

SEC. 201. SHORT TITLE.

This title may be cited as the "National Cooperative Innovation and Commercialization Act of 1990".

SEC. 202. PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) technological innovation and its profitable commercialization are critical components of the United States ability to raise the living standards of Americans and to compete in world markets;

(2) cooperative arrangements among nonaffiliated firms in the private sector are often essential for successful technological innovation and commercialization;

(3) the antitrust laws tend to inhibit cooperative innovation arrangements because of uncertain legal standards and the threat of private treble damage litigation;

(4) cooperative innovation efforts present little or no threat to competition when cooperating firms lack substantial market power, or when cooperative activity takes place in industries experiencing rapid technological change;

(5) the uncertainty of substantive antitrust standards and the potential delays of antitrust litigation are especially troublesome in fast paced industries experiencing rapid technological change; and

(6) antitrust law should not treat mergers more favorably than more flexible, less permanent contractual and strategic relationships.

(b) Purpose.—It is the purpose of this title to promote innovation and profitable product commercialization, facilitate trade, and strengthen the competitiveness of United States based firms in world markets by clarifying the legal standards applicable to cooperative innovation arrangements and by establishing a procedure by which firms may seek approval for their cooperative innovation arrangements from an authorizing agency, in consultation with the Secretary of Commerce, and thereby obtain exemption from criminal antitrust actions or civil antitrust damage actions.

SEC. 203. DEFINITIONS.

(a) In General.—For the purposes of this title:

(1) The term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)) except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(2) The term "Attorney General" means the Attorney General of the United States.

(3) The term "Commission" means the Federal Trade Commission.

(4) The term "Secretary" means the Secretary of Commerce.

(5) The term "person" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(6) The term "State" has the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).

(7) The term "cooperative innovation arrangement" means any group of activities, including attempting to make, making, or performing a contract, by two or more persons for the purpose of—

(A) theoretical analysis, experimentation, or systematic study of phenomena or observable facts;

(B) the development or testing of basic engineering or management techniques;

(C) the extension of investigative findings or theory of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, prototypes, equipment, materials, and processes;

(D) the collection, exchange, and analysis of research information;

(E) manufacturing, producing, marketing, distributing, or otherwise commercializing products, processes, or information developed jointly through activities described in subparagraphs (A) through (D), or by one or more of the persons in the arrangement; or

(F) any combination of the purposes specified in subparagraphs (A), (B), (C), (D), and (E);

and may include the integration of existing facilities or the establishment and operation of new facilities for the conducting of cooperative work, the conducting of such venture on a protected and proprietary basis, and the prosecuting of applications for patents and the granting of licenses for the results of such venture.

(8) The term "market share" means the percentage of total market sales represented by a single market participant in a relevant market.

(9) The term "market power" means the ability to restrict output or increase prices above competitive levels in a relevant market.

(10) The term "market share index" means the total of the squares of the market shares of all actual competitors in a relevant market.

(11) The term "authorizing agency" means, in the case of a cooperative innovation arrangement with respect to which an application is filed under section 5, the Attorney General or the Commission, as jointly agreed upon by the Attorney General and the Commission not later than 5 days after such application is filed.

(b) Authority of Authorizing Agency.—The authorizing agency, after consultation with the Secretary, may by rule further define any term defined in subsection (a).

SEC. 204. INAPPLICABILITY OF THE PER SE STANDARD.

No cooperative innovation arrangement approved under this title by the authorizing agency shall be deemed illegal per se under the antitrust laws or under any State law similar to the antitrust laws.

SEC. 205. APPROVAL OF COOPERATIVE INNOVATION ARRANGEMENTS.

(a) Written Applications; Filing.—(1) Any party to a cooperative innovation arrangement, acting on such arrangement's behalf, may, not later than 90 days after entering into a written agreement forming such arrangement or not later than 90 days after the date of the enactment of this title, whichever is later, file simultaneously with the Attorney General, the Secretary, and the Commission a written application disclosing—

(A) the identities of the parties to the arrangement;

(B) the nature and objectives of the arrangement, including a description of procompetitive benefits and efficiencies to be achieved by the arrangement;

(C) the current market shares, in all relevant markets, of all parties to the arrangement;

(D) the estimated or predicted market share, in all relevant markets, of the arrangement, and the basis for the estimate or prediction (including an estimate of the effect of potential competitors on current or future market shares);

(E) the estimated concentration of all relevant markets, expressed in terms of the market share index; or, if market shares of the participants in a relevant market cannot be measured by reasonably obtainable data, then in terms of the number of firms (including the arrangement) currently participating in each relevant market that are capable, alone or cooperatively, of engaging in the type and scope of innovation and commercialization proposed by the applicant; and

(F) the estimated or anticipated duration of the arrangement.

(2) Within thirty days after an application submitted under paragraph (1) is received by the authorizing agency, the authorizing agency shall publish in the Federal Register a notice that announces that an application has been submitted, identifies each person submitting the application, and describes the cooperative innovation arrangement for which the application is submitted, subject to the limitations specified in subsection (g).

(3) Within thirty days after the date of publication of the application in the Federal Register by the authorizing agency, the Secretary shall review the application and make separate formal recommendations to the authorizing agency.

(b) Approval of Applications; Filing.—(1) The authorizing agency shall approve an application filed under subsection (a) if such agency determines in consultation with the Secretary—

(A) that the arrangement will not possess substantial market power in any relevant market; and

(B) that the duration of the arrangement will not exceed limits reasonably required to accomplish the objective of the arrangement, and in any event will not exceed seventeen years.

(2) With respect to a cooperative innovation arrangement that does not include marketing, distributing, or otherwise commercializing any product, the authorizing agency may approve an application filed under subsection (a) if such agency determines, in consultation with the Secretary, that, notwithstanding a conclusion that the arrangement may possess substantial market power in a relevant market—

(A) the arrangement is reasonable, because the procompetitive benefits outweigh any anticompetitive harms, as determined under paragraph (5); and

(B) the scope and duration of the arrangement will not exceed limits reasonably required to accomplish the objective of the arrangement, and in any event will not exceed seventeen years.

(3) For the purposes of this section, a cooperative innovation arrangement shall not be held to possess substantial market power in a relevant market if—

(A) the market share index of the relevant market (including in that market, as a single firm, the cooperative innovation arrangement) neither is, nor imminently threatens to become, greater than 1800;

(B) the formation of the arrangement neither increases nor imminently threatens to increase, the market share index of such market by more than 50; or

(C)(i) the market shares of the firms in such market cannot be measured by reasonably obtainable data; and

(ii) there are at least five firms (including the cooperative innovation arrangement) currently participating in each relevant market that are capable, alone or cooperatively, of engaging in the type and scope of activity undertaken by the cooperative innovation arrangement in such market.

The fact of the failure of an applicant to qualify under subparagraphs (A), (B), or (C) shall not be evidence that the arrangement does possess market power, nor shall the fact of such a failure be admissible in any action concerning the legality of the cooper-

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ative innovation arrangement other than a review of the agency action under subsection (i).

(4) For purposes of this section, the authorizing agency, in consultation with the Secretary, shall comply with all of the following requirements for purposes of defining relevant markets:

(A) Relevant markets shall be defined in a manner that reflects commercial realities and takes into consideration know-how markets and product markets.

(B) Relevant markets shall be defined in a manner that takes into account actual and potential competitors, both foreign and domestic, who, either alone or cooperatively, are capable of engaging in a timely manner in similar innovation and commercialization efforts.

(C) Relevant markets shall be drawn with sensitivity to product features and performance characteristics, in addition to price elasticities.

(D) Relevant markets involving innovation are presumed to be global, unless evidence demonstrates the appropriateness of a more narrow market.

(5) For the purposes of this section, the authorizing agency, in consultation with the Secretary, shall, in determining whether a cooperative innovation arrangement is reasonable, consider the following factors—

(A) the degree of market power possessed by the arrangement;

(B) whether the arrangement will harm competition and consumers by reducing output or increasing prices of products in a relevant market;

(C) whether the arrangement will produce procompetitive benefits and efficiencies, and whether there is a logical relationship between specific contractual provisions contained in the arrangement and the achievement of such benefits and efficiencies, evidence of which may include, but is not limited to, a demonstration—

(i) that the innovation sought by the arrangement will, if achieved, be inadequately protected under the patent, trade secret, or other intellectual property laws, and that specific contractual restraints are necessary in order to secure appropriability and prevent free-riding and opportunistic behavior;

(ii) that the innovation sought by the arrangement is of such a character or magnitude that the arrangement will help achieve the economies of scale and scope necessary to mount a successful research and commercialization effort;

(iii) that successful innovation sought by the arrangement will be aided by cooperative or integrated commercialization, including specific contractual restraints;

(iv) that the arrangement will compete in a market or markets that are characterized by rapid technological change; or

(v) that the innovation sought by the arrangement will compete with other technologies in an early stage of competition for particular products or processes;

(D) whether such procompetitive benefits and efficiencies could be achieved—

(i) by an existing firm or viable combination of firms with substantially less market power than that exercised by the arrangement in any relevant market; or

(ii) by the parties to the arrangement in a substantially less restrictive manner; and

(E) whether the existence of potential competitors in any relevant market in which the arrangement possesses substantial market power precludes potential anticompetitive effects that might otherwise be inferred from such market power.

(6) If the authorizing agency, in consultation with the Secretary, determines that approval is unwarranted under paragraphs (1) and (2), such agency may either deny approval or grant an approval conditioned on modification of the terms, scope, membership, or duration of the arrangement.

(7) The authorizing agency may, to assist in making any determination required by this subsection, hold, after publishing appropriate notice in the Federal Register, a hearing at which the applicant and other affected persons may present evidence pertinent to the determination in question.

(c) PUBLICATION; EFFECTIVE DATE OF APPROVAL.—(1) Except as provided in subsection (h), not later than 60 days after receiving an application filed under subsection (a) or (f), the authorizing agency shall publish in the Federal Register a statement of the approval, approval upon conditions, or denial of the application, and its reasons therefor. Prior to its publication, the contents of such notice shall be made available to the parties to the arrangement. If the application is approved under subsection (b)(2) or (b)(6), such notice shall also include a description of the terms of the approval and a description of the activities and conduct within the scope of the approval.

(2) The authorizing agency may, prior to the expiration of the 60-day period specified in paragraph (1), require the submission of additional information or documentary material relevant to consideration of the factors set forth in subsection (b). If such information or material is requested, the period after which such agency must publish notice of approval or denial of the application shall be extended to 30 days following the date of full submission of such material.

(3) Approval of applications filed under subsection (a) or (f) shall take effect 30 days after notice is published under paragraph (1) or (2), except as specified in paragraph (4).

(4) If subjected to acceptance of conditions imposed by the authorizing agency under subsection (b)(6) or judicial review under subsection (i), approval of applications filed under subsection (a) or (f) shall take effect on the date on which all parties to the cooperative innovation arrangement submit to the court or the authorizing agency, whichever is imposing the conditions, a statement of their acceptance of all modifications required by the authorizing agency or the court.

(d) EFFECT OF AUTHORIZING AGENCY'S APPROVAL.—Except as provided in section 6, no damages, interest on damages, costs, or attorney's fees may be recovered in any criminal or civil action based in whole or in part on conduct within the scope of a cooperative innovation arrangement approved by the authorizing agency (as upheld or modified by the court under subsection (i)) under the antitrust laws, or any State laws similar to the antitrust laws, if such approval was in effect at the time of the conduct. The remedy of injunctive relief available under section 16 of the Clayton Act (15 U.S.C. 26) shall be available in such criminal or civil action.

(e) REVOCATION.—(1) At any time during which an approval granted by the authorizing agency is in effect, the authorizing agency, on its own initiative or after receiving complaints from the public, may investigate and review whether the approved cooperative innovation arrangement or any part thereof remains within the scope of and standards for approval under subsection (b). The review performed by the authorizing agency need not be formal or include a hearing. If a hearing is held as part of such review, then such review shall be deemed to be required on the record by statute for purposes of subchapter II of chapter 5 of title 5 of the United States Code.

(2) The authorizing agency shall revoke an approval granted under subsection (b) only—

(A) after consultation with the Secretary; and

(B) if such agency determines that the cooperative innovation arrangement in question, or any part thereof, has become unreasonable, as determined under subsection (b)(5), and

(C) after notifying the parties to the cooperative innovation arrangement in question, providing such parties with a reasonable opportunity to present evidence relevant to the determinations made under subparagraph (B), and determining that such evidence fails to eliminate all grounds for revocation.

(3) If a revocation is ordered under paragraph (2), the authorizing agency shall publish notice in the Federal Register of the revocation, including a statement of reasons therefor. Prior to publication of any notice published under this subsection, the contents of such notice shall be made available to the parties to the cooperative innovation arrangement in question.

(4) Revocations granted under paragraph (2) shall take effect 30 days after notice is published, except as subjected to judicial review under subsection (i). If subjected to judicial review, revocation shall take effect on the date on which a final judgment upholding such revocation is announced.

(f) DURATION OF APPROVAL; APPLICATIONS FOR RENEWAL.—The approval of cooperative innovation arrangements under this section shall, unless revoked pursuant to subsection (e), remain in effect for seventeen years, or a lesser term specified by the authorizing agency or a reviewing court, at the conclusion of which any party to such arrangement may submit an application for renewal. The application shall provide the then current information required under subsection (a) and shall be approved or denied pursuant to the procedure set forth in subsections (b) and (c).

(g) EXEMPTION; DISCLOSURE; INFORMATION.—(1) Information submitted by any person in connection with applications for approval or petitions for revocation shall be exempt from disclosure under section 552 of title 5, United States Code.

(2) No officer or employee of the United States shall disclose financial, commercial, or technical information submitted in connection with applications for approval or petitions for revocation if the information is propriety or subject to privilege as provided in the Federal Rules of Evidence and if disclosure of the information would cause harm to the person who submitted the information.

(3) Paragraph (2) shall not apply with respect to information disclosed—

(A) upon a request made by the Congress or any committee of the Congress subject to appropriate protective orders;

(B) in a judicial or administrative proceeding, subject to appropriate protective orders;

(C) with the consent of the person who submitted the information;

(D) in accordance with any requirement imposed by any law of the United States, other than section 552 of title 5, United States Code; or

(E) in accordance with any rule promulgated under subsection (k) permitting the disclosure of the information to an agency of the United States on the condition that the agency will disclose the information only under the circumstances specified in subparagraphs (A) through (D).

(h) Withdrawal of Applications.—Any person who files an application under this section may withdraw such application before notice of approval or denial of the application is published under subsection (c). Any application so withdrawn shall not confer the protections of subsection (d) on any person with respect to whom such application was filed.

(i) Judicial Review of Action by Authorizing Agency.—(1) If the authorizing agency approves or denies any application filed under this section, or revokes or refuses to revoke a previously ordered approval, any person aggrieved by such action may, within 30 days of publication of notice announcing such action, obtain a review of the action in the court of appeals of the United States for the circuit wherein such person resides or has its principal place of business, by filing in such court a written petition asking that the action of the authorizing agency be modified or set aside.

(2) If, in any such suit, the court finds that the action of the authorizing agency is unsupported by substantial evidence on the record considered as a whole, the court shall modify such action to bring it into compliance with the requirements of this section, unless doing so would materially alter the scope or structure of the cooperative innovation arrangement in question. The record on review shall consist of all evidence considered by the agency, whether that evidence was introduced by any party or collected by the agency. The court shall issue protective orders with respect to such evidence as appropriate.

(3) Rules promulgated by the authorizing agency under subsection (k) shall be subject to the requirements set forth under chapters 5 and 7 of title 5, United States Code.

(4) Except as specified under paragraphs (1), (2), and (3), no action by the authorizing agency pursuant to this section shall be subject to judicial review.

(j) Admissibility Into Evidence.—No action by the authorizing agency or the Secretary taken pursuant to this section shall be admissible into evidence in any judicial or administrative proceeding for the purpose of supporting or answering any claim under the antitrust laws or under any State law similar to the antitrust laws except for the purpose of establishing that a person is entitled to the protections of subsection (d).

(k) Rulemaking.—The authorizing agency, in consultation with the Secretary, shall promulgate such rules as are necessary to implement the requirements of this section.

SEC. 206. ATTORNEY'S FEES.

Notwithstanding sections 4, 4C, and 16 of the Clayton Act, in any claim under the antitrust laws, or any State law similar to the antitrust laws, based on conduct that results from any approved cooperative innovation arrangement, the court shall, at the conclusion of the action, award to the substantially prevailing party the cost of litigation of such claim, including a reasonable attorney's fee. In the interest of justice, the award may be reduced or withheld and may be reduced by an award in favor of any other party for any of the costs of litigation of such claim, including a reasonable attorney's fee.

SEC. 207. EFFECT ON NATIONAL COOPERATIVE RESEARCH ACT OF 1984.

This title shall not be construed to repeal, supersede, or modify the National Cooperative Research Act of 1984.

TITLE III—CENTENNIAL COMMISSION ON THE SHERMAN ACT

SEC. 301. SHORT TITLE.

This title may be cited as the "Centennial Commission on the Sherman Antitrust Act of 1890".

SEC. 302. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) efforts to reverse the decline of United States industry has been hindered by—

(A) a serious erosion in the institutions and policies which foster United States competitiveness including a lack of high quality domestic and international economic and scientific data needed to—

(i) reveal sectoral strengths and weaknesses;

(ii) identify potential new markets and future technological and economic trends; and

(iii) provide necessary information regarding the competitive strategies of foreign competitors;

(B) the lack of a coherent and consistent government competitiveness policy, including policies with respect to—

(i) international trade, finance, and investment,

(ii) research, science, and technology,

(iii) education, labor retraining, and adjustment,

(iv) macroeconomic and budgetary issues,

(v) antitrust and regulation, and

(vi) government procurement;

(2) the United States economy benefits when business, labor, government, academia, and public interest groups work together cooperatively;

(3) the decline of United States economic competitiveness endangers the ability of the United States to maintain the defense industrial base which is necessary to the national security of the United States;

(4) the world is moving rapidly toward the creation of an integrated and interdependent economy, a world economy in which the policies of one nation have a major impact on other nations;

(5) integrated solutions to such issues as trade and investment research, science, and technology, education, and labor retraining and adjustments help the United States compete more effectively in the world economy; and

(6) government, business, labor, academia, and public interest groups shall cooperate to develop and coordinate long-range strategies to help assure the international competitiveness of the United States economy.

(b) Purpose.—It is the purpose of this title—

(1) to develop recommendations for long-range strategies for promoting the international competitiveness of the United States industries; and

(2) to establish the Centennial Commission on the Sherman Antitrust Act of 1890, which shall—

(A) analyze information regarding the effects of antitrust laws and regulations on the competitiveness of United States industries;

(B) create an institutional forum where national leaders with experience and background in business, and the antitrust laws shall—

(i) identify antitrust laws inhibiting the competitiveness of United States agriculture, business, and industry;

(ii) develop long-term strategies to address such problem; and

(C) make recommendations on issues crucial to the development of coordinated competitiveness strategies in the antitrust area.

SEC. 303. COMMISSION ESTABLISHED.

There is established the Centennial Commission on the Sherman Antitrust Act of 1890 (hereafter in this title referred to as the "Commission"), an advisory committee under the provisions of the Federal Advisory Committee Act.

SEC. 304. DUTIES OF THE COMMISSION.

The Commission shall—

(1) develop recommendations for specific proposals to enhance the productivity and international competitiveness of United States industry through the antitrust laws;

(2) through any existing comment procedure, and when appropriate, provide comments on—

(A) private sector requests for relief from the antitrust laws, specifically as to whether the applicant is likely, by receiving the relief, to become internationally competitive, and

(B) what actions should be taken by the applicant as a condition to receive such relief in order to ensure that the applicant is likely to become internationally competitive without creating an anticompetitive atmosphere within the United States;

(3) create a forum where national leaders with experience and background in business, labor, academia, and Government shall identify and develop recommendations to address problems in our antitrust laws affecting the competitiveness of United States industries;

(4) provide policy recommendations to the Congress, the President, and the Department of Justice regarding specific issues concerning antitrust and competitiveness; and

(5) publish and distribute the analysis and recommendations of the Commission in a report to the President and the Congress.

SEC. 305. MEMBERSHIP.

(a) Composition and Representation.—

(1) The Commission shall consist of 9 members, of whom—

(A) one member shall be appointed by the President;

(B) four members shall be appointed by the majority leader and the minority leader of the Senate, acting jointly, of whom—

(i) one shall be a national leader with experience or background in business;

(ii) one shall be a national leader with experience and background in the labor community;

(iii) one shall be a national leader with experience and background in the academic community; and

(iv) one shall be a representative of State or local government; and

(C) four members shall be appointed by the Speaker of the House of Representatives and the minority leader of the House of Representatives, acting jointly, of whom—

(i) one shall be a national leader with experience and background in business;

(ii) one shall be a national leader with experience and background in the labor community;

(iii) one shall be a national leader with experience and background in the academic community; and

(iv) one shall be a representative of State or local government.

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(2) Federal officials may participate on an ex-officio basis as requested by the Commission.

(3) All members of the Commission shall be individuals who have a broad understanding of the United States economy and the United States competitive position internationally.

(4) Not more than 5 members of the Commission shall be members of the same political party.

(b) Initial Appointments.—The initial members of the Commission shall be appointed not later than 60 days after the date of enactment of this title.

(c) Vacancies.—

(1) A vacancy on the Commission shall be filled in the same manner in which the original appointment was made.

(2) Any member appointed to fill a vacancy on the Commission occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term.

(3) A member of the Commission may serve after the expiration of the term of such member until the successor of such member has taken office.

(d) Removal.—Members of the Commission may be removed only for malfeasance in office.

(e) Conflict of Interest.—

(1) A member of the Commission may not serve as an agent for a foreign principal.

(2) Members of the Commission shall be required to file a financial disclosure report under title II of the Ethics in Government Act of 1978 (Public Law 95-521), except that such reports shall be held confidential and exempt from any law otherwise requiring their public disclosure.

(3) Members of the Commission shall be deemed to be special Government employees, as defined in section 202 of title 18, United States Code, for purposes of sections 201, 202, 203, 205, and 208 of such title.

(f) Compensation.—

(1) Each member of the Commission who is not employed by the Federal Government or any State or local government—

(A) shall be compensated at a rate equal to the daily equivalent of the rate for GS-18 of the General Schedule pursuant to section 5332 of title 5, United States Code, for each day such member is engaged in duties as a member of the Commission; and

(B) shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from the usual place of residence of such member, in accordance with section 5703 of such title 5.

(2) Each member of the Commission who is employed by the Federal Government or any State or local government shall serve on the Commission without additional compensation, but while engaged in duties as a member of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from the usual place of residence of such member, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(g) Quorum.—

(1) In general.—Seven members of the Commission constitute a quorum, except that a lesser number may hold hearings if such action is approved by a two-thirds vote of the entire Commission.

(2) Initial organization.—The Commission shall not commence its duties until all the nongovernmental members have been appointed and have qualified.

(h) Chairperson.—The member appointed by the President pursuant to section 305 shall be the chairperson.

(i) Meetings.—The Commission shall meet at the call of the chairperson or a majority of the members.

(j) Policy Actions.—Except as provided in subsection (g), no action establishing policy shall be taken by the Commission unless approved by two-thirds of the entire membership of the Commission.

(k) Alternate Members.—

(1) Each member of the Commission shall designate one alternate representative to attend any meeting that such member is unable to attend.

(2) In the course of attending any such meeting, an alternate representative shall be considered a member of the Commission for all purposes, except for voting.

(l) Experts and Consultants.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS-16 of the General Schedule.

(m) Details.—Upon request of the Commission, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this title.

SEC. 306. EXECUTIVE DIRECTOR AND STAFF.

(a) Executive Director.—

(1) The principal administrative officer of the Commission shall be an Executive Director, who shall be appointed by the Commission and shall be paid at a rate not to exceed GS-18 of the General Schedule.

(2) The Executive Director shall serve on a full-time basis.

(b) Staff.—(1) Within the limitations of appropriations to the Commission, the Executive Director may appoint a staff for the Commission in accordance with the Federal civil service and classification laws.

(2) The staff of the Commission shall be deemed to be special government employees as defined in section 202 of title 18, United States Code, for purposes of title II of the Ethics in Government Act of 1978 and sections 201, 202, 203, 205, 207, and 208 of title 18, United States Code.

SEC. 307. POWERS OF THE COMMISSION.

(a) Hearings.—The Commission may, for the purpose of carrying out the provisions of this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(b) Information.—

(1)(A) Except as provided in subparagraph (B), the Commission may secure directly from any Federal agency information necessary to enable the Commission to carry out the provisions of this title. Upon request of the chairman of the Commission, the head of such agency shall promptly furnish such information to the Commission.

(B) Subparagraph (A) does not apply to matters that are specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and are in fact properly classified pursuant to such Executive order.

(2) In any case in which the Commission receives any information from a Federal agency, the Commission shall not disclose such information to the public unless such agency is authorized to disclose such information pursuant to Federal law.

(d) Consultation With the President and the Congress.—No later than 60 days after the initial members are appointed to the Commission, the Commission shall submit a report to the President, the Senate Governmental Affairs Committee, and the appropriate committees of the House of Representatives and of the Senate, that proposes the type and scope of activities the Commission shall undertake, including the extent to which the Commission will coordinate activities with other advisory committees relating to trade and competitiveness in order to maximize the effectiveness of the Commission.

(e) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) Use of the Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(g) Administrative and Support Services.—The Administrator of General Services shall provide to the Commission, on a reimbursable basis, such administrative and support services as the Commission may request.

(h) Applicability of Advisory Committee Act.—The provisions of subsections (e) and (f) of section 10, of the Federal Advisory Committee Act shall not apply to the Commission.

SEC. 308. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, not to exceed $1,250,000 for fiscal year 1990, $3,750,000 for fiscal year 1991.

SEC. 309. DEFINITIONS.

For purposes of this title—

(1) the term "Commission" means the Centennial Commission on the Sherman Antitrust Act of 1890, established under section 303;

(2) the term "member" means a member of the Centennial Commission on the Sherman Antitrust Act of 1890;

(3) the term "United States" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States; and

(4) the term "agent of a foreign principal" is defined as such term is defined under subsection (d) of the first section of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611) subject to the provisions of section 3 of such Act (22 U.S.C. 613).

Outline of Antitrust Proposal

I. EXPANSION OF THE NATIONAL COOPERATION RESEARCH ACT OF 1984

This Act would be expanded to make it clear that it was not an automatic antitrust violation if two or more companies combined for specified purposes in the areas of research and development, manufacturing, or marketing. These joint ventures would be subject to a rule of reasonableness standard, taking into account all relevant factors affecting competition. In addition, the Act exempts these joint ventures from treble ventures and only subject them to actual damages, if the joint venture had properly notified the Justice Department and the Federal Trade Commission of the formation and purposes of the venture.

II. ADOPT NEW CERTIFICATION AND EXEMPTION PROCESS

This proposal would adopt a new regulatory procedure for approving joint ventures in the areas of research and development, manufacturing, and marketing. A joint venture that is certified under this procedure by the Justice Department and the Federal Trade Commission would be exempt from the per se standard of automatic antitrust violations. In addition, this procedure would exempt the joint venture from all liability for damages under the antitrust statutes. A competitor of the joint venture could receive damages, if the venture is guilty of willful violation of the rule of reasonable standard or the purposes of the venture outlined in the certification process. All joint ventures would continue to be subject to civil action for injunctive relief from the exemption.

III. DEVELOP A COMMISSION TO STUDY COMPETITIVE ASPECTS OF ANTITRUST LAWS

To commemorate the 100th anniversary of the Sherman Antitrust Act of 1890, a nine member commission would be formed to study the competitive aspects of the antitrust laws. The President would appoint the Chairman of the Commission and the Speaker of the House, the Minority Leader of the House, the Majority Leader of the Senate, and the Minority Leader of the Senate, would each appoint two members of the Commission. the commission would prepare a report on how these laws could be revised to eliminate any burden on the competitiveness of U.S. companies. In addition, the study would examine the effects of the National Cooperation Research Act of 1984 and the changes made in this proposal on the competitiveness of American companies.

SECTION-BY-SECTION SUMMARY OF THE BILL ON ANTITRUST REFORM

TITLE I—NATIONAL COOPERATIVE RESEARCH

Section 101 gives the short title.

Section 102 expands the scope of the National Cooperative Research Act of 1984 by extending the application of the exceptions to joint manufacturing ventures.

TITLE II—COOPERATIVE INNOVATION

Section 201 gives the short title.

Section 202 provides the Congressional findings that technical innovation is important to the country and necessary cooperation among American companies is often hindered by the stringent antitrust laws. The relaxation of these laws would not pose a threat to competition, if confined to firms in swiftly innovating technological areas or cooperating firms that do not control substantial parts of their market. The purpose of the Act is to clarify legal standards relating to cooperative ventures and to establish a procedure to pre-approve cooperative ventures to exempt them from prosecution.

Section 203 defines the specific terms utilized in this title.

Section 204 exempts approved joint ventures from the application of the per se standard of the antitrust laws.

Section 205 provides the approval process for Cooperative Innovation Arrangements. Within 90 days after entering into an agreement, parties must file a written application detailing the arrangement and its proposed effects upon the market. By 30 days after the filing of the application the authorizing agency shall publish a notice in the Federal Register announcing the agreement, describing it and naming the parties involved. Within 30 days after the publication in the Federal Register, the Secretary shall review the application and make recommendations to the authorizing agency. The application shall be approved if the authorizing agency determines that the agreement will not possess substantial market power and if its duration is reasonable or does not exceed 17 years.

An agreement that does not include marketing, distributing or commercializing a product in any way, even if it does command substantial market power, may be approved if procompetitive benefits outweigh anticompetitive harms, and if the duration is reasonable. Procompetitiveness is established if the innovation would be adequately protected, if it is of a magnitude that would be able to achieve eventual commercialization, if the innovation would be followed by cooperative commercialization, if that arrangement would compete in a market of rapid change and if it would compete with other technologies.

The authorizing agency must consult the following standards in defining relevant markets: they should reflect commercial reality, they should take into account both actual and potential competitors (both foreign and domestic), they should be sensitive to product features and, unless shown otherwise, they should be global. In determining the reasonableness of the arrangement, the authorizing agency must consider the degree of market power, if the arrangement will hurt competition and if the arrangement will be procompetitive.

The agency shall also determine if procompetitive benefits could be achieved by an existing firm with less market share or by the parties of the arrangement and if the existence of potential competitors precludes potential anticompetitive efforts. If the agency decides against approval, it must deny it completely. The agency may change the rules if they notify through the Federal Register.

After granting approval, the authorizing agent may require additional information. The effect of the agency's approval is to remove potential recovery costs from federal or state antitrust laws. The agency retains the right to revoke any of the priyeleges, but shall revoke approval only after consulting with the Secretary, determining that the arrangement is unreasonable and notifying the parties involved. Notice of a revocation will appear in the Federal Register.

Any information submitted to the agency by an individual is exempt from disclosure. No government employee can disclose information pertaining to an application unless it is requested by Congress, part of a judicial proceeding, with the consent of the parties, required by law, or required by government agency.

Applicants have the right to a review by the U.S. Court of Appeals of the decision within 30 days of the decision. The judicial body may modify the decision of the agency if it feels that it is unsound. No action by the Secretary or authorizing agency may be taken into account in this appeal process.

Section 206 provides that the cost of litigation shall be awarded to the prevailing party, including the attorney's fee.

Section 207 provides that this subtitle shall not be construed to repeal the National Cooperative Research Act of 1984.

TITLE III: CENTENNIAL COMMISSION ON THE SHERMAN ACT

Section 301 gives the short title.

Section 302 provides the Congressional findings and purpose for this title. The effort to reverse the decline of United States industry has been hindered by the erosion of its competitive institutions and the lack of a comprehensive competitiveness policy. A cooperative effort by business, labor, government, academia and interest groups is beneficial in establishing and implementing public policy finding integrated solutions to issues related to trade, investment research and technology. This commission shall analyze the effects of our antitrust laws on international trade, create a forum for exchanging ideas and opinions and make recommendations aimed at improving competitiveness.

Section 303 establishes the "Sherman" Commission as an advisory body.

Section 304 defines the duties of the Commission to develop recommendations to enhance productivity and competitiveness, to create a forum for national leaders to voice their opinions and to publish a report of their findings.

Section 305 provides that the commission shall have 9 members; one appointed by the President, four by the majority and minority leaders of the Senate and four by the Speaker and minority leader of the House. Those appointed by the Senate and House leadership are to be from the areas of business, labor, academia and state or local government. They are to be economic experts, not more than five of whom belong to the same political party. Initial members shall be appointed within 60 days of the date of enactment.

Seven members of the Commission constitute a quorum but a lesser number may hold hearings with the approval of two-thirds of the membership. The member appointed by the President is to be the Chairperson.

Section 306 establishes the position of Executive director and authorizes this director to appoint a staff.

Section 307 defines the powers of the Commission to allow it to hold hearings at its own discretion, administer oaths, and secure imformation from federal agencies. Within 60 days of appointment, the Commission must submit a report to the President and to Congress, outlining the type and scope of activities that the Commission plans to undertake.

Section 308 authorizes appropriations for the Commission not to exceed $1,250,000 for fiscal years 1990 and $3,750,000 for fiscal year 1991.

Section 309 defines the specific terms utilized in this title.●

By Mr. LAUTENBERG (for himself and Mr. BRADLEY):

S. 2323. A bill to require the issuance of certain hazardous liquid pipeline facility regulations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

HAZARDOUS LIQUID PIPELINE FACILITY REGULATIONS

● Mr. LAUTENBERG. Mr. President, today my distinguished colleague from New Jersey, Senator BRADLEY, and I are introducing two bills to address the problem of pipeline safety.

In New Jersey, we've seen the consequences of inadequate oversight of hazardous liquid pipelines. The new year brought environmental devastation to a sensitive area along the Arthur Kill, which separates part of New Jersey and Staten Island.

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On January 2, 567,000 gallons of oil poured from an Exxon pipeline into our coastal waters. This is an area that has, in the past, seen its share of pollution. But, for years, we've been working hard to clean it up. And there had been success. Wildlife nested and lived there. Water quality was improved. But, with the release of half a million gallons of oil, much of that progress was erased. As the oil spread, it buried the positive results of countless hours of work by dedicated citizens, whose goal was to clean up the Arthur Kill.

This pipeline traverses New Jersey and New York. Under Federal law, the States are prohibited from regulating the operations of such interstate pipelines. But, in this case, no one picked up the responsibility.

Several days after the leak, we found that the 6.7-mile-long pipeline, running under water from Linden, NJ, through Staten Island, NY, to Bayonne, NJ, was not regulated. Under Federal law, New Jersey and New York were prohibited from regulating its operations. But the Federal Government didn't step in.

This is because the Federal Government had chosen to not regulate a whole class of pipelines, a class in which this particular pipeline belongs. Based on a single criterion—the operating stress of the pipeline—a determination was made to exempt an unknown number of pipelines from Federal regulation.

Mr. President, there are a number of problems with this decision. We in New Jersey have had to suffer the consequences of that decision. This regulatory exemption focuses on one single factor—operating pressure—but ignores other important factors, such as: age; proximity to marine, aquatic, and other sensitive ecosystems; proximity to areas designated for protection by Federal, State, or local authorities; the volume of liquid being transported; and proximity of the pipeline to navigation channels.

There's another problem. Under existing Federal regulations, a pipeline operator makes a determination that a particular pipeline qualifies for the exemption. But then, there is no clear mechanism for the Federal Government to determine that the pipeline is indeed eligible for the exemption, or, with the passage of time, that the pipeline continues to be eligible for that exemption.

What we have here is regulation by the honor system. Essentially, the Federal Government tells pipeline operators: "You decide if your operation is required to be regulated. If it isn't, you go on, but be sure to tell us if anything changes to make your operations no longer qualify for an exemption. We'll put our faith in your understanding of the regulations, and your willingness to freely subject yourself to our oversight."

Well, Mr. President, as events of the last year have so clearly shown us, the oil industry is not one we can just put our blind faith in. It's not every oil company, or every pipeline operator. It's not the intent of this Senator to say that all members of those industries are equal, good or bad.

But the mistakes of the last year have shown us that the problems are too big, the stakes too high, to warrant our counting on their good faith.

Mr. President, my bill takes the realities of the situation into account. It says that the Federal Government has a greater responsibility to ensure the safe operation of hazardous liquid pipelines. Let me explain what the bill would do.

First, effective 270 days after enactment, it would repeal the regulatory exemption now provided to pipelines operating at 20 percent of specified minimum yield strength, or SMYS. The Department of Transportation, which is responsible for pipeline safety regulation, would be required to initiate a rulemaking to modify its existing regulations.

Under the modified regulations, exemptions from regulation would be allowed, but not based on any single criterion, and not on a blanket basis. To cover the costs of considering requests for exemptions, the Department of Transportation would be given authority to assess and collect user fees, above and beyond those now charged for other, distinct pipeline safety functions.

This bill would also get rid of the honor system now in place. It would require that operators of pipelines receiving an exemption certify to the DOT, on an annual basis, that the conditions under which the exemption was granted are unchanged. If the pipeline operator fails to make that certification, the exemption is revoked. If the pipeline operator provides false information in that annual certification, the operator would be subjected to civil fines and penalties.

Further, before an exemption is granted, relevant State and municipal officials would be provided the opportunity to comment on the request.

Let me point out for my colleagues that the idea of revoking the blanket exemption is not new, or far-fetched. In fact, it was proposed by the Reagan administration.

As chairman of the Transportation Appropriations Subcommittee, I oversee spending and activities within the Department of Transportation, including pipeline safety operations. In our hearings with DOT's Research and Special Programs Administration last year, we explored the issue of pipeline safety, and the exemption that the bill I am introducing today deals with.

As we found at that hearing, in the Department of Transportation's Safety Review Task Force report on the pipeline safety programs, then-Secretary Burnley recommended that the exemption be revoked.

This report, issued on January 12, 1989, made the following statement:

> The Task Force sees no reason to continue a blanket exemption for pipelines operating at less than 20 percent of SMYS from compliance with the Federal standards and recommends that RSPA analyze the current impact of the exemption and initiate rulemaking to revoke it in whole or in part.

For the benefit of my colleagues, I would again point out that RSPA is the Research and Special Programs Administration within the Department of Transportation. RSPA in turn oversees the Office of Pipeline Safety, which has direct regulatory responsibility for pipeline safety.

On February 10, 1989, M. Cynthia Douglass, then the Administrator of RSPA, responded formally to the Safety Review Task Force. In referring to the recommendation to revoke the exemption, she stated that "RSPA agrees with this recommendation * * *" and that RSPA would proceed toward that end.

Unfortunately, it's more than a year later, and things are no further along. We've already seen the disastrous impacts of this exemption. It's time to get on with the rulemaking to repeal this unwarranted exemption.

RSPA is a relatively small agency, without tremendous resources. But, my subcommittee has consistently worked to provide the agency with the resources it has requested. We've tried to work with RSPA to make sure its important mission is carried out. In my subcommittee's upcoming hearing on RSPA's fiscal year 1991 budget, we'll explore what needs to be done to get this rulemaking and other efforts on track.

Finally, the bill would require the Department of Transportation to establish regulations requiring that those operating pipelines, whether those pipelines are otherwise regulated or not. First, have a leak detection system in place and functioning; and second, have received appropriate training and have met all applicable certification standards.

This bill would achieve other important results, beyond what it strictly requires. The Department of Transportation is finalizing regulations dealing with what is known as third party damage. Under those regulations, pipeline operators would have to identify possible sources of damage to their pipelines from outside sources, and mitigate against those damages.

The Exxon pipeline spill in the Arthur Kill is an example of how such requirements can be important. That pipeline is in shallow water, in an area with heavy boat traffic. Shortly after the spill, it was contended by the company that the rupture was due to a collision with the pipeline by a ship. While that view has not been verified, this is a contingency that would be considered and dealt with under the third party damage requirements. However, these requirements would only come into play if the pipeline in question is otherwise regulated.

Mr. President, I am pleased to have my good friend and colleague, Senator BRADLEY, as a cosponsor of this bill. I am pleased to join him in cosponsoring related legislation he is introducing today.

That bill deals more specifically with underwater pipelines. As we've seen in recent months, both in the Arthur Kill and in the Gulf of Mexico, leaks from underwater pipelines can be particularly devastating.

Senator BRADLEY is providing our colleagues with a detailed description of that legislation. Together, our two bills provide complementary means of dealing with the threats posed by leaks from hazardous liquid pipelines. I urge my colleagues to give these bills their serious consideration.

Mr. President, I ask unanimous consent that the full text of the bill be included in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. DEFINITIONS.

As used in this Act, the term—

(1) "hazardous liquid" means—

(A) petroleum or any petroleum product, and

(B) any substance or material which is in liquid state (excluding liquefied natural gas) when transported by pipeline facilities and which, as determined by the Secretary, may pose an unreasonable risk to life or property when transported by pipeline facilities;

(2) "transportation of hazardous liquids" means the movement of hazardous liquids by pipeline, or their storage incidental to such movement, in or affecting interstate or foreign commerce; except that it shall not include any such movement through gathering lines in rural locations or onshore production, refining, or manufacturing facilities or storage or inplant piping systems associated with any of such facilities;

(3) "pipeline facilities" includes, without limitation, new and existing pipe, rights-of-way, and any equipment, facility, or building used or intended for use in the transportation of hazardous liquids but "rights-of-way" as used in this chapter does not authorize the Secretary to prescribe the location or the routing of any pipeline facility;

(4) "interstate pipeline facilities" means the pipeline facilities used in the transportation of hazardous liquids in interstate or foreign commerce;

(5) "intrastate pipeline facilities" means pipeline facilities which are not interstate pipeline facilities;

(6) "State" includes each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico;

(7) "municipality" means a city, county, or other political subdivision of a State; and

(8) "Secretary" means the Secretary of Transportation.

SEC. 2. FINDINGS.

The Congress finds that—

(1) leaks from hazardous liquid pipeline facilities present a unique and serious threat to the environment;

(2) through the Hazardous Liquid Pipeline Safety Act of 1972 (49 U.S.C. App. 2001 et seq.) and the Natural Gas Pipeline Safety Act (49 U.S.C. App. 1671 et seq.), the Congress expressed its interest in seeing the operation of intrastate pipeline facilities and interstate pipeline facilities regulated by the Federal Government.

(3) regulatory exemptions of pipeline facilities from regulation based on any single criterion are inappropriate; and

(4) an exemption based solely on operating pressure of a pipeline does not take into account several important factors, including age of the pipelines; proximity to aquatic, marine, and other sensitive ecosystems; and proximity to wildlife refuges or other areas protected by Federal, State, or local authorities.

SEC. 3. REPEAL OF REGULATORY EXEMPTION OF CERTAIN PIPELINES.

The Secretary shall, not later than 270 days after the date of enactment of this Act, repeal the blanket exemption from Federal regulation of pipeline facilities operating at 20 per centum or less of specified minimum yield strength, as provided in section 195.1(b)(3) of title 49 of the Code of Federal Regulations.

SEC. 4. RULEMAKING.

(a) The Secretary shall, not later than 60 days after the date of enactment of this Act, adopt an interim rule and propose a final rule to modify the regulations regarding the operation of hazardous liquid pipelines in effect on the date of enactment of this Act.

(b) In promulgating a final rule pursuant to the procedure in subsection (a), the Secretary shall not provide blanket exemptions from regulation.

(c) Under the final rule adopted pursuant to the procedure required in subsection (b), the Secretary may, based on an assessment of criteria outlined in this subsection, approve requests for exemption from regulation on a case-by-case basis. Criteria used in considering and approving such an exemption shall include, but not be limited to:

(1) age of the pipeline;

(2) proximity of the pipeline to marine, aquatic, or other fragile ecosystems;

(3) proximity to areas designated for protection by Federal, State, or local authorities;

(4) operating pressure of the pipeline;

(5) specified minimum yield strength of the pipeline;

(6) volume of hazardous liquid transported;

(7) proximity to designated navigation channels; and

(8) other factors, as determined by the Secretary.

(d) The rule adopted pursuant to the procedure required in subsection (b) of this section shall provide—

(1) for the written notification to, and opportunity for comment by, any relevant State or municipality of the request for an exemption;

(2) for the Secretary to require an annual certification, by the owner or operator of an exempted pipeline facility, that the conditions under which the exemption was granted are being complied with by such owner or operator;

(3) that failure to provide the certification described in paragraph (2) shall result in the loss of exemption from regulation of the pipeline facility under this section; and

(4) that falsification by the owner and operator of an exempted pipeline facility of any information provided in an annual certification shall subject the owner or operator to the fines and penalties that the Secretary may impose under section 208 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2007).

(e) In order to carry out the provisions of subsection (d) of this section and notwithstanding any other provision of law, the Secretary shall have the authority to assess and collect such user fees as may be necessary to recover the costs associated with the consideration of requests for exemption from regulation pursuant to the provisions of this Act.

(f) The Secretary shall by regulation establish standards and procedures for the operation of all hazardous liquid pipeline facilities to ensure that—

(1) each person who engages in the transportation of hazardous liquids or who owns or operates a pipeline facility has in place a reliable and effective system to detect and provide warning of leaks or accidental discharges from such pipeline facilities; and

(2) those charged with direct operational responsibility for an interstate or intrastate pipeline facility pipeline have received appropriate training and have met all applicable Federal, State, and local training and certification standards.●

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2324. A bill to amend the Hazardous Liquid Pipeline Safety Act of 1979 to require the Secretary of Transportation to promulgate regulations to ensure the safety of underwater pipelines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

UNDERWATER PIPELINE LEAK PREVENTION ACT

● Mr. BRADLEY. Mr. President, on January 1 of this year, an Exxon pipeline in the Arthur Kill waterway between Linden, NJ, and Staten Island, NY, ruptured, spilling over half a million gallons of oil into the water. The spilled oil created an environmental disaster in a waterway slowly recovering from decades of environmental abuse. Wetland areas that at long last were able to support breeding populations of shore birds were seriously fouled. The small fish and crabs on which the birds depend to feed their young are dead. The oil will remain in those wetlands, trapped in the mud for decades.

I rise today to introduce legislation, the Underwater Pipeline Leak Prevention Act of 1990—for myself and Mr. LAUTENBERG—that will help minimize the chances of similar accidents in the future. The legislation, and the related legislation being introduced by Senator LAUTENBERG, would ensure that pipelines which could damage aquatic

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environments receive the inspections, maintenance, and careful operation necessary to prevent accidents. This legislation will protect our shores, coasts, and rivers from the severe damage that can be caused by oil leaks.

As shocking as it may seem, no Federal agency has a comprehensive overview of the location, condition, or age of underwater pipelines. It took days for regulators just to recognize that the pipeline that fouled the Arthur Kill had fallen through the regulatory cracks, and had escaped DOT safety checks. Our waterways and shores are too important to not take every possible step to reduce the threat that underwater pipelines pose to our environment. Existing laws do not adequately protect aquatic environments, and this legislation will ensure that in the future, our laws will take into account the environmental risks posed by pipelines in or near water.

First, this legislation requires DOT to catalog both underwater pipelines and pipelines that are close enough to aquatic areas to pose a significant risk to them. States also must survey their underwater pipelines. Information on the location and condition of these pipes must be available to policy makers. It is astonishing to me that regulations have been drawn up and laws written with respect to pipeline safety, and yet no one has undertaken a survey of pipelines which are most likely to severely damage our rivers and shores.

Second, this legislation calls on DOT to develop regulations for all pipelines that could threaten aquatic environments. Those regulations will supplement existing rules, and must take into account the potential for significant environmental damage posed by these pipelines. Underwater pipelines that can be inspected with internal inspection devices must be regularly inspected, and pipelines that cannot be inspected must take other measures to ensure that a similar level of safety is maintained. Provisions are included to speed the process of equipping pipelines to allow inspection.

Third, the bill takes steps to reduce the chances of accidents between ships and pipelines. Underwater pipelines must be assessed annually to determine whether they present a hazard to navigation. Periodically, the depth of sediment cover over nearshore pipelines must be checked, and if the cover is inadequate to protect the pipe from damage, additional safety measures must be taken.

Pipelines are the safest method we have to transport oil and other hazardous liquids. By some estimates pipelines may be 10 times safer than transporting a similar amount of oil by barge, tanker, or truck. Yet as the recent accident in the Arthur Kill shows, they too can cause tragic, unnecessary environmental damage. This legislation will ensure that the pipelines most likely to lead to major environmental damage receive the special care needed to minimize accidents in the future.

Mr. President, I ask unanimous consent that the full text of the legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Underwater Pipeline Leak Prevention Act of 1990".

SEC. 2. UNDERWATER PIPELINES.

The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.) is amended by adding at the end the following new sections:

"SEC. 320. UNDERWATER PIPELINES.

"(a) Definitions.—For the purposes of this section—

"(1) the term 'operator' means a person who owns or operates a pipeline;

"(2) the term 'pipeline' means all parts of a pipeline facility (as described in section 202(a)) through which a hazardous liquid moves in transportation, including line pipe, valves, and other appurtenances connected to line pipe, pumping units, fabricated assemblies associated with pumping units, metering and delivery stations, fabricated assemblies in such metering and delivery stations, and breakout tanks;

"(3) the term 'release' means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a hazardous liquid from a pipeline facility into ground water, surface water, subsurface soils, or air;

"(4) the term 'sensitive aquatic environment' means an aquatic area designated by the Secretary, in accordance with guidelines that the Secretary shall establish by regulation (in consultation with the Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration), as an area where the release of a hazardous liquid would likely result in—

"(A) significant environmental damage at the site of the release or at an area where the hazardous liquid would likely be transported (including areas with significant wetlands, as determined by the Secretary); or

"(B) significant interference with shipping, fisheries, or other forms of maritime commerce, (including areas with major ports) as determined by the Secretary; and

"(5) the term 'underwater pipeline' means any section (as defined by the Secretary) of a pipeline that is greater than or equal to 8 inches in diameter or which the Secretary determines has the capability of releasing more than 25,000 gallons of a hazardous liquid in a one-hour period of time, and which—

"(A) is under water or adjacent to a body of water (as defined and determined by the Secretary) along the majority of the length of such pipeline;

"(B) has any underwater portion that is longer than one half mile in length; or

"(C) has any portion that crosses a port or harbor (as determined by the Secretary).

"(b) Reporting Requirements.—

(1) Regulations relating to underwater pipelines.—Not later than 18 months after the date of the enactment of this section, the Secretary, in consultation with the Commanding General, United States Army Corps of Engineers, shall promulgate regulations that require an operator of an underwater pipeline to submit to the Secretary, not later than 6 months after the effective date of such regulations, a report that includes the following information:

"(A) The location and condition of the underwater pipeline.

"(B) The size of the underwater pipeline.

"(C) All hazardous liquids carried by the underwater pipeline.

"(D) The age of the underwater pipeline.

"(E) An assessment indicating whether the underwater pipeline may be inspected with internal inspection devices.

"(F) Such other information as the Secretary determines to be appropriate.

"(2) Regulations relating to sensitive aquatic environments.—Not later than 18 months after the date of the enactment of this section, the Secretary in consultation with the Commanding General of the United States Army Corps of Engineers, shall promulgate regulations that require an operator of a pipeline for which there is a substantial likelihood that an accidental release from the pipeline would cause environmental damage to a sensitive aquatic area (as determined by the Secretary) to submit, not later than 6 months after the effective date of such regulations, a report to the Secretary that includes—

"(A) the information described in subparagraphs (A) through (E) of paragraph (1); and

"(B) detailed information, as determined by the Secretary, concerning the identification of the sections of the pipeline most likely to cause environmental damage to a sensitive aquatic area.

"(3) Annual updating of information.—The regulations promulgated under paragraphs (1) and (2) shall require that each operator who is required to submit a report under paragraph (1) or (2), to report, for each subsequent calendar year, any changes in the items described in subparagraphs (A) through (E) of paragraph (1), and in subparagraphs (A) and (B) of paragraph (2), respectively. Such regulations shall require that if no such changes occurred during a calendar year, the operator shall notify the Administrator in writing that no such changes occurred.

"(4) Reports to the congress.—Not later than 18 months after receiving the information required to be submitted under paragraph (2) or (3) of this subsection, the Secretary shall issue a report to the appropriate committees of the Congress that summarizes such information. Such report shall be in the form of regional and national summaries, and shall include schematic maps. The Secretary shall make available copies of such report for public inspection. The Secretary, in consultation with the Commanding General of the United States Army Corps of Engineers, shall submit such additional reports as the Secretary determines to be necessary to maintain a comprehensive national base of information concerning underwater pipelines.

"(c) Model Mapping and Survey Regulations.—

"(1) In general.— For the purpose of ensuring that updated maps and statistical information relating to pipelines that could potentially cause damage to sensitive aquatic environments, the Secretary shall, not later than 18 months after the date of the enactment of this section, develop model mapping and survey laws (including regulations) for the mapping and survey of underwater pipelines and encourage States to adopt and implement such laws.

"(2) Requirement for grants to aid state enforcement.—As a condition to receiving payments under the grant program described in section 205(d), a State shall enact legislation (and any resulting regulations and rules) to develop mapping and survey laws substantially similar to the laws described in paragraph (1). Except as provided in paragraph (3), a State that fails to enact such legislation shall be subject to withholding of payments, as described in paragraph (6) of section 205(d).

"(3) Exemption.—If the Secretary determines, that on the date of the enactment of this section, a State has in effect mapping and survey laws (including regulations) for the mapping and survey of underwater pipelines that meet the requirements of paragraph (2), the Secretary shall exempt the State from any requirements in such paragraph relating to the enactment of legislation.

"(d) Requirements for Underwater Pipelines and Other Pipelines Operating in Sensitive Aquatic Environments.—

"(1) In general.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate regulations (to supplement any regulations relating to pipelines or pipeline facilities in effect immediately preceding the date of the enactment of this section) that shall ensure the safe operation of—

"(A) underwater pipelines; and

"(B) pipelines (including underwater pipelines) that operate in or adjacent to sensitive aquatic environments;

except that pipelines regulated under this paragraph shall not include storage or inplant piping systems associated with manufacturing facilities (as described in section 202(3)).

"(2) Criteria for regulations.—In promulgating regulations under subsection (a), the Secretary shall consider the potential significant environmental damage that could be caused by releases into sensitive aquatic environments.

"(e) Inspection and testing of pipelines.—

"(1) In general.— Not less than 18 months after the date of the enactment of this section, the Secretary shall promulgate regulations that require all underwater pipelines suitable for internal inspection be inspected with instrumented internal inspection devices (commonly referred to as a 'smart pigs', as described in subsection (k) of section 203). Notwithstanding any other provision of this Act, the Secretary may determine an underwater pipeline suitable for inspection, even if the equipment facilitating the passage through such underwater pipeline of any instrumented internal inspection device, including any launching and retrieval equipment, has not yet been installed in such underwater pipeline.

"(2) The inspections described in paragraph (1) shall be conducted on at least an annual basis, unless the Secretary determines that less frequent inspections do not diminish the value of such inspections in preventing accidental releases.

"(3) Waivers.—The Secretary may issue a waiver from the requirements of paragraph (1) for an underwater pipeline for which inspection with an instrumented internal inspection device is not practicable because of the design and structure of such underwater pipeline (as determined by the Secretary). As a condition for the issuance of a waiver under this paragraph, the operator of such underwater pipeline shall be subject to requirements relating to restrictions on operating pressures and safety equipment (including leak detection devices, hydrostatic testing, and other measures that the Secretary determines to be appropriate). Such conditions shall ensure that a degree of protection against accidental releases relating to corrosion and accidental damage that is equivalent to the degree of protection afforded by an internal inspection device under paragraph (1) shall be achieved through the adherence to such conditions. The Secretary shall promulgate regulations establishing guidelines for the issuance of such waivers, and for the conditions that may be attached to such waivers.

"(4) Modification.—Not less than 18 months after the date of the enactment of this section, the Secretary shall promulgate regulations that require that if an underwater pipeline described in paragraph (3) is suitable for modifications with equipment facilitating the passage through such underwater pipeline of any instrumented internal inspection device (commonly referred to as a "smart pig"), as described in subsection (k) of section 203, with equipment, including launching and retrieval equipment, to make regular internal inspections possible, the operator of such underwater pipeline shall be required to make such modifications.

"(5) Relationship to other provisions.—Nothing in this subsection shall be interpreted or construed so as to exempt an operator from the requirements of subsection (k) of section 203.

"(f) Measures to Reduce Shipping Accidents.—The Secretary, acting through the Commandant of the Coast Guard (hereinafter referred to as the 'Commandant'), and the Director of Office of Pipeline Safety (hereinafter referred to as the 'Director'), shall promulgate regulations to prevent collisions between ships and pipelines that are located under water of a depth of less than or equal to 50 feet (including a pipeline that is under water of such depth, but is not included in the definition of 'underwater pipeline' under this section). Such regulations shall ensure that any such pipeline that is located in a navigable waterway shall be buried in such a manner as to ensure safety or shall be otherwise protected to ensure safety, as determined by the Secretary, in consultation with the Commandant and the Director. Such regulations shall—

"(1) require an annual assessment of any pipeline described in this section to determine—

"(A) any hazard that such pipeline may present to navigation;

"(B) an estimate of the probability of a maritime collision, on the basis of—

"(i) the condition of the waterway under which such pipeline is located;

"(ii) the adequacy of navigation markers on or along such waterway; and

"(iii) common transportation and recreational uses of such waterway;

"(2) require the periodic assessment of the depth of sediment cover overlying any such pipeline that is located in a geographic area where shipping traffic is substantial, as determined by the Secretary, in consultation with the Commandant and the Director; and

"(3) establish additional safety requirements for a pipeline that is not adequately protected by a sufficient depth of sediment cover, as determined by the Secretary, in consultation with the Commandant.

"(g) Study and Report of Hydrostatic Testing of Pipelines.—

"(1) In general.—Not later than 180 days after the date of the enactment of this section, the Administrator of the Environmental Protection Agency (hereinafter referred to as the 'Administrator'), in consultation with the Secretary and the Director, shall study the effects of hydrostatic testing of pipelines. Such study shall—

"(A) examine both the chronic and acute environmental hazards posed by the return of water used in hydrostatic testing into the environment;

"(B) compare the effects of the chronic releases described in paragraph (1) on the environment with estimates of the effects of releases into the environment that could be avoided through the use of such hydrostatic testing; and

"(C) examine the availability of techniques for treating the water used in hydrostatic testing to minimize the effect of water returned after testing on aquatic environments.

"(2) Report.—Upon completion of the study described in paragraph (1), the Administrator shall issue a report to the appropriate committees of the Congress that summarizes the results of the study and makes recommendations that the Administrator, in consultation with the Secretary and the Director, determine to be appropriate.

"(h) Exemptions.—Notwithstanding any other provision of law, with respect to the promulgation of any regulation under this section, the following Acts shall not apply:

"(1) The Regulatory Flexibility Act.

"(2) The Paperwork Reduction Act of 1980.

"(3) The Paperwork Reduction Reauthorization Act of 1986.

"SEC. 321. REQUIREMENTS FOR PIPELINES THAT OPERATE AT A STRESS LEVEL OF 20 PERCENT OR LESS.

Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate regulations that establish standards for the operation, maintenance, and inspection of pipeline facilities used in the transportation of hazardous liquids that operate at a stress level of 20 percent or less of the specified minimum yield strength of the line pipe. Such regulations shall include standards for accident response.".

SEC. 3. WITHHOLDING FUNDS FROM STATE AGENCY.

Section 205(d) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end the following new paragraph:

"(6) Except as provided under paragraph (3) of section 320(c), if, within 12 months after the first day of legislative session of the State immediately following the promulgation of regulations under paragraph (1) of section 320(c), a State fails to enact the legislation described in paragraph (2) of section 320(c), the Secretary shall withhold any payment to such State under paragraph (1) until the effective date of any such legislation that may be subsequently enacted.".●

By Mr. LIEBERMAN:

S. 2325. A bill to provide additional assistance for certain Eastern European countries; to the Committee on Foreign Relations.

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EASTERN EUROPEAN ECONOMIC RECONSTRUCTION ACT

● Mr. LIEBERMAN. Mr. President, I am introducing today, the Eastern European Reconstruction Act. This bill is intended to be complementary to the legislation that is now being considered by the Foreign Relations Committee, the Support for East European Democracy [SEED] Act of SEED II bill.

That bill is a comprehensive approach to dealing with the problems of Eastern Europe. My bill attempts to add to the work that the committee has already done by putting even more of an emphasis on helping United States firms do business in Eastern Europe and the Soviet Union by structuring programs that will help business people and entrepreneurs in those nations. I have tried to take a cost-effective approach because I believe that the role of our Government should be not to bail out these nations but to help them reconstruct their economies. Direct aid is necessarily a part of this process, but creative programs can be just as useful.

Along with our NATO allies, we have spent over $1 trillion in the 1980's alone to defend Western Europeans from Eastern Europeans. There is now a historic opportunity to build a new Europe, in which we earn trillions from economic growth.

We have a chance to create permanently stable and thriving peace in Europe. We can do so by aggressively working to erect functioning economies in Eastern Europe and achieve political stability. Or we can do nothing and risk a morass of political uncertainty, destructive nationalist movements, border disputes, and a revived military build up. This is as great a challenge as we faced in the last half century.

We must actively aid the nations of Eastern Europe, and actively aid Americans business in its attempt to move productively in Eastern Europe. My bill attempts to achieve these goals by aiding our private sector, and the private sector of the nations of Eastern Europe by:

Establishing a public-private sector European Economic Strategic Planning Commission to develop a comprehensive strategy for developing U.S. business interests in the region, as well as to help these nations make the transition to market-based economies;

Establishing an Eastern European Foundation, modeled after the highly successful Inter-American Foundation, which will offer grants and technical training and assistance to small businesses and entrepreneurs in Eastern Europe;

Calling for the Secretary of State to negotiate with other member nations of the Organization for Economic Cooperation and Development [OECD] to set up an East-West Center for Economic Transition; which would offer technical and macroeconomic advice to the nations of Eastern Europe;

Increasing the number of commercial and economic officers in our embassies and consulates in Eastern Europe and the Soviet Union;

Using Soviet repayment of lend-lease debt—scheduled to resume after the signing of a United States-Soviet trade agreement—to fund a number of programs for Eastern Europe and the Soviet Union;

Establishing an intensive—6-12 month—managerial, business, finance training program for Eastern European businesspeople and entrepreneurs to be coordinated by the Departments of State and Commerce, as well as the National Science Foundation, and involving American business community and its leaders; and

Stating that it is the sense of Congress that we should increase funding for the U.S. Export-Import Bank in order to help American exporters capture a share of Eastern European markets.

The bill would also amend SEED I and permit the Enterprise Funds for Poland and Hungary to make loans to the governments of those nations if they are moving toward establishing a market based economy, so that they can make use of American economic, management, and technical advisers from our private sector in making the transition to a market based economy.

Winston Churchill spoke about an iron curtain descending across the Continent of Europe. We can continue to work to make certain that the curtain has permanently come down and is replaced by a bridge of economic opportunity and political freedom between East and West. In the recent elections in East Germany and in the political movements throughout Eastern Europe people voted and will be voting with their pocketbooks. They are tired of the poverty and hopelessness that their economic systems have created.

With this bill, I build on the fine work of Senators PELL, BIDEN and SIMON and others already completed in SEED I and soon to be completed in SEED II, helping to bring hope to Eastern and central Europe. If we do not actively involve ourselves with the reconstruction of Europe, then American businessmen will lose a valuable opportunity to be a part of the new Europe.

I ask unanimous consent that my bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Greater European Economic Reconstruction Act".

SEC. 2. ESTABLISHMENT AND PURPOSES OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established the Eastern European Economic Strategic Planning Commission (hereafter in this Act referred to as the "Commission").

(b) PURPOSES.—The purposes of the Commission are—

(1) to develop a long-term strategy for the United States in aiding the nations of Eastern Europe in the development of democracy, a free market economy, and national institutions that will help in the building of both;

(2) to utilize both public and private sector expertise in the development of this strategy;

(3) to develop new government and private sector programs, as well as to consider new uses for existing programs, in the development of this strategy; and

(4) to coordinate with international public and private sector groups and institutions this strategy for aiding the nations of Eastern Europe.

SEC. 3. MEMBERSHIP OF COMMISSION.

(a) APPOINTMENT.—The Commission shall be composed of 14 members, appointed not later than 90 days after the enactment of this Act. The members shall be as follows:

(1) 2 citizens of the United States, appointed by the President.

(2) 1 Senator and 2 citizens of the United States, appointed by the President pro tempore of the Senate upon the recommendations of the Majority Leader of the Senate.

(3) 1 Senator and 1 citizen of the United States, appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate.

(4) 1 Member of the House of Representatives and 2 citizens of the United States, appointed by the Speaker of the House of Representatives.

(5) 1 Member of the House of Representatives and 1 citizen of the United States, appointed by the Minority Leader of the House of Representatives.

(6) 2 citizens of the United States, 1 of whom is a Democrat and 1 of whom is a Republican, appointed by the President-elect as established by the allocation of electoral college votes in the Presidential election of November 8, 1988.

(b) ADDITIONAL QUALIFICATIONS.—

(1) Individuals appointed under subsection (a)(1) may be officers or employees of the Executive Branch or may be private citizens.

(2) Individuals who are not Members of the Congress, and are appointed under paragraphs (2) through (6) of subsection (a) shall be individuals who—

(A) are leaders of business or labor, distinguished academics, State or local government officials, or other individuals with distinctive qualifications or experience; and

(B) are not officers or employees of the United States.

(c) CHAIRPERSON.—The Commission shall elect a Chairperson from among the members of the Commission.

(d) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(f) Vacancies.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(g) Prohibition of Additional Pay.—Members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission. Members appointed from among private citizens of the United States may be allowed travel expenses, including per diem, in lieu of subsistence, as authorized by law for persons serving intermittently in the government service to the extent funds are available for such expenses.

SEC. 4. FUNCTIONS OF THE COMMISSION.

(a) Strategy.—(1) The Commission shall prepare a strategy for the United States to aid the nations of Eastern Europe by helping them to develop market-based economies and private sectors.

(2) In developing this strategy, the Commission shall estimate the cost of aid programs for these nations on a case-by-case basis.

(3) The Commission shall make an inventory of existing Government programs that could be used to aid these nations, including an evaluation of possible new uses for these programs in aiding the nations of Eastern Europe.

(4) The Commission shall also examine what role international financial institutions and other international organizations such as the Organization for Economic Cooperation and Development (OECD) can play in aiding Eastern Europe.

(5) The Commission shall at all times take into consideration the most cost effective way to give aid to these nations.

(b) Specific Recommendations.—The Commission shall make specific recommendations regarding the following:

(1) The evaluation of the success of United States and other OECD nation aid programs to date, offering recommendations for modifications in these programs.

(2) The development of a comprehensive strategy for aiding the economic development of the nations of Eastern Europe, as described in subsection (a).

(c) Final Report.—

(1) The Commission shall submit to the President and to the Congress a final report 1 year after the Commission has been established with an interim report 6 months after the Commission has been established which shall contain a detailed statement of the findings and conclusions of the Commission, including its recommendations for administrative and legislative action that the Commission considers advisable.

(2) Any recommendation may be made by the Commission to the President and to the Congress only if adopted by a majority vote of the members of the Commission who are present and voting.

(3) The President may issue an order extending the date for submission of the final report if necessary.

SEC. 5. POWERS OF COMMISSION.

(a) Hearings.—The Commission may for the purpose of carrying out its functions hold such hearings and sit and act at such times and places, as the Commission may find advisable.

(b) Rules and Regulations.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) Assistance From Federal Agencies.—

(1) The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of carrying out its functions. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission, upon request made by the Chairperson of the Commission.

(2) Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission on a nonreimbursable basis, to assist the Commission in carrying out its duties, except that any expenses of the Commission incurred under this subparagraph shall be subject to the limitation on total expenses set forth in section 6.

(c) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(d) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriations Act, enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge its duties, subject to the limitation on total expenses set forth in section 6.

(e) Staff.—Subject to such rules and regulations as may be adopted by the Commission, the Chairperson of the Commission (subject to the limitation on total expenses set forth in section 6) shall have the power to appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision, or of any other provision of law,' relating to the number, classification, and General Schedule rates) of an Executive Director, and of such additional staff as the Chairperson deems advisable to assist the Commission, at rates not to exceed a rate equal to the maximum rate for GS–18 of the General Schedule under section 5332 of such title.

(f) Advisory Committee.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 6. EXPENSES OF COMMISSION.

(a) In General.—Any expenses of the Commission shall be paid from such funds as may be available to the Secretary of the Treasury.

(b) Limitation.—The total expenses of the Commission shall not exceed $1,000,000.

(c) GAO Audit.—Prior to the termination of the Commission, the Comptroller General of the United States shall conduct an audit of the financial books and records of the Commission to determine that the limitation on expenses has been met, and shall include its determination in an opinion to be included in the report of the Commission.

SEC. 7. THE EASTERN EUROPEAN FOUNDATION ACT.

(a)(1) There is created as an agency of the United States of America a body corporate to be known as the Eastern European Foundation (hereafter in this section referred to as the "Foundation").

(2) The purpose of the Foundation is—

(A) to provide support for small and mid-sized businesses and entrepreneurs through grants and technical assistance,

(B) to help nonmarket economies of Eastern European nations to develop market-based economies, and

(C) to support self-help efforts of the people of Eastern Europe to develop businesses and the private sector.

(3) The Foundation is to focus solely on business and economic issues.

(4) The Foundation shall coordinate its activities with the OECD, the EC, the IMF, and the World Bank.

(b) The Foundation shall carry out the purposes primarily through and with private organizations, individuals, and international organizations by undertaking or sponsoring appropriate research and by planning, initiating, assisting, financing, administering, and executing programs and projects designed to promote the achievement of such purposes.

(c) The Foundation, as a corporation—

(1) shall have perpetual succession unless sooner dissolved by an Act of Congress;

(2) may adopt. alter, and use a corporate seal, which shall be judicially noticed;

(3) may make and perform contracts and other agreements with any individual, corporation, or other body of persons however designated whether within or without the United States of America, and with any government or governmental agency, domestic or foreign;

(4) shall determine and prescribe the manner in which its obligations shall be incurred and its expenses, including expenses for representation (not to exceed $10,000 in any fiscal year), allowed and paid;

(5) may, as necessary for the transaction of the business of the Foundation, employ, and fix the compensation of not to exceed one hundred persons at any one time;

(6) may acquire by purchase, devise, bequest, or gift, or otherwise lease, hold, and improve, such real and personal property as it finds to be necessary to its purposes, whether within or without the United States, and in any manner dispose of all such real and personal property held by it and use as general funds all receipts arising from the disposition of such property;

(7) shall be entitled to the use of the United States mails in the same manner and on the same conditions as the executive departments of the Government;

(8) may, with the consent of any board, corporation, commission, independent establishment, or executive department of the Government, including any field service thereof, avail itself of the use of information, services, facilities, officers, and employees thereof in carrying out the provisions of this section;

(9) may accept money, funds, property, and services of every kind by gift, devise, bequest, grant, or otherwise, and make advances, grants, and loans to any individual, corporation, or other body of persons, whether within or without the United States of America, or to any government or governmental agency, domestic or foreign, when deemed advisable by the Foundation in furtherance of its purposes;

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction; and

(11) shall have such other powers as may be necessary and incident to carrying out its powers and duties under this section.

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(d) Upon termination of the corporate life of the Foundation all of its assets shall be liquidated and, unless otherwise provided by Congress, shall be transferred to the United States Treasury as the property of the United States.

(e) The management of the Foundation shall be vested in a board of directors (hereafter in this section referred to as the "Board") composed of nine members (not more than 5 from any political party) appointed by the President, by and with the advice and consent of the Senate, one of whom he shall designate to serve as Chairman of the Board and one of whom he shall designate to serve as Vice Chairman of the Board. All members of the Board shall be appointed from private life. Three members of the Board shall be appointed from among officers or employees of agencies of the United States concerned with Eastern European affairs. Members of the Board shall be appointed for terms of six years, except that of the members first appointed two shall be appointed for terms of two years and two shall be appointed for terms of four years, as designated by the President at the time of their appointment. A member of the Board appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term; but upon the expiration of his term of office a member shall continue to serve until his successor is appointed and shall have qualified. Members of the Board shall be eligible for reappointment.

(f) Members of the Board shall serve without additional compensation, but shall be reimbursed for travel expenses, including per diem, in lieu of subsistence, in accordance with section 5703 of title 5, United States Code, while engaged in their duties on behalf of the corporation.

(g) The Board shall direct the exercise of all the powers of the Foundation.

(h) The Board may prescribe, amend, and repeal bylaws, rules, and regulations governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised and enjoyed. A majority of the Board shall be required as a quorum.

(i) In furtherance and not in limitation of the powers conferred upon it, the Board may appoint such committees for the carrying out of the work of the Foundation as the Board finds to be for the best interests of the Foundation, each committee to consist of two or more members of the Board, which committees, together with officers and agents duly authorized by the Board and to the extent provided by the Board, shall have and may exercise the powers of the Board in the management of the business and affairs of the Foundation.

(j)(1) The chief executive officer of the Foundation shall be a President who shall be appointed by the Board of Directors on such terms as the Board may determine. The President shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) Experts and consultants, or organizations thereof, may be employed as authorized by section 3109 of title 5, United States Code.

(k) In order to further the purposes of the Foundation there shall be established a Council to be composed of such number of individuals as may be selected by the Board from among individuals knowledgeable concerning Eastern Europe. The Board shall, from time to time, consult with the Council concerning the objectives of the Foundation. Members of the Council shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5703 of title 5, United States Code, for travel and other expenses incurred by them in the performance of their functions under this subsection.

(l) The Foundation shall be a nonprofit corporation and shall have no capital stock. No part of its revenue, earnings, or other income or property shall inure to the benefit of its directors, officers, and employees and such revenue, earnings, or other income, or property shall be used for the carrying out of the corporate purposes set forth in this section. No director, officer, or employee of the corporation shall in any manner directly or indirectly participate in the deliberation upon or the determination of any question affecting his personal interests or the interest of any corporation, partnership, or organization in which he is directly or indirectly interested.

(m) When approved by the Foundation, in furtherance of its purpose, the officers and employees of the foundation may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries.

(n) The Secretary of State shall have authority to detail employees of any agency under his jurisdiction to the Foundation under such circumstances and upon such conditions as he may determine. Any such employee so detailed shall not lose any privileges, rights, or seniority as an employee of any such agency by virtue of such detail.

(o) The Foundation shall establish a principal office. The Foundation is authorized to establish agencies, branch offices, or other offices in any place or places within the United States or elsewhere in any of which locations the Foundation may carry on all or any of its operations and business.

(p) The Foundation, including its franchise and income, shall be exempt from taxation now or hereafter imposed by the United Sates, or any territory or possession thereof, or by any State, county, municipality, or local taxing authority.

(q) Notwithstanding any other provision of law, there is authorized to be appropriated a total of $15,000,000 for the fiscal years 1991 and 1992. Funds made available to carry out the purposes of this section under the preceding sentence are authorized to remain available until expended.

(r) The Foundation shall be subject to the provisions of the Government Corporation Control Act.

(s) When, with the permission of the Foundation, funds made available to a grantee under this section are invested pending disbursement, the resulting interest is not required to be deposited in the United States Treasury if the grantee uses the resulting interest for the purposes for which the grant was made. This subsection applies with respect to both interest earned before and interest earned after the enactment of this subsection.

SEC. 8. OECD EAST-WEST CENTER.

(a) The Secretary of State, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve Board, is authorized to enter into negotiations with the other member nations of the Organization of Economic Cooperation and Development (OECD), in order to establish an East-West Center for Economic Transition (hereafter in this Act referred to as the "Center").

(b) The purposes of the Center are—

(1) to coordinate OECD activities involving Eastern Europe and, to the extent practicable, the Center shall draw on existing OECD resources;

(2) to interact with other international organizations that are involved with providing assistance to the nations of Eastern Europe;

(3) to provide technical and professional expertise to the governments of the nations of Eastern Europe in their efforts to develop market-based economies; and

(4) to aid these nations in their attempts to build institutions, private sector and governmental, that will help establish market economies.

(c) Not later than 6 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a progress report on the negotiations and a report on the activities of the Center to the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

(d) There are authorized to be appropriated to the Secretary of State $1,000,000, which amount shall be available only as a voluntary contribution to the Center for each of the fiscal years 1991 and 1992.

(e) For the purpose of this Act, the term "Eastern Europe" refers to Hungary, Poland, Czechoslovakia, Romania, Bulgaria, East Germany, and the Soviet Union.

SEC. 9. INCREASING THE NUMBER OF UNITED STATES COMMERCIAL AND ECONOMIC OFFICERS IN EASTERN EUROPE AND THE SOVIET UNION.

There are authorized to be appropriated to the Secretary of State $1,000,000 for each of the fiscal years 1991 and 1992 to increase the number of commercial and economic officers and attaches to United States embassies and consulates in Eastern Europe and the Soviet Union.

SEC. 10. ESTABLISHMENT OF EAST-WEST PROGRAMS USING SOVIET REPAYMENT OF LEND-LEASE DEBT.

(a) The purpose of this section is to provide for the use of Soviet repayment of lend-lease debt, which will be part of the United States-Soviet trade agreement, to help defray the costs of certain programs to assist the countries of Eastern Europe and the Soviet Union in building a free enterprise system and democracy.

(b) Notwithstanding any other provision of law, $1,000,000 of each payment to the United States Government from the Soviet Union as part of its repayment of lend-lease debt—

(1) shall be transferred to the Secretary of State for payment to the Center at the OECD; and

(2) shall be used to set up a scholarship fund for graduate and post-doctoral students from Eastern Europe and the Soviet Union for the study of democracy, democratic institutions, and the free enterprise system.

(c) Notwithstanding any other provision of law, of the amount of lend-lease debt repaid by the Soviet Union, there shall be transferred to the Secretary of State an amount which he shall determine, which amount shall be available for any of the following purposes:

(1) For the establishment of a fund, to be administered by the Secretary of Commerce, for United States firms to be used to make investments, and to establish joint ventures, in the Soviet Union.

(2) To support the work of the Eastern Europe Foundation.

(3) For the United States contribution to the European Reconstruction Bank.

(4) To pay for cultural and academic exchanges between the United States and the Soviet Union.

(5) To fund government-to-government technical assistance for the Soviets.

(6) To pay for an increase in the number of commercial and economic officers to United States embassies and consulates in Eastern Europe and the Soviet Union.

(d) The Secretary of State, in conjunction with the Secretary of Commerce, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall establish a program—

(1) to permit the repayment of lend-lease debt by the Soviet Union by shipments of petroleum, petroleum products, and natural gas;

(2) to provide for the sale, at cost or less, of the petroleum, petroleum products, and natural gas described in paragraph (1) to the countries of Eastern Europe to encourage them to undertake measures to protect and improve the environment; and

(3) to provide technical assistance, to the extent practicable issuing personnel and equipment of United States firms, to such countries in developing and undertaking such measures.

SEC. 11. ENTERPRISE FUNDS.

Section 201 of the Support for East European Democracy (SEED) Act of 1989 is amended by adding at the end thereof the following:

"(q) DEVELOPMENT OF PRIVATE SECTOR.—In keeping with the purposes of the Enterprise Funds, the Funds may provide loans and grants to the Governments of Poland and Hungary to enable them to contract with private sector economic, management, and technical advisors in making the transition to a market-based economy. Loans and grants under this subsection may include assistance to establish institutions that will protect and promote the private sector, assist the process of privatization of parastatal industries, and assist government-sponsored infrastructure projects identified as necessary to support private sector development.

"(r) INTENT OF CONGRESS.—It is the intent of Congress that the Enterprise Funds in all their programs should make a special effort to assist in the development of small- and mid-sized businesses and entrepreneurs in Poland and Hungary.".

SEC. 12. TRAINING PROGRAM.

(a) The Secretary of State, in conjunction with the Secretary of Commerce and the National Science Foundation, shall establish an intensive training program in the United States and abroad, ranging from 6 to 12 months in duration, for the training of Eastern European and Soviet managers and entrepreneurs in business, finance, and managerial skills.

(b) The training program under this section shall be used to build private sector expertise by making use of experts from the private sector in the United States, as well as public and private universities. Training under such program shall be made available in the United States, Eastern Europe, and the Soviet Union.

(c) There are authorized to be appropriated not to exceed $5,000,000 for fiscal year 1991 to carry out this section.

SEC. 13. POLICY ON INCREASED FUNDING FOR THE EXPORT-IMPORT BANK OF THE UNITED STATES.

(a) FINDINGS.—That Congress finds that—

(1) in order to help United States firms compete effectively against other nations for the market share in Eastern European nations, the United States Government should aggressively utilize existing Government programs to aid United States exporters;

(2) the Export-Import Bank of the United States (hereafter in this section referred to as the "Bank") is an effective tool of the United States Government for aiding United States exporters;

(3) the Bank does not have adequate resources to meet the increasing needs of United States exporters in Eastern Europe;

(4) the Japanese have offered a combined credit and aid package to the nations of Eastern Europe worth over $1,500,000,000; and

(5) the United States must support the Bank in order to help United States exporters compete against foreign firms in Eastern Europe.

(b) POLICY.—It is the sense of the Congress that—

(1) funding for the Bank's direct loan program for fiscal year 1991 should be increased by 50 percent over the President's budget request;

(2) funding for the Bank's interest Equalization Program for fiscal year 1991 should be no less than $25,000,000;

(3) there should be additional funding for the Bank's war chest to combat tied aid efforts of foreign firms and governments of at least $200,000,000 for fiscal year 1991; and

(4) funding for the administrative costs of the Bank for fiscal year 1991 should be increased by at least $5,000,000 over the President's budget request.

SUMMARY OF SENATOR LIEBERMAN'S BILL ON EASTERN EUROPE

Sections 2-6: Establishes an Eastern European Economic Strategic Planning Commission.—Establishes an Eastern European Economic Strategic Planning Commission. The structure of the Commission is patterned after the National Economic Commission. Its purpose is to develop a long term U.S. strategy for aiding the nations of Eastern Europe, relying on both government and private sector experts.

In preparing this strategy, the Commission shall, among other things, make an inventory of government programs that could be used to aid these nations, including an evaluation of possible new uses for these programs in aiding the nations of Eastern Europe. The Commission shall also evaluate existing U.S. aid programs to Eastern Europe, as well as the aid programs of other nations and multilateral institutions.

The Commission shall submit two reports to the President and Congress, an interim report after 6 months and a final report after one year.

Authorized to be appropriated $1 million.

Section 7: Establishes an Eastern European Foundation.—Establishes an Eastern European Foundation patterned after the Inter-American and African Foundations. The Foundation will provide grant money and technical assistance to small and mid-sized businesses and entrepreneurs. The Foundation will focus only on business and economic issues.

Authorized to be appropriated for FY 1991 and FY 1992, a total of $15,000,000.

Section 8: Calls for Negotiations on an OECD East-West Center.—The Secretary of State, in consultation with the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve Board, shall enter into negotiations with other member nations of the OECD to establish an East-West Center for Economic Transition. The Center shall draw on existing OECD expertise to offer technical advice and assistance to the nations of Eastern Europe and the Soviet Union as they attempt to build institutions, private sector and governmental, that will help establish market economies. The Secretary of State shall submit a report to Congress on the progress of the negotiations, and if applicable the activities of the Center, six months after the enactment of the legislation.

Authorized to be approprited for FY 1991 and FY 1992, a total of $2,000,000.

Section 9: Increase the number of Commercial and Economic Officers in Eastern Europe and the Soviet Union.—Authorize to be appropriated a total of $2,000,000 for FY 1991 and FY 1992 to increase the number of commercial and economic officers to our embassies and consulates in Eastern Europe and the Soviet Union.

Section 10: Use of repayment of lend-lease debt by the Soviets to fund certain East-West programs.—If, as part of the pending U.S.-Soviet trade agreement, the Soviets resume payment of their lend-lease debt, an amount now totaling some $674 million, those payments shall be used to fund certain programs established to assist the nations of Eastern Europe, as well as bilateral U.S.-Soviet programs.

Specifically, the payments shall be used to: fund the OECD East-West Center; establish a scholarship fund for graduate level and post-doctoral students for Soviet and East European students; establish a fund to help U.S. firms set up joint ventures with the Soviet Union to be administered by the Department of Commerce; to support the work of the Eastern Europe Foundation; to help pay for U.S. contributions to the European Reconstruction Bank; to pay for cultural and academic exchanges between the U.S. and the Soviet Union; to fund government to government technical assistance programs for the Soviets; and to help pay for the costs of increasing the number of commercial and economic officers to our embassies and consulates in the Soviet Union and Eastern Europe.

The Department of State in conjunction with the Departments of Commerce, Energy, and the Environmental Protection Agency shall establish a program whereby partial payment of the lend lease debt by the Soviets can be petroleum, petroleum products, and natural gas. These commodities shall then be given or sold at cost to the nations of Eastern Europe in exchange for their taking measures to clean up their environment. The EPA shall offer technical assistance in structuring these environmental clean up programs. If in the course of implementing these programs, the governments of the Eastern European nations need to purchase equipment as part of the clean up process, or are in need of technical advice in the implementation of these programs, they should, to the extent practical and possible, make use of American firms and advisers.

No additional funding required. Upon receipt of payment by the Soviet government of lend-lease debt by the U.S. Treasury, a like amount shall be transferred to the Secretary of State to fund the mentioned programs.

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Section 11: Amend the Polish, Hungarian Aid Act (SEED).—The SEED Act shall be amended, adding two new provisions to Title II, Section 201 "Enterprise Funds for Poland and Hungary." The first provision states that in keeping with the purposes of the Enterprise Funds to promote the development of the private sector in Poland and Hungary, the Funds shall be permitted to make loans and offer grants to the governments of these nations in order for them to be able to contract with private sector economic, management, and technical advisers in making the transition to a market based economy. This shall include but not be limited to assisting with the establishment of institutions that will protect and promote the private sector, as well as with the process of privatizing parastatal industries. In addition, lending to the governments of both nations shall be permitted for use in government-sponsored infrastructure projects identified as necessary to support private sector development.

Another new provision states that it is the intent of Congress that the Enterprise Funds shall make a special effort to help in the development of small and midsized businesses and entrepreneurs in Poland and Hungary through all of its programs.

Section 12: Establish an intensive managerial, business, finance program for Eastern European businesspersons and entrepreneurs.—The Department of State in conjunction with the Department of Commerce and the National Science Foundation shall establish an intensive training program in the U.S. and abroad, ranging from six to twelve months in duration, for the training of Eastern European and Soviet managers and entrepreneurs in business, finance, and managerial skills. The purpose of this program shall be to help build the private sector expertise in these nations. To the extent possible and practical, this program shall also make use of experts from the U.S. private sector, as well as our public and private universities. This program shall be designed for implementation in the U.S. and the nations of Eastern Europe and the Soviet Union.

There is authorized to be appropriated $5 million for FY 1991 for the purpose of carrying out this program.

Section 13: Sense of Congress provision for increasing funding for the Export-Import Bank.—Sense of the Congress provision that supports increased funding for the Eximbank's direct loan program, tied aid fund, Interest Equalization Program, and administrative expenses.●

By Mr. DECONCINI (for himself, Mr. HOLLINGS, Mr. LAUTENBERG, Mr. CRANSTON, and Mr. KOHL):

S. 2326. A bill to amend title 35, United States Code, with respect to patents on certain processes; to the Committee on the Judiciary.

BIOTECHNOLOGY PATENT PROTECTION ACT

● Mr. DECONCINI. Mr. President, I rise today with my colleagues, Senator HOLLINGS, LAUTENBERG, CRANSTON, and KOHL to introduce the Biotechnology Patent Protection Act of 1990. The bill corrects the inadequacies in our patent code that limit the patentability of inventions in this emerging and important field. The bill will also provide protection from the ever increasing foreign infringement of American biotechnology ingenuity.

American scientists invented genetic engineering and America is currently the world leader in biotechnology research. However, because of the rapid advancements in this promising field, our patent and trade laws have failed to keep pace. Instead of providing incentives and the path to progress, the Patent Code and trade laws have become impediments to the commercialization of biotechnology research. We cannot sit idly by watching another American industry succumb to foreign competitors.

In its simplest terms, biotechnology is the study and application of genetic engineering techniques, sometimes referred to as recombinant DNA technology. Sections of DNA called genes contain chemical instructions that guide the cell's machinery in constructing proteins. Proteins give living things their unique characteristics. Through biotechnology drug research, scientists can discover beneficial substances that naturally occur in the body and duplicate these rare substances with gene-splicing techniques resulting in useful and commercial quantities. The end result is a whole new generation of life-saving products.

Let me provide an example of how biotechnology is revolutionizing health care. Factor VIIIc is a blood protein necessary for clotting. Hemophiliacs deficient in this protein often bleed to death from minor wounds, because their blood fails to clot. Factor VIIIc is present in small amounts in blood donated to banks and hospitals. These small amounts of the clotting factor can be extracted from donated blood and pooled to provide a sufficient quantity to treat hemophilia. Hemophiliacs must take regular injections of pooled factor VIIIc to stay alive.

In recent years, biotechnology researchers have been successful in placing human factor VIIIc genes into microorganisms. These microorganisms can be induced to secrete factor VIIIc in quantities sufficient to treat hemophiliacs. Because this genetically engineered factor VIIIc is not a blood product, it will not be contaminated with impurities such as the AIDS virus.

Despite the progress that biotechnology researchers have achieved, our patent code as interpreted by the courts has failed to provide the necessary protection to these recombinant processes. The first section of this measure addresses the problem that biotechnology inventors have had with the decision of In re Durden. Durden involved the asserted patentability of a process for producing a new and patentable compound from a new and patentable starting material using a known chemical reaction. The patent applicant in that case admitted that the nature and conduct of the chemical reaction as it related to the change made in the molecules was known for other, analogous, starting materials to make other corresponding products. The Federal circuit held in Durden that although the starting material and the resulting product were nonobvious and novel, the process to make the product could not be patented.

The Durden decision has been applied in an inconsistent manner by the Patent Office in denying process patents to various useful recombinant versions of naturally occurring proteins. The denials continue to occur although there are indeed patent cases supporting the proposition that a process to make a product will not be considered unpatentable if the starting material is novel. However, as long as Durden is controlling, there is no assurance that patent examiners will not continue to deny biotechnological process patent applications worthy of patent protection.

Section I of this bill will resolve the Durden dilemma and provide the proper criteria for recombinant processes. The section provides that a process to make a product will not be considered unpatentable if the starting material or resulting product is novel. This section will give guidance to the Patent Office for biotechnology-derived process applications and end the inconsistent application of Durden.

The Biotechnology Patent Protection Act also provides a solution to another deficiency in our law that has created an obstacle for the U.S. biotechnology industry. Before the 1988 Trade Act, a patent infringer could take a patented process offshore, make a product from the process, and then ship the product back into the United States. The owner of the patented process had no recourse from this form of infringement. The 1988 Trade Act amended the Patent Code and section 337 of the 1930 Tariff Act to prevent offshore process patent infringement. In that important piece of legislation, Congress adopted the principle that no one should be allowed to import a product manufactured offshore that would constitute patent infringement if it had been manufactured in the United States. Unfortunately, the language of the bill as interpreted did not mirror our intent.

Contrary to the intention of the 1988 amendments to section 337 and the Patent Code, the International Trade Commission has recently ruled that foreign manufacturers are still permitted to take patented biotechnological materials offshore to produce a product to ship back into the United States without legal recourse to the patentee. This practice has had a deleterious effect on the American biotechnology industry. If, after a long, costly, and uncertain period of discovery of an innovative drug product, an American biotechnology company has to watch helplessly as infringing foreign imitators pilfer the remuneration to which it is entitled, then the economic incentive intended to encourage the efforts of these American companies will dry up.

Presently, the biotechnology industry produces billions of dollars annually for our Nation's economy. President Bush recognized the importance this field has on our economic growth by designating biotechnology research as a funding priority in his proposed budget. The budget proposal notes how the recent breakthroughs in the biotechnology field "offer unprecedented opportunities for improving the Nation's productivity, health, and well-being."

This legislation will increase the incentive to invest in biotechnology research and commercial development by correcting the inadequacies in our patent laws and ending the foreign infringement. All Americans will benefit from a prosperous biotechnology sector as the patenting of new drugs will dramatically improve the quality of all our lives.

A companion bill to this legislation has already been introduced in the House by Representative Boucher, differing only in the effective date of the legislation. This distinguishing factor in the bills evinces a need for negotiation between all parties concerned on how best to proceed with this legislation. As chairman of the Subcommittee on Patents, Copyrights and Trademarks, I plan to hold a hearing on this measure in the future so that we arrive at the best possible solution to the growing problems this bill addresses. As I have always done on legislation dealing with such complex areas of science and law, I encourage suggestions from industry and all interested parties.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2326

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PATENTABILITY OF CERTAIN PROCESSES.

Section 103 of title 35, United States Code, is amended by adding at the end the following new paragraph:

"A process of making a product shall not be considered obvious under this section if an essential material used in the process is novel under section 102 and otherwise nonobvious under section 103.".

SEC. 2. IMPORTATION PROHIBITION; INFRINGEMENT BY IMPORTATION, SALE, OR USE.

(a) Amendment to Tariff Act of 1930.—Section 337(a)(1)(B) of the Tariff Act of 1930 (19 U.S.C. 1337(a)(1)(B)) is amended—

(1) in clause (i) by striking "or" after the semicolon;

(2) in clause (ii) by striking out the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(iii) are made, produced, or processed under, or by means of, the use of an essential biotechnological material (as defined under section 154(b) of title 35, United States Code) covered by a valid and enforceable United States patent.".

(b) Amendments to Title 35, United States Code.—

(1) Infringement.—Section 271 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(h) Whoever without authority imports into the United States or sells or uses within the United States a product which is made by using an essential biotechnological material (as defined under section 154(b)) which is patented in the United States shall be liable as an infringer if the importation, sale, or use of the product occurs during the term of such patent.".

(2) Contents and term of patent.—Section 154 of title 35, United States Code, is amended—

(A) by inserting "(a)" before "Every";

(B) by inserting "(1)" after "in this title,";

(C) by striking "and, if the invention" and inserting "(2) if the invention";

(D) by inserting after "products made by that process," the following: "and (3) if the invention is an essential biotechnological material used in making a product, of the right to exclude others from using or selling throughout the United States, or importing into the United States, that product,"; and

(E) by adding at the end the following:

"(b) For purposes of this section, the term 'essential biotechnological material' means a biologically engineered organism that is essential for the production of a product. Such term includes any host cell, DNA sequence, or vector.".

SEC. 3. EFFECTIVE DATE.

(a) Section 1.—The amendment made by section 1 shall apply to all United States patents granted before, on, or after the date of the enactment of this Act and to all applications for United States patents pending on or filed after such date of enactment, including any application for the reissuance of a patent.

(b) Section 2.—(1) The amendment made by section 2(a) shall apply only to articles imported, or sold for importation, on or after the date of the enactment of this Act.

(2)(A) Subject to subparagraph (B), the amendments made by section 2(b) shall take effect on the date of the enactment of this Act.

(B) With respect to any article which is imported before the date of enactment of this Act, and which, but for the amendment made by section 2(b), could be sold or used within the United States, no person shall be liable for infringement under section 271(h) of title 35, United States Code, for such sale or use.●

By Mr. KERRY (for himself, Mr. Riegle, Mr. Metzenbaum, Mr. Garn, Mr. Bond, Mr. Bryan and Mr. Hatch):

S. 2327. A bill to authorize Federal depository institutional regulatory agencies to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSITORY INSTITUTION MONEY LAUNDERING AMENDMENTS

● Mr. KERRY. Mr. President, last month the Foreign Relations Subcommittee on Narcotics and Terrorism released a report "Drug Money Laundering, Banks and Foreign Policy." In that report the subcommittee recommended that:

> Federal regulators should consider revocation of a bank's charter whenever there is evidence that the bank's senior officals or directors had knowledge of or participated in money laundering violations to the extent that the operational integrity and viability of the institution is compromised.

Today I am introducing the Depository Institution Money Laundering Amendments Act of 1990, which will give Federal regulators that power. I am pleased to be joined in this effort by the chairman of the Senate Banking Committee, Senator Riegle; the chairman of the Subcommittee on Antitrust, Monopolies and Business Rights, of the Judiciary Committee, Senator Metzenbaum; the ranking minority member of the Banking Committee, Senator Garn, as well as Senators Bond and Bryan.

The laundering of illegal drug profits is estimated to be a $300 billion global problem, with a least a third of the illegal activity located in the United States alone. Money laundering is a central part of the drug trade, directly involving those at the top of the drug heirarchy. It is becoming increasingly clear that with the proper laws and enforcement, money laundering could prove to be the Achilles heel of the drug trade.

Although banks in this country are showing an increasing willingness to cooperate in the war on drugs, we still have some distance to travel. Bank money laundering continues to be a significant problem.

This legislation will give the appropriate Federal depository institution regulatory agencies the power to revoke charters, terminate deposit insurance, and remove or suspend officers and directors of depository institutions involved in money laundering or monetary transaction reporting offenses.

The Government already has the power to shut down a corrupt institution. Under 12 U.S.C. 1818(a), the FDIC can terminate an institution's insured status on the basis that the institution has violated the law or upon finding that unsafe and unsound practices or conditions are prevalent within an institution. We are adding another weapon for the regulators to punish illegal conduct.

Specifically, the appropriate bank regulator must order a pretermination hearing on the forfeiture of a franchise of a bank, provided, the institu-

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tion itself was convicted of an offense under section 1956(a) or 1957 of title 18. These two sections are at the heart of the Money Laundering Control Act which was signed into law by President Reagan in 1986.

In general terms, section 1956 prohibits knowingly engaging in a broad range of transactions involving the proceeds of criminal activity either with the intent to promote the unlawful activity, or with the intent to conceal some aspect of the funds or to avoid the currency transaction reporting requirements.

Section 1957 prohibits knowingly engaging in virtually any typical banking transaction involving a financial institution which involves criminally derived property of a greater value than $10,000.

If the offense is a title 31, section 5322 offense then it is at the bank regulator's discretion whether or not to convene a pretermination hearing. Title 31 of the U.S. Code requires banks to maintain extensive records relating to large-scale transactions or transportations of monetary instruments. It was decided that a violation of this section should not automatically trigger a pretermination hearing because offenses under this title do not necessary involve criminally derived property.

Before a revocation order can be issued, the Federal regulatory authority must convene a pretermination hearing. At that hearing a series of four factors must be taken into account. These factors include: First, the degree to which senior management officials knew of or were involved in the solicitation of narcotics derived funds or the money laundering operation; second, whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise; third, whether the bank has fully cooperated with law enforcement authorities with respect to the conviction; and fourth, whether there will be significant losses to the Federal Deposit Insurance Fund.

Mr. President, this proposal is not intended to penalize a bank for the actions of low-level employees or officials acting beyond the scope of their employment.

Similarly, it is not intended to punish a community which relies on the bank for its source of loans and contributions to the economy.

We are concerned about severely corrupt institutions who belie their fiduciary responsibilities to their customers and actively transact business with individuals without any concern as to the derivation of their funds.

Finally, an important component of sections one through three is that no financial institution would be subject to these harsh penalties by virtue of the fact that it has acquired the violating bank, or had succeeded to the bank, without knowledge of the illegal activities of that bank.

Section 4 of the bill expands upon current law to permit Federal depository institution regulatory agencies to permanently or temporarily remove from office persons charged with or convicted of violating money laundering statutes. The amendment would also allow the agencies to suspend such person from office pending the final outcome of a proceeding to determine whether there is sufficient evidence to permanently or temporarily remove a person from office.

Under current law, an agency may suspend any institution-affiliated party from office or prohibit him or her from participating in any manner in the affairs of the depository institution if the agency determines that such action is necessary for the protection of the institution or in the best interest of the depositor. Removal can occur if the party engaged in any unsafe and unsound practices, breached his/her fiduciary duty or violated any written agreement with the institution. A conviction for money laundering clearly meets these criteria and should be made explicit in the law.

Section 4 also allows regulators to remove an officer or director of a depository institution if they knew that an institution affiliated party violated the money laundering statutes.

In making the determination of whether an officer or director of an insured depository institution or credit union had knowledge, that an institution affiliated party of the institution violated subchapter II of chapter 53 or title 31, United States Code, or section 1956 or 1957 of title 18, United States Code, it is intended that the appropriate Federal banking agency's or the Federal Credit Union Board's determination include a finding of whether there was a conscious purpose to avoid learning the truth. Thus, the "knowledge" standard adopted covers both "actual knowledge" of a violation as well as actions by officers and directors that evidence a conscious disregard or deliberate ignorance of known circumstances that should have reasonably alerted such officers or directors to the high probability of such violations.

Section 4, like the first three sections, gives the regulators a new and important weapon in the war on drugs. As the former assistant secretary for financial enforcement at the Treasury Department, Salvatore Martoche, testified before our committee: "We have discovered that money launderers have learned that they do not have to buy a bank. All they have to do is buy a banker." This legislation sends the message that bankers who engage in laundering illicit funds, or who turn a blind eye to money laundering, will be barred from banking.

The vast majority of bankers in this country are law-abiding citizens; and the vast majority of banks in this country are honest and working to cooperate with law enforcement in anti-money laundering efforts. This bill is not directed at those individuals or institutions and it accordingly places no additional administrative burdens on them. But this legislation will give law enforcement a new tool in the war on drugs, and will help to insure that in the future, banks controlled by corrupt officers and directors do not get off with a slap on the wrist.

Finally, Mr. President, I want to thank Senators RIEGLE, METZENBAUM, and GARN for their work on this legislation. I urge all of my colleagues to join us in sponsoring this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2327

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Depository Institution Money Laundering Amendments of 1990".

SEC. 2. REVOCATION OF CHARTER OF FEDERAL DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

(a) NATIONAL BANKS.—Section 5239 of the Revised Statutes (12 U.S.C. 93) is amended by adding at the end the following:

"(c) FORFEITURE OF FRANCHISE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.—

"(1) IN GENERAL.—(A) If a national bank is convicted of any offense described in section 1956(a) or 1957 of title 18, United States Code, the Comptroller of the Currency shall issue a notice of his or her intention to terminate all rights, privileges, and franchises of such bank and schedule a pretermination hearing.

"(B) If a national bank is convicted of any offense described in section 5322 of title 31, United States Code, the Comptroller of the Currency may issue a notice of his or her intention to terminate all rights, privileges, and franchises of such bank and schedule a pretermination hearing.

"(2) FACTORS TO CONSIDER BEFORE A FORFEITURE IS ISSUED.—In determining whether a franchise shall be forfeited under paragraph (1), the Comptroller shall consider—

"(A) the degree to which senior management officials knew of, or were involved in, the solicitation of narcotics derived funds or the money laundering operation;

"(B) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(C) whether the bank has fully cooperated with law enforcement authorities with respect to the conviction; and

"(D) whether there will be significant losses to the Federal deposit insurance funds or the Resolution Trust Corporation.

"(3) Successor liability.—This subsection does not apply to a successor to the interests of, or a person who acquires, a bank that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(4) Definition.—For purposes of this subsection, the term 'senior management officials' means those individuals who exercise major supervisory control within a national bank, including members of the board of directors and individuals who own or control 10 percent or more of the outstanding stock of such bank or its holding company. If the institution is a Federal branch of a foreign institution, the term 'senior management officials' means those individuals who exercise major supervisory control within any branch of that foreign institution located within the United States. The Comptroller shall by regulation specify which officials of a national bank shall be treated as senior management officials for the purpose of this subsection.".

(b) Federal Savings Associations.—Section 5 of the Home Owners' Loan Act (12 U.S.C. 1464) is amended by adding at the end the following:

"(w) Forfeiture of Charter for Money Laundering or Cash Transaction Reporting Offenses.—

"(1) In general.—(A) If a Federal savings association is convicted of any offense described in section 1956(a) or 1957 of title 18, United States Code, the Director shall issue a notice of his or her intention to terminate all rights, privileges, and franchises of such savings association and schedule a pretermination hearing.

"(B) If a Federal savings association is convicted of any offense described in section 5322 of title 31, United States Code, the Director may issue a notice of his or her intention to terminate all rights, privileges, and franchises of such savings association and schedule a pretermination hearing.

"(2) Factors to be considered.—In determining whether a franchise shall be forfeited under paragraph (1), the Director shall consider—

"(A) the degree to which senior management officials knew of, or were involved in, the solicitation of narcotics derived funds or the money laundering operation;

"(B) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(C) whether the institution has fully cooperated with law enforcement authorities with respect to the conviction; and

"(D) whether there will be significant losses to the Federal deposit insurance funds or the Resolution Trust Corporation.

"(3) Successor liability.—This subsection does not apply to a successor to the interests of, or a person who acquires, a savings association that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(4) Definition.—For purposes of this subsection, the term 'senior management officials' means those individuals who exercise major supervisory control within a savings association, including members of the board of directors and individuals who own or control 10 percent or more of the outstanding stock of such savings association or its holding company. If the savings association is a United States branch of a foreign institution, the term 'senior management officials' means those individuals who exercise major supervisory control within any branch of that foreign institution located within the United States. The Director shall by regulation specify which officials of a savings association shall be treated as senior management officials for the purpose of this subsection.".

(c) Federal Credit Unions.—Title I of the Federal Credit Union Act (12 U.S.C. 1752 et seq.) is amended by adding at the end the following new section:

"SEC. 128. FORFEITURE OF ORGANIZATION CERTIFICATE FOR MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

"(a) Forfeiture of Franchise for Money Laundering or Cash Transaction Reporting Offenses.—(1) If a credit union is convicted of any offense described in section 1956(a) or 1957 of title 18, United States Code, the Board shall issue a notice of its intention to terminate all rights, privileges, and franchises of such credit union and schedule a pretermination hearing.

"(2) If a credit union is convicted of any offense described in section 5322 of title 31, United States Code, the Board may issue a notice of its intention to terminate all rights, privileges, and franchises of such credit union and schedule a pretermination hearing.

"(b) Factors To Consider Before a Forfeiture Is Issued.—In determining whether a franchise shall be forfeited under subsection (a), the Board shall consider—

"(1) the degree to which senior management officials knew of, or were involved in, the solicitation of narcotics derived funds or the money laundering operation;

"(2) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(3) whether the institution has fully cooperated with law enforcement authorities with respect to the conviction; and

"(4) whether there will be significant losses to the credit union share insurance fund.

"(c) Successor liability.—This section does not apply to a successor to the interests of, or a person who acquires, a credit union that violated a provision of law described in subsection (a), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this section or regulations prescribed under this section.

"(d) Definition.—For purposes of this section, the term 'senior management officials' means those individuals who exercise major supervisory control within a credit union, including members of the board of directors and individuals who own or control 10 percent or more of the outstanding stock of such credit union. If the credit union is a United States branch of a foreign institution, the term 'senior management officials' means those individuals who exercise major supervisory control within any branch of that foreign institution located within the United States. The Board shall by regulation specify which officials of a credit union shall be treated as senior management officials for the purpose of this section.".

SEC. 3. TERMINATION OF INSURANCE OF STATE DEPOSITORY INSTITUTIONS CONVICTED OF MONEY LAUNDERING OR CASH TRANSACTION REPORTING OFFENSES.

(a) State Banks and Savings Associations.—Section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818) is amended by adding at the end the following new subsection:

"(v) Termination of Insurance for Money Laundering or Cash Transaction Reporting Offenses.—

"(1) In general.—(A) If an insured State depository institution, including a State branch of a foreign institution, is convicted of any offense described in section 1956(a) or 1957 of title 18, United States Code, the Board of Directors shall issue a notice of its intention to terminate the insured status of the insured depository institution and schedule a pretermination hearing.

"(B) If an insured State depository institution, including a State branch of a foreign institution, is convicted of any offense described in section 5322 of title 31, United States Code, the Board of Directors may issue a notice of its intention to terminate the insured status of the insured depository institution and schedule a pretermination hearing.

"(2) Factors to be considered.—In determining whether to terminate insurance under paragraph (1), the Board of Directors shall consider—

"(A) the degree to which senior management officials knew of, or were involved in, the solicitation of narcotics derived funds or the money laundering operation;

"(B) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

"(C) whether the institution has fully cooperated with law enforcement authorities with respect to the conviction; and

"(D) whether there will be significant losses to the Federal deposit insurance funds or the Resolution Trust Corporation.

"(3) Notice to State banking supervisor and public.—The Board of Directors shall—

"(A) notify the State banking supervisor of any State depository institution described in paragraph (1) 10 days prior to the termination of the insured status of such depository institution, including a State branch of a foreign bank; and

"(B) publish notice of the termination of the insured status of the depository institution.

"(4) Deposits uninsured.—Upon termination of the insured status of any State depository institution pursuant to paragraph (1), the deposits of such depository institution shall be treated in accordance with section 8(a)(7).

"(5) Successor liability.—This subsection does not apply to a successor to the interests of, or a person who acquires, an insured depository institution that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

"(6) Definition.—For purposes of this subsection, the term 'senior management officials' means those individuals who exercise major supervisory control within an insured depository institution, including members of the board of directors and individuals who own or control 10 percent or more of the outstanding stock of such institution or its holding company. If the institution is a

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State branch of a foreign institution, the term 'senior management officials' means those individuals who exercise major supervisory control within any branch of that foreign institution located within the United States. The Board of Directors shall by regulation specify which officials of an insured State depository institution shall be treated as senior management officials for the purpose of this subsection.”.

(b) State Credit Unions.—Section 206 of the Federal Credit Union Act (12 U.S.C. 1786) is amended by adding at the end the following new subsection:

“(c) Termination of Insurance for Money Laundering or Cash Transaction Reporting Offenses.—

“(1) In general.—(A) If a credit union is convicted of any offense described in section 1956(a) or 1957 of title 18, United States Code, the Board shall issue a notice of its intention to terminate the insured status of that credit union and schedule a pretermination hearing.

“(B) If a credit union is convicted of any offense described in section 5322 of title 31, United States Code, the Board may issue a notice of its intention to terminate the insured status of that credit union and schedule a pretermination hearing.

“(2) Factors to be considered.—In determining whether to terminate insurance under paragraph (1), the Board shall consider—

“(A) the degree to which senior management officials knew of, or were involved in, the solicitation of narcotics derived funds or the money laundering operation;

“(B) whether the interest of the local community in adequate depository and credit services would be threatened by the forfeiture of the franchise;

“(C) whether the institution has fully cooperated with law enforcement authorities with respect to the conviction; and

“(D) whether there will be significant losses to the credit union share insurance fund.

“(3) Notice to state credit union supervisor and public.—The Board shall—

“(A) notify the commission, board, or authority (if any) having supervision of the credit union described in paragraph (1) 10 days prior to the termination of the insured status of such credit union; and

“(B) publish notice of the termination of the insured status of the credit union.

“(4) Deposits uninsured.—Upon termination of the insured status of any State credit union pursuant to paragraph (1), the deposits of such credit union shall be treated in accordance with section 206(d)(2).

“(5) Successor liability.—This subsection does not apply to a successor to the interests of, or a person who acquires, an insured credit union that violated a provision of law described in paragraph (1), if the successor succeeds to the interests of the violator, or the acquisition is made, in good faith and not for purposes of evading this subsection or regulations prescribed under this subsection.

“(7) Definition.—For purposes of this subsection, the term 'senior management officials' means those individuals who exercise major supervisory control within an insured credit union, including members of the board of directors and individuals who own or control 10 percent or more of the outstanding stock of such credit union. If the credit union is a United States branch of a foreign institution, the term 'senior management officials' means those individuals who exercise major supervisory control within any branch of that foreign institution located within the United States. The Board shall by regulation specify which officials of an insured State credit union shall be treated as senior management officials for the purpose of this subsection.”.

SEC. 4. REMOVAL OF PARTIES INVOLVED IN CURRENCY REPORTING VIOLATIONS.

(a) FDIC Insured Institutions.—

(1) Violation of reporting requirements.—Section 8(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1818(e)(2)) is amended to read as follows:

“(2) Specific violations.—Whenever the appropriate Federal banking agency determines that—

“(A) an institution affiliated party committed a violation of any provision of subchapter II of chapter 53 of title 31, United States Code, unless such violation was inadvertent or unintentional;

“(B) an officer or director of an insured depository institution knew that an institution affiliated party of the insured depository institution violated any such provision or any provision of law referred to in subsection (g)(1)(A)(ii); or

“(C) an officer or director of an insured depository institution committed any violation of the Depository Institution Management Interlocks Act,

the agency may serve upon such party, officer, or director a written notice of its intention to remove him from office. In determining whether an officer or director should be removed as a result of the application of subparagraph (B), the agency shall consider whether the officer or director took appropriate action to stop, or to prevent the recurrence of, a violation described in such subparagraph.”.

(2) Felony charges.—Section 8(g)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1818(g)(1)) is amended to read as follows:

“(1)(A) Whenever any institution-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in—

“(i) a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, or

“(ii) a violation of section 1956(a) or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code,

the appropriate Federal banking agency may, if continued service or participation by such party may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the depository institution.

“(B) A copy of such notice shall also be served upon the depository institution. Such suspension or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the agency.

“(C)(i) In the event that a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against such party in connection with a crime described in subparagraph (A)(i), and at such time as such judgment is not subject to further appellate review, the agency may, if continued service or participation by such party may pose a threat to the interests of the depository institution's depositors or may threaten to impair public confidence in the depository institution, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the depository institution except with the consent of the appropriate agency.

“(ii) In the event of such a judgment of conviction or agreement in connection with a violation described in subparagraph (A)(ii), the agency shall issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the depository institution except with the consent of the appropriate agency.

“(D) A copy of such order shall also be served upon such depository institution, whereupon such party (if a director or an officer) shall cease to be a director or officer of such depository institution. A finding of not guilty or other disposition of the charge shall not preclude the agency from thereafter instituting proceedings to remove such party from office or to prohibit further participation in depository institution affairs, pursuant to paragraph (1), (2), or (3) of subsection (e) of this section. Any notice of suspension or order of removal issued under this paragraph shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (3) unless terminated by the agency.”.

(b) Credit Unions.—

(1) Violation of reporting requirements.—Section 206(g)(2) of the Federal Credit Union Act (12 U.S.C. 1786(g)(2)) is amended to read as follows:

“(2) Specific violations.—Whenever the Board determines that—

“(A) an institution affiliated party committed a violation of any provision of subchapter II of chapter 53 of title 31, United States Code, unless such violation was inadvertent or unintentional;

“(B) an officer or director of an insured credit union knew that an institution affiliated party of the insured credit union violated any such provision or any provision of law referred to in subsection (i)(1)(A)(ii); or

“(C) an officer or director of an insured credit union committed any violation of the Depository Institution Management Interlocks Act,

the Board may serve upon such party, officer, or director a written notice of its intention to remove him from office. In determining whether an officer or director should be removed as a result of the application of subparagraph (B), the Board shall consider whether the officer or director took appropriate action to stop, or to prevent the recurrence of, a violation described in such subparagraph.”.

(2) Felony charges.—Section 206(i)(1) of the Federal Credit Union Act (12 U.S.C. 1786(i)(1)) is amended to read as follows:

“(1)(A) Whenever any institution-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in—

“(i) a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, or

“(ii) a violation of section 1956(a) or 1957 of title 18, United States Code, or section 5322 of title 31, United States Code,

the Board may, if continued service or participation by such party may pose a threat to the interests of the credit union's members or may threaten to impair public confidence in the credit union, by written notice served upon such party, suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the credit union.

"(B) A copy of such notice shall also be served upon the credit union. Such suspension or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Board.

"(C)(i) In the event that a judgment or conviction or an agreement to enter a pretrial diversion or other similar program is entered against such party in connection with a crime described in subparagraph (A)(i), and at such time as such judgment is not subject to further appellate review, the Board may, if continued service or participation by such party may pose a threat to the interests of the credit union's members or may threaten to impair public confidence in the credit union, issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Board.

"(ii) In the event of such a judgment of conviction or agreement in connection with a violation described in subparagraph (A)(ii), the Board shall issue and serve upon such party an order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Board.

"(D) A copy of such order shall also be served upon such credit union, whereupon such party (if a director or an officer) shall cease to be a director or officer of such credit union. A finding of not guilty or other disposition of the charge shall not preclude the Board from thereafter instituting proceedings to remove such party from office or to prohibit further participation in credit union affairs, pursuant to paragraph (1), (2), or (3) of subsection (g) of this section. Any notice of suspension or order of removal issued under this paragraph shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (3) unless terminated by the Board.".●

● Mr. RIEGLE. Mr. President, last fall the Senate Banking Committee held hearings on the current state of money laundering enforcement of the U.S. Government. Witnesses recommended that we strengthen our efforts to stop money laundering. Therefore, I am particularly pleased to be joining Senators KERRY, METZENBAUM, GARN, BOND, and BRYAN today in introducing legislation which would strengthen the bank regulators' arsenal of weapons. The legislation would clearly grant to regulators of depository institutions the authority to revoke the charter of a depository institution that has been convicted of money laundering and to remove employees who have been convicted of money laundering from the institution. Federal regulators currently have such Authority in certain situations. However, some disagreement exists with respect to the authority of the regulators to use these enforcement measures in connection with money laundering and currency transaction reporting violations. The legislation we are introducing today would clarify that regulators may use these remedies with respect to violations of the money laundering statutes.

Money penalties often do not provide a significant deterrent to money laundering. Where the potential profits from laundering money are great, the payment of fines amounts to nothing more than a payment out of the proceeds derived from the illegal activity. Removal of bank employees and the revocation of a charter would provide additional encouragement to bank employees to prevent money laundering from occurring within their institutions.

REVOCATION OF CHARTER AND TERMINATION OF INSURANCE

As holders of vast amounts of U.S. citizens' money in the form of savings and transaction accounts, banks hold a special place in our society and in our economy. Therefore, prior to granting a charter or granting deposit insurance coverage, Government authorities carefully scrutinize the organizers and the proposed managers to determine whether or not they are deemed worthy of receiving federally insured deposits and savings from the public. The chartering and insuring authorities examine not only the experience of these individuals but also their character, including whether they have been previously convicted of any crimes. When a bank is convicted of engaging in money laundering, the public's trust has been violated. This bill would provide that, when a bank has been convicted of money laundering, the appropriate governmental authority could revoke the bank's charter or, in the case of a state-chartered bank, could terminate Federal deposit insurance. A hearing would be required prior to taking any such action. The regulator would be required to consider a number of factors, including: Whether the costs to the insurance fund would be excessive; whether the local community would be left with adequate depository and credit services; whether the depository institution cooperated with law enforcement authorities; and whether senior management officials knew, or were involved, in the solicitation of drug money.

REMOVAL OF EMPLOYEES BY THE REGULATOR

The revocation of a charter or the termination of deposit insurance are severe penalties, but they are proper penalties for institutions convicted of money laundering. The authority to remove bank employees who have engaged in money laundering, however, would allow the regulators to target the penalty to specific individuals responsible for the violations. Under current law, regulators have the authority to remove bank employees from a federally insured institution when the officer or director is convicted of a violation of any law or regulation involving dishonesty or a breach of trust. Violations of money laundering and currency transaction reporting statutes may not fall clearly within this current authority. This legislation clarifies that the regulators may use the authority to remove employees in money laundering cases. The regulator would be required to remove temporarily or permanently any bank employee actually convicted of violations of money laundering or the currency transaction reporting requirements. In addition, the legislation provides that the regulator may remove, when deemed appropriate, any officer or director who knew a bank employee violated the money laundering statutes or currency transaction reporting requirements.

Mr. President, I want to commend Senator KERRY for his continuing leadership in the fight against money laundering. I also want to commend Senators METZENBAUM and GARN for their efforts in stopping money laundering. I urge my colleagues to support this legislation. This bill, if enacted into law, would enhance the regulators' arsenal of weapons against money laundering and would serve as a deterrent to participation in money laundering schemes by bank employees. Because money laundering is a key component of the drug trafficking business, this legislation would contribute to this Nation's war on drugs. My cosponsors and I will make every effort to see that it is enacted into law as soon as possible.●

● Mr. METZENBAUM. Mr. President, I am pleased to join with Senators KERRY, RIEGLE, GARN, BOND, and BRYAN in introducing the "Depository Institution Money Laundering Amendments of 1990." This bill will give the Comptroller of the Currency, the Federal Reserve, the Federal Deposit Insurance Corporation, and other regulatory agencies new and tougher penalties that will help deter money laundering.

In recent years, money laundering, particularly as it relates to drug trafficking, has been the focus of much attention and debate—and for good reason. Money laundering is an essential component of the drug trade. It allows the leaders of the drug cartels to convert the proceeds from their illegal drug sales into hotels and real estate investments, seemingly legitimate ventures. If we can stop or deter money laundering, we can do a great deal towards stopping drug trafficking.

It is estimated that approximately $100 billion a year in drug money is laundered. These money laundering schemes generally, in some form or another, involve banks and other financial institutions. Current forfeiture statutes and other penalties against financial institutions convicted or

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money laundering are not enough and do not sufficiently deter the employees and officers and directors of these institutions from engaging in highly profitable laundering schemes.

These statutes and penalties are failing because they do not adequately focus on the individuals who run the schemes or on those who manage financial institutions where the laundering occurs. After all, it is the individuals—not faceless corporations—who serve as agents to accomplish money laundering transactions.

Under the depository institution money laundering bill, individuals who are convicted of money laundering will be removed from office and prohibited from participating, in any manner, in the affairs of any financial institution in this country. In addition, if it is determined that a senior official had knowledge of money laundering activities in his institution, he may also be removed from office and barred from participation in the affairs of a financial institution. On top of that, the institution's charter can be revoked. These new penalties would apply even if the safety and soundness of the institution is not jeopardized.

These new penalties will send a clear and unmistakable message to those who run financial institutions that if you launder money or if you knowingly allow money laundering in your institution, you may never make another dollar in salary as an employee of any financial institution. Officers and directors will no longer be permitted to close their eyes or turn their backs on money laundering activities. The days of the so-called innocent bystander are over. It is time to bring the full force of the law to bear on the people who are culpable for the crime.

I urge all Senators to join us in sponsoring this bill.●

● Mr. GARN. Mr. President, I rise today as an original cosponsor of legislation authorizing Federal regulators to take action against banks, savings and loans, and credit unions convicted of money laundering offenses. Action that could be taken includes: charter revocation, termination of deposit insurance privileges, and removal or suspension of offices and directors.

The enhanced enforcement authority we gave to regulators in the Financial Institutions Reform, Recovery and Enforcement Act of 1989 to crack down on financial crimes in our depository institutions is extended with this legislation to give the regulators increased authority and flexibility to address the crime of money laundering.

This bill can be used to shut down a bank or a branch of a foreign bank, a savings and loan, or a credit union that has been so involved in money laundering that it should not be allowed to remain open and benefit from our national financial structure.

This bill, however, does not require the regulator to close an institution or remove an officer. It instead provides the regulators with extraordinary tools for use when the regulator, after considering circumstances and relevant factors, determines such action is appropriate.

Officers, directors, and employees of financial institutions are an indispensable part of our Nation's fight against illicit drugs and have proven, time and again, to be valuable and trusted sources of informaiton leading to the apprehension of money launderers. While nearly all comprise a concerned and vigilant group, there have-been a few who have sold out public interest for private gain. This bill is a tool to be used against those individuals.●

By Mr. MACK (for himself and Mr. GRAHAM):

S. 2328. A bill to prohibit the Secretary of the Interior from issuing oil and gas leases on certain portions of the Outer Continental Shelf off the State of Florida; to the Committee on Energy and Natural Resources.

OFFSHORE OIL DRILLING IN THE FLORIDA KEYS

● Mr. MACK. Mr. President, I have always said that I believe drilling should not be allowed off the coast of southwest Florida in the absence of conclusive evidence that environmental damage will not occur. After reviewing the latest information on offshore oil drilling and making recent visits to the Everglades and Keys, I am even more convinced that there will always be an unacceptable risk that any oilspill off the coast of South Florida would be a major catastrophe. Therefore, I am introducing legislation that would permanently ban offshore oil drilling south of 26 degrees north latitude on the Gulf of Mexico. This legislation is identical to the legislation introduced by Congressman ANDY IRELAND and cosponsored by the entire Florida delegation in the House of Representatives.

The area off the southwest coast of Florida is one of the most environmentally sensitive coastal habitats in the continental United States. The only living coral reef in the continental United States lines the east coast of the Florida Keys. The reef supports more than 400 species of fish and marine organisms. Sizable coral reefs take hundreds of years to form and left undisturbed, can create new islands such as the Keys.

The southwest Florida shelf supports a major seafood industry as well as recreational fishing and boating activities. Florida's greatest single source of income is provided by the sales tax revenue generated by tourists who come to Florida for its beautiful beaches, many of which are located in southwest Florida. Some of our Nation's greatest national treasures are located in southwest Florida, including the Everglades National Park, Crocodile Lake, and Great White Heron and Key West National Wildlife Refuges. The Everglades are lined with mangroves, which provide shallow, sheltered, nutrient-rich water for marine life and their above-ground maze of roots would make cleanup on an oilspill impossible.

When the Federal Government offered these drilling leases to oil companies several years ago, it ignored one very important factor. It did not consider the potential costs, the risks of an oilspill to Floridians. Much more than anyone else, Floridians know the immense aesthetic value of our scenic coast. We also know how much our livelihoods are closely linked to the economic value of our shoreline and fisheries. Florida's coast belongs to Floridians. The Federal Government should not impose the huge risk of an oilspill on Florida's pristine coast against the will of Floridians.

The protection of Florida's coastline is a priority issue. If anyone should decide the fate of Florida's coastline, it's Floridians, and the Floridians I've talked to have said no to offshore oil drilling.●

By Mr. THURMOND:

S. 2329. A bill to amend title 18, United States Code, relating to the protection of officers and employees of the United States; to the Committee on the Judiciary.

PROTECTION OF PUBLIC DEFENDERS

● Mr. THURMOND. Mr. President, I rise today to introduce legislation which would amend Federal law to ensure the safety of our Nation's public defenders. Currently, section 1114 of title 18 makes it a Federal offense to attempt to kill a broad range of employees of the Federal Government. Among those protected under current law are Federal judges, prosecutors, law enforcement officers, and a number of other employees of the Federal criminal justice system. Unfortunately, Federal public defenders are not protected by the statute. This bill would amend current law to include Federal public defenders and assistant public defenders within those persons protected under current law. In addition, it would also make it a crime to threaten to kill or do serious bodily injury to those persons protected under the statute.

Recently, a man convicted in Federal court of threatening a Federal magistrate viciously threatened to kill his public defender in a letter which he hand delivered. The letter contained threats too cruel and heinous to repeat here. These threats were made against the lawyer who had worked tirelessly to protect his rights. Unfortunately, the Federal Government has no course of action against this individual making this serious threat.

The role public defenders serve in the criminal justice system is an important one. Threats against them should not be taken lightly. It is important that current law be amended to provide for their protection.

Mr. President, this legislation can only strengthen the integrity of our judicial system. I urge swift action on this bill and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2329

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

Section 1114 of title 18, United States Code, is amended—

(1) by deleting "Whoever kills or attempts to kill" and inserting in lieu thereof "Whoever kills or does serious bodily harm, attempts to kill or do serious bodily harm, or threatens to kill or do serious bodily harm"; and

(2) by inserting immediately after "Federal Bureau of Investigation of the Department of Justice," the following: "any Federal Public Defender or Assistant Federal Public Defender,".●

By Mr. PRESSLER:

S. 2330. A bill to require the Commodity Credit Corporation to reimburse producers for losses suffered as a result of the closing of Corporation licensed and approved grain warehouses or elevators, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

INVENTORY GRAIN PROTECTION ACT

Mr. PRESSLER. Mr. President, today I am introducing a bill to help farmers who suffer losses when a Commodity Credit Corporation [CCC] approved or licensed warehouse is closed before payment is made to those who deliver grain for sale. My bill requires the CCC to pay farmers who are caught in this situation, using the proceeds from the sale of confiscated inventory grain in a CCC-approved elevator or warehouse that has been forced to close. Anyone who is not paid for delivered grain when an elevator is forced to close would be paid from the sale of CCC-confiscated grain before any proceeds could go to the CCC.

Under current CCC regulations, when a CCC-approved elevator closes, the CCC confiscates the proceeds from the sale of its grain inventory, instead of paying off the individuals who delivered grain to the elevator but received no compensation for that grain. In my home State of South Dakota, the CCC forced an elevator to close. Approximately 1 million dollars' worth of confiscated inventory grain was sold by the CCC after the elevator closed. According to current CCC regulations, nearly all of the proceeds of this grain will go to the CCC, rather than to the farmers who did not receive payment for the grain they delivered in good faith to the elevator.

A farmer's grain crop is the result of a year's planning, hard work, and tremendous financial investment. With production costs as high as they are, the loss of just 1 year's crop income can financially ruin a farmer. Not only the farmer suffers. Bills at local businesses may go unpaid and banks and lending institutions may not receive payments due on loans. The whole rural economy suffers.

Although my legislation would be needed infrequently, those whose income it would protect could be saved from financial ruin. I urge the support of our distinguished colleagues for this much-needed legislation, and ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2330

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Inventory Grain Protection Act of 1990".

SEC. 2. DUTY OF COMMODITY CREDIT CORPORATION.

Notwithstanding any other provision of law, if a grain elevator or warehouse that is licensed or approved by the Commodity Credit Corporation is closed and the inventory grain of such elevator or warehouse is sold, the Commodity Credit Corporation shall use the proceeds from such sale to reimburse all farmers that have suffered losses as a result of the confiscation and sale of such grain by such Corporation prior to such Corporation retaining any such proceeds for use by the Corporation.

SEC. 3. RETROACTIVE EFFECTIVENESS.

Section 2 shall become effective as of July 1, 1988.

By Mr. DASCHLE:

S. 2331. A bill to amend the Internal Revenue Code of 1986 to make permanent, and to increase to 100 percent, the deduction of self-employed individuals for health insurance costs; to the Committee on Finance.

TAX TREATMENT OF HEALTH INSURANCE COST FOR SELF-EMPLOYED INDIVIDUALS

Mr. DASCHLE. Mr. President, as a member of the Senate Finance Committee, I have become increasingly aware of inequities for small businesses contained in our Federal tax laws. This is particularly ironic, given the often-repeated claim that small business is the backbone of our country.

One of the many ways that our tax system discriminates against small businesses is in denying the self-employed a full deduction for their health insurance expenses. Corporations may deduct 100 percent of the costs of providing health insurance for their employees, but the self-employed, whether they operate as sole proprietorships or as partnerships, are only permitted to deduct 25 percent of the cost of health insurance for themselves and their families. What's more, the 25 percent deduction is scheduled to expire on September 30, 1990.

The importance of the deduction for health insurance costs has grown substantially in recent years due to tremendous increases in health costs generally. The annual double-digit increases in health costs have far outstripped the rate of inflation and led to similar increases in the cost of health insurance. Corporations, which frequently are in a better position to absorb cost increases, may fully deduct the greater insurance expenses, while the self-employed must pay the bulk of these costs with after-tax dollars. In some cases, this may mean forfeiting health insurance altogether.

I think it is time we put the self-employed on an equal footing with corporations. Therefore, I am introducing today legislation that would increase the self-employed deduction for health insurance costs from 25 to 100 percent. In addition, my bill would make the deduction permanent, as it is for corporations. If my bill is enacted, the self-employed will no longer have to worry each year that their deduction for health insurance costs may be completely eliminated.

This is just one of many bills I hope to sponsor or support in the future to help small businesses and to address the complex health problems we face.

By Mr. LIEBERMAN (for himself, Mr. DODD, Mr. MOYNIHAN, and Mr. D'AMATO):

S.J. Res. 276. Joint resolution designating the week beginning July 22, 1990, as "Lyme Disease Awareness Week"; to the Committee on the Judiciary.

LYME DISEASE AWARENESS WEEK

● Mr. LIEBERMAN. Mr. President, today I am introducing legislation to designate the week of July 22, 1990, as "Lyme Disease Awareness Week." Lyme disease was first discovered in Lyme, CT, in 1976. This tick-borne disease has now been reported in 43 States. More than 21,000 cases have been reported to the Centers for Disease Control since 1982, 7,042 in 1989 alone; however, few doctors and even fewer members of the general public recognize the symptoms of Lyme disease.

Left untreated, Lyme disease can cause severe arthritis, heart disease, and neurological complications. The damage caused by untreated Lyme disease can be irreversible. Lyme disease can be particularly dangerous for pregnant women since it can cause premature labor, fetal damage, miscarriages and stillbirths. Education, prevention, and research on this disease are critical because existing diagnostic tools are insufficient, and, at this time,

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there is no vaccine against Lyme disease. People who contract the disease often go through years of tests and a variety of treatments before a proper diagnosis is made.

Two former Members of the House of Representatives, Ken Gray of Illinois and Berkeley Bedell of Iowa, were forced to retire from Congress because they contracted Lyme disease. Both have battled the disease for several years. Their suffering clearly illustrates the need for additional resources for public education and for medical research.

The three keys to warding off the worst effects of Lyme disease are prevention, early detection, and early treatment. Physicians and the general public must be taught what precautions to take to prevent the disease. They must learn how to recognize its early symptoms, so that those with Lyme disease receive immediate treatment with antibiotics to prevent permanent damage. I believe Lyme Disease Awareness Week can play an important role in teaching the American people about this devastating disease.

Mr. President, I ask that the full text of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 276

Whereas Lyme disease is spread by the tick species Ixodes Dammini by means of the bacterium Borrelia Burgdorferi;

Whereas these ticks are no longer than the head of a pin;

Whereas these ticks can be carried by domestic animals such as cats, dogs, and horses;

Whereas these ticks can be transferred from domestic animals to humans;

Whereas Lyme disease was first diagnosed in southeastern Connecticut and has spread to 43 States;

Whereas the Centers for Disease Control has reported more than 21,000 cases of Lyme Disease since 1982;

Whereas Lyme disease is easily treated in its early stages by an oral vaccine administered by a physician (penicillin and erythromycin for young children and tetracycline for persons allergic to penicillin);

Whereas the early symptoms of Lyme disease may be a bull's eye rash, severe headaches, fever, and swollen glands;

Whereas Lyme disease often mocks rheumatoid arthritis and heart disease;

Whereas if left untreated, Lyme disease can cause severe damage to the heart, brain, and joints;

Whereas the best cure for Lyme disease is prevention;

Whereas prevention of Lyme disease depends upon public awareness; and

Whereas education is essential to making the general public and health care professionals more knowledgeable of Lyme disease and its debilitating side effects: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning July 22, 1990, is designated as "Lyme Disease Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate programs, ceremonies, and activities.●

● Mr. D'AMATO. Mr. President, I rise today to once again join my colleague, Senator Lieberman, in cosponsoring legislation to highlight the growing problem of Lyme disease. While public awareness of this disease has increased in the past year, we must still do more to educate the public about its debilitating effects, and the importance of early diagnosis and treatment.

Lyme disease was first diagnosed 15 years ago in Lyme, CT. A tick-borne disease, Lyme disease has spread to nearly every State in the continental United States and has already reached epidemic proportions in some States.

Fifty-six percent of all documented cases have occurred in my home State of New York. In 1988 alone, 2,637 cases were reported to the New York State Department of Health. For 1989, the number of new cases is expected to climb past 2,900. Through 1988, more than 13,650 cases of Lyme disease had been reported to the Centers for Disease Control nationwide. Preliminary estimates from the CDC put the number of new cases for 1989 at 7,400 nationwide.

The symptoms of Lyme disease mimic a host of other ailments, making early diagnosis unusually difficult. The symptoms often include a rash at the site of the tick bite accompanied by a fever, headaches, stiff neck, and muscle aches. Too often, these symptoms are simply ignored or dismissed as insignificant. Unfortunately, when left untreated, Lyme disease can cause meningitis, heart disease, paralysis, encephalitis, and arthritis. In some cases, it causes irreversible joint and neurological damage. The real tragedy is that treated early, Lyme disease is easily cured.

Mr. President, I believe our best hope of fighting this disease is through an educated public. By helping inform the public about the means of preventing Lyme disease, and about the importance of early diagnosis and treatment, this resolution can do much to help stem its spread of this disorder. I am pleased to be an original cosponsor of this resolution, and I urge my colleagues to join me in supporting its quick passage.●

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. Sanford, the names of the Senator from Nebraska [Mr. Exon], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 176

At the request of Mr. Heinz, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 176, a bill to amend the Foreign Agents Registration Act of 1938 to strengthen the registration and enforcement requirements of that act.

S. 435

At the request of Mr. Reid, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 435, a bill to amend section 118 of the Internal Revenue Code to provide for certain exceptions from certain rules determining contributions in aid of construction.

S. 874

At the request of Mr. Ford, the name of the Senator from Connecticut [Mr. Lieberman] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and Congressional elections, and for other purposes.

S. 1273

At the request of Mr. Boren, the name of the Senator from Illinois [Mr. Dixon] was added as a cosponsor of S. 1273, A bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1384

At the request of Mr. Daschle, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 1384, a bill to amend title XVIII of the Social Security Act to provide direct reimbursement under part B of Medicare for nurse practitioner or clinical nurse specialist services that are provided in rural areas.

S. 1511

At the request of Mr. Pryor, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1553

At the request of Mr. Coats, the name of the Senator from Nebraska [Mr. Exon] was added as a cosponsor of S. 1553, a bill to grant the power to the President to reduce budget authority.

S. 1577

At the request of Mr. Boren, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 1577, a bill to amend the Internal Revenue Code of 1986 to provide that charitable contributions of appreciated property will not be treated as an item of tax preference.

S. 1664

At the request of Mr. Heinz, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 1664, a bill to establish a Congressional commemorative medal for members of the Armed Forces who were present during the attack on Pearl Harbor on December 7, 1941.

S. 1761

At the request of Ms. Mikulski, the names of the Senator from Washington [Mr. Adams], and the Senator from Connecticut [Mr. Dodd] were added as cosponsors of S. 1761, a bill to establish a national center for information and technical assistance relating to all types of family resource and support programs, and for other purposes.

S. 1815

At the request of Mr. Boschwitz, the name of the Senator from Louisiana [Mr. Johnston] was added as a cosponsor of S. 1815, a bill to amend the Internal Revenue Code of 1986 to exclude the imposition of employer Social Security taxes on cash tips.

S. 1853

At the request of Mr. Chafee, the names of the Senator from Pennsylvania [Mr. Heinz], the Senator from Nebraska [Mr. Exon], and the Senator from Oklahoma [Mr. Boren] were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurance Spelman Rockefeller.

S. 1911

At the request of Mr. Dodd, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 1911, a bill to provide assistance in the development of new or improved programs to help younger individuals through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; to provide for a White House Conference on Young Americans; and for other purposes.

S. 2021

At the request of Mr. Dole, the name of the Senator from Minnesota [Mr. Durenberger] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed financial institutions.

S. 2033

At the request of Ms. Mikulski, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 2033, a bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening mammography under part B of the Medicare Program.

S. 2048

At the request of Mr. Sarbanes, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2056

At the request of Mr. Harkin, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 2056, a bill to amend title XIX of the Public Health Service Act to provide grants to States and implement State health objective plans, and for other purposes.

S. 2155

At the request of Mr. Kerrey, the name of the Senator from New York [Mr. Moynihan] was added as a cosponsor of S. 2155, a bill to amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity.

S. 2158

At the request of Mr. Pryor, the names of the Senator from Nebraska [Mr. Exon], and the Senator from California [Mr. Cranston] were added as cosponsors of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2159

At the request of Mr. Boschwitz, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2183

At the request of Mr. Moynihan, the names of the Senator from New York [Mr. D'Amato], and the Senator from Alabama [Mr. Shelby] were added as cosponsors of S. 2183, a bill to provide for the conservation and development of water and related resources, to authorize the U.S. Army Corps of Engineers civil works program to construct various projects for improvements to the Nation's infrastructure, and for other purposes.

S. 2207

At the request of Mr. Cranston, the names of the Senator from Oregon [Mr. Hatfield], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 2207, a bill to amend the Export Administration Act of 1979.

S. 2247

At the request of Mr. Graham, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of S. 2247, a bill to establish the Florida Keys National Marine Sanctuary in the State of Florida, and for other purposes.

S. 2251

At the request of Mr. Boschwitz, the names of the Senator from Nebraska [Mr. Exon], the Senator from New Hampshire [Mr. Rudman], the Senator from Arkansas [Mr. Pryor], the Senator from Arkansas [Mr. Bumpers], and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of S. 2251, a bill to establish a price support program for the 1991 through 1997 crops of certain agricultural commodities that provides producers with planting flexibility, income support, and stability, and for other purposes.

S. 2256

At the request of Mr. Harkin, the names of the Senator from Georgia [Mr. Fowler], the Senator from Washington [Mr. Adams], and the Senator from Texas [Mr. Bentsen] were added as cosponsors of S. 2256, a bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes.

S. 2283

At the request of Ms. Mikulski, the names of the Senator from New Jersey [Mr. Bradley], the Senator from Oregon [Mr. Hatfield], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of S. 2283, a bill to amend the Public Health Service Act to establish a program of grants for the prevention and control of breast and cervical cancer, and for other purposes.

S. 2300

At the request of Mr. Kennedy, the names of the Senator from Alabama [Mr. Heflin], the Senator from Nevada [Mr. Reid] were added as cosponsors of S. 2300, a bill to provide financial assistance to the Simon Wiesenthal Center in Los Angeles, CA, for the education programs of the Museum of Tolerance.

S. 2307

At the request of Mr. Riegle, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 2307, a bill to require the Secretary of Health and Human Services to provide intensive outreach and other services and protections to homeless individuals.

S. 2312

At the request of Mr. Symms, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of S. 2312, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income payments made by public utilities to customers to subsidize the cost of energy and water conservation services and measures.

S. 2316

At the request of Mr. BRADLEY, the names of the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 2316, a bill to amend the Agricultural Act of 1949 to establish an equitable sugar price support program, and to require the use of a tariff rate quota to make this program effective.

SENATE JOINT RESOLUTION 224

At the request of Mr. BYRD, the names of the Senator from Michigan [Mr. LEVIN], the Senator from Idaho [Mr. MCCLURE], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 248

At the request of Mr. BOSCHWITZ, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Michigan [Mr. RIEGLE], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 248, a joint resolution to designate the month of September 1990 as "International Visitor's Month."

SENATE JOINT RESOLUTION 272

At the request of Mr. COCHRAN, the names of the Senator from Texas [Mr. GRAMM], the Senator from Georgia [Mr. NUNN], the Senator from Missouri [Mr. BOND], the Senator from Virginia [Mr. WARNER], and the Senator from Mississippi [Mr. LOTT] were added as cosponsors of Senate Joint Resolution 272, a joint resolution to designate March 30, 1990, as "National Doctor's Day."

SENATE CONCURRENT RESOLUTION 94

At the request of Mr. SIMON, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of Senate Concurrent Resolution 94, a concurrent resolution relating to the release of Nelson Mandela and other positive developments in South Africa.

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. FORD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of Senate Concurrent Resolution 96, a concurrent resolution to urge the administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services [GATS], and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE CONCURRENT RESOLUTION 97

At the request of Mr. GORE, the names of the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Mr. DIXON], the Senator from New York [Mr. MOYNIHAN], the Senator from Iowa [Mr. HARKIN], the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Maryland [Mr. SARBANES], the Senator from New Jersey [Mr. BRADLEY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. DODD], the Senator from Arizona [Mr. MCCAIN], the Senator from Maine [Mr. COHEN], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 97, a concurrent resolution expressing the sense of the Congress with respect to popular antisemitism in the Soviet Union.

At the request of Mr. PRESSLER, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Concurrent Resolution 97, supra.

SENATE CONCURRENT RESOLUTION 106

At the request of Mr. FOWLER, his name was added as a cosponsor of Senate Concurrent Resolution 106, a concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of Senate Concurrent Resolution 106, supra.

At the request of Mr. MOYNIHAN, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of Senate Concurrent Resolution 106, supra.

SENATE RESOLUTION 231

At the request of Mr. BRADLEY, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Resolution 231, a resolution urging the submission of the Convention on the Rights of the Child to the Senate for its advice and consent to ratification.

AMENDMENT NO. 1321

At the request of Mr. WILSON, his name was added as a cosponsor of amendment No. 1321 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

SENATE CONCURRENT RESOLUTION 107—RELATING TO NAMIBIA

Mr. GRASSLEY submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 107

Whereas a Tripartite Agreement was reached on December 22, 1988, to implement resolution 435/78 of the Security Council of the United Nations regarding Namibian independence;

Whereas internationally-observed, free and fair elections were held in Namibia November 7 through November 11, 1989;

Whereas all South African forces have withdrawn from Namibia as prescribed by the Tripartite Agreement;

Whereas on February 9, 1990, a constitution was approved by the Namibian Constituent Assembly to serve as the supreme law of a sovereign and democratic state of Namibia;

Whereas that constitution includes a declaration of fundamental rights which includes the rights to life, personal liberty, freedom of speech, freedom of movement, freedom of the press, freedom of association and assembly, due process and equality before the law, and freedom from arbitrary deprivation of private property;

Whereas on March 21, 1990, Namibia will inaugurate its first President and become independent of South African administration under a new government in accordance with the Namibian constitution; and

Whereas the Comprehensive Anti-Apartheid Act of 1986 includes in its definition of South Africa, "any territory under the administration, legal or illegal, of South Africa"; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that as of March 21, 1990, when Namibia becomes self-governing the definition of South Africa under the Comprehensive Anti-Apartheid Act of 1986 no longer will apply to Namibia.

Mr. GRASSLEY. Mr. President, at this time, I want to introduce a concurrent resolution in an effort to assist the newest member in our family of nations—the nation of Namibia. This week Namibia officially gained its independence from South Africa, after a very long process in which the United States played a very pivotal role.

Under the tripartite agreement reached in December 1988, internationally observed elections were held in Namibia in November 1989. After a very spirited multiparty contest, a Constituent Assembly was freely and fairly elected to draft and approve a constitution. The Constituent Assembly fulfilled this responsibility and subsequently elected Sam Nujomo, the leader of the South West African Peoples Organization [SWAPO] as Namibia's first President.

Mr. Nujomo's peaceful ascent to the Presidency of Namibia is the culmination of a decades-old bloody conflict that cost thousands of lives. Once it was determined that a military solution was impossible, both sides agreed to negotiate a settlement.

Once a peaceful settlement was agreed to, and the election process was determined, many of us still had reservations as to whether the process would be carried out in a fair and legal manner. The historical animosities that existed among various ethnic and tribal groups, as well as between these groups and their South African occupiers certainly had the potential of undermining the entire process. Indeed, a number of violent confrontations did take place before the election that threatened Namibian independence.

Even after the election, interparty rivalries and disagreements disrupted the Constituent Assembly's deliberations on writing a constitution. I was particularly concerned with Nujomo's statements espousing SWAPO's old-line Marxist ideology, including the nationalization of industries, redistributing property, and one-party rule. To President Nujomo's credit, he has more recently reformed his rhetoric, moderated his party's positions, and set a conciliatory tone.

In addition, the Namibian Constitution includes necessary checks and balances such as an independent judiciary and a two-term limitation on the Presidency. Moreover, strong opposition parties exist to help ensure a vigorous multiparty system of government.

Mr. President, on this day of Namibian political independence, I am introducing this resolution to help Namibia on the road to economic independence, as well. According to the resolution, the Congress recognizes that once Namibia becomes independent, the economic sanctions under the Comprehensive Anti-Apartheid Act of 1986 will no longer apply to Namibia. In other words, because Namibia will no longer be "any territory under the administration, legal or illegal, of South Africa," as defined under the Sanctions Act, sanctions will no longer apply to Namibia. Sanctions will, of course, not be affected in regard to South Africa itself.

I would argue that, under the law, once Namibia has become independent, the law automatically would not apply to Namibia. However, it is still important, given the divisiveness of the sanctions issue, that Congress make its voice heard in regard to Namibia sanctions.

Mr. President, the United States has the responsibility to do everything we can to help Namibia become a fully mature, economically independent nation. Making Namibia a full economic partner is a necessary step in this process, and the lifting of Namibian sanctions is part of this step.

Congressmen Toby Roth and Bill Gray have recognized the importance of assisting Namibia and have introduced the companion resolution in the House of Representatives. We all understand that the last colony in Africa, which has emerged as the only real pluralistic democracy on the continent, must succeed.

SENATE CONCURRENT RESOLUTION 108—RELATIVE TO LITHUANIAN SELF-DETERMINATION

Mr. MITCHELL (for himself, Mr. Helms, Mr. Dole, Mr. Riegle, Mr. Dixon, Mr. Gorton, Mr. Wallop, Mr. Robb, Mr. Lautenberg, Mr. Graham, Mr. Thurmond, Mr. Armstrong, Mr. Nickles, Mr. Gramm, Mr. Symms, Mr. Pell, Mr. Metzenbaum, Mr. Glenn, Mr. D'Amato, Mr. Murkowski, and Mr. Simpson) submitted the following concurrent resolution; which was considered and agreed to:

S. Con. Res. 108

Whereas:

1. On February 24, 1990, the people of Lithuania held the first democratic election in Lithuania in more than half a century.

2. In that election, the people of Lithuania elected a large majority of candidates who supported the independence of Lithuania and the establishment of a democratic state.

3. On March 11, 1990, the newly elected Lithuanian Parliament proclaimed Lithuania an independent state.

4. The United States has never recognized the incorporation of Lithuania into the Soviet Union.

5. The Soviet Government has not yet recognized the action of the Lithuanian Parliament in declaring Lithuania independent.

6. The Soviet Government has undertaken action, including staging military maneuvers and ordering Soviet military units to assert more active and visible control over Lithuanian installations, in an apparent attempt to intimidate the Lithuanian Parliament and people.

7. More recently, Soviet President Gorbachev has reportedly ordered citizens of Lithuania to hand over any weapons they hold to Soviet authorities within seven days and has ordered tighter controls on the ability of foreigners to visit Lithuania.

Resolved by the Senate (the House of Representatives concurring) that:

1. The Lithuanian people should be commended for their courage and perseverance in holding free and fair elections, declaring an independent Republic of Lithuania, and in asserting their right to self-determination peacefully and through the democratic process.

2. The Government and people of the United States strongly and unequivocally support the right of the people of Lithuania to independence and democracy.

3. Recent actions of the Soviet Union apparently aimed at intimidating the Lithuanian Parliament and people have seriously exacerbated tensions and the possibility of violence in Lithuania.

4. The Soviet Union should immediately cease all such efforts to intimidate the Lithuanian Parliament and people.

5. The Soviet Union has no right to use force against Lithuanians peacefully exercising their democratic rights, and President Gorbachev and other Soviet leaders should clearly understand that the use of force against the Lithuanian people would have severe repercussions for U.S.-Soviet relations.

6. The Soviet Union should immediately begin the process of good-faith discussions with Lithuanian authorities to satisfy peacefully the expressed desire of the Lithuanian people for independence.

7. Supports the President's strong commitment to the doctrine of non-recognition of the forced incorporation of territory, such as occurred in the Baltic States in 1940, and urges the President to reaffirm his commitment to an independent and democratic Lithuania and to seek ways to actively demonstrate that commitment.

8. Urges the President to consider the call of the elected Lithuanian Government for recognition.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

LOTT (AND OTHERS) AMENDMENT NO. 1356

Mr. CHAFEE (for Mr. Lott, for himself, Mr. Garn, Mr. Burdick, Mr. Boschwitz, Mr. Coats, Mr. Cochran, Mr. Heflin, Mr. Dixon, Mr. Mack, Mr. McClure, Mr. McConnell, Mr. Ford, Mr. Lugar, Mr. Helms, and Mr. Shelby) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards; and for other purposes, as follows:

On page 426 strike line 15 through page 428, line 16, and insert:

"Sec. 407. (a) Applicability.—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 404, 405, 409, or on the date a unit subject to the provisions of 404(d) or 409(b), must meet the SO_2 reduction requirements, each such unit shall become an affected unit for purposes of this section and shall be subject to the emission limitations for nitrogen oxides set forth herein.

"(b) Emission Limitations.—(1) Not later than eighteen months after enactment of the Clean Air Act amendments of 1989; the Administrator shall by regulation establish annual allowable emission limitations for nitrogen oxides for the types of utility boilers listed below, which limitations shall not exceed the rates listed below: *Provided*, That, the Administrator may set a rate higher than that listed for any type of utility boiler if the Administrator finds that the maximum listed rate for that boiler type cannot be achieved using low NO_x burner technology. The maximum allowable emission rates are as follows:

"(A) for tangentially fired boilers, 0.045 lb/mmBtu;

"(B) for dry bottom wall-fired boilers and for cell burners, 0.50 lb/mmBtu.

After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

"(2) Not later than January 1, 1997, the Administrator shall, by regulation, establish allowable emission limitations on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

"(A) wet bottom wall-fired boilers;

"(B) cyclones;

"(C) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account the available technology, costs and energy and environmental impacts; and which is comparable to the costs of nitrogen oxides controls set pursuant to subsection (b)(1). Not later than January 1, 1997, the Administrator may revise the applicable emission limitations for tangentially fired

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and dry bottom, wall-fired boilers (including cell burners) to be more stringent if the Administrator determines that more effective low NO_x burner technology is available: *Provided*, That, no unit that is an affected unit pursuant to section 404 and that is subject to the requirements of section (b)(1), shall be subject to the revised emission limitations, if any.

"(c) **Revised Performance Standards.**—(1) Not later than January 1, 1993, the Administrator shall propose revised standards of performance to section 111 for nitrogen oxides emissions from fossil-fuel fired steam generating units, including both electric utility and nonutility units. Not later than January 1, 1994, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen.

"(d) **Alternative Emission Limitations.**—The permitting authority shall, upon request of an owner or operator of a unit subject to this section, authorize an emission limitation less stringent than the applicable limitation established under subsection (b)(1) or (b)(2) upon a determination that:

i. a unit subject to subsection (b)(1) cannot meet the applicable limitation using low NO_x burner technology; or

ii. a unit subject to subsection (b)(2) cannot meet the applicable rate using the technology on which the Administrator based the applicable emission limitation.

The permitting authority shall base such determination upon a showing satisfactory to the permitting authority, in accordance with regulations established by the Administrator not later than eighteen months after enactment of the Clean Air Act amendments of 1989, that the owner or operator:

(1) has properly installed appropriate control equipment designed to meet the applicable emission rate;

(2) has properly operated such equipment for a period of 15 months (or such other period of time as the Administrator determines through the regulations), and provides operating and monitoring data for such period demonstrating that the unit cannot meet the applicable emission rate; and

(3) has specified an emission rate that such unit can meet on an annual average basis.

The permitting authority shall issue an operating permit for the unit in question, in accordance with section 408 and part B of title III:

i. that permits the unit during the demonstration period referred to in subparagraph (2) above, to emit at a rate in excess of the applicable emission rate;

ii. at the conclusion of the demonstration period to revise the operating permit to reflect the alternative emission rate demonstrated in paragraphs (2) and (3) above.

Units subject to (b)(1) for which an alternative emission limitation is established shall not be required to install any additional control technology beyond low NO_x burners. Nothing in this section shall preclude an owner or operator from installing and operating an alternative NO_x control technology capable of achieving the applicable emission limitation.

"(e) **Emissions Averaging.**—In lieu of complying with the applicable emission limitations under subsections (b)(1), (b)(2) or (d), the owner or operator of two or more units subject to one or more of the applicable emission limitations set pursuant to these sections, may petition the permitting authority for alternative contemporaneous annual emission limitations for such units that ensure that (1) the actual annual emission rate in pounds of nitrogen oxides per milllion Btu averaged over the units in question is a rate that is less than or equal to (2) the Btu-weighted average annual emission rate for the same units if they had been operated, during the same period of time, in compliance with limitations set in accordance with the applicable emission rates set pursuant to subsection (b)(1) and (b)(2).

If the permitting authority determines, in accordance with regulations issued by the Administrator not later than eighteen months after enactment of the Clean Air Act amendments of 1989; that the conditions in the paragraph above can be met, the permitting authority shall issue operating permits for such units, in accordance with section 408 and part B of title III, that allow alternative contemporaneous annual emission limitations. Such emission limitations shall only remain in effect while both units continue operation under the conditions specified in their respective operating permits.

EXON (AND OTHERS) AMENDMENT NO. 1357

Mr. EXON (for himself, Mr. Kerrey, and Mr. Harkin) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 213, line 20, strike "1991" and insert in lieu thereof "1992";

On page 213, line 24, strike "may" and insert in lieu thereof "shall";

On page 213, line 24, strike "1991" and insert in lieu thereof "1992";

On page 213, line 25, immediately following "deadline" insert "annually";

On page 213, line 25, strike "two" and insert in lieu thereof "three";

On page 214, line 2, immediately following "that", insert "adequate".

SIMON (AND BAUCUS) AMENDMENT NO. 1358

Mr. SIMON (for himself and Mr. Baucus) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1360, supra, as follows:

On page 216 of the amendment No. 1293, line 12, immediately after the period, add the following: "Not later than twelve months after the enactment of this subsection, the administrator shall submit to the Congress a report on the feasibility and effectiveness of requiring the provisions in this paragraph to be applied to all cities of 100,000 population or greater regardless of their attainment status.

CRANSTON AMENDMENT NO. 1359

Mr. BAUCUS (for Mr. Cranston) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 81 of the amendment No. 1293, between lines 17 and 18, insert the following:

"(3) The Administrator may approve provisions of an implementation plan for an extreme area which anticipate development or improvement of control technologies, and an attainment demonstration based on such provisions, if the State demonstrates to the satisfaction of the Administrator that:

"(A) such provisions are not necessary to achieve the periodic emission reductions required by paragraphs (2) and (3) of subsection (b) during the first ten years after enactment of this subsection; and

"(B) the State has submitted enforceable commitments to develop and adopt contingency measures to be implemented as set forth herein if the anticipated technologies do not achieve planned reductions. The contingency measures shall be submitted to the Administrator no later than three years prior to proposed implementation of the plan provisions. The contingency measures shall be adequate to produce emission reductions sufficient to, in conjunction with other approved plan provisions, achieve the periodic emission reductions required by paragraph (3) of subsection (b) and attainment by the applicable dates. If the Administrator determines that an extreme non-attainment area has failed to achieve an emissions reduction requirement set forth in paragraph (3) of subsection (b) or to attain by the applicable date, and that such failure is due in whole or in part to an inability to fully implement provisions approved pursuant to this subsection, the Administrator shall require the State to implement the contingency measures to the extent necessary to assure compliance with paragraph (3) of subsection (b) or to achieve attainment.

(C) the plan contains enforceable, adopted measures establishing an economic incentive program that the Administrator determines is adequate, when considered in conjunction with other enforceable plan measures, to induce the development or improvement of the anticipated technologies.

BENTSEN AMENDMENT NO. 1360

Mr. BAUCUS (for Mr. Bentsen) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 42, beginning with line 4, strike out all through line 23 on page 43.

On page 43, line 24, strike "(e)" and insert "(d)".

On page 84, beginning with line 18, strike out all through line 15 on page 85.

On page 85, line 16, strike "(4)" and insert "(3)".

On page 89, line 20, strike out "limitations, or fees" and insert in lieu thereof "or limitations".

On page 90, beginning with line 1, strike out all through line 6.

On page 367, line 13, beginning with the comma, strike out all through "article" on line 14.

On page 440, line 12, strike out "FEE" and insert in lieu thereof "PENALTY".

On page 440, line 13, strike out "Fee" and insert in lieu thereof "Penalty".

On page 440, line 22, strike out "fee" both places that it appears and insert in lieu thereof "penalty".

On page 440, line 26, strike out "fee" and insert in lieu thereof "penalty".

On page 441, line 19, strike out "FEE" and insert in lieu thereof "PENALTY".

On page 441, lines 4, 5, 8, 20, 24, and 25, strike out "fee" each place it appears and insert in lieu thereof "penalty".

On page 461, beginning with line 3, strike out all through line 4 on page 462.

BURDICK AMENDMENT NO. 1361

Mr. BAUCUS (for Mr. BURDICK) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 416, line 5, strike "After" and insert the following in lieu thereof: "Except as otherwise provided in paragraph (3), after".

On page 417, line 10, after "factor.", insert the following: "(3) After January 1, 2000, it shall be unlawful for any existing utility unit with an actual 1985 emissions rate equal to or greater than 1.20 lbs/mmBtu whose annual average fuel consumption during 1985, 1986 and 1987 on a Btu basis exceeded 90 per centum in the form of lignite coal which is located in a State in which, as of July 1, 1989, no county or portion of a county was designated non-attainment under section 107 of this Act for any pollutant subject to the requirements of section 109 of this Act to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions."

LEVIN AMENDMENT NO. 1362

Mr. LEVIN proposed an amendment to amendment No. 1293 proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 388, after line 22, insert the following:

(4) CORRECTION OF DATA.—The Administrator shall, upon application or on his own motion, by December 31, 1991, correct any factual errors in data from which affected Phase II units' baselines or actual 1985 emission rates have been calculated. Corrected data shall be used for purposes of issuing allowances under the title. Such corrections shall not be subject to judicial review, nor shall the failure of the administrator to correct an alleged factual error in such reports be subject to judicial review.

McCLURE (AND JOHNSTON) AMENDMENT NO. 1363

Mr. McCLURE (for himself and Mr. JOHNSTON) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Amend amendment No. 1293 on page 42, line 1, by amending the sentence beginning with "Emissions" to read as follows:

"Emissions reductions otherwise required by this Act for a pollutant shall not be creditable as emissions reductions for purposes of any such offset requirement to the extent this Act requires the reduction of the pollutant."

DeCONCINI (AND OTHERS) AMENDMENT NO. 1364

Mr. DeCONCINI (for himself, Mr. BENTSEN, and Mr. BINGAMAN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of the amendment insert the following:

SEC. . ESTABLISHMENT OF PROGRAM TO MONITOR AND IMPROVE AIR QUALITY IN REGIONS ALONG THE BORDER BETWEEN THE UNITED STATES AND THE UNITED STATES OF MEXICO.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency (hereinafter referred to as the "Administrator") is authorized, after consultation with the Department of State and the affected States, to negotiate with representatives of the United States of Mexico to authorize a program to monitor and improve air quality in regions along the border between the United States and the United States of Mexico. The program authorized under this section shall not extend beyond July 1, 1995.

(b) MONITORING AND REMEDIATION.—

(1) MONITORING.—The monitoring component of programs conducted under this section shall identify and determine sources of pollutants for which National ambient air quality standards (hereinafter referred to as "NAAQS") and other air quality goals have been established in regions along the border between the United States and the United States of Mexico. Any such monitoring component of the program shall include, but not be limited to, the collection of meteorological data, the measurement of air quality, the compilation of an emissions inventory, and shall be sufficient to the extent necessary to successfully support the use of a state-of-the-art mathematical air modeling analysis. Any such monitoring component of the program shall collect and produce data projecting the level of emission reductions necessary in both the United States of Mexico and the United States to bring about attainment of both primary and secondary NAAQS, and other air quality goals, in regions along the border in the United States. Any such monitoring component of the program shall include to the extent possible, data from monitoring programs undertaken by other parties.

(2) REMEDIATION.—The Administrator is authorized to negotiate with appropriate representatives of the United States of Mexico to develop joint remediation measures to reduce the level of airborne pollutants to achieve and maintain primary and secondary NAAQS, and other air quality goals, in regions along the border between the United States and the United States of Mexico. Such joint remediation measures may include, but not be limited to measures included in the Environmental Protection Agency's Control Techniques and Control Technology documents. Any such remediation program shall also identify those control measures implementation of which in the United States of Mexico would be expedited by the use of material and financial assistance of the United States.

(c) ANNUAL REPORTS.—The Administrator shall, each year the program authorized in this section is in operation, report to Congress on the progress of the program in bringing nonattainment areas along the border of the United States into attainment with primary and secondary NAAQS. The report issued by the Administrator under this paragraph shall include recommendations on funding mechanisms to assist in implementation of monitoring and remediation efforts.

(d) FUNDING AND PERSONNEL.—The Administrator may, where appropriate, make available, subject to the appropriations, such funds, personnel, and equipment as may be necessary to implement the provisions of this section. In those cases where direct financial assistance of the United States is provided to implement monitoring and remediation programs in the United States of Mexico, the Administrator shall develop grant agreements with appropriate representatives of the United States of Mexico to assure the accuracy and completeness of monitoring data and the performance of remediation measures which are financed by the United States. With respect to any control measures within the United States of Mexico funded by the United States, the Administrator shall, to the maximum extent practicable, utilize resources of the United States of Mexico where such utilization would reduce costs to the United States. Such funding agreements shall include authorization for the Administrator to—

(1) review and agree to plans for monitoring and remediation;

(2) inspect premises, equipment and records to insure compliance with the agreements established under the purposes set forth in this Act; and

(3) where necessary, develop grant agreements with affected States to carry out the provisions of the Act.

BOND (AND DANFORTH) AMENDMENT NO. 1365

Mr. BOND (for himself and Mr. DANFORTH) proposed an amendment, which was subsequently modified, to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 417, line 13, after "(1)", strike "After" and insert in lieu thereof: "Except as provided in paragraph (3), after".

On page 418, after line 19, insert the following: "(3) After" December 31, 2000, it shall be unlawful for any existing utility unit with a nameplate capacity below 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu which became operational on or before December 31, 1965, which is owned by a utility operating company with a total fossil fuel steam-electric generating capacity greater than 250 MWe and less than 450 MWe that serves fewer than 78,000 electrical customers as of the date of enactment of the Clean Air Act Amendments of 1989 to exceed an annual sulfur dioxide emissions tonnage limitation equal to the product of its baseline multiplied by its actual 1985 emission rate divided by 2,000, unless the owner or operator holds allowances to emit not less than the unit's total annual emissions. After

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December 31, 2010, it shall be unlawful for each unit subject to the emissions limitation requirements of this paragraph to exceed an annual emissions tonnage limitation equal to the product of its baseline multiplied by an emissions rate of 1.20 lbs/mmBtu, divided by 2,000.

On page 418, line 20, strike "3" and insert "4" in lieu thereof.

McCLURE (AND JOHNSTON) AMENDMENT NO. 1366

Mr. McCLURE (for himself and Mr. JOHNSTON) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Amend amendment No. 1293 on page 210, by amending from line 24, through page 211, line 16, to read as follows:

"(2) Regulations under this subsection shall include a standard for gasoline volatility which shall apply to all gasoline sold, offered for sale, or introduced into commerce for use in motor vehicles during the high ozone period of each year, as determined by the Administrator under paragraph (3). Effective with respect to gasoline sold in the second high ozone period which commences after the date of enactment of the Clean Air Act Amendments of 1989, the standard shall require that such gasoline sold, or offered for sale, or introduced into commerce for use in motor vehicles in class C areas (as defined by the American Society of Testing Materials as of said date of enactment) shall not exceed a Reid vapor pressure of nine pounds per square inch, except that the Administrator may establish a lower Reid vapor pressure as necessary and appropriate to achieve further overall reductions in motor vehicle emissions contributing to the formation of ozone, taking into account safety, enforceability, driveability, and public health. The Administrator shall establish standards for gasoline volatility for class B and class A areas that achieve comparable overall reductions in motor vehicle emissions to those achieved by the standard for class C areas, taking into account appropriate variables such as temperature and humidity.".

COATS AMENDMENT NOS. 1367 AND 1368

Mr. COATS proposed two amendments to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 32, line 17, after "(m)", insert the following: "and in newly designated subsection (l)(1)(A), after 'implementation plan' insert 'or of any requirement under section 411 (concerning excess emissions penalties or offsets) of Title IV of the Act'."

On page 440, line 22, after "emission fee", add "except where such emissions were authorized pursuant to section 110(l)."

On page 142, line 20, after "(8)" insert "(A)".

On page 143, between line 2 and table 2 insert the following new subparagraph:

"(B) Notwithstanding any other provision of law, upon the completion of the regulations promulgated under this paragraph to accomplish the emission standards specified in table 2, the Administrator shall not promulgate additional regulations establishing emission standards under this pargraph that would be effective prior to January 1, 2002.

WIRTH (AND OTHERS) AMENDMENT NO. 1369

Mr. WIRTH (for himself, Mr. LEVIN, and Mr. DOLE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 400, after line 20, add the following new subsection:

"(h) Nothing in this title shall be construed to interfere with or impair any program for competitive bidding for power supply in a state in which such program is established."

On page 424, after line 21, insert the following:

"(4) Any unit that is a qualifying small power production facility or qualifying cogeneration facility within the meaning of section 3(17)(C) or 3(18)(B) of the Federal Power Act [16 U.S.C. (17)(c) or 796 (18)] that:

"(A) has commenced operation as of December 31, 1989, or

"(B) has entered into a power sales contract prior to December 31, 1989, shall not be subject to the emissions limitations pursuant to this section, or to any other provisions of this Title, except if the Administrator has approved a designation of such unit under section 410."

On page 440, line 3, after "shutdown" insert the following: ": *provided*, that: such allowances may be transferred or carried forward for use in subsequent years to the extent that the reduced utilization or shutdown results from the replacement of thermal energy from the unit designated under this section, with thermal energy generated by any other unit or units subject to the requirements of this title, and the designated unit's allowances are transferred or carried forward for use at such other replacement unit or units."

On page 452, line 22, after "sources", insert: ", including units subject to section 405(g)(4) of the Clean Air Act,".

On page 453, line 2, after "sources", insert: ", including units subject to section 405(g)(4) of the Clean Air Act,".

On page 453, line 8, after "emissions", insert: ", including units subject to section 405(g)(4) of the Clean Air Act,".

On page 453, line 9, after "sources", insert: ", including units subject to section 405(g)(4) of the Clean Air Act".

SIMPSON AMENDMENT NO. 1370

Mr. SIMPSON proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 135 after line 22 add the following new subsection.

(c) INCREMENT EXEMPTIONS.—Section 163(c)(1) of the Clean Air Act is amended by—

(1) replacing the comma and "and" at the end of subparagraph (C) with a period;

(2) replacing the period at the end of subparagraph (D) with a comma and "and"; and

(3) adding a new subparagraph (E), to read as follows:

"(E) except for purposes of determining compliance with the maximum allowable increases in ambient concentrations in any area designated as class I under this part, concentrations of particulate matter attributable to the increase in fugitive emissions resulting directly or indirectly from surface coal mines.".

DOMENICI AMENDMENT NO. 1371

Mr. DOMENICI proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

In the Mitchell substitute, on page 216, line 12, after "greater.", add the following new sentence—

"At the request of a State with respect to any area designated as nonattainment for carbon monoxide, the Administrator may reduce the period specified in the preceding sentence, if the State can demonstrate that because of meteorological conditions, a shorter period will assure that there will be no exceedances of the carbon monoxide standard outside of the time that such fuels are to be sold."

SYMMS AMENDMENT NO. 1372

Mr. SYMMS proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the appropriate place in title II of amendment No. 1293, insert the following new section:

"WAIVER FOR PROVISIONS REQUIRING DEPENDENCE ON THE REPUBLIC OF SOUTH AFRICA

"SEC. . WAIVER FOR CATALYTIC REDUCTIONS RESULTING IN INCREASED DEPENDENCE ON STRATEGIC MINERALS FROM SOUTH AFRICA.—Any provision of this title requiring catalytic reductions of emissions from motor vehicles shall be waived, in whole or in part at the Administrator's discretion, if such provision is determined to require importation of any strategic mineral from the Republic of South Africa (including platinum, palladium, and rhodium) in excess of 150 percent of 1990 levels. Such determination shall be made within one year of enactment of this Act by the Director of the Bureau of Mines, Department of the Interior, who shall consider all possible alternative sources for these minerals. This determination notwithstanding, the Administrator may elect not to waive such provisions upon demonstration, approved by the Secretary of Transportation, that alternative technologies to achieve the catalytic motor vehicle emissions reductions required by this title are reasonably available, considering costs and any non-air/quality health and environmental impacts and energy requirements, and do not require importation of strategic minerals from the Republic of South Africa in excess of 150 percent of 1990 levels.

NOTICES OF HEARINGS

COMMITTEE ON VETERANS' AFFAIRS

Mr. CRANSTON. Mr. President, I announce, for the information of Senators, that the Committee on Veterans' Affairs, which I am privileged to chair, is scheduled to hold a hearing on Wednesday, March 28, 1990, in SR-

418 at 9:30 a.m., to consider S. 1398, the administration-proposed Department of Veterans Affairs Health Care Quality Assistance and Cost Effectiveness Act of 1989, S. 1332 by Senator MURKOWSKI, and the Secretary's plan to establish administratively the Commission on the Future Structure of Veterans Health Care.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and National Resources.

The hearing will take place on April 25, 1990, beginning at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on S. 370, a bill to amend the Land and Water Conservation Fund Act and the National Historic Preservation Act, to establish the American Heritage Trust, for purposes of enhancing the protection of the Nation's natural, historical, cultural, and outdoor recreational heritage, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be incuded in the hearing record is welcome to do so. Those wishing to submit written testimony should send two copies to the Subcommittee on Public Lands, National Parks and Forests, SD-364, Washington, DC 20510.

For further information regarding the hearing, please contact Beth Norcross of the subcommittee staff at (202) 224-7933.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, March 22, at 2 p.m. to hold a hearing on democratic institution building in Eastern Europe.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized the meet during the session of the Senate on Thursday, March 22, 1990, at 2 p.m., to hold a hearing on the nomination of Norman H. Stahl, to be U.S. district judge for the District of New Hampshire, Daniel B. Sparr, to be U.S. district judge for the District of Colorado, John S. Martin, Jr., to be U.S. district judge for the Southern District of New York, and Alan D. Lourie, to be U.S. circuit judge for the Federal circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, March 22, 1990, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Armed Services Committee be authorized to meet in open session on Thursday, March 22, 1990, to receive testimony on S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 22, 1990, beginning at 9:30 a.m., in 485 Russell Senate Office Building, on Indian health facilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Thursday, March 22, 1990, at 10 a.m. to hold hearings on reauthorization of the Defense Production Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, March 22, at 9:30 a.m., for a hearing on S. 2274, the Federal Pay Comparability Reform Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on March 22, 1990, at 10 a.m. to hold a hearing on proposals for spending cuts and proposed changes contained in the President's budget for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, March 22, 1990, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 22, 1990, at 9:30 a.m. to hold a hearing on S. 2108.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, TRADE, OCEANS AND ENVIRONMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Trade, Oceans and Environment of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 22, at 10 a.m. to hold a hearing on the European Bank for Reconstruction and Development.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

NAMIBIA—FINALLY FREE

● Mr. SIMON. Mr. President, a dream has come true for all of us. The Namibian people have finally gained their independence. Namibians can now take charge of their future as the newly independent Republic of Namibia joins the world of sovereign nations. My best wishes go out to Namibia's first President, Sam Nujoma, to his Cabinet, to the National Assembly, and to all the Namibian people. I will do all I can to help broaden and strengthen the friendship between our two nations.

I recommend to my colleagues the following independence address delivered March 21st by President Sam Nujoma.

I ask that the address be printed in the RECORD.

The address follows:

[As reported by the Foreign Broadcast Service, Mar. 21, 1990]

SPEECH BY PRESIDENT SAM NUJOMA DURING NAMIBIAN INDEPENDENCE CEREMONIES AT WINDHOEK STADIUM

Thank you very much, Honorable Master of Ceremonies, Your Excellencies, heads of state and government, distinguished guests, dear compatriots, ladies and gentlemen:

For the Namibian people and for myself, this day, 21 March 1990, is the most memorable and indeed the most emotional moment in the analysis of our history.

This solemn hour is the moment which our people had been waiting for for more than a century. This is the day for which tens of thousands of Namibian patriots lay

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down their lives, shed their precious blood, suffered imprisonment, had a difficult life in exile. Today, our hearts are filled with the great joy and the jubilation because our deepest and longest (yearning) has been realized.

Honorable Master of Ceremonies, sir, for the past 43 years or so, this land of our forebears has been a bone of contention between the people of Namibia and the international community, on one hand, and South Africa, on the other.

The Namibian problem has been at the center of bitter international disputes over the last four decades. The United Nations and other international bodies produced huge volumes of resolutions in an attempt to resolve the intractable problems.

However, it pleases me to state that we are gathered here today, not to pass yet another resolution, but to celebrate the dawn of the new era in this land and to proclaim to the world that a new star has risen on the African Continent. Africa's last colony is, from this hour, liberated.

It is, therefore, profoundly momentous [word indistinct] rejoice for the Namibian people and myself, that the highest representatives of the international community, the secretary general of the United Nations, together with the state president of South Africa and the Namibian nation, which I am honored to lead, are able to announce here today to the world that a definitive and a final solution to the protracted Namibian problem has indeed been unanimously reached by these three parties. [applause]

For the Namibian people, the realization of our most cherished goal, namely the independence of our country and freedom of our people, is a fitting tribute to the heroism and tenacity with which our people fought for this long-awaited day. We have been sustained in our difficult struggle by the powerful force of conviction in the rightness and justness of our cause.

Today, history has absolved us. Our vision of a democratic state of Namibia has been translated into a reality. [applause]

With regard to the international community, the achievement of Namibia's independence today is, we believe, a welcome and laudable culmination of many years of consistent support with our cause.

The world's demand for our country to be allowed to exercise its inalienable right to self-determination and independence has been achieved. We express our most sincere gratitude to the international community for its [words indistinct] as for the Government of South Africa, it can be said that the decision to accept the implementation of Resolution 435 has been the first demonstration of political will to find a negotiated solution to the problems of our region. Further more, President de Klerk's proclamation here today, that South Africa has reached a final and irreversible decision to relinquish control over Namibia, is an act of statesmanship and realism. [applause]

This, we hope, will continue to unfold in South Africa itself. [applause]

Mr. Master of Ceremonies, Your Excellencies, distinguished guests, compatriots, ladies, and gentlemen:

I seize this opportunity to point out that the protracted process of negotiating an agreement on Resolution 435 and struggling for its implementation has been difficult and, at times, acrimonious. It was only the perseverance, forebearance, and commitment which helped us to see the process through to its logical conclusion, namely the birth of the Namibian nation we are here to witness.

Against this background, it is heartening for the Namibian people, and I to know that our independence has been achieved under conditions of national consensus and international unanimity. The impressive presence here today of sc many world leaders and other dignitaries is a clear testimony to the fact that Namibia's achievement of independence is an event of great world importance. For us, this is yet another reason for celebration.

With respect to the important question of national consensus, I am glad to announce that, following the independence elections last November, the various Namibian political parties have been able to work together in the Constituent Assembly, where we formulated and adopted a constitution acceptable to the broad majority of our people. [applause]

Against this background, honorable Master of Ceremonies, distinguished guests, and their compatriots, I am indebted to the Namibian electorate for giving SWAPO an absolute majority, thereby enabling it to form the first government of the Republic of Namibia. [applause]

In the same vein, I am grateful to the members of Namibia's Constituent Assembly for the confidence they have placed in me in electing me as the first president of the Republic of Namibia. [applause]

I pledge to do my utmost to uphold the Constitution of the Republic and to honor the trust which the Namibian people have bestowed upon me to lead this new nation at this critical juncture.

To the Namibian people, I would like to say on this solemn and historic occasion that our nation blazed the trail for freedom. It has risen to its peak. As from today, we are the masters of this vast land of our ancestors. The destiny of this country is now fully in our own hands. We should, therefore, look forward to the future with confidence and hope.

Taking the destiny of this country in our own hands means, among other things, making a great effort to forge national identity and unity. Our collective security and prosperity depend on our unity of purpose and action. Unity is a precondition for peace and development. Without peace, it is not possible for the best and the talent and the citizens of our country to realize their potential. [sentence as heard]

Our achievement of independence imposes upon us a heavy responsibility, not only to defend our hard-won liberty, but also to set for ourselves higher standards of equality, justice, and opportunity for all, without regard to race, creed, or color. [applause]

These are the standards from which all we seek to emulate and shall draw inspiration.

Master of Ceremonies, sir, in accepting the sacred responsibility which the Namibian people have placed upon me as the first president of the Republic of Namibia, I would like to bow and pay homage to our fallen heroes and heroines, whose names Namibia's present and future generations will sing in songs of praise and whose martyrdom they will intone.

In conclusion, I move, in the name of our people, to declare that Namibia is forever free, sovereign, and independent.

I thank you. [applause]●

S. 2304—HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE

● Mr. MACK. Mr. President, on Tuesday, March 20, 1990, I became an original cosponsor of the Bush administration's housing proposal, Homeownership and Opportunity for People Everywhere [HOPE].

Below is my opening statement from the Banking Committee's hearing on HOPE. It highlights my strong support of the President's commitment to helping residents of assisted housing pull themselves out of perpetual poverty.

During the Banking Committee hearing, Secretary Jack Kemp testified on behalf of the administration at which time he pledged to respond to various budgetary items raised by Chairman RIEGLE and Senator SARBANES. Below is the text of his letter to the chairman of the committee addressing these budget issues. I would like to commend the Secretary for his forthrightness on these matters and his genuine desire to get our housing policy back into the business of serving the needy.

I ask that the material be printed in the RECORD.

The material follows:

SENATOR CONNIE MACK, OPENING STATEMENT, SENATE BANKING COMMITTEE HEARING ON THE BUSH ADMINISTRATION'S HOUSING PROPOSAL, MARCH 20, 1990

I am delighted to have the opportunity to welcome my good friend Secretary Jack Kemp to testify before the Banking Committee. I am especially encouraged by this administration's responsiveness to the housing issue beginning with President Bush's decision to invite Jack Kemp to be the Secretary of the United States, Department of Housing and Urban Development.

As a newly elected member of the Senate, I was asked to sit on the Subcommittee on Housing and Urban Affairs. Not long ago, I was appointed the ranking Republican member of a newly formed subcommittee to investigate why the intent of Federal housing policy was not being implemented at HUD.

During my tenure as a Congressman, my committee assignments did not require me to really focus on the issue of housing. But I set out to educate myself. During my visits to various housing sites and discussions with housing experts, I had many questions.

Are there waiting lists? How long and why? Are there drug problems? Is there overcrowding? What is the rate of rent collections? Are residents satisfied? Is there adequate housing for everyone that needs it? What is the condition of rural housing versus urban housing? Is rental assistance more effective than federal construction programs? Does current national housing policy perpetuate and concentrate poverty? What can be done to encourage people to become self-sufficient?

Although I still have many questions, my visits and discussions with housing experts have helped me get a general idea of the effectiveness of Federal housing policy.

If I had to point to one thing I learned from this process, it would be this: Federal housing policy must integrate a focus on human beings, rather than strictly on bricks and mortar. If we don't do something to help lift low income residents from their poor self-esteem and remove them from pockets of concentrated and perpetual poverty, national housing policy will have failed.

Everyone knows our housing policy has many flaws and has a great deal of room for improvement. Some programs work, some need modification and maybe some should be eliminated.

Since the 1930's the Federal Government has responded to housing problems by adding to the supply through construction of public housing. The paternalistic posture the Federal Government has taken in this regard has suffocated the growth potential of public housing residents. When one sees generations of families in public housing, one has to conclude something is wrong.

Indeed, the Nation's public housing isolates and concentrates the poor, encourages drug use and perpetuates the cycle of poverty. Public housing has become a haven for drug pushers. During one of my visits to public housing in Florida, I actually witnessed a drug deal. Drug gangs terrorize residents and, in some cases, virtually run the projects. Our police haven't been able to control the crime resulting from drugs. How can we expect local public housing authorities to keep drugs out of public housing?

As a result thousands of the Nation's public housing units are vacant or abandoned. At the same time, paradoxically, thousands of families are on waiting lists throughout the country.

Real changes in our policy should include a focus on policies which empower the poor. The HOPE proposal offers an excellent framework for achieving this. I applaud the Secretary's initiatives on resident management and ownership, enterprise zones and housing zones.

I also think we should look into an expanded use of vouchers. I spoke with several public housing officials in Florida who said they could help more people if they had more vouchers. The freedom direct rental assistance affords helps residents move out of concentrations of poverty to areas with better job and education opportunities.

On the issue of affordability, I believe an excellent way to start to reduce the cost of housing is to reduce the amount of government regulation in housing.

Instead of creating minimum living standards for everyone, our housing regulations may actually be putting decent housing beyond the reach of ordinary homeowners. While I view high standards of safety and health as a necessity, I am concerned with studies that show how many of these regulations have driven up the cost of housing to the point of pushing potential homeowners out of the market.

The combined effect of these regulations, such as zoning laws, building codes, growth controls, impact fees and land use restrictions, may add as much as 35 percent to the cost of a new home. One expert, Anthony Downs of the Brookings Institute, said that "75 percent of the cost of housing is due to requirements in excess of the minimum needed for health and safety."

America's housing policy should be designed to help those who need it most. The HUD scandal is showing that billions of dollars intended for the poor have gone to everyone except the poor. This is outrageous. But it could be symptomatic of flawed policies that invite this sort of abuse.

Federal housing policy will never operate at its optimal level until we acknowledge its flaws. I believe it is the time we rethink our housing policies. The HOPE plan is a good initial step in this process.

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Washington, DC, March 21, 1990.

Senator DONALD W. RIEGLE, Jr.,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.

DEAR SENATOR RIEGLE: Thank you for the opportunity to appear before the Banking Committee yesterday to outline the Bush Administration's housing initiative for FY 1991, entitled Homeownership Opportunities for People Everywhere (HOPE). I believe our discussions were fruitful and will lay the groundwork for future cooperation in enacting a national housing policy that will meet our shared goals.

No one respects the Committee's right and responsibility to consider overall funding levels for programs within its jurisdiction more than I. However, I feel compelled to express my disappointment in the comparsion of the Administration's budget for the Department with the Committee's internal budget figures, which did not make it clear that those figures were calculated on different—and equally legitimate—baselines.

The fact is that the Adminsitration's FY 1991 budget for HUD represents a small, but nonetheless real increase of $78.258 million in budget authority over 1990. This figure represents the Department's discretionary budget authority increase from 1990 to 1991, an actual number (see attached table). This figure does not include the 7.7 billion needed to renew expiring Section 8 contracts "in kind" for five years, a commitment I made to the Committee last year, but which many members repeatedly, and publicly challenged.

The table you presented to me during the hearing shows a decrease in the Department's 1991 budget of $521 million based on a "current services" baseline, rather than actual 1990 data. The author of the table you presented to me confirms that this calculation is not based on the standard baseline used for presenting budget requests. In fact, the Senate Budget Committee staff member who devised the chart you used in the hearing agrees that HUD's budget shows an actual increase of $78.258 million.

Mr. Chairman, the use of budget numbers by Congress to advance goals is nothing new. But what is undeniably true is that President Bush's HOPE initiative represents $7.2 billion in resources for housing and economic development over three years, including $1.4 billion in federal resources for FY 1991 alone. It is also true that our FY 1991 budget will help 82,000 additional low-income families in need of housing—roughly 9,000 more than Congress approved assistance for in 1990. I believe Congress' unwillingness to let go of the failed construction programs of the past results in fewer low-income families getting the housing they need, not more.

As you know, 1990 was a year of reform for HUD. I am deeply grateful for the Committee's assistance in passing legislation that begins to give us the tools we need to return HUD, once and for all, to its historic mission of advancing housing and homeownership for those in need. I would be irresponsible if I had presented a budget that did not reduce resources for flawed programs that lead to waste, duplication and abuse, while increasing resources for programs that lead to self-sufficiency and opportunity for those in need. I'd be astonished if anyone wanted my first budget at HUD to freeze in place the failed programs we have spent the last year addressing.

I don't think you would want me to apologize for eliminating scandalous, developer-driven programs like Mod Rehab; and I find it difficult to justify building new public housing while 70,000 units remain vacant and uninhabitable. Eliminating funding for special, pork barrel projects reduces the dollar level for the GDBG account, but I don't think the Committee would want me to reinstate a program whose abuses have been so well documented. By leasing 3,500 units of housing under Section 202, we will help low-income elderly people more quickly—as step that seems prudent given the fact that I inherited a backlog of 40,000 Section 202 units that had been funded but have not yet been built. And, despite the fact that your table cited the UDAG program as being cut, as you know, Congress stopped funding the UDAG program before I even became Secretary.

Frankly we would have recommended these reforms had we never put forth a HOPE program. Yet HOPE also takes some of the programs your table listed as "cuts," and in fact reforms and expands them to serve people in a more cost-effective way. The Administration's $44 million elderly independence initiative, which is part of HOPE, is an improvement and expansion of the $5 million Congregate Services program, which basically funds the same, few public housing authorities each year; the $250 million HOPE grant program in many ways builds upon the $20 million Nehemiah program, while targeting it to low income families, rather than the moderate income families currently served by Nehemiah.

The real crux of our debate, however, is not budget numbers, or even the number of incremental units. For while we may take political solace in championing one budget level over another, we will have failed ourselves and the people we want to serve with our programs if we don't help them move up and out of government assistance into self-sufficiency, job opportunity and housing or homeownership in the private sector.

To give you an extreme example, let's imagine that not one of the 4.5 million people currently being served by our housing programs moves off of government assistance and into self-sufficiency during the remainder of this century. By the year 2000, we will still be serving 4.5 million people (plus any incremental assistance appropriated in the coming years). But let's now imagine that through the kinds of empowerment and upward mobility programs envisioned by HOPE, one-quarter of those currently assisted move off of government assistance and into self-sufficiency each and every year. By the turn of the new century, we'd have served almost 16 million people—three quarters of whom would have moved to independence.

As I said in my testimony before the Committee, rather than focusing narrowly on jumpstarting the construction programs of the past, with their long legacy of failure, abuse and indignity to residents, I believe we should use our resources, whatever they may finally end up being, to empower those in need to move off of government assistance into self-sufficiency and opportunity in the private sector.

In addition, I must correct the allegation made by Senator Sarbanes at the hearing that the public housing homeownership program that is integral to the HOPE proposal would reduce the number of assisted housing units available for the poor. In fact, our proposal provides one for the replacement of any unit which would not perpet-

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ually remain available for low income people.

In the spirit of bipartisan cooperation, I came before your Committee yesterday to present the Bush Administration's HOPE initiative as a new housing and economic development policy for initiative as a new housing and economic development policy for the future. I had hoped to debate these ideas and let them stand or fall on their merits. I hope that is still possible. If, however, the Committee would prefer to compare baseline analyses of budget numbers, then I, of course will comply. However, I must emphasize that such discussions will do nothing to advance the bipartisan cooperation that is crucial to the enactment of a new housing policy this year.

I look forward to working with you to advance our shared goals of housing and homeownership—and economic opportunity—for those in need.

Sincerely,

JACK KEMP,
Secretary.

ATTACHMENT A

ACTUAL INCREASE IN FUNDING—HUD BUDGET AUTHORITY—1991 VERSUS 1990

[In thousands of dollars]

	Estimate 1990	Estimate 1991	Change
Total HUD budget authority in the budget	18,367,699	23,699,594	+5,331,895
Minus:			
Contract renewals	−1,074,492	−7,734,985	−6,660,493
FHA Fund	−3,654,145	−2,447,039	+1,207,106
Public housing loan fund	−400,150	−200,000	+200,150
Manufactured housing	−7,320	−7,320	......
Interstate land sales	−600	−1,000	−400
Adjusted budget authority—Real program	13,230,992	13,309,250	+78,258●

YES, YOU ARE THE SUPERPOWER

● Mr. SIMON. Mr. President, the Economist, the British publication, had an editorial in its February 24, 1990, issue that provides some common sense and perspective that we need.

Their editorial points out that the United States is still the world's largest economic power, and we ought to use that power wisely to bring greater peace, stability, and opportunity to people around the world.

In the editorial, the Economist says:

> America must swap its strategy of containing an enemy to one of encouraging allies. The new approach will require patience, just as the old one did. The prize, though less decisive, is no less appealing: a world in which America does not have to fight wars in order to defend its values and further its interests.

I urge my colleagues to read the editorial, and I ask to insert it into the RECORD at this point.

The editorial follows:

[From the Economist, Feb. 24, 1990]

YES, YOU ARE THE SUPERPOWER

With the cameras whirring in Europe and the surpluses piling up in Japan, Americans are feeling left out of things. Gone is the confidence of the Reagan days, the sense of knowing that whatever America did mattered hugely to the world. Now, particularly in Washington, many Americans seem to think that theirs is just a large country, stuck between dull old Canada and noisy Mexico. Like all *Angst*, this American variety is dangerous because it ignores facts and thus leaps to wrong conclusions.

The ignorance of facts is startling. In a recent poll 48% of Americans thought that Japan's economy is bigger than America's. Actually, it is barely half the size, $2.8 trillion compared with $5.2 trillion. Adjusted to reflect real purchasing power, Americans have an average income 7% higher than that of their nearest large rivals, who are not the Japanese but those dull Canadians. As for Japan's legendary productivity, it has indeed been growing faster than America's. But the average Japanese worker still takes one hour to produce what his American counterpart can rattle off in just 31 minutes.

So what, American pessimists reply: the fact is that America's share of gross world product has plummeted from 50% in the late 1940s to around 23% today. That is true, but misleading. In the late 1940s most of Asia's and Europe's industry was bombed-out rubble. The American share of the global economy is just five percentage points lower than 25 years ago, and 60 years ago. America's economy has weaknesses, no doubt; but it is a giant with a cold, not a pigmy with cancer.

In terms of geopolitics, the American position is even stronger. Militarily, Americans used to think of themselves as just a step or two ahead of the Russians. Now, though the Soviet military machine still has a vast stock of nuclear weapons, its might looks less impressive by the day. It could not beat the raggedy Afghans, and its next big challenge seems certain to be within its own borders, keeping intact the Soviet Disunion. That change of emphasis leaves American forces out on their own.

PRE-MILLENNIAL TENSION

A combination of economic size and military strength gives America a truly global reach. No other outsider could have taken the lead in keeping the oil tankers sailing through the Gulf, or acted as diplomatic midwife to the new Namibia. In Europe itself Americans have just shown that, by coming down on the German side, they can hasten the reunification of Germany whatever the reservations of its neighbours.

All this reflects a simple truth: America is still number one. Its dominance may be declining a little, because Japan's economy is catching up and several countries are not political powers in their region. But only the United States has the complete mixture of economic, military and diplomatic powers to qualify as a superpower. The more interesting, semi-philosophical question is this: what, in the closing years of the millennium, does a superpower do with its power?

The short answer has been true of every power in every era: that it will do only those things that serve its interests, albeit sometimes indirectly. But because a global power has a global presence—in investment and trade, and also through indefinable things like its political and cultural influence—American interests very much include stability and prosperity throughout the world.

From this comes part of a semi-philosophical answer, and at first it seems like motherhood: America's role is to help other countries do things that will make the world a safer, richer place. But that platitudinous goal becomes challenging when applied to specific countries and circumstances. For instance, Japan in the next few years: It has had no foreign policy worth the name until recently, but is now forging one with great speed. Only America can ensure that Japan is not tempted, because of western neglect and *hauteur*, to build an economic and perhaps military zone of its own in Asia (see next article). Or the Middle East: the United States may not be able to banish fear between Arab and Jew, but only it can make the two sides see the sense, indeed the inevitability, of a compromise. Its task is to nudge Israel into concessions on the occupied territories while insisting that, in return, Arab governments should discard the men with guns.

The most awkward challenge will be in Europe, because America's power there is bound to decline as some of its troops are withdrawn. Even if Russia subsides into introspection, the American task will still be demanding: to encourage German self-esteem while reassuring the French and the British—and the East Europeans—that a strong and united Germany is not a mobster stalking the continent. The best way to pull off that trick is to keep NATO alive, and a sizable number of American troops on European soil.

In short, in various parts of the world America must swap its strategy of containing an enemy to one of encouraging allies. The new approach will require patience, just as the old one did. The prize, though less decisive, is no less appealing: a world in which America does not have to fight wars in order to defend its values and further its interests.

Then there are the truly global issues, on which America is best placed to give a lead. The environment is one such issue. Nobody knows how green mankind must become to ensure its own future; but what is clear is that no government will take the nasty medicine of, eg, higher taxes on coal if it thinks that others will keep spewing out the gases that may warm the world in 39 years' time. America can use its power—and its example—to promote market-based measures that do not rely on draconian and unenforceable bans.

The same is true of foreign trade and investment. The whole postwar multilateral trading system depends on a shared belief that nobody is cheating and therefore nobody else needs to. America, as the world's largest exporter, has a massive interest in open markets; and American consumers every day show their keenness to buy what they want from wherever they choose. As for foreign investment, American firms have almost $350 billion invested abroad (and that is measured by book value; the market value is much more), giving the United States the largest stake in a liberal regime for foreign ownership. Whenever America itself starts weakening the system that its companies and consumers like, it gives others the pretext to do so.

For—and this is the last bit of semi-philosophy—a modern superpower must be a place that lesser fry admire, even envy. The past 12 months have seen the triumph of western ideals, of democracy and market capitalism. One of the main reasons for that triumph was that, in the postwar decades, America lived up to its ideals while Marxist beliefs turned to venal reality. America-at-home has to stay a land of opportunity and openness, the better to ensure that the rest of the world keeps going that way. Over to you, Superman.●

S. 2313—DRUG EMERGENCY AREAS ACT

● Mr. HEINZ. Mr. President, I am pleased to be an original cosponsor of the Drug Emergency Areas Act. This important legislation:

Provides $300 million in aid to drug emergency areas, with up to $50 million for any single area;

Requires that the funds provided to non-Federal units of government be used equally for drug supply reduction and drug demand reduction;

Provides aid directly to local governments, designated "drug emergency areas."

The issue of direct funding remains an important one. During the debate on the Anti-Drug Abuse Act of 1988, I, along with a number of my colleagues, sought to ensure that local governments would receive direct assistance, by passing as much of the bureaucracy as possible. Unfortunately, we were not successful.

Under existing law, the President may designate regions as "high-intensity drug trafficking areas," making them eligible for increased Federal aid. As the author of the amendment pertaining to this authority, I was pleased when such areas were designated earlier this year. Yet only five areas of the United States received the additional assistance. The criteria used in determining which would receive the added boost in funding precluded scores of regions facing critical drug-related crises from getting what they need.

One such region is southeastern Pennsylvania and, more specifically, Philadelphia. Reported drug crimes rose 74 percent in Philadelphia in 1988, while the city's murder rate exceeded one per day for the first time in 8 years. The number of reported drug crimes soared from 6,335 reported in 1987 to 11,004 1 year later. Philadelphia, with 14 percent of Pennsylvania's population, accounted for 42 percent of the State's reported drug crimes and 58 percent of all homicides.

It is for this reason that I am pleased to join my colleagues in introducing this important legislation. Our cities need our help. We cannot just depend on local solutions to national crises.●

GUNBOAT LAW

● Mr. SIMON. Mr. President, I am one who feels that the recent 6 to 3 Supreme Court decision that does not protect people charged in our courts by the constitutional provisions is a most unfortunate position.

I believe it violates our fundamental tradition of civil liberties, and it is politically and diplomatically a time-bomb.

I hope that the executive branch of government will not abuse this new power granted them by the Supreme Court, and I hope that in the future, Congress can write the law so that this court decision can be reversed through congressional action.

I ask to insert into the RECORD an editorial from the New York Times on this question that is right to the point. It is titled, "Gunboat Law."

I urge my colleagues to read this decision.

The editorial follows:

[From the New York Times]

GUNBOAT LAW

According to the Supreme Court's peculiar reasoning last week, the Fourth Amendment does not protect a foreigner from a warrantless search by Americans of his home in his native country, and the use of seized evidence at his trial in this country. This 6 to 3 decision is to jurisprudence what gunboats are to diplomacy.

The Court says that the "right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches" does not embrace an alien, who is brought to American justice for crimes against the United States. Chief Justice Rehnquist says America can use this extra power at a time of increased paramilitary ventures abroad. He would have served the nation better by promoting, instead of naked power, the rule of law.

Federal Drug Enforcement Administration agents obtained a U.S. arrest warrant for Rene Martin Verdugo Urquidez, a Mexican citizen and one of a band of violent drug smugglers. Mexican authorities picked him up in Mexico and brought him to the United States, where he has been convicted of the torture-murder of a D.E.A. agent. To prosecute separate drug charges, agents searched two residences in Mexico, with Mexican cooperation but no search warrant. Lower courts barred the evidence under familiar constitutional principles, but not the Supreme Court.

The Chief Justice, long known for his literal, narrow constitutional interpretations, said "the people" protected in the Fourth Amendment are different from the people whose rights are safeguarded elsewhere in the Constitution. This was such a flight of judicial imagination that the junior Justice, Anthony Kennedy, said "with respect" that he couldn't use it to support the result.

Justice William Brennan's dissent offers a worthier lesson to a world now studing the U.S. Constitution as a model. In his view, the people it protects, citizen or alien, include those accused in our courts of violating our laws.

Agents could have got a search warrant for this defendant's home or office as easily as the warrant for his arrest. In an emergency, agents behaving reasonably could have found innumerable court-allowed excuses for not obtaining a warrant. The power to skirt the Constitution altogether was unnecessary as well as illegitimate.

Any restrictions on searches and seizures that occur "incident to American action," Justice Rehnquist wrote, "must be imposed by the political branches through diplomatic understanding, treaty, or legislation." That's an invitation to politicians to study ways to maintain America's reputation for justice. It's unfortunate that the Judicial branch has made such a study necessary.●

NEW USE FOR RECYCLED PAPER

● Mr. KASTEN. Mr. President, many of us have read or seen stories about the "new revolution"—reports of a growing environmental awareness and activism among American consumers. Industry is answering this trend, in part, by developing products to meet consumers' proenvironmental demands. I am pleased to recognize one such contribution to the "greening" of our Nation's homes.

Fort Howard Corp., a leading paper company based in Green Bay, WI, is introducing a new line of paper towels and bathroom tissue made from 100 percent recycled paper. As stated in a recent story in the Wall Street Journal, Fort Howard hopes its "Green Forest" products will appeal to consumers who want to use their pocketbook to not only buy a product they need, but also protect the environment.

Fort Howard is investing in the notion that the rise in environmentalism is more than just a fad. They are betting that many Americans will follow the lead of consumers in Britain and elsewhere abroad, by accepting recycled paper products as part of their everyday lives. I hope they are right.

This country is facing a solid waste crisis, producing more than 160 million tons of trash every year. Our landfills are nearing capacity. While paper represents more than 40 percent of solid waste going to landfills, it offers the best opportunity for recycling. Today, 85 percent of everything that is recycled is paper. Clearly, an important part of the answer is recycling, and there are well over 1,000 municipal recycling programs already underway. But collecting and separating paper for recycling before it enters the waste stream is only half the battle; we do not accomplish anything until we close the loop by creating markets for the paper through the purpose of recycled paper products.

Fort Howard has been an industry leader in paper recycling for more than 50 years. Each year its operations in Wisconsin, Georgia, and Oklahoma recycle more than a million tons of wastepaper. If the paper Fort Howard recycles were to end up in landfills, it would be enough to fill a 100-acre landfill to the depth of 15 feet each year. They also work with State governments and private companies to set up their own recycling systems, and have won praise for local initiatives to collect old telephone books and for creating model recycling programs like the one with the State of Wisconsin.

The company has supplied quality 100 percent recycled products for offices, government and commercial buildings, and other nonresidential uses for many years. Through its Envison line, it was the first to design prod-

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ucts specifically to meet EPA's content guidelines for paper products purchased with Federal funds.

More than ever before, the attention of this Nation and this Congress are turning to the challenges of protecting the Earth's fragile environment. Efforts such as those by Fort Howard will help remind Americans that, in a real sense, environmentalism begins at home.

Mr. President, I would ask that a copy of the Wall Street Journal article which appeared on Thursday, March 22, 1990, be included in the Record immediately following my remarks.

The article follows:

[From the Wall Street Journal, Mar. 2, 1990]

Fort Howard Corp. Introduces 100 Percent Recycled Toilet Tissue, Paper Towels

(By Vindu P. Goel)

American consumers accept recycled aluminum soda cans, recycled glass bottles, recycled grocery bags. They even accept recycled greeting cards. But are they ready for 100% recycled toilet tissue?

Fort Howard Corp. thinks so. Convinced that Americans are becoming concerned about vanishing forests and overflowing landfills, the closely held Green Bay, Wis., paper-products maker last month began a limited launch of the first major line of bathroom tissue and paper towels made entirely of recycled paper fibers—and marketed that way.

Such competitors as James River Corp., and Kimberly-Clark Corp., both of whom use some recycled paper in their towels and bathroom tissue, doubt that the time has come for a marketing revolution. "The advantage has just not been in marketing products as recycled," says Jean Allen, a spokeswoman for Kimberly-Clark. "Consumers want softness, quality, and absorbency," none of which they associate with recycling, Ms. Allen says.

Fort Howard is undaunted. The company claims that its Green Forest recycled tissue is virtually indistinguishable in texture from low-cost brands currently on the market, such as Scott Paper Co.'s ScotTissue. Green Forest retails at a premium price—about $1.35 for a four-roll package. But Jeffrey P. Eves, a Fort Howard vice president, in charge of the promotional assault, contends that by purchasing a 100% recycled product, "consumers can use their pocketbook to not only buy a product they need, but also make a statement about the environment."

Scott and James River have long incorporated some recycled fibers into their products. And Fort Howard, which has based its entire business on recycled rather than virgin paper pulp, successfully introduced a 100% recycled bathroom tissue in the United Kingdom last year. Within five months, the new tissue, called Nouvelle, captured 3.2% of the market. Fort Howard's European plants are running at full capacity to meet demand.

But until now, no major paper manufacturer has dared court American consumers by boasting of the recycled content of its products. Tissue packages and advertisements for Scott's Cottenelle and James River's Northern line are silent on content, stressing instead softness and purity—not the fact that some of the paper might have had an earlier life as a computer printout. Packages for Green Forest, while not specifying exact content, are adorned with trees and a big "Made With 100% Recycled Fiber" on the front.

According to estimates for 1988, by Smith Barney, Harris Upham & Co., Fort Howard commands a mere 2% of the $2.3 billion U.S. bathroom tissue market and about 4.5% of the $1.5 billion paper towel market. The company is not expecting to seize the rest with Green Forest.

Fort Howard concedes that it won't be easy to overcome consumers' aversion to used paper, particularly for personal hygiene. But Fort Howard's market research suggests that there are enough environmentally concerned consumers out there to support a coup of extra percentage points of market share in each category, valued at about $78 million in sales.

"It's a niche opportunity," says Mr. Eves. "It is not our objective to win converts to the cause." However, if the cause grows bigger, as Fort Howard hopes, then the company won't have to play catch-up to consumer attitudes.

"Nobody is suggesting that, overnight, this thing will become a Hula-Hoop," says Mr. Eves. "On the other hand, there is a possibility that, over time, it will outlast the Hula-Hoop."

To induce wary tissue-buyers to try Green Forest, Fort Howard plans to offer 15-cent coupons, run in-store promotions, and sponsor special recycling events. Of course, it's possible that consumers may not love trees enough to make such a personal sacrifice. Fort Howard launched a similar recycled tissue the last time the environment was a big issue, in the 1970s, only to see it fall miserably. This time the company takes heart in the popularity of a private-label 100% recycled bathroom tissue sold by Loblaw Cos., Canada's largest grocery chain. Loblaw's tissue, introduced last summer as part of a special "green" line, is the most popular toilet paper the chain sells.

The Midwestern grocers who are receiving the first shipments of Green Forest towels and toilet paper are treating them like any other new products. "I am not convinced they're going to sell," says Bernard Schipper, a senior merchandising manager for Meijer Inc.'s 54-store chain in Michigan and Ohio. "But we want to at least offer them to the consumers and let them decide."●

UNDER THE VOLCANO

● Mr. SIMON. Mr. President, once a journalist, I guess you are always a journalist.

But serving in public office gives you a little different perspective on things, and so I have written, from time to time, about media coverage of elections and media coverage of Congress.

But in the publication, Extra!, which comments on news coverage, there is an item that strikes a resounding chord with me about our failure to provide adequate news coverage of Africa.

If there are news executives anywhere who read the Congressional Record, I would urge them to read this two-paragraph editorial under the heading, "Under the Volcano" in Extra!

There is much validity to its comment.

I ask to insert this in the Record at this point.

The editorial follows:

To much of the mass media, the plight of another hero, Nelson Mandela, embodies the struggle for human rights in South Africa. But where are the heros in the rest of sub-Saharan Africa? US press coverage of Africa is minimal, even though terrible human rights violations are rampant throughout the continent. An Amnesty International survey conducted by Anne Geyer showed that Africa is the most consistently under-reported region in the world. Only two news stories on Africa indexed under "human rights" and "political prisoners" ran in *Time* magazine between 1980 and 1986; CBS *Evening News* aired three stories on the subject during the same period. (Soviet human rights problems received the most coverage, according to Amnesty's survey.)

It barely entered public consciousness in the US when 400,000 Somalis fled their war-torn East African country last summer. Initially backed by Moscow in its conflict with Ethiopia, Somalia's principal military supplier is now the US. It has committed many atrocities against unarmed civilians. (Ironically, Libya also supplies weapons to Somalia). Similarly, the massacre in Burundi last year came and went with hardly any follow-up in the press. Such incidents in obscure places are ignored in large part because they have only minor impact on US economic interests or East/West relations. Racial bias is also a factor. As one media professional told Amnesty International: "Perhaps small, dark people being tortured is not considered as relevant as big, white people being tortured."●

STEPHEN GREEN ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, many political pundits argue that we do not need term limits, that we should let the voters decide. They blame voter lethargy on challengers who fail to inspire the public. Therefore those incumbents who get reelected—98.5 percent of all House incumbents in 1988—are the best possible candidates, better than any challengers. The filing deadline for the 1990 elections has already passed in Texas, and in 12 of the 27 districts for the U.S. House of Representatives in that State, incumbents will run unopposed. Are we to assume that 12 districts in Texas can produce only 12 qualified candidates for the U.S. House of Representatives? Most Texans would probably agree with me that this argument is insulting. The fact is that elections are so stacked in favor of incumbents that capable and qualified challengers are virtually required to wait until the seat is open before they can afford to run. The Senator from Arizona [Mr. DeConcini] and I have introduced Senate Joint Resolution 235 to limit congressional terms to 12 years in both Houses, which would restore fairness in elections. I would like to share with my colleagues, an op-ed piece by

Stephen Green that appeared in the Washington Times on February 13, entitled "Congressional Careerism," and to urge Senators to join the 12 of us who have already signed on to this urgent reform. I ask that his editorial will appear in the RECORD immediately following my remarks.

The editorial follows:

[From the Washington Times, Feb. 13, 1990]

CONGRESSIONAL CAREERISM

(By Stephen Green)

It's not popular on Capitol Hill, where most members of Congress tenaciously cling to their jobs. But a campaign to limit congressional tenure to 12 years appears to be gaining national momentum.

A recent Gallup survey indicates it could become one of the hottest political issues of 1990. Seventy percent of the respondents agreed that it's time to put an end to congressional careerism.

It's an encouraging sign of American acumen when a solid majority endorses the concept of placing a limit on congressional service. It suggests that the citizenry has had the sagacity to have uncovered Capitol Hill's dirty little secret—too many members of Congress devote more time and energy to obtaining re-election than to pursuing the enactment of responsible legislation for the welfare of the nation.

Notwithstanding the fact that nearly all members of the House and Senate manage to win re-election, the incumbents' victories frequently bear little relation to the public's perception of the value of their work.

As noted by opinion polls, Congress is held in wide disrepute. The rate of re-election—98.5 percent of incumbents won in the last campaign—is due to the fact that Congress has transformed itself into an incumbency machine.

Congressional incumbents have vast political resources at their beck and call that challengers lack. Among the advantages that accrue to officeholders are free mailings, travel budgets, publicly financed staffs and an ability to attract media coverage.

Additionally, incumbents become the objects of ardent courting by special interests lobbyists eager to help members of Congress raise large sums of campaign money.

Limiting time served in Congress would have immediate, positive impact on Washington's political culture. For starters, it would provide a transfusion of fresh political blood and new ideas.

In all probability, the special interests would soon find their influence on the wane. Public officials, who know they soon will return to private life, would not be so anxious to ensure a continuing infusion of campaign funds and, therefore, would be less dependent on special interests.

Members of Congress with limited tenure would be citizen-legislators, instead of careerists. They would be more likely to work for the benefit of the people whom they represent than for the advancement of their own political fortunes.

Those who oppose a limit on congressional terms frequently argue that it would violate the intentions of the nation's founders who placed no restriction in the Constitution. But the earlier Articles of Confederation did limit congressional terms and the two-year term provided in the Constitution for House members was intended to ensure a high turnover in office—the opposite of what has transpired.

Predictably, the campaign to limit congressional terms has failed to draw much backing from present members of the House and Senate.

But the movement does have staunch support from many reputable former members—compelling evidence of the campaign's merit. Among them are such respected figures as former Reps. Donald Fraser of Minnesota, Paul McClosky of California, M. Caldwell Butler of Virginia and Donald Rumsfeld of Michigan.

Sen. Gordon Humphrey, New Hampshire Republican, who is retiring from Congress this year, has introduced a proposed constitutional amendment to limit congressional terms. Mr. Humphrey, who has an intimate acquaintance with the ways of Capitol Hill, says the proposed amendment would end the current system in which congressional seats have become "the equivalent of personal fiefdoms."

If Congress refuses to act, there are welcome indications that the states will move on their own to require their representatives to take an oath to limit their time in office. Arizona already has taken that step. Other states may soon follow.

The authors of the Constitution intended Congress to serve the people. When members of the House and Senate repeatedly demonstrate that they have more concern for their political longevity than their constituents' interests, it's time to restrict their tenure.●

CONCERNING DRUG AND ALCOHOL TESTING

● Mr. DANFORTH. Mr. President, over the past 4 years, Senator HOLLINGS and I have worked for the passage of legislation requiring mandatory drug and alcohol testing of transportation professionals—airline and train crews.

The evidence of drug and alcohol use among transportation professionals is overwhelming.

On February 5, 1990, the National Transportation Safety Board [NTSB] announced the results of a 1-year study of fatal truck crashes in eight sample States. The NTSB found that 33 percent of the truck drivers killed in those accidents were impaired by drugs or alcohol.

Since the January 1987 Conrail/Amtrak tragedy at Chase, MD, which killed 16 people and injured 170, there has been a railroad accident involving drugs or alcohol approximately every 10 days. During the first session of the 101st Congress, the Federal Railroad Administration reported that one or more railroad employees had tested positive for alcohol or drug use after 21 accidents.

The NTSB has ruled that one cause of the January 1988 crash of a commuter plane near Durango, CO, was the pilot's cocaine use. Nine people died in that crash. Since the Department of Transportation [DOT] started its own employee testing program in September 1987, 114 air traffic controllers have been removed from their safety-sensitive positions after testing positive for drug use.

In February 1987, the inspector general of DOT reported that the driver's licenses of 10,300 active pilots certified by the Federal Aviation Administration [FAA] had been suspended or revoked for driving while intoxicated. At least 500 were commercial air pilots.

The Senate has responded to this problem by passing legislation nine times that would require that transportation professionals be subject to preemployment, periodic, postaccident, probable cause, and randon testing. We have called upon the House to take comparable steps.

Mr. President, during the second week of March, the importance of drug and alcohol testing was brought into focus once again. On Wednesday, March 7, a Southeast Pennsylvania Transportation Authority [SEPTA] train crashed, killing 3 people and injuring 94. Transit authorities announced that one of the motormen on the subway train had tested positive for cocaine use.

Last year, the DOT issued a rule requiring random drug testing of mass transit employees in an effort to deter such workers from being drugged on the job. Unfortunately, on January 19, the U.S. Court of Appeals for the District of Columbia overturned the Department of Transportation's new rules requiring random drug testing of mass transit employees. The court ruled that, unlike the situation with truck and bus, railroad and aviation drug testing, the DOT lacks statutory authority to write rules on mass transit safety, and therefore cannot justify issuing a rule requiring drug testing for mass transit workers.

On Thursday, March 8, a Northwest Airlines crew was arrested for operating a jetliner with 91 passengers on board in violation of the Federal Aviation Administration prohibition against drinking alcohol within 8 hours of a flight. Fortunately, the plane landed without incident, but the results could have been tragic. According to the Associated Press, the crew was seen drinking in a Fargo, ND, bar before flying a 747 to Minneapolis. An FAA official in Fargo received an anonymous tip that the crew had been drinking, but allowed the crew to board the flight after observing them and deciding that they did not seem impaired.

However, the FAA's Minneapolis inspector, in conjunction with the Minneapolis Airport Police, obtained the consent of the crew to perform blood alcohol content [BAC] tests at a local hospital. The results of those tests are chilling. According to the FAA, the tests, which were performed several hours after the plane landed, show that all three crew members were above the .04 percent BAC limit FAA imposes on pilots. Press accounts indicate that the captain of the crew tested at .12 percent, the first officer tested at .06 percent, and the second officer tested at .07 percent.

Mr. President, the FAA is beginning to implement drug testing of commercial pilots. It has no program for alcohol testing. Fortunately, in this instance local law enforcement became involved and the crew consented to be tested. We should not have to rely upon local law enforcement to deal with this problem. We should not have to rely upon anonymous tips to catch drinking or drugged pilots who are responsible for hundreds of lives.

We should have mandatory random drug and alcohol testing of all transportation professionals. Legislation requiring both random drug and alcohol testing of transportation workers in the railroad, aviation, and motor carrier industries has passed the Senate nine times since it was first introduced in 1987. In 1988, the Senate passed an omnibus antidrug abuse bill containing provisions requiring drug and alcohol testing of those three groups of employees, plus mass transit workers.

Several weeks ago, Congressman GINGRICH introduced a major anticrime bill in the House—a companion bill was introduced in the Senate by Senator GRAMM—which includes provisions requiring drug and alcohol testing of safety-sensitive railroad, aviation and mass transit workers, and truck and busdrivers. It is time for the House to act on this important legislation. Too many lives are at stake for further delays.●

EXECUTION OF BRITISH JOURNALIST IN IRAQ

● Ms. MIKULSKI. Mr. President, I am sure all Members of this body share my horror at Iraq's hanging of Farzad Bazoft, an accredited journalist of the London Observer, who, in the course of covering a story, was charged with spying.

Prime Minister Thatcher responded to the arrest and execution with emphatic and appropriate outrage, but as far as I know, President Bush has not condemned Iraq's action.

Bazoft's hanging violates accepted human rights standards and is particularly disturbing since it involved a foreign national and a member of the press.

I hope the President will find an occasion very soon to denounce the Iraqi Government's action in unequivocal terms.

I ask to insert at this point in the RECORD an article by William Safire from the March 19 New York Times.

The article follows:

A DANGEROUS THING

(By William Safire)

WASHINGTON.—Saddam Hussein, widely feared as "the Butcher of Baghdad," declared a school holiday last Saturday to swell the crowds ordered to demonstrate in front of the British Embassy.

The dictator took offense because Mrs. Thatcher's Government dared to protest—as "an act of barbarism deeply repugnant to all civilized people"—his hanging of a reporter for The London Observer.

"Mrs. Thatcher wanted him alive; we gave her the body," crowed the Iraqi propaganda minister, after the remains were turned over to the British Embassy in Baghdad.

The accredited journalist, Farzad Bazoft, had heard reports of an explosion at a plant to the southwest of Iraq's capital. Reporters were denied permission to investigate; suspecting trouble at one of Iraq's poison-gas or missile plants in that area, the reporter disguised himself and went anyway. He was caught, tried as a spy, and promptly hanged.

Not all the people of the civilized world found the lynching repugnant: "moderate" King Hussein of Jordan, no relation to Saddam, deplored "a concerted attack on Iraq for a long period of time without any reason to justify it."

Arab apologists are busily trying to besmear the victim: Mr. Bazoft had a prison record in his early 20's, was stateless, confessed to spying under the always-gentle Iraqi interrogation, etc. The P.L.O.'s Salah Khalef broadcast support of Iraq's gleeful leader.

Saddam sent no demonstrators to the U.S. Embassy for good reason: the Bush Administration's reaction was of such studied indifference as to border on condoning the assassination.

President Bush refused to join in the worldwide appeals for clemency. After the hanging, the President's spokesman, Marlin Fitzwater, said only that "we regret those [appeals] went unheeded. But we don't have a lot of details on the case itself."

At the State Department, our rip'n'-read spokeswoman, Margaret Tutwiler, read "We deplore Iraq's decision . . ." but when asked what our Government intended to do about it went into her usual flustered state: "I did not think to ask. . ."

A couple of questions we should all ask:

What terrible secret was the journalist trying to uncover? President Bush knows, from the same satellite observation that showed poison-gas production at Libya's Rabta plant, that Saddam is producing poison gas at 10 different locations. Some of that gas was used in the Iranian war, some in killing thousands of Iraqi Kurds. Three months ago, Iraq launched a three-stage, 48-ton rocket, demonstrating its missile capability. Was the damaged plant producing gas, rockets or nuclear weapons?

Why is Mr. Bush so eager to help the dictator of what has become the world's most dangerous nation? When the Congress identified Iraq as a terrorist nation to be denied U.S. favor, Mr. Bush invoked an exception enabling him to ignore this ruling "in the national interest."

That's why Iraq still gets loan guarantees from us on grain purchases. The Atlanta branch of Italy's Bank of Lavoro scandalously slipped $3 billion in financing to Iraq, in a deal being laconically prosecuted by our Justice Department. Even after the scandal broke, and our Agriculture Secretary promised a Senate committee no new loan guarantees would be issued without notification, Secretary Yeutter supplied an additional $500 million guarantee.

When these fishy dealings were outlined in this space, with wonderment at Mr. Bush's needless exposure of U.S. taxpayers, the Iraqi press counselor in Washington, Abdul Rahman Jamil, wrote to my editor to insist our aid was used for grain, not missiles, explaining: "It is not uncommon to expect delays of payments in financial arrangements." That tipped off future repayment problems.

"Mr. Safire ought to be reminded," Mr. Jamil added, "that a little knowledge is dangerous, and he is using this knowledge dangerously."

A colleague cheerily passed this along with "Hope you weren't planning a holiday in Baghdad." (I did not take Mr. Jamil's reminder to be intimidation, noting it only as a misquotation of Alexander Pope's "A little learning is a dangerous thing.')

So now they're hanging foreign journalists in Iraq and nobody in the Bush Administration gives a damn. Mr. Bush ignores this state murder, allows the U.S. to become dependent on Arab oil while Saddam urges OPEC to raise prices, and keeps guaranteeing loans to the country that spends billions on mustard gas and missiles.

In what national interest? What hold does the Butcher of Baghdad have on the President of the United States?●

THEY GROW 'EM GREAT OUT WEST!

● Mr. HATCH. Mr. President, as a Senator from Utah I have a tendency to take some pride about the things that happen in the great State of Utah. Some of my colleagues may think that sometimes my pride makes me stretch the truth a little bit. But consider what will happen at the Capital Center next Tuesday and my colleagues will understand "stretch" is 7-foot-6.

Next Tuesday, 7-foot, 6-inch Shawn Bradley will take the court as part of the McDonald's All-American basketball classic. Shawn is a high school all-American from Castle Dale, UT. He led Emery High School to back-to-back 2A and 3A championships and was selected most valuable player. Shawn is the biggest media attraction of all the country's high school players and at 7–6 will be the tallest player to ever compete in the Capital Classic. Shawn will be playing college ball at Brigham Young University.

Another great player out of Utah will be Kenneth Roberts, from South Jordan, UT, who took his Bingham High School to back-to-back 4A basketball championships and was selected as most valuable player. Kenneth, Ken, who, at 6-foot-8, plays power forward and is considered one of the great versatile big men in the country. We will have a lot of college scouts at Tuesday's game, as Kenneth hasn't decided which university he will attend.

Mr. President, not only will Utah be spotlighted because of these two fine athletes, but the coach of the all-stars is also from Utah.

Jim Yerkovich just completed his 24th year as head coach at Judge Memorial Catholic High School in Salt Lake City. His teams have participated in 21 State tournaments with a record string of 16 straight tournament appearances. He coached the west team in the McDonald's 1981 all-star game which UCLA Coach John Wooden called the best team ever.

Earlier this month Coach Yerkovich brought his team to the prestigious Alhambra National Catholic Invitational at Cumberland, MD, where Judge Memorial placed second.

Last year Coach Yerkovich, Shawn, and Kenneth were also selected for the Utah AAU team to play the National Junior team from the Soviet Union. The Utah team defeated the Russians 104 to 85.

Mr. President, it is not only with pride that I say these things today, but with appreciation. These players and coach are an example of what the high schools of Utah represent.●

MOVEMENT TOWARD DEMOCRACY IN SOUTH AFRICA

● Mr. WIRTH. Mr. President, yesterday Secretary of State Baker met with Mr. Nelson Mandela in Namibia. As we all know, this meeting was made possible by Mr. Mandela's February 11 realease from prison after serving more than 27 years in jail for his opposition to South Africa's racist system of apartheid. The effect of Mr. Mandela's release, coupled with other gestures recently made by South African President F.W. De Klerk, has transformed the political climate of South Africa. Where once there was only conflict, there is now conciliation. Where once there was only hardship, there is now hope.

Despite these changes, however, there is still much to do in South Africa. Apartheid permeates South African society and there are still many laws—such as the Group Areas Act and the Population Registration Act—which must be repealed. As Mr. Mandela stated upon his release from prison, there must be "a fundamental restructuring of our political and economic systems to ensure that the inequities of apartheid are addressed and our society is thoroughly democratized."

Mr. President, the system of apartheid is morally repugnant to the American people. In order to maintain this system, the white minority Government of South Africa denies blacks a voice in governmental decisions. In 1986, Congress imposed sanctions on South Africa designed to put pressure on the government in Pretoria to negotiate a peaceful end to apartheid by attacking the economic structure that supported apartheid. The sanctions included bans on the importation of South African coal, steel, and agricultural products; bans on the export to South Africa of oil, armaments, computers, and nuclear technology; and bans on new loans and new American business investments in South Africa.

I am pleased to say that the 1986 sanctions had their desired effect. A recent study cited in the January 14 Washington Post indicated that United States sanctions, along with those of other countries, cost the South African Government between $32 and $40 billion over the last 4 years. Mr. President, even by the standards of the U.S. Congress, $40 billion is real money and I am convinced that we are now seeing the fruits of the American policy of sanctions.

In addition to American actions, I also believe that President De Klerk deserves a great deal of credit for the current process of democratization in South Africa. Like President Gorbachev, President De Klerk inherited a system that he knew would not last and needed to be fundamentally altered. By loosening the state of emergency restrictions on freedom of the press and assembly, sharply curtailing the time an individual can be held without trial, lifting the longstanding ban on political opposition groups such as the African National Congress, and, finally, releasing Nelson Mandela, President De Klerk has taken on many of his own supporters and shown himself to be a man of political vision.

Mr. President, an excellent article by Robert K. Massie, Jr., dealing with the current situation in South Africa recently appeared in the New Republic. The article described very well the many divisions that still affect South Africa, and I will ask for its insertion into the RECORD at the conclusion of my remarks.

In his article, Mr. Massie describes how, for 42 years, apartheid has deformed South African society; the distribution of political and economic power, educational opportunities, and day-to-day living conditions were all warped by a narrow obsession with race. These distortions have caused a need for fundamental change in South Africa, and this need has spawned divisions in both the white and black communities over the ultimate form of this change. In the white community, President De Klerk will have to deal with both parliamentary opposition from the Conservative Party and possibly violent opposition from the nascent Afrikanner Resistance Movement. In the black community, disputes over how best to respond to apartheid's injustices have lead to a near civil war in the Province of Natal.

Nelson Mandela is perhaps the one man in all of South Africa who can bridge the divisions described in Mr. Massie's article. Mr. Mandela said at his trial in 1964 and again upon his release in February, that:

> I have fought against white domination and I have fought against black domination. I have cherished the idea of a democratic and free society in which all persons live together in harmony and with equal opportunities.

This, I believe, is a formula for a successful resolution of the conflict in South Africa.

Mr. President, in his 1948 novel on South Africa, "Cry, the Beloved Country," Alan Paton wrote that his greatest fear was that one day when white South Africans turned to loving, they would find that black South Africans had turned to hating. I was pleased, therefore, to learn that Mr. Mandela, when recently asked whether he harbored any hate toward his white captors, replied that he only felt anger. Mr. Mandela said the difference in emotions was significant because anger passes, while hate invades the soul.

Mr. President, it is my hope that all South Africans will eventually share Mr. Mandela's feelings; that hate will not invade South African souls; that anger over the injustices of apartheid will pass; and that South Africa will become a democratic, free, and nonracial society.

Mr. President, I ask that Mr. Massie's article be inserted in the RECORD.

The article follows:

[From the New Republic, Feb. 26, 1990]

GREAT EXPECTATIONS

(By Robert K. Massie, Jr.)

Early in January the liberal Institute for a Democratic Alternative in South Africa (IDASA) played host to the first two Russian academics to visit South Africa in nearly 40 years. Professors Irena Filatova and Apollon Davidson of Moscow State University toured the country giving talks about Soviet foreign policy in Southern Africa and about the collapse of communism in Eastern Europe and the U.S.S.R. To their surprise their account met with indignant resistance. At one gathering in a Transvaal township more than 100 local leaders and citizens sharply questioned the Russians about this rejection of socialism, and criticized IDASA for bringing them to South Africa.

The reaction of the township activists to the Russians' visit give one indication of the complexity of the task facing State President E. W. de Klerk and the leaders of the African National Congress as they careen toward the opening of negotiations. During the five months since de Klerk formally took office he has systematically altered South Africa's political landscape with a carefully timed sequence of symbolic and substantive actions. He has released eight leaders of the ANC, most of whom had been jailed for more than a quarter century. He allowed one of them, ANC leader Walter Sisulu, to be interviewed for an hour and a half on South African television, even though technically it was still an act of treason to quote a member of the ANC. He has announced the release of Nelson Mandela so frequently that both the press and the right wing are now completely used to the idea. He has bowed to the Mass Democratic Movement's fall Defiance Campaign and officially desegregated the vast beautiful beaches of Cape Town, Durban, and Port Elizabeth just in time for the summer Christmas holidays. Then, in his opening speech to Parliament on February 2, he announced a wave of new reforms, including the unbanning of the ANC and several dozen other organizations, the limitation of detention without trial to six months, and the partial lifting of the government's restrictions on the media.

Most anti-apartheid activists in South Africa do not believe that de Klerk has reached the point of no return because "Pretoriastroika," as the papers are calling it, has not yet touched the central pillars of apartheid legislation. Citizens are still subject to the Population Registration Act, which requires every person in South Africa to obtain an official racial designation; to the Separate Amenities Act, which says that racially segregated facilities can be unequal in quality; and to the Group Areas Act, which continues to force residents of different racial groups into different territories. Similarly, the government has not shown any signs of dismantling the grossly inequitable homelands system or addressing the deepening crisis of black education, in which tens of thousands of African children are being denied education while white schools are closing because there are too few white students.

Despite the legitimate skepticism of those who watched de Klerk's predecessor, P.W. Botha, use cosmetic reforms to conceal his efforts to turn South Africa into a highly militarized national security state, there are important signs that South Africa is lurching toward a new dispensation. In some areas the transformation is already well under way. The repeated attempts by the South African government at the provincial and local level to install cooperative black leaders have generally failed. Most local citizens—following a call by the interlocking organizations of the United Democrat Front (UDF), the Congress of South African Trade Unions (COSATU), the Mass Democratic Movement (MDM), and the ANC—boycotted the elections that installed city councils in the huge, sprawling townships that ring South Africa's cities. The UDF/MDM leaders have set up alternative community organizations elected and administered through an intricate system of street committees. In some cases, as in the colossal township of Soweto outside Johannesburg, the elected civil authorities have agreed to work closely with the community organizations, and thus formed a more or less united front against white authorities. In others, such as the Crossroads camp outside Cape Town, continuing tension between the parallel political structures has led to repeated incidents of violence and retribution.

During the worst days of the states of emergency (the first in 1985 and the second from 1986 until now), the leaders of the UDF were detained for months and the structure was depleted. De Klerk has allowed a thaw, which in many townships has permitted UDF/MDM community organizations to consolidate their informal system into a de facto government. More significantly, important white political and economic organizations have been forced to recognize their legitimacy.

For example, the Soweto People's Delegation (SPD)—a community organization whose board includes Archbishop Desmond Tutu, South African Council of Churches President Frank Chikane, and Alberta Sisulu, wife of Walter Sisulu—has been negotiating directly with the management of ESCOM, the national electric utility that serves both Soweto and the white suburbs of Johannesburg. For more than two years the township has been putting pressure on the government and the utility by refusing to pay rents and electric bills—the cost to ESCOM alone has been more than seven million rand a month ($2.8 million), which the national government has quietly paid to keep the institution solvent. As part of the preliminary conditions for ending the boycotts, the SPD asked ESCOM to accept a unified electric network and user fee for all of greater Johannesburg, instead of the current artificial separation into white and black communities. The negotiators for ESCOM agreed, but the Johannesburg City Council so far has refused to accept this without a mandate from the white voters. On January 25 a similar meeting in Port Elizabeth on the eastern Cape included community organizations, ESCOM executives, and Nationalist Party members of Parliament. They concluded in principle that a unified electrical system made economic, technical, and political sense.

Such negotiations have demonstrated that South Africa's ruling institutions can resolve local conflicts only through direct negotiation with those recognized by the community. In some communities, such as Cape Town, there has even been a strange role reversal as eager white municipal authorities trying to break down the artificial boundaries created by apartheid have been spurned by community activists who have been committed for decades to non-collaboration until majority rule.

De Klerk's actions, whether voluntary or coerced, have raised expectations so high that discussions among government officials, union leaders, business executives, university faculty, ANC members, and local activists have shifted from whether there will be majority rule to what it will look like when it comes. Everyone agrees that the transition, even if peaceful, will not be easy. Since World War II South Africa's economy has been grossly distorted by the weird restrictions of apartheid, by excessive economic concentration, and by authoritarian government control. Trade and financial sanctions, though widely acknowledged as having had an important role in moving the white regime toward reform, have steadily whittled down the country's growth rate.

A new government, whether it comes in a year or in a decade, will have to make complex decisions about wealth distribution, nationalization, capital investment, and industrial and residential development. The external officials of the ANC, mindful of the events in Eastern Europe, have gone far out of their way to reassure Western governments and companies that what they seek is not a centralized state but a mixed economy. But local activists in the unions and in the townships—who still refer to each other as "comrade"—are deeply suspicious that the collapse of communism they see on state-controlled television is another Nationalist Party trick to weaken their resolve. In Port Elizabeth, for example, a local union organizer insisted that the people of Eastern Europe had not rejected socialism or state ownership of the means of production but had merely purged themselves of corrupt leaders.

Economic issues are not the only important features being debated. At a January conference organized by IDASA at the University of Cape Town on the slope of Table Mountain, participants from across racial and political lines discussed the new structures that would be necessary for "democratic accountability" in a new South Africa. All recognized that after 42 years certain basic institutions that had been warped by the Nationalist Party's obsession with race would have to be straightened out or scrapped and rebuilt. In sessions stretching over three days, business, government, union, and ANC-affiliated participants debated the merits and dimensions of a democracy. After many years in which judges have been subordinate to the legislature, legal scholars pondered what it would be like to have a truly independent judiciary. After more than two decades since the abolition of juries, advocates pondered what it would mean to have a trial by one's peers in South Africa. Journalists eagerly discussed the merits of a truly unfettered press, which for many included the possibility of some sort of economically determined state subsidy to prevent the affluent white minority from overwhelming the editorial mission of papers through the exigencies of advertising. Political activists debated the idea of a South African bill of rights and differed over whether it should follow a more libertarian model, as in the United States, or include social rights such as employment, health, and housing, as is popular in European countries controlled by social democrats.

The debate brought to light some serious disagreements. One prominent conservative journalist, Ken Owen of Business Day, stomped out of the room when a small committee proposed a resolution recommending that editors continue to test government restrictions by quoting banned individuals. White liberals peppered one representative of the United Democratic Front over his use of the term "collective leadership" until they were satisfied that he was not sneaking in Stalinism under the guise of democracy. Nonetheless, at the end of the conference a remarkable mood of consensus had developed that South Africans of all races would have an excellent chance of success in building a new polity.

This optimism could still easily be shattered. Mandela, whose stature has grown to mythic proportions while in prison, is not yet free. When released, he may not long have the power to draw the many different anti-apartheid movements together under the umbrella of the ANC. Though Mandela has sent conciliatory messages from prison to the leaders of the various homelands, he will have to negotiate a particularly tricky peace with Kwazulu Chief Minister Mangosuthu Gatsha Buthelezi. This is made harder every month as more and more ANC and Buthelezi supporters kill each other in what approaches civil war in Natal. On the government side, the reactionary Conservative Party is still searching for ways to block de Klerk's efforts, and the neo-Nazi AWB (Afrikaner Resistance Movement) may develop into a vicious South African Ku Klux Klan. Indeed, de Klerk's authority and integrity are being tested by compelling allegations that over the past decade many activists were gunned down by a government-approved death squad. So far de Klerk has smothered any new revelations by refusing to appoint a commission of inquiry and leaving the police to investigate themselves. But the high probability that more right-wing violence will explode as de Klerk edges toward negotiations means that both de Klerk and the ANC will have to exercise tremendous discipline in order to see the process through.

De Klerk bristled publicly when told that U.S. Assistant Secretary of State for African Affairs Herman Cohen and the Democratic leadership in Congress have reached an agreement to delay the consideration of new economic sanctions until the end of South Africa's parliamentary session in June. The deadline, however, is real and is largely the result of de Klerk's own actions. On February 2, de Klerk told his country and the world that more significant reforms are forthcoming and that "the time for negotiation has arrived", he should not grumble if millions of his own citizens from all races take him at his word. Those citizens are already designing and building a new country from the bottom up, and they are looking for his support. If Parliament closes without major new developments, the anticipation that has arisen in the cities and the townships could explode, triggering more repression, more violence, more international sanctions, and more misery. But if de Klerk can navigate into serious negotiations with a freed Nelson Mandela at the head of a unified ANC, then South Africa's long detour through the ugly depths of legalized racism may at last come to an end.

(Robert K. Massie, Jr., teaches at Harvard Divinity School and is writing a book on the history of the South African divestment movement in the United States.)●

DRUG RESISTANCE EDUCATION

● Mr. LEVIN. Mr. President, I wanted to take this opportunity to draw attention to an article that appeared in the Washington Post while the Senate was in recess and most of my colleagues and I were back home.

The article reported that a comprehensive study of the drug-Prevention Program found a significant decrease in the use of marijuana and tobacco among eighth graders trained in resisting peer pressure from drug users. Mr. President, this is good news, and it confirms what I've been hearing across the State of Michigan—drug resistance education is working.

I spent a great deal of my time last week meeting with law enforcement officials across Michigan. But whether in rural or urban Michigan, law enforcement officers in the front lines of our battle against drugs had the same message. They said while they need tough laws and the resources to prosecute and put drug traffickers away, they cannot win this war alone. They told me that in our families and in our schools we need to teach our kids how to say no to drugs before they start using them.

In Michigan, over 50,000 fifth and sixth graders will take part in the DARE Program or other similar programs which teach kids about drugs and how to resist them. But we're still not reaching every fifth and sixth grader in Michigan and other States, and we must. I'm pleased that last month the Senate passed an amendment that will provide $10 million for DARE and similar drug education programs nationwide.

Americans can win this war on drugs, and we'll do it by keeping our children off drugs. This Washington Post article documents what we already know—that drug education is working. Mr. President, I ask that it be included in the Record.

The article follows:

[From the Washington Post, Mar. 16, 1990]

Youngsters Resist Peer Pressure to Use Drugs

(By Jay Mathews)

Los Angeles, March 15.—California researchers, unveiling what they called the most rigorous survey of a drug-prevention program in American schools, today reported significant decreases in use of marijuana and tobacco among eighth graders trained in resisting peer pressure from drug users.

The Rand Corp. study of 4,000 12- to 14-years-olds in California and Oregon showed that Project ALERT, scheduled for national expansion, reduced the number of children trying marijuana by one-third and halved the number who moved from experimenting with cigarettes to regular tobacco use.

"Our findings undercut three common criticisms of prevention programs: that they work only for children who don't really need them, that they prevent only trivial levels of use and that they are only effective in white middle-class communities," said Phyllis L. Ellickson, a senior behavioral scientist at Rand.

A report on the $8.8 million study funded by the Conrad N. Hilton Foundation is to appear in Friday's editions of the journal Science. Foundation President Donald H. Hubbs said the foundation plans to make the Rand-developed curriculum "avaliable to school districts throughout the country."

The report said the program of eight lessons in seventh grade and three "booster" sessions the following year worked in affluent and disadvantaged schools but seemed to have sightly more impact in schools with a higher percentge of minorities.

Researchers checked results by examining students in 10 schools where teachers alone presented the Project ALERT (Adolescent Learning Experiences in Resistance Training) program, 10 schools where they were assisted by older teenagers and 10 schools left to pursue whatever drug-prevention programs were already in place.

Voluntary saliva tests and other methods were used to ensure accuracy, the report said.

Conducted between 1984 and 1986, the programs included lessons on effects of drugs, student discussion of external and internal pressures to use drugs and training in resisting drug use through practice conversations, skits, posters and written scenarios.

Contrary to researchers expectations, the report said, teachers were just as effective working alone as when assisted by older teens.

The report noted that the project was not an unalloyed success. Seventh graders already regular smokers maintained or increased tobacco use in what Rand said "appeared to be a rebellious reaction to the program's message."

Alcohol use declined after initial seventh-grade lessons but, despite the booster sessions, returned to normal graders reported drinking at least once a month.

"We think this erosion occurred because the widespread prevalence of alcohol use in society at large, as well as in the schools that participated in our experiment, undermined curriculum messages about resisting pressures to drink," the report said.

Continued acceptance of alcohol by adults and media, and efforts to legalize any other drugs, will weaken the program, the researchers said.

The researchers concluded that the booster sessions were essential to maintaining limits on marijuana use and resistance to smoking among non-regular users. Additional booster lessons, they said, may be needed to maintain those gains as the researchers follow the students into high school.

In an interview, Ellickson said the project did not focus on crack cocaine because of the age of the participants but might have to add crack resistance to the program as students encounter the drug in high school.●

NEW HAMPSHIRE SUNDAY NEWS

● Mr. HUMPHREY. Mr. President, last week the New Hampshire Sunday News, for the first time in its history, surpassed the circulation figure of 100,000 copies.

On October 6, 1946, after five unsuccessful attempts to launch a Sunday newspaper in New Hampshire, the New Hampshire Sunday News began as the realization of a dream and an idea of B.J. McQuaid. It was a hard-hitting journal that sought out the controversial, and, because it was a weekly, it was able to dig down to find the loose ends and unanswered questions.

The price of running even a weekly paper took its toll on the fledgling enterprise and, after a successful first year, McQuaid reached the conclusion that, if the paper were going to experience real growth, it would have to merge with the Union Leader under it's irrepressible publisher, William Loeb.

When the merger was completed the Sunday News took full advantage of the expertise of the Union Leader's business and advertising staffs as well as the wide network of Union Leader reporters and correspondents who supplemented the Sunday News' already outstanding staff.

The rest is history. Over the years, the investigative reporters have saved the taxpayers of the Granite State millions of dollars and won the admiration not only of the citizenry, but the State legislature as well.

As today's Sunday News leaves behind one record and sets out to achieve another, it is fitting to extend congratulations to the publisher, Nackey Loeb, to the editor-in-chief, Joe McQuaid, to Michael Rhodes and to the entire staff. May they long strive to keep the Granite State the national bedrock of sound conservative values.●

JERUSALEM AND THE PEACE PROCESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Concurrent Resolution 106 regarding Jerusalem and the peace proc-

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ess, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 106) expressing the sense of the Congress concerning Jerusalem and the peace process.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

●Mr. MOYNIHAN. Mr. President, Senate Concurrent Resolution 106 is a measure which expresses the Senate's strong and unambiguous support for a united Jerusalem. By adopting the concurrent resolution the Senate also acknowledges that Jerusalem has been selected by the State of Israel as its eternal capital.

I am extremely pleased that this measure enjoys such broad and bipartisan sponsorship. Support for Israel and for peace in the Middle East is something which should unite rather than divide us. I believe that the swift and bipartisan adoption of the concurrent resolution represents a clear statement by the Senate that President Bush's statements on east Jerusalem were unwise and untimely. In the words of the resolution, such ambiguous statements about the status of Jerusalem raise the fears which "inhibit and complicate the search for a lasting peace" in the Middle East. I hope that this action by the Senate will help to put such fears to rest.

Mr. President, I ask that the following Senators be added as cosponsors to Senate Concurrent Resolution 106 concerning Jerusalem and the peace process: Mr. Ford, Mr. Robb, Mr. Rockefeller, Mr. Inouye, Ms. Mikulski, Mr. Reid, Mr. Breaux, Mr. Matsunaga, Mr. Bradley, Mr. Sasser, Mr. Baucus, Mr. Hollings, Mr. Heflin, Mr. Bryan, Mr. Pryor, Mr. Bingaman, Mr. Fowler, Mr. Dashle, Mr. Boren, Mr. Danforth, Mr. Murkowski, Mr. Domenici, Mr. Gramm, Mr. Heinz, Mr. Helms, Mr. Humphrey, Mrs. Kassebaum, Mr. Nickles, Mr. Pressler, Mr. Thurmond, Mr. Warner, Mr. Dole, Mr. Garn, Mr. Roth, Mr. Rudman, Mr. Simpson, Mr. Stevens, and Mr. Cochran.●

Mr. BOSCHWITZ. Mr. President, I am pleased to join with my colleague from New York, Mr. Moynihan, in sponsoring this concurrent resolution setting out the view of the Congress on the subject of Jerusalem. That view, which is held overwhelmingly in this body, is that we acknowledge that Jerusalem is the capital of the State of Israel and that it must remain an undivided city in which the rights of every ethnic and religious group are protected.

The issue of Jerusalem has, I think needlessly, become a matter of contention in the current peace process in the Middle East. The issue has been raised by several parties, and, most importantly for Americans, was addressed by President Bush during a recent conference.

After reading President Bush's remarks, I wrote to him, together with several colleagues, asking that he clarify that the long-standing administration policy on Jerusalem had not been altered. In an eloquent letter, he responded that his administration's peace efforts were not designed to promote the redivision of Jerusalem, and that he would oppose any such effort. The President closed his letter by stating that "no peace that I can envision would deny Jews the right to live anywhere in this special city of Jerusalem."

It is not our intention to question or to override the administration's position or its prerogatives with regard to the making of foreign policy. We ought, however, to supplement the President's statement with one of our own: The issue has become one of such concern that our views should be quite clear. It is for that reason that I joined my friend from New York in this effort.

Here, we say that we are willing to acknowledge that Jerusalem is and should remain the capital of the State of Israel, even though that statement is not on all fours with the administration's policy.

It should be clear that what unites Americans on Middle East policy is far more important than what divides us. Most importantly, we all support a redoubling of the important efforts, led by the President and the Secretary of State, to advance the Middle East peace process. The resolution before us calls upon "all parties involved in the search for peace to maintain their strong efforts to bring about negotiations between Israel and Palestinian representatives".

The Hebrew words for "Jerusalem", "whole" and "peace" all derive from the same root, signifying "unity." It was therefore quite fitting for the President to quote, in his letter to me, from his message to Jerusalem's Mayor Kollek that "it is the pursuit of peace that ought to take priority, for only with peace can Jerusalem truly be open and whole."

Mr. President, I ask unanimous consent that the text of the letter I and several colleagues wrote to the President, together with the President's reply, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, March 14, 1990.

The President,
The White House,
Washington, DC.

Dear Mr. President: Jerusalem has a place in the hearts of the American people and of people throughout the world. Whether Christian, Jewish, or Moslem, they look to it as a symbol of peace and a source of spiritual inspiration.

Jerusalem is the spiritual center of the Jewish faith, and for Israelis, it is their capital. For over twenty-five hundred years, as Jewish people yearned to return to Zion, they recalled Jerusalem in their prayers. Thus, above all, Jerusalem has special meaning to the Jewish people. But their devotion to Jerusalem has not meant the exclusion of others. When Jerusalem was reunited in 1967, a tragic period in its history ended; now people of every faith enjoy free access to their holy places.

We agree with long-standing United States policy that Jerusalem should never again be divided and that its people should be free to live wherever they wish without regard to their faith. In our view, the status of Jerusalem need not be settled early in the current peace process, and it should not be linked to other issues.

We are deeply concerned, however, that recent statements on the subject of Jerusalem may raise doubts as to whether that policy has changed. In particular, these statements could raise doubts about our long-standing commitment to the right of Jews to live in Jerusalem.

Jerusalem is a city unique in the world, a mosaic of diverse ethnic and religious groups living together in peace. That peace reigns in Jerusalem, despite its diversity, gives us hope that peace may be achieved throughout the Middle East.

Mr. President, we support your determination to advance the peace process in the Middle East. We believe, however, that your clarification that our policy on Jerusalem has not changed is urgently needed now. Even though the constraints of time prevented us from asking more of our colleagues to join in this letter, we believe that most of them share our concerns.

Sincerely,

Benjamin A. Gilman, Pete Wilson, Alfonse M. D'Amato, Carl Levin, Connie Mack, Rudy Boschwitz, Joseph I. Lieberman, John McCain, Larry Pressler.

The White House,
Washington, DC, March 20, 1990.

Hon. Rudy Boschwitz,
U.S. Senate,
Washington, DC.

Dear Rudy: Thank you for your thoughtful letter of March 14. I have thought a great deal about the issues you raised, and I appreciate the opportunity to reaffirm how much in common are our views on the need to advance the peace process in the Middle East.

I am well aware of the historical attachment of the Jewish people to Jerusalem, that most wonderful of cities, unique in its character, beauty, and significance. Jerusalem is a city where Jews, Christians, and Muslims have lived together for centuries. It is my keen appreciation of Jerusalem's uniqueness that led me to write just days ago to its esteemed Mayor, Teddy Kollek:

". . . Jerusalem must never again be a divided city. We did not approve of the status quo before 1967; in no way do we advocate a return to it now. This was and is the policy of the United States, and it is my policy. Our efforts in the peace process are in no way designed to promote the division of Jerusalem. We would oppose any such effort.

"It is also our view that the final status of this most special of cities should be decided by negotiation, and that this negotiation would be facilitated if we were well along the path toward peace. There is thus no intention on our part to focus now on the final status of Jerusalem. It is also our view, just as it has been the view of the United States since 1967, that all sides should be taking steps to get to negotiations and avoiding steps that could prejudice the prospects for these negotiations."

As I told Mayor Kollek, it "is the pursuit of peace that ought to take priority, for only with peace can Jerusalem truly be open and whole." Recent political developments in Israel have centered on the peace process, and made clear the importance of moving forward. It is time to get to an Israeli-Palestinian dialogue on elections leading to negotiations. And it is time to strive, together with our strategic friend and ally Israel, toward peace. No peace that I can envision would deny Jews the right to live anywhere in this special city of Jerusalem.

Sincerely,

George Bush.

Mr. LAUTENBERG. Mr. President, I rise as an original cosponsor of Senate Concurrent Resolution 106 to express my objection to the President's recent statements on the issue of Jerusalem. I want to reaffirm my view, as expressed in this resolution, that Jerusalem must remain the undivided capital of Israel, our friend and closest ally in the Middle East. I believe that this is also the view of the Senate, since this concurrent resolution has been cosponsored by more than half of my colleagues.

I take issue with the President's recent remarks on so-called Israeli "settlements" in Jerusalem, remarks which have caused great concern here at home and in Israel. They have unnecessarily reopened an extremely sensitive issue at a delicate stage in the peace process, and have jeopardized Israel's view of the United States as a reliable partner for peace.

Since the birth of the state of Israel in 1948, Jerusalem has been its political capital. But for 3,000 years, Jerusalem has been the spiritual capital of world Jewry and the focus of Jewish national and religious yearning. Jerusalem holds unparalleled religious, historic and emotional significance for Jews throughout the world. Because of Jerusalem's unique importance, Jews the world over and both major parties in Israel agree it must remain the undivided capital of the Jewish State.

Jerusalem is not only of paramount importance to the Jewish religion, but is also holy to other major religions in the world. Yet it is only since Jerusalem was unified under Israeli control in 1967 that the sites sacred to Christianity, Islam, and Judaism have been protected and open to all.

During the 19-year Jordanian occupation of East Jerusalem, Jews of all nationalities and Israelis of all religions were denied access to their holy sites. Jewish gravestones were desecrated; they were used to build latrines and roads. King Hussein sought to systematically eliminate all traces of Jewish heritage from East Jerusalem. The pain of this shocking desecration has been permanently seared into Jewish memory, creating an unshakeable determination never to permit it to happen again. East Jerusalem must remain under Israeli sovereignty and control.

The President's statement on so-called Jewish "settlements" in east Jerusalem represents a change in long-standing U.S. policy and attitudes on this issue. The right of Jews to live throughout a united Jerusalem has never before been questioned by any American President. Since 1967, administrations of both parties have been sensitive to the special status of the city.

Jerusalem is not the same as the West Bank and Gaza, and a United States policy which equates Jewish settlements in the territories and Jewish housing in East Jerusalem represents a departure from well-established United States policy. Successive administrations have made it clear that the land for peace formula has never applied to Jerusalem.

I hope the President will reconsider your statements and remove any doubt that United States policy on Jerusalem remains unchanged. I believe such a clarification would be extremely helpful for advancing the peace process currently underway.

I urge my colleagues to quickly adopt this concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 106) was agreed to.

The preamble was agreed to.

The concurrent resolution and its preamble are as follows:

S. Con. Res. 106

Whereas the State of Israel has declared Jerusalem to be its capital;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths were not permitted access to holy sites in the area controlled by Jordan;

Whereas since 1967, Jerusalem has been a united city administered by Israel and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas the President and the Secretary of State have demonstrated their strong desire to achieve a just and lasting peace in the Middle East and have worked diligently toward that end;

Whereas ambiguous statements by the Government of the United States concerning the right of Jews to live in all parts of Jerusalem raise concerns in Israel that Jerusalem might one day be redivided and access to religious sites in Jerusalem denied to Israel citizens; and

Whereas such concerns inhibit and complicate the search for a lasting peace in the region: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) acknowledges that Jerusalem is and should remain the capital of the State of Israel;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic religious groups are protected; and

(3) calls upon all parties involved in the search for peace to maintain their strong efforts to bring about negotiations between Israel and Palestinian representatives.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RELIEF FOR NATIONAL FORESTS DAMAGED BY HURRICANE HUGO

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 483, S. 2306, a bill to provide relief for national forests damaged by Hurricane Hugo.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2306) to provide relief for national forests damaged by Hurricane Hugo, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

S. 2306—TO PROVIDE RELIEF FOR FORESTS DAMAGED BY HUGO

Mr. SANFORD. Mr. President, I rise today to support S. 2306 which is legislation to provide relief for national forests damaged by Hurricane Hugo.

As the Members of this body know, Hurricane Hugo left a path of destruction in its wake from Puerto Rico through parts of Virginia. The forces of Hugo literally wrenched trees from the ground and scattered them across the landscape. Especially problematic is the fact that if the debris is not cleared soon, it will dry, and will be a major source of forest fires.

The Carolinas were devastated by the worst hurricane to hit the eastern coast in two decades. While the South Carolina coast bore the initial blow from the storm, the coastline of North Carolina and the western part of the State also sustained terrible damage. Fifty-one North Carolina counties sustained wind and flood damage from

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the hurricane, and 29 counties in the State have been declared national disaster areas.

To put this in perspective, Hurricane Hugo ravaged enough Carolinas pine trees to build 430,000 houses and print 1.6 billion National Geographic magazines. Storm damages for the State of North Carolina will exceed $400 million.

I have visited areas hit by Hurricane Hugo and have heard numerous stories of personal tragedies and heroic relief efforts, and I am pleased that the Federal Government will be instrumental in helping the determined people of North Carolina.

This bill requires the Secretary of Agriculture to reforest lands in the National Forest System, and this reforestation shall be completed within 10 years. Further, the Secretary shall expeditiously salvage timber, with an emphasis on protecting human safety and endangered species.

Further, the legislation requires the Secretary to restore fish and wildlife habitats and watersheds and he is required to remove or mitigate fire hazards and provide resources for detection and suppression of forest fires.

Finally, the bill requires the Secretary to manage wilderness areas, study forested ecosystems and renewable forest resources, and research means to rebuild threatened and endangered species.

These matters cannot be neglected further, and this important legislation merits serious consideration. I strongly support this legislation, and encourage my colleagues to reaffirm their commitment to the preservation and protection of our National Forest System.

Mr. THURMOND. Mr. President, today, I rise to support passage of S. 2306, a bill which will provide relief for national forests and vegetable farmers whose crops were damaged by Hurricane Hugo. I was pleased to join with Senator HOLLINGS in introducing this urgently needed legislation.

When Hurricane Hugo hit South Carolina, it caused damage unseen in modern history. Crops were flattened, cotton was pulled out of the boll, and trees were snapped like toothpicks.

This legislation will provide two main benefits to the areas affected by this disaster. Specifically, this bill will aid in restoring the Francis Marion National Forest and provide assistance to the vegetable growers whose crops were damaged.

The National Forest suffered extensive destruction. Nearly 70 percent of the sawtimber in the Francis Marion National Forest was blown down or broken off 10 to 25 feet above the ground. These trees were once the nesting grounds for the endangered red-cockaded woodpecker. The damaged sawtimber has filled streams with debris causing flooding and erosion problems.

This bill sets priorities to restoring the Francis Marion National Forest. Specifically, this legislation directs the Secretary of Agriculture to conduct the salvage timber sales in a manner which takes into account the impact of these sales on the regional market, protects and restores the habitats of threatened and endangered species, as well as clean up areas where damaged trees pose a threat to human safety.

The last component of this bill will amend the Disaster Assistance Act of 1989 to separate the spring and fall vegetable crops damaged by Hurricane Hugo when calculating yields. Currently, the disaster payments are calculated by combining the fall and spring crops. These crops require separate acreage for planting and should not be considered a single crop.

Mr. President, this legislation will help restore the areas devastated by this horrible disaster. I thank my colleagues for expeditiously passing this important legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2306

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NATIONAL FORESTS

SEC. 101 DEFINITIONS.

As used in this subtitle:

(1) DISASTER.—The term "disaster" means Hurricane Hugo or the Loma Prieta Earthquake.

(2) FOREST MANAGEMENT PLAN.—The term "forest management plan" means a land and resource management plan prepared pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for units of the National Forest System affected by the disasters.

(3) *Secretary.*—The term "Secretary" means the Secretary of Agriculture.

(4) VIRGIN ISLANDS.—The term "Virgin Islands" means the United States Virgin Islands.

SEC. 102. FOREST SERVICE.

(a) TIMBER SALVAGE.—(1) The Secretary shall expeditiously salvage timber to the extent practicable on National Forest System lands damaged by the disasters.

(2) In conducting timber salvage, the Secretary shall, to the extent practicable, assign priority to—

(A) areas where damaged trees pose a threat to human safety;

(B) protection and restoration of the habitats of threatened and endangered species; and

(C) offering salvaged timber in a manner which shall take into account the impact of such sales on the regional market value.

(b) REFORESTATION.—(1) The Secretary shall reforest forest lands in the National Forest System damaged by the disasters as the Secretary deems appropriate.

(2) To the extent practicable with appropriations made available for the purpose, reforestation described in paragraph (1) shall be completed not later than ten years after the date of enactment of this Act.

(3) In conducting reforestation, the Secretary shall, to the extent practicable, assign priority to—

(A) areas as appropriate in view of the land allocations made in forest management plans; and

(B) protection and restoration of threatened and endangered species habitat and historic plant communities.

(c) FISH AND WILDLIFE HABITAT RESTORATION.—(1) The Secretary shall, subject to the availability of funds, immediately implement fish and wildlife habitat restoration projects to mitigate impacts on National Forest System lands damaged by the disasters.

(2) In conducting fish and wildlife habitat restoration projects the Secretary shall assign priority to activities that restore the habitat of the red-cockaded woodpecker, the Puerto Rican parrot, and other threatened and endangered species.

(d) RESTORATION OF WATERSHEDS.—(1) The Secretary shall, subject to the availability of funds, immediately take actions necessary to restore watersheds on National Forest System lands damaged by the disasters.

(2) In conducting restoration of watersheds, the Secretary shall assign priority to actions necessary to restore community water sources and natural stream flows, wetland values, and hydrolic functions impaired as a result of other salvage effort.

(e) FIRE PREVENTION AND MANAGEMENT.—(1) The Secretary shall immediately make an assessment of the impacts of and risks associated with forest fuel accumulations on National Forest System lands as a result of timber damaged by the disasters.

(2) Based on the assessment required by paragraph (1), the Secretary shall—

(A) develop and implement plans for action to reduce or mitigate fire hazards to acceptable levels in accordance with forest management plan objectives; and

(B) provide resources for detection and suppression of forest fires and the positioning of fire suppression forces and equipment consistent with existing agency policy on fire management.

(f) INSECT AND DISEASE PREVENTION AND MANAGEMENT.—(1) The Secretary shall conduct a preliminary survey of National Forest System lands damaged by the disasters to determine the extent to which it may be necessary to—

(A) increase insect and disease detection and evaluation activities above normal levels; or

(B) conduct detailed aerial or ground surveys to assess current and potential impacts from insect population buildups.

(2) Based on biological environmental analyses developed in the survey required by paragraph (1), the Secretary shall take action to protect resource values from further damage by insects and disease consistent with applicable law.

(g) DAMAGED FACILITIES AND LANDS.—(1) The Secretary may repair, reconstruct, and replace Forest Service facilities and restore lands damaged by the disasters to their full productive potential consistent with applicable law.

(2) The Secretary shall, subject to the availability of funds, take immediate action to restore damaged recreational facilities to a condition that will permit public use,

giving priority to action that will ensure public health and safety.

(h) Wilderness Areas.—Not later than six months after the date of enactment of this Act, the Secretary shall submit to Congress a report stating the Secretary's plans with respect to the management of areas damaged by the disasters that are areas designated as wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.), in particular, fire, insect, and disease management.

(i) Response of Forested Ecosystems Research.—(1) The Secretary shall immediately begin such studies as the Secretary deems necessary to characterize and quantify the swift changes underway in ecological processes immediately following the disasters that may affect near- and long-term forest productivity and biodiversity, and shall assess the prospective effects of such changes on local economies.

(2) The studies described in paragraph (1)—

(A) shall be within the scope of the research authorized by section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642); and

(B) are not intended to supplant research programs planned for fiscal years 1990 through 1992.

(j) Renewable Resources Surveys and Analysis.—(1) The Secretary shall—

(A) conduct a comprehensive survey and analysis of the present and prospective conditions of and requirements for renewable forest resources in the areas of North Carolina, South Carolina, Virginia, Puerto Rico, and the Virgin Islands that were affected by Hurricane Hugo; and

(B) provide technical and financial assistance, as determined to be necessary by the Secretary, for renewable forest resource surveys of Guadeloupe, Saint Martin, Saint Kit, and Montserrat, if the President receives a formal request for such assistance from the governments of those islands.

(2) Assistance under paragraph (1)(B) may include—

(A) acquiring and interpreting satellite imagery and aerial photographs;

(B) organizing and conducting surveys; and

(C) collecting and analyzing data.

(k) Threatened and Endangered Species Research.—(1) The Secretary, in consultation with the Secretary of the Interior, shall conduct such research as the Secretary determines to be necessary and prudent to develop means to restore and improve habitats of the red-cockaded woodpecker in the Francis Marion National Forest, South Carolina, and of the Puerto Rican parrot in the Luquillo Experimental Forest of the Caribbean Forest, Puerto Rico, that were damaged by Hurricane Hugo.

(2) To help rebuild wild populations and replace birds killed by Hurricane Hugo, the Secretary may, pursuant to paragraph (1), create artificial nesting cavities and use nonchemical predator protection methods for nesting birds, coordinate the efforts of and cooperate with other agencies and organizations, and use other wildlife management methods deemed necessary by the Secretary.

(3) Not later than March 1, 1992, the Secretary shall, in consultation with the Secretary of the Interior, transmit to the President of the Senate and the Speaker of the House of Representatives a report describing—

(A) all action taken by the Secretary to assist the recovery of red-cockaded woodpecker, the Puerto Rican parrot, and other threatened and endangered species populations;

(B) the results of those actions; and

(C) the condition of the threatened and endangered species populations as of January 1, 1992.

TITLE II—AGRICULTURE

SEC. 201. AMENDMENTS TO DISASTER ASSISTANCE ACT OF 1989.

(a) Determination of Crop Yields.—Section 104(a)(1) of the Disaster Assistance Act of 1989 (Public Law 101-82) is amended by adding at the end the following subparagraph:

"(C) Classification of crops.—The Secretary, for purposes of making a disaster payment under this subsection for any 1989 nonprogram crop that is planted in an area declared by the President to warrant assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Hugo occurring in September, 1989, shall consider each crop of the same commodity that is planted for harvest on a farm for a different normal harvest period to be a different crop so long as the subsequent crop of such commodity is not planted on the same acreage on the farm as a previous crop of such commodity.".

(b) Orchards.—Section 121(a) of the Disaster Assistance Act of 1989 (Public Law 101-82) is amended by inserting after "freeze" the following: ", Hurricane Hugo that occurred in the southeastern United States, Puerto Rico, and the Virgin Islands in September, 1989."

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, MARCH 26, 1990

RECESS UNTIL 12 NOON; MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 12 noon on Monday, March 26, and that following the time for the two leaders, there be a period for morning business not to extend beyond 1 p.m. with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MITCHELL. Mr. President, the Senate will resume consideration of the clean air bill at 1 p.m. on Monday with rollcall votes to occur during that day on any amendments that are considered during that day.

RECESS UNTIL MONDAY, MARCH 26, 1990

Mr. MITCHELL. Mr. President, if the distinguished Republican leader has no further business, and if no other Senator is seeking recognition, I ask unanimous consent that the Senate stand in recess under the previous order until 12 noon on Monday, March 26.

There being no objection, the Senate, at 11:29 p.m., recessed until Monday, March 26, 1990.

NOMINATIONS

Executive nominations received by the Senate March 22, 1990:

THE JUDICIARY

STANLEY F. BIRCH, JR., OF GEORGIA, TO BE U.S. CIRCUIT JUDGE FOR THE 11TH CIRCUIT, VICE JAMES C. HILL, RETIRED.

DEPARTMENT OF THE TREASURY

TIMOTHY RYAN, OF VIRGINIA, TO BE DIRECTOR OF THE OFFICE OF THRIFT SUPERVISION FOR A TERM OF 5 YEARS.

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EXTENSIONS OF REMARKS

LET MY PEOPLE GO! THE BLACK/JEWISH ECUMENICAL DIALOG

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. STOKES. Mr. Speaker, Rabbi David Gelfand of the Fairmount Temple in Beachwood, OH, recently brought to my attention the following article, which appeared in the January, 1990 volume of Ecumenical Trends. Prof. J. Deotis Roberts of the Eastern Baptist Theological Seminary in Philadelphia, PA is the author of the timely study on the kindred theological development of Jews and blacks

Mr. Speaker, Professor Roberts' article delves deeply into the theological dialog that is a common heritage shared by Jews and blacks throughout the history of mankind. I am pleased to share this thought-provoking article with my colleagues and hope they will take a moment to consider Dr. Roberts' remarks.

LET MY PEOPLE GO! THE BLACK/JEWISH ECUMENICAL DIALOG

(By J. Deotis Roberts)

Two events gave rise to these reflections. First, there was an exploratory visit to the Jewish Community Council in Philadelphia. As president of the Foundation for Religious and Educational Exchange, I made an exploratory visit to this Jewish organization to indicate my interest in cooperation on common projects. As I entered the office, with no set agenda, I observed these words in bold letters: "Let My People Go!" Then I knew what our conversation should be about.

The second event was the National Workshop on Jewish-Christian Relations in Charleston, South Carolina in Spring 1989, where I joined a rabbi and a Roman Catholic priest in conducting a symposium on liberation theology. As a result of this encounter, I was again challenged to develop further my reflections on the theme of this essay.

And yet there is hindsight which has paved the way to this recent interest in Jewish-Black conversation. I recalled the long history of Black/Jewish cooperation in the civil rights struggle in the U.S.A. I have been concerned about the anti-Semitic attitudes and statements of some black leaders. It has not eased the situation to observe that some Jewish leaders have assumed that all African Americans have the same outlook.[1] At any rate, there has been much tension, misunderstanding and mistrust resulting from several statements and encounters, which all have over-exposed in the media. There is, as a result, a great need for multiple efforts at people-to-people understanding between Jews and Blacks.

This relation is further strained by the treatment of Ethiopian Jews in Israel, the Israeli policy toward Palestinians, the association of Israel with the Republic of South Africa (especially military assistance) and the general tension between Arab and Jew. African Americans are usually kindly disposed toward followers of Allah and Yahweh, Moslems as well as Jews.[2]

BLACK AND JEWISH HISTORY: THE USE OF HEBREW SCRIPTURES

In the Charleston conversation, I became aware of the affinity I had, as a black theologian, with the outlook of the Jewish rabbi. Liberation theology, for Roman Catholics, is the version of theology developed by theologians in Latin America. Liberation theology, as developed by such representative theologians as G. Gutierrez and L. Boff must take church dogma, papal teachings, etc., into account. The Exodus, though important, does not have the emphatic biblical meaning as it has for Protestants in general, and Black christians in particular. Among Protestant Latin American theologians, J.M. Bonino, J. Pixley and S. Escobar weigh the Hebrew Scriptures seriously as a part of the biblical corpus. This latter group comes closer to the use of the Exodus paradigm as viewed by both Jewish and African American religious thinkers.

In my *Black Theology in Dialogue*, I underscored the similar manner in which Blacks and Jews have interpreted their historical experience of oppression and suffering with providential meaning.[3] The Old Testament is a treasured section of the Bible for Blacks. Except for the Gospels, with their focus on the life and ministry of Jesus, the Old Testament is generally read with meaning more often by Black Christians than the Epistles of Paul. In the Old Testament, God works dramatically in creation and especially through historical events in the life of Israel. African Americans find it easy to relate to the experience of the Hebrew People. And, therefore, as they reflect upon God's purposeful and saving work among the Hebrews, African Americans appropriate the message to their own lived-experience as a people in both slavery and freedom.

The Hebrews had a sense of covenant relation to God. They were a chosen people, as they understood their mission in history. They were enslaved in Egypt. They were delivered by God from servitude. They were seasoned in the wilderness for a special destiny. A religious nation emerged under the kingships of Saul, David and Solomon. But their nation was a theocracy. Their relation with God was precarious because of sin, idolatry and disobedience. God, on the other hand, was always faithful, forgiving and just. God was viewed as providential, a purposeful, powerful and sustaining Presence. Under Persian rule they returned from exile in Babylon to rebuild the holy city and restore their religious tradition. They were always a covenant people. Their history was always conceived in terms of how they related to God. Their destiny was determined by faithfulness or unfaithfulness to servanthood to God. They lived in redemptive history. Only thus does the life of this People have meaning. Exodus and Covenant belong together.

African American history did not originate in slavery, but in Africa. However, the history of Blacks in the United States, as in most of the New World, is almost identical with slavery as its initial stage. Slavery was so disruptive of our African past, that it became a crucial turning point in our history.[4] In this context we were introduced to the Hebrew Scriptures by slave masters. But some aspects of the biblical message appealed to our sensibilities more than others. The character of Moses and the event of the Exodus had their immediate impact. Thus from an early introduction to the Bible during the slavery period, Blacks have been attracted to the Hebrew Scriptures.

Most African and Asian peoples present religious and moral truths through stories. Africans came from a strong oral tradition. It is not too difficult to understand why an enslaved people derived immediate hope from a biblical story of deliverance. Moses and the Exodus provided biblical grounds for hope for African American slaves. The Exodus message, in which God delivered His people from Egyptian bondage, was direct in its impact upon the psyche of the Black slaves. So great was its appeal that many slaves first learned to read by reading biblical stories with great appeal, like the Exodus.

Along with the Exodus, Blacks have also considered the importance of the Covenant. The promise which God made to His people is based upon a redemptive relationship with God. Black preachers have often reminded their people of God's faithfulness and their people's disobedience. Justice and Judgment in God are balanced by "tender mercy" and "loving-kindness." We are often reminded in the Black Church tradition of the perils as well as the promises of being a people with a sense of being chosen. It is, therefore, important for us to frequently examine the Hebrew Scriptures to be aware of the way in which Exodus and Covenant are linked in Black as well as Jewish history.

THE MESSAGE OF THE PROPHETS

In Hebrew Scriptures we find the message of the prophets of social justice. These eighth century prophets like Isaiah, Amos, Hosea and Micah are seriously studied by Black Christians. The message of the prophets of social justice has united Black and Jewish leaders around human rights in the United States.

My personal experience is supported by years of research and reflection, as I make the assertion that the prophets of social justice have a decisive influence upon the Black Church tradition. In traditional literature, song and sermon, and prayer, the Hebrew Prophets have been often interpreted in light of the black religious experience.

The Exile of the Hebrews and the prophetic message related to this experience has been noted. Compare the experience of the Hebrew people with that of displaced Africans in America and one readily understands why meaning flowed forth from the Old Testament into black history and black religion. So powerful is this message of Exile, that one is tempted to exalt it above

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Footnotes at end of article.

the Exodus. Blacks no less than the Hebrews know the meaning and agony of "singing the Lord's song in a strange land."

The analogy breaks down, however, when we consider the Return or Restoration. There has never been a successful "back to Africa" movement, whether sponsored by blacks or whites and for whatever reason. This is one reason why Afro-American rather than African American may be more appropriate in our actual self-understanding. A visit to Africa has profound meaning for many blacks, especially those in search of roots as a basis for self-understanding. But for most blacks Africa can never be more than a symbolic home.

Thus the Exile experience of the Hebrews has meaning. The message of the prophets of Exile, like Ezekiel has great power. But the Return or Restoration aspect does not have equal force for the reasons just stated.

We turn now to the social justice content of the Hebrew prophets. Traditional teaching and preaching from the prophets has balanced justice and judgment with love and forgiveness in God and in human relations. This means that we view the prophetic message as being directed to the chosen people as well as to the oppressors of the people of God. This has great significance as we draw ethical and theological conclusions in view of racism in the United States or South Africa.

The prophets were very explicit in stating the social justice content of the biblical message in relation to oppressed and oppressor alike. Black theologies as well as liberation theologies, often err in a one-directional application of the social justice content of the biblical message in the prophets. Obedient faithfulness and self forgetting servanthood accompany the cry for justice and mercy. God's requirements are made plain by Micah (6:8). It is, nevertheless, true that there are few words of comfort for the exploiters of the poor and disinherited. The force of the message of judgment is decisively against any dehumanizing act of the rich against the poor, the strong against the weak.

Again we are becoming more aware of what it means to read the Bible through the eyes of the victims. This, I believe, is where the exegesis from a liberationist perspective enriches the interpretation of the Hebrew Scriptures for Jews and Christians. One finds that the message once limited to the eighth century prophets may be found elsewhere in the Hebrew Scriptures in the Psalms, Jonah or Daniel. Here the unschooled black preacher has anticipated much that scholars have only recently discovered, being informed by the liberation theologians.

Finally, under this topic of prophecy, we see a smooth transition in black Christian understanding into the message and ministry of Jesus. Black scholars, like Howard Thurman, saw clearly "the Jewness of Jesus." Jesus participated, they believed, fully in the prophetic tradition. It was the human Jesus and his ministry among the poor and disinherited that moved the black preachers and scholars. More than forty years ago, Howard Thurman wrote his famous, *Jesus and the Disinherited,*[5] which established this view. More recently Albert Cleage, in his own way, has connected the long Hebrew tradition with his understanding of the ministry of Jesus in the black religious tradition.[6]

More powerfully, Martin Luther King, Jr., in sermon and essay, moved directly from Amos to Jesus in his understanding of racial justice. He combined sound biblical and theological reflection for a message of social justice. In M.L. King one finds rigorous scholarship combined with the best in black religion and biblical faith. The message of the love ethic is anchored at once in Hebrew Scriptures and the Sermon on the Mount.

CONCLUSION

The purpose of this essay has been to provide a perspective of dialogue between Jews and Blacks on the Hebrew Scriptures. The Hebrew Scriptures are shared by Jews and Blacks who adhere to the biblical faith. We have attempted to reflect on the history and experience of these two peoples in such a way as to draw some conclusions regarding the impact of certain biblical themes in the appropriation of the biblical message in the faith journeys of Jews and Blacks. It is obvious that we have viewed the subject out of the black experience.

The quest for deliverance, freedom, liberation is a controlling category in the experience of Jews and Blacks. The cry of the Exodus, "Let My People Go!" strikes a responsive and collaborative chord between Jews and Blacks. Thus freedom, supported by the quest for social justice, is critical for the comparative study of religious experience between Jews and Blacks. This brief look at the Exodus, the Prophets and Jesus, has led to the conclusion that much thought, action and life is shared between Jews and Blacks.

FOOTNOTES

[1] I use African American, Black and Afro-American interchangeably. Each of these designations has an important history and meaning.

[2] Marc Ellis has provided a Jewish point of view on the similarity of Black and Jewish liberation theologies. His political insights are presented with some detail in his *Toward a Jewish Theology of Liberation* (Maryknoll, NY: Orbis, 1987), esp. 2-4, 67-70.

[3] J. Deotis Roberts, *Black Theology in Dialogue* (Philadelphia: Westminster, 1987), 110-113.

[4] Gayraud S. Wilmore, *Black Religion and Black Radicalism* (Maryknoll, NY: Orbis, 1983), 1-28.

[5] Howard Thurman, *Jesus and the Disinherited* (New York: Harper, 1949).

[6] Albert Cleage, *The Black Messiah* (New York: Sheed and Ward, 1969).

TRIBUTE TO TOM HARMON

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. BROOMFIELD. Mr. Speaker, last Thursday Tom Harmon, the only Michigan football player to ever win the Heisman Trophy, passed away. During the late thirties and early forties Tom's name was synonymous with football. Although the University of Michigan did not capture any championships during those years, Tom Harmon's outstanding performance on the gridiron won the awe and admiration of the Nation.

As a young man I can remember the exciting radio broadcasts which showcased Tom as a superb athlete, demonstrating his mastery of the entire game from blocking to receiving. He was an unstoppable player whose career total of 33 touchdowns set a record in the Big Ten. Tom rushed for 2,134 yards and passed for 1,304. By the coaches and players alike; Tom Harmon was held in the highest esteem. His career was so spectacular that a biographical 1940 movie "Harmon of Indiana" was made which inspired countless youngsters.

When World War II began Tom Harmon enlisted in the Army Air Corps. He served his country heroically as a pilot and was shot down behind enemy lines while flying over China. It took a hellish month to return to his base. He was awarded the Purple Heart and the Silver Star for his service.

After the war Tom joined the Los Angeles Rams and then began a career as a sports broadcaster which he left in 1988. As a fitting end Tom Harmon even won the last golf tournament he entered at Bel Aire Country Club. He was an all around winner. I want to share this editorial which appeared in the Detroit News last week.

TOM HARMON

When Tom Harmon died last Thursday, Michigan lost one of its true sports legends. Mr. Harmon was the University of Michigan's only Heisman Trophy winner. But "Old 98," as he was called in reference to his jersey number, was a winner both on and off the field.

Mr. Harmon's most glorious exploits were as a Wolverine running back. He was a triple threat: He could run, he could pass, he could kick. Consequently he led the nation in scoring in 1939 and 1940.

It was his running ability, however, that provided most of the scoring. The speedy Mr. Harmon rushed for 2,134 yards in his three-year collegiate career while throwing for about 1,400 yards.

But his collegiate career had its tests. "I picked up a low grade in one of my courses and would have been ineligible for the coming season had I not been a freshman," Mr. Harmon wrote in his book, *Pilots Also Pray.* "So at least I had another season to straighten that out." And he did, showing the wisdom of disallowing freshmen from playing varsity sports.

His collegiate football performance should have led to a great professional football career, but World War II intervened. Indeed, it almost ended his life when fighter planes he was piloting were shot down twice. The second time, in China, after he bailed out, two Japanese planes circled him. Japanese pilots often would shoot parachuting American pilots. But Mr. Harmon made it to the ground with only bullet holes in his parachute.

Mr. Harmon survived to play football again. Unfortunately, war injuries had taken their toll on his legs. He spent two years with the Los Angeles Rams, but never displayed the same dazzling running that marked his earlier days. Still, he became a successful sports broadcaster.

Tom Harmon's competitive streak showed to the end. He won a California golf tournament just before suffering a heart attack. His character and ability made Tom Harmon one of the best football players of all time.

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BROKEN PROMISES—ANNIVERSARY OF *VALDEZ* OILSPILL—MARCH 24

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Ms. PELOSI. Mr. Speaker, 1 year ago, this Saturday, we witnessed America's most devastating environmental disaster—the worst ever to occur.

The *Valdez* oilspill has provided us with living evidence that a catastrophe of this magnitude takes generations to restore.

We will watch days, months, and years pass as the Alaska environment struggles to make itself whole again, if that is truly possible.

According to a recent study, 10,000 oilspills have occurred since the *Valdez* catastrophe. Pursuing oil exploration is an antiquated notion, imbedded in short-sightedness. We must now look toward energy efficiency and alternative energy sources for the future.

No amount of money can repair what is irreparable. The investment to make in our environment is before the fact, not as a half-hearted preparation after the fact, when it's destroyed.

Our investment, and our responsibility, toward the environment start now, not as a gesture, but as a life-long commitment to protect the health of the world's environment.

FLYING EAGLES CAPTURE WEST VIRGINIA AAA STATE BASKETBALL CHAMPIONSHIP

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. RAHALL. Mr. Speaker, I rise today in acknowledgment of my alma mater, Beckley Woodrow Wilson High School. This past weekend, the boy's basketball team, the Flying Eagles, captured the West Virginia AAA State basketball championship.

After watching the multitude of upsets that occurred in the NCAA basketball tournament this weekend, I can honestly say that Woodrow Wilson's victory was equally as impressive as anything on television. Rallying under the slogan "Won't Be Denied," the Flying Eagles upset not only the No. 1 team in the State, which also happened to be ranked 19th nationally, but in the championship round they defeated West Virginia's second-ranked team. Mr. Chairman, the last time Woodrow Wilson won the tournament was 1967 when I was a senior in that high school and the team manager.

The previously No. 1 team, Logan High School, is also from my congressional district. Logan, although losing to Woodrow Wilson, did prove that consistent hard work reaps successful results. While unranked and unrecognized by USA Today in its weekly national high school poll at the beginning of the season, Logan's impressive undefeated streak turned heads as the schedule wore on, and earned them a No. 19 ranking nationally.

To say that both of these feats were accomplished against all predictions is accurate, but the young men from Beckley and Logan showed what is possible when you truly believe in your abilities. This is a lesson from which we can all learn, and I for one am happy that the young people of Beckley Woodrow Wilson and Logan High Schools have shown that the youth of today does indeed possess the determination to reach for and achieve anything they wish.

TRIBUTE FOR PIONEER DISTRICT SPEBSQSA

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to the Pioneer District Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America on the occasion of their 50th anniversary. The Pioneer District was formed on June 8, 1940, with the Detroit, Lansing, Flint, and Grand Rapids chapters and now encompasses more than 60 chapters. The society became an international organization when a chapter from Windsor, ON, joined in 1944.

Mr. Speaker, I would like to particularly note the Pioneer District SPEBSQSA Michigan chapters. The first chapter formed in the State was Detroit No. 1, being the first east of the Mississippi, on July 30, 1939. Other chapters soon followed in Lansing, Flint, and Grand Rapids. The Michigan district was formed on June 8, 1940, making it the first organized district in the society. Barbershopping grew fast in Michigan in the 1940's, with chapters forming in Muskegon, Saginaw, Jackson, Caro, Oakland County, Traverse City, Kalamazoo, Battle Creek, Midland, and Owosso. Oakland County became the first chapter with more than 300 members in 1943. Membership peaked in Michigan in 1947–48, with more than 3,000 members in 65 chapters. In 1968, the Michigan district was renamed the Pioneer District.

I feel privileged to represent part of the Pioneer District SPEBSQSA in my own congressional district, and I welcome this opportunity to pay tribute to them on the occasion of their 50th anniversary celebration.

CRITICIZING ADMINISTRATION REPORT ON PLO COMPLIANCE WITH ITS DECEMBER 1988, COMMITMENTS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. LEVINE of California. Mr. Speaker, the Bush administration recently submitted the first in a series of quarterly reports concerning PLO compliance with the commitments it made in December 1988. Those commitments—accepting U.N. Resolutions 242 and 338, recognizing Israel's right to exist, and renouncing terror—formed the basis of the decision to begin a dialog with the PLO.

Many of my colleagues and I were skeptical, but nonetheless supported the start of that dialog. We hoped that, indeed, the PLO had finally changed both its tune and its stripes as well; in other words, that its deeds would match its sweet-sounding words.

Regrettably, the record many months later is—to be charitable—decidedly mixed. And that is why the administration report is such a serious disappointment, leading some even to call it a "whitewash."

It seems clear that the administration selectively reviewed the evidence in order to support a preordained conclusion: That the PLO has lived up to its commitment to renounce terror. I and others arrive at a different outcome.

The report relies on what it perceives as Arafat's inability to control all elements within the PLO umbrella. Particularly as relates to attempted infiltration into Israel. Yet, the leaders of several groups responsible for these attempts occupy prominent positions in the PLO hierarchy; indeed, the head of the PLO delegation talking in Tunis ranks second in one of those groups.

Furthermore, the report disingenuously argues we do not know Israel is the destination for the infiltrators. But when so many of the teams are caught with grenades, rockets, wire cutters, and maps of kibbutzim, it is a fair assumption they are not out for a Sunday stroll in South Lebanon. Must innocent Israeli blood be shed before the administration admits what is obvious to everyone else?

In addition, Assistant Secretary for Near East Affairs, John Kelly, in recent testimony before the House Foreign Affairs Middle East Subcommittee, conceded that Fatah operatives were likely involved in a terrorist attack in the Negev in December. This seems an obvious repudiation of the PLO's commitment. Yet, Mr. Kelly's clear implication was that—as long as Arafat did not himself pull any trigger—it would have no bearing on U.S. policy toward the PLO. The administration practically invites terrorism by creating a loophole large enough to drive a bomb-laden truck through.

Who is responsible for attacks committed by Arafat's own troops if not Arafat himself? And what is the point of talking to him if he cannot control even those people loyal to him? Will this administration simply look the other way under any set of circumstances? The reports suggests that this is so, doesn't even discuss the Negev incident, refuses to consider credible Israeli claims of Fatah terror inside the territories, and ignores evidence of Arafat's endorsement of Palestinian fratricide, which has led to approximately 200 Palestinian deaths to date.

How does such an attitude help us to influence PLO policy if we are prepared to overlook such counterproductive behavior? Whatever happened to diplomatic leverage? The administration is certainly not shy about exercising it with Israel.

Not surprisingly, the PLO is taking advantage. Indeed, a recent Washington Post story indicates that the PLO leadership views administration statements and actions as a sign that the United States will "deliver talks," that is, Israel. It seems as if the PLO believes it no longer has any obligation—or incentive—to fulfill its stated commitments of December 1988, particularly on terrorism. And why should it, when the administration is prepared to downplay or even ignore the obvious?

Finally, the PLO statements that the report reviews do help support its conclusion. But these statements were chosen selectively. The report ignores many more, for example, which show a continuing commitment to the "two-stage" solution. Indeed, I would argue that PLO statements about their willingness to live in peace with Israel and refrain from terrorist attacks remain ambiguous at best.

Mr. Speaker, what disturbs me most about this report and the policy underlying is its impact on the peace process.

By failing to condemn terror, by refusing to hold the PLO leadership—including Arafat—accountable, and by selectively choosing which evidence to consider, the administration has demonstrated its desire to continue the dialog at all costs. I suppose that is its prerogative, and I am not calling for an end to the dialog. But the administration must understand that the inevitable consequence of its policy is to encourage terror, and to make real peace that much harder to achieve.

Regarding the former, the PLO should no longer feel any constraints, as I have shown. And the administration essentially makes a mockery of U.S. antiterrorism policy. No country will take our efforts seriously when it seems we will go to any lengths to overlook terrorist activity that gets in the way of some other policy objective.

Indeed, this PLO report made it easier for Hungary to terminate its flights of Soviet Jews to Israel for fear of terrorist attack. Why should these countries stand up to terror if the United States refuses to do so?

Regarding the latter, the value of United States assurances to Israel further down the road to peace has been drastically diminished, since Israel believes the United States has already abandoned its commitment to hold the PLO accountable on terrorism. And this makes it less, not more, likely that Israel will feel comfortable taking the necessary risks for peace, and that Israelis—who rightly are skeptical of the PLO's true intentions—will believe the PLO has changed in any fundamental fashion.

Mr. Speaker, I ask unanimous consent to place in the RECORD at this point two items pertaining to this topic. The first, an op-ed from today's Los Angeles Times, is by Barry Rubin, a senior fellow at the Washington Institute for Near East Policy and a highly respected analyst of Middle East issues. Entitled "How Low Will We Stoop for Arafat?", the piece is a devastating critique of the administration's PLO report. Indeed, Mr. Rubin begins by calling it, "[T]he most intellectually devious government document since the Vietnam war era."

The second item is an excerpt from an article written by the PLO's Assad Abdel Rahman in the PLO monthly, Shu'un Falestiniya. Dated February 22, 1990, the article states that PLO moderation is merely a tactical shift in order to achieve its long-held goal: A two-stage process which will see the "disintegration of the Zionist-Jewish framework of the State of Israel," and the establishment of a Palestinian state on "part of the homeland" as prelude to establishing it "on all of the homeland." Such a candid statement hardly builds the confidence essential to peace in the region.

[From the Los Angeles Times, Mar. 22, 1990]

HOW LOW WILL WE STOOP FOR ARAFAT?

(By Barry Rubin)

Mideast policy: The State Department has turned apologist for the PLO, distorting facts and ignoring evidence of terrorism.

The State Department's new report on the PLO and terrorism may be the most intellectually devious government document since the Vietnam war era. Equally regrettable, this paper is more likely to undermine than to fortify, U.S. policy.

Obviously, the Bush Administration chose to trim the facts to suit its thesis that the Palestine Liberation Organization has no involvement with terrorism. The serious miscalculation on which this decision is based-incarnated in the congressionally mandated report released on Monday—may come back to haunt Secretary of State James A. Baker III.

The United States had long demanded that the PLO stop using terrorism before we would negotiate with it. Yasser Arafat made such a promise in December 1988 and a U.S. PLO dialogue began. Thereafter the government stance has been that it must, at least publicly, deny that the PLO is responsible for terrorism—in effect; becoming an apologist for Arafat—or it would have to end the dialogue and abandon the hopeful Israel Palestinians peace process.

This is a foolish premise. It would have been untenable for a U.S. government to whitewash Soviet human-rights violations or other misdeeds as a condition for blinteral negotiations. Publicly criticizing such acts is basic diplomatic leverage.

The State Department is now in the situation of highlighting criticisms of Israel and rejecting any censure of the PLO. This refusal to be honest about PLO terrorism has seriously undermined Israel confidence in the United States and makes it harder for Israel to make the concessions required in the peace process.

The U.S. stance also makes the PLO believe that it can get away with continued "cross-border" attacks on Israel. If the United States does not acknowledge the depredations of the PLO now what would it do if a Palestinian state broke treaty commitments?

The State Department's report is full of misleading assertions and unfounded conclusions. To name just a few.

—The report stresses the absence of evidence that the PLO leadership or Arafat has officially approved any terrorist operation since December, 1988. In fact, the PLO as a body has never carried out terrorist acts; these have always been committed by the constituent groups' military organizations.

—The report suggests that three PLO member groups carrying out attacks are marginal, having little to do with the PLO command. In fact, they are the equal of Arafat's group, Fatah. The report does not mention that the leader of the PLO delegation in the dialogue is the No. 2 man in one of those groups.

—Although Fatah has greatly reduced its terrorism, the Bush Administration refused to examine Israeli evidence of specific attacks involving Fatah cadres. The report does not even acknowledge the existence of these claims.

—Particularly dangerous is the report's refusal to define attempted attacks across the Lebanon-Israel border as terrorist. The argument is that it is not clear what the targets were because Israel killed or captured the terrorists en route. The Administration willfully refused to examine captured evidence of intended targets or even public statements by the PLO member groups. Two Third World diplomats cynically told me that Israel should allow some PLO guerrillas to murder civilians in order to prove its claim.

—The State Department says that the PLO has lived up to the resolution of the September, 1988, Palestine National Council. In fact, the State Department rejected that document at the time as not having met minimum U.S. criteria for the PLO's recognizing Israel and rejecting terrorism. The real test is whether the PLO lives up to the more forthcoming promises made by Arafat in Geneva in December, 1988.

—The report does not tell members of Congress that the State Department's confidential talking points to the PLO demanded that it "publicly disassociate" itself "from terrorism by any Palestinian group operating anywhere." If any PLO group or its members committed terrorism, "We expect that you not only condemn this action publicly but also discipline those responsible for it, at least by expelling them from the PLO." Even Egypt's government has criticized Arafat's refusal to condemn such operations. To cite one example, Fatah's No. 2 man, Abu Iyad, defined an attack near the Israeli town of Dimona last year, in which three Israeli civilians were murdered, as a legitimate case of armed struggle.

The U.S.-PLO dialogue should continue. But the Israel-Palestinian peace process can only achieve an historic compromise—possibly including a national homeland for the Palestinians—if it is approached honestly. The U.S. government should not twist reality in order to defend the PLO's reputation.

PLO veteran Dr. Assad Abdel Rahman, member of the PLO Central Council, formerly a member of the "Kawmeun al-Arab" party, in an article about the character of a political change in direction of the PLO (The PLO monthly "Shu'un Falestriniya", published in Beirut, 22.2.90) writers:

"The main axiom of the new peace strategy is that the Arab-Palestinian political change of direction—the proposal of peace derived from the Arab belief that peace, if it will bring about the establishment of sovereign Palestinian state—only it will be able, if even gradually, to cause the disintegration of the Zionist-Jewish framework of the State of Israel. If this step is implemented, then this development will, more than any other external element, enable progress towards an era of expected Arab unrest—something which will ensure the destruction of the political framework of the Zionist enterprise and adjusting the Israelis to a stronger and wider developing oriential Arab society. Therefore the Arabs and the Palestinians holding this view see the events in the Palestinian arena since the convening of the PNC in November 1988, as strictly a wide-ranging tactical turnabout which will enable the PLO to advance to a strategic level by which it will transform itself from a national liberation movement into a national independence movement that both hopes and acts—principally against a background of pan-Arab or Islamic revolutionary devel-

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opment of a liberational character—to return to the formula of a new national liberation movement. Then the objective of the new movement will become transforming the partial victory of establishing a Palestinian state on part of its lands to complete victory of the Palestinian dream, in such a way that this Palestinian state which is established on part of the homeland will be established on all of the homeland.

TOURISM POLICY AND EXPORT PROMOTION ACT OF 1990

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. THOMAS A. LUKEN. Mr. Speaker, tourism is vital to our economy. It is a significant provider of jobs and revenues. The tourism industry employs nearly 6 million Americans and is either the first, second, or third largest employer in 37 of our States.

Tourism is the No. 1 export of the United States. In 1989, foreign visitors spent $43 billion in the United States, while U.S. travelers spent $42.6 billion abroad. This marked the first time the United States recorded a tourism trade surplus.

The primary responsibility for promoting tourism must continue to rest with the private sector and State and local governments. But I believe that the Federal Government also has a vital role to play in encouraging foreigners to visit this country, and so today I am introducing the Tourism Policy and Export Promotion Act of 1990.

This bill has bipartisan support. it is cosponsored by BOB WHITTAKER, the ranking Republican on the subcommittee on Transportation and Hazardous Materials, which I chair, and by 88 other Members, including a majority of our subcommittee—Mr. SWIFT, Mr. RINALDO, Mr. BOUCHER, Mr. TAUKE, Mr. MANTON, Mr. MCMILLEN, Mr. TAUZIN, Mr. ECKART, and Mr. RICHARDSON.

The bill focuses on what the Federal Government can do both to increase the number of foreigners visiting our country and to help ensure that all parts of the Nation benefit from their presence. The bill creates a rural tourism foundation to promote private-public partnerships to entice foreign visitors beyond the "gateway" cities to the rural areas of our country. The bill directs the Secretary of Commerce to coordinate with other Federal agencies so as to increase the flow of tourists to this country, including taking steps to reduce the delays faced by foreign visitors at the U.S. border. This is a particularly acute problem for areas bordering on Canada, and I commend Mr. SWIFT for his leadership in bringing this matter to our attention and crafting a remedy. The bill focuses attention on barriers by other governments to having their citizens visit this country by requiring the U.S. Trade Representative to include these barriers in its annual National Trade Estimates Reports. Finally, the bill authorizes funding the U.S. Travel and Tourism Administration at levels consistent with the President's budget.

I urge my colleagues to support this legislation.

TOURISM POLICY AND EXPORT PROMOTION ACT OF 1990

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. SWIFT. Mr. Speaker, I rise today in support of Chairman LUKEN'S Travel and Tourism Exportation Act of 1989. I would also like to specifically discuss a provision which I and Chairman LUKEN have worked on together to add to the bill. This amendment will take steps to aid in the free flow of foreign tourists across the U.S. borders. I would like to offer my sincere gratitude and appreciation to Chairman LUKEN for his cooperation in including this proposal in this bill.

As many of you are aware, the delays that plague the majority of U.S. borders continue to worsen. Inserting a "border provision" into Chairman LUKEN'S bill will delegate to USTTA powers to help facilitate the free flow of tourists across our borders. This brings into balance the very real needs of Customs and Immigration to guard our boarders, and the importance of offering a friendly face to foreigners who wish to come to the United States and spend their holiday dollars.

There are major border delays at the five borders in my district. For example 2½ hour backups are unfortunately becoming the rule rather than the exception. These delays and inconveniences can be attributed to a combination of factors. Budget constraints within the services—Customs and Immigration—are partially at fault. In addition, because of the emphasis we have placed on the drug war, much of the resources have been concentrated along the southern borders. Without in any way downplaying the importance of the war on drugs, I feel it is essential that we not foreget the importance of safe and efficient northern borders.

The existing congestion at our borders is not only a problem for tourists, but for Americans traveling to and from the United States. The opportunity for relief offered through this section of the bill should be true for all our borders: sea, air, and land.

In particular, when this section is combined with new opportunties to facilitate tourism through the Rural Tourism Foundation, the inducement for more tourists through the land borders will make it even more important that we improve the welcome we offered our foreign friends.

In closing, I would like to again express my appreciation to Chairman LUKEN for his help in incorporating this provisions into his bill. I would also like to add my support for the overall content of Chairman LUKEN'S bill. It is imperative that we not look past the massive opportunities which the tourism industry offers to our economy. I strongly encourage my colleagues to lend their support to this very constructive piece of legislation.

CASTRO GOVERNMENT CRITICIZED FOR POLITICAL REPRESSION

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. BROOMFIELD. Mr. Speaker, I am pleased to note the action taken recently by the U.N. Human Rights Commission which passed a resolution critical of human rights practices under the regime of Fidel Castro.

This resolution is a resounding affirmation of the fundamental human rights and freedoms enshrined in the universal declaration of human rights.

It is especially gratifying to note that two Eastern European nations, Hungary and Bulgaria, joined with Western delegations to pass the measure by a vote of 19 to 12. Further reflecting the isolation of the Castro regime, Poland and Czechoslovakia, attending as nonvoting observers, also cosponsored the text of the critical resolution.

The Commission's action rewards the efforts of the more than 1,000 Cubans who presented information to the Commission. The Government of Cuba will now face renewed international scrutiny and will have to account in some manner for any reprisals it has taken or will take against these brave individuals.

Four years ago, the United States requested the Human Rights Commission of the United Nations to include the human rights situation in Cuba on its agenda.

Two years ago, the chairman of the Committee on Foreign Affairs, DANTE FASCELL, and I traveled to Geneva to offer our support for a resolution which directed the Commission to undertake a review of Cuban human rights practices by sending in an investigative team.

We offered our strong support for that measure after the Commission heard assurances from the Cuban Government that any individual would be able to present testimony to the Commission's team without fear of reprisal. Many Cubans took those assurances seriously and presented information to the team. Today, dozens of these people are in jail or have otherwise suffered from reprisals taken by the Cuban authorities.

The resolution adopted by the Commission does three things:

First, it calls upon the Government of Cuba to honor its guarantees that it would not take reprisals against individuals who presented information to the UNHRC working group;

Second, it calls upon the Cuban Government to respond to unanswered questions put by the Commission's working group; and

Third, it welcomes the willingness of the Secretary General to put himself at the disposal of the Commission regarding his ongoing contacts with Cuban authorities, and decides to include the situation of human rights in Cuba on the Commission's agenda for next year, thereby ensuring continued attention to human rights abuses in Cuba.

I urge my colleagues to read the text of the resolution and the breakdown of the voting which I submit for the RECORD.

SITUATION OF HUMAN RIGHT IN CUBA

THE COMMISSION ON HUMAN RIGHTS

Recalling the report of the mission which took place in Cuba in accordance with Commission decision 1988/106. (E/CN 4/1989/46 and Corr. 1).

Aware that this report contains questions and issues which have not been fully addressed, as well as testimonies from hundreds of individuals concerning the question of human rights in Cuba.

Recalling also decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the government of Cuba on the issues and questions contained in the report.

Noting the letter of the Secretary-General to the Commission dated 29 January 1990, in which the Secretary-General informed the Commission that he has been maintaining ongoing contacts, both written and oral, with the government of Cuba on this matter.

Expressing appreciation to the Secretary-General for his efforts in support of respect for human rights and fundamental freedoms.

Concerned by reports that witnesses who testified before the Commission's working group have since been subject to arrest, harassment, or other forms of reprisals by the government of Cuba.

Aware of its responsibility to defend and support those who have put their faith in this body and its representatives in promoting and protecting human rights and fundamental freedoms.

1. Calls upon the government of Cuba to honor its repeated guarantees to the representatives of the Commission who visited Cuba pursuant to decision 1988/106 that individuals who attempted to provide information to those representatives would not be subject to reprisals, detention, or negative consequences of any nature whatsoever.

2. Calls upon the government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of this Commission (E/CN 4/1989/46, annex XVI) and to questions related to the documents listed in annex III of the report.

3. Welcomes the willingness of the Secretary-General to put himself at the disposal of the Commission regarding his ongoing contacts with the government of Cuba, as expressed in his letter to the Chairman of 29 January 1990, and requests that he provide under this agenda item, the results of these contacts to the forty-seventh session. (End text)

(Resolution sponsored by Belgium, Federal Republic of Germany, Japan, the United Kingdom, the United States, Poland, Czechoslovakia, Ireland, Norway, Panama, Denmark, Luxembourg, the Netherlands, and Portugal.)

COSPONSORS OF THE U.S. RESOLUTION

Belgium, Czechoslovakia, Denmark, Panama, Ireland, and Japan.

Luxembourg, Netherlands, Norway, Federal Republic of Germany, Poland and United Kingdom.

BREAKDOWN OF VOTE

Yeas.—Bangladesh, Belgium, Bulgaria, Canada, France, Gambia, Germany, Federal Republic, Hungary, Italy, Japan, Morocco, Panama, Philippines, Portugal, Senegal, Spain, Sweden, United Kingdom, and USA.

Nays.—China, Cuba, Cyprus, Ethiopia, Ghana, India, Iraq, Mexico, Sri Lanka, Ukrania, SSR, USSR, and Yugoslavia.

Abstentions.—Argentina, Botswana, Brazil, Colombia, Madagascar, Nigeria, Pakistan, Peru, Sao Tome and Principe, Somalia, Swaziland, and Venezuela.

ANNIVERSARY OF ESTONIAN INDEPENDENCE

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Ms. PELOSI. Mr. Speaker, the 24th of February was the 72d anniversary of Estonian Independence.

This independence of our democratic country was destroyed in 1940 when the Soviets forcibly invaded and illegally occupied Estonia for 50 years.

In 1918 after the victory of the Estonian independence war, a peace treaty was signed in 1920, whereby the Soviet Union conceded to the Estonian revolutionary forces and renounced "forever" all rights over Estonia. This legal document, signed by Lenin's government, should be valid today.

The 1940 Soviet invasion of the Baltic States occurred as a consequence of the secret protocol of the Molotov-Ribbentrop nonaggression pact. The illegality of that secret accord is finally acknowledged even by the Soviet Union.

Because of the unique status of the Baltic States, which de Jure are not an integral part of the U.S.S.R. and which had visible democracies, Estonia is not an internal affair of the Soviet empire.

Estonia's goal is to regain its independence exclusively by peaceful and legal means.

It is still greatly feared that during the peaceful independence movements in the Baltic States a Soviet crackdown can occur.

We must lend our support at this critical time to help the restoration of Estonian independence, which has been recognized by the United States even after the Soviet takeover in 1940.

SUPPORT FOR H.R. 3847, THE DEPARTMENT OF ENVIRONMENT ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. RAHALL. Mr. Speaker, as a cosponsor of H.R. 3847, I rise in support of this important measure. As our Nation works to address a growing number of environmental problems including global warming, ozone depletion, acid rain, air and water quality, and solid and hazardous waste disposal, I believe it is vital that the Federal body charged with enforcing our environmental laws has the status and power commensurate with this tremendous task.

H.R. 3847 makes an important first step toward this goal by elevating the Environmental Protection Agency to Cabinet status. This will provide a closer relationship with the President, it will strengthen interrelations with other Federal departments and agencies, and it will provide greater influence with foreign environmental ministries in determining international environmental policy.

H.R. 3847 further strengthens the Federal commitment to the environment by establishing two new offices within the department. The bill would create an Office of International Environmental Affairs headed by an Assistant Secretary to provide greater ability to negotiate and administer international agreements. The bill would also create a Center for Environmental Statistics to improve upon the quality and breadth of environmental data.

The bill would also improve citizen awareness and participation in environmental protection efforts by enhancing the public's access to environmental information. The bill would mandate a study to determine how to utilize computer telecommunications for disseminating environmental information and require comprehensive guide to the department's environmental information services, products, and systems to be maintained.

Passage of H.R. 3847 is an important first step toward protecting our environment. It is my hope that by elevating the EPA to Cabinet status, we will engender the support needed to take the second step which is to provide the new department with the funds necessary to do its job. The new department should not only be provided the funds necessary to enforce our environmental laws, but it should also be given the necessary funds to assist States and communities to comply with these laws. Mr. Speaker, I urge my colleagues to support this important bill and to support the logical next step.

MARGUERITE LIVA: LONGEST SERVING KELLOGG EMPLOYEE

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. WOLPE. Mr. Speaker, it is not unusual for me and my colleagues to take this time to honor constituents who have served employers in our districts with years of dedicated service.

It is not unusual for us to thank them and wish them well.

It is not unusual for us to hope they enjoy their retirement years with family, friends, and good health.

However, this is not your usual statement. Today I rise to honor a person of exceptional achievement and accomplishment. A person who has touched the lives and hearts of her many fellow employees. A person whose cheerful countenance and friendly smile have greeted thousands of visitors who passed her work station.

Marguerite Liva will retire from Kellogg Co. of Battle Creek, MI, on March 26, 1990, after 55 years of continuous employment. This is the longest service record achieved by any Kellogg employee in the company's 84-year history. The Honorable Albert Bobrofsky, mayor of Battle Creek, has declared Monday,

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March 26, 1990, Marguerite Liva Day in the city.

Marguerite Liva is a spirited lady who set this service goal shortly after she celebrated her 50th anniversary with Kellogg. Her determination has been an inspiration throughout the company. Her colleagues responded with support and affection to encourage her to achieve her ambition of a landmark service record.

Like so many achievers, Marguerite Liva is not without role models. Her mother, the last Elizabeth Sebo, retired from the Kellogg Co. in 1959 after 39 years of service. Her brother, Alex Sebo, retired after 44 years. But it's Marguerite who now holds the record.

Congratulations, Marguerite, you have set a remarkable example of loyalty, dedication, and service of which you, your family, your friends, and the Kellogg Co. can be proud. We wish you many more years of happiness.

THE MIDDLE EAST PEACE PROCESS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. LEVINE of California. Mr. Speaker, just when it seemed as if it were on the verge of success, a series of Bush administration blunders led the Mideast peace process to come to a crashing halt. I eventually hope it can be repaired. At a minimum it has been delayed. What was especially disburbing—and most damaging—was the President's regrettable remark on East Jerusalem. A Washington Post headline from last week says it best: "Bush's Remark Undercut Peace Plan."

As noted, there were other factors as well, including: Stated administration willingness to "shave" aid to Israel and others and what practically amounted to a whitewash of PLO involvement in terror.

Mr. Speaker, at this point I ask unanimous consent to place in the record several items relating to the administration's recent handling of Mideast diplomacy.

The first is the Washington Post story about the detrimental impact of the President's remark on the peace process.

The second is an op-ed by Tom Dine, executive director of the American Israel Public Affairs Committee, from the New York Times of March 15. The piece, entitled "Bush's Assault on Israel," spells out a range of recent errors by the administration relating to the peace process.

The third and final item is a column by A.M. Rosenthal of the New York Times from March 8, 1990, which strongly condemns the President for harming the peace process by his remark on Jerusalem.

[From the Washington Post, Mar. 15, 1990]

PRESIDENT BUSH'S REMARK UNDERCUT PEACE PLAN—DIVISIVE REFERENCE TO JERUSALEM SETTLEMENTS CAME AT CRITICAL TIME

(By David Hoffman and Al Kamen)

President Bush's recent comment opposing the settlement of Soviet Jews in East Jerusalem, which helped provoke a political crisis in Israel, has led Israel and American officials to question how a promising U.S. diplomatic effort to start peace talks in the Middle East came to be undermined by the president's own words.

The Bush administration had labored for months to get the talks between Israel and Palestinians off the ground. But at a critical juncture, when pressures were building on Israeli Prime Minister Yitzhak Shamir, Bush make the comment that contributed to the breakup of the Israeli governing coalition over the peace plan.

At a news conference March 3 in Palm Springs, Calif., Bush surprisingly included "East Jerusalem" among the areas where he said there should be no "new settlements." Although consistent with U.S. policy, the emphasis on East Jerusalem was a significant departure from the way the issue had been treated in the past, when the United States had objected to settlements in the West Bank and kept silent on Jerusalem.

According to several high-ranking U.S. officials and diplomats here and in Israel, Bush's reference to East Jerusalem reflected concerns over Israel's resettlement of Soviet Jews there. These officials said the topic had come up in recent White House discussions with Bush about the wisdom of giving Israel additional U.S. aid to help resettle the expected record number of Soviet immigrants.

At the same time, however, U.S. policymakers acknowledged in retrospect that Bush's remark was extraordinarily ill-timed. It came on the day before the Israeli cabinet was to consider the peace plan that Secretary of State James A. Baker III had carefully nurtured. For weeks, Baker and other U.S. officials had been cautioning the White House that the situation was "tense," as one official put it, and that they should avoid saying anything publicly that would give Shamir reason to reject the peace plan.

But that appears to be exactly what Bush did by mentioning East Jerusalem in his news conference. Officials now say Bush's comment was not totally accidental, because he had been thinking about the issue, but he was not deliberately trying to provoke Israel's leadership at a vital turning point for the peace plan.

"He was thinking it, he felt it, but he didn't mean to say it," said a senior U.S. official who has talked with the president.

On Tuesday, in a nationally televised news conference, Bush said he did not regret the comment about East Jerusalem but he thought it had been blown out of proportion. However, on the same day, he wrote a letter to Jerusalem Mayor Teddy Kollek trying to extinguish the anxiety in Israel caused by his remark.

"There is no intention on our part to focus now on the final status of Jerusalem," Bush said, reiterating what had been the long-standing U.S. approach. A copy of the letter was provided to The Washington Post yesterday.

Abraham Foxman, executive director of the Anti-Defamation League of B'nai B'rith, said yesterday, "The president put this issue on the front burner through his statement in California, and now with this letter, he is putting it on the back burner."

Although the collapse of the coalition government this week has clearly been a major setback for the peace plan, U.S. officials said they hope it will not be fatal. But the events have brought to the surface complaints in Israel that the Bush administration has been heavy-handed in its dealings with the Jewish state.

"We are going into one of the most fateful negotiations in the last 40 years, with on one side the Americans applying very open pressure and raising grave doubts about their role as an honest broker," said a senior Israeli foreign Ministry official in Jerusalem. "It means you can't negotiate. You lose before you start."

Referring to the Bush-Baker statements, the official said: "Certainly there is a misunderstanding about the limits of pressure. Otherwise they wouldn't raise the issues of immigration and Jerusalem. . . Either they don't have a feeling for it, or they don't care."

Officials gave the following account of how Bush came to make the comment that scuttled, at least temporarily, prospects for historic direct talks between Israel and the Palestinians.

Baker had worked for months to forge a plan that would lock Shamir into accepting an election proposal that Shamir himself originally offered, but which was unsettling to leading members of his conservative Likud party. Shamir "was looking for a way out," said the senior U.S. official. "Our strategy was not to say anything that would let him get out." Some U.S. officials said it remains unclear whether Shamir would have gone ahead with the peace plan if Bush had not made the comment about East Jerusalem.

Following a careful, behind-the-scenes approach, Baker and his top assistants had brought Shamir to the brink of accepting the peace plan. Israeli Foreign Minister Moshe Arens had returned from a trip to Washington late last month, leaving U.S. officials under the impression that agreement was near. Baker "was hungry" for a deal that would have been a significant diplomatic achievement for the administration, the official said.

However, there were storm clouds looming. Israel's deputy foreign minister, Binyamin Netanyahu, had returned to Jerusalem pessimistic after a round of meetings at the State Department and White House. According to Israeli officials, Netanyahu complained of sharp disagreements with U.S. officials over resettlement of the Soviet Jews and, in particular, East Jerusalem.

Already jittery Israeli officials took another jolt March 1 when Baker, in congressional testimony, said the administration would seek reassurances from Israel on the settlement issue before approving $400 million in additional housing loan guarantees. The next day, the State Department pulled back somewhat amid hopes the damage could be contained before the Israelis decided on the peace plan.

But on March 3, Bush was questioned at the Palm Springs news conference about Baker's testimony. An official who was there said Bush and Baker conferred before the news conference and expected the question. When Bush responded with his unexpected and unsolicited remark about East Jerusalem, he did so in a stern voice, saying "the foreign policy of the United States says we do not believe there should be new settlements in the West Bank or in East Jerusalem. That's our strongly held view."

Immediately after Bush spoke, Baker recognized that more needed to be said. He quickly consented to an interview with CNN, in which he insisted that he had "not intended to be tough" on Israel. "It's not our desire to suggest in anyway that we're going to pressure Israel."

Except for that interview, the White House made no effort to clarify Bush's views for nearly 48 hours. But his remark rapidly became news in Israel, prompting

Shamir to declare a crisis and to blame Bush for it.

[From the New York Times, Mar. 15, 1990]

BUSH'S ASSAULT ON ISRAEL

(By Thomas A. Dine)

WASHINGTON.—The mainstream of the pro-Israel community generally has supported the Bush Administration's Middle East diplomacy. But surprises in the past two weeks have undermined much of that confidence and raised fears that a new tilt is occurring on issues of fundamental importance. Shock waves hit Israel at the wrong time, dismaying the Likud and Labor parties and contributing to political upheaval.

The Bush Administration, elected on the most pro-Israel platform in the history of either party, has built on the peace initiative Israel launched last May. It has enhanced the U.S.-Israel strategic relationship, and faithfully supported Israel and opposed Palestine Liberation Organization maneuvers in the U.N. It has made a major contribution to opening the Soviet Union's gates so that record numbers of Jews could choose freedom.

But four recent developments have aroused considerable anxiety, while giving hope to those who would drive a wedge between the U.S. and its sole democratic ally in the region.

First was President Bush's unexpected statement opposing what he called "settlements in East Jerusalen." Jerusalem is not the West Bank, and no President has declared opposition to jews residing in any part of the city.

No serious body of opinion in the U.S. jewish community and Israel accepts this new implication that Jews' return to the Old City's Jewish quarter, from which they were barred during Jordan's rule, constitutes "settlement activity" and that the Western Wall is "occupied territory."

We hoped President Bush's words were inadvertent, that there would be a clarification. But he has expressed no regret.

Moreover, Administration officials have transmitted to Israel some very minor statements from low officials in past Administrations to try to show that the U.S. has had a sustained policy of opposing settlements in Jerusalem; such a policy never existed.

Second, two weeks ago, for the first time Administration officials told Congress that the Palestine Liberation Organization was fully living up to its commitments to peace and the renunciation of terror.

While there have been some positive P.L.O. developments, there have also been many statements and actions inconsistent with Yasir Arafat's Geneva peace pledges in 1988. He has said openly he personally authorized the death squads that have killed hundreds of Palestinians who have strayed from the P.L.O. line. Abu Iyad, his top deputy, publicly praised the still continuing stepped-up cross-border raids against Israel.

Third, the U.S.'s reluctance to criticize the P.L.O. contrasts sharply with a recent flood of statements publicly expressing differences with Israel. There seems to be a policy of sugarcoating words to the Arab side while publicly criticizing Israel, all in the name of evenhandedness.

Little is said about Jordon's vote to throw Israel out of the U.N., Saudi Arabian steps to enforce the Arab boycott and Arab League pressures on the Soviet Union to close the gates to Jews seeking sanctuary in Israel.

But Prime Minister Yitzhak Shamir is singled out for repeated pressure. And this at a time when he is under attack in his own party for moving toward concessions on peace talks with the Palestinians. This pressure has undercut his ability to move ahead at a key moment.

Fourth, the exodus of Soviet Jewry is the worldwide Jewish community's top priority. Unfortunately, the Administration has needlessly linked the housing of Soviet Jews with the issue of settlements in the territories. Israel has repeatedly given assurances that it will not use U.S. or Israeli resources to direct Soviet immigrants to the territories. Why should the Soviet Jews' place of residence be an issue? Only 1 percent of them choose to live in the West Bank.

It is not too late for the Administration to correct its course. In the search for peace, Israel needs to have confidence in its most reliable ally and friend. This confidence is precisely what has been eroded by the Administration's action.

[From the New York Times, Mar. 8, 1990]

THE PRESIDENT'S BOMB

(By A.M. Rosenthal)

President Bush planted a bomb right in the middle of maneuvers toward Israeli-Palestinian talks, lit it and stood back to see what would happen.

The President carried out his strange action in Los Angeles by saying that no new "settlements" of Jews should be built in the West Bank—or East Jerusalem, the ancient part of Israel's own capital.

The Israeli Embassy in Washington has quietly but officially told the Administration that what the President of the United States said about Jerusalem on Saturday night may have been "fatal" to the talks.

White House officials have issued "defusing" explanations that leave Mr. Bush's motives and intent even muddier. So the fuse is still burning.

Mr. Bush has said before that the U.S. opposed new Israeli settlements in the West Bank and Gaza. But neither he nor any other President has said that no more Jews have the right to move into East Jerusalem, which Israelis regard as part of their capital, whole and indivisible.

In 1947 the Arabs rejected the United Nations partition plan that would have made Jerusalem an international city. When Israel became an independent nation in 1948, Jordanian troops moved into and occupied East Jerusalem. For almost 20 years no Jews could go to East Jerusalem.

That ended in 1967, when Israeli forces drove out the Jordanians in the Six-Day War.

The passion for a unified Jerusalem where no Jew may be barred from walking or living anywhere unites Israel, dove with hawk, agnostic with rabbi.

The United States does not acknowledge Jerusalem as the Israeli capital even though most members of Congress are on record in favor of recognition—including Dan Quayle, when he was Senator from Indiana.

But Mr. Bush's decision to bring up the right of Jews to move into East Jerusalem startled, chilled and angered Israelis and those of their American supporters who could find the story in their newspapers.

There have been no Jewish "settlements" in Jerusalem, as Mayor Teddy Kollek noted. The very use of the word "settlement" to describe Jews moving into Jewish neighborhoods in Jerusalem is insulting.

Should Israelis declare a Jewish quota for the eastern part of their capital?

Should North African Jews be allowed to live there, say, but not Soviet Jews?

Ah! As Mr. Bush knows, Soviet Jews are the heart of the matter and whom he was talking about.

Some Soviet Jews have moved into East Jerusalem. In Washington top American officials told the Israelis that Mr. Bush was annoyed into making the Los Angeles statement. He felt Prime Minister Yitzhak Shamir was being "disingenuous" when he said only 1 percent of Soviet Jews stettled in the West bank—look at all those Soviet Jews in East Jerusalem!

Every day the future of Soviet Jews in Israel—how they live and their safety—becomes a more and more important issue in Israel, a mixture of hope and concern.

There has been no announcement, but the Soviet Union is planning to allow charter flights of Soviet Jews direct from Moscow to Israel, soon.

Hungary and Romania have told the Israelis they will continue to act as way stations as long as needed. But neither country is eager to attract terrorist attention by publicizing details.

Already the Israelis have received or monitored undisclosed terrorist warnings against Soviet Jews abroad, in transit or in Israel. That was the reason for the Israeli decision to censor stories on Soviet Jews, although Jerusalem never said so publicly.

Meanwhile, the Arab world's campaign against Soviet Jewish immigration, led by that American favorite, King Hussein of Jordan, intensifies daily.

So Mr. Bush's statement on East Jerusalem damaged Israelis who try to walk the political high wire toward talks about Palestinian elections in the West Bank and Gaza—including the Likud Prime Minister, Yitzhak Shamir, and his Labor Defense Minister, Yitzhak Rabin. It gave credibility to those Israeli leaders who say the whole process is a trap.

Whether talks go on or not, and whatever the Israeli Government in power, the impact of the Bush bomb will linger. Israelis know that in any peace process, the U.S. will be wielding pressure as it sees fit.

Any Israeli negotiator who does not remember that night when the American President said no more Jewish "settlements" should be permitted in East Jerusalem would be a naive, forgetful, trusting negotiator. The Israelis do not have many such.

THE TRAUMA IN TRAUMA CARE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. DURBIN. Mr. Speaker, if any of us in this body were to encounter an emergency medical problem or injury, we would expect to be rushed to the nearest hospital emergency room and to receive the best medical care modern medicine knows how to give. Unfortunately, for a growing number of American citizens, that view of emergency medical treatment is based on faulty assumptions.

There is a crisis in emergency care in this country. In too many cities around the country, hospital emergency rooms are closing. They close temporarily when the demand for trauma care exceeds a hospital's capacity to

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provide it. In these cases, patients are turned away and must be taken elsewhere for emergency treatment. Equally disturbing, many emergency rooms are closing permanently, as the cost of providing trauma care to patients without health insurance exceeds the ability of hospitals to absorb those unreimbursed costs.

In my own State, the city of Chicago is experiencing a trauma care crisis of epic proportions. Thirteen Chicago hospitals have shut down since 1985. Last year, Chicago hospitals racked up more than $275 million worth of uncompensated care, triple the amount in 1980. Since one of the primary sources of uncompensated care is emergency room services, more and more hospitals are closing their emergency rooms. As a result, of the original trauma-care network of 12 hospitals, only 6 trauma-care centers are still open. These centers are so overwhelmed that they frequently refuse to accept new patients due to lack of resources and beds.

I would like to commend to my colleagues a column written by George Will that recently appeared in Newsweek magazine. I ask that the column be printed in the CONGRESSIONAL RECORD. Will describes the trauma-care crisis we face and points out that when hospitals are forced to close their emergency rooms, some patients die instead of getting the care they need.

The President told us in his inaugural address that we have more will than wallet. George Will says the President has it backward. We live in one of the richest nations in the world. Our problem is not a lack of resources. Our problem is that we have more wallet than will. And until we get our fiscal priorities in order and straighten out our trauma-care crisis, we will continue to see some Americans dying unnecessarily in emergencies for lack of the care we think we can take for granted.

The article follows:

[From Newsweek, Mar. 12, 1990]

THE TRAUMA IN TRAUMA CARE

(By George Will)

From the crumpled cowboy hat, drooping mustache, big belt buckle and faded jeans, down to his scuffed boots, Dr. James H. (Red) Duke Jr. looks like one of those mournful cowpokes sung about by Willie Nelson, who is, in fact, Duke's buddy. Duke does his damnedest to seem like a bumpkin but he is a professor of surgery and a leading advocate for better trauma care. And he has been made melancholy by something alarming, the unraveling of the nation's trauma-care system.

Duke was present at a particularly notable attempt at trauma care. He was at Parkland Memorial Hospital in Dallas, on Nov. 22, 1963. There was nothing that could be done to save that patient. Today at Houston's Hermann Hospital there is too little for Duke and other trauma specialists to do. Hermann has had radically to reduce the number of trauma cases it will receive. This is because the cost of caring for uninsured patients has become crushing.

If misery loves company, Houston has that consolation, lots of it. Los Angeles's collapsing trauma network recently received another blow when a Pasadena hospital announced its withdrawal from the emergency-care system. Its trauma unit lost $3.7 million last year. The inadequate number of remaining trauma facilities will buckle beneath the burden of an intensified flood of cases. More than 25 percent of Angelinos do not have health insurance, and the uninsured often lead traumatic lives.

Trauma care is costly. The machines and multitalented personnel are expensive and have *to be there*, always. Hermann, a private not-for-profit hospital, lost $7 million on its trauma unit in a year. It exhausted the option of charging other patients more to make up for the losses. Hermann's woes are paradigmatic. They would not be nearly so acute if Houston did not have its share of the nation's 37 million people without medical insurance and of the millions more who are underinsured. Or if Medicaid covered more than 38 cents on the dollar. Or if there were not a drug epidemic. Or if Houstonians had fewer guns. (According to one estimate, one in three Houston cars has a gun in it. Says a doctor, "I don't use my horn since I moved to Houston.")

Trauma—serious injury—is America's costliest public health problem. It is the leading cause of death of people aged 1 to 44; it is the fourth most common cause of death generally. Trauma takes more than 4 million potential years of life annually, more than heart disease, cancer and stroke combined. Half the deaths of children up to the age of 15 are from accidents. Approximately 150,000 Americans die from trauma each year (about a third in motor vehicles).

Doctors speak of the "golden hour" when the seriously injured can be saved. Trauma treatment has been refined in war. In World War I the lag between injury and surgery was 12 to 18 hours; in World War II, 6 to 12 hours; in Korea, where trauma medicine took a quantum leap forward with MASH (mobile army surgical hospital) units, 2 to 4 hours; in Vietnam, 65 minutes. Mortality rates declined sharply as those delays did. But today two thirds of the country, geographically, is at least 50 miles from a trauma center or even an adequate emergency room. Because of inadequate technology and personnel, upwards of 25,000 injured Americans per year die *after they reach hospitals*.

As trauma units are downgraded to emergency rooms—many of which need not have a surgeon present—trauma victims are deposited at congested facilities that many poor people now use for all their health care. Today many emergency rooms are themselves emergencies—disasters to which disaster victims are taken. With patients on pallets in hallways, patients waiting 18 hours for treatment, some people are going to die in ambulances that are seeking hospitals that will receive them. It all makes Duke mad.

His voice creaks like a rusty cattle gate and what he says is often pungent, as in: Everyone who buys a motorcycle should have to sign an organ donation pledge. The most common American injuries, he explains, come from "blunt trauma"—the body hitting something hard. ("It ain't the falls that's so bad, it's the sudden stop that hurts.") But in the inner city ("the knife and gun club" in the parlance of emergency rooms) 75 percent of all traumas are "penetrating"—blades and bullets. Sensible living is causing heart disease and cancer to decrease but trauma is increasing more among people who, Duke says dryly, "can't settle their differences in a Christian way."

Three epidemics: health planners did not plan emergency facilities sufficient for two epidemics that were not visible just 10 years ago, crack cocaine and AIDS. As recently as 1985 AIDS patients accounted for only 2 percent of the time spent in emergency rooms of New York City's public hospitals. Just two years later they accounted for 44 percent. These two epidemics, crack and AIDS, coincided with another epidemic that burst upon the nation and has deepened the crisis of health care—the epidemic of taxophobia among taxpayers.

Life involves a lot of hard trade-offs, as doctors know who work on the fine line between life and death. But Duke, who understands the necessity for Hermann's restrictive new policy, nevertheless says that when it went into effect, "part of me died." Trauma medicine might seem to be a depressing specialty because so much trauma is the result of reckless, brutal, often intentional disregard for human life. But Duke thrives on it. Cowboys, according to his buddy, Willie, like smoky old pool rooms and clear country mornings. Duke likes the slam-bang medicine of trauma care because, he says laconically, "You can make a difference and you can make it in a hurry."

Today he and others at Hermann, in Houston's dazzling medical center, are not hurrying as often as they want to, through no fault of their own. America's hospitals are suffering institutional traumas. This is yet another of the multiplying examples of what happens when society flinches from facts, such as the cost of things, and refuses to pay its bills. What then happens is that life becomes more regressive: the debris from falling standards hits those at the bottom. An official of the Pasadena hospital says of its withdrawal from trauma care, "this means that there will be some [patients] who die. The question that the public has to answer is, are [those patients'] deaths worse than raising taxes?" The president says "we have more will than wallet." He has it backward.

TRIBUTE TO HARLEM YOUNG MEN'S CHRISTIAN ASSOCIATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. RANGEL. Mr. Speaker, I rise today to pay tribute to the Harlem Young Men's Christian Association's black achievers in industry awards project, which for 20 years has honored black men and women who have achieved a measure of success within Fortune 500 corporations, and thereby has provided thousands of young people in Harlem with positive role models.

I also wish to commend the black achievers committee for their dedicated service to this project for the past 19 years. Their efforts have not only benefited the Harlem YMCA and the 2,852 black men and women they have honored, but also the YMCA's around the nation that have replicated this program.

Therefore, I wish to have entered into the RECORD the following resolution.

RESOLUTION TO RECOGNIZE BLACK ACHIEVERS IN INDUSTRY AWARDS PROJECT ON THE OCCASION OF THEIR 20TH ANNIVERSARY

Whereas, the Harlem Young Men's Christian Association's Black Achievers In Industry Awards Project will celebrate its 20th Anniversary;

Whereas, the Black Achievers In Industry Awards Project will celebrate 20 years of paying tribute to Black men and women who have achieved a measure of success within Fortune "500" corporations;

Whereas, the Black Achievers In Industry Awards Project will celebrate 20 years of providing young people with role models, and insights for access into major businesses as they explore and seek out career goals for themselves;

Whereas, during the past 19 years, the Black Achievers Committee has been an instrument of service to the Harlem YMCA through this Awards Project;

Whereas, the Black Achievers Committee, on behalf of the Harlem YMCA, has honored 2,852 Black men and women who have achieved managerial, supervisory or professional levels within major companies and Fortune "500" corporations over a 19 year period;

Whereas, these Black Achievers have come from all over the United States to receive this signal honor—thereby making "The Salute to Black Achievers, sponsored by the Harlem YMCA, national in scope;

Whereas, this project was begun by the Harlem YMCA in 1971 and at this date has been emulated in 22 other YMCA's through out this country;

Whereas, over 5,000 youth, from the Harlem community and the inner city have been exposed to this program, having Black Achievers to emulate and stimulate their desires to achieve in business and industry;

Whereas, it is the desire of the Black Achievers Committee that this project continue as long as there exists a partnership between corporate America and the Harlem YMCA;

Therefore; be it resolved that, to commemorate the 20th Anniversary of the Black Achievers In Industry Awards Project, this resolution and the date for the 20th Anniversary Black Achievers In Industry Awards Dinner which was held at the New York Hilton Hotel in New York City, New York, March 15, 1990, be entered into the Congressional Record.

UNITED STATES RECOGNITION OF LITHUANIA

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. COX. Mr. Speaker, the American failure to stand in solidarity with the free Republic of Lithuania has obviously emboldened Gorbachev.

Gorbachev's decree, utilizing his new and extraordinarily broad powers, is Orwellian. All citizens of Lithuania are given 7 days to hand in all hunting rifles and hunting weapons to the KGB.

Obviously, the Kremlin's effort to keep our congressional delegation out of Lithuania was no fluke. Just as the Chinese Communists moved to keep Westerners out of Tiananmen Square, Gorbachev has ordered Lithuania's borders sealed against foreigners.

Some argue that if the United States were to make meaningful its half-century-old policy by recognizing free Lithuania, it would provoke Gorbachev. I sincerely hope that those people—who are not only counseling doing nothing, but actually urging that the United States fail to keep its commitment to a free and independent Lithuania—will accept responsibility for the consequences of their policy.

Dr. Vytoutas Landsbergis, a professor of music, is a man of peace. The Lithuanian restatement of their independence, which never was legally surrendered, has followed an overwhelming vote of the people. Their action is peaceful and democratic.

Americans should not wish to see Dr. Landsbergis put in jail or sent to Siberia like his father. Americans should not tolerate Soviet control over Lithuania, any more we would tolerate Soviet control over Poland—both of which were occupied in fulfillment of the Hitler-Stalin pact.

The time is past for America's handwriting and hankytwisting over whether to recognize the Republic of Lithuania. We must stand shoulder to shoulder with the men and women of free Lithuania before it is too late. We must reassert what America stands for: Human rights, democracy, and leadership of the free world.

I include the following news release:

[Mar. 22, 1990]

CONGRESSMAN COX CALLS ON UNITED STATES TO RECOGNIZE LITHUANIA

Congressman Chris Cox (R-Calif.), an official Congressional observer to the recent Lithuanian elections, today called on the United States government to officially recognize the newly elected government of Lithuania and to "stand shoulder to shoulder with the men and women of free Lithuania before it is too late" for that nation's fledgling democratic process.

"The democratic independence movement in Lithuania—Sajudis—overwhelmingly won the February elections in Lithuania," stated Congressman Cox. "Now, just as the Chinese communists moved to keep Westerners out of Tiananmen Square, President Gorbachev, utilizing his new and extraordinarily broad powers, has ordered Lithuania's borders sealed against foreigners, cut international phone lines, and is upping the ante with recent troop movements in Lithuania.

"The U.S. failure to stand in solidarity with the free Republic of Lithuania has obviously emboldened Gorbachev," he said.

Congressman Cox was appointed by House Speaker Tom Foley to the official U.S. Congressional delegation to observe the Lithuanian elections. Initially denied visas by the Soviet Union—causing a diplomatic uproar at the highest levels of government—the delegation was able to enter Lithuania after a five day delay.

The United States has never recognized Lithuania's forcible annexation into the Soviet Union which occurred in 1940 under the secret Hitler-Stalin pact.

A copy of Congressman Cox's floor statement is attached. For more information or to arrange for an interview, contact Peter Slen at 202 225-5611.

STALLINGS-WISE AMENDMENT TO H.R. 3581

HON. MIKE ESPY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. ESPY. Mr. Speaker, I rise in support of the Stallings-Wise amendment to the rural development bill before us today. I commend the gentlemen from Idaho and West Virginia for bringing before us a package that I believe considerably strengthens the measure that came from our Agriculture Committee.

The Stallings-Wise amendment will help us better meet the education needs of the children in our rural areas by encouraging the use of telecommunications technology to bring classes to schools that otherwise could not afford to offer their students this coursework.

Mr. Speaker, I am a strong supporter of the star schools concept. I have seen how successful this program is in my State. The three national star schools partnerships all operate in Mississippi, providing a variety of courses in advanced math, science, and foreign languages that otherwise simply would not be available to these students.

Today as I speak, students in rural schools in my district are learning Japanese, probability and statistics, and advanced economics by means of the star schools program. The star schools program is essential if all of our students, regardless of where they happen to live, are to have a chance to be competitive in tomorrow's international economy.

I am pleased that the Stallings-Wise amendment will allow us to expand the star schools program in the rural areas of this country. I am also glad that his amendment will allow the existing star schools partnerships to participate in this expanded program. They have an excellent record and I think many rural schools can benefit from their experience and programming.

Mr. Speaker, I commend the gentlemen from Idaho and West Virginia for the leadership they have shown in this area, and I urge the adoption of their amendment.

REPRESENTATIVE GEPHARDT'S EFFORT TO CRAFT A MORE VISIONARY FOREIGN POLICY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. LEVINE of California. Mr. Speaker, it has become somewhat fashionable for many in Congress to lament the decline in substantive public discourse in the age of sound bites, and 30-second TV commercials.

For this reason, it was particularly dismaying to me that the efforts of the distinguished majority leader to raise the level of public debate about the United States response to the momentous changes in Eastern Europe, were met with such hostility.

Indeed, Mr. Gephardt has shown great courage and leadership in raising these issues, and in attempting to promote a meaningful public discussion about U.S. foreign policy.

The majority leader's courage has only been underscored by the vituperative personal attacks made upon him for daring to engage the administration in a substantive debate about our Nation's policies in what history will surely regard as a critical watershed period in the course of human events.

Aside from the completely irresponsible personal attacks, the only response to Mr. Gep-

HARDT's thoughtful suggestions has been to point to the President's high approval rating in public opinion polls. These ratings, it is asserted, must mean that the nonpolicy of this administration toward Eastern Europe and the Soviet Union is beyond reproach.

In his testimony yesterday before the Subcommittee on International Economic Policy and Trade, and in his article in yesterday's Washington Post, Mr. GEPHARDT has tried to respond to the criticisms—many of which hardly warrant a response—and return to a substantive dialog on this issue.

I strongly urge my colleagues to reflect upon and consider the forward-thinking proposals made by Mr. GEPHARDT in his statements, and ask unanimous consent that his piece from yesterday's post, entitled "How Dare I Criticize the President?", be printed in the RECORD.

[From the Washington Post, Mar. 21, 1990]

How Dare I Criticize the President?

(By Richard Gephardt)

Why did I have the audacity to break the First Commandment of Washington politics: "Thou Shalt Not Speak Ill of a President With an 83 Percent Popularity Rating"?

There have been a variety of reasons offered, most publicly by Sen. Alan Simpson (Wyo.), the aptly-titled Republican Whip, and various White House staffers. Alan diagnosed me as deranged, saying: "Ol' Richard's going bananas." I think the condition he's referring to is *Musa Sapientum Syndrome*. This malady, named after the Latin for "banana," is not characterized by giving long, arcane speeches on foreign affairs but rather by giving short, savage speeches about Democrats.

Then Alan and the White House called me a "frustrated font of trivia," and "the Maxwell Smart of American politics." Of course if I were a font of trivia, I wouldn't have had to ask my staff who Maxwell Smart was.

Finally, the Whammy. I was accused of running for president. Whoever makes such an accusation obviously forgets that I exited the 1988 presidential contest so quickly that the few people who recognize me in airports and restaurants think I'm either Jack Kemp or Dan Quayle.

So if I'm not crazy, and I'm not running for president (and I assure you, I'm not), why did I give a speech criticizing the most popular president in the history of popularity polls?

The answer is: I criticized the president's foreign policy. I didn't try to get under his skin. I wanted to debate how best to advance democracy in Eastern Europe and the Soviet Union. This debate should be about policy, not personality.

But that's not the state of our discourse these days. Instead of refuting an idea on its merits, politicians too often do what works in campaigns—they shoot the messenger. Or better still, they have someone else shoot the messenger for them. (Which is why it's so hard to get people to work as messengers these days.)

We are living in a time when all the clichés have come true: We are at a crossroads of history, this is a turning point in the course of human events and the choices we make now will determine the peace and prosperity of generations to come. So we had better discuss debate those choices. If we conduct a serious debate about how to lead a world in which economic strength predominates over ideology, we can be the beneficiaries of change. But if we continue our ostrich approach, refusing even to debate important policies, we are doomed to be the victims of change.

In writing my speech, I thought of the rare courage of Lech Walesa and Vaclav Havel. I remembered the great sacrifices our parents' generation made for nearly a half century in order to get us to this place—and how little we must do to realize the goals our parents did so much to achieve. With 400 million people on democracy's doorstep, the least we can do is welcome them in.

But what inspired me most was an afternoon I spent with 3,700 Chrysler workers in my district who are facing layoffs—not because they didn't work hard enough on the assembly line, but because our government didn't work hard enough when their jobs were on the line. And it angered me that our foreign policy happily sacrifices American jobs on the altar of ideology—that we fail our workers by refusing to pry open markets in Japan or develop new markets in Eastern Europe or the Soviet Union.

Instead of triggering a debate, I enraged the White House. But why? I think the reason the administration reacted with such vituperation is because it does not want to debate its vision-less foreign policy.

My proposals: lifting unneeded trade restrictions that punish American workers and help our competitors, using food aid as an incentive for private agriculture and sending executives to build markets through a Free Enterprise Corps are ideas whose time have come. Perhaps the reason the administration fears a debate on my proposals to pull Eastern Europe and the Soviet Union away from Communism is because it cannot defend its policy of subsidizing the ruthlessly repressive Communist regime in the People's Republic of China. But that is precisely why we need such a debate.

But the fact that the president doesn't want to debate these issues doesn't mean we in Congress, especially we in the loyal opposition, can only sit back and wish we had presidential leadership. It is our job to raise important issues, to help spark the debate. We must ask questions: about how best to move the Soviet Union toward democracy, about the changing nature of European security and America's role in it and about the challenge of shifting communities and industries away from a military economy and toward a more competitive posture.

As our foreign policy becomes less based on military options placed before the commander in chief and more focused on issues of economics and other areas in which Congress is better equipped to participate, the role of Congress in the formulation of foreign policy is bound to expand. Part of the debate I hope to initiate would be to address the institutional changes inherent in the challenges of the future.

We ignore such questions at great peril. If we don't address these issues and make some changes, then we'll be left attacking each other over who allowed America to slip into the position of a debt-ridden, economic also-ran. And that would be bananas.

TO HONOR A GREAT STUDENT AND ATHLETE: MS. MEREDITH RAINEY

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. OWENS of New York. Mr. Speaker, I am confident that the United States will be most honorably represented in the 1992 Olympics, recently one of my young constituents, Ms. Meredith Rainey of Brooklyn, NY, accomplished a tremendous feat. Ms. Rainey, who is a Harvard University senior, broke the American collegiate record in the 800 meters at the NCAA championships at Indianapolis, IN. Rainey's nearest competitor was nearly two seconds behind as she broke the tape in 2:02.77. Ms. Rainey's effort eclipsed American running great Mary Decker-Slaney's record, which had stood for 12 years.

Ms. Rainey's championship form is nothing new; she is the defending outdoor NCAA 800 meter champion. She attained this title last spring even though she had competed in only five previous races at this distance. Although she chose to focus all her energies on the 800 meter run at the NCAA's, Ms. Rainey has run the eighth fastest time in the country in the 400 meter dash. Clearly, Meredith has all the makings of a true winner: She has tremendous natural talent coupled with a work ethic that is unsurpassed.

Ms. Rainey has been a great asset to her team during her illustrious career at Harvard. Under the guidance of Coach Frank Haggerty, co-captain Rainey led her team to the heptagonal championship in February of this year by securing victories in four events. She captured individual titles in the 55, 400, and 800 meter events, and anchored the victorious 2-mile relay team. On the strength of her efforts and leadership, Harvard outdistanced the 10-team field consisting of the Ivy League schools as well as Army and Navy. The record books certainly reflect her track and field efforts; Meredith holds school records in the 55, 100, 200, 400, and 800 meters. Sometimes it seems as though the ink barely dries before she improves upon her times.

Clearly one of Harvard's finest athletes, Meredith is one of its finest students as well. A social studies major, she has been a dean's list student for her entire academic career. In fact, despite her athletic prowess, Meredith's focus has always been on the classroom; currently she is putting in the long hours necessary to complete her senior honors thesis on the history of settlement houses in America.

Ms. Rainey began her illustrious track career at the age of 8 when her mother entered her energetic little girl in the Third Annual Colgate Women's Games Track and Field Meet, which takes place in Brooklyn and is the largest women's indoor track meet in the world. Meredith won a bronze medal in the 55-meter dash in the finals at Madison Square Garden that first year. She was hooked. Fred Thompson, who has been director of the meet since its inception and coached the Women's Olympic Track Team for the 1988 Olympics, watched Meredith as she competed in those races and within months, she was the newest member of his world renowned Atoms Track Club. Under Mr. Thompson's tutelage she went on to win many more medals and trophies until she reached junior high school. Feeling that she needed a change, she stopped running and took up basketball, volleyball, acting, and singing throughout her high school years.

As a freshman at Harvard, Ms. Rainey decided she was ready to reenter the world of track and field and joined the Harvard women's track team. Last year she entered the realm of international competition when she went to the World University games in Germany and attended other track meets in Europe. Feeling she has not yet peaked, she hopes to do so at the 1992 Olympic games.

Obviously a fine athlete and student, Meredith is also a fine person. After graduating with her honors degree in June, she will return to her native Brooklyn to serve her community by teaching at St. Ann's School, the school which she attended from kindergarten through high school. She plans to train with her coach Fred Thompson for the 1992 Olympic games in Barcelona, Spain and then enter law school in the fall of 1992.

Mr. Speaker, I am sure my colleagues join me today in honoring a young woman with a very bright future and wishing her the best of luck with all of her endeavors. I am sure we will be hearing great things of this young lady in the years to come.

THEY'RE OUT THERE CRYING FOR HELP

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. STARK. Mr. Speaker, the Los Angeles Times recently ran a series of editorials addressing the issue of illicit narcotics and proposals to reduce the use of all drugs. Senator JOSEPH BIDEN, chairman of the Senate Judiciary Committee, has long been an advocate of a more balanced approach by providing more demand-side resources. Currently our Federal antidrug efforts allocate 70 percent to supply-side programs like drug interdiction, drug eradication, and Federal law enforcement. The remaining 30 percent goes to demand-side programs like drug education awareness, drug prevention, and drug treatment programs.

I commend Senator BIDEN for his leaderhsip on improving our current Federal efforts. Further, I recommend his article for consideration:

THEY'RE OUT THERE CRYING FOR HELP

(By Joseph R. Biden Jr.)

How effective is drug-abuse treatment? Every program has its successes—and its failures. Better training and higher standards for drug counselors are desperately needed.

But the success rate of America's drug-treatment centers is impressive, even with all their problems. The largest and most comprehensive academic survey of private and public in- and outpatient centers ever done, the so-called TOPS study, showed that 80% of the treated addicts were still off hard drugs five years after completing such a program. The results, published late last year, also showed that the percentage of addicts holding jobs doubled and the percentage committing crimes dropped two-thirds.

Yes, some addicts do relapse. And some professionals conducting treatment are incompetent. But these anomalies provide no grounds for limiting the availability of treatment.

Today, there is an acute shortage of drug-abuse facilities. Many addicts seeking help are told they must wait weeks, even months. There is only enough space to treat one-quarter of addicted pregnant women and juveniles. Compassion, common sense and self-interest dictates that we provide help for these people.

The fact is that the returns on investing in drug treatment are considerable. A three-month outpatient program costs taxpayers about $600 per addict. But during that time, we save about $1,600 in reduced welfare and Medicaid costs and about $1,300 in law-enforcement expenses. An addict in treatment is more likely to hold down a job, require less medical attention and commit fewer crimes. All in all, $1 invested in drug treatment pays society back $5. Few other social programs can match that outcome.

But do we have a choice? Do we continue to stand by and watch a new generation of crack babies come into the world? Do we continue to let hard-core addicts run amok in the streets, robbing, mugging or worse to support their habits?

Or perhaps we should put all addicts behind bars? Even if we believed that prison was preferable to treatment, the price tag for such a policy would be staggering. The cost of putting an addict in jail is 10 times that of placing him in a treatment center. A national program to provide drug treatment for every hard-core addict hwo needs help would cost us $8 billion. Building jails to house them would cost more than $100 billion.

By sundown today, 56,000 hard-core addicts will have sought treatment and been turned away for lack of staff or space. Tonight, many of them, along with hundreds of thousands of other addicts, will be on the streets looking for the money it takes to support their habits.

For our sake, if not for theirs, we must expand our drug treatment system—now.

PARTNERS OF THE AMERICAS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. WALGREN. Mr. Speaker, the democratic reforms that are sweeping the Eastern bloc, the Soviet Union and, most recently, Central America, as evidenced by the Nicaraguan elections, are an inspiration to the world. These changes are rooted in the basic human instinct that leads every individual to seek greater freedom to guide their own lives rather than live under circumstances controlled by others. The United States has an unprecedented opportunity to promote broad participation in this kind of freedom through education, training and economic support in many regions of the world.

I would like to take a moment to commend an extremely valuable program dedicated to the exchange of ideas among nations. Partners in the Americas has been in existence just over 25 years. It is a private, nonpolitical, nonprofit organization whose purpose is to promote communication and understanding between the individuals in Latin America, the Caribbean and the United States.

Partners of the Americas pairs regions in the United States and Latin America to exchange ideas and contact. For example, the western Pennsylvania-Maranhao project supports a pediatric diagnostic eye clinic recently opened in Sao Luis, Brazil. This clinic is the result of efforts from the Sao Luis' public health community pairing with concerned individuals from western Pennsylvania who raised support for the donation of ophthalmologic equipment.

The work accomplished by the Partners is impressive. Those involved in making the Partners successful, a group of 20,000 volunteers in 45 U.S. States and 27 Latin American and Caribbean nations, are truly inspirational. Just one example of the kind of individual involved in this organization is Robert Barker, a former legal service attorney and now law professor at Duquesne University.

Mr. Barker was a founding member of the western Pennsylvania chapter of this organization. He drafted its bylaws and continued to work as legal counsel to the partnership while serving as vice president from 1985 to 1987. Mr. Barker was recently elected to the board of directors of the Partners. He represents the kind of personal commitment multiplied many times over that lies behind the good work being done by these partnerships.

Exchanges between countries—cultural, educational, and technical—go far in promoting international goodwill and play a significant role in U.S. foreign policy. It is important that the debate over foreign aid not undercut the significance international organizations have in promoting greater understanding between nations. Organizations such as the Partners of the Americas play an important role in furthering international understandings.

A GOLDEN ANNIVERSARY FOR THE TORRANCE AREA CHAMBER OF COMMERCE

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. LEVINE of California. Mr. Speaker, it is with distinct pleasure that I rise today to express my appreciation and respect for the Torrance Area Chamber of Commerce which is celebrating its 50th anniversary throughout the 1989–90 fiscal year. On March 28 of this year the chamber will officially celebrate its first half century with a mixer at the Torrance Holiday Inn.

Officially incorporated on April 29, 1939, the Torrance Area Chamber has provided community leadership during the 50 years that it has helped to build Torrance into a proud and balanced community. Among its many accomplishments, the chamber has contributed to the prosperity and civic, cultural, social, and educational growth of Torrance. The Torrance

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Sister City Association, the Torrance Rose Float Association, and the Miss Torrance Pageant are among the numerous community groups which owe their very existence to the chamber and its dedicated members. Likewise, the Torrance Area Chamber of Commerce has helped found such community business groups as the Torrance Visitors Bureau, the South Bay Association of Chambers of Commerce, and the South Bay International Trade Association.

As sponsor or cosponsor of many valuable community events including the Armed Forces Day celebration, Airport Days, Medal of Valor Awards, the Downtown Torrance Friendship Festival, and the Energy Expo, the Torrance Area Chamber of Commerce has consistently provided outstanding leadership to the entire South Bay community. As we move nearer the 21st century, the Torrance Area Chamber of Commerce will undoubtedly continue its 50-year tradition of service through its current outstanding programs which represent the business community and serve the community at large.

Mr. Speaker, the Torrance Area Chamber of Commerce has remained fully accredited by the U.S. Chamber of Commerce for 15 years and is to be congratulated on the occasion of the 50th anniversary of its incorporation and commended for its many contributions to the people of the Torrance community. I strongly urge my colleagues in the U.S. House of Representatives to join me in honoring this meritorious organization for the many years it has tirelessly devoted to our community.

A TRIBUTE TO JOHN G. NOLEN

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. DINGELL. Mr. Speaker, on behalf of the Michigan delegation, I would like to honor Dr. John G. Nolen, of East Lansing, MI, who has announced that after serving for 21 years, he is retiring as executive director of the Michigan Dental Association.

Dr. Nolen has led an illustrious career which was recently augmented by his election as second vice president of the American Dental Association. This accomplishment is just one of many that have marked Dr. Nolen's strong commitment to dentistry and public service.

John Nolen graduated from the University of Michigan School of Dentistry in 1944, and then served 2 years as a dental officer in the U.S. Navy. After the war, he maintained a private practice for 23 years in Lansing, MI. Dentistry was not new to Dr. Nolen; his grandfather, great uncle, two uncles, a cousin, and his brother are dentists.

During his years as a general practitioner, John Nolen also was active in the ADA. He served as a delegate to the ADA House of Delegates from 1960–69 and as an alternate delegate since 1969. He also served on three of the association's reference committees. During those years, Dr. Nolen received several honors. In 1962, the Michigan State Pharmaceutical Association gave him the Award of Distinguished Service and in 1967, the Michigan Association of Professions named him Professional Man of the Year. John Nolen was a founder and member of the board of directors of this association, the first of its kind in the United States, from 1960–1973.

In 1969, Dr. Nolen closed his practice to become the executive director of the Michigan Dental Association. In his new job, his first responsibility was to initiate legislation which provided dental care to children of welfare recipients. This legislation authorized the creation of a nonprofit dental service corporation, which is today known as the Delta Dental Plan of Michigan.

In subsequent years, John Nolen began working on governmental issues to maintain the integrity of the dental profession. He worked on legislative concerns of great importance including public health matters, licensing board issues, and appropriations for education.

Those of us in Washington are well acquainted with Dr. Nolen because he also organized and promoted the first State dental delegation visit to Washington, DC, in behalf of national dental-related legislation. This was a new concept which delighted the ADA and stimulated subsequent visits from many other States. The Michigan dental delegation has been coming to Washington for 27 years.

In recognition of his outstanding efforts with the Michigan Dental Association, the MDA awarded him its Meritorious Award in 1985. When Dr. John W. Willoughby nominated John Nolen for this prestigious award he said, "Dr. Nolen conducted himself in a manner to bring pride, respect and honor to his chosen profession. He is an exemplary professional person whose many contributions and efforts on behalf of dentistry in Michigan deserve the highest recognition possible."

I congratulate John Nolen for being a role model for all of us.

VIOLENCE IN TRANSYLVANIA

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. RITTER. Mr. Speaker, we were all elated in December when the brutal Ceausescu regime in Romania was overthrown by the heroism of all the peoples of Romania: Romanians, Hungarians, Germans, and other nationalities. It was indeed a dissident Hungarian Reformed minister, the Reverend Laszlo Tokes whose arrest sparked the revolution.

Reports of ethnic tensions in Romania reached us early February but it was on March 19 that violence raised its ugly head in Tirgu Mures—Marosvasarhely—in Transylvania where most of the 2.5 million Hungarians in Romania live.

Mr. Speaker, I denounce these acts of violence and call upon our State Department to protest in strongest possible terms these terrible attacks. One cannot build democracy in Romania while ethnic or political opponents are beaten and clubbed to death. I would like the following article included in the RECORD outlining the grave situation facing ethnic Hungarians in Romania.

[From the Washington Times, Mar. 21, 1990]

ROMANIANS ATTACK ETHNIC HUNGARIAN PROTESTERS—2 KILLED

TIRGU MURES, ROMANIA.—About 2,000 Romanians armed with scythes and clubs attacked 5,000 ethnic Hungarians protesters yesterday in this Transylvanian town, killing two persons and injuring about 60, police said.

Eyewitnesses said the Romanians charged the Hungarians and drove them from the central square, where they had occupied the town hall.

They reported seeing Hungarians clubbed to the ground, and Arad Kovacs, and official of the Hungarian Democratic Union party, said, "I am afraid this is going to be a horrible night."

But as night fell, seven army tanks formed a barricade between the rival groups.

The Hungarians had gathered yesterday morning to protest a Romanian attack on the Hungarian Democratic Union headquarters in Tirgu Mures the previous night.

Four persons in the building were seriously injured while police tried to escort them to safety.

They included Andras Suto, an ethnic Hungarian who is one of Romania's best-known writers. He was flown to the Bucharest military hospital suffering from eye injuries, broken ribs and a broken arm.

President Ion Iliescu visited Mr. Suto before he was taken to Hungary for treatment in Budapest to save his sight.

Tensions have been growing between Romanians and the 2-million-strong Hungarian minority in Transylvania since the December revolution in which communist dictator Nicolae Ceausescu was ousted and executed.

Romanian nationalists fear Hungarian demands for greater autonomy could lead to the creation of a separatist movement in Romania's richest province.

The Hungarian government has protested to Romania against "grave atrocities" and said the Hungarian community had been subjected to "pogromlike" attacks.

Hungarian radio said Prime Minister Miklos Nemeth sent a letter yesterday to Romanian Premier Petre Roman protesting the attacks.

The Hungarian government is particularly aggrieved over the fact that while all this was going on the Romanian forces of order remained inactive," the letter said.

In Budapest, an estimated 70,000 Hungarians bearing torches and waving national flags rallied in the main square Tuesday protesting the attacks in Romania.

Gaspar Miklos Tamas, a leading Hungarian opposition politician who left Romania in 1978, urged Romania's leaders to act immediately against "fascist gangs" in Transylvania, which belonged to Hungary before World War I.

"We can promise one thing," Mr. Tamas told the crowd in Budapest. "We will never stand idly by and watch our Hungarian brothers being maltreated in Transylvania."

THE HIGHER EDUCATION SAVINGS PLAN ACT OF 1990

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. VANDER JAGT. Mr. Speaker, I am today introducing H.R. 4375, the Higher Education Savings Plan Act of 1990. This legislation is intended to make a modest step in the direction of assisting parents to save for the staggering costs of their children's higher education expenses.

The compelling need for this legislation is now more apparent than ever. The cost of sending a child to a private university for 4 years now averages more than $50,000, while the cost of a 4-year public university education averages $18,000. By the year 2007, the Department of Education estimates the total cost to attend a private university will increase to $200,000 and to $60,000 for a public university. These statistics spotlight a major financial problem facing parents.

Accumulating the funds necessary to cover these costs will be very difficult with after tax dollars for most, if not all, middle-income parents. With the stress on higher education by the Federal Government and the need for accumulating the funds to cover the escalating cost, middle-income taxpayers should receive some tax assistance to enable them to meet the future costs.

Under H.R. 4375, assistance would be made available by providing that when a taxpayer purchases a predesignated annuity for the child to cover qualified higher education costs, the withdrawal of funds from the annuity to pay such education costs would be exempt from the 10 percent penalty for premature distributions from annuity contracts under Internal Revenue Code section 72(q). Safeguards would be provided by requiring that the annuity be designated for education costs at time of purchase. Qualified higher education costs are defined to include only undergraduate expenses incurred at institutions of higher education. Finally, under the terms of the legislation, the annuity premium payments to cover the education costs would not count against the first tax annual exclusion.

Other Code sections provide direct benefits to taxpayers financing the cost of higher education. Section 135 allows income from U.S savings bonds to be excluded from income under certain circumstances if the income is used to pay educational costs. Section 2503 generally allows an unlimited gift tax annual exclusion for gifts which pay higher education tuition costs. H.R 4375 would provide a mechanism to directly address the needs of middle income taxpayers facing higher education costs of their children which will be financially overwhelming.

Since the proposal would only apply to predesignated annuities issued after enactment, it would not have a material effect on current Federal revenue. I strongly encourage my colleagues to cosponsor this important legislation and to work for its prompt enactment.

H.R. 4375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

To amend the Internal Revenue Code of 1986 to promote savings for qualified higher education expenses. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Higher Education Savings Plan Act of 1990."

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. SAVINGS PLAN PROVISIONS.

(a) Paragraph (2) of section 72(q) would be amended to add the following new subparagraph:

"(K) from a Higher Education Expenses Annuity described in subsection (w)."

(b) Section 72 would be amended by redesignating subsection (w) as subsection (x) and by adding after subsection (v) the following new subsection:

"(c) Higher Education Expenses Annuity. For purposes of this section, the term "Higher Education Expenses Annuity" means—

(1) an annuity contract which is designated by the purchaser for qualifying higher education expenses at the time of purchase,

(2) distributions from which are paid to an eligible educational institution, as defined in section 135 (c)(3), for tuition and fees required for the enrollment or attendance at such institution of any dependant of the purchaser with respect to whom the purchaser is allowed a deduction under section 151."

(c) Paragraph 2 of section 2503 (e) would be amended by striking "or" after the word "individual" in subparagraph (A), inserting "or" at the end of subparagraph (B) and by adding the following new subparagraph:

"(C) as a premium to purchase a Higher Education Expenses Annuity as defined in section 72(w)."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply for all taxable years beginning after December 31, 1990, and to Higher Education Costs Annuities purchased after that date.

FEDERAL CROP INSURANCE REFORM ACT OF 1990

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. ENGLISH. Mr. Speaker, today I have introduced the Federal Crop Insurance Reform Act of 1990 designed to cure the ills which have befallen the program since it was last revised in 1980.

Practically everyone agrees that crop insurance is not working as it was designed by the 1980 act. Too few farmers avail themselves of the protection because the coverage is not adequate—the cost exceeds the benefit. With two few farmers being covered by insurance, weather disasters such as those experienced in 1988 and 1989 create a demand for ad hoc legislation to provide relief. The certainty that widespread weather disasters will bring relief has a depressing effect on the incentive for farmers to buy insurance—and down goes the spiral.

Since 1980, the Government has spent an average of $1.4 billion a year on crop insurance and ad hoc disaster programs. We must decide on one approach or the other—it costs too much to do both.

Last year, the Congress created a commission to study the program and recommend improvements. The Commission has made its report. In his 1991 budget message, President Bush proposed doing away with the program after this crop year. Secretary of Agriculture Clayton Yeutter has proposed a permanent disaster program in his recommendations for the 1990 farm bill. Other administration officials have suggested that the proposals by President Bush and Secretary Yeutter are not serious—they are only designed to catch the attention of the Congress.

Regardless of the maneuvering by the administration, I have espoused for the past year a new approach to curing the crop insurance problems—a combination of disaster protection and crop insurance with a partnership between the Government and farmers that will provide self-protection against the ordinary risks of farming with Government protection against catastrophic events.

In crafting the Federal Crop Insurance Reform Act of 1990 I have taken into account the recommendations of the Commission to improve the Federal Crop Insurance Program. I have incorporated suggestions from hundreds of farmers, independent insurance agents, insurance companies, and Federal officials that I have talked with during the past year.

In brief, under the bill the Government will provide disaster protection plans on three levels. Farmers who participate in the voluntary production adjustment programs operated by the Department of Agriculture will be covered against losses below 50 percent of normal production. Farmers who produce crops not covered by those voluntary production adjustment programs will be covered against losses below 40 percent of normal production. Farmers who grow the crops which are subject to the voluntary production adjustment programs but who choose not to participate will be covered against losses below 30 percent of normal production.

All farmers will be eligible to purchase addition crop insurance to cover production up to 75 percent of normal production. The Government will share in the premium for this additional insurance up to the 65-percent level. The premium for coverage between 65 and 75 percent will be paid entirely by the farmer.

The Federal Crop Insurance Reform Act of 1990 also addresses inadequacies in current practices of determining yields, selecting price levels for coverage, and removes the prohibition against insurance for livestock. The bill continues the cooperation between the Government and the private insurance sector with

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the Government taking on an increased regulatory role.

TRAUMA CARE SERVICES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. FASCELL. Mr. Speaker, I have introduced legislation to make available $20,000,000 from the assets forfeiture fund to support trauma care services provided by local nonprofit hospitals.

The Assets Forfeiture Program has successfully stripped drug dealers of millions of dollars in ill-gotten gains. It is both a powerful weapon against traffickers and a means of generating nontax revenues to carry on that war. Nonetheless, as currently administered, the program focuses almost entirety on law enforcement and has a marked Federal bias. States and localities are reimbursed from seized funds based on their law enforcement participation in the seizure with the balance going to the Department of Justice.

We all recognize that law enforcement is but one of several necessary responses to the drug crisis. We also know that the real drug war is not being fought in the halls of the Justice Department, but in the streets of our local neighborhoods. That is where the war is and that is where the casualties are.

Trauma is the leading cause of death for adults under 45 and children under 12. Drug and substance related violence and injury have swamped our local nonprofit hospitals. In these field hospitals of the drug war, trauma cases, frequently involving indigents, crowd out other patients and cases. Community coffers are depleted while community health deteriorates.

These multimillion dollar drug fortunes do not come from the Federal Government; they are sweated out of our neighborhoods $5 and $10 at a time. It is, therefore, entirely just and proper that a small portion of these funds go back to our embattled local hospitals. This legislation will accomplish that goal and I urge our colleagues to support this concept.

THE 169TH ANNIVERSARY OF GREEK-AMERICANS INDEPENDENCE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mrs. MORELLA. Mr. Speaker, I am pleased today to offer my congratulations to Greeks and Greek-Americans as they celebrate the 169th anniversary of their homeland's Declaration of Independence from the Ottoman Empire March 25. The Greek Nation had been subjected to the rule of the Ottoman Empire for nearly 400 years—since the fall of Constantinople in 1453 until Greece proclaimed its independence in 1821. During that period, many Americans of various nationalities set off for Greece to help the Nation and its people win their independence.

Recalling the debt which Americans owe to Greece for the principles of democracy upon which our society is based, President Monroe told the 17th Congress in 1822 that "the mention of Greece fills the mind with the most exalted sentiments and arouses in our bosom the best feeling of which our nature is susceptable. * * * A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations on earth."

And the Greek people also recognized in the United States the establishment of those democratic principles which they themselves had originally promulgated and espoused. As such, the American revolution became one of the ideals of the Greeks as they fought for their independence in the 1820's. Translating the American Declaration of Independence into Greek, they adopted it as their own declaration.

Finally, this year especially, as we celebrate Greek Independence Day, we should recognize that, as democracy and freedom sweep across the plains of Eastern Europe, we all owe a common debt, and share a common heritage, with Greece, the birthplace of democracy.

THE DESTRUCTION OF A CULTURE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. PORTER. Mr. Speaker, when we talk about extinction, it is as though we are referring to the age of dinosuars. Anyone who saw yesterday's Wall Street Journal article, "Amazon Tragedy: White Man's Malaria and Pollution Imperial Remote Tribe," will know it is a modern day reality.

As cochair of the Congressional Human Rights Caucus and a Member who has followed the plight of indigenous people around the world, I will not be an idle witness to the destruction of the Yanomami tribe in northern Brazil. Rather, I extend a hand to the New Brazilian President, Fernando Coller de Mello, inaugurated just this month, and urge him to take corrective action immediately.

I would like to submit the article for the RECORD and hope that my colleagues will take note, and join me in alerting the new President that we are deeply concerned about the plight of the Yanomani.

The article follows:

AMAZON TRAGEDY: WHITE MAN'S MALARIA AND POLLUTION IMPERIL REMOTE TRIBE IN BRAZIL

(By Thomas Kamm)

PAAPIU, BRAZIL.—Malaria snuffed out Maike, a four-year-old Yanomami Indian child. Then alcohol, another scourge brought by the white man, turned the child's wake into a violent skirmish.

Yanomami funerals are highlighted by mock battles in which warriors of neighboring villages pretend to kill and eat each other by imitating the twang of bows and devouring huge amounts of food. Making a farce out of war, they give evidence of their friendly ties and shared grief over death.

But little Maike's ceremony went awry. Instead of eating their traditional mashed bananas, the Indians gorged themselves on an alcoholic brew laced with disinfectant stolen from a nearby infirmary. Drunken men came to blows, and several youths tried to rape a pre-adolescent girl.

PERVERTED RITUALS

"The whole ritual framework has exploded and been perverted," laments Bruce Albert, a French anthropologist. He has spent more than a dozen years studying the Yanomami, or Yanomamo as they are sometimes called, a 9,000-member tribe that lives on both sides of Brazil's border with Venezuela. Yanomami ceremonies, says Mr. Albert, have become excuses to "express all their anguish and trauma" over the sudden intrusion of 45,000 prospectors into their once-unspoiled domain.

Considered the last major Stone Age tribe of the Amazon, the Indians were made famous 20 years ago by anthropologist Napoleon Chagnon's best-selling book, "Yanomamo: The Fierce People," which described their fighting skills and culture.

Because of their geographical isolation and their habit of greeting visitors with curare-tipped arrows, the Yanomami were able to escape the outside world's epidemics, alcoholism, and forced assimilation that decimated many other tribes.

But the conquest that began with Columbus's arrival in the America has finally overwhelmed them. Lured by huge deposits of gold, diamonds and other minerals in Yanomami lands, the prospectors, called garimpeiros, have invaded Indian reserves deep in the rain forest.

Today, the Yanomami are a sick and dying people, victims of disease and ecological damage brought by the garimpeiros.

"We have no hunting because the animals have left, and no fishing because the water is dirty," says Yadusse, a Yanomami in his 20s, sitting in a round, communal hut, called a maloca. The village of Paapiu, an hour's flight west by small plane from the city of Boa Vista, is close to a landing strip and an outpost of the Fundacao Nacional do Indio, or Funai, the state agency charged with protecting Indians. But signs of illness and malnutrition abound.

"The situation is catastrophic," says Patrick Aeberhard, who recently led a team from Medecins du Monde, a French medical group, on a tour of Yanomami territory. "Practically every Indian we examined has malaria, some also have tuberculosis, and one of every two children is undernourished. They look like African children: Their hair is turning blond, their stomachs are bloated, their arms and legs are spindly. If nothing is done in the coming month, they're all dead."

Attempts to investigate the full extent of the tragedy run into an unusual cultural barrier: The Yanomami wipe out every trace of their dead.

"A person who dies must be erased from memory," explains Mr. Albert. "Everything he owns is systematically destroyed. His crops are uprooted. They even go deep into the forests to find arrows he may have left behind. It's manic." This zeal extends to the deceased's remains. His body is strung to a tree until dry, then burned to ashes, and the remaining bones are crushed. After a period of mourning, the bone fragments are mixed with bananas and eaten by friends and relatives to preserve his spirit—the only act of cannibalism practiced by the Yanomami.

Another major obstacle to tallying their dead is that the Yanomami can't count. "Anything over two is 'many.'" says Marcos

Guimaraes, a Funai doctor in charge of the medical emergency team. If questioned further, a Yanomami holds his hands together with fingers parted, and says wahoro, meaning many, placing emphasis on the last syllable to indicate the number is great.

And then there is the Yanomami fear that they will become victims of sorcery if they pronounce the names of dead people from other families. To overcome their phobia, Mr. Albert, the anthropologist, has to take aside a few tribe members he knows well and gently interrogate them about fatalities in their villages.

"I whisper a name, and they whisper back what happened, all the while looking [over their shoulders] to make sure no one is observing them," he recounts. "We have to go through incredible circumlocutions to find out what happened."

But the information he gleans is devastating. In the four villages around Paapiu, 32 of the 233 inhabitants have died since August 1987—a mortality rate of 14%. "It's as if 21 million Brazilians had died," says Mr. Albert, extrapolating the figure to the nation's total population. Worse, only eight infants of less than a year old are left in those Yanomami communities. "That's characteristic of a group on the verge of extinction," says the anthropologist.

In most other villages visited by medical teams, the proportions are similar. About 15% of all Yanomami have died since the gold rush began three years ago. Most of the victims are old people, the custodians of the Yanomami's oral culture, and children, the guardians of the tribe's survival.

A NATURAL VULNERABILITY

The Indians have no natural antibodies for the strain of malaria brought by the garimpeiros, because it was unknown to the area before. "Malaria is like AIDS for them," says Ivone Menegola, a doctor who has just returned from Paapiu.

Influenza, dysentery, measles, chicken pox and gonorrhea—other diseases which the Yanomami are encountering for the first time—also wreak havoc, doctors say. With many men lying ill in hammocks, tribes suffer from food shortages. And even able-bodied Indians can no longer find enough fish or game because of the worsening pollution.

Mercury, used by the garimpeiros to amalgamate gold dust and separate it from other particles, seeps into the rivers and contaminates the fish.

The din of the dredging pumps and the noise of the airplanes that service the miners' camps have scared away the wild boars, monkeys, tapirs, armadillos and the birds that the Yanomami traditionally hunt. "I crossed the forest without encountering any animals," says Dr. Aeberhard of Medecins du Monde, in stark contrast to his sojourn among the Yanomami five years ago.

But the operation is meeting heavy resistance. When the then Justice Minister Saul Ramos traveled to Boa Vista to survey the withdrawal in February, he was greeted by over 1,000 angry prospectors bearing signs like "Who will feed our families?" and "The Amazon isn't only for the Indians." They occupied Boa Vista's central square—dominated by a monumental statue of a garimpeiro that attests to the city's dependence on gold miners—and refused to leave until assured they would be given another place to work.

"I can't send the garimpeiros to Copacabana Beach," Mr. Ramos said afterwards. "I have to put them where the gold is."

His solution was to close down existing clandestine mines, and move the prospectors to virgin sites. But when the new zones also turned out to be lands claimed by the Yanomami, a top Indian-rights official who was overseeing the operation resigned in protest. A deputy public prosecutor then began legal action against the government for "clear violation" of Yanomami rights.

Meanwhile, with the disappearance of their traditional foodstuffs, many undernourished Indians are trekking to garimpeiro camps where they beg for sardine tins and sacks of rice and flour. This allows the prospectors and their allies to claim that far from rejecting them as the cause of their troubles, the Yanomami view them as friends and benefactors.

Everaldo Martins, a pilot who ferries garimpeiros and their supplies, argues that the Yanomami are being barred from access to "modern civilization" by environmentalists, anthropologists and missionaries. "Indians have a right to evolution, and a lot of ecologists won't admit this," says Mr. Martins. "They want to turn Indians into animals in a game park."

THE NEW PROMETHEUS

Mr. Albert counters that he and other Yanomami defenders "have no intention of preserving them in a glass jar." He adds, "What we want is that they have the means to survive and to choose the changes in their lives."

But protectors of the Indians acknowledge that their task is complicated by the fascination the Yanomami show for the 20th-century trappings brought into the area by the garimpeiros. Wondrous objects like radios and digital watches have transformed the white man into a modern-day Prometheus for many Indians.

According to a new revisionism that has seeped into Yanomami mythology, "the white people are good and [the Indians] want to make contact with them and get things like flashlights, knives and axes," says Father Joao Saffirio, a Catholic missionary and anthropologist who has spent 22 years with the tribe.

"The young Yanomami who was guiding me looked like a mutant," he recalls. Instead of the traditional skimpy loincloth, "he was wearing shorts, flip-flop [sandals] and diver's goggles. And while in the old days the guide would indicate traces of animals and explain how he hunted, this one was just pointing out white men's objects: 'Here the garimpeiros used to hide their gasoline,' or, 'Look, a pair of sneakers.' "

BOWIE STATE—125 YEARS OF EDUCATIONAL LEADERSHIP

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. HOYER. Mr. Speaker, I rise today to commend the legacy of leadership in education provided by Bowie State University during its 125 years of educational service. Bowie State University has evolved over the years from a normal school to a full-fledged, comprehensive, multicultural university meeting the educational challenges of African Americans.

Bowie State University is an outgrowth of the first school opened in Baltimore on January 9, 1865, by the Baltimore Association for the Moral and Educational Improvement of Colored People, which was organized to engage in its self-appointed mission on a statewide basis.

On April 8, 1908, at the request of the Baltimore Normal School which desired permanent status and funding as an institution for the education of teachers, the State legislature authorized its board of education to assume control of the school. The same law redesignated the institution as Normal School No. 3. and subsequently the university was relocated on a 187-acre tract in Prince Georges County. By 1914, it was known as Maryland Normal & Industrial School at Bowie and by 1925 the 2-year professional curriculum in teacher education was expanded to a 3-year program. In 1935, with State authorization, a 4-year program for the training of elementary school teachers was begun and the school was renamed the Maryland State Teachers College at Bowie.

In 1963, a liberal arts program was started and the name was changed to Bowie State College. In succeeding years, it has established a graduate school, division of continuing education, a weekend program and a number of innovative programs specifically designed to prepare students to fulfill productive roles in our changing society and economy.

Bowie State offers a variety of learning experiences for its 3,500-plus students including an outstanding honors program for the academically talented, a very popular Army ROTC Program, an exciting athletic program that fields eight intercollegiate sports in the CIAA/NCAA, as well as a cooperative education program that has an excellent record in placing students after graduation. Building on an excellent foundation in teacher education, Bowie State has emerged as a highly acclaimed, fully accredited, 4-year liberal arts university with 28 academic programs. Today, the university offers graduate degrees in such challenging and contemporary fields as computer science, management information systems, human resources development, administrative management and organizational communications.

In July 1988, Bowie State received university status. At the same time it joined 10 other State universities and colleges to form the University of Maryland system of higher education. Bowie State, the "public university with a private college setting," has made a commitment to career-oriented programs with a liberal arts core and a strong foundation in the technology of the discipline.

I ask you, Mr. Speaker, and my colleagues to join me today in commending the Bowie State University for its commitment and contribution in preparing African American students to assume their place in the wider world and in being a strong institution of higher learning that holds the key to success for our generations to come.

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CELEBRATING THE 100TH ANNIVERSARY OF THE JEWISH COMMUNITY CENTER

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. MAZZOLI. Mr. Speaker, I would like to take this opportunity to honor one of Louisville and Jefferson County's oldest and most important institutions, the Jewish Community Center.

Early this year, many people came together to celebrate the 100th anniversary of the center, making it the third oldest center in America in continuous operation.

The mission of the Jewish Community Center has always been to enhance Jewish identity and values through the family. But most Louisville natives involved with the center know it for its child-care program, health facilities, the Saturday night dances, and the many arts and crafts fairs it sponsors.

I believe the most laudable aspect of the Jewish Community Center has been, and continues to be, its "open door" policy toward membership for the non-Jewish community—which currently comprises one third of the total center memberhsip—as well as single parent families, and the poor.

The Jewish Community Center is an institution which displays compassion for its members, and I am confident it will have another flourishing 100 years in the community.

Mr. Speaker, Louisville and Jefferson County has its fair share of historic sights: Churchill Downs—the home of the Kentucky Derby—and Locust Grove—the home of explorer George Rogers Clark—just to name a couple.

But, I believe the Jewish Community Center is also an historic place for the people of Louisville and Jefferson County, and I wish it every success in the future.

IN MEMORY OF MR. ROBERT W. CAREY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. MONTGOMERY. Mr. Speaker, I regret to inform you that veterans, service members, Federal employees, Pennsylvanians, and all Americans lost a good friend recently. On Sunday, March 4, 1990, at the young age of 44, Robert W. Carey died, as he lived, enjoying life. Bob, as he was known to Congressmen and first-day employees alike, was Director of the Veterans Affairs Regional Office and Insurance Center [VAROIC] in Philadelphia, PA. He died while on vacation in California.

The VAROIC in Philadelphia is the largest regional office in the VA system. It is also the headquarters for the nationwide GI life insurance program which insures over 7.2 million veterans, service members, and reservists.

Bob Carey was Director of the Center for 4½ years. Before that, he had served as personnel officer and then as Assistant Director for Insurance. Under Bob's leadership, the VAROIC Philadelphia consolidated and expanded its traditional position as the flagship station of the Veterans Benefits Administration [VBA].

Bob was unfailingly thoughtful and forward thinking when it came to the welfare of both his fellow employees and veterans and their families. For the employees, he was the driving force behind the first day-care center in VBA. Called the Academy for Early Learning, the day-care center cares for 35 children each day, including children from the surrounding neighborhood. Bob was also the driving force behind an employee fitness center.

As director of the DVA's national insurance headquarters, Bob led the insurance programs to many innovations designed to improve service and expand benefits. The many insurance benefits enhancements he initiated were all the more impressive for the fact that they were done generally without cost to taxpayers.

Some of Bob's other accomplishments include his unfailing support for the Philadelphia VAROIC's Employees Association; his personal involvement and support for the establishment of a Philadelphia Vietnam Veterans Memorial; and his successful efforts to have the office designated as the technological cutting-edge "Model Station" project headquarters.

Bob Carey was acknowledged by all who knew him as a special person, with an enormous range of interests and friends. He was dedicated to his work, and proud of it; who made the words "public servant" an honest description. He combined intelligence and skill with good humor and friendship.

Bob had a laugh that you had to hear only once to have it firmly implanted in your memory. He had a tremendous love of people, or as one of his coworkers put it, a "passion for people." He had so many, many friends for one simple reason—he was a friend to them. If Bob said he would help—you could bank on it.

He was a generous man. When he received a $1,000 cash award last year for his effort on behalf of equal employment opportunity, he donated the entire proceeds to the VAC Philadelphia Employees Association to use as an emergency assistance fund. In fact, the employees in Philadelphia have since renamed it the "Bob Carey Employee Assistance Fund" and are receiving donations in that name.

He loved all things Irish, and had a touch of the Irish politician in him. He had a way of making people feel immediately at ease, not unlike his hero, Bobby Kennedy. As his newspaper obituary read, "his twinkle had a twinkle." Perhaps that phrase best describes the kind of man Bob Carey was. We will all miss him greatly.

TROUBLED WATERS

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, 1 year ago this coming Saturday, the world began to hear about an oil tanker that had run aground in Alaska's Prince William Sound. In the following days, weeks, and months the words *Exxon Valdez* became synonymous with environmental tragedy, corporate carelessness, and executive disinterest in pollution of unheard of dimensions.

Twelve months and $2 billion later, what do we have? The skipper of the ship is standing trial. The company that owns the 10 million gallons of spilled crude oil is being sued by the Government. The Alaskan fishing industry is recovering from a lost fishing season. Countless marine animals have died, and the dirt beneath the beach surface is still oily.

This type of environmental tragedy must never again occur. I was pleased to vote for the strong oil spill prevention and clean up bill we passed in the House last year. I am pleased that Exxon has done an about face and promised to return to the Sound to continue cleaning the oil this spring.

What we need now is final legislation to require increased care on the part of oil transporters. We need oil companies to include an environmental ethic in their corporate handbook. And we need to ensure that all our policies include the true cost to the environment, not just the effects of the best case scenario. The *Exxon Valdez* has shown us what can happen in a worst case scenario.

REMEMBERING ROBIN GATWOOD

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. BALLENGER. Mr. Speaker, earlier this week I became a cosponsor of House Joint Resolution 467, a resolution that would authorize and request the President to proclaim September 21, 1990, as "National POW/MIA Recognition Day." While September is several months away, I want to use the opportunity of my cosponsorship of this legislation to relate a personal story.

I have a special interest in the continued search for missing servicemen in Southeast Asia because the son of a friend of mine is among the missing. During the Vietnam conflict, Robin Gatwood, a fighter pilot, was shot down and reported missing. Since that time his father, Dr. Robin Gatwood, has been a leader in the effort to locate our missing servicemen. Dr. Gatwood, like so many families, has not given up on his son. In fact, I am sure many of my colleagues have been touched personally by the Vietnam conflict. I can remember the young Robin from the days when he was my paper boy, and as I recall, he was even bitten once by my dog.

I can only imagine the frustration and pain that parents, spouses and friends continue to feel knowing that loved ones could still be alive and held captive in Southeast Asia. I know from talking with Dr. Gatwood that one of the sources of this frustration is the U.S. Government. The process of locating missing men has been, and continues to be, a long seemingly unending process. The very least we can do as a legislative body is to continue to call attention to this issue by proclaiming a day of recognition.

I support the efforts of our Government, individuals, and families in locating the some 2,305 Americans unaccounted for in Southeast Asia. We must continue to send the message to Hanoi that "we will not forget" our fellow citizens. This resolution will help achieve that goal.

THE CONSCIENCE VIGIL FOR SOVIET JEWRY

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. FROST. Mr. Speaker, this year as we continue the Conscience Vigil for Soviet Jewry, our task has become increasingly difficult. In 1940, American Jews felt powerless to help their fellow Jews in the face of Hitler. In 1990, reports of pogroms to be held in the Soviet Union hang over our heads. The militant, anti-Semitic group, Pamyat, has posted the notice—they have planned a Jewish bloodbath and kindly given us warning. American Jews cannot languish in the wake. And the rest of America cannot either.

The third largest Jewish population in the world is in the Soviet Union. They are desperately seeking their freedom and more than ever, they need our help. Lines begin at dawn at the Embassy, thousands of applications are returned every day, and the anxiety rises as everyone wonders who will be left to speak for the Jews on May 5. Is it a rumor or is it a very real and fatal threat to the persecuted Jewish community?

There are still 250 long-term refuseniks barred from emigrating—they have been repeatedly refused permission to leave for years, some applied to emigrate nearly 20 years ago. Most are denied emigration because they are allegedly privy to state secrets. They have long lost their jobs, they are followed and harassed, their phones are tapped, their homes are bugged, and no evidence of state secrets is found. As anti-Semitism continues to intensify within the public, hundreds of thousands more are trying to leave. They are tired of being victimized and they fear the deadly consequences if they are forced to remain in the country—will President Gorbachev protect them if they are still here on May 5? They don't want to risk finding out at their own expense. As Dmitri Simes noted in the Washington Post on Tuesday, March 20, 1990:

> But the Soviet Government does not have a good record in protecting people from ethnically motivated violence. In almost all outbreaks of violence to date—from Azerbaijan to Transcaucasia to Uzbekistan in Central Asia—the forces of law and order acted only after numerous lives had been lost.

The Soviet Government does not take Pamyat seriously, and they do not believe the threats. It is ironic that finally, when the Soviet Union has cast off its official policy of anti-Semitism, it rages up in the people as ferocious as the days in Stalin's reign. The Soviet Union is experiencing tremendous economic hardships and the people need a scapegoat. As history recounts, the Jews have traditionally been the scapegoats in similar circumstances.

At this time, I'd like to mention a puzzling incident that happened almost a month ago. When Secretary of State Baker visited the Soviet Union in February, it was well-publicized that he sat before the Soviet Parliament and fielded questions. Yet, what went unmentioned was Secretary Baker's strange refusal to meet with any Jewish activists or any refuseniks during his trip. Not only did he decline to meet with any refuseniks, but Secretary Baker did not even raise the issue of anti-Semitism during any of his sessions with Soviet officials.

In tandem with other recent events, the actions of Secretary Baker in February marked a departure from traditional U.S. practice. The Secretary of State has always met with Jewish dissident leaders on every visit to the Soviet Union that I can recall.

The question remains—what can we do? So many thousands of Jews are determined to get through the exit gates. Speedy departure is hindered by a year's delay in obtaining airplane reservations. What can we do? We can continue to pressure President Gorbachev to implement the direct flights agreement between El Al and Aeroflot airlines that was signed in Moscow on December 6, 1989. And we can ask why a commercial settlement is being postponed due to a game of political hardball. Humanitarian aid for Soviet Jews should not be contingent on the development of the Arab-Israeli conflict. Let us offer the Soviet Jews airlifts not bureaucratic taxi rides.

We can ask Secretary Baker to explain his refusal to meet with Jewish leaders in the Soviet Union. We can continue to demand that the Bush administration make this issue a priority in all discussions with Soviet officials. And we can remember the Holocaust and promise ourselves that we'll never let it happen again.

THE 100TH ANNIVERSARY OF THE NEAL-O'BRIEN BUILDING AND MATERIALS CORP.

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. HORTON. Mr. Speaker, I rise today to pay tribute to the Neal-O'Brien Building and Materials Corp. as it celebrates its 100th year in operation. The company has locations in Oswego, Fulton, and Red Creek, NY; all of which are in my congressional district.

For the last 100 years, the Neal-O'Brien Building and Materials Corp. has been providing lumber to homebuilders throughout the region. From the beginning, the company has focused on building neighborhoods, not just houses in the same area. This commitment to community building has contributed to the company's longevity and helped it to survive some troubled times including a disastrous fire in 1945. Following the fire, company fire W.G. O'Brien was quoted in the Oswego Palladium Times as saying, "The most precious possession of the firm is the friendship and esteem of businessmen and customers which the fire could not destroy." Apparently the competition also held Mr. O'Brien's operation in high esteem for several other lumber companies furnished him with enough materials to continue working.

Over the years, the company has changed names. In approximately 1890, Moses Prose Neal bought out Lefaiver & Co. and named it Jessmore & Co. In 1909, W.G. O'Brien went to work for M.P. Neal as a clerk and bookkeeper. In 1916, the firm once again changed names when it became known as Burke and O'Brien Lumber Co., with Mr. Neal as the major partner. Mr. Burke and Mr. O'Brien were the active partners. When Mr. Burke left the company in the midtwenties, the firm changed its name to the Neal-O'Brien Lumber Co. Today, Neal-O'Brien is owned by Larry O'Brien and his sister Ellen O'Brien.

Throughout the years, the owners and employees of Neal-O'Brien have sought to serve the people of Oswego and Wayne Counties with integrity, honesty, and a sense of fairness. That commitment remains as strong as ever as the firm enters into its second century. I am proud to have such a reputable firm in my congressional district.

Throughout 1990, the folks at Neal-O'Brien Building and Material Corp. will be celebrating their century of commitment and service. It is firms like this that epitomize small business in America.

As the Congressman for Oswego and Wayne Counties, I want to extend my congratulations to the owners and workers at Neal-O'Brien for a century-long job well done. I look forward to their continued commitment to excellence.

TRIBUTE TO THE REV. MIGUEL ALCANTARA

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. SANGMEISTER. Mr. Speaker, it is with great pride that I rise today to salute the work of a well-respected clergyman and constituent in my home district, the Reverend Miguel B. Alcantara. Reverend Alcantara, who will celebrate 25 years in the priesthood March 25, 1990, has tended to the spiritual needs of the members of St. Andrew's Parish in Calumet City, where he has served as associate pastor since 1982.

Reverend Alcantara was born in the Atimonan, Quezon, Philippines in 1940. After graduating from high school in his native land, he pursued an education in theology, which culminated in his ordination March 19, 1965, in Rome, the Eternal City.

His calling has taken him to Mexico, the Philippines, Brazil, as well as the United States. His first assignment in his adopted land was as an associate pastor at St. John Berchman's Parish in Chicago from 1970 to 1974 while he studied at De Paul and Loyola Universities. Later, he served at St. Rocco's Parish in Pittston, PA, and St. Sebastian's Parish in Middletown, CT.

In 1984, he became a citizen of the United States, and was honored as 1 of 12 "Out-

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standing New Citizens of the Year" by the Citizenship Council of Metropolitan Chicago.

During Reverend Alcantara's missionary work in Brazil from 1978 to 1981, he was named the "Outstanding Citizen of the City of Jandaia do Sula" and was made an honorary citizen of the Republic.

Although Reverend Alcantara is now a U.S. citizen, he still maintains close ties with his native land as coordinator of the Association of Filipino Clerics in Chicago, liaison priest for Filipinos with the Office of the Filipino Apostolate, and columnist for the VIA TIMES, a nationwide news magazine for Filipino-Americans.

Mr. Speaker, the parishioners of St. Andrew's Parish in Calumet City are fortunate to have Reverend Alcantara dedicated to their spiritual care. I congratulate Father Alcantara on this special milestone and hope he enjoys many more fruitful years in the priesthood.

A CONGRESSIONAL SALUTE TO THE TORRANCE, CA CHAMBER OF COMMERCE ON ITS 50TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. ANDERSON. Mr. Speaker, it is a pleasure to pay tribute to the Torrance, CA Chamber of Commerce. April 29, 1990, marks the 50th anniversary of this exemplary service organization.

The Torrance Chamber has served the area's business since the city was founded, providing half a century of community leadership. The chamber has contributed immeasurably to the social, cultural, and educational growth of Torrance, founding and fostering such community groups as the Torrance Sister City Association, Torrance Rose Float Association, and Miss Torrance Pagenant. It sponsored or cosponsored such community events as the area Armed Forces Day Celebration, Airport Days, Ranchero Days Medal of Valor Awards, the Downtown Torrance Friendship Festival, Energy Expo, and the South Bay International Surf Festival.

The organization has labored tirelessly to promote the area's commercial potential. To this end it has founded or assisted in the founding of the Torrance Visitors Bureau, the South Bay Association of Chamber of Commerce, and the South Bay International Trade Association.

The Torrance Chamber has made a noteworthy contribution to the prosperity of the city's business, helping to build a proud and balanced community. It continues its 50-year tradition of civic service through outstanding current programs representing the community at large and has remained fully accredited by the U.S. Chamber of Commerce for the last 15 years.

The Torrance Chamber of Commerce is to be congratulated on the occasion of the 50th anniversary of its incorporation and commended for its many contributions to the wellfare of the Torrance community.

My wife, Lee, joins me in extending our heartfelt congratulations to this dedicated organization. We wish its hardworking members all the best and know that with the commitment they continue to show to our community, the next 50 years will be just as memorable as the first.

TRIBUTE TO GEN. JOHN L. PIOTROWSKI

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. DICKINSON. Mr. Speaker, at the end of this month Gen. John L. Piotrowski, commander in chief of the North American Aerospace Defense Command and the U.S. Space Command, will be retiring from the U.S. Air Force after a distinguished 37-year career. His inspired leadership has dramatically improved the national security posture of North America and that of all Western defense forces. Under his stewardship, the North American Aerospace Defense Command and U.S. Space Command have become models of jointness and unification within the national military command structures of the United States and Canada.

As the 12th commander in chief of the North American Aerospace Defense Command, General Piotrowski championed unique improvements in NORAD Fighter readiness and surveillance capabilities. While performing his day-to-day mission of directing missile warning operations, General Piotrowski spearheaded the development of numerous warning programs. His efforts to replace outdated computers at Cheyenne Mountain with modern processors and displays have enhanced NORAD's ability to provide tactical warning and attack assessment to the national command authorities.

The recent expansion of NORAD's surveillance missions, to include counternarcotics operations, has provided General Piotrowski with his most enduring legacy. His support and leadership has provided NORAD clear direction and has rejuvenated the entire command.

Selected as the second commander in chief of the U.S. Space Command, General Piotrowski directed U.S. efforts to satisfy antisatellite and ballistic missile defense requirements. Throughout this effort, he mandated that all command efforts should strive for a common goal: better support from space for all terrestrial warfighters. Without adversely impacting upon the command's missile warning and space surveillance missions, General Piotrowski successfully advocated U.S. Space Command's need for warfighting assets. He has also been a staunch supporter of tactical missions and commanders and insisted that wartime planning efforts incorporate maximum support for tactical warfighters in all theaters. As a result, U.S. warfighting capabilities have been enhanced.

Through scores of briefings to decisionmakers in the executive and legislative branches, and articles in both Department of Defense and civilian publications, General Piotrowski has established himself as a leading advocate of ballistic missile defense, antisatellite capabilities, space-based wide-area surveillance, tactical space surveillance, and a responsive launch capability. Due in large part to his tireless efforts, those programs are moving forward in the Department of Defense's acquisition process.

We in Congress owe General Piotrowski a great deal of thanks for his efforts on behalf of this country. He has laid the groundwork for U.S national security policy to remain tied to a strong deterrent capability into the next century. I personally want to thank General Piotrowski for his years of counsel and want him to know that we all wish him the best of luck in the future.

GLOBAL PATENT HARMONIZATION

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. SCHULZE. Mr. Speaker, today I am introducing legislation to enhance international trade by harmonizing the incredibly diverse patent systems found throughout the world.

In the United States, the patent consideration process takes an average of 19 months. It requires 5 to 7 years and longer in other countries. In fact, one United States firm just received a patent in Japan—but only after a 29-year wait.

Also, in some countries, opposition to a patent application can be lodged prior to the granting of the patent, while this process is kept confidential in others. Clearly, these inequities act as trade barriers to U.S. firms fighting to compete globally, and severely impair true global trade expansion.

My bill would make global patent harmonization a negotiating objective of the United States, and direct the U.S. Trade Representative to consider the extent to which trading partners may employ their patent systems as unfair barriers to U.S. exports. In the name of expanding global trade opportunities, I urge my colleagues to support this legislation.

TRIBUTE TO ROBERT W. JONES

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to Attorney Robert W. Jones, who passed away on February 2. Robert Jones was a man who devoted his life to serving those less fortunate than himself. He was a brilliant criminal lawyer and a devoted family man. The community has truly suffered a great loss.

Robert Jones began practicing law in 1960. A graduate of Youngstown Law School, Robert has been described by close friends as "a classic lawyer for the underdog." Attorney Calvin Woodward best summed up the life of Robert Jones when he said, "He found the good—at least one good thing—in every person and that is difficult in our profession."

Robert was well known for his integrity and strong sense of fairness. He believed in justice for all, and was dedicated to ensuring that the less fortunate had their rights protected.

In addition to his work as an attorney, Robert Jones was also involved in many community organizations. He served as a special counsel to the State attorney general and as a trustee of the Ohio Academy of Trial Lawyers. Robert was a member of the Ohio State and Trumbell County Bar Associations, the National Association of Criminal Defense Lawyers, and the American Trial Lawyers Association. He was also a former trustee and general counsel of the First Methodist Church and a former president of the Warren Optimist Club. He was involved as well in the Trumbell County Council on Alcoholism, the Trumbell County Mental Health Center, and the Civil Service Commission.

Mr. Speaker, Robert Jones stands as a model of compassion and human service. His outstanding contributions to his community have made him a towering example of leadership and citizenship. We would all do well to follow the example of this generous man. Robert will always live in the memories and hearts of those who knew and loved him. We will long remember Robert Jones for his tremendous gifts to his fellow human beings.

THE 90TH ANNIVERSARY OF LOCAL UNION NO. 48

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. CARDIN. Mr. Speaker, on April 21, 1990, Plumbers and Gasfitters United Association Local Union No. 48 of Baltimore, MD, will celebrate its 90th anniversary.

Local 48 received its charter on April 14, 1990. The local union formulated a training program in cooperation with labor and management in 1946. In 1959 the Mechanical Contractors Association of Maryland and Local Union 48 established a declaration of trust agreement for the purpose of training apprentices and journeymen within the jurisdiction of the local. Local 48 has been instrumental in providing highly skilled craftsmen for the plumbing industry in the State of Maryland.

Contractors and local 48 members have not only campaigned to ensure a better life for their members and their families, but have contributed many hours of volunteer time to community service projects.

Local 48 projects include the annual Labor of Love Blood Drive, the Heat's on Project, the Ronald McDonald House and the construction of the new Waverly Family Center facility in Baltimore City.

Hundreds of local 48 members, contractors, international union officials, politicians, educators and friends will be in attendance at the 90th anniversary celebration combined with the apprentices' 19th Annual Awards Dance on April 21.

I want to offer my best wishes to Robert M. Diem, Sr., who has been business manager for the past 6 years and has spent over 26 years in service to Plumbers and Gasfitters Local Union 48. He has had the opportunity to serve a membership which has remained steadfast throughout the years.

I urge my colleagues to join me in honoring Plumbers and Gasfitters U.A. Local 48 on its 90th anniversary.

INTRODUCTION OF H.R. 4345

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. OBERSTAR. Mr. Speaker, recent studies of the management structure of the Federal Aviation Administration have indicated the need for reforms that permit the FAA to more effectively attract experienced air traffic controllers into the managerial and staff ranks of the agency.

Yesterday I, along with Congressman CLINGER and Congresswoman OAKAR, introduced H.R. 4345 which will assist the FAA in recruiting and retaining the highest quality of supervisors and managers into our Nation's air traffic control system.

Currently the FAA has difficulty in recruiting exceptionally qualified candidates into second-level supervisory and managerial positions in air traffic control-related operations. This situation is largely due to the disparity in retirement benefits between air traffic control positions and second-level supervisory, managerial, and staff positions for which air traffic control experience is a prerequisite.

Retirement benefits are currently available to air traffic controllers, first-level supervisors, and traffic management coordinators after 25 years of service regardless of age, or 20 years of service at age 50. However, under current law, prospective candidates for secondary positions in air traffic operations are discouraged from seeking or accepting promotions into such positions because time spent in secondary air traffic positions does not qualify for credit for early retirement purposes under current civil service laws.

According to the FAA, approximately 2,900 managerial and staff positions in the air traffic work force are excluded from the early retirement coverage. These positions, for which air traffic control experience is a prerequisite, include management, staff, training specialist, and data systems specialist positions, whether performed in an FAA field facility, its regional offices, or its headquarters in Washington. This inclusion significantly discourages air traffic controllers from seeking or accepting assignments and promotions into the managerial and staff ranks at the FAA.

The legislation I have introduced would provide significant assistance to the FAA in relieving recruitment problems currently associated with management and administrative positions in its air traffic operations by providing credit for time spent in secondary positions toward the 20 or 25 years required for retirement benefits. The bill would assure that civil service laws governing retirement do not penalize air traffic controllers who are promoted in the career ladder into managerial and administrative positions.

In fact, it would bring the treatment of supervisors and managers in the air traffic control profession into line with other stressful occupations such as law enforcement and firefighting. In 1972, Congress recognized the need to provide incentives for promotion into the managerial ranks when it extended retirement credit to secondary positions held by law enforcement officers and firefighters. It is now time to recognize the need to extend these retirement benefits to air traffic control secondary positions and remove the disincentive for well qualified people to seek these positions.

Mr. Speaker, this measure will promote and advance the quality of our Nation's air traffic control system. When it is enacted, every air passenger and air carrier will benefit from the management improvements it provides toward assuring that our air traffic system remains the world's best.

I urge our colleagues to join me in cosponsoring this legislation. Members should have their staff call David Bleicken in my office at 225-6211 if they wish to be a cosponsor of H.R. 4345.

THE PITTSFIELD HIGH SCHOOL HOCKEY TEAM WINS STATE CHAMPIONSHIP

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. CONTE. Mr. Speaker, Mr. Speaker, I rise today to pay tribute to a group of young men who, dedicated to their cause, were able to achieve something only accomplished twice previously in the history of western Massachusetts.

The Pittsfield High School Hockey Team, under the leadership of Coach Jim Andersen, rallied to win the Division III State Championship. In an emotional game, after being several goals behind in the first period, the team was able to overcome and defeat its adversary: Bourne High School.

This resilience is exemplary of the Pittsfield team. After four losses at the State finals in 1974, 1975, 1976, and 1988, the strength and comraderie present in this incarnation of the team were able to defy historical evidence. Perseverance characterizes the Pittsfield team; regardless of odds and the remarkable skills of its opponents, the team was able to claim the State title.

I wish to express my elation at the success of the Pittsfield Hockey Team. I, myself grew up and attended school in Pittsfield and still hold that sense of pride and loyalty which developed during my years there.

It is wonderful when the hometown team brings back the glory of a State championship, and all the residents of Pittsfield, as well as those who ever held the city dear to them can share the joy and feel a part of a phenomenal local success. A person can say, "That's our team," and feel as though he or she had skated right alongside the members of the team.

I want to congratulate "our team" and extend my most sincere pride and happiness in an accomplishment of extreme merit.

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THE NEED TO REVITALIZE OUR NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. BROWN of California. Mr. Speaker, today Mr. Fazio, Mr. Boehlert, Mr. Emerson, Mr. Walgren, and I will introduce a bill to revitalize our National Earthquake Hazards Reduction Program, which has been continually eroding since its inception in 1977. This bill would increase funding for the Earthquake Program to $200 million over a period of 4 years. The investment is modest, but the payoff will be great—in dollars, and in lives.

Last October 18, I stood here and announced the preliminary casualty and damage estimates from the Loma Prieta earthquake. One week later, we appropriated $3.5 billion in aid for victims of that disaster. It is a sad commentary on our bookkeeping skills that we find it easier to spend billions on disaster response than the millions required for anticipation. And it is an indictment of our good sense.

Earthquakes are a national problem. More than three quarters of the population of this country live in areas that are at risk from moderate or major earthquakes. That's a lot of constituents. When the next great earthquake strikes a major urban center, damages will probably exceed $50 billion. That's a lot of money. But if we take responsible action now, loss of life and property—and consequent social and economic disruption—can be greatly reduced. Let's prepare for earthquakes, not pay for them after they occur.

INTRODUCTION OF THE JOINT RESOLUTION DESIGNATING THE YEAR 1990 AS THE YEAR OF THE VOTE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing legislation to designate 1990 as the "Year of the Vote."

On August 6, 1965, the Voting Rights Act was signed into law by President Lyndon Johnson. Many barriers to voting, including poll taxes and literacy tests, were eliminated at that time. We have witnessed some great changes in the areas of civil rights and voting rights for blacks and other minorities because the Voting Rights Act made it possible for millions of citizens to exercise the franchise.

People of all races worked to bring an end to voting discrimination in our society. Now, 25 years later, we must battle a different foe in our crusade to bring the citizens of this country to the polls. We are fighting apathy among the voting age populations of this country. Apathy kept half of those eligible to vote from doing so in the last Presidential election.

By declaring 1990 as the "Year of the Vote," we will enhance awareness of the need for increased voter participation in the United States. It will demonstrate our commitment to increasing voter registration and turnout at the polls; and it will acknowledge that voting is crucial to the maintenance of a durable democracy.

OBERLIN SMITH SOCIETY CELEBRATES 150TH ANNIVERSARY OF INVENTOR'S BIRTH

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. HUGHES. Mr. Speaker, today I would like to pay tribute to Oberlin Smith who was recently recognized as the father of the magnetic recording of sound. This technology has lead to development of products such as: tape decks, floppy disks, and VCR's.

Oberlin Smith completed his basic education in Bridgeton, NJ and returned there in 1863 after college to establish his own business. He founded a tool company which later became the Ferracute Machine Co. With Smith as chief engineer, his company produced machine presses for cutting and forming metal. His machines went on to produce everything from pots and pans to parts for model T Fords and Kodak camera.

Even while running this business, Smith still found the time to be an inventor. He held 70 patents, most related to business, but also included ones for a malted milk mixer and an automatic egg boiler. He also served as president of the American Society of Mechanical Engineers as well as on various Bridgeton boards and commissions.

Smith became interested in recorded sound when he saw Thomas Edison's phonograph in 1877. Smith was not satisfied with the scratchiness of the sound and hoped to develop a machine that would eliminate background noise. A short time later Smith developed the magnetic recording and playback systems which he documented by filing papers with the Cumberland County clerk in September of 1878. He even filed a caveat with the U.S. Patent Office. However, his business demanded almost all of his attention and he was unable to continue his experiments. He published an article titled "Some Possible Forms of the Phonograph" in 1888 and encouraged others to further develop his ideas. In his article, he was confident that whomever made use of his ideas would give him his due credit.

Well, Oberlin Smith is finally receiving the credit that was due to him when magnetic recording was introduced to the world nearly a century ago. I am proud to be able to recognize Oberlin Smith, today, March 22, 1990, the 150th anniversary of his birth.

A TRIBUTE TO ARCHBISHOP OSCAR ROMERO

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. WEISS. Mr. Speaker, 10 years ago, a courageous and peace-loving man named Oscar Romero was assassinated in El Salvador. In some ways, this remarkable man was like no other figure in the tragic Salvadoran conflict—he was an undisputed voice of conscience for the Salvadoran people and he was a world-renowned leader of the Catholic Church.

Yet in many ways, Archbishop Romero was an ordinary man. His story is like that of tens of thousands of other nameless Salvadorans who raised their voice against violence and oppression—and were struck down by instruments of their own government. These courageous people—church workers, labor leaders, human rights monitors—have paid the ultimate price in their struggle for justice in El Salvador.

Archbishop Oscar Romero was a genuine prophet of peace. As we join today with people from around the world who pay tribute to his life we pray that the long suffering people of El Salvador will soon see their nation at peace.

IN FAVOR OF LIFTING BAN ON WOMEN'S APPAREL INDUSTRY

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. LIGHTFOOT. Mr. Speaker, I rise in support of the amendment of my colleague from Georgia to lift the remaining restrictions on those who work at home in the women's apparel industry. As you know, the Secretary of Labor banned homework in seven industries, including women's apparel. In 1981 and 1988, the Department of Labor lifted restrictions on six of the seven industries, with women's apparel the remaining industry in which those who wish to do so could not work at home. My colleague's amendment would remove this last and in my view, unnecessary, obstacle. Earlier in this Congress, I introduced legislation with the same intent.

I believe both my bill and this amendment provide American workers with the fuller range of employment opportunities and options they deserve. There are many individuals, such as single parents, those who care for elderly dependents and physically challenged individuals who would benefit from the lifting of this restriction. For the U.S. Government to maintain a roadblock to the form of employment which best suits their needs and lifestyles is absurd. In many districts such as mine, which are largely rural, the spectrum of job opportunities may be narrow. This amendment helps to broaden the scope of employment opportunities for the citizens of my district and others across the country. For that reason, I support this amendment and urge my colleagues to do the same.

CONGRATULATIONS TO ASTRONAUT CANDIDATE JANICE E. VOSS

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, I want to take this opportunity to recognize and congratulate a very special individual, Janice Elaine Voss, a constituent of mine who has had the honor of being selected as an astronaut candidate for the Space Shuttle Program by the National Aeronautics and Space Administration [NASA].

Janice Voss has had a most distinguished career. Born and raised in Wilbraham, MA, she graduated from Purdue University with a bachelor of science degree in engineering science. Following graduation, Janice brought her considerable intellectual talents back to New England where she earned both her masters and doctorate degrees from the Massachusetts Institute of Technology.

In addition to her academic achievements, which include several fellowships, Janice has served in a variety of professional capacities. Beginning in 1973, with a position at NASA's Johnson Space Center, and including research work at MIT and Rice University, her experience in the aeronautics field has been uncommon.

Janice Voss has spent the better part of her life mastering the complexities of aerospace engineering. Her dedication and commitment to scientific excellence is well known and respected. It is therefore fitting that she should be chosen to serve her country in a most significant capacity, that of an astronaut. I am confident that she will perform her duties as a mission specialist with distinction.

Mr. Speaker, the United States is truly fortunate to have Janice Voss serving in the Space Shuttle Program. I want to wish her all the best as she prepares for the exciting and challenging training program on which she will soon embark, and the exhilarating voyage into space which will follow.

TRIBUTE TO NORTHEAST HIGH SCHOOL

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Mr. BORSKI. Mr. Speaker, I rise today in recognition of the centennial of Northeast High School.

In 1890, Northeast Manual Training School first opened its doors to eager young men in Philadelphia. After considerable expansion during the turn of the century, the school changed its name to Northeast High School and became coeducational.

Over the years, Northeast High School has been nationally honored for its demonstrated commitment to excellence in education. For example, in 1951, the school was chosen "National School of the Year" and received the Francis Bellamy Flag Award for the citizenship of its students and the success of its graduates.

In addition, Northeast High School has received nationwide acclaim for initiating innovative demonstration projects. In 1963, the school established the space research center [SPARC] Program, which received official recognition by NASA. In 1966, this successful program was inaugurated as a magnet school concept.

Since opening in 1890, Northeast High School has awarded diplomas to over 58,000 graduates who have gone on to pursue careers in virtually every sector of society. In particular, the school has a long and distinguished history of graduating community leaders—many of whom are currently active in city and State government. This pattern of excellence is continued today by the present senior class, which has three national merit finalists and several national merit commended students.

Mr. Speaker, I join the citizens of Philadelphia in commending and thanking Northeast High School for a century of quality academic service to its community. I am sure the school will continue this time-honored tradition over the next 100 years.

RECOGNIZING THE WORK OF THE MIAMI MEDICAL TEAM

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 22, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the spirit of voluntarism in America has taken the cause of democracy abroad. I take this opportunity to recognize a unique nonprofit, humanitarian organization which has advanced the cause of liberty globally through medical care—the Miami medical team. Through their medical, surgical and dental teams they have brought the strategic asset of health to the Mujahideen of the interim Government of Afghanistan and the freedom fighters in Nicaragua, among many other groups.

In November 1989, the Miami Medical Team, led by Dr. Manuel A. Alzugaray, traveled to Peshawar, Pakistan, the headquarters of the interim Government of Afghanistan to deliver a fully equipped MASH hospital to the Mujahideens. The logistics of the task itself were made possible by donations from hospitals all over the United States. During their stay in the area, there was daily bombardment by high altitude planes of the Kabul forces and the team found the Mujahideens short on military and humanitarian supplies. The Miami medical team's medical relief filled an important role in the Mujahideen's resistance.

Later, in December 1989, the Miami medical team traveled to Honduras to inspect the construction of the Yamales Hospital on the Nicaraguan border. The new hospital is replacing the Aguacate Hospital, forcibly closed by the Sandinistas in 1988 to prevent it from serving the Contra forces. The construction of the new hospital was progressing well, however, its propinquity to the Nicaraguan border makes it vulnerable to Sandinista attack. In both 1983 and 1984 the Sandinistas destroyed a hospital located in Las Vegas. It is under these conditions that the medical team worked for the sustenance of the Contra's wounded and medical personnel.

It is appropriate that we offer the Miami medical team praise for their commitment to liberty and humanity. Through its independent medical missions, the team has brought a dose of healing and peace to troubled areas in our world.

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HOUSE OF REPRESENTATIVES—*Monday, March 26, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore (Mr. BONIOR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 26, 1990.

I hereby designate the Honorable DAVID E. BONIOR to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker, House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, for the gift of health—health of body or mind or spirit. We remember in this our prayer those who are burdened by the anxiety or pain of ill health or limited by the misfortunes of sickness of any sort. May the power of Your healing spirit, gracious God, grant to all well-being in body, mind, or spirit so that every person may enjoy the blessings of life and experience the beauty and opportunity of this new day. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Pledge of Allegiance will be led by the gentleman from Arizona [Mr. KYL].

Mr. KYL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 2306. An act to provide relief for national forests damaged by Hurricane Hugo, and for other purposes;

S. Con. Res. 106. Concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process; and

S. Con. Res. 108. Concurrent resolution concerning the right of self-determination of the Lithuanian people.

LET US GET DOWN TO BUSINESS

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker, it may be spring fever, but I am getting "antsy." We have been in session 29 days and have very little to show for it. Not counting Mondays and Fridays, we have 61 days left to get our work done before adjournment on October 5. And think about what we have to do: child care, budget resolution, farm bill, clean air, supplemental appropriations, 13 appropriations bills, reconciliation, defense authorization, campaign reform, Americans with Disabilities Act, civil rights bill, housing bill, S&L's, budget reform, and debt ceiling extension, just to name a few.

Mr. Speaker, this is an election year. I do not want to defend a do-nothing Congress.

Next Sunday is April Fool's Day. If we do not get going, the joke is going to be on us.

THE CHILD CARE BILL

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, as a follow-on to my colleague, the gentleman from Massachusetts, we have now been waiting for over a week since we received notice that we are going to take up the child care bill. One of the problems with the child care bill apparently is this matter of religion. There is a suggestion by some that it is not necessary to provide vouchers for low-income families to send their children to facilities, day care facilities in religious institutions, and yet that is where over 30 percent of the care in this country is provided. In some areas it is much more than that.

You cannot finesse religion, Mr. Speaker, and I think it is important that we make it very clear in this child care bill that vouchers will be available, not only for day care in these religious facilities, but also for those who wish it for religious instruction. Without that, the ability of many of the parents who would like to send their children to these facilities is meaningless.

I think if we are going to give parents a choice to inculcate values into their children as they wish, they have the right to send them to the kind of facilities that they want, and that includes religious institutions.

THE FAIRDALE BULLDOGS KENTUCKY STATE BOYS HIGH SCHOOL BASKETBALL CHAMPIONS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, today I rise to celebrate and congratulate the Fairdale High School Bulldogs who, last Saturday night in Louisville's Freedom Hall, won the 1990 Kentucky State Boys' High School Basketball Championship.

This tournament is what we in Kentucky, Mr. Speaker, call the "Sweet Sixteen." And, how sweet it was and how sweet it is for Fairdale: for Fairdale the High School, and for Fairdale the community.

For those of us who live in Jefferson County and are natives of that area, we know how important to the Fairdale community the high school is. Every resident of Fairdale was in near-ecstasy last Saturday as the final second ticked off the game clock.

So after several years of being in the "Sweet Sixteen," but without being able to bring home the championship cup, last Saturday night the Fairdale Bulldogs did win. They won convincingly and they won with class.

I would like to take this opportunity again, Mr. Speaker, to celebrate Fairdale's victory, to salute the players, the coaches, the trainers, the athletic directors, the cheerleaders, the principal and the faculty and staff and everybody who was involved with this great victory. It brings pride to those of us who are residents of Jefferson County.

MAJOR STEP BACKWARD IN SOVIET JEWISH EMIGRATION POLICY

(Mr. SCHUMER asked and was given permission to address the House

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, over the weekend in a hardly noticed announcement, the Soviet Union said that it would be terminating flights from Moscow, Leningrad, and Kiev that went through Budapest and then on to Israel.

This has been the major escape route for thousands of Soviet Jews over the last several months and a termination of these flights will leave them stuck in the Soviet Union. Already faced with a rising tide of anti-Semitism and emigration difficulties, this new blow puts an end, or a virtual end to the major escape route of Soviet Jews who wish to leave the Soviet Union and emigrate to Israel.

This is a major step backward, Mr. Speaker. At a time when the Soviet Union is struggling to make itself a more open society, it undermines its position by imposing these restrictions and a smiling face in the background to all this was Yasir Arafat, head of the PLO, who threatened these flights with terrorist operations.

Mr. Speaker, we cannot let this happen again. People in my district are haunted by the memory of what happened 50 years ago when thousands wished to escape Eastern Europe and Germany and were not let in anywhere else. Now it is happening again through the terrorism of Yasir Arafat and the compliance of the Soviet Union.

We are upset. We are concerned. The Soviet Union desires new trade relations with the United States. This Congress and the Bush administration should make it very clear that enhanced trade status is completely unachievable without a clear reversal of Soviet Jewish emigration policy. To make the law more liberal and then prohibit transportation that allows the very people to get out is not going to fool this Congress or this country.

ANNUNZIO VOWS SUPPORT FOR CREDIT UNIONS IN BATTLE WITH BANK LOBBY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, there is a war brewing in the United States between the Nation's bankers and its credit union operators. And that is sad. Banks are lobbying Congress to take away a tax break from credit unions that enables them to offer better loan rates. Credit unions accuse the bankers of planting scare stories around the country that compare their industry with the beleaguered savings and loans.

I have been for some time, and still am, a great believer in credit unions. One of the first things I did when I came to Congress was to head a congressional delegation that went to Europe and the Far East to look at the financial problems faced by American service men and women who were being victimized by legalized loan sharks. The answer to many of their problems was the establishment of credit unions at overseas military installations. Now, more than 20 years later, credit unions are once again helping to solve a financial problem in foreign countries. I am currently working with the Bush administration to have the State and Treasury Departments assist the emerging democracies in Eastern Europe, especially Poland, to bring credit union operations to their countries. Credit unions are an outstanding symbol of democracy, and it is fitting that credit unions should play an important role in building the new democracies in Eastern Europe.

Mr. Speaker, I raise these points because of a letter I received from Mr. Stan Kroll, who is personnel manager of the American Gasket & Rubber Co. which is located in my district. Mr. Kroll wrote me that his company had offered its employees a payroll savings plan with a local bank, but less than 10 percent of the work force participated in the program. He said those employees who did participate were often frustrated by this institution's regulations regarding minimum account balances to earn interest and quarterly maintenance fees.

About a year ago, he said, the company canceled the payroll savings program with the bank and offered the employees the opportunity to participate in a not-for-profit credit union. Since then, more than 52 percent of the company's employees have become active members. Among the reasons given by Mr. Kroll for the increase in participation: Interest paid on minimum balances of $25, no quarterly maintenance fees on low-balance savings accounts, higher rates of return on savings, lower interest rates on loans, easier access for credit—especially for someone with little credit history, no monthly checking fees, no annual credit card fees, and an annual rate on credit card balances of 15.5 percent.

Mr. Speaker, Mr. Kroll beseeched me to fight the banking industry lobby to make credit unions for-profit institutions and to merge the bank and credit union insurance funds. And I intend to do so. We need a credit union system in this country. We need a commercial bank system and we need a savings and loan system.

As far as the banking lobby's campaign to bring about the taxation of credit unions, I don't believe there is much support on Capitol Hill for such an action. I would suggest any taxation of credit unions is not really a taxation of credit unions, but rather, a taxation of credit union members. You don't tax the brick and mortar and make it pay. You tax the owners of the credit union which are the members. I have said this previously but it bears repeating: the first vote cast against taxing credit unions would be that of the gentleman from Illinois, FRANK ANNUNZIO.

AMERICAN GASKET & RUBBER CO.,
Schiller Park, IL, March 15, 1990.

Hon. FRANK ANNUNZIO,
U.S. House of Representatives,
Washington, DC.

DEAR SIR: For many years, we had offered our employees a payroll savings plan with a local bank. Less than 10 percent of our workforce participated in the program. Those employees who did participate were often frustrated by this institution's regulations regarding minimum account balances to earn interest and quarterly maintenance fees.

One year ago, we cancelled our payroll savings program with the bank and offered our employees the opportunity to participate in a not-for-profit credit union. Since then, over 52% of our employees have become active members. The reasons for this large participation are the advantages offered by a not-for-profit credit union over a for-profit financial institution.

(1) Interest paid on minimum balances of $25.00.

(2) No quarterly maintenance fees on low-balance savings accounts.

(3) Higher rates of return on savings.

(4) Lower interest rates on loans.

(5) Easier access for credit, especially for someone with little credit history.

(6) No monthly checking fees.

(7) No annual fee credit card.

(8) APR on credit card balances of 15.5%.

Now, it appears these advantages are being threatened. Recent magazine and newspaper articles have indicated the banking industry is lobbying to make credit unions for-profit institutions. In addition, the banking industry is suggesting merging the credit union insurance fund with the FDIC insurance fund.

Not-for-profit credit unions are serving a vital function for low to middle income savers. For many of our employees, their association with the credit union represents the only time they have had an established savings program.

Many of our employees used to cash checks at currency exchanges and get money orders to pay their bills. All of these transactions costs them part of their pay checks.

We urge you to carefully consider any issues to revoke the not-for-profit status of credit unions and to merge the FDIC and credit union insurance funds. If our employees are a reflective sample of your constituents, your constituents respectfully request you to vote against these two issues.

Sincerely,

STAN KROLL,
Personnel Manager.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KYL) to revise and extend their remarks and include extraneous material:

Mr. CHANDLER, for 60 minutes, today.

Mr. GINGRICH, for 60 minutes, on March 27, 28, and 29.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ANTHONY, for 30 minutes, on March 27.

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EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. Kyl) and to include extraneous material:

Mr. Gilman.

(The following Members (at the request of Mr. de Lugo) and to include extraneous matter:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Nelson of Florida.

Ms. Slaughter of New York.

Mr. Alexander.

Mr. Clay.

Mr. Roe.

Mr. Feighan.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2306. An act to provide relief for national forests damaged by Hurricane Hugo, and for other purposes; to the Committee on Agriculture.

S. Con. Res. 108. Concurrent resolution concerning the right of self-determination of the Lithuanian people; to the Committee on Foreign Affairs.

S. Con. Res. 106. Concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. de LUGO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p.m.), under its previous order, the House adjourned, until Tuesday, March 27, 1990, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2819. A communication from the President of the United States, transmitting a proposed amendment to the fiscal year 1991 request for appropriations in the amount of $200,000,000 for the economic support fund, pursuant to 31 U.S.C. 1107 (H. Doc. 101-164); to the Committee on Appropriations and ordered to be printed.

2820. A letter from the Secretary of Transportation, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Urban Mass Transportation Administration's cumulative third quarter apportionment in the account titled "Washington Metro, Urban Mass Transportation Administration," pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2821. A letter from the Principal Deputy for Production and Logistics, Department of Defense, transmitting a report on independent research and development and bid and proposal costs for fiscal year 1989, pursuant to 10 U.S.C. 2358 nt.; to the Committee on Armed Services.

2822. A letter from the Chairman, Council of the District of Columbia, transmitting, a copy of D.C. Act 8-180, Office of Employee Appeals Amendment Act of 1990, and report, pursuant to D.C. Code section 1-223(c)(1); to the Committee on the District of Columbia.

2823. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-179, Genetic Tests for the Establishment of Paternity Amendment Act of 1990, and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2824. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-176, Guardianship and Protective Proceedings Amendment Act of 1990, and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2825. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-177, Medicaid Coverage Expansion Act of 1990, and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2826. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 8-178, Closing of Public Alleys and Establishment of Easements in Square 347, S.O. 88-102, Act of 1990, and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2827. A letter from the Chairman Council of the District of Columbia, transmitting a copy of D.C. Act 8-181, Corrective Action Amendment Act of 1990, and report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

2828. A letter from the Secretary of Health and Human Services, transmitting a copy of a report entitled "Broadening the Base of Treatment for Alcohol Problems", prepared by the National Academy of Sciences, pursuant to 42 U.S.C. 29066 nt.; to the Committee on Energy and Commerce.

2829. A letter from the Secretary of Health and Human Services, transmitting a copy of the 1989 edition of "Health, United States", which presents data in four areas: costs and financing of health care, distribution of health care resources, and the health of the Nation's people; in addition it contains the fourth triennial "Prevention Profile", pursuant to 42 U.S.C. 242m(a)(2)(A), (B), (C), (D); and 242 U.S.C. 242p(a); to the Committee on Energy and Commerce.

2830. A letter from the Acting Assistant Secretary, Environment, Safety and Health, Department of Energy, transmitting the Department's annual report on progress in implementing requirements concerning hazardous substances for fiscal year 1989, pursuant to Public Law 99-499, section 120(e)(5) (100 Stat. 1669); to the Committee on Energy and Commerce.

2831. A letter from the Assistant Secretary for Legislaltive Affairs, Department of State, transmitting a copy of Presidential Determination No. 90-14, authorizing the furnishing of assistance from the emergency refugee and migration assistance fund to meet unexpected urgent needs in Southeast Asia, Africa, and Central America, pursuant to 22 U.S.C. 2601(c)(3); to the Committee on Foreign Affairs.

2832. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by GAO in February 1990, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

2833. A letter from the Chairman, Council on Environmental Quality transmitting a report on its activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2834. A letter from the Chairman, Farm Credit Administration, transmitting a report on its activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2835. A letter from the Chairperson, Navy Resale and Services Support Office Retirement Trust, transmitting the Navy Resale and Services Support Office retirement plan for the years ending December 31, 1987 and 1988, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

2836. A letter from the Assistant Secretary for Manpower and Reserve Affairs, Department of the Army, transmitting a draft of proposed legislation to increase the authority of the military departments to settle administrative tort claims under the Federal Tort Claims Act; to the Committee on the Judiciary.

2837. A letter from the Secretary of Commerce transmitting a draft of proposed legislation to reauthorize and amend the Coastal Zone Management Act of 1972, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

2838. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Passaic River Mainstem, New Jersey and New York, together with other pertinent reports and comments, pursuant to Public Law 94-587, section 101 (90 Stat. 2917) (H. Doc. No. 101-163); to the Committee on Public Works and Transportation and ordered to be printed.

2839. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting a report on the progress in implementing the Great Lakes Water Quality Agreement with Canada, pursuant to 33 U.S.C. 1251; to the Committee on Public Works and Transportation.

2840. A letter from the Associate Director, State and Local Programs Support, Federal Emergency Management Agency, transmitting a copy of a report entitled "Recommendations Concerning Improvement of Relationship Among Disaster Management Officials", pursuant to Public Law 100-707, section 110 (102 Stat. 4710); to the Committee on Public Works and Transportation.

2841. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to expand the Secretary's authority to make temporary appointments of certain health care personnel employed in the Veterans Health Services and Research Administration, to the Committee on Veterans' Affairs.

2842. A letter from the Secretary of Defense transmitting notification of the Department of the Air Force's intent to obligate $12 million for R&D for the ALQ-161A "core" program, pursuant to Public Law 101-165, section 9071; jointly, to the Committees on Appropriations and Armed Services.

2843. A letter from the Comptroller of the Currency, transmitting the annual report on consumer complaint processing activities for calendar year 1989, pursuant to 15 U.S.C. 57a(f)(6); jointly, to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

2844. A communication from the President of the United States, transmitting the annual report on international activities in science and technology [S&T] for fiscal year 1989, pursuant to 22 U.S.C. 2656c; jointly, to the Committees on Foreign Affairs and Science, Space, and Technology.

2845. A letter from the Counsel to the President, the White House, transmitting a draft of proposed legislation to make technical and conforming amendments to the Ethics Reform Act of 1989; jointly, to the Committees on the Judiciary, Ways, and Means, House Administration, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Mar. 22, 1990, the following report was filed on Mar. 23, 1990]

Mr. DELLUMS: Committee on the District of Columbia. H.R. 1463. A bill to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System; with an amendment (Rept. 101-430). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HAWKINS (for himself, Mr. Clay, Mr. Miller of California, Mr. Murphy, Mr. Martinez, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Perkins, Mr. Sawyer, Mr. Payne of New Jersey, Mrs. Lowey of New York, Mr. Poshard, Mrs. Unsoeld, Mr. Rahall, Mr. Fuster, and Mr. Jontz):

H.R. 4379. A bill to improve education in the United States; to the Committee on Education and Labor.

By Mr. HAWKINS:

H.J. Res. 531. Joint resolution designating May 4, 1990, as Department of Education Day; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Jersey (for himself, Mr. Yatron, Mr. Bereuter, Mr. Owens of Utah, Mr. Burton of Indiana, Mr. Lantos, Mr. Gallegly, Ms. Ros-Lehtinen, Mr. Solomon, and Mr. Goss):

H. Res. 365. Resolution relating to human rights abuses by the Government of Cuba and reprisals by the Cuban Government against those Cuban citizens who testified before the Cuba Working Group of the United Nations Human Rights Commission; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

335. By the SPEAKER: Memorial of the Senate of the State of Ohio, relative to amending S. 1630; to the Committee on Energy and Commerce.

336. Also, memorial of the House of Representatives of the State of California, relative to the Bureau of the Census; to the Committee on Post Office and Civil Service.

ADDITIONAL COSPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 292: Mr. Crockett.
H.R. 563: Mrs. Lloyd.
H.R. 1360: Mr. Bates.
H.R. 2085: Mr. Shumway.
H.R. 2648: Mr. AuCoin.
H.R. 2669: Mr. Ireland.
H.R. 2776: Mr. Petri, Mr. Mazzoli, Mr. Hatcher, Mr. Hutto, and Mr. Rowland of Connecticut.
H.R. 3475: Mr. Mavroules.
H.R. 3483: Mr. AuCoin.
H.R. 3673: Mr. Faleomavaega, Mr. Condit, Mr. Roberts, Mr. Kolter, Mr. Paxon, Mr. Solomon, Mr. Hastert, Mr. Penny, and Mr. Inhofe.
H.R. 3735: Mr. Leath of Texas and Mr. Natcher.
H.R. 3859: Mr. Jones of North Carolina.
H.R. 3869: Mr. Armey.
H.R. 3979: Mr. Foglietta, Mr. Moakley, and Mr. Gordon.
H.R. 4000: Mr. Bennett, Mr. Boehlert, Mr. Bosco, Mr. Brown of California, Mr. Coyne, Mr. DeFazio, Mr. Downey, Mr. Dwyer of New Jersey, Mr. Eckart, Mr. Fazio, Mr. Frost, Mr. Gibbons, Mr. Glickman, Mr. Hall of Texas, Mr. Hamilton, Mr. Hochbrueckner, Mr. Jacobs, Mr. Johnston of Florida, Mr. Jones of North Carolina, Mr. Jontz, Ms. Kaptur, Mr. McCloskey, Mr. McMillen of Maryland, Mr. Machtley, Mr. Moakley, Mr. Pallone, Mr. Penny, Mr. Poshard, Mr. Sangmeister, Mr. Scheuer, Mr. Swift, Mr. Traxler, Mr. Visclosky, and Mr. Walgren.
H.R. 4060: Mr. Penny, Mr. McMillen of Maryland, Mr. Emerson, and Mr. Ridge.
H.R. 4109: Mr. Porter, Mr. Poshard, and Mr. Valentine.
H.R. 4147: Mr. AuCoin.
H.R. 4207: Mr. Bustamante.
H.R. 4278: Mr. Hansen.
H.R. 4369: Mrs. Byron.
H.J. Res. 54: Mr. Traficant.
H.J. Res. 459: Mr. Inhofe.
H. Con. Res. 206: Mr. Bilbray.
H. Con. Res. 265: Mr. Armey.
H. Con. Res. 290: Mr. Bilirakis, Mr. Bustamante, Mr. Clarke, Mr. de Lugo, Mr. Dreier of California, Mr. Feighan, Mrs. Lowey of New York, Mr. McNulty, Mr. James, Mr. Machtley, Mr. Pallone, Mr. Poshard, Mr. Laughlin, Mr. Johnston of Florida, Mr. Sawyer, Mr. Richardson, Mr. Hoagland, Mr. Waxman, Mr. Sisisky, Mr. Wise, Mr. Glickman, Mrs. Boxer, Ms. Pelosi, Mr. DeFazio, Mr. Torricelli, Mr. Frost, Mr. Ackerman, Mr. Sarpalius, Mr. Jones of Georgia, and Mr. Parker.

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SENATE—*Monday, March 26, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the Honorable **Bob Graham**, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He hath shewed thee, O man, what is good; and what doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God?—Micah 6:8.

Eternal God, perfect in truth and justice and mercy, as the Senate begins its labors this week, make Thy presence be felt in every office and every room of this place. The destiny of nations and the welfare of millions rest with the decisions made in this Chamber. As Your servants exercise their power, may they do so aware of the profound implications of their judgments. Free them, personally and collectively, from every excess, motive, attitude, or fear that would hinder or defeat the high and noble purpose of the Senate. Keep them humble in their exercise of power and diligent in their labors.

In Jesus' name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. **Byrd**].

The assistant legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, March 26, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable **Bob Graham**, a Senator from the State of Florida, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order the majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, following the time for the two leaders, there will be a period for morning business not to extend beyond 1 p.m. with Senators permitted to speak therein.

At 1 p.m. today the Senate will resume consideration of the clean air bill, S. 1630. There will be no rollcall votes today.

Mr. President, as I indicated just prior to our recessing last week, it is my hope that we can now proceed, when we return to the clean air bill, to the consideration of a major amendment to be offered by Senators **Nickles** and **Heflin** related to permits and enforcement.

I have discussed this with the distinguished Republican leader, and we have each discussed it with the respective Senators on our sides. Therefore, I will now propound a unanimous-consent agreement covering that matter and the Senate schedule through tomorrow afternoon.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the Clean Air Act at 1 p.m. this afternoon, the pending amendments be laid aside and Senator **Nickles** be recognized to offer the Nickles-Heflin amendment relating to permits and enforcement and that there be 4 hours of debate on the amendment, equally divided and controlled in the usual form;

That when the Senate recesses at the close of business today, it stand in recess until 8:45 a.m. on Tuesday, March 27; that immediately following the prayer the Journal of proceedings be deemed approved; and that the Senate immediately resume consideration of S. 1630, that the time until 9:30 be equally divided in the usual form on the Nickles-Heflin amendment, and that a vote on, or in relation to the amendment occur at 9:30 a.m.; and

Following the conclusion of the vote with respect to the Nickles-Heflin amendment, I further ask unanimous consent that the Senate stand in recess subject to the call of the Chair in order to permit Members of the Senate to join with their House colleagues in a joint ceremony to honor the centennial of the birth of President Dwight D. Eisenhower; that when the Senate reconvenes, that there be time for the two leaders, and that immediately following the time for the leaders, the Senate resume consideration of S. 1630; and that the Senate stand in recess between the hours of 1 p.m. and 2:30 p.m. to accommodate the two party conferences.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues.

SCHEDULE

Mr. MITCHELL. I announce for the information of Senators that there will be no rollcall votes today. We will debate the Nickles-Heflin amendment for 4 hours today, and then tomorrow morning we will debate it further for 45 minutes between 8:45 and 9:30 a.m. There will be a vote on the amendment at 9:30 a.m. tomorrow unless, prior to that, an agreement is reached to dispose of the amendment.

Then the Senate will recess for the joint ceremony with the House honoring the centennial of President Eisenhower's birth. When we return following that, we will return to the clean air bill, following the time for the two leaders, and then we will recess for the party conferences between 1 and 2:30.

That time change is based upon the fact that there will be a ceremony at the White House tomorrow at about noon with respect to the Eisenhower centennial, and several Senators have been invited to participate in that as well.

So the party conferences will start a little bit later and conclude a little bit later tomorrow. That is between 1 and 2:30 p.m.

As I indicated at the close of business last week, I hope we can complete action soon on the clean air bill, and we will press forward to consider and dispose of whatever amendments remain as soon as possible this week.

Mr. President, I thank the distinguished Republican leader for his cooperation in working out this agree-

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

ment as well as Senators **Nickles**, **Heflin**, **Baucus**, and **Chafee**. I now yield to the distinguished Republican leader.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The minority leader.

THE SENATE SCHEDULE

Mr. DOLE. Mr. President, I want to join the distinguished majority leader in indicating that we would like to complete action on the clean air bill this week because there are a number of other matters that ought to be disposed of before the so-called Easter recess. It is our hope that we might get an agreement on what will follow the Clean Air Act. There has been some concern expressed—what if we finish this and bring up some other terrible thing?

I think the bill, as the majority leader will lay out later on, will be fully understood to be very important and one in which I think there is a great deal of bipartisan interest and support.

So, hopefully, we can reach some agreement on what may follow the clean air bill.

Second, I just say, without getting involved in criticizing staff of the committee or EPA or whatever, but we are still getting some feedback from Members that they are having a lot of difficulty dealing with EPA staff, committee staff, and getting amendments accepted. As the majority leader said, nobody has a right to have an amendment accepted, but I hope the staff is being reasonable and helpful in trying to dispose of over 100-and-some amendments that are now pending.

I have urged my leadership staff to try to work with the committee staff, EPA, the White House staff, or anybody else, OMB staff—a lot of staff involved—and they have different views on what different amendments may or may not do.

But in my view, if it is not some egregious amendment, some big policy amendment, there ought to be some way to resolve a great number of the amendments on each side. They can be further modified, or whatever, between now and the time the bill is disposed of in conference.

Mr. MITCHELL. Mr. President, I join the distinguished Republican leader in that appeal. We have already disposed of a very large number of amendments either by a vote or by agreement. There are many more to go. But I think we have made very good progress, and I hope that the staffs will heed the concern expressed by the Republican leader and by myself so that we might complete action on this bill promptly.

As the distinguished Republican leader indicated, we have had discussions about what we would move to after the clean air bill, and I hope we can get an agreement on that and on final disposition of the clean air bill, which would make clear to Senators that we are going to finish this soon and what we will take up thereafter.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

JOINT MEETING ON MARCH 27, 1990

Mr. DOLE. Mr. President, I want to take a moment to remind my colleagues of an important event taking place tomorrow morning—a joint meeting of the Congress at 10 a.m. in honor of the 100th anniversary of the birth of our Nation's 34th President, Dwight David Eisenhower.

I want to personally encourage each of my colleagues to attend. I believe the program will be impressive and a worthy tribute to one of the most important leaders of this century. It includes tributes by John Eisenhower, Winston S. Churchill, Walter Cronkite, Arnold Palmer, and others, as well as colorful ceremonies featuring the U.S. Army Band, U.S. Military Academy Glee Club, and the 3d U.S. Infantry Fife and Drum Corps. It is going to be exciting, and will last 1 hour.

There will be no long speeches. It is a tribute to a leader that many of us had the opportunity of at least meeting and knowing to some extent, one of this century's greatest leaders.

Tomorrow morning's ceremony kicks off a wide array of centennial events around the country and the world. With the help of numerous public and private groups, Ike will be honored this year from his hometown of Abilene, KS, all the way to Moscow.

I am looking forward to tomorrow's special event to honor one of the towering figures in American history.

EMERGENCY AID FOR PANAMA AND NICARAGUA

Mr. DOLE. Mr. President, last Friday, President Bush renewed his call for speedy congressional action on emergency aid for Panama and Nicaragua. He is right. It is high time that we acted. For many years, our policies in Panama, and particularly in Nicaragua, were controversial and sparked heated partisan debates. Over the past year, I believe the record will show that we put most of those debates behind us, and united on an approach to Central America.

This year some of the key initial goals around which we united have already been achieved. Noriega is gone, and a government reflecting the will of the Panamanian people governs in Panama. In free balloting the Nicaraguan people have thrown out Ortega and the Sandinistas. If all goes well, a democratic government led by Violeta Chamorro will take office in 1 month.

We are halfway home. But the crucial days lie ahead. Both of these fledgling democracies in Panama and Nicaragua face enormous challenges. Years of pillaging by Noriega's thugs and months of sanctions imposed, rightly, I believe, by the United States, have devastated the Panamanian economy. A decade of Sandinista mismanagement, war, and sanctions have created even more economic havoc in Nicaragua.

The two dictators largely responsible for causing these problems are gone. Noriega is gone. Ortega is gone. Two democratic governments are left to pick up the pieces.

We have a clear responsibility to help. More important, it is in our own interest to help. We have expended enormous resources and some human life, because we rightly believed it was in our own interest to rid this hemisphere of tyranny, subversion and drug running. It only makes sense to pin down the advances we have made in Panama and Nicaragua by meeting our responsibility to help the new governments there.

This is not a partisan matter or at least it should not be.

For years, Senators on the other side of the aisle urged the Reagan administration to cut off aid to the Contras, and instead, offer the "prospect" of economic aid as an inducement for the Sandinistas to act more responsibly.

It is distressing, therefore, to hear one Democratic Senator term Panama and Nicaragua countries of "slight importance."

It is distressing to hear that some Senators from that side of the aisle are suggesting that we ought to basically "turn our backs" on the newly installed democratic government in Panama, and the one about to be sworn in in Nicaragua, by cutting their proposed aid package by more than 60 percent.

Mr. President, those countries are small in size, but I do not believe they are "slight" in importance.

I urge Senators to think carefully before we start falling into the trap of equating size with importance or suggesting that we allocate our foreign aid on a "per capita" basis.

If we start doing that, we will have to start looking at the fact that one country receives more than $700 per capita, one small country in the Mideast. A small number of others receive several scores of dollars per capita, and the rest of the world receives only a pittance. Black African nations, for example, currently receive, on an average, about $1 per person.

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So if the distinguished chairman of the subcommittee, Senator LEAHY, wants to start allocating aid on a per capita basis, then I think we ought to review all the aid programs and look at whether per capita approach is the right way to go.

Nicaragua and Panama are important. I believe we have not looked south for too long a time. In my recent visit to South America, nearly every President we met in a newly democratic country said, "Do not forget us when you all start looking at Eastern Europe."

In addition to per capita, we ought to utilize several criteria in allocating our aid: Our strategic interests in the country; the nature of our bilateral relationship; human needs that exist there; and the responsibility we have undertaken because of our policies there.

Keep in mind that these countries, particularly Panama, is very important in the so-called overall drug strategy in this hemisphere. So it seems to me that they are important countries, and they deserve our support. Foreign aid is not popular anywhere in America. The President requested $800 million—$300 million for Nicaragua, $500 million for Panama. And we are told that 60 percent is going to be taken away and given to the Eastern European countries.

I am also disturbed that this raid on the Central American democracy is being hidden behind a pretense of wanting to help Eastern Europe's emerging democracies.

I remind the Senate that a couple of months ago I suggested a very modest 5-percent cut in earmarks—huge aid programs that eat up the great bulk of our aid budget. And those very Senators now proposing the Central American raid of more than 60 percent jumped all over my back. Just a few weeks ago, Eastern Europe was not worth a 5-percent cut. Now, suddenly, it is worth a 60-percent cut in aid to Panama and Nicaragua.

Mr. President, I hope that the people who have struggled for years for their own freedom, who have risked their lives, who, in the case of Mrs. Chamorro, has seen her husband murdered in the struggle against tyranny—I hope we will not "turn our backs" on them now. I hope we will not penalize them because of some nagging partisan resentments.

Last Friday, Washington Post columnist Stephen Rosenfeld had an excellent piece entitled "Pulling the Plug on Democracy." The Post is not exactly an in-house publication of the Republican Party, but his column "tells it like it is."

Mr. President, I ask unanimous consent to have printed the full text of the Rosenfeld column in the RECORD, and I urge all Senators to give it their careful attention.

I also ask unanimous consent to have printed in the RECORD the text of a New York Times editorial which is also right on the mark.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 23, 1990]

(By Stephen S. Rosenfeld)

PULLING THE PLUG ON DEMOCRACY

For the past year the major foreign policy thrust of the Democracts has been to top President Bush on the immensely popular and important issue of Eastern Europe. The president has not always been as forthcoming as he might on economic support and rhetorical commitment, so there has been some space in which the opposition party could usefully maneuver.

Now, however, the Democrats threaten to go off the deep end. In order to give more support to Eastern Europe, they propose to wring substantial funds out of the emergency aid President Bush has requested for Panama and Nicaragua. Sen. Patrick Leahy (Vt.), chairman of the key appropriations subcommittee and Sen. Robert Byrd (W. Va.), chairman of the full committee, would reduce this Latin account from $800 million to $300 million and earmark the difference for an East European "emerging democracies fund."

Such is the potency of Eastern Europe in current political legend that it has a good chance of prevailing in any such unhappy and unnecessary aid showdown with Central America. East Europe is hero country, scene of a historic vindication of the democratic idea and, not incidentally, emotional home of millions of voting Americans. Central America does not lack a democratic appeal, but its reach and staying power in American politics are untested. The one region is plainly in vogue, the other may already be reverting to the B list.

What is needed is, well, a bit of vision. This happens to be an occasion when President Bush has it, and his Democratic opponents are in default.

The administration sees in Central America a possibility of institutionalizing democracy and demilitarizing the region-stirring developments that few imagined a year ago and that many Democrats have not perceived to this day. The government of newly liberated Panama is pursuing Costa Rica's example of turning its army into a police force. Nicaragua's elected democratic leadership is pledged to cut the army in half (true, it helps that Managua is broke) and to end the draft. The Nicaraguan breakthrough has given fresh momentum to the possibility of finally diverting the war in El Salvador onto a political path.

The amount of money the administration was prepared to invest in this prospect was minimal. For Congress to lop off more than half the funds sought for the crucial first round is absurd.

There is an irony here that would be amusing if its fruits were not so bitter. For years Democrats, and especially the liberals among them, insisted that the great need in Central America was economic development. Stop the fighting, they said, heal the people, provide aid. Take the money from the Pentagon budget, they urged, help build democracy in Central America.

President Bush is now doing precisely what he was urged to do. In, granted, a preemptive heist from the elusive peace dividend, he is taking $800 million from the Pentagon budget to "jump start" democracy in Panama and to put Nicaragua on the long, hard road to democratic stability. And what do the Democrats do? They are pulling the plug on Central American democracy.

Sen. Leahy offers the opinion that the $800 million the administration seeks for Panama and Nicaragua is "simply too much money" for "two countries of slight economic, security and foreign policy importance to U.S. national interests." In these cold, isolationist tones speaks a ranking figure of the party that finds the president lacking in vision, democratic resolve and responsiveness to historical change.

And while we are at it: the United States is offering newly independent democratic Namibia in southern Africa half a million dollars in aid. It is not just that this makes the United States look cheap. It also makes the United States look indifferent to the fortunes of black people. The same damaging hint of racial favoritism is unfortunately conveyed by the suggestion to move half a billion dollars from Central America to Eastern Europe.

We all know, of course, the problem is the budget. The president has the obligation, which he has not met, to finance decently all vital American interests, including the new democracies. But the Democrats risk becoming the party of selective support for democracy. They are robbing some countries to help others, and robbing the most desperate countries; those for which the United States is most responsible. For a rich country our share of the bill is bearable, and we should pay it.

[From the New York Times, Mar. 26, 1990]

FIRST, AID FOR CENTRAL AMERICA

"They're wrong," President Bush says of Senate Democrats who want to take half of the $800 million he has just earmarked for emergency aid to Panama and Nicaragua and give it to Eastern Europe's new democracies. And he's right.

Senator Patrick Leahy of Vermont argues that $800 million is "simply too much money" for "two countries of slight economic, security and foreign policy importance to U.S. national interests," Senator Robert Byrd of West Virginia agrees. By pitting one good cause against another, the Democrats serve both poorly.

Granted, Republican Administrations have oversold the strategic significance of Central America. Ronald Reagan's obsession with ousting the Sandinistas, and George Bush's with arresting General Noriega, vastly distorted U.S. priorities.

But that record only reinforces the case for speeding emergency reconstruction aid to both Nicaragua and Panama. As Deputy Secretary of State Lawrence Eagleburger told a Senate subcommittee last week, the U.S. owes immediate help to both, and risks recurring crises if it fails to follow through. Too often in the past, apparent successes in the hemisphere turned sour because new governments couldn't establish their legitimacy through economic gains.

Even more important, both the new Panamanian Government of Guillermo Endara and the Nicaraguan Government-elect of Violeta Chamorro inherit substantial U.S.-inflicted damage. In Panama, two years of sanctions were followed by a U.S. military invasion that led to about $1 billion in losses from pillaging by looters. In Nicaragua, an even longer period of sanctions plus the massively destructive contra war compounded the cost of Sandinista economic mistakes.

> Views still differ on the wisdom of past U.S. policies. But to walk away from today's moral debts would dishonor America.
>
> Eastern Europe's democracies also need help, but in different ways. As economic reforms take shape, foreign support can usefully underwrite specific aspects, like currency stabilization. But most Eastern European countries are just now beginning reforms. Effective help can be more sensibly designed in the debates over next year's budget.
>
> Western Europe and Japan are already addressing Eastern Europe's needs. These donors have less reason than Washington to put significant resources into Central America. And the Bush Administration believes, reasonably, that East European development is best helped through private investment rather than direct government aid.
>
> Prime Minister Tadeusz Mazowiecki of Poland, now visiting the U.S., is not even asking for additional direct assistance at this point. He and President Bush last week signed a treaty to encourage U.S. business investment in Poland. And Mr. Mazowiecki also asks help in rescheduling Poland's $40 billion debt to Western banks and governments.
>
> No other East European country is as far along the economic-reform road as Poland, nor as ready to receive aid. The others, too, surely can wait for reasonable consideration in the 1991 fiscal year, only about six months away. By then, Washington should produce additional help for them. Central America can't wait.

Mr. DOLE. I quote one particularly telling section of the editorial:

> Views still differ on the wisdom of past U.S. policies. But to walk away from today's moral debts would dishonor America.

Mr. President, the tyranny in Panama is over. The war in Nicaragua is over. Most of us had thought that "partisan wrangling" over these two issues could also, at long last, be put to bed. It is not too late to do that and to take the sensible, morally right course to help those who so urgently need our help and support now.

Mr. President, I urge that we act quickly on the request from the President of the United States for aid to Panama and Nicaragua, without any allocation somewhere else, without any cuts, because if we start down that line, there will be amendments on this floor to make other changes, too.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Without objection, the minority leader has reserved the remainder of his time.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 1 p.m. with Senators permitted to speak therein. The Senator from Ohio is recognized.

DEFENSE BUDGET FOR FISCAL 1991

Mr. GLENN. Mr. President, last week, chairman NUNN of the Senate Armed Services Committee delivered a very cogent, articulate description of where we stand with regard to the defense budget for fiscal year 1991. I think the chairman spoke correctly when he said there are big holes in the defense budget the administration sent over earlier this year.

Where there are no holes there are what we call disconnects, things just do not fit together. If we are to have the best and most combat-capable defense possible, these holes must be filled and the disconnects must be corrected or else we will in effect be shooting in the dark at moving targets in dealing with the defense budget for fiscal year 1991.

I am certainly well aware that the world situation has changed dramatically over just the last few months, even the last few weeks. I have no doubt that the conventional threat in Europe has indeed diminished. I also know that the fast pace of change toward a more peaceful world, as great and welcome as that change is, creates in itself uncertainty and instability in long held views about what we should be defending against. I think sometimes change outruns our ability to have a policy.

But in this time of fast-paced foreign policy and military changes, we need an even more complete definition of our defense needs, more definition of our required level of combat capability, and more definition of how we scale down instead of up with our defense budget.

So what should we expect from the administration to fill in the blanks and to correct the disconnects that the distinguished chairman talked about?

In last year's defense authorization bill we gave the Department of Defense an excellent framework to lay out a coordinated, systematic plan for the configuration of our military forces.

In the Defense Authorization Act for fiscal year 1990/1991, the Congress mandated the Secretary of Defense to conduct a total force study. What does that mean?

Let me give a word of background. There was general acceptance in the early 1970's of the premise that any future war would almost immediately involve not only the Regular Forces but also the Reserves, and by "Reserves" I mean to include the National Guard as part of the Reserves.

In a situation like that time would be of the essence. We had to be ready, or the war might well be over before we were prepared for sustained combat. Roles and missions were considered and assigned as to when each service and its Reserve components should be prepared to do what and where.

The total force policy was implemented in 1973. We built our forces, we built the manpower, we built the equipment to carry out that total force policy in assignment roles and missions. It was established in 1973, but except on an ad hoc basis it has had no very serious reconsideration since it was established.

I have been pushing for just such a reconsideration for several years because it has been apparent to me that the division of roles and missions between the military services and the allocations of roles and missions between the Active and Reserve components within the military services had eroded. Some mission assignments work very well, some work hardly at all. This was even before recent developments in the world that now literally scream out for such a study.

We need that study now for our guidance, and I wish that in the Manpower Subcommittee, where we originated the total force policy study requirement, that we had done so about 3 years ago so we would have it completed and available for our guidance now.

We need that study. Let me give you some examples of what I mean.

The Army has had a major problem in its allocation of missions between the Active and Reserve components. In retrospect, the Army went overboard in assigning combat support missions, such as engineer, signal, intelligence, and chemical activities, and combat service support missions such as medical, maintenance, supply, transportation and ammunition activities to the Reserves apparently in order to increase combat force structure in the Active Forces. On the surface, what the Army did sounds reasonable, but the Army did not follow up to ascertain whether or not the Reserves could and were effectively handling the combat support and combat service support missions.

The hard cold fact is that the Army ended up assigning over 70 percent of its combat support and combat service support missions to the Reserves, and ended up with 45 to 55 percent of its Reserve combat support and combat service support units in a not combat ready status. The sad fact is that the Army cannot sustain a conventional war for any length of time because the combat support and combat service support forces that must roll in as early as 10 to 30 days after a shooting war starts are not rated as combat ready. Would you throw them in any way? Probably, but that would not be fair to the people. It means you are not going to have the combat effectiveness that you should have. War games make this very point.

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Another example that applies across the whole Department of Defense: The DOD relies on the Reserves to provide 80 percent of its wartime medical requirements. That sounds logical, yet the Reserves are, and have been for many years, short 7,100 doctors, or 70 percent short of wartime requirements, and are short 31,000 nurses, or 66 percent short of wartime requirements. In war games, the players have to assume host nation support. It means wherever you happen to be fighting, that host nation would support the need to take care of battle casualties. That is a tough assumption to swallow when the host nation is busy taking care of its own casualties on its own ground given that combat scenario.

These are just a couple of disconnects in the alignment of missions.

On the other hand, the air missions that have been assigned to the Reserve Forces have been sustained at high levels of combat readiness and there appears to be capacity in this area for the Reserves to do more.

Tankers transport aircraft are all flown by Reserves; fighter attack squadrons sometimes are outdoing the regulars, the regular military establishment, in competitive events.

I make these points to underscore how important it is that the Department of Defense use this knowledge, lessons learned as we have gone along, as it approaches the total force review that it has underway.

I strongly suggest to the Department of Defense that it aggressively push forward on the total force study and provide us with at least preliminary results that we can use as we markup the fiscal year 1991 defense authorization request.

We need that study now. I am only sorry, as I said before, we did not put in the requirement a couple years earlier.

As chairman of the Subcommittee on Manpower and Personnel of the Committee on Armed Services, I am concerned about the current lack of direction from the Department of Defense as to where future force structure decisions will lead in terms of manpower strength levels. For now, the matter of manpower strength levels seems to be driven by fiscal rather than force structure decisions.

We seem to be willing to just whack away and cut the number of people, without regard to the number of divisions or the number of air wings. We do not seem to be able to put force structure on the table at Vienna or Geneva. But we say we are going to whack people out now.

As a result, there are substantial disconnects between force structure manpower requirements and manpower inventories. For example, the fiscal 1991 defense manpower requirements report indicates that the Army will be manned at 87.4 percent of its overall programmed force structure, 85.7 percent in the strategic, 92.2 percent in tactical mobility, 79.2 percent in communications and intelligence, 73 percent in combat installations, 91 percent in force support training, 72.9 percent in medical support, 77.3 percent in joint activities, 78.9 percent in central logistics, 87.7 percent in management headquarters, 68.3 percent in R&D/geophysical activities, 81.5 percent in training and personnel, and 73.9 percent in support activities. Similar disconnects are indicated for the other services also.

What these disconnects can mean is that the administration is protecting force structure and procurement accounts, the hardware buying accounts, at the expense of our men and women in uniform.

I spoke on this floor recently about the fiasco we went through with regard to the reprogramming of money into the military manpower accounts because the Defense Department had not recommnded to the administration that the personnel accounts be exempted from the Gramm-Rudman sequester, as had been done on a regular basis in years before.

DOD did not even recommend it this year. In fact, it would appear that they just depended on us bailing them out. We have done so but not because we want to cave in to the way they dealt with us on the sequester, but because it was only fair for the people in the military out there in the field.

All these concerns have to be dealt with.

So where does that leave us? Well, quite frankly, we are left in the dark. None of the Defense officials who have testified before us thus far have been able to give us any definitive manpower strength figures beyond fiscal year 1991. All we know is that strength levels will go down unless the world situation changes radically—and that is unlikely.

Our men and women in uniform are also in the dark. Every day they hear dire predictions that leave them less and less secure about what the future has in store for them.

For example, the Department of Defense has requested a number of authorities to be enacted into law to allow the services to involuntarily terminate officers from active service. Some of these authorities would break actual and implied contracts.

At the same time, the Department of Defense has indicated that it will be submitting an involuntary separation pay plan that will include enlisted personnel so that it can terminate enlisted personnel from active service who have up to 18 years of service. If I were still serving, I would be terribly worried about this plan because it would make it so much easier for me to be involuntarily terminated well into my career and just short of retirement. The separation pay in the latter case would amount to peanuts compared to the retired pay I would lose.

So what we have are a lot of very disturbing proposals and ideas about what is needed to terminate the service of men and women in uniform with no definitive plan about where the services are going to actually end up as far as manpower strength levels are concerned.

Another major example of how the administration considers its men and women in uniform is contained in the fiscal year 1991 DOD budget request. In February, Secretary Cheney testified before the Armed Services Committee on the new budget, and stated that personnel programs continue to be the No. 1 priority. Yet, buried in that same budget was a proposal to freeze the cost-of-living adjustment [COLA] for military retirees in fiscal year 1991, and then cap future COLA adjustments at the CPI level minus 1 percentage point for all future years.

Mr. President, what kind of signal does this proposed COLA freeze and later cap send to both active duty and retired personnel? I can assure my colleagues that it sends a very loud and clear negative signal to all members of our volunteer active duty forces and their families, and also to retired officers and enlisted members and their families, who rightly see the action proposed by the administration as a breach of faith.

To me, the only way this situation can be corrected is for the Department of Defense to begin filling in the blanks in terms of a realistic definition of the threat; a coordinated, defined strategy to counter the threat; a well thought out mix of forces to carry out the strategy; a prudent distribution of these forces among the military services; and a balance of active and reserve forces within the services to carry out assigned missions. The manpower required will be defined by such a process and be connected to force structure requirements.

Mr. President, I know that such a task is difficult. But I think it must be done and done correctly by the Department of Defense before we can act responsibly on the fiscal year 1991 defense authorization request.

Certainly, our men and women in uniform deserve the benefit of such an effort. They should not be hung out to dry more than they already are.

And if the detailed studies finally show that large manpower strength reductions are inevitable, then it is doubly important that we know what the glide slope is so that we can do all we can to make sure the reductions are made in a prudent, compassionate manner. Unless we do this, we risk alienating the most important resource in the Defense equation and that is our men and women in uniform.

Mr. President, I want to conclude by saying that our bottom line on both sides of the river has to be the combat effectiveness of our forces—not only the equipment, but more importantly the men and women we have in uniform. Our forces must be configured to fight if they have to and to win when they fight. So I urge the Department of Defense to help us by filling the blanks and correcting the disconnects so we can get on with the task at hand as expeditiously as possible.

I yield the floor.

HOMEOWNERSHIP AND OPPORTUNITY FOR PEOPLE EVERYWHERE

Mr. GORTON. Mr. President, I am an original cosponsor of HOPE—President Bush's program for homeownership and opportunity for people everywhere. I commend Secretary Kemp for his fervent and forthright advancement of a new national housing agenda and I commend it to my colleagues in the Senate.

Over the past year, I have met with citizens in Washington State who are directly involved in implementing our Nation's housing policies.

In the tri-cities, Spokane, and Everett, public-housing administrators helped me understand the system and their needs.

In Seattle and Vancouver, shelter providers for the homeless showed me what works and what does not across the tremendous diversity of their clients.

In Bellevue and Olympia, non-profit and for-profit developers described to me the added expense caused by overburdensome local and Federal regulations.

And in Tacoma and Yakima, mothers and their children testified to the day-to-day terror of living in a community fallen victim to drug dealers and their ruthless gangs.

Mr. President, these Washingtonians have different interests in housing, but all are united on one common theme. It is time for a change: a change toward policies which truly serve the poor and the homeless.

It is time that Federal policies reflect that our Nation's poor need not remain wards of the State indefinitely. There is a way up and out of poverty, up and out of public housing, into a life of self-respect and self-sufficiency. It is time our national housing policy not only reflects but compels those opportunities.

The HOPE package brought forth by President Bush and Secretary Kemp is a step toward a change in thought that this country needs. I congratulate them both for steering a new course in the effort to provide both homeownership opportunities for all Americans, as well as the shelter linked with care provisions needed by our most desperate citizens.

I look forward to working with my colleagues from both sides of the aisle on a bipartisan housing bill this year.

RELATIONS WITH TAIWAN

Mr. GORTON. Mr. President, the Senate has spent a great deal of time in the last 9 months discussing our China policy. Yet in all that time, almost no mention has been made of the genuine advances toward full democracy in China that have been accomplished. Why? Because we so easily forget that there are two Chinese governments.

I am here today to call the Senate's attention to a success story in the advancement of human rights and democracy in the Republic of China on Taiwan. For while the People's Republic of China was crushing human rights with tanks in Tiananmen Square, Taiwan was advancing the cause of democracy through public elections.

This Senator is convinced that we must take every practical measure to encourage human rights and democracy in the People's Republic of China. For example, though I did not welcome the task of opposing my President's veto of the Chinese student legislation, I did not hesitate to do so. I continue to believe, as I did then, that the President mortgaged the future to make a losing bet on the past by attempting to appease freightened tyrants in Beijing. At the same time, however, we must also insure that we protect and nourish the demonstrated progress toward liberty among the people on Taiwan.

We recognized the People's Republic of China in 1979. Many Americans believed that the People's Republic of China was on a path toward genuine reform. The People's Republic of China appeared to be heading in a direction that would permit the peaceful integration of Hong Kong into the People's Republic of China, when the British lease expires in 1997.

In turn, this led to optimism about the eventual peaceful reunification of the People's Republic of China and Taiwan. Given stability, peace, and continued reform, many believed the People's Republic of China and Taiwan would converge on the vital issues of human rights and economic policy.

Now, those hopes have been shattered; The People's Republic of China and Taiwan appear to be on distinctively different paths. In the wake of the tragedy at Tiananmen Square, the People's Republic of China is sinking back to a dark, repressive past. A growing apprehension and fear sweeps over Hong Kong as the day nears when the stifling policies of Beijing will be imposed on that bright success story of capitalism.

In striking contrast to the People's Republic of China, Taiwan's political and economic progress make it a model for other nations around the world also challenged by rising demands for democracy. In scenes reminiscent of those in the People's Republic of China only 1 year ago, large crowds of protesters gathered in Taipei to demand even more rapid democratic changes for Taiwan. They were met with restraint, not bullets. I hope that the result will be that we have seen the last indirect elections for President of the Republic of China.

Given its economic—and now political—accomplishments, Taiwan must no longer be treated as an international pariah. Given the bright promise of its political and economic future, Taiwan should no longer be considered as an inconvenient impediment to American foreign policy.

There is a growing realization by conservative and liberal Americans alike that our China policy will remain incomplete until it recognizes democratic and economic progress on Taiwan. The United States should accord the Republic of China the international respect it has earned, and should encourage its full participation in the process by which international agreements on trade and politics are made and enforced.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DIXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Mr. DIXON. I thank the Chair.

(The remarks of Mr. DIXON pertaining to the introduction of S. 2335 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. DIXON. Mr. President, in view of the fact that time is running short on the 1 o'clock limit, I have another brief statement, and a third I will refer to later. I understand my friend from Alaska wants to make a statement. I want to replace my colleague in the Chair so he can make one, also.

I ask unanimous consent for an extension of time for morning business from 1 o'clock to 1:15.

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The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNITED STATES-JAPAN TRADE: WE NEED A RESULTS-ORIENTED POLICY

Mr. DIXON. Mr. President, in last Thursday's Washington Post, an article by Stuart Auerbach reported that Commerce Secretary Robert A. Mosbacher accused "Japan of systematically refusing to buy advanced American products until a Japanese company starts making them." The story goes on to quote Secretary Mosbacher as stating, "There's a sameness. It's a pattern * * * it looks strangely like when there is a new (American) process, a new industry, a new technology the Japanese find ways to keep American companies from selling in quantities until they have an opportunity to build a similar item or develop the technology themselves."

I agree with Secretary Mosbacher's assessment, Mr. President. I do not want to take anything away from Japanese businesses. I think there is a lot we can learn from them, and I think it is worth remembering that their success is at least partially due to the fact that they followed our advice better than we did ourselves.

The truth is, however, that our trade deficit with Japan is not the result of "superior" Japanese products. In agriculture, in communications, in aerospace, in computers, and many other areas, many American products and services are not only as good as their Japanese equivalents—they are better, and often much better.

Why, then, in so many cases, do our manufacturers fail to penetrate the Japanese market. The answer, unfortunately, is deliberate Japanese policy. In case after case, there are trade barriers, then regulatory barriers to set up offices or stores, then distribution barriers, then testing barriers, and so on, and so on, and so on.

American products are disadvantaged because the product has cultural implications, or because MITI has targeted that product area, or because the Japanese are protecting noncompetitive producers—they do have them in Japan, you know, especially in agriculture.

All too often in the past, American negotiators have played into Japan's hands. They have sought strictly legal remedies to what is much more than a legal problem. The Japanese grudgingly make the legal changes, to make us believe we are getting real concessions. However, the Japanese negotiators know, and we should know by now, that the legal concessions are often of no practical benefit to American businesses. After negotiations are concluded, the agreement signed, and the pictures taken, the discriminatory practices against imports continue.

I think that it is time for a change, Mr. President. Our negotiating strategy must abandon its fixation on legalisms and instead concentrate on results. Our negotiators should stop talking about competitive opportunities and instead focus on the bottom line—how much will Japan buy from the United States.

Some call this managed trade, and suggest that this approach means abandoning U.S. free trade principles. The truth, however, is that focusing on results does not mean abandoning our free trade principles at all. Instead, it simply means that we are smart enough to recognize that the Japanese society is different from our own, so that American-style negotiations are not appropriate.

Frankly, it seems to me that the real disservice both to Japan and our own citizens is to treat the Japanese society and culture as if it is nothing more than an outpost of American Society and culture—only farther from Washington.

Japan has a very old, very sophisticated, and very cohesive culture. What I want from the U.S. side is a negotiating strategy that takes that fact into account.

I hope Secretary Mosbacher's comments are a signal that we are going to change our negotiating style and that we are going to focus on results. The Secretary's analysis of the problem is the correct one. Now we have to act on it.

Mr. President, I yield the floor.

I thank my distinguished colleague from Alaska. I am happy to accomplish whatever purpose the Chair wants to accomplish by taking his place.

Mr. MURKOWSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

WORLD ENERGY OUTLOOK

Mr. MURKOWSKI. Mr. President, this morning the chairman of the Energy Committee, Chairman BENNETT JOHNSTON, hosted a hearing on the world energy outlook. While we had a number of distinguished statements given, I think the statement of Jim Schlesinger, former Secretary of Energy and Defense, was most revealing.

I would like to highlight just briefly some of the points that were made that I think will cause my colleagues to reflect on the merits of the dangerous path that we are on.

(Mr. DIXON assumed the chair.)

Mr. MURKOWSKI. Three years ago, OPEC appeared to be on the ropes, with its members struggling with one another for individual shares of substantially reduced OPEC production. Prices were precarious at that time, as low as $8 a barrel.

Essentially, the collapse of the domestic drilling activity in the United States has taken place. There was a question as to whether or not, indeed, the forecasts of higher prices for oil would ever become a reality.

There was a feeling that the ultimate growth of energy in the United States would be based on diversification and other alternatives, but as we are seeing by the evidence produced at the hearing this morning in the statement by Jim Schlesinger, that is not the case at all.

OPEC's fortunes have revived. The world has become more dependent on gulf oil, and the rapid growth in U.S. oil dependency, as well, adversely affects our energy security interests.

Today, we are told that OPEC has been producing in excess of 23 million barrels a day, and the market, Mr. President, has been absorbing this level of production. Almost all of OPEC's members have been producing all out. In the aggregate, OPEC has been producing very close to capacity levels.

So the point, Mr. President, as we have been observing our increase in imports, what we have not recognized is a realization that today OPEC is about at their maximum capacity, and one wonders what will happen next as we and other nations keep increasing imports of Mideast oil.

OPEC is now in the happy position of allocating growing shares in an expanded market. Of course, U.S. production continues to fall. We are seeing the decline in Prudhoe Bay, which 2 or 3 years ago was producing 2 million barrels a day, roughly 24 percent of the total domestic crude oil produced in the United States.

Growing demand continues to increase, and we have seen, along with declining production domestically, a rise in U.S. imports by 3.5 million barrels a day.

In recent months, our import dependency has exceeded 50 percent for the first time. It has run as high as 54 percent. It is estimated that by 1995, U.S. imports could reach 10 to 11 million barrels a day. The cost of oil imports will have more than tripled from the low point.

So the stage is being set for an increase in oil prices, Mr. President. OPEC has recently been operating in excess of 90 percent of sustained capacity. OPEC's sustainable capacity today is a little in excess of 25 million barrels a day. With a call on OPEC growing at over a million barrels per day each year, we are only a couple of years away from the point that demand will take care of the present capacity. And the question is, where do we go then?

It is interesting to note that the Soviet Union's production has fallen from 12.6 million barrels per day to 12 million barrels, and there are further difficulties in production anticipated.

According to present trends, Mr. President, by the middle 1990's we shall be roughly 65 percent dependent on foreign sources of supply. With regard to our strategic petroleum reserve, our chief surviving element of production against a cutoff will have shrunk in real terms from roughly 100 days to 60 days of import.

Mr. President, I think it is fair to note that the alternatives are relatively few. Obviously, we have domestic potential in the United States, but we also have growing environmental concerns as to whether to allow OCS drilling off our shores, whether to allow exploration in such areas as in Alaska and others.

But I point out, Mr. President, that we have potentially a very real threat. If we look at the increases in the price of oil and the increases in inflation, they follow a very dramatic pattern. Further trends in oil prices and interest rates follow. When oil prices go up, interest rates go up, unemployment goes up. It has been estimated that, as a consequence of our current trade deficit, which is somewhere in the area of $120 billion, about $50 billion of that trade deficit is with Japan, about $10 billion with other countries, and about $50 billion with oil alone. Prospects this morning, as evidenced by the statement by Dr. Schlesinger, indicate that by the year 2005 to 2010 our trade deficit will have doubled on oil only. That means, Mr. President, moving from $110 billion total, we are looking at a trade deficit on oil alone of $100 billion.

Mr. President, the Senator from Alaska intends, over an extended period of time, to speak on this danger that is moving at a very rapid rate. I will be proposing some alternatives to initiate exploration domestically so that we may have some independence, because as sure as I am standing here, one of these days in the not too distant future we are again going to be held hostage by the Mideast, and the public will come to the Halls of Congress and blame those of us who have not seen fit to make adequate allowances for the inevitable. Mr. President, the handwriting is, indeed, on the wall.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BRYAN). The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. I thank the Chair.

HUMAN RIGHTS ABUSES IN CUBA

Mr. GRAHAM. Mr. President, within the last several weeks, Castro has begun a new and harsh crackdown on human rights advocates in Cuba. He has thrown 11 dissidents into jail, and he has set loose his thugs to harass and intimidate others. All because some of them had the temerity to send a letter congratulating the U.S. delegation to the United Nations Human Rights Commission. The Commission on March 6 approved a United States-sponsored resolution criticizing Cuba's human rights record and calling for a reexamination next year. At a time when Nelson Mandela has been set free in South Africa and when playwright Vaclav Havel is leading Czechoslovakia toward democracy, Castro remains a political dinosaur. People around the world are demanding democracy. Their leaders are listening and responding. But not Castro. He refuses to. He called the latest U.N. resolution disgusting.

What is disgusting is that Castro continues to abuse and intimidate the citizens of Cuba.

One of those citizens is Sebastian Arcos, a human rights leader who once fought alongside of Castro but was later imprisoned for "counterrevolutionary activities." In other words, he opposed Castro and communism. For that, he and his brother Gustavo, who also fought at Castro's side in the revolution, have been subjected to endless harassment by the Castro government.

As part of the latest crackdown, thugs recently surrounded Gustavo's home in Havana, presumably because human rights leaders were meeting to form a united front.

They painted Gustavo's house with slogans like "Death to the Worms" and "Socialism or Death." Castro calls Gustavo and Sebastian cockroaches and vows that the people will crush them.

But we know otherwise. Rather than be crushed, we know that the courage of Gustavo and Sebastian will one day crush Castro and his dictatorial regime.

I ask unanimous consent that a copy of a letter I intend to send to U.N. Secretary General Perez de Cuellar be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 26, 1990.

Hon. JAVIER PEREZ DE CUELLAR,
Secretary General, the United Nations,
New York, NY.

DEAR MR. SECRETARY GENERAL: Fidel Castro within the last two weeks has renewed his harsh crackdown on human rights activists in Cuba, many of whom cooperated with the United Nations in its first-ever investigation of Cuban human rights in 1988.

We are writing to request that you move quickly on the latest resolution approved by the U.N. Human Rights Commission on March 6 calling on the Government of Cuba to honor its repeated guarantees not to subject these individuals to "reprisals, detention, or negative consequences of any nature whatsoever."

In the latest crackdown, Castro rounded up 11 activists in early morning raids on March 12. Mobs of youths also surrounded the houses of two of the most prominent human rights leaders in Cuba, Sebastian and Gustavo Arcos.

The latest arrests brings to 31 the number of people who have detained without trial or been charged with political crimes since U.N. investigators visited Cuba in September 1988.

The recently approved resolution also called on you to provide the texts and results of the oral and written contacts you have maintained with the Castro government on this question. We would appreciate meeting with you to discuss your findings.

In the meantime, we urge the U.N. to do everything in its power to gain the release of those who took such grave risks to advance the cause of human rights.

Sincerely,

Mr. GRAHAM. Mr. President, I welcome cosigners, I call on the Secretary General to act on most recently approved U.N. resolution calling on Castro to respect human rights. Many of those arrested in the recent crackdown cooperated with the United Nations. in its first-ever investigation of Cuban human rights in 1988. Despite guarantees to the contrary, Castro has been harassing these individuals ever since.

The United Nations has a special obligation to those who took grave risks and paid a steep price to bring before the world Castro's systematic abuses of human rights. These individuals deserve the United Nation's continuing involvement, commitment and protection. The Secretary General should act immediately to gain their release.

The PRESIDING OFFICER. The Senator from Utah [Mr. HATCH] is recognized.

Mr. HATCH. Mr. President, I ask the Senator to put me on as a cosponsor. I will be glad to sign that letter.

Mr. GRAHAM. I appreciate it.

Mr. HATCH. I am glad to have been present to hear his remarks today.

Mr. GRAHAM. I express my appreciation to the Senator from Utah. I know of his deep interest in human rights and especially issues affecting the civil rights and human rights of the citizens of Cuba.

Mr. HATCH. I thank the distinguished Senator from Florida. I wish to associate myself with his remarks. I think Castro has done some awful things ever since he has been there and a lot of commentators in this country have allowed him to do so. That happened right up until the time Armando Valladares wrote his book "Against All Hope." Having served more than 20 years in Castro prisons and describing the hideous conditions that exist there, I think we are all indebted to people like Armando Valladares. I think we are indebted to the distinguished Senator from Florida for the work he is doing in this area.

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CIVIL RIGHTS ACT OF 1990

Mr. HATCH. Mr. President, I believe the Civil Rights Act of 1990 is fundamentally flawed. We have held four hearings, Mr. President, in the Labor Committee on S. 2104, the so-called Civil Rights Act of 1990. The hearings have made it very, very clear that this bill goes far beyond merely overturning a few Supreme Court decisions from 1989. It overturns numerous decisions, both the Supreme Court and lower court deicisons, some stretching back to the 1970's. And its proponents do not even claim that it is aimed at merely overturning the Supreme Court decisions from last year, in any event.

As the Daily Labor Reporter, a nonpartisan newsletter, aptly said in its February 9, 1990, issue, the bill "goes far beyond addressing recent Supreme Court rulings and amounts to a virtual wish list for plaintiffs in employment discrimination litigation."

The bill will work fundamental shifts in title VII of the 1964 Civil Rights Act. it will transform title VII from a statute aimed at conciliation, administrative resolution, settlement, and placing a victim of discrimination in his or her rightful place in the work force into a statute in which conflict in the workplace will be exacerbated. Protracted, costly litigation will be the weapon of first resort. The bill will simply be a bonanza for lawyers.

Further, the bill will convert title VII from a statute guaranteeing equal opportunity for individuals, into a statute virtually compelling quota hiring by all public and private employers of 15 or more persons. Even the Washington Post acknowledged this concern in a March 16, 1990, editorial wherein the Post said:

> That issue—quotas—should be taken seriously. It is not just the false fear or red herring that civil rights groups too readily dismiss it as being.

In addition, this bill will severely restrict access to court for certain persons seeking to assert their most fundamental right to equal protection of the laws and the right to be free of the invidious discrimination in violation of Federal statutes. It will deny certain persons the opportunity for a full trial on the merits of such a claim with the full right of discovery and the right to appeal.

That is abominable. People have to start reading this bill and look at what it does.

I want to quote a few sentences of the testimony of James Henson, a Birmingham, AL, firefighter. Mr. Henson ranked sixth on a promotion list, but was passed over because of his race in favor of someone ranked 85th, in order to implement a consent decree in a case to which Mr. Henson had not been a party. In addition, Mr. Henson had done a number of things to educate and train himself and to get advanced understanding and experience that the other candidate had not done.

Mr. Henson said:

> I am a working-class man. I am not responsible for any past discrimination by the city of Birmingham. I did not cause any discrimination and should not have to pay the price for it. The city of Birmingham should pay the price for its own wrongs. I am not a lawyer, but I think I can tell when I have been treated unfairly.
>
> Mr. Chairman, all I am seeking is a day in court to show I am a victim of unlawful discrimination. I filed suit promptly after I was denied a promotion [on the basis of my race] * * * I am pleased that the Supreme Court has ruled that I am entitled to a day in court. I urge this committee not to take away my opportunity to show that I have been discriminated against.

Mr. Henson happened to be a white firefighter. He was denied this promotion solely because he was white. And the promotion went to a man who was 79 positions below him on the list for this job. He was sixth. The other man was 85th. Though black, that was the sole reason why he was chosen over Mr. Henson.

Mr. President, had Mr. Henson participated in discrimination, I would have no sympathy for him. But he absolutely had nothing to do with it, and his testimony showed that. Nobody can deny it.

Mr. President, I ask unanimous consent that Mr. Henson's testimony and the testimony of some of the other witnesses, along with my opening statements at the hearings be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPENING STATEMENT ON S. 2104, THE CIVIL RIGHTS ACT OF 1990, SENATOR ORRIN G. HATCH, FEBRUARY 23, 1990

Mr. Chairman, all of us agree that one of the most important functions of government is to guarantee equal opportunity under the law. Discrimination on the basis of race, ethnicity, religion, handicap, and gender is immoral and contrary to the most fundamental ideals of our country.

Over the past 25 years, a rich and broad mosaic of federal civil rights laws, ranging from employment, public accommodations, federally aided programs, to housing, institutionalized persons, and more, have been put in place. I have no doubt that more needs to be done to combat the evil of discrimination in our society and hope that we can work together to achieve this important goal.

The Civil Rights Act of 1990 is designed to overturn several recent Supreme Court cases. In fact, it overhauls two federal statutes, throws out years of Supreme Court and appellate court decisions, and conflicts directly with several core concepts of American justice.

Some areas of the legislation have merit. For example: I have concluded that Section 1981 should be amended to ban racial discrimination in the terms and conditions of contracts, as well in their formation and enforcement. Thus, the Patterson case, in my view, should be overturned. Moreoever, I believe that Title VII should be amended so that persons can challenge allegedly discriminatory seniority systems at the time a person is aggrieved by such a system. Thus, the Lorance decision should, in my view, be overturned. I have introduced legislation, prepared and supported by the Admininistration, which achieves these salutary objectives.

On the other hand, Mr. Chairman, I don't believe we have to overhaul the American legal system to ensure equality. We don't have to award some groups more legal rights than others to guarantee the civil rights of all Americans. We don't have to make quotas the only legal employment policy in order to provide equal opportunity.

The major problem areas in the bill are as follows:

1. This bill is a litigation bonanza for lawyers.
2. Sections III and IV so dramatically change Title VII that the only way to avoid being sued is to hire solely by numbers, to use quotas for hiring and promotion.
3. Under Sections III and IV of this bill, hiring the most qualified applicant may no longer be an acceptable defense to a charge of discrimination.
4. Sections III and IV of the bill conflict with the fundamental principle that one is innocent until proven guilty. The bill for the first time will shift the burden of proof from the plaintiff to the defendant in disparate impact cases.
5. Section VI conflicts with the fundamental principle that every American should have the same right to his or her day in court.
6. This bill would even overturn a Justice Brennan decision as to what constitutes intentional discrimination.

Mr. Chairman, I want to compliment you for holding four days of hearings on this bill. I look forward to working with you on the other days of hearings to ensure that we have the benefit of all available expertise. S. 2104 is an extremely complicated bill that will affect millions of Americans. We must not legislate by label but take all the steps necessary to understand the legal ramifications of what is being proposed.

ADDENDUM TO SENATOR HATCH'S OPENING STATEMENT

In the *Watson* v. *Fort Worth Bank and Trust* case, decided in 1988, Justice O'Connor warned us about the real risk of imposing quotas on the American people if the Title VII disparate impact theory is misused. In that case, the Supreme Court actually extended the application of the disparate impact theory to subjective employment practices, a great victory for civil rights plaintiffs. She then went on to say, basically, everything I said in my opening statement:

"We agree that the inevitable focus on statistics in disparate impact cases could put undue pressure on employers to adopt inappropriate prohphylactic measures. It is completely unrealistic to assume that unlawful discrimination is the sole cause of people failing to gravitate to jobs and employers in accord with the laws of chance. It would be equally unrealistic to suppose that employers can eliminate, or discover and explain, the myriad of innocent causes that may lead to statistical imbalances in the composition of their work forces. Congress has specifically provided that employers are not required to avoid 'disparate impact' as such;" citing a specific provision of Title VII (Section 703(j)) . . . "Preferential treatment and the use of quotas by public employers subject to

Title VII can violate the Constitution, and it has long been recognized that legal rules leaving any class of employers with 'little choice' but to adopt such measures would be 'far from the intent of Title VII,'" quoting Justice Blackmun. *Albemarle Paper Co.*, 422 U.S., at 449, 95 S.Ct., at 2390 (Blackmun, J., concurring in judgment).

Thus, Justice O'Connor acknowledged that: "extending disparate impact analysis to subjective employment practices has the potential to create a Hobson's choice for employers and thus to lead in practice to perverse results. If quotas and preferential treatment become the only cost-effective means of avoiding expensive litigation and potentially catastrophic liability, such measures will be widely adopted. The prudent employer will be careful to ensure that its programs are discussed in euphemistic terms, but will be equally careful to ensure that the quotas are met. Allowing the evolution of disparate impact analysis to lead to this result would be contrary to Congress' clearly expressed intent"—at least until legislation like S. 2104 becomes law, if it ever does—"and it should not be the effect of our decision today."

". . . We recognize, however, that today's extension of [the disparate impact] theory into the context of subjective selection practices could increase the risk that employers will be given incentives to adopt quotas or to engage in preferential treatment. Because Congress has so clearly and emphatically expressed its intent that Title VII not lead to this result, 42 U.S.C. Section 2000e–2(j), we think it imperative to explain in some detail why the evidentiary standards that apply in these cases should serve as adequate safeguards against the danger that Congress recognized."

And then Justice O'Connor, in her four member plurality opinion, laid out the standards for proving a disparate impact case. These are the very same standards adopted by a majority of the Court, with the addition of Justice Kennedy, in Wards Cove.

In Wards Cove, the Court held:

In order to use statistical evidence to establish a prima facie of disparate impact, you must make a comparison between the percentage of qualified minorities in the relevant labor pool and the percentage of minorities in the job in question. To compare the percentage of minorities in an employer's unskilled jobs to their percentage in skilled jobs, is "nonsensical," as Justice White said.

A plaintiff must then demonstrate that the disparity results form the employment practice(s) he or she is challenging, not merely assert that the employer's entire set of hiring practices results in an imbalance. This seems an obvious requirement for a prima facie case. As Justice White said, "To hold otherwise would result in employers being potentially liable for 'the myriad of innocent causes that may lead statistical imbalances in the composition of their work forces.'"

Once the plaintiff makes a prima facie case by showing a relevant disparity resulting from the employer's practice(s), the employer has the burden of producing evidence of a legitimate reason for the employment practices in question.

That is, the employer's burden is to produce evidence that its challenged practice(s) serves in a significant way legitimate employment goals; the employer need not produce evidence that the practice is necessary or essential to effective job performance. The latter is an impossible burden for employers to meet. It would cause an erosion of standards and force employers to adopt quotas in order to avoid liability.

The burden of persuasion in these cases remains with the plaintiff—an elementary part of how our civil justice system works. The plaintiff under Title VII must prove discrimination has occurred, the defendant is not required to prove his innocence, i.e. that he has not discriminated. Thus, once the employer produces evidence of the legitimacy of the practice in question, the plaintiff must show that the proffered business justification is a pretext or otherwise not legitimate. This is how the federal rules of evidence operate. Federal Rule of Evidence 301.

Even then, if the plaintiff cannot prevail on the business justification question, he or she may still prevail by coming forward with alternative employment criteria that reduce the disparate impact of existing employment practices. But these alternatives must be equally effective in serving the employer's legitimate employment goals.

There is nothing unusual about this. It has all been said by the Court before. E.g. *New York Transit Authority v. Beazer*, 440 U.S. 568, 587 n.31 (1979); *Albermarle Paper Co. v. Moody*, 422 U.S. 405, 413 and n.7,. 425 (1975); *Griggs v. Duke Power Co.*, 401 U.S. 424, 431, 432 (1971); See also *Watson v. Ft. Worth Bank and Trust*, 108 S.Ct. 2777, 2787–2791 (1988); *NAACP v. Medical Center*, 657 F.2d 1322, 1334–1336 (3rd Cir. 1981).

These standards reflect prior Supreme Court precedent in each particular, including *Griggs*, not a departure from precedent. They implement the disparate impact standard in a sensible way, they do not overturn it.

Opening Statement, Second Hearing on Civil Rights Act of 1990, Senator Orrin G. Hatch, February 27, 1990

I join the Chairman of the Committee in extending appreciation and welcome to our witnesses this morning. We will be hearing from Mr. Donald Ayer, Deputy Attorney General of the United States, several former members of the Equal Employment Opportunity Commission, and others regarding this legislation.

None of us will argue that discrimination does not exist today. We have all seen its ugly head. We need strong and effective implementation of our civil rights laws. Where there is a need to improve civil rights enforcement, I will be a strong advocate for such improvement.

We agree, Mr. Chairman, that some change in these laws is desirable. I have introduced legislation prepared and supported by the Bush Administration to overturn the Supreme Court's decisions in the *Patterson* and *Lorance* cases. But, Mr. Chairman, I cannot support wholesale changes in our essential civil rights laws when such changes, in effect, overturn many time-honored principles—principles which are dear to every American.

This legislation would shift the burden of proof to defendants in disparate impact cases, meaning that one is guilty until proven innocent. This legislation would severely limit the right of certain workers affected by a consent decree, to challenge that decree in court when they claim to be harmed by it. This would deny Americans their equal right to their day in court. By introducing punitive and compensatory damages and jury trials to Title VII, the legislation provides a windfall for attorneys and creates an incentive to engage in lengthy litigation rather than to settle differences. I submit to my colleagues here in the Senate that this incentive moves our nation no further toward the kind of society we seek—one in which irrelevant factors such as race play no role in employment decisions.

Some of the aspects of this bill which will be covered today are of particular interest. With the exception of the *Patterson* case, which we both agree warrants redress, the significant changes contained in Sections 5 and 8 of this bill do not even purport to be a "restoration" of the law to where it was before the Supreme Court's 1989 term. They clearly represent a substantial departure from the Civil Rights Act of 1964.

Section 5 of this bill would overrule *Price Waterhouse v. Hopkins*, a plurality decision written by Justice Brennan which was a victory for civil rights plaintiffs. This section goes further than that opinion by reversing the general rule that, in employment cases, a plaintiff must show that the defendant's unlawful conduct caused the injury. The change here is significant. This bill would allow punitive and compensatory damages and attorneys fees even in cases where an employer has proven that it would have made the same decision for nondiscriminatory reasons.

Section 8 of this bill proposes, though not in response to any Supreme Court decision, to expand Title VII to make punitive and compensatory damages, including damages for pain and suffering, available in disparate treatment cases.

I am concerned that this would change Title VII from a statutory scheme aimed at conciliation and the administrative resolution of allegations into one in which litigation is the first, not last, resort. To change the Act in a way that would discourage rather than encourage the prompt and equitable resolution of employment disputes could, in the long run, heighten rather than lessen racial and other conflicts in the workplace. Indeed, one provision of the bill, section 9, makes it illegal to condition settlements on the waiver of attorneys fees, thus overturning yet another Supreme Court decision in *Evans v. Jeff D.* This will make it even more difficult to settle cases; this will delay, not foster, simple justice.

Mr. Chairman, I reiterate that we both seek equality of opportunity in the workplace. Unfortunately, there are certain principles of justice which would be turned on their heads if this legislation were enacted in its present form. I find it discouraging that we are asked to overturn these fundamental rights of citizens in order to prove our support for equal opportunity. This is strictly an unfair exchange for everyone.

Opening Statement of Senator Orrin G. Hatch, March 1, 1990

Thank you, Mr. Chairman. Today we consider the *Wards Cove* v. *Atonio* decision. By overturning the *Wards Cove* v. *Atonio* decision, and "jimmying" the rules of proving a case of disparate impact discrimination, S. 2104 would work a radical transformation of Title VII. It would convert Title VII from a statute focusing on equal opportunity for individuals to one presumptively requiring, indeed virtually compelling, quota-type hiring and promotion for groups.

Under Sections 3 and 4 of S. 2104, all a plaintiff needs to do to win a Title VII lawsuit is to show that an employer has a

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racial, ethnic, or gender imbalance in a job—without identifying any particular employment practice as having caused the imbalance. Period. For example, suppose that 20% percent of the accountants in a labor market are members of a particular racial or ethnic group. Suppose further that only 10% percent of the accountants in an accounting firm in that labor market are from that group. That business is going to be found guilty of racial discrimination unless the business cannot only prove its innocence, but do so under a virtually impossible standard. An employer could only avoid liability if he meets a burden of persuasion that all of his job criteria either did not contribute to the imbalance or are essential to effective job performance. This burden would be virtually impossible to meet, and one which finds no precedent in Supreme Court decisions.

In order to avoid liability under this extraordinary burden, employers would have to hire and promote on a quota basis to avoid these disparate impact lawsuits—to avoid, in short, what Justice O'Connor called "expensive litigation and potentially catastrophic liability." This precise concern was expressed by Justices White, O'Connor, and others in several cases, including *Wards Cove* v. *Atonio* and *Watson* v. *Fort Worth Bank and Trust*.

In short, rather than requiring nondiscrimination and equal opportunity, Title VII's touchstone would become proportional representation and equal results on the basis of race, ethnicity, and gender—in other words, quotas, however surreptitiously adopted or euphemistically described.

I believe the Administration is dedicated to preventing this terrible result, and I join them in that resolve. Attorney General Thornburgh said on February 7, 1990: "The Administration's firm commitment to eliminate employment discrimination also means that we continue to oppose racial quotas. Discrimination is wrong no matter at whom it is directed. The Administration, therefore, opposes any legislation aimed at overturning three * * * Supreme Court decisions," including *Wards Cove Packing Co.* v. *Atonio*. The Attorney General described this decision and two others, including *Martin* v. *Wilks*, as "decisions rooted in the Court's opposition to racial quotas, which we share. We urged the Court to reach the decisions it did in each of these cases, we agree with them, and will oppose any legislation that seeks to overturn them."

As Stuart Taylor, Jr., observed in a recent issue of Legal Times: "Under [this] bill * * * the beneficiaries of disparate-impact suits would not necessarily be victims of discrimination. And the defendants would not necessarily be guilty of anything but hiring and promoting the people they consider the best qualified."

No one should be fooled by irrelevant language in the bill intended to camouflage its import. Sections three and four are the operative provisions of the bill. Those sections overturn Wards Cove by stacking the rules of proving a disparate impact against employers in the manner I mentioned earlier. The concern in this bill is not about court-ordered remedies or conciliation agreements. It is the radical revision in the standard of disparate impact liability and misuse of statistics that create the severe quota threat of S. 2104. The bill's denial that it addresses "affirmative action," which is not defined in any event, is irrelevant. The operative language of sections three and four create the problem I described.

I might add that Wards Cove is fully consistent with the *Griggs* v. *Duke Power Company* decision, and Griggs remains good law today. Moreover, whether or not Griggs has led employers in the past to use quotas is totally irrelevant to this bill. This bill does not codify Griggs, it twists Griggs completely out of shape. It is S. 2104, and how it distorts Griggs, that is the source of my present concern.

I look forward to hearing the witnesses today.

STATEMENT OF SENATOR ORRIN G. HATCH, MARCH 7, 1990

Thank you, Mr. Chairman. One of the most cherished rights we enjoy as Americans is the right to our own day in court when we believe we have been actually harmed. S. 2104 is a harsh, illiberal effort to strip effectively certain innocent Americans of their opportunity to assert equal protection claims under the Constitution, and employment discrimination claims under federal statutes, in their own lawsuits. This could well be the first serious effort in recent years to restrict access to the courts for persons who wish to assert fundamental constitutional claims to equal protection of the laws and basic statutory rights to be free of invidious discrimination.

We will hear a great deal of lawyer talk about due process and what the Constitution does and does not require. And that, of course, is extremely important. But we must also keep in mind the impact of what we do on the lives of people asserting the most fundamental rights of all in our society. An individual who is not a party to an employment discrimination case, and who has not been joined under the Federal Rules of Civil Procedure, should not be bound by the result in that case. This is so, in my opinion, even if that individual has less formal notice of a proposed order or consent decree, or even of the underlying lawsuit prior to the proposal of an order or consent decree. Unless an individual is a party to a case or actually represented in the case, as in a class action, he or she should have the right to make his or her own claims of racial or gender discrimination and denial or equal protection of the laws in an independent lawsuit. Such an individual should have the right to do so within the appropriate statute of limitations from the time he or she claims to be actually harmed.

Indeed, this bill allows for just such a subsequent lawsuit for some persons, but not others. Suppose the EEOC or Department of Justice files a lawsuit against an employer on behalf of employees or job applicants who are women or members of a particular racial or ethnic minority group. The persons on whose behalf the government is suing are not parties, but assume that they have the notice S. 2104 describes. If the employer settles the case by consent decree, or judgment is entered against the employer, S. 2104 preserves current case law which permits those women or minority employees to bring a subsequent lawsuit against that very same employer seeking greater relief for themselves. And I think that is fine.

S. 2104, however, effectively slams the courthouse door in the face of innocent employees, not parties to the case, if they are later harmed by the very same consent decree or judgment. That is wrong. Let those innocent nonparty employees have a chance to bring their subsequent claim, too.

This transparent double standard is an unedifying example of the extent to which modern American liberalism has departed from the principle of equal justice under law.

Does Section 6, by overturning *Martin* v. *Wilks*, seek greater finality in employment discrimination cases? Yes and no. The greater finality is sought only against innocent third persons but not with respect to civil rights plaintiffs.

Charles Alan Wright, Arthur Miller, and A. E. Cooper, in their noted work, Federal Practice and Procedure (1981), wrote:

"The initial presumption that nonparties are not bound by a judgment has been stated in many cases. This presumption draws from the due process right to be heard * * * It is conceivable that some day this basic postulate may be eroded by courts that believe that one full and fair litigation of an issue is sufficient without regard to the identity of the parties. It is much better, however, to resist any such erosion. Our deep-rooted historic tradition that everyone should have his own day in court draws from clear experience with the general fallibility of litigation and with the specific distortions of judgments that arise from the very identity of the parties."

I intend to resist any such erosion.

There is some irony, Mr. Chairman, in Section 6. Other parts of S. 2104 overturn the Lorance decision. Thus, the bill permits persons like the women in Lorance to sue an employer at the time they are harmed in fact by a seniority provision adopted with a discriminatory intent. I agree with that, and the bill I have introduced, S. 2166, reverses that decision. But lets let every American have his or her right to a day in court at the time the individual is actually harmed.

Finally, Mr. Chairman, S. 2104 is not merely content effectively to slam the courthouse door in the face of innocent third parties in the future. By applying Section 6 retroactively, this bill would literally throw current litigants asserting constitutional equal protections claims and discrimination claims right out of court and into the street without opportunity for redress. And I suppose we will do that in the name of civil rights.

STATEMENT OF JAMES W. HENSON BEFORE THE SENATE LABOR AND HUMAN RESOURCES COMMITTEE, MARCH 7, 1990

Mr. Chairman, I am James Henson, an employee of the Birmingham Fire & Rescue service. I am a plaintiff in the case which was called *Martin* v. *Wilks* in the Supreme Court of the United States. I believe racial discrimination is wrong no matter who it is directed against. I sued the City of Birmingham because I was denied a promotion on the basis of my race. I am pleased that the Supreme Court has ruled that I am entitled to a day in court. I urge this committee not to take away my opportunity to show that I have been discriminated against.

I joined the Birmingham Fire Department in 1976. At that time, blacks had been in the department for several years. I am not responsible for any wrongs that may have occurred before or since that time.

I had previously been the chief of a small suburban fire department but wanted to join a large department where my opportunities would be greater. I worked hard and earned a 2 year college degree in Fire Science and became a qualified paramedic.

In 1983, I spent months studying for the promotional exam and out of over 100 people that took the test, placed No. 6 on the list. When the Chief interviewed me for a promotion he said that I would not be promoted because I am white. The Chief said that he had no choice in the matter because 50% of the promotions had been set aside for blacks under the Consent Decree the City had entered into 2 years earlier.

Carl Cook, the black firefighter who got my promotion, as shown on this chart, was ranked No. 85 while I was No. 6 on the the list. Mr. Cook had been with the Department 9 years while I was only there 6, so he got more seniority points than I did. Mr. Cook was not qualified as a medic, had no Fire Science degree, had never worked as the leadworker or acting officer and had no prior firefighting experience. I had all of these qualifications. Despite my better qualifications and starkly higher test scores, the Fire Chief told me I would not be promoted because I am not black. Moreover, Mr. Cook was never identified as a victim of past discrimination, but received preferential treatment solely due to his race. Finally, several years later I received my promotion to Lieutenant and thereafter I was promoted to Captain. During those years, my career was on hold and I lost pay and seniority solely due to my race. Aside from these tangible losses, this has been a demoralizing experience for me and my family.

I am a working class man. I am not responsible for any past discrimination by the City of Birmingham. I did not cause any discrimination and should not have to pay the price for it. The City of Birmingham should pay the price for its own wrongs. I am not a lawyer, but I think I can tell when I have been treated unfairly.

Mr. Chairman, all I am seeking is a day in Court to show I am a victim of unlawful discrimination. I filed suit promptly after I was denied a promotion. I had no knowledge of the details of the litigation which resulted in the consent decree. If I get the trial and appeal and the Courts find that the City's conduct was legal, I can accept that and know that in America everyone is entitled to a day in Court. What I cannot accept is having the City's agreement shoved down my throat with no opportunity to a full and fair trial to show that this is wrong.

Thank you.

STATEMENT OF RAYMOND P. FITZPATRICK, JR., BEFORE THE SENATE LABOR AND HUMAN RESOURCES COMMITTEE, MARCH 7, 1990

Mr. Chairman, I am Raymond Fitzpatrick of Birmingham, Alabama. I represent the nonminority firefighters of the Birmingham Fire & Rescue Service in *Martin* v. *Wilks*. Thank you for the opportunity to appear before this Committee to comment on Section 6 of S. 2104.

Martin v. *Wilks* was a correct decision which Congress should leave undisturbed. The Supreme Court reaffirmed the fundamental principle of due process that all Americans are entitled to a day in Court when they believe they have been wronged. I wish to make it clear that *Martin* v. *Wilks* is a decision designed to further the due process guaranties embodied in the Constitution, and any legislative action in this area must meet due process scrutiny. Those who claim that the Supreme Court was merely interpreting the Rules of Civil Procedure are wrong. The Supreme Court quoted Justice Brandeis when it held: "it is a principle of general application in anglo-American jurisprudence that one is not bound by a judgment . . . in a litigation in which he is not designated as a party or to which he has not been made a party by service of process."

The Court recognized that this fundamental due process principle was incorporated into the Rules of Civil Procedure by the permissive language of Rule 24 governing intervention and the mandatory joinder provisions of Rule 24. It is a principle which, both as a matter of due process and fundamental fairness, Congress should not disturb.

The fairness of this principle is demonstrated by the facts of the Birmingham litigation where the nonminority firefighters filed both lawsuits challenging the quota plan and a motion to intervene in the consent degree litigation. In 1975, the United States filed suit against the City of Birmingham and the Personnel Board, a separate agency which screens applicants for City jobs. The Personnel Board's entry-level Police Officer and Firefighter examinations were found to violate Title VII, but not the Constitution, and the District Court ordered a hiring quota. The City of Birmingham was not found guilty of any discrimination. Nobody has ever challenged that entry level order. In 1979, the District Court held a second trial on the legality of other tests and screening devices used by the Personnel Board. There was no attack made on any Fire Department promotional examination. The City faced a potential backpay claim of $5 million. Rather than wait for ruling, in 1981, the City secretly negotiated a Consent Decree in which it agreed to 50% quotas for promotions to Fire Lieutenant, quotas for all other jobs with the City of Birmingham, and paid only $265,000 to the victims of past discrimination. Mayor Arrington has described this arrangement as the "best business deal" the City had ever made.[1] Indeed it was, for the City settled the case on the backs of innocent nonparties who themselves were not guilty of committing any discrimination.

The Birmingham Firefighters Association appeared at the District Court's Fairness Hearing to oppose the quotas and urge the Court to require participation by the nonminority employees in the settlement process. In addition, before approval of the decree,[2] the Firefighters Association and two of its members moved to intervene so they could contest the legality of the proposed decree. At the urging of the Lawyers Committee and the City of Birmingham, the District Court refused to allow intervention, claiming we were five years too late.

The Firefighters appealed. Again, the City and Lawyers Committee opposed intervention saying the firefighters were years too late, should have intervened when the suits were filed in 1975, and had no standing to contest the quotas because there had been no injury. In addition, the Lawyers Committee told the 11th Circuit that the Firefighters should not be allowed to intervene because they were free to file separate litigation to challenge the City's actions.[3] The Eleventh Circuit held that intervention was not necessary because individual firefighters who are denied promotion should file separate suits after they are in fact denied a promotion.[4] Following the 11th Circuit's decision, my clients pursued their suits under Title VII and the Fourteenth Amendment. The District Court summarily deemed its decree valid and bound the nonminority firefighters to the terms of the Consent Decree they had no part in making. The District Court required the employees to show that the City was not following the decree. We again appealed and the 11th Circuit [5] and the Supreme Court [6] held that it was wrong to bind my clients to a settlement they had no part in making. The Supreme Court remanded the case for a trial on the validity of the City's race-based affirmative action plan.

Despite nine years of litigation, my clients have only now been afforded an opportunity to demonstrate that the City's quota plan is outside the limits of permissible affirmative action. I urge the Committee to leave that decision intact and wish to make the following substantive comments regarding this bill.

Section 6 has a number of problems which I wish to outline for the Committee:

1. The provisions governing the hearing of objections in part (A) of section 6 are violative of due process. A Fairness Hearing does not provide adequate protection to nonparties. Nonparties lack the tools of discovery to prepare for a hearing, have no subpoena power or other rights of parties and, most important, have no right to appeal when the district court signs the consent decree. *An objector is not a party and does not have the rights of a party.*[7]

2. The notice provisions of parts B and C also do not meet due process requirements. The Court has upheld the termination of nonparty claims only in very limited statutory proceedings, such as bankruptcy or probate proceedings, where there is a clear framework of rules to require *actual* notice to affected individuals, with a full complement of due process guaranties. There are no guidelines regarding notice in this bill which even attempt to meet due process standards to ensure actual notice to affected individuals. The language of the bill which

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[1] 1985 trial, PX 403.

[2] Intervention was sought on August 4, 1981. The decree was entered on August 21, 1981.

[3] Brief of John W. Martin, et al., Appellees at 10, No. 81-7761 (11th Cir. 1982).

[4] *United States* v. *Jefferson County*, 720 F.2d 1511 (11th Cir. 1983).

[5] *In re Birmingham Reverse Discrimination Employment Litigation*, 833 F.2d 1492 (11th Cir. 1987).

[6] *Martin* v. *Wilks*, 490 U.S. ——, 104 L.Ed.2d 835, 109 S.Ct. 2180 (1989).

[7] A fairness hearing does not provide nonparty objectors with an adequate opportunity to be heard. See, Comment, Collateral Attacks on Employment Discrimination consent decrees, 53 Chi.L. Rev. 147, 181 n.139 (1986) (use of a Fairness Hearing to dispose of nonminority claims is the most extreme view). The fairness hearing held in this case by the district court did not provide objecting parties with the benefits normally accorded to parties in litigation. Thus, the objectors were not able to engage in discovery, could not call witnesses or offer evidence, and, most importantly, could not appeal from the proceedings of the district court. Indeed, despite over nine years of continuous litigation, no appellate court has ever addressed the validity of Birmingham's plan, either on its face or as it applies to the firefighters.

The fairness hearing process, whereby nonparties are given the opportunity to voice their concerns through objections, does not rise to the level of the full hearing necessary to terminate the substantive rights of nonparties. Rather, a fairness hearing is much like the predeprivation conference in *Cleveland Bd. of Education* v. *Loudermill*, 470 U.S. 532 (1985) where the charged employee is given the right to appear before the decisionmaker to coax, object and respond to the proposed deprivation, but not call witnesses or cross-examine those of the employer. Indeed, Loudermill provided that after a deprivation of the employee is entitled to a full hearing. Employees who are denied a promotion on the basis of race are certainly entitled to no less. The firefighters' suits are akin to the full post deprivation hearing required by Loudermill.

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cuts off claims without service of actual notice on known interested parties is contrary to the Supreme Court's recent due process decision of *Tulsa Professional Collection Services* v. *Pope*, 108 S. Ct. 134 (1988).[8]

I should note that even the kind of notice which may meet due process requirements in bankruptcy or probate proceedings may not pass muster when fundamental personal rights are at stake. In the bankruptcy and probate proceedings rights to a res—personal or real property—must be affixed. Title to property must be clear. In an employment discrimination case, the right to equal protection of the laws and the right to be free of invidious discrimination are at stake.

I wish to stress that even if mandatory intervention might be someday found constitutional in employment discrimination cases, it would not be the fairest or most efficient manner of adjudicating those rights for the reasons stated in *Martin* v. *Wilks*.

3. While terminating the right of nonparties to seek court review of their claims when harmed by the implementation of a decree, the bill makes it clear that the standards of intervention remain unchanged. In other words, intervention applications at the time of approval of a decree will be met with claims of untimeliness and lack of standing. As demonstrated by the facts of the Birmingham case, by the time a consent decree is announced, intervention is no option at all.

4. The inconsistency and unfairness of the bill is also demonstrated in part (2)(B) of section 6. While nonparties, who are usually nonminorities, are precluded from ever having a meaningful day in Court, the bill expressly preserves the rights of the beneficiaries of the decree, usually minorities or women, to seek further or additional relief in other proceedings against the employer that is a party to the decree.

5. This bill will not reduce litigation, rather it will cause a proliferation of unnecessary motions to intevene by persons who might never have a stake in the litigation at great cost to them. Under this bill, every time an employer is sued under Title VII, the employees of that employer, as well as the prospective employees of that employer, must intervene to preserve their right to contest a decree which might possibly affect their rights if they seek a promotion in the future.[9]

The Supreme Court in *Martin* v. *Wilks* recognized that the existing rules provide a framework to allow parties to negotiate consent decrees yet ensure finality:

1. The existing parties to litigation are in the best position to determine who may be potentially affected by the relief sought in the litigation. Federal Rule of Civil Procedure 19 places the burden on the existing parties and the court to join all interested parties in litigation.[10]

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[8] The practical effect of the doctrine of mandatory intervention is that parties to a consent decree may obtain a consent judgment from a court and make that judgment binding against all third parties. *Mullane* v. *Central Hanover Bank & Trust Co.*, 339 U.S. 306, 317 (1950) requires that in such a circumstance, interested parties are entitled to the "best notice practicable." If a person's identity and whereabouts are known, the party seeking to bind another must mail or personally serve specific notice of the action. *Mullane*, 317-318.

In *Mullane*, the Court struck down a state statute permitting notice by publication to known beneficiaries in a proceeding for judicial settlement of trust accounts despite the fact that the trustee knew their identities and addresses. It made no difference that Mullane received actual notice of the proceeding and represented the interests of known beneficiaries. The Court held, at a minimum, individual notice by mail was required to be given to known interested parties. *Mullane*, 318–320.

In *Tulsa Professional Collection Services* v. *Pope*, 108 S.Ct. 1340 (1988), the Court again upheld the duty to give adequate notice by mail to known interested parties. The *Tulsa* Court struck down an Oklahoma statute permitting notice by publication to known creditors in a state probate proceeding. The Oklahoma statute permitted notice by publication for 2 consecutive weeks in a local newspaper. The publication commenced after the state probate court opened the estate upon request of the executor or administrator of the estate. The Court found that when private parties trigger a state statute of limitations through commencement of judicial proceedings there is sufficient state action to implicate the Due Process Clause. In such circumstances, "due process is directly implicated and actual notice generally is required." 99 L.Ed.2d at 577. The party giving such actual notice bears the burden of "reasonably diligent efforts . . . to uncover the identities . . ." *Id.* at 578. The Court held that if the interested nonparties "identity was known or 'reasonably ascertainable,' then termination of appellant's claim without actual notice violated due process." *Id.* at 579.

The notice must be sufficient to apprise nonparties of the nature of the decree-approval proceedings, the effect of failure to seek intervention, and the time limit for motions to intervention. Comment, *Collateral Attacks on Employment Discrimination Consent Decree*, 53 Chi.L.Rev. 147, 160-161 (1986). Adequate notice must apprise the potentially affected nonparty of the procedure for resolving claims at a hearing so as to permit the objector to adequately prepare for the hearing. *Memphis Light, Water and Gas Division* v. *Craft*, 436 U.S. 1, 13–15 (1978).

[9] The questionable standing of nonminority individuals to participate and their uncertainty about whether they need to bear the expenses of litigating mean that third parties will often discover that their rights have been compromised but that it is already too late to move to intervene. The proponents of the bill claim a collateral attack bar saves judicial resources and litigation costs. On the contrary, such a rule will encourage protective and often unnecessary intervention applications which will unduly expand the breadth of discrimination litigation. In fact, under such a rule, every employee of every employer sued for race discrimination may be placed in the position of having to hire counsel to intervene to protect his or her position in the workforce. Such a burden has never been placed on strangers to litigation. See, *Chase National Bank* v. *Norwalk*, 291 U.S. 431, 441 (19330 ("law does not impose . . . the burden of voluntary intervention"). See also, *Cooper* v. *Federal Reserve Bank of Richmond*, 467 U.S. 867 (1984) (individual unlitigated claims of class members not precluded despite the fact that other class members intervened to assert individual claims).

In order to have standing, a party must have a recognizable interest which is traceable to the defendant's allegedly unlawful conduct. *Allen* v. Wright, 468 U.S. 737 (1984); *Gladstone Realtors* v. *Village of Bellwood*, 441 U.S. 91 (1979). The rules of Article III standing apply to intervenors as well as original parties to the litigation. *Diamond* v. *Charles*, 476 U.S. 54 (1986).

The City of Birmingham has some 3,000 employees. Over 600 are Birmingham Fire & Rescue Service ("BFRS") employees. It is wholly unrealistic to require each individual BFRS employee to take notice in 1975 through newspaper stories of the pendency of litigation, to learn that the litigation involves rights to promotional positions rather than hiring discrimination, to foresee that their employer will settle rather than litigate and that they will be the ones to bear the burden of that settlement through implementation of the quotas. Such an individual's interest in the litigation would certainly be speculative at best.

Similarly, in 1981, it was unreasonable to require hundreds of BFRS employees to seek to intervene in order to protect their right to a promotion which they might decide to seek in the future and which might be denied if they obtain a score high enough to be certified. Moreover, only a small portion of those passing the Fire Lieutenant's examination are ever certified.

The union also cannot act as the surrogate for the employees. It represents a broad spectrum of employees, black and white, officers and privates, those with seniority and those without, as well as those who intend to seek promotion and those who do not. See, *Wygant*, 476 U.S. 281 n.8.

Given the speculative nature in 1975 of the Firefighters' interest in the consent decree litigation, it is certainly unreasonable to place the burden on the individual nonminority employees of the City, not to mention persons who are not yet City employees, to intervene in the litigation. See *Safir* v. *Dole*, 718 F.2d 475 (D.C.Cir. 1983) (Scalia, J.) (Safir's possible future reentry into the shipping business deemed too speculative to confer standing). Moreover, protective intervention adds to the high cost of litigation of the existing parties as well as subjects the intervenor to the possible assessment of attorney's fees if the defendant is ultimately deemed liable. See *Diamond* v. *Charles*, 476 U.S. 54, 70 (1986); *Reeves* v. *Wilkes*, 754 F.2d 965 (11th Cir. 1985). Such costs and risks are simply too high to preserve the future rights of nonparties to object to a potentially illegal consent remedy.

Moreover, the claim that the firefighters should have intervened in the decree case contradicts the position which the City took in the appeal from the intervention proceedings that the Firefighters lacked a litigable interest which would support intervention. In 1983, the City told the Eleventh Circuit that the appellants lacked standing. See J.A. 549 ("with respect to the promotional goals the Firefighters fail to show a sufficient direct and personal injury to its members"). Similarly, the Lawyers Committee claimed the appellants lacked "standing to seek appellate review of the consent judgments." Brief of John W. Martin, 23, *United States* v. *Jefferson County*, No. 81-7761 (11th Cir.).

[10] Consent decree parties have an adequate remedy through joinder of nonparties under rule 19, F.R.Civ.P. Such a mechanism clearly provides the nonparty with a full complement of due process safeguards by notice, through a summons, a date certain after which default may be entered, the tools of discovery, the opportunity to be heard through a full evidentiary hearing, and, most important, the right to appeal any adverse decision. Just as the employer believes the nonparty should perceive its interest and intervene, so too may the employer perceive the interest of the nonparty and join the nonparty at the appropriate time. The employer has sophisticated counsel with knowledge of the proposed consent decree and the skills to perceive the potential interest of the nonparty while the nonparty has no counsel or intimate knowledge of the federal court proceedings. Had Birmingham wished to bind the Firefighters to its settlement, it could have joined them under Rule 19 or refrained from opposing intervention. The fact that joinder will involve some cost should be of no consequence. See, Laycock, *Consent Decrees Without Consent: The Rights of Nonconsenting Third Parties*, 1987 Univ. of Chicago Legal Forum 103, 144–153. Given its opposition to intervention, the city should not now be allowed to complain. Each time a complex claim of discrimination is brought before the courts involving diverse and competing interests, there are significant costs in terms of the litigation expenses and liability exposure of the parties as well as the allocation of scarce judicial resources. If the City desires to engage in a settlement the cost of which some third party is likely to bear, it should pay the price of either joining those parties in the litigation or facing the claims of those third parties in the future. Shifting the entire cost of settlement to innocent third parties should not be permitted. As Mayor Arrington has testified, the consent decree was "the best business deal [the City] had ever struck." J.A. 526. Congress should not countenance "business deals" at the expense of strangers to the litigation.

In ensuring the rights of the Firefighters to due process, the Supreme Court found that the Firefighters' claims against their employer are due to be heard in the context of independent suits. Such a rule is a reasonable procedural device which preserves the due process rights of nonminorities to have their claims heard. Firefighters believe their suits are the preferable means of resolving these types of claims, in view of the ability of the court not only to consider the facial validity of a decree-embodied plan, but also the conduct of the parties in implementing the plan. See, e.g., *Johnson* v. *Transportation Agency*, 480 U.S. ____, 107 S.Ct. 1442 (1987) (goal should be flexible based on the avail-

2. Large numbers of similarly situated persons may be joined into the litigation through the class action mechanisms of Rule 23. In such a case, the Court must ensure that the proper notice is given to class members and that the interests of class members are fully and adequately represented. Moreover, unlike objectors at a Fairness Hearing, a class which is approved by the Court has the right to appeal from the entry of a decree which affects its rights.

We believe that racial discrimination should be identified and eliminated and the victims should be given a full remedy, but not one that infringes on the rights of innocent third parties.

If the Birmingham decree is valid and the city has acted lawfully, then the Courts will rule against my clients and we must accept that ruling. If it is not, then my clients have been done an injustice, are entitled to be heard, and should receive fair compensation and an end to wrongful conduct.

This bill is not content with just prospective application. Under its transition rules, it seeks to throw any employment discrimination case involving a prior decree out of court on a retroactive basis. Given the efforts the Birmingham Firefighters made to intervene before entry of the decree, this would be extremely unfair. My opponents would succeed in immunizing their racial program from appellate scrutiny forever.

This Committee should understand that in our multiethnic society, a decree which gives preferential relief for one group may, at the same time, impact adversely upon other minorities or females. While we believe this bill is primarily aimed at white males, it will also cut off the rights of Hispanics, women and other minorities seeking to make progress in the workplace.

The Supreme Court recognized that allowing suits such as Mr. Henson's will not create chaos but preserve the fundamental right of all of a day in court. While we believe section 6 does not provide a constitutional framework for adjudication of the rights of nonparties and the principle of *Marting* v. *Wilks* is good public policy, the retroactive application of the act is shockingly wrong and unfair.

Thank you.

Statement Before the Senate Committee on Labor and Human Resources, for the U.S. Chamber of Commerce by James C. Paras, Esq., March 1, 1990

Good morning. My name is James C. Paras. I am a Senior Partner in the San Francisco law firm of Morrison & Foerster and a member and past Chairman of the U.S. Chamber of Commerce's Labor Relations Committee. I am also a member of the governing Council of the Labor and Employment Law Section of the American Bar Association. Accompanying me today is Nancy Reed Fulco, Human Resources Attorney for the Chamber. Thank you for affording the Chamber this opportunity to discuss the impact of the proposed civil rights legislation on the business community.

Since the passage of Title VII of the Civil Rights Act of 1964, this country has made tremendous strides both in eradicating employment discrimination and in eliminating artificial barriers to employment while at the same time protecting an employer's right to make reasonable and nondiscriminatory employment decisions. However, proponents of S. 2104, the Civil Rights Act of 1990, claim that the Supreme Court has recently made "an abrupt and unfortunate departure from its historic vigilance in protecting civil rights." 136 Cong. Rec. S 1018 (Feb. 7, 1990). Based upon this assumption, S. 2104 is offered to overrule numerous Supreme Court decisions handed down over the past decade. With few exceptions, proponents contend that the bill would merely restore prior law and, therefore, presumably have little impact on employers who already have been striving to comply with existing employment discrimination laws.

From the perspective of the business community, nothing could be further from the truth. S. 2104 represents a multifaceted revision and expansion of the employment discrimination laws that have developed over the past 25 years. If enacted, it would dramatically alter the balance between the goal of eliminating discrimination in society and the goal of preserving a vital and efficient business environment capable of competing in an increasingly global economy. This is so because S. 2104 would substantially increase the burdens and risk of liability for *every* employer in this country, including the most exemplary.

The most troubling aspects of the proposed legislation include the bill's adoption of a virtually irrebuttable presumption in favor of a quota system; penalization even of those employers who successfully prevent impermissible factors from affecting the outcome of employment decisions; substantial and often open-ended expansion of the time for raising discrimination complaints by some employees, while ironically shortening the time for raising such complaints by other similarly situated employees; injection of unpredictable and perhaps uncontrollable elements of damages in employment discrimination cases; and reduction of incentives for discrimination claimants to settle their cases and restore work relationships. In the section-by-section analysis that follows, these problems with S. 2104 will be addressed.

I. ANALYSIS

A. Section 4: Adverse impact analysis

One of the principal thrusts of S. 2104 is to overturn the Supreme Court's decision in *Wards Cove Packing Co.* v. *Atonio*, 109 S. Ct. 2115 (1989), and in the process substantially to rewrite the adverse impact analysis utilized by the Supreme Court for the past two decades. Contrary to the impression created by its title, Section 4 of the bill would not "restore" any preexisting Supreme Court interpretation of Title VII. Instead, this Section would legislatively overrule not only the *Wards Cove* decision but also a number of other Supreme Court decisions, including the Court's seminal decision in *Griggs* v. *Duke Power Co*, 401 U.S. 424 (1971). By shifting the burden to the employer to prove, in the absence of quotas, that it did *not* discriminate and that the factors utilized in its employment process were not only reasonable but also indispensable, S. 2104 would leave employers with little choice but to adopt quota systems in order to protect themselves from substantial liability.

1. Title VII Currently Preserves an Employer's Right to Establish Selection Criteria with a Potentially Adverse Effect on Protected Groups Provided the Selection Criteria Are Job-Related:

At the outset it should be noted that Congress never intended Title VII to force employers to abandon reasonable predictors of job success that have been adopted without the taint of discriminatory intent. Instead, as the Supreme Court's development of the disparate treatment and adverse impact models of proof establishes, only practices that are intentionally discriminatory or that create obstacles to equal employment that are not reasonably related to job performance are prohibited by Title VII.

In *Griggs* itself, a unanimous Supreme Court observed that there had been substantial concern prior to the adoption of Title VII regarding whether the new law could be construed to require employers to select employees based upon their protected status, rather than their employment qualifications. To allay this fear, "Proponents of Title VII sought throughout the debate to assure the critics that the Act would have *no* effect on *job-related* tests." *Griggs*, 401 U.S. at 434 (emphasis added). Consistent with Congressional intent, Senator Case of New Jersey and Senator Clark of Pennsylvania, comanagers of the Senate bill, issued an influenial memorandum explaining that Title VII, as written, "expressly protects the employer's right to insist that any prospective applicant . . . must meet the applicable job qualifications." 110 *Cong. Rec.* S 7247. In a separate memorandum, these Senators further stated that "There is no requirement in Title VII that employers abandon bona fide qualification tests where, because of differences in background and education, members of some groups are able to perform better on these tests than members of other groups. *An employer may set his qualifications as high as he likes* . . .". *Id*, at S 7213 (emphasis added). From these statements, the *Griggs* court concluded that selection criteria are permissible despite their adverse impact on protected groups if they are "demonstrably a *reasonable* measure of job performance." *Griggs*, 401 U.S. at 430 (emphasis added).

As the Court's subsequent decision in *Furnco Construction Corp.* v. *Waters*, 438 U.S. 567 (1978), reflects, sound jurisprudential and societal reasons support Congress's original intent not to interfere with an employer's right to rely upon legitimate job-related selection criteria. In *Furnco*, plaintiffs challenged an employer's reliance upon personal and outside recommendations concerning applicants' job qualifications. The Court of Appeals ruled in favor of the plaintiffs and ordered the employer to implement a new hiring process based upon an evaluation of written employment applications. In reversing this decision, the Supreme Court noted "[t]he dangers of embarking on a course such as that chartered by the Court of Appeals here, where the court requires businesses to adopt what it perceives to be the 'best' hiring procedures. . . . Not only does the record not reveal that the court's suggested hiring procedure would work satisfactorily, but also there is nothing in the record to indicate that it would be any less 'haphazard, arbitrary, and subjective' than *Furnco's* method. . . . Courts are generally less competent than employers to restructure business practices, and unless mandated to do so by Congress they should not attempt it." *Id.* at 578.

2. Section 4 of the Bill, Rather than *Wards Cove*, Is Inconsistent with Prior Ad-

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ability of minorities in relevant labor pool at the time of the preferential promotion rather than fixed at the time the plan is adopted); *Fullilove* v. *Klutznik*, 448 U.S. 448, 480-481 (1980) (Court only approved facial validity of set-aside statute and did not foreclose future challenges on a case-by-case basis).

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verse Impact Decisions of the Supreme Court:

Two principal theories of proof under Title VII are "disparate treatment" and "adverse impact." Under the disparate treatment theory, an employer is liable if it *intentionally* treated a member of a protected group less favorably than other persons because of the former's protected status. *Texas Department of Community Affairs* v. *Burdine*, 450 U.S. 248 (1981); *McDonnell Douglas Corp.* v. *Green*, 411 U.S. 792 (1973). Under the adverse impact theory, an employer need not have possessed any discriminatory intent. Instead, the employer is liable if it utilized "artificial, arbitrary, and unnecessary barriers to employment" that had a disproportionately adverse impact upon members of a protected group. *Griggs*, 401 U.S. at 431. In the words of the *Griggs*, court, such unreasonable employment criteria could not be allowed to become the "masters of reality." *Id.* at 433.

Prior to 1988, each Supreme Court case adverse impact decision had involved "standardized employment tests or criteria." *Watson* v. *Fort Worth Bank and Trust*, 108 S. Ct. 2777, 2785 (1988). In *Watson*, the Supreme Court broadly expanded the scope of adverse impact analysis to encompass not only standardized or objective employment factors but also nonstandardized or subjective factors as well. This means that very aspect of the employment decision making process, whether articulated or unarticulated, can now be examined under the adverse impact theory.

Wards Cove Packing Co. v. *Atonio*, 109 S. Ct. 2115 (1989), is the first Supreme Court case to examine the adverse impact analysis following the expansion of that analysis in *Watson*. In *Wards Cove*, the Court summarized the adverse impact analysis as follows: First, the plaintiff must identify the specific employment practices that the plaintiff contends are discriminatory and establish that, in fact, each challenged practice adversely impacts members of a protected group. *Id.* at 2124–25. Second, in the event that the plaintiff establishes that certain practices have such an adverse impact, the employer must produce evidence that each of the challenged practices "serves, in a significant way, the legitimate employment goals of the employer. [Citations omitted.] The touchstone of this inquiry is a reasoned review of the employer's justification for his use of the challenged practices. A mere insubstantial justification in this regard will not suffice. . . .". *Id.* at 2125–26. Finally, once the employer has introduced evidence of reasonable business justifications for the challenged practices, the plaintiff must come foward with evidence of alternative practices that could equally serve the employer's legitimate interests with a lesser adverse impact on protected employees. *Id.* at 2126–27. The burden for establishing that the employer is relying upon non-job-related practices remains on the plaintiff.

The tripartite analysis followed in *Wards Cove* is entirely consistent with prior Supreme Court precedent. With respect to the plaintiff's prima facie case, there is simply no dispute that plaintiffs have been required to identify and establish the adverse impact of specific employment practices in each Supreme Court adverse impact case preceding *Wards Cove. Se, e.g., Griggs*, 401 U.S. 424 (high school diploma and aptitude test requirements); *Albermarle Paper*, 422 U.S. 405 (aptitude tests); *Washington* v. *Davis*, 426 U.S. 229 (1976) (written tests); *Dothard* v. *Rawlinson*, 433 U.S. 321 (1977) (height and weight requirements); *New York City Transit Authority* v. *Beazer*, 440 U.S. 568 (1979 (drug use policy); *Connecticut* v. *Teal*, 457 U.S. 140 (written test); *Watson*, 108 S. Ct. 2777 (subjective promotion evaluations). Similarly, in *Teal*, the Supreme Court rejected "bottom line" analysis and required adverse impact analysis to be applied separately to each aspect of anemployment process. *Teal*, 457 U.S. 440.

With respect to a defendant's rebuttal obligation, the Supreme Court likewise has consistently held that an employer must show that its practices are, in fact, "job-related" or possess a "manifest relationship" to the employment in question. *Wards Cove*, 109 S. Ct. at 2130 n.14 (Stevens, J. dissenting) (quoting *Teal*, *Beazer*, *Dothard*, *Albermarle Paper*, and *Griggs*.) This is true even in cases such as *Griggs*, which used the alterative formulation "business necessity." In elaborating upon the meaning of business necessity in *Griggs*, the Court immediately explained that "If an employment practice which operates to exclude [a member of a protected group] cannot be shown to be *related to job performance*, the practice is prohibited." *Griggs*, 401 at 31. Nowhere in *Griggs* did the Supreme Court say that a challenged practice had to be essential, indispensable, or otherwise absolutely required in order for a business to function.

An issue not expressly resolved in *Griggs* and subsequent Supreme Court decisions is the precise degree of proof required by a defendant at the rebuttal stage. Although the Supreme Court had used words such as "demonstrating," "proving," or "showing" to describe the defendant's rebuttal obligation, it had never discussed whether this was a burden of production or persuasion. In *Wards Cove*, the Supreme Court concluded that the defendant carried a burden of producing evidence of its "job-relatedness" defense, but that the plaintiff retained the burden of proving that the defendant had, in fact, relied on arbitrary or unreasonable practices that adversely affected a protected group. This is entirely consistent with the Court's resolution of the same issue in the context of disparate treatment analysis. *Burdine*, 450 U.S. 248. Moreover, it would seem anomalous to impose a higher burden of proof upon defendants in cases involving alleged intentional discrimination.

Finally, if a defendant has identified legitimate job-related reasons for its employment practices, it has always been the plaintiff's burden to identify and establish that alternative practices could equally serve the defendant's interests with a lesser impact upon protected groups. *See, e.g, McDonnell Douglas*, 411 U.S. at 801; *Albermarle Paper*, 422 U.S. at 425.

Section 4, in combination with the definitions found in Section 3 of the bill, would substantially alter the adverse impact analysis developed by the Supreme Court since the early 1970s in several major respects.

First, it would relieve the plaintiff of the requirement of challenging specific employment practices. Instead, it would permit the plaintiff to rely exclusively on "bottom line" statistics indicating an overall imbalance in the work force. In the absence of any further evidence, the plaintiff may prevail based upon such bottom line statistics alone. This conflicts not only with the Supreme Court's *Teal* decision but also with Section 703(j) of Title VII, which expressly states that employers are not required to maintain numerical balances or grant preferential treatment to eliminate numerical imbalances.

Second, Section 4 would raise the standard of justification for challenged business practices from its current "reasonable measure of job performance" standard to one requiring evidence that the practices are not only reasonable but also "essential to effective job performance." This elevation of the degree of justification required from businesses squarely conflicts with prior Supreme Court decisions, which have held that manifestly job-related selection criteria do not have to be essential or absolutely required in order to be sustained. *Davis*, 426 U.S. at ——, *Beazer*, 440 U.S. at ——. In addition, it runs directly into the problem identified in *Furnco* of requiring courts to assume the difficult, indeed impossible, burden of ascertaining what hypothetical practices would be essential to a given business.

Third, by placing the burden of persuasion upon defendants to establish the necessity or indispensability of their business practices, Section 4 would relieve the plaintiff, indeed even the court, of determining whether there are any alternative practices that would have a lesser impact on minority groups. Instead, Section 4 would impose upon the defendant the burden of establishing that there is no possible alternative to the way its business is operated that might lessen the adverse impact upon protected groups.

In this regard, it is interesting that proponents of S. 2104 attempt to justify its shifting of the burden of proof to the employer by observing the virtual impossibility of proving a negative fact, i.e., the absence of any conceivable business justification for a challenged practice. As the foregoing indicates, *Wards Cove* never imposed such an obligation on a plaintiff. A plaintiff's only obligation under *Wards Cove* and its predecessors was to meet the specific job-relatedness justifications proffered by the defendant in its rebuttal. This is consistent with the purposes underlying both disparate treatment and adverse impact analysis, which is the orderly and focused presentation of evidence. *Cf. U.S. Postal Service Board of Governors* v. *Aikens*, 460 U.S. 711 (1983) (disparate treatment model "is merely a sensible, orderly way to evaluate the evidence in light of common experience as it bears on the critical question of discrimination"). *Id.* at 715 (quoting *Furnco*, 438 U.S. at 577). In contrast, under Section 4, a defendant could no longer satisfy its rebuttal obligation by establishing that the practices in question are, in fact, reasonably related to legitimate job expectations. Instead, the defendant will carry the much higher, and in many cases impossible, burden of having to establish that no conceivable alternative practices could be adopted that would be equally effective in accomplishing the defendant's business goals.

3. Section 4 Will Inevitably Lead to the Adoption of Quotas by Employers:

There is no question that Title VII, as currently written, does not require employers to adopt quota systems. Indeed, Section 703(j) of Title VII expressly states that employers are not required and logically cannot be penalized for failing to adopt quotas or preferences of members of protected groups. This has led the Supreme Court to avoid the adoption of legal rules "leaving any class of employers with 'little choice' but to adopt such measures." *Watson*, 108 S. Ct. at 2788 (quoting *Albermarle Paper*, 422 U.S. at 449 (Blackmun, J. concurring)).

Consistent with past Congressional intent, the sponsors of S. 2104 belie any interest in imposing quota systems through the language of Section 4. This denial, however, is unconvincing.

When the *Watson* Court expanded adverse impact analysis to every aspect of employment, not just discrete and objective selection criteria, it expressed an obvious and common sense concern that "the inevitable focus on statistics in disparate impact cases could put undue pressure on employers to adopt inappropriate prophylactic measures," such as quotas. *Watson*, 108 S. Ct. at 2787. The articulation of adverse impact analysis in *Wards Cove* was carefully designed to ensure that this concern did not come to fruition.

Section 4, on the other hand, places business planners in the dilemma of having to choose between quotas and the legal requirement of proving that each and every aspect of the employment process, in addition to the overall process itself, is not only reasonable and manifestly related to bona fide job requirements but is also essential or indispensable. The sponsors of S. 2104 give no explanation to how this latter standard can be met, much less any evidence that it can ever be met. Nor is there any legal precedent explaining how an employer can *prove* that common employment practices, e.g., relying on job recommendations, or supervisory evaluations, or the overall employment process itself, are essential. Thus, at a minimum, employers without an effective quota system in place would face unpredictable and extremely risky prospects of litigation.

Effective business planning requires reasonably accurate predictions about the legal effect of employment decisions. The legal uncertainties implicit in the defense burden imposed by Section 4 would deprive businesses of the ability to make such predictions concerning the likelihood of establishing a business necessity defense. Accordingly, the most reasonable alternative for many businesses would be the adoption of quotas. Even this, of course, would not provide absolute protection, because employees harmed by the quotas may also be able to prevail in a reverse discrimination lawsuit. Thus, Section 4 truly represents a "no win" proposition for employers.

B. Section 5: Mixed motivation

Section 5 of the bill nominally is offered to overturn the Supreme Court's decision in *Price Waterhouse* v. *Hopkins*, 109 S. Ct. 1775 (1989). In *Price Waterhouse*, the Supreme Court addressed the standards applicable to "mixed motive" cases, i.e., cases in which legal and illegal factors allegedly entered into an employment decision. The plaintiff had asserted that proof of an impermissible factor playing any part in the employment process resulted in a finding of liability against the employer, regardless of whether the impermissible factor affected the outcome of the employment decision in question. The defendant, on the other hand, claimed that the plaintiff must prove that the impermissible factor actually altered that decision.

The court selected a middle ground between the positions advocated by either party. First, the Court held that a plaintiff establishes a prima facie case by showing that an impermissible factor entered into the decision making process. *Id.* at 1785–86. Thereafter, a defendant can avoid liability only by proving that the impermissible factor did not alter the ultimate decision. This requires the defendant to prove by a preponderance of evidence that legitimate, nondiscriminatory reasons would have led to the same result in the absence of the prohibited factor. *Id.* at 1786–88.

Justice O'Connors concurring opinion explored more fully an issue left unanswered by Justice Brennan's plurality decision. This issue involved the importance that impermissible factors must have played in the decision process. *Id.* at 1790–91 and n.13. Justice O'Connor concluded that a plaintiff, at least, must etablish that the impermissible factor played a "susbstantial" role in the deliberative process before the employer is burdened with the requirement of proving that permissible factors dictated the same result. As Justice O'Connor noted, this requirement is supported by the consensus of circuit courts that have addressed this issue, which had uniformly required proof that discriminatory factors "played a significant or substantial role in the contested employment decision" before shifting the burden of proof to the defendant. *Id.* at 1804 (quoting the Court of Appeals; decision below in *Hopkins* v. *Price Waterhouse*, 825 F.2d 458, 470 (D.C. Cir. 1987)).

Section 5 of the bill differs from *Price Waterhouse* in two principal ways. First, its use of the term "motivating factor" appears to conflict with the requirement that the alleged impermissible factor must have been a substantial or significant factor in the employment process. Thus, a plaintiff can establish a prima facie case by showing that the impermissible factor played a role in the minds of any person involved in the decisional process, no matter how insignificant the role may be. There is simply no reason to shift the burfen of proof to the employer based on trivial or insubstantial evidence.

Second, Section 5 goes substantially beyond the position of Justice Brennan and his colleagues in *Price Waterhouse*. As noted above, Justice Brennan's plurality decision permitted the defendant to absolve itself of any laibility if it could carry the substantial burden of proving that the prohibited factor did not alter the ultimate decision. As written, Section 5 only allows the defendant to reduce its financial exposure with proof that the impermissible motive had no actual effect on the employment decision in question. The defendant would still be found liable for employment discrimination and required to pay the plaintiff's legal fees no matter how strong its evidence that the plaintiff was not denied any employment opportunity for a prohibited reason.

This latter result of Section 5 is a dramatic alteration of Title VII. As originally enacted, it was clear that Title VII only prohibited discriminatory *actions*, not *thoughts*. As Justice O'Connor observed, in response to claims that Title VII would become a "thought control bill," the influential Senator Case stated that "There must be some specific external act, more than a mental act. Only if he does the act because of the grounds stated in the bill would there be any legal consequences." 100 *Cong. Rec.* S 7254 (1964). Section 5 would impose a finding of liability and attorney's fees upon employers even in the absence of a finding that any employment decision was brought about by illegal motivation.

Finally, from a business perspective, businesses cannot control the thoughts of each and every employee involved in the decision making process. The best an employer can do is to establish an employment process that, through an effective system of checks and balances, prevents decisions from being made for illegal reasons. If an employer is successful in this endeavor, it should be rewarded, not penalized, by the law.

C. Section 7: Statute of Limitations

Although advertised as a response to *Lorance* v. *AT&T Technologies*, 109 S. Ct. 2261 (1989), Section 7 of the bill represents a major rewrite of Title VII by allowing a charge to be filed at any time within two years of the time an unlawful practice occurred "or has been applied to affect adversely the person aggrieved, whichever is later." Under current law, charges must be filed within 180 days after an employee receives notice of an unlawful employment practice. *Delaware State College* v. *Ricks*, 449 U.S. 250 (1980). Sections 7(a)(1) and (a)(2) of the bill would dramatically extend Title VII's statute of limitations, without any justification. Section 7(a)(1) would extend the time limits for filing a charge from 180 days to two years. Section 7(a)(2) would extend that time limit even further by starting the running of the limitations period at the time that the adverse action *impacts* the employee, rather than the time that the employee has *notice* of the adverse action. In essence, Section 7(a)(2) would overrule *Delaware State College* v. *Ricks*.

There is no basis for this dramatic extension of Title VII's time limits. A primary goal of Title VII is the *prompt* resolution of employment discrimination claims. This goal not only advances the potential for reconciliation and the reestablishment of a nondiscriminatory work relationship but also diminishes the chance of harm to innocent coemployees, whose career and other expectations are often built on prior employment decisions. Permitting an employee to wait for more than two years before filing a charge of discrimination is wholly inconsistent with the goal of prompt resolution of employment disputes. Moreover, it is simply unfair to permit an employee to wait to exercise a right while the memories of witnesses fade, documents are lost or misplaced, and back pay is accruing. An individual should not be permitted to "grow" potential back pay award while the employer goes without notice of any problem, in the workplace. If employers are given prompt notice of a problem by the early filing of a charge, they can correct it and provide reasonable compensation to any victims of discrimination. Without prompt notice, the problem may go uncorrected, and employer's back pay liability will be increased unjustifiably. Moreover, by unnecessarily expanding an employer's back pay liability, this extended limitations period may well impede another fundamental purpose of Title VII—conciliation and settlement of cases.

Title VII's 180-day limitations period has served both employers and employees well for over 25 years. The same 180-day rule applies under the National Labor Relations Act and has succeeded in protecting employee rights under that Act for more than 50 years. We are aware of no public outcry or need for a change in Title VII's statute of limitations and fail to see any benefit from this dramatic and unwise change.

D. Section 8: Remedies

Although the sponsors of this bill claim that it represents merely a "technical restoration" of the law and an attempt to fill "gaps" in the law, in fact Section 8 constitutes a wholesale revision of Title VII's enforcement provisions by providing for jury trials as well as awards of both compensatory and punitive damages. The rationale for this radical change is to "make the remedies

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available for sex, religion and ethnic discrimination claims under Title VII the same as the remedies now available under Section 1981 for racial discrimination." This ill-conceived attempt to alter dramatically the Title VII landscape should be rejected.

There is no good reason why the remedies available under Title VII should mirror the remedies available under Section 1981. Indeed, the opposite is true—there are good reasons why the remedies should differ. Section 1981 is not coextensive in its coverage with Title VII. Section 1981 covers only racial discrimination and is applicable to all employers; while Title VII establishes a coordinated mechanism for remedying employment discrimination. Unlike Section 1981, Title VII offers victims of discrimination assistance in investigating their claims, competent counsel to represent them, and a waiver of court costs. This comprehensive scheme is designed to facilitate prompt resolution of employment disputes, with an emphasis on conciliation and settlement. Section 1981, on the other hand, merely provides a private right of action, without any administrative support mechanism. These differences underlie the distinctions between the remedies available. Indeed, it was on the basis of these differences that a unanimous Supreme Court first recognized the availability of compensatory and punitive damages in Section 1981 actions. *Johnson* v. *Railway Express*, 421 U.S. 460 (1975). As the court noted "the remedies available under Title VII and under Section 1981, although related, and although directed to most of the same ends, are separate, distinct, and independent." *Id.* at 454.

Rather than effectuating the purposes of Title VII, the availability of compensatory and punitive damages will undermine the Act's goals—by impeding the prompt resolution of employment disputes through conciliation and settlement. The availability of compensatory and punitive damages will provide an irresistible incentive to litigate. Employees are unlikely to accept reasonable pretrial settlement offers if they know that there is a possibility that they will be awarded a windfall in the form of punitive damages if they go to trial. This is particularly true under Title VII because the system contains no incentives for the employees to accept a reasonable settlement offer—the employee pays neither court costs nor attorneys' fees while the Equal Employment Opportunity Commission handles the charge. Claims are not likely to be settled where there is such a significant "upside" and no corresponding "downside" to litigating.

Recent experience in California has shown that the availability of compensatory and punitive damages turns employment litigation into a high-stakes lottery in which everyone—employees, employers, and the courts—loses. Once compensatory and punitive damages became available in California, wrongful discharge litigation went out of control. The courts were overwhelmed with cases, and juries seemed to lose touch with reality. Between 1980-1986, employees won more than 70 percent of the cases tried before juries, and the average award was more than $645,000.[1] Million-dollar verdicts to single plaintiffs were not uncommon, and one verdict in Santa Clara County exceeded $50 million. *Haun* v. *NEC*, Case No. ——— (1986). Punitive damages comprised a big part of these awards. The average punitive damage award was over $520,000. *Rand Study* at p. 25; see also *Stemming the Tide* at p. 406 (the average punitive damages award in 1982-1986 was $494,000). In recognition of the problems that these irrational verdicts created, the California Supreme Court recently determined that compensatory and punitive damages should not be recovered in most wrongful discharge cases. *Foley* v. *Interactive Data*, 47 Cal. 3d 654 (1988).

A major problem with punitive damages is the lack of any guidance to juries as to when and in what amounts punitive damages should be awarded. As Professor Gould noted, "juries in these cases often impose liability and large damage awards according to their own standards of fairness rather than the legal instructions provided by the judge." *Stemming the Tide* at p. 406. This creates not only greater uncertainties for business planners but also great inequities between successful plaintiffs who may receive widely varied awards based on similar conduct and harm. The standard articulated in the bill do little to resolve this concern. Although the bill's standard tracks the standard articulated by the Supreme Court in *Smith* v. *Wade*, 461 U.S. 30 (1983), it provides little guidance to courts or juries as to when punitive damages should be awarded. Indeed, because the bill adopts a "reckless disregard of the rights of others" standard, and because international discrimination necessarily involves a disregard of others' rights, punitive damages would seem to be available in virtually every case involving intentional discrimination. Surely, the sponsors of the bill did not intend this result.

Compensatory and punitive damages are simply a bad idea in Title VII litigation. By producing unreasonably large verdicts, they will increase the costs of goods and services, make the market less efficient, and reduce the availability of jobs. They will encourage employers to retain incompetent employees for fear of litigation, thereby making the work force as a whole less productive. These are real, weighty concerns. As the *Foley* court recently noted, "the expansion of tort remedies in the employment context has potentially enormous consequences for the stability of the business community." 47 Cal. 3d at 669.

Moreover, punitive damages are at odds with a fundamental premise of Title VII—that victims of discrimination be compensated for the injuries that they actually suffer. Punitive damages are a windfall to plaintiffs, who are entitled to receive full compensation for their injuries, but nothing more. Title VII currently provides victims of discrimination with adequate compensation for their injuries and, thus, punitive damages are not necessary to fill any "gap."

The proponents of compensatory and punitive damages argue that the availability of these remedies will have a desirable deterrent effect. However, given the skyrocketing costs of employment litigation, no further deterrent is necessary. Experience has shown that the average cost of defending a single plaintiff employment discrimination action through trial can be between $100,000 and $150,000, and often it is much more. Of course, the employer must also pay the employee's attorney's fees and costs if the employee prevails. Thus, an employer who discriminates is facing at least $200,000-$300,000 in litigation costs alone. This is more than ample deterrence for any employer.

Finally, we note that this issue has recently been debated by the Senate in the context of the Americans With Disabilites Act (ADA). For many of the reasons articulated above, Congress determined that compensatory and punitive damages were not appropriate in the employment discrimination context. Indeed, Senator Durenberger explained the elimination of the compensatory and punitive damages provision from ADA as follows:

"We also took great effort to address the concerns many had over the punitive nature of the remedies section. Instead of allowing punitive and compensatory damages as originally introduced, the bill before us today parallels current civil rights legislation under Title II and VII of the Civil Rights Act of 1964 . . . *This change will help avoid some of the excessive and unnecessary litigation the original bill would have caused.*" (Emphasis added).

Vol. 135 *Cong. Rec.* No. 112, S 10721 (Sept. 7, 1989) (Statement of Senator Durenberger). This approach was fully debated and rejected last fall, and there is no reason to reopen that issue here.

E. Section 9: Attorneys' fees

We have serious concerns about the bill's attorneys' fees provisions. First, Section 9 of the bill will have a dramatic effect on settlement offers under Rule 68 of the Federal Rules of Civil Procedure. Rule 68 provides that if a timely pretrial offer of settlement is not accepted and "the judgment finally obtained by the offeree is not more favorable than the offer, the offeree must pay the costs incurred after the making of the offer." The purpose of Rule 68 is to encourage voluntary settlements and relieve overcrowded court dockets by creating a disincentive to unreasonable rejections of fair settlement offers.

In *Marek* v. *Chesny*, 473 U.S. 1 (1984), the Supreme Court held that a party who rejects a Rule 68 settlement offer and thereafter is awarded less than the offered amount at trial cannot recover either fees or costs for any post offer work, where the statute authorizing recovery of attorneys' fees defines attorneys' fees as part of the "costs." Title VII currently defines attorneys fees as part of the costs. 42 U.S.C. 2000e-5(k). By striking out the phrase "as part of the" from Title VII's costs provisions, Section 9(3) makes recovery of attorneys' fees independent of the recovery of costs. This change apparently is intended to permit Title VII to circumvent the holding of *Marek* v. *Chesny*. Thus, if Section 9 is enacted, Title VII plaintiffs will be free to reject Rule 68 settlement offers without any fear of the loss of attorneys' fees should they not recover more than the offered amount at trial.

This attempt to reduce the risk of rejection of a reasonable settlement offer is both misguided and contrary to the purposes of Title VII. As previously noted, one of the fundamental goals of Title VII is the *prompt* resolution of employment disputes through conciliation and settlement. Section 9 undercuts this goal by making rejection of reasonable settlement offers risk-free to Title VII plaintiffs. It will also result in unnecessary, costly litigation. An individual should not be permitted to recover attorneys' fees and costs for work performed after rejection of a settlement offer where he does not recover more than the offered amount at trial. Under these circumstances, the settlement offer would have fully compensated the individual for his losses and should have been accepted. Nor should defendants be required to pay attorneys' fees to plaintiffs on amounts expended to prosecute post-offer claims because such claims are, by definition, worthless. Thus, the changes proposed by Section 9 are unwise and unwarranted and should be rejected.

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[1] J. Dertouzos, "The Legal and Economic Consequences of Wrongful Termination," Rand Corporation Study R-3602-ICJ (1988) ("Rand Study"); Gould, Stemming the Wrongful Discharge Tide: A Case for Arbitration, 13 Emp. Rel. L.J. 404 (1988) ("Stemming the Tide").

The Chamber also has serious concerns about Section 9(4). Section 9(4) of the bill would foreclose court approval of Title VII's settlements unless "a waiver of all or substantially all attorneys' fees was not compelled as a condition of settlement." The bill's sponsors argue that this section is intended to overrule *Evans* v. *Jeff D.*, 475 U.S. 717 (1986), and that it would simply bar "forced" waivers of attorneys' fees claims in consent decree settlements. But the language of Section 9(4) goes far beyond that modest objective and should, in any event, be rejected.

There is no good reason to overrule *Evans* v. *Jeff D.* Contrary to the impression created by the rhetoric supporting Section 9(4), *Evans* v. *Jeff D.* does not mandate "forced waivers" of attorneys' fees claims. In *Evans* v. *Jeff D.*, the Supreme Court merely held that a District Court has the power to approve a consent decree settlement that includes a waiver of attorneys' fees. Thus, *Evans* v. *Jeff D.*, does not stand for the proposition that parties to a Title VII *must* waive their attorneys' fees; rather, it holds only that they *may* waive those claims. Thus, plaintiffs and their counsel remain free to reject any settlement offer they deem unreasonable. In addition, they may address limitations on the waiver of fees or the ultimate allocation of settlement proceeds in the event of such a waiver in their retainer agreements.

This is a sound, reasonable result. There is no good reason for parties to Title VII litigation to be foreclosed from waiving attorneys' fees claims as part of the negotiated settlement. To the contrary, there are many good reasons for parties to be permitted to, and perhaps encouraged to, waive fees claims during settlement negotiations. For many Title VII actions, particularly those seeking injunctive relief, the attorneys' fees awards are the largest monetary exposure facing defendants. Obviously, to the extent that plaintiffs are permitted to waive all or part of those claims, Title VII actions will be more easily settled. Indeed, foreclosing any waiver of attorneys' fees would often pose an absolute barrier to settlement. In *Evans* v. *Jeff D.*, the court recognized these problems and reached the correct result. We have heard no public outcry against that decision and fail to see why it should be reversed. Indeed, we note that the Attorneys General in more than 42 states, three protectorates, and one major city filed amicus briefs *supporting* the result reached by the court in *Evans* v. *Jeff D.* That decision is correct and should be permitted to stand.

Moreover, although the bill's sponsors suggest that Section 9(4) is limited to court ordered consent decrees, the language of Section 9(4) is not narrowly drawn. Section 9(4) refers to a "consent order or judgment." As drafted, it could easily be read to apply to the settlement of any Title VII claim. For obvious reasons, this result would be folly. Experience has shown that attorneys' fees awards in single plaintiff Title VII actions often dwarf the amounts recovered by plaintiffs. H. Newburg, *Attorney Fee Awards*, ch. 11 (1986). Given this large exposure, few defendants would be willing to settle single plaintiff cases unless they could obtain a waiver of any attorneys' fees claims. Thus, by foreclosing settlement of fee issues as part of a package settlement, Section 9(4) would greatly impede settlement of single plaintiff Title VII cases. The bill's sponsors surely cannot intend this result.

II. CONCLUSION

The sponsors of S. 2104 avidly assert that their bill is intended to overturn a number of recent Supreme Court decisions and restore the law to its prior state. As the previous discussion demonstrates, however, this bill would go much further. Indeed, S. 2104 represents a blatant effort to inject concepts into the law that are directly in conflict with the principles upon which Title VII was founded, including, most importantly, the principle of basing employment decisions on merit and merit alone. This effort to alter the fundamental precepts of Title VII law, as articulated by Congress and the Supreme Court since 1964, threatens to make numerical quotas the very artificial "masters of reality" originally condemned in the *Griggs* decision.

The misguided notion that appears to underlie much of the bill is the conclusion that Title VII is not working well. However, there is no empirical basis for this assumption. Moreover, anyone with even rudimentary knowledge of the changes that Title VII has wrought in the American workplace knows that Title VII has been and continues to be a powerful vehicle for the eradication of employment discrimination. In light of this history of progress, it seems that the prime beneficiaries of the bill would be the lawyers who would reap potentially vast monetary rewards from the expanded incentives for litigation that the bill provides.

Most importantly, the changes to Title VII sought in this bill offend the basic premise of equality upon which our democratic and constitutional society is founded. Although the substitution of quotas for merit can never be justified, it is particularly inappropriate in this time of intense and growing international competition. The touchstone of any national legislation to be passed by this or any ensuing Congress should be the removal, not the creation, of artificial barriers to merit based on employment.

Statement of Donald B. Ayer, Deputy Attorney General, Before the Committee on Labor and Human Resources, February 27, 1990

Mr. Chairman, distinguished members of the Senate Committee on Labor and Human Resources:

It is an honor to appear before you today to testify regarding the U.S. Supreme Court's rulings last term involving civil rights issues, and S. 2104, entitled the Civil Rights Act of 1990. The Administration has a strong commitment to the civil rights of all people. We believe that there must be strong remedies to root out discrimination wherever it may exist. Unfortunately, racism and bigotry cannot be viewed as wholly problems of the past. As the President said in his State of the Union message: "Every one of us must confront and condemn racism, anti-semitism, bigotry, and hate. Not next week, not tomorrow, but right now. Every single one of us."

We congratulate the Senate for passing, with Administration backing, the Hate Crimes Statistics Act, which, once enacted, will help us to get a better picture of this problem and to focus our resources where they are most needed. In the first year of this Administration, the Department of Justice indicted some 89 defendants in 56 separate cases for criminal civil rights violations. We filed or participated in 34 cases under the new Fair Housing Act amendments, which only became effective as of March 12. And we filed a dozen employment discrimination cases. As our activities suggest, we are using vigorously the tools available to us and, for the most part, we find those tools effective.

The Supreme Court last Term issued some thirteen decisions that touched one aspect or another of civill rights law. In some of these cases, the government had urged the position adopted by the Court. In others, the Court disagreed with the government. Thereafter, the President and Attorney General both pledged last June that the Administration would carefully monitor the application of these decisions in the lower courts to determine their effect on meritorious civil rights claims and respond accordingly.

We have done exactly that. Based on our own studies and comments from groups, including the NAACP Legal Defense and Education Fund, we have concluded that of the five most significant decisions, two reach results that merit legislative action. Thus, we believe that Congress should amend the law to require a different result from that reached by the Supreme Court in *Patterson* v. *McLean Credit Union*, —— U.S. ——, 109 S. Ct. 2363 (1989), and *Lorance* v. *AT&T Technologies, Inc.*, —— U.S. ——, 109 S. Ct. 2261 (1989). Accordingly, the Administration supports legislation that has been introduced by Senators Thurmond, Dole, Hatch and Coats (S. 2166) to address the problems created by these cases. With regard to three other cases, based on our review of how these rules have been applied,[1] we see no need for corrective action.

In supporting legislative action in some areas and opposing it in others, we are guided by a fundamental principle that grows out of our history, and is now a part of the fabric of our law: that people should not be judged or dealt with according to the color of their skin or certain other irrelevant personal traits. We take this as a common value that all decent people can agree upon. I will begin by discussing those areas where we think this principle dictates the enactement of new legislation.

In *Patterson, supra*, an employee brought an action pursuant to 42 U.S.C. 1981, alleging that her employer has harassed her on the job, failed to promote her, and ultimately discharged her, all because of her race. The Court held that Section 1981 is limited by its terms to prohibiting discrimination in "mak[ing] and enforc[ing] contracts," and does not extend to "problems that may arise later from the conditions of continuing employment." *Patterson*, —— U.S. at ——, 109 S. Ct. 2372. Thus, the Court held, the statute prohibits discrimination, whether governmental or private, in the formation of a contract, and in the right of access to a legal process that will enforce established contract obligations without regard to race. According to the Court, however, the plain-

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[1] These decisions are *Wards Cove Packing Co.* v. *Atonio*, —— U.S. ——, 109 S. Ct. 2115 (1989); *Martin* v. *Wilks*, —— U.S. ——, 109 S. Ct. 2180 (1989); and *Price Waterhouse* v. *Hopkins*, —— U.S. ——, 109 S. Ct. 1775 (1989). We also oppose any legislation aimed at *City of Richmond* v. *J.A. Croson Co.*, —— U.S. ——, 109 S. Ct. 706 (1989).

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tiff's allegations of harassment on the job addressed only conditions of employment and were not actionable pursuant to Section 1981.

The *amicus* brief filed by the Department of Justice, on which my name appears, argued for a somewhat broader reading of Section 1981, which would have extended its coverage to claims of harassment that would constitute a violation of state contract law. Our review of the cases applying *Patterson* over the last eight months further leads us to the conclusion that the Court's reading leaves a gap in the fabric of our civil rights laws that must be filled. We therefore support corrective legislation to ensure that section 1981 will apply to the performance, breach, and termination of contracts to the same extent that it does to their making and enforcement. At the same time, we believe that it is appropriate to codify the holding of *Runyon* v. *McCrary*, 427 U.S. 160 (1976), that section 1981 prohibits private, as well as governmental discrimination.

In *Lorance, supra*, female employees challenged a seniority provision pursuant to Title VII, claiming that it was adopted with an intent to discriminate against women. Although the provision treated all similarly situated employees alike, it produced demotions for plaintiffs, who claimed that the employer had adopted it with the intent to discourage women from entering a particular line of employment.

The Supreme Court held that the claim was barred under Title VII's statute of limitations, because the time for plaintiffs to file their complaint began to run when the employer adopted the allegedly discriminatory seniroity system. The Court distinguished the situation where a seniority system discriminates on its face, acknowledging that in such a circumstance each application of the policy constitutes a new violation. However, where, as in the case before it, the provision is neutral on its face (although discriminatory both in purpose and effect), the Court concluded that only the initial enactment constitutes a violation.

The United States, and the EEOC, filed an *amicus* brief, on which my name appeared, supporting the plaintiffs. We argued that the plaintiffs' demotions were not merely the inevitable effects of the prior allegedly discriminatory adoption of the seniority system, but were instead direct, present applications of the seniority system, the effects of which had until then been only theoretical, and, as such, were "unlawful employment practices" that independently triggered Title VII's statute of limitations.

The rule adopted by the Court could have the result of shielding intentionally discriminatory seniority systems from attack by people who never have had an opportunity to challenge them. The discriminatory reasons for adoption of a seniority system may become apparent only when the system is finally applied to affect the employment status of the employees that it covers. Moreover, such an application surely focuses the controversy between an employer and an employee more sharply and permits more precise litigation. In addition, a rule that limits challenge to the period immediately following adoption of a seniority system will promote unnecessary and unfocused litigation. Employees will be forced to challenge the system before it has produced any concrete impact, or forever remain silent. Other employees, who are hired after the statute has run following adoption of a seniority system, will be barred from ever challenging the adverse consequences of that system, regardless how severe they may be. Such a rule fails to protect sufficiently the important interest in eliminating employment discrimination that is embodied in Title VII.

The Administration therefore supports an amendment to section 706(e) of Title VII of the Civil Rights Act of 1964 that would restart the period for filing a charge each time an employee was injured by the application of a seniority system that was alleged to have been adopted with disciminatory intent.

We urge Congress to move quickly to enact these two important changes. At the same time, we strongly believe that four other major changes proposed by S. 2104 should not be adopted. We are convinced that three of last Term's decisions, *Wards Cove Packing Co. v. Atonio*, — U.S. —, 109 S. Ct. 2115 (1989); *Martin v. Wilks*, — U.S. , 109 S. Ct. 2180 (1989); and *Price Waterhouse v. Hopkins*, — U.S. —, 109 S. Ct. 1775 (1989), should be left intact.

In *Wards Cove*, the Court addressed three important issues concerning the burdens of proof in a lawsuit alleging that an employer's hiring practices have had the effect of discriminating in violation of Title VII. After reaffirming that statistics may form the basis for a prima facie case of disparate impact, and that the statistics must compare the employer's workforce to the pool of qualified job candidates, the Court addressed the issue of causation. The Court held first that a plaintiff must identify the specific employment practices that have produced the challenged disparate impact. Thereafter, the Court addressed the burdens imposed on the parties once a plaintiff has established a prima facie case of discrimination. It held that the employer's burden is to produce evidence that the "challenged practice pursues, in a significant way, the legitimate employment goals of the employer." *Wards Cove*, — U.S. —, 109 S. Ct. at 2125-26. Finally, the Court held that the burden of persuasion always remains with the plaintiff, and that the plaintiff may defeat the employer's evidence by showing that reasonable alternatives would serve the employer's purpose equally well.

This seems to us to be a sensible and efficient allocation of litigation responsibilities. Asking the plaintiff to identify the specific practices that produce a disparate impact before employers are asked to justify them is consistent with traditional rules allocating burdens of proof. This allocation of responsibilities strikes us as more efficient than allowing plaintiffs simply to allege that a hiring system produces a disparate impact and forcing employers to demonstrate that each individual employment practice within that system does not have a disparate impact. In view of the liberal discovery rules and the record-keeping requirements of the Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. § 1607.1 *et seq.* (1988), we do not think that this requirement of specificity should unduly burden plaintiffs.

Indeed, the Court's prior "disparate impact cases have always focused on the impact of *particular* hiring practices on employment opportunities for minorities." *Wards Cove*, — U.S. at —, 109 S. Ct. at 2124, and plaintiffs have always targeted those specific practices. *See Griggs v. Duke Power Co.*, 401 U.S. 424 (1971) (high school diploma requirement); *Dothard v. Rawlinson*, 433 U.S. 321 (1977) (height and weight requirements for prison guards); *Albemarle Paper Co. v. Moody*, 422 U.S. 405 (1977) (employment tests and seniority systems); *Connecticut v. Teal*, 457 U.S. 440 (1982) (written examination); *Watson v. Fort Worth Bank & Trust*, 487 U.S. 977 (1988) (subjective judgment of supervisor).

In our view, the Court also correctly held that its formulation of the applicable substantive standard is fully justified as an appropriate balancing of the interests of employers and employees. Courts have used varying terminology in defining that standard. The standard molded by the Court from those prior formulations has sufficient teeth to ensure that employers do not use practices of dubious business utility, while not pressuring employers to resort to hiring and promotion quotas, and respecting the needs of employers to preserve legitimate management prerogatives. We find it unlikely that this formulation of the standard for a business justification will preclude the assertion of meritorious claims, particularly since the plaintiff may still prevail by showing that other reasonable business practices would satisify the employer's need without producing a discriminatory effect.

Likewise, we think that the burden of persuasion remains with the plaintiff throughout a disparate impact case, just as it does in a case alleging intentional discrimination, *see Texas Department of Community Affairs* v. *Burdine*, 450 U.S. 248, 256–58 (1981), and just as it generally does when causation is an element of a violation. *See* Restatement (Second) of torts § 433B (1965). We think it would be unjustifiable to impose a greater burden on an employer who is alleged to have violated Title VII by employing a practice that produced a disparate impact than on one who is alleged to have engaged in purposeful discrimination.

We are convinced that the Court thoughtfully balanced the competing interests and produced a workable distillation of some eighteen years of precedents applying the disparate impact standard. Indeed, the Court in large part adopted the approach urged by a brief filed by the United States. We believe that plaintiffs will be able to pursue successfully meritorious claims, and employers will not be unduly burdened in defending claims of discrimination and will not be encouraged to resort to quotas to ward off the threat of lawsuits based on statisical imbalances.

At the same time, we believe strongly that the changes proposed in S. 2104 would have serious adverse consequences. By altering all three of the conclusions reached by the Supreme Court, and placing on the employer the ultimate burden of identifying his own practices leading to a statisical imbalance and proving them to be "essential" to the conduct of his business, the proposal puts an employer in a nearly impossible position. It would be difficult for an employer not to adopt a silent practice of quota hiring and promotion in an effort to protect himself from the real probability of litigation and liability wherever a statistical imbalance is shown.

Martin v. *Wilks, supra*, arose in the context of a civil rights action, but it turned on principles of fairness and access to court that apply in every area. The Court held that firefighters, who had not been parties to a consent decree that mandated racial preferences, could have their day in court to contend that the decree violated their civil rights. The Court rejected the so called collateral attack doctrine, pursuant to which some courts had held that once a decree was entered, it could not be challenged, even by individuals who had not been parties to the original lawsuit.

The Court's decision turned on a straightforward application of the Federal Rules of Civil Procedure and underlying notions of due process. The Federal Rules establish procedures for joinder of all interested parties in a case. Under those procedures, anyone who is not joined in a lawsuit, and given an opportunity to appear in court to protect his or her rights, cannot be bound by the final judgment. The Court's decision is a reaffirmation of the fundamental notion that everyone, regardless of race or gender, is entitled to his or her day in court. The Department of Justice advocated the position adopted by the Court. I did not work on that brief, but I signed a similar brief arguing the same approach a year erlier in *Marino* v. *Ortiz*, 484 U.S. 301 (1988).

We think tht this decision should have a salutary effect. By requiring early joinder of all those who may be adversely affected by a lawsuit, the decision should enable courts to consider the full range of interests affected by a proposed decree. The decision should lead to fairer, more carefully considered, and unassailable remedies for discrimination. It will discourage defendants from settling discrimination cases by bargaining away third party rights, rather than making whole the actual victual victims of discrimination. In addition, the participation of all of the affected parties in formulation of a decree should aid in its implementation. Successful, voluntary compliance with Title VII may depend upon the cooperation of a broad range of individuals. Involving as many of those individuals as possible in formulating the decree will lead to smoother and more effective implementation of the remedy for discrimination.

The proposed legislation relating to *Wilks* would reverse, in the context of civil rights consent decrees, the usual practice under our system of civil litigation. Instead of requiring that outsiders by joined by the parties to litigation if they are to be bound, the legislation would put the burden on outsiders to inject themselves into a dispute between others. Persons with no current interest in issue must be on the lookout for ongoing litigation whose resolution may at some point impact upon them.

Neither the burden on these non-litigants to join or be bound, nor the burden on the judicial system of such expanded and unfocused lawsuits, is wise as a matter of policy. Nor do we believe that it is fair to bind, as the proposed bill does, anyone who has actual notice of the lawsuit, or who lacks actual notice but whose interests are adequately deemed protected by others, or, failing that, wherever "reasonable efforts" are made to give actual notice. Indeed, we believe that serious due process issues are presented.

In *Price Waterhouse* v. *Hopkins*, _____ U.S. _____, 109 S. Ct. 1775 (1989), the Court ruled in favor of a woman who alleged that she had been denied partnership by her accounting firm on account of her sex. In that case, the Court faced a so called mixed motive case in which plaintiff alleged that her sex had supplied part of the motivation for her rejection for partnership. The Court held that once she had established by direct and substantial evidence that sex played a part in the decision, the burden shifted to the employer to show that it would have reached the same direction had sex not been considered.

The proposed legislation takes the startling step of allowing a damage recovery based solely on the discriminatory thoughts of an agent of the employer, which have no consequence to the plaintiff. For, contrary to the Court's conclusion that Title VII is not violated where the employer proves that the adverse action would have resulted even in the absence of any discriminatory motive, the proposed legislation recognizes a violation and a damage remedy in that circumstance. I believe that this would be the first instance ever in American law where damages could be recovered solely for thinking bad thoughts.

We also need to be clear on one other point. As this Committee is aware, the President, and the Attorney General have strongly supported the Americans With Disabilities Act (ADA), and have worked closely with Congress, and the disability community to devise the version that passed the Senate with Administration support. I was not personally a party to that process. Accordingly, others are in a better position to answer detailed questions concerning it. However, I do think it is important to make the following point.

Title I of the ADA, as agreed to, dealing with employment, incorporates by reference remedies available under Title VII. It was very clear at the time of our discussions that the fact that these remedies were limited to injuctions, back pay, and other equitable relief that can be obtained without triggering the Constitution's civil jury requirement was critical to the Administration's agreement.

In light of the fact that legislation altering these remedies has now been introduced, our continuing support for the ADA hinges on the clarification that the remedies provisions of the ADA will not be affected by the proposed Kennedy-Hawkins amendment of the remedies available under Title VII. This will require amending the reference to Title VII in the Senate version of the ADA. We look forward to cooperating with this Committee and others to assure that the goal of bringing 43 million disabled Americans into the mainstream of American life through passage of the ADA, a goal that we all share, is not thwarted by disagreements about other areas of the law.

In summary, we believe that the Supreme Court acted prudently and correctly, and in reasonable interpretation of existing statutes and case law, in its decisions in the *Wards Cove*, *Wilks*, and *Price Waterhouse* decisions. These decisions should be allowed to stand.

At the same time, with regard to *Patterson* and *Lorance*, we urge Congress to act quickly to enact our proposals. It is apparent that the Administration and the sponsors of S. 2104 are in substantial agreement on these issues, and we propose that S. 2166, the Administration's Bill, therefore be acted upon expeditiously.

I would be pleased to respond to any questions.

TESTIMONY OF DAVID A. MADDUX, THE NATIONAL RETAIL FEDERATION, BEFORE THE COMMITTEE ON LABOR AND HUMAN RESOURCES, FEBRUARY 27, 1990

Mr. Chairman and Members of the Committee:

I am David A. Maddux, a Partner in the law firm of Sheppard, Mullin, Richter & Hampton. I have represented employers in labor and employment law matters for the past thirty years. I started practicing law in 1959, which was the year in which the State of California enacted its California Fair Employment Practices Act which prohibited discrimination in employment. A substantial portion of my practice at all times since has involved employment discrimination matters before both the California Fair Employment and Housing Commission, the Equal Employment Opportunity Commission, State Courts and United States District Courts.

I appear on behalf of the National Retail Federation. I am Chairman of its Subcommittee on Wage, Hour and Equal Employment Opportunity Law.

The National Retail Federation is the nation's largest trade group which speaks for the retail industry on matters of governmental and public policy. Created by a recent merger between the American Retail Federation and the National Retail Merchants Association, the organization represents the entire spectrum of retailing, including 27 national and 50 state retail associations. In addition, the Federation membership encompasses over one million U.S. retail establishments employing nearly 16 million people and accounts for more than one-quarter of the GNP.

I greatly appreciate this opportunity to appear before you and testify on the Civil Rights Act of 1990. The views I will express are based primarily upon my years of experience representing retailers, many of whom are members of the National Retail Federation, in employment discrimination matters.

The Bill has been publicized as a response to recent "conservative" attacks by the Supreme Court upon Civil Rights in employment. In fact, its scope goes far beyond the few recent decisions involving discrimination in employment decided at the end of the last term. In reality it undoes and implicitly overrules a decade of the Court's Title VII decisions. Much of the precedent which this proposed legislation will overturn was written and concurred in by the least conservative members of the Court.

COMMENTS CONCERNING SECTION 4 OF THE BILL

The practical effect of Section 4 will be to codify and drastically alter traditional disparate impact analysis. Under the Act as amended, a complaining party could establish a prima facie case simply by demonstrating that a "combination of employment practices or an overall employment process" had a disparate impact upon a protected group. The employer would then have the burden to produce evidence *and* prove by a preponderance of the evidence that the practice or process in question was "essential to [employees'] effective job performance." No other "business necessity" could be used to defend the practice or process.

At the same time, the plaintiff would have *no* burden to demonstrate which practice among a group of practices resulted in the disparate impact. Instead, the employer would have the burden of producing evidence *and* proving with a preponderance of the evidence that none of its practices or process had a disparate impact.

Section 4 of the Bill will also overrule *Wards Cove Packing Co.* v. *Atonio*, 109 S. Ct. 2115 (1989) on the premise that it was incorrectly decided. To the contrary, *Wards Cove*, as demonstrated herein, is entirely consistent with long-existing judicial authority interpreting Title VII.

In *Wards Cove*, the Supreme Court began its opinion by reaffirming that in order to make out a statistically-based prima facie disparate impact case, the plaintiffs must prove there is a disparity between the racial

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composition of the qualified persons in the relevant labor market and the persons holding the jobs at issue.

The lower court in *Wards Cove* had erroneously permitted the employees to make out a prima facie disparate impact case by presenting statistics which compared the racial composition of the employer's cannery work force (composed primarily of nonwhites, Filipinos and Alaska Natives) with that of the employer's non-cannery work force (composed primarily of whites). The Supreme Court easily indentified the logical fallacy associated with the lower court's reasoning: "Most obviously, with respect to the skilled non-cannery jobs at issue here, the cannery work force in no way reflected 'the pool of *qualified* job applicants' or 'the *qualified* population in the labor force.'" 109 S. Ct. at 2122 (emphasis in original).

Its holding on this point is entirely consistent with *Hazelwood School Dist.* v. *United States*, 433 U.S. 299, 308 (1977)[1], in which the Supreme Court held that the "proper [statistical] comparison [in a disparate impact case is] between the racial composition of [the at-issue jobs] and the racial composition of the qualified . . . population in the relevant labor market." Similarly, in *New York City Transit Authority* v. *Beazer*, 440 U.S. 568, 585 (1979)[2], the Supreme Court held that in the absence of reliable labor market statistics, the courts may look to statistics that measure the racial composition of "otherwise-qualified applicants" for the at-issue jobs.

Secondly, *Wards Cove* perpetuated the long-standing principle that in a disparate impact case the plaintiff must demonstrate the specific employment practice which is claimed to have the disparate impact on protected class members. The Court said:

"Consequently, on remand, the courts below are instructed to require, as part of respondents' prima facie case, a demonstration that specific elements of the petitioners' hiring process have a significantly disparate impact on nonwhites." 109 S. Ct. at 2125.

Section 4 of the Bill would undo *Wards Cove* by allowing a complaining party to establish that an employment practice or "an overall employment process" (Section 3(o)) is "unlawful" when it results in a disparate impact upon a protected group. Since "overall employment process" is such a broad term, an employer could be found liable under the Act as amended based upon statistical disparity that was simply accidental.

Requiring employers to defend against claims that unidentified employment practices violate Title VII places them in an impossible position. In order to avoid liability, employers would have no option other than to adopt strict racial quotas at all levels of their organization. This result was by no means the original intent of Title VII. *Albemarle Paper Co.* v. *Moody*, 422 U.S. 405, 449 (1975).[3]

Wards Cove is also consistent with *Connecticut* v. *Teal*, 457 U.S. 440 (1982)[4], a case in which the Supreme Court held that an employer could not avoid liability in a disparate impact case simply by relying upon the "bottom line," racially balanced result of an allegedly discriminatory promotion practice. In *Teal*, one part of the promotion process involved a test which had a disparate impact on minorities. Analogously, in *Wards Cove*, the Supreme Court held that employees who *challenge* an employment practice should not be able to establish a disparate impact case simply by showing racial *imbalance* "at the bottom line."

The point is simple. If an employer cannot avoid liability by resting upon a favorable "bottom line" result, an adversely affected employee should not be able to prove liability solely by showing an unfavorable "bottom line" result. The real issue is whether a particular employment practice or selection device has a prohibited effect on the protected class. It will be impossible for the Courts to properly decide this issue if the plaintiffs can continue to hide it.

Furthermore, the *Wards Cove* Court's holding that the burden of proof remains with the disparate-impact plaintiff at all times is perfectly consistent with prior precedent. *See, e.g., Watson v. Fort Worth Bank & Trust*, 487 U.S. 977, 108 S. Ct. 2777, 2790 (1988) (O'Connor, J.); *Texas Dep't of Community Affairs v. Burdine*, 450 U.S. 248, 256–58 (1981);[5] *Croker v. Boeing Co.*, 662 F.2d 975, 991 (3d Cir. 1981). Section 4 of the Bill will overrule these cases. It is also contrary to Fed. Rule of Evid. 301, which clearly provides that a shift in the "burden of going forward with evidence" does *not* impose on a party "the burden of proof in the sense of the risk of non-persuasion, which remains throughout the trial upon the party on whom it was originally cast."

Curiously, the proposed amendment says nothing about a complaining party's option under existing law to challenge a business necessity defense that has been put forth by the responding party. This option is clearly reaffirmed in *Wards Cove*. In fact, it has been long established that the complaining party may attempt to prove that "other tests or selection devices, without a similarly undesirable racial effect, would also serve the employer's legitimate [business] interests. . . . Such a showing would be evidence that the employer was using its tests merely as a 'pretext' for discrimination." *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 425 (1975). The Act as amended is silent regarding this element of traditional disparate-impact analysis.

In addition, proposed Section 703(k)(2) provides that "[a] demonstration that an employment practice is required by business necessity may be used as a defense only against a claim under this subsection." The term "required by business necessity" is defined in proposed Section 701(o) (Section 3 of the Bill) as "essential to effective job performance." This definition severely limits the business necessity defense in disparate impact cases.

There are many instances in which employers have non-discriminatory business reasons for taking job action. It would be highly intrusive and simply bad public policy to inflict liability upon employers by restricting the "business necessity" defense to situations in which the employment practice is "essential to effective job performance." For example, if the Bill is passed in its present form, employers could be liable thereunder whenever they effect a reduction in force for economic reasons that results in a disparate impact upon protected employees. Thus, a race-neutral reduction in force could be cast pursuant to proposed Section 703(k)(1)(A) as an "employment practice" resulting in a disparate impact on the "basis of race, color, religion, sex, or national origin." This would be true even if, for example, the reduction in force arose from contracting out a function which resulted in a large savings for the employer.

In one recent case, *Spaulding* v. *University of Washington*, 740 F.2d 686, *cert. denied*, 469 U.S. 1036 (1984), certain past and present members of the University of Washington School of Nursing faculty challenged the University's compensation practices under 42 U.S.C. § 1983, the Equal Pay Act and Title VII of the Civil Rights Act of 1964. The plaintiffs alleged the University's compensation practices discriminated against them on the basis of sex.

The Court of Appeals affirmed the lower court's dismissal of plaintiffs' claims in part on the ground that the employer was constrained by market forces in setting its wages. The court opined:

"For Title VII purposes, simply labelling an employer's action 'policy or practice' is not sufficient. What matters is the substance of the employer's acts and whether those neutral acts are a non-job-related pretext to shield an invidious judgment. [¶] Every employer constrained by market forces must consider market values in setting his labor costs. Naturally, market prices are inherently job-related, although the market may embody social judgments as to the worth of some jobs. Employers relying on the market are, to that extent, 'price takers.' They deal with the market as a given, and do not meaningfully have a 'policy' about it in the relevant Title VII sense. Fringe policies, which are discretionary, are altogether another matter. Additionally, allowing plaintiffs to estabish reliance on the market as a facially neutral policy for Title VII purposes would subject employers to liability for pay disparities with respect to which they have not, in any meaningful sense, made an independent judgment." 740 F.2d at 708.

As the Ninth Circuit readily recognized in *Spaulding*, uncontrollable market forces can result in actions by an employer that have a disparate impact upon a protected class of employees. Under the amended Act, however, the University of Washington would probably be found liable, notwithstanding the fact that it engaged in no "act" with respect to the complaining parties. This result is even more certain given the vague and overly broad definition of "group of employment practices" as "an overall employment process." Proposed Section 701(n) (Section 3 of the Bill).

Another example arises from *Wambheim* v. *J.C. Penny Co., Inc.*, 705 F.2d 1492 (9th Cir. 1983) in which the Ninth Circuit considered whether or not Penny's "head-of-household" rule which allowed employees to obtain medical and dental insurance for a spouse if the employee earned more than half the couple's combined income violated Title VII.

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[1] Justice Stewart's opinion for the Court was joined in by Chief Justice Burger and Justices White, Marshall, Blackmun, Powell and Rehnquist, and concurred in by Justice Brennan. Justice Stevens dissented.

[2] Justice Steven's opinion for the Court was joined in by Chief Justice Burger and Justices Blackmun, Stewart and Rehnquist. Justice Powell concurred in part and dissented in part. Justices Brennan, White and Marshall dissented.

[3] Justice Stewart's opinion for the Court was joined in by Justices Douglas and Brennan and concurred in by Justices Marshall and Rehnquist. Justice Blackmun concurred in the judgment. Chief Justice Burger concurred in part and dissented in part. Justice Powell took no part in the consideration or decision of the case.

[4] Justice Brennan's opinion for the Court was joined in by Justices White, Marshall, Blackmun and Stevens. Chief Justice Burger and Justices Rehnquist and O'Connor joined Justice Powell's dissenting opinion.

[5] Justice Powell wrote the opinion for a unanimous Court composed of Chief Justice Burger, and Justices Brennan, Stewart, White, Marshall, Blackmun, Rehnquist and Stevens.

Although the rule clearly had a disparate impact on female employees the court affirmed the trial court's decision that the major cost considerations involved established a legitimate business jurstification for the rule.

The Bill as proposed would compel a contrary holding and the result would ignore the economic realities of the situation.

As these examples demonstrate, there is a plethora of situations in which preservation of a broader business necessity defense is compelled by sound public policy. Congress cannot predict, as it sits here today, the many situations in which an employer may have legitimate nondiscriminatory business or public policy reasons for adopting employment practices that may have a disparate impact upon one group or another.

COMMENTS CONCERNING SECTION 5 OF THE BILL

The practical effect of Section 5 of the Bill is to provide that a violation of the Act is established when the complaining party demonstrates that a prohibited practice was a motivating factor of any employment decision even though the decision was motivating by other factors. The Section further provides that if the responding party, usually the employer, "establishes" that it would have taken the same action in the absence of any discrimination, then the complaining party would not be entited to such remedies as reinstatement and back pay.

On the other hand, even though the respondent establishes that it would have taken the same action in the absence of any discrimination, under Section 8 of the bill it will still be liable to the complaining party for general compensatory damages (including pain and suffering and damages for emotional distress) and punitive damages, all of which can be awarded by a jury.

This Section has been apparently proposed to reverse the effect of the United States Supreme Court dicision in *Price Waterhouse* v. *Hopkins*, 109 S. Ct. 1775 (1989). It would however, in reality, change the law of the land as it has existed in "mixed motive" employment discimination cases for many years, and would impose on defendant employers the burden of general compensatory and punitive damages in circumstances where *no liability at all* would have been imposed under longstanding legal precedent.

The so-called "mixed motive" doctrine arose in the context of Section 8(a)(3) of the Labor Management Relations Act which made it unlawful to discriminate against employees based on their union activities or sympathies. The National Labor Relations Board in *Wright Line, Inc.*, 251 NLRB 1083, 105 LRRM (BNA) 1169 (1980), *enforced*, 662 F.2d 899 (1st Cir. 1981), *cert. denied*, 455 U.S. 989 (1982), held that the General Counsel of the National Labor Relations Board had the burden of proving that the employee's protected conduct was a substantial or motivating factor in the employees discharge. The Board then held that if there was another legitimate reason for the discharge the employer could avoid a violation of the Act by proving that the discharge rested on the employee's *unprotected* conduct, and that the discharge would have occurred in any event.

The National Labor Relations Board's *Wright Line* principle was given express approval by the United States Supreme Court in *NLRB v. Transportation Management Corp.*, 462 U.S. 393 (1983). In *Transportation Management*, the Court held that even though the General Counsel of the Board met his burden by proving that the employee's protected conduct was a substantial or motivating factor in the discharge of the employee, the employer could avoid a *violation* of the *Act* by proving by a *preponderance of the evidence* that the discharge rested on the employee's unprotected conduct as well and that the discharge would have occurred in any event. The Court, relying on National Labor Relations Board precedent, characterized the doctrine as one where the employer could prevail by presenting an "affirmative defense", which under normal rules of burden of proof, placed upon the employer the burden to sustain its affirmative defense by a *preponderance of the evidence*. The burden of proving a fact by a preponderance of the evidence is met when the person having the burden persuades the trier of fact that it is more likely than not that the asserted fact is true.

Transportation Management was in accord with and relied upon in the United States Supreme Court's decision in *Mt. Healthy City Board of Education v. Doyle*, 429 U.S. 274 (1977), which dealt with the discharge of a teacher and the board of education's refusal to reinstate him for his exercising his constitutionally-protected right to free speech. The Supreme Court found that the trial court had erred by not determining whether the board had shown by a *preponderance of the evidence* that it would have refused reinstatement in the absence of the teacher's protected conduct.

Thus, *Price Waterhouse v. Hopkins*, in deciding that once a plaintiff in a Title VII case shows that his or her protected status played a motivating part in an employment decision, the defendant may avoid a *finding of liability* only by proving that it would have made the same decision even if it had not allowed the protected status to play such a role, was simply swimming in the mainstream of long-standing judicial authority on this issue.

Indeed, the *Hopkins* opinion was written by Justice Brennan and joined in by Justices Marshall, Blackmun and Stevens. Justices White and O'Connor concurred. Chief Justice Rehnquist and Justice Scalia joined Justice Kennedy's dissenting opinion. The *Hopkins* plurality joined unanimous courts in *Mt. Healthy*, an opinion participated in by Chief Justice Burger and Justice Brennan, Stewart, White, Marshall, Blackmun, Powell, Rehnquist and Stevens and *Transportation Management*, an opinion participated in by all of the above-named Justices except Justice Stewart who was succeeded by Justice O'Connor in the Court's October 1981 Term.

Thus, it is respectfully suggested that it would be the wrong result to impose the threat of serious monetary liability arising from general compensatory and punitive damages on employers who would have taken the same action but for the alleged discriminatory motive, in the face of holdings requiring a contrary result by all of the Justices who decided *Transportation Management*, *Mt. Healthy* and *Hopkins*.

In addition, there is a question concerning what burden The Bill proposes to place on the defendant by its use of the word "establishes" in describing the employer's burden in Section 5(b) of The Bill. In the definitions section the term "demonstrates" is defined. "Establishes" is not.

It is also respectfully suggested that it is an inappropriate allocation of judicial resources to process burdensome and time-consuming jury-trial litigation where the facts would clearly establish that the employer had a legitimate business reason for its employment decision which would have been made irrespective of the plaintiff's protected status.

One could conjure the simple example of two employees who conspired in a common scheme to steal from their employer. Once the employer found out about the scheme, he would probably terminate both employees. If a jury determined that the employer happened to harbor some wholly unrelated feelings of prejudice against one of the individuals, who happens to be a protected class member, the likley and somewhat nonsensical result would be that he or she would be entitled to recover general compensatory and punitive damages. Of course, the equally guilty non-protected employee would be entitled to nothing. Clearly such a result has no logical support.

COMMENTS CONCERNING SECTION 8 OF THE BILL

The practical effect of the proposed amendment to Section 706(g) of the Act (Section 8 of the Bill) will be to provide for jury trials and compensatory and punitive damages in cases of intentional discrimination. In this connection, it should be noted that essentially all individual disparate treatment cases involve intentional discrimination. The result of the proposed amendment will be to take federal discrimination cases out of the expert hands of the EEOC and place them in the private hands of litigants and their lawyers. Once such cases are settled with the payment of money, they will be dismissed and the facts surrounding the allegedly discriminatory behavior of the employer will be effectively buried. (It is standard practice in most cases for employers to insist upon confidentiality provisions in settlement agreements). Although the private litigant and his or her lawyer may be better off after the case has been settled, there is absolutely no guarantee that the employer will not continue discriminating against other employees who were *not* party to the litigation.

Punitive and compensatory, damages are also available for violations of California's primary antidiscrimination law, the Fair Employment and Housing Act ("FEHA"). *Commodore Home Sys., Inc.* v. *Superior Court*, 32 Cal. 3d 211, 649 P.2d 912 (1982). Unfortunately this has resulted in our standard practice under the FEHA for plaintiffs' attorneys to request a right-to-sue letter and commence a civil action long before the Department of Fair Employment and Housing has had a chance to investigate, conciliate and/or seek redress of claimed discrimination. Similarly, under the Act as amended, plaintiffs' attorneys, driven by a contingent-fee arrangement, will likely seek to by-pass the EEOC entirely and commence litigation in the federal courts. The focus will shift from the remedy of employment discrimination process, which Title VII was enacted to accomplish, to a process which creates higher litigation stakes fueled by large dollar contingent fee awards. An additional likely result will be a sharp increase in federal court jury trial litigation which will further burden the federal court system.

Further, the proposed amendment to Section 706(g) of the Act contains *no* definitions for a jury to look to in deciding whether to award punitive damages against an employer. The lack of a clear definition as well as the relatively low standard of proof (pre-

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ponderance of the evidence as contrasted with "clear and convincing evidence" in California) will leave an employer without an understanding of the kind of conduct it should avoid in order not to be punished by an award of punitive damages.

Additional problems created by Section 8 of the Bill arise from the fact that it would impose compensatory damages and punitive damages on top of an existing remedial scheme which already grants to successful plaintiffs the right to recover lost wages, back pay and reinstatement or front pay.

Since the issues of Title VII violation and reinstatement or front pay (where reinstatement is not feasible) are issues for the court—not the jury—while compensatory and punitive damage claims are jury questions, a serious and complex issue involving judicial economy arises. The act provides absolutely no guidance as to how to avoid the possibility of inconsistent results as between judge and jury.[6]

COMMENTS CONCERNING SECTION 9 OF THE BILL

The practical effect of Section 9 of the Bill is to prohibit a "waiver" of attorney's fees as a condition of settlement of a Title VII action. As a result of proposed Section 706(k), it is likely that settlement of actions that have been commenced under the Act as amended will be significantly discouraged. It has long been the practice of parties in employment discrimination suits to combine a settlement of all claims, as well as any attorney's fees, into a lump-sum figure. Generally, the defendant provides the plaintiff and his or her attorney with a check and leaves it to the plaintiff and the attorney to divide the proceeds. The Act as amended prohibits the "waiver" of attorney's fees as a condition of the settlement. This provision will likely create tremendous uncertainty regarding appropriate attorney's fees at a stage in the proceeding when both parties are earnestly seeking to conclude litigation.

It is foreseeable that although the parties in a particular action may agree upon the amount of money the defendant should pay the plaintiff in settlement of his or her legal claims, the parties may be thousands of dollars apart with respect to the amount of attorney's fees the plaintiff's attorney should receive. Disagreements between the parties (and their lawyers) about this issue will inevitably end up before a federal judge who will have to decide, among other things, the reasonableness of the fees after reviewing in detail all the time the plaintiff's attorney has put into the case and his or her relative experience in the area. This provision will likely create rancor between the *attorneys*, just as the *parties* have come to an understanding as to the value of the case. There do not appear to be any overriding public policy reasons for encouraging attorneys to have more of a monetary stake in the outcome of these cases than they already have. No evil exists which this Section is needed to correct.

I appreciate the opportunity to testify before tne committee and I would be pleased to answer any questions you may have.

Testimony on Behalf of National Association of Manufacturers and Society for Human Resource Management, Before the Committee on Labor and Human Resources, February 27, 1990

Mr. Chairman, members of the Committee, my name is Lawrence Lorber. I am a partner in the law firm of Kelley Drye & Warren. I am submitting this testimony on behalf of the National Association of Manufacturers ("NAM") and the Society for Human Resource Management ("SHRM") (formerly the American Society for Personnel Administration).

The National Association of Manufacturers is a voluntary business association of more than 13,500 member companies and subsidiaries, large and small, located in every state. Members range in size from the very large to the more than 9,000 smaller manufacturing firms, each with fewer than 500 employees. NAM member companies employ 85 percent of all workers in manufacturing and produce more than 80 percent of the nation's manufactured goods. NAM is affiliated with an additional 158,000 businesses through its Associations Council and the National Industrial Council.

The Society for Human Resource Management is the world's largest association for human resource professionals with over 44,200 members representing employers who employ over 53 million individuals. As the leading professional association for human resource managers, SHRM has a vital interest in legislation impacting on almost every aspect of the human resource function.

Both SHRM and NAM have a long background in promoting fair employment practices. NAM's involvement in this area goes back to the 1960s when it was instrumental in promoting Plans for Progress, the forerunner of our affirmative action policies. And its efforts continued through the 1980s when NAM took the lead in establishing the consensus which preserved the policy of affirmative action as a viable component of our nation's employment structure. SHRM's efforts in this area are as equally longstanding. SHRM played a vital role in training the human resources profession to understand and implement the concepts of equal employment opportunity in the workplace when the laws were first passed. In the 1980s SHRM's activities included the preparation and filing of an Amicus Curiae brief before the Supreme Court in the landmark affirmative action case of *Johnson* v. *Santa Clara County, California*, arguing that affirmative action was a necessary part of our employment system. SHRM's brief, which I prepared, was cited by Justice Brennan as providing the professional justification for affirmative action. Thus, these two leading organizations bring a long and involved background to the current debate over our equal employment policies.

The Civil Rights Act of 1990 represents a massive restructuring and rewriting of our equal employment laws. Presented as a response to certain Supreme Court decisions of last term, the draft legislation in fact rejects the concept of conciliation and rapid settlement of complaints, which the Congress used as its guidepost in 1964 when Title VII was enacted, and assumes that the only resolution of discrimination complaints is in protracted litigation in a federal court system which is already overburdened. We find this thrust particularly ill-conceived at a time when there is almost universal recognition that the problem our economy faces in the 1990s is not too few jobs but too few trained or trainable employees. A congressional commitment of scarce federal resources to increased federal court litigation seems particularly ill-advised when our country faces such pressing employment problems. In the recent annual economic report issued by the President, the employment concerns of America were identified as the necessity to find skilled workers for the available jobs. The President's Report, which follows upon the Workforce 2000 study issued by the Department of Labor and the many private studies focusing on the employee shortage we are facing identifies the trained labor shortage as a grave problem of national proportions.

Our country has long since outgrown the pernicious "luxury" of discriminatory exclusion. In the increasingly tight labor markets of the 1990s, employers inclined to indulge in discriminatory hiring will pay a high price for it—they will be unable to meet their own need for workers. The protected groups—minorities and women—will comprise the overwhelming percentage of new entrants to the workforce. Employers who are unwilling to hire them for reasons of bias will find themselves increasingly unable to find qualified workers. Therefore, it is ironic that at a time when business necessity dictates open, nondiscriminatory employment practices, Congress is seeking to place greater rigidities on the labor market. We think this would be counterproductive to expanded workforce opportunities. This legislation, however, ignores these pressing problems and focuses single-mindedly on narrow and technical litigation concerns of interest primarily to lawyers.

The Civil Rights Act of 1990 does not profess to create jobs or provide skills. It does, however, promise to vastly increase contentious litigation. Beginning with the several new definitions to Title VII, the legislation places employers in a position where they have no reasonable opportunity to offer nondiscriminatory explanations to challenged employment practices. Put into this position, employers will have little choice other than to assure numerical balance in their workforce.

DEFINITIONS

Proposed new definition "n" includes the term "group of employment practices" within the scope of Title VII. This definition, as applied to both disparate treatment and adverse impact cases, would place the entire range of an employer's employment practices under question without providing an employer with any specificity as to which practice is questionable. The legal inquiry would be changed from an examination of a single suspect practice into an open-ended inquisition of an employer if its total workforce did not reflect some idealized numerical balance suggested by a plaintiff. This new definition rejects long accepted Title VII jurisprudence. In *Connecticut* v. *Teal*, Justice Brennan analyzed the various adverse impact cases since *Griggs* and made clear that Title VII never required the focus to be placed on the overall number of minority or female applicants hired or promoted.

In *Transit Authority* v. *Beazer*, the Supreme Court focused on a single identified employment practice. To permit a lawsuit to be based on a "group of employment practices"—perhaps all practices used by a particular employer and to have that lawsuit triggered because the "overall employment practice" results in a workforce that is numerically deficient—is a profound change in the standard for reviewing personnel practices. It will put pressure on employers to assure that their overall employment practices result in a workforce measured by arbitrary numerical standards, and not productivity or ability.

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[6] This problem has been resolved by some of the circuits which have addressed it in the context of combined Title VII and Section 1981 actions. They generally hold that the jury's factual determinations on the Section 1981 claims control. *See, e.g., Sherman v. Burke Contracting Inc.*, 891 F.2d 1527 (11th Cir. 1990); *Wade v. Orange County*, 844 F.2d 951 (2d Cir. 1988).

Proposed new definition "o" would find "business necessity" justifying a selection criterion only if that criterion were proven to be "*essential* to effective job performance." This new definition is a drastic change from the definitions first set forth in *Griggs* v. *Duke Power Company* which has become well settled law during the succeeding nineteen years.

In *Griggs* the Supreme Court first enunciated the theory of adverse impact, and imposed on employers the requirement of showing that a challenged practice was justified by "business necessity". The Court said that the standard of business necessity meant "job relatedness", meaning a selection criterion "having a manifest relationship to the employment in question." The Court in *Griggs* reemphasized congressional intent to allow employers to set their employment standards as high as they wished as long as the business necessity test was met. The various Supreme Court and appellate court rulings subsequent to *Griggs* have made it clear that "business necessity" requires a showing that the challenged practice is predictive of job performance, correlates to important elements of work behavior, or more generally relates to the specific job functions in question. The proposed new definition of business necessity, would overturn these long-standing precedents and impose an impossible burden on employers.

Understanding that the legal review of employment practices does not even begin until there is proof of a numerical imbalance defined as adverse impact under the proposed legislation, employers would have to show that the suspect practice, or the "overall employment process" (see new definition "n") are not only necessary but are "essential". The judgment as to what is "essential" would not be made by the employer but by a judge or possibly a jury, and then in the context of a numerical deficiency rather than actual business needs. The promise of the Congress in 1964, as enunciated in *Griggs*, that employers could establish their own employment standards so long as the standards were consistent with the employer's own business requirements and equal employment principles will thus be consigned to a footnote describing discarded policy. Rather, the law would require employers to accept bare minimum qualifications or performance levels since they would be the only standards which could possibly meet the "essential" test.

SECTION 4

Proposed definition "n" discussed above, would abolish the requirement that a plaintiff identify the cause of a statistical disparity. Proposed subsection 703(k) would also overturn those parts of the Court's holdings in *Watson* and *Wards Cove* related to burdens of proof.

The Civil Rights Act of 1990 would permit a plaintiff's cause of action to be based solely on the statistical "bottom line". That is, a plaintiff need not identify one specific employment practice causing an adverse impact, but could complain generally about a group of practices or point to the overall "employment process" to establish the numerical threshold necessary for a showing of adverse impact. An employer would then have the burden of showing that some or all of its practices—depending upon the scope of the compliant—are *not* causally related to the numerical deficiency. The employer would then be obliged to prove that each of these practices is "essential" to its business. Thus, an employer using a variety of employment practices would have to first parse all of its practices, identify which caused the numerical "discrimination" and then prove that the suspect practice was "essential" to its business.

Proving that some objective selection criterion—such as a college degree—is "esssential" to success on a job is difficult enough. But in the context of subjective criteria the task becomes impossible. completely unrecognized in the bill or the accompanying congressional analysis is the fact that the *Watson* and *Wards Cove* cases dealt with non-standardized subjective practices not heretofore dealt with under the impact analysis. The proposed legislation is built on the faulty premise that every employment practice, including interviews, supervisory ratings and the like, can be reviewed with scientifc precision. Unlike the accepted methodology for establishing the job relatedness of objective "pass-fail" instruments or practices such as standardized tests or height-weight standards, where business necessity has never been converted into the legal *sine qua non* which this legislation would mandate, the prospect of proving that it is "esstential" to job performance for a candidate to appear "bright" or "motivated" during an interview would be completely unmanageable, as would be the burden when reviewing the multistage hiring process for management trainees, first line supervisors, public law enforcement positions or other such positions. The very complexity of the employer's burden when dealing with aggregated, subjective employment practices would require decisionmaking aimed at numerical balance, rather than business judgment, in order to avoid the crushing costs which would be required to even attempt to defend challenged criteria.

In *Watson* and *Wards Cove*, the Supreme Court attempted to craft a rational balance allowing long-accepted Title VII obligations, and heretofore unquestioned general litigation burdens to coexist with viable productive employment systems. Proposed subsection 703(k) and the new "definitions" would overturn this balance, while leaving employers essentially defenseless to challenges of subjective practices based on adverse impact analysis.

SECTION 5

Proposed Section 5 of the draft legislation would "deal" with the *Price Waterhouse* case by amending Title VII to find a violation whenever a discriminating factor was shown to have been *a* "motivating factor" in any personnel action *regardless* of the presence or importance of other factors supporting the action. Section 5 is here characterized as "dealing" with *Price Waterhouse* since at the time of the decision it was greeted as a major advance by civil rights advocates and was said to represent the first time the Supreme Court had recognized the well-established concept of mixed motives in the title VII context. The drafters of section 5 clearly intend to expand upon *Price Waterhouse* by finding liability where a discriminatory consideration is *a* motivating factor as opposed to the motivating factor or even a substantial motivating factor. Indeed the mere presence in the mind of the decisionmaker or in the employer's records of any questionable consideration or inartfully phrased concern about an individual would, by the terms of the proposed amendment, doom the employment decision. The legislation would preclude an employer's ability to rebut or refute the inference of discrimination by proving that the factor was irrelevant because of the predominant weight of legitimate factors.

Once obvious result of this section, were it to become law, would be to require legal review of personnel appraisals, supervisory ratings and similar personnel tools while in draft stage in order to scrub or delete any phrase or reference which could be pointed to as a "motivating factor" and which would thereby subject an employer to absolute liability. Employers would almost have to establish legal "thought police" to measure each consideration of a supervisor against the ever-changing legal standards of intentional discrimination in order to insulate the employment process.

The argument by the proponents of Section 5 that *Price Waterhouse* authorizes "a little bit of discrimination" is specious The Supreme Court crafted an appropriate burden shift by requiring employers to do more than merely articulate an explanation for the "taint." Employers were given a difficult burden of proof to avoid liability. The draft legislation "cures" *Price Waterhouse* by abolishing any opportunity for defense. Strangely, the draft legislation seeks to amend § 706(g) by including the *Price Waterhouse* "defense" in that section. The intent of this placement is unclear. Clearer drafting would have new § 703(1) add at its end "except that a respondent will not commit an unlawful employment practice where it establishes that it would not have taken the same action notwithstanding the consideration of the prohibited factor."

SECTION 6

In *Martin* v. *Wilks*, a five justice majority of the Supreme Court held that where allegedly race conscious promotion decisions were being made as a result of the operation of a prior consent decree, white individuals who were not party to the proceedings which resulted in the entry of the decree could bring suit alleging that the denial of promotions to them was due to impermissible considerations of race. The four dissenters argued that obedience to the dictates of a lawfully entered consent decree should not expose an employer to collateral attack and potential liability. The Supreme Court was grappling with the competing and equally compelling concepts of affording every individual his or her own day in court with the need to bring finality to litigation.

Proposed section 6 would establish that a person could not challenge the operation of a decree if the person were a party to the proceeding, had notice that the proposed judgment might affect his interests and was given reasonable opportunity to object, or if a court determines that the objections being raised were raised by other persons during the pendency of the consideration of the decree.

Section 6 would leave the adequacy of notice to interested parties as the only grounds available to attack the lawful operation of a decree after it is entered. Apparently it would bring finality to issues even if the underlying decree incorporated race conscious features and was of substantial duration. While employers share the belief that judicial oversight of employment policies not be open-ended and intrusive, we believe that these concerns ought to be tempered somewhat in view of the appropriately strict standards for relief currently followed by the courts in reviewing or imposing race conscious policies. The standards enunciated by the Supreme Court in *Johnson v. Santa Clara County* and *Local 28 Sheetmetal Workers v. EEOC* ought to allay concern that affirmative relief will unfairly hinder the expectations of nonparty individuals or that a court will usurp the employer's human resources function.

We do believe that rather than rushing to simply "repeal" *Martin v. Wilks*, the Congress ought to take sufficient time to study the issues and consider such possibilities as statutory time limits for an employment consent decree or specifying the scope of the fairness hearing so that adequate notice is in fact provided to all interested or potentially interested or impacted individuals.

SECTION 7

In *Lorance v. AT&T Technologies*, the Supreme Court held that a challenge to a seniority system allegedly adopted for a discriminatory purpose must be raised at the time the seniority system is adopted (within Title VII's limitation period) rather than at the time the system has its discriminatory impact. The Court reiterated its view that there was no viability to the "continuing violation" theory of discrimination in this context. The dissenters argued that Congress never intended absolute immunity for tainted seniority systems and that the decision would foster anticipatory litigation.

While the holding in *Lorance* is relatively straightforward and deserving of careful consideration, the legislative response incorporated in section 7 is wholly out of proportion to the holding in *Lorance* and affects significant expansion of Title VII.

Section 7(a)(1) expands the statute of limitations of Title VII from 180 days to two years. There was no "adverse" Supreme Court ruling which triggered this section. There seems to be no rationale for this fourfold expansion of the statute of limitations, nor does there appear to have been consideration of other, parallel changes sure to follow, such as the extension of EEOC's record retention rules to two years and other administrative changes. The legislation is also silent as to the impact of this change on cases filed with deferral agencies. The silence with respect to the status of deferral states apparently will allow simultaneous processing of charges and could create redundant legal actions in different forums. This result would be a direct contradiction of Title VII's fundamental purpose to foster conciliation and settlement of cases.

The drafters have apparently given no thought to the ramifications of this proposal on actual employment processes. It is difficult to imagine the benefit in allowing a grievance to fester for at least two years before triggering the investigative and adjudicative processes of title VII. In that long interim, personnel will have changed, managers shifted, perhaps even ownership changed, yet the employer will have to reconstruct dated events in order to respond. Productive employment will be subject to forgotten land mines of forgotten actions when a charge is filed two or more years after the triggering occurrence.

Section 7(a)(2) reinstates the continuing violation theory by starting the running of the statute of limitations only after a questioned practice has adversely affected the aggrieved party. Thus, the proposed legislation has the effect of overturning *United Airlines v. Evans* decided in 1977, not 1987. It is simply inappropriate policy to encourage potential plaintiffs to sit on their rights for an extended period. There seems to be no cogent reason for this other than to increase employer exposure.

SECTION 8

This section would amend Title VII to provide for compensatory and punitive damages where intentional discrimination is shown and, consistent with the principle that such damages fall under the definition of "legal" rather than equitable relief, a jury trial would be provided.

As much as any section of the proposed legislation, this section would change the entire structure of our equal employment laws. The issue of a jury trial and extraordinary relief for discrimination was considered by the drafters of the original Title VII and rejected for a number of sound policy reasons. Those reasons have not changed.

It was the considered view that discrimination issues should be settled quickly, that the employee achieve make whole relief promptly and that the process avoid interminable delay in crowded federal courts. Further, there was concern that juries might be loath to find for minority or female plaintiffs.

Since 1964, Title VII has been interpreted and enforced in a relatively efficient manner, enabling individuals to achieved relief. To the extent there has been criticism, it was that the EEOC was inefficient in conciliating cases and that backlogs were permitted to expand.

Section 8 would not respond to these concerns but would create new problems of vastly increased magnitude. Were this section enacted, any hope of conciliation and settlement through the EEOC would vanish. We would witness instead a national employment law lottery where attorneys would hold out to individuals the promise of six or seven figure judgments, with the accompanying six or seven figure legal fee. The purpose and function of the EEOC would be effectively terminated, and the courts would be inundated with new employment suits.

Nor is this a spectral parade of horrors raised by employers with untold hidden liability. Rather, it reflects the experience in those states with expanding doctrines of wrongful discharge and expanding liability judgments. Employers would be ill-advised to undertake thoughtful self-analysis and corrective action for fear of unleashing a torrent of two-year old "intentional discrimination" litigation with million dollar liability claims. Short of resurrecting the plaintiff's bar, no cogent explanation has been given for this section.

We would also note that the Senate debated this issue when it recently passed the Americans With Disabilities Act ("ADA"). Following long negotiations between the White house and Senate, during which organizations such as SHRM and NAM and the disability community provided input, the Senate rejected the inclusion of compensatory and punitive damages and jury trials for the disabled as inappropriate in the employment title of the ADA. The Senate and the Civil Rights community were correct then. We do not believe that those negotiations were undertaken in other than complete good faith, yet we see a policy reversal in a matter of months. Section 8 has no place in this legislation.

SECTION 11

This section would require all federal civil rights laws to be "broadly construed," effectively providing that the actual statute serve only as the starting point for judicial review rather than providing textual limits on such review. This seems to be a needless invitation to judicial activism and could readily cause confusion. If the "broad construction" were viewed by some to be limiting rather than expanding, we would inevitably have to respond to yet another round of congressional restoration. The Congress should not invite such activism and thereby subject the law to transient determinations of the meaning of "broad construction."

Section 11(b) appears to abolish, in the context of civil rights, the doctrine that subsequent legislation that is more specific or narrow in design operates to limit prior legislation that is more expansive. If this is the intent, section 11(b) ought to be thoroughly debated. We see absolutely no reason to legislatively fossilize every piece of civil rights legislation and simply add layer upon layer of additional statutory language. Civil rights and equal employment is not such a fragile concept so as to require this type of legislative shield. As the organizations I am representing today showed in the debate over affirmative action, exposure to such debate, whether in the executive branch or the legislative branch, or before the public, will not shrivel the reach of our equal employment policies. There is no place for Section 11 in the proposed legislation.

SECTION 12

Section 12 of the proposed legislation would overturn the *Patterson* decision. The Administration similarly has introduced legislation to accomplish this purpose. Rather than legislatively "correct" an admittedly strained judicial interpretation, the Congress ought to meet its responsibility by thoroughly examining the ramifications and underlying rationale of the Supreme Court's action.

The *Patterson* case involved alleged racial harassment. Title VII makes racial harassment illegal. The Supreme Court did not endorse racial harassment. It noted that the remedial provisions of Title VII could have been available to the plaintiff. Rather, the Court questioned, perhaps awkwardly, the efficacy of having multiple statutory forms available to remedy discriminatory activities and attempted by its decision to channel such matters through the congressionally-created scheme of Title VII. The underlying question which the Supreme Court attempted to resolve was whether it made sound policy to have such multiple forums. The Congress ought to take the time to examine whether it makes any sense to have such anomalous situations as litigations in which both Title VII and § 1981 are at issue and in which the same facts are tried partly before a judge and partly before a jury, either at the same time or on alternate days, in which different procedural rules and statutes of limitations would apply and different remedies would be available. We believe that the Congress ought to examine whether plaintiffs ought to be required to choose an exclusive forum, and whether equal employment litigation ought not be encumbered with parallel federal, state and common law counts. We would urge that considered legislative attention be devoted to examining and addressing and underlying causes of the Supreme Court's decision rather than rushing to "reverse" the attempt of the Supreme Court to bring reason to an unnecessarily confused and cumbersome situation.

CONCLUSION

Contrary to the representations of its cosponsors, the Civil Rights Act of 1990 far exceeds its professed aim of "simply" reversing certain Supreme Court decisions. Rather, the draft legislation will effect a sea-change in the treatment of equal employment complaints, converting every charge into a federal court action; making the administrative process of mediation and conciliation an unused and forgotten option and building up a backlog of cases calling on scarce federal court resources.

The draft legislation also reverses the long-settled concept underlying Title VII when it was passed and incorporated in the *Griggs* decision, of letting an employer set its standards as high as it wishes. The legislation would present American industry with the choice of boiling its legitimate employment criteria down to the very few essential elements which would result in a minimally competent workforce or facing lengthy and expensive litigation leading to extraordinary relief in which the statutory deck is stacked overwhelmingly against it. The only other option left to employers is the distasteful one of insuring numerical balance.

Finally, the draft legislation ignores the current procedural and statutory impediments to rapid and equitable resolution of employment complaints. Rather than examining the continued viability of multiple forums and multiple statutory bases for employment litigation the legislation merely perpetuates the current unwieldy and inefficient system.

The issues raised by the Civil Rights Act of 1990 deserve careful and thoughtful analysis. The apparent rush to pass a bill with a minimum of debate and consideration is an unseemly and inappropriate way of treating civil rights. We urge that this committee reflect upon the issues raised in this testimony and join with America's employers in addressing the pressing issues we all face in the 1990s and beyond.

Mr. HATCH. Thank you, Mr. President.

I yield the floor.

ELECTIONS IN TAIWAN: A MOMENT OF TRIUMPH FOR THE TAIWANESE

Mr. PELL. Mr. President, Eastern Europe, Central and Latin America are not the only places in the world where democracy is emerging from the long, cold winter of dictatorship.

In Taiwan, thousands of protestors, mainly students, have gathered in a Taipei city park to declare their support for greater democracy just as Chinese students gathered last spring in Tiananmen Square. However, unlike in China, rather than being brutually suppressed, their voices have real hope of being heard.

We need to support the Taiwanese people in their courageous call for greater freedom and independence from the stultifying oppression of 40 years of Kuomintang rule.

We can take some encouragement from the actions taken by President Lee Teng-hui, a native Taiwanese, who has just been elected to a 6-year term, despite an effort by hardliners in the Nationalist Party to replace him.

Having already taken determined action in the past toward democracy, President Lee will surely heed the call for greater reform at a faster pace. In this spirit, I commend and congratulate him for this leadership.

Last December President Lee presided over the first officially contested elections since 1949. At that time elections were held for 101 seats in the national legislature, the Legislative Yuan, 16 county executive positions called magistrates, several city mayors, and seats on two city councils and the Taiwan Provincial Assembly. The results sent a clear signal that the Taiwanese people want change.

As noted the Deputy Secretary General of the opposition Democratic Progressive Party, Tsai Shih-yuan, "it was a big victory for the opposition!"

The Democratic Progressive Party [DPP] won 38 percent of the popular vote in city and county executive races winning 6 out of 21, including the biggest prize of all—the executive post in Taipei county. The KMT received just 53 percent of the vote rather than the projected 70 percent. In the Legislative Yuan, the DPP increased its membership from 11 to 21 seats, giving it enough members to introduce legislation.

These important victories were achieved despite tremendous odds—the DPP has only 20,000 members and the KMT's is estimated at 1 to 2.5 million out of an electorate of about 12 million—and large hurdles.

The National Democratic Institute for International Affairs [NDI] in an excellent pre-election report, entitled "A Moment In Political Transition: The December 1989 Elections In Taiwan," observed that the "KMT retains near total control of almost all political, social, economic and media institutions in Taiwan," ensuring "the KMT numerous institutional advantages in the current campaign, including: control of the television and radio, vast financial resources, a cooperative police and judiciary, as well as considerable informal influence over the most influential economic, social and cultural organizations."

Importantly, the issue of Taiwan's independence was also prominently raised in this election despite legal prohibitions against such discussion. This indicates both new flexibility on the part of the Government as well as the continued importance of this issue to the Taiwanese people. Twenty DPP candidates in favor of independence won election, seven of these to parliament.

However, the elections in December and March also illuminate continued problems in the Taiwanese political system. In the Legislative Yuan elections, for example, only 101 out of 292 were contested. The majority of 162 continue to be filled with holdovers from the mainland and 29 were appointed by the KMT to represent overseas Chinese. The president was elected by a 752 member National Assembly controlled by 668 KMT delegates, also holdovers from 1949. The voice of the Taiwanese people is still a minority voice in their homeland.

But the winds of change can be felt this spring. Following the December elections, President Lee promised more democratic reforms stating that the vote "indicate[d] the various reform measures undertaken by the Government in recent years had failed to meet the public's expectations."

President Lee has met with the demonstrators in Taipei's Chiang K'ai-shek Memorial Park—a clear indication of his desire to accommodate new political voices. He has also proposed a meeting with the DPP and other groups in a national convention to discuss Taiwan's problems.

This is clear evidence that change is occurring in Taiwan.

I hope it will lead to substantial reform in several areas, including an examination of possible constitutional changes that would further institutionalize and preserve democratic practices, guarantees for freedom of speech, elections for other members of the Legislative Yuan, loosening of visa restrictions on overseas Taiwanese or Taiwanese-Americans seeking to return to Taiwan, and a release of political prisoners.

In particular, I hope that Shih Ming-Teh will be released. This prisoner-of-conscience has been jailed for 25 years. He is Taiwan's Nelson Mandela. First arrested in 1962, he was jailed until 1977. He was arrested again in January 1980 for his role in the formation of an opposition magazine and demonstrations on behalf of democracy and independence. He has been in jail ever since. His American wife, Linda Arrigo, was deported by the Government. Amnesty for Shih Ming-Teh would send a clear signal of the Government's desire to bury the problems of the past, moving forward to a democratic future.

In an advertisement placed in American papers following December's elections, the Taiwanese Government saluted the result and promised that there would be "continued political and social stability on Taiwan." I believe that promise can only be achieved if the Government continues to recognize and respond to the Taiwanese people's call for democracy.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,836th day that Terry Anderson has been held in captivity in Beirut.

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SASKATCHEWAN FERTILIZER PLANT

Mr. COCHRAN. Mr. President, the Canadian Province of Saskatchewan is making plans to subsidize the construction and operation of a world-scale nitrogen fertilizer plant. This is causing great concern in the fertilizer industry in the United States and should be a concern of the administration and the Congress.

On February 7 of this year, the Saskatchewan government announced its plans to invest $64 million of the province's funds and guarantee an additional $305 million in loans to finance the construction of a project known as "Saferco," which will produce nitrogen fertilizers, including anhydrous ammonia and urea. This project is being pursued ostensibly to promote the provincial economy.

I am concerned that the volume of fertilizer which is projected to be produced by this plant will seriously harm the market in the United States for these products by causing a price- depressing oversupply. I am certainly not opposed to competition, but I have been told there is evidence that this plant could not be competitive were it not for the Government subsidy. This seems to be in conflict with the recent United States-Canada Free Trade Agreement.

There are other concerns with this plant, including the fact that Saskatchewan has waived the requirement for an environmental impact statement. These concerns have been included in a letter addressed to U.S. Trade Representative Carla Hills and signed by eight Senators. I ask unanimous consent that a copy of this letter be placed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

U.S. Senate,
Washington, DC, March 8, 1990.

Hon. Carla Hills,
U.S. Trade Representative, Washington, DC.

Dear Ambassador Hills: We are writing to request your assistance with regard to a matter of very grave concern to us. The Canadian province of Saskatchewan is committed to expanding its industrial base, but unfortunately has historically ignored commercial realities in attempting to accomplish this political goal. Its newest industrial expansion project, announced on February 7, 1990, is a world-scale nitrogen fertilizer plant. This project, like others before it, will be an ill-conceived, quasi-governmental enterprise that can survive only by reason of subsidies and preferential treatment.

The plant is a massive undertaking and will require a $64 million equity investment from the Province as well as a provincial loan guarantee for the $305 million in debt required for the project. A private company has agreed to make a $65 million investment in the plant in exchange for exclusive marketing rights. This project, known as "Saferco," is of very urgent concern to us for three reasons.

First, Saskatchewan has approved construction of this plant and has waived a requirement for a Provincial environmental review. By waiving such a review, the plant will be built without the benefit of objective scientific review or public hearings to consider critical environmental issues. We find this disregard for environmental concerns appalling. Congress is currently in the midst of considering new clean air legislation and, along with U.S. industry, we are grappling with very difficult issues presented by the effort to protect our global environment. These issues impact the nitrogen fertilizer sector as well as many other industries nationwide.

Given Canada's commitment to address environmental issues such as acid rain and ozone depletion, and the historic criticism by Canada of the U.S. on these issues, we are dismayed by Saskatchewan's decision to essentially ignore sensitive environmental concerns in its haste to construct this huge chemical plant. Its failure to assess the environmental impact of the plant raises concerns not only about this impact, but also about the competitive advantage that the Province appears to be intentionally creating for its venture by "exempting" it from an environmental impact statement.

Second, based on information available to us, we believe that the Saferco plant would not be built without the significant involvement of the Province. Current and projected market conditions render the addition of this capacity an obvious political move designed to achieve certain social and political goals of current Provincial leaders. Industry sources have supplied us with information that indicates that the plant would not be built by a commercially-motivated investor. Financing could only be possible for this very questionable venture by reason of the loan guarantee to be provided by the Province for all of the debt to be incurred. In light of the spirit of the CFTA and Canada's obligations thereunder, we are alarmed by this new Provincial subsidy.

Third, based on information made available to us, it appears quite certain that if the Saferco plant is completed and brought on-stream, it will have a serious and negative impact on U.S. producers of nitrogen fertilizers. The plant's enormous production will necessarily enter the U.S. market and/or displace into the U.S. other Canadian production which currently serves Saskatchewan. Industry experts predict that the large increase in supply will severely depress prices.

We have been assured that the U.S. industry will not hesitate to fully utilize all available legal remedies to address the effects of the unfair trade that are certain to result from this project. However, given the serious issues raised from an environmental as well as a fair trade standpoint, it would be most beneficial to all concerned if the matter could be addressed before the need arises for the pursuit of unfair trade litigation.

We would greatly appreciate your assistance in looking into this matter and providing to us, under the terms of 19 U.S.C. S 2418, with information concerning this plant and the involvement of the Province in the project. We have enclosed some information about the plant that may be of interest to you. Given the commitment of both the U.S. and Canada to a clean and healthy environment and to free and fair trade, the U.S. should not be silent as a major Canadian project is undertaken without concern for either.

We look forward to hearing from you shortly.

Sincerely,
Thomas A. Daschle, Thad Cochran, Alan J. Dixon, David Pryor, David L. Boren, James A. McClure, Trent Lott, Steve Symms.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. The Senate will resume consideration of the pending business, S. 1630, which the clerk will now report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending: (1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293), to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth/Armstrong amendment No. 1313 (to amendment No. 1293), to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

(4) Byrd further modified amendment No. 1329 (to amendment No. 1293), to provide benefits for terminated coal mine workers.

Mr. BAUCUS. Mr. President, under a unanimous-consent agreement the Senate is now ready to receive the amendment to be offered by Senator Nickles from Oklahoma. This will be a permit enforcement amendment. It will be an amendment which the managers of the bill will oppose. The degree of our opposition will depend in part on the provisions of the amendment. We have not yet seen the amendment. We however know the subject of the amendment. According to the latest version that we saw, we not only oppose the amendment but oppose it strenuously.

We are however at this point waiting until Senator Nickles or Senator Heflin are ready to offer their amendment. Under the unanimous-consent agreement the Senate will be debating the amendment for 4 hours today. But pending the arrival of Senator Nickles, who will then offer the permitting amendment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I am advised by the Senator from Oklahoma [Mr. Nickles] who is about to come to the floor to offer his amendment, that he is agreeable to a time on the nickles amendment to begin running at 1:15 this afternoon. I am advised he is also agreeable that any time during a quorum call this afternoon pending the Nickles amendment be equally divided between the managers of the bill and Senator Nickles.

Accordingly, Mr. President, I ask unanimous consent that the time on the Nickles amendment be deemed to have started running at 1:15 this afternoon and that any quorum calls which might be called this afternoon pending the Nickles amendment be such that the time be charged equally to both sides.

Mr. CHAFEE. Mr. President, let me just say this: I would prefer, if that was proposed, that the time be equally divided during the first hour of the quorum call; that is, the time be equally divided from 1:15 on to 2:15 p.m. Then I would like to take another look at it. Because we could get into a situation, Mr. President, where the proponents of the amendment, through problems and so forth, might not come to the floor until very late and therefore we would have little time to present our argument.

Mr. BAUCUS. Mr. President, that is fine with me, although, if the proponents of the amendment wait that long, they will have that much less time themselves to offer or describe their amendment. But that is fine with me.

Mr. President, I ask unanimous consent that the time of the Nickles amendment begin to run at 1:15 p.m. today, and the time of the quorum call be equally divided until the time of 2:15 p.m.

If the quorum call is still in progress at 2:15 p.m., I ask unanimous consent the time from 2:15 p.m. on be charged against the proponents of the amendment.

The PRESIDING OFFICER. The Chair is uncertain as to whether the last portion of the unanimous-consent agreement is still pending.

Mr. BAUCUS. Mr. President, I will revise my request. I ask unanimous consent that the time on the Nickles amendment be deemed to have commenced at 1:15 p.m., and that from the hour of 1:15 to 2:15 p.m., the time during the quorum call be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. CHAFEE. Then, Mr. President, it is understood at 2:15 p.m. we will revisit it and determine how the division will go thereafter.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1373 TO AMENDMENT NO. 1293

(Purpose: To insert a new title V and VI)

Mr. NICKLES. Mr. President, I will be discussing probably for 20, maybe 30 minutes, the so-called Nickles-Heflin-Dole, and others, amendment. I think we have about 15 cosponsors. I appreciate their support of this amendment. The amendment deals with permitting and enforcement. It is close to the same amendment that has been discussed in the quarters for a couple of weeks. It is basically a substitute for titles V and VI that is in the committee proposal before us. I say it is a substitute. It is at the administration's request. It was developed in close cooperation with the President and the Environmental Protection Agency and also the Department of Justice. It is at their request that I am bringing forth this amendment.

The reason we are bringing forth this amendment is because, if we do not change the permitting and enforcement sections under the present bill, we are going to have permitting that will not work in many cases, and we are going to have enforcement that will bog down the courts. We will be penalizing a lot of people and asking EPA attorneys to be defending themselves instead of really cleaning up the environment. It is important we make these changes.

These amendments that we are talking about are complicated. They are not easy. I apologize to my colleagues for the complicated nature of this section. This is not a section that was agreed to in the so-called leadership compromise. I was involved. I was fortunate, or unfortunate, whatever the case, to be one of the participants who negotiated in the long, late hours. I see the Senator from Montana. I compliment him and my colleague, Senator Chafee, from Rhode Island, because they spent unbelievably long hours in trying to hammer out a compromise. In many cases, I think they made significant improvements over S. 1630 as originally passed. They worked hard, and I compliment them for that. Very seldom have we seen pieces of legislation that are so difficult to hammer out a compromise. They worked, not only putting in long hours, but they are very committed and came up with the leadership package.

My comment is that the section dealing with permitting and enforcement is not part of the leadership package. It was never really negotiated. We did not get to it. We spent a lot of time on the other sections, on mobile sources, on stationary sources, and on areas of nonattainment. We never really got into permitting and enforcement. I raised the issue once or twice. I said, we have a problem with the permitting and enforcement titles, it needs to be addressed, and everyone agreed we would get to it, and we never did. So it was never part of the leadership agreement. As a matter of fact, this amendment I am offering is not only on behalf of myself and Senator Heflin but also on behalf of Senator Dole and many others, who I think are supportive of the clean air bill before us, but they want to see a bill that will work.

Mr. President, if the permitting section of the bill does not work and if the enforcement section of the bill does not work, we have a problem. We have a bill that will make it very difficult for people to know what to do, how to comply, and what the penalties are if they do not comply. I really think our goal is to clean the environment. If that is the case, and I support that goal 100 percent, then we need to have a permitting and enforcement section that will work. That is really what our amendment does. I say "our" amendment. I am talking about the amendment I will soon be sending to the desk.

I also would like to ask Senator Baucus—I heard him say earlier he did not have a copy of the amendment. I am assuming he has copies of the amendment. My staff will get both Senators a copy of the amendment. I understood that they already had a copy. I was surprised to hear that statement. We will get the Senators a copy of the amendment.

I also want to compliment staffs. They worked hard this weekend. I thought a lot of significant changes were made. Senator Chafee brought up last week some concerns about the shield provision. I think significant changes were made in the shield provisions to accommodate the Senator's concerns. Changes were made trying to accommodate legitimate concerns raised by others, and we made other changes as well. Working with the committee staff, it was my hope or expectation that many of the concerns would be solved and maybe we would have a bipartisan leadership substitute, as far as permitting and enforcement. I heard Senator Baucus say that was not the case. If that is not the case, maybe once he finds out what is actually in our amendment today, he will change his mind. I hope that is the case.

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Let me go through this very complicated, tedious, and detailed amendment. It is several pages. I apologize to my colleagues for the length of it, but I want to explain the amendment. It is also important for the record that we get the information down.

I also might mention to Senator Baucus and Senator Chafee, I would have been here at 1 o'clock; however, we wanted to incorporate the changes that were negotiated this week because I think they are improvements over the original Nickles-Heflin-Dole amendment, but they were suggestions that were made by committee staff. We are trying to come up with the best language that we can. There are also changes that the administration and others felt would make a better bill, to provide for greater environmental protection, and still be workable. Again, I use that word "workable," and I am going to use it many times today, but for a permitting section or an enforcement section, it is vital that is workable, not just have a stated goal, but actually have the ability to work, where people who are manufacturers, people who are regulators will know how the system is going to work. This is a more streamlined approach. In my opinion, it is certainly a much more efficient and much more effective approach. Again, these are changes that the administration is requesting.

The original permitting and enforcement sections we had in S. 1630 were the administration's with some changes by committee staff. Now the administration, both the Department of Justice and the Environmental Protection Agency, have had some time to review their initial recommendations. They have decided that some changes were called for. So it is at their request that we are coming forward with this amendment.

Our amendment does two things: One, it deals with permitting. It retains the goals and the basic structure of the permit program originally developed by EPA and modeled after the Clean Water Act. It streamlines the process for obtaining a permit and brings the overall program even closer to the procedural efficiencies learned through the administration of the Clean Water Act. It also significantly enhances the abilities to enforce the Clean Air Act.

Two, enforcement: It creates strong criminal penalties and opportunities for citizen suits. It incorporates Department of Justice revisions to ensure that the enforcement provisions are constitutional and provide the fullest possible degree of due process and fairness to all parties involved. It also provides the best possible administrative and judicial review, taking due account of EPA's administrative expertise and requirements for uniform law development, while providing the courts with the best possible record to review.

Our amendment provides safeguards for operational efficiencies, strong built-in environmental safeguards, regulatory flexibility, cooperative federalism and consistency with the Administrative Procedures Act. A vote for our amendment is a vote for strong environmental protection and good government.

The leadership package, and I have alluded to this to some extent, but there has been some confusion about whether permitting and enforcement are part of the leadership package. I would like to clear that up once and for all. The leadership package was negotiated over many weeks by more than 15 Senators as well as representatives from the White House and EPA. By specific agreement with the parties, the leadership package does not include anything on permitting and enforcement. Unfortunately, I heard other people incorrectly state that the amendment before us has been labeled as part of the leadership package. This is just not the case.

Amendment 1293, the so-called Baucus-Chafee amendment, includes changes to the leadership package which were never discussed or agreed to by the parties. It also includes new provisions on permitting and enforcement spread through several of the bill's titles that were neither discussed nor agreed to by the leadership group. Further, they were never discussed and voted on by the Committee on Environment and Public Works. All these changes were developed by committee staff. The floor managers of the leadership package are not and should not be bound to support anything in titles V and VI of amendment 1293.

In fact, there are serious administrative and constitutional problems with titles V and VI of amendment 1293.

PERMITTING

Baucus-Chafee would create an extremely complex, burdensome, and unworkable permit system. It would keep small and large businesses alike in a permanent state of permit application, never knowing from day to day whether their permit would be changed—not to correct a serious environmental problem—but to respond to some bureaucratic whim.

Every permit decision—no matter how straightforward—would be subject to second guessing by EPA. This is exactly what happened with the permit program developed by the original Clean Water Act. This is the program duplicated by Baucus-Chafee. In the case of Clean Air, there will be thousands more sources needing permits than were required under the Water Act.

In contrast, Nickles-Heflin-Dole incorporates the efficiencies that EPA and the States learned the hard way through implementing the Clean Water Act. In addition, we specifically incorporate strong environmental safeguards—literally fail-safe mechanisms—to ensure the Government's ability to enforce both while the permit application is pending as well as after the permit is issued. For example, one mechanism will allow any permit to be reopened if a material mistake in the permit is found, or if a change is needed to meet any new requirement protecting public health.

ENFORCEMENT

The enforcement program in the Nickles-Heflin-Dole amendment is fairer to ordinary working men and women, small businesses and the regulated community in general.

For example, under amendment 1293 a small business owner could go to jail if he omitted information he believes to be insignificant from this permit application. This, in the face of new and complex permit requirements, is unconscionable. In addition, 1293 would allow citizen suits to be abusively used to challenge expert EPA and State determinations which are well within their administrative discretion. Such citizen suits could be used by competitors to delay legitimate actions by other businesses. Nickles-Heflin-Dole corrects these abuses by bringing the enforcement and citizen suit provisions in line with the other major environmental statutes and the Administrative Procedures Act.

The bottom line question on Clean Air Permitting and Enforcement is whether this distinguished body wants to enact legislation that will actually work and actually result in clean air. A vote for Nickles-Heflin-Dole will do this.

Do we want a bill that is so complex in its permitting requirements that we will have to substantially increase the size of the EPA and every State environmental agency? Or do we want a bill that cleans the air but does not pollute the Federal and State budget with unnecessary and wasteful paper-shuffling?

Do we want a bill that confuses industry's ability to comply with requirements that carry heavy criminal penalties? Or do we want a bill that is clear in its requirements and is consistent with basic notions of fairness, the Constitution and our other environmental laws?

Do we want a bill that says to the States: You issue the permits according to EPA-approved plans, but if EPA does not like any permit you have issued—for any reason, no matter how trivial—EPA can veto it, putting that source in noncompliance, and sending its managers to jail? Or do we want a bill that gives EPA strong statutory authority to oversee each State's permitting program and intervene when material issues arise.

Do we want a bill that threatens penalties for orders without a full opportunity to challenge the orders? Or do we want a bill that provides for a swift but reasonable review of Administrative Orders?

I urge your support of the Nickles-Heflin-Dole amendment. If the Baucus-Chafee amendment is enacted into law, it would create an extremely complex, burdensome, and unworkable permit system—and an enforcement regime that is unfair to decent, hard-working business owners. Nickles-Heflin-Dole will enhance and streamline administration of Clean Air Act requirements, while maintaining strong environmental safeguards negotiated in the original Mitchell-Dole-administration package.

PERMITS

The permitting system proposed by amendment 1283 would keep owners and operators of small and large businesses alike in a permanent state of permit application; they would never know from day to day whether their permit would be reopened, and if their entire operation or compliance program would be subject to renegotiation and change. This kind of stop-and-start situation can only create chaos. It does not make sense for the environment, the economy, or the job stability of our citizens.

Nickles-Heflin-Dole is supported by the administration and will provide EPA with strong authority and tools to change a permit any time there is a serious risk of danger to public health. Importantly, this will be accomplished by providing certainty and predictability to the permit holder so they will know—once they have their permit in hand—what needs to be done and when. With the certainty brought about by this knowledge, sources will be able to make needed investments and raise the money for these changes in the most efficient way possible. This can only be accomplished if—once they embark on their compliance program—sources are able to continue without daily fear that their objectives and their procedures will be constantly changed.

COSTS OF PERMIT APPLICATIONS

This certainty and predictability is especially important for small- to medium-size businesses. Many small companies will not have access to sufficient capital to obtain emissions inventories and other data prior to start-up.

For example, based upon a Texas Air Control Board document, the National Association of Manufacturers' compiled cost estimates for administrative costs to facilities obtaining permits. For small sources emitting a single pollutant, simple mathematical modeling and no complications, a permit application would cost $2,000 to $5,000. For small to medium sources emitting multiple pollutants and facing technology issues and full modeling requirements, the cost is about $15,000. In addition, sampling and monitoring tests cost, for a simple stack with just one pollutant, $5,000. For a major stack with multiple pollutants, the cost per stack is $20,000. If there is a need for technical support for a public hearing, costs up to $20,000 could easily be added; if there are any complications in terms of technological requirements or ozone requirements, costs could go up to $50,000.

This means that the cost of a permit application for a small- to medium-sized business could range from $2,000 to $15,000, or from $30,000 to $85,000. No bank is going to lend that kind of money without some sense of the true extent and nature of the financial requirements involved. Simply put, small companies which use or manufacture chemicals aren't going to be able to get the money needed for environmental compliance unless they can tell a bank with certainty how much money they need to comply with the permit, and in what timeframe.

Suffice it to say, the cost of compliance for permits for small business is enormous, thousands and thousands of dollars. And there are going to be thousands and thousands of permits required under this legislation.

For crying out loud, let us streamline the system. Let us simplify the system. Let us make it workable. Let us make it efficient. Let us help clean up the air instead of helping attorneys file cases and, I am going to say extenuate and complicate the legal system and the legal problems. Let us do something besides generate legal fees. Let us help clean up the air.

Our businesses need to know what is required of them and when, once and for all, so they can make the necessary financial decisions and do what they need to do without constant fear of the permit being reopened to dot an "i" or cross a "t". Nickles-Heflin-Dole will provide this certainty, while still protecting, public health.

PERMIT PROCESSING PROBLEMS

The permitting process should proceed as smoothly and as quickly as possible. Permits, however, are complex, and it takes time to process them even when all the information required is included on the initial application. It is common for an applicant to spend 6 to 12 months just preparing an application. This is under current law for a State permit. For major sources, this can be up to 30 months.

A quick turn-around to issue the actual permit varies between 3 months for a simple, uncomplicated permit to several years for complex ones. Of course, if an application is incomplete or the reviewing authority needs clarifying information, then the review process will be further extended until all relevant information has been received.

States such as Louisiana are already encountering problems with the existing permit system for new sources because of factors such as:

The time required for EPA review and EPA changes in State decisions; and

Permitting changes reflecting new directives, as well as regulations from State and Federal officials.

The inadequate number of and high turnover for permit writers, due to poor salaries;

The applicant, in good faith, inadequately answering requests for additional technical information;

A delay in obtaining required data from the applicant because certain test and industrial processes must be scientifically evaluated; and

Long and frequently extended public comment periods.

In one State, in just 1 year, the air permits increased by 25 percent—from an existing total of about 350 operating permits to almost 500. This is just under the existing State program, and does not begin to reflect the thousands of permit applications and requests for modification which will be triggered in the new permit requirements contemplated by amendment No. 1293. In fact, these problems will only be exacerbated by the permitting program in 1293.

NICKLES-HEFLIN-DOLE PERMIT PROGRAM

Nickles-Heflin-Dole retains the goals and basic structure of the permit program as originally developed by EPA, and goes two big steps further:

First, Nickles-Heflin-Dole incorporates the efficiencies that EPA and the States learned the hard way through implementing the Clean Water Act; and

Second, we specifically incorporate strong environmental safeguards—literally fail-safe mechanisms—to ensure the Government's ability to enforce both while the permit application is pending as well as after the permit is issued.

It might be helpful to give you a rundown of the principles behind the Nickles-Heflin-Dole permitting title. In the first place, we believe that the Government has an affirmative responsibility to do its job right, particularly in light of the environmental impact of its decisions. Second, the Government has no excuse for not doing its job right, particularly in light of the new permit fee system which will fund its efforts. However, in the event that Government makes a material mistake or badly implements a requirement which will affect the environment, there should be an environmental fail-safe mechanism to see that any harm is minimized and addressed as soon as possible.

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On the other hand, businesses have a right to know what is required of them, and in what period of time—and, they have an affirmative responsibility to submit a timely and complete permit application and to comply with the terms of their permit. The environment will only benefit if, once people know what is required of them, they are allowed to proceed to implement without unnecessary changes in the rules of the game.

Our permitting program will accomplish this by incorporating the efficiencies learned by EPA and the States in implementing the Clean Water Act permits. In addition, we have developed strong environmental fail-safe mechanisms to ensure that the need for good Government will never be out of balance with our demand for clean air.

Nickles-Heflin-Dole provides a system of procedures and environmental safeguards to ensure the Government's ability to take strong enforcement action both while the permit application is pending and after the permit is issued. At the same time, we provide a balance between safeguarding the policing roles of the permitting authority, citizen and environmental groups while allowing for stability and certainty in the permitting process for regulated sources.

Let me give you a thumbnail description as to how our permit system will work. There are two types of permits: modifying and codifying.

A codifying permit does not change any requirement of applicable implementation plans or Federal regulations or standards. It simply codifies such requirements or regulations.

A modifying permit is one that does change applicable requirements.

Under our amendment, the Government will have every opportunity—both time and resources—to do whatever is needed to be certain that the permit is in compliance with existing requirements of the act. There is no arbitrary time pressure on the state's authority to issue permits before they are ready. There will be no extraordinary economic pressures from sources on the permitting authority to prematurely issue a permit, because the source is still able to operate while a completed permit application is pending. The permit fees paid by industry will fund the State program.

ENVIRONMENTAL SAFEGUARDS

The regulated source needs certainty as to what is required and in what time frame in order to do what is needed to comply. However, this need for certainty must be balanced by the need to vigilantly protect our environment. Our amendment addresses this issue through a carefully designed system of checks and balances.

To give business some certainty, and to keep from shutting down our industry while hundreds of thousands of permits are pending, Nickles-Heflin-Dole provides that once an existing source has submitted a complete permit application, it may continue to operate. Also, our amendment provides that after the permit is issued, a source in compliance with its permit is considered in compliance with all Clean Air Act requirements addressed in the permit and existing at the time the permit was issued.

However, these certainties are held in check by built-in environmental safeguards which allow EPA and the States to take strong and aggressive enforcement action both while the permit application is pending and after the permit is issued; to allow the public to initiate citizen suits to keep EPA and the States on their toes; and to provide full public review—literally a fish bowl—of the pending permit application and the proposed permit.

Therefore, our amendment has built-in environmental safeguards to:

First, ensure that the State does its job well; and

Second, protect the environment by allowing for public scrutiny and enforcement.

While a complete permit application is pending, the so-called permit application "shield" in our amendment will not protect a source from action to enforce the existing SIP or any applicable Federal standards. Even when a permit is issued, the permit "shield" does not extend to any emergency situation. The States, EPA, and the public—through citizen suits—will have the full force of law to take aggressive action when any source violates the law.

In addition, Nickles-Heflin-Dole requires the permit application and the proposed permit to be published and available to all citizens, public interest groups, private entities, and environmental groups. There will be ample time and opportunity for them to raise any questions about requirements applicable to the source. Also, States which could be significantly impacted by emissions from major sources will also have an opportunity to review the permit and to make recommendations about existing requirements applicable to the source. The permitting authority would be required to either adopt these recommendations or to publicly address and defend why the recommendations were not adopted.

In the case of any permit which either codifies or modifies existing SIP requirements, Nickles-Heflin-Dole also provides fail-safe mechanisms to ensure that all existing important SIP requirements are incorporated into the permit and are enforceable against the source. In the case of any permit which modifies existing requirements, EPA will have full veto authority. Even in the case of a codifying permit, our amendment provides environmental safeguards. In the first place, EPA may determine whether a codifying permit is really making substantive changes and should be classified as a modifying permit instead. In such a case, EPA can veto the permit.

There are other environmental safeguards, too, regarding codifying permits. For example, if there are, say, 21 requirements which are in fact applicable to a source, and the state attempts to issue a permit which only applies 20 of them to the source, and the environmental groups, and the public interest groups, and states affected by the emissions, and EPA are all not doing their jobs and allow this permit to be issued unchallenged. Nickles-Heflin-Dole contains a fail-safe mechanism to be certain that any important requirement, as soon as it is discovered, is indeed incorporated into the permit.

The permit shield can be pierced if there is a material mistake in the permit. Furthermore, if EPA publishes regulations after the permit is issued that would protect against a serious risk to public health, as necessary, any permit can be changed to incorporate the new requirement.

A MODIFICATION TO A PERMIT CAUSED BY A MATERIAL INACCURACY IN THE PERMIT CAN BE CORRECTED WITHOUT LENGTHY DELAYS

Additionally, this amendment requires the permitting authority to "have and exercise authority to * * * terminate, modify or revoke and reissue a permit for a material inaccuracy in the permit that renders the permit inconsistent with the Act * * *."

There is no language necessitating a lengthy, complex, or bureaucratic process to correct the mistake.

Since a material mistake would most likely imply an error in calculating an emission limit contained in the State implementation plan [SIP], no procedural delays to correct the mistakes are envisioned since the SIP had itself been subjected to public notice and comment. Since the permit in this case merely makes SIP requirements and emission limits specific to the business source in question, the language of this amendment grants adequate authority to correct a mistake without undue delay.

Further, the Administrator has the authority to promulgate specific procedures to correct material mistakes in the permit, when he promulgates the minimum State permit requirements.

Through these mechanisms, Nickles-Heflin-Dole provides that both the permitting authority and the source take every measure to fulfill the responsibilities under the act, while providing full opportunity for the EPA, affected States, citizen and public interest groups, as well as environmental groups, to perform their traditional policing function; while allowing the EPA to enforce and initiate emergency actions against the source; while allowing EPA to change any permit to correct for major mistakes or misapplication of the law by the State, and while allowing EPA to protect against serious risks to public health.

Nickles-Helfin-Dole would create a workable but environmentally strong permit program.

In concert with these environmental safeguards, our amendment provides some management efficiencies. I will give you just a few examples:

REVIEW OF PERMIT APPLICATION BY EPA

Because of the thousands and thousands of permit applications that will be required to be submitted by amendment 1293, it is critical that multiple permit reviews be minimized. Put another way, since 35 States have already demonstrated their ability to create and manage a permit program in the absence of any Federal requirement, these State officials should be allowed to continue the competent management of their program without unnecessary interference from EPA. This is the way that environmental laws that feature the principle of cooperative federalism are supposed to operate, with the State providing the first line of defense against pollutants, and EPA providing an appellate-type review of the State's decisions.

The Nickles-Heflin-Dole amendment would eliminate EPA review of permits that simply translate requirements of any regulation or standard to a particular source. Basically, this means that there will be EPA review for important substantive matters, but not for those which are straightforward in application. However, at any time, EPA can scrutinize a straightforward permit. If it determines that it does, in reality, make substantive changes, then EPA can treat it as a modifying permit and, if necessary, veto it.

All permit applications and all draft permits will be available for public scrutiny and comment—this means not only EPA, but other States, public interest groups, environmental groups, business competitors, and even Joe Q. Citizen. Under our amendment, all permitting decisions will be made in a fishbowl atmosphere. This will enhance the ability of environmental groups and others to monitor whether States are aggressively enforcing the act with respect to specific sources. Then, through the citizen suit provisions of our amendment, where necessary, the affected public can take aggressive action to correct any real problems.

COMPLETENESS DETERMINATION

It already takes from 6 to 30 months for sources to get a permit under the existing State programs. The Baucus-Chafee amendment 1293 will add an enormous number of new and important requirements. New to EPA, new to the States, and new to the businesses—both small and large—which will have to prepare the permit applications.

Because a permit is essential to lawful operation of business, it is critical that the permitting agency make an early determination as to whether a permit application is complete. It is especially important here, though, because only a source with a complete application will not be in violation of the law. A business which made a good faith permit application which turned out to be incomplete could be subject to penalties.

With such harsh consequences to the individual—as well as the fact that the business cannot operate without the permit—it is only reasonable that the permitting authority carry its responsibility to advise the applicant early on if there is some procedural problem with their permit. Nickles-Heflin-Dole will do this by requiring that a State permit program include a process for making an early determination of permit completeness.

PREFERENCE FOR MODERNIZATION

The Nickles-Heflin-Dole amendment provides that preconstruction permits needed for new sources and modifications to existing sources will receive preference over operating permits required for existing sources. Remember, once an existing source files a timely and complete permit application, it can continue to operate. There will be thousands and thousands of permit applications filed by existing sources. Meanwhile, no new industry can be built unless and until a preconstruction permit is issued.

Our economic growth and competitiveness cannot and must not be stifled because of extraordinary paperwork burdens and permit gridlock. Therefore, under our amendment, the permitting authority will be required to give preference to processing permit applications for new and modified sources. Remember, these sources cannot be built until they receive the preconstruction permits required by law. Also, under the new Clean Air Act requirements, many existing sources may require new construction in order to operate in compliance with the law. New sources which give American industry its competitive edge must not be endangered by this new operating permit program. Under amendment 1293, they will be endangered. Under Nickles-Heflin-Dole, they will not.

OPERATIONAL FLEXIBILITY FOR BUSINESS

Our amendment provides critical operational flexibility to small and large businesses to make routine operational changes in facilities, so long as State authorities are notified and actual emissions from the facility do not increase. The types of businesses which particularly need this operational flexibility include small specialty chemical, small manufacturing, electronics, pharmaceutical, and aerospace companies. These companies frequently change manufacturing materials, and are constantly responding to market pressures to make many different products on a quick turnaround business. A 30-day delay in getting a permit for a new batch process could literally result in lost business and could cause shutdown for small companies.

In providing this reasonable flexibility, our amendment, again, contains a built-in environmental safeguard. Sources must provide the State and EPA, at the time of permit application, with a list of all materials used in the plant and overall emissions cannot increase in order for a source to be able to use the streamlined notification procedures in the amendments. Companies need to have the continued flexibility they have today, with the added limitations provided in this amendment, to meet market demands without undue governmental intervention.

Under our amendment, overall Clean Air Act controls on the plant will not change as a result of changes in ingredients and products, since the plant permit will specify the types of materials that can be used by the company and the relevant environmental controls. Furthermore, no increases in actual emissions from the entire facility are allowed. Therefore, there will be no lawful opportunity for different, unanticipated, or unregulated health effects from increased emissions.

ENFORCEMENT

To protect our environment and to punish those who would act with reckless disregard for the environment, we do need to strengthen the enforcement provisions of the Clean Air Act. And our bill does that. The enforcement provisions in amendment 1293, however, go too far.

Nickles-Heflin-Dole would create strong punishments for environmental violations. Nickles-Heflin-Dole does this by making clear the circumstances which would trigger criminal liability, and by making provisions consistent with the Administrative Procedures Act and with the basic procedures and defenses of current environmental laws such as the Clean Water Act. We are doing this at the request of the Department of Justice.

A few examples will make my point.

RECORDKEEPING PENALTIES

Amendment No. 1293 would make criminal the failure to maintain or file documents, whether or not those documents are important. For example, a small business owner could go to jail for failure to maintain any permit application, any record, any notice, any report, any plan, or any other document required to be filed with EPA or used for purposes of compliance by EPA or the State, whether or not the document was material. This, in the

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face of new, multiple, and complex requirements, creates an uncomfortable situation.

Our amendment corrects this unconscionable situation by providing for criminal penalties only where an omission or failure to maintain or file a document is material. In a case like this, under our amendment, aggressive enforcement can and should be taken.

It is not fair to put our business owners in jeopardy of going to jail when they are complying with applicable Clean Air Act mandates. It not only doesn't make good sense, it is lousy public policy.

The Nickles-Heflin-Dole amendment would address this fundamental unfairness by providing a defense for any source that was in compliance with relevant Federal standards under the Clean Air Act which are governing the source's emissions. In this way, EPA will be able to bring a criminal action for releases that are inconsistent with emissions it is already regulating by permit or rule or order.

CITIZEN SUITS

The citizen suit provisions in our amendment provide citizens with the same full and fair array of opportunities to challenge EPA's actions and to bring enforcement suits which are available under other environmental laws and the Administrative Procedures Act. The Baucus-Chafee amendment, however, contains extra provisions that would divert EPA from its mission to protect the environment by bogging down the agency and the courts with excessive litigation. These same provisions would also delay the administration of the program and the attainment of the goals of the act, through a proliferation of suits second guessing EPA's priorities in an effort to force EPA to take actions which are not, by law, mandatory.

Under Baucus-Chafee, anybody—a public interest group, a private citizen, or a competing industry—could force EPA at any time to defend against claims that it should be doing something other than what it is already done. EPA would be put in the position of spending its scarce time and resources defending its managerial decisions in court instead of protecting the environment. This is an unconscionable waste of the taxpayer's money and does nothing to clean our air. Moreover, the citizen suit provisions of the Baucus-Chafee amendment raise serious constitutional concerns by weakening the Government's ability to intervene in citizen suits for civil penalties and permitting suits for wholly past, nonrecurring violations.

To summarize, the Nickles-Heflin-Dole amendment does two things:

First, it retains the basic concept and structure of the permit program created by Baucus-Chafee, but streamlines the process for obtaining a permit, while creating strong environmental fail-safe mechanisms; and

Second, it retains the new crimes and strong civil, criminal, and administrative penalties of the enforcement scheme created by the original administration bill and Baucus-Chafee, but does it in a way that is fairer and more sensitive to the needs of small business and the regulated community in general.

Third, it retains and expands appropriate citizen suit authorities, but does so in a way that will preserve EPA's ability to set priorities and run its program, and without undermining longstanding principles of constitutional law.

The Nickles-Heflin-Dole amendment is supported by the Environmental Protection Agency, the Department of Justice, and the President. It is a sensible means of providing strong protection to the environment, while maintaining the basic tenets of fairness of our judicial system and some efficiency in our operations. A vote for Nickles-Heflin-Dole is a vote for strong environmental protection, a health economy, and good government. I urge your support of our amendment.

Mr. President, I ask unanimous consent that statements in support of the amendment from the EPA, U.S. Chamber of Commerce, and National Association of Manufacturers be printed in the Record following my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

Environmental Protection Agency,
Washington, DC, March 15, 1990.

Note to: Environmental Legislative Assistant.

The Senate will consider next week the Nickles/Heflin/Dole Amendment to the Clean Air Bill. This Amendment which would make changes to the permitting and enforcement provisions of S. 1630 has the full support of the Administration and EPA. Attached for your review is a document which explains the rationale for these comparatively modest amendments. In addition, please feel free to contact the Members' offices mentioned above if you have any questions. Staff from EPA, the Department of Justice, and the White House are also available to brief you and your Senator at your convenience. I can also be reached at 382-5200 if you need further assistance.

Sincerely,

Patrick H. Quinn,
Associate Administrator.

Summary of the Administration's Operating Permits Program

The Administration has proposed a program to require major sources of air pollution to obtain an operating permit that spells out their pollution control obligations. The following are the key features of this program:

PURPOSE

Improve enforceability by requiring all of a source's pollution control obligations to be contained in one, publicly available document.

Improve the way a source's pollution control obligations may be revised by replacing the cumbersome and time-consuming SIP revision process with an expedited permit revision process.

KEY PROVISIONS

Within 3 years after enactment, States must develop operating permit programs for submission to EPA for approval.

Permit program must cover major sources of pollutants, as well as sources covered by air toxics regulations, NSPS regulations, and acid deposition requirements.

After EPA approves the State program, sources must submit permit applications to the State. EPA and the State must develop a schedule for sources to submit these applications over a 30-month period, with 12-month extensions possible, in order to avoid backlogs.

The State must issue permits for a term of one to five years. Permits must include all Clean Air Act requirements applicable to the source, as well as applicable monitoring and reporting requirements.

Sources must pay permit fees to cover the costs of the permitting program.

Permits that simply codify the SIP or other applicable requirements ("codifying" permits) are not subject to EPA or federal judicial review. Permits that change the SIP ("modifying" permits) are subject to EPA review, and possibly to a veto.

Citizens groups may sue in Federal court if EPA fails to veto a "modifying" permit.

Once issued, the permit replaces the otherwise applicable requirements (the "shield"), but EPA can require that the permit be reopened if a material mistake was made, or if a new regulation is issued and reopening is necessary to protect against a serious risk to public health.

Provisions to allow sources with predictable fluctuations in operating practices to change production operations without having to get a revised permit.

U.S. Chamber of Commerce,
Washington, DC, March 19, 1990.

Hon. Don Nickles,
U.S. Senate,
Washington, DC.

Dear Senator Nickles: The U.S. Chamber of Commerce urges you to support the amendment to be offered by Senators Nickles, Heflin, and Dole to the permitting and enforcement titles of S. 1630, the Clean Air Act Amendments.

The bill, as reported by the Senate Committee on Environment and Public Works, establishes a new and extensive permitting program for all sources of air emissions in the country, including several thousand small businesses, and broadens enforcement authority for the Environmental Protection Agency (EPA).

This new, two-level permit program duplicates existing state permit programs and requires sequential approval by the state and the EPA of each permit application filed by every source covered under S. 1630. Potentially all small businesses—dry cleaners, service stations, bakeries—would have to obtain a permit. Their applications would have to contain emissions monitoring data and compliance plans. Providing such information would be virtually impossible for small businesses, which do not have the inhouse personnel to prepare the material, and processing it would create a bureaucratic logjam.

The Nickles-Heflin-Dole amendment streamlines the permit process and ensures compliance with all applicable requirements. The thousands of small businesses that would be regulated for the first time under S. 1630 still would have to demonstrate compliance with emissions standards and pay applicable fees but would not have to install continuous monitors, acquire in-house expertise, or hire engineering and planning consultants to prepare elaborate compliance plans.

The Chamber urges you to support the Nickles-Heflin-Dole amendment.

Sincerely,

Donald J. Kores.

[From the National Association of Manufacturers, Washington, DC.]

SUPPORT THE NICKLES-HEFLIN-DOLE AMENDMENT TO TITLE V OF S. 1630, THE PERMITTING AMENDMENT TO THE CLEAN AIR ACT

S. 1630, as reported from the Environment and Public Works Committee, contains a permitting process which is complicated and confusing. Through a streamlined approach, the Nickles-Heflin-Dole amendment facilitates the process, which would actually increase compliance. This amendment provides for the gathering of fees and eases the collection of air emissions data by allowing for reasonable record-keeping requirements.

The Nickles-Heflin-Dole amendment would: streamline the permit approval/disapproval process; collect fees to pay for state agency inspection; monitoring costs, and enforcement; ensure compliance with all existing applicable requirements.

The Nickles-Heflin-Dole amendment also protects small manufacturers from having to spend between $50,000 and $250,000 to conduct sophisticated and continuous in-house computer monitoring.

The Nickles-Heflin-Dole amendment also allows companies to make modifications and to modernize their facilities expeditiously while in compliance with emerging regulations.

Of NAM's 13,500 member companies, 9,000 are small manufacturers which employ 500 or fewer employees. In the last decade, more than 80 percent of all new manufacturing jobs were created by small business.

Join your colleagues in supporting the Nickles-Heflin-Dole amendment and in keeping small business competitive in the 1990s.

The White House has pledged support for the Nickles-Heflin-Dole amendment as have over 100 business organizations and companies.

Mr. BAUCUS. Mr. President, I ask the Senator from Oklahoma when he is going to introduce his amendment. It would be very helpful to the managers of the bill if he will do so.

Mr. NICKLES. Mr. President, I send an amendment to the desk on behalf of myself, Senator Heflin, Senator Dole, Senator Nunn, Senator McClure, Senator McConnell, Senator Simpson, Senator Boren, Senator Cochran, Senator Boschwitz, Senator Symms, Senator Murkowski, Senator Armstrong, Senator Ford, and Senator Shelby and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. Nickles], for himself, Mr. Heflin, Mr. Dole, Mr. Nunn, Mr. McClure, Mr. McConnell, Mr. Simpson, Mr. Boren, Mr. Cochran, Mr. Boschwitz, Mr. Symms, Mr. Murkowski, Mr. Armstrong, Mr. Ford, and Mr. Shelby, proposes an amendment numbered 1373.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment, is printed in today's Record under "Amendments Submitted.")

Mr. BAUCUS. Mr. President, I thank the Senator for his amendment. We have the amendment now so the Senators will know the content. I see Senator Heflin on the floor, a primary sponsor of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise today as a cosponsor of the amendment which I think will improve the workability and the fairness of the permitting and the enforcement process for all parties concerned.

I became interested in this when I found out that after a decision had been made by the EPA, or a proposed decision was to be made that might call upon individuals of businesses to spend millions of dollars, in the hearing to determine the fairness and the correctness of this decision, that the individual would not be allowed the right of cross-examination.

I was amazed at the fact that the administrative hearing process did not comply with the Administrative Procedures Act, which, over the years, had been developed on the basis of fairness to the Government, fairness to all parties concerned, and that a hearing officer under the proposed Baucus-Chafee amendment, which is before us, could be held by a person who, the day before, might be prosecuting you. I think that administrative hearings ought to be uniform, and that basic fairness should prevail. That is the reason that the Administrative Procedures Act was carefully studied and developed over the years.

We have here an administrative hearing process that does not comply with the Administrative Procedures Act, but attempts to have an abbreviated right of hearing, and in my judgment, result in abbreviated fairness.

Many people over the years have felt so strongly about their goals or their cause that they have adopted the attitude that the end justifies any means. And I think that here we have a situation in which the emotion of those that believe in their cause would deprive American citizens of basic fairness. Therefore, I have joined Senator Nickles and Senator Dole in endeavoring to bring some basic fairness and uniformity to the administrative hearings and the enforcement proceedings, as is present in other environmental laws, and as is present in other activities in which Government regulates individuals or businesses.

I have looked at the history, and one could say how did this get there, the fact that they omitted the Administrative Procedures Act provisions, and I find that it originally started in the EPA, that there was some rather zealous lawyers that want to win, and want to win at any cost. So they are the ones that drafted this.

Not a lot of attention was given to it, and when it went to the committee again, very little attention was given to it. It is my understanding that in the markup only about 10 minutes was devoted to this. Then the Department of Justice began to look at it and see that it was a change from what is normally put into legislation, pertaining to compliance with the Administrative Procedures Act, that it ought to be changed.

Now the Department of Justice, the administration, and other people have looked at it and they feel that the administrative hearing process ought to comply with the normal Uniform Administrative Procedures Act.

As some of the Members may know, the sponsors of this amendment have endeavored over the weekend with Senators from the Environment Committee to reach an agreement on this issue. In my judgment, the amendment which we are offering today has been changed and now addresses virtually all of the concerns they raised about the first draft of the Nickles-Heflin-Dole amendment.

In my judgment, as a result of these compromise negotiations, the work of the Environmental Protection Agency, and the work of the Department of Justice in drafting the amendment that has been offered today, the Nickles-Heflin-Dole amendment, I believe that this is an extraordinarily sound document which will ensure prompt, continuing compliance with the act.

In the areas where we have not been able to reach an agreement in principle, I believe that the Nickles-Heflin-Dole amendment maintains consistency with other environmental law and is preferable to the committee amendment on this issue.

To illustrate some of the most significant ways in which I believe that the Baucus-Chafee amendment would result in such problems while the Nickles-Heflin-Dole amendment would solve them, I would ask the indulgence of my colleagues as I discuss two provisions in these amendments, those dealing with the administrative hearing procedures and citizen suits.

ADMINISTRATIVE HEARING PROCEDURES

The hearing procedures I am referring to are the hearings which apply when EPA issues an administrative order to a person for a violation of the act. Both the Nickles-Heflin-Dole

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amendment and the Baucus-Chafee amendment, which is contained in the substitute amendment 1293, significantly expand EPA is power to issue various types of administrative orders. We are in agreement on the need to expand EPA's administrative order authority. Where we disagree is on the kind of administrative hearing a person is entitled to before one of these orders goes into effect. This is an important issue because compliance with these orders can be difficult and expensive, and there are stiff penalties for each day of noncompliance.

For example, you can review one of these orders, the compliance order, and compare the kind of administrative hearing that a person would get under our amendment and the kind of hearing they would get under amendment 1293.

To issue a compliance order, EPA must find that a person is in violation of a requirement of the act. The order can require the person to install pollution control equipment or take other measures to come into compliance. These measures can take up to 1 year to complete so they can be major undertakings and may require large capital expenditures.

Under both amendments, the ordered recipient is entitled to a hearing before the order goes into effect. But there is a major difference, yes, a major difference in the type of hearing that you would receive. Under our amendment, you are entitled to a formal administrative hearing under the Administrative Procedures Act. That means you get to present you case or defense by oral and/or documentary evidence. You are entitled to cross-examine Government's witnesses. And the case is heard by an administrative law judge. It is not a full trial as we know it in the courts, but it is a formal hearing and it is close to a full trial.

Under amendment 1293, you get only an informal administrative hearing, not subject to the Administrative Procedures Act. You get a "reasonable opportunity to be heard and present evidence." But this may be satisfied by presenting documentary, not oral, evidence. You are not entitled to cross-examine the Government's witnesses. And, perhaps most important of all, your case need not be heard by an administrative law judge. It can be heard by a hearing officer who the previous day may have been a prosecuting official of the EPA and not be a person who is established in the position of being an administrative law judge.

Mr. President, I do not believe that this sounds very fair. If EPA is going to have the authority to make findings of violation and issue these orders requiring people to undertake major compliance actions and spend large sums of money, and if the people who get these orders are going to be subject to penalties of up to $25,000 per day if they violate the order, should we not at least give the person who is getting the order an opportunity to have basic fairness in the hearing process before the order goes into effect?

I firmly believe that the administrative hearing procedures contained in the Nickles-Heflin-Dole amendment will enhance the fairness of the administrative enforcement of the new Clean Air Act and will improve the overall efficiency of the administrative enforcement and judicial review process. It will enhance the credibility of the EPA's administrative enforcement process and ensure that the recipients of EPA orders are treated fairly.

CITIZEN SUITS

Another area which demonstrates the manner in which the Nickles-Heflin-Dole amendment improves the workability and the fairness of this bill is the provision dealing with citizen suits and judicial review, specifically, the provisions laying out when and for what reasons citizens can sue EPA.

The Nickles-Heflin-Dole amendment provides citizens with all of the same opportunities to challenge and seek review of agency actions as are provided under other important Federal environmental statutes and under longstanding rules of administrative law governing all Federal agencies.

In contrast, the Baucus-Chafee amendment would vastly expand the jurisdiction of the Federal district courts in Clean Air Act cases and greatly interfere with EPA's ability to implement the act by making three radical and unwarranted changes to existing law:

First, the Baucus-Chafee amendment would give plaintiffs an unprecedented new power to use litigation to compel EPA to take action, even where the act does not require EPA to take such action. Plaintiffs in these citizen suits would be exempted from the standard judicial review process that applies under other environmental laws. They would not have to present their request for discretionary action to the agency, EPA, first, and then seek judicial review in a court of appeals if they were dissatisfied with EPA's response. Instead, they could go straight to the district court, and the district court would have the power to order EPA to take actions that Congress has expressly entrusted to EPA's discretion. In other words, you will have really a court making decisions forcing the EPA to take actions where EPA is not required to take such actions.

Second, the Baucus-Chafee amendment would allow any district court in the Nation to compel EPA to take significant actions, such as the promulgation of costly regulations, even where there has been no public notice or comment on the preconditions that trigger the obligation for such action. This would fundamentally change the operation of several provisions of the act. As you know, in several places in the existing Clean Air Act and in this bill, EPA is required to take certain action if, and only if, the administrator finds in his expert judgment that certain statutorily prescribed preconditions are met. Under current law, the way a court determines whether EPA has found these preconditions is publication of the finding in the Federal Register. And the agency determination is the product of open, public notice-and-comment proceedings. The Baucus-Chafee amendment does away with that mechanism. A plaintiff could go straight to district court with flimsy evidence where that evidence could be used to find that the preconditions had been met and EPA could be ordered to initiate a complex new regulatory program, even though there had been no public notice, and no opportunity for public comment, and even though Congress had specified that only the EPA Administrator—not the district court—could make such a finding.

For example, if EPA is required to promulgate a regulation upon finding that a certain substance is harmful, it would be possible under the Baucus-Chafee amendment for a citizens group to require the court to decide whether or not this substance is harmful, based on internal memos and other such information. Mr. President, I see absolutely no reason why we should permit these types of decisions to be made by the courts when we ourselves have chosen not to make such decisions because we believe it is better handled by the experts at EPA.

When you go to court in regards to this, you do not always know who the experts are. They may have a prejudice. It seems to me, in making a determination of whether a substance is harmful, that the regular experts at EPA are much better advised and are better experts in this field than some that might be brought in who do not have an attitude of fairness but are basically very emotional about the issue, and that they themselves would be the ones who would be given the pertinent testimony.

Third, the Baucus-Chafee amendment provides that where EPA in a final decision says that it will defer a regulatory action until some time in the future, any interested person may sue EPA in district court, at any time, to force the Agency to take the action. The plaintiff would not have to seek timely court of appeals review of the Agency's decision to defer the regulatory action, as is required under the current Clean Air Act and all the other major environmental laws. EPA thus would not have an opportunity to address the merits of the complaint and respond to any legitimate concerns at that time. Instead, the plaintiff could delay raising its claim for as long as it likes, keeping EPA and the public in the dark about the nature of the complaint until the plaintiff raises it in a district court lawsuit.

These three provisions would have a major impact on EPA's ability to implement the Act is intended by Congress. Instead of setting priorities and allocating resources according to congressional directives, orderly rulemaking procedures, and its own best judgment, the Agency will be at the mercy of individual litigants and district court judges all over the country, each with a different agenda. I would also like to remind my colleagues that these individual litigants can be anyone from an environmental group to a big polluter who is unhappy with tough regulations and wants another opportunity to challenger or delay the regulatory process to a business trying to force EPA to take some enforcement or regulatory action against its competitors, so it can gain an advantage in the market.

And that is something that ought to give us concern. I am sure that we think the people who are seeking these citizen suits are going to be people that are interested in the environment. But it may well be an industry's competitor, a competitor who wants to get to a person who is selling at a lower price and who is using safer clean air standards, and therefore to cause EPA to have to force them in some manner to take advantage of what they are doing, and therefore to give an advantage to competitors.

This opens up the gates for much litigation that we do not need.

In effect, the Baucus-Chafee amendment would open the door to all these lawsuits in a manner which is truly unique in Federal administrative law. These lawsuits will divert EPA resources and undercut the Agency's ability to set rational priorities and carry out the task that Congress assigns it. And as a member of the Judiciary Committee, I am also concerned about the kind of additional burden we are putting on the district courts, which are already laboring under enormous backlogs of drug cases and other pressing matters.

In contrast, our amendment—the Nickles-Heflin-Dole amendment—includes the standard array of citizen suit and judicial review provisions that appear in other environmental laws. It is consistent with the Administrative Procedure Act. It gives citizens a full opportunity to petition EPA and to challenge unreasonable agency action. But it does not open the door to the wholesale reordering of the Agency's priorities and resources by individual litigants and the courts.

Mr. President, as it is, EPA is going to be spread pretty thin carrying out all its different responsibilities under this act. It will never be able to carry out the tasks we are now assigning to it if we let every special interest group in the country tie the Agency up in litigation or undercut the credibility of EPA's administrative enforcement process.

These are just two areas of real difference and important between our two amendments and while I do not doubt that the intention of the sponsors of the Chafee-Baucus amendment is to provide for a workable and equitable permitting and enforcement program, I believe that their program would result in delays, unnecessary bureaucracy, outside interventions, and legal inconsistencies, and would also deprive people of basic fairness.

I, therefore, urge my colleagues to support the Nickles-Heflin-Dole amendment.

Mr. BAUCUS. Mr. President, I wonder if I could ask the sponsors of the amendment several questions about their amendment. I say that because there is some confusion as to what is actually in the amendment because this matter has been negotiated for some time.

I would like to first begin by turning to the permit shield matter. An earlier version of the Nickles-Heflin amendment essentially would have allowed a source to be shielded on matters not only covered by the permit, but on matters not covered by the permit so long as those matters are nevertheless covered under the Clean Air Act or covered by this legislation when it is enacted into law.

I understand that there have been various versions of the permit shield.

I would like to ask the sponsor of the amendment if he could tell us the degree to which he has modified the permit shield provision; that is, the degree to which matters not expressly covered by the permit wold nevertheless be shielded.

Mr. NICKLES. I would be happy to answer.

I might inquire of the Chair, I am hoping that my answers will be charged to the time of the Senator from Montana.

Mr. BAUCUS. Fine.

Mr. NICKLES. I appreciate that. I think we have a few additional speakers, and we have used quite a lot of time in our explanation, so I appreciate that.

If I understand the Senator's request, he wants to know how we have changed the shield.

Originally, the permit shield would apply for the duration of the permit unless a regulation was issued that was determined to pose a serious risk to public health, or if their was a material mistake. In both of those cases, the permit could be modified. That was under the original amendment.

We have modified it now at the request of Senator CHAFEE's staff. They have said, "Well, wait a minute. Your shield is too broad. What about if there is a new requirement, a new regulation that comes forth from the EPA?"

So a major change that we have made, I say to the Senator, on the shield deals with new requirements. If EPA comes up with a new regulation, then we say, "yes, if there has been public comment and hearing, then that new regulation would be incorporated in the existing permit."

In other words, that existing permit, would be changed to include whatever new requirements are imposed, as long as the requirement or regulation had been promulgated pursuant to EPA procedures requiring public notice and comment.

Mr. BAUCUS. Let me ask the question this way. As the Senator knows, the acid rain portions of the bill are self-executing, that is by the year 2000, give or take some changes, there can be no more than 8.9 million in allowances. As the Senator knows, that is self-executing; that is a statutory requirement would be in effect beginning in the year 2000.

My question is this: If a utility gets a permit prior to that date, will the utility be allowed to, in effect, break the cap because it will be shielded? That is, because the utility will have already received a permit prior to that date, prior to the year 2000, will the number of tons of emissions that utility will be allowed to emit the number of tons required under the act, as in the law, or will that utility be shielded, that is be able to emit more emissions because, in my hopothetical example, the permit does not expressly cover the number of tons that utility will be allowed to emit?

Mr. NICKLES. To answer the Senator's question, the law would apply and the permit would be so modified. Your question concerning title IV is specifically addressed in our amendment which says that permits issued to utilities must contain language making clear that at all times the source must comply with its allowances.

Mr. BAUCUS. I am sorry?

Mr. NICKLES. I say to the Senator, the law would apply, and the permit would be modified.

Mr. BAUCUS. The Senator stated earlier that the permit shield in his amendment was changed at the request of the committee staff. I say to the Senator, as we read the amendment, those changes are not incorporated.

Let me ask the question a bit differently. Will the Senator state to me any instance, any time, in which a

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matter not covered by a permit would be shielded from compliance, enforcement, or other actions that might be taken? Are there any matters not covered by the express terms and conditions of the permit, under the amendment of the Senator, that might be shielded?

Mr. NICKLES. I think, to answer the Senator's question, you would only be talking about new matters that would be purely of a technical or bureaucratic nature.

They would not be shielded if it was an emergency order under section 303; they would not be shielded if it was determined that actual harm to the public health would occur; they would not be shielded if it was a new regulation which had been promulgated pursuant to public notice and comment requirements. So, under any of those circumstances the shield would not apply. With this language, I think that we have accomplished the Senator's objectives, and those of his staff—we have moved our shield efforts to accommodate concerns that he and his staff have raised to make a permit mean something: and to provide the permittee with some assurance that its permit would not be continually remodified on an outgoing basis.

Mr. BAUCUS. Let me follow up on that next point. Under the substitute amendment before the Senate, the permitting authority would have discretion to reopen, to change a permit due to a subsequent event. The permitting authority would have discretion "to reopen to protect public health, welfare, and the environment." That woud be the standard.

Under an earlier version of a Nickles amendment, that permitting authority must find a serious threat to the environment before that permit could be reopened.

Is that language still contained in the present Nickles amendment?

Mr. NICKLES. In the amendment that we have pending before the Senate we put in language that says "actual harm to public health." So we have gone, basically, I am going to say, with the Senator's staff's recommendation in that area.

Mr. BAUCUS. I must say to the Senator, there must be a deep misunderstanding here, because that is not the staff's recommendation, I can say, by any stretch of the imagination.

Mr. NICKLES. I am sorry the Senator is disappointed. Senator CHAFEE brought up this idea of the shield. He said, there was a problem. We negotiated it and it was my understanding we were very close to an agreement on the shield. I am disappointed that evidently that is not the case.

Mr. BAUCUS. I am actually addressing another related matter, and that is under what conditions the permitting authority can or must reopen the permit. Because, as I heard the Senator, he said only when there is an actual harm?

Mr. NICKLES. Let me go through the areas where a permit would be reopened, or where it would be modified.

One, if there is a material mistake. If there is an omission, maybe the permit was not broad enough, maybe it did not include something it should have included. Then it would be so modified and changed.

Two, if, for example, EPA makes a new regulation. There may be a 3-year permit on something, but EPA comes up with a new regulation. If they have had public comment, notice and hearings on that new regulation, then that existing permit would be so modified. It would be changed to include that new regulation.

And, three, EPA would have the authority to open up an existing permit if they determine that there was actual harm to the public health; then they could change that permit. All those things. Basically, what we are saying is the whole idea of the shield is to tell an employer: "Yes, you can operate your plant in this manner and these are the requirements that you must follow." We can change the permit if we determine a mistake was made or if it is determined that actual harm will occur, or if there is a new regulation that comes out from EPA. They could change the permit.

(Mr. KERREY assumed the chair.)

Mr. BAUCUS. I appreciate the Senator's answer. I have a couple of other questions I wish to ask the Senator briefly because I have a number of other Senators who wish to speak.

Under the substituting provision this, once the State's permitting program is approved—that might take 4 to 5 years before that would happen—then that permitting authority—in most cases that would be a State—would have 30 months in which to receive and approve applications. The substitute also provides that States may phase in receipt and issuance in several phases, maybe three phases. The easiest could come first, or the most difficult last, if they wish. Further, the substitute provides States may grant an additional 18 months delay. So theoretically, 30 to 48 months, add that to the 5 years, that could be up to 9 years before a permit would have to be issued and go into effect.

In an earlier version of the Nickles amendment, a State permitting authority, once it received the permitting authority plan, once that was approved by the EPA, could grant 1-year extensions indefinitely. I ask whether that provision, the indefinite 1-year extensions, is in the Nickles amendment.

Mr. NICKLES. I think the Senator would be pleased to note the staff was concerned about that, so under the amendment pending we limited it to 18 months.

Mr. BAUCUS. Could be renewed indefinitely?

Mr. NICKLES. No, we put in a one-time extension limited to 18 months.

Mr. BAUCUS. This is the same as the committee substitute? Eighteen months?

Mr. NICKLES. I am not sure my colleague has an 18-months extension.

Mr. BAUCUS. We have 18 months. Yes.

Mr. NICKLES. I am glad the Senator adopted our idea. The filing requirement needed some kind of flexibility.

Mr. BAUCUS. I appreciate it. Under the cost-benefit analysis under the committee compromise, the EPA may exempt certain sources, consistent with the purposes of the act. That would include agencies that look at various resources and cost, et cetera. The attempt would be to exclude sources like wood stoves or auto body shops, for example.

A earlier version of the Nickles amendment provided the EPA must exempt a class of sources or a source if the cost of issuance of the permit to the agency would outweigh the benefits of the issuance of the permit. Is that in the Nickles amendment?

Mr. NICKLES. The Senator again will be pleased. I think he is again looking at reasons he should support the amendment.

Mr. BAUCUS. Again, the Senator is on my time. My sole reason for asking the question is, as a factual matter, to find out what is in the amendment. That is my sole reason.

Mr. NICKLES. I think we will be pleased because we say EPA should consider cost but also consider effects on public health.

Mr. BAUCUS. So what is the standard now in the present Nickles version?

Mr. NICKLES. The EPA could offer the exemption and look at cost, but they would also consider the protection of the public health, welfare, and the environment.

Mr. BAUCUS. Would the cost be cost to the agency or to the industry?

Mr. NICKLES. To the regulated industry, the economy and yes, even the agency.

Mr. BAUCUS. So the earlier version that would require the agency to look at costs to the agency or to the permitting authority are no longer contained in the Nickles amendment; is that correct?

Mr. NICKLES. No, we include "cost" as well as other factors, including the protection of the environment, welfare, and public health.

Mr. BAUCUS. The question I am asking, are the costs to the agency——

Mr. NICKLES. I do not think we define the cost. The agency would have to look at the cost to the agency as well as the cost to the sources. I think they include both. We mentioned cost. I do not think we said exclusively to the agency or to the source.

Mr. BAUCUS. I have other questions, but we do not have a lot of time.

Mr. President, I now yield 15 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Thank you, Mr. President. I thank the senior Senator from Montana for yielding the floor and also for his leadership on this bill generally, particularly in opposing this amendment.

Mr. President, I rise in opposition to this amendment on the permits and enforcement sections of S. 1630. In this debate on the Clean Air Act, we have so far, and at some length, I guess we would all agree, focused on the substantive policies that are needed to make the Clean Air Act more effective. It is to protect the health of the American people. But I can say from my experience as the Attorney General from the State of Connecticut, I became aware that having tough laws and regulations in place is really only half the battle. Ensuring that the laws are enforced is the second very critical part of any truly effective system of environmental protection law. That is what we are talking about, and that is why I strongly support the sections of the committee bill, as modified, which deal with permits and enforcement.

Mr. President, these provisions of the committee bill make several critical improvements in current law. First, title V of the bill, which is the permit section itself, imposes a Federal requirement that major sources of air pollution and certain other sources of air pollution, including those sources subject to the acid rain provisions, obtain operating permits. This section is modeled after the permitting provisions of the Clean Water Act.

I am convinced that it will substantially strengthen enforcement of the Clean Air Act. Not only that, but these provisions actually make it easier for those entities, particularly business entities, that have to comply with the law to do so.

Under the Clean Air Act, as it exists now, sources are not required to obtain operating permits. Instead, a source's obligations under the various requirements of the Clean Air Act are scattered throughout the so-called implementation plans and other regulations.

Unlike the Clean Water Act, therefore, there is no one document, no permit which Government regulators can look to in order to determine if this potential polluter is in compliance with the act or actually polluting.

By the same token, a source seeking to change its pollution control requirements cannot simply seek a change in the permit but must go through, under existing law, an enormously cumbersome process of changing a State implementation plan. That is why I think the committee's revisions will improve this system by setting the obligations of the potential pollution source out in one document, and those enforcing this act can then base their proof of violations on the evidence from the permit and the source can seek modifications to the permit to change its pollution obligations.

Second, title VI of the bill fine-tunes the existing Clean Air Act enforcement authorities by combining the strong, yet fair, enforcement and investigatory authorities of other environmental statutes—proven experience—and yet also eliminating the technical impediments to enforcement of the act.

We heard a lot of testimony before our committee on this section of the bill, and I agree with the testimony that came particularly from the State and local air pollution enforcers that the enforcement provisions of the committee bill "would strengthen and streamline the existing program."

Third, title VI of the committee bill contains important provisions which will clarify the rights of citizens to bring suits against EPA where EPA's actions have either been withheld or have been unreasonably delayed. I support this section of the committee bill with particular intensity based on my experience as attorney general of the State of Connecticut, because that experience taught me the critical role that the citizen's suit has in guaranteeing enforcement of our environmental laws and, if necessary, in holding EPA accountable for a failure to do its job.

Mr. President, in 1970, Congress wrote into the law the very important principle that citizens can hold the EPA responsible for its action. And why not? EPA, after all, is a trustee for all of us, a trustee to protect our natural environment. We, as the beneficiaries of that trust, have the right to go to court to force our trustee to carry out its fiduciary responsibilities, to carry out its responsibilities under law, to protect our environment.

I agree with the observation of the Federal Court of Appeals in Boston that "the public suit seems particularly instrumental to the statutory scheme when against the EPA itself, for only the public—certainly not the polluter—"the court said, "has the incentive to complain if the EPA falls short in one or another respect."

When I was attorney general of Connecticut, I joined with other attorneys general on many occasions to use this citizens suit authority to try to compel EPA to do its job. It is also true that while the environmental community often utilizes these provisions, citizens and businesses can and have used them as well. The committee amendments clearly provide that the courts will have the power to at least hear the merits of the citizens' claims and to determine whether EPA is violating the law.

The environment committee worked hard to address some of the concerns that were raised about the permit, enforcement and citizen suit provisions since S. 1630 was first introduced. I think it is important to say that the environment committee was not deaf to the cries of those who complained about these sections of the bill. It was not insensitive to the arguments of those who said we could make this bill more balanced and fair in this section.

For example, one criticism that I personally heard, and I know others on the committee heard, were from those who said that criminal sanctions under this bill could be imposed for a simple mistake in failing to file an unimportant document. In other words, somebody in a business just makes a mistake, carelessness, fails to file a document and the argument we heard was that person might go to jail under this bill.

That certainly was never the intention of the members of the committee. I think it is important to point out that the changes in the committee amendment before the Senate make clear that criminal liability only attaches to knowing omissions of material information required under this act.

In other words, you have to be conscious that you are failing to do something that is material, that is central to the purpose of this act which is to clean the air.

The committee amendments address legitimate issues raised I think since the bill was printed. However, this amendment offered by the Senator from Oklahoma, and the Senator from Alabama, would seriously weaken the important law-enforcement provisions of this bill. In that sense, it would make the promise that the bill holds out of cleaner air a false promise, because the law alone without the tools to enforce it will not achieve the result of cleaner air, the safer and healthier air that all of us want.

Particularly, in the area of enforcement, one significant difference between the committee proposal and the amendment of the Senator from Oklahoma concerns the review of administrative orders, which is important because the amendment before the Chamber now could dramatically undermine EPA's enforcement efforts.

One of the most effective law-enforcement tools that we have under our environmental laws is EPA's ability to issue administrative orders. The EPA can issue orders which would re-

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quire a polluter to come into compliance with the law or to stop doing something which the polluter is doing to create an emergency to public health or the environment.

It is absolutely critical for the protection of the American people and our environment that EPA be able to enforce these orders as promptly as possible. Otherwise, the power to issue the orders becomes effectively meaningless. That is a principle that EPA and our Department of Justice have vigorously and successfully defended in the courts for at least 15 years under all environmental statutes. In fact, just last year, this administration submitted an oil spill bill to Congress allowing EPA to issue orders under the Clean Water Act and explicitly providing that these orders are not subject to judicial review except in an action to enforce the order, except at a time when there has to be an action in court to enforce that order.

The clean air bill which the President sent to Congress specifically provided that judicial review of these administrative orders may only be carried out at the time the Government or other person seeks to enforce such orders. The rationale provided by the administration to the committee was that otherwise enforcement for violations of the act could be delayed indefinitely pending judicial review in the courts. The administration argues that EPA must possess the ability to proceed expeditiously against violators. Allowing immediate review of an administrative order in the administrative and judicial process would clearly and significantly delay enforcement and could suspend correction of the underlying violation for years.

The administration also pointed out that the courts repeatedly have refused to allow preenforcement review of EPA decisions. I am speaking here of the Third Circuit, the Second Circuit, and the Eighth Circuit Court of Appeals.

After the committee adopted the President's proposal, we heard criticism, it is true, from some who argued that the accused polluter would not have an opportunity to present his arguments as to why he was not obeying the order.

The committee responded to those concerns—again the committee was not inflexible or deaf. With respect to two types of administrative orders, construction orders and compliance orders, the proposal requires that the administrator must provide for a public hearing upon request, at which the accused polluter can present evidence. That provision is modeled after the statutory language found in RCRA, the hazardous waste control law.

With respect to a third type of orders, emergency orders, the committee's proposal requires that the order will remain in effect for 60 days unless the EPA brings an action in court to enforce the order. Once EPA brings that action, the potential polluter, the accused polluter, will have a full opportunity to present evidence why it is not in violation of the law.

The committee's proposal in my opinion answers the legitimate concerns of industry that it be given an opportunity to be heard within a reasonable time period. At the same time, the proposal retains the original goal stated by the administration that enforcement for violations of the act not be delayed indefinitely.

The new administration proposal totally abandons that earlier goal. It allows sources repeated opportunities to litigate. In some cases, they are given up to four challenges before EPA can ever get to a point of enforcing the order. And while that happens, the environment will suffer and public health will suffer as well.

These are technical matters, Mr. President, but they go to the heart of whether this bill will really clean up America's air and protect our people.

Let me deal for a few moments, if I may, with the citizen suits. The committee's proposals differ significantly from the Nickles-Heflin amendment in the area of citizen suits. These suits have played a crucial role in forcing EPA to take action. Recently, however, a series of court decisions have limited the scope of citizen suits and created a situation that allows EPA, in my opinion, to escape judicial secrutiny. As a result of those decisions, the ability of State and citizen groups to compel EPA to comply with the clear mandates of the act are uncertain. In many of these cases, the courts never reach the question of whether or not the agency's inaction violated the law. Instead, the cases became mired in disputes that concerned the court's jurisdiction.

We cannot and should not guarantee that any particular citizen suit will be victorious in court. Obviously, that is impossible and should not happen. But Congress should guarantee that the courts will have the power to at least hear the merits of the claims of the citizens on whose behalf this bill is being adopted and to determine whether EPA is fulfilling its responsibility under the law to the American people. EPA is, again I say, the trustee of our environment, and the beneficiaries of that trust must be able to hold EPA to their fiduciary responsibility.

The committee's proposal clarifies where and when judicial review is available so that plaintiffs do not spend years simply litigating the issue of what court should hear the case.

Some have argued that the committee's proposal will bog the courts down. In fact, the opposite is true. The committee's proposal will relieve the courts of the endless litigation that EPA has pursued simply to keep the courts from reaching the issue of whether or not this agency, our protector of the environment, has been doing its job.

It is particularly disturbing that the administration through this amendment in opposing the committee's proposals argues that citizens, including States, should only have limited opportunities to question the basis of EPA's action through the administrative hearing process or perhaps through friend of the court briefs. Unfortunately, the basic problem in many of these cases has been that EPA has failed to act, so there is no administrative proceeding.

I find it particularly ironic that the administration is arguing through an amendment that the polluter should be granted several opportunities for judicial review before an order can be enforced but that the citizen or State trying to push EPA to do its job should be severely restricted in its opportunities to be heard.

There are several other critical differences between the committee proposal and the Nickles-administration amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LIEBERMAN. I ask unanimous consent that I may have 5 additional minutes.

Mr. BAUCUS. Mr. President, I ask unanimous consent the Senator from Connecticut be granted 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Senator from Montana.

I am especially aware of the changes that are needed in the so-called threshold requirements because they relate to an experience I had as Attorney General when we were attempting to enforce an earlier order of the administrator of EPA when he found that Canada was in fact harmed by acid rain from the United States, and that threshold question was a critical one to our suit.

The committee proposal provides that EPA's findings of harm need not be published in the Federal Register. In short, once the agency has determined that harm to the environment or public health exists, there is no need to wait for publication in the Federal Register before a citizen or a State can go to court to require EPA to take some action on its findings. Contrary to statements made here, the public would have input in this process. If a court orders EPA to proceed, notice and comment on the threshold finding would take place under the Administrative Procedure Act.

Mr. President, the committee amendments also seek to place arguments in these matters where these cases should be brought—the district courts rather than the court of appeals. In my opinion, it is important to say that they belong in the district court where they would require the attention of only one judge as opposed to three, and where they will proceed more quickly to a judgment.

The cases we are talking about involve allegations that EPA has unreasonably delayed in taking action to protect the public health. We need to do everything possible to ensure that continued delay does not occur in the judicial branch. Putting enforcement authority into the district court, that is, giving the district court jurisdiction to hear these matters is critical to expeditious review.

The committee's proposals allow both EPA and citizens to sue for past violations. Under the Nickles amendment, only EPA can sue for wholly past violations. That would undermine the principle established by Congress in 1970—that the standards for which enforcement would be sought, either through administrative enforcement or citizen enforcement, are the same. Both EPA and citizens should have authority to sue for wholly past violations.

Mr. President, the attorney general of Connecticut, my dear and respected friend and successor, has written to me urging support of the citizen suit provisions. I think her words sum up the importance of the rights that we create herein.

> The continued ability to force EPA to live up to its statutory responsibilities is essential to ensuring that the intent of Congress to improve the quality of our air is given operative effect and no mere lip service as has often been the case in the past.

Mr. President, in summary, the committee's proposals ensure that the new law which Congress has struggled with for more than a decade will have adequate enforcement and permit mechanisms for both the Federal Government and States and citizen groups.

Mr. President, we have heard the term "deal breaker" used a lot in this debate. This, I know, is not a deal breaker but in my opinion, it is effectively a lawbreaker because without the power to enforce the provisions of this law that have been so seriously and sincerely struggled over the provisions of the law will not fully be realized. And the health of the American people and the quality of their environment will not be fully protected.

This law, like any law, requires teeth to make it real. It requires enforcement. This law, like any law, is an attempt by us to express the best hopes and values of the American people for the quality of their lives. It is a way to intervene in the process and say to people that if we continue to act the way we are, our health will be jeopardized and our environment will not be what we wanted it to be for ourselves, our children, and their children. The only way to make those values real is to give the enforcers the teeth to carry them out. That is why I respectfully oppose this amendment. I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, before my colleague and friend from Connecticut leaves, I would like to address a few of the points he made so he at least will be aware of them. He made several comments one of which was that the emergency order provisions were incorrect in our amendment. They are basically the same as that now pending in the so-called Baucus-Chafee amendment. They are identical. I do not think there is any contention there.

The Senator mentioned we did not want to be sending people to jail for criminal violations unless there were knowing and willful omissions. I agree with that. That change has not been made yet in the Baucus-Chafee provisions. I understand, or at least it is my understanding, that change has not been made yet. I would like it clarified if it has not already been.

I appreciate the Senator's statement. I think he is exactly correct. But to my knowledge the proposals that we have before us, the so-called Baucus-Chafee amendment, has not changed their language to accurately reflect their intent. I understand there is a willingness to do so. I hope it is done. It should be done. I want to make an additional point. It is correct under our amendment.

The Senator mentioned the wholly past violations as far as the ability for citizens groups to be able to go in and sue if the problem has been totally taken care of. In other words, violations that occurred wholly in the past.

The language that we have in our amendment basically goes by present law as defined by the Supreme Court decision. I think what the Senator was saying was he would like to overturn that Supreme Court decision.

Then one other final comment, and that deals with citizens suits. If I understood the Senator correctly, he would like to have the opportunity for citizen suits to be filed against EPA on EPA discretionary action. My problem with that is that you are going to have a lot of EPA lawyers who are going to spend a lot of their time defending EPA discretionary actions.

But if I understood the Senator correctly, and the Baucus-Chafee proposal, you are going to have a lot of money, time and resources spent by EPA defending itself on discretionary actions instead of really, at least in my opinion, spending their time bringing enforcement actions against sources who are truly damaging the environment. I would like to see them spending more time trying to clean the environment instead of defending themselves in a lot of litigation over discretionary actions. I think that would be a mistake.

I wanted to point that out to my friend and colleague from Connecticut.

Mr. LIEBERMAN. Mr. President, if I may, in response to the Senator from Oklahoma, I appreciate the response. Very briefly, if I may, I understand that the Senator from Oklahoma offered his amendment with regard to the preenforcement review, so-called emergency orders, but not, in my understanding, with regard to compliance and construction orders. I think that remains a critical deficiency of the Senator's amendment and, conversely, in respect to the committee's bill.

Also the question of the criminal sanctions applying, it is my understanding that the committee bill as it stands now limits criminal liability to knowing violations of material fact. But I will yield on that point to the Senator from Montana for further clarification.

We are only interested finally in going to nondiscretionary actions and not discretionary actions of EPA. I believe that the committee's bill makes that clear. It certainly is my opinion that the points that I made would only be in regard to nondiscretionary actions of EPA.

I thank the Senator and I yield the floor.

Mr. CHAFEE addressed the Chair.

Mr. BAUCUS. Mr. President, I yield 15 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, this is the Clean Air Act; 567 pages. It talks about acid rain, it talks about toxic air emissions, it talks about tailpipe emissions, it talks about volatile organic compounds, smog, and ozone. But, Mr. President, absent the permit provisions which say what you can do and the enforcement provisions that permit the authorities to take the permit from a company or can say to a company "You are violating your permit," this 567 pages is only useful for fire paper starters. It is not worth much of anything.

Mr. President, the whole guts of the clean air legislation revolves around the permit and the enforcement provisions. If we want to do something about the better health of the citizens of our country, or to improve the environment, the land that we love, and pass it on in better shape to our children and grandchildren, then it is absolutely essential that there be strong permit provisions, and that there be strong enforcement provisions in this bill.

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Let me start off by saying that I oppose the Nickles amendment. We have tried to work with them. We made accommodations. They made some accommodations. I would say we are 90 percent in agreement. But these 10-percent factors, in my judgment, make this amendment a bad one. This is not just me speaking. You can say, "Oh, you have a vested interest in this bill. You have been working on this bill for 8 years. You have been on the floor here for 60 days. So therefore you just want your way."

Well, that is not quite so. The position we take, I take, and the distinguished floor manager for the majority takes, is that this amendment is bad. And so are those who have to enforce it. Who am I talking about? The State and territorial air pollution program administrators, those people out on the firing line who have to administer it, and the association of Local Air Pollution Control Officials. You might say, "what is the date of the letter?" March 22. "We have changed it since then. They do not know these provisions have changed, and they are probably for the Nickles-Heflin amendment." The answer is no; we checked with them, and they are still opposed to these amendments. So, likewise, is the attorney general of the State of New York, who writes us a long letter analyzing the legislation. He has been checked with also. His letter is dated March 21, but he is au courant with the latest changes in the bill.

Why are we opposed to it? There has been a lot of talk about the word "shield." A permit shield. What does that mean? The word "shield" means, when you get a permit, you ought to be able to fend off changes in the law or changes in the circumstances that affect your permit. To comply with your permit and not be subject to enforcement. That is what a shield means. "Do not make us go to the trouble to get a permit that says we can do so and so, and then you come up to us 6 months later and say, oh, by the way, we have changed the groundrules, and what that permit says you can do, we will not let you do it anymore." That is what we call a shield.

We agree with a partial shield. We think a permit means something. When you get a permit, you ought to be able to do certain things. So we do not authorize frivolous changes in the permit. The shield we have is modeled after the Clean Water Act, which has been in effect since 1972.

But we also say this: When circumstances change or discoveries are made that require the permit to be reopened, it ought to be reopened. Just because the permit says you can do so and so, and suddenly it is discovered you are emitting noxious fumes or poisonous gases or damaging the health of the citizens nearby, or you are destroying the environment, that does not mean you should plunge along and do that because you have a little permit. That is ridiculous.

Where is the difference in our interpretation of what can be changed and what cannot be changed? The difference is as follows: We believe that revisions should be permitted where there is a threat of harm to the health of the people, where it is discovered there may be harm to the health of the people or the environment. In Senator Nickles' piece of legislation it says revisions are permitted—I refer to the bottom of page 6—top of page 7, bottom of page 6—"changes are permitted"—I will read the language: "Where there is serious risk to public health."

Now, that is a hurdle that very, very few people can get over. There is no mention of harm to the environment. There is no mention of just harm to health. It says "a serious risk to health." Is that a standard that the Senate really wants to put up there, that if there is a risk to health, but you cannot prove it is a serious risk to health, you cannot change the permit? Or if you are polluting the environment, emitting mercury—mercury may not be a direct and serious risk to health. Mercury goes through a whole series of stages. It comes out, gets in the rivers, the fish eat it and, subsequently, pregnant women or others eat the fish, and the mercury harms them. But can you say when that is emitted, it is a serious risk to health? No, you cannot. Yet, under the amendment of the Senator from Oklahoma, that is not grounds to step in and do anything.

I might say that I think anybody in this Senate would agree, and anybody who is listening, that any affect to my health, I consider a serious affect on my health. I do not want people saying, "Well, this is not very serious, you can shake that off after awhile." Any harm to our health we think is serious.

Mr. President, I just do not understand the rationale that the proposers of the amendment have for submitting that hurdle that one jumps over. You have to prove a serious risk to health.

Mr. NICKLES. Will the Senator yield? I appreciate his reading the amendment. If he would look at page 16.

Mr. CHAFEE. I know. That is something different.

Mr. NICKLES. I wish to clarify it. If the Senator would look at page 16 on paragraph (B) at the bottom of the page, it says, "except as provided in paragraph (2), all requirements that are promulgated after the permit is issued, unless the Administrator finds that actual harm to public health would result during the period prior to the expiration of the permit" and so on. So if the Administrator finds that there is actual harm to public health, then the permit may be modified.

Mr. CHAFEE. Then, if the Senator would be good enough to explain to me what he is doing on pages 6 and 7, where he—I will read the language: "Modify or revoke and reissue a permit if EPA promulgates regulations after the permit is issued, and modification of the permit to implement such regulations is necessary in order to protect against serious risk to public health."

There it is, right there. There is nothing about just harmful to health. Why the Senator has something on pages 6 and 7 that seems to be completely contradictory is totally confusing and seems to me just grist for the courts.

Furthermore, I do not find anything here dealing with the environment. I do not see where he covers a situation such as mercury. I think he would acknowledge mercury may not be harmful directly to health, a serious risk to public health. Certainly, it is not in the short run, sure; in the long run it is. But mercury is dangerous to the environment.

Let us look and see what this legislation is all about. We look at the existing law. I am just going to read for the purposes of what this is all about. This is what we are dealing with here and the purposes of the Clean Air Act are as follows: "To protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of our population." This is a health law. Furthermore, it is an environmental law. For some peculiar reason, the Senator has slighted the environment, as I have previously pointed out.

I also want to point out, Mr. President, that the Nickles-Heflin amendment rolls back the current law. It is the States that are currently issuing permits. The States, to amend those permits, do not require that there be a "serious risk to public health" to reopen the permit. They do not have any language like that. The Senator, for some peculiar reason that I cannot understand, has raised the standards under which the permit can be amended.

Let us move to the enforcement provisions, title VI. Again, over 90 percent of what we have in the leadership amendment is in agreement with what the administration wanted. There are few differences, but the differences are serious ones. Let me give you two illustrations.

Under current law, when EPA cites a violator, let us say it is a company, a polluter; when EPA cites a company for a violation, the company has to comply. There is no intervention. There is no delay by appeals. This is a violation. EPA cites them and they have to straighten up their act. That seemed a little tough.

The company might say, "Well, who are you, Mr. EPA? Give us a chance to explain the situation." All right. That makes sense. So we give the accused a chance to be heard by the Administrator. The Administrator may change the order, or he may decide not to change the order.

Let us take the example that he does not change it. Then it has to be complied with. I mean, this is not a great big game of delay. There is pollution occurring out there. It is either harmful to health or harmful to the environment; whatever it is, it is harmful. So says the Administrator of EPA not just in the original assessment, but after having a hearing and listening to the accused come forward with his defense.

What does the Nickles amendment do? The Nickles amendment inserts a whole series of layers in between, in between the time of accusation, the time to say, hey, clean up what you are doing over there. Stop polluting the river, stop emitting these noxious fumes. More than noxious, they are toxic.

This is what Senator NICKLES' amendment does. First of all, he provides for a formal trial-like hearing before an administrative law judge. Mind you, meanwhile, on goes the pollution; nothing happens.

Then if the company does not like that one, and that has taken 6 months or so, what can it do? What can the company do? It can appeal. There was some talk previously by the distinguished Senator from Alabama about cluttering up the courts with appeals. This amendment of the Senator from Oklahoma and the Senator from Alabama provides for appeal, provides for going to court.

The PRESIDING OFFICER. The time has expired.

Mr. CHAFEE. Could I have 5 minutes?

Mr. BAUCUS. I yield 5 minutes to the Senator.

Mr. CHAFEE. So they do not like the decision of the administrative law judge. They drag this out and they go to the U.S. district court. Everybody in this Chamber knows what going to the U.S. district court means. So there is a trial, a full trial.

Here we are trying to stop some polluting. Then they do not like the decision there. So what does the company do? It goes to the court of appeals. Is that any way to clean up the environment? Delay, delay, delay.

And I would like the proponents of this amendment to explain why on Earth there has to be these kind of delays when what is being effected is harm to the environment and harm to public health.

Let us go to the next one: citizen suits. Now, citizen suits are not anything new to this Chamber or to environmental law. We permit them in the Clean Water Act; we permit them in the Superfund; we permit them in RCRA. Citizen suits are a standard environmental law action.

Why? Because it seemed important to us in the Environment Committee, and it seemed important to the U.S. Senate and to the U.S. House of Representatives and the President of the United States, and indeed the one who signed Superfund, RCRA, and clean water—I will take back Clean Water, because the President did not agree. He did not disagree on this point, he disagreed on the total money cost of the Clean Water Act.

But there was no objection from any of those Presidents, and certainly no one will accuse our last President of being a wild-eyed liberal. He accepted every single one of those proposals involving citizen suits.

Who are citizens? They are citizens like you and me. We live downstream from some polluter and we want to do something about the pollution. But there are also other organizations that make the Nation hew to our environmental laws, and I am talking the Natural Resources Defense Council; I am talking the Environmental Defense Fund; I am talking the Wilderness Society. They come in and bring suit.

Now, what does this amendment provide for? This amendment says that when a citizen brings suit, that just as he reaches the great point of victory—how the Senator justifies this is beyond me—just as he reaches the great point of victory, the Government can step in and say, "Step side, citizen. We are taking over."

And the citizen is no longer in charge of the case. You might say, well, what difference does that make? The Government is stepping in; they are running the show. It makes a lot of difference.

Frequently, these organizations I mentioned, or even the individual who is involved, do not want the fine to go to the Federal Government as it would when the Government is involved. They do not want it to go into the Federal Treasury. They want those funds to be used for what we call environmental mitigation, to try and straighten out the mess that is made, a perfectly justifiable use of the funds.

That is not permitted, or that could well be not permitted under this peculiar provision that the Senator has in his amendment.

He says at any point the Government can step in, muscle aside the citizen, the citizen who has done all the work, brought the case right up to the end. And at the last minute, in comes Big Brother and takes over for the Federal Government. That is the first strange provision he has in here dealing with citizen suits.

The next one is as follows. Listen to this possibility. A citizen has a polluter upstream from him, polluting the air. The citizen is sick and tired of it, and he wants that pollution stopped.

Under the law, he has to go to that plant and give that plant 60 days' notice. He has to say, "I am going to sue you if you do not straighten up your act." So the polluter, who has been doing this for a year and a half, stops. So the citizen cannot bring the suit because under this amendment, he is not permitted to sue for past damages.

Five more minutes, if I may.

Mr. BAUCUS. I yield 5 minutes.

Mr. CHAFEE. Why the Senator has that provision, I do not know. His amendment says you cannot sue for past violations.

If you go into the court and persist in your suit, the court will throw you out under the provisions of this amendment.

Then what will happen? So the plant is stopped. So the plant starts up again. Now, it might be inadvertent. They did not realize it; a little casual. They start polluting again. What does the citizen do? Under the law, he has to go and give them 60 days' notice again.

So he goes back and says, "I told you once; I am telling you again. Stop that polluting."

And the factory says, "Yes, that is right. And we will stop it."

The citizen would like to say, "And I am going to nail you for what damage you have done, not only the second time, but the first time." But the plant says, "Aren't you aware of the Nickles amendment? You cannot do that."

That, again, is a very, very strange provision. And for those reasons, Mr. President, although there is much in this amendment that conforms with what we already have, these to me seem to be very, very substantial differences in the bill as presented before us; namely, the underlying leadership amendment, if you wish to call it that.

And, Mr. President, I would hope that the amendment would be rejected.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter of March 21, 1990, to Senator MOYNIHAN from the attorney general of the State of New York; a letter of March 22, 1990, and a letter of March 26, 1990, to me from the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

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STATE OF NEW YORK,
DEPARTMENT OF LAW,
New York, NY, March 21, 1990.

Re S. 1630; Clean Air Act Amendments.

Senator DANIEL PATRICK MOYNIHAN,
SR-464 Russell Senate Office Building, Washington, DC.

DEAR SENATOR MOYNIHAN: I would like to thank you for your support on March 7 of the measure introduced by Senators Glenn and Heinz preserving U.S. Environmental Protection Agency (EPA) and state authority to regulate radioactive air emissions. I would also like to commend you for your co-sponsorship of the Wirth-Wilson amendment requiring the use of clean vehicle fuels and Phase II tailpipe standards. We regret that it failed to pass last night. However, your continuing efforts to assure a clean and safe environment for all New Yorkers are greatly appreciated.

While the compromise bill negotiated between the Senate leadership and the administration contains many provisions which are more protective of the public health and welfare than those of the current Clean Air Act, there are sections which may, in fact, be less protective. For this reason, I urge you to support the following four amendments, and oppose one.

ATTAINMENT OF AIR QUALITY STANDARDS

I support the Kerry-Wilson-D'Amato amendment which will help to assure that all states will attain and maintain national ambient air quality standards (NAAQS). The amendment requires equitable pollution control efforts among the states to minimize the effects of interstate pollution. First, the amendment preserves the mandate under current law for EPA to promulgate a federal implementation plan to meet NAAQS in the event that a state does not develop an adequate plan on its own. Second, it restricts the provision allowing EPA to grant waivers of requirements for pollution controls which it does not consider to be "cost effective". Cost is only one factor which will be considered by the states in establishing their attainment strategies. The federal government should not have such an arbitrary "veto" power over a state's decision to weigh the protection of human health more heavily than cost in setting emissions standards. And finally, the amendment requires that small sources (under 100 tons per year) be regulated. These sources represent a major source of pollution which cannot be ignored. I urge you to support this amendment.

TOXIC AIR POLLUTION

I support the Gore-Lautenberg amendment which strikes provisions that allow a toxic air pollution source to use mitigation measures, such as buying property of people who live close to the source, rather than require reduction of emissions to protect the public health. To permit people to be forced out of their homes rather than to require pollution controls which would assure a safe environment in which to live seems to me to be against the basic principles of the Clean Air Act.

Even if this provision becomes effective, it is impossible to imagine how it would be implemented. The "zone of risk", which would be the subject of the buy-out, would be established by inexact modeling and risk assessment techniques. We will never be assured that the boundary was properly drawn. Moreover, the actual effects of long range transport of air toxics have yet to be determined as research continues. Therefore, we urge your support of the Gore-Lautenberg amendment.

VISIBILITY REGULATIONS

Finally, I support Senator Adams' amendment on visibility. The amendment requires EPA to issue regulations to guide states in reducing "regional haze" affecting national parks and wilderness areas. For 13 years, EPA has failed to carry out its responsibility to issue such regulations under the 1977 Clean Air Act. While these regulations will technically focus on areas outside New York, they will have a positive effect on the air quality and visibility in the entire Northeast and will alleviate similar problems at all of our state parks. Haze from acid rain pollutants is often so bad that it not only eclipses the beauty of Acadia National Park in Maine but also that of the Adirondack State Park. That is why we have supported Maine in the past in litigation against EPA on this issue and that is why we strongly support Senator Adams' amendment.

PERMITS AND ENFORCEMENT

The permits and enforcement sections of the bill currently before the Senate were not subjects of the compromise. Consequently, the Administration's position is being brought to the floor in the Nickles-Heflin amendment. This amendment weakens the ability of the federal and state government to ensure prompt, continuing compliance with provisions of the Clean Air Act. It does so in several ways:

1. The amendment would allow a source to shield itself from enforcement actions under the Act so long as it is in compliance with its operating permit, even if that permit is silent on the issue that is the subject of the enforcement action, and even if the source is in fact violating the Act.

2. The amendment would restrict the ability of the EPA to modify permits only in situations where there is a "serious" threat to human health. A threat to health that could be denominated less than serious will not be enough to allow permit revisions.

3. The amendment would require the EPA to employ an undefined "cost/benefit" analysis in determining whether certain sources should be exempt from the permit requirements. EPA could exempt entire classes of sources whenever it concludes that the benefits of requiring permits from those sources do not exceed the costs of those permits.

4. The amendment would allow sources that receive certain administrative orders to delay compliance with those orders while they pursue a full hearing on the record before EPA, followed by a review in the federal courts, thus creating an incentive for frivolous litigation and routine delays in compliance. As is the case under current law, compliance should be required during the legal process in order to fully protect the public health and welfare.

Strong requirements for the control of acid rain and air toxic emissions without accompanying strong enforcement authority may defeat the goal of Congress to achieve clean air. Therefore, we urge you to vote against the Nickles-Heflin proposal.

In sum, as the Senate heads into the final debates on the Clean Air Act Amendments, now is the time to ensure a strong and enforceable program for achieving the goal of clean air for many years to come. We thank you in advance for your efforts to reach this critical goal.

Sincerely,

ROBERT ABRAMS.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS,
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICERS,
Washington, DC, March 22, 1990.

Hon. JOHN H. CHAFEE,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR CHAFEE: The State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO) continue to observe with great interest the ongoing Senate debate on clean air legislation. We understand that today, you and your colleagues will consider an amendment offered by Senators Don Nickles, Howell Heflin and Robert Dole to significantly weaken the permitting program proposed by you and other Senate Leaders. As the state and local air quality officials who will hold primary responsibility for implementing the permitting program, we are extremely concerned that the provisions of the Nickles-Heflin-Dole amendment will seriously undermine our efforts to regulate sources of air pollution.

The ability of state and local air quality agencies to effectively control sources of pollution is threatened by the Nickles-Heflin-Dole amendment in several major respects. First, the amendment shields sources from any regulations other than those that apply to the pollutant for which the source is permitted. Therefore, if a source obtains a permit to emit volatile organic compounds and subsequently violates an air toxics regulation, no enforcement action against that source can be taken.

Second, the amendment prohibits permitting agencies from revising the requirements of a permit during its five-year life unless it can be demonstrated that there is a "serious risk to public health." Consequently, a permitted source could escape regulatory requirements for almost five years, if such requirements are issued after a source has obtained its permit. Such a restriction of our authority to review and revise permits could not only impede the effectiveness of important new regulations, but also prevents us from modifying permits to reflect important new air polution information.

In spite of our sincere desire and continued effort to provide the citizens of this nation with healthy air, the ability of state and local air quality officials to regulate sources of air pollution is closely tied to the effectiveness of the permitting program that we are required to administer. Accordingly, STAPPA and ALAPCO oppose the Nickles-Heflin-Dole amendment, which establishes a weak permitting program containing inappropriate loopholes.

Sincerely,

BRADLEY J. BECKHAM,
STAPPA President.
JAMES M. LENTS,
ALAPCO President.

STATE AND TERRITORIAL AIR POLLUTION PROGRAM ADMINISTRATORS,
ASSOCIATION OF LOCAL AIR POLLUTION CONTROL OFFICIALS,
Washington, DC, March 26, 1990.

Hon. JOHN H. CHAFEE,
U.S. Senate, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR CHAFEE: Last week, on behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we wrote to you expressing our concerns with an amendment—authored by Senators Don Nickles, Howell Heflin and Robert Dole—that would significantly weaken the permitting program proposed by you and other Senate leaders. Since that time, the Nickles-Heflin-Dole amendment has been changed in several respects. However, notwithstanding these recent changes, STAPPA and ALAPCO still have some significant concerns.

Perhaps our greatest concern with the most recent version of the Nickles-Heflin-Dole amendment is that it prohibits permitting agencies from revising the requirements of a permit during its five-year life unless it can be demonstrated that there is "actual harm to public health." As we stated in our earlier letter, this provision could easily allow a permitted source to escape regulatory requirements for almost five years, if such requirements are issued after a source has obtained its permit.

This provision clearly represents not only a significant relaxation to our existing permitting program, but also a loophole that would impede state and local efforts to ensure the timely and effective control of sources of air pollution. STAPPA and ALAPCO urge you to oppose the Nickles-Heflin-Dole amendment.

Sincerely,

Bradley J. Beckham,
STAPPA President.
James M. Lents,
ALAPCO President.

Mr. NICKLES. Will the Senator yield for a quick question?

Mr. CHAFEE. I yield.

Mr. NICKLES. First, the Senator mentioned leadership amendment. Am I correct in saying permitting and enforcement was not part of the leadership amendment?

Mr. CHAFEE. The Senator is absolutely correct.

Mr. NICKLES. Another comment. When the Senator mentioned the fact of the citizen suits and where the money would go, does present law not maintain that the money will go to the U.S. Treasury?

Mr. CHAFEE. I am informed that when it is issued as a penalty, that is right. But many of the courts have done exactly what I said: Pursuant to the arguments of the citizen, and in this case, the citizens quite frequently are the environmental defense fund, the Natural Resources Defense Council, or the Wilderness Society, they have adopted the mitigation proposals that I mentioned earlier.

Mr. NICKLES. I believe I am correct—and maybe the Senator can correct me if I am wrong—I believe I am correct that any of the funds assessed from the penalty due to violation of the Clean Air Act would go to the Treasury.

Mr. CHAFEE. Yes. Under the penalty provision, as I mentioned. But the funds can go pursuant to a court order, just as I mentioned previously.

Mr. NICKLES. I wanted to touch on two other things, very quickly. I know I am on the Senator's time.

He mentioned what about mercury. Is mercury not considered to be hazardous to the public health?

To answer the Senator's question frankly, we said the permit could be reopened if new regulations were promulgated by EPA. The permit would have to be modified to include those new regulations.

So if EPA issued a regulation controlling mercury, or whatever substance was emitted, and there was notice and comment on that regulation, then a permit would have to be modified. So EPA would have determined it, not this Senator and not the Senator from Rhode Island.

I would make one other comment, too. The Senator was making light of the fact that there appeared to be two different standards on pages 6 and 7 and page 16. Pages 6 and 7, as I understand it, is basically where the States are told what they have to have in their permit program. The language on page 16 refers to how the Administrator could change the permit and the Administrator could change the permit if he found that there was actual harm to public health. So there is nothing inconsistent about those standards. Bascially, what we are saying is, whether you are State Senator or the EPA, if you need to modify the permit in order to protect the public, you can certainly do so.

I thank the Senator.

The PRESIDING OFFICER (Mr. Robb). The Senator's time has expired. Who yields time?

Mr. SYMMS. Will the Senator from Oklahoma yield 7 minutes to me?

Mr. NICKLES. I am happy to yield 7 minutes to the Senator. Might I inquire how many minutes I have remaining?

The PRESIDING OFFICER. The Senator has 40 minutes and 28 seconds remaining.

The Senator from Idaho is recognized for 7 minutes.

Mr. SYMMS. I thank the Senator for yielding.

I would like to get one quick answer, if I could, from either the ranking member of the committee, Senator Chafee, or from the chairman. The question is this: Under the Clean Water Act, if you go through the permit process, then it specifically states you do not need an environmental impact statement. I just ask my colleagues, is the same true of this bill?

Mr. CHAFEE. That is the same in this bill.

Mr. SYMMS. So it is the same. In other words, the Senator is saying that, if you go through the permit process, there is no way you will be involved with an EIS?

Mr. CHAFEE. NEPA is not involved.

Mr. SYMMS. I thank the Senator.

Mr. CHAFEE. Could I make that clear? For the issues involved with that permit.

Mr. SYMMS. That is correct.

I thank the Senator.

Mr. President, the Nickles amendment is an attempt to clear away the paperwork and the redtape associated with compliance with this bill. Every change that is made in the permits and enforcement section is a change whose goal is to achieve greater compliance, not less. I compliment the Senator for this amendment.

Consequently, Mr. President, the debate over this amendment is not over whether or how to increase the quality of the Nation's air, nor is it over whether to have extremely tight air quality standards. These decisions are made elsewhere in the bill. The question before us now with the Nickles amendment is how burdensome do we want to make the achievement of these goals. How much do we want to harass and aggravate those who are making good faith efforts to control pollution? How deep, if you will, into the affairs of State and local air pollution agencies do we need to insert the disruptive arm of the Federal Government?

It would seem to me, Mr. President, that if the Nickles amendment is adopted, there will still be some of this, but, if it is not agreed to, that Senators should be prepared in the future to spend a great deal of their time trying to mediate between the Environmental Protection Agency and their own States when the disputes arise over whether or not permits should be issued and employment affected in their States.

It would also seem to me, Mr. President, that Members of the Senate should give a great deal of weight to the fact that the EPA itself, the very agency who would be asked to inject its judgment in these cases, supports the Nickles modifications. The agency obviously believes that the amendment would provide for an aggressive workable permit process, but one that prevents the EPA from unnecessarily expending energy and resources in areas which provide little or no benefits to air quality.

I believe, without the Nickles amendment, we are going to be burdened with unnecessary disputes between the EPA and the States in the implementaion of the plans plus the issuance of the permits.

The modifications to the permit program contained in the Nickles amendment embody an important principle: Allow permit decisions to be made at the level of government who can best make those decisions.

Mr. President, this, by the way, happens to be one of the original findings of the Clean Air Act which the bill before us amends; one of the original findings, and I quote: "That the prevention and control of air pollution at its source is the primary responsibility of States and local governments." I want to repeat that Mr. President.

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"That the prevention and control of air pollution at its source is the primary responsibility of States and local governments."

In conformance with this principle, the Nickles amendment allows compliance schedules to be incorporated into permits only where such schedules are necessary.

As the bill stands, the EPA is forced to take a very adversarial role with the States responsible for implementing permit programs. If a State's permit program is deficient, rather than working with the State to improve it, the EPA must immediately apply one of the sanctions from title I, such as the denial of highway or airport funds. Then, if the State does not fix the problem within 2 years, or 5 years after enactment, whichever is later, the EPA is forced to create a Federal permit program of its own. So I think Senators need to be well aware of what they are getting into if the Nickles amendment is not passed.

The Nickles amendment very appropriately makes the use of sanctions and the issuance of Federal permit programs tools that are available to EPA, but does not force the EPA to use them by legislative fiat. As a result, EPA can take a more persuasive role with States, assisting them to create programs for themselves. In my opinion, this is a much, much more reasonable way to solve this problem; to have some cooperation rather than an adversarial role from the outset.

Another point, Mr. President. The pending amendment also allows EPA to keep the paperwork between States to a minimum. The bill before us would invoke the permit approval of two or more States any time a permit is granted for a source 50 miles or more from a State line. The Nickles amendment would allow EPA to look at this very arbitrary 50-mile number and to modify it if it appears too broad or too narrow.

I cannot help but think of Idaho and Wyoming, for example, where the Teton range divides the two States. If, in fact, a permit were filed in Jackson Hole, you would still require Wyoming and Idaho to review and approve the permit. Yet, on the Wyoming side of the border, with the Teton range between Idaho and Wyoming, there is no way the dirty air from Wyoming could get back over to Idaho. But, we would burden those people in Wyoming with going through two State processes instead of one.

So it is just an additional cost for the American people to bear to do this, when I believe it is totally unnecessary. It is not that it would be totally unworkable, but it is costly.

At the same time, we hear the same people advocating that we want to be more competitive with our foreign competitors. The Nickles amendment is a way to try to relieve some of that burden of regulation.

Finally, the amendment attempts to remove the burden of a dual regulatory process involving the simultaneous implementation of both a permitting program and the State's implementation plan [SIP]. It does this by placing codifying permits—permits whose sole purpose is to codify or carry out the provisions of the SIP—outside the purview of the courts. Only those permits which would actually modify provisions of the SIP may be litigated.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SYMMS. Could I have 30 more seconds?

Mr. NICKLES. I will be happy to yield the Senator 5 minutes.

Mr. SYMMS. One more minute.

The PRESIDING OFFICER. The Senator is recognized for 1 additional minute.

Mr. SYMMS. The EPA's decision that a permit is codifying and not modifying would also not be thrown into the courts. The net result is to give some real substance to the SIP process—making it more than just a futile exercise in emissions counting.

The standards in this bill are tough enough without requiring a enormous burden of paperwork and permitting. I urge my colleagues to support the amendment.

I beg them to study this issue very carefully. This is a very important amendment and I hope it will be passed, to make a very onerous bill, less onerous.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time? The Chair recognizes the Senator from Montana [Mr. Baucus].

Mr. BAUCUS. Mr. President, I ask unanimous consent that the quorum call which I am about to suggest be divided equally.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. There is no objection.

Mr. NICKLES. Just a respond to the Senator, we only have about 30 minutes time remaining. I understand Senators McClure, Simpson, and Dole wish to speak on our amendment.

We have 30 minutes left. I think the Senator has considerably more.

Mr. BAUCUS. Mr. President, how much time is there?

The PRESIDING OFFICER. The Senator from Montana has 34 minutes left. The Senator from Oklahoma has 31 minutes left.

The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. Mr. President, for those of my colleagues who wish to speak to this issue I hope they would come to the floor as time is running out.

Mr. President, I have a letter from the Attorney General I would like to read, and particulary use it to clarify some of the comments that were made by my good friend and colleague, Senator Chafee from Rhode Island, and also by Senator Lieberman earlier, dealing with citizens suits. This letter is addressed to the distinguished Republican leader. I will have it printed in the Record. I think it is important to clarify where the administration is coming from.

When I talk about enforcement, many of the things I am trying to do on permitting are at the request of the administration. So I somewhat resent the implication that this amendment would be harmful to the environment, because that is not the case. Or, that this amendment would make it difficult for people who are trying to take suits against polluters and so on. That is not the case.

The Attorney General is concerned about making it work. He is concerned about enforcement. He is concerned about moving forward to a cleaner enviornment.

The same thing with EPA. They want the permitting system to work. So that is the reason why we have introduced this amendment at their request, because we are trying to fix some things that under the Baucus-Chafee amendment will not work.

Maybe this letter from the Attorney General will help clarify the administration position.

Mr. President, I ask unanimous consent a copy of the letter be printed in the Record at this point.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Office of the Attorney General,
Washington, DC, March 26, 1990.

Senator George J. Mitchell,
Majority Leader, U.S. Senate, Washington, DC.

Senator Robert Dole,
Minority Leader, U.S. Senate, Washington, DC.

Dear Bob: This is to advise you of my very serious concerns over language concerning citizen suits that is now being put forward for the enforcement title of the Clean Air Act amendment. This language would do two things. First, it would weaken the government's ability to intervene in citizen suits for civil penalties, and would permit such suits for nonrecurring past violations. Such changes would raise important questions under Article II and Article III of the Constitution and would go far beyond the existing framework of our environmental laws, as shown in the Supreme Court's recent decision in *Gwaltney of Smithfield* v. *Chesapeake Bay Foundation*, 108 S.Ct. 376 (1987). If adopted, they could seriously undermine consistent, evenhanded environmental law enforcement.

Second, this language would impair EPA's ability to implement the Act, and expand the Department of Justice's case load of defense actions at the expense of our enforcement efforts. Whereas current law provides citizens with the ability to sue EPA for failure to take nondiscretionary actions, the proposed language would give plaintiffs (including polluters or competing businesses trying to gain an advantage in the market) an unprecedented new power to use litigation to compel EPA to take action which is discretionary. For example, if one regulated entity received a compliance order from EPA, it could petition the agency to issue a similar order to one of its competitors. Instead of setting priorities and allocating resources according to congressional directives, orderly rulemaking procedures, and sound enforcement discretion, EPA and DOJ priorities will be set by individual litigants and courts all over the country, without regard to national concerns.

As I understand it, significant progress has been made in resolving outstanding issues on Titles V and VI of the bill. It would be regrettable if this progress on such critically important legislation were impeded by attempts to write novel and unneeded features into its citizen suit provisions—features that would raise serious constitutional questions and divert this Department's litigation resources away from enforcing the Clean Air Act.

Accordingly, the Administration strongly urges adoption of the citizen suit provisions in the Nickles/Heflin/Dole amendment, which are fully consistent with the Constitution and will ensure vigorous, consistent enforcement of our environmental laws.

Sincerely,

DICK THORNBURGH,
Attorney General.

Mr. NICKLES. Mr. President, to repeat, if we do not make a change to the committee or the Baucus-Chafee approach, we are going to have EPA resources tied up defending themselves against citizen suits attacking their discretionary actions. In other words, the law gives them discretion to act on, how they want to implement various provisions.

If we do not pass the Nickles-Heflin amendment, what we are going to do is, we are going to say: "Citizens, you can sue EPA for making discretionary decisions—decisions the law says are within their discretion." Then, EPA, instead of going after the violators is going to have to spend time and resources to cover themselves; to defend themselves. So you will have a multitude of litigation over EPA's discretionary decision on whether a permit is a codifying permit or a modifying permit. For those who have not wrestled with this issue, 90 percent of the permits are going to be codifying permits. A permit gives a source the ability to continue to operate. And EPA is going to be harassed or hounded any time they make a discretionary decision concerning a codifying permit. EPA is going to be spending a lot of time and resources defending that decision, instead of going after strict enforcement of the Clean Air Act.

I think that would be a serious mistake. It is not just my opinion. It is the Attorney General's opinion. Again, this Senator is offering this amendment and this portion of the amendment at the Attorney General's request just as we are offering the permitting section at EPA's request. They want a permitting section that will work.

Finally the Baucus-Chafee amendment will not work. It will have an unlimited amount of notification to EPA. It will compound the paperwork process as well as compounding the work in the courts.

Let us not do that. Let us streamline the process. Let us make it work. That is why the administration has requested this amendment, why EPA has requested the amendment, why the Attorney General has requested the amendment, and we hope it will be agreed upon tomorrow when we vote at 9:30.

The PRESIDING OFFICER. Who yields time? The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, there are many reasons why I have a difficult time with this amendment. One of them is it is very ambiguous. I mean, this language either is very cleverly crafted to be ambiguous, or it is unintended in its ambiguity. I would like to determine, as best I can, which of the two it is, by asking the Senator from Oklahoma some more questions, if I might.

I would like to ask the Senator from Oklahoma, whether the language at page 17 of this amendment, the top of the page—it is paragraph 2—overrides and supersedes the language at the bottom of page 16, with respect to actual harm? That is, if a requirement is a subject of rulemaking and if the source is noticed, is that sufficient to shield a source? Or must there also be an additional requirement that actual harm to the public must first be found by the administrator to obviate or to pierce the shield?

The language now between the bottom of page 16, paragraph B compared with language at the top of page 17(2) seems to be contradictory. I ask the Senator if he can tell us whether, in fact, that language on page 16 supersedes the language on the bottom of page 17 in those instances where there is a rule and where a source is notified?

Mr. NICKLES. The permit would be notified in both of those instances. You would have the permit modification whenever, one, it was determined there was actual harm to public health and/or, two, whenever there was a promulgation of a regulation with public notification and comment.

Mr. BAUCUS. Is that to say there would be a shield even if the source is notified and even though there is a rulemaking proceeding but where the Administrator has not found actual harm to the public health?

Mr. NICKLES. To answer the Senator's question, the shield would not apply to any requirement that results from a notice and comment rulemaking, whether or not the Administrator has found actual harm

Mr. BAUCUS. A shield could exist in either case?

Mr. NICKLES. No. In either case, the shield would be amended. The permit would have to be amended, if the Administrator determined there was a danger to public health, and/or—

Mr. BAUCUS. The question really is this. Let me be more specific. Let me say a permit is issued to a source and several years later, the EPA promulgates the MACT rules that would apply to that source. Even though the permit did not cover the MACT provisions, would MACT be shielded or not shielded?

Mr. NICKLES. MACT would not be shielded if there was public comment on that regulation.

Mr. BAUCUS. What happens in the case where there are no public comments, and under the subsequent condition there does not happen to be a rulemaking procedure where public comment is provided for, then would those matters be shielded, as if the source did not comply with subsequent changes in the permit where there is no public proceeding?

Mr. NICKLES. If they had no public comment on the proposed regulation, the permit shield would apply unless the Administrator determined there was actual harm to public health and then that permit would be amended. It would be changed either way.

Mr. BAUCUS. So the Senator would oppose an additional requirement the Administrator find there be actual harm to the environment?

Mr. NICKLES. Actual harm to the public health or if he promulgated a regulation with public notice and comment, then it can be changed anyway. In other words, we have made the shield less of a shield if it is possible there is damage to public health or if we promulgated a new rule and said if the new rule is out there, you have to change the permit. We modified the shield so it is not as protective and moved, I guess, toward the committee's proposed shield to make ours more flexible to make sure that we protect public health and comply whatever regulations that the Administrator would propose that are important enough to require notice and comment proceedings.

The PRESIDING OFFICER. The 5 minutes the Senator yielded to himself has expired.

Mr. BAUCUS. Mr. President, I yield myself 1 more minute. If I might follow up with the Senator, do the

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either/or provisions, that is, actual harm on the one hand, or rulemaking and notice, apply in the Senator's amendment to both enforcement actions and to permit modifications? That is, if either one applies, then is there a subsequent provision that would apply to a source shielded?

Mr. NICKLES. I did not totally follow.

Mr. BAUCUS. Either in enforcement proceedings or permit modification?

Mr. NICKLES. I still do not totally understand the Senator's question.

Mr. BAUCUS. I am trying to understand the Senator's amendment.

Mr. NICKLES. Let me explain, if I might, the portion of our amendment dealing with permits and the so-called shield. If and individual gets a permit, that permit has a duration of anywhere from 1 to, say, 5 years, a maximum of 5 years. That permit allows the source to continue operation under the terms of the permit. That source can rely on the permit: Yes, I can operate in this way. I may have to have expansion; I may have to buy scrubbers because part of that permit may say reduce your emissions by 10 percent over the next few years, whatever. He may have to make an investment to comply with the permit. The permit would have to be under agreement by the State issuing the permit, the so-called State Implementation Plan.

The source can rely on that permit and, in all likelihood, the permit would not be changed except for the following reasons: The permit would be changed if they found out there was a material mistake in the permit. Maybe for some reason they left something out, a mistake was made, it was omitted so they would have to change the permit if there is a material mistake in the permit. You have to change it under our amendment.

Two, if there is a new regulation and if there is actual harm to public health; in order words, the Administrator says we need to change it because Senator CHAFEE says, "Hey, it is polluting, they are sending out all kinds of toxics." If the Administrator says we have to change it because there is actual harm to public health, that permit would be changed.

Three, also if there is a new regulation, and there are going to be lots and lots of new regulations that will be issued over the next 10 or 15 years as a result of this bill, I am saying, yes, permit would have to be modified to accommodate that new regulation if there was a proper notice and comment on that regulation. Thus, the shield would eliminate a lot of the possibly more trivial regulations. So we would not be requiring businesses to reopen every single permit on a continual basis. What we are really saying is, yes, you would have to reopen a permit if there was actual harm to public health or, if there was a new regulation that was very important, you would have to change the permit.

The PRESIDING OFFICER. The chair reminds the Senator from Montana that the additional time has elapsed. Both sides have less than 25 minutes remaining.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator THURMOND be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Does any Senator seek recognition? The Senator from Montana [Mr. BAUCUS].

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, might I ask how much time is remaining?

The PRESIDING OFFICER. The Senator has 23 minutes, 27 seconds.

Mr. BAUCUS. Might I ask how much time the Senator from Oklahoma has?

The PRESIDING OFFICER. The Senator from Oklahoma has 24 minutes, 37 seconds.

Mr. DURENBERGER. I might say to the manager. I could probably take all of that or I can take 20 minutes of it or I will beg his indulgence as to the amount of time.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. DURENBERGER] is recognized for 10 minutes.

Mr. DURENBERGER. Mr. President, I thank the Senator from Montana for permitting this time to speak in opposition to the amendment offered by my colleagues, Senators NICKLES, HEFLIN, and DOLE.

Before commenting on the specifics of this amendment, I would like to review the sequence of events that brought us to this point.

The genesis of the permit and enforcement provisions in this bill was the clean air legislation which was submitted to the Congress by the administration last summer. The Environment Committee did not develop its own permit title and it did not propose a comprehensive rewrite of the enforcement provisions of the Clean Air Act. These provisions started with the administration.

The permit and enforcement provisions of the President's original bill were widely opposed in the regulated community. The National Association of Manufacturers and the Chemical Manufacturers Association have conducted an intense campaign to defeat the President's permit and enforcement program. I daresay that the outrage expressed by the industrial community with respect to the enforcement provisions topped all of its other criticism, including their concerns about toxics and stationary source requirements.

Notwithstanding this intense opposition, the Environment Committee adopted the President's permit and enforcement provisions and included them in S. 1630 which was reported last November. We believed that one, a consolidated permit program and a comprehensive update of the enforcement provisions were major contributions, along with two, the acid rain allowance program and three, alternative fuels, which the administration brought to this debate, and we were pleased to include these provisions in the bill.

However, subsequent to markup of S. 1630 and in response to the constant drumbeat of industry opposition on permits and enforcement, the administration has had a change of heart and has backed away from its own proposal. Backing away is perhaps too gentle a verb to describe the retreat which we have seen on these issues.

We now have the Nickles-Heflin-Dole amendment which is fully supported by the administration. Let us call it administration II and refer to the permit and enforcement provisions of the President's bill submitted last year as administration I. There are dramatic differences between I and II.

Let me just list some of the differences in the permits area, Mr. President. These are not all of the differences and I won't even touch on enforcement. But these items will give Senators some sense of the retreat which has occurred.

First, is the whole notion that sources would be able to escape their obligations under State implementation plans through a permit modification, rather than through a formal SIP revision. Not only does this amendment change the process for modifying implementation plans, it puts a cloud over citizen participation and judicial review with respect to those changes. Today, SIP revisions require notice and comment in the Federal Register. If this amendment is adopted, that protection for citizens will be dropped.

Administration I contained an antibacking provision. That meant the renewed permits could not allow more pollution for the same activity than the original permit. I was quite proud to see that provision in the President's bill, because I was the author of the comparable provison in the Clean Water Act. I recall what a struggle it was to get that adopted over industry opposition. Well, industry opposition has caused a retreat from that proposal. Administration II, the Nickles-

Heflin-Dole amendment, does not contain any anti-backsliding provision.

Administration I required EPA to apply sanctions against any State which did not develop and submit a permit program. Administration II makes the sanction discretionary. In doing so it puts the whole concept of operating air pollution permits in doubt. Under administration II, if the States and EPA decide they do not want to require permits to assure compliance with air pollution regulations—permits like those which are at the heart of the Clean Water Act—then there will not be any permit requirement.

Under administration I sources were required to submit permit applications within 6 months of the date on which EPA approved a State permit program. Under administration II, the minimum time for application is 30 months—30 months, not 6—and EPA can extend that requirement indefinitely if it chooses not to put resources into the permit program. It could very easily be the next century before a permit program for air pollution is implemented under administration II—the Nickles-Heflin-Dole amendment.

Mr. President, this amendment is a killer amendment. I cannot believe the administration endorses it. It gives the executive such control over implementation of the Clean Air Act that if it does not want to implement it, it does not have to.

Under administration I each State had to notify all contiguous States before it approved a permit for a major source, so that they would have a chance to review the application and determine the impact of that source on air quality. Ask our colleagues from Wisconsin and a lot of other States who have fought battles in the courts on this issue. Administration II limits notice to States within 50 miles of the source and authorizes the EPA to further restrict the notice requirement.

Finally, administration II appears to give EPA authority to exempt various sources of toxic air pollutants from permit requirements altogether. Administration I, the President's bill, contained no such notion.

I could note for the Senate many other differences between the President's bill and this amendment with respect to permits. And I have not even mentioned the changes that have been made on the enforcement side. But I think Senators get the point. This amendment reflects a major retreat from the President's bill which was proposed last summer. The President was justifiably praised for the tough permit and enforcement provisions in that bill. Now, those provisions have been abandoned in the face of industry opposition.

Mr. President, amendment No. 1293 which has been offered by the leadership and cosponsored by members of the Environment Committee, contains permit and enforcement provisions which are between those in administration I and administration II. As has been explained here already, the leadership package is neither administration I or II. It is in between.

Changes were made in the language of S. 1630 to respond to many of the concerns which were expressed about administration I. Significant changes. I would not support every change that was made, if the decision were entirely my own. I think they go too far in the direction of administration II. But the decision is not entirely my own. This is a compromise package and I support it as a package, and I support it as a compromise.

I hope this little review has given Senators an indication of what has happened here. The administration has been weaving down the road. First, they were over on the left shoulder; now they are over on the righthand shoulder. Some might even say in the ditch, with the language of Nickles-Heflin.

What to do? Should Senators follow this wandering back and forth between the environment and industry?

The committee has chosen not to. When it became clear that a retreat was underway, the committee turned to the permit and enforcement provisions of the Clean Water Act and used them for guidance to develop its own position. There has been a great deal of experience with permits for industrial sources of pollution under the Clean Water Act going back to the early 1970's. Thirty thousand sources have water permits. That program works. And we should use it as a model here.

And the enforcement provisions of the Clean Water Act are entirely reasonable. They were developed in concert with the Justice Department of the Reagan administration. They are not controversial. Many Members of this body voted to adopt them in the 1987 Water Quality Act. That is a sound foundation to build a new enforcement program for clean air. So that is the history. Now, to the specifics of this amendment.

Mr. President, the major issue raised by this amendment is the so-called shield. The basic concept is that sources will only be held to the provisions of their permit during its term; and that enforcement actions cannot be taken for violation of requirements not stated in the permit.

Now, that might sound reasonable on its face, Mr. President. But it is a very troubling concept when examined closely. Suppose the permit holder did not report all of its emissions when it applied for a permit. Let us say the source emits 22 air toxics, but only reported 20 on its permit application. The permit authority will issue a permit for 20. But does that permit shield the source from any enforcement action with respect to the other 2? Should the source be shielded?

And what of new requirements? Let us suppose that EPA or the State promulgates new standards for a potent cancer-causing chemical during the term of the permit. Should the source be exempt from those requirements until the permit expires? We have selected specific compliance dates for our Air Toxics Program which require sources to comply within 3 years. That is a reasonable period, Mr. President. Current law requires compliance with new toxics standards within 90 days. We have extended it to 3 years. It does not need further extension to 5 years for some sources under this shield provision.

We have raised some of these shield issues with the authors of this amendment. And they have apparently adjusted their original language to ease our concerns. But there are still problems.

For example, if a State promulgates a standard and wishes to impose it on sources before the expiration of a permit—even if it is a minor requirement which will facilitate implementation of the State program—the State might be precluded from imposing such a requirement—under its own law—under its own permit program—by this amendment.

Mr. President, we don't need to be shielding polluters from State requirements with this permit legislation. We don't need to preempt States in this way. We need—we want—States to play a larger role. But this amendment ties their hands. It prevents them from taking actions which are inconsistent with this title. It requires them to stand in line at EPA to have their rules read and approved before they can be imposed. That is not acceptable.

And this amendment establishes a whole new standard for action under the Clean Air Act.

New regulations by States—new guidelines by EPA—will be deferred under this amendment unless they prevent actual harm to public health. What is actual harm? What about the environment? What is actual harm in relation to the other health standards under the Act? These questions need to be answered by the authors of this amendment.

Mr. President, I also oppose this amendment because it undermines the program to control air toxics which is contained in title III of this bill. The Air Toxics Program is modeled on the Clean Water Act Program for toxic pollutants which has already been fully implemented.

The Clean Water Act requires EPA to promulgate the best available technology standards for various industrial categories of toxic pollution. Those

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standards are implemented through a permit program. The N-P-D-E-S Program is established by EPA but can be delegated to the States and has been delegated in the case of 47 States. It works well, and so we used it as a model. Each major source of toxic pollutants must have a permit under our legislation.

But that is not true of this amendment. This amendment invites States to have a program. But if they do not, there is no sanction. And if they do not there is no requirement that EPA step in with a Federal program. So, there may not be permits to implement air toxics regulations. Permits are, in my view, essential to assure compliance with the complicated air toxics rules which this bill authorizes.

For instance, it would be impossible to implement the site-specific residual risk program for the so-called actual man, which the sponsors of this amendment wanted, without a permit program to enforce case-by-case alternative emissions limitations.

Mr. President, a further reason for opposing this amendment is the attitude which it reflects with respect to public review and scrutiny of Government actions which are taken to implement the Clean Air Act. The legislation the committee has reported and the act itself put an admittedly heavy procedural burden on the Government. At every turn the act invites citizen participation and offers opportunity for comment or review on Government decisions.

It is a wide open law and the committee had no thought to shut it down in the bill it reported. We have at no time in the many months of hearings on this legislation heard that citizen participation is hindering progress under the Clean Air Act.

Nevertheless, this amendment casts a cloud over the comment and review procedures. Perhaps the most troubling example is EPA review of the so-called codifying and modifying permits. These are permits which are issued to carry out State implementation plans. Codifying permits carry out a SIP as written modifying permits—as the label implies—change a SIP. That is not authorized under current law. The only way to change a SIP now is to go through a Federal Register notice. That is a cumbersome process and perhaps some relief is needed. I might even be willing to concede that permit modifications are a means to accomplish that purpose. But if so, there must be no cloud with respect to citizen review and comment. EPA should review every permit if asked. And any failure of EPA to weed out the modifying from the purely codifying must be subject to quick correction. There must be no cloud over citizen participation when it comes to State plans to implement the Clean Air Act.

Mr. President, another reason to oppose this amendment is that it is technically defective in certain respects. Perhaps these defects are just oversights on the part of the authors, but they are important oversights.

For instance, the amendment denies EPA authority to enforce the accident prevention provisions which are included in the new section 129 of the bill. Under the pending amendment No. 1293, enforcement provisions, including orders and penalties, are applied generally to all provisions of the act. But under the pending amendment specific subsections and paragraphs of the law are identified as enforcement relevant and the enforcement authorities are only applied to those subsections.

The authors have missed some important provisions on their list. I have said there is no enforcement authority in this amendment for the regulations which EPA will promulgate to prevent catastrophic chemical accidents. I know that the administration is not supportive of the Accident Prevention Program. But Members who do support that program need to know that it is a nullity if this amendment passes because it could not be enforced.

The amendment also excludes the area source program for air toxics, the permit requirement for air toxics, the municipal incinerator provisions, and I am sure other provisions of the act. Why selective reference—enforcing only some named provisions—and not all requirements which may be imposed under the act.

Mr. President, I will also oppose this amendment because of the position that it takes on citizen suits. Citizen suit provisions are included in almost all of our environmental statutes. Citizen resources are an important adjunct to governmental action to assure that these laws are adequately enforced. In a time of limited Government resources, enforcement through court action prompted by citizen suits is a valuable dimension of environmental law.

A recent Court decision has limited the effectiveness of citizen suits, however. In the Gwaltney case, the Court ruled that citizen suits could not be brought for violations which had previously occurred, but which are not ongoing. Citizens cannot enforce against past violations. Since the citizen suit provisions require a 60-day notice before suit is brought, the structure of the law allows polluters to avoid enforcement action by coming into compliance before the 60 days expire. There is no penalty for being caught, other than the requirement to comply with the law in the future.

The Gwaltney problem can be fixed. It is not a defect in every environmental statute. We can fix the Clean Air Act to remove the Gwaltney problem. The amendment No. 1293 which is pending does that. The Nickles-Heflin-Dole amendment deletes that correction and leaves the Clean Air Act citizen suit provision defective because of the Gwaltney case.

With that, Mr. President, I will conclude my statement on the amendment by Senators NICKLES and HEFLIN

In conclusion, Mr. President, Senators have heard that this amendment is fully supported by the administration. I guess that is true. But Senators need not worry that they are voting against the President when they vote against the amendment. The President has two permit and enforcement bills out there. I plan to support the President by supporting the committee package since it is as close as we will get to the President's original proposal. I urge my colleagues to vote against the Nickles-Heflin amendment.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Mr. DURENBERGER. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have been intrigued at this important debate. I commend Senator NICKLES on his effort here. It was one of the areas that was tough for us to deal with in the meetings which were held off the majority leader's office.

The PRESIDING OFFICER. If the Senator will suspend for just a moment, to allow the Chair to inquire as to which side has yielded time.

Mr. SIMPSON. I ask time to be yielded from Senator NICKLES.

The PRESIDING OFFICER. The Senator is recognized for such time as he may require.

Mr. SIMPSON. Mr. President, this issue was a most complex one. I think there are two provisions in the amendment which I consider particularly important. The first is the extent to which an accused polluter can seek redress before the EPA and the courts prior to becoming liable for some pretty hefty per day civil penalties for noncompliance. Under the committee substitute, enforcement orders imposed by the EPA will be subject to an informal public hearing. The substitute is entirely silent as to judicial review. I do not think that is sufficient.

I think that Senator NICKLES and the so-called Nickles-Heflin-Dole amendment, I believe it has now been tabbed, has corrected an awful lot of items which are very important.

EPA could impose an enforcement order calling for substantial modifications in a particular plant. Those modifications might cost millions of dollars. Under those circumstances I think due process requires the opportunity for a full record hearing under the terms of the Administrative Procedure Act and a review on the record in the district court. That indeed might slow compliance in some circumstances, but I do not believe the constitutional protections should be sacrificed in the name of some swift compliance proposal.

The second issue I would address is the extent to which the issuance of a permit protects the permittee from liability for violations of the Clean Air Act known as the permit shield. The committee report on the bill, as passed out of committee in November, noted that the permit's title required the permitting authority to describe in the permit all of the permittee's obligations under the act.

In the interest of fairness, if the permitting authority fails to describe all of the obligations under the act, after full disclosure from the industry, then the permitting authority should not be able to assess penalties or otherwise punish the industry permittee for violations of the act.

If the permittee neglects to provide all of the necessary information, then remedies are available to EPA to collect the information and to penalize the permittee for failing to be forthcoming.

Further, the permitting authority could, as necessary, amend the permit during its term or revise the permit when it comes up for renewal. Those are options.

The committee substitute, as it was presented, offered some protection. However, the permittee would have remained liable if the permitting authority neglected to describe all of the requirements of the permit. I believe that it is the permitting authority which should bear the burden of including all of the necessary obligations under the act in the permit, and I, thus, fully support this amendment which includes just such a permit shield.

I view this package of amendments as very positive. These amendments were crafted by the Department of Justice, and the EPA. They add a variety of due process protections which are lacking in the committee substitute. I think it is wrong to presume, as the committee bill seems to, that sources are guilty of violating the Clean Air Act until proven innocent. Sources are entitled to due process. Those protections must not be diminished for the sake of expediency.

The Nickles-Heflin-Dole amendment does not lessen environmental protection. The Nickles amendment simply makes environmental compliance more fair. We who support this amendment do not want to weaken the bill. That is not the purpose. I have spent a lot of time on the formation of the clean air legislation—not nearly the time that Senator **Baucus** and Senator **Chafee** have spent. Any attempts to change the bill were pretty well resolved during the negotiations. We certainly did a lot of hard work to come up with this proposal. People gave up things on both sides. All of us had things heavy on our heart that we would have liked to have included, but we knew we could not get a bill passed unless we all agreed to do something to avoid extremism on both sides. I do not want to weaken this bill. We want it to be fair and to be understood—I know that is an interesting concept—by those who will have to comply with it.

While the permits and enforcement titles have been billed as part of the leadership package, that is a bit of a misnomer. Rather, the language in the original package was a creation of staff, and it was never really discussed or voted on by the members of the Environment Committee and never discussed, in any detail in the leadership meetings.

In fact, we closed up the shop one day and we said, "How about permits, and so on?" The response was: "Well, we are going to work on that." Now here we are.

So the Nickles-Heflin-Dole amendment was worked out with the EPA and the Department of Justice, the two agencies which must implement and enforce this bill. I believe these agencies when they say they very much need these various fixes in order to make the bill fair and workable.

I observe that many of the staff who watch and listen to this debate on this arcane and dazzling subject are not aware at all of the technical nuances of this amendment. There are certain people who do know exactly what this section does. But we find ourselves in the situation where Senators will be advised about an amendment using the most simple of descriptions, such as—and this is always a dazzler—this is a "strengthening amendment," or this is a "weakening amendment," or this is an "environmental vote," or a "probusiness vote." I hope we will not fall for these lines.

There is no room for that kind of simplicity in this legislation. With regard to this amendment, none of those simplicities is applicable. This is a commonsense amendment. This is a good-government amendment. We are trying to modify the permit and enforcement provisions so that they will work in the real world, without creating mountains of needless paperwork, and even worse, needless lawsuits.

So I urge the various staff members and principals, as we are referred to sometimes, to try to actually read the amendment so that the intent and purposes of this amendment might be clearly understood.

I urge those listening to understand that this amendment will afford the same degree of environmental protection as other provisions, but it would do that in a more thoughtful manner, with more common sense. It deals with some very dry technical subject matter. Some find it overly technical or that it does not pertain to any specific project in their States. Their vote on this amendment may be viewed, then, to some, as just "throwaway" vote, and the long-range effects may be ignored.

This amendment could have some far-reaching and expensive effects on all our States. Even though we cannot point to a specific problem regarding a specific plan, it does not mean there will not be problems in the future if this amendment is ignored. This amendment is insurance against a large number of future lawsuits and overly high compliance and permitting costs.

I think it is very important to realize that this is not going to be something that is going to get you on the list of the "greeny" organizations as making you a candidate for being blown out of office the next time. It is very important that you stay off that list. They have quite a list out there. This is not an amendment where "we will come at you in your next election." They have a whole series of those. It is just too simplistic to call this a "strengthening amendment" or a "weakening amendment."

We would be remiss in our duties if we let any of those extreme environmental groups do a number on America one more time. It is a very simple process by which they have shot us out of the saddle 10 years in a row, and every bit of crumb of pollution in the atmosphere can be directly attributed to them, in my mind.

Thank you, Mr. President.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I need 3 minutes, if I might, Mr. President.

Mr. BAUCUS. I yield 3 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I quarrel somewhat with the characterization of the distinguished Senator from Wyoming that this is a commonsense amendment that does not weaken current law.

The current law regarding enforcement says that if there is a pollution occurring, that the Administrator of the EPA can come in and order a change. That is what the present law is.

We have changed that under the amendment of Senator **Baucus** and myself. We say, if there is a polluter out there that is spewing toxic chemicals into the air and the Administrator comes along and says, "Stop that," well, the polluter can come in and say, "I would like to talk this over." And

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that is in the provision that the Senator from Montana and I have.

But this is what the amendment of the Senator from Oklahoma would do, the amendment that the Senator said does not weaken current law and is just a plain, commonsense amendment. Under that amendment, what happens? The Administrator says, "Stop it." And does the polluter then come in and have a little chat? No.

Under this bill, he is entitled to a formal hearing before an administrative law judge. Now, you can reckon how long that will take—5 months. Then he does not like the conclusion. So the spewing is going on, toxic air is coming out, and the polluter appeals. The administrative law judge does not come up with the decision he wants, so he appeals.

Who does he appeal to? The Federal district court. How long does that take? Well, the distinguished Senator from Wyoming has practiced a lot of law out there in Wyoming. What does he say; on a fast track; 2 years?

Then the polluter gets a decision against him. What does he do? He appeals. Who does he appeal to? The court of appeals. How long will you give that one? Three years. Let us say there is not much going on out there in the circuit court; a little slack period. You can get it all done in 3 years, maybe. How much time has gone by? Five years.

If that is what you want, that is what you get under this amendment. I do not think it is a very good deal for the public health or the environment.

The PRESIDING OFFICER. The Senator's 3 minutes have expired. Who yields time?

Mr. NICKLES. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator controls 13 minutes 15 seconds.

Mr. NICKLES. I yield to the Senator from Wyoming 2 minutes.

Mr. SIMPSON. I thank the Senator from Oklahoma.

There is no one I respect more than Senator JOHN CHAFEE of Rhode Island and Senator MAX BAUCUS, and what they are trying to do. But here is a classic example of everything we do at this place. It is called frustration.

When you get frustrated, you abolish due process. When you abolish due process, you diminish your country. That is highly dramatic, but that is what it is.

Do you remember that poor soul that let all the oil escape from his ship, the slob of the Earth; his name is Hazelwood. What happened to him? He got a fair trial, and was convicted of a misdemeanor, and all those other charges were dismissed. It is called due process. He would have been hung in Wyoming, I suppose, back in the old days of the vigilantes.

That is what, out of pure frustration of this bill, this section would do, take away due process from people who invest millions and millions of bucks into plants. That is what we are trying to correct. It is called fairness, and it is called due process, and it is called using the court systems to protect you from agencies and bureaucracies who are pressed by people out of frustration.

And that is all we are trying to do.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I yield myself a couple of minutes.

I might respond to points made by the Senator from Wyoming this way.

When the President sent up his bill to the Congress with respect to permits and enforcements, his bill specifically provided that judicial review of these administrative orders, these compliance orders that we are talking about, may only be carried out at the time the Government or other persons seek to enforce such orders.

The rationale provided by the administration was that otherwise enforcement for violations of the act can be delayed indefinitely pending judicial review in the courts, and the administration argued that EPA must possess the ability to proceed expeditiously against violators, and allowing immediate review of administrative orders in the court of appeals would significantly delay enforcement and correction of underlying violations through the years.

This is the administration speaking.

The administration also pointed out that the court of appeals refused to allow EPA review of EPA decisions?

So this is not a kangaroo court matter we are talking about here. The fact is that the administration asked for the provision we have in our bill. That was what the administration asked for, and it asked for it for a specific reason, and the reason is those that the administration just gave and which I have just outlined and the fact that we in the committee, as the Senator knows, have gone even further. We allowed preenforcement reviews. I must say that we have not only the so-called judicial process, which is very important here to consider, we also have the public health and environment to consider, and this is not an easy solution. We have to find the right balance.

The administration's rationale for the provision that was even more expeditious than the committee's final version was in favor of action proceeded to get going because that is what we have in the Clean Water Act and also the provision in the oilspill legislation that the administration sent up to the Congress.

So there is no kangaroo court here. There is no violation of due process here by any stretch of the imagination, again, for the reasons that the administration itself argued when it sent its bill to the Congress.

Mr. CHAFEE. Could I have a minute?

Mr. BAUCUS. I yield to the Senator from Rhode Island 1 minute.

Mr. CHAFEE. I would like to make this point to the distinguished Senator from Wyoming. First of all, he is a supporter of the Superfund law. He voted for the Superfund law. And the Superfund law has these exact provisions. There is no preenforcement review under the Superfund law.

Second, under the law as it currently exists where there is no preenforcement review, the polluter goes into court and says this is denial of due process. And what the court said to him is, "Nonsense; that is no denial of due process. This does not violate the Constitution. It is a provision to protect the health and the environment of the Nation." So there is no problem. I do not think we ought to wrap the Constitution around this and talk about due process. That subject is not involved here, and the courts have said so.

The PRESIDING OFFICER. Who yields time?

Mr. SIMPSON. May I ask the Senator to yield 30 seconds?

Mr. NICKLES. I am happy to yield to my colleague 30 seconds.

Mr. SIMPSON. Superfund, and I was on the conference committee and fought like a dog for the preenforcement rule. This is no conflict in my position. Exactly where I am now is where I was then. The result will be better, I certainly hope.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. In direct answer to my good friend and colleague, Senator CHAFEE, from Rhode Island, I point out to him the Attorney General's letter, which states such changes would raise important questions under article II and article III of the Constitution and go far beyond the existing framework of our environment laws.

So I think that is important. I think it is also important to ask, "Who do you want to have make these decisions?" Under the Baucus-Chafee proposal, you are going to have an EPA bureaucrat make decisions that you are talking about fines that could be up to $25,000 per day. Certainly, if you are talking about fines with criminal liabilities, an individual should be able to have an administrative law judge with a formal proceeding. We are trying to expedite the process, but people are entitled to due process. I think when you are talking about legal remedies that can result in shutting down factories, unemploying thousands of people, then we must act in compliance with the Administrative Procedure Act. That is something we are trying to do. The administration requested this because we had some experience under the Clean Air Act and the Clean Water Act. We want to learn from some of those mistakes. So we tried to coordinate this with other environmental laws and with the Administrative Procedures Act. The administration requested this. I am kind of amazed that people more or less imply that, "Well, the Attorney General and the Department of Justice, evidently do not know what they are doing," "this is administration I and administration II." They will be the first to tell you that the first administration proposal would not work very well. As a matter of fact, I brought that point up during our negotiations, that we better start talking about permitting and enforcement. We spent a lot of time on mobile sources and nonattainment areas and there was a lot of discussion—and I compliment again the Senators who worked so hard and long—but we did not spend any time on permitting and enforcement. So what did we do? We relied heavily on the administration under administration I where they came back after more thought and homework and said we need to make some changes to make it work. The administration wants to make it work. I think the sponsors of this legislation want to make it work. I know that is the purpose. If you have an enforcement provision and you have a permitting provision that do not work, I think all of us will be disappointed. And the real losers will be the environment and the taxpayers.

So again I hope that we will go through—and I see my friend and colleague, the Senator from Minnesota, is here. He made a few statements in regard to our amendment a moment ago that I felt were not totally accurate, at least as far as our representations, so I wanted to at least clarify those. He mentioned the case that if you have a source that is emitting 22, but the source only reports 20, so the permit is for 20. We clearly provide that if there is a material mistake in the permit, it can be so modified. If it was a willful mistake, then legal remedies can be taken against that source.

The Senator mentioned there was limitation on notification to downwind States. There is under the Baucus-Chafee proposal as well. The Senator mentioned the antiback sliding provision. That is not in our provision or in the Baucus-Chafee provision either. The Senator also mentioned, or implied, I think, that our amendment would preclude States from adopting more stringent limits. That is clearly not the case. States would have the right to issue permits, and they could be more restrictive than Federal requirements.

I would like to make a couple points, with a couple of comments. How much time do I have, Mr. President?

The PRESIDING OFFICER (Mr. CONRAD). The Senator controls 7 minutes and 30 seconds.

Mr. NICKLES. Is it Senator BAUCUS' intention that he is going to cut this off at 5:15? The Senator asked me a couple of questions pertaining to our amendment. I would like to ask him or Senator CHAFEE a question or two on the Baucus-Chafee amendment, which again did not pass through the Environment and Public Works Committee. It did not pass through the leadership group. But if you look on page 471, under the paragraph title (f), it says "No permit shall be issued to any source located in a nonattainment area unless (A) the permitting authority made the determinations required under section 173 of this Act * * *."

Will the Senator tell me if I am correct? I believe I have been told that that is a new source requirement for nonattainment areas that would basically mandate the lowest achievable emission rate, so-called LAER. I was involved in the negotiation with the leadership group and never ever was the so-called LAER, the most expensive stringent standards, applicable to any source other than new sources. That was never mentioned or discussed. How did it appear in the permitting section on page 471?

Mr. CHAFEE. That is not the intent of the provision. That is not the intention of that provision on page 471.

Mr. NICKLES. Am I correct in my recitation of what it would do?

Mr. CHAFEE. No. The Senator is not. That is not.

Mr. NICKLES. The Senator said it is not the intent. I understand when the Senator says it was not the intent, I think I am correct it would mandate the lowest achievable emission rate, which is the most expensive approach for the source.

Mr. CHAFEE. Let me read to the Senator the purpose of that provision.

Mr. NICKLES. Just a second. How much time do I have remaining?

The PRESIDING OFFICER. Five minutes, thirty seconds.

Mr. NICKLES. Would the Senator make it short since we are short on time? I wanted to point out an expensive provision that was not included in the leadership agreement. This LAER provision was never discussed, and yet it is in the Senator's permitting section. And, again, the Senator was very exact or trying to examine our proposal and the language of our proposal which he certainly has the right to do. My point is that there are several provisions in the permitting section under the so-called Baucus-Chafee amendment which are very expensive, which have never really been discussed.

Another one, if you want to know it, on page 468, mandates the Federal Government's taking over the permit program. We never talked about a Federal mandate of the Federal Government taking over the permit program. We never reached that point. There was a lot of objection to mandating the EPA to take over State implemention plans. Yet I find mandating EPA to step in, in the Baucus-Chafee proposal dealing with permits. Both of these provisions are quite intrusive.

So I point out to my colleagues, I think it is important that we have it taken care of whether it be the intention, or maybe they want to clarify it with an amendment should our amendment not pass. I do not know. But I think it is important that it be addressed. Because LAER was not agreed to in any administration or leadership agreement that I am aware of, and I spent a few hours on nonattainment as well.

I reserve the remainder of my time.

Mr. BAUCUS. Mr. President, I yield 3 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 3 minutes.

Mr. JEFFORDS. Mr. President, this amendment addresses one of the most important, yet least appreciated issues of the clean air debate. There is no strong emotional attachment to the permitting and enforcement titles of this bill.

I will acknowledge that these titles make for somewhat dry reading. But, fortunately, the pending amendment is more similar to the language contained in the compromise than it is different. For this reason, I encourage my colleagues to focus on these differences and reflect on how these differences will affect their State agencies who are largely responsible for implementing the clean air law.

I have been in contact with Vermont's Agency of Natural Resources, as well as with the attorney general's office, to get their views on the two proposals to structure the permitting and enforcement programs. Because we lay the burden of attaining air quality standards on the States, we should be careful to not restrict their freedoms in carrying out this responsibility.

My State is greatly concerned about their ability to reopen a permit before its scheduled term expires. Each permit issued by the State of Vermont contains a provision allowing it to be modified based on cause. Such cause could be an ambient air quality concern or a new regulation issued by the State or Federal Government.

The Nickles-Heflin amendment seems to allow my State to reopen or modify a permit only if EPA promul-

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gates regulations after the permit is issued and such modification is necessary in order to protect against a serious risk to the public health.

Mr. President, I must admit that I am not clear as to the meaning of "serious risk to the public health." While this may sound innocuous enough, it seems that we recently spent a great deal of energy trying to explicitly define this term—and we could not reach a consensus.

My State is concerned about this provision, fearing that it may preempt the State's ability to reopen permits once they are issued. Because of this concern, and because I fear that the serious risk to the public health may be too high a hurdle to cross as a condition to modify a permit, I oppose this provision.

Another serious concern I have with the Nickles-Heflin amendment is the extent to which a permit becomes a shield against violations that are not covered by the permit. Under the amendment, compliance with the permit is deemed compliance for any other emission limitation in effect under the act.

The compromise package, by comparison, makes compliance with the permit a defense against allegations that the source is not in compliance with requirements specifically addressed by the permit.

While I understand the desires of industries not to be needlessly harassed by permitting authorities after issuance of a permit, I do not think we should allow sources to violate one provision of the Clean Air Act simply because it holds a permit covering some other requirement.

Mr. President, I also share the concerns expressed by Vermont officials related to compliance deadlines and the ability to enforce full compliance with the Clean Air Act.

I think that all Senators should be aware that the permits and enforcement titles of the so-called Mitchell-Dole substitute is sustantially different than those contained in the original S. 1630. As the debate continues, there may be a tendency to confuse provisions that have already been modified by the compromise package.

While it is true that the pending Nickles-Heflin amendment is outside of the compromise agreement, and that those of us involved in the compromise may have addressed this issue but for lack of time, it should be noted that much staff work was being conducted during the course of the negotiations in an attempt to resolve the differences that are represented by this amendment.

The Mitchell-Dole substitute reflects several improvements over the permit and enforcement titles as originally reported by the Environment Committee. We have not turned a deaf ear to those who argued that the original structure was too onerous. We have incorporated the legitimate concerns that had been expressed by those who regulate and those who are regulated. But the Nickles amendment represents a significant weakening of the ability of the States and the Environmental Protection Agency to enforce this new Clean Air Act.

Mr. President, if we are to attain clean air, it is imperative that we have a permit and enforcement system that carries out the purposes of this bill.

I urge my colleagues to defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, how much time does the Senator need?

Mr. DURENBERGER. Can you yield to me for a unanimous-consent request, which is off the bill, not on your time?

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senator from Minnesota be allowed to proceed out of order for 1 minute.

Mr. DURENBERGER. No, I have a resolution that needs to be acted on.

Mr. BAUCUS. How much time does the Senator need?

Mr. DURENBERGER. About 5 minutes total.

Mr. BAUCUS. Might I ask the Senator to suspend for a minute? We are about at the end on this amendment.

Mr. DURENBERGER. Yes.

Mr. President, I withdraw my request for recognition.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield myself a couple of minutes here on this amendment.

Mr. President, I think anyone listening to this debate can understand why this amendment should be defeated. That is because it is ambiguous, so uncertain. Nobody knows what it means. I have asked several questions trying to better understand the provisions of this amendment. I am uncertain as to those answers because the answers were circular in nature. The provisions in this amendment are very, very ambiguous, very uncertain.

What I do understand, though, Mr. President, is this: No. 1, although the shield provisions are modified, the shield goes much too far. There are just too many instances where the permits shield a source for violations of the Clean Air Act for matters not covered by the specific requirements of the permits. There are too many instances, as I understand the explanation of this amendment, where a source would be shielded from enforcement action under the Clean Air Act for violation for matters that were not covered by a specific provision in the permit. That is troubling, to say the least.

In addition, the proposed amendment would make it more difficult for a permit to be modified. We are in a circular situation here. It is difficult to modify the permit. It is, therefore, easier for a source to be shielded. It is very circular.

In addition to that, Mr. President, the amendment contains provisions wherein a permit may not be modified if the costs to the agency outweigh the environmental benefits from issuance of the permit. We have not set that precedent in any other provisions of law that I am aware of. All the cost-benefit analyses, all the cost-benefit discussions that occurred generally with respect to actions the Government take, are with respect to cost to an individual, to a citizen, to a business, to a industry, not costs to the agency.

If we are here today to begin to add an additional layer that would prevent the issuance of an order, or issuance of a permit that would have the effect of providing public health and welfare and protecting the environment, I do not think we should do so by adding an additional requirement that a change or modification not go into effect if, for some reasons, the cost to the agency were excessive in the view of a person suing the agency, saying, "Well, you know this is costing your agency, too much, therefore you should not go through with an order or the permit modification." That, in itself, is a veritable lawyer's feast, it seems to me. There will be interminable delays.

Beyond that Mr. President, the present enforcement preview provisions contained in the amendment are another lawyer's feast.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. The point very simply is the amendments requirements add a full-blown administrative procedure provision, then allow the source to review that decision in district court. And, after that, allowing a review by the court of appeals, in effect, means that the lawyers are going to have a heyday here. In effect, it is also going to mean that the public health is not protected because it is clear, with that kind of a provision, that enforcement orders will not go into effect.

There are a whole host of reasons why I think this should be opposed but those are some that I think are most paramount.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the State and Territorial Air Pollution Program Administrators, who sent a letter to me and Senator CHAFEE in opposition to the most recent modification of the Nickles amendment. Essentially, they believe that it will be a major loophole if enacted and would seriously injure public health.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS,
Washington, DC, March 26, 1990.
Hon. JOHN H. CHAFEE,
U.S. Senate,
Washington, DC.

DEAR SENATOR CHAFEE: Last week, on behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), we wrote to you expressing our concerns with an amendment—authored by Senators Don Nickles, Howell Heflin and Robert Dole—that would significantly weaken the permitting program proposed by you and other Senate leaders. Since that time, the Nickles-Heflin-Dole amendment has been changed in several respects. However, notwithstanding these recent changes, STAPPA and ALAPCO still have some significant concerns.

Perhaps our greatest concern with the most recent version of the Nickles-Heflin-Dole amendment is that it prohibits permitting agencies from revising the requirements of a permit during its five-year life unless it can be demonstrated that there is "actual harm to public health." As we stated in our earlier letter, this provision could easily allow a permitted source to escape regulatory requirements for almost five years, if such requirements are issued after a source has obtained its permit.

This provision clearly represents not only a significant relaxation to our existing permitting program, but also a loophole that would impede state and local efforts to ensure the timely and effective control of sources of air pollution. STAPPA and ALAPCO urge you to oppose the Nickles-Heflin-Dole amendment.

Sincerely,

BRADLEY J. BECKHAM,
STAPPA President.
JAMES M. LENTS,
ALAPCO President.

Mr. BAUCUS. Mr. President, as one of the managers of this compromise I must vigorously oppose this amendment. As much as any other aspect of the bill before us, permitting and enforcement issues go right to the heart of our commitment to provide clean and healthful air for the American people and to protect our natural resources.

The simple fact is that the success of this legislation, in meeting our public health and environmental objectives, we live or die with the program of source-by-source permits that we establish in this bill. Although in some cases, such as the acid rain title, emissions requirements will be imposed on individual sources even in the absence of permits or regulations, the legal instrument that will determine how much pollution a source can lawfully emit will be that source's permit. The permit program must operate correctly. Otherwise much of what we are trying to accomplish in this legislation may be for naught.

Mr. President, there is no small degree of irony that we are having this debate at all. Since this bill was originally reported, we have made substantial changes in it as a direct result of working closely with the administration and for the express purpose of reconciling the committee bill and the administration's concerns.

As reported, S. 1630 was a 95-percent verbatim repeat of the permitting and enforcement provisions of the President's own bill. After the Environment and Public Works Committee markup, however, it quickly became clear that the administration itself wanted substantial changes in the very provisions that had been introduced in the President's bill. In response, I must say we have been very accommodating. The committee has worked very closely with the administration.

The permitting and enforcement titles were not addressed during the negotiations that produced the Mitchell-Dole compromise. Instead, the parties agreed to disagree. Even so, as the compromise was put together we agreed to make even more changes that rendered the permit and enforcement titles even more moderate and even closer to the administration's new position as to how those provisions should be formulated.

In short, titles V and VI are much closer to the administration's position—and to the provisions of the Nickles-Heflin amendment—than they are to the original committee bill. Thus, even titles V and VI reflect the spirit of compromise and consensus contained in the substitute amendment now before the Senate.

That being said, the differences between titles V and VI of the Mitchell-Dole compromise and the amendment before us are critical and could threaten the integrity, and the effectiveness, of the legislation before us.

Let me point out the problems that the Nickles amendment would pose. I will start by addressing the issue of the permit shield, which has received so much attention in the past weeks and months.

Both sides agree that compliance by a source with its permit should shield the source from enforcement actions for noncompliance with any requirement of the Clean Air Act that is covered by the permit. Unfortunately, the amendment before us extends the permit shield to open up loopholes that the bill has attempted to close and to make the public bear the risk if mistakes or omissions in the permit are the fault of the permitting authority.

On the first point, the language of the Nickles-Heflin amendment could allow permits to defeat emissions limitation requirements that are incorporated in the law itself.

Let me use an example. Title IV of the compromise, the acid rain program, includes an innovative and potentially complex allowance system to implement the sulfur dioxide reduction requirements of the title. Conceivably, the EPA could get so bogged down in promulgating regulations to flesh out this system—a real possibility if the utility industry finds it in its interest to accomplish this result. To guard against regulatory gridlock—or, more to the point, litigation gridlock, the compromise has been carefully drafted to make it clear that as of January 1, 1995, for phase I and January 1, 2000, for phase II, each plant will be required by law to limit its sulfur dioxide emissions to a specified level regardless of whether regulations are ever promulgated or the allowance system is ever put in place.

This, however, is where the Nickles-Heflin amendment permit shield introduces confusion. If a permit covering certain pollutants has been issued to a utility prior to the effective date of phase I or phase II of the acid rain program, or—more specifically—to the issuance of regulations implementing the SO_2 requirements, recalcitrant utilities could use the Nickles-Heflin language to argue that the permit shield overrides the statutory emissions limitations specified in title IV and that the administrator must—and I am quoting from the amendment—"find that actual harm to public health would result during the period prior to the expiration of the permit" before the acid rain emissions limits can become effective as to the source.

The Nickles-Heflin permit shield raises the question of who bears the risk when the permitting authority is at fault for mistakes in the permit: Is it the polluter or is it the public who must bear the risk? Regrettably, the amendment concludes that it is public health and the environment that must bear the risk when the permit writer is at fault for mistakes in the permit.

Some would say that it is unfair to have it any other way, that the source must be able to rely on its permit. But it is even more unfair for the public and the environment to suffer because of the permitting authority's mistakes. After all, the resources of many companies subject to regulation far outweigh those of the State bureaucracies that must carry out this law. Through their attorneys, engineers and consultants these companies will themselves have a pretty fair idea of what they must do to comply even when the permitting authority makes a mistake.

In contrast, many state environmental agencies will find their resources stretched to the limit to make good on the requirements we enact here. We cannot rig the process in such a way that public health and the environment suffer just because mistakes in

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the permit turn out to be the fault of the permitting authority.

As our debate here unfolds I will address other issues in more detail. But I want to close by emphasizing how important the stakes here are for the effectivness of this legislation in meeting its objectives. I remind my colleagues that with respect to the issues presented by this amendment every time we concern ourselves with fairness to pollution sources, we must be certain that we are not doing so at the expense of fairness to the public.

As we move through this debate we will discover that in the name of fairness, the Nickles-Heflin amendment restrict the ability of regulatory authorities to revise permits even if necessary to carrying out the longstanding purposes of the Clean Air Act. In addition, this amendment takes away an assurance that the compromise provides that there will be a time certain by which all requirements of this bill will be implemented on a source by source level. In addition, we will see that the amendment would allow recalcitrant polluters to hamstring enforcement and benefit from lengthy period of noncompliance.

Mr. NICKLES. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma controls 3 minutes, 40 seconds.

Mr. NICKLES. Let me address a couple of statements that have been made, which are, in my opinion, quite misleading or inaccurate.

One, that this amendment is a lawyers' heyday. If there is ever a lawyers' heyday amendment it is the Baucus-Chafee approach. The Baucus-Chafee approach allows citizen groups to sue EPA for making discretionary decisions. And we are going to have EPA second guessed on every single decision they make on permits because there is some environmental group or other group that thinks that some permit should not be issued for whatever reason. They are going to sue EPA every single day.

We are talking about thousands of permits. EPA is going to have to spend their time and their resources. Their attorneys, instead of going out after the polluters are going to have to spend their time protecting themselves for decisions they made that were under the law, that were purely discretionary.

We allow citizens groups to go against EPA if they make nondiscretionary decisions, and there are appeals levels that can be made. We allow citizen involvement in State implementation plans. We allow citizen involvement throughout the process. But the Baucus-Chafee amendment allows citizen groups, and anybody—a competitor—to sue over a permit or sue over EPA's discretion on a permit. I think that is ridiculous.

It would be a lawyer's paradise, there is no question about it. But it would not help the environment. It would divert the EPA from making use of the resources to actually clean the environment.

Then, Mr. President, again I am amazed at the confusion over the so-called shield. We made some accommodations to make the shield work better to accommodate some of the environmental concerns that people have raised. Again, the shield would provide some certainty to business to enable them to better make investment divisions. But there are exceptions to the shield. One, if a person gets a permit, and if there is a material mistake mentioned in the permit—in other words he had 22 sources but only listed 20—that is a mistake, that is a material mistake, and that is an omission. That permit would be changed. It would be modified.

If there is actual harm to public health if a new regulation were not complied with, the Administrator can say so and that permit holder can be required to submit an application for a revised permit within 30 days. You do not have to wait. The permit would be changed quickly because we are interested in protecting public health. I think that is a significant change in our amendment.

If there is a new regulation, and if that new regulation had public comment and hearing then the permit holder must file an application for a revised permit based on the schedule set forth in the regulation. That is another significant, positive, change from our previous language.

Then there is also the emergency order. We do not do anything that would prohibit the Administrator from making emergency orders. In fact, we have identical language to that in the Baucus-Chafee amendment in this regard.

So, referring to our amendment, the so-called shield, I think I heard the Senator from Rhode Island, or some other Senator saying, "Well, it is too broad, it goes too far." This is flatly not the case. What we are trying to do is get a permitting system that will work. We are trying to get a permitting system that will operate. We are trying to get an enforcement system where EPA can spend their time and resources going after polluters instead of just litigating over codifying permits.

We are trying to give people due process of law so if somebody does sue them, the case at least would be before an administrative law judge and be in compliance with the Administrative Procedures Act.

Instead, do my colleagues really think we should have an EPA bureaucrat making a decision where somebody can be sued for $25,000 a day, maybe shut down his plant, put thousands of people out of work?

Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. NICKLES. Mr. President, to conclude, the administration has requested this amendment. This amendment, cosponsored by myself and Senator HEFLIN, Senator DOLE, and 13 additional Senators, is at the administration's request. EPA said we need to make some changes. The committee amendment has been improved a little bit, but it still will not work in some areas.

The Department of Justice said, "Wait a minute, we have to make some changes. We are going to be clogged; the courts are going to be clogged. We do not want to spend the time." The Attorney General says part of it may be unconstitutional. We do not want to get involved in those arguments. Let us adopt a common sense, streamlined permitting approach where enforcement will actually be used against polluters and not against the EPA.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

RECOGNIZING AND CONGRATULATING THE 1990 INTERNATIONAL TRANS-ANTARCTICA EXPEDITION

Mr. DURENBERGER. Mr. President, I have a unanimous-consent request which has been cleared on both sides.

I ask unanimous consent that Senate Resolution 258 be discharged from the Committee on Foreign Relations and that the Senate turn to its immediate consideration.

I ask the clerk to read the text of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The resolution will be stated.

The legislation clerk read as follows:

A resolution (S. Res. 258) to recognize and congratulate the 1990 International Trans-Antarctica Expedition.

S. RES. 258

Whereas Antarctica is a vast land of snow and ice, that is as big as the United States and Mexico combined and contains 70 per centum of the world's fresh water and has the most extreme weather in the world with temperatures as low as minus 128 degrees Fahrenheit and two hundred miles per hour winds;

Whereas the six men and forty dogs of the 1990 International Trans-Antarctica Expedition are the first in history to traverse the four thousand mile wide Antarctic continent on foot using only dogs and skis and overcoming tremendous physical odds and unimaginable weather conditions including temperatures to minus 54 degrees Fahrenheit and winds to one hundred miles per hour;

Whereas the effort of the six men from six different countries—the United States, France, the Soviet Union, People's Republic of China, Great Britain, and Japan—show that people from diverse social, economic, and political backgrounds can cooperate to overcome even the most daunting obstacles;

Whereas the team has focused attention and educated millions of people around the world showing the magnificence of the continent, and has demonstrated that although the continent is hostile, forbidding, and barren, it is also a land of great beauty and vulnerable to man's intrusion, demanding careful consideration of its future by the Antarctic Treaty nations;

Whereas the team was led by author and adventurer Will Steger of Ely, Minnesota, who, working with coleader Jean-Louis Etienne of Paris, France overcame significant odds to make possible the dream they conceived in 1986 on the ice near the North Pole;

Whereas the team member from the Soviet Union, Victor Boyarsky, helped garner essential logistical support for the trek from his country and joined Qin Dahe of the People's Republic of China in collecting scientific data that has never been gathered before in Antarctica;

Whereas Geoff Somers of Great Britian provided essential navigation skills and worked with Keizo Funatsu of Japan in driving the sleds and handling the specially bred polar huskies, that pulled their suppliers and equipment;

Whereas the forty dogs including Sam, Yeager, Thule, and Gordy, not only pulled the sleds but provided the men with the spirit they needed to continue their trek, especially when times got tough; and

Whereas without the commitment of people like Cathy de Moll and Jennifer Gasperini, along with the expedition staff and volunteers and the corporate and individual supporters from around the world, this historic trek would not have happened: Now, therefore, be it

Resolved, That the United States Senate recognizes and congratulates the six members of the 1990 International Trans-Antarctica Expedition for completing their historic trek and focusing attention on and educating the world to the beauty and vulnerability of the forbidding bottom of the Earth: The Antarctic Continent.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURENBERGER. Mr. President, on Saturday, March 3, at 7:06 p.m. eastern standard time, the 1990 International Trans-Antarctica Expedition completed the first nonmechanized traverse of Antarctica, traveling the west-east axis. Honoring this important accomplishment, Senator BOSCHWITZ and I submitted Senate Resolution 258. Today, as this resolution is agreed to by the Senate, I want my colleagues to know that the team that all of us have been following for the last 7 months is watching our actions from the family gallery.

Since completing the 4,000-mile trek the six men have been on a whirl-wind tour of the world. From a seasick trip aboard a Soviet ship to New Zealand; to a meeting with France's President Mitterrand; to a warm welcome in St. Paul, MN, to arriving in Washington, DC, last night. I bet the men think the easy part was on Antarctica. Despite the travels, after 7 months on the continent, away from their friends and family, a warm sun, and the conveniences of modern living, the team is enjoying being back in the world.

There are many events scheduled for the team here in Washington. This noon, team leader Will Steger spoke at the National Press Club. Later this afternoon I am hosting a members—only reception in the LBJ Room in fact, as soon as we pass this resolution. Everyone is welcome to meet the team members and their families from 5:15 to 6 where Senators may meet the six men of the Trans-Antarctica International Expedition who are the first in history to make the 4,000-mile trek across Antarctica by dogsled. You can hear firsthand of the cold, harsh beauty of the barren continent with its 100-foot-deep crevasses and screaming winds. You can hear of their solitude and exertion.

Following the members—only reception, I hope Senators will join me and the Ambassadors of China, Britain, the Soviet Union, and France at a public reception honoring the men from 6 to 8 in room 385 of the Russell Senate Office Building.

And, finally, tomorrow, Tuesday, I will introduce the team to President Bush at the White House.

By accomplishing something that has never been done before, the men have lit the imagination of the world. They have illuminated a continent that is little understood and they have served as a beacon of hope for international cooperation. For this reason, my colleague Senator BOSCHWITZ and I submitted Senate Resolution 258. It recognizes the men, their achievement, and their service to the world.

More important, it represents the faith, the hope, and the charity with which this act was undertaken.

Although I have been coming to the Senate floor week after week for nearly 7 months to give my updates, it is still hard for me to grasp the difficulty of the trek and its significance. These people will go into history books that our great-grandchildren will read. And, they endured the dangers, the discomfort, and the isolation to make a dream come true—not for financial reward.

Their dream had three parts: to accomplish a feat that had never been done before; to show the world that six men from six different countries with differing economic, social, and political backgrounds can join together in harmony to accomplish a common good; and third, and most important, to educate the world to the magnificence of the continent and to demonstrate that although the continent is hostile, forbidding, and barren, it is also, as some of my colleagues who have been there have told me, a land of great beauty and vulnerable to man's intrusion, demanding careful consideration of its future by the Antarctic Treaty nations.

Mr. President, Will Steger from the United States, Jean-Louis Etienne, of France, Victor Boyarsky, of the Soviet Union, Qin Dahe, of China, Keizo Funatsu, of Japan, and Geoff Somers, of Great Britain accomplished all facets of their dream, and by doing so have done a great service to the world. Their colleague, Ibrahim Alam, a Saudi Arabian scientist who provided their technical support, will share in the credit for their services.

Senate Resolution 258 pays tribute to their accomplishment and service.

Mr. JEFFORDS. Will the Senator yield?

Mr. DURENBERGER. I am pleased to yield.

Mr. JEFFORDS. Mr. President, I want to recognize the tremendous feat of those who have had the opportunity to visit the Antarctica. The thought of passing across that great continent on foot with the dogs is unimaginable. It is just incredible. Certainly, all of us owe them a great debt of gratitude for their efforts because it is an important continent, especially as we examine the air and see the ozone problems, in addition to what it has taught us about the history of the world.

In addition to that, the exploration which has gone on and the great bravery shown may not match perhaps that of Amundsen, Shackleton, and Scott, but, on the other hand, it is an incredible feat and deserves what the Senator has done for them today.

Mr. CHAFEE. Mr. President, I want to join in the tribute to these indomitable explorers. I had the privilege, as others here, of going to the South Pole. I went the easy way, flying, but from that association and from prior studies of Shackleton, Scott, and Amundsen, I have always been a great admirer of those who braved the rigors of the Antarctic clime to make those journeys.

Of course, this journey surpasses those by going right across the entire continent. I guess it is the last great exploratory feat that can be done on the world surface. So those men have participated in something extremely unique.

We all join in tribute to them. It is certainly wonderful that in that land that we hope will be internationalized that the expedition did consist of men from seven different countries.

I just say that it seems to me it is appropriate that they be here at the time when we are dealing with the clean air bill because this actual legislation deals with chlorofluorocarbons, CFC's, and attempts to restrain them and eliminate them by the end of this

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decade. So those men have been in that continent where we first observed the destruction of the ozone layer.

I hope that as time goes on, greater efforts will be made to preserve the environment of the Antarctica and that it be kept in its pristine condition and preserved for future generations to see, explore, and visit as those doughty explorers have done.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I am grateful to my colleagues from Vermont and Rhode Island for those comments. I also will say that Will Steger, coleader of the expedition, was introduced as an author. If you want to read immediately about Antarctica, you cannot get it in a book by him, but you can read the last issue of National Geographic. I do not know if he is going to write a book on their experiences or not. But in a couple of weeks he will be publishing a book which is on the subject of saving our Earth.

I just happened to page through the book a little while ago. It sort of reads what the Senator from Montana, the Senator from Rhode Island, the Senator from Vermont, myself and a lot of people have been trying to do since January 24, and that is to pass the Clean Air Act. That book is designed, I believe, to get all the people of the world interested in the environment, but it covers the air and all of the problems related with the air and also has a few handy ways on how to influence the process, which I am sure many of us would appreciate at this stage of the game, broadening the scope of that process.

Mr. President, I urge the adoption of the resolution.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the resolution.

The resolution (S. Res. 258) was agreed to.

The preamble was agreed to.

Mr. DURENBERGER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURENBERGER. Mr. President, I thank my colleagues.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1377 TO AMENDMENT NO. 1293

Mr. CHAFEE. Mr. President, I send an amendment to the desk, on behalf of the junior Senator from Mississippi [Mr. LOTT] and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. LOTT, proposes an amendment numbered 1377.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 426, strike lines 15 through page 428, line 16, and insert:

SEC. 407. (a) APPLICABILITY.—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 404, 405, 409, or on the date a unit subject to the provisions of 404(d) or 409(b), must meet the SO_2 reduction requirements, each such unit shall become an affected unit for purposes of this section and shall be subject to the emission limitations for nitrogen oxides set forth herein.

"(b) EMISSION LIMITATIONS.—Not later than eighteen months after enactment of the Clean Air Act amendments of 1990 the Administrator shall by regulation establish annual allowable emission limitations for nitrogen oxides for the types of utility boilers listed below, which limitations shall not exceed the rates listed below: *Provided*, That the Administrator may set a rate higher than that listed for any type of utility boiler if the Administrator finds that the maximum listed rate for the boiler type cannot be achieved using low NO_x technology. The maximum allowable emission rates are as follows:

"(A) for tangentially-fired boilers, 0.45 lb/mmBtu;

"(B) for dry bottom wall-fired boilers and for cell burners, 0.50 lb/mmBtu.

After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

"(2) Not later than January 1, 1997, the Administrator shall, by regulation, establish allowable emission limitations on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

"(A) wet bottom wall-fired boilers;

"(B) cyclones; and

"(C) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account the available technology, costs and energy and environmental impacts; and which is comparable to the costs of nitrogen oxides controls set pursuant to subsection (b)(1). Not later than January 1, 1997, the Administrator may revise the applicable emission limitations for tangentially fired and dry bottom, wall-fired boilers (including cell burners) to be more stringent if the Administrator determines that more effective low NO_x burner technology is available: *Provided*, That no unit that is an affected unit pursuant to section 404 and that is subject to the requirements of section (b)(1), shall be subject to the revised emission limitations, if any.

"(c) REVISED PERFORMANCE STANDARDS.—(1) Not later than January 1, 1993, the Administrator shall propose revised standards of performance to section 111 for nitrogen oxides emissions from fossil-fuel fired stream generating units, including both electric utility and nonutility units. Not later than January 1, 1994, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen.

"(d) ALTERNATIVE EMISSION LIMITATIONS.—The permitting authority shall, upon request of an owner or operator of a unit subject to this section, authorize an emission limitation less stringent than the applicable limitation established under subsection (b)(1) or (b)(2) upon a determination that:

i. a unit subject to subsection (b)(1) cannot meet the applicable limitation using low NO_x burner technology; or

ii. a unit subject to subjection (b)(2) cannot meet the applicable rate using the technology on which the Administrator based the applicable emission limitation.

The permitting authority shall base such determination upon a showing satisfactory to the permitting authority, in accordance with regulations established by the Administrator not later than eighteen months after enactment of the Clean Air Act amendments of 1989, that the owner or operator:

(1) has properly installed appropriate control equipment designed to meet the applicable emission rate;

(2) has properly operated such equipment for a period of 15 months (or such other period of time as the Administrator determines through the regulations), and provides operating and monitoring data for such period demonstrating that the unit cannot meet the applicable emission rate; and

(3) has specified an emission rate that such unit can meet on an annual average basis.

The permitting authority shall issue an operating permit for the unit in question, in accordance with section 408 and part B of title III:

i. that permits the unit during the demonstration period referred to in subparagraph (2) above, to emit at a rate in excess of the applicable emission rate; and

ii. at the conclusion of the demonstration period to revise the operating permit to reflect the alternative emission rate demonstrated in paragraphs (2) and (3) above.

Units subject to (b)(1) for which an alternative emission limitation is established shall not be required to install any additional control technology beyond low NO_x burners. Nothing in this section shall preclude an owner or operator from installing and operating an alternative NO_x control technology capable of achieving the applicable emission limitation.

"(e) EMISSIONS AVERAGING.—In lieu of complying with the applicable emission limitations under subsections (b)(1), (b)(2) or (d), the owner or operator of two of more units subject to one or more of the applicable emission limitations set pursuant to these sections, may petition the permitting authority for alternative contemporaneous annual emission limitations for such units that ensure that (1) the actual annual emission rate in pounds of nitrogen oxides per million Btu averaged over the units in question is a rate that is less than or equal to (2) the Btu-weighted average annual emission rate for the same units if they had been operated, during the same period of time, in compliance with limitations set in accordance with the applicable emission rates set pursuant to subsection (b)(1) and (b)(2).

If the permitting authority determines, in accordance with regulations issued by the Administrator not later than eighteen months afer enactment of the Clean Air Act amendments of 1989 that the conditions in the paragraph above can be met, the permitting authority shall issue operating permits for such units, in accordance with section 408 and part B of title III, that allow alternative contemporaneous annual emission limitations. Such emission limitations shall only remain in effect while both units continue operation under the conditions specified in their respective operating permits.

Mr. CHAFEE. Mr. President, this is a technical amendment to the amendment offered last week by Senator Lott. That amendment was No. 1356. That amendment had a mistake in it where it referred to in section 407(b)(A) emission limitations as being at 0.045 pounds per million Btu. That was a mistake. It should not have been ".045" pound; it should have been "0.45" pound. That is what this amendment is about. In all other respects, it is similar to the prior amendment, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 1377) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(By previous order, amendments numbered 1375 and 1376 appear at this point in the Record.)

AMENDMENT NO. 1375 TO AMENDMENT NO. 1293

(Purpose: To make technical changes)

Mr. BAUCUS. Mr. President, on behalf of Senator Kohl, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Baucus], for Mr. Kohl, for himself, Mr. Kasten, Mr. Levin, and Mr. Riegle, proposes an amendment numbered 1375.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 423 of the amendment, lines 17 and 19, strike "1986" and insert "1985".

Mr. KOHL. Mr. President, I am pleased to offer this amendment which amends title IV of the bill by simply changing the applicable date for plants which are eligible for allowances pursuant to the preenactment provision of the title. As reported by the Environment and Public Works Committee, all generating units which commenced operation between January 1, 1985, and the date of enactment qualified under the preenactment provisions outlined in section 405(g) of title IV. The substitute bill which we are now considering, however, changed the qualifying date from January 1, 1985, to January 1, 1986. This amendment restores eligibility to plants which began operating in 1985.

This amendment is very important to two clean plants in Wisconsin which began operation in 1985: Pleasant Prairie 2 and Edgewater 5. These two state-of-the-art plants are currently operating at very low emission rates, and will continue to operate at or below those rates.

Without this amendment, those plants would have been denied thousands of allowances which they would have received under the original S. 1630, and to which they are entitled. That situation would have resulted in a situation where these new, clean plants would have been put in the unfair situation of having to purchase expensive pollution allowances in the future when business and industrial growth in Wisconsin require greater electricity output on the part of our utilities.

This amendment which I am offering today will prevent Wisconsin's utilities from having to purchase emission allowances from other utilities, thereby reducing their operational costs, and keeping rates lower for industrial, commercial, and residential customers. The amendment is good for Wisconsin's future, because it will help provide new business and job opportunities in the State. I am pleased that the managers of the bill have agreed to support the amendment and I commend my colleague, Senator Kasten, for his work on this amendment.

Mr. KASTEN. Mr. President, in the development of the substitute package, not all of the SO_2 emissions were allocated. As drafted, in fact, there would be some severe, I believe unintended, consequences.

This is a very simple amendment. It simply returns to 1985 instead of 1986 as the basis for new units brought into operation.

This amendment will have no adverse environmental impacts. It returns fairness to the legislation that would be unintentionally restrained.

This amendment is almost technical in nature, but failure to adopt it would have very severe, unintended impacts on some of the utilities in my State.

Two new generators came online in Wisconsin in 1985.

Without this amendment, those two plants would be severely penalized. I do not believe that is anyone's intent.

I strongly support this amendment and ask that it be immediately adopted.

I believe the amendment has been cleared on all sides.

Mr. LEVIN. Mr. President, I would like to thank the managers of the bill for accepting this amendment offered by myself, and Senators Kohl, Kasten, and Riegle.

The amendment is a simple one. It changes the starting date of the substitute's section 405(g) from 1986 back to 1985, which was in the original committee-passed version of S. 1630. The substitute's new version of this section would have treated utility units that began operation in 1985 in a different manner, in one that was never openly discussed by all the concerned parties. I appreciate the negotiators willingness to stick to the terms of the agreement in making this change.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1375.

The amendment (No. 1375) was agreed to.

AMENDMENT NO. 1376 TO AMENDMENT NO. 1293

(Purpose: To make technical changes)

Mr. BAUCUS. I send an amendment to the desk on behalf of Mr. Kasten and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. Baucus], for Mr. Kasten, for himself and Mr. Kohl, proposes an amendment numbered 1376 to amendment No. 1293.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 398 of the amendment, line 13, before the period insert the following: "including allowances issued to units subject to phase I requirements (as described in section 404) which are applied to emissions limitations requirements in phase II (as described in section 405)".

Mr. KASTEN. Mr. President, this amendment makes clear that allowances issued under the first phase of the SO_2 program are available to be applied during the operation of the second stage of controls.

This is known as the banking of emission credits.

This amendment will help reduce SO_2 emissions faster. This amendment makes clear there are incentives to reduce SO_2 as quickly as possible. By moving quickly to cut SO_2 emissions under the first phase of this program, utiltiies will gain some greater flexibility under the second stage.

There will be no net increase in SO_2 emissions because of this amendment. In fact, it is very good for the environment because it clarifies incentives to cut pollution quickly.

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My amendment simply makes clear that allowances from phase I are available to phase II.

The dual benefits of early cleanup coupled with increased flexibility makes this a win win amendment for the utility ratepayers and all citizens of the Nation.

I believe the amendment has been cleared on all sides. I have worked closely with my colleague, Senator KOHL, to develop and clear this amendment.

I ask for its immediate adoption.

Mr. KOHL. Mr. President, I am pleased to offer this amendment today on behalf of myself and my distinguished colleague, Mr. KASTEN. This important amendment clarifies an important feature of the allowance and trading system which is created by title IV of this legislation.

This bill sets up an entirely new system of regulating emissions of sulfur dioxide and oxides of nitrogen, which combine in the atmosphere to form acid rain. Title IV establishes a two-phase program for reductions in sulfur dioxide emissions, creates a system of pollution credits and allowances which will be allotted to each coal-fired utility unit on an annual basis, and allows the utilities to trade allowances among themselves in order to meet the emissions reductions required by the bill in the most cost-effective manner.

The utilities in Wisconsin, however, will be well ahead of the reduction schedule imposed by this legislation because of the State's progressive acid rain law which was enacted in Wisconsin's law requires that all the State's utilities reduce their sulfur dioxide emissions by 40 percent from 1985 levels by 1993. In fact, Wisconsin's utilities will meet the very low emissions rate of 1.2 lb/mmBtu by 1993, 7 years before utilities nationwide will be required to meet that same rate under this legislation which we are now considering.

When the Senate began consideration of the Clean Air Act amendments now before us, I expressed my belief that Wisconsin's utilities should not be penalized under this legislation for the early emissions reductions they are making under Wisconsin's acid rain law. Instead, our utilities should receive credit for having controlled their acid rain emissions prior to any Federal requirement to do so.

For the period between 1985 and 1993, a period of 7 years, the Nation's forests and lakes will benefit from Wisconsin's farsighted and innovative acid rain law. During that time Wisconsin's utilities will not be releasing tons of emissions which they would have otherwise been able to emit under the new Federal acid rain law. It is only fair that this legislation recognize the early contribution that Wisconsin's utilities are making to healthier forests and lakes, and improved human health.

The amendment which I am offering today will help to insure that Wisconsin's utilities get the credit they deserve for their early reductions in acid rain emissions. Since our utilities will be far below the phase I emissions rate imposed by this legislation, due to Wisconsin's acid rain law, they will accumulate more credits than they need from 1995 to the year 2000. The amendment clarifies the ability of utilities to accumulate excess credits which they will receive during phase I of the acid rain control program, to be carried over for later use in phase II of the program. They will need the extra credits in phase II in order to accommodate the growth and expansion which they anticipate in the post-2000 years.

Mr. President, this amendment is very important to my State. It clarifies for utilities that "banking" is allowed under the Acid Rain Control Program established by this legislation. I appreciate the willingness shown by the bill's managers to accommodate my concerns on this legislation, and I am pleased that the Acid Rain Program will give Wisconsin utilities credit for their early emissions reductions.

Mr. BAUCUS. This amendment would have been adopted as a technical amendment by the managers in any event, and the managers also do not expect allowance allocations to at all be affected since this was part of S. 1630.

Mr. President, the second amendment offered by Senator KASTEN is an amendment to clarify that units that have to make reductions in phase I bank allowances that are allocated in phase I and carry them forward to be used in phase II.

Both of these amendments are very technical in nature and I urge their adoption.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the——

Mr. SYMMS. Mr. President, if I might ask the Senator one question.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I am sure the answer is in the affirmative but I will ask anyway. The other night Senator DOMENICI expressed concern——

Mr. BAUCUS. That is correct. I might say to the Senator from Idaho it is my understanding that Senator DOMENICI has looked at and cleared both of these amendments.

Mr. SYMMS. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 1376.

The amendment (No. 1376) was agreed to.

Mr. SYMMS. Mr. President, might I inquire of the managers of the bill, are we at a point now where we can take amendments that have been approved? I have an amendment that has been approved by both sides.

The PRESIDING OFFICER. The Chair advises the Senator the pending amendments would have to be set aside.

Mr. SYMMS. I ask the managers of the bill if they are prepared to do so. If so, I will ask unanimous consent. I have an amendment that has been approved by both sides. I wonder if now is an appropriate time to offer it.

Mr. BAUCUS. Might I ask the Senator what the amendment is.

Mr. SYMMS. It is the wood stove amendment. This has been approved. A wood stove modernization amendment.

Mr. BAUCUS. If the Senator will yield, is this the amendment that has $24 million?

Mr. SYMMS. No. We have changed it. It says "an appropriate amount."

Mr. BAUCUS. I thank the Senator.

AMENDMENT NO. 1378 TO AMENDMENT NO. 1293

(Purpose: To authorize use of State air grant moneys for assistance to low-income households in modernizing wood heaters and for other purposes)

Mr. SYMMS. Mr. President, I ask unanimous consent that the pending amendments be set aside. I have an amendment which I send to the desk.

The PRESIDING OFFICER. Is there objection? The pending amendments will be set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself and Mr. JEFFORDS, proposes an amendment numbered 1378 to amendment No. 1293.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 125, line 22 of amendment No. 1293, insert the following new subsection:

(c) WOODSTOVE MODERNIZATION.—(1) Section 194 of the Clean Air Act is further amended by adding at the end thereof the following new subsection:

"(d) INCENTIVES FOR WOODSTOVE MODERNIZATION.—Not later than forty-eight months after the date of enactment of this subpart, the Administrator shall publish guidelines which may be used by states in implementing programs to encourage the modernization of wood-burning stoves. Such guidelines shall:

"(1) encourage the use to the maximum extent practicable of the exemption under subsection (b) from woodstove curtailment as a means of prompting woodstove owners to convert to wood heaters certified under the Environmental Protection Agency's Wood Heater Certification Program, and

"(2) describe how the state might implement either a low-interest guaranteed loan or grant program to assist low-income woodstove owners in modernizing to less-polluting heating sources, such as any EPA Phase II certified wood heater, solar heating system, or other demonstrably less polluting heating source."

(2) It is the sense of the Senate that of the receipts received from any fees levied on emissions of substances regulated under this Act and dedicated for the use of the Environmental Protection Agency, an appropriate amount should be made available through section 105 of the Clean Air Act to assist states in wood heater modernization programs as described pursuant to section 194(d)(2).

Mr. SYMMS. Mr. President, I have sent the amendment to the desk on behalf of myself and Senator JEFFORDS.

Mr. President, we originally had it in this bill that if there were fees, part of those fees would be sent to help modernize low-income wood stoves with modern technologies that have developed where we could use stoves that burn clean, burn wooden pellets and other materials.

I must say to my colleagues that when I was in Ovid, ID, during the past break we were at a plant where they are taking wood waste and manufacturing wood pellets that are burned in these efficient wood-burning stoves. They had a flier there from the National Wood Stove Alliance in support of my original amendment.

Because of the fact that the original bill had fees in it that were deemed to be taxes, the chairman of the Finance Committee, Senator BENTSEN—correctly, I think—came in and offered an amendment which was accepted by the committee and accepted by the Senate to remove the fees from the bill, so there are no fees in the bill. So this amendment is just there to make a statement on behalf of the Senate.

The Senator from Montana earlier asked me about the number of $24 million. That is the amount I think would be appropriate. It is not in the amendment. It just says "an appropriate amount." It says that "receipts received from any fees levied on emissions of substances regulated under this act and dedicated for the use of the Environmental Protection Agency, an appropriate amount * * *."

I think the number $24 million came about from estimates of what would be the right amount for the Northern Tier States low-income housing to help modernize their wood heaters so that you would have heaters which could burn on nonattainment days in some areas and still be allowable for use. It would be an incentive to encourage other Americans to buy modern wood stoves.

So this does have the support of the Wood Burning Alliance for modernization of stoves and equipment.

I thank the distinguished Senator from Montana and the Senator from Rhode Island for accepting the amendment.

Mr. JEFFORDS. Will the Senator from Idaho yield?

Mr. SYMMS. I will be happy to yield to my colleague.

Mr. JEFFORDS. I thank the Senator for bringing forth this amendment. We have spent a lot of time worrying about huge corporations and big utilities and all, but there are some people who may well be affected by this amendment, if we cannot provide a way that they can receive relief by the use of modern technology.

I know at one point about 40 percent of the homes in our State of Vermont were using wood as their primary heat during the year. These are generally the lower-income and lower middle-income people. I happen to have been known to be in that category; I heat with wood myself. But it is important that we give consideration to ensuring that we continue to do things for the future which will make sure that they have the ability not to pollute but to be able to continue to burn.

I commend the Senator. I think the $24 million, as I understand from my manufacturers of wood stoves, is an appropriate amount to take care of the problem. I recognize that we cannot mention figures but have to talk about an appropriate amount.

I praise the Senator again and I thank him.

Mr. SYMMS. I thank my colleague for his support and for his willingness earlier to help us with the adoption of the amendment that the National Wood Stove Alliance was supporting.

I think the point which needs to be made—and the Senator makes it very well—is that if citizens happen to live in a nonattainment area and they do have air quality go below standards and there is issued a detainment order of no wood burning but they do not have the modern, clean-burning stoves, for which we have allowed with an earlier amendment this Senator offered in committee—that says if it is a modern, high-technology, clean-burning stove they do not have to comply with the nonburning days in nonattainment areas—some of these people could really be left literally without heat for their homes. So I think it is important that we establish the precedent that if in fact there are fees at a later time, we can make them available for low-income housing.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, I commend the Senator from Idaho on this amendment. As the Senator well knows, it is not only the State of Idaho but also particularly in western Montana we have the same problem, and there are other States with the same air conditions that also have the same problem with wood stoves.

The amendment essentially allows the use of State air grant money for assistance to low-income households in modernizing wood heaters. It is an effort that we very much need in my part of the country.

I must say to the Senator that the amount he suggests amounts to about one-quarter of the total dollars available in the State air grant moneys program. It might be difficult for that amount, that is, one-quarter of the total amount, to be utilized for the purposes suggested by the Senator. However, I do agree with the Senator that it is a very noble, worthwhile effort, and I know that an appropriate accommodation will be made not only for the west coast modernizing wood heaters and wood stoves provisions but also for other appropriate purposes under the State air grant program. I urge adoption of the amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. Is there further debate? The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I join in thanking the sponsor of the amendment for his thoughtfulness in submitting this amendment. I think it is a good amendment and urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1378) was agreed to.

Mr. SYMMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE ABILITY OF STATES TO REGULATE FUELS AND FUEL ADDITIVES TO MEET AIR QUALITY STANDARDS

Mr. KASTEN. Mr. President, the State of Wisconsin is concerned that the compromise would impede the State's right to regulate the emission of volatile components of motor fuels. My State is particularly concerned that without the ability reregulate all motor fuels they could have difficulty complying with some of the attainment standards contained in this bill.

However, I understand that, in fact, the compromise retains the provisions in current law that allow a State to regulate any fuels as a component of the State implementation plan [SIP]. I ask the distinguished managers of the bill if that is correct?

Mr. CHAFEE. Mr. President, that is correct. Section 211(C)(4)(c) of the Clean Air Act allows States to control motor fuels to control emissions as part of the SIP. Therefore, the Senator's State of Wisconsin would continue to be able to control this type of emissions through the SIP.

Mr. KOHL. Mr. President, I want to be very clear. Current law allows a "State to proscribe and enforce * * * a control * * * respecting the use of a fuel or fuel additive" for automobiles. If a State heeds to adopt a RVP standard that is more rigorous than the Federal requirement for fuel additives or fuels they have that authority under current law. That authority is maintained in the legislation we are now considering. Is my understanding correct?

Mr. BAUCUS. The Senators from Wisconsin are both correct. Wisconsin will be able to regulate fuels and fuel additives under their SIP. The Administrator of the Environmental Protection Agency shall allow this State action if he or she finds the State control is necessary to meet national primary of secondary air quality standards.

Mr. KASTEN. I thank the managers.

Mr. KOHL. I thank the managers for clarifying this issue of such importance to Wisconsin.

MOTORCYCLE AND CLEAN AIR BILL

Mr. KASTEN. Mr. President, I am concerned that this legislation could be misinterpreted to impose stringent new standards on motorcycles.

Section 201 defines "light duty vehicles" as "any motor vehicle with a loaded vehicle weight three thousand seven hundred and fifty pounds or less * * *." That language could be interpreted to include motorcycles.

Because of the physical configuration of motorcycles, it is impossible to place the kind of pollution control technologies, like catalytic converters, on motorcycles.

I know the managers of the bill are aware of the problem such as an interpretation would create for motorcycles. I believe it is not their intent that motorcycles be regulated as a "light duty vehicle."

Is it correct that the light duty vehicle requirements are not intended to include motorcycles?

Mr. CHAFEE. The senior Senator from Wisconsin is correct. This legislation does not require any new regulation of motorcycles.

I would point out, however, the Administrator of the Environmental Protection Agency has all the authority needed to regulate motorcycles under current law.

We recognize that motorcycles and light duty vehicles are two different classes of vehicles.

Let me emphasize, we do not require that motorcycles meet the same standards that are required of light duty vehicles in this legislation.

Mr. KOHL. Mr. President, I want to make sure we are quite clear, so that no one misinterprets this legislation; we are not requiring motorcycles to meet the light duty vehicle standards contained in this act. Motorcycles and light duty vehicles are two different items—with two different sets of emission standards.

I grant that the EPA Administrator could alter the standards for motorcycles under current law. But the Administrator would have to go through the regular rulemaking process to make those new standards.

Mr. BAUCUS. The junior Senator from Wisconsin is correct. We are talking about two different classes of vehicles—with two different sets of emission standards.

The EPA Administrator could issue new standards for motorcycles. We are not presuming that the Administrator will select to do that, but that authority exists in current law.

It is clear the legislation now before the Senate does not intend to impose new, and certainly not light duty vehicle, standards on motorcycles.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I now ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The PRESIDENT pro tempore (Mr. Byrd) announced that on Friday, March 23, 1990, during the recess of the Senate, he had signed the following enrolled bills and joint resolutions; which had previously been signed by the Speaker of the House:

S. 1091. An act to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard;

S. 1521. An act to provide for an increase in the maximum rates of basic pay for the police force of the National Zoological Park;

H.R. 3311. An act to designate the Federal building located at 350 South Maine Street in Salt Lake City, Utah, as the "Frank E. Moss United States Courthouse";

S.J. Res. 190. Joint resolution designating April 9, 1990, as "National Former Prisoners of War Recognition Day"; and

S.J. Res. 237. Joint resolution provide for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, March 26, 1990, he had presented to the President of the United States the following enrolled bills and joint resolutions:

S. 1091. An act to provide for the striking of medals in commemoration of the bicentennial of the United States Coast Guard;

S. 1521. An act to provide for an increse in the maximum rates of basic pay for the police force of the National Zoological Park;

S.J. Res. 190. Joint resolution designating April 9, 1990, as "National Former Prisoners of War Recognition Day"; and

S.J. Res. 237. Joint resolution provide for the commemoration of the 100th anniversary of the birth of Dwight David Eisenhower.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolution were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BURDICK:

S. 2332. A bill to develop and promote agricultural practices that conserve soil, trees, and wetlands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. PELL (by request):

S. 2333. A bill to provide for further participation by the United States in the International Development Association and for the establishment of the legal status of the International Finance Corporation's Securities in the United States; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. Daschle, Mr. Harkin, and Mr. Kohl):

S. 2334. A bill to expand the U.S. Department of Agriculture's low input sustainable agriculture research and education programs, and to provide biotechnology risk assessment research, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DIXON (for himself and Mr. Simon):

S. 2335. A bill to provide for dual membership of one member each of the Commodities Futures Trading Commission and the Securities and Exchange Commission; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself, Mr. Burdick, Mr. Conrad, Mr. Pryor, Mr. Boren, Mr. Fowler, Mr. Heflin, and Mr. Bumpers):

S. 2336. A bill to amend the Agricultural Act of 1949 to provide for target price adjustments for the 1991 through 1995 program crops based on an index of production costs of farmers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. Heinz, and Mr. Rockefeller):

S. 2337. A bill to amend the Trade Act of 1974 to provide for review by the Trade Representative of compliance by foreign countries with trade agreements; to the Committee on Finance.

By Mr. CRANSTON (for himself, Mr. Murkowski, Mr. Matsunaga, Mr. DeConcini, Mr. Mitchell, Mr. Rockefeller, Mr. Graham, Mr.

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THURMOND, Mr. SPECTER, Mr. JEFFORDS, and Mr. BOREN):

S. 2338. A bill to extend temporarily the period during which certain veterans of the Vietnam era are eligible for veterans' readjustment appointments under section 2014 of title 38, United States Code; placed on the calender.

By Mr. LUGAR (for himself, Mr. RIEGLE, Mr. SARBANES, and Mr. INOUYE):

S.J. Res. 277. Joint resolution designating October 6, 1990, as "German-American Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DeCONCINI (for himself, Mr. DOMENICI, and Mr. D'AMATO):

S. Con. Res. 109. Concurrent resolution to provide for preparation of a volume entitled "Columbus in the Capitol," and for other purposes; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BURDICK:

S. 2332. A bill to develop and promote agricultural practices that conserve soil, trees, and wetlands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CONSERVATION AND WETLANDS ENHANCEMENT ACT

Mr. BURDICK. Mr. President, today I am introducing legislation entitled the Conservation and Wetlands Enhancement Act of 1990. The purpose of this bill is to refine and, in some cases, go beyond the conservation provisions of the Food Security Act of 1985. Through this bill I am seeking to encourage the further planting of trees, extend the Conservation Reserve Program, create a Wetlands Reserve and Restoration Program, and modify the swampbuster provisions of the 1985 bill.

As you know, the Conservation Reserve Program was created by Congress in the 1985 farm bill. This program has taken out of production 34 million acres of our most fragile and erodible lands by offering producers financial incentives to enroll these lands in the reserve for a period of 10 years. Authority exists currently to enroll up to 45 million acres by the end of the present crop year, with no provisions for extension of the reserve.

I propose in my bill to extend the reserve through the 1995 crop year and place a cap of 40 million acres on the reserve. Further, I propose to concentrate the remaining 6 million acres on improving water quality by enrolling aquifer recharge areas, filter strips, sinkholes, and well-head protection areas. I also intend to better focus our efforts to increase enrollment of windbreaks and shelterbelts.

In the nine CRP signups to date, farmers have enrolled 33.9 million acres, including 2.2 million acres of trees, 410,000 acres of cropped wetlands, 143,000 acres of land subject to scour erosion, and more than 5,000 miles of filter strips. My State of North Dakota is second only to Texas in the number of acres enrolled in the reserve. In fact, much of the wetland acreage in the CRP was enrolled by North Dakota farmers.

Most farmers want to see the Conservation Reserve Program continue after the expiration of the present contracts and I agree. I propose in this bill to provide discretion for the Secretary of Agriculture to create a process whereby farmers can rebid their current CRP acres into the reserve for not less than 5 years nor more than 10 years. Since I recognize that conditions may change over the next several years, I am allowing the Secretary to consider stock and usage levels deciding how much land to allow to remain in the CRP upon expiration of the contracts.

Although most would agree that the Conservation Reserve Program has been quite successful in achieving the goal of protecting millions of acres of highly erodible cropland, there have been some shortcomings. When the 1985 farm bill was passed, Congress' goal was to devote one-eighth of the CRP acres to trees. We have not come close to reaching this goal. When I talk to North Dakota farmers and conservationists about this failure, they all agree one of the major reasons is that the cost share provisions, 50 percent cost share, are not generous enough to encourage tree planting. To remedy this situation, I propose in this bill to provide up to 75 percent cost share for establishing trees.

In this act, I also propose how to treat CRP acres as they exit the reserve. Although the first contracts do not expire until 1996, I believe we should let farmers know now what will be expected of them. The next farm bill would be too late.

This bill provides that land that has been in the CRP can be farmed only after a conservation plan is implemented for that land. If no plan is established and the farmer breaks out the land subject to a CRP contract, the farmer is ineligible for program benefits. Other highly erodible land must be farmed according to such a plan, so it seems quite logical to require the same of CRP land. Further, this protects the investment the taxpayers have made in this land over the course of the CRP contract.

Some may believe that farmers need more time to implement a plan for their CRP acreage and I recognize that some farmers will have to construct terraces and fences, for instance, as part of their compliance plan. To accommodate such a situation, this bill would allow the Secretary to provide a reasonable period of time for these structures to be built. I consider a reasonable period to be not more than 1 year and have provided for such in this bill. In addition, to encourage farmers to plan ahead, this bill would give discretion to the Secretary to allow construction to take place during the last 2 years of the contract.

For those farmers who do not re-bid their land into the CRP upon extension of the contract, and would like to maintain a cover crop, this bill provides that they may do so without losing their program base. The time limit provided for extension of base is not less than 3 years, nor more than 7 years, with annual certification required to maintain the base.

I believe the most important feature of this bill is the creation of a 5-million acre wetland reserve program, or WRP, and a wetland restoration program. Such a program is necessary to protect our valuable wetlands to enhance water quality and wildlife habitat. For the crop years 1991 through 1995, certain wetlands would be eligible for enrollment in this reserve. Wetlands placed in the reserve would be enrolled through the granting of easements to the Secretary of Agriculture. Wetlands would be enrolled through a long-term easement, 15 to 25 years, or a permanent easement.

I have targeted for inclusion those wetlands that have a higher medium potential for conversion for agricultural use, wetlands that are restored through the wetlands restoration program, and cropped wetlands. Further, I have provided authority for the Secretary to transfer into the wetlands reserve program those wetlands enrolled currently in the CRP, but have prohibited alteration of the CRP contract terms.

This legislation also creates a wetlands restoration program, which focuses on restoration of converted or cropped wetlands. Wetlands restored through this program would be placed in the wetlands reserve. Also provided is a cost share provision of up to 50 percent of the cost, not to exceed $25,000, for costs incurred for restoration. If an owner of a wetland receives more than $15,000 in cost share payments, the owner would be required to grant a permanent easement of that wetland.

Turning to the swampbuster provisions, I propose three changes. The first would provide that land that was cropped for 6 years in the period from 1981 through 1990 would not be subject to swampbuster. I have chosen this period because, in many cases, records from years previous to that period are no longer available.

The second change is to alter the penalty system. Currently, a farmer loses all program benefits for a violation, no matter how minor the violation. I propose to alter the penalty to allow the resumption of benefits after the wetlands has been restored to its former quality as a wetland. Payments would resume only after the Soil Conservation Service and the Fish and Wildlife Service concur that the quality of the restoration is sufficient.

Many groups have complained that enforcement of swampbuster is lax and that the system of allowing ASCS county committees to enforce swampbuster is not adequate. While not conceding that enforcement activity has been lacking, I believe it is difficult for anyone to deny all benefits for minor or inadvertent infractions. If there indeed is a problem with enforcement, a more just penalty would arguably allow for greater enforcement activity. I believe the change proposed in this legislation would provide a more workable system.

The final change I would make to swampbuster is to allow mitigation so that a farmer could drain a wetland and create one to replace that converted wetland, while still retaining farm program benefits. In order for a farmer to retain program benefits, the created or restored wetland would be required to be equal in quality with the converted wetland. The decision of whether or not the wetland is of sufficient quality would be made by the Soil Conservation Service and the Fish and Wildlife Service.

The issues and problems dealt with in the conservation provisions of the 1990 farm bill will be some of the most intractable and contentious. It is my hope that we will provide conservation provisions that protect our valuable resources without unnecessarily interfering with the production of food for our country. We must engage in balancing interests and I do not expect this task to be easy. I will look forward to working with my colleagues on this very important piece of legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Conservation and Wetlands Enhancement Act of 1990".

(b) Table of Contents.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and Purposes.
Sec. 3. Definitions.

TITLE I—CONSERVATION RESERVE PROGRAM

Sec. 101. Eligibility of Lands.
Sec. 102. Extension and Enlargement of Reserve.
Sec. 103. Period of Contract.
Sec. 104. Cost Share Payments.
Sec. 105. Implementation of Plan and Treatment of Certain Acreage.
Sec. 106. Base History.

TITLE II—WETLANDS

Sec. 201. Wetlands Restoration and Protection.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Wetland Conservation Exemptions.
Sec. 302. Mitigation.
Sec. 303. Restoration of Benefits.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) it is in the public interest to encourage the conservation of our agricultural land and to encourage the conservation, preservation, and restoration of our wetland areas;

(2) this nation has improved conservation of its highly erodible farmland through encouraging management practices that enhance conservation such as windbreaks, shelterbelts, and filter strips;

(3) there continues to be a net loss of soil, trees, and wetlands in many areas of the United States;

(4) further incentives are needed to protect our soil, trees, and wetlands;

(5) agricultural uses continue to account for much of the conversion of wetlands; and

(6) while elimination of direct and indirect incentives for wetland conversion to agricultural uses has reduced the rate of wetland conversion, such conversion is still occurring at a rate that should not be sustained.

(b) Purposes.—It is the purpose of this Act to—

(1) extend and modify the conservation reserve program to continue to provide protection for this nation's soil; and

(2) to establish wetland reserve and restoration programs to improve habitat for migratory waterfowl and other wildlife resources, as well as to provide protection for our valuable water resources.

SECTION 3. DEFINITIONS.

As used in this Act the term—

(1) "agricultural commodity" shall have the same meaning given such term under section 1201(a)(1) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(1));

(2) "conservation districts" shall have the same meaning given such term under section 1201(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(2));

(3) "cost sharing payment" shall have the same meaning given such term under section 1201(a)(3) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(3));

(4) "converted wetland" shall have the same meaning given such term under section 1201(a)(4)(A) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(4)(A));

(5) "rental payment" shall have the same meaning given such term under section 1201(a)(11) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(11));

(6) "Department of the Interior" means the United States Department of the Interior, acting through the Director of the United States Fish and Wildlife Service;

(7) "Secretary" means the Secretary of Agriculture;

(8) "shelterbelt" shall have the same meaning given such term under section 1201(a)(13) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(13));

(9) "state" shall have the same meaning given such term under section 1201(a)(14) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(14)); and

(10) "wetland" shall have the same meaning given such term under section 1201(a)(16) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(16).

TITLE I—CONSERVATION RESERVE PROGRAM

SEC. 101. ELIGIBILITY OF LANDS.

Section 1201(a)(7)(A) of the Food Security Act of 1985 (16 U.S.C. 3801(a)(7)) is amended—

(1) in paragraph (ii), by striking out the period and inserting in lieu thereof "; and"; and

(2) by adding at the end thereof the following:

"(iii) with environmentally sensitive perimeters such as sinkholes, filter strips, windbreaks, shelterbelts, aquifer re-charge areas, well-head protection areas, and other areas that, as determined by the Secretary, are associated with groundwater protection.".

SEC. 102. EXTENSION AND ENLARGEMENT OF RESERVE.

(a) Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) in subsection (a), by striking out "1990" and inserting in lieu thereof "1995";

(2) in subsection (b), by striking out paragraph (5) and inserting in lieu thereof the following new paragraph:

"(5) during the 1986 through 1995 crop years, a total of not more than 40 million acres."; and

(3) in subsection (c)(1)(A), by striking out "1989" and inserting in lieu thereof "1995".

(b) Section 1232(c) of such Act (16 U.S.C. 3832(c)) is amended by striking "1990" and inserting "1995".

SEC. 103. PERIOD OF CONTRACT.

Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by adding at the end thereof the following new subsection:

(f) "Upon the expiration of such contracts the Secretary may establish a process to rebid eligible land into the reserve, at the request of an owner or operator, for a period of not less than 5 years nor more than 10 years. The Secretary may consider stocks and usage levels in determining the number of contracts that may be extended and the length of such extensions. At the time of extension of such contracts, the Secretary may renegotiate the rental rates to be paid during the period covered by the extension taking into consideration local rental rates and the amount sufficient to encourage extension of the contracts.".

SEC. 104. COST SHARE PAYMENTS.

Section 1234(b) of the Food Security Act of 1985 (16 U.S.C. 3834(b)) shall be amended by adding the following sentence at the end thereof:

"If the plan referred to in subsection (a)(1) requires the planting of trees the Secretary shall pay up to 75 percent of the cost of establishing those trees.".

SEC. 105. IMPLEMENTATION OF PLAN AND TREATMENT OF CERTAIN ACREAGE.

Subtitle D of Title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) shall be amended by adding the following new section:

"SEC. 1237. IMPLEMENTATION OF PLAN REQUIRED.

(a) Upon the expiration of a contract entered into in accordance with this subtitle, an owner or operator shall be ineligible for program benefits under section 1211 of the Food Security Act of 1985 (16 U.S.C. 3811) with respect to the production of an agricultural commodity upon lands that were sub-

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ject to such contract unless such owner or operator is actively applying a conservation plan based on the local Soil Conservation Service technical guide and approved by the local soil conservation district, in consultation with the local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) and the Secretary, or by the Secretary.

(b) Notwithstanding subsection (a), if a conservation plan established pursuant to subsection (a) requires structures to be constructed the Secretary may allow a reasonable period of time for such construction to be completed before applying subsection (b). The time allowed for such construction shall not exceed one year. To encourage immediate implementation of conservation plans upon expiration of the contract, the Secretary may allow such construction to occur during the period of the last two years remaining on such contract.".

SEC. 106. BASE HISTORY.

Section 1236 of the Food Security Act of 1985 (16 U.S.C. 3836) is amended by adding at the end thereof the following new subsection:

"(c) On the expiration of a contract entered into under this subtitle, if an owner or operator elects not to produce an agricultural commodity on acres that were subject to such contract and maintains the cover crop required under the contract on such acres, the provisions of this section concerning the preservation of the cropland base and allotment history applicable to such acres shall be extended for a period of not less than 3 years nor more than 7 years. To preserve the cropland base and allotment history, an owner or operator shall be required to certify each year the intention not to produce an agricultural commodity on those acres subject to such contract.".

TIITLE II—WETLANDS.

SEC. 201. WETLANDS RESTORATION AND PROTECTION.

(a) In General.—Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.) is amended by adding at the end thereof the following new subtitle:

"Subtitle G—Wetlands Protection and Restoration

"CHAPTER 1—WETLANDS RESERVE PROGRAM

"SEC. 1261. PURPOSE AND POLICY.

"(a) Purpose.—It is the purpose of this chapter to encourage the conservation and protection of wetlands and the restoration of certain converted wetlands in order to protect soil and water quality and to maintain and enhance habitat for migratory birds and other wildlife.

"(b) Policy.—It is the policy of the United States to encourage the retirement of certain lands from agricultural production and to restore wetlands that have been drained for agricultural commodity production.

"SEC. 1262. ESTABLISHMENT OF PROGRAM.

"During the 1991 through 1995 crop years, the Secretary shall establish and carry out a wetlands reserve program through the acquisition of easements, in accordance with this subtitle, by entering into contracts with owners of farms and ranches containing eligible wetlands as defined by section 1263 of this subtitle to preserve these wetlands and improve the water resources and wildlife habitat on such farms and ranches. The Secretary shall not place in this reserve from than 5 million acres of eligible land.

"SEC. 1263. ELIGIBLE LAND.

"(a) The Secretary, in consultation with the Department of the Interior, shall select easement bids for eligible wetland areas based on the value provided by such wetland areas for the protection of water quality and enhancement of habitat for migratory birds and other wildlife in relation to the cost involved in securing the easement.

"(b) Wetlands shall be eligible to be placed into the wetland reserve if such land is located in important migratory bird areas or in areas where preservation of wetlands is essential to protect water quality and—

"(1) is wetland identified by the Soil Conservation Service as having higher medium potential for conversion for agricultural use, including land that is functionally dependent on such wetland;

"(2) is a restored wetland as provided in chapter II of this title;

"(3) has been committed to the production of an annual crop for 2 out of the 5 years in the period from 1986 through 1990 and be capable at the time of enrollment of being planted to an annual crop; or

"(4) is subject to an existing contract entered into under section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)). The Secretary may not modify the terms and conditions of existing contracts entered into under section 1231(a) of such Act if the wetland which is subject to such contract is subsequently transferred into the wetland reserve program established by this Title.

"SEC. 1264. COMBINED COUNTY LIMITATION.

"Under the program established under this chapter and under Conservation Reserve Program established in Subtitle D of Title XII of the Food Security Act of 1985 (16 U.S.C. 3831), the Secretary shall not place under rental or easement contract a total of more than 25 percent of the cropland in any one county, except that the Secretary may exceed such limitation in a county to the extent that the Secretary determines that such action would not adversely affect the local economy of such county.

"SEC. 1265. TERMS OF CONTRACT.

"(a) To carry out this chapter, the Secretary shall enter into an agreement with an owner that shall provide that—

"(1) the owner shall grant a conveyable long-term easement to the Secretary of not less than 15 years nor more than 25 years or that the owner shall grant the Secretary a conveyable permanent easement; and

"(2) on the transfer of the right and interest of the owner of the land that is subject to the contract such owner agrees—

"(A) to forfeit all rights to rental payments or compensation and cost sharing payments under the contract;

"(B) to refund to the United States all rental payment or compensation and cost sharing payments received by the owner or accept such payment adjustments or such refunds as the Secretary considers appropriate and consistent with the objectives of this chapter;

unless the transferee of such land agrees with the Secretary to assume all obligations of the contract; and

"(C) to comply with such additional provisions as the Secretary determines are desirable and are included in the contract to carry out this chapter or to facilitate the practical administration thereof.

"(b) A contract for a long-term easement or a permanent easement entered into under this chapter shall require—

"(1) the eligible land that is subject to such contract is placed in the wetland reserve for the period of the agreement;

"(2) implementation of a wetland conservation plan established by the Soil Conservation Service, in consultation with the Department of the Interior, and approved by the local soil and water conservation districts, (or in an area not located within a conservation district, a plan approved by the Secretary), in consultation with the local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)). Such plan shall be based upon the Soil Conservation Service technical guide;

"(3) that no practice is adopted that would tend to defeat the purposes of the contract or this subtitle, including the draining, burning, filling, or otherwise altering or destroying the wetland characteristic of such areas, or to use such land for agricultural purposes, except as permitted by the Secretary;

"(4) that the owner shall not conduct any commercial use of the wetland area nor adopt any practice that would tend to defeat the purposes of the contract or this subtitle, except that the Secretary may permit haying or grazing or other commercial use of the forage on land that is subject to the contract in response to a natural disaster; and

"(5) that the owner not alter wildlife habitat and other natural features of such land unless specifically provided for by the Secretary and the Department of the Interior for wildlife management purposes.

"(c) the Secretary may permit—

"(1) wetland management practices suggested by the United States Fish and Wildlife Service for maintaining wetlands and improving wildlife habitat, including but not limited to: the cutting or burning of cattails; the mowing or spraying of such land with chemicals, where mowing or spraying is necessary to comply with Federal or State noxious weed control laws; or for the emergency control of pests to protect public health;

"(2) repairs, improvements, and inspections necessary to maintain existing public drainage systems under the control of soil and water conservation districts; and

"(3) the land to be used for wildlife activities, including hunting and fishing, if such use is permitted by the owner.

"(d) The plan referred to in subsection (b)(2) shall set forth the conservation measures and practices to be carried out by the owner during the term of the contract and the commercial use, if any, to be permitted on the land during such term. This plan also may provide for the permanent retirement of any existing cropland base and allotment history for the land.

"SEC. 1266. DUTIES OF THE SECRETARY.

"(a) Easement Contract.—In return for a long-term or permanent easement contract entered into by an owner under this chapter, the Secretary shall compensate such owner in an amount determined in accordance with subsection (b) of this section.

"(b) Amount.—The Secretary shall pay annual rental payments and compensation in accordance with subsection (a) in cash or in commodities in such amount and on such time schedule as is agreed to and specified in the contract taking into consideration the property value, or such amount may be determined through a bid process as established by the Secretary.

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"(c) **Limitations.**—The amount received under such contracts for permanent easements may not exceed by one and one-half the present value of the land to be subject to such a contract. In determining the amount of annual rental payments to be paid to owners for long-term easements, the Secretary may consider, among other things, the amount necessary to encourage owners to place wetlands in the program established by the chapter. However, the amount received in total over the term of a long-term easement may not exceed the present value of the land to be subject to such a contract.

"(d) **Enforcement.**—On the violation of a term or condition of such an easement the Secretary shall—

"(1) seek to enforce the terms of the easement under subsection (a) by an action for specific performance, a mandatory injunction, or damages in an amount not to exceed the total amount received by the owner under subsection (b), together with interest thereon from the date of the default under such contract. The Secretary also shall seek to recover the cost of restoration, if any, including interest, from the date of default under such contract; or

"(2) if the Secretary determines that such violation does not warrant the measures provided for in (1), the Secretary may accept adjustments to the contract for the easement and cost sharing payments provided to the owner.

"SEC. 1267. PAYMENTS.

"(a) **Time for Payment.**—The Secretary shall provide payment for obligations incurred by the Secretary under a contract entered into under this chapter as soon as practicable after October 1 of each calendar year; or at the discretion of the Secretary, at any time prior to such date during the year that the obligation is incurred.

"(b) **Commodity Credit Corporation.**—If such payment is made with in-kind commodities, such payment shall be made by the Commodity Credit Corporation—

"(1) by delivery of the commodity involved to the owner or operator at a warehouse or other similar facility located in the county in which the land that is subject to the contract is located or at such other location as is agreed to by the Secretary and the owner;

"(2) by the transfer of negotiable warehouse receipts; or

"(3) by such other method, including the sale of the commodity in commercial markets, as is determined by the Secretary to be appropriate to enable the owner to receive efficient and expeditious possession of the commodity.

"(c) **Death or Incompetency.**—If the owner or operator who is entitled to a payment under a contract entered into under this chapter dies, becomes incompetent, is otherwise unable to receive such payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make such payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary shall determine is fair and reasonable in light of all of the circumstances.

"(d) **Maximum Amount.**—The total amount of rental payments or compensation, including that made in the form of in-kind commodities, received by a person under this chapter for any fiscal year shall not exceed $50,000. For the purposes of this chapter, the definition of person is the same as defined by section 1001(5) of the Food Security Act of 1985 (7 U.S.C. 1308(5)) as amended by section 1303 of the Omnibus Budget Reconciliation Act of 1987 (Public Law 100-203).

"SEC. 1268. CONTRACTS.

"The provisions of section 1235(a) of the Food Security Act of 1985 (16 U.S.C. 3835(a)) shall apply to contracts entered into under this chapter. The Secretary may modify or terminate a contract entered into under this chapter if the owner agrees to such modification or termination and the Secretary determines that such modification or termination would be in the public interest.

"SEC. 1269. ADMINISTRATION.

"(a) **Use of Other Agencies.**—In carrying out this chapter, the Secretary shall use the services of local, county, and State committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)), the Soil Conservation Service, the Fish and Wildlife Service, State fish and game agencies, land grant colleges, soil and water conservation districts, and other appropriate agencies.

"(b) **Use of Commodity Credit Corporation.**—The Secretary shall use the facilities, services, authorities and funds of the Commodity Credit Corporation to carry out this chapter, except that the Secretary may not use funds of the Corporation for such purposes unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this chapter.

"(c) **Regulations.**—Not later than 180 days after the date of enactment of this chapter, the Secretary shall issue such regulations as are necessary to carry out this chapter. The Secretary shall consult with the Department of the Interior in the preparation of these regulations.

"SEC. 1270. CONFORMING AMENDMENTS.

Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by striking out "subtitles A through E" and inserting in lieu thereof "subtitles A through E and G"."

"SEC. 1271. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated without fiscal year limitations such sums as may be necessary to carry out this chapter.

"CHAPTER 2—WETLANDS RESTORATION PROGRAM.

"SEC. 201. RESTORATION OF CONVERTED WETLANDS.

"(a) **Establishment of Program.**—The Secretary shall establish a program to restore converted wetlands to their natural wetland state through the provision of cost sharing assistance and enrollment of such lands in the wetlands reserve program established in chapter I of this title. The Secretary, in consultation with the Department of the Interior, shall develop criteria by which to select those wetlands whose restoration would provide the greatest benefit for waterfowl and water quality in relation to the cost of the restoration.

"(b) **Contracts.**—Owners may enter into contracts with the Secretary, under the program established under subsection (a), to enroll eligible lands in the wetland restoration program, as described in subsection (c). Owners shall place wetlands restored through the wetland restoration program in the wetlands reserve established under chapter 1 of this title.

"(c) **Eligible Lands.**—Land shall be eligible to be the subject of a contract entered into under this section if such land—

"(1) is converted wetland that has been committed to the production of an annual crop for 2 out of the 5 years in the period from 1986 through 1990 and is capable at the time of enrollment of being planted to an annual crop; or

"(2) is upland buffer area that is enrolled along with a wetland that meets the requirements of paragraph (1) and restoration and enrollment of such buffer area is necessary to ensure the integrity of such wetland, as determined by the Secretary.

"(d) **Restrictions.**—A converted wetland is not eligible for restoration under this program if such wetland was converted after the date of enactment of this Act.

"(e) **Cost Share Assistance.**—In carrying out the program established under this section the Secretary may enter into contracts with owners to pay costs not to exceed 50 percent of the cost incurred by the owner in restoring eligible lands that are the subject of the contract to their natural wetland state. The Secretary may not enter into contracts for cost share that provide an owner with more than $25,000 for costs incurred in restoring eligible lands. If such owner receives more than $15,000 in cost share payments, the owner shall agree to grant a permanent easement for such restored wetlands.

"SEC. 202. TREATMENT OF RESTORED WETLANDS.

"The Secretary shall require an owner participating in the wetland restoration program to enroll such restored wetland areas in the wetland reserve program established under chapter 1 of this title.

"SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as are necessary to carry out this chapter for each fiscal year.

"SEC. 204. REGULATIONS.

"Not later than 180 days after the date of enactment of this chapter, the Secretary shall issue regulations necessary to carry out this chapter.

TITLE 3—MISCELLANEOUS PROVISIONS.

SEC. 301. WETLAND CONSERVATION EXEMPTIONS.

(a) **Production of Commodity.**—Section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)) is amended—

(1) in paragraph (3), by striking out "or" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof "or"; and

(3) by adding at the end thereof the following new paragraph:

"(5) land on which an agricultural commodity was produced, or if such land was otherwise considered to be planted, for 6 years in the period from 1981 to 1990.".

SEC. 302. MITIGATION.

Section 1222 of such Act (16 U.S.C. 3822) is amended by adding at the end thereof the following new subsection:

"(d)(1) No person shall become ineligible under section 1221 for program loans, payments, and benefits as a result of the production of an agricultural commodity on converted wetland if such person complies with the mitigation requirements under paragraph (2) prior to the production of such commodity.

"(2) To be exempt under paragraph (1) from the requirements of section 1221, an owner, or operator with the written consent of the owner, shall implement a plan approved by the Secretary and the Department of Interior to restore previously converted wetlands equal in functional quality and within the same area, as the wetland on which the owner or operator intends to produce agricultural commodities.".

SEC. 303. RESTORATION OF BENEFITS.

Section 1222 of the Food Security Act of 1985 (16 U.S.C. 3822) is amended by adding at the end thereof the following new subsection—

"(d) an owner or operator who has converted a wetland may, after restoring such wetland to its former state as a wetland, resume those benefits that would otherwise be denied under section 1221 of the Food Security Act of 1985 (16 U.S.C. 3821). Resumption of such benefits may occur only after the Secretary and the Department of the Interior have determined that the wetland is restored to its former quality as a wetland.".

By Mr. PELL (by request);

S. 2333. A bill to provide for further participation by the United States in the International Development Association and for the establishment of the legal status of the International Finance Corporation's securities in the United States; to the Committee on Foreign Relations.

INCREASED PARTICIPATION IN THE INTERNATIONAL DEVELOPMENT ASSOCIATION AND LEGAL STATUS OF INTERNATIONAL FINANCE CORPORATION SECURITIES

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to provide for further participation by the United States in the International Development Association and for the establishment of the legal status of the International Finance Corporation's securities in the United States.

This proposed legislation has been requested by the Department of the Treasury, and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the General Counsel of the Department of the Treasury to the President of the Senate, which was received on March 21, 1990.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2333

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—INTERNATIONAL DEVELOPMENT ASSOCIATION

SEC. 101. The International Development Association Act (74 Stat. 293, as amended, 22 U.S.C. 284) is amended by adding at the end thereof the following new section:

"SEC. 21. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association $3,180,000,000 to the ninth replenishment of the resources of the Association, except that any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $3,180,000,000 for payment by the Secretary of the Treasury.".

TITLE II—INTERNATIONAL FINANCE CORPORATION

SEC. 210. (a) The International Finance Corporation Act (69 Stat. 669, as amended, 22 U.S.C. 282) is amended by adding at the end thereof the following new sections:

"SEC. 13. (a) Any securities issued by the Corporation (including any guaranty by the Corporation, whether or not limited in scope) and any securities guaranteed by the Corporation as to both the principal and interest shall be deemed to be exempted securities within the meaning of paragraph (a)(2) of section 3 of the Act of May 27, 1933, as amended (15 U.S.C. 77c), and paragraph (a)(12) of section 3 of the Act of June 6, 1934, as amended (15 U.S.C. 78c). The Corporation shall file with the Securities and Exchange Commission such annual and other reports with regard to such securities as the Commission shall determine to be appropriate in view of the special character of the Corporation and its operations and necessary in the public interest or for the protection of investors.

(b) The Securities and Exchange Commission, acting in consultation with the National Advisory Council on International Monetary and Financial Problems, is authorized to suspend the provisions of subsection (a) at any time as to any or all securities issued or guaranteed by the Corporation during the period of such suspension. The Commission shall include in its annual reports to Congress such information as it shall deem advisable with regard to the operations and effect of this section and in connection therewith shall include any views submitted for such purpose by an association of dealers registered with the Commission.".

"SEC. 14. The seventh sentence of paragraph 7 of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) is amended by striking out "or" after "the African Development Bank" and inserting in lieu thereof a comma, and by inserting "or the International Finance Corporation" after the Inter-American Investment Corporation."."

DEPARTMENT OF THE TREASURY,
Washington, DC, March 9, 1990.

Hon. DAN QUAYLE,
President of the U.S. Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, "To provide for further participation by the United States in the International Development Association and for the establishment of the legal status of the International Finance Corporation's securities in the United States."

The draft bill authorizes the Secretary of the Treasury to take the necessary actions for the United States to participate in the recently negotiated Ninth Replenishment of the Resources of the International Development Association (IDA) and would allow International Finance Corporation (IFC) borrowings in the United States to receive the same exemptions from U.S. securities laws as those currently enjoyed by the IBRD and the regional development banks, such as the Asian and African Development Banks.

IDA, an affiliate of the International Bank for Reconstruction and Development (IBRD), is the world's single largest source of multilateral development lending on concessional repayment terms to the world's poorest countries. IDA plays a pivotal role in alleviating poverty and enhancing development in the poorest nations. Only countries with per capita incomes of $580 (in 1987 dollars) or less are eligible for IDA credits. However, the majority of IDA lending goes to countries with per capita incomes of less than $400.

By the end of June 1990, IDA will have committed the resources made available to it during the Eighth Replenishment (IDA-8). The Ninth Replenishment (IDA-9) is intended to fund credits that will be committed during the period July 1, 1990, to June 30, 1993. The Ninth Replenishment will total SDR 11,679 million, approximately $15 billion at current exchange rates. A primary goal of the Ninth Replenishment is to maintain the size of IDA in real terms. This goal will be achieved with the assistance of the United States which agreed to maintain the amount of its IDA-8 contribution in real terms for IDA-9. Donor contributions combined with advance commitments from reflows will support an annual lending program of about $5.5 billion.

Throughout the IDA-9 negotiations which began in early 1989, the United States worked for measures to ensure that IDA's resources are used in the most effective and efficient manner. In this regard, the United States achieved its three major policy objectives. A borrowing country's economic performance, including efforts to alleviate poverty, will receive greater weight as criteria for allocation of resources. New measures to address environmental concerns will be factored into IDA lending. Efforts will be made to improve IBRD and IMF collaboration.

The inclusion of more stringent environmental measures in the IDA lending process is a major accomplishment. The IDA-9 Report which has been approved by the Executive Board of the World Bank and sent to the Governors includes provisions for:

Implementation of environmental impact assessment procedures;

An increase in public access to environmental information about projects and proposals;

An increase in public participation in project development;

Greater emphasis on energy efficiency and conservation;

More support for debt for nature swaps; and

The completion of environmental action plans for all IDA borrowers as soon as possible.

These plans identify priority environmental issues in borrowing countries and integrate these concerns into IDA's lending strategy for each borrower.

Fifty percent of the IDA-8 resources was allocated to Sub-Saharan Africa, with the condition that borrowing countries in the region continued to make progress on economic adjustment. Assuming that economic performance warrants continued lending, the level of support for Africa should be between 45 and 50 percent of IDA-9 resources. The draft bill authorizes the Secretary of the Treasury to agree on behalf of the United States to pay to IDA $3,180 million for the Ninth Replenishment and authorizes to be appropriated, without fiscal year

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limitation $3,180 million for payment for the Secretary of the Treasury. The FY 1991 budget request contains $1,060 million for the first year's appropriation.

The IFC is an affiliate of the IBRD established in 1956 to further economic growth in its developing country members by promoting productive private sector investment. It does so by providing long-term loans and risk capital without government guarantees to private sector companies. IFC operations are funded by capital subscriptions (which are 100 percent paid-in), borrowings from the IBRD and others, and retained earnings. Until now it has not borrowed funds or issued securities in the United States.

In 1989, the IFC made its first public issue. This was an issue of U.S. dollar-denominated bonds in the Euromarkets. In view of the volume of the IFC's lending and prospects for continued growth, the IFC wants to tap the broadest possible spectrum of international capital markets. Rated public bond issues give the IFC additional market access beyond the private placement segment of the key markets. The IFC's first public bond issue in mid-1989 received a triple-A rating from the two main American rating agencies. The IFC plans to continue to borrow as appropriate from the IBRD in the future, but plans to rely chiefly on the markets for this borrowed funds. It has requested treatment in the United States equal to the IBRD and the regional development banks to facilitate the sale of its securities in the market of the United States.

The draft bill proposes an exemption from certain U.S. securities laws for the IFC's securities, which would give the IFC's securities the same status as that enjoyed by the IBRD's and the regional development banks' securities.

It would be appreciated if you would lay the proposed bill before the House. An identical proposal has been transmitted to the President of the Senate.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the presentation of this proposed bill to the Congress, and that its enactment would be in accord with the program of the President.

Sincerely,

Edith E. Holiday,
General Counsel.●

Mr. LEAHY (for himself, Mr. Daschle, Mr. Harkin, and Mr. Kohl):

S. 2334. A bill to expand the U.S. Department of Agriculture's low input sustainable agricultural research and education programs, and to provide biotechology risk assessment research, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUSTAINABLE AGRICULTURE RESEACH AND EDUCATION ACT

● Mr. LEAHY. Mr. President, I have said that the 1990 farm bill will be the farm bill for sustainability and the committee is working to that end. Today, Mr. President, I am introducing legislation to promote research and extension of sustainable agriculture. It is my hope that this legislation will be included as part of the research title of the 1990 farm bill.

Farmers are seeking new systems of production that will allow them to reduce their chemical inputs, halt soil erosion, and protect our precious water supplies. In short, farmers are demanding that government do more to provide the answers they need to farm more ecologically.

The National Academy of Sciences, in their landmark study alternative agriculture, wrote: "The hallmark of an alternative farming approach is not the conventional practices it rejects but the innovative practices it includes."

Mr. President, the purpose of this legislation is to help provide farmers with the knowledge they need to be innovative land stewards. The bill have five titles.

TITLE I—LOW-INPUT SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION PROGRAM

Title I is proposed as substitute language for the "LISA" program originally authorized under the Agricultural Productivity Act, Subtitle C of the Food Security Act of 1985. This new language is needed to: First, better reflect the program as currently administered; second, increase farmer involvement; and third, explicitly include mixed-crop livestock and dairy research.

A new 50-50 State-Federal matching grant program is established to encourage and assist States in the creation or enhancement of State sustainable agriculture research, extension, and education projects.

The Secretary is required to develop technical guides to assist farmers and agriculture professionals in understanding the mechanisms of low-input sustainable agriculture systems. The guides are to be coordinated with ongoing efforts of the Soil Conservation Service and the Extension Service in order to provide comprehensive technical guides.

The sum of $40 million annually is authorized for this title. Of that amount, no less than $15 million or no less than two-thirds of any appropriation whichever is greater, shall be used to carry out the national LISA program. The remaining funds shall be allocated for the State-Federal matching program.

TITLE II—NATIONAL TRAINING PROGRAM IN SUSTAINABLE AGRICULTURE

Title II establishes a national training program in sustainable agriculture for Extension Service agents and other agricultural leaders who disseminate information on farming methods. A minimum of two national centers will be established at existing facilities to serve as central locations for intensive classroom and field instruction for specialists. A competitive grants program is established for regions to establish workshop training programs as well.

Extension Service agents are required to attend. No less than 50 percent of a State's extension specialists must attend the intensive study program and no less than 20 percent of the State's nonspecialists must attend the workshop training by September 30, 1995.

The sum of $10,000,000 annually is authorized to carry out title III.

TITLE III—EXTENSION SERVICE PESTICIDE APPLICATION ADVICE

Title III is designed to assist and encourage Extension Service agents to offer advice to farmers on reduced pesticide applications by allowing such agents to advise farmers to apply any pesticide at a dosage, concentration, or frequency that is less than that specified on the pesticide label. Extension publications that discuss pesticide applications may provide lowered rate advice if available in addition to label rates or include the statement "Information may be available from your Extension Service regarding the efficacy of using lower pesticide rates."

FIFRA is amended in order to conform with this title.

TITLE IV—BIOTECHNOLOGY RISK ASSESSMENT RESEARCH

Title IV establishes a biotechnology risk assessment research program at the USDA to help researchers make sound judgments about the overall impacts of genetically engineered organisms in order to minimize risks and to help regulators make scientifically sound and timely decisions. Such sums as are necessary are authorized to carry out this title.

TITLE V—HERBICIDE RESISTANCE RESEARCH

Title V reallocates USDA research dollars spent on the development of herbicide-resistant plants to research, including other biotechnology research, focused on alternative weed control systems which encourage reduced use of herbicides.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sustainable Agriculture Research and Education Act of 1990".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short Title.
Sec. 2. Table of Contents.

TITLE I—LOW-INPUT SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION PROGRAM

Sec. 101. Findings and Purposes.
Sec. 102. Definitions.
Sec. 103. Research and Extension Projects.
Sec. 104. Program Administration.
Sec. 105. Federal-State Matching Grant Program.

Sec. 106. Technical Guides for Low-Input Agricultural Production Systems.
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TITLE II—NATIONAL TRAINING PROGRAM IN SUSTAINABLE AGRICULTURE
Sec. 201. Findings and Purposes.
Sec. 202. Definitions.
Sec. 203. Program Administration.
Sec. 204. National Training Centers.
Sec. 205. Competitive Grants.
Sec. 206. Training Program Participants.
Sec. 207. Authorization of Appropriations.
TITLE III—EXTENSION SERVICE PESTICIDE APPLICATION ADVICE
Sec. 301. Findings and Purposes.
Sec. 302. Definitions.
Sec. 303. Pesticide Use Recommendations.
Sec. 304. Conforming Amendment.
TITLE IV—BIOTECHNOLOGY RISK ASSESSMENT RESEARCH
Sec. 401. Findings and Purposes.
Sec. 402. Definitions.
Sec. 403. Grant Program.
Sec. 404. Authorization of Appropriations.
TITLE V—HERBICIDE RESISTANCE RESEARCH
Sec. 501. Findings and Purposes.
Sec. 502. Definitions.
Sec. 503. Prohibition of Assistance for Certain Research.
Sec. 504. Reallocation of Research Funding.
Sec. 505. Report.

TITLE I—LOW-INPUT SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION PROGRAM

SEC. 101. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) the United States must focus its research and education efforts on the development of sustainable methods of farming that are productive and profitable, conserve natural resources, and protect the environment and the health and safety of agricultural workers and consumers;

(2) different methods of agricultural production can contribute to the goal of achieving long-term sustainability including alternative, regenerative, biological, organic, ecological, and low-input sustainable agricultural production methods;

(3) many farmers and ranchers are highly dependent on nonrenewable production inputs and natural resources for agricultural production and are seeking information on sustainable production systems;

(4) farmers and ranchers have demonstrated interest in participating directly in research and extension efforts and that participation can improve farming methods and benefit research and extension programs; and

(5) expanded agricultural research and extension efforts are needed to assist farmers and ranchers to—

(A) improve agriculture productivity, profitability and competitiveness;

(B) prevent water pollution and soil erosion and degradation;

(C) protect the health and safety of farmers, farmworkers, and consumers;

(D) implement soil, water, and energy conservation practices;

(E) reduce the use of nonrenewable production inputs, to the maximum extent feasible and practicable, and optimize the use of on-farm resources;

(F) explore alternative livestock production systems that lead to low-input livestock production; and

(G) stabilize and improve farm income through crop and enterprise diversification.

(b) Purposes.—It is the purpose of this title to encourage research designed to increase our knowledge concerning agricultural production systems that—

(1) maintain and enhance the quality and productivity of the soil;

(2) conserve soil, water, energy, and natural resources, and improve fish and wildlife habitat conditions;

(3) prevent contamination of surface and ground water;

(4) protect the health and safety of farmers, farmworkers and consumers;

(5) promote the humane treatment of animals;

(6) increase the number of economically viable self-employment opportunities in agriculture.

SEC. 102. DEFINITIONS.

As used in this title:

(1) Extension.—The term "extension" shall have the same meaning given to such term by section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7)).

(2) Non-profit organization.—The term "non-profit organization" means an organization, group, institute, or institution that—

(A) has a demonstrated capacity to conduct agricultural research or education programs;

(B) has experience in research, demonstration, education, or extension in sustainable agricultural practices and systems; and

(C) qualifies as a non-for-profit organization under section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)).

(3) Secretary.—The term "Secretary" means the Secretary of the United States Department of Agriculture.

(4) State.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

(5) State agricultural experiment stations.—The term "State agricultural experiment stations" shall have the same meaning given to such term by section 1404(13) of the National Agricultural Research, Extension, and Teaching Act of 1977 (7 U.S.C. 3103(13)).

SEC. 103. RESEARCH AND EXTENSION PROJECTS.

(a) In General.—The Secretary shall conduct research and extension projects to obtain data, develop conclusions, demonstrate technologies, and conduct educational programs that promote the purposes of this title, including research and extension projects that—

(1) facilitate and increase scientific investigation and education in order to—

(A) reduce, to the maximum extent feasible and practicable, the use of toxic chemical pesticides and fertilizers in agricultural production;

(B) improve low-input farm management in order to enhance agricultural productivity, profitability, and competitiveness; and

(C) promote crop, livestock, and enterprise diversification; and

(2) facilitate the conduct of research and extension projects in order to—

(A) study, to the maximum extent practicable, agricultural production systems that are located in areas that possess various soil, climate, and physical characteristics;

(B) study farms that have been, and will continue to be, managed using farm production practices that rely on a low-input and other conservation practices;

(C) take advantage of the experience and expertise of farmers and ranchers through their direct participation and leadership in projects; and

(D) transfer practical, reliable and timely information to farmers and ranchers concerning sustainable farming practices and systems.

(b) Agreements.—The Secretary shall carry out this section through agreements entered into with land-grant colleges or universities, other universities, State agricultural experiment stations, the Cooperative State Extension Service, nonprofit organizations, or Federal or State governmental entities.

(c) Selection of Projects.—

(1) In general.—The Secretary shall select research and extension projects under this section on the basis of—

(A) the recommendations of the National Sustainable Agriculture Advisory Council established in Section 104 of this title;

(B) the relevance of the project to the purposes of this title;

(C) the appropriateness of the design of the project;

(D) the likelihood of obtaining the objectives of the project; and

(E) the national or regional applicability of the findings and outcomes of the proposed project.

(2) Priority.—The Secretary shall give priority to projects that—

(A) are recommended by the National Sustainable Agriculture Advisory Council;

(B) closely coordinate research and extension activities;

(C) indicate how the findings of the project will be made readily usable by farmers;

(D) maximize the involvement and cooperation of farmers, including projects involving on-farm research and demonstration;

(E) involve a multidisciplinary systems approach; and

(F) involve cooperation between farms, non-profit organizations, colleges and universities, and government agencies.

(d) Diversification of Research.—The Secretary shall conduct projects and studies under this section in areas that are broadly representative of the diversity of United States agricultural production, including production on small farms, mixed-crop livestock farms and dairy operations.

(e) On-farm Research.—The Secretary may conduct projects and activities that involve on-farm research and demonstration in carrying out this section.

(f) Impact Studies.—The Secretary may approve study projects concerning the national and regional economic, social and environmental implications of the adoption of sustainable agricultural practices and systems.

(g) Project Duration.—

(1) In general.—The Secretary may approve projects conducted under this title that have a duration of more than one fiscal year.

(2) Sequence planting.—In the case of a research project conducted under this section that involves the planting of a sequence of crops or crop rotations, the Secretary shall approve such project for a term that is appropriate to the sequence or rotation being studied.

(h) Public Access.—The Secretary shall ensure that research projects are open for public observation at specified times.

(i) Indemnification.—

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(1) In general.—Subject to paragraph (2), the Secretary may indemnify the operator of a project conducted under this section for damage incurred or undue losses sustained as a result of a rigid requirement of research or demonstration under such project that is not experienced in normal farming operations.

(2) Subject to agreement.—An indemnity payment under paragraph (1) shall be subject to any agreement between a project grantee and operator entered into prior to the initiation of such project.

SEC. 104. PROGRAM ADMINISTRATION.

(a) Duties of Secretary.—The Secretary shall—

(1) administer the programs and projects under sections 103 and 105 through the Cooperative State Research Service in close cooperation with the Extension Service and other appropriate agencies;

(2) establish a National Sustainable Advisory Council in accordance with paragraph (b);

(3) establish a minimum of four Regional Administrative Councils in accordance with paragraph (c); and

(4) in conjunction with such Regional Administrative Councils, identify regional host institutions required to carry out the provisions of such programs or projects.

(5) National Sustainable Agriculture Advisory Council.—

(1) Membership.—The membership of the National Sustainable Agriculture Advisory Council shall include representatives of—

(A) the Agricultural Research Service;

(B) the Cooperative State Research Service;

(C) the Soil Conservation Service;

(D) the Extension Service;

(E) State cooperative extension services;

(F) State agricultural experiment stations;

(G) the Economic Research Service;

(H) the National Agricultural Library;

(I) the Environmental Protection Agency;

(J) the Board of Agriculture of the National Academy of Sciences;

(K) private nonprofit organizations;

(L) farmers utilizing sustainable agriculture systems and practices;

(M) the Geological Survey;

(N) agribusiness; and

(O) other specialists in agricultural research and technology transfer.

(2) Responsibilities.—The National Sustainable Agriculture Advisory Council shall—

(A) make recommendations to the Secretary concerning research and extension projects that should receive funding under sections 103 and 105;

(B) promote the programs established under this title at the national level;

(C) coordinate research and extension activities funded by such programs;

(D) establish general procedures for awarding and administering funds under this title;

(E) consider recommendations for improving such program;

(F) facilitate cooperation and integration between sustainable agriculture, national water quality, integrated pest management, food safety, and other related programs; and

(G) prepare and submit an annual report concerning its activities to the Secretary.

(c) Regional Administrative Councils.—

(1) Membership.—The membership of the Regional Administrative Councils shall include representatives of—

(A) the Cooperative State Research Service;

(B) the Extension Service;

(C) State cooperative extension services;

(D) State agricultural experiment stations;

(E) the Soil Conservation Service;

(F) State departments engaged in promoting sustainable agriculture;

(G) nonprofit organizations;

(H) farmers utilizing sustainable agriculture systems and practices;

(I) the Geological Survey; and

(J) other persons knowledgeable about sustainable agriculture and its impact on the environment and rural communities.

(2) Responsibilities.—The Regional Administrative Councils shall—

(A) make recommendations to the National Sustainable Agriculture Advisory Council concerning research and extension projects that should receive funding under sections 103 and 105;

(B) promote the programs established under this title at the regional level;

(C) establish goals and criteria for the selection of projects authorized under this title within the applicable region;

(D) appoint a technical committee to evaluate the proposals for projects to be considered under this title by such council;

(E) review and act on the recommendations of the technical committee, and coordinate its activities with the regional host institution; and

(F) prepare and make available an annual report concerning projects funded under sections 103 and 105, together with an evaluation of the project activity.

(d) Conflict of Interest.—Members of the council and the committees shall recuse themselves from participation in discussions and recommendations of proposed projects if members have or have had a professional or business interest in, including the provision of consultancy services, the organization whose grant application is under review.

SEC. 105. FEDERAL-STATE MATCHING GRANT PROGRAM.

(a) Establishment.—The Secretary shall establish a Federal-State matching grant program to make grants to States to encourage and assist in the creation or enhancement of State sustainable agriculture research, extension, and education programs.

(b) Eligible Programs and Activities.—State programs eligible to receive a grant under this section may conduct a variety of activities designed to carry out the purposes of this title, including—

(1) activities that encourage the incorporation and integration of sustainable agriculture concerns in all State research, extension, and education projects;

(2) educational programs for farmers, educators, and the public;

(3) activities that encourage revisions to agricltural curricula to promote understanding of sustainable agriculture at all levels;

(4) the establishment of sustainable agriculture undergraduate and graduate degree programs;

(5) the development and funding of innovative sustainable agriculture research, extension, and education programs;

(6) the conduct of research and demonstration projects;

(7) the provision of technical assistance to farmers and ranchers;

(8) activities that encourage farmer-to-farmer information exchanges; and

(9) such other activities that are appropriate to the agricultural concerns of the State and are consistent with the purposes of this title.

(c) Submission of Plan.—

(1) In general.—States that elect to apply for a grant under this section shall prepare and submit, to the appropriate Regional Administrative Council established under section 104, a State plan and schedule for approval by such Council and the Secretary.

(2) Contents of state plan.—State plans prepared under paragraph (1) shall provide details of the proposed program to be implemented using funds provided under this section for fiscal years 1991 through 1995, or any 5-year period thereafter, and shall identify the sources of matching State funds for the same fiscal years.

(3) participation.—To be eligible for approval, State plans submitted under this subsection shall demonstrate that there will be extensive and direct participation of farmers in the development, implementation, and evaluation of the program.

(d) Grant Award.—

(1) Amount of grant.—Subject to paragraph (2), the Secretary shall provide grants to eligible States in an amount not to exceed 50 percent of the cost of the establishment or enhancement of a state sustainable agriculture program under a plan approved by the Secretary under subsection (c) for a period of not to exceed 5 years.

(2) State participation.—To be eligible to receive a grant under this section, a State shall agree to pay, from State appropriated funds, other State revenue, or from private contributions received by the State, not less than 50 percent of the cost of the establishment or enhancement of the sustainable agriculture program under an approved plan under subsection (c).

SEC. 106. TECHNICAL GUIDES FOR LOW-INPUT AGRICULTURAL PRODUCTION SYSTEMS.

(a) Establishment.—The Secretary shall, not later than 365 days after the date of enactment of this Act, with full public notice and comment, and in consultation with the National Sustainable Advisory Council established under section 104, develop technical guides describing farm production systems that foster low-input sustainable agricultural production systems, mitigate public health risks, protest environmental quality, conserve soil, water, and energy, and otherwise carry out the purposes of this title.

(b) Coordination of Effort.—To the extent possible, the Secretary shall coordinate the ongoing technical guide work of the Soil Conservation Service and the Extension Service in order to avoid duplication of effort and to provide farmers and other agriculture professionals with a comprehensive technical guide that addresses a broad array of technical concerns.

(c) Content of Technical Guides.—

(1) In general.—The technical guides developed under this section shall include detailed information on selection of crops and crop-plant varieties, rotation practices, tillage systems, nutrient management systems, soil building practices, pest, weed, and disease management, soil, water, and energy conservation, livestock management, and other practices useful in carrying out the purposes of this title.

(2) Standards and instructions.—Such guides shall provide standards and practical instructions, based on existing scientific and technical knowledge, to ensure nondegradation of farmland soils, protection of water supplies from depletion and contamination, and reductions in the use of non-renewable resources and purchased production inputs to the lowest practical levels.

(3) INFORMATION COLLECTION.—To assist in the development of such guides, the Secretary shall—

(A) survey existing data bases containing information on sustainable agricultural systems, including those created by the Soil Conservation Service and the National Agricultural Library and the Appropriate Technology Transfer in Rural Areas program established under section 2(b)(7) of the Act entitled "An Act to facilitate the work of the Department of Agriculture, and for other purposes", approved August 4, 1965 (7 U.S.C. 450i(b)(7));

(B) inventory and classify by subject matter studies, reports, and other material developed by any person or governmental agency with the participation or financial assistance of the Secretary, that could be used to promote the purposes of this title;

(C) identify, assess, and classify existing information and research reports and projects that will further the purposes of this title, including information and research relating to—

(i) the development of environmentally sound cropping, livestock, tillage, nutrient management, pest management, water quality and conservation, and alternative energy systems;

(ii) the social, economic, and environmental effects of alternative production systems and technologies; and

(iii) the role of public policies and programs in fostering or hindering the purposes of this subtitle; and

(D) determine which of such reports and projects provide useful information and make such useful reports available to farmers and ranchers.

(e) GRANT PROGRAM.—The Secretary, in consultation with the National Sustainable Agriculture Advisory Council established in section 104, may establish a grant program to assist in the development and periodic revision of technical guides under this section.

(f) DISTRIBUTION OF GUIDES.—The Secretary shall ensure that the technical guides developed under this section are made available to the public.

SEC. 107. REPORTS.

The Secretary shall, not later than April 1, 1991, and each April 1 thereafter, prepare and submit, to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, Forestry of the Senate, and the National Sustainable Agriculture Advisory Council—

(1) a report describing the results of the programs carried out under sections 103 and 105; and

(2) a report describing the progress of projects conducted under this title, including—

(A) a summary and analysis of data collected under such projects;

(B) recommendations based on such data for new basic or applied research; and

(C) the number, length, and type of projects proposed, funded and carried out, by region.

SEC. 108. AUTHORIZATION FOR APPROPRIATIONS.

There are authorized to be appropriated $40,000,000 for each fiscal year to carry out this title. Of any amount that is appropriated to carry out the programs established under this title, no less than $15,000,000, or no less than two thirds of any appropriation, whichever is greater, shall be used to carry out sections 103 and 104.

TITLE II—NATIONAL TRAINING PROGRAM IN SUSTAINABLE AGRICULTURE

SEC. 201. FINDINGS AND PURPOSES.

(a) The Congress finds that—

(1) there is a great need for research-based practical knowledge that will assist farmers and nonfarmers adopt sustainable agriculture technologies, practices, and systems on their farms, in their businesses and in their homes;

(2) farmers rely upon the Extension Service as a primary source for the dissemination of research-based practical knowledge concerning farming methods; and

(3) Extension Service as well as other agricultural leaders need training in new sustainable agriculture technologies and practices in order to provide the information farmers and nonfarmers demand.

(b) PURPOSE.—It is the purpose of this title to establish a training program in sustainable agriculture for Extension Service agents and other leaders in agricultural education in order to facilitate the extension of knowledge of sustainable agriculture.

SEC. 202. DEFINITIONS.

As used in this title:

(1) EXTENSION SERVICE.—The term "Extension Service" shall include employees of the federal Extension Service, and the state and county Cooperative Extension Service.

(2) SUSTAINABLE AGRICULTURE.—The term "sustainable agriculture" means a variety of farming systems, ranging from organic systems that use no synthetic chemical inputs to those involving the prudent use of pesticides or antibiotics, and which result in—

(A) thorough incorporation of natural processes such as nutrient cycles, nitrogen fixation, and pest-predator relationships into the agricultural production process;

(B) reduction in the use of off-farm inputs with potential to harm the environment or the health of farmer and consumers;

(C) greater productive use of the biological and genetic potential of plant and animal species;

(D) improvement of the match between cropping patterns and the productive potential and physical limitations of agricultural lands to ensure long-term sustainability of current production levels; and

(E) profitable and efficient agricultural production, with emphasis on improved farm management and conservation of soil, water, energy, and biological resources.

SEC. 203. PROGRAM ADMINISTRATION.

(a) IN GENERAL.—The Secretary shall establish a National Training Program in Sustainable Agriculture to provide education and training for Extension Agents and other professionals involved in education and transfer of technical information concerning sustainable agriculture in order to develop understanding, competence, and ability to teach and communicate the concepts of sustainable agriculture to Extension Agents and to farmers and urban residents needing information on sustainable agriculture systems.

(b) ADMINISTRATION.—The training program shall be organized and administered jointly by the Centers established in Section 204 and the Extension Service and shall include on-site education at the Centers as well as education at other locations including land-grant universities, experiment stations, and demonstration farms.

SEC. 204. NATIONAL TRAINING CENTERS.

(a) IN GENERAL.—The Secretary shall designate not less than two national training centers to coordinate and administer education in sustainable agriculture as provided for in Section 203.

(b) TRAINING PROGRAM.—The Centers shall offer intensive instruction programs and involving classroom and field training work for extension specialists and other individuals who are required to transmit technical information.

(c) PROHIBITION ON CONSTRUCTION.—The Centers established in paragraph (a) shall be located at existing facilities. No funds appropriated under this title shall be used for facility construction.

(d) ADMINISTRATION.—Centers should be administered by organizations that—

(1) have a specific mandate relating to sustainable agriculture;

(2) have a base of programming that includes both research and education related to sustainable agriculture, with an emphasis on the application of an overall production systems approach which studies environmental interactions, farming methods, and resource efficiency; and

(3) have cooperative relationships with other agencies such as the Agricultural Research Service, the Cooperative Extension Service, land grant universities and nonprofit organizations.

(e) COORDINATION OF RESOURCES.—The Centers shall make use of information generated by the U.S. Department of Agriculture and the state agriculture experiment stations, and the practical experience of farmers, especially those cooperating in on-farm demonstrations and research projects.

(f) LOCATION.—The Secretary should consider utilizing existing organizations with expertise in sustainable agriculture to assist in the design and implementation of the training program.

SEC. 205. COMPETITIVE GRANTS.

(a) IN GENERAL.—The Secretary shall establish a competitive grants program to award grants to organizations, including land grant universities, in order to carry out sustainable training for county agents and other individuals needing basic information on sustainable agriculture practices.

(b) SHORT COURSES.—The purpose of the grants shall be to establish in the regions, training programs that consist of workshops and short courses designed to familiarize participants with the concepts and importance of sustainable agriculture.

SEC. 206. TRAINING PROGRAM PARTICIPANTS.

(a) IN GENERAL.—The Secretary should attempt to train all Extension Service personnel and other individuals who advise farmers in sustainable agricultural production methods.

(b) EXTENSION SERVICE.—The Secretary shall require that not less than twenty percent of Federal Extension Service staff participate in the intensive instruction at the Centers by September 30, 1995. In addition, the Secretary shall ensure that—

(1) each State Cooperative Extension Service designates not less than 50 percent of such state's specialists and agents to attend the intensive instruction program offered at the Centers by September 30, 1995; and

(2) each State Cooperative Extension Service designates not less than 20 percent of such state's nonspecialists to attend the short courses established through competitive grants by September 30, 1995.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There are to be authorized to be appropriated $10,000,000 for each fiscal year to carry out the provisions of this title.

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TITLE III—EXTENSION SERVICE PESTICIDE APPLICATION ADVICE

SEC. 301. FINDINGS AND PURPOSES.

(a) Finding.—The Congress finds that, in many cases, Extension Service agents would like to provide information to farmers concerning lower, effective rates of pesticide application than that specified on the label of the pesticide, in order to guide farmers toward low-input sustainable agriculture systems.

(b) Purpose.—The purpose of this title is to authorize Extension Service agents to provide information to farmers on reduced pesticide application rates when and if such information is available.

SEC. 302. DEFINITIONS.

As used in this title:

(1) Extension service.—The term "Extension Service" shall include employees of the federal Extension Service, and the state and county Cooperative Extension Services.

(2) Pesticide.—The term "pesticide" means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

SEC. 303. PESTICIDE USE RECOMMENDATIONS.

(a) In General.—Notwithstanding any other provision of law, Extension Service agents may advise farmers to apply any pesticide at a dosage, concentration, or frequency that is less than that specified on the label for such pesticide if the Extension Service agent has reason to believe that use of the pesticide at the lower dosage, concentration, or frequency would be efficacious.

(b) Publications.—Extension Service agents may include advice to farmers concerning such lower usage of specific pesticides in publications issued by the Extension Service if—

(1) such publication also states the rates of application specified on the label of such pesticide; and

(2) such publication discusses the efficacy of the pesticide when applied at such lower rate.

(c) Additional Information.—Any Extension Service publication that contains directions for the use of specific pesticides only at the dosage, concentration, or frequency specified on the label shall also include the statement "Information may be available from your Extension Service regarding the efficacy of using lower pesticide rates.".

SEC. 304. CONFORMING AMENDMENT.

Subsection (ee) of section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136) is amended by striking "unless the labeling specifically prohibits deviation from the specified dosage, concentration or frequency".

TITLE IV—BIOTECHNOLOGY RISK ASSESSMENT RESEARCH

SEC. 401. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) rapid advances in the application of biotechnology to agriculture have and will continue to result in the development of products whose research, evaluation, and commercial use require introduction into the environment; and

(2) more scientific information about the effects of the introduction of genetically engineered organisms into the environment, and the development of methods to contain and monitor such introduction are needed to—

(A) help researchers make sound judgments about the overall environmental impacts of genetically engineered organisms they develop, and to design projects that minimize any risks associated with the introduction of such genetically engineered organisms; and

(B) help regulators make scientifically sound and timely decisions regarding the introduction of genetically engineered organisms.

(b) Purposes.—It is the purpose of this title to—

(1) authorize and support environmental assessment research to the extent necessary to help address general concerns about environmental effects of biotechnology; and

(2) authorize research to help regulators develop policies, as soon as is practicable, concerning the introduction into the environment of such technology.

SEC. 402. DEFINITIONS.

As used in this title:

(1) Environmental assessment research.—The term "environmental assessment research" is research aimed at understanding the potential impacts on agricultural ecosystems, natural ecosystems, and human health of genetically engineered organisms introduced into the environment.

(2) Genetically engineered organism.—The term "genetically engineered organism" is a living organism, including a virus, that is generically modified using techniques of modern biotechnology, including recombinant DNA, chemical and electrical poration, and microinjection.

SEC. 403. GRANT PROGRAM.

(a) In General.—The Secretary shall establish a grant program within the Cooperative State Research Service and the Agricultural Research Service to provide the necessary funding for environmental assessment research concerning the introduction of genetically engineered organisms into the environment.

(b) Areas of Research.—Areas of research eligible for funding shall include—

(1) the development of methods to physically and biologically contain genetically engineered fish, plants, and microorganisms once they are introduced into the environment;

(2) the development of methods to monitor the dispersal of genetically engineered fish, plants, and microorganisms;

(3) research designed to further existing knowledge with respect to the rates and methods of gene transfer that may occur between genetically engineered organisms and related wild and agricultural organisms; and

(4) other areas of research designed to further the purposes of this title.

(c) Requests for Proposals.—The Secretary shall consult with the Administrator of the Animal and Plant Health Inspection Service, any existing Office of Agricultural Biotechnology, and any existing Agricultural Biotechnology Research Advisory Committee regarding any specific areas of research considered for funding under this section.

(d) Program Coordination.—The Secretary shall coordinate research authorized under this title with the Office of Research and Development of the Environmental Protection Agency and shall seek to avoid duplication of research activities.

(e) Open Competition.—Grants shall be made on the basis of quality of the proposed research project and shall not be restricted to land grant colleges and colleges of agriculture.

SEC. 404. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this title.

TITLE V—HERBICIDE RESISTANCE RESEARCH

SEC. 501. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds that—

(1) private and public sector researchers are currently engaged in considerable research to genetically modify plants to increase the herbicide resistance of such plants;

(2) the use of chemical herbicides may contribute to environmental pollution;

(3) our scarce public resources must, to the extent possible, be dedicated to research aimed at lessening the use of chemical pesticides; and

(4) the private sector will continue to develop herbicide resistant plants.

(b) Purpose.—It is the purpose of this title to transfer federal financial assistance now being used to assist individuals or entities in applied research designed to develop herbicide resistant plants to other weed management control options, including plant genome research.

SEC. 502. DEFINITIONS.

As used in this title:

(1) Herbicide resistant plants.—The term "herbicide resistant plants" means plants that are modified using recombinant methods or any other methods to improve the metabolic capabilities of plants to resist a particular synthetic chemical herbicide.

(2) Pesticide.—The term "pesticide" means any substance which alone, in chemical combination, or in any formulation with one or more substances, is defined as a pesticide in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

(3) Secretary.—The term "Secretary" means the Secretary of the United States Department of Agriculture.

SEC. 503. PROHIBITION OF ASSISTANCE FOR CERTAIN RESEARCH.

(a) In General.—Notwithstanding any other provision of law, the Secretary shall not allow any funds provided under the National Agriculture, Research, Extension, and Teaching Policy Act of 1977, the Food Security Act of 1985, or any other Act to be provided to any individual or entity for the purpose of conducting applied research designed to develop herbicide resistant plants.

(b) Exemption.—Subsection (a) shall not apply to risk assessment and monitoring research authorized under title IV of this Act.

(c) Project Completion.—

(1) Completion of research projects underway.—Except as provided in paragraph (2), the Secretary may permit completion of applied research projects designed to develop herbicide resistant plants if such projects are significantly underway and are near completion at the time of enactment of this Act.

(2) Termination of funding.—No funding for any projects under paragraph (1) shall be provided after September 30, 1992.

SEC. 504. REALLOCATION OF RESEARCH FUNDING.

To the extent practicable, the Secretary shall allocate federal funds equal to the amount of federal funds previously dedicated to research on the development of herbicide resistant plants prior to enactment of this Act for research on plant genomes that is directed at the development of plants adapted to week control management systems with reduced reliance on chemical herbicides, including row crop varieties better adapted to mechanical weed control, cover crops, and rotational crops which enhance weed control, and pest resistant plants.

SEC. 505. REPORT.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a survey of land-grant universities and colleges, 1890 institutions, and the Tuskegee Institute to determine the extent to which the private sector is supporting applied research at such institutions designed to develop herbicide resistant plants.

(b) REPORT.—Not later than September 30, 1991, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the findings of the survey conducted under subsection (a).●

By Mr. DIXON (for himself and Mr. SIMON):

S. 2335. A bill to provide for dual membership of one member each of the Commodities Futures Trading Commission and the Securities and Exchange Commission; to the Committee on Banking, Housing, and Urban Affairs.

DUAL MEMBERS OF THE COMMODITIES FUTURES TRADING COMMISSION AND THE SECURITIES AND EXCHANGE COMMISSION

Mr. DIXON. Mr. President, together with my distinguished colleague from Illinois, Senator SIMON, I am today introducing legislation to make one member of the Commodity Futures Trading Commission a full, voting member of the Securities and Exchange Commission and to make one member of the SEC a full, voting member of the CFTC.

This is a simple idea with a simple, straightforward purpose—to improve and institutionalize the coordination and cooperation between these two agencies.

Let there be no mistake. I believe that the CFTC and the SEC have worked well together since the 1987 market crash. I think they have both done an excellent job in addressing intermarket coordination issues through the working group established by the President.

This legislation is designed to build on the ad hoc efforts that have been taking place by putting a strong, statutory foundation in place to ensure that both the CFTC and the SEC fully consider the concerns of all of the markets they regulate.

This arrangement may seem to be unusual to some of my colleagues. However, there are precedents for this kind of crossmembership. In the banking area, for example, the Comptroller of the Currency is on the Board of the Federal Deposit Insurance Corporation.

There have been a lot of changes in our financial markets in recent years. Our stock markets are now dominated by institutional traders. Not very many years ago, financial futures did not exist at all.

Some argue that we need one overriding financial markets regulator to cope with these changes. I cannot agree with that argument. I do not want to take the time of the Senate to discuss this issue in detail now. I made a statement on Tuesday that goes into this issue in some detail. I would, however, like to cite an example—the banking area—that demonstrates that one regulator is not needed in order to make effective regulatory policy.

We have three Federal banking regulators. All of them are able to coordinate with one another to ensure that appropriate regulatory policies for all banks are implemented in an effective and reasonable manner. There is no reason that the SEC and the CFTC cannot also simply coordinate their policies.

Nonetheless, I am proposing legislation that goes somewhat farther than we have gone in the banking area. I think crossmembership is a good idea to give each agency a better appreciation of the issues the other has to face. In the banking area, the regulators are each regulating different aspects of one basic industry, and there is substantial overlap between many of their functions. In the futures markets-stock markets area, however, there are substantial differences in the industries being regulated and the functional overlap is much less.

Crossmembership will therefore help improve the SEC's understanding of futures markets and how they work, and improve the CFTC's understanding of the impact that some futures activities may have on the stock market. The result will be better regulation by both agencies.

It is worth noting that, under this proposal, two members of each Commission will have to have considerable expertise in both the futures markets and the stock markets. That kind of crossexpertise will be invaluable in dealing with future intermarket jurisdictional issues and other market coordination issues.

I urge my colleagues to consider this idea carefully. It is a modest approach. It does not call for fundamental restructuring of our regulatory structure. Fundamental restructuring, however, is not what is needed. Regulatory coordination is, and my proposal will ensure by statute that we have the kind of coordination we need.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2335

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DUAL MEMBERS OF THE CFTC AND SEC.

(a) CFTC.—Section 2(a)(2)(A) of the Commodity Exchange Act (7 U.S.C. 4a(a)(1)) is amended by inserting after the second sentence the following: "A commissioner of the Securities and Exchange Commission shall serve as a voting ex officio member of the Commodities Futures Trading Commission, but shall receive no additional compensation for such service.".

(b) SEC.—Section 4(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(a)) is amended by adding at the end the following: "A commissioner of the Commodities Futures Trading Commission shall serve as a voting ex officio member of the Securities and Exchange Commission, but shall receive no additional compensation for such service.".

SEC. 2. CONFORMING AMENDMENTS.

(a) CFTC.—Section 2(a)(2)(A) of the Commodity Exchange Act (7 U.S.C. 4a(a)(1)) is amended in the second sentence—

(1) by striking "five Commissioners, who" and inserting "5 Commissioners, 4 of whom";

(2) by inserting before the period the following: ", and one of whom shall be a commissioner of the Securities and Exchange Commission".

(b) SEC.—Section 4(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78d(a)) is amended in the first sentence—

(1) by striking "five commissioners to" and inserting "5 commissioners, 4 of whom shall";

(2) by inserting before the period the following: ", and one of whom shall be a commissioner of the Commodity Futures Trading Commission".

SEC. 2. TRANSITION RULE.

The amendments made by this Act shall take effect upon the date of enactment of this Act, and shall apply to the next two vacancies (other than the chair) in the membership of the Securities and Exchange Commission and to the next two vacancies (other than the chair) in the membership of the Commodity Futures Trading Commission. The first vacancy on either Commission that occurs after the date of enactment of this Act shall be filled by a commissioner who shall be designated also to serve ex officio to fill the first vacancy that occurs thereafter in the membership of the other commission. The vacancy in the membership of that other commission that occurs after a vacancy is filled ex officio under the preceding sentence shall be filled by a commissioner who shall be designated also to serve ex offico to fill the first vacancy that occurs thereafter in the membership of the first commission.

By Mr. BAUCUS (for himself, Mr. BURDICK, Mr. CONRAD, Mr. PRYOR, Mr. BOREN, Mr. FOWLER, Mr. HEFLIN, and Mr. BUMPERS):

S. 2336. A bill to amend the Agricultural Act of 1949 to provide for target price adjustments for the 1991 through 1995 program crops based on an index of production costs of farmers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

TARGET PRICE ADJUSTMENT ACT

Mr. BAUCUS. Mr. President, the Senate Agriculture Committee will soon begin marking up the 1990 farm bill.

To prepare for this markup, the committee has held several dozen hearings and heard testimony from every sector of the farm economy over the past year.

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I personally have spent many hours talking to Montana farmers and ranchers about their concerns in the farm bill.

One message has come through loud and clear.

We must put an end to the steady decline of net farm income.

I know that Bush administration officials claim that farm income is high.

But the fact of the matter is that, in real terms, farm income during the 1980's was the lowest it has ever been since we started keeping records in 1910.

During the 1910's, net farm income was $51.2 billion; in the 1930's it was $31.1 billion; in the 1950's, farmers made $47.6 billion; in the 1970's they made $41.3 billion; and during the 1980's they made only $28.8 billion.

We in Congress have a responsibility to turn this situation around for farmers.

One of the reasons farm income has been on the decline is that target prices have been going down and farmers' costs have been going up.

If we continue this pattern, we will soon have a mass exodus of farmers from their land.

That is why I am introducing a bill today that will tie adjustments in target prices to an index of farm input costs.

This indexing would both rise and fall depending on the input costs of farmers. That way farmers will know that they will be working under the same relationship of return and cost as they will be when the 1990 farm bill passes.

According to statistics compiled by the Food and Agricultural Policy Research Institute at the University of Missouri, the cost of production on wheat rose from $56.48 per acre in 1986, to $64.70 in 1989. The cost of producing oats over the same period rose from $50.37 per acre to $60.46. And the cost of producing barley rose from $57.93 to $65.90.

FAPRI estimates that by the year 1999, the cost of producing wheat will increase by 63 percent; the cost of producing oats will increase by 62 percent; and the cost or producing barley will increase by 64 percent.

Clearly, farmers will not be able to withstand these cost increases.

That is why I am introducing this legislation today. It is critical to the survival of farmers as we know them.

I urge my colleagues to join me and support this legislation. With farm income the lowest it's been since 1910, and with the costs of production rising by over 60 percent over the next 10 years, there is no way a farmer will be able to continue to plant his crops and feed his family without a cost of production index.

I ask unanimous consent that the full text of my legislation be printed immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2336

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Target Price Adjustment Act of 1990".

SEC. 2. ADJUSTMENT OF TARGET PRICES TO REFLECT CHANGING COSTS OF PRODUCTION.

Effective only for the 1991 through 1995 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice, section 425 of the Agricultural Act of 1949 (7 U.S.C. 1433d) is amended to read as follows:

"SEC. 425. ADJUSTMENT OF TARGET PRICES TO REFLECT CHANGING COSTS OF PRODUCTION.

"Notwithstanding any other provision of this Act, the Secretary shall provide for annual adjustments in the established prices used to calculate deficiency payments for each of the 1991 through 1995 crops of wheat, feed grains, upland cotton, extra long staple cotton, and rice to reflect any change during the last calendar year ending before the beginning of each such crop year in the index of prices paid by producers for production items, interest, taxes, and wage rates in the calendar year, as determined by the Secretary.".

By Mr. BAUCUS (for himself, Mr. HEINZ, and Mr. ROCKEFELLER):

S. 2337. A bill to amend the Trade Act of 1974 to provide for review by the Trade Representative of compliance by foreign countries with trade agreements; to the Committee on Finance.

TRADE AGREEMENT COMPLIANCE ACT

Mr. BAUCUS. Mr. President, I rise today to introduce legislation to enforce U.S. rights under trade agreements.

There are many foreign trade barriers in the world. The National Trade Estimate devotes 208 pages to listing those barriers—over 1,000 are cited.

But not all foreign trade barriers are equally troubling.

In drafting the 1988 Trade Act, the Congress recognized that there was one type of trade barrier that was completely unjustifiable and deserved special attention: violations of trade agreements.

Certainly, many foreign governments have argued that some of the barriers listed are not barriers at all.

But no reasonable argument can be advanced to defend an outright breach of a trade agreement.

The major trade agreements to which the United States is a party—the General Agreement on Tariffs and Trade and the United States-Canada Free Trade Agreement—have built-in dispute settlement mechanisms.

In addition to these agreements, however, the United States has entered into dozens of trade agreements to address various bilateral trade problems.

For example, the United States has concluded trade agreements with Japan addressing issues ranging from construction to pharmaceuticals, with the EC on compensation, with Korea on investment, and with numerous other nations on protection of intellectual property—to name only a few.

Unfortunately, our trade partners have not always lived up to their commitments under these agreements.

The United States had a dispute with the EC over the EC's compliance with a trade compensation agreement reached to compensate the United States for the ascension of Spain and Portugal into the EC.

Recently, there has been concern over Japanese compliance with the 1988 Beef and Citrus Agreement. Some have questioned Korean compliance with a variety of bilateral agreements reached by the United States and Korea in 1989. Finally, there is a longstanding dispute over Japanese compliance with the 1986 semiconductor trade agreement between the United States and Japan.

In most cases, these agreements do not contain an adequate dispute settlement mechanism to address these problems.

As noted, in the 1988 Trade Act we paid special attention to trade agreement violations. These violations were classified as "unjustifiable" trade barriers subject to mandatory trade retaliation under section 301 of U.S. trade law.

Unfortunately, there were oversights in the 1988 Trade Act. No comprehensive procedure was established for reviewing compliance with the many agreements reached between the United States and its trading partners.

The Trade Agreements Compliance Act which I am today introducing with Senators HEINZ and ROCKEFELLER seeks to address this shortcoming in the 1988 Trade Act.

The Trade Agreements Compliance Act establishes a regular procedure under which an interested U.S. party can review our trading partners compliance with these trade agreements as often as annually. The U.S. Trade Representative may also self-initiate a review of any agreement.

If one of our trading partners is found to be in violation of a trade agreement, a comprehensive review of the trading relationship between that nation and the United States is triggered. This review will reveal—among other things—if there are other agreement compliance problems involving that trading partner.

If violations are found and the trading partner involved refuses to come into compliance, the U.S. Trade Representative is required to retaliate against exports from that nation to the United States.

This legislation does nothing more than ensure that other nations do not take advantage of the United States. It is not an attempt to define questionable foreign trade practices as unfair. No reasonable party could argue that violations of trade agreements are not unfair.

Yet, the United States has too often been unwilling to forcefully assert its rights under trade agreements.

This has encouraged our trading partners to play fast and loose with their commitments to the United States.

We must put our foot down. We must tell the world we will not stand for trade agreement violations. And we must leave no doubt in the minds of our trading partners that we will respond to trade agreement violations.

I believe this legislation is a critical element of U.S. trade policy.

I ask unanimous consent that the text of the legislation appear in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2337

Be in enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trade Agreement Compliance Act of 1990".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States has entered into numerous trade agreements with foreign country trading partners;

(2) foreign country performance with respect to certain agreements has been less than contemplated, and in some cases rises to the level of noncompliance; and

(3) there is a need to provide a mechanism whereby interested parties can obtain a periodic review of the performance of a foreign country under a trade agreement.

(b) PURPOSES.—The purposes of this Act are—

(1) to ensure that foreign countries which have made commitments through agreements with the United States fully abide by those commitments;

(2) to obtain foreign country compliance with agreements with the United States through negotiation or, in the alternative, through unilateral action;

(3) to achieve a more open world trading system which provides mutually advantageous market opportunities for trade between the United States and foreign countries;

(4) to facilitate the opening of foreign country markets to exports of the United States and third countries by eliminating trade barriers and increasing the access of industry of the United States and third countries to such markets; and

(5) to reduce diversion of third country exports to the United States because of restricted market access in foreign countries.

SEC. 3. REVIEW OF TRADE AGREEMENTS.

The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by inserting after section 306, the following new section:

"SEC. 306A. REQUEST FOR REVIEW OF TRADE AGREEMENTS.

"(a) ANNUAL REVIEW OF TRADE AGREEMENTS.—

"(1)(A) At the written request of an interested person, the Trade Representative shall commence a review to determine whether a foreign country is in compliance with any trade agreement such country has with the United States.

"(B) An interested person may file a written request for review under paragraph (1) at any time after the date which is 30 days after the anniversary of the effective date of such agreement, but not later than 120 days before the date of expiration of such agreement.

"(C) A written request filed under this subsection shall—

"(i) identify the person filing the request and the interest of that person which is affected by the noncompliance of a foreign country with a trade agreement with the United States;

"(ii) describe the rights of the United States being denied under such trade agreement; and

"(iii) include information reasonably available to the person regarding the failure of the foreign country to comply with such trade agreement.

"(D) For purposes of this subsection, an 'interested person' is any person with a significant economic interest that is affected by the failure of a foreign country to comply with a trade agreement.

"(E) For the purposes of this subsection, the term 'trade agreement' means an agreement with the United States and is not intended to include broad multilateral trade agreements such as the General Agreement on Tariffs and Trade.

"(2) Not later than 90 days after receipt of a request for review under paragraph (1), the Trade Representative shall determine whether any act, policy, or practice of the foreign country that is the subject of the review—

"(A) is in material noncompliance with the terms of such agreement, or

"(B) otherwise denies, within the context of the terms of such agreement, to United States firms mutually advantageous market opportunities in the foreign country.

"(3) In conducting a review under this subsection, the Trade Representative may, as the Trade Representative determines appropriate, consult with the Secretary of Commerce or the Secretary of Agriculture.

"(b) FACTORS TO BE TAKEN INTO ACCOUNT.—In making a determination under subsection (a)(2), the Trade Representative shall take into account, among other relevant factors—

"(1) achievement of the objectives of the agreement,

"(2) adherence to commitments given, and

"(3) any evidence of actual patterns of trade that do not reflect patterns of trade which would reasonably be anticipated to flow from the concessions or commitments of such country based on the international competitive position and export potential of a United States industry or industries.

The Trade Representative may seek the advice of the United States International Trade Commission when considering these factors.

"(c) FURTHER ACTION.—

"(1) If, on the basis of the review carried out under subsection (a), the Trade Representative determines that a foreign country is in material noncompliance with an agreement within the meaning of subsection (a)(2)(A), the Trade Representative shall determine what further action to take under section 301(a).

"(2) If, on the basis of the review carried out under subsection (a), the Trade Representative considers that a foreign country is denying mutually advantageous market opportunities to United States firms within the meaning of subsection (a)(2)(B), the Trade Representative shall determine what further action to take under section 301(b).

"(3) For purposes of section 301, any determination made under subsection (a) shall be treated as a determination made under section 304.

"(4) In determining what further action to take under paragraph (1) or (2), the Trade Representative shall take into account the list of possible sanctions developed under subsection (e).

"(d) EVALUATION OF OVERALL TRADE PERFORMANCE.—

"(1) Not later than 30 days after the date that the Trade Representative has made an affirmative determination under subsection (a), the Trade Representative shall commence an evaluation of the overall trade performance of such foreign country. In conducting the evaluation, the Trade Representative shall use all relevant information such as the National Trade Estimates. The Trade Representative may seek the advice of the United States International Trade Commission and may consult with the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, or other government officials, as appropriate.

"(2) The evaluation provided for in paragraph (1) shall identify and describe, with respect to such foreign country—

"(A) the country's trade with the United States and third countries;

"(B) the impact of macroeconomic policies of the country, including exchange rate policies and the country's overall demand for United States or third country exports;

"(C) any structural policies (including tax incentives, production standards, distribution systems, and patterns of industrial ownership, or tolerance of anticompetitive practices) that may affect the country's demand for United States or third country exports;

"(D) tariff and nontariff barriers (including quotas, import licensing, and foreign exchange restrictions) that significantly restrict United States or third country exports to such country;

"(E) acts, policies, and practices that provide direct or indirect government support for exports from such country;

"(F) acts, policies, and practices that constitute significant barriers to foreign direct investment in such country by United States persons (as identified under section 181) or to foreign direct investment by third country persons; and

"(G) the extent to which the country's laws and enforcement of those laws afford adequate protection to United States and third country intellectual property, including patents, trademarks, copyrights, and maskworks.

"(3) The Trade Representative shall, as appropriate, provide notice and reasonable opportunity for public comment as part of the evaluation conducted under paragraph (1).

"(4) The Trade Representative shall, not later than 180 days after the date on which the Trade Representative makes an affirmative determination under subsection (a), submit to the President, the Chairman of the Committee on Ways and Means of the

House of Representatives, and the Chairman of the Committee on Finance of the Senate a report on the result of the evaluation conducted under this subsection.

"(5) The Trade Representative shall within 30 days of the submission of the report described in paragraph (4) take such action as the Trade Representative deems appropriate and feasible in accordance with the report's findings. In determining the actions to be taken, the Trade Representative shall take into consideration the possible sanctions identified under subsection (e).

"(e) POSSIBLE SANCTIONS; PUBLIC COMMENT.—

"(1) During the course of a review under subsection (a) or an evaluation under subsection (d), the Trade Representative, with the advice of the United States International Trade Commission, shall in a timely manner develop a list of possible sanctions which could be imposed in the event that the Trade Representative determines the country which is the subject of the review or evaluation—

"(A) is not in compliance with a trade agreement; or

"(B) denies United States firms mutually advantageous market opportunities.

"(2) In developing a list of possible sanctions, the Trade Representative shall seek to minimize any adverse impact on existing business relations or economic interests of United States persons, including consideration of taking action with respect to future products for which a significant volume of current trade does not exist.

"(3) The Trade Representative shall if he determines appropriate, provide notice and reasonable opportunity for public comment.

"(4) The Trade Representative shall keep appropriate committees of the Congress, including the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, currently informed with respect to the development of the list of possible sanctions.

"(5) The list of possible sanctions developed by the Trade Representative under paragraph (1) may include any action or combination of actions authorized by section 301, or any other action or combination of actions within the power of the President.".

SEC. 4. INTERNATIONAL OBLIGATIONS.

The amendments made by this Act shall not be construed to require actions inconsistent with the international obligations of the United States, including the General Agreement on Tariffs and Trade.

Mr. HEINZ. Mr. President, I am pleased to join today with the Senator from Montana [Mr. BAUCUS] and the Senator from West Virginia [Mr. ROCKEFELLER], in introducing legislation that would establish a regular procedure for reviewing foreign compliance with trade agreements and a series of steps to be taken to enforce compliance. This is an important bill from the standpoint of general trade law enforcement and from the particular perspective of the semiconductor industry.

With respect to general enforcement, it is virtually axiomatic that oversight and compliance verification are not things that either the executive or legislative branch does well. It is human nature to focus tremendous resources and attention on the working of an agreement and then, having done that, to turn one's attention to the next crisis and the next potential agreement rather than undertake the more boring task of monitoring implementation of the old one. The emphasis in government is inevitably on the short-term future—the next problem—rather than on the long-term future or the assessment of past progress. Maintaining sufficient discipline to overcome that tendency has proven exceptionally difficult, both in government and in the private sector.

The result in the trade area has been a number of situations where implementation of an agreement has been less than we hoped. With respect to the European Community, for example, the pasta case and the canned fruit case both proved to be a series of negotiations followed by a failure to comply, followed by more negotiations. We may be heading into the same sequence of events in the soybean case as well.

In the case of Japan the record is even bleaker. We have a supercomputer super 301 case because our previous agreement has not been honored. We had several unpleasant rounds in the pager dispute. And, of course, the semiconductor agreement continues to be a serious problem.

In most of these cases, moreover, the monitoring of results and the impetus for remedial action came largely from the affected industry, not the Government. While they have the most at stake and are generally in the best position to observe the implementation process, these are, after all, Government-to-Government agreements. The Government has negotiated them, and the Government has an obligation to see that they are implemented in good faith. The domestic industry, which is often in difficult straits and has expended considerable resources in pursuing its complaint, should not also bear the responsibility of policeman while it is still the plaintiff.

A case in point, Mr. President, and the one that inspired this bill, is the semiconductor agreement. In that case, Japanese failure to honor the third market and have market access provisions led to substantial sanctions during the Reagan administration. With respect to access to the Japanese market, there has been little appreciable progress. U.S. market share is still hovering around 12 percent when the agreement's side letter calls for 20 percent next year.

Despite that lack of progress, the Government has been reluctant to take vigorous action. Despite the recommendation of numerous Members of Congress last year, this matter was not placed on the super 301 list, even through the imposition of sanctions demonstrated a prima facie case of a violation.

More recently, we have all been treated to unexpected statements by ambassador Hills to the effect that she did not negotiate the agreement, and implying that had she done so, she would have done it very differently. Those remarks, Mr. President, only tell the Japanese we are not serious about this agreement and do not intend to take any agressive action to enforce it. Intentionally or not, those comments have exacerbated the problems this bill addresses.

Thus this bill, while it is not sector specific and focuses on improving needed oversight in the Government, will also provide a mechanism for addressing the semiconductor case.

In that regard, there should be no question about the criticality of this sector. I have spoken on that subject numerous times in this Chamber, Mr. President, and I will not do it again today. Suffice it to say that I believe we have a consensus here on the need to maintain a viable domestic semiconductor industry for the sake of our national security and our industry infrastructure.

Preserving our industry requires regulating our trade relations with Japan in this sector by doing our best to stop their dumping in the United States and elsewhere permanently and opening their market to our product. A regular review procedure with real consequences for noncompliance such as is provided by this bill, will be an important step toward achieving that goal. I urge all Senators to support it.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DECONCINI, Mr. MITCHELL, Mr. ROCKEFELLER, Mr. GRAHAM, Mr. THURMOND, Mr. SPECTER, Mr. JEFFORDS, and Mr. BOREN):

S. 2338. A bill to extend temporarily the period during which certain veterans of the Vietnam era are eligible for veterans' readjustment appointments under section 2014 of title 38, United States Code; placed on the calendar by unanimous consent.

VETERANS' READJUSTMENT APPOINTMENT AUTHORITY EXTENSION

Mr. CRANSTON. Mr. President, today I am introducing, along with Senators MURKOWSKI, MATSUNAGA, DECONCINI, MITCHELL, ROCKEFELLER, GRAHAM, THURMOND, SPECTER, and JEFFORDS, all but one of the members of the Veterans' Affairs Committee, and Senator BOREN, a bill to extend temporarily the period during which certain veterans of the Vietnam era are eligible for special readjustment appointments under section 2014 of title 38, United States Code.

Section 407 of the Veterans' Benefits Amendments of 1989 (Public Law 101-237), enacted on December 18, 1989, extended the Veterans' Readjustment

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Appointment [VRA] authority for Vietnam-era veterans who are service-disabled or served in the Vietnam theater of operation or otherwise earned a campaign badge during the Vietnam era. However, that legislation, consistent with the Senate-passed legislation, S. 13, did not extend the VRA authority for other veterans of the Vietnam era, and that authority thus expired on December 31, 1989.

In the past few weeks, I have received reports of significant numbers of Vietnam-era veterans who had employment applications in process with various Federal agencies when the VRA authority expired with respect to them. For example, 17 had been employed in temporary positions for quite a while at the Defense Mapping Agency Aerospace Center in St. Louis, MO, as they awaited the completion of the security clearances they need in order to be given regular VRA appointments. The Office of Personnel Management [OPM] has advised me informally that there is no authority for executive branch action to grant the affected individuals VRA-equilvalent appointments—despite the fact that the VRA authority was originally created by Executive order—and that legislation is necessary to provide relief. I have requested but not yet received a written legal opinion from OPM.

There clearly was no congressional intent to disappoint VRA applicants who were somewhere in the processing pipeline when their VRA eligibility expired. The failure to make any provision for them was simply an oversight which we believe ought to be corrected. Our measure would extend through September 30, 1990, the VRA eligibility of Vietnam-era veterans who lost eligibility as of January 1, 1990, and thus give Federal agencies an opportunity to complete their processing of those applications that were under consideration on December 31, 1989.

Mr. President, we hope to achieve swift enactment of this legislation and thus will be taking action to put the bill directly on the Senate calendar rather than have the bill referred to the Veterans' Affairs Committee where it already enjoys overwhelming support. Time is of the essence if the measure is to provide meaningful assistance to those Vietnam-era veterans who were seeking Federal employment prior to the cutoff date.

Mr. President, I ask unanimous consent that the text of our bill be printed in the Record at this point.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2338

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY EXTENSION OF ELIGIBILITY.

Notwithstanding section 2014 of title 38, United States Code, a veteran of the Vietnam era who was eligible for a veterans' readjustment appointment under that section on December 31, 1989, and lost that eligibility as a result of the amendments made by section 407 of the Veterans' Benefits Amendments of 1989 (Public Law 101-237; 103 Stat. 2082), shall remain eligible until September 30, 1990, for a veterans' readjustment appointment under section 2014 of that title as in effect on December 31, 1989.

SEC. 2. DEFINITIONS.

As used in this Act, the terms "veteran" and "Vietnam era" have the meanings given those terms in paragraphs (2) and (29), respectively, of section 101 of title 38, United States Code.

Mr. MURKOWSKI. I am pleased to join with the distinguished chairman of the Committee on Veterans' Affairs in introducing legislation which would extend for 6 months the period for which certain veterans of the Vietnam era are eligible for Veterans' Readjustment Act [VRA] appointments under the criteria in effect prior to January 1, 1990. This will provide a chance to be hired to those veterans who lost their eligibility for a VRA appointment because their applications were being processed when the criteria changed.

When Congress extended and modified existing VRA legislation in Public Law 101-237, I believe it was not our intent to close out those veterans who had applied under the original criteria and who, through no fault of their own, were caught by the December 31, 1989, deadline. If enacted, the legislation I am now introducing would correct this unintended situation. Although veterans have fared as well, and sometimes even better, than their nonveteran counterparts in employment over the years, I believe we as a grateful nation should make sure this trend continues and our veterans have every opportunity to compete in the marketplace and gain meaningful employment.

This legislation will ease the transition from the old eligibility rules, which were based only on the calendar period of military service, to the new criteria which targets those veterans for whom there is a documented need for employment assistance: the newly discharged, the disabled, and those who actually served in a combat campaign.

The focus on the newly discharged will, incidentally, be fortuitous if a reduction in the size of our Armed Forces throws a large number of new veterans into the labor force in the near future.

ADDITIONAL COSPONSORS

S. 416

At the request of Mr. Domenici, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 416, a bill to provide that all Federal civilian and military retirees shall receive the full cost-of-living adjustment in annuities payable under Federal retirement systems for fiscal years 1990 and 1991, and for other purposes.

S. 656

At the request of Mr. Grassley, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 656, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans.

S. 1041

At the request of Mr. Conrad, the name of the Senator from Mississippi [Mr. Lott] was added as a cosponsor of S. 1041, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers who realize capital gain on the transfer of farm property to satisfy an indebtedness, and for other purposes.

S. 1542

At the request of Mr. Hatfield, the name of the Senator from Oregon [Mr. Packwood] was added as a cosponsor of S. 1542, a bill to amend chapter 55 of title 5, United States Code, to include certain employees of the Department of Commerce as forest firefighters.

S. 1557

At the request of Mr. Roth, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 1557, a bill to amend title 17, United States Code, to permit the unlicensed viewing of videos under certain conditions.

S. 1680

At the request of Mr. Boren, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 1680, a bill to amend the Magnuson Fishing Conservation and Management Act so as to enhance the enforcement of laws concerning American Lobster.

S. 1853

At the request of Mr. Chafee, the names of the Senator from Alaska [Mr. Stevens] and the Senator from Arizona [Mr. DeConcini] were added as cosponsors of S. 1853, a bill to award a Congressional Gold Medal to Laurance Spelman Rockefeller.

S. 2003

At the request of Mr. Hollings, the name of the Senator from Mississippi [Mr. Lott] was added as a cosponsor of S. 2003, a bill to establish a commission to advise the President on proposals for national commemorative events.

S. 2043

At the request of Mr. Hollings, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 2043, a bill to establish a

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reforestation program for timber lands suffering damages from natural disasters.

S. 2048

At the request of Mr. SARBANES, the names of the Senator from Washington [Mr. ADAMS], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2108

At the request of Mr. LEAHY, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2108, a bill to promote the production of organically produced foods through the establishment of a national standard production for organically produced products and providing for the labeling of organically produced products, and for other purposes.

S. 2119

At the request of Mr. LEAHY, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2119, a bill to amend the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990, to increase the total amount of commitments which may be made to finance projects for housing and infrastructure in Israel for Soviet refugees, and for other purposes.

S. 2158

At the request of Mr. PRYOR, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2159

At the request of Mr. BOSCHWITZ, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2186

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 2186, a bill to repeal the provisions of the Revenue Reconciliation Act of 1989 which require the withholding of income tax from wages paid for agricultural labor.

S. 2214

At the request of Mr. PACKWOOD, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. EXON], the Senator from Montana [Mr. BURNS], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2214, a bill to provide incentives to health care providers serving rural areas, to eliminate the Medicare reimbursement differential between hospitals located in rural and urban areas, and for other purposes.

S. 2284

At the request of Mr. KASTEN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2284, a bill to amend the Federal Food, Drug, and Cosmetic Act to define the term light or reduced fat butter, and for other purposes.

S. 2313

At the request of Mr. BIDEN, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 2313, a bill to provide emergency Federal assistance to drug emergency areas.

S. 2315

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 2315, a bill to amend the Agricultural Act of 1949 to provide soybean producers with fair income and freedom of planting choice support, and to eliminate any indirect subsidization of foreign oilseed production.

SENATE JOINT RESOLUTION 240

At the request of Mr. SYMMS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 272

At the request of Mr. COCHRAN, the names of the Senator from Utah [Mr. GARN], the Senator from Alabama [Mr. HEFLIN], the Senator from Missouri [Mr. DANFORTH], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Joint Resolution 272, a joint resolution to designate March 30, 1990, as "National Doctor's Day."

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. HATFIELD, the name of the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE CONCURRENT RESOLUTION 96

At the request of Mr. FORD, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Concurrent Resolution 96, a concurrent resolution to urge the administration in the strongest possible terms not to propose civil air transport services for inclusion under the General Agreement on Tariffs and Trade [GATT], or the proposed General Agreement on Trade in Services [GATS], and to actively oppose any proposal that would consider civil air transport services as a negotiation item.

SENATE RESOLUTION 239

At the request of Mr. DECONCINI, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate cease-fire.

SENATE CONCURRENT RESOLUTION 109—PROVIDING FOR A VOLUME ENTITLED "COLUMBUS IN THE CAPITOL"

Mr. DECONCINI (for himself, Mr. DOMENICI, and Mr. D'AMATO) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 109

Whereas Christopher Columbus was a great and courageous explorer whose voyages of discovery are well known;

Whereas 1992 marks the 500th anniversary of the discovery of America by Christopher Columbus in 1492; and

Whereas paintings, statues, and other works of art depicting the life and exploits of Christopher Columbus are displayed, permanently and in special exhibits, in the Capitol and at other locations within the Capitol grounds: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ART VOLUME.

(a) PREPARATION.—As part of the observance of the 500th anniversary of the discovery of America, the Joint Committee on Printing shall prepare a volume describing works of art honoring Christopher Columbus that are displayed, both permanently and in special exhibits, in the Capitol and at other locations within the Capitol grounds. The Office of Architect of the Capitol and other Congressional entities shall provide such assistance as the Joint Committee may require.

(b) CONTENTS.—The volume shall—

(1) be entitled "Columbus in the Capitol"; and

(2) contain descriptions and illustrations of the works of art.

SEC. 2. ART EXHIBITS.

During 1992, the Architect of the Capitol shall carry out a program of special exhibits of works of art honoring Christopher Columbus.

● Mr. DECONCINI. Mr. President, in 1992 this country will celebrate the 500th anniversary of the discovery of America by Christopher Columbus. I have no doubt that it will be a year of memorable events showcasing the beginning of our history and the qualities and ideals that shaped our Nation.

We in Congress are not unfamiliar with the many ways Columbus' achievements have been memorialized in the past. There are numerous statues, paintings, and other works of art that surround us here in the Capitol and on the Capitol Grounds which honor this great man and his journey. Today I am submitting with my distinguished colleagues, Senator Domenici and Senator D'Amato, a concurrent resolution to share these memorials more widely, by means of an official publication containing written and pictorial descriptions of these works of art. This publication, to be entitled "Columbus in the Capitol," would be one part of the many special events that are already being planned for this historic year. It would also be an appropriate contribution and meaningful tribute by the Congress to the yearlong celebration of Columbus.

This resolution has been introduced in the House by Congressman Annunzio and 26 Members, and I urge my colleagues to cosponsor this companion measure.●

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

NICKLES (AND OTHERS) AMENDMENT NO. 1373

Mr. NICKLES (for himself, Mr. Heflin, Mr. Dole, Mr. Nunn, Mr. McClure, Mr. McConnell, Mr. Simpson, Mr. Boren, Mr. Cochran, Mr. Boschwitz, Mr. Symms, Mr. Murkowski, Mr. Armstrong, Mr. Ford, Mr. Shelby, and Mr. Thurmond) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient or quality standards, and for other purposes, as follows:

On page 455 of the amendment No. 1293, beginning with line 12, strike out all through line 25 on page 512 and insert in lieu thereof the following:

TITLE V—PERMITS

Sec. 501. The Clean Air Act is amended—

(1) by inserting after the heading "TITLE III—GENERAL" the subheading

"Part A—Miscellaneous and

(2) by adding at the end of title III the following:

"Part B—Benefits

"definitions

"Sec. 350. As used in this title—

"(1) The term 'major source' means any stationary source (or any group of stationary sources located within a contiguous area and under common control) that is a major stationary source or major emitting facility as defined in section 302(j).

"(2) For sources subject to standards issued under section 112 of this Act, the term 'area source' shall have the meaning given in that section.

"(3) The term 'schedule of compliance' means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an applicable implementation plan, emission standard, emission limitation or emission prohibition.

"(4) the term 'permitting authority' means the Administrator, or the air pollution control agency authorized by the Administrator to carry out a permit program under this title.

"permit programs

"Sec. 351. (a) After the effective date of any permit program approved or promulgated under this title, it shall be unlawful for any person to violate any requirement of a permit issued under this title, or to operate any source subject to title IV, a major source, any other source (including an area source) subject to standards or regulations under sections 111 or 112, or any other stationary source designated by regulations promulgated by the Administrator, except in compliance with a permit issued by a permitting authority under this title. Nothing in this subsection shall be construed to alter the requirements of sections 165, 172, and 173 regarding the requirement that a permit be obtained prior to construction. The Administrator may, in the Administrator's discretion, promulgate regulations to exempt one or more source categories from the requirements of this subsection if the Administrator finds that such an exemption is warranted, considering the costs and benefits of the permit requirement, and would be consistent with protection of the public health, welfare, and the environment.

"(b) Not later than twelve months after the date of enactment of this title, the Administrator shall promulgate regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. These elements shall include:

"(1) Requirements for permit applications, including a standard application form and criteria for determining in a timely fashion the completeness of the applications;

"(2) Monitoring and reporting requirements.

"(3) (A) A requirement under State or local law that the owner or operator of all sources subject to the requirement to obtain a permit under this title pay an annual fee, or the equivalent over some other period, sufficient to cover all reasonable costs of developing and administering the permit program, including, but not limited to, the reasonable cost of—

"(i) reviewing and acting upon any application for such a permit,

"(ii) if the owner or operator receives a permit for such source, whether before or after the date of enactment of this section, implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action),

"(iii) emissions and ambient monitoring,

"(iv) preparing generally applicable regulations or guidance,

"(v) modeling, analyses, and demonstrations, and

"(vi) preparing inventories and tracking emissions.

"(B) The total amount of fees collected by the permitting authority shall conform to the following requirements:

"(i) The Administrator shall not approve a program as meeting the requirements of this paragraph unless the air pollution control agency demonstrates that, except as otherwise provided in clauses (ii) through (iv) of this subparagraph, the program will result in the collection, in the aggregate, from all sources subject to subparagraph (A), of an amount not less than $25 per ton of each regulated pollutant, unless the Administrator determines that a lesser amount would meet the requirements of subparagraph (A).

"(ii) As used in this subparagraph, the term 'regulated pollutant' shall mean (I) a volatile organic compound; (II) each pollutant for which a national primary ambient air quality standard has been promulgated (except that carbon monoxide shall be excluded from this reference).

"(iii) In determining the amount under clause (i), the permitting authority is not required to include any amount of regulated pollutant emitted by any source in excess of 4,000 tons per year of that regulated pollutant.

"(iv) The fee calculated under clause (i), shall be increased (consistent with the need to cover reasonable costs) in each year beginning after the year of enactment of this section by the percentage, if any, by which the Producer Price Index for the most recent calendar year ending before the beginning of such year exceeds the Producer Price Index for the calendar year 1989.

"(C) (i) If the Administrator determines, under section 351(c), that the fee provisions of the operating permit program do not meet the requirements of this paragraph, or if the Administrator makes a determination, under section 351(g), that the permitting authority is not adequately administering or enforcing an approved fee program, the Administrator may, in addition to taking any other action authorized under this title, collect reasonable fees (but only to collect or to provide for collecting such fees) from the sources identified under subparagraph (A) without regard to the requirements of subparagraph (B).

"(ii) Any source that fails to pay fees lawfully imposed by the Administrator under this subparagraph shall pay a penalty of 50 per centum of the fee amount, plus interest on the fee amount computed in accordance with section 6621(a)(2) of title 26, of the United States Code (relating to computation of interest on underpayment of Federal taxes).

"(iii) Any fees, penalties, and interest collected under this subparagraph shall be deposited in a special fund in the United States Treasury for licensing and other services, which thereafter shall be available for appropriation, to remain available until expended, subject to appropriation, to carry out the Agency's activities for which the fees were collected.

"(iv) Any fee required to be collected by an air pollution control agency under this subsection shall be utilized solely to support the air pollution control permit program of such agency, as provided in this paragraph.

"(4) Requirements for adequate personnel and funding to administer the program.

"(5) A requirement that the permitting authority have and exercise adequate authority to—

"(A) issue permits that assure compliance by all sources required to have a permit under this title with each applicable standard, regulation or requirement under this Act;

"(B) issue permits for a fixed term, not less than one year and not greater than five years;

"(C) assure that upon issuance or renewal, permits include emission limitations and other conditions required by section 353(a);

"(D) (i) terminate, modify, or revoke and reissue a permit for a material inaccuracy in the permit that renders the permit inconsistent with the Act, or

"(ii) modify or revoke and reissue a permit if EPA promulgates regulations after the permit is issued, and modification of the permit to implement such regulations is necessary in order to protect against a serious risk to public health;

"(E) enforce permits, permit fee requirements, and the requirement to obtain a permit, including authority to recover civil penalties in a maximum amount of not less than $10,000 per day for each violation, and appropriate criminal penalties;

"(F) ensure that no permit will be issued if the Administrator timely objects to its issuance under section 354; and

"(G) extend a permit's term if a timely and complete application for renewal is made, until the permitting authority takes final action upon the renewal application.

"(6) Adequate, streamlined, and reasonable procedures for expeditiously determining when applications are complete, and for processing such applications for public notice, including offering an opportunity for public comment and a hearing, and for expeditious review of permit actions, including applications.

"(7) Authority and procedures to make available to the public any permit application, compliance plan, permit, and monitoring or compliance report under section 352(e), subject to the provisions of section 114 of this Act.

"(8) Adequate and expeditious procedures for permit modification, and procedures to assure that preference be accorded to the processing of applications for any permits required for new or modified major sources under sections 165, 172, or 173.

"(9) Procedures and other requirements to minimize, to the maximum extent practicable, duplication, needless paperwork, and delays in the issuance of permits under this title.

"(10) Requirements that—

"(A) If a permit applicant identifies the composition of emissions under the reasonably anticipated operating conditions of the permitted facility, the permit shall set forth the emission limitations, standards, and other requirements that would apply under all such reasonably anticipated operating conditions, and

"(B) The emission limitations and other permit terms shall allow the owner or operator of a facility to make changes in the operation of the facility that might shift permitted emissions from one source to another within the same facility, as authorized by a codifying or modifying permit, without the necessity for a permit modification, provided that the owner or operator provides written notification specifying changed permit requirements to the permitting authority not less than seven calendar days prior to any such change, and that the permit includes such emission limitations and other requirements as are necessary to assure that the modified requirements will be enforceable and will not cause any net increase in the total actual emissions from the facility; and

(11) procedures and requirements that comply with subsection 112(j).

"(c) Not later than three years after the enactment of this title, the Governor of each State shall develop and submit to the Administrator a permit program under State or local law or under an interstate compact meeting the requirements of this title. In addition, the Governor shall submit a legal opinion from the attorney general (or the attorney for those State air pollution control agencies that have independent legal counsel), or from the chief legal officer of an interstate agency, that the laws of the State, locality, or the interstate compact provide adequate authority and obligation to carry out the program. Not later than one year after receiving a program, and after notice and opportunity for public comment, the Administrator shall approve or disapprove such program, in whole or in part. The Administrator shall approve a program to the extent that the program meets the requirements of this Act, including the regulations issued under subsection (b) of this section. If the program is disapproved, in whole or in part, the Administrator shall notify the Governor of any revisions or modifications necessary to obtain approval. The Governor shall revise and resubmit the program for review under this section within one hundred and eighty days after receiving notification. If the Governor fails within such period to resubmit an approvable program, the Administrator may in the Administrator's discretion take either or both of the following actions:

"(1) apply any of the sanctions specified in section 176(a) of this Act other than the sanction specified in section 176(a)(2); or

"(2) promulgate a program, or portion of a program, under this title.

"(d) The Administrator shall suspend the issuance of permits promptly upon publication of notice of approval of a permit program under this section, but may in such notice retain jurisdiction over permits that have been federally issued, but for which the administrative or judicial review process is not complete. The Administrator shall continue to administer and enforce federally issued permits under this title until they are replaced by a permit issued by a permitting program. Nothing in this provision should be construed to limit the Administrator's ability to enforce permits issued by a State.

"(e) Interim Approval.—If a program submitted under this title substantially meets the requirements of this title, but is not fully approvable, the Administrator may by rule grant the program interim approval. In the notice of final rulemaking, the Administrator shall specify the changes that must be made before the program can receive full approval. An interim approval under this subsection shall expire on a date set by the Administrator not later than two years after such approval, and may not be renewed.

"(f) Effective, Date.—The effective date of a permit program, or interim program, approved under this title, shall be the effective date of approval by the Administrator.

"(g) Whenever the Administrator makes a preliminary determination that a permitting authority is not adequately administering and enforcing a program, or portion thereof, in accordance with the requirements of this title, he shall notify the permitting authority of such determination and the reasons therefor. Such notice shall be made public. If the permitting authority fails to take action to assure adequate administration and enforcement, the administrator may in the Administrator's discretion, but not before ninety days after issuing such notice, take one or more of the following actions:

"(1) withdraw approval of the program or portion by rule;

"(2) propose to apply any of the sanctions specified in section 176(a) of this Act other than the sanction specified in section 176(a)(2); or

"(3) promulgate a program, or portion of a program, under this title.

"PERMIT APPLICATIONS

"Sec. 352. (a) Any source specified in section 351(a) shall become subject to a permit program, and required to have a permit, on the later of the following dates:

"(1) the effective date of a permit program or interim permit program applicable to the source; or

"(2) the date such source becomes subject to section 351(a).

"(b)(1) The regulations required by section 351(b)(1) shall include a requirement that there is submitted with the permit application a compliance plan describing how the source will comply with all applicable requirements under this Act. The compliance plan shall include a schedule of compliance, and a schedule under which the permittee will submit progress reports to the permitting authority no less frequently than every six months.

"(2) The regulations shall further require the permittee to periodically certify that the facility is in compliance with any applicable requirements of the permit, and to promptly report, consistent with provisions of the United States Constitution regarding self-incrimination, any violations of such requirements to the permitting authority.

"(c) Any person required to have a permit shall, not later than thirty months after the date on which the source becomes subject to a permit program approved or promulgated under this title, or such earlier date as the permitting authority may establish, submit to the permitting authority a compliance plan and an application for a permit signed by a responsible official, who shall certify the accuracy of the information submitted. The Administrator, in consultation with the permitting authority, shall establish a schedule for submission of all or part of the application by sources or categories of sources (including any class, type, or size within such category) within the 30-month period in a manner that minimizes administrative burdens. The Administrator may base the schedule on the amount of emissions from the sources or categories of sources, air quality considerations, or such other factors as he may consider relevant. The Administrator, in consultation with the permitting authority, may extend the date for submission of permit applications by any source or category of sources for up to an additional 18 months if the Administrator determines in his discretion that insufficient resources are available to assure adequate review of such permit applications by the permitting authority or the administrator. No additional extensions may be granted.

"(d) Except for sources required to have a permit prior to construction under section 112, 165, 172, or 173, if an applicant has submitted a timely and complete application for a permit required by this title, but final action has not been taken on such application, the source's failure to have a permit shall not be a violation of this Act, unless the delay in final action was due to the failure of the applicant to timely submit information required or requested to process the application. No source required to have a permit under this title shall be in violation of section 351(a) before the date on which the source is required to submit an application under subsection (c) of this section.

"(e) A copy of each permit application, compliance plan, emissions or compliance monitoring report, certification, and each permit issued under this title, shall be available to the public. If an applicant or permittee is required to submit information entitled to protection from disclosure under section 114(c) of this Act, the applicant or permittee may submit such information separately. The requirements of section 114(c) shall apply to such information. The contents of a permit shall not be entitled to protection under section 114(c).

"(f)(1) Any permittee may submit an application for a modification of the permit at any time during the permit's term.

"(2) Whenever the permitting authority finds that a permit omitted a material requirement of the Act that should have been incorporated therein, or that a new requirement applicable to the permittee has been promulgated under procedures identified in section 353(f)(2), it shall provide effective notice to the permittee. The permittee shall apply for a permit modification within thirty days after receipt of such notification when the omission of an existing requirement is involved, and with regard to new requirements within such time as set forth in these new requirements. Such a modification shall be treated as a codifying permit for purposes of Section 354.

"(3) If a permittee has received notification of an omission of an existing requirement under paragraph (2) of this subsection, and has not submitted a complete application for modification within the required thirty day period, such source shall be deemed not to have a permit with respect to emissions subject to the requirements that were the subject of the notification."

"PERMIT REQUIREMENTS AND CONDITIONS

"SEC. 353. (a) Each permit issued under this title shall include emission limitations and standards, and such other measures, including schedules of compliance where appropriate, as are necessary to assure compliance with applicable requirements of this Act.

"(b) The Administrator may by rule prescribe procedures and methods for determining compliance and for monitoring and analysis of pollutants regulated under this Act. The Administrator shall take into account the cost and feasibility of such requirements, and the extent to which they are needed to assure compliance.

"(c)(1) Each permit issued under this title shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions. Such monitoring and reporting requirements shall conform to any applicable regulations under subsection (b) of this section. Any report required to be submitted by a permit issued to a corporation under this title shall be signed by a responsible corporate official, who shall certify its accuracy.

(2) A permit for a source that is an affected source under title IV shall prohibit a source from emitting sulfur dioxide in excess of allowances it holds. No permit modification shall be required for increases in emissions authorized by allowances acquired through trading or otherwise under title IV, provided that the increase complies with other requirements of the Act.

"(d) The permitting authority may, after notice and opportunity for public hearing, issue a general permit covering numerous similar sources. Any general permit shall comply with all requirements applicable to permits under this title. No source covered by a general permit shall thereby be relieved from the obligation to file an application under section 352.

"(e)(1) The permitting authority may issue a single permit to an owner or operator authorizing emissions from similar operations at multiple temporary locations. No such permit shall be issued unless it includes conditions that will assure compliance with all the requirements of this Act at all authorized locations, including, but not limited to, ambient standards and compliance with any applicable increment or visibility requirements under part C of title I. Any such permit shall in addition require the owner or operator to notify the permitting authority in advance of each change in location. The permitting authority may require a separate permit fee for operations at each location.

"(2) A single permit may be issued for a facility with multiple sources.

"(f)(1) Compliance with the terms and conditions of a permit issued in accordance with the requirements of this part shall be deemed compliance with:

"(A) all requirements of this Act in existence at the time the permit is issued that are explicitly addressed by such terms and conditions; and

"(B) except as provided in paragraph (2), all requirements that are promulgated after the permit is issued, unless the Administrator finds that actual harm to public health would result during the period prior to the expiration of the permit;

"(2) Notwithstanding paragraph (1) of this subsection, compliance with the terms and conditions of a permit shall not be deemed compliance, for purposes of any enforcement action commenced by the Administrator, with requirements that are promulgated or approved by the Administrator pursuant to the procedures for informal rulemaking in section 553 of title 5 of the United States Code, or in Section 307(d) of this Act, provided that the permittee shall have been notified of such requirements under Section 352(f) of this Act;

"(3) In any action to enforce a requirement omitted from a permit, the relevant circumstances of the omission, including whether the source in good faith provided information to the permitting authority, the materiality of any failure to provide such information, the materiality of the requirement omitted from the permit, and any mistakes of the permitting authority, shall be relevant to whether any penalty should be assessed and to the amount of such penalty. No enforcement action shall lie if the omission is the fault of the permitting authority and the source had provided the appropriate information in its permit application;

"(4) Notwithstanding the provisions of paragraph (1), compliance with a permit issued under this title shall not alter, modify or otherwise affect the authority of the Administrator under section 303 (emergency powers) or the requirement to comply with any order issued under section 303.

"NOTIFICATION TO ADMINISTRATOR AND OTHER STATES

"SEC. 354. (a)(1)(A) Each permitting authority shall transmit to the Administrator a copy of each draft permit released for public comment, and such other information as the Administrator may by rule require in order to carry out his duties under the Act. The permitting authority shall provide notice, in accordance with regulations promulgated by the Administrator, of each permit proposed to be issued by the authority, and, except as provided under subparagraph (B), transmit a copy of each such proposed permit to the Administrator for review under subsection (b).

"(B) A proposed permit shall not be required to be forwarded to the Administrator for review under subsection (b) whenever the permitting authority states in the public notice of the permit that it is a codifying permit—which is defined as a permit that implements, and does not change any material requirement of, any applicable implementation plan or other regulation or standard promulgated by the Administrator—unless—

"(i) the Administrator notifies the permitting authority, not later than the close of the public comment period that the permit is a modifying permit, which is defined as a permit that does not so implement such requirements; or

"(ii) the final permit modifies any provision in the permit submitted for public notice.

Any decision by the Administrator whether to issue a notification under clause (i) shall be committed to agency discretion and not subject to judicial review.

"(2) The permitting authority shall notify all States whose air quality may be significantly affected by a modifying permit for a major source of each draft permit released for public comment, and shall provide an opportunity for such States to submit written recommendations respecting the issuance of the permit and its terms and conditions. If any part of those recommendations are not accepted by the permitting authority, such authority shall notify the State submitting the recommendations and the Administrator in writing of its failure to accept those recommendations and the reasons therefor.

"(3) For purposes of paragraph (2), emissions from a permitted source may significantly affect air quality in any State within fifty miles from the source. The Administrator may enlarge or reduce this distance by rule.

"(4) The notice required under paragraph (1)(A) for a draft modifying permit shall include a concise description of the manner in which the draft modifying permit does not implement, or otherwise changes the requirements of, any applicable implementation plan or other regulation or standard promulgated by the Administrator.

"(b) No permit shall be issued if the Administrator (1) within ninety days after receipt of the proposed permit under subsection (a)(1)(A) of this section, or (2) within ninety days after receiving notification under subsection (a)(2), objects in writing to its issuance as not in compliance with the applicable implementation plan or other applicable emission limitations, standards, or other applicable requirements of this Act. The Administrator may object to a modifying permit only if it would result in emissions regulated under an applicable implementation plan that are greater than under such plan (unless such emissions are either offset by reductions from another permitted source or are accounted for under an applicable implementation plan approved by the Administrator), or would not comply with another applicable requirement of this Act. The Administrator shall provide with the objection a statement of the reasons for the objection. A copy of any objection and statement shall be provided to the applicant.

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"(c) If the permitting authority fails within ninety days after the date of the objection, to submit a permit revised to meet the objection, the Administrator shall promptly issue or deny the permit in accordance with the requirements of this title. No objection shall be subject to judicial review until the Administrator takes final action to issue or deny a permit under this subsection. A failure of the Administrator to object to a modifying permit submitted for review under subsection (a)(1)(A) of this section shall be subject to judicial review under section 307(b).

"(d) The Administrator may, by regulation, require that specified modifications to requirements of the applicable implementation plan with respect to specified categories of sources (including any class, type, or size within such category) be made only through a revision to the applicable implementation plan.

"(e)(1) The Administrator may waive the requirements of subsections (a) and (b) of this section at the time of approval of a permit program under this title for any category (including any class, type, or size within such category) of sources covered by the program.

"(2) The Administrator may by regulation establish categories of sources (including any class, type, or size within such category) to which the requirements of subsection (a) and (b) of this section shall not apply.

"(3) The Administrator may exclude from any waiver under this subsection notification under paragraph (a)(2). Any waiver granted under this subsection may be revoked or modified by the Administrator by rule.

"(f) If the Administrator finds that cause exists under section 351(b)(5)(D) to terminate, modify, or revoke and reissue a State or local permit under this title, the Administrator shall notify the permitting authority of such finding. The permitting authority shall, within ninety days after receipt of such notification, forward to the Administrator under this section a proposed determination of termination, modification, or revocation and reissuance, as appropriate. The Administrator may extend such ninety day period for an additional ninety days if the Administrator finds that a new or revised permit application is necessary, or that the permitting authority must require the permittee to submit additional information. The Administrator may review such proposed determination under the provisions of subsections (a) and (b) of this section. If the permitting authority fails to submit the required proposed determination, or if the Administrator objects and the permitting authority fails to resolve the objection within the period prescribed in subsection (c) of this section, the Administrator may, after notice and in accordance with duly promulgated procedures, terminate, modify, or revoke and reissue the permit.

"RELATION TO OTHER AUTHORITY

"Sec. 355. (a) Nothing in this title shall prevent an air pollution control agency from establishing additional permitting requirements not inconsistent with this Act.

"(b) Nothing in this title shall be construed to authorize the Administrator, or a State, or other permitting authority, to modify or revoke any allowance granted under title IV, or to alter or amend any requirement of sections 111 or 112.

"(c) For the purpose of this Act, any permit properly issued or revised shall become part of and supersede any inconsistent portion of, the applicable implementation plan, and shall have the effect specified in section 353(f).

"(d) In promulgating any standard under section 111 or 112, the Administrator shall identify which sources or categories of sources (including any class, type, or size within such category) subject to such standard shall be subject to this title.

Sec. 502. Section 304(f)(1) is amended to read as follows:

"(1) an emission limitation, standard of performance, or an emission standard, or a schedule or timetable of compliance that is currently legally enforceable;"

COORDINATION OF PERMITS

Sec. 503. All permits issued under ths part shall, to the maximum extent practicable, be coordinated and consolidated with all other permits required under this Act.

CONFORMING AMENDMENTS

Sec. 504. (a) Title I—Attainment and Maintenance of Ambient Air Quality Standards.

(1) On page 38, line 13, following "respectively)", replace the period with "; and", and add a new subparagraph (C), as follows:

"(C) Notwithstanding any other provision of this Part, for any State, upon the approval or promulgation of all or part of a permit program under Part B of Title III of this Act, permits for the operation of major stationary sources shall be issued in accordance with the requirements of that program, in lieu of the requirements of this Part, but only to the extent that program applies to such sources."

(2) On page 64, line 25, strike "It" and insert in lieu thereof the following: "Except as provided under section 172(c)(6)(C), it".

(3) On page 104, line 8, strike "It" and insert in lieu thereof the following: "Except as provided under section 172(c)(6)(C), it".

(4) On page 117, line 23, strike "It" and insert in lieu thereof the following: "Except as provided under section 172(c)(6)(C), it".

(b) Title III—Air Toxics.

(1) On page 284, line 23, following "paragraph (2)", insert the following: "or paragraph (6)".

(2) On page 292, delete lines 4 through 6, and insert in lieu thereof the following:

"(6) Notwithstanding any other provision of this subsection, for any State, upon the approval or promulgation of all or part of a permit program under Part B of Title III of this Act, permits for sources subject to any emissions standard under this section shall be issued in accordance with the requirements of that program, in lieu of the requirements of this subsection, but only to the extent that program applies to such sources."

(3) Page 285, lines 3 to 5, delete from "the Administrator" through "subsection.", and insert in lieu thereof: "the State or the Administrator, but only to the extent that the State has an approved program consistent with this subsection or the Administrator has promulgated a program under Part B of Title III."

(c) Title IV—Acid Deposition.

On page 428, lines 18 through 20, delete all through "Act.", and insert in lieu thereof the following:

"Sec. 408. (a) Permit Program.—This title shall be implemented by permits issued in accordance with this section and Part B of Title III of this Act."

TITLE VI—ENFORCEMENT AND REAUTHORIZATION

Sec. 601. (a) The heading of section 113(a) of the Clean Air Act is amended by replacing the words "FINDING OF VIOLATION" with "NOTIFICATIONS AND COMPLIANCE ORDERS".

(b) Section 113(a)(1) of the Clean Air Act is amended as follows:

(1) In the first sentence, after "finds that any person", insert the words "has violated or"; and following the words "shall notify the person" replace "in violation of" with "who violated".

(2) In the sentence,

(A) strike the words "If such violation extends beyond the thirtieth day after the date of the Administrator's notification," and insert in lieu thereof the words "At any time after the expiration of thirty days following the date on which such notice of the violation is issued,"; and

(B) strike all after "of such plan" and insert in lieu thereof the following: ", may issue an administrative penalty order under subsection (d), or may bring a civil action under subsection (d), or may bring a civil action under subsection (b), without regard to the period of the violation (subject to section 2462 of title 28 of the United States Code). Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation."

(c) Section 113(a)(2) of the Clean Air Act is amended as follows:

(1) Insert the words "or approved permit program" after "applicable implementation plan" in the first sentence.

(2) Insert the words "or permit program" after "in which the plan", "enforce the plan", "enforce such plan", and "requirement of such plan".

(3) Strike the "or" at the end of section 113(a)(2)(A), redesignate subparagraph "(B)" as "(C)", and insert the following new subparagraph (B):

"(B) by issuing an administrative penalty order under subsection (d) of this section, or".

(4) Insert the following new sentence at the end of section 113(a)(2): "Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such notification for any such violation.".

(d) Section 113(a)(3) of the Clean Air Act is amended as follows:

(1) Insert the words "has violated or" before the words "is in violation of" in the first sentence.

(2) Strike the words "section 111(e)" and all that follows down through "(relating to inspections, etc.), he" and insert in lieu thereof the following new language: "any requirement or prohibition of section 111(d)(2)(B), 111(e), or 111(j) of this title (relating to new source performance standards), section 112(i) of this title (relating to standards for hazardous emissions), section 114 of this title (relating to investigatory authority), section 126(d) of this title (relating to interstate pollution), section 157 of this title (relating to stratospheric ozone), section I76(a)(1) of this title (relating to sanctions), section 185(c) of this title (relating to consumer and commercial products), section 185(d) of this title (relating to hazardous waste facilities), section 327 of title III (relating to outer continental shelf requirements), sections 351(a) or 352(c) of title III (relating to permits), or any requirement or prohibition of title IV (relating to acid deposition control), including but not limited to, a requirement of any rule, order, waiver or permit promulgated, issued, or approved under those provisions or for the payment of any fee owed the United States under this Act, the Administrator:".

(3) Strike the words "or he" before the words "may bring a civil action" and insert in lieu thereof the following words: "may issue an administrative penalty order in accordance with subsection (d);".

(4) Insert after the words "may bring a civil action in accordance with subsection (b)" the words "or section 305, or the United States may commence a criminal action in accordance with subsection (c).".

(e) Section 113(a)(4) of the Clean Air Act is amended by deleting the first sentence and inserting at the end thereof: "An order issued under this subsection shall require the person to whom it was issued to comply with the requirement as expeditiously as practicable, but in no event longer than one year after the date the order was issued, and shall be nonrenewable. No order issued under this subsection shall prevent the State, the Administrator, or a court in an action brought under section 304, from assessing any penalties nor otherwise affect or limit enforcement under other provisions of this Act, nor affect any person's obligations to comply with any section of this Act, or a term or condition of any permit or applicable implementation plan promulgated or approved under this Act. The provisions of subsections (d)(2), (d)(4), and (d)(5) of this section shall apply to any order issued under this subsection.".

(f) Section 113(a)(5) of the Clean Air Act is amended to read as follows:

"(5) Whenever, on the basis of any available information, the Administrator finds that a State is not acting in compliance with any requirement of the Act relating to the construction of new sources or the modification of existing sources, the Administrator may—

"(A) issue an order prohibiting the construction, modification or operation of any major stationary source in any area to which such provisions apply;

"(B) issue an administrative penalty order in accordance with subsection (d); or

"(C) bring a civil action under subsection (b)(5).

Nothing in this subsection shall preclude the United States from commencing a criminal action under section 113(c) without such finding for any such violation.".

(g) Section 113(b) of the Clean Air Act is amended to read as follows:

"(b) CIVIL JUDICIAL ENFORCEMENT.—The Administrator shall, as appropriate, in the case of any person which is the owner or operator of any source subject to title IV, a major emitting facility, or a major stationary source, and may, in the case of any other person, commence a civil action for a permanent or temporary injunction, or to assess and recover a civil penalty of not more than $25,000 per day for each violation, or both, whenever such person—

"(1) has violated or is in violation of any requirement of an applicable implementation plan (such action shall be commenced (A) during any period of federally assumed enforcement, or (B) more than thirty days following the date of the Administrator's notification under subsection (a)(1) of a finding that such person is violating such requirement); or

"(2) has violated or is in violation of any requirement or prohibition of section 111(d)(2)(B), 111(e), or 111(j) of this title (relating to new source performance standards), section 112(i) of this title (relating to standards for hazardous emissions), section 114 of this title (relating to investigatory authority), section 126(d) of this title (relating to interstate pollution), section 157 of this title (relating to stratospheric ozone), section 176(a)(1) of this title (relating to sanctions), section 185(c) of this title (relating to consumer and commercial products), section 185(d) of this title (relating to hazardous waste facilities) section 327 of title III (relating to outer continental shelf requirements), sections 351(a) or 352(c) of title III (relating to permits), or any requirement or prohibition of title IV (relating to acid deposition control), or any order or notice issued pursuant to section 113(a) section 113(d), or section 167 of this title, or section 303 or section 307 of title III, including, but not limited to, a requirement of any rule, order, waiver or permit promulgated, issued, or approved under those provisions or for the payment of any fee owed the United States under this Act; or

"(3) attempts to construct, modify or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made.

Any action under this subsection may be brought in the district court of the United States for the district in which the violation is alleged to have occurred, or in which the defendant resides, or where the defendant's principal place of business is located, and such court shall have jurisdication to restrain such violation, to require compliance, to assess such civil penalty, and to collect any fees owed the United States under the Act and any noncompliance assessment and nonpayment assessment owed under section 120 and to award any other appropriate relief. Notice of commencement of such action shall be given to the appropriate State air pollution control agency. In the case of any action brought by the Administrator under this subsection, the court may award costs of litigation (including reasonable attorney and expert witness fees) to any party or parties against whom such action was brought in any case where the court finds that such action was unreasonable.".

(h) Section 113(c) of the Clean Air Act is amendment to read as follows:

"(c) CRIMINAL ENFORCEMENT.—

"(1) Any person who knowingly fails to pay any fee owed the United States under this title, title III, or title, IV, shall, upon conviction, be punished by a fine pursuant to title 18 of the United State Code, per day for each violaltion, or by imprisionment for not more than one year, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(2) Any person who negligently releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)(2) of title 42 of the United States Code, which release such person knows could place another person in immediate danger of death or serious bodily injury and who thereby places another person in immediate danger of death or serious bodily injury shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, per day for each violaltion, or by imprisonment for not more than one year, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment. For any hazardous air pollutant listed pursuant to section 112 for which the Administrator has set an emissions standard or limitation or for which a permit under Part B of title III is in effect, or for which any other relevent standard under this Act has been set, a release of such pollutant in accordance with such standard or permit shall not constitute a violation of this paragraph.

"(3) Any person who knowingly violates any requirement or prohibition of an applicable implementation plan, or of section 111(d)(2)(B), 111(e), or 111(j) of this title (relating to new source performance standards), section 112(i) of this title (relating to standards for hazardous emissions), section 114 of this title (relating to investigatory authority), section 126(d) of this title (relating to interstate pollution), section 157 of this title (relating to stratospheric ozone), section 176(a)(1) of this title (relating to sanctions), section 185(c) of this title (relating to consumer and commercial products), section 185(d) of this title (relating to hazardous waste facilities), section 327 of title III (relating to outer continental shelf requirements), sections 351(a) or 352(c) of title III (relating to permits), or any prohibition of title IV (relating to acid deposition control), or any final order or notice issued pursuant to section 113(a), section 113(d), or section 167 of this title, or section 303 or section 307 of title III, including, but not limited to, a requirement of any rule, order, waiver or permit promulgated, issued, or approved under those provisions shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, per day for each violation, or by imprisonment for not more than five years, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(4) Any person who knowingly—

"(A) makes any false material statement, representation, or certification in, or omits material information from, or knowingly and materially alters, conceals or fails to maintain or file, any notice, application, record, report, plan, or other document required pursuant to this Act to be either filed or maintained (whether with respect to the requirements imposed by the Administrator or by a State); or

"(B) fails to notify or report as required under this Act; or

"(C) falsifies, tampers with, renders inaccurate, or fails to install any monitoring device or method required to be maintained or followed under this Act;

shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, per day for each violation, or by imprisonment for not more than two years, or by both. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment.

"(5)(A) Any person who knowingly releases into the air any hazardous air pollutant listed pursuant to section 112 of this Act or any extremely hazardous substance listed pursuant to section 11002(a)(2) of title 42 of the United States Code, and who knows at the time that he thereby places another person in imminent danger of death or serious bodily injury shall, upon conviction, be punished by a fine pursuant to title 18 of the United States Code, per day for each violation, or by imprisonment for not more

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than fifteen years, or by both. Any person committing such violation who is an organization shall, upon conviction under this paragraph, be subject to a fine of not more than $1,000,000 per day for each violation. If a conviction of any person under this paragraph is for a violation committed after a first conviction of such person under this paragraph, the maximum punishment shall be doubled with respect to both the fine and imprisonment. For any hazardous air pollutant listed pursuant to section 112 for which the Administrator has set an emissions standard or limitation or for which a permit under Part B of title III is in effect, or for which any other relevant standard under this Act has been set, a release of such pollutant in accordance with such standard or permit shall not constitute a violation of this paragraph.

"(B) In determining whether a defendant who is an individual knew that the violation placed another person imminent danger of death or serious bodily injury—

"(i) the defendant is responsible only for actual awareness or actual belief possessed; and

"(ii) knowledge possessed by a person other than the defendant, but not by the defendant, may not be attributed to the defendant;

except that in proving a defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to be shielded from relevant information.

"(C) The term 'organization' means a legal entity, other than a government, established or organized for any purpose, and such term includes a corporation, company, association, firm, partnership, joint stock company, foundation, institution, trust, society, union, or any other association of persons.

"(D) The term 'serious bodily injury' means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(6) For the purposes of this subsection, the term 'person' includes, in addition to the entities referred to in section 302(e), any responsible corporate officer.".

(i) Section 113(d) of the Clean Air Act is amended to read as follows:

"(d) ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND PROCEDURES GOVERNING ADMINISTRATIVE COMPLIANCE ORDERS.—

"(1) The Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to $25,000, per day for each violation, whenever, on the basis of any available information, the Administrator finds that such person—

"(A) has violated or is violating any requirement of an applicable implementation plan (such order shall be issued (i) during any period of federally assumed enforcement, or (ii) more than 30 days following the date of the Administrator's notification under subsection (a)(1) of this section of a finding that such person is violating such requirement); or

"(B) has violated or is violating any requirement of section 111(d)(2)(B), 111(e), or 111(j) of this title (relating to new source performance standards), section 112(i) of this title (relating to standards for hazardous emissions), section 114 of this title (relating to investigatory authority), section 126(d) of this title (relating to interstate pollution), section 157 of this title (relating to stratospheric ozone), section 176(a)(1) of this title (relating to sanctions), section 185(c) of this title (relating to consumer and commercial products), section 185(d) of this title (relating to hazardous waste facilities), section 327 of title III (relating to outer continental shelf requirements), sections 351(a) or 352(c) of title III (relating to permits), or any requirement or prohibition of title IV (relating to acid deposition control), or any order or notice issued pursuant to section 113(a), section 113(d), or section 167 of this title, or section 303 or section 307 of title III, including, but not limited to, a requirement of any rule, order, waiver or permit promulgated, issued, or approved under those provisions or for the payment of any fee owed the United States under this Act; or

"(C) attempts to construct, modify or operate a major stationary source in any area with respect to which a finding under subsection (a)(5) of this section has been made.

The Administrator's authority under this paragraph shall be limited to matters where the total penalty sought does not exceed $200,000 and the first alleged date of violation occurred no more than twelve months prior to the initiation of the administrative action.

"(2)(A) An administrative penalty order under paragraph (1) or an order under subsection (a) of this section shall be issued by the Administrator after opportunity for a hearing on the record in accordance with sections 554 and 556 of title 5 of the United States Code. The Administrator may issue rules for discovery and other procedures for hearings under this paragraph. Before issuing such an order, the administrator shall give written notice to the person to whom the order is to be issued of the Administrator's proposal to issue such order and provide such person an opportunity to request such a hearing on the order, within thirty days of the date the notice is received by such person. An order issued under this subsection or subsection (a) shall become final if no hearing is requested within thirty days or upon issuance of the order following the hearing provided for in this paragraph.

"(B) The administrator may compromise, modify, or remit, with or without conditions, any administrative penalty which may be imposed under paragraph (d)(1).

"(3) The Administrator may implement through regulation, after consultation with the Attorney General, a field citation program for appropriate minor violations, which authorizes the issuance of field citations assessing civil penalties not to exceed $5,000 per inspection. During any six month period, the total penalty assessed under this paragraph for any single facility shall not exceed $25,000. Any person to whom a field citation is assessed may, within a reasonable time as prescribed by the Administrator through regulation, elect to pay the penalty assessment or to request a hearing on the field citation. If a request for a hearing is not made within the time specified in the regulation, the penalty assessment in the field citation shall be final. Such hearing shall not be subject to section 554 or 556 of Title 5 of the United States Code, but shall provide a reasonable opportunity to be heard and to present evidence. Payment of a civil penalty required by a field citation shall not be a defense to further enforcement by the United States or a State to correct a violation, or to assess the statutory maximum penalty pursuant to other authorities in the Act, if the violation continues.

"(4) Any person against whom a civil penalty is assessed under paragraph (3) of this subsection, or to whom an order is issued under subsection (a) of this section or under paragraph (1) of this subsection, may seek review of such assessment or order in the United States District Court for the District of Columbia, or for the district in which the violation is alleged to have occurred, in which such person resides, or where such person's principal place of business is located, by filing in such court within thirty days following the date the assessment or order becomes final, and by simultaneously sending a copy of the filing by certified mail to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy, or certified index, as appropriate, of the record on which the assessment or order was issued within 30 days. Such court shall not set aside or remand such assessment or order unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the order or assessment constitutes an abuse of discretion. Such order or assessment shall not be subject to review by any court except as provided by this paragraph. In any such proceedings, the United States may seek to recover civil penalties assessed under this section.

"(5) If any person fails to pay an assessment of a civil penalty or fails to comply with an order—

"(A) after the order or assessment has become final, or

"(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to enforce the order or to recover the amount assessed (plus interest at rates established pursuant to section 6621(a)(2) of title 26, United States Code, from the date of the final order or decision or the date of the final judgment, as the case may be). In such an action, the validity, amount, and appropriateness of such order or assessment shall not be subject to review. Any person who fails to pay on a timely basis a civil penalty under this section shall be required to pay, in addition to such penalty and interest, the United States' enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to 20 per centum of the aggretate amount of such person's outstanding penalties and nonpayment penalties accrued as of the beginning of such quarter.".

(j) Current section 113(e) of the Clean Air Act is deleted in its entirety and replaced with the following new section 113(e) and 113(f):

"(e) PENALTY ASSESSMENT CRITERIA.—

"(1) In determining the amount of any penalty to be assessed under this section or section 304(a), the court shall take into consideration (in addition to such other factors as justice may require) the size of the business, the economic impact of the penalty on the business, the violator's full compliance history and good faith efforts to comply, the duration of the violation as established by any credible evidence (including evidence other than the applicable test method), payment by the violator of penalties previously assessed for the same violation, the economic benefit of noncompliance, and the seriousness of the violation. The court shall not assess penalties for noncompliance with orders under section 303, administrative subpoenas under section 307(a), and actions under section 114 of this Act, where the violator had sufficient cause to violate or fail or refuse to comply with the order, subpoena, or action.

"(2) A penalty may be assessed for each day of each violation. For purposes of determining the number of days of violation for which a penalty may be assessed under subsection (b) or (d)(1) of this section, or section 304(a), or an assessment may be made under section 120, where the Administrator or an air pollution control agency has notified the source of the violation, and the plaintiff makes a prima facie showing that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice, the days of violation shall be presumed to include the date of such notice and each and every day thereafter until the violator establishes that continuous compliance has been achieved, except to the extent that the violator proves by a preponderance of the evidence that there were intervening days during which no violation occurred or that the violation was not continuing in nature.".

"(f) MONETARY AWARDS.—The Administrator may pay an award, not to exceed $10,000, to any person who furnishes information or services which lead to a criminal conviction or a civil judicial or administrative judgment of liability for any violation of this Act enforced under this section. Any officer or employee of the United States or any State or local government who furnishes information or renders service in the performance of an official duty is ineligible for payment under this subsection. An authorized contractor acting as a representative of the Administrator shall be considered an employee of the United States for purposes of this subsection. The Administrator may, by regulation, prescribe additional criteria for eligibility for such an award.".

REVIEWABILITY OF ADMINISTRATIVE ORDERS

"SEC. 602. (a) Section 307(b)(2) of the Clean Air Act is amended by adding at the end thereof: "Notices issued under sections 113 or 120, orders under section 303, administrative subpoenas under section 307(a), and actions under sections 114, 206(c) and 208 of this Act are not considered final actions for purposes of this section. Such orders, subpoenas, and actions shall be subject to judicial review only in a proceeding commenced by the United States under sections 113, 120, 204 or 205, or in a citizen suit commenced under section 304, to enforce the subpoena or action. No such order, subpoena, or action may be challenged in any citizen suit under section 304 unless the Administrator and the Attorney General are notified in writing of such challenge.".

(b) Section 307(e) of the Clean Air Act is amended by inserting at the end thereof the following: "Subpoenas issued under section 307(a), orders under section 303, and actions under section 114, 206(c) and 208 of this Act may only be reviewed in a proceeding commenced by the United States under section 113, 120, 204, or 205, or in a citizen suit under section 304, to enforce the subpoena, order, or action.".

"(c) Section 307(b)(1) of the Clean Air Act is amended by striking "under section 113(d) of this title," immediately before "under section 119 of this title" in the second sentence.".

COMPLIANCE CERTIFICATION

SEC. 603. (a) Section 114(a)(1) of the Clean Air Act is amended by—

(1) inserting ", on a one-time, periodic or continuous basis" immediately before "to (A) establish and maintain";

(2) inserting "audit procedures" immediately before "or methods, (D)";

(3) inserting "procedures or" immediately before "methods, at such locations,";

(4) inserting "during such continuous periods" immediately before ", and in such manner as the Administrator";

(5) striking "and" immediately before subparagraph (E); and

(6) redesignating subparagraph (E) as (G) and inserting the following new subparagraphs: "(E) keep periodic or continuous records on control equipment parameters, production variables or other indirect data when direct monitoring of emissions is impractical, (F) submit compliance certifications in accordance with section 114(a)(3); and".

(b) Section 114(a) is amended by adding the following new paragraph:

"(3) The Administrator shall in the case of any person which is the owner or operator of a major stationary source, and may, in the case of any other person, require enhanced monitoring and submission of compliance certifications. Compliance certifications shall include (i) identification of the applicable requirement that is the basis of the certification, (ii) the method used for determining the compliance status of the source, (iii) the compliance status, (iv) whether compliance is continuous or intermittent, (v) such other facts as the Administrator may require. Compliance certifications and monitoring data shall be public information. Submission of a compliance certification shall in no way limit the Administrator's authorities to investigate or otherwise implement the Act.".

(c) Section 307(b)(1) is amended by inserting "or revising regulations for enhanced monitoring and compliance certification programs under section 114(a)(3) of this Act," immediately before "or any other final action of the Administrator".

CONTRACTOR INSPECTIONS

SEC. 604. (a) Section 14(a)(2) of the Clean Air Act is amended by inserting "(including an authorized contractor acting as a representative of the Administrator)," immediately before "upon presentation of his credentials".

(b) Section 114(c) is amended by striking "except that such record," and all that follows in the subsection and inserting". Any authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator) shall be considered an employee of the United States for purposes of the provisions of section 1905 of title 18. Nothing in this subsection shall prohibit the Administrator or an authorized representative of the Administrator (including any authorized contractor acting as a representative of the Administrator) from disclosing records, reports or information to other officers, employees or authorized representatives of the United States (including any authorized contractor acting as a representative of the Administrator), or to any State concerned with carrying out this Act, or when relevant in any proceeding under this Act.".

ADMINISTRATIVE ENFORCEMENT SUBPOENAS

SEC. 605. Section 307 of the Clean Air Act is amended by redesignating subsection (a)(1) as subsection (a), and, in that newly designated subsection, striking "or" before "section 202(b)(5)" and inserting "any investigation, monitoring, reporting requirement, entry, compliance inspection, or administrative enforcement proceeding under section 113, section 114, section 120, section 205, section 206, section 208, section 303 or section 306 of the Act," immediately after "section 202(b)(4) or 211(c)(3)".

EMERGENCY ORDERS

SEC. 606. Section 303(a) of the Clean Air Act is amended by—

(1) striking "the health of persons, and that appropriate State or local authorities have not acted to abate such sources" and inserting "public health or welfare, or the environment";

(2) revising the second sentence to read "If it is not practicable to assure prompt protection of public health or welfare or the environment by commencement of such a civil action, the Administrator may issue such orders as may be necessary to protect public health or welfare or the environment.";

(3) striking the last three sentences in their entirety; and

(4) inserting the following at the end of the subsection: "Prior to taking action under this section, the Administrator shall consult with appropriate State and local authorities and attempt to confirm the accuracy of the information on which the action proposed to be taken is based. Any order issued by the Administrator under this section shall be effective upon issuance and shall remain in effect for a period of not more than sixty days, unless the Administrator brings an action pursuant to the first sentence of this section before the expiration of that period. Whenever the Administrator brings such an action within the sixty-day period, such order shall remain in effect for an additional fourteen days or for such longer period as may be authorized by the court in which such action is brought".

CONTRACTOR LISTINGS

SEC. 607. Section 306(a) of the Clean Air Act is amended by—

(a) striking "(1)" after "section 113(c)"; and

(b) inserting at the end thereof "For convictions arising under section 113(c)(4), the condition giving rise to the conviction also shall be considered to include any substantive violation of this Act associated with the violation of 113(c)(4). The Administrator may extend this prohibition to other facilities owned or operated by the convicted person.".

JUDICIAL REVIEW PENDING RECONSIDERATION OF REGULATION

SEC. 608. Section 307(b)(1) of the Clean Air Act is amended by adding at the end thereof the following: "A petition for reconsideration by the Administrator of any otherwise final agency action shall not render the action nonfinal for purposes of judicial review nor extend the time within which a petition for review may be filed, and shall not postpone the effectiveness of the agency action.".

CITIZEN SUITS AND PETITIONS

SEC. 609. (a) CIVIL PENALTIES.—

(1) Section 304(a) of the Clean Air Act is amended by inserting immediately before the period at the end thereof: ", and to

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apply any appropriate civil penalties (except for action under paragraph (a)(2)), including those pursuant to a consent judgment, payable to the special fund as established in subsection (g), taking into account the factors listed in section 1113(e)".

(2) Section 304 of the Clean Air Act is amended by adding the following new subsection:

"(g) Penalty Fund.—Penalties received under subsection (a) shall be deposited in a special fund in the United States Treasury for licensing and other services, which shall be available for appropriation, and remain available until expended for use by the Environmental Protection Agency to finance air compliance and enforcement activities.".

(3) Paragraph (2) of subsection 304(c) of the Clean Air Act is amended to read as follows:

"(2) In any action under this section, the Administrator, if not a party, may intervene as matter of right at any time in the proceeding. In such intervention, the Administrator may substitute himself as the plaintiff with regard to any claim for civil penalties. Upon such substitution, the citizen plaintiff's claims for civil penalties shall abate. A judgment in an action under this section to which the United States is not a party shall not, however, have any binding effect upon the United States.".

(b) Nature of Violation.—Section 304(a) of the Clean Air Act, as amended by subsection (a), is further amended by—

(1) striking the word "or" at the end of paragraph (2) and inserting the following new paragraph (4) at the end of paragraph (3):

"(4) against any person who operates any source requiring a permit under section 315(a) without such a permit, except as provided in section 352(d) or who is alleged to be in violation of any condition of such permit or of a temporary operating permit issued under section 112."

(2) adding at the end thereof the following:

"Where a provision of the Act mandates that the Administrator shall take specified action when certain preconditions are met, and the Administrator has taken final action finding such preconditions, the court's power to compel the specified action under paragraph (2) shall not depend upon whether the Administrator has published notice of such final action in the Federal Register."

(c) Notice to the Government.—Section 304(c) is amended by adding the following new paragraph:

"(3) Whenever any action is brought under this section the plaintiff shall serve a copy of the complaint on the Attorney General of the United States and on the Administrator. No consent judgment shall be entered in an action brought under this section in which the United States is not a party prior to forty-five days following the receipt of a copy of the proposed consent judgment by the Attorney General and the Administrator during which time the government may submit its comments on the proposed consent judgment to the court and parties or may intervene as a matter of right.".

(d) Unreasonable Delay.—Section 307(d)(1) of the Clean Air Act is amended by inserting before the last sentence the following: "However, actions under this subsection shall be subject to the provisions of subsection 706(1) of title 5 of the United States Code.".

(e) Petitions.—Section 307 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(l) Petitions.—(1) Any interested person shall have the right to petition the Administrator to issue, amend, reconsider, or repeal any regulation issued under the authority of this Act, unless such right is expressly limited by any other provision of this Act.

"(2) To the maximum extent practicable, within six months after receiving a petition, the Administrator shall publish in the Federal Register a finding as to whether the petition presents substantial information indicating that the petition has merit. In the event the petition is found not to present such information, the Administrator shall deny it and publish notice of such denial with notice of the finding required by the preceding sentence.

"(3) In the event the Administrator finds that the petition presents substantial information indicating that it has merit, the Administrator shall immediately undertake a review of the regulation that is the subject of the petition, and shall either grant or deny such petition within twelve months of the date of the Federal Register finding, except that in the case of a petition for reconsideration under section 307(d)(7)(B), the Administrator shall grant or deny the petition not later than twelve months after receiving such petition. In any case in which the Administrator grants a petition, the Administrator shall take final action in response to any such petition within a reasonable time.".

ENHANCED IMPLEMENTATION AND ENFORCEMENT OF NEW SOURCE REVIEW REQUIREMENTS

Sec. 610. (a) Section 167 of the Clean Air Act is amended by striking "the construction of a major emitting facility" and inserting in lieu thereof "the operation, construction, or modification of a major emitting facility"; and

(b) inserting at the end thereof the following: "An order issued by the Administrator under this section shall become effective upon issuance. Any person to whom such an order is issued may request a hearing under section 307(h) of this title. If a hearing is requested but not commenced within the time provided by regulation, such order shall be automatically stayed, and no penalties for noncompliance shall accrue thereafter, until such hearing is commenced.".

(c) Section 307 of the Clean Air Act is amended by adding the following new subsection:

"(h)(1) The Administrator shall provide any person to whom an order is issued under section 167 of this title an opportunity for a hearing in accordance with sections 554 and 556 of title 5 of the United States Code. The Administrator shall issue rules for procedures for hearings under this subsection, including provisions for an expedited hearing. If a request for a hearing is not made within 30 days, the order shall be final and not subject to review by any court or agency.

"(2) Once a final decision in a hearing under paragraph (1) of this subsection has been issued, the person to whom the order was issued may seek review in the United States District Court for the District of Columbia, or for the district in which the violation or emergency is alleged to have occurred, in which such person resides, or where such person's principal place of business is located, by filing in such court within thirty days following the date of the final decision. Within thirty days thereafter, the Administrator shall file in such court a certified copy, or certified index, as appropriate, of the record on which the final decision was issued. Such court shall not set aside or remand such order or final decision unless there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or unless the Administrator's decision constitutes an abuse of discretion. After the person to whom the order was issued has exercised its right to an administrative hearing and, where applicable, judicial review, or after the time for requesting such hearing or review has passed, the validity of the order shall not be subject to review by any court or agency.".

MOVABLE STATIONARY SOURCES

Sec. 611. Section 302 of the Clean Air Act is amended by adding the following subsection:

"(q) Stationary Source.—The term "stationary source" means generally any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes.".

ENFORCEMENT OF NEW TITLES OF THE ACT

Sec. 612. Section 120(a)(2)(A)(ii) of the Clean Air Act is amended by striking "section 111 or 112" and inserting "sections 111, 112, 167, 303, 351(a) or 352(c), or with any requirement or prohibition of title IV,".

AUTHORIZATIONS

Sec. 613. Title III of the Clean Air Act is amended by adding at the end thereof the following new section:

"(c)(1) There are authorized to be appropriated $120,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to make grants to the States pursuant to section 105. In addition there are authorized to be appropriated $50,000,000 for each of the fiscal years ending September 30, 1991, 1992, and 1993 to make grants to the States to prepare implementation plans as required by subpart 2, 3, or 4 of part D.

"(2) There are authorized to be appropriated $90,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to carry out the research and development activities authorized by sections 103 and 104 and other sections of this Act.

"(3) In addition to the sums authorized by paragraphs (1) and (2) there are authorized to be appropriated $250,000,000 for each of the fiscal years ending September 30, 1991, 1992, 1993, 1994, and 1995 to carry out the activities authorized under this Act.".

ORGANIZED CRIME AND DRUG ENFORCEMENT ENHANCEMENT ACT

SPECTER AMENDMENT NO. 1374

(Ordered referred to the Committee on the Judiciary.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill (S. 1972) to enhance the ability of the Federal Government to enforce the criminal laws in drug cases, and for other purposes, as follows:

At the appropriate place in the bill, insert the following:

SEC. . APPOINTMENTS.

(a) In General.—(1) Section 631(a) of title 28, United States Code, is amended to read as follows:

"(a) The President shall appoint United States magistrates in such numbers and to serve at such locations within the judicial district as the conference may determine under this chapter. In the case of a magistrate appointed by the President for the district court of the Virgin Islands, this chapter shall apply as though the court were a United States district court. Where the conference deems it desirable, a magistrate may be designated to serve in one or more districts adjoining the district for which he is appointed. Such a designation shall be made by the concurrence of a majority of the judges of each of the district courts involved and shall specify the duties to be performed by the magistrate in the adjoining district or districts.".

(2)(A) Section 631(b)(1) of title 28, United States Code, is amended by striking "appointing court or courts and the conference" and inserting "President".

(B) Section 631(b)(2) of title 28, United States Code, is amended by striking "appointing district court or courts" and inserting "President".

(C) Section 631(b)(4) of title 28, United States Code, is repealed.

(3) Section 631(d) of title 28, United States Code, is amended by striking "appointing court or courts" and inserting "court or courts in which such magistrate is serving".

(4) Section 631(f) of title 28, United States Code, is amended by striking ", by a majority vote of the judges of the appointing district court or courts and with the approval of the judicial council of the circuit,".

(5) Section 631(k) of title 28, United States Code, is amended by striking "a judge or judges of a district court" and inserting "the President to serve a court".

(6) Section 631(i) of title 28, United States Code, is repealed.

(7) Section 631(j)(1) of title 28, United States Code, is amended by striking "which appointed him" and inserting "in which he serves".

(8) Section 631(j)(2)(C) of title 28, United States Code, is amended by striking "appointing court or courts" and inserting "court or courts in which he served".

(9) Section 631(k) of title 28, United States Code, is amended by striking "such court or courts" and inserting "the President".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the 90-day period following the date of the enactment of this section.

CLEAN AIR ACT AMENDMENTS

KOHL (AND OTHERS) AMENDMENT NO. 1375

Mr. BAUCUS (for Mr. KOHL, for himself, Mr. KASTEN, Mr. LEVIN, and Mr. RIEGLE) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 423 of the amendment, lines 17 and 19, strike "1986" and insert "1985".

KASTEN (AND OTHERS) AMENDMENT NO. 1376

Mr. BAUCUS (for Mr. KASTEN, for himself and Mr. KOHL) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 398 of the amendment, line 13, before the period insert the following: "including allowances issued to units subject to Phase I requirements (as described in section 404) which are applied to emissions limitations requirements in Phase II (as described in section 405)".

LOTT AMENDMENT NO. 1377

Mr. CHAFEE (for Mr. LOTT) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 426 strike line 15 through page 428 line 16 and insert:

"SEC. 407. (a) Applicability.—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 404, 405, 409, or on the date a unit subject to the provisions of 404(d) or 409(b), must meet the SO_2 reduction requirements, each such unit shall become an affected unit for purposes of this section and shall be subject to the emission limitations for nitrogen oxides set forth herein.

"(b) Emission Limitations.—(1) Not later than eighteen months after enactment of the Clean Air Act amendments of 1990, the Administrator shall by regulation establish annual allowable emission limitations for nitrogen oxides for the types of utility boilers listed below, which limitations shall not exceed the rates listed below; *provided*, that, the Administrator may set a rate higher than that listed for any type of utility boiler if the Administrator finds that the maximum listed rate for that boiler type cannot be achieved using low NO_x burner technology. The maximum allowable emission rates are as follows:

"(A) for tangentially-fired boilers, 0.45 lb/mmBtu;

"(B) for dry bottom wall-fired boilers and for cell burners, 0.50 lb/mmBtu.

After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

"(2) Not later than January 1, 1997, the Administrator shall, by regulation, establish allowable emission limitations on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

"(A) wet botton wall-fired boilers;

"(B) cyclones;

"(C) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account the available technology, costs and energy and environmental impacts; and which is comparable to the costs of nitrogen oxides controls set pursuant to subsection (b)(1). Not later than January 1, 1997, the Administrator may revise the applicable emission limitations for tangentially-fired and dry bottom, wall-fired boilers (including cell burners) to be more stringent if the Administrator determines that more effective low NO_x burner technology is available; *Provided* that, no unit that is an affected unit pursuant to section 404 and that is subject to the requirements of section (b)(1), shall be subject to the revised emission limitations, if any.

"(c) Revised Performance Standards.—(1) Not later than January 1, 1993, the Administrator shall propose revised standards of performance to section 111 for nitrogen oxides emissions from fossil-fuel fired steam generating units, including both electric utility and nonutility units. Not later than January 1, 1994, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen.

"(d) Alternative Emission Limitations.—The permitting authority shall, upon request of an owner or operator of a unit subject to this section, authorize an emission limitation less stringent than the applicable limitation established under subsection (b)(1) or (b)(2) upon a determination that:

(i) a unit subject to subsection (b)(1) cannot meet the applicable limitation using low NO_x burner technology; or

(ii) a unit subject to subsection (b)(2) cannot meet the applicable rate using the technology on which the Administrator based the applicable emission limitation.

The permitting authority shall base such determination upon a showing satisfactory to the permitting authority, in accordance with regulations established by the Administrator not later than eighteen months after enactment of the Clean Air Act amendments of 1989, that the owner or operator:

(1) has properly installed appropriate control equipment designed to meet the applicable emission rate;

(2) has properly operated such equipment for a period of 15 months (or such other period of time as the Administrator determines through the regulations), and provides operating and monitoring data for such period demonstrating that the unit cannot meet the applicable emission rate; and

(3) has specified an emission rate that such unit can meet on an annual average basis.

The permitting authority shall issue an operating permit for the unit in question, in accordance with section 408 and Part B of Title III:

(i) that permits the unit during the demonstration period referred to in subparagraph (2) above, to emit at a rate in excess of the applicable emission rate;

(ii) at the conclusion of the demonstration period to revise the operating permit to reflect the alternative emission rate demonstrated in paragraphs (2) and (3) above.

Units subject to (b)(1) for which an alternative emission limitation is established shall not be required to install any additional control technology beyond low NO_x burners. Nothing in this section shall preclude an owner or operator from installing and operating an alternative NO_x control technology capable of achieving the applicable emission limitation.

"(e) Emmissions Averaging.—In lieu of complying with the applicable emission limitations under subsections (b)(1), (b)(2) or (d), the owner or operator of two or more units subject to one or more of the applicable emission limitations set pursuant to these sections, may petition the permitting authority for alternative contemporaneous annual emission limitations for such units that ensure that (1) the actual annual emission rate in pounds of nitrogen oxides per million Btu averaged over the units in question is a rate that is less than or equal to (2) the Btu-weighted average annual emission rate for the same units if they had been operated, during the same period of time, in compliance with limitations set in accordance with the applicable emission rates set pursuant to subsection (b)(1) and (b)(2).

If the permitting authority determines, in accordance with regulations issued by the Administrator not later than eighteen months after enactment of the Clean Air Act amendments of 1989, that the conditions in the paragraph above can be met, the permiting authority shall issue operating permits for such units, in accordance with section 408 and part B of title III, that allow alternative contemporaneous annual emission limitations. Such emission limitations shall only remain in effect while both units continue operation under the conditions specified in their respective operating permits.

SYMMS (AND JEFFORDS) AMENDMENT NO. 1378

Mr. SYMMS (for himself and Mr. JEFFORDS) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 125, line 22 of amendment No. 1293, insert the following new subsection:

(c) WOODSTOVE MODERNIZATION.—(1) Section 194 of the Clean Air Act is further amended by adding at the end thereof the following new subsection:

"(d) INCENTIVES FOR WOODSTOVE MODERNIZATION.—Not later than forty-eight months after the date of enactment of this subpart, the Administrator shall publish guidelines which may be used by states in implementing programs to encourage the modernization of wood-burning stoves. Such guidelines shall:

"(1) encourage the use to the maximum extent practicable of the exemption under subsection (b) from woodstove curtailment as a means of prompting woodstove owners to convert to wood heaters certified under the Environmental Protection Agency's Wood Heater Certification Program, and

"(2) describe how the state might implement either a low-interest guaranteed loan or grant program to assist low-income woodstove owners in modernizing to less-polluting heating sources, such as any EPA Phase II certified wood heater, solar heating system, or other demonstrably less polluting heating source."

(2) It is the sense of the Senate that of the receipts received from any fees levied on emissions of substances regulated under this Act and dedicated for the use of the Environmental Protection Agency, an appropriate amount should be made available through section 105 of the Clean Air Act to assist states in wood heater modernization programs as described pursuant to section 194(d)(2).

AWARD OF CONGRESSIONAL GOLD MEDAL TO LAURANCE SPELMAN ROCKEFELLER

CHAFEE AMENDMENT NO. 1379

Mr. DOLE (for Mr. CHAFEE) proposed an amendment, which was subsequently modified, to the bill (S. 1853) to award a congressional gold medal to Laurance Spelman Rockefeller, as follows:

On page 5, line 2, strike "Park and Recreation" and insert in lieu thereof "Recreation and Park."

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that further hearings have been scheduled before the full Committee on Energy and Natural Resources to receive testimony on S. 324, the National Energy Policy Act of 1990, a joint staff amendment in the nature of a substitute. The hearing will consist of testimony from administration witnesses.

The hearing will take place Thursday, April 5, 1990, at 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the hearing record is welcome to do so. Those wishing to submit written testimony, should send five copies to the full committee, SD-306, Washington, DC 20510-6150.

For further information, please contact Leslie Black of the committee majority staff at 202/224-9607 or Richard Grundy of the committee minority staff at 202/224-7847.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON GENERAL SERVICES, FEDERALISM, AND THE DISTRICT OF COLUMBIA

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on General Services, Federalism, and the District of Columbia, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, March 26, 1990, at 1:30 p.m. to resume open hearings on prenatal care for the 1990's in Philadelphia, PA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY AND SUPPORT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support of the Armed Services Committee be authorized to meet in open/closed session on Monday, March 26, 1990, at 2 p.m. to receive testimony on ammunition programs in review of S. 2171, the Department of Defense Authorization Act for fiscal year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the full committee of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., March 26, 1990 to assess the outlook for the market in the 1990's and its implications for U.S. energy, economic, and security interests. Topics to be addressed include future price and production patterns, the effect of recent events in Eastern block nations, the role of OPEC, and implications of new environmental policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Monday, March 26, 1990, at 10 a.m. to hold a hearing on the nomination of Robert Marshall White, of Minnesota, to be Under Secretary of Commerce for Technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGE SELDES

● Mr. LEAHY. Mr. President, I was pleased to read this article about my good friend George Seldes that appeared in one of our local newspapers. George is truly a man of this century, and his insight into what is happening in the world today is extremely valuable to all of us. I would like to share his comments with my colleagues and request this article be printed in its entirety in the RECORD.

The article follows:

[From the Rutland Daily Herald, Feb. 7, 1990]

SELDES WATCHES SECOND REVOLUTION

(By Dennis Jensen)

HARTLAND.—Even if he lives to be 100 years old, longtime newspaperman George Seldes says he'll have a hard time absorbing the "revolutionary" changes that are sweeping across the Soviet Union.

And the Hartland man will be 100 years old in September. It was nearly 70 years ago that he covered the events in Russia as a reporter for the Chicago Tribune.

Any citizen of the Soviet Union then or even five years ago who suggested that the Communist Party leadership should relinquish its monopoly on political power could expect to "be arrested and they would disappear," Seldes said.

Seldes, wearing an "Aged in Vermont" button on his sweater and looking fit, spoke in a wide-ranging interview Tuesday about events that are shaking the Soviet Union.

He said that despite his many years as a newspaperman, nothing could compare to the developments in Mother Russia over the past couple of months, and particularly the past couple of days.

Seldes, a newspaperman, author and newspaper critic for 80 years, has seen governments come and go, has reported on world wars fought, won and lost and has written about a wide variety of world "isms" for the better part of a century.

But nothing, he said, could compare with what is taking place in the Soviet Union today.

"It's the most amazing thing," Seldes said. "Gorbachev is inviting a liberal movement in Russia."

Since its inception, Seldes said, the Russian Communist Party has been "an all-or-nothing party. It has been a totalitarian party, with no opposition." Suddenly, he said, Soviet leader Mikhail S. Gorbachev is telling the Communist Party leadership it should let go of its grip on political power.

Gorbachev, at a two-day meeting of the party's Central Committee Monday, urged the policy-making body to abolish its constitutionally guaranteed monopoly on political power.

Seldes said that, based on his firsthand observations of the Soviet Union, he never dreamed that this kind of political change of events was possible in his lifetime.

"I never expected it," he said. "You wouldn't either, if you were there and saw what they'd done to the people. I never saw such propaganda. I never saw such mind control."

It was in 1922 that Seldes, then the Berlin correspondent for the Chicago Tribune, first ventured to Moscow for the fifth anniversary of the Bolshevik Revolution. There, Vladimir Lenin addressed a gathering of several thousand delegates of the Comintern—the Communist International.

Seldes covered events in the communist country for nearly two years. The Soviet authorities expelled Seldes in 1923, he said, for "smuggling news out of the country."

Attempts at thought control and an Orwellian grip on information and the media by Soviet leaders brought fear to the people, Seldes said.

"People were afraid to talk about anything of a liberal nature or to discuss radical movements in another country," he said. "People were afraid. Everything was censored, everything was watched."

Seldes returned to the Soviet Union in 1964, traveling with a group of people with the Committee for a Sane Nuclear Policy. Politically, he said, little had changed since he left the country. If anything, the grip of totalitarianism was even tighter on the people.

"The government of the Soviet Union was established by force and continued by force," Seldes said. "But communism has been a failure on the right and a failure on the left—look at Italy and look at the Soviet Union."

At the same time, he said, "liberal and socialistic ideas are slowly gaining ground in the world. I think the left is winning the war of ideas."

That is not to say that Russia has not had its victories under communism. Seldes said. One of the greatest victories, he said, was how the government removed the majority of its people from the clutches of illiteracy.

"One of the first things they (the communists in Russia) decided was the people have to be educated," he said. "Of course, it was not like education in this country. It was education from the communist point of view.

"It's the most amazing thing," Seldes said. "This is a country whose leaders" perpetrated "the greatest attempt at mind control ever in the world."

Throughout the history of man, Seldes said, "ideas have conquered the world. Some of those ideas have been good, some bad."

But Seldes believes it is the idea coming from the West that will have the greatest influence on the world's future.

"I have no doubt the policies of the United States, Great Britain and France will continue to have a great influence," he said.

Seldes spoke admiringly of Lenin, whom he met in 1922. He described Lenin as a man of "ideas." Lenin said Trotsky, he said, "both wanted to conquer the world, but they wanted to do so with Marx's idea of communism, not with armies." The communism of the Soviet Union over the past seven decades, he said, was a system based on "force and violence," not the communism envisioned by Marx.

"The liberalization in Russia under Gorbachev is incredible," Seldes said. "The times are changing. The whole world is changing." What is taking place in the Soviet Union, he said, "is one of the most revolutionary changes of our times."●

TRIBUTE TO CHILD CARE PROVIDERS IN MINNESOTA

● Mr. BOSCHWITZ. Mr. President, I rise today to salute a group of my constituents who have been honored for their work as child care providers to the children of Minnesota.

We have spent a great many hours on the floor of the U.S. Senate discussing the merits of various child care legislation, Mr. President, and throughout all that discussion, I have always kept in mind that the greatest child care system in the world will be useless unless we have the high-quality people involved in caring for our children.

The people I am about to name are just such people. Each of them has made a decision to put their efforts into making certain that Minnesota's children receive high-quality care in a warm, loving environment.

Child care work is not glamorous, nor is it particularly rewarding financially, Mr. President. It is long, hard work that can only be done by someone who has a little extra room in their heart for a child, and who is willing to make an extra effort to provide the love and attention needed by a small child.

Mr. President, the following people have been honored by the Minnesota Licensed Family Child Care Association as their 1990 providers of the year, and I want to take a moment to salute them for their wonderful work, and thank them for the love and skills and warmth they bring to the children of our great State.

1990 Honorees

Lois Anderson, Mower County;
Lois Anderson, Polk County;
LaValle Bembenek, Nicollet County;
Linda Benson, Redwood County;
Rita Boeckmann, Stearns County;
Darlene Carlen, Wright County;
Carlton County Licensed Caregivers, Carlton County;
Marcia L. Clennon, Hennepin County;
Cindy Cordes, Goodhue County;
Jan Dennis, Olmsted County;
Joan Dokken, Beltrami County;
Laurie Eccles, Blue Earth;
Marcy Eickholt, Hennepin County;
Linda Fortune, Washington County;
Arlene Grage, Ottertail County;
JoAnne Griebel, Brown County;
Lorette Gjovik, Kittson County;
Diane Haney, Kandiyohi County;
Mary Kay Hannan, Meeker County;
Nancy Helmers, Jackson County;
Renee Paula Hickman, Dakota County;
Carol Holby, Anoka County;
John and Sharon Kimman, Morrison County;
Chrissie Mahaffy, Hennepin County;
Sharon Martinson, Lyon County;
Linda Matson, Anoka County;
Judy McLaughlin, Ramsey County;
Karen Nelson, Mille Lacs County;
Carmen Nesheim, Hennepin County;
Jeanne Newell, Hennepin County;
Vicki Otto, Houston County;
Cathy Paulsen, Yellow Medicine County;
Linda Pick, Benton County;
Mary Lou Radil, Dodge County;
Carol L. Rajdl, Douglas County;
Pamela Ready, Wilkin County;
Christy Reisch, Rock County;
Gloria Rittenour, Sherburne County;
Carolann Schlechter, McLeod County;
Peggy Schuur, Nobles County;
Cathleen Smith, Blue Earth County;
Kristen S. Smith, Swift County;
Staples Area Child Care Association, Todd County;
Loretta Suttles, Hennepin County;
Jan Usgaard, Clay County;
Theresa Valentine, Ramsey County;
Karen Von Bank, Scott County;
Marie Wadell, Dakota County;
Lynette Waldenburger, Hennepin County;
Virginia Warren, Carver County;
Linda Weiner, Ramsey County;
Lorraine Weiss, Crow Wing;
Denise M. Williams, Hubbard County;
Rose Wold, Pennington County.●

THE 169TH ANNIVERSARY OF GREEK INDEPENDENCE

● Mr. DeCONCINI. Mr. President, I rise today to recognize an event which was celebrated yesterday, March 25, 1990, "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." On this day which marks the 169th anniversary of the revolution which freed the Greek people from the Ottoman Empire, we recognize the Greek culture and people who have made uncounted contributions to the development of democracies around the world and to the welfare of the United States. Thomas Jefferson once said to the American colonists, "* * * to the ancient Greeks * * * we are all indebted for the light which led ourselves out of Gothic darkness."

The Greek people have a long and illustrious history. In World War II, over 600,000 Greeks died fighting on the Allies' side—9 percent of the Greek population. President Dwight

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D. Eisenhower, commenting on Greek courage in 1953 said, "* * * Greece asked for no favor except the opportunity to stand for those rights in which it believed, and it gave to the world an example of battle * * * a battle that thrilled the hearts of all free men and women everywhere." The Greeks fought long and hard to achieve independence and democracy. I recognize and deeply respect their ongoing efforts to keep democracy healthy and vibrant.

Just as Greek contributions to the development of the democratic form of government influenced the founders of American democracy, so did the United States serve as a role model for the Greek Independence struggle in the 1820's. The American Revolution became a Greek ideal as they fought to free themselves from the Ottoman Empire. Our heritage and culture is closely linked and will continue to bind our peoples.

For these and many more reasons, Mr. President, we should recognize and appreciate this important occasion and express our respect, honor and gratitude to the Greek people and traditions.●

LITHUANIA

● Mr. SIMON. Mr. President, I was pleased the other day to join with my good friends and distinguished colleagues Senators **GEORGE MITCHELL** and **BOB DOLE** in submitting an important resolution concerning Lithuania's declaration of independence, Senate Concurrent Resolution 108. It sends the right message at this time to the Soviet Government.

In our resolution—and I should add here that Senator **DONALD RIEGLE** and I were working on a similar resolution earlier—we congratulate the people of Lithuania for taking the courageous step of declaring their independence from the Soviet Union, we urge the Soviets to recognize and respect the Landsbergis government and cease all forms of intimidation, and we urge the President to take steps to actively demonstrate our commitment to the new Lithuanian Government.

Let me just say briefly that I have been one who has spoken out consistently for freedom for Lithuania, as much if not more than any Member of this body. I may be the only Member of the United States Senate denied a visa to visit Lithuania some 5 years ago, when I tried to visit Vilnius and was prevented from doing so by the Soviet Government. And as one of the original cosponsors of what some are calling "SEED II"—the follow-on bill to last year's Support for East European Democracy Act—I am pleased to say that we have made the Baltic States eligible to receive United States assistance.

This is a tense time. President Gorbachev has said he will not use force to suppress Lithuanian independence, and it is clearly in his best interest not to do so. Nevertheless, because this is a tense time and Lithuania is the first republic to attempt to secede, it is appropriate for the United States Senate to go on record as we do in this resolution urging the U.S.S.R. to refrain from acts of military and other forms of coercion. Gorbachev ought to negotiate an immediate end to Soviet rule in Lithuania, and respect the sovereign wishes of the overwhelming majority of Lithuanian citizenry who desire nothing more nor less than a free and independent Lithuania.

Mr. President, this is a responsible approach. It is in everyone's interest to resolve this dispute quickly and peacefully. But let no one in Mr. Gorbachev's Politburo misread United States intentions: we want good relations with the Soviet Union, but we strongly desire a free Lithuania, a free Latvia and a free Estonia immediately. We have never recognized the Baltic republic's illegal and forcible incorporation into the U.S.S.R. It is time for the Soviet Union to let Mr. Landsbergis' people go, so the people of Lithuania can decide their own political and social system for themselves.●

SENATOR KENNEDY IN CHILE

● Mr. LUGAR. Mr. President, the inauguration of President Patricio Aylwin on March 11, 1990, marks a historic turning point for the people of Chile. During the long evolution to democratic government in Chile, Senator **KENNEDY** has been a strong voice for freedom and human rights in Chile and it was fitting that he was present at the inauguration of President Aylwin.

Over the past few years, in the spirit of bipartisan cooperation, Senator **KENNEDY** and I collaborated to make known our view that a political transition in that country could and should best proceed through free, fair, and nonviolent elections. We cochaired the U.S. Committee for Free and Fair Elections in Chile which was designed to encourage and support free and fair elections in the October 1988 plebiscite and in the Presidential election in December 1989. Former Presidents Gerald Ford and Jimmy Carter served as honorary cochairmen of that committee.

Earlier this month, Senator **KENNEDY** joined Vice President **QUAYLE** as a member of the official U.S. delegation to the inauguration of President Aylwin. While in Chile, he spoke of the positive accomplishments of the Chilean people, including those on all sides who waged the remarkably courageous and successful political struggle for freedom through openly contested elections. I am pleased to submit his remarks for the **RECORD** so that other Members will have the opportunity to read them.

The remarks follow:

REMARKS BY SENATOR EDWARD M. KENNEDY, CHILEAN COMMISSION FOR HUMAN RIGHTS DINNER, SANTIAGO, CHILE, MARCH 10, 1990

It is an honor and a privilege to return to Chile on this historic occasion of the restoration of democracy. The inauguration of President Aylwin, freely chosen by the people of Chile, is one of the great milestones in the difficult road we are traveling together for freedom, democracy and respect for human rights in all the nations of our hemisphere.

Many of you in this room have provided courageous leadership in that cause, and I salute you. This beautiful day for Chile could not have dawned without you.

I only wish that President Kennedy and Robert Kennedy, who cared so deeply about this country and its freedom, could have been here too.

Four years ago, I came to Chile when this land was still under the dark cloud of dictatorship. I felt first hand, at least to some degree, the tactics of intimidation practiced by those who have no respect for freedom or conscience.

The government declined to meet with me, or even to discuss our areas of disagreement. They actively sought to obstruct my visit. But the people of Chile gave me an extraordinary welcome anyway—one of the most moving receptions I have ever received, and I shall never forget it.

Now, the cloud of dictatorship is passing, and the sunshine of democracy is warming Chile and lighting all our hemisphere.

I could detect the change myself, as soon as I landed at Pudahuel. The government's reception was many degrees warmer than four years ago. Believe me, it's a lot nicer to be able to use the highway from the airport, instead of being forced to use a helicopter to escape all the flying eggs.

I want to say a special word of thanks to our host this evening, the Commission for Human Rights. Through all the bleak years, the Commission has stood as a beacon of hope to friends of freedom, not only in Chile but throughout the world.

I also commend my friend, Don Jaime Castillo, for his outstanding leadership of the Commission and the example he has set for defenders of human rights everywhere.

In addition, I want to acknowledge two leaders of the church and the organization whose unwavering commitment to human rights has done so much to make this historic transition possible, Cardinal Fresno, Cardinal Silva, and the Vicaria.

I pay tribute as well to a distinguished American diplomat, whose understanding of Chile and whose wise counsel from Santiago helped guide us to this day—Ambassador Harry Barnes.

As President Kennedy said, it is better to light a candle then to curse the darkness. And I honor each of you now for the candles you have lit—always with great courage and sometimes at great cost.

I am here to celebrate the spirit and determination of the Chilean people. Your struggle has been difficult; your vigil lonely; your sacrifice enormous. But you never faltered in your enduring faith that democracy would return to Chile.

I am here, most of all, to reaffirm the solidarity of the American people with your cause. I am honored to join Vice President

Quayle in the official delegation of the United States.

Too many times in the past seventeen years, this new dawn seemed a distant dream. The long and proud tradition of Chilean freedom was suddenly shattered in 1973. Many of us in the United States spoke out against that tragic violence, but it was you who paid the price.

You were denied basic freedoms; you suffered endless persecution; you endured the loss of loved ones. The tentacles of Chilean terrorism reached thousands of miles beyond your borders, staining even the streets of Washington, D.C. with the blood of the Chilean patriot, Orlando Letelier, and the American friend of Chile, Ronni Moffitt.

Too often in the years since then, because of flawed policies in the United States, the noble dream of the Alliance for Progress seemed to have become a nightmare—an alliance with repression.

And yet throughout those troubled times, your will for freedom never failed or faded. You did not bend to the tyrant's heavy hand. You never gave into the censor's intrusive pen. You refused to give up the struggle for liberty and human rights.

Four years ago, speaking to many of you here this evening, I asked the question posed by Pablo Neruda in his famous poem, "Cuando de Chile?"

"Oh when, patria, at election time
"Will I go from house to house
"Leading timid freedom by the hand
"To shout in the middle of the street?"

On my visit, I asked "When will the promise of Chile be redeemed? When will the universities be free again? When will the people be free to speak again, without fear of harassment or arrest?"

The people have now given their answer—not soon, not someday, but now. Ahora. In answer to Pablo Neruda's plea for freedom, you shouted Ahora in the middle of the streets of Santiago. Ahora in the streets of Valparaiso, Concepcion, and Serena.

Ahora—now is the time—now is always the time—for civil rights and human rights.

In the plebiscite two years ago, you joined together—against great odds and unfair rules—to surprise the dictator in a peaceful ballot that has become a landmark in the hemisphere's common struggle for freedom.

Citizens representing a broad spectrum of political opinion came together—and stayed together—in the National Accord, in the Democratic Alliance, in the Campaign for the NO and in the Concertacion.

In a simple, moving, brilliant demonstration of their power, the people of Chile said "Yes" to democracy—and "No" to dictatorship.

And in the healing months since then, many others, too, deserve our tribute for facilitating the peaceful transition to this day—for helping Chile to become Chile once again.

Because you kept the faith so well, the human rights movement in this country became an inspiration to peoples in many distant lands. Dictatorships of both left and right are in decline. Walls of oppression and division are crumbling across the globe.

Freedom, timid no longer, is shouted in the middle of the streets of Eastern Europe. Eight thousand miles from here, at the Berlin Wall, in Prague and Budapest and Bucharest, people newly free speak of Chile, and honor your struggle too.

The power of the idea of freedom is transforming even the Soviet Union itself. Namibia is free, and South Africa is closer to freedom. In our hemisphere, the freedom that flowered last month in Nicaragua had its roots in your own success in Chile.

No government on earth can long survive without respect for the basic human rights that are the birthright of all humanity. The measure of any nation's liberty resides in the rule of law—respect for due process and equal justice, subordination of raw power to just principle, and above all, the right of citizens to participate in making the laws by which they are governed.

Each of us has gained a deeper understanding of those principles because of your struggle to achieve them here. But although last December's free election opened the door, it does not guarantee a new Chile.

In the years to come, we must be vigilant in securing justice and guaranteeing human rights. But we must also come to terms with the past. Unless we know the facts, unless we speak the truth, unless we acknowledge the abuses of the past, unless we comprehend the true nature of the wrongs that have been done, we may be condemned to re-live them in the future.

We must never repeat that history. We must say with one voice "Never again—nunca mas."

The United States has stood with you in the past, and we stand ready to assist you in the future. Together, we can ensure that human rights are never again violated in Chile, that the rule of law is never again ignored, that civil and political freedoms are never again denied, and that democracy is never again abandoned. Nunca mas.

We in the United States look forward to working with you to build a new partnership for freedom's future. Let us do all we can to eradicate the evils of poverty, so that every child is assured a good education, every individual is assured adequate health care, and every family is assured a decent home.

We have all heard it said that each of us can make a difference. President Kennedy and Robert Kennedy lived by that ideal. So has the Chilean Commission for Human Rights, the Vicaria and every individual in this room. And because you cared enough to become involved, what a difference you have made for countless individuals in this country and throughout the world.

A story I came across makes that point in vivid terms. An old man walking along a beach at dawn saw a young man picking up starfish and throwing them out to sea. Why are you doing that, the old man inquired? The young man explained that the starfish had been stranded by the tide on the beach, and would soon die in the morning sun.

"But the beach goes on for miles," the old man said, "and there are so many starfish. How can your effort make any difference?"

The young man looked at the starfish in his hand, and then threw it to safety in the sea. "It makes a difference to this one," he said.

I commend each of you for the many differences you have made—for one another, for human rights, for democracy, and most of all for Chile. Let us continue to work closely together, so that we can make an even greater difference in the years to come for our democracies, our peoples, and our liberties.

Thank you very much.●

SOUTH JERSEY SOCCER HALL OF FAME

● Mr. LAUTENBERG. Mr. President, I rise today to congratulate Jay Phillips on his induction to the South Jersey Soccer Hall of Fame for his dedication to the sport of soccer and to the youth of Cinnaminson and southern New Jersey.

Born and raised in Camden, NJ, Phillips graduated from Woodrow Wilson High School where he participated in basketball and golf. He was introduced to the sport of soccer at Asbury College, in Wilmore, KY, where he played fullback and goalie.

As a young physical education teacher at Cinnaminson High School, Phillips started the high school soccer program in 1966 as a club team. In 1967, soccer at Cinnaminson became a varsity sport. In that same year, the original south Jersey high school soccer league started with eight teams. Phillips was one of the original founders and a charter member of the league.

Phillips coached for 22 years at Cinnaminson High School. He coached eight State championship teams. His teams finished in the "Top 10" from 1976 to 1984. Cinnaminson was the only south Jersey team to achieve this goal. In 22 seasons, Cinnaminson, under his leadership, had only two losing seasons; 1969 and 1975.

Phillips was the first south Jersey soccer coach to reach 200 career victories. He currently is the all-time south Jersey career high school victories leader with 269 wins. He retired from coaching in 1988 with an overall career record of 269 wins, 107 losses, and 40 ties. For all of his accomplishments, many call him the dean of south Jersey soccer.

Jay Phillips, through the years, has given his time, expertise and caring to the youth of Cinnaminson and south Jersey. In 1972, he started the Cinnaminson Soccer Alumni Association to give former players and their families the opportunity to socialize. Phillips is proud of his players and where life has taken them. He revels in their achievements as if they were his own. When asked what his best memory of 22 years of coaching was, he replied, "the interaction with the kids."

I am proud to extend my congratulations to Jay and his wife Karen, a faithful fan of south Jersey soccer, for this honor.●

SENIOR CIRCUIT JUDGE MARION T. BENNETT ENDORSES CONGRESSIONAL TERM LIMITATIONS

● Mr. HUMPHREY. Mr. President, I would like to share a letter I have recently received from Senior Circuit Judge Marion T. Bennett, supporting Senate Joint Resolution 235, a proposed constitutional amendment to limit congressional terms. Judge Bennett represented the Sixth District of Missouri from 1943 to 1949. Since the Senator from Arizona [Mr. DeCon-

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cini] and I introduced Senate Joint Resolution 235, 10 other Senators have joined as cosponsors, more than in any previous term limitation effort. Mr. President, what we are seeking is a fundamental change in attitude. If Members entered Congress knowing that their tenure was limited, we would see the kind of intellectual honesty and political courage necessary to deal with our Nation's complex problems. Yes, there are many fine men and women in Congress, and there is something to be said about the value of experience in the legislature. But on balance, is that experience being put to the best use for our country? A $3 trillion national debt and vast oceans of wasteful spending say it is not. Mr. President, I ask that the letter from Judge Bennett be printed in the Record immediately following my remarks. We need a regular turnover in Congress, so that fresh ideas and especially fresh idealism will always fill Congress. The only certain way to achieve this is to limit terms.

The letter follows:

U.S. Court of Appeals
for the Federal Circuit,
Washington, DC, March 1, 1990.

Hon. Gordon J. Humphrey,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Humphrey: Based upon my experience as a former three-term Member of Congress from Missouri, and in view of the low esteem in which Congress is held by the public, and because of its perceived increasing failure as an institution to reflect popular will instead of that of special interests which today largely finance Members' campaigns, I strongly support S.J. Res. 235 to limit the terms of Members of Congress, as proposed therein.

Your political courage in advancing this measure is much respected.

Sincerely,

Marion T. Bennett,
Senior Circuit Judge.●

HONORING THE VICTIMS OF THE MARCH 25, 1949, BALTIC DEPORTATIONS

● Mr. RIEGLE. Mr. President, March 25 marks a day of sorrow for the people of the Baltic States of Latvia, Lithuania, and Estonia. During the night of March 24-25, 1949, tens of thousands of men, women, and children were taken from their homes, separated from their families, and deported to the Siberian north.

These deportations resulted in a tragic loss of over 600,000 lives, but they did not succeed in their intended aim—to break the spirit of the Baltic people and ensure their subservience to the Soviet occupation regime. Czech author Milan Kundera has written that "the struggle of man against power is the struggle of memory against forgetting." Latvians, Lithuanians, and Estonians have not forgotten their deported countrypeople, they have not forgotten their stolen independence, and because they have not forgotten, they have finally come to the brink of recovering that independence.

Mr. President, March 11, 1990, was a bright day for democracy. It was on this day that the Supreme Council of Lithuania declared the restoration of a free and independent Lithuania. This declaration was a powerful illustration of the triumph of memory over forgetting. However, March 11 was only the first step on the road to independence, and sadly, Soviet leaders are now attempting to block that road, showing that they have not yet abandoned the violent legacy of 1949. In spite of the leadership's pledges not to use force, with every passing day Moscow intensifies the threat of violence in Lithuania, conducting unscheduled military maneuvers, rolling tanks through the streets of Vilnius, and now sending in paratroopers to occupy Government buildings.

Mr. President, the people of the Baltic States today more than ever are depending on the support of the United States. Let us show them that we, too, have not forgotten the thousands of Baltic citizens deported to their deaths in 1949, and that we will do everything within our power to prevent the Soviet leadership from opening yet another chapter of violence and bloodshed in Baltic history.●

GREEK INDEPENDENCE

● Mr. MOYNIHAN. Mr. President, on Sunday, March 25, 1990, the Greek-American community celebrated the 169th anniversary of the beginning of their revolution for independence from under the yoke of the Ottoman Empire. I and 60 of my colleagues in the Senate joined together to commemorate this historic event by cosponsoring Senate Joint Resolution 243, a resolution designating March 25, 1990, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I am happy to say that on Tuesday, March 20, 1990, President Bush signed this into law.

From their first settlement in the 1700's in St. Augustine, FL, to one of the largest Greek communities in America, Astoria, NY, the Greek people have been an influential segment of American society. Their history, culture, language, religion, and of course native culinary artistry, have enriched America. Greece has contributed great things in the areas of arts, medicine, and education, but no contribution was more precious than that of democracy.

Born in Athens, nurtured in the United States, the principles of democracy are now being practiced throughout Eastern Europe. This new wave of democracy, would never have come to fruition had it not been for Hellenistic political thought. We will always be indebted to Greece for giving us this most precious gift.●

THAI COMPLICITY IN BURMA'S TRAGEDY

● Mr. MOYNIHAN. Mr. President, last Wednesday I spoke about the growing tragedy in Burma. Steve Erlanger of the New York Times wrote about the Burmese Government's policy of forced relocations from the capital of Rangoon. These relocations resonate of Pol Pot's Cambodia. In Burma, Mr. Erlanger tells us, perhaps 500,000 people have already been victimized.

How often do we lament that the world should have spoken out more forcefully and earlier about the atrocities of Pol Pot? How many times have we reminded ourselves not to remain silent about the horrors of regimes that care nothing for their own citizens?

Certainly Burma is far away, and little known to most Americans. But that does not relieve us of the responsibility to speak out against atrocities there—and against the regime of Ne Win and Saw Maung. Condemnation is all that we should offer them. Indeed, that has been the record of the United States since September 1988 and of other nations as well. And finally, on February 14, the United Nations Human Rights Commission approved a resolution condeming the regime and asking for a special rapporteur. The Burmese junta is now held in contempt by the opinion of the world.

Still, the regime survives. How so?

The answer, I am sorry to report, is through the assistance of the Thai military. Why? Because the Thai military is profiting from the desperation of the Burmese regime.

The Burmese have sold valuable logging and fishing concessions, at very favorable terms, to companies owned and controlled by the Thai military. This situation is fully described in the February 22, 1990, cover story of the Far Eastern Economic Review, entitled "Blood and Timber: How Burma Bought Friends."

Not only are the Thais indiscriminantly logging Burma, which heretofore contained 80 percent of the world's remaining teak stands, they are assisting in the destruction of the minority Karen and Mon populations who inhabit the border region. It is no exaggeration to say, that every teak log from Burma is being extracted by the Thais at the cost of a human life.

Mr. President, the New York Times had it just right this Sunday when an editorial urged that Thailand "condition its commerce"—with Burma—"on elementary standards of civilized conduct." Indeed. The teak logging must stop, and Senator Symms and I have included a provision in the Finance Committee's trade bill that will at least ensure that such teak does not find its way to the United States. Civilized conduct requires no less. And I hope that other nations will follow our decision.

I ask that articles from the Far Eastern Economic Review and the New York Times be included after my statement.

The articles follow:

[From the New York Times, Mar. 26, 1990]

Slorc Crimes in Myanmar

Behind closed doors, Myanmar's military rulers are committing monstrous deeds. The latest is a mass forced relocation of the urban population reminiscent of Pol Pot's Cambodia. The outside world could bring effective pressure for change—but only if all concerned put humanity ahead of commercial advantage.

In 1988, when the country was still called Burma, student protests sparked a broad popular revolt. Over three decades, Gen. Ne Win's xenophobic "Burmese Way to Socialism" had turned a land rich in rice, teak and minerals into one of the world's poorest nations. After several weeks of democratic hope, troops moved in, mowed down thousands of unarmed protesters and installed the State Law and Order Restoration Council, or Slorc. It was the old regime by a new name.

The country is now known by a new name, too, and the Slorc promises free elections in May. Few have been fooled. Donor nations cut off aid after the massacre, pressing for an easing of repression and a start of real reform. By the end of 1988, the squeeze was starting to take hold and it looked as if the Slorc might be forced to bow to international outrage.

Then, abruptly, commercial relations with Thailand blossomed, replenishing the Sloc's financial reserves, and freeing its political hand. That brought new military offensives against ethnic rebels and students along the Thai border, the arrest and banning of all serious opposition candidates, and now the forced relocation of at least 500,000 urban residents to resettlement towns far from their livelihoods. An entire people is being violated to prolong the power of a murderous, discredited government.

Meanwhile, foreign reporters find it almost impossible to get into Myanmar, and even diplomats are barred from observing the relocation. At a minimum, the U.S. and others need to urge Thailand to condition its commerce on elementary standards of civilized conduct.

[From the Far Eastern Economic Review, Feb. 22, 1990]

Blood and Timber: How Burma Bought Friends

BURMA: THE GENERALS BUY TIME

(By Hamish McDonald)

The survival of the army-based regime in Burma is one of the surprises of current politics in southeast Asia. After the massive popular protests that swept the country from March to September 1988—only precariously quelled, it seemed, by a bloodbath that far exceeded last June's Peking massacre—hopes had risen that even Gen. Ne Win and his ostensible successors might bow out to an elected civilian government.

Some 18 months later, most of those hopes are dashed. Brutality has been augmented with cynicism: elections will be held on 26 May, but all those civilian leaders opposed to the Ne Win system, such as Aung San Suu Kyi and Tin Oo, who could gather popular support have been imprisoned or barred from standing, assuring a victory by default for the renamed Burma Socialist Programme Party that has been Ne Win's political vehicle since 1962 (Review, 18 Jan.).

But suppression is easier to understand than Rangoon's ability to finance its own operations. Towards the end of 1988, Burma was reaching the end of the rope. Virtually all its foreign aid programmes had been suspended, and trade was down to a trickle. It had foreign debts of US$5.98 billion (at the end of 1987), requiring US$238 million a year to service. Its foreign reserves were down to US$12 million, of which half was in a credit note that the government was not sure it could cash. If foreign governments kept up the squeeze, it would be only a matter of months before the government ran out of bullets.

As it has turned out, Rangoon has not only survived but is extending its control more firmly over the country than perhaps any time since independence from Britain in 1948. In part, this has been due to the collapse from within of the insurgent Burma Communist Party in the north. But in addition to keeping an iron grip on the cities, the Burmese army is well on the way to achieving a goal beyond it for 40 years: the expulsion of ethnic minority forces from the key trading points on the border with Thailand.

Barter trade is extensive on all the land borders, and more recently foreign oil and hotel enterprises have responded to an opening to foreign investment. There is strong suspicion in Western narcotics control agencies that Rangoon has taken a more direct hand in the opium trade. And Ne Win himself may have dipped into the sizeable personal fortune he is believed to hold in West Germany, Austria, Switzerland and the United States.

But the answer to how Rangoon earned hard dollars at a critical moment in late 1988 lies largely in Thai politics. By tapping on the right door at a fortuitous time, the Burmese Government was able to make a range of fast-paying deals with no awkward questions or political strings. Indeed, the crash sell-off of immediately available resources—timber, gems and fish—yielded the side benefit of Thai cooperation in operations against the ethnic insurgents that Bangkok previously had quietly promoted as a buffer with its historic enemy.

The initiative, taken at the highest levels of the Thai military, could be seen as an extension of Prime Minister Chatichai Choonhavan's notion of turning Indochina from a battlefield into a marketplace, or the Suwannaphume (Golden Peninsula) dream among Thai economic nationalists of Thai prosperity radiating into surrounding countries. If so, it is an extraordinarily exploitative and shortsighted version of these doctrines. Should revolutionary changes come to Burma, the Thai role in plundering its resources at a weak moment will hardly be forgotten. Nor is it an encouraging lesson for the three Indochinese states Bangkok is attempting to court into economic partnership.

Thailand's Timber Shortage Gives Rangoon Its Opening: Partners in Plunder

(By Hamish McDonald)

Bangkok.—Teak has long been a commodity immediately associated with Thailand. Much sought after around the world for furniture and boat-building, the hardwood is traditionally sought for carved beams and panels in Thai homes and public buildings, and the forests along the country's western and northern borders sent a seemingly endless stream of teak and other hardwood logs to the sawmills that fulfilled this demand.

But in November 1988, that supply effectively ended. Thailand's forest cover had been cut back from perhaps two-thirds of its total area to less than a third. Much of the remaining jungle was reserved for water conservation and wildlife protection, with forest rangers occasionally losing their lives in the vigil against illegal tree-fellers. Elsewhere, the clearing of the forest was near total, right up to the border. That month unusually heavy rains flowed off denuded hillsides in the south of Thailand, gathering in the valleys, sending water, soil and debris through low-lying villages. In just more than two weeks, 351 people were killed and about US$120 million in property was destroyed.

Touring the stricken area on 26 November 1988, Prime Minister Chatichai Choonhavan pledged to halt the deforestation of Thailand. Two days later, he stopped the issue of new logging concessions and asked his cabinet to revoke existing logging permits nationwide. The effect was applause from conservationists and newspapers—and consternation in the well-connected timber industry.

A none too concealed political wrangle followed, which was not resolved until 14 December 1988, when Thai army commander Gen. Chaovalit Yongchaiyut stepped aboard a C130 transport aircraft with a retinue of 80 staff and reporters and flew to Rangoon for lunch with Gen. Saw Maung, Burmese army chief and head of Slorc, the State Law and Order Restoration Council.

Chaovalit had visited Rangoon before and for him to take such a leading role in the Burma relationship was nothing extraordinary, given Burma's military leadership and the many border security questions between the two countries. What was controversial was the fact noted by Saw Maung in the exchange of cordial speeches about neighbourliness and non-interference: Chaovalit was "the first dignitary to visit us after the new situation has developed in Burma." Actually, it was only three months after Saw Maung's troops gunned down perhaps 3,000 demonstrators in Rangoon.

The visit's timing did draw a short-lived protest in student and liberal circles in Bangkok. And even in self-absorbed Thailand, caught up in a frenetic development boom and getting used to the new prime minister's economic opportunism, the concrete purpose of the Chaovalit-Saw Maung exchanges might have caused wider misgivings if publicised.

But hardly any of the Thai journalists who learned about the real purpose of the visit dared do more than allude to it. One who did, Chatcharin Chaiwat of the Bangkok weekly *Khao Pises* (Special News), was attacked and beaten with a spanner on 21 December 1988. The army secretary, Maj. Gen. Anussorn Krisanaseranee, gave assurances that the military was not involved. He said Chaovalit was "an optimist who is kind and merciful. He holds no grudges against

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those who criticise him. A lot of soldiers love him. Perhaps it was the work of someone—who could be a military or civilian man—who was enraged on his behalf."

The Rangoon meeting clinched a deal between an interested buyer—Thailand, which had money and no trees—and a desperately interested seller, which was in the opposite situation. Chaovalit was ideally placed to resolve the main obstacle that had prevented a sale before: the fact that the forest areas most accessible to Thailand could only be brought under Rangoon's control with the Thai military's cooperation and assistance. Thailand could, of course, have kept on buying timber surreptitiously from Burma's insurgents, but on nothing like the scale required after the domestic logging ban.

The agreement nominated a number of border-crossing points for the transfer of logs into Thailand, and the Thais agreed to let Burma station its customs officers *on the Thai side* to assess and stamp the logs being brought out. At least until the Burmese army took control, the loggers would be left to their own devices to extract the timber and deal with local Kachin, Karen and Mon insurgents.

By early December 1988, a stampede of Thai logging concerns were entering deals with Rangoon. A briefing document written by the Burmese Government's Timber Corp. in February 1989 said that 20 concession areas had been contracted along the Thai-Burma border with total exports of 160,000 tonnes of teak logs and 500,000 tonnes of other hardwood logs authorised. The corporation estimated revenues of US$112 million a year from the logging, a bonanza by the scale of Burma's trade.

As the prospects of a total logging ban in Thailand itself hardened, the value of the Burmese concessions correspondingly increased. Sawmills all over the country were going out of business while the price of teak was escalating. But it was not just any Thai logging company which could apply to Rangoon for a logging area. As the Timber Corp. document noted: "In furtherance of the friendly and cordial relations existing between the two countries, Timber Corp. enters into contracts with Thai firms which are recommended by the Thai authorities concerned."

The holders of the 20 initial concessions (up to 20 more were granted later in 1989) include some companies with long experience in forestry—and some which had just been formed or had previous experience in other fields. What is notable is the high proportion of companies with major shareholders affiliated with politicians of the ruling Chart Thai party and its coalition partner, the Social Action Party (SAP), or in at least one case with senior military men.

For example, Boonsawat and Friends Co., which took the first concession (in Pungpahkyem), has as its biggest shareholder former MP Boonsawat Duangjaiekaraj, who has SAP connections. Suchart Tancharoen, younger brother of timber concessionaire Silar International Co.'s Pichet Tancharoen, is a Chart Thai MP.

Union Par Co., which was established on 28 November 1988 and has two concessions, is said in some reports to be a pricesetter for the whole industry. It is just under 50% owned by Preecha Navawongse, a businessman whose son married Chaovalit's daughter Orapin (who died in a road accident in 1984). Preecha's Suco Engineering Co., a sugarmill equipment maker, has also benefited from another of Chaovalit's foreign initiatives, the purchase of Chinese armoured vehicles for the Thai Army. Suco is joint-venture-partner of Chinese arms exporter Norinco in a plant to assemble, repair and possibly export Chinese armoured personnel carriers.

Bangkok press reports have alluded to numerous connections between logging companies and military men, causing armed forces deputy chief Gen. Pak Akanibutr to issue a denial in February 1989 that the military was part of the industry. The problem was, he said, that merchants were using the names of top army officers such as Chaovalit, deputy army commander Gen. Sunthorn Kongsompong and himself for the protection of their business. The armed forces spokesman could not be reached for further comment for this article.

The timber deals roughly coincided with a rush by Thai and other foreign fishing companies for rights to fish in Burma's economic zone. Three Thai companies, and 15 from elsewhere, were licensed, with annual fees for eight of the companies reported at one stage to total US$17.7 million.

Several Thai enterprises have bartered used machinery for Burmese gems and timber. The Bangkok Metropolitan Transit Authority has been trading old buses for teak. A previously little-known but well-placed Thai company, Thip Tharn Thong Co., has been bartering second-hand cars for gems, in addition to entering fishing and timber agreements, and contracting to renovate Rangoon's Strand Hotel. Union Par Co. is likewise planning to restore and operate the Inya Lake Hotel in Rangoon. Entrepreneurs with Chart Thai connections are planning the "Golden Triangle Casino" in the north of Burma close to Chiang Mai. Thai, Japanese, South Korean and Singaporean companies have announced department store ventures for Rangoon.

Later in 1989, the Saw Maung government signed Burma's first onshore oil exploration and long-term production-sharing contracts with nine foreign companies—Yukong of South Korea, Petro-Canada, Amoco and Unocal of the US, Idemitsu of Japan, Kirkland Resources and Croft Exploration of Britain, BHP of Australia, and Royal Dutch-Shell. Almost certainly these contracts involved sizable signature bonuses for the Burmese Government. Early this year, Rangoon awarded its first offshore tin-dredging concession, in the Mergui archipelago, to Thailand's Sea Exploration and Mining Co.

Aside from the question of support for a regime which had demonstrated both extreme brutality and near total economic incompetence, and which clearly intends to make no more than cosmetic changes to the political structure, the sell-off has raised serious concern that Burma's still bountiful resources will be subject to the same depredation as those of Thailand.

In the timber industry, Burmese authorities had previously stuck to the widely respected Burma Selection System of logging worked out over 130 years of experience. This recognises that a teak tree can take over 100 years to reach its mature diameter of 90 in. (2.25 m) at chest height. The system revolves around a 30-year cycle of selective logging in any one area. Witoon Charoen, a director of the Bangkok environmental group Project for Ecological Recovery, thinks any such rules will be disregarded by the Thai contractors, given the shortness of their contracts and lack of supervision. Loggers would rip out the most valuable trees, with no care about damaging smaller trees of saplings.

If in February last year, Burma's Timber Corp. was expressing impatience at holdups in opening border trade posts, the situation changed markedly within months. Recent visitors to border areas report new roads carved through the jungle, machinery and elephants massed, and a heavy stream of log-carrying trucks heading into Thailand. So much timber was coming across by last October that the Thai concessionaires were lobbying for permission to re-export logs and timber from Burma to ward off a fall in prices.

In July 1989, Rangoon stopped issuing logging licenses to Thai firms and stipulated that Thai timber companies would have to buy from local loggers. In December, it amended permits to existing operators to reduce the rate of teak timber extraction from 5,000 tonnes a month to 1,000 tonnes. Witoon said this was "public relations." In most cases, Burmese officials had never actually gone to the border checkpoints, essentially allowing the Thai companies to act on trust. A similar breakdown in confidence happened with fishing by May last year, when Rangoon realised it could not police what had become a free-for-all in the Martaban Gulf.

Thai environmentalists like Witoon fear that the result will be clear-felling all along the Burmese side of the border, which contains many important watershed areas and jungles contiguous with nature reserves on the Thai side. "This is a hard issue to campaign about in Thailand," he said. "After the logging ban, the concern among politicians was to supply the public demand and stop prices rising.

"Historically, the Thais have never liked the Burmese because of wars and occupation. We try to explain that the forest in Burma is part of the same system as in Thailand, so that if you destroy the forest there the effects will be felt here. But it's not strong enough to convince the Thai public, and the Thai press is more interested in the political aspects."

THAI ARMY AIDS CAMPAIGN AGAINST INSURGENTS: SELLING OUT OLD FRIENDS

(By Hamish McDonald)

The Thai rush for resources in Burma has been accompanied by the sellout of the Burmese ethnic minorities whose long struggle against the central government in Rangoon had been quietly supported by the Thai military as part of Bangkok's own national security policy.

Cooperation and possibly even supplies from the Thai military have enabled the Burmese army to clear insurgent armies of the Karen and Mon ethnic groups from their fortified bases along the Thai border, and for the first time in some 40 years sustain a presence in captured territory. The Karen and Mon have lost control of much of their forests and land, and of black-market border trading points.

The Burmese army had begun an offensive against the Karen and Mon in 1984, but were never able to hold territory at the end of tenuous supply lines from coastal towns through the June-October rainy season. The rebel armies—principally the Mon and the Karen in the central sector and the south, the Kachin in the north—were well trained and equipped, with strong fortified bases.

The Thai authorities had long turned a blind eye to their border smuggling and black-market arms purchases, and with a long history of warfare between the ethnic

Burmans (the major ethnic group in Burma) and the Thais, the Thai military promoted the minorities as a buffer against the old enemy. Until two years ago, according to military experts in Bangkok, the Thai army's Special Forces assigned advisers to the Karen National Union's army. The Mon have longstanding links, with the large Mon community settled in Thailand a recruiting pool foir the Thai monarch's forces for two centuries.

All this changed soon after Chaovalit's visit to Rangoon in December 1988, which coincided with the start of the last dry season. In the months that followed, Burmese forces attacked Karen areas with new tactics and unprecedented success. First, the intensity of heavy mortar, rocket and artillery fire showed that the cost of heavy ammunition was no longer a constraint. Secondly, Burmese forces no longer held back from crossing into Thai territory and attacking Karen bases from the rear.

Indeed, sources familiar with the Karen war said the Thai army would evacuate Thai villagers from the areas that Burmese troops were to use for their attack several hours ahead. A signal with smoke flares would indicate the end of the attack. The use of Thai territory had continued even after Burmese soldiers burned down a village thus evacuated, on 20 May last year. Another incursion by hundreds of Burmese troops occurred in July last year.

On 29 December, Burmese troops blasted their way into the Palhu camp of the Karen National Union, the last major Karen base near the Mae Sot-Myawaddy border crossing, and began a sweep south along the Moei River. About 6,000 Karen villagers crossed into Thailand around the end of January, swelling the number in Thai camps to 23,500. "What we are really seeing is the final stages of a 40-year campaign," said a source familiar with the Karen region. "The Karen have lost much of their territory and are now being finished off."

The same process began in January against the Mon, in the area of the Three Pagodas Pass controlling the trade route to Burma. Burmese units advanced along the road from Moulmein in strength, sending 2,000 Mon villagers across the Thai border into the Sanghklaburi district. After fighting for four days, the Burmese captured Three Pagodas Pass on 9 February. Further south, according to exiled Burmese students in Thailand, large units of Burmese soldiers have recently been landed at Mergui and Victoria Point, to begin assaults on Karen bases in the hinterland.

On the night of 9 February, Mon leaders talked to a gathering of their people at a Buddhist temple outside Sangkhlabun in place of the Mon national day celebrations that had been planned at Three Pagodas the following day. The president of the New Mon State Party, Nai Shwe Kyin, insisted that the Burmese had attacked "from Thai territory" and that some troops had been transported in trucks provided by a Sino-Thai businessman. "Without the connivance of the Thai authorities, I cannot see how these Burmese troops came through the pass," he said. "We were guarding all the routes [from Burma]."

Nai Shwe Kyin said the Mon had long relied on Thailand for medicine, food and arms. "All along these 40 years, only with the sympathy of the Thai people could we survive," he said. But last year, the official attitude changed. Thai military men coerced his party into writing a conciliatory letter to Burmese Government head Gen. Saw Maung last year, by threatening to close the border. About two months ago, Thai army personnel were withdrawn from the Three Pagodas Pass region. "It's because of this timber business," the Mon leader said. "Probably because they may have some share in it."

Thai paramilitary units had, meanwhile blocked the road about 10 km from the border, close to where several hundred Mons were encamped. On 10 February, a steady stream of trucks laden with logs came through the checkpoint from the direction of the pass.

It is not clear, however, whether the Thais have completely switched their policy on the Burmese minorities and given carte blanche to the Burmese army.

Military experts in Bangkok doubt that the Thais are given intelligence to the Burmese about the minority armies, though there is cooperation in monitoring the activities of about 2,300 dissident Burmese students living along the border. Supply of food and medicine to isolated Burmese units over the rainy season may be part of the deal. The Thai army also is helping the Burmese set up a new 400-bed military hospital in Rangoon.

Possibly the Thai army will not allow the Burmese to make a complete sweep, to keep the option of reactivating the minority challenge to Rangoon. The objectives seem rather to open trading routes—Chiang Rai to Tachilek, Mae Sot to Myawaddy, Three Pagodas Pass, and Ranong to Victoria Point—with a secure area around them. Even so, it amounts to the reversal of a longstanding national security policy. It could be argued that this policy was in appropriate to relations between modern states. However, a sudden sell-out of the minorities at a time of tightened repression in Burma hardly seems the way to adapt, and change has not been explained to the Thai public or even acknowledged by Thai military leaders.

By the end of the current dry season, the Burmese army will have a tighter grip on the country than at any time before. As well as the gains against the Karen and Mon, events in the north of Burma also may end by helping Rangoon. Since pulling out of the collapsing Burma Communist Party last March, the several thousand-strong army of the Wa minority has been a loose force, and in recent months was reported to be fighting against the notorious Shan drug overlord Khun Sa, whose opium-dealing empire extends across northern Thailand and Burma.

Conceivably, this could allow the Burmese army to take more of a direct role in the opium trade. Some Western governments already suspect that the army is collecting opium in a much more coordinated pattern than ever before. This alone is giving Rangoon new leverage in arguing that its diplomatic and economic isolation prevents it from cooperating with international drug-control efforts, and it is likely that the UN Fund for Drug Abuse Control will soon resume its programme in Burma.●

BUDGET SCOREKEEPING REPORT

● Mr. SASSER. Mr. President, I hereby submit to the Senate the latest budget scorekeeping report for fiscal year 1990, prepared by the Congressional Budget Office in response to section 308(B) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $3.5 billion in budget authority, and over the budget resolution by $4 billion in outlays. Current level is under the revenue floor by $5.2 billion.

The current estimate of the deficit for purposes of calculating the maximum deficit amount under section 311(A) of the Budget Act is $114.6 billion, $14.6 billion above the maximum deficit amount for 1990 of $100 billion.

The report follows:

Congressional Budget Office,
U.S. Congress,
Washington, DC, March 26, 1990.

Hon. Jim Sasser,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The attached report shows the effects of Congressional action on the budget for fiscal year 1990 and is current through March 22, 1990. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 1990 Concurrent Resolution on the Budget (H. Con. Res. 106). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated March 5, 1990, there has been no action that affects the current level of spending or revenues.

Sincerely,
Robert D. Reischauer.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 101ST CONG., 2D SESS., AS OF MAR. 22, 1990

[In billions of dollars]

	Current level [1]	Budget resolution H Con Res 106	Current level +/− resolution
Budget authority	1,325.9	1,329.4	−3.5
Outlays	1,169.2	1,165.2	4.0
Revenues	1,060.3	1,065.5	−5.2
Debt subject to limit	2,986.2	3,122.7	−136.5
Direct loan obligations	19.1	19.3	−.2
Guaranteed loan commitments	114.7	107.3	7.4
Deficit	114.6	[2] 100.0	[3] 14.6

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval and is consistent with the technical and economic assumptions of H. Con. Res. 268. In addition, estimates are included of the direct spending effects for all entitlements or other mandatory programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions. In accordance with Sec. 102(a) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act (101 Stat. 762) the current level deficit amount compared to the maximum deficit amount does not include asset sales.

[2] Maximum deficit amount [MDA] in accordance with section 3(7)(E) of the Congressional Budget Act, as amended.

[3] Current level plus or minus MDA

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PARLIAMENTARIAN STATUS REPORT, 101ST CONG., 2D SESS., SENATE SUPPORTING DETAIL, FISCAL YEAR 1990, AS OF CLOSE OF BUSINESS MAR. 22, 1990

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			1,068,600
Permanent appropriations and trust funds	954,917	791,226	
Other legislation	639,255	638,374	566
Offsetting receipts	−237,825	−233,738	
Total enacted in previous sessions	1,356,347	1,195,862	1,069,166
II. Enacted this session:			
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses:			
V. Entitlement authority and other mandatory adjustments required to conform with current law estimates in budget resolution:			
Salaries of judges	−2	5	
Payment to judicial officers' retirement fund	−4	−4	
Judicial survivors' annuities fund	−3	−3	
Fees and expenses of witnesses	−2		
Justice assistance	−4		
Fisherman's guaranty fund	1	1	
Administration of territories	−1		
Firefighting adjustments	−624	−192	
Federal unemployment benefits (FUBA)	5		
Advances to unemployment trust fund	(48)	(48)	
Special benefits	−24		
Black Lung disability trust fund	52	32	
Vaccine improvement program trust fund	7	7	
Federal payment to railroad retirement	1	1	
Retirement pay and medical benefits	−4		
Supplemental security income	263	263	
Special benefits, disabled coal miners	21		
Grants to states for Medicaid	−907		
Payments to health care trust funds	(325)	(325)	
Family support payments to states	84	84	
Payments to states for AFDC work programs	15	15	
Payments to states for foster care	−83		
Health professions student loan insurance fund	−25	−7	
Guaranteed student loans	−175		
College housing and academic facilities loans	−3	−3	
Rehabilitation services	−79		
Payments to widows and heirs	([1])	([1])	
Reimbursement to the rural electrification fund	111	111	
Dairy indemnity program	([1])	([1])	
Conservation reserve program	720		
Special milk program	−2		
Food stamp program	−800		
Child nutrition programs	−74		
Federal crop insurance corporation fund	([1])		
Agriculture credit insurance fund	342		
Rural housing insurance fund	([1])		
Rural communication development fund	([1])		
Payments to the farm credit system financial assistance corporation	−2		
Coast Guard retired pay	−17		
Payment to civil service retirement	(84)	(84)	
Government payments for annuitants	−3	−2	
Readjustment benefits	−62		
Compensation	448	398	
Pensions	−62		
Burial benefits	−4		
Loan guaranty revolving fund	238	238	
Disaster relief	−1,100	−883	
Total entitlement authority	−1,757	62	
VI. Adjustment for economic and technical assumptions	−28,685	−26,763	−8,900
Total current level as of March 22, 1990	1,325,905	1,169,160	1,060,266
1990 budget resolution H. Con. Res. 106	1,329,400	1,165,200	1,065,500
Amount remaining:			
Over budget resolution		3,960	
Under budget resolution	3,495		5,234

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[1] Less than $500,000.

Notes.—Numbers may not add due to rounding. Amounts shown in parentheses are interfund transactions that do not add to totals.●

AWARD OF CONGRESSIONAL GOLD MEDAL TO LAURANCE SPELMAN ROCKEFELLER

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 484, S. 1853, a bill to award the Congressional Gold Medal to Laurance S. Rockefeller.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1853) to award a Congressional Gold Medal to Laurance Spelman Rockefeller.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 1379

(Purpose to make a technical correction to S. 1853)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of Senator CHAFEE, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE,] for Mr. CHAFEE, proposes an amendment numbered 1379.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 22, strike "Park and Recreation" and insert in lieu thereof "Recreation and Park".

Mr. DOLE. Mr. President, a parliamentary inquiry: It is my understanding that we need to redraft the amendment. I ask unanimous consent that we may make that change.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1379), as modified, is as follows:

On page 5, line 2, strike "Park and Recreation" and insert in lieu thereof "Recreation and Park".

Mr. CHAFEE. Mr. President, this amendment is a technical amendment which simply corrects a small error made in naming the National Recreation and Park Association.

I would like to take a moment to express my appreciation to the chairman of the Banking Committee for his assistance in bringing this legislation to the floor. I also thank the majority leader and my other colleagues for their support for this important bill.

S. 1853 bestows a fitting honor on Laurance Spelman Rockefeller, a man whose lifelong dedication toward protection of open spaces, historic landmarks, and the environment will benefit all Americans for generations to come. The fact that over 50 Senators have cosponsored this bill is testimony to Laurance Rockefeller's stature as one of the great conservationists of our time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (No. 1379) as modified, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) Laurance Spelman Rockefeller followed in the tradition of his father, John D. Rockefeller, Jr., by enlarging and enhancing the National Park System of the United States, including the donation of five thousand acres on the Island of St. John for the Virgin Islands National Park;

(2) Laurance Spelman Rockefeller was appointed by President Dwight D. Eisenhower as chairman of the Outdoor Recreation Resources Review Commission, and his work led to the establishment of the Bureau of Outdoor Recreation, the Land and Water Conservation Fund, the Wilderness Act, the National System of Scenic Rivers, and other landmark conservation programs;

(3) Laurance Spelman Rockefeller was appointed by President Lyndon B. Johnson as Chairman of the 1965 White House Conference on Natural Beauty, and his recommendations brought the concept of natural beauty to urban areas, led to the Highway Beautification Act, and increased State and local awareness of environmental issues;

(4) Laurance Spelman Rockefeller collaborated with Lady Bird Johnson in her quest to beautity the United States and the Capital, and assisted her in the creation of the Lyndon Baines Johnson Memorial Grove in Washington, District of Columbia;

(5) Laurance Spelman Rockefeller served President Richard M. Nixon and President Gerald R. Ford as chairman of Presidential advisory committees on environmental quality, and served on other Federal advisory groups, including the Public Land Law Review Commission and the National Park Foundation;

(6) Laurance Spelman Rockefeller served as a member of the New York State Council of Parks for thirty years and, as its chairman, expanded and modernized the State park system through an innovative bond program which was replicated across the Nation;

(7) Laurance Spelman Rockefeller served as a principal advisor on environmental matters to his brother, Governor Nelson A. Rockefeller of New York, and helped to develop the Adirondack Park Agency, the Hudson River Valley Commission, the first State water pollution bond issue, and the

first comprehensive State environmental and conservation agency;

(8) Laurance Spelman Rockefeller served as a member and President of the Palisades Interstate Park Commission for forty years and made may donations to expand the Palisades Interstate Park System;

(9) Laurance Spelman Rockefeller contributed to the environmental quality of New York City through his efforts on behalf of the New York Zoological Society and the Bronx Zoo, the New York Aquarium, Central Park, and other parks in the city;

(10) Laurance Spelman Rockefeller, as a partime resident of Woodstock, Vermont, has contributed to the environmental aesthetics of that community through promotion of the placement of power lines underground, the initiation of watershed planning, and the preservation and display of historic properties and objects;

(11) Laurance Spelman Rockefeller has been the long-time guiding force in three significant private conservation organizations: Jackson Hole Preserve, Incorporated, which has preserved park land in the grand Tetons of Wyoming, the Virgin Islands, and the Hudson Valley; the American Conservation Association, which has provided support and encouragement for innovative government and private conservation programs; and Historic Hudson Valley, Incorporated, which has preserved outstanding historic properties of the Hudson Valley for public use;

(12) Laurance Spelman Rockefeller has played an important role in creating or leading other private conservation organizations, including Resources for the Future, the National Recreation and Park Association and the Conservation Foundation; and

(13) Laurance Spelman Rockefeller, in addition to his extraordinary contributions to the environment in the United States, is one of the leaders in the fight against cancer with more than forty years of dedicated work and benefactions to the Memorial Sloan-Kettering Cancer Center.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Laurance Spelman Rockefeller in recognition of his leadership on behalf of natural resource conservation and historic preservation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated not to exceed $25,000 to carry out this section.

SEC. 3. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, and overhead expenses and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 2 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act shall be considered national medals for purposes of chapter 51 of title 31, United States Code.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill as amended, was passed.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 2692, regarding the Woodrow Wilson International Center for Scholars, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2692) to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2692) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZING THE REPRINTING OF COMMITTEE PRINT 101-61

Mr. BAUCUS. Mr. President, I ask unanimous consent that 400 copies of "Reform and Innovation in Science and Agriculture: Planning for the 1990 Farm Bill," Committee Print 101-61, be reprinted.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 2338

Mr. BAUCUS. Mr. President, on behalf of Senator CRANSTON, I ask unanimous consent that a bill introduced earlier today by Senators CRANSTON, MURKOWSKI, and others, S. 2338, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. BAUCUS. Mr. President, the majority leader asked me to briefly lay out the schedule for tomorrow as he outlined it earlier today.

On tomorrow, Tuesday, March 27, the Senate will convene at 8:45 a.m. Following the prayer, and upon resuming the clean air bill, the time until 9:30 a.m., will be equally divided in the usual form on the pending Nickles-Heflin amendment, with a vote on, or in relation to the amendment occurring at 9:30 a.m.

Once that vote has been completed, the Senate will recess subject to the call of the Chair. This recess will permit Members of the Senate to join with their House colleagues in a joint ceremony to honor the centennial of the birth of President Dwight D. Eisenhower. When the Senate reconvenes, there will be time for the two leaders. Following leader time, the Senate would resume consideration of the clean air bill until 1 p.m., when the Senate will recess until 2:30 p.m. for the respective party conferences.

Consideration of the clean air legislation will then resume at 2:30.

ORDER FOR RECESS UNTIL 8:45 A.M. TOMORROW

Mr. BAUCUS. Mr. President, I ask unanimous consent that, at the conclusion of four statements by the distinguished Republican leader, that the Senate stand in recess under the previous order until 8:45 a.m., March 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I thank the Senator from Montana and the Presiding Officer. I will take just a few moments.

TOO BIG TO FAIL OR TOO BIG TO SAVE

Mr. DOLE. Mr. President, when people talk about the "too big to fail" doctrine, they normally mean that the big money-center banks get preferential treatment under the Federal deposit insurance system.

But the too big to fail doctrine has a broader meaning. It means that the small banks of this country sometimes get a raw deal when it comes to the enforcement of our Federal banking regulations.

FIRST STATE BANK OF EDNA

Two weeks ago, I learned that the FDIC had imposed a $9,600 fine upon the First State Bank of Edna, which is located in a small town of 500 called Edna, KS. The fine was imposed because of Edna's 2-week delay in filing its quarterly call report with the FDIC. Edna readily admits its mistake, but insists that the filing delay was caused by simple human error.

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A $9,600 fine may not mean much to a money-center bank. It may not mean much for the executives on Wall Street. But it is a very big deal for a small bank like Edna. Edna maintains only 800 direct deposit accounts, has total assets approximating $10.5 million, and had net annual earnings of approximately $80,000 in 1989.

A $9,600 fine, in other words, represents more than 12 percent of Edna's annual net earnings. More than 12 percent. To put this in perspective, the $9,600 fine imposed upon Edna would be comparable to a $120,000 fine imposed upon a bank whose annual net earnings were $1 million—all because of a filing violation that was inadvertent, easily corrected, and corrected immediately after it was discovered.

The size of Edna's fine seems even more disproportionate when an additional fact is considered—the fact that Edna had not once—not once—missed a single filing deadline during its 15-year history.

THE FDIC DESERVES CREDIT

To its credit, the FDIC recognizes that the fine imposed upon Edna was way out of line. Last week, I received a letter from the FDIC's Chairman, William Seidman, stating that the FDIC staff has been directed to reevaluate FDIC fine policies to ensure that the size and financial resources of an institution are first considered before a penalty is imposed. That makes a lot of common sense.

Mr. President, I commend the FDIC for having the institutional courage to recognize its blunder and for taking the steps to correct it. All too often Federal bureaucracies ignore common sense when wielding the regulatory ax, forgetting that a real-life business is usually on the other end of the regulatory ax-blade.

But in this instance, at least, the FDIC has proven that common sense does indeed have a place in Federal banking regulation.

Nevertheless, the simple fact that Edna has had to fight the fine tooth and nail—calling upon the Kansas Bankers Association, calling upon the Independent Bankers Association of America, and finally calling upon me—suggests that our Federal banking regulators are not always sensitive to the business realities of the small banks in this country. There are many small banks in my State and in the Presiding Officer's State, and we want them to stay there. We are having difficulty in our State in making ends meet. It suggests that a rethinking of the too big to fail doctrine is certainly in order.

Let us face it: Under any definition, "too big to fail" should not mean "too small to save."

Mr. President, I ask unanimous consent that the full text of this letter from L. William Seidman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FEDERAL DEPOSIT
INSURANCE CORPORATION,
Washington, DC, March 16, 1990.

Hon. ROBERT DOLE,
U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Thank you for your recent letter regarding the $9,600 civil Money Penalty to be imposed on the Edna State Bank, Edna, Kansas for the late filing of it's September 30, 1989 Call Report.

We appreciate your concern that fines of this nature should not have an unduly harsh impact on small rural banks with limited income and resources. The September Call Reports were the first reports due since the passage of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which substantially increased the penalties for late filing.

The staff has been directed to reevaluate our policies for imposing fines of this nature, particularly in regard to their impact on the financial resources of smaller banks. In revising our policy the staff will develop a means whereby the amount of the penalty assessed equitably takes into account the size and financial resources of the institution and will not have an undue impact on the financial position of a small bank.

You can be assured that the penalty on the Edna Bank will be reassessed in light of these new procedures and that every effort will be made to deal equitably with the Bank.

With best wishes.

Sincerely,

L. WILLIAM SEIDMAN,
Chairman.

INVESTIGATION OF INDIAN OIL PURCHASES

Mr. DOLE. Mr. President, when I was county attorney in Russell County, KS, I learned early on that it is important not to rush to judgment; that you need to have all the evidence, and all the facts, and all the disputes over the evidence resolved, before you reach your conclusions.

That time-tested lesson is deeply embedded in our system of law.

In the Congress, fact-finding is often carried out not by courts but by investigative committees. Those committees are not bound by all the procedures of courts, but they have the same essential mission: to get to the truth. In general they do a pretty good job.

There is also the same need to be fair and accurate. Committee's reports can have much the same impact on a person or a company and a reputation as the adverse judgment of a court—without the constitutional safeguards.

A few months back, the Senate Indian Affairs Committee's Special Investigative Subcommittee released a report stating that a Kansas company, Koch Industries, was engaged in systematic theft in its purchases of oil from the Osage Indians of Oklahoma. The published report, which received news coverage here and in Kansas and Oklahoma, was rather widespread.

Several Senators, including myself, Senator KASSEBAUM, Senator BOREN and Senator NICKLES, had very real concerns about some of the evidence on which the special committee was basing its findings, concerns we raised with the committee in successive letters before the report was issued.

It now looks like those concerns were well founded. Last week, the Bureau of Land Management—part of the Department of the Interior—reported that, contrary to the allegations made in the committee's report, it could find no evidence of any misconduct or fraud in Koch's dealings with the Osage Indians.

Even more tellingly, this followed only 2 days after the Osage Nation's own report reaching the same conclusion—stating, significantly, that the Osage Nation "looks forward to doing business with Koch in the future."

Mr. President, I ask unanimous consent to print in the RECORD articles from the Wichita Eagle, the Daily Oklahoman, the Tulsa World, and the Tulsa Tribune, all bearing on this development.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Tulsa Tribune, Mar. 21, 1990]

OSAGES DENY TRIBE SWINDLED IN OIL DEALS

WICHITA.—Osage tribal officials say Koch Industries Inc. didn't steal millions of dollars worth of oil from the Osage Indians as a Senate subcommittee alleged nearly a year ago.

In the Monday edition of the Osage Nation News, the Osage Tribal Council revealed it investigated Koch purchases in Osage County in Oklahoma for 1987, 1988 and the first five months of 1989.

"The Osage Tribal Council has found after a thorough examination and independent study that overpayments of royalties by Koch were made as well as underpayments," the article said.

Tribal investigators found the net amount owing when the overpayments and underpayments were reconciled was about $22,000 plus $7,057 in late penalties.

"The Osage Tribal Council did not find evidence to substantiate the accusations of the subcommittee of the sums of money alleged to have been unlawfully made in Osage County by Koch Industries Inc.," the tribal newspaper said.

Don Cordes, Koch executive vice president for corporate and legal affairs, said Tuesday about 85 percent of the oil Koch purchases from Indian nations is bought from the Osages in Oklahoma.

Koch had control of more than 10 million barrels of Osage oil during the period investigated and paid royalties of approximately $33 million for it.

"This report completely undermines the false allegations of the Senate subcommittee which asserted that Koch was taking millions of dollars of oil from the Indians without paying for it," Cordes said.

Cordes said Koch records indicate a net overpayment to the Osages. But the $22,000 discrepancy alleged by the tribe is less than one-tenth of 1 percent of the total royalties paid during the period, Cordes said.

"However, the differences between the Osage and Koch numbers are so tiny in relation to the total volume of business done that the Senate allegations are demonstrably false under either conclusion," Cordes said.

Both sets of figures demonstrate the inexactness and imprecision of measuring crude oil, Cordes said.

Koch officials maintained from the start of the controversy factors such as temperature, crude oil composition and holding tank conditions make precise measurement of crude impossible.

[From the Daily Oklahoman, Mar. 21, 1990]

Osage Royalties Probe Calls Oil Payments Fair

(By Bob Vandewater)

The Osage Tribal Council has found no evidence to support a U.S. Senate subcommittee's accusations last year that Koch Industries Inc. stole millions of dollars from Indian oil royalty owners in Oklahoma.

"This report completely undermines the false allegations of the Senate subcommittee which asserted that Koch was taking millions of dollars of oil from the Indians without paying for it," Donald Cordes, Koch executive vice president of legal and corporate affairs, said Tuesday.

Koch Industries is the largest buyer of Oklahoma crude oil.

Last spring a special Senate Indian Affairs subcommittee cited Koch, alleging underpayment of Indian oil royalties. But the Wichita, Kan. based Koch vehemently denied the charges.

Nevertheless, the Senate panel reiterated—in harsh language—the accusations as "the most dramatic example of an oil company stealing by deliberate mismeasurement and fraudulent reporting."

Last November, the federal Minerals Management Service (MMS), a royalty accounting arm of the U.S. Interior Department, reported that preliminary findings, "haven't found any indication of fraud or theft" by Koch.

Cordes said Tuesday that he expects the final federal report to find that the Senate subcommittee's accusations were without foundation.

The Osage Tribal Council investigation, triggered by the Senate subcommittee allegations, covered Koch's crude oil measurement practices in Osage County from 1987 through the first five months of 1989, the same period covered by the Senate probe.

The council found occasional differences favoring the Osage at times and Koch at other times, with the net balance favoring Koch by less than a tenth of 1 percent, or about $22,000.

In the period studied, Koch controlled purchases of more than 10 million barrels of oil in Osage County and royalty payments to the tribe of about $88 million, the tribal council reported.

Cordes said about 85 percent of the oil bought by Koch from Indian interests is from the Osage Tribe.

The council said it "did not find any evidence to substantiate the accusations of the subcommittee of the sums of money alleged to have been unlawfully made in Osage County by Koch."

Cordes said that although the Osage found Koch underpaid royalties by about $22,000, Koch's records "show that we actually overpaid Osage royalities" by about $16,000.

But the difference is so small in relation to the volume between Koch and the Osage that the Senate subcommittee allegations "are demonstrably false under either conclusion," Koch said.

"In fact, both numbers simply demonstrate the inevitable inexactness and imprecision in measuring crude oil," the company stated.

The Osage tribal council said. "We look forward to the continuation of business with Koch Industries Inc."

[From the Tulsa World, Mar. 2, 1990]

Allegations Firm Cheated Osages False, Tribe Says

Wichita. KS.—Koch Industries Inc. didn't steal millions of dollars worth of oil from the Osaga Indians as was alleged by a Senate subcommittee nearly a year ago, according to Osage officials.

In the Monday edition of the Osage Nation News, the Osage Tribal Council revealed that it investigated Koch purchases in Osage County, Okla., for 1987, 1988 and the first five months of 1989.

"The Osage Tribal Council has found after a thorough examination and independent study that overpayment of royalties by Koch were made as well as underpayments," the article said.

Tribal investigators found the net amount owed when the overpayments and underpayments were reconciled was about $22,000 plus $7,057 in late penalties.

"The Osage Tribal Council did not find evidence to substantiate the accusations of the subcommittee of the sums of money alleged to have been unlawfully made in Osage County by Koch Industries Inc.," the tribal newspaper said.

Don Cordes, Koch executive vice president for corporate and legal affairs, said Tuesday about 85 perecent of the oil Koch purchases from Indian nations is bought from the Osages in Oklahoma.

Koch had control of more than 10 million barrels of Osage oil during the period investigated and paid royalties of approximately $33 million for it.

"This report completely undermines the false allegations of the Senate subcommittee, which asserted that Koch was taking millions of dollars of oil from the Indians without paying for it," Cordes said.

[From the Wichita Eagle, Mar. 21, 1990]

Indian Probe Finds No Fraud by Koch Oil

(By Gary Boulton)

An investigation by the Osage tribal Council in Oklahoma has found no evidence that Koch Oil Co. systematically stole oil from wells on Indian lands.

The tribal council's investigation refutes the conclusions of a Senate investigation last year that Koch shortchanged the Osage tribe by consistently under-measuring the amount of oil it bought from wells on Indian lands.

A study done by the tribe found Koch underpaid the tribe $22,000 in royalties from January 1987 to May 1989, said Ralph Adkisson, a member of the Osage Tribal Council. During this period, Koch paid $33 million in royalty income to the tribe and bought 10 millions barrels of oil.

"The net result was a minor amount of money that was still owed to the tribe," Adkisson said.

A statement issued by the Osage Tribal Council on the investigation appeared in the Osage Nation News last week.

"We are just making a statement to clear the air. We know what Koch Oil owes us, we've added a late fee and that ends it as far as we are concerned," Adkisson said. "We are going to continue to do business with Koch Oil. We look forward to it."

Donald Cordes, associate vice president of legal and corporate affairs for Koch, said the company had not addressed the question of whether it would pay the $22,000 and $7,000 in late fees to the tribe. Koch's records indicated the company had overpaid the tribe by $16,000.

"They're a good customer; we want to keep them happy," Cordes said.

Osage lands produce 85 percent of the oil that Koch purchases from Indian interests. The tribe owns the mineral rights for all of Osage County in northeastern Oklahoma.

Koch Oil, a subsidiary of Koch Industries, welcomed the Osage tribe's study as additional proof that the Senate subcommittee's allegations were baseless.

"This report completely undermines the false allegations of the Senate subcommittee, which asserted that Koch was taking millions of dollars of oil from the Indians without paying for it," Cordes said in a news release.

In November, the Senate Select Committee on Indian Affairs released a report that alleged Koch "is the most dramatic example of an oil company stealing by deliberate mismeasurement and fraudulent reporting."

Staff members who served on the committee, which has been disbanded, could not be reached for comment.

The subcommittee report cited former Koch employees who allegedly told investigators that the company pressured them to mismeasure oil purchases in the company's favor.

The report also cited Koch records that showed Koch shortchanged producers by $30 million during the previous three years.

The subcommittee's use of that figure, without mentioning the overall volume of the oil company's annual purchases, particularly enraged Koch.

Koch buys more than $4 billion of oil a year, Cordes said Wednesday, and $30 million over a three-year period represents a fraction of a percent of the company's total volume.

The 474,281 barrels of oil, or $7.1 million, the company did not pay for in 1988, for instance, represented less than one-fourth of 1 percent of the company's total oil purchases, Cordes said.

Koch's measurements were off by four barrels for every 2,060 barrels of oil it purchased, he said, "so it really gets down to being a tiny percent."

The allegations were an outgrowth of the subcommittee's investigation of the Bureau of Indian Affairs. Indians receive between one-eighth and one-fifth of the revenues from oil and gas production on their lands. The balance belongs to the producer.

"This is a competitive business. There is no way you can cheat your customers and stay in business," Cordes said. "The producers are no dummies."

The committee's findings were referred to the Justice Department, and the U.S. attorney in Oklahoma City is conducting an investigation into the allegation.

Cordes said he could not comment on the investigation.

Arlene Joplin, chief of the criminal division for the U.S. attorney in Oklahoma City, also said she could not confirm or deny the existence of an investigation.

Mr. DOLE. These findings only underscore the misgivings that I and other Senators had about some of the

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testimony and other information that was put before our colleagues on the special committee.

It is too bad that the committee did not have the Bureau's study, or the testimony of the Osage Nation officials themselves, before completing its report. In Kansas, Koch Industries, with 8,000 employees, has been a solid corporate citizen. As with every citizen, it is important that it be treated fairly and not judged until all the evidence is in.

PERMITTING AND ENFORCEMENT AUTHORITY UNDER THE CLEAN AIR ACT

Mr. DOLE. Mr. President, I want to just take a minute or two to support the effort of Senator NICKLES and Senator HEFLIN. I will make brief remarks again tomorrow morning.

But we have introduced, as they pointed out today, with the full support of the administration, language to improve the enforcement and permitting authority of the Clean Air Act.

The language retains the strong environmental and health goals of the bill. In fact, it enhances those goals by ensuring that there will be less disruption of the State programs and more sources will be controlled more quickly and that the huge number of plants affected by this legislation will have some degree of certainty in making their environmental commitments.

Mr. President, I want to make it very clear that the proposal offered by the distinguished Senators from Montana and Rhode Island is not part of the leadership package because no one is bound here. It is not part of the leadership package. There has been confusion on this point during the last week.

I know a number of Members and staff have been under the mistaken impression that the Chafee-Baucus language was part of what was agreed on in the negotiations. Let me assure other Members we did not discuss nor agree to any of this language during negotiations. Neither was it considered or reported during the committee deliberations.

The language in amendment No. 1293 reflects work done only by staff after the committee reported the bill.

Mr. President, the amendment that has been offered and discussed this afternoon will provide a solid base for enforcing the Clean Air Act by putting all legal requirements for a source in one easily accessible place, namely the permit.

That permit will also enable sources to make necessary and authorized changes without going through a long, bureaucratic regulatory process for each change.

America's manufacturers—an estimated 50,000 plants—are required under this bill to put on the tightest controls we know of—often with little or no regard to cost. Every industry will have to meet a complicated regime of control and reporting requirements. We are asking a lot of American business under this bill. What we want to be certain we do not do is increase that burden by asking them to do things that are not necessary to protect public health. We want to reduce delay, confusion, uncertainty, and complexity—all of which translate directly into dollars.

We have spent a great deal of time during the last few weeks talking about the enormous costs this bill imposed on American workers. We have argued about the equities of who will receive job relief because of this legislation. We know this bill is going to cost a lot. Whether it is $22 billion or $60 billion per year—or more—we are talking about a lot of money. Let me assure you that permitting and enforcement may sound vague and intangible, but we are discussing a measure that once again has a major impact on the economic health of our industries.

I especially want to be sure that small companies, which will also have to meet all these requirements, do not suffer more of a burden than they have to. Most of them, I might add, are in small States, many in my State. Most of them are not staffed to meet the paperwork and reporting demands of this complex measure. I know that most American businessmen and women do not want to violate the laws. They want to comply. But under the Baucus-Chafee language, they will be overwhelmed with needless requirements. I for one do not want to increase their legal jeopardy without actual benefits to the air.

So let us not make the problem worse. We have initiated a massive clean air program in this bill. This legislation draws more facilities and operations into the law than ever before. But we need to focus on the environment—not on creating more jobs for lawyers, environmental activists, and bureaucrats. Time is money, and the direct and indirect costs of trying to meet the requirements in this bill will be very high.

Most business people are going to be confronted with these complicated terms—MACT, BACT, RACT, LAER, NSPS, CTG, PSD, and so on. I just heard them for the first time during these long days and nights of discussion, and I cannot keep them straight. But, luckily, I am not the one who has to put on controls to meet these standards. And I do not want to be the one to tell the manufacturers of America that the rules will keep changing—or that they will have to make a change or add more controls each time a rule changes or each time some environmental group decides that it wants to challenge a rule or a permit.

We all talk about America's competitiveness or our concern that it may decline. America is competing in a world marketplace, and I for one do not want to put our companies at a tremendous disadvantage—not by requiring strict pollution control from them but by making them jump through unwarranted and unnecessary bureaucratic hoops. The Baucus-Chafee language does just that by introducing more delays, more layers of bureaucracy, legal inconsistencies and outside intervention. It also allows confidential business information to be made public. Our chemical industry survives because of trade secrets. But process and formula secrets would not be protected under the Baucus-Chafee language.

Mr. President, let me state again that the language offered by the Senators from Montana and Rhode Island is not part of the leadership package. It was not discussed nor agreed to during the negotiations. Neither was it considered or reported during the committee deliberations.

The committee adopted during its markup the package of enforcement and permitting titles submitted by the administration. That package was taken up in the last minutes of markup without discussion. In fact, it was offered by my friend, the distinguished Senator from Rhode Island, at the behest of the administration.

But that earlier administration proposal had some flaws. The administration went back and worked with the affected parties to address many of the concerns that had been raised earlier. This process has led to a much better package than before. That is the bill we offer today. The Baucus-Chafee proposal, however, added more requirements which make their package even more burdensome, unworkable, and unfair.

The Nickles-Heflin-Dole amendment is going to work. It is going to give some certainty to business while protecting the environment with strong safeguards. It will streamline the permit process and enable better controlled sources to operate more quickly. It will ensure vigorous and fair enforcement and ensure that basic constitutional rights of citizens are protected. I hope you will support it.

But I wanted to ask just for the record that when some of these proposals are reviewed, I wonder how many people in my State are going to know what MACT is, and what BACT is, and RACT is, and LAER is, and CTG is, and PSD.

MACT, M-A-C-T, is maximum achievable control technology; BACT is best available control technology; RACT is reasonably available control technology; LAER is lowest achievable emission rate; CTG is control techniques guidance; and PSD is prevention of significant deterioration.

I assume that when all of these alphabet compliance provisions hit the average person, they are going to be somewhat confused. I would just suggest, before we make it too difficult, that we take a look, apply some common sense, and hopefully adopt the amendment that is pending to this bill offered by the distinguished Senator from Alabama, Senator **Heflin**, the Senator from Oklahoma, Senator **Nickles**, myself, and about a dozen other cosponsors.

Mr. President, I yield the floor.

RECESS UNTIL TOMORROW AT 8:45 A.M.

The **PRESIDING OFFICER**. Under the previous order, the Senate will now stand in recess until 8:45 a.m., Tuesday, March 27, 1990.

Thereupon, the Senate, at 6:08 p.m., recessed until Tuesday, March 27, 1990, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 26, 1990:

RESOLUTION TRUST CORPORATION

PHILIP C. JACKSON, JR., OF ALABAMA, TO BE A MEMBER OF THE OVERSIGHT BOARD OF THE RESOLUTION TRUST CORPORATION FOR A TERM OF THREE YEARS. (NEW POSITION)

NAVAJO AND HOPI RELOCATION

CARL J. KUNASEK, OF ARIZONA, TO BE COMMISSIONER ON NAVAJO AND HOPI RELOCATION (NEW POSITION).

IN THE AIR FORCE

THE FOLLOWING-NAMED INDIVIDUALS FOR APPOINTMENT AS RESERVE OF THE AIR FORCE (ANGUS) IN THE GRADE INDICATED UNDER THE PROVISIONS OF SECTIONS 593 AND 8351, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES AS INDICATED. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

BIO-MEDICAL SCIENCE CORPS

To be lieutenant colonel

ROBERT A. GROSS, 398-42-1829, 11/5/89

MEDICAL CORPS

RICHARD A. CURTIN, 019-32-5427, 8/5/89
JAMES L. FITZGERALD, 002-28-9246, 8/19/89
ROLAND G. LOWDEN, 269-34-0990, 10/28/89
WILLIAM C. WOOD, 425-80-9616, 8/7/89

NURSE CORPS

OLIVER K. WILLIAMS, 381-44-3700, 9/6/89

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 593 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 593 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE. (EFFECTIVE DATE FOLLOWS SERIAL NUMBER.)

LINE OF THE AIR FORCE

To be lieutenant colonel

MAJ. JAMES M. BEAN, 329-42-9351, 12/2/89
MAJ. WESLEY R. BELTER, 501-50-7960, 12/2/89
MAJ. LARRY T. BERGERSON, 506-54-7908, 12/2/89
MAJ. MICHAEL P. BLACK, 536-48-9387, 12/9/89
MAJ. MICHAEL J. CAHILL, 527-64-9888, 12/11/89
MAJ. RICHARD S. CAIN, 247-96-7718, 11/27/89
MAJ. JOE A. CAMP JR., 249-78-6856, 11/27/89
MAJ. BILLY J. COX, 574-20-1126, 12/8/89
MAJ. MARY E. COX, 162-46-2792, 12/2/89
MAJ. HANS K. CROSTHWAIT, 521-70-8743, 12/14/89
MAJ. LARRY D. DILLON, 515-54-8850, 1/2/90
MAJ. PHILIP A. HOFMANN JR., 097-42-5842, 11/3/89
MAJ. THOMAS J. HUEBSCH, 472-60-4696, 12/9/89
MAJ. EDWARD C. JONES, 340-46-8328, 1/2/90
MAJ. RICHARD W. LARSON, 502-56-5751, 12/13/89
MAJ. JOHN A. LEMOND JR., 462-74-3566, 12/29/89
MAJ. LAURENCE D. MATLOCK, 444-54-5196, 12/9/89
MAJ. JOHN E. MILLER, 317-48-7707, 12/2/89
MAJ. ROBERT B. OLLIS, 242-78-3412, 12/3/89
MAJ. GARY A. ROGALINER, 159-38-0458, 12/2/89
MAJ. LEE SPRADLIN, 354-32-9994, 12/2/89
MAJ. JAMES R. TAFT, 325-42-1156, 12/2/89
MAJ. RALPH D. TELLEFSEN, 470-60-6985, 12/3/89
MAJ. DANIEL S. UNGER, 372-52-8248, 8/1/89
MAJ. TIMOTHY A. WEAVER, 315-48-2223, 1/2/90

LEGAL CORPS

MAJ. THERESA Z. BLUMBERG, 467-02-3950, 12/9/89
MAJ. GARY L. NAPIER, 403-64-7895, 12/3/89

MEDICAL SERVICES CORPS

MAJ. HAROLD C. SIMS II, 252-68-9890, 12/2/89

IN THE NAVY

THE FOLLOWING-NAMED CANDIDATES IN THE NAVY ENLISTED COMMISSIONING PROGRAM TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ANTHONY J. ALLEMAN, II
TRACY M. CARR
DANIEL W. CROWE
WILLIAM H. FREY, III
KENDALL GENNICK
JAMES R. JUPENA
BOBBY A. KING
BRYAN J. KLIR
JEFFREY S. MANNING
ANGUS P. REGIER
GEORGE J.A. VANRIJN, IV

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE REAPPOINTED PERMAMENT ENSIGN IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

DAVID W. STOLLBERG

THE FOLLOWING-NAMED U.S. NAVY OFFICER TO BE REAPPOINTED PERMANENT LIEUTENANT (JUNIOR GRADE) IN THE CIVIL ENGINEER CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTIONS 531 AND 5582(B):

ROBIN A. YOUNG

THE FOLLOWING-NAMED CHIEF WARRANT OFFICER, W-4, U.S. NAVY, RETIRED, TO BE REAPPOINTED A TEMPORARY CHIEF WARRANT OFFICER, W-4, IN THE U.S. NAVY FROM THE TEMPORARY DISABILITY RETIRED LIST, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 1211:

ROBERT J. FALLS

THE FOLLOWING-NAMED EX-U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

ROBER M. MILLS, JR.
ROGER D. REVILLE
EUGENE T. SAITER
GERALD L. WILKS

THE FOLLOWING-NAMED EX-U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JAMES B. CONNER
LEONARD A. PARKER, JR.

THE FOLLOWING-NAMED MEDICAL COLLEGE GRADUATE TO BE APPOINTED IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

CLAUDE L. MCFARLANE

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT CAPTAIN IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

ARJANG K. MIRENADI
JOHN T. O'BRIEN

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 593:

JAMES T. ALEXANDER
ROBERT G. BEDOUT
RICHARD J. BRILLI
ESTELIAT L. CARANDANG
RICHARD A.K. CHAFFOO
WILLIAM J. CUNNINGHAM
EDWARD A. DRUM
NILS S. ERIKSON
CHRISTOPER S. HOLLAND
SEIJI KITAGAWA
JOHN O. MARTIN, JR.
GUY J. NOWLAN
THEODORE D. RICHARDS

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EXTENSIONS OF REMARKS

FAMILIAR FACES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Ms. KAPTUR. Mr. Speaker, as the author of H.R. 1409, the Foreign Agents Compulsory Ethics in Trade Act, I bring this article, "Familiar Faces" which appeared in the Wall Street Journal on February 23, 1990, to the attention of my colleagues. It is high time Congress closed the revolving door between Government service and foreign representation.

[From the Wall Street Journal, Feb. 23, 1990]

FAMILIAR FACES: IN TRADE TALKS, JAPAN KNOWS THE UNITED STATES TEAM—OFTEN ALL TOO WELL

(By Jill Abranson and Eduardo Lachica)

WASHINGTON.—This spring is showdown time for the U.S. and Japan. In a series of trade talks on everything from computers to construction, the U.S. trade representative's office will help define America's most important and delicate economic relationship for years to come.

But when these long and complex talks begin, many of the faces across the table will be familiar to the Japanese.

Sidney Linn Williams, the deputy trade representative who handles Japan matters, formerly worked as a corporate lawyer in Tokyo, where he represented six Japanese companies. Julius Katz, another deputy, formerly headed a consulting firm that represents Toyota Motor Corp. and the Hitachi Research Institute.

Then there is the U.S. trade representative herself—Carla Hills, who once briefly advised Matsushita Electric Industrial Co. in an anti-dumping complaint. Today, Mrs. Hills' daughter Laura, a lawyer and registered foreign agent, is part of the legal team defending a Japanese typewriter manufacturer in an anti-dumping investigation by the Commerce Department. Mrs. Hills' husband, Roderick, is a business partner of and practices law with the head of Nissan Motor Co.'s lobbying firm here. The Washington representative of Japan's leading trading organization is such a close Hills' family friend that he attended the weddings of their children.

If history is any guide, these and other top officials with the U.S. trade representative's office, or USTR, will have the chance to return to the payroll of Japanese interests. Indeed, since the early 1970s, fully one-third of the roughly 60 former top officials at the USTR have gone on to represent foreign clients or register as foreign agents, many for Japanese interests. A USTR official in the Ford Administration, for instance, now represents the Japanese electronics industry. The two top trade lawyers during the Carter years handle trade cases for Sony Corp. and Oki Electric Industry Co. And a trade official from the Reagan years now represent the Japanese embassy.

THE REVOLVING DOOR

"It's a national tragedy," says Sen. John Heinz, the Pennsylvania Republican. "So many people who once worked to further the national interest go to work for Japan. In Japan, anyone doing that would be ostracized for life:" In fact, it is rare to find any former Japanese trade official advising U.S. companies. Moreover, Japanese law actually prohibits the country's lawyers from working for foreign law firms.

The trade representative's office—like many other Washington agencies—has been a revolving door for years, hiring young lawyers, sometimes with little or no trade experience, and later seeing them leave to earn stunning sums of money from the other side. For the most part, this stream of departures has received scant attention; the USTR, after all, has been a rather obscure White House agency.

But now, with the stakes growing in the trade relationship between the U.S. and Japan, the trade office has been thrust to the forefront of the nation's battle for global economic security. The Omnibus Trade Act of 1988 strengthened the role of the trade representative as the nation's chief spokesperson on trade. As its importance has grown, the office is beginning to draw criticism for creating what are, at the very least, so many appearances of conflict of interest.

CLOSE ASSOCIATIONS

But, for her part, Mrs. Hills has little patience with questions about her links to Japan, dismissing them as something akin to McCarthyism. "I do have Japanese friends," she says. "I have French friends. I have black friends." She glares at a reporter. "And I don't want to have to be defensive about my friends who don't look like *you.*"

At least one lawmaker, Sen. Lloyd Bentsen, intends to hold hearings this year on revolving-door conflicts in the trade area. The hearings come at a time when foreign influence on a broad range of U.S. policy making—from decisions made on Capitol Hill to position papers crafted in think tanks around the country—has become a white-hot topic in Washington.

Many lawmakers concede that knowledge about the other side can benefit U.S. negotiators, but, they ask, at what point does contact become too close? The debate goes to the heart of the Washington culture, to the age-old assumption that government officials are automatically entitled to turn their experience into megabuck careers as lawyers, lobbyists and consultants.

"Government officials are put in situations where they could pull their punches and it would be lucrative to do so," says Clyde Prestowitz, a former Commerce Department official in the Reagan Administration and a loud critic of the Japan lobby. "If you are a government trade negotiator, you know sooner or later you'll leave government. Clearly it's not advantageous to make enemies."

It's all perfectly legal. And although some of her decisions have been criticized as "soft on Japan," there's no evidence that Mrs. Hills, for one, has been influenced by any of her personal or previous professional relationships. Mrs. Hills in many cases has gone to great lengths—beyond what ethics laws require—to distance herself from potential conflicts of interest. Her husband resigned from the board of Anheuser-Busch Cos. because beer falls within Mrs. Hills's purview at the USTR. He has curtailed the overseas activities of his merchant banking firm. The couple sold almost all their stock, incurring a large and unplanned tax liability. She has set up an elaborate mechanism within USTR to screen her from any matters involving her previous law firm or her husband's current law firm.

Experienced trade lawyers say working for Japan is almost unavoidable, since Japan has such deep pockets and is involved in so many trade issues and disputes. "Most of the money is on the foreign side," observes Alan Wolff, a former high-ranking lawyer at the USTR and one of the few who now mainly represent American clients. Most trade disputes—dumping cases and the like—are filed by a single domestic entity against an array of foreign competitors, fueling the need for other countries to find Washington lawyers and lobbyists, he says.

INTERNSHIP IN JAPAN

Moreover, trade officials who have taken a turn through the revolving door and now work for the U.S. government have training and insights that can make them tough adversaries for the Japanese. "It's simplistic and unfair to view someone as an apologist just because they once represented Japanese clients," says Judith Bello, a former general counel at the USTR whose law practice represents South Korean sweater producers on a dumping case. Adds Mrs. Hills: "A foreign corporation ought to be able to come into our market and be able to buy services," such as legal counsel.

Even the most notorious "Japan bashers" haven't accused the USTR of being in the pockets of the Japanese. But they say cozy relationships involving USTR officials send the wrong message to Japan.

For instance, when Clayton Yuetter was the trade representative, his daughter Kim had an internship at Nissho Iwai Corp., one of Japan's mega-corporations. While her short stint at Nissho Iwai went unnoticed here, her arrival was big news in Tokyo, where the leading dailies published her impressions of her father's trade work and her views on Japan. "By taking part in the activities of a Japanese firm, I could learn the good aspects and bad aspects of Japan," she told the lending business daily, Nihon Keizai Shimbun.

The access that some Japanese lobbyists enjoy inside the government demoralizes some USTR officials, who complain that U.S. companies are now skittish about sharing information with the trade agency and that they sometimes learn of key trade developments not from their colleagues, but from lobbyists.

Mitsubishi Corp.'s Washington representative knew the results of interagency meetings on the controversial plan to have Japan build the FSX fighter almost immediately—and certainly before any details of those

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

meetings were publicly disclosed. The first hint that President Bush would name Mrs. Hills trade representative appeared not in any U.S. newspaper but in the Nihon Keizai Shimbun, Japan's business daily.

Mr. Wolff recalls that, when he was the agency's general counsel, he got a call about the results of a White House cabinet meeting from a Japanese trade official before Mr. Wolff's boss, Robert Strauss, had even completed the one-block walk from the White House with his summary of the session.

A number of lobbyists for Japanese interests, in fact, have continued to orbit in the social and business life of the Hills family. Consider, for instance, Takeshi Kondo, a close family friend who attended Mrs. Hills' swearing-in ceremonies as trade representative.

STAYING FRIENDS

Mr. Kondo is the Washington representative of C. Itoh & Co., one of Japan's largest trading companies. In the early 1980s, C. Itoh jointly developed new business with a Sears, Roebuck & Co. unit, where Mr. Hills was an executive. Mr. Kondo's soirees at his spawling Bethesda, Md., home attract a number of high-powered Washingtonians, including the Hillses. Mr. Kondo has been a guest at the weddings of Mr. and Mrs. Hills' children.

The close relationship between the Hillses and the lobbyist has created the perception in Japan that Mrs. Hills uses her friends at C. Itoh as a back-channel to communicate with Japan's business leadership. The company's former chairman, Ryuzo Sejima, is deputy chairman of the Tokyo Chamber of Commerce.

Mrs. Hills openly admits to talking with Japanese business officials—and says she considers it part of her job to do so. At each opportunity, she says, she encourages Japanese to open their markets. 'If someone is a friend, you do not lose your right to communicate," her husband adds.

In her post as trade representative, Mrs. Hills isn't scheduled to hear any matters directly involving C. Itoh, and she might well recuse herself if any came up. But as a Japanese trading bill, C. Itoh is vitally affected by nearly all trade controversies between U.S. and Japan. And in this respect, Mr. Hills on occasion has given the company a helping hand.

Two years ago, Mr. Hills lobbied to quash legislation proposed by Sen. Alan Dixon, the Democrat from Illinois, that would have placed sanctions on C. Itoh as the exporter-of-record for the illegal sale of Toshiba milling equipment to the Soviet Union. Mr. Hills bristles at being identified as part of the Toshiba lobby; he says his efforts on behalf of C. Itoh were a gesture of friendship, limited to a brief meeting with some of Sen. Dixon's staffers for which he received no compensation. But others recall a more wide-ranging effort in which Mr. Hills marshaled State Department support for C. Itoh's contention that it was an innocent dupe in the Toshiba affair.

EXPERIENCED LOBBYISTS

"Rod was able to trigger some help from the administration that made it clear that C. Itoh hadn't known what was going on," recalls Murray Zweban, an attorney who worked with Mr. Hills on the issue. Sen. Dixon's bill ultimately made no mention of C. Itoh. Mr. Hills doesn't represent C. Itoh on any matters now, although he has passed along some of the company's securities work to one of his law partners in New York.

Another acquaintance of Carla and Rod Hills is William Eberie, the head of a trade-lobbying firm who sat in the front row as Mrs. Hills was sworn in as a member of the Bush cabinet.

Mr. Eberie was the trade representative himself during the Nixon and Ford years. In more recent years he has headed Manchester Associates, a lobbying firm whose biggest client is Nissan, according to Justice Department records. Manchester Associates and Nissan participated in a 50-member lobbying coalition that helped defeat protectionist provisions of the 1988 trade bill, Mr. Eberie heads the U.S.-Japan Foundation, which provides millions of dollars for studies of U.S.-Japan trade relations.

There is nothing unusual about a former U.S. trade representative working the Japanese side of the street, of course. But Mr. Eberie is also managing partner of a merchant banking and consulting firm called Manchester Group, whose chairman is Mr. Hills. Mr. Eberie's firm also advises clients of Mr. Hills's law firm, Donovan, Leisure, Newton & Irvine, on international trade matters.

Mr. Eberie says he avoids making physical appearances at the USTR to lobby to be sure "not to embarrass Carla." Last year, he says he called on the office only once on behalf of a client. Mr. Hills emphasizes that Mr. Eberie doesn't lobby for any of Donovan Leisure's clients at USTR. Mr. Eberie says he believes the Japanese are "entitled to representation," and hastens to add, "There's nothing that I do that's in conflict with the American interest."

The sums paid to former USTR officials by Japanese interests can be substantial. William Walker, a former USTR official who led the U.S. side in multilateral trade negotiations during the Ford administration, now represents the Japanese electronics industry. Mr. Walker was instrumental in an intense and successful lobbying effort last spring to keep the Japanese semiconductor industry off the list of products targeted for potential sanctions under the so-called Super 301 provisions of the 1988 Trade Act.

Mr. Walker's access to top officials on the semiconductor issue was impressive: He personally lobbied Mrs. Hills; Roger Porter, the White House domestic issues coordinator; Michael Boskin, the president's chief economic advisor; Commerce Secretary Robert Mosbacher; and Stephen Farrar, another White House aide.

PROTECTING FREE TRADE

According to filings required of foreign agents by the Justice Department, Mr. Walker's law firm took in $181,692 from Japan's electronics industry association between March and August of 1989. Over one six-month period a few years ago, the firm received $4.2 million for representing Toshiba. Mr. Walker says he has simply argued for free trade, which is in the U.S. interest anyway.

Mr. Eberle's lobbying firm, by the same token, received $16,500 a month from Nissan between March and August, 1989. Even relatively young and inexperienced former USTR officials are hot properties once they leave the agency. After less than 18 months as an assistant to former trade representative William Brock, Steven Saunders, then 36, left his post in April 1982. By December Mr. Saunders was on retainer to the Japanese Embassy, one of four Japanese clients that now pay his small consulting firm between $25,000 and $100,000 a year, according to Justice Department records.

The ethics bill passed by Congress last year will place new restrictions—a one-year ban-on trade negotiators going to work for foreign interests. (Currently, a former official may not lobby his old agency for a year after leaving, but can immediately take on foreign clients.) Though the new law will tighten the rules, it is a far cry from the broad, lifetime prohibition that some lawmakers, such as Sen. Strom Thurmond, believe is needed. The new rules, which don't kick in until January 1991, are expected to quicken the pace of departures of trade specialists from the USTR and the Commerce and State departments as officials leave before the tighter restrictions take hold.

Some of the remaining top officials at the USTR have already had some experience representing Japanese concerns. Two years ago, Mrs. Hills, then the co-managing partner at $510,000 a year of the Washington law office of Weil, Gotshal & Manges, advised Matsushita on how it could get relief from anti-dumping duties on color TV sets. As a result, she bowed out of any involvement in the USTR's choice of Japanese products to be subject to retaliation in a telecommunications case, Matushita was one of the companies that faced potential retaliation. (Dumping cases are generally heard by the Commerce Department, not USTR.)

TRADE PRIORITIES

Exactly what are Mrs. Hill's policies toward Japan? With so much of the most important negotiations yet to occur, it is premature to judge the year she has spent in office. The USTR has been occupied with a host of trade issues that don't involve Japan alone. The current round of talks on the General Agreement on Tariffs and Trade, for instance, remains her highest priority. Renewing import restrictions on steel has been another.

In the Japanese arena, her office has, so far, formally designated the supercomputer, wood products and satellite industries as protected business in Japan—industries that unfairly block U.S. competitors. This was a tough-minded action that under U.S. law could subject those industries to trade retaliation by the U.S. A number of other market-opening initiatives have also begun.

She has yet to single out some controversial industries in Japan for special attention. Japanese construction firms sell roughly $2 billion a year in services in the U.S. while U.S. firms, by contrast, get only about $60 million worth of this business in Japan; Mrs. Hills has delayed taking action. Japanese semiconductor makers are killing off U.S. competitors in the U.S. without opening their own markets in return, but Mrs. Hills has waffled over the means of fighting back.

But even many of her critics admit that Mrs. Hills hasn't been soft on Japan. And she says she's proud of her record. "I swear to you that no one could look at what we've done this past year and think that we are pulling our punches with respect to the Japanese," she says. "If anything, people worry that we have maybe been too aggressive."

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ROBINSON, A VOICE FOR AFRICA

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Mr. CLAY. Mr. Speaker, on Sunday, February 11, antiapartheid activists around the world cheered the release of Mr. Nelson Mandela from his 27-year bondage in a South African prison. Mandela's release was one victory for these activists. However, apartheid is still being practiced, both covertly and overtly, and antiapartheid activists continue their fight. Mr. Randall Robinson, the executive director of TransAfrica, stands at the forefront of this fight. He lobbies for sanctions against South Africa. In the following article, he warns foreign policymakers that eliminating the sanctions against South Africa will nullify any progress we have made in our fight against apartheid. I would like to commend and strongly urge my colleagues to carefully consider the arguments Mr. Robinson presents.

ROBINSON, A VOICE FOR AFRICA—THE LOBBYIST AND HIS POWER OF PERSUASION

(By Donna Britt)

Among Randall Robinson's daunting arsenal of personal persuaders, perhaps none is more potent than his voice. Totally unlike Jesse's soaring vocal roller coaster, far from Martin's ringing clarion call, Robinson's voice laps over you like a warm wave, like the music that he says "cleanses me, lifts me"—the spoken equivalent of a Nat King Cole ballad.

It's a voice particularly suited to taking the edge off things, to making uncomfortable messages more palatable. Like yesterday's, perhaps.

Yesterday, Robinson, executive director of TransAfrica, the lobbying group for Africa and the Caribbean, used that voice to address Secretary of State James Baker III, wrapping it around several Africa-related issues, including apartheid. He led a high-profile cadre of African American leaders—including Jackson, National Council of Negro Women President Dorothy Height and TransAfrica board Chairman Richard G. Hatcher—in emphasizing how the glamour and emotional appeal of Nelson Mandela's release from prison a month ago doesn't alter several distressing facts:

That African National Congress leader Mandela is hardly "free" in a society whose laws prohibit him and other blacks from voting and living in unrestricted areas, and in which he could be summarily rearrested and held for six months without trial. That apartheid's granitelike underpinnings remain virtually unchanged. That the black leader's release and the unbanning of certain political groups may be proof not of a change of heart by South Africa's leadership, but proof only that U.S. economic sanctions—which President Bush has so far promised to uphold—are working. That to reduce such sanctions, as some lawmakers have urged, would seriously undermine whatever progress has been made.

"The task," says Robinson, 48, who is scheduled to appear on NBC's "Today" show this morning, "is to keep the pressure on, and the sanctions tight. I suspect we'll need tougher sanctions before negotiations produce a formula for democracy."

Such words, Robinson realizes constitute a faceful of cold water to anyone sufficiently warmed by the international exultation surrounding Mandela's release to believe it signals substantive change in South Africa.

Truth hurts.

"Remember, Rhodesia withstood global comprehensive sanctions tenaciously for 11 years before they gave way," Robinson says. "There's no reason in the world to expect the South African government, with a much stronger economy, a much stronger army, to negotiate away power absent stronger sanctions. [South African President Frederik] de Klerk—who must be encouraged by the gullibility of the American public and even Congress in this matter—will look for a way to look like he's sharing power without sharing power. He wants very badly to ease sanctions.

"If we remove them prematurely, reform stops there."

Robinson should know. He was there on the day when many say reform truly *started*—Nov. 21, 1984. That Thanksgiving eve, he, U.S. Civil Rights Commission member Mary Frances Berry and congressional Del. Walter E. Fauntroy entered the South African Embassy on Massachusetts Avenue, chatted amicably for 45 minutes with then-ambassador Bernardus Fourie, and then let it be known that they would not leave until Mandela was released and the apartheid system dismantled. Shortly afterward, they were arrested.

That night, Robinson shared a jail cell with Fauntroy in the D.C. downtown lockup and wondered where his first arrest for civil disobedience would lead. He couldn't have foreseen that after five years and 4,000 arrests—including those of Stevie Wonder, Gloria Steinem and former senator Lowell Weicker (R.-Conn.), the first U.S. senator ever arrested in an act of civil disobedience—Nelson Mandela would stride elegantly from jail and into the consciousness of an admiring international audience.

He had no way of knowing that in these early months of 1990, he'd be spending an embarrassing amount of time deflecting the congratulations of dozens of folks, famous and obscure, who insist on telling him he's the person most responsible for Mandela's eloquent walk.

"You don't anticipate success for what you do," he says now, lacing his long fingers. "You do it because you believe it's the right thing to do. . . . Only a fool would suggest what's going to happen—no one ever knows what's going to happen."

On that Thanksgiving morning, Robinson also couldn't have seen that in the next five years, Hazel Ross, then TransAfrica's assistant for legislative and economic affairs, would become his wife, best friend and mother of his infant daughter, born Jan. 1. That she would someday be both his most fervent cheerleader in his quest for black peoples' rights and his very best reason for wishing, passionately, that he would never, ever have to leave home to fight for them again.

CAREFULLY CULTIVATED HOME

Ask Randall Robinson what's the worst thing anybody could say about him that he simply could not deny, and he thinks long and deep. Then he almost smiles.

"I'm not a good public person," he says slowly. "I don't think it shows when I'm in public, but it shows in my disinclination to be there. . . . The substantive part of my work—the lectures, discussions with students across the country—I find rewarding. But there are things that you need to do that are essentially social for an operation that depends on funding. And I don't do them."

Undoubtedly, he adds, TransAfrica would be wealthier, stronger, if he could force himself to schmooze. "But I am what I am. I can't do that. For me, it's almost traumatic, winding up to do dinners, the big social things. . . . My whole social life for the last five and a half years has been Hazel."

He shrugs.

"The place I'd rather be than any other place in the world is home."

Home is a modest brick colonial in Shepherd Park, where Khalea Ross Robinson, now 10 weeks old, sleeps on her mother's cotton-shirted chest. The baby's black hair is thick; her curly mouth expectantly open. She is beautiful.

"It's a very good feeling," her mother, Hazel Ross-Robinson, is saying, in her Caribbean-accented voice, "when the emotions you share with someone very, very special—your spouse, buddy, lover and friend—are expanded in the shape of a new human being. . . . It makes what was already very tender even more so."

Even the house seems charged with affection. Every room contains some piece of furniture, some decorative touch that Randall Robinson crafted with his own hands; a brass-inlaid chest, flowered trapunto window lambrequins, a staircase banister whose carved African-inspired symbols translate into "I love you, Hazel." Strains of Rachmaninoff swell in the background. Robinson enters the room, scooping up the baby ("C'mon, sport," he whispers), who nestles on his chest—a tiny brown squirrel dwarfed by her father's oaklike, 6-foot-5 stature.

His wife, born 35 years ago on the tiny island of St. Kitts, has been Rep. William Gray's (D-Pa.) foreign policy aide since 1985, the year she discovered she was in love with her boss and left TransAfrica. Initially, she's volunteered her knowledge of Caribbean economic policies to Robinson's organization after moving to Washington from Montreal, where she's lived for 13 years. A friend who'd heard her complain that nobody was officially representing the political interests of African and Caribbean peoples told her about TransAfrica.

"Originally," says Ross-Robinson, "I volunteered for one month." Where she was hired full time, she decided to stay "one or two years at the most."

She laughs. "And look at me now."

Their three-year marriage is the second for them both—Hazel was wed briefly in Montreal; Robinson, for 18 years, to the mother of his daughter Anike, 18, a Spelman College freshman, and son, Jabari, 14, who attends Walt Whitman High School. He now shares custody of Jabari with his ex-wife.

Anybody who talks with him for 10 minutes can see that family means everything to Robinson. It always has. Which made the death in December 1988 of his big brother Max, the former ABC newscaster, all the more devastating. The fact that Max died of AIDS, says Robinson, "was not a factor at all" in his family's pain.

Discussing Max's death, the smoothly measured voice falters.

"It feels like . . . Robinson halts, tries again.

"Family," he says, "at the sibling level, is sort of an organic whole. And when you lose a sibling, it's like missing a part of yourself. . . . That space is never filled. It becomes less painful to live with, but never filled."

It has been a full life, nonetheless. Robinson was born and raised in Richmond, the son of the late Maxie Robinson Sr., a history teacher and athletics coach at Armstrong High School, and Doris, a former elementary school teacher. Their children—tall, good looking, smart—did well. Jewell Robinson Shepperd was a fund-raiser for the Urban League and now works as an actress in local theater. Max, who anchored ABC's "World News Tonight," for three years, was the nation's first black network television anchor. Jean Yancey is the public relations director at the Duke Ellington School of the Arts. Randall Robinson, who graduated from Harvard Law School in 1970, was a public interest lawyer in Boston before becoming a legislative assistant on Capitol Hill for Rep. William L. Clay (D.-Mo.) and then staff director for former Rep. Charles C. Diggs Jr. (D-Mich.).

(Maxie Robinson Sr. died in 1973; Doris, who speaks nationally on church themes, remarried and now lives in Norfork.)

"My heroes were my parents, the people who I think should be, in a healthy environment. They're the ones you know best, the ones that love you. . . . My father believed you're not to care what anybody in the world thinks of you—you decide what you think is right and you do it . . . . Mama gave us whatever brains we have. She is exceptionally bright, compassionate, has grace, savoir-faire."

It makes sense that Robinson raised in a loving and supportive home in the midst of segregated Richmond's legislated frustrations, would grow into a man obsessed with creating a home life of deep physical and emotional beauty, while fighting those who would deny the opportunity for such beauty to others.

"Some people's lives," he says, "seem free of anxiety, of stress and emotional torture. And others are forever burdened with it. And there's no explanation. I'm very fortunate. . . . and am never unaware of it."

Pause.

"But I never feel guilty about having what [some people might] say is a beautiful home," he continues. "This kind of beauty is not the beauty born of material accumulation, it's almost, it's creative beauty, if it's beauty at all. . . . it's the fruit of our taste, of my hands and her heart. Because they're things I labor over, hours on end. Just to see this beauty emerge. The commitment to loveliness, he says, spills over into his work as well.

"I don't see it as separate, because that's the kind of world you want to make. . . . In this back yard, I've got flower beds with 4-by-4s set out in geometric form that I spent weeks building. And when spring comes, I spend a lot of time in this garden, waiting for the tulips. Because life without beauty is a very drab existence. And repression offends me. People living below the poverty line in a society of plenty offends me.

"And when you feel that way, you have some responsibility to do something about it. . . . There shouldn't be a room in this country where important decisions are made in which the 12 percent of this population that is black is not represented—foreign policy, domestic policy, all policy. If that room is lily-white, something's wrong with that room."

THE POLITICS OF PRESSURE

The hardest part of "doing something about it," says Robinson, is explaining what he sees as obvious to those who seem stubbornly obtuse. To politicos whose behavior or personal agendas place them at odds with what he thinks is basic—the desire "not to violate certain important standards of human behavior." To men and women who do the right thing, he says, only when public pressure demands it.

"We shouldn't require public pressure to have a policy against dumping American toxic waste in Third World countries. . . . We shouldn't be, in a country like Mauritania, whose essentially Arab government is repressing its black citizens in a terribly brutal way, routinely providing them with about $7 million a year."

The quiet voice has an edge now, a staccato, percussive quality that contrasts with its previous seamlessness.

"We shouldn't require public pressure to avoid contributing to the incineration of people in Angola."

Nothing makes him angrier than what's happening in Angola, the black southern African country that has been at war for 28 years and that Robinson visited last September. The conflict is between the Marxist government and rebels led by Jonas Savimbi and his American- and South Africa-supported National Union for the Total Independence of Angola (UNITA). That war has cost the country more than 341,000 lives since 1975—94 percent of them civilian. Some 1.5 million affected by the war are in "desperate need of emergency assistance" and more than 650,000 have been displaced, according to an April 1989 report by Human Rights Watch, a non-profit, independent human rights monitoring organization.

Although both UNITA and Angolan government forces have engaged in "gross violations of the laws of war, causing death, injuries and great hardships to civilians," according to the report, the most egregious abuses are attributed to UNITA.

Rebel forces have "indiscriminately and systematically" planted land mines, often buried in footpaths to agricultural fields and sources of water in eastern Angola, says the report, resulting in Angola having the highest per-capita amputee rate in the world—an estimated 20,000 to 50,000 killed or disabled by mines. (Government forces too have planted land mines in northern Angola, largely as a response to UNITA attacks.) UNITA also has taken hundreds of foreigners hostage, captured thousands of civilians and conscripted many as unpaid soldiers and agricultural workers, says the watchdog organization. Savimbi himself has been accused of having civilians—including several children—burned at the stake as witches, accusations corroborated by British journalist Fred Bridgeland, a former Savimbi supporter who last year told British TV audiences that allegations that Savimbi murdered and tortured high-ranking political rivals over the years are "substantially true."

Robinson says he's outraged by conservative congressmen who are "laboring hard to generate more American arms for Savimbian Angola, allying us with South Africa.

"They would never support such policies anywhere in Eastern Europe, or in any white country in the world. . . . All the land mines these people have stepped on, Stinger missiles that have killed all of these people, for which we are responsible because of the work of the DeConcinis and the Jesse Helmses and the Bob Doles."

Such words don't endear Robinson to conservative politicians and groups, though political opponent Sen. Orrin Hatch (R-Utah), who says he disagrees with Robinson on "just about everything," also finds him "a very classy advocate. . . . He believes in what he's doing. I believe he does a lot of harm with those beliefs, but . . . you have to respect (his) intelligence."

Some of his enemies have questioned Robinson's patriotism and have implied that he is as Marxist as some of the governments with whose leaders he communicates. (Actually Robinson describes himself as nonpartisan.) Such people, he says, are "not quarreling in good faith. . . . I use a single standard for praise and condemnation. Wherever I see opposition to broad participation in the political system, I oppose it. I was arrested at [Marxist] Ethiopia's Embassy because of Ethiopia's deplorable human rights record. . . . It is clear that Angola has to democratize it's country; it must have national elections, though it's hard to do that in the middle of a civil war."

Staying calm in the face of all of this, he says turning inward, is "the roughest part of it. . . . It takes a toll that doesn't show." But again, when he starts dealing with his own frustrations, Robinson stops short, almost visibly pulling himself out of himself.

His own griefs are small compared with the real problems—the struggle for independence and human rights in South Africa, Angola, the Caribbean. Such struggles may have been Trans-Africa's most visible focus for the past several years, but they're hardly the group's only concerns.

Recently, the lobby joined forces with Spelman and Lincoln colleges in a program that encourages black students to consider careers in the foreign service. Since its inception in 1976, TransAfrica has grown from two fulltime staffers to 16; its operating budget has gone from $70,000 to about $700,000 today.

Currently, Robinson is negotiating with the D.C. School Board to lease a 20,000 square-foot building at Fifth and K streets NE, where TransAfrica's new offices will be located. The Reebok Corp. will announce its donation of $350,000 toward the new building's $2 million renovation costs later this month. On April 1, Bill Cosby will host a fund-raiser honoring longtime human rights advocate Harry Belafonte in Los Angeles.

Still, the primary focus will remain on abolishing apartheid until "the South African government has accepted the notion of a one-person, one-vote democracy," he says—a change that he feels in inevitable.

"The tiny changes we've seen so far are but a crack," he says, "but the crack will make the door." It is important, he says, that the world know this particular crack in this particular regime was made, by and large, by black Americans, "thousands of people who marched outside that embassy, some of whom stood out there every single day for a year." It is vital, he says, that African Americans understand the difference they have made.

"All of us take the baton from those who came before us—the Harriet Tubmans, the [W.E.B.] Du Boises, people like my own wonderful parents," he explains. "They hold up the mirror for us, show us how we can control, influence our own destinies."

The fledgling connection between black Africans and black Americans is the beginning of a larger unity, he says, the voice measured again.

"We're in some real important transition in this country. Those of us who participated in the civil rights movement . . . were fighting largely for public accommodations. Once that battle was essentially won, our struggle became a struggle for economic

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empowerment, which gives meaning to political empowerment.

"This challenge," he continues, "is a great deal more complicated than the other one . . . African countries are trying to harness their great potential at the same time. In a real way, Africa's success will be ours, the Caribbean's will be ours as well. We can't be permanent supplicants, asking people to be fair to us. . . . We have to ensure against their failure to be so with a power base of our own."

There is, he admits, much to be done. Ask why he can't rest on his laurels, having already fought a good fight, and the voice rises again.

"When I see Africa getting so little, and Eastern Europe getting so much. . . . When I see Lech Walesa addressing a joint session of Congress, and President Bush falling over himself to meet with him, and Senator Paul Simon [chairman of the African Affairs Subcommittee] introducing a bill for $900 million in aid to Hungary and Poland and never introducing such a measure in similar amounts to all of Africa. . . . When I see [South African Archbishop] Desmond Tutu only gaining a 20-minute meeting with George Bush in May, with no joint sessions of Congress, I see a country in which race is still very much a determinant in the making of foreign policy."

This time, he makes no effort to conceal how very personal his mission is.

"When I see race as that major determinant, then it's not just the people of Angola or the people of South Africa, it's me, it's us and it's enraging. It's not just a question of their dignity, but of mine.

"And I will not, cannot, shall never tolerate it. Never."

A WARNING SHOT ACROSS THE SOVIET BOW

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Mr. BROOMFIELD. Mr. Speaker, over the weekend, the Soviets have taken over some Lithuanian school buildings. "That's a cause for concern." At the same time, the rapid pace of events in Lithuania is slowing down, and that may be a good sign.

This could be a crucial period for Soviet decisionmaking on this issue, and I believe it is a good time to make it clear where America stands.

The Soviets know we are not going to send in the 82d Airborne. But they should also know that military intervention will not be cost-free.

Congress can send that message to Moscow. Last week I introduced a resolution with MICKEY EDWARDS. It tells Gorbachev: Use your military to suppress Lithuania and you'll soon find yourself without any United States assistance or trade enhancements.

That threat is no small amount of leverage. The loss of Lithuania and other republics would be a big problem for the Soviets. But a far bigger problem would be the total economic collapse of the Soviet Union.

America should remind the Kremlin that we not only have some leverage, but that we also plan to use it.

Passing this resolution would make that clear to the Soviets, and I urge my colleagues to support it.

THE SITUATION IN YUGOSLAVIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Mr. HAMILTON. Mr. Speaker, in February 1990, Yugoslavia's Deputy Prime Minister Kazimir Zivko Pregl visited Washington and Capitol Hill. During his short visit, he spoke about the situation in Yugoslavia and the important problems confronting his nation. Given the interest and concerns of many Members about the difficult challenges facing Yugoslavia, I would like to draw my colleagues' attention to a summary of Dr. Pregl's remarks.

His February 21 statement follows:

ADDRESS OF DEPUTY PRIME MINISTER OF THE SFR OF YUGOSLAVIA KAZIMIR ZIVKO PREGL AT THE RESIDENCE OF THE AMBASSADOR OF YUGOSLAVIA ON FEBRUARY 21

Over the last ten years Yugoslavia had many anti-inflation programs which brought about hyper-inflation in 1989. Last year the inflation rate reached 2,500 percent. We must not go the same way. That is the reason why the government started with the changes in the economic system. That is the reason why the Government started changing economic beliefs, economic trends and figures in order to attack inflation at the right moment.

The changes we made in the economic system meant introducing about forty new laws and changing many old ones. The essential characteristic of new laws is that Yugoslavia today has an economic system which is totally market-oriented, which is very similar to the economic system of any of the West European market economies. We passed new laws on companies, banking system, labor, foreign trade, stocks and bonds exchange, and there are more but I stated some of the most important.

We tried to build in these laws some essential principles to reshape Yugoslav economic system. The first principle was the principle of pluralism of ownership. We introduced the same role, the same regulation for all types of ownership in Yugoslavia. So that socially-owned property, private and state property and foreign property are treated in our legislation on an equal footing. There are no differences, no quantitative limits, obstacles or privileges for any of the types of ownership stated. We understand that all these types of ownership should compete and should express their potential, technological and economic potential in market competition.

The second principle which is written in our new legislation is the principle of national status of foreigners. There is the same text in our legislation regulating domestic and foreign investments. So that if anybody from abroad wants to invest in Yugoslavia, or wants to set up a new company, or establish a bank, he does not need to face parallel economic systems, one for Yugoslav, investors, another for foreign investors. For both of them there is the same text in our legislation.

The third very important characteristic of the new economic system is that we succeeded in building in the principle of deregulation. What is important is that the contents of regulation makes firms, makes companies free and independent in their decision making process. The state must not interfere with economy any more.

The next very important principle is that when writing the new legislation, we sought to copy old solutions which gave results in efficient economies. So, when you want to establish a new company in Yugoslvavia, you can establish only that type of company which is known in market economies. Joint stock companies or any type of partnership companies. The same is the case with banks.

Maybe I should mention another principle which is that in our legislation we treat symmetrical labor and capital in a way that both of them should be combined freely by entrepreneurs to maximize profit. Capital and labor are sharing profit according to their contribution to the profit. Capital and labor have the same role, they are sharing their influence in companies' decision-making process.

Only 10% is under some restrictive import regime. That is the reason why the Government liberalized wages. We also introduced deregulation in current economic measures. Both changes in economic system and in economic policy contributed to very important changes in figures which are characteristic of economic life in Yugoslavia. We achieved a two-billion dollar current account surplus last year. Our foreign exchange reserves stand at around 7.3 billion dollars.

The first results after December 18 are encouraging and convincing. The monthly rate of inflation in Yugoslavia stood at 70 per cent in December. In January, following the launching of the anti-inflation program, it was 17 per cent. In February, we expect it to be a one-digit inflation. According to the reports we are receiving from Yugoslavia, in the first twenty days of February, monthly inflation dropped to four per cent. There are six days left and one can expect that this rate will grow slightly, but at least we can be sure that it is going to be one-digit inflation. Foreign exchange reserves also increased. I mentioned a figure of 7.3 billion dollars. Since December 18, they went up by about 2 billion dollars.

As regards the second dilemma of where to start first with economic or political reforms, I should say again that the choice was obviously correct. When changing the economic system in Yugoslavia, we followed the principles of competition, pluralism, openness, freedom and independence.

The results show that we have succeeded in choosing the right answer to all three dilemmas. We created the necessary requirements for bridling inflation. We did not hurry too much. We set the stage for political reforms. We succeeded in forging new unity in Yugoslavia which is based on the support of profound and essential reform process.

Democracy is in full swing in Yugoslavia in the true sense of the word. Many things which have for years been under the surface came in the open which is what makes the impression that everything is so confused in Yugoslavia, that everybody is in sudden conflict with the others. But what is happening now is that problems are coming out.

The debt of Yugoslavia at this moment is somewhere below 16 billion dollars. We managed to reduce debt in the last ten years by four billion dollars. We rescheduled our debt but in spite of that, Yugoslavia has over the last few years repaid 3–3.5 billion dollars annually both in interest rates and in principle. It took us about 6-10 per cent of GNP which is quite respectable, particularly when you take into account that Yugoslavia is a developing country and we need capital formation to start new development, to solve problems or crisis more easily. We are about to sign new stand-by arrangement with IMF. We are also preparing to sign two structural adjustment loans, two arrangements with IBRD. We also believe that we are very close to key point with a number of structural adjustment loans by IBRD which would support a quicker development of Yugoslavia.

We think that commercial banks should be more courageous in coming back to Yugoslavia. The environment that we have built in Yugoslavia last year is attractive for them. At this moment foreigners can have 99 per cent of capital in mixed banks. The Government is proposing to change the Constitution to open up the possibility for 100 per cent of the capital to be owned in banks in Yugoslavia, to have foreign banks in Yugoslavia. As you can see, the environment is changing radically also as refers to banks.

The Government thinks that the problem of Kosovo should be solved within the whole concept of reforms protecting human rights, free market and so on, Kosovo must be part of that Special commission has been set up to investigate death cases of recent tragic events in Kosovo and the public will be kept informed of possible misuse of police forces. We understand that issues of human rights are no more internal issues of any state. It has been so since Helsinki conference. That is why we understand that states have the right to ask another state what has happened in their respective countries with regard to human rights. We shall, therefore inform Yugoslavia and world public about any violence of human rights or misuse of police forces.

There is not only the issue of human rights in Kosovo. The Government is promising to initiate dialogue with new alternative movements in Kosovo, with new parties which are being formed in Kosovo. We have set two conditions for that, namely, whoever wants to sit down at the negotiating table must accept the integrity of Yugoslavia and the integrity of Serbia, and accept the ideas of economic and political reforms. The dialogue would involve the Kosovo Government, the Serbian Government and the Federal Government. The League of Communists cannot be the only channel for political dialogue on Kosovo anymore. The League of Communists is only going to be one of the parties at the negotiating table. But many new alternative parties and movements should get together with us to solve the problem of Kosovo.

As for our relations with Europe, we are candidates for entering the European Community. We send a letter first to the European Council to get a membership. We are striving to enter EFTA and we understand that EEC will become a new home for European countries which will perform well. I want to call your attention on my words "perform well". That is the reason why we think that the basic task for entering the EEC is to change economic environment in Yugoslavia. To put it in another words, we do not think the place where we have to discuss entering the EEC is Brussels, but it is Belgrade, what we have to change in Yugoslavia. But our ambition is to get the membership of the European Community.

CONTINUED AID FOR MEDICAL RESEARCH

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Mr. DELLUMS. Mr. Speaker, at this time when we are celebrating National Medical Research Day, I would like to express my deep concern about the recent proposals to slash aid for medical research. Medical research is directly responsible for saving many lives and improving the quality of health for millions of Americans. It would be a grave injustice to the American people to add medical research to the list of budget cutbacks to save money on a short-term basis for short-term gains are not prudent if serious long-term loses will result. Well, this is indeed a situation in which prudence will not come into play because all of the money that the budget cuts will save will not come close to equaling or rivaling what the medical research, that would have been done with that money, could have accomplished.

I would like to bring to the attention of my colleagues the many successes of medical research. Medical research has improved the health and well-being of Americans over the past 50 years. It has controlled or eradicated killer diseases and disorders, developed technologies and drug therapies. It has also discovered cancer controlling methods.

In an era of fiscal restraint and massive budget deficits, our investment in medical research continues to pay dividends in health and economics. Medical research annually contributes an estimated $40 billion to our economy in nonhealth fields. We receive a $13 return on every dollar we invest in medical research. Medical research can contribute significantly to reducing health costs, which came out to be 10.8 percent of our gross national product in 1985.

I must say that serious health problems that pose a threat to our economic well-being still remain and they could become a financial burden for our country. Therefore, medical research must continue if we are to successfully unravel the medical mysteries that threaten us and continue to defy solutions.

Medical research is a high-risk enterprise that demands a large-scale societal commitment that will be best led by our Federal Government. The Federal Government is the one source that is able to provide adequate human and financial resources to undertake this effort. We need a Federal funding plan that will pursue scientifically promising ideas that will disseminate research findings to practitioners and the public and one that will provide highly trained medical researchers with the necessary tools.

BUD JOHNSON, SPORTS ENTHUSIAST

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Ms. SLAUGHTER of New York. Mr. Speaker, I join the community of Avon, NY, in mourning the recent loss of Bud Johnson, a local sports enthusiast who dedicated his life to helping young people discover baseball. As I pass a Little League game, watching the young players ready to give their all and their parents beaming with pride, I will be reminded of the significant contributions Bud Johnson made to the community of Avon as a coach, player, and spectator.

Bud instilled the virtures of sportsmanship, teamwork, and dedication into many a young athlete. Coaches, umpires, players, and friends who knew Bud through the years have all singled him out as a man who contributed significantly to the development of many responsible members of the community.

Bud worked for more than 40 years at A&A Equipment, never missing an early-morning delivery of machine parts to customers on his long route, but his lifelong career was being a second father and mentor to every child who aspired to play sports in Avon. They responded, too, by rewarding his generosity and compassion for several championship teams.

Mr. Speaker, someone once said that baseball's most significant message for our lives is that the players always return home to score. Bud Johnson stayed in his hometown and helped generations of young athletes start on a firm footing. He deserves acknowledgment for tirelessly giving of himself on behalf of Avon's youth.

PHARMACY IN MARKED TREE HAS BECOME A POINSETT INSTITUTION

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Mr. ALEXANDER. Mr. Speaker, for 75 years the Brunner family has operated a family pharmacy in Marked Tree, AR, in my district.

While the media generally focuses on the business done on Wall Street or in corporate board rooms, the real business of America is done on Main Street. The Brunners and their family owned and operated business are outstanding examples of what has kept this country's economic engine running.

You can go to the Brunner's drug store for medicine, but you can also go there for conversations with friends, political discussions, and to hash over the latest sports event.

Through the years the Brunners have been an important part of their community. They have worked hard and shared their lives with others. They are a credit to their community and their country.

Mr. Speaker, I insert in the RECORD an article on this family business, its long history,

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and many traditions which appeared in the March 18 edition of the Jonesboro Sun.

PHARMACY IN MARKED TREE HAS BECOME A POINSETT INSTITUTION

(By Hazel Ashcraft)

The town of Marked Tree was not very much older than John Brunner was when, as a young man from Pocahontas, he arrived there by train to work for Dr. J.R. Black, a druggist in N.J. Hazel's Crescent Drug Store on Frisco Street.

The year was 1910. The Great War—in which John's brother Frank would serve as a member of the Army Air Corps—had not yet begun. Marked Tree was a rough and rowdy town hacked out of the swamp and timberland of Poinsett County and perched precariously on the banks of the St. Francis River. It was an ideal spot for someone with foresight and a desire to carve out a future.

John Brunner had that foresight, and what he carved out, with the help of his brother Frank who joined him a few years later, was an institution.

It's an institution that's still going strong, with the drug store just one facet of what has become a company of many business and financial enterprises, including vending, entertainment (jukeboxes, pinball and video games) and banking. As a matter of fact when the local bank went under in the Depression, the Brunners functioned as a bank and lending agency until a new bank was established. John Brunner Jr. is currently president of the Marked Tree Bank.

On Saturday afternoon, some 75 years and seven days after the Crescent changed hands and became John-Frank, Live Druggists, a reception and open house was held for the public as a way of acknowledging thanks to all the people who have been friends and customers through the years.

At their old familiar stations in the store, greeting the people who poured through the doors as their fathers had before them, were the Brunner sons—John Brunner Jr., Frank Brunner Jr., and J. Robert Brunner, John Jr.'s brother.

The Brunner boys have been at the drugstore all their lives, barring their college and service time. When the store's license was renewed again this year, it still was the only pharmacy license in the state that has been issued continuously, and to the same family, since 1915.

"I don't know if that makes us the oldest" Frank says with a grin, "but I do know that we've been here longer on one license than anyone else."

Longevity seems to be a trademark with John-Frank. Richard Fleming has been with them since 1948. The late Mary Hanna was a bookkeeper for approximately 40 years, and Christine Comstock, Mrs. Hanna's successor, has been at the drugstore since 1978. Mary Sue Brean, a relative newcomer, has been working for 10 years or so, and Frank Jr.'s son Philip, who came after Mary Sue, is now on board. Bobby—J. Robert for those who don't know him—only recently retired, and plans to spend his time traveling with his wife Juanita and visiting various friends and family members.

"John-Frank, Live Druggists since 1915," is the slogan which has appeared for 75 years on all the store's prescriptions, correspondence and advertising.

They're not quite sure what the original Brunner brothers meant but Frank's theory is that it was a takeoff on a popular phrase of the era.

"You know," Frank says, "if someone was called a 'live wire,' it meant that he was really moving along. I guess that's what my father and Uncle John meant."

The senior Brunners were markedly different in their personalities.

"Uncle Frank was reserved and quiet," John says. "Dad was real outgoing. He was the promoter and the one who talked to all the customers. He'd 'hustle' business. Uncle Frank used to say that the customers didn't just accidentally come by—Dad would go out and look them up."

John Jr. remembers that his father always added a little something to every sale he made, and it usually resulted in the sale of additional items. As the years went by, more merchandise was added. John Sr. was enthusiastic about all of it.

"I remember my dad telling me, 'Work hard and save your money, and you'll amount to something someday.' Then he'd add, 'Maybe.' " John Jr. says.

Frank Sr., an affable but quieter personality, apparently was satisfied to let his older brother dispense the philosophy and plan the merchandising promotions, and from their location at the corner of Frisco and Elm Streets, the two men watched the world go by. And that world—the world of small town life and all that went with it—has been passing by or through the drugstore ever since.

"In the old days," Frank remembers, "the men would come in and sit and talk. There'd be Fred Stafford (Marked tree lawyer and Arkansas senator), and Mr. Yancey, and Mr. Hughes (the late Robert Hughes Sr., a local farmer), and Judge J.G. Waskom and Mr. Schonberger co-owner of Schonberger and Weir Department Store). A lot of women would come in, too, to catch up on the news."

John-Frank was a busy place, dispensing much more than medicine. In the old days there was a soda fountain and snack bar. When he was young John Jr. had his turn at making sandwiches while the "sweetwater chemists," as they were called, dispensed ice cream sodas and sundaes.

Frank Jr. had a penny peanut route, filling the peanut machines all over town. The peanuts would be purchased in five-gallon cans every two weeks from Toots Loeb's in Memphis.

John Jr. and the late Ed Perry shared another job—making gnat spray. It was mixed in a 55-gallon barrel and turned out into five-gallon jugs sporting the Johnson-Frank label.

All through the years the drugstore has been a gathering place for conversation, political discussions, sports talk and gossip. The present-day store is exactly where it was in 1910, when Dr. Black came to town. It's just bigger now, modern and up-to-date, after expanding to another section of the block a number of years ago. The old soda fountain and snack bar are gone, but the chairs are there, and folks still come in for conversation.

Still there also are the holes in the ceiling, put there by a man who barged into the drugstore, gun in hand and blazing away.

That's just one of the tales that come to mind, and many more forgotten. There'd be tale after tale to tell, if the walls could talk, and thousands of stories, some sad, some hilarious. Like the time a woman came in and sailed to the back of the store where Shane, a black macaw who had been trained to talk, had called out, "Are you sick?"

Hearing the bird, the woman began a lengthy recitation of her ailments. It went on and on until Shane, apparently bored, silenced her with a screeching "Aw, shut up!" The two phrases were part of a vocabulary that Shane would repeat over and over all day long.

They're still laughing about it at the drug store.

There was another time, back around 1917, when the flood waters were so high that three-foot sawhorses were put up to hold the merchandise, and the customers rowed through the doors in boats.

And the time Lum Sloan came into the store and asked for some Putnam dye for his wife.

"Dad asked him, 'What color?' John Jr. said, "and Lum said, 'It doesn't make any difference. My wife is going to have me bring it back three or four times anyway.' "

There was the time they put a couple of ferrets under the floor of the old store to do battle with some rats who were raising a ruckus. "It sounded like Cox's army," Frank says. "The ferrets were worse than the rats."

Another time Frank Sr. got a "rat dog" which was adept at catching mice and rats.

A more recent memory is of the fire that razed Schonberger's Department Store, next to the drugstore, approximately five years ago. There was smoke damage, but the fire wall protected the drugstore from serious harm.

It goes on and on.

Getting ready for the celebration last week, John and Frank Brunner went through some articles from earlier times, intending to use some of them in a display. Discovered on the shelves was a variety of antiquities, such as Dr. LeGeir's Blister for Livestock, Globe Sufa-Mastol, Kow-Kare, a vitamin and mineral supplement for cattle only; some Globe Rumen Tablets, some Ammonium Bromide Iodine, Oil of Ergot, Oil of Wormseed, Chologeslin Bile Extract, some horse medicine, some acid champhine crystals. And some quinine tablets, which were a staple of almost every household in that mosquito-infested area.

And of course, some Dr. Black's Ointment, and some John-Frank Chill Tonic.

There was much more. Souvenirs of another time.

The Brunner brothers had worked together all of their lives, and they died within three days of each other.

It was when Bobby retired that the rumors started. The word went out that John-Frank was up for sale. With the rumor came a lot of additional information, all of it erroneous.

"You know how small towns are," was the answer when someone asked them if they were selling out. "We're here. We're not for sale."

The fact is, John-Frank, Live Druggists Since 1915, seem to be here to stay.

John Jr. put it another way.

"We'll be doing business at the same old stop," he said.

RECOGNITION OF SCULPTURE CREATED BY KEN WYTEN, OF ERIE, PA

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Mr. RIDGE. Mr. Speaker, today I would like to recognize the outstanding work of a friend and constituent, Ken Wyten, from Erie, PA. In

October 1989, Mr. Wyten completed the installation of a commissioned sculpture project at the Union Center Plaza. The sculpture project was commissioned by Greenbaum & Rose Development, of Washington, DC and included the design, fabrication and installation of a rather large scale steel sculpture as part of the overall design of the development.

Not only was the sculpture designed by an Erie artist, but the general fabrication was contracted to an Erie company, McShane Welding, along with fabrication subcontracting to Kartel Sheet Metal. The sandblasting and ultimate finish of the sculpture was completed by another Erie company, Allied Industries.

I would like to congratulate Mr. Wyten on this prestigious commission and to thank him for using Erie labor for completing this unique sculpture. The project showcases the talent of an Erie artist and also the talent of many Erie workers.

I would encourage my colleagues to take a moment and view this fine work when they pass through Union Center Plaza. It is located at 810 First Street NE., which is adjacent to Union Station, and it is a reminder of the talent and workmanship available in northwestern Pennsylvania.

TRIBUTE TO RON FEINSTEIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 1990

Mr. BERMAN. Mr. Speaker, I rise today to recognize a leading member of our community—Ron Feinstein. He is being honored by the Greater Van Nuys Chamber of Commerce on completion of an outstanding year as the chamber's president.

Ron was born in Cleveland, OH and came to California when he was 12. A graduate of Van Nuys High School and Valley College, Ron discovered his aptitude for business early on. While still at high school he worked nine paper routes and went into business with his father—to start All Valley Washery Service, which he still heads today.

Apart for his work for the Greater Van Nuys Chamber, Ron has taken leadership roles in a wide range of community organizations. He has been both president and vice-president of the Mid-Valley Police Council, president of the California Multi-Housing Laundry Association and president of the San Fernando Valley Apartment Association.

Ron and his wife of 28 years, Gayle, have three children—Cindy, Jim and Geneen. He is an avid skier, both on snow and water and makes a hobby of property development.

Mr. Speaker, it is with pleasure and pride that I ask my colleagues to join me in saluting Ron Feinstein—successful businessman, community leader, and role model for all.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 27, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 28

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings on S. 2227, to revise the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 80-104) governing exported pesticides.

SR-332

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, and Education, and related agencies.

SD-192

9:30 a.m.

Armed Services

Defense Industry and Technology Subcommittee

To hold hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on defense technology strategy and the defense critical technology plan.

SR-222

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings to review the President's proposed budget request for fiscal year 1991 for the National Aeronautics and Space Administration, focusing on the space station and space shuttle programs.

SR-253

Environment and Public Works

Toxic Substances, Environmental Oversight, Research and Development Subcommittee

To hold oversight hearings on the regulation of lawn chemicals.

SH-216

Foreign Relations

European Affairs Subcommittee

To hold hearings to examine the American business initiative in Eastern Europe.

SD-419

Governmental Affairs

To hold hearings on the nomination of Richard G. Austin, of Illinois, to be Administrator of the General Services Administration.

SD-342

Veterans' Affairs

To hold hearings on S. 1398 and S. 1332, to provide for the realignment or major mission change of certain medical facilities of the Department of Veterans Affairs.

SR-418

10:00 a.m.

Appropriations

Labor, Health and Human Services, Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for medical research programs.

S-128, Capitol

Appropriations

Energy and Water Development Subcommittee

To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.

SD-138

Appropriations

Treasury, Postal Service, General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Public Debt, and the Office of Personnel Management.

SD-116

Banking, Housing, and Urban Affairs

International Finance and Monetary Policy Subcommittee

To resume hearings on proposed legislation authorizing funds for the Export Administration Act.

SD-538

Finance

To hold hearings to examine investment trends in the United States and the President's proposal to lower the tax rate on capital gains income; to be followed by a hearing and consideration of the nomination of Jo Anne B. Barnhart, of Delaware, to be Assistant Secretary for Family Support, Department of Health and Human Services.

SD-215

2:00 p.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nomination of Timothy Ryan, of Virginia, to be Director of the Office of Thrift Supervision, Department of the Treasury.

SD-538

Energy and Natural Resources

Public Lands, National Parks and Forests Subcommittee

To hold hearings on miscellaneous public lands measures, including S. 456, H.R. 1109, S. 465, H.R. 1159, S. 1756, S. 1864, H.R. 76, S. 2059, S. 2208, and S. 1770.

SD-366

Select on Indian Affairs

To hold hearings on S. 381, to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama, S. 1413, to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from the Maine Indian Claims Settlement Act of 1980, S. 1747, to provide for the restoration of Federal recognition to the Ponca Tribe of Nebraska, and S. 1918, to provide for Federal recognition of the Jena Band of Choctaws of Louisiana.

SR-485

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2:15 p.m.
Small Business
Export Expansion Subcommittee
To hold hearings to examine the effects of the 1992 European community integration on U.S. small business.
SR-428A

2:30 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold hearings to review the plans, progress, and experience of the Defense Nuclear Facilities Safety Board.
SR-222

Foreign Relations
African Affairs Subcommittee
To hold open and closed hearings to examine famine in the Horn of Africa.
SD-226

3:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on noxious weeds.
SR-332

4:00 p.m.
Foreign Relations
To hold hearings on supplemental assistance for Nicaragua and Panama.
SD-419

MARCH 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on research issues.
SR-332

Appropriations
Labor, Health and Human Services, Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

Banking, Housing, and Urban Affairs
Housing and Urban Affairs Subcommittee
To hold hearings on S. 2304, to ensure low-income and moderate-income Americans have greater opportunities for homeownership and management of their housing.
SD-562

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to reauthorize the National Earthquake Hazards Reduction program.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Army posture.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Science Foundation.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SH-216

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Oceanic and Atmospheric Administration, and the National Institute for Standards and Technology.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Urban Mass Transportation Administration and the Washington Metropolitan Area Transit Authority.
SD-138

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings to review the jurisdiction of the Securities Exchange Commission and the Commodity Futures Trading Commission.
SD-538

Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

Governmental Affairs
Business meeting, to consider pending calendar business.
SD-342

Judiciary
Technology and the Law Subcommittee
To hold oversight hearings on competitive issues facing the semiconductor industry.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on proposed legislation authorizing funds for the National Foundation on the Arts and Humanities, focusing on the National Endowment for the Arts.
SD-430

Joint Economic
To resume hearings on proposals to improve Federal economic statistics, focusing on data user's assessments of the current state of Federal statistics, the White House Working Group's proposals for improvement, and directions for future initiatives.
1334 Longworth Building

1:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-192

Labor and Human Resources
Children, Family, Drugs, and Alcoholism Subcommittee
To hold hearings on the low-income home energy assistance program.
SD-430

2:00 p.m.
Agriculture, Nutrition, and Forestry
Conservation and Forestry Subcommittee
To hold hearings on proposed legislation to strengthen and improve agricultural programs, focusing on conservation issues.
SR-332

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

MARCH 30

9:00 a.m.
Banking, Housing, and Urban Affairs
HUD/Moderate Rehabilitation Subcommittee
To hold hearings on the Department of Housing and Urban Development's internal controls, focusing on self-evaluation.
SD-538

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

Labor and Human Resources
Disability Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for the Developmental Disability Act.
SD-430

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Library of Congress and the Office of Technology Assessment.
SD-116

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on S.J. Res. 246 (pending on Senate calendar), requesting the United Nations to repeal General Assembly Resolution 3379, which equates Zionism with racism.
SD-419

10:30 a.m.
Judiciary
To hold oversight hearings on immigration issues, focusing on the General Accounting Office's report on discrimination and employer sanctions.
SD-226

APRIL 2

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on deficiency payment problems associated with barley.
SR-332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, Department of the Interior.
S-128, Capitol

10:30 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for military construction programs, focusing on the Air Force.
SD-192

2:00 p.m.
Armed Services
Defense Industry and Technology Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on defense manufacturing technology and quality assurance programs.
SR-222

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:00 p.m.
Commission on Security and Cooperation in Europe
To hold hearings on German unification and the Conference on Security and Cooperation in Europe.
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-192

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 626, to revise the Lanham Trademark Act to prohibit the importation or sale of goods manufactured outside the U.S. and bearing an identical trademark of goods manufactured within the U.S.
SD-226

Small Business
To resume hearings on the President's proposed budget request for fiscal year 1991 for the Small Business Administration.
SR-428A

APRIL 5

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

APRIL 6

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the implementation of the Omnibus Taxpayer Bill of Rights (P.L. 100-647).
SD-215

Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on the quality of U.S. health promotion statistics.
SD-342

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

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APRIL 19

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian lands.
SR-485

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

2:15 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Energy, focusing on atomic energy defense programs.
SD-116

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

Select on Indian Affairs
To hold oversight hearings on the Indian Federal acknowledgement process, including S. 611 and S. 912, bills to establish administrative procedures to determine the status of certain Indian groups.
SR-485

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's superconducting super collider program.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 370, to establish the American Heritage Trust to provide funding for the preservation of America's natural, historical, cultural, and outdoor recreational heritage.
SD-366

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on provisions of S. 1203, to provide tax incentives for businesses on Indian reservations, and S. 1650, to allow an Indian employment opportunity credit for qualified employment expenses of eligible employers on Indian reservations; to be followed by a business meeting to mark-up S. 143, to establish the Indian Development Finance Corporation to provide development capital for Indian businesses.
SR-485

MAY 1

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's uranium enrichment program.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Corps of Engineers.
SD-192

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 7

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:15 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1848, to implement and provide financial assistance for a research and demonstration program for natural gas and coal cofiring technologies.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

MAY 10

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign

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assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 7

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

MARCH 27

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on Central America.
SD-366

POSTPONEMENTS

MARCH 29

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 2

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

SENATE—*Tuesday, March 27, 1990*

(*Legislative day of Tuesday, January 23, 1990*)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Honorable ALAN J. DIXON, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Seek ye the Lord while he may be found, call ye upon him while he is near.—Isaiah 55:6.

Sovereign Lord, in our secular culture it is assumed that God, if there be a God, is irrelevant to the practical affairs of life. We thank Thee that our Founding Fathers did not believe this, as a result of which they gave us a political system that functions effectively after 200 years and has produced one of the greatest nations in history.

Thank Thee for Senators who take God seriously. Grant to all of us the awareness of Thy nearness and the relevance of seeking Thee in times of stress, when issues, conflicts, schedules, and an imminent election combine to slow progress in debate and make resolution evasive.

In the name of Him who is Light and Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 27, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ALAN J. DIXON, a Senator from the State of Illinois, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DIXON thereupon assumed the chair as Acting President pro tempore.

CLEAN AIR ACT AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the pending business, S. 1630, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to amendment No. 1293), to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth/Armstrong amendment No. 1313 (to amendment No. 1293), to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

(4) Byrd further modified amendment No. 1329 (to amendment No. 1293), to provide benefits for terminated coal mine workers.

(5) Nickles amendment No. 1373 (to amendment No. 1293), to establish operating permits to facilitate enforcement and to provide a process for implementing new control requirements.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. MITCHELL. Mr. President, the unanimous-consent agreement reached yesterday provides that now that the Senate has resumed consideration of the clean air bill, the time until 9:30 will be equally divided in the usual form on the pending Nickles-Heflin amendment with a vote occurring on or in relation to the amendment at 9:30 this morning.

Once that vote has been completed the Senate will recess subject to the call of the Chair. This recess will permit Members of the Senate to join with our House colleagues in a joint ceremony to honor the centennial of the birth of President Dwight D. Eisenhower. When the Senate reconvenes following that ceremony, there will be time for the two leaders.

Following leader time, the Senate will resume consideration of the clean air bill until 1 p.m., when the Senate will recess for 1½ hours, that is until 2:30 p.m., for the respective party conferences. Consideration of the clean air bill will resume at 2:30, and I expect that there will be votes on amendments throughout the day and well into the evening tonight.

I thank my colleagues for their consideration, Mr. President. I note the distinguished Senator from Oklahoma, the coauthor of the pending amendment, is present, as is the distinguished Senator from Montana, the manager of the bill. I believe they are prepared to resume debate on the measure and I therefore yield the floor.

The ACTING PRESIDENT pro tempore. Does the manager desire recognition? I would advise the manager and the distinguished Senator from Oklahoma that each controls 21 minutes.

Mr. BAUCUS. I thank the Chair.

The ACTING PRESIDENT pro tempore. The manager of the bill, the Senator from Montana, is recognized.

Mr. BAUCUS. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I am very opposed to this amendment for several reasons. Let me indicate why. Very simply, we in this Senate have spent days, weeks, and months fashioning the substance of a solid clean air bill.

There have been intense negotiations. There has been much compromise. We reached the critical mass of an excellent clean air bill, one that dramatically improves upon current law.

We are now faced with an amendment dealing with permits and enforcement. This amendment guts what we have done in the preceding months. It renders useless, ineffective, only theoretical the main part of the act we have negotiated.

If this amendment is agreed to, essentially there will not be a strong enforcement program, there will not be a strong permitting program under which emissions will be monitored, under which States, sources, interested persons will be in a position to know whether or not the act is being followed. If this amendment is agreed to, we will have passed a Clean Air Act in theory, but not in substance. We will have enacted the Clean Air Act in theory, but not in the concrete. Whatever we have done in the last several months will essentially be eliminated if this amendment is agreed to.

This amendment shields way too much. In the colloquy with the Senator from Oklahoma yesterday, it was clear this amendment is so vague. At best, only certain actions are shielded. But because the amendment is so vague, it is clear that maybe much more is shielded.

Only on the point of vagueness I think this amendment should be defeated, but there is much more. In addition to the vagueness, there are

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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major actions that would be shielded if this amendment is agreed to.

In addition, Mr. President, this amendment adds cost to the agency as an additional reason why an action should not be taken. We have never done that. We have never added cost to the agency as additional criteria. Never have.

In addition to that, Mr. President, this amendment allows the EPA to substitute itself for a citizen who is suing, even after, under current law, 60 days has run. That is ridiculous. It seems to me if a citizen sues and the 60 days has run, a citizen ought not to be able to follow up on his suit.

Mr. President, the amendment that the Senator offers very dramatically undermines, undercuts the major actions we have taken to this date. This is a killer amendment. This is a gutting amendment. It is an amendment that should not be agreed to.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield myself 5 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 5 minutes.

Mr. NICKLES. Mr. President, I take issue with my friend and colleague, the Senator from Montana, in several of his remarks, particularly his remark that says our amendment would gut the bill, would violate the intentions and the thrust of the bill. That is just totally false. That is not the case.

Maybe the Senator does not understand the amendment. We explained it. We discussed the amendment at length yesterday. We have not spent very much time discussing the so-called Baucus-Chafee permitting approach.

As a matter of fact, in all of the discussions and in the hours spent—and I complimented all those who have been involved in putting together the clean air package; they spent a lot of time, they spent months putting together the clean air package, but they spent very little time putting together the permitting section and the enforcement section. Very little time, indeed.

As a matter of fact, it was not negotiated. They put in most of the administration's package under S. 1630, the original package, but they added a few provisions like allowing citizens to sue EPA for discretionary activity. The administration has vigorously opposed that. They still do.

I have a letter from the Attorney General, which I printed in the RECORD yesterday, who said that will not work. If it does, it means EPA has to spend all their time defending themselves for actions they have taken on legitimate legal discretionary actions.

The Attorney General saying, "Do not do that." The head of the EPA is saying, "Do not do that. That is a serious mistake. We would like to spend our time in enforcement, actually cleaning up the environment, not spend all our time and resources defending ourselves," not to mention the fact that those citizen suits would be abused. You could actually have competitors suing EPA to make or to deny permits, or to make more restrictive permits on their competitors. Keep in mind, these permits are important. If you do not have a permit, you cannot operate. We are talking about jobs; we are talking about competitiveness; we are talking about being able to succeed or not succeed.

Permits are important, I agree. I think that the permitting section is important, but it has been basically ignored by almost everyone. This permitting section we have before us basically was written by staff. I compliment the staff. They have worked hard. They are tired. They have worked very hard.

But it just so happens that the people who would have to administer the permitting program and the enforcement program say we need some changes; we need some improvements; it will not work. The permitting system that we have before us, the so-called Baucus-Chafee permitting section, will not work. It needs to be streamlined.

So the Administrator of EPA has contacted myself and worked with the administration and with the Justice Department, and said, "We need some changes." They are the ones who have recommended these changes. They do not want to gut this bill. They are not interested in eliminating the clean air bill. They have worked as hard as anybody. They want to see it happen. They just also have to be in charge of making it happen.

We have some provisions in our amendment that would help expedite the permitting process; that would help eliminate some of the bureaucracy; that would give preference to some permits that require construction. Do we want to have all construction permits jammed in the same pipeline? We are going to have thousands of permit applications, but you cannot begin construction for a source if you do not have a permit.

They are going to have those same permit applications for new sources or new construction. They are going to be in the same pipeline. We put a preference in them. We try to streamline. We try to encourage those to be expedited because we want to make the system work. We want those jobs, plants, and factories with clean, good environmental standards to be built in the United States, not outside the United States, a direct result if you have a permitting system that will not work because you are going to have a lot of jobs leave the United States.

So we are talking about jobs. We are talking about competitiveness, and we are talking about an effective environmental system that we have under our amendment.

My friend from Montana said the so-called shield is too broad under my amendment. I disagree. The so-called shield, and for those who are familiar with this, this allows a permit—incidentally, the Baucus-Chafee amendment has a shield.

The ACTING PRESIDENT pro tempore. I regret to inform the Senator from Oklahoma that his time has expired.

Mr. NICKLES. I yield myself an additional 3 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 3 minutes.

Mr. NICKLES. Mr. President, we have a shield that would be a little broader. It needs to be a little broader because under the Baucus-Chafee amendment, the permitting system, the shield will not work. You will have a never-ending evolution of changes that will be added to a permit, most of which will be bureaucratic, most of which will be notices, most of which will do very little, if anything, to improve the environment.

Our shield would work. I explained it yesterday, and I will refer to it, if necessary, in a moment. But it is not, as characterized by the Senator from Montana, a gutting amendment.

Our enforcement provisions were written by the Department of Justice. They are interested in enforcement provisions that will work, enforcement provisions that will allow the Department of Justice to prosecute violators of the environment, not to spend all their time and resources to defend themselves or EPA from making legitimate legal discretionary actions.

Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma yields the floor. Who yields time?

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized for 4 minutes.

Mr. CHAFEE. Mr. President, I do not think we ought to get bogged down in the discussions here that the EPA favors the Nickles amendment.

The EPA wrote the original language. The EPA wrote the original text that dealt with enforcement and permits. The administration, not the EPA—I think everybody who has dealt with this bill knows that EPA has been subordinated in the discussions here. The decision is not being made by the EPA here.

Those in superior ranks within the White House decided that what the

EPA did in the first version was wrong and, indeed, if the Senator from Oklahoma were prepared to accept the EPA version, which namely was the first draft, the part of S. 1630 that is in this legislation, we would be perfectly prepared to accept it.

I must say, if you do not like the way something is done in this Chamber, you refer to it the bureaucrats. The bureaucrats wrote that section, apparently.

Now, I do not think it is really fair to demean those in the EPA, but, nonetheless, that version has been rejected by the administration. So they have come forward with a modifying amendment to correct what they disapproved of, the original EPA language in 1630.

I agree with the characterization that has been attached to the Nickles amendment by the Senator from Montana. This does substantially change the bill. Call it a gutting amendment. Look at some of the language that has been used. We went through this yesterday. But to revise you must indicate that the revisions are only to protect against a serious risk to public health. In other words, if the modification cannot be justified on the basis that a serious risk to public health is incurred prior to the modification being accepted, then you can see what a hurdle one has to get over to modify the permit. Who can prove a serious risk to public health is going to come from this pollution? That is a far higher standard than in existing law.

Furthermore, we pointed out yesterday, and I think it is so important, the ability of the polluter to stall and stall and stall. Under the procedures that the Senator from Oklahoma provides in his amendment, why, the polluter first can go and have his case heard before an administrative law judge—10 months. After that, he can appeal. Everybody knows how long it takes for an appeal to be reached in a Federal district court—maybe 2 years, maybe 1½ years. And after that he can appeal again to the court of appeals. Clearly, this process is going to take 4 to 5 years, and yet that is what is provided. On goes the polluter.

We do not permit that. That is not permitted under any of our environmental laws. It is not permitted under the Clean Water Act. It is not permitted under RCRA. It is not permitted under Superfund, and yet they permit it under this amendment. The whole basis of this act is to protect public health, public health and the environment. This is being substantially undermined by the Nickles amendment, so I hope that all Senators join in the efforts to defeat this amendment, which seriously undercuts the enforcement of this act. The whole act is dependent on permits and enforcement. Absent those, the act just becomes a heavy paper bound volume.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. NICKLES. Mr. President, I yield myself 4 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized for 4 minutes.

Mr. NICKLES. Mr. President, I wish to respond to my good friend and colleague, Senator CHAFEE, from Rhode Island. I think he is totally incorrect in his assessment when he says this is not supported by EPA and it is supported by the administration.

Yesterday, I inserted in the RECORD a letter from EPA strongly supporting these amendments. I tell my friend and colleague, I have worked with the EPA. EPA has been very much involved in drafting the permitting section which I submitted on behalf of myself, Senator HEFLIN, Senator DOLE, and others. They are the ones who are going to have to be involved. They are the ones who drafted the original 1630. But since then they have learned that some improvements needed to be made, some streamlining needed to be done. Industry and others have said, wait a minute, the permitting program that was originally drafted was not thought out enough. It could be and should be improved. That is what they suggested. That is what we are trying to do. To suggest that it guts the bill is totally false, totally false. It needs to be rejected. Again, I kind of resent that misstatement.

A couple of further comments. The Senator said, wait a minute, we go before an administrative law judge. Yes, we do if we are talking about compliance orders that would be issued by EPA or if you are talking about 167 orders which are basically telling people they have to stop construction. We are saying to those individuals, yes, they can go before the administrative law judge. Under the Baucus-Chafee amendment they would not even go before an administrative law judge. What they would do is go before EPA bureaucrats to take action. They could impose penalties that could go up to $25,000 a day. Judge Heflin has done most of the work on enforcement. Maybe I should let him explain it. But we are talking about fines up to $25,000 a day or causing people to be unemployed. We think we should have a day in court, not some unelected bureaucrat who has a bias because he is an employee of EPA making a decision. We believe it should be impartial. We believe it should be more in compliance with the Administrative Procedure Act. That is what the Department of Justice has said. I did not dream that up. I did not say that it should be done this way by the Department of Justice. The Department of Justice did because they want the system to work. They want it to be effective. They are not interested in bureaucracy. They are not interested in having to spend most of their time and resources defending themselves for taking discretionary action.

Probably the biggest difference between the two amendments is that under Baucus-Chafee you have citizen suits where citizens groups, and it might be the environmental lobby or it might be competitors, have the right and opportunity to be able to sue EPA for making and taking discretionary action. There is no limit to that. So you could have untold numbers of groups and/or competitors suing EPA for making a discretionary decision on permits. If you want to bog down the permitting system, you allow that to happen because you are going to have more suits, you will have more bureaucrats under the EPA defending themselves for making discretionary decisions. It will not work. The EPA right now is going to be building a $400 million building to house their new bureaucracy, their new efforts. I will tell you something. That building will not be big enough to take care of all the permitting problems and legal problems that we are going to have if we agree to Baucus-Chafee without this amendment.

We need this amendment. EPA needs this amendment. The environment needs this amendment. We need to pass this amendment if we are going to have an effective, workable clean air bill. I want that to happen. I want it to happen. I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator yields the floor. Who yields time?

Mr. BAUCUS. Mr. President, might I ask how much time is remaining on each side?

The ACTING PRESIDENT pro tempore. The Senator from Montana has 13 minutes and 47 seconds. The Senator from Oklahoma has 9 minutes and 46 seconds.

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the distinguished Senator from Oklahoma, who spent a lot of time on this—and I want to pay tribute to his interest—keeps saying that our legislation would allow citizens to sue EPA to make EPA take actions that are discretionary. I do not know why the Senator keeps saying that because on page 507 of the bill, at the bottom of the page, starting on line 16, he very clearly can find that the provision we have in the bill says that a citizen suit is allowed where there is an alleged failure to perform any act or duty under this act which is not discretionary. So that is it. I would appreciate it if the Senator from Oklahoma would pay close heed to that particular provision. We

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are not dealing with discretionary matters. We are dealing with matters that are not discretionary with the administrator.

Mr. NICKLES. Will the Senator yield?

Mr. CHAFEE. Yes, I will.

Mr. NICKLES. On my time.

The **ACTING PRESIDENT** pro tempore. The Senator from Oklahoma is recognized on his time.

Mr. NICKLES. Mr. President, I would love to have clarification for the record. Is the Senator telling me that under the Baucus-Chafee approach EPA would not or could not be sued for discretionary actions on permits?

Mr. CHAFEE. Under this particular provision——

Mr. NICKLES. I am not talking under this particular provision. I am talking about under the permitting and enforcement sections is the Senator from Rhode Island saying that EPA cannot be sued for taking discretionary action?

Mr. CHAFEE. Under this act, if you read clearly what I said, the suits can be brought where under—let me read it again: "Against the administration where there is alleged failure to perform any action or duty under this act which is not discretionary with the administrator." So there it is. I think I am correct in saying that is the only reference with anything dealing with discretion in the act. Am I correct?

Mr. NICKLES. I want to make sure the Senator is on his time and not my time.

Mr. CHAFEE. I have no time here.

The **ACTING PRESIDENT** pro tempore. The Senator from Oklahoma's time is running.

Mr. NICKLES. I reserve the remainder of my time.

Mr. HEFLIN addressed the Chair.

The **ACTING PRESIDENT** pro tempore. The Senator from Alabama is recognized. Who yields time to the Senator from Alabama? Will the Senator from Alabama withhold? Does the Senator from Oklahoma yield time to his colleague?

Mr. NICKLES. I am happy to yield to my colleague such time. How much time do I have remaining?

The **ACTING PRESIDENT** pro tempore. Eight minutes and twenty-three seconds.

Mr. NICKLES. I am happy to yield to the Senator from Alabama 2 minutes.

Mr. HEFLIN. Mr. President, I spoke yesterday relative to the Nickles-Heflin-Dole amendment. I would like to emphasize again that in regards to the administrative hearing where a person or company could be faced with the expenditure of millions and millions of dollars there is a great deal of difference between the Nickles-Heflin-Dole amendment and the Baucus-Chafee amendment.

I really have to refer to the Baucus-Chafee as an example of overzealousness that says the end justifies any means. And what we are going to take away from the basic fairness in the administrative hearing process, and the administrative hearing process is extremely important relative to proving any alleged violation and enforcing against it.

The Administrative Procedures Act, which has been developed over the years, allows for the right of cross-examination. That is not allowed in the Baucus-Chafee amendment. You have a right to an administrative law judge under the Nickles-Heflin-Dole amendment. You do not have that right under Baucus-Chafee. Under that amendment, you have a situation where any employee of EPA could be designated as a hearing officer. That hearing officer might be prosecuting you the day after or the day before.

It seems to me that basic fairness demands the adoption of the Nickles-Heflin-Dole amendment, and therefore because of that I feel like this is a very important matter. And overzealousness should not prevail. Thank you.

The **ACTING PRESIDENT** pro tempore. Who yields time?

Mr. BAUCUS. Mr. President, I yield myself 4 minutes.

Mr. President, as we near the end of the debate on the Nickles amendment, I would like to reiterate my position to it as one of the managers of the bill.

First, the amendment is unnecessary. The permitting and enforcement titles before this Senate in the pending substitute amendment represents a highly moderated version of those titles as they first appeared in President Bush's clean air bill and later reported out by the committee.

Let me emphasize that these changes in the present substitute before the Senate were made after extensive consultation with industry and with the administration. And they addressed almost all the concerns raised by the administration. Titles V and VI of the pending substitute are the product of months of work. In contrast the final language of the pending amendment, the Nickles amendment, was not before us until yesterday afternoon. It has been before us for less than 24 hours. Yet the sponsors ask us to accept it and discard provisions that are the product of months long development beginning with the introduction of the original Bush bill.

Second, the amendment plays havoc with and weakens current law. The amendment creates a broad permit shield and imposes a stiff test that the EPA or permitting authority must pass before a permit can be reopened to include a new pollution control requirement.

Together, this is critical, Mr. President. Together, these two changes in the Nickles amendment give a polluter an unprecedented ability to avoid enforcement even when generating emissions in violation of requirements established under the Clean Air Act.

At the same time these provisions can prevent a standard guideline requirement promulgated under the act and reflecting the full consideration of the EPA permitting authority from being applied to any source holding a permit. In contrast, the permit shield included in the substitute before the Senate affords source certainty and predictability without undermining the State and Federal regulatory authority needed to implement the act.

The third area of concern is the undue burden the Nickles amendment would place on the Government's ability to order prompt compliance with existing requirements. Title VI of the substitute recognizes that sources should not have to face the Hobson's choice of complying with orders they find unjustified or risking costly enforcement actions.

For this reason, the substitute affords sources an opportunity for a public hearing on the order without introducing endless delays in the enforcement process once the hearing is held. This is the point made by the Senator from Alabama. The Senator from Alabama leaves the impression that the substitute amendment goes farther, and impedes upon and intrudes upon the rights of sources who may want to contest enforcement orders.

That impression left by the Senator from Alabama is totally incorrect and is totally inaccurate. On the contrast, the substitute improves upon the rights of a source who contests an enforcement order, improves upon the rights, improves upon current law; does not weaken current law but gives the sources additional rights that currently that source does not have in any other area of environmental law.

So the Senators should recognize that the substitute improves upon the rights of a source to contest an enforcement order. The Nickles amendment, in contrast, provides sources with endless funds to litigate. In some cases sources could use additional review provisions of the Nickles amendment to mount four separate and successive challenges to EPA enforcement, four levels; draining both private and public resources and efforts to avoid compliance rather than clean up pollution.

Finally the Nickles amendment would deny citizens acting as private attorneys, generally in place of the Government, the ability to bridge actions that would in turn make polluters pay for past misdeeds. There is no justification for allowing polluters to enjoy the unjust enrichment gained by failing to comply in the past even if they comply in the present.

I hope my colleagues can see the Nickles amendment must be rejected to ensure that the permitting enforcement system so vital to turning the promise of clean air into reality can, in fact, be established.

The list of obstacles the Nickles amendment would impose to orderly functioning of the permit enforcement system is much longer than the list I have just enumerated. However, those are the main points, and for these reasons I strongly oppose the amendment, because I think the amendment would very much weaken the act.

It is the problem posed by the Nickles amendment——

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BAUCUS. I yield myself an additional 30 seconds.

It is the problems posed by the Nickles amendment that have prompted State air administrators, the people on the front lines of clean air implementation, to write us not once, but twice in the last week to express their support for the substitute provisions and their opposition to the Nickles amendment. I can only hope that the majority of this body pays heed to their expertise and defeats the Nickles amendment.

The ACTING PRESIDENT pro tempore. The Chair will announce the Senator from Oklahoma now has 6 minutes and 8 seconds. The manager has 6 minutes and 58 seconds.

Mr. McCLURE. Mr. President, will the Senator from Oklahoma yield 2 minutes?

Mr. NICKLES. I am happy to yield to my colleague.

Mr. McCLURE. Mr. President, I thank the Senator from Oklahoma not only for yielding the time but for his tremendous effort and leadership in bringing this matter to the floor of the Senate for discussion and, I hope, a positive resolution.

I rise as a cosponsor to the amendment being proposed by Senators NICKLES and HEFLIN and others. This amendment concerns two of the least discussed but very important aspects of the measure before us, namely, their permit and enforcement.

Although these matters are critical to the successful implementation of the environmental policies set forth elsewhere in the measure, they have received little attention in this debate until now, and were not discussed during the bipartisan negotiation. I want to stress that, because we have so often been confronted with the assertion that we should not tamper with this provision because it is part of the bipartisan compromise and, therefore, immune from any further discussion. These matters received no discussion during the bipartisan negotiations, at least in my hearing.

The amendment before us is perfecting in nature. It perfects the permit and enforcement provisions of S. 1630 to reflect extensive discussions and detailed analysis by the Justice Department and the Environmental Protection Agency, who have the ultimate responsibility for their implementation.

Before discussing the amendment further, I observe for the RECORD that the amendment has the support of the administration and was drafted in close cooperation with the Justice Department, the Environmental Protection Agency, and the White House. The question is, Who are the experts?

While the amendment is not supported by the Environment and Public Works Committee, the amendment does reflect the extensive negotiations that have occurred over the last month between representatives of the administration and Senate staff members from the Environment and Public Works Committee and individual member offices.

The amendment retains the tough regulatory tools in the President's permit proposal. The original proposal has been perfected to smooth out the permit system's procedures by eliminating unnecessary Federal intervention in the State's procedures for the issuance of permits.

PERMITS

All of the Clean Air Act proposals pending before the Congress establish similar Federal mandates for each State to expand or establish operating permit programs for the many sources of atmospheric air pollutants that will be regulated under the act. Although very important for the implementation of the Clean Air Act amendments, these permit provisions have, however, been one of the least discussed aspects of the Senate and House clean air bills—especially compared with the major programmatic issues of acid rain, air toxics, nonattainment, and mobile sources.

The President's original proposal was for establishment of State permit programs that would enable a major source of air pollution to obtain a single, publicly available operating permit that sets forth the source's aggregate obligations under the act. However, what was already a complicated generic permit program under title V was made even more complex by S. 1630 as reported. The reported measure adds separate permits and fees in the nonattainment provisions of title I. It establishes a Federal permit program for hazardous air pollutants in title III, and an acid rain permit program in title IV. Each of these permit programs has its own separate requirements.

The overall effect of the changes made by EPW staff do not advance any environmental goals but instead increase the costs to permittees and the public. Moreover, the changes will dampen technological innovation and eliminate the flexibility sources need for day-to-day operations.

The substitute before us attempts to resolve the inconsistencies between these individual permit programs, but it is not fully successful in this regard because it was prepared in the crunch just prior to the March 5 deadline when amendment No. 1293 was presented to the Senate.

By comparison, the amendment before us reflects 3 weeks of additional analysis and negotiation. Permits and fees are an appropriate procedural tool for addressing many of the persistent air pollution control problems in certain air quality regions of the country.

My concern, Mr. President, is that all too often the procedural aspects of environmental legislation are used to frustrate implementation of national policy by those who do not agree with it. Such obstructionism is contrary to the national interest, and often denies our fellow citizens the very environmental benefits that legislation such as the Clean Air Act is intended to provide the American people.

The permit and enforcement provisions of the pending amendment do a better job than the Mitchell-Baucus substitute in establishing a permit and enforcement program. The amendment will—

Protect the environment by requiring permits of individual sources;

Establish a fee structure to underwrite administration of the permit program so as to assure timely issuance of permits by State regulatory agencies;

Fully consolidate all Clean Air Act permit requirements by authorizing a single permit document; and

Provide more uniform, nationwide enforcement of the Clean Air Act.

By comparison the Baucus-Chafee substitute saddles the Clean Air Act with a permit and enforcement program that is full of delays, unnecessary bureaucracies, outside interventions, and legal inconsistencies. This will unnecessarily increase the costs to permittees and the public, stifle innovation, inhibit industrial growth and modernization, and eliminate the flexibility sources need for day-to-day operations, without any additional environmental benefits.

The amendment builds on the President's original proposal to eliminate unnecessary Federal intervention in State permit decisions and assure that close regulation of permittees does not stifle modernization of our industrial infrastructure which is essential to maintaining our economic position in world trade.

ENFORCEMENT

The enforcement provisions in the amendment enhance the Clean Air Act by:

Expanding criminal enforcement authorities;

Clarifying and revising civil judicial enforcement authorities; and

Expanding administrative enforcement authorities;

Many misdemeanor criminal penalties are upgraded to felonies. Civil and administrative enforcement mechanisms are strengthened to provide a much stronger, more effective civil and administrative scheme.

A citizen suit provision modeled after other environmental statutes provides all the standard opportunities for citizens to challenge agency action and to bring citizen enforcement action against violators.

The Nickles-Heflin amendment assures successful implementation of the Clean Air Act at the lowest possible cost to individual permittees. I urge its adoption.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 3 minutes, 49 seconds. The manager has 6 minutes, 55 seconds.

Who yields time? The time will be charged to both sides, unless a Senator wants to yield some time. The clerk will run the clock.

Mr. BAUCUS. Mr. President, the majority leader would like to speak. He was on the floor, but he was called off the floor. I am wondering if the Senator from Oklahoma might agree to defer temporarily so that the majority leader is able to come to the floor and speak on the amendment.

Mr. NICKLES. I have a few more comments, and I think he may have a few more, and I believe Senator DOLE also would like to speak. Why do we not agree to give both the majority leader and Republican leader a couple of moments.

Mr. BAUCUS. Mr. President, I make another suggestion. The majority leader is here. Let us just proceed. I might ask the Chair how much time remains?

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma has 3 minutes, 38 seconds. The manager has 6 minutes, 9 seconds.

Mr. BAUCUS. I have no more speakers on my side. I can reserve the remainder of the time for the majority leader.

The ACTING PRESIDENT pro tempore. If no one yields time, the time will be divided equally. The Senator from Oklahoma has 3 minutes, 38 seconds.

Mr. NICKLES. Mr. President, I wish to take a few minutes, and if the Republican leader comes in, I hope we will give him a couple moments. I wish to make a couple of statements.

The Senator from Rhode Island, who I have great respect for, stated that it was his belief that we were not, as under the Baucus-Chafee approach, giving citizens the right to sue EPA for discretionary items. That is not the case. I have a letter from the Attorney General that says that the proposed language would give plaintiffs, including polluters or competing businesses trying to gain an advantage in the market, and unprecedented new power to use litigation to compel EPA to take action which is discretionary.

That analysis came from the Attorney General. I see the Senator's staff is shaking their heads. It is on page 508 and page 509, under the citizen suit section. It talks about citizen suits and petitions, sections 307, 354, and also under deferred actions, that gives citizens the right to sue EPA for discretionary items.

I think people need to know that. That is probably the biggest difference between our approaches and that taken by Senators BAUCUS and CHAFEE. Do we really want to turn citizen suits loose on EPA to where they have to use their resources to defend themselves for taking discretionary actions?

We are talking about actions dealing with permits. There are going to be thousands of permits. Do we want citizen suits to say to EPA, "You decided to issue a permit, we think you went too far. You should not have issued that one. We think it should be more stringent." You have competitors doing it. You are going to tie down this permitting process in the courts with an unbelievable mass of litigation.

Also, the Senator says that the Nickles-Heflin amendment is going to cause more litigation, and that is totally wrong. The Department of Justice has agreed with me. The Attorney General agrees with me, as evidenced by the letter. This criticism happens to lie with the Baucus-Chafee bill. That is the reason we are trying to change it, why it needs to be changed, the reason it must be changed if we are going to come up with an effective, workable, affordable clean air bill. It will not work if you do not have a permitting system that can work. It will not work if you have a system that is an invitation for litigation from every group imaginable, including competitors.

So I think this is critical and needs to be changed. The only way is by passage of the Nickles-Heflin-Dole amendment. I urge my colleagues to support our amendment.

The ACTING PRESIDENT pro tempore. The time of the Senator from Oklahoma has expired. The Chair states that there is 5 minutes, 30 seconds left for the manager, and 3 minutes left until the appointed hour for the vote.

The majority leader.

Mr. MITCHELL. Mr. President, the permitting and enforcement provisions in the committee amendment No. 1293 to S. 1630 have been the subject of lengthy discussion. The Nickles-Heflin amendment is an effort by the administration that ironically contradicts the President's original proposal.

A review of the history of these provisions may be helpful. The permits and enforcement titles of S. 1630 as reported by the Environment and Public Works Committee are almost verbatim the language initially proposed by the President.

The original administration proposal, which was embodied in S. 1630 as reported, provided that compliance with permit terms was a defense to noncompliance with provisions of the act addressed by the permit.

Monitoring and reporting requirements were to assure compliance with the permit's terms and conditions.

The administration had a change of heart on these and other provisions and subsequently revised them. That revision process continued until yesterday morning, when we received a modified version of the Nickles-Heflin amendment.

The permits and enforcement titles were explicitly not part of the agreement with the administration. While staff was drafting the agreement itself, a long meeting was held to see if the differences among the bills could be narrowed.

The differences were narrowed considerably. The committee amendment 1293 leaves only a few issues in dispute.

But these are important issues. We have labored long and hard to assure that the revisions to the Clean Air Act are effective and protect the public health and the environment. Without an effective means of assuring compliance with and enforcement of the act, the act has little meaning.

The areas in disagreement are clear.

First, the text of the committee amendment 1293 provides that permits should be issued unless "an exemption is warranted and would be consistent with protection of the public health, welfare, and the environment." The added test of a full cost-benefit analysis under the Nickles-Heflin amendment is unwarranted and is designed to assure that sources are not subject to permit requirements.

As the history of the act has shown, without a full operating permit requirement, there is no compliance. No compliance with the act means that the public health and the environment are not adequately protected.

Permits will need to be modified. Errors, oversights, or subsequent requirements would in the normal course of events, trigger such modification. But, unlike the administration's earlier proposal, under the Nickles-Heflin amendment such modifications can occur only if EPA finds that there is a serious risk to public health.

This is an extraordinary standard that is found nowhere else in the act. It completely excludes the threat to the environment, which is a major focus of our actions over the last 10 years. A serious risk to public health establishes such a standard that modifications will not be available. Without modifications, the earlier permit still stands. Thus this provision in the permits title could have the effect of immunizing industry from the requirements of the act.

In contrast, under the committee amendment 1293, permits can be modified for cause. This is a known standard that has been frequently applied in other situations. This is also a standard that courts can apply. The serious risk to public health is a new standard on which case law would have to be developed, creating more uncertainty. It would weaken current law and should be rejected.

Similarly, the Nickles-Heflin amendment provides a shield to industry from enforcement actions in cases of new requirements unless EPA finds that there is actual harm to public health.

This is another new standard that the courts will have to interpret. It unfortunately suggests that EPA is unable to prospectively determine that there is actual harm. Do the proponents of the amendment mean to eliminate EPA's authority to prevent harm? Such a standard dilutes EPA's existing authority and should be rejected.

In addition, States are not given the opportunity to make such a finding. This ignores the fact that the Clean Air Act depends first upon State implementation of the act. It will be primarily the States that issue and review permit applications. The States may be in the best position to determine if there is a local harm to be avoided.

The actual harm standard is such that the shield will stay in force even if there are adverse effects. Again, I note that the standard only applies to public health and eliminates any environmental threats that may exist.

A third area of disagreement is the deadlines that apply to the entire permitting system. Without a date certain by which the permitting authority or EPA will make decisions, the entire system may not function.

The Nickles-Heflin amendment has no deadline by which the permitting authority must respond to application for renewal.

In contrast, the committee amendment 1293 provides that final action must be taken not later than 12 months after receipt of a complete application. Under the Nickles-Heflin amendment, the permits remain in effect until the permitting authority acts, but nothing requires the permitting authority to act. This is a prescription for the operating permit system not to function.

Both the Nickles amendment and the Environment Committee version of the permitting title require the permitting authority to make distinctions between permits that are codifying permits; that is, those permits that do not change the requirements of the act, and modifying permits. This distinction was created to avoid a backlog of permit applications. Codifying permits are given less scrutiny and are expected to be processed in less time.

But mistakes will undoubtedly happen. Under Nickles-Heflin, however, these mistakes are almost impossible to correct.

First, EPA is never officially notified of draft permits that codify. The burden is thus on the Administrator to find out about such permits and to comment within the comment period.

If EPA does find out about such permits and decides that they are modifying permits instead, this decision is not reviewable.

In contrast, the Environment Committee approach is simply to allow judicial review of the initial decision by the permitting authority that a permit is codifying or modifying.

There are practical effects of the hurdles imposed under the Nickles amendment.

If a permit is erroneously considered to be a codification and in fact modifies the requirements of the act, there is no EPA review of such a permit. It is unlikely that EPA will have the resources to review the over 10,000 permits we expect will be issued under this program.

If a citizen notices that the act's requirements are in fact modified and comments to this effect, that citizen has no ability to sue in Federal court on this Federal issue. Instead, the citizen can only sue in State court. I know of no other case where access to Federal courts on a Federal issue is denied.

Taken together, the permitting provisions in the Nickles-Heflin amendment amounts to maze of confusion that can only confound applicants and the courts that will interpret this language. The overall scheme creates a picture of industries, that have found a way to immunize themselves quietly from the requirements of the Clean Air Act.

Yesterday, Mr. President, there was discussion that the Environment Committee language modified section 304 of the act to provide, for the first time, for citizen suits to lie against the Administrator for failure to perform a discretionary act. This is simply not the case.

On page 507 of amendment 1293, at line 24, it is clear that section 304(a) continues to apply only in cases where there is a nondiscretionary duty.

The language is intended to provide for citizen suits in cases where the Administrator has unreasonably delayed taking such nondiscretionary action. Those who have watched EPA implement the act over the last 20 years are familiar with this problem.

For example, in September 1984, the U.S. District Court for the District of Columbia ruled in NRDC versus EPA on the question of heavy duty engine standards. The court stated:

> Despite Congress' determination to establish a specific, unqualified timetable for the promulgation of regulations governing NO_x emissions from heavy vehicles, the EPA has done virtually nothing to establish those standards. The same inaction characterizes EPA's treatment of the subject of particulate standards. In each of the foregoing cases, the EPA has repeatedly declared that it would shortly issue the required regulations, only in fact to fail to meet any of its own self-imposed timetables.

The court then states that: "The agency's position is devoid of justification for the agency's laggard performance of its mandate duties." The court found that it is "nothing short of astonishing that the agency seeks additional time to promulgate the required regulations when it offers not one shred of evidence as to why it has thus far failed to issue those standards."

This was a case of a mandatory, nondiscretionary duty to act. Only EPA did not act until forced to do so under court order.

The language in amendment 1293 merely states that suits will lie if the agency again delays unreasonably in its execution of a nondiscretionary duty.

It is not surprising that the administration would oppose such a change, for they are targets of such litigation. Unfortunately, without such litigation, key provisions of the act may remain unimplemented.

I also understand that questions have been raised about the constitutionality of reversing the Gwaltney decision on citizen suits. In Gwaltney, the Supreme Court held that citizen suits could not lie for wholly past violations of the Clean Water Act. That decision also cited the identical language in the Clean Air Act, which is what amendment 1293 addresses.

While the decision may have been correct in its interpretation of the statutory language, the outcome is inappropriate because it provides no penalty to sources that have violated the act in the past.

Sources can pollute for years, but if they stop sometime before the suit is filed, there is no penalty. In addition, citizens are required to provide notice to the Administrator so the Administrator can choose to take on the case instead. This also provides sources with notification so they can correct

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the problems causing the violations. Under Gwaltney, there is no tool for eliminating the past economic benefit of violating the act.

We have had many discussions over the last few months about the economic costs of this legislation, but we spent very little time on the economic incentives to not comply with the act. Unless the decision in Gwaltney is corrected by amending the act, such incentives will continue.

In response to those who seem to think that Congress cannot change its past work, I note that Gwaltney was very clearly a case of statutory interpretation by the Supreme Court. Nothing in our system of government prevents the legislature from subsequently clarifying its intent.

As the Court noted in its opinion in Gwaltney, "It is well settled that 'the starting point for interpreting a statute is the language of the statute itself' " (citing Consumer Product Safety Commission versus GTE Sylvania, Inc.). This language makes it clear that the Court was embarking on a foray into statutory interpretation.

Later in the same paragraph, the court noted: "Congress could have phrased its requirements in language that looked to the past (to have violated), but it did not choose this readily available option." Mr. President, amendment 1293 merely uses the Court's suggestion and adds the words "to have violated" to the language of section 304(a)(1) of the act.

The enforcement provisions also weaken current law in some key areas. Under current law, when EPA issues an administrative order citing a source for noncompliance there is no delay. In order to address concerns that there was no opportunity to be heard, we added a new procedural hurdle of requiring an informal hearing within 30 days. Some argue that this already weakens current law because it triggers a 30-day delay that does not now exist.

But the Nickles-Heflin amendment goes further and permits judicial review of all administrative orders. This in effect vitiates the authority of the agency to effectively issue administrative orders. This is a significant retreat from current law.

Mr. President, after all the time and effort devoted to this legislation, it would be unfortunate if we were to weaken the underpinnings of the Clean Air Act by diluting further the permitting and enforcement provisions. I urge my colleagues to join me in opposing this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I move to table the Nickles amendment and ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana to lay on the table the amendment of the Senator from Oklahoma. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from Hawaii [Mr. MATSUNAGA] are necessarily absent.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] is absent on official business.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—47

Adams
Biden
Bingaman
Bradley
Bryan
Bumpers
Burdick
Chafee
Cohen
Cranston
Daschle
Durenberger
Exon
Fowler
Gore
Graham
Harkin
Hatfield
Heinz
Hollings
Humphrey
Inouye
Jeffords
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Sanford
Sarbanes
Sasser
Simon
Specter
Wilson
Wirth

NAYS—50

Armstrong
Baucus
Bentsen
Bond
Boren
Boschwitz
Breaux
Burns
Byrd
Coats
Cochran
Conrad
D'Amato
Danforth
DeConcini
Dixon
Dole
Domenici
Ford
Garn
Glenn
Gorton
Gramm
Grassley
Hatch
Heflin
Helms
Johnston
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Robb
Rockefeller
Roth
Rudman
Shelby
Simpson
Stevens
Symms
Thurmond
Wallop
Warner

NOT VOTING—3

Dodd
Kennedy
Matsunaga

So the motion to lay on the table amendment No. 1373 was rejected.

MOTION FOR RECONSIDERATION

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, at this time I enter a motion to reconsider the vote by which the Nickles amendment was not tabled.

Mr. HEFLIN. I move to table.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask to speak on the motion.

Mr. HEFLIN. The motion to table is not debatable.

The ACTING PRESIDENT pro tempore. The motion is entered for future consideration. It is not now before the body.

Is there objection to the request of the Senator from Montana?

Mr. NICKLES. I object. The Senator from Alabama moves to table.

The ACTING PRESIDENT pro tempore. The motion to reconsider the vote is not now before the body. It is preserved for future consideration. It is not subject to being tabled at this time.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess subject to the order of the Chair.

Thereupon, at 9:54 a.m., the Senate recessed subject to the call of the Chair.

Whereupon, at 2:32 p.m., the Senate reassembled when called to order by the Presiding Officer [Mr. LEAHY].

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The distinguished Senator from Maine.

Mr. MITCHELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. At the expiration of the leaders' time, the pending business would be the Nickles amendment.

Mr. MITCHELL. Mr. President, I suggest that the Republican leader and I both reserve our time and that we proceed to vote on the amendment, and if agreeable, I will request the yeas and nays.

Mr. President, I reserve the remainder of my time and I yield to the Republican leader.

Mr. DOLE. I make the same request.

The PRESIDING OFFICER. Without objection, the remainder of the leaders' time is reserved to the respective leaders.

Mr. MITCHELL. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The regular order is the Nickles amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DeConcini (when his name was called). Mr. President, on this vote, I have a pair with the distinguished senior Senator from Massachusetts [Mr. Kennedy]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." Therefore, I withhold my vote.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. Matsunaga] is necessarily absent.

I further announce that the Senator from Massachusetts [Mr. Kennedy] is absent on official business.

On this vote, the Senator from Massachusetts [Mr. Kennedy] is paired with the Senator from Arizona [Mr. DeConcini]. If present and voting, the Senator from Massachusetts would vote "nay" and the Senator from Arizona would vote "yea."

The PRESIDING OFFICER (Mr. Daschle). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 50, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—47

Armstrong
Bentsen
Bond
Boren
Boschwitz
Burns
Byrd
Coats
Cochran
Conrad
D'Amato
Danforth
Dixon
Domenici
Ford
Garn
Glenn
Gorton
Gramm
Grassley
Hatch
Heflin
Heinz
Helms
Kassebaum
Kasten
Lott
Lugar
Mack
McCain
McClure
McConnell
Murkowski
Nickles
Nunn
Robb
Rockefeller
Roth
Rudman
Shelby
Simpson
Specter
Stevens
Symms
Thurmond
Wallop
Warner

NAYS—50

Adams
Baucus
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Burdick
Chafee
Cohen
Cranston
Daschle
Dodd
Dole
Durenberger
Exon
Fowler
Gore
Graham
Harkin
Hatfield
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Metzenbaum
Mikulski
Mitchell
Moynihan
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Sanford
Sarbanes
Sasser
Simon
Wilson
Wirth

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

DeConcini, for

NOT VOTING—2

Kennedy
Matsunaga

So the amendment (No. 1373) was rejected.

MOTION FOR RECONSIDERATION

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, I enter a motion to reconsider the vote disagreeing to the amendment.

The PRESIDING OFFICER. The motion is entered for future consideration.

The majority leader.

Mr. MITCHELL. May I have the attention of the Senate?

The PRESIDING OFFICER (Mr. Rockefeller). There will be order in the Senate.

Mr. MITCHELL. Mr. President, the distinguished Senator from Wyoming has requested 5 minutes to introduce other unrelated legislation and I would like to accommodate him. So, it is my intention momentarily to ask that he be recognized for 5 minutes for that purpose.

I do intend to propound, again, as soon as possible, a unanimous-consent agreement, trying to get a time for final passage of this bill this week.

I have discussed this previously with the distinguished Republican leader and with a number of other Senators. So any Senator who is interested in that should remain on the floor.

It is my hope I will be in a position to propound that in the very near future.

The Senator from Ohio, Senator Glenn, has been waiting for some time to offer his amendment, and has agreed to yield to Senator Wallop. And he has also graciously agreed to yield to the Senator from Pennsylvania, who wishes to address the Senate briefly on the subject of the most recent amendment.

Accordingly, Mr. President, I will ask unanimous consent that the Senator from Wyoming be recognized to address the Senate on an unrelated matter for not to exceed 5 minutes.

Mr. WALLOP. Mr. President, I ask the leader, would it be more appropriate for the Senator to speak to the amendment just passed, while there are still Senators on the floor? I would be happy to yield for that purpose, subject to the leader.

Mr. MITCHELL. If the Senator wishes to do so, I will ask the Senator from Pennsylvania. Does the Senator from Pennsylvania indicate that 5 minutes would be sufficient for his purpose?

Mr. SPECTER. I thank the majority leader. I think 5 minutes should be, but it might take a moment or two longer. I do not want to be bound for precisely 5 minutes because what I would like to do is have a brief discussion with the distinguished Senator from Rhode Island.

Mr. MITCHELL. Mr. President, Senator Moynihan merely wants to get unanimous consent to bring a staff member to the floor. I might ask if we do that first. That will take just a few seconds.

The PRESIDING OFFICER. The Senate will please be in order. The Senator from New York.

PRIVILEGE OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent for Mr. Larry Cupitt, a regular employee of the Environmental Protection Agency, now on leave and working in my office, be accorded the privilege of the floor during the discussion of the amendment by the Senator from Ohio.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent the Senator from Pennsylvania [Mr. Specter] be recognized to engage in a colloquy with the distinguished Senator from Rhode Island [Mr. Chafee] on the subject matter of the amendment just disposed of. And that following that colloquy the Senator from Wyoming be recognized to address the Senate on an unrelated matter for a period not to exceed 5 minutes. And that following that, the Senator from Ohio be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the distinguished majority leader, the distinguished Senator from Wyoming and the distinguished Senator from Ohio for yielding.

I seek to have a brief discussion with my colleague from Rhode Island concerning the amendment which has just been acted upon.

Mr. NICKLES. May we have order.

The PRESIDING OFFICER. The Senator from Oklahoma is correct. There are a number of discussions taking place that disrupt the order of this body. This is the third time in the last few minutes I have requested order in the Senate, and I will insist on it.

The Senator from Pennsylvania may proceed.

Mr. SPECTER. I thank the Chair. The issue which we just voted on and voted on earlier this morning is now subject to a motion for reconsideration. There is a very central point, which I think is subject to considerable confusion and want to discuss with the distinguished Senator from Rhode Island.

When I voted this morning to table the Nickles amendment, I did so after consulting with the distinguished Senator from Rhode Island on a critical factor, whether a citizen could go to court on a discretionary action by the Administrator of the Environmental Protection Agency.

The distinguished Senator from Rhode Island referred me to page 507 of S. 1630, which contains language that, in effect, States that a citizen may only appeal an action which is nondiscretionary with the Administrator.

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Based upon the conclusion that S. 1630 allowed an appeal only of a nondiscretionary action, I voted to table the Nickles amendment.

Immediately after the vote, I then consulted further with Senator **Chafee** and with Senator **Nickles** with respect to provisions which immediately follow those to which I just referred. These relate to section 307(d)(9), a provision which does not appear in the text of S. 1630.

Then I went to the title on chapter 42 dealing with air pollution prevention which picks up this section. Under the title 42, United States Code, section 307(d)(9) which is the same section referred to in S. 1630, it provides that a citizen may appeal in a variety of categories where the decision of the Administrator on an issue where is considered arbitrary, capricious, or an abuse of discretion, or otherwise not in accordance with the law.

So, although you have an initial reference to the citizen court action being limited to nondiscretionary action, a reference follows which makes the citizen court action applicable where there is a discretionary action involved under the doctrine of abuse of discretion.

I know that the representation made by the distinguished Senator from Rhode Island was inadvertent and subject to interpretation. But as I have studied this action, in the intervening several hours, and have conferred with lawyers from the Department of Justice, and again with Administrator Reilly, and again with Senator **Chafee** and Senator **Nickles**, to me it appears conclusive that the provision of S. 1630 does permit a citizen reference to court action on something which is discretionary, which is very, very problemsome.

It is one thing to say you can go to court on a nondiscretionary act, which is arguably very limited, as opposed to going to court on a discretionary act.

There are a couple of other provisions which immediately follow the cited references which allow for citizen appeals on deferred actions. This raises, candidly, further complications as to whether the opportunity for a citizen to go to court on a deferred action is not, in reality, going to court on a discretionary decision by the EPA Administrator.

There is another provision for judicial review on petitions which includes not only regulations but orders as well. While there is some solid basis, arguably, for having a citizen reference to a judicial action on a regulation, if you go to an order, again, you are dealing with what might be considered a discretionary judgment.

It seems to me, Mr. President, where you have the provision of section 307(d)(9) allowing judicial action by a citizen on an abuse of discretion, that you have something which is highly unwise and which really contradicts the earlier language. I bring this to the attention of my colleagues because we are going to be considering this issue further on Senator **Dole's** motion to reconsider.

I submit this for the record now to state my own thinking as to why I voted to table the Nickles amendment and why I later voted to support the Nickles amendment, because I think, if fairly read, it would be unwise to allow citizens to take to court discretionary actions by the EPA Administrator. I thank the Chair and invite a comment from my distinguished colleague from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, let us review the bidding, if we might. Section 307(d)(9) is existing law. There is no disagreement on that. That is the current Clean Air Act of 1971. What that does, it authorizes the court of appeals to reverse an administrative action that is found contrary in several examples—the Constitution, in excess of statutory authority, arbitrary failure to observe the procedures of the act and, the point the Senator from Pennsylvania makes, an arbitrary, capricious abuse of discretion.

We do not believe that particular provision overrides the explicit language in the new bill. In other words, that is from the 1971 law and it talks about appeals to the court of appeals, or authorizes the court of appeals to make these reversals.

In the current law, the bill before us, we have specific language which the distinguished Senator, who, I must say, is a very knowledgeable lawyer and spends a lot of time studying these matters, so anybody who gets up and discusses with him does it with a certain trepidation, since the Senator from Pennsylvania is a very thorough legal scholar, but I point out that it is our judgment that on page 507 of the new act, which the Senator referred to, beginning at line 22, the bill provides explicitly the conditions under which citizen suits are authorized. It says, "against the Administrator" of EPA "where there is alleged a failure to perform any act or duty under this act which is not discriminatory with the Administrator." Then it lists several examples of nondiscretionary duty.

Mr. BOSCHWITZ. Where is the Senator reading?

Mr. CHAFEE. That is on the big volume, which the Senator has. If you look on page 507, line 22.

Mr. BOSCHWITZ. I am sorry. I must not have the same copy.

Mr. CHAFEE. Just to make certain, so everybody can follow this, this is amendment No. 1293. I am sorry. I was incorrect. It is the amendment on page 507, line 22.

So there we are. The Department of Justice has, indeed, expressed concern that one of our examples refers to discretionary actions and that, in their view, our example has the effect of overriding the explicit language which we have in here.

They are troubled by the phrase at page 507, line 25, and the next page, line 1 where it says, "including failures to act that violate one or more of the standards set forth in section 307(d)(9)." We do not happen to agree with the Justice Department there. We do not intend that this reference to section 307 overrides the specific language I talked to before.

However, it is our intent, if that presents a problem, because this amendment 1293 deals, obviously, with a lot more than that simple provision, and, therefore, since we are perfectly prepared to straighten out a misunderstanding or varied reading of the language, we are prepared to strike those 14 words. We think we can do it with a simple amendment, if that would please the Senate, and if that would clear up the problem that is facing the Senator from Pennsylvania. Those 14 words would start right at the bottom of page 507, "that violate one or more of the standards set forth in section 307(d)(9) or", take that right out.

Mr. NICKLES. Will the Senator yield?

Mr. CHAFEE. Can I make one more statement? So that, therefore, as my colleague can see, ties right in with the abuse of discretion language that troubles the Senator. It seems to me that ought to straighten out the confusion.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Rhode Island for his comments, and I think if you delete that language, you have a very different provision. I sharply disagree with his initial contention, however, that the language, which does not describe discretionary actions takes precedence over the language in section 307(d)(9). On its face, the provisions say that "any person may commence a civil action on his own behalf against the Administrator where there is alleged a failure to perform any act or duty under this act which is nondiscretionary with the Administrator, including failures to act that violate one or more of the standards set forth in section 307(d)(9)."

So the basis for proceeding under section 307(d)(9), which includes an abuse of discretion, is really conjunctive with the standing of a person to commence a civil action against the Administrator of EPA.

I do not wish to press this if the managers of the bill are going to strike this section, but I do not think that any fair reading will lead one to conclude that as the bill currently stands, there is a limitation simply to nondiscretionary judgments.

But I would add this: that even with that language stricken, there are other provisions to which I alluded briefly, and I do not want to go into them in great detail because we are going to reargue this matter. A close reading of these sections however, raises very troublesome concerns about court action on discretionary judgments.

I personally, Mr. President, believe that there is value in allowing citizens to litigate issues and not rely solely on public officials like the Administrator of EPA or the Attorney General or district attorneys. But there has been a great precedence and great experience in our law, as you have for citizens actions, as for example under the antitrust laws. But when we fashion that remedy and that standing to litigate, it has to be tailored in a realistic way so as not to apply to discretionary judgments because there has to be some range where the EPA takes a stand. There are a number of provisions on a close reading where there are possibilities for attack on discretionary judgment.

So when I had sought the interpretation of the manager of the bill before the vote on the motion to table the Nickles amendment, I had relied upon this understanding, called to my attention by Senator CHAFEE, saying that the citizens action would be limited to nondiscretionary matters.

There is a very broad range of what may well be discretionary acts. I would say this, however, if the language is deleted, the understanding would be vastly different. This is something I would want to pursue in further study and in floor debate with the managers of this bill when Senator DOLE's motion to reconsider comes before the body.

Mr. NICKLES. Will the Senator yield for a brief comment?

Mr. SPECTER. Yes.

Mr. NICKLES. One, I wish to compliment the Senator for his examination of the issue and also for his conclusion, and I share the conclusion, that section 307(d)(9) does allow for discretionary authority by EPA. So does section 354(b) and so does the deferred actions provision on page 509 of the Baucus-Chafee amendment. So when my colleagues are trying to clear up this confusion, I think it is necessary to do it as the Senator from Pennsylvania so correctly observed.

There are several sections in the current Baucus-Chafee language that would allow citizens groups to sue EPA over discretionary activity other than just 307(d)(9), so I would encourage you, if you are trying to clean that up, to look at those other sections as well.

I thank the Senator from Pennsylvania because he is a brilliant scholar, and he has analyzed this problem very quickly. I wanted him to have more time to pursue this. I compliment him for his examination of a very important detail.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, clearly the objective of the Senator from Pennsylvania and the objective of the Senator from Montana and the Senator from Rhode Island is the same.

The Senator from Pennsylvania has pointed out that he believes there is merit in citizen suits. Now, some who are objecting to this provision do not like citizen suits. But the Senator from Pennsylvania has pointed out that certainly in nondiscretionary matters he favors citizen suits and the ability to appeal from the decision of the Administrator.

I hope that we could work it out within the next few hours, as soon as the Senator is prepared to come up with language, or deletion of language within this bill that would suit the Senator, because his support is important, important in many ways. This vote is perilously close. Furthermore, we would like the power of his position on our side.

Mr. SPECTER. Mr. President, I thank my colleagues from Oklahoma and Rhode Island for their kind comments and I am prepared to work on the bill to see if it can be resolved.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, as one of the managers of the bill, I think it is important for all Senators to know that I am prepared to accept an amendment to the substitute which would delete the language that we have been discussing. Frankly, in order to clarify where the Senate is on this issue, it might be appropriate to seek unanimous consent that such an amendment to delete the language to be offered, say, by the Senator from Rhode Island, would be in order and not count as one of the amendments the Senator from Rhode Island has listed in the underlying consent agreement.

As I hear the discussion, whereas there is not unanimity on the interpretation of the substitute with respect to this point, there is unanimity that the issue would be more clear if those words were deleted so as to make more clear that citizen suits were available only with respect to mandatory action, not taken by the Administrator.

So with that in mind, Mr. President, I ask unanimous consent that it be in order for the Senator from Rhode Island to offer an amendment regarding enforcement and that that amendment would essentially be that on page 507, line 25 strike—let me strike that, Mr. President.

Essentially, it would be to deal with this issue and strike the objectionable language that we have referred to in this debate.

Mr. NICKLES. Mr. President, reserving the right to object, and I probably will object, I want to work with the Senators and make sure that we touch the other sections as well. As I said to the Senator from Pennsylvania and he alluded in his comments, the issue is greater than just section 307(d)(9). It is also 354(b) and it is also deferred action. So I will be happy to work with the Senators from Montana and Rhode Island to see if we cannot come up with an amendment that would achieve our objectives, but for the time being I think I will object until we come to an agreement on the language.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, I hear the Senator from Oklahoma, and I hope that very quickly the Senator from Oklahoma would not object so that we could make this clarification. This is the major issue certainly raised so far at least by the Senator from Pennsylvania.

Mr. NICKLES. If the Senator will yield, I have been raising this issue for 5 hours. If we can come up with the language to which we can all agree, I certainly would have no objection whatsoever.

Mr. BAUCUS. Mr. President, I thank the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. WALLOP. I thank the Chair.

(The remarks of Mr. WALLOP pertaining to the introduction of S. 2343 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WALLOP. I yield the remaining time to Senator SIMPSON.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. I thank the Chair.

(The remarks of Mr. SIMPSON pertaining to the introduction of S. 2343 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, there are rising environmental concerns all over the world. These include global warming, and ozone, common concerns we share with much of the rest of the world.

My interest in this area goes back many years, prior to my days in the Senate, I headed up what was called the environmental task force in Ohio.

The Governor asked me to do that. Our deliberations over several months actually led to the establishment of the Ohio Environmental Protection Agency.

We are faced here with a Clean Air Act that is very complex and not easy to deal with because the interrelatedness of some of these parts is not all that clear.

The committee, with Senator MITCHELL, prior to his becoming our majority leader, Senator BAUCUS, Senator CHAFEE—all have been very much involved in this, and on an intimate and long-time basis. They have made the proposal here to embark on a path for clean air that can set an example for much of the rest of the world.

In this act, we have basically three parts. One deals with toxics, one with auto emissions, and one with acid rain. Through all of the debate and the maneuvering that has gone on with regard to this legislation, compromises have been worked out with regard to the toxics.

We know that certain toxic emissions are so dangerous that it is worthwhile to accept some base economic impact, some dollar figure that it is going to cost us if we go ahead and clean these things up. It will be passed along, obviously, in the cost of the product, whatever that product is.

But we know the danger outweighs the expense. Some of these things are immediately dangerous. So we accept certain limits.

An automobile compromise has been worked out with the auto companies, and while they do not like it, nevertheless, they have said they can do the first phase, at least. They have a can-do attitude about these requirements.

We come then to the third part of this Clean Air Act. That deals with acid rain. Acid rain remains a problem that has not been compromised. It has not been dealt with adequately.

Senator BYRD, with Senator ROCKEFELLER, has been admirable in bringing out one aspect of this legislation. That is that nothing is for free. There is no free lunch.

There is an economic impact, and we must deal with it. We cannot say we are just going to a pristine environment such as we had back in colonial days, and no matter what it costs we are going to get there. We do not live in that kind of a country anymore.

We have a very complex, industrialized society. For every requirement we enact there is an economic impact, there is a job impact, an employment impact, a small business impact, and those tabs must be paid.

These impacts go across the board. They are not just for the miners in West Virginia. It goes across the whole length and breadth of our land.

I compliment my distinguished colleagues from West Virginia for forcing our attention to this. It was a rather dramatic moment on the Senate floor the other night when we really had a good debate on this subject as Senator BYRD pointed out the difficulties his miners have in West Virginia, and what the impact would be of this legislation. He wanted to know basically if this legislation is worth putting thousands of people out of work.

The question of the value with regard to acid rain, not with regard to toxics and auto emissions, is still to be determined. Acid rain does exist. No one denies that. No one denies for one moment that we are going to have to clean this up over a period of time. But is it a clear and present danger?

If we say no, there is not that kind of imminent danger right now, then we have to weigh the costs and the benefits. We have to weigh what we are doing against the losses in jobs, against business lost, against our lessened ability to keep our products competitive for international trade.

Part of the equation we have not considered on acid rain is the scientific basis.

What is the science? What is the cause and effect? What do we know about what acid rain does, how it is transported, and what do we not know? What is the cause and effect? What does a 10-million-ton reduction do at the far end of the line in acid deposition? And not only that, if there is acid deposition, what does that really do to plant life?

We need to know how much a 10-million-ton program reduces acid deposition at the far end of the line. Is there any damage if acid rain is going downwind 800 or 1,000 miles? Beyond that, what will the reduction cost in dollars? What will the reduction cost in jobs? How will businesses be affected in international trade? In other words, what will we accomplish, and is the expense worth the effort?

So today I want to address a few of these things briefly. We can call this the science of acid rain, separating fact from fiction, if you will. I know very well that to bring up something this fundamental late in the legislative process is very difficult. But I want everyone to understand how these numbers developed and the best estimates of the affect this bill will have.

The reason we are so late in coming up with these figures is because the figures have not been developed sooner. They were not available last year when the bill was put together. They were not available 2 years ago. SO_2, sulfur dioxide, is a gas about which we know not enough to make some of the assumptions that we have made in this bill. I repeat, is the basis for a 10-million-ton reduction?

When we had meetings on acid rain, I kept asking in meeting after meeting, what is the basis for a 10-million-ton reduction? Why did we not put 9, 8, 7, 6, or 15? What is the basis for 10 million tons? I did not get an answer. No one seemed to know why a 10-million-ton reduction was the order of the day.

Then, finally, I was told by one of the proponents of the bill that the 10-million-ton figure came from the National Academy of Science's study. So, I went back and looked at that National Academy of Science study, and what did I find? Well, I found that the study was done in 1981, and it was followed very early in 1983 by a second study that said, no, the first study had been misinterpreted. They said that the Washington Post and Science magazine had misinterpreted their findings.

In 1981 the National Research Council issued a report titled "Atmosphere, Biosphere Interactions: Toward a Better Understanding of the Consequences of Fossil Fuel Combustion." The summary of the report stated:

> It is desirable to have precipitation with pH acid values no lower than 4.6 to 4.7 throughout such areas, the value at which rates of degradation are detectable by current survey methods. In the most seriously affected areas with average precipitation pH of 4.1 to 4.2, this would mean a reduction of 50 percent in deposited hydrogen ions.

I further quote:

> However, a change in pH, which is measured on a logarithmic scale, from 4.1 to 4.6, corresponds to a threefold decreases in deposited hydrogen ions rather than a twofold decrease.

Further, the report stated:

> The conclusion was misinterpreted in the press and by others, for example, in Science magazine, October 2, 1981 and A26 of the Washington Post for October 16, 1981, as a recommendation for a 50-percent reduction in emissions of the pollutant gases, sulfur dioxide and the oxides of nitrogen, that are precursors to acid precipitation.

They further state that since the original findings were misinterpreted, a second study was done. By the time that study was completed, the idea that we were going to cut 10 million tons and we were going to cut back approximately half, from existing levels, had become ingrained. That had become the conventional wisdom, if you will.

To further provide some historical background, I would like to discuss the National Acid Precipitation Assessment Program that was established in 1980 under Senator MOYNIHAN's leadership. This was planned as a 10-year study. Over this decade, the costs of that program have risen to a little over one-half billion dollars. This group has looked into the acid precipitation problem in more and greater depth than any study group ever to assess this particular problem. They have done some original research. They have reviewed all of the literature they could get their hands on. In one of their review pieces they say they considered over 5,000 separate studies and documents in trying to look into this very troublesome problem.

Where do we stand with their efforts? Although NAPAP was criticized at some points, over the last several years, I submit that they have been doing an excellent job; not only in reviewing literature, but in doing their own studies.

Where do we stand with their final report? The final report is due out later this year; however, a draft report was presented to an international conference, the Hilton Head conference, between February 11 and 16 of this year. That international conference had over 30 nations and some 700 scientists from all over the world, the best environmental scientists in the world, coming together to look at this report and review it.

The report is out and is divided into several different categories. Under each category, NAPAP reviews the state of science and the state of technology.

That review makes some reading. I do not know how many Senators have taken the time to go through this report. But it is the most broadly based analysis of current acidic effect and evaluation of future control approaches ever undertaken. There were approximately 300 authors and more than 100 peer reviewers involved in the creation of these reports. There are some 28 separate state of science and state of technology reports. I shall only address a couple of these at this point: The State of Science and Technology Report No. 16, Changes in Forest Health and Productivity in the United States; and the State of Science and Technology Report No. 18, Responses of Vegetation to Atmospheric Deposition and Air Pollution. Those are items that are of utmost importance to us today, because that is exactly what we are dealing with.

The findings under section 18 dealing with forests states:

> There is no evidence of a general or unusual decline of forest in the United States and Canada due to acidic deposition or any other stress factor. Moreover, there is no case of forest decline in which acidic deposition is known to be a predominant cause.

This is a very conclusive and significant finding.

Let us go to section 18, the section titled, "Responses of Vegetation to Atmospheric Deposition and Air Pollution."

In that particular assessment, food crops are discussed. In section 5211, the report states that based on the crop effects research conducted by NAPAP and other research programs, acidic precipitation in the United States is not responsible for regional crop yield reduction. That is pretty definite.

That section further states:

> Ambient sulfur dioxide concentrations by themselves are not responsible for regional scale crop yield reductions in the United States.

Let us go on to the section on forest ecosystems.

This section states:

> There is no evidence of widespread forest damage from current ambient levels of acidic rain in the United States.

The findings continue, and I quote:

> Ambient sulfur dioxide concentrations are not responsible for regional scale forest growth reductions in the United States.

Now, that would seem to me to be pretty definite.

Now we come to their conclusions. While this report is in draft form, in my meetings with the program director, we have talked to the people running the study and he indicated that there is little probability that any of these conclusions would be changed. I would be glad to quote from these conclusions:

> The models discussed in this report reinforce the plausibility of these mechanisms, given current level of understanding. But they also underscore the magnitude of our ignorance of these processes. In many cases the ignorance is basic: We do not understand tree growth under normal conditions very well, let alone under the impact of acidic deposition or ozone.

Mr. President, we can go through this report all day, but these findings show the type of assessment NAPAP is making regarding acid precipitation. There is not a direct correlation, not the direct correlation that a lot of people would have us believe.

I have a summary of each section of the NAPAP report. I ask unanimous consent for that summary to be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY

The following summary comments are keyed to the individual section numbers in the Detailed Comments section which follows:

1. SO_2 Emission Trends.—National SO_2 emissions decreased by approximately 25% from 1973–1983 and have remained relatively constant since that time. Without new controls, emissions may increase or decrease by as much as 20% between 1990 and 2010. Emissions are expected to decline from 2010 to about 2030 as pre-NSPS plants retire. New plant growth after 2010 could result in an increase in total emissions after 2030, when all pre-NSPS plants have been retired.

2. SO_2 Effects Categories.—Regional scale SO_2 effects are usually evaluated for surface waters, forests, crops, materials, human health and visibility (see items 3 through 8 below).

3. Surface Waters.—A percentage (0 to 6 percent of mid-Atlantic, northeastern and midwestern lakes and streams are acidic and a further percentage (0 to 18 percent additional) are highly sensitive to acidification (<50 μeg L acid neutralizing capacity [ANC]). Florida is a special case (see Table in Section 3.1). Biological impacts occur in some acidic and sensitive waters. In the Northeast, the time for biological recovery may be long, so that little near term benefit would be expected to result from rapid emission reduction. In the Mid-Appalachian Region, the time scale of acidification and/or recovery (chemical and biological) is an important unknown. It will be reported in the NAPAP 1990 Assessment. Preliminary findings suggest that in some mid-Atlantic subregions, significant acidification may occur within a few decades.

4. Forests.—Impacts from acidic cloudwater in combination with other stresses affect some high elevation spruce forests in the East. However, there is no evidence of widespread forest damage from acidic deposition. Long-term changes in the chemistry of some sensitive soils are expected, although it is uncertain whether this will affect forest health.

5. Crops.—SO_2 emissions do not reduce crop yields, except possibly on a local basis near very large sources. Crop plants are not sensitive to the wet deposition of acidic substances.

6. Visibility.—NAPAP has not conducted independent research on visibility effects or values. However, visibility benefits should be included in any assessment of SO_2 emissions reduction, and are being included in NAPAP's Integrated Assessment. Atmospheric sulfate particles derived from SO_2 emissions are a significant contributor to reduced visibility and emission reductions will lead to improved visibility.

7. Human Health.—NAPAP program has not conducted independent research on the "direct" effects associated with inhalation of SO_2 or its transformation products, which include acid sulfate aerosols. The health risks associated with acid aerosols are being evaluated by EPA for possible inclusion as a National Ambient Air Quality Standard. Reductions of SO_2 emissions would reduce risks associated with current loadings. NAPAP continues to evaluate the results of research conducted on the "indirect" health effects of acid deposition (e.g., related to mobilization of lead, mercury or other metals in acidic waters).

8. Materials.—Both wet and dry sulfur deposition accelerates the deterioration of carbonate stone, galvanized steel, paint, etc. Materials benefits would be greatest if deposition in urban areas is reduced, thus local sources need to be considered.

9. Nitrogen Oxide Emissions.—NO_x emission control will be beneficial in several regions. This favors the use of technologies that remove NO_x including low NO_x burners and clean coal technology (CCT) compared to the current generation of scrubbers in cases where controls may be required at existing plants.

10. Impact in Canada of U.S. SO_2 Emissions.—U.S. emissions reductions intended to benefit effects categories, e.g., surface waters, health and visibility, in the Adirondack area and New England will also benefit geographical areas in northeastern Canada. There is no supportable evidence, however, for widespread impacts on Canadian forests.

11. Economic Valuation of Benefits.—No comprehensive benefit evaluation is available, nor likely in the next year. Control strategy evaluations must necessarily involve both economic and physical measures.

12. Control Strategy Implications.—Enhanced energy conservation is the lowest cost means of emission reductions. Coal substitution and coal washing (where not already practiced) are low cost options for near term (e.g., by 1995) emission reductions. Clean Coal Technology (CCT) has many benefits (including reduced global cli-

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mate impacts) compared to current scrubber technology, but will need a post-2000 deadline (e.g., 2003-2005) for full implementation.

For its Integrated Assessment, NAPAP is evaluating the timing, magnitude, location, and costs of various control options. The issues revolve around the use of currently available techniques such as, fuel switching, coal cleaning, LIMB, duct injection, and scrubbing versus the next generation of clean coal technologies. The Clean Coal Technology Program will be resolving technical and economic questions of emerging techniques so that their performance and penetration rate can be determined.

13. NAPAP Assessment Reports.—NAPAP's fully reviewed reports (to appear in late-1989 and 1990) and the NAPAP International Conference in February 1990 are intended to assure credibility for the technical information generated by the program for use by policymakers in the development of acid rain control legislation.

1. SO_2 Emission Trends-Past and Projected:

1.1 National SO_2 emission rates have declined by 25 percent (from 32 to 24 million tons per year) between 1973 and 1988. Much of this reduction occurred in the Ohio River Valley and midwestern states. Most of the reduction had been achieved by 1983, and national SO_2 emission levels have been approximately constant during the past five years.

1.2 The fraction of SO_2 emissions from tall stack sources increased during the 1973-1988 period. As a result, the reduction in long-range transport has been less than the 25 percent reduction in emissions.

1.3 If no new control legislation is adopted, various projections of national SO_2 emissions during the next 20 years range between ±20 percent or more, compared to current levels, depending upon assumptions about energy demand, fuel mix and new control technology penetration rate at existing power plants. Beyond 2010, there is general agreement that SO_2 emissions will decline, as a result of the retirement of older, higher emitting plants.

1.4 For this memorandum, a maximum emission reduction of 12 million tons per year (50 percent decrease) was considered, in order to comment on the expected benefits in the case of the largest reductions proposed in the current acid rain debates. Smaller total decreases (e.g., 6, 8 or 10 million tons per year) would result in smaller benefits; however, the relationship between emission reductions and benefits may not be linear. Two schedules for the 50 percent reduction case were considered:

2000 Target: 50 percent decline (from 24 to 12 million tons per year) by 2000, with constant emissions after 2000.

2005 Target: A 25 percent decline (24 to 18 million tons) by 2000, a further 25 percent decline (18 to 12 million tons) by 2005, with constant emissions after 2005.

2. Effects Categories for SO_2 Impacts:

2.1 The following effects categories are usually considered when evaluating the potential regional benefits of SO_2 emission reductions:

Surface Waters: Effects on lakes, streams, and coastal estuaries—both chemical and biological.

Forests: Effects on unmanaged and commercial forests.

Crops: Effects on agricultural crops.

Materials: Effects on exposed construction materials and cultural resources.

Health: Direct (inhalation) and indirect (other pathways) effects on human health.

Visibility: Effects on visual range through the atmosphere.

2.2 Important Note: Ozone (and other oxidants) and nitrogen oxides also can cause effects in the above categories, as noted in the following sections. Such ozone and nitrogen oxide effects will not be improved by SO_2 emission reductions alone.

The extent of changes in effects which may arise from ozone and nitrogen oxide would depend on the selection of control methods which included reductions in more than sulfur emissions alone.

3. Sulfur Deposition Effects on Surface Waters:

3.1 Current Status of Surface Waters: A percentage (0 to 6 percent) of eastern and midwestern lakes and streams are acidic, and a further percentage (0 to 18 percent additional) of these lakes and streams are highly sensitive to acidification. Regional distributions of lake and stream acidity are summarized in the following table. While this survey information cannot be used to establish the cause of a water body's status, it provides a description of the number of acidic and very sensitive surface waters for the population sampled. Biological impacts are expected in acidic waters and may occur in sensitive surface waters. Snowmelt and intense summer storms can increase surface water acidity and lead to many more acidic waters than reported, particularly during biologically sensitive times of the year.

Region [1]	Status (number of lakes or streams in percent)	
	Acid (ANC < 0µeq L⁻¹	Most sensitive (ANC < 50µeq L⁻¹
Lakes [2]		
Northeast	5	19
Upper Midwest	2	15
Southern Blue Ridge	0	1
Florida [3]	22	35
Mountainous West	0	17
Streams		
Interior Mid-Atlantic	3	11
Mid-Atlantic Coastal Plain	6	24
Interior Southeast	0	5
Florida [3]	12	61

[1] Regions reported are as defined in NAPAP and EPA documents. Values reported are regional averages. Proportions of acidic and most sensitive surface waters within defined subregions are considerably lower or higher than this average.

[2] Small lakes (less than ten acres) were not sampled by EPA but in some areas (e.g., New York's Adirondack Mountains) are more likely to be acidic than larger lakes.

[3] Compared to other regions, it is better established that surface water acidity in Florida is the result of other processes in addition to acidic deposition.

3.2 Future Projections:

Indications are that the steady-state hypothesis holds in the Northeast, i.e., taken as a region, surface waters are in equilibrium with sulfur inputs. In the Southern Blue Ridge Province systems are not in equilibrium and are still absorbing sulfur. Assuming these conditions to be true, the following results may be expected.

The relationship between acidity changes and sulfur additions is complex. In general, percentage changes in sulfur will be accompanied by smaller changes in acidity.

3.2.1 Constant SO_2 Deposition: In the Northeast, little change will occur: few acidic systems will recover and few additional systems will become acidic. In the Southern Blue Ridge Province, significant changes could occur after the protective capacity of watersheds is exhausted (especially sulfate absorption capacity). Biological impacts will generally follow changes in acidity.

The Mid-Appalachian Region (part of the Interior Mid-Atlantic Region) is presently a key unknown. Significant research for this region is being completed and will be included in the NAPAP 1990 Assessment. This research was undertaken when EPA's National Stream Survey showed that sensitive surface waters occurred in some of the mid-Atlantic regions and the additional analyses suggest that significant acidification may occur within a few decades.

3.2.2 2000 Target Emission Reductions: In the Northeast, a percentage of systems will eventually improve chemically. This response will not be immediate since the watersheds will "bleed" sulfur into surface waters and a limited number of systems may continue to acidify. Due to the SO_2 reduction, more systems improve (chemically) than become acidic. Changes in acid neutralizing capacity will not be as large as change in sulfate. Biological recovery (e.g., self-reproducing fish populations) may require additional time. In the Southern Blue Ridge Province, the rate at which acidification occurs is slowed. Although there are few acidic systems at present, it is possible that some systems may become acidic in the future.

3.2.3 2005 Target Emission Reductions: Surface waters in the Northeast will respond similarly to the 2000 target case, except that the responses will be displaced in time, by less than five years. Recovery (chemical and biological) will occur but the response will not be immediate. Systems in the Southern Blue Ridge Province will continue to receive net increases in sulfur for an additional period. More systems may become acidic over this decade, but the additional number of acidified systems would be small.

4. Sulfur Deposition Effects on Forests:

4.1 Current Status: Preliminary indications suggest there is no widespread forest damage from acidic deposition. High elevation spruce forests in the eastern United States are effected by acidic cloud impacts, in combination with other stresses. At high elevations (>3400 ft) in the Adirondack and Green Mountains, the growth of red spruce has declined and mortality has increased (>50 percent dead.) Mortality in the Southern Appalachian Mountains is within the natural range but growth has declined. These forests represent less than 0.01 percent of the total eastern forested area. Cumulative effects of acidic deposition on some soils in the East may affect soil fertility in about 50 years. Sulfur deposition has changed soil nutrient status in the Midwest but this does not appear to have affected forest health.

The finding of "no widespread sulfur damage to forests" is widely acknowledged among most forest scientists, but varies from the views commonly reported in the media. NAPAP's state-of-science critical reports, with extensive reviews by all interest groups, are intended to assure credible findings on forest status. It is generally agreed that ozone reduces forest health in southern California and possibly also in some areas of the eastern U.S.

4.2 Future forecasts

4.2.1 Constant Sulfur Deposition: Continued decline of red spruce may occur at high elevation, although the remaining trees may be genetically more resistant to ozone and acid stress. Effects would occur only in association with another stress, e.g., drought, extreme low temperatures.

Some forest soils in sensitive regions in the East will exhibit reduced fertility from acidic deposition in about 50 years. This may affect forest growth.

4.2.2 2000 Target Emission Reduction: Current information suggests that only high elevation spruce growth would be improved if sulfur deposition were reduced. Although this represents less than 0.01 percent of the forests in the U.S., it is an important natural resource in our National Parklands. High elevation forests are also important in erosion protection. Possible changes in soil chemistry in sensitive regions in the East would be reduced and delayed if deposition were significantly reduced.

4.2.3 2000 and 2005 Target Emission Reductions: The reduction of stress on high elevation spruce growth would be delayed by a time of less than five years. Long-term (50-year) soil acidification improvement would be delayed slightly. Cumulative changes in the chemistry of sensitive soils would be reduced, but not as rapidly.

5. Sulfur Deposition Effects on Agricultural Crops:

5.1 Current Status: The yield per acre of most crops in North America has increased steadily over time for the past 60 years because of genetic improvements through crop breeding and improved management practices such as fertilization, irrigation and pesticide application. Year-to-year and site-to-site variations in crop yield are principally the results of natural environmental factors and management differences. Research indicates that crop yield is not impacted by acid rain. However, in many regions of the country, ambient levels of ozone reduce the yields of some crops by 1 to 15%.

5.2 Future Forecasts:

5.2.1 Constant Sulfur Deposition: No changes in crop yield are expected if current levels of SO_2 emissions continue.

5.2.2 2000 or 2005 Target Emission Reduction: No agricultural benefits are expected with any reductions in SO_2, except possibly on a local scale (within a few miles) near large smelters, refineries, or multiple point sources.

The benefits associated with the input of sulfur (a plant nutrient) to agricultural regions would be reduced if SO_2 emissions were reduced. This would result in higher sulfur fertilizer requirements to maintain optimal crop growth. Any control strategies that reduce ozone levels (e.g., NO_x reduction) would likely benefit agricultural production.

6. SO_2 Emission Effects on Visibility

6.1 Current Status:

Summertime visibility over much of the eastern U.S. has decreased to a current visual range of generally less than 20km for areas east of the Mississippi River, except for nothern New England, where it is 40 to 60km. Estimates of natural visibility in the East suggest background levels of visual range between 60 to 80km; substantially more than current levels in the East but still less than half of current western levels. Degradations in western visibility have not been as severe as in the East. Western visibility generally ranges from 100–200km.

In the rural East, reduced visibility results primarily from light scattering by fine particles, predominantly sulfate particles. In urban areas and in the rural West, light absorption and scattering by carbon particles is also important. The higher humidity in the East significantly increases the light scattering by sulfate particles compared to the West. Scenic vistas are affected by pollution at all 35 National Parks within the contiguous 48 states, and sulfate particles are the single most important factor in visibility impairment.

6.2 Future Forecasts:

6.2.1 Constant SO_2 Emission: Visual range would remain constant under current SO_2 emissions levels.

6.2.2 2000 or 2005 Target Emission Reduction: Visual range should improve immediately if SO_2 emissions are reduced, although quantification of the relationship is not yet possible. (Quantitative estimates are being prepared for the NAPAP assessment reports.)

7. SO_2 Emission Effects on Human Health

7.1 Current Status:

Both SO_2 and sulfate aerosols can result in bronchoconstriction in asthmatics and changes in mucociliary clearance. The SO_2 National Ambient Air Quality Standards (NAAQS) are met in most regions of the nation, and the remaining SO_2 nonattainment cases are subject to further regulatory control under existing Clean Air Act authorities. In 1985, the SO_2 NAAQS were exceeded in parts of 60 counties in 16 states.

Only a few direct measurements of ambient acidic sulfate aerosol concentrations have been made, and the highest measured levels are slightly lower than the concentrations which cause the effects mentioned above. However, some epidemiological studies suggest the possibility of long-term chronic effects resulting from exposure to high ambient levels of acid aerosol. EPA is currently considering the need for an acid aerosol ambient standard, and NAPAP is developing its analysis in close collaboration with the EPA regulatory decisionmaking.

Violations of the ozone NAAQS occur in many regions in the U.S. and it is likely that decrements in lung function occur in sensitive individuals in these areas.

Several indirect health impact mechanisms are being evaluated, including the possible mobilization of lead in low pH drinking water systems, and of mercury in lakes, with subsequent accumulation in fish used for food consumption. These studies are continuing; reported risk estimates will likely be low, but may not be negligible in all cases. (NAPAP's state-of-science reports to be released for public review in November 1989 will report on these risks.)

7.2 Future Forecasts:

7.2.1 Constant SO_2 Emissions: Chronic effects (if any) from acid aerosols would continue among sensitive individuals.

Indirect health risks (if any) would continue at approximately current levels.

7.2.2 2000 or 2005 Target Emission Reduction: Large-scale (50%) emission reductions would benefit individuals in those localities not currently attaining the SO_2 NAAQS. However, broad SO_2 emission reductions may not be a very inefficient means of achieving these benefits (i.e., if such emission reductions were not otherwise required).

Indirect health risks (if any) would be reduced. If significant indirect risks were confirmed, evaluation of specific emission reduction requirements in the affected regions would be necessary.

8. Sulfur Deposition Effects on Materials:

8.1 Current Status:

Acidic deposition increases the rate of deterioration of some building materials (e.g., galvanized steel and carbonate stone), some surface coatings (e.g., carbonate paint) and cultural resources (e.g., statutes). The relationships between acidic deposition rates and deterioration rates for various materials are not well quantified, and are currently being investigated. Because of the large overall external maintenance costs for structures in the nation, enhanced deterioration from acidic deposition could potentially be significant. This is problematic since no generally accepted estimates of maintenance costs resulting from all air pollution impacts (nor from acidic deposition specifically) are currently available. Also, no credible analysis of consumer maintenance practices has yet been done. Additional information on this issue is anticipated for the 1990 Assessment.

Since most of the nation's materials and cultural resources are in urban areas, the focus of control decisions is similar to health effects, i.e. local sources need to be considered. Emissions from a limited number of remote sources (e.g., power plants) may result in a less than proportional impact on urban structures.

8.2 Future Forecasts:

8.2.1 Constant Sulfur Deposition: Current levels of surface deterioration will continue. Local situations of corrosion and other air pollution impact have been described but larger regional patterns of damage (i.e., those which would benefit from large regional SO_2 emissions reduction) are not well-characterized and constitute a significant gap in our knowledge.

8.2.2 2000 or 2005 Target Emission Reduction: Emission reductions will, at a minimum, provide an additional margin of safety relative to possible regional scale materials impacts from acidic deposition. No estimates of specific benefits are currently available. (NAPAP will report on the materials benefits which may result from sulfur emission controls in its Integrated Assessment in 1990. Because of significant data and inventory limitations, specific projections are unlikely. However, bounding estimates will be reported.)

9. Importance of Nitrogen Oxide (NO_x) Emission Reductions:

NO_x emissions, which result from all combustion sources (i.e., both motor vehicles and stationary sources) can cause three types of effects on the regional scale:

Acidic deposition—typically 10 to 30 percent of that caused by sulfur oxides in the East. However, NO_x may be a major component of acidic deposition to the extent that it occurs in the West.

Ozone (O_3) is produced photochemically by NO_x and volatile organic compounds (VOC). The O_3 production or degradation rate depends on the local ratios and absolute amounts of NO_x and VOC. This is very important because of the widespread nonattainment of the O_3 standard.

Contribution to eutrophication of coastal waters—may be a significant contribution (10 to 20 percent) in some cases.

Nitrates, derived from NO_x may be important in some acute acidification episodes in surface waters.

In view of the possible effects, the question of NO_x controls should be addressed as part of any evaluation of SO_2 control strategy.

Current SO_2 scrubber technologies remove very little NO_x emissions. However, currently available low NO_x burners may achieve 30–50 percent reductions. Some of the Clean Coal Technologies now being demonstrated (fluidized bed combustors, advanced scrubbers) also remove 30 to 50 percent of NO_x emissions.

10. Impact of U.S. Emissions on Canada:

The principal impact of acidic deposition in southeastern Canada is the same as in the northeastern United States—acidification of a percentage of watersheds and lakes

> in geologically sensitive regions. Because of the large number of Canadian lakes in sensitive regions, this is a particular concern. Acidic deposition in both Canada and the United States results from sources on both sides of the border. It is generally agreed that the net transboundary flux of sulfur oxides is from the United States to Canada.
>
> Canadian government representatives frequently assert significant forest damage as a result of acidic deposition. (Indeed, some of the best documentation of severe forest damage from extremely high levels of sulfuric dioxide impact come from the Canadian experience near the nickel smelter in Sudbury, Ontario—the world's largest individual SO_2 source.) Most Canadian and U.S. scientists now agree that there is no scientific basis to relate widespread forest effects to current levels of deposition. Long-term cumulative impacts on the fertility of certain soils is being evaluated with respect to possible forest affects.
>
> Canadian representatives have expressed specific concerns about acidic deposition impacts on its sugar maple industry. Current information indicates that insert infestation and management practices significantly contribute to the observed impacts. Note: Canadian production of maple syrup was at a record high level in 1988.
>
> U.S. emission reductions intended to benefit effects categories (e.g., surface waters, health and visibilty) in the Adirondack area and New England will also benefit the principal areas of concern in Southeastern Canada.
>
> II. Economic Valuation of Benefits:
>
> NAPAP has avoided basing its assessments on explicit comparisons of the economic benefits and costs of controls, partly because only limited information is available on the economic values associated with some of the effects. NAPAP is currently conducting economic benefit evaluations in a limited number of situations, and will report on methodologies employed and specific results in its assessment reports.
>
> Because of the impracticality of developing credible benefit estimates for all impacts by 1990, NAPAP is evaluating alternate emission reduction strategies on a comparative basis, in order to report on strategies which achieve largest benefits (as determined by either physical or economic measures, as appropriate) for similar control costs.
>
> Because economic evaluation methodologies are not well agreed upon for all of the effects/benefits categories relevant to acidic deposition, NAPAP's comparative evaluation of control strategies recognizes three categories of benefits. Benefits in individual categories can be cross-compared for the various control strategies evaluated, but cannot be combined into a comprehensive dollar estimate of benefits. The categories are:
>
> (1) Health related benefits—having special public policy importance;
>
> (2) Economically evaluated benefits—including market estimates (e.g., productivity in commercial forests) and behavior base estimates (e.g., recreational use of lakes); and
>
> (3) "Conservation benefits"—including preservation of remote lakes and mountaintop forests, for which economic evaluation methods are not well agreed upon.
>
> 12. Control Strategy Implications Resulting From the NAPAP's Effects and Technology Analyses:
>
> The time scale for biological recovery of lakes and streams in the Northeast may be long in the Northeast so that little near term benefit would be expected to result from rapid emission reduction. The time scale and importance of other effects (lakes and streams in other eastern regions, possible health effects, materials impacts, forest response, visibility impacts) is still being evaluated. If the time scale of all significant effects is long, rapid imposition of controls will not result in significant near term benefits. This suggests that slower but less costly control strategies should be evaluated carefully. Specifically:
>
> There is general agreement that moderate emission reductions (e.g., 3 to 5 million tons of SO_2) can be achieved within approximately five years by currently available technology. This includes coal substitution, coal cleaning, LIMB, duct injection, and enhancements to existing scrubber technology.
>
> LIMB technology has been demonstrated for wall-fired boilers and is attractive from a cost-effectiveness standpoint for control of SO_2 and NO_2 emissions.
>
> Scrubber technology is continuing to advance with a focus on increased removal efficiency and reliability and/or reduced costs. The current technology is ready for implementation with known cost, performance and environmental impacts.
>
> Clean Coal Technologies, - including repowering and advanced energy conversion techniques, are being demonstrated. These technologies are potentially lower emitting and more cost effective than current technologies. The demonstration program will help develop these technologies as well as clarify their ultimate performance, cost, and penetration rates.
>
> The Clean Coal Technologies (CCT) currently being demonstrated have several significant advantages compared to the current generation of flue gas desulfurization (scrubber) technologies:
>
> Improved energy efficiency through greater kilowatt output per ton of fuel consumed (less CO_2 emissions and global climate impact).
>
> Significant NO_2 emission reduction (30-50 percent in some cases) not achieved by current scrubbers.
>
> More manageable wastes, compared to scrubber sludge.
>
> Potential future export markets (coal and combustion technology) for the United States.
>
> Wide deployment of CCT instead of scrubbers would require an extension of the deadline to achieve the full planned emission reduction beyond 2000 (i.e., to 2003-2005) unless a "crash program" of technology demonstrations is pursued.
>
> 13. Future NAPAP Assessment Reports on Benefits and Strategy Evaluation:
>
> NAPAP will complete a large series of State-of-Science and State-of-Technology reviews, and an Integrated Assessment reporting on comparative evaluations of control strategy options, during the next 16 months. All NAPAP documents will have extensive review by U.S. and foreign scientists, and interest groups concerned with acid rain issues. These NAPAP reports will provide the following:
>
> Credibility.—This is the most important scientific product of NPAP's work. Reasonable national agreement on the major cause-effect relationships, and the effectiveness of the planned control strategy, is most important. NAPAP's extensive scientific and public review procedures address the need for credibility. The NAPAP International Conference on Acid Rain, scheduled for February 1990, will be the most visible part of the extensive review process.
>
> Completion of scientific, technological and economic studies.—NAPAP will continue to provide decision-makers currently available information upon request, for analysis of legislative options, while its several key cause-effect analyses and other studies are being completed.
>
> Comparative evaluation of strategies.—These analyses will aid decision-makers in the evaluation of legislative options until a law is adopted, and will guide regulatory management in the years ahead.

Mr. GLENN. I would like to quote again from the NAPAP summary:

> The finding of "No widespread sulfur damage to forests" is widely acknowledged among most forest scientist but varies from the views commonly reported in the media. NAPAP's state of science critical reports with extensive reviews by all interest groups are intended to assure credible findings on forest status.

I would also like to quote from a Wall Street Journal article of March 6, 1990, by Fred Singer. Fred Singer is a professor of environmental sciences at the University of Virginia. The title of his article is "The Answers on Acid Rain Fall on Deaf Ears."

> The benefits in terms of reduced damage are uncertain and at best quite small.
>
> This appears to be the conclusion of the National Acid Precipitation Assessment Program (NAPAP), which is just completing a 10-year scientific study. This monumental federal program may be worth every penny of the half billion dollars spent—if only it substantiates that the ecological damage from acid rain would take decades, not years, to occur, if it occurs at all. There is time for measured responses that avoid the costly mistakes that come from panicky over-reaction.
>
> Acid deposition, commonly referred to as acid rain, occurs when sulfur dioxide and nitrogen oxides, emitted from fuel-burning power plants, motor vehicles and other man-made and natural sources, are transformed into acid compounds. Carried by the winds, they either fall out in dry form or rain out in water droplets, often quite far from their sources of emission. The scientific debate has been about the precise relationship that the levels and locations of emissions have with the acidity and locations of the rain.

And so on. Then this part:

> NAPAP brings some answers to these debates. First, America's best-kept secrets: From 1973 to 1988, sulfur dioxide emissions decreased 23%, to 24 million tons, despite a 45% increase in coal use; nitrogen oxides have declined 14% since a 1978 peak. Both decreases are the result of current clean-air laws.
>
> And now the kicker, the outcome of this grand experiment in emissions reductions: "No apparent trend in the acidity of rainfall has been detected." "Because of complex atmospheric reactions, percentage reductions in emissions may not result in similar percentage reductions in depositions," he added. Thus the relationship is not at all proportional—as was claimed in a 1983 National Academy of Sciences report, widely used as the basis for proposals to cut sulfur dioxide emissions, including the Senate bill.

The article goes on:

> NAPAP also counters the common wisdom that acid rain effects are caused only by

sulfur dioxide from industrial sources. The Adirondacks, Catskills and Poconos are all downwind from major sulfur dioxide sources in the Midwest, yet according to NAPAP; only 11% of the lakes in the Adirondacks and 2% of those in the Catskills/Poconos have enough acidification to damage fish. Mostly small lakes are affected, further suggesting that local geology and soil drainage may be a contributing factor in acidification.

Another surprise: Except for red spruce at high elevations acid rain hardly seems to bother trees, and may even contribute to fertilization. Similarly, agricultural crops are sensitive to ozone, but not to acid rain. Acid rain's effects on materials, buildings and statues are difficult to quantify. In spite of lurid claims by the American Lung Association, there is no solid evidence on health effects. Finally, acid droplets do cause some deterioration of visibility, but so do all participants, including sand and dust.

So what's all the fuss about? Asking this question about the emperor's clothes got a former NAPAP director into trouble. His successor, Mr. Mahoney, had to admit to Sen. Daniel Patrick Moynihan (D., N.Y.) at the October hearing that even heroic efforts to reduce emissions may not improve small lakes located in acidic drainage basins—certainly not very quickly. Treating these lakes with lime every few years would be far more cost-effective.

Acid rain has become a symbol of national sin—the sin of prosperity—calling, it seems, for national expiation. We offer in sacrifice jobs and economic growth. Scientific evidence no longer seems to matter; nor does an analysis of the cost of controls vs. the benefits that might be achieved. The odds are that the debate in Congress on the Clean Air bill continue to ignore the NAPAP results—the only scientific basis for determining benefits—since NAPAP doesn't produce the answer that regulators want to hear.

Why does the bill still call for a sulfur dioxide reduction of 10 million tons? Why not two million, or five million, or even all 24 million tons? It's hard to answer this when there is no cost-benefit analysis to guide policy. Yet everyone knows that as the degree of control is raised, costs escalate wildly while benefits increase only slightly.

The rest of the article goes on to make some suggestions.

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 6, 1990]

THE ANSWERS ON ACID RAIN FALL ON DEAF EARS

(By S. Fred Singer)

A billion-dollar solution for a million-dollar problem: This is perhaps a facile way to summarize the acid-rain issue, but it's not far from the truth. The proposal to control emissions that could spur acid rain—now being debated on the Senate floor as part of the Clean Air bill—could cost $5 billion to $10 billion a year; the benefits, in terms of reduced damage, are uncertain and, at best, quite small.

This appears to be the conclusion of the National Acid Precipitation Assessment Program (NAPAP), which is just completing a 10-year scientific study. This monumental federal program may be worth every penny of the half billion dollars spent—if only it substantiates that the ecological damage from acid rain would take decades, not years, to occur, if it occurs at all. There is time for measured responses that avoid the costly mistakes that come from panicky over-reaction.

Acid deposition, commonly referred to as acid rain, occurs when sulfur dioxide and nitrogen oxides, emitted from fuel-burning power plants, motor vehicles and other man-made and natural sources, are transformed into acid compounds. Carried by the winds, they either fall out in dry form or rain out in water droplets, often quite far from their sources of emission. The scientific debate has been about the precise relationship that the levels and locations of emissions have with the acidity and locations of the rain, and about the severity of the ecological effects. The policy debate has been about the degree and timing of emission control and about who—and what sectors and what regions—should pay the bills (read: billions) that ultimately are passed on to consumers.

NAPAP brings some answers to these debates. First, America's best-kept secrets: From 1973 to 1988, sulfur dioxide emissions decreased 23%, to 24 million tons, despite a 45% increase in coal use; nitrogen oxides have declined 14% since a 1978 peak. Both decreases are the result of current clean-air laws.

And now the kicker, the outcome of this grand experiment in emissions reduction: "No apparent trend in the acidity of rainfall has been detected," according to James Mahoney, director of NAPAP, in October testimony before Congress. "Because of complex atmospheric reactions, percentage reductions in emissions may not result in similar percentage reductions in depositions," he added. Thus the relationship is not at all proportional—as was claimed in a 1983 National Academy of Sciences report, widely used as the basis for proposals to cut sulfur dioxide emissions, including the Senate bill.

NAPAP also counters the common wisdom that acid rain effects are caused only by sulfur dioxide from industrial sources. The Adirondacks, Catskills and Poconos are all downwind from major sulfur dioxide sources in the Midwest, yet according to NAPAP, only 11% of the lakes in the Adirondacks and 2% of those in the Catskills/Poconos have enough acidification to damage fish. Mostly small lakes are affected, further suggesting that local geology and soil drainage may be a contributing factor in acidification.

Another surprise: Except for red spruce at high elevations, acid rain hardly seems to bother trees, and may even contribute to fertilization. Similarly, agricultural crops are sensitive to ozone, but not to acid rain. Acid rain's effects on materials, buildings and statues are difficult to quantify. In spite of lurid claims by the American Lung Association, there is no solid evidence on health effects. Finally, acid droplets do cause some deterioration of visibility, but so do all particulates, including sand and dust.

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Acid rain has become a symbol of national sin—the sin of prosperity—calling, it seems, for national expiation. We offer in sacrifice jobs and economic growth. Scientific evidence no longer seems to matter; nor does an analysis of the cost of controls vs. the benefits that might be achieved. The odds are that the debate in Congress on the Clean Air bill will continue to ignore the NAPAP results—the only scientific basis for determining benefits—since NAPAP doesn't produce the answer that regulators want to hear.

Why does the bill still call for a sulfur dioxide reduction of 10 million tons? Why not two million, or five million, or even all 24 million tons? It's hard to answer this when there is no cost-benefit analysis to guide policy. Yet everyone knows that as the degree of control is raised, costs escalate wildly while benefits increase only slightly.

The proper course is not hard to find. With no impending catastrophe on the horizon, the current improvements due to existing clean-air laws should be speeded up by easing certain restrictions rather than by imposing new ones. For example:

Encourage policies that lead to a more rapid replacement of old power plants and / of older, heavily polluting cars.

Allow a free choice of the technology or of any other measure to reduce emissions, coupled with an expanded system of flexible emissions trading.

Increase the utilization of existing nuclear plants.

Conserve more energy wherever it makes economic sense.

Only after this first stage of emission reductions has been exhausted, and any reduction in acid rain documented, should legislators even consider the more drastic control measures that threaten the economic well-being of Americans.

(Mr. KERREY assumed the chair.)

Mr. GLENN. Mr. President, there is another article I also ask unanimous consent for inclusion in the RECORD of articles from the New York Times and the Washington Times.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 20, 1990]

WORST FEARS ON ACID RAIN UNREALIZED

(By William K. Stevens)

HILTON HEAD, SC.—A 10-year, half-billion-dollar federally sponsored investigation is concluding that acid rain causes some significant environmental damage but far less than initially feared.

"The sky is not falling, but there is a problem that needs addressing," James R. Mahoney, the director of the National Acid Precipitation Program, said as about 700 scientists from more than 30 countries gathered here last week to digest, pick apart and argue about the results of hundreds of studies that will form the basis for the program's final report to Congress later this year.

"Acid rain does cause damage," Dr. Mahoney said, "but the amount of damage is less than we once thought, and it's much less than some of the characterizations we sometimes hear."

Some of the program's findings are riddled with uncertainty. Some scientists at the Hilton Head review, moreover, criticized

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the assessment as prematurely concluding that acid rain is causing little harm to American forests. And Canadian scientists charged that the assessment understated the problem in their country, a problem to which, it is generally agreed, the United States greatly contributes.

But Dr. Mahoney said that while there is "a great deal of room, still, for debate and interpretation," the extremes of the debate—the view that acid rain represented an imminent environmental disaster, and the opposite view that it was not a problem—have now been eliminated.

The Federal research program, created by Congress in 1980 to provide the Government with a definitive study of acid rain, has engaged the efforts of hundreds of scientists. Last week's meeting was meant to be the last major critical scientific review of the findings, among them these major ones:

In the United States, fewer than 1,200 lakes have become fully acidified. Little can live in them, and acid rain is mostly responsible. This is about 4 percent of all lakes in areas where acidification might be expected. Earlier, it had been feared that thousands of lakes would be fully acidified by now. In the Northeast, where most of the concern has focused, those lakes that are going to become acidified have already done so. An additional 5 percent of American lakes on which acid is thought to fall, while not necessarily fully acidified, are acidic enough to threaten some species of aquatic life.

Except for red spruce at high elevations in the Eastern mountains, there is no evidence that acid rain has caused a general decline of American forests. But a sizable minority of scientists at Hilton Head argued that because this part of the research effort is relatively young, and because new, provocative but unevaluated data are still coming in, the door was being closed too soon. Furthermore, they argued, the report on forests had given short shrift to the possibility that over the long term, acid rain causes nutritional deficiences in trees by altering soil chemistry.

There is no evidence that acid rain in the United States harms crops.

Acid rain and dry acid particles in the atmosphere could pose a health risk to asthmatics, people with heart or lung disease, children and the elderly, either alone or in concert with other pollutants such as ozone. Symptoms include wheezing, shortness of breath and coughing. But, citing uncertainty surrounding the issue, the study report said the health risk was speculative at this time. The study found also that acidic deposition might cause the chemical release in the environment of enough lead to affect health. The level of risk, if any, is not yet determined.

In the Eastern United States, sulfates of the kind borne by acid rain are the dominant cause of haze and reduced visibility, accounting for half the degradation of light. Sulfur emissions have been the major contributor to Eastern haze since the late 1940's.

Acid rain damages such construction materials as marble and limestone and causes a number of metals and alloys to corrode more rapidly. At particular risk are an estimated 35,000 historic buildings and 10,000 monuments in the Northeast.

DEBATE IN CONGRESS

Congress is debating proposed amendments to the Clean Air Act. Acid rain is one target of legislation, introduced by the Bush Administration, to amend the law. Industries, electric utilities in particular, would be required to reduce emissions of sulfur dioxide and oxide of nitrogen by 10 million tons and 2 millon tons a year, respectively, by the year 2000, at a cost estimated by the Environmental Protection Agency at $22 billion over the next decade.

Sulfur dioxide and nitrogen oxides, produced by the burning of coal, oil and natural gas, are the precursors of acid rain. In the atmosphere, they react with water and other chemicals to form sulfate and nitrate compounds that can be carried hundreds of miles by air currents before they are deposited on the earth by rain, snow, sleet, mist, fog or clouds. Dry sulfur dioxide and nitrogen oxides also sometimes fall to earth nearer the point of origin.

In broad perspective, say Dr. Mahoney and some others associated with the Federal study, acid rain cannot be seen as ranking at, or even near, the top of a present-day priority list of environmental issues that also includes urban air pollution, destruction of tropical forests, depletion of the earth's protective ozone layer and the possibility of global climate change.

"I completely disagree with that," Deborah A. Sheiman of the Natural Resources Defense Council, an environmental advocacy group, said as the conference was ending. Not least, she and others said, this is because in one respect, there are more reasons, not fewer, to be concerned about acid rain today than there were 10 years ago. Then, the concern focused on damage to lakes and streams in the Northeast. Now it involves lakes and streams in other regions as well, along with forests, human health, atmospheric visibility and damage to materials.

Ten years ago, Dr. Mahoney recalled, some environmentalists predicted that within a decade, acid rain would increase by tenfold the acidity of thousands of lakes in the United States. In fact, the research shows the acidity actually increases by up to fivefold over 20 to 50 years, and far fewer lakes are involved. (Tenfold is equal to one point on the 14-point pH scale, which is the standard measure of acidity and alkalinity. A pH of zero is totally acid; of 14, totally alkaline. Seven is neutral.) Damage to aquatic life begins to take place below a pH of 6, according to findings presented at Hilton Head. The Federal study found that 9 percent of lakes in areas of the United States known to be targets for acid rain had acid levels below pH 6, and that 4 percent were totally acidified. These lakes, though a small fraction of the national total, were concentrated not only in the Northeast, as had long been suspected, but also in Appalachia, on the mid-Atlantic coastal plain, in northern Florida and in contiguous parts of northern Wisconsin and the Upper Peninsula of Michigan.

The survey also found that 2.7 percent of streams in areas where acid rain falls from the sky were acidic, and that many streams in the Appalachians were vulnerable to future acidification.

"I'm not saying there's no problem," said Dr. Mahoney. "But we don't have very rapid decay of large numbers of lakes." While many lakes will recover once no more acid falls into them, he said, the recovery will take some years.

QUESTIONS ABOUT CANADA

The Federal study incorporates data from Canada showing that 5 percent of a sample of 8,500 Canadian lakes were acidified. If that is an accurate sample of the whole, it would mean that perhaps 14,000 Canadian lakes are fully acid. And about a quarter of the Canadian lakes sampled had a pH of 6 or less. Canadian scientists say that perhaps 150,000 lakes could fall in this category.

By treating these findings separately, burying them in the body of the study, leaving them out of the summary and generally underplaying them, the scientists "greatly diminished" the extent of the Canadian problem, contended Tom Brydges, a lakes expert from Environment Canada, his country's environmental agency.

Lawrence Baker of the University of Minnesota Water Resources Center, who was the chief author of the lakes report, said that ideally, the Canadian data should be integrated with the overall study. But he said it was unclear whether the Canadian sample was a true random sampling of Canadian lakes. Further, he said, the two studies did not examine the same variables.

"I'm not exactly sure if it can be resolved, scientifically speaking," he said.

The Canadian objection is being taken seriously, said Patricia Irving, the associate director of the Federal study and its science coordinator.

A major purpose of the Hilton Head meeting, she said, was to uncover and ventilate just such concerns before the final report.

At the levels at which acid is now being deposited in North America, the study found that with the exception of Eastern red spruce at high elevations, there is "no evidence of widespread forest damage." Moreover, it found that acid rain "is not associated with crop damage." The real villain, it found, is ozone, which "is capable of regional-scale crop growth and yield reduction" and is "the pollutant of greatest concern" with respect to forests.

Beyond that, the reports on forests and vegetation generated considerable contention.

There is wide agreement that to the extent acid rain does harm forests, it is just one of many stresses, including natural ones such as drought and cold. Scientists say it is extremely difficult to sort out cause and effect. Moreover, critics at Hilton Head said that data collection on forests was still going on and not that much information was in hand.

The study was also criticized for drawing a sweeping conclusion that hardwoods like the sugar maple are not harmed by acid rain. Some studies in Canada suggest the opposite, and critics said that the door should not be closed just yet.

And in one of the biggest reservations on the forest issue, a number of scientists said that there was much evidence that acid rain changes the balance of nutrients in forest soils. Some scientists, in fact, are convinced that there is no doubt that acid in some soils not only robs the soil of nutrients but also interferes with the ability of trees to absorb them. Some members of the forestry study group said that this would have to be reevaluated, and that new information might have to be sought, before a final report is issued.

[From the Washington (DC) Times, Mar. 20, 1990]

BYRD'S KILLER AMENDMENT

(By Warren Brookes)

Today the Senate returns to debate the Clean Air compromise forged by Senate Majority Leader George Mitchell, Maine Democrat, and the White House. Its fate may well hang on the first amendment it will take up, whose author, Sen. Robert Byrd, West Virginia Democrat, has proved again he still is a master political strategist.

Mr. Byrd's amendment calls for paying about $130,000 in "impact" assistance to each of the 5,600 soft-coal miners expected to lose their jobs due to this bill—a total cost of $730 million.

With this single outrageously bold stroke, Mr. Byrd has forced Congress and the administration to consider for the first time the real economic consequences of their green flirtation and weigh them against the remarkably slender ecological benefits. That already produced one of the best debates this town has seen.

On Thursday, March 8, between 11:00 p.m. and 1:30 a.m., C-SPAN viewers and 80 senators on the floor were treated to high drama from two old protagonists that produced light instead of heat.

No sooner had Mr. Byrd spelled out his own revised proposal than Senate Minority Leader Robert Dole, Kansas Republican, rose to the point:

"If we are going to do this for coal miners, there are 14 other industries that are going to be impacted. What happens to them? How many thousands of workers are not going to get benefits?"

Mr. Dole said the administration is already terrified over the implications: "If this amendment is adopted what happens to this bill? They said, 'That is it. It is over.' I have been told flat-out that it would kill the [clean air] bill." That's a frank admission that the administration acknowledges massive real job losses.

Then, in the guise of attacking the Byrd proposal, Mr. Dole proceeded to administer what looked like Clean Air's coup de grace. He cited a remarkably conservative estimate made by two first-rate economists, Wilbur Steger and Robert Hahn of Carnegie Mellon University, for the industry Clean Air Working Group which shows the immediate job loss of the Clean Air Bill will be 220,000 to 1 million jobs, with 3 million jobs put at risk:

Said Mr. Dole: "Nobody disputes the impact it is going to have on the coal industry, but that is not the only industry. It is not only workers; it is employers. Some people will not be able to buy cars because they will not have a job. So it affects those employees, too. It has a ripple effect." How big is that ripple? On air toxics alone, "It has been estimated we are going to lose between 20,000 and 200,000 jobs. Those jobs are going to be lost in 15 industries." Mr. Dole then intoned them by name, coke ovens, petroleum refineries, pharmaceuticals, pulp-and-paper mills, steel foundries, etc. As the spoke, senators mentally began counting constituents.

"I do not care if it is $800 million or $8 billion. It is going to help 5,000 while ignoring up to 200,000. There is such a thing as basic fairness. In West Virginia, for example, there are 5,601 coal miners at risk but there are 7,332 chemical-industry jobs also at risk, and 9,373 primary metals jobs at risk.

"In my state of Kansas 7,500 transportation-equipment workers would be at risk, 2,900 electrical goods and sanitary-service jobs, 1,700 rubberworking and miscellaneous jobs and 1,200 petroleum refinery and related jobs."

In short, Mr. Dole said, "The administration says this is not going to cost $800 million. . . . It is going to cost billions and billions of dollars." True-confession time had finally arrived.

Mr. Dole then entered into the Senate record a state-by-state table showing air toxics alone put at risk some 2.4 million jobs; permitting costs for small business will risk 1.1 million more; acid rain directly risks some 232,000 (See Table.)

When Mr. Dole finally sat down, the fat was in the fire. Sen. Wendell Ford, Kentucky Democrat, a cosponsor of Mr. Byrd's amendment jumped up and said what was on the collective mid-American political mind:

"The distinguished Republican leader gave the most devastating speech against this bill anyone can give on the floor of the U.S. Senate. We talk about products coming into this country and costing jobs. Well, I will guarantee it is going to cost hundreds of thousands of jobs with this bill."

Mr. Ford then spoke movingly about the life of miners in his state and their sacrifices in war and peace, noting "all of a sudden we say to them, "We are going by public policy to put you out of work.' "

Sen. Edward Kennedy, Massachusetts Democrat, then got up and supported the Byrd amendment, citing the precedent of trade-impact assistance: Will this nation take care of its people, too, when we vote for clear air or for cuts in military spending?

Sensing the demise of his extremist environmental agenda, patrician greenie Sen. John Chafee, Rhode Island Republican, complained that coal miners had already been paid handsomely, concluding: "Does anybody think if they vote for this amendment that they can go around the country and say, 'Hey I am for clean air. It is just I happen to be for this amendment.' By voting for this amendment, we will kill this legislation."

But Sen. Phil Gramm, Texas Republican, picked up Mr. Dole's theme: "In my state, we are talking about the loss of 38,372 jobs in chemicals, 19,813 petroleum-refining jobs, 12,518 jobs in the electric and gas industry. If we make a decision to adopt this amendment, we should be prepared to . . . extend these benefits to every worker in America that loses his or her job as result of the adoption of this bill."

No wonder, in a desperate effort to head this off, the Environmental Defense Fund now is backing Idaho Republican Sen. Steve Symms' "Bright Light" proposal to let workers decide if they will live with more than one in 1 million risk, instead of shutting down.

Whereupon, Sen. Warren Rudman, New Hampshire Republican, the acid-rain drumbeater, having listened to "the chilling statistics," wondered if such loss decisions were even warranted:

"I must say in all frankness that I still have doubts in my own mind about some of the scientific evidence that exists. There are more reports coming out. It would be ironic if the reports come out and we find we solved the wrong problem."

Or, as the massive $600 million National Acid Precipitation Assessment Project report recently implied, no problem, or at least none that is worth $5 billion to $7 billion a year and 232,000 jobs. Indeed, all the lakes in Mr. Rudman's beloved Northeast could be limed for less than $1 million a year and achieve more real results. NAPAP called it "the most effective mitigation method."

Mr. Rudman then said it all: "If in fact we are going to lose between 250,000 and 400,000 jobs in the next two years, then quite frankly I think you all ought to be going back to the drawing board."

Good advice. No wonder the Bush administration is pushing so hard against Mr. Byrd's amendment. The administration's ill-designed boondoggle cannot stand the economic or ecological test of real jobs lost.

JOBS AT RISK FROM BUSH/MITCHELL BILL

Large States only	Air toxics (1x10.6) [1]	Permitting (Small bus.)	Acid rain	Total
Total	2,414,804	1,114,088	231,895	3,760,787
Alabama	56,412	9,438	4,890	70,740
California	132,991	210,243		343,234
Florida	26,619	30,781	7,599	64,999
Georgia	51,433	22,019	6,329	79,791
Illinois	109,660	79,707	6,250	195,617
Indiana	155,798	16,788	28,558	201,064
Kentucky	37,506	11,334	9,000	57,840
Louisiana	38,894	7,757		46,651
Maryland	27,169	29,526	10,502	67,197
Michigan	181,083	36,272	3,464	220,819
Missouri	87,336	25,914	21,442	134,692
New Jersey	43,817	90,458	69	134,344
New York	140,458	98,652	8,570	247,680
North Carolina	114,736	27,427		142,163
Ohio	210,170	69,351	46,780	326,301
Pennsylvania	135,015	71,533	24,714	231,262
Tennessee	92,377	17,833	8,305	118,515
Texas	114,967	69,377		184,344
Virginia	107,378	19,642		127,020
Wisconsin	74,949	16,731	26,437	118,117

[1] Assumes maximum available control technology with shutdown for failure to achieve residual risk of less than 1 in 10,000, rising to 1 in 1,000,000. Standard was slightly modified in Mitchell White House compromise from "maximum exposed individual" to "maximum REAL exposed individual" as an option to plants willing to do costly demographic and exposure studies.

Source: Economists Robert Hahn & Wilbur Steger, Analysis of Clean Air Bill S. 1630 for Clean Air Working Group, February 1990.

Mr. President, in addition to these articles I would like to insert in the RECORD an excerpt from a letter from the NAPAP Director to Congressman JOHN DINGELL.

If emissions or deposition were to change by 7% to 13%, the regional patterns of the effects of concern (e.g., aquatic systems, high elevation red spruce, materials degradation, health risks and visibility degradation) would likely change, but such changes would not likely be measurable. It is unlikely that differential environmental effects over large regions could be measured between cases where the national emission levels would differ by one or two million tons.

In other words, whether we set the level at 8 million tons or 10 million tons or 12 million tons it is inconsequential to damage to the ecological systems. But, we know that the costs go straight up in the air. The costs of going from an 8- to a 10-million-ton programs increase by 50 percent. Yet, at the far end of the line, you cannot even tell the difference.

Mr. President, there are other factors that influence the impact of acid rain on ecosystems. There factors include national variability such as various weather patterns for example we find in Adirondacks, 14 percent of the lakes are acidic. But in Florida, where they are not downwind of any sulfur dioxide sources, 22 percent of the lakes are acidic.

Mr. President, I would like to briefly discuss some other elements of acid rain consideration. First, the issue of fairness. I find it difficult to accept legislation that leaves out about one-third of the emitters in the country. In addition, managers of the bill have talked about the allowance system in the Acid Rain Program. They say the

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West needs allowances to grow. Mr. President, the Midwest needs allowances to survive. We have people who are going to be tossed out of work.

Originally, I tried to address the equity issue by including a cost-sharing program based on a fee or electric generation plan. That did not get very far. Last year I tried the appropriations process and did not get very much support there. Senator METZENBAUM still has pending an amendment for a tax credit. I am cosponsoring that amendment. We in the Midwest have worked hard to achieve equity under the Acid Rain Control Program.

Mr. President, I am very concerned about enacting acid rain control legislation before we have the NAPAP report. I am not against new requirements for cleanup. I want to see us have as clean an environment as anyone else, but I want to see that the requirements are realistic.

I want to see us base our actions on facts and not on long-held misconceptions.

I wish it were possible, and maybe it is still possible, for us to set up a meeting with Senators who might wish to meet with Mr. Mahoney and talk with him, as I did the other day for about 2½ hours.

But, we still have some options that can be discussed. One, can we lengthen the time for final compliance? Does that really hurt us much? What would happen if we went out to 2005 for the final compliance date so that communities, businesses, and employers can adapt to this on a less precipitous schedule?

Second, is there time to reduce to 8 million tons that 10-million-ton requirement that is in the bill now? Although I know this would be difficult, I hope Senators will review this option in light of the NAPAP report.

Third, another option is to pass the toxics and auto emissions and hold the acid rain until NAPAP issues its final report.

Mr. President, I find it difficult to support this part of the clean air bill. I am very concerned that we deal fairly not only with the toxics, as I think we have, not only with auto emissions, as I think we have, but I want to see us deal with facts and not fiction where the sulfur dioxide emissions are concerned.

I hope the distinguished floor manager of the bill comes back shortly because there are a series of questions I would like to address to him before we move on to other things.

I know the distinguished Senator from New York, who started the NAPAP study a decade ago, has some observations on this. I yield to him for whatever comments he might wish to make. Then I will have some remarks later.

I hope the distinguished floor manager comes back shortly. There are some questions I would like to address to him.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to thank the distinguished senior Senator from Ohio, a man who is as close to a scientist as anyone we have in the Senate today; a man who history will recall for his role in the Space Program of the 1960's, and who is the first Member of this body who has tried to respond to the data from NAPAP regarding acid rain and has done so with a characteristic control of the fact. Perhaps he would allow me to state just a few facts and lend a certain perspective from someone who is now in his 12th year on this subject.

The first thing is to say, as I said in an opening statement 6 weeks ago on this bill, that the ethic of environmentalism is nothing if it is not an ethic of responsibility. Our first responsibility has to be to facts, and we have to understand that facts are not threatening. To the contrary, it is their absence that can put the cause of environmental protection in jeopardy.

Perhaps I can give the Senate a brief history of how this program came about. It began innocently enough as a trout fisherman's measure. There had been noticed a pattern of the depopulation of high mountain lakes in New York's Adirondacks of fish species.

Dr. Carl Schofield at Cornell had figured out the pattern. What was happening is that acidic rains—more than normally acidic rains that is; normal rain is acidic—was releasing inorganic aluminum from the granite bedrock in the area, and this was interfering with the ability of fish to breathe.

The Canadians shared this concern. In 1979, I put in the bill that became the following year the Acid Precipitation Act of 1980. If I can say, I did this in the spirit that one would hope to see environmental legislation proceed, which is, through a longitudinal, careful, quantified, and refereed experiment.

This is not always glamourous work. It is invariably protracted, prolonged work. The history of science in our age has been a wonderfully romantic one. Such as Leo Szilard waiting for a traffic light to change in London in 1934 and thinking of fission or two of the great Nobel physicists of the early 20th century—Paul Dirac and Weiner Heisenberg—being taken to Stockholm by their mothers.

Nobody working on acid rain, winning a prize in Stockholm or elsewhere, will be taken there by their mothers. More likely, they will be accompanied by their grandchildren. Such is the nature of the work. Knowledge is not gained through sudden inspiration. Rather, it is won through years of what can be very tedious work.

The second thing I want to say is that the news about acid rain is good news. I had no sense in 1979 what the answer would be. Basically, what we have been faced with is the question of whether this process was linear; whether there is a fairly direct relationship between the amount of acid precipitation and the amount of acidic damage, if you will.

I think it may be said that we find this not to be the case. We find, roughly speaking, a situation where there are certain geographic areas of vulnerability, and the amount of damage that could happen has pretty much happened. How much more will happen is a matter of conjecture, but in no sense do the current data seem to suggest that, at least for the Northeast, that things are likely to get too much worse.

I would like to point out that this data was available to the committee as we drafted the final bill. It came in late, but on October 5, we held a hearing, and by then the work, which is still being reviewed, had been gone over a first time by the NAPAP Oversight Review Board.

Let me take this occasion to express appreciation to Dr. Mahoney and to Mr. Reilly for the work they have done to establish this Board.

This Review Board, established in August 1989, at the behest of Mr. Reilly and Mr. Mahoney, is of world class. The names begin with Kenneth Arrow, who is a Nobel Laureate and professor of economics at Stanford.

You have, importantly, Dr. Simon Levin, who is the director of the Center for Environmental Research, and Charles A. Alexander professor of biology at Cornell University.

I was very happy to see that we were able to get Dr. John Gordon, who is dean of the school of forestry and environmental studies at Yale; Dr. John Tukey, professor of statistics emeritus at Princeton and former associate executive director of research at Bell Laboratories.

The Canadians were involved: Dr. John Bailar, who is on the faculty of the department of epidemiology and biostatistics at McGill University, and who has been a science adviser to the Department of Health and Human Services. He is the statistical consultant for the New England Journal of Medicine, one of the great science publications of the world today, a more prestigious group you could not find.

In effect, they reviewed the data, and they said the data is of the quality adequate to this purpose.

On that occasion of October 5, I spoke with Dr. Milton Russell, who was Chairman of the Oversight

Review Board, and has a joint appointment at Oak Ridge National Laboratory and the University of Tennessee. I spoke with him to investigate the idea of continuing NAPAP's work beyond enactment of this clean air bill. Since that time I have incorporated an amendment to this bill—section 408—which would carry NAPAP forward indefinitely. Also I have included an amendment to maintain a national registry of acidified lakes to see if the number of acidified lakes goes up or goes down, and if so, by how much.

I asked Dr. Russell about the state of knowledge, and Dr. Russell said this:

> Acid precipitation research is in the process of unfolding answers. It is a gradual refinement of hypotheses and some of these may prove to be wrong.
>
> What I am suggesting is that there will be a continuing need for further work to refine what we think we know, to test these hypotheses against a natural world that doesn't respond to a policy-driven calendar, and to monitor the changes that we see in emissions, in depositions, and in effects.

The bill before us provides for that. Mr. President, I ask unanimous consent that the names and the affiliation of the members of that Board be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Dr. Kenneth Arrow, Nobel Laureate and Professor of Economics at Stanford University;

Dr. John Bailar, member of the faculty of Epidemiology and Biostatistics at McGill University; Science Advisor to the U.S. Office of Disease Prevention and Health Promotion, Department of Health and Human Services; statistical consultant for the New England Journal of Medicine;

Dr. John Gordon, Dean of the School of Forestry and Environmental Studies at Yale University;

Dr. Glenn Hilst, consultant in atmospheric sciences;

Dr. Simon Levin, Director of the Center for Environmental Research and Charles A. Alexander Professor of Biology in the Section of Ecology and Systematics at Cornell University;

Dr. Thomas Malone, Professor Emeritus at St. Joseph's College, Connecticut, and former president, Sigma Xi;

Dr. William Nierenberg, Director Emeritus at the Scripps Institute of Oceanography in La Jolla, California;

Dr. Milton Russell, Professor of Economics and Senior Fellow of the Energy, Environment and Resources Center, University of Tennessee, Knoxville; and Collaborating Scientist, Oak Ridge National Laboratory;

Dr. Chauncey Starr, President Emeritus of the Electric Power Research Institute;

Dr. John Tukey, Donner Professor of Science Emeritus and Professor of Statistics Emeritus at Princeton University; and former Associate Executive Director, Research, Bell Laboratories.

Mr. MOYNIHAN. In looking to get some broader scientific perspective on the acid rain program in the bill before us, I corresponded with a highly distinguished American scientist with some expertise in these matters, and said, "tell us what you think" and he wrote back. I thought this was a marvelous statement. He said:

> Reducing acid precipitation precursors clearly would provide benefits of many sorts. This is not a case where the program has zero benefits. The question is whether the benefits are enough to justify the social costs.
>
> If we were starting de novo with what we know now, this issue would not occupy the prominence on the national environmental priority list that it has achieved.
>
> Acid rain has become a symbol of Government that is either uncaring or ineffective. The entire environmental enterprise in this country has been sullied in the public by the apparent inability to do something.

Mr. President, if the people now protesting enactment of acid rain legislation had, in 1982, accepted the early evidence that there was a problem here, we would be enacting a bill today at a level very different from what is going to happen. Let them ponder that. Let them think about it. The opponents of any acid rain controls had their way in the 1980's and they have done nothing. Now they will have what we have in this bill.

For what it is worth, the first bill to actually propose a reduction in sulfur dioxide emissions I introduced on October 6, 1981. It came in right at that 8-million-ton per year reduction, which lies at the point in the cost curve where costs begin to escalate very sharply.

I make two further points. First is that earlier in this debate I introduced, and the managers accepted, a measure that will establish a benefit-cost analysis program for the entire Clean Air Act not just for the bill as we see it here.

This promises to be the largest exercise of its kind in the history of environmental research, possibly in the history of benefit-cost research. And finally, to get some metric for this is a real challenge—learning to evaluate costs, and dealing with that very sensitive issue of what is a life worth. When you decide to build a bridge, you decide to kill some people, but we build bridges anyway. So it goes. When you decide to go to the Moon, you decide some people are going to die. You go to the Moon anyway.

The point I want to make is that we have in Mr. William Reilly a most distinguished public servant who understands this; who understands that environmental legislation has to be science driven. It cannot simply reflect the enthusiasms of persons who in the end could not quantify what they are saying, and could not demonstrate what they mean at the level of a reputable language which is international and scientific.

We are going to consider at some point in this Congress legislation to establish a Department of the Environment. I believe that will go through the Committee on Governmental Affairs, of which the Senator from Ohio is chairman.

In the present plans being drawn up in the executive branch, this new department will have a bureau of environmental statistics. I would like to think it will resemble in its purpose the Bureau of Labor Statistics which was established in the aftermath of the Civil War, which predates the Department of Labor by generations, and which over the years has created first the statistical techniques for measurement of wages, hours, industrial accidents, unemployment, income, and things like that, which have been indispensable to the social legislation that came a generation or two generations after the problems began to be measured.

But, Mr. President, a point. You never do anything effective about an issue in public life until you learn to measure it. We have not just learned to measure very much in the natural environment. That is exactly why we created NAPAP in the first place. If the measurements do not come out the way some people anticipate it, so be it. That is all right.

Mr. Reilly has assured me that the NAPAP enterprise will go forward, the registry of lakes will go forward—assuming they are in the statute, and the bill goes to the President—and that the benefit-cost analyses will be located in this bureau of environmental statistics.

That is a very good thing. A generation from now, other men and women on this floor talking about these issues will have much more solid data from which to proceed.

I do not disguise the fact that I wish that our committee had paid more attention to the information which took 9 years to develop. I do not disguise the fact that for a decade I have sought to have a science adviser attached to our committee staff without success. But there you are.

It is not the case that we are ignoring this data. I would plead with the Senator from Ohio to note that if I could not get any real attention to the data itself, I had no difficulty in requesting that the research continue. I do not think the people who care about this legislation paid enough attention to the jeopardy in which they put the enterprise by not paying enough attention to the data. They are fortunate in having the Senator from Ohio raising this issue in the modulated, thoughtful, and factual basis way he has done. They are indeed fortunate. It could be much worse.

In the meantime, sir, may I say that we will have the final report of the NAPAP first round, first decade, in September. By midsummer we will have the draft documents for the one last round of review and refereeing.

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We will know a very great deal more than we knew 10 years ago. The world will be learning with us.

It is quite correct that a great many scientists, particularly our neighbors in Canada, attended with extraordinary interest the proceedings of the NAPAP International Conference at Hilton Head in February. It may be that we have learned something of true consequence, and that the directions of some of our efforts in the future will be different. It may be that they will be far more economical, if I could use that term in the global sense, of cost and in the efficiency with which you go about bringing the results you desire.

I, for one, would hope that somebody, just somebody somewhere would pay attention to the information NAPAP has produced; that if you want to get rid of, to reverse acidified lakes, there is no substitute for dumping lime in them. Just a little lime and the fish can come back.

The present process of reducing acidity by reducing emissions might take a half century. Why not get the fishermen back in those lakes earlier on? I think I would almost make a proposition that we owe it, the executive branch owes it to the environment to reverse those acidifications in the most direct mode available.

In any event, Mr. President, I thank the Senator from Ohio for having taken official notice, you might say, of the research that has been performed. It was very carefully done. It is a credit to American science. I think it is a credit to the Senate that the effort was originated here; and, the proceedings, the decision, to go forward was also made here, and will be made on this floor.

Mr. President, I thank you for your kind attention, and I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I have no desire to prolong this unduly, but I will appreciate it if the distinguished manager of the bill could address some of the questions that I have spoken about for a good part of the last hour. There are a number of questions that I raised. The first, is, would be, what is the scientific basis for the 10-million ton reduction?

Mr. BAUCUS. Mr. President, I ask the Senator a question. First of all, there are many, many studies, by many organizations attempting to determine damage caused by acid rain, as well as benefits that accrue by acid rain reduction. The most often cited report is that of the National Academy of Sciences, a 1981 study. In that study, they concluded that a 50-percent reduction of SO_2 emissions was necessary in order to essentially bring the rivers, lakes, and streams of this country back into the natural state, that is, before they were damaged by acid precipitation. I must say to the Senator that the National Academy of Sciences therefore recommended a 12-million-ton reduction, 12 million tons.

Mr. GLENN. What report was that?

Mr. BAUCUS. The bill before the Senate is not a 12-million-ton reduction. The bill before the Senate, as the Senator knows, is a 10-million-ton reduction. We did not go as far as the National Academy of Sciences. A 10-million-ton reduction would not be a 50-percent reduction in acid rain, as recommended by the National Academy of Sciences, to allow our rivers, lakes, and streams to begin to restore themselves, but rather a 40-percent reduction in SO_2 emissions.

There are many other studies, I might say, such as the Schindler studies, a Canadian series of studies; the NAPAP study also contracted out many different private research organizations, different aspects of this. But as the Senator also knows, we have been on this subject for about 10 years, and there have been a lot of studies over 10 years. The National Academy of Sciences is a major study. In addition, the committee report references many additional studies, as well, and much of the scientific data is contained in that report.

I might also say to the Senator that the committee this year and last year, heard testimony essentially stating that the leading epidemiological evidence is that air pollution, primarily in the form of sulfates, increased the rate of mortality and morbidity in this country by 2 to 5 percent per year. That is tens of thousands of excess, avoidable deaths per year linked to sulfates. That testimony has been before our committee in both this Congress as well as the last Congress.

Mr. GLENN. I believe the report the distinguished Senator refers to is the 1981 National Research Council which issued a report, "Atmosphere, Biosphere Interactions: Toward a Better Understanding of the Consequences of Fossil Fuel Combustion." Is that the report?

Mr. BAUCUS. Yes, that is correct.

Mr. GLENN. Is the Senator aware they came back with another report in 1983 that in effect said they did not really stand behind that first report? They said the conclusion out of that first report, "was misinterpreted in the press and by others." And they give examples, in Science magazine, October 2, 1981; page A26 of the Washington Post, October 16, 1981, and said it was misinterpreted as a recommendation for a 50 percent reduction in emission of pollutant gases, sulfur dioxide, and the oxides of nitrogen, that are precursors to acid precipitation." It goes on to say that it did not indicate how much additional control of emissions would be required to meet the goal.

Mr. BAUCUS. I must say, the 1983 study the Senator refers to essentially reaffirmed the National Academy of Science's earlier conclusion of the principle all emissions and deposition; that is, that whatever comes up, comes down. That was a major conclusion of that second report.

Mr. GLENN. Let us follow up on that, if we can. Assuming what goes up comes down, what is the effect of current emission levels?

Mr. BAUCUS. I repeat to the Senator, consistent testimony was before the committee has been that air pollution, including sulfates, results in 2 to 5 percent additional mortality and morbidity in this country. Tens of thousands of deaths in this country, additionally, could have been avoided, were it not for the sulfates that are in the air, caused principally by coal-fired generating plants.

Mr. GLENN. I will come back to that in a minute. Is there a direct connection, as far as the Senator knows, between sulfur dioxide emissions and plant growth?

Mr. BAUCUS. Mr. President, if I can reply to the Senator's question, it is a bit difficult to separate out only SO_2. However, again recalling testimony before the committee, the admixture of sulfur dioxide, VOC's, nitrogen oxides and the mix of gases that are emitted, not only because of but largely from, coal-fired utility generation, but also regional ozone as well, that there is in fact damage to plant growth with the mix of pollutants, including the toxic pollutants, additionally, which are covered by this bill.

If you add in the toxics, air toxics, plus the VOC's, and nitrogen oxides, as well as sulfur dioxides that are covered by this bill, the evidence is that there is damage to plants and crops in this country. I might add that the NAPAP study also adds that there is a 30- to 70-percent decline in red spruce. I do not know if that is specifically sulfur dioxide alone or in combination with air pollution generally, but I am quite confident, and my gut tells me, as does the science, that sulfur dioxide has to be part of the cause of the decline.

Mr. GLENN. The NAPAP report states, "There is no evidence of widespread forest damage from current ambient levels of acidic"——

Mr. BAUCUS. Senator, I had a hard time hearing.

Mr. GLENN. I am quoting from the NAPAP report "There is no evidence of widespread forest damage from current ambient levels of acidic rain in the United States. Ambient sulfur dioxide concentrations are not responsible for regional scale forest growth reductions in the United States."

At the beginning of that particular section it is stated that NAPAP reviewed more than 5,000 scientific papers that have been published over the last 25 years. So I drew that to a very reliable conclusion.

Mr. BAUCUS. I say to the Senator, the Senator's point raises precisely some of the problems I have with those who say we have to follow the science. Follow the science. There is the assumption behind that statement that all scientists agree. That is the assumption behind that statement.

Let me cite another section from the NAPAP study which contradicts the portion of the same study that the Senator just cited. For example, on page 273 of the committee report, and I quote——

Mr. GLENN. What page again?

Mr. BAUCUS. Page 273.

Mr. GLENN. OK.

Mr. BAUCUS. That second paragraph from the bottom.

> According to NAPAP, studies by Siccama et al. (1982) and Scott et al. (1984) show that the decline is the most severe at areas of high elevation; on Camel's Hump and Whiteface Mountain in the northeast, there has been a 30 percent to 70 percent decrease in live spruce since the mid-1960's.

It goes on:

> Declining spruce trees typically die back from the top of the tree downwards and from the outside of the tree inwards.

It goes on, I might say continuing on the end of that same page, "As a general matter," turning to the next page:

> * * * researchers express concern that chronic, mutually aggravating stresses from ozone and acid deposition may be responsible for the reduction. Such a situation would have extraordinary economic implications for this major wood producing region of the country.

Continuing on skipping a paragraph:

> Although air pollution and acidic deposition are not yet fully confirmed as the primary causal agents responsible for most forest decline observed in this country, studies conducted in the laboratory have shown acute and chronic injury in deciduous and coniferous seedlings and saplings when exposed to simulated "acid rain" solutions of pH less than 3.0. Chappelka and Chevone (1986) found that root growth in white ash seedlings was 12 percent less for seedlings exposed to simulated acid rain of pH 3.0 than for seedlings exposed to rain at a pH of 5.6. Raynal et al. (1982) observed that germination was inhibited for red maple and yellow birch seeds upon exposure to soil of pH 3.0. Exposure to SO_2 has been found to predispose plants to disease. Sulfur dioxide is readily absorbed by plants in both dry and wet forms and is dissolved inside the plant leaf to create sulfuric and nitric acids. These acids alter cellular biochemistry causing acute injury and death.

That is some of the scientific basis. There is more. I might add to the Senator that this 10-million-ton reduction is firmly, strongly, aggressively supported by the President. The President has relied on the EPA and other expert agencies as well as a variety of scientific studies and the President of the United States believes that a 10-million-ton reduction is in the Nation's best interest.

Mr. GLENN. I can only say it will not be the first time in history the President of the United States made a wrong interpretation of scientific information.

Let me respond to the distinguished Senator's comment about the red spruce. I quote again out of NAPAP:

> The vast majority of forests in the United States and Canada are not affected by decline.
>
> There is no evidence of a general or unusual decline of forests in the United States and Canada due to acidic deposition or any other stress factor; moreover, there is no case of forest decline in which acidic deposition is known to be a predominant cause.

The red spruce that the Senator talks about are susceptible sometimes to hard winters. Acid rain may indeed add to that. I certainly would not propose any additional damage to this species, but I must point out that this tree population is one-one hundredth of 1 percent of forest population.

Mr. CHAFEE. Mr. President, will the Senator yield for a question?

Mr. GLENN. I yield for a question without losing my right to the floor.

Mr. CHAFEE. I am not quite sure what the point is. Is the contention of the Senator from Ohio that there is no problem with acid rain deposition?

Mr. GLENN. Am I what? I am sorry.

Mr. CHAFEE. Is it the contention of the Senator there is no problem with acid rain deposition?

Mr. GLENN. Not at all. As I said—I started out, I am very concerned about acid rain. I want to see it cleaned up. But I am concerned that we are embarking on something that has very little scientific background behind it. NAPAP has done a decade-long study of this and they come up with some very, very startling conclusions, I tell my distinguished colleague. Let me just mention them once again here.

Mr. CHAFEE. Could I ask one question? What is the Senator quoting from?

Mr. GLENN. I am quoting from the summary that was used at Hilton Head.

Mr. CHAFEE. As I understand, these are drafts and the final NAPAP study has not been delivered; am I correct?

Mr. GLENN. That is a point I was making earlier. Here we have a decade-long study. We spend over $500 million on the most definitive study of acid precipitation that has ever been done in the history of the world and then we do not want to listen to what they say. We go ahead and set 10 million tons as the reduction.

Even the National Academy of Science has backed off that figure in their second report that was released in 1983. I would like to reiterate the point made earlier. When we go from an 8- to 10-million-ton reduction, we add 40 to 50 percent to the cost of cleanup.

But, although we know about the costs and economic impact of this reduction, we do not know the results on forests, plant growth and the eco system.

Mr. CHAFEE. Does the Senator believe that?

Mr. GLENN. Let me read to the Senator.

Mr. CHAFEE. I am not asking what the Senator is reading. I am curious. Like most of us, the Senator has been around the world. He has been, like I have, to West Germany, been to the Black Forest, been to Sweden, and know what is taking place there. The Senator knows what is occurring in Eastern Europe with high sulfur fumes as has been reported as creating a wasteland. Regardless of what NAPAP says or does not say, does the Senator believe it?

Mr. GLENN. The Senator is bringing in other factors here that we are not debating on the floor of the Senate. I do not know what is going on in the Black Forest, in regard to acid rain. I do know that we put some of the finest environmental scientists in the world together over a 10-year period, spent $500 million and are going ahead with a 10-million-ton reduction program.

Again, I quote,

> There is no evidence of widespread forest damage from current ambient levels of acidic rain in the United States, and Ambient sulfur dioxide concentrations are not responsible for regional scale forest growth reductions in the United States.

That is what the experts say.

Now, I do not know what goes on in the Black Forest and other places in Europe. What I am talking about and that this report addressed over a 10-year study was acid precipitation and what efffects it has in our country.

That is what I am addressing. That is the reason I was questioning whether we are right in insisting on a 10-million-ton reduction, as opposed to an 8-million-ton reduction, or to some other level of reductions

Mr. BAUCUS. If the Senator will yield, let me just on that very point repeat: there are studies and there are studies and there are studies and there are studies. One has to trust one's gut and make a policy judgment after reading all the studies.

Let me cite some contrary studies. For example, this was taken from—prepared by the Ambient Standards Branch, Office of Air Quality Standards Research, dated September 15, last year.

I am just quoting from this report:

> In the early 1980's, experts began to see unexplained growth reductions, foliar damage, and "dieback" in U.S. forests. The damage in some unique ecosystems, such as Mount Mitchell in North Carolina, can be devastating. The causes of the observed damage appear to be more complicated than

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> in lakes and streams, with many air pollutants, acting in concert—

The point I made earlier, they, the mix of pollutants, acted in concert—

> In some cases exacerbating the effects of natural stresses such as cold and drought. Acid rain appears to play a role in the observed damage. It is clearly instrumental in mobilizing the soil aluminum which causes root damage, and in leaching plant nutrients from foliage (see Schindler, 1988). Polluted fogs and mists also expose plants to concentrations of acid much higher than in rain, causing direct foliar damage in some cases.

Mr. GLENN. Could I respond to the Senator?

Mr. BAUCUS. In just a minute.

Nothing is clear here. Nothing is black and white here. It is not black and white. But I think there are countless studies which point to—and these are legitimate scientific studies—the correlation between acid deposition and damage to plant and animal life.

Mr. GLENN. Let me reply to that. I think it is very important. You put your finger on something that is very important. There are studies that show absolute devastation; there are studies that show no effect whatsoever.

The reason we had NAPAP, a National Acid Precipitation Assessment Program, was because we did not know what study to believe. The purpose of this decade-long study was to give us the most definitive answer on the effects of acid rain.

Mr. BAUCUS. If I may respond to the Senator. NAPAP does not look at health effects. The NAPAP study only attempted to look at the environmental effects, not health. As the Senator knows, there is a major distinction between health and environmental effects, health effects on human beings and effects on health of individuals; environmental effects on animal life and plant life and other esthetic values.

Let us talk a little bit about the health effects of acid rain, which is not covered by the NAPAP study.

Again in the committee report, turning to page 280:

> In 1989 dollars, this range is $102 million to $2.06 billion. The researchers note that the infant mortality rate is approximately equal to the mortality rate of 55 to 64 year olds.
>
> Published results of the highly regarded "Harvard Six-City Study found that exposure to acid rain pollution, particularly to fine particles associated with airborne sulfates, produces respiratory symptoms in children. In this study, public health researchers from Harvard University studied the relationship between ill health and air pollution in six cities representing a spectrum in severity of air pollution. Their results show a direct linear relationship between acid aerosol concentrations in these six cities and incidence of bronchitis in children. This effect is seen in both children with a prior history of wheezing, as well as in children without such history. The effect is greater, however, among children who wheeze. Researchers are currently expanding this study to 24 cities.

So that is just on the health effects.

In addition, I must say that another study—this is from the EPA—stated:

> A growing body of evidence from epidemiological studies together with laboratory studies of humans and animals suggests that current levels of acid sulfate aerosols may be responsible for a variety of health effects. For example, researchers at Harvard, Brookhaven, Carnegie Mellon, and elsewhere have found a persistent statistical relationship between sulfates and excess mortality. The results suggest that up to 4 to 9 percent of the annual U.S. mortality may be associated with sulfate exposures.

I could go on, but that is some of the health effects.

Mr. GLENN. What is the Senator reading from?

Mr. BAUCUS. I am reading from—this is from the EPA, dated September 26, 1989—responses to questions from the Senator from Idaho [Mr. SYMMS]. This is the prepared response by the EPA in answer to questions of Senator SYMMS. This is the hearing, one of the hearings before the Environmental and Public Works Committee.

Before the Subcommittee on Environmental Protection, public health leaders acknowledged the continuing health threat posed by air pollution. The American Lung Association, the American Public Health Association, and the American Academy of Pediatrics all testified that we are facing a public health crisis due to air pollution. Reduction of emissions of sulfur dioxide and oxides of nitrogen are warranted based on health considerations alone.

Mr. GLENN. I would respond to the Senator by saying that the NAPAP review did include health. One of their papers is "Direct Health Effects Associated with Acidic Precursor Emissions." I read from part of that report:

> RISK ESTIMATES
>
> For SO_2, a substantial amount of health and exposure information has been scrutinized through the years in the NAAQS review process and has been discussed in the SOS/T paper.
>
> Today, SO_2 air quality is good with respect to the standards, with only a small fraction (2%) of the Nation's counties designated as nonattainment areas. Moreover, in most cases, the nonattainment designations apply only to limited geographical areas in the immediate vicinity of certain major point sources.
>
> The bases for the 24-h and annual SO_2 NAAQS were discussed above. EPA recently proposed to retain the current standards. In doing so, additional factors were also considered in assessing the health risk associated with alternative standard levels.

In view of the available information, EPA found that the current standards provide an adequate margin of safety against effects observed in more quantitative epidemiological studies, while qualitative information suggests that health risks would be small at concentrations at or below the current standard.

Mr. BAUCUS. May I respond to the Senator?

Mr. GLENN. Certainly.

Mr. BAUCUS. NAPAP did no independent health analysis. NAPAP used secondary analyses. That is, they used health analyses, primarily EPA's, so the primary source is not NAPAP on health effects; the primary source would be EPA.

NAPAP did no end research, so NAPAP is only issuing conclusions based upon others' research with respect to health effects. It is primarily the Environmental Protective Agency.

I read earlier EPA statements, probably more current than what the Senator has. At least it is the testimony of the EPA before the committee of jurisdiction on this bill.

There is other material, too. Let me just read——

Mr. GLENN. Would the Senator yield for a comment on that before he goes on?

Mr. BAUCUS. Yes.

Mr. GLENN. That is the reason NAPAP was established.

The PRESIDING OFFICER (Mr. HARKIN). The Chair would remind Senators, the Senator from Ohio has the floor.

Mr. GLENN. I thank the Chair.

That is the reason NAPAP was established. We can find a study, and I am sure the distinguished Senator from Montana can draw out studies, and I could go back to the office and draw out studies, that prove almost anything we want to prove. We can get organizations and groups that are so bent on getting their way that they will get a study that shows things going their way, and that comes to be gospel for those who wish to assume that position.

Why was NAPAP established? NAPAP was setup because we had studies all over the lot 10 years ago. We could not prove anything. So we set up, deliberately, a group of experts, spent $500 million over a 10-year period, and now we say we should not believe that they have sifted through these things and given us their best scientific opinion. We are saying, no, we should drag out a file, an old biased report from somebody that proves their point of view, when what we tried to do with NAPAP was get away from that and say, "Look, let us let the experts really review all these studies, give us their opinion of what the true status is without worrying about things on either fringe."

That is exactly what we did and NAPAP did. I just read the effects here on health that they had in their study, after having done exactly that over a 10-year period.

And we are saying we spent $500 million, but they do not agree with my position so they say, "That cannot be any good, I will drag out another study that agrees with my position."

Mr. BAUCUS. The Senator is pretty accurate in his last statement. This discussion here reminds me of discussions that occur not only in this body but around the country and around the world. People have a tendency to cite the study that favors their point of view, their predilection. Senators are no different from other people because we are just as much subject to human nature as everybody else.

The Senator is citing a study, a basic study that tends to support the Senator's point of view.

Mr. GLENN. No, I do not. I deny that. I deny it strongly because of this. NAPAP was to review all the literature, and give us their opinion. Theirs is a summary, a compendium of what best scientific thought is, after having reviewed everything. So I am not bringing up a report to support my views. I am discussing the program we established 10 years ago to do the most definitive study ever done on these matters and spent over half a billion dollars of taxpayers' money to perform. And now we say after they have gone through all this, we do not want to listen to them.

Mr. BAUCUS. I just want to follow up on the Senator's earlier statement, "let the experts decide." Let me cite another study. The expert is Dr. Ellis B. Cowling, associate for research at North Carolina State University's College of Forest Resources. Essentially, he says that the tone of the report is that we do not have a problem. I am quoting now from Dr. Cowling.

> The tone is that we don't have a problem except in southern California, and with red spruce at high altitudes. That is not a fair statement of the state of scientific knowledge. Perhaps the authors were a bit too hasty in reaching conclusions.

This is another expert who has a contrary point of view.

Mr. GLENN. Does he say why he disagrees with them? What is his reason for disagreeing?

Mr. BAUCUS. I do not know. We will have to get him here and ask him. Just as NAPAP is conclusionary, Dr. Cowling is conclusionary and his conclusion is that the NAPAP conclusion is too hasty.

Mr. GLENN. That is one man.

Mr. BAUCUS. If I might use his exact words, "* * * not a fair statement of the state of scientific knowledge." Scientific knowledge.

Mr. GLENN. Let me go back to NAPAP for a moment. They have over 300 authors, they have 100 peer reviewers. They have done the most complete analysis of all different viewpoints, which is exactly what we set them up to do.

We have provided them through the years with one-half billion dollars to do this, and they now have given all these different studies their best considered judgment and put it down for our use.

I am sure there will be people who still disagree, as obviously there would be. I do not know the gentleman from North Carolina you referred to.

But NAPAP has given us the most broad-based analysis of current acidic deposition effects in a comparative evaluation of future control approaches ever undertaken. We can find people who disagree with their study, I am sure.

Let me continue with some questions.

Can the distinguished floor managers of the bill tell me what the difference would be in acid deposition with a 8-million-ton bill as opposed to a 10-million-ton bill?

Mr. BAUCUS. Again, I go back to the National Academy of Sciences' conclusion that a 12-million-ton reduction, a 50-percent reduction in SO_2 emissions is needed to curb acid rain. The National Academy of Sciences has recommended the 50-percent reduction in order to clean up the Nation's rivers, lakes, and streams and to address the adverse health effects caused by acid rain. This bill, as the Senator knows, is not a 50-percent reduction; it is a 40-percent reduction bill.

Mr. GLENN. Well, is there a connection between improvements in lakes and streams and in sticking with a 10-million-ton reduction as opposed to 8-million-ton reduction?

Mr. BAUCUS. The answer to the question is definitely yes, because the 1983 National Academy of Sciences affirmed the direct linearity principle that the less SO_2 that goes up, the less the damage. The less that goes up, the less that comes down. That 1983 study reaffirmed a direct linearity.

Mr. GLENN. I do not think that is quite the way the National Academy of Sciences study has stated it. They said they could not prove nonlinearity. They also stated in that same report in 1983 that the state of ignorance in this area was enormous.

Mr. BAUCUS. Then the conclusion is, if this is true, there is no evidence of nonlinearity, but subsequent science has increased the evidence of linearity.

Mr. GLENN. How do we discount NAPAP's study? This is more modern than that. This is not a 1983 study. The first parts of the final report will be given to us in April and the final report before the end of this year. That is a more current study in which they have taken into account not only the National Academy of Sciences, but literally hundreds and hundreds of other studies also.

Mr. BAUCUS. I only ask the Senator again, the NAPAP study essentially did not address health effects, in fact, was not authorized to address health effects. That was not part of the authorization of NAPAP. The authorization of NAPAP was to address environmental consequences. There are 50,000 premature deaths in the country due to acidic deposition.

Mr. GLENN. That is not what NAPAP finds.

Mr. BAUCUS. That is correct because they were not charged to address that.

Mr. GLENN. They talk about the health effects of direct pollutants with acidic precursory emissions.

Mr. BAUCUS. They may have a chapter in there, but that was not the authorization. The principal charge to NAPAP was the environmental consequences, not the health consequences. They may have on their own done that, but because they were not authorized to do health, I suspect they did not spend a lot of time on it.

Mr. GLENN. They did look into health, and why would we ignore their findings because it was not in their original charter?

Mr. BAUCUS. I say again to the Senator, they were not charged with examining the health effects.

Mr. GLENN. So we ignore their findings then?

Mr. BAUCUS. I suspect they did not spend much effort or much of their time looking at the health effects and they did not refute the epidemiology.

Mr. GLENN. I would not assume that unless I knew that to be true.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio still has the floor.

Mr. GLENN. I yield for a question without losing my right to the floor.

Mr. CHAFEE. Mr. President, I ask the Senator from Ohio if he would be good enough to look at page 265 of the committee report. It is rather interesting there. The stress there is on the environmental effects of acid rain to the aquatic ecosystems. The Senator has been directing his attention to the effects on forests and trees. I call his attention to the effects on aquatic ecosystems.

The information that is provided there is rather interesting. I think it would be helpful to the discussion to point out that when the so-called pH levels drop below a certain figure, below 5 actually, the effect on fish and other aquatic life is really fairly dramatic.

I think in much of this, the Senator is right. He is trying to put his finger on exactly where the damage is or exactly where you draw the line between where the cutoff should be. Should it be a 12-million-ton reduction or an 8-million-ton reduction? We came up with 10 million. I think the Senator could probably make an argument that that is not the right figure; that is should be something different.

We have settled on 10 million. The studies we had showed that the 12-mil-

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lion-ton reduction was a very substantial extra expense to achieve. I suppose the same argument can be made with the difference between 8 and 10, and then you can carry it down to 6 and 8. Where do you draw the line?

As the distinguished Senator has pointed out, the scientific discussion of these subjects are all over the lot. There has been this recent study of the national precipitation group, the so-called NAPAP. They have concluded on the forest damage that they do not see much there. I have a little trouble with that, going back again to the experience I had not only in Europe but with the testimony we have had before us in the committee.

The Senator can say that is all wet, but I am reminded of the old story. They asked the preacher, "Do you believe in infant baptism?" And he said, "Believe in it, I've seen it." And so it is, we have seen it.

I know the distinguished Senator from New York was speaking previously on this subject. He was the originator of the NAPAP study. He originally put in the legislation 10 years ago. I recall that because, obviously, he is a member of the Environment Committee. He, himself, has come forward with fact after fact about the increasing acidification of the Adirondack lakes. What is it due to? We believe that it is due to the increased amounts of SO_2 that are in the atmosphere and that have come from high-sulfur plants.

So at some point, we have to make a decision. We can put this off and wait for the NAPAP study. I do not even know when it is finally going to come in. They had interim report after interim report. I am not sure what the Senator is reading from.

Mr. GLENN. Let me clarify that. I am reading from the report released in February at the international conference.

Mr. CHAFEE. But I am not sure that is the final report.

Mr. GLENN. It is a draft report; however, in my discussion with Dr. Mahoney, the Director of NAPAP, he stated that the findings in the final report would not be substantially different from those in the draft.

Mr. CHAFEE. I refer the Senator to page 268. According to the 1987 National Acid Precipitation Assessment Program, NAPAP, interim assessments, based on the national surface water survey conducted by EPA, 5 percent of the lakes in southern New England had pH levels less than 5.0, and an additional 5 percent at levels between 5.0 and 5.5. On and on it goes.

The results for the Adirondacks show even more damage.

Then they quote studies from Ontario.

It just seems pretty clear from this evidence that aquatic population survival is clearly dependent upon acidity. The vulnerability of lake regions to acidification is used to assess and predict damage to aquatic populations. It goes on and tells us what has happened to the black duck population and tells what has happened to fish and other aquatic species—salamanders, frogs, just as an example—from the spring snow melt. So something is going on out there.

We have quotes from, if you will see on page 271, "Future Effects of Long-Term Sulfur Deposition on Surface Water Chemistry in the Northeast and Southern Blue Ridge Province."

There it is. We can put this off. We can wait and see. We can always wait and see. But here we have the administration, on its own, coming up with a 10-million-ton reduction. That was not us. That was them. We concurred with them. We, perhaps, could have gone with 12 or 8, but we went with 10 to have the horses in harness together.

It makes sense to me. And one can argue with red spruce, how much that constitutes, but if you continue on page 272 and 273, it tells what is happening in this country. The longer we wait, the greater the damage that is done. So I think it is time for some action.

I have not even touched on the human health factors, and they go on on page 279.

Mr. GLENN. What I keep reminding everyone is that all these different studies, including some of the ones that are quoted here, are ones that NAPAP was commissioned to review. That is what they were supposed to do, to see which ones they considered valid. In regard to lakes, for example, NAPAP concluded that 14 percent were acidic. They also found that those were mainly smaller lakes, that the smaller the lake, the more likely it would be acidic. Why is that? It would seem to indicate they were more dependent on runoff and things like that that did not have a lot to do with acid rain.

They also concluded in our discussions that by far the best way to take care of those situations is to lime the lake or the stream.

Here is the crux of it. We do not know what the effects will be, yet we are putting something into effect that is going to cost enormously in the States of the major emitters. It is estimated Ohio will have to spend somewhere between $1.3 and $1.5 billion per year over the next 10 years. Further, the State of Ohio is expected to have annual average rate increases of 12.6 percent after implementation of the program in the year 2000.

Do I want to reduce the acidic rain? Of course. But, I am simply asking that we look at the scientific basis for these reductions.

I would like to review the options I mentioned earlier. We could lengthen the compliance deadline to allow emerging clean coal technology to become commercially available.

We have another option. We could reduce the overall tonnage from 10 to 8 million tons.

We could pass the clean air bill without the acid rain title until we find out what the findings of NAPAP would be.

Another option could be to enact a first phase of the acid rain program and to delay action on the second phase until more results are available and benefits of the first phase reduction could be measured.

I do not know at this point whether other people in their offices or their staffs would be willing to support any of those options I mentioned. But I would appreciate contact from anyone who is interested in any of those options, either lengthening the deadline, reducing the overall tonnage, or passing the clean air bill with the acid rain title until we get the final findings of NAPAP which are scheduled for this year.

Let me ask a question on option one, if I might.

The President's proposal for final compliance was a year later than we have in the bill. Why was that reduced?

Mr. BAUCUS. I apologize.

Mr. GLENN. I said that in the President's proposal the date for final compliance was a year less than we have in the final bill. Why was that cut back?

Mr. BAUCUS. There is a basic reason for that. That is to enable States like Ohio to get an extra allowance under the Byrd-Bond agreement. That is to assure that we have extra allowances for States around the country including the State of Ohio. That is, by banking and redistributing reductions achieved on the earlier date, utilities will be getting extra allowances that could be distributed under both phase I and phase II.

Mr. GLENN. We generate 12 percent of those allowances. We only get 5 percent of them back, as I understand it. That is no bargain for Ohio.

Mr. BAUCUS. If the Midwest causes 70 percent of total SO_2 emissions but only accounts for 50 percent of the cleanup, that is a pretty good deal, it seems to me.

Mr. GLENN. We generate a lot more than we get back on allowances. The Western States want allowances for growth. We want allowances for survival, just to keep people working that are now working.

Mr. BAUCUS. Let me answer that question. Under this bill the State of Ohio will be able to sell 178,000 excess allowances. The best estimate is $800 per allowance. That means Ohio will be receiving $142 million from ratepayers outside of the State of Ohio.

Mr. GLENN. When does that occur?

Mr. BAUCUS. By the year 2000.

Mr. GLENN. Companies in Ohio have to spend a large amount of capital to make large reductions now.

Mr. BAUCUS. No, no, no, that is not how it works. Those allowances are determined in advance. They do not have to wait until the year 2000. By the year 2000 this thing kicks in finally, but in the meantime utilities in Ohio, or any other State, can take advantage of the allowances that are distributed earlier.

Mr. GLENN. How do you take advantage of it?

Mr. BAUCUS. By private contract. You just sell them——

Mr. GLENN. Who is going to buy them?

Mr. BAUCUS. Basically, it is going to be growth States, utilities that want to grow to meet their utility generation capacity.

Mr. GLENN. Basically, we are providing allowances for growth States, and yet we do not get the allowances in Ohio. I would have the right——

Mr. BAUCUS. No.

Mr. GLENN. We provide some.

Mr. BAUCUS. You sell allowances.

Mr. GLENN. There is no market out there. A utility that wants to comply with this law has to go out and borrow money. A State like Ohio has to put their money up front to comply with the act. Their allowances probably will not occur until well into the future. Meanwhile, they have few options. They have to go to the Public Utility Commission of Ohio and they have to put in for an increase in rates to pay for their debts.

Mr. BAUCUS. The day this bill is enacted, maybe sometime by the August recess, Christmas, the utility will know how many allowances it has.

Mr. GLENN. That is fine. They know how many they have but they cannot sell them because there is no market for them yet until somebody needs them.

Mr. BAUCUS. I can just tell the Senator, I come from a growth State. They are going to want to buy those allowances. And the State of Ohio has many allowances to sell. I will say again, the best estimate is Ohio will be able to sell 178,000 allowances. That comes to $143 million from outside of Ohio.

Mr. GLENN. I don't think the Senator can guarantee that their allowance can be sold up front to help pay for scrubbers and new clean coal technologies.

Mr. BAUCUS. I must say a utility in my State of Montana is very worried about the opposite point, that Ohio will not sell, Ohio will want to hoard, Ohio will want to keep all these allowances, that Ohio will just be in such fine shape it will not sell any. That is the big concern of utilities from the State of Montana and other Western utilities. Consequently, that concern is so great, I might say to the Senator, there is a provision in the bill that EPA will keep a small percent, it is 2 or 3 percent, so there will be some allowances that can be sold to growth States like the State of Montana. But I must say that the best evidence that Ohio will have allowances to sell is that there are States like Montana that are very worried, in looking for allowances, that they will not be able to buy them.

I can tell the Senator, Montana and other States, too, want to buy allowances. There will be a ready market for the State of Ohio.

Mr. GLENN. But when is this ready market to occur? I hate to beat this to death, but when does this sale occur?

Mr. BAUCUS. It will occur the day the Senator votes for final passage of this bill. I will be more precise. It will be the day the President signs the bill the Senator votes for on final passage.

Mr. GLENN. Ohio has then 178,000 permits for sale. During what time period will these allowances be sold?

Mr. BAUCUS. It depends on how you bid up the action.

Mr. GLENN. Right, which might go out over a decade.

Mr. BAUCUS. To get the highest possible price.

Mr. GLENN. The point is that action take a decade or more. Meanwhile, other States like Ohio cannot wait. They have to get going to comply with this. And so what do they do? They have to go out and borrow money and increase rates. Maybe the utilities at sometime will have these sales and maybe all these things will work out just of the way the Senator from Montana says, but meanwhile you have rate increases for consumers and business. You do not have any choice.

I hope it all works out, but that does not help the ratepayer at the beginning of the program.

Mr. BAUCUS. Again, any Ohio utility could contract to sell anytime.

Mr. GLENN. But I repeat, if there is no market, there is no sale.

Mr. BAUCUS. There will be a market.

Mr. GLENN. The Senator means on the date the bill is signed by the President the market will be there. There may be a few sales but the bulk of the sales will not occur at that time.

Mr. BAUCUS. I can tell the Senator, there are utilities in the West that are panicked that utilities in the State of Ohio will not want to sell the big hoard of allowances they have.

Mr. GLENN. I can tell the Senator there are utilities in the East that are panicked also over what is going to happen to them under this legislation.

Mr. BAUCUS. If we have a potential buyer's panic and a potential seller's panic, it sounds like we have a market.

Mr. GLENN. For different reasons.

Mr. BAUCUS. But we have a market.

Mr. GLENN. It may occur some time in the future. I hope so.

Mr. BAUCUS. If the Senator wants to, I can put the executives of the Montana Power Co. in touch with the Senator so he can understand how anxious we are in the West to be able to buy these allowances that the State of Ohio will have.

Mr. GLENN. Maybe we ought to put some of our people in touch with them.

Mr. President, I wanted to close with a summary estimate of where I see us in this acid rain situation.

There is no question the Clean Air Act before us today is one of the most comprehensive and complex pieces of legislation that will come before the Senate this year. Its provisions will affect virtually every industry and every business in this Nation. This is the first overhaul of the Clean Air Act since 1977. New areas of concern such as protection of the ozone layer are included. That is good. Issues such as regulation of airborne toxics are revised.

I wish to state from the outset of this summary statement that I have a very strong commitment to the overall objectives of the Clean Air Act. Mr. President, we all want the cleanest possible air for our children, for ourselves, for our communities.

We want the United States of America to be a leader around the world in the concern for the environment. Legislation with that end must be fair in dealing with what is required of States like Ohio and other industrialized States that have provided a major portion of the products of this Nation.

Over the last 2 years I have attended many meetings and spent hundreds of hours researching various titles in this bill and titles that address problems with the environment. I believe that the American people should expect their Government to set standards that provide an adequate level of health and safety from the many chemicals and compounds that are byproducts of a highly industrialized society.

Mr. President, as much as I and the people of my State support the objective of improving air quality, we must recognize that these goals do not come without costs. Senator Byrd pointed that out and pointed it out very forcefully on the floor, the costs to industry, costs to small business, costs to workers, to homeowners, to international trade. It is nice to say we are going to clean it up and have a pristine environment, but how do we get there? There are costs. We have to make tradeoffs.

In my State of Ohio, for example, 1 of every 12 jobs depends upon the export market. Increases in electric rates will impact industry within my State. In Ohio, industrial customers

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account for 47 percent of the electricity sales, compared to 34 percent nationally. I had already pointed out, Mr. President, the fact that in Ohio we are the 15th most expensive State on electric power for residential users. Fifteenth. Costs for electricity in the West are far, far less than we pay in the East.

Let me give some examples of that. The cost of electricity for the average homeowner, for 500 kilowatt hours in Ohio, is $43.06. Wyoming pay $31.08. The State of Washington is first in the ranking of States, and they pay $20; Tennessee, 46th in the ranking of States, $29.78; Montana, for interest's sake here, is 45th for 500 kilowatt hours, and they pay $30.53. We pay 40 percent more for our electricity right now than do most of the States in the West.

Mr. President, the distinguished President pro tempore, Senator BYRD, has eloquently discussed the ramifications of this bill for the coal industry and individual coal miners in his State. The stakes are high also for Ohio coal miners under this bill. Some control scenarios could result in the loss of 10,000 mining and related jobs.

Once coal markets move out of a geographic area, it would be difficult to find alternative employment for those losing their jobs in economically depressed areas.

In addition, both the Federal Government and Ohio devoted a considerable amount of money, time, and research on ways to use our Nation's most abundant and secure energy resource in a more environmentally acceptable manner. For example, the Federal Government has committed $2.5 billion in clean coal technology, and Ohio has obligated $100 million in State funds on its own to this program, and to, in effect, bar the burning of high-sulfur coal would be a waste of this major investment, as well as a waste of a major energy resource for the country.

Mr. President, we all want cleaner air, but cleaning it up will be expensive. This is a fact that cannot be ignored in this debate. I am pleased that this fact came up on the floor before. Mr. President, in debate over the past few weeks, we have discussed environmental considerations. We have discussed economic considerations. We have discussed employment considerations, and each of these issues has a significant place in the clean air debate. However, there is one consideration that has not been discussed here, which should underlie all that we are doing here, and that consideration is a scientific basis for the legislation that we are enacting.

Mr. President, in the case of acid rain, we are embarking on a multiyear, multibillion dollar program. It is a program that will have very wide-ranging effects on consumers, business, and utilities. Yet, we are ignoring the findings of the National Acid Precipitation Assessment Program [NAPAP], which is the most extensive and expensive research program in the history of environmental legislation. Congress instituted this project in 1980 to establish a 10-year record of data to serve as the scientific foundation for future legislation.

Within this past decade, about $100 million, which I add is about 10 times the original funding, will have been spent for NAPAP research. Yet, Mr. President—I find this both unconscionable and irrational—we are about to enact legislation not only without waiting for the NAPAP findings.

Mr. President, even after nearly 10 years of study and the expenditure of millions of dollars, we still do not know the relationship between a specific reduction requirement, such as 2.5 pounds per million Btu's or 1.1 pounds per million Btu's and the reduction of acid rain in the Northeast. We cannot show the relationship. We still do not know with any certainty at all the relationship between an overall reduction of 10 million tons in sulfur emissions and the reduction of acid deposition in the Northeast. All of the scientific study of the last 10 years has not shown that relation.

During the negotiations that preceded action on this bill, I sought to find answers to these questions. These answers are not just esoteric or theoretical consideration. It is known with certainty what happens to costs under an 8 million-ton reduction program, a 10-million-ton reduction program, or a 12-million-ton reduction program. The costs go up about 50 percent, for example, when the reduction requirement is increased from 8 to 10 million tons.

Mr. President, these costs graphically illustrate how critical it is to have the very best scientific data possible on which to make our decision. During the negotiation, I was told the 10-million-ton reduction figure was based on a 1981 report by the National Academy of Sciences. Subsequently, I read this report and found that the conclusions were far from being cut and dry, and NAS came back in 1983 with a report that essentially discounted the findings of the 1981 report.

Mr. President, the NAPAP research effort focuses on several categories to determine the impact of acid rain deposition. These categories are surface water, forests, crops, visibility, human health, and materials. Let me take a moment to summarize the NAPAP findings in each of these areas. Forest decline is often cited as a major result of acid deposition. According to the December 1989 NAPAP summary, the vast "majority of forests in the United States and Canada are not affected by decline."

(Mr. KOHL assumed the chair).

Mr. GLENN. Mr. President, we find similar conclusions in the other areas examined by NAPAP. In the area of crops, the report states:

> Based on the crop effects research conducted by NAPAP and other research programs, acidic precipitation at ambient levels in the United Satess is not responsible for regional crop yield reduction.

In the area of surface water, another impacted system often cited by proponents of the 10-million-ton reduction programs NAPAP again finds that adverse effect overstated.

According to that paper, reduction in sulfur emissions would result in about 40 to 50 percent of acidified lakes in the Adirondacks recovering after 50 years. Even more startling NAPAP reports "Calcium carbonate or limestone is the most effective overall neutralizing material for acidic surface water."

Mr. President, on February 11 through 16 of this year over 700 scientists, 700 mainly environmental scientists from 30 countries gathered to discuss the topic, acid deposition, state of science and technology. The next draft by NAPAP incorporating the outcome of this meeting is due next month, in just a few weeks. The final NAPAP report is due in September of this year.

Mr. President, the purpose of reviewing this chronology of planned scientific reports is to emphasize the level of activity in the research area that is taking place.

What I find inconceivable is that despite this research and despite the expenditures on this research and despite the costs of the various control programs, we are are basically ignoring this scientific fact.

Mr. President, we are at a crossroads between those who favor no legislation—I do not find myself in that number—and those who favor a bill so extreme and stringent that it will bankrupt the economy of certain regions of our Nation. I do not find myself in that group either. Neither road will lead us to the goal that the American people want and deserve, cleaner air for ourselves, our children, and future generations. What we have been seeking is a balance that achieves this goal while preserving economic growth.

Mr. President, I repeat once again that those, whoever at this late hour, want to exercise one of the options that I outlined, I would be glad to hear from them.

I am not trying to block passage. I am just looking to options that might mitigate the economic impact on my State and the other industrialized States of the country. And I think there are some options that we could consider. For those who are in their offices, or staffers who are listening, if there is any interest by other Senators or other staffs in discussing these options further, I would be most happy if they would get in touch with me or with my office.

The first option is to lengthen the compliance deadline. Extending the compliance deadline will allow clean coal technologies to become commercially available. I add under option one, the administration originally put forward a bill that had a 1-year longer period for final attainment than is in the bill now.

I think the clean coal technology is an important factor because there are a number of emerging technologies that look good, but they are not all commercially available right now.

A second option is to reduce the overall tonnage reduction requirement from 10 million to 8 million tons. According to CRS costs increase by 50 percent when we go from an 8-million-ton basis to a 10-million-ton program.

What do we get for that additional 50-percent cost? According to the NAPAP study we get little or nothing. They cannot even define the difference at the far end of the line in acid deposition by their best estimates. So what are we buying? We are buying more expense basically. We are making our trade less competitive by higher electricity rates that were not necessary because they do not do that much for us.

So, we are still locked into a 10-million-ton reduction that started a long time ago, has been refuted, and which, NAPAP after review of all the literature, tell the difference of what would happen between an 8- or 10-million-ton reduction program.

A third option is to pass the clean air bill without the acid rain title and await the final findings of NAPAP which are scheduled for September of 1990.

The fourth option would be to enact the first phase of the acid rain program and delay action on the second phase when more results are available on the benefits of the first phase reductions.

There is one other option here, obviously, and that is if we do nothing and the bill passes, we are letting the House address this problem instead of addressing it on this side.

I do not know whether the distinguished floor manager of the bill wishes to comment, or have any final remarks, or if any Senators in offices are interested in any of the options I outlined.

Obviously with the majority leader having stated that he is going to press for a time certain of final vote or try to get unanimous consent for that, any action that we take would obviously have to be taken very soon. So if there can be any contacts, should be made this evening.

But, Mr. President, I hope if there are those interested in pursuing some of those options, that they will get in touch tonight. And I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. BAUCUS. Mr. President, I listened to the options outlined by the Senator from Ohio with great interest. I must say, though, there are several reactions. No. 1, the NAPAP study has been around some time. This is not something that has just sprung up lately.

For example, the Environment and Public Works Committee had a hearing on the NAPAP study last year. Even with the NAPAP study and all the other studies, but frankly because of the testimony that the committee received from many witnesses across the board, including those from NAPAP, the committee voted out this bill including the acid rain title unanimously, but for one Senator. Only one Senator in the committee did not vote to proceed to passage of an acid rain bill because—and I think I can speak for the Senators—because they were persuaded, convinced persuasively by the sum total of all the evidence, that a 10-million-ton SO_2 reduction bill was necessary. So this is not a new report. This report has been around for a long, long time. Again, Senators, by a very large margin in the relevant committee—in fact every Senator but one—voted to report out the bill favorably including the acid rain title.

In addition, Mr. President, if I listened to the suggestions by the Senator from Ohio, I must say that not only did the committee report out this bill by such a large margin even with the earlier knowledge of the NAPAP study—which by the way is inconclusive—but the President also is very much in favor of a 10-million-ton reduction. He said so continually. Over and over the President of the United States said he wants to reduce SO_2 emissions by 10 million tons by the year 2000. We have heard that consistently from the President of the United States. He has consulted his agencies, the Environmental Protection Agency, and all the other agencies, as well as all the other information at the disposal of the President of the United States.

I must also say to the Senator from Ohio that when this bill first came to the floor of the Senate, when we then went into the negotiations and discussions to try to reach a compromise, this title was very extensively debated among the leadership, among the managers of the bill, the leadership on the Republican side of the aisle and the leadership on the Democratic side of the aisle, as well as with representatives of the executive branch. The President of the United States sent his representatives to these compromise negotiation discussions and we very, very extensively talked over and worked through all of the provisions dealing with the acid rain title of the bill.

In addition to that, that room was open; that is, any Senator who wished to come could meet and give his points of view to try to reach an agreement. And the Senator from Ohio—in fact both Senators from Ohio came to those meetings. They came to those discussions. Those two Senators, as well as a majority of the Members of the U.S. Senate, more than half of the Members of the U.S. Senate, were in on those discussions and negotiations. Again, Mr. President, every Senator was invited, every Senator was given more than ample opportunity. No Senator was shut out. No Senator was excluded from these negotiations. When the negotiations finally concluded, we reached an agreement on the compromise that is now before the Senate.

The Senator from Ohio suggests perhaps that the compliance deadlines could be extended 1 year. I again say to the Senator, moving up the deadlines in the bill helps give additional allowances to the State of Ohio, helps the people of Ohio pay for the cleanup.

So I frankly think that this could be very difficult for the leadership package to be changed because that in effect is a deal breaker. The whole negotiations were based upon an agreement upon the compliance deadlines in the compromise.

He also suggests that the 10-million-ton reduction be reduced perhaps to an 8-million-ton reduction. That flatly contradicts the strong proposal urged by the President. It also flatly contradicts the agreement and again it is highly unlikely that could be changed.

He further suggests deleting title IV from the bill. Mr. President, I must stress that title IV is a main, integral part of the bill, again an integral part of the compromise. He suggested enacting phase one but delaying phase two. That again was very much the subject of negotiations to which all Senators were invited and most Senators at one time or another participated in.

The final suggestion is to do nothing. I am not quite sure what the Senator means by doing nothing. Maybe he means not pass this bill. But again, the compromise before the Senate is the recommendation to pass the compromise, pass the components that are in the compromise. Those were items that were very, very, very extensively discussed and debated. All sides gave up a lot in order to reach the compromise. So in effect all of the suggestions of the Senator in one form or another were debated during these compromise negotiations.

On the other hand, those who were in on the discussions now propose the substitute that is before us which does

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recommend a 10-million-ton reduction by the year 2000. It also provides for additional allowances, a substantial number of additional allowances to help individual States in the Midwest, in the South, and the far West met some of their particular concerns.

So I hear the Senator, but I frankly say that we will go that extra mile. We will try to find some way to accommodate the Senator's concerns. It is going to be difficult, however, to pursue any of the five options that he outlined, but with diligence maybe he and I can look for an additional option that might meet the concerns of not only the Senator from Ohio but also of the group that is presenting this substitute that was very heavily negotiated out to the floor.

Mr. GLENN. Mr. President, I realize what the distinguished Senator from Montana said about the studies not being new, but everytime one of these partial reports came out from NAPAP we were cautioned not to use the material because it had not yet been through peer review. However, we now have a more recent report from February of this year that has been peer reviewed. I am not trying to hold up the legislation, but I am concerned that we take a look at the information that is now available. I do not want us to take extra expense unless there is a sound scientific reason for doing this. We have commissioned the finest study that has ever been commissioned on acid rain. We have spent over $500 million on that study. We have put together the finest group of environmental scientists and yet we still do not know the basis of the 10-million-ton reduction program.

The distinguished floor manager has stated that this was part of the compromise negotiations. I submit that there were no compromises made in regard to the 10-million-ton reduction program.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. I thank the gentleman from Ohio for this discussion. I say to the Senator in this part of the negotiations we did in fact compromise. We compromised quite significantly in several respects. No. 1, the additional allowances. There are additional allowances now to go to Ohio that were not in the earlier version, and to go to other Midwestern States, a part of the country that is very much concerned about the points raised by the Senator.

In addition, this is not only a 10-million-ton reduction bill by the year 2000. Rather, because of the compromises given all the way around on air toxics, on mobile source emissions, the compromise in the acid rain portion, the estimates are that it is going to be not a 10-million-ton reduction by the year 2000 but between the years 2000 and 2010 it is going to be between a 9.1- to 9.5-million-ton reduction. And the estimates are that after the year 2010 the costs are going to begin to go down. The middle ground between 8 and 10 is 9. This is not an absolute flat 9 but it is 9.1, somewhere between 9.1 and 9.5. If we add that to the additional allowances the Midwestern States get, I frankly think it is certainly more than a good faith effort in order to find a compromise.

I do not want to extend this thing forever. There is a tendency for one of us to want to have the last word. I am graciously going to say that the Senator from Ohio can have the last word.

Mr. GLENN. Maybe I will give the Senator the last word because I have one last question. It is my understanding that after the year 2010 the costs are less.

Mr. BAUCUS. I am sorry, could the Senator speak up.

Mr. GLENN. I am quoting from the NAPAP report. "Beyond 2010 there is general agreement that SO_2 emissions will decline as a result of the retirement of older, higher emitting plants."

We are going to enormous expense to make reductions between now and the year 2000.

Mr. BAUCUS. I say to the Senator that it is based upon the assumptions that we set in this bill which make this happen, make those retirements after the year 2010 go into effect.

Mr. GLENN. I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico [Mr. BINGAMAN].

Mr. BINGAMAN. Mr. President, I ask unanimous consent the pending amendment be set aside so I may offer my amendment to amendment No. 1293 proposed by Senator MITCHELL.

The PRESIDING OFFICER. Is there objection?

Without objection the pending amendment is laid aside.

AMENDMENT NO. 1380 TO AMENDMENT NO. 1293

(Purpose: To make technical changes with respect to transportation controls)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. GRAHAM, proposes an amendment numbered 1380 to amendment No. 1293.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51 of the amendment, after line 5, strike all through page 54, line 20, and insert the following:

"(iv) Whether or not the conditions under paragraph (1) calling for application of a sanction are satisfied, the Governor of a state containing a nonattainment area for ozone or carbon monoxide may elect to use in such area (or areas) all or part of the funds available to the State for such area (or areas) under title 23, United States Code, for projects specified in clause (ii).

"(C) a prohibition of any public water system regulated under title XIV of the Public Health Service Act from providing drinking water service in the nonattainment area (or portion thereof, where the State failure relates exclusively to such portion) to any structure to which such service was not provided before the Administrator's choice of this sanction. The Administrator may not prohibit any public water system from providing water service to any customer requiring such service to correct an existing public health hazard;

"(D) the withholding by the Administrator of all or part of the grants for support of air pollution planning and control programs that the Administrator is authorized to award under section 105.".

"(3) Not later than twelve months after the Administrator makes a determination under paragraph (1) that a State is making reasonable efforts to cure the relevant failure, the Administrator shall make a final determination, which shall be published in the Federal Register, of whether the State has cured such failure. If the Administrator determines that the State has not cured such failure, the Administrator shall immediately apply, with respect to the relevant area within such State, at least one of the sanctions specified in paragraph (2).

"(4) The Administrator may, in the Administrator's discretion, apply any sanction or sanctions listed in paragraph (2) to address any of the failures specified in subsection (1) relating to any plan required under this title.

"(5)(A) Within six months following the applicable attainment date for any nonattainment area, the Administrator shall determine, based on the area's air quality as of the attainment date, whether the area attained the standard by that date.

"(B) Upon making the determination under clause (A), the Administrator shall publish a notice in the Federal Register identifying each area that the Administrator has determined to have failed to attain. The Administrator may revise or supplement such determination at any time based on more complete information or analysis concerning the area's air quality as of the attainment date.

"(6) No major stationary source of any pollutant shall be constructed or modified in a nonattainment area for such pollutant after the date forty-two months from the date of enactment of the Clean Air Act Amendments of 1990 or the date forty-two months from the date such area was designated nonattainment for such pollutant, whichever is later, unless, as of the later of such dates, the Administrator has approved a plan submission for the area meeting the requirements of section 172(c)(6) with respect to such pollutant as those requirements relate to the construction and operation of new or modified major stationary sources. Before the later of the dates set forth in this subsection, no State shall issue a permit for construction or modification of a major stationary source unless such permit meets the requirements of section 173.

"(7) Whenever—

"(A) an ozone nonattainment area fails to achieve the emissions reductions required under section 183(b)(2) or (3),

"(B) a carbon monoxide nonattainment area fails to achieve the emissions reductions of a mile-stone required under section 188(g)(3), or

"(C) a PM-10 nonattainment area fails to achieve the emission reduction of a milestone required under section 192(e)(2), but no later than twelve months after passage of the date for achieving such reductions, the Administrator shall notify the State containing such nonattainment area of such failure. No later than nine months after such notification, the State shall submit to the Administrator a revision to the applicable implementation plan adequate to achieve the emissions reductions that the area failed to achieve before such plan revision was due. Such revision shall provide that such emissions reductions shall be achieved by the end of the next complete three-year period (described in section 183(b)) or milestone period (described in section 188(g) or section 192(e)), as the case may be. Notwithstanding any other provision of this Act, the Administrator shall act on such revision under section 110(d)(3) no later than six months after the date on which the State submits such revision.".

(gg) TRANSPORTATION SYSTEM IMPACTS ON CLEAN AIR.—Section 108(f) of the Clean Air Act is amended by adding at the end thereof the following new paragraphs:

"(3) The Secretary of Transportation and the Administrator shall submit to Congress by January 1, 1992 and every three years thereafter a report that:

"(A) reviews and analyzes existing State and local air quality-related transportation programs including specifically any analyses of whether adequate funding is available to complete transportation projects identified in State implementation plans in the time required by applicable State implementation plans and any federal efforts to promote those programs;

"(B) evaluates the extent to which the Department of Transportation's existing air quality-related transportation programs and such Department's proposed budget will achieve the goals of and compliance with the Clean Air Act; and

"(C) recommends what, if any, changes to such existing programs and proposed budget as well as any statutory authority relating to air quality-related transportation programs that would improve the achievement of the goals of and compliance with the Clean Air Act.

"(4) Within 120 calendar days of submitting each report, the Secretary of Transportation in cooperation with the Administrator shall undertake all appropriate steps within existing authority and available resources to implement the recommended changes to the existing programs and proposed budget specified in subparagraph (3)(C).".

Mr. BINGAMAN. Mr. President, the amendment I offer on behalf of myself and Senator GRAHAM is one which will give additional flexibility to the States with regard to sanctions and will also require an analysis of the effectiveness of air quality related transportation programs.

S. 1630, as reported by the committee eliminated the use of highway funding as a penalty against the States, and substituted a transportation investment strategy. The bill repeals the EPA Administrator's authority to cut off highway funding. Instead, it provides that when the State fails to adopt or implement its plan, the Administrator and the Secretary of Transportation are directed to shift Federal transportation funding from projects that will promote increased auto use—highway—to alternative projects that will have the effect of reducing auto use such as transit, high occupancy vehicle lanes, and shared ride services.

The policy underlying the committee's action is to use Federal transportation funding as a pollution control strategy rather than as punishment for the States. The intention is to ensure that when the States have not adopted air quality strategies to achieve public health standards that Federal transportation spending in those States should contribute to improving air quality by helping to reduce vehicle use rather than building projects that will cause increased emissions by promoting increased vehicle use.

However, the compromise removes the obligation on the Administrator to apply this fund shifting policy when a State plan is inadequate or not being implemented. The use of Federal transportation investment as pollution control strategy is substantially undermined if EPA has the discretion not to require the shift in funding to projects that will benefit air quality.

The amendment I offer today on behalf of Senator GRAHAM from Florida and myself allows the State, through the Governor, to select this important fund shifting option, even when the Administrator decides not to apply this fund shifting policy. Most important, it gives States flexibility to tailor Federal transportation funding to implement the air quality related transportation programs adopted as part of the State's air pollution control strategy. States should not be forced to violate the air act in order to have this option.

Additionally, our amendment would also authorize the Secretary of Transportation and the EPA Administrator to review and analyze state and local air quality related transportation programs which are an important part of the investment strategy I have just discussed. Additionally, they would evaluate whether these programs are adequately funded and meeting the objectives for which they were created. Transportation control measures are an essential part of meeting our clean air goals and this amendment would help us achieve those goals.

I recommend the adoption of this amendment. I understand the amendment has been cleared on both sides.

I want to thank the managers and their staffs for working with us in the perfecting of this amendment. I, of course, want to thank my colleague, the Senator from Florida [Mr. GRAHAM], for his efforts and leadership in the preparation of this amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, the managers of the bill on this side have had an opportunity to examine the amendment by the Senator from New Mexico. It adds additional flexibility which will have the effect of helping to protect public health. It goes to the Governor's authority to use funds for mass transit, and we think it is a good amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island [Mr. CHAFEE].

Mr. CHAFEE. Mr. President, likewise on this side. We have reviewed the amendment and approve of it. It is a fine amendment.

Mr. BINGAMAN. Mr. President, I understand the Senator from Florida [Mr. GRAHAM] will be coming to the floor shortly to make a statement in support of the amendment. I see no reason we could not go ahead and vote on it at this time if the managers so desire.

Mr. GRAHAM. Mr. President, I rise in support of Senator BINGAMAN's amendment to the Clean Air Act which provides for enhanced flexibility to States in attaining air quality and for a report and recommendations by the Secretary of Transportation and the Administrator of the Environmental Protection Agency which reflect the relationship between these air quality standards and air quality related transportation programs.

As we deliberate improvements to the Clean Air Act, we must keep in mind this important relationship. On March 19, I had an opportunity to hear what impact the administration's national transportation policy will have on Florida's ability to meet the stiffer air quality standards we are considering today. We heard from a diverse group of people: Federal, State, and local officials, representatives of the private sector, academics, environmentalists, and users of the transportation system.

The witnesses' comments confirmed the need for incorporating into policy statements, budget proposals, and program requirements the connection between improving air quality and supporting States' transportation control efforts.

Mr. BINGAMAN's amendment addresses this need.

The amendment requires the Secretary of Transportation and the Administrator of the Environmental Protection Agency to submit to Congress by January 1, 1992, and every 3 years thereafter, a report that accomplishes several things:

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First, reviews and analyzes existing State and local air quality related transportation programs and Federal efforts to promote those programs;

Second, evaluates the extent to which the Department of Transportation's existing air quality related transportation programs and its proposed budget will achieve compliance with the Clean Air Act; and

Third, recommends any changes to existing programs and proposed budget as well as any existing statutory authority relating to air quality related transportation programs that would improve compliance with the Clean Air Act.

The amendment also requires action. That is, within 120 days of submitting the report the Secretary of Transportation in cooperation with the Administrator must undertake all appropriate steps within existing authority and available resources to implement the changes to his program and budget recommended in the report.

The second provision in the amendment enhances our State's ability to attain and maintain air quality standards, by empowering the Governors to opt into the air quality related transportation provisions of the act. If the Governor finds it is necessary to implement these transportation programs to achieve ambient air quality standards, then he may shift Federal highway funds from traditional projects to any of the air quality related transportation programs listed in the act. This would give the State the flexibility to tailor the use of Federal transportation funding to its needs for alternative projects such as bus and rail transit, high occupancy vehicle lanes, and ride sharing services.

Mr. President, I am concerned that the bill as drafted creates the wrong kind of incentive. Under current law, the Administrator of the EPA has an obligation to cut off highway funding when States are recalcitrant in the development of adequate plans to achieve the national health standards. This concept of penalizing the States for inaction has not often been used.

As a substitute, the committee has eliminated the use of withheld highway funding to penalize the States, and provides instead that if a State is out of compliance, then highway funds must be transferred to transportation projects in the State that are designed to reduce pollution. This revision of the law is a notable improvement.

Still, I am concerned that we are creating a system here whereby the States which are not in compliance with the act can transfer Federal dollars to transportation projects that help reduce air pollution. But for States that fully comply, but are still not achieving attainment, no increased funding for high occupancy systems will be available even if they need help to carry out nonpolluting transportation projects called for in their implementation plan.

My colleague Mr. BINGAMAN's amendment is intended to provide States the needed flexibility to meet air quality standards and requires the Secretary of Transportation to acknowledge in its policy statements and budget proposals the relationship between clean air standards and air quality related transportation programs.

Mr. President, I want to thank Mr. BINGAMAN for offering this amendment and the managers and their staff for their assistance.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 1380) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, as I indicated earlier, I will now seek to obtain a unanimous-consent agreement for disposition of the bill itself and all pending amendments thereto. There have been extensive consultations with the distinguished Republican leader, with the distinguished President pro tempore, with the managers and all other Senators, and I will now propound the agreement.

Mr. President, I ask unanimous consent that no later than 8 p.m. on Tuesday, April 3, the Senate, without any intervening action or debate, dispose of all pending amendments and vote on final passage of S. 1630, the clean air bill, as amended; that all remaining amendments not yet offered to the bill be relevant to the Mitchell-Dole amendment No. 1293; that debate on all amendments offered between now and 8 p.m., Tuesday, be limited to 1 hour equally divided in the usual form; that all other provisions of the previous unanimous-consent agreement relative to this bill remain in force and that no points of order be waived by this agreement; that if any Senator offers a listed amendment when all time prior to third reading has expired, that the amendment be in order and disposed of with 10 minutes of debate equally divided; that all allowance amendments must be filed at the desk by the close of business today, Tuesday, March 27; that Senator GRAMM be permitted to offer an allowance amendment, one of his listed amendments, that need not be filed, and that would be limited to and in order to the language of any allowance amendments that may be adopted to amendment No. 1293 after this point; that no allowance amendment be in order prior to 4 p.m. on Thursday, March 29; that Senator BYRD's amendment, No. 1329, be laid aside until 10 a.m. on Thursday, March 29; that there then be 5 hours of debate equally divided on the Byrd amendment, and that the vote on or in relation to the Byrd amendment occur at 3 p.m. on Thursday, March 29; that the agreement be in the usual form with respect to division of time.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, and I do not intend to object. I want to thank the majority leader for, hopefully, finally working this time agreement out. As I understand, as to the Byrd amendment, if all the time is not used on this side, would the vote come at the time we yield back that time or would it come at 3 o'clock in any event?

Mr. MITCHELL. If is my intention that it would come at 3 o'clock unless all parties agree, including Senator BYRD, to move it to an earlier time.

Mr. DOLE. If we have time we do not use, we could take up other amendments?

Mr. MITCHELL. We certainly could make that request at that time.

Mr. DOLE. Second, the distinguished Senator from Pennsylvania [Mr. SPECTER] would like to offer an amendment, I think tax credits for scrubbers; I think that is the amendment. Would it be in order, without trying to provide a list, that he might be recognized next to offer that amendment?

Mr. MITCHELL. I certainly have no objection to that. I assume the managers do not, pending completion of the discussion of the Senator from Ohio who has been engaged in a lengthy colloquy. I think we have been trying to get amendments over here.

Mr. DOLE. Does the Senator from Tennessee have an amendment?

Mr. GORE. No.

Mr. GLENN. Reserving the right to object, and I will not object. I wonder if the distinguished majority leader can tell us what our plans are. We have a huge number of amendments still out there. I wonder if he is planning to be in on Saturday, so on, if we need to in order to accommodate people who want to bring amendments to the floor, including myself. I would not like to find out Friday, Saturday, and Monday and vote Tuesday night.

Mr. MITCHELL. That is certainly not my intention. I say to the distinguished Senator that our problem has been just the opposite. We have been trying to get people over to offer amendments. We will be here this evening, tomorrow, Thursday. I will attempt to accommodate as many Senators as possible consistent with giving every Senator the fullest possible opportunity to offer his or her amendment. I will try to do that in the most fair and reasonable way possible.

Mr. GLENN. Will we be in on Friday, as far as the majority leader knows?

Mr. MITCHELL. Yes, that is my intention now. If we go for 3 days with no Senator offering an amendment, then I will obviously have to consider what the course of action should be then. I hope Senators will offer the amendments this evening. The Senator from Pennsylvania is prepared to offer his amendment.

Mr. GLENN. The only reason I am concerned, I have indicated there are several options we still have available. I did not propose an amendment, but I want to see what response I get. If I get a little response at this late date, then I will not bring it up. If I do get support for this, I want to make sure we have adequate time. If there is a 1-hour limit, then that is fine. I have to accept the 1-hour limit. I also would not want to get shunted aside because of short sessions. So it will take a little time for something like this to generate.

Mr. MITCHELL. Yes; right.

Mr. CONRAD. Reserving the right to object, and I will not object. I want to raise a question with the majority leader. I have an amendment that has been pending for days—I have not been able to get a response on it—that involves clean coal technology projects. I have had several variations of it. One was rejected, and we have proposed others, but have not gotten an answer. I do not want to find myself in the position that we get delayed, delayed, and get to the end game and told too bad, there is no time for consideration of this. What will happen with amendments like mine that have not yet been disposed of?

Mr. MITCHELL. I may first say to the Senator, he may bring the amendment up tonight.

Mr. CONRAD. Wait a minute. I have brought it through the process. I played according to the rules set out here. Supposedly, you come and submit amendments to a group that is supposed to give you a reaction, and I have done it in good faith. So it is not a matter of being invited to come and offer an amendment on the floor, and I have held off. I have gone through the process and not had an answer.

Mr. MITCHELL. Then may I say to the Senator, I will undertake to discuss it with the managers and the administration and have a response to the Senator not later than 10 o'clock tomorrow morning so that the Senator then, if the answer is yes, will be accepted; if it is no, then the Senator would have a full week within which to offer his amendment. Is that agreeable?

Mr. CONRAD. That is fair.

Mr. GRASSLEY. Reserving the right to object. This is a very good time to come in because I have exactly the same problem with an amendment that the Senator from North Dakota just suggested that I have been waiting to get an answer on, including going way back to when these negotiations were going on.

I had said of a subject I was interested in that I wanted an opportunity to present it, and I was told by the staff of Senator Dole that I would have my opportunity to do that. I was never called in there to present that. There was no point in my being in there for any other reason and taking up people's time. I was told after the agreement was taken care of that it would be taken care of in the technical provisions. I have never seen that. I have seen another Member stand up and offer something in the general area that I am interested in.

That was taken down at the request of the Republican side. I had Governor Sununu say to me, "Have we worked out your problem yet?" So evidently somebody down at the White House knows something about it.

I had the floor manager talk to me on the phone this afternoon: where was I on my amendment? Was I ready to offer it? I have been told by the Republican leader to hold off. So I would like to have my subject resolved. I have been waiting 6 weeks to even get my point of view across.

Mr. MITCHELL. I am not familiar with the——

Mr. GRASSLEY. It is not a whole lot different from what the Senator from North Dakota was saying.

Mr. MITCHELL. I will not deal with the specific amendment, but I will undertake to discuss it with the managers, the administration, and to urge them to provide a response to the Senator as soon as possible one way or the other, so if the Senator's amendment is not accepted, he will then have ample opportunity to offer the amendment on the Senate floor.

Mr. GRASSLEY. Will we have time to offer it and be able to present our point of view, as opposed to this idea that was floating around that at a later date we will put up our amendment without debate but have a vote on it?

Mr. MITCHELL. No. Absolutely. The Senator will have a full week within which to offer the amendment. I hope he will do it as soon as possible, if it is not accepted.

Mr. GRASSLEY. I thank the majority leader for his help.

Mr. MITCHELL. I thank the Senator.

Mr. McCLURE. Mr. President, will the Senator yield for a question?

Mr. MITCHELL. Sure.

Mr. McCLURE. I notice one part of the agreement deals with allowance amendments must be filed at the desk by the close of business today. I noted that there was a hotline on the Republican side of the aisle with respect to that earlier today.

I am informed that there was not any such notice on the Senator's side of the aisle until late this afternoon, that as late as 5 p.m. it had not been done.

The only reason I ask that is I think every one of us wants to know exactly what those are, and I know what the Senator from New Mexico had said with respect to his own responses. I just wonder if, as we are talking, it is fair to say to everybody now you have to have all your allowance amendments filed.

Mr. MITCHELL. Mr. President, I have relied upon our staff, and I must say that although I have had plenty of complaints by my Democratic colleagues since I have been majority leader, nobody has every complained to me that they have not had notice of what I have been going to do. If anything, I have erred on the side of caution in that regard.

I can only say the staff is here and they have assured me that Democratic Senators have been notified, and I am prepared to accept this. This merely requires that the amendments be filed by the close of business today.

Mr. McCLURE. When is the close of business going to be today?

Mr. MITCHELL. I do not know that. I hope it is going to be late, because I hope we are going to get some amendments offered.

Mr. McCLURE. If there are a number of hours that intervene between now and then, I think we can make certain this was correct. But I was a little startled by it. That was the reason I mentioned it.

Mr. DOLE. Can we just say midnight?

Mr. MITCHELL. I am prepared to suggest that the Senators have until midnight to file their amendments.

Mr. McCLURE. That is fine.

Mr. GORE. Reserving the right to object, and I will not object, I want to defend the committee leadership and the majority leader and Republican leader, and the staff, against the com-

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plaints that I have heard lodged. I understand how they come about. I, too, have been in continuing discussions with the committee about amendments which I am prepared to offer and debate but which might be accepted.

The rather extraordinary procedure which resulted in the agreed text we are in the process of amending is now being replicated for each of hundreds of proposed amendments in an effort to get a similar widespread agreement on as many of the amendments as possible. The process is very understandable. Staff has been working overtime, long hours, early hours, late hours. The leadership of the Senate and the committee has really done an unusually thorough job. I am speaking as one who has one controversial amendment that I am waiting to offer. I hope it will be accepted. But it may not be. I am prepared to live with this. I think the committee and staff have done a great job, and I will not object.

Mr. MITCHELL. I thank my colleague. I ask unanimous consent that the unanimous-consent agreement be modified with respect to that provision dealing with filing of allowance amendments, that instead of saying "at the close of business today," it say "by midnight today."

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. The amendment which this Senator has listed on the investment tax credit is one which I have disussed with the majority and minority leaders, and I had discussed it a few moments ago with Senators CHAFEE and stated my willingness to proceed first thing in the morning. But that will need more than 1 hour. I would like to have 2 hours.

There are quite a number of Senators who have submissions on that amendment.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the agreement be modified to provide for 2 hours for the Specter amendment on investment tax credit.

Mr. SPECTER. I am sorry, I did not hear. I was talking to Senator CHAFEE. Did the Senator ask for 2 hours?

Mr. DOLE. Yes.

Mr. SPECTER. I thank the distinguished majority leader.

There is no other issue I discussed with Senator CHAFEE, and that is the matter relating to allowances. There is a dispute as to drafting, as to whether an allowance provision was taken care of on a matter of interest to this Senator, and Senator CHAFEE has said when we discussed it late last week, there might be a leadership amendment which would be available to accommodate that concern.

Mr. CHAFEE. The Senator rightfully describes the situation. It was his belief that his provision was included in the report, and it was not. I have forgotten exactly what the circumstances were. Therefore, he did not file an amendment for that situation. I was going to try to work it out with him. I believe I have one amendment remaining.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Certainly, Yes.

Mr. DOLE. If there was a misunderstanding, as there appears to be, I think we indicated informally, whichever side it was, that we might by consent permit them to offer that amendment. That might be the easiest way.

I am not going to offer all my amendments, but I would rather not use my leadership amendments. My leadership amendments would be to address concerns we discussed in the negotiations. I might not use any of them, but if there is no objection, maybe we could have consent to put that amendment on the list.

Mr. MITCHELL. I have no knowledge of the subject.

Mr. DOLE. It is an allowance.

Mr. MITCHELL. The manager on this side has no knowledge of it. May I suggest this. If we could have a discussion of it, I feel quite confident we could accommodate the Senator's concerns. If there was a genuine mistake and misunderstanding, I think there would be no problem with doing that.

I do not know anything about the subject mater or the circumstances which the Senator describes.

Mr. SPECTER. If the majority leader will yield, it relates to allowances. It was the understanding of my staffer that the allowance would be included in the bill, and it was a dispute over drafting. We had a protracted discussion about it late Thursday night.

I think there is a genuine dispute, and I think the balance of the evidence is that the understanding of my staffer was that the allowance would be included in the draft.

But rather than get involved in precisely what happened there, it is my suggestion that it be accommodated when all of the allowance issues are worked out.

Mr. MITCHELL. Right. I have no objection to that. There is no problem. I understand, though, the Senator has to file the amendment by midnight today if it is an allowance amendment, under the terms of this agreement.

Mr. SPECTER. I think that already has been done, but I will be sure it has been done.

Mr. MITCHELL. That is fine. Then I have no objection.

Mr. BYRD. Mr. President, reserving the right to object, and I do not believe I object, the distinguished majority leader discussed this request with me earlier. I am sure in connection with the aspects of it that we discussed, it is in accordance with those agreements.

But the original agreement provides that no motion to recommit be in order. Is there anything in this agreement that has now been propounded that would supersede the original agreement or that portion of it?

Mr. MITCHELL. The answer is, no. In this request, I specifically asked that "all other provisions of the previous unanimous-consent agreement relevant to this bill remain in force and that no points of order be waived by this agreement."

Mr. BYRD. Fine. I came into the Chamber a little late. So that is still a part of the agreement. The only other question I have is with respect to the amendment that I have now pending. Is it agreed, or can it be understood, that there will be no other amendment of the nature of the Byrd, et al., amendment voted on prior to the vote on or in relation to the Byrd amendment at 3 o'clock?

Mr. MITCHELL. As the chairman knows, this is the first time he has raised that subject with me.

Mr. BYRD. I just now thought of it.

Mr. MITCHELL. Yes. As the chairman also knows, we are in the process of discussions which we hope will obviate the need for this vote at that time, that we would be able to reach some agreement. I would have to discuss with the Republican leader and others the question which the chairman has just raised because that is something that did not come up in our earlier discussions.

Mr. BYRD. That is true. It did not. I did not think of it. I know that both leaders have leader amendments, and they have a right to offer amendments in accordance with the listing thereof. But I just am wondering if it would be possible to agree that, as far as the subject matter of the amendment which I have offered, there would be no other amendment offered prior to the vote on the pending Byrd amendment, or in relation to that amendment. There could be a tabling motion prior to that vote. All bets are off as far as what happens after that. I understand that. I was just wondering if we could agree on that.

What I am saying is I would like to have a vote on the Byrd amendment up or down or a tabling motion if we could not agree on any compromise prior to that time. I hope we would not have an amendment voted on prior to the vote or in relation to my amendment that is of the nature of the amendment.

Mr. MITCHELL. As the request suggests, that option is available at this time. I would like the opportunity to discuss it with the distinguished Republican leader before responding. This is, as we have agreed, a new subject matter raised which has not previously been raised. I would like at least a few moments to discuss it to get the views of others who have been involved in this matter.

Mr. BYRD. Could we postpone the action on the request then until we discuss it?

Mr. MITCHELL. Indeed, since the request asks unanimous consent.

Mr. BYRD. Yes.

Mr. DOLE. I wonder if I might raise with the majority leader—and I think we do need to discuss this because one strategy, if we cannot get an agreement, is to offer an amendment that covers the subject matter covered by Senator Byrd's amendment to make it a generic amendment that protects the workers who lose their jobs everywhere in America and in every industry. So I would be happy to discuss that.

I also share the view expressed by Senator Glenn that we need people offering amendments. I hope we can generate some on this side. If we can get the agreement, I think they are going to start coming because then they know that at a certain time it is over. I do not know what the majority leader plans. I know he plans tonight, tomorrow, and Thursday. Does he have any idea what we might expect on Friday or Monday? I specifically refer to Monday on whether or not we could do business on Monday but have the votes occur on Tuesday morning.

Mr. MITCHELL. That certainly is my present intention. We previously announced that there would not be votes on Mondays prior to Easter. I would like to maintain that to accommodate Senators. It will obviously depend upon what happens between now and then, but I hope Senators will avail themselves of the time that now exists and not wait until the end. I think it is very much in their own interest to do so—that it will not be necessary to have votes on Monday; that we do business, if necessary; have debate; but permit the votes to be stacked on Tuesday.

Mr. DOLE. If the majority leader will yield further, if the agreement is obtained, then it would be my intent on this side to try to line up some amendments. If that could happen on the other side, then we could sort of rotate. The Senator from Pennsylvania indicated he would be ready to start at 9 in the morning or any time the majority leader wants to start on the bill.

So we will try to determine how many amendments are going to be offered and mainly make certain that they understand, if they are not offered, they are going to be up against the time limit—if we get the agreement—on Tuesday evening.

Mr. MITCHELL. I thank my colleague.

Mr. President, I suggest the absence of a quorum. Mr. President, I withdraw the request.

Mr. GORE. I have an amendment which I think has been worked out with the committee. I have been waiting to offer it.

Mr. MITCHELL. If the Senator will withhold until we reach an understanding, it will just take a couple of moments. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Lieberman). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask that the provision of the proposed agreement relating to the Byrd amendment be modified to include the following language: That no amendment relating to the subject matter of amendment No. 1329 be in order prior to the vote on or in relation to the Byrd amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE addressed the Chair.

Mr. MITCHELL. Mr. President, do I understand that that is so ordered, that the unanimous-consent agreement has been agreed to as proposed?

The PRESIDING OFFICER. My understanding is the agreement is on the modification.

Is there agreement now to the unanimous consent proposed, as modified.

The Chair recognizes the Republican leader.

Mr. DOLE. Mr. President, reserving the right to object, I will put in a short quorum call while I check with Senator Domenici on what appears to be happening with reference to allowances. If we agreed to have a party vote on one request I am not certain that Senator Domenici wants to consent to this agreement. So I need to talk with him. I see developing a party vote on the Johnston amendment and there are several other people who have allowance amendments, too.

Mr. MITCHELL. There has been no agreement on a party vote.

Mr. GORE. Mr. President, will the Republican leader withhold briefly?

The PRESIDING OFFICER. Does the Republican leader withhold?

Mr. DOLE. Yes.

Mr. GORE. Reserving the right to object, I have a noncontroversial amendment that has been accepted by all sides and I would like to propose it and pass it and have it done with, and that will be 1 hour less taken away from the debate on these other amendments. I wonder if I might ask unanimous consent to deal with this amendment now while the leadership is awaiting resolution of this matter? I anticipate it will take about 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Republican leader is recognized.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, just to make the record clear, I have discussed the agreement with Senator Domenici, who raised the question initially. I cannot remember what evening it was here. I do not understand all the allowances. This amendment is worth about $60 million a year that has to come from other States. But he has no objection as long as it is treated as the other allowance amendments are concerned. This is substantial in his words. I am not an expert on what that means. But $60 million a year coming from other States would not seem to pose some problems with the rest of us. So he had no objection.

Mr. CHAFEE. As I understand by "no objection" I understand that that means it is not considered now, that we do not——

Mr. DOLE. It goes into the pot.

Mr. CHAFEE. It goes into the pot, which of course is the privilege he has anyway, that the Senator from Louisiana had.

Mr. MITCHELL. Mr. President, I renew my request.

The PRESIDING OFFICER. The question now occurs on the unanimous-consent agreement posed by the majority leader.

Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That no later than 8 p.m., Tuesday, April 3, 1990, the Senate, without any intervening action or debate, dispose of all pending amendments and vote on final passage of S. 1630, the clean air bill, as amended.

Ordered further, That all remaining amendments to the bill be relevant to the Mitchell-Dole amendment, No. 1293.

Ordered further, That debate on all amendments, offered between now and 8 p.m. on Tuesday, April 3, 1990, be limited to 1 hour each, equally divided in the usual form; that all other provisions of the previous unanimous-consent agreement relative to this bill remain in force; and that no points of order be waived by this agreement.

Ordered further, That if any Senator offers a listed amendment when all time prior to third reading has expired, that

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amendment be in order and disposed of with 10 minutes of debate, equally divided.

Ordered further, That all allowance amendments must be filed at the desk by 10 a.m., Wednesday, March 28, 1990: *Provided*, That Senator GRAMM be permitted to offer an allowance amendment, one of his listed amendments, that need not be filed and that would be limited to, and in order to, the language of any allowance amendment that may be adopted to amendment No. 1293 after this point.

Ordered further, That Senator BYRD's amendment, No. 1329, be laid aside until 10 a.m., Thursday, March 29, 1990, and that there be 5 hours debate, equally divided, on the Byrd amendment, and that the vote on, or in relation to, the Byrd amendment occur at 3 p.m., Thursday, March 29, 1990: *Provided*, That no amendment relating to the subject matter of amendment No. 1329 be in order prior to the vote on, or in relation to, the Byrd amendment.

Ordered further, That no allowance be in order prior to 4 p.m. on Thursday, March 29, 1990.

Ordered further, That there be 2 hours debate on a Specter amendment, relative to investment tax credit.

Ordered further, That the agreement be in the usual form.

(Subsequently the following occurred:)

Mr. BAUCUS. Mr. President, I ask unanimous consent that the provision agreed to previous with respect to filing of allowance amendments be modified to permit the filing of these amendments until 10 a.m., Wednesday, March 28.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, I thank my colleagues for their courtesy and patience, and I am about to yield the floor to the managers. I understand they are prepared to accept amendments. I do not know if any are pending at this time. I thank the distinguished Republican leader for his cooperation in that matter.

Before I yield the floor, Mr. President, could I just perhaps describe the schedule briefly for the remainder of the week.

Under this agreement, amendments relating to allowances must be filed at the desk by midnight tonight. So any Senator who has an amendment relating to allowances who wishes that amendment to be considered must file it by midnight tonight. Those amendments, that is those relating to allowances, will not be in order to be considered prior to 4 p.m. on Thursday. It is my intention and my hope that at that time we can turn to the allowance amendments and consider them at that time. That is with respect to allowance amendments.

With respect to Senator BYRD's amendment, as I indicated earlier, we are still involved in discussions in an effort to resolve that through a compromise alternative. I presented, in my behalf and that of Senator DOLE's, a proposal to Senator BYRD last Thursday evening. He is in the process of consulting with other of his colleagues who are supporters of his amendment and we hope and expect to have a response from that tonight. We will, then, after receiving that response, consider what further action we will take. It remains my hope that we can reach agreement on a compromise alternative prior to Thursday.

In the event that no agreement is reached prior to Thursday, then that amendment will be debated from 10 a.m. until 3 p.m., with a vote on or in relation to the amendment at 3 o'clock. There will be no amendment relating to that subject matter prior to the vote on or relation to the Byrd amendment, but of course subsequent to it, in the event no agreement is reached and a vote occurs, there could be other such amendments.

Finally, the vote on final passage of the bill will now occur not later than 8 p.m. on next Tuesday, April 3. I hope that Senators will come over and offer their amendments tonight, tomorrow, Thursday, and Friday so that we do not get into the situation of having a lot of amendments jammed up at the end.

If at all possible, it is my intention, as suggested by the distinguished Republican leader earlier, if we are still considering this matter on Monday, as I expect that we will be, that we could be in session, do business, consider amendments, but put the votes over until Tuesday and then complete final action on Thursday as scheduled.

Mr. DOLE. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DOLE. Now that we have an agreement, I congratulate the distinguished majority leader. I will instruct the staff on our side to start going down the list of everyone who has an amendment or amendments listed, see if they intend to offer those amendments, and see if they are now willing to be in some rotation plan where we could go from one side to the next. And we will start, if not tonight, tomorrow morning with the Senator from Pennsylvania, Senator SPECTER's amendment.

So by 11 o'clock tomorrow I hope to give the majority leader and the managers of the bill maybe four or five amendments that we will lock in if we can, if it is all right with the majority leader.

Mr. MITCHELL. Yes.

Mr. DOLE. Otherwise, what could happen is it will be Tuesday, at 6 o'clock, everybody will have an amendment and complain because they do not have any time to accommodate it. So we will try to accommodate the majority leader in any way that we can. I hope very much that will occur. I must say I conceive of no possible advantage for Senators to wait until the last minute to offer an amendment when there is ample time to do so before then.

Mr. CHAFEE. Mr. President, I just want to express my personal heartfelt thanks to the majority leader for obtaining this agreement. We have been here a long time now. The end is in sight. It may not be the end, but it is the beginning of the end, anyway.

So I echo the plea that the majority leader and the distinguished Republican leader have made for people to get over here with their amendments. I do not know how long we want to stay open for business tonight, but we are here. At best, we can take and debate the amendments and vote. At worst we can take them and debate them and maybe vote tomorrow if anybody will show any sign of action.

But the time is running now and people are not going to have time to debate their amendment if they do not get them over. So I am very grateful to the majority leader and the distinguished Republican leader.

Mr. MITCHELL. Mr. President, I thank my colleague.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Without objection, the pending amendments will be set aside.

AMENDMENT NO. 1384 TO AMENDMENT NO. 1293

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1384 to amendment No. 1293.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Amend amendment No. 1293 on pages 196 through 197, delete Paragraph 11 and insert in lieu thereof the following:

"(11) CONVENTIONAL GASOLINE.—Not later than July 1, 1992, the Administrator shall promulgate regulations ensuring that, beginning on January 1, 1994, gasoline sold on a nationwide basis does not result in *per gallon* emissions of volatile organic compounds, oxides of nitrogen, carbon monoxide, and carcinogenic air pollutants in excess of *per gallon* emissions of such pollutants attributable to gasoline sold in calendar year 1989.

Mr. JOHNSTON. Mr. President, I understand this amendment has been cleared on both sides. The original language was susceptible of the interpretation that there was a cap put on total gasoline emissions. The intent was to put a cap on miles-per-gallon emissions, and this simply conforms the language to that understanding.

Mr. BAUCUS. Mr. President, I think the Senator is correct. I ask the Senator, is the word "average" inserted in his amendment before the words "per gallon"?

Mr. JOHNSTON. On what line?

Mr. BAUCUS. Like, say, line 4?

Mr. JOHNSTON. No, it is just "per gallon."

Mr. BAUCUS. Would the Senator mind if the word "average" were inserted?

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the word "average" be inserted immediately before "per gallon," as it first appears in the amendment—as it appears twice in the amendment. In other words, put in "average" in front of "per gallon" as it appears twice.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. CHAFEE. Yes, there is objection.

Mr. PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, to clear this up so we can get an amendment adopted here, might I suggest to the Senator to withhold his requested modification and we just leave the words, do not insert the word "average" and leave the amendment?

Mr. JOHNSTON. Mr. President, I ask unanimous consent that my last unanimous-consent request be withdrawn and vitiated.

The PRESIDING OFFICER. The Senator has that right and it is so ordered.

Mr. BAUCUS. Mr. President, based on all that useless discourse, I urge adoption of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, likewise on this side. I am glad we made a little progress today.

The PRESIDING OFFICER. The question then is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1384) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Republican leader is recognized.

Without objection, the pending amendments will be set aside.

AMENDMENT NO. 1385 TO AMENDMENT NO. 1293

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 1385 to amendment No. 1293.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 238, after line 8, add the following:

"(6) No later than twelve months after the date of enactment of the Clean Air Act Amendments of 1990 or within six months of adding any substance to the list established by paragraph (1), the Administrator shall establish significant emission levels for any listed substance for purposes of the preconstruction requirements of section 165.".

Mr. DOLE. Mr. President, we have created an enormous toxics program under this bill. It is intended to use technology to clean up quickly sources of about 190 hazardous air pollutants and then assess the remaining risk for possible further control.

However, we have also created—inadvertently—a source of major delays, unnecessary paperwork, and increased costs in areas where air quality standards are already met.

Major sources of pollution must undergo what is called preconstruction review. We already know that they will have to install MACT, a very strict level of technology. We want the permits for these plants to be processed as quickly as possible.

Unintentionally the bill has created a major snag in the permit process. EPA requires all regulated pollutants to be assessed as part of the PSD review—for those areas where air quality standards are met—unless emissions are determined to be inconsequential. Under this bill, all 191 pollutants on the list of toxic chemicals would require a PSD determination. That means a lot of unnecessary work and expense. In fact, it would have the perverse effect of delaying many projects even if they result in decreases in emissions.

The amendment I am proposing calls upon EPA to set significance levels for the list of hazardous air pollutants. If any new pollutants are added to the list, EPA will set a similar level within 6 months.

This amendment is intended to make the Clean Air Act produce its intended health benefits more efficiently—without causing pending permits to come to a dead stop because a facility emits one molecule of one of the scores of substances we have now added to the list of regulated pollutants.

The PRESIDING OFFICER. Is there further debate?

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, we have reviewed the amendment on this side and accept the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Likewise on this side. It is a good amendment. We urge its adoption.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 1385) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

The Chair recognizes the majority leader.

Mr. MITCHELL. Mr. President, I am advised by the managers that no other Senators——

Mr. JOHNSTON. Mr. President, I think we have an amendment that has been cleared.

Mr. MITCHELL. Mr. President, I am advised by the managers that no other Senator has come forward with an amendment that will be contested. I understand the Senator from Louisiana has another one that has been cleared for acceptance. If that is the case, then there will be no further rollcall votes this evening.

I renew my caution to Senators who have amendments, that there is now a fixed time at which final passage will occur. Senators who have amendments have the opportunity to come over and offer them. If they do not do so, then their amendments will be considered at the very end, under less than favorable circumstances. The managers are here and are prepared to remain as long as necessary this evening to receive, debate, and vote on such amendments. I urge Senators to take the opportunity tomorrow.

On Thursday, if there is no agreement reached with respect to the Byrd amendment, there will be 5 hours on that. And then the allowance amendments will be taken up Thursday.

So there will be not as much time on Thursday as there was tonight and will be tomorrow for Senators to offer other contested amendments.

In their own interest, I encourage all Senators to come forward. We now do have an ending time. We clearly are now going to finish this bill by a specific time, and if a Senator wishes to have his or her amendment considered, I encourage them to come forward.

Senator SPECTER indicated he would be ready to go first thing in the morning, and that it would take about 2 hours. I anticipate coming in at 9 o'clock and being on the bill at 9:30. That means a vote on the Specter

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amendment at or sometime prior to 11:30, and then the managers will be trying to line up amendments on both sides during the day tomorrow.

Mr. DOLE. If the majority leader will yield, I understand what the majority leader has stated. The pressure is now on Members to come to the floor. We are going to have a vote on Tuesday whether their amendments are offered or not. My colleagues, I think, understand that.

I thank them for letting us reach an agreement, and I commend my colleagues for permitting us to go forward with an agreement. There is a reality now that time is going to run out.

I certainly urge my colleagues on this side, and we will pursue it vigorously in the morning, to see if we can line up—maybe there are not that many amendments; maybe there is a handful.

We intend to have some report to let the majority leader know maybe by 11:30 or noon tomorrow.

AMENDMENT NO. 1388 TO AMENDMENT NO. 1293

(Purpose: To improve operation of allowance reserves, sales, and auctions)

Mr. JOHNSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON] proposes an amendment numbered 1388 to amendment No. 1293.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 393 beginning at line 7 strike everything through page 397, line 21 and insert the following in lieu thereof:

"(2)(A) FIXED PRICE SALE OF ALLOWANCES.—In accordance with the provisions of this paragraph, the Administrator, pursuant to regulations promulgated not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, shall offer and sell allowances, at a price of $1,500 per ton (adjusted for inflation based on the Consumer Price Index beginning on the date of enactment of the Clean Air Act Amendments of 1989 and annually thereafter) in accordance with regulations for the use of allowances pursuant to subsection (b). The number of allowances offered and sold under this paragraph that can become useable in any given calendar year shall not exceed 100,000. The Administrator shall offer to sell the maximum number of allowances permitted under this subparagraph and shall complete such sales as provided further under this paragraph. No allowance offered and sold under this paragraph shall become useable (i) prior to the year 2000, and (ii) until two calendar years after the calendar year in which it has been offered.

"(B) Beginning ninety days after the promulgation of regulations and anytime thereafter, an applicant under this paragraph may submit an application or applications for the purchase of allowances. An applicant shall demonstrate that (i) the applicant is, or will be, an owner or operator of a unit subject to subsection (e), and (ii) the applicant has entered into binding agreements to construct the unit for which the allowances are being sought or that the public service commission with jurisdiction over the unit has given its approval for the construction and operation of the unit. No applications may be: (i) for the purchase of more than the number of allowances needed to operate the unit, for which allowances are being sought, for a period of 20 years, or (ii) for the purchase of allowances that become useable in a given calendar year in an amount greater than the number of allowances needed to operate the unit, for which allowances are being sought, for a period of one year.

"(C) The Administrator shall approve or disapprove applications no later than ninety days after submission by the applicant. Notwithstanding the fact that the approval of applications may exhaust the supply of allowances available to subsequent applicants in a given year, the Administrator shall consider applications in order of submission and, subject to the restrictions of subparagraph (A), approve such applications if the requirements of subparagraph (B) are met. If an application that would otherwise be approved would exhaust the supply of allowances in a given year, the Administrator shall offer to sell only those allowances in the application that are still available to be offered. The Administrator shall calculate an estimated purchase price to the applicant according to subparagraph (A) and rules promulgated under this paragraph. Such estimated purchase price shall reflect the discounted present value of the payments that the applicant would otherwise make if it were to pay for the allowances applied for on a year-to-year basis, and shall provide for the use of a discount rate equal to an interest rate on short-term borrowing by the Department of Treasury. Each applicant shall be required to pay earnest money equal to one half per centum of the estimated purchase price within six months of approval of the application. Upon the receipt of such payment the Administration shall issue to the applicant a letter certifying that the applicant is eligible to purchase allowances as specified in the approved application and stating that such eligibility shall expire one year and one day prior to the calendar year in which any of the allowances becomes useable. Within 90 days of receipt of such payment, the Administrator shall distribute such payment pro-rata to the owners or operators of affected units from whose allocations allowances may be deducted under subparagraph (D).

"(D) The Administrator shall promulgate regulations not later than thirty-six months after the date of enactment of the Clean Air Act Amendments of 1989 specifying: (i) one or more payment options (accounting for the earnest money paid for under subparagraph (C)) for purchase of allowances applied for under this paragraph, and (ii) methods by which an applicant can decrease, without penalty, the number of allowances purchased relative to the number of allowances applied for. Not later than one year and one day prior to the calendar year in which any of the allowances that have been reserved in accordance with an approved application become useable, the applicant who wishes to purchase such reserved allowances shall make a payment to the Administrator as specified in regulations promulgated under this subparagraph. If the applicant does not make such payment, the earnest money paid under subparagraph (C) shall be forfeited and the applicant's eligibility to purchase the allowances applied for shall expire. Following each payment specified in the regulations, the Administrator shall issue the allowances paid for to the approved applicant and on a pro-rata basis deduct, from the allowances allocated pursuant to subsections (b)(1) and (3); (c)(1), (2), and (3); (e); (f); (g)(1), (2) and (4); (h)(1) and (3) and the equivalent of the emissions limitations requirements of subparagraphs (4) and (5) of subsection (d), of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued. The Administrator shall record the transfers of allowances as a result of each sale in accordance with the requirements of subsection (b). Within ninety days of the issuance of allowances, all funds collected as a result of the sale of such allowances under this paragraph shall be disbursed on a pro-rata basis to the owners or operators of the affected units from whose allocations the allowances are deducted. No funds transferred from a purchaser to the owners or operators of the affected units from whose allocations the allowances are deducted shall be treated for any purpose as revenue of the United States. Any allowances that are available for sale under this paragraph, and that remain unsold as of one year prior to the calendar year in which they become useable, shall be added to the allowances available for sale at auction under paragraph (3).

"(3)(A) ALLOWANCE AUCTION.—In accordance with the provisions of this paragraph, the Administrator shall conduct auctions of allowances no less than twice in each calendar year beginning in calendar year 1995 and in each year thereafter. In conducting such auctions the Administrator, in accordance with the requirements for the use of allowances pursuant to subsection (b), may sell both allowances which are useable in the calendar year in which an auction is held and allowances which are not useable until a specified calendar year following the auction; Provided, that:

"(i) no allowance sold in an auction under this paragraph shall be useable prior to the year 2000;

"(ii) except for allowances contributed under subparagraph (D) of this paragraph and allowances added under subparagraph (D) of paragraph (2), the total number of allowances sold in auctions under this paragraph that can become useable in any given calendar year shall not exceed 100,000; and

"(iii) in each calendar year beginning with the year 2000, the number of allowances that have been previously sold at auction and that become useable in such year together with the number of allowances that are offered for sale at auction in such year and become useable in such year shall not be less than 100,000.

In each auction the Administrator shall offer to sell long-term streams of allowances consisting of allowances that are not useable until specified calendar years following the auction. Such long-term streams shall be sufficient to permit the operation of units that in the aggregate would use no less than 7,500 allowances per year for a period beginning no earlier than the calendar year following such auction and not less than fifteen years thereafter. Allowances not sold in long-term streams shall be offered no later than two years from the calendar year in which they become useable. Not later than thirty-six months after the enactment of the Clean Air Act Amendments of 1989, the Administrator, after consultation with the Secretary of the Treasury, shall promulgate regulations setting forth the method by which each auction shall be conducted. The regulations shall assure that the auction is open to any person who may hold allowances pursuant to this section and shall not require that a minimum price be met for the purchase of allowances. Allowances awarded at auction may be used for any purpose subject to the provisions of this title. Persons awarded allowances pursuant to each auction shall be required to pay a specified per centum of the total purchase price within a specified period of time subsequent to the date of award, as set forth in the regulations promulgated under this paragraph, except as otherwise provided in subparagraph (B). Upon the receipt of such payment the Administrator shall issue to the person a letter certifying that the person is eligible to purchase allowances as specified according to the bid and award and stating that such eligibility shall expire one year prior to the calendar year in which any of the allowances becomes useable. Within 90 days of receipt of such payment, the Administrator shall distribute such payment pro-rata to the owners or operators of affected units from whose allocations allowances may be deducted under subparagraph (B).

"(B) Not later than one year prior to the calendar year in which any of the allowances awarded to a person becomes useable, such person who wishes to purchase such awarded allowances shall pay to the Administrator the balance of the purchase price. In the case of an award of allowances in which one or more allowances are useable in the year of award, the person who wishes to purchase such allowances shall pay the full purchase price within a specified period of time less than a year after the award, as set forth in the regulations promulgated under this paragraph. If the person does not consummate a purchase, any amount previously paid shall be forfeited and the person's eligibility to purchase such allowances shall expire. The Administrator shall issue the auctioned allowances as purchased to the person and on a pro rata basis deduct, from the allowances allocated pursuant to subsections (b) (1) and (3); (c) (1), (2), and (3); (e); (f); (g) (1) (2), and (4); (h) (1) and (3) and the equivalent of the emissions limitation requirements of subparagraphs (4) and (5), of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued.

"(C) Within ninety days of the issuance of allowances, all funds collected as a result of the sale of allowances under this paragraph shall be disbursed to the owners or operators of the affected units from whose allocations the allowances are deducted. Such disbursement shall be on a pro-rata basis except with respect to proceeds from the sale of contributed allowances under subparagraph (D). No funds transferred from a purchaser to the owners or operators of the affected units from whose allocations the allowances are deducted shall be treated for any purpose as revenue of the United States. The Administrator shall make information publicly available concerning the nature, price, and results of each auction including the prices of successful bids and shall record the transfers of allowances as a result of each auction and purchase in accordance with the requirements of subsection (b).

"(D) Any holder of allowances may contribute to any auction allowances and shall receive the proceeds from the auction of such allowances. Allowances contributed for auction under this subparagraph may be useable in the calendar year in which an auction is held or may not be useable until a specified calendar year following the auction in accordance with the requirements for allowance use specified in subsection (b). Allowances that are contributed and sold shall be deducted from the allowances allocated to the owner or operator making the contribution. The holder of such allowances may specify a minimum sale price and time of payment provided that the Administrator finds that doing so would not interefere with the purposes and functioning of the auction.

"(4) The regulations promulgated under paragraphs (2) and (3) and the discretion exercised by the Administrator in conducting sales and auctions shall be consistent with the competitive functioning of a national market for allowances and preservation of competition in the electric power industry. Pursuant to rulemaking after public notice and comment the Administrator may at any time after the year 2002 decrease the number of allowances sold in, and modify other terms of, the sales and auctions provided under paragraphs (2) and (3) if the Administrator finds that such changes would be consistent with the competitive functioning of a national market for allowances and the preservation of competition in the electric power industry. Pursuant to the regulations the Administrator may by delegation or contract provide for the conduct of sales or auctions under the Administrator's supervision by other departments or agencies of the U.S. government or by nongovernmental agencies, groups, or organizations.".

Mr. JOHNSTON. Mr. President, I understand this amendment has been cleared on both sides. It does not affect the allocation of allowances, but it provides for the mechanics by which they are signed so as to conform with the long-term needs of utilities.

Under the present bill, some 2 percent of the allowances are set aside to be sold annually. Of course, the planning horizons of utilities is considerably longer than that, 20 years, and so forth.

What this amendment does is allow those long-term contracts for sales to take place so as to conform to those planning horizons of the utilities.

Mr. President, this amendment is intended to improve the operation of allowance reserves for purposes of ensuring that new units and utilities with few opportunities for emission reductions have adequate access to allowances. The amendment does not change the allocation of allowances among utilities. It simply provides an improved way of selling allowances from reserves and it helps the overall market for allowances work better.

The proposed amendment would redesign the fixed price sales and the auction system in the current Senate bill. The key change is that EPA would sell long-term streams of allowances; for example, 10 tons per year for a period of 20 years. In contrast, the Senate bill would only sell allowances to be issued for a single year. The amendment would keep the total number of allowances in reserves at 200,000.

One can make a strong case for a greater number of allowances in the reserves, and the early drafts of this amendment had reserves of 300,000 allowances. I have agreed to reduce the number to 200,000 because I want to be certain this amendment passes. It is crucial to design the sales and auctions to provide for long-term streams. The ultimate size of the reserves is an issue that should be addressed again in conference.

PROBLEMS WITH CURRENT RESERVES AND AUCTION

The current bill provides two reserves: 100,000 allowances to be sold at a fixed price conducted 7 years ahead of time, and 100,000 allowances to be sold in an auction conducted 5 years ahead of time. There are several problems in relying on this approach to help serve the demand for allowances from new units:

First, it forces a new unit to buy and bank allowances. This will inflate demand and prices in the early years. A feeding frenzy will occur in the auctions as new units try to buy 20 years of allowances out of a pool to be issued in the year 2000, 2001, and so forth.

Second, the auction would not produce good price signals to stimulate the private market for long-term streams. Twenty tons in the year 2000 is not the same product as 1 ton per year for 20 years beginning in the year 2000. The former is more flexible, more valuable, and will be higher priced. New units don't need 20 tons in a single year.

Third, the need to buy and bank leads to reduced emissions in the early years; control costs move forward in time; the present value of compliance costs increases.

PROPOSED AMENDMENT

The guiding principle of this amendment is to focus the fixed price sale and auction on that part of the market most likely to fail; that is, to offer long-term stream of allowances in the crucial early years of the market. Private sellers are unlikely to offer such streams until the market settles down and stabilizes somewhat.

This amendment maintains the basic structure in the current bill. Revenues are rebated pro rata to the original allowance holders as in the current bill.

FIXED PRICE RESERVE

The fixed price reserve has 100,000 tons to be sold at $1,500 a ton. Beginning 12 months after enactment, a planned new unit with a PUC certifi-

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cate of need or a power sales agreement can reserve a stream of allowances beginning in the year 2000—or later—for a period up to 20 years in a quantity up to its annual emissions. Buyers reserve allowances on a first-come, first-serve basis. A small amount of earnest money is deposited at the time of reservation.

A reservation gives one the option of buying the stream at the fixed price. The buyer can exercise this option anytime up to 1 year before the first year of the stream. In the meantime, the buyer is free to seek a better private deal or buy from the auction reserve described below. If the buyer cancels the option, the allowances roll over to the auction reserve. Any fixed price allowance not reserved 1 year prior to its issuance also rolls over to the auction reserve.

The fixed price reserve guarantees that new units have some access to allowances. However, it does not lock a new unit into a high $1,500 a ton price, the reason being the buyer can cancel its reservation.

AUCTION RESERVE

The auction reserve has 100,000 tons to be sold in long-term and short-term auctions. Additional allowances roll over from the fixed price reserve; that is, those allowances that are never reserved or are canceled allowance reservations, and allowances may be contributed by allowance holders. Auctions begin in 1995, and are open to all owners and potential owners of units, existing and new. The first long-term auction is held in 1995. The short-term auctions could start as early as 1995 but no later than 1999.

The long-term auction sells a minimum of 7,500 tons per year in streams of at least 15 years duration. The streams begin in the year 2000 or later. A stream of 15 years or more is what new units will need. The short-term auction generally sells allowances on a year-by-year basis, selling those allowances not sold in the long-term auction.

EPA would have some discretion on timing and quantity in the long-term auction. EPA also would have substantial discretion in the short-term auction. It simply must meet the minimum long-term sales requirement and sell the rest in the short-term auction. Some pattern of long-term and short-term streams must be sold in a way that auctions off the available reserve allowances—100,000 tons per year plus any rollovers and contributions. All allowances remain completely tradeable and bankable, thus maintaining maximum flexibility for the buyer.

As a general principle, the amendment directs EPA to exercise its discretion in a way that is consistent with the competition in the allowance market and the preservation of competition in the electric industry. After 2001, EPA can sell the available reserve allowances in whatever pattern it finds to be consistent with this principle or it can decrease the allowances offered for sale and auction.

ADVANTAGES

First, new units can ensure access to fixed price allowances within 18 months of enactment for periods up to 20 years.

Second, more allowances are put in play than in the current bill because the auction and the fixed price reserve reach 15 years or more forward in time, thus selling large blocks of future allowances. New units don't have to buy and bank. The feeding frenzy on allowances to be issued in the first several years is mitigated.

Third, a utility that doesn't need allowances will find it difficult to buy and hoard allowances in the auction. PUC's will give substantial scrutiny to a decision to bid on, and commit to the purchase of, a long-term stream allowances—compared with bidding on a year-to-year basis for short-term allowances.

Fourth, good price signals are created to stimulate the market for private long-term deals.

Fifth, control costs are not moved forward in time due to banking.

I strongly urge my colleagues to support this amendment.

Mr. President, I commend Karl Hausker of my staff for his hard work in bringing this amendment to fruition.

The negotiations that went into this provision were very technical and painstaking. This was Karl's first effort on a major bill, and he has done an outstanding job.

I also extend my thanks to the staff of the Committee on Environment and Public Works, particularly to Joe Goffman, associate counsel to the committee.

Mr. BAUCUS. Mr. President, this is a particularly helpful and welcomed amendment. I particularly thank Senator JOHNSTON, the Senator from Louisiana, for his contribution. The Energy Committee and the Environment and Public Works Committee have worked closely together to develop this amendment. Senator JOHNSTON has played a very key role in making important contributions to the compromise.

Originally, the compromise itself contained an innovation, and still contains it, authorizing the EPA to auction 100,000 allowances per year. We intended that the auction would provide insurance against the breakdown of the allowance market to assure that units, particularly in clean States, in growing States, could acquire the allowances they might need from a public source at a market price.

Senator JOHNSTON's amendment expands this idea; it perfects it, introducing a number of features to better assure it actually works in the way it is intended to, ensuring the allowance markets is, in fact, operable so there is in fact a market.

It is an amendment that does help assure that will happen. We are not sure it definitely will happen, but certainly this amendment helps raise the probability it will happen.

I commend the Senator for offering this amendment, and urge its adoption.

Mr. CHAFEE. Mr. President, this is a complicated amendment, but it addresses, as has been pointed out, a difficult subject. It is well drawn, and it is well worth considering.

We urge its adoption on this side.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Louisiana.

The amendment (No. 1388) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1389 TO AMENDMENT NO. 1293

(Purpose: To preserve consumer freedom of choice in servicing onboard emission diagnostic systems, and for other purposes)

Mr. GORE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendments are set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 1389 to amendment No. 1293.

Mr. GORE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 153, line 4, strike the word "may" and insert the word "shall."

On page 153, after line 12 insert the following:

"Such regulation shall not be inconsistent with the provisions for warranties promulgated under Section 207(a) and (b)."

On page 153, after line 12 insert the following new paragraph:

"(4) In promulgating the regulations under this subsection, the Administrator shall require:

"(a) that any connectors through which the emission control diagnostics system is accessed for inspection, diagnosis, service, or repair shall be standard and uniform on all motor vehicles and motor vehicle engines;

"(b) that access to the emission control diagnostics system through such connectors shall be unrestricted and shall not require any access code or any device which is only available from a vehicle manufacturer; and

"(c) that the output of the data from the emission control diagnostics system through such connectors shall be usable without the need for any decoding information or device."

On page 153, after line 12 insert the following new paragraph:

"(5) INFORMATION AVAILABILITY.—The Administrator, by regulation, shall require manufacturers to provide promptly any person engaged in the business of diagnosing, or selling parts, or of reparing or servicing motor vehicles or motor vehicle engines, and EPA for the use by any such persons, with any and all information needed to make use of the emission control diagnostics systems prescribed under this subsection and such other information including instructions for making emission related diagnosis and repairs.

Mr. GORE. Mr. President, this is an amendment to preserve consumer freedom of choice in servicing onboard diagnostic emissions systems mandated by this bill.

I will include some explanatory language, part of which represents some discussions that I have had with the staff of the committee and with the staff of the Republican leader; some points of clarification, really.

But I think the amendment is very well understood by the committee leadership on both sides. I think it is pretty well acceptable to everyone. It is an important change, let me say, for consumers and for small business people who will be engaged in the task of servicing these onboard emissions diagnostic systems.

Mr. President, section 205 of the bill mandates a new and unique motor vehicle onboard emission diagnostic system. This system is intended to help identify emission related systems deterioration or malfunctions which may cause a vehicle to fail to meet emission standards set under the Clean Air Act.

The new diagnostic system is essential to assuring that vehicles not in compliance are repaired properly and promptly. In order to do that, and in an effort to make certain that we do not inadvertently curtail a vehicle owner's right to choose where he or she pays to have their car or truck repaired, nor thwart competition in the repair industry, I am today offering an amendment that would require EPA to adopt rules prior to the introduction of these systems that ensure access and ease of use for all those engaged in vehicle service, diagnostics, and repair.

If we are going to mandate a new onboard diagnostic system, we must give consumers the freedom to choose where they will go to have these systems maintained and repaired. If we fail to do so, we will only encourage the failure of this new program. If consumers are forced to return to the manufacturer or franchise dealer for service and repairs, we will be creating an incentive not to maintain these important new systems.

In essence, the current language allows the creation of a service monopoly for the manufacturers and their dealerships, leading to unnecessary waiting periods and increased repair costs for the consumer. The bill in its present form would place the interests of manufacturers and their dealers ahead of consumers.

A market already exists for independent vehicle repair facilities due to consumers preferences, basing their choice on quality, convenience, and price. My amendment would allow vehicle owners to continue acting upon their preferences, by ensuring independent vehicle repair facilities access to the new diagnostic systems.

Assured access and ease of use is also needed in order to allow inspection stations to inspect the system, as provided by the bill. There must be a standard universal plug with a standard universal format and language coming across it. There must be timely access to backup data needed for diagnostics and repair. My amendment instructs the EPA Administrator to ensure that independent automotive service providers receive this information simultaneously with the dealer franchises.

Mr. President, there has been a lot of discussion of the effect this legislation could have on jobs. There is no reason that environmental cleanup can't mean more jobs. This amendment is a case in point. By ensuring that manufacturers and their dealers do not have a monopoly over the servicing and repair of the new onboard emission diagnostic systems, we will provide every independent service station with a new business opportunity. New business will mean new jobs.

Mr. President, the broad vehicle pollution cleanup strategy envisioned in this bill suggests that independent service providers be part of the diagnostic and repair team. Given the anticipated tighter standards, more inspections nationwide, and higher failure rates, consumers must have the freedom to choose where they will have their cars and trucks serviced. This amendment is designed to assure those things. To do less would short-circuit competition, interfere with consumer's freedom of choice, drive up prices, and threaten the cleanup potential of this bill.

I urge support for this amendment.

Mr. BAUCUS. Mr. President, I commend the Senator from Tennessee for this amendment. Essentially, it is to help make the diagnostic equipment couplers more generally available, so not only the drivers and owners of automobiles, but also the people who operate the inspection maintenance systems are better assured as to how well the automobile itself is operating: It is efficient; is it inefficient.

This amendment offered by the Senator from Tennessee will help make sure there is more universality, so we are better assured the automobiles in our country are operating more efficiently and, therefore, emitting fewer pollutants.

It is an excellent amendment, and I urge its adoption.

Mr. CHAFEE. We agree this is a good amendment. The purpose of the amendment is to make sure that diagnostic equipment, the manuals, the techniques, are available to, in effect, the local gas stations so that they will be more convenient for the automobile owner, that the automobile owner will not have to trek off to some dealer 30 miles away in order to be able to correct problems that have arisen with his automobile. I hope that the distinguished offeror of the amendment, in his statements now, would clarify some of the points that we previously went over so that this would be clear in the RECORD. If he chooses to do that now, it would be very helpful.

Mr. GORE. I will be glad to.

The language of the amendment includes a reference in section 4(a) to connectors through which the emission control diagnostics system is accessed for inspection, diagnosis, service, and repairs and says they ought to be standard or uniform on all motor vehicles and motor vehicle engines.

A point of clarification might be helpful. The uniformity referred to is the kind that will enable small business repair operators to establish their connection to service it simply and not have to have a lot of different kinds of equipment for every different kind of car; that they will be able to do it fairly simply. This is in the interest of the consumer also.

Second, in the very next subsection, 4(b), the language says that access to the emission control diagnostics system through such connectors shall be unrestricted and shall not require any access code or any device which is only available from a vehicle manufacturer.

We understand there will be some devices that are patented, and we are not insisting in this amendment that patented material be given free but that there be given reasonable access, and that there not be an entry barrier established so that small business operators are not allowed to get into the business of repairing these devices.

The word "unrestricted" is intended to be read in that way. We do not want to end up with some special, expensive device required that only the large manufacturers will be able to purchase for their dealers. We do not want that kind of restriction, but we do not want to mandate exactly where the device is placed relative to the hood. We are not attempting to do anything like that.

Finally, the other clarification which might be helpful is in section 5 where the language refers to the "administrator by regulation shall require manufacturers to promptly provide any person engaged in the business of diagnosing, or selling parts, or of repairing or servicing motor vehicles or motor vehicles engines * * * all information needed to make use of the emission control diagnostics systems prescribed under this subsection."

There again, when we require them to promptly provide information needed, we recognize that we do not want to require somebody to provide a lot of expensive manuals absolutely for free, but we do not want the kind of charges that make this a profit center. We want them to provide the information which will allow competition in the after market and allow small business operators to get in the repair business. Otherwise, you force vehicle owners to go only to the major automobile manufacturers' places of business. Consumers get frustrated; they have long waits; they have to pay high prices.

Everybody agrees with the thrust of the amendment. These clarifications are the ones that were sought by the committee staff and the Republican leaders's staff. I think they are appropriate. I am pleased to offer them.

Mr. BAUCUS. Mr. President, might I ask the Senator if he could clarify his amendment. Is it the intent of the Senator that nothing in this amendment requires the release of proprietary information that one company might have?

Mr. GORE. That is not its intent. It is intended to prevent the construction of unreasonable barriers to the market. That is the purpose of the amendment.

Mr. BAUCUS. Is it the intention of the Senator that this amendment would not require the divulgence of proprietary information?

Mr. GORE. It is not my intention that it would require it because it is my understanding that the connectors involved are already standard, and therefore I would not expect that it would require the release of proprietary information. I do not intend to so require.

Mr. BAUCUS. All right. With that understanding, Mr. President, if this does not require the divulgence of proprietary information, we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. CHAFEE. Mr. President, I think the objective of the amendment is a good one. It grieves me that in section 5 there is a split infinitive, "to promptly provide," which I am sure grieves the occupant of the chair, having had a distinguished education in New Haven, of which the author of the amendment unfortunately was deprived.

Mr. GORE. Will the Senator yield?

Mr. CHAFEE. Yes, I will.

Mr. GORE. The occupant of the chair and the Senator attended that institution in New Haven, but, this Senator would inquire where the second 2 years of the Senator's education was received?

Mr. CHAFEE. Of this Senator? Oh, the Senator's entire undergraduate education was at that font of learning in New Haven.

Mr. GORE. It is a 4-year institution?

Mr. CHAFEE. That shot will go unnoticed.

The PRESIDING OFFICER. Not by the occupant of the Chair.

Mr. CHAFEE. I think the objective is good. I think as the explanation is given clarifying some of the points it is a very worthwhile amendment. I think it will do two things. First, it will make the service more convenient and available to the consumer, and second, it will help achieve the objectives of this act in that the owner of the vehicle will thus seek to have his automobile repaired and at maximum efficiency and thus achieve the goals of the act, which is the reduction of pollution.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1389) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

PORTRAIT OF A MAN

Mr. PELL. Mr. President, as we watch the unfolding of events surrounding Lithuanian independence, we sometimes, in our discussions of history and political theory, forget the fact that these kinds of events involve the talents and imaginations of very special and unique human beings who are striving to do right for their people.

It would seem that such an individual is Vytautas Lansbergis, who at this moment presides over the Lithuanian struggle.

The New York Times this morning carried a very touching portrait of this man they described as the "stooped, introspective music professor" who "sometimes appears even to members of his own team to be miscast as the adversary of the polished master of Soviet politics, President Mikhail S. Gorbachev."

I ask unanimous consent that this New York Times article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. PELL. Mr. President, our hopes and prayers are with the leaders who are attempting to resolve peaceably the highly volatile situation which continues to exist. I continue to recall the assurances of Soviet Foreign Minister Shevardnadze about 2 months ago. Senators GORE, WIRTH, and I met privately with him. Senator GORE asked him directly whether force would be used to maintain any of the Baltic Republics within the Soviet Empire. In response, he assured us that force would not be used. We all hope that that assurance will be fulfilled. I make this point to correct the RECORD, and that thought, and said I had asked him, and that was not correct.

But I would add, in conclusion, that we all pray that the leaders in the Soviet Union and in Lithuania adopt as low key and peaceful an approach as they can because the situation pursued too vigorously could explode into a very disastrous situation.

I yield the floor.

EXHIBIT NO. 1

LITHUANIAN TO THE CORE: VYTAUTAS LANDSBERGIS

(By Esther B. Fein)

VILNIUS, LITHUANIA, March 25.—Vytautas Landsbergis, who presides over Lithuania in its battle for sovereignty, seems an unlikely man to be thrust into a confrontation with a superpower.

A stooped, introspective music professor given to rumpled suits and sensible shoes, the 57-year-old Mr. Landsbergis sometimes appears even to members of his own team to be miscast as the adversary of the polished master of Soviet politics, President Mikhail S. Gorbachev.

"He is not Ronald Reagan," conceded Romualdas Ozolas, a longtime comrade of Mr. Landsbergis in the leadership of the pro-independence movement, Sajudis, and now a Deputy Prime Minister in the new Lithuanian government.

"He is not handsome," Mr. Ozolas said. "He is not smooth. He is not especially articulate. But he is principled and firm in his convictions and morality. And right now we do not have the luxury to chose a president who can both put forth ideas and have a pretty face."

REPRESENTING A CLEAN BREAK

The Lithuanian Parliament named Mr. Landsbergis to lead the republic in its defiant assertion of independence in part because as a child of the old Lithuanian intellectual aristocracy and a lifelong non-Communist he representated a clean break with 50 years of Communist rule.

But as Moscow puts pressure on Lithuania, staging displays of military strength and issuing demands of fealty, some people here are beginning to wonder whether Mr. Landsbergis has the political skill to deal with Mr. Gorbachev or the personal charisma to reassure his own people.

When Mr. Gorbachev visited Lithuania in January, two months before the proclamation of independence, Mr. Landsbergis greeted him as "the leader of a friendly neighboring country," an undiplomatic gesture that noticeably angered the Soviet leader.

Mr. Landsbergis cooly ignored Moscow's appeals and pressed for independence on March 11, embarrassing Mr. Gorbachev on the eve of an important congress in Moscow.

Publicly, members of Sajudis and legislators put great stock in Mr. Landsbergis's thoughtfulness and his history as a conciliator in the leadership of the independence movement since its formation in the summer of 1988. As the chairman of Sajudis, he earned the nickname "gudri lape," Lithuanian for the clever fox.

LACK OF EXPERIENCE SEEN

But privately, some of them acknowledge that he lacks the experience at negotation and compromise that characterized his chief rival for the job, Algirdas Brazauskas, the popular and pragmatic head of the independent Communist Party of Lithuania. Mr. Brazauskas led the local party in a break from Moscow.

"I think our new leader does not quite understand that we are really in a very dangerous situation," said Justas J. Paleckas, ideology chief of the breakaway Communist Party and a member of Parliament.

"We must understand that in this period, good relations with Moscow should be the No. 1 priority for us," he said. "It is not practical to be only idealistic and principled, and I am not sure Mr. Landsbergis knows how to navigate between the two."

Among the republic's Russian and Polish minorities, he is also viewed with some misgiving, although he is fluent in Russian and Polish—he speaks passable English, too—and often addresses rallies in three languages as a gesture of good will.

But Mr. Landsbergis has the affection and support of many Lithuanians less for his recent political leadership than for his personal history.

He was born Oct. 18, 1932, in Kaunas, which was then the capital of Lithuania during its short-lived independence between the world wars. Vilnius, the current capital, was then part of Poland.

He is a Protestant who began the day of independence by praying in the Vilnius cathedral.

His spacious apartment here where he lives with his second wife, Grazina, is crammed with vases, crystal and antiques that his family hid during the nationalization of property after Moscow took power here in 1940.

His paternal grandfather was a journalist and playwright, who fought Czarist rule in the late 19th century by writing for an underground newspaper in the outlawed Lithuanian language. He was imprisoned and deported for his nationalism.

Mr. Landsbergis's father was an architect who fought in the underground against the Nazis in World War II, and Vytautas was 11 when his teen-age brother was arrested by the Nazis for organizing pro-Lithuanian demonstrations.

Mr. Landsbergis is an accomplished pianist and musical theoretician, who has recorded two albums and written nine books, in addition to teaching at the Lithuanian conservatory.

"Landsbergis is too much a Lithuanian to ever betray us or compromise," said Maria Stankaviciene, a Lithuanian schoolteacher.

TRIBUTE TO JOHN SCOTT, DISTINGUISHED IOWAN

Mr. GRASSLEY. Mr. President, I rise to say a few words about a great Iowa vocational agriculture teacher who is retiring after almost 40 years. Mr. John Scott has taught at Sumner High School for 33 years. He has been very active in vocational agriculture serving as president of the Iowa Vocational Association and as president of the Iowa Vocational Agriculture Teachers. He also has both an Iowa and American honorary FFA degree. Mr. President, in addition to all his activities, he and his wife Anna, have raised eight daughters: Carol, Karen, Dianne, Joyce, Sharon, Lynn, Ann, and Alice. Also, John has three grandchildren with another expected in July. I would like to extend to John and Anne, who have been married almost 43 years, my best wishes in their "freedom" years.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today makes the 1,837th day that Terry Anderson has been held in captivity in Beirut.

THE KOREAN FIGHTER PROGRAM

Mr. McCAIN. Mr. President, on behalf of the Senator from Missouri [Mr. BOND] and myself, we would like to address the merits of the Korean Fighter Program. Recently, the Republic of Korea announced its selection of the McDonnell Douglas F/A-18 for the Korean Fighter Program [KFP]. The Republic of Korea selected the F/A-18 to counter North Korean MIG-29 aircraft and the numerically superior North Korean ground forces which are concentrated near the demilitarized zone.

As representatives of States with a large concentration of aerospace employees, we are concerned about the possible impact of this program not only on aerospace employment in our States, but that of the United States as well. We are also concerned about the impact of this program on the U.S. medium and small aerospace subcontractors which are integral to the U.S. industrial base.

After reviewing the details of the Korean Fighter Program, however, we believe this program will be of great benefit to the United States aerospace industry as well as to United States and South Korean security. I ask unanimous consent that a detailed set of questions we have asked the Department of Defense and the reply we received from the Defense Security Assistance Agency be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCAIN. In brief, Mr. President, the KFP will improve the ability of the Republic of Korea to defend itself and support its own defense systems. It will also improve the United States-Korean balance of payments by $3 to $6 billion or more over an 8- to 10-year period and finally, it will bring more than 23 million manhours of employment to the United States defense industry at a time when domestic defense production programs are being reduced.

The Korean Fighter Program is a procurement of 120 F/A-18 Hornet Fighter Aircraft. Unlike the Japanese FSX, the F/A-18 is a fully developed fighter. No development or design work will be transferred to the Republic of Korea. High-technology items excluded from coproduction include the radar, electronic countermeasures, classified equipment and other avionics items. The aircraft will be manufactured jointly in the United States and Korea as a part of a 3-year program. The first phase involves the delivery of 12 United States built aircraft to Korea through a United States Government FMS sale. In the second phase, the United States Government will deliver 36 complete aircraft kits to Korea for assembly by Korean industry. In phase three, United States industry will supply technical assistance, training and most of the aircraft parts while Korean industry fabricates a limited number of parts and assembly under license.

Despite some assertions to the contrary, Korea currently has extensive experience in aerospace. Ongoing aerospace activities include depot maintenance of the F-15 and F-4 fighters and the C-130 transport. Coproduction of parts for both commercial and military aircraft includes F-16, F/A-18, Boeing 747, 767, European Airbus and the McDonnell Douglas MD-82 and MD-11. Previously, Korea coassembled the F-5 fighter.

In other coproduction arrangement in which the United States has participated, foreign companies have insisted that as a condition of sale, a certain

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percentage of coproduced components be purchased by the United States. This is commonly referred to as "directed buybacks." Under the KFP agreement, however, there are no directed buybacks. This means that there will be no additional exports of F/A-18 components from Korea to the United States as a result of the Korean Fighter Program. This compares favorably with the F-16 European Production Group Program which guaranteed 10-15 percent of the worldwide F-16 production workshare to European industry and also the F/A-18 coproduction programs in Canada and Australia which mandate buyback requirements. The United States and Korean Governments have also agreed that the requirement for indirect offsets will be limited to 30 percent. Specific projects will be identified and negotiated on a case-by-case basis by the contractor over a 10-year period, and will be subject to United States Government licensing and export regulations.

The Korean Fighter Program strengthens a key ally, generates significant export earning for United States industry, and positions United States companies for substantial additional sales in the Pacific region. The Defense Department will benefit from improved unit costs and from the recoupment of nonrecurring research and development costs.

The potential impacts of offshore production and offsets have been minimized through joint Commerce and Defense Department efforts to restrict the export of sensitive United States technologies, and to limit Korean industry participation to work on Korean aircraft. The resulting workshare is extremely favorable to the United States. It will improve the United States-Korean balance of payments and will bring more than 23 million manhours of employment to the United States defense industry. Mr. President, the KFP is a good deal for Korea and even a better deal for the United States. We encourage our colleagues to examine the recent letter we sent out on this subject and strongly urge them to support the Korean Fighter Program.

Exhibit 1

Korean Fighter Program

Q. 1. When was the KFP program first established?

A. 1. The Korean government requested pricing and availability information about the F/A-18 in 1986. Since then, MDC has worked with a number of military and government agencies to carry out one of the most extensive evaluations of the F/A-18 to date.

Q. 2. What is the primary thrust of the KFP?

A. 2. The KFP enhances the capabilities of the Korean Air Force. The F/A-18 will provide significantly improved beyond visual-range air defense, close air support and sea lane and coastal defense capabilities.

Q. 3. What are the terms of the "offset" program as agreed to by the U.S. and Korean governments?

A. 3. In other co-production arrangements in which the United States has participated, foreign companies have insisted that as a condition of sale, a certain percentage of coproduced components flow back to the U.S. This is commonly referred to as "directed buybacks." Under the KFP agreement, however, there are no directed buybacks. This means that there will be no additional exports of F/A-18 components from Korea to the U.S. as a result of the Korean Fighter Program. This compares favorably with the F-16 European Production group program which guaranteed 10-15% of the worldwide F-16 production workshare to European industry and also the F/A-18 co-production programs in Canada and Australia which mandate buyback requirements. The U.S. and Korean governments have also agreed that the requirement for other kinds of non-buyback offset will be limited to 30 percent. Specific projects will be identified and negotiated with the Koreans on a case-by-case basis by the contractor over a 10 year period, and will be subject to U.S. government licensing and export control regulations.

Q. 4. How does the Korean Fighter Program differ from the Japanese FSX project?

A. 4. The primary difference is between "co-development" and "co-production." In the Japanese FSX program, the objective is to co-develop a new fighter with new technology being developed by the Japanese and the U.S. The Korean Fighter Program, on the other hand, is a co-production program, utilizing current technology.

Q. 5. Some have called the KFP the "son of FSX" and there is quite a bit of controversy over the program in the Congress. Can you comment on this? Do you expect strong opposition from the U.S. Congress to block this program?

A. 5. The primary difference is between "co-development" and "co-production." In the Japanese FSX program, the objective is to co-develop a new fighter with new technology being developed by the Japanese and the U.S. The Korean Fighter Program, on the other hand, is a co-production program, utilizing current technology. The U.S. Congress reviews all foreign military sales, and the KFP will be no exception. We are confident that the KFP will be no exception. We are confident that the KFP is in the best interests of both the U.S. and Korea.

Q. 6. Technology transfer has been raised on both the FSX and KFP programs. What is actually being transferred in the KFP?

A. 6. The U.S. government carefully reviews any technology transfers before they occur, and continues to monitor the use of these technologies by foreign countries as long as necessary. The Korean Fighter Program will continue to be carefully scrutinized and managed by the USG to make sure that sensitive technologies are protected.

Q. 7. What impact, if any, will the KFP have on the current trade imbalance between the U.S. and Korea?

A. 7. The KFP will result in U.S. exports to Korea valued at $3 billion or more. This sale will generate more than 20 million manhours in U.S. manufacturing jobs in more than 1500 companies in 38 states.

Q. 8. What other U.S. companies will be major contractors on this program?

A. 8. There are more than 1500 contractors involved in the F/A-18 program. Among the largest are Northrop, General Electric, and Hughes.

Q. 9. How much influence did Samsung have on the government's final decision in this program?

A. 9. As Korean prime contractor and systems integrator, Samsung is responsible for leading the manufacturing program. Selection of the aircraft was a ROKAF and MND decision.

Q. 10. How is the KFP related to Korea's stated objective to develop its own aerospace industry?

A. 10. Korea already has a significant aerospace industry capability and McDonnell Douglas partnerships with Korean aerospace companies go back 20 years. The KFP will strengthen and expand these partnerships.

Q. 11. There are some in Congress who charge that by sharing sensitive U.S. technology, you are in fact helping an industrial competitor gain entry into one of the few areas in which the U.S. still enjoys a global competitive advantage. How do you respond to this? Do you think Korea could be a strong aerospace competitor to MDC in the next 10 years?

A. 11. Korean industry already plays an important part in the world aerospace market. We believe that strengthening our partnerships with Korean companies will make MDC more competitive in the world market.

Q. 12. Were the reduction in offset requirements the result of pressure from the U.S. government?

A. 12. The Korean government, the Commerce Department and the DoD have been discussing the offset provisions of this program for many months. The comparatively low Korean offset requirement of 30 percent is the result of these negotiations.

Q. 13. Why do you think the Korean government ultimately decided on the F/A-18? What were the major factors impacting the decision?

A. 13. According the a statement made by the Korean Defense Minister when the F/A-18 decision was announced, the F/A-18 offered superior capability against the Soviet built MIG-29, twin-engine safety, and better capability for Korean coastal and sea lane defense. The Defense Minister said that in spite of its slightly higher program cost, the F/A-18 offered a better overall, long-term solution for the KFP.

Q. 14. What is the cost difference between the two aircraft?

A. 14. We have no insight into competitor pricing. According to an official statement issued by the Swiss government after they selected the F/A-18, the F/A-18 program price was about 15 percent higher than the F-16 for that program.

Q. 15. How will the F/A-18 purchased by the Korean government differ from those used by the U.S. Navy?

A. 15. The ROKAF will receive substantially the same aircraft configuration as the U.S. Navy and Marine Corps. A limited number of systems which are mostly related to aircraft carrier operations will be deleted, which is typical for all international users of the F/A-18.

Q. 16. When do you expect the first F/A-18s to be delivered to Korea?

A. 16. First deliveries are expected in 1993.

Q. 17. What is the percentage of F/A-18 work already being done in Korea that will be a part of those planes produced in the U.S. for the KFP?

A. 17. The number and value of parts manufactured by each of the more than 1500 worldwide F/A-18 suppliers changes constantly. In 1990 McDonnell Douglas expects to buy about $500,000 worth of airframe parts from Korea, which is less than one-half of one percent of the value of an F/A-18.

Q. 18. How many F/A-18 sole source subcontractors will be replaced by Korean KFP subcontractors?

A. 18. None, since the KFP does not involve any buyback of Korean KFP production for U.S. aircraft. The suppliers will continue to supply parts and assemblies for the U.S. Navy and other customers.

Q. 19. What protections will be provided in the KFP for U.S. intellectual property rights?

A. 19. The U.S. Departments of Commerce, State, and Defense, the Office of the U.S. Trade Representatives, and other appropriate U.S. Government agencies will continue to address this issue with the Korean government. For the KFP, the Defense Department will maintain a continuous presence in Korea to monitor the handling of sensitive U.S. technology.

Q. 20. What is MDC's view of the recently released Korean government's plan for the development of a Korean aerospace industry? Why should the U.S. government and U.S. industry help the Koreans to develop a competitive aerospace industry?

A. 20. Korean industry already plays an important role in the world aerospace market. We believe that strengthening our partnerships with Korean companies will make the F/A-18 Hornet team more competitive in the world market. Without such partnerships, Korean industry is likely to turn to Japan and Europe, and the U.S. could lose the Korean market.

Q. 21. MDC maintains that 84 percent of the work and 88 percent of the dollar value comes back to the U.S. compared to an off-the-shelf buy. What percentage comes back to MDC?

A. 21. From 75 to 80 percent of the value of each F/A-18 produced flows through MDC.

Q. 22. Why should the U.S. agree to a technology give-away program like KFP?

A. 22. The KFP gives nothing away, including U.S. technology. Technology which is licensed to Korea for the KFP will be subject to U.S. government controls, and U.S. companies will be compensated in the form of license and royalty payments. Usually, these payments reflect an extremely favorable risk/return ratio for the U.S. company.

Q. 23. The KFP will export U.S. jobs and erode the U.S. defense industry base.

A. 23. The Korean program, with more than 80 percent U.S. workshare, will result in the net expansion of U.S. aerospace employment and growth of the U.S. defense industry base. The alternative is coproduction with Europe, not an off-the-shelf buy from the U.S.

Q. 24. What happens to KFP if peace "breaks out" in Korea?

A. 24. North Korea shows no signs of reducing its military force structure, which significantly outnumbers the South Korean force. If the KFP procurement will bring the South Korean Air Force marginally closer to its goal of a force structure two-thirds the size of the North Korean Air Force.

Q. 25. When would the first South Korean KFP aircraft have been delivered if this were an off-the-shelf buy?

A. 25. Since the first 12 aircraft will be sold off-the-shelf under the current program arrangement, the delivery date would not change.

CONGRESSIONAL PERSPECTIVE KEY TO DEFENSE EFFORTS

Mr. NUNN. Mr. President, the distinguished chairman of the Defense Industry and Technology Subcommittee of the Senate Armed Services Committee recently wrote an important article that appeared in the February 1990 issue of Signal magazine, the official publication of the Armed Forces Communications and Electronics Association. In his article Senator BINGAMAN outlines our need, as a nation, to re-examine the entire national security strategy as a result of the recent dramatic changes in Eastern Europe, the Soviet Union, and the Asian Pacific Rim.

In the article, Senator BINGAMAN makes the compelling case that the United States should develop a coherent strategy to guide our research and technology investments. The United States still retains its preeminence in most areas of purely military technology, but our dependence on our allies and other foreign nations for the technologies that support the lower tiers of the defense sector is increasing. The Japanese have achieved the status of a technological superpower. Their strength, and the strength in Europe that will come about as a result of EC 92, will challenge our Nation as never before to develop new ways to compete better using new and innovative ways in science and technology.

Senator BINGAMAN's article goes on to make many other important points that I believe the Members will find to be both interesting and provocative. I heartily recommend it to them. I ask unanimous consent that this article be printed in the CONGRESSIONAL RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Signal Magazine, February 1990]

CONGRESSIONAL PERSPECTIVE KEY TO DEFENSE EFFORTS

(By Senator Jeff Bingaman)

Defense technology strategy adjustments for the 1990s will be one of the major challenges faced by the second session of the 101st Congress.

The whole U.S. national security strategy requires reexamination as the short-term threat in Eastern Europe and in the Soviet Union rapidly recedes and as sharp cuts in the defense budgets of the United States and its allies follow. The 1990s promise to be a time of great uncertainty about long-term threats, and the need exists to design a national security strategy to cope with that uncertainty. Near-term operational readiness will be less important than the need to continue ensuring maximum U.S. long-range defense potential in the event that the world situation takes a turn for the worse.

REEXAMINING STRATEGIES

Robust investments in critical long-term technologies must remain an important element of U.S. national security strategy for purely defense reasons. Otherwise, the nation risks being caught by surprise, especially as East-West technology diffusion, already large on a covert basis, likely will accelerate on a more open basis.

Moreover, as the United States (and even more so the soviets) have come to realize over the past decade, national security means far more than merely military deterrence. A nation's security ultimately rests on its technological and industrial strength and its economic vitality. A recent Defense Science Board study on defense industrial cooperation with Pacific Rim allies, written before the Berlin Wall fissured, pointed out that technology has become the new measure of international power and declared that "it is of the utmost importance to U.S. competitiveness and security interests that the United States develop a national technology vision."

For most of the past 45 years, the United States has taken its technological preeminence for granted. The nation was so far ahead of everyone else, particularly in the breadth and depth of its scientific and technological infrastructure, that even when Americans were surprised by the new technologies of other countries, as in the case of Sputnik, they were quickly able to reestablish their lead.

WANING PREEMINENCE

The days of U.S. technological leadership are not over. A glance at the first Department of Defense (DOD) Critical Technologies Plan submitted to Congress in March 1989 makes clear that the United States is challenged as never before for technological preeminence. This is true especially for more than half of the 22 technologies that have both military and civilian applications.

Japan, in particular, stands as the main rival to the United States for world leadership in technology. While the Japanese government's defense research budget, $650 million in Fiscal Year 1989, is but two percent of the U.S. budget, government civilian research is funded at $12 billion and private sector research, the most rapidly growing component, is approaching $60 billion.

These figures are comparable to the overall U.S. non-defense research effort and thus, in many of the most critical long-term, dual-use technologies such as semiconductor manufacturing, gallium arsenide and other compound semiconductors, optoelectronics, robotics and high temperature superconductivity, the overall Japanese effort is comparable to or exceeds that of the United States.

In its September 1988 white paper on industrial technology, the Japanese Ministry of International Trade and Industry identified three key areas in looking to the 21st century: advanced materials, electronics and biotechnology. The Japanese are eager for their nation to become a world-class player in aerospace technology. The FSX, Boeing 7J7 and supersonic transport projects are examples in which the Japanese are collaborating with U.S. firms.

Similarly, the nations of Western Europe, in their various cooperative programs, EUREKA, ESPRIT, JESSI and EUCLID, are placing emphasis on information and electronics, telecommunications, advanced materials and biotechnology. Again, aerospace applications loom large in European thinking. They are hoping to close the gap with both the United States and Japan in these critical fields and already have significant areas of excellence.

U.S. MILITARY STRENGTH

On purely military technologies, U.S. preeminence is more secure, as it should be

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when the federal government invests almost $40 billion annually in DOD and Department of Energy (DOE) defense research, development and testing. This is almost three times as much as all of the allies combined. But because any weapon system requires the contribution of several critical technologies, including dual-use information, materials and manufacturing technologies, the nation's relative weakness on the dual-use side of the equation is of growing concern.

Of course, problems with competitiveness in dual-use technologies have become powerfully evident in the U.S. economy over the past decade. Increasingly, Americans look abroad for innovation in consumer and business electronics, automobiles, machine tools and many other high technology products. Less evident, but just as striking, has been the growing foreign dependence in the defense sector at lower tiers. While the Defense Department cites figures showing a healthy, but diminishing U.S. defense trade surplus, inclusion of lower tier trade certainly would decrease the surplus, and possibly even change its sign.

Aside from deterioration in the overall U.S. technological position, other trends exist in designing a defense technology strategy for the next decade. Barriers to technology diffusion are diminishing rapidly, and this is true not only from West to East but also from North to South. The U.S. armed forces likely will face more more capable participants in third world hotspots around the globe, and their national security strategies increasingly will focus on these areas.

The globalization of both the defense and high technology, dual-use industrial sectors is well underway and will not be reversed. Some multinational corporations, such as Digital Equipment Corporation (DEC), now have their scientists and engineers linked in global networks. Work on research projects is ongoing. As one scientist signs off to go home, another is logging on at work somewhere else.

But this globalization must be managed with national interests in mind, just as U.S. allies already do. The nation cannot afford to cede the most critical technologies or the most critical industries to other nations, whether friend or foe. Even Adam Smith acknowledged that nations could not afford to leave such questions entirely to the invisible hand of the marketplace.

As differences between military and civilian technologies are increasingly blurred and as innovation occurs more rapidly in the civilian sector, outstepping the pace in the defense sector, the United States will be challenged to develop new mechanisms for competing for technological leadership in critical areas.

THE TIME FOR STRATEGY

First and foremost, a coherent strategy or vision must be developed to achieve the maximum return on investments in technology. Neither an adequate strategy nor a clear investment plan has existed in the past.

Over the past two years, a process has been devised whereby the executive branch, the Congress and industry can coalesce around a national technology vision. The first DOD critical technologies plan grew out of concern that DOD was not adequately managing its long-term research and development (R&D) investment. Repeatedly, witnesses before the defense industry and technology subcommittee stated that certain R&D programs, such as those designed to deal with the lack of productivity in producing software, were critical and, at the same time, seriously underfunded. Here was a mechanism whereby the Armed Services Committees could at least ensure adequate attention to the 20 long-term technologies DOD and DOE considered most important to the nation's security.

A plan was envisioned that would outline clear future goals to which the Defense Department could be held accountable, as well as an investment strategy, reflected in the budget, to achieve those goals. Legislation also called for including in the plan detailed international comparisons in the 20 critical technologies to better track both the nature of U.S. competition and the possibilities for mutually advantageous cooperation with allies.

REFLECTION

The initial plan was an excellent first effort, given the stringent time constraints under which it was developed. But it also had clear shortcomings. Because the plan followed the budget submission, the correlation between the plan and the budget was weak. Moreover, it was not clear which was the lead organization for each identified technology and whether that organization had played the leading role in laying out a roadmap for the technology. Input from industry had not been possible, and many questioned whether process technologies, long neglected in DOD and in industry, had been given enough emphasis compared to product technologies. Finally, the international comparisons, while more detailed than any previously submitted by DOD and the intelligence community, still had major gaps.

Strengthening and broadening this technology planning process is a goal in the Fiscal Year 1990 defense authorization bill. The bill addresses the shortfalls in the annual DOD critical technologies plan. In addition, it mandates a national critical technologies report, focusing on the 30 most important technologies, from both military and civilian perspectives, to be submitted on a biannual basis by the President's science and technology adviser. The panel chosen to write this report will consist of members from government, industry and academia. The first such report will be due to Congress in November 1990. By the year 2000, six such reports will have been written.

The tremendous interest in industry regarding critical technologies planning is encouraging. The Aerospace Industries Association (AIA) has identified 10 critical technologies most important to its members; has set up a national center for advanced technologies to coordinate a government-industry planning process in these technologies; and already has formulated detailed roadmaps for several of these technologies. AIA also is reaching out to other industry associations in an effort to broaden efforts and to bring in additional industry perspectives, especially from lower tiers, on critical technologies planning.

FUTURE CHALLENGES

In a sense, a technology planning process is being invented that fits the U.S. governmental and industrial structure, but that will match up well with Japanese and European Community approaches. And only in this way will the best use be made of limited resources in both government and industry. Only in this way can the United States ensure that it will continue to compete for leadership in the technologies most important to future national security and economic vitality in this rapidly changing world.

The defense industry and technology subcommittee has concentrated on the process whereby critical technologies are selected and funded, rather than on the technologies themselves. This was done because the lack of long-term planning for future U.S. technology needs seems to be one of this nation's greatest shortfalls.

In the 1990s, increased emphasis must be placed on dual-use technologies, from optoelectronics and semiconductors to advanced structural materials. Higher priority must be given to process technologies and to find ways to bring approaches that are common in the civilian sector, such as concurrent engineering, to the defense acquisition system.

The United States must address the problem of software producibility. Software problems seem to arise on every weapon system (and in most civilian applications as well). The software either is late, over budget or well short of requirements (or all three). If current trends in the defense and civilian sectors are extrapolated, soon most Americans will need to begin writing software. That obviously will not happen, so solutions must be developed to more efficiently and effectively meet software needs.

A DEC engineer recently pointed out that the United States has faced such problems before, for example with telephone switchboards in the 1930s, when predictions arose that everyone in the United States would have to become a switchboard operator. Technology overcame that problem, and it likely will do so again, but only if the software tools are invented to make each software engineer more productive.

DEFENSE APPLICATIONS

The opportunities to apply technology to the nation's defense needs are much more likely to occur at the subsystem level in the 1990s. Product improvement and technology insertion will be much more common than new weapons platforms as defense budgets decrease and the force structure contracts.

Most important, the United States will seek to use defense technology as it uses civilian technology—to drive down the unit costs of weapon systems. This will force the nation to seek ways for greater civilian/military integration in its economy. The United States will not be able to afford artificial barriers and duplicative efforts.

The challenges of the new decade can be met if the will exists to do so. But it will not be easy, and the result is uncertain. The United States will be pressed as never before in its history. Continuing the pattern of the last decade, when lack of a coherent strategy deprived the nation of the full benefit of national technology investment, should not be tolerable either to government or industry. Together, this nation can do better in the 1990s. And it must.

NATIONAL FOUNDATION FOR CANCER RESEARCH'S LABORATORY WITHOUT WALLS

Mr. PELL. Mr. President, last November I had the privilege of participating in a luncheon meeting with a distinguished group of executives from the National Foundation of Cancer Research and representatives from 11 Western European countries on the exciting topic of expanded scientific research and increased international cooperation in that research in the one New Europe. This event was all the more exciting because it occurred literally just as crossing points in the Berlin Wall were being opened.

As long ago as 1945, Sir Winston Churchill envisaged what he termed a "United States of Europe." Since the 1957 Treaty of Rome creating the European Economic Community, its member states have been moving slowly in this direction. It has now been almost 3 years since EC heads of government endorsed the goal of constructing a single market by 1992 through the elimination of all existing physical, fiscal and technical barriers. The Community's 1985-87 decisions clearly represent a landmark in postwar history.

Europe 1992 is the most dramatic manifestation of the root cause for change in the next decade, and indeed the next century—globalization. We are seeing it on the environmental front; we're seeing it in increasing international cooperation to eliminate the scourge of illicit narcotics; we are seeing it in increased international cooperation to deal effectively with diseases such as AIDS and cancer.

I would like to bring to the attention of my colleagues the November 11 luncheon address by Mr. Franklin C. Salisbury, president of the National Foundation for Cancer Research. Mr. Salisbury offers an interesting comparison between our own history and European unity, and describes in detail the existing framework of cooperative basic science research on which we can build to achieve our mutual goal of finding a cure for cancer. I ask that an article from "The Uptown Citizen" which contains the text of Mr. Salisbury's speech be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Uptown Citizen, Jan. 11, 1990]

Laboratory Without Walls

(By Franklin C. Salisbury)

In a November 1989 week when "the walls came tumbling down" in Europe, the National Foundation for Cancer Research celebrated its "laboratory without walls" at a luncheon in the Hart Senate Office Building.

Host E. Brooke Lee, Jr., recently returned from Brussels, and his wife Debbie, who is with the House Armed Services Committee, explained that the luncheon had been planned to explore the expanded opportunities for cancer research in the light of the Single European Act—but current events made it even more exciting.

Senator Claiborne Pell, Eugene McAllister, Assistant Secretary of State for Economic and Business Affairs, and Franklin C. Salisbury, President of the National Foundation for Cancer Research were the speakers for the event. Representatives of 11 Embassys participated in the discussion period which followed.

Mr. Salisbury's luncheon address follows:

"Today I will briefly discuss the European Community, how it will function, how it advances scientific research, and the opportunities it presents to the National Foundation for Cancer Research for cooperation in the battle against cancer. I will also compare the European Community's history to that of our own Constitution. But first of all I will congratulate all concerned on a decisive step towards European unity. This new European Community is founded on certain treaties establishing the European Coal and Steel Community, which was not unlike the programs set forth in our National Recovery Act (the New Deal), the European Economic Community, which was not unlike a trade association, and the European Atomic Energy Community, which was not unlike our Manhattan Project. The Single European Act, while it is obviously not a final step, is a giant step for mankind in tying all these treaties together to establish a Single European Community.

"The pertinence of this to our luncheon meeting today is that the health of Europe and the world is being advanced by these so-called "Communities." The Single European Act, which is the latest overall treaty, provides for a single Community to strengthen the scientific and technological basis of European industry, and to provide for a multiannual "framework" program in the various fields of science and technology, including cancer science and therapy.

"We at the National Foundation for Cancer Research, a nongovernmental organization engaged in basic science cancer research worldwide, are encouraged by this "framework" program. As a small non-profit multi-national enterprise, the NFCR, has in a way not unlike the European Community itself, set out to encourage cancer research throughout the world. Our team is made up of the NFCR in the United States, the Association for International Cancer Research in the UK, the Krebsforschung International in Germany, and a Mexican Foundation. Together we are involved in actual basic science research, which will contribute to a cure or control of cancer—the very same goals the European Community have enthusiastically undertaken.

"Our KFI, the Krebsforschung International, which is registered in West Germany, and initiated by NFCR, is in the best position of our several foundations to be a part of this new spirit of cancer cooperation in Europe. It was with this organization that Henry von Moltke assisted in its earlier years. Henry is now Deputy Director for DG3 of the European Community. He was an early helper in our efforts to establish the KFI in Europe. He is now a key man in the science and technology efforts of the European Community. The Current Chairman of the KFI, Dr. Helmut Sies, was awarded the prestigious Ernst Jung Prize for Medicine last year. More recently Dr. Manfred Rajewsky, a Board member of KFI, became active in the Senate of the Deutche Forschungsgemeinschaft and its Committee for Cancer Research. Professor H. Greim is in contact with the International Institute on Cancer at Lyons, France, and Dr. Helmut Sies is in contact with the Cancer Institute at Epalinges, Switzerland.

"At present, the European Community, as is to be expected from an organization which comes together from many pieces, must be very complicated and hard to understand for Americans. The Single European Act, sets up a European Community which really begins January 1, 1993. Its leadership groups rests with four institutions: the European Parliament, the "Council," the "Commission" and the Court of Justice, with the support of the Court of Auditors. Now there is no correspondence between the institutions of the European Community and those of the United States. The "Council" is made up of the representatives of the governments of the 12 member states. The engine of the Community is the Commission. It consists of 17 members appointed by agreement among the member governments. The Court of Justice, which is what its name denotes, is composed of 13 judges, and the Court of Auditors has 12 members and functions like an internal auditing committee. The "Council" and the "Commission" are assisted by an Economic and Social Committee, made up of representatives of various sectors of European economic and social life. Both plays a consulting role.

"The most recent addition is the Parliament, the members of which are elected in each of the 12 member countries. so far their involvement in the Community legislative process is more cooperation than as a principal. It is the Commission which serves as the executive arm.

"The Commission obviously has to rely on Committees. One of these is a Committee for Scientific and Technical Research, which plays a large role in the self-appointed task of making an impact on cancer within the European Community. On May 10, 1989 the Commission adopted an action plan called the Europe Against Cancer Program. All those active in the fight against cancer—organizations like the NFCR, its sister foundations AICR (UK) and the KFI (Germany), associations for the prevention of smoking, groups of family doctors, health and education ministers, and other European institutions have joined forces in the program. The program covers four areas; cancer prevention, cancer training, cancer information and health education and most important to us, cancer research.

"NFCR is excited by these European developments. Our slogan has always been *A laboratory without walls.* We hope to be joined now by a Europe without walls."

A TRIBUTE TO GEN. JAMES A. GAVIN

Mr. THURMOND. Mr. President, it was with great sadness and a deep sense of loss that I learned of the death of Gen. James A. Gavin, one of the great military heroes that our country has ever produced. General Gavin was a brave soldier, dedicated public servant, loyal American and true patriot. We will miss him sincerely for years to come. In our memories, we will always pay tribute to his staunch character and to the service he rendered to all Americans for the sake of freedom and democracy.

During World War II, General Gavin served as the commander of the 82d Airborne Division. I landed with General Gavin on D-Day and am proud to have had the opportunity to serve with him. He was a brave and courageous leader who provided inspiration and guidance to his men at every turn. Decorated by 11 nations for his service in World War II, he was awarded the Purple Heart, the Silver Star, three Legions of Merit and the Distinguished Service Cross.

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President John F. Kennedy nominated General Gavin to serve as Ambassador to France. From 1961 to 1963, he represented our country with distinction and honor. His strong commitment to public service never waned throughout his fine career.

Whether leading troops into battle or skillfully developing foreign relations, General Gavin fulfilled well the responsibilities assigned to him. At the age of 37 he achieved the rank of a two star major general—one of the youngest men to ever hold that rank. Our country has lost a great soldier in his passing.

My wife Nancy joins me in extending our heartfelt condolences to General Gavin's lovely wife, Jean Emert Gain Gavin; his five daughters, Aileen Lewis, Patricia Gavin, Chloe Beatty, Caroline Gavin, and Barbara Fauntleroy; his nine grandchildren and his great-grandson.

Mr. President, I ask that the following article regarding General Gavin be printed in the RECORD at the close of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 25, 1990]

LT. GEN. JAMES M. GAVIN, WORLD WAR II HERO, DIES AT 82

Retired Army Lt. Gen. James M. Gavin, 82, a former ambassador to France and an architect of the Peace Corps who was one of the greatest American combat leaders of World War II, died Feb. 23 at a Baltimore nursing home. He had Parkinson's disease.

During World War II, he served in and then led the legendary 82nd Airborne (All-American) Division. He made four combat jumps with the unit—into Sicily, onto the beach of Salerno, behind enemy lines in Normanday on D-Day and into the Netherlands—that are among the most dangerous and famous in airborne annals.

Along the way Gen. Gavin was twice awarded the Distinguished Service Cross, the Army's highest award for valor after the Medal of Honor, two Silver Stars, the Bronze Star and the Purple Heart.

Orphaned before the age of 2, he enlisted in the Army Coast Artillery at the age of 17, with only a grade school education. He then began a remarkable career. Entering the U.S. Military Academy at West Point by examination in 1925, he graduated four years later. In 1940, he was only a captain, but he became an apostle of the new airborne doctrine. By September 1943, he was a brigadier general, and the next year he became the Army's youngest division commander in the war.

After World War II, he held staff and command assignments in this country and Europe. He was promoted to lieutenant general in 1955 and named Army deputy chief of staff and chief of research and development. In those posts, he became a critic of the Eisenhower administration's defense policies.

He was critical of the Army's failure to pursue advanced missile technology and of over-reliance on advanced hardware, especially nuclear weapons, at the expense of conventional forces. He also said that inept Pentagon policies enabled the Soviets to launch the world's first orbiting satellite.

His disenchantment with the Army was such that he reportedly turned down a guarantee of a fourth star within 14 months, and a choice of interim assignments, to retire from active duty in 1958.

He then joined Arthur D. Little Inc., a worldwide Cambridge Mass.-based industrial research and management consulting organization, as a vice president. He rose to executive vice president, board member, president, chief executive officer and, finally, board chairman. He retired in 1977.

Before 1960, he and then-Sen. Hubert H. Humphrey proposed the creation of what became the Peace Corps. In 1961, Gen. Gavin led the inaugural parade of his friend, President John F. Kennedy, then served a short time as ambassador to France. He returned to the public eye in the mid-1960s as a persuasive and brilliant critic of the Johnson administration's Vietnam policies, based on his extensive World War II combat record.

In 1940, Gen. Gavin was assigned to West Point as a tactics instructor. While teaching that discipline, he also studied the new German panzer tactics. Combining armor, mechanized infantry and air support, the Germans had unleashed a seemingly unbeatable weapon that was in the process of overrunning much of Europe with little opposition. Gen. Gavin let it be known that airborne troops might be part of an answer.

After graduating from the Army Parachute School and the Army Command and General Staff School at Fort Leavenworth, he took command of the 82nd Airborne Division's 505th Parachute Infantry Regiment. His regiment spearheaded the invasion of Sicily when it jumped into the hills behind the beaches on July 9, 1943. Two days later, Gen. Gavin won his first Distinguished Service Cross, which cited him for his display of "cool, courageous leadership" and "inspiring his men by his heroic example." He personally led a small part of the regiment against a much superior German force of infantry and armor.

On Sept. 14, 1943, with the Allied invasion of Salerno, the first assault on mainland Europe was hanging by a thread. "Operation Avalanche," the invasion to secure the great port of Naples, had taken place on Sept. 9, and Allied troops were stalled on the beaches. An anxious Allied commander, Gen. Mark Clark, called for reinforcements. British battleships from Malta trundled up to give fire support from 15-inch guns, but Clark wanted infantry, and on the beaches fast.

A measure of Allied desperation was the attempt that airborne units, including Gen. Gavin and his regiment, made to turn the tide. Flying from bases in Sicily and North Africa, airborne troops flew over the Allied armada and parachuted directly onto the embattled beach, then advanced into the fight. Nothing of the kind had been tried before.

On Sept. 22, Gen. Gavin got his first star and was named assistant division commander. D-Day found him commanding the division's three parachute regiments as they dropped well behind the beaches to prevent German reinforcements and supplies from reaching Omaha and Utah beaches. Dependent upon air resupply, the 82nd fought, completely surrounded, until relieved by advancing Allied units.

Gen. Gavin received his second Distinguished Service Cross when, during a fight on June 9, he took command of a shattered battalion, reorganized its command, and then personally led it in a counterattack. The citation for this award, noting his command from an exposed position, cited his "courage, personal bravery and outstanding leadership."

On Aug. 15, 1944, he was named commander of the 82nd Airborne. The next month, the division participated in the huge, if ill-planned drop near Nijmegen in the Netherlands. The division fought in the Battle of the Bulge and in central Germany before becoming an early occupation force in Berlin.

During the war, the 82nd Airborne was recognized as one of this country's elite divisions. It had fought in what were probably America's greatest battles of the European war. And its last commander, Gen. Gavin, became something of a legend of his own.

Known variously as "Jumpin' Jim" or "Slim Jim," he was remembered as a general who commanded from the front with a carbine in hand and as an officer renowned for his calmness in battle.

After leaving the Army, he became a very successful businessman in a highly technical game. The fighting general also was recognized as a thinking general. He was active in the Council on Foreign Relations and the U.S. Chamber of Commerce, and was a life trustee of Tufts University and a fellow of Harvard University's Center of International Affairs. He wrote such books as "Airborne Warfare," "War and Peace in the Space Age" and his 1978 memoirs, "On to Berlin."

As ambassador to France, a post he held from 1961 to 1963, he was not a notable success. Most critics pointed out that President Kennedy had managed to find an ambassador who could not speak French well and had appointed a former general. The French president, Charles deGaulle, was known to dislike non-Francophones and "military" ambassadors. And, as Gen. Gavin noted in retiring after a year, the ambassador to France had to be independently wealthy, and he was not.

Gen. Gavin was a leading architect of the successful helicopter-borne units and Army airborne tactics used in Vietnam, but he was an early critic of the conflict. He attacked the administration for fighting an unwinnable war, saying that the best military strategy to follow would be to withdraw American forces to "enclaves" in towns and along the coast that could be easily defended.

He toured Vietnam for 10 days in 1967 and returned to tell a group that "we are in a tragedy." He called for seeking negotiations "by every means available" and argued that the struggle in Southeast Asia could allow the Soviets to steal a march on us in the Middle East.

His first marriage, to Irma Gavin, ended in divorce.

Survivors include his wife Jean Emert Gavin, of the homes in Winter Park, Fla., and Wianno, Mass.; their four daughters, Caroline Gavin of Weston, Conn., Patricia Gavin of Towson, Md., Aileen Lewis of Baltimore and Chloe Beatty of Riverside, Conn.; a daughter by his first marriage, Barbara Fauntleroy of New Canaan, Conn.; nine grand children; and a great-grandchild.

RHODE ISLAND RESOLUTION ON THE CONVENTION ON THE RIGHTS OF THE CHILD

Mr. PELL. Mr. President, today the Rhode Island General Assembly is considering a resolution supporting signature and ratification by the

United States of the Convention on the Rights of the Child. As a cosponsor of Senate Resolution 213, urging the President to sign the Convention and transmit it to the Senate for consideration, I strongly sympathize with the spirit of this resolution.

We are a nation which understands that children need special treatment. We were active participants in the negotiation of the Convention. Against this background, it makes no sense for the administration not to sign this Convention and send it to the Senate. Our signature and ultimate ratification of the Convention will play an important role in encouraging other countries to accept the Convention and the principles embodied in it.

Mr. President, I ask unanimous consent that the text of the Rhode Island resolution be printed in the RECORD at this point.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

HOUSE RESOLUTION

Whereas, the world's children are its most precious resource and international law, the law of the United States of America, and of the state of Rhode Island recognizes the special needs and vulnerability of children; and

Whereas, each day, throughout the world, 38,000 children die from hunger, exposure, or lack of health care; more than 100 million children work under hazardous and life-threatening conditions; more than 80 million homeless children must live in the world's streets; war has made more than 10 million children refugees; and, in many countries, children are subjected to torture; and

Whereas, the United Nations Convention on the Rights of the Child would recognize the fundamental rights of the world's children and raise them to the level of international law. The convention on the child guarantees children's right to survival through the provision of adequate food, shelter, clean water, and primary health care; children's right to protection from abuse, neglect, and exploitation in times of war and peace; children's right to healthy development through a safe environment and constructive play; and children's right to the opportunity to participate in the social, economic, civil, and religious life of their country, free from discrimination; and

Whereas, on November 20, 1989, the United States of America joined other members of the United Nations General Assembly in the unanimous adoption of the convention on the Rights of the Child: Now, therefore, be it

Resolved, That this House of Representatives of the State of Rhode Island and Providence Plantations hereby memorializes the President of the United States to sign the convention on the Rights of the Child and to transmit it to the United States Senate; and further memorializes the Senate to ratify the convention at the earliest possible date; and be it further

Resolved, That the secretary of state be and she hereby is authorized and directed to transmit a duly certified copy of this resolution to the President of the United States and to the Rhode Island delegation in the Senate of the United States.

MEMBERS OF THE U.S. SENATE WHO SERVED UNDER PRESIDENT DWIGHT D. EISENHOWER IN THE ARMED FORCES

Mr. THURMOND. Mr. President, this morning the Chambers of the U.S. Congress met in a special joint session to commemorate the centennial of President Dwight D. Eisenhower. It was one of the finest tributes I have witnessed during my 35 years in the U.S. Senate. I would like to take this opportunity to briefly recognize the current Members of Congress who enjoyed the privilege of serving with President Eisenhower in our Nation's Armed Forces.

Mr. President, I ask unanimous consent that their names be printed in the RECORD at this point.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

Armstrong (R-CO), 3 Jan. 79, Army NG, 1957-63; 1stLT.

Bentsen (D-TX), 3 Jan. 71, USAAC, WWII.

Bumpers (D-AR), 3 Jan. 75, USMC, 1943-46, StaffSgt.

Burdick (D-ND), 8 Aug. 60, NatGuard, 1924-26.

Chafee (R-RI), 29 Dec. 76, USMC, 1942-46/1950-52.

Cranston (D-CA), 3 Jan. 69, USA, 1944-46.

Dole (R-KS), 3 Jan. 69, USA, 1943-48, Capt.

Exon (D-NE), 3 Jan. 79, USA, 1942-45; Res, 45-59.

Ford (D-KY), 28 Dec. 74, USA, 44-46; KY NG, 49-62.

Glenn (D-OH), 24 Dec. 74, USMC, 1941-65.

Hatfield (R-OR), 10 Jan. 67, USN, WWII.

Heflin (D-AL), 3 Jan. 79, USMC, 42-46; Maj.

Helms (R-NC), 3 Jan. 73, USN, WWII.

Hollings (D-SC), 9 Nov. 66, USA, WWII.

Inouye (D-HI), 3 Jan. 63, USA, Enl. 1943, Capt(Ret).

Kennedy (D-MA), 7 Nov. 62, USA, 1951-53, Pvt.

Lautenberg (D-NJ), 27 Dec. 82, USA, 1942-46.

McClure (R-ID), 3 Jan. 73, USN, 1942-46.

Matsunaga (D-HI), 3 Jan. 77, USA; Comm 1941; Ret LTC Jag.

Moynihan (D-NY), 3 Jan. 77, USNR, 1944-47.

Pell (D-RI), 3 Jan. 61, WWII.

Roth (R-DE), 1 Jan. 71, USA, 1943; Enl as Pvt.

Rudman (R-NH), 29 Dec. 80, USA, 1952-54; Infantry, Capt.

Sanford (R-NC), 5 Nov. 86, USA(PI), 42-46; NC NG 48-60.

Specter (R-PA), 3 Jan. 81, USAF, 1951-53, 1stLT.

Stevens (R-AK), 24 Dec. 68, USAF, 1943-46, 1stLT.

Thurmond (R-SC), 7 Nov. 56, USA, WWII, MG, USAR.

Warner (R-VA), 2 Jan. 79, USN/USMC, 1944-46/1950-52.

Akaka, D-2-HI, 3 Jan. 77, USA; 1945-47.

Anderson, D-32-CA, 3 Jan. 69, USA; WWII.

Archer, R-7-TX, 3 Jan. 71, USAF; Korea; Capt, USAFR.

Badham, R-40-CA, 3 Jan. 77, USN; 1951-54.

Barnard, D-10-GA, 3 Jan. 77, USA; 1943-46.

Barton, R-6-TX, 3 Jan. 85, USAF; 1951-53.

Bateman, R-1-VA, 3 Jan. 83, USAF; 1stLT, 1951-53.

Bennett, D-3-FL, 3 Jan. 49, USA; 1942-47; Capt.

Bevill, D-4-AL, 3 Jan. 67, USA; 1943-46, Capt.

Bilirakis, R-9-FL, 3 Jan. 83, USAF; 1941-55.

Blaz, R-Guam-Delegate, 3 Jan. 85, USMC; 1951-80 BG(Ret).

Bliley, R-3-VA, 3 Jan. 81, USN; 1952-55.

Brooks, D-9-TX, 3 Jan. 53, USMC; WWII.

Broomfield, R-18-MI 3 Jan. 57, USAAC: 1943.

Brown G.E., D-35-CA 3 Jan. 73, USA; WWII.

Callahan, R-1-AL 3 Jan. 85, USN; 1952-54

Campbell, D-3-CA 3 Jan. 87, USAF; Korea 1952-54.

Clinger, R-23-PA 3 Jan. 79, USN; 1951-56.

Coble, R-6-NC 3 Jan. 85, USCG; 1952-56; USCGR, 60-81.

Conte, R-1-MA 3 Jan. 59, USN; WWII; Seabees/Pacific.

Conyers, D-1-MI 3 Jan. 65, USA; Korea 1950-54.

Coughlin, R-13-PA 3 Jan. 69, USMCR; 48-58; ActDut 51-52.

Daniel D-5-VA 3 Jan. 69, USN; 1944.

Dannemeyer, R-39-CA 3 Jan. 79, USA; 1952-54

de la Garza, D-15-TX 3 Jan. 65, USN, WWII; USA, 1950-52.

de Lugo, D-Vir Is-DEL 3 Jan. 81, USA; 1948-50.

Dickinson, R-2-AL, 3 Jan. 65, USN; 1943-46; USAF Reserve.

Dingell, D-16-MI, 13 Dec. 55, USA; 1944-46.

Duncan, R-2-TN 3 Jan. 65, USA, 1942-45.

Dwyer, D-6-NJ 3 Jan. 81, USN, 1940-45.

Edwards, D. D-10-CA, 3 Jan. 63, USN, 1942-45.

Fascell, D-19-FL, 3 Jan. 55, FL NG, 1941; USA, 1942-46.

Fish, R-21-NY, 3 Jan. 69. USNR, 1944-46.

Ford, W. D., D-15-MI, 3 Jan. 65, USN, 44-46; USAFR, 50-58.

Frenzel, R-3-MN, 3 Jan. 71, USNR, 1941-54; Korea, Lt.

Garcia, D-18-NY, 14 Feb. 78, USA, 1950-53.

Gaydos, D-20-PA, 5 Nov. 68, USNR, 1944-46.

Gilman, R-22-NY. 3 Jan. 73, USAAC, WWII.

Goodling, R-19-PA, 3 Jan. 75, USA, 1946-48.

Gray, K., D-22-IL, 3 Jan. 85. USA & USAF, 1943-46.

Guarini, D-14-NJ, 3 Jan. 79, USN, 1944-46.

Hall, R. M., D-4-TX, 3 Jan. 81, USN, 1942-45, Lt.

Hammerschmidt, R-3-AR, 3 Jan. 67, USAAC, 1942-45; AF Reserves.

Horton, R-29-NY, 3 Jan. 63, USA, 1941-45; Maj.

Howard, D-3-NJ 3 Jan. 65, USN, 1944-46.

Hutto, D-1-FL, 3 Jan. 79, USN, 1944-46.

Hyde, R-6-IL, 3 Jan. 75, USN, 1944-46; USNR (Ret).

Jacobs, D-10-IN, 3 Jan. 75, USMC, 1950-52.

Kastenmeier, D-2-WI, 3 Jan. 59, USA, 1943-46.

Kolter, D-4-PA, 3 Jan. 83, USAF, 1945-46.

Lagomarsino, R-19-CA, 5 Mar. 74, USN, 1944-46.

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Lewis, T. R-12-FL, 3 Jan. 83, USAF, 1943-54.

Luken, D-1-OH, 3 Jan. 77, USMC, 1943-45.

McCandless, R-37-CA, 3 Jan. 83, USMC, 1945-46; 1950-52.

McKinney, R-4-CT, 3 Jan. 71, USAF, 1951-56.

MacKay D-6-FL, 3 Jan. 83, USAF, 1945-58.

Manton, D-9-NY, 3 Jan. 85, USMC, 1951-53.

Martinez, D-30-CA, 13 Jul. 82, USMC, 1947-50.

Michel, R-18-IL, 3 Jan. 57, USA, 1942-46; Infantry.

Mineta, D-13-CA, 3 Jan. 75, USA, 1953-56.

Moakley, D-9-MA, 3 Jan. 73, USN, 1943-46.

Molinari, R-14-NY, 3 Jan. 81, USMC, 1951-53.

Moorhead, R-22-CA, 3 Jan. 73, USAR, 1942; LTC, JAG.

Murphy, D-22-PA, 3 Jan. 77, USMC, 44-46; USMCR, 48-50.

Myers, J. R-7-IN, 3 Jan. 67, USA, 1945-46.

Natcher, D-2-KY, 1 Aug. 53, USN, 1942-45.

Nichols, D-3-AL, 3 Jan. 67, USA, 1942-47.

Nielson, R-3-UT, 3 Jan. 83, USAF, 1943-46.

Olin, D-6-VA, 3 Jan. 83, USA, 1943-46.

Parris, R-8-VA, 3 Jan. 81, USAF, Korean war.

Pickle, D-10-TX, 21 Dec. 63, USN, WWII (3½ yrs).

Quillen, R-1-TN, 3 Jan. 63, USN, WWII.

Rangel, D-16-NY, 3 Jan. 71, USA, 1948-52.

Ravenel, R-1-SC, 6 Jan. 87, USMC, WWII.

Ray, D-3-GA, 3 Jan. 83, USN, 1944-45.

Regula, R-16-OH, 3 Jan. 73, USN, 1944-46.

Rodino, D-10-NJ, 3 Jan. 49, USA, WWII.

Roe, D-8-NJ, 4 Nov. 69, USA, WWII.

Rostenkowski, D-8-IL, 3 Jan. 59, USA (Korea, 2 yrs).

Rowland, J. D-1-GA, 3 Jan. 83, USA, 1944-46.

Roybal, D-25-CA, 3 Jan. 63, USA 1944-45.

St Germain, D-1-RI, 3 Jan. 61, USA, 1949-52

Savage, D-2-IL, 3 Jan. 81, USA, 1943-46.

Scheuer, D-8-NY, 3 Jan. 75, USA, 1943-45.

Schulze, R-5-PA, 3 Jan. 75, USA, 1951-53.

Sisisky, D-4-VA, 3 Jan. 83, USN, 1945-46.

Skeen, R-2-NM, 3 Jan. 81, USN, 1945-46; USAFR, 49-52.

Slaughter, R-7-VA, 3 Jan. 85, USA, 1943-47.

Smith, N. D-4-IA, 3 Jan. 59, USAAC, 1942-45.

Solomon, R-24-NY, 3 Jan. 79, USMC, 1951-52.

Stokes, D-21-OH, 3 Jan. 69, USA, 1943-46.

Stratton, D-23-NY, 3 Jan. 59, USN, 1942-46; 1951-53.

Stump, R-3-AZ, 3 Jan. 77, USN, 1943-46.

Sunia, D-DEL-AmSam, 3 Jan. 81, 1948-50 (Component not shown).

Taylor, R-7-MO 3 Jan. 73, NG, 1948-49.

Torres, D-34-CA 3 Jan. 83, USA, 1949-53

Udall, D-2-AZ, 2 May 61, USAAC, 1942-46.

Weiss, D-17-NY, 3 Jan. 77, USA, 1946-47.

Wortley, R-27-NY, 3 Jan. 81, USN 1945-46.

Wright, D-12-TX, 3 Jan. 55, USAASC, 1941-45.

Wylie, R-15-OH 3 Jan. 67, USA, 43-45; USAR, 45-53.[1]

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[1] NatGuard, 1958-78.

EXECUTIVE SESSION

Mr. **BAUCUS**. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations.

Calendar No. 6762, John J. Adair to be inspector general Resolution Trust Corporation. I further ask unanimous consent that the nominee be confirmed, any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

RESOLUTION TRUST CORPORATION

John J. Adair, of Virginia, to be Inspector General, Resolution Trust Corporation. (New position.)

LEGISLATIVE SESSION

The **PRESIDING OFFICER**. Under the previous order, the Senate will return to legislative session.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2660. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, a report outlining the Foundation's actions and plans for fiscal year 1990 and 1991 regarding metric conversion; to the Committee on Commerce, Science, and Transportation.

EC-2661. A communication from the Deputy Director of the Department of the Interior, transmitting, pursuant to law, notice of non-competitive sale of public lands in Clark County, NV; to the Committee on Energy and Natural Resources.

EC-2662. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation entitled "The Airport and Airway Expansion Act of 1990"; to the Committee on Finance.

EC-2663. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a draft of proposed legislation to authorization appropriations consistent with the President's supplemental appropriations requests of $870,000,000; to the Committee on Foreign Relations.

EC-2664. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-176 adopted by the Council on February 27, 1990; to the Committee on Governmental Affairs.

EC-2665. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-177 adopted by the Council on February 27, 1990; to the Committee on Governmental Affairs.

EC-2666. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-178 adopted by the Council on February 27, 1990; to the Committee on Governmental Affairs.

EC-2667. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-179 adopted by the Council on February 27, 1990; to the Committee on Governmental Affairs.

EC-2668. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-180 adopted by the Council on February 27, 1990; to the Committee on Governmental Affairs.

EC-2669. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 8-181 adopted by the Council on February 27, 1990; to the Committee on Governmental Affairs.

EC-2670. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the annual report of the U.S. General Accounting Office for the fiscal year ending September 30, 1989; to the Committee on Governmental Affairs.

EC-2671. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report on actions taken during calendar year 1989 involving actual or potential cost to the United States in excess of $50,000; to the Committee on the Judiciary.

EC-2672. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on the effect of a United States patenting process on domestic industries; to the Committee on the Judiciary.

EC-2673. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report for fiscal year 1989 on the Department of Justice Assets Forfeiture Fund; to the Committee on the Judiciary.

EC-2674. A communication from the Acting Assistant Attorney General of the U.S. Department of Justice, (Office of Legislative Affairs), transmitting, pursuant to law, the annual report of the Community Relations Service for fiscal year 1989; to the Committee on the Judiciary.

EC-2675. A communication from the Executive Vice President of the National Music Council, transmitting, pursuant to law, the Council's audited financial report; to the Committee on the Judiciary.

EC-2676. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Health, United States, 1989 and Prevention Profile"; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-437. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Appropriations:

"SENATE RESOLUTION

"Whereas Congress has authorized an expenditure level of $3.383 billion for the fiscal year 1989 for the Low-Income Home Energy Assistance Program (LIHEAP); and

"Whereas Congress is currently asking decisions on funding levels for previously authorized programs such as LIHEAP; and

"Whereas the United States budget proposal for fiscal year 1990 is $1.1 billion, or a 20 percent cut in the level of funding previously authorized for LIHEAP; and

"Whereas the proposed reduction would mean a $19 million loss of LIHEAP funds for the Commonwealth of Pennsylvania; and

"Whereas energy costs are continuously rising and there is now a greater need for energy assistance than at any other time; and

"Whereas low-income citizens pay, on the average, 16 percent of their income for energy, contrasted with 5 percent paid by the average American family; and

"Whereas the heating costs for low-income households in Pennsylvania's climate range run substantially more than all low-income households in the nation as a whole; and

"Whereas it is important to address the needs of the indigent in our Commonwealth: Therefore be it

"*Resolved*, That the Senate of the Commonwealth of Pennsylvania memorialize the Congress of the United States to appropriate funds for Low-Income Energy Assistance Block Grants for the fiscal year 1990 at the $1.567 billion level; and be it further

"*Resolved*, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania."

POM-438. A resolution adopted by the Senate of the Commonwealth of Pennsylvania; to the Committee on Armed Services:

"SENATE RESOLUTION

"Whereas, the United States Department of Defense is considering closing a number of military facilities throughout the country; and

"Whereas, the Philadelphia Naval Shipyard has been mentioned as one of the facilities which might be phased out; and

"Whereas, the Philadelphia Naval Shipyard employs approximately 8,600 persons who are highly skilled in their various areas of expertise; and

"Whereas, these dedicated employees, coupled with the strategic location of the shipyard, constitute a key defense facility for our nation; therefore be it

"*Resolved*, That the Senate of Pennsylvania inform the United States Department of Defense that is is adamantly opposed to the closing or phasing out of the Philadelphia Naval Shipyard, and urge the Secretary of Defense to refrain from any action which might jeopardize the Philadelphia Naval Shipyard as it presently exists; and be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United States, George Bush, United States Secretary of Defense, Dick Cheney, the two Senators from Pennsylvania, John Heinz and Arlen Specter and to all other members of the Pennsylvania Congressional Delegation."

POM-439. A resolution adopted by the House of Representatives of the State of Alabama; to the Committee on Armed Services:

"HOUSE JOINT RESOLUTION 175

"Whereas Secretary of Defense Richard Cheney has submitted to Congress a list of proposed military base closures which includes Ft. McClellan in Anniston, Alabama; and

"Whereas the inclusion of Ft. McClellan as a base targeted for elimination is a matter of grave proportions as the closing of said facility would be detrimental, not only to Anniston, Calhoun County and the State of Alabama, but to the entire United States; and

"Whereas during this past decade alone, a sum totaling more than $70 million has been spent by the military on new construction and on upgrading the Ft. McClellan facility, and these expenditures are well as real property and all other assets would be lost to the American taxpayers; and

"Whereas a recent study by the General Accounting Office ranks Ft. McClellan as the top training base in the country, and thereby is a vital link in our nation's chain of defense; this assessment, in itself, is a justification for the removal of Ft. McClellan from consideration to be closed; and

"Whereas to further support our consensus that the Ft. McClellan facility must remain intact is the installation's close proximity to the Anniston Army Depot which adds to the cost-effectiveness of maintaining Ft. McClellan at its current level of operation; and

"Whereas our nation's strength undeniably lies first and foremost in maximum home defense and, before closing military installations as vital to our defense as is Ft. McClellan, the United States should first eliminate unnecessary installations in Europe and elsewhere abroad; now therefore be it

"Resolved by the legislature of Alabama, both Houses thereof concurring, That we hereby call upon Secretary of Defense Cheney, President Bush and the Congress to remove Ft. McClellan, in Anniston, Alabama, from consideration as a military installation to be closed or its level of operation curtailed; and be it further

"*Resolved*, That copies of this resolution be dispatched forthwith to Secretary Cheney, President Bush, the presiding officers of the U.S. Senate and House of Representatives, and to the members of Alabama's Congressional Delegation."

POM-440. A resolution adopted by the Senate of the State of Michigan; to the Committee on Environment and Public Works:

"SENATE RESOLUTION NO. 266

"Whereas for several years, federal, state, and local authorities have been directing great attention to the health hazards presented by asbestos. In an effort to protect public health, the federal Asbestos Hazardous Emergency Response Act, the Environmental Protection Agency, and state laws have mandated inspection, identification, and removal of asbestos; and

"Whereas dealing with asbestos removal represents an enormous commitment of energy and money. Compliance with requirements of the Environmental Protection Agency in more than 700,000 public and commercial buildings results in a total cost of billions of dollars. Much of the attention in asbestos removal efforts is directed to public and private schools. The costs of removal or sealing off the asbestos may add unnecessary costs to school districts already in dire financial straits; and

"Whereas recent reports from the scientific community, however, indicate that the health hazards presented by asbestos in public buildings and schools in the United States should be subject to reexamination in view of new scientific data. A recent publication in the journal Science concludes that available data does not support the concept that low-level exposure to asbestos is a health hazard in buildings and schools. Apparently, 95 percent of the asbestos in public schools and buildings in this country is of a variety (white asbestos) that poses far less risk than other types. The results of this study, which have been supported elsewhere in the scientific community, indicate that asbestos removal efforts and standards as they now are may be far more stringent than necessary. Authors of the Science report indicate far lower risks in terms of deaths per million in the lives of students exposed to asbestos in the schools than the death rates for whooping cough vaccinations, high school football, drownings, motor vehicle accidents, or long-term smoking; and

"Whereas while it is imperative to promote the public's health, especially as regards to our children, it is also advisable to act prudently. This is especially true in light of the fact that the process of removing asbestos can lead to increases in risk far greater than the risk of leaving the material in place: Now, therefore, be it

"*Resolved by the Senate (the House of Representatives concurring)*, That the members of this legislative body hereby memorailize the Congress of the United States to review federal law pertaining to asbestos and asbestos removal to make the requirements consistent with emerging scientific data: And be it further

"*Resolved*, That copies of this resolution be transmitted to the President of the United Sttes Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation."

POM-441. A resolution adopted by the Senate of the Commonwealth of Kentucky; to the Committee on Finance:

"Whereas, Kentucky hospitals lose nearly seven hundred million dollars ($700,000,000) each year in charity care, bad debts and Medicaid/Medicare underpayments; and

"Whereas, Medicaid reimburses hospitals generally at a rate of sixty-five cents (65¢) on the dollar; and

"Whereas, this underpayment has forced many hospitals to limit the admissions of Medicaid patients and has placed many other hospitals at the brink of insolvency; and

"Whereas, a partial solution to this problem would be to assess hospitals for funds which could be used to obtain federal matching funds at a rate of seventy-two costs (72¢) for each twenty-eight cents (28¢) contributed by hospitals; and

"Whereas, on February 9, 1990, the Health Care Financing Administration published a proposed rule forbidding the use of hospital contributions as a basis for obtaining federal matching funds; and

"Whereas, the implementation of this proposed rule could result in a loss of sixty-six million dollars ($66,000,000) for Kentucky hospitals; Now, Therefore, be it

"*Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:*

"SECTION 1. That the Commonwealth of Kentucky urges Congress to prohibit the Health Care Financing Administration from promulgating the proposed rule forbidding the use of provider assessments to obtain federal Medicaid matching funds; and

"SECTION 2. That a copy of this resolution be sent to each member of the Kentucky delegation to Congress, to the presiding officers of each House of Congress, and the President of the United States."

POM-442. A concurrent resolution adopted by the Legislature of the State of South Carolina; to the Committee on Finance:

"HOUSE CONCURRENT RESOLUTION

"Whereas, the members of the General Assembly of South Carolina have regretfully learned that the year 1989 was a record year for textile and apparel imports with a thirteen percent increase in textile and apparel imports over those in 1988; and

"Whereas, the textile and apparel trade deficit also grew eight percent to $26.4 billion dollars which now comprises twenty-four percent of the total U.S. trade deficit. Also, while textile and apparel imports increased thirteen percent, the domestic market for these products increased only four percent which resulted in increased pressure on domestic manufacturers; and

"Whereas, another adverse effect of the tremendous increase in textile imports is the fact that employment in the textile industry dropped three percent last year which continues the unfortunate pattern of decreased employment in the American textile industry; and

"Whereas, these problems with growing imports will continue well into the 1990's unless the federal government deals effectively with this serious threat to our national economy; and

"Whereas, the textile industry is vital to our nation's economy and the members of the General Assembly believe that it is critical that the federal government promote and insure a healthy future for this industry and its workers through appropriate legislation restricting the amount of textile imports which can be brought into the United States. Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the members of the General Assembly of South Carolina memorialize the Congress to enact without delay appropriate legislation which would limit the amount of textile and apparel imports into the United States; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to the United States Senate and House of Representative, and to each member of the United States Senate and House of Representatives from South Carolina."

POM-443. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Finance:

"SENATE JOINT MEMORIAL No. 8023

"Whereas, there are over 17,700,000 acres of commercial forest land in Washington state; and

"Whereas, nearly fifty-one percent or more than 8.8 million acres of this publicly owned with 5.2 million acres owned by the federal government; and

"Whereas, 2,337,000 acres of this commercial forest land base managed by agencies of the United States Government, has been withdrawn from timber management activities as follows:

"Commercial forest land

	Acres
"Olympic National Park	800,000
North Cascades National Park	274,000
Mt. Rainier National Park	106,000
Ross Lake National Recreational Area	70,000
Lake Chelan National Recreational Area	40,000
Glacier Peak Wilderness (1964, 1968, 1984)	165,500
Pasaytan Wilderness (1968, 1984)	262,200
Alpine Lakes Wilderness (1976)	66,400
Goat Rocks Wilderness (1976, 1984)	62,100
Mount St. Helens National Volcanic Monument (1982)	57,000

"Whereas, the additional following areas of commercial forest land were withdrawn for the first time by the Washington Wilderness Act of 1984;

Commercial forest land

	Acres
"Boulder River Wilderness	25,600
"Clearwater Wilderness	10,300
"Henry M. Jackson Wilderness	41,600
"Mt. Baker Wilderness	34,400
"Noisy—Diobsud Wilderness	8,300
"Norse Peak Wilderness	29,200
"Lake Chelan—Sawtooth Wilderness	46,400
"William O. Douglas Wilderness	128,200
"Glacier View Wilderness	2,700
"Tatoosh Wilderness	9,000
"Mt. Adams Wilderness	17,400
"Indian Heaven Wilderness	12,900
"Trapper Creek Wilderness	4,900
"Buckhorn Wilderness	12,000
"Colonel Bob Wilderness	9,200
"Mt. Skokomish Wilderness	6,400
"The Brothers Wilderness	8,700
"Wonder Mountain Wilderness	1,700
"Salmo Priest Wilderness	25,000

"Whereas, the Forest Service has demonstrated throughout the National Forest Management Act planning process that the national forests in Washington have the capability of providing, on a sustained yield, multiple-use basis, a benchmark volume of 1.5 billion board feet of timber annually while meeting all obligations and requirements of law, including stringent measures to protect water, wildlife, fish, air, and soil; and

"Whereas, the Forest Service planning process has treated timber production and the communities dependent upon that production as only a residual value of the federal forest lands in Washington; and

"Whereas, the historical average timber sale volume from Washington national forests for the past five years prior to 1989 is 1.2 billion board feet, or 300 million board feet less than the benchmark volume; and

"Whereas, National Forest Management Act plans now being finalized for Washington national forests propose a further thirty-three percent reduction in harvest levels from the remaining national forest lands; and

"Whereas, proposals to or before the Congress call for withdrawal of up to an additional forty percent of federal harvestable lands; and

"Whereas, these withdrawals, some of which come from the Grays Harbor Federal Sustained Yield Unit, are consistent with fifty-year old promises made to communities who based their livelihoods upon such promises; and

"Whereas, the reduction of available timber cannot be made up from the sale of additional timber above sustained yield levels from private lands and state trust lands; and

"Whereas, approximately 180,000 Washington citizens are directly or indirectly dependent on the forest products industry for their livelihoods, it being the state's second largest employer; and

"Whereas, the office of the governor of the State of Washington has estimated that a forty-three percent decline in the Forest Service harvest level could result in a worst-case, one-time, job loss impact of over 18,000 jobs; and

"Whereas, the social and economic infrastructures of many rural counties and communities in Washington state are highly dependent on the forest products industry; and

"Whereas, timber from federal forest lands has historically contributed more than twenty percent of the raw material for the state's forest products industry and, in many communities, federal forests supply the majority of the raw material; and

"Whereas, the reduction in federal timber harvest will significantly reduce revenues to the state of Washington from virtually all of its major revenue sources: Sales taxes, business and occupation taxes, and timber harvest excise taxes, and will reduce revenues that support schools and county government from their share of federal stumpage receipts and reduces the property tax base; and

"Whereas, Federal, not state, decisions have and will drastically affect the timber industry and all those jobs associated with it; and

"Whereas, the United States Forest Service has been unable to ensure stability in timber supply or stable, long-term management of our nation's forest; Now, therefore, your Memorialists respectfully pray that:

"(1) Congress recognize its historic commitment to the timber processing communities of the state of Washington to maintain a harvestable national forest acreage base that will sustain traditional, predictable, and historical average annual sales levels;

"(2) Congress directs its attention to providing funds and direction to the United States Forest Service to achieve silviculturally sound management of those lands left for timber production to fully utilize those lands to produce the wood for our nation's many wood product uses;

"(3) Congress recognize the investment that communities have made based on the belief the Forest Service lands will produce a relatively stable timber sales level and that deviations from historical sales levels can cause a community economic and social distress;

"(4) Congress appropriate funds to assist local communities affected by the reduction in historic timber sales level to be used for economic diversification, modernizing mills, and encouragement of additional manufacturing in Washington;

"(5) Congress include in its commitment to protecting some lands from timber harvesting a commitment to practice innovative forest management on lands not suited to traditional timber harvesting and to use timber management practices on the remaining forest land base which will produce the highest possible timber yields consistent with prudent land management;

"(6) Congress amend the National Forest Management Act planning process to recognize the economic needs of people, communities, and consumers and grant them equal status and consideration with the needs of environmental protection; and

"(7) Congress enact capital gains and other tax legislation specifically related to the timber industry which will encourage rather than discourage investment in timber production on private lands; and be it

"*Resolved*, That copies of this Memorial be immediately transmitted to the Honorable George Bush, President of the United States, the President of the United States

Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington."

POM-444. A resolution adopted by the House of Representatives of the State of California; to the Committee on Governmental Affairs:

"House Resolution No. 36

"Whereas, The Decennial Census will be conducted in less than six weeks; and

"Whereas, It is the responsibility of the Bureau of the Census, in the United States Department of Commerce, to ensure that all segnments of society are completely and accurately represented by the census; and

"Whereas, The Bureau of the Census itself has admitted that the 1980 census failed to count 1.4 percent of the total U.S. population, 4.5 percent of the urban population, 6.2 percent of all Blacks, 12 percent of all urban Latinos, and 18 percent of urban Black males; and

"Whereas, estimates on the undercount of the Asian and Pacific-Islander population in the United States have run as high as 6 percent; and

"Whereas, The Bureau of the Census itself has admitted that the 1980 undercount in California was twice as severe as that suffered by the rest of the nation; and

"Whereas, The Bureau of the Census decided that a statistical adjustment of the 1990 undercount will be unnecesary because they intended to conduct the most ambitious and comprehensive outreach program ever; and

"Whereas, The Bureau of the Census plans to conduct a count of homeless persons on the night of March 20, 1990; and

"Whereas, The outreach program initiated by the Bureau of the Census has fallen far short of its stated goals; and

"Whereas, The most recent and egregious failure of the Bureau's outreach program, despite repeated promises of delivery, has been the long delayed availability and dissemination of vital English-language and multilingual census materials to public and private community outreach organizations; and

"Whereas, These dalays have already had a grave and irreversible effect on the ability of the Bureau of the Census and community organizations alike to ensure maximum census participation; and

"Whereas, further delays will only serve to exacerbate this crisis and seriously threaten the Bureau's ability to attain an accurate count; now, therefore, be it

"*Resolved by the Assembly of the State of California*, That the Assembly memorializes the President of the United States, the Secretary of Commerce, and the Director of the Bureau of the Census to take whatever steps necessary in order to ensure that all census outreach materials produced by the Bureau of the Census are made immediately available to all public and private community outreach organizations; and be it further

"*Resolved*, That the Assembly urges the Governor of California to direct the appropriate state agencies to reproduce all available census outreach materials in order to supplement the inadequate efforts of the Bureau of the Census; and be it further

"*Resolved*, That the Assembly urges the Governor to seek reimbursement from the Bureau of the Census for the cost of reproducing census outreach materials; and be it further

"*Resolved*, That the Assembly urges the Governor to direct all National Guard Armories to be opened on the night of March 20, 1990, for the purpose of sheltering the homeless and facilitating the census count; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives to each Senator and Representative from California in the Congress of the Untied States, to the Secretary of the United States Department of Commerce, to the Director of the Bureau of the Census, and to the Governor."

POM-445. A resolution adopted by the Senate of the State of Ohio; ordered to lie on the table:

"Senate Resolution

"Whereas, the members of the Senate of the 118th General Assembly of Ohio wish to memorialize the United States Congress to amend S. 1630 in order to set responsible clean air criteria while establishing reasonable efficiency standards for automobiles; and

"Whereas, current new car models eliminate ninety-six percent of the hydrocarbons, ninety-six percent of the carbon monoxide, and seventy-six percent of the nitrogen emissions as compared to uncontrolled cars. Continued replacement of older cars with today's fuel efficient models will produce the desired effects of reduced automobile emissions without the economic ramifications of S. 1630; and

"Whereas, with clean air a vital issue for all our country's citizens, we support responsible congressional action to improve air quality, including legislation to strengthen automobile tailpipe standards. However, attempts to implement S. 1630, which includes controls on carbon dioxide emissions, would produce a minimal improvement in air quality while requiring the equivalent of 40-miles-per-gallon fuel economy standards, necessitating sharp reductions in vehicle size and function and severely restricting consumer choice; and

"Whereas, carbon dioxide emission is not a health-related issue, but is rather a matter of energy conservation and economic growth and should not be included as part of the Clean Air Act. In addition, enactment of S. 1630, in its current form, could needlessly raise the price of automobiles for consumers and eliminate hundreds of thousands of jobs nationwide due to reduced new car sales; therefore be it

"*Resolved*, That we, the members of the Senate of the 118th General Assembly of Ohio, in adopting this Resolution, memorialize the United States Congress to amend S. 1630 to establish responsible yet reasonable standards for automobile emissions; and be it further

"Resolved, That the Clerk of the Senate transmit duly authenticated copies of this Resolution to the Speaker of the United States House of Representatives, to the President of the United States Senate, and to the members of the Ohio Congressional Delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary with amendments:

S. 185. A bill to amend title 18 of the United States Code to punish as a Federal criminal offense the crimes of international parental child abduction.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. NUNN (for himself and Mr. Warner) (by request):

S. 2339. A bill to authorize appropriations for fiscal year 1991 to implement the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

By Mr. McCAIN (for himself, Mr. Conrad, Mr. Burdick, Mr. Murkowski, and Mr. Inouye):

S. 2340. A bill to develop and improve child protective service programs on Indian reservations and to strengthen Indian families; to the Select Committee on Indian Affairs.

By Mr. WILSON (for himself, Mr. Burdick, Mr. Gorton, Mr. Cranston, Mr. Cohen, Mr. Coats, Mr. Burns, Mr. Symms, Mr. Murkowski, and Mr. Domenici):

S. 2341. A bill to amend the Food Security Act of 1985 to authorize the targeted export assistance program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH (for himself, Mr. Garn, Mr. Inouye, Mr. Cochran, Mr. Thurmond, Mr. Matsunaga, Mr. Warner, Mr. Helms, Mr. Hollings, and Mr. Kennedy):

S. 2342. A bill to amend the Public Health Service Act to authorize additional grants for home health care demonstration projects, to require that applications be submitted to the chief executive officer of the State concerned in connection with such grants, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. WALLOP (for himself and Mr. Simpson):

S. 2343. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 2344. A bill to require the conveyance of the Cheraw Fish Hatchery to the State of South Carolina; to the Committee on Environment and Public Works.

By Mr. COATS:

S. 2345. A bill to provide for family impact statements; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days of continuous session to report or be discharged.

By Mr. REID:

S. 2346. A bill to prohibit certain practices in the raising of calves, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS (for himself, Mr. Daschle, Mr. Burdick, Mr. Adams, Mr. Pryor, Mr. Matsunaga, Mr. Levin, Mr. Simon, Mr. Boschwitz, Mr. Conrad, Mr. Durenberger, Mr. Bryan, Mr. Murkowski, and Mr. Gore):

S. 2347. A bill to provide essential air service to small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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By Mr. BAUCUS:

S. 2348. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of enterprise zones, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for Mr. MITCHELL (for himself and Mr. DOLE)):

S. Res. 266. Resolution to authorize production of records by the Senate Permanent Subcommittee on Investigations; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NUNN (for himself and Mr. WARNER) (by request):

S. 2339. A bill to authorize appropriations for fiscal year 1991 to implement the Federal Civil Defense Act of 1950; to the Committee on Armed Services.

AUTHORIZING APPROPRIATIONS TO IMPLEMENT THE FEDERAL CIVIL DEFENSE ACT OF 1950

● Mr. NUNN. Mr. President, by request, for myself and the senior Senator from Virginia [Mr. WARNER], I introduce, for appropriate reference, a bill to authorize appropriations for fiscal year 1991 to implement the Federal Civil Defense Act of 1950.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2339

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated $154,117,000 for fiscal year ending September 30, 1991, for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 *et seq.*).

FEDERAL EMERGENCY MANAGEMENT AGENCY,
Washington, DC, February 27, 1990.

Hon. DAN QUAYLE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is draft legislation to authorize appropriations of $154,117,000 for fiscal year 1991 to implement the Federal Civil Defense Act of 1950, 50 U.S.C. App. 2251 *et seq.*

This amount is in support of the President's 1991 budget request. The funds are needed to ensure a basic emergency response infrastructure to mitigate, prepare for, respond to, and recover from emergencies caused by natural, technological, and attack-related disasters.

The Office of Management and Budget advises that there is no objection to the submission of this proposal for the consideration of the Congress and that its enactment would be in accord with the President's program.

Sincerely,

GEORGE W. WATSON,
Acting General Counsel.

Enclosures.

ANALYSIS

Section 3401 of P.L. 101-189 authorized appropriations of $151,535,000 for fiscal year 1990 to implement the Federal Civil Defense Act of 1950. There is presently no authorization for appropriations for fiscal year 1991 to carry out the civil defense program. This bill would authorize appropriations of $154,117,000 to implement the Federal Civil Defense Act of 1950 during fiscal year 1991.●

By Mr. McCAIN (for himself, Mr. CONRAD, Mr. BURDICK, Mr. MURKOWSKI, and Mr. INOUYE):

S. 2340. A bill to develop and improve child protective service programs on Indian reservations and to strengthen Indian families; to the Select Committee on Indian Affairs.

INDIAN CHILD PROTECTIVE SERVICES AND FAMILY VIOLENCE PREVENTION ACT

● Mr. McCAIN. Mr. President, I rise today to introduce the Indian Child Protective Services and Family Violence Prevention Act. This legislation will provide badly needed resources to Indian tribes for their efforts to provide effective child protection and to help alleviate the problems associated with family violence in Indian communities.

Our committee has heard stories from across the country—from Arizona to North Carolina—of parents whose children have been abused in Bureau of Indian Affairs' schools. As part of our consideration of the issue of child abuse and neglect in Indian country, we heard from frustrated tribal officials and overextended socialworkers who described individual caseloads exceeding 100 cases. We heard from Indian parents who sought treatment for their children only to be denied funding or services by an inattentive Indian Health Service. The anguish felt by these parents while their children suffered without adequate treatment or counseling is compounded by the fact that in many cases the children remained in the very same setting where the abuse occurred. In each of these tragic cases Indian children who were the victims of sexual abuse were in turn victimized by the failure of the Federal Government to respond to their needs. Each year thousands of Indian children are victims of physical abuse and neglect. Little assistance has been provided by either the Bureau of Indian Affairs or the Indian Health Service to improve efforts of Indian tribes to provide adequate child protection services on the reservations.

Our committee has also heard the alarming statistics regarding the growing problems of family violence in Indian country and the tragic situations confronting Indian tribes where spousal or elder abuse continues without intervention or treatment options. This cycle of violence within the family destroys not only the family but because of the extensive tribal kinship system it affects the entire community. Because of our failure to address this issue, tremendous pain and suffering has been inflicted on Indian children and their families.

During the first session of the 101st Congress, I introduced S. 1783, the Indian Child Abuse Prevention and Treatment Act to address the problem of child sexual abuse. The Senate passed S. 1783 on November 17, 1989. I want to thank my colleagues for their support of S. 1783. I am now introducing the Indian Child Protective Services and Family Violence Prevention Act. This legislation will provide the tools necessary for Indian tribes to establish or improve existing child protection and family services. It will provide badly needed resources to tribal programs for direct services and training needs, as well as providing flexibility for Indian tribes to develop programs specifically tailored to the particular needs of their community.

The Indian Child Protective Services and Family Violence Prevention Act will establish and Indian Child Resource Center in each area office of the Bureau of Indian Affairs. Each Indian Child Resource Center will be staffed by a multidisciplinary team of professionals with experience and expertise in the prevention, indentification, investigation, and treatment of child abuse and neglect. It will establish within the Bureau of Indian Affairs the Child Protection Grant Program. This grant program will provide funds to any Indian tribe, tribal organization, or intertribal consortium for the development or enhancement of a child protective services program. These funds may be used to employ staff to investigate cases of child abuse and neglect, to offer training to child protective services personnel, or for community education in the area of child abuse and neglect.

Finally, the act establishes an Indian Family Violence Prevention and Treatment Grant Program within the Indian Health Service. This program would provide grants to any Indian tribe, tribal organization, or intertribal consortium to plan, develop, and implement programs for the treatment and prevention of incidents of family violence and to provide immediate shelter and related assistance for the victims of family violence and their dependents. This legislation will provide to Indian communities the tools necessary to address the growing social problems related to child abuse and family violence in a manner that is tailored to and best suited for each Indian community. In the near future, the Select Committee on Indian Affairs will hold hearings on issues related to the problems of child protection in Indian country and tribal efforts to protect Indian children and strengthen Indian families.

I am pleased that Senators Conrad, Burdick, Murkowski, and Inouye, have joined me in this effort as original cosponsors. Mr. President, I ask unanimous consent that a copy of the bill and the section-by-section analysis be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Indian Child Protective Services and Family Violence Prevention Act".

PURPOSES

Sec. 2. The purposes of this Act are to—

(1) provide for technical assistance and training related to the investigation and treatment of cases of child abuse and neglect;

(2) establish Indian child resource centers in each area office of the Bureau of Indian Affairs which will consist of multidisciplinary teams of personnel with experience and training in the prevention, identification, investigation, and treatment of child abuse and neglect;

(3) provide for the treatment and prevention of incidents of family violence; and

(4) authorize other actions as necessary to ensure effective child protection on Indian reservations.

DEFINITIONS

Sec. 3. For purposes of this Act—

(1) The term "child abuse and neglect" means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child by a person who is responsible for the child's welfare, under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.

(2) Persons who are responsible for a child's welfare include—

(A) any employee of a children's residential facility, and

(B) any person providing out-of-home care, education, or services to children.

(3) The term "family violence" means any act, or threatened act, of violence, including any forceful detention of an individual, which—

(A) results, or threatens to result, in physical injury, and

(B) is committed by an individual against another individual—

(i) to whom such person is, or was, related by blood or marriage or otherwise legally related, or

(ii) with whom such person is, or was, lawfully residing.

(4) The term "inter-tribal consortium" means a partnership between—

(A) an Indian tribe or tribal organization on an Indian reservation, and

(B) one or more Indian tribes or tribal organizations of other Indian tribes.

(5) The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, et seqq.)), which is recognized as eligible for the special services provided by the United States to Indians because of their status as Indians.

(6) The term "tribal organization" means—

(A) the recognized governing body of any Indian tribe, or

(B) any legally established organization of Indians which—

(i) is controlled, sanctioned, or chartered by such governing body, or which

(ii) is democratically elected by the adult members of the Indian community to be served by such organization, and

(iii) includes the maximum participation of Indians in all phases of its activities.

(7) The term "shelter" means the provision of temporary refuge and related assistance in compliance with applicable Federal and tribal laws and regulations governing the provision, on a regular basis, of shelter, safe homes, meals, and related assistance to victims of family violence or their dependents.

(8) The term "related assistance"—

(A) includes counseling and self-help services to abusers, victims, and dependents in family violence situations (which shall include counselling of all family members to the extent feasible) and referrals for appropriate health-care services (including alcohol and drug abuse treatment), and

(B) may include food, clothing, child care, transportation, and emergency services (but not reimbursement for any health-care services) for victims of family violence and their dependents.

(9) The terms "child" and "juvenile" mean any individual who is under the age of 18 years.

(10) The term "Indian" means any individual who is a member of an Indian tribe.

(11) The term "Indian country" has the meaning given to such term by section 1151 of title 18, United States Code.

(12) The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(13) The term "Service" means the Indian Health Service of the Department of Health and Human Services.

INDIAN CHILD RESOURCE CENTERS

Sec. 4. (a) The Secretary of the Interior shall establish within each area office of the Bureau of Indian Affairs an Indian child resource center.

(b) Each Indian child resource center established under subsection (a) shall be staffed by multidisciplinary teams of personnel with experience and training in the prevention, identification, and treatment of child abuse and neglect.

(c) Each Indian child resource center established under subsection (a) shall—

(1) provide advice and consultation to Indian tribes, Indian organizations, and inter-tribal consortia, upon request;

(2) provide training to Indian tribes, Indian organizations, personnel of the Bureau, and personnel of the Service on the identification and investigation of cases of child abuse and neglect; and

(3) develop training materials on the prevention, identification, investigation and treatment of child abuse and neglect for distribution to Indian tribes and Indian organizations.

(d) Indian child resource centers established under subsection (a) shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act. If an Indian child resource center is located in an area office of the Bureau which serves more than one Indian tribe, any application submitted under such Act must have the consent of each of the Indian tribes served by the area office.

(e) There are authorized to be appropriated to carry out the provisions of this section, $3,000,000 for each of the fiscal years 1991, 1992, 1993 and 1994.

INDIAN CHILD PROTECTION GRANT PROGRAM

Sec. 5. (a) The Secretary of the Interior shall establish an Indian Child Protection Grant Program that provides grants to any Indian tribe, tribal organization, or intertribal consortium, for the development or enhancement of a child protective services program.

(b) A grant provided under subsection (a) may be used for—

(1) the establishment of a child protective services program which is responsible for the investigation of reported cases of child abuse and neglect, including—

(A) the employment of staff to investigate cases of child abuse and neglect;

(B) the training of child protective services personnel, law enforcement personnel, and court personnel in the investigation of cases of child abuse and neglect; or

(C) the purchase of equipment to assist in the investigation of cases of child abuse and neglect;

(2) training programs for professional and paraprofessional personnel in the fields of medicine, law, education, social work, and other relevant fields who are engaged in, or intend to work in, the field of prevention, identification, investigation, and treatment of Indian child abuse and neglect;

(3) training programs to provide instruction in methods of protecting children from child abuse and neglect to children and to persons responsible for the welfare of Indian children, including parents of, and persons who work with, Indian children;

(4) other community education efforts for tribal members (including school children) regarding issues of child abuse and neglect;

(5) programs which provide educational, identification, prevention, and treatment services in cooperation with preschool, elementary, or secondary schools or tribally controlled community colleges (within the meaning of section 2 of the Tribally Controlled Community College Act of 1978 (25 U.S.C. 1801)); or

(6) such other innovative and culturally relevant programs and projects as the Secretary of the Interior may approve, including programs and projects for—

(A) parental self-help,

(B) prevention and treatment of alcohol and drug-related child abuse and neglect, or

(C) home visitation programs,

that show promise of successfully preventing and treating cases of child abuse and neglect.

(c) Services provided under grants made under subsection (a) shall supplement, not supplant, services from any other funds available for the same general purposes, including—

(1) individual counseling;

(2) group counseling;

(3) family counseling;

(4) case management; or

(5) training available to Indian tribes, tribal agencies and Indian organizations regarding the identification, investigation, prevention and treatment of child abuse and neglect.

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(d)(1) Any Indian tribe, tribal organization, or inter-tribal consortium may submit to the Secretary of the Interior an application for a grant under subsection (a).

(2) Any application submitted under paragraph (1) shall—

(A) be in such form as the Secretary of the Interior may prescribe,

(B) be submitted to the Secretary on or before the date designated by the Secretary, and

(C) specify—

(i) the nature of the program proposed by the applicant,

(ii) the data and information on which the program is based, and

(iii) the extent to which the program plans to use or incorporate existing services available on the Indian reservation.

(e)(1) Any grant awarded under subsection (a) shall not exceed $250,000.

(2) The term of any grant awarded under subsection (a) shall be 3 years.

(f) Each recipient of a grant awarded under subsection (a) shall—

(1) furnish the Secretary of the Interior with such information as the Secretary may require to—

(A) evaluate the program for which the grant is made, and

(B) ensure that the grant funds are expended for the purposes for which the grant was made, and

(2) submit to the Secretary at the close of the term of the grant a final report which shall include such information as the Secretary may require.

(g) There are authorized to be appropriated to carry out the provisions of this section, $10,000,000 for each of the fiscal years 1991, 1992, 1993 and 1994.

INDIAN FAMILY VIOLENCE PREVENTION AND TREATMENT GRANT PROGRAM

SEC. 6. (a) The Secretary of Health and Human Services, through the Indian Health Service, shall establish an Indian Family Violence Prevention and Treatment Grant Program that provides grants to any Indian tribe, tribal organization, or inter-tribal consortium, to pay 75 percent of the costs of planning, developing, and implementing programs for—

(1) the treatment and prevention of incidents of family violence, and

(2) the provision of immediate shelter and related assistance for victims of family violence and their dependents.

(b)(1) Any grant awarded under subsection (a) shall not exceed $500,000 for each fiscal year.

(2) The term of any grant awarded under subsection (a) shall be three years.

(3) The 25 percent of the costs of planning, developing, and implementing a program for which a grant is awarded under subsection (a) that are not to be paid from such grant may be paid by the grant recipient in cash from any other source (including other Federal funds) or through the provision of property or services.

(4) The treatment services delivered under any program that is funded by a grant awarded under subsection (a) may include alcohol and drug abuse treatment.

(c)(1) Any Indian tribe, tribal organization, or inter-tribal consortium may submit to the area office of the Service an application for a grant under subsection (a).

(2) Any application submitted under paragraph (1)—

(A) shall be in such form as the Secretary of Health and Human Services may prescribe,

(B) shall be submitted to the area office of the Service before a date designated by the Secretary,

(C) shall specify—

(i) the nature of the program proposed by the applicant,

(ii) the data and information on which the program is based,

(iii) the extent to which the program plans to use or incorporate existing service delivery activities,

(iv) the specific treatment concepts to be used under the program,

(v) the extent of the planned use under the program of the traditional clinical model,

(vi) the extent to which the program would effectively incorporate the particular customs or culturally based methods of Indian tribes in treating members of the Indian tribe, and

(vii) a schedule (of not more than 3 years) for the program, and

(D) shall be accompanied by a statement from various Indian populations and Indian-related service delivery systems in the vicinity of the applicant that would be affected by the program.

(3) The area office of the Service to which an application is submitted under paragraph (1) shall attach to the application the comments of the area office regarding the application and shall forward the application to the Secretary of Health and Human Services.

(d) The Secretary of Health and Human Services shall award grants under subsection (a) in accordance with such regulations as the Secretary shall prescribe. Such regulations shall ensure that the Secretary takes into account, among other considerations—

(1) any comments from the area office of the Service with respect to the application,

(2) any comments of the Indian communities that would be affected by the program for which the application is submitted,

(3) the existing services currently available to the Indians the program proposes to serve,

(4) the need for services among the Indians the program proposes to serve, as described by the Indian tribe itself and the appropriate area office, and

(5) the extent to which the program would effectively incorporate the particular customs or culturally based methods of Indian tribes in treating members of the Indian tribe.

(e)(1) Each recipient of a grant awarded under subsection (a) shall—

(A) furnish the Secretary of Health and Human Services with such information as the Secretary may require to—

(i) evaluate the program for which the grant is made, and

(ii) ensure that the grant funds are expended for the purposes for which the grant was made, and

(B) submit to the Secretary at the close of the term of the grant a final report which, in addition to such other information as the Secretary may require, includes—

(i) an assessment of the extent of the needs of the Indians served by the program,

(ii) the details of the program,

(iii) the problems encountered in establishing the program,

(iv) the extent to which the program was effective or ineffective in meeting the needs of the Indian community, and

(v) any recommendations of the grant recipient.

(2) By no later than the date that is 3 years after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Congress a report which shall—

(A) assess the functioning and status of the grants made under subsection (a),

(B) evaluate the progress made toward achieving the purposes of the grants, and

(C) include any recommendations the Secretary may deem appropriate with respect to the grants.

In preparing the preliminary report, the Secretary shall solicit and include the comments and recommendations of private and public entities with an interest in the delivery of services in cases of Indian family violence.

(f) There are authorized to be appropriated to carry out the provisions of this section, $10,000,000 for each of the fiscal years 1991, 1992, 1993, and 1994.

SECTION-BY-SECTION SUMMARY ANALYSIS OF THE INDIAN CHILD PROTECTIVE SERVICES AND FAMILY VIOLENCE PREVENTION ACT

SECTION 1

Section 1 cites the title of the Act as the "Indian Child Protective Services and Family Violence Prevention Act."

SECTION 2

Section 2 sets out the purposes of the Act, which include providing for technical assistance and training related to the investigation and treatment of cases of child abuse and neglect, to improve and enhance child protective services and to provide for the treatment and prevention of incidents of family violence.

SECTION 3

Section 3 sets out the definitions of this Act.

SECTION 4

Section 4 of the Act establishes Indian Child Resource Centers in each area office of the Bureau of Indian Affairs. Each Indian Child Resource Center will be staffed by multidisciplinary teams of personnel with experience and training in the prevention, identification, and treatment of child abuse and neglect.

Paragraph (c) of section 4 provides that Indian Child Resource Centers shall provide advice and consultation to Indian tribes, Indian organizations and inter-tribal consortia, provide training to Indian tribes, Indian organizations, personnel of the Bureau of Indian Affairs, and personnel of the Indian Health Service on the identification and investigation of cases of child abuse and neglect, and develop training materials on the prevention, identification, investigation and treatment of child abuse and neglect.

Paragraph (d) provides that Indian Child Resource Centers shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act.

Paragraph (e) authorizes $3,000,000 to be appropriated for each of the fiscal years 1991, 1992, 1993 and 1994 to carry out the provisions of this section.

SECTION 5

Section 5 establishes within the Department of the Interior the Indian Child Protection Grant Program to provide grants to any Indian tribe, tribal organization or inter-tribal consortium for the development or enhancement of a child protective services program.

Paragraph (b) of section 5 provides that Indian Child Protection Grants may be used for the establishment of a child protective services program responsible for the investigation of reported cases of child abuse and neglect, to employ staff to investigate cases of child abuse and neglect, to train child protective services personnel, law enforcement personnel, and court personnel in the investigation of cases of child abuse and neglect, to develop training or community education programs on issues of child abuse and neglect, to establish programs which provide educational, identification, prevention, and treatment services in reservation schools or to establish such other innovative and culturally relevant programs and projects as the Secretary may approve.

Paragraph (c) of this section states that the funds awarded under this section shall supplement, not supplant, services from any other funds available for the same general purposes.

Paragraph (d) provides that any Indian tribe, tribal organization or inter-tribal consortium may apply for an Indian Child Protection Grant.

Paragraph (e) provides that an Indian Child Protection Grant Award shall not exceed $250,000 and that the term of the grant shall be three years.

Paragraph (f) sets out the reporting requirements for Indian Child Protection Grant recipients.

Paragraph (g) authorizes $10,000,000 to be appropriated for each of the fiscal years 1991, 1992, 1993, and 1994 to carry out the provisions of this section.

SECTION 6

Section 6 establishes, in the Indian Health Service, the Indian Family Violence Prevention and Treatment Grant Program to provide grants to any Indian tribe, tribal organization or inter-tribal consortium to pay 75% of the costs of planning, developing and implementing programs for the treatment and prevention of incidents of family violence and for the provision of immediate shelter and related assistance for victims of family violence and their dependents.

Paragraph (b) of this section provides that an Indian Family Violence Prevention and Treatment Grant Award shall not exceed $500,000 and that the term of the grant shall be three years. It further provides that the 25 percent tribal match required under this Act can be paid from any other source, including other federal funds, or through the provision of property or services. Finally, this paragraph states that treatment services delivered under any program funded under this section may include an alcohol and drug abuse treatment component.

Paragraph (c) of this section provides that any Indian tribe, tribal organization of tribal consortium shall submit to the area office of the Indian Health Service a grant application. This paragraph also describes the form and content of the application for an Indian Family Violence Prevention and Treatment Grant.

Paragraph (d) of this section describes the criteria the Secretary of the Department of Health and Human Services shall consider in making grant awards under this section.

Paragraph (e) of this section sets out the reporting requirements for Indian Family Violence Prevention and Treatment grant recipients. This paragraph also requires the Secretary of Health and Human Services to submit to the Congress no later than 3 years after the date of enactment a report on the Indian Family Violence Prevention and Treatment Grant Program.

Paragraph (f) of this section authorizes $10,000,000 to be appropriated for each of the fiscal years 1991, 1992, 1993, and 1994 to carry out the provisions of this section.●

● Mr. CONRAD. Mr. President, I am pleased today to join my colleague from Arizona, Senator McCain, in introducing this important child protection legislation.

The Indian Child Protective Services and Family Violence Prevention Act will help combat a problem which tears at the social fabric of the Indian reservations—child abuse.

The Special Committee on Investigations has highlighted the prevalence of child abuse-related occurrences on many reservations. The Senate has already passed legislation to boost reporting of child molestation. This bill will build on those efforts to provide essential resources to strengthen enforcement.

The inability of many Indian tribes and the Bureau of Indian Affairs to stop child abuse is often resource-related. Reservations caseworkers are almost always overloaded. As a result, no one is available who can go into the field to indentify, investigate and treat child abuse and neglect.

My hometown paper recently ran a series of articles about a little girl who in 1987 was horribly abused on a North Dakota Indian reservation. In the words of one news article, that little girl, now 5 years old, "cowers in the dark in her grandparents' home, reciting jingles from TV commercials."

That little girl, and many others like her, is a victim. She is a victim of a system where one caseworker has a caseload of 200. She is a victim of a budget for Indian-related programs that in real terms has decreased by $48.8 million per year since 1975 at the same time that Federal nondefense spending increased by $9.6 billion each year.

The time has come to reverse this unacceptable trend.

This bill makes grants available to tribes, tribal organizations or intertribal consortia to either improve existing child protection programs or to implement new ones. It also establishes grants to implement or improve family violence treatment and prevention programs.

This is not a perfect bill. But it is an important one. And I look forward to discussing its strengths and weaknesses, and to making improvements.

I commend my colleague from Arizona for his hard work in formulating this proposal, and will work with him to ensure the best possible final product.●

By Mr. WILSON (for himself, Mr. Burdick, Mr. Gorton, Mr. Cranston, Mr. Cohen, Mr. Coats, Mr. Burns, Mr. Symms, Mr. Murkowski, and Mr. Domenici):

S. 2341. A bill to amend the Food Security Act of 1985 to reauthorize the Targeted Export Assistance Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

TARGETED EXPORT ASSISTANCE PROGRAM

● Mr. WILSON. Mr. President, I am pleased to be joined by Senators Burdick, Gorton, Cranston, Cohen, Coats, Burns, Symms, and Murkowski in introducing legislation to reauthorize the Targeted Export Assistance Program [TEA]. As the original author of this program, I take great pride in its designation as the "star of the 1985 farm bill."

I developed the TEA Program to provide market development assistance—through Commodity Credit Corporation funds or commodities—to agricultural organizations that have suffered a loss in exports due to unfair foreign competition, either through price subsidies or unfair marketing arrangements. The assistance is available to both brand and nonbrand commodities and has been highly successful in increasing the market visibility and purchase of U.S. agricultural products in foreign countries.

Our legislation will reauthorize the Targeted Export Assistance Program at a rate of $325 million for each fiscal year from 1991 through 1995. The objective of the original legislation, to provide funds to offset trade damage caused by unfair foreign practices, will be maintained, with priority assistance being provided to products affected by a favorable decision under section 301 of the Trade Act of 1974.

Additionally, the legislation will enhance the oversight provisions of the program by requiring the Secretary of Agriculture to monitor the expenditure of funds received by each TEA Program recipient. An evaluation of the expenditures, to be conducted no later than 15 months after the initial provision of funds, must be submitted in writing to the chairmen of the Senate and House Agriculture Committees. These provisions will improve the overall effectiveness of the program.

Since inception of the TEA Program, the number of nonprofit agricultural trade associations and U.S. private firms participating in joint industry-government market development programs has grown to a total of 75, of which 30 participants are new to market promotion activities. An additional 150 U.S. private firms are also expected to participate in the TEA Program during fiscal year 1990 through 4 regional State organizations as part of a high value export incentive program that promotes processed brand identified products.

During the 5 years of the program—1986-90, $730 million has been allocated to over 75 organizations to partially reimburse the costs of conducting over 5,000 activities worldwide.

This year TEA funds will be used to promote the export of peaches, raisins,

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soybeans, kiwifruit, cherries, pistachios, almonds, chocolate, wool, prunes, seafood, strawberries, grapes, plums, nectarines, pears, walnuts, cotton, oranges, grapefruit, hops, wood products, honey, lemons, peanuts, potatoes, sunflowers, apples, rice, poultry, corn, sorghum, barley, meat, wheat, and wine. The program is clearly nationwide in its scope and appeal.

TEA promotional efforts have been highly successful in expanding sales in target markets. In the first years of the program 25 agricultural commodities have exhibited sales increases averaging more than 48 percent and several increased more than 100 percent. Examples of this success include:

A tripling of raisin sales to the United Kingdom since 1986;

A quintupling in the value of Sunkist-brand navel orange and orange juice concentrate to Korea from 3.6 million in 1987 to 20 million in 1989;

A 145 percent or $50.4 million increase in the value of wine exports since 1986;

An increase in pistachio exports to Japan of 88 percent between October 1988 and July 1989; and

An increase in almond exports to Kuwait of 105 percent in marketing year 1987.

These gains are impressive, but American agricultural exports still face unjustified trade restriction. Even as the Uruguay round of GATT negotiations proceeds, American farmers continue to be victimized by unfair competition. The TEA Program places our trading partners on notice that the U.S. Government is prepared to defend the worldwide markets of our Nation's farmers. The TEA Program gives agricultural producers the means to fight back to regain lost markets and establish new sales.

I urge my colleagues to support the bill, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATION.

Section 1124(a) of the Food Security Act of 1985 (7 U.S.C. 1736s(a)) is amended beginning in the matter preceding paragraph (1) by striking out "activities—" and all that follows through the end thereof and inserting in lieu thereof "activities, for each of the fiscal years ending September 30, 1991, through September 30, 1995, the Secretary shall use under this section not less than $325,000,000 of funds of, or commodities owned by, the Corporation.".

SEC. 2. PRIORITY BASIS OF ASSISTANCE AND PARTICIPANT ELIGIBILITY.

Subsection (c) of section 1124 of the Food Security Act of 1985 (7 U.S.C. 1736s(c)) is amended to read as follows:

"(c)(1) The Secretary or the Commodity Credit Corporation (as applicable) shall provide export assistance under this section on a priority basis in the case of—

"(A) agricultural commodities and the products thereof with respect to which there has been a favorable decision under section 301 of the Trade Act of 1974; or

"(B) agricultural commodities and the products thereof for which exports have been adversely affected, as defined by the Secretary, by retaliatory actions related to a favorable decision under section 301 of the Trade Act of 1974.

"(2) The Secretary shall conduct an evaluation with respect to the expenditure of funds received under this section by each recipient of such funds. Such evaluation shall be conducted not later than 15 months after the initial provision of such funds to the participant and shall include—

"(A) an evaluation of the effectiveness of the program established using funds made available under this section in developing or maintaining markets for United States agricultural products;

"(B) an evaluation of whether assistance provided under this section is necessary to maintain such market; and

"(C) a thorough accounting of the expenditure by the participant of funds provided under this seciton.

"(3) The Secretary shall provide the Committee on Agriculture of the Senate and the Committee on Agriculture, Nutrition, and Forestry of the House of Representatives with written reports concerning the evaluations conducted under paragraph (2).".●

● Mr. DOMENICI. Mr. President, I rise today in support of an important component of our next farm bill, a bill to reauthorize the Target Export Assistance Program.

This program is designed to provide assistance in market development to agricultural organizations which can demonstrate a loss in exports due to unfair foreign competition. Such competition includes price subsidies and unfair marketing arrangements.

The Target Export Assistance or TEA Program is available to partially reimburse the costs of conducting overseas market development for high value, branded and nonbranded agricultural products. This program is administered by the Foreign Agriculture Service of the U.S. Department of Agriculture.

The TEA Program has been very successful in increasing market visibility and purchase of value-added agricultural products from this country in world markets.

Testimony given at the January 1990 Senate Budget Committee field hearing indicated that each participating company has seen an increase in exports of 47 percent over the last 3 years.

The TEA Program is particularly important for my home State of New Mexico. Our participation in the TEA Program is coordinated by the New Mexico Department of Agriculture [NMDA] and the Western U.S. Agricultural Trade Association.

At that Budget Committee field hearing, a representative of NMDA testified that New Mexico receives from $500,000 to $600,000 for the TEA and the value-added product promotion [VAPP] programs.

These moneys enable New Mexico producers and processors to participate in market development activities, primarily in Asia and Europe. New Mexico pecans, wine, chile products and blue corn products have received TEA/VAPP moneys.

The bill which we are introducing today would authorize the TEA Program at $325 million for each fiscal year from 1991 through 1995. To enhance oversight provisions of the program, this bill would require the Secretary of Agriculture to monitor the expenditure of funds received by each TEA Program recipient. A written evaluation of expenditures would be submitted to the chairman of the Senate and House Agriculture Committees.

I am happy to join my distinguished colleague, Senator WILSON, and others here in the Senate in cosponsoring this bill. I look forward to seeing this important legislation enacted into law.●

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. GARN, Mr. INOUYE, Mr. COCHRAN, Mr. THURMOND, Mr. MATSUNAGA, Mr. WARNER, Mr. HELMS, and Mr. HOLLINGS):

S. 2342. A bill to amend the Public Health Service Act to authorize additional grants for home health care demonstration projects, to require that applications be submitted to the chief executive officer of the State concerned in connection with such grants, and for other purposes; to the Committee on Labor and Human Resources.

GRANTS FOR HOME HEALTH CARE DEMONSTRATION PROJECTS

Mr. HATCH. Mr. President, I rise today to introduce legislation which would expand the health care services in the Home Demonstration Program to all 50 States. This program has been in existence for 2 years and is currently providing health care services in the home by grantees in five States. It has already shown how the availability of communitywide home health care services can be expanded and coordinated.

The health care services in the Home Program helps thousands of disabled and chronically ill low-income Americans who are in need of in-home health services and have no other funding sources to remain in the confort and familiarity of their homes and out of institutions.

The five States which have been awarded grants for this program are targeting their services specifically to low-income, highly vulnerable individuals who can avoid institutionalization through home health care. A central feature of this program requires that the services be provided on a case management basis by a team of trained health care professionals.

The core of this team consists of a nurse, physician, and social worker who may draw upon the expertise of other caregivers. This team is responsible for the development, management, and outcome of a care plan that provides for comprehensive and continuous skilled health care and long-term services.

Among those who are using these services are infants and children born with complications due to prematurity. Because of this program, they will be able to leave the hosptial much earlier and receive health care at home, which is less costly than institutionalization. In Utah, for example, this program is serving a ventilator-dependent 3-year-old child named Crystal. Crystal spent the first 2 years of her life in a pediatric intensive care unit at a cost of $2 million. Her parents were overwhelmed with her health problems and decided not to take her home when she was ready for discharge.

One of the pediatric nurses who had been caring for her became certified as a foster parent and, along with her husband, is caring for Crystal at home. Without the support of this program, the only alternative for this child is institutional placement. Although Crystal has a profound hearing loss and visual impairment, she is learning to sign under the patient guidance of her foster mother and a speech therapist. Placement in an institution would reverse many of the gains that she has made and take her away from the nurturing environment of her home. Crystal's long-term prognosis is good, and it is predicted that she will only require this skilled care for an additional year.

Others who are benefiting from this program are older persons with chronic illnesses. Often, if these individuals have an unstable condition, they may be in and out of hospitals or nursing homes. This program allows them to remain in their homes, when appropriate, to receive the health care that they need. One individual being served by this program in Mississippi is a 59-year-old woman who has diabetes, hypertension, and is a double amputee. This womam lived with her only child until the child's death nearly 2 years ago.

After the child's death, the woman, having no support system, entered a nursing home where she remained for approximately 17 months. Her desire to live her life outside of an institution was so great that she checked herself out of the nursing home and moved in with cousins who made a small addition to their home so that she could have a place to live. This woman does not have Medicare or Medicaid at this time. In order to prevent her future reinstitutionalization, the project is providing her with the health care services that she needs to remain at home.

According to a national poll conducted by Louis Harris & Associates, fully 78 percent of those polled said they preferred to receive care in their homes over care in a nursing home. The Health Care Services in the Home Demonstration Act provides a viable alternative to institutionalized care. However, many technical questions remain unanswered in regard to home health care, such as what type of services are needed, who will deliver them, what are the costs, and how can these services best be coordinated among community health care providers. This program will help answer these questions and stimulate the development of more health care programs in the community.

At this time when our Nation is struggling with the questions surrounding long-term care, I see home health care as the primary part of the solution. I fully support the concept of health care in the home as an alternative to institutionalized care. I fervently advocate this program that gives freedom to families to choose this long-term option. I urge my colleagues to consider this option and to support the expansion of this program to all States.

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 2343. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

CLARKS FORK WILD AND SCENIC RIVER DESIGNATION ACT

Mr. WALLOP. Mr. President, I am proud to introduce the Clarks Fork Wild and Scenic River Designation Act.

The Clarks Fork of the Yellowstone River is truly a spectacular example of the unique and rugged beauty of the West. For thousands of years its cold, clear waters have roared and cut their way through a remote canyon in northwest Wyoming where, at times, the granite walls tower 1,200 feet straight-up from the water's edge. Its waterfalls, rapids, cascades, and boulder floodplains are outstandingly remarkable for both their scenic and their recreational values. The river is one of the few remaining pure habitats for the famous Yellowstone cutthroat trout and the canyon boasts such species as Rocky Mountain goats, elk, grizzly bear and the peregrine falcon.

The river even has an important historical event of national interest. In 1877, Chief Joseph led his Nez Perce Indians through a narrow chasm in the canyon which was thought to be impassable. By using this escape route through Dead Indian Gulch, the Nez Perce eluded the U.S. Calvary after a 1,300-mile-long chase from Oregon to Montana.

Because of its ummatched beauty, the people of Wyoming asked that we give the Clarks Fork River special recognition. This bill does that. As a condition to any Federal designation, however, Governor Mike Sullivan called for certain protections with regard to the State's ability to develop its allocation under the Yellowstone River Compact. He desired to preserve maximum State flexibility. This bill does that, also. Most importantly, it does so without compromising the basic concept that the highest and best use of this 20.5-mile stretch of river is to leave it undeveloped and unpolluted, to manage it in such a way that its wild and primitive character remains for the use and enjoyment of future generations.

The State has long debated best use of these waters. When the Forest Service first gave notice in 1978 that a study was to begin, Wyoming began weighing protection of the river against development of waters which would otherwise flow unused into Montana. The final environmental statement completed in 1979 recommended a 21.5-mile segment for wild and scenic designation and in 1982, legislation was introduced in Congress formally nominating it. By law, Congress had 3 years to act but did not do so. The nomination was put on hold until a clear decision could be made about proposed water projects affecting this stretch of water.

In August 1988, after years of study and much debate, Governor Mike Sullivan announced he would support a Federal wild and scenic river designation only if certain conditions were met. First, the Governor wanted no prohibition on a possible dam downstream from the canyon. So, in addition to shortening the segment a small distance to avoid backing water into it, this bill specifically states that Congress finds that downstream water development is not incompatible with designating Clarks Fork a wild and scenic river.

The Governor also wanted to limit the amount of natural water flow required for the designation to assure the greatest compatibility between the designation and Wyoming's allocation under the Yellowstone River Compact. Under that compact, Wyoming is entitled to 60 percent, or roughly 430,000 acre feet of the flows in the Clarks Fork Basin. Though she has the right to the lion's share of the water, Wyoming actually only uses a very small portion, the rest goes to benefit Montana. Governor Sullivan wanted to preserve for the State the greatest flexibility to deal with this compact allocation.

This is not to suggest, Mr. President, that conserving this river is of no benefit to our State. Clarks Fork can play a significant economic role in terms of recreation and tourism, however, limiting any natural resource to a single dominant must be done carefully. It would be irresponsible for a State to unnecessarily constrain for future generations the potential of its most important resource.

The Governor asked that the flow reservation necessary to protect the Clarks Fork be jointly determined by the State and the Forest Service. He wanted the flow quantification to occur in an objective and cooperative manner, utilizing the expertise and knowledge of several State agencies and the Forest Service in combination with site-specific information gathered through necessary field studies.

This bill takes care of the Governor's concerns while at the same time ensuring that those values which make this stretch of river so remarkable, can be preserved. The Secretary of Agriculture and the State of Wyoming will have 3 years to conclude an agreement on the amount of water needed to protect the scenic, recreational and historical values. Experts from the Forest Service and the State assure me that is an adequate amount of time within which to do the necessary work. The agreement on flow quantification must then be submitted to the appropriate congressional committees. Just as Congress decides specific land boundaries, so can it decide the water boundaries.

State participation in establishment of the flow quantification will guarantee that Congress hears from those who have the most knowledge of and greatest interest in protecting the river for future generations. The State, which owns the water now and will ultimately have to live with any quantification, made the commitment to include this river within the Federal wild and scenic system based on certain conditions. To argue that the State should now have no voice in the matter ignores the unique circumstances in this case and is clearly contrary to the best interests of Wyoming.

What if the State and Forest Service cannot come to agreement on a specified flow? Today that appears unlikely, but we cannot guess the future. Federal judges have not hesitated, in recent years, to infer congressional intent where Congress has remained silent even though the silence may have been in deference to the primacy of State law rather than the inability to make a decision.

Unelected Federal court officials should not be invited to decide Wyoming's water future. That is why this bill specifies a flow quantification which will apply until the joint State-Forest Service flow quantification agreement is acted on by Congress. This will circumvent any judicial finding of an implied reservation.

This interim reservation of 50 percent of the monthly natural flow is subject to valid existing rights and future ordinary and usual domestic and stock watering uses. Does this mean only 50 percent of the flows will remain in the river? Absolutely not. Experts in the Forest Service as well as the State say that such upstream uses could never approach that amount but would be more in the range of 10 percent at maximum use.

As a practical matter, there are three magnets which will serve to pull flows through the canyon even in the absence of this designation. They include the State instream flow permit for fishery purposes along a 5.85-mile stretch, the water rights granted to the Forest Service when they settled out of the general stream adjudication on the Big Horn basin and downstream demand by other water users.

There is a final point I would like to make along other lines, Mr. President. Within the proposed designation there is a 136-acre ranch which is now being used for agricultural purposes. The ranch is an integral piece of the river corridor and part of the reason why the river was found to be eligible for wild and scenic status. There is included in this bill the amount of $500,000 for the possible purchase of private land interests. It is our express intent that such purchase be done only on a willing-buyer-willing-seller basis.

The owners do not oppose a scenic easement on their property to insure that it continue to be used for ranching, but they would suffer greatly if the Government were to condemn the land or condemn a river access easement. It is not our intent to violate these individual's privacy or to infringe on their property rights.

In 1890, Wyoming became the 44th State to be admitted to the Union. As the State approaches its 100th birthday, I can think of no finer legacy to those men and women who built and settled our State than to insure that the Clarks Fork of the Yellowstone River will remain one of America's most outstanding and irreplaceable treasures.

Mr. SIMPSON. Mr. President, I thank my colleague. It has been a great pleasure to work with MALCOLM WALLOP on this legislation.

We introduce this bill today which would designate the Clarks Fork River in Wyoming as a wild and scenic river. I think the occupant of the chair has seen some of that remarkable country.

We have worked very hard toward this legislation for so many years. In 1982, the Reagan administration first recommended a portion of this river for inclusion into the Nation's Wild and Scenic Rivers System. This delegation, Dick Cheney before us, former Gov. Ed Herschler—recently deceased former Governor of Wyoming—and the present Governor, Mike Sullivan, worked closely with the people of Wyoming and deliberated at great length over the appropriate language to meet all of our needs, and it is a great compromise piece of legislation, and one that I am very proud to support.

I have personally hiked, fished, and backpacked in that area all of my life. That is home ground to me. There are places there that are simply stunning. Hiking in that area is overpowering. I do not want to see that diminished.

However, the State of Wyoming ought to reserve our own right to establish the appropriate flow reservation, and this legislation does exactly that. I feel very, very strongly about the need to preserve that very fragile and beautiful network of cliffs, canyons, and old Indian trails. None of us want to see that overwhelmed with development.

We very much want to get this designation accomplished in this year, which is Wyoming's centennial year, and we are all celebrating that across our fine State in a variety of creative, deserving, and inspirational ways. This designation in our State's centennial year would make that all the more special.

I thank the Chair for his courtesy.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred.

By Mr. HOLLINGS:

S. 2344. A bill to require the conveyance of the Cheraw Fish Hatchery to the State of South Carolina; to the Committee on Environment and Public Works.

CONVEYANCE OF CHERAW FISH HATCHERY

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation to transfer the Cheraw National Fish Hatchery to the State of South Carolina. The State, which currently leases the facility, intends to expand the hatchery by constructing six new ponds. In order to justify the large expenditure for this expansion, the State desires title to all of the hatchery property.

The fish hatchery is located less than 2 miles southwest of Cheraw, SC, and it has been in operation since 1933. During the past administration, fish hatcheries across the Nation were closed as the U.S. Fish and Wildlife Service [USFWS] experienced budget cuts. This facility remained open, however, and was operated by the South Carolina Wildlife and Marine Resources Department [SCWMRD]. In 1983, through a memorandum of agreement, the USFWS loaned the hatchery to the State for a period of 25 years.

The SCWMRD uses the facility to supply fish for stocking of farm ponds, public lakes, and rivers across the State. Game fish such as catfish, largemouth bass, bream, bluegill, and redear sunfish are provided free of charge to areas statewide. Some of the best recreational fishing in South Carolina is generated from the fish reared by this facility. It serves our best interest to keep the facility operational, and now, expand its capabilities. It is a means by which the State furthers its commitments to the citizenry and to the protection and management of its natural resources.

With the closure of some Federal hatcheries in the early 1980's, other States have obtained title from USFWS through congressional action. USFWS supported those transfers because the hatcheries were being operated to benefit State fishery programs and would continue to contribute to the Nation's fishery resources. Additionally, each transfer provided for the reversion of the title to the United States if the facilities or property are used for any other purpose. For the Cheraw hatchery, which is being operated to benefit State fishery programs, and contributes to the Nation's fishery resources, I am introducing legislation which is similar to that passed for hatcheries in other States. It simply conveys title, without reimbursement, to the State of South Carolina, with a similar reversion provision.

I ask all my colleagues to join me in supporting this legislation. We in government must foster the ideal that the protection and management of our natural resources is a preeminent consideration in all our actions. Our ideals should dictate our actions. I believe the proper action in this case is to permit this transfer of title as proposed.

By Mr. COATS:

S. 2345. A bill to provide for family impact statements; to the Committee on Governmental Affairs and the Committee on the Budget, jointly, pursuant to the order of August 4, 1977.

PROVIDING FOR FAMILY IMPACT STATEMENTS

Mr. COATS. Mr. President, for the past few decades, the American family has been crippled by the destructive backfire of our best intentions. Programs designed and implemented by the Federal Government, patterned after the very latest in trendy social theory, have left our families far worse than they found them. And in the face of every failure the cry has arisen, "put more money into the hands of the Federal bureaucrats." But more money will not correct the mistakes of a poorly designed program. Our challenge is to determine what actually works to help the family and what does not.

Mr. President, we need sound information on the impact of particular programs on the stability of the American family. This evaluation needs to be carried out beforehand—prior to implementation—not simply after the damage has been done. Too often, we have left careful assessment to the very end. While there is no way to predict perfectly the outcome of each and every twist and turn a program may take, we can at least demand a reasonable estimation of what could result.

This is the motivation for this legislation. It seeks to measure and evaluate the potential direct or indirect impact of Federal programs on the family.

Mr. President, based on our lengthy history of trial and error in the field of public policy—from WIC, to AFDC, to education, to child care—we are in a better position to identify Government practices which are destructive to family life. Based on experience, we can also indentify those practices that contribute to family strengths. We owe that to the people we are trying to help.

A family impact statement would draw upon that experience to issue a family impact analysis on all bills reported from committee. An additional provision of the legislation would require executive branch agencies to develop procedures to ensure that appropriate consideration be given to the effect of administrative decisions on families.

I urge my colleagues to thoughtfully consider this legislation and set a new course for Government programming—a course that will no longer ignore the family, only to discover much later that it has destroyed it.

I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2345

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAMILY IMPACT STATEMENTS.

(a) Committee Consideration of Family Impacts.—

(1) Statement required.—Whenever a committee of the House of Representatives or of the Senate reports a bill or joint resolution of a public character that would directly or indirectly affect families in the United States, if enacted, the report accompanying such bill or joint resolution shall contain a statement—

(A) prepared after consultation with the Director of the Congressional Budget Office; and

(B) detailing the favorable and adverse effects on families in the United States that will directly or indirectly result if such bill or joint resolution is enacted.

(2) Point of order.—It shall not be in order in either the House of Representatives or the Senate to consider a bill or joint resolution of a public character reported by a committee if the report accompanying such bill or joint resolution does not contain the statement required by paragraph (1).

(b) Congressional Budget Act of 1974.—Section 202 of the Congressional Budget Act of 1974 (2 U.S.C. 602) is amended—

(1) by redesignating subsections (d), (e), (f), (g), and (h) as subsections (e), (f), (g), (h), and (i), respectively; and

(2) by inserting after subsection (c) the following:

"(d) Assistance in the Preparation of Family Impact Statements.—At the request of a committee of the House of Representatives or of the Senate, the Office shall assist such committee to prepare a statement required by section 2(a) of the Family Impact Statement Act of 1989.".

(c) Exercise of Rulemaking Powers.—Subsections (a) and (b) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and such sections shall—

(A) be considered as part of the rules of each House of the Congress; and

(B) supersede other rules of such House only to the extent that such other rules are inconsistent with such sections; and

(2) with full recognition of the constitutional right of either House to change the rules established by such sections (so far as relating to such House) at any time, and in the same manner and to the same extent as in the case of any other rule of such House.

(d) Agency Consideration of Family Impacts.—

(1) In general.—To the fullest extent practicable, each executive agency shall—

(A) utilize a systematic, interdisciplinary approach that ensures the integrated use of the economic and social sciences in planning and in decisionmaking that may affect families in the United States;

(B) identify and develop methods and procedures that will ensure that such agency gives appropriate consideration to any potential effect of proposed actions, decisions, and activities of such agency on families in the United States; and

(C) include in every recommendation or report on a proposal for legislation or other major Federal action significantly affecting families in the United States, a family impact statement—

(i) prepared by the Federal official responsible for preparing such recommendations or report; and

(ii) specifying the impact of the proposed action on such families, including—

(I) whether the proposed action encourages and reinforces family, parental, or marital commitment and stability;

(II) if the proposed action includes the provision of services or assistance to a member of a family, how the family is involved in the planning, provision, and evaluation of such services;

(III) whether the proposed action would reduce earned household income, and if so, how the benefits of such action outweigh and justify such reduction; and

(IV) whether reasonable alternatives to the proposed action exist, especially, alternatives that would less adversely affect families in the United States.

(2) Preparation of family impact statement.—Before preparing any family impact statement required by paragraph (1)(C), the Federal official responsible for preparing such statement shall consult with, and obtain the comments of, executive agencies that have special expertise, or jurisdiction

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by law, with respect to the family impact involved.

(3) Availability of a Family Impact Statement and Other Materials.—Copies of a family impact statement prepared in accordance with paragraph (1)(C), any comments received under paragraph (2), and any views of appropriate Federal, State, and local agencies received by the Federal official responsible for preparing such statement shall—

(A) be made available by such official to the President, the Office of Family Policy, and the public in the manner provided by section 552 of title 5, United States Code; and

(B) accompany the proposal for legislation or other major Federal action through the agency review process.

(e) Review of Existing Authorities, Rules, and Policies and Procedures; Report.—

(1) Review.—Each executive agency shall review its statutory authorities, administrative rules, policies, and procedures to determine how such authorities, rules, policies, or procedures affect families in the United States.

(2) Report.—Not later than 1 year after the date of the enactment of this Act, each executive agency shall submit to the President, the Speaker of the House of Representatives, and the President pro tempore of the Senate a report—

(A) specifying the results of the review required by paragraph (1); and

(B) containing such recommendations as such agency considers necessary and appropriate—

(i) to maintain and strengthen under the authorities, rules, policies, and procedures reviewed, family life in the United States; and

(ii) to improve, with regard to such agency, the preparation and content of family impact statements required by subsection (d)(1)(C).

(f) Definitions.—For purposes of this Act—

(1) the term "executive agency" has the meaning given to such term in section 105 of title 5, United States Code, except that such term includes the United States Postal Service; and

(2) the term "family" means—

(A) a group of individuals related by blood, marriage, or adoption who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group and over half of whose support in a calendar year is received from such group.

By Mr. BAUCUS (for himself, Mr. Daschle, Mr. Burdick, Mr. Adams, Mr. Pryor, Mr. Matsunaga, Mr. Levin, Mr. Simon, Mr. Boschwitz, Mr. Conrad, Mr. Durenberger, Mr. Bryan, Mr. Murkowski, and Mr. Gore):

S. 2347. A bill to provide essential air service to small communities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RURAL AIR SERVICE PRESERVATION ACT

Mr. BAUCUS. Mr. President, stable, high quality air service is one of the most important tools available to communities to attract business investment. Without it, many communities have a difficult time convincing businesses to set up shop and create new jobs.

That is why, when Congress deregulated the airlines in 1978, we adopted the Essential Air Service Program. This program was intended to ensure that smaller communities would not lose their air service in a deregulated environment.

Since that time, the Senate has fought an almost constant battle with the administration and the House of Representatives to provide enough funding to maintain the program. Early last session, the House insisted on cutting service to six rural communities across the country by imposing a $300 per passenger subsidy cap on communities eligible for EAS. Then, later in the session, the House insisted on cutting service to 24 additional communities by imposing a $200 subsidy cap and mileage limitations.

Now, the administration has added insult to injury by proposing that EAS be phased out gradually over the next 5 years.

We must not sit idly by and allow the administration and the House to whittle away at this program until there is nothing left.

Prior to fiscal year 1988, the EAS Program was scored as an entitlement. It was scored that way because it was believed that air service to rural communities was critical to their future prosperity.

But in 1988, the Budget Committee decided to make EAS a discretionary program and subject it to the yearly appropriations process. This decision has devastated the program. Rural communities are no longer able to plan for their economic futures because they no longer know from one year to the next whether or not they will have air service.

We have a responsibility to help turn this situation around for rural areas.

That is why I am introducing this legislation today to return EAS to its prior status as an entitlement program. Only as an entitlement will rural areas be able to count on having air service.

I ask unanimous consent that the full text of the Rural Air Service Preservation Act of 1990 be printed immediately following my statement.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Air Service Preservation Act of 1990".

SEC. 2 AGREEMENTS.

In the administration of section 419 of the Federal Aviation Act of 1958 (49 U.S.C. 1301-1551), the Secretary of Transportation is authorized to enter into contracts and agreements for the purpose of providing essential air service and other services under such section for any period or periods prior to September 30, 1998.

SEC. 3. APPROPRIATIONS.

For the purpose of carrying out the provisions of section 2, there are appropriated from amounts in the Treasury not otherwise appropriated such sums as may be necessary.

Mr. SIMON. Mr. President, it is an honor to join my friend and colleague, Senator Baucus, the senior Senator from Montana, in introducing this bill. We need to return the Essential Air Service [EAS] Program to its intended purpose to keep scheduled air carrier service to smaller communities in rural America intact.

I know that most of us come from States where many rural communities are facing up to the challenge of converting from agriculture to mixed economies. In my State of Illinois I have convened dozens of local "brainstorming" sessions to stimulate and organize solid economic development ideas by tapping all available local resources. In many of these places, it is clear that scheduled air service is the major force in retaining and attracting new jobs. In fact one survey of the 500 largest American corporations showed that 80 percent would not consider locating where there was no available scheduled air service.

Congress recognized this fact of economic life when we chartered the EAS Program in 1978, in tandem with airline deregulation. EAS has been a bargain, not a budget buster. We need to add up the benefits to the communities served: businesses retained and started, citizens who stay in those communities rather than moving to a handful of crowded urban regions, local access to world markets, and a much wider choice in destinations here in the United States for all airline users.

We could have held in current services this year in 110 communities nationwide with an appropriation of $35.5 million. Instead the program was cut back to $30.7 in anticipation of eliminating subsidies to 20 communities. On top of this, another problem is emerging that Congress did not anticipate. The change in EAS eligibility mandated in the 1990 Transportation appropriation bill is now hurting unsubsidized communities as well as those losing subsidized service. In Illinois a wholly owned commuter airline of one major carrier has proposed ending once profitable service to several Illinois communities because the airline does not feel it is required to provide that service any longer.

This may be good business practice in the short term, to take the valuable O'Hare landing rights and use them to compete in more heavily served and competitive markets, but it is another example of the unintended effects of transportation deregulation. By concentrating on fewer customers in more prosperous markets which already have a choice of service, fewer and fewer Americans will ultimately receive the benefits of a reliable air carrier transportation system. At the same time billions of taxpayers dollars are spent by passengers and general taxpayers alike on the national airport and airways system each year.

Illinois had 15 EAS communities in 1988. Up to now, only two, Mount Vernon and Sterling/Rock Falls receive subsidies, but the turnaround in their local economies was dramatic. Mt. Vernon not only retained businesses like the PNC Co. but attracted new plants such as General Tire Co. and Everbrite. Unemployment in Sterling/Rock Falls turned around thanks to plants like Northwestern Steel and Wire, Illinois Forge, and Borg Warner Corp.

Mr. President, the EAS Program was a promise made to rural America at the time of airline deregulation. This legislation will help us honor that promise. How many of the younger generation in rural America will have to move away to crowded urban regions to find jobs and services before we grasp what is happening and build a strong future for all of our citizens no matter where they live? We will help answer that question in favor of rural America if we act favorably on this legislation.

By Mr. BAUCUS:

S. 2348. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of enterprise zones, and for other purposes; to the Committee on Finance.

RURAL BUSINESS REVITALIZATION ACT

Mr. BAUCUS. Mr. President, today I am introducing the Rural Business Revitalization Act of 1990. This bill will authorize the establishment of Federal enterprise zones in rural communities throughout the country, giving a much-needed boost to State and local development efforts. My bill will provide tax incentives to businesses which will locate or expand in rural areas.

For the Nation's rural areas, the 1980's has been a period of severe economic stress. During this period, industries which have been the backbone of the rural economy—agriculture, timber, mining and routine manufacturing—have deteriorated.

Rural unemployment has soared, rural incomes have fallen. By every major standard, rural economies have fallen sharply behind urban economies.

This represents a dramatic reversal of trends established in the seventies, when the differences between rural and urban economies was narrowing.

The impact of all this can be seen in population statistics. Rural America is losing its most valuable asset—its people. Young, educated entrepreneurs are moving out.

Prior to 1982, rural America had a healthy net inmigration. Since then, however, we have experienced a net outmigration that has multiplied every year. In 1987, the net outmigration from rural America was over 1 million people.

The facts are clear. Rural America is not doing very well. Unless the Federal, State and local governments take action to reverse this trend, the future of rural areas is in jeopardy.

In order to create jobs and compete in today's global economy, rural America must diversify.

Congress can help eliminate some of the barriers to diversification. It can divise new policies and help provide the tools necessary to shift the rural employment base away from natural resource-based industries to manufacturing and service industries.

Last session, I introduced four bills to provide tools necessary for diversification and to help equalize some of the disparities between rural and urban America.

One brings state-of-the-art telecommunications services to rural areas so that they can join in the "Information Age" of the future.

A second sets up a public/private partnership mechanism to bring more high risk capital to rural areas for business investment.

A third will better enable rural communities to establish business incubators for the purpose of lowering overhead costs.

And a fourth will restore fairness to Medicare's treatment of critical access sole community hospitals and protect them from financial losses which have forced so many to close their doors.

The first three of these bills passed the Senate in modified form as part of S. 1036, the Rural Partnerships Act of 1989. And the fourth was incorporated into last year's budget reconciliation bill.

The acquisition of these tools for business development will go a long way toward helping rural areas recover from the depression of the 1980's.

Today, I am introducing legislation that will provide the next essential tool to help foster business development in rural America. That tool is a package of tax incentives to encourage businesses to locate or expand in rural areas.

My bill is modeled after enterprise zone programs which have been initiated in 37 States. Nationally, the State enterprise zone initiatives are credited with creating over 133,000 new jobs and preseving more than 67,000 existing ones while simultaneously attracting nearly $9 billion in new investment in depressed areas.

The bill will also provide a 10-percent investment tax credit for investment in new construction property and new equipment. This credit will be used as an incentive for businesses in rural enterprise zones to build new buildings for their business of expand on existing buildings. It will also provide an incentive for rural businesses to purchase new equipment.

Finally, the bill will increase the tax credit on research and development conducted in rural areas by 10 percent.

I believe that my legislation which passed the Senate providing tools necessary for rural development, combined with this new package of tax incentives for businesses which invest in rural areas will go a long way toward giving community leaders the tools they need to attract and keep jobs.

Most importantly, they will help make more opportunities available to young entrepreneurs so that they will be encouraged to remain and develop jobs in rural areas instead of being forced to move to urban centers for employment.

I ask unanimous consent that the full text of my bill be printed in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Rural Business Revitalization Act of 1990".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered made to a section or other provision of the Internal Revenue Code of 1986.

TITLE I—DESIGNATION OF RURAL ENTERPRISE ZONES

SEC. 101. DESIGNATION OF ZONES.

(a) GENERAL RULE.—Chapter 80 (relating to general rules) is amended by adding at the end thereof the following new subchapter:

"Subchapter D—Designation of Rural Enterprise Zones

"Sec. 7881. Designation.

"SEC. 7881. DESIGNATION.

"(a) DESIGNATION OF ZONES.—

"(1) DEFINITIONS.—For purposes of this title, the term 'rural enterprise zone' means any area—

"(A) which is nominated by 1 or more local governments and the State or States in which it is located for designation as a rural enterprise zone (hereafter in this section referred to as a 'nominated area'), and

"(B) which the Secretary of Treasury, after consultation with—

"(i) the Secretaries of Agriculture, Commerce, Labor, and Housing and Urban De-

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velopment, and the Administrator of the Small Business Administration, and

"(ii) in the case of an area on an Indian reservation, the Secretary of the Interior, designates as a rural enterprise zone.

"(2) Limitations on designations.—

"(A) Publication of regulations.—Before designating any area as a rural enterprise zone and not later than 4 months following the date of the enactment of this section, the Secretary shall prescribe by regulation, after consultation with the officials described in paragraph (1)(B)—

"(i) the procedures for nominating an area under paragraph (1)(A),

"(ii) the parameters relating to the size and population characteristics of a rural enterprise zone, and

"(iii) the manner in which nominated areas will be compared based on the criteria specified in subsection (d) and the other factors specified in subsection (f).

"(B) Time limitations.—The Secretary shall designate nominated areas as rural enterprise zones only during the 36-month period beginning on the later of—

"(i) the first day of the first month following the month in which the effective date of the regulations described in subparagraph (A) occurs, or

"(ii) January 1, 1991.

"(C) Procedural rules.—The Secretary shall not make any designation of an area as a rural enterprise zone under paragraph (1) unless—

"(i) the local government and the State in which the nominated area is located have the authority—

"(I) to nominate such area for designation as a rural enterprise zone,

"(II) to make the State and local commitments under subsection (d), and

"(III) to provide assurances satisfactory to the Secretary that such commitments will be fulfilled,

"(ii) a nomination therefor is submitted in such a manner and in such form, and contains such information, as the Secretary shall by regulation prescribe,

"(iii) the Secretary determines that any information furnished is reasonably accurate, and

"(iv) the State and local governments certify that no portion of such area is already included in a rural enterprise zone or in an area otherwise nominated to be a rural enterprise zone.

"(3) Nomination process for Indian reservations.—In the case of a nominated area on an Indian reservation, the reservation governing body (as determined by the Secretary of the Interior) shall be deemed to be both the State and local governments with respect to such area.

"(b) Period for Which Designation Is in Effect.—

"(1) In general.—Any designation of an area as a rural enterprise zone shall remain in effect during the period beginning on the date of the designation and ending on the earliest of—

"(A) December 31 of the 15th calendar year following the calendar year in which such date occurs,

"(B) the termination date designated by the State and local governments as provided in the nomination submitted under subsection (a)(2)(C)(ii), or

"(C) the date the Secretary revokes such designation under paragraph (2).

"(2) Revocation of designation.—The Secretary, after consultation with the officials described in subsection (a)(1)(B), may revoke the designation of an area if the Secretary determines that the local government or the State in which it is located is not complying substantially with the State and local commitments under subsection (d).

"(c) Area and Eligibility Requirements.—

"(1) In general.—The Secretary may make a designation of any nominated area under subsection (a)(1) only if it meets the requirements of paragraphs (2) and (3).

"(2) Area requirements.—A nominated area meets the requirements of this paragraph if—

"(A) the area is—

"(i) a county or a political subdivision the aggregate population of which is 50,000 or less, or

"(ii) a county or a political subdivision the aggregate population of which exceeds 50,000, which is determined by the Secretary to be a rural area, and

"(B) the boundary is continuous.

"(3) Eligibility requirements.—For purposes of paragraph (1), a nominated area meets the requirements of this paragraph if the State and local governments in which it is located certify and the Secretary, after such review of supporting data as he deems appropriate, accepts such certification, that there exists general economic distress in the area. For general economic distress to be present, at least one of the following criteria must be met:

"(A) The area is one where there is evidence of high rates of poverty or unemployment, reduced incomes, or the number of jobs in the area has dropped from year-to-year.

"(B) The area is located within the jurisdiction of a local government that the Secretary finds is experiencing a high number of farm or small business bankruptcies, loss of private investment in the business sector, or other factors determined to be relevant in assessing the comparative degree of economic deterioration in the rural area.

"(C) During the period after 1974 and before the calendar year in which the area is nominated, there are 5 years during which the population in the area (as determined from the most recent estimates of population by the Department of Commerce) decreased by at least 2 percent from the prior year.

"(d) Required State and Local Commitments.—

"(1) In general.—No nominated area shall be designated as a rural enterprise zone unless the local government and the State in which it is located agree in writing that, during any period during which the area is a rural enterprise zone, such governments will follow a specified course of action designed to reduce the various burdens borne by employers or employees in such area.

"(2) Course of action.—The course of action under paragraph (1) may be implemented by both such governments and private nongovernmental entities, may be funded from proceeds of any Federal program, and may include, but is not limited to—

"(A) a reduction of tax rates or fees applying within the rural enterprise zone,

"(B) an increase in the level or efficiency of local services within the rural enterprise zone,

"(C) actions to reduce, remove, simplify, or streamline governmental requirements which apply within the rural enterprise zone,

"(D) involvement in the program by private entities, organizations, neighborhood associations, and community groups, particularly those within the nominated area, including a commitment from such private entities to provide jobs and job training for, and technical, financial or other assistance to, employers, employees, and residents of the nominated area, and

"(E) mechanisms to increase the equity ownership of residents and employees within the rural enterprise zone.

"(3) Subsequent modification of course of action.—The Secretary may by regulation prescribe procedures for modifying a course of action within a rural enterprise zone under paragraph (1) following designation of such zone.

"(e) Priority of Designation.—In choosing nominated areas for designation, the Secretary shall give special preference to the areas with respect to which the strongest and highest quality contributions described in subsection (d)(2) have been promised as part of the course of action, taking into consideration the fiscal ability of the nominating State and local governments to provide tax relief. The Secretary shall also give preference to—

"(1) the nominated areas with respect to which the nominating State and local governments have provided the most effective and enforceable guarantees that the proposed course of action under subsection (d) will actually be carried out during the period of the rural enterprise zone designation,

"(2) the nominated areas with high levels of poverty, unemployment, and general distress, particularly the areas—

"(A) which are near areas with concentrations of disadvantaged workers or long-term unemployed individuals, and

"(B) with respect to which there is a strong likelihood that residents of the area described in subparagraph (A) will receive jobs if the area is designated as a rural enterprise zone,

"(3) the nominated areas the size and location of which—

"(A) will primarily stimulate new economic activity, and

"(B) minimize unnecessary tax losses to the Federal Government,

"(4) the nominated areas with respect to which private entities have made the most substantial commitments in additional resources and contributions, including the creation of new or expanded business activities, and

"(5) the nominated areas which best exhibit such other factors determined by the Secretary as are—

"(A) consistent with the intent of the rural enterprise zone program, and

"(B) important to minimizing the unnecessary loss of tax revenues to the Federal Government.

"(f) Definitions.—For the purposes of this title—

"(1) Governments.—If more than 1 government seeks to nominate an area as a rural enterprise zone, any reference to, or requirement of, this section shall apply to all such governments.

"(2) State.—The term 'State' shall also include the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau; and any other possession of the United States.

"(3) Local government.—The term 'local government' means—

"(A) any county, city, town, township, parish, village, or other general purpose political subdivision of a State, and

"(B) any combination of political subdivisions described in subparagraph (A) recognized by the Secretary of Housing and Urban Development.".

(b) Conforming Amendment.—The table of subchapters for chapter 80 is amended by adding at the end thereof the following new item:

"Subchapter D. Designation of rural enterprise zones.".

SEC. 102. EVALUATION AND REPORTING REQUIREMENTS.

Not later than the close of the third calendar year after the calendar year in which the Secretary of the Treasury first designates areas as rural enterprise zones under section 7881 of the Internal Revenue Code of 1986, and at the close of each third calendar year thereafter, the Secretary of the Treasury shall prepare and submit to the Congress a report on the effects of such designation in accomplishing the purposes of this Act.

SEC. 103. INTERACTION WITH OTHER FEDERAL PROGRAMS.

(a) Tax Reductions.—Any reduction of taxes under any required program of State and local commitment under section 7881(d) of the Internal Revenue Code of 1986 shall be disregarded in determining the eligibility of a State or local government for, or the amount or extent of, any assistance or benefits under any law of the United States.

(b) Coordination With Relocation Assistance.—The designation of a rural enterprise zone under section 7881 of the Internal Revenue Code of 1986 shall not—

(1) constitute approval of a Federal or federally assisted program or project (within the meaning of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)), or

(2) entitle any person displaced from real property located in such zone to any rights or any benefits under such Act.

(c) Coordination With Environmental Policy.—Designation of a rural enterprise zone under section 7881 of the Internal Revenue Code of 1986 shall not constitute a Federal action for purposes of applying the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or other provisions of Federal law relating to the protection of the environment.

TITLE II—FEDERAL INCOME TAX INCENTIVES

SEC. 201. CREDIT FOR RURAL ENTERPRISE ZONE EMPLOYERS.

(a) In General.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 43. CREDIT FOR RURAL ENTERPRISE ZONE EMPLOYMENT.

"(a) In General.—For purposes of section 38, the amount of the rural enterprise zone credit determined under this section for any taxable year shall be an amount equal to—

"(1) 10 percent of the qualified increased employment expenditures of the taxpayer for the taxable year, and

"(2) 10 percent of the wages paid employees during the training and retraining of such employees for the taxable year.

"(b) Computation of Credit.—Wages paid during training or retraining under subsection (a)(2) shall not be taken into account for purposes of determining qualified increased employment expenditures under subsection (a)(1).

"(c) Qualified Increased Employment Expenditures Defined.—For purposes of this section—

"(1) In general.—The term 'qualified increased employment expenditures' means the excess of—

"(A) the qualified wages paid or incurred by the employer during the taxable year to qualified employees with respect to all rural enterprise zones, over

"(B) the base period wages of the employer with respect to all such zones.

"(2) Base period wages.—

"(A) In general.—The term 'base period wages' means, with respect to any rural enterprise zone, the amount of wages paid to employees during the 12-month period preceding the date on which the rural enterprise zone was designated as such under section 7881, or the date on which the rural enterprise zone is designated under State law, enacted after January 1, 1981, if earlier, which would have been qualified wages paid to qualified employees if such designation had been in effect for such period.

"(B) Rules of special application.—For purposes of subparagraph (A), subsection (e)(1) shall be applied by substituting '12-month period' for 'taxable year' each place it appears.

"(C) Adjustments for inflation.—

"(i) In general.—In the case of any 12-month period beginning on the date which is 12 months (or any multiple of 12 months) after a period described in subparagraph (A) with respect to a rural enterprise zone, the base period wages for such zone shall be increased by an amount equal to—

"(I) such base period wages, multiplied by

"(II) the living standard adjustment for the calendar year in which such 12-month period begins.

"(ii) Living standard adjustment.—For purposes of clause (i), the living standard adjustment for any calendar year is the percentage (if any) by which—

"(I) the living standard for the preceding calendar year, exceeds

"(II) the living standard for the calendar year in which the period described in subparagraph (A) begins.

"(iii) Living standard for any calendar year.—For purposes of clause (ii), the living standard for any calendar year is the lower living standard for a family of 4 as determined by the Bureau of Labor Statistics for such calendar year.

"(d) Qualified Wages Defined.—For purposes of this section—

"(1) In general.—Except as otherwise provided in this subsection, the term 'qualified wages' has the meaning given to the term 'wages' by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section).

"(2) Reduction for certain federally funded payments.—For purposes of this section the wages paid or incurred by an employer for any period shall not include the amount of any federally funded payments the employer receives or is entitled to receive for on-the-job training of such individual for such period.

"(3) Special rules for agricultural and railway labor.—Under regulations prescribed by the Secretary, rules similar to the rules of section 51(h) shall apply with respect to services described in subparagraphs (A) and (B) of section 51(h)(1).

"(e) Qualified Employee Defined.—For purposes of this section, the term 'qualified employee' means an individual—

"(1) at least 90 percent of whose services for the employer during the taxable year are directly related to the conduct of the employer's trade or business located in a rural enterprise zone, and

"(2) who performs at least 50 percent of his services for the employer during the taxable year in a rural enterprise zone.

"(f) Special Rules.—For purposes of this section—

"(1) Periods of less than a year.—If designation of an area as a rural enterprise zone under section 7881 occurs, expires, or is revoked on a date other than the first or last day of the taxable year of the taxpayer, or in the case of a short taxable year—

"(A) the base period wages determined under subsection (c)(3), shall be adjusted on a pro rata basis (based upon the number of days), and

"(B) the reduction specified in subsection (d)(2) and the 90 percent and 50 percent tests set forth in subsection (e)(1) shall be determined by reference to the portion of the taxable year during which the designation of the area as a rural enterprise zone is in effect.

"(2) Revocation of designation.—If the designation of an area as a rural enterprise zone is revoked under section 7881(b)(2), such area shall continue to be treated as a rural enterprise zone for the period of 3 taxable years beginning on the date which is after the date of such revocation.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this section, including regulations to prevent the abuse of such purposes by denying the credit allowable under this section to employers which relocate their businesses in a rural enterprise zone while displacing former employees or which otherwise conduct their businesses so as to take advantage of the credit allowable by this section without furthering such purposes.".

(b) No Deduction Allowed.—Section 280C (relating to disallowance of deductions for certain expenses for which credits are allowable) is amended by adding at the end the following new subsection:

"(d) Rule for Section 43 Credits.—No deduction shall be allowed for that portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable under section 43 (relating to credit for rural enterprise zone employment). This subsection shall be applied under rules similar to the rules under the last sentence of subsection (a).".

(c) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding after the item relating to section 42 the following new item:

"Sec. 43. Credit for rural enterprise zone employment.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 202. INVESTMENT TAX CREDIT FOR RURAL ENTERPRISE ZONE PROPERTY.

(a) Section 38 Property.—Paragraph (1) of section 48(a) (defining section 38 property) is amended by striking "or" at the end of subparagraph (F), by striking the period at the end of subparagraph (G) and inserting "; or", and by adding after subparagraph (G) the following new subparagraph:

"(H) rural enterprise zone property (within the meaning of subsection (t)) which is not otherwise section 38 property.".

(b) Termination of Regular Percentage Not To Apply.—Section 49 (relating to ter-

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mination of regular percentage) is amended by adding at the end the following new subsection:

"(f) Special Rule for Rural Enterprise Zone Property.—Subsections (a), (c)(1), and (e)(2) shall not apply to any rural enterprise zone property.".

(c) Amount of Credit.—

(1) In general.—Subsection (a) of section 46 (relating to amount of investment tax credit) is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by adding at the end the following new paragraph:

"(4) in the case of qualified rural enterprise zone property, the rural enterprise zone percentage.".

(2) Rural enterprise zone percentage defined.—Subsection (b) of section 46 is amended by adding at the end the following new paragraph:

"(5) Rural enterprise zone percentage.—For purposes of this subsection—

"In the case of qualified rural enterprise zone expenditures with respect to:	The rural enterprise zone percent-age is:
Zone personal property (within the meaning of section 48(t)(2)	10
New zone construction property (within the meaning of section 48(t)(3))..........................	10.".

(3) Conforming amendment.—Section 48(o) (defining certain credits) is amended by adding at the end the following new paragraph:

"(4) Rural enterprise zone credit.—The term 'rural enterprise zone credit' means that portion of the credit allowed by section 38 which is attributable to the rural enterprise zone percentage.".

(d) Definitions and Transitional Rules.—Section 48 (relating to definitions and special rules) is amended by redesignating subsection (t) as subsection (u) and by inserting after subsection (s) the following new subsection:

"(t) Rural Enterprise Zone Property.—

"(1) In general.—The term 'rural enterprise zone property' means property—

"(A) which is—

"(i) zone personal property, or

"(ii) new zone construction property,

"(B) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (determined as of the time the property is acquired by the taxpayer), and

"(C) acquired and first placed in service by the taxpayer in a rural enterprise zone during the period the designation as a zone is in effect under section 7881.

"(2) Zone personal property defined.—The term 'zone personal property' means property which is—

"(A) 3-year property;

"(B) 5-year property;

"(C) 7-year property;

"(D) 10-year property;

"(E) 15-year property; and

"(F) 20-year property;

which is used by the taxpayer predominantly in the active conduct of a trade or business within a rural enterprise zone. Property shall not be treated as 'zone personal property' if it is used or located outside the rural enterprise zone on any regular basis.

"(3) New zone construction property defined.—The term 'new zone construction property' means any residential rental property or nonresidential real property which is—

"(A) located in a rural enterprise zone,

"(B) used by the taxpayer predominantly in the active conduct of a trade or business within a rural enterprise zone, and

"(C) either—

"(i) the construction, reconstruction, rehabilitation, renovation, expansion, or erection of which is completed by the taxpayer during the period the designation as a zone is in effect under section 7881, or

"(ii) acquired during such period if the original use of such property commences with the taxpayer and commences during such period.

In applying section 46(c)(1)(A) in the case of property described in clause (i), there shall be taken into account only that portion of the basis which is properly attributable to construction or erection during such period.

"(4) Real estate rental.—For purposes of this section, ownership of residential, commercial, or industrial real property within a rural enterprise zone for rental shall be treated as the active conduct of a trade or business in a rural enterprise zone.

"(5) Definitions.—

"(A) 3-year property.—For purposes of this subsection, the terms '3-year property', '5-year property', '7-year property', '10-year property', 'residential rental property', 'nonresidential real property', '15-year property', and '20-year property' have the meanings given such terms by section 168(e).

"(B) Related person.—For purposes of paragraph (1), a person (hereafter in this subparagraph referred to as the 'related person') is related to any other person if—

"(i) the related person bears a relationship to such other person specified in section 267(b) or 707(b)(1), or

"(ii) the related person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).

For purposes of clause (i), '10 percent' shall be substituted for '50 percent' in applying sections 267(b)(1) and 707(b)(1). In the case of the acquisition of any property by any partnership which results from the termination of another partnership under section 708(b)(1)(B), the determination of whether the acquiring partnership is related to the other partnership shall be made immediately before the event resulting in such termination.".

(e) Lodging to Qualify.—Paragraph (3) of section 48(a) (relating to property used for lodging) is amended—

(1) by striking "and" at the end of subparagraph (C),

(2) by striking the period at the end of subparagraph (D) and inserting ", and", and

(3) by adding at the end the following new subparagraph:

"(E) new zone construction property.".

(f) Recapture.—Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by adding at the end the following new paragraph:

"(10) Special rules for rural enterprise zone property.—

"(A) In general.—If, during any taxable year, property with respect to which the taxpayer claimed a rural enterprise zone credit—

"(i) is disposed of, or

"(ii) in the case of zone personal property—

"(I) otherwise ceases to be section 38 property with respect to the taxpayer, or

"(II) is removed from the rural enterprise zone, converted, or otherwise ceases to be rural enterprise zone property (other than by the expiration or revocation of the designation as a rural enterprise zone),

the tax under this chapter for such taxable year shall be increased by the amount described in subparagraph (B).

"(B) Amount of increase.—The increase in tax under subparagraph (A) shall equal the aggregate decrease in the credits allowed under section 38 by reason of section 46(a)(4) for all prior taxable years which would have resulted solely from reducing the expenditures taken into account with respect to the property by an amount which bears the same ratio to such expenditures as the number of taxable years that the property was held by the taxpayer bears to the applicable recovery period for earnings and profits under section 312(k).".

(g) Basis Adjustment to Reflect Investment Credit.—Paragraph (3) of section 48(q) (relating to basis adjustment to section 38 property) is amended to read as follows:

"(3) Special rule for qualified rural enterprise zone expenditures.—In the case of any credit determined under section 46(a) for—

"(A) any qualified rehabilitation expenditure in connection with a qualified rehabilitated building other than a certified historic structure, or

"(B) any expenditure in connection with new zone construction property (within the meaning of section 48(t)(3)),

paragraphs (1) and (2) of this subsection and paragraph (5) of subsection (d) shall be applied without regard to the phrase '50 percent of'.".

(h) Effective Date.—The amendments made by this section shall apply to periods after December 31, 1990.

SEC. 203. INCREASE IN RESEARCH CREDIT FOR RESEARCH CONDUCTED IN RURAL ENTERPRISE ZONES.

(a) In General.—Section 41 (relating to credit for increasing research activities) is amended by adding at the end the following new subsection:

"(i) Increase in Credit for Research Conducted in Rural Enterprise Zone.—Subsection (a)(1) shall be applied by substituting '40 percent' for '20 percent' with respect to the lesser of—

"(1) the excess described in subsection (a)(1), or

"(2) the excess which would be described in subsection (a) if only research conducted in rural enterprise zones were taken into account.

For purposes of paragraph (2), an area shall be treated as a rural enterprise zone for a base period with respect to a taxable year if such area is designated as a rural enterprise zone for such taxable year.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1990, and to base periods with respect to such taxable years.

ADDITIONAL COSPONSORS

S. 15

At the request of Mr. Cranston, the name of the Senator from Michigan [Mr. Levin] was added as a cosponsor of S. 15, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 16

At the request of Mr. CRANSTON, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 16, a bill to require the executive branch to gather and disseminate information regarding, and to promote techniques to eliminate, discriminatory wage setting practices and discriminatory wage disparities which are based on sex, race, or national origin.

S. 700

At the request of Mr. DOMENICI, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 700, a bill to amend the Internal Revenue Code of 1986 to meet the growing challenge of America's infrastructure needs.

S. 814

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 814, a bill to provide for the minting and circulation of one dollar coins, and for other purposes.

S. 1056

At the request of Mr. COATS the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1056, a bill to establish programs to strengthen America's families, and for other purposes.

S. 1349

At the request of Mr. PRYOR, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1349, a bill to amend the Internal Revenue Code of 1986 to exclude small transactions and to make certain clarifications relating to broker reporting requirements.

S. 1400

At the request of Mr. KASTEN, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Colorado [Mr. ARMSTRONG], and the Senator from Utah [Mr. GARN] were added as cosponsors of S. 1400, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 1511

At the request of Mr. PRYOR, the name of the Senator from Tennessee [Mr. SASSER] was added as a cosponsor of S. 1511, a bill to amend the Age Discrimination in Employment Act of 1967 to clarify the protections given to older individuals in regard to employee benefit plans, and for other purposes.

S. 1515

At the request of Mr. MITCHELL, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1515, a bill to amend the Internal Revenue Code of 1986 to permit private foundations and community foundations to establish tax exempt cooperative service organizations.

S. 1690

At the request of Mr. DODD, the names of the Senator from South Dakota [Mr. DASCHLE] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1690, a bill to establish programs to improve foreign language instruction, and for other purposes.

S. 1791

At the request of Mr. ROCKEFELLER, the names of the Senator from Maine [Mr. COHEN] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 1791, a bill to amend the International Travel Act of 1961 to assist in the growth of international travel and tourism into the United States, and for other purposes.

S. 1808

At the request of Mr. BREAUX, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1808, a bill to amend section 468A of the Internal Revenue Code of 1986 with respect to deductions for decommissioning costs of nuclear powerplants.

S. 2039

At the request of Mr. COCHRAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 2039, a bill to improve the quality of student writing and learning, and the teaching of writing as a learning process in the Nation's classrooms.

S. 2048

At the request of Mr. SARBANES, the names of the Senator from Nevada [Mr. REID] and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2050

At the request of Mr. KOHL, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 2050, a bill to amend title XVIII of the Social Security Act to provide toll-free hotlines for individuals receiving benefits under such title and to provide increased protection against fraud and abuse with respect to the marketing and selling of Medicare supplemental policies to such individuals, and for other purposes.

S. 2071

At the request of Mr. PACKWOOD, the names of the Senator from Missouri [Mr. BOND] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 2071, a bill to amend the Internal Revenue Code of 1986 to provide incentives for savings and investments in order to stimulate economic growth.

S. 2077

At the request of Mr. GRASSLEY, the names of the Senator from Alaska [Mr. STEVENS] the Senator from Idaho [Mr. MCCLURE], and the Senator from North Dakota [Mr. BURDICK] were added as cosponsors of S. 2077, a bill to amend the Federal Aviation Act of 1958 to limit the age restrictions imposed upon aircraft pilots.

S. 2097

At the request of Mr. PELL, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 2097, a bill to promote and encourage alternative nondefense uses of defense facilities, to provide assistance for the retraining of unemployed defense workers whose employment is terminated, and to provide adjustment assistance to communities adversely affected by the termination or curtailment of defense contracts or the closure or realignment of military installations.

S. 2147

At the request of Mr. COCHRAN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2147, a bill to provide for certain agricultural trade programs and for other purposes.

S. 2158

At the request of Mr. PRYOR, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 2158, a bill to direct the Secretary of Health and Human Services to promulgate regulations to require that an individual telephoning the Social Security Administration has the option of accessing a Social Security Administration representative in a field office in the geographical area of such individual, and for other purposes.

S. 2177

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2177, a bill to improve the collection and dissemination of information relating to the supply of winter heating fuels, and for other purposes.

S. 2178

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 2178, a bill to amend title 18, United States Code, to establish a Federal criminal offense for illegal creation of a fuel shortage.

S. 2216

At the request of Mr. COATS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2216, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to authorize grants to States for boot camp projects to demonstrate innovative alternatives to the imprisonment of persons for nonviolent offenses and nonviolent drug-related offenses

S. 2250

At the request of Mr. DECONCINI, the names of the Senator from Mary-

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land [Ms. Mikulski] and the Senator from Illinois [Mr. Simon] were added as cosponsors of S. 2250, a bill to amend title 5, United States Code, with respect to setting rates of basic pay for law enforcement officers, and for other purposes.

S. 2266

At the request of Mr. Grassley, the names of the Senator from South Dakota [Mr. Daschle] and the Senator from Montana [Mr. Burns] were added as cosponsors of S. 2266, a bill to promote the development of new and expanded markets for the export of U.S. agricultural commodities and products, and for other purposes.

S. 2299

At the request of Mr. Grassley, the name of the Senator from Minnesota [Mr. Boschwitz] was added as a cosponsor of S. 2299, a bill to require the construction of a demonstration highway project between St. Louis, MO, and Minneapolis/St. Paul, MN.

SENATE JOINT RESOLUTION 224

At the request of Mr. Byrd, the names of the Senator from Alabama [Mr. Shelby], the Senator from Alaska [Mr. Stevens], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 240

At the request of Mr. Symms, the names of the Senator from Wyoming [Mr. Simpson] and the Senator from Louisiana [Mr. Breaux] were added as cosponsors of Senate Joint Resolution 240, a joint resolution designating the week of June 10, 1990, through June 16, 1990, as "Multiple-Use Sustained-Yield Week."

SENATE JOINT RESOLUTION 242

At the request of Mr. Thurmond, the names of the Senator from Georgia [Mr. Nunn], the Senator from Rhode Island [Mr. Chafee], the Senator from Iowa [Mr. Grassley], the Senator from Utah [Mr. Hatch], the Senator from Tennessee [Mr. Gore], the Senator from Kentucky [Mr. Ford], the Senator from Connecticut [Mr. Lieberman], the Senator from Arkansas [Mr. Bumpers], the Senator from Indiana [Mr. Lugar], and the Senator from Florida [Mr. Mack] were added as cosponsors of Senate Joint Resolution 242, a joint resolution designating the week of April 22 through April 28, 1990, as "National Crime Victims' Rights Week."

SENATE JOINT RESOLUTION 274

At the request of Mr. Lautenberg, the names of the Senator from Connecticut [Mr. Lieberman], the Senator from Virginia [Mr. Warner], and the Senator from New Jersey [Mr. Bradley] were added as cosponsors of Senate Joint Resolution 274, a joint resolution to designate the week beginning June 10, 1990, as "National Scleroderma Awareness Week."

SENATE CONCURRENT RESOLUTION 101

At the request of Mr. Cranston, the names of the Senator from Massachusetts [Mr. Kennedy] and the Senator from Massachusetts [Mr. Kerry] were added as cosponsors of Senate Concurrent Resolution 101, a concurrent resolution expressing the sense of the Senate concerning negotiations for a peace settlement in Cambodia.

SENATE CONCURRENT RESOLUTION 106

At the request of Mr. Moynihan, the names of the Senator from Illinois [Mr. Simon] and the Senator from Florida [Mr. Graham] were added as cosponsors of Senate Concurrent Resolution 106, a concurrent resolution expressing the sense of the Congress concerning Jerusalem and the peace process.

SENATE RESOLUTION 80

At the request of Mr. Kasten, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of Senate Resolution 80, a resolution relating to legislation which would require interstate mail-order companies to impose State taxes on items mailed across State borders.

SENATE RESOLUTION 266—AUTHORIZING PRODUCTION OF RECORDS BY THE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. BAUCUS (for Mr. Mitchell, for himself and Mr. Dole) submitted the following resolution; which was considered and agreed to

S. Res. 266

Whereas the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into allegations of fraud and other wrongdoing in federal student loan programs;

Whereas the Inspector General of the Department of Education has requested access to records of the Subcommittee's investigation for use in a current related inquiry which he will be coordinating with the Department of Justice;

Whereas by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that documents, papers, and records under the control or in the possession of the Senate are needful for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Ranking Minority Member of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the Inspector General of the Department of Education and to the Department of Justice records of the Subcommittee's investigation of allegations of fraud and other wrongdoing in federal student loan programs.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

BINGAMAN (AND GRAHAM) AMENDMENT NO. 1380

Mr. BINGAMAN (for himself and Mr. Graham) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

On page 51 of the amendment, after line 5, strike all through page 54, line 20, and insert the following:

"(iv) Whether or not the conditions under paragraph (1) calling for application of a sanction are satisfied, the Governor of a state containing a nonattainment area for ozone or carbon monoxide may elect to use in such area (or areas) all or part of the funds available to the State for such area (or areas) under title 23, United States Code, for projects specified in clause (ii).

"(C) a prohibition of any public water system regulated under title XIV of the Public Health Service Act from providing drinking water service in the nonattainment area (or portion thereof, where the State failure relates exclusively to such portion) to any structure to which such service was not provided before the Administrator's choice of this sanction. The Administrator may not prohibit any public water system from providing water service to any customer requiring such service to correct an existing public health hazard;

"(D) the withholding by the Administrator of all or part of the grants for support of air pollution planning and control programs that the Administrator is authorized to award under section 105.".

"(3) Not later than twelve months after the Administrator makes a determination under paragraph (1) that a State is making reasonable efforts to cure the relevant failure, the Administrator shall make a final determination, which shall be published in the Federal Register, of whether the State has cured such failure. If the Administrator determines that the State has not cured such failure, the Administrator shall immediately apply, with respect to the relevant area within such State, at least one of the sanctions specified in paragraph (2).

"(4) The Administrator may, in the Administrator's discretion, apply any sanction or sanctions listed in paragraph (2) to address any of the failures specified in subsection (1) relating to any plan required under this title.

"(5)(A) Within six months following the applicable attainment date for any nonattainment area, the Administrator shall determine, based on the area's air quality as of the attainment date, whether the area attained the standard by that date.

"(B) Upon making the determination under clause (A), the Administrator shall publish a notice in the Federal Register identifying each area that the Administrator has determined to have failed to attain. The Administrator may revise or supplement such determination at any time based on more complete information or analysis concerning the area's air quality as of the attainment date.

"(6) No major stationary source of any pollutant shall be constructed or modified in a nonattainment area for such pollutant after the date forty-two months from the date of enactment of the Clean Air Act Amendments of 1990 or the date forty-two months from the date such area was designated nonattainment for such pollutant, whichever is later, unless, as of the later of such dates, the Administrator has approved a plan submission for the area meeting the requirements of section 172(c)(6) with respect to such pollutant as those requirements relate to the construction and operation of new or modified major stationary sources. Before the later of the dates set forth in this subsection, no State shall issue a permit for construction or modification of a major stationary source unless such permit meets the requirements of section 173.

"(7) Whenever—

"(A) an ozone nonattainment area fails to achieve the emissions reductions required under section 183(b)(2) or (3),

"(B) a carbon monoxide nonattainment area fails to achieve the emissions reductions of a milestone required under section 188(g)(3), or

"(C) a PM-10 nonattainment area fails to achieve the emission reduction of a milestone required under section 192(e)(2), but no later than twelve months after passage of the date for achieving such reductions, the Administrator shall notify the State containing such nonattainment area of such failure. No later than nine months after such notification, the State shall submit to the Administrator a revision to the applicable implementation plan adequate to achieve the emissions reductions that the area failed to achieve before such plan revision was due. Such revision shall provide that such emissions reductions shall be achieved by the end of the next complete three-year period (described in section 183(b)) or milestone period (described in section 188(g) or section 192(e)), as the case may be. Notwithstanding any other provision of this Act, the Administrator shall act on such revision under section 110(d)(3) no later than six months after the date on which the State submits such revision.".

(gg) TRANSPORTATION SYSTEM IMPACTS ON CLEAN AIR.—Section 108(f) of the Clean Air Act is amended by adding at the end thereof the following new paragraphs:

"(3) The Secretary of Transportation and the Administrator shall submit to Congress by January 1, 1992 and every three years thereafter a report that:

"(A) reviews and analyzes existing State and local air quality-related transportation programs including specifically any analyses of whether adequate funding is available to complete transportation projects identified in State implementation plans in the time required by applicable State implementation plans and any federal efforts to promote those programs;

"(B) evaluates the extent to which the Department of Transportation's existing air quality-related transportation programs and such Department's proposed budget will achieve the goals of and compliance with the Clean Air Act; and

"(C) recommends what, if any, changes to such existing programs and proposed budget as well as any statutory authority relating to air quality-related transportation programs that would improve the achievement of the goals of and compliance with the Clean Air Act.

"(4) Within 120 calendar days of submitting each report, the Secretary of Transportation in cooperation with the Administrator shall undertake all appropriate steps within existing authority and available resources to implement the recommended changes to the existing programs and proposed budget specified in subparagraph (3)(C).".

METZENBAUM (AND GLENN) AMENDMENT NO. 1381

(Ordered to lie on the table.)

Mr. METZENBAUM (for himself and Mr. GLENN) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra; as follows:

On page 424 of the amendment, line 6, strike "December 31, 1992" and insert "June 30, 1991 and uses a system of continuous emission reduction which achieves at least a 70 percent reduction in sulfur dioxide emission,".

On page 424 of the amendment, line 9, strike "0.30" and insert "0.60".

On page 424 of the amendment, line 11, insert after "2000." the following new sentence:

"After January 1, 2000, the Administrator shall issue to the owner or operator of any utility unit that commences commercial operation, or has commenced commercial operation, on or after October 1, 1990, but not later than December 31, 1992 and which does not use a system of continuous reduction (as described in the previous sentence) allowances in an amount equal to the product of the units annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the federally enforceable emission limitation converted to pounds per mmBtu, divided by 2,000.".

WIRTH (AND OTHERS) AMENDMENT NO. 1382

(Ordered to lie on the table.)

Mr. WIRTH (for himself, Mr. DOLE, Mrs. KASSEBAUM; and Mr. ARMSTRONG) submitted an amendment intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of section 405, insert the following new subsections:

"(i) Municipally-Owned Oil and Gas-fired Units Less than 40 MWe.

"(1) After January 1, 2000, it shall be unlawful for an existing muncipally-owned oil and gas-fired utility unit with nameplate capacity equal to or less than 40 MWe, with an actual 1985 sulfur dioxide emission rate of less than 1.2 lbs/mmBtu, to exceed an annual emission rate of 1.2 lbs-mmBtu, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) Beginning January 1, 2000, the Administrator shall allocate and issue annually for each unit subject to the the emissions limitation requirements of paragraph (1) allowances, including allowances from the reserve created pursuant to subsection (a)(2), in a tonnage amount equal to the lesser of the product of the unit's allowable 1985 emission rate or its actual 1985 emission rate multiplied by the unit's fuel consumption on a Btu basis at a 60 per centum capacity factor, divided by 2000.

"(j) Municipally-Owned Coal Units Below 25 MWe.

(1) After January 1, 2000, it shall be unlawful for an existing municipally-owned coal-fired utility unit with a nameplate capacity of less than 25 MWe and an annual 1985 emission rate equal to less than 1.2 lbs/mmBtu, to exceed an annual emission rate of 1.2 lbs/mmBtu, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) Beginning January 1, 2000, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances, including allowances from the reserve create pursuant to subsection (a)(2), in a tonnage amount equal to the lesser of the product of the unit's allowable 1985 emission rate or its actual 1985 emission rate multiplied unit's fuel consumption on a Btu basis at a 60 per centum capacity factor, divided by 2000."

● Mr. WIRTH. Mr. President, the attached amendment is intended to provide allowances to small, clean power plants operated by municipal utilities. These plants provide back-up power for municipal utilities whose primary source of power is the wholesale power market, but who need their own generation capacity to meet peak loads or to provide backup for times when power is not available on the wholesale market.

Without allowances, these plants would not be able to be used beyond the year 2000. While small dirty powerplants receive allowances under the bill, these small, clean powerplants do not.

These plants operate intermittently and generally have little existing emissions data. Yet they need to be able to operate at high capacity in order to serve their function in these utility systems.

The amendment proposes to direct the Administrator to provide allowances to units owned by municipalities which are smaller than 40 MWe—(for oil and gas fired units)—or smaller than 25 MWe—for coal fired units. This only applies to units emitting less than 1.2 lbs/mmBtu of sulfur dioxide.

Each of the qualifying units would receive allowances equal to the lesser of (a) its actual 1985 emissions rate times the fuel consumption of the unit at a 60-percent capacity factor, or (b) its allowable—SIP imposed—emissions rate times its fuel consumption at a 60-percent capacity factor.

The American Public Power Association has estimated the impact at less than 20,000 tons. The initial estimate of the impact of this amendment by EPA is 11,000 tons.●

JOHNSTON (AND OTHERS) AMENDMENT NO. 1383

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself, Mr. Breaux, and Mr. Bingaman) submitted an amendment intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra; as follows:

On page 425, after line 12 add the following:

"(3) Beginning January 1, 2010, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances in an amount equal to the unit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2000.

JOHNSTON AMENDMENT NO. 1384

Mr. JOHNSTON proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

Amend amendment No. 1293 on pages 196 through 197, dalete paragraph 11 and insert in lieu thereof the following:

"(11) Conventional Gasoline.—Not later than July 1, 1992, the Administrator shall promulgate regulations ensuring that, beginning on January 1, 1993, gasoline sold on a nationwide basis does not result in per gallon emissions of volatile organic compounds, oxides of nitrogen, carbon monoxide, and carcinogenic air pollutants in excess of per gallon emissions of such pollutants attibutable to gasoline sold in calendar year 1989.

DOLE AMENDMENT NO. 1385

Mr. DOLE proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 238, after line 8, add the following:

"(6) Not later than twelve months after the date of enactment of the Clean Air Act Amendments of 1990 or within six months of adding any substance to the list established by paragraph (1), the Admnistrator shall establish significant emission levels for any listed substance for purposes of the preconstruction requirements of section 165.".

KOHL AMENDMENT NOS. 1386 AND 1387

(Ordered to lie on the table.)

Mr. KOHL submitted two amendments intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

Amendment No. 1386

On page 413 of the amendment, in the item relating to La Crosse/Genoa, Wisconsin in Table A, strike "19,090" and "9,160" and insert "21,543" and "10,337", respectively.

Amendment No. 1387

On page 443 of the amendment, line 21, strike lines 21 through 25 and insert the following:

"Sec. 413. (a) General Compliance.—Except as expressly provided, compliance with the requirements of this title shall not exempt or exclude the owner or operator of any source subject to this title from compliance with any other applicable requirements of this Act.

"(b) Exception.—(1) An affected source that includes one or more affected steam-electric existing units located in a State in which the owner or operator of the source is required by a State law enacted prior to the date of enactment of the Clean Air Act Amendments of 1989 to reduce sulfur dioxide emissions by 40 percent or more prior to January 1, 2000, shall not be required to comply with section 123 of this Act.

"(2) Paragraph (1) shall take effect on the effective date of the Clean Air Act Amendments of 1989.

JOHNSTON AMENDMENT NO. 1388

Mr. JOHNSTON proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra; as follows:

On page 393 beginning at line 7 strike everything through page 397, line 21 and insert the following in lieu thereof:

"(2)(A) Fixed price sale of allowances.—In accordance with the provisions of this paragraph, the Administrator, pursuant to regulations promulgated not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, shall offer and sell allowances, at a price of $1,500 per ton (adjusted for inflation based on the Consumer Price Index beginning on the date of enactment of the Clean Air Act Amendments of 1989 and annually thereafter) in accordance with regulations for the use of allowances pursuant to subsection (b). The number of allowances offered and sold under this paragraph that can become useable in any given calendar year shall not exceed 100,000. The Administrator shall offer to sell the maximum number of allowances permitted under this subparagraph and shall complete such sales as provided further under this paragraph. No allowance offered and sold under this paragraph shall become useable (i) prior to the year 2000, and (ii) until two calendar years after the calendar year in which it has been offered.

"(B) Beginning ninety days after the promulgation of regulations and anytime thereafter, an applicant under this paragraph may submit an application or applications for the purchase of allowances. An applicant shall demonstrate that (i) the applicant is, or will be, an owner or operator of a unit subject to subsection (e), and (ii) the applicant has entered into binding agreements to construct the unit for which the allowances are being sought or that the public service commission with jurisdiction over the unit has given its approval for the construction and operation of the unit. No applications may be: (i) for the purchase of more than the number of allowances needed to operate the unit, for which allowances are being sought, for a period of 20 years, or (ii) for the purchase of allowances that become useable in a given calendar year in an amount greater than the number of allowances needed to operate the unit, for which allowances are being sought, for a period of one year.

"(C) The Administrator shall approve or disapprove applications no later than ninety days after submission by the applicant. Notwithstanding the fact that the approval of applications may exhaust the supply of allowances available to subsequent applicants in a given year, the Administrator shall consider applications in order of submission and, subject to the restrictions of subparagraph (A), approve such applications if the requirements of subparagraph (B) are met. If an application that would otherwise be approved would exhaust the supply of allowances in a given year, the Administrator shall offer to sell only those allowances in the application that are still available to be offered. The Administrator shall calculate an estimated purchase price to the applicant according to subparagraph (A) and rules promulgated under this paragraph. Such estimated purchase price shall reflect the discounted present value of the payments that the applicant would otherwise make if it were to pay for the allowances applied for on a year-to-year basis, and shall provide for the use of a discount rate equal to an interest rate on short-term borrowing by the Department of Treasury. Each applicant shall be required to pay earnest money equal to one half per centum of the estimated purchase price within six months of approval of the application. Upon the receipt of such payment the Administration shall issue to the applicant a letter certifying that the applicant is eligible to purchase allowances as specified in the approved application and stating that such eligibility shall expire one year and one day prior to the calendar year in which any of the allowances becomes useable. Within 90 days of receipt of such payment, the Administrator shall distribute such payment pro-rata to the owners or operators of affected units from whose allocations allowances may be deducted under subparagraph (D).

"(D) The Administrator shall promulgate regulations not later than thirty-six months after the date of enactment of the Clean Air Act Amendments of 1989 specifying: (i) one or more payment options (accounting for the earnest money paid for under subparagraph (C)) for purchase of allowances applied for under this paragraph, and (ii) methods by which an applicant can decrease, without penalty, the number of allowances purchased relative to the number of allowances applied for. Not later than one year and one day prior to the calendar year in which any of the allowances that have been reserved in accordance with an approved application become useable, the applicant who wishes to purchase such reserved allowances shall make a payment to the Administrator as specified in regulations promulgated under this subparagraph. If the applicant does not make such payment, the earnest money paid under subparagraph (C) shall be forfeited and the applicant's eligibility to purchase the allowances applied for shall expire. Following each payment specified in the regulations, the Administrator shall issue the allowances paid for to the approved applicant and on a pro-rata basis deduct, from the allowances allocated pursuant to subsections (b)(1) and (3); (c)(1), (2), and (3); (e); (f); (g) (1), (2), and (4); (h) (1) and (3) and the equivalent of the emissions limitations requirements of subparagraphs (4) and (5) of subsection (d), of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued. The Administrator shall record the transfers of allowances as a result of each sale in accordance with the requirements of subsection (b). Within ninety days of the issuance of allowances, all funds collected as a result of the sale of such allowances under this paragraph shall be disbursed on a pro-rata basis to the owners or operators of the affected units from whose allocations the allowances are deducted. No funds transferred from a purchaser to the owners or operators of the affected units from whose allocations the allowances are deducted shall be treated for any purpose as revenue of the United States. Any allowances that are available for sale under this paragraph, and that remain unsold as of one year prior to the calendar year in which they become useable, shall be added to the allowances available for sale at auction under paragraph (3).

"(3)(A) ALLOWANCE AUCTION.—In accordance with the provisions of this paragraph, the Administrator shall conduct auctions of allowances no less than twice in each calendar year beginning in calendar year 1995 and in each year thereafter. In conducting such auctions the Administrator, in accordance with the requirements for the use of allowances pursuant to subsection (b), may sell both allowances which are useable in the calendar year in which an auction is held and allowances which are not useable until a specified calendar year following the auction; Provided, that:

"(i) no allowance sold in an auction under this paragraph shall be useable prior to the year 2000;

"(ii) except for allowances contributed under subparagraph (D) of this paragraph and allowances added under subparagraph (D) of paragraph (2), the total number of allowances sold in auctions under this paragraph that can become useable in any given calendar year shall not exceed 100,000; and

"(iii) in each calendar year beginning with the year 2000, the number of allowances that have been previously sold at auction and that become useable in such year together with the number of allowances that are offered for sale at auction in such year and become useable in such year shall not be less than 100,000.

In each auction the Administrator shall offer to sell long-term streams of allowances consisting of allowances that are not useable until specified calendar years following the auction. Such long-term streams shall be sufficient to permit the operation of units that in the aggregate would use no less than 7,500 allowances per year for a period beginning no earlier than the calendar year following such auction and not less than fifteen years thereafter. Allowances not sold in long-term streams shall be offered no later than two years from the calendar year in which they become useable. Not later than thirty-six months after the enactment of the Clean Air Act Amendments of 1989, the Administrator, after consultation with the Secretary of the Treasury, shall promulgate regulations setting forth the method by which each auction shall be conducted. The regulations shall assure that the auction is open to any person who may hold allowances pursuant to this section and shall not require that a minimum price be met for the purchase of allowances. Allowances awarded at auction may be used for any purpose subject to the provisions of this title. Persons awarded allowances pursuant to each auction shall be required to pay a specified per centum of the total purchase price within a specified period of time subsequent to the date of award, as set forth in the regulations promulgated under this paragraph, except as otherwise provided in subparagraph (B). Upon the receipt of such payment the Administrator shall issue to the person a letter certifying that the person is eligible to purchase allowances as specified according to the bid and award and stating that such eligibility shall expire one year prior to the calendar year in which any of the allowances becomes useable. Within 90 days of receipt of such payment, the Administrator shall distribute such payment pro-rata to the owners or operators of affected units from whose allocations allowances may be deducted under subparagraph (B).

"(B) Not later than one year prior to the calendar year in which any of the allowances awarded to a person becomes useable, such person who wishes to purchase such awarded allowances shall pay to the Administrator the balance of the purchase price. In the case of an award of allowances in which one or more allowances are useable in the year of award, the person who wishes to purchase such allowances shall pay the full purchase price within a specified period of time less than a year after the award, as set forth in the regulations promulgated under this paragraph. If the person does not consummate a purchase, any amount previously paid shall be forfeited and the person's eligibility to purchase such allowances shall expire. The Administrator shall issue the auctioned allowances as purchased to the person and on a pro rata basis deduct, from the allowances allocated pursuant to subsections (b) (1) and (3); (c) (1), (2), and (3); (e); (f); (g) (1), (2), and (4); (h) (1) and (3) and the equivalent of the emissions limitation requirements of subparagraphs (4) and (5), of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued.

"(C) Within ninety days of the issuance of allowances, all funds collected as a result of the sale of allowances under this paragraph shall be disbursed to the owners or operators of the affected units from whose allocations the allowances are deducted. Such disbursement shall be on a pro-rata basis except with respect to proceeds from the sale of contributed allowances under subparagraph (D). No funds transferred from a purchaser to the owners or operators of the affected units from whose allocations the allowances are deducted shall be treated for any purpose as revenue of the United States. The Administrator shall make information publicly available concerning the nature, price, and results of each auction including the prices of successful bids and shall record the transfers of allowances as a result of each auction and purchase in accordance with the requirements of subsection (b).

"(D) Any holder of allowances may contribute to any auction allowances and shall receive the proceeds from the auction of such allowances. Allowances contributed for auction under this subparagraph may be useable in the calendar year in which an auction is held or may not be useable until a specified calendar year following the auction in accordance with the requirements for allowance use specified in subsection (b). Allowances that are contributed and sold shall be deducted from the allowances allocated to the owner or operator making the contribution. The holder of such allowances may specify a minimum sale price and time of payment provided that the Administrator finds that doing so would not interefere with the purposes and functioning of the auction.

"(4) The regulations promulgated under paragraphs (2) and (3) and the discretion exercised by the Administrator in conducting sales and auctions shall be consistent with the competitive functioning of a national market for allowances and preservation of competition in the electric power industry. Pursuant to rulemaking after public notice and comment the Administrator may at any time after the year 2002 decrease the number of allowances sold in, and modify other terms of, the sales and auctions provided under paragraphs (2) and (3) if the Administrator finds that such changes would be consistent with the competitive functioning of a national market for allowances and the preservation of competition in the electric power industry. Pursuant to the regulations the Administrator may by delegation or contract provide for the conduct of sales or auctions under the Administrator's supervision by other departments or agencies of the U.S. government or by nongovernmental agencies, groups, or organizations.".

GORE AMENDMENT NO. 1389

Mr. GORE proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 153, line 4, strike the word "may" and insert the word "shall."

On page 153, after line 12 insert the following:

"Such regulation shall not be inconsistent with the provisions for warranties promulgated under section 207 (a) and (b).

On page 153, after line 12 insert the following new paragraph:

"(4) In promulgating the regulations under this subsection, the Administrator shall require:

(a) that any connectors through which the emission control diagnostics system is accessed for inspection, diagnosis, service, or repair shall be standard and uniform on all motor vehicles and motor vehicle engines;

(b) that access to the emission control diagnostics system through such connectors shall be unrestricted and shall not require any access code or any device which is only available from a vehicle manufacturer; and

(c) that the output of the data from the emission control diagnostics system through such connectors shall be usable without the need for any decoding information or device."

On page 153, after line 12 insert the following new paragraph:

"(5) INFORMATION AVAILABILITY.—The Administrator, by regulation, shall require manufacturers to provide promptly any person engaged in the business of diagnosing, or selling parts, or of repairing or servicing motor vehicles or motor vehicle engines, and EPA for the use by any such persons, with any and all information needed to make use of the emission control diagnostics systems prescribed under this subsection and such other information including instructions for making emission related diagnosis and repairs.

On page 202, line 21, after "converter" insert", on board emission control diagnostic device, including any device installed for the purpose of storing or processing emissions related diagnostic information, but not including any parts or other systems which it monitors except specified major emissions control components,".

On page 202, line 21, after "converter" insert ", on board emission control diagno-

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sitc device, including any device installed for the purpose of storing or processing emissions related diagnostic information, but not including any parts or other systems which it monitors except specified major emissions control components,".

GRAHAM AMENDMENTS NOS. 1390 THROUGH 1392

(Ordered to lie on the table.)

Mr. GRAHAM submitted three amendments intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

AMENDMENT No. 1390

Amend committee substitute, title IV, section 405, page 416, by adding on line 11 after the word "1.20 lbs/mmBtu": "and units included in section 405(b)(3)."

Amend committee substitute, title IV, section 405, page 417, by adding on line 10 after the word "factor." the new section:

(3)(A) Prohibition Units Under the Power Plant and Industrial Fuel Use Act of 1978 (FUA)—After January 1, 2000, it shall be unlawful for any unit which was issued a prohibition order or a proposed prohibition order (from burning oil) and subsequently converted to coal between January 1, 1980 and December 31, 1985, to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a BTU basis, at 65 per centum capacity factor and its actual emission rate during the first full calendar year after conversion, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the emissions in excess of those permitted under this section. In no case shall this subsection allow a utility system containing one or more of these units to exceed an annual average sulfur dioxide emission rate of 1.2 lbs./mmBtu after December 31, 2000.

(B) The administrator is authorized to issue no more than 20,000 allowances more than would have been alloted to the affected units under section 405(b)(3)(A). If the number of additional allowances generated by section 405(b)(3)(A) is greater than 20,000 tons the administrator will distribute the additional allowances on a prorated basis to the utilities affected by 405(b)(3)(A) based on a ratio of the affected unit's baseline to the total baseline of all the affected units.

AMENDMENT No. 1391

On page 423, line 5 before "After" insert the following:

"(1) Except as provided in paragraph (2),"; strike "After" and insert in lieu thereof "after."

On page 423, after line 15, insert the following:

"(2) After January 1, 2000, it shall be unlawful for any oil and gas-fired utility unit with an actual or allowable 1985 emission rate of less than 0.40 lbs/mmBtu whose average annual fuel consumption during 1985, 1986, and 1987 on a Btu basis was 90 per centum or less in the form of natural gas and which is located in a State experiencing growth in population greater than 25 per centum between 1980 and the date of enactment of the Clean Air Act Amendments of 1989 to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of 0.80 lbs/mmBtu or the unit's allowable 1985 emissions rate and a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions."

AMENDMENT No. 1392

On page 390, line 19, after "Energy.", insert the following: "For the purpose of this title, the term 'repowering' shall also include any oil and/or gas-fired unit which has been awarded clean coal technology demonstration funding as of January 1, 1991, by the Department of Energy."

JOHNSTON (AND OTHERS) AMENDMENT NO. 1393

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself, Mr. BREAUX, and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 425, line 13, add the following:

"(3) Beginning January 1, 2010, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances in an amount equal to the limit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2000.

SYMMS (AND OTHERS) AMENDMENT NO. 1394

(Ordered to lie on the table.)

Mr. SYMMS (for himself, Mr. SIMPSON, Mr. BOREN, Mr. GARN, Mr. HATCH, Mr. BURNS, and Mr. MCCLURE) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 438 of amendment No. 1293, at line 12 insert the following new subsection:

"(h) SMALL DIESEL REFINERIES.—The Administrator shall issue allowances to owners or operators of small diesel refineries who produce diesel fuel after October 1, 1993 meeting the requirements of subsection 211(i) of this Act.

"(A) ALLOWANCE PERIOD.—Allowances may be issued under this subsection only for the period from October 1, 1993 through December 31, 1999.

"(B) ALLOWANCE DETERMINATION.—The number of allowances issued pursuant to this paragraph shall equal the annual number of pounds of sulfur dioxide reduction attributable to desulfurization by a small refinery divided by 2000. For the purposes of this calculation, the concentration of sulfur removed from diesel fuel shall be the difference between 0.274 per centum (by weight) and 0.050 per centum (by weight).

"(C) REFINERY ELIGIBILITY.—As used in this subsection, the term "small refinery" shall mean a refinery or portion of a refinery—

"(i) which has bona fide crude oil throughput of less than 18,250,000 barrels per year, as reported to the Department of Energy, and

"(ii) which is owned or controlled by a refiner with a total combined bona fide crude oil throughput of less than 50,187,500 barrels per year, as reported to the Department of Energy.

"(D) LIMITATION PER REFINERY.—The maximum number of allowances that can be annually issued to a small refinery pursuant to this subsection is 1500.

"(E) LIMITATION ON TOTAL.—In any given year, the total number of allowances issued pursuant to this subsection shall not exceed 35,000.".

SPECTER AMENDMENT NO. 1395

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 440, strike lines 1 through 7 and insert in lieu thereof:

"(f) LIMITATION.—(1) Except as provided in paragraph (2), any unit designated under this section as an affected unit shall not transfer or bank allowances produced as a result of reduced utilization or shutdown. In no case may the Administrator permit a source to receive allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act in effect prior to enactment of this title.

"(2) The restrictions of paragraph (1) shall not apply to units identified in section 405(c) that are removed from operation before January 1, 2000, in accordance with a public service commission order dated on or before July 31, 1989. The annual tonnage of allowances which may be transferred or banked pursuant to this paragraph shall not exceed the amount calculated in accordance with section 405(c).".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Mineral Resources Development and Production Subcommittee of the Committee on Energy and Natural Resources.

The hearing is scheduled to take place on Wednesday, April 11, 1990, at 9 a.m. at the Performing Arts Center, Eastern New Mexico University, Roswell Campus, Roswell, NM.

The purpose of the hearing is to receive testimony concerning the infrastructure of the domestic oil and gas industry.

Those wishing to submit written statements for the hearing record should deliver them to the Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Room 364, Washington, DC 20510. For further information, please contact Don Santa of the subcommittee staff at (202) 224-4820.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce a change in the time of the Small Business Committee's export expansion subcommittee hearing on Wednesday, March 28, 1990. This hearing was originally scheduled for 2 p.m. on that day but has been changed to 2:15 p.m. The subcommittee plans to examine the effects of the 1992 European Community integration on United States small business. The hearing will be held in room 428A of the Russell Senate Office Building. For further information please call Annie Lesher of Senator MIKULSKI's staff at 224-8873.

ADDITIONAL STATEMENTS

RECOGNIZING THE HEARING IMPAIRED

● Mr. SIMON. Mr. President, during the recent celebration of "Deaf Awareness Week" a number of events and public statements made it clear that we are maturing as a nation in our attitude toward individuals who are deaf. I am delighted by the progress, and I am encouraged about the future for deaf Americans.

Lou Ann Walker, the hearing child of deaf parents, writes in her inspiring book, "A Loss for Words: The Story of Deafness in a Family":

> The best that can be said for deafness is that it's an invisible handicap. The worst, that it puts adults at the mercy of their hearing children, at the mercy of parents, at almost everyone's mercy. It is one of the cruelest and most deceptive of afflictions. It can emasculate men and devastate women. It is an impairment of communication. But it's not just the disfigurement of words and it's not just broken ears. It's most often a barrier between person and person.
>
> To the hearing world the deaf community must seem like a secret society. Indeed, deafness is a culture every bit as distinctive as any an anthropologist might study. First, there is the language, completely separate from English, with its own syntax, structure, and rigid grammatical rules. Second, although deaf people comprise a minority group that reflects the larger society, they have devised their own codes of behavior. * * * Because deafness is a disability that cuts across all races and social backgrounds, the deaf world is incredibly heterogeneous. * * *

On March 10, CBS aired a segment on "60 Minutes" featuring Dr. I. King Jordan, the first deaf president of Gallaudet University, the only fully accredited liberal arts university for the deaf in the world. This was also a fitting tribute to Dr. Jordan's inauguration as president 2 years ago and to the designation of Deaf Awareness Week. He eloquently articulated his vision for the future of the university and for the deaf community and its contribution to our Nation.

One year ago this month, I hired a deaf person on my Senate staff, Marci Wolfangle. I am very proud of her. I am also very proud of my staff who have taken the time and effort to learn sign language to communicate easily and freely with her. This has been a positive learning experience and has heightened our awareness of deaf people and deaf culture.

We have been fortunate to be the first Senate office to have the new IBM phone communicator for Marci's use. This is a personal computer with software on loan that allows telephone communication between deaf and hearing people and also functions as a regular telecommunications device for the deaf [TDD]. I am now able to talk with her via telephone with her use of this new equipment. She is now able to talk with anyone in the office—both here in Washington and Illinois.

On this point, it is important to give credit where credit is due. We need to encourage and congratulate companies like IBM and others who have utilized their great achievements in technologies for the benefit of assisting people with disabilities. This has been a major breakthrough in communications technology.

And I am glad we are finally moving on providing long overdue interpreting services in the U.S. Senate. Now that the funds have been appropriated, my colleagues and I want to see the in-house Senate staff interpreter hired as soon as possible. I am proud that my office has taken the lead in demonstrating the need for these vital services for our deaf and hearing-impaired staff and constituents.

Deaf Awareness Week serves to remind all of us of Dr. Jordan's accurate, but to often ignored, description of the deaf when he said, "I can do anything you can do—except hear."●

SAMUEL SLATER

● Mr. CHAFEE. Mr. President, I wish to bring to the attention of the Senate the recent 200th anniversary of a most significant event in the history of our great Nation—the arrival of Samuel Slater in Pawtucket, RI, on January 18, 1790.

Slater's arrival set in motion a series of events culminating in the construction and successful operation in 1793 of North America's first water-powered cotton factory along the banks of the Blackstone River.

Old Slater Mill still stands on its original site in Pawtucket and has been designated a national historic landmark—a fitting tribute. The factory processes that were developed in Slater's mill shaped the course of American history, making Pawtucket the birthplace of the industrial revolution.

Slater's mill was a model for the cotton textile industry. Its success spurred the development of mill villages along the Blackstone and its tributaries in Rhode Island and Massachusetts. The need for a transportation system to serve this area led to the development of the Blackstone Canal and the Providence and Worcester Railroad. This transportation network, combined with the power of the Blackstone, led to the region's rapid growth. This is where we launched the economic battle that changed the world.

Many Blackstone Valley residents envision a revitalization of this area, one that highlights the cultural and historical resources of the region. I share this dream, and to help turn it into reality, authored successful legislation to establish the Blackstone River Valley National Heritage Corridor, an urban park without borders along the banks of the river. In addition, I am pleased that the U.S. Postal Service will be featuring Old Slater Mill on a stamp commemorating the bicentennial of Rhode Island statehood later this year.

Samuel Slater was truly a remarkable individual. His story represents the spirit of American entrepreneurship, a story whose lessons are just as relevant today as we face the challenge of defining our role in a rapidly changing global economy as they were 200 years ago.

I would like to recommend to my colleagues an excellent article on Slater's arrival in Rhode Island. Marcia Green's story was published in the Pawtucket Times on the 200th anniversary of the occasion, and I ask that it be entered into the RECORD at this point.

The article follows:

[From the Pawtucket (RI) Evening Times, Jan. 18, 1990]

200 YEARS AGO TODAY, SAMUEL SLATER CREATED THE FUTURE IN PAWTUCKET

(By Marica Green)

PAWTUCKET.—Samuel Slater, the man who whispered Great Britain's textile secrets to Pawtucket, arrived in town exactly 200 years ago today.

Confident and ambitious, the 21-year old would waste little time before changing forever the lives and landscape of Pawtucket and much of New England.

But this day, Jan. 18, 1790, the tall, plain-speaking Slater was just getting started.

In fact, by most accounts, this was a disappointing day. Slater had come, by arrangement with Providence's Moses Brown, hoping to create in America the established textile industry he'd learned, then abandoned in England.

Americans, still organizing a new country, had yet to successfully copy Great Britain's 20-year-old textile trade.

Brown was doing this best to cash in and had collected crude efforts from several local inventors. They were stashed in Ezekiel Carpenter's clothier shop at the edge of the Blackstone River, not far from today's law firm Blais Cunningham & Crowe Chester.

Slater was as eager to see them as Brown was to show them off.

The two had met just hours earlier on the docks in Providence where Slater arrived by sailing vessel from New York City. They'd traveled quickly to Pawtucket.

Imagine farms up and down the river's edge and miles of woodlands. Paths and cart roads are beginning to outline the future city's major streets.

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On the west side of the river, the village of Pawtucket is part of North Providence; on the east side, part of Rehoboth, Mass. Rhode Island is the single state among newly independent 13 that has yet to sign the U.S. Constitution.

Slater, historians tell us, rejected the equipment almost immediately. The machinery Brown had thought could be made to work by someone as skilled as Slater was instead not worth the bother, the Englishman told him. Better to start from scratch, Slater said.

Now whether the equipment was better than Slater let on, or worse than Brown was conceding, is uncertain. Each was a businessman, of course, jockeying for the upper hand in a new partnership.

(Slater would reluctantly agree to attempt to salvage them, but 10 weeks later strike a deal to start with his own designs.)

Happy or not this January day, Slater made a commitment to the Almy & Brown Company, the firm Brown represented. The man who knew more about Great Britain's lucrative textile industry than anyone else in America moved quietly into Pawtucket.

Within 10 months, Slater created his version of the spinning machine he'd so often repaired in England, along with related machines. Within three years, he'd built the first mill.

If you stand on the Apex Store side of the Main Street Bridge and look down at the river, you'll see a rock that generally marks the spot where Slater made good on his promise to his partners.

Erase in your mind, if you can, the man-made walls along the river and the modern buildings at the river's edge. Picture instead the wooden building that was Carpenter's shop at the end of the long lost Quaker Lane, a side street off what would become East Avenue.

The water that falls across rocks beneath the Main Street bridge first powered Slater's inventions.

Slater, who had arrived in New York City in Novembner of 1789, might easily have found a partner in another city, but learned of Moses Brown first from a ship captain who sailed between New York City and Providence.

What if Slater had never come to Pawtucket? Was the area bound for textile glory one way or another?

State historian Albert Klyberg says not necessarily.

Moses Brown was only one of many businessmen eager to crack Great Britain's secrets. Alexander Hamilton was attempting the same thing in Paterson, N.J.

"There was absolutely nothing here to make it happen," he said this week, pointing out the region was importing both cotton and wool raw materials and the metals needed for the related machine-making industry.

"Everything depended on bringing raw materials in."

Even the Blackstone River, while the original source of power, was supplanted by 1820 with the steam engine.

"What we had here," says Klyberg, "was strong business leadership and hard work and spirit. That should be Pawtucket's celebration—the leadership and ingenuity of 200 years ago." ●

A DEEP ABIDING FRIENDSHIP

● Mr. SIMON. Mr. President, my good friend and colleague from Illinois, Senator ALAN DIXON, gave an excellent speech the other night to the Jewish National Fund on the subject of Israel. Senator DIXON has been a leader in this body to preserve and strengthen Israel's security, and I am pleased to associate myself with his remarks.

Mr. President, I ask that Senator DIXON's speech be printed in the RECORD.

The speech follows:

REMARKS OF SENATOR ALAN DIXON TO THE JEWISH NATIONAL FUND

When they really want to wish a person bad luck, the Chinese say: "May you live in interesting times." Well these are certainly "interesting times" for Israel, given the fall of the unity government there and the statement earlier this month by President Bush about settlements in east Jerusalem. Headlines such as "Bush's Big Blunder," or "Israel Must Face the Core Issue," don't suggest smooth sailing in the U.S.-Israel relationship.

What I'd like to do this evening is talk a bit about some of the issues that make these such interesting times—where we have been, and where Israel and the United States should go together.

As you all know, the United States support for the State of Israel has been crucial since Israel declared her independence in 1948. That support is grounded both in fundamental U.S. interests, and in fundamental U.S. values.

Israel has been and continues to be our most important and reliable strategic ally in the Middle East. As the only working democracy in the region, Israel is our natural partner. There is no question that Israel has lived up to its end of the partnership.

Israel has helped protect American national security and foreign policy interests. Israel is a friend we can always count on, when we really need a friend, in that very turbulent area.

The United States has properly fulfilled a decades old commitment to insure that Israel can withstand any combination of external threats from her Arab enemies. That pledge has never been formalized in a treaty, but it is one that has to be restated regularly.

Israel has helped advance U.S. goals and objectives in many ways. Israel, for example, votes more consistently with the United States in the United Nations than any other nation. Israel is more supportive of the U.S. than Britain, or West Germany, or Canada. All of them are great friends and allies, but when the United States is looking for support of its positions in the U.N., Israel is always there. Ladies and gentlemen, I believe you shouldn't forget who your friends are!

It is also worth noting that Israel and the U.S. have deep, abiding emotional and moral ties. We both are bound by a commitment to democratic values and humanitarian traditions. We also share the common history of Jewish people the world over. We are both enriched and challenged by it.

I believe our commitment to Israeli security is vital to our own interests, and I do not believe that raising doubts as to that commitment will help improve the prospects for a genuine peace.

Because I believe that maintaining Israel's security is so important to the United States, I have opposed major military sales of sophisticated equipment to Arab countries still hostile to Israel. Because of this I have opposed the AWACS sales to Saudi Arabia in 1981, fighter planes and missiles to Jordan in 1985, and the sale of Stinger missiles to Saudi Arabia in 1986, and later sales of aircraft and missiles to Saudi Arabia in 1987.

I have also supported every request for economic and military assistance funds to Israel. I believe the U.S. investment in Israel is money well spent. Therefore, I am opposed to a reduction in aid to Israel.

The threat of a major confrontation in Europe is lessening. Unfortunately, this relaxation of tension has not taken hold among Israel's adversaries as the Soviet Union continues to sell its latest weapons to Iraq and Syria. The external threat to Israel still exists, and a reduction of U.S. aid in this situation does not make sense. For that reason, I cannot understand the cross-the-board foreign assistance cuts that Senator DOLE, the Senate Republican leader, has proposed. I cannot see how it makes sense to reduce our aid to Israel by some flat percentage without regard to the realities of the dangers Israel still faces.

I am pleased to be able to report that I am not alone in that view. Seventy-three of my Senate colleagues and I recently sent a letter to the President opposing any across-the-board cut for Israel.

Making sure Israel can meet its crucial security needs, however, is not our only obligation. As a co-chairman of the "union of Councils for Soviet Jews Congressional Call to Conscience," I have been a leader in the Senate in the fight for the right of Soviet Jews to emigrate to the United States and to Israel.

Despite the record numbers of Soviet Jews who have emigrated this past year, the job is not done. Anti-semitism, fears of pogroms, and the continuing plight of long-term refuseniks, demand our increased vigilance. I pledge my continued commitment to their cause and their liberation.

International terrorism is also still with us—and unfortunately, the U.N. is not doing enough about it. I have sent letters to the President supporting the denial of visas to P.L.O. Chairman Yassir Arafat. I have called on the United Nations to renounce U.N. resolution 3379, which calls zionism a form of racism.

I also believe in moving the peace process forward.

We have had the notable success of a peace treaty between Israel and Egypt. The Camp David accords set a framework for future discussions on the territories, and it was Camp David that called for the first elected self-governing authority in the territories.

This process, unfortunately, did not go forward. Former President Reagan tried to get the peace process moving forward in 1982, although the Israeli Government believed the Reagan plan contradicted the spirit of the Camp David Accords.

The most significant U.S. attempts at restarting the peace process began with Prime Minister Shamir's call for elections in the territories. This was followed by the Baker Plan to get talks started between Palestinian representatives and Israel. As we all know, Baker's proposals ran into problems and stalled. Ultimately, U.S. impatience with Israel, and its public statements pressuring the Shamir government to act, contributed significantly to the downfall of that government—and has further hampered the peace process.

In particular, President Bush's statement earlier this month equating settlements in the West Bank with the Jewish neighborhoods in east Jerusalem left me, as I imagine it did you, with concern about the direction of administration policy toward Israel.

U.S. policy statements have been deliberately unclear on Jerusalem. According Arthur Goldberg, one of the drafters of U.N. Security Council resolution 242, which outlined principles for peace, the resolution, "In no way refers to Jerusalem, and this omission was deliberate * * * Jerusalem was a discrete matter, not linked to the West Bank."

It has been U.S. policy that the final states of Jerusalem would be subject to negotiations—and everyone conceded this question could only be resolved at the end of negotiations.

I have no doubt the President is aware of the history of U.S. policy toward Jerusalem, but his linkage of the two areas, for whatever reason, set off alarm bells in Jerusalem, and around the world. The statement was a misstep, in my opinion, especially in light of what U.S. policy has been. It was all the more confusing, to some, since the 1988 Republican platform was considered by some to be the most pro-Israel platform in history. Further confusion was added when the President made phone calls to American Jewish leaders seeking to reassure them of his administration's commitment to Israel, but still claiming "no regrets" on his Jerusalem statement. To date, no official corrections were issued from the White House. These comments did not further the cause of peace, and should not, and I believe will not, be a basis for future discussions in diplomatic efforts to get talks going.

Peace will continue to elude the region unless all the leaders of the region are reconciled to the existence of a sovereign Jewish state in their midst. All the Arab world, not only the Palestinians, must be ready to talk to Israel. I don't have a peace plan up my sleeve. However, I do believe that we could be on the threshold of a new beginning.

I would like to offer this suggestion on how to get the process back on track:

As you will all recall, shuttle diplomacy produced tangible benefits in the cause of peace in the Middle East. In the number of years since Camp David, very little progress has been made toward a goal we all share: A lasting, secure peace which upholds Israel's security and stability.

If I were President (and let me assure you, I am not a candidate), I would seek out a person internationally respected for his or her abilities to act as a special ambassador to the region for the purpose of working to facilitate the process, the parameters and the details of a peace process. I do not have a plan myself, but I believe peace is a goal toward which we must always work. One person who comes to my mind as someone who could fill such an assignment is former Secretary of State George Schultz. I haven't talked to him about it. I do not know Secretary Schultz well—but I believe he is someone who is well respected, knowledgeable, and could do great good in the region. There are many others who could fill such shoes as well.

The bottom line is that the extra attention, the single-minded focus, a special ambassador could provide may result in transforming momentum lost into momentum gained.

It is in everyone's interest to effect such a transformation. For Israel, the intifada, and the commitment of valuable resources and personnel to keeping peace in the territories, weighs down the Israeli economy. For the Arab nations, it may lift the burdens of an arms race and lead to the beginnings of democratic movements. However, a peace process which fails to ensure the long-term stability and security of Israel will never bring a lasting peace.

Ladies and gentlemen, I will continue to support actions which are in the best interests of Israel, because they are in the best interests of the United States. I will never support a divided Jerusalem! This is in the interest of all faiths and all mankind.

Israel must never have to look over her shoulder to make sure her friend, the United States, is still behind her. She must also not believe she is being led against her will by us as well. Walking together, coordinated in our efforts, committed to our goals, we can bring Israel closer to the lasting peace we all wish for.

We must make that commitment. We must not abandon our commitment. History must show that in Israel's time of need, this Nation stood firmly behind her.

I pledge to you my unwavering commitment. Thank you.●

NATIONAL MEDICAL RESEARCH DAY

● Mr. HATFIELD. Mr. President, as many of my collegues know, we have designated this day as "National Medical Research Day." Our enthusiasm for designating virtually every day in the year national this-or-that day has gained us a great many critics recently. To a large extent, their criticism is valid. But some issues are so vitally important that I believe they deserve this sort of recognition.

Mr. President, medical research is one of those issues. And I rise today to share with my colleagues the grim realities of our budgetary priorities. The simple truth is this: Our budgetary priorities which attach a greater importance to chemical weapons research than to medical research, a higher priority to disease causing research than to disease curing research.

Consider this: The last 24 months of defense related research and development spending is roughly equivalent to total research and development spending at the National Institutes of Health in the last 100 years. For the price of one underground nuclear test, we could more than triple the amount now spent on research into sudden infant death syndrome. For the price of one Stealth bomber, we could almost double the amount being spent at the National Institute of Diabetes, and Digestive and Kidney Diseases.

When we consider the drastic cuts suffered by other nondefense, domestic discretionary programs, health research spending has fared relatively well in recent years. Thirteen percent of all Federal research and development money is spent on medical research today—a figure which has remained constant since the beginning of this decade. But it has done well only at the expense of other worthy programs. And even within the medical research budget itself, worthy programs are forced to compete against each other: AIDS versus cancer, strokes versus heart disease.

The bottom line, Mr. President, is that we must reorder our Federal budget priorities. Public opinion is already on our side. A survey recently conducted by the American Federation for Clinical Research suggests that 53 percent of our constituents would make increased funding for medical research the top budget priority. Only 3 percent would make increased funding for weapons the top priority.

The facts are also on our side. One dollar spent on medical research today produces $13 in savings tomorrow. A $235,000, 17-year study that led to the identification of a vaccine against hepatitis B, for example, is saving between $50 and $100 million each year. A $680,000, 4-year study that led to a preventative treatment of kidney stones will result in a savings of between $300 and $600 million a year.

As we debate the Federal budget every year, we are given the choice between supporting life enhancing endeavors and life destroying ones. When we hammer out budget agreements and focus our attention on complicated calculations and endless reams of paper, perhaps we feel isolated and insulated from the very real choices we are making. But those who are suffering from cancer and AIDS and hundreds of other diseases understand the implications of our choices all too well.

I rise to mark National Medical Research Day by pledging to redouble my efforts—within the Senate Appropriations Committee and within this body as a whole—to reorient our Federal budget priorities. We are given a choice, Mr. President, and I choose life. I urge my colleagues to do the same.●

BIELARUSIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, March 25 marked the 72d anniversary of the Declaration of Independence of the Bielarusian State. This is an important day for Americans of Bielarusian descent, who have supported the Bielarusian people in their quest for freedom. I would like to invite all Americans to join me in honoring this special occasion.

Bielarus is in the western part of the Soviet Union, bordering Poland in the west, Ukraine in the south, Russia in the east and north, and the Baltic States in the northwest. Bielarus signed its Declaration of Independence on March 25, 1918, after the collapse of the Tsarist Russian Empire, but this freedom was crushed 3 years later when defeat in an armed clash led Bielarus to be partitioned between Poland and the Soviet Union. Since then, the

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Bielarusian people have clung to their dreams of liberty and independence.

Bielarusian Americans have been committed to helping the Bielarusian people achieve their dreams. Among their objectives, they have urged the acceptance of "Bielarus" as a legitimate name for diplomatic usage and they have urged the Voice of America to broadcast programs in Bielarusian. As dramatic changes continue to sweep the Soviet Union, we ought to keep the goals of the Bielarusian Americans in mind.

I would also like to draw attention to the quincentenary of the birth of Dr. Francisak Skaryna, Bielarusian translator of the Holy Scriptures in the Bielarusian language in 1517. Dr. Skaryna was a humanist, a writer, a poet, a scholar, and a doctor of medicine. His achievements and contributions to the well-being of his own people and the world have earned him gratitude and recognition from many corners—UNESCO has dedicated all of 1990 to his memory. I think it is only fitting that we pay tribute to this man today as we honor the Declaration of Independence of his country.●

NEED FOR COHESIVE NATIONAL TRANSPORTATION POLICY EVIDENT

● Mr. **SASSER**. Mr. President, the need for a cohesive national transportation policy is clear. Throughout this Nation, the evidence of a decaying and outmoded infrastructure is mounting. Bridge collapses, flight delays, and urban rail congestion have become all too commonplace. Americans have a right to expect better. America can and should do better. As we look ahead to the next century, we must now begin to put our national priorities in place. The long overdue revitalization of this Nation's transportation arteries can no longer be put on hold.

We must begin the arduous but necessary task of taking stock of our Nation's infrastructural inventory. Every road, bridge, rail, air, mass transit, and water system must be examined with an eye toward the future. Priorities must be established. Technical, financial, and human resources must be shared at every level.

Mr. President, the revitalization of this Nation's sagging infrastructure requires the collective vision and commitment of every level of government. Critical to the renewed investment in our deteriorating transportation resources is an ongoing Federal, State, and local partnership. An effective and innovative national transportation policy must transcend State and local boundaries. The future growth and productivity of this Nation, our health, security, and quality of life depend on the development of a unified, efficient framework which embraces the needs and resources of every segment of our population.

Mr. President, the U.S. Department of Transportation's recently announced strategy for improving this Nation's infrastructure is a disappointing retreat from a fundamentally sound transportation partnership. Under this proposed plan, the primary responsibility for improving this Nation's intricate transportation network would shift to the States. The plan, in essence, reduces the Federal role in the development of a national transportation policy.

This Nation's economic future demands major infrastructural innovations. Now is not the time, Mr. President, to dilute the traditional Federal, State, and local transportation partnership. On the contrary, we must reaffirm the transportation commitment at every level. Shared problems require shared solutions. The Federal Government can ill afford to be a silent partner in the establishment of a national transportation policy.

Mr. President, we are at a crossroad. Deteriorating bridges in Tennessee, congested railways in Pennsylvania, and isolated rural roads in Iowa are not simply local transportation problems. They represent failed links in an already crumbling, overburdened national transportation network. We can ill afford the continued disinvestment in our Nation's infrastructure. It is high time we moved forward, together, Mr. President, toward the development of a truly national transportation system.●

LISTING BY COUNTRY OF ALL CLAIMS ACTIVE IN 1989

● Mr. **LEAHY**. Mr. President, in the report accompanying the fiscal year 1990 Foreign Operations appropriation bill, the Foreign Operations Subcommittee directed the Department of State to submit a report on the status of all investment disputes and expropriation claims of U.S. citizens and business enterprises against foreign governments.

Over the last several years, the committee has become acquainted with a number of expropriation cases which have gone unresolved. Frustrated or dissatisfied, American citizens with unresolved claims have increasingly been turning to the committee for assistance, asking that the foreign aid program be used for leverage over the foreign government in question.

The primary responsibility for protecting the interests of American citizens abroad resides with the State Department. In our fiscal year 1990 Report, the committee expressed dismay at the failure of the State Department to move expeditiously to resolve alleged expropriation questions using authorities granted by Congress. The committee recommended that the appropriate authorizing committees and the executive branch review the Hickenlooper amendment, the primary legislation on U.S. actions in expropriation cases, and consider ways for the U.S. Government to deal more effectively and expeditiously with these situations.

Mr. President, this report contains information on several investment disputes and expropriation claims that will be of interest to many Members. I ask that the report be printed in the RECORD in full.

The report follows:

DEPARTMENT OF STATE,
Washington, DC, March 21, 1990.

Hon. PATRICK J. LEAHY,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: In response to the Committee's request contained in the September 13, 1989 Report of the Senate Committee on Appropriations on the Foreign Assistance and Related Programs Appropriations Bill, 1989 (H.R. 2939), I am submitting the attached report on the status of investment disputes and potential expropriation cases. The report was prepared by the Department of State, in conjunction with the Interagency Staff Coordinating Group on Expropriations.

A listing by country of all claims on which we are reporting is provided in Tab A. The claims chosen for inclusion are those which claimants have actively sought to settle and on which they have sought U.S. Government advice or assistance. Claims settled in 1989 or on which no further U.S. Government action is required are included in Tab B; claims still pending are included in Tab C. Tab C also includes a separate report on U.S. Government efforts to resolve active U.S. claims in Costa Rica. Tab D comments on the reasons some investment disputes are not resolved promptly and indicates the steps that U.S. investors should follow in order to minimize the delay in resolution of their disputes.

We would be pleased to meet with you or members of your staff to discuss the report further if you wish.

Sincerely,

JANET G. MULLINS,
Assistant Secretary,
Legislative Affairs.

ALL CLAIMS ACTIVE IN 1989

COSTA RICA—GLENN BANDELIN

Background

As with Messrs. Bailey and Fyock, Mr. Bandelin owned timber land on which he planned to engage in commercial logging operations. The land was taken by the Costa Rican Government to create an Indian reserve.

Recent developments

The Costa Rican Government's Special Commission on Expropriation Cases and Mr. Bandelin reached an agreement in principle on a settlement offer for 165 million colones on March 6, 1989. This agreement was ratified by a contract signed between Mr. Bandelin and the Government of Costa Rica on May 5, 1989. The contract specified that payments to Mr. Bandelin would be made as follows: an initial payment of 4,002,500 colones (about US$ 50,000) on May 27, 1989, a second payment of 20 million colones (about US$ 245,000) no later than July

31, and payment of the remainder no later than December 31, 1989.

The Costa Rican government received authorization from the legislative assembly in July to issue bonds with a face value of 40 million colones (about US$ 486,000) to use as partial payment for Bandelin's claim. During August and September, the Costa Ricans undertook the process to issue the bonds. By mid-October, this process was complete and the Attorney General's office was instructed to deliver the bonds to Bandelin.

On November 9, Mr. Bandelin received 45 million colones (roughly US$ 555,000) in colone-denominated bonds as a first installment and in February 1990, he received the balance of the agreement (120 million colones). The payments to Mr. Bandelin mark the first payment to a U.S. claimant under the aegis of the Costa Rican Government's Special Commission on Expropriation which was established almost two years ago. Mr. Bandelin is still due 10 million colones to compensate him for money that was discounted from the face value of the bonds he redeemed in November.

COSTA RICA—J. ROYAL PARKER ASSOCIATES

Background

J. Royal Parker Associates (JRPA), a U.S. corporation doing business in Costa Rica claimed damages against the Government of Costa Rica arising out of a joint venture—between JRPA and JAPDEVA, the Commission for Port Administration and Development of the Atlantic Zone—to create an industrial free port. JRPA's claim was for lost profits, damages to professional reputation and out-of-pocket expenses.

Negotiations between the parties failed to produce a settlement and JRPA did not fully pursue its legal remedies in Costa Rican Courts.

Recent developments

Section 593 of the FY-89 Foreign Operations Appropriations bill required the State Department to hire a factfinder to prepare and deliver a report on the Parker case.

The factfinder's report was issued on July 14, 1989. The factfinder concluded that there had been no expropriation or nullification under either international or Costa Rican law; and that since the U.S. citizen had withdrawn his lawsuit in Costa Rica against the advice of counsel, he had renounced his right (and obligation) to pursue local remedies.

HONDURAS—KNIGHT

Background

During 1989, Manuel L. Knight, son of Aminta R. Knight, sought Department of State guidance with regard to what he described as the illegal occupation, by squatters, of land in Honduras owned jointly by his mother and her two sisters, all three of whom he described as U.S. citizens.

Recent developments

Our Embassy in Tegucigalpa reports that money has been provided to the local Honduran authorities by the Government of Honduras with which to purchase the property in question as well as other properties affected and that during the last week of November 1989 the municipal government of San Pedro Sula signed a binding legal agreement to purchase the property for an agreed price.

JAMAICA—ROSE HALL LTD.

Background

In the 1970's Mr. John Rollins through Rose Hall Ltd. invested in land and tourist facilities in Jamaica and obtained a mortgage on some of the lands from Chase Jamaica Ltd., on which Chase subsequently foreclosed. Later the Urban Development Corporation (UDC), a Jamaican government agency, bought from Chase the mortgaged lands and buildings. The dispute centered on the boundaries of the lands which were mortgaged and which UDC obtained from Chase, the amount of compensation Mr. Rollins was due for other land on which squatters have settled, and the exchange of properties containing roadbeds. In addition, Mr. Rollins asserted that the UDC received an unfair windfall in its purchases of his former properties from Chase Jamaica.

Settlement

A settlement of the claim was reached in July 1989; it provides Mr. Rollins with almost 3,000 acres of prime property on Jamaica's north coast and is predicated on Rose Hall's commitment to develop the land. One section of the agreement provides that, if Rose Hall has not caused at least USD 100 million to be invested in the development plan within 10 years, Rose Hall is to pay USD 2 million for breach of this condition. Rose Hall is exempted from noncompletion of the agreement in cases of force majeure, riot, strikes, or act of God. The amicable settlement included the exchange of previously disputed properties, the Government of Jamaica leasing privileges to Mr. Rollins, and Mr. Rollins' commitment to develop projects on previously disputed lands including construction of middle income housing, luxury homes, a theme park and gold course improvements.

KENYA-ALICO

Background

A new insurance law was passed in 1985 in Kenya which required foreign insurers to incorporate locally with at least one-third Kenyan ownership. ALICO subsequently began the process of negotiating a sales agreement with the Trans-National Group, a company controlled by senior Kenyan officials and their associates. There were a number of disagreements during these negotiations. An agreement was finally reached in July 1987 and sent to the Insurance Commissioner for approval. A purchase price of US $6 million was agreed upon, but the contract was contingent upon the Kenyan Government's approval for ALICO to remit roughly US $10 million of retained earnings, capital surplus and pending home office expenses prior to the sale.

On June 26, 1989 the Commissioner informed ALICO they could repatriate a sum equivalent to the sales price, but not the percentage of profits which had been worked out with the Trans-National Group.

The U.S. Embassy and the State Department met repeatedly with ALICO and Kenyan Government officials in Washington and Nairobi to seek a resolution. In August 1989, the U.S. Embassy approached Kenyan government officials to inform them that ALICO was considering filing a Section 301 Petition relating to its problems in conducting business in Kenya. The Embassy strongly emphasized the need to resolve the matter promptly. During this meeting, the Kenyan Finance Minister agreed to issue a Certificate of Approved Enterprise which would pave the way for the funds remittance and resolve related problems experienced by ALICO.

Settlement

In October 1989, ALICO and Kenyan officials agreed that ALICO would be able to transfer one-half of its profits as soon as an agreement was finalized and the balance after one year. A final settlement was concluded in November 1989.

SRI LANKA-CHARLANKA

Background

In 1981, the American-owned Enterprise Development Inc. (EDI) sought to create a joint venture with the Sri Lankan State Timber Corporation (STC) to produce charcoal. As a preliminary step while awaiting government approval for the investment, EDI formed Charlanka Ltd.

EDI asserts that an oral contract between it and STC required Charlanka to be transformed into a public company, with shares owned 44 percent by EDI, 36 percent by STC, and 20 percent by the general public, with the "public" shares to be sold in a public offering. However, in 1982 STC decided that Charlanka should be a private company. STC continued to recognize EDI's 44 percent interest, and to limit its own interest to 36 percent, but it insisted that the remaining 20 percent of Charlanka's shares should be reserved for STC employees. EDI refused, and as a result of this dispute, Charlanka shares were never issued. The parties attempted over a long period to negotiate a resolution, and during this time Charlanka continued its operations. However, the parties remained stalemated, and in 1983 EDI withdrew, asserting that STC's breach of the alleged oral contract constituted a taking of EDI's investment. Intermittent negotiations continued after that time, with the Government of Sri Lanka ("GSL") making a number of settlement offers that would have involved EDI's continued participation in Charlanka. However, EDI maintained its position that it would only accept compensation for the alleged taking, and the negotiations remained at an impasse.

Recent developments

At an informal meeting in March 1988, a group of officers whose agencies are members of the interagency Expropriation Group indicated to EDI that supplementation of the record would be needed concerning four broad questions: 1) Was there a contract? 2) What did the GSL take from EDI? 3) Did EDI exhaust its local remedies? 4) How does EDI calculate its damages resulting from the alleged expropriation?

On April 11, 1989 EDI submitted a memorandum and documents addressing the four questions. The collection of documents included many that were already in the record, as well as a number of new documents.

In September 1989, the Expropriation Group determined that EDI had not demonstrated that an expropriation had occurred. Moreover, to the extent EDI had a legal claim against the Government of Sri Lanka, EDI had failed to exhaust its local remedies or to show that to do so would be futile. The Expropriation Group's conclusions are briefly summarized below.

The Expropriation Group found that it was highly uncertain whether the understanding between EDI and STC constituted a binding agreement. However, even if there were a contract, the breach by a foreign state enterprise of a contract with a U.S. national does not by itself constitute an expropriation. The Expropriation Group was unable to agree with the reasoning put forward by EDI in arguing that the alleged breach in this case was tantamount to an expropriation. EDI contended that the share distribution envisaged by the alleged

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contract would have ensured the "private sector" character of Charlanka and would have assured EDI of either control of predominant influence over Charlanka, and that STC's alleged breach deprived EDI of its fundamental rights as a shareholder. However, the Expropriation Group was of the view that the original understanding as described by EDI would not have guaranteed EDI either control or predominant influence; that the original understanding would have permitted STC to accomplish legitimately what EDI contends it attempted to do illegitimately, and that, in view of the GSL's continued recognition of EDI's 44 percent interest in Charlanka, the alleged breach did not deprive EDI of its fundamental rights.

Moreover, the Expropriation Group concluded that EDI did nothing to pursue its local remedies and had not substantiated its claims that to do so would have been futile. EDI asserted that a contract action in Sri Lankan courts would take six to seven years. The Expropriation Group was unaware of any precedent suggesting that such a period would constitute a denial of justice sufficient to justify failure to resort to local remedies. EDI also alleged that Sri Lankan courts are prejudiced against foreigners. The U.S. Embassy in Colombo, however, when asked to advise on this subject, stated that a U.S. litigant could get a fair hearing in the Sri Lankan court system.

Because of the determination that no expropriation occurred, and that EDI failed to exhaust its local remedies, the issue of calculation of damages was not addressed by the Expropriation Group.

VENEZUELA-OCCIDENTAL PETROLEUM (OXY)

Background

In 1976, Venezuela nationalized its petroleum industry, affecting the interests of 22 U.S. oil companies. Twenty-one companies obtained settlements; Oxy's contract fell within a different Venezuelan law. In 1977, Oxy sued the Government of Venezuela (GOV) before the Venezuelan Supreme Court for compensation based in part on the GOV's failure to follow its administrative procedures for compensating in a prompt manner. The Venezuelan Supreme Court ruled in principle in March 1989 that Oxy is entitled to compensation.

Recent developments

On December 12, 1989, the Venezuelan Supreme Court admitted into the record the findings of a group of experts on the value of the Oxy claim; the award is for $42,080,175.02 in U.S. currency. Oxy informed the Department that a settlement agreement was signed on December 14, 1989. On January 31, 1990, Oxy withdrew its petition entitled Request for a Review of Venezuela's Status as a Beneficiary Country Under the Generalized System of Preferences. This followed receipt by Oxy of full payment by Venezuela of compensation in the agreed amount.

COSTA RICAN EXPROPRIATION CASES: U.S. GOVERNMENT EFFORTS

Because of the large number of unresolved expropriation cases in Costa Rica, the U.S. Government has undertaken specific collective action to facilitate a resolution to the claims. As a result of U.S. Government encouragement, the Costa Rican government set up in 1988 a Special Commission to review all pending U.S. expropriation cases in Costa Rica. The Government of Costa Rica also agreed to sign a March 1988 side letter to Costa Rica's 1989 Economic Support Fund (ESF) Agreement, which required the Costa Rican Government to file a quarterly report, demonstrating its efforts to resolve the pending expropriation cases. The side letter committed Costa Rica to resolve or make progress in the disputes by December 31, 1989. While the quarterly reports submitted by Costa Rica indicate some progress, resolution of the claims continue to experience bureaucratic delays. As a result of a relative lack of progress, the U.S. Embassy decided to withhold the disbursement of the final tranche ($20 million) of the FY 1989 ESF.

It should be noted that the U.S. Embassy maintains a very active presence in facilitating a resolution to these cases. U.S. Embassy officials have met with Costa Rican government officials on the average of twice a month on these matters. In addition, during official visits, key U.S. Government officials (up to the highest levels of government) have availed themselves of every opportunity to impress upon the Costa Ricans the need to resolve these cases quickly.

COSTA RICA—WILLIAM BONNER BAILEY

Background

CAC, a corporation owned by William Bonner Bailey, purchased land in Costa Rica in the early 1970's to develop tropical hardwood timber. Beginning in 1976, the Government of Costa Rica gradually transferred ownership of 3,740 hectares of this land to Indian reserves, primarily the Talamanca Indian Reservation pursuant to an expropriation decree. The decree was later voided by the Government of Costa Rica.

CAC, authorized by the Ministry of Agriculture, had begun forestry operations, but the Attorney General halted the authorized timbering at the request of the Indian community. Mr. Bailey asserts that, as a result, he was unable to fulfill contracts with U.S. firms and was forced to pay them damages.

Recent developments

On July 17, 1989, Costa Rica Officials informed the U.S. Embassy that the Special Commission on Expropriation Cases had persuaded the Agrarian Development Institute (IDA) to reassess its evaluation of the landholdings in the case of Mr. Bailey. This reevaluation resulted in a significantly higher figure than the 18.4 million colones (USD 228,000) offered to Mr. Bailey on May 18, 1989. The new offer (USD 715,682) was communicated to Bailey by the U.S. Embassy on July 18. (The Government of Costa Rica states that the initial cost of the land was USD 95,670 when purchased in 1973.)

Mr. Bailey responded to the Costa Ricans via a July 25 letter, indicating that he would consider accepting the offer if the Costa Rican Government agreed to enter into domestic arbitration and/or legal proceedings in the Costa Rican courts to establish the amount of additional compensation Bailey would receive for the value of the timber on his land and for interest payments since the date of the taking. The Government of Costa Rica sent a letter to Mr. Bailey on December 14, rejecting his counteroffer, but confirming that their original offer still stood.

In July of 1989, the GSP Subcommittee (an interagency Committee tasked with monitoring GSP matters) accepted for formal review an expropriation petition filed by Mr. Bailey. In his petition, Mr. Bailey has requested that the President suspend GSP eligibility because of the alleged violation of Section 502(b)(4) of the Trade Act of 1974.

The GSP Subcommittee asked the Expropriation Group to make a determination regarding the technical and legal aspects of whether or not an expropriation had occurred within the context of Section 502(b)(4) (A) (B) or (C) of the Tariff and Trade Act of 1984. In addition, the Group was asked to determine whether Costa Rica has made or is making good faith efforts to provide prompt, adequate and effective compensation to the petitioner or is otherwise taking steps to discharge its international obligations under Section 502(b)(4)(D). The Expropriation Group's determination will be submitted to the GSP Subcommittee in mid February 1990.

The GSP Subcommittee held a public hearing on September 25-28, 1989, but both Mr. Bailey and the Costa Rican government chose not to submit briefs or testify. The Costa Rican government submitted a post-hearing brief on October 18, 1989 and Mr. Bailey submitted a rebuttal to that brief on November 13, 1989. The Department's Legal Adviser's Office is currently analyzing the contents of those briefs.

The GSP Subcommittee will draw upon the Expropriation Group's findings in making its recommendation to the Trade Policy Senior Committee (TPSC) regarding the suspension of Costa Rica's GSP eligibility. The President is scheduled to announce the administration's decision on April 1, 1990.

The Department (through the U.S. Embassy in Costa Rica) has continued to urge the Government of Costa Rica to conclude a mutually satisfactory settlement with Mr. Bailey.

COSTA RICA—RICHARD BELL

Background

Mr. Bell owned a ranch in Costa Rica which was seized as a result of a 1973 decree which ceded all public land in a large area surrounding his ranch (Toro Rojo Ranch) to the Institute for Lands and Colonization (ITCO was an independent Costa Rican agency which was subsequently renamed the Institute for Agrarian Development—IDA). While the decree specified that privately-held land in the designated area was not to be affected. Mr. Bell said that ITCO claimed title to the Toro Rojo Ranch anyway and transferred the title to ITCO's name. Subsequently, at least part of the property was given by ITCO to squatters in the area. (The transfer of land to squatters was one of ITCO's main functions.)

Mr. Bell later filed a claim against ITCO and its sucessor agency, IDA, which resulted in a court-appointed evaluation of the land. That evaluation placed Mr. Bell's losses at 15 million colones (US$ 186,000) per year for lost revenue from the sale of crops. The evaluation placed the value of the land itself at 85 million colones (US$ 1.1 million). Mr. Bell has said he would forego compensation for the lost annual revenue of 15 million colones and would accept a settlement offer of 85 million colones for the land.

Recent developments

The Government of Costa Rica Special Commission held an initial meeting with Mr. Bell on July 17, 1989. No concrete offer was made. The Commission directed the Assessment Section of the Finance Ministry to do a new evaluation of Bell's land and noted that an offer would be made on the basis of the evaluation.

In January 1990, the Special Commission reported in its quarterly report to the U.S. Government that the evaluation of Mr. Bell's land has been completed and that the

Commission is currently reviewing the results.

COSTA RICA—THOMAS FYOCK

Background

Thomas Fyock purchased land in Costa Rica in the early 1970's to develop tropical hardwood timber. Beginning in 1976, the GOCR gradually transferred ownership of 5,682 hectares of Mr. Fyock's property to Indian reserves, primarily the Talamanca Indian Reservation.

Recent developments

Mr. Fyock reached an agreement in principle with the Costa Rican Government on March 20, 1989, but no formal settlement was signed. The Government of Costa Rica subsequently informed Mr. Fyock that it would be unable to honor the offer made to him because the Agricultural Development Institute (IDA) had refused to validate the evaluation of Mr. Fyock's land which had been negotiated during the meeting. A series of demarches by the U.S. Ambassador and Deputy Chief of Mission on key ministers involved with the Costa Rican Special Commission eventually produced the Government's agreement to honor its initial settlement offer. The U.S. Embassy informed Mr. Fyock of this by telephone on July 17, 1989.

Shortly thereafter, Mr. Fyock began preparations to sign a settlement contract, including taking the legal steps to renew his status as president of the company (his legal status as president had expired) as well as working with the national registry to obtain a map proving the exact size of his land holdings. At a November 15, 1989 meeting between Mr. Fyock and Costa Rican officials (a U.S. Embassy representative attended as an observer), Mr. Fyock stated that the map was nearly complete and that his legal status as president would be restored effective November 17, 1989.

During this same meeting, Vice Minister Cordero stated that the Government of Costa Rica would proceed in completing the necessary documentation and submit the package to the Costa Rican Attorney General for final approval. Vice Minister Cordero promised to make every effort to expedite the process so that Mr. Fyock would be paid before the end of the year, as promised in the March 20 agreement. Vice Minister Cordero noted that the Costa Rican Government had made no budgetary provisions for funds to compensate Mr. Fyock, but that off-budget funds were being set aside.

In December 1989, Mr. Fyock submitted the cadastral map which demonstrated that the boundaries of his expropriated property was 485 hectares larger than the figure on which the Costa Rica Government's previous valuation was based. As a result, the Costa Rica Government has requested an updated valuation of the land from the Agrarian Development Institute; it will then present the valuation to the Attorney General's Office and request a prompt approval of the settlement. The U.S. Embassy reported in January 1990 that this process was expected to take about two weeks and that the Government of Costa Rica hoped to pay Mr. Fyock by the end of February.

COSTA RICA—RANCHO GESLING

Background

The Government of Costa Rica issued an expropriation decree affecting part of the Gesling property. However, the government never seized the land due to its inability to compensate the Geslings for it. The Gesling concluded an arrangement whereby they would transfer ownership of the affected land to a Costa Rican citizen in exchange for reduction of outstanding debts. The arrangement also called for the expropriation decree to be dropped.

Recent developments

Mr. Gesling contacted the U.S. Embassy in late September 1989 to indicate that problems with this arrangement had arisen. While he had tranasferred a portion of his land to a Costa Rican citizen in exchange for cancellation of debts owed to the Banco de Costa Rica, the Government of Costa Rica had failed to lift the expropriation decree which affects his land. The U.S. Embassy has brought this problem to the attention of the Costa Rican Special Commission and the Commission is studying the matter.

COSTA RICA—GOULET FAMILY

Background

The Goulet family purchased in June of 1973 293 hectares of land for coconut and crop production in Siquirres in the Limon Province of Costa Rica. The land was seized by squatters in May of 1978. In 1988, the family estimated the value of the property to be one billion colones (USD 11.76 million). The Costa Rican Special Commission is studying the case and has committed itself to negotiating a settlement with legal representatives of the Goulet family as soon as possible.

COSTA RICA—JOSEPH HAMILTON

Background

Mr. Hamilton and his American partners owned farmland in Costa Rica's northwestern province of Gunacaste. The property was expropriated by the Government of Costa Rica via a decree issued May 5, 1978, indicating that the land would be incorporated into the Santa Rosa National Park. At the time the decree was issued, the government placed the value of the expropriated land at 16,450,000 colones (USD 1.9 million at the 1978 exchange rate), a figure which was disputed by Mr. Hamilton and his partners. The expropriation decree takes note of the claimant's objection to the land valuation.

Even though the amount offered for the land was too low according to Mr. Hamilton, the Government of Costa Rica has never executed the expropriation decree because it has not had sufficient funds to pay Mr. Hamilton or his partners. Since 1978, Mr. Hamilton has retained actual possession of the land and has been able to use it for cattle grazing. However, the outstanding expropriation decree has prevented Mr. Hamilton from using the land as collateral for obtaining financing, from developing the land and/or from selling the property. Mr. Hamilton retained a local attorney, who obtained a ruling from the local courts which has prevented the Government of Costa Rica from formally seizing the land until it provides compensation.

Recent developments

This case is not being handled by the Costa Rican Special Commission on Expropriation. Mr. Hamilton and his attorneys have agreed to enter into negotations with the privately-funded national parks association, which has agreed to purchase Mr. Hamilton's land for incorporation into the Guancaste (Santa Rosa) national park. Initial meetings between Hamilton's lawyers and the national park foundation representatives have been held. No firm offer has been made, but Mr. Hamilton's attorney told the U.S. Embassy on October 19, 1989 that he was satisfied with the tenor and pace of negotiations.

COSTA RICA—QUALLS FAMILY

Background

The Qualls family purchased 1,439 hectares of agricultural property in the Puntarenas region of Costa Rica in 1960 which was taken over by squatters in 1967. In 1988, the Qualls family provided an estimate of the property's value at 60,000 colones per hectare which totals approximately USD one million.

Recent developments

The Costa Rican Special Commission on Expropriations Government of Costa Rica is currently studying the case and has committed itself to negotiating a settlement with legal representatives of the Qualls family as soon as possible.

COSTA RICA—ROBERT STONE

Background

Mr. Stone's claim relates to the Costa Rican Government's expropriation of land near the Panamanian border that Mr. Stone had planned to develop as a resort complex. His property was comprised of five contiguous lots. Two lots were sold by Stone; the remaining three lots were taken by the Costa Rican Government in 1978 to expand an adjacent Indian reservation.

Recent developments

On May 22, 1989, Costa Rican officials met with Mr. Stone to present a settlement offer for two of the three lots. The value of these two lots was placed at 5.16 million colones (USD 64,300), representing approximately USD 200 per hectare. Costa Rican officials acknowledged its responsibility to compensate Stone for the third lot and had requested the IDA to expand its evaluation to include this property. Assuming that the third lot would be valued at roughly the same price per hectare as the adjoining lots which had already been appraised, the Government of Costa Rica estimated that its total offer for the three lots of land would be roughly 13 million colones (USD 160,000). Costa Rican officials, noted however, that they could not compensate Mr. Stone directly for his expenditures or improvements to the land and related business outlays.

During July and August 1989, Costa Rican officials met informally with Mr. Stone and his lawyer to determine whether Mr. Stone could provide sufficient documentation (e.g. receipts for cancelled checks) to support Mr. Stone's claim for reimbursement for business expenses above and beyond the amount he was offered for his land. The Costa Rican Government indicated in January 1990 that the Attorney General now has all of Mr. Stone's documentation and needs to determine which expenses are eligible for reimbursement. Mr. Stone has indicated that a Costa Rican offer to settle even a small portion of these expenses plus the standing Costa Rican offer for the land (roughly USD 160,000) would constitute an acceptable offer.

ECUADOR—EMELEC

Background

EMELEC is a U.S. citizen-owned power company in Guayaquil, Ecuador. The previous Ecuadorian government negotiated a price for the purchase of the company from the U.S. owner, Mr. John Scopetta. The current government did not accept the results of the prior government's negotiations and, in addition to reopening the issue, seized the

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plant on July 21, 1989. The Government of Ecuador promised prompt, adequate and effective compensation to Mr. Scopetta and hired Price Waterhouse to do an audit as a basis for negotation.

Recent developments

Price Waterhouse has completed its audit which Mr. Scopetta believes is incomplete. Ecuador has suggested the next steps towards reaching a settlement, to which Mr. Scopetta is objecting.

Since the dispute arose, the Department of State has been assisting the U.S. citizen with high level demarches to the Ecuadorean Government stressing the need for prompt, adequate and effective compensation. The Department of State will continue to assist Mr. Scopetta in his efforts to negotiate a prompt and fair resolution with the Government of Ecuador.

EL SALVADOR—CAESS

Background

CAESS, a private electrical distribution company whose single largest shareholder is Leucadia National Corp., a U.S. firm, obtained a 50-year congressional contract from the GOES in 1936. When the contract expired in 1986, the GOES invoked a 1983 constitutional provision requiring that all properties subject to concessional contracts revert to the state without compensation at the end of the contract period. CAESS filed a Petition for Protection with the Supreme Court of El Salvador, arguing that its contract predated the constitutional provision and that the action violates its concession agreement. In 1987, the Supreme Court held that the 1983 constitutional provision could not be applied retroactively and required compensation. The ruling was affirmed by the Court in 1988 after the government appealed.

Recent developments

On August 24, the GOES issued an executive decree naming the GOES negotiating team to review this claim, headed by the Minister of Economy. The members of the commission began negotiations with CAESS representatives in September. CAESS presented an analysis of the value of its assets to the Salvadoran Ambassador on October 19 in Washington for transmittal to the Minister of Economy.

In a December 1 letter from the Minister of the Economy to the CAESS legal representative, the GOES made an official offer of 172 million colones (approximately $27.5 million) for the purchase of CAESS shares. It appears that CAESS has responded with a demand for U.S. $45 million.

HONDURAS—TEMISTOCLES RAMIREZ

Background

In late 1987, pursuant to P.L. 100-71, a second factfinding was conducted to correct and expand, as appropriate, the first factfinding conducted in the dispute between the Government of Honduras and Honduran companies owned by U.S. citizen Mr. Temistocles Ramirez. In December of 1987, the Government of Honduras accepted the factfinding and offered to settle for the amount specified by the factfinders. Mr. Ramirez rejected the factfinding and the offer.

In March of 1988, in response to a request for clarification, the factfinders specified that the total amount owed by the Government of Honduras for property, maintenance, severance pay, security expenses, professional and personal expenses and interest was $7,189,806. In April of 1988, the Government of Honduras offered to settle for this amount but in June of 1988 Mr. Ramirez rejected the offer. The parties met in January of 1989 to discuss settlement but no agreement was reached.

Recent developments

In September of 1989, Mr. Ramirez asked the Department of State to transmit to the Government of Honduras a proposal to settle for $8,300,400—described as the factfinding amount plus interest from December 1987 through September 1989. The Department of State transmitted the proposal. Although the outgoing government did not respond to Mr. Ramirez' proposal, the new Honduran Government has assured the Department of its intention to resolve this dispute promptly.

HONDURAS—OPTUR

Background

OPTUR is a foreign-owned company, incorporated in Honduras, which operates the casino in the Maya Hotel in Tegucigalpa. Over 50 percent of OPTUR is Dutch owned but some 47 percent of its shares are owned by Mr. John Donohue, an American citizen. In 1988, the Honduran Finance Ministry filed a tax claim of approximately $3 million U.S. dollars against OPTUR based on an alleged under-reporting of the casino's gross income (including from chips purchased) from 1984-1987. It is Mr. Donohue's position that the Finance Ministry is using an unjustified interpretation of the law and that the Government of Honduras is thereby attempting to force OPTUR to close the casino.

Since May of 1988 the U.S. Embassy has sought to facilitate a resolution of Mr. Donohue's dispute with the Government of Honduras. Senior Embassy officials and other Embassy officers have made demands on OPTUR's behalf on GOH officials such as the Minister of Finance and several deputies in the Honduran Congress. In September 1988 the Embassy sent a diplomatic note listing Mr. Donohue's allegations and our desire that he be treated fairly and consistently with the obligations of Honduras under international law. A reply was received in March 1989 stating that OPTUR was being treated in accordance with Honduras' legal obligations.

This is essentially a tax dispute in which a U.S. citizen who owns less than 50 percent of a company incorporated in Honduras is seeking to have the Finance Ministry's interpretation of a tax law applicable to the years 1984-1987 changed.

Recent developments

The U.S. Embassy in Tegucigalpa is in weekly contact with Mr. Donohue and has assisted him with his approaches to the Honduran Congress and most recently with approaches to the new Honduran Government which was sworn in at the end of January 1990. The new Government has declared itself to be in favor of investment and of the rule of law and Mr. Donohue is hopeful that this case will be satisfactorily resolved in the early days of the new Honduran Government.

PERU—AIG/BELCO

Background

Belco Petroleum Corporation ("Belco"), a subsidiary of Enron Corporation ("Enron"), began offshore oil exploration and production in Peru in 1959. To protect these operations, Belco purchased political risk insurance coverage from a syndicate of eight insurers in 1983. American International Group, Inc. ("AIG"), together with several other United States' companies, provided the vast majority of Belco's coverage; AIG is authorized to act on behalf of the others.

In 1985, the GOP rescinded the operating contracts of three U.S. petroleum companies in Peru, charging they had improperly benefited from investment tax credits. The other two companies negotiated new contracts with the national oil company within the time period stipulated by the GOP, but Belco was unable to reach agreement with PetroPeru. Belco's assets were seized and its bank accounts frozen on December 27, 1985, pursuant to a decree issued by the President of Peru. In December 1988, AIG became subrogated to Enron's claim after paying off Enron's policy. The State Department has made many high-level demarches to the GOP raising this claim.

Recent developments

AIG's counsel requested on November 29 the termination of USTR's review of its petition to revoke Peru's GSP benefits. The request was based on expectations that the ongoing negotiations with Peru would culminate in a settlement, which could possibly entail investments by Belco in Peru. However, negotiations have recently broken off. AIG will continue to pursue its claim in Peru after the April elections.

SIERRA LEONE—ATLANTIC MARINE AGENCIES, INC.

Background

The claim of Atlantic Marine Agencies, Inc. ("AMA"), a U.S. corporation, arises out of a 1983 contract for the carriage of grain from the United States to Freetown. Although AMA performed the delivery, the Government of Sierra Leone has failed to pay the balance of freight, detention, stevedoring charges and demurrage.

As provided in the contract, AMA referred the dispute to an arbitral panel in 1983. The Government of Sierra Leone engaged attorneys and fulfilled its contractural duty to appoint one arbitrator. In July 1985, the Government of Sierra Leone declined further participation in the arbitral process. Proceeding under the contract, the arbitration panel reviewed the merits of the claim and, on June 30, 1986, rendered an award in favor of AMA for $171,561 plus interest at 10% from the date of the award to the date of the payment.

The arbitral award was reduced to a judgment of the United States District Court for the Southern District of New York in the amount of $199,392.35, plus interest at the statutorily allowed rate from March 9, 1988, to the date of payment. The United States District Court for the Southern District by an order dated December 9, 1988, has authorized AMA to proceed to attach assets of the Government of Sierra Leone in satisfaction of the judgment.

Recent developments

A GOSL official informed the U.S. Embassy in Freetown that payment will be made in the near future.

SIERRA LEONE—S.O. JENNINGS CONSTRUCTION CORP.

Background

S.O. Jennings Construction Corp. ("Jennings"), a U.S. corporation, leased to a private party in Sierra Leone a tractor, a Caterpillar D8K Bull Dozer, which was seized by the Government of Sierra Leone (GOSL) to satisfy allegedly unpaid taxes of the lessee. Jennings states that it offered to pay the taxes, and was informed by the GOSL that taxes "did not present a problem", but that there were outstanding storage charges imposed by the Ministry of Works of Sierra Leone. Subsequently, Jennings was informed that the tractor disappeared while in the custody of the Government of Sierra Leone. Although the tractor's value declared for customs purposes at the time of shipping was $150,000.00, Jennings is only seeking $125,000.00.

Recent developments

The U.S. Embassy in Freetown has brought this claim to the attention of the GOSL, which is now attempting to clarify the status of the claim.

SIERRA LEONE—INTERNATIONAL MINERAL SERVICES

Background

International Mineral Services (IMS"), a U.S. company, entered into an agreement with the Bin Rafaah Mining Company, wherein IMS would manage and plan the exploration and production of mines in Sierra Leone. IMS alleges the following:

Pursuant to the agreement, IMS shipped equipment it owned, including a suction dredge, to Sierra Leone. The Bin Rafaah Mining Company was scheduled to purchase the equipment, and title to the equipment was to be transferred only upon completion of all payments. Bin Rafaah Mining Company did not make any payments; therefore, IMS retained ownership of the equipment.

IMS alleges that in the middle of June 1984, its crew and its West German associates were called into Sierra Leone President Stevens' office and informed that no foreigner would be allowed to remove any of the equipment that IMS had brought into the country. It is alleged that members of the Sierra Leone army were placed around the equipment storage area to prevent the removal of the equipment. IMS alleges that an attempt was recently made by Government of Sierra Leone to sell the dredge to another U.S. company. When IMS informed the potential purchaser of its claim to title, the purchaser declined to go forward with the purchase. IMS asserts the dredge is worth at $1.5 million.

Recent developments

The U.S. Embassy in Freetown has raised this claim on previous occasions with GOSL officials and will raise the matter again with appropriate GOSL officials.

SIERRA LEONE—PHILIPP BROTHERS, INC. (PHILBRO)

Background

Philbro, a U.S. corporation, delivered US $10 million worth of rice to the Government of Sierra Leone (GOSL) pursuant to an agreement signed on July 13, 1988. In a separate transaction, Philbro provided a US $5 million cash advance to assist the government in purchasing crude oil. The GOSL has thus far repaid only approximately US $3 million of the US $15 million in the form of cash and cocoa deliveries.

Recent developments

Philbro obtained an injunction on the transfer of GOSL assets in London. We have been informed that the two parties entered into negotiations and agreed to a settlement amount and delivery schedule, with the release of the assets upon the start of repayments. However, we understand that the two parties are negotiating additional terms and that a final settlement has not been concluded.

THAILAND—SIAMTEC

An American citizen, Richard Frankel, owns a Thai incorporated company, SIAMTEC, which entered into a contract to install wastewater treatment facilities for the Thai Surathip Group for twelve new distilleries it was constructing for, according to Frankel, the Thai Ministry of Finance (MOF). The MOF issues the permits of alcohol production and distribution.

Frankel alleges that the Thai government discriminated against SIAMTEC by promoting the financial reorganization of Surathip, excluding SIAMTEC from the reorganization (i.e., as as creditor). Frankel claims to have substantially completed the work required by the contract but is precluded from performing the final test required for payment under the contract because the waste from the distilleries is not up to contract specifications. He claims he could make modifications to make the treatment facilities function according to specifications.

When he did not receive $1 million allegedly due him, he brought suit in Thai court to have Surathip declared bankrupt. Surathip then sued Frankel in civil courts in some twelve jurisdictions in Thailand for failure to perform the contract, and Frankel was charged criminally for check kiting, a practice which he alleges is common in Thailand and would not have happened had he been paid. Frankel has succeeded in getting one criminal case dismissed. (Frankel's criminal cases appeared to be before two different courts.) The Bankruptcy court held that the evidence would not support a holding that the defendants should be declared bankrupt; however, the translation of the decision could be read as indicating that the court was of the view that Frankel legally deserved to be paid. (The court apparently did not have the authority to order that SIAMTEC be paid on the basis of the contract.)

So far as the Department has ascertained, Surathip is a private corporation and the distillery construction was a private undertaking, not an undertaking of the MOF. While the distilleries were constructed after Surathip received a liquor concession from the MOF, we view the MOF's action as a licensing act. Accordingly, we view the dispute as a contract dispute between the parties and not an act of expropriation.

The Embassy is currently requesting the Ministry of Finance to exert its good offices to resolve the dispute, based on the decision of the Bankruptcy court. A settlement would relieve SIAMTEC from having to initiate a civil suit in Thailand, an action which SIAMTEC states would be expensive and time-consuming.

URUAGUAY—SAYOUS

Background

Mr. Sayous alleges that in 1965 the GOU began a calculated harassment of his businesses (beef slaughterhouse and canning facilities), which caused his business to decline to the point of bankruptcy. In 1967, the businesses sought judicial action in order to prevent auctioning of some of the properties to satisfy judgments of creditors. The moratorium was granted; however, Mr. Sayous was unable to obtain sufficient financing to pay his debts and was unable to reach an agreement with his creditors which would have allowed him to reopen his businesses. In November 1968, the Sayous plants were taken by the GOU pursuant to legislation. Mr. Sayous says he has been in litigation in Uruguayan courts since 1967. Uruguay disagrees that Sayous' valuation of his businesses and argues that Sayous is estopped by laches.

Recent developments

In July of 1989, the GSP Subcommittee accepted for formal review an expropriation petition filed by Mr. Sayous. Mr. Sayous requests that the President suspend GSP eligibility because of the alleged violation of Section 502(b)(4) of the Trade Act of 1974.

The GSP Subcommittee requested that the Expro Group make a determination regarding the technical and legal aspects of whether or not an expropriation had occurred within the context of Section 502(b)(4) (A), (B) or (C) of the Tariff and Trade Act of 1984. In addition, the Group was asked to determine whether Uruguay has made or is making good faith efforts to provide prompt, adequate and effective compensation to the petitioner or is otherwise taking steps to discharge its international obligations under Section 502(b)(4)(D). The Expro Group's determination will be submitted to the GSP Subcommittee in February 1990.

THE PROCESS BY WHICH U.S. INVESTMENT DISPUTES ARE RESOLVED

In the September 13, 1989 Report of the Senate Committee on Appropriations on the Foreign Assistance and Related Programs Appropriations Bill, 1989 (H.R. 2939) the Subcommittee on Foreign Operations expressed concern that disputes between U.S. investors and foreign governments take too long to resolve. The report raises the question whether the U.S. Department of State should be more active in assisting a speedy resolution of such disputes and whether additional legislation would be helpful. This paper outlines the process by which U.S. investment disputes may be resolved.

In many cases, investment disputes are resolved promptly and amicably through negotiation between the parties. In other cases, one or both of the parties take positions that preclude a prompt resolution. In such cases, international law generally requires that local remedies must be exhausted by the injured investor. This allows the host government to provide redress for the injury through its own legal system and reduces the number of international disputes between governments. Exhaustion of local remedies also helps to refine the issues of fact and law, as the two sides have to explain and document their positions. This gives the U.S. Government improved information on the dispute to use in its efforts to assist the U.S. investor.

While local remedies are being pursued, the Department of State actively seeks methods to facilitate an expeditious resolution of the dispute, for example by bringing the dispute to the attention of the appropriate ministry, or by identifying the individual within the host government the U.S. investor should contact to discuss the dispute, or by reminding the host government of its obligations under international law and treaties.

The Interagency Staff Coordinating Group on Expropriations (the "Expropriation Group"), chaired by the Department of State, meets regularly to review the developments in active investment disputes, recommending steps that might lead to a resolution. These steps include direct negotiations between the parties, facilitating actions by the U.S. government, exhaustion of local remedies, and international arbitration or other dispute settlement procedures upon which the parties might be able to agree.

When direct negotiations and local remedies fail to lead to a resolution, the Expropriation Group analyzes the dispute to determine what further action the Department of State should take. Using the infor-

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mation provided by the parties—which should include their positions and evidence developed during the course of their negotiations and efforts to resolve the issue in the host country—the Expropriation Group analyzes, *inter alia*, whether an expropriation (without adequate compensation) or other violation of international law has occurred. Where there has been such an expropriation or violation, the U.S. Department of State makes a formal demarche to the host government seeking prompt, adequate and effective compensation for the U.S. investor. The Expropriation Group also considers whether the Hickenlooper Amendment, the Gonzalez Amendments, the GSP provision of the Trade Act of 1974, and other relevant statutes are applicable and recommends to the appropriate authority (USTR, Secretary of State or Secretary of Treasury) whether statutory sanctions should be applied.

Unfortunately, there are cases where U.S. investors seek to bypass the initial stages of dispute settlement and to go directly to application of sanctions found in U.S. domestic legislation or seek special U.S. legislation to force the host government to settle the dispute on the U.S. investor's terms. The U.S. Government cannot properly relieve U.S. investors of the burden of exhausting available local remedies. This is required by international law and we would require it of foreign investors investing in the United States.

In summary, a U.S. investor's dispute with a foreign government will be most quickly resolved where the U.S. investor enters direct negotiations with the host government, seeks facilitative good offices from the U.S. Department of State, and exhausts all local remedies. If these steps do not yield results, the investor should discuss international arbitration or other dispute settlement procedures with the host government. If local remedies and voluntary dispute resolution mechanisms fail, the investor should provide thorough documentation of the U.S. investor's position to the Expropriation Group and request that the Group take action pursuant to applicable U.S. statutes.

EVENTS IN TRANSYLVANIA

● Mr. **DeCONCINI**. Mr. President, as Chairman of the Helsinki Commission, I was very disturbed by developments last week in the Transylvania region of Romania, an area inhabited by both ethnic Romanians and ethnic Hungarians. At least 300 people were injured and at least 3 people were killed in a skirmish during which scythes and pitchforks were turned against human beings. At a time when many countries are contemplating turning swords into plowshares, an ugly mob turned plowshares into swords.

Romania's provisional Government has now declared a state of emergency in the area and has sent in tanks to restore order. This is a welcome albeit belated act. If the provisional Government is to maintain its credibility, it must quickly and effectively act to protect its citizens from all forms of violence. But it will take more than the strength of Government troops to quell the tensions that were unleashed last week. History has shown that force is no substitute for dialog.

For 40 years, totalitarianism prevented an open discussion between Romanians and Hungarians regarding the issues that divide them. Their differences were repressed, but they did not go away. For the first time in decades, these groups can confront the difficult questions which are at the heart of last week's events. The process of resolving these issues will not be easy, and it may be long. But it must happen: All parties involved—governments and private groups, Romanians and Hungarians—must immediately begin a dialog to resolve their differences. Interethnic violence, long the scourge of central Europe, must not be permitted to undermine the democratic reform movements taking hold today.●

NATIONAL ENDOWMENT FOR THE ARTS

● Mr. **KERREY**. Mr. President, I rise today to discuss the National Endowment for the Arts and their proposal to have their appropriations unrestricted by the language this body attached last year in the midst of the Mapplethorpe-Serrano debates.

I believe the proposal by the National Endowment for the Arts is reasonable and necessary. I believe we should accept the revisions they have made in their review process as sufficient to protect the sensibilities of most.

I also believe that President Bush was correct and deserves a round of applause for supporting this recommendation. He is likely to receive some criticism from certain elements of his own political party. He deserves the recognition and congratulations from Americans who want their tax dollars well spent but who also prefer that art be created independent of political censorship.

Georgia O'Keefe is an artist whose creations have offended very few. I have never heard anyone—even those who do not like her art—describe her paintings as obscene. She would never have gained the additional publicity of being debated on the Senate floor.

However, the freedom to create according to her own thoughts and imagination was just as important to Georgia O'Keefe as it is to every creative person. She, of course, did not have to take advantage of that freedom. It took enormous effort and energy for her to do so. The discipline required of her and other gifted artists taken in an atmosphere of freedom is what enables creation and discovery to occur.

There is a wonderful couple of paragraphs by Georgia O'Keefe which illustrates the importance of our accepting the recommendation of the National Endowment for the Arts:

> It was in the fall of 1915 that I first had the idea that what I had been taught was of little value to me except for the use of my materials as a language—charcoal, pencil, pen and ink, watercolor, pastel, and oil. I had become fluent with them when I was so young that they were simply another language that I handled easily. But what to say with them? I had been taught to work like others and after careful thinking I decided that I wasn't going to spend the rest of my life doing what had already been done.
>
> I hung on the wall the work that I had been doing for several months. Then I sat down and looked at it. I could see how each painting or drawing had been done according to one teacher or another, and I said to myself: "I have things in my head that are not like what anyone has taught me—shapes and ideas so near to me—so natural to my way of being and thinking that it hasn't occurred to me to put them down." I decided to start anew—to strip away what I had been taught—to accept my own true thinking. This was one of the best times of my life.
>
> There was no one around to look at what I was doing—no one interested—no one to say anything about it one way or another. I was alone and singularly free, working on my own—unknown—no one to satisfy but myself. I began with charcoal and paper and decided not to use any color until it was impossible to do what I wanted to do in black and white. I believe it was June before I needed blue.

Mr. President, there is more than good advice for us concerning the National Endowment for the Arts in these good words. There is advice for good living and good politics. But that's the way it is with artists. They are apt to inspire us to do things we did not believe we could do.●

REMEMBRANCE OF AMERICAN HOSTAGES BEING HELD IN LEBANON

● Mr. **CHAFEE**. Mr. President, today I join the students, faculty, and administration of Burrillville High School in recognizing March 16, 1990, as the anniversary of the kidnaping of Associated Press Bureau Chief, Terry Anderson.

With him are seven other Americans being held by pro-Iranian extremists. I would like to read the names of those individuals in hope that Americans across this Nation will continue to remember them:

Thomas Sutherland of the American University of Beirut;

Frank Herbert Reed of the Lebanon International School;

Joseph James Cicippio of the American University of Beirut;

Edward Austin Tracy, author;

Jesse Turner of Beirut University College;

Alann Steen of Beirut University College; and

Robert Polhill of Beirut University College.

Furthermore, I would also like to take this moment to honor Lt. Col. William Higgins who was executed by his captors last summer.

In addition to our fellow Americans, we must also remember all of the

Western hostages who have passed hundreds of days and nights in the custody of hostile captors. Mr. President, it is my hope that a resolution to the hostage crisis in Lebanon will be found so our fellow Americans and friends will again be free.●

ABNER W. SIBAL ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, Members who disagree that congressional term limitation is a concept whose time has come may have lost touch with the folks back home. One need only look to the States and our constituents to affirm the desire this year showed 70 percent of the American public in favor of term limitation. Last year, the State of South Dakota passed a resolution petitioning Congress to adopt, and send to the States to ratify, a constitutional amendment to limit terms. This year, similar resolutions have been introduced in almost 20 states. In February, the legislatures in the State of Utah passed a resolution, and in March, the legislature of my own State, New Hampshire, passed one. I would like to share with my colleagues today, a letter from Mr. Abner W. Sibal, who represented the Sixth District of Connecticut from 1961 to 1965. Mr. President, I ask that Mr. Sibal's letter appear in the RECORD immediately following my remarks, and I again urge my colleagues to consider this important reform.

The letter is as follows:

HARTFORD, CT,
February 27, 1990.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: In response to your letter of February 20 you may certainly cite me as supporting Senate Joint Resolution 235, and I congratulate you and Senator De Concini for sponsoring it.

The changes which have led to abuse in fund-raising practices over the relatively recent past, coupled with abuse of the frank have almost eliminated issues, ability and integrity as the important factors in congressional elections. It's regretable that steps such as yours must be taken since many members with longer service than 12 years have served with distinction, but Congress must regain the confidence and respect it once enjoyed as a coequal branch of government and it appears that Senate Joint Resolutionis 235 is a way to move toward that goal.

Sincerely,

ABNER W. SIBAL,
Attorney at Law.●

HUMAN RIGHTS IN CUBA

● Mr. MACK. Mr. President, I would like to submit for the attention of the Senate a resolution passed by the Governor and cabinet of the State of Florida on the human rights situation in Cuba. The resolution calls for the release of three long-term political prisoners: Mario Chanes de Armas, Ernesto Diaz Rodriguez, and Alfredo Mustelier Neuvo. All three have suffered over 20 years in Cuban prisons. Mario Chanes has been held in prison longer than any other known political prisoner in the world today—28 years.

In a letter to the United Nations Secretary General Javier Perez de Cuellar, Florida Governor Bob Martinez said the resolution "celebrates the spirit of freedom that burns in the hearts" of Cubans who have worked to attain freedom and democracy for the people of Cuba.

As we celebrate the wave of freedom that has swept Eastern Europe, Panama, and now Nicaragua, we must not forget the people of Cuba. As Fidel Castro becomes increasingly isolated, he has also become more desperate. Now is the time for all free peoples to stand with the people of Cuba, and let them know we will not forget them.

I commend Governor Martinez for this resolution and, as a cochairman of the Senate Cuba Freedom Caucus, ask that the State of Florida resolution of March 5, 1990, be included at this point in the RECORD.

The resolution is as follows:

RESOLUTION

Whereas, January 28, 1990, marked the 137th anniversary of the birth of Jose Marti, the Apostle of Cuba's independence from Spain; and

Whereas, Jose Marti denounced the oppressive Spanish regime, proclaimed freedom and preached the revolution for independence initially by giving lectures, writing articles, delivering speeches, uniting his countrymen and attracting support and resources throughout the United States and especially in Tampa and Key West; and

Whereas, February 24, 1990, marked the 95th anniversary of the outbreak of the Revolution for Independence from Spain which Jose Marti proclaimed and preached and for which he ultimately gave his life on the battlefield on behalf of the freedom of his beloved country, Cuba; and

Whereas, recent events in Eastern Europe have brought international attention to the popular wave of uprisings, peaceful or otherwise, that have been sweeping from Poland and Hungary to Czechoslovakia, Germany, Bulgaria and Romania; and

Whereas, freedom-loving people through the civilized world are becoming increasingly aware of the perverse, oppressive nature of the Communist regimes that have been ruling through repression, terror and bloodshed not only in Eastern Europe but also in some Latin American countries of the Western Hemisphere; and

Whereas, homes have been destroyed by the repressive regime and families have been separated because many thousands of Cubans have been forced to flee their homeland because of the tyrannical reign of Fidel Castro; and

Whereas, many brave men who stood up to Castro's regime of terror and bloodshed have been thrown into dark dungeons and forgotten for decades; and

Whereas, Mario Chanes de Armas, whose family now lives in south Florida was sentenced to 30 years in Castro's prisons and has been incarcerated for nearly 29 years; and

Whereas, Ernesto Diaz Rodriguez, whose family now lives in south Florida was sentenced to 40 years in Castro's prisons and has been incarcerated for nearly 29 years; and

Whereas, Alfredo Mustelier Nuevo, whose family now lives in south Florida, was sentenced to 25 years in Castro's prisons and has been incarcerated for more than 20 years; and

Whereas, these three "plantado" prisoners who have suffered cruel mistreatment and unjust captivity have given up the most precious years of their lives to the cause of democracy and freedom in Cuba and to the opposition of a communistic regime; and

Whereas, their only crime has been a love of their country and a commitment to restore it to freedom, democracy, justice and social well-being.

Now, therefore, be it resolved, that the Governor and Cabinet of the State of Florida do hereby recognize the 137th anniversary of the birth of Cuba's Apostle for Independence, Jose Marti, and the 95th anniversary of the outbreak of the Revolution for Independence, under the leadership of Jose Marti, and take the opportunity to support whatever efforts and sacrifices the people of Cuba undertake in their struggle to overthrow tyranny, oppression and servitude in their country.

Be it further resolved that the Governor and Cabinet join with many other voices from around the world in calling for an immediate cessation to the prolonged, unjust and cruel confinement of the Cuban "plantado" political prisoners; Mario Chanes de Armas, Ernesto Diaz Rodriguez and Alfredo Mustelier Nuevo.

In testimony whereof, the Governor and Cabinet of the State of Florida have hereunto subscribed their names and have caused the Official Seal of the State of Florida to be hereunto affixed in the City of Tallahassee on this 5th day of March 1990.●

AUTHORITY FOR PRODUCTION OF RECORDS

Mr. BAUCUS. Mr. President, on behalf of the majority leader and the minority leader, I send to the desk a resolution to authorize production of Senate records, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 266) to authorize production of records by the Senate Permanent Subcommittee on Investigations.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MITCHELL. Mr. President, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into allegations of fraud and other wrongdoing in Federal student loan programs. The inspector general of the Department of Education currently is conducting a related investigation and, in aid of his office's

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inquiries, has asked the subcommittee for access to records of its investigation. The inspector general will be coordinating his investigation with the Department of Justice.

Senators NUNN and ROTH, the chairman and ranking minority member of the subcommittee, would like to be able to respond to authorized requests for pertinent subcommittee records. This resolution would authorize the chairman and ranking minority member, acting jointly, to provide access to, and release of, records of the subcommittee's investigation as well as to determine the mode of any disclosure.

The **PRESIDING OFFICER**. The question is on agreeing to the resolution.

The resolution (S. Res. 266) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 266

Whereas the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has been conducting an investigation into allegations of fraud and other wrongdoing in federal student loan programs;

Whereas the Inspector General of the Department of Education has requested access to records of the subcommittee's investigation for use in a current related inquiry which he will be coordinating with the Department of Justice;

Whereas by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that documents, papers, and records under the control or in the possession of the Senate are needful for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That the chairman and ranking minority member of the Permanent Subcommittee on Investigations, acting jointly, are authorized to provide to the Inspector General of the Department of Education and to the Department of Justice records of the subcommittee's investigation of allegations of fraud and other wrongdoing in federal student loan programs.

ORDERS FOR TOMORROW

RECESS UNTIL 9 A.M.; MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m. Wednesday, March 28; that following the time for the two leaders there be a period for morning business not to extend beyond 9:30 a.m. with Senators permitted to speak therein for up to 5 minutes each.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, on tomorrow, Wednesday, the Senate will resume consideration of the clean air bill at 9:30 a.m. Mr. President, on tomorrow, for the information of Senators, I fully anticipate that rollcall votes will occur throughout the day and into the evening.

Mr. CHAFEE. Mr. President, I would like to add that we will be taking up the Specter amendment tomorrow at 9:30, that there is a 2-hour time agreement on that. That will take us to 11:30. We seek other amendments to take up after that debate to debate.

Starting at 9:30 we will be dealing with the Specter amendment.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAUCUS. Mr. President, if the distinguished acting Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m. Wednesday, March 28.

There being no objection, the Senate, at 8:14 p.m. recessed until Wednesday, March 28, 1990, at 9 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate March 27, 1990:

RESOLUTION TRUST CORPORATION

JOHN J. ADAIR, OF VIRGINIA, TO BE INSPECTOR GENERAL, RESOLUTION TRUST CORPORATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Tuesday, March 27, 1990*

The House met at 9 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, O loving God, not only to do what can be done for good in our lives and in our world, but also to do what needs to be accomplished for justice and right living. May Your spirit so strengthen our spirits that we will not be content with the easier road of expediency, but truly speak the truth and do the works of justice and peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from California [Mr. EDWARDS] will please come forward and lead the House in the Pledge of Allegiance.

Mr. EDWARDS of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, March 22, 1990, the House will stand in recess subject to the call of the Chair.

The House is now in recess.

Accordingly (at 9 o'clock and 1 minute a.m.), the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE 101ST CONGRESS IN COMMEMORATION OF THE 100TH ANNIVERSARY OF THE BIRTH OF DWIGHT DAVID EISENHOWER

During the recess the following proceedings took place in honor of the 100th anniversary of the birth of Dwight David Eisenhower, the Speaker of the House of Representatives presiding.

The Doorkeeper, the Honorable James T. Molloy, announced the Members of the U.S. Senate, preceded by the President pro tempore (Mr. PRYOR), who entered the Hall of the House of Representatives, taking the seats reserved for them.

The SPEAKER. In accordance with the provisions of Senate Joint Resolution 237, the joint meeting to commemorate the 100th anniversary of the birth of Dwight D. Eisenhower will come to order.

The Doorkeeper announced the Joint Armed Forces Color Guard.

The historical colors were carried into the Chamber; the flag was carried into the Chamber by the color bearer, and a guard from each of the branches of the Armed Forces.

The national anthem was presented by the U.S. Army Band.

The color guard saluted the Speaker, faced about, and saluted the House.

The flag was posted, and the Members and guests were seated.

The Chaplain of the U.S. House of Representatives, Rev. James David Ford, D.D., delivered the following invocation:

We are grateful for this day, O God, and for all the gifts of life, for family and friends, for the gifts of understanding and tolerance, for words of grace and deeds of peace, for the gifts of faith and hope and love.

On this day we remember all those people who have served You by serving others, and we especially recall him whom we honor this day. May the story of his life, both his great acts of leadership done for the multitudes of people and his gracious spirit which showed respect to each person remind us of Your call to be ambassadors of good will and stewards of every gift of life.

May the duty and honor of serving You and our country ever enable us to take pride in our calling and make us faithful in Your service.

O gracious God, may we so live our lives that we will be the people You would have us be and do those things that honor You and serve all people about us so that justice will roll down as waters and righteousness like an ever flowing stream. Amen.

The SPEAKER. The Chair recognizes the Honorable BOB DOLE of Kansas, Republican leader of the Senate and Chairman of the Dwight David Eisenhower Centennial Commission.

Senator DOLE. Good morning. On behalf of the National Eisenhower Centennial Commission, it is my privilege to welcome you to ceremonies honoring a great American hero—who just happens to be the favorite son of Kansans everywhere. Throughout this centennial year, Dwight Eisenhower is being recalled as a historical giant—the architect of Operations Overlord and the statesman behind Atoms for Peace. But for millions the world over who "still like Ike," he remains a reassuring symbol of the extraordinary qualities that lie within seemingly ordinary people.

He once wrote: "I believe fanatically in the American form of democracy, a system that recognizes and protects the right of the individual, and that ascribes to the individual a dignity accruing to him because of his creation in the image of a supreme being."

Such values do not just happen.

Ike's Kansas upbringing taught, even as it tested. "I have found out in later years we were very poor," he said when he went back to Abilene in 1947 to lay the cornerstone of a museum bearing his family's name; "but the glory of America is that we didn't know it then. All that we knew was that our parents—of great courage—could say to us: 'Opportunity is all about you. Reach out and take it.' "

Opportunity is what Eisenhower had in mind when he stood in London's ancient Guildhall in the spring of 1945 and declared: "I come from the very heart of America." Opportunity was a fitting epitaph for the five-star general of the Army who made his final homecoming in an $80 regulation casket, to lie in a plain stone chapel on the edge of the Kansas prairie. Opportunity is Ike's legacy—the demand echoing from a 1,000 street corners—in Prague, Panama City, Managua, Moscow, and Bucharest.

A century after his birth, we recognize the man from Abilene as a symbol of democratic opportunity in a world where old oppressions are crumbling like the wall that once artificially divided East from West. For no man did more to rid our planet of the Nazi scourge. No one gave more in the cold war against human enslavement. And no one deserves more gratitude from a world waking up to its own potential.

It is easier to win a war than to make peace; Dwight Eisenhower did both. Along the way, the boy whose values took root in the rich black earth of Dickinson County, KS, grew to embody the American dream. Thanks to him, the dream lives in every land. Nearly half a century after he liberated Fortress Europe, Dwight Eisenhower is still releasing humanity from bondage. To those still in darkness, he represents the bright light of freedom. And by that light, we can all find our way home. Thank you.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The SPEAKER. We are honored to have today members of the Eisenhower family, the general's son, John Eisenhower, his grandson, David Eisenhower, and his granddaughters, Barbara Ann Eisenhower, Susan Eisenhower, and Mary Jane Atwater, together with numerous great-grandchildren.

Will they please rise and be acknowledged?

[Applause.]

We are also honored to have with us today many members of the Eisenhower administration and associates of the late President. Will they kindly rise and be recognized.

[Applause.]

The names of the honored guests and their association with the Eisenhower administration are as follows:

Ned Beach, naval aide to the former President;

Herb Brownell, former Attorney General;

Warren Burger, former Assistant Attorney General, who was appointed to the U.S. court of appeals by the former President;

Gen. Andrew Goodpaster, staff secretary to the former President;

Karl Harr, special assistant to the former President and Vice Chairman of the Operations Coordinating Board;

Roemer McPhee, associate counsel to the former President;

Doug Price, executive assistant to the former President;

Ambassador Maxwell Rabb, Presidential Assistant to the Secretary of the Cabinet;

William Rogers, former Attorney General;

Eugene Rossides, assistant to the Undersecretary of the Treasury;

Raymond Saulnier, Chairman of the Council of Economic Advisors;

Maurice Stans, Director of the Bureau of the Budget;

And Abbott Washburn, Deputy Director of the U.S. Information Agency.

We are also honored to have the former Speaker of the House, the gentleman from Massachusetts, Thomas P. O'Neill, Jr.

[Applause.]

We are honored to have present the Ambassadors to the United States of Great Britain, France, Italy, and the Union of Soviet Socialist Republics, along with other guests. We would like to honor them at this time.

[Applause.]

The Chair wishes to acknowledge the invaluable assistance of the delegations of Kansas and Pennsylvania who contributed to the organization of this centennial recognition.

Will the members of those delegations please stand and be recognized?

[Applause.]

The U.S. Army Band and the U.S. Military Academy Glee Club will now present the Battle Hymn of the Republic.

The U.S. Army Band and the U.S. Military Academy Glee Club presented the Battle Hymn of the Republic.

The Chair now recognizes Mr. Walter Cronkite, distinguished television journalist, who conducted numerous interviews with the late President Eisenhower.

Mr. CRONKITE. Mr. President pro tem, Mr. Speaker, ladies and gentlemen of the Congress and distinguished guests, each of us who is old enough and lucky enough to have known President Eisenhower personally, of course will carry our memories of him with us forever. And our impressions of him will be our own, our assessment of the man shared in a greater or lesser degree by others who knew him.

When he was President I was inclined to concur in the general press corps wisdom that, with the military staff system and delegation of authority he had brought to the White House, he did not have intimate touch with many of the decisions of his administration.

After he left the Presidency and we were doing his memoirs at Gettysburg, I found out how wrong I was. We taped every morning for a week—a total of more than 13 hours. Each day I had a lapful of detailed notes. He had none. And yet I found he had excellent recall of even the arcane details of all the important debates within, and the actions taken, by his White House.

And so it is that I do not subscribe to the allegations of some detractors who, perhaps disturbed that some of his views conflicted with their own political positions, set forth the proposition that he read the speeches prepared by his writers without full knowledge, or even necessarily agreement, with the words he spoke.

To the contrary, the evidence in his public pronouncements of changing positions on important issues, was evidence also of almost certainly the most important ingredient of political leadership—courage.

It is a paradox that for a nation that professes its love of peace, the heroes among its leaders should be those who presided at war. George Washington, Abraham Lincoln, Ulysses S. Grant, yes and Jefferson Davis and Robert E. Lee, and Woodrow Wilson, John J. Pershing, Franklin Roosevelt, and Dwight David Eisenhower.

And it is a frightening fact that as we inscribe each name following another on our national roll of honor, the wars over which they presided, we note, are the greater—the destruction greater, the toll in human life the larger.

Of these, our heroes, only one led great armies of men not pledged to him by reason of a common citizenship and he was called to this position not alone because he represented the most powerful of the allied nations.

He was chosen at least in part, and in part most fortuitously, because he possessed the magic magnetism that could draw together in common cause those of differing opinions and clashing egos. In short, he was a leader.

It was the greatest war in history, Dwight Eisenhower's war. He led the British, the French, the Belgians, the Dutch, the Danes, the Norwegians—he led the greatest allied army ever assembled, and he led them to victory.

Dwight David Eisenhower was the greatest hero of the greatest war in history.

As a military leader, he spoke the language of his profession.

Here are some of the things Gen. Dwight David Eisenhower said of war:

Upon accepting Russia's Order of Victory in 1945:

> We are going to have peace even if we have to fight for it.

In a speech on World Peace to Columbia University in 1950:

> Until war is eliminated from international relations, unpreparedness for it well might be as criminal as war itself.
>
> Far better risk a war of possible annihilation than grasp a peace which would be certain extinction of free man's ideas and ideals.

In his inaugural address in 1953 he said:

> We like to repeat "there never was a good war or a bad peace." But war has often provided the setting for comradeship and understanding and greatness of spirit—among nations, as well as men—beyond anything in quiet days, while peace may be marked by, or may even be the product of chicanery, treachery, and the temporary triumph of expediency over all spiritual values.

But, once sitting in that Oval Office on Pennsylvania Avenue, carrying now on his shoulders the burden of America's power and the world's aspirations, while surely his views on preparedness did not change, his perspective broadened. Then we heard from Dwight David Eisenhower, the man of peace, and these are some of the things he said—these are some of the things President Dwight David Eisenhower said:

> I like to believe that people in the long run, are going to do more to promote peace than our governments. Indeed, I think that people want peace so much that one of these days, government had better get out of their way and let them have it.

And President Eisenhower, the leader, said this:

> Throughout history, the idea of peace has been pursued by great minds of many nations * * * Yet in efforts to achieve and preserve it, passion, greed, and arrogance have persistently defeated wisdom, tolerance, and humanity.

And Dwight David Eisenhower said:

> Arms alone can give the world no permanent peace, no confident security. Arms are * * * only a costly insurance. They cannot add to human progress.

And he said:

> Disarmament, with mutual honor and confidence, is a continuing imperative. Together we must learn how to compose differences, not with arms, but with intellect and decent purpose.

Dwight David Eisenhower, successful leader of the greatest military force ever assembled in the most terrible war ever fought, said this as President of the United States:

> Every gun made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children.
>
> The cost of one modern heavy bomber is this: a modern brick school in more than thirty cities. It is two electric power plants, each serving a town of 60,000 population. It is two fine, fully equipped hospitals. It is some fifty miles of concrete highway.
>
> This is not a way of life at all, in any true sense. Under the cloud of threatening war, it is humanity hanging from a cross of iron.

That is what Dwight David Eisenhower, a leader of men and nations, said of war and peace.

In honoring his memory, we all might do well by honoring his words.

[Applause.]

The SPEAKER. Among those who served in the Eisenhower administration who are present today, the Chair would like to recognize the presence of the former Chief Justice of the United States, Warren Burger, the former Attorney General of the United States, Herbert Brownell, and the former Secretary of State, Secretary Rogers.

[Applause.]

The Chair recognizes Mr. Winston S. Churchill, Member of Parliament, and grandson of the late Sir Winston Churchill, former Prime Minister of Great Britain.

Mr. CHURCHILL. Mr. President, Mr. Speaker, Senator PRYOR, Members of the Senate and the House of Representatives.

As an Englishman, I regard it as a high honor to be invited to pay tribute to a great American. As a Member of the House of Commons, I count it a signal privilege to address this august legislature, with whose ideals, principles, and procedures our own Parliament has so much in common. As a Churchill, I am conscious that my grandfather, whose name I have the honor to bear, addressed this great Congress on no less than three occasions. Like him, I can proudly lay claim to an American mother, albeit not by birth but by her marriage to a distinguished American, Averell Harriman.

On behalf of the Speaker of the House of Commons and our Prime Minister, Margaret Thatcher, I bring you the greetings of the British Parliament on this historic occasion.

If it is as 34th President of the United States that Dwight Eisenhower is most remembered in America, it is as Commander-in-Chief of the Allied Armies in World War II that he is recalled in Europe. It was under his command that hundreds of thousands of British and Commonwealth troops participated in the momentous D-Day landings on the Normandy beaches in June 1944 and marched with him to victory over the Nazi tyranny. The survivors of that great army of 3 million Americans and 2 million British recall him with enduring affection simply as "Ike."

This is a year of historic anniversaries. On May 10, 50 years ago, Winston Churchill became Prime Minister of Great Britain, as the rest of Europe was collapsing before the shock of Hitler's "Blitzkrieg." It is also the 50th anniversary of the Battle of Britain, in which a few hundred British pilots—young men in their teens or early 20's—together with volunteers from the United States—the glorious Eagle Squadron—and others from Poland, Czechoslovakia, and France, broke the onslaught of the German Luftwaffe and frustrated Hitler's designs for the invasion and occupation of Britain.

While Churchill had a deep conviction and resolve that the British nation, with the support of our Commonwealth and Empire overseas, would never be defeated in our island, he knew that it would only be with the full hearted participation of the United States that Europe could ultimately be liberated. Thus, for 18 months, Britain soldiered on alone, embattled and blitzed, until the United States was brought into the fray.

Without the United States there would have been no liberation. Without Britain there would have been no springboard to make that liberation possible. It was a noble and glorious undertaking in which our two nations were joined. It is no exaggeration to say that, but for the exertions and sacrifices of the British and American peoples, the Nazi swastika would, to this day, be flying over the capitals of Europe and there would have been no end to the tyranny of occupation, the terror of the Gestapo or the monstrous torture, degradation, and slaughter of civilians in the concentration camps.

It was under the command of General Eisenhower that Europe—or at last half of it—was liberated. How thrilled he and Churchill would be today, to see the peoples of Eastern Europe at last emerging as free nations from a nightmare of 50 years' occupation, first under the Nazis, then the Soviet Red Army.

Forty-five years on from that great victory, purchased with the sacrifice of over 450,000 British and 300,000 American lives, and 100 years on from his birth, we in Britain, join with you in the United States, in saluting the name and the memory of Dwight D. Eisenhower.

A farmboy from Abilene, KS, he led the armies of 20 nations to victory in the greatest war of history. A son of America, he liberated Europe.

He will forever be revered among those nations who, like my own, were his comrades-in-arms and remembered with abiding gratitude by those nations which were liberated, under his command, from the most monstrous and vile tyranny that has ever defiled this Earth. Thus will Eisenhower be remembered.

[Applause.]

The SPEAKER. The U.S. Army Band will now present the musical tribute "Soldier of Democracy."

The U.S. Army Band presented the musical tribute, "Soldier of Democracy," an original arrangement by Sgt. Maj. James Kessler and Mark Murray, Sgt. Maj. Bill Fox narrating, with the accompanying text, as follows:

West of Topeka, the trees gradually disappear, and one can see only the rolling plains of Kansas. Grain elevators, those cathedrals of the Middle West, mark the village of Abilene. Abilene, an oasis on the plain and northern terminus of the Old Chisholm Trail, was the place that Dwight David Eisenhower began his journey to his "rendezvous with destiny."

This road would lead to West Point, North Africa, and Italy, to Normandy and to the Elbe, and to the White House. As a boy he absorbed the standards of conduct of the Old West. He learned that a man was honest and aboveboard. He was physically tough, and always prepared to defend himself. He met his enemy in a standup fight. He took a stranger at face value and expected his attitude to be reciprocated. And he was chivalrous toward women. He later reflected upon these values, "I was raised as a boy to prize that code." His love of country and desire to serve led to his admission to West Point. His class, the class of 1915, was to be known as the class the stars fell on. One-third of the class became generals.

During the years between the wars he polished his talents and mastered his profession. Perhaps he was most influenced by Maj. Gen. Fox Conner, under whom he served in Panama. It was Conner who said to Ike: "Take your job seriously, never yourself." Later, matured, he came to the attention of Gen. George C. Marshall. This was a major milestone on his journey. Marshall's confidence and trust in him propelled him to lead the greatest crusade of men under arms in the history of the world. At 0415 hours on the morning of the 5th of June, 1944, he issued a simple three-word order: "OK, we'll go." These simple words triggered a war machine unlike any in history; to land on the Normandy shore

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and liberate the continent of Europe from Nazi domination. He now joined the ranks of the great military leaders of the world. Eisenhower's personality, style, and deep sense of human understanding gained the confidence of the allies. He had framed an alliance as effective as any fighting coalition in history. Speaking at Guild Hall in London after the war, Eisenhower said:

> I am not a native of this land. I come from the heart of America. To preserve his freedom of worship, his equality before law, his liberty to speak and act as he sees fit, a Londoner will fight, and so will a citizen of Abilene. When we consider these things, the valley of the Thames draws closer to the farms of Kansas and the plains of Texas. No petty difference in world trade, traditions, or national pride should ever blind us to our identities in priceless values.

The war now over, his country again called him to duty. He became our 34th President. The American people completely trusted him to lead the entire Nation through the cold war era of the 1950's. After nearly a half century in the service of his country and to the world, he left for his farm in Gettysburg. He was active to the end. His advice and counsel to the Nation's leaders kept alive his values and ideals. His journey ended on the plains of Kansas where it had begun: he was returned to the land he loved in an $80 soldier's steel casket. The soldier of democracy was now at rest. As the final salute was sounded, the Nation sorrowfully savored his last words: "I've always loved my wife, I've always loved my children, I've always loved my grandchildren, and I have always loved my country."

[Applause.]

The SPEAKER. The Chair recognizes the Honorable Clark M. Clifford, former Secretary of Defense, Special Counsel to the late President, Harry S. Truman, and Presidential adviser.

Mr. CLIFFORD. This is a solemn occasion, but it is also a joyous one, joyous because we recognize a life of almost incredible accomplishment and almost unbelievable success; joyous also because we honor a man who led the forces of democracy in destroying the legions of tyranny.

It is splendid to have Arnold Palmer here today. Ike enjoyed golf. It was important to him, gave him the relaxation and fellowship that a President needed. He loved golf, and he also loved a golf story.

I had an instance occur one time, and I told him about it. He liked it, so I will tell you.

Senator Symington called me one morning and said Bob Hope was in town, and wanted a golf game, and would I join him, and I said, "Of course." We had an awfully good match. When we reached the 17th green, the match was all even, and the bets had doubled and redoubled. I had about a 12-foot putt I wanted very much to sink. I'm a little slow on the golf course, I might add. I was even slower this time. I looked at it from this angle, and the other angle, and then this side and that side, and then I got back over, and, just as I was about to putt, Bob Hope said, "While Clifford is putting, your clothes go out of style."

When the Second World War was over, General Eisenhower returned to this country and became Chief of Staff of the Army. I was serving as White House Counsel in the Truman administration, and, during the years he held that position, 1945 to 1948, we worked very closely together, sometimes at weekly intervals, sometimes daily.

Because of the time limitations, I'm going to address myself to but one conversation that I had with the General on a particular occasion. We had finished the meeting with the President in the cabinet room. We sat there talking because he had a later meeting with the President that was not to take place for another hour, and, as he talked, he began to reminisce about the concluding days of World War II. As Supreme Commander, he came from the west, and the Soviets were coming from the east and ultimately took Berlin as the Third Reich was destroyed. He said that he had an instance he wanted to tell me about because it had always stayed in his memory.

He had a visit with Marshal Zhukov, the Soviet Supreme Commander, at a meeting they had together in Berlin, and, as professional soldiers, they went back over the campaigns and recalled incidences. He said he told Zhukov about one occassion as they were following the Germans very closely and pressing them very hard; they came to a valley over the Ardennes, and the Germans had mined it with thousands of antipersonnel mines, and he told Marshal Zhukov, "It took us 2 days to clear that field so we could get our troops through there." As he said that to Zhukov, he noticed that bitter, cynical smile on Zhukov's face. Zhukov said, "General, we encountered the identical problem as we came from the east. It took you 2 days to clear the field? I cleared ours in less than an hour."

And General Eisenhower said, "Why that's unbelievable, Marshal. I can't believe that. How did you do it?"

And Zukov said, "I sent a division through there."

The Russian division at the time consisted of 8,000 men. General Eisenhower said that was a shocking disclosure. He said that it so dramatically represented the fundamental difference between their attitude and ours, that in our country the importance of the individual was primary. The Government was established for the individual. The individuals controlled the country through the ballot box. In the Soviet Union, the individual was but an instrument of state.

How right he was, because our forefathers recognized that. Remember the brave language, that each individual has the right to life, liberty, and the pursuit of happiness, and those glorious words of our forefathers when they finished that declaration in which they said, "And we support these principles and herewith dedicate our lives, our fortunes and our sacred honor."

I believe we would do well as we approach the opportunities of this period to give attention to those words of General Eisenhower's because the gulf between our two nations remains so wide. We must accomplish all that we can, and we hope that we will get the concord that the world needs. But let us do it conscious of this basic difference in our systems.

On one other occasion, General Eisenhower and I were together for quite a while, and he talked some about his boyhood. I recognized it because my generation perhaps came just at the latter part of General Eisenhower's generation. He told me about how different his boyhood was. There were no radios, no televisions, no automobiles, no electric light, and he said, "I guess young people today won't know what we did." He said, "I know what we did. We read."

The word that we received, the information received, then came from the printed word, and he mentioned, interestingly enough, a poem that had a great impact on him as a young boy and as a young man, and I listened with great interest because I had gone through the same experience with this poem. And later on, as his responsibilities increased, and particularly when eyes of the world watched the agony of decision as we were facing the exact correct time to start the invasion of France, I wondered how he stood that strain. I wondered whether the stress has effected him, but it did not, and I thought possibly that poem that he told me about that had impressed him as a young man might have had some impact upon him. I think it probably did.

The fact is, as you look at his life and accomplishments, the poet, Mr. Henley, and the title of the poem, "Invictus," Dwight Eisenhower could well have been the personification of what that poet, Mr. Henley, was writing about at the time.

It is a short poem. I will read it to you.

INVICTUS

Out of the night that covers me,
  Black as the pit from pole to pole,
I thank whatever Gods may be
  For my unconquerable soul.

In the fell clutch of circumstance
  I have not winced nor cried aloud.

Under the bludgeonings of chance
 My head is bloody, but unbowed.

Beyond this place of wrath and tears
 Looms but the horror of the shade,
And yet the menace of the years
 Finds and shall find me unafraid.

It matters not how strait the gate,
 How charged with punishments the scroll,
I am the master of my fate:
 I am the captain of my soul.

[Applause.]

The **SPEAKER**. The Chair recognizes Mr. James D. Robinson III, Chairman of the Eisenhower Centennial Foundation and Vice Chairman of the Dwight David Eisenhower Centennial Commission.

Mr. **ROBINSON**. Mr. Speaker, good morning. As a citizen and a businessman, it's a great honor to be part of this special tribute to Dwight Eisenhower.

This centennial year of celebration is indeed a time to reflect on the achievements of the Eisenhower years. A time to reflect on his vision of an interdependent world. When the world looked to the United States for leadership, Dwight Eisenhower provided it.

His Presidency brought prosperity to America—and to economies around the world.

He balanced the budget, stopped inflation, ended the fighting in Korea.

He preserved the peace in some of the most difficult years of the Cold War.

His vision was global: It recognized the benefits of expanding and opening world markets, of widening membership in the world economic community, of building an international framework for open trade.

Eisenhower's blueprint served well through the 1950's and sixties, the seventies and eighties. Now, it's ideally suited to the 1990's.

Eisenhower knew that real strength lies not in power amassed, but in power shared.

In that spirit, he promoted a unified Europe even before the 1957 Treaty of Rome created the European Common Market.

In that spirit, he sought Japan's participation in the world economy.

He was an architect of the postwar trading system—instrumental in broadening the mandate of the General Agreement on Trade and Tariffs.

He said:

> For our own security, we require that our allies become economically strong. Trade is the only solution.

Eisenhower knew that poverty and underdevelopment hurt not just poor nations themselves but the international economy as a whole.

He played an important role in nurturing the World Bank and International Monetary Fund—bodies that today help less developed countries cope with the crippling burden of foreign debt.

He created the International Finance Corporation to help attract private capital to the developing world.

Eisenhower saw the need to lay the foundation for a time when the Communist bloc nations and the West could begin a new era of peace and trade.

He said:

> Take courage, from the sure knowledge that the current of world history flows toward freedom.
>
> In the long run, dictatorship and despotism must give way.

He was right. He was often right. How pleased he would be with world events today.

Behind his plain-spoken demeanor was an intelligence wise in the ways of men and the tide of history.

Decency radiated from Eisenhower, and defined him. It shaped his thinking, shaped his firm and open spirit.

Millions of Americans—and many millions of people all over the world—have reaped the benefits.

Looking toward the next century, we see a need for leadership with a vision similar to Eisenhower's, a vision of an interdependent, prosperous and peaceful world.

The United States can and must provide that leadership—leadership made even sounder by drawing upon the best of our political, business, civic, religious, and labor resources—together in partnership.

What a fitting tribute to Dwight David Eisenhower that would be.

Thank you.

[Applause.]

The **SPEAKER**. The Chair recognizes Mr. Arnold Palmer, professional golf champion and friend and former golf companion of President Eisenhower's.

Mr. **PALMER**. Thank you very much.

Mr. Speaker, Members of Congress, ladies and gentlemen, I am pleased to be here. I feel a lot better over that 3-foot putt for Nicklaus, and Trevino and Player than I feel right here now, but I am extremely proud to be here.

My experiences with General Eisenhower, President Eisenhower, are ones that all America should have the opportunity to know about and to know the person.

I met President Eisenhower in Augusta in 1958. I was given a clue before the final round of the Masters Golf Tournament, which he dearly loved, that there was a good chance that, if I won, I might have the opportunity to play golf with the President of the United States. I don't know how many of you in this room understand how much pressure is on to win the Masters Golf Tournament, but, if you couple that pressure with the thought that you might play golf with the President of the United States the next day, you can imagine what I went through for the final 18 holes on that Sunday in April 1958.

I won that golf tournament, and I told my wife, Winnie, that we were going to play golf with the President the next day, and in the same sentence I said, "Winnie, I want you to write Iron Man," who was my caddie, "a check," and it was normal to do a sizable check for the caddie who was working for you when you won the Masters, and I said, "Make it"—I had won $14,000 in that tournament. In 1958 that was a lot of money. I said, "Make it for $1,400."

Later that evening Winnie wasn't very excited about my playing golf with the President of the United States the next day. She wrote the check for $14,000.

That was the beginning of something that, I guess, I can't give you in words. It started a relationship with a general, a President, a private citizen, a man who to Americans stood for just about everything we live for. He was a sportsman, he was a leader, a military leader, he was a President, and probably, just as importantly to all of us Americans, he was a private citizen, and he conducted himself in that way.

Another story about President Eisenhower:

A number of years ago, on my 37th birthday, my wife decided that there wasn't a great deal that she could do for my birthday. So, she decided that she would do something different. She called Mrs. Eisenhower. She said, "How would you like to surprise Arnie and be his birthday present?"

Much to her happiness and surprise, Mrs. Eisenhower said, "Winnie, we would love to surprise Arnie."

It wasn't just that simple. The President wanted to fly. Mrs. Eisenhower wanted to drive. As it turned out, my wife sent an airplane, my own plane, to pick up the President, and Mrs. Eisenhower chose to drive in her car. I must say that it's not many people in America who have this opportunity, but it sort of tells you about America, and it tells you about a President and a man.

We spent a weekend together. We had an opportunity to watch a football game. The ladies went and watched a musical, and we went back in the back bedroom and watched a football game on television and did men's talk.

I don't have to tell you that a birthday like that you remember forever, but I remember the things that he's talked about and the things that were important to him, his personal warmth, his interest in America, his interest in history, his interest in people all over the world. That was one of the things that caught my attention and something that I will never, never forget. It was something, that made a general who all of us lived

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in awe of, a President who none of us could have imagined, sit down to the breakfast table in our pajamas and a robe, talking about his life and his doings for so many years and feeling like he wanted you to know what it was all about.

I suppose one of the greatest things that I remember about Ike—and I say "Ike" with great reverence, because I asked him the morning he arrived for my birthday what I should call him. Mr. President? General?

He said, "Arnie," he said, "when we're alone, you call me whatever you want." He said, "I like 'Ike,' " and he said, "When we're in company, if you want to be more formal, that's perfectly all right with me."

That was another privilege of someone, Arnold Palmer, born and raised in Latrobe, PA, and son of a golf pro who raised chickens and pigs to eat, that you would never believe.

President Eisenhower had probably more integrity than most people you would ever want to meet. He really liked a good joke, a clean joke. He was not great on profanity, unless he missed a short putt. He was really a no-nonsense man, and I guess I can't translate to you, the people of America, how important he was to all of us private citizens, to sports throughout the world.

My last visit with President Eisenhower was a call that I had that he was at the Walter Reed Army Hospital not doing very well, and he expressed an interest in having a visit from Winnie and myself, one that we were just extremely flattered to get and one that made us feel we could not do anything but appear. We did, and, as usual, President Eisenhower gave us that same warm reception that we had always received. We walked into his hospital room, and it's very difficult to imagine. He was very ill, and his first words were, "By gosh, it's great to see you kids."

Think about it. It's something that today makes chills run up and down my back and makes me think what a great friend I had.

I will close by saluting President Eisenhower on behalf of all the private citizens in America and the world and on behalf of all the athletes who, I think, I have some right to represent here, for what he has done to the world, to America, and given us in his lifetime. I am thanking him for his tenure in America. Thank you.

[Applause.]

The SPEAKER. The U.S. Military Academy Glee Club will now present "The Corps" and "Army Blue."

The U.S. Military Academy Glee Club presented "The Corps" and "Army Blue."

[Applause.]

The SPEAKER. The Chair recognizes Hon. John S.D. Eisenhower, son of the late President Eisenhower and former Ambassador of the United States to Belgium.

Mr. EISENHOWER. Mr. Speaker, Mr. President pro tempore, distinguished Members of Congress, friends, it is a great pleasure for me to be here today to participate in this tribute to my father, Dwight D. Eisenhower.

Our previous speakers have given us vivid glimpses of Dwight Eisenhower from several different viewpoints: From those of politics, the television media, business, and sports. I would like to speak a little more personally, however, and venture an opinion as to how General Eisenhower himself would like to be remembered. I believe he would like to be thought of simply as the Good Soldier.

Ike Eisenhower was a complex man, full of contradictions. Beneath the well-known grin, he was a serious, purposeful executive. He made no pretense at intellectual brilliance, but he was contemplative and literate. He walked with kings but never forgot his home in Abilene, KS. He was the vaunted warrior who hated war. He was the five-star general who warned of the dangers of an unbridled military-industrial complex.

But despite those complexities, my father was consistent in following the code of the Good Soldier. But the term "soldier" must be viewed in a broad context, more than an infantryman, more than a general, more even than a supreme commander. Ike thought of himself primarily as a dedicated public servant, one who placed his country above himself. And serving his country in an ever-shrinking world meant serving the whole of mankind as well.

Both as a general and as a President, Ike viewed the high positions he held as fiduciary responsibilities. He did not crave fame, for his personal self-esteem was too strong for that. But responsibility was something else. Throughout his career he prepared himself for the day when he might carry heavy responsibilities, and when that time came, he was ready. His preparations made him confident, and he did his job with zest. But he was never reckless; he was ever conscious that the lives and well-being of others depended on his good judgment.

On occasion I was a witness to my father's ability to concentrate on the problem at hand. In Normandy, during mid-June 1944, I was struck by the way in which he shrugged off the historic role he was playing on the world stage. He had launched the vast D-Day armada under harrowing weather conditions only a week before, but the anguish of that decision was already forgotten. Ike's eyes were always on the task at hand, not on himself.

Ike's record as President is a matter of history. He accomplished much. And in guiding the Western World through the most unstable and frightening period of the cold war, he was, I believe, nearly indispensable. The people of the United States were lucky during the 1950's to have Good Soldier Ike in control of our nuclear arsenal.

When his time was up in January 1961, President Eisenhower turned over the reins of office with good will. As a new private citizen, Ike now supported Presidents Kennedy and Johnson as he had earlier served other Presidents. As a Republican, he could never approve all that his Democratic successors did, but Good Soldier Ike was ever conscious that they, not he, were now carrying the responsibility for governing. He once said to me, "I'm not going to make it tougher for the fellow who's trying to run the country."

Ike is now part of history, gone from us for 21 years tomorrow. But one sentimental line of the West Point alma mater meant a lot to him. The words read, "And when our work is done, Our course on earth is run, May it be said, 'Well done; be thou at peace.' "

That is the way that Dwight Eisenhower would like to be remembered by those he has left behind.

Thank you.

[Applause, the Members rising.]

The SPEAKER. The Chair recognizes the gentlewoman from the Sixth District of Maryland, Hon. Beverly Byron, a member of the Dwight David Eisenhower Centennial Commission.

Mrs. BYRON. Mr. Speaker, President pro tempore, let me talk from a personal view and as a Member of this body, and as a mother and a grandmother.

Born in the last century of humble beginnings in Texas, raised in Kansas, a football hero, educated and graduated from the Military Academy in 1915, not at the top of his class but 60 of 164. After 1 year in the Army, he married Mamie Doud from Denver, CO, on July 1. As Europe erupted in 1940, he was called to lead his Nation's efforts. Leaving from Bolling Field by Stratoliner for England on June 23, 1942. How well we all remember June 6, 1944, D-Day. John remembers it in a different way. It was the day he followed his father's footsteps and graduated from West Point and raised his hand and was sworn in as a second lieutenant. I remember it well as the 11-year-old riding in the car with him from the graduation. With the "Stars and Stripes" headline "Adieu to a Great G.I." sending him on his way. General Ike returned to his Nation's Capitol on Truman's C-54, "The Sacred Cow." Arriving Monday, June 14, 1945, after a 2-day trip. The ride in from the airport was a parade down Pennsylvania Avenue, ending in an address to a joint session of Congress, at this very spot. It was a few days short of 3 years from the time he flew off from Bolling that he returned, as he had left with my father and Sgt. Mickey McKeogh both still by his side. The same Mickey McKeogh is here with us today in the gallery. As the war wound down and the five-star general retired, he entered the academic world at Columbia University. The Torch Light Parade on July 7, 1948, up Morningside Heights was held to ask him to be the candidate for President; by 5,000 admirers—Democrats. Then in 1952, he was called by his country again under the Republican banner to serve as chief of his beloved military and the President of his grateful Nation. A time history reveals as one of stability and calm. He went on to retirement again not as an educator but as an elder statesman. Reaching back to his early Kansas beginnings as a man of the soil, he retired with Mamie, to his first real home, a farm in Gettysburg to paint and fish and write. I stepped quietly in a pew at the National Cathedral to join the rest of the Nation on March 31, 1969, as we said a final goodbye and well done to a man representing the American dream. And so on the day before the 21st anniversary of his death and the centennial years of his birth, we gather here to honor this great American. A kind, gentle, tough soldier for whom we are all eternally grateful.

Every mother and father could ask no more than this American dream for their child.

The SPEAKER. The Chair recognizes the gentleman from the 19th District of Pennsylvania, the Honorable William F. Goodling, in whose district is the site of the Eisenhower farm, the late President's retirement home, and now a historic landmark.

Mr. GOODLING. "First in war, first in peace, first in the hearts of his countrymen," is a phrase most often used when describing our first President of this great Nation, but it certainly applies to this soldier, statesman, and citizen of the United States we honor today.

My late father George served as Ike's Congressman from the 19th District in Pennsylvania. In succeeding my father I was privileged to serve Mamie as her Congressman. In many respects, the house bordering the battlefield in Gettysburg was the only home they had they could call their own.

Last year the Congress approved legislation to rename the Math and Science Education Program the Dwight David Eisenhower Math and Science Program. Henceforth, schools and teachers all over the country will receive Dwight David Eisenhower grants, a followup to the National Defense Education Act Ike initiated, some 30 years ago.

More recently, at the urging of the Eisenhower Society of Gettysburg, I was pleased to sponsor legislation to create a silver coin to commemorate Ike's centennial. It includes a unique dual likeness of Ike as a military leader and statesman on one side and the Gettysburg Eisenhower home on the other. It was recently unveiled at the Eisenhower Gettysburg home, next to the famous putting green, by U.S. Mint Director Donna Pope and the Treasurer of the United States, Catalina Villapando. It is a keepsake momento I am sure many Eisenhower fans will treasure.

This fall, Gettysburg College will play host to a major commemorative program in Ike's honor.

These efforts, together with the many celebrations which are planned throughout the year, will pay tribute to a humble man who did nothing less than give and do his best for his country. The motto in the 1950's was "I Like Ike," and those words still ring clear and true today. I speak collectively for all the residents of the 19th Congressional District when I say "I Like Ike."

[Applause.]

The SPEAKER. The Chair recognizes the gentleman from the First District of Kansas, the Honorable Pat Roberts, in whose district is Abilene, the childhood home of the late President Eisenhower and site of the Dwight David Eisenhower Center.

Mr. ROBERTS. Mr. Speaker, Senator Dole, distinguished guests all:

We in Kansas are understandably proud of Dwight David Eisenhower, our most famous native son. In visiting with Susan Eisenhower (Sagdeer) in one of her many trips to Capitol Hill, I told her we Kansans all have Ike recollections and stories to the extent we think we have at least written some footnotes to that time in history and personally own a piece of the monument that is Ike.

That is true in my own case. The year was 1952. The place Chicago. The event the Republican National Convention. A small town Kansas boy of 15 was in the corner of the Eisenhower headquarters in the Conrad Hilton Hotel listening to the likes of Herb Brownell, Tom Dewey, Art Summerfield, Henry Cabot Lodge, when another member of the Eisenhower campaign team softly said, "I think we can win this thing on the first ballot." That man was my father, Wes Roberts—and win it they did.

And so, it is a personal honor and privilege to join with you in paying tribute to the life and work of the man from Abilene, Dwight David Eisenhower, who led our Nation and the world through war and who sustained the peace.

Throughout this year, people across the Nation and around the world will have the opportunity to deepen their knowledge and increase their understanding of Dwight Eisenhower. But, just as important, the events of this centennial year can also spark a new beginning, a new appreciation of the role of leadership, the price of freedom, and our responsibilities as citizens in free societies.

My colleagues, Ike touched the lives of many but nowhere was it more special and more meaningful than in Abilene. I have the honor of representing Ike's hometown, the location of the Eisenhower Center, the family home, library museum, and stone chapel, the final resting place of Ike, Mamie, and their infant son, Doud Dwight.

You cannot visit the Eisenhower home without coming to a better understanding of what this man and our heritage is all about. From the porch of the modest, white clapboard house where David and Ida Eisenhower raised their six sons, you can see the world as young Ike saw it. I encourage everyone to come to Abilene during this centennial year.

And yes, it is Kansas. Step off that porch and you see the magnificent dome of blue sky that ends only when it meets the fertile soil on the distant horizon. That panorama of rolling prairie—where Ike used to hunt and fish—is a backdrop for the commercial buildings of Abilene, the tallest of which is, of course, the grain elevator still holding the repository of Earth's bounteous gifts and the endless labor of their faithful stewards. It is literally small town USA and what we are all about.

Ike knew it and lived it. Standing beside Prime Minister Winston Churchill at Guildhall in London, he said:

> I come from the very heart of America. In the superficial aspects by which we ordinarily recognize family relationships, the town where I was born and the one where I was reared are far separated from this great city.
>
> Yet, to preserve his freedom of worship, his equality before the law, his liberty to speak and act as he sees fit * * * a Londoner will fight. So will a citizen of Abilene. When we consider these things, then the valley of the Thames draws closer to the farms of Kansas.

Not so well known is his homecoming speech of June 22, 1945, when thousands of Kansans welcomed General Ike back to Abilene. Six Dickinson County towns united to portray his life in a special pageant. No less than 18 4-H clubs created floats and band after band after band marched on and on for the better part of 4 miles. Dickinson County said thank you to this great soldier that they had raised from a pup.

As a finale, Ike was driven to the city park—still there—where he climbed the homemade stairs of a platform swathed in red, white, and blue banners; all four sides draped with "Welcome Home Ike" signs. And he said:

> No man is really a man who has lost out of himself all of the boy. I want to speak of

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the dreams of a barefoot boy. Frequently they are to be a conductor, or policeman, or an engineer, but always in his dreams is that day when he finally comes home, comes home to a welcome from his home town. Today, that dream of 45 years has been realized beyond the wildest stretches of my own imagination. I come here first to thank you and to say the proudest thing I can claim is that I am from Abilene.

In this world, it has been my fortune or misfortune, to wander at considerable distance but never has this town been outside my heart and memory. Here are my oldest and dearest friends, the men that helped me start my own career and helped my son start his. Here are people that are lifelong friends of my mother and father who made sure that each of us had an upbringing at home and an education that equipped us to gain a respectable place in our own profession. We are the products of the loving care, labor and work of my father and mother—just another average Abilene family.

There was more, of course. Ike said, typically, that his position, his accomplishments were merely symbols, that the outpouring of gratitude and thanks were really for the soldiers who served so well in Europe. And there would be return trips to Abilene to announce for President, to dedicate the Ike Center, personal visits. But he always concluded his remarks with a special love for his heritage.

My colleagues, that heritage lives on within us all. As author Richard Norton Smith of the Eisenhower Center said:

> The centennial will reach a climax on October 14, Dwight D. Eisenhower Day. But, of course, it will not really be over even then. Not as long as people in darkness yearn for the light, for qualities synonymous with the name of Eisenhower: freedom, dignity, decency and faith.
>
> Call it timing, fate, or part of God's plan, but the Eisenhower Centennial comes at a time when old oppressions are crumbling and new freedoms are struggling for acceptance. These too, are part of the Eisenhower celebration. The friends of freedom, therefore, are not defined by place, status, occupation or time. Rather, they are determined by dedication to ideals and devotion to duty.

My colleagues, the Kansas State motto is "Ad Astra per Aspera"—To the Stars Through Difficulty. Dwight David Eisenhower enabled his generation to reach those stars. Let this centennial year of his birth enable us to begin a new century in which our stars become a beacon and a reality.

Thank you. [Applause.]

The SPEAKER. The benediction will be given by the Reverend Edward L.R. Elson, former Chaplain of the U.S. Senate.

The former Chaplain of the Senate, the Reverend Edward L.R. Elson, offered the following benediction:

> Now go in peace. Remember the poor. Be kindly disposed, one to another, and may the love of God go with you and remain in you forever. Amen.

The SPEAKER. Members and guests will remain standing for the retirement of colors.

The colors were retired from the Chamber.

The SPEAKER. Members and guests, please remain standing and join in singing "God Bless America."

The U.S. Army Band and the U.S. Military Academy Glee Club rendered "God Bless America."

The SPEAKER. At this time the Members of the Senate will retire.

The Members of the Senate retired from the Chamber.

The SPEAKER. The purposes for the joint meeting having been fulfilled, the joint meeting is dissolved, and the House will remain in recess until 1 p.m.

The honored guests retired from the Chamber.

At 11 o'clock and 43 minutes a.m., the proceedings in commemoration of the centennial of President Dwight D. Eisenhower were concluded.

□ 1304

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. MURTHA] at 1 o'clock and 4 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

> H.R. 2692. An act to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

A message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

> S. 1853. An act to award a congressional gold medal to Laurance Spelman Rockefeller.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. TORRICELLI. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MY SALUTE TO THE GENERAL ON THE OCCASION OF THE EISENHOWER CENTENNIAL CELEBRATION

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MICHEL. Mr. Speaker, I have four distinct memories about President Eisenhower. The first is when he was my commanding general in the battle for Europe in World War II. I was an ordinary GI and I never saw him personally during the war. We had a perfect division of labor: He gave the orders for Allied victory and, far down the line, I carried them out. He was our leader, the one on whom everything depended. We took it for granted that Ike would know what to do.

But looking back, knowing a bit more about the burdens of leadership, I marvel at his extraordinary gifts. He held together a wartime alliance, always a difficult undertaking. He was ultimately responsible for the success of the largest and the most difficult invasion from the sea in history. And, through the leaders he chose, and the armed force he created, he totally defeated a major part of one of the greatest armies in world history.

Any one of those achievements would have earned a great place in history for him. But he did all three, simultaneously. I do not know of a single parallel accomplishment in the annals of military fame.

The next incident I'd like to recall is the time in 1949, when I wrote the General while he was President of Columbia University. At that time there were those who were touting Dwight Eisenhower as a Presidential candidate—in both parties, for that matter. In our party we had the traditional schism between the more liberal New Englanders and the bastion of conservatism in the Midwest. As a matter of fact, my mentor, the late Senator Everett McKinley Dirksen, was touting his colleague, Senator Bob Taft for President.

I took it upon myself to write the General, expressing the hope that he would not be taken in by the New Englanders and that he would not forget his Midwest heritage, if he were serious about securing the Republican nomination for President. Unfortunately, I did not preserve a copy of the letter I wrote to him, for quite frankly, I wasn't sure I would get a response to my letter. President Eisenhower did respond in a letter November 16, 1949, which I will have included as a part of my remarks, so that all might know what he had to say at that time.

This is the first time I have publicized the letter, and it's quite a historic one:

COLUMBIA UNIVERSITY,
New York, NY, Nov. 16, 1949.

Hon. ROBERT H. MICHEL,
Representative in Congress, Peoria, IL.

DEAR MR. MICHEL: It is always nice to hear from an old soldier, particularly one who served in the Infantry, my old arm. Additionally, of course, I must thank you for the very great compliments paid me in your letter of the 12th.

While it is obviously necessary that, so long as I am connected with Columbia University, I be officially classed as an "Easterner", it is equally true that the roots of my family and my life are buried too deep in the West for me to ever think of myself as anything but a mid-Westerner.

I assure you, though, that these facts have no implications of any kind in the political world—at least so far as any personal politics may be concerned. I have earnestly and honestly tried to make my own position clear about these matters, and I assure you

I have not changed my mind in the slightest degree.

With best wishes to a former comrade of ETO.

Sincerely,

DWIGHT D. EISENHOWER,
Office of the President.

Little did I dream that within 7 years, I'd be meeting him face to face when he was President and I was a candidate for Congress.

After my election, I was elected president of my freshman class. I had the honor of being invited to the White House—upstairs—for a little refreshment with the President, Speaker Joe Martin of Massachusetts, leader Charlie Halleck of Indiana, whip Les Arends of Illinois, and Leo Allen of Illinois. If you think this former GI wasn't impressed by that august company, in the part of the White House, you're dead wrong.

But there is something else I find memorable about Dwight David Eisenhower. It doesn't concern victory. It concerns a defeat that did not happen—the possible defeat of our invasion in 1944.

Ike knew there was a chance that the invasion could fail. And so he himself composed a brief message in case it did fail. This is what the message said:

> Our landings have failed and I have withdrawn the troop. My decision to attack at this time and place was based upon the best information available. The troops, the air, and the navy, did all that bravery and devotion could do. If any blame or fault attaches to the attempt, it is mine alone.

"It is mine alone . . ." How strange, how wonderful those words sound in our own time when making excuses and alibis for failure has become a major industry. We are thankful he never had to release that message. But we are equally thankful he was solider enough to compose it in the first place.

And so, today, on the occasion of our commemoration of his 100th birthday, this former GI wants to offer a salute and say: What a memorable day, General.

CONTRIBUTING TO ALLEVIATING OUR NATION'S SOLID WASTE PROBLEM

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, it is 26 days until we celebrate the 20th anniversary of the first Earth Day. In recognition of our need to focus upon the environment, I will take this opportunity to call attention to this Nation's burgeoning solid waste disposal problem. While State and municipal initiatives have begun to be implemented throughout the country, I would like to stress that every individual has both the obligation and the ability to do his or her part in reducing the amount of solid waste going into landfills, which in many regions are close to capacity.

Approximately 20 percent of the Nation's trash is yard waste, second only to paper products by weight. Composting America's fertile mounds of leaves and grass clippings could eliminate one-fifth of the Nation's waste. The mulch resulting from a compost pile is rich in nitrogen and other essential elements and minerals for plant growth. In addition, it does not contain the chemicals contained in nonorganic fertilizers and lawn treatments.

As an avid, although not excellent, gardener, I have found that the best fertilizer comes from a compost pile I have in my backyard. It is a hodgepodge of degrading vegetation collected from my lawn and kitchen. The results of my efforts, from asparagus to zinnias, are improving. Actually, my office wrote the word "spectacular," the pictures from the order form are what are spectacular.

This small contribution toward alleviating our Nation's solid waste problem, in terms of the 46 million cubic yards of trash and municipal refuse which were discarded in my State of Illinois, is alone insignificant. Those efforts, however, combined with the recycling initiatives of others will be one way that we as a nation will triumph over the increasingly ubiquitous mountains of trash threatening both the health of our environment and the Nation's scenic beauty.

HOW ABOUT THOSE GEORGIA TECH YELLOW JACKETS?

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, as a University of Georgia alumnus, I am unaccustomed to lauding the accomplishments of my school's archrival—Georgia Tech. But the performance of Georgia Tech's basketball team in the NCAA Tournament has been so impressive that even a Georgia Bulldog must acknowledge Tech's mastery on the court. Led by coach Bobby Cremins and "Lethal weapon 3"—Tech's star trio of Dennis Scott, Kenny Anderson, and my constituent from Smyrna, GA, Brian Oliver, Georgia Tech has pulled off some amazing victories and is headed to Denver for the final four and a showdown with the University of Nevada-Las Vegas. Though I certainly do not support gambling, I have predicted—with a school sweatshirt as the prize—with my colleague from Las Vegas that Georgia Tech will prevail. Regardless of the game's outcome this week, Georgia Tech has made the State proud. All Georgians, even Bulldogs, can say with pride, "How' about those Yellow Jackets."

WILL THE REAL MR. GORBACHEV PLEASE STAND UP?

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

Mr. BROOMFIELD. Mr. Speaker, in recent weeks, Americans have been reliving a 1950's quiz show, "To tell the truth". They must be asked themselves more and more: Who is the real Mr. Gorbachev?

The Gorbachev Americans see is the one who talks about peace and glasnost and perestroika and democracy.

The Gorbachev Lithuanians see is the one who seizes their schools, storms their hospitals, and intimidates their Parliament with tanks.

For weeks, the Soviets have been telling us that they won't use force—period. Now Gorbachev tells us he will not use force—unless lives are threatened. His answer really is: Maybe he will, maybe he will not.

America is about to shape a long-term foreign policy based on a peaceful Mr. Gorbachev. That could be a mistake.

It's time for Americans to find out who the real Mr. Gorbachev is. Will the real Mr. Gorbachev please stand up.

THE ERA OF THE "AMERICAN SUNSET"

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, there are those who say that America has reached her peak, that we are now witnessing the era of the "American Sunset," that we are waning into a continuous, even precipitous slide into decline.

But, if you examine what we have in ways of economic and military strength, the cutting edge of science and technology, the third largest country, and our often imitated culture, in each of these areas only America is strong.

While Japan may be an economic giant, it is militarily very small and extremely vulnerable in its natural resources. The Soviet Empire is weakening before our eyes and cannot even produce basic consumer products. China is locked into an unprogressive style of technology and ruled by such a repressive Government that it stifles any thought of progress. Europe still looks to America for leadership and guidance. American culture permeates every nook and cranny of the world, and there is not another language that approaches the acceptance of American English.

America, and what she stands for, is still the land of hope and opportunity that draws hundreds of thousands to our shores, that has caused scores of countries to throw off the chains and shackles of tyranny, and embrace the freedom and the truth we hold so dear.

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ELEVATE THE EPA TO A CABINET-LEVEL POSITION

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, the President proclaims himself to be the "environmental" President. I am glad he feels strongly about the environment. That's good for America.

But, Mr. Speaker, President Bush is not consistent. He has threatened to veto H.R. 3847, a measure to elevate the Environmental Protection Agency to Cabinet level status.

Mr. Speaker, I hope the President will reconsider his threatened veto. In order for him to become the environmental President, he needs a strong EPA which can help develop his environmental plans for America and the world and then—most importantly—has the clout around the Cabinet table to implement his environmental plans.

Parenthetically, Mr. Speaker, I hope the President's comprehensive environmental plan will include a White House conference on solid waste management to deal with the problems of waste disposal and reduction which are confronting communities across the Nation. I have introduced legislation calling for just such a conference, House Concurrent Resolution 269.

Mr. Speaker, the 20th anniversary of Earth Day will take place April 22, less than a month away. Not only, Mr. Speaker, do I hope the President will not veto H.R. 3847—to give EPA Cabinet status—but I hope he will sign it into law on Earth Day.

What better way, Mr. Speaker, could the President demonstrate himself to be our environmental President.

KEEP THIS HOUSE NOBLE

(Mr. BLAZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAZ. Mr. Speaker, the whole world is caught in the spirit of self-determination, and so is this Nation.

In that spirit 174 Members of this House, evenly divided between the Democrats and the Republicans, have cosponsored a bill for a commonwealth for Guam.

Because Guam passed an antiabortion law last week that was controversial, some Members of the house are asking their colleagues to withdraw their support for the commonwealth bill. We have taken action in Guam on the antiabortion law. It is now before the courts, properly, in due process, expeditiously.

I ask my colleagues not to take this dramatic action; not to withdraw support of our commonwealth bill. If you were to do so, you will snuff out the only candlelight we have ever had on Guam in 100 years. You will set us back. You will spank us and send us to our room to languish another 25 years.

I am saying to you please, do not do that. We have been there for the past 100 years and it is dark in there.

This is a noble House. I am proud to have fought in three wars in behalf of this House.

I urge you to keep it noble, keep it noble, keep it noble.

SOMETHING IS WRONG IN AMERICA WHEN CITIZENS HAVE TO TAKE OVER THE DUTIES OF THE LAW

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, yesterday in New York City Julio Gonzalez, a Cuban who was boatlifted to this country by Castro in 1980, torched a night club, killing 87 people, the second biggest mass murder in history.

Gonzalez said he wanted to hurt his girlfriend; there were 87 innocent bystanders who died.

Gonzalez now says, "The devil made me do it."

Ladies and gentlemen, there is no death penalty in New York. Citizens in New York are so fed up they are demanding that authorities turn Gonzalez over to them.

Now I say here today something is wrong in America when citizens have to take over the duties of the law.

My bill, H.R. 2102, would deal with mass murderers, cop killers, judge killers, mob hits, murderers who use and perpetrate the crime with the use of machineguns.

I say, ladies and gentlemen, it is a sad day when body bags of murder victims are starting to pile up higher than the Statue of Liberty and American citizens want to take the law into their own hands.

That is Congress' job. And these bleeding-heart politicians all over this country continue to stand up for the rights of killers. Why does not Congress stand up for the rights of victims and their families? That is what we are elected to do here.

Mr. Speaker, H.R. 2102 would do it. It is time for Gonzalez to meet the maker, the Devil, that is true. But when he asks him, "How come you came so early?" he should say, "Congress made me do it."

Think about it.

DESIGNATING CLARKS FORK RIVER IN WYOMING AS WILD AND SCENIC

(Mr. THOMAS of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMAS of Wyoming. Mr. Speaker, this is a special day for Wyoming and for me.

Today I am proposing legislation to designate the Clarks Fork River near the outer boundaries of Yellowstone National Park a wild and scenic river. This legislation is the first of its kind for Wyoming.

And this year, as Wyoming celebrates our centennial, it is appropriate that another first of this environmental scope be added to a distinguished list of firsts.

It is also appropriate as we near Earth Day to distinguish the Clarks Fork and preserve its beauty with this wild and scenic designation. The legislation is fully supported by the State of Wyoming.

The beauty of the Clarks Fork River, above Cody, truly is remarkable. As a boy, growing up on a ranch nearby I deeply appreciate the value of this river. I want many others to be able to experience its beauty for years to come.

Sportsmen, kayakers, area residents, and scores of visitors to the State can continue to relish in the stunning beauty of the Clarks Fork with this designation.

It truly is a national gem and I am proud to introduce this legislation today. I ask for your support as this legislation comes before the House.

ELEVATING EPA TO CABINET-LEVEL STATUS

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, I am pleased that the President supports the elevation of the EPA to Cabinet level status. Unfortunately, the President has now threatened to veto the bill if certain changes are not made in the proposed legislation.

What are those changes?

Well, among other things, the President objects to the limitation on the number of political appointees. He also objects to the provision that would delegate all data collection, analysis, and dissemination to the proposed Bureau of Environmental Statistics.

I am confused. Does the President consider the new Cabinet level department an opportunity to really focus in on the environment, or is it a place to employ those political supporters whom he could not find ambassadorships for?

Will the Department's information be the result of nonpartisan fact gathering and analysis? Or is it to be the result of what the administration's pollster thinks is best?

The President wants the title of "the environment President" and claims to be for clean air and pure water. Why risk using tainted numbers?

All we want, Mr. President, is the facts, just the facts.

I urge my colleagues to reject any weakening amendments.

□ 1320

BROCCOLI, GOOD FOR THE WHITE HOUSE AND YOUR HOUSE TOO

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute.)

Mr. LAGOMARSINO. Mr. Speaker, it is not often you find something good to eat that is also good for you. But that was the case yesterday—literally—as case after case of fresh green broccoli packed in ice arrived in Washington, DC, to show that even the President can be wrong about some things—especially vegetables.

So on behalf of the broccoli growers of my district, and at the risk of violating decorum in the House, I am proud to show my true colors as a life-long broccoli booster. For the benefit of those in the back rows, my shirt shows a parade of broccoli stalks marching across the U.S.A. from their sprouting grounds in Guadalupe, CA, to the dinner plates of our Nation's Capital.

The slogan reads: "Broccoli, good for the White House and your house too." I'm proud to note that these are bipartisan stalks of broccoli, coming in just one color, green. Covers Irishmen as well as Italians. So with thanks to Count Broccoli—who invented the same—to our President and First Lady, who split their ticket on this issue, and to the Capital Area Food Bank, which will distribute the stalks to local charities and shelters, I invite you all to try a stalk of broccoli today. It's good—and good for you.

THE ENVIRONMENTAL PROTECTION AGENCY

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, when Jacques Cousteau visited the EPA last year, he stated that the Agency once represented the world's greatest hope for environmental preservation. He also said that the EPA now represented one of its greatest disappointments.

Along with Mr. Cousteau, I believe that the EPA has long since compromised the values that led to its creation.

We have a chance to restore these lost values today. Rather than merely creating a new department to continue failed practices, I support amendments to H.R. 3847 that will: First, control the influence of contractors over the decisionmaking process of the EPA; second, require Federal agencies to comply with the environmental laws passed by Congress; and, third, permit the EPA to supply the Nation with sound environmental data unaltered by the budget analysts at the OMB.

Unbelievably, the President has threatened to veto this bill. This veto would be consistent with his "bait and switch" approach to environmental protection—baiting us with kind words and promises, but switching positions when confronted with a real chance to protect the environment.

CAUTIOUS APPROACH IN EASTERN EUROPE

(Mr. GEKAS asked permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, the events that are unfolding in Lithuania give Members reason to watch very carefully. I think that the Secretary of Defense and the President of the United States, and the Vice President have been absolutely correct in the cautious approach that they have been taking ever since all of the events that have been occurring in Eastern Europe, that it is premature to consider unilateral disarmament. It is premature to cast our lot with any one leader of a Soviet Union or any other country or any other elements and any other foreign country until such time, as with negotiation and talks across-the-board on every conceivable subject on international tensions, that we can make progress in the peace and prosperity for which everyone yearns.

So, as the tensions mount in Lithuania, the President correctly is warning, is talking about the need for negotiation and not the use of force. We must be ever watchful and not fall into the trap of unilateral disarmament.

AMERICA IS OPEN TO ALL TO DEVELOP TALENTS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise to commend a young actor, and a small, brave film company for daring to make a film about ability, about adaptability, and courage.

Daniel Day-Lewis, who stars in "My Left Foot," produced by Miramax Films, was awarded an Oscar last night for best actor for his portrayal of Irish writer and painter Christy Brown.

Mr. Speaker, as a young boy, Christy Brown, who had cerebral palsy, was not expected to learn, was not expected to talk, to write, and certainly, Mr. Speaker, not to become an acclaimed painter.

Yet Christy, as Daniel Day-Lewis so masterfully showed viewers in the film, took his ability to use his left foot and adapt it. By focusing on his ability and not on his disability, Christy showed the world just what he could do. Christy demonstrated by concentrating on ability and adaptability, it would be his talents that dictated and defined the course of his life, not his disability.

Mr. Speaker, in a few short weeks this House will have the opportunity to say to all the disabled in all of America, that America will be accessible, that employment will be accessible, that transportation will be accessible, that communications will be accessible. Indeed, we will say to the disabled of America—some 43 million fellow citizens—that America is open to all to develop their talents and to contribute their work and their effort to making America a better place, a more open place, a more accessible place, a more just place, for all Americans.

CONGRATULATIONS TO SUSAN MOLINARI

(Mr. ROWLAND of Connecticut asked permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Connecticut. Mr. Speaker, today I have the greatest pleasure to relinquish a distinction that I have carried in the House for the last 5 years. Today, SUSAN MOLINARI will be sworn in as the newest Member of Congress, and also the youngest Member of the U.S. Congress.

SUSAN is filling the seat vacated by her dad, Guy Molinari, who represented the Staten Island position so very well for so many years. Susan was the Republican leader at the New York City Council.

Mr. Speaker, I join with my colleagues in welcoming SUSAN to our body. I am sure she will conduct her duties as the youngest Member of Congress with great dignity, with great pride, and with the great distinction that this honor holds.

IN RECOGNITION OF THE GEORGIA TECH YELLOW JACKETS

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute.)

Mr. LEWIS of Georgia. Mr. Speaker, I want to extend my congratulations to Georgia Tech President John Patrick Crecine, Coach Bobby Cremins and the players on the Yellow Jackets' basketball team. Among those Georgia Tech players deserving special mention are Brian Oliver, Kenny Anderson, and Dennis Scott, known as the Lethal Weapon 3.

By defeating the University of Minnesota's Golden Gophers on Sunday,

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the Yellow Jackets qualified for the Final Four for the first time in its history. On the way to Denver, the powerful sting of the Yellow Jackets has proven deadly to sunken Buccaneers, sleepy Tigers, battle-weary Spartans, and buried Gophers.

Mr. Speaker, I must warn my colleagues from the city of Las Vegas to be wary of Yellow Jackets from Atlanta. They like to sting, and they are looking to sting the Running Rebels in a few days.

KEEP THE CHECKBOOK CLOSED

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, with the advent of spring, the Soviet bear has come out of hibernation.

Notwithstanding Gorbachev's promises not to use force except to protect lives, Soviet troops have charged into Lithuanian hospitals—ostensively looking for deserters, and beaten up some of those they found.

But Gorbachev has made his point to Lithuanians: It was the use of force for the sake of showing force. I hope Americans are taking note.

At this juncture in time, the Soviets are desperately seeking our technological and financial assistance. Their Marxist-Leninist economic system has deteriorated to the point of no return.

The possibility for widespread violence within the Soviet sphere of influence is still a harsh reality. Until we have a better handle on the situation, it is imperative that we refrain from making draconian promises to this country that has been touting glasnost. And it also is imperative that we refrain from making draconian reductions to our own defensive structure.

Let us keep an eye on Lithuania and let us also keep our checkbook tightly shut and defense forces in place until we are firmly convinced that the "man with the iron smile" is not eyeing our jugular vein.

□ 1330

CONGRATULATIONS TO POLAND FOR ITS ACTS OF HUMANITARIANISM

(Mrs. LOWEY of New York, asked and was given permission to address the House for 1 minute.)

Mrs. LOWEY of New York. Mr. Speaker, I rise today to congratulate Poland and its Prime Minister for an act of courage and of principle. The Prime Minister's statement that Lot, the Polish national airline, would fly Soviet Jewish emigres from Poland to Israel shows that the new government of Poland will not be intimidated by threats of terrorism. It also confirms that nation's commitment to humanitarian assistance to those fleeing persecution.

I applaud the announcement of the Polish Government and encourage other nations to follow their lead.

THE BUSH RECORD AS THE ENVIRONMENTAL PRESIDENT

(Mr. SMITH of Florida, asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, George Bush's pledge to be an environmental President has turned out to be nothing but hot, smog-filled air and now the American people are choking on it.

Last year, the President promised to preserve all existing wetlands. Then he stopped an agreement between EPA and the Army Corps of Engineers which would have done so.

He promised to convene a global conference on the environment in his first year in office. Then he held no conference.

The President admitted that oil drilling off the shores of California and my State of Florida would not bolster our energy resources. Then he named an Interior Secretary who refuses to even consider a permanent ban of such drilling.

He decried in 1988 the Boston Harbor and said he would clean it up. Now he has cut out all funds in his budget for the cleanup of Boston Harbor.

Now the President is attempting to water down the EPA cabinet status bill. He wants the facts, the verifiable data collected by the Bureau of Environmental Statistics, to be subject to approval by his appointed environment secretary. We are not talking about policy here. The President wants to be able to pick and choose the facts that the American people get about their environment.

Mr. Speaker, given George Bush's unclean record on the environment, I guess I can see why he might want to hide the facts. But the American people deserve to see them.

A TRIBUTE TO ARNOLD PALMER—AND TO THE JOHNSTOWN, PA, FLOOD MUSEUM

(Mr. MURTHA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. MURTHA. Mr. Speaker, I wish to rise today to compliment my most distinguished constituent, one of the students of DANNY ROSTENKOWSKI, Arnold Palmer. He spoke so eloquently today about former President Eisenhower. All of us were so touched by his comments, and we are all proud of Arnold Palmer, a great American. I just wanted to compliment him on his comments.

Let me also say that 3 years ago President Reagan complained about a road to a flood museum in Johnstown, PA. He said that this is one of the examples of a boondoggle, and he said it on national TV. That particular flood museum had 350,000 visitors in 2 months last year, and last night it won an Oscar for the Guggenheim presentation of the flood in that flood museum. So let me extend my congratulations to Mr. Guggenheim and to the Johnstown Flood Museum.

A NEW VERSION OF CHILD CARE LEGISLATION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute.)

Mr. GINGRICH. Mr. Speaker, as I understand it, the Democratic leadership has a staff member somewhere in the Ways and Means Committee writing a new version of child care. The bill will have no hearings and no markup. There will be no Members' fingerprints on it except at the leadership level. It will have no legislative history, no one will have examined any of the details, and I understand that this afternoon at 2:30 the Rules Committee is going to hold a hearing on a bill which no Member will have seen, none of the Rules Committee membership will have read, and which no Member of the House has seen. And we wonder how we get a catastrophic health insurance or how we get a section 89?

It seems to me very bad form to invite Lech Walesa and Vaclav Havel and talk about openness and then try to ram through a bill which no Member of this House has seen yet and which has been written by one or at the most two staffers and which, frankly, will run tremendous risks of having major weaknesses unless Members have time to see it.

Mr. Speaker, I hope that the Members' right for a 1-day layover on any rule and a 3-day layover on any bill will be preserved and we will not try to ram through a Democratic leadership bill which no Member of this body will have read.

HAZARDOUS MATERIALS SHIPMENTS ENDANGER COMMUNITIES

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, 500,000 shipments of dangerous, hazardous materials are traveling the highways, the byways, the airways, and the waterways of our country each and every day. That is 500,000 shipments through our communities, endangering our lives and the properties of the people that we represent. These are dangerous materials that will explode, that will gasify, materials that are usually toxic and that can cause Bhopal situation in any community in the United States. And they can permeate the ground, the waters, and the water that we drink.

Something has got to be done. Yet we do not have any real protection for those first responders, the emergency firemen and the police who rush in to try to protect our lives and our property.

Mr. Speaker, I am cosponsoring H.R. 2584. This is an opportunity for us to act, not to react, to a potential and serious problem that exists, and I ask the Members to call and cosponsor this simple piece of legislation. It is backed by the International Firefighters, the police, and others who have to rush in and try to help defend our property and our lives.

TIME TO STAND UP FOR LITHUANIAN INDEPENDENCE

(Mr. COX asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, a fortnight ago four Members of Congress, two Democrats and two Republicans, were appointed by the Speaker of the House to observe the elections in Lithuania. I was privileged to be a member of that delegation.

When we arrived, we were met by the President-to-be of Lithuania, Dr. Landsbergis who now leads free Lithuania. He makes Vaclav Havel look like a career politician. He is a musicologist, a professor of the piano. He has made the point repeatedly in recent days that Lithuania is a threat to no one, least of all to the Soviet Union, and yet the actions of the Soviet Union of recent days have been extraordinarily aggressive.

The Lithuanian people do not ask for American troops, they do not ask for our tax dollars; they ask only for our moral support. Because the United States for 50 years has refused to recognize the forceful incorporation of Lithuania into the Soviet Union, it ought to come naturally for us now to recognize its independence.

When Vaclav Havel addressed this body in a joint meeting of Congress just a few weeks ago, he said, "The only backbone of our actions, if they are to be moral, is responsibility."

Mr. Speaker, now is the time for the American people and the American Government to show that we do understand what backbone is and to stand shoulder to shoulder with our friends in Lithuania and recognize the independent government of the Republic of Lithuania.

☐ 1340

LITHUANIA IS LISTENING

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, at this moment Lithuania is listening. As the armored vehicles from the Kremlin roll through the streets of the capital in Vilnius, Lithuania is listening. As the young Lithuanian men are dragged and brutally beaten from the hospital rooms that they are sitting in by Soviet soldiers, Lithuania is listening. As American diplomats are expelled from Lithuania, as foreign journalists are being censored, Lithuania is listening, and what they are listening for is word from the United States, word that the United States will stand by a 50-year commitment to the independence of Lithuania.

Lithuania is listening in this critical hour as to whether we will keep our word as Americans that we stand behind the indpendence of Lithuania.

Mr. President, those of us in America of Lithuanian extraction, those of us who stand for Lithuania, are listening, too, for word from the White House and the State Department, will we abandon Lithuania in this crucial hour? I pray that we will not. I pray that we will formally recognize Lithuania before it is too late.

CALL OF THE HOUSE

Mr. RHODES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 41]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Atkins
AuCoin
Baker
Ballenger
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Borski
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Flake
Flippo
Foglietta
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
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The SPEAKER. On this rollcall, 398 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Washington, DC,
March 27, 1990.

Hon. Thomas S. Foley,
The Speaker, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: I have the honor to transmit herewith a letter from Mr. Thomas W. Wallace, Executive Director, State Board of Elections, State of New York stating that according to the unofficial returns of the Special Elections held on March 20, 1990 the Honorable Susan Molinari was elected to the Office of United States Representative in Congress from the Fourteenth Congressional district of New York; and the Honorable José E. Serrano was elected to the Office of United States Representative in Congress from the Eighteenth Congressional District of New York.

With great respect, I am
Sincerely yours,
Donnald K. Anderson,
Clerk, House of Representatives.

State of New York,
State Board of Elections,
Albany, NY, March 22, 1990.

Donnald K. Anderson,
Clerk, House of Representatives, Washington, DC.

Dear Mr. Anderson: Based on unofficial returns the following individuals were elected to the Office of Representative in Congress at Special Elections held on March 20, 1990.

14TH CONGRESSIONAL DISTRICT

Republican, Susan Molinari, 102 Woodvale Avenue, Staten Island, NY 10309.

18TH CONGRESSIONAL DISTRICT

Democrat, Jose E. Serrano, 910 Grand Concourse (Apt. 5F) Bronx, NY 10451.

Very truly yours,
Thomas W. Wallace,
Executive Director.

SWEARING IN OF THE HONORABLE SUSAN MOLINARI OF NEW YORK AS A MEMBER OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the gentlewoman from New York [Ms. Molinari] be permitted to take the oath of office today, on her birthday. Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the gentlewoman from New York [Ms. Molinari] the Member-elect, come forward.

Ms. MOLINARI appeared at the bar of the House and took the oath of office.

The SPEAKER. You are now a Member of the Congress of the United States.

INTRODUCTION OF THE HONORABLE SUSAN MOLINARI

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, I would ask my colleagues from the great State of New York to join me here in the well as I welcome our new Member. Would the Members from the New York delegation come up with me.

Mr. Speaker, as the dean of the New York congressional delegation, it is with a great deal of pleasure and pride that I introduce Susan Molinari who was elected on March 20 to be the Representative from the 14th Congressional District of New York which covers Staten Island and part of Brooklyn.

Susan Molinari comes to this body after serving on the New York City Council from 1985 until 1990. As the minority leader of that body, she served as an ex-officio member on all committees and voted on the most influential ones. During her tenure in city government, she developed the acumen and the skill needed to meet the challenges that face her as a Member of the House.

I might point out that she was the only Republican on the city council in the city of New York and as such she rated a limousine and all the other perquisites that go with the job.

During her years in city hall she has established herself as a strong, independent voice for the American family and good government. Her tough-on-crime and antidrug stances have enabled many of her constituents to identify with her on these very pressing issues. I am confident she will have much to add as she joins our debates on these problems.

Susan Molinari has also taken a strong interest in protecting the environment. Living on Staten Island and through her experience in city government, she knows firsthand many of the environmental issues which confront our Nation at the local level. Her background and her convictions will make her a valuable asset as the Congress works to address the many environmental problems facing our Nation.

In light of her environmental activism, it is very fitting that she is sworn in on the same day which the House will consider legislation from the Government Operations Committee, on which I serve as ranking member, which will elevate the Environmental Protection Agency to Cabinet level by creating the new Department of the Environment.

It is also more fitting that she is sworn in today since it is her birthday. I do not plan to divulge her age, partially out of deference to her, but more importantly in deference to the rest of the House since she is younger than all of us.

Despite her youth, Susan Molinari's political life predates her service on the New York City Council. We all know her father Guy who is a former colleague who left the House at the beginning of the year to become the Borough president of Staten Island. Guy first came to the House in 1980 after serving in the State Assembly in Albany for 6 years. Her grandfather Robert Molinari also had served in the assembly back in the 1940's.

Susan herself spent some time in our State's capital in Albany as a student and on the staff of the State Senate. I was glad to learn that she has spent some time in Upstate New York. The 34 Members and 2 Senators of our delegation work hard to function as a cohesive unit; her 6 years in Albany will certify her to join and work with us as we move forward in the Congress.

On behalf of my colleagues in the delegation, including my good friend Jim Scheuer who is dean of the Democrats as well as dean of the New York City delegation, I want to welcome Susan and her husband John Luchessi to Washington. Susan, all Members of the House are looking forward to working with you. Best of luck on a long and successful career here in the House of Representatives.

Ladies and gentleman, our new Member, Susan Molinari.

SO FAR SO GOOD

(Ms. MOLINARI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MOLINARI. Mr. Speaker, so far so good.

Mr. Speaker, thank you for administering the oath of office, which truly is the honor of a lifetime. I also thank the dean of our New York delegation, Mr. Horton, for his kind introduction.

My friends and new colleagues, there truly is an overwhelming sense of history and profound obligation that strikes a person at this time.

I am humbly reminded of those men and women who have preceded me and will succeed me in this noble legislative body.

I am grateful for the opportunity to work with the many distinguished national leaders who are now Members of this House.

Many of you have been great inspirations to those of us who have watched policy become law from our homes—for me personally none more inspiring than my direct predecessor, my father Guy Molinari.

He and my mother instilled in me a great sense of personal obligation to our country and a belief that one person can and oftentimes does make a difference.

It is a commitment to this philosophy that brings me before you today and hopefully adherance to these thoughts that will carry me forward—with the guidance of all of you, of course.

I am anxious to join in the work of this very distinguished Congress. In closing I have another reason to thank the Speaker and the minority leader. Only they could help me mark my 32d birthday in such an extraordinary fashion.

Thank you all very much for the honor you give me by your attention and presence today.

□ 1420

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

TRADE AGENCY AUTHORIZATION ACT

Mr. **ROSTENKOWSKI**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4328) to authorize appropriations for fiscal years 1991 and 1992 for the customs and trade agencies, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4328

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CUSTOMS AND TRADE AGENCY AUTHORIZATIONS.

(a) United States International Trade Commission.—Section 330(e)(2) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

"(i) $41,170,000 for fiscal year 1991.

"(ii) $44,052,000 for fiscal year 1992.

"(B) Not to exceed $2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

(b) United States Customs Service.—Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

"(b) Authorization of Appropriations.—

"(1) For noncommercial operations.—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

"(A) $510,551,000 for fiscal year 1991.

"(B) $536,079,000 for fiscal year 1992.

"(2) For commercial operations.—There are authorized to be appropriated from the Customs User Fee Account for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

"(A) $672,397,000 for fiscal year 1991.

"(B) $706,017,000 for fiscal year 1992.

"(3) For air interdiction.—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air interdiction program of the Customs Service not to exceed the following:

"(A) $143,047,000 for fiscal year 1991.

"(B) $150,199,000 for fiscal year 1992.".

(c) Office of the United States Trade Representative.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended to read as follows:

"(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

"(i) $23,250,000 for fiscal year 1991.

"(ii) $21,077,000 for fiscal year 1992.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

"(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office; and

"(ii) not to exceed $1,000,000 shall remain available until expended.".

SEC. 2. CUSTOMS FORFEITURE FUND.

Section 613A of the Tariff Act of 1930 (19 U.S.C. 1613b) is amended as follows:

(1) Subsection (a)(1) is amended—

(A) by striking out "and" at the end of subparagraph (D);

(B) by striking out the period at the end of subparagraph (E) and inserting "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(F) equitable sharing payments made to other Federal agencies, State and local law enforcement agencies, and foreign countries under the authority of section 616(c) of this Act or section 981 of title 18, United States Code.".

(2) Subsection (a)(2) is amended—

(A) by inserting "(A)" after "(2)"; and

(B) by adding at the end thereof the following:

"(B) Any payment made under subparagraph (F) of paragraph (1) with respect to a seizure or forfeiture of property shall not exceed the value of the property at the time of disposition.".

(3) Subsection (c) is amended by inserting "forfeited currency and" before "proceeds".

(4) Subsection (e)(1) is amended—

(A) by striking out "and" after the semicolon at the end of subparagraph (A);

(B) by amending subparagraph (B)—

(i) by striking out clause (ii),

(ii) by redesignating clauses (iii) through (vi) as clauses (ii) through (v), respectively,

(iii) by striking out "and" after the semicolon in clause (iv) (as so redesignated); and

(iv) by striking out the period at the end thereof and inserting "; and"; and

(C) by adding at the end thereof the following new subparagraph:

"(C) a report containing, for the previous fiscal year—

"(i) a complete set of audited financial statements (including a balance sheet, income statement, and cash flow analysis) prepared in a manner consistent with the requirements of the Comptroller General, and

"(ii) an analysis of income and expenses for cases closed showing the revenue received or lost—

"(I) by property category (general property, vehicles, vessels, aircraft, cash, and real property) and

"(II) by type of disposition (sales, remissions, cancellations, placed into official use, sharing with State and local agencies, and destructions).".

(5) Subsection (f) is amended to read as follows:

"(f)(1) Subject to paragraph (2), there are authorized to be appropriated from the Fund not to exceed $20,000,000 for each fiscal year to carry out the purposes set forth in subsections (a)(3) and (b) for such fiscal year.

"(2) Of the amount authorized to be appropriated under paragraph (1), not to exceed the following shall be available to carry out the purposes set forth in subsection (a)(3):

"(A) $14,855,000 for fiscal year 1991.

"(B) $15,598,000 for fiscal year 1992.".

SEC. 3. INCREASE IN VALUE SUBJECT TO ADMINISTRATIVE FORFEITURE; PROCESSING OF MONEY SEIZED UNDER THE CUSTOMS LAWS.

Section 607 of the Tariff Act of 1930 (19 U.S.C. 1607) is amended—

(1) by striking out "$100,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking out "or" at the end of subsection (a)(2);

(3) by inserting "or" after the semicolon at the end of subsection (a)(3);

(4) by inserting after paragraph (3) of subsection (a) the following new paragraph:

"(4) such seized merchandise is any monetary instrument within the meaning of section 5312(a)(3) of title 31 of the United States Code;";

(5) by adding at the end thereof the following new subsection:

"(c) The Commissioner of Customs shall submit to the Congress, by no later than February 1 of each fiscal year, a report on the total dollar value of uncontested seizures of monetary instruments having a value of over $100,000 which, or the proceeds of which, have not been deposited into the Customs Forfeiture Fund under section 613A within 120 days of seizure, as of the end of the previous fiscal year."; and

(6) by striking out "$100,000" in the section heading and inserting "$500,000".

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SEC. 4. ANNUAL NATIONAL TRADE AND CUSTOMS LAW VIOLATION ESTIMATES AND ENFORCEMENT STRATEGY.

(a) VIOLATION ESTIMATES.—Not later than 30 days before the beginning of each fiscal year after fiscal year 1991, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") a report that contains estimates of—

(1) the number and extent of violations of the trade, customs, and illegal drug control laws listed under subsection (b) that will likely occur during the fiscal year; and

(2) the relative incidence of the violations estimated under paragraph (1) among the various ports of entry and customs regions within the customs territory.

(b) APPLICABLE STATUTORY PROVISIONS.—The Commissioner of Customs, after consultation with the Committees—

(1) shall, within 60 days after the date of the enactment of this Act, prepare a list of those provisions of the trade, customs, and illegal drug control laws of the United States for which the United States Customs Service has enforcement responsibility and to which the reports required under subsection (a) will apply; and

(2) may from time-to-time amend the listing developed under paragraph (1).

(c) ENFORCEMENT STRATEGY.—Within 90 days after submitting a report under subsection (a) for any fiscal year, the Commissioner of Customs shall—

(1) develop a nationally uniform enforcement strategy for dealing during that year with the violations estimated in the report; and

(2) submit to the Committees a report setting forth the details of the strategy.

(d) CONFIDENTIALITY.—The contents of any report submitted to the Committees under subsection (a) or (c)(2) are confidential and disclosure of all or part of the contents is restricted to—

(1) officers and employees of the United States designated by the Commissioner of Customs;

(2) the chairman of each of the Committees; and

(3) those members of each of the Committees and staff persons of each of the Committees who are authorized by the chairman thereof to have access to the contents.

SEC. 5. REPORTS REGARDING EXPANSION OF CUSTOMS PRECLEARANCE OPERATIONS AND RECOVERY FOR DAMAGE RESULTING FROM CUSTOMS EXAMINATIONS.

(a) CUSTOMS PRECLEARANCE.—The Secretary of the Treasury, in consultation with the Secretary of State, shall assess the advisability of expanding the use of preclearance operations by the United States Customs Service at foreign airports. The Secretary of Treasury shall submit a report on the assessment to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate (hereafter in this section referred to as the "Committees") no later than February 1, 1991.

(b) RECOVERY FOR CUSTOMS DAMAGE.—

(1) The Secretary of the Treasury, in consultation with the Attorney General, shall determine and evaluate various means by which persons whose merchandise is damaged during customs examinations may seek compensation from, or take other recourse against, the United States Customs Service regarding the damage.

(2) No later than February 1, 1991, the Secretary of the Treasury shall submit to the Committees a report on the evaluation required under paragraph (1), together with any legislative recommendation that the Secretary considers appropriate.

(c) MERCHANDISE DAMAGE STATISTICS.—The Commissioner of Customs shall keep accurate statistics on the incidence, nature, and extent of damage to merchandise resulting from customs examinations and shall provide an annual summary of these statistics to the Committees.

SEC. 6. ELIGIBILITY OF CZECHOSLOVAKIA AND EAST GERMANY UNDER THE GENERALIZED SYSTEM OF PREFERENCES.

The table in section 502(b) of the Trade Act of 1974 (19 U.S.C. 2462(b)) is amended by striking out "Czechoslovakia" and "Germany (East)".

SEC. 7. EXTENSION OF TIME FOR PREPARATION OF REPORT ON SUPPLEMENTAL WAGE ALLOWANCE DEMONSTRATION PROJECTS UNDER THE WORKER ADJUSTMENT ASSISTANCE PROGRAM.

Section 246(d) of the Trade Act of 1974 (19 U.S.C. 2318(d)) is amended by striking out "3 years" and inserting "6 years".

SEC. 8. TECHNICAL AMENDMENTS REGARDING NONDISCRIMINATORY TRADE TREATMENT.

(a) WAIVER AUTHORITY.—

(1) Subsection (d) of section 402 of the Trade Act of 1974 (19 U.S.C. 2432(d)) is amended to read as follows:

"(d) If the President determines that the further extension of the waiver authority granted under subsection (c) will substantially promote the objectives of this section, he may recommend further extensions of such authority for successive 12-month periods. Any such recommendation shall—

"(1) be made not later than 30 days before the expiration of such authority;

"(2) be made in a document transmitted to the House of Representatives and the Senate setting forth his reasons for recommending the extension of such authority; and

"(3) include, for each country with respect to which a waiver granted under subsection (c) of this section is in effect, a determination that continuation of the waiver applicable to that country will substantially promote the objectives of this section, and a statement setting forth his reasons for such determination.

If the President recommends the further extension of such authority, such authority shall continue in effect until the end of the 12-month period following the end of the previous 12-month extension with respect to any country (except for any country with respect to which such authority has not been extended under this subsection), unless before the end of the 60-day period following such previous 12-month extension a joint resolution described in section 153(a) is enacted into law disapproving the extension of such authority generally or with respect to such country specifically. Such authority shall cease to be effective with respect to all countries on the date of the enactment before the end of such 60-day period of a joint resolution disapproving the extension of such authority, and shall cease to be effective with respect to any country on the date of the enactment before the end of such 60-day period of a joint resolution disapproving the extension of such authority with respect to such country.".

(2) Subsection (a) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(a)) is amended to read as follows:

"(a) CONTENTS OF RESOLUTION.—For purposes of this section, the term 'resolution' means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on   with respect to   .', with the first blank space being filled with the appropriate date, and the second blank space being filled with the names of those countries, if any, with respect to which such extension of authority is not approved, and with the clause beginning with 'with respect to' being omitted if the extension of the authority is not approved with respect to any country.".

(3) Subsection (b) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193(b)) is amended—

(A) by striking out ", and, in the case of a resolution related to section 402(d)(4), 20 calendar days shall be substituted for 30 days" in paragraph (2),

(B) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (3),

(C) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (3),

(D) by striking out "an except clause, in the case of a resolution described in subsection (a)(1), or" in paragraph (4), and

(E) by striking out ", in the case of a resolution described in subsection (a)(2)" in paragraph (4).

(4) Subsection (c) of section 153 of the Trade Act of 1974 (19 U.S.C. 2193) is amended by striking out "in subsection (a)(1)" and inserting "in subsection (a)".

(b) BILATERAL COMMERCIAL AGREEMENTS.—

(1) Subsection (c) of section 405 of the Trade Act of 1974 (19 U.S.C. 2435(c)) is amended to read as follows:

"(c) An agreement referred to in subsection (a), and a proclamation referred to in section 404(a) implementing such agreement, shall take effect only if a joint resolution described in section 151(b)(3) that approves of the agreement referred to in subsection (a) is enacted into law.".

(2) Section 151 of the Trade Act of 1974 (19 U.S.C. 2191(b)) is amended—

(A) by amending paragraph (2) of subsection (b) to read as follows:

"(2) The term 'implementing revenue bill or resolution' means an implementing bill or approval resolution which contains one or more revenue measures by reason of which it must originate in the House of Representatives.",

(B) by striking out "concurrent" in subsection (b)(3) and inserting "joint",

(C) by striking out "revenue bill" each place it appears in subsection (e)(2) and inserting "revenue bill or resolution", and

(D) by striking out "such bill" each place it appears in subsection (e)(2) and inserting "such bill or resolution".

(3) Subsection (c) of section 407 of the Trade Act of 1974 (19 U.S.C. 2437(c)) is amended—

(A) by striking out paragraphs (1) and (2) and inserting the following new paragraph:

"(1) In the case of a document referred to in subsection (a), the proclamation set forth in the document may become effective and the agreement set forth in the document may enter into force and effect only if a joint resolution described in section 151(b)(3) that approves of the extension of nondiscriminatory treatment to the products of the country concerned is enacted into law.", and

(B) by redesignating paragraph (3) as paragraph (2).

(c) COMPLIANCE REPORTS.—

(1) Paragraph (2) of section 407(c) of the Trade Act of 1974 (19 U.S.C. 2437(c)(2)), as redesignated by subsection (b)(3)(B) of this section, is amended—

(A) by striking out "either the House of Representatives or the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution of disapproval (under the procedures set forth in section 152)" and inserting "a joint resolution described in section 152(a)(1)(B) is enacted into law that disapproves", and

(B) by striking out "the adoption" and inserting "the enactment".

(2) Subparagraph (B) of section 152(a)(1) of the Trade Act of 1974 (19 U.S.C. 2192(a)(1)(B)) is amended to read as follows:

"(B) a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: 'That the Congress does not approve transmitted to the Congress on .', with the first blank space being filled in accordance with paragraph (2), and the second blank space being filled with the appropriate date.".

(3) Paragraph (2) of section 152(a) of the Trade Act of 1974 (19 U.S.C. 2192(a)(2)) is amended—

(A) by adding "and" at the end of subparagraph (A),

(B) by striking out "407(c)(3)" in subparagraph (C) and inserting "407(c)(2)",

(C) by striking out subparagraph (B),

(D) by redesignating subparagraph (C) as subparagraph (B).

(4) Subsection (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192(f)) is amended to read as follows:

"(f) FINAL PASSAGE IN THE SENATE.—A resolution that has passed the House of Representatives shall, when received in the Senate, be placed on the calendar. The procedures in the Senate with respect to a resolution introduced in the Senate that concerns the same matter as the resolution that passed the House of Representatives shall be the same as if no resolution had been received from the House of Representatives, but the vote on final passage in the Senate shall be on the resolution that passed the House of Representatives.".

(5) Subsection (b) of section 154 of the Trade Act of 1974 (194 U.S.C. 2194(b)) is amended by striking out ", 407(c)(2), and 407(c)(3)" and inserting "and 407(c)(2)".

The SPEAKER pro tempore (Mr. MAZZOLI). Is a second demanded?

Mr. ARCHER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 20 minutes, and the gentleman from Texas [Mr. ARCHER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 4238, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4328, a bill combining authorizations of appropriations for the U.S. International Trade Commission [ITC], the U.S. Customs Service, and the Office of the U.S. Trade Representative [USTR] for fiscal years 1991 and 1992. The bill also contains miscellaneous customs and trade law provisions.

This bill was reported unanimously by the Committee on Ways and Means on March 22. It was put together on a bipartisan basis with close cooperation from Mr. CRANE, the ranking member of the Trade Subcommittee and Mr. ARCHER, the ranking full committee member. I believe this bill is necessary to provide adequate resources for the global responsibilities of these major trade agencies.

For the U.S. International Trade Commission, the bill authorizes appropriations of $41.2 million for fiscal year 1991. This amount represents a 7-percent increase over the fiscal year 1990 Gramm-Rudman-Hollings sequestration level. For fiscal year 1992, the bill authorizes a budget of $42.1 million, which is 7 percent over the previous year's authorization level. These authorization levels are lower than that requested by the ITC, due to the tight fiscal situation of the Federal Government and to the generally lower workload of the Commission, particularly in the area of public investigations. However, it is the judgment of the Committee on Ways and Means that a 7-percent growth rate in the ITC budget will be sufficient to maintain operations at their current levels, with an authorized staff level of 502 positions.

For the Customs Service, the bill authorizes a total budget of $1.34 billion and 17,357 full-time equivalent positions in fiscal year 1991. Although this represents only a 2-percent increase over the fiscal year 1990 appropriated level, the bill authorizes significant increases in funding for salaries and expenses in both enforcement and commercial operations. This is intended to restore the base resources which Congress has authorized and appropriated, but which have been depleted—particularly in commercial operations.

The administration's request would have reduced Customs staffing by 314 positions. However, the committee rejected that and authorized an increase of nearly 700 positions over the current appropriated level to deal with the ever-increasing Customs workload. The authorization also provides for program increases requested by Customs in areas such as improvements in internal controls and money laundering enforcement, as well as increased inspectors along the Southwest border.

Specifically, the bill authorizes a maximum of $515.5 million for fiscal year 1991 for salaries and expenses incurred in noncommercial or enforcement operations. For commercial operations, the bill authorizes an appropriation from the Customs user fee account in an amount not less than $672.4 million. For the operations and maintenance of Customs Air Interdiction Program, the bill authorizes $143 million for fiscal year 1991, the amount requested by the administration.

For fiscal year 1992, the bill would authorize a total budget of $1.4 billion, a 5-percent across-the-board increase over the fiscal year 1991 level. This is intended to maintain current levels of service.

By establishing a statutory funding floor for Customs commercial operations, the bill ensures that a proper balance is maintained between the twin responsibilities of law enforcement and trade operations.

With respect to the Customs forfeiture fund, the bill authorizes appropriations of about $15 million for fiscal year 1991 and fiscal year 1992, the amount requested by the administration. In addition, the bill tightens forfeiture fund reporting and accounting requirements, mandates that all seized cash be deposited into the fund prior to asset sharing and clarifies sharing of fund proceeds with State and local governments.

Mr. Speaker, it is important to note that this bill enhances Customs ability to fight the war on drugs. Section 3 provides for a quicker disposition of asset forfeiture cases, thereby allowing the Government to retain a higher value of seized assets.

The bill raises to $500,000 the value of seized property subject to administrative forfeiture and removes the $100,000 limit on seized cash forfeitures. This eliminates the need for lengthy judicial proceedings in uncontested cases. However, these provisions would not change the right of a party to file a claim and contest the seizure in a judicial proceeding.

Sections 4 and 5 of the bill address three recommendations of the Subcommittee on Oversight report on the operations of the Customs Service. Section 4 would require Customs to estimate the likelihood of possible violations of trade, narcotics, and other laws, and require a national enforcement strategy with a report to Congress. Section 5 would direct the Treasury and State Departments to

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conduct a feasibility study for expanding Customs foreign preclearance operations. The section also would require the administration to evaluate and report to Congress on proposals for providing recourse to importers for merchandise damaged during Customs inspection.

For the·office of the U.S. trade representative, the bill authorizes total appropriations of $23.3 million for fiscal year 1991 and $21.1 million for fiscal year 1992. These levels represent USTR estimates of anticipated increased activity and resource needs, including eight additional staff and one-time equipment costs in fiscal year 1991, rather than the President's budget request, which does not even cover the costs of current services. The committee believes it essential that the USTR have sufficient resources to fulfill its statutory mandate as the lead agency for U.S. trade policy and negotiations, and to implement its increased responsibilities under the 1988 Omnibus Trade Act.

Section 6 of the bill meets an administration request, as part of an additional economic aid package for Eastern Europe, to remove Czechoslovakia and East Germany from the statutory list of countries excluded from eligibility for the generalized system of preferences program. These countries will not actually be designated to receive duty-free treatment on their products unless they meet the statutory qualifying criteria.

Section 7 of the bill extends the deadline for 3 years, until August 1994, for a report by the Secretary of Labor to the Congress on supplemental wage projects under the Worker Trade Adjustment Assistance Program.

Section 8 of H.R. 4328 makes technical amendments to title 4 of the Trade Act of 1974, including the so-called Jackson-Vanik amendment. The bill amends various sections of title 4 to congressional procedures affecting the most-favored-nation [MFN] treatment of nonmarket economy countries. The bill provides for the use of a joint resolution for the approval of trade agreements and disapproval of presidential waivers or reports with respect to the Jackson-Vanik freedom of emigration requirements. Title 4 currently provides for the use of a concurrent resolution or a one-House resolution in those circumstances. Section 8 also removes from title 4 certain statutory provisions which have expired and make conforming amendments to other provisions of the Trade Act relating to congressional consideration of resolutions. None of these amendments change the procedures or timing for consideration of resolutions under present rules of the House.

These changes to title 4 were made in order to conform the statute to the 1983 Supreme Court Chadha versus INS ruling that legislative vehicles intended to have the force of law must be acted upon by both Chambers of Congress and must be presented to the President for signature or veto. According to constitutional experts, a one-House resolution fails both of these tests, and a concurrent resolution fails the test of presentment to the President. A joint resolution meets both of these tests.

The Committee on Ways and Means believes it is imperative for the Congress to adopt the changes provided for in section 8, in order to preserve Congress' role in trade agreement approval and in review of Presidential actions extending MFN treatment to nonmarket economy countries. The administration is expected to conclude a trade agreement with the Soviet Union in June, and other agreements may follow. In addition, the President is likely to notify Congress of his intention to extend his waiver authority under title 4 by June 3. The changes to title 4 contained in section 8 would assure that Congress retains the power, under constitutionally consistent procedures, to approve trade agreements and to disapprove presidential determinations regarding freedom of emigration requirements as intended by the original statute.

The committee amendments to the bill are strictly technical and non substantive in nature, to correct a few drafting errors discovered by legislative counsel when comparing the bill text to present law.

Mr. Speaker, I urge my colleagues' strong support for H.R. 4328.

Mr. **ARCHER**. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4328, a 2-year budget authorization bill covering the International Trade Commission, the U.S. Customs Service, and the Office of the U.S. Trade Representative.

I am particularly pleased that the bill takes a longer term approach to budget planning by providing 2-year spending authority for fiscal years 1991 and 1992. Such an approach will give these three agencies the ability to organize their budgets with greater consistency and efficiency—and will help ensure that the funding priorities of the Congress are met.

The importance of these three trade agencies cannot be underestimated. That's especially true over the next 2 years, when the Uruguay round of multilateral trade negotiations is completed and implemented and when various United States practices—such as customs user fees and other customs procedures—are closely reviewed both domestically and abroad.

I have confidence that the budgets we are authorizing today will ensure that these agencies can meet their demanding workload over the next 2 years, can successfully protect our country's trade policy objectives, and can effectively enforce the trade and customs laws of the United States.

Section 1 of H.R. 4328 provides for prudent funding increases for the three trade agencies, beginning with the ITC, where a 7-percent increase is provided in each of fiscal years 1991 and 1992. Although below the request by the ITC in the President's budget, the committee deemed the increase adequate for the expected workload over the next 2 years and consistent with past budget increases for that agency.

With respect to the Customs Service, the bill authorizes a 2-percent overall increase for the agency in fiscal year 1991. However, by rearranging some priorities, the committee was able to raise spending for salaries and expenses by 11 percent, thereby providing for 694 additional positions.

In addition to the new employees, the bill also includes for the first time a $672 million funding floor to protect critical commercial operations. For fiscal year 1992, the bill authorizes an across-the-board increase of 5 percent for all Customs programs.

Finally, the bill authorizes $23 million for USTR in fiscal year 1991—a 31-percent increase—and $21 million in funding for fiscal year 1992. The unusually large increase for the next fiscal year is due primarily to the demands of concluding the Uruguay round. It also reflects one-time expenses for updated computers, costs associated with binational panel reviews under the United States-Canada Free-Trade Agreement, and additional responsibilities required by the 1988 trade bill.

In addition to the budget authorization levels, H.R. 4328 also makes several important changes in customs laws. Sections 2 and 3 improve operations of the forfeiture fund, an important tool in the war on drugs. Sections 4 and 5 form the initial steps in implementing the Oversight Subcommittee's recommendations to enhance Customs commercial operations.

I am particularly pleased with the provisions for a national threat assessment of trade and narcotics violations and a new, uniform Customs enforcement strategy. The committee intends that this requirement will partially alleviate the problem of "port shopping." I also support the provisions to study compensation of importers for goods damaged by Customs.

Sections 6 and 8 update the trade laws in response to the recent developments in Eastern Europe. Section 6 eliminates the prohibition against GSP eligibility for Czechoslovakia and East Germany, although other general criteria must be met before actual GSP benefits are extended to these two countries. Section 8 repairs the constitutionally defective legislative veto provisions in the so-called Jackson-Vanik amendment to the Trade Act of 1974 by replacing it with a joint resolution that meets the constitutional test.

Mr. Speaker, I urge my colleagues to vote "aye" on H.R. 4328.

□ 1430

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], the chairman of the subcommittee.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman very much for yielding time to me.

Mr. Speaker, let me explain a little of the background of this bill and the reason why it is here as it is. This is a good bill. It is a bipartisan bill, and it meets the needs as best we can for the trade situation as we see it.

The International Trade Commission has had a dropoff on its caseload, mainly because of the macroeconomic impact. The devaluation of the dollar, the sliding of the dollar over other major currencies over the last few years, has taken some of the tension off of those particular trade-related matters. But that will not always be the case, and we expect the business of the International Trade Commission to pick up again. So we have not cut the International Trade Commission back; we have just prevented its expansion.

On the USTR office, the USTR office is leading the negotiations for the Uruguay round, the largest most comprehensive trade negotiations ever undertaken on this globe. And it is a lean organization. It is a lean Cabinet position, a lean super Cabinet position, with only 157 people assigned to that job. We are boosting their appropriation in order to take care of that situation this year, and then in the following fiscal year we will cut them back some.

On the Customs Department, they collected about $20 billion last year. They spend about $1.2 or $1.3 billion in collecting that much money. They have an important law enforcement function that is increasing all the time. The prohibition of the importation of contraband in the form of drugs and other illicit and illegal products is very difficult. It is a tough job. We have asked that they pay particular attention to the preclearance of airplanes originating in foreign countries because we want to have less hassle on this end of the receiving of foreign passengers and American citizens as they come from foreign countries and because we want safer airplanes. The threat of inspecting that luggage before it goes into the plane will make the plane a lot safer. It will also cut down on the duplication and the hassle that goes on in international airports around the world. It is a little more difficult to carry out preinspection clearance of an airplane, but we think it is worthwhile for that to be done.

So for all the reasons that have been mentioned, Mr. Speaker, plus the removal of the legal barriers to foreign trade with Eastern European countries, that is about all we can do at this stage of the game. The rest of it is up to negotiations by the administration. I think they are doing a credible job, and I urge the support of this piece of legislation.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, I rise in support of this bill, the authorization bill for three important trade-related agencies of the U.S. Government.

The one which is funded at the lowest level is the office of the USTR, which has only about 150 people. It is charged with completing our multinational trade negotiations in the Uruguay round under GATT. It is conducting Super 301 negotiations with Japan, India, and Brazil; it is conducting structural impediment initiative discussions with Japan; it is engaged in regular 301 operations; it is negotiating a trade agreement with the U.S.S.R., which hopefully will lead to important developments in June; it is trying to keep an eye on the integration of European markets, something we call Europe 92; and it is negotiating agreements with certain Centeral European countries, which, of course, have changed direction in the last couple of years.

This is an enormous agenda, even for a large agency. Because it is a small agency, it has been given a large increase, nearly 30 percent for fiscal year 1990. It needs the resources and it will use them well.

On the other hand, we have given the ITC, the International Trade Commission, slightly less money than was requested this year. Its caseload is down by about 50 percent since the middle of this decade. It does valuable work, but it can do with less.

With respect to Customs, the committee has wisely tried to devote new resources to the normal Customs activities which we believe have gotten somewhat less attention than the more exciting pursuits of chasing drugs and chasing import restrictions, quota enforcement, et cetera.

Altogether, this is a good bill. The Senate normally does not pass it. We have every hope, however, that this year that pattern will change, and that we will not be simply firing a blank at the Senate.

Finally, I want to make one comment about Chairman ROSTENKOWSKI's amendment to the bill which seeks to make the bill compatible with the so-called Chadha court case and gives us a little different way of dealing with the President's opportunities to declare MFN.

His amendment changes the statute by requiring a joint resolution rather than a concurrent resolution. This is an important change. Following that amendment later, depending on what the Senate does and what we can agree to, there may be some other changes in this subject area, but those developments will have to wait.

In short, Mr. Speaker, this is a worthwhile bill. It should be voted affirmatively by all Members.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I rise in support of H.R. 4328, introduced by the gentleman from Illinois [Mr. ROSTENKOWSKI]. This bill would implement several of the recommendations included in the Committee on Ways and Means Subcommittee on Oversight report on U.S. Customs Service commercial operations issued on February 8, 1990.

Mr. Speaker, the subcommittee's report is the result of a much overdue thorough 2-year investigation. It had been more than 10 years since Congress had conducted such a review of Customs commercial operations. The Subcommittee on Oversight's report contains nearly 100 recommendations for improvements in U.S. Customs Service commercial operations, most of which are administrative recommendations directed to Customs for immediate implementation. However, the report does contain 13 legislative recommendations, 6 of which are addressed in H.R. 4328.

Mr. Speaker, for example, the Subcommittee on Oversight's report recommends establishing a funding floor for Customs commercial operations. The subcommittee determined that this is needed to address day-to-day pressures on Customs to divert funds from commercial to noncommercial programs. H.R. 4328 establishes the fiscal year 1991 floor at $672 million of the $1.3 billion total authorized for Customs.

The bill also implements the Subcommittee on Oversight's recommendation to require Customs to develop a nationwide threat assessment and to establish a uniform enforcement strategy to meet that threat. The subcommittee included this recommendation in its report because it determined that Customs' current decentralized, nonuniform enforcement strategy encourages importers to forum shop by picking one port of entry, where the likelihood of examination might be low, over another, where the likelihood might be higher. Under the bill, Customs would be required to report the results of its threat assessment and analysis to the Committee on Ways and Means on an annual basis.

The bill also requires a study and report on: First, airline passenger pre-

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clearance programs, and second, the need for compensation to importers for merchandise damaged by Customs during examinations.

H.R. 4328 also implements the Subcommittee on Oversight's recommendation to establish increased accounting and reporting requirements for the Customs Forfeiture Fund.

Mr. Speaker, I believe that H.R. 4328 is a good first step toward implementation of the Subcommittee on Oversight's report recommendations. I urge its passage by the House.

□ 1440

Mr. ARCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, I rise in support of this measure. The U.S. Customs Service is an important arm in enforcing U.S. trade and narcotics laws at our borders. H.R. 4328 authorizes a 2-percent increase in Customs' budget in fiscal year 1991 and 5 percent in fiscal year 1992. Such an increase would allow Customs to hire additional staff which is badly needed throughout the country.

The problem areas of particular concern to me are the westernmost border crossings between Canada and Washington State. Delays at the Blaine and Sumas ports of entry average 45 minutes during peak periods, sometimes reaching 4 hours. A report by Customs indicates that traffic volume has increased over 50 percent in the past 5 years. Customs staffing, however, has remained static.

The tremendous growth rates experienced by Washington State and Canada's west coast are a major part of the problem. The towns south and west of Vancouver are rapidly expanding into bedroom communities. Canadians are crossing the border to buy groceries, gas, and liquor at, in many cases, half the cost of Canadian goods.

The increased volume of commercial traffic brought on by the United States-Canadian Free-Trade Agreement is also a factor.

I am pleased that the report accompanying this measure strongly urges customs to hire additional permanent staff at the Blaine and Sumas ports of entry. The report also encourages Customs to make every effort to utilize part-time personnel at these crossings in the interim.

This bill will initiate action to correct several problems uncovered by the Ways and Means Oversight Subcommittee in its investigation of the U.S. Customs Service commercial operations.

Most importantly, the measure requires Customs to assess the likelihood of violations of trade, narcotics, and other laws in selecting cargo for inspection. A uniform, nationwide enforcement strategy will then be developed, using this data. I am very concerned that such a strategy is not yet in place at our borders. I commend Trade Subcommittee chairman SAM GIBBONS for acting so expeditiously to correct this deficiency.

The subcommittee found that in Seattle 12 percent of cargo is selected for inspection. Only 8 percent of cargo is selected in Los Angeles. There is legitimate concern that one port of entry could be more attractive to shippers because a customs inspection is less likely. We must not allow customs activity to disadvantage one port against another. Furthermore, there is little relationship between ports as to what cargo is selected and why. These discrepancies leave our country more vulnerable to the entry of drugs and other illegal cargo at ports with less stringent inspection procedures.

Another problem addressed by H.R. 4328 is one that is oftentimes faced by importers. If the goods in a shipment are damaged during the course of customs' inspection, an importer does not have any recourse to recover his loss.

An antique dealer in Redmond, WA, recently sent me photographs of the damage to a shipment of imported antiques which occurred during an inspection conducted by customs. His business suffered a $3,000 loss in damages alone. It is an outrage that my constituent has no available remedy to seek reimbursement.

I urge my colleagues to support this measure.

Mr. ARCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4328, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION ACT

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2209) to enable producers of soybeans to develop, finance, and carry out a nationally coordinated program for soybean promotion, research, and consumer information, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Soybean Promotion, Research, and Consumer Information Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and declaration of policy.
Sec. 3. Definitions.
Sec. 4. Issuance and amendments of orders.
Sec. 5. Required terms in orders.
Sec. 6. Referenda.
Sec. 7. Petition and review.
Sec. 8. Enforcement.
Sec. 9. Investigations; power to subpoena; aid of courts.
Sec. 10. Administrative provisions.
Sec. 11. Regulations.
Sec. 12. Authorization.

SEC. 2. FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS.—Congress finds that—

(1) soybeans are an important source of nutritious foods that are a valuable part of the human diet and are an important feedstuff for the livestock industry;

(2) the production of soybeans plays a significant role in the economy of the United States in that soybeans are produced by thousands of soybean producers, processed by numerous processing entities, and soybeans and soybean products produced in the United States are consumed by people and livestock throughout the United States and foreign countries;

(3) soybeans and soybean products should be readily available and marketed efficiently to ensure that consumers have an adequate supply of soybean products at a reasonable price;

(4) the maintenance and expansion of existing markets and development of new markets for soybeans and soybean products are vital to the welfare of soybean producers and processors and those concerned with marketing soybeans and soybean products, as well as to the general economy of the United States, and are necessary to ensure the ready availability of efficient marketing of soybeans and soybean products;

(5) there exist established State and national organizations conducting soybean promotion, research, and consumer education programs that are valuable to the efforts of promoting the consumption of soybeans and soybean products;

(6) the cooperative development, financing, and implementation of a coordinated national program of soybean promotion, research, consumer information, and industry information are necessary to maintain and expand existing markets and develop new markets for soybeans and soybean products; and

(7) soybeans and soybean products move in interstate and foreign commerce, and soybeans and soybean products that do not move in such channels of commerce directly burden or affect interstate commerce in soybeans and soybean products.

(b) POLICY.—Congress declares that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this Act, for an orderly procedure for developing, financing through assessments on domestically-produced soybeans, and implementing a program of promotion, research, consumer information, and industry information designed to strengthen the soybean industry's position in the marketplace, to maintain and expand existing domestic and foreign markets and uses for soybeans and soybean products, and to develop new markets and uses for soybeans and soybean products.

(c) CONSTRUCTION.—Nothing in this Act may be construed to provide for the control of production or otherwise limit the right of individual producers to produce soybeans.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Board" means the United Soybean Board established under section 5(b) of this Act.

(2) The term "commerce" includes interstate, foreign, and intrastate commerce.

(3) The term "consumer information" means information that will assist consumers and other persons in making evaluations and descisions regarding the purchase, preparation, and use of soybeans or soybean products.

(4) The term "Department" means the Department of Agriculture.

(5) The term "first purchaser" means—

(A) except as provided in subparagraph (B), any person buying or otherwise acquiring from a producer soybeans produced by such producer, or

(B) the Commodity Credit Corporation, in any case in which soybeans are pledged as collateral for a loan issued under any price support loan program administered by the Commodity Credit Corporation.

(6) The term "industry information" means information and programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the soybean industry, and activities to enhance the image of the soybean industry.

(7) The term "marketing" means the sale or other disposition of soybeans or soybean products in any channel of commerce.

(8) The term "net market price" means—

(A) except as provided in subparagraph (B), the sales price or other value received by a producer for soybeans after adjustments for any premium or discount based on grading or quality factors, as determined by the Secretary, or

(B) for soybeans pledged as collateral for a loan issued under any price support loan program administered by the Commodity Credit Corporation, the principal amount of the loan.

(9) The term "order" means an order issued under section 4.

(10) The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(11) The term "producer" means any person engaged in the growing of soybeans in the United States who owns, or who shares the ownership and risk of loss of, such soybeans.

(12) The term "promotion" means any action, including paid advertising, technical assistance, and trade servicing activities, to enhance the image or desirability of soybeans or soybean products in domestic and foreign markets, and any activity designed to communicate to consumers, importers, processors, wholesalers, retailers, government officials, or others information relating to the positive attributes of soybeans or soybean products or the benefits of importation, use, or distribution of soybeans and soybean products.

(13) The term "qualified State soybean board" means a State soybean promotion entity that is authorized by State law. If no such entity exists in a State, the term "qualified State soybean board" means a soybean producer-governed entity—

(A) that is organized and operating within a State,

(B) that receives voluntary contributions and conducts soybean promotion, research, consumer information, or industry information programs, and

(C) that meets criteria established by the Board relating to the qualifications of such entity to perform duties under the order, as determined by the Board, and is recognized by the Board as the soybean promotion and research entity within the State.

(14) The term "research" means any type of study to advance the image, desirability, marketability, production, product development, quality, or functional or nutritional value of soybeans or soybean products, including any research activity designed to identify and analyze barriers to export sales of soybeans and soybean products.

(15) The term "Secretary" means the Secretary of Agriculture.

(16) The term "soybean products" means products produced in whole or in part from soybeans or soybean by-products.

(17) The term "soybeans" means all varieties of Glycine max or Glycine soya.

(18) The term "State" and "United States" consist of the fifty States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 4. ISSUANCE AND AMENDMENT OF ORDERS.

(a) IN GENERAL.—To effectuate the declared policy of section 2(b) of this Act, the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this Act applicable to producers and first purchasers of soybeans. Any such order shall be national in scope, and not more than one order shall be in effect under this Act at any one time.

(b) PROCEDURE.—(1) The Secretary may propose the issuance of an order under this Act, or an association of soybean producers or any other person that would be affected by an order issued pursuant to this Act may request the issuance of, and submit a proposal for, such an order.

(2) Not later than 30 days after the receipt of a request and proposal for an order pursuant to paragraph (1), or whenever the Secretary determines to propose an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) After notice and opportunity for public comment are given as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comment received and including in the order provisions necessary to ensure that the order is in conformity with the requirements under this Act. Such order shall be issued and become effective not later than 180 days following publication of the proposed order.

(c) AMENDMENTS.—The Secretary, from time to time, may amend any order issued under this section. Except as otherwise provided in sections 5(b)(2)(F) and 5(d)(1), no amendment to an order shall be effective until approved by a referendum of soybean producers and the provisions of this Act applicable to orders shall be applicable to amendments to orders.

SEC. 5. REQUIRED TERMS IN ORDERS.

(a) IN GENERAL.—Any order issued under this Act shall contain the terms and conditions specified in this section.

(b) ESTABLISHMENT AND MEMBERSHIP OF THE UNITED SOYBEAN BOARD.—(1) The order shall provide the the establishment of, and appointment of members to, a United Soybean Board to administer the order. Members of the Board shall be soybean producers appointed by the Secretary, on a geographic basis, from State or combined units, as provided in this subsection. The cumulative number of seats on the Board shall be the total number of seats to which all the units are entitled.

(2) The Secretary shall establish State units and combined units and seats on the Board for such units, as follows:

(A) Except as provided in subparagraph (B), each State shall be considered as a unit.

(B) A State in which average annual soybean production is less than 3 million bushels shall be grouped with other States into a combined unit. To the extent practicable, each State with average annual soybean production of less than 3 million bushels shall be grouped with other States with average annual soybean production of less than 3 million bushels into a combined unit, in a manner prescribed in the order, and each combined unit shall consist of geographically contiguous States. Each combined unit shall have an average annual production of soybeans of at least 3 million bushels.

(C) Subject to subparagraph (F), each unit, as established under subparagraph (A) or (B)—

(i) if its average annual soybean production is less than 15 million bushels, shall be entitled to one seat on the Board;

(ii) if its average annual soybean production is 15 million bushels or more but less than 70 million bushels, shall be entitled to 2 seats on the Board;

(iii) if its average annual soybean production is 70 million bushels or more but less than 200 million bushels, shall be entitled to 3 seats on the Board; and

(iv) if its average annual soybean production is 200 million bushels or more, shall be entitled to 4 seats on the Board.

(D) At the end of each 3 year period beginning with the 3 year period starting on the effective date of the order, the Secretary, if necessary, shall adjust any unit to conform with subparagraphs (A) and (B) and any modifications pursuant to paragraph (F). If the Secretary makes such an adjustment, the Secretary shall re-establish the seats on the board to conform with subparagraph (C) and any modifications pursuant to paragraph (F).

(E) For purposes of subparagraphs (A), (B), (C), and (D), the Secretary shall determine average annual soybean production applicable to a crop year by using the average of the 5 previous crops of soybeans, excluding the crop in which production was the highest and the crop in which production was the lowest.

(F) At the end of each 3 year period beginning with the 3 year period starting on the effective date of the order, the Board may recommend to the Secretary, to the extent it determines appropriate, changes in the levels of production used in subparagraphs (A), (B), and (C) to determine per-unit representation on the Board. The Secretary may amend the order to make such changes in levels of production used to determine per-unit representation. Any such amendment to the order shall not be subject to a referendum of producers. A unit may not, as a result of any modification under this subparagraph, lose Board seats to which it is entitled at the time the order is initially issued unless its average annual production, as determined under subparagraph (E), de-

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clines below the levels required for representation, as specified in subparagraphs (A), (B), and (C).

(3)(A) The Secretary shall appoint soybean producers to seats established under paragraph (2) from nominations submitted by each unit. Each unit shall submit to the Secretary at least 2 nominations for each appointment to which such unit is entitled.

(B)(i) The Secretary shall solicit nominations for each seat on the initially-established Board to which a State unit is entitled from the State soybean board in the State that submits satisfactory evidence to the Secretary that such board meets the criteria of section 3(13), other than section 3(13)(C), of this act. If no such organization exists in the unit, the Secretary shall solicit nominations for appointments in such manner as the Secretary determines appropriate.

(ii) The Secretary shall solicit nominations for each seat on the initially-established Board to which a combined unit is entitled in such manner as the Secretary determines appropriate, taking into consideration the recommendations of any State soybean board operating in the unit that submits satisfactory evidence to the Secretary that such board meets the criteria of section 3(13), other than section 3(13)(C), of this Act.

(C)(i) The Secretary shall solicit nominations for each subsequent appointment to a seat on the Board to which a State unit is entitled from the qualified State soybean board in the unit. If no such organization exists in the unit, the Secretary shall solicit nominations for such appointment in such manner as the Secretary determines appropriate.

(ii) The Secretary shall solicit nominations for each subsequent appointment to a seat on the Board to which a combined unit is entitled in such manner as the Secretary determines appropriate, taking into consideration the recommendations of any qualified State soybean board operating in the unit.

(4) The Secretary may reject any nomination submitted by a unit. If there are insufficient nominations from which to appoint members to the Board as a result of the Secretary rejecting the nominations submitted by a unit, the unit shall submit additional nominations, as provided in paragraph (3).

(5) The Secretary shall ensure, to the extent practicable, that at least 5 of the members appointed to the board are members in good standing, and were members for at least 3 years prior to appointment to the Board, of a national general farm organization. Each of the 5 members shall be a member of a different national general farm organization.

(6) Each appointment to the Board shall be for a term of 3 years, except that appointments to the initially-established Board shall be proportionately for 1 year, 2 year, and 3 year terms. No person may serve more than 3 three-year terms. Board members shall serve without compensation, but shall be reimbursed by the Board for their reasonable expenses incurred in performing their duties as members of the Board.

(7)(A) Notwithstanding the foregoing provisions of this subsection, the Secretary, under procedures established by the Secretary, may appoint to the initially-established Board up to 3 temporary members to serve in addition to the members appointed as otherwise provided in this subsection, as the Secretary determines appropriate for transition purposes under the criteria set out in subparagraph (B). Each such temporary member shall be appointed for a single term not to exceed 3 years.

(B) The Secretary, in making any temporary appointments to the initially-established Board, shall ensure, to the extent practicable, that each State with a State soybean board that, prior to the enactment of this Act, was contributing State soybean promotion and research assessment funds to national soybean promotion and research efforts has representation on the initially-established Board that reflects the relative contributions of such State to the national soybean promotion and research effort.

(8) The order shall provide for at least one meeting of the Board annually and specify the circumstances in which additional special meetings of the Board may be held.

(c) Powers and Duties of the Board.—The order shall define the powers and duties of the Board and shall include the following powers or duties:

(1) to administer the order in accordance with its terms and provisions;

(2) to make regulations to effectuate the terms and provisions of the order;

(3) to elect members of the Board to serve on committees;

(4) to submit budgets to the Secretary for the Secretary's approval or disapproval;

(5) to contract with appropriate persons to implement plans or projects;

(6) to contract with qualified State soybean boards to implement programs in their States;

(7) to receive, investigate, and report to the Secretary complaints of violations of the order;

(8) to provide the Secretary with prior notice of meetings of the board to allow the Secretary, or a designated representative, to attend such meetings;

(9) to recommend to the Secretary amendments to the order;

(10) to provide at lest annually a report to producers accounting for funds and describing programs implemented and make such report available to the public upon request; and

(11) to ensure, in carrying out the order, that the development of the budget and activities conducted under the order do not cause a duplication of efforts of, or ineffective use of resources under, any other soybean promotion, research, consumer information, or industry information program on the State or national level.

(d) Board Voting Procedures.—(1) The order shall establish procedures for the conduct of voting by the Board, as specified in this subsection. At the end of the 3 year period beginning on the effective date of the order, the Board may recommend to the Secretary changes in such procedures for the conduct of voting by the Board, and the Secretary may amend the order to make such recommended changes in voting procedures. Such amendment to the order shall not be subject to a referendum of producers.

(2) Each member of the Board shall be entitled, in any vote conducted by the Board, to cast the number of votes determined under the following rules:

(A) Each member shall be entitled to cast one vote unless a roll call vote is conducted. On a roll call vote, each member shall be entitled to cast such additional votes as are assigned to the member under subparagraph (B).

(B) The additional votes that each member is assigned for roll call votes shall be computed as follows:

(i) Except as provided in clause (ii), each unit shall be allotted one vote for each percent, or portion of a percent, of the total amount of assessments remitted to the Board that was remitted from the unit, net of any refunds made under subsection (j)(2), on the average, during each of the 3 previous fiscal years of the Board.

(ii)(I) During the first fiscal year of the Board, each unit shall be allotted one vote for each percent, or portion of a percent, of the total production of soybeans in the United States that was produced in the unit, on the average, during each of the immediately preceding crop years.

(II) The order shall provide appropriate adjustments of the procedure for the allotment of votes under clause (i) to apply to allotments of votes during the second and third fiscal years of the Board.

(iii) A unit's total votes under clause (i) or (ii) shall be divided equally among all the members representing that unit. The procedures established by the order shall provide for the equitable disposition of fractional votes assigned to a member under such division of a unit's votes.

(3)(A) Except as provided in subparagraph (B), a motion shall carry if approved by a simple majority of members of the Board casting votes.

(B) Any member of the Board may call for a roll call vote on any motion. Except as otherwise provided in the bylaws adopted by the Board, whenever a roll call vote is conducted, the motion shall carry only if approved by a simple majority of all votes cast and a simple majority of all units voting, with the vote of each unit determined by a simple majority of all votes cast by members in that unit.

(4) In any vote conducted by a committee of the Board, each member of the committee shall have one vote.

(5) A member may not cast votes by proxy.

(e) Budgets.—The order shall provide that the Board shall develop budgets on a fiscal year basis of anticipated expenses and disbursements under the order, including probable costs of administration and promotion, research, consumer information, and industry information projects. The Board shall submit such budgets or any substantial modification thereof to the Secretary for the Secretary's approval. In approving or disapproving such budget or modification, the Secretary shall, among other considerations, ensure that the activities conducted under the order do not cause a duplication of efforts of, or ineffective use of resources under, any other soybean promotion, research, consumer information, or industry information program on the State or national level. Each such budget or modification shall be approved or disapproved by the Secretary within 45 days after the Secretary receives the budget or modification. No expenditure is authorized under a budget or modification approved by the Secretary.

(f) Plans and Projects.—The order shall provide that the Board shall review or, on its own initiative, develop plans or projects of promotion, research, consumer information, and industry information, to be paid for with funds received by the Board.

(g) Administration.—(1) The order shall provide that the Board shall be responsible for all expenses of the Board.

(2)(A) The order shall provide that the Board may establish an administrative staff or facilities of its own or contract for the use of the staff and facilities of national, nonprofit, producer-governed organizations that represent producers of soybeans.

(B) If the Board establishes an administrative staff of its own, the Board is authorized to expend for administrative staff salaries and benefits an amount not to exceed one percent of the projected level of assessments to be collected by the Board, net of any refunds to be made under subsection (j)(2), for that fiscal year.

(C) If the staff of national, nonprofit, producer-governed organizations that represent producers of soybeans are used by the Board, the staff of such organizations shall not receive compensation directly from the Board, but such organizations shall be reimbursed for the reasonable expenses of their staffs, including salaries, incurred in performing staff duties on behalf of, and authorized by, the Board.

(3) The order shall provide that costs incurred by the Board in administering the order (including the cost of staff but not including administrative costs incurred by the Secretary) during any fiscal year shall not exceed 5 percent of the projected level of assessments to be collected by the Board, net of any refunds to be made under subsection (j)(2), for that fiscal year.

(h) Contracts and Agreements.—(1) To ensure coordination and efficient use of funds, the order shall provide that the Board may enter into contracts or agreements for the implementation and carrying out of the activities authorized by this Act with national, nonprofit, producer-governed organizations that represent producers of soybeans, and for the payment thereof with funds received by the Board under the order.

(2) To enhance coordination, the Board, when entering into contracts or agreements for the implementation and carrying out of activities authorized by this Act, shall ensure that all plans or projects implemented for consumer information, industry information, promotion, or research are implemented by a single entity. There shall not be in force, at any one time, more than one contract or agreement for implementation of plans or projects for consumer information, for industry information, for promotion, or for research, except that, upon approval of the Secretary, the Board may contract with qualified State soybean boards to implement plans or projects within their respective States.

(3) Any such contract or agreement shall provide that—

(A) the contracting party shall develop and submit to the Board a plan or project together with a budget or budgets that shall show estimated costs to be incurred for such plan or project;

(B) the plan or project shall not become effective unless it has been approved by the Secretary, and

(C) the contracting party shall keep accurate records of all of its transactions, account for funds received and expended, including staff time, salaries, and expenses expended on behalf of Board activities, make periodic reports to the Board of activities conducted, and make such other reports as the Board or the Secretary may require.

(i) Books and Records of the Board.—The order shall require the Board to—

(1) maintain such books and records, which shall be available to the Secretary for inspection and audit, as the Secretary may prescribe,

(2) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe, and

(3) account for the receipt and disbursement of all funds entrusted to the Board.

The Board shall cause its books and records to be audited by an independent auditor at the end of each fiscal year and a report of such audit to be submitted to the Secretary. The Secretary shall make such report available to the public upon request.

(j) Assessments.—(1)(A)(i) The order shall provide that each first purchaser of soybeans from a producer shall collect, in the manner prescribed by the order, an assessment from the producer and remit the assessment to the Board. If a qualified State soybean board is operating in the State, the Board shall permit such State board to collect such assessments on behalf of the Board from first purchasers in the State in which such board is operating.

(ii) The rate of assessment prescribed by the order shall be one-half of 1 percent of the net market price of soybeans bought or otherwise acquired by the first purchaser from the producer.

(iii) No more than one assessment shall be made with respect to any particular soybeans.

(iv) The order shall provide that no person may engage in any scheme or device regarding the net market price of soybeans for purposes of affecting the assessment under the order.

(B) The order shall provide that any person processing soybeans of that person's own production and marketing such soybeans or soybean products made from such soybeans shall remit to the Board or the qualified State soybean board, in the manner prescribed by the order, an assessment established at a rate equivalent to the rate provided for in subparagraph (A)(ii).

(2)(A) The order shall provide that, during the period prior to the approval of the continuation of the order in the referendum provided for in section 6(a), as determined by the Secretary, each producer shall have the right to demand and receive from the Board a refund of any assessment collected from such producer if—

(i) such producer is responsible for paying the assessment; and

(ii) such producer does not support the programs, projects, or activities implemented under the order.

(B) Subject to the provisions of subparagraph (C)(i), any demand by a producer for a refund of an assessment under this paragraph shall be made in accordance with regulations, on a form, and within the time period, not to exceed 90 days from the date of collection, prescribed by the Board.

(C)(i) In each State in which a qualified State soybean board collects assessments, as provided in paragraph (1)(A)(i), producers shall submit demands for refunds of assessments to the qualified State soybean board. Such board shall process such submissions under procedures established under State statute applicable to refunds of assessments on soybeans, except that if no refunds are allowed under State statute, such submissions shall be processed under procedures established under this paragraph.

(ii) In each State not specified in clause (i), producers shall submit demands for refunds of assessments directly to the Board.

(D) Subject to the provisions of subparagraph (C)(i), each refund to a producer of an assessment under this paragraph shall be made as soon as practicable, but in no case more than 60 days, after submission of proof satisfactory to the qualified State soybean board or the Board that the producer paid the assessment for which refund is demanded.

(3) The assessments shall be used for payment of the expenses incurred in implementation and administration of the order, the establishment of a reasonable reserve, and reimbursement to the Secretary of administrative costs incurred by the Secretary after the order has been proposed.

(4) A producer who can establish that such producer is contributing to a qualified State soybean board shall receive credit, in determining the assessment due to the Board from such producer, for contributions to the qualified State soybean board of up to one-quarter of 1 percent of the net market price of soybeans or the equivalent thereof. A producer may receive a credit under this paragraph only if the contribution is to the qualified State soybean board in the State in which the soybeans are produced, except that the Board, with the approval of the Secretary, may authorize exceptions to such State-of-origin rule as appropriate to ensure effective coordination of collection procedures among States.

(5) The producers in the order for the collection of assessments shall ensure, to the extent practicable, that such soybeans are subject to a single process of assessment under the order.

(k) Credit for Certain Costs to States.—The order shall provide that the Board may provide a credit against the amount of collected assessments due from each qualified State soybean board of an amount not to exceed one-half of any fees paid to State governmental agencies or first purchasers for collection of the assessments if the payment of such fees by the qualified State soybean board is required by State statute enacted prior to the date of enactment of this Act. Any credit provided to any qualified State soybean board under this subsection may not exceed 2.5 percent of the amount of assessments collected and remitted to the Board under subsection (j).

(l) Minimum Level of Assessments to States.—(1) The order shall contain provisions to ensure that, during the period prior to conduct of the referendum provided for in section 6(a), each qualified State soybean board retains annually an amount of money equal to the average amount that the State board collected from assessments during each of the State board's fiscal years 1984 through 1988, excluding the year in which such collections were the highest and the year in which such collections were the lowest, as determined by the Secretary and subject to paragraph (3).

(2) The order shall provide, effective after the conduct of the referendum provided for in section 6(a), subject to paragraph (3), that the Board annually shall provide a credit to each qualified State soybean board of an amount by which—

(A) the amount equal to one cent times the average number of bushels of soybeans produced in the State during each of the preceding 5 years, excluding the year in which the production is the highest and the year in which the production is the lowest, exceeds

(B) the total amount collected by the qualified State soybean board from assessments on producers under this Act and State law minus the amount of assessments remitted to the Board during such year under subsection (j).

(3) The total amount of assessment funds retained by a qualified State soybean board under paragraph (1) or (2) and subsection (j)(4) for a year may not exceed the total amount of assessments collected in the State under subsection (j), net of any refunds made under subsection (j)(2), for that year.

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(m) INVESTMENT OF FUNDS.—The order shall provide that the Board, with the approval of the Secretary, may invest funds received by the Board under the order, pending their disbursement, only in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States. Income from any such investment may be used only for such purposes as the invested funds may be used.

(n) PROHIBITION.—(1) Except as otherwise provided in paragraph (2), the order shall prohibit any funds collected by the Board under the order from being used in any manner for the purpose of influencing any action or policy of the United States Government, any foreign, State, or United States territory or possession government, or any political subdivision thereof.

(2) The prohibition in paragraph (1) shall not apply to—

(A) the development and recommendation of amendments to the order;

(B) the communication to appropriate government officials of information relating to the conduct, implementation, or results of promotion, research, consumer information, and industry information under the order; or

(C) any action designed to market soybeans or soybean products directly to a foreign government or political subdivision thereof.

(o) BOOKS AND RECORDS OF FIRST PURCHASERS AND CERTAIN PRODUCERS.—(1) The order shall require that each first purchaser of soybeans and any person processing soybeans of that person's own production maintain and make available for inspection by the Board or the Secretary such books and records as may be required by the order and file reports at the time, in the manner, and having the content prescribed by the order. The order shall exempt small producers processing soybeans of their own production from such recordkeeping and reporting requirements if they are not required to pay assessments under the order.

(2)(A) Information maintained under paragraph (1) shall be made available to the Secretary as is appropriate for the administration or enforcement of this Act, or any order or regulation issued under this Act.

(B) The Secretary shall authorize the use under this Act of information regarding first purchasers that is accumulated under a law or regulation other than this Act or regulations under this Act.

(3)(A) Commercial or financial information obtained under paragraphs (1) and (2) and that is privileged or confidential shall be kept confidential by all officers and employees of the Department, the Board, and agents of the Board, subject to the provisions of subparagraph (B).

(B) Information obtained under the authority of this Act shall be made available to any agency or officer of the Federal Government for—

(i) the implementation of this Act;

(ii) any investigatory or enforcement action necessary for the implementation of this Act; or

(iii) any civil or criminal law enforcement activity if the activity is authorized by law.

(4) Any person who intentionally or knowingly violates the provisions of this subsection, upon conviction, shall be subject to a fine of not more than $1,000, or to imprisonment for not more than one year, or both, and if an agent of the Board or an officer or employee of the Department, shall be removed from office.

(p) INCIDENTAL TERMS AND CONDITIONS.—The order shall provide terms and conditions, not inconsistent with the provisions of this Act, as necessary to effectuate the provisions of the order, including provisions for the assessment of a penalty for each late payment of assessments under subsection (j).

SEC. 6. REFERENDA.

(a) INITIAL REFERENDUM.—Not earlier than 18 months nor later than 36 months following the issuance of an order under section 4 of this Act, the Secretary shall conduct a referendum for the purpose of ascertaining whether the order then in effect shall be continued. Such referendum shall be conducted among producers who, during a representative period as determined by the Secretary, have been engaged in the production of soybeans. Such order shall be continued only if the Secretary determines that the order has been approved by not less than a majority of the producers voting in the referendum. If continuation of the order is not approved by a majority of those voting in the referendum, the Secretary shall terminate the collection of assessments under the order within 6 months after the referendum and shall terminate the order in an orderly manner as soon as practicable.

(b) ADDITIONAL REFERENDA.—(1)(A) After the initial referendum on an order, the Secretary shall conduct additional referenda, as described in subparagraph (C), if requested by a representative group of producers, as described in subparagraph (B).

(B) An additional referendum on an order shall be conducted if requested by 10 percent or more of the producers who during a representative period have been engaged in the production of soybeans, of which group of requesting producers not in excess of one-fifth are producers in any one State, as determined by the Secretary.

(C) Each additional referendum shall be conducted among all producers who, during a representative period, as determined by the Secretary, have been engaged in the production of soybeans to determine whether such producers favor the termination of the order.

(2) If the Secretary determines, in any referendum conducted under paragraph (1), that termination of the order is favored by a majority of the producers voting in the referendum, the Secretary shall terminate, as appropriate, collection of assessments under the order within 6 months after such determination and shall terminate the order, as appropriate, in an orderly manner as soon as practicable after such determination.

(3)(A) To facilitate the periodic determination as to whether producers favor the conduct of an additional referendum under this subsection, the Secretary, 5 years after the conduct of a referendum under this section and every 5 years thereafter for as long as an order is in effect, shall provide soybean producers an opportunity to request an additional referendum, as provided in this paragraph.

(B)(i) To implement the requirements of subparagraph (A), the Secretary shall establish a procedure under which producers may request a reconfirmation referendum in person at county extension offices during a period established by the Secretary, or as provided in clause (ii).

(ii) In lieu of making such requests in person, producers may make requests by mail. Mail-in requests must be postmarked no later than the end of the period established under clause (i) for in-person requests. To facilitate such submission of requests by mail, the Secretary may make mail-in request forms available to producers.

(C) The Sescretary shall publish a notice in the FEDERAL REGISTER, and the Board shall provide written notification to producers, not later than 60 days prior to the end of the period established under subparagaph (B)(i) for in-person requests, of the producers' opportunity to request the additional referendum. Such notification shall explain the producers' rights to, and the procedures specified in this subsection for, the conduct of an additional referendum, the purpose of the referendum, and the date and method by which producers can act to request the additional referendum under this paragraph. The Secretary shall take such other actions as the Secretary determines necessary to ensure that producers are made aware of the opportunity to request an additional referendum on the order.

(D) As soon as practicable following the submission of requests for a reconsideration referendum, the Secretary shall determine whether a sufficient number of producers have requested an additional referendum, and take other steps to conduct an additional referendum, as required under paragraph (1).

(E) Any additional referendum requested under the procedures provided in this paragraph shall be conducted not later than one year after the Secretary determines that a representative group of producers, as described in paragraph (1)(B), have requested the conduct of such referendum.

(c) PROCEDURES.—The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred by the Secretary in connection with the conduct of any activity required under this section, except for the salaries of Government employees.

(2) Each referendum shall be be conducted for a reasonable period (not to exceed 3 days) established by the Secretary, under a procedure whereby producers intending to vote in the referendum shall certify that they were engaged in the production of soybeans during the representative period and, at the same time shall be provided an opportunity to vote in the referendum.

(3) Referenda shall be conducted at county extension offices and provision shall be made for absentee mail ballots to be provided upon request.

SEC. 7. PETITION AND REVIEW.

(a) PETITION.—Any person subject to an order issued under this Act may file with the Secretary a petition stating that such order, any provision of such order, or any obligation imposed in connection with the order is not in accordance with law and requesting a modification of the order or an exemption from the order. The petitioner shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary. After such hearing, the Secretary shall make a ruling on the petition.

(b) REVIEW.—The district courts of the United States in any district in which a person who is a petitioner under subsection (a) resides or carries on business are hereby vested with jurisdiction to review the ruling on such person's petition, if a complaint for that purpose is filed within twenty days after the date of the entry of a ruling by the Secretary under subsection (a). Service of process in such proceedings shall be conducted in accordance with the Federal Rules of Civil Procedure. If the court determines that such ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further action as, in the opinion of the court, the law requires.

SEC. 8. ENFORCEMENT.

(a) In General.—(1) Each district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain a person from violating, an order or regulation issued by the secretary under this Act.

(2) A civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation if the Secretary believes that the administration and enforcement of this Act would be adequately served by providing a suitable written notice or warning to the person who committed such violation or by administrative action under subsection (b).

(b) Administrative Remedies.—(1)(A) A person who willfully violates an order or regulation issued by the Secretary under this Act may be assessed by the Secretary—

(i) a civil penalty of not more than $1,000 for each such violation; and

(ii) in the case of a willful failure to pay, collect, or remit an assessment as required by the order, an additional penalty equal to the amount of such assessment.

(B) Each such violation shall be a separate offense.

(C) In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring such person to cease and desist from violating such order or regulation.

(D) No order assessing a penalty or cease and desist order may be issued by the Secretary under this paragraph unless the Secretary gives the person against whom the order is issued notice and opportunity for a hearing on the record with respect to such violation.

(E) An order assessing a penalty or cease and desist order issued under this paragraph by the Secretary shall be final and conclusive unless the person against whom the order is issued files an appeal from such order with the appropriate district court of the United States, as provided in paragraph (2), not later than 30 days after the date of such order.

(2)(A) A person against whom an order is issued under paragraph (1) may obtain review of such order in the district court of the United States for the district in which such person resides or does business, or in the United States district court for the District of Columbia, by—

(i) filing a notice of appeal in such court not later than 30 days after the date of such order; and

(ii) simultaneously sending a copy of such notice by certified mail to the Secretary.

(B) The Secretary shall file promptly in such court a certified copy of the record on which the Secretary found that the person had committed a violation.

(C) A finding of the Secretary shall be set aside only if the finding is found to be unsupported by substantial evidence.

(3)(A) A person who fails to obey a valid cease and desist order issued under paragraph (1) by the Secretary, after an opportunity for a hearing, shall be subject to a civil penalty assessed by the Secretary of not more than $500 for each offense.

(B) Each day during which such failure continues shall be considered a separate violation of such order.

(4)(A) If a person fails to pay a valid civil penalty imposed under this subsection by the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States in any district in which the person resides or conducts business.

(B) In such action, the validity and appropriateness of the order imposing such civil penalty shall not be subject to review.

(c) Other Remedies Unaffected.—The remedies provided in subsections (a) and (b) shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 9. INVESTIGATIONS; POWER TO SUBPOENA; AID OF COURTS.

(a) Investigations.—The Secretary may make such investigations as the Secretary deems necessary—

(1) for the effective administration of this Act, or

(2) to determine whether any person subject to the provisions of this Act has engaged or is about to engage in any act that constitutes or will constitute a violation of any provision of this Act, or of any order or regulation issued under this Act.

(b) Power To Subpoena.—For the purpose of any such investigation, the Secretary may require the production of any records that are relevant to the inquiry. The production of any such records may be required from any place in the United States.

(c) Aid of Courts.—In case of contumacy by, or refusal to obey a subpoena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the production of records. The court may issue an order requiring such person to appear before the Secretary to produce records. Any failure to obey such order of the court may be punished by such court as a contempt thereof. Process in any such case may be served in the judicial district in which such person resides or conducts business or wherever such person may be found.

SEC. 10. ADMINISTRATIVE PROVISIONS.

(a) Construction.—Except as provided in subsection (b), nothing in this Act may be construed to—

(1) preempt or supersede any other program relating to soybean promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State; or

(2) authorize the withholding of any information from Congress.

(b) State Laws.—(1) In order to ensure the proper administration of this Act, any provision of State law automatically requiring a State referendum relating to the continuation or termination of a qualified State soybean board shall, to the extent it automatically requires such a referendum, be suspended for the period beginning on the date an order is issued under section 4 and ending 18 months after the referendum on such order is conducted under section 6(a). Such suspension shall not be construed to apply to any State referendum regarding a State soybean promotion program that is originated by soybean producers.

(2) In order to ensure adequate funding of the operations of qualified State soybean boards under this Act, whenever an order is in effect under this Act, no State law or regulation that limits the rate of assessment that the qualified State soybean board in the State may collect from producers on soybeans produced in such State, or that has the effect of limiting such rate, may be applied to prohibit such State board from collecting, and expending for authorized purposes, assessments from producers of up to the full amount of the credit authorized for producer contributions to qualified State soybean boards under section 5(j)(4).

SEC. 11. REGULATIONS.

The Secretary may make such regulations as may be necessary to carry out the provisions of the Act.

SEC. 12. AUTHORIZATION.

There are hereby authorized to be appropriated annually such funds as are necessary to carry out the provisions of this Act. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any order issued under this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MARLENEE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. de la Garza] will be recognized for 20 minutes, and the gentleman from Montana [Mr. Marlenee] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. de la Garza].

Mr. de la GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 2209, the Soybean Promotion, Research, and Consumer Information Act.

The soybean is one of the most versatile and economically important plants grown in the world today. It is the world's major source of vegetable protein and oil in the human diet and an important feedstuff for the livestock industry.

Not only is the soybean used for food, it has many other nonfood uses. We now have soy-based inks which are being used by a growing number of newspapers around the country. This is just one of the many promising new uses of this plant that are being brought to commercial reality.

There are approximately 450,000 farmers growing soybeans in the United States each year. Half of what our farmers produce is destined for the world market. Although the United States remains the world's largest producer and exporter of soybeans, we've seen our market share dropping since the early 1980's.

If current trends continue, low-cost competitors in South America could replace us as the leading producers and exporters of soybeans in the

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coming decade. Even the European Community, one of our biggest soybean markets, is gradually increasing its production. This competition is affecting our sales of the other major markets—the Soviet Union, Japan, South Korea, and so forth.

Mr. Speaker, at hearings we have held on this bill and in connection with the 1990 farm bill, our soybean farmers tell us they want to maintain and expand market share. They want to see a greater investment in research to improve our efficiency and find new uses for soybeans and soybean products. Our soybean farmers want to promote their fabulous product.

The purpose of H.R. 2209 is to allow soybean farmers to establish their own national farmer financed, farmer directed research, promotion, and information program. This program is structured in a way that does not affect the jurisdiction of the Committee on Ways and Means. The assessment under H.R. 2209, like those for other commodities, is not a tax, nor does it yield revenue for the Federal Government. These are producer funds raised by producers for the benefit of producers. In general, H.R. 2209 follows the model we have established for a number of other, quite successful commodity research and promotion programs. These include the national programs for beef, cotton, and dairy to name just a few.

H.R. 2209 will enable soybean farmers to fund and operate their own national program to develop and expand U.S. export markets. This legislation will provide our soybean farmers with the ability to educate both the foreign and domestic markets of the health, environmental, and industrial benefits of using soybeans and its byproducts. This bill will also allow our soybean farmers to fund much needed research to develop and refine new uses for soybeans and soybean byproducts and to better understand consumer trends.

Mr. Speaker, I want to commend the gentleman from Kansas [Mr. GLICKMAN] the principal author of this legislation who also serves as the distinguished chairman of the House Agriculture Subcommittee on Wheat, Soybeans, and Feed Grains.

Congressman GLICKMAN as well as other members of the subcommittee and the full House Agriculture Committee worked long and hard to ensure that this bill was the best possible legislation we could bring forward. Early on in the legislative process there were some concerns expressed about the proposed structure of the national soybean board and how this board would interact with existing organizations.

With the able leadership of the gentleman from Kansas, the committee has addressed these concerns in a forthright and unbiased manner. The legislation we have brought to the House floor today provides for a diversity of views on the national board. It establishes checks and balances to ensure that the operations of the board are carried out according to the intent of the legislation. And it ensures accountability of the board to the U.S. Department of Agriculture and, most of all, to the Nation's soybean producers.

Mr. Speaker, the future profitability and competitiveness of U.S. agriculture will depend greatly upon our ability to become least-cost producers of high-quality agricultural commodities and derived products.

With passage of H.R. 2209, we can give our Nation's soybean farmers an opportunity to fund and implement activities to improve the competitiveness of the U.S. soybean industry, as well as expand and increase demand for soybeans in the domestic market. I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. GLICKMAN], our distinguished colleague and chairman of the subcommittee that handled this legislation.

Mr. GLICKMAN Mr. Speaker, I rise in support of H.R. 2209, the Soybean Promotion, Research and Consumer Information Act, which my colleague from Montana, Mr. MARLENEE, and I introduced last May with 62 other cosponsors. This bill has generated considerable support over the last 6 months with a total of 102 consponsors, 29 of which are on the Agriculture Committee. This support comes as no surprise, the Agriculture Committee and the agricultural community have always been very supportive of farmer financed, farmer directed commodity promotion programs over the years.

Before I begin my explanation of H.R. 2209, I would like to say, Mr. Speaker, that Chairman DE LA GARZA and Mr. MADIGAN and their respective staffs have all been very supportive of this bill and the changes that we have made to it. If it were not for all of their support and hard work through the committee process, this bill would not be on the floor today for consideration. I would also like to thank Mr. MARLENEE's support over the past 10 months with regard to H.R. 2209 and appreciate his work to make sure this bill made it to the House floor.

Mr. Speaker, this legislation would permit the Secretary of Agriculture to establish and oversee a national research and promotion program fund research into new varieties of soybeans and new uses of soy products. The program would also fund promotion efforts to expand the consumption of U.S. soybeans and soy products in this country and abroad. If enacted, this program will help U.S. soybeans compete with the ever-increasing foreign competition which has stolen over one-third of our soybean exports over the last 10 years.

The research and promotion activities which would be coordinated under this legislation would be funded by an assessment of approximately one-half of 1 percent on each bushel of soybeans sold in the United States. We have estimated that nearly $60 million would be generated yearly to carry out these programs to enhance U.S. soybean demand here in the United States and abroad. Of this amount, States will retain approximately one-half of the assessments or $30 million to ensure heightened research and promotion on the State level for each State's particular needs.

Mr. Speaker, let me assure you and everyone in this body that I have had, since I introduced this legislation, tremendous support from soybean farmers nationwide. Results of a nationwide poll taken last summer of soybean producers indicates that more than 75 percent is in support of this program. This is not surprising since soybean farmers have seen how successful other promotion programs have been for other commodities and have watched those farmers profit from their small investments made to these various programs.

For instance, in response to the explosion of synthetic and imported materials nearly 20 years ago, cotton farmers, in retaliation, asked Congress to enact legislation that would assess every bale of cotton produced for promotion and research funding. Well, the program was enacted and its success for farmers and the cotton industry was and still is indisputable. The "cotton label" is everywhere, and who has not seen a cotton commercial in the last few months? These promotion efforts reminded the public of cotton's attributes. Also, research into cotton will keep our farmers competitive and teach us many new uses for this commodity.

Cotton is not the only commodity with its own promotion and research program. Other commodities, such as beef, dairy, eggs, honey, pork, potatoes, watermelons, wool, lamb, mohair all have research and promotion programs. These programs alone generate nearly $200 million annually for promotion and research activities that have been successful for investing producers. In many States, voluntary checkoff programs for wheat, feed grains, and soybeans have been established over the years, as well.

Currently, soybean farmers in 26 States contribute to State soybean promotion programs which fund a variety of research and market development projects. In addition, there exists a national nonprofit organization which implements research and foreign market development activities in cooperation with the Department of

Agriculture. However, its activities are conducted for the primary benefit of its members and are not always operated on a national coordinated scale.

This program would do exactly that—coordinate existing and new money to fund projects across the country that do not duplicate but complement each other. Over the past few years, uses for soybeans have multiplied, but coordinated research is needed to develop these uses so that they are available and affordable to every consumer.

Increased research into soybean oil has led to the discovery of its low saturated fat content and, just recently, a genetic breakthrough has produced a soybean variety with the lowest saturated fat content compared to other vegetable oils. These and future discoveries are important to American consumers, especially since diet and health are major public concerns.

For industrial uses, research has found soy oil to be an alternative to petroleum based ink. Last year only seven or eight newspapers across the country used soy ink in their printing presses. Now 1,000 newspapers are using it and even Members of Congress are using it for their mailings. If soy ink were to capture the newspaper and magazine markets, it would utilize around 100 million bushels of soybeans, which amounts to $600 million more dollars into the economy and farmers' pockets. Further research into this use will bring down the cost of using soy ink and will create more uses for soybean byproducts.

Since soy oil is biodegradable, the environment benefits from the development of new soy oil uses to replace petroleum or other chemically based products. Research has already begun developing ways to replace petroleum based fertilizers with soy oil based fertilizers. This development could have positive effects on environmental and groundwater improvement. However, further research is needed—research that is called for and funded in this bill.

Also, I want to bring to your attention, Mr. Speaker, that research in competing countries has improved upon their soybean varieties which has enabled foreign farmers to produce more soybeans at less of a cost. In other words, these farmers can charge less for their soybeans on the world market than our farmers and this has led to a loss of one-third of U.S. market share to these competing countries. Loss of market share means that our economy, our farmers are losing billions of dollars on an annual basis. For every percentage point lost in market share to our competitors equals $180 million lost in potential farm income. In 1979, U.S. market share was 330 million bushels greater than it is today. At $6 a bushel, the loss in market share over 10 years has cost this economy and American soybean producers approximately $2 billion.

Mr. Speaker, soybean producers need this program to reclaim their market share and their profits. At a time when world demand for soybeans and soybean byproducts is climbing nearly 5 percent a year, U.S. exports of not only raw soybeans, but soy meal and oil are dropping dramatically. The United States, once the leading exporter of soy meal, is now holding the No. 3 spot behind Argentina and Brazil. Also, with regard to soy oil exports, both South American countries and the European Community have displaced the United States from the No. 1 spot to the No. 4 spot. Normally, soybeans is one of the largest revenue earners for the U.S. economy, but it is slipping every year due to the increase in competition capturing our existing and new markets.

In retaliation, the soybean producers of this country are asking Congress to enact legislation to assess them on every bushel they produce to ward off the foreign invasion of their market share. However, in creating this legislation, I wanted to place a solid administrative infrastructure with proper checks and balances to protect the investments of soybean producers so that the money is spent fairly and constructively.

In doing so, a certain degree of assessment refunds and farmer referenda are included in the bill. With regard to referenda, the first one would be conducted 18 to 36 months after the implementation of the program so that farmers are given ample opportunity to judge the program's accomplishments. During this time prior to the initial referenda, the program allows for reimbursements of assessments to farmers upon their request.

For the initial referenda and each proceeding one, up to 3 days will be allotted for the referenda, and mail ballots will be provided to producers upon request. The Secretary of Agriculture will notify soybean producers in a timely manner of the time and dates of each referenda. If farmers approve of the program in the initial referenda, assessments would no longer be refundable and the program would continue unless 10 percent of eligible soybean producers petition the Secretary to conduct another referenda. In any event, every 5 years after the initial referenda, the Secretary must poll soybean farmers and if 10 percent are in favor of a referenda, then he must conduct one in a timely manner.

As you can see, this bill includes quite a few checks and balances with regard to program approval and assessments. After a long discussion, the consensus on the Agriculture Committee was that if every soybean farmer would benefit under this promotion and research program, then everyone should have to contribute to it. It would not be an equitable program if those who were not contributing were still enjoying the program's success in creating more demand for soybeans, therefore, making more of a profit.

With regard to another important component—farmer representation—this program would maintain and support strong farmer control on a national and State level. A national checkoff board, named the United Soybean Board, would be comprised of soybean farmers appointed by the Secretary from nominations submitted by each State's qualified soybean board. The number of seats on the board each State would be entitled to depends on the State's level of yearly soybean production. In this way, farmers in every State producing soybeans will not be left out of the decisionmaking process on the United Soybean Board.

The United Soybean Board would be responsible for a number of activities to increase the image and demand of U.S. soybeans and soybean byproducts. Such activities would include advertising to increase consumer and commercial awareness of the uses and benefits of soybean products; research on the nutritional components and attributes of soybean products; research into production systems to enable growers of soybeans and producers of soybean products to reduce costs and increase profit margins; foreign market development programs to maintain, develop, and expand markets for U.S. soybeans; organizing committees within the board to oversee these various projects; and, finally, the board would be responsible for coordinating its programs with other entities interested in enhancing U.S. soybeans to avoid duplication of efforts.

H.R. 2209 includes several provisions to ensure accountability in the operation of the program. It not only requires the United Soybean Board to keep records and accounts of all its financial dealings, but requires the Secretary of Agriculture to conduct annually an independent audit to be made available to the public. The board is also required under H.R. 2209 to make available to the public an annual report of its finances. In addition, before the Board can conduct any activities and expend any funds, the Secretary must grant approval.

Mr. Speaker, at a hearing the Subcommittee on Wheat, Soybeans, and Feed Grains held on H.R. 2209 on June 6, 1989, Members received testimony from the Department of Agriculture, the American Farm Bureau Federation, the National Farmers' Union, the National Farmers' Organization, the American Agricultural Movement, and the American Soybean Association. The subcommittee also received written comments on the specif-

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ics of the legislation from the Department of Agriculture, the Office of the U.S. Trade Representative, and the Justice Department. I would like to say, that in large part, this bill addresses the vast majority of the concerns the administration raised about the bill as introduced and that it does comport with the administration's comments on major items.

H.R. 2209 is a melding together of divergent views. Some people would like to see it go farther in changing the base bill, some believe that it went too far. In my opinion, this bill is a good compromise.

My overall objective in creating H.R. 2209 was to ensure that enough checks and balances would be in place to manage a $60 million program in an honest way. To do this, I had to ensure that there be more than an arms length distance between the United Soybean Board and private, soybean membership organizations, who have, as one of their primary purposes, the advocacy of political views. Although I support the organization of such groups, I do not believe that Congress should act to favor one group over another or that Congress should be enacting programs which will result in the collection of funds from all farmers for the benefit of lobbying groups which may represent the view of just a fraction of our farmers.

With this in mind, H.R. 2209 would create a level playing field for all soybean farmers with a diversity of views and interests. Mr. Speaker, I would like to highlight the provisions of the bill that would ensure a level playing field: First, the Secretary would be required to appoint to the United Soybean Board representatives of national farm organizations, which would ensure a diversity of views on the board; second, the bill would not lock the United Soybean Board into contracting with one specific organization for administrative or programmatic services, in fact, the board would have the authority to contract with whomever, but the program would limit the board's administrative funds to a fixed percent; third, the bill would eliminate the proposed coordinating committee, which was a part of the base bill, whose membership would have been heavily tilted in favor of one specific organization and would have been filled with members not selected through the same open nominating process required elsewhere in the bill.

I am pleased that the commodity group most interested in this program and who has advocated enactment of this legislation has negotiated these changes in the base bill with me. In closing, H.R. 2209, a compromise between all interested parties, creates an independent entity which will tremendously benefit soybean farmers and the American economy. I strongly urge my colleagues to support this bill.

□ 1540

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the chairman of the full committee, the gentleman from Texas [Mr. DE LA GARZA], and I also wish to commend the chairman of the subcommittee, the gentleman from Kansas [Mr. GLICKMAN] for helping bring this legislation to the floor today. I also wish to recognize the other Members for the many constructive suggestions that they made in the bill when it was being considered in the Agriculture Committee. All those members, including the chairman and the subcommittee chairman, have made a valuable contribution to agriculture today and have helped improve the final product which we have before us.

This bill is about foreign governments robbing us of our markets. This bill is about self help—self help by the producers themselves. H.R. 2209 will simply allow U.S. soybean producers an opportunity to engage in a self-help program designed to finance additional research into new and improved soybean products, and to provide funding for market development activities. This bill will allow growers, through a referendum, to determine whether or not the programs will be initiated and maintained in the future. Unfortunately, the need for such a mechanism is created due to the fact that we have greatly reduced funding for these kinds of research and market development activities as part of the overall budget reductions—budget reductions which have hit harder in the agricultural area than almost any other area of the economy.

It is, therefore, encouraging to see a vast majority of U.S. soybean producers who are apparently willing to make the increased financial sacrifices necessary to take up where governmental programs leave off. We bring this legislation to our colleagues at the request of these growers who are not content to sit idly by and watch further research come to a screeching halt, and who are not going to allow foreign governments to continue to rob us of world markets through unfair, predatory trade and subsidy practices. The biggest supporters of this legislation are U.S. farmers who have confidence in their own ability to help find new uses for soybeans and soybean-derived products. They know the value of being able to promote the advantages of their products in order to stimulate sales, and they are willing to bear the largest portion of the costs of such promotion and market development activities.

I again commend the gentleman from Kansas [Mr. GLICKMAN], our colleagues on the House Agriculture Committee, and—above all—the American soybean producers who are attempting to preserve their industry through this self-help measure. I urge your speedy approval of H.R. 2209.

Mr. DE LA GARZA. Mr. Speaker, I yield 2 minutes to our distinguished colleague, the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Speaker, the first thing that I would like to do is thank the chairman for the wonderful job he has done in promoting this bill. It is very important that our Nation's soybean farmers have the opportunity to promote their crops so they may be more competitive with foreign producers. The chairman has recognized this and acted on that belief and I am very appreciative for his efforts. Also, the chairman of our Wheat, Soybeans and Feed Grains Subcommittee, the gentleman from Kansas [Mr. GLICKMAN] and the gentleman from Montana [Mr. MARLENEE] for their efforts in promoting H.R. 2209.

Mr. Speaker, the prosperity of the soybean industry is vitally important to the farmers in the First District of Maryland, as well as the entire State and country. In 1989, Maryland's 3,600 soybean farmers produced over 16.5 million bushels of soybeans, at a value of $91 million. In 1988, soybeans, for the first time in State history, surpassed corn as the leading cash crop in Maryland.

However, Mr. Speaker, that could be short-lived if America's soybeans exports continue to decline. Since 1979, U.S. soybean exports have declined from 66 percent of the world market to barely over 50 percent. During the same time period, the world soybean export market increased 15 percent.

Unfortunately, our soybean farmers are being out-marketed by foreign competitors. Industry experts indicate that these foreign sales have cost the U.S. economy $1.9 billion in soybean sales, costing each Southeastern soybean farm more than $16,000. This translates into a loss of $63.5 million in revenue for Maryland's soybean farmers. I believe this legislation will assist our soybean farmers to stop this dangerous and downward spiral.

Mr. Speaker, the soybean farmers in my district, as well as throughout the country, realize they cannot afford to lose an agriculture trade war. If we do, there will be many farmers without any visible means of support. These farmers realize that, and they want to do something about it. That is why they are strongly in favor of a soybean checkoff.

Soybean farmers realize that Congress is facing tough budget cuts, and does not have the funds available to do the necessary promotion, research, and marketing needed to preserve our foreign soybean market. Therefore, they are voluntarily willing to foot the bill themselves. All they want us to do is give them the authority to set up a national program and collect assessments. H.R. 2209 will give them this authority. This is not out of the ordinary, since Congress has approved similar programs in the past for the cattlemen, dairymen, hog producers, and other sectors of our farm economy.

Mr. Speaker, I strongly believe that H.R. 2209, the Soybean Promotion, Research, and Consumer Information Act, will go a long way toward meeting the needs of our farmers. By creating a self-assessment mechanism, we are giving our U.S. soybean farmers a fighting chance to regain a larger share of the world soybean market. But only by passing an assessment system will they be able to pay for the vital promotion, research, and marketing needed to strengthen and preserve our domestic soybean industry.

□ 1500

Mr. MARLENEE. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, I rise in support of the bill. I wish to associate myself with the remarks of the gentleman from Montana [Mr. MARLENEE].

Mr. Speaker, I rise today in support of H.R. 2209, the Soybean Promotion, Research, and Consumer Information Act. In view of our present Federal budget restrictions, self-help efforts such as this are critical in allowing farmers to sustain and develop new markets and opportunities for soybeans and soybean products.

U.S. soybean producers face strong competitors, at home and abroad. Not ready to stand aside, American soybean farmers have sought to aggressively promote U.S. soybeans and soybean products to consumers. Additionally, soybean producers also know the importance of extensive research to become more competitive and profitable.

Foreign competitors, such as South American soybeans, Malaysian palm oil, and coconut oil from the Philippines are capturing new markets and making gains in traditional United States markets. These foreign efforts have resulted in billions of dollars of losses for American soybean producers; however, this program would give farmers a war chest of their own to address the advance of overseas producers.

I urge the rest of my colleagues to allow American soybean farmers to help themselves by giving favorable approval to H.R. 2209.

Mr. SYNAR. Mr. Speaker, today's soybean farmers are facing stiff competition from soybean growers abroad. They are trying to meet these challenges by encouraging the development of new uses for soybeans. In addition to being a nutritious source of protein, soybeans can be used to make ink. This kind of research and product development takes money. Promotion and research programs have a proven record of helping increase sales of many agricultural products as well as providing a source of funds to conduct research and educational programs. The legislation we are considering today, permits soybean growers to set up the same type of self-help promotional and research board, financed by farmers themselves, that has proven so successful for other commodities. H.R. 2209, the Soybean Promotion, Research, and Consumer Information Act will give farmers the opportunity to compete in today's global marketplace.

H.R. 2209 addresses the criticisms levied against previous checkoff programs by assuring that assessment funds will be used only for appropriate research and promotion activities. The legislation gives authority to administer the program to the independent United Soybean Board, made up of soybean farmers elected by other soybean farmers. This board will be subject to oversight by the USDA. I am confident the legislation will ensure accountability in the program and prohibit unauthorized uses of the checkoff funds.

In these tough fiscal times, it makes sense to establish this commodity checkoff program so an alternative source of funding is available to develop, finance, and carry out a nationally coordinated program for soybean promotion, research and consumer information. I urge my colleagues to support this legislation.

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 2209. I want to commend the leadership and the members of the House Committee on Agriculture from both sides of the aisle for their work on this legislation. I particularly commend the committee chairman, the gentleman from Texas [Mr. DE LA GARZA] and the ranking minority member of the committee, the gentleman from Illinois [Mr. MADIGAN] for their efforts to bring this measure to the House floor. As an early cosponsor of this bill, I urge the support of my colleagues for H.R. 2209. The bill is an important piece of legislation and its passage will be very helpful to soybean producers, to consumers, and our export sector.

H.R. 2209 directs the USDA to administer a referendum by soybean producers on creating a national organization to conduct soybean promotion, research and consumer information activities. If two-thirds of the producers approve of the referendum, the United Soybean Board would be established to administer a nationwide program to expand soybean promotion and research. It would provide consumers with information about the healthy and beneficial uses of soybean products. The program is designed to expand soybean exports, enhance competitiveness, develop new or improved uses for soy products, and use trade promotion to provide market access for U.S. soybeans and soybean products.

The board and its activities would be financed by assessing soybean producers one-half of 1 percent of the net soybean market price. All soybean producers would be required to participate. However, up to 50 percent of the funds are permitted to be kept at the State level to continue the funding of existing State soybean promotion programs. Furthermore, H.R. 2209 does not preclude a State from establishing a State program in the future. As such, the bill is supported by both the American Soybean Association and the Nebraska Soybean Association.

U.S. soybean producers face strong competition at home and abroad. World demand for oilseeds is growing at 4 to 5 percent a year. Foreign competitiors, notably soybeans from South America, palm oil from Malaysia and coconut oil from the Philippines, ar making inroads in traditional United States markets. Furthermore, these foreign competitors are capturing new market growth around the world.

Aggressive research is needed to find new ways to use soybeans and achieve full commercial potential of presently known products, such as soy ink for the newspaper and magazine markets. Research is needed to reduce production costs, increase yield and develop soybean varieties which meet consumer demand. Furthermore, this program could support increased market promotion of healthful soybean products, such as soybean oil, in light of today's public interest in health and diet.

Again, I rise in strong support of H.R. 2209, and urge approval by my colleagues, so that the referendum to create a central national promotion and research program for soybeans may proceed.

Mr. ESPY. I rise in support of the Soybean Promotion, Research, and Consumer Information Act before us today. I am pleased that we have finally been given the opportunity to vote on this legislation.

In 1979, soybeans contributed 30.8 percent toward total Mississippi agricultural products. In 1988, soybeans contributed 13.0 percent toward total Mississippi agricultural products. Soybeans are a primary cash crop to farmers in my district. As the figures very clearly show, this crop has declined 27.8 percent in the past 10 years and is still declining. This decline is largely due to our inability to access foreign markets.

The SPARC bill will help us to identify and eliminate the barriers that keep us from accessing foreign markets. It will also provide the much needed funds to improve and expand our research on soybeans with the hope of developing a wider range of soybean products and uses. This would help to establish new marketing opportunities.

American soybean farmers cannot afford to continue producing under the current market situation and the American people must not be placed in a position of reliance on foreign soybean suppliers.

Mr. Speaker, I strongly support this legislation and I urge my colleagues to support is adoption.

Mr. MARLENEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2209, as amended.

The question was taken.

Mrs. MARTIN of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. de la Garza. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2209, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RURAL PARTNERSHIPS ACT OF 1989

Mr. de la GARZA. Mr. Speaker, I ask unanimous consent to call up the Senate bill (S. 1036) to improve the economic, community, and educational well-being of rural America, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Partnerships Act of 1989".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.
Sec. 3. Findings and purpose.

TITLE I—RURAL BUSINESS AND JOB CREATION

Subtitle A—Rural Partnerships Investment Board

Sec. 101. Definitions.
Sec. 102. Rural Partnerships Investment Board.
Sec. 103. Establishment of Investment Fund.
Sec. 104. Local revolving funds.
Sec. 105. Compliance and enforcement.

Subtitle B—Rural Capital Access Program

Sec. 110. Purpose.
Sec. 111. Definitions.
Sec. 112. Rural capital access.
Sec. 113. Authorization of appropriations.
Sec. 114. Allocation.
Sec. 115. Administration of the program.
Sec. 116. Operation of the program.
Sec. 117. Inactive lending institutions.
Sec. 118. Initial program incentives.

Subtitle C—Rural Economic Development Administered by the Secretary and the Rural Electrification Administration

Sec. 120. Assistant Administrator for Economic Development.
Sec. 121. Deferment of payment on economic development loans.
Sec. 122. Water and waste facility financing.
Sec. 123. Rural economic development.
Sec. 124. Promoting rural development by REA telephone borrowers.
Sec. 125. Review of programs for business incubator.

TITLE II—ENHANCING HUMAN RESOURCES

Sec. 201. Purpose.
Sec. 202. Goals.
Sec. 203. Definitions.
Sec. 204. Provisions relevant to all three telecommunications programs.
Sec. 205. Rural Star Schools Educational Opportunities Program.
Sec. 206. Rural Medical Link Telecommunications Program.
Sec. 207. Rural Business Link Telecommunications Program.

TITLE III—FOCUS ON RURAL AMERICA BY THE DEPARTMENT OF AGRICULTURE

Sec. 301. Extension Service.
Sec. 302. Rural development assistance information and availability.
Sec. 303. Report on coordination of rural development activities.
Sec. 304. Report on data processing feasibility in rural areas.

TITLE IV—RURAL BUSINESS AND EMERGENCY ASSISTANCE

Sec. 401. Local technical assistance grants.
Sec. 402. Rural emergency assistance loans.

TITLE V—NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE

Sec. 501. National rural information center clearinghouse.

TITLE VI—WATER AND SEWER ASSISTANCE

Sec. 601. Water and waste facility grants.
Sec. 602. Emergency community water assistance grant program.
Sec. 603. Sewer and water lending by banks for cooperatives.
Sec. 604. Rural wastewater treatment circuit rider grant program.
Sec. 605. Technical assistance for certain solid waste management.

TITLE VII—MISCELLANEOUS

Sec. 701. Monitoring the economic progress of rural America.
Sec. 702. Historic preservation requirements.
Sec. 703. Loan rates applicable to health care and related facilities.
Sec. 704. Assistance to communities dependent on natural resources.
Sec. 705. Assisting distressed rural hospitals and health care facilities.
Sec. 706. Rural development research assistance.
Sec. 707. Business and industrial loan program applications.
Sec. 708. Priority for rural areas in certain construction projects.
Sec. 709. Rural set-asides in Federal formula funding.
Sec. 710. Analysis by Office of Technology Assessment.
Sec. 711. Sense of the Congress concerning toll rate averaging.
Sec. 712. National Endowment for Rural Development.
Sec. 713. National Rural Development Center.
Sec. 714. Grants to broadcasting systems.
Sec. 715. Rural bus services.
Sec. 716. Economic impact statements.
Sec. 717. Information concerning Federal funding.
Sec. 718. National rural development and finance corporations.

TITLE VIII—MICROBUSINESS LOAN FUND AND MICROBUSINESS TECHNICAL ASSISTANCE FUND

Sec. 801. Short title.
Sec. 802. Findings.
Sec. 803. Purpose.
Sec. 804. Definitions.
Sec. 805. Establishment of microbusiness loan fund.
Sec. 806. Loans from the microbusiness loan fund and technical assistance grants.
Sec. 807. Disbursement of loan fund by microbusiness loan fund loan recipients.
Sec. 808. Authorization.

TITLE IX—SMALL BUSINESS RURAL REVITALIZATION

Sec. 901. Short title.

Subtitle A—Capital Formation

Sec. 911. Definition of designated rural area.
Sec. 912. Capital requirements for small business investment companies operating in designated rural areas.
Sec. 913. State development companies.

Subtitle B—Regulatory Simplification; Miscellaneous Amendments

Sec. 921. Definition of small business in designated rural areas for purposes of analysis of regulatory functions.
Sec. 922. Interagency review and recommendations.

TITLE X—EFFECTIVE DATE AND IMPLEMENTATION

Sec. 1001. Effective date and implementation.

SEC. 3. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the economic well-being of rural America is vital to overall national growth and prosperity;

(2) many rural areas suffer from a lack of industrial and business diversity;

(3) rural poverty and unemployment rates are significantly higher than metropolitan rates, and rural per capita income is substantially lower than metropolitan per capita income;

(4) the lack of access to advanced telecommunications in rural areas impedes economic growth; and

(5) a more robust rural economy will make the United States more competitive in world markets.

(b) Purpose.—It is the purpose of this Act to promote a national rural development strategy, through procedures flexible enough to allow for regional and local differences, to promote the growth and economic diversification of rural America, to improve rural telecommunications, and to increase business, educational, and employment opportunities in rural America.

TITLE I—RURAL BUSINESS AND JOB CREATION

Subtitle A—Rural Partnerships Investment Board

SEC. 101. DEFINITIONS.

As used in this subtitle:

(1) Approved local business.—The term "approved local business" means a local business that is approved to receive assistance from the revolving fund of an eligible entity as provided under the provisions of this subtitle.

(2) Eligible entity.—The term "eligible entity" means—

(A)(i) a nonprofit private corporation or a public entity that is—

(I) the governing body of each public regional organization (such as the governing body of an economic development district) that is chartered or otherwise organized under State law for the purpose of promoting economic development;

(II) the agency of each State that is primarily responsible for rural economic development programs within the State;

(III) the governing body of a county or other political subdivision of a State;

(IV) the governing body of a town or township within a State; or

(V) an incorporated public organization or a nonprofit private community development corporation, or similar nonprofit private organization, that is chartered or otherwise organized under State law for the purpose of promoting economic development; or

(ii) an Indian tribe (as defined in section 4(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), any Indian organization or entity chartered under the Act of June 18, 1934 (25 U.S.C. 1001 et seq.), commonly known as the "Indian Reorganization Act", or any tribal organization (as defined in the section 4(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(c)); and

(B) an entity described in subparagraph (A) that—

(i) possesses the powers reasonably necessary to perform the functions and activities described in this subtitle;

(ii) has a professional staff and management ability (including adequate accounting, legal, and business servicing abilities or experience); and

(iii) meets any other requirements established by the Board to carry out this subtitle.

(3) Investment board.—The term "Investment Board" or "Board" means the Rural Partnerships Investment Board established in section 102(a).

(4) Local business.—The term "local business" means—

(A) a business concern, located in a rural area, that—

(i) is incorporated or otherwise organized under State law so that financial records and accounts are maintained regarding the business concern separate and apart from records and accounts not related to that business concern; and

(ii) is independently or cooperatively (not including borrowers under the Rural Electrification Act of 1936) owned and operated as defined by the Board; or

(B) an individual who plans to organize and operate an entity of the type described in subparagraph (A); and

that meets any additional requirements that are established by the Board to carry out the intent of this Act.

(5) Rural area.—The term "rural area" means all territory of a State that is not within the outer boundary of any city or town, having a population of 20,000 or more based on the latest decennial census of the United States, and any neighboring urbanized area as defined by the Board.

(6) Rural fund.—The term "Rural Fund" or "Fund" means the Rural Business Investment Fund established under section 103(a).

(7) Secretary.—The term "Secretary" means the Secretary of Agriculture, unless otherwise specified in this Act.

(8) State.—The term "State" means each of the 50 States of the United States.

SEC. 102. RURAL PARTNERSHIPS INVESTMENT BOARD.

(a) Establishment.—There is established a "Rural Partnerships Investment Board" to provide lines of credit to eligible entities to enable such entities to establish, maintain, or expand revolving funds that are used to make or guarantee loans, or to make capital investments in new or expanding local businesses in conjunction with loans or investments made by banks (as defined in section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c))), insured savings and loan institutions (as defined in title IV of the National Housing Act, as amended (12 U.S.C. 1724 et seq.)), State owned banks whose deposits are backed by the full faith and credit of the State, or community development credit unions chartered by the National Credit Union Administration under the authority of the Federal Credit Union Act (12 U.S.C. 1751 et seq.).

(b) Board of Directors.—

(1) In general.—The Board of Directors of the Investment Board shall consist of—

(A) the Administrator of the Rural Electrification Administration;

(B) the Administrator of the Farmers Home Administration;

(C) the Administrator of the Extension Service of the Department of Agriculture; and

(D) two members who shall be experienced in rural development and related matters to be appointed by the President with the advice and consent of the Senate, of which each member shall be from a separate political party.

(2) Chairperson.—The Chairperson of the Board shall be elected by the members of the Board from among the Board members who are Administrators under subparagraphs (A) through (C) of paragraph (1), and shall serve for a 2-year period. Such Chairperson may serve consecutive terms.

(3) Vacancies.—Vacancies on the Board shall be filled in the same manner as the vacant position was previously filled.

(4) Chief executive officer.—A chief executive officer shall be selected by the Board and shall serve at the pleasure of the Board.

(5) Quorum.—A quorum shall consist of three members of the Board. All decisions made by the Board shall require an affirmative vote of a majority of the members.

(6) Compensation.—Members of the Board—

(A) specified under subparagraphs (A), (B), and (C) of paragraph (1) shall receive reasonable allowances for necessary expenses of travel, lodging, and subsistence incurred in attending meetings and other activities of the Investment Board, as set forth in the bylaws issued by the Board of Directors, except that such level shall not exceed the maximum fixed by subchapter 1 of chapter 57 of title 5, United States Code, for officers and employees of the United States; and

(B) appointed under subparagraph (D) of paragraph (1) shall receive compensation for the time devoted to meetings and other activities at a daily rate not to exceed the daily rate of compensation prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, and reasonable allowances for necessary expenses of travel, lodging, and subsistence incurred in attending meetings and other activities of the Investment Board, as set forth in the bylaws issued by the Board of Directors, except that such level shall not exceed the maximum fixed by subchapter 1 of chapter 57 of title 5, United States Code, for officers and employees of the United States.

(7) Rules and records.—The Board shall adopt such rules and procedures as it may consider appropriate for the transaction of the business of the Investment Board, and shall keep permanent and accurate records and minutes of its acts and proceedings.

(c) Powers of the Investment Board.—The Investment Board shall be a body corporate that shall have the power to—

(1) operate under the direction of its Board;

(2) adopt, alter, and use a corporate seal, which shall be judicially noted;

(3) provide for one or more officers, employees, and agents, as may be necessary, define their duties, and require surety bonds or make other provisions against losses occasioned by acts of such persons;

(4) hire, promote, compensate, and discharge officers and employees of the Investment Board, without regard to title 5, United States Code, except that no such officer or employee shall receive an annual rate of basic pay in excess of the rate prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code;

(5) prescribe by its Board its bylaws, that shall be consistent with law, and that shall provide for the manner in which—

(A) its officers, employees, and agents are selected;

(B) its property is acquired, held, and transferred;

(C) its general operations are to be conducted; and

(D) the privileges granted by law are exercised and enjoyed;

(6) with the consent of any executive department or independent agency, use the information, services, staff, and facilities of such in carrying out this subtitle;

(7) enter into contracts and make advance, progress, or other payments with respect to such contracts;

(8) sue and be sued in its corporate name, and complain and defend in courts of competent jurisdiction;

(9) acquire, hold, lease, mortgage, or dispose of, at public or private sale, real and personal property, and otherwise exercise all the usual incidents of ownership of property necessary and convenient to its operations;

(10) modify or consent to the modification of any contract or agreement to which it is a party or in which it has an interest under this subtitle;

(11) make such rules and regulations as the Board determines necessary and appropriate to carry out the authority vested in the Board under this Act;

(12) procure the temporary (not in excess of 2 years) or intermittent services of experts or consultants or organizations thereof, without regard to the civil service and classification laws and without regard to section 5 of title 41, at rates not to exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, including traveltime, and while such individual is away from the home or regular place of business of such individual, travel expenses as authorized under section 5703 of title 5, United States Code; and

(13) exercise other powers as set forth in this subtitle, and such other incidental powers as are necessary to carry out its powers, duties, and functions in accordance with this subtitle.

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SEC. 103. ESTABLISHMENT OF INVESTMENT FUND.

(a) Establishment.—

(1) In general.—There is established in the Treasury of the United States a fund for the use of the Board in carrying out the provisions of this subtitle that shall be known as the "Rural Business Investment Fund".

(2) Availability.—The Fund established under paragraph (1) shall be available to the Board to provide lines of credit for revolving funds to be operated by approved eligible entities to serve local businesses in rural areas.

(b) Use.—

(1) Lines of credit.—Amounts contained in the fund established under subsection (a) shall be used by the Board to provide lines of credit in amounts determined appropriate by the Board, but in no event shall any such line of credit exceed $750,000 annually (up to a total amount of $2,250,000) to an approved eligible entity. Each line of credit shall be made available over a period of time established by the Board for each such entity, but in no event shall any such period of time extend beyond the date on which the Investment Board is terminated under section 104(n).

(2) Exception.—Notwithstanding paragraph (1), if the approved eligible entity is the agency of any State that is primarily responsible for the rural economic development programs within such State, the Board may provide a line of credit to such agency in an amount that shall not exceed $1,250,000 annually (up to a total amount of $3,750,000) in the manner described in paragraph (1).

(3) Amounts drawn from line.—Amounts drawn from each line of credit by each approved eligible entity shall be used solely as provided under this subtitle and shall be drawn only as needed to provide loans, investments, or to carry out a guarantee.

(c) Applications of Eligible Entities for Lines of Credit.—

(1) Federal register notices.—The Board shall publish notices of solicitations for applications for lines of credit in the Federal Register and such notices shall contain—

(A) the application procedures established by the Board;

(B) the application requirements of paragraph (3);

(C) the deadlines for submission of applications (which in no event shall be less than 150 days after the publication of the applicable notice);

(D) a copy of all available response forms;

(E) a summary of the functions of the Board regarding applications; and

(F) other information determined appropriate by the Board.

(2) Submission and consideration.—An eligible entity that desires to receive a line of credit under this subtitle shall submit an application to the Board at such time, in such form, and containing such information and documentation, including a description of the areas to be served, as the Board shall prescribe under paragraph (1), and the Board shall consider each such application based on the requirements of this subtitle.

(3) Eligible entity.—

(A) Matching funds or letters of intent.—In order for an application to be considered for approval by the Board for a line of credit, each eligible entity that submits an application shall—

(i) certify in writing that it shall use such funds as part of a revolving fund to invest in, and make or guarantee loans to, local businesses in accordance with this subtitle; and

(ii)(I) agree to provide matching funds (Federal funds shall not be used to satisfy such matching requirement) in amounts that are at least equal to the amount of the line of credit to be provided by the Board, that shall be in the form of—

(aa) cash or cash equivalents; or

(bb) letters of credit in favor of the eligible entity issued or submitted by banks, savings and loan associations, insurance companies, similar Federally regulated financial institutions, State owned banks, local or State government or private philanthrophic foundations, as determined appropriate and acceptable by the Board; or

(II) demonstrate, through procedures determined appropriate and acceptable by the Board, that banks, savings and loan associations, or community development credit unions, as defined in section 102(a), are prepared to participate with the eligible entity in a lending, guarantee, or investment program for the benefit of local businesses, and that the total financial commitment demonstrated by the letters of intent or other documents is at least equal to the value of the line of credit for which the eligible entity is applying.

(B) Exception for certain eligible entities.—

(i) Low per capita income areas.—If the average per capita income level of the identified rural areas served by an eligible entity is less than 70 percent of the national average per capita income for the most recent year for which such information is available, each such eligible entity shall only be required to match 50 percent of the funds provided by the Board in the same manner as described in paragraph (3)(A)(ii) (I) or (II). A list of the average per capita income and population of each county in the United States that contains rural areas, and the national average per capita income for such year, shall be published in the Federal Register and otherwise made available by the Board to the public.

(ii) Indian tribal council participation.—

(I) In general.—Community or tribal development corporations operated by Federally recognized tribal councils that desire to administer a local revolving fund may participate in the program established under this subtitle if such corporations meet the rules and procedures established under this subtitle, that are determined by the Board to be pertinent.

(II) Establishment of special rules and procedures.—

(aa) In general.—Not later than 220 days after the date of enactment of this Act, the Board shall establish rules and procedures to enable such community or tribal development corporations serving rural areas located on Federally recognized reservations (including former reservations in Oklahoma) to participate in the program established under this subtitle through the operation of revolving funds used for investing in, and making or guaranteeing loans to, new or expanding local businesses.

(bb) Contents.—Rules and procedures established under item (aa) shall be established to ensure that development corporations that receive Federal lines of credit under this subtitle serve needy reservation areas, including areas that have low per capita income, high unemployment, high poverty rates, depressed or lagging local economies, and other factors determined appropriate by the Board.

(III) Matching requirements.—The requirements of subsection (c)(3) and section 104(d) concerning the provision of matching funds and the requirement of partnerships for loans, and any related matching requirements, shall not apply to the development corporations receiving assistance under this clause.

(4) Reapplication for lines of credit.—

(A) In general.—An eligible entity that has received a line of credit under this section may reapply in subsequent years for additional lines of credit if the Board makes a determination that—

(i) the applicant has demonstrated that the funds previously allocated under such line of credit have been substantially obligated and that additional demand for lending, investment, or guaranteed funding exists in the service area of the applicant;

(ii) the applicant will meet the matching requirements under subsection (c)(3); and

(iii) the applicant has administered the revolving fund consistent with this subtitle and has the capacity to administer additional funds in the same manner.

(B) Priority.—Eligible entities qualified to receive an initial line of credit or that will serve a service area not served by another entity shall receive priority over any applicant seeking a second or subsequent line of credit.

(5) Monitoring compliance.—The Board shall establish procedures to monitor the compliance of each eligible entity participating in the program authorized by this subtitle with the requirements of this subtitle.

(6) Eligible entity revolving fund requirement.—To be eligible to receive a line of credit from the Rural Fund, the applicant eligible entity shall—

(A) demonstrate its ability or potential capacity to make sound business, lending, and investment decisions and to provide business counseling and technical assistance;

(B) demonstrate its ability to operate consistent with the requirements of this subtitle and to increase the availability of credit in rural areas to promote the creation or expansion of viable businesses in rural areas;

(C) identify the proposed service area and define a strategy for serving that area that should describe such characteristics as similar industrial, labor, or other markets, similar geographic or socioeconomic conditions, or other related considerations, and, to the extent that such area includes any towns or townships, such towns or townships shall be served in their entirety;

(D) provide an assurance that its service area will consist of—

(i) any or all rural areas within a county where the median household income of each such county is less than the Statewide nonmetropolitan median household income; or

(ii) identified rural areas within a county, in which the median household income of each such county is equal to or greater than the Statewide nonmetropolitan median household income, if the median household income of each rural city, town or township to be served, and each separate contiguous rural area to be served, is less than the Statewide nonmetropolitan median household income or identified rural areas within a State in which the average per capita income is less than 70 percent of the nationwide per capita income; or

(iii) any county where the net migration population loss is at least 5 percent or greater from April 1, 1980, to July 1, 1987, as reported by the Census Bureau of the Department of Commerce; and

(E) provide a notification that an application has been filed with the Board to each county or other local unit of government having jurisdiction over some or all of the proposed service area under procedures developed by the Board.

(7) Factors in approval of applications.—In determining which applications to approve, and the maximum amount of funds to be offered in each line of credit, the Board shall grant a preference to eligible entities—

(A) that have experience in serving local credit or equity needs and in making sound business and investment decisions, or that have the ability to serve such needs and make such decisions;

(B) whose boards of directors, or governing bodies if no such board exists, are composed of a cross-section of individuals (such as individuals with business, community development or regional development backgrounds, or individuals who are State, local or county government officials, or individuals involved in banking, financial, or other investment activities);

(C) that are likely to stimulate significant job creation or retention and new business creation or business expansion per dollar of funds provided under this section;

(D) that submit applications that demonstrate the ability and willingness to provide continuing technical and management assistance, training, financial and business guidance, and planning, to local businesses;

(E) that demonstrate that the activities of the eligible entity are consistent with State, county or local goals, whichever is applicable, regarding long-term economic growth and community development;

(F) that submit applications containing a comprehensive investment strategy, developed in consultation with the applicable State, regional council or government, and county or other general purpose unit of local government; and

(G) that propose to serve a service area—

(i) whose unemployment or poverty rates exceed the Statewide nonmetropolitan average;

(ii) with special needs arising from actual or threatened severe unemployment arising from economic dislocation; or

(iii) that includes any county in which the net migration population loss is at least 5 percent or greater from April 1, 1980, to July 1, 1987, as reported by the Census Bureau of the Department of Commerce.

(8) Geographic spread.—

(A) In general.—In awarding lines of credit under this section the Board shall attempt, as much as reasonably practicable and consistent with sound financial judgment, to assure that all rural regions of the United States benefit from such awards.

(B) Minimum amount of funds.—After considering the availability of qualified applications, and if consistent with good investment practices and the other requirements of this subtitle, the Board shall approve the application of at least one eligible entity in each of at least 45 States. The Board shall, to the maximum extent practicable and appropriate, ensure that eligible entities that are approved by the Board in any given State receive at least $750,000 (per State) out of the funds provided under subsection (d). In addition, to the maximum extent practicable the Board shall approve the applications of at least two eligible entities in each State containing an approved eligible entity.

(C) Maximum amount of funds.—The total amount of funds provided under this subtitle to eligible entities in any State shall not exceed $10,000,000.

(D) Special program.—

(i) In general.—The Board shall issue regulations to establish a program that targets the benefits of the Federal lines of credit provided under this section to those rural areas and residents with special needs.

(ii) Limits.—If consistent with sound investment practices, not less than 5 percent, nor more than 15 percent, of the funds appropriated under subsection (d) shall be issued to eligible entities that will serve—

(I) local businesses located in very distressed rural areas, as defined by the Board, that may include areas with special needs arising from actual or threatened severe unemployment which results from economic dislocation; and

(II) local businesses that provide beneficial services to rural residents such as improved medical, hospital, or health care, licensed day care facilities or centers, improved services for the handicapped, the disabled, the elderly or other needy individuals, improved educational opportunities, improved public transportation services for needy individuals, or other related services as determined appropriate by the Board.

(d) Authorization of Appropriations.—There are authorized to be appropriated $100,000,000 in fiscal year 1990, $86,000,000 in fiscal year 1991, $67,000,000 in fiscal year 1992, and $47,000,000 in fiscal year 1993 to be made available to the Rural Fund and the Board for the purpose of carrying out this subtitle. Amounts appropriated under this subsection shall remain available until expended or until the Board is terminated.

(e) Relocation and Refinancing.—The Board shall establish rules and procedures to prohibit eligible entities from using the assistance received under this subtitle for loans and investments, or for issuing guarantees, that would—

(1) facilitate the relocation of a local business from one community to another;

(2) refinance the existing debt of a local business, except that such refinancing may be undertaken with such assistance if it is undertaken in conjunction with a substantial expansion effort by the local business; or

(3) significantly reduce the viability of an existing business engaged in substantially the same business activities in the same community.

SEC. 104. LOCAL REVOLVING FUNDS.

(a) Establishment.—

(1) In general.—Each eligible entity approved by the Board to participate in the program established under this subtitle shall establish a local revolving fund account in which to deposit—

(A)(i) amounts received from the Fund under this subtitle;

(ii) any local matching funds described under section 103(c)(3)(A); and

(iii) any profits or income, repayments of loans, proceeds from the sale of equity investments, or other gains or returns on investments or loans, derived from the activities of the revolving fund established under this subsection; less

(B) reasonable operating expenses or losses incurred in administering such fund.

(2) Place of establishment.—Each local revolving fund established under this subsection may be established in one or more member banks of the Federal Reserve System, any Federally insured State nonmember bank (as defined in section 3(b) of the Federal Deposit Insurance Act (12 U.S.C. 1813(b))), or any State owned bank whose deposits are backed by the full faith and credit of the State, and the funds, except as used as authorized in subsection (b), shall be held in cash and receive interest or be invested in direct obligations of the United States or in obligations guaranteed by the United States or an agency thereof.

(b) Use of Fund.—Amounts in a local revolving fund may be used—

(1) to provide loans or equity capital, or loan guarantees, to approved local businesses as authorized in this subtitle, under procedures established by the Board;

(2) to cover the costs of providing training, business or financial planning, or management or technical assistance to approved local businesses in amounts that do not exceed amounts or levels described in standards established by the Board;

(3) if financial investments are made in the eligible entity in accordance with section 103(c)(3)(A)(ii)(I) (aa) or (bb), to provide for a return of capital to non-Federal investors in the revolving fund, except that if such revolving fund experiences capital or other losses the share of returned capital under this paragraph shall be proportionately, or otherwise appropriately reduced to reflect such losses, under procedures established by the Board; or

(4) to cover reasonable operating or capital expenses, losses, or for other charges as prescribed in rules or standards established by the Board.

(c) Decisions Concerning Funding.—Eligible entities that receive a line of credit under section 103 shall make case-by-case determinations concerning applications submitted by each local business for loans, equity capital or loan guarantees, under general procedures and requirements established by the Board.

(d) Requirement of Partnerships for Loans or Investments.—Funds in each local revolving fund shall be loaned, invested, or used to provide a guarantee, only if one or more banks, savings and loan institutions, or community development credit unions, under procedures established by the Board, match each investment or loan made by each such revolving fund to each such local business, on at least a dollar-for-dollar basis, or provide the funds for the loans that are guaranteed by such local revolving fund.

(e) Investment Size Limits.—

(1) In general.—

(A) Amount per local business.—The amount of Federal funds provided from any revolving fund for use in making loans or investments, or available regarding each guarantee, shall not exceed $250,000 in any given calendar year, to any single approved local business or to other local businesses that are financially connected or otherwise related to such local business as defined by the Board.

(B) Other sources.—The provisions of this subtitle shall not limit the total amount of loans, investments, or guarantees from sources other than eligible entities that each local business may receive.

(C) Procedures.—In implementing this paragraph the Board shall develop procedures to establish, impute, or determine the amount of Federal funds that shall be considered available in the revolving funds created by approved eligible entities.

(2) Ineligibility.—Any local business that employs 100 or more employees shall not be eligible to receive assistance from a local revolving fund that receives assistance under this subtitle.

(f) Subordinated Interest of Local Revolving Fund.—If a bank, savings and loan

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association, or a community development credit union has made an investment or loan in a local business in conjunction with an investment or loan made out of the revolving fund of an approved eligible entity, the amount invested or loaned by such revolving fund in such local business may be subordinated, to any degree, and in any manner.

(g) Other Investors.—A bank, savings and loan association, community development credit union, similar Federally regulated financial institution, State owned bank, local or State government, private philanthrophic foundation, or other entity that contributes capital to an eligible entity that receives Federal assistance under this subtitle may establish contractual arrangements with such eligible entity concerning the return of such investments in the local revolving fund consistent with subsection (b)(3).

(h) Additional Capital.—The Board shall promulgate regulations that provide each participating eligible entity with a sufficient amount of time to obtain additional capital, lines of credit, or letters of intent, if any investor, pursuant to the contract with the eligible entity under subsection (g), withdraw some or all of its investment.

(i) Continuation of Line of Credit.—A line of credit provided to an approved eligible entity under section 103 for use in a local revolving fund shall continue to be available to be drawn upon until the Investment Board is terminated or until the line of credit is canceled, revoked, or suspended by the Board or the Secretary as described in section 105 or subsection (l).

(j) Continuation of Business Promotion Activities.—The Federal assistance provided to each eligible entity under this subtitle shall become the property of each such entity on the termination of the Investment Board if—

(1) the eligible entity that administers the local revolving fund has operated the fund in a manner that is consistent with this subtitle as determined by the Board; and

(2) the eligible entity contracts with the Secretary to continue to provide lending, investment, and guarantee assistance consistent with this subtitle.

(k) Development of Monitoring Procedures.—On the date on which the Investment Board is terminated, the Secretary shall act in place of the Board and shall monitor the operations of eligible entities that receive Federal assistance under this subtitle which continue to exist on the date the Board is terminated.

(l) Refund of Funds.—Notwithstanding subsection (j), and in addition to any actions taken under section 105, if the Secretary finds that the purpose of any eligible entity is no longer to promote business development in a manner consistent with this subtitle, the Secretary shall revoke the approval of the eligible entity, obtain a refund in an amount equal to the amount of funds drawn out of the Federal line of credit issued to the eligible entity together with an appropriate amount of interest on such amount, as determined by the Secretary, and succeed to, or acquire the rights, privileges, assets, investment and payments due from such eligible entity as described in section 105(h).

(m) Annual Reports to the Board.—

(1) In general.—Each eligible entity that receives assistance under this subtitle shall annually prepare and submit to the Board, at such time, and in such form as the Board may require, a report describing the financial condition of the eligible entity, and the investments, cash revenues, income from investments, loans made, equity positions taken, guarantees issued, losses sustained or taken, any training, business, or technical assistance, or financial planning provided, operating expenses, loss rates, and such other matters as the Board determines appropriate concerning the eligible entity.

(2) Post termination.—After the Board terminates under subsection (n), the reports required under paragraph (1) shall be submitted to the Secretary who shall stand in the same position as the Board.

(n) Termination of Board.—The Investment Board established by section 102(a) shall terminate on the last day of the 5th calendar year following the date of enactment of this subtitle and the Secretary shall act in place of such Board.

SEC. 105. COMPLIANCE AND ENFORCEMENT.

(a) Revocation or Cancellation of Line of Credit and Refund.—

(1) Grounds for revocation.—A line of credit shall be revoked or suspended by the Board, and a full or partial refund of the Federal investment, together with an appropriate amount of interest, shall be requested by the Board—

(A) for false statements knowingly made in any written statement required under this subtitle, or under any regulation or Federal Register notice issued under this subtitle;

(B) if any written statement required under this subtitle, or under any regulation or Federal Register notice issued under this subtitle, fails to state a material fact necessary in order to make the statement not misleading in the light of the circumstances under which the statement was made;

(C) for willful or repeated violation of, or willful or repeated failure to observe, any provision of this subtitle;

(D) for willful or repeated violation of, or willful or repeated failure to observe, any rule or regulation authorized under this subtitle; or

(E) for violation of, or failure to observe, any cease and desist order issued by the Board under this subsection.

(2) Cancellation of line of credit.—Notwithstanding any actions taken under paragraph (1), the Board may cancel any prospective payments to be made from any approved line of credit under this subtitle if the Board determines that the eligible entity participating in the program established under this subtitle made investments or acted in a manner that was inconsistent with the provision of this subtitle.

(3) Cease and desist orders.—Where an eligible entity has not complied with any provision of this subtitle, or of any regulation issued pursuant thereto, or is engaging or is about to engage in any acts or practices that constitute or will constitute a violation of such subtitle or regulation, the Board may order such entity to cease and desist from such action or failure to act. The Board may further order such entity to take such action or to refrain from such action as the Board determines necessary to ensure compliance with this subtitle and the regulations issued thereunder.

(4) Order to show cause, contents, and hearing.—

(A) Order.—Prior to revoking or suspending a line of credit under paragraph (1) or (2), or issuing a cease and desist order under paragraph (3), the Board shall serve on the eligible entity an order to show cause why an order revoking or suspending the line of credit or a cease and desist order should not be issued.

(B) Contents.—An order to show cause under subparagraph (A) shall contain a statement of the matters of fact and law asserted by the Board and the legal authority and jurisdiction under which a hearing is to be held, and shall state that a hearing will be held before the Board at a time and place stated in the order.

(C) Hearing.—If after a hearing under subparagraph (B), or a waiver thereof, the Board determines on the record that an order revoking or suspending the line of credit, or a cease and desist order should be issued, or an order requiring a refund of the Federal investment in addition to reasonable interest thereon should issue, the Board shall promptly issue such order, which shall include a statement of the findings of the Administration and the reasons for such findings and specify the effective date of the order, and shall cause the order to be served on the entity.

(5) Subpoena of persons, books, papers, and documents; fees and mileage; enforcement.—

(A) Subpoena.—The Board may require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to the hearing from any place in the United States.

(B) Fees and mileage.—Witnesses summoned before the Board shall be paid by the party at whose instance such witnesses were called the same fees and mileage that are paid witnesses in the courts of the United States.

(C) Enforcement.—In the case of disobedience to a subpoena under this paragraph, the Board, or any party to a proceeding before the Board, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents.

(6) Petition to modify or set aside order; filing, time and place, administration to submit record; action of court; review.—

(A) In general.—An order issued by the Board under this subsection shall be final and conclusive unless not later than 30 days after the service thereof the eligible entity appeals to the United States court of appeals for the circuit in which such corporation has its principal place of business by filing with the clerk of such court a petition praying that the order of the Board be set aside or modified in the manner stated in the petition.

(B) Filing.—

(i) Leave of court.—After the expiration of the 30-day period referred to in subparagraph (A), a petition may be filed only by leave of court on a showing of reasonable grounds for failure to file the petition prior to the expiration of such period.

(ii) Certification.—The clerk of the court shall, on filing, cause a copy of the petition to be delivered to the Board and the Board shall certify and file in the court a transcript of the record on which the order was entered. If prior to the filing of such record the Board amends or sets aside its order, in whole or in part, the petitioner may amend the petition within such time as the court may determine, after providing notice to the Board.

(C) Stay or suspension of order.—The filing of a petition for review under this paragraph shall not of itself stay or suspend the operation of the order of the Board, but the court of appeals in its discretion may restrain or suspend, in whole or in part, the operation of the order pending the final hearing and determination of the petition.

(D) Action by court.—The court may affirm, modify, or set aside the order of the Board.

(E) Additional evidence.—

(i) Determination.—If the court determines that the just and proper disposition of the case requires the taking of additional evidence, the court shall order the Board to reopen the hearing for the taking of such evidence, in such manner and on such terms and conditions as the court may consider appropriate.

(ii) Findings.—The Board may modify its findings as to the facts, or make new findings, by reason of the additional evidence taken under this subparagraph, and it shall file its modified or new findings and the amendments, if any, of its order, with the records of such additional evidence.

(F) Consideration of objections.—No objection to an order of the Board shall be considered by the court unless the objection was argued before the Board or, if it was not so argued, unless there were reasonable grounds for failure to do so.

(G) Review.—The judgment and decree of the court affirming, modifying, or setting aside any such order of the Board shall be subject only to review by the Supreme Court of the United States on certification or certiorari as provided in section 1254 of title 28.

(7) Enforcement of order.—If the entity against which or against whom an order is issued under this subsection fails to obey the order, the Board may apply to the United States Court of appeals, within the circuit where the entity has its principal place of business, for the enforcement of the order, and shall file a transcript of the record on which the order complained of was entered. On the filing of the application the court shall cause notice thereof to be served on the entity. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as is provided in paragraph (6) for applications to set aside or modify orders.

(b) Investigations and Examinations.—

(1) Authority.—

(A) In general.—The Board may conduct such investigations as the Board considers necessary to determine whether an eligible entity has engaged in any acts or practices that constitute or will constitute a violation of any provision of this subtitle, or of any regulation issued under this subtitle, or of any order issued under this section.

(B) Filing of statements.—The Board shall permit any individual to file a statement with the Board that is in writing, under oath or otherwise as the Board shall determine, as to all the facts and circumstances concerning the matter to be investigated.

(C) Subpoena.—For the purpose of any investigation under this subsection, the Board may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States.

(D) Refusal to obey.—In case of contumacy by, or refusal to obey a subpoena issued to, any individual, including an entity or corporation, the Board may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such individual resides or carries on business activity, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents, and such court may issue an order requiring such individual to appear before the Board, to produce records, if so ordered, or to give testimony touching the matter under investigation.

(E) Contempt.—A failure to obey an order of the court under this subsection shall be punishable by such court as a contempt thereof. All process in any such case may be served in the judicial district where such individual is an inhabitant or wherever such individual may be found.

(2) Examinations and reports.—

(A) Examinations.—An eligible entity under this subtitle shall be subject to examinations made by the Board through examiners selected or approved by the Board, and the cost of such examinations, including the compensation of the examiners, may in the discretion of the Board be assessed against the entity examined and when so assessed shall be paid by such entity.

(B) Reports.—Such entities shall prepare and submit reports to the Board at such times and in such form as the Board may require.

(3) Examinations.—Each eligible entity shall be examined and audited at least once every 2 years, under procedures established by the Board, to determine whether or not such entity has been operated in a manner consistent with this subtitle and in an otherwise lawful manner, except that the Board may waive the examination requirement for up to 1 additional year if, in its discretion, the Board determines that such a delay would be appropriate based on the prior operating experience of the entity, the contents and results of the last examination and the management expertise of the entity.

(c) Injunctions or Other Orders.—

(1) Grounds and jurisdiction of court.—Whenever, in the judgment of the Board an eligible entity has engaged or is about to engage in any acts or practices that constitute or will constitute a violation of any provision of this subtitle, or of any regulation under this subtitle, or of any order issued under this section, the Board may apply to the proper district court of the United States or a United States court located in any jurisdiction subject to the laws of the United States, for an order enjoining such acts or practices, or for an order enforcing compliance with such provision, rule, regulation, or order. Such court shall have jurisdiction over such actions and, on a showing by the Board that such entity has engaged in or is about to engage in such acts or practices, may issue a permanent or temporary injunction, restraining order, or other order without bond.

(2) Equity jurisdiction of corporation and assets.—In any proceeding under this section the court as a court of equity may, to such extent as it considers necessary, declare that such court has exclusive jurisdiction over the entity and the assets thereof, wherever located. Such court shall have jurisdiction in any such proceeding to appoint a trustee or receiver to hold or administer under the direction of the court the assets so possessed.

(3) Trusteeship or receivership.—The Board shall have authority to act as trustee or receiver of an entity under this section. On request by the Board, the court may appoint the Board to act in such capacity unless the court determines such appointment to be inequitable or otherwise inappropriate because of the special circumstances involved.

(d) Unlawful Acts and Omissions by Officers, Directors, Employees, or Agents.—

(1) Violation of subtitle.—Wherever an eligible entity violates any provision of this subtitle or regulation issued under such subtitle by reason of the failure of such entity to comply with the terms thereof, or by reason of such entity engaging in any act or practice that constitutes or will constitute a violation thereof, such violation shall be considered to be a violation and an unlawful act on the part of any individual who, directly or indirectly, authorizes, orders, participates in, or causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, such violation.

(2) Breach of fiduciary duty.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of an eligible entity to engage in any act or practice, or to omit any act, in breach the fiduciary duty of such individual or such officer, director, employee, agent, or participant, if, as a result thereof, the entity has suffered or is in imminent danger of suffering financial loss or other damage.

(3) Disqualification of officers and employees.—Except on the written consent of the Board, it shall be unlawful—

(A) for any individual to take office as an officer, director, or employee of an eligible entity, or to become an agent or participate in the conduct of the affairs or management of an eligible entity, if—

(i) such individual has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(ii) such individual has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust; or

(B) for any individual to continue to serve in any of the above-described capacities, if—

(i) such individual is convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

(ii) such individual is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

(e) Penalties and Forfeitures.—

(1) In general.—Except as provided in paragraph (2), an eligible entity that violates any regulation or written directive issued by the Board requiring the filing of any regular or special report under this subtitle, shall forfeit and pay to the United States a civil penalty of not more than $100 for each and every day of the continuance of the corporation's failure to file such report, unless the entity demonstrates that such failure is due to reasonable cause and not due to willful neglect. The civil penalties provided for in this subsection shall accrue to the United States and may be recovered in a civil action brought by the Board.

(2) Exemption.—The Board may through rules and regulations, or on application of an interested party, at any time previous to a failure under paragraph (1), by order, after notice and opportunity for hearing, exempt in whole or in part, any entity from the provisions of paragraph (1), on such

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terms and conditions and for such period of time as the Board determines necessary and appropriate, if the Board finds that such action is not inconsistent with the public interest or the protection of the Board. The Board may for purposes of this subsection make any alternative requirements appropriate to the situation.

(f) Jurisdiction and Service of Process.—Any suit or action brought under this section by the Board to enforce any liability or duty created by, or to enjoin any violation of, this subtitle, or any rule, regulation, or order promulgated thereunder, shall be brought in the district wherein the eligible entity maintains its principal office, and process in such cases may be served in any district in which the defendant maintains its principal office or transacts business, or wherever the defendant may be found.

(g) Substitution of Secretary.—On the termination of the Board, the Secretary shall stand in place of the Board and shall possess all the powers, privileges and rights regarding compliance and enforcement described in this section and in section 104.

(h) Revocation, Suspension, or Termination.—If the approval of an of any eligible entity to participate in this program is revoked, suspended, or terminated, or if the activities of the eligible entity otherwise end, the Board, or the Secretary, upon the termination of the Board, shall—

(1) possess all the rights and privileges of such eligible entity;

(2) succeed to the assets of such eligible entity to the extent necessary to obtain a refund of any amounts due to the Board, or the Secretary;

(3) be entitled to receive any payments due to such eligible entity from any local businesses on any outstanding loans; and

(4) take over any equity investment held by such eligible entity.

Subtitle B—Rural Capital Access Program

SEC. 110. PURPOSE.

It is the purpose of this subtitle to create a Rural Capital Access Program within the Department of Agriculture to encourage lending institutions to provide loans to certain businesses in rural areas.

SEC. 111. DEFINITIONS.

As used in this subtitle:

(1) Fund.—The term "Fund" means the Rural Capital Access Fund established under section 112(b).

(2) Program.—The term "Program" means the Rural Capital Access Program established under section 112(a).

(3) Rural area.—The term "rural area" means all territory of a State that is not within the outer boundary of any city or town, or neighboring urbanized area as defined by the Board, having a population of 20,000 or more based on the latest decennial census of the United States.

(4) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(5) State.—The term "State" means each of the 50 States of the United States.

SEC. 112. RURAL CAPITAL ACCESS.

(a) Establishment of Program.—The Secretary shall establish a program to be known as the "Rural Capital Access Program" through which the Secretary shall provide incentives to lending institutions to encourage such institutions to provide new loans to certain businesses in rural areas.

(b) Establishment of Fund.—

(1) In general.—The Secretary shall establish and maintain a fund to be known as the "Rural Capital Access Fund" that shall serve as a reserve account to protect lending institutions that participate in the Program from losses associated with certain loans.

(2) Amounts in fund.—The Fund established under paragraph (1) shall contain amounts received under this Act from the Federal Government, participating lending institutions, and eligible borrowers. The amounts obligated to the Fund shall remain in the Fund until expended.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—To carry out this subtitle there are authorized to be appropriated $15,000,000 in fiscal year 1990, $20,000,000 in fiscal year 1991, $30,000,000 in fiscal year 1992, $40,000,000 in fiscal year 1993, and $60,000,000 in fiscal year 1994.

(b) Amounts Not to Remain Available.—The amounts appropriated during each fiscal year pursuant to paragraph (1), that are not obligated to the Fund during such fiscal year, shall not remain available for use under the Program after the fiscal year for which such sums are appropriated.

(c) Administrative Expenses.—No funds appropriated under this subtitle shall be used for the administrative expenses of State agencies or institutions participating in the Program.

SEC. 114. ALLOCATION.

(a) In General.—Of the amounts appropriated under section 113, the Secretary shall allocate to each State at the beginning of each fiscal year an amount for use under the Program equal to an amount that bears the same ratio to the total amount of such appropriation as the number of individuals residing in rural areas in such State bears to the number of individuals residing in rural areas in all States.

(b) Reallocation.—Any portion of the allocation under subsection (a) for use within a State during a fiscal year that the Secretary determines is not obligated to the Fund by June 1 of such fiscal year shall be released by the Secretary for obligation under the Program in connection with loans made in any other State.

SEC. 115. ADMINISTRATION OF THE PROGRAM.

(a) Notification and Application.—

(1) In general.—A State that desires to participate in the Program shall notify the Secretary in writing of its intent to participate, and shall provide such information as the Secretary shall require, including a designation of the State agency or private institution that shall administer the Program within the State.

(2) Private institution.—If a State fails to—

(A) submit a notification to the Secretary within 6 months after the date of enactment of this Act; or

(B) designate a State agency or private institution to administer the Program;

a private institution within such State may apply to the Secretary to participate in the Program on behalf of such State. Within a reasonable period of time following the receipt of such application, the Secretary shall approve such institution for participation in the Program unless good cause exists to reject such application. If more than one such application is received from institutions within the State, the Secretary shall select from among the applicants one institution to participate in the Program.

(3) Duties.—The participating State agency or private institution shall—

(A) promote the Program within the State;

(B) recruit lending institutions within the State to participate in the Program;

(C) enter into agreements with participating lending institutions that outline the rights and obligations of such institutions;

(D) encourage participating lending institutions to use the Program to expand the funding activity of such institutions in rural areas and avoid displacing commercial loans that could otherwise be made without the incentives provided under the Program; and

(E) maintain such books and records of its activities under the Program, as specified by the Secretary and grant the Secretary reasonable access to such books and records.

(b) Eligible Lending Institutions, Borrowers, and Loans.—

(1) Eligible lending institutions.—To be eligible to participate in the Program, a lending institution must be legally able to make loans within rural areas in the State.

(2) Eligible borrowers.—An eligible borrower must be a corporation, partnership, joint venture, sole proprietorship, retail business, cooperative, individual, or any other entity, whether profit or nonprofit, that conducts or is planning to conduct business in a rural area of a State.

(3) Eligible loan.—To be eligible for protection under this subtitle a loan made by an eligible lending institution shall—

(A) be made to an eligible borrower;

(B) be used by the borrower for economic activity that is located in a rural area;

(C) not be used for the construction or purchase of residential property;

(D) not be used to finance any real estate purchase primarily for investment purposes, without developing or improving such real estate, or without intending to use such real estate in connection with the business of the borrower;

(E) not be an existing loan of the lending institution (or an affiliate of such institution) that is not in the Program unless the institution increases the outstanding balance of such loan and places the refinanced loan into the Program only to the extent that the principal of such loan is increased;

(F) not be made to a director, officer, or principal shareholder of the lender or a member of the immediate family of a director, officer, or principal shareholder of the lender; and

(G) not exceed $3,000,000.

SEC. 116. OPERATION OF THE PROGRAM.

(a) Loan Process.—A lending institution that enters into an agreement with the administering agency or institution may make loans to eligible borrowers and such loans shall be protected by the subaccounts contained in the Fund.

(b) Creation of Subaccounts.—

(1) In general.—A subaccount shall be created in the Fund for each lending institution that enters into an agreement with the administering agency or institution that shall contain amounts derived from contributions made by the lending institution, the borrower, and the Federal Government.

(2) Contributions.—

(A) Minimum.—The minimum contributions in connection with any eligible loan to the subaccount of a lending institution under this subsection shall be—

(i) an amount equal to not less than 1.5 percent of the amount of the loan to be paid by the borrower;

(ii) an amount equal to the amount contributed under clause (i) to be paid by the lending institution; and

(iii) an amount equal to the amounts paid under clauses (i) and (ii) to be paid by the Secretary.

(B) Maximum.—The maximum contributions in connection with any eligible loan to the subaccount of a lending institution under this subsection shall be—

(i) an amount equal to not greater than 3.5 percent of the amount of the loan to be paid by the borrower;

(ii) an amount equal to the amount contributed under clause (i) to be paid by the lending institution; and

(iii) an amount equal to the amounts paid under clauses (i) and (ii) to be paid by the Secretary.

(C) Determination.—The amount of the contribution to be made by a borrower in connection with any eligible loan made under the Program shall be established through an agreement between the lender and the borrower.

(3) Interest.—The subaccount of each lending institution shall earn interest at a rate equal to the current average market yield on outstanding marketable obligations of the United States.

(4) Withdrawal.—A lending institution shall only be permitted to withdraw funds from the subaccount of such institution to reimburse such institution for losses suffered on eligible loans made under the Program.

(c) Procedure.—

(1) Notification.—After entering into an agreement with the administering agency or institution to participate in the Program, a lending institution shall notify such agency or institution before concluding a loan agreement to provide an eligible loan to any eligible borrower to ensure that the Secretary has sufficient funds available for use in such State to pay the contribution required of the Secretary under subsection (b)(2).

(2) Time for payments of contributions.—

(A) Lending institution and borrower.—The lending institution shall pay the required contribution, and collect and pay the required contribution of the borrower, to the administering agency or institution not later than 10 working days after the applicable loan agreement is entered into.

(B) Transfer to secretary.—Not later than 5 working days after the receipt of funds under subparagraph (A), the administering agency or institution shall transfer such funds to the Secretary.

(C) Secretary.—As soon as practicable after the administering agency or institution transmits the contributions required under subsection (b)(2) to the Secretary, such contributions and the matching funds required to be provided by the Secretary, shall be deposited by the Secretary into the subaccount of the institution created within the Fund in accordance with subsection (b)(1).

(d) Claims Against the Fund.—

(1) Determination of charge offs.—A lending institution shall determine when and how much to charge off on a loan eligible for protection under this subtitle in a manner that is consistent with the normal methods used by such institution for making such determinations concerning its commercial business loans not covered under the Program.

(2) Filing of claims.—A lending institution shall file a claim for assistance under this subtitle with the administering agency or institution at the time that such lending institution charges off all or part of an eligible loan.

(3) Amount of claim.—

(A) In general.—A claim filed by a lending institution under this subsection may include the full amount of the principal of the loan that is charged off, any interest accrued on the loan, and any out-of-pocket expenses incurred by such institution in connection with the loan.

(B) Limitation.—If the amount of a loan that is protected under this Program is less than the total amount of the loan principal charged off by the lender, the amount of principal and accrued interest that may be included in a claim shall not exceed the principal amount of such loan that is protected under the Program in addition to any accrued interest attributable to such principal.

(4) Review of claims.—

(A) In general.—A claim submitted under this section shall be promptly delivered by the administering agency or institution to the Secretary who shall, not later than 20 days after the receipt of such claim, review the claim and make a payment to the lending institution from the subaccount of such institution in the amount of the claim.

(B) Limitation.—Except as provided in section 118(c), the amount of payment made to a lender on any claim under this Program shall not exceed the total amount that such lending institution has in its subaccount in the Fund.

(C) Grounds for denial of claim.—The Secretary shall only deny a claim submitted under this subsection, or a portion thereof, if the Secretary determines that the lending institution that submitted the claim has knowingly—

(i) violated a provision of this subtitle;

(ii) violated a provision of the agreement of the institution with the administering agency or institution;

(iii) allowed interest to accrue on the loan for an unreasonable period of time after the loan became delinquent without taking prudent action to collect the principal; or

(iv) submitted a false claim.

(e) Review by the Secretary.—The Secretary may review the operations of any lending institution that participates in the Program under this subtitle.

SEC. 117. INACTIVE LENDING INSTITUTIONS.

If, for a period of at least 24 consecutive months, the amount in the subaccount of a lending institution exceeds the outstanding balance of all loans of such institution protected under this Program, the Secretary may withdraw any such excess amounts so that the amount of funds remaining in the subaccount are equal to 100 percent of the outstanding balance of such loans. Such excess shall be transferred to a general account within the Fund to be utilized by the Secretary for other contributions under section 116(b)(2).

SEC. 118. INITIAL PROGRAM INCENTIVES.

(a) Purposes.—To encourage lending institutions to participate in the Program and to make eligible loans during the early stages of the implementation of the Program, the Secretary shall provide two special incentives as provided in subsections (b) and (c).

(b) Additional Contribution.—The Secretary shall contribute an amount, under section 116(b)(2), equal to 150 percent of the amount of the contributions made by the lending institution and the borrower, in connection with any loan protected under the Program, with respect to the first $2,000,000 of principal on loans made by such institution that are protected under the Program.

(c) Payment of Claims With Future Contributions.—

(1) Availability.—The provisions of this subsection shall only apply to the first $5,000,000 of principal on loans made by a lending institution that are protected under the Program.

(2) Incentive.—If a claim is filed under section 116(d) on a loan that meets the requirement of paragraph (1), and at the time that such claim is made there is not a sufficient amount of funds in the claiming lending institution's subaccount to pay the full amount of such claim, the lending institution may withdraw all of the funds in such subaccount and, to the extent such institution continues to make eligible loans under this subtitle that result in additional contributions to such subaccount, such institution may withdraw such additional funds from the subaccount at the time such funds are deposited as may be necessary to exhaust the full amount of any such claim.

(3) Limitation.—The Secretary shall limit withdrawals from the subaccount of any lender under this subsection so that the amount withdrawn by the lending institution to reimburse such institution for a prior claim, shall not exceed 75 percent of the amount in such subaccount immediately prior to such subsequent withdrawal.

Subtitle C—Rural Economic Development Administered by the Secretary and the Rural Electrification Administration

SEC. 120. ASSISTANT ADMINISTRATOR FOR ECONOMIC DEVELOPMENT.

The Rural Electrification Act of 1936 is amended by adding after section 11 (7 U.S.C. 911) the following new section:

"SEC. 11A. ASSISTANT ADMINISTRATOR FOR ECONOMIC DEVELOPMENT.

"(a) Appointment.—The Administrator shall appoint an Assistant Administrator for Economic Development (hereinafter referred to in this Act as the 'Assistant Administrator') to carry out the programs of the Rural Electrification Administration concerning the involvement of rural electric and telephone systems in community and economic development.

"(b) Appointment Factors.—In appointing an Assistant Administrator, the Administrator shall consider the degree to which candidates possess—

"(1) knowledge of and experience in community and economic development programs and strategies;

"(2) the ability to develop and manage the specific programs and responsibilities of this office, as described in this Act;

"(3) the ability to work effectively with officials of Federal, State, and local governments, private, and other officials of development programs, as well as with borrowers of the Rural Electrification Administration and their associations; and

"(4) other factors as determined by the Administrator to be important in the successful execution of the responsibilities of the office of Assistant Administrator.

"(c) Responsibilities and Standing.—The Assistant Administrator shall be—

"(1) responsible, unless otherwise provided by law, for the administration of the programs of the Rural Electrification Administration not directly related to the providing of electric or telephone service; and

"(2) compensated at a salary level that is not less than that of the Assistant Administrator for Electric and the Assistant Administrator for Telephone of the Rural Electrification Administration.

"(d) Funding.—Not less than 10 percent nor more than 20 percent of the salaries and expenses provided to the Administration during any fiscal year shall be used by the Assistant Administrator in carrying out the responsibilities of the Assistant Administra-

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tor as described in subsection (c), and such amounts shall remain available until expended.

"(e) Technical Assistance Unit.—The Administrator shall establish a technical assistance unit to provide advice and guidance to borrowers concerning community and economic development activities permitted under this Act. From the amounts made available to the Assistant Administrator under subsection (d), not less than 1 percent of the salaries and expenses of the Rural Electrification Administration shall be made available to such technical assistance unit established in this section.".

SEC. 121. DEFERMENT OF PAYMENT ON ECONOMIC DEVELOPMENT LOANS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended—

(1) by inserting "(a)" before "The Administrator"; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The Administrator shall permit any borrower to defer the payment of principal and interest on any insured or direct loan made under this Act under circumstances described in this subsection, notwithstanding any limitation contained in section 12(a), except that such deferment shall not be permitted based on the determination by the Administrator of the financial hardship of the borrower.

"(2)(A) In the case of deferments made to enable the borrower to provide financing to local businesses, the deferment shall be repaid in equal installments, without the accrual of interest, over the 60-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred; and

"(B) In the case of deferments made to enable the borrower to provide community development assistance, technical assistance to businesses, or similar community, business, or economic development assistance, the deferment shall be repaid in equal installments, without the accrual of interest, over the 120-month period beginning on the date of the deferment, and the total of amount of such payments shall be equal to the amount of the payment deferred; and

"(3)(A) A borrower may defer its debt service payments only in an amount equal to an investment made by such borrower in community or economic development projects.

"(B) The amount of the deferment shall not exceed 50 percent of the cost of a community or economic development project financed under paragraph (2).

"(C) The total amount of deferments under this subsection during each of the fiscal years 1990 through 1993 shall not exceed 3 percent of the total payments received during such fiscal year from all borrowers on direct and insured loans made under this Act and shall not exceed 5 percent of such total payments in each subsequent fiscal year.

"(D) At the time of a deferment, the borrower shall make a cushion of credit payment in an amount equal to the amount of the payment deferred. Such payment shall not be reduced by the borrower below the level of the unpaid balance of the payment deferred. Subject to limitations established in annual appropriations Acts, such cushion of credit amounts and any other cushion of credit and advance payments of any borrower shall be included in the interest differential calculation provided by section 313 of this Act.

"(4) The Administrator shall undertake all reasonable efforts to permit the full amount of deferments authorized by this subsection during each fiscal year.".

SEC. 122. WATER AND WASTE FACILITY FINANCING.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding after section 306, the following new section:

"SEC. 306A. ADDITIONAL WATER AND WASTE FACILITIES PROGRAM.

"(a) Authority.—

"(1) In general.—The Secretary shall make loans to individuals or entities who are borrowers under title III of the Rural Electrification Act of 1936 (7 U.S.C. 930 et seq.), (hereinafter referred to in this section as the 'borrower') to enable such borrowers to provide water and waste facility services in areas served by such borrowers.

"(2) Programs.—The loan program established by the Secretary under this section shall be in addition to any programs administered under title III of the Rural Electrification Act of 1936 (7 U.S.C. 930 et seq.) and section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926).

"(b) Limitation.—Loans made under subsection (a) shall not, unless otherwise specified by law, exceed an amount equal to 10 percent of the total amount of insured loans under the Rural Electrification Act of 1936 authorized during the fiscal year in which such loan is made for rural electrification and telephone purposes, or $40,000,000, whichever is less. Such limitations shall be in addition to the total amount of insured loans authorized for electrification and telephone purposes.

"(c) Priority.—In reviewing applications for loans under this section the Secretary shall consider—

"(1) whether the loan is necessary to enable the communities to be served to comply with applicable Federal or State environmental laws;

"(2) whether the individuals residing in the area for which service is proposed, and any local government entities, are in favor of the borrower providing such services in the area;

"(3) the income, unemployment, and other characteristics of the area to be served;

"(4) the degree of deprivation faced by residents of the area to be served as a result of the lack of safe drinking water, adequate water supplies, sewage treatment and other waste disposal facilities;

"(5) the impact that the availability of safe water supplies, waste disposal and similar services would be likely to have on enhancing the prospects for economic growth within the area to be served;

"(6) the degree to which a loan that may be provided under this subsection is necessary to ensure that water and waste disposal services are available in the area to be served by such loan at costs that do not exceed those charged in other nearby areas;

"(7) the impact of the proposed loan on the retention of the property and service territory of the borrower, or in protecting the security given on outstanding loans provided to the borrower; and

"(8) whether the water and waste facility projects described in the application will duplicate any existing facilities, and whether the borrower will coordinate its water and waste facility operations with similar operations in the area, including efforts to achieve economies of scale through joint billing, collection, or other operations with nearby systems in order to reduce the costs, improve the operations, or otherwise assist such systems.

"(d) Coordination.—

"(1) Other programs and requirements.—

"(A) Other programs.—The Secretary shall ensure that the program established under this section is coordinated with the programs authorized and established under section 306, and will attempt to coordinate the lending activities under this section with similar activities conducted by other entities.

"(B) Requirements.—Loans made under this section shall be subject, in the same manner as loans made under section 306, to the provisions of section 306(a)(9) and 306(a)(10) (which require approvals by State water pollution control agencies), sections 306(a)(19) (A) and (B), (which include certain requirements in connection with the technical design and choice of materials for water and waste systems), and section 306(b) (which concerns the curtailment or limitation of service).

"(2) Assignment of duties.—The Secretary shall determine whether the Rural Electrification Administration possesses greater expertise, as compared with the Farmers Home Administration, in the areas of utility accounting, utility management and financial analysis, advice and assistance, and other aspects of utility operations and engineering. If the Secretary determines that the Rural Electrification Administration possesses greater expertise in such areas, the Secretary shall require the Rural Electrification Administration to provide technical assistance, and assist in the processing of applications under this section.

"(3) Prohibition on limiting access.—The Secretary shall establish rules and procedures that prohibit borrowers from conditioning or limiting access to, or the use of, any water and waste facility services that are financed under this section. Such rules and procedures shall be based on whether individuals or entities in the area for which such facility is proposed receive, or will accept, electric service from such borrower.

"(e) Terms.—

"(1) In general.—Loans made under this section shall be for the same repayment period as insured loans made by the Administrator of the Rural Electrification Administration to such borrowers under title III of the Rural Electrification Act of 1936 (7 U.S.C. 930 et seq.) and interest rates on loans made under this section shall not exceed the 5 percent interest rate on such insured loans as described in section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935).

"(2) Interest rate.—The Secretary shall determine the interest rate to be charged on loans made under this section on the basis of—

"(A) ensuring that the cost to consumers for water and waste disposal services financed with loans provided under this section does not, to the extent possible, exceed rates charged in areas that are near the area served by the borrower;

"(B) the income and other characteristics of the individuals to be served through the provision of such loans; and

"(C) encouraging borrowers to obtain private sector capital, as provided for in subsection (f), to supplement loans made under this section.

"(f) Private Sector Capital.—The Secretary shall require borrowers under this section to obtain private sector capital to supplement assistance made available under this section if—

"(1) the Secretary determines that—

"(A) it is appropriate to require use of such private capital, taking into account subparagraphs (A) and (B) of subsection (e)(2); and

"(B) the borrower is able to obtain revenues from the facilities to be financed to recover its cost, including the cost of such private capital; and

"(2) the borrower is able to obtain such private sector capital.

In order to facilitate the obtaining of such private capital, the Secretary may, on a case-by-case basis, reduce the interest rate on loans provided under this section when such reduction is appropriate and will enable the borrower to obtain such private capital.

"(g) Appropriations.—The Secretary is authorized to make loans to the extent amounts are appropriated as provided under this section, except that during any fiscal year the amount of such loans, unless otherwise provided by law, shall not exceed 10 percent of the amount authorized for all insured loans under title III of the Rural Electrification Act of 1936 (7 U.S.C. 930 et seq.), or $40,000,000, whichever amount is less. Funds appropriated under this section shall remain available until expended.

"(h) Repayment.—Appropriations made for purposes of this section shall be placed in a separate account. Advances on loans made under this section shall be made from such account, and payments on such loans shall be returned to the account for use by the account in making advances on future loans.

"(i) Full Use.—The Secretary shall undertake all reasonable efforts to make full use, during each fiscal year, of any funds held by the account established under subsection (h), subject to limitations that loans for the purpose of this section shall not exceed 10 percent of the amount of loans made under title III of the Rural Electrification Act of 1936 (7 U.S.C. 930 et seq.) during any fiscal year, or $40,000,000, whichever amount is less, and subject to any other limitations that may be imposed by law, except that any repayments made during each fiscal year shall not be considered in computing such 10 percent or $40,000,000 limit.

"(j) Replenishment of Water and Waste Facility Fund.—

"(1) Calculation of total amount of loans.—At the end of each fiscal year the Secretary shall calculate—

"(A) the total amount of loans extended under this section during such fiscal year; and

"(B) the amount of water or waste facility loans extended to borrowers (as referred to in subsection (a)(1)) under section 306 of this Act.

"(2) Transfer of amounts.—Notwithstanding the provisions of subsections (g) and (i), if any amounts appropriated under this section remain available at the end of any fiscal year, the Secretary shall transfer such available amounts to the fund used to make water or waste facility loans under section 306, to the extent of the amount of any loans made to borrowers under the Rural Electrification Act of 1936, under such section 306, and any such loan to such borrower made under section 306 shall be subject to the terms, conditions and other requirements of section 306A, and any such section 306 loan shall be repaid to the account established by subsection (h).".

SEC. 123. RURAL ECONOMIC DEVELOPMENT.

The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end thereof the following new title:

"TITLE V—RURAL ECONOMIC DEVELOPMENT

"SEC. 501. ADDITIONAL POWERS AND DUTIES OF REA ADMINISTRATOR.

"The Administrator shall—

"(1) provide advice and guidance to electric borrowers under this Act concerning the effective and prudent use by such borrowers of the investment authority under section 312 to promote rural development;

"(2) provide technical advice, troubleshooting, and guidance concerning the operation of programs or systems that receive assistance under this Act;

"(3) establish and administer various pilot projects through electric and telephone borrowers that the Administrator determines are useful or necessary, and recommend specific rural development projects for rural areas;

"(4) act as an information clearinghouse and conduit to provide information to electric and telephone borrowers under this Act concerning useful and effective rural development efforts that such borrowers may wish to apply in their areas of operation and concerning State, regional, or local plans for long-term rural economic development;

"(5) provide information to electric and telephone borrowers under this Act concerning the eligibility of such borrowers to apply for financial assistance, loans, or grants from other Federal agencies and non-Federal sources to enable such borrowers to expand their rural development efforts;

"(6) promote local partnerships and other coordination between borrowers under this Act and community organizations, States, counties, or other entities, to improve rural development;

"(7) review the advice and recommendations of the Rural Educational Opportunities Board as established under section 601(f); and

"(8) administer a Rural Business Incubator Fund (as established under section 502) that shall provide technical assistance, advice, loans, or capital to business incubator programs or for the creation or operation of small business incubators in rural areas.

"SEC. 502. RURAL BUSINESS INCUBATOR FUND.

"(a) Establishment and Use.—

"(1) Establishment.—There is established in the Treasury of the United States a revolving fund to be known as the Rural Business Incubator Fund (hereinafter referred to in this title as the 'Incubator Fund') to be administered by the Administrator.

"(2) Use.—The Incubator Fund shall be used to make grants and reduced interest loans to electric and telephone borrowers under this Act or to other non-profit entities that meet the requirements of this section, to promote business incubator programs or for the creation or operation of business incubators in rural areas as defined in this Act, and the rate of such loans shall not exceed the 5 percent rate as provided in section 305.

"(3) Business incubator.—Any business incubator that receives assistance under this title shall be a facility in which small businesses can share premises, support staff, computers, software or hardware, telecommunications terminal equipment, machinery, janitorial services, utilities, or other overhead expenses, and where such businesses can receive technical assistance, financial advice, business planning services or other support. Business incubator programs that provide assistance of the type described in this paragraph shall be eligible for assistance under this title even when such programs do not involve the sharing of premises.

"(b) Application for Assistance.—

"(1) Eligibility to submit.—Borrowers under this Act that operate existing business incubators or that desire to operate such incubators or business incubator programs, and that meet the requirements established by the Administrator for obtaining grants or reduced interest loans under this section, may submit applications at such time, in such form, and containing such information as the Administrator shall require, for such grants or loans. Nonprofit entities that are not borrowers under title III shall be considered eligible borrowers for the purpose of this section if such entities are located in a State in which one or fewer electric borrowers are headquartered in such State.

"(2) Requirements.—Applications submitted under paragraph (1) shall, at a minimum—

"(A) contain an assurance that any incubator established or operated pursuant to this section will be operated on a not-for-profit basis; and

"(B) contain an assurance that it will be the policy of such incubator to encourage and assist businesses in graduating from the incubator and becoming viable business entities in the community and to inform participating businesses of this policy;

"(3) Review.—In reviewing applications for assistance, the Administrator shall consider—

"(A) how effectively the incubator project will assist in the formation, growth, or improved efficiency of small businesses that will help diversify and develop the local economy; and

"(B) the amount of local support likely to exist for the incubator and the businesses to be assisted by such incubator, taking into account local contributions of business, financial, technical, technological or managerial expertise, and contributions of equipment or materials, local financial assistance, and other factors as determined appropriate by the Administrator.

"(c) Funding of Local Incubators.—

"(1) By borrower establishing incubator.—

"(A) In general.—A borrower that establishes or assists a business incubator under this section shall purchase Capital Term Certificates issued by the Incubator Fund in amounts equal to 10 percent of the amount of the grant, or 5 percent of the amount of the reduced interest loan, provided by the Administrator under this section.

"(B) Redemption of certificates.—Each calendar year for the 10-year period beginning on the date that a grant or reduced interest loan is provided under this section, the Administrator shall redeem an amount equal to 10 percent of the Capital Term Certificates purchased by the borrower under subparagraph (A), without any payment of interest.

"(2) By the Secretary of the Treasury.—The Secretary of the Treasury shall, subject to the limitations contained in annual appropriations Acts, provide funds for the capitalization of the Incubator Fund, and there are authorized to be appropriated amounts not to exceed $10,000,000 annually for such capitalization until the total of such capitalization shall equal $60,000,000. Such amounts shall remain available until expended by the Incubator Fund for the purposes of this section.

"(d) Repayments to Incubation Fund.—All payments made on loans under this section, and all amounts provided under subsection (c), shall be placed in the Incubator Fund established by subsection (a) and shall be available to carry out the purposes of this section.

"(e) Full Use.—The Administrator shall undertake all reasonable efforts to make full use, during each fiscal year, of any funds contained in the Incubator Fund established under subsection (a), consistent with the requirement that the Incubator Fund redeem Capital Term Certificates as provided by subsection (c). During each fiscal year, 10 percent of the amount contained in the Incubator Fund shall be made available to nonprofit entities, as provided under subsection (b), that are not borrowers under title III, except that if qualified applications from such entities are not received in an amount or at such times sufficient to utilize such 10 percent amount during each such fiscal year, the Administrator shall make the remainder of such amount available to other eligible borrowers during such fiscal year.".

SEC. 124. PROMOTING RURAL DEVELOPMENT BY REA TELEPHONE BORROWERS.

To promote additional rural development by Rural Electrification Administration telephone borrowers, amounts invested by any such borrower for improved rural telecommunications facilities under programs established pursuant to section 205, 206, or 207, or other additional rural development efforts made under subtitle C, shall not be considered dividends or distributions of capital by the Rural Electrification Administration.

SEC. 125. REVIEW OF PROGRAMS FOR BUSINESS INCUBATOR.

(a) Policy of the United States.—It is the policy of the United States that the Federal Government should encourage and support the development and operation of business incubator centers as a tool of economic and community development.

(b) Action by Secretaries.—The Secretaries of Housing and Urban Development, Health and Human Services, Energy, Defense, Commerce, and Agriculture, and the Administrator of the Small Business Administration shall review existing regulations promulgated by their respective departments and agencies governing grants and loans for purposes of community development, business promotion, research and development, and export promotion and shall take such action as may be necessary to ensure that business incubator centers are eligible for such grants or loans.

(c) Report.—No' later than March 1, 1990, the head of each agency or department described in subsection (b) shall prepare and submit, to the appropriate Committees of the House of Representatives and to the Governmental Affairs Committee and other appropriate committees of the Senate, a report containing the findings of its review including—

(1) a description of existing Federal grant or loan programs the purpose of which is community development, business promotion, research and development, or export promotion for which business incubator centers are currently eligible;

(2) recommendations as to changes in existing law needed to make business incubator centers eligible for current Federal grant or loan programs for purposes of community development, business promotion, research and development, or export promotion; and

(3) recommendations for any additional legislation that may be required to foster and support business incubator centers.

(d) Consultation.—In conducting the reviews under subsections (b) and (c), the heads of the agencies and departments shall regularly consult with representatives of incubator operators, officials of State and local government, and others involved in small business promotion and economic development.

(e) Availability of Reports.—The Administrator of the Small Business Administration shall ensure that any reports developed as the result of such reviews are made available to interested parties and to the general public.

TITLE II—ENHANCING HUMAN RESOURCES

SEC. 201. PURPOSE.

It is the purpose of this title to provide incentives for local telephone exchange carriers, and for rural schools and universities, hospitals, physicians or primary care centers, or business telecommunications centers, to improve the quality of phone service, to provide access to advanced telecommunications services and computer networks, and to improve rural educational opportunities, health care, job opportunities, and the rural business environment.

SEC. 202. GOALS.

It is a goal of the Federal government to make affordable advanced telecommunications available to rural residents, including services such as reliable facsimile document and data transmission, multifrequency tone signaling services, 911 emergency service with automatic number identification, interactive audio and visual transmissions, voicemail services designed to record, store, and retrieve voice messages, and other advanced telecommunications services.

SEC. 203. DEFINITIONS.

As used in this title:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Electrification Administration.

(2) Communication satellite ground station complex.—The term "communication satellite ground station complex" includes transmitters, receivers, and communications antennas at the Earth station site together with the interconnecting terrestrial transmission facilities (cables, line or microwave facilities) and modulating and demodulating equipment necessary for processing traffic received from the terrestrial distribution system prior to transmission via satellite and the traffic received from the satellite prior to transfer to terrestrial distribution systems.

(3) Comprehensive rural telecommunications plan.—The term "comprehensive rural telecommunications plan" means a plan submitted by an applicant for a grant under this title. Each such plan shall include—

(A) a detailed explanation of the proposed rural telecommunications system, how such system is to be funded, and a description of the intended uses for grants received from the Administrator under this title;

(B) an explanation of the manner in which such plan complies with any requirements imposed by the Administrator under this title or otherwise imposed under sections 204 through 207;

(C) a listing of the proposed purchases or leases of telecommunications terminal equipment, telecommunications transmission facilities, data terminal equipment, interactive video equipment, computer hardware and software systems, and components that process data for transmission via telecommunications, computer network components, communication satellite ground station equipment, or any other elements of the telecommunications system designed to further the purposes of title II, that the applicant intends to build or fund using the grant funds;

(D) an explanation of the special financial or other needs of the affected rural communities and of the applicants for such grant assistance;

(E) an analysis of the relative cost-benefit of proposals for leasing or purchasing of facilities, equipment, components, hardware and software, or other items; and

(F) a description of the consultations with the appropriate local telephone exchange carrier or carriers and the anticipated role of such carrier in the proposed telecommunications system.

(4) Computer networks.—The term "computer networks" refers to computer hardware and software, terminals, signal conversion equipment including both modulators and demodulators, or related devices, used to communicate with other computers to process and exchange data through a telecommunication network in which signals are generated, modified or prepared for transmission, or received, via telecommunications terminal equipment and telecommunications transmission facilities.

(5) Data terminal equipment.—The term "data terminal equipment" refers to equipment that converts user information into data signals for transmission, or reconverts the received data signals into user information, and is normally found on the terminal of a circuit and on the premises of the end user.

(6) End user.—The term "end user" means—

(A) teachers, other instructors, or students in rural elementary or secondary schools, or such individuals participating in rural adult educational or vocational educational programs or other entities or individuals described in section 205(c)(1)(B) that participate in the rural distance learning telecommunications program established under section 205;

(B) rural hospitals, physicians, primary care centers or facilities, and staff, that participate in the medical link telecommunications program established under section 206; or

(C) business partnerships and individuals using the equipment found in businesses telecommunication or computer centers established under section 207 if such equipment is connected to a telecommunication system.

(7) Fiber-optic cable.—The term "fiber-optic cable" means a bundle of optical transmission elements or waveguides usually consisting of a fiber core and fiber cladding that can guide a lightwave and that are incorporated into an assembly of materials that provide tensile strength and external protection.

(8) Interactive video equipment.—The term "interactive video equipment" refers to equipment used to produce and prepare for transmission audio and visual signals from at least two distant locations such that individuals at such locations can verbally and visually communicate with each other, and such equipment includes monitors, other display devices, cameras or other recording devices, audio pickup devices, and other related equipment.

(9) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(10) Telecommunications transmission facilities.—The term "telecommunications transmission facilities" refers to those facilities that transmit, receive, or carry data between the telecommunications terminal equipment at each end of a telecommunications circuit or path. Such facilities include microwave antenna, relay stations and towers, other telecommunications antenna, fiber-optic cables and repeaters, coaxial cables, communication satellite ground station complexes, copper cable electronic equipment associated with telecommunications transmissions, and similar items as defined by the Administrator.

(11) Telecommunications terminal equipment.—The term "telecommunications terminal equipment" refers to the assembly of telecommunications equipment at the end of a circuit, normally located on the premises of the end user, that interfaces with telecommunications transmission facilities, and that is used to modify, convert, encode or otherwise prepare signals to be transmitted via such telecommunications facilities or that is used to modify, reconvert or carry signals received from such facilities, the purpose of which is to accomplish the mission for which the circuit was established.

SEC. 204. PROVISIONS RELEVANT TO ALL THREE TELECOMMUNICATIONS PROGRAMS.

(a) Administration.—The Administrator shall carry out sections 205 and 206 and the Secretary shall carry out section 207. References to the Administrator in this section shall be considered to mean the Secretary with respect to the program established under section 207.

(b) Rulemaking.—Not later than 160 days after the date of enactment of this Act, the Administrator shall promulgate final regulations, under the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, that establish the telecommunications programs authorized in this title.

(c) Priority.—The Administrator shall establish procedures to target the benefits of this title to the rural areas and grant applicants that demonstrate the need for such assistance, taking into consideration the relative needs of all applicants, the needs of the affected rural communities, and the financial ability of the applicants to otherwise secure or create the telecommunications systems.

(d) Waivers.—If the Administrator determines that a compelling need is present, the Administrator may modify any of the definitions described in section 203.

(e) Expediting Coordinated Telephone Loans.—The Administrator shall establish and implement procedures to assure that applications for loans and advances of funds submitted by local exchange carriers under this title—

(1) to enable such exchange carriers to provide advanced telecommunications services in rural areas; and

(2) that contain elements of any telecommunications project approved by the Administrator under this title that will be completed by such local telephone exchange carriers but that is not covered by the grants issued under this title;

shall receive expedited consideration and determination.

(f) Grant Approval Process.—

(1) Modifications.—The Administrator shall have the authority to request modifications or changes in any proposal described in a grant application submitted under this title.

(2) Levels of funding.—

(A) In general.—The Administrator may offer to fund grant applications under this title at any levels that the Administrator considers appropriate but not exceeding any percentage levels described in section 205, 206, or 207.

(B) Considerations.—The Administrator shall provide grant funding in amounts based on—

(i) the worthiness of the application;

(ii) the financial needs of the applicant for the grant assistance;

(iii) the need of the affected rural communities for the proposed projects; and

(iv) other factors determined appropriate by the Administrator;

after taking into consideration the nationwide demands for grant assistance and the cost-benefit of any proposed purchases or leases of telecommunications transmission facilities, telecommunications terminal equipment, computer network components, and other equipment or facilities.

(g) Joint Use of Telecommunications Transmissions Facilities.—In issuing regulations implementing this title, and in requesting changes in, or approving applications for grants, the Administrator shall give a priority to the extent reasonable and appropriate to provide funding for such facilities that can be jointly shared regarding projects established under sections 205 through 207.

(h) Expedited Loans for Telephone Transmission Facilities.—

(1) In general.—Grants to cover the costs of installing telecommunication transmission facilities shall not be provided to—

(A) approved educational institutions described in section 205;

(B) approved rural hospitals, primary care centers or physicians under section 206; or

(C) approved partnerships of rural businesses under section 207;

if the local telephone exchange carrier providing telephone service, as defined in section 203(a) of the Rural Electrification Act of 1936 (7 U.S.C. 924), will install such facilities through the use of expedited telephone loans as described in subsection (e) under the conditions and deadlines described in this section or through other financing procedures.

(2) Notification of local exchange carrier.—Applicants for grants for a rural telecommunications program established under this title shall notify the appropriate local telephone exchange carrier regarding the application filed with the Administrator for assistance under this title and shall attempt to work with such carrier in developing the rural telecommunications project.

(3) Deadline imposed on the administrator.—The Administrator shall, not later than 45 days after the receipt of the completed application, respond to such completed application for an expedited telephone loan. The Administrator shall notify the applicant in writing of its decision regarding each such expedited loan application.

SEC. 205. RURAL STAR SCHOOLS EDUCATIONAL OPPORTUNITIES PROGRAM.

(a) Purpose.—

(1) In general.—It is the purpose of the program established under this section to encourage and improve the use of telecommunications, computer networks, and related advanced technologies, to provide telecommunications access by students and faculty at grade schools, high schools (including vocational education schools, and adult education centers) in rural areas in order to improve educational instruction in the areas of mathematics, literacy, the sciences, computer technology, foreign languages, health sciences, and other areas of study.

(2) Grants.—The program established under this section shall make grants available to educational institutions described in subsection (c)(1) to fund up to 100 percent of each comprehensive rural telecommunications plan as approved by the Administrator.

(b) Grants.—

(1) General authorization.—The Administrator is authorized to make grants to accomplish the purposes of the program established under this section in amounts that shall not exceed the levels set forth in paragraph (3).

(2) Disbursement.—In order to facilitate appropriate planning for, and continuity of the program established under this section, funds appropriated by Congress during a particular year may be committed by the Administrator for disbursement in a subsequent year or years, and funds appropriated and committed during a year may exceed the limitations described in paragraph (1). Funds appropriated pursuant to this section shall remain available until expended.

(3) Authorization of appropriations.—There are authorized to be appropriated to carry out the provisions of this title, $10,000,000 in fiscal year 1990, $20,000,000 in each of the fiscal years 1991 and 1992, and $30,000,000 in each of the fiscal years 1993 and 1994. Amounts appropriated under this subsection shall remain available until expended.

(4) Use of funds.—Grants under this section shall be made available to educational institutions described in subsection (c)(1) to be used by such educational institutions for facilities, equipment, activities, and other uses as described in the approved rural telecommunications plan to achieve the purpose of this section, including—

(A) the development and acquisition of instructional programming;

(B) the development and acquisition, through lease or purchase, of computer hardware and software, audio and visual equipment, telecommunications terminal equipment, telecommunications transmission facilities, or interactive video equipment, and other facilities that would further the purposes of the programs authorized by this section;

(C) providing technical assistance and instruction for the development or use of such programming, equipment, or facilities; or

(D) other uses that are consistent with achieving the purposes of this section as approved by the Administrator.

(5) Limitations.—

(A) Instructional programming.—Not less than 25 percent of the funds appropriated under this section in any fiscal year shall be used to fund instructional curriculum development under approved rural telecommunication plans, including programming or software systems development to assist students, instructors or teachers at elementary and secondary schools, and at adult and vocational education and training centers. Partnerships shall review offers to supply such instructional programming from entities that provide such programming, including the National Rural Telecommunications Cooperative.

(B) Federal share.—Any applicant desiring to obtain a grant under this section should work with borrowers under the Rural Electrification Act of 1936 (7 U.S.C.

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901 et seq.), other telecommunications entities and the local community in seeking donations of equipment or other hardware to local schools.

(c) Rural Educational Opportunities Applicants.—Grants made under this section shall be available to one or more educational institutions, agencies, or organizations with substantial academic and teaching capabilities, such as local education agencies, State education agencies, land grant and other universities, community colleges, and other institutions of higher education.

(d) Application for Grants.—An application for a grant under this section shall be made to the Administrator and shall provide, in addition to the requirements for each comprehensive rural telecommunications plan, the following documentation:

(1) Evidence that the application is submitted by an applicant that meets the requirements under subsection (c).

(2) A statement of the Federal and non-Federal shares of funding for the proposed rural distance learning project, and evidence that the educational institution has worked with or will work with, borrowers under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.), or other telecommunication entities, in seeking the assistance of such borrowers or entities in donating telecommunications equipment or other hardware.

(3) A description of the rural elementary or secondary schools, or adult educational or vocational educational programs that will participate in the rural distance learning project, including a description of—

(A) the numbers of students that likely would benefit from each project;

(B) the need for the project taking into consideration other alternatives;

(C) the number of teachers and other instructors to be involved, and the subject matters covered by the project; and

(D) the relative educational need in such area for the program.

(4) A description of the proposed technical facilities to be used, and the facilities for which the educational institution is applying, including an analysis and cost comparison regarding alternative or existing technical facilities that can be used for such purpose.

(5) A description of the types of instructional and other programming that will be developed or acquired as part of the rural distance learning program, and the rationale for developing or acquiring this programming.

(6) A description, based on a survey and analysis of the area to be served, of how the project will substantially increase the educational programs provided by participating schools and the availability of instructional assistance regarding courses of instruction in mathematics, literacy, the sciences, foreign languages, computer sciences, vocational and adult training and education, health sciences and other areas of study.

(7) A description of the teacher training policies that will be implemented to achieve the effective use of the telecommunications facilities or equipment, terminal equipment, computers, hardware and software, audio and visual equipment and monitors, interactive video equipment, and other facilities and programming for which assistance is sought.

(8) A description of the manner in which needy or traditionally underserved students will participate in the benefits of the grants made under this section.

(9) Assurances that the educational institution will encourage participation and involvement by elementary and secondary schools, and, if applicable, other educational institutions, such as institutions of higher education, county extension services, vocational and adult training and education centers, teacher training centers, research institutes, and private industry, in order to ensure that the facilities, equipment, technical assistance, and programming for which assistance is sought will be made available to the broadest extent practical.

(10) Assurances that the facilities, equipment, technical assistance, and instructional programming for which assistance is sought will be made available to the broadest extent practical.

(11) Assurances that, to the extent practical, instructional programming developed or acquired by the applicant with funds provided under this section, will be made available to as many rural communities throughout the United States as practical.

(12) Such additional assurances and reporting requirements as the Administrator may reasonably require.

(e) Informational Efforts.—The Administrator shall establish and implement procedures to carry out informational efforts to advise elementary, secondary, and post-secondary schools, and other eligible applicants located in rural areas of each State about the program authorized by this section.

(f) Program Evaluation.—

(1) Annual report.—Not later than 1 year after the date of enactment of this title, and each year thereafter, the Administrator, in consultation with the Secretary of Education, shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on the program established under this section.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) a full description of the projects that have received funds under this section;

(B) a description of the number of schools, students, and others who have participated in such projects;

(C) the specific instructional programming that has been developed under the program established under this section;

(D) an evaluation of the achievements and failures of the program; and

(E) the long range plans to further develop the program.

SEC. 206. RURAL MEDICAL LINK TELECOMMUNICATIONS PROGRAM.

(a) Purpose.—It is the purpose of this section to establish a program to improve the use of telecommunications, computer networks and related advanced technologies, between and among rural hospitals, physicians, teaching hospitals, rural primary care centers or facilities, and major medical hospitals through grants and expedited Rural Electrification Administration telephone loans.

(b) Establishment of Program.—

(1) Grants.—

(A) In general.—The Secretary shall establish a program, to be administered by the Administrator to make grants available to rural hospitals, primary care centers or physicians, to the extent approved by the Administrator to enable such grant recipients to participate in the program established under this section.

(B) Purpose.—The Administrator is authorized to make grants under this section to cover up to 100 percent of the costs of acquiring or leasing telecommunications transmission facilities, subject to the limitations of section 204(h), computer network equipment, telecommunications terminal equipment and other necessary data terminal equipment, that will provide such rural hospitals, centers and physicians with the ability to communicate with teaching hospitals or medical centers to improve health care in rural areas.

(C) Local exchange carriers.—Under the conditions described in section 204(i), expedited loans may also be provided, to carry out any medical link project, to local exchange carriers providing telephone service, as defined in section 203(a) of the Rural Electrification Act of 1936 (7 U.S.C. 924(a)), to cover the costs of telecommunications transmission facilities.

(2) Use.—Telecommunications terminal equipment, telecommunications transmission facilities, or computer network components acquired under a grant awarded under paragraph (1) shall be used as prescribed in the comprehensive rural telecommunications plan approved by the Administrator to improve the transmission of medical data, diagnostic information, radiographic, x ray, ultrasonic or computerized tomographic images, representations of the results of any other medical scanning or diagnostic testing such as echocardiograms, cineangiograms, real-time scanning, electrocardiograms, electroencephalographs, or to facilitate communications among entities described in subsection (a), in order to improve the diagnosis or treatment of any diseases, disorders, abnormalities, or medical conditions.

(3) Limits on grants.—Grants awarded under this section for an end user shall not be used for the salaries or expenses of an end user and shall not be used for purchasing or leasing standard medical or hospital equipment, data terminal equipment, or computer network components unless such equipment is used exclusively for the medical link program established under this section, or any other equipment that provides input into data terminal equipment unless such equipment has been specifically modified or altered so as to be used to provide input into an approval medical link network.

(b) Regulations.—Not later than 160 days after the date of enactment of this Act, the Administrator shall, in addition to promulgating the regulations described in section 204(b), establish a priority system for awarding grants to hospitals, primary care centers, and physicians located in rural areas that are most in need of enhanced communications to carry out the purposes of this section.

(c) Informational Efforts.—The Administrator shall establish and implement procedures to carry out informational efforts to advise hospitals, primary care centers, and physicians located in rural areas of each State, concerning the program authorized by this section, and of the application procedures and deadlines.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $10,000,000 in fiscal year 1990, and $20,000,000 in each of the fiscal years 1991 through 1994. Amounts appropriated under this section shall remain available until expended.

SEC. 207. RURAL BUSINESS LINK TELECOMMUNICATIONS PROGRAM.

(a) Purpose.—It is the purpose of this section to establish a program to improve the transmission of marketing, product ordering, inventory management, or other related business data through the use of telecommunications, computer networks, and related advanced technologies between, and among businesses located in rural areas and other businesses or institutions of higher education.

(b) Establishment of Program.—

(1) In general.—The Secretary shall establish a program to make grants available to cover up to 50 percent of the approved costs, as determined appropriate and approved by the Secretary, to assist partnerships of rural businesses through the establishment of shared business telecommunications or computer network centers that will serve small businesses or individuals who are starting a small business by making available to such businesses advanced telecommunications transmission facilities (subject to the limitations in section 204(h)), telecommunications terminal equipment, computer network access, and computer services or related equipment. The Secretary shall issue rules to determine how the Federal match shall be allocated regarding telecommunication projects established under section 205 or 206 in conjunction with a rural business link telecommunications program.

(2) Facilities and equipment.—Partnerships referred to in paragraph (1) shall make available the facilities and equipment under such paragraph to other small businesses or individuals starting small businesses at reasonable charges.

(3) Nonprofit.—Partnerships established for telecommunications purposes under paragraph (1) shall be nonprofit.

(c) Limits on Grants.—Grants awarded under this section for each business partnership approved to participate in the rural business link program under this section shall not be used for the salaries or expenses of any such partnership and shall not be used for purchasing or leasing any standard business equipment, except for telecommunications terminal equipment, telecommunications transmission equipment (unless such is provided by the local exchange carrier under section 204(h)), data terminal equipment, computer network components, or related equipment, used exclusively for the purposes of this section.

(d) Informational Efforts.—The Secretary shall establish and implement procedures to carry out informational efforts to advise businesses located in rural areas concerning the program authorized by this section.

(e) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, $5,000,000 in fiscal year 1990, and $10,000,000 in each of the fiscal years 1991 through 1994. Amounts appropriated under this section shall remain available until expanded.

TITLE III—FOCUS ON RURAL AMERICA BY THE DEPARTMENT OF AGRICULTURE

SEC. 301. EXTENSION SERVICE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end thereof the following new subsection:

"(g) Rural Economic and Business Development.—

"(1) In general.—The Secretary shall establish an Extension Service rural economic and business development program to enable States or counties to employ specialists as Cooperative Extension Service staff of the State or county to assist individuals in creating new businesses, including cooperatives, or to assist existing businesses, and to assist such businesses regarding advanced telecommunications, computer technologies, technical or management assistance, business and financial planning, and other related matters, and to assist community leaders in community economic analysis and strategic planning.

"(2) Function of specialists.—Specialists employed under paragraph (1) shall provide economic development information and assistance concerning new business creation, business planning and advice, advanced telecommunications, business management, computer operations, and other technical assistance to community leaders and private sector entrepreneurs and cooperatives operating in the State or county that employs such specialists.

"(3) Procedures and limitations.—The Secretary shall establish policies, procedures and limitations that shall apply to States and counties that desire to participate in the program established under this subsection. States and counties shall determine the types of rural economic and business development specialists that are needed by such States and counties. In States with land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.), and the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, such eligible institutions shall mutually determine the types of rural economic and business development specialists needed.

"(4) Payment of salary.—The Secretary shall make grants to States and counties that participate in the program established under this section in an amount equal to 60 percent of the total amount of the salary paid to any specialists employed under such program, and the State or county shall provide funds for the remaining 40 percent of such salary. Land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University, shall be exempt from the 40 percent salary matching requirement.

"(5) Authorization of appropriations.—There are authorized to be appropriated $5,000,000 in fiscal year 1990, $10,000,000 in fiscal year 1991, $15,000,000 in fiscal year 1992, and $20,000,000 in fiscal year 1993 and each subsequent fiscal year, to carry out this section. Amounts appropriated under this section shall remain available until expended.

"(6) Coordination.—The Secretary shall ensure that the activities of the Extension Service rural economic and business development program established under section 502(g) of the Rural Development Act of 1972 (7 U.S.C. 2662(g)) are coordinated with the Small Business Administration to ensure that there is no duplication of activities in any local area, county or region.".

SEC. 302. RURAL DEVELOPMENT ASSISTANCE INFORMATION AND AVAILABILITY.

The Rural Development Act of 1972 (7 U.S.C. 2651 et seq.) is amended by adding at the end thereof the following new sections:

"SEC. 509. NEED AND AVAILABILITY OF RURAL DEVELOPMENT ASSISTANCE.

"(a) Establishment of Program.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish a program to study economically distressed counties in a variety of States that have high concentrations of nonmetropolitan counties with low per capita income or nonmetropolitan counties experiencing high rates of outmigration.

"(b) Evaluation.—When conducting a study of counties under subsection (a), the Secretary shall evaluate the need of such counties for rural development assistance, the nature of the assistance needed, and the availability of such assistance.

"(c) Report.—Not later than September 30, of each of the fiscal years 1990 through 1993, the Secretary shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that contains the results of the studies and evaluations conducted under this section and on any action taken by the Secretary to improve economic conditions in rural counties.

"(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

"SEC. 510. RURAL DEVELOPMENT ASSISTANCE INFORMATION.

"(a) Establishment of Program.—The Secretary shall establish a program, to be operated in conjunction with the National Rural Information Center Clearinghouse established within the National Agricultural Library, to provide information to local rural communities, nonmetropolitan counties, and rural areas concerning rural development matters and the availability of Federal rural development assistance.

"(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 303. REPORT ON COORDINATION OF RURAL DEVELOPMENT ACTIVITIES.

Not later than September 1, 1989, the Secretary shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that contains the recommendations of the Secretary concerning better coordination of the rural development activities of the Farmers Home Administration, the Forest Service, the Soil Conservation Service, the Agricultural Research Service, the Agricultural Stabilization and Conservation Service, the Agricultural Cooperative Service, the Rural Electrification Administration, the Extension Service, and the Office of Transportation.

SEC. 304. REPORT ON DATA PROCESSING FEASIBILITY IN RURAL AREAS.

(a) Study.—Not later than 90 days after the date of enactment of this Act, the Secretary shall conduct a study that—

(1) assesses the data processing functions administered by the Secretary;

(2) analyzes whether or not the current data processing functions of the Department of Agriculture, and the future processing functions, may be conducted in rural areas at similar or reduced costs; and

(3) assesses any other information that the Secretary determines appropriate to analyze the potential for locating current and expanded data processing jobs in rural areas.

(b) Report.—Not later than 270 days after the date of enactment of this Act, the Secretary shall prepare and submit, to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that contains the results of the study conducted under subsection (a).

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $250,000.

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TITLE IV—RURAL BUSINESS AND EMERGENCY ASSISTANCE

SEC. 401. LOCAL TECHNICAL ASSISTANCE GRANTS.

Section 306(a)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)) is amended to read as follows:

"(11)(A)(i) The Secretary may make grants, not to exceed $15,000,000 annually, to public bodies, private nonprofit community development corporations or entities, or such other agencies as the Secretary may select to enable such recipients—

"(I) to identify and analyze business opportunities, including opportunities in export markets, that will use local rural economic and human resources;

"(II) to identify, train, and provide technical assistance to existing or prospective rural entrepreneurs and managers;

"(III) to establish business support centers and otherwise assist in the creation of new rural businesses, the development of methods of financing local businesses, and enhancing the capacity of local individuals and entities to engage in sound economic activities; and

"(IV) to conduct regional, community, and local economic development planning and coordination, and leadership development.

"(ii) In awarding such grants, the Secretary shall consider, among other criteria to be established by the Secretary—

"(I) the extent to which the applicant provides development services in its rural service area; and

"(II) the capability of the applicant to carry out the purposes of this section.

"(iii) There are authorized to be appropriated to make grants under this subparagraph, $7,500,000 in each fiscal year.".

SEC. 402. RURAL EMERGENCY ASSISTANCE LOANS.

Section 306(a)(11) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)) (as amended by section 401), is further amended by adding at the end thereof the following new subparagraph:

"(B)(i) The Secretary shall establish and implement a program to make loans for the benefit of any town or city that—

"(I) has a population of less than 20,000 individuals within its outer boundaries; and

"(II) is financially unable to obtain funds as quickly as needed to correct emergency conditions or situations needing urgent attention.

"(ii) The Secretary shall promulgate regulations—

"(I) targeting the program established under this subparagraph toward needy communities in rural areas;

"(II) setting forth a definition of 'emergency conditions or situations needing urgent attention'; and

"(III) requiring that the Secretary approve or reject applications within 30 days of their receipt.

"(iii) The Secretary shall limit the amount of loans provided to the same borrower under this subparagraph to $50,000, and the term of such loans shall not exceed 2 years.

"(iv) The Secretary may respond to the credit needs of rural towns or cities eligible to participate in the program authorized under this subparagraph by making loans that are eligible for refinancing after the expiration of the 2-year period described in clause (iii), and payments under such loans may be set at a level that is at a sufficiently low level during such 2-year period so that the financially troubled town or city can participate in the program established under this subparagraph. The Secretary shall assist such borrowers in obtaining financing through existing Farmers Home Administration programs so that such borrowers are able to pay the balance due on each loan at the end of such 2-year period.

"(v) There are authorized to be appropriated $2,500,000 for fiscal year 1990, and $5,000,000 for fiscal year 1991 and for each subsequent fiscal year, to carry out the emergency lending program authorized by the program established under this subparagraph.".

TITLE V—NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE

SEC. 501. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

(a) Establishment.—The Secretary shall establish, within the National Agricultural Library, in coordination with the Extension Service, a National Rural Information Center Clearinghouse (hereinafter referred to in this title as the "Clearinghouse") to perform the functions specified in subsection (b).

(b) Functions.—The Clearinghouse shall provide and distribute information and data to any industry, organization, or Federal, State, or local government entity, on request, about programs and services provided by Federal, State, and local agencies and private nonprofit organizations and institutions under which individuals residing in, or organizations and State and local government entities operating in, a rural area may be eligible for any kind of assistance, including job training, education, health care, and economic development assistance, and emotional and financial counseling.

(c) Federal Agencies.—On request of the Secretary, the head of a Federal agency shall provide to the Clearinghouse such information as the Secretary may request to carry out the functions specified in subsection (b).

(d) State and Local Agencies and Nonprofit Organizations.—The Secretary shall request State and local governments and private nonprofit organizations and institutions to provide to the Clearinghouse such information as such agencies and organizations may have about any program or service of such agencies, organizations, and institutions under which individuals residing in a rural area may be eligible for any kind of assistance, including job training, educational, health care, and economic development assistance, and emotional and financial counseling.

(e) Authorization.—There are authorized to be appropriated to carry out this section $500,000 for each of the fiscal years 1990 through 1994.

TITLE VI—WATER AND SEWER ASSISTANCE

SEC. 601. WATER AND WASTE FACILITY GRANTS.

Section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended by striking out "$154,900,000 in any fiscal year" and inserting in lieu thereof "$194,900,000 in each of fiscal years 1990 and 1991, and $204,900,000 in each of the succeeding fiscal years.".

SEC. 602. EMERGENCY COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

(a) Establishment of Program.—Subtitle A of the Consolidated Farm and Rural Development Act is amended by inserting after section 306A (as added by section 122 of this Act) the following new section:

"SEC. 306B. EMERGENCY COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

"(a) In General.—The Secretary shall provide grants in accordance with this section to assist the residents of rural areas and small communities to secure adequate quantities of safe water—

"(1) after a significant decline in the quantity or quality of water available from the water supplies of such rural areas and small communities; or

"(2) when repairs, partial replacement, or significant maintenance efforts on established water systems would remedy an acute shortage of quality water or would remedy a significant decline in the quantity or quality of water that is available.

"(b) Priority.—In carrying out subsection (a), the Secretary shall give priority to projects described in subsection (a)(1), and provide at least 70 percent of all such grants to such projects.

"(c) Eligibility.—To be eligible to obtain a grant under this section, an applicant shall—

"(1) be a public or private nonprofit entity; and

"(2) in the case of a grant made under subsection (a)(1), demonstrate to the Secretary that the decline referred to in such subsection occurred within 2 years of the date the application was filed for such grant.

"(d) Uses.—

"(1) In general.—Grants made under this section may be used for waterline extensions from existing systems, laying of new waterlines, repairs, significant maintenance, digging of new wells, equipment replacement, hook and tap fees, and any other appropriate purpose associated with developing sources of, or treating, storing, or distributing water, and to assist communities in complying with the requirements of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

"(2) Joint proposals.—Nothing in this section shall preclude rural communities from submitting joint proposals for emergency water assistance, subject to the restrictions contained in subsection (e). Such restrictions should be considered in the aggregate, depending on the number of communities involved.

"(e) Restrictions.—No grant provided under this section shall be used to assist any rural area or community that—

"(1) includes any area in any city or town with a population in excess of 5,000 inhabitants according to the most recent decennial census of the United States; or

"(2) has a median household income in excess of the State nonmetropolitan median household income according to the most recent decennial census of the United States.

Not less than 75 percent of the funds allocated under this section shall be allocated to rural communities with populations that do not exceed 3,000 inhabitants.

"(f) Maximum Grants.—Grants made under this section may not exceed—

"(1) in the case of each grant made under subsection (a)(1), $500,000; and

"(2) in the case of each grant made under subsection (a)(2), $75,000.

"(g) Full Funding.—Subject to subsection (e), grants under this section shall be made in an amount equal to 100 percent of the costs of the projects conducted under this section.

"(h) Application.—The Secretary shall develop a nationally competitive application process to award grants under this section. Such process shall include criteria for evaluating applications, including population, median household income, and the severity of the decline in quantity or quality of water. The Secretary shall make every effort to review and act on applications within 60 days of the date that such applications are submitted.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 1990, and $10,000,000 for fiscal year 1991, such sums to remain authorized until fully appropriated.".

(b) IMPLEMENTATION.—

(1) REGULATIONS.—The Secretary shall publish—

(A) interim final regulations to carry out section 306B of the Consolidated Farm and Rural Development Act not later than 45 days after the date of enactment of this Act; and

(B) final regulations to carry out section 306B of such Act not later than 90 days after the date of enactment of this Act.

(2) FUNDS.—

(A) OBLIGATION.—The Secretary shall designate 70 percent of the funds made available for the first fiscal year for which appropriations are made under section 306B(h) of the Consolidated Farm and Rural Development Act not later than 5 months after the date such funds are appropriated.

(B) RELEASE.—The Secretary may release funds prior to the issuance of final regulations under paragraph (1)(B) for grants under section 306B(a)(1) of Consolidated Farm and Rural Development Act.

SEC. 603. SEWER AND WATER LENDING BY BANKS FOR COOPERATIVES.

The banks of the Farm Credit System that are authorized to extend credit under title III of the Farm Credit Act of 1971 (12 U.S.C. 2121, et seq.) are authorized to make and participate in loans and commitments, and to extend other technical and financial assistance for the purpose of the installation, expansion, or improvement of waste disposal facilities or drinking water facilities or systems, to any entity that has received or is eligible to receive a loan made or insured by the Secretary of Agriculture under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)).

SEC. 604. RURAL WASTEWATER TREATMENT CIRCUIT RIDER GRANT PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Farmers Home Administration shall establish a national rural wastewater circuit rider grant program that shall be modeled after the existing National Rural Water Association Rural Water Circuit Rider Program that receives funding from the Farmers Home Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $4,000,000 each fiscal year to carry out the program established under subsection (a).

SEC. 605. TECHNICAL ASSISTANCE FOR CERTAIN SOLID WASTE MANAGEMENT.

Section 310B(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(b)) is amended—

(1) by inserting "(1)" before "The Secretary"; and

(2) by adding at the end thereof the following new paragraph:

"(2) The Secretary may make grants to non-profit organizations for the provision of regional technical assistance to local and regional governments and related agencies for the purpose of reducing or eliminating pollution of water resources and improving the planning and management of solid waste disposal facilities. Grants made under this paragraph for technical assistance shall be made for 100 percent of the cost of such assistance.".

TITLE VII—MISCELLANEOUS

SEC. 701. MONITORING THE ECONOMIC PROGRESS OF RURAL AMERICA.

(a) BUREAU OF THE CENSUS.—The Director of the Bureau of the Census shall expand the data collection efforts of the Bureau to enable the Bureau to collect statistically significant data concerning the changing economic condition of rural counties and communities in the United States, including data on rural employment, poverty and income, and other information concerning the rural labor force.

(b) EMPLOYMENT REQUIREMENTS.—The Bureau of the Census shall, to the maximum extent practicable, employ residents of nonmetropolitan counties for the expanded rural data collection operations conducted in fiscal year 1990.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 for each fiscal year to carry out subsection (a).

SEC. 702. HISTORIC PRESERVATION REQUIREMENTS.

With respect to applications for assistance under this Act, the Secretary of the Interior, in consultation with the Under Secretary of Agriculture for Small Community and Rural Development and the National Trust for Historic Preservation in recognition of its charter duties, shall prescribe and implement regulations concerning projects funded under this Act and their relationship with the provisions of Acts entitled—

(1) "An Act to establish a program for the preservation of additional historic properties throughout the Nation, and for other purposes", approved October 15, 1966 (16 U.S.C. 470 et seq.); and

(2) "An Act to provide for the preservation of historical and archaeological data (including relics and specimens) which might otherwise be lost as a result of the construction of a dam", approved June 27, 1960 (16 U.S.C. 469 et seq.).

SEC. 703. LOAN RATES APPLICABLE TO HEALTH CARE AND RELATED FACILITIES.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by adding at the end thereof the following new subparagraph:

"(C) Notwithstanding the provisions of subparagraph (A), the Secretary shall establish loan rates for health care and related facilities that shall be based solely on the income of the area to be served, and such rates shall be otherwise consistent with the provisions of such subparagraph.".

SEC. 704. ASSISTANCE TO COMMUNITIES DEPENDENT ON NATURAL RESOURCES.

(a) ADDITIONAL FUNDS FOR THE REFORESTATION TRUST FUND.—Section 303(b)(2) of Public Law 96-451, relating to the Reforestation Trust Fund (16 U.S.C. 1606a(b)(2)) is amended by striking "$30,000,000" and inserting "$40,000,000 (of which, $10,000,000, shall be subject to subsection (e))".

(b) ADDITIONAL PURPOSES FOR WHICH FUND AVAILABLE.—Section 303(d) of such Act (16 U.S.C. 1606a(d)) is amended—

(1) in paragraph (1) by striking out "and" at the end thereof;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) economic diversification assistance to communities which are dependent to a significant degree upon Forest Service resource management decisions for their local economic activity; and".

(c) ASSISTANCE TO COMMUNITIES DEPENDENT ON NATURAL RESOURCES.—Section 303 of such Act (16 U.S.C. 1606a) is amended by adding at the end thereof the following new subsection:

"(e) In each fiscal year $10,000,000 of the amounts transferred to the Trust Fund by the Secretary under subsection (b)(2) shall be expended for purposes described in subsection (d)(2) and any such amount shall be available only as provided for in annual appropriations Acts.".

SEC. 705. ASSISTING DISTRESSED RURAL HOSPITALS AND HEALTH CARE FACILITIES.

The Secretary shall establish and implement a program that is similar to the program established under section 353 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001), except that the debt restructuring and loan servicing procedures shall apply to delinquent community facility program loans (rather than delinquent farmer program loans) made by the Farmers Home Administration to a hospital or health care facility under section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 306(a)). Not later than 120 days after the date of enactment of this Act, the Secretary shall promulgate regulations, as modeled after those promulgated under such section 353, that implement the program established under this section.

SEC. 706. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1973 (7 U.S.C. 2662) (as amended by section 301) is further amended by adding at the end thereof the following new subsection:

"(h) RESEARCH GRANTS.—

"(1) IN GENERAL.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, nonprofit organizations specializing in applied research, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) RURAL TECHNOLOGY TRANSFER AND INNOVATION.—The Secretary shall establish and implement a program to award matching grants to promote technology transfer, innovation, and new product development. Grantees shall include institutions described in paragraph (1) and other nonprofit organizations that have demonstrable capability in technology transfer, applied research, innovation, and new product development that will lead to economic growth and job creation in rural areas. Applicants for grants under this paragraph shall demonstrate the ability to provide, at a minimum, a one-to-one financial match.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $2,000,000 in each fiscal year to carry out this subsection. Amounts appropriated under this subsection shall remain available until expended.".

SEC. 707. BUSINESS AND INDUSTRIAL LOAN PROGRAM APPLICATIONS.

Section 333A(a) of the Consolidated Farm and Rural Development Act (7 U.S.C.

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1983a(a)) is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding paragraph (1), each application for a loan or loan guarantee under section 310B(a) that is to be disapproved by the Secretary solely because the Secretary lacks the necessary amount of funds to make such loan or guarantee shall not be disapproved but shall be placed in pending status. The Secretary shall retain such pending application and reconsider such application beginning on the date that sufficient funds become available. Not later than 60 days after funds become available regarding each pending application, the Secretary shall notify the applicant of the approval or disapproval of funding for the application.".

SEC. 708. PRIORITY FOR RURAL AREAS IN CERTAIN CONSTRUCTION PROJECTS.

The Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 25. PRIORITY FOR RURAL AREAS IN CERTAIN CONSTRUCTION PROJECTS.

"(a) In General.—Under regulations prescribed by the Administrator, the head of each executive agency shall, each fiscal year, in determining the location of new Federal buildings and related construction activities, give equal consideration to rural areas.

"(b) Application.—Subsection (a) shall apply without regard to any other provision of law.

"(c) Definition.—As used in this section, the term 'rural area' means an area described and approved under section 101(6) of the Rural Partnerships Act of 1989.".

SEC. 709. RURAL SET-ASIDES IN FEDERAL FORMULA FUNDING.

In the case of Federal procurement programs and programs under which funds are allocated by an executive agency to States or political subdivisions of States, or both, under a formula established by Federal law or regulation, the head of the agency shall—

(1) require the agency to work with the Secretary of Agriculture to develop methods for assisting rural areas in participating in, and benefiting from, Federal procurement (civilian and defensive oriented), research projects, and Federally funded construction projects; and

(2) provide flexibility to States or political subdivisions of States, or both, in the administration of the program to provide the greatest possible benefits and assistance in rural areas.

SEC. 710. ANALYSIS BY OFFICE OF TECHNOLOGY ASSESSMENT.

(a) In General.—The Office of Technology Assessment shall include, in a study of the effects of information age technology on rural America, an analysis of the feasibility of ensuring that rural citizens in their homes and schools have the ability to acquire, by computer, information in a national library.

(b) Contents.—In conducting the analysis under subsection (a), the Office of Technology Assessment shall—

(1) evaluate, in consultation with the Librarian of Congress, the costs and benefits of establishing a national library whose volumes, periodicals, instructional materials, sound and video resources, and other data are accessible by individuals through their personal computers;

(2) assess the technological, regulatory or other impediments to the establishment of the library and information retrieval system described in paragraph (1), and the length of time required to establish such a library and retrieval system;

(3) describe the potential for the library and information described in paragraph (1) to provide rural citizens the opportunity to study and explore foreign languages, geography, math, science, history or other interests, as well as to exchange scholarly information and ideas with other users, and otherwise to engage in interactive study; and

(4) recommend to the Congress the measures that should be taken to establish the library and retrieval system described in paragraph (1).

SEC. 711. SENSE OF THE CONGRESS CONCERNING TOLL RATE AVERAGING.

(a) Findings.—Congress finds that—

(1) new technologies make it possible for previously isolated rural areas to compete for regional, national, and international business opportunities;

(2) such new business opportunities are made possible by modern communications, telecommunication, and satellite, and radio networks;

(3) the use of uniform averaged rates for toll calls of equal distance, duration, and class of service prevents price discrimination for telephone service to rural areas;

(4) the policy of toll rate averaging has long been recognized by Congress, the Federal Communications Commission, and the telecommunications industry as beneficial to the public interest;

(5) deaveraging may result in extreme price disparities between rural and urban areas due to the high cost of serving sparsely populated areas;

(6) higher rural toll rates could result in rural subscribers leaving the switched network; and

(7) the important relationship between toll rate averaging and universal service needs to be clarified.

(b) Sense of the Congress.—It is the sense of the Congress that toll rate averaging shall be defined as the cornerstone of universal service and that such policy, being in the public interest, shall be maintained.

SEC. 712. NATIONAL ENDOWMENT FOR RURAL DEVELOPMENT.

(a) It is the sense of the Congress that a National Endowment for Rural Development should be established with the effective use of both public and private funds to maximize business development in rural communities in every feasible way.

(b)(1) The Executive Office of the President shall undertake a review of a National Endowment for Rural America, for the purposes of determining the desirability of such an Endowment for rural development.

(2) That review shall be completed by January 1, 1990 and shall make recommendations to the Congress on appropriate legislation to implement such an Endowment.

(3) Those recommendations should focus on, but not be limited to—

(A) the purposes and goals,

(B) the organizational structure with private and public participation,

(C) funding sources for the Endowment,

(D) eligible awardees of endowment.

SEC. 713. NATIONAL RURAL DEVELOPMENT CENTER.

(a) Establishment.—The Tennessee Valley Authority, established under the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.), shall establish a center to be known as the "National Rural Development Center" to carry out subsection (b) and carry out studies, experiments, and demonstrations of the kind authorized in section 22 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831u).

(b) Functions.—

(1) Demonstrations.—The National Rural Development Center shall conduct, support, or replicate experimental and innovative demonstrations, including enterprise development, manufacturing development, leadership and community organization development, minority economic development, service sector development, basic skills enhancement, literacy training, waste management, agricultural development, export trade expansion, and telecommunications as a means for rural distant learning, training, dropout prevention, and economic development.

(2) Conduct of demonstrations with other entities.—Demonstrations under paragraph (1) may be conducted alone or in partnership with other Federal entities, such as the Rural Electrification Administration, the Department of Agriculture, the Cooperative Extension Service, the Appalachian Regional Commission, the Economic Development Administration, the Lower Mississippi Delta Commission, States, counties, economic development districts, towns, other public bodies, economic development corporations, and private sector entities.

(3) Dissemination of results.—Results of the demonstrations conducted under paragraph (1), and other work conducted by the National Rural Development Center, shall be disseminated widely to rural areas throughout the United States through the National Rural Information Center Clearinghouse established under title V, and through other appropriate means, to any industry, organization, or Federal, State, or local government entity engaged in rural development activities.

(c) Federal Agencies.—The heads of other Federal agencies engaged in rural development activities shall cooperate with and may use the services of the National Rural Development Center.

(d) Authorization of Appropriations.—All appropriations necessary to carry out the activities described in subsection (b) shall be authorized as provided for in section 27 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831z).

SEC. 714. GRANTS TO BROADCASTING SYSTEMS.

Section 310B(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)) is amended by adding at the end thereof the following new paragraph:

"(4) The Secretary may make grants to Statewide private non-profit public television systems, whose coverage area is predominately rural, for the purpose of demonstrating the effectiveness of such systems in providing information on agriculture and other issues of importance to farmers and other rural residents. Funds available under this paragraph may be used for capital equipment expenditures, start-up and program costs, and other costs necessary to the operation of such demonstrations.".

SEC. 715. RURAL BUS SERVICES.

(a) Short Title.—This section may be cited as the "Rural Bus Services Act".

(b) Intercity Bus Service.—The Urban Mass Transportation Act of 1964 (49 APP. U.S.C. 1601 et seq.) is amended by adding at the end the following new section:

"INTERCITY BUS SERVICE

"Sec. 26. (a) The Secretary is authorized to make grants for the initiation, improvement, or continuation of intercity bus service, and for the establishment and maintenance of rural feeder services, for residents of rural areas and residents of urban places designated by the Bureau of the Census as having populations of 5,000 or more which are not within an urbanized area.

"(b) Grants for the initiation, improvement, or continuation of intercity bus service under subsection (a) of this section shall be made only to States and local public bodies and agencies thereof, only for payment of operating expenses incurred in furnishing such intercity bus service, and shall not exceed 30 percent of the net cost of such an operating expenses project. The remainder of such cost shall be provided in cash from sources other than Federal funds. Such grants shall be subject to such other terms, conditions, and requirements as the Secretary may consider necessary to promote the initiation, improvement, or continuation of intercity bus service. When assistance is distributed by the Secretary for privately owned intercity bus companies, such assistance shall, to the maximum extent feasible, subsidize deficit operations considering the profitability of the route as a whole. The determination of profitability shall include all income generated by the route and only direct costs of the operation of the route. In making any such grant with respect to service in a particular general area, the Secretary shall give preference to applications involving a bus operator which lawfully has provided intercity bus service within that area during the 1-year period preceding the date of application for such a grant, as compared to applications involving proposals for such service by any other operator.

"(c) Grants for the establishment and maintenance of rural feeder services under subsection (a) of this section shall be made only to States and local public bodies thereof in order to provide financial and other incentives for such establishment and maintenance. Such incentives may include—

"(1) supplemental operating assistance to permit daily service;

"(2) extension of authorized operating hours to facilitate connections with bus and railroad services that operate in nationwide interstate commerce;

"(3) subsidization of fares; and

"(4) establishment of a special fund to pay for the marketing of rural connections and rural feeder services.

"(d) As used in this section, the term—

"(1) 'intercity bus service' means transportation provided to the public by a bus operator authorized to transport passengers in interstate commerce by the Interstate Commerce Commission or in intrastate commerce by a State regulatory commission or comparable State agency (A) between one urban place as designated in accordance with subsection (a) and another such urban place, (B) between such an urban place and an urbanized area, or (C) between one urbanized area and another urbanized area, through rural areas or such urban places, or both, except that the term does not include local service; and

"(2) 'rural feeder services' means transportation provided to the public which is designed to facilitate connections between a rural area and bus and railroad services that operate in nationwide interstate commerce.".

(c) EXPRESS PICKUP AND DELIVERY OF SMALL PACKAGES.—

(1) PILOT PROJECTS.—

(A) ESTABLISHMENT.—The Secretary of Transportation (hereafter in this section referred to as the "Secretary") is authorized to establish pilot projects for the purpose of providing incentives for rural feeder services (as defined under section 26 of the Urban Mass Transportation Act of 1964) to combine express pickup and delivery of small packages with passenger transportation.

(B) GRANTS FOR PROJECTS.—Grants made by the Secretary for any project established under subparagraph (A) shall not exceed 18 months in duration. The grants shall be made only to States and local public bodies and agencies thereof and shall not exceed 20 percent of the net cost of providing such pickup and delivery. The remainder of such cost shall be provided from sources other than Federal funds.

(C) PREFERRED APPLICANTS.—In making grants under this subsection, the Secretary shall, in consultation with the Interstate Commerce Commission, give preference to applicants which—

(i) demonstrate a serious community need for such pickup and delivery, in light of such circumstances as availability and proximity of existing pickup and delivery services; and

(ii) propose services by private bus operators with proven expertise in intercity bus services (as defined under section 26 of the Urban Mass Transportation Act of 1964) which possess a reasonable likelihood of continuing such pickup and delivery after grant assistance under this subsection has terminated.

(D) AMENDMENT TO URBAN MASS TRANSPORTATION ACT.—Section 4(i) of the Urban Mass Transportation Act of 1964 (49 App. U.S.C. 1603(i)) is amended by inserting, immediately before the period at the end of the first sentence, the following: ", including projects referred to in subsection (c)(1)(A) of the Rural Bus Services Act".

(2) STUDY.—The Secretary shall conduct a study to evaluate the extent to which such pickup and delivery is dependent upon Federal preemption of State regulation. The Secretary shall, not later than 12 months after the date of enactment of this section, report to Congress on the results of such study.

SEC. 716. ECONOMIC IMPACT STATEMENTS.

When promulgating regulations concerning rural development activities after the date of enactment of this Act, the Federal agency or department promulgating such regulations shall issue an economic impact assessment concerning the effect of such regulations on rural communities and businesses.

SEC. 717. INFORMATION CONCERNING FEDERAL FUNDING.

In the case of each program under which funds are allocated by an executive agency to States or political subdivisions of States, or both, under a formula established by Federal law or regulation, the head of the agency shall—

(1) in each fiscal year, identify the goods and services to be procured by such executive agency during such fiscal year that may be procured from one or more commercial sources located primarily in a rural area; and

(2) in each fiscal year, identify the amount of Federal funds and grants that are to be expended on or awarded to colleges, universities, or research firms, for research and development activities during that fiscal year to determine what portion of such funds could be directed to similar institutions in rural areas.

SEC. 718. NATIONAL RURAL DEVELOPMENT AND FINANCE CORPORATIONS.

Section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note) is amended—

(1) by striking out "to September 30, 1988," wherever it appears therein and inserting in lieu thereof "to September 30, 1991,";

(2) in subsection (a)(4), by striking out "fiscal year ending September 30, 1987," and inserting in lieu thereof "fiscal years ending September 30, 1989, September 30, 1990, and September 30, 1991,";

(3) by adding at the end of subsection (a) the following new paragraphs:

"(6) Notwithstanding any other provision of law, lenders that have provided loans that are guaranteed under this subsection shall have limited reporting responsibilities, as determined by the Secretary, concerning such loans, and the National Rural Development and Finance Corporation shall be primarily responsible for the issuance of final reports concerning such loans.

"(7) Notwithstanding any other provision of law, loan guarantees provided under this subsection shall be for a period not to exceed 15 years."; and

(4) in subsection (b)(1)—

(A) by striking out "from funds transferred under paragraph (2)";

(B) by inserting the words "or expanding" after the word "establishing"; and

(C) by adding the following new sentence at the end thereof: "Such grants may also be made directly to affiliated statewide programs if the Corporation certifies to the Secretary that they are able to establish effective, ongoing State programs or rural development and revolving finance."; and

(5) by adding at the end thereof the following new subsection:

"(c) Nonprofit national rural development and finance corporations and affiliated Statewide programs that receive grants under subsections (a) or (b) may use not to exceed 10 percent of the amount of such grants over a 2-year period for program operation and administration costs.".

TITLE VIII—MICROBUSINESS LOAN FUND AND MICROBUSINESS TECHNICAL ASSISTANCE FUND

SEC. 801. SHORT TITLE.

This title may be cited as the "Rural Microbusiness Loan Availability Act of 1989".

SEC. 802. FINDINGS.

The Congress finds that—

(1) in almost every major economic respect, in this decade, rural areas have fallen behind urban areas;

(2) each year, in this Nation, more than 500,000 individuals are leaving rural areas;

(3) the unemployment rate in rural areas, which has historically been lower than the unemployment rate in urban areas, is now higher than such rate in urban areas;

(4) the per capita income level in rural areas is 35 percent lower than such income level for urban areas;

(5) the poverty rate, in terms of the percentage of individuals which have an income level below the poverty line (established by the Office of Management and Budget), for rural areas is 16.9 percent, as compared to a poverty rate of 12.5 percent in metropolitan areas;

(6) rural communities are in danger of being increasingly isolated from the economic mainstream of the United States as a result of deregulation of banking, communications, and transportation industries, and concomitant reductions in the services provided by such industries to rural areas;

(7) the fact that rural employment is disproportionately concentrated in industries such as agriculture, resource extraction, and low-skill manufacturing also jeopardizes the

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economic strength of such areas, since such industries have experienced setbacks in this decade and are not likely to experience increases in employment and assets in the foreseeable future;

(8) access to capital is critical to rural areas to enable such areas to develop a diversified economic base, create jobs, and reenter the economic mainstream of this Nation;

(9) managerial and technical assistance should be provided whenever capital is made available to rural businesses with the help of the Federal Government; and

(10) rural communities should become actively involved in economic development at the local level through partnerships between the Federal Government and the private sector, including nonprofit entities located in or near such rural communities.

SEC. 803. PURPOSE.

The purposes of this title are—

(1) to make small scale loans available to microbusinesses through eligible entities which operate in rural communities, and

(2) to make managerial and technical assistance grants available to microbusinesses which operate in rural communities.

SEC. 804. DEFINITIONS.

For purposes of this title—

(1) Administration.—The term "Administration" means the Small Business Administration.

(2) Eligible applicant.—The term "eligible applicant" means an eligible entity or a Small Business Development Center, as defined in section 21(a)(1) of the Small Business Act (15 U.S.C. 648).

(3) Eligible entity.—The term "eligible entity" has the same meaning as in section 801(2) of this Act.

(4) Eligible microbusiness.—The term "eligible microbusiness" means a microbusiness—

(A) which is otherwise unable (using reasonable efforts) to secure credit of the scale made available under this title,

(B) which meets the requirements of the economic development workplan submitted by the eligible entity or eligible applicant, and

(C) which is located in the rural community in which the eligible entity conducts loan-related activities or the eligible applicant conducts grant-related activities.

(5) Microbusiness.—The term "microbusiness" means a business which employs no more than 10 full-time (or the equivalent of 10 full-time) employees.

(6) Rural community.—The term "rural community" means a county or other comparable subdivision of a State which has been designated by the Administration as a rural community, and is—

(A) a county or other comparable political subdivision of a State with a population of not more than 50,000, or

(B) a county or other comparable political subdivision of a State with a population greater than 50,000 which is recommended for designation as a rural community by the District Director of the Administration for the district in which such county or subdivision is located, and with respect to which such designation is approved by the Administration.

SEC. 805. ESTABLISHMENT OF MICROBUSINESS LOAN FUND.

There is established in the Treasury a revolving fund to be known as the "Microbusiness Loan Fund". The capital of the Microbusiness Loan Fund shall remain available until expended. Any profits or income derived from the activities of the Fund less operating expenses incurred in administering such Fund shall be placed in such Fund. The Fund shall be credited with amounts appropriated pursuant to section 20(i)(1) of the Small Business Act. Amounts in the Microbusiness Loan Fund may be used to fund loans to eligible entities selected as loan recipients under section 806 of this title.

SEC. 806. LOANS FROM THE MICROBUSINESS LOAN FUND AND TECHNICAL ASSISTANCE GRANTS.

(a) Loans From the Microbusiness Loan Fund.—The Administration shall make loans from the Microbusiness Loan Fund to eligible entities selected as loan recipients and such loans may be used—

(1) to provide loans or loan guarantees to eligible microbusinesses, and

(2) to pay administrative costs in connection with loans and loan guarantees under paragraph (1).

(b) Microbusiness Managerial and Technical Assistance Grants.—The Administration shall make Microbusiness Managerial and Technical Assistance Grants to eligible applicants which have existing programs (or programs scheduled for concurrent funding) which provide managerial and technical assistance (including preparation of business plans, financial analysis, loan servicing, management counseling, marketing analysis, engineering services, and any other assistance necessary for the general operation of a small business enterprise) and program administration. Such grants may be used—

(1) to provide such managerial and technical assistance,

(2) to provide funds to subgrantees who may provide such managerial and technical assistance on behalf of a recipient of a grant awarded under this subsection, and

(3) to provide administrative costs to carry out the purpose in paragraph (1).

(c) Loan and Grant Limits.—Not more than $500,000 per loan per fiscal year may be provided by the Administration to fund a loan to an eligible entity from the Microbusiness Loan Fund, and not more than $200,000 per grant per fiscal year may be used to fund a Microbusiness Managerial and Technical Assistance Grant to an eligible applicant.

(d) Loan Repayment and Interest.—A loan to an eligible entity from the Microbusiness Loan Fund shall be repayable in not more than 15 years after the date that such loan is awarded. The maximum rate of interest for any such loan shall be 5 percent.

(e) Loan and Grant Competition.—(1) The Administration shall conduct a nationwide competition through an application process. In order to be considered for a loan or grant under this section, an economic development workplan shall be submitted to the Administration as part of the application process. The Administration shall select for loans or grants those applicants which best meet the criteria established by the regulations under paragraph (5).

(2) With respect to a loan application for a loan from the Microbusiness Loan Fund, the economic development workplan required under paragraph (1) shall include—

(A) description of the number and types of microbusiness in the rural community from which the eligible entity expects to receive applications for loans or loan guarantees,

(B) the type of support to be provided, including loans or loan guarantees,

(C) an estimate of the number of jobs to be created or retained,

(D) a description of the economic condition of the rural community in which the eligible entity plans to provide loans or loan guarantees, and

(E) a description of the managerial and technical assistance which such eligible entity plans to provide to eligible microbusinesses.

(3) With respect to an application for a Microbusiness Managerial and Technical Assistance Grant, an eligible applicant shall provide—

(A) a description of the existing program (or program schedules for a concurrent program) which the eligible applicant intends to provide,

(B) the type of managerial and technical assistance to be provided (including preparation of business plans, financial analysis, loan servicing, management counseling, marketing analysis, engineering services, and any other assistance necessary for the general operation of a small business enterprise),

(C) sufficient evidence and a certification that such managerial and technical assistance shall be provided,

(D) an estimate of the number of jobs to be created or retained, and

(E) a list of subgrantees and the type of managerial and technical assistance to be provided by such subgrantees.

(4) The Administration shall use its best efforts to ensure that at least one eligible entity from each State that the Administration determines to have a significant rural population receives a loan from the Microbusiness Loan Fund and that at least one eligible applicant from each such State receives a Microbusiness Managerial and Technical Assistance grant.

(5) Not later than 90 days after the date of enactment of this Act, the Administration shall issue regulations establishing criteria for the competition for loans and grants under this section. Such criteria shall take into consideration the quality of the economic development workplans submitted.

(f) Approval of Loans and Grants.—(1) Loans.—If the Administration approves the economic development workplan of an eligible entity selected under subsection (e)(1), then the Administration shall approve a loan for such eligible entity and shall execute a contract stating the terms of such loan with the recipient, including conditions for repayment of such loan.

(2) Grants.—If the Administration approves the economic development workplan of an eligible applicant selected under subsection (e)(1), then the Administration shall approve a grant for such eligible applicant and shall execute a contract stating the terms of such grant with the recipient.

(g) Monitoring by the Administration.—(1) The Administration shall conduct an annual audit to ensure that any loan or grant awarded under this section is administered in accordance with this section and any other applicable law.

(2) If the Administration determines, upon review of the results of an audit described under paragraph (1), that a recipient is in violation of the terms of a loan or grant awarded under this section, the Administration may recall such loan or grant and require the recipient to repay any funds from such loan or grant.

SEC. 807. DISBURSEMENT OF LOAN FUND BY MICROBUSINESS LOAN FUND LOAN RECIPIENTS.

(a) Local Revolving Funds.—All funds received by a loan recipient for a loan from the Microbusiness Loan Fund shall be placed into a revolving fund to be administered by the loan recipient, in accordance with procedures established by the Administration, and any profits or income derived from the activities of the revolving fund less operating expenses incurred in administering such funds shall be placed in such fund.

(b) Loan or Loan Guarantee Size Limits.—The amount to be provided to an eligible microbusiness from a loan revolving fund described in subsection (a) shall not exceed the lesser of—

(1) 75 percent of the amount of total financing for the investment with respect to which such loan or loan guarantee relates, or

(2) $25,000.

(c) Interest.—The maximum rate of interest on any loan made by an eligible entity to a microbusiness shall be legal and reasonable but shall not exceed a rate prescribed and published quarterly by the Administration. The rate of interest prescribed by the Administration shall not exceed the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans and adjusted to the nearest one-eighth of 1 percent, and an additional amount as determined by the Administration, but not to exceed 1 percent per year.

SEC. 808. AUTHORIZATION.

Section 20 of the Small Business Act is amended by adding at the end thereof the following new subsection:

"(i) Microbusiness Loan Fund Loans and Microbusiness Managerial and Technical Assistance Grants.—(1) There are authorized to be appropriated to the Administration for fiscal years 1990 and 1991—

"(A) $25,000,000 for the Microbusiness Loan Fund, and

"(B) $10,000,000 for Microbusiness Managerial and Technical Assistance Grants under section 806 of the Rural Access to Capital Act of 1989.

"(2) Notwithstanding any other provision of law, of the amounts made available to carry out section (7)(i) for fiscal years 1990 and 1991, the Administration shall make available such amounts for each fiscal year to carry out the programs described in paragraph (1).".

TITLE IX—SMALL BUSINESS RURAL REVITALIZATION

SEC. 901. SHORT TITLE.

This title may be cited as the "Small Business Rural Revitalization Act of 1989".

Subtitle A—Capital Formation

SEC. 911. DEFINITION OF DESIGNATED RURAL AREA.

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended—

(1) in subsection (a), by striking out the last sentence,

(2) in subsection (a), by striking out "needs of rural areas" and inserting "needs of designated rural areas", and

(3) by adding at the end thereof the following new subsection:

"(d) Designated Rural Area.—The term 'designated rural area' means a county or other comparable political subdivision of a State that has been designated by the Administrator of the Small Business Administration as a designated rural area that is—

"(1) a nonmetropolitan county, as periodically defined and classified by the United States Department of Agriculture's Economic Research Service (such counties are the 2,384 of the United States' 3,096 counties (or equivalents), that each have an aggregate urban population of 50,000 individuals or less); or

"(2) a political subdivision of a metropolitan county (or its equivalent) that has an aggregate urban population of 20,000 individuals or less, that has been recommended for such designation by the District Director of the Small Business Administration for the district in which such county is located, and whose recommendation for such designation has been approved by the Administrator of the Small Business Administration, except that such District Director shall make such a recommendation only if—

"(A) through official action, the highest governing authority of such metropolitan county has specifically requested that an identifiable political subdivision of such county be a designated rural area for the purposes of this Act; and

"(B) through official action, the request referred to in subparagraph (A) has been evaluated and concurred in by the department or agency of the State that is primarily responsible for rural economic development programs within the State, and which shall make such designation request to the appropriate District Director of the Small Business Administration.".

SEC. 912. CAPITAL REQUIREMENTS FOR SMALL BUSINESS INVESTMENT COMPANIES OPERATING IN DESIGNATED RURAL AREAS.

Section 302(a) of the Small Business Investment Act of 1958 (15 U.S.C. 682) is amended—

(1) by inserting "(1)" after "(a)", and

(2) by inserting after "$500,000" the following: "; and *Provided further*, That the combined private paid-in capital and paid-in surplus of any company licensed on or after October of 1989 pursuant to subsections (c) and (d) of section 301 shall not be less than $1,000,000"; and

(3) by adding at the end thereof the following new paragraphs:

"(2) In the case of any company licensed pursuant to subsections (c) or (d) of section 301, to assist small business concerns located in designated rural areas (as defined in section 501), such private capital may include contributions by—

"(A) State and local governments if such contributions are not directly or indirectly derived from Federal funds; and

"(B) not-for-profit institutions, if such contributions are not directly or indirectly derived from Federal funds, if—

"(i) in the case of a corporation—

"(I) such contributions do not exceed 49 percent of the corporation's combined paid-in capital and paid-in surplus;

"(II) the aggregate amount of voting stock held by such contributors does not exceed 49 percent of the total issued and outstanding voting stock of such corporation; and

"(III) not less than 60 percent of the members of the board of directors of such corporation are from the private sector; and

"(ii) in the case of a partnership—

"(I) such contributions do not exceed 49 percent of the partnership capital; and

"(II) the partnership interest of such contributors is that of a limited partner.".

SEC. 913. STATE DEVELOPMENT COMPANIES.

(a) In General.—Title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 507. RURAL AREA DEVELOPMENT COMPANIES.

"(a) In General.—Notwithstanding any other provision of law, a qualified certified development company may issue a debenture that shall be guaranteed by the Federal Government pursuant to section 503(a) of this title in an amount that shall not exceed the lesser of—

"(1) $1,000,000; or

"(2) an amount equal to the amount of any matching funds provided by private sector entities.

"(b) Definition.—As used in subsection (a), the term 'qualified certified development company' means a certified development company that—

"(1) is located and operated in a designated rural area (as defined under section 501);

"(2) has been in operation for at least 3 years;

"(3) is in good standing with, and has management abilities approved by, the Administration; and

"(4) has a minimum portfolio of 5 loans approved and disbursed under section 504, of which at least 80 percent are current.

"(c) Revolving Fund.—Funds obtained under this section shall be used to establish a revolving fund to make loans to small businesses operating in rural areas in an amount not to exceed $100,000.

"(d) Criteria Established by Administration.—A development company issuing a debenture guaranteed under this section shall comply with any criteria established by the Administration and not less than 50 percent of the funds of the company shall be from private investors.

"(e) Jobs Objectives.—For purposes of this section, or other sections of title V to which the requirements of section 108.503(b)(1) of title 13, Code of Federal Regulations, apply, the requirements of section 108.503(b)(1) of title 13, Code of Federal Regulations, shall be modified by substituting '$30,000' for '$15,000'.

"(f) Debentures Guaranteed.—The aggregate amount of debentures guaranteed under this section shall not exceed $25,000,000 annually. Amounts necessary to guarantee such debentures shall be derived from amounts appropriated under section 504.".

(b) Conforming Amendment.—The table of sections for title V of the Small Business Investment Act of 1958 is amended by inserting after the item relating to section 506 the following new item:

"Sec. 507. Rural Area Development Companies.".

Subtitle B—Regulatory Simplification; Miscellaneous Amendments

SEC. 921. DEFINITION OF SMALL BUSINESS IN DESIGNATED RURAL AREAS FOR PURPOSES OF ANALYSIS OF REGULATORY FUNCTIONS.

Section 601 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(7) the term 'qualified designated rural area business' means any small business, as defined by the regulations issued by the Small Business Administration, that is engaged in the active conduct of a trade or business within a designated rural area (within the meaning of section 501 of the Small Business Investment Act of 1958).".

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SEC. 922. INTERAGENCY REVIEW AND RECOMMENDATIONS.

(a) INTERAGENCY REVIEW.—The Administrator of the Small Business Administration shall conduct a review of all Federal economic development programs, and all Federal laws the purposes of which are to promote rural area economic and community development, rural area business promotion, or enhancement of employment opportunities in rural communities.

(b) CONSULTATION WITH FEDERAL OFFICIALS.—The Administrator in conducting the review under subsection (a) shall consult with—

(1) the Secretary of Housing and Urban Development,

(2) the Secretary of Health and Human Services,

(3) the Secretary of Energy,

(4) the Secretary of Defense,

(5) the Secretary of Commerce,

(6) the Secretary of Agriculture,

(7) the Secretary of Labor, and

(8) any other Federal officials, including the General Accounting Office, that the Administrator may consider appropriate.

(c) REPORT.—The Administrator shall, not later than 1 year after the date of enactment of this Act, submit a report to the appropriate committees of the House of Representatives and the Senate containing the findings of the review, including—

(1) a description of existing Federal grant and loan programs, which involve community development, business promotion, and research and development, for which small businesses located in rural areas are currently eligible;

(2) recommendations regarding changes to existing law which may be needed to make small businesses which are located in rural areas eligible for current Federal grant and loan programs; and

(3) recommendations for any additional legislation that may be required to foster and support small businesses in rural areas.

TITLE X—EFFECTIVE DATE AND IMPLEMENTATION

SEC. 1001. EFFECTIVE DATE AND IMPLEMENTATION.

(a) IN GENERAL.—Unless otherwise provided in this Act, this Act shall become effective on October 1, 1989.

(b) REGULATIONS.—

(1) RURAL PARTNERSHIPS INVESTMENT BOARD.—Final regulations implementing subtitle A of title I shall be issued by the Rural Partnership Investment Board not later than March 30, 1990.

(2) WATER AND WASTE FACILITY FINANCING.—Final regulations, issued after notice and comment, implementing the water and sewer program established under the amendment made by section 122 shall be promulgated not later than 160 days after the date of enactment of this Act.

MOTION OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DE LA GARZA moves to strike all after the enacting clause of S. 1036, and to insert in lieu thereof the text of H.R. 3581, as passed by the House, as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rural Economic Development Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

TITLE I—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

Sec. 101. Rural Development Administration.
Sec. 102. Conforming amendments.

TITLE II—LOCAL PRIORITIZATION OF PROJECT FUNDING

Sec. 201. Delivery of certain rural development programs.
Sec. 202. Loan and loan guarantee allocation and transfer.

TITLE III—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

Sec. 301. REA technical assistance unit.
Sec. 302. Deferment of payment on economic development loans.
Sec. 303. Water and waste lending by banks for cooperatives.
Sec. 304. Amendments to the business and industry loan program.
Sec. 305. Water or waste disposal loans to benefit rural businesses.
Sec. 306. Rural wastewater treatment circuit rider program.
Sec. 307. Increase on limitation of authorization for water and waste grants.
Sec. 308. Limitation on conditions for water and sewer grants and loans.

TITLE IV—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOLOGY TRANSFERS

Sec. 401. Rural development information sharing.
Sec. 402. Rural technology grants.

TITLE V—RURAL BUSINESS AND LEADERSHIP TRAINING

Sec. 501. Extension Service Rural Business and Leadership Training Program.

TITLE VI—RURAL ECONOMIC DEVELOPMENT RESEARCH

Sec. 601. Research on nontraditional uses of agricultural commodities.
Sec. 602. Authorization of rural development research competitive grants.
Sec. 603. Demonstration projects.
Sec. 604. Rural development research assistance.

TITLE VII—RURAL ELECTRIFICATION PROVISIONS

Sec. 701. Short title; amendment of Rural Electrification Act of 1936.
Sec. 702. Findings; statement of policy.

Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936

Sec. 711. General prohibitions.

Subtitle B—Amendments Relating to Title II of the 1936 Act

Sec. 721. Nonduplication of telephone facilities.
Sec. 722. Updated definition of telephone service.
Sec. 723. Loan feasibility.
Sec. 724. Encouragement of investment by telephone borrowers in rural development projects.
Sec. 725. Improvements in telephone program.
Sec. 726. Prompt processing of telephone loans.

Subtitle C—Amendments Relating to Title III of the 1936 Act

Sec. 731. Creation of separate electric and telephone accounts within rural electric and telephone revolving fund.
Sec. 732. Borrowers to determine amortization period for insured telephone loans.
Sec. 733. Tier requirement for insured telephone loans.
Sec. 734. Clarification of telephone loan guarantee authority.

Subtitle D—Amendments Relating to Title IV of the 1936 Act

Sec. 741. Modification of Rural Telephone Bank Board.
Sec. 742. Rural telephone bank capitalization.
Sec. 743. Pro rata purchase of rural telephone bank stock by rural telephone bank borrowers.
Sec. 744. Clarification of authority to set rural telephone bank loan levels.
Sec. 745. Borrowers to determine amortization period for rural telephone bank loans.
Sec. 746. Full use of rural telephone bank loan authority.
Sec. 747. Technical amendments relating to the rural telephone bank provisions of the Omnibus Budget Reconciliation Act of 1987.

Subtitle E—Effective Date

Sec. 751. Effective date.

TITLE VIII—MISCELLANEOUS

Sec. 801. Regulations.
Sec. 802. Encouragement of private contracting.
Sec. 803. Loan rates applicable to certain loans under the Consolidated Farm and Rural Development Act.
Sec. 804. Assistance for certain distressed community facility program borrowers.
Sec. 805. Water and waste facility loans and grants to alleviate health risks.
Sec. 806. Preservation of eligibility.
Sec. 807. Buy-American requirement.
Sec. 808. State programs not affected.
Sec. 809. Technical corrections.

TITLE IX—NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES

Sec. 901. Short title.
Sec. 902. Findings and purposes.
Sec. 903. Definitions.
Sec. 904. Rural forestry and economic diversification action teams.
Sec. 905. Action plan implementation.
Sec. 906. Training and education.
Sec. 907. Loans to economically disadvantaged rural communities.
Sec. 908. Authorization of appropriations and spending authority.

TITLE X—ENHANCING HUMAN RESOURCES

Sec. 1001. Short title.

Subtitle A—Rural Business Development

Sec. 1011. Purposes.
Sec. 1012. Loans for business telecommunications partnerships.

Subtitle B—Rural Telecommunications Provisions

Sec. 1021. Rural telecommunications zones.
Sec. 1022. Grants for emergency public safety telephone answering systems.

Sec. 1023. Study on use of telecommunications infrastructure by businesses in rural areas.

TITLE I—REORGANIZATION OF THE DEPARTMENT OF AGRICULTURE

SEC. 101. RURAL DEVELOPMENT ADMINISTRATION.

(a) AMENDMENTS TO THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) by adding at the end the following:

"SEC. 359. RURAL DEVELOPMENT ADMINISTRATION.

"(a) ESTABLISHMENT.—There is established in the Department of Agriculture the Rural Development Administration, which shall be headed by an Administrator appointed by the Secretary.

"(b) ADMINISTRATION.—Except as provided in subsection (c), or as otherwise provided in this section, the Secretary shall carry out this Act through the Farmers Home Administration.

"(c) EXCEPTIONS.—The Secretary shall carry out section 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of section 303(a)), section 304(b), section 306(a), section 306B, section 310A, section 310B, section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)), section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate through the Rural Development Administration.

"(d) REFERENCES.—Any reference in any law, regulation, or order in effect immediately before the date of the enactment of the Rural Economic Development Act of 1990 to the Farmers Home Administration or to the Administrator of the Farmers Home Administration or of the Farmers Home Administration relating to any function, power, or duty that is, on or after such date, a function, power, or duty of the Rural Development Administration or the Administrator of the Rural Development Administration, shall be deemed to be a reference to the Rural Development Administration or to the Administrator of the Rural Development Administration, as the case may be.

"(e) EFFECT ON PENDING PROCEEDINGS AND PARTIES TO SUCH PROCEEDINGS.—

(1) NONABATEMENT OF ACTIONS.—This Act does not abate any proceeding commenced—

"(A) by or against any entity any function of which is transferred by this Act; or

"(B) by or against any officer of any entity referred to in subparagraph (A) in the official capacity of such individual as such an officer.

"(2) EFFECT ON PARTIES.—If an officer of the Farmers Home Administration, in the official capacity of such officer, is a party to a proceeding pending on the date of the enactment of this Act, and under this Act the officer or any function of the officer is transferred to the Rural Development Administration, Department of Agriculture, then such action shall be continued with the Secretary or the Administrator, Rural Development Administration, or other appropriate officer of the Department substituted or added as a party.

"(3) TRANSFER OF CERTAIN RIGHTS OF FARMERS HOME ADMINISTRATION TO RURAL DEVELOPMENT ADMINISTRATION.—The rights, interests, obligations, and duties of the Farmers Home Administration arising before the date of the enactment of the Rural Economic Development Act of 1990 from any loan made, insured, or guaranteed, or any grant or contract made, by the Farmers Home Administration in the exercise of its functions shall—

"(A) with respect to any function to be exercised on or after such date by the Farmers Home Administration under subsection (b), continue to be vested in the Farmers Home Administration; and

"(B) with respect to any function to be exercised on or after such date by the Rural Development Administration under subsection (c), be vested in the Rural Development Administration.

"(f) COMPENSATION OF ADMINISTRATOR.—The Administrator of the Rural Development Administration shall be compensated in accordance with subchapter VIII of chapter 53 of title 5, United States Code."; and

(2) in section 309(e) by—

(A) inserting "and the Rural Development Administration, in proportion to such charges collected in connection with the insurance of loans by such agency" after "Farmers Home Administration"; and

(B) striking "expenses." and inserting "expenses for such agency.".

(b) FACILITATION OF TRANSFER OF FUNCTIONS.—(1) Notwithstanding the provisions of section 331 of the Consolidated Farm and Rural Development Act, as soon as practicable, but in no case later than one hundred and eighty days after the date of enactment of this section, the Secretary shall transfer to the Rural Development Administration the powers, duties, and assets of the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, related to the performance of rural development functions, including, but not limited to, the agencies, offices, and other entities in the Department of Agriculture, or elements thereof, that administer sections 303 (in the case of loans made for purposes specified in paragraphs (2) and (3) of subsection (a)), 304(b), 306(a), 306B, 310A, 310B, and section 312(a) (in the case of loans made for the purposes specified in paragraphs (5) and (6)) of the Consolidated Farm and Rural Development Act, section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), title VI of the Rural Development Act of 1972, and such other rural development programs as the Secretary determines appropriate.

(2) INCIDENTAL TRANSFERS.—The Secretary shall make such determinations, and shall transfer such personnel from the Farmers Home Administration, as may be necessary or appropriate with regard to the functions transferred under this section to the Rural Development Administration. The Secretary shall also make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available, or to be made available in connection with the functions transferred by this section, as the Secretary may deem necessary to accomplish the purposes of this section.

(3) EFFECTIVE AND EFFICIENT TRANSFER OF AUTHORITY.—The Administrator of the Farmers Home Administration and the Secretary shall take whatever steps are necessary to assure the effective and efficient transfer of authority as provided for in this section.

SEC. 102. CONFORMING AMENDMENTS.

(a) Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended—

(1) in the first sentence—

(A) by striking "For the purposes of this title and" and inserting "In accordance with section 359, for purposes of this title, and"; and

(B) by inserting before the period ", or may assign and transfer such powers, duties, and assets to the Rural Development Administration as provided by law for that office";

(2) in subsection (d), by striking "under any of its programs" and inserting "or the Rural Development Administration under any of their programs"; and

(3) in subsections (h) and (i), by inserting "Rural Development Administration under this title or by the" before "Farmers Home Administration" each place it appears.

(b) Section 331A of such Act (7 U.S.C. 1981a) is amended by inserting "or by the Rural Development Administration" immediately after "Farmers Home Administration".

(c) Section 335 of such Act (7 U.S.C. 1985) is amended—

(1) in subsection (a), by inserting "or the Rural Development Administration" after "Farmers Home Administration"; and

(2) in subsection (c)(1) by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(d) Section 338(a) of such Act (7 U.S.C. 1988(a)) is amended by inserting "or the Rural Development Administration" after "Farmers Home Administration".

(e) Sections 657, 658, 1006, and 1014 of title 18, United States Code, are each amended by striking "Farmers' Home Administration" and inserting "Farmers Home Administration, the Rural Development Administration".

(f)(1) Section 623(c)(2) of the Community Economic Development Act of 1981 (42 U.S.C. 9812(c)(2)) is amended by inserting ", or the Rural Development Administration" after "Farmers Home Administration".

(2) Section 628 of such Act (42 U.S.C. 9817) is amended—

(A) by amending the heading to read as follows:

"DEPARTMENT OF AGRICULTURE; RURAL DEVELOPMENT ADMINISTRATION PROGRAMS"; and

(B) by inserting ", or of the Rural Development Administration" after "of the Farmers Home Administration".

TITLE II—LOCAL PRIORITIZATION OF PROJECT FUNDING

SEC. 201. DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

(a) IN GENERAL.—Effective October 1, 1991, the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"SEC. 360. SYSTEM FOR DELIVERY OF CERTAIN RURAL DEVELOPMENT PROGRAMS.

"(a) IN GENERAL.—(1) ASSISTANCE IN ELIGIBLE STATES.—Assistance under each designated rural development program shall be provided in eligible States to qualified projects in accordance with this section.

"(2) NO ASSISTANCE IN OTHER STATES.—The Secretary shall not provide assistance under any designated rural development program in any State that is not an eligible State.

"(b) DEFINITIONS.—As used in this section and section 361—

"(1) AREA PLAN.—The term 'area plan' means, with respect to a local or regional area in a State, the long range rural development plan developed for the area. Each area plan shall identify the geographical boundaries of the area and include—

"(A) an overall development plan for the area with goals, including business development and infrastructure development goals, and time lines based on a realistic assessment of the area, including, but not limited to—

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"(i) the number and types of businesses in the area that are growing or declining, and a list of the types of businesses that the area could potentially support;

"(ii) the outstanding need for water and waste and other public services or facilities in the area;

"(iii) the realistic possibilities for industrial recruitment in the area;

"(iv) the potential for the development of tourism in the area;

"(v) the potential for the generation of employment in the area through the creation of small businesses and the expansion of existing businesses; and

"(vi) the potential for the production of value-added agricultural products in the area;

"(B) an inventory and assessment of the human resources of the area, including, but not limited to—

"(i) a current list of organizations in the area and their special interests;

"(ii) the current level of participation of area residents in rural development activities and the level of participation required for successful implementation of the plan;

"(iii) the availability of general and specialized job training in the area and the extent to which the needs of the area for such training are not being met;

"(iv) a list of area residents with special skills which could be useful in developing and implementing the plan; and

"(v) an analysis of the human needs of the area, the resources in the area available to meet those needs, and the manner in which the plan, if implemented, would increase the resources available to meet those needs;

"(C) the current degree of intergovernmental cooperation in the area and the degree of such cooperation needed for the successful implementation of the plan;

"(D) the ability and willingness of governments and citizens in the area to become involved in developing and implementing the plan;

"(E) a description of how the governments in the area will apply budget and fiscal control processes to the plan; and

"(F) the extent to which public services and facilities need to be improved to achieve the economic development and quality of life goals of the plan, taking into consideration, at a minimum—

"(i) law enforcement;

"(ii) fire protection;

"(iii) water and solid waste management;

"(iv) education;

"(v) health care;

"(vi) transportation;

"(vii) housing;

"(viii) communications; and

"(ix) the availability of, and capability to generate, electric power.

"(2) DESIGNATED RURAL DEVELOPMENT PROGRAM.—The term 'designated rural development program' means a program carried out under section 304(b), 306(a), or subsection (a) through (f) and (h) of section 310B of this Act, or under section 1323 of the Food Security Act of 1985, for which funds are available at any time during the fiscal year under such section.

"(3) ELIGIBLE STATE.—(A) REQUIREMENTS.—The term 'eligible State' means, with respect to a fiscal year, a State with respect to which all of the following apply not later than the first day of the fiscal year:

"(i) ESTABLISHED RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The State has established an advisory rural economic development review panel meeting the requirements of section 361;

"(ii) APPOINTED STATE COORDINATOR.—The Governor of the State has appointed an officer or employee of the State government to—

"(I) manage, operate, and carry out the instructions of, the panel described in clause (i);

"(II) serve as a liaison between the panel and the Federal and State agencies involved in rural development, including transmitting to the Secretary any list transmitted to the State coordinator pursuant to section 361(b)(6);

"(III) ensure that all rural residents in the State are informed about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361;

"(IV) provide information to State residents, on request, about the manner in which assistance under designated rural development programs is to be provided to the State pursuant to this section and section 361; and

"(V) coordinate the efforts of interested rural residents with the State rural economic development review panel.

"(iii) DESIGNATED AGENCY TO PROVIDE ADMINISTRATIVE SUPPORT TO PANEL.—The State has designated an agency to provide the panel and the State coordinator with support for the daily operation of the panel described in clause (i).

"(B) GOOD FAITH EXCEPTION.—Notwithstanding the requirements of subparagraph (A), the Secretary of Agriculture may determine, no later than the first day of the fiscal year, a State to be an eligible State under this paragraph for the fiscal year if the Secretary determines that the State has made a good faith effort to meet, and has substantially met, such requirements.

"(4) QUALIFIED PROJECT.—The term 'qualified project' means any project—

"(A) for which the agency described in paragraph (3)(C) of the State has identified—

(i) the alternative Federal, State, local, or private sources of assistance, and

"(ii) the related activities in the State; and

"(B) to which the Secretary is required by subsection (c)(4) to provide assistance.

"(5) STATE COORDINATOR.—The term 'State coordinator' means the individual appointed by the Governor of the State to carry out the activities described in paragraph (3)(B).

"(6) STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.—The term 'State rural economic development review panel' or 'panel' means an advisory panel specified in section 361.

"(c) DUTIES OF THE SECRETARY.—The Secretary shall, with respect to each eligible State—

"(1) review the list, if any, transmitted pursuant to subsection 361(b)(6) by any State coordinator;

"(2) determine whether each project described in an application in the list meets the requirements of the rural development program under which the application seeks assistance;

"(3) remove from the list any application for a project that does not meet the requirements;

"(4) provide assistance, subject to available funds, to the projects in the applications remaining in the list after the list has (if necessary) been modified pursuant to paragraph (3), giving consideration to the order in which the applications for such projects are ranked by the respective State panel, and, if assistance is provided to any project without providing assistance to all projects ranked higher in priority by the panel than such project, report to the panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate within ten days of determining to fund such lower ranked project on the reasons for that determination;

"(5) within thirty days after the date of the enactment of any Act providing appropriations for any designated rural development program for any fiscal year, notify each State of the amounts to be made available to such State under such program for such fiscal year, and the aggregate for such fiscal year of such amounts under all the designated rural development programs;

"(6) pay per diem or otherwise reimburse each full-time officer or employee of the United States who is a member of a State rural economic development review panel for expenses incurred each day (including travel time) during which the officer or employee is engaged in the actual performance of a duty of the panel;

"(7) from amounts appropriated for grants under any provision of section 306(a), make grants not to exceed $100,000 annually to each eligible State for the administrative costs associated with the State rural economic development review panel meeting the requirements of section 361; and

"(8) appoint a member to the State rural economic development review panel as provided under section 361(c)(1)(P).

"(d) OFFICIAL INFORMATION.—The Secretary may appoint as nonvoting members, temporarily and for specific purposes, personnel from any department or agency of the United States, with the consent of the head of such department or agency, with expertise not available among the members of any State rural economic development review panel as may be necessary to enable the panel to perform a duty described in section 361(b).

"(e) ALLOCATION OF APPROPRIATED FUNDS.—(1) INITIAL ALLOCATION.—The Secretary shall allocate the sums appropriated for direct loans, loan guarantees, or grants for any designated rural development program made available to the State under such program for any fiscal year to the projects specified in subsection (c)(4) giving great weight to the order in which the applications for such projects are ranked on the list specified in subsection (c)(1).

"(2) EQUITABLE REALLOCATION OF UNOBLIGATED FUNDS.—Notwithstanding paragraph (1), the Secretary shall, on July 15 of each year, and from time to time thereafter during the fiscal year as the Secretary determines appropriate, pool from among the States any unobligated funds appropriated for direct loans, loan guarantees, or grants for each designated rural development program and reallocate such funds to the States according to need, as determined by the Secretary.

"(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to any State rural economic development review panel.

"(g) NO LIABILITY OF MEMBERS OF STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANELS.—The members of a State rural economic development review panel shall not be liable to any person with respect to any determination made by the panel.

"(h) ELIGIBILITY FOR WATER AND WASTE FACILITY LOANS.—(1) RURAL ELECTRIFICATION PROGRAM BORROWERS.—Notwithstanding any other provision of law, a borrower under title III of the Rural Electrification

Act of 1936 shall be eligible to receive loans and grants under section 306 on an equal basis with any other applicant for such assistance, and the terms and conditions, rules, criteria and other provisions of section 306 shall apply to such a borrower. In the case of applications from such a borrower, the Administrator of the Rural Electrification Administration shall provide technical assistance with respect to such water and waste facilities and loans and grants for such facilities.

"(2) Prohibition on Restricting Water and Waste Facility Services to Electric Customers.—The Secretary shall establish rules and procedures that prohibit borrowers under title III of the Rural Electrification Act of 1936 from conditioning or limiting access to, or the use of, water and waste facility services financed under the Consolidated Farm and Rural Development Act if such conditioning or limiting is based on whether individuals or entities in the area served or proposed to be served by such facility receive, or will accept, electric service from such borrower.

"SEC. 361. STATE RURAL ECONOMIC DEVELOPMENT REVIEW PANEL.

"(a) In General.—Each State rural economic development review panel specified in section 360(b)(3)(A) shall meet all of the requirements of this section.

"(b) Duties.—The panel shall advise the Secretary on the desirability of funding applications for funding from designated rural development programs, and, in developing such advice, shall have the following duties:

"(1) Review rural development plans of local areas.—To review each area plan submitted by a local or regional area.

"(2) Evaluate area plans and applications for assistance.—(A) Area plans.—To evaluate, pursuant to a written policy and criteria, each area plan submitted by a local or regional area and either—

"(i) accept any area plan that is technically and economically adequate, feasible, and likely to succeed in meeting the stated goals of the plan, unless the plan is incompatible with any other area plan for that area that has been accepted by the panel; or

"(ii) return any plan that is technically or economically inadequate, infeasible, unlikely to be successful, or incompatible with any other area plan for that area that has been accepted by the panel, with an explanation of the reasons for the return with suggested alternative proposals.

In evaluating area plans under this subparagraph, the panel shall give great weight to the area plans or other comments submitted by intergovernmental development councils, or similar organizations made up of local elected officials, charged with the responsibility for rural or regional development.

"(B) Applications for assistance.—To evaluate each application for assistance to determine whether the project to be carried out in any area is compatible with the area plan for the area in which the project described in the application is proposed, and either—

"(i) accept any application that the panel determines to be compatible with such area plan; or

"(ii) return to the Rural Development Administration any application that the panel determines to be incompatible with such area plan.

"(3) Review and rank applications for assistance under designated rural development programs from areas with accepted area plans.—To review applications for assistance, that have been accepted pursuant to paragraph (2)(B), for projects to be carried out in any area the area plan for which has been accepted pursuant to paragraph (2)(A), taking into account the sources of assistance and related activities identified pursuant to section 360(b)(4)(A), and to rank such applications, subject to paragraphs (4) and (5), pursuant to a written policy and criteria, in an order that takes into account—

"(A) in the case of business projects described in the application—

"(i) the extent to which a project would—

"(I) stimulate rural development by creating new jobs of a permanent nature or retaining existing jobs by enabling new small businesses to be started, or existing businesses to be expanded by local or regional area residents who own and operate the businesses,

"(II) contribute to the enhancement and the diversification of the local or regional area economy,

"(III) generate or retain jobs for local or regional area residents,

"(IV) be carried out by persons with sufficient managerial capability,

"(V) be likely to become financially viable, and

"(VI) assist a local or regional area in overcoming severe economic distress;

"(ii) the distribution of assistance to projects in as many areas as possible in the State, with sensitivity to geographical distribution;

"(iii) the technical aspect of the projects;

"(iv) the market potential and marketing arrangements for the projects; and

"(v) the potential of such project to promote the growth of a rural community by improving the ability of the community to increase the number of persons residing therein and by improving the quality of life of such persons; and

"(B) in the case of infrastructure and community facility projects described in the applications the extent to which a project would—

"(i) have the potential to promote the growth of a rural community by improving the quality of life for local or regional area residents;

"(ii) affect the health and safety of local or regional area residents;

"(iii) affect business productivity and efficiency;

"(iv) enhance commercial business activity;

"(v) have the potential to promote long-term growth, including by increasing the number of persons residing in a rural community;

"(vi) address a severe loss or lack of water quality or quantity;

"(vii) bring a community into compliance with Federal or State water or waste water standards; and

"(viii) consolidate water and waste systems and utilize management efficiencies in new systems.

"(4) Priority ranking for projects addressing health emergencies.—To give priority in reviewing and ranking, notwithstanding the criteria established in paragraph (3), to applications for projects designed to address a health emergency declared to be such by the appropriate Federal or State government agency.

"(5) Priority based on need.—If in ranking applications pursuant to paragraphs (3) and (4), 2 or more applications are determined to have comparable strengths in their feasibility and potential for growth, to give priority to the applications for projects for which there is the greatest need.

"(6) Transmit list of ranked applications.—To transmit to the State coordinator a list of all applications received and indicate on the list—

"(A) for all applications accepted, the rank of such applications in accordance with paragraphs (3), (4) and (5); and

"(B) for all applications returned, the fact that the application was returned pursuant to paragraph (2) and instruct the State coordinator to transmit the list to the Secretary.

"(7) Availability of list of ranked applications.—To make available to the public the list of ranked applications submitted under paragraph (6) and to provide a brief explanation and justification of why the project applications received their prioritization.

"(8) Establishment and review of written policy and criteria for evaluating and ranking applications.—To establish and annually review the written policy and criteria used by the panel in evaluating and ranking applications in accordance with this subsection to ensure that the policy and criteria are consistent with current rural developmental needs, and to provide for public input during the development of the initial policy and criteria.

"(c) Membership.—(1) Voting Members.—The panel shall be composed of not more than sixteen voting members who are representatives of rural areas—

"(A) one of whom is the Governor of the State or the person designated by the Governor to serve on the panel on behalf of the Governor for that year;

"(B) one of whom is the director of the State agency responsible for economic and community development or the person designated by the director to serve on the panel on behalf of the director for that year;

"(C) one of whom is appointed by a statewide association of banking organizations;

"(D) one of whom is appointed by a statewide association of investor-owned utilities;

"(E) one of whom is appointed by a statewide association of rural telephone cooperatives;

"(F) one of whom is appointed by a statewide association of noncooperative telephone companies;

"(G) one of whom is appointed by a statewide association of rural electric cooperatives;

"(H) one of whom is appointed by a statewide association of health care organizations;

"(I) one of whom is appointed by a statewide association of existing local government-based planning and development organizations;

"(J) one of whom is appointed by the Governor of the State from either a statewide rural development organization or a statewide association of publicly-owned electric utilities, neither of which is described in any of subparagraphs (C) through (I);

"(K) one of whom is appointed by a statewide association of counties;

"(L) one of whom is appointed by a statewide association of towns and townships, or by a statewide association of municipal leagues, as determined by the Governor;

"(M) one of whom is appointed by a statewide association of rural water districts;

"(N) the State director of the Federal small business development center (or, if there is no small business development center in place with respect to the State, the director of the State office of the Small Business Administration);

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"(O) the representative for that State of the Economic Development Administration of the Department of Commerce; and

"(P) one of whom is appointed by the Secretary from among the officers and employees of the Federal Government.

"(2) NONVOTING MEMBERS.—The panel shall have not more than four nonvoting members who shall serve in an advisory capacity and are representatives of rural areas—

"(A) one of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of business of the colleges and universities in the State;

"(B) one whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of engineering of the colleges and universities in the State;

"(C) one of whom is appointed by the Governor, from names submitted by the dean, or the equivalent official, of each school or college of agriculture of the colleges or universities in the State; and

"(D) the director of the State agency responsible for extension services for the State.

"(3) APPOINTMENT OF REPRESENTATIVES OF STATEWIDE ORGANIZATIONS BY THE GOVERNOR IN CERTAIN CASES.—(A) If there is no statewide association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor of the State will appoint an individual to fill the position or positions, as the case may be, described in the applicable subparagraph from among nominations submitted by local groups of such entities.

"(B) If there is more than one of the statewide associations or organizations described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) of the entities described in such subparagraph, the Governor shall select which organization shall name a member. The Governor shall rotate such selection among such associations or organizations such that a representative of the selected association or organization shall serve no more than two years before another such association or organization is selected by the Governor.

"(4) FAILURE TO APPOINT PANEL MEMBERS.—The failure of the Governor, the Secretary of Agriculture, or an association or organization described in subparagraph (C), (D), (E), (F), (G), (H), (I), (K), (L), or (M) of paragraph (1) to appoint a member to the panel as required under this subsection shall not prevent a State from being determined to be an eligible State as defined under section 360(b)(3).

"(d) NOTIFICATION.—Each statewide organization that selects an individual to represent the organization on the panel shall have notified the Governor of the State of the selection.

"(e) QUALIFICATIONS OF PANEL MEMBERS APPOINTED BY THE GOVERNOR.—Each individual appointed to the panel by the Governor of the State will be specially qualified to serve on the panel by virtue of the individual's technical expertise in business and community development.

"(f) VACANCIES.—A vacancy on the panel shall be filled in the manner in which the original appointment was made.

"(g) CHAIRPERSON AND VICE CHAIRPERSON.—The panel shall have selected two members of the panel who are not officers or employees of the United States to serve as the chairperson and vice chairperson of the panel for a term of one year.

"(h) NO COMPENSATION FOR FEDERAL MEMBERS.—Except as provided in section 360(c)(6), each member of the panel who is an officer or employee of the Federal Government may not receive any compensation or benefits, in addition to that which such officer or employee receives for performance of such officer or employee's regular employment, by reason of service on the panel.

"(i) RULES GOVERNING PANEL MEETINGS.—

"(1) QUORUM.—A majority of the members of the panel shall constitute a quorum for the purpose of conducting business of the panel.

"(2) FREQUENCY OF MEETINGS.—The panel shall meet not less frequently than quarterly.

"(3) FIRST MEETING.—The State coordinator shall schedule the first panel meeting.

"(4) RECORDS OF MEETINGS.—The panel shall keep records of the minutes of the meetings, deliberations, and evaluations of the panel, in sufficient detail to enable the panel to provide to interested persons the reasons for its actions.".

(b) CONFORMING AMENDMENT.—Section 306(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(3)) is amended by striking "and not inconsistent" and all that follows through "undertaken for the area".

SEC. 202. LOAN AND LOAN GUARANTEE ALLOCATION AND TRANSFER.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.), as amended by section 201 of this Act, is amended by adding at the end the following:

"SEC. 362. LIMITED TRANSFER AUTHORITY OF LOAN AMOUNTS.

"(a) TRANSFER OF FUNDS.—If the sums appropriated for direct loans for the water and waste or community facility program authorized under section 306(a) and made available to the State under such program for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer, subject to subsection (b), to one program from the other such program part or all of the sums appropriated for loans made available to the State for such other program.

"(b) LIMITATION ON LOAN AMOUNTS TRANSFERRED.—(1) AMOUNTS TRANSFERRED WITHIN A STATE.—With regard to each State, the amount of direct loan funds transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.

"(2) AMOUNTS TRANSFERRED ON A NATIONAL BASIS.—On a national basis, the amount of direct loan funds transferred in a fiscal year from a program under this section (after accounting for any offsetting transfers into such program) shall not exceed $90,000,000.

"SEC. 363. ALLOCATION AND TRANSFER OF LOAN GUARANTEE AUTHORITY.

"(a) ALLOCATION OF LOAN GUARANTEE AUTHORITY.—The Secretary shall allocate among the States the loan guarantee authority appropriated under the water and waste or community facility program authorized under section 306(a), and the business and industry loan program authorized under section 310B, in a manner similar to that used for the allocation of direct loan and grant funds appropriated for such programs, and that the Secretary determines to be fair, reasonable, and appropriate.

"(b) TRANSFER OF LOAN GUARANTEE AUTHORITY.—(1) IN GENERAL.—If the sums appropriated for loan guarantees and made available to the State under a program specified in subsection (a) for the fiscal year are insufficient to enable the Secretary to provide the full amount of the assistance requested for a project specified in section 360(c)(4), the Secretary may transfer to the program from the other such programs part or all of the sums appropriated for loan guarantees made available to the State for such other program for such fiscal year.

"(2) LIMITATION ON GUARANTEE AMOUNTS TRANSFERRED.—With regard to each State, the amount of loan guarantees transferred from a program under this section shall not exceed the amount for such program left unobligated after obligating to each project in an application ranked higher in priority on the list described in section 361(b)(6) the full amount of assistance requested for each such project.".

TITLE III—ENHANCEMENT OF EXISTING RURAL DEVELOPMENT PROGRAMS

SEC. 301. REA TECHNICAL ASSISTANCE UNIT.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 17. TECHNICAL ASSISTANCE UNIT.

"(a) ESTABLISHMENT.—The Administrator shall establish a technical assistance unit to perform the duties described in subsection (b).

"(b) DUTIES.—The technical assistance unit established under subsection (a) shall—

"(1) provide advice and guidance to electric and telephone borrowers under this Act concerning the effective and prudent use by such borrowers of the investment authority under section 312 to promote rural development;

"(2) provide technical advice, troubleshooting, and guidance concerning the operation of programs or systems that receive assistance under this Act;

"(3) establish and administer various pilot projects through electric and telephone borrowers that the Administrator determines are useful or necessary, and recommend specific rural development projects for rural areas;

"(4) act as an information clearinghouse (using, to the extent practicable, the resources of the National Agricultural Library) and conduit to provide information to electric and telephone borrowers under this Act concerning useful and effective rural development efforts that such borrowers may wish to apply in their areas of operation and concerning State, regional, or local plans for long-term rural economic development;

"(5) provide information to electric and telephone borrowers under this Act concerning the eligibility of such borrowers to apply for financial assistance, loans, or grants from other Federal agencies and non-Federal sources to enable such borrowers to expand their rural development efforts; and

"(6) promote local partnerships and other coordination between borrowers under this Act and community organizations, States, counties, or other entities, to improve rural development.

"(c) FUNDING.—Not less than 3 per centum of the salaries and expenses of the Rural Electrification Administration shall be made available during each fiscal year to the technical assistance unit established in this section."

SEC. 302. DEFERMENT OF PAYMENT ON ECONOMIC DEVELOPMENT LOANS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by—

(1) inserting "(a)" before "The Administrator"; and

(2) adding at the end the following new subsection:

"(b)(1) The Administrator shall permit any borrower to defer the payment of principal and interest on any insured or direct loan made under this Act under circumstances described in this subsection, notwithstanding any limitation contained in subsection (a), except that such deferment shall not be permitted based on the determination of the Administrator of the financial hardship of the borrower.

"(2)(A) In the case of deferments made to enable the borrower to provide financing to local businesses, the deferment shall be repaid in equal installments, without the accrual of interest, over the sixty-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred.

"(B) In the case of deferments made to enable the borrower to provide community development assistance, technical assistance to businesses, or similar community, business, or economic development assistance, the deferment shall be repaid in equal installments, without the accrual of interest, over the one hundred and twenty-month period beginning on the date of the deferment, and the total amount of such payments shall be equal to the amount of the payment deferred.

"(3)(A) A borrower may defer its debt service payments only in an amount equal to an investment made by such borrower as described in paragraph (2).

"(B) The amount of the deferment shall not exceed 50 per centum of the cost of financing or assistance provided under paragraph (2).

"(C) The total amount of deferments under this subsection during each of the fiscal years 1990 through 1993 shall not exceed 3 per centum of the total payments due during such fiscal year from all borrowers on direct and insured loans made under this Act and shall not exceed 5 per centum of such total payments due in each subsequent fiscal year.

"(D) At the time of a deferment, the borrower shall make a payment to a cushion of credit account established and maintained pursuant to section 313 in an amount equal to the amount of the payment deferred. The balance of such account shall not be reduced by the borrower below the level of the unpaid balance of the payment deferred. Subject to limitations established in annual appropriations Acts, such cushion of credit amounts and any other cushion of credit and advance payments of any borrower shall be included in the interest differential calculation under section 313(b)(2)(A).

"(4) The Administrator shall undertake all reasonable efforts to permit the full amount of deferments authorized by this subsection during each fiscal year.".

SEC. 303. WATER AND WASTE LENDING BY BANKS FOR COOPERATIVES.

(a) AUTHORIZATION.—Section 3.7 of the Farm Credit Act of 1971 (12 U.S.C. 2128) is amended by adding at the end the following:

"(f) The banks for cooperatives are authorized, for the purpose of the installation, expansion, or improvement of water facilities or systems or waste disposal facilities, to make and participate in loans and commitments and to extend other technical and financial assistance to—

"(1) cooperatives formed specifically for the purpose of establishing or operating such systems; and

"(2) rural municipalities having populations not in excess of twenty thousand inhabitants, if the proceeds from such loans are used to expand existing water or waste facilities in such municipalities, to enhance the economic development of such municipalities, or to address health-related problems of the inhabitants of such municipalities.".

(b) CONFORMING CHANGE.—Section 3.8(b)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)) is amended by adding at the end the following:

"(D) Any cooperative or municipality described in section 3.7(f).".

SEC. 304. AMENDMENTS TO THE BUSINESS AND INDUSTRY LOAN PROGRAM.

Section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by—

(1) inserting before the first sentence the following: "The Secretary may also make and insure loans to small and very small rural businesses to assist in the startup and expansion of such businesses that have presented an application for a business project meeting the criteria established under section 361(b)(3)(A) to the applicable State rural economic development review panel defined in section 360(b)(7).";

(2) striking "$25,000,000" and inserting "$5,000,000"; and

(3) adding at the end the following: "The primary purpose of the program established under this subsection shall be to assist small and very small rural businesses, as provided in the first sentence of this subsection. For the purposes of this section, the term 'very small business' means a business having fewer than 30 employees; and the term 'small business' shall not be defined in such a manner as to be inconsistent with the definition of such term established by the Small Business Administration pursuant to section 112(b) of Public Law 94-305 (15 U.S.C. 632).".

SEC. 305. WATER OR WASTE DISPOSAL LOANS TO BENEFIT RURAL BUSINESSES.

Section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) is amended by inserting "rural businesses," after "farm laborers,".

SEC. 306. RURAL WASTEWATER TREATMENT CIRCUIT RIDER PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a national rural wastewater circuit rider grant program that shall be modeled after the existing National Rural Water Association Rural Water Circuit Rider Program that receives funding from the Farmers Home Administration.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $4,000,000 each fiscal year to carry out the program established under subsection (a).

SEC. 307. INCREASE ON LIMITATION OF AUTHORIZATION FOR WATER AND WASTE GRANTS.

Section 306(a)(2) of the Consolidated Farm and Rural Development Act is amended by striking ": Provided, That for fiscal years commencing after September 30, 1981, such grants may not exceed $154,900,000 in any fiscal year".

SEC. 308. LIMITATION ON CONDITIONS FOR WATER AND SEWER GRANTS AND LOANS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by adding the following new paragraph:

"(20) In making or insuring loans or making grants under this subsection, the Secretary may not condition approval of such loans or grants upon any requirement, condition or certification other than those specified under this Act.".

TITLE IV—RURAL DEVELOPMENT INFORMATION SHARING AND TECHNOLOGY TRANSFERS

SEC. 401. RURAL DEVELOPMENT INFORMATION SHARING.

Section 306(a)(12)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(12)(A)) is amended by inserting ", that shall be located in the National Agricultural Library," after "establish a system".

SEC. 402. RURAL TECHNOLOGY GRANTS.

(a) AUTHORIZATION.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking subsection (f) and inserting the following:

"(f)(1) The Secretary shall make grants under this subsection to nonprofit institutions for the purpose of enabling such institutions to establish and operate centers for rural technology or cooperative development.

"(2) Any nonprofit institution seeking a grant under paragraph (1) shall submit to the Secretary an application containing a plan for the establishment and operation by such institution of a center for rural technology or cooperative development. The Secretary may approve such application if such plan contains the following:

"(A) A provision that substantiates that such center will effectively serve rural areas in the United States.

"(B) A provision that the primary objective of such center will be to improve the economic condition of rural areas by promoting the development (through technological innovation or cooperative development and the adaptation of existing technology) and commercialization of—

"(i) new services and products that can be produced or provided in rural areas;

"(ii) new processes that can be utilized in the production of products in rural areas; and

"(iii) new enterprises that can add value to on-farm production through processing or marketing.

"(C) A description of the activities that such center will carry out to accomplish such objective. Such activities may include the following:

"(i) Programs for technology research, investigations, and basic feasibility studies in any field and discipline for the purpose of generating principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons or entities in rural areas served by such centers in the development and commercialization of new products, processes, or services.

"(ii) Programs for the collection, interpretation, and dissemination of existing principles, facts, technical knowledge, new technology, or other information that may be useful to rural industries, cooperatives, agribusinesses, and other persons in rural areas served by the center in the development and commercialization of new products, processes, or services.

"(iii) Programs providing training and instruction for individuals residing in rural areas served by the center with respect to the development (through technological innovation, cooperative development, and adaptation of existing technology) and commercialization of new products, processes, or services.

"(iv) Programs providing loans and grants to individuals, small businesses, and

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cooperatives in rural areas served by the center for purposes of generating, evaluating, developing, and commercializing new products, processes, or services.

"(v) Programs providing technical assistance and advisory services to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing and commercializing new products, processes, or services.

"(vi) Programs providing research and support to individuals, small businesses, cooperatives, and industries in rural areas served by the center for purposes of developing new agricultural enterprises to add value to on-farm production through processing or marketing.

"(D) A description of the contributions that such activities are likely to make to the improvement of the economic conditions of the rural areas for which such center will provide services.

"(E) Provisions that such center, in carrying out such activities, will seek, where appropriate, the advice, participation, expertise, and assistance of representatives of business, industry, educational institutions, the Federal Government, and State and local governments.

"(F) Provisions that such center—

"(i) will consult with any college or university administering any program under title V of the Rural Development Act of 1972 in the State in which such center is located; and

"(ii) will cooperate with such college or university in the coordination of such activities and such program.

"(G) Provisions that such center will take all practicable steps to develop continuing sources of financial support for such center, particularly from sources in the private sector.

"(H) Provisions for—

"(i) monitoring and evaluating such activities by the institution operating such center; and

"(ii) accounting for money received by such institution under this section.

"(I) Provisions that such center will provide for the optimal application of such technology and cooperative development in rural areas, especially those areas adversely affected by adverse agricultural economic conditions, through the establishment of demonstration projects and subcenters for—

"(i) rural technology development where the technology can be implemented by communities, community colleges, businesses, cooperatives, and other institutions; or

"(ii) cooperative development where such development can be implemented by cooperatives

to improve local economic conditions.

"(3) Grants made under paragraph (1) shall be made on a competitive basis. In making grants under paragraph (1), the Secretary shall give preference to grant applications providing for the establishment of centers for rural technology or cooperative development that—

"(A) can demonstrate the capability to transfer for practical application in rural areas the technology generated at such centers and the ability to commercialize products, processes, services, and enterprises in such rural areas;

"(B) will effectively serve in rural areas that have—

"(i) few rural industries and agribusinesses;

"(ii) high levels of unemployment or underemployment;

"(iii) high rates of out migration of people, businesses, and industries; and

"(iv) low levels of per capita income; and

"(C) will contribute the most to the improvement of economic conditions of rural areas.

"(4) As used in this subsection—

"(A) The term 'nonprofit institution' means any organization or institution, including an accredited institution of higher education, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(B) The term 'United States' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the other territories and possessions of the United States.

"(g) In carrying out subsection (f), the Secretary may provide technical assistance to alleviate or prevent conditions of excessive unemployment or underemployment of persons residing in economically distressed rural areas that the Secretary determines have a substantial need for such assistance. Such assistance shall include planning and feasibility studies, management and operational assistance, and studies evaluating the needs for development potential of projects that increase employment and improve economic growth in such areas.

"(h) The Secretary may make grants to defray not to exceed 75 per centum of the administrative costs incurred by organizations and public bodies to carry out projects for which grants or loans are made under subsection (f). For purposes of determining the non-Federal share of such costs, the Secretary shall consider contributions in cash and in kind, fairly evaluated, including but not limited to premises, equipment, and services.".

(b) Limitation on Authorization of Appropriations.—To carry out section 310B (f) and (h) of the Consolidated Farm and Rural Development Act, there are authorized to be appropriated to the Secretary not to exceed $50,000,000 for each of the fiscal years 1991, 1992, and 1993.

TITLE V—RURAL BUSINESS AND LEADERSHIP TRAINING

SEC. 501. EXTENSION SERVICE RURAL BUSINESS AND LEADERSHIP TRAINING PROGRAM.

(a) Establishment of Program.—Section 1 of chapter 79 of the Act of May 8, 1914 (7 U.S.C. 341) is amended by—

(1) inserting "(a) Agriculture, Energy and Home Economics Extension Work.—" before "In order to aid"; and

(2) adding at the end the following:

"(b) Rural Development Extension Work.—(1) National program.—The Secretary of Agriculture shall establish a national program, to be administered by the Extension Service, to provide rural citizens with training in, technical and management assistance regarding, and educational opportunities to enhance their knowledge of—

"(A) beginning new businesses through entrepreneurship;

"(B) the procedures necessary to establish new businesses in rural areas;

"(C) self-employment opportunities in rural areas;

"(D) the uses of modern telecommunications and computer technologies;

"(E) business and financial planning; and

"(F) such other training, assistance, and educational opportunities as the Secretary determines are necessary to carry out the program established under this subsection.

"(2) Leadership abilities.—The program established pursuant to this subsection shall provide assistance designed to increase the leadership abilities of residents in rural areas. Such assistance shall include—

"(A) information relative to the development of community goals;

"(B) instruction regarding the methods by which State or Federal funding for rural development projects might be obtained;

"(C) instruction regarding the successful writing of applications for loan or grant funds from government and private sources;

"(D) an updated listing of State, Federal, and other economic development programs available to rural areas; and

"(E) such other training, information, and assistance as the Secretary determines necessary to increase the leadership abilities of residents in rural areas.

"(3) Catalog of programs.—In order to facilitate the program established under this subsection, the extension service in each State should develop, maintain, and provide to each community, and make accessible to any other interested party, a catalog of available State, Federal, or private programs that provide leadership training or other information or services similar or complementary to the training or services required by this subsection. Such catalog should include, at a minimum, the following entities within the State that provide such training or services:

"(A) any rural electric cooperative;

"(B) any nonprofit company development corporation;

"(C) any economic development district that serves a rural community;

"(D) any nonprofit subsidiary of any private entity;

"(E) any nonprofit organization whose principal purpose is to promote economic development in rural areas;

"(F) any investor or publicly owned electric utility;

"(G) any small business development center or small business investment company;

"(H) any regional development organization;

"(I) any vocational or technical school;

"(J) any Federal, State or local government agency or department; and

"(K) any other entity that the Secretary deems appropriate.

The extension service in each State should include in the catalog information relative to the specific training or services provided by each entity in the catalog.

"(4) Employee training.—The Secretary shall provide training for State extension service employees to ensure that such employees understand the availability of rural development programs in their respective States and the availability of Extension Service staff qualified to provide to rural citizens and to State extension staff training and materials for technical, management, and educational assistance required by this subsection.".

(b) Coordination of Assistance.—The Secretary shall ensure, to the extent practicable, that assistance provided under subsection (a) is coordinated with and delivered in cooperation with similar services or assistance provided by other Federal agencies or programs for rural residents.

TITLE VI—RURAL ECONOMIC DEVELOPMENT RESEARCH

SEC. 601. RESEARCH ON NONTRADITIONAL USES OF AGRICULTURAL COMMODITIES.

The Secretary shall establish a program of competitive grants, to be administered in conjunction with the activities required under subtitle C of title XIV of the Food Se-

curity Act of 1985 (7 U.S.C. 4701 et seq.), for the purpose of conducting research on nonfood, nonfeed uses of agricultural commodities. The Secretary shall give priority in the awarding of grants under this section to research projects that the Secretary determines have the potential for developing new products from or processes for agricultural commodities that may be commercially implemented by small businesses.

SEC. 602. AUTHORIZATION OF RURAL DEVELOPMENT RESEARCH COMPETITIVE GRANTS.

The Secretary shall establish a program of competitive grants for the purpose of encouraging research and analysis of the social, economic, and other factors influencing the economic vitality of rural areas. Priority in the award of such grants to projects designed to research methods by which the social and economic vitality of rural areas can be enhanced.

SEC. 603. DEMONSTRATION PROJECTS.

The Secretary shall establish a program of competitive grants to rural areas to serve as demonstration areas for rural economic development and as models of such development for other areas. In awarding such grants the Secretary shall favorably consider a request for funds from a rural area that the Secretary determines—

(1) demonstrates the ability to supplement the grant funds provided under this section with other funds from State, local, or private sources;

(2) demonstrates the ability to use the grant funds to increase employment in the area; and

(3) can successfully serve as a demonstration area to share the results of the project to the benefit of other rural areas in the region.

SEC. 604. RURAL DEVELOPMENT RESEARCH ASSISTANCE.

Section 502 of the Rural Development Act of 1972 (7 U.S.C. 2662) is amended by adding at the end the following:

"(g) RESEARCH GRANTS.—

"(1) IN GENERAL.—In addition to the programs already conducted under this section, the Secretary shall also establish and carry out a program to award competitive research grants to land-grant colleges and universities, research foundations, and centers established by land-grant universities, State agricultural experiment stations, and to all colleges and universities having demonstrable capability in rural development research, as determined by the Secretary, to carry out research to evaluate the impact of Federal and State economic development policies and programs designed to improve economic competitiveness and diversification, support strategic planning for economic investments, improve human resources, and improve the data base for rural development decisionmaking in rural areas.

"(2) LIMITATION ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the Secretary not to exceed $3,000,000 in each fiscal year. Amounts appropriated under this subsection shall remain available until expended.".

TITLE VII—RURAL ELECTRIFICATION PROVISIONS

SEC. 701. SHORT TITLE; AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.

(a) SHORT TITLE.—This title may be cited as the "Rural Telecommunications Improvements Act of 1990".

(b) AMENDMENT OF RURAL ELECTRIFICATION ACT OF 1936.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Rural Electrification Act of 1936.

SEC. 702. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) making modern telecommunications technology and services available in rural areas in the United States promotes economic development and improves the quality of life in rural areas; and

(2) the efficient operation of the Rural Telephone Bank and the Rural Electrification Administration telephone loan programs is essential to the continued development of the telecommunications infrastructure in rural areas in the United States.

(b) STATEMENT OF POLICY.—It is the policy of the Congress that the Rural Telephone Bank and the Rural Electrification Administration make loans that facilitate the development and enhancement of the rural telecommunications infrastructure in order to make modern telecommunications technology and services available at reasonable rates to the greatest practicable number of people in rural areas in the United States.

Subtitle A—Amendment to Title I of the Rural Electrification Act of 1936

SEC. 711. GENERAL PROHIBITIONS.

Title I (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 18. GENERAL PROHIBITIONS.

"The Administrator and the Governor of the telephone bank shall not—

"(1) deny or reduce any loan or loan advance under this Act based on a borrower's level of general funds; or

"(2) make any loan or grant, or provide any guarantee, under this Act to any borrower of a telephone loan (or any subsidiary or affiliate of such a borrower) for electric service to others, or to any borrower of an electric loan (or any subsidiary or affiliate of such a borrower) for telephone service to others (except that this prohibition shall not apply to loans, grants, or guarantees for telephone service between the borrower and others) unless—

"(A) the borrower has obtained a certificate of convenience and necessity from, or otherwise obtained the consent of, the State regulatory authority with jurisdiction over the provision of such service; and

"(B) the Administrator or the Governor, as the case may be, has determined (and set forth the reasons therefor in writing) that such loan or grant will not be used to duplicate any lines, facilities, or systems.".

Subtitle B—Amendments Relating to Title II of the 1936 Act

SEC. 721. NONDUPLICATION OF TELEPHONE FACILITIES.

(a) IN GENERAL.—Section 201 (7 U.S.C. 922) is amended by striking the last sentence and inserting "The Administrator and the Governor of the telephone bank shall not make or guarantee a loan, or make a grant, for telephone purposes under this Act if the loan, guarantee, or grant would result in the duplication of lines, facilities, or systems that provide reasonably adequate service. For purposes of this Act, the term 'duplication' does not include upgrading.".

(b) CONFORMING AMENDMENT.—Section 408(b)(5) (7 U.S.C. 948(b)(5)) is amended by striking the 2nd sentence.

SEC. 722. UPDATED DEFINITION OF TELEPHONE SERVICE.

Section 203(a) (7 U.S.C. 924(a)) is amended—

(1) by inserting "or reception" after "transmission";

(2) by inserting "data," after "voice,"; and

(3) by striking "through the use of electricity between the transmitting and receiving apparatus" and inserting "by wire, fiber, radio, light, or other visual or electromagnetic means".

SEC. 723. LOAN FEASIBILITY.

Title II (7 U.S.C. 922 et seq.) is amended by adding at the end the following:

"SEC. 204. LOAN FEASIBILITY.

"The Administrator and the Governor of the telephone bank may not, as a condition of making a telephone loan to an applicant therefor, require the applicant to—

"(1) increase the rates charged to the applicant's customers or subscribers; or

"(2) increase the applicant's ratio of—

"(A) net income or margins before interest; to

"(B) the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 724. ENCOURAGEMENT OF INVESTMENT BY TELEPHONE BORROWERS IN RURAL DEVELOPMENT PROJECTS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the section added by section 723 of this title the following:

"SEC. 205. CERTAIN RURAL DEVELOPMENT INVESTMENTS BY QUALIFIED TELEPHONE BORROWERS NOT TREATED AS DIVIDENDS OR DISTRIBUTIONS.

"(a) IN GENERAL.—The Administrator and the Governor of the telephone bank shall not—

"(1) treat any amount invested by any qualified telephone borrower for any purpose described in section 607(c)(2) of the Rural Development Act of 1972 (including any investment in, or extension of credit, guarantee, or advance made to, an affiliated company of the borrower, that is used by such company for such a purpose) as a dividend or distribution of capital to the extent that, immediately after such investment, the aggregate of such investments does not exceed ⅓ of the net worth of the borrower; or

"(2) require a qualified telephone borrower to obtain the approval of the Administrator or the Governor of the telephone bank in order to make an investment described in paragraph (1).

"(b) QUALIFIED TELEPHONE BORROWER DEFINED.—As used in subsection (a), the term 'qualified telephone borrower' means a person—

"(1) to whom a telephone loan has been made or guaranteed under this Act; and

"(2) whose net worth is at least 20 percent of the total assets of such person.".

SEC. 725. IMPROVEMENTS IN TELEPHONE PROGRAM.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 723 and 724 of this title the following:

"SEC. 206. GENERAL DUTIES AND PROHIBITIONS.

"(a) DUTIES.—The Administrator and the Governor of the telephone bank shall—

"(1) notwithstanding section 553(a)(2) of title 5, United States Code, cause to be published in the Federal Register, in accordance with subsections (b) through (e) of section 553 of such title, all rules, regulations, bulletins, and other written policy standards governing the operations of the telephone loan and loan guarantee programs administered under this Act;

"(2) in evaluating the feasibility of a telephone loan to be made to a borrower for telephone services, use—

"(A) with respect to items for which the regulatory authority with jurisdiction over

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the provision of such services has approved the depreciation rates used by the borrower, such approved rates; and

"(B) with respect to other items, the average of the depreciation rates used by borrowers of telephone loans made under this Act;

"(3) annually determine and publish the average described in paragraph (2)(B); and

"(4) make loans for all purposes for which telephone loans are authorized under section 201 or 408, to the extent of qualifying applications therefor.

"(b) Prohibitions.—The Administrator and the Governor of the telephone bank shall not—

"(1) rescind an insured telephone loan, or a Rural Telephone Bank loan, made under this Act without the consent of the borrower, unless all of the purposes for which telephone loans have been made to the borrower under this Act have been accomplished with funds provided under this Act;

"(2) regulate the order or sequence of advances of funds under telephone loans made under this Act to any borrower who has received any combination of telephone loans from the Rural Electrification Administration, the Rural Telephone Bank, or the Federal Financing Bank; or

"(3) deny a loan or advance to, or take any other adverse action against, an applicant for, or a borrower of, a telephone loan under this Act for any reason that is not based on a rule, regulation, bulletin, or other written policy standard that has not been published pursuant to section 553 of title 5, United States Code.".

SEC. 726. PROMPT PROCESSING OF TELEPHONE LOANS.

Title II (7 U.S.C. 922 et seq.) is amended by adding after the sections added by sections 723, 724, and 725 of this title the following:

"SEC. 207. PROMPT PROCESSING OF TELEPHONE LOANS.

"Within ten days after the end of the second and fourth calendar quarters of each year, the Administrator shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, a report—

"(1) identifying each completed application for a telephone loan under section 305, a guarantee of a telephone loan under section 306, or a loan under section 408, that has not been finally acted upon within ninety days after the date the completed application is submitted; and

"(2) stating the reasons for the failure to finally act upon the completed applications within such ninety-day period.".

Subtitle C—Amendments Relating to Title III of the 1936 Act

SEC. 731. CREATION OF SEPARATE ELECTRIC AND TELEPHONE ACCOUNTS WITHIN RURAL ELECTRIC AND TELEPHONE REVOLVING FUND.

Section 302 (7 U.S.C. 932) is amended by adding at the end the following:

"(c)(1) The Administrator shall maintain two separate accounts within the fund, which shall be known as the electric account and the telephone account, respectively.

"(2)(A) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to electrification loan operations in the electric account.

"(B) The Administrator shall account for the assets, liabilities, income, expenses, and equity of the fund attributable to telephone loan operations in the telephone account.

"(3)(A) The assets accounted for in the electric account shall be available solely for electrification loan operations under this Act.

"(B) The assets accounted for in the telephone account shall be available solely for telephone loan operations under this Act (other than under title IV).".

SEC. 732. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR INSURED TELEPHONE LOANS.

Section 309 (7 U.S.C. 940) is amended by—

(1) designating the current section as subsection (a); and

(2) adding at the end the following:

"(b) The term of any telephone loan made under this title shall be determined by the borrower at the time the loan application is submitted.".

SEC. 733. TIER REQUIREMENT FOR INSURED TELEPHONE LOANS.

Section 305 (7 U.S.C. 935) is amended by adding at the end the following:

"(d) The Administrator shall make a telephone loan under this title to an applicant therefor who is otherwise qualified to receive such a loan at the highest interest rate (but not less than the lowest interest rate, nor higher than the highest interest rate, specified in subsection (b)) at which the borrower would be capable of producing net income or margins before interest payments of at least 100 per centum (but not more than 150 per centum) of the interest requirements on all of the applicant's outstanding and proposed loans.".

SEC. 734. CLARIFICATION OF TELEPHONE LOAN GUARANTEE AUTHORITY.

Section 306 (7 U.S.C. 936) is amended by inserting after the first sentence the following new sentence: "The Administrator shall not provide such assistance to any borrower of a telephone loan under this Act unless the borrower specifically applies for such assistance.".

Subtitle D—Amendments Relating to Title IV of the 1936 Act

SEC. 741. MODIFICATION OF RURAL TELEPHONE BANK BOARD.

(a) In General.—Section 405 (7 U.S.C. 945) is amended by striking all that precedes subsection (g) and inserting the following:

"SEC. 405. BOARD OF DIRECTORS.

"(a) In General.—The management of the telephone bank, within the limitations prescribed by law, shall be vested in a board of directors (in this title referred to as the Telephone Bank Board).

"(b) Membership.—The Telephone Bank Board shall consist of thirteen individuals, as follows:

"(1) Presidential appointees.—The President shall appoint seven individuals to serve on the Telephone Bank Board who shall serve at the pleasure of the President—

"(A) five of whom shall be officers or employees of the Department of Agriculture and not officers or employees of the Rural Electrification Administration; and

"(B) two of whom shall be from the general public and not officers or employees of the Federal Government.

"(2) Cooperative members.—The cooperative-type entities, and organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(3) Commercial members.—The commercial-type entities, and the organizations controlled by such entities, that hold class B or class C stock shall elect three individuals to serve on the Telephone Bank Board for a term of two years, by a plurality vote of the stockholders voting in the election.

"(c) Elections.—(1) Validity.—An election under paragraph (2) or (3) of subsection (b) shall not be considered valid unless a majority of the stockholders eligible to vote in the election have voted in the election.

"(2) Balloting.—Balloting in an election under paragraph (2) or (3) of subsection (b) shall be conducted by mail pursuant to the procedures authorized in the bylaws of the telephone bank.

"(3) No cumulative voting.—Cumulative voting shall not be permitted in any election under paragraph (2) or (3) of subsection (b).

"(d) Compensation.—(1) In general.—Except as provided in paragraph (2), each member of the Telephone Bank Board shall receive $100 per day for each day or part thereof, not to exceed fifty days per year, spent in the performance of their official duties, and shall be reimbursed for travel and other expenses in such manner and subject to such limitations as the Telephone Bank Board may prescribe.

"(2) Exceptions.—The five members of the Telephone Bank Board appointed under subsection (b)(1)(A) shall not receive compensation by reason of their service on the Telephone Bank Board.

"(e) Succession.—A member of the Telephone Bank Board may serve after the expiration of the term of office of such member until the successor for such member has taken office.

"(f) Chairperson.—The members of the Telephone Bank Board shall elect one of such members to be the Chairperson of the Board, in accordance with the bylaws of the telephone bank. The Chairperson shall preside at all meetings of the Board and may vote on a matter before the Board unless the vote would result in a tie vote on the matter.".

(b) Conforming Amendments.—Section 405 (7 U.S.C. 945) is amended—

(1) in subsection (g) by striking "(g) The" and inserting "(g) Bylaws.—The";

(2) in subsection (h) by striking "(h) The" and inserting "(h) Meetings.—The"; and

(3) in subsection (i) by striking "(i) The" and inserting "(i) Annual Report.—The".

(c) Applicability of Sunshine Act.—Section 405 (7 U.S.C. 945) is amended by adding at the end the following:

"(j) Open Meetings.—For purposes of section 552b of title 5, United States Code, the Telephone Bank Board shall be treated as an agency within the meaning of subsection (a)(1) of such section.".

SEC. 742. RURAL TELEPHONE BANK CAPITALIZATION.

Section 406(a) (7 U.S.C. 946(a)) is amended in the second sentence by striking "but not later than fiscal year 1991".

SEC. 743. PRO RATA PURCHASE OF RURAL TELEPHONE BANK STOCK BY RURAL TELEPHONE BANK BORROWERS.

The second sentence of section 406(d) (7 U.S.C. 946(d)) is amended by inserting ", by paying an amount equal to 5 per centum of the amount of each loan advance, at the time of such advance" before the period.

SEC. 744. CLARIFICATION OF AUTHORITY TO SET RURAL TELEPHONE BANK LOAN LEVELS.

Section 408(a) (7 U.S.C. 948(a)) is amended by striking "is authorized on behalf of the telephone bank to make loans," and inserting "shall make loans on behalf of the telephone bank, to the extent that there are qualifying applications therefor, subject *only to limitations as to amounts authorized for loans and advances as may be imposed by law enacted by the Congress of the United States for loans to be made in any one year, and".*

SEC. 745. BORROWERS TO DETERMINE AMORTIZATION PERIOD FOR RURAL TELEPHONE BANK LOANS.

Section 408 (7 U.S.C. 948) is amended by adding at the end the following:

"(d)(1) Except as provided in paragraph (2), the term of any loan made under this title shall be determined by the borrower at the time the loan is made.

"(2) The term of any loan made under this title shall not exceed the maximum term for which a loan may be made under section 4.".

SEC. 746. FULL USE OF RURAL TELEPHONE BANK LOAN AUTHORITY.

Section 412 (7 U.S.C. 950b) is amended to read as follows:

"SEC. 412. FULL USE OF TELEPHONE BANK LOAN AUTHORITY.

"(a) FULL USE.—(1) IN GENERAL.—If an appropriations Act authorizes the telephone bank to make loans in a fiscal year and such Act requires that, within available resources and available authority, gross obligations for the principal amount of such loans be not less than a specified amount and not more than a different specified amount, the Governor of the telephone bank shall obligate for such loans for such fiscal year, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor to the extent such unobligated funds do not exceed the greater of such specified amounts.

"(2) SPECIAL RULE.—Notwithstanding paragraph (1), until all unobligated funds available to the Governor of the telephone bank for any fiscal year before fiscal year 1990 have been expended, the Governor shall obligate for loans under this title, to the extent of qualifying applications therefor and without regard to nonstatutory quotas or other restrictions that may be sought to be imposed by or within the executive branch of the Federal Government, all unobligated funds available to the Governor.

"(b) RELATION TO OTHER LAW.—No subsequent statute may be held to supersede or modify this section, except to the extent that it does so expressly.".

SEC. 747. TECHNICAL AMENDMENTS RELATING TO THE RURAL TELEPHONE BANK PROVISIONS OF THE OMNIBUS BUDGET RECONCILIATION ACT OF 1987.

(a) SECTION 406(h) AMENDMENTS.—Section 406(h) (7 U.S.C. 946(h)) is amended—

(1) by inserting after the second sentence "All amounts so transferred shall not be transferred, directly or indirectly, to the reserve for contingencies."; and

(2) by striking "Rural Telephone Bank Borrowers Fairness" and inserting "Omnibus Budget Reconciliation".

(b) SECTION 408(b)(3) AMENDMENTS.—Section 408(b)(3) (7 U.S.C. 948(b)(3)) is amended—

(1) in subparagraph (B), by striking "paragraph" and inserting "subparagraph";

(2) in subparagraph (D)(ii), by adding at the end the following: "For purposes of the calculation under this subparagraph, such rate shall be zero."; and

(3) in subparagraph (E), by striking "subparagraph" the second place such term appears and inserting "paragraph".

Subtitle E—Effective Date

SEC. 751. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this title.

(b) TECHNICAL AMENDMENTS.—The amendments made by section 747 of this title shall take effect as if such amendments had been included in chapter 2 of subtitle D of title I of the Omnibus Budget Reconciliation Act of 1987 on the date of the enactment of such chapter.

TITLE VIII—MISCELLANEOUS

SEC. 801. REGULATIONS.

Except as otherwise provided in this Act, no later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate such regulations as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 802. ENCOURAGEMENT OF PRIVATE CONTRACTING.

(a) For the purpose of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture is encouraged, where appropriate and feasible, to use private enterprise concerns located in rural areas, rather than government employees or government enterprises, to provide commercial activities or products to carry out the purposes of this Act.

(b) The Secretary shall develop and implement a plan that will result in increasing the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of this Act.

SEC. 803. LOAN RATES APPLICABLE TO CERTAIN LOANS UNDER THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by—

(1) in subparagraph (A) striking "guranteed" and inserting "guaranteed"; and

(2) adding at the end thereof the following new subparagraph:

"(C) Notwithstanding the provisions of subparagraph (A), the Secretary shall establish loan rates for health care and related facilities that shall be based solely on the income of the area to be served, and such rates shall be otherwise consistent with the provisions of such subparagraph.".

SEC. 804. ASSISTANCE FOR CERTAIN DISTRESSED COMMUNITY FACILITY PROGRAM BORROWERS.

(a) AMENDMENT.—The Consolidated Farm and Rural Development Act is amended by inserting after section 353 (7 U.S.C. 2001) the following new section:

"SEC. 353A. DEBT RESTRUCTURING AND LOAN SERVICING FOR COMMUNITY FACILITY LOANS.

"The Secretary shall establish and implement a program that is similar to the program established under section 353, except that the debt restructuring and loan servicing procedures shall apply to delinquent community facility program loans (rather than delinquent farmer program loans) made by the Farmers Home Administration to a hospital or health care facility under section 306(a).".

(b) REGULATIONS.—Not later than one hundred and twenty days after the date of enactment of this Act, the Secretary shall promulgate regulations, as modeled after those promulgated under such section 353, that implement the program established under this section.

SEC. 805. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

Subtitle A of the Consolidated Farm and Rural Development Act is amended by adding after section 306A (7 U.S.C. 1926a) the following new section:

"SEC. 306B. WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.

"(a) WATER AND WASTE FACILITY LOANS AND GRANTS TO ALLEVIATE HEALTH RISKS.—(1) The Secretary shall make or insure loans and make grants to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, and public agencies, to provide for the conservation, development, use, and control of water (including the extension or improvement of existing water supply systems), and the installation or improvement of drainage or waste disposal facilities and essential community facilities including necessary related equipment. Such loans and grants shall be available only to provide such water and waste facilities and services to communities whose residents face significant health risks, as determined by the Secretary, due to the fact that a significant proportion of the community's residents do not have access to, or are not served by, adequate affordable—

"(A) water supply systems; or

"(B) waste disposal facilities.

"(2) Loans made or insured or grants made under this section to rural water supply corporations, cooperatives, or similar entities, Indian tribes on Federal and State reservations and other federally recognized Indian tribes, or public agencies shall be made only if the loan or grant funds will be used primarily to provide water or waste services, or both, to residents of a county in which—

"(A) the per capita income of the residents of such county is less than or equal to 70 per centum of the national average per capita income, as determined by the Department of Commerce; and

"(B) the unemployment rate of the residents of such county is greater than or equal to 125 per centum of the national average unemployment rate, as determined by the Bureau of Labor Statistics.

"(b) LOANS TO INDIVIDUALS.—(1) The Secretary shall make or insure loans and make grants to individuals who reside in a community described in subsection (a)(1) for the purpose of extending water supply and waste disposal systems or connecting such systems to the residences of such individuals. Such loans shall be at a rate of interest no greater than the Federal Financing Bank rate on loans of a similar term at the time such loans are made. The repayment of such loans shall be amortized over the expected life of the water supply or waste disposal system to which the residence of the borrower will be connected.

"(2) The loans and grants to individuals authorized under paragraph (1) shall be made—

"(A) directly to such individuals by the Secretary; or

"(B) to such individuals through the rural water supply corporation, cooperative, or similar entity, or public agency, providing such water supply or waste disposal services, pursuant to regulations issued by the Secretary.

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"(c) PREFERENCE.—The Secretary shall give preference in the awarding of loans and grants to—

"(1) rural water supply corporations, cooperatives, or similar entities, or public agencies, as provided under subsection (a), proposing to provide water supply or waste disposal services to the residents of those rural subdivisions commonly referred to as colonias, that are characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities; and

"(2) individuals, as provided under subsection (b), who reside in a rural subdivision commonly referred to as a colonia, that is characterized by substandard housing, inadequate roads and drainage, and a lack of adequate water or waste facilities.

"(d) DEFINITION.—For the purposes of this section the term 'cooperative' means a cooperative formed specifically for the purpose of the installation, expansion, improvement, or operation of water supply or waste disposal facilities or systems.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated funds to carry out the purposes of this section as follows:

"(1) for grants as provided by this section, $30,000,000 per fiscal year; and

"(2) for loans as provided by this section, $30,000,000 per fiscal year.".

SEC. 806. PRESERVATION OF ELIGIBILITY.

Notwithstanding any other provision of law, nothing in this Act shall be construed to adversely affect the eligibility, as it existed on the date of enactment of this Act, of cooperatives and other entities for any other credit assistance under Federal law.

SEC. 807. BUY-AMERICAN REQUIREMENT.

(a) DETERMINATION BY THE ADMINISTRATOR.—If the Administrator, with the concurrence of the United States Trade Representative and the Secretary of Commerce, determines that the public interest so requires, the Administrator may award to a domestic firm a contract that, under the use of competitive procedures, would be awarded to a foreign firm, if—

(1) the final product of the domestic firm will be completely assembled in the United States;

(2) when completely assembled, not less than 51 percent of the final product of the domestic firm will be domestically produced; and

(3) the difference between the bids submitted by the foreign and domestic firms is not more than 6 percent.

In determining under this subsection whether the public interest so requires, the Administrator shall take into account United States international obligations and trade relations.

(b) LIMITED APPLICATION.—This section shall not apply to the extent to which—

(1) such applicability would not be in the public interest;

(2) compelling national security considerations require otherwise; or

(3) the United States Trade Representative determines that such an award would be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party.

(c) LIMITATION.—This section shall apply only to contracts for which—

(1) amounts are authorized by this Act (including the amendments made by this Act) to be made available; and

(2) solicitations for bids are issued after the date of the enactment of this Act.

(d) REPORT TO CONGRESS.—The Administrator shall report to the Congress on—

(1) contracts covered under this section and entered into with foreign entities in fiscal years ending after the date of the enactment of this Act;

(2) the number of contracts that meet the requirements of subsection (a) but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or an international agreement to which the United States is a party; and

(3) the number of contracts that (but for this section) would have been awarded to foreign firms under this Act and the amendments made by this Act.

(e) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—The Secretary of Commerce shall declare any person ineligible to bid for a Federal contract for a period of 3 to 5 years who intentionally affixes a label bearing a "Made in America" inscription to any product sold or shipped to the United States that is not made in America and may bring action against such person to enforce this section in any United States district court.

(f) DEFINITIONS.—As used in this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) DOMESTIC FIRM.—The term "domestic firm" means a business entity that is incorporated in the United States and that conducts business operations in the United States.

(3) FOREIGN FIRM.—The term "foreign firm" means a business entity not described in paragraph (2).

(4) PERSON.—The term "person" means a person or individual, corporation, partnership, limited partnership, joint venture and all and any business entity engaged in a business transaction with the United States Federal Government.

SEC. 808. STATE PROGRAMS NOT AFFECTED.

Nothing in this Act shall be interpreted to preclude States from creating and maintaining other rural development programs.

SEC. 809. TECHNICAL CORRECTIONS.

(a) SECTION 308 AMENDMENTS.—Section 308 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1928) is amended—

(1) in paragraph (a), by striking "prescribe,;" and inserting "prescribe;"; and

(2) by redesignating paragraphs (a) and (b), as paragraphs (1) and (2), respectively.

(b) SECTION 310B(d) AMENDMENTS.—Section 310B(d) of such Act (7 U.S.C. 1932(d)) is amended—

(1) by moving paragraphs (4), (5), and (6) two ems to the left so that the left margin of such paragraphs is aligned with the left margin of paragraph (3);

(2) in paragraph (3), by striking "paragraph (1) and (2)" and inserting "paragraphs (2) and (3)";

(3) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively; and

(4) by inserting "(1)" after "(d)".

(c) AMENDMENTS RELATING TO SECTION 331.—

(1) Section 331 Amendments.—Section 331 of such Act (7 U.S.C. 1981) is amended—

(A) in the second undesignated subsection—

(i) by moving paragraphs (f), (g), (h), and (i) two ems to the right so that the left margin of each of such paragraphs is aligned with the left margin of paragraph (e);

(ii) in paragraph (f), by striking "Release" and inserting "release";

(iii) in paragraph (g), by striking "Obtain" and inserting "obtain";

(iv) in paragraph (h), by striking "Not" and inserting "not";

(v) in paragraph (i)—

(I) by striking "Consent" and inserting "consent"; and

(II) by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(vi) in paragraph (d), by redesignating subparagraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(vii) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10), respectively; and

(B) by redesignating the first and second undesignated subsections as subsection (a) and (b), respectively.

(2) CONFORMING AMENDMENTS.—Section 357(b) of such Act (7 U.S.C. 2005(b)) is amended by striking "331(d)" each place such term appears and inserting "331(b)(4)".

(d) SECTION 333A(c) AMENDMENT.—Section 333A(c) of such Act (7 U.S.C. 1983a(c)) is amended by striking "In" and inserting "If".

(e) SECTION 335(c)(2)(D) AMENDMENT.—Section 335(c)(2)(D) of such Act (7 U.S.C. 1985(c)(2)(D)) is amended by striking "caused" and inserting "cause".

(f) SECTION 343(a) AMENDMENTS.—Section 343(a) of such Act (7 U.S.C. 1991(a)) is amended—

(1) in paragraph (1), by striking "and";

(2) in paragraph (3), by striking "and" the third place such term appears; and

(3) in paragraph (5), by striking "contract of insurance" and inserting "'contract of insurance'".

(g) SECTION 346(b) AMENDMENTS.—Section 346(b) of such Act (7 U.S.C. 1994(b)) is amended—

(1) in paragraph (1)(B), by striking "subparagraph (C)" and inserting "paragraph (3)";

(2) in paragraph (1)(C), by striking "subparagraph (A)" and inserting "paragraph (1)";

(3) by redesignating paragraphs (1) (A), (B), (C), (D)(i), and (E) as paragraphs (1), (2), (3), (4), and (5), respectively;

(4) in paragraph (2) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(5) in each of the subparagraphs redesignated as such by paragraph (4) of this subsection, by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively; and

(6) in paragraph (5) (as so redesignated by paragraph (3) of this subsection), by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively.

(h) SECTION 349(a) AMENDMENT.—Section 349(a) of such Act (7 U.S.C. 1997(a)) is amended by redesignating paragraph (5) as paragraph (4).

TITLE IX—NATIONAL FOREST-DEPENDENT RURAL COMMUNITIES

SEC. 901. SHORT TITLE.

This title may be cited as the "National Forest-Dependent Rural Communities Economic Diversification Act of 1990".

SEC. 902. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the economic well-being of rural America is vital to our national growth and prosperity;

(2) the economic well-being of many rural communities depends upon the goods and services that are derived from national forests;

(3) the economies of many of these communities suffer from a lack of industrial and business diversity;

(4) this lack of diversity is particularly serious in communities whose economies are predominantly dependent on timber and recreation resources and where management decisions made on the national forests may disrupt the supply of those resources;

(5) the Forest Service has expertise and resources that could be directed to promote modernization and economic diversification of existing industries and services based on forest resources;

(6) the Forest Service has the technical expertise to provide leadership, in cooperation with other governmental agencies and the private sector, to assist rural communities dependent upon national forest resources to upgrade existing industries and diversify by developing new economic activity in non-forest-related industries; and

(7) technical assistance, training, education, and other assistance provided by the Department of Agriculture can be targeted to provide immediate help to those rural communities in greatest need.

(b) Purposes.—The purposes of this title are—

(1) to provide assistance to rural communities that are located in or near national forests and that are economically dependent upon forest resources or are likely to be economically disadvantaged by Federal land management practices;

(2) to aid in diversifying such communities' economic bases; and

(3) to improve the economic, social, and environmental well-being of rural America.

SEC. 903. DEFINITIONS.

As used in this title—

(1) the term "action team" means a rural forestry and economic diversification action team established by the Secretary pursuant to section 904(b);

(2) the term "economically disadvantaged" means economic hardship due to the loss of jobs or income (labor or proprietor) derived from forestry, the wood products industry, or related commercial enterprises such as recreation and tourism in the national forest;

(3) the term "rural community" means—

(A) any town, township, municipality, or other similar unit of general purpose local government having a population of not more than ten thousand (according to the latest decennial census) that is located in a county where at least 15 per centum of the total labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation and tourism; or

(B) any county or similar unit of general purpose local government having a population of not more than twenty-two thousand five hundred and fifty (according to the latest decennial census) in which at least 15 per centum of the total labor and proprietor income is derived from forestry, wood products, and forest-related industries such as recreation and tourism

that is located within the boundary, or within one hundred miles of the boundary, of a national forest; and

(4) the term "Secretary" means the Secretary of Agriculture.

SEC. 904. RURAL FORESTRY AND ECONOMIC DIVERSIFICATION ACTION TEAMS.

(a) Requests for Assistance.—Economically disadvantaged rural communities may request assistance from the Secretary in identifying opportunities that will promote economic improvement and diversification.

(b) Establishment.—Upon request, the Secretary is authorized to establish rural forestry and economic diversification action teams to prepare an action plan to provide technical assistance to economically disadvantaged communities. The action plan shall identify opportunities to promote economic diversification and enhance local economies now dependent upon national forest resources. The action team may also identify opportunities to utilize value-added products and services derived from national forest resources.

(c) Organization.—The Secretary shall design and organize any action team established pursuant to subsection (b) to meet the unique needs of the requesting rural community. Each action team shall be directed by an employee of the Forest Service and may include personnel from other agencies within the Department of Agriculture, from other Federal and State departments and agencies, and from the private sector.

(d) Cooperation.—In preparing action plans, the Secretary is authorized to cooperate with State and local governments, universities, private companies, individuals, and nonprofit organizations for procurement of services determined necessary or desirable.

(e) Eligibility.—The Secretary shall ensure that no substantially similar geographical or defined local area in a State receives both a grant for technical assistance to an economically disadvantaged community under this title and a grant for assistance under a designated rural development program, as defined in section 360(b)(2) of the Consolidated Farm and Rural Development Act, during any continuous five-year period.

(f) Approval.—After reviewing requests under this section for financial and economic feasibility and viability, the Secretary shall approve and implement in accordance with section 905 those action plans that will achieve the purposes of this title.

SEC. 905. ACTION PLAN IMPLEMENTATION.

(a) In General.—Action plans shall be implemented, insofar as practicable, to upgrade existing industries to use forest resources more efficiently and to expand the economic base of rural communities so as to alleviate or reduce their dependence on national forest resources.

(b) Assistance.—To implement action plans, the Secretary is authorized to make grants and enter into cooperative agreements and contracts to provide necessary technical and related assistance. Such grants, cooperative agreements, and contracts may be with the affected rural community, State and local governments, universities, corporations and other persons.

(c) Limitation.—The Federal contribution to the overall implementation of an action plan shall not exceed 80 per centum of the total cost, including administrative and other costs. The Secretary shall attribute the fair market value of equipment, personnel, and services provided in calculating the Federal contribution.

(d) Available Authority.—The Secretary may utilize the Secretary's existing authorities under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) and other authorities in implementing action plans.

SEC. 906. TRAINING AND EDUCATION.

(a) Programs.—In furtherance of an action plan, the Secretary is authorized to utilize the Extension Service of the Department of Agriculture to develop and conduct education programs that assist businesses, elected or appointed officials, and individuals in rural communities to deal with the effects of a transition from being economically disadvantaged to economic diversification. These programs may include—

(1) community economic analysis and strategic planning;

(2) methods for improving and retooling existing enterprises now dependent on national forest resources;

(3) methods for expanding existing enterprises and creating new economic opportunities by emphasizing economic opportunities in other industries or services not dependent on national forest resources; and

(4) assistance in the evaluation, counseling, and enhancement of vocational skills, training in basic and remedial literacy skills, assistance in job seeking skills, and training in starting or operating a business enterprise.

(b) Existing Educational and Training Programs.—Insofar as practicable, the Secretary shall utilize existing Federal, State, and private education resources in carrying out these programs.

SEC. 907. LOANS TO ECONOMICALLY DISADVANTAGED RURAL COMMUNITIES.

(a) In General.—The Secretary, under such terms and conditions as the Secretary shall establish, may make loans to economically disadvantaged rural communities for the purposes of securing technical assistance and services to aid in the development and implementation of action plans, including planning for—

(1) improving existing facilities in the community that may generate employment or revenue;

(2) expanding existing infrastructure, facilities, and services to capitalize on opportunities to diversify economies now dependent on national forest resources; and

(3) supporting the development of new industries or commercial ventures unrelated to national forest resources.

(b) Interest and Other Charges.—The interest rates on a loan made pursuant to this section shall be as determined by the Secretary, but not in excess of the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturity of such loan, plus not to exceed 1 per centum, as determined by the Secretary, and adjusted to the nearest one-eighth of 1 per centum.

SEC. 908. AUTHORIZATION OF APPROPRIATIONS AND SPENDING AUTHORITY.

(a) Authorization of Appropriations.—Except as provided in subsection (b), there is authorized to be appropriated—

(1) an amount not to exceed an amount that is equal to 5 per centum of the sums received by the Secretary from sales of timber and other products of the forests, and of user fees paid in connection with the use of forest lands; and

(2) such additional sums as may be necessary to carry out the purposes of this title.

(b) Limitation on Authorization.—Subsection (a) shall not in any way affect payments to the States pursuant to chapter 192 of the Act of May 23, 1908 (16 U.S.C. 500).

(c) Spending Authority.—Any spending authority (as defined in section 401 of the Congressional Budget Act of 1974) provided in this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

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TITLE X—ENHANCING HUMAN RESOURCES

SEC. 1001. SHORT TITLE.

This title may be cited as the "Rural Business Development and Telecommunications Act of 1990".

Subtitle A—Rural Business Development

SEC. 1011. PURPOSES.

The purposes of this subtitle are to—

(1) provide funds to improve telecommunications service in rural areas; and

(2) provide access to advanced telecommunications services and computer networks to improve job opportunities and the business environment in rural areas.

SEC. 1012. LOANS FOR BUSINESS TELECOMMUNICATIONS PARTNERSHIPS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding after the subsections added by section 402(a) of this Act the following:

"(i) Loans for Business Telecommunications Partnerships.—

"(1) In general.—The Administrator may make loans under this subsection at low interest rates and at market rates to 1 or more businesses, local governments, or public agencies in rural areas to fund facilities in which the recipients of such loans share telecommunications terminal equipment, computers, computer software, and computer hardware.

"(2) General requirements.—

"(A) Application process.—

"(i) Submission of application.—Any entity desiring a loan under this subsection shall submit an application therefor to the Administrator.

"(ii) Contents of application.—Each application for a loan under this subsection shall include—

"(I) a detailed explanation of the proposed rural telecommunications system, including the general telecommunications transmission services and facilities required, and a list of the specific equipment that the applicant proposes to purchase or lease, to implement the system;

"(II) a description of the manner in which the proposed project is to be funded;

"(III) a copy of a binding commitment entered into between the applicant and each entity which is legally permitted to provide, and from which the applicant is to obtain, the telecommunications services and facilities required for the project, which stipulates that if the applicant receives the loan requested in the application the entity will provide such telecommunications services and facilities in the area served by the entity within a reasonable time and at a charge which is in accordance with State law;

"(IV) a description of the manner in which the applicant intends to use the loan requested in the application;

"(V) a description of how the proposed project will be evaluated; and

"(VI) such other information as the Administrator may reasonably require.

"(B) Consideration of applications.—

"(i) Review by administrator.—The Administrator shall—

"(I) review each application submitted pursuant to subparagraph (A)(i);

"(II) determine whether or not the application meets the requirements of subparagraph (A)(ii);

"(III) approve each application which meets such requirements;

"(IV) disapprove each application which fails to meet such requirements; and

"(V) transmit each approved application to the review panel of the State in which the entity which submitted the application intends to implement the project described in the application.

"(ii) Review by state review panels.—

"(I) In general.—The review panel of a State shall examine each application transmitted to the review panel pursuant to clause (i)(V) to determine the technical and economic adequacy and feasibility of the project described in the application and the likelihood that the project will succeed.

"(II) Authority to obtain information from applicants.—Each entity which submits an application for a loan under this subsection shall provide the review panel of the State in which the partnership intends to implement the project described in the application such information as the review panel may reasonably request to assist in reviewing the application.

"(III) Authority to request applicants to modify projects.—The review panel may, before final consideration of an application of an entity for a loan under this subsection, request the entity to modify the project described in the application.

"(iii) Ranking of applications.—

"(I) In general.—The review panel of each State shall rank, pursuant to a written policy and criteria, the applications that the review panel receives during any fiscal year for a loan under this subsection, in an order which takes into account—

"(aa) the results of the review conducted under clause (i);

"(bb) the extent to which the projects described in the applications would promote any area plan (as defined in section 360(b)(1)) developed for the areas in which the projects are to be implemented; and

"(cc) in the case of a project which would duplicate existing services, the reasons therefor.

"(II) Grouping of applications.—The review panel shall separate into 2 groups the applications for a loan under this subsection received by the review panel during a fiscal year. The 1st group shall consist of the applications received during the 1st 6 months of the fiscal year. The 2nd group shall consist of the applications received during the 2nd 6 months of the fiscal year.

"(III) Competition among applications.—The review panel shall consider each application in a group to be competing only with the other applications in the group.

"(IV) Written policy and criteria.—

"(aa) In general.—Subject to subdivision (bb), the review panel shall develop the written policy and criteria to be used to rank applications, in the same manner as the review panel develops the written policy and criteria used for purposes of section 361(b)(3).

"(bb) Prohibition against development or acquisition of telecommunications transmission facilities.—The policy and criteria developed under subdivision (aa) shall require that the project described in an application not include the development or acquisition of telecommunications transmission facilities.

"(iv) Transmittal of ranked applications.—A review panel in a State shall transmit to the State coordinator appointed pursuant to section 360(b)(3)(A)(ii) each list of applications ranked pursuant to clause (ii) of this subsection, in the same manner in which lists of applications ranked pursuant to section 361(b) are transmitted to the State coordinator pursuant to section 361. The State coordinator shall transmit to the Administrator each such list received by the State coordinator.

"(C) Priority.—The Administrator shall establish procedures to target loans under this subsection to the rural areas and applicants that demonstrate the need for such loans, taking into consideration—

"(i) the relative needs of all applicants;

"(ii) the needs of the affected rural areas;

"(iii) the financial ability of the applicants, without such loans, to use telecommunications for the business purposes for which such loans may be made; and

"(iv) the recommendations of the review panels for the States in which such areas are located.

"(D) Report required if administrator intends to fund projects other than as recommended by review panel.—If the Administrator determines to provide loans under this subsection to projects in a State other than in the manner recommended by the review panel of the State, the Administrator—

"(i) within 10 days after making such determination, shall submit to the review panel, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the reasons for providing loans to projects other than in the manner so recommended; and

"(ii) shall not provide such loans before the end of the 7-day period beginning on the date the review panel and such committees have received such report.

"(E) Monitoring of use of loans.—The Administrator shall take such steps as may be necessary to ensure that loans provided under this subsection are used in accordance with the approved application therefor.

"(3) Relationship to state law.—This subsection shall not be construed to affect in any manner the applicability of the Communications Act of 1934, the regulations and orders prescribed thereunder, or any State or local law relating to the regulation or provision of telecommunications facilities or services.

"(4) Regulations.—Not later than 120 days after the date of the enactment of this subsection, the Administrator shall prescribe final regulations governing the loan program established under this subsection, in accordance with the notice and comment rulemaking requirements described in section 553 of title 5, United States Code, notwithstanding subsection (a)(2) of such section 553.

"(5) Definitions.—As used in this subsection:

"(A) Administrator.—The term 'Administrator' means the Administrator of the Rural Development Administration.

"(B) Review panel.—The term 'review panel' means, with respect to a State, the rural economic development review panel of the State, as established pursuant to section 361.

"(C) Rural area.—The term 'rural area' has the meaning given such term in section 306(a)(7) for purposes of loans for essential community facilities under section 306(a)(1).

"(D) Telecommunications terminal equipment.—The term 'telecommunications terminal equipment' means telecommunications equipment (excluding telecommunications transmission facilities) that—

"(i) interconnects with telecommunications transmission facilities; and

"(ii) modifies, converts, encodes, or otherwise prepares signals to be transmitted *through, or modifies, reconverts, or carries signals received from, the facilities.*

"(E) Telecommunications transmission facilities.—The term 'telecommunications transmission facilities' means facilities (other than telecommunications terminal equipment) that transmit, receive, or carry signals between the telecommunications terminal equipment at each end of a telecommunications circuit or path.

"(6) Treatment of loan program as designated rural development program.—For purposes of this title, the loan program established under this subsection shall be treated as a designated rural development program (within the meaning of section 360(b)(2)).

"(7) Limitations on authorization of appropriations.—

"(A) In general.—For loans under this subsection, there are authorized to be appropriated to the Administrator $15,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

"(B) Availability.—Amounts appropriated pursuant to subparagraph (A) shall remain available until expended.".

Subtitle B—Rural Telecommunications Provisions

SEC. 1021. RURAL TELECOMMUNICATIONS ZONES.

(a) Lists of State Rural Telecommunications Zones.—

(1) Preparation of list.—Not later than July 1 of each calendar year, the Administrator shall, in accordance with regulations prescribed pursuant to subsection (e), prepare a report, for the Federal fiscal year beginning on October 1 of the calendar year, which—

(A) contains a list compiled in accordance with paragraph (2) of the rural areas in each State that will have advanced telecommunications capability in place not later than the end of the 2-year period beginning on October 1 of the calendar year;

(B) contains the reasons why the Administrator has determined that such rural areas will be as described in subparagraph (A);

(C) ranks such rural areas in the order in which the Administrator desires data processing (or other telecommunications intensive) firms to locate in such areas during the Federal fiscal year beginning in the calendar year, based on projections of—

(i) the facilities in place in the area which provide advanced telecommunications capabilities;

(ii) the economic infrastructure needs of the area;

(iii) the employment needs of the area;

(iv) the availability of persons with telecommunications skills in the area; and

(v) the cost of labor in the area; and

(D) for each rural area on the list, provides a summary of the characteristics of the area which are set forth in subparagraph (C).

(2) Number of rural areas per State in list.—The number of rural areas in a State that the Administrator shall include on the list prepared pursuant to paragraph (1) shall be the greater of—

(A) the product of—

(i) the number of individuals who reside in rural areas in the State rounded down to the greatest multiple of 1,000,000 which is less than such number of individuals; and

(ii) 3/1,000,000; and

(B) 3.

(b) Provision of Report to Federal Agencies Considering Relocating Data Processing Operations.—The Administrator shall provide to each Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year a copy of the report prepared pursuant to subsection (a) for the fiscal year.

(c) Agencies Required To Analyze Costs and Benefits of Certain Relocation Options.—Any Federal agency that is considering relocating a data processing (or other telecommunications intensive) operation to a new street address during a Federal fiscal year shall—

(1) obtain from the Administrator a copy of the report prepared for the fiscal year pursuant to subsection (a);

(2) select from the list contained in the report at least 1 or more areas which the agency regards as best meeting the requirements of the agency's data processing (or other telecommunications intensive) operation; and

(3) perform a comparative analysis of the costs and benefits of—

(A) not relocating the operation;

(B) relocating the operation to any of the areas selected from the list; and

(C) relocating the operation to any other area to which the agency is considering relocating.

(d) Report Required if Agency Does Not Relocate Data Processing Operation to Area Selected From List.—If a Federal agency is not prohibited by law from relocating a data processing operation to any area selected by the agency pursuant to subsection (c)(2), and the agency determines that the operation is to be relocated to an area other than any such selected area, the agency shall submit a report detailing the reasons for the determination to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Administrator, the Administrator of the Rural Electrification Administration, and the Administrator of the General Services Administration.

(e) Regulations.—The Administrator shall, in consultation with the Administrator of the Rural Electrification Administration, prescribe such regulations as may be necessary to carry out this section.

(f) Definitions.—As used in this section:

(1) Administrator.—The term "Administrator" means the Administrator of the Rural Development Administration.

(2) Rural area.—The term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

SEC. 1022. GRANTS FOR EMERGENCY PUBLIC SAFETY TELEPHONE ANSWERING SYSTEMS.

(a) In General.—The Under Secretary shall make grants to eligible governments for the development and installation of emergency public safety telephone answering systems, including the construction and installation of such street signs, the assignment of street numbers to such locations, and the preparation of such maps as may be required for such systems to operate effectively.

(b) Maximum Grant Per Local Government.—The Under Secretary shall not make a grant exceeding $30,000 under subsection (a) to any local government.

(c) Maximum Amount of Grants Per Year.—The Under Secretary shall not make grants aggregating more than $3,000,000 under subsection (a) in any fiscal year.

(d) Limitation on Authorization of Appropriations.—For grants under subsection (a), there are authorized to be appropriated to the Under Secretary not to exceed $3,000,000 for each of fiscal years 1990, 1991, 1992, 1993, and 1994.

(e) Definitions.—As used in this section:

(1) Eligible government.—The term "eligible government" means a political subdivision of a State—

(A) which is in a rural area; and

(B) which the Under Secretary determines would, within 2 years after the date of the enactment of this section, have an emergency public safety telephone answering system were it not for a lack of street signs, street numbers for locations, or maps required for such a system to operate effectively.

(2) Emergency public safety telephone answering system.—The term "emergency public safety telephone answering system" means a telecommunications system operated by public safety authorities that—

(A) enables persons to report police, fire, medical, and other emergencies to such authorities by use of a telephone; and

(B) automatically identifies the telephone number and location of the telephone which is the source of such a report.

(3) Under secretary.—The term "Under Secretary" means the Under Secretary of Agriculture for Small Community and Rural Development.

SEC. 1023. STUDY ON USE OF TELECOMMUNICATIONS INFRASTRUCTURE BY BUSINESSES IN RURAL AREAS.

(a) In General.—The Secretary of Agriculture shall conduct a study and evaluate—

(1) the availability, and effective use, of the telecommunications infrastructure by small and large businesses in rural areas; and

(2) the achievements and shortcomings of the programs established under this title and the amendment made by this title.

(b) Coordination.—The Secretary may coordinate the study required by subsection (a) with other Federal agencies with telecommunications expertise.

(c) Recommendations.—The Secretary may recommend to the Committee on Agriculture and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate, such legislation as will promote rural economic development through advanced telecommunications technology, as the Secretary considers appropriate.

(d) Rural Area Defined.—As used in this section, the term "rural area" has the meaning given such term in section 306(a)(7) of the Consolidated Farm and Rural Development Act for purposes of loans for essential community facilities under section 306(a)(1) of such Act.

The motion was agreed to.

The SPEAKER pro tempore. Without objection, the Senate bill is ordered to be read a third time.

Mr. WALKER. Mr. Speaker, reserving the right to object, could someone explain to us what we are doing here? This is not something that was on the calendar, and we are not familiar with it on this side. Could the chairman give me an explanation?

Mr. de la GARZA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Texas.

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Mr. DE LA GARZA. Mr. Speaker, first, let me state this has been cleared with the minority, and all of us are in agreement, but an explanation to my distinguished colleague and my other colleagues in the House is that we passed the rural development legislation last week. What we are doing here is taking the Senate bill and inserting in lieu thereof the House-passed version and sending it back to the Senate.

Mr. WALKER. And this is not a filing to go to the conference? This is taking our bill and sending it to the Senate?

Mr. DE LA GARZA. If the gentleman will yield further, yes, and it will then be up to the Senate whether to decide to have a conference.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

Mr. MARLENEE. Mr. Speaker, reserving the right to object, if the chairman would answer a question for understanding of the procedure, our bill would go over to the Senate, and the Senate would have the discretion on whether they want to accept that bill, and at that point we would have the decision of whether to have a conference or not?

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. MARLENEE. I am happy to yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Speaker, as I explained the procedure, the Senate earlier passed a rural development bill. We then passed our version here in the House, H.R. 3581. What we are doing here today is striking all after the enacting clause in the Senate bill, inserting in lieu thereof the text of H.R. 3581. It now goes to the Senate. The Senate may accept it as we have forwarded it to them, or they have the option of asking for a conference.

Mr. MARLENEE. Mr. Speaker, I thank the chairman, and I withdraw my reservation of objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: A bill entitled "Rural Economic Development Act of 1989."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3581) was laid on the table.

FEDERAL ENERGY REGULATORY COMMISSION MEMBER TERM ACT OF 1990

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 908) to provide for five-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes, as amended.

The Clerk read as follows:

H.R. 908

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Energy Regulatory Commission Member Term Act of 1990".

SEC. 2. FIVE-YEAR TERMS FOR MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—Section 401(b) of the Department of Energy Organization Act is amended by striking "four years" in the third sentence and inserting "5 years".

(b) STAGGERED TERMS.—Section 401(b) of such Act is amended by—

(1) inserting "(1)" after "(b)";

(2) striking the fourth sentence;

(3) amending the seventh sentence to read, "A Commissioner may continue to serve after the expiration of his term until his successor is appointed and has been confirmed and taken the oath of Office, except that such Commission shall not serve beyond the end of the session of the Congress in which such term expires."; and

(4) adding at the end thereof the following:

"(2) Notwithstanding the third sentence of paragraph (1), the terms of members first taking office after the date of enactment of the Federal Energy Regulatory Commission Member Term Act of 1990 shall expire as follows:

"(A) In the case of members appointed to succeed members whose terms expire in 1991, one such member's term shall expire on June 30, 1994, and one such member's term shall expire on June 30, 1995, as designate by the President at the time of appointment.

"(B) In the case of members appointed to succeed members whose terms expire in 1992, one such member's term shall expire on June 30, 1996, and one such member's term shall expire on June 30, 1997, as designated by the President at the time of appointment.

"(C) In the case of the member appointed to succeed the member whose term expires in 1993, such member's term shall expire on June 30, 1998.".

(c) APPLICABILITY.—The amendments made by this section apply only to persons appointed or reappointed as members of the Federal Energy Regulatory Commission after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 908, a bill to provide for fully staggered, 5-year terms for the five Commissioners of the Federal Energy Regulatory Commission [FERC].

This legislation is a simple and intelligent price of good government. It amends existing law by creating fully staggered, 5-year terms for each of the five FERC Commissioners.

Under current laws, FERC Commissioners serve 4-year terms that are not fully staggered. The bill's purpose is to make the appiontment process more routine and predictable, and to avoid the possibility that FERC could lose a quorum because of delays in the appointments process, which has almost happened a few times.

The committee amendment offered today is in keeping with the bill reported out of committee last year, and has been cleared with minority and the agency.

I commend by colleague Mr. RICHARDSON, the sponsor of the bill, for his leadership on this issue, and Mr. MOORHEAD for his contribution and collegiality.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 908, a bill to provide for 5-year staggered terms for Commisioners of the Federal Energy Regulatory Commission. Under current law, FERC Commissioners serve 4-year terms, with a carry over of up to 1 year. Also, under current law, these terms are not fully staggered. Thus, two of the current Commissioners' terms expire in 1991 and two expire in 1992. In recent years, this lack of full staggering of Commissioner terms has caused FERC to come close to losing a quorum on more than one occasion.

H.R. 908 rectifies this problem by establishing 5-year staggered terms for FERC Commissioners. Thus, H.R. 908 should make it more likely that vacancies will be filled in an orderly fashion and that a quorum will be available in most circumstances. As such, H.R. 908 is a good Government measure, well deserving of our support, and I urge my colleagues to vote for it.

I, too, commend my colleagues, Chairman SHARP and Mr. RICHARDSON, for their diligent work on this bill.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the original sponsor of the bill, the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I thank the chairman for his support and my good friend from California of the minority for bringing this bill to prompt action in committee and bringing this legislation to the floor.

As the chairman said, this is a good Government bill. This is an efficient piece of legislation which will prevent a lot of the overload that has existed at FERC over the years whether by absence or staggered terms. This bill takes care of this issue to ensure that timely decisions are made in the most effective and efficient manner.

Therefore, this bill also affects the oil and gas industry and many other industry people and energy-related people who have had a lot of problems getting decisions from FERC.

H.R. 908 is designed to stagger terms of the five FERC Commissioners to ensure that a quorum is available at all times. The bill proposes the terms of the Commissioners be restructured so that as an existing term ends, the new or reappointed Commissioners serve five 5-year fully staggered terms, that the initial appointments to FERC after the bill is enacted will be for 3-, 4-, or 5-year terms ending in 1993, 1994, 1995, 1996, and 1997. Thereafter, all terms will be 5-year staggered terms.

I understand that an agreement has been reached with the Senate that has bipartisan support dealing with the Senate agreeing to drop provisions involving pay raises for the Commissioners and provisions concerning the executive and administrative operation of the Commission.

In exchange, the House has agreed to allow for a 6-month carryover period by incorporating the Senate's June 30 expiration date for the FERC's Commissioners' terms.

I want to commend the chairman, the gentleman from Indiana [Mr. Sharp] for his foresight and industriousness in getting this bill passed. I expect that this will be signed into law. It is a good measure, and it has been under his leadership and that of the staff and my good friend from California and my colleagues in the Senate, especially the two from New Mexico.

Mr. Speaker, I thank the chairman for his support and prompt action in committee and for bringing this legislation to the floor for final passage.

The Federal Energy Regulatory Commission [FERC] is responsible for making extremely important regulatory rulings affecting energy producers and consumers. I introduced H.R. 908 to ensure that these decisions are made in the most effective, timely manner.

Under the Department of Energy Organization Act, the five FERC Commissioners currently serve 4-year terms that are not fully staggered. The law also allows Commissioners to serve for 1 year following the expiration of their term if a replacement has not yet been confirmed. In the past, a combination of vacancies, resignations and grace period terminations put the Commission on the verge of not having a quorum available.

H.R. 908 is designed to stagger the terms of the five FERC Commissioners to ensure a quorum is available at all times. The bill proposes that terms of the Commissioners be restructured so that as an existing term ends, the new or reappointed Commissioners serve 5-year fully staggered terms.

The transition to fully staggered 5-year terms is set up so that the initial appointments to FERC after the bill is enacted will be for 3-, 4-, or 5-year terms ending in 1993, 1994, 1995, 1996, and 1997. Thereafter, all terms will be 5-year staggered terms.

An agreement has been reached with the Senate that has bipartisan support. Specifically, the Senate has agreed to drop provisions involving pay raises for the Commissioners and provisions concerning the executive and administrative operation of the Commission. In exchange, the House has agreed to allow for a 6-month carry-over period by incorporating the Senate's June 30 expiration date for the FERC Commissioners' terms. I urge my colleagues to support this legislation.

Mr. **MOORHEAD**. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. **SHARP**. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. Sharp] that the House suspend the rules and pass the bill, H.R. 908, as amended.

The question was taken.

Mrs. **MARTIN** of Illinois. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The **SPEAKER** pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

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SANITARY TRANSPORTATION OF FOOD ACT OF 1990

Mr. **ANDERSON**. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3386) to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and hazardous materials, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sanitary Transportation of Food Act of 1990".

SEC. 2. FINDINGS.

Congress finds that—

(1) Americans are entitled to receive food and other consumer products that are not made unsafe as a result of certain transportation practices;

(2) the American public is threatened by the transportation of products potentially harmful to consumers in motor vehicles and rail vehicles which are used to transport food and other consumer products, and

(3) the risks posed to consumers by such transportation practices are unnecessary, and such practices must be terminated.

SEC. 3. REGULATIONS.

(a) In General.—

(1) In accordance with this Act, the Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall issue regulations with respect to the transportation of food, food additives, drugs, devices and cosmetics in motor vehicles and rail vehicles which are used to transport nonfood products which pose an unreasonable danger to the health of humans or animals.

(2) If a drug, device, or cosmetic is transported in a motor or rail vehicle at the same time or before a food or food additive is transported in such vehicle, the Secretary shall treat such drug, device, or cosmetic as a nonfood product if such transportation poses an unreasonable danger to the health of humans or animals.

(b) Special Requirements.—In issuing regulations under subsection (a)(1), the Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall establish standards, requirements, and other provisions relating to—

(1) appropriate recordkeeping, identification, marking, and other means required to promote compliance with the requirements of sections 4, 5, and 6,

(2) appropriate decontamination, removal, disposal, and isolation standards with respect to regulations implementing sections 4 and 5, and

(3) appropriate materials for construction of tank trucks, cargo tanks, and accessory equipment to comply with regulations implementing section 5.

(c) Considerations.—In issuing the regulations required under subsection (a)(1), the Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall consider each of the following and may establish standards, requirements, or other provisions relating to any or all of the following:

(1) The extent to which packaging or similar means of protecting and isolating commodities are adequate to ameliorate or eliminate the potential risks of transporting food, food additives, drugs, devices or cosmetics in motor vehicles or rail vehicles used to transport nonfood products. If packaging standards are found to be adequate by the Secretary, regulations under subsection (a)(1) shall not apply to food, food additives, drugs, devices, or cosmetics or nonfood products which are packaged in packages which meet such standards.

(2) In the case of transportation not described in section 4, 5, or 6, appropriate recordkeeping, identification, marking, and other means which are desirable to assure compliance with this Act.

(3) In the case of transportation not described in section 4 or 5, appropriate decontamination, removal, disposal, and isolation standards for motor vehicles and rail vehicles covered by this Act.

(A) Appropriate certification or other written requirements by any person, with respect to any standard, requirement, or other provision of the regulations issued under subsection (a).

(5) Appropriate compliance and enforcement measures for carrying out this Act.

(6) Appropriate minimum insurance or other liability requirements for any person covered by this Act.

(7) Appropriate standards, requirements or other provisions for any motor vehicle or rail vehicle used to transport food, food additives, drugs, devices, or cosmetics and nonfood products which pose an unreasonable danger to the health of humans or animals.

(d) Procedures.—

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(1) Not later than 30 days after the date of the enactment of this Act, the Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall initiate a rulemaking proceeding to issue regulations under subsection (a)(1).

(2) Not later than 240 days after the date rulemaking proceedings are initiated under paragraph (1), the Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall issue the regulations required by subsection (a)(1).

SEC. 4. REFRIGERATED VEHICLES.

(a) Prohibition.—At a minimum, the regulations issued under section 3 shall prohibit any person from using, offering for use, or arranging for the use of, a refrigerated motor vehicle or a refrigerated rail vehicle to provide transportation of food, food additives, drugs, devices, or cosmetics, if such vehicle is used to transport a nonfood product included on a list published under subsection (b).

(b) List of Unacceptable Nonfood Products.—

(1) Publication.—The Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register a list of nonfood products which the Secretary has determined make food, food additives, drugs, devices, or cosmetics unreasonably dangerous to the health of humans or animals as a result of transportation in a refrigerated vehicle which is used to transport food, food additives, drugs, devices, or cosmetics. The Secretary may periodically amend the list by publication in the Federal Register.

(2) Cardboard, pallets, beverage containers, and other food packaging.—The list under paragraph (1) shall not include cardboard, pallets, beverage containers, and other food packaging except to the extent the Secretary determines that the transportation of cardboard, pallets, beverge containers, or other food packaging in a refrigerated vehicle which is used to transport food, food additives, drugs, devices, or cosmetics would make the food, food additives, drugs, devices, or cosmetics unreasonably dangerous to the health of humans or animals.

SEC. 5. TANK TRUCKS, RAIL TANK CARS, AND CARGO TANKS.

(a) Prohibition.—At a minimum, the regulations issued under section 3 shall prohibit any person from using, offering for use, or arranging for the use of, a tank truck, rail tank car, or cargo tank used in motor vehicle transportation or rail transportation of food, food additives, drugs, devices, or cosmetics, if such tank trucks, rail tank car, or cargo tank is used to transport a nonfood product (other than any nonfood product which is included on a list published under subsection (b)).

(b) List of Acceptable Nonfood Products.—The Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register a list of nonfood products which the Secretary has determined do not make food, food additives, drugs, devices, or cosmetics unreasonably dangerous to the health of humans or animals as a result of transportation in a tank truck, rail tank car, or cargo tank which is used to transport food, food additives, drugs, devices, or cosmetics. The Secretary may periodically amend such list by publication in the Federal Register.

(c) Identification.—The regulations under section 3(a)(1) shall, at a minimum, provide that—

(1) no person shall use, offer for use, or arrange for the use of, a tank truck or a cargo tank to provide motor vehicle transportation of only food, food additives, drugs, devices, or cosmetics or nonfood products which are included on the list published under subsection (b) unless such tank truck or cargo tank is identified, by a permanent marking on such tank truck or cargo tank, as transporting such food, food additives, drugs, devices, or cosmetics or nonfood products,

(2) no person shall use, offer for use, or arrange for the use of, a tank truck or a cargo tank to provide motor vehicle transportation of a nonfood product which is not included on a list published under subsection (b) if such tank truck or cargo tank is identified pursuant to paragraph (1) as a tank truck or cargo tank transporting only food, food additives, drugs, devices, or cosmetics, and nonfood products included on such a list, and

(3) no person shall receive, except for lawful disposal purposes any food, food additive, drug, device, or cosmetic or nonfood product which has been transported in a tank truck or cargo tank in violation of paragraph (1) or (2).

(d) Disclosure.—The regulations issued under section 3(a)(1) shall provide that any person who arranges for the use of a tank truck or a cargo tank used in motor vehicle transportation for the transportation of a food, food additive, drug device, or cosmetic or nonfood product shall, in making such arrangement, disclose to the motor carrier or other appropriate person if the food, food additive, drug, device or cosmetic or nonfood product being transported is to be used—

(1) as, or in the preparation of, a food or food additive, or

(2) as a nonfood product which is included in the list published under subsection (b).

SEC. 6. DEDICATED VEHICLES.

At a minimum, the regulations issued under section 3(a)(1) shall prohibit any person from using, offering for use, or arranging for the use of, a motor vehicle or rail vehicle to provide transportation of asbestos or products which present an extreme danger to human or animal health, despite any decontamination, removal, disposal, packaging, or other isolation procedures, unless such motor vehicle or rail vehicle is used only to provide transportation of such asbestos or products, or both. The Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register a list of the products covered by this section. The Secretary may periodically amend such list by publication in the Federal Register.

SEC. 7. WAIVER AUTHORITY.

The Secretary, in consultation with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency, may waive, in whole or in part, application of any provision of this Act or any regulation issued under this Act with respect to any class of persons, class of motor vehicles, class of rail vehicles, class of food, food additives, drugs, devices, or cosmetics, or class of nonfood products, if the Secretary determines that such waiver does not pose an unreasonable danger to human or animal health and otherwise is not contrary to the public interest and this Act. Any waiver under this section shall be published in the Federal Register, together with the reasons for such waiver.

SEC. 8. POWERS AND DUTIES OF THE SECRETARY.

The Secretary shall have the same powers, duties, and authorities under this Act with respect to transportation regulated under this Act as the Secretary has under section 109 (other than subsections (c)(1), (d), and (e) of such section) of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801, et seq.) with respect to transportation regulated under such Act.

SEC. 9. PENALTIES AND SPECIFIC RELIEF.

The Secretary shall impose civil or criminal penalties, or both, for violations of section 4, 5, or 6, regulations issued under section 3, or an order issued under section 8 of this Act, in the same manner and to the same extent that penalties may be imposed under section 110 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1809) and shall request equitable relief and take action to eliminate or ameliorate an imminent hazard with respect to any violation of section 4, 5, or 6, regulations issued under section 3, or an order issued under section 8, in the same manner and to the same extent that the Secretary is authorized under section 111 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1810) to take such action.

SEC. 10. RELATIONSHIP TO OTHER LAWS.

The provisions of the Hazardous Materials Transportation Act relating to the relationship of that Act to a law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or of an Indian tribe shall apply with respect to the relationship of this Act to a law, regulation, order, ruling provision, or other requirement of a State or political subdivision thereof or of an Indian tribe which concerns a subject covered under this Act.

SEC. 11. COORDINATION PROCEDURES.

Not later than 1 year after the date of the enactment of this Act, the Secretary, after consultation with appropriate State officials, shall establish procedures to promote more effective coordination between the agencies of the United States and agencies of the States with regulatory authority over motor carrier and rail safety with respect to implementation and enforcement of this Act.

SEC. 12. DEFINITIONS.

As used in this Act—

(1) Food, food additives, drugs, devices, or cosmetics.—The terms "food", "food additives", "drugs", "devices", and "cosmetics" have the meanings given to them by section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) Nonfood product.—The term "nonfood product" means any material, substance, or product (including solid waste, as such term is defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) which (except as provided under section 3(a)(2)) is not a food, food additive, drug, device, or cosmetic.

(3) Secretary.—The term "Secretary" means the Secretary of Transportation.

(4) State.—The term "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam.

(5) TRANSPORTS OR TRANSPORTATION.—The term "transports" or "transportation" means movement of property in commerce (including intrastate commerce) by motor vehicle or rail vehicle.

(6) UNITED STATES.—The term "United States" means all of the States.

SEC. 13. APPLICABILITY.

This Act shall take effect on the date of the enactment of this Act, except that sections 9 and 10 shall only apply to transportation occurring on or after the date that regulations under section 3(a)(1) take effect.

The SPEAKER pro tempore (Mr. MAZZOLI). Is a second demanded?

Mr. CLINGER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio [Mr. THOMAS A. LUKEN], and I ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3386 has been considered and favorably reported by the Committee on Public Works and Transportation and the Committee on Energy and Commerce. I wish to thank the members of the Energy and Commerce Committee for their cooperation on this important legislation.

Last summer, our committee became aware of alarming activities carried out by some Members of the transportation industry. Those activities consisted of moving waste materials and nonfood products in vehicles and tankers that were also used to transport food. Although there were no documented cases of food contamination resulting from these activities that caused any harm to the public, there was clearly the threat of such harm.

The overriding goal of H.R. 3386 is to maintain conditions in this country that prevent contamination of food in the distribution process. Thus far, the record is good. This bill is designed to keep it that way by controlling emerging practices that might threaten that record. The citizens of this country deserve and should have regulatory safeguards to assure the sanitary transportation of food. H.R. 3386 does that.

I want to thank the distinguished chairman of our Subcommittee on Surface Transportation, NORM MINETA, for his hard work on H.R. 3386. I also want to thank my Republican colleagues—Congressman JOHN PAUL HAMMERSCHMIDT and Congressman BUD SHUSTER. Finally, my congratulations to the original sponsors, Congressmen BORSKI and CLINGER, for working so long and hard on this bill. They are to be commended by us all for their very diligent, persistent and effective efforts. I urge all Members to support this legislation.

Mr. CLINGER. Mr. Speaker, I yield 1 minute to the ranking member of the full committee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to join my colleagues in support of H.R. 3386, the Sanitary Transportation of Food Act of 1990.

In this day and age we expect certain guarantees of quality and purity in our food and beverages. Food processors go to great lengths to ensure that meats and poultry are free from contamination. We go to our neighborhood markets and find that most food, drug, and cosmetic containers are sealed, taped, glued or otherwise protected from tampering.

But last fall Americans were shocked to learn that some trucks used to haul unprocessed meats, vegetables, and other foods to the marketplace were turning around and hauling raw municipal garbage to landfills on their return trips.

Discovery of this practice prompted truck drivers to come forward and open our eyes to another dangerous practice—hauling edible liquids in cargo tanks back-to-back with harmful chemicals such as acetone, plastic resins, and formaldehyde.

In hearings, the Public Works and Transportation Committee found that food shippers are often completely unaware of the products and chemicals previously hauled in tanks that pull up to their facilities. Testimony before our committee also raised substantial doubt about the thoroughness and consistency of cleaning procedures between loads.

Despite the threat to health inherent in these practices, there are no Federal laws to prevent them. The Food and Drug Administration, the Department of Agriculture, and the Environmental Protecion Agency all have regulations that touch on food safety, but nothing is in place to prohibit hauling garbage or chemicals back-to-back with food.

I want to commend my colleague from Pennsylvania, Mr. CLINGER, for his diligence in investigating these unsavory backhaul practices. He acted quickly to introduce H.R. 3386, the legislation before us, to ensure that food products are transported in a safe and responsible manner. Mr. CLINGER, along with Mr. BORSKI, pressed for its expeditious handling in the Public Works and Energy and Commerce Committees, and for its consideration today.

I also want to thank Mr. WHITTAKER and Mr. LUKEN for their cooperation in sheparding H.R. 3386 quickly through the Energy and Commerce Committee.

This is a strong and comprehensive measure, and I urge my colleagues to support this important bill.

Mr. CLINGER. Mr. Speaker, for purposes of debate only, I yield 10 minutes to the gentleman from Kansas [Mr. WHITTAKER] and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CLINGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, man does not live by bread alone. There is the meat and potatoes, there is the chicken and fish, and for some elite peope, even broccoli is consumed. We eat all of these items and a while lot more. Mr. Speaker, what we do not eat we dispose of, and it is called solid waste, although most of us call it garbage, and that is what this bill is all about. It is about how we transport what we eat and how we dispose of what we do not eat, as well as other trash like medical waste and so forth.

The fact is that we generate a lot of garbage in this country, about 3 pounds per person per day. As long as we could dispose of it close to home, there was no real big problem with that. But now there is a big problem, because many landfills are filled to capacity, particularly in the northeastern part of the United States, and it is going to get worse.

EPA tells us there are currently 6,000 landfills, but that that number will decrease to 3,000 in the next 5 years. And this has given rise to the practices that we can put a stop to today by passing this bill.

Mr. Speaker, almost a year ago I took a phone call from a reporter in my district, Barbara Bruggebors, asking what I thought of this practice she had come across where refrigerated trucks, so-called reefers, were hauling foodstuffs like produce and meat from the Midwest to eastern cities like New York and Philadelphia, and then, to avoid going home empty, were filling their trucks with raw and rotting garbage to haul back to landfills in my State and States like Ohio and Indiana.

Frankly, I did not believe it at first, but it is absolutely true. Hauling garbage in trucks that also carry food is disgusting and dangerous, but also, unfortunately, it is legal in many States.

That was proven to me about 3 days after the phone call, because this truck in this picture turned over in my

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district. It was a reefer truck that had hauled a load of avocados to the eastern markets and was on its way back with, as you can tell, a very large load of raw garbage. That coming out of the back is not, I would hasten to point out, smoke. That is methane gas coming out of the back of that truck. It almost knocked the people over that opened the back of that truck.

At a hearing we had in the Committee on Public Works and Transportation, I asked one trucker why he would do this. He said:

> Because it is a dream load. Eastern towns and cities will pay a bundle to get rid of their garbage, and you cannot hurt it, so there is no liability.

Well, maybe you cannot hurt the garbage, but you can sure hurt a lot of people by exposing them to contaminated food. We do not eat food out of garbage cans, and we should not be expected to eat food that comes to us in garbage trucks. Botulism kills enough people on its own. It does not need our help.

That is why I introduced H.R. 3386 last October. Since then both the Committee on Public Works and Transportation and the Committee on Energy and Commerce have given the issue close attention and made many constructive additions and improvements.

I want to especially acknowledge the contribution of my colleague on the Committee on Public Works and Transportation, the gentleman from Pennsylvania [Mr. BORSKI], and the unflagging support and encouragement of the gentleman from California [Mr. ANDERSON], the chairman of the Committee on Public Works and Transportation, and the gentleman from California [Mr. MINETA], the chairman of the Subcommittee on Surface Transportation, the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the Committee on Public Works and Transportation, and the gentleman from Pennsylvania [Mr. SHUSTER], the ranking member of the Subcommittee on Surface Transportation. The gentleman from New Jersey [Mr. SMITH] also contributed to the effort on this bill.

Also I want to thank the gentleman from Kansas [Mr. WHITTAKER] and the gentleman from Ohio [Mr. LUKEN] for their very excellent work on this bill and the contributions they have made in bringing us an outstanding bill.

This measure before us today will give the Department of Transportation the authority to develop a comprehensive regulatory program to prevent dangerous backhauling practices, both in trucks and on rail, and to impose stiff penalties for violations.

H.R. 3386 requires the Secretary of Transportation to issue regulations prohibiting the transportation of food, food additives, drugs, devices, or cosmetics in refrigerated vehicles that have been used to transport products that pose an unreasonable risk to animal and human health.

□ 1520

The regulations also must prevent the transportation of food and other types of consumable products in cargo tanks if they are used to transport dangerous nonfood products.

Asbestos, one of the most dangerous substances, we found being hauled in trucks that were also used to haul food, could only be transported in dedicated vehicles with the passage of this bill.

H.R. 3386 further requires the Secretary to establish appropriate standards for refrigerated vehicles and cargo tanks in the areas of recordkeeping, marking, and decontamination, as well as other means to promote compliance.

The bill also gives the Secretary authority to regulate transportation of food and other consumables in dry vans or any other motor or rail vehicle used to transport products that pose a danger to food.

But what about the economic implications of this bill? Some say that it is going to drastically increase both the cost of food and also the cost of hauling garbage. To the first charge I say hogwash, and to the second I say right on. If truckers cannot backhaul garbage in food trucks, they will backhaul something else. They were backhauling something else before garbage became the hot cargo that it has become, and they will do it again. It may take a little more work, and it may be a little more difficult to backhaul, but they are going to, they will not be going home empty, and the cost of food should not be affected. But if garbage trucks cannot haul anything but garbage, the cost of hauling garbage will probably go up, and I say amen. It may discourage municipalities in New Jersey and New York from shipping their wastes to western Pennsylvania and to points west, and get them to consider ways to dispose of their waste at home.

So Mr. Speaker, I urge my colleagues to give serious consideration to this bill. It will proscribe practices that should have been made illegal a long long time ago. We have the opportunity to do that today.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on October 25, 1989, many Members of this body joined me and Mr. WHITTAKER in introducing comprehensive legislation which will revamp, reform, and revitalize the outdated Hazardous Materials Transportation Act.

One of the provisions of our hazardous materials bill would outlaw the practice of hauling food and other consumer products in trucks and railroad cars which have been used to carry poisonous chemicals, garbage, and other dangerous commodities. The need for this provision was starkly confirmed to us at our subcommittee's hearings last November. We heard shocking testimony from witnesses who have personally investigated numerous instances where trucks and trains have carried food after they have transported deadly chemicals, toxic waste and other dangerous contaminants.

Mr. Alden Fitch, an inspector with the Washington State Department of Agriculture, testified he has witnessed these atrocious practices repeatedly during his 29-year tenure. For example, he personally investigated a case where feed grain was transported in a rail car after it had hauled an arsenic compound; $1 million worth of cattle died after eating the contaminated grain. Milk from other cattle was poisoned and had to be dumped for over 4 weeks until it tested clean. We can only conjecture what would have happened if the poisoned grain had been used for human consumption.

Mrs. Terri Moore also testified at our hearing. She heads a citizen watchdog group which monitors a landfill in Centerpoint, IN. Mrs. Moore brought photographs and videotapes depicting graphic scenes of products which were contaminated, including pictures of maggots swimming in disinfectant in a truck trailer. Mrs. Moore's group has documented case after case where food, soft drinks, and packaged foods have been backhauled in garbage trucks, refrigerated trucks, and other motor vehicles which have previously carried hazardous waste, chemicals, and other dangerous commodities.

The administration has not seen fit to correct these hideous practices which endanger our food supply. Evidently, the Department of Transportation thinks its a problem for the Food and Drug Administration. The FDA thinks its a transportation problem. And EPA, who has jurisdiction over solid waste, doesn't know what to think. The bottom line is that Congress is going to have to direct these agencies to work together to stop these life-threatening practices.

Because of the severity and prevalence of these unconscionable practices, I felt it was necessary for our subcommittee to act as quickly as possible to correct this insidious situation. On November 9, 1989, the members of our subcommittee joined together to cosponsor H.R. 3634, the Sanitary Transportation of Food Act. On November 14, the subcommittee marked up and favorably reported the bill.

During the same time, our distinguished colleagues from the Committee on Public Works and Transportation were also examining these dangerous practices. They held hearings which focused on the backhauling of food in trucks which are also used to carry garbage and dangerous chemicals. After our subcommittee's action on our bill, the full Public Works Committee marked up and favorably reported H.R. 3386.

Our staffs have been meeting during the past few weeks to reconcile the differences in the two bills. I am very pleased to announce that the two committees have successfully resolved any differences between the two bills. The bill which we are now considering represents the joint product of the Energy and Commerce Committee and the Public Works Committee.

This bill will shut down those unscrupulous transporters who don't care whether they are hauling trash or tomatoes. The bill covers both trucks and railroads. It focuses on refrigerated vehicles, which are often used to transport perishable food products, and cargo tank vehicles, which are often used to transport chemicals. The bill also requires dedicated vehicles for transporting asbestos and other extremely dangerous products. The bill requires the Secretary of Transportation, along with HHS and EPA, to aggressively enforce regulations governing safe transportation practices. The bill also directs the Secretary to consider and address a number of subjects in issuing the regulations. These subjects include: The extent to which packaging is adequate to eliminate any risks involved; appropriate recordkeeping, marking, and identification requirements; appropriate cleaning standards; and appropriate compliance and enforcement measures.

I wish to express my appreciation to Chairman DINGELL, Mr. LENT, Mr. WHITTAKER, Mr. RINALDO, and all the members of our subcommittee who have helped to craft this important legislation. I also commend Chairman ANDERSON, Chairman MINETA, Mr. HAMMERSCHMIDT, Mr. SHUSTER, Mr. BORSKI, Mr. CLINGER, and other members of the Public Works Committee who have worked hand in hand with us to produce a bill that we all support. Finally, I wish to commend the efforts of the gentleman from New Jersey [Mr. CHRIS SMITH] who has worked diligently to stop these dangerous transportation practices.

I urge my colleagues to support the bill and reserve the balance of my time.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bipartisan legislation addresses the alarming practice of using the same motor vehicles and rail cars for food on the one hand, and for dangerous or toxic commodities—including garbage—on the other hand. Its most graphic form is the back-to-back use of the same truck, documented in our subcommittee hearings, for hauling garbage, and for produce intended for human consumption, with no meaningful cleaning in between.

I want to commend all of the legislators of both parties who worked long and hard to see this measure through. In particular, the chairmen of both the Energy and Commerce Committee and the Public Works Committee and their ranking members are to be commended for fostering a cooperative environment in which the best of each committee's ideas were incorporated into this final version of the legislation. I also want to thank my colleague and Transportation Subcommittee Chairman, TOM LUKEN, for his diligent work, including authorship of one of the predecessor bills. Others who made major contributions to this legislation were the gentleman from New Jersey [Mr. RINALDO] of our subcommittee, and another member from the same State [Mr. CHRIS SMITH] whose early work on a predecessor bill helped lay the foundation for the measure we are considering today.

H.R. 3386 in its present form represents a carefully considered and highly targeted approach to assuring the sanitary transportation of food. It adopts a categorical prohibition only in key areas such as tank trucks and refrigerated vehicles, and for substances such as asbestos. In all other areas, the Secretary of Transportation will have broad discretionary authority to tailor the rules to the actual threat presented. For example, he may require certain identifying markings or may require specific decontamination measures.

The legislation makes the best use of the resources at hand. It requires a joint, consultative approach to all the rulemakings to be conducted by DOT. Under the bill: The Department of Health and Human Services and the Environmental Protection Agency are to be an integral part of that process. In this way, we will gain the benefit of the specialized expertise of all three agencies, while working within the framework of existing agency organizations.

Mr. ANDERSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Pennsylvania [Mr. BORSKI], who has worked so hard on this bill.

Mr. BORSKI. Mr. Speaker, I thank the distinguished chairman of the Public Works and Transportation Committee for yielding me this time.

Mr. Speaker, as I rise in strong support of H.R. 3386, I want to thank my distinguished colleague from the State of Pennsylvania, Congressman BILL CLINGER, for bringing to the attention of the Public Works Committee the problem of backhauling, and for his strong leadership in helping to craft the legislation which is before us today.

We should acknowledge the very fine investigative reporting of James Wallace of the Seattle Post Intelligencer. Mr. Wallace documented many backhauling practices and his series of newspaper articles provided an invaluable resource for congressional investigation and drafting of today's legislation.

I believe that all Americans owe a great debt of gratitude to four courageous individuals from the State of Washington who risked their jobs and well-being to blow the whistle on danagerous backhauling practices. Without the help of truckers Jim and Rickey Pomerenke, David Helzer and Sharon Sonner, dangerous backhauling practices would remain hidden, and a threat to every American.

I also want to commend Scott Imus, staff director of the Public Works Subcommittee on Investigations and Oversight, and subcommittee staff members Liz Perwin, Cheri Rowe and Alan Slomowitz, for their hard work and persistence in conducting the original congressional backhauling investigation, and for preparing an excellent set of hearings before the subcommittee which revealed the dangers to the public.

Mr. Speaker, today we take a giant step in protecting the public from unnecessary hazards resulting from the transportation of food and other consumer items. The speed in which this bill has reached the floor indicates the deep concern about the manner in which certain food and consumer items are being transported.

Nearly everyone agrees with the need to take the necessary steps to ensure that the American people can be confident that food and consumer goods are safe.

Last summer following a report from my colleague from Pennsylvania, Mr. CLINGER, the Public Works Subcommittee on Investigations and Oversight, where I serve as ranking member, undertook a comprehensive investigation into various backhauling practices.

As a result of this investigation, our full committee met to consider legislation to prohibit dangerous backhauling practices. During the markup, I offered a substitute bill which specifically addressed the problems uncovered during the subcommittee's investigation.

Few would believe trucks hauling food to our family table also serve as garbage trucks carrying solid waste to landfills. But such a practice has turned into a reality.

Trucking companies who are attempting to survive in a highly com-

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petitive, deregulated market, need a return load from the east coast.

Meanwhile, Eastern municipalties, facing a critical lack of landfill space, must dispose of their solid waste at distant landfills.

As one trucker told us, garbage was a "dream commodity"—hauling it pays well and you can't destroy it, which means there is low insurance. Another trucker said that "any load is better than driving back empty."

We found that garbage hauled in refrigerated trucks pose the greatest threat to human health since these trucks carry unprocessed foods—meats, vegetables and fruits. One refrigerated truck, still containing hooks where meat had previously been hung, pulled up to an Ohio landfill with a load of garbage.

A food science professor told us it would be extremely difficult to properly clean out a truck which had previously hauled garbage. In addition, he stated it was possible for bacteria to grow in the truck's refrigeration unit.

As a result of that hearing and the publicity it generated, four courageous truck drivers from the State of Washington, came forward and revealed a more disturbing form of backhauling—cargo tanks which one way carry hazardous liquid chemicals, such as formaldehyde or plastic resins, and then turn around and haul liquid food products, such as fruit juices or cooking oils.

In sworn testimony, the truckers told how backhauling food and chemicals is common in the industry. They recounted how they were instructed to use a deodorizer to cover up any chemical smell that remained after the truck was washed out. They also told us that they were to lie to food shippers about their previous load if it had been a chemical.

Finally, our subcommittee received reports of removed asbestos being hauled in trucks which carried consumer items—children's toys and vegetables. This practice is perhaps the most insidious. Unlike garbage, and to some extent chemicals in cargo tanks, there is no way to determine if the asbestos has been removed. Asbestos fibers are nearly invisible, can stay airborne for a long period of time, and exposure may not be apparent until years later.

Who could imagine serving their family dinner from a garbage can? Or who could imagine the horrifying thought of serving orange juice to their family from a bottle which once contained formaldehyde? Or who could imagine giving their child a toy which has been contaminated with invisible asbestos fibers?

Yet, without this legislation these are real possibilities. Today. We will enact tough measures to stop dangerous backhauling practices.

This bill will prohibit hauling solid waste in refrigerated trucks.

This bill will prohibit the hauling of chemicals in cargo tanks which carry food or consumer items.

This bill requires that asbestos and other dangerous substances be hauled only in dedicated vehicles.

This legislation contains two items which are extremely important in ensuring compliance and enforcement.

One is that cargo tanks must be permanently marked for food use. The other makes all parties—the shipper, the broker, the transporter and the receiver—responsible for violations and subject to civil or criminal penalties.

Under this bill, a cargo tank marked "food use" could not haul formaldehyde. If this occurred, then the shipper, broker, transporter and receiver would be held in violation, conversely, if a non-food use tanker carried orange juice, all parties would again be responsible. It is doubtful that there would be a willingness.

By all of these different parties to engage in this type of criminal conspiracy.

Mr. Speaker, I urge my colleagues to support this much-needed legislation. We must move promptly to ensure that food and consumer items are protected from avoidable contamination.

□ 1530

Mr. WHITTAKER. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. McMillan].

Mr. McMILLAN of North Carolina. Mr. Speaker, I would like to engage in a brief colloquy with the gentleman from Ohio, the chairman of our subcommittee, Mr. Luken, to clarify a point about this bill. Mr. Speaker, as someone who has been directly involved in the food industry, I applaud the objectives of this important bill. It is my understanding that the intent of the bill is to protect food and other consumer products when they are transported in vehicles which also carry dangerous commodities, such as hazardous materials and garbage. Because food retailers and wholesalers frequently and safely transport food with nonfood products, I would like him to clarify the coverage and intent of the legislation.

Mr. THOMAS A. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. McMILLAN of North Carolina. I yield to the gentleman from Ohio.

Mr. THOMAS A. LUKEN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the gentleman from North Carolina has raised an important issue. Both the bill itself and our committee's report indicate that the bill is only directed at transportation practices which pose an unreasonable danger to human and animal health. I would like to read a couple of brief excerpts from the committee report on the bill which makes this point clear:

> The committee does not intend to disrupt safe and reasonable transportation practices. The committee believes that in the vast majority of cases, the regulations will relate to the bulk transportation of products covered under the bill. The committee recognizes that there are a variety of current transportation practices * * * that present minimal risks because the products involved are packaged adequately or otherwise are isolated sufficiently to minimize or prevent adulteration. For example, grocery and beverage operations frequently haul food products from distribution points to wholesale or retail locations.
>
> Packaged nonfood products may also be transported at the same time, but pose no significant threat if packaging standards are adequate or other isolation procedures are employed. Such vehicles frequently are used to backhaul reusable beverage containers, food packaging, out-of-date products, slightly damaged products, and other products falling within the definition of nonfood products under the bill. To the degree that such transportation practices, if properly implemented, pose no unreasonable health risk, the committee intends to exempt them from coverage under the bill.

I trust that this explanation provides an adequate explanation to the gentleman's inquiry.

Mr. McMILLAN of North Carolina. It clearly does. I urge my colleagues to support this legislation.

Mr. ANDERSON. Mr. Speaker, I yield, for purposes of general debate only, 3 minutes to the gentleman from California, [Mr. Mineta].

Mr. MINETA. Mr. Speaker, I rise in strong support of the Sanitary Transportation Act of 1990, and I want to thank very much our very fine colleagues, the gentleman from Ohio [Mr. Luken] and the gentleman from Kansas [Mr. Whittaker] in terms of the work that they did on the Committee on Energy and Commerce because, Mr. Speaker, this bill is really the cooperative result of two committees working together and also the hard work of our own chairman, the gentleman from California [Mr. Anderson], the gentleman from Arkansas [Mr. Hammerschmidt], ranking Republican on the Committee on Public Works and Transportation, and the gentleman from Pennsylvania [Mr. Shuster], ranking Republican on our Subcommittee on Surface Transportation, and our fine colleagues, the gentlemen from Pennsylvania [Mr. Clinger and Mr. Borski].

Mr. Speaker, H.R. 3386 is an important step to assuring that consumers receive safe and untainted food products. Its goal is to assure that happens.

H.R. 3386 is designed to maintain food products in sanitary condition during the transportation process. In order to achieve that goal, certain prohibitions and limitations pertaining to the use of certain types of trucks and rail cars will be imposed upon carriers and shippers.

In the future, use of refrigerated vehicles and tank vehicles for the transportation of food and related products will be limited to transporting those products and other products listed or not banned by the Secretary.

In addition, asbestos and products that pose an extreme danger to human health will have to be transported in dedicated vehicles.

H.R. 3386 mandates the Secretary to issue regulations dealing with contamination procedures and vehicle marking. These regulations must be issued with respect to refrigerated vehicles and tank vehicles, and may be required with respect to other vehicles that may be subjected to regulation by the Secretary. The Secretary is given discretionary regulatory authority with respect to a number of other matters that are aimed at improving compliance with the act.

The Secretary's discretionary authority to regulate extends to all vehicles that are used to transport food and related products; however, the bill only mandates regulatory procedures in the three areas where the committees found detailed problems.

The bill specifically provides for consideration of packaging standards, and where these standards are adequate to protect food and related products, new regulations need not be applied unless the prohibitions of sections 4, 5, and 6 apply.

I would like to point out that the industries affected by H.R. 3386 have volunteered much assistance in the development of this legislation. Their assistance and support is greatly appreciated.

I want to thank my colleagues on both committees and on both sides of the aisle for the cooperation and help.

I would like to make one final comment. The regulatory authority conferred upon the Secretary in this bill is new and additional specific authority to address a problem in the transportation of food. It in no way diminishes or changes any existing regulatory law dealing with motor vehicle or economic regulation.

□ 1540

Mr. WHITTAKER. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Speaker, I want to join with my colleagues in commending the chairman of our subcommittee, the gentleman from Ohio, and the ranking member, the gentleman from Kansas, for their excellent leadership on this issue, and I join in commending also the members of the other committee that has handled this legislation for their outstanding work.

I think that this is an issue which has affected the consumers of this Nation. They have been concerned about the safety and quality of the food supply, and whenever that concern arises, it is essential that we take appropriate actions to assure consumers that the food they are eating is safe.

We have had some incidents brought to our attention that are not pleasant, and yes, they are relatively isolated instances, but we may have to be certain that they do not occur again. I think this legislation moves Members in that direction.

Therefore, because it improves the safety of the food supply, because it will enhance consumer confidence in the food they eat, I believe this legislation should be approved.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Ohio [Mr. THOMAS A. LUKEN] has 5 minutes remaining.

Mr. THOMAS A. LUKEN. Mr. Speaker, the gentleman from Washington [Mr. SWIFT] has contributed significantly to this legislation in working toward its present posture here, which is on the verge of enactment.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLINGER] has 2½ minutes remaining.

Mr. CLINGER. Mr. Speaker, I yield myself 1 minute.

I think this has been a very full debate, and I think all Members understand what we are trying to accomplish here, and clearly this will pass overwhelmingly.

I just want to stress a couple of things. One is that the practice possibly has been curtailed because of the publicity it has received over the past few months, but it has not been stopped. We had an incident just very recently where we received a call in my office from an individual who was working at an incinerator in Ohio and he reported that a truck had arrived there carrying very hazardous medical wastes, and that same truck has been hauling produce the day before. So we have not eliminated this practice by publicity, which makes it terribly important that we do pass this bill and make it illegal to do this.

The other two points I would stress are, one, the gentleman from California [Mr. MINETA] spoke about the fact that we do not have and we worked very closely with the industry work groups. They have been cooperative in recognizing this is a practice that has to be stopped. I would point out that it has been a very small minority of the trucking industry that has been engaging in these practices. The majority, I think, have engaged in very admirable practices.

Finally, the bill does provide, I think, the kind of flexibility that we need to the Secretary, to make the kind of waivers that may be necessary to avoid imposing an unreasonable hardship on any segment.

Mr. LENT. Mr. Speaker, this legislation addresses a problem that has come to light in recent months as a blot on the integrity of this Nation's transportation system—the unsanitary practice of using the same trailers and railcars for garbage or other dangerous or toxic materials on one trip, and for food or food-related items on the next trip. All too often, this is done with little or no decontamination between trips.

The legislation targets the most difficult to detect and dangerous forms of these unsanitary practices, and prohibits interchangeable use of refrigerated trucks and tank trucks. As to other forms of vehicles and railcars, the Secretary of Transportation is granted broad authority to address the problem of sanitary practices and to require segregated use or proper decontamination of the transportation equipment, as the situation may require.

I want to commend the leadership of both the Energy and Commerce Committee and the Public Works and Transportation Committee for their cooperative bipartisan effort to fashion this bill from legislation that originated in each of the two committees. Specifically, I want to commend Chairman ANDERSON and Ranking Member HAMMERSCHMIDT of the Public Works Committee, and Mr. CLINGER, who authorized the original bill that underlies this legislation. On our own committee, our Transportation Subcommittee chairman, Mr. LUKEN, his ranking member, Mr. WHITTAKER, and the gentleman from New Jersey, [Mr. RINALDO] all played a major role in crafting the legislation. Finally, I want to express my special thanks to Chairman DINGELL, who not only oversaw the preparation of this legislation in the Energy and Commerce Committee, but who played a pivotal role in getting the two committees together to negotiate a bipartisan, combined product that reflects the best thinking of both committees.

I strongly support this legislation, and I urge its prompt approval.

Mr. SWIFT. Mr. Speaker, I'm pleased the House is exercising initiative today by acting to curtail an unsavory practice referred to as "backhauling." This is an activity in which commercial transporters have filled their vehicles with trash, chemicals, or waste products for a trip in one direction, unloaded it upon arrival, and refilled with food for the return trip—all without cleaning the containers.

Few times since I've been in Congress have I encountered an issue that makes such a mockery of the public interest; if there was ever a case in which the phrase "There oughta be a law!" applies, this is it.

The Subcommittee on Transportation and Hazardous Materials held a hearing on this issue last fall. We heard testimony from several witnesses, including Mr. Alden Fitch, an inspector from the Washington State Department of Agriculture, who offered detailed reports of how backhauling transpires. Among the incidents which brought this practice to light was a case in Washington State. It seems that someone unloaded a train full of arsenic, refilled the cars with feed grain, and then transported it to dairy farms in my district; soon thereafter, over $1 million worth of livestock was destroyed.

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Soon after our hearing, Chairman TOM LUKEN introduced a bill to ban backhauling. Similar legislation was introduced and referred to the Public Works Committee. After a series of fruitful, bipartisan negotiations with our colleagues from Public Works, the legislation before us today was reported.

Who could argue with the public policy merits of H.R. 3386? No one I can think of is going to stand up and defend this abhorrent process. But then again, who would think to backhaul food in garbage containers in the first place? It seems to me that each time my industry friends ask when I'm going to get Government off their backs, they turn around and hand us a gold-plated invitation for more regulation. It's indeed unfortunate that what is quite possibly the practice of a few surly characters has to ruin the concept of self-policing for so many.

But the fact is, backhauling happens. It happens in the East, in the Midwest, and out West, in my part of the country. Today, we can make it clear that the policy of this Nation is to ensure the safe and sanitary transportation of food from the source to the shelf. Mr. Speaker, I commend H.R. 3386, the Sanitary Food Transportation Act, to my colleagues on both sides of the aisle. I think it makes for the type of strong leadership that individual States are seeking from Congress in putting a stop to abuses in the transportation of hazardous materials.

Mr. SMITH of New Jersey. Mr. Speaker, as the first Member of Congress to introduce legislation calling for an end to garbage backhauling, I rise today in support of H.R. 3386, as amended. As my colleagues know, I have been fighting for almost a year to enact legislation ending this disgusting practice. Since last May, I have presented testimony on this subject before two committees of the House and submitted testimony to the Senate. I have also introduced two bills, H.R. 2681—with 37 cosponsors—and H.R. 3430—with 61 cosponsors—in addition to cosponsoring a third—H.R. 3634.

Mr. Speaker, the legislation being considered today, H.R. 3386, is the result of a compromise between the Public Works and Transportation Committee, the Energy and Commerce Committee, as well as many other interested parties, including myself. I am pleased that the legislation reported by the Energy and Commerce Committee contains several provisions similar to my legislation, H.R. 3430, the Food Contamination Prevention Act.

In particular, H.R. 3386, as reported, provides the Secretary of Transportation with broad regulatory authority to place any restrictions on trucks and railcars engaged in garbage backhauling. It also specifically requires the Secretary to prohibit the transportation of garbage and other dangerous substances in refrigerated trucks and railcars and in tank trucks and railcars, except for items which the Secretary determines do not pose a threat to public health. H.R. 3386 also requires that asbestos and medical waste be transported in vehicles dedicated for only that purpose.

Mr. Speaker, while H.R. 3386, as reported, provides broad regulatory authority to the Secretary on matters pertaining to garbage backhauling, I am concerned that it does not contain enough specific safeguards for nondedicated vehicles hauling solid waste. Because of the urgency and seriousness of this problem, I will support H.R. 3386, however, I would like to highlight a few provisions of my legislation which are not a part of this compromise legislation.

First, my legislation, H.R. 3430, the Food Contamination Prevention Act, called for mandatory marking of all vehicles which transport solid waste. It is essential for the Congress to mandate that all vehicles—whether refrigerated or nonrefrigerated; regardless of whether they have undergone cleaning procedures—must bear clear markings to inform all future shippers that the vehicle that they are about to use has previously hauled solid waste. This requirement provides a simple yet effective safeguard against unscrupulous transporters willing to violate bans on garbage backhauling outlined previously.

In addition, my legislation—H.R. 3430—required solid waste management facilities to establish cleaning procedures for all nondedicated vehicles based upon reasonably available current technology. It also required nondedicated waste-hauling vehicles to take reasonably available precautions to protect nondedicated vehicles from contaminants. Cleaning vehicles immediately after unloading is the most effective way to insure compliance by all transporters. In addition, safeguards such as lining the vehicles before loading garbage or wrapping bales of garbage with plastic would provide added protection for all future loads hauled by these vehicles. Such procedures are already used by many transporters of solid waste.

Mr. Speaker, the provisions that I have outlined above would provide additional protection against contamination at a reasonable cost. Under H.R. 3386, these protections would not be required, merely suggested and considered.

Mr. Speaker, I remain committed to supporting this legislation, and will continue to work toward its enactment. However, I will also continue to work toward passage of the additional protective measures that I have just discussed.

Mr GALLO. Mr. Speaker, I am very pleased that the House is considering today H.R. 3386, the Safe Transportation of Food Act.

As a cosponsor of H.R. 3386, I believe we must put an end to the unsanitary practice of hauling nonfood items in vehicles that carry our food products. Consumers place their trust in Government to provide for the safe transportation of their food. We cannot afford to stand by and let these practices continue.

This bill would grant the necessary authority to the Department of Transportation to issue regulations that would prohibit our food from being transported in vehicles that previously carried hazardous substances or garbage. H.R. 3386 forms a needed coalition between the Secretary of Transportation, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency to combat this crisis.

We owe it to the American people to provide this basic safety measure. If we do not act now these practices will continue to pose a serious danger to human health in our Nation. The time has come to mandate these regulations and I am happy to offer my support to this legislation.

Mr. CLINGER. Mr. Speaker, I yield back the balance of my time.

Mr. WHITTAKER. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS A. LUKEN. Mr. Speaker, I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, H.R. 3386, as amended.

The question was taken.

Mr. CLINGER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3386, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMITTING A PUBLIC EVENT ON THE CAPITOL GROUNDS IN RECOGNITION OF "EARTH DAY"

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and agree to the Senate concurrent resolution (S. Con. Res. 98) resolved that Earth Day 1990 shall be permitted to sponsor a public event with musical entertainment on the U.S. Capitol Grounds on April 22, 1990.

The Clerk read as follows:

S. CON. RES. 98

Whereas Congress has adopted Public Law 101-186 designating April 22, 1990, as "Earth Day" to promote the preservation of the environment;

Whereas the President has proclaimed his support for Earth Day 1990 and called on the people of the United States to observe the day with appropriate programs, ceremonies, and activities designed to promote greater understanding of ecological issues; and

Whereas Earth Day 1990 has expressed an interest in organizing a public event with musical entertainment to promote environmental awareness and environmentally responsible behavior: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Earth Day 1990 shall be permitted to sponsor a public event with musical entertainment on the United States Capitol Grounds on April 22, 1990. This event shall be free to the public and arranged not to interfere with the needs of Congress, under conditions to be provided by the Architect of the Capitol and the Capitol Police Board. For the purposes of this resolution, the promoters of Earth Day 1990 are authorized to erect upon the United States Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, and other related structures and equipment, as may be required for the event and are authorized to make any arrangements that may be required to carry out the event.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I yield myself such time as I may consume

Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 98, a concurrent resolution authorizing a public event with music for Earth Day 1990 on the U.S. Capitol Grounds.

On November 16, 1989, the House passed Senate Joint Resolution 159, to designate April 22, 1990 as Earth Day and to set aside that day for public activities promoting preservation of the global environment. I, along with 220 of our colleagues, joined in cosponsorship of the House version, House Joint Resolution 338.

Earth Day 1990 was designated by Congress because of the need to increase the public awareness of the international environmental crisis we face and to recognize the fact that we must confront environmental problems of increasing severity, including—climate change; loss of forests, wetlands, and other wildlife habitats, acid rain, air pollution; ocean pollution; and hazardous and solid waste buildup.

On Sunday, April 22, 1990, Earth Day rallies and educational programs will be taking place all over the United States. It is fitting and appropriate for an Earth Day rally to also take place on the Grounds of our Nation's Capitol. The passage of this resolution will allow a temporary stage and associated equipment to be erected on the Capitol Grounds for this event.

Mr. Speaker, I urge all of my colleagues to join me in support of Senate Concurrent Resolution 98 in order to help focus our Nation's attention on our global environmental problems.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Senate Concurrent Resolution 98 would authorize a public event on the Capitol Grounds to be held on April 22, 1990, in observance of Earth Day. Last year, Congress designated this day as Earth Day in order to instill a greater awareness of our environment and the need for environmentally responsible behavior on the part of each American.

It is estimated that 20 million Americans participated in Earth Day 1970. Twenty years later, there is still cause for concern—issues such as ozone depletion, acid rain, efforts to save the rain forest, the disposal of hazardous wastes and many others are in the forefront of world attention. Hopefully, lessons learned as a result of Earth Day 1990 will help each of us recognize the problems we face and what we can do to help preserve our fragile environment.

Senate Concurrent Resolution 98, which was passed by the Senate on February 28 provides that the organization known as Earth Day 1990, which includes many Members of Congress on its board, shall be permitted to sponsor a free event of speakers and music on the Capitol Grounds. Costs for the stage and other related expenses will be paid for by Earth Day 1990.

Mr. Speaker, I urge passage of Senate Concurrent Resolution 98 by the House today.

□ 1550

Mr. Speaker, I yield back the balance of my time.

Mr. ANDERSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and concur in the Senate concurrent resolution, Senate Concurrent Resolution 98.

The question was taken; and (two-thirds having voted in favor thereof) the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on Senate Concurrent Resolution 98, the Senate concurrent resolution just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MAKING TECHNICAL CHANGES AND CORRECTING ENROLLMENT ERRORS IN DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990, AND IN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

Mr. SMITH of Iowa. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 471), to make technical changes and correct enrollment errors in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990, and to make technical changes in the Foreign Relations Authorization Act, fiscal years 1990 and 1991.

The Clerk read as follows:

H.J. RES. 471

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The following provisions of law are repealed:

(a) Section 614 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162).

(b) Section 302 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991.

SEC. 2. (a) If the date that is specified in the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, as the date by which a report is to be submitted to the Congress is a date before the date of enactment of that Act, then the final date for submission of that report shall be deemed to be the date that is sixty days after the date of enactment of that Act.

(b) Notwithstanding the date specified in section 153(b)(2) of that Act, the Secretary of State shall implement the plan provided for in section 153(b)(1) of that Act not later than January 1, 1991.

(c) Notwithstanding the date specified in the second sentence of section 161(a) of that Act, the designation of model foreign language competence posts pursuant to that section shall be made not later than sixty days after the date of enactment of that Act.

SEC. 3. (a) Section 212 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is repealed.

(b) The appropriations language under the heading "Educational and Cultural Exchange Programs" in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162) is amended by striking "$160,300,000" and inserting in lieu thereof "$156,506,000".

The SPEAKER pro tempore. Under the rule, a second is not required on this motion.

The gentleman from Iowa [Mr. SMITH] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. FRENZEL] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Iowa [Mr. SMITH].

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Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out that this is not a supplemental. What this does is to lift a ceiling that was imposed upon a bill that passed last fall.

We stayed within our subcommittee's 302(b) allocation, but due to an old Vietnam-era rule which only applies to the State Department and the USIA, they are forbidden from obligating their appropriations until an authorization is enacted into law. An authorization had not been passed at that time so the committee waived the provision of permanent law, but limited the funding to the fiscal year 1989 level. This resolution releases the $363 million in budget authority and the $258 million in outlays that the State Department and USIA have not been permitted to spend due to that provision.

We reserved this amount of money so we would still be within our overall 302(b) allocation. But when the earthquake happened in California, and that emergency funding bill came up on the floor, points of order were not made at that time to waive the Budget Act. So the emergencies absorbed the remaining amount of money, which is really the allocation set aside for the State Department and the USIA. Since no points of order were raised on the earthquake funding, the Office of Management and Budget agrees that it would be unfair to raise any on this resolution because we stayed within our 302(b). We were one of the few subcommittees that did stay within our 302(b) allocation

It would be unfair to the State Department and the USIA to continue to impose the restriction at this time. This resolution only fulfills the level that was promised them in the fiscal year 1990 appropriation bill at the time it came out of conference and was passed by the House and Senate last fall. Since that time, as we all know, there have been a lot of changes in Eastern Europe, in Central America, and even in South Africa, so they need the money, at least at the level provided in the bill last fall. As the use of bullets winds down, the need for diplomacy increases, so it may not be unreasonable to say that they need even more money. But we are not asking for more money—only the amount that was provided to the State Department and USIA at the time the appropriation bill was passed last fall. They had every right to expect this amount of money. We are bringing this bill to the floor today to waive the ceiling that was imposed until the authorization was enacted. The authorization was enacted in February, so we are asking the House to repeal the ceiling and permit them to obligate the full amount of money included in the bill.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

I am a little confused. How did the earthquake bill get in the middle of the State Department authorization?

Mr. SMITH of Iowa. Because when we passed the appropriation on October 19, we left room in our subcommittees' 302(b) allocation and in the total allocation for this amount of money. But the earthquake bill came along after that, and that bill caused us to exceed the total amount that was available for budget authority and outlays in the budget for the entire Government.

Mr. WALKER The earthquake bill was under the jurisdiction of the gentleman's committee?

Mr. SMITH of Iowa. No. No, it was not.

Mr. WALKER. How did the earthquake money get into the gentleman's 302(b)?

Mr. SMITH of Iowa. Well, the Small Business Administration disaster loan funding was under our jurisdiction, and a supplemental appropriation of $500 million was in the disaster bill. Also we have a ceiling on the total amount for the whole Government.

Mr. WALKER. I understand, but let me understand this——

Mr. SMITH of Iowa. Then we have a waiver of the Budget Act. We are supposed to have a waiver to spend any more money after that.

Mr. WALKER. Yes, I understand that, but if I understood the gentleman correctly a couple of minutes ago, he said our problems stemmed from the fact that no one objected or made points of order against the earthquake bill when the earthquake bill came to the floor?

Mr. SMITH of Iowa. That is true.

Mr. WALKER. And then, when the earthquake bill did come to the floor, without anybody raising points of order, all of a sudden the State Department did not have any money?

Mr. SMITH of Iowa. Yes, that follows. There is a total ceiling, contained in the budget resolution, on the total amount of outlays and budget authority for the whole government.

Mr. WALKER. I understand that.

Mr. SMITH of Iowa. We left room in that for this bill, then the disaster funding bill came along and absorbed it, so there was not any room then in the total amount for the year.

Mr. WALKER. So this has nothing to do with the gentleman's 302; it has only to do with the upward cap on the Federal Government?

Mr. SMITH of Iowa. Right.

Mr. WALKER. So what we would be doing is lifting the cap on the whole Federal Government in order to give the State Department its money?

Mr. SMITH of Iowa. Well, yes, that is so. This means, like in the disaster funding bill, that the deficit would be greater than it was anticipated to be under the budget resolution.

Mr. WALKER. So I understand it, the bill we have before us is not dealing with the gentleman's subcommittee or with its 302; we are actually lifting the cap on the entire Federal Government?

Mr. SMITH of Iowa. No.

Mr. WALKER. We are doing that in order to give the State Department more money?

Mr. SMITH of Iowa. This is not the first one. But the total amount of the deficit will be more because those disasters occurred and we did not waive the Budget Act at that time as it applied to those disasters.

Mr. WALKER. But we are not paying for any disasters here; we are giving money to the State Department, are we not?

Mr. SMITH of Iowa. Yes, we are giving them money that was promised, provided an authorization was enacted, before the disasters occurred.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that the time previously assigned to me be yielded to the distinguished gentleman from Kentucky [Mr. ROGERS].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. ROGERS. Mr. Speaker, I thank my distinguished colleague, the distinguished gentleman from Minnesota [Mr. FRENZEL], for reserving the time in my absence until I made it to the floor, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the joint resolution before us.

First, let me state that the Office of Management and Budget is for this legislation. The administration supports passage of this legislation, and I would hope that every Member of this body would do the same.

This joint resolution addresses a very unique situation arising out of the Appropriation Committee's decision last fall to await enactment of an authorization bill, which everyone here, I think, wants, for the Department of State and the U.S. Information Agency.

At the time of our conference with the Senate on the bill providing funds to both of those agencies, a fiscal year 1990 authorization bill had not yet cleared through the Congress. In fact, it was seriously encumbered by a number of provisions opposed by the administration—issues that invited rejection by the President, so the Appropriations Committee or the subcommittee decided to defer to the authorization committee.

As the subcommittee chairman has pointed out, under current permanent law, a holdover from the Vietnam era, these agencies, the State Department and USIA, may not expend funds without an enacted authorization bill. The authorization was not imminent, and it was felt that the best way to proceed was to keep these agencies at their 1989 levels and move the conference report, which, I should add, provided funds for the important work of the Commerce Department, the Justice Department, the Judiciary, and some 22 other independent agencies and commissions.

□ 1600

Mr. Speaker, in fairness to those other agencies we recommended moving ahead on the conference bill minus the State and USIA, and we did so. So, while the other agencies in our bill, and in all the other appropriation bills, have their regular appropriations for this year, the State Department and the USIA are frozen at the 1989 levels, levels which, if continued, will cause disruptions in their operations.

Recognizing the disruptive impact, it was our intention to repeal the restriction once the authorization was signed by the President. Last month that occurred. The President signed the authorization, and the resolution before us removes the fence on those funds which everyone understood would be done at the time the fence was put around it.

As Members will be advised, repealing this bill causes our subcommittee to breach the 302(b) ceiling. We recognize that. The chairman has said that, and we are concerned about it, and it is not an easy pitch to make here, but the problem is, due to that portion of emergency disaster assistance that came from our subcommittee last fall to deal with the dire impact of the earthquake in California and Hurricane Hugo, it was a need we could never have foreseen.

Absent those emergencies, there would be no budget problem today because we had reserved enough 302(b) allocation in our subcommittee to cover what we are asking today. But we waited, deferring action to the authorization committee, and in the meantime these disasters occurred and took away the authorization that we otherwise would have had today for the purpose of State and USIA.

At the time of our conference, we were under our budget ceiling, even without restricting State and USIA to their 1989 levels, but now we are in a unique situation, one recognized by the administration and OMB who both support passage of this resolution.

Mr. Speaker, let me make two final points.

First, the effects on these agencies of operating at 1989 or CR levels must be considered. The funds in our bill for State principally support the costs of carrying out American business abroad, diplomatic and commercial, in safe and secure working conditions. If America is to continue in its leadership role in this rapidly changing world, we cannot shortchange our outreach agencies, State and USIA. Lech Walesa, Vaclav Havel, other leaders of the East European revolution, have said that America's continuous contact by way of the Voice of America, USIA, was one of the chief reasons they were successful. However, if our communications were important before our friends gained power, are they not vitally more important as our friends attempt to rebuild democracy in those countries after 50 years of communism? USIA is more important now than it was then, and we must understand that and fund these agencies as they need to be. If we do not repeal section 614, every aspect, from international broadcasting to exchanges, will be harmed, and furloughs in this agency could be expected.

Second and finally, there is no dispute over the increased level of funding for these agencies. No one is arguing that for fiscal year 1990. There never was an argument about the finding level. We all agreed on it, but we never deferred to the authorization process, which is now complete, and now we desperately need to remove this shackle.

OMB and the department support this bill. The administration supports it. And I believe the Congress should follow suit.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, when a unanimous consent was raised last week to bring this bill up, I indicated my opposition and voiced an objection to the unanimous-consent request. Members who were present or listening at the time will recall that I indicated that there is a serious Committee on the Budget problem with this bill. The Committee on Appropriations has breached it committee allocation provided in the fiscal year 1990 concurrent budget resolution by $1.7 in budget authority and $2.6 billion in outlays. The repeal of section 614 would add an additional $363 million in budget authority and $258 million in outlays. That is a quarter of a billion to the State Department budget.

Mr. Speaker, I suspect that there are not a lot of Members of Congress who, having to choose between the highest priorities for this country, would choose to give some more money across the board to that State Department budget, however necessary the administration may say those funds are going to be. A quarter of a billion dollars is quite a lot of money, and it is something that we normally do not let loose of.

Mr. Speaker, it was stated here on the floor that this is not a supplemental appropriation. I suppose technically it is not a supplemental appropriation. However, Mr. Speaker, it quacks like a duck. It is providing, after sequester, an extra quarter of a billion dollars for an agency we thought we had funded when we passed our appropriation bills last year, and by simply repealing one section we are going to give that extra $250 billion, despite the fact that we had to be careful with some other priorities.

Mr. Speaker, even a supplemental might not be a bad idea, if the administration really needs the money, as it says it does in this case, if we were not restoring a sequester. I think the practical fact is that this is a supplemental. It was not offset, and, in fact, we are restoring sequestered money which the State Department would rather spend. I do not blame them. So would all the other departments of Government.

Mr. Speaker, the statements made by the distinguished chairman of the subcommittee and its distinguished vice chairman are in my opinion accurate. From what I understand, the subcommittee reserved money under its 302(b) allocation to provide these funds. The problem was the committee, the full committee, did not do so, and in fact, not only did it spend these funds, it spent additionally so that we have a situation of being $1.7 billion over in outlays even before these expenditures are going to be made.

So, Mr. Speaker, we have effectively a supplemental. We have a supplemental that is not offset by any savings.

Finally, we have effectively a restoration of the sequester for one agency of the Government, and all the other agencies of Government are looking around for ways to relieve their distress and not finding it.

Mr. Speaker, I think it would be a real mistake to set the precedent of what I would call a backhanded, underground supplemental, which is being made under a procedure of suspension of the rules, which will not even let us amend or debate properly the problem, and under that particular arrangement we are being asked to liberate an extra $250 million.

My colleagues have heard some of the reasons that this is to be used for: embassy security and USIA, and some of those items many of us think are important, but may not be as important as medical care, and hunger programs and some others that would also like restoration of their funds.

For the reason of trying to hold together a responsible budget process, of

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trying to make good what we said we were going to do when we passed the budget resolution last year and to make this kind of extra funding at least comparable to others; that is, with a tradeoff or not at all, I believe that we should defeat this particular proposal.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, listening to the arguments of the previous speaker, I think that there are some misunderstandings about the way this process has worked, and those that have been involved in this with the subcommittee I think do understand what happened last year, why we are in a position that no other subcommittee, no other agency, finds itself in.

So, Mr. Speaker, I do rise in support of this measure, one that has been sponsored by my chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations.

☐ 1610

Last year we were all very eager to get out of here and adjourn before the Thanksgiving holiday. On the last day of the session, we were informed that President Bush intended to veto the State Department authorization—not appropriation, but authorization bill. The Department of State is under a unique restriction in the authorization/appropriation process. Law, which goes back to the 1960's, specifically prohibits providing an appropriation for the State Department or U.S. Information Agency unless there is a signed authorization. In past years we have inserted language in the appropriation bills to allow obligation of the funds, even when there was no signed authorization; however, due to a unique situation at the end of last year, we were unable to get agreement to do this for the fiscal year 1990 bill.

In negotiations with the Senate we were able to agree on a compromise to ensure that the other Federal departments funded by this subcommittee, that is, Commerce, and Judiciary, were not held hostage by the problems we had with the authorization for the State Department. Section 614 was added to the bill to basically place the State Department under continuing resolution restrictions. Although we had no continuing resolution last year, State Department is being treated as if we did. Now, I know it is fashionable to bash the State Department. They really do not have much of a constituency in Congress—hardly anyone ever goes to bat for State. But, I think a distinction needs to be made between foreign aid which is not funded by this bill and the administration of the State Department which is. Salaries, security for our personnel overseas, and maintenance of our buildings abroad are all funded by the State Department appropriation. It is not fair for us to hold their budget hostage to the fact that the political climate in Washington last November did not allow for a more equitable solution that everybody on the Appropriations Committee thought we were going to have.

The Director of the Office of Management and Budget has expressed the administration's support for this resolution even though its passage does violate technically the Budget Act. This unfortunate turn of events occurred because our appropriations bill was tapped for some of the funds necessary to respond to two enormous national disasters—Hurricane Hugo and the San Francisco earthquake. Again, I do not believe the administration of the State Department should be held hostage to these unforeseen tragedies, and the fact that the authorizing committee and the Appropriations Committee between the House and the Senate have this problem.

So I echo my chairman in asking for your support for this resolution.

Mr. ROGERS. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican on the Foreign Affairs Committee.

Mr. BROOMFIELD. Mr. Speaker, I am happy to join the subcommittee chairman, the gentleman from Iowa [Mr. SMITH] and also the gentleman from Kentucky [Mr. ROGERS] in support of this resolution.

I support this resolution and hope that it will bring the lengthy process of the State Department authorization to a close.

House Joint Resolution 471 repeals two specific provisions in the Commerce, Justice, State Appropriation Act and the State Department Authorization Act. This is being done as part of a compromise between the Senate Foreign Relations and Appropriations Committees, which was made in order to gain Senate approval of H.R. 3792, the State Department authorization bill.

The first part of this legislation, the repeal of section 614 of the Departments of Commerce, Justice, State, and Related Agencies Appropriations Act of 1990, is necessary to release funds for the State Department and USIA at fiscal year 1990 levels.

The second part of this legislation, the repeal of section 302 of the Foreign Relations Authorization Act for 1990 and 1991, will remove the requirement that funds for the Board for International Broadcasting be authorized prior to being spent. This was an expansion of current law which requires State Department funds to be authorized before being spent.

I support this compromise as essential to completion of the State Department budget process. Let me make it clear, however, that I will continue to insist that BIB funds receive authorization from this committee before being spent.

I want to thank the chairman of our committee, Mr. FASCELL, for his efforts on the State Department authorization bill. His leadership and persistence have protected the committee's role as an authorizer in the budget process. Both Republican and Democrat members of the committee have benefited from your efforts.

Finally, Mr. Speaker, I want to indicate the strong support of the administration in behalf of this legislation.

Mr. ROGERS. Mr. Speaker, I yield one minute to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, one of the previous speakers indicated there was some misunderstanding. I have not seen any fact presented here that is as yet misunderstood.

I have agreed that the subcommittee has done its job. It met its section 302 allocations. It has followed up as it felt its obligations required it to do so with this request for repeal.

I have not indicated that the administration does not want this bill. It does. I think everybody understands those things.

What the important point is whether we should spend—well, let us start at the beginning. The first is whether we should pass what is in effect, a supplemental, which is not offset by reduced spending elsewhere, whether we should make up for what are the evil effects of a sequester on one agency where we do not do it anyplace else, and whether we should handle a quarter-of-a-billion dollar expenditure from the Treasury under the suspension process.

I think if we are trying to preserve the precedents of the House and trying to preserve some kind of discipline from our budget resolution of last year. The answer to all those questions is "No," we do not want to do that, and I hope the Members will vote against the bill.

Mr. ROGERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH], the Republican whip.

Mr. GINGRICH. Mr. Speaker, I rise with the greatest reluctance to disagree with my good friend, the gentleman from Minnesota, who I think is doing the Lord's work on trying to bring fiscal responsibility to this House, but I have to make the point to my colleagues that to some extent the State Department is caught up here in a congressional problem, that at a time when the President of the United States is dealing with dramatic changes in Eastern Europe, when he is trying to be helpful in Nicaragua, when there are a range of things which virtually every Republican would say we must be helpful with, is not the time for us to be involved in crippling the ability of the State Department, particularly with the U.S. Information Agency and with aid to Eastern Europe.

So I would encourage every one of my colleagues who wants to strengthen George Bush's hand in dealing with Eastern Europe and who wants to help the United States in developing freedom across the planet, that in this particular case it would be inappropriate to punish the State Department for what is in essence an internal congressional hang-up.

Mr. Speaker, I would urge a yes vote on this particular suspension.

Mr. SMITH of Iowa. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, this joint resolution, introduced by the distinguished chairman of the Appropriations Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, was jointly referred to the Committees on Appropriations and on Foreign Affairs. The resolution would lift the spending ceiling imposed on the Department of State and the U.S. Information Agency by section 614 of the Departments of Commerce, Justice, State, the Judiciary and Related Agencies Appropriations, 1990. The joint resolution would also repeal a provision in the State authorization for fiscal years 1990 and 1991 regarding the requirement for authorization for the Board for International Broadcasting.

As Members will recall, the original State Department authorization conference report was vetoed late last session by the President because of the so-called Moynihan amendment. A clean bill without Moynihan was introduced and passed in the House, but was held up in the Senate on the final day of the session.

Because of the delay in the authorization process, the Appropriation Committees decided to hold the obligational authority of State and USIA at fiscal year 1989 levels. This joint resolution would free up approximately $174 million for the State Department and $52 million for USIA in obligational authority. Failure to approve this technical measure will lead to the inability of the United States to meet its treaty commitments and may force the Department of State to rob other important programs to attempt to meet these commitments. In addition, it will deny $42 million in desperately needed operating funds to maintain U.S. missions abroad, including our effort to increase the U.S. presence in Eastern Europe and may lead to denial of services to other U.S. Government agencies, such as the Agency for International Development and USIA. It may also deny the Inspector General of the Department of State the ability to carry out the full program of audits and investigations of the Department planned for this year.

I would urge the Members to support this resolution.

Mr. ROGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would hope that the Members would vote aye on this measure. It is important to restore these funds to the State Department and the USIA so that we can communicate America's message across the world. I urge an aye vote.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will conclude by merely quoting from a letter from Director Darman to me dated March 13. I think one of the two sentences can summarize it. He says:

> Given that the Congress did not raise the points of order against the second continuing resolution in October—
>
> That is the earthquake resolution—and that that is what caused the current problem, I now conclude that it is unfair to insist on the points of order that could be raised against your resolution (H. J. Res. 471) to repeal section 614.

It is a just a matter the State Department and USIA are caught in an unfair situation because of Hurricane Hugo and the earthquake emergencies which took money out of the total amount of funding allocated for the year after the appropriations bill for the State Department and USIA had passed.

I am asking for an aye vote.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Iowa [Mr. SMITH] that the House suspend the rules and pass the joint resolution, House Joint Resolution 471.

The question was taken.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 471, the joint resolution just considered, and that I be permitted to include tables, charts, and other extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4328, by the yeas and nays;

H.R. 2209, by the yeas and nays;

H.R. 908, by the yeas and nays;

H.R. 3386, by the yeas and nays; and

House Joint Resolution 471, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

TRADE AGENCY AUTHORIZATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill H.R. 4328, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. ROSTENKOWSKI] that the House suspend the rules and pass the bill, H.R. 4328, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 424, nays 0 not voting 8, as follows:

[Roll No. 42]

YEAS—424

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin

Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—8

Barnard
Bates
Bilirakis
Ford (TN)
Hoagland
McCollum
Smith, Denny (OR)
Stump

☐ 1645

Mr. OBEY changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2209, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 2209, as amended, on which the yeas and nays are ordered.

The Chair would remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 9, not voting 7, as follows:

[Roll No. 43]

YEAS—416

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Coyne
Craig
Crockett
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage

Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—9

Armey
Cox
Crane
Dannemeyer
Hefley
Holloway
Jontz
Rohrabacher
Smith, Robert (NH)

NOT VOTING—7

Barnard
Bates
Bilirakis
Ford (TN)
Hoagland
Smith, Denny (OR)
Stump

□ 1654

Mr. DANNEMEYER changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOAGLAND. Mr. Speaker, during rollcall votes 42 and 43 on H.R. 4328 and 2209, I was absent due to a technical problem with my Motorola beeper. I did not know these votes were taking place. Had I been present, I would have voted "yea" on both rollcalls. Both bills were not controversial, H.R. 4328 passed 424 to 0 and H.R. 2209 passed 416 to 9. I ask that my statement appear in the Record immediately following rollcall vote 43.

FEDERAL ENERGY REGULATORY COMMISSION MEMBER TERM ACT OF 1990

The SPEAKER pro tempore (Mr. Mazzoli). The pending business is the question of suspending the rules and passing the bill, H.R. 908, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. Sharp] that the House suspend the rules and pass the bill, H.R. 908, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 6, as follows:

[Roll No. 44]

YEAS—426

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—0

NOT VOTING—6

Barnard
Bates
Bilirakis
Ford (TN)
Smith, Denny (OR)
Stump

□ 1702

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SANITARY TRANSPORTATION OF FOOD ACT OF 1990

The SPEAKER pro tempore (Mr. Mazzoli). The pending business is the question of suspending the rules and passing the bill, H.R. 3386, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. Anderson] that the House suspend the rules and pass the bill, H.R. 3386,

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as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 15, not voting 7, as follows:

[Roll No. 45]

YEAS—410

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Baker
Ballenger
Bartlett
Barton
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shays
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—15

Archer
Armey
Burton
Combest
Crane
Dannemeyer
DeLay
Dornan (CA)
Fields
Frenzel
Hansen
Madigan
Marlenee
Nielson
Shumway

NOT VOTING—7

Barnard
Bates
Bilirakis
Ford (TN)
Leach (IA)
Smith, Denny (OR)
Stump

□ 1710

The Clerk announced the following pair:

On this vote:

Mr. Barnard and Mr. Bilirakis for, with Mr. Stump against.

Mr. COMBEST changed his vote from "yea" to "nay."

Mr. STAGGERS changed his vote from "nay" to "yea."

So (two-thirds have voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and nonfood products, and for other purposes.".

A motion to reconsider was laid on the table.

MAKING TECHNICAL CHANGES AND CORRECTING ENROLLMENT ERRORS IN DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1990, AND IN FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1990 AND 1991

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 471.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa [Mr. SMITH] that the House suspend the rules and pass the joint resolution, House Joint Resolution 471, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 276, nays 149, not voting 7, as follows:

[Roll No. 46]

YEAS—276

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Ballenger
Bateman
Beilenson
Bereuter
Berman
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Brennan
Brooks
Broomfield
Brown (CA)
Bruce
Bustamante
Campbell (CO)
Cardin
Carr
Chandler
Chapman
Clarke
Clay
Clinger
Coleman (MO)
Coleman (TX)
Condit
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Frank
Frost
Gallegly
Gallo
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Gonzalez
Gordon
Gradison
Grant
Gray
Green
Guarini
Hall (OH)
Hamilton
Hatcher
Hawkins
Hefner
Hertel
Hochbrueckner
Horton
Houghton
Hoyer
Hughes
Hutto
Hyde
Ireland
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli

McCloskey
McCollum
McCrery
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Parker
Parris
Payne (NJ)
Pease
Pelosi
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rangel
Regula
Rhodes
Richardson
Rinaldo
Robinson
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (GA)
Roybal
Sabo
Saiki
Sangmeister
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schumer
Shaw
Sikorski
Skaggs
Skeen
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Snowe
Solarz
Spratt
Stangeland
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walsh
Washington
Waxman
Weiss
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yatron
Young (FL)

NAYS—149

Armey
Baker
Bartlett
Barton
Bennett
Bentley
Bevill
Bliley
Boxer
Browder
Brown (CO)
Bryant
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Carper
Clement
Coble
Collins
Combest
Costello
Cox
Craig
Crane
Dannemeyer
DeLay
Dellums
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Emerson
English
Erdreich
Fawell
Fields
Flippo
Frenzel
Gaydos
Gekas
Glickman
Goodling
Goss
Grandy
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hayes (IL)
Hayes (LA)
Hefley
Henry
Herger
Hoagland
Holloway
Hopkins
Hubbard
Huckaby
Hunter
Inhofe
Jacobs
James
Jenkins
Johnson (SD)
Kanjorski
Kasich
Kastenmeier
Kolter
Kyl
Leath (TX)
Lewis (FL)
Lloyd
Marlenee
Martin (IL)
McCandless
McCurdy
McEwen
McMillan (NC)
Miller (CA)
Miller (OH)
Moorhead
Murphy
Neal (NC)
Nielson
Packard
Panetta
Pashayan
Patterson
Paxon
Payne (VA)
Penny
Pickett
Poshard
Rahall
Ravenel
Ray
Ridge
Ritter
Roberts
Rohrabacher
Rowland (CT)
Russo
Sarpalius
Savage
Schaefer
Schroeder
Schuette
Schulze
Sensenbrenner
Sharp
Shays
Shumway
Shuster
Sisisky
Skelton
Slaughter (VA)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Staggers
Stallings
Stark
Stearns
Stenholm
Sundquist
Tallon
Tanner
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Walker
Watkins
Weber
Weldon
Yates
Young (AK)

NOT VOTING—7

Barnard
Bates
Bilirakis
Ford (TN)
Hiler
Smith, Denny (OR)
Stump

□ 1721

Messrs. GRANDY, BUECHNER, JOHNSON of South Dakota, ENGLISH, and SAVAGE, Mrs. COLLINS, Messrs. HAYES of Illinois, BAKER, and HOAGLAND, Mrs. BOXER, Messrs. RAY, and BRYANT, Mrs. SCHROEDER, and Messrs. BROWDER, DELLUMS, and DOWNEY changed their vote from "yea" to "nay."

Messrs. HERTEL, WYDEN, and LAUGHLIN changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

□ 1720

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 1990

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER pro tempore (Mr. Mazzoli). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

FEDERAL ENERGY REGULATORY COMMISSION MEMBER TERM ACT OF 1989

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 388) to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes, and ask for its immediate consideration

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. GINGRICH. Mr. Speaker, reserving the right to object, I do so for two reasons, the first of which is to yield to the gentleman from California [Mr. Moorhead] to explain what the request is.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman from Georgia for yielding, and I would say that we are by this motion amending the Senate bill by substituting the House bill just passed and sending it back to the Senate.

Mr. GINGRICH. Mr. Speaker, further reserving the right to object, I want to further reserve my right to object in order to make a point to the House, and the Chair may want to educate us on this.

Mr. Speaker, it is my understanding that the Committee on Rules is going into session at the present time to hear testimony on the child care bill.

The SPEAKER pro tempore. Does the reservation of objection of the gentleman from Georgia [Mr. Gingrich] have to do with the unanimous-consent request from the gentleman from Indiana [Mr. Sharp].

Mr. GINGRICH. No, Mr. Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Energy Regulatory Commission Member Term Act of 1989".

SEC. 2. FIVE-YEAR TERMS FOR MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION.

(a) In General.—Section 401(b) of the Department of Energy Organization Act is amended by striking "four years" in the third sentence and inserting "five years".

(b) Staggered Terms.—Section 401(b) of such Act is amended by—

(1) inserting "(1)" after "(b)";

(2) striking the fourth and sixth sentences;

(3) amend the seventh sentence to read, "A Commissioner may continue to serve after the expiration of his term until his successor is appointed and has been confirmed and taken the oath of Office, except that such Commissioner shall not continue to serve beyond the end of the session of the Congress in which such term expires."; and

(4) adding at the end thereof the following:

"(2) Notwithstanding the provisions of paragraph (1), the terms of members first taking office after the date of enactment of the Federal Energy Regulatory Commission Member Term Act of 1989 shall expire as follows:

"(A) In the case of the member appointed to succeed the member whose term expires in 1989, such member's term shall expire on June 30 of the fourth year after the expiration of the predecessor's term.

"(B) In the case of members appointed to succeed members whose terms expire in

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1991, one such member's term shall expire on June 30 of the third year after the expiration of the predecessor's term, and one such member's term shall expire on June 30 of the fourth year after the expiration of the predecessor's term, as designated by the President at the time of appointment.

"(C) In the case of members appointed to succeed members whose terms expire in 1992, one such member's term shall expire on June 30 of the fourth year after the expiration of the predecessor's term and one such member's term shall expire on June 30 of the fifth year after the expiration of the predecessors term.

"(D) Any member appointed to fill a vacancy occurring prior to the expiration for the term for which his predecessor was appointed shall be appointed only for the remainder of such term.".

(c) APPLICABILITY.—The amendments made by this section apply only to persons appointed or reappointed as members of the Federal Energy Regulatory Commission after the date of enactment of this Act.

SEC. 3. COMPENSATION OF THE CHAIRMAN AND MEMBERS.

Section 204 of the Department of Energy Organization Act is amended by striking the second and third sentences and inserting in lieu thereof the following: "The Chairman shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5. The other members of the Commission shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.".

MOTION OFFERED BY MR. SHARP

Mr. SHARP. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SHARP moves to strike out all after the enacting clause of S. 388 and to insert in lieu thereof the provisions of H.R. 908, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 908) was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. GINGRICH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GINGRICH. Mr. Speaker, my inquiry of the Chair is that no one on this side of the aisle has yet seen a copy of the bill which is going to the Committee on Rules and which the Committee on Rules is apparently meeting on now.

My inquiry of the Chair is:

Is it possible for the Democratic leadership to produce for the Republican side of the aisle a bill which we are now apparently having Committee on Rules hearings on?

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Georgia [Mr. GINGRICH] that this is not a parliamentary inquiry.

Mr. GINGRICH. I have a further parliamentary inquiry, then.

Mr. Speaker, I would ask of the Chair: What are the rights of Members, and would the Chair elucidate for a minute on what are the rights of Members to see a document before it is brought to the floor?

□ 1730

There is, for exmple, as I understand it, a 3-day rule if it is a bill coming out of committee.

The SPEAKER pro tempore. The Chair can assure the gentleman from Georgia the rights of all Members will be preserved. Amendments being brought to the floor will be available at the time they are considered, commensurate with the notice, if any, that is required under the rules.

Mr. GINGRICH. Mr. Chairman, a further parliamentary inquiry.

Can the Chair direct, and I do not mean to put the gentleman from Kentucky in a difficult position, could the Chair direct any Member on this side as to where we might go in order to get a copy of the bill?

The SPEAKER pro tempore. That is really not a direct parliamentary inquiry, so with the gentleman's indulgence we will move on to other business, but the Chair will assure the gentleman he will be protected.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR].

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I do this to respond to my friend, the gentleman from Georgia, on the other side of the aisle.

The gentleman is correct. The Rules Committee is meeting at this very minute, I suspect, on the child care bill and is hearing testimony.

I also assume that the major vehicles, the one being offered by the Democratic leadership and the Stenholm-Shaw bill, are also available to any Member who wishes to see them up in the committee at this particular time.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I do have a copy of the Stenholm-Shaw bill which the gentleman from Texas [Mr. STENHOLM] introduced on March 15. It has been printed. It is H.R. 4294.

A number of us have been involved in child care for some time and wish to consider it in an orderly consideration, but have been unable to find a copy of the bill that we will be considering on the House floor this week.

Mr. BONIOR. I assume it is being presented probably at this very minute. I assume it is available upstairs.

Mr. GINGRICH. Mr. Speaker, will the gentleman yield further?

Mr. BONIOR. I yield to the gentleman from Georgia.

Mr. GINGRICH. The reason I rose, and I appreciate the gentleman taking this time to speak on this matter, because it is an important dialog.

These are not just press releases. This is real legislation. This is how we get into a section 89 problem.

It is my understanding, and I just checked with staff and I have asked members of the Rules Committee, that as of this minute to the best of our knowledge no Republican Member and no Republican Member of the leadership and no Republican member of the Ways and Means Committee or the Education and Labor Committee has seen a copy of a bill, which as we understand it has been written by staff on two committees, has not had any markup, has not had any public appearance and has now been sort of thrown together and is going to the Rules Committee.

I am not trying to pull the gentleman's leg, but as of 5:30, to the best of our knowledge, no Republican has seen a copy of what will be a very major piece of legislation for which the Rules Committee is now meeting.

Mr. BONIOR. Well, as I indicated to my colleague, the text is ready now. It is available up there for any Member to see. I can assure my friend, the gentleman from Georgia, that there has been ample input by members of the various committees of this body into at least the vehicle we are presenting and, of course, as the gentleman knows, this issue has not been here for 30 days or 3 months. It has been here for over a year. It is available upstairs, so for those who are interested, I ask them to go up and look at it.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield further?

Mr. BONIOR. My time is about ready to expire.

The SPEAKER pro tempore. The time of the gentleman from Michigan [Mr. BONIOR] has expired.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1463, NATIONAL CAPITAL TRANSPORTATION AMENDMENTS OF 1989

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 101-433) on the resolution (H. Res. 366) providing for the consideration of the bill (H.R. 1463) to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

Mr. BONIOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 364 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 364

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3847) to establish a Department of Environmental Protection, and for other purposes, and the first reading of the bill shall be dispensed with. All points or order against consideration of the bill for failure to comply with the provisions of section 401(b)(1) of the Congressional Budget Act of 1974 as amended (Public Law 93-344, as amended by Public Law 99-177) are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Government Operations now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of sections 302(c), 302(f), 311(a), and 401(b)(1) of the Congressional Budget Act and with clause 7 of rule XVI are hereby waived. No amendment to said substitute shall be in order except pro forma amendments for the purpose of debate and those amendments printed in the report of the Committee on Rules accompanying this resolution. Said amendments shall be considered in the order and manner specified in the report, may only be offered by the Member specified in the report or his designee, and shall not be subject to amendment except pro forma amendments for the purpose of debate. All points of order against amendments numbered 9, 11, and 12 for failure to comply with the provisions of clause 7 of rule XVI are hereby waived. The amendments numbered 1 may be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. It shall be in order to consider amendment numbered 4, any rule of the House to the contrary notwithstanding. All points or order against consideration of amendment numbered 13 for failure to comply with the provisions of sections 302(c), 302(f), 311(a), and 401(b)(1) of the Congressional Budget Act are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

Mr. BONIOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON], pending which I yield myself such time as I may consume.

Mr. Speaker, on April 22, our Nation will celebrate the 20th anniversary of Earth Day. This year also marks the 20th anniversary of the creation of the Environmental Protection Agency [EPA].

It is appropriate that today we consider H.R. 3847, legislation to elevate EPA to the Cabinet level.

This move to protect our environment has broad bipartisan support.

Congress has been pressing for such action for more than a year. It is long overdue.

In response to the growing environmental concern, President Bush finally endorsed the idea of giving EPA Cabinet status during his state of the Union address.

This year we begin the environmental decade. 1990 will be a turning point in efforts to ensure a healthy and safe environment for future generations.

In Michigan, concern for the environment could not be greater. We are surrounded by the beauty of the Great Lakes. Water is our way of life.

Yet in my district alone, we are threatened by a nuclear waste dump, overflowing landfills, and toxics in our rivers and lakes.

In Michigan, we need to know that protecting the water, wildlife, and land around us is a top priority for policymakers in Washington.

When national decisions are being made at the President's Cabinet table, the environment cannot be left out.

EPA deals with issues that touch the life of every American.

Yet, currently, the EPA must appeal for action from other agencies to address our Nation's most pressing environmental concerns.

EPA was set up to coordinate governmental action on the environment.

Yet twice in one week last month, the EPA Administrator was overruled by the White House Chief of Staff on global warming and wetlands policy.

EPA deserves a seat at the President's table, not an appointment on the Chief of Staff's calendar.

Elevating EPA to the Cabinet will ensure increased status, a closer relationship to the President, and more balance with other Federal agencies.

We, in this body, have been leading the fight to save our environment. Last year, we adopted the most comprehensive oilspill bill in our Nation's history. And this year, we will overhaul the Clean Air Act.

But we also need Presidential leadership, a bold strategy, and international cooperation to preserve our planet.

Each of us, at the national level, in our local communities, and as individuals must take responsibility for a cleaner, safer environment.

Elevating EPA to Cabinet status will help strengthen this Nation's environmental resolve.

Mr. Speaker, House Resolution 364 provides for consideration of H.R. 3847, a bill to establish a Department of Environmental Protection.

House Resolution 364 is a modified open rule providing for 1 hour of general debate.

Section 401(b)(1) of the Congressional Budget Act is waived against consideration of the bill. And section 302(c), 302(f), 311(a), and 401(b)(1) of the Budget Act are waived against the Government Operations Committee amendment to be considered in the nature of a substitute. Clause 7 of rule XVI, pertaining to germaneness, is also waived against the substitute.

No amendment to the substitute is in order except for amendments printed in the Rules Committee report. The amendments are to be considered in the order and manner specified and are to be offered only by the Member or by his designee. The amendments are not subject to amendment.

Clause 7 of rule XVI, again pertaining to germaneness, is waived against the amendments offered by Congresswoman LOWEY, Mr. JONES of North Carolina, and Mr. ECKART. The technical amendments to be offered by Chairman CONYERS may be considered en bloc, and are not subject to division in the House or the Committee of the Whole.

All points of order are waived against the amendment to be offered by Mr. SOLOMON. Section 302(c), 302(f), 311(a), and 401(b)(1) of the Budget Act are waived against the Hastert amendment.

The rule provides one motion to recommit.

I commend the President for proposing the elevation of EPA to Cabinet status. And I commend the gentleman from Michigan. [Mr. CONYERS] for being a leader on this issue.

The Rules Committee would have preferred granting an open rule on H.R. 3847, but at the urging of some in the minority, has restricted the bill to major amendments only. I urge the adoption of House Resolution 364.

□ 1740

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill to raise the Environmental Protection Agency to Cabinet-level status does not, and I repeat, does not extend the Federal bureaucracy, and that is why I do not

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hesitate to rise in support of the rule. I would urge its adoption.

As a matter of fact, it is very similar to the bill which passed this House last year which created the Department of Veterans Affairs. That bill was written similarly to this, and it did not expand the bureaucracy.

It is not very often that I would stand up here and urge support for a modified closed rule, so I will take this opportunity to explain why I believe this resolution is an appropriate rule under the present circumstances.

First, after consultation, the Democrat and Republican leadership agreed to a modified closed rule, because this rule was developed in consultation with a broad array of interested parties including the administration. It was a difficult process, and the chairman, the gentleman from Massachusetts [Mr. Moakley], I am convinced, did everything in his power to write an open and fair rule.

I do not know of a single interested party who was actively involved in these negotiations on this rule who now opposes it. I think everybody is in favor of the rule.

Second, I would point out that nobody, and I mean nobody, no Member of this Congress, is being gagged, and this is the issue that is always important, certainly to Members on this side of the aisle. As a matter of fact, every Member from either side of the aisle who took the initiative of appearing before the Committee on Rules or who otherwise provided an amendment to the committee has been accommodated fully under this rule, both sides of the aisle. That is quite an accomplishment, and I would thank the chairman, the gentleman from Massachusetts [Mr. Moakley], again, and the gentleman from Michigan [Mr. Bonior] for their cooperation in this matter.

Mr. Speaker, the gentleman from Michigan provided the House with a detailed summary of the rule, and I need not repeat that summary. But I would like to emphasize one thing. We will have an opportunity at the close of debate to clean up this piece of legislation should that be necessary.

I am a cosponsor of H.R. 3847, and I strongly support its passage. That does not mean, however, that I or other Members are entirely satisfied with each and every provision in this bill.

A number of amendments will be offered today which, depending on one's point of view, will either improve the bill or make it worse. In any event, if this process gets out of hand, the rule provides for a corrective period.

The last amendment to be considered will be offered by our colleague, the gentleman from Illinois [Mr. Hastert]. His final amendment is a straightforward elevation of the Environmental Protection Agency as presently constituted to Cabinet-level status. So if the amendment process gets too convoluted, we can undo our hand work by voting for the final amendment offered by the gentleman from Illinois [Mr. Hastert]. Either way, the Environmental Protection Agency will become the Department of Environmental Protection.

Mr. Speaker, I will close by commenting on the bill itself. As I noted a moment ago, I strongly support the bill, and I hope it will be on the President's desk by April 22.

As of right now, the United States is the only important industrialized democracy in the world that does not have a Cabinet-level department or ministry concerned with environmental protection, and that is a shame. We all appreciate the standard of living that our modern industrialized economy is able to provide for all of us, but we must pay more attention to the side effects of this progress that we have.

My district in upstate New York spans a very beautiful area, from the Catskill Mountains in the south all the way to the Adirondack Mountains in the north on the Canadian border, but even the most remote sections in my district, areas which a generation ago, just 20 years ago, were pristine mountain forests, are being devasted today by acid rain.

Every congressional district in the country, I am sure, has its own tragedy. Every congressional district around this country, as I look at the people here in this room, has a problem, and I would say the problems are being multiplied throughout the world.

It has to stop if we are to hand down any kind of a livable world to our children and our grandchildren. Merely elevating the EPA will not do the job by itself, but the establishment of this new department will being environmental issues much closer to the central position on the American agenda where they belong.

I would urge support of the rule setting debate on the issue of raising the EPA to Cabinet-level status.

Mr. Speaker, I yield such time as he may consume to the ranking Republican on the Committee on Government Operations, the gentleman from New York [Mr. Horton], for his comments.

Mr. HORTON. Mr. Speaker, I rise in support of the rule. This rule makes in order 13 amendments to H.R. 3847. It was Chairman Conyers intention to support inclusion in the rule any amendment brought to our Committee on Government Operations' attention prior to our Rules Committee scheduling. He accepted inclusion of minority amendments willingly, and I appreciate his willingness and consideration of requests by all Members.

Chairman Moakley, Mr. Quillen, Mr. Bonior, and Mr. Solomon and other members of the Rules Committee also are to be commended. Ultimately, it was they who made the decision to grant this rule and allow in order all requested amendments. I consider the rule to be fair. In fact, I would have preferred to a more limiting rule, as I would have preferred a more limited bill. With respect to the latter, I will make my views known on particular concerns as we consider H.R. 3847.

Mr. Speaker, I support the rule and urge my colleagues to do the same.

Mr. BONIOR. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas [Mr. Glickman].

Mr. GLICKMAN. Mr. Speaker, I intend to support this rule. I think it is fair. But I would like to take a few minutes to talk about this legislation under consideration today. As someone who prides himself on having a good environmental voting record, it is difficult for me to oppose the creation of a Cabinet level Department of Environmental Protection. But during the past decade or so, we have added four new chairs to the Cabinet room and as Yogi Berra said, "It's like deja vu all over again."

There are two reasons I have problems with this bill.

First, if we are going to create a Department of Environmental Protection, why not combine all of the environmentally related offices of our Government: for example, the National Park Service; the Army Corps of Engineers; the Bureau of Reclamation; the Fish and Wildlife Service; and other Federal agencies. Better yet, why not create an environmental superagency, composed of the environmental responsibilities of the current Departments of Energy and Interior, and combine those functions with the EPA into a new Department of Environment and Natural Resources. If we are going to do this, why not do it right and give some increased responsibility and clout to this new Department?

Second, if we do not give this agency some new capabilities, all we do is further remove the EPA from congressional accountability. As a Cabinet level department, it loses its independent status and becomes a vehicle for the administration's policy. Without expanding its powers, we risk reducing its responsiveness to Congress' mandate to clean up the environment. It is too bad the EPA has not been particularly effective in the past, but why take away its potential effectiveness just to make a point that the environment is so important it needs a Cabinet level chair. A seat at the Cabinet table is no substitute for a commitment to clean up our air and water.

Eleven years ago, I opposed legislation which created a Cabinet level Department of Education. That was not an easy vote, given the fact I was a school board member prior to my election to Congress. But I warned that just because education was a critically important issue didn't mean that it was ipso facto necessary to give it Cabinet status. Unfortunately, the Department of Education has not improved proficiency in our students, it has not improved this country's education system, and it certainly has not produced any additional Federal funding for education.

Ironically, the Bush administration opposes this legislation and the strengthening amendments which have been offered on the floor today. In fact, the only provision the administration supports is the Hastert amendment which entirely guts the bill, stripping it down to a simple gesture of elevating the EPA to Cabinet level status. It is too bad that President Bush confuses form over substance. The creation of yet another Department is an expensive proposal—new stationary offices, probably more staffing. If we want to be serious about the environment, let us give this agency some authority, resources, and a real commitment, not just a resolution on paper.

Regardless of how you vote on the bill itself, it is my hope that you will support the Synar, Lowey, Studds, and Eckart amendments which significantly strengthen the bill and you will oppose the Hastert, Solomon and Gunderson amendments, which will all seriously weaken the independent enforcement of our environmental laws.

□ 1750

Mr. BONIOR. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], chairman of the Committee on Government Operations.

Mr. CONYERS. Mr. Speaker, I rise to commend the distinguished Committee on Rules, which has reported a modified open rule on H.R. 3847, which is in essence an open rule. How can that be? Well, that is because everybody that had a germane amendment is permitted to offer it under the modified open rule. There is not one Member in the House on any of the seven committees of jurisdiction who has not had a chance to weigh in at the subcommittee level, at the full committee level, or at the Committee on Rules. This is a bipartisan piece of legislation, as much as I have seen around here in many a year, and I commend the ranking minority member of the Committee on Government Operations, the gentleman from New York [Mr. HORTON], and all of the members on my committee, for joining in to help effect this rule.

Mr. Speaker, I also want to compliment the gentleman from Michigan [Mr. BONIOR] who brings to us a rule that I think, without regard to how you feel about the substantive legislation, is a rule that we can all live with. I commend the gentleman and the committee.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments.

Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA] chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of the rule for H.R. 3847. As a chairman of a committee that shares jurisdiction over portions of the bill, I had originally planned to offer amendments to the bill regarding issues over which I had concerns. Because of some confusion, they are not included in the rule today. However, after consulting with Chairman CONYERS I have decided that these concerns can be addressed later in the legislative process. I would also like to include in the RECORD a letter which we received from the Committee on Government Operations. I appreciate the Committee on Government Operations willingness to address these issues and look forward to working with the committee in the future on matters of mutual concern.

COMMITTEE ON GOVERNMENT
OPERATIONS,
Washington, DC, March 19, 1990.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, 1301 Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On Tuesday, March 13, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." I believe the enclosed reported version of the bill (together with additional amendments) reflects the concerns that you and other committee chairmen with jurisdiction over environmental statutes and programs have raised.

The Committee on Government Operations acknowledges your right to a sequential referral on selected parts of the bill, in particular Titles III and IV. The leadership has tentatively scheduled the bill for floor action next week. In the interest of time, I would be most grateful if your Committee would waive the right to a sequential referral so that this matter could be brought before the House as expeditiously as possible.

Sincerely,
JOHN CONYERS, Jr.,
Chairman.

Mr. FRENZEL. Mr. Speaker, I am pleased to rise in favor of the rule and of the bill, H.R. 3847, which will create a Department of Environmental Protection to replace the Environmental Protection Agency.

With the environment now among our foremost national concerns, it is important that environmental issues be given an equal seat at the policy table. There is no question that protecting the environment ranks with education, housing, health care and drugs as a national priority.

It is thus entirely appropriate that our Nation's top environmental officer should have a voice equal to that of any other Cabinet Secretary. In a fiscal atmosphere where national priorities must compete for scarce resources, competing entities should at least be given equal pulpits from which to make their case. Giving the EPA Cabinet status will ensure that environmental concerns are not shortchanged in future budget or policy debates.

The rule for H.R. 3182 does contain Budget Act waivers to accommodate salary increases for the Secretary and Deputy Secretary of the new Department. For purposes of this bill, these expenses have been scored as entitlement authority even though they will be paid out of an appropriated account. As these added expenses are of a diminimus amount, I do not object to a waiver of the Budget Act, and suggest that the Budget Act is not a good excuse to vote against this bill.

H.R. 3182 calls for authorizations of less than $1 million to add an Assistant Secretary position at the new Department. The bill further authorizes funds to create a new Bureau of Environmental Statistics and a Commission on Improving Environmental Protection. All told the bill calls for $7 million in increased fiscal year 1991 funding subject to appropriations. In addition, more than a dozen amendments will be offered on the floor. Because all of the amendments may unnecessarily complicate the bill, it is my inclination to vote for the Hastert amendment which will strip nearly all of the amendments. Its passage will leave the Cabinet Department status in a pure form.

In any case, I shall vote for the bill.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BONIOR. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 364 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3847.

□ 1756

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3847) to establish a Department of Environmental Protection, and for other purposes, with Mr. HARRIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. CONYERS] will be recognized for 30 minutes, and the gentleman from New York [Mr. HORTON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

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I am pleased to join with the ranking member of the Committee on Government Operations, the gentleman from New York [Mr. HORTON], to bring what I consider to be so far in this term the most important legislation that has been reported by the Committee on Government Operations thus far this year.

I am delighted to report that on January 23 I was invited to the White House to, with other leaders of the House and Senate on this legislation, meet with the President. The President advised the Members of Congress present that because of the importance of this subject matter, he had reconsidered his position of opposition to yet another Cabinet post and that he was in support now of raising the Environmental Protection Agency to that of a Department of Environmental Protection.

We were all delighted. We had a photo opportunity. Everything was wonderful. We went back to our committees prepared for work.

The subcommittee met. The full committee met. Almost everybody supported the work product of the Committee on Government Operations. Seven committees which could have had sequential referrals all worked their differences with the committee in a very cooperative manner. The product then went to the Committee on Rules, to receive a rule that was equally widely supported.

The Committee on Rules, in another burst of bipartisanship, joined with us to allow the amendment of every member that was germane to be accepted to this modified open rule that we have here and have passed unanimously just a few moments ago.

Mr. Chairman, I come here pleased at this work product that we now bring for the thorough consideration and deliberation of the entire House of Representatives.

There are two ways one can create a Cabinet post. One is to offer up one sentence in which you say this agency shall now be a Cabinet post. You take the director of the agency and, assuming he is in the good graces of the executive branch, he becomes the Secretary of that agency. At least one person in this Chamber has thought that that would be a good idea.

☐ 1800

But if we examine the subject matter that is brought together under the Environmental Protection Agency, we realize that nothing could do this Nation and the cause of a safe and strong environment a greater disservice than to move in that direction. Obviously there is something more that must be done.

But there is much we did not do which should be considered at a future time. We tried to deal with the structure within the jurisdiction of this new to-be Department of Environmental Protection to make it more effective, and to remedy what are clear problems in the existing agency. In other words, our committee was caught between whether we should merely elevate an agency to a Cabinet and leave it at that, which would have brought the new Secretary to the Congress the very next day with all of the recommendations that we have now put in the bill as he obviously has to have assistant secretaries, and some bureaus. But he also had to put flesh on this skeleton. We had to fill these bare bones with a reasonable evaluation of what the work projects were that were involved in the years ahead for the Environmental Protection Department, if it were to become one. We had to make it eminently clear in the bill and accompanying report how we envisioned the Department operating. So this is what our committee has done. But we have avoided trying to deal with the incredibly complex and divisive environmental statutes over which EPA has jurisdiction. So we did several things that I should bring to the Members' attention.

The first is we created a Bureau of Environmental Statistics to compile the facts and the statistics around these subjects of environmental conditions and trends, statistics that will be reliable, independent and that we could depend upon no matter what one's position is on the subject of the environment.

Then we created the Office of International Environmental Affairs because of the increasingly international scope of environmental problems. We also created the Office of Enforcement to make sure that we get the job done, that environmental laws and regulations are vigorously enforced. Then we created the Office of Pollution Prevention and Recycling to begin developing policies to reduce the enormous and unnecessary amount of pollution we generate daily. This would give new impetus to the Department in these three new vital and critical areas of environmental protection.

The next thing that we did, and commend to your attention, is that we analyzed the long history of conflicts of interest that have existed in the EPA and what we have done, after a great deal of examination and debate in the Government Operations Committee, and after extensive discussions with the other six major committees that have jurisdiction over environmental affair, is created a new set of requirements for disclosing conflicts of interest by members of the advisory bodies, and ensure further that the advisory bodies be balanced with all points of view.

Is this a departure from the exisiting provisions within the agencies? Yes, it is. We now will not have only the representatives from the regulated agencies participating on the advisory boards, but that there are also a number of other people in public interest groups, in the private sector, many at the State and local levels, and others major contributions to make and should be able to do so. Many academics from our universities and scientists have worthwhile contributions to make.

Then we examined another difficult question closely related to disclosing conflicts of interest, and that was with reference to the hiring of private contractors to do the Department's work. The question here involved, ladies and gentleman, is who shall do the government's work and who shall do the private sector's work. So we decided that the private contractors will not perform inherently governmental work such as writing congressional testimony and I am sure nobody would want that to happen formulating government policy; or enforcing environmental laws. In the exceptional case where someone with a conflict of interest must be hired, even this committee has agreed that that person would not be automatically prohibited. What our bill provides is that his or her conflict be disclosed, nothing more than that, and so that we would know where that particular private contractor is coming from.

With reference to the deputy assistant secretaries and regional administrators, and incidentially we have added one RA, and the Senior Executive Service positions at the Department, they are to be filled primarily by people with proven environmental experience. The gentleman from Oklahoma [Mr. SYNAR] will further speak to this subject.

The legislation also creates a Commission on Improving Environmental Protection, to study ways to improve the overall coordination and effectiveness of the government's environmental protection effort. If only the gentleman from Kansas [Mr. GLICKMAN] were on the floor now, he would understand why this bill is so important in addition to its cabinet elevation provisions. We did not go in, open up, and invade all of the programs and agencies with environmental responsibilities that six other standing House Committees have jurisdiction over. If we did, we would not be here today, and we probably would not be here either during his tenure in Congress or mine. Most people recognize the difficulty, if not impossibility of that kind of assignment.

What we can do, and did, is to create a commission to study the problem of the statistics of the federal government's environmental program which is now spread out over many agencies. That is what title III in this bill purports to do. It is done with the President, with the executive branch, with

Republican Members as well as Democratic Members all contributing to the membership of a 9-member, commission, which would last for 18 months, and would have the task of accomplishing what my dear friend and colleague from Kansas suggested for consideration.

Finally, then we require the National Academy of Sciences to study the effects of environmental pollution on low income and minority populations, because the two studies that exist have pointed to a disproportionate effect on the poor and miniorities from environmental pollution. It is time for a comprehensive, government-sponsored analysis of this problem.

I conclude this opening discussion by saying that while this is all we have done, it is a great deal that we have done. I am proud of the work of the Government Operations Committee, and I think it signals a very appropriate beginning of a new environmental movement and emphasis in America. With a little luck, we will arrive in time for Earth Day next month when the President might on that day sign this bill into law if it is the will of the House of Representatives and the other body.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] has consumed 12 minutes.

Mr. HORTON. Mr. Chairman, I yield myself 13 minutes.

Mr. Chairman, I rise in qualified support of this legislation. At the outset I want to commend the gentleman from Michigan [Mr. CONYERS], my chairman, for his initiative in this legislation. As he indicated, he and I did back in February introduce bipartisan legislation which has been endorsed by many Members on both sides of the aisle, and as a result of that he and I did attend, along with the chairman and ranking member of the Government Affairs Committee of the Senate, a meeting with the President at which time the President indicated his full support for creating such a department.

I certainly want to agree with what the chairman has said with regard to the hard work that we have put into this bill. I do recognize at any time we bring any legislation up such as this which does involve the environment that it does and could include many of the other committees. There are several committees that have jurisdiction.

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I want to commend the chairman on his work with the other chairmen because we are able to bring a fairly clean bill here which could have been much more complicated. It could have been referred sequentially to other committees and we could be here for the rest of this Congress before we got to consider it.

So, much has been done, much has been accomplished. This is not the ideal vehicle I would construct to elevate the agency to Cabinet-level status. It does contain a few provisions that give me some concern, provisions that were not part of the bipartisan agreement we had when we introduced the bill in February, provisions that were, in fact, added during full committee markup earlier this month.

The above notwithstanding, I am optimistic that H.R. 3847 is a vehicle from which we can work in conference to produce a proposal that satisfies the administration and the Republicans and Democrats in the House and Senate. It is not a perfect bill. It needs work. It has too many provisions of a policy nature. That is the nature of the beast, especially when you are working with a subject such as the environment. It is far from my often-stated objective of a simple elevation to a new department, as we did with the Veterans' Administration. But it is not so bad that I would oppose it and kill the initiative altogether. I feel a little bit like Tevia in the play "Fiddler on the Roof," which I saw last weekend.

At one point the daughter speaks to Tevia and he says, "On the one hand," and then he says, "On the other hand." And then he says, "On the one hand," and then, "On the other hand."

In the end, like him I am not very comfortable with whatever decision I have been forced to make.

H.R. 3847 does provide for an elevation to Cabinet status of the Environmental Protection Agency. It provides the structure of the new department, the Secretary, the assistant secretaries, the offices. It creates a Bureau of Environmental Statistics, mandates a study of the impact of environmental standards on minorities, and these are all good things. The bill then moves beyond the scope of a simple elevation, an elevation that can raise the status of environmental concerns to the highest levels of Government, an elevation to department status that would have a substantial majority of us agreeing is in order at this point. But by going beyond this important yet fairly simple scope, we do risk the original objective.

The bill creates a controversial commission to study our Government's organization of environmental responsibilities to determine if responsibilities now existing outside the EPA might be moved inside the new department.

I agree with this. I understand it is controversial.

The chairman and I have agreed. That was in our original bill, because I think we ought to look at that, we ought to consider that in this bill. There ought to be a commission to study that and come back and make recommendations because since I have been in the Congress in the last 28 years we have passed 18 pieces of legislation that deal with the environment. That is certainly no reason to put those pieces of legislation outside this legislation. But it ought to be done in an orderly fashion.

So I feel that that commission is an important step.

The bill does set standards for advisory committee members so strict that attracting anyone to serve will be extraordinary difficult. Now I opposed that amendment in the full committee. These are advisory members. I can understand the sponsors offering those amendments, I understand where they are coming from. They are concerned about conflict.

But on the other hand, on the other hand, when we deal with this subject, when we require people who are on advisory committees to report all the information that is required, we are going to find a lot of people saying, "No thanks; I appreciate the honor, but I am not going to be willing to get involved."

So we may be restricting advisory committee members. These new standards I think do go beyond the scope of the current regulations that affect all other agencies which are included in the Federal Advisory Committee Act.

The bill puts in statute contracting restrictions that have nothing to do with elevating an agency to Cabinet status. I wish we did not have to get into that, but we did, and here it is. We will probably have some discussion on that as we get into the amending process.

I can understand the administration having some problems with the bill which they have. We have a statement from them indicating the concerns that they have, many of which I think we can work out when we get to conference.

But with the 13 amendments that have to be considered later in the handling of this bill, it is difficult to say what the final product will be. So I have to have support which is somewhat qualified.

I would also like to compliment the chairman for his willingness to recognize the legitimate concerns raised by the administration with respect to the Bureau of Environmental Statistics.

Now I agree there ought to be such a bureau.

This bureau which is established by H.R. 3847 originally had as its head a director elected by no one and answerable to no one elected. That is what the bill now provides. I hope we can work that out. We are in the process of trying to do that now.

He or she literally would have carte blanche to collect, analyze, and distribute any data or technical material,

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even policy analysis, without review by anyone and to whomever, whatever he or she chose.

That is of great concern to me if we cannot correct that before we get through handling this bill.

There is no other such animal in the Federal Government. There was some concern—I spoke with the Administrator of the U.S. Environmental Protection Agency, William Reilly, this morning. He has written a letter which I would like to read at this point just so we have it on the record.

I think this went to Mr. MICHEL and to the Speaker.

He said:

> I understand a "Dear Colleague" letter of March 26, 1990 is circulating among Members. Unfortunately, it does not accurately characterize my views on the independence of the Bureau of Environmental Statistics. Contrary to the letter's assertions, I continue to support a Bureau as an independent source of objective, high quality data and information on environmental conditions and trends. My comments of February 7, 1990, quoted in the letter address the Bureau contemplated by H.R. 3847 as originally introduced on January 23rd, by Mr. Conyers and Mr. Horton.
>
> The current version of H.R. 3847 would require delegation of all of the Department's data gathering, analyzing and disseminating functions to the Bureau. This delegation would co-mingle the Bureau's information functions with the Department's important regulatory, enforcement and compliance monitoring functions. Such a step significantly compromises the Department's ability to implement environmental protection statutes by making it dependent on the Bureau for information it will need to fulfill its mission. Accordingly, while I support an independent Bureau, I cannot support the wholesale delegation of the Department's data gathering authorities to the Bureau.
>
> I hope this clarifies my support for a Bureau that is "an independent, nonpartisan, trustworthy source of data about environmental conditions and trends." I look forward to working with you to ensure the establishment of such a Bureau by resolving the Administration's serious concerns as outlined in the Statement of Administration Policy.

Thus ends the letter from Mr. Reilly.

Quite simply, this is contrary to the principle of government which guided our Nation for more than 200 years.

Mr. CONYERS and I have sought a compromise that would satisfy all of us involved with this effort. We worked until we came to the floor a few minutes ago and I am sure we will continue, and I hope we will be able to work something out. I do appreciate the chairman's efforts with regard to this complicated problem.

As we go through the amendment process, I would urge my colleagues to support only those amendments that address the purpose of this effort, elevation of the EPA to Cabinet status. Amendments that streamline the elevation, that remove some of the baggage now in the bill are ones I will support.

In particular I would like to urge Members look at Mr. Hastert's amendment to simply elevate the EPA to a department status which would be minus all of the extraneous provisions that now exist and that might be added as we go through this 13-amendment process.

Finally, Mr. Speaker, I would again like to commend my chairman for his willingness to move this legislation and for his tireless efforts to resolve problems expressed to him by a number of different committees with jurisdiction over the EPA. And also to work with the administration trying to get a product that we can take to a conference and that can be sent down to the President for his signature.

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As a matter of fact, it was the gentleman from Michigan [Mr. CONYERS] who suggested at the White House that we provide this bill so it could be available for signing on Earth Day which is April 22. That is the 20th anniversary of Earth Day, and the 20th anniversary which I think would be well celebrated by the signature of the President on the bill that we work out as we move forward today and tomorrow and then through the conference.

Mr. LENT. Mr. Chairman, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Chairman, I want to commend the gentleman on his statement and commend the chairman and the gentleman for the work that has been done as well. I support the President's proposal to elevate the Environmental Protection Agency to Cabinet status, but because of some of the other provisions that are contained in this bill which I find objectionable, which the gentleman from New York has outlined very well in his speech, I am going to support the amendment of the gentleman from Illinois [Mr. HASTERT], to give the Secretary more discretion in delegating functions to the bureau.

I would also urge support for the gentleman's proposed amendment in the nature of a substitute which would elevate the EPA to Cabinet status without some of the baggage added by the Committee on Government Operations.

Mr. Chairman, I support the President's proposal to elevate the Environmental Protection Agency to Cabinet status. This matter is of particular interest to me given the fact that EPA administers a number of statutes within the jurisdiction of the Committee on Energy and Commerce, including the Clean Air Act, the Resource Conservation and Recovery Act, and the Superfund law.

Unfortunately, the bill, H.R. 3847, as reported by the Committee on Government Operations, unnecessarily intrudes on the prerogatives of the President as Chief Executive of the United States. The principal example of this meddling is the matter of the Bureau of Environmental Statistics.

It is inappropriate to compare the Bureau of Environmental Statistics proposed in section 111 of H.R. 3847 with the existing authority of the Energy Information Administration under the Department of Energy Organization Act. Since the committee of which I am the ranking Republican member oversees the Energy Information Administration, I want to expand on the differences between EIA and the proposed Bureau of Environmental Statistics.

First, the duties of the proposed Bureau are much broader than the responsibilities assigned to EIA. EIA's functions are carefully circumscribed to "data and information, and related economic statistical information" on energy matters. In short, EIA is to do important number crunching and related analyses. By contrast, the proposed Bureau is given the sweeping mandate to gather, analyze, and disseminate "environmental quality and related public health information." Thus, the matters within the purview of the proposed Bureau go far beyond what is even arguably statistical and instead could go to major policy matters which by definition should be subject to review and input by the President, as the elected Chief Executive, and his appointed delegate, the Secretary.

Second, section 111 as reported from the Committee on Government Operations states that the Director of the Bureau need not obtain the prior approval of other executive branch officials with respect to the substance of "any report." In sharp contrast, the analogous provision applicable to the Energy Information Administration does not preclude review or prior approval for any report, but is limited to "the substance of any statistical or forecasting technical reports."

Third, the Director of the proposed Bureau apparently has his or her own discretion to determine the extent to which he or she cooperates with other Federal agencies. Again, by contrast, the Administrator of the Energy Information Administration is required by law to, upon request, "promptly provide any information or analysis in his possession" to other agencies and executive branch officials when the requested information relates to the functions of the entity or person requesting it.

Fourth, the Director of the proposed Bureau is given sweeping powers to collect information from Government and private sector sources, and the Director has the discretion to determine whether and to what extent, if any, the information is kept confidential.

Again, by contrast, the Energy Information Administration is subject to detailed provisions on the scope of its information-gathering authority, and more importantly, on the need to keep certain specific information confidential, while allowing its use in an aggregate form.

Fifth, and finally, the proposed Bureau would be staffed only by career reserve positions. Again, this is inappropriate given the broad scope of the Bureau's jurisdiction, its sweeping power to gather information, and its power to disseminate that information without review by policy-making officials in the executive branch.

Accordingly, Mr. Chairman, I support the amendment of the gentleman from Illinois [Mr. HASTERT] to give the Secretary more discretion in delegating functions to the Bureau. I also urge support for the gentleman's proposed amendment in the nature of a substitute, which would elevate the Environmental Protection Agency to Cabinet status without the baggage added by the Committee on Government Operations. Thank you, Mr. Chairman.

Mr. HORTON. Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. ANDERSON], chairman of the Committee on Public Works and Transportation.

Mr. ANDERSON. Mr. Chairman, I rise in support of H.R. 3847, a bill which would raise the Environmental Protection Agency to a department. Elevating the Agency will increase the effectiveness of our Federal Government's environmental programs in many areas. It will signal to the world our Nation's seriousness about participating in national and global efforts to address environmental problems. At home, Cabinet level status will give our Government new resolve to address environmental problems.

In the interest of time, along with other committee chairmen with jurisdictional interests in this legislation, I agreed to waive our rights to a sequential referral. In crafting this legislation my good friend, the chairman of the Government Operations Committee, has been sensitive to concerns we have expressed. In addition, I have received a letter from the chairman recognizing the Public Works and Transportation Committee's jurisdictional standing with respect to this legislation. While we agreed not to request a referral, I want to note for the record that we expect to be fully involved in the conference on this bill. We did not request a sequential referral so that the bill might move more expeditiously, knowing that this will have no bearing on our standing as conferees on the matter.

Mr. Chairman, I think this legislation is valuable and urge my colleagues to join me in supporting the passage of H.R. 3847.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma [Mr. SYNAR], chairman of the Subcommittee on Environment, Energy, and Natural Resources.

Mr. SYNAR. Mr. Chairman, let me first of all thank the chairman and also extend my congratulations and thanks to the gentleman from New York [Mr. HORTON] for the excellent job they have done in bringing this important legislation to the floor tonight and tomorrow.

I obviously rise in support of this legislation because I think it is long overdue. While this legislation will not solve all the problems that are facing the EPA, our environment and our country's role in that environment in this world, I think the elevation of this Agency to Cabinet level position is important for two reasons.

First, it will create a balance in the interrelationship between itself and the other Federal agencies which it will be equal to. As we all know and as we learned in the 1980's, the Federal agencies in this Government are some of the major polluters, not only in this country, but around the world. That will allow the Environmental Department to enforce the laws equally against these Federal agencies so that business people, individuals, and citizens, and cities and towns which have EPA enforcing the law against them, will feel like they are equally doing that in Federal agencies.

Second, it will give our Secretary the stature he needs or she needs in negotiating with countries around the world on the environmental issues of the 1990's and the next century.

I hope, as we begin this debate, it can be very active. I hope we will learn about the importance of this Agency and the importance it will play in all of our lives. I look forward to supporting it on final passage.

Mr. Chairman, I rise in support of H.R. 3847, legislation to elevate the Environmental Protection Agency to a Cabinet level Department of Environmental Protection.

While this legislation will not resolve many problems facing EPA, nor is it designed to, it will accomplish a number of important goals.

First, it will elevate EPA to its rightful stature within the President's Cabinet to more properly balance its interrelationships with other Federal agencies and departments. And, given the global nature of many of our pressing environmental problems, the bill will put the Secretary of the new Department on equal footing with his counterparts abroad and underscore the U.S. commitment to addressing these international issues.

The bill also emphasizes Congress' interest in seeing enforcement and pollution prevention, as well as international affairs, receive appropriate attention within the Department by specifying Assistant Secretaries for these areas. The bill also contains provisions to address several problem areas which have arisen at EPA such as conflicts of interests, and attempts to wrestle with the problem of Agency contractors performing "inherently governmental functions."

The legislation would establish a much-needed Bureau of Environmental Statistics within the Department to collect environmental data and provide independent analysis of statistical and other information. Because the independence of this Bureau is essential to providing Congress, the President, and the public with unbiased information, it was modeled after the Energy Information Administration, an independent body within the Department of Energy.

Finally, the bill contains provisions establishing a Commission on Environmental Protection, a feature I strongly encouraged and supported throughout development of the bill. During the years I have chaired the Subcommittee on Environmental, Energy, and Natural Resources, I have seen example after example of areas where EPA's structure, management, and priorities needed serious review and possible adjustment. But we have tended to think about these problems in an isolated way, rather than by a comprehensive assessment of the evolution of our environmental problems and whether these changes warrant adjustment in the Agency's organization and structure and its priorities. The Commission on Environmental Protection is designed to review these issues and give the President and the Congress an objective assessment of where we have gone off course and how best to correct any weakness. Mr. Chairman, to me this sort of midcourse correction represents nothing more than good Government. The Agency clearly needs improvement in many, many areas, and the sooner we take an objective look at the problems, the sooner we'll be able to make some adjustments to improve its efficiency and effectiveness.

I hope my colleagues will join me in support of H.R. 3847.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Chairman, I rise in opposition to the bill. I have had some experience with reorganization in my own State of Utah where we reorganized all the State departments. It worked very well. I opposed the Department of Veterans Affairs for two reasons at that time, because I thought they were already an independent agency, already achieving the legislative results needed, and did not feel a Cabinet status was necessary. I feel the same with EPA.

The EPA has had a congressional mandate to clean up the atmosphere—the Superfunds, RCRA and other bills. We have given them all the money they have asked for, all the staff they have asked for, and paid attention to their demands as far as timetables and so forth. We have given good support throughout. We have had nothing but trouble with EPA. We have had some good directors, including a good director right now.

There is nothing personal in this, particularly. I do not believe we should reward an agency which over the years has been inefficient and not met the targets they put together, and I do not believe we should reward by promoting to Cabinet status. Furthermore, I believe when we put the Department of Education in in 1978—I was not here at that time—and the remarks of the gentleman from Kansas [Mr. GLICKMAN] at the time were very important. Education felt they were squeezed. HEW—the "E" felt they were squeezed by the "H" and "W," Health and Welfare, and did not have an active voice. For that reason, they were put in as a separate agency, a separate department.

As the gentleman from Kansas pointed out, that has not improved our educational status, and has not helped at all in the interim. I believe that first we should clean up our act in EPA, literally, before we make it a Cabinet.

Second, I think we should consider the possibility of combining the environment and energy together. There are many places of overlap between the two departments. I like the idea the gentleman from Kansas had of combining like affairs, like ideas. I have to commend the President for the idea of elevating it. It does emphasize the environment. I would like to see a Department of Environment, but not separately, and not a Department of Environmental Protection as stated.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 3847, a bill to create the Department of Environmental Protection; an idea whose time has come and I commend the distinguished chairman of the Government Operations Committee, the gentleman from Michigan [Mr. CONYERS] and the ranking minority members, the gentleman from New York, [Mr. HORTON] for bringing these significant measures to the floor.

Almost 20 years ago, in response to the growing concern over serious environmental problems, the Environmental Protection Agency was created.

However, it has now become increasingly apparent that today's environmental problems are no longer limited to our Nation's borders, but have become worldwide and affect many nations.

In particular, the global nature of acid rain, air quality, water resources, and global warming necessitate an environmental agency with the access and authority to deal directly with both the other departments of our Nation and the equivalent agencies of other governments.

Our Nation needs a Department of Environmental Protection which is on an equal footing with its counterparts in other nations. Without this effectiveness and ability to directly negotiate with the environmental leaders of fellow nations, we cannot hope to address some of the major problems facing us today.

Furthermore, we need a Department of Environmental Protection to work effectively with the highest levels in the State Department regarding international environmental agreements and concerns.

Accordingly, Mr. Chairman, I urge my colleagues to support H.R. 3847, and elevate the Environmental Protection Agency to Cabinet level.

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Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Illinois [Mrs. COLLINS], fresh from a primary victory of 82 percent, who chairs the Subcommittee on Government Activities and Transportation.

Mrs. COLLINS. Mr. Chairman, I rise in support of H.R. 3847, the Environmental Protection Department Act. I am pleased to recognize the broad bipartisan support that exists for raising the EPA to Cabinet status. Certainly, the liveability of our land as part of a livable planet represents the most important and the most urgent of our citizen responsibilities.

I am proud that the Committee on Government Operations has crafted a strong and versatile legislative vehicle to carry the new Department along the road to the 21st century, which will present not just to our Nation, but to the world the supreme test of survivability. I congratulate our Chairman, the gentleman from Michigan, and our ranking minority leader, the gentleman from New York, for their vision, wisdom, and industry and compliment their staffs for diligent professionalism.

It distresses me, however, that the Administration has lately come forward with serious objections to the bill because it provides authority to the Director of the Department's new Bureau of Environmental Statistics at odds with a concept of a unitary executive. According to a "Statement of Administrative Policy" from OMB, Congress should not mandate the Secretary's delegation of information functions to the Bureau's Director; Congress should not prevent the Secretary, or the OMB, from vetoing actions to collect, analyze, or disseminate information; Congress should not restrict the Secretary's power to remove the director solely on the grounds of malfeasance, maladministration, or neglect of duty.

The administration threatens, a veto, saying these provisions raise serious constitutional concerns and severely restrict executive branch oversight of the new Bureau. However, OMB cites no authorities in support of these constitutional concerns. Actually, the Supreme Court in the Morrison decision concerning the independent counsel has upheld vesting power to appoint an executive official, subject to removal only for cause. Moreover, mandatory delegation of a specialized function has precedent. We need only look at the recent base closure and realignment statute—Public Law 100-526—section 204(b) requires the Administrator of General Services to delegate to the Secretary of Defense functions with respect to excess and surplus real property utilization and disposal.

In the Department of Transportation Act—Public Law 89-670—the Congress took an analogous action by vesting functions in the Secretary and then providing that certain functions pertaining to aviation safety were transferred to the Administrator of the Federal Aviation Administration.

The administration's statement, complaining about the independence the bill gives to the Director of the Bureau of Environmental Statistics, would have us believe that we are dealing with something other than the most important and urgent informational needs we have: What is really happening to the organic part of our environment and what we need to do about it. I cannot think of any area of information where it is more critical to have full, impartial, forthright, timely, and open activity. I cannot think of any area of information that should be more insulated from political or partisan influences. All we need do, Mr. Speaker, is look out at our land or up into the sky. Standing there, or hanging there, is this awful reminder; "Don't guess wrong!"

I urge my colleagues to join in supporting this epochmaking legislation.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. GINGRICH].

(By unanimous consent, Mr. GINGRICH was allowed to speak out of order.)

ANNOUNCEMENT OF EXTENDED SESSION OF RULES COMMITTEE ON CHILD CARE LEGISLATION

Mr. GINGRICH. Mr. Chairman, I just want to say, first of all, that I think this bill is being handled exactly correctly. Everyone has plenty of time to read it, everyone has had a chance to offer amendments to it, and in fact we are going to go through a procedure tomorrow which is very positive and in which every Member's rights are protected.

I simply want to rise at this late time today to tell all the Members of the House that it is possible to get a copy of the 112-page Democratic leadership bill on child care, and that the Rules Committee will have one more session tomorrow at 11:30 to listen to Members who ask for further amendments.

I want to draw the contract between a bill which is being brought to the floor in the regular way where everyone has had a chance to be heard and everyone has had a chance to ask for their amendments. More than enough amendments have been made in order here, and I think this is a good procedure, protecting the rights of individual Members. I am very disturbed that the child care bill is not coming up under that procedure, but as I said, Members do have until 11:30 tomorrow morning, when there will be one more Rules Committee meeting, to offer any amendment they want on this 112-page bill, and I believe they can now get copies of that bill.

Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BUSTAMANTE], an invaluable member of the Committee on Government Operations.

Mr. BUSTAMANTE. Mr. Chairman, I rise in support of the measure before us today to elevate the Environmental Protection Agency to Cabinet level status.

The idea is not a new one. Indeed, Congress Considered similar legislation 20 years ago in response to the rapidly deteriorating condition of our Nation's natural resources.

In the intervening years America has grown more environmentally aware and more conservation minded.

Also, we have come to the realization that the environmental damage caused by our past neglect is larger than we first imagined in 1970.

Pollution is not a problem confined to our borders.

In recognition of the worldwide concern that is being given to protecting and conserving the quality of our air, land, and water resources and to preserving the fragile balance of nature, it is now time to elevate EPA to a full-fledged, Cabinet-level department.

I urge my colleagues to join in supporting H.R. 3847.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas [Mr. HAMMERSCHMIDT].

Mr. HAMMERSCHMIDT. Mr. Chairman, since environmental protection should be of paramount importance in any administration, I believe the agency entrusted with that mission should be on an equal footing with the other departments of Government. Furthermore, I am mindful that President Bush feels EPA belongs in his Cabinet. I support Cabinet status for EPA and am a cosponsor of H.R. 3847 which would achieve that end.

While I support the bill's basic objectives, I feel the reported bill goes somewhat beyond what is needed, but those matters can be spoken to in the amending process or in the conference.

Provisions in the bill establishing a semi-autonomous Bureau of Environmental Statistics and an Office of Pollution Prevention are well-intentioned but clearly represent another example of the Congress interfering with the prerogatives of the executive branch. Another example is the restrictions in the bill on EPA's ability to employ contractors for certain "inherently governmental functions."

Like others, I am concerned about EPA's continued reliance on outside consultants to conduct many day-to-day activities that should probably be performed by Government employees. However, I also know that EPA has been given very ambitious assignments in many of the programs it administers.

Given budgetary realities, EPA has had to rely on outside experts to a large extent in order to accomplish these tasks in a professional and expeditious manner. By imposing limitations on the Agency's ability to contract out, we may be helping to build better agency expertise but at the cost of more missed deadlines or having state-of-the-art work done by already overworked Government employees.

EPA is often accused of being slow and timid in addressing pressing environmental problems. I would submit that if this is true, the Congress is largely to blame. Rather than giving the Agency a broad mission and the authority and discretion to act, we are constantly micromanaging and second-guessing what they do. This bill contains examples of this basically flawed approach.

As the ranking Republican member on one of the committees with substantive jurisdiction over the EPA's programs, I have had both jurisdictional and substantive misgivings about the bill as ordered reported. While I recognize the authority of the Government Operations Committee on issues related to governmental structure and organization or access to governmental information, I was concerned that the bill might go further than it needed to—that it might deal with what EPA is asked to do and not just how they are to do it.

I believe that my jurisdictional concerns may have been adequately addressed by Chairman CONYERS in a letter to Chairman ANDERSON of the Committee on Public Works and Transportation dated March 19, 1990, in which he states that, with respect to the provisions in title I of the bill, there is no intent "to change existing law regarding any program under the jurisdiction of the Committee on Public Works and Transportation."

Mr. Chairman, while this may alleviate some of my jurisdictional concerns, I still have a few misgivings about the way this bill accomplishes its objectives. These concerns do not stand in the way of my strong endorsement of Cabinet status for EPA. However, there will be an opportunity today to consider amendments to address objectionable provisions and limit the bill to a simple elevation of EPA to Cabinet status.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. TORRES], an important member of the Committee on Government Operations.

Mr. TORRES. Mr. Chairman, I rise to speak about the important issue of pollution prevention as a way of solving the environmental problems facing the world today.

First of all, I would like to thank and applaud the esteemed chairman of the Government Operations Committee, my friend and colleague, Mr. CONYERS, for including language in his bill that would establish the Office of Pollution Prevention within the new Department of Environmental Protection.

I can only implore our colleagues in the other body to include the creation of this Office in the bill moving through that august body.

Mr. Chairman, the era of short-term, piecemeal solutions to long-term environmental problems is over. We can no longer manage the discharge of pollution; we have to aggressively seek ways of preventing pollution from being generated. We can no longer focus our environmental protection efforts on disposal and treatment of waste or control of air and water emissions.

We have to make a fundamental shift to a policy that truly reflects the goal of protecting the planet for the long term. We must institute a policy which involves reducing all sources of pollution and then encourages the reuse or recycling of as much of our resources as possible.

In this way, we will have much less waste to manage. And we are much less likely to create Superfund sites in the future.

President Bush has stated:

> We must start preventing pollution as the primary means of meeting our environmental objectives.

And, Mr. Reilly recently stated:

> We will make pollution prevention a hallmark of our environmental efforts. . . . Recycling, reuse, reduction at the source—these will be our watchwords.

Pollution prevention is not just another trendy bureaucratic title. It means exactly what it says. Pollution prevention is essentially use reduction and source reduction. That means we can eliminate or reduce pollution, at the source, by using less toxic or environmentally degrading materials in the production of products or services.

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We can also make those processes or practices more energy efficient and material efficient. Pollution prevention also means that we must do everything we can to recycle all those wastes which we cannot eliminate.

Establishing the Office of Pollution Prevention is essential if the new Department of Environmental protection is to make the dream of preventing pollution a reality. Pollution prevention is not just another program office. The Assistant Secretary for Pollution Prevention is expected to advise the Secretary to assure that a multimedia approach to solving environmental problems permeates through every layer of the Department. In this way, the single-media offices, like air and solid waste, will begin to look at the effects of their program decisions on all other media.

We are not solving our pollution problems when we transfer pollution from one media to another. We must begin to educate all sectors of society that pollution is not the necessary price of doing business. It is documented that it generally costs companies less to prevent pollution than to apply expensive end-of-the-pipeline controls.

The Office of Pollution Prevention will educate society about the true cost of pollution.

The role of the new Assistant Secretary for Pollution Prevention will be to articulate and develop a strategy of preventing pollution in all Departmental actions.

In 1988 EPA created an Office of Pollution Prevention within the Agency. However, the structure and organizational placement, as it currently exists, is insufficient to carry out the activities necessary to integrate pollution prevention into every function of the Department.

The current Assistant Administrator for Policy, Planning and Evaluation wears too many hats to adequately focus the Agency's attention on the issues and techniques of pollution prevention. Creating an Office of Pollution Prevention with a singularly focused Assistant Secretary will enable the new Department to truly carry out the vision of pollution prevention and eliminate the environmental shell game that has frustrated us in our attempts to achieve a clean environment.

Mr. Chairman, as a strong supporter of the establishment of the Office of Pollution Prevention, I would like to request a point of clarification from my friend and esteemed colleague, Mr. Conyers. Mr. Conyers, in subsection c of section 110, the Secretary of the Department of Environmental Protection is given flexibility to assign some additional functions to the Office of Pollution Prevention. My question to you Sir, is, is it the intention of the Committee on Government Affairs that while other functions may be assigned by the Secretary to the Office of Pollution Prevention, that no other functions assigned to that Office will be permitted to interfere with the pollution prevention function? And, further, is it not the strongest desire of the committee that this office should simply be called the Office of Pollution Prevention and Recycling without the addition of any extraneous titles that would confuse the functioning of this office?

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Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, first of all I appreciate this clarification that the gentleman from California [Mr. Torres] seeks because I think it is important that we answer him in the affirmative with respect to both issues he raises. It is important that the committee impress the membership that this Office should be called the Office of Pollution Prevention and Recycling and that we do not need to engage in renaming, new titles, or any modification in the intent and emphasis of the functions of the Office because it might lead to the misconception of assigning new responsibilities to this particular Office. Its essential function is to be pollution prevention.

So, Mr. Chairman, I hope that that will be of some benefit to the gentleman from California [Mr. Torres] in terms of his position on this matter.

Mr. TORRES. Mr. Chairman, I thank the gentleman from Michigan [Mr. Conyers] for this very distinct clarification.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. TORRES. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I would like to join with the gentleman from Michigan [Mr. Conyers]. I think that the concept, the idea, of pollution control is a very important one, and the establishment of this Office was very important.

If my colleagues will recall, at the meeting of the full committee we also added the word "recycling" which I think is very important. Recycling is one of those ways of solving pollution control also.

So, I would certainly agree with the gentleman from Michigan [Mr. Conyers] in his reply to the gentleman from California [Mr. Torres].

Mr. TORRES. Mr. Chairman, I thank the gentleman from New York [Mr. Horton] for his clarification.

Mr. Chairman, I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield the time remaining on our side to the gentleman from New Jersey [Mr. Payne], a member of the Committee on Government Operations.

The CHAIRMAN. The gentleman from New Jersey [Mr. Payne] is recognized for 4 minutes.

Mr. PAYNE of New Jersey. Mr. Chairman, I stand before my colleagues today to voice my support for H.R. 3847, a bill to elevate the Environmental Protection Agency to Cabinet-level status. The 1990's have been called by some as the "Decade of the Environment." I think it is very appropriate at the outset of this decade to upgrade EPA's status by establishing a full-fledged Department of Environmental Protection.

My home State of New Jersey has long been a leader in protecting the environment. In 1954, New Jersey became the first State in the Nation to enact an Air Pollution Control Act.

Twenty years ago, in 1970, New Jersey saw the merit of establishing a Department of Environmental Protection at the State level. I am glad to see the Federal Government finally placing the importance on the environment which New Jersey has long recognized. As domestic and global environmental concerns increase in significance on the national agenda, I think the least we can do is to establish a strong Department of Environmental Protection which the public can trust.

I would like to commend the chairman of the Government Operations Committee, the Honorable John Conyers, for the hard work done by him and his committee to produce a good bill.

H.R. 3847 is both a symbolic and substantive bill. The elevation of EPA to Cabinet status sends a signal throughout our Nation and to the world that we in the United States are serious about protecting the environment. In addition to this symbolic change, this legislation contains substantive language that will strengthen the new Department's environmental protection efforts.

H.R. 3847 creates three new offices within the Department—the Office of International Environmental Affairs, the Office of Enforcement, and the Office of Pollution Prevention and Recycling.

The bill also creates an independent Bureau of Environmental Statistics to improve the collection of environmental data. Each of these new offices is an important addition to help the Department carry out its duties.

H.R. 3847 also calls for a comprehensive study to determine if minority and low-income populations in the United States are disproportionately affected by environmental pollution, and if so, to make recommendations as to how best to correct the problem.

Mr. Chairman, I see this legislation as an opportunity for us in Congress to show how seriously committed we are to resolving our environmental problems. I strongly urge my colleagues from both parties to support this valuable, bipartisan legislation.

Ms. SLAUGHTER of New York. Mr. Chairman, today we are debating whether to add an Environmental Department to the President's Cabinet. I say a wholehearted yes.

When the *Exxon Valdez* ruptured 1 year ago, covering Alaska's Prince William Sound with crude oil, the President did not go to view the damage. Instead, he sent a number of his advisers, none of whom had direct responsibility to ensure that the oil was cleaned up and that a similar spill could not happen again. A Secretary of the Department of Environmental Protection would have this authority.

Under the previous administration, the Environmental Protection Agency was consistently underfunded and often ignored. This was possible because its Administrator does not have the President's ear. As a Cabinet Secretary, the Administrator would take part in the meetings setting the President's political agenda. He or she would be privy to the economic forces driving domestic policies, and would be positioned to voice support on behalf of a strong environmental agenda.

This Secretary must also have the authority and autonomy needed to ensure that protecting the environment becomes an integral part of our domestic, international, and economic programs. Consider the damage one oilspill can do. We need to have a person in the President's Cabinet who can insist that our policies take into account the environmental consequences of all our actions.

In his campaign, the President promised to be "the Environmental President," but now he has threatened to veto the bill. One of his objections is that it creates a nonpartisan Bureau of Environmental Statistics to collect and disseminate information on the state of our environment. The President does not want this Bureau to have the independence to publish these statistics. This objection is troubling—we need Government experts to be free to inform the public honestly.

The environment is our future. Twenty years ago we had the foresight to create the Environmental Protection Agency. Two decades later, it's time to realize that environmental protection must have a higher priority.

We need a Cabinet-level official to advise the President, negotiate with foreign countries, and work with Congress to truly ensure that our policies include our environmental priorities. Vote to create a Department of Environmental Protection.

Mr. McCANDLESS. Mr. Chairman, during the 1970's, Americans experienced a decade of growing environmental awareness and concern. It was in 1970 that a fledgling office known as the Environmental Protection Agency was established to address our environmental concerns.

In the 1980's Americans translated these concerns into ideas and initiatives. More importantly, this country began to look long and hard at the Nation's environmental problems.

Now, as we enter the 1990's, we are embarking upon an era dedicated to positive environmental action. Now is the time to influence our environmental future and now is the time to communicate our concerns to the world and to cooperate with other nations. We cannot protect the world's environment alone.

To accomplish this goal, the EPA must have the stature and the kind of recognition we give other vital issues. As the Federal cutting edge on environmental matters, the EPA should be a coequal part of our governmental system with a voice in the President's Cabinet. Therefore, I support the creation of a Department of Environmental Protection.

Elevation of the Environmental Protection Agency to Cabinet-level status is both necessary and fitting in this decade of positive environmental action. Little that we do in the areas of defense, health, or education will matter if our air is fouled, our water undrinkable, and our Earth contaminated. It is my hope that the decade of the 1990's will be remembered as the time in which we came to grips with the environmental concerns that face us. A Department of Environmental Protection will help in that effort.

Mr. KLECZKA. Mr. Chairman, I rise today in support of H.R. 3847, the Department of Environmental Protection Act.

As a member of the Government Operations Committee and its Legislation Subcommittee, I believe it to be worthy of my colleagues' support.

The timing of our consideration of this bill is appropriate as the 20th anniversary of Earth Day is fast approaching.

This year, Congress has designated April 22 as Earth Day and I can think of no better way for us to celebrate this event than to elevate the Environmental Protection Agency to the Department of Environmental Protection.

As a Member from Wisconsin, I am proud that Earth Day was originated by former Wisconsin Senator Gaylord Nelson in 1970.

Twenty years later, Senator Nelson still cares deeply about pollution and ecology. Yesterday, he stated that depletion of natural resources, not nuclear war, will be the most serious threat confronting Americans in the 21st century.

Facing this alarming danger, Senator Nelson has called for a global Earth Day demonstration by several hundred million people.

I endorse this call to action and pledge my full support.

We must raise the EPA to Cabinet level so that it will have the domestic and international clout needed to fulfill its critical mission of preserving and improving our environment.

I urge my colleagues to support the creation of a Department of Environmental Protection.

As you know, the primary purpose of H.R. 3847 is to elevate the EPA to a Cabinet-level Department. Making EPA a Department would increase action on urgent environmental problems by raising EPA's status, giving it a closer relationship to the President, and putting it on a more equal footing with other Federal agencies in the growing national debate on ecology and pollution.

This legislation would create an Office of International Environmental Affairs, headed by an Assistant Secretary, so that the new Department will be able to work with foreign environmental ministries in tackling increasingly serious global environmental problems. The Secretary would be given enhanced authority to negotiate and administer international agreements and to participate in the work of international organizations.

H.R. 3847 also would set up a Center for Environmental Statistics and a Commission on Environmental Administration. The Center would consolidate the collection of environmental data and the Commission primarily would be charged with suggesting improvements in the Department of Environmental Protection and overall coordination of Federal environmental protection efforts.

As a strong supporter of the Freedom of Information Act and the sponsor of the Freedom of Information Public Improvement Act, I am pleased that this measure would expand public access to environmental information thus promoting citizen involvement in the new Department's work. Under H.R. 3847, a comprehensive guide to the Department's environmental information services, products, and systems would be maintained, and other methods for improving public access to this data would be explored.

Mr. Chairman, for all these reasons, creating a Department of Environmental Protection is a step in the right direction if we are to succeed in saving our environment from further destruction. I again urge my colleagues to support the Department of Environmental Protection Act.

Mr. STANGELAND. Mr. Chairman, I rise to address provisions in H.R. 3847, the Department of Environmental Protection Act. Although I support elevating EPA to Cabinet-level status, I do have concerns about some of the bill's substantive and jurisdictional aspects.

The most important feature of this bill is that it elevates the Environmental Protection Agency, currently an independent agency, to Cabinet level. I support this. I also commend President Bush and relevant congressional committees and Members for their leadership in making this important change. It certainly has the potential to give environmental protection a higher priority on the domestic agenda both in terms of authorizations and appropriations.

I do have concerns, however, about several other aspects of H.R. 3847 which establish new offices, a Bureau of Environmental Statistics, a nine-member Commission, and direct a multitude of studies and reports. The farther we get from the central purpose—establishing Cabinet-level status—the less attractive this bill becomes.

In particular, I have substantive concerns about the new Office of Pollution Prevention and Recycling, the Bureau of Environmental Statistics, and the restrictions on using contractors and outside consultants. All of these proposals sound good and, no doubt, are based on well-intentioned efforts to improve the Agency. However, they represent a disturbing level of micromanagement which could have counterproductive and costly impacts on the agency's ability to do its real job: protecting public health and the environment.

I would hope before this legislation is enacted we can work with the other body to modify these provisions or at least be sure they will not weaken EPA's efforts to protect our land, air, water, wildlife, and other natural resources. I also believe if the bill becomes so

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bogged down with amendments attempting to solve all of the Agency's perceived problems, we may want to move forward with a bill that simply elevates the Agency to Cabinet-level status.

Finally, Mr. Chairman, let me address some jurisdictional concerns. As ranking minority member of the Public Works and Transportation Committee's Water Resources Subcommittee, I work with EPA on a day-to-day basis. Our committee's jurisdiction includes, among other things, EPA's programs on clean water, wetlands, Superfund, ground water, ocean dumping, and coastal protection. Like several other committees, we have a vital interest in this bill. We would certainly like to analyze H.R. 3847 in depth, given its potentially far-reaching impacts.

However, in an effort to be accommodating, we are willing to forgo a lengthy sequential referral in return for a basic understanding with the Government Operations Committee's leadership. Part of this agreement, embodied in a letter from Chairman CONYERS in response to a letter from Chairman ANDERSON, is that the bill does not give the Government Operations Committee new jurisdiction over programmatic aspects of EPA or its successor, the Department of Environmental Protection. These areas, which include land, air, water, waste, chemical regulation, as well as pollution prevention and recyling, international affairs, enforcement, and collection and dissemination of information, are reserved to the authorizing committees.

Obviously, the Government Operations Committee has a vital role in the organization and functioning of EPA and the new Cabinet-level Department of Environmental Protection. However, it is not their intent as I now understand it, to get involved in the substantive aspects of the Department's programs.

With this understanding, I want to commend the Government Operations Committee for its cooperation and urge my colleagues to support efforts to elevate EPA to Cabinet-level status.

Mr. OWENS of New York. Mr. Chairman, I rise in support of H.R. 3847, the bill which would establish the Department of Environmental Protection. This is a measure which my environmentally conscious constitutents in Brooklyn have been supporting for several years. They feel that an issue which has become so vital on both the national and the international fronts must be represented in the executive branch by a Cabinet-level position in order to command the necessary attention from the administration, the public, and from other nations.

This bill was a very bipartisan bill. It was reported out of committee by a nearly unanimous vote. Both sides worked very hard to ensure that this bill would survive. The administration has turned tail and made this a partisan issue. The "Environmental President" has once again chosen to support the polluters and sell out the public's concern for the environment.

This bill changes the name of the Environmental Protection Agency to the Department of Environmental Protection. It gives Administrator Reilly a new title and a permanent seat at the Cabinet table. It does not change the directives of the Agency.

Here is an opportunity for the administration to match rhetoric with action. Here is something the administration could point to as a demonstration of their commitment to the environment—one of the main tenets of their 1988 campaign.

Instead, the dreaded veto pen has once again reared its ugly head and threatened to show that the administration has only a "fair weather friend" commitment to the environment.

When nations gather to discuss environmental issues and the coordination of all our efforts to combat pollution on a world-wide scale, the United States is one of the few nations, if not the only one, which does not have a Cabinet-level environmental office.

If we are going to be leaders on this issue, we must show that we have a commitment that goes farther than words. We must show that we are willing to commit the strength and resources to this issue on a par with other nations. We must show that we have made bettering our environment one of the administrative priorities of our Nation.

Mr. Chairman, I urge my colleagues to support H.R. 3847, for it does all of these things. It shows our level of commitment, it shows our standards, it shows our priorities. It shows that we really do care about what happens to our environment.

Mr. FRENZEL. Mr. Chairman, I am pleased to rise in favor of H.R. 3847, a bill to create a Department of Environmental Protection to replace the Environmental Protection Agency.

With the environment now among our foremost national concerns, it is important that environmental concerns be given an equal seat at the table. There is no question that the protecting the environment ranks with education, housing, health care, and drugs as a national priority. It is thus entirely appropriate that our Nation's top environmental officer should have a voice equal to that of any other Cabinet Secretary.

In a fiscal atmosphere where national priorities must compete for scarce resources, competing entities should at least be given equal pulpits from which to make their case. Giving the EPA Cabinet status will ensure that environmental concerns are not short-changed in future budget or policy debates.

H.R. 3847 calls for authorizations of less than $1 million to add an Assistant Secretary position at the new department and to increase certain salaries. The bill also authorizes funds to, among other things, create a new Bureau of Environmental Statistics and a Commission on Improving Environmental Protection. All told the bill calls for $7 million in increased fiscal year 1991 funding all of which is subject to appropriations. The committee is to be commended for responsibly addressing some deficiencies in our current environmental protection system without making unreasonable demands on the Federal budget or excessively expanding the Federal bureaucracy.

Mr. HORTON. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I, too, have no further requests for time, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. TORRES] having assumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3847) to establish a Department of Environmental Protection, and for other purposes, had come to no resolution thereon.

HAIL TO THE REDSKINS OF MERCER COUNTY, OH

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, hail to the Redskins. The St. Henry Redskins of Mercer County OH, won the Ohio boys high school division III basketball championship Saturday night with a 71-60 upset victory over previously top ranked Youngstown Liberty. St. Henry became the third school from my district and from Mercer County to become State champions this season.

Pat Droesch scored 25 points while Scott Brunswick added 18 more, snagged 10 rebounds, dished out 7 assists and was perfect from the charity stripe as the Skins won their first championship since 1979.

A crowd in Columbus of nearly 13,000 were in awe of their quickness, passing ability and court sense. The game, a 32-minute highlight film of basketball perfection was one the Redskin players, coaches, and citizens of St. Henry and Mercer County should be very proud of, and I salute them.

ST. HENRY HIGH SCHOOL REDSKINS

Head Coach: Fran Guilbault, Asst. Coach: Al Sommers, Asst. Coach: Jamie Niekamp.

Players: Pat Droesch, Danny Lefelb, Terry Niekamp, Rob Beyke, Scott Brunswick, Steve Gelf, Jeff Hartints, Scott Heitkamp, Bob Koying, Josh Link, Kevin Niekamp, and Tony Glass.

[From the Daily Advocate, Mar. 26, 1990]

ST. HENRY CLAIMS OHIO DIVISION III TITLE

(By Rusty Miller)

COLUMBUS.—Youngstown Liberty coach Bob Patton Sr. was hardly an unbiased observer.

But after St. Henry had upset his Leopards 71-60 for the Division III boys state basketball championship Saturday Patton had glowing praise for the Redskins.

"I've seen a lot of games here," he said, "and they could play with anybody here—Division I, Division II, Division III or Division IV."

St. Henry put together a 32 minute highlight film to unseat the top-ranked Leopards.

The Redskins used their superior height to outrebound the Leopards 37-25 and repeatedly limited Liberty to one shot while they scored from inside the lane.

"We're a strong rebounding team," said 29-year St. Henry coach Fran Gilbault. "That's obvious. We're really strong at the post position and (our wings) really crash the boards."

Pat Droesch scored 25 points to lead the Redskins, who began their 1989-90 season with a 61-54 victory over Division I Greenville with a lineup stocked with underclassmen but almost consumed by expectations.

"There's no selfish kids out there," said Guilbault. "They have a lot of talent. And there's a lot of pressure on them. People have them (making it to the state) before they've even played a game. That's a lot of pressure for 16 year olds."

After the game, Liberty coach Patton said he was resigning as a high school coach and would concentrate on his position as the head coach of the Youngstown Pride of the World Basketball League.

St. Henry (25-1) won its second state title in as many trips to the final four. The Redskins also won the state crown in 1979.

St. Henry was ranked No. 4 in the final AP poll, while Liberty (27-1) was ranked No. 1 from start to finish. St. Henry's only loss came to Van Wert, a final four team in Division II.

Scott Brunswick added 18 points, 10 rebounds and seven assists, and Boy Hoying had 10 points for St. Henry, which in the semifinals had scored more points and won by a larger margin than any Division III team ever.

Mr. Basketball Bobby Patton scored 20 points and had four rebounds and six assists. He hit 5 of 6 3-point attempts in the first half and scored 17 points to keep Liberty within 40-37.

But Patton hit just 1 of 11 shots from the field in the second half to finish 6 of 21 from the field and 5 of 11 from 3-point range.

Mark Majick scored 16 points and Bob Richardson 15 for Liberty, which has won 61 straight regular-season games.

GUAM SEEKS FORBEARANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. BLAZ] is recognized for 5 minutes.

Mr. BLAZ. Mr. Speaker, the enactment of strong antiabortion legislation on Guam has brought this U.S. territory to the forefront of the news in recent days. I'm sure there are those of you who no longer wonder where Guam is but rather now wonder what Guam has done. Indeed, a distinguished Member of the House, expressing shock at Guam's officials for enacting this law, sent a letter to fellow Members, announcing the withdrawal of his support for H.R. 98, the Guam commonwealth bill. Surprisingly, the letter also exhorted our colleagues to withdraw their support in protest to and retaliation for Guam's law.

We all respect the privilege of Members of Congress to communicate with each other on matters which concern the body politic. It is disconcerting, however, to witness the advent of the use of our national legislative process as a tool to influence local decisions. Even more so, it is tragic that Guam's commonwealth hopes and dreams must bear the brunt of the attack.

As the numerous media stories have reported, the passage of the bill and its subsequent enactment into law was not without controversy and its viability is still unsettled. The Governor of Guam and his attorney general have called for its revision and have sought a speedy resolution of its constitutionality in the local court system. Local attorneys have separately brought suit in the territorial and the Federal district courts in Guam challenging the law's constitutionality. A Federal judge has already temporarily restrained enforcement of the law and has scheduled a trial to begin in about 6 weeks.

Obviously, the system of checks and balances upon which this Nation was founded is working. When local officials seem to act beyond their authority under our Constitution, members of the community can turn to the judiciary for relief. It is in the court system where the many battles of the 1960's were fought and won for civil rights. It is the court system that has given substance to the notion that we are a nation of laws, not of men and women. It is the courts which have, since the 1800's, told us what is and is not the law.

Our role as members of a Federal legislative body must be different with respect to the courts and local officials. We are not in the position to act as a judiciary because we act as a body and thus lack the speed and efficiency of Federal judges already in place throughout the country. We lack the information needed to decide whether actions taken in these unique factual circumstances are in accord with the history of law in our Nation.

We must also be cautious in choosing to act in the stead of elected local officials. Our Constitution charges us with the responsibility of ensuring the health and welfare of our Nation. In seeking to impose our beliefs upon particular communities on an ad hoc basis, we risk acting without the sensitivity and insight of local conditions found in the duly elected representatives of that community. Implicitly, we are also rejecting the tradition of checks and balances which has kept this Nation together for so many years.

Beyond the question of congressional response, we should also be mindful of Guam's quest for an ever closer relationship with the United States. Now embodied in H.R. 98, this quest began almost 100 years ago when Guam first became part of this Nation. Over these many years, generations from Guam have worked with generations from Congress to come to this point. The jourrney has been long and difficult, and it is still not finished.

Our journey is not finished because, although part of this Nation, Guam still is not part of the Union. Our fellow citizens live in a suspended state of political existence, not quite part of the Federal Government and yet not quite a part of the Nation with a separate political identity. It is an existence of contradictions, where its citizens are sometimes treated as citizens of a State and sometimes as citizens of foreign countries. It is an existence of confusion, where Federal laws may or may not apply to Guam because of Guam's status as an unincorporated territory. It is an existence of frustration and hope, where this journey has started and stopped many times throughout the years but always begins again with renewed patriotic fervor.

The cyclones of change that have recently swept the world have centered on the inalienable right of man to political self-determination. Inspiring these movements and leading the cheers is none other than the renowned champion of freedom—the United States of America. And this is as it should be—because political self-determination is a fundamental right, a civil right, and a human right and it is our country's forte.

As we encourage others to seek their destiny, we are not unmindful of our own obligations at home. In the Atlantic, Puerto Rico is seeking a new and enhanced relationship with the United States; in the Pacific, Guam is seeking to move closer to the American family through its commonwealth bill, which is supported by 174 Members of Congress, evenly divided between Republicans and Democrats—a resounding indication of true bipartisan support.

In summary, the Guam commonwealth bill is the result of a 100-year effort of a people to define their political destiny. It is totally different from the Guam antiabortion law which was specifically enacted to address a particular albeit wrenching issue.

The Congress then is faced with a serious ethical issue. Members are being asked to hold hostage a piece of national legislation to an issue which is best addressed and indeed is already being addressed through the courts at the local level. While the question of abortion in general and various formulations of legislation have inflamed the passions of partisans on both sides, it is inappropriate to wage the battle over it on the political front of a people's aspirations for self-determination.

The gut-wrenching legal and moral questions raised by abortion will be settled eventually. That day will not be speeded by withdrawing support from the Guam Commonwealth bill, but will only come when men and women of goodwill rationally confront the issue and settle their differences.

We must not allow the winds of passion currently attached to that issue to extinguish the flickering candle of a people's hope to take control of their political destiny. To withdraw support of H.R. 98 is tantamount to snuffing out that narrow beacon that is guiding the people of Guam to a time when they can truly say, "At long last, we are part of the family."

It would be tantamount to spanking us and telling us to go to our room and languish through another quarter of a century of benign neglect. In behalf of my people, the forgotten patriots of America, I plead with you not to relegate us to darkness. We have been in our "room" for almost 100 years already. Treat us, your fellow Americans, at least as well as you treat foreigners seeking a share of a fair life.

I dare say that all things considered, given the events unfolding worldwide and the Nation's sentiment regarding self-determination, I make the case that it is a lot easier to explain why you are supporting a bill like ours rather than not. At the risk of being chided by my colleagues, I ask you all to join me and those who are already cosponsors, in supporting the Guam Commonwealth bill [H.R. 98].

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NATIONAL MEDICAL RESEARCH DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FAZIO] is recognized for 5 minutes.

Mr. FAZIO. Mr. Speaker, what if there had been no research on polio or diphtheria? What would life be like now? Medical research is the foundation of our understanding of disease and gives us the capability to learn to treat and/or cure these diseases and explore new fields and opportunities in research. However, there are many diseases for which there still is no cure. If we are to find new treatments and cures for such diseases as asthma, multiple sclerosis, and other diseases, greater emphasis must be placed on the importance of the continuing process of medical research.

In observance of the fourth annual National Medical Research Day, I would like to stress the need for commitment to the cause of medical research and to urge my colleagues to dedicate adequate funding for this worthwhile, humanitarian endeavor. The Federal Government must expand its responsibility in the coming years if we are to keep up with the demand for new treatments and cures for diseases.

Because there was research done on polio and diphtheria, these diseases no longer pose the threat they once did. The successes of medical research occur because of a continuing commitment in both the Federal and private sectors to facilities such as the National Institutes of Health [NIH] and the Centers for Disease Control [CDC]. Thirty-eight NIH-funded scientists have gone on to win the Nobel Prize in physiology and medicine—more than any other single institution. Some of the accomplishments at NIH have been the identification of the cause of AIDS, discovering the genetic marker for Huntington's disease and the development of influenza vaccines. But none of this could have been possible without help from the Federal Government in the form of appropriations for medical research.

In the 1980's, a steady decline in support of research projects by Federal funding developed. It is time to make the 1990's a period of renewed interest in the opportunities of medical research. The 36 voluntary health agency members of the National Health Council are again concentrating efforts to make adequate funding for medical research a major priority. I sincerely hope that Medical Research Day brings our aspirations to the spotlight.

In closing, I would like to recognize the efforts of the National Asthma and Allergy Foundation of America in its efforts as well as several individuals who have come from California in support of National Medical Research Day. They are:

Ms. Mary Adams, director of public issues for the American Cancer Society in Sacramento, CA;

Ms. Lorrie Norby, program services associate for the National Multiple Sclerosis Society in Oakland, CA;

Ms. Flora Maiki, program services director of National Multiple Sclerosis Society in Oakland, CA;

Dr. Michael Bush, of the American Diabetes Association in Los Angeles, CA;

Mr. Terry Molano, of the National Sudden Infant Death Syndrome Fundation in Los Angeles, CA; and,

Ms. Audrey Goldman, the chapter services director of the National Multiple Sclerosis Society in Glendale, CA.

CORPORATE-OWNED LIFE INSURANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, today I am introducing a bill to curtail certain practices in the development of corporate-owned life insurance which may be deemed to be excessive in terms of traditional COLI products.

The first newly developed product makes use of artificially high interest rates and low cash payments to create a heavily tax advantaged product designed to deal with post-retirement medical benefits. The second product is so-called janitor insurance, where a company allegedly insures all or most of its employees, including the janitor, in order to generate tax-free funds with which to pay retirement income to the company's senior officers. While I firmly believe in the appropriateness of corporate owned life insurance, it seems to me that these policies have taken advantage of normal rules governing COLI in order to create unduly tax-advantaged products.

The first problem results from the ability of a company to charge one percentage point more on policy loans than they credit on borrowed amounts of cash value, thereby allowing loan rates greatly in excess of the current cost of money on the open market. Since the spread is 1 percent regardless of the interest rate, it does not matter to the insurance company nor to the policyholder at what level the interest rates are set. However, the taxpayers because of the inflated interest deduction, are financing the cost of the policyholder's insurance protection which is normally nondeductible. To correct this problem, this legislation sets a limit on deductible policy loan interest so that only interest that reflects the competitive cost of money on the open market may be deducted. This is accomplished by establishing a standard already used by the insurance industry, and eliminating the ability to make a distinction between borrowed and unborrowed funds. This, in effect, limits the deductible interest to an amount that is about the same as the market cost of money.

The second problem is related to the first, it is the use of this inflated internally generated money to meet the requirements of the 4-out-of-7 rule, which should be met from policyholder money rather than tax-deferred money generated within the policy. To address this problem, the legislation limits the amount of the four premiums that can be paid with any kind of policy-generated funds.

Third, to address the problem of "janitor insurance", employees who are going to be insured must, under this legislation, be notified by their employers of this fact, and given the opportunity to refuse. Also, if the business is going to be the beneficiary of the life insurance policy but purchases the insurance pursuent to a funded or unfunded plan of employee compensation or benefits, then the employee who is insured must also participate at the appropriate time in the employee benefit plan that the life insurance is helping to make possible. While some argue that this type of insurance is not actually sold, this provision will make sure that when a business uses life insurance to legitimately provide for its employees, then each and every employee that is covered by a life insurance policy must be eligible to receive those benefits when, usually at retirement, the time arrives. However, this participation requirement is not intended to apply to insurance arrangements which are not being used to fund any plan of employee compensation or benefits, such as key-man policies or buy-sell arrangements.

Finally, there seems to be some confusion in the industry over whether a tax on the gain in a policy is triggered when a life insurance policyholder exercises a "substitution of insured clause" in a contract. This legislation confirms that the exercise of a substitution of insured clause, which is an attempt to continue the underlying policy without having to pay acquisition costs again, is a taxable event. It makes the fact that the policyholder must pay tax on the gain at that time clear and enforceable by requiring the insurance company to issue a form 1099 which will report to both the Internal Revenue Service and to the policyholder, that they must pay tax on the gain—if any—that existed at the time the clause was triggered.

The effective date of this legislation is for contracts pruchased on or after today, March 27, 1990.

I hope these narrow changes will eliminate the excesses that have occurred in this market, and hope these issues can be dealt with this year.

BUSH ADMINISTRATION TAXES CHILDREN BY SELLING BONDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, when Ronald Reagan assumed to Presidency in 1981, the Federal Government's debt amounted to $909 billion. In some 200 years of American history which included a civil war, two world wars, depressions and economic panics, the United States had a total of $909 billion worth of debt. Unbelievably, in just 9 years of "peacetime prosperity", the Reagan/Bush administrations managed to triple the debt.

The Federal deficit was $2.8 trillion at the end of 1989; 2.8 trillion $1 bills could pave a road from New York to San Francisco 4 miles wide, or erect a wall of stacked $1 bills from New York to San Francisco 38 feet high. At its current rate of production, the Bureau of Engraving and Printing would need 424 years to reproduce the deficit in $1 bills. I shudder to think what the deficit would have been like in hard times under Reagan and Bush.

Even worse, the Republicans have mesmerized the American people into accepting the sale of bonds—or borrowing—to finance this deficit. President Bush has said many times "Read my lips, no new taxes," but this statement is simply untrue. It is true that President Bush has not raised income taxes, but he is financing this enormous deficit by increasing Treasury bond sales.

This substitute of bond sales for tax increases is nice, neat, and even ruthlessly clever, but let me enlighten the Bush administration with one essential detail: Selling bonds and raising taxes are basically the same thing. Because future generations will have to repay these bonds upon maturity, the difference is that bond sales increase taxes on our children and not on ourselves.

Simply stated, the Bush administration is committing extortion against our children. Because most of our children are not old enough to vote, they have no political voice with which to accuse the Bush administration of this extortion. Therefore, I am doing it for them.

Today the United States is borrowing from future generations to finance its programs. By selling long-term securities such as 40-year REFCORP bonds, the Federal Government is mortgaging the future. Since Treasury bonds are generally long term, the payback is far off in the future. Tomorrow's taxpayer—our children—will have to foot the bill for this borrowing.

It is incredible that the Bush administration is trying to issue new 40-year bonds under the recently created REFCORP to finance the S&L bailout. Long-term Treasury bonds were created in part so people could enjoy a steady stream of income over an extended period. With 40-year bonds, however, few people will be able to buy a new bond and live to see its maturity. President Bush is trying to further postpone ultimate taxpayer costs. Committing extortion against our children appears not to be enough, he is now trying to commit extortion against our children's children.

Today's Federal budget deficit is over $64 billion, but the key messages are not in the numbers. One message is in America's apparent prosperity despite an unprecedented string of big deficits. But, the other important message is in the shift in attitude of the American people. America is now a veteran of big deficits and there is no reason for Americans to expect anything else. Americans have become used to deficits, and the administration is not heeding the warnings of impending disaster. The fact that there has been no economic catastrophe yet increases the likelihood of repeated large deficits. These repeated large deficits may not be the road to quick ruin, but if unchanged, they will certainly lead to catastrophe at some point; and this catastrophe will prove far worse than anything President Reagan would have expected.

President Bush's recent State of the Union Address before Congress is the latest example of this frightening shift in attitude. President Bush has used so many tricks to fiddle with the deficit that the public has grown confused and complacent. The Bush administration has attempted to mask our real problems with accounting gimmickry, such as the recent Bush capital-gains proposal, which will cost $21 billion over the next decade; and the $30 billion of the S&L bailout which was removed from deficit calculations when it was taken off budget. To the average American taxpayer, Federal budget deficit quotes have become as frequent and arbitrary as lottery numbers, but less meaningful or stimulating.

President Bush's budget even contains new tax breaks benefiting upper income individuals and large corporations. So who will pay for today's budgetary tricks, borrowing, and tax breaks for the wealthy?

With the budgetary actions of Mr. Reagan and President Bush, our childrens' future has been put up on the auction block and sold to foreign investors.

Like serfdom in the medieval era, people born in the mid 1960's or later are fast becoming economic servants to the reigning generation. Never in our history has one generation made such ruthless and reckless economic decisions that would so enormously burden future generations. President Bush's financing of the budget deficit with Social Security surpluses, for example, can only mean one of three things when it comes time to provide for the baby-boomer retirees: First, dramatically slashing benefits; second, defaulting on a stack of IOU's; or third, sharply increasing taxes on tomorrow's workers.

Tomorrow's America will have to pay the price for today's prosperity largely because of the lack of economic foresight of the Reagan/Bush administrations. When the bill comes due, it will tighten on tomorrow's middle and lower classes like a vise. America will likely become a second-rate industrial strength with second-rate living standards.

The irony in all this is the fact that such political actions are unnecessary. All across the country, State and local leaders are governing on platforms that emphasize investment over consumption, and a sound economic future over immediate economic reward. The first 39 Presidents were successful on similar platforms, so why have the last 2 Presidents abandoned our children?

Additionally, extortion is a serious crime in this country. The administration has no right to tax tomorrow's children for today's benefits. I have always believed that part of my duty is to try to pass an improved world to my children. I have always hoped that our children would have better living conditions and more opportunities than we have had. Our children are our future, and I think the Bush administration should step back and recall this fact.

EASTERN EUROPEAN OFFICIAL DEBT REDUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa [Mr. Leach] is recognized for 60 minutes.

Mr. LEACH of Iowa. Mr. Speaker, over the last 12 months the United States and its NATO partners have witnessed, in an astounding, inexorable cataract of events, the triumphant culmination of 40 years of steadfast alliance diplomacy. Communism is in retreat pell-mell. This is particularly true in Eastern Europe where monuments of and to a fraudulent Stalinist polity have collapsed, perhaps irreversibly.

At the root of the changes taking place in the world—from Eastern Europe to the Baltic States; from Afghanistan to Tiananmen Square; from Nicaragua to South Africa—is a stark recognition that it is Jeffersonian democracy—the premise that governments derive their powers from the consent of the governed, from individuals endowed by a Creator with inalienable rights—that provide the most revolutionary, adventursome, and humane model for political and economic organization in recorded history. I stress, for a moment, that Jeffersonian democracy is a more revolutionary model than that provided by Marxist dogma because established democracies tend to be complacent and, too often, status quo oriented. The fact is that status quo constitutionalism is seldom challenged because the capacity to adapt rapidly to public concerns is one of the profoundest hallmarks of democratic institutions. Ideas, not people, are locked in by democratic governments because the right to revolt, implicit in documents like the Declaration of Independence and the Rights of Man, provides a doctrine of empowerment to the people rather than to elitist leaders claiming to ride and interpret a crest of historical forces. The revolutions currently sweeping the world thus vindicate rather than jeopardize our societal values; they make possible visions of creative splendor, rather than destructive apocalypse.

As we celebrate the triumph of Western values and resolve, we cannot forget that vast issues of great complexity confront the newly emancipated nations of Eastern Europe and it is

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key that the United States responds to changing circumstances in a responsible way.

Tomorrow I will therefore introduce legislation that has modest historical precedent, but which will also mark a new departure in U.S. policy, one that would utilize official debt reduction as a component of American strategy toward consolidating democracy in Eastern Europe.

As everyone in Congress understands, President Bush is confronted by a vexing political catch-22 as he navigates our country through the unpredictable tides and currents shaping contemporary world affairs.

In Eastern Europe, for example, the societal strains and economic dislocation created by unprecedented transition from command to market economies seem increasingly formidable, even as bilateral U.S. aid dollars to propel growth appear to be—relative to the total scope of the problem—increasingly limited. Within our own hemisphere, Panama and Nicaragua have put forward morally compelling and economically claimant claims for American aid and succor. Notwithstanding broad congressional support for $900 million to Poland and Hungary last year, there appears to be little stomach on Capitol Hill for providing massive new money commitments for Eastern Europe.

Neither political party in Congress is contemplating either foreign aid increases or granting to the executive branch anything like the flexibility it needs to prudently manage our existing foreign aid today. While geostrategists within the leadership of the majority party have propounded the stunning thesis that the United States should profer direct aid to an economically unreconstructed Soviet Union, my sense is that the driving priority ought to be for the United States to emphasize above all the need to preserve the gains of freedom in Eastern Europe. In this context we have little choice but to place an emphasis on reducing old debt rather than raising false expectations that new money commitments in the nature of a Marshall plan from the U.S. Government are in the offing.

Believing that the United States is uniquely positioned to take the lead among creditor nations in reducing old debt, I would stress that the legislation I will be introducing tomorrow will call on the Bush administration to expand the innovative Brady approach on Third World debt to the most dangerously overleveraged countries of Eastern Europe, provided they have taken substantive steps toward political and economic reform and have in place a structural adjustment program with an international financial institution.

This Democratic Defense Initiative authorizes in a multilateral context the President to write down public sector debt. The President is called upon to negotiate and coordinate government-to-government debt reduction with the Paris Club and other creditor nations. The amount of debt reduction would be formulated on a case-by-case basis and would take into consideration the country's ability to pay. Negotiation and actual write down or conversion of official debt would be exclusive, however, of debt owed to the international financial institutions.

Like the Brady approach to commercial debt relief, official debt reduction in Eastern Europe quintessentially reflects President Bush's "will without wallet" lament. It is not only the maximum that can be expected under the circumstances, but a statesmanlike philosophical accommodation that should help bring American power and commitments more into balance.

As this Congress well knows, a year ago Treasury Secretary Nicholas Brady announced an impressive new U.S. strategy for grappling with the financial and social woes of the most heavily burdened debtor countries in the developing world. Profoundly reflective of changing economic and political currents, the Brady initiative proposed that as part of its approach to dealing with Third World debt the United States would act in concert with creditor and debtor nations, multilateral financial institutions, and commercial banks to officially sponsor—on a voluntary, case-by-case basis—reductions in the outstanding claims of private foreign lenders.

The Brady initiative has enjoyed substantial initial success. In the first instance, it must be stressed again and again that the Brady plan, like its predecessor, is rightly and solidly premised upon the implementation of public policies in debtor countries which promote sustainable economic growth. By and large, these policy reforms reflect free market principles and are designed to reduce bloated public sectors, encourage domestic savings, liberalize rules governing foreign trade and investment, and attract both foreign and flight capital. Under the Brady plan the multilateral financial institutions, as before, retain the primary and vital responsibility for promoting these structural adjustments in debtor countries.

Thus in Mexico, commercial lenders agreed to reduce a portion of the country's private debt by 35 percent, recognizing that Mexico had boldly undertaken an economically ambitious and politically perilous reform program designed to radically overhaul its stultifying tax, fiscal, and trade policies. In the Philippines, commercial banks agreed to support a Philippine bond issue in the international credit market; in turn, the government in Manila is pursuing structural adjustment and proposing to use borrowings from international financial institutions to buy back in the secondary market some of the country's private commercial debt. In both instances, as in the recent debt reduction agreement for Costa Rica, the Brady initiative has demonstrated significant flexibility in application. More importantly, the Brady initiative has complemented U.S. foreign policy and clearly contributed to advancing America's vital national interest in strengthening the social and economic foundations of nascent democracies around the world.

I raise the precedent of the Brady plan and U.S. strategy for dealing with Third World debt because I think this is an extremely propitious time for a Bush initiative to write off public sector indebtedness to Eastern Europe. I would stress the appropriateness of this approach in a number of ways.

In the first place, Eastern Europe has a limited capacity to absorb new resources of a foreign aid dimension.

Second, the debt overhang is so extraordinary—particularly in Poland, Hungary, and Bulgaria—that whatever system of democratic and free market transition takes place may be jeopardized by loss of international confidence in the capacity of those societies to deal with their mountain of debt.

As the most recent financial market trends analysis of the Organization of Economic Cooperation and Development observes, in 1989 domestic economic performance in Eastern Europe weakened. The OECD report states that,

> The current account balance of the region weakened appreciably while debt, which has been rising steadily since 1985 rose at an accelerated pace and debt indicators look considerably worse than a year ago. In view of current trends, further weakening seems inevitable before changes in economic structure can produce any tangible improvement.

This predictive analysis is being borne out by the facts in Poland, where that country's economic program of shock therapy has corralled hyperinflation but also induced a severe recession. As the Washington Post reported on Saturday, March 17, 1990, in Poland industrial production fell last month by nearly 30 percent compared to a year ago, and real incomes since January have plunged 37 percent. Unemployment rolls are growing by tens of thousands a month as the Polish Government sticks to the letter of the most aggressive free-market adjustment program in Eastern Europe.

Third, I would note that even though the Paris Club agreed to a 1-year moratorium for Poland on payments due on its $27 billion official debt, as well as a 14-year restructuring agreement covering $10 billion, these laudable actions have the principle effect of rolling over the debt and simply postponing the economic pain of repayment. Moreover, the continued rollover of a perilously large debt overhang—with ever-accumulating interest—constitutes at the very least a cautionary signal for private foreign investors, and constitutes at the worst a disastrous impediment to new foreign investment.

My view is that a reduction of public indebtedness in the neighborhood of 50 percent, for those heavily indebted East European countries committed to political and economic reform and which are cooperating with multilateral financial institutions, would give those countries a much greater opportunity to achieve sustainable economic growth than any other kind of foreign aid initiative that the U.S. Congress or the executive branch is likely to develop in the next several years.

In addition, the initiative I am contemplating would involve not only the United States but the members of the Paris Club and other creditor governments, and would place a much greater burden on the West Europeans—particularly the Germans—who, most of us believe, have the capacity and the ability to be more generous in terms of assistance to their newly democratic neighbors.

In terms of history, there are several precedents for this kind of approach. From a U.S. perspective, the most recent precedent for official debt reduction was July 1989, when President Bush launched an American initiative to excuse African countries from repaying U.S. development assistance loans, provided they institute economic reforms. Second, there is the precedent of the London Accord of 1953, in which the United States and its Western allies magnanimously, as well as prudentially, wrote off approximately one-half of all of West Germany's debt—commercial and official—in order to help strengthen democratic governance in Bonn. In that spirit it is time that we call upon all of the Western European countries to reduce their public sector debt exposure based upon an expanded version of the Brady initiative to Eastern Europe.

To some extent, a policy of public debt forgiveness does imply loss of revenues to the U.S. Treasury, but it should not be forgotten that most of this debt—a total of $3,632.8 billion—is not now being paid nor under even optimistic projections could it be paid fully. For budgetary purposes, the new policy should explicitly recognize the present practice of not being able to collect on bad credits.

Slightly digressing, let me note that one of the decisions that the Bush administration is going to be making in the next several weeks relates to our possible participation in a European Bank for Reconstruction and Development. Of potentially great significance is the proposition that American participation in this bank would position the United States with the leadership of the countries of the continental nations of Western and Southern Europe, particularly France and Italy, in contrast to our more customary Northern European orientation.

Second, U.S. participation would help protect our international trade and financial interests.

Third, it is substantial significance that the United States is being asked to put up only 8.5 percent of the capital in contrast to double that in the other two principal international financial institutions. In other words, our participatory obligations in an EBRD are less onerous than in the IMF and World Bank.

But let me make clear that, from a congressional perspective, American participation in a EBRD ought to be conditional upon serious consideration of European creditor governments in a Brady-type approach toward official debt reduction in Eastern Europe. Otherwise the United States, and the American taxpayer, would face the unhappy prospect of seeing U.S. resources recycled to Western European trade competitors.

It is one thing for the United States to give direct assistance to the newly democratic countries of Eastern Europe for economic and infrastructure development purposes. It is quite another for the United States to provide assistance and have American dollar resources indirectly recycled to Western European countries as debt repayments.

To conclude, Mr. Speaker, even as the dust settles from the sudden and massive implosion of communism in Eastern Europe, no one can conclude anything from this prodigious political tremor but that we have experienced one of the great turning points in history. The results of three-quarters of a century of blasphemous social experimentation with state-sponsored coercion are clear. Communism has no political legitimacy because it is not rooted in the consent of the people. Communism also has no claim to economic efficacy. In the Eastern European laboratory, where ideologically, rigid governments treated citizens as repressed of guinea pigs, the passage of time has shown that state-managed, nonincentive systems fail to raise the standard of living of people as effectively and fairly as free market economies.

What is happening in Eastern Europe is rooted above all in the courage of the people of the region, but it has been premised as well in the firmness of the West, especially our commitment to NATO. To the extent the United States and its allies now face new and substantial foreign policy challenges in Eastern Europe, they are problems most emphatically born of success, not the offspring of failure.

In this regard, as everyone in Washington knows, there has been a major news item in recent days regarding the claim by a leading Democrat that the President has been too attentive to public opinion polls on Eastern Europe. By way of response, I would like to make the modest observation that in contrast to the calls of some for greater cheerleading from the executive branch, it is striking instead how the President has not demagoged good news—which would have been the response to public opinion polls—and has instead put in place a firm, principled foreign policy in a thoughtful, low-key manner, recognizing that high-charged opinion-of-the-moment rhetoric could prove counterproductive for the people of the region.

Indeed, it is a foreign policy approach which has won the respect and admiration of Europeans—no mean task. As the distinguished British historian Michael Howard astutely observes in the latest issue of Foreign Affairs,

> George Bush reassured the allies that American troops would remain in Europe for as long as they were wanted. He reassured President Gorbachev that the United States would not exploit the situation to the Soviet disadvantage. Given the extraordinary concatenation of events, Europe was as fortunate to have Bush in the White House as they were to have Gorbachev in the Kremlin.

The past stands as a benchmark for the future. American involvement in Eastern Europe extends back not only to the frightful dawn of a tense cold war, but to our commitment in two costly and traumatic world wars to preserve a Europe whole and free. Now is the time to ensure steps are taken to make Eastern Europe a shining example of the individual aspiration to be free, by raising living standards for a courageous population which has outfaced the twin terrors of fascism and communism, and which, as a consequence, has been disproportionately depressed in this century.

We are in the process of winning World War III without firing a shot. Let's not lose the last battle by slackening commitment when it is most needed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BILIRAKIS (at the request of Mr. MICHEL), for today, on account of illness in the family.

Mr. STUMP (at the request of Mr. MICHEL), for today and the balance of the week, on account of illness in the family.

Mr. DENNY SMITH of Oregon (at the request of Mr. MICHEL), for today and the balance of the week, on account of medical reasons.

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SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Leach of Iowa) to revise and extend their remarks and include extraneous material:)

Mr. McEwen, for 60 minutes, today.

Mr. Leach of Iowa, for 60 minutes, today.

Mr. Walker, for 60 minutes, each day on March 27, 28, and 29.

Mr. Blaz, for 5 minutes, today.

(The following Members (at the request of Mr. Payne of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. Fazio, for 5 minutes, today.

Mr. Poshard, for 5 minutes, today.

Mrs. Kennelly, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Sarpalius, for 60 minutes, on March 28.

Mr. Savage, for 60 minutes, on March 28.

Mr. Michel, following proceedings in joint meeting in the House, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Leach of Iowa) and to include extraneous matter:)

Mr. Broomfield.
Mr. Gallo.
Mr. Lent.
Mr. DeLay.
Mr. Hunter.
Mr. Bilirakis.
Mr. Thomas of California.
Mr. Gallegly.
Mr. McCandless.
Ms. Ros-Lehtinen in three instances.
Mr. Ritter in two instances.
Mr. Baker.
Mr. Solomon.
Mr. Gilman.
Mr. Hammerschmidt.
Mr. Crane in two instances.
Mr. McEwen.
Ms. Schneider.
Mr. Ireland.

(The following Members (at the request of Mr. Payne of New Jersey) and to include extraneous matter:)

Mr. Leath of Texas.
Mr. Kleczka.
Mr. Penny in four instances.
Mr. Dorgan of North Dakota.
Mr. Dellums.
Mr. Stark.
Mr. Hamilton.
Mr. Smith of Florida.
Mr. Lehman of Florida.
Mr. Dicks.
Mr. Torres.
Mr. Pease.
Mr. Traficant.
Mr. Lipinski in two instances.
Mr. Williams.
Mr. McDermott.
Mr. Slattery.
Mr. Murtha.
Mr. Spratt.
Mr. Richardson.
Mr. Yatron in two instances.
Mr. Durbin.
Mr. Owens of New York.
Mr. Ackerman.
Mr. Espy.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1853. An act to award a congressional gold medal to Laurance Spelman Rockefeller; to the Committee on Banking and Finance.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that the committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On March 26, 1990:

H.R. 3311. An act to designate the Federal building located at 350 South Main Street in Salt Lake City, UT, as the "Frank E. Moss United States Courthouse."

ADJOURNMENT

MR. LEACH of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 10 minutes p.m.), under its previous order the House adjourned until tomorrow, Wednesday, March 28, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2846. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed lease of defense articles to Indonesia (Transmittal No. 4-90), pursuant to 22 U.S.C. 2796a(a); to the Committee on Foreign Affairs.

2847. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees as of September 30, 1989, for which reimbursement is provided under section 21(a) or section 43(b) of the Arms Export Control Act, pursuant to 22 U.S.C. 2765(a)(6); to the Committee on Foreign Affairs.

2848. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed lease of defense articles to Australia (Transmittal No. 5-90), pursuant to 22 U.S.C. 2796(a)(6); to the Committee on Foreign Affairs.

2849. A letter from the Executive Director, State Justice Institute, transmitting the State Justice Institute's financial statements and schedules as of September 30, 1989 and 1988; to the Committee on Government Operations.

2850. A letter from the Chairman, U.S. Securities and Exchange Commission, transmitting a report of the Commission's activities under the Freedom of Information Act for calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2851. A letter from the Assistant Secretary of the Interior for Indian Affairs, transmitting a proposed plan for the use and distribution of the Walker River Paiute Tribe of Indians, Nevada judgment funds in Docket 87-A before the U.S. Claims Court, pursuant to 25 U.S.C. 1402(a), 1404; to the Committee on Interior and Insular Affairs.

2852. A letter from the Chairman, U.S. Nuclear Waste Technical Review Board, transmitting the Board's findings, conclusions, recommendations relating to high-level radio active waste or spent nuclear fuel, pursuant to 42 U.S.C. 10268; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. de la GARZA: Committee on Agriculture. H.R. 2209. A bill to enable producers of soybeans to develop, finance, and carry out a nationally coordinated program for soybean promotion, research, and consumer information, and for other purposes; with an amendment (Rept. 101-431). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 1813. An act to ensure that funds provided under section 4213 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters (Rept. 101-432, Pt. 1). Ordered to be printed.

Mr. WHEAT: Committee on Rules. House Resolution 366. Resolution providing for the consideration of H.R. 1463, a bill to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System (Rept. 101-433). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 4404. A bill making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-434). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROE (for himself, Mr. Brown of California, Mr. Scheuer, Mrs. Lloyd, Mr. Volkmer, Mr. Morrison of Washington, Mr. Nelson of Florida, Mr. Hall of Texas, Mr. Fawell, Mr. Smith of Texas, Mr. Valentine, Mr. Torricelli, Mrs. Morella, Mr. Boucher, Mr. Bruce, Mr. Stallings, Mr. Schiff, Mr. Traficant, Mr. Nowak, Mr. Perkins, Mr. McMillen of Maryland, Mr. Nagle, Mr. Hayes of Louisiana, Mr. Costello, Mr. Tanner, Mr. Browder, and Mr. Mineta):

H.R. 4380. A bill to authorize appropriations for the Superconducting Super Collider, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. MOAKLEY:

H.R. 4381. A bill to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. COUGHLIN:

H.R. 4382. A bill to make effective the Department of Transportation antidrug program rule for recipients of Federal mass transit assistance; jointly, to the Committees on the Judiciary and Public Works and Transportation.

By Mr. DICKS (for himself, Mr. Spratt, Mr. Skelton, and Mr. Davis):

H.R. 4383. A bill to establish a National Commission on Defense and National Security to provide to the President and Congress independent analysis of the national security strategy and policies of the United States; jointly, to the Committees on Foreign Affairs and Armed Services.

By Mr. FRANK:

H.R. 4384. A bill to extend until September 30, 1992, those provisions of section 3718 of title 31, United States Code, relating to contracts for collection services; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.R. 4385. A bill to modify the provisions of the Internal Revenue Code of 1986 which relate to the taxation of foreign risk active business income of certain U.S.-controlled foreign corporations qualifying as insurance companies and which are inhibiting the competitiveness of U.S.-owned insurers with their foreign-owned counterparts; to the Committee on Ways and Means.

By Mr. HOAGLAND:

H.R. 4386. A bill to amend the Federal Home Loan Bank Act to restructure the Resolution Trust Corporation Oversight Board and Board of Directors into a single governing entity; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HUBBARD:

H.R. 4387. A bill to amend the National Trails System Act to require the establishment of interpretive sites for the Trail of Tears National Historic Trail; to the Committee on Interior and Insular Affairs.

By Mr. HUCKABY (for himself, Mr. Stangeland, Mr. Tallon, Mr. Emerson, Mr. Espy, Mr. Lewis of Florida, Mr. Stenholm, Mr. Combest, Mr. Stallings, Mr. Herger, Mr. Sarpalius, Mr. Holloway, Mr. Jones of North Carolina, Mr. Hatcher, and Mr. Condit):

H.R. 4388. A bill to establish price support programs for the 1991 through 1995 crops of cotton, rice, and sugar; to the Committee on Agriculture.

By Mrs. KENNELLY:

H.R. 4389. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of interest paid in connection with certain life insurance contracts; to the Committee on Ways and Means.

By Mr. LEATH of Texas (for himself, Mr. Montgomery, Mr. Lehman of Florida, and Mrs. Patterson):

H.R. 4390. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to make grants (in conjunction with the Secretary of Defense) for the establishment of research centers at qualifying medical schools to carry out medical research in areas of interest to the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. OLIN:

H.R. 4391. A bill to amend the Head Start Act to establish the average minimum amount per capita that must be expended annually to provide services to children who participate in Head Start programs; to the Committee on Education and Labor.

By Mr. PEASE (for himself, Mr. Barnard, Ms. Kaptur, and Mr. Levin of Michigan):

H.R. 4392. A bill to improve the foreign trade zone program; to the Committee on Ways and Means.

By Mr. PENNY (for himself, Mr. Frank, Mr. Walsh, and Mr. Frost):

H.R. 4393. A bill to amend the Higher Education Act of 1965 to improve the eligibility of less-than-half-time students for Federal student assistance programs, and for other purposes; to the Committee on Education and Labor.

By Mr. ROBERTS (for himself, Mr. Jontz, Mr. Durbin, Mr. Stallings, and Mr. Marlenee):

H.R. 4394. A bill to increase the exports of U.S.-processed, value-added agricultural products; jointly, to the Committees on Agriculture, Ways and Means, and Foreign Affairs.

By Ms. SCHNEIDER (for herself and Mr. Machtley):

H.R. 4395. A bill to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide financial assistance for the operation and maintenance of State veterans' cemeteries, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SPRATT:

H.R. 4396. A bill to extend until January 1, 1994, the existing temporary suspension of duty on tetraamino biphenyl; to the Committee on Ways and Means.

By Mr. THOMAS of California (for himself, Mr. Pashayan, Mr. Lowery of California, Mr. Herger, Mr. Emerson, Mr. Dymally, Mr. Shumway, Mr. Hatcher, and Mr. Bosco):

H.R. 4397. A bill to amend the Food Security Act of 1985 to reauthorize the targeted export assistance program, and for other purposes; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. THOMAS of Wyoming:

H.R. 4398. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Clarks Fork River in the State of Wyoming as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. WALKER (for himself and Mr. Gekas):

H.R. 4399. A bill to provide that the U.S. District Court for the Eastern District of Pennsylvania shall also sit in Lancaster, PA; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 4400. A bill to provide for a stay of deportation and work authorization for spouses, children, and dependent parents of legalized aliens; to the Committee on the Judiciary.

By Mr. WELDON:

H.R. 4401. A bill to amend title 10, United States Code, to impose additional prohibitions on convicted individuals and debarred or suspended contractors, and to require the Secretary of Defense to withdraw approval of any defense contractor's system for awarding subcontracts if the contractor enters into a subcontract with a contractor who has been suspended or debarred by the Federal Government; to the Committee on Armed Services.

By Mr. SOLARZ (for himself and Mr. McHugh):

H. Con. Res. 293. Concurrent resolution expressing the sense of the Congress concerning the future of Taiwan; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. UPTON:

H.R. 4402. A bill for the relief of Peter Short; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 4403. A bill to clear certain impediments to the licensing of M/V *Pumpkin* for employment in the coastwise trade and fisheries of the United States; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 173: Mr. Machtley.
H.R. 594: Ms. Long.
H.R. 711: Mr. Applegate.
H.R. 761: Mr. Richardson.
H.R. 855: Mr. Condit, Mr. McCurdy, and Mr. Gilman.
H.R. 985: Mr. Costello.
H.R. 1154: Mr. Ford of Tennessee.
H.R. 1180: Mr. Engel.
H.R. 1249: Mr. Solarz.
H.R. 1287: Mr. de la Garza.
H.R. 1400: Mr. Hall of Texas, Mr. Johnston of Florida, Mr. Dreier of California, Ms. Ros-Lehtinen, Mr. Donnelly, Mr. Wilson, Ms. Kaptur, Mr. Bruce, Mr. Levine of California, Mr. Sundquist, Mr. Gillmor, Mr. Lehman of Florida, Mr. Gunderson, Mr. Geren, Mr. Shaw, and Mr. Lewis of Florida.
H.R. 1561: Mr. Brown of California and Mr. Chapman.
H.R. 2269: Mr. Paxon.
H.R. 2336: Mr. de la Garza, Mr. Thomas of Georgia, Mr. Paxon, and Mr. Campbell of Colorado.
H.R. 2437: Mr. Cox, Mr. Shuster, Mr. Thomas A. Luken, Mr. Moody, and Mr. Skeen.
H.R. 2608: Mr. Levin of Michigan, Mr. Sikorski, and Mr. Clarke.
H.R. 2674: Mr. McMillen of Maryland.
H.R. 2700: Mr. Lightfoot.
H.R. 2885: Mr. Bevill.

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H.R. 3158: Mr. PORTER, Mr. BOUCHER, Mr. HALL of Texas, Mr. HENRY, Mr. SHAYS, Mr. HORTON, and Mr. ROWLAND of Connecticut.

H.R. 3243: Mr. HASTERT, Mr. FLIPPO, Mr. ERDREICH, and Mr. WILSON.

H.R. 3267: Mr. MARKEY and Mr. BONIOR.

H.R. 3347: Mr. JOHNSTON of Florida.

H.R. 3546: Mr. DOWNEY and Mr. WEISS.

H.R. 3643: Mrs. MEYERS of Kansas, Mr. COBLE, Mr. HUGHES, Mr. HYDE, and Mr. SHUMWAY.

H.R. 3699: Mr. BORSKI, Mr. ECKART, Mr. GALLEGLY, Mr. GILMAN, Mr. HENRY, Mr. HERGER, Mr. HOLLOWAY, Mr. LEWIS of Florida, Mr. DONALD E. LUKENS, Mr. MARTINEZ, Mr. McDADE, Mr. MOODY, Mr. NEAL of Massachusetts, Mr. OWENS of Utah, Mr. RINALDO, Mr. SHUSTER, Mr. TALLON, and Mr. LOWERY of California.

H.R. 3732: Mr. AUCOIN, Mr. YOUNG of Alaska, Mr. PARKER, Mr. DEWINE, Mr. KASICH, Mr. BOEHLERT, Mr. HUTTO, Mr. INHOFE, Mr. TAUZIN, Mr. ROWLAND of Connecticut, Mr. PICKLE, Mr. HALL of Ohio, and Mrs. LLOYD.

H.R. 3756: Mr. QUILLEN.

H.R. 3766: Mr. FAUNTROY, Mr. ENGLISH, Mr. TOWNS, Mr. FEIGHAN, Mr. CONYERS, and Mr. BONIOR.

H.R. 3859: Mr. OWENS of Utah and Mr. DYMALLY.

H.R. 3868: Mr. BRYANT, Mr. MARTINEZ, and Mrs. BENTLEY.

H.R. 3880: Mr. SOLOMON.

H.R. 3899: Mr. HARRIS, Mr. MAVROULES, Mr. EVANS, Mr. MORRISON of Connecticut, Mr. CROCKETT, Mr. SKELTON, Mr. KOLTER, Mr. THOMAS A. LUKEN, Mr. HUTTO, Mr. WILLIAMS, Mr. YATRON, and Mr. ROBERTS.

H.R. 3958: Mr. GEREN.

H.R. 3961: Mr. LEWIS of Georgia, Mr. LANCASTER, and Mr. ATKINS.

H.R. 3971: Mr. MACHTLEY.

H.R. 3978: Mr. ROTH, Mr. SENSENBRENNER, Mr. HAYES of Louisiana, Mr. CARPER, Mr. WASHINGTON, Mr. LEWIS of Georgia, Mr. MOAKLEY, Mr. KOLTER, Mr. SOLARZ, Mr. WHITTAKER, Mr. UDALL, Mr. APPLEGATE, and Mr. OXLEY.

H.R. 3979: Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. TOWNS, Mr. RANGEL, Mr. DELLUMS, and Mr. BEVILL.

H.R. 3994: Ms. SCHNEIDER.

H.R. 4026: Mr. GRANT, Mr. DORGAN of North Dakota, Mr. HOLLOWAY, Mr. ECKART, and Mr. MACHTLEY.

H.R. 4060: Mr. GAYDOS, Mr. AKAKA, and Mrs. MARTIN of Illinois.

H.R. 4064: Mr. POSHARD and Mr. SABO.

H.R. 4111: Mr. EMERSON.

H.R. 4120: Mr. SABO, Mr. McDERMOTT, Mr. MRAZEK, Mrs. COLLINS, Mrs. LOWEY of New York, Mr. WHEAT, Mr. PANETTA, and Mr. AUCOIN.

H.R. 4157: Mr. WHEAT, Mr. FROST, Mr. GOSS, and Mr. BORSKI.

H.R. 4160: Mr. MOLLOHAN, Mr. McNULTY, Mr. YATRON, Mr. RANGEL, Mr. BOUCHER, Mr. FAUNTROY, Mr. PERKINS, Mr. POSHARD, Mr. KOLTER, Mrs. BOXER, and Mr. HYDE.

H.R. 4201: Mr. ATKINS.

H.R. 4231: Mr. ACKERMAN, Mr. AUCOIN, Mr. CONYERS, Mr. GEREN, Mr. LEWIS of Georgia, Mrs. LOWEY of New York, Mr. McNULTY, Mrs. SAIKI, and Mr. WATKINS.

H.R. 4262: Mr. COYNE.

H.R. 4265: Mr. DEWINE.

H.R. 4268: Mr. BEREUTER and Mr. KANJORSKI.

H.R. 4329: Mr. RHODES, Mr. MORRISON of Washington, Mr. SMITH of Texas, and Mr. SHAYS.

H.J. Res. 431: Mr. LIVINGSTON, Mr. GIBBONS, Mr. GALLEGLY, Mr. ROE, Mr. LEWIS of Florida, Mr. McCURDY, Mr. TOWNS, Mr. DEWINE, Mr. HAYES of Illinois, and Mr. BEILENSON.

H.J. Res. 455: Ms. KAPTUR and Mr. DWYER of New Jersey.

H.J. Res. 456: Mr. WEBER and Mr. SIKORSKI.

H.J. Res. 460: Mr. SMITH of Florida, Mr. HAMMERSCHMIDT, Mr. LENT, Mr. SKEEN, Mr. GALLO, Mr. BUECHNER, Mr. CLEMENT, Mr. TALLON, Mr. PURSELL, Mr. SLATTERY, Mr. RHODES, Mr. BUNNING, Mr. MINETA, Mr. PRICE, Mrs. SAIKI, Mr. RAHALL, and Mr. RICHARDSON.

H.J. Res. 462: Mr. VENTO.

H.J. Res. 467: Mr. OBEY, Mr. WOLF, Mr. SAXTON, Mr. KOSTMAYER, Mrs. UNSOELD, Ms. SLAUGHTER of New York, Mr. NEAL of North Carolina, Mrs. ROUKEMA, Mr. BURTON of Indiana, Mr. ATKINS, Mr. ROWLAND of Connecticut, and Mr. BENNETT.

H.J. Res. 469: Mr. HALL of Ohio, Mr. KLECZKA, Mr. LANTOS, Mr. McEWEN, Mr. RIDGE, Mr. SCHUETTE, Mr. VANDER JAGT, Mr. VENTO, and Mr. WELDON.

H.J. Res. 495: Mr. CONTE, Mr. LEHMAN of Florida, Mr. NAGLE, Mr. COUGHLIN, and Mr. WHITTAKER.

H.J. Res. 501: Mr. FLIPPO, Mr. RINALDO, Mr. DWYER of New Jersey, Mr. MACHTLEY, Mr. LANTOS, Mr. DEWINE, Mr. MAZZOLI, Mr. STOKES, Mr. FAUNTROY, Mr. CARR, Mr. TORRICELLI, Mr. WOLF, Mr. LENT, Ms. KAPTUR, Mr. ANNUNZIO, Mr. TOWNS, Mr. FAZIO, Mr. GEKAS, Mr. McNULTY, Mr. BILBRAY, Mr. BILIRAKIS, Mr. GREEN, Ms. PELOSI, Ms. ROS-LEHTINEN, Mr. WALSH, Mr. MANTON, Mr. WOLPE, Mr. BEILENSON, Mr. BATES, Mr. MATSUI, Mr. BROWN of California, Mr. McGRATH, Mr. FOGLIETTA, Mr. PALLONE, Mr. OLIN, Mr. COUGHLIN, Mr. HANSEN, Mr. HORTON, Mr. HOCHBRUECKNER, Mr. LAGOMARSINO, Mr. MRAZEK, Mr. ENGEL, Mr. SAXTON, Mr. DEFAZIO, Mr. BROWN of Colorado, Mr. SCHUMER, Mr. DYSON, Mrs. BOXER, Mr. POSHARD, Mr. TRAXLER, and Mr. ROE.

H.J. Res. 519: Mr. ORTIZ.

H.J. Res. 524: Mr. FAUNTROY, Mr. WOLPE, Mr. LAUGHLIN, Mr. WALSH, Mr. BEVILL, Mr. JONTZ, Mr. VALENTINE, Mr. BROWN of Colorado, Mr. FAZIO, Mr. MILLER of Washington, and Mr. WEBER.

H. Con. Res. 21: Mr. PANETTA.

H. Con. Res. 23: Mr. PARRIS, Mr. HAWKINS, Mr. GONZALEZ, Mr. LEHMAN of California, Mr. BUECHNER, Mr. BATEMAN, Mr. MATSUI, Mr. MADIGAN, Mr. BILIRAKIS, Mr. CRAIG, Mr. DINGELL, Mr. VENTO, Mr. HUCKABY, Mr. SMITH of New Jersey, Mrs. SAIKI, Mr. PASHAYAN, Mr. SHAW, and Mr. ATKINS.

H. Con. Res. 69: Mr. BONIOR.

H. Con. Res. 203: Mr. BORSKI.

H. Con. Res. 268: Mr. ATKINS and Mr. MAVROULES.

H. Con. Res. 269: Mr. TORRES, Mr. HOCHBRUECKNER, Mr. LANCASTER, Mr. FISH, Mr. BATEMAN, and Mr. BONIOR.

H. Con. Res. 280: Mrs. LLOYD, Mr. MANTON, Mr. FAUNTROY, Mr. CLEMENT, Mr. ROE, Mr. DWYER of New Jersey, Mr. LEWIS of Florida, Mr. KOLTER, Mr. PACKARD, Mr. BOEHLERT, Mr. HENRY, Mr. BILBRAY, Mr. WOLF, Mr. DENNY SMITH, Mr. LIGHTFOOT, Mr. FORD of Michigan, Mr. SABO, Mr. INHOFE, Mr. LIPINSKI, Mr. PETRI, Mr. GEREN, Mr. BOSCO, Mr. COSTELLO, Mr. PERKINS, Mr. STAGGERS, Mr. SIKORSKI, Mr. STANGELAND, Mr. GALLO, Mr. QUILLEN, Mrs. BYRON, Mr. ECKART, Mr. UPTON, Mr. DE LUGO, Mr. HUGHES, and Mr. VALENTINE.

H. Con. Res. 287: Mr. JAMES, Mr. DENNY SMITH, Mr. AKAKA, Mr. ROE, Mr. BOSCO, Mr. DORNAN of California, Mr. ROWLAND of Connecticut, Mr. RANGEL, Mr. MANTON, Mr. BORSKI, Mr. SOLOMON, Mr. DEFAZIO, Mr. NEAL of North Carolina, Mr. ATKINS, Ms. KAPTUR, Mr. LEHMAN of Florida, and Mr. RAY.

H. Con. Res. 289: Mr. FEIGHAN, Mr. RITTER, Mr. PORTER, Mr. MRAZEK, Mr. FRANK, Mr. BORSKI, Mr. THOMAS A. LUKEN, Mr. LAGOMARSINO, Mr. GRANT, Mr. McNULTY, Mr. HUGHES, Mr. KOSTMAYER, Mr. JONTZ, Mr. ECKART, Mrs. JOHNSON of Connecticut, Mr. DONNELLY, Mr. SMITH of Vermont, Ms. SLAUGHTER of New York, Mr. RINALDO, Mr. MOAKLEY, Mr. COSTELLO, Mr. SISISKY, Mr. ARMEY, Mr. SANGMEISTER, Mr. COUGHLIN, Mr. ROWLAND of Connecticut, Mr. LEVINE of California, Mr. CARR, Mr. PURSELL, Mr. WISE, Mrs. BOXER, Mr. DWYER of New Jersey, Mr. STENHOLM, Mrs. MORELLA, Mr. FAWELL, Mr. HORTON, and Mr. WELDON.

H. Con. Res. 290: Mr. ANNUNZIO, Mr. CLEMENT, Mr. GILMAN, Mrs. KENNELLY, Mr. LEVINE of California, Mr. NEAL of North Carolina, Mr. NELSON of Florida, Mr. RANGEL, Mr. ROWLAND of Connecticut, and Mr. SCHUMER.

H. Con. Res. 291: Mr. COBLE, Mr. HYDE, Mrs. ROUKEMA, Mr. BURTON of Indiana, Mr. DONALD E. LUKENS, Mr. MICHEL, Mr. WALSH, and Mr. HUGHES.

H. Res. 297: Mr. ARMEY.

H. Res. 312: Mr. KOSTMAYER, Mr. HOCHBRUECKNER, Mr. ROWLAND of Connecticut, Mr. FOGLIETTA, Mr. SOLOMON, Mr. ATKINS, and Mrs. MEYERS of Kansas.

H. Res. 349: Mrs. MORELLA.

H. Res. 351: Mr. JAMES, Mr. FROST, Mr. MARLENEE, Mr. GRADISON, Mr. ROBINSON, Mr. GEKAS, and Mr. SENSENBRENNER.

EXTENSIONS OF REMARKS

THE TRUE FACE OF GLASNOST SHOWS ITSELF IN LITHUANIA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. SOLOMON. Mr. Speaker, the true face of glasnost and perestroika is starting to reveal itself in the tiny Baltic nation of Lithuania.

I am submitting for the RECORD two articles from today's Washington Times. They are headlined "Troops Capture Deserters" and "White House Decries 'Intimidation'." Let those who think the cold war is over, who think we should reduce our national defenses to a few rifles, who think the smiles of Mikhail Gorbachev reflects the new Soviet Union, let them read these two articles and sober up.

Mr. Speaker, the usual apologists for the Soviet Union are advancing the argument that we have no moral leverage to criticize the Soviet clampdown on Lithuania because of our Panama operation. To them I say: an obvious distinction needs to be made. In Panama we supported the will of a people whose election results the previous spring were thwarted by a brutal dictator. In Lithuania, the Soviets are suppressing the desire of a people to be free for the first time since Josef Stalin gobbled up the Baltic States in his cynical deal with Hitler more than 50 years ago.

Today we read that Soviet paratroopers are rounding up Lithuanians who "deserted" from the Soviet Army. Military service is only one of the infringements on freedom suffered by the Lithuanians. I remind you that we went to war with Great Britain in 1812 partly because they were impressing our sailors. Evidently, Lithuania's big mistake was to take glasnost seriously, to dare to participate in the movement of freedom sweeping both hemispheres.

Mr. Gorbachev's smile is getting a little thin these days. He knows that if the spirit of freedom establishes itself in the Baltic States, Georgia and the Ukraine could be next, and that would be the death knell of the Soviet Empire.

Should this intimidation continue, our response should be immediate and unambiguous: no summit, no arms talks, no cultural exchanges, no increase in trade.

But above all, the events in Lithuania send us a strong message: it would behoove us to keep our powder dry.

The articles follow:

[From the Washington Times, Mar. 27, 1990]

WHITE HOUSE DECRIES SOVIET "INTIMIDATION"

(By Paul Bedard)

The White House yesterday charged Moscow with conducting a "pattern of intimidation" to quell Lithuania's independence drive and warned that superpower relations could be chilled unless Soviet forces are withdrawn.

Soviet takeover of two schools in Lithuania is a "significant event," White House spokesman Marlin Fitzwater said. Moscow's action "will not lead to lessening of tensions and could have adverse international repercussions and could be counterproductive to U.S.-Soviet relations," he added.

The statement was the sharpest attack to date on Soviet President Mikhail Gorbachev's efforts to overturn Lithuania's declaration of independence.

Moscow's problem with Lithuania comes just months before Mr. Gorbachev is to meet Mr. Bush in Washington. The White House has been unable to nail down a date for the summit, leading to speculation that Mr. Gorbachev may have to delay the meeting—tentatively set for June—until the Lithuanian situation is settled.

But Mr. Fitzwater yesterday tried to downplay that possibility. "We're prepared to have the summit at this time. We're still hopeful this can all be resolved."

Mr. Fitzwater cited reports that Soviet soldiers have been stationed in two Communist Party schools in Lithuania and said Moscow's intimidation "seems to have escalated."

While noting that Soviet troop movements have not threatened civilian lives, he added: "Certainly it is a kind of force. We would be opposed to any kind of use of force. . . . It's all under the general framework of the pattern of intimidation that we have objected to in the past."

The White House said any Soviet use of coercion or intimidation against the rebel Baltic government was "bound to backfire."

State Department spokeswoman Margaret Tutwiler made a similar statement yesterday as the administration continued to keep the heat on Mr. Gorbachev.

Mr. Fitzwater said the administration has received assurances as recently as last weekend that Soviet force would not be used. "We are heartened by their repeated assurances that they do not intend to use force. Whether [the Kremlin is] responding to us or other factors, that's impossible to say," he said.

The administration has repeatedly called on the Soviets to enter into negotiations with Lithuania, and President Bush has voiced optimism that Mr. Gorbachev will keep his pledge not to use force.

"It is incumbent that both sides maintain open communication and not take any actions that can be misinterpreted," Mr. Fitzwater said.

After a meeting with Mr. Gorbachev yesterday, Sen. Edward M. Kennedy, Massachusetts Democrat, said the Kremlin leader promised that force wouldn't be used unless "lives were threatened."

A White House official responded that the administration continues to believe that Mr. Gorbachev will not order troops to shoot.

In a direct plea to Moscow last week, Mr. Bush said: "Please continue to exercise that kind of restraint. And remember—no use of force."

Armed force is "the one thing that Gorbachev will really shy away from," said a senior administration official who requested anonymity. "I think he thinks it would really do violence to the principles that he's established."

While Mr. Bush and Mr. Gorbachev haven't discussed the issue recently, senior administration officials are acting as middlemen between the two leaders, an official said.

"They know our position," said the official.

Mr. Fitzwater said that, despite ongoing negotiations, Lithuania's new leadership and Soviet officials remain "far from resolving the total situation."

Lithuanian lawmakers voted to declare independence on March 11.

[From the Washington Times, Mar. 27, 1990]

TROOPS CAPTURE DESERTERS

(By Ann Imse)

VILNIUS, U.S.S.R.—Soviet paratroopers stormed a psychiatric hospital before dawn today and captured about two dozen Lithuanians who had sought refuge there after deserting the Red Army upon Lithuania's declaration of independence.

Some of the young men were beaten bloody, witnesses said, and a trail of blood led down the steps and out the front door of the hospital.

It was the first report of violence in the confrontation between Lithuania and the Kremlin that began March 11 with Lithuania's attempt to secede from the union.

A nurse said 10 to 15 of the approximately 38 men who had been staying at the hosptial escaped.

"They beat them with their fists," a duty nurse said of the Soviet soldiers who broke into the hospital about 3 a.m. She refused to give her name. "I was afraid they would shoot me too."

The middle-aged woman grew increasingly hysterical as she recounted the story for reporters at the hospital about two hours after the incident.

She said two large truckloads of soldiers drove up to the hospital compound and rushed up the stairs to the second-floor ward where the young men had been staying, often surrounded in daytime by Soviet and foreign journalists.

Soviet military authorities had warned Lithuania they would use force to capture the men they considered deserters if they did not return voluntarily by last Saturday.

The Lithuanian government contends the youths were illegally drafted into an army of occupation. Lithuania was annexed to the Soviet Union in 1940 in a move the republic's government contends was illegal and against the people's will.

In the psychiatric ward where the youths had been staying, iron bedsteads were broken and overturned, and mattresses were scattered on the floor. Some of the iron-barred windows were broken. On one cot lay a soldier's wool winter hat with the Soviet army insignia torn off.

Two feet away, a half-eaten loaf of black bread remained on a white sheet.

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Yesterday, Soviet troops occupied another Communist Party building in Lithuania and an army helicopter dropped leaflets in the republic's capital calling for an anti-secession demonstration in Vilnius today.

Lithuanian leaders meanwhile began talks with the Soviet army about their standoff with Moscow since declaring independence two weeks ago.

Sen. Edward Kennedy said in Moscow that President Mikhail Gorbachev reiterated his pledge not to use force except to save lives in the breakaway Baltic republic.

Lithuanian Deputy Premier Romualdas Ozolas, one of two officials who met two Soviet military officers yesterday, told reporters: "After coming out of this meeting, I can say the mood has changed."

"It is evident the conflict will not be escalated," he said.

But Lithuanian President Vytautas Landsbergis was more skeptical. He said he had not received clear assurances that no more buildings would be occupied and that the talks would mainly function "to avoid conflict between the military and citizens."

Moreover, in a separate interview with U.S. National Public Radio, Mr. Landsbergis said the situation had become "very dangerous" in the light of Mr. Gorbachev's reported remarks to Sen. Kennedy.

"Before he always said that he would not use force in Lithuania, but now we have a situation where he's qualifying that statement and setting a condition under which he could use force."

Soviet television said yesterday that Soviet helicopters have been patrolling Lithuania's borders daily because of reports that "territorial guard forces," set up by the popular independence movement Sajudis, have been erecting border signs.

Paratroopers appeared in Vilnius on Sunday at the Higher Party School and the Institute of Marxism-Leninism. Lithuanian officials said there also were soldiers at the Vilnius Communist Party headquarters.

Mr. Ozolas said that during the talks, the army said it occupied the buildings at the request of Lithuanian Communists who remain loyal to Moscow. The majority of the party split with Moscow in December to found an independent Communist Party.

Reports in Vilnius last night said paratroopers had occupied another building, the Communist Party local headquarters in the port of Klaipeda, 200 miles northwest of Vilnius.

Lithuanian journalist and activist Vilus Kavalauskas told reporters the paratroopers had arrived in response to a request by Klaipeda's assistant party chief. Mr. Kavalauskas did not say when the building was seized.

Mr. Landsbergis said yesterday he also heard reports that soldiers appeared at a former Communist Party building in the Lithuanian city of Kaunas, 60 miles west of Vilnius, but did not remain to occupy it. He did not elaborate.

A helicopter dropped leaflets on Vilnius urging people to attend an anti-independent rally this afternoon in front of the parliament building. One set of leaflets was unsigned, while another was signed by "U.S.S.R. citizens in Lithuania." The republic of 3.8 million has a large Russian minority.

"They are pushing the Lithuanian people into an abyss of independence," the leaflets warned. "Think! Will we be free in this 'free state' where the right to own property is given again into alien hands?"

Soviet TV reported last night that members of a faction of the Lithuanian Communist Party still loyal to their Moscow-based parent party convened and accused the current Lithuanian leadership of "anti-socialist and, in essence, anti-Soviet policies."

The Soviet Union annexed the Baltic republics of Lithuania, Latvia and Estonia after taking control under terms of the 1940 Hitler-Stalin pact. Independence movements have also sprung up in Latvia, Estonia and other Soviet republics.

Mr. Gorbachev, meeting with Mr. Kennedy in Moscow, said he was committed to solving the dispute with Lithuania peacefully and would use troops only if lives were in danger.

A SALUTE TO HANDS IN ACTION/MANOS EN ACCIÓN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, Gov. Bob Martinez, of Florida, has proclaimed the week of April 1-7, 1990, as Green Ribbon Week. This week will bring to the public's attention the plight of abused and neglected children in our State and all over the Nation. At the forefront of this wonderful project is "Hands in Action/Manos en Acción", a nonprofit organization whose main objective is to help the abandoned, abused, and neglected children in our community, without regard to race, color, creed, gender, or national origin. "Hands in Action/Manos en Acción" was founded by individuals whose only compensation is the satisfaction of knowing that they have done their part to help the future leaders of our community.

"Hands in Action/Manos en Acción's" members "Dare to Care" about the victims of child abuse in Dade County. There are 1,200 reported cases per month, of which 300 cases are tried in the courts monthly. Sixty percent of the cases involve drug abuse—40 percent are cocaine babies and 20 percent involved drug usage at home. There is a demand for shelter beds which exceeds those which are available, therefore putting a strain on already overcrowded foster homes. The primary goal of "Hands in Action/Manos en Acción" is to build a center/home to house 96 abandoned, abused, and neglected children. Through the generosity of Metropolitan Dade County, "Hands in Action/Manos en Acción" has been able to secure a 50-year lease on 8.5 acres of land at a nominal fee of $1 per year. Ground breaking should be on May 1990, and the facility should be inaugurated in the beginning of 1991.

The Hands in Action Children's Center will consist of a main building to house staff, counselors, a kitchen, and a combination cafeteria/auditorium. In addition, the building will have four pavilions housing 24 children each. Outdoor recreational areas are also planned for. Upon completion, the children's center will be donated to the Children's Home Society and Hands in Action will retain a supervisory role.

Green Ribbon Week will be observed by the wearing of a green ribbon, symbolizing hope for a better future in an abuse-free society. Its goal is to create awareness to the current crisis of child abuse facing our Nation and a commitment to prevention and education. It is being celebrated during the month of April because April is Child Abuse Prevention Month. Several events have been planned during Green Ribbon Week: a kickoff luncheon on March 30, a radio marathon on March 31, and a rally on April 3.

Mr. Speaker, I would like to commend "Hands in Action/Manos en Acción's" governing board for this labor of love they have so successfully undertaken: president, Carmen Portela; executive vice-president, Josey M. Velázquez; vice-president, Gary De León; treasurer, Alina Cepero; secretary, Maria Victoria González, vice-secretary, Elena Rosado; executive director, Gloria Fernández-Justiniani; and, the chairman of the fundraising committee, Rosa Guerra Pérez. They have selflessly involved themselves in this project which has made, and will continue making a lasting and dramatic difference in the lives of all the children it touches.

Mr. Speaker, my congratulations and best wishes to all who have become involved in this most worthy project. They have become a voice for those who cannot speak out for themselves. Thank you.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, an outstanding young individual from the Fifth Congressional District of Illinois who has completed a major goal in his scouting career. On Sunday, April 22, 1990, at the Evangelical Lutheran Church of the Cross located in Chicago, IL, Brian J. Hansen will be honored at an Eagle Scout Court of Honor.

It is important to note that less than 1 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities. This young individual has clearly demonstrated such abilities through his dedicated community service and deserves special recognition.

In light of the commendable leadership and courageous activities performed by such a fine young man, I ask you, my fellow colleagues, to join me in honoring Brian Hansen for attaining the highest honor in scouting—the Eagle Scout. With God's blessings, let us wish him the very best in all of his endeavors.

THE PARADOX OF PERESTROIKA FOR SOVIET JEWS, SCIENCE, AND SOCIETY

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. RITTER. Mr. Speaker, I rise today to call attention to a disturbing trend in the Soviet Union. As events are unfolding in the

U.S.S.R., there has been some encouraging news for the Soviet Jewish community. Jewish culture, stifled by past regimes, is rising from the ashes. Soviet Jews are emigrating to the West in greater numbers, and conditions are improving for those who remain

Yet an article in the March 1990 issue of Physics Today chronicles a shocking increase in the activities of extremist groups such as the group Pamyat, directed at Soviet Jews. These extremists preach a gospel of hate with similarities to that of Nazi Germany. Their acts of anti-semitic violence are increasing.

Pamyat holds regular public meetings calling for pogroms against Jews, and requires its new recruits to turn in the names of at least five Jewish households . . . "no doubt to locate them for the pogroms to come," says Vitalii J. Goldanskii, the Director of the Semenov Institute of Chemical Physics of the Soviet Academy of Sciences, and the author of a companion piece on how this budding anti-semitism is causing a brain drain from the scientific community in the U.S.S.R.

This holds chilling prospects for the Jewish community in the U.S.S.R., and for society as a whole. I recommend the article to the attention of my colleagues, and to all who are concerned about human rights around the world.

THE PARADOX OF PERESTROIKA: ETHNIC TURMOIL AND ANTI-SEMITISM

(By Irwin Goodwin)

A specter is haunting Soviet society. The specter is the economic, cultural and political turmoil that a writer in the government newspaper *Izvestiia* likens to "a fever . . . that weakens *perestroika* . . . and deafens the leadership to the voices that cry out in alarm to prevent disorder and anarchy." As democracy and diversity sweep through much of Eastern Europe, the Soviet behemoth is mired in ethnic upheavals and nationalist upsurges. Such is the nature of the troubles in this era of *glasnost* that extremists groups with names like Fidelity, Renewal, Fatherland and Memory, all xenophobic and ostensibly devoting themselves to the preservation of historic buildings, churches and monuments, combating drunkenness or reviving Russian folksinging, are waging a rearguard action, deploring Western-style freedoms and advocating anti-Semitism. The actions of these groups cause Soviet Jews to think about a modern exodus.

Though worries about anti-Jewish outbursts have been increasing for nearly two years, anxieties were inflamed by recent events—notably the disruption of a meeting of "April," the liberal writers' society, at the Central House of Writers in Moscow on the evening of 18 January. A gang of about 30 bullyboys, members of a paramilitary group called *Pamyat*, broke into the hall, shouting, "Yids, get out to your Israel" and "Today we are here with loudspeakers; tomorrow we will come with guns."

Anti-Jewish episodes are becoming bolder. Jewish cemeteries have been desecrated. Since late January, posters have appeared on Moscow's Arbat Street with the text "If you are Russian, kill the Jewish." *Pamyat* has gone so far as issuing a blacklist on which appear the names of prominent Jewish physicists such as Arkady Migdal. In addition, leaflets are being distributed warning that pogroms will take place in May.

To many Soviet Jews the organized hatred is a paradox. Conditions for Jews have improved considerably under Mikhail S. Gorbachev's policies. Synagogues have been allowed to reopen. Jewish books and newspapers, though still few in number, are being published again. Jewish cultural societies have sprung up in Moscow, Leningrad, Kiev and many provincial cities, especially in the Baltic republics. Jews are being admitted to more universities and taking command of the news media. Many more Jews are being allowed to emigrate, and more visas have been issued for Jews to travel.

Yet memories of tsarist oppression and Stalinist violence run deep. The mood of Soviet Jews hovers between pessimism and panic.

Soviet leaders have been curiously silent. Last year, a Lithuanian Jewish writer, Grigory Kanovich, joined by two members of the Soviet Academy of Sciences, physicist Vitaly Ginzburg and biophysicist Oleg Gazenko, submitted a petition to Gorbachev, signed by more than 200 of their fellow members of the Congress of People's Deputies, calling on him to condemn anti-Semitism and to create a special committee to investigate the problem. The petition was buried. A few weeks later, ten prominent scientists and writers sent a letter on the subject to Gorbachev. No formal answer was received—though one of Gorbachev's associates informed them that their message was discussed with Politburo members.

Then, on 21 February, Soviet prosecutors indicated they had begun a criminal investigation of *Pamyat*, the most aggressive faction of the anti-Jewish extremists. The Interior Ministry announced the same day that "rumors of pogroms against Jews . . . have no grounds whatsoever." The statements did not allay fears. As one Jewish physicist told an American colleague, "Whenever a stranger comes to my door I think I am about to be shot dead."

Jewish scientists have long been prey to open and furtive discrimination. But after the end of the Stalin era their condition improved—though they could still be sent to prison or gulags for acts considered hostile to Soviet policies, such as participating in human rights demonstrations. Refuseniks were fired from their jobs for no other reason than that they applied for an exit visa.

Today's enemy of Soviet Jews seems to be, ironically, *glasnost* and *perestroika*, which have unleashed forces that appear out of control. Gennadi I. Gerasimov, spokesman for the Soviet Foreign Ministry, told an interviewer recently that "we have no history of democratic experience. Freedom to some means anarchy."

When the Soviet public contemplates the harsh realities of food shortages, urban crime and ethnic strife, along with the deterioration of authority, they may wonder whether their leaders, Gorbachev included, aren't just fiddling while the USSR burns.

In his column in *The New York Times* on 12 February, William Safire wrote that "with their inborn barometers of bigotry, Soviet Jews sense a coming disintegration of authority and know they will be scapegoats in any return to ethnic passions." While Soviet authorities are unsure of the exact number of Jews in the country, US groups estimate that about 1.5 million consider themselves Jews. Increasing numbers seek to emigrate.

Indeed, Soviet scientists are coming to the US as immigrants and visitors in record numbers. "It would be easy for any one of my colleagues to get a tenured professorship here," says a visiting Soviet physicist. "But I don't know any who want to emigrate. Still, the Jewish ones are frightened about the political instability and the anti-Semitic insanity."

In the past year or two, "Little Russians" have emerged at such universities as MIT, Princeton and the University of Minnesota. Yuri Cherniak, a planetary physicist at MIT who once ran the refusenik science seminar in Moscow, insists that Soviet authorities aren't likely to improve conditions for Jews—and that negligence, he says, will impel more scientists to "join the brain drain" from the USSR.

One who understands the current situation is Vitalii I. Goldanskii, director of the Semenov Institute of Chemical Physics and a member of the Soviet parliament. Goldanskii recently wrote a pointed and poignant essay.—IRWIN GOODWIN

THE 275TH ANNIVERSARY AT TOLLAND, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. GEJDENSON. Mr. Speaker, I rise today to congratulate the citizens of Tolland, CT, on the town's 275th anniversary.

The township of Tolland was settled by a daring and independent group of adventurers who left Windsor, for the wide space and fertile hills of scenic northeastern Connecticut.

Known for their patriotism, the citizens of Tolland vigorously supported the Revolutionary War by contributing to the relief of those who suffered for advocating the principles that led to our national independence.

Tolland's deep history and tradition can be seen throughout the town in such historical monuments as the Old Blacksmith Shop, the Tolland State Jail, the town's many churches, the Hicks Memorial School, the Mansion House of the Tolland Green, the Tolland Green Court House, the Old Cider Mill, the Underwood Belting Co., and the Old Settlers' Rock, to name just a few.

As the Congressman representing Tolland, I wish to extend my personal congratulations and best wishes to its citizens as they celebrate this historic anniversary.

CZECHOSLOVAKIA: A NEW MARKET FOR LONG ISLAND BUSINESS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. LENT. Mr. Speaker, recently, the Honorable Peter King, comptroller of Nassau County, NY, visited Czechoslovakia to assess trade opportunities for Long Island companies as they seek to expand export business in the newly opened markets of Eastern Europe.

He has kindly provided me with a full report of his findings on this trip. Mr. King's report offers insights that will benefit Long Island businesses and their counterparts across the country. Therefore, I would like to share this information with my colleagues and respectful-

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ly insert this report into the CONGRESSIONAL RECORD as part of today's proceedings.

CZECHOSLOVAKIA: A NEW MARKET FOR LONG ISLAND BUSINESS?

(By Peter T. King)

Recently I visited Prague, Czechoslovakia to assess the opportunities for Long Island-based companies to export their products to Czechoslovakia.

During my stay I attended a series of meetings with (a) American government officials, including U.S. Commerce Secretary Robert Mosbacher and Ambassador Shirley Temple Black; (b) Czechoslovak officials, including Foreign Trade Minister Andrej Barcak; (c) members of the U.S.-Czechoslovak Economic Council; and (d) representatives of American companies interested in the Czechoslovak market. I also met privately with Dr. Tomas Pstross who heads the international Department of Civic Forum, President Havel's pro-democracy organization which took power from the Communists in December 1989.

The underlying theme of all these meetings was that the new government is pledged to dismantling its state-run economy and replacing it with a free-market economy. The full opening of the Czechoslovak economy to the outside world is an integral part of this reform.

Needless to say, reversing four decades of central state planning will be no easy task.

Czechoslovakia's 1989 per capita gross national product was only 60% of the European Community average and just 47% of the U.S. level. Inflation-adjusted wages fell 2.4% in 1989 and normal economic growth slowed from 2.8% to 1.7%. It is estimated that it will take almost $30 billion to clean up the Czechoslovak environment—an environment whose sulfur emission levels per square mile are almost seven times as high as in the United States. More than $2.5 billion will be required to upgrade Czechoslovakia's outdated communications system and billions more will be required to renovate housing in Prague alone.

There are, however, a number of positive indicators. Czechoslovakia's inflation rate is less than 3.5% and its foreign debt of $7.9 billion is the second lowest in Eastern Europe. Czechoslovakia has a solid credit rating and its imports from non-socialist countries have increased for the past five years.

Bilateral trade between the United States and Czechoslovakia totalled $142.7 million in 1988, $55.1 million of which were U.S. exports and $87.6 were imports. Czechoslovakia ranks 113th among the importers of U.S. products. Secretary Mosbacher made it clear that an increase in U.S.-Czechoslovak trade is a high priority of American policy. While in Prague he announced the reopening of the U.S. Foreign and Commercial Service Office. This office will serve as the vehicle for U.S. businesses to work with the Czechoslovak government and private sector to assess opportunities for participation in the emerging free-market economy. The Secretary also announced a Commerce Department country study on Czechoslovakia to identify which sectors of the economy offer the best opportunities for trade and investment by American companies. Secretary Mosbacher urged the Czechoslovaks to establish a government office that will serve as a "one-stop shop" to facilitate the processing of foreign dealings in Czechoslovakia. The Secretary further stated that if the Czechoslovaks implement the necessary safeguards, the United States will ease its export controls on high-technology goods. Czechoslovakia will receive "most favored nation" status when trade agreement negotiations are completed in the next several months.

The bottom line though is that the Czechoslovaks must effect fundamental reforms if there is to be any chance of substantial trade with the United States. And some changes have been made including legislation allowing the establishment of private businesses with no limit on the number of employees. Quite frankly, however, the Czechoslovakian government—the Trade Ministry in particular—seems reluctant to take meaningful action.

During a roundtable discussion at Zbraskau Palace presided over by Secretary Mosbacher, Trade Minister Barcak stated that while the new government is committed to creating a market economy, they have no experience whatever in free market economics. They are also very wary of being exploited by unscrupulous firms that would make a quick killing and then pull out, taking their profits with them. Barcak is convinced that the new government in Hungary allowed itself to be victimized by a number of such deals.

This caution has caused delays in enacting a number of reforms which were expected to be in place by now. For instance, there is no legislation yet dealing with the issue of converting profits into hard currency for repatriation—i.e., the right to convert profits from crowns to dollars and then take those dollars out of the country. Nor has any decision been made on the issue of "retention"—i.e., the percentage of profit which must be reinvested. Similarly, no action has been taken on a new commercial code, a bankruptcy law, joint ventures or tax reform. Obviously, there will be no significant increase in foreign investment in Czechoslovakia until these basic issues are resolved.

It was apparent that there is a clear split in the government between those such as Barcak who are extremely cautious, if not obstructionist, and others who believe that risks must be taken if any progress is to be made. In fact, during the meeting at Zbraskau Palace, one of Barcak's deputies openly disagreed with him on the retention issue. Also, Civic Forum is becoming increasingly impatient with the slow pace of change. They fear that the strong public support which now exists for the government will dissipate if there is no evidence of economic reform and progress.

It should be noted that the new government includes a number of holdovers from the Communist regime. Barcak is one of them. There is a real question whether these socialist holdovers are committed to effecting the free market policies of the Havel government. Nationwide elections will be held on June 8th and it is very likely that, following those elections, many of the holdovers will be gone from office.

I came away from Prague, however, convinced that the current delays are only temporary. Civic Forum is clearly the dominant political force in Czechoslovakia. Marxism is discredited and the move toward a free market economy is irreversible. The tide of history is clear. The barriers to trade and investment will be effectively removed by the time of the June elections.

Removal of these barriers will provide opportunities for Long Island firms. Significant needs exist in Czechoslovakia for many of the products and services produced on Long Island such as high-tech computers, software equipment, electronic items, pharmaceuticals, machine tools and anti-pollution equipment.

Though I would not advise Long Island companies to enter into binding commitments until the Czechoslovakian government adopts a comprehensive package of economic reform and the June elections have been held, there is no reason why these firms should not begin the process and make preliminary inquiries to the U.S. Commerce Department and the Czechoslovak Chamber of Commerce and Industry. In making such inquiries, Long Island companies should consider acting in concert—perhaps through the formation of a sub-committee of the LIA. This would prevent duplicative effort and provide a central source of information. The County's Department of Commerce and Industry could also play a significant role in this process. Long Island companies should also give thought to sending a trade mission to Czechoslovakia and participating in Czechoslovakia's primary trade fair, the International Engineering Fair in Brno in September.

The defeat of communism in Czechoslovakia and throughout Eastern Europe is an event of historic magnitude. It is in America's moral and diplomatic interests to assist these countries in their transition to market economies. Czechoslovakia is seeking trade and investment, not economic aid. Moreover, the Czechoslovaks particularly want expanded trade with the United States. Minister Barcak made it clear that whatever trade reforms are ultimately enacted will favor the United States over Germany because Czechoslovakia wants to avoid becoming economically dependent on a united Germany.

By expanding their markets to Czechoslovakia and other Eastern European countries, Long Island companies would be advancing their own financial position, strengthening our regional economy and furthering our national interest.

CONGRATULATIONS TO THE PAUL QUINN COLLEGE MEN'S BASKETBALL TEAM

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. LEATH of Texas. Mr. Speaker, I want to take this opportunity to recognize and congratulate some very special individuals: Michael Christian, Derrell Cunegin, Yaiwan Gatewood, Fred Glespie, Gregory Hartwell, Alvin Jefferson, Chris Johnson, Gerald Love, Keith McKinnon, Kenneth McKinnon, Reggie Miller, Clarence Webb, Andre Williams, Roland Williams, and Myron Wilson.

Who are these young men? They are the Paul Quinn College men's basketball team and through the leadership and coaching skills of James "Zip" Summers and Ira Rutherford, they captured the National Small College Athletic Association Basketball Championship in Flint, MI, at the NSCAA tournament held March 5 to 9. The NSCAA competition was among the nonscholarship schools with maximum enrollment of 500.

Paul Quinn College is the oldest historically black college west of the Mississippi River. It is a nonscholarship school with approximately 500 students; 80 percent of the students receive some type of financial aid. As a nonscholarship school, you can tell that the kids play for the pure love of the sport. To become the national champions while striving to attain a quality education attests to their skill and determination.

It's important to me and to all Texans that we let everyone know that the Lone Star State is home of the national small college basketball champions. The Tigers ended the season with a 30 and 7 record and were second in the Nation in scoring at 105.3 points a game. Mr. Speaker, I join the citizens of Waco, TX, in commending the Tigers for their outstanding season.

NORTH BEACH ELEMENTARY SCHOOL

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, it is with great pride that I rise today to share with my colleagues the great achievements of North Beach Elementary School, in Miami Beach, FL. North Beach Elementary has been selected by the U.S. Department of Education to receive a site visit under the 1989–90 Elementary School Recognition Program. North Beach Elementary is the only national finalist school—public or private—from Dade County and one of five finalists from Florida. The school is 1 of 243 schools receiving site visits this year.

Mr. Speaker, during my first 6 months in Congress, I have had the pleasure of visiting over 30 schools in my district. I had the pleasure of visiting with North Beach Elementary's wonderful students and faculty and witnessed the excellence for which they are now being recognized.

I would like to convey my congratulations and pride for a job well done to the students, faculty, staff, Dr. Michael Kesselman, North Beach Elementary's principal, as well as to Mr. Dan Snowberger, PTA president at North Beach Elementary. The outstanding work being done by everyone at North Beach Elementary deserves this recognition.

Mr. Speaker, on April 3, 1990, the final, in-depth meeting with the site visitor from the Department of Education will take place at North Beach Elementary. I know the school will receive the highest marks. No matter what the outcome may be, North Beach Elementary is a winner and an example for all to emulate.

EAGLE SCOUT HONORED

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to bring to the attention of my colleagues, an outstanding young individual from the Fifth Congressional District of Illinois who has completed a major goal in his scouting career. On Sunday, April 29, 1990, at the school hall of St. Leonard Parish located in Berwyn, IL, Carlo Capalbo will be honored at an Eagle Scout Court of Honor.

It is important to note that less than 1 percent of all young men in America attain the rank of Eagle Scout. This high honor can only be earned by those scouts demonstrating extraordinary leadership abilities. This young individual has clearly demonstrated such abilities through his dedicated community service and deserves special recognition.

In light of the commendable leadership and courageous activities performed by such a fine young man, I ask you, my fellow colleagues, to join me in honoring Carlo Capalbo for attaining the highest honor in Scouting—the Eagle Scout. With God's blessings, let us wish him the very best in all of his endeavors.

FAMILY FAIRNESS LEGISLATION

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. ROYBAL. Mr. Speaker, I rise today to introduce legislation that will guarantee that people legalized under the Immigration Reform and Control Act of 1986 [IRCA] will be separated from their undocumented immediate family members that are currently residing in the United States.

This bill would maintain the family unit by granting undocumented immediate relatives of legalized persons work authorization and a stay of deportation until a visa is available for them under the second preference. This legislation would cover legalized persons' undocumented spouses, children, and dependent parents whom are living with the legalized persons as of the date of the enactment of the bill.

Under the current policy, the so called family fairness policy promulgated by the Immigration Naturalization Service [INS], spouses and children of legalized persons are granted work authorization and extended voluntary departure if they have been residing with the legalized person in the United States since November 6, 1986. While the INS policy was designed to keep families together during the legalization process, this policy does not go far enough to preserve the sanctity of the family unit and prevent the deportation of the relatives of legalized persons.

First, the INS family fairness policy still manages to exclude some immediate family members. Spouses of legalized persons who married after November 6, 1986, or entered the country after the cutoff date are precluded from benefiting from the INS policy. Furthermore, dependent parents that rely on the support of legalized persons are excluded. In a situation where the dependent parent has no one of care for them in the country of origin it is cruel to deport them and leave without anyone to care for them. The relatives excluded by the INS policy would have to wait in their country of origin. With the current backlog of the second preference, family members may be separated for up to 10 years. This situation is intolerable.

Second, as an administrative action, family fairness policy may be rescinded at any time by the INS after the ineligible relative has revealed herself/himself as undocumented and, therefore, subject to deportation. The policy grants 1 year voluntary departure to a legalized person's spouse and children, which essentially means that the relative is immediately deportable but deportation is suspended for 1 year. At the end of the year, the INS reevaluatee the applicant's eligibility and at that time may be deemed deportable. Presumably, this annual renewal process will continue until a visa becomes available, however, this is no guarantee. However, the INS could decide to stop the program and deport the immediate family members who have exposed themselves to the INS.

While the IRCA provided a legalization program for certain undocumented residents, it focused on the individual, not the family. Unfortunately, the legalization program under IRCA and the INS administrative actions have failed to maintain the family unity of legalized persons' immediate family. The bill I am introducing today will prevent further deportation of legalized persons' family members and guarantee family unification.

H.R. –

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STAY OF DEPORTATION AND WORK AUTHORIZATION FOR SPOUSES, CHILDREN, AND DEPENDENT PARENTS OF LEGALIZED ALIENS.

(a) IN GENERAL.—The Attorney General shall provide that in the case of an alien who is an eligible immigrant (as defined in subsection (b)(1)) and who is in the United States as of the date of the enactment of this Act, the alien—

(1) may not be deported or otherwise required to depart from the United States on a ground specified in paragraphs (1), (2), (5), (9), or (12) of section 241(a) of the Immigration and Nationality Act (other than so much of section 241(a)(1) of such Act as relates to a ground of exclusion described in paragraph (9), (10), (23), (27), (29), or (33) of section 212(a) of such Act, and

(2) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit.

(b) ELIGIBLE IMMIGRANT AND LEGALIZED ALIEN DEFINED.—In this section:

(1) The term "eligible immigrant" means a qualified immigrant who is the spouse, child, or dependent parent of a legalized alien.

(2) The term "legalized alien" means an alien lawfully admitted for temporary or permanent residence who was provided temporary or permanent residence status under section 210 or 245A of the Immigration and Nationality Act.

(3) The terms "child" and "parent" have the meaning given such terms in section 101(b) of the Immigration and Nationality Act.

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SALVADORAN ANTITERRORIST LAW CURBS POLITICAL EXPRESSION

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. McDERMOTT. Mr. Speaker, the events of the past 5 months in El Salvador have refocused our attention on that war-ridden country. The renewed offensive by the guerrillas which began last November 11, the senseless murder of six Jesuit priests on November 16, and the Government bombing of a village in Chalatenango on February 11 have caused many of us in this body to question our policy of sending military aid to El Salvador. As the debate ensues over aid in the coming weeks, we will all be discussing ways to curb the widespread abuse of human rights in El Salvador.

One recent but less-publicized abuse of basic human rights has been the November passage of legislation designed to curb previously lawful political activity. This proposal, known as the antiterrorist law by some and the bill for the protection of democracy by others, was opposed by all political parties in El Salvador except ARENA. It restricts traditional Salvadoran forms of peaceful political expression, such as occupations of workplaces or churches and other acts which seek to "subvert the public order."

Last August, a group of United States attorneys went to El Salvador with a delegation organized by the Central American Refugee Center [CARECEN] to investigate the impact of these proposed reforms. This delegation met with officials from the executive and judicial branches of the Salvadoran Government, with legislators and representatives of all major Salvadoran political parties, with leading Salvadoran attorneys, and with other representatives of social, political, labor, and human rights organizations. It is no small irony that three of the people interviewed by this delegation—Dr. Ignacio Martin Baro, Dr. Segundo Montes, and Hector Ocqueli—are now dead.

Upon its return to the United States, the CARECEN delegation issued a report of their findings entitled, "Legalizing Repression: ARENA's Reform of the Salvadoran Penal and Criminal Procedure Codes." I would like to share a summary of their findings with my colleagues:

SUMMARY OF FINDINGS

The reforms to the Penal and Criminal Procedure Codes represent a significant restriction of fundamental rights and liberties, and appear to be primarily directed at expressions of opposition political opinion, rather than at those engaged in acts of violence, for which strong criminal penalties already exist. The reforms outlaw forms of peaceful protest such as demonstrations that block traffic and peaceful occupations of workplaces or churches, a traditional form of protest in El Salvador. The reforms are likely to have a tremendous "chilling effect" on the expression of political opinions critical of the present Salvadoran government, as anyone engaged in such activity must fear not only being accused of seeking "to subvert the public order" (a phrase used repeatedly but never defined or limited in the text of the reforms), but also attempting, abetting or apologizing for "terrorist" acts.

Freedom of the press is already being curtailed by passage of the reforms, because any objective reporting of expression of opposition to the government runs the risk of prosecution. A concrete example of the potential impact of the reforms, Channel 12—the only television station which has regularly covered demonstrations and other events critical of the government—announced the temporary suspension of its news programs following the National Assembly's vote approving the reforms.

Those arrested under the reforms will face great difficulties in defending themselves. Salvadoran attorneys are concerned that the mere act of defending those accused of terrorism may allow the attorneys themselves to be prosecuted for "apologizing for terrorists." The broad range of conduct or actions defined as "acts of terrorism" are considered common crimes, rather than political crimes, such that extrajudicial confessions may be used as evidence against them. In El Salvador, extrajudicial confessions are practically synonymous with confessions obtained through the use of torture. For those accused of "terrorist acts," the requisite intent "to provoke or maintain a state of terror" is presumed. In addition, the grounds for conducting searches without a warrant are substantially expanded.

Finally, the reforms directly impede the task of documenting and monitoring human rights abuses in El Salvador. Those engaged in this vital work have long been denounced by the right-wing in El Salvador, and now they could be subject to legal persecution, simply for obtaining photographs and testimonies of human rights violations alleged to have been committed by Salvadoran government or military officials. The reforms violate international accords and standards by which El Salvador is bound, and are fundamentally inconsistent with the establishment of a democratic system.

Passage of the reforms at this time represents a substantial deterioration in the state of basic human rights and freedoms in El Salvador. During the week that discussion of the reforms were held in the National Assembly, numerous detentions of religious and human rights workers were taking place, the University of Central America remained closed with its leadership assassinated, and direct threats as well as an atmosphere of terror and intimidation have compelled many vocal critics of the government (including members of unions and religious organizations) to go into hiding or flee the country. Unlike the recently re-instituted state of siege, which must be renewed every thirty days, these reforms are permanent changes to the Salvadoran legal system. They are clearly intended to quell peaceful protest and criticism, and they portend a dramatic worsening in the human rights situation which is already apparent.

PLEA FOR JARED AUSNEHMER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr TRAFICANT. Mr. Speaker, I rise to make a plea for Jared Ausnehmer who was born on March 9 of this year with a heart defect.

Jared presently is at Children's Hospital in Pittsburgh, PA, and is waiting for a heart donor. A heart must be found within 4 to 6 weeks if Jared is to live. There is also the possibility that he may have to go through a series of operations to keep him alive. The Baby Jared Fund has been established at Dollar Bank to help with expenses.

It is important that Jared Ausnehmer receive help as soon as possible. If you can help little Jared in any way please do not hesitate because time is running out. A young life is at stake.

IRA CORLISS, VICE MAYOR AND CITY COMMISSIONER, RETIRES

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. SMITH of Florida. Mr. Speaker, one of Pembroke Pines' most dedicated public leaders, Ira Corliss, is retiring.

Ira Corliss has served the community of Pembroke Pines for 8 years as vice mayor and city commissioner. He will be leaving elected office but will continue to work for the environmental concerns of the south Broward area as it relates to the wetlands, the water supply and controlled growth management.

In the past, he was instrumental in establishing legislation for gun control and day care facilities in Pembroke Pines. The day care centers helped to secure a place for parents, as well as the children. Through his efforts, legislation was passed to have fluoride added to the municipal water system, which benefits the entire community.

Ira was a cofounder and a director of the Juvenile Diversionary Program of Pembroke Pines, which assists youths and provides free counseling to them and their families and remains committed to the young people of Broward County.

Ira Corliss has worked tirelessly for the good of the community and we all want to wish him good luck. Residents of Pembroke Pines are proud to have had a fine elected official and I am sure he will be missed.

DANTE FASCELL'S "SNAPSHOT" OBSERVATIONS OF A CHANGING WORLD

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. LEHMAN of Florida. Mr. Speaker, many astonishing political, economic, and social changes are sweeping the world. Because it is getting increasingly difficult to keep track of all these changes, and even harder to make sense of them, I thought my colleagues might find useful the approach to this problem taken by one of our Government's true experts in foreign affairs, the distinguished chairman of the Foreign Affairs Committee, DANTE FASCELL.

I would like to share with my colleagues the following brief informative article from last Sunday's Miami Herald.

[From the Miami Herald, Mar. 25, 1990]

A FASCELL-LED TOUR OF "A WORLD IN FLUX"

(By Paul Anderson)

WASHINGTON.—House Foreign Affairs Chairman Dante Fascell's staffers have given up trying to write speeches for him. They've got two reasons:

He is uncomfortable reading from a script and tends to give a wooden performance.

Things are changing so rapidly around the world, anything written today could be out-of-date tomorrow.

So aides simply announce that his topic will be "A World in Flux." And Fascell—the 73-year-old South Dade Democrat who's been in Congress since 1954—gets up and wings it.

His rambling remarks these days are a mixture of amazement and analysis, with references to high-level meetings and tidbits of inside dope dropped along the way.

But his conclusion is simple: The example of democracy that America provides has proven to be our most important weapon.

"Who would have thought 'ordinary people' would have the ability to govern themselves so well?" he asked the American League of Lobbyists at lunch on Thursday, a smile pulling up the jowls of his hang-dog face.

"The pen *is* mightier than the sword," Fascell added. "Ideas do climb walls—and they go under walls, over walls and through walls."

Here, drawn from several recent appearances, is a Fascell-led tour of "A World in Flux":

Soviet Union: He calls President Mikhail Gorbachev "a man of great courage" and says his ability to survive Kremlin politics "is astounding to me."

He hopes Gorbachev's reforms succeed, especially economic restructuring, so that he can turn his full attention to ethnic strife, including renewed pogroms against Soviet Jews.

"We have to watch it every day, but I think chances are he can make it."

Cuba: With Fidel Castro losing support from the Soviet Union, Nicaragua and Panama, "we ought to tighten the noose and get rid of that guy."

But he doesn't propose military intervention. Instead, he calls for tightening economic embargoes—especially cutting off business between Cuba and subsidiaries of American companies that are based abroad.

That will tell Castro, "Look, if you want to be the odd man out, you can do it, but not with our money—directly or indirectly."

Middle East: He hopes Shimon Peres can form a coalition government in Israel quickly and move toward a peaceful resolution of conflicts with Palestinians and Arabs.

He calls President Bush's controversial recent comments on Jerusalem "an unfortunate remark, gratuitous and unnecessary," and adds: "I'm not about to tell Israel what it should or shouldn't do."

But a peace must be reached: "The one thing that's clear is that the status quo is not acceptable to anybody—to Israelis, to Arabs, anybody."

Eastern Europe: Though he calls it "heresy right now," he proposes to allow the "new full-fledged democracies" to join a re-named NATO, at least on probationary status.

"I'm a strong supporter of NATO, but what are we going to do with NATO when the Warsaw Pact doesn't exist?"

As for the two Germanys, "reunification is here, period. . . . There are concerns that a lot of people have that need to be addressed, but reunification's on track, and it's going to happen no matter what."

Africa: "Who would have thought that at midnight the other night, the last colony in Africa would no longer exist?" he asked, referring to the newly independent nation of Namibia.

"While I won't say the United States deserves all the credit" for movement toward freedom in Africa, he attributed part of the success to the fact that U.S. policy "has remained basically consistent over 40 years—which is, we must give the people of Africa a chance for self-determination."

Many other nations considered that "an unbelievably naive policy, but here we are, 40 years later, and it's happening."

Here at home: Long a consensus-builder, Fascell agrees with only part of the oft-heard criticism that President Bush is fumbling America's response to the rush of events.

"I think basically the administration is on top of the issues. Events have broken so fast that it's very hard to keep up with them," he said.

"I think the criticism, if any, is probably style as much as anything else, or rhetoric. The President needs to be more forceful in explaining to the American people and the world the vision of what this is all about, where we're going with emerging democracies, the place that the United States has in it. . . .

"There's only one leader; nobody else can speak for him."

Long term, American policy must become more creative because budget constraints will limit U.S. ability to buy influence with foreign aid. Realistically, the Pentagon budget cannot be cut quickly enough to finance bold new initiatives overseas.

"There is no pot of gold. It will take a long time to see a shift in defense from conflict and confrontation to peace."

It's time for bold moves.

"We have to really step out there," Fascell said. "We're taking timid steps right now, but I'm convinced we'll get there."

VOICE OF DEMOCRACY

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. GALLO. Mr. Speaker, recently, I was honored to receive word that the 1989–90 New Jersey winner of the Voice of Democracy writing contest sponsored by the Veterans of Foreign Wars and its ladies, auxiliary is one of my constituents, Dave Alan Weitzner of West Orange.

I would like to take this opportunity to congratulate Dave on this significant accomplishment and to share with you his winning entry:

WHY I AM PROUD OF AMERICA

I am seventeen years old, and for years my dream has been to run for President of the United States in the year 2016. I am continuously encouraged by parents, teachers, community leaders, and friends to fulfill my hopes and desires, and to try to make my goal a reality. Nobody asks what the color of my skin is, what my religious beliefs are, or whether I live in a mansion or an apartment in the ghetto. The simple truth that my dream, which I am sure is shared by others, can become a reality stands as a testimonial to the priceless spirit of equality which is the cornerstone of our society.

From the perspective of a high school student just beginning to appreciate the shaping of Western thought, it is easy to marvel over our nation's spectacular and lasting achievements. The America I know and love does not, however, simply bask in the sunlight of past triumphs. We are constantly asserting our time-tested values in the present and preparing for an even brighter future. Schoolchildren of tender ages are naturally told of the glorious events in our history, the foundations of American society, and most importantly, the fundamental values of democracy which we have embodied in everlasting scriptures. But our heritage and glorious past transcend the classroom as they have become a springboard from which we have taken the initiative to leap into world leadership.

We are that rare breed of nation that has combined deep-seeded roots of democracy and freedom with the concept that the sanctity of one single human life is crucial. When a two-year-old girl's life was threatened in a small Texas town called Midland, our great nation came to an emotional standstill, for a human life which had barely begun faced tragic extinction. The heart and soul of our populace went out to this child whose personal tragedy seemed to touch us all. And after endless days of watching, listening, and praying, this child who nobody knew was finally saved and our nation breathed a huge sigh of relief. At least in this instance our overriding principle that a single human life is meaningful and worth saving was mercifully fulfilled. And witness how hostage takings capture the spotlight and move this entire country from president to pedestrian into action. During the Iran hostage crisis, yellow ribbons could be seen draped across front lawns from the shores of Nantucket to the cornfields of Nebraska to the deserts of Nevada, as a nation of over two hundred million people collectively prayed for one hundred human lives. And not one person asked what color they were, what religious sect they belonged to, or how much money they had. Rather, each of their lives embodied the soul and the spirit of all America.

And our commitment to humanitarianism is not limited to our fellow Americans. Our great hand will reach out across mighty oceans to assist those courageous and determined souls who would throw off the shackles of tyranny to march in the ranks of freedom. Think of our former foes in Eastern Europe; as they strive for freedom not only do we send our leaders for moral support, but in times of economic austerity at home we reach deep into our pockets to provide hard financial aid for these freedom seeking people.

Our fundamental values, derived from our heritage and fortified by our experience, lead us to the conclusion that the cause of America is the cause of all mankind. When an earthquake struck our foremost adversary, the Soviet Union, this nation sprang into action. We didn't ask questions about the Korean and Vietnam wars, the Berlin Wall, or why Afghanistan was invaded and occupied. We established no rules, and set no preconditions. All we knew was that there were human beings in desperate need,

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and that was enough for us. And from the son of the president to the son of a factory worker in Michigan, we sent to Soviet Armenia laden with goods and goodwill to help people besieged by a natural calamity. But after all, America's destiny for most of the twentied century has been to be a beacon lighting the path for the anguished people of the world.

America, a place where any teenager can aspire to become president, where the heart of an entire nation goes out to a baby in a small Texas town as well as citizens taken hostage in a foreign land, and where former foes are treated like brothers when they strive for freedom or are just in need of caring humanity. These diverse but interwoven realities are only possible in a land covered with the cloak of America's unique blend of freedom and democracy.

For the fabric of our country is a weave consisting of reverence for our heritage and institutions, aspirations for our children, and enormous pride in who and what we Americans are today. I am an integral fiber in this fabric, and I am indeed proud to be an American.

CHILD-CARE LEGISLATION

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. WILLIAMS. Mr. Speaker, the following letters are expressions of concern regarding the critical issue of the separation of church and state as affected by the child-care legislation:

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST
IN THE U.S.A.,
Washington, DC, March 22, 1990.

DEAR REPRESENTATIVE: On behalf of the religious organizations we represent, we are writing to you concerning the Rules Committee's deliberations on child care. We urge you to support the provisions approved by the Education and Labor Committee regarding the separation of church and state. Their language explicitly bars the use of federal funds for sectarian activities and prohibits discrimination on the basis of religion.

It is crucial that religious institutions be able to participate in federally-funded child care programs; but they must be able to do so in a way that is constitutionally sound. Therefore, we support specific language guaranteeing the separation of church and state, thus assuring that churches can continue to provide federally-assisted nonsectarian child care free from constitutional challenge.

We rejoice that, for the first time in over 15 years, Congress is close to approving comprehensive child care legislation, permitting many thousands of low- and moderate-income families to secure affordable, quality care for their youngsters. Nearly every day there are reports around the country of children left unattended who fall victims to tragic injuries and even death while their parents are at work. Currently, there simply are not enough caregivers or child care programs available to help working poor families assure that their children are safe during the day.

The religious community is the largest provider of center-based child care in the country and its continued involvement in these programs is critical to the expansion of child care services. Religious facilities provide at least one-third of all center-based child care, and perhaps much more. Such child care is often heavily subsidized by the host church, thus allowing programs to offer services to low-income children. In many communities across the country churches and synagogues are the only source of center-based care, so the service they offer is essential. In seeking to assure the separation of church and state, we are attempting to protect the providers of this invaluable service from the risk of lawsuits or charges of sectarian use of federal funds in the future.

We or our staff members would be glad to discuss this matter with you as you work toward final passage of this landmark legislation.

Thank you for your consideration of our views.

Sincerely yours,

John O. Humbert, General Minister and President, Christian Church (Disciples of Christ) in the United States and Canada; Claire Randall, President, Church Women United; Bishop Melvin G. Talbert, Secretary, Council of Bishops, The United Methodist Church; The Rev. James E. Andrews, Stated Clerk of the General Assembly, Presbyterian Church (U.S.A.); Dr. Fred C. Lofton, President, Progressive National Baptist Convention, Inc.; Richard Scobie, Executive Director, Unitarian Universalist Service Committee; Kay S. Dowhower, Director, Lutheran Office for Governmental Affairs, Evangelical Lutheran Church in America.

James A. Hamilton, General Secretary, National Council of Churches; Paul H. Sherry, President, United Church of Christ; Dr. Daniel E. Weiss, General Secretary, American Baptist Churches; Dr. Donald E. Miller, General Secretary, Church of the Brethren; Mr. Samuel D. Caldwell, General Secretary, Philadelphia Yearly Meeting, Religious Society of Friends; Jerry Folk, Executive Director, Commission for Church in Society, Evangelical Lutheran Church in America; Ressie Mae Bass, Vice President, Women's Division, Board of Global Ministries, The United Methodist Church.

NATIONAL COUNCIL OF THE
CHURCHES OF CHRIST
IN THE U.S.A.,
Washington, DC, March 26, 1990.

DEAR REPRESENTATIVE: On behalf of the religious organizations we represent, we urge you to support the House Leadership's compromise child care bill and the amendment we understand Rep. Don Edwards will propose to it.

The enclosed letter signed by fourteen religious leaders and sent last week to the Rules Committee and Leadership, explains our position on this matter. Thousands of our member churches run child care programs that do not include worship or instruction, but which are operated as a service to the communities where they are located. We encourage and support them in that effort and feel it is both appropriate for the churches and essential for the families they serve.

The Edwards amendment would set bounds within which churches could participate fully in a federally-funded child care program without risking violation of the church-state separation principle that is a central tenet of many of our member bodies.

When Congress adopted the Family Support Act a few years ago, it mandated parents of young children to work, participate in job training or attend school in order to receive welfare benefits. Now many states are finding it difficult to implement the Act because there is such a shortage of affordable child care for low-income families. The Leadership bill would go a long way towards solving that problem but its ability to do so would be seriously compromised if churches were to be eliminated as providers. We believe that the Edwards amendment would assure that they are not eliminated.

Thank you for your consideration of our views. We would be happy to discuss them with you if you have any questions.

Sincerely yours,

PATRICK CONOVER,
Policy Advocate, Office for Church in Society, United Church of Christ.

MARY ANDERSON COOPER,
Director, Washington Office, National Council of Churches.

LET'S NOT GET ALL WORKED UP AGAIN OVER SAVINGS

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. PEASE. Mr. Speaker, while all of us are concerned about promoting savings and investment in the United States, we need to stop and think about just what we mean when we throw around those terms. The fact is that there is more than one way to save and invest for our future.

The need for some variety in perspective when evaluating our economy's needs in these vital areas is the thesis of a thought-provoking essay by Robert Kuttner in the April 2, 1990, issue of Business Week. I commend Mr. Kuttner's observations to my colleagues.

LET'S NOT GET ALL WORKED UP AGAIN OVER SAVINGS

(By Robert Kuttner)

The debate about America's savings rate is heating up again. On one side, orthodox economists blame low investment and low productivity growth on low private savings and high public deficits. To restore growth, we must tighten our belts and begin saving more. This camp cuts across party lines and includes liberals such as Harvard economist Benjamin Friedman, author of "Day of Reckoning: The Consequences of American Economic Policy in the 1980's" ("Society pays for eating its seed corn.") as well as for conservatives such as investment banker Peter G. Peterson, whose new book "On Borrowed Time" attributes America's woes to a consumption and entitlement binge.

Yet there is a minority view, and it invites attention. University of Pennsylvania professor Fred Block, for one, challenges the way savings rates are calculated. In a new monograph, Block finds that a major source of savings—private contributions to pensions and social insurance funds—are arbitrarily counted in the National Income & Product Accounts as personal income rather than as additions to savings. Using Federal Reserve flow-of-funds data, which track actual money flowing from households into investment instruments, Block calculates an alternative measure of total private savings:

In 1987, it equalled $290 billion rather than the official savings statistics of just $104 billion.

A PARADOX

Economist Robert Blecker of American University, for another, finds that low rates of measured net private savings in the 1980s were caused mainly by higher rates of economic depreciation of the nation's capital stock, not by depressed thrift in the household sector. In a soon-to-be-released study for the Economic Policy Institute, Blecker also calculates that the greater concentration of income and wealth in America's households paradoxially, depressed rather than increased the total supply of savings. That's because the increments in paper net worth—inflated real estate and stock portfolios—enabled wealthy households to "spend more out of current income while still increasing their assets." This, in turn, depressed their net new savings.

Alicia Munnell, Chief economist of the Boston Federal Reserve Bank, writing in the New England Economic Review and building on recent work by Chicago economist David Aschauer, adds the insight that private savings is only one among many influences on productivity and growth. Public capital (infrastructure) and social capital (education and training) are as important to growth as private investment. The orthodox measures of savings and investment leave out public and social capital and miss much of the phenomenon.

In 1987, Munnell reports, the public capital stock equaled $2.3 trillion, compared with $4 trillion in the private sector. The investments of public capital, which Aschauer found correlated highly with productivity growth, have been in grave decline. According to Munnell, the growth in nonmilitary public capital was 5% in most of the 1960s, 3.3% from 1979 to 1973, 1.8% from 1973 to 1979, and just 0.9% in the 1980s.

THE TONTO FACTOR

The unconventional wisdom on the savings question highlights an issue that gets obscured, perhaps intentionally, in these debates: Who benefits, and who pays? People who worry about savings rates have an uncanny knack for obscuring the distribution aspect. In their writing, America becomes one undifferentiated "we." According to Friedman, "We have enjoyed what appears to be a higher and more stable standard of living by selling our [own] and our children's birthright." Here, it is appropriate to quote Tonto's immortal words to the Lone Ranger: "What do you mean, 'we,' paleface?" Friedman's assertion is nonsensical. For as Blecker reports (and most economists concede), the actual consumption of 80% of the population declined during the 1980s. Perhaps Friedman was one of the lucky 20% who went on a binge at the expense of his children, but most Americans have already experienced a decade of substantial belt-tightening. Given what has happened to most people's actual standard of living, the moralistic note that creeps into the austerity side of the debate is singularly churlish and inappropriate.

The new view also has implications about remedy. If the real problem is distributional concentration (Blecker) or starved social capital (Munnell), then President Bush's proposal to cut capital gains taxes and further rein in public spending is doubly counterproductive. The debate has a final and deliciously contrarian twist. Thanks to the triumph of laissez-faire in the 1980's, we have finally reached the nirvana of free global capital flows, in which money can flow from Tokyo or Frankfurt to New York or vice versa. In this Magic Kingdom, money even flows uphill, from the world's poorest countries to Wall Street. But this reality of one financial world, long sought by men such as Peterson, means that it really doesn't matter what America saves as long as world savings are adequate to finance world growth and America attracts investment. To that end, better roads, rails, and trained workers would help, and we won't get those by cutting the capital gains tax.

UNIQUE CHILD DEVELOPMENT CENTER

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. ERDREICH. Mr. Speaker, I would like to share with my colleagues a remarkable and innovative child care program provided by B.E.&K. Inc. of Birmingham, AL. B.E.&K. is an industrial construction firm which has launched a novel program of on-site mobile day-care facilities, currently staffed by former teachers, to provide child care for its employees on construction jobs.

B.E.&K. met the challenge of supplying child care with the unique needs of the construction industry in mind. Few day-care centers or private sitters are flexible enough to accommodate, a construction worker's schedule. The BEKare program is normally in operation 12 hours a day, 4 days a week—the normal work week for construction workers—and is flexible enough to cover children of employees required to work a second shift or overtime. Likewise, when conditions dictate that no workers will be present on the site, the center remains closed.

The initial BEKare Child Development Center, regarded as a first in the construction industry, opened in December in Port Wentworth, GA, just 1 mile from the $450 million construction project underway for Stone Savannah River Pulp & Paper Corp. This modular facility, which can be moved to the next job upon completion of the project, is the prototype for construction site day care centers.

The BEKare facility shows that a company can creatively solve its problems and those of its workers with families. As the construction industry has become more competitive, the shortage of skilled workers has grown critical. New technologies have made physical strength less important for many construction tasks and, as a consequence of these advances, more women are entering this industry, becoming carpenters, electricians, welders and pipefitters. The introduction of the BEKare program gives the company an edge in recruiting both male and female workers with young children as the center provides on-site day care at rates competitive with the local market.

B.E.&K. recognized additional benefits such as day care are necessary to compete for the best construction craft workers. B.E.&K. has successfully met this challenge in the form of the BEKare Child Development Center.

I would like to salute the innovators at B.E.&K., especially board chairman Ted Kennedy, for creating the model BEKare facility. As we in Congress continue to debate the issue of child care, we should applaud the efforts of those in the private sector who have acted to fill this critical need for their own work force.

SOMETHING MUST BE DONE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. STARK. Mr. Speaker, we need major changes in the Nation's health insurance system.

Enclosed is a letter I've just received from northern California describing, once again, the utter failure of our current private health insurance market:

MARCH 4, 1990.

Congressman FORTNEY STARK,
22300 Foothill Blvd.,
Hayward, CA.

DEAR MR. STARK: The reason for my letter is to express my concern over health insurance. I would like to have health insurance and cannot get coverage. I am a divorced woman 50 years old and had to drop my insurance last year when I had returned to school for 6 months and could not afford to keep up my payments. I was covered by Blue Shield for many years and was paying $200 a month with a $750 deductible. This was *only* major medical so many medical expenses were paid by me. I have a condition called diverticulosis and when I reapplied to Blue Shield they would not cover me because of this pre-existing condition. I have since applied to many other companies including Kaiser and Blue Cross and was denied because of this same condition.

Because I am self-employed I cannot get coverage through an employer.

I feel that Blue Shield had an obligation to reinstate my insurance. I was only without coverage for one quarter before I tried to re-apply and was refused.

I had a serious infection (diverticular abscess—3rd occurrence) in October and my physician recommended surgery but because I had no insurance I could not have the necessary surgery. Every day I wonder when the next infection might occur and was told that the bowel could burst. I would probably end up in the county hospital. I am really frightened and upset by my situation.

Something must be done to reform this system and make insurance affordable to people like myself who are falling through the proverbial "cracks." I don't believe that insurance companies are fulfilling their responsibility. I don't know what the solution is but something must be done now.

THE 250TH ANNIVERSARY CELEBRATION OF THE BOROUGH OF BIRDSBORO

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. YATRON. Mr. Speaker, on May 19, 1990, the Borough of Birdsboro in Berks

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County, PA, will commence with a celebration of the 250th anniversary of its founding. The opening day ceremonies will include an appearance by Governor Casey, a street fair, and a community picnic. A variety of other activities have been planned by borough officials for the duration of 1990 to commemorate this worthy occasion.

The long existence of the Borough of Birdsboro, older then the Nation itself, is truly significant. Birdsboro is home to many places of interest and importance in early American history. These places are so important to the residents of Birdsboro that they have carefully preserved many national treasures for the benefit and enjoyment of future generations. Such pride and dedication is a tribute to the sense of community that has been established by Birdsboro's residents and a testament to the ties that bring all of us together as friends and neighbors.

Mr. Speaker, it is indeed a pleasure for me to recognize this historic anniversary before you and the other Members of the House of Representatives, as well as the rest of the Nation. I congratulate the residents, officials, and friends of the Borough of Birdsboro for their long tradition of community spirit and wish them continued success and good fortune for the future.

THE NON-TRADITIONAL STUDENTS ASSISTANCE ACT OF 1990

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. PENNY. Mr. Speaker, along with our colleagues BARNEY FRANK, JAMES WALSH, and MARTIN FROST, I today have introduced legislation, the Non-Traditional Students Assistance Act of 1990, to make all students eligible for Federal student aid based on need and satisfactory performance in school. Level of attendance would no longer be a consideration for the purposes of determining aid.

The traditional image of an undergraduate is a 20-year-old full-time student who lives in a dorm for 4 years and then graduates. However, that represents only about 20 percent of college students today. A more accurate picture is a 25-year-old female who lives off campus, works almost full time, and commutes to a community college. She postpones having children until she earns a degree, or she juggles family and school. Of the approximately 13 million college students, 55 percent are female; 45 percent are at least 24 years old; 40 percent attend school part time; and nearly 30 percent are married. The number of part-time students is expected to grow to 60 precent by 1995. And not all part-time students are older: 20 percent of students under age 24 attend school on a part-time basis.

Despite the trend toward attending school on a less-than-half time basis, only 6 percent of these needy students received Pell Grants last school year. Last year, in his report to the Congress on less-than-half-time students, Secretary of Education Lauro Cavazos concluded that "such students deserve our encouragement and support and should not be denied access to training that may better their job skills or employment opportunities solely because they are unable to enroll for more than one or two classes at a time."

At the same time, these nontraditional students are not eligible for federally insured student loans. Truly, Mr. Speaker, many of these students have no access to any form of student aid. This legislation is aimed at helping these students.

The Non-Traditional Students Assistance Act corrects another inequity in the current law by defining for the purposes of determining Federal assistance any student who is 22 years old as independent of their parents. Under current law, with a few exceptions, a student must be at least 24 years old before she or he is considered independent. In many cases, students who have lived away from their parents for several years are considered dependent on their parents for financial assistance. By lowering the age to 22, this inequity is addressed, and many more nontraditional students will qualify for additional student aid.

Mr. Speaker, as we begin the process of reauthorizing the Higher Education Act, let us be mindful of the need that is not being met; of the changes that are happening on our college campuses; and of the need to adequately train all people to meet the challenges that confront this country. I urge my colleagues to join me in supporting this legislation.

I ask that a copy of the legislation follow:

H.R.—

A bill to amend the Higher Education Act of 1965 to improve the eligibility of less-than-half-time students for Federal student assistance programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nontraditional Students Assistance Act of 1990".

SEC. 2. ELIGIBILITY OF INDEPENDENT STUDENTS.

(a) IN GENERAL.—Section 480(d)(1)(A) of the Higher Education Act of 1965 is amended by striking "24 years" and inserting "22 years".

(b) PELL GRANTS.—Section 411F(12)(A)(i) of such Act is amended by striking "24 years" and inserting "22 years".

SEC. 3. ELIGIBILITY OF LESS-THAN-HALF-TIME STUDENTS FOR PROGRAMS.

(a) GSL LOANS.—

(1) AMENDMENT.—Section 428(b)(1)(A) of the Higher Education Act of 1965 is amended by striking "any student who is carrying at an eligible institution at least one-half the normal full-time academic workload (as determined by the institution)" and inserting "any eligible student (as defined in section 435(m))".

(2) DEFINITION.—Section 435 of such Act is amended by adding at the end thereof the following new subsection:

"(m) ELIGIBLE STUDENT.—The term 'eligible student' means an individual who—

"(1) meets the requirements of section 484; and

"(2) is either—

"(A) carrying at least one-half the normal full-time academic workload at an eligible institution (as determined by such institution); or

"(B) carrying less than one-half such normal full-time workload but (i) has successfully completed the first academic year of a program of undergraduate education, and (ii) is enrolled in a degree or certificate program of such institution and making satisfactory progress in such program (as determined by such institution in accordance with section 484(c)).".

(b) ELIGIBILITY FOR PELL GRANTS.—

(1) AMENDMENT.—Section 411(b) of the Higher Education Act of 1965 is amended—

(A) in paragraph (6), by striking subparagraph (C) and inserting the following:

"(C) from funds appropriated for any succeeding fiscal year unless the student is an eligible student (as defined in subsection (j))."

(B) by striking paragraph (7).

(2) DEFINITION.—Section 411 of such Act is further amended by adding at the end thereof the following new subsection:

"(j) ELIGIBLE STUDENT.—The term 'eligible student' means an individual who—

"(1) meets the requirements of section 484; and

"(2) is either—

"(A) carrying at least one-half the normal full-time academic workload at an eligible institution (as determined by such institution); or

"(B) carrying less than one-half such normal full-time workload but is enrolled in a degree or certificate program of such institution and making satisfactory progress in such program (as determined by such institution in accordance with section 484(c)).".

SEC. 4. GRACE PERIODS AND DEFERRAL FOR LESS-THAN-HALF-TIME STUDENTS.

(a) GSL LOANS.—

(1) GRACE PERIOD.—Section 428(b)(1)(E) of the Higher Education Act of 1965 is amended by striking "to carry at least one-half the normal full-time academic workload as determined by the institution" and inserting "to be an eligible student (as defined in section 435(m))".

(2) DEFERRAL.—Section 428(b)(1)(M)(i) of such Act is amended by striking "(I) is pursuing" and all that follows through "or (III)" and inserting "(I) is an eligible student (as defined in section 435(m)), or (II)".

(b) NDSL LOANS.—

(1) GRACE PERIOD.—Section 464(c)(1)(A) of the Higher Education Act of 1965 is amended—

(A) by striking "ceases to carry" and inserting "ceases to be an eligible student (as defined in section 435(m))"; and

(B) by striking "at least one-half the normal full-time academic workload,".

(2) DEFERRAL.—Section 464(c)(2)(A)(i) of such Act is amended by striking "is carrying at least one-half the normal full-time academic workload" and inserting "is an eligible student (as defined in section 435(m))".

ELLIOTT ABRAMS ASSESSES NICARAGUAN ELECTIONS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. CRANE. Mr. Speaker, recently I had an opportunity to meet with Elliot Abrams, who as you know was President Reagan's Assistant Secretary of State for Inter-American Affairs from 1985 to 1988. During our discussion, Mr. Abrams shared his views with respect to the recent elections in Nicaragua, the events leading up to the election, and how he foresees

Nicaragua's future. Because he played such a key role in what was one of the most hotly debated governmental policies of the 1980's, he has a keen understanding of the history of the conflict.

The following interview, which appeared in the March 10 edition of Human Events, recaptures the essence of our conversation. I believe Mr. Abrams views are right on target, and hope that you will take the time to read this insightful article.

[From Human Events, Mar. 10, 1990]

ELLIOTT ABRAMS ASSESSES NICARAGUAN ELECTIONS

(Elliott Abrams, President Reagan's assistant secretay of state for inter-American affairs from 1985 to 1988, gave the following interview to Human Events shortly after Violeta Chamorro won the election in Nicaragua. The interview was conducted by Capitol Hill Editor Allan H. Ryskind.)

Q. You were assistant secretary of state for inter-American affairs for four years during the Reagan Administration, and were known as a strong supporter of the Contras. Did they play a role in persuading the Sandinistas to hold a relatively fair election?

A. In the Kennedy-Khrushchev agreement, the United States gave up Cuba, and accepted the fact that Cuba would remain a Communist country in the Soviet orbit. The Reagan Administration never made that mistake with Nicaragua, never gave up, never accepted the idea that Nicaragua had to remain Communist. And it was that struggle which was carried on by the Contras that kept hope alive, kept the door open.

Daniel Ortega did not start negotiating because [Costa Rican President] Oscar Arias pleaded with him to do so; he started negotiating because he was scared of the growing insurrection in Nicaragua. I think it inconceivable that we would be at this juncture today without the sacrifices that the Contras made to prevent the consolidation of communism in Nicaragua. And if the U.S. Congress had united behind the Contras, freedom and free elections would have come to Nicaragua far sooner.

Q. Even though we began to shut down our support for the Contras in 1989, don't you think the fact that the Contras were still in high spirits in their Honduran base camps, and even operating in northern Nicaragua, rattled Ortega, who feared they might be revved up again if he didn't at least go through the motions of implementing a "free and fair" election?

A. No question. It was always amazing to me that American liberals were dismissing the Contras at exactly the same time that the major objective of Nicaragua's foreign policy, the major objective for the last nine years, has been to stop the Contras. The Sandinistas clearly understood that the Contras were a great danger to their survival, even if too many Americans didn't.

Q. In line with what you are saying, the Sandinistas formally broke the ceasefire last fall because they were still fearful of the Contras. And many observers believe that Ortega not only feared the Contras would be rearmed by the U.S. if he blatantly stole the election, but that he was eager to diminish their power before the election so that anti-Sandinista voters would feel less safe in backing Violeta Chamorro.

A. I don't think there is any doubt that the Contras bolstered the confidence of anti-Sandinista voters. In order for people to have the guts to oppose a Communist government, they have to have some sense of security before the election, because the Communists are always intimidating them and threatening reprisals.

The Bush Administration almost made a critical mistake. In the early fall, it was trying to compel the Contras to accept compromises which would have lessened their presence inside Nicaragua. And the Contras correctly argued that the more Contras inside Nicaragua, the better chance this election had, because their presence gave people the sense of confidence to go out and vote against the government. And the Contras resisted the pressure.

Q. Do you think Ortega is really backed by nearly 40 percent of the voters, as the popular vote count would suggest?

A. No, I don't. Desite what has been said by much of the media and so many liberals, this definitely was not a "free and fair" election. It was shocking that the Sandinistas went uncriticized in so many quarters, despite all of their abuses during the campaign.

You can be sure that a key target of the liberals—Chile's Augusto Pinochet—would never have been allowed to get away with what the Sandinistas got away with. And he didn't. In Chile, there was a free and fair election, and a clean campaign as well. U.S. liberals scrutinized every aspect of that campaign, and weighed in heavily when they thought things were not quite right. But not so with the Sandinistas.

Q. Some of us were angry at the way the Establishment covered for Ortega & Co., suggesting they were really trying to implement a fair contest. But the Sandinistas were violating the election rules in hugely significant ways, including intimidation.

Hence, if Ortega had won in a close vote, the Establishment—I mean the media, Jimmy Carter, Elliot Richardson, et al.—would have ratified the outcome as perfectly valid, despite the violations. They refused to put pressure on the Sandinistas, where it belonged.

A. You're right. It was a shocking double standard. The Sandinistas engaged in physical intimidation which forced dozens of opposition candidates to resign their candidacies. They broke up opposition rallies. They blocked the opposition from getting funds it was legally entitled to, and used the state treasury and the resources of the army to assist their own campaign.

Chamorro's access to television was severly limited, and the Sandinistas engaged in a very fishy registration process under which it looks as if large numbers of fraudulent votes were cast. It was truly stunning that Chamorro and UNO did as well as they did, considering all the handicaps they were under.

Q. What's your impression of the way Jimmy Carter and Elliot Richardson, both international observers, handled their jobs?

A. Shortly after the Masatepe incident where the Sandinistas with machetes attacked UNO demonstrators, President Carter went to Nicaragua and his comment was that the Contras were the great threat to the election!

I think that President Carter and Elliot Richardson, in everything they said from the first day, made it clear that they were going to approve the elections unless there was a Panama-style outbreak of brutality on election day.

It was crystal clear that they were giving the Sandinistas a green light. They did not insist on a fair compaign. They interested themselves only in procedures on election day, and I take great exception to that because, in part, I remember the way the liberals were screaming bloody murder about the plebiscite in Chile and demanding not only that election day be fair, but that the campaign be fair. Well, why the double standard for Nicaragua?

Q. What happens now?

A. I'm afraid that one thing that may unfortunately happen is that over the next two months, before Mrs. Chamorro is inaugurated, the Sandinistas will probably dump a five-year weapons supply into El Salvador. I'm sure they will try that, and that, of course, would be a tragedy. And I think they will try to retain control, under some facade minister, of the Ministry of Interior, and the army, I'm less worried about the army because it's a conscript army, and it can be sent home. I'm quite worried about the Ministry of Interior, the secret police, which has been headed by Tomas Borge, just as I am about the secret police in Eastern Europe. That's the hard core. And, amazingly, Carter is now defending Sandinista efforts to keep control of the army and he is still attacking the Contras.

Q. Is there any way of getting rid of Borge's unit?

A. I don't think there are any shortcuts. I think one thing the Chamorro government ought to do is consult with the people who've got a few months head start on them, the people in Hungary, Poland, Czechoslovakia, etc., and ask them how they are doing. But I don't think there are any shortcuts. I think it's a matter of getting your own loyal people and slowly weeding the others out.

Q. Do you think Nicaragua can recover economically?

A. With some foreign aid from us, with our help in securing money from the International Monetary Fund, the World Bank and the Inter-American Development Bank, and with their adoption of sound economic policies—which they outlined at the close of the campaign—I think there should be some quick economic recovery.

Q. When does Fidel fall?

A. I don't understand how Fidel can last more than a couple of years. I think you'll see a steady contraction of the Cuban economy. First, the East Europeans are starting to cut all their aid—that's this year. I think Soviet assistance will probably fall as well, and there are already breadlines in Havana. So Cuba looks more and more to me like Romania.

A SALUTE TO "CAMERA"

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, the media plays a critical role in informing our Nation to news and information. In serving its public, CAMERA [the Committee for Accuracy in Middle East Reporting in America], concentrates on exposing the misreporting on the Middle East. For the past 7 years, CAMERA has built a solid body of evidence illustrating that reporting from this region is often one-sided and frequently incomplete or incorrect.

Several themes, such as human rights, self-determination and democratic goals serve as

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a framework for news stories from Israel. These themes repeatedly recur in the coverage of Israel, but are rarely seen in the coverage of the Arab world.

One way that CAMERA gains a realistic perspective on the Middle East is by examining the framework themes to see how they are used and by analyzing whether they are applied equally to all players. By launching their publication "Facts in Focus," CAMERA hopes to help readers achieve the necessary insights and information to make sound judgments about these issues and the larger realities of today's Middle East.

Mr. Speaker, on March 28, 1990, CAMERA is holding a premiere viewing of its film, "The Media, the Message and the Middle East" at the Embassy of Israel. The film will highlight speakers from CAMERA's national conference, including Alan Dershowitz, Alan Keyes, Professor Ruth Wisse and Professor David Wyman. The film will present an examination both of coverage of Israel and of CAMERA's role in countering misinformation and bias.

I commend and compliment CAMERA for contributing to the accuracy of Middle East reporting. Every encouragement is extended to CAMERA to continue their exemplary service and to continue providing precise communication, for the population's benefit.

WORLDWIDE U.S. ARMS SALES IN FISCAL YEAR 1989

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. HAMILTON. Mr. Speaker, under section 36(a) of the Arms Export Control Act the Committee on Foreign Affairs receives a quarterly report which includes information on U.S. sales of defense articles and services. The committee has received information on total U.S. worldwide arms sales during fiscal year 1989.

During fiscal year 1989 the United States sold $10.864 billion of defense articles and services under the Foreign Military Sales Program. This compares with $12.219 billion in fiscal year 1988 and $6.939 in fiscal year 1987.

During fiscal year 1989 the United States issued licenses/approvals for commercially sold defense articles and services totaling $22.382 billion. This compares with $19.395 billion in fiscal year 1988 and $14.804 billion in fiscal year 1987.

Tables on country-by-country FMS and commercial sales during fiscal year 1989 follow:

Total value of defense articles and services sold to each country/purchaser as of Sept. 30, 1989 under foreign military sales

[Dollars in millions]

Algeria	1.0
Antigua-Barbuda	.2
Argentina	18.1
Australia	188.8
Austria	7.8
Bahrain	99.7
Bangladesh	1.1
Barbados	(a) .7
Belgium	12.2
Belize	.2
Bolivia	.1
Botswana	.3
Brazil	81.9
Cameroon	.3
Canada	218.9
Chad	.2
Chile	.1
China	.4
Colombia	90.8
Costa Rica	.3
Denmark	(b) 27.8
Djibouti	.4
Dominica	.2
Dominican Republic	1.3
Ecuador	9.2
Egypt	(c) 3,042.2
El Salvador	(d) 81.6
Equatorial Guinea	(1)
Finland	1.1
France	56.2
Gambia	(1)
Germany (Bonn)	(e) 427.1
Greece	158.6
Grenada	(1)
Guatemala	(f) 12.2
Guinea-Bissau	.1
Honduras	(g) 22.9
India	.1
Indonesia	17.6
Ireland	(1)
Israel	371.3
Italy	47.1
Jamaica	2.1
Japan	277.0
Jordan	11.8
Kenya	16.3
Korea	391.3
Kuwait	93.5
Lebanon	5.0
Liberia	1.5
Luxembourg	.3
Madagascar	.5
Malawi	.4
Malaysia	2.0
Mali	.1
Mauritania	.2
Mexico	12.5
Morocco	19.1
Nepal	.4
Netherlands	265.6
New Zealand	11.2
Niger	(h) 1.0
Nigeria	(1)
Norway	27.2
Oman	1.0
Pakistan	1,879.6
Peru	2.8
Philippines	130.1
Portugal	31.7
Sao Tome & Principe	.2
Saudi Arabia	1,191.5
Senegal	2.2
Sierra Leone	(1)
Singapore	48.8
Somalia	(i) 8.4
Spain	103.0
St Christopher-Nevis	.1
St Lucia	.2
St Vincent & Grenadines	(j) .1
Sudan	4.7
Sweden	4.5
Switzerland	17.1
Taiwan	526.3
Thailand	77.1
Tunisia	29.8
Turkey	339.0
United Arab Emirates	52.5
United Kingdom	(k) 164.3
Uruguay	2.0
Venezuela	6.0
Yemen (Sanaa)	8.2
Zaire	8.4
International Orgs	85.6
Total	10,864.3

(1) Less than $50,000.

Notes.—Details may not add due to rounding. Construction values are excluded as follows: (a) $286,000, (b) $370,000, (c) $44.3 million, (d) $3.9 million, (e) $100,000, (f) $2.7 million, (g) $2.0 million, (h) $601,000, (i) $1.7 million, (j) $146,000, (k) $131,000.

Licenses/approvals for the export of commercially sold defense articles/services—Sept. 30, 1989

[Dollars in thousands]

Country	*Cumulative*
Algeria	3,577
Andorra	6
Argentina	131,779
Australia	987,836
Austria	17,241
Bahamas	3,765
Bahrain	7,848
Bangladesh	2,408
Barbados	179
Belgium	195,647
Belize	20
Bermuda	917
Bhutan	(1)
Bolivia	2,591
Botswana	14,587
Brazil	76,268
Brunei	6,639
Burma	273
Burundi	123
Cameroon	2,250
Canada	156,312
Cayman Islands	39
Chad	25,841
Chile	16,896
China	53,516
Colombia	23,017
Costa Rica	3,219
Cyprus	423
Denmark	110,372
Djibouti	4
Dominican Republic	5,140
Ecuador	8,395
Egypt	965,637
El Salvador	3,995
Fiji	180
Finland	30,824
France	403,389
French Guiana	1,031,616
French Polynesia	43
Gabon	419
Gambia	3
Germany	3,116,452
Ghana	1
Greece	149,807
Grenada	2
Guadeloupe	5
Guatemala	3,291
Guinea	303
Guyana	77
Haiti	1
Honduras	14,263
Hong Kong	163,269
Iceland	1,626
India	102,797
Indonesia	106,132
Iraq	1,093
Ireland	1,718
Israel	2,517,049
Italy	643,272
Ivory Coast	61

Country	*Cumulative*
Jamaica	603
Japan	2,368,173
Jordan	62,955
Kenya	1,180
Korea	1,151,460
Kuwait	121,435
Lebanon	168
Liechtenstein	1,092
Luxembourg	34,715
Macau	9
Malaysia	141,955
Malta	2
Malvides	21
Martinique	7
Mauritania	455
Mauritius	171
Mexico	312,384
Monaco	44
Morocco	20,154
Mozambique	92
Nambia	1,591
Nepal	12
Netherlands	323,050
Netherlands Antilles	70
New Zealand	63,266
Nicaragua	11
Niger	217
Nigeria	44,993
Norway	217,060
Oman	6,320
Pakistan	235,785
Panama	6,884
Papua-New Guinea	25
Paraguay	1,064
Peru	10,581
Philippines	86,865
Portugal	47,841
Qatar	301
Reunion	151
Saudi Arabia	429,003
Senegal	55
Sierra Leone	3
Singapore	391,529
Spain	158,056
Sri Lanka	1,142
St Lucia	6
St Vincent	1
Sudan	196
Surinam	6
Sweden	101,791
Switzerland	482,726
Taiwan	643,064
Tanzania	19
Thailand	207,695
Togo	244
Tonga	4
Trinidad & Tobago	1,042
Tunisia	733
Turkey	308,046
Turks and Caicos	1
Uganda	24,082
USSR	418
United Arab Emirates	449,224
United Kingdom	2,328,491
Upper Volta	84
Uruguay	2,250
Venezuela	95,745
Yemen (Sanaa)	1,221
Yugoslavia	22,342
Zaire	65
Zambia	1,034
Zimbabwe	559
International Orgs	353,646
Worldwide total	22,382,140

[1] Less than $500.

Note.—Details may not add due to rounding.

HONORING JACK M. FIELDS, SR.—BUSINESS LEADER, CIVIC ACTIVIST

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. DELAY. Mr. Speaker, it is with great sadness that I wish to bring to the attention of the House the passing of Jack M. Fields, Sr. of Humble, TX. Jack was the father of my Houston-area colleague, Jack M. Fields, Jr.

While Jack Fields, Sr. was enormously proud of both his sons, and while he reveled in their successes, Jack was a remarkable man in his own right—a man whose civic activism and sense of public service made him notable, and a man who will be sorely missed in Humble, TX.

Jack suffered a heart attack and died suddenly at his home on Wednesday evening, March 15. He was 65 years old. Jack founded Rosewood Memorial Park Cemetery and Rosewood Funeral Home and was a longtime civic activist in the Humble area.

He served for 22 years as a member of the Humble School Board, and at various times during that period he served as the board's president, vice president, and secretary. Jack's commitment to education was well-known. Indeed, last year, Texas Gov. Bill Clements appointed Jack to a 6-year term on the educational excellence committee.

A native of Dayton, TX, Jack graduated from Humble High School before entering the Air Force, where he served with distinction as a bombardier aboard a B-24 and earned the rank of first lieutenant. Following his military service, he earned a bachelor of science degree in chemistry from the University of Houston before opening his family's cemetery and funeral home business in 1948.

More than most Americans, perhaps, Jack Fields, Sr., knew the importance of getting involved in one's community—giving of one's time and efforts to make one's community a better place. And no one in Humble gave more of his time to a multitude of civic organizations than Jack Fields, Sr.

Jack was a longtime member of the Humble Rotary Club, of which he was a founder, serving as its president and vice president at various times. In 1986 and 1988, he was named Rotarian of the Year.

As a member of the Humble Area Chamber of Commerce, Jack served on the board for more than 20 years, including terms as president and secretary of the organization. The chamber has honored him as its Citizen of the Year.

Jack also was active in the Humble Wildcats Club, of which he was a member for more than 15 years. He had served as chairman of the FFA fair and rodeo auction committee.

Mr. Speaker, the list goes on. Jack served as chairman of the United Fund drive in the Humble area, was a member of the board of directors of the Northeast Medical Center in Humble and initiated the formation of the Octavia Fields Memorial Library, which was named after his mother. He served for 9 years as president of the Youth Athletic Association, and was instrumental in forming the Little League park in Humble. He was also chairman of the Little League horse show for 4 years.

And despite the time required to serve his community in these organizations—time which he gave freely to just about anyone who asked for his help—Jack found time to serve as a director of the First City Bank of Humble. Also, he was an active member of the First Baptist Church of Humble.

Last year, a group of Humble citizens joined together to start the Jack M. Fields, Sr. Endowment Scholarship Fund. The fund raises money for disadvantaged students in the Humble area who want to seek a higher education.

It is this fund which will serve as a permanent monument to the efforts of Jack M. Fields, Sr. Even though he is no longer with us, his good work will continue, and young men and women from the Humble area who might not have the financial means to attend college will do so—thanks to Jack Fields, Sr.

Mr. Speaker, I know that you join with me in extending our sincere condolences to Jack's loving wife—and business partner—of 44 years, Jessie Faye; his two sons, U.S. Congressman Jack Fields, Jr. and Jess Fields; and his three grandchildren, Jess Fields, Jr., Jordan Noelle Fields, and Josh Hughes.

We wish each of them well in the weeks and months ahead. Like the men and women of Humble, TX—especially the 1,000 friends who gathered to bid farewell to this remarkable and much-loved man—we consider ourselves lucky to have been blessed by the good works of Jack M. Fields, Sr.

COMMUNISM IS FAILING

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. HUNTER. Mr. Speaker, with the stunning demise of Marxist-Leninism in Eastern Europe and the recent Nicaraguan elections, communism is failing. As for totalitarianism, well, it has not yet succumbed to the worldwide move toward democratization. However, in Latin America, recent positive developments do offer hope for the future.

After U.S. troops put an end to the regime of General Noriega, Panama is on the road to democracy, albeit a long and hard one. Just weeks ago, the Nicaraguan people spoke boldly when they soundly refused to give Daniel Ortega and his Sandinista party what they had for so long tried to attain by use of force—legitimate power. In a generally open and fair election, the people were finally able to voice their opinions, something they hadn't done for many years. Now, if only they had the chance, it is also safe to assume that the Cuban people would vote to oust Fidel Castro and his old-fashioned Marxist-Leninist politicies that have brought economic, social, and political ruination to the nation.These changes in Latin America are mentioned here because of the bearing on events taking place in the Dominican Republic.

The Dominican Republic has had—like many Latin American countries—a history of military-led governments as well as popularly-elected governments. What is so ironic, indeed incredible, about the current Dominican presidential election campaign is the proclaimed Marxist claims to have U.S. support. Candidate Juan Bosch, who was overthrown by a civil military movement 7 months after reaching power in 1963, is again aiming for the Dominican presidency. The irony? Bosch is an avowed Marxist. He even said so on national television last fall.

The September 5, 1989, edition of the Dominican newspaper Ultima Hora contained a summary of Bosch's television appearance the day before. Declaring that "I am a Marxist, but not a Leninist," Bosch launched into a diatribe against the United States and blamed it for the strength and influence of narcotraffic in the Dominican Republic. He also stated that he looked at everything in the world through a Marxist glass: "I was and am a Marxist in everything that refers to the study of society. The person who does not study society from the point of view of Karl Marx cannot understand society." Strong words indeed. But strange in a world that has proven the folly of Marxism.

What is important in this election, however, is that there are other candidates promoting such policies as free markets, reduced taxes, closer United States/Dominican Republic relations and less government. Among those candidates is Jacobo Majluta of the Independent Revolutionary Party [PRI].

In a recent Gallup poll, Bosch led with 34 percent. The United States has not officially supported any candidate and has stressed that it is up to the people of the Dominican Republic to choose.

It is clear that there are choices in this election. On one hand you have Majluta, a politician who shares much of the policies of the Reagan-Bush administrations, and on the other you have Bosch, a diehard Marxist. There cannot be a more clearcut and important choice. After all, the Dominican Republic is a key United States ally in the Caribbean Basin. It is strategically located between Communist Cuba and Puerto Rico, and it shares the island of Hispaniola with Haiti. The Dominican Republic lies adjacent to critical shipping lanes and air routes.

It is for this very reason that Fidel Castro—always looking for more Caribbean nations to undermine—is anxiously awaiting for a fellow Marxist to gain power. With the downfall of Ortega and the ouster of General Noriega, Castro is becoming increasingly isolated, both economically and politically. He is, therefore, understandably interested in Bosch. And Bosch, it seems, is also interested in going outside of the Dominican Republic for support. Indeed, it was recently announced in Dominican newspapers that Bosch already has established contacts in Panama and Venezuela. His party sent representatives to Panama to pick up 52 trucks and vans for his campaign drive. It appears even former Panamanian strongman General Noriega was a big supporter of Bosch, and there were allegedly contacts with Castro and Ortega. Even if there were not, it is logical that Castro would welcome another Marxist in the Caribbean.

For now, however, it appears the geopolitical interests of the United States will be lost if Bosch is victorious at the polls.

TRIBUTE TO CORINA DAVIS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. YATRON. Mr. Speaker, today I rise to pay tribute to a bright and talented young woman from Reading, PA. I am speaking of Corina Davis, who is currently a senior at Antietam Junior/Senior High School in Reading. Upon graduation from high school this spring, Corina is planning to further her interest in the arts and humanities in college.

On May 13, 1990, a special ceremony will be held to recognize Corina's successful completion of all requirements for the Girl Scout's Gold Award. Corina's hard work and tenacious efforts to serve her community and fellow Girl Scouts makes her a most worthy recipient of the Gold Award, which is the highest honor a Girl Scout can receive.

Mr. Speaker, Corina has been active in scouting for most of her life. Naturally, she entered the Girl Scouts as a Brownie, but Corina has proven her abilities and climbed the ranks through Junior, Cadette and Senior Girl Scout Programs. In addition to Scouting, Corina has participated in many extracurricular activities both in and beyond high school, and she has taken several art classes over the years.

Mr. Speaker, it is indeed a pleasure for me to recognize Corina's achievements before you and the other Members of the House of Representatives, as well as the rest of the Nation. Moreover, I am certain that the Gold Award will be the first of many more honors for Corina. Let me take this moment before the House to commend Corina for her accomplishments and to wish her the best of luck and success in all of her future endeavors.

A TRIBUTE TO LAKE CITY HIGH SCHOOL

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. PENNY. Mr. Speaker, the First Congressional District in southeastern Minnesota is once again the seat of basketball in the land of 10,000 lakes as—for the second straight year—teams from the district have won both the class A and class AA high school boys basketball championships. In fact, 3 of the 4 teams who played for the championship in those 2 classes came from southeastern Minnesota.

Lake City and Mankato Loyola were two of those teams. In a game that went down to the final buzzer, Lake City beat Loyola 52-51. It was an exhausting contest that could have easily gone either way—the score was tied four times in the fourth quarter alone—but on that night the Lake City Tigers outlasted the Crusaders of Loyola.

Lake City arrived at their State tournament championship in easier fashion by beating Staples-Motley in the quarter finals, 60-47, and Minneapolis de la Salle, 46-36 in the semifinals.

This marks the third State championship for the Tigers, as they won back-to-back championships in 1978 and 1979. Those years they were led by Randy Breuer, who went on to lead the University of Minnesota to their last Big Ten championship and who now plays for the Minnesota Timberwolves in the NBA.

It would be difficult to predict what the future holds in store for the members of this 1990 championship team, but if current success is any indication, the sky is the limit for what they can achieve. We offer our most sincere congratulations to the players, coaches, parents, and fans of Lake City High School.

NICARAGUAN ELECTION OBSERVATIONS

HON. PHILIP M. CRANE

OF ILLINIOS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. CRANE. Mr. Speaker, although I was skeptical whether free and fair elections could be held in Nicaragua, I never doubted for an instant that if the elections were indeed free, that Violeta Chamorro would be the victor. However, if my only preelection information source was the U.S. news media, I am sure I would have been convinced otherwise.

The following article highlights individual news accounts, and in some instances the names of those journalists behind the stories, who displayed the most blatant pro-Ortega bias before, during, and after the elections. I believe this is must reading for those of my colleagues who rely on these sources for objective news coverage. To me, there is no clearer proof that many news agencies throughout the country have their own hidden agendas.

I hope my colleagues whose job it is to remain well informed will take the time to read this revealing article.

[From Human Events, Mar. 10, 1990]

NICARAGUAN ELECTION OBSERVATIONS

Virtually all the media were caught flatfooted by Violeta Chamorro's landslide victory over Daniel Ortega and the Sandinistas, but our reporter on the scene—Peter LaBarbera—had it right along. In our February 24 issue, LaBarbera wrote a story saying that Chamorro should win in a free election.

In his story the following week, which LaBarbera wrote from Managua just three days before the election, he was prophetic. "Support for UNO," he allowed, "is much stronger than most foreign journalists are reporting. Many Nicaraguans who didn't wish to talk much about it—including those who play it safe and attend the FSLN rallies—are voting for UNO. Hence the confidence of the opposition . . ."

LaBarbera said that Chamorro caught the "Big Mo" in late January, and indicated she should win—in an entirely free election—with as much as 60 percent of the vote. (She actually won 55 percent of the ballots.) Up until the very end of the campaign, said La

Barbera, Ortega was playing hardball, harassing and intimidating UNO supporters. But Chamorro should win handily if the election wasn't stolen, he contended, and "only FSLN supporters believe those polls."

The U.S. media displayed an amazing pro-Ortega bias before, during and after the elections. Daniel Ortega's concession speech even began, "Friends of the national and international press . . .," while the Associated Press reported that some of the foreign journalists who had gathered to hear Ortega give his concession speech were sobbing "large tears." NBC's Brian Gumbel, ABC's Peter Jennings and the front-page of the Washington Post frequently appeared to be reporting as if they were Ortega partisans.

While in Managua, Peter LaBarbera told us that many of those covering the election appeared sympathetic to the Sandinistas or easily deceived. Had the reporters looked behind the slick campaign events and talked to the Nicaraguan people, he said, "they would have realized that UNO's support was wide and deep."

No one seemed more pro-Ortega than Jennings, who touted the ABC/Washington Post poll which had Ortega winning by a landslide. (The Post also carried the poll's results prominently on its front page.)

ABC's new anchor was almost jubilant in announcing its findings. "We designed the questions," he said. "The poll was conducted by the Washington pollsters Belden & Russonello who have a lot of experience in Latin America. It wasn't a phone call. All the respondents wrote down their own answers in secret and apparently with great enthusiasm."

Jennings apologized later, sort of, but this wasn't the only time his bias appeared to be showing. It is an estimated fact—admitted to by the CIA, the Sandinistas and the FMLN guerrillas in EL Salvador—that the Sandinistas have been aiding the FMLN. Indeed, FMLN headquarters are in Managua.

But Jennings, as the Washington Times' Don Kowet trenchantly observed in his March 1 report, acted as if the charge were only an unproven accusation. He said that the Sandinistas had been "accused" of fueling civil war in El Salvador by "funneling arms to the Salvadoran rebels," and then wondered whether, "[t]rue or not," this would have an important impact on the Salvadoran conflict.

How, wondered a very perplexed Kowet, could Jennings let the words "true or not" escape his lips? "For months," said Kowet, "the FMLN has been admitting it gets arms from Nicaragua. In fact, and FMLN leader said so two days ago in the Post. Daniel Ortega admitted his support for the FMLN when he said that if he won the election he would stop supplying arms to the Salvadoran guerrillas.

"Where is Mr. Jennings getting his outdated line in El Salvador? Perhaps he's been watching recent episodes of Fox Broadcasting's bizarre leftwing cop show '21 Jump Street' * * *.

"Was Mr. Jennings watching * * * when a saintly FMLN martyr assured the cops that his guerrillas didn't get any weapons from the Cubans or Sandinistas since they could buy all they wanted from the U.S.-supplied Nicaraguan Contras? Maybe that might explain his performance the other night."

It sure was sad walking around the Olof Palme Convention Center the day after UNO's victory over the Sandinistas Front, LaBarbera informs us. "Leftists who had flown or hitchhiked into Managua to celebrate what they thought would be a certain FMLN victory could be seen with heads hung low, or commiserating with one another about the U.S. "intervention," which they said sealed the government's election defeat.

"It's just going to be awful going back to Washington now, to see the right-wing getting all involved again in Nicaragua's internal affairs," said one "Sandalista" who came to Nicaragua at the invitation of Robert White's Center for International Development Policy.

A mood of dejection hovered over the center, Nicaragua's most modern building, which was donated by Sweden. Many leftwingers tried to console their Nicaraguan Sandinistas friends by assuring them that six years from now they will defeat UNO.

Before the election, Ed Asner, the pro-Marxist TV actor, was confident of a Sandinistas victory. Afterwards, he told David Hirschmann of the Council for Inter-American Security that Central American solidarity activists must now concentrate all their energy on El Salvador.

For his part, liberal Sen. Christopher Dodd, Connecticut Democrat—a consistent supporter in Congress of Sandinistas positions—tried to take away from the UNO triumph: "I wouldn't call it a great victory for the UNO party, but a desire of the Nicaraguan great victory for the UNO party, but a desire of the Nicaraguan people for change," he said.

Violetta Chamorro's landslide victory drove some supporters to denunciations that were, well, overwrought. Larry Birns, of the Council on Hemispheric Affairs, for example, said, "I am filled with an inner rage that the corner bully won over the little guy." Miffed at the overwhelming voter rejection of his fellow leftists, he lamented, "The Sandinistas had the right to win, to rule a country that was not being visited by an extraordinary array of negative factors."

Former President Jimmy Carter, who gave us the Sandinistas back in 1979, and was still covering up for their election abuses in the 1990 campaign, gave credit for Violeta Chamorro's victory to * * * Daniel Ortega. We should, he said on CBS's "This Morning" TV show, "acknowledge the achievement that has been offered to Nicaragua by Daniel Ortega and the Sandinistas."

INTRODUCTION OF THE FOREIGN TRADE ZONE IMPROVEMENT ACT

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. PEASE. Mr. Speaker, on behalf of my colleagues Ms. KAPTUR, Mr. BARNARD, and Mr. LEVIN, I am introducing today the Foreign Trade Zone [FTZ] Improvement Act, a bill designed to give the FTZ Program a much needed tune up.

Recent growth in FTZ's, sites within this country that are considered outside U.S. customs territory, has been phenomenal. Between fiscal years 1975–87, general purpose zones, located in ports of entry and used primarily for warehousing and distribution, increased from 17 to 138. Subzones, which contain single manufacturing plants—largely auto—increased from 2 to 101.

While the proliferation of general purpose zones does not overly concern us, the rapid growth in subzones, and its effect on our balance of trade, certainly does. Much of subzone growth is a direct result of inverted tariffs on automotive and other products, whereby parts carry a higher import duty than finished products. By permitting duty-free entry of parts and components, subzones allow manufacturers to get around inverted tariffs. This has resulted in large savings for automakers and, by contrast, cries of unfair trade by U.S. auto parts producers, who argue that the zones encourage automakers to import parts rather than buy domestically.

In spite of the FTZ Program's growth, Congress has remained surprisingly disinterested in reevaluating the FTZ Act of 1934. In fact, 40 years have passed since Congress last provided the Commerce Department, which administers this program, with any statutory guidance on FTZ's. Within the past year, both the General Accounting Office [GAO] and the House Government Operations Committee have recommended that Congress amend the FTZ Act, requiring the FTZ Board to follow specific trade and employment criteria in reviewing zone applications. In line with these recommendations, the Foreign Trade Zones Improvement Act would:

Establish public economic interest criteria for the Board's use;

Place the burden of proof on the FTZ applicant;

Set up specific time deadlines for the Board to follow in reviewing applications; and

Require that new FTZ's—those approved after the passage of this act—be reviewed every 7 years or when "good cause" is demonstrated.

Our intent is not to derail the FTZ Program. We recognize that many companies and employees have reaped impressive benefits from the existence of FTZ's. Nevertheless, we also believe that this program needs an overhaul. The reforms that we propose are well-balanced, reasonable, and noncontroversial. In fact, the program's supporters and critics alike share the view that future zones should meet a public interest standard, and that applications should be reviewed more quickly and thoroughly.

I urge my colleagues to give this bill serious consideration.

The bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Foreign Trade Zones Improvement Act".

SEC. 2. COMPOSITION OF BOARD.

Section 1(b) of the Act of June 18, 1934 (commonly known as the "Foreign Trade Zones Act" and hereinafter referred to as the "Act") (19 U.S.C. 81a(b)) is amended by striking out "and the Secretary of the Army;" and inserting "the Secretary of Labor, and the United States Trade Representative;".

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SEC. 3. PURPOSE AND CRITERIA FOR APPROVING ZONES.

Section 2(b) of the Act (19 U.S.C. 81b(b)) is amended—

(1) by striking out "(b) Number of Zones Per Port of Entry.—" and inserting "(3)"; and

(2) by inserting before paragraph (3) (as so redesignated under paragraph (1) of this section) the following:

"(b) Purpose and Number of Zones; Public Economic Interest Criteria Applicable to Zones.—(1) The purpose of foreign trade zones is to foster free and fair trade through increased export and transshipment activity.

"(2) The Board may not grant an application to establish a zone under this Act unless the Board finds that the proposed zone will meet each of the following public economic interest criteria:

"(A) The proposed zone will result in higher domestic employment than would be the case if the zone were not approved.

"(B) The activities that will be carried out in the proposed zone will not have a detrimental effect on companies supplying goods to the industry that will operate ion the zone.

"(C) The activities that will be carried out in the proposed zone will have a positive effect on the United States balance of trade.

"(D) The activities that will be carried out in the proposed zone will be consistent with national trade policy goals.

"(E) The operation of the proposed zone will not significantly harm competitors in the domestic economy that produce similar goods, particularly in import sensitive industries.".

SEC. 4. APPLICATION FOR ESTABLISHMENT OF ZONES.

Section 6 of the Act (19 U.S.C. 81f) is amended—

(1) by redesignating paragraph (5) of subsection (a) as paragraph (7);

(2) by inserting after paragraph (4) of subsection (a) the following new paragraphs:

"(5) the ability of the applicant to maintain operations in the zone;

"(6) The customs and tax benefits that will accrue to the applicant as a result of the operation of the zone;";

(3) by redesignating subsection (b) as subsection (c); and

(4) by inserting after subsection (a) the following new subsection:

"(b) Public Economy Interest Criteria.—The applicant has the burden of proving by substantial evidence that the proposed zone and the operations therein will meet the public economic interest criteria set forth in section 2(b)(2).".

SEC. 5. ACTION ON APPLICATIONS.

Section 7 of the Act (19 U.S.C. 81g) is amended to read as follows:

"SEC. 7. GRANTING OF APPLICATIONS, MANDATORY REVIEW.

"(a) Notice of, and Comment on, Applications.—(1) After receiving an application under section 6, the Board shall promptly—

"(A) cause to be published in the Federal Register a notice—

"(i) containing the text of the application,

"(ii) inviting, during the 30-day period following the date of publication of the notice, written comment by interested persons on the application, and

"(iii) informing the public that opportunity for a public hearing on the application is available under paragraph (2); and

"(B) if the application proposes a zone in which articles will be manufactured, request the United States International Trade Commission to prepare an opinion on the application under subsection (b).

"(2) If, by the 30th day after the date of publication of notice of an application under paragraph (1), 2 or more interested persons have requested a public hearing on the application, the Board shall, after appropriate notice, hold such a hearing no later than the close of the 15-day period following such 30th day.

"(b) ITC Opinion.—If the United States International Trade Commission receives a request from the Board under subsection (a)(1)(B) regarding an application, the Commission shall prepare, and submit to the Board within 40 days, an opinion regarding whether the proposed zone and the operations therein will meet the public economic interest criteria set forth in section 2(b)(2).

"(c) Environmental Impact.—It is the sense of Congress that the Board should consider the environmental impact of a proposed zone when reviewing the application. If appropriate, any such consideration should include consultation with the Corps of Engineers.

"(d) Board Action.—(1) The Board shall grant an application to establish a zone if the Board finds that—

"(A) the proposed plans and location are suitable for the accomplishment of the purpose of a zone;

"(B) the facilities and appurtenances proposed to be provided for the zone are sufficient; and

"(C) the proposed zone will meet all of the public economic interest criteria set forth in section 2(b)(2).

"(2) Before making a decision with respect to an application, the Board shall take into account—

"(A) all written and oral public comment submitted in regard to the application; and

"(B) if applicable, the opinion of the United States International Trade Commission submitted under subsection (b).

"(3)(A) If the circumstances described in subparagraph (B) do not apply to an application, the Board shall make a decision with respect to the application on or before the 45th day after the date on which notice of the application is published under subsection (a)(1)(A).

"(B) If a public hearing is held on an application under subsection (a)(2) or if the United States International Trade Commission is required to submit an opinion on the application under subsection (b), the Board shall make a decision with respect to the application on or before the 15th day after—

"(i) the last day of such hearing;

"(ii) the day on which such opinion is submitted; or

"(iii) if both such a hearing is held and an opinion submitted, the later of such last day or day of submission.

"(e) Review of Grants.—(1) The Board shall, with respect to each zone that was applied for on or after the date of the enactment of the Foreign Trade Zones Improvement Act, review the operation of the zone for the purpose of determining whether the zone is meeting the public economic interest criteria set forth in section 2(b)(2).

"(2) The Board shall conduct the review required under paragraph (1) regarding each zone no less frequently than by the close of each 7-year period following the granting of the application, but shall conduct such a review at any time an interested party shows good cause for review.".

SEC. 6. REPORT TO CONGRESS.

Section 16(c) of the Act (19 U.S.C. 81p) is amended by adding at the end thereof the following new sentence: "The report shall include a statement prepared by the Commissioner of Customs summarizing the administration of the customs laws with respect to the zones during the period covered by the report.".

SEC. 7. REVOCATION OF GRANTS.

The first sentence of section 18(a) of the Act (19 U.S.C. 81r(a)) is amended to read as follows: "In the event—

"(1) of repeated willful violations of any of the provisions of this Act by the grantee; or

"(2) that the Board, after review under section 7(e), considers that zone is not meeting one or more of the public economic interest criteria set forth in section 2(b)(2);

the Board may revoke the grant after 4 months' notice to the grantee and affording it an opportunity to be heard.".

SEC. 8. EFFECTIVE DATE.

The amendments made by this Act take effect on the date of the enactment of this Act; but the amendments made by sections 3, 4, and 5, and the amendment made by section 7 with respect to grant revocation for failure to meet public economic interest criteria, only apply with respect to foreign trade zones for which application is made on or after such date.

OAKLAND PRIVATE INDUSTRY COUNCIL

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. DELLUMS. Mr. Speaker, Irving Berlin once said the toughest thing about being a success is that you've got to keep on being a success. And that is exactly what the Oakland Private Industry Council has done. This marks the third year the Oakland PIC's JTPA Employment and Training Program, PIC Experience has sponsored a local contest in celebration of National Employ the Older Worker Week. The contest is designed to find Oakland's oldest paid worker and one over 65 making an especially unique or noteworthy contribution to an employer. These two winners are selected from 12 weekly winners; all are honored at a festive awards luncheon paid through donations from PIC board members and local businesses.

The contest and awards luncheon has proven over the years to be a highly successful way of drawing the public's attention to the positive side of aging and the vital role older workers play in today's workplace. The publicity than surrounds the contest serves to dispel some of the negative myths that, unfortunately, are still sometimes associated with the aging process.

Dr. Joyce T. Berry, U.S. Commissioner on Aging, will serve as keynote speaker at the March 26 luncheon. Dr. Berry's comments related to Americans living longer and healthier lives will underscore the theme that older workers can and do continue to be highly productive motivated, and loyal employees.

The high spot of the awards luncheon is the presentation of awards to the contest winners; each honoree is a success story. Each is an impressive example that age in itself does not have to be a barrier to successful and meaningful employment.

Elizabeth Werschkull heads the list of honorees. At 94 Ms. Werschkull continues to work 5 hours a day at a local cleaners, handling incoming and outgoing garments, tagging clothing, assisting customers and taking care of the banking. She is living proof that an older worker can still do the job, and still do it well.

The Oakland Private Industry Council is not only proud of the success the contest has achieved in focusing public attention on the benefit of hiring older workers, but also of its work of expanding the employment opportunities for over 600 older job seekers since 1986. Many of these job seekers have experienced the adverse effects of unemployment, such as diminished self-esteem, isolation, and economic pressures. Some of them must enter the work force for the first time, at the same age others are retiring. Some need to upgrade their skills to be competitive; others find themselves unemployed late in their careers. It's through PIC experience that these job seekers get the training they need to become successfully employed.

The Oakland PIC's continuing success can best be summed up by one of its clients, Harold Mitchell:

> The Oakland Private Industry Council really helped me out. I needed a job. It had been a long time since I had to look for work and I didn't know how to go about it. I found myself getting depressed because I knew I had a lot to offer, but I just didn't know how to find an employer who would hire me. Then I got together with the PIC job counselors and together we decided I should go to security guard school. The idea of going back to school made me a little nervous at first, but I caught on fast. Right after I graduated I got a good job. It's a job that has made me real happy, and I know my employer is pleased with my work. So I'd say the PIC really changed my life.

TARGETED EXPORT ASSISTANCE PROGRAM

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. THOMAS of California. Mr. Speaker, today I am joining with Senator PETE WILSON and several of our House colleagues to introduce legislation reauthorizing the Targeted Export Assistance [TEA] Program at a level of $325 million per year. I hope others in the House will join us in supporting reauthorization of this critical export promotion program.

The bill continues the current law focus of TEA export promotion funding: That of assisting industries victimized by unfair foreign trade practices to overcome the effects of unfair competition. The bill also provides for improved congressional oversight of the program by requiring the Department of Agriculture to report to Congress on the use of TEA funds within 15 months after funds are received by applicants.

The TEA program is one of the success stories of the 1985 farm bill. Funds made available by TEA have been matched by U.S. commodity groups. In fact, specialty crop producers all over the Nation, farmers who do not get Federal subsidies for their crops, have benefited from TEA export promotions. A list of the commodities that have been helped to expand their export opportunities under the TEA program includes peaches, raisins, barley, sorghum, soybeans, kiwifruit, cherries, pistachios, almonds, wool, prunes, seafood, strawberries, grapes, plums, nectarines, pears, walnuts, cotton, oranges, grapefruit, hops, wood products, honey, lemons, peanuts, potatoes, sunflowers, apples, rice, poultry, corn, red meats, wheat, and wine. This is an important program for all kinds of specialty crop exporters.

When Senator WILSON and I first discussed this concept, I thought it was a great idea. I still do. During my service in Congress, I have met with trade officials from nations such as Japan and the European Community nearly every year. I can tell you without fear of contradiction that those people used to think the United States was not serious about farm exports. They were especially convinced that specialty crops were low on our list of trade priorities. After the 1985 farm bill, that is no longer true.

The Foreign Agriculture Service has taken a multitude of steps to improve the administration of this program since 1985. The Service has tried to be certain that Federal funds spent under the TEA program are used in the most effective manner possible—including the use of matching funds from U.S. industries applying for TEA support. Industry has spent nearly $200 million of its own funds under the TEA program, and expenditure of another $60 million is expected this year. The bill builds on this record by requiring the Department to report on each TEA grant's use by applicants within 15 months of the time funds are made available. This improved oversight should answer any criticism of this program.

The program's successes show just how much progress has been made and how important this program has been made. Today, California raisins hold 85 percent of the United Kingdom consumer pack raisin market because of a TEA project. United States citrus sales in Japan and other parts of the Pacific Rim have been expanded under the program. TEA funds helped U.S. wine exports grow 14 percent during the last 3 years through promotional and education projects in 19 countries. Avocado, walnut, almond, and pistachio nut exports have achieved equally impressive gains through market promotion efforts founded in part on TEA funds.

Under no circumstances should the Targeted Export Assistance Program be left out of the 1990 farm bill. It would send the wrong signal to the Europeans, to Japan and to other countries engaged in unfair trade in fruits, vegetables, meats, and other specialty crops. It is especially important that we preserve this vital trade tool while we are waiting for the outcome of the Uruguay Round trade negotiations. The TEA Program has been successful in helping U.S. commodity groups open foreign markets and we should keep this important tool in place until other nations agree to eliminate the trade distorting practices that led to the Targeted Export Assistance proposal Senator WILSON and I introduced 5 years ago.

TRIBUTE TO PORTSMOUTH HIGH SCHOOL BASKETBALL TEAM

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. McEWEN. Mr. Speaker, I would like to draw the attention of my colleagues to the achievements of the Portsmouth High School Trojan's boys basketball team in the 1990 Division II Ohio State Championship Tournament held in St. John Arena at Ohio State University in Columbus, OH.

The Trojans advanced to the finals of the State tournament against a strong team from Colonel White High School in Dayton, OH. History records they played very well. Officially, the 1990 Trojans will be listed as State runner-up's, but they have returned to Portsmouth as champions, proud of their great 24–3 season.

The team, coaches, manager, and cheerleaders will be honored as champions this Friday night at a banquet. They are champions because they brought honor to themselves, their families and their community by their efforts. I wish to applaud them all.

First, the players on the 1990 Portsmouth High School Trojans boy's basketball team: David Austin; Emanuel (Lou) Barnes, Scott Barnes, Mike Estep, Brian Kelly, Dwight Lewis, Darryl Lisath, D'Amond Mannon, Eric Miller, Roger (Todd) Skaggs, Jay White and Phillip (Phil) Whitehead, Jr.

The players were ably assisted by their student manager, Philip Berger. The team could not have succeeded on their own. The Trojans were trained and coached through their especially successful season by Joe Susboticki, Rick Ferrell, Jim Rhea, Kirk McMahon, and Jim Stanley.

A team and coaches cannot do this well without the support of the community, dedicated faculty, loving parents, and faithful fans.

Fans acting on their own have an impact of course. But this year, the value of having a great cheerleading squad lead the fans was never more apparent. So I also thank the 1990 Trojan boy's basketball cheerleaders: Kelly Birkhimer, Jessica Conley, Marsha Gannon, Luann Griffith, Andrea (Andi) Hermann, Tracy McCoy, Jennifer McGraw, Kristy McGraw, Jodi Rawlins, and Amy Wise.

A basketball season lasts only a few months, but the memories of the Trojan's achievements this year will live on. Everyone will carry memories of hard work, dedication, determination, and team work from this special season. I join with the entire Portsmouth community in saluting their achievements and I commend their efforts to you today.

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FREEDOM AND INDEPENDENCE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. RITTER. Mr. President, Mr. Gorbachev and his associates continue to assure us that Soviet authorities will not use force to stop the Lithuanians on their road to freedom and independence.

But Mr. President, how does Mr. Gorbachev define the menacing passage of an armored column past the Lithuanian Parliament at 3 a.m.? How does Mr. Gorbachev define the deployment of Soviet troops to take over five Lithuanian Government buildings? How does Mr. Gorbachev define the use of armed Soviet soldiers to storm two hospitals and drag out—in a bloody trail—23 young men of Lithuania who refuse to serve in the ranks of an illegally occupying army?

When does the application of all these measures of control and intimidation amount to force? Does force mean the jailing and killing of innocent Lithuanians or does it also mean the bloody beating of courageous young Lithuanians and the military occupation of Lithuania, something we are presently witnessing.

Mr. President, it is important that we speak out now, that we let the Soviets know that we stand with the Lithuanian people in their time of need.

It is important that we speak out, and say again, that we do not recognize the forcible incorporation of the Baltic nations into the U.S.S.R. in 1939 as a result of the Hitler-Stalin pact, that grave harm will come to the growing relationship between the United States and the U.S.S.R. if blood shed occurs or if they persist in their military subjugation of Lithuania

Mr. President, I call on you to recognize the independent nation of Lithuania—and establish full diplomatic, economic and cultural ties.

Many of us in Congress urgently request that you take this bold step of recognition—which is fully in line with the past and present United States policy of not accepting their incorporation into the Soviet Union In a few short hours, last week, 100 Members of Congress signed on to such a request.

If the United States has maintained that Lithuania is not a part of the Soviet Union—why should the United States be so hesitant to recognize Lithuania as a fully independent and sovereign nation, which it was before the Soviet invasion?

America's lack of recognition of Lithuania, and the lack of recognition by other Western nations, encourages Soviet hard-liners to act violently because they underestimate the impact of their actions. America must take the lead. The courageous people of Lithuania are crying out for recognition and the moral, economic, and political support that goes with such recognition.

President Bush, we call on you to act—and recognize Lithuania's independence

A TRIBUTE TO OWATONNA HIGH SCHOOL

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. PENNY. Mr. Speaker, I am proud to announce that for the second straight year, Minnesota's First Congressional District in the southeastern corner of the State is home to both the class A and double A high school basketball champions. In fact, three of the four teams playing for the championship in those two classes hail form the First District.

We are especially proud that for the second straight year, Owatonna has captured the class double A basketball championship. It is always nice to see a school from a rural community compete with a school from a large metropolitan area. But Owatonna did more than just compete—they dominated Minneapolis North, walking away with a 72 to 26 victory. It was one point away from being the most lopsided championship score in Minnesota high school basketball history.

This was not a perfect season for the Indians, however. They were forced to bounce back from an early season string of losses which made their quest for back-to-back State championships seem highly unlikely. But hard work, determination, and the unquestionable loyalty of their fans pulled them through. I had the pleasure of attending the pep rally at Owatonna High School following the championship and can personally attest to the outstanding support the people of this community show for their team. They took one of the largest and loudest contingent of fans to the tournament and it obviously helped.

To the community, the school, the coaches, and the players of Owatonna High School, I give my heartiest congratulations.

THE NEW YORK IRISH CARMELITES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to draw the attention of my colleagues to the New York Irish Carmelites, and their proud and rich history.

In particular, I had the pleasure to march in New York City's St. Patrick's Day parade, which was dedicated to the New York Irish Carmelites. As you may know, the Carmelite order originated on Mount Carmel in the Holy Land. After being driven from that land by the Muslims, the Carmelites settled in Ireland in 1271. Centuries later, missions were established in New York and Australia to minister to the sick and the poor.

Mr. Speaker, I am particularly proud to note that the Carmelite Province of Saint Elias, the Carmelite mission to the United States, is headquartered in my home town of Middletown, NY. Further, the largest Carmelite parish outside of New York City, is located in Tarrytown, NY, which is also within my congressional district.

Mr. Speaker, I insert at this point in the CONGRESSIONAL RECORD the full text of the New York St. Patrick's Day dedication to the Carmelites and Billy Carr's excellent article on the history of the Irish Carmelites in the United States:

DEDICATION: THE NEW YORK IRISH CARMELITES AND TO PEACE WITH JUSTICE AND HONOR FOR ALL IRELAND

(By Francis P. Beirne, Chairman)

For the past century, the Irish Carmelites have ministered to the people of New York generally, and to the Irish population in particular. The names of the predecessors of the present New York Irish Carmelites must surely be a litany of Saints of the Church Triumphant. Each generation has been served by truly outstanding priests of the Order of the Holy Scapular of Mount Carmel. When the Parade Committee was approached by the Carmelites with the request to dedicate the Saint Patrick's Day Parade which would fall within their centennial year to the Carmelite Order, the reaction of the Chairman was an instant affirmative. Intuitively, I knew it was the right thing to do. Perhaps more meaningful than any other influence on my life since my arrival in America has been my relationship with and memory of the late Very Reverend Donal M. O'Callaghan, O'Carm. I also know that I am not alone in being influenced by this great, religious man.

Father O'Callaghan was born in New York on the 3rd of March 1916 and ordained onto the Carmelite Order on the 29th of May 1943. I have said that he was a religious man, and he was, but, like Father Sean Reid and most other Irish Carmelites he was also nationally minded. At a Sean Oglaigh na hEireann Easter Communion Breakfast some years back, Father O'Callaghan, in answer to a comment that some clergy had collaborated with the English occupation government stated that there were no Carmelites in that number, in fact, he said, "Throughout their long history, the Irish Carmelites have preached nothing but Faith and Sedition!" He had a way with words and could evoke strong emotions with his ready recitations of Irish poerty and inspiring quotations.

In addition to being Deputy National Chaplain of the Ancient Order of Hibernians in America and Chaplain to his father's Corkmen and many other Irish organizations in New York, Father O'Callaghan also ministered to many in Ireland. Eamon deValera was among that number as was Daithi O Conaill when the "Tall Fellow" was a political prisoner. He also sought out the graves of no fewer than nine Republicans (that I am personally aware of) in Ireland who were not buried in consecrated ground and performed the necessary rites to consecrate the last resting places of these authentic Irish heroes. An invaluable advisor to the Parade Committee and a most memorable Grand Marshal, Father O'Callaghan was also a personal friend and counsellor to so many of us, particularly to young Irish immigrants, whose cause he championed.

Father O'Challaghan presided over my marriage and baptised all but the youngest of my children; I know that I am not alone in such a memory. He was a frequent visitor to our house, having dinner with my family just one week before his untimely death on the 9th of May 1973. His memory is so green that it hardly seems seventeen years since he left us, and while we are poorer without him, we are also the richer for having known him. Michael Flannery of Tipperary, our 1983 Grand Marshal, was another of Father O'Callaghan's close friends. Mike also recalls the long history of Irish Carmelite support for the Cause of Irish Freedom. Faithful to the Irish Republic Proclaimed on Easter Monday, 1916, the New York Irish Carmelites were the most enthusiastic advocates of the Friends of Irish Freedom during the "Black and Tan" War; they continued to support the Republic during and after the Civil War. There are recurrent themes in history as well as a very real spiritual succession in separatist Irish nationalism. Mike Flannery, a Director of Cumann na Saoirse and Trustee of today's Friends of Irish Freedom, will be the Reviewing Stand as the New York Irish Carmelites pass by. Father O'Callaghan would appreciate the significance of that scene and of the place of honor for County Tipperary and the Irish Brigade Honor Guard, honoring Michael Doheny, 1848 revolutionary, Irish immigrant, Colonel of the 69th and Fenian organizer. He would also approve of the reappearance of a Republican oriented Friends of Irish Freedom marching in proximity to Cumann na Saoirse and Sean Oglaigh na hEireann.

We are indebted to Bill Carr for his scholarly summary of the history of the New York Irish Carmelites which appears in this program. In 1990 we are also commemorating the 125th anniversary of the re-unification of the United States, accomplished in no small measure through the sacrifices of Irish immigrants as the names in the Medal of Honor Grove in Valley Forge, Pennsylvania and the battle honors of the 69th, the Irish Brigade, the Irish Legion and many another "Irish" unit testify. America still needs Irish immigrants today, and they are comming; unfortunately, for the past quarter-century, the immigration laws and regulations have ignored this fact as well as the contribution of the Irish over the centuries. We have friends in the Ad Hoc Congressional Committee for Irish Affairs trying to right this wrong, but they need our support for their efforts and for the immigration reform program of the AOH.

In dedicating this 1990 New York Saint Patrick's Day Parade to the Irish Carmelites and to, in the words of John Cardinal O'Connor, "Peace with Justice and Honor" for All Ireland, let us also remember that Honor also demands Justice for our Irish immigrants. Justice in immigration reform was a cause served so faithfully by Father Donal O'Callaghan' what better tribute to him and to the Irish Carmelites than to follow his example and re-double our own efforts for Peace, Justice and Honor both here and at home.

THE CRADLE OF IRISH INDEPENDENCE IN AMERICA

(By William J. Carr, M.A. and Rev. Alfred Isacsson, O. Carm.)

The Carmelite parish on East 28th Street has been the focal point of Irish Catholic activity in New York City since its foundation in 1889. During this centennial year, the New York Saint Patrick's Day Parade is dedicated to the Irish Carmelites in New York, now also known as the Carmelite Province of Saint Elias (headquartered at Middletown, New York), they still maintain the "Mission," the parish of Our Lady of the Scapular of Mount Carmel, 339 East 28th Street.

The Carmelite Order originated on Mount Carmel in the Holy Land. The original Carmelites were holy men on Mount Carmel, who were later joined by European Crusaders. In 1209, Albert, Patriarch of Jerusalem, approved the rule of life for these original Carmelites. Persecution by Turkish Moslems forced them to emigrate to Europe. Just before 1271 the Carmelites made their way to Ireland where they became an integral part of Irish life and have survived dissolution, persecution and famine at the hands of the English occupation government.

In the latter half of the nineteenth century, the Irish Carmelites sent out missionaries to establish additional provinces for the Order. They became established in Australia in 1881 and came to New York in 1889 where they began their ministry to the sick and poor, including serving as Chaplains to Bellevue Hospital.

New York in 1889 was anything but tranquil, especially in ecclesiastical matters as they related to the large Irish population on the East Side. The introduction of the Irish Carmelites, who had had no part in earlier controversies not only restored a measure of ecclesiastical harmony, it also introduced the Whitefriars who were particularly supportive of the Irish.

The role of the Irish Carmelites in New York was always more than ecclesiastical. In addition to a very real social consciousness, they have been exceptionally supportive of the legitimate aspirations of the Irish people to see Ireland take her place among the nations of the earth as a sovereign, independent Irish Republic, free from the center to the sea. Their position on Irish affairs was the more nationalistic. Of particular historical note is the special relationship between the New York Irish Carmelites and Eamon deValera.

After the 1916 Easter Rising Father Robert Metcalfe, the "Republican priest" of Easter Week, who had ministered to the Irish Volunteers in Jacob's Biscuit Factory, was transferred from the Whitefriars Priory in Dublin to 28th Street in New York. He spoke most eloquently of the Rebels' faith in battle and of the experience of Easter Week making him feel a "better Irishman and better Catholic." The Carmelites were most enthusiastic in their support of the Friends of Irish Freedom, which was formed to mobilize American opinion in support of Irish Independence; the second National President of the Friends of Irish Freedom was Father Peter Magennis. The Carmelite Chapter at 28th Street was the most active and militant in the country. Their school hall was always available to Irish groups. Irish history, music and dance were taught in their school. The 29th Street priory (now relocated to 28th Street) was a clearing house for communications as well as a safe house for Irish leaders like Eamon deValera, Harry Boland, Liam Mellows and others. In 1919, the children of the Carmelite school purchased the first bond for the Irish Republic. The Carmelites were indefatigable in their promotion of the bond drive. They were later instrumental in the establishment of the American Association for the Recognition of the Irish Republic.

In addition, to being called the "Carmelite Mission," "28th Street," and the "Irish Church," the Church of Our Lady of the Scapular of Mount Carmel has also earned the title of the "Cradle of Irish Independence in America," Patrick McCartan, in With DeValera in America, writes this praise of the Carmelites: "Their ramshackle priory . . . was a home for every Irish exile . . . (DeValera, Boland, McCartan and others); all shared the hospitality of these good Carmelites. (They) were the true representatives of the Church Militant for the Faith and the Irish Republic. But the virtual leader in New York during these stormy days was their Assistant General, Father Peter E. Magennis. . . . In spite of the press campaign against him and of the disapproval of the ecclesiastical head of his diocese, he championed Ireland, and befriended all who were opposed in her cause. When we were homeless he housed us; sick, he cared for us, and in all our trials he was our inspiration and our help."

The Carmelite church over the past hundred years has been the spiritual center for New York City's Irish-American community, especially among the more nationally minded. Many Irish organizations, including the 69th Regiment of New York, have held annual and special religious services there.

The Carmelites, especially Father Sean Reid, O. Carm., supported Irish neutrality in World War II and continue to support the re-unification of Ireland. Perhaps the most unforgettable personality of the New York Irish Carmelites in this century was a former Provincial of the Order, the Very Reverend Donal M. O'Callaghan, O. Carm. Father O'Callaghan was a first generation New Yorker who became a member of the Corkmen's Association while attending Xavier High School and later returned to the Corkmen as their Chaplain. He was active in the Ancient Order of Hibernians at all levels, serving for many years as Deputy National Chaplain. Like Father Sean Reid, he was also active with the United Irish Counties and numerous other Irish organizations, often serving as Chaplain or moderator. A member of the New York Saint Patrick's Day Parade Committee, his advice was frequently sought in the matter of the selection of the Grand Marshal. In 1951, however, he was informed that he was to be Grand Marshal himself. Father Sean Reid also served as Grand Marshal in 1964. The Carmelites generally, and Father Reid and Father O'Callaghan of particular recent memory, were well known for helping many an Irish person in need, particularly young immigrants from home.

Immediately upon notice of the change in the immigration laws in the 1960's, Father O'Callaghan, seeing that the Irish would be adversely affected, spearheaded the drive to re-gain equity for the Irish in US immigration policy. The work which he so nobly began continues today.

There was another dimension to Father O'Callaghan's involvement in Irish affairs in that he continued the close personal relationship and correspondence between the New York Irish Carmelites and Eamon deValera. As New York Catholics lit candles on the 22nd and 23rd of November 1963, especially in the Irish Church, Father O'Callaghan received a personal telephone call from President deValera to meet him the next day in Washington and to serve the following day as his official chaplain at the funeral services of President John Fitzgerald Kennedy. There would be a New York Irish Carmelite, as there usually was, at deValera's side on this special day of tears in Irish and in American history. At President deValera's request to Father O'Callaghan in 1972, the religious habit of the calced Order of Our Lady of Mount Carmel would clothe the body of Eamon deValera as he was laid to rest in Dublin's Glasnevin Cemetery in 1975.

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Father O'Callaghan once hosted a dinner in honor of his friend, President Sean T. O'Kelly in the old Carmelite Hall. On that occasion Sean T. said that the New York Irish Carmelite Church of Our Lady of the Scapular of Mount Carmel on 28th Street was "the cradle of Irish Independence in America."

On the first of April 1989, John Cardinal O'Connor, Archbishop of New York, celebrated the opening Mass of the Carmelite centennial at an overflowing Carmelite Church on 28th Street. Under the leadership of their Provincial, the Very Reverend Matthias DesLauriers, the New York Irish Carmelites look forward in Hope to another century of service to our people and our city.

THE FOREIGN TRADE ZONES IMPROVEMENTS ACT OF 1990

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. LEVIN of Michigan. Mr. Speaker, today I join my colleagues Representatives PEASE, KAPTUR, and BARNARD in introducing the Foreign Trade Zones Improvement Act of 1990. This legislation makes much-needed changes in the U.S. foreign trade zones program, which was originally designed to promote U.S. exports but which in many cases now encourages the use of imported products.

Foreign trade zones have proliferated over the past 15 years, especially so-called manufacturing subzones. Because foreign trade zones are considered outside the U.S. Customs territory, manufacturers operating in these facilities may incorporate imported parts into their final products while paying customs duties only at the rate applied to the finished product. When the duty rate on the finished product exceeds the duty rate for parts, manufacturers can avoid what is known as the inverted tariff on parts by moving their assembly operations to foreign trade zones.

This trend is especially troubling in the automotive sector. Auto companies have been locating in foreign trade zones in part to avoid paying the full tariff on imported auto parts. This produces a twisted result in a program that was originally designed to promote the re-export of U.S.-made goods that contain some foreign parts. It also hides an estimated 5 billion dollars' worth of Japanese auto parts imports coming into the country each year. This minimizes our auto parts trade imbalance with Japan, which even without foreign trade zones stands at more than $5 billion a year. It also encourages Japanese transplant auto plants to continue doing business with Japanese parts companies instead of opening the bidding process to United States firms. Japanese transplants, which use a disproportionate amount of foreign parts, thus also benefit disproportionately from foreign trade zones.

Our bill gives the foreign trade zone program a much needed tune up by establishing strict public interest criteria for the establishment of zones. Public interest now will mean the national trade and employment interest of the United States. It is about time U.S. trade policy on every level reflected serious study of the impact particular programs have on our trade deficit and our domestic economy. Our bill injects that policy into the foreign trade zones program.

MONICA CLARK—ARKANSAS VOICE OF DEMOCRACY WINNER

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. HAMMERSCHMIDT. Mr. Speaker, the 1990 Voice of Democracy winner for Arkansas is Monica Michelle Clark, a 17-year-old senior at Southside High School in Fort Smith.

Monica was among the 137,000 students nationwide participating in this 43-year-old scholarship contest, sponsored and financed for the past 29 years by the Veterans of Foreign Wars.

Monica participated in the program under the direction of Southside teacher Ray Baker. Her parents are Alan and Phyllis Clark, and she has one brother, Brian. Monica plans to attend college, to pursue her interests and talents in dramatics and public speaking.

It is a pleasure to share with my colleagues, Monica's patriotic, award-winning composition, "Why I Am Proud of America."

WHY I AM PROUD OF AMERICA

Why I am proud of America. Back in the old days, when I was in elementary school, my teacher would assign little stories and poems about being an American or why I am proud of America.

But, I really never understood what America meant, until now. I recently became a registered voter. And as I stood in the polling line waiting to cast my first vote as a citizen of the United States of America; a small lump began to grow in my throat. I don't really know how to explain it, except that most people would probably call it pride. I could hear the voices of the millions of people before me in polling stations all over the nation, when some of the greatest decisions in America were made. I could feel the footsteps of the first women voters and I understood how proud they were, that their voices were being heard.

And then, I realized, that I was part of that voice. I walked out of the polling station that day with a deeper understanding of my country and my heritage. But, we don't always have to look back to the past to be proud of our country. We here in the present have recently witnessed a sign of the spirit of America. On both sides of the nation we experienced a horrible disaster. In the forms of Hurricane Hugo and the earthquake in California.

Houses were destroyed. People died. But then, the call went out all over the country that somewhere there were people without a home, without food; somewhere people were hurting. And then, from every town and city in the nation there came a dollar here and a dollar there, and thus, people were fed and shelters were built.

Once again, it was the people of America that conquered adversity. Oh yes, the people, the colorful and wonderfully varied people of America. The tired huddled masses that became our lawyers, doctors, businessmen, mothers, yes, even our Presidents. Some Hungarian, others French, and still others Spanish. But all Americans.

I remember a story that explains what an American is. It's about a common, ordinary little workhorse. He lived in the green mountain country of Vermont, in the days when our country was growing up. In fact, he helped it grow up. Today, his decedents, known as Morgan horses are famous throughout the world, yet nobody knows whether the first Morgans parents were British or French or Dutch. And nobody really cares. As Joel Gosh said, "Come to think of it, he's like us". He's American. "That's what he is". American . . . one of the privileges of being an American is the choices that we have.

I can't imagine, not being able to choose my vocation or my God. It's something my ancestors have worked for for hundreds of years. Freedom. Freedom to go anywhere, say anything and to be who ever we want to be. For us freedom is a way of living, and yet for some it is a way of dying; just as it was for our forefathers.

And then those times, when democracy is threatened, the people and the government of America are there. Ready to defend their ideals.

I am proud of my country, because now that we have our freedom, we have become the defenders of democracy for the entire world. And yet, while we are all proud of the freedom and the spirit of America, we must ask, "How did she get to be so great and beautiful"? What is it about America that enables her to endure the hardest times? Both questions can be answered with one simply powerful word . . . People. The men and women of the revolution and the Civil War; the brave fighters of all our wars right up to the Vietnam War. The immigrants, our grandparents, and parents; yes even you and me. We are the voice and the pride of America.

And sometimes at night when its very quiet, you can actually hear America, in every house, every town; in every state . . . the mothers, the fathers, the children . . . past, present and future.

Their hearts have beat fast and strong with pride at each new star added to our flag. Yes, I am proud of my country. I am an American.

CONGRATULATIONS TO ROC'S PRESIDENT TENG HUI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. DYMALLY. Mr. Speaker, on March 21, Taiwan elected President Lee Teng-hui as its eighth President. This is good news not only for Taiwan, but also for the United States.

A native Taiwanese, Lee Teng-hui succeeded President Chiang Ching-kuo as President on January 13, 1988. In the last 2 years President Lee has demonstrated inspiring leadership in continuing Chiang's policies of economic and political liberalization.

Taiwan's economic liberalization policy has made that tiny island country of 20 million our fifth largest trading partner, with a foreign reserve in excess of $80 billion, the largest in the world. Being the 13th largest economic entity in the world, Taiwan enjoys a per capita income of $7,300.00, equivalent to Japan's a decade ago.

Alongside its economic miracle, Taiwan has embarked upon a course of democratization, including political pluralism, rejuvenation of parliament, press liberalization, island-wide elections, and commitment to such quality of life issues as environmental protection and pollution control.

Taiwan's move toward political liberalization has been very impressive. In its latest annual survey, New York-based Freedom House gave Taiwan high ratings in both political rights and civil liberties categories.

Economic success and political liberalization at home have led the Republic of China to reexamine its international policies. In 1989, Taiwan established its first foreign aid fund of $1.2 billion and full diplomatic relations with Grenada, Belize, and Liberia. Taiwan hopes to play an international role equal to its economic status as it currently seeks membership in the General Agreement on Tariffs and Trade [GATT] and in the Organization of Economic Cooperation and Development [OECD].

There is little doubt that the Taiwan electorate's faith and confidence in President Lee Teng-hui is well placed.

President Lee's election as the eighth President is definitely good news for the United States. Under Lee's leadership, Taiwan has steadily reduced its trade surplus with us through such measures as the sharp appreciation of its currency. The new Taiwan dollar has appreciated 50 percent against the United States dollar since 1985. In addition, the ROC Government has stepped up its "Buy American Products" program, and it is Taiwan's official policy to buy American products whenever possible.

Cornell University-educated President Lee is totally committed to maintaining a strong relationship with the United States. At a time when the United States economy is weak in many sectors, American businessmen should seriously consider Taiwan as a place of business opportunities. Taiwan welcomes American products and services, and President Lee has said as long as he is in office, his pro-American stance will not change.

Mr. Speaker, I along with my fellow colleagues, Ron de Lugo, Jim Bates, Walter E. Fauntroy, Edolphus Towns, Ben Garrido Blaz, Eni F.H. Faleomavaega, and Glenn M. Anderson, extend our congratulations to President Lee Teng-hui, and wish him and his people the very best of luck during his next term of office.

LEGISLATION TO EXPAND THE STATE VETERANS' CEMETERY GRANT PROGRAM

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Ms. SCHNEIDER. Mr. Speaker, State veterans' cemeteries play a vital role in serving the needs of veterans who wish to be buried with their comrades-in-arms. Unfortunately, many State veterans' cemeteries have been badly neglected. To help address this problem, I am introducing legislation to expand the State Veterans' Cemetery Grant Program. This legislation would allow State veterans' cemeteries to receive Federal funds to help defray the costs of operation, maintenance, and initial equipment purchases. Under present law, States may only receive funds to establish, expand, or improve State-owned cemeteries for veterans.

Because the Federal Government cannot realistically assume the full burden of providing veterans' cemetaries for all veterans, there are 12 States, including Rhode Island, that do not have a national veterans' cemetery. In addition, there are more States whose national cemeteries are closed to new internments or are too far away from the homes of many veterans and their families to best serve them. For this reason, State veterans' cemeteries play a critical role in serving our veterans.

My bill does not call for the expenditure of any additional funds, but for the utilization of unspent funds from the present State Cemetery Grant Program. I believe this leftover money should be applied to help State cemeteries pay for their operation and maintenance.

The Rhode Island State Veterans' Cemetery in Exeter needs our assistance. An integral part to ensuring that veterans are remembered is to provide proper cemeteries where we can honor these brave Americans who have given so much. Mr. Speaker, I urge all Members to join in supporting this important legislation.

A TRIBUTE TO SHEILA ALLRED

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. PRICE. Mr. Speaker, I rise today to honor Sheila Allred as North Carolina's first national commander of the Disabled American Veterans' Women's Auxiliary. This prestigious honor speaks highly of her commitment and devoted service to our Nation's veterans.

Since her election as national commander last year, Sheila has brought tremendous energy and enthusiasm to her post. This energy and enthusiasm is not newfound, but has been in evidence since the age of 9, when she first got involved in the auxiliary's junior program. Sheila has been especially active in serving disabled veterans in the Raleigh area, organizing "rap group" therapy sessions for the families of Vietnam veterans suffering from PTSD. As one who has assisted in the establishment of a veterans' center satellite office in Raleigh, I understand the importance of this resource for veterans. I heartily commend Sheila for her hard work.

Sheila's proven record should be an inspiration to all. Although North Carolina is fortunate to have one of its own as national commander of the DAV Women's Auxiliary, our country's veterans are even more fortunate to have a person of Sheila Allred's caliber on their side.

THE SPIRIT OF JOHNSTOWN

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. MURTHA. Mr. Speaker, I am thrilled "The Johnstown Flood" produced and directed by Charles Guggenheim won the distinguished Academy Award for Documentary—Short Subject during last night's 62d annual awards show.

The extremely talented and humble Charles Guggenheim in his acceptance speech shortly before midnight last evening indicated with great emotion his thanks to the "wonderful people of Johnstown." I too would like to take this opportunity to commend the wonderful people of Johnstown who have suffered through great tragedy, natural disasters, and economic dislocations, yet always manage to bounce back with great pride and enthusiasm.

The 26-minute film which is shown at the Johnstown Flood Museum hourly has already been viewed by more than 100,000 people. The focus of the film is on the city's rebirth—the people of Johnstown—and their courage and tenacity. The energy of Johnstown's people in reestablishing themselves was remarkable.

The terrible tragedy which occurred on May 31, 1889, overwhelms the imagination. Twenty million tons of water roaring down the valley was responsible for killing 2,209 men, women, and children, nearly three times the toll of the great 1906 San Francisco earthquake. Another flood in 1936 hit and more recently, the 1977 flood in Johnstown, PA, claimed 88 more lives.

Not too long ago the unemployment rate in Johnstown was 26 percent, the highest in the entire country. Now it is down under 10 percent. The former thriving coal and steel town continues to successfully fight adverse situations with grace and dignity.

I want to invite you to visit our community, see our award winning documentary, and meet the wonderful people of Johnstown. This Labor Day weekend we will be hosting the National Folk Festival in Johnstown and I welcome you to this event. I know you will be pleasantly surprised.

PRESIDENT HAVEL COMMITS CZECHOSLOVAKIA TO ANTITERRORISM FIGHT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. BROOMFIELD. Mr. Speaker, President Havel of Czechoslovakia recently committed his new government to the war against international terrorism. He banned the export of the deadly explosive Semtex from his country. I commend him for standing shoulder to shoulder with other democracies in the free world's struggle against the terrorist threat.

Semtex is a Czech-made explosive that was responsible for the tragic destruction of Pan

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Am 103. It is widely used as a lethal terrorist weapon.

President Havel further promised to support a U.S.-backed initiative to add chemical markers to explosives in order to make them readily identifiable.

He also noted that the previous Communist government exported 1,000 tons of Semtex to Libya, a notorious terrorist-supporting nation. The new Prague government will cooperate in tracking down shipments of the explosive.

I strongly encourage the Havel government to increase its cooperation with the United States in counterterrorism programs.

TETRA AMINO BIPHENYL

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. SPRATT. Mr. Speaker, I am introducing a bill today to extend the tariff suspension for the chemical compound, tetra amino biphenyl or TAB. The suspension now expires at the end of 1990 and my bill would extend the suspension to the end of 1993. A similar bill proposing to extend the tariff suspension on TAB is being introduced into the Senate by Senator THURMOND.

This bill should not be controversial. Since my election to Congress several years ago, I have offered two virtually identical bills both of which have easily passed the Congress and been enacted into law. There is no domestic source of TAB which means it must be imported from West Germany. Because it is not made in the United States, an extension of the duty suspension will not cause injury to any American businesses or workers. Despite the fact that it is not controversial, passage of the bill is critical in keeping open a factory in my district which depends on a regular supply of TAB at a moderate price. TAB is a specialty chemical used solely for the production of a high performance fiber called PBI. PBI has proven to be one of the most effective products on the market in protecting people against dangerous exposure to fire, heat and toxic chemicals. Commercial applications for PBI include protective gear for firefighters, flight suits and crash rescue gear.

Passage of this bill is essential to protect American jobs by ensuring continued production of PBI, a fiber which would be discontinued if the duty is reimposed. The only commercial factory in the world manufacturing PBI is located in Rock Hill, SC, in the heart of my district. From the time it began producing PBI and until last year, the company which owns the Rock Hill plant had been losing money on PBI. Just last year, the company for the first time turned a small profit on the product. The profit margin is still very narrow, however, and if the duty on TAB is reinstated, the cost of production would undoubtedly force the company to discontinue making PBI. The extra cost would simply make TAB commercially unfeasible. A shutdown in production would force the layoff of several hundred workers in my district and the loss of approximately $20 million in salary and revenue which now come into South Carolina. It would also mean the end of an important fire resistant product which has proved very helpful in saving lives and reducing injuries to thousands of people in hazardous occupations.

Given the importance of this bill in saving U.S. jobs and given the fact that it will not harm any domestic business or workers, I urge my colleagues to give this bill their support.

COMMEMORATING BATON ROUGE ZOO'S 20TH ANNIVERSARY

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. BAKER. Mr. Speaker, I would like to take this opportunity to recognize the celebration of the 20th anniversary of the Baton Rouge Zoo on March 31, 1990. The zoo is a beloved symbol of the people of Baton Rouge because of the hard work of children and parents. Twenty years ago children gave their hard earned pennies to acquire the first animals.

Although there was a small zoo in Baton Rouge during the 1930's and 1940's, it was closed for lack of funds. The current Baton Rouge Zoo opened on Easter Sunday in 1970. To help with early funding, local television personality Buckskin Bill led a drive to have the children of Baton Rouge donate their pennies to help buy Penny the Elephant who quickly became a favorite of the entire city. Since then, the Baton Rouge Zoo has grown but still keeps the hometown flavor, and is a special place for children of all ages.

During its two decades of service to the community, the zoo has developed an exemplary reputation for helping to preserve the world's valuable wildlife resources. The zoo's spacious enclosures allow the animals greater freedom and the ability to live in a more natural state that has helped the zoo's reputation grow along with its size. Among the more than 900 animals, reptiles, and birds is a collection of hoofstock, considered one of the best in the country, that includes exotic African species.

The Baton Rouge Zoo also participates in the American Association of Zoos Species Survival Plan, an effort to keep 40 endangered species genetically clean by keeping at least 500 of each breed in zoos across the country. Thirteen of the 40 species can be found at the Baton Rouge Zoo, including the white rhinoceros, snow leopard, Grevy's zebra, black palm cockatoo, and Siberian tiger. In addition, the zoo houses many other endangered species that are not yet under the auspices of the species survival plan. To accommodate these special animals, the zoo has set aside 20 exhibit areas away from public view to encourage the animals to breed and care for their young.

A primary focus of the Baton Rouge Zoo is to educate the community about the natural habitat and environment of wildlife. Tours, presentations, and live animal demonstrations are part of an outreach program that takes programs, animal artifacts and live animals to groups throughout Baton Rouge and southeast Louisiana. Clearly, by creating greater public awareness, we can best ensure the protection of this important resource.

The success of the Baton Rouge Zoo is due in part to the support of many local citizens. The city's children have grown up feeling like they have helped build the Baton Rouge Zoo and take pride in it's success. In fact, members of my congressional staff have fond memories of donating their hard earned pennies for "Penny." My family and I have enjoyed the Baton Rouge Zoo for years. I am proud of the Baton Rouge Zoo's growth and numerous contributions to our community. I look forward to the next two decades of leisurely walks and excited children seeing lions and tigers and bears for the first time.

NATIONAL COMMISSION ON DEFENSE AND NATIONAL SECURITY

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. DICKS. Mr. Speaker, today I am introducing, along with the gentleman from South Carolina [Mr. SPRATT], the gentleman from Missouri [Mr. SKELTON], and the gentleman from Michigan [Mr. DAVIS], legislation to establish a National Commission on Defense and National Security.

The administration is being criticized by many, both inside and outside Congress, for its lack of strategic vision. To some extent these criticisms are valid. The President has not enunciated any grand design for American security policy into the next century. His just-released "National Security Strategy of the United States" does provide some tentative hints on changes that must be made to deal with the rapidly changing world environment. But it does not go as far as it might in defining our future world role. In particular, it avoids the difficult priority choices and how we will pay for the tasks that are included. This means-to-ends mismatch is especially critical in an age of ever-present Gramm-Rudman-Hollings budget restrictions.

On the other hand, I disagree with those who expect the administration to pull out of thin air a coherent, well-defined security policy for the future with a wave of a magic wand. Contrary to popular myth, the post World War II policy of deterrence and containment did not materialize overnight or through some single article in a world political journal. It took nearly 5 years and many fits and starts before the bipartisan consensus that endured from 40 years was achieved.

While we may debate the reversibility of recent events in Europe, there is also considerable uncertainty in the direction of the world. The events unfolding in Lithuania are but one example. How well the developing world responds to nurturing democracy, by managing economic development and population, growth will be at least as important as how Eastern Europe fares. In other words, it is highly unlikely that we are witnessing the end of history. The potential for conflict will remain high as prejudice, nationalism, and competition for resources continue to raise their ugly heads.

Developing a new national security policy to deal with the 21st century will not be an easy task. But I am convinced that the process will be improved if we can call on the full range of human resources we possess, both inside and outside government, to meet the challenge. It will also be important to establish a bipartisan dialog if such a policy is to take permanent root. The ad hoc individual strategy posturing we are beginning to witness will only hinder the process unless there is a mechanism to integrate varied points of view.

For these reasons I am convinced that a National Commission on Defense and National Security can play a constructive role in achieving a consensus for the future. I recognize the reluctance to appear to be abdicating difficult issues to an outside commission. But the task of the Commission will not be to make final policy decisions. That must remain the responsibility of the executive and legislative branches of the Federal Government. The Commission could provide an impetus for debate and a mechanism by which the issues could be presented away from the everyday considerations of politics.

In recognition that recent revolutionary world events require a fundamental reassessment of the defense and national security policies of the United States, the Commission is tasked to analyze and make recommendations to the President and Congress both for the short term and the long term.

The Commission would be composed of 10 members, none of whom are currently holding office in the Federal Government. Four members would be appointed by the President, including the Chairman. Two each would be appointed by the Speaker and Senate majority leader. One each would be appointed by the House and Senate minority leaders. The Commission would issue an initial report within 6 months after its creation, and would submit annual reports for a period of 5 years. While efforts to reach consensus would be made, minority and dissenting views would be permitted to assure that all viewpoints are presented.

The Commission would work closely with appropriate Federal agencies, would be empowered to hold hearings and would be expected to consult with allies and other praticipants in the world theater.

I look forward to working with the leadership in this body on national security issues on this measure and hope that it can serve to focus our attention away from the temptation to seek immediate easy answers to an extremely complex problem, and instead focus our attention on the difficult choices that await this Nation if we are to continue as a world leader in the coming century.

A TRIBUTE TO MRS. HELEN NUNN

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. POSHARD. Mr. Speaker, on April 3, Mrs. Helen Nunn will turn 90 years old. I think that's an accomplishment worth noting. But it's significant not simply for her longevity, but for what she has accomplished and contributed during those years.

Mrs. Nunn moved to Herrin, IL, one of the fine communities in my district, when she was only 6 months old. And we are thankful she decided to stay.

She and her husband, Joe, who is now deceased, helped build the Bryan Street Baptist Church. She remains active in keeping that most important of community resource, the church, alive and working for the improvement of her community.

Mrs. Nunn is also active in the Royal Neighbor Lodge, where she has served in almost every capacity available. In her spare time she continues to bake cakes and cookies for her friends. That's a loving gesture that shows how kind and caring she is.

In between all of this other activity Mrs. Nunn is busy keeping track of her two daughters, 6 grandchildren, 16 great grandchildren, and two great-great-grandchildren. One of her grandchildren is a close friend of mine, Mr. Rick McNeill, a man who continues Mrs. Nunn's example of service to her community and church.

My colleagues, we should take a great deal of strength and encouragement from this birthday. It's special because it marks another milestone in Helen Nunn's life. And it's special because it affirms our belief in values like family, faith, and service.

Happy birthday Helen. Thank you for letting us share in your health and happiness.

AMGEN, INC.—10 YEARS OF PIONEERING

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. GALLEGLY. Mr. Speaker, on April 8 a pioneering company headquartered in my district will celebrate its 10th anniversary. And what a decade it's been.

In an era when leadership in so many fields has been assumed by other nations, we can all be especially pleased to be reminded that in many industries, America is still No. 1. Such is the case with biotechnology. And by any token, one of the leaders of this exciting new field is Amgen, Inc. In just 10 years, by taking on the risks and challenges associated with becoming a pacesetter in this new and promising dicipline, Amgen has succeeded in becoming a world leader, and the future looks just as bright.

Through its painstaking research and investments in the field of genetic engineering, Amgen is developing breakthrough treatments for widespread human health problems such as kidney disease, cancer, and injuries or wounds to bone and skin tissues.

One of its biggest success stories so far is the development of Epogen, a drug that alleviates debilitating anemia in the more than 100,000 Americans who suffer from kidney disease. By stimulating the body's production of red blood cells, Epogen greatly enhances the quality of life for kidney dialysis patients. The drug gives kidney patients the energy to resume their normal lifestyles and eliminates the need for—and grave risks of—frequent blood transfusions.

Epogen is such a breakthrough that it was honored as one of Fortune magazine's 1989 products of the year.

In another affirmation of Amgen's scientific leadership, the company received the first U.S. patent relating to granulocyte colony stimulating factor [G-CSF], a treatment that in clinical trials has greatly improved the immune systems of cancer patients undergoing chemotherapy. Neupogen, Amgen's trade name for the product, is currently being reviewed for market approval by the U.S. Food and Drug Administration.

In addition, the company is building significant expertise in the area of tissue growth factors. Its research may one day yield products that accelerate the healing of burns, surgical wounds, and bone fractures.

But besides its invaluable research, Amgen is a good corporate citizen. It is a strong supporter of the overall welfare of Thousand Oaks and Ventura County, CA, by participating in local school science programs and underwriting public presentations by business management experts. It is also a significant economic force, employing some 700 people in Thousand Oaks and Boulder, CO, and contributing an annual payroll of $30 million to these communities.

Mr. Speaker, I know I speak for my colleagues in extending my warmest congratulations to Amgen as the company completes its first decade of service and research, and in wishing it the best as the company builds on that solid base of accomplishment.

HONORING FRED D. BURKHARDT, WEST COVINA CHAMBER OF COMMERCE

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. TORRES. Mr. Speaker, I rise today to recognize a special individual, Mr. Fred D. Burkhardt, executive vice president of the West Covina Chamber of Commerce. Fred has assumed a position in the State of Oregon and is resigning from the chamber. He will be honored at a special dinner on Friday, March 30, 1990.

Fred Burkhardt has served the business community of West Covina for the past 10 years as executive vice president of the chamber of commerce of West Covina and executive vice president of the San Gabriel Valley Council of Business and Industry [COBI].

Fred was born in Springfield, OH. He moved to California in 1962 to attend California State University at San Diego where he received his bachelor of arts degree. He earned his masters of business administration from the University of Southern California. He served as an officer in the U.S. Air Force during the Vietnam war. Fred is married to the former Linda Fiore; he has three children and one grandchild.

During his tenure as executive vice president, Fred Burkhardt has had the opportunity to shape many new programs within the West Covina Chamber and the field of chamber management in general. Under his management, chamber membership increased by 250 percent. He was responsible for the design and development of the chamber's office automation systems and membership database. His strength has been in the field of economic development. He was the architect of the regional office marketing plan [ROMP], a joint chamber/city marketing plan which was instrumental in reducing West Covina's office space vacancy rate.

Fred is also responsible for the highly successful Leadership West Covina, a program designed to identify and train residents and business people for leadership posts within the community. Another successful project that he initiated is the West Covina Summer Concert Series, which has become a favorite community activity attended by about 10,000 West Covina and valley residents each summer.

A resident of West Covina, Fred has actively participated in community activities. He has been a member of the board of directors of the men's club of both Queen of the Valley and Inter-Community Hospitals, founding board member and past treasurer of Queen of the Valley's 2100 Club, and a member and current second vice president of West Covina Lions Club. He has maintained 15 years of perfect attendance at Lions and received the master key for recruiting 25 new members. Fred has served on the board of directors of the West Covina Federal Credit Union and is affiliated with many professional organizations for chamber of commerce executives. He has lectured on organizational management for chamber of commerce executives and on small business financing at various industry institutes and at Pasadena City College.

He was appointed by President Reagan to serve as a member of the California Civilian Review Board of No. 739 and is currently serving as chairman of that board. He also holds a lifetime general elementary teaching certificate from the State of California.

Mr. Speaker, on March 30, 1990, the citizens of West Covina will say farewell to a dynamic individual. A man with the ability not only to shape new ideas, but a leader who was able to make those ideas a reality. I ask my colleagues to join with me in a salute to a fine individual and friend, Fred D. Burkhardt, for his outstanding record of service to the community of West Covina. And, to wish both he, and his wife, Linda, best wishes for a successful future in their new home.

HONORING CHAI LIFELINE/CAMP SIMCHA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. ACKERMAN. Mr. Speaker, I rise today to honor one of the most distinguished nonprofit social service organizations in the Jewish community: Chai Lifeline/Camp Simcha. On Sunday, April 1, the group will hold its second annual benefit dinner at the Grand Hyatt Hotel in New York City, the proceeds going to support the work of the group in serving seriously ill children in New York, Florida, and Israel.

Chai Lifeline has been in existence since 1986 and in that time it has performed a tremendous service to many Jewish children afflicted with serious illnesses. Through the work of volunteers and support groups, the organization has lent a helping hand to the families and become a friend to hundreds of Jewish children. In addition to its volunteer work and support groups, another way Chai Lifeline helps these children and their families deal with their problems is to sponsor the world's only kosher summer camp program for children with cancer, Camp Simcha. During the 4 years this unique program has been in existence, the number of children attending the camp has grown steadily from 7 to close to 100 last year. And with this year's camp, they expect to exceed that figure.

The success of Chai Lifeline/Camp Simcha in the past 4 years is due to the contributions of many caring and generous individuals, some of whom will be honored at the benefit dinner on Sunday. Among those who have made outstanding contributions are: the guest of honor, David B. Newman, a prominent investment banker, the recipients of the Medical Achievement Award, Drs. Peter and Laurel Steinherz, specialists in pediatric oncology and cardiology at Memorial Sloan-Kettering Hospital; woman of valor, Barbara Billauer, a prominent Manhattan attorney; Sy Sheldon, an active civic and political leader in Queens County and recipient of the Community Service Award, and Rabbi Simcha Scholar, the national executive director of Chai Lifeline.

Mr. Speaker, in a time when there is a great need for groups and people who can go that extra mile to help those who need help, it gives me great pleasure to pay tribute to a group of people who have indeed answered that call. I ask my colleagues to join me in honoring the contributions made by Chai Lifeline/Camp Simcha to its community and to wish it continued success in the future.

KEEPING OUR EYES ON THE REAL PRIZE: THE CHILD CARE BILL

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. OWENS of New York. Mr. Speaker, as we finally approach the debate of the long overdue legislation to increase and improve child care services in our Nation, I think it is appropriate that I take this opportunity to express two important personal concerns.

My first concern is the desire to pass a child care bill which is the product of a democratic process. The so-called ABC bill represents—or since it has been dismembered I should say it once represented—the results of the best implementation of the democratic process. Under the auspices of the Education and Labor Committee many hearings were held, numerous group meetings took place and there was a considerable amount of negotiations.

Mr. Speaker, while numerous legislators have done their duty to guarantee maximum discussion and negotiation of the proposals to increase and improve child care services, I would like to highlight the fact that the democratic process was greatly enhanced by the numerous hard-working advocates and laypersons who are concerned about child care. In particular I would like to salute the work of the Children's Defense Fund and Marian Wright Edelman.

Without the continuing work of people like Marian Wright Edelman the legislation for child care would decay into irrelevant posturing and partisan sloganeering. We should be grateful that the Children's Defense Fund has helped us to keep our eyes on the real prize.

Mr. Speaker, a second concern of mine is the education of the school age children of America. I am particularly concerned about education in high schools and junior high schools where we begin to lose such a large number of our children. Several years ago my concern with education led me to set up a Martin Luther King Commission in my district which was primarily concerned with the improvement of education. Each year we sponsor essay, poetry, and art contests.

Last Sunday this Central Brooklyn Martin Luther King Commission voted to initiate a Positive Rap Project designed to explore ways to use Rap, a teenage craze which often employs rhythm and rhyme in ways that are quite creative. There is considerable controversy about the substance of what is often being said; however, the format, the medium, is an exciting one. Our commission voted to seek ways to promote positive substance in the Rap style.

Although I am not a musician, the purely poetic component of the Raps has aroused my interest since I sometimes write poetry as an outlet for my political frustrations. Very few pieces of legislation have been as frustrating as the child care legislation which has been "in process of becoming" for nearly 3 years.

Last week my two concerns came together. As a way to illustrate some understanding of the young Rap artists I decided to write a few Rap style poems. My first attempt focused on my frustration with the Congress and its child care deliberations. I would like to close with this Rap poem which I have entitled "Let the Mothers Lead the Fight." The poem is dedicated to Marian Wright Edelman and the Children's Defense Fund:

LET THE MOTHERS LEAD THE FIGHT

(Dedicated to Marian Wright Edelman and The Children's Defense Fund)

Let the mothers lead the fight—
Sisters snatch the future from the night
Dangerous dumb males have made a mess on the right
Macho mad egos on the left swollen out of sight
Let the mothers lead the fight!
Drop the linen—throw away the lace
Stop the murder—sweep out the arms race
Let the mothers lead the fight:
Use your broom
Sweep out the doom
Don't fear the mouse
Break out of the house—
Rats are ruining the world!
Let the mothers lead the fight!
Fat cats want to buy your soul
Saving the children is the mother's role:
Cook up some cool calculations
Look up some new recipes
Lock the generals tight down in the deep freeze.
Let the mothers lead the fight!
Human history is a long ugly tale
Tragedy guided by the frail monster male:
Babies bashed with blind bayonets
Daughters trapped in slimy lust nets,
Across time hear our loud terrified wail—
Holocaust happens when the silly males fail.
Let the mothers lead the fight!
Snatch the future back from the night
Storm the conference rooms with our rage
Focus X-rays on the Washington stage.
The world is being ruined by rats!
Rescue is in the hands of the cats:
Scratch out their lies
Put pins in smug rat eyes
Hate the fakes
Burn rhetoric at the stakes
Enough of this endless bloody night
Let the mothers lead the fight!
Holocaust happens when the silly males fail!
March now to end this long ugly tale
Let the mothers lead the fight!
Stand up now to the frail monster male!
Let the mothers lead the fight!
Snatch the future back from the night!
Let the mothers lead the fight!

A SALUTE TO GUNTHER GEBEL-WILLIAMS

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. IRELAND. Mr. Speaker, I rise to pay special tribute to one of our Nation's most illustrious and beloved personalities.

Certainly no circus performer in history has touched the lives of more American families than Gunther Gebel-Williams, the "greatest wild animal trainer of all time." Entire generations of children, parents, and grandparents have been thrilled and captivated by his courage and charisma in the ring.

More than 20 years ago, in a remarkable acknowledgment of his talent, Ringling Bros. and Barnum & Bailey Circus purchased the entire Williams Bros. Circus in Germany to acquire this young performer. Since coming to this country, the legendary star of the Greatest Show on Earth has entertained more than 100 million "children of all ages" in more than 11,300 live performances in cities and towns throughout the United States. No other performer, living or dead, has played to more people in live audiences than this renowned "Lord of the Rings."

He is widely credited with changing forever the training of exotic animals by building personal relationships which enable him to direct snarling tigers through the sheer strength of his own personality and command a herd of elephants solely through the sound of his voice.

Gunther Gebel-Williams has set a new standard of exemplary care of animals and his greatest legacy is his example of the harmony that can be attained between man and beast.

He has become so much a part of our national heritage that his accomplishments have merited a display in Washington's own Smithsonian Institution among other building blocks of American history.

We owe a debt of gratitude to Gunther Gebel-Williams and to Kenneth Feld, producer of Ringling Bros. and Barnum & Bailey Circus, for this outstanding performer's rich contribution to wholesome family entertainment and the culture of our country.

This year, Gunther Gebel-Williams is performing in the Nation's Capital for the last time as part of his historic Farewell Tour. During the tour, he has been accorded well-deserved recognition in numerous States through legislative resolutions and executive proclamations documenting his special role in our national life.

We honor and salute him for his unique place in the featured ring of American circus history and the lasting place he has earned in the hearts of all of us.

A TEENAGER'S VIEWS ON ABORTION

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. HUBBARD. Mr. Speaker, I have been receiving letters and telephone calls from constituents and others who are expressing their views on pro-choice issues.

At this time I would like to share with my colleagues a February 25 letter to me from Laura Alvey of Henderson, KY. Laura is 14 years old and a student at South Junior High School in Henderson. She has taken the time to share her comments with me about her view that abortion should be an option for all women, writing that "A woman's body is her own."

I urge my colleagues to take a moment to read this excellent letter from Laura Alvey. The letter in its entirety follows:

FEBRUARY 25, 1990.

U.S. Representative CARROLL HUBBARD,
2267 Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN HUBBARD: I would like to address an issue that is on the minds of many teens today. That issue is abortion. Abortion should be an option for all women who get pregnant. A woman's body is her own, and she should be able to make decisions about it by herself.

Some people say that abortion should not be legal because so many people want to adopt children. Why should their opinions be more important than the mother's? Others say that abortion should only be legal if one has been raped. Just because someone gets pregnant on her own free will doesn't mean she should be punished. Everyone makes mistakes in his or her life, and just because one gets pregnant on her own doesn't mean she is a bad person. I also disagree with a girl under 18 having to get her parents' permission for an abortion. In one case, in Indiana a young girl who got pregnant went to a back-alley abortionist and died. No one can imagine how ashamed and afraid a girl is when she gets pregnant so young. My purpose is not to promote abortion. I just want every woman to have the choice.

I hope that abortion will stay legal forever, and I hope that something can be done about laws requiring parents' permission for an abortion if one is under 18.

Sincerely,

LAURA ALVEY,
Henderson, KY.

PUT SOME MONEY WHERE OUR MOUTH IS—SUPPORT THE LOWEY AMENDMENT TO H.R. 3847

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. SLATTERY. Mr. Speaker, I am pleased to rise in support of the amendment to H.R. 3847 offered today by Representative NITA LOWEY of New York.

As we are only weeks away from the 20th anniversary of Earth Day, it is fitting that Congress should now promote the Environmental Protection Agency to a cabinet position as the Department of Environmental Protection.

The amendment offered today by Representative LOWEY urges Congress to recognize that this promotion to a cabinet position must be accompanied by an increased commitment of resources. Over the past 8 years, the EPA budget has been gradually whittled away. In fact, the EPA operating budget is lower this year in constant dollars than it was 13 years ago.

If we are to make the Department of Environmental Protection a powerful and effective agency for the American people, and our environment, we must provide adequate funding. The Lowey amendment recognizes that we cannot continue the hollow promises of the past decade. Instead, we must make a commitment to funding the Department of Environmental Protection at a level that will ensure enforcement of our environmental legislation.

This year Congress will enact legislation to reauthorize the Clean Air Act. If our efforts to clean our atmosphere and to reduce harmful emissions are to be successful, the new Department of Environmental Protection must receive the authority and financial backing to enforce our expansions to the Clean Air Act.

I urge my colleagues to support the Lowey amendment and to recognize that the American public wants action to clean our air, land, and water. Environmental protection cannot

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be accomplished, however, unless we provide the money to make it possible.

TRIBUTE TO ELIAS KARMON

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Mr. SCHEUER. Mr. Speaker, I rise to pay tribute to a constituent of mine who is a living embodiment of the spirit of volunteerism that President Bush so often talks about.

For 50 years, Elias Karmon, 80, has devoted much of his time, effort, and financial resources toward the betterment of life in the Bronx. Through his active involvement in a wide array of business, civic, health, humanitarian, and service organizations, Mr. Karmon truly has made a difference.

A founder of the Albert Einstein College of Medicine, Mr. Karmon has chaired its Bronx Council and its annual dinners and helped raise considerable funds for this renowned center of medical research and teaching.

Mr. Karmon's demonstrated interest in health concerns has not been limited to his involvement with Albert Einstein College of Medicine. He also served for 16 years as a member of the lay advisory board of the old Lincoln Hospital, and 9 years as its chairman. He currently serves on the boards of the South Bronx Mental Health Council and the Beth Abraham Hospital Foundation, and formerly chaired Vocations and Community Services for the Blind.

Mr. Karmon has done much for the youth of the Bronx. Throughout most of the 1960's, he organized annual Christmas parties which attracted thousands of youngsters from local schools, churches, the Police Athlete League [PAL], Scout troops, and settlement houses to a now defunct RKO theater. He chaired the executive committee of the Bronx Boys and Girls Club, and a swimming pool at its Hoe Avenue building now bears his name. He serves on the boards of the Bronx Community College Foundation and Bronx Special Olympics, among others.

Like me, Eli Karmon also has been a devoted Jew and dedicated supporter of the State of Israel. A former vice president of the American Jewish Congress, Mr. Karmon currently serves on the boards of Bronx House, Bronx Jewish Community Council, and the Pelham Parkway Jewish Center.

Committed as he is to fostering racial harmony, Mr. Karmon is a life member of the NAACP and a charter member and founder of the Bronx office of the New York Urban League.

In addition to these and other community and philanthropic involvements, Mr. Karmon has been active in many phases of real estate—as a builder, developer, and member of the Bronx Board of Realtors. A founder of the Ponce de Leon Federal Savings Bank, he currently serves as its treasurer.

Over the years, Eli Karmon has garnered many accolades and awards for his efforts. I am delighted to join in recognizing him now, on the occasion of his 80th birthday, for a lifetime of distinguished efforts as a civic activist, businessman, and philanthropist. The Bronx is a much richer place as a result of his continued presence and activism. All communities could benefit by having in their midst dedicated, community-minded citizens like Eli Karmon.

INTRODUCTION OF FOREIGN TRADE ZONES IMPROVEMENT ACT

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 1990

Ms. KAPTUR. Mr. Speaker, I am pleased to be an original cosponsor of the Foreign Trade Zones [FTZ] Improvement Act. As cochair of the Congressional Auto Parts Task Force, I have continuously fought to open Japan's automotive market to United States auto parts exports. While the growth in the auto parts trade deficit is largely attributable to Japan's closed market, the FTZ Program in the United States exacerbates the deficit by providing an incentive to import parts. The legislation introduced today will improve the operation of the FTZ Program to make it consistent with national trade policy and the national economic interest.

The FTZ Act of 1934 created zones that are considered outside of U.S. Customs territory to promote U.S. participation in export and transshipment activity. No duties are collected on goods as they enter FTZ's. If the finished goods are exported, the tariffs are never collected. If the finished goods enter U.S. Customs territory, the duty is assessed on the finished goods. Manufacturers in industries with inverted tariffs, where the duty on the parts is higher than the duty on the finished product, reduce duties on imports by operating in subzones. The automotive industry has been the prime beneficiary of the FTZ Program and the inverted tariff structure. Auto assembly subzones account for 24 of the 101 subzones and 85 percent of all goods received in zones. Imports into auto subzones increased from $200 million in 1978 to approximately $7.5 billion in 1988. The majority of these imports came from Japan and flowed into Japanese auto subzones. The auto subzones, however, exported only 9 percent of production in 1988. It is very ironic that a program originally intended to promote U.S. exports has been transformed into one that gives greater rewards to firms which import more parts.

Neither the auto nor the auto parts industry can afford to give away any competitive advantage in their home markets when they continue to fight a losing battle in selling their products to Japan. Autos and auto parts account for over half of the $50 billion trade imbalance with Japan. Including FTZ imports, the United States imported over $11 billion in parts from Japan in 1989. Exports to Japan totaled only $300 million. The tariff on auto parts should create a small incentive for United States subsidiaries of Japanese auto plants to source domestically. Instead, the FTZ Program encourages the transplants to imitate the exclusionary trade practices of their Japanese parents and import parts from traditional suppliers in Japan.

The FTZ Board has approved every subzone application filed by a Japanese auto transplant. The Board operates with draft regulations that have never been officially adopted and bases decisions on precedent, rather than considering the national economic impact of a proposed zone. For example, the Board looks at local benefits that will accrue to an area, ignoring the question of job displacement on the national level. A 1988 International Trade Commission study found, however, that the domestic parts industry lost 14,600 jobs because of FTZ's while the auto assembly industry gained 4,400.

Further, the Board's decisions do not take into account overall trade policy initiatives. The Market Oriented Sector Specific [MOSS] talks with Japan on auto parts have been underway for several years to break down barriers in Japan's market. Little progress has been made to end the structural, nontariff barriers such as keiretsu which keep U.S. parts exports stalled at only $300 million. It is inconsistent with trade policy efforts to on the one hand grant a unilateral trade concession to Japan in the form of reduced duties on auto parts while on the other hand negotiating for trade reciprocity in that same sector.

The legislation we are introducing today reaffirms that the purpose of the FTZ Program is to promote "free and fair trade through increased export and transshipment activity." The legislation establishes public economic interest criteria that must be met in order for the Board to grant an application. The criteria take into account a zone's impact on national employment, supplier industries, the trade balance, and trade policy. The legislation explicitly states it is encumbent upon the applicant to prove that the public interest criteria will be met.

The legislation also establishes a timeline for processing applications so that firms will not have to wait for a year or more for a decision after filing an application. Currently, the FTZ Program is understaffed and overburdened by growing numbers of applications. Accordingly, the legislation calls upon the International Trade Commission to conduct an analysis of the economic impact of a zone when the application is for a manufacturing subzone. It also establishes a mechanism to petition for a public hearing about a subzone application.

I believe that the changes contained in this legislation will result in a fairer and more efficient process for judging FTZ applications. Congress has not amended the FTZ Program in over 40 years even though the fundamental makeup of the program has shifted from one that enhances exports to one that provides an incentive to import. The General Accounting Office and the Government Operations Committee have recommended that Congress amend the FTZ Act, requiring the FTZ Board to follow specific trade and employment criteria in reviewing zone applications. This legislation incorporates their recommendations while recognizing the many instances when FTZ's are useful and even necessary for firms to compete in the international marketplace. I urge my colleagues to examine the hearing records and reports from the Government Operations Committee and the Ways and Means Committee for a further discussion of FTZ's and to act quickly to pass the Foreign Trade Zones Improvement Act.

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SENATE—*Wednesday, March 28, 1990*

(*Legislative day of Tuesday, January 23, 1990*)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

He that hath an ear, let him hear * * *.—Revelation 2:7.

Eternal God, Lord of history, yesterday we honored a great American. We were reminded that one way to honor him was to hear his words. May we realize that if we expect to be heard when we speak, we should hear others as they speak. Help us to heed the prophetic words of President Eisenhower in his farewell address:

"As we peer into society's future, we—you and I, and our Government—must avoid the impulse to live only for today, plundering, for our own ease and convenience, the precious resources of tomorrow. We cannot mortgage the material assets of our grandchildren without risking the loss also of their political and spiritual heritage. We want democracy to survive for all generations to come, not to become the insolvent phantom of tomorrow." (Washington, DC, January 17, 1961, Farewell Address.)

Give us ears to hear, Lord. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 28, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, this morning, following the time for the two leaders, there will be a period for morning business not to extend beyond 9:30 a.m., with Senators permitted to speak therein.

At 9:30, the Senate will resume consideration of the clean air bill. Senator SPECTER is expected to offer his tax credit amendment at 9:30. That amendment will have a 2-hour time limitation, with the time equally divided between the two sides. A vote relative to that amendment could therefore occur at or prior to 11:30 this morning. Other votes are anticipated throughout the day.

Yesterday, a unanimous-consent agreement was reached which provides for final passage of the clean air bill not later than 8 p.m. on next Tuesday.

I am grateful to the distinguished Republican leader for the cooperation he provided in enabling us to obtain that agreement. I had, of course, hoped that it could be done this week, but a definite time is the important thing, and I am grateful that we are now going to act finally on this comprehensive legislation by next Tuesday evening. Under the agreement, after the Specter amendment, any other amendment offered will be under a time limitation of 1 hour.

On tomorrow, Thursday, the Byrd amendment will be debated beginning at 10 a.m. with a vote on or in relation to that amendment at 3 p.m. Also beginning at 4 p.m. tomorrow the consideration of so-called allowance amendments will begin, no sooner than that. It may begin at that time or thereafter.

So, Mr. President, I encourage Senators to come to the floor and offer those amendments that they wish to offer. In any event, I am pleased and gratified that we are now at a point where we will complete action on this legislation not later than next Tuesday evening. I especially want to thank the distinguished managers of the bill, Senator BAUCUS and Senator CHAFEE, who have been outstanding in their perseverance and presentation and consideration of this legislation.

Mr. President, I reserve the remainder of my time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. EXON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes Senator EXON.

THE DAWN OF A NEW ERA

Mr. EXON. Mr. President, the political changes around the world are cause for great American satisfaction and indeed joy. At this time last year one could not have imagined the dramatic events which are taking place on a daily basis. I wish to associate myself with the remarks made on March 22 by my good freind and close colleague, the Senator from Georgia.

At that time, indeed, Senator NUNN spelled out some problems that we are facing, and he addressed with great eloquence the lack of direction by the administration in several important areas, including some realistic guidance as far as national defense reductions are concerned. I think it is time for reality, and I think it is time for those of us who have some experience with not only the national defense budget, but the budget itself, to begin to speak up.

First, let me say that if, as we all pray, the quest for democracy, liberty, and freedom continues, and it succeeds, we will look back, I suggest, at this time as the dawn of a new era.

The events of the last several months have brought clear victory for the values which Americans hold so dear. Like a house of cards, the structures of tyranny and oppression were undermined by the self-evident truth "that all men are created equal and endowed by their Creator with certain inalienable rights." We can further hope that freedom's blessings will soon come to China, South Africa, Cuba, and fully to Central America.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The democratic revolution in Eastern Europe and the glimmer of freedom's hope in the eyes of South Africans illustrates a human spirit and desire to be free. It is stronger than any government, braver than any oppressor, and more powerful than any military. The increasing likely acceptance of the democratic values and human rights throughout Europe and the Soviet Union lessens the threat of military aggression against United States interests.

Global realignment is not just possible, it is probable. There is a previously unimaginable hope and friendly competition among former rivals and new partnership of common interests. While the games of democratic values are young and somewhat fragile, it is not too soon to begin to image and plan for America's role in tomorrow's world.

In the most obvious way, America may soon have a lessened military burden. If change is sustained, reinforced by trust and guaranteed by treaty there will be a considerable "peace dividend." The hopes of some anticipate the payment of that dividend will come in the short term. More probably much of it will come in the longer term.

As a senior member of the Armed Services Committee, I am most concerned that rhetoric has, at times, overshadowed clear thinking regarding America's future defense strategy in this era of change. There is a mistaken impression that great savings can be made by simply canceling, for example, the strategic weapons program. In planning America's defense for the 1990's and into the next century, it is important to recognize and realize that strategic systems only make up less than 15 percent of the present defense budget. Mr. President, we can and we will reduce spending in strategic programs. We must also keep everything in perspective, I suggest.

Certainly savings must be made in military hardware where there remains an unacceptable level of waste. However, it must be understood that in spite of dramatic changes in Soviet military and political policy, there is no evidence that the Soviet Union has scaled back its Strategic Modernization Program. To the contrary, it appears from current developments that they may be on a course of deliberate policy to dramatically reduce conventional forces and increasingly emphasize strategic forces.

The Soviets may be doing this to meet their overall need for their national security by the less costly strategic programs coupled with a strategy of deterrence, as opposed to more costly and massive conventional forces. Until there is clear evidence of a changed Soviet strategic policy and a fully verifiable agreement between the United States and Soviet Union, it would be unwise for the United States to significantly lessen its vigilance in this area.

A good part of the peace dividend will come in the form of reductions of manpower and in the closing of unnecessary bases at home and abroad, and here is where personnel cuts are not only possible but must be made.

In large part this is true because new democracies in Europe are demanding that Soviet forces leave. West European democracies, given the developing conditions, may also be in a similar position of asking us to leave in greater numbers than currently anticipated.

While personnel costs are among the most expensive components of the defense budget, almost 50 percent, that peace dividend will not be realized immediately, because it actually costs money up front to demobilize in this area.

As traditional communism draws its final breath, military and economic assets can now be even better deployed. One priority must be America's war on drugs. Illegal drugs are a most dangerous, I suggest the most dangerous foreign invader assaulting our great Nation.

The effective deployment of military assets in the war on drugs can play an important role in a fully coordinated effort which prevents drugs from reaching our borders, and certainly imprisoning of the drug dealers and their efforts and the crimes that they bring about, those merchants of death, as I call them, must not escape attention and must be under continuous pressure from those of us, 98 percent of Americans who realize and are ready to do something about this peril. Certainly we must also recognize that Americans fully understand that this is not a one-way street, this effort to eliminate illegal drugs from our society. It is going to take some training. It is going to take some education. In other words, it is going to take more than simply building more prisons.

In planning America's future defense budgets, it is also in the Nation's long-term interest to continue to support those defense programs which are technology-based, while at the same time work to dramatically improve civilian technology. Today, the heart of the Nation's defense arsenal is no longer the bullet but rather the microchip. It is essential that the future vision of America's military preparedness include the maintenance and perpetuation of an advanced industrial and technological base.

Without that domestic base, the United States will find itself in peril at some time in the future. In this regard, the Department of Defense, along with the Department of Commerce, must significantly increase their efforts to help American industry stay on the cutting edge of technology and manufacturing.

The Exon-Florio law, which gives the President the power to stop a foreign takeover of an American company when such a transaction threatens national security, well help keep key industrial assets and technologies under American control and will certainly become increasingly important in the coming years.

The President has already used the Exon-Florio law to prevent a Communist Chinese agency from acquiring an American company which could have been used as a key to unlock a wealth of American aircraft technology.

In the new era, military competition will be increasingly displaced by economic competition. World power will become more defined in terms of Economic power, not just military policy.

It is in this dramatic change that the United States faces some of its most serious challenges.

Since World War II, we have become the free world's resident policeman and our extensive military machine has been financed at the sacrifice of much of our necessary economic infrastructure. This I suggest is especially true in education where we have begun to fall down.

While we have been astoundingly successful as world cop, given the dramatic recent developments, our accomplishments have been achieved not without some concurrent economic costs. I need cite only that in the past 5 years alone, America has changed from the world's greatest creditor, to the world's champion debtor nation. That should tell us something.

As the Nation enters this new era, it is incumbent on the Congress and the President to seize the opportunity to invest a large share of the peace dividend in deficit reduction. America's debt burden hovers over every congressional decision and consumes increasing amounts of the Nation's wealth. Within the next 2 years, the Nation's gross interest expense will likely be the single largest expenditure of the Federal Government, eclipsing even defense spending.

Therein lies the proof that the fiscal policies of the last 10 years have been ruinous to a sound economic base for America's economic security.

Prudent steps now, while requiring sacrifice can reduce America's long-term debt burden and assure that future resources are available to devote to much needed improvements in education, health care and certainly the Nation's infrastructure.

Faced with unparalleled economic competition, the United States cannot afford to sacrifice the talents of even one citizen. In this new global environment, a strong nation will need strong schools and healthy citizens.

No time can be wasted in the effort to improve education for all Ameri-

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cans and to rid the Nation of the evil of drugs.

America must also give serious consideration to its rapidly aging population. Fewer workers will be supporting more retired citizens. The irresponsible use of the Social Security and other trust funds to run the day-to-day operations of the Government must stop. All trust funds should be taken out of the deficit calculations to reveal to the American people the immense size of our Nation's debt burden that has engulfed this Nation in the decade of the eighties.

I support the Moynihan bill to reduce Social Security premiums because it is better to leave these trust fund premiums in the pockets of working Americans than to spend them today as a political device to hide the true size of America's debt and deficit problems. The longer the current charade continues, the more likely it is that America will be unable to both pay back the money borrowed from the funds and meet the future obligations of the funds.

The Congress must take action now to assure that retirement benefits are available now and into the future. We hear much about the Social Security trust fund to be $60 billion in surplus. That is a terribly erroneous figure of speech. That so-called surplus and talk about the $60 billion surplus has been accumulated by the additional $1 billion a week pouring into it the so-called trust fund from increased Social Security taxes, is actually a deficit as far as the trust fund is concerned. The money is gone. It has been spent.

In the coming years the Nation must also carefully examine its health care system to assure that quality health care is available to all Americans at reasonable prices. Americans will be living longer and requiring increased medical care. In America, one bout with serious illness should not drive the average family into poverty.

Mr. President, the new era holds unprecedented promise and challenges both here and abroad. There has even been speculation that there may be joint NATO/Warsaw Pact maneuvers, not based on confrontation, but based on environmental cleanup. What a health concept that is. The United States and the Soviet Union may again explore space together and new markets will open to American goods and services.

In the coming era, as in the closing era, America must remain the beacon for democracy. American values must never be sacrificed for political expedience. Our foreign policy should clearly state that America stands with the democratic movements around the globe and not the despots whose only desire is to maintain power and crush the will of the people.

The promises of peace and democracy give world powers a chance to join in cooperation to fight the eternal enemies of humanity; namely hunger, poverty, ignorance, and environmental destruction.

If the changes of the last several months continue, a better world is indeed closer. Our excitement for the moment should not spur recklessness, but should spur hope. With this hopeful moral victory will come new challenges and new opportunities.

As economic power moves to the forefront of global leadership, America must turn its attention toward its economic as well as military security. America's diversity, free exchange of ideas and creativity make our great Nation capable of adjusting to a rapidly changing world.

America's future in the new era is bright indeed. Yes, there will be challenges. America must make short-term sacrifices to reap long-term rewards. At the dawn of this new era, I am confident that the American people are up to the task, if they are told the truth.

SUPPORT FOR DEMOCRACIES

Mr. GORTON. Mr. President, each of us receives in our offices hundreds, if not thousands of constituent phone calls every week.

Recently a woman called my Seattle office and spoke with a member of my staff. This caller was opposed to any further aid to El Salvador. She wanted us and our money out.

My staff member pointed out my own firmly held belief that cessation of aid would only result in negative consequences for El Salvador. There is in fact a very real potential for a massive increase in the killing under such circumstances—not unlike the genocide that occurred in Cambodia as a result of our withdrawal from Southeast Asia.

My constituent's response was chilling. "Well," she said, "maybe this will lead to increased killing, but at least it won't be on America's conscience."

Although I share this constituent's agony at the violence in El Salvador, I find appalling her ostrich theory, the idea that if we take ourselves out of the fray, we should not be held responsible for the results of that decision. This type of thinking fails to recognize that choosing not to act can produce deadly, tangible consequences. In the case of El Salvador, this would be far more devastating than our support of that fragile democracy has ever been.

Those who doubt the moral hypocrisy of choosing passivity in this imperfect world would do well to read the recent comments made by Vaclav Havel, President of the Czechoslovak Republic, to a joint session of the United States Congress. I quote him in part:

> * * * for many years, Czechoslovakia—as someone's meaningless satellite has refused to face up honestly to its coresponsibility for the world. It has a lot to make up for. If I dwell on this * * * it is only because I feel—along with my fellow citizens—a sense of culpability for our former reprehensible passivity.

Those who would have us withdraw our support of nascent democracies decline to accept this concept of "co-responsibility for the world." Their definition of responsibility extends only as far as finding fault with other's actions, and not to assigning guilt for their own inaction. If this is self-indulgent on a personal level, it is unthinkable as a basis for national policy: America cannot stick her head in the sand and claim moral immunity from the fallout. The world is too complicated for such naivete; we must rise above the temptation to pretend otherwise.

Recently, the Seattle Times carried two op-ed articles that eloquently illustrated this tenet. Dr. Toan Truong gives us a Vietnamese view of what our withdrawal caused in Southeast Asia, and Georgie Ann Geyer updates the theme by looking at the wishes of the people of Panama.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Seattle Times, Feb. 15, 1990]

U.S. INTERVENTION: THE VIETNAMESE KNEW IT WAS NECESSARY * * *

(By Toan Truong, M.D.)

I grew up in Vietnam during the war and came to the United States in 1975 among the first wave of refugees. It is always with mixed emotions that I watch American movies about the war, such as "The Deer Hunter," Apocalypse Now," "Full Metal Jacket," "Platoon," and now, "Born on the Fourth of July." They highlight the difference in our perception of the war.

Americans tend to remember the war through images depicting the massacre of innocent civilians by U.S. troops such as the one in which our hero, Ron Kovick, was involved, and the casual execution of a Vietcong officer by General Loan on a Saigon street.

What remains chiseled in my mind, however, is footage of Vietnamese wailing over the bodies of loved ones who were buried alive in huge mass graves by the Vietcong during Tet 1968, and accounts of their killing thousands of civilians fleeing toward the Hue on Highway 1 in 1975.

The late '60s is seen by most Americans today as a time in which the forces of truth and righteousness triumphed over the lies and hypocrisies of the government and the military-industrial complex. But I remember the concern my parents felt that the antiwar demonstrations in America would have an unfavorable effect on the U.S. government's support for the war, at a time when Soviet and Chinese support for North Vietnam was stronger than ever.

I cannot begin to describe the feeling of abandonment my country felt at the start of the North Vietnamese offensive in 1975, when our soldiers were restricted to firing a few rounds a day because the bullets had run out and none was forthcoming.

Vietnamese feel misunderstood by Americans about this chapter in our shared history. In the movie, Kovick says that the United States was interfering in the Vietnamese people's struggle for independence.

Invoking the "Vietnamese people" is a favorite device of American so-called Vietnam experts. The "Vietnamese people" are always being quoted as supporting the North, as rejecting American Imperialism in essays about the legitimacy of the U.S. involvement.

Yet I know of no public-opinion poll conducted by anyone on what the majority of the Vietnamese people really wanted.

I believe that the Vietnamese people wanted only to be left alone to farm that ancient piece of land and enjoy the fruit of their labor, and not to have to go north or south to shoot at each other, or to go west to shoot at Cambodians. The Vietnamese people would prefer not to be so oppressed that they feel obliged to seek freedom elsewhere, as they have done since 1975.

President Kennedy's words about defending freedom anywhere in the world seem starry-eyed in retrospect. We have become very cynical about what the American forces were doing in Vietnam. We tend to forget that after the American pullout, the free people of South Vietnam did succumb to totalitarianism and that Hanoi did gain control of Laos and Cambodia.

The question then becomes: "Is defending freedom elsewhere in the world a worthy goal for the United States?"

What I hear from other Americans in response is that yes, communism is a terrible thing for Southeast Asia, but America still had no business interfering in what should have remained a private conflict.

Whose business is it, anyway? Americans do not question their involvement in Europe during World War II, so what is the difference? I think it lies mainly in the fact that Europeans are easier to identify with, whereas the Vietnamese are just a bunch of "gooks" and what are we doing there, risking the lives and limbs of good Americans kids?

As casualty figures came in on the evening news, suddenly the idea of fighting for democracy in Vietnam became only a vague concept related to some Asians 13,000 miles away.

The military has learned this lesson well. After the Vietnam War, it has used overwhelming force whenever possible to minimize casualities and to shorten the actual fighting (witness Grenada and Panama).

Vietnamese do not question the necessity of American involvement in Vietnam. What we are not so sure about is how America should have supported us.

But let's face it. The average American has never cared about the Vietnamese people and still doesn't. Vietnam has become an abstract symbol for units to debate about ideology and politics. Movies such as "Platoon" and "Born on the Fourth of July," although powerful and moving works of art, are in a sense vehicles for men like Ron Kovick and Oliver Stone to atone for their past misdeeds.

I felt Kovick's pain and admire his courage. I even cried when he made his triumphant entrance at the end, but I wonder if he has any idea about the kind of pains the Hanoi government is still inflicting on the Vietnamese people. For all of us, the suffering continues.

I visited the Vietnam War Memorial in Washington, D.C. The same monument for Vietnamese soldiers would stretch 50 times longer. I walked beside that black slab, scanning all the names.

It was painful for me to realize that although these men gave their lives for my country. I did not know anything about them. I wrote in that book at the end what I will write now, and I will dedicate these words not only to those who fell but also to all Vietnam veterans out there still alive:

Thank you all for having fought for my people. We will never forget your sacrifice.

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* * * AND IN PANAMA, LISTEN TO POOR PEOPLE, NOT THE INTELLECTUALS

(By Georgie Anne Geyer)

PANAMA CITY.—When Vice President Dan Quayle visited Panama recently, the ultranationalist priest at the official Catholic mass urged that U.S. troops should leave Panama as soon as possible. At these words, the church erupted. "No, no, no!" the Panamanians shouted.

All over Latin America, righteous leaders and intellectuals still criticize the "Invasion." Here, the approval for the "Liberation," as Panamanians call the December intervention, stands at an amazing 92 percent, while 72 percent want a U.S. military presence even after the canal goes to Panama in the year 2000.

The critics shift that this only shows the "political immaturity' of the Panamanian people. But President Guillermo Endara says, rather, that it is a "love affair with the American GI," and the editorial pages of the newspapers are jammed with columns and letters by Panamanians berating the other Latins.

As Luis Martinz, assistant to the president, recalls: "After Dec. 2, the BBC called and told me we had been "Invaded.' I said no. They insisted. I said, no, the Americans got Noriega, and we got our freedom."

Post-liberation Panama illustrates once again that old complex in politics' clothing: "anti-Americanism" and its multiple and mysterious manifestations here in Latin America.

Actually, Panama today shows that real anti-Americanism is almost exclusively the haven of the intellectuals. For while they scoff at the poor people's "political Immaturity," it seems to me that poor Panamanians are displaying a stark political realism.

In reality, there is no fear at all that the additional American GIs brought in here for the invasion are going to stay. They will be gone by the end of February, perhaps too soon. The most profound fear around here is a return by some future Manuel Noreiga to the old militaristic horrors. And this carries us to the contradictions of anti-Americanism in Latin America today.

To the hard-working poor in Latin America, dignity and nationalism are palpable things—having a decent country, a reasonably responsible government, and some hope in life.

To the super-nationalist and often utopian intellectuals, nationalism means standing up grandly and without reservation to the United States. To the little, strutting Manuel Noriegas, nationalism means cynically using its lowest forms as a screen behind which they systematically rape the country.

The poor are not dumb—they understand what is good for them and their countries and what is not. The Latin poor know what the Eastern Europeans know—that the United States, for all its historical failures and many idiocies down here, is still the universal model of development that will help them in the world.

The poor want tangible changes, not the eternal posturing against the United States of the Manuel Noriegas, the Fidel Castros and the Daniel Ortegas.

Ironically, the Panamanian poor are not only up against these Latin leaders in seeking a decent life, but also probably up against most U.S. intellectuals, who believe that ever since Vietnam, the United States should not act in the world.

By this argument, it is better to leave the deserving and hard-working Panamanian people to the savage depredations of a Noriega. "Just do nothing," is the call. It isn't very grand, and it isn't very humane, but then it's only the Panamanians who are being tortured and killed, isn't it?

The funny thing is how the "intervention/invasion/liberation" issue has turned around over the past 25 years. It used to be the liberals, both in Latin America and the United States, who wanted the dictators overthrown. Then the United States tended to support the dictators. Now liberals don't seem to care how much people suffer under unspeakable dictators, just so long as we don't have to dirty our hands overthrowing them—or dirty our minds making such unpleasant decisions.

Panama today may well stand as a sentinel of a new era, an era when both Latin and North Americans will be called upon to make the more practical decisions that the Latin poor and middle classes demand.

Is it really enough to shout "anti-Americanism" and leave decent people to the torturers?

Is it really enough for Peruvian President Alan Garcia cynically to use the Panama invasion as a way of calling attention away from his own abundant and accumulating failures?

Is it really enough for the Organization of American States to come down here last summer, to do absolutely nothing to help the Panamanian people, and then so self-righteously to refuse to seat this elected government, one of the best in Latin America?

Panama's remarkable Vice President Ricardo Arius Calderon said after the invasion, "The night is over; it is dawn." Must one believe that so many Latin leaders would prefer for the Panamanian people only an endless night?

ESTONIA

Mr. GORTON. Mr. President, on another but related subject, I spoke 2 or 3 weeks ago on Friday of the invitation I had received from the Congress of the people of Estonia asking me to join them and to speak on behalf of their attempt to free themselves from the Soviet Union. Because the Soviet Union refused me a visa, I was unable to join in that celebration of liberty, but the speech which I gave here was in fact sent to Estonia, translated in the language of those people, and read to that Congress.

I have received, as a result of that appearance, a letter from the individual who was elected chairman of the Congress of Estonia thanking me for my efforts and speaking of the hope which those people have and the ex-

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ample which the United States has set.

I ask unanimous consent that the letter from Tunne Kelam, the chairman of the Council of Estonia, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EESTI KOMITEE,
COUNCIL OF ESTONIA,
Tallinn, Estonia, March 21, 1990.

Hon. SLADE GORTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR GORTON: On behalf of the Congress of Estonia and the Estonian people, I would like to send you warmest greetings and to express our sincere regrets that Soviet authorities prevented your traveling to Estonia to attend the Congress. Although we were in constant contact with the Estonian "Foreign Ministry" and the U.S. Consulate in Leningrad regarding this matter, unfortunately, your visa was never issued.

We thank you for delivering the speech you intended to give at the Congress of Estonia in the Congress of the United States. Your remarks were translated into Estonian and read on the first day at the opening ceremonies, receiving an ovation from the delegates and guests.

The fact that you did not receive permission to travel to Estonia was a frequent topic of conversation and was covered by the Estonian media. I personally raised this question on Estonian television. Two Estonian Americans, Mr. Maido Karl and Mrs. Mari-Ann Rikken, who appeared on our most popular political program, "Viewpoint", also discussed the situation.

We hope that you will be able to visit Estonia in the very near future. As we begin to reconstruct a democratic government, albeit currently still under conditions of Soviet occupation, your advice and expertise are sorely needed. Perhaps we can discuss the details of such a trip when I come to Washington in early April. Thank you for your interest and support!

Sincerely,

TUNNE KELAM,
Chairman.

Mr. GORTON. Mr. President, I extend my admiration and thanks to the authors. They remind us that concepts over which Americans have the luxury of being armchair intellectuals often mean the rock solid reality of life, death or grinding poverty for millions of people worldwide. These people depend on our courage to act, rather than to stand by in feigned innocence.

GRANTS TO THE STATE OF WASHINGTON TO COMBAT CRIME AND DRUGS AND ON DRUG EMERGENCY FUNDS

Mr. GORTON. Mr. President, once again I am happy to announce that the administration has responded to the cry of communities in the State of Washington plagued by crime and drugs. I was pleased to have announced yesterday that the Office of Juvenile Justice and Delinquency Prevention awarded $834,000 for juvenile delinquency programs in my State. This assistance will help develop, maintain, and expand juvenile delinquency prevention services in Washington State.

Earlier this year under the President's National Drug Control Strategy, funds were also provided to assist our local law enforcement in Washington to deal with its rampant drug and crime problem. These grants are important but they just begin to deal with the magnitude of the problems we are facing. Clearly, additional resources are needed in my State and across the country to deal effectively with the crisis in local communities related to the scourge of illegal drugs.

While I applaud the responsiveness of the administration to the crisis in the State of Washington, the current level of support is insufficient to truly protect local communities against illegal drugs and violent crime. That is why I have cosponsored the Drug Emergency Areas Act of 1990 to provide an additional $300 million in direct grants to local communities. This will further assist communities in their effort to carry out the President's National Drug Control Strategy.

In my view, this legislation complements the designation of five "high intensity" drug areas by providing resources for distribution to other States which are also in dire need of assistance. Like the Yakima and Wenatchee valleys in Washington, many localities across the Nation lack the resources to deal with the magnitude of the illegal drug crisis facing them.

I ask unanimous consent to have printed in the RECORD at this point a letter I sent to the Office of National Drug Control Strategy on the situation in the Yakima Valley.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 26, 1990.

Hon. WILLIAM J. BENNETT,
Director, Office of National Drug Control Policy, Executive Office of the President, Washington, DC.

DEAR MR. BENNETT: The citizens of Washington State appreciate the high priority that the Bush administration has given the national drug crisis. Your recent visit to Washington State demonstrates your commitment, Mr. Bennett, to understanding the crisis on the front lines of our local communities.

You know firsthand that the Yakima Valley of Washington serves as a major distribution point on the west coast for drugs coming across the Southwest border. Yakima, located in a rural, agricultural area, has a long connection with migrant labor from south of the border. Unfortunately, this same route facilitates the flow of illegal drugs to the west coast.

As such, the illegal activity there has regional, and even national, implications. Yakima, whose per capita income is one of the lowest in America, has inadequate resources to even begin to deal with the national drug problem. A recent statistic places the per capita arrest for drug violations in the Yakima, Pasco and Seattle regions as exceeding the drug arrests of the State of New York. The system of law and justice in Yakima is on the brink of collapse.

You, too, saw the serious problem in Yakima during your recent visit there. That this problem is not limited to this community, but part of a larger system of the distribution of illegal drugs in our country, leads us to believe that you will agree that it is imperative to act now. Therefore, we urgently request that you expand the Southwest border high intensity drug trafficking designation to include the Yakima Valley.

Expansion of the areas now proposed for designation to include Yakima, would be similar to the expansion of the Houston designation to include the entire Southwest border in recognition of the drug "pipeline" across that border. It is therefore, logical to include in your high intensity drug trafficking designation the other major distribution points from the Southwest border, especially Yakima.

Accordingly, we request that a portion of the resources earmarked for the Southwest border go to Yakima. Assignment of law enforcement personnel, as well as financial support for facilities, courts, drug treatment, and education are greatly needed in these communities and, as the National Drug Policy outlines, would represent the most efficient possible distribution of limited resources.

Again, we thank you for your support, and know that you will give this request every consideration as the most effective means of using limited resources to win the war against drugs in America.

Sincerely yours,

SLADE GORTON,
U.S. Senator.
BROCK ADAMS,
U.S. Senator.
SID MORRISON,
U.S. Representative.

Mr. GORTON. This bill also addresses a frequent complaint of local officials in my State. Too often, when Federal money is awarded it takes too long to reach those most in need of the resources. And once it arrives, too little is available. Through direct grants, this legislation puts money in the hands of those on the front lines.

Mr. President, there is a desperate need for direct assistance to localities fighting the drug war. I am glad to support this important legislation and hope all my colleagues will join me in providing the President with these additional resources.

TRIBUTE TO J. WILLARD HURST

Mr. KOHL. Mr. President, I have heard reports in recent years that law school enrollments are increasing on account of a television show known as "L.A. Law." Though I cannot claim to be a fan of "L.A. Law," I know that it tends to glamorize the practice of law and to emphasize the financial rewards associated with working at the big metropolitan firms.

If young people really are flocking to law schools just to make big bucks, that is a rather sad development. For law has been, and should remain, more than a business; it must always be a profession dedicated to serving individuals and the society as a whole. And law schools best fulfill their mission when they teach students about law's calling and not its cash.

If television ever came up with a show on the higher purposes of law, it might well be called "Wisconsin Law." That's largely because of the work of J. Willard Hurst, professor emeritus at the University of Wisconsin Law School. Professor Hurst has long been a leader in the study of law and society. The New York Times recently ran a fine article about him, and I would like to make it part of the RECORD.

Therefore, Mr. President, I ask unanimous consent that the article about Professor Hurst be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MAN WHO HELPED LIBERATE LEGAL HISTORY, BRINGING IT OUT OF THE IVORY TOWER DOWN TO EARTH

(By David Margolick)

MADISON, WI.—When J. Willard Hurst attended Harvard Law School in the 1930's, the study of legal history was nonexistent. Oh, yes, some professors had studied obscure legal doctrines and there was one superannuated scholar studying history, but it was Roman history, and he stalked Langdell Hall like a ghost.

Why this dearth, given the inherent overlap between law and history? The explanation came a century ago from Christopher Columbus Langdell, Harvard Law School's intellectual architect: The law was a self-contained science and the law library its laboratory. One need not study how law actually affected people or how legal institutions evolved; all wisdom could be gleaned from appellate decisions. This approach not only gave law professors a shot at omniscience but also spared them from having to learn other disciplines, set foot in a courtroom or state legislature, or even step outside.

From the moment he arrived here at the University of Wisconsin Law School 53 years ago, and was mandated to bridge the gap between law and society by studying how laws were enacted and applied, Professor Hurst changed all that. By his intellect and example, he is universally credited with legitimizing legal history. Even in retirement he remains one of the few legal scholars whose work can be measured in shelf feet—and shelf feet of bona fide research rather than of cut-and-pasted cases and comments. In an era when academia, like sports, has been watered down through expansion, he is an old-fashioned towering figure.

In some ways, he is also an anachronism. He is the one of the last disciples of Louis D. Brandeis (whom he once served as law clerk), having inherited Brandeis' interest in grassroots democracy. He is a disciple of the LaFollettes, who charged Wisconsin's academics to view the state as their campus and their laboratory. He is the last of the Legal Realists, the Depression-era scholars who tried to place law in a larger social context.

Mr. Hurst is one of those rare figures in academia who is as well-known for his modesty as for his scholarship. And even as he approaches 80, he still casts his long shadow over the field. "You're either a Hurstian or a reviser of Hurst," said Lawrence M. Friedman of Stanford Law School, one of a generation of legal historians either taught or influenced by Professor Hurst.

Mr. Hurst had the academic pedigree to do whatever he wished. He graduated at the top of his class at Harvard, edited its Law Review, served as research assistant to Felix Frankfurter before clerking for Brandeis in 1936.

It was Brandeis who urged Mr. Hurst to head for Wisconsin and study its democratic institutions. While there Lloyd Garrison, then the school's dean, urged him to create a program in "law and society," investigating how the state's legal system and economy cross-pollinated.

The spectacle of law professors doing social research was rare and at times ridiculous, like the Yale scholar who once charted parking-meter use in New Haven. Mr. Hurst focused on the lumber industry in Wisconsin, all to determine how industry both used and molded the laws of contracts, property and other areas. Mr. Hurst discovered Chippewa Falls long before Woody Allen found Annie Hall there; the work of the courts there was, to him, more interesting, less abstract and certainly less pawed over than that of the United States Supreme Court.

Mr. Hurst's was a largely uncharted route to respectability. Once, when he told a leading law dean he was working on "legal economic history," the dean harrumphed: "You'd never get away with it at my place!" But rather than feel excluded from the mainstream, Mr. Hurst simply created his own.

"For me personally, he was an incredible inspiration," Morton Horwitz of Harvard said. Robert Gordon of Stanford added: "Every scholar needs heroes, and Willard is one of the few authentic heroes of our field."

As his studies continued and broadened, recognition came. Three times he turned down the deanship of Yale Law School, as well as a chair at Harvard. "I guess I was just too pleasure-loving," he recalled. "I was having too good a time in Wisconsin."

Mr. Hurst is one of those people who, beneath a deceptively elderly exterior, retain all the fire, impatience and curiosity of youth.

He still goes into his office, still sifts through piles of manuscripts, still grumbles over all the issues—political action committees, Ralph Nader, antitrust laws—younger legal historians are still neglecting.

He takes great pride in his students—which all younger legal historians necessarily are—even when they criticize him. "Part of your function as a teacher is to send out people who've done more than you," he said.

That may be the only scholarly endeavor in which Willard Hurst has fallen short.

A SISTER'S UNFLAGGING EFFORTS TO WIN RELEASE OF TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,838th day that Terry Anderson has been held in captivity in Beirut.

Mr. President, last week the Buffalo News carried a wonderful story detailing the noble and unflagging efforts of Peggy Say during the last 5 years. I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Buffalo News, Mar. 21, 1990]

THE PROPHET OF CONSCIENCE: HOSTAGE'S SISTER RELENTLESS IN GOADING PUBLIC TO OUTRAGE

(By Elizabeth Kastor)

WASHINGTON.—Peggy Say does not fantasize about visiting Europe or having adventures or meeting famous people. Her dream is far more mundane: Buy a motor home, toss the grandkids in the back and go someplace decidedly unexotic, someplace like the Grand Canyon. It is a dream straight from the heart of an energetic 49-year-old woman who loves to fish, who keeps her auburn hair trim and practical and her needlepoint close at hand. It is the dream of the housewife she is—or at least was before the struggle began.

For the past five years, her stolidly grieving face has stared from countless newspapers and television screens. She has propelled herself onto the national stage as a latter-day, middle-class prophet—an enraged visitor demanding immediate moral action from every person she meets, whether politician or citizen. Daily she condemns the ethical failure of a country that would let her brother Terry Anderson remain a hostage in Lebanon since he was seized on a Beirut street on March 16, 1985. Daily she asks the country to bleed with her.

The problem is, who can bear to listen to someone scream with pain for five years? To be with Peggy Say is to feel constantly guilty, to wonder constantly why it's your fault, and then to feel guilty again for wishing her scream would stop.

Over the years Mrs. Say has learned that although she does not falter, the audience for a prophet's cry is not as constant. She is no stranger to hate mail. When the Iran-contra scandal broke, she says, she was seen bearing partial responsibility for the Reagan administration's contortions on behalf of the hostages. Tainted by her earlier connection with Oliver North (White House liaison for the hostage families), she was shunned by the politicians who once helped her.

In her own hometown of Batavia, the atmosphere grew so hostile she felt compelled two years ago to move far away to Kentucky.

"I know people don't like to see me coming," she says. "I think I represent failure to a lot of people, and they just wish I would go away.

Mrs. Say also knows by now that even people she would otherwise consider good and caring resist her message, that they wonder at times why she holds them individually responsible for what she calls "this massive injustice."

But Mrs. Say cannot stop. And now, with elusive but encouraging signals out of the Middle East suggesting that her brother and the other hostages could soon be released, she is making what she hopes will be her final round. As she has learned to do, she is visiting the ambassadors, giving the interviews, taping the television profiles, appealing to the media to keep her brother's story alive as she simultaneously condemns the media for failing to do more for Anderson, a journalist himself.

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In an office near the White House, a birthday card waits. The illustration was drawn by Garry Trudeau, Anderson's favorite cartoonist, and the large card has been signed by hundreds of journalists, from the famous to the obscure. She grows hard when she talks about it. Even that card reminds her that the tragedy her family is living is not everyone's tragedy.

"Although 95 percent of those people probably did nothing more for Terry than sign their names to that card, Terry doesn't need to know that," she says in a flat tone suggesting that although he will never know, she remembers.

"What's important to me and David is that when Terry gets off that plane, there are only going to be a handful of us who can look him straight in the face and not flinch," she says. "I may have erred politically. I may have erred strategically. I've never erred morally. This was the thing—there was no choice."

When Peggy Say took up her crusade, it was in the form of a rebellion. For the first months of Anderson's captivity, she had faith in the Reagan administration's promises that if the hostage families would just wait patiently, their relatives would be freed. "I waved my little flag and they stroked me because I was such a good girl," she says with bitterness. Then, when the passengers of the hijacked TWA Flight 847 were released in summer 1985 and her brother was not with them as some had hoped, Mrs Say exploded out of silence. Since then, she has insisted repeatedly that the United States has abandoned the Lebanese hostages, asserting that if there were more Americans in foreign hands, the government would find a way to free them.

"I believe the extent the American government has heeded the hostages is a direct result of the work of Peggy Say," says Charles Lewis, AP Washington bureau chief when Anderson was captured and now Washington bureau chief for the Hearst papers.

But some have suggested that all the public attention has made the hostages more valuable to their captors and may even have lengthened their captivity. It is an argument for which she has little use. "I think it's an out for those who have not participated," she says, and points out that French hostages in Lebanon, whose captivity became a well-publicized political issue in France, were released.

And whatever arguments are made against her. Peggy Say has received the one blessing she needs.

"When the French hostage Marcel Fontaine, who was Terry's cellmate, was released, I asked him, 'Does Terry know what I'm doing?' He said, yes, Terry told him, 'My sister is my only hope for freedom.' "

In the end, that is what matters, that she is his hope, that she has not failed him, that at some airport, someday, she can look in Terry Anderson's eyes and not flinch.

SITUATION FACING SOVIET JEWS

Mr. DIXON. Mr. President, Monday's Washington Post contained an article entitled, "Poland Offers Soviet Jews Free Transit." Polish Prime Minister Mazowiecki, speaking before the American Jewish Congress in New York last weekend, stated that Poland will not restrict the flow of Soviet Jewish emigres through its territory and will allow new charter flights to carry them to Israel.

I congratulate the Polish Prime Minister for his bold step in the face of Arab intimidation and coercion, which has resulted in the closing of one of the gateway cities for Soviet Jews leaving the Soviet Union on their way to Israel.

Malev, the Hungarian airline, announced on March 22, that it would terminate its flights through Budapest and cancel tickets that had already been bought. The Hungarian Embassy announced the next day that it would refuse to stamp transit visas for emigrating Soviet Jews. These two actions have effectively shut off one of the main routes for Soviet Jews who wish to emigrate to Israel.

Mr. President, the situation facing Soviet Jews is growing increasingly more precarious. The Soviet have refused to consummate the Aeroflot-El Al direct flight agreement; they have terminated special charter flights to Israel; and the Soviet emigration offices in Moscow and Moldavia, which is an area bordering Romania, have posted notices that emigration applications will not be accepted.

The window is closing on the Soviet Jews, Mr. President, and we must ensure that the window remains open.

Please remember that once a Soviet Jew is granted permission to emigrate, he loses his job, his apartment—literally everything. There are growing number of Soviet Jews who are now in limbo. Their Government has said they can emigrate, but their Government has actively worked to shut off all means of egress.

Thousands of Soviet Jews have been given permission to emigrate from the Soviet Union, yet are trapped in a country they desperately want to leave, because the Soviets will not permit flights. Mr. President, the Soviet Jews need our help, and the help of the world.

They need other nations in Western Europe to take the same steps the Poles have taken by allowing cities in their countries to serve as transit stops for Soviet Jews. We must encourage our friends overseas to help in this crisis. No one can stand silent in the face of this crisis.

Finally, the Soviets must know that the continued denial of flights, and the refusal to accept emigration applications, will have serious consequences for United States-Soviet relations.

Mr. President, what does perestroika mean anymore? What does glasnost represent? The United States must work to ensure that the warm words of glasnost are matched by just and human acts.

I ask unanimous consent that the text of the Washington Post article from March 26, 1990, be reprinted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLAND OFFERS SOVIET JEWS FREE TRANSIT

(By Ethan Schwartz)

NEW YORK, March 25.—Poland will not restrict the flow of Soviet Jewish emigres through its territory and will allow new charter flights to carry them to Israel despite Arab complaints and terrorist threats of retaliation, senior Polish officials said today.

The move comes five days after Hungary's decision to curb travel by Soviet Jews, and was announced by aides traveling with visiting Polish Prime Minister Tadeusz Mazowiecki. As the first Polish leader ever to meet with an American Jewish organization, Mazowiecki told a dinner of the American Jewish Congress (AJC) that Poland acknowledged past "excesses and pogroms" against the Jews.

Henry Simpson, AJC executive director, said the charter flight decision had "great moral and political significance" and would strongly improve Polish-Jewish relations.

Mazowiecki's government has moved rapidly in recent months to end decades of Polish-Jewish tensions, restoring diplomatic relations with Israel last month and pledging to remove a convent of Carmelite nuns from the site of the Auschwitz concentration camp, where many victims were Jewish. Polish and Jewish officials described the prime minister's speech tonight as an attempt to cap that trend.

Mazowiecki received a standing ovation when he acknowledged past Polish antisemitism and condemned a U.N. resolution equating Zionism with racism as "an attempt to foster hatred of Jews." The AJC gave Mazowiecki its Freedom Award and Jewish leaders lauded him as one of the first Polish thinkers to speak openly about past Polish antisemitism.

"We must say in our pain that immediately after the [Second World] war, Poland saw excesses and pogroms, and that instances of antisemitism occurred," Mazowiecki said. "Antisemitic pogroms were invoked once again in 1968 as a function of the Communist Party, with a campaign against Zionism. . . .

"No one can say he or she did all they could to help our Jewish brothers," he said.

Mazowiecki appealed to Jewish groups to set aside past differences with Poland and remember "1,000 years" during which Jews in Poland "became an important part of our history, tradition and culture."

Robert K. Lifton, AJC president, said the speech went "a long way" to ending Polish-Jewish differences, adding that Mazowiecki said "everything we would have hoped he would say."

GREEK INDEPENDENCE DAY, 1990

Mr. PRESSLER. Mr. President, on March 25, 1821, Germanos, bishop of Old Patrai, officially proclaimed a revolution that had begun as a series of popular uprisings in the Peloponnesus earlier that spring. This act placed the symbolic might of the church behind the fledgling revolution. The people of Greece consider Bishop Germanos' proclamation to be their declaration of independence from the Ottoman Empire. It is interesting to note, Mr.

President, the parallels between the events in Greece 169 years ago and what has transpired recently in Eastern Europe, the Soviet Union, and Nicaragua. In Poland, for example, the Roman Catholic church played a major role in sustaining the Solidarity movement. In East Germany, the Lutheran church provided considerable support for those who kept the hope for freedom alive in the midst of oppression. Churches and clergy have also inspired and sustained the desire for freedom in the Baltic States and in the Ukraine. In Nicaragua, too, the Roman Catholic church played a very important role in the transformation from dictatorship to democracy. Religious faith was also important in the establisment of democracy here in the United States.

This past Sunday marked a celebration of democracy in Greece and Greek independence after almost 1,500 years of external rule but it was also an occasion to celebrate democracy in America. Many of the ideas and ideals that inspired and were adopted by our Founding Fathers were adopted by the democratic revolutionaries in Greece as the basis for their interim government and the very reason for their existence.

An exchange of people followed the exchange of ideas and ideals. Greek immigrants, many of whom came to America during the Diaspora which followed the revolution, have contributed a great deal to our Nation and have distinguished themselves in many areas. Greek immigrants have become respected medical researchers, performers and statemen among other important professions. Many have also taken what they have learned and returned to Greece, which has strengthened the bond between our two nations.

In any exchange of ideas, those able to accept change prosper and become more than they were. Those able to adapt grow from the addition of the experience and thought of others. Such exchange and ability to adapt underlie all that was celebrated this past Sunday.

Mr. President, I encourage all Americans to reflect upon the ideals celebrated on Greek Independence Day, 1990. The entire world is in debt to the historic contributions of this great nation.

CHARLESTON'S PRIDE, AMERICA'S BEST MAYOR

Mr. HOLLINGS. Mr. President, I rise to include in the RECORD a profile of Charleston Mayor Joseph Patrick Riley, Jr., which appeared in the March 17 edition of the Charleston News and Courier. Joe Riley is the pride of Charleston—mayor of the city since 1975, the man who has tranformed Charleston into a tourist and cultural showcase. He was instrumental in establishing Charleston Place, the Spoleto Festival, Piccolo Spoleto, and the MOJA Arts Festival.

Yet, despite his exceptional achievements in office, prior to last fall Joe Riley remained one of South Carolina's best kept secrets. Then Hurricane Hugo crashed into Charleston, leaving a path of destruction and chaos unmatched since the Civil War. In Hugo's wake, Joe Riley became his own whirlwind of activism and can-do leadership. He rallied the city with his determined, round-the-clock command of the relief and recovery effort, and he became a national symbol of Charleston's determination to fight back and rebuild the city better than ever. I am pleased to report that he is well on the way to achieving that objective. Through it all, Mayor Joe Riley has set a standard for leadership that will be recognized and admired for decades to come.

There being no objection, the profile was ordered to be printed in the RECORD, as follows:

[From the Charleston (SC) News and Courier, Mar. 17, 1990]

JOSEPH PATRICK RILEY, JR.: MAYOR CONSIDERS CHARLESTON MORE THAN A PROJECT

(By David W. MacDougall)

Sitting behind his cluttered desk, Charleston Mayor Joseph Patrick Riley Jr. toys with a pair of yellow No. 2 pencils.

He uses one pencil to push the other. He makes the letter "I" out of the pencils. Then the letter "L."

Piles of paper work are scattered around the office, on chairs, on the desk, the window ledge, anywhere there's a flat surface.

A large table holds a model of the Concord Walk development, more piles of paper work and a five-gallon fish tank occupied by four goldfish. "A Christmas present from my staff," Riley says, his face breaking into a boyish grin. "They knew I wanted an aquarium."

Riley is a shirt-sleeves mayor. He's in the office by 8 a.m. and rarely leaves before 6 p.m. His days are filled with meetings, conferences, planning sessions, phone calls, public appearances and interviews.

Like the lawyer he was trained to be, Riley speaks in long sentences filled with qualifiers and modifiers. He takes pains to avoid sexism when he speaks, always saying "his or her".

When he's on a comfortable subject, words come easily. But he thinks carefully before answering many questions, especially personal ones, as if playing out all the implications of an answer in his mind.

With his glasses off (he's ordered bifocals and has to take his glasses off to read), Riley looks younger than his 47 years. He has penetrating blue eyes and an engaging smile.

He wears a Citadel class ring on his right hand and a simple wedding band on his left. He keeps track of the time with a black digital watch.

He apologizes for the disarray. "This office usually isn't this bad. This is Hugo. What Hugo has done for us is that you had your normal platter of duties and projects, none of which could really be ignored, then you just had a whole new group of problems."

Along with bringing a host of problems, Hurricane Hugo brought Riley nationwide recognition and praise for his handling of preparations for the storm and its aftermath.

Since the storm, he's been named South Carolinian of the Year by WIS-TV in Columbia, commended by the state Senate, awarded the Distinguished Citizen Award by the National Association of Realtors, named Man of the Year by the Association of Citadel Men and honored with the Trident Community Foundation's Malcolm D. Haven Award for Community Service.

And television talk-show host Oprah Winfrey, in Charleston for a special Hugo broadcast, told 20 million viewers she's never heard such positive comments about a mayor.

With characteristic modesty, Riley deflects the adulation. "I was just doing my job. In Hugo, I hope I was as good as the people. The people were so good. They were courageous and generous and brave. A leader should always try to be as good as his people, or her people."

With Riley's statewide recognition factor so high, many Democrats pressed him to run against Gov. Carroll A. Campbell Jr., a Republican who is up for re-election.

Riley, many political observers say, may have been the only Democrat who had a chance of unseating the popular incumbent.

"I gave a lot of thought to running for governor and I'm not going to do it. I received lots of encouragement and pressure, but I'm glad that I decided not to. Whether I could have won or not wasn't a part of my decision."

Mainly, he didn't want to disrupt his family. Married since 1966 to the former Charlotte Douglas deLoach of Camden, Riley has two sons: Joseph P. III, 20, a junior at the University of South Carolina; and Bratton, 16, a sophomore at Porter-Gaud School.

The idea of moving his youngest son from a school he's attended since kindergarten did not appeal to Riley. "It's not like I was being transferred. When you have some control over these things I think you should do what's best for your children."

But even if his family's feelings toward moving to Columbia had been positive, Riley likes to think he would have decided to stay in Charleston.

"I have a lot to do for the city, particularly after Hugo. It's not a figure-head job and there isn't a city manager, so if I'm in Pickens County campaigning, rather than thinking about how to make sure the Concord Walk development gets approved . . . I mean, you know, you have only so much time to think, and I think it would have been the wrong thing for the city."

Charleston is more than a project for Riley, more than a stepping stone to another political office. Charleston is home, in every good sense of the word.

The only son of Joseph P. Riley and the former Helen Schachte, Riley was born in 1943 at St. Francis Xavier Hospital. His earliest recollection of home was a duplex on Gibbes Street. When he was 12, his parents moved to Murray Boulevard.

"I've never moved very far, I know every nook and cranny of that area." For more than two decades, Riley and his wife have lived in another house on Gibbes Street, about a block from his boyhood home.

Riley's father, despite being a prominent real estate broker who was active in civic af-

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fairs and the Democratic Party, always made time for Riley and his three sisters.

"It was a wonderful household in which to grow up. I've always hoped that we would be able to give to our children as good as a home life as we had. I guess that's one of the reasons I feel so strongly that my priorities begin at home as a husband and a parent and then, whatever else, my duties as mayor, come after that."

Riley attended Cathedral Grammar School, Bishop England High School and The Citadel.

Describing himself as a typical teenager, Riley says he kept out of trouble by being active in sports.

"We were always, always, playing sports. I was not a skilled athlete at all, but participation in sports was kind of a unifying thing among my friends."

At Bishop England he ran track and played on the varsity football team.

"Back then, I think football was even more important as a sport. And it was something you wanted to do. You know, your friends played and you wanted to do it.

"So I went out for the team and I wasn't quick enough to be a back. That leaves the line. The guard is traditionally the least large of your linemen. So I was a guard. I learned a lot from that because, you know, I was small. But I learned to use whatever advantages I could."

Riley has been interested in politics all of his life. "I don't remember not being interested in government. And I don't remember anybody more interested than I was."

In high school, he was active in civics clubs and student council. When he entered The Citadel, where he was captain of the sailing team and a member of the Summerall Guards, Riley majored in political science and took electives in history and English.

Before going to college, being a lawyer had never been one of his goals. "I was always interested in government, but going to law school was something I decided to do toward the end of my time in college."

If he'd had his way, Riley would have gone right into the Army after college and the entire course of his life, as well as the face of Charleston, might have been different.

But a chronic hearing impairment he's had since childhood kept him out of the Army. His doctors don't know if his hearing loss is congenital or if it was an effect of a childhood bout with sacrlet fever, but he remembers having to sit in front of class so he could hear.

Riley wears two hearing aids. "It's just one of those things of life. He's never learned to read lips, but he has found that he tends to know what people's mouths look like.

"Charlotte will say a person's eyes are so blue or that they look like his mother's. I would have never seen that because I've always felt like I had to be watching the mouth. It helps in picking up things."

Riley pulled every string he could think of to get in the Army. Gen. Mark Clark tried. Then-former Gov. Ernest F. Hollings also tried. But even the late Rep. L. Mendel Rivers, one of the most powerful men in Congress, couldn't get Riley in.

"It wasn't like I wouldn't have otherwise been qualified. My feeling was that it was stupid. Maybe I wouldn't be the guy that you would want out as the forward observer in the dark to hear the guerillas walking on the leaves, but holy mackerel, I could have done a lot of things."

But if, upon his graduation in 1964, he'd been accepted in the Army, he might not have gone to law school. It was while he was in law school that he met his wife.

"I can't imagine my life if I hadn't met my wife and we didn't have our sons." During his first year as a student at the University of South Carolina School of Law, Riley returned to The Citadel to watch a friend graudate.

"After the graduation, just milling around, I saw these girls from Charleston and they introduced me to one of their roommates, who was Charlotte. She was working in Charleston.

"The first thing I noticed was that she was very attractive. Then things go from there. After that I found out that she was not only attractive, but a very wonderful person. And one of the first things I learned was that she had a good sense of humor, that she could easily laugh."

Riley says he tends to like people who are serious-minded about things, but able to laugh at the sillier aspects of life. He says it's something he looks for when he sizes people up.

"You know, I meet prominent people by virtue of my job—presidents, political people, business leaders or whatever. A good sense of humor is, to me, an important measurement. I think people have to be able to recognize the unserious things in life."

In 1966, the couple got married. They remained in Columbia while he finished law school. They returned to Charleston in 1967 and he set up a law practice with his friend, Capers G. Barr III, whom he'd met at The Citadel. His wife worked as his secretary.

Riley's interest in politics had continued. In 1966, he was chairman of Young South Carolinians for Hollings. After Hollings won his seat in the Senate, he told Riley, "Joe, you ought to run for something. You just have so many friends around."

In 1968, Riley won a seat in the state House of Representatives. He was 25 when he was elected, the youngest house member.

"I really didn't go there with the preconceived notion of being an agent for legislative reform. In fact, I went there kind of expecting to be comfortable in the family of the legislature."

Comfortable, he wasn't.

He was quickly branded as a troublemaker. Veteran legislators called Riley and a handful of other newcomers the Young Turks.

The first bill he introduced called for allowing absentee voting in the state. "For which I was criticized by an editorial in The News and Courier. I took that so personally back then. I mean, it was such a great idea."

Then he tackled the issue of legislators leaving Columbia too soon in the work week.

"On Thursday, you'd have a hard time getting a quorum. Well, I had a family. Our first son was born my first year there and I had my wife and I had my law practice. I mean I wanted to be back in Charleston Wednesday night too. I like being home."

Riley and the other Young Turks called for a roll call. "Well that was unheard of. That was the worst thing in the world. I remember one elderly guy from upstate told me I ought to go back to kindergarten, that's where you had to take roll."

They pressed for other reforms—freedom of information, open meetings, ethics legislation. "None of it passed. We got clobbered. So we made an issue out of it. We went back home and started talking about it and the press covered it."

The next term, more people were elected who were talking about legislative reform and eventually all the reforms became law, he says.

Riley spent six years as a legislator and continued practicing law. At the beginning of his third term, he called for the removal of Speaker Sol Blatt.

"He was a wonderful man, but he had a control over the house that was so strong we felt our reform efforts would never make it. It was a very powerful office."

Riley wanted to be chairman of the Judiciary Committee. He thinks Blatt may have engineered his defeat.

"It probably worked out for the best. If I'd been elected chairman, maybe it would have been harder for me to leave and it was good that I left. It was time for me to be with my family then. It was time to come home and I'm glad I did. Also, if I hadn't then I probably wouldn't have run for mayor."

Being mayor isn't necessarily easier than being a legislator, he says. But at least he can spend more time with his family.

"And I think being mayor is the finest public service opportunity that I could have had. I mean, if the reason for running for public office is to contribute something to society, I feel like these 14 years have been years of great change and movement in Charleston's history."

Charleston has undergone dramatic change under Riley's stewardship. Through annexation, it's more than doubled in size. Its business climate has improved and it's become a major tourist destination. He helped bring about Charleston Place, the Spoleto Festival, Piccolo Spoleto and the MOJA Arts Festival.

But none of it could have happened if it weren't for improved race relations, Riley insists. When he took office in December 1975, there were few blacks in city government.

"My major reason for running was to bring the white and the black community together and to give the black community, for the first time in this marvelous city's history, a full and complete opportunity to be a part of the city."

He says he knew Charleston couldn't achieve its full potential unless the racial issues were settled.

After I was elected, I did what I said I was going to do and went to work hard for the black community, because it was in everybody's interest. It was in the white community's best interest, as it was in the black community's best interest, that qualified black people be put in positions of responsibility on boards, commissions and key positions in city hall. And that we do work in the black neighborhoods that I felt had been neglected, from the parks to the housing.

"So when people, behind my back, called me LBJ or Little Black Joe, that was fine. That was what I'd set out to do. I never lost a minute's sleep over it. I was proud of it, because I knew, from a historical standpoint, that I was doing the right thing."

City council member Robert Ford, who describes Riley as a hardworking, determined administrator, says the mayor has done a great deal to help black people, but that blacks have not enjoyed full participation in the city's economic and business boom.

Riley agrees there is room for improvement. He wants to establish a chapter of the Urban League in Charleston.

"We need to build more bridges in the professional community, where young black professionals and business people will work with the white professional and business community.

"We still have plenty to go, but at least we've crossed that big hurdle. We've put all of that ugly part of our history behind us. That was the necessary foundation on which all other achievements are built."

Asked to list the accomplishments he's proudest of, in order, Riley says bringing blacks and whites together is first, Waterfront Park is second, the Spoleto Festival is third, improved city housing and redevelopment is fourth and Charleston Place is fifth.

But if you ask what matters to him most, he is sure to say his family. Unlike many in public life, Riley has fiercely guarded his family's privacy. You won't see his family pictured on campaign literature and his wife rarely appears at his side when he's on the job.

And Riley isn't a hot number on the social circuit either. Never has been.

"What the taxpayers of the city of Charleston want with me is, first of all, that I work very hard for them. They want me to have a vision for the city. They want me to have a healthy intellect and to have a clear head and to be smart for them and make the right decision and all of that.

"So that's what my job is. And it isn't to be a robot or mechanical thing or feel like you've got to be at every party or every function.

"One of the things I've sought through this, is to be a good politician, there's nothing wrong with that word, it's a wonderful word, you can be a good politician and at the same time be a good husband and a good parent and your children can have a natural home life and you and your wife can have a natural, fine relationship and you can grow as a human being and you can read books and relax."

Reaching into his desk, he pulls out a steno pad. "I keep a list of books here, just to see how I'm doing."

The pad is filled with titles. Checkmarks are next to the ones he's read. Riley tries to read all the best-sellers, alternating between fiction and non-fiction.

"I read every night at home. I read before I go to sleep. Even if I come in at midnight, I will still read. It becomes your little security blanket or ritual, but I love to read.

"It's more important to the citizens of the city of Charleston, I feel, that I read and that I hopefully try to be a natural, growing and developing human being than it is that I'm a glad-hander and a back-slapper and a party-goer and all that."

Asked what his biggest weaknesses are, Riley looks puzzled, says nothing for 10 seconds and then clears his throat as if to speak. But he remains silent for a full 30 seconds before his ruminating is interrupted by the shrill chirping of his telephone.

"That's my private-private line," he says as he picks up the receiver and takes a call from his son.

Paper work and the telephone, Riley says, are the worst parts of his job. He walks into his secretary's office and picks up a list of about 40 phone calls. "These have come in since 8 o'clock this morning. I was here at 10 minutes to 8 and I haven't been able to return one call."

Pondering the question of weaknesses again, Riley admits to a weakness for doughnuts. "I had one this morning, but I won't have one tomorrow morning. You know, you have to watch those things."

He says he has an Irish temper. When he's mad, he can deliver a severe tongue lashing. "And I feel bad afterward, usually. And probably my language isn't quite as nice as I would want to see in the newspaper. Yes, I have an Irish temper."

His greatest strength? "I don't know what my strengths and weaknesses are, I guess, I mean maybe my greatest strength is, and this might sound like bragging, is that I don't think about quitting, I mean, I don't quit, but I don't even think about quitting."

Tenacity is the first word that comes to mind when Capers G. Barr III, Riley's closest personal friend, is asked to describe the mayor.

"There's an unusual combination of tenacity and sincerity," Barr says. "He's the only public official I've ever known or had dealings with or been exposed to whose motives are absolutely oriented to the public good."

Barr says his relationship with the mayor has always been more social than professional. Barr's wife Ellen, and Mrs. Riley are close friends. The two couples have enjoyed many relaxing days together.

"I don't know of a stronger marriage," Barr says of the Rileys.

Ever since Riley entered public life, rumors that the Riley marriage was in trouble have surfaced on a regular basis.

Riley doesn't know how the rumors began. "I can assure you we've never had such problems. There's nothing we can do about the rumors, except go on and live our lives."

Mrs. Riley, who has been selling real estate for the past three years and is expected to take over her father-in-law's firm, says that when her husband was in the legislature, there were times she felt like a political widow.

"But not since he's been mayor," she says. "He will never have to look back and regret that he didn't spend enough time with his children. He's made a great effort to be a good father and a good husband.

"I have a great deal of respect for him. We generally see eye to eye on basic issues. He has a great sense of humor. He's probably one of the most thoughtful people I've ever known."

With a chuckle, the mayor acknowledges that, if he ever becomes governor, his wife will probably not be a typical First Lady.

"I don't know that I would like to be, if she was governor, the First Man," he says. Because independent careers are common in many marriages, Riley says, the public's expectation from a governor's spouse are changing.

Mrs. Riley says she's never wanted to be in the public eye, like so many political spouses are. "It's not my personality," she says.

When he goes home, the mayor will jog around the neighborhood, if there's time. "We would always try to eat together," he says. "That's an important time to chat."

When his children were younger, the family would watch television together. The mayor loves baseball and gets to as many Charleston Rainbows games as he can.

A devout Roman Catholic, Riley attends St. Mary's on Hasell Street. His wife, an Episcopalian, attends St. Michael's.

Riley says the church, his home and his family are his center of gravity. He uses that center of gravity to deal with stress and to keep his priorities straight.

During the warmer months, the Rileys spend a lot of time at the Isle of Palms, where they have a summer home.

His home on Palm Boulevard sustained heavy damage from Hugo. "It's still there," he says. "But it's receiving a lot of work."

The garage at his house on Gibbes Street was demolished and all the appliances were destroyed by water. "We did pretty well. The main thing is, the roof stayed on."

Despite the damage done by Hugo, Riley says Charleston is more beautiful than it has been in its 319-year history. "Right now. Prettiest right now. Right this minute. And it's continuing to be more beautiful."

Will he seek an unprecedented fifth term as mayor in 1991?

"Don't know."

MEMORIAL FOR CHAPMAN BINFORD, M.D.

Mr. WARNER. Mr. President, I am privileged to have the opportunity to honor the memory of a distinguished Virginian, Dr. Chapman H. Binford, who died February 9, 1990, at the age of 89. His renowned career and service to his country extended over 60 years.

Dr. Binford's career began in 1930 when, as a 1929 graduate of the Medical College of Virginia, he joined the Public Health Service and began his studies in preventive medicine and medical research at Harvard. In 1933 he was assigned to Hawaii, where he began his eminent work in the study of leprosy. These studies resulted in further training in histopathology at the National Institute of Health, and for 14 years he served as pathologist in several Public Health Service hospitals.

Dr. Binford's distinguished medical and scientific accomplishments resulted in his assignment in 1951 to the Armed Forces Institute of Pathology in Washington, DC, where he continued his world renowned leprosy research as the chief of the infectious disease branch (1951-60), as well as serving as registrar of the leprosy registry (1951-76). In 1960, he established the geographic pathology division at the AFIP, and at the same time served as medical director for the internationally recognized Leonard Wood Memorial—American Leprosy Foundation. From 1963 to 1976, Dr. Binford was chief of the special mycobacterial disease branch at the AFIP. His approach to international medicine and in particular to geographic pathology resulted in numerous contacts and highly productive diplomatic interaction with the Third World. This resulted in broad-based cooperative medical research programs in Uganda, South Africa, the Philippines and Thailand, and many mission hospitals throughout the developing countries of the world. His accomplishments alleviated and prevented immeasurable human suffering, and significantly enhanced the prestige and leadership of the United States in these highly important international programs.

Dr. Binford's contributions to the AFIP and the American Registry of Pathology were crucial for the continued operation of these very important military and civilian clinical research activities. He worked tirelessly as a pri-

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vate citizen, serving as liaison between the AFIP professional staff and representatives of the Senate Health Subcommittee in preserving the traditional military and civilian patient-oriented missions of the AFIP and the ARP. As a direct consequence, the American Registry of Pathology received a Congressional Charter in 1976—Public Law 94-361, 94th Congress, H.R. 12438, July 14, 1976—which formalized the vital liaison between AFIP and the civilian medical community, and greatly enhanced both organizations' ability to support military health programs. In 1977 Dr. Binford became the ARP's executive officer and served 1980. As a direct result of his selflessness and deep devotion to duty, the cooperative efforts between AFIP and the ARP led to remarkable advances in existing and developing consultation, education and research programs, continuing today, have substantially contributed to major advances in the study and treatment of leprosy, and also to the control of current medical challenges such as AIDS, substance abuse, and environmentally induced health problems.

Dr. Binford's expertise and unique humanity permitted him to make major contributions in other medically relevant fields as well. He coauthored the classic text "Medical Mycology," which was a leading source of medical information for the diagnosis and treatment of fungal diseases for over a decade. Dr. Binford also was co-editor of a two-volume atlas of pathology called "The Pathology of Tropical and Extraordinary Diseases," which became a definite work in its field.

Born in Darlington Heights, Prince Edward County, VA, in 1900, Dr. Binford graduated from Hampden-Sydney College, Phi Beta Kappa, in 1923. After graduation from the Medical College of Virginia in 1929, he married Thelma Beauchamp, of Lottsburg, VA. A daughter, Lynette Binford, lives in Arlington, VA, and a son, Dr. Charles Binford, is a pathologist in Louisiana. Dr. and Mrs. Binford have been residents of Arlington, VA since 1951. Hampden-Sydney College and Virginia Commonwealth University both granted Dr. Binford honorary doctors of science degrees in 1952 and 1979, respectively.

Dr. Binford's long and distinguished career as an Armed Forces Institute of Pathology consultant, U.S. Public Health Service officer, researcher, educator, administrator, adviser, and colleague, will continue to be a source of inspiration for all who had the good fortune to know him and to work with him. Among his many admirers and associates was Dr. William M. Narva, the former chief of dermatology at the Naval Medical Center in Bethesda, and now the attending physician to Congress.

The Armed Forces Institute of Pathology and the American Registry of Pathology will commemorate his memory and dedication by passing on his devotion to future generations of military and civilian health professionals, of both American and international origin. It will be said of Chapman Binford that he was a man of great humanity, vision, and perseverance, never tiring, always hopeful; he made the right things happen.

REPORT FROM THE DRUG WAR FRONT

Mr. HOLLINGS. Mr. President, last month, in the course of 3 days of field hearings in South Carolina, I received a blunt and bracing education in the realities of America's drug war. The hearings were held under the aegis of the Appropriations Subcommittee on Commerce, Justice, State, and Judiciary, which I chair. Let me say that I very much appreciate Senator RUDMAN's support and participation in the hearings.

We heard a wealth of testimony from Federal, State, and local officials on the front line in the war on illegal narcotics. I came away convinced that we must reexamine our comfortable assumptions about America's drug dilemma.

For starters, Mr. President, we must be aware that no State is a noncombatant in the drug war. South Carolina itself is in the thick of this national crisis. Bear in mind that the narcotics war is being waged not just in inner-city Washington, but in inner-city Greenville. Not just in Miami, but in the port of Charleston. Not just in rural Texas, but in rural South Carolina.

The harsh fact is that my State is all too representative of America's drug crisis in all its ugly facets and dimensions. Consider that:

An estimated 80 percent of crimes committed in South Carolina are related to illegal drugs.

Some 10 percent of babies born in my State's major urban hospitals leave their mothers' wombs under the influence of drugs—stunted infants born to addicts.

The economic costs resulting from alcohol and drug abuse in South Carolina total nearly $3.2 billion annually—nearly equal to the total insured losses in our State as a result of Hurricane Hugo.

Mr. President, we must also realize that illegal narcotics have not been quarantined in low-income, inner-city neighborhoods. This sickness transcends class and color. I was surprised to learn that South Carolina's hottest growth market for illegal drugs is in our rural counties.

Fourteenth Circuit Solicitor Randolph Murdaugh testified that rural South Carolina, with its vast square-mileage and woefully understaffed police departments, has become "prime pickings for the people selling crack cocaine." Indeed, crack—cheap and superaddictive—is a far greater problem in rural areas than in our cities. State Law Enforcement Division Chief Robert Stewart told us about a bustling crack house in rural Williamsburg County where "people were driving through. It was just like a McDonald's."

However, crack is not the only problem in our countryside. Chief Stewart shocked us by testifying that marijuana has now surpassed tobacco as South Carolina's No. 1 cash crop.

A second widespread misconception is that the enemy is some shadowy army of street hustlers and desperation-driven junkies. On the contrary, we have met the enemy and he is us. He is in our white-collar work place, in our schools, and in many of our families. Take away these countless millions of casual users nationwide, the very people who insist that their drug use "doesn't hurt anybody," and the murderous marketplace of producers and suppliers would shrivel to a fraction of its present size.

Mr. President, a third misconception—encouraged by no less than William Bennett, the national drug czar—is that we have turned the corner in the drug war. Nonsense. The truth is that the light at the end of the tunnel is actually a locomotive heading straight for us. Crack arrests in South Carolina were up 1,700 percent in 1988. "In many ways, narcotics have become a domestic Vietnam," testified Dorchester County Sheriff J.C. Woodberry, adding: "County dope dealers operate like guerrilla insurgents and make a tremendously difficult target for my deputies." U.S. Attorney Bart Daniel put it more succinctly: "We have been outmanner, outspent, and outgunned."

The fact is that, for all our fine speeches about drugs being public enemy No. 1, we have utterly failed to match our rhetoric with resources. Yes, the Federal Government will spend some $10 billion this year to fight drugs; some $4 billion of it will be allocated by the Appropriations Subcommittee on Commerce, Justice, State and Judiciary. And, yes, during the hearings I announced that seven new assistant U.S. attorneys will be assigned to South Carolina. All this sounds impressive, but let me tell you it is not. At current funding levels, we are waging a holding action, not a war.

Which brings me to a fourth false assumption: the notion that the law enforcement community is a bunch of revved-up Rambos itching for combat in the drug war. The officials I heard from are a lot more sophisticated than that. On the one hand, they echo State Attorney General Travis Med-lock's conviction that "strong law enforcement is the linchpin of a sound drug strategy."

On the other hand, they frankly own up to the limitations of this approach. Said Sheriff Woodberry: "I will not be a proponent of those well-publicized drug raids that solve nothing. They will never work as a solution. Many of the individuals will make bail, and are back on the street within 24 hours."

In 3 days of drug hearings in Greenville, Columbia, and Charleston, what struck me most was the unanimous insistence by our law enforcement people that education is the key to stopping the drug onslaught. Frankly, I had expected a more hard line, lock-'em'up approach from police officials; and, I must say, such an approach appeals to my own sense of outrage and frustration.

But the sheriffs and prosecutors are the ultimate realists. They know that drug arrests have skyrocketed, the drug supply and demand have not skipped a beat. They know that for every drug dealer the police arrest, there is always another one to take his place, lured by the fantastic profits to be made. So, how many prisons can we build? And how many junkies can we warehouse in our prisons for life at a cost per prisoner of $17,000 per year.

Clearly, the solution must be on the demand side: Education, education, education, beginning with children in the earliest grades of elementary school. Indeed, such efforts—the "Just Say No" campaign, and hundreds of others like it—already are having an impact. Peer pressure among teens is now acting to discourage, not encourage, drug use. Polls show a sharp reduction in cocaine and marijuana use by secondary-school students over the last several years.

Currently, Federal funding in the drug war is allocated according to a rough 70-to-30 formula; 70 percent goes to law enforcement and 30 percent to education and demand-reduction efforts. I intend to do everything I can to shift Federal priorities toward a more balanced, 50-50 approach.

One final misconception needs to be debunked. The greatest drug menace facing our country is not crack, or heroin, or PCP, or any of the illegal narcotics so prominent in the newspaper headlines. The greatest danger to our society continues to be posed by a legal, socially acceptable drug called alcohol. Indeed, alcohol is the most pervasively abused drug in South Carolina, and it is the biggest problem in our schools.

Seventy-four percent of admissions to our State's treatment system are for alcohol addiction—six times the rate of admissions for cocaine. In 1987 alone, 3,252 South Carolinians died from alcohol-related accidents and illnesses—four times as many South Carolinians as died in the entire 18 years of the war in Vietnam—while 75 died from drugs other than alcohol. These ought to be sobering statistics.

Mr. President, after 3 days of field hearings, I am convinced that, though we can never finally win the drug war, it is nonetheless a war we are obliged to wage as doggedly and aggressively as possible. Moreover, what we can and must win is the hearts and minds of American youth.

As parents and loved ones, we must teach our kids the truth, which is that drug use is dangerous and morally wrong. As employers and colleagues, we must adopt a posture of militant intolerance toward illegal drug use by those around us. As citizens and taxpayers, we must be willing to support more aggressive, more costly law-enforcement and educational initiatives.

Mr. President, thus far in the drug war, America has only just begun to fight.

JAMIE HUMES: ELOQUENCE AFORETHOUGHT

Mr. HOLLINGS. Mr. President, throughout our Nation's history, Senators and Presidents have relied on speech writers as a kind of artificial intelligence. These wordsmiths are supposed to stay out of the limelight, to cultivate—as Sherman Adams put it—"a passion for anonymity." But some speech writers just refuse to be history's footnotes. George Washington made quite a career of delivering Alexander Hamilton's speeches. George Bush was elected in no small measure on the strength of his recital of Peggy Noonan's speech at the Republican National Convention. Indeed, one pundit has suggested that we simply appoint Peggy Noonan President and cut out the middleman.

One of the very best speech writers—and speech givers—in the business is James C. Humes. A lawyer by training, Jamie has served in the White House, in the State Department, as a member of the Pennsylvania House, and as a part-time speech writer for every President from Eisenhower through Bush. I have had the pleasure of Jamie's friendship and counsel for decades now, and I'm pleased to read in the New York Times of his success in teaching the art of speech making to corporate America.

This superb writer and irrepressible talker is a good friend to many of my colleagues in both Houses of Congress. Accordingly, I ask that the March 11 New York Times article on Jamie Humes be printed in the RECORD for all to enjoy.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 11, 1990]

TEACHING THE "SIR WINSTON" METHOD

(By N. R. Kleinfield)

In the stark Manhattan meeting room, under fluorescent glare, the studious, well-fed man in the three-piece suit chomped on a cigar. He put a derby on, took it off. He bellowed: "We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the field and in the streets, we shall fight in the hills. We shall never surrender."

Gulping a breath, he stared at his audience with a powerful and direct gaze. The small cluster of mid-level executives from the big insurance company, Johnson & Higgins, looked a little befuddled but they sopped it up. They had never heard Winston Churchill before.

Winston Churchill? Talking to insurance people?

Sort of.

It was, in fact, James Humes.

Any businessman who hasn't yet made the acquaintance of Mr. Humes, just wait. He'll probably show up soon. He performs one of the most popular and incontestably most bizarre acts playing the corporate stage. He teaches executives better ways to speak and to motivate those lackluster sneaker- or lawn-equipment salesmen by impersonating Winston Churchill.

He was born for the role. Other than having too much hair, James Humes looks, acts and talks like Mr. Churchill, so much so that one wonders if sometimes he becomes confused about who he actually is. (Not really, and he can do credible Richard Nixon and Benjamin Franklin impersonations, too.)

Why invoke a deceased British prime minister in the offices of insurance people and shampoo makers? Mr. Humes is of the mind that the lusty, jowly former British prime minister was the all-time greatest orator, and thus he feels a businessman could do worse than to mimic Churchill. No, he doesn't urge John Reed of Citicorp or John Akers of I.B.M. to put on a lot of weight and begin talking in a deep-throated British accent. But he does think everyone can profit from an examination of Churchill's facility with words.

These are good days for the puckish, 55-year-old Mr. Humes. He is riding a boom in interest in speech coaches, as an increasing number of businesses spend money to sharpen the talking abilities of their executives. Nearly half of all medium and large corporations, speech instructors estimate, furnish public-speaking training for employees. The Churchill angle is what clearly sets Mr. Humes apart. But he differs from most others in that he also discusses the actual crafting of a speech.

"There are a lot of people out there teaching how to read a speech, how to face a TV camera," he said. "But very few teach about the contents of speeches. You can teach someone how to read the telephone directory like it's never been read before, but, let's face it, after it's all over, it's still the telephone directory."

Mr. Humes began giving his "The Language of Leadership" presentation in the early 1980's. It has attracted an ardent following—he has been hired by G.T.E., I.B.M., Bristol-Myers, Upjohn, Coors, Security Pacific, the U.S. Customs Office and the Securities and Exchange Commission. Agents from the C.I.A. and the F.B.I. have chosen to sit through it.

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He delivers the roughly one-hour presentation an average of three times every two weeks. His fee is about $3,500. The concept actually sprang from a promotional gimmick. He wrote a biography about Churchill that was published in 1980. To promote it, he hopscotched across the country giving a lecture on Churchill in which he very convincingly impersonated him. It struck him he might profitably mold that into a seminar to teach speaking to businessmen.

He accords current speechmaking the lowest possible status. "How often do you hear a good company speech?" he said. "Rarely. In Britain, it's much better. They don't automatically use the chief executive to give a speech, but pick the best speaker in the organization. Here, it's always the C.E.O., and everyone will say afterward, 'Hey, great speech, J.R., just tremendous.' And of course it would have put a plant to sleep."

Customers have made versatile use of Mr. Humes. John Goodchild, the president of the Weightman Group, a Philadelphia advertising agency, has hired him to tutor younger staff members and to coach clients. "He always has everyone enthralled," Mr. Goodchild said. "Several people have told me they tried some of the tips and people actually started listening to them."

During the Johnson & Higgins address, Mr. Humes, his mouth curling at the corners in amusement, filled in the audience on Churchill's unpromising background. That alone, he feels, gives hope to businessmen having trouble with their mouths. As a youth, Churchill had a lisp and a stutter and was unequipped with a university education. One of the first times he faced an audience, cleared his throat and began a speech, he flat-out fainted—a technique Mr. Humes frowns upon.

Roving back and forth across the front of the room, Mr. Humes spat out some tips, slipping in and out of his Churchill voice, ranging from indomitable calm to animated fury. Talk in pictures: "Iron Curtain was something Churchill coined to get a point across." Avoid jargon: "Churchill didn't say, 'Hostilities will be engaged on the coastal perimeter.' He said, 'We shall fight them on the beaches.' "

He related some non-instructional Churchill anecdotes. Churchill, having had much to drink, encountered Bessie Braddock, a Laborite. "Sir Winston," she said. "You are drunk, and what's more, you are disgustingly drunk."

Churchill replied: "And might I say, Mrs. Braddock, you are ugly and, what's more, disgustingly ugly."

"But tomorrow," he added, "I shall be sober and you shall still be ugly."

Winston Churchill has essentially bracketed James Humes' entire life. As a child, instead of playing records from the Hit Parade, Mr. Humes listened to recordings of Edward R. Murrow and of historical figures like Theodore Roosevelt. "I'm not proud of this," he said. "In fact, I'm a little embarrassed at this, but I wrote my own inaugural address when I was 12. I would turn on march music and deliver it from behind the couch.

When he was 18 and in England on an English-Speaking Union Scholarship, he actually met Churchill at a reception. Churchill told him: "Study history, study history. In history lie all the secrets of statecraft."

Mr. Humes was already studying history, so what he immediately did was sprint home and tear down his poster of Ted Williams and replace it with a picture of Winston Churchill.

In 1962, at the age of 28, he was elected to the Pennsylvania House. He also indulged in free-lance speech-writing, including putting words into the mouths of every President from Dwight Eisenhower to George Bush. He wrote one speech for Ronald Reagan that attracted unanticipated attention; it mentioned "third world" several times, yet when Mr. Reagan gave it, he kept saying, "third world war."

Mr. Humes practiced law for a while, did lobbying, then commenced his coaching course. He lives in Philadelphia, writes books, teaches and crafts speeches for corporate executives.

The Johnson & Higgins presentation concluded to vigorous applause and some knowing glances.

"Fabulous," said John Park, a manager in the international department. "I'm going to use some of the things he mentioned in a speech I'm giving to international managers in 20 minutes. Let's hope they work."

"When I get up to make a speech, I feel like I'm standing there naked," confided Alice Miller, an assistant vice president in corporate communications. "But his whole gestalt is so energizing. I also felt I was learning history as he spoke."

Of course, there were some doubters. "Churchill is not someone I'm really familiar with," said Ann Webre, who edits an employee-benefits newsletter. "For a younger audience, I think he may have to change it."

Another listener chimed in: "He might have to switch to Sting or someone like that. Though, frankly, I can't be sure businessmen really relate well to Sting."

WORK THAT AUDIENCE UP

In tutoring executives as public speakers, James Humes compresses his counsel into five simple points:

1. Begin strongly. He characterizes the opening moments of a speech as "prime time." "Everyone's listening and thinks you have something interesting to say," he said, "and so you should not dissipate that psychological advantage. Never waste it by saying the expected. Complimenting and thanking your audience at the beginning of a speech is not the best use of prime time."

2. Use one theme. "Keep it simple and single," he said. "And make sure there's a theme. Churchill once sent back a pudding because he said it had no theme."

3. Use simple language. Don't make listeners plow through jargon. As he put it, Those who comprehend it won't be impressed, and those who don't will start reading a book.

4. Talk in pictures. "Give case examples that tell a story to illustrate cost benefit or delivery of service," he said. "When I teach, I have my students work on their 'I.R.A.'s'—incident recorded accounts. I make them come up with 15 incidents—being fired, going to camp—and I show them how to use them to illustrate points."

5. Use an emotional ending. He stressed that the emotions that stir people in their private lives—pride, love, hope—are the same themes that motivate wallboard executives and vacuum cleaner salesmen. "C.E.O.'s tell me, 'Listen, Jim, I'm not trying to save England, I'm just trying to get a message across to the company.' Well, you still want to ask the employees to join you in something. End on an emotional pitch. Work that audience up."

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The period for morning business is now closed.

Does the Senator have additional business?

Mr. GORTON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 1630, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to Amendment No. 1293), to grant Administrator authority to authorize limited production of halons after the year 2000 if necessary for aviation safety purposes.

(3) Wirth/Armstrong amendment No. 1313 (to amendment No. 1293), to establish guidelines for alternative work schedules for Federal agencies within nonattainment areas.

(4) Byrd further modified amendment No. 1329 (to amendment No. 1293), to provide benefits for terminated coal mine workers.

Mr. SPECTER addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. Specter].

AMENDMENT NO. 1330, AS MODIFIED, TO AMENDMENT NO. 1293

(Purpose: To provide a tax credit for equipment necessary to meet acid rain reduction standards)

Mr. SPECTER. Mr. President, I send a modification of the amendment which has been filed to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. Specter], for himself, Mr. Lugar, Mr. Metzenbaum, Mr. Byrd, Mr. Simon, Mr. Dixon, Mr. Bond, Mr. Coats, Mr. Glenn, and Mr. Rockefeller, proposes an amendment numbered 1330, as modified.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE —TAX CREDIT FOR ACID RAIN REDUCTION EQUIPMENT

SEC. . TAX CREDIT FOR EQUIPMENT TO MEET ACID RAIN REDUCTION STANDARDS.

(a) In General.—Subpart B of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to foreign tax credit, etc.) is amended by adding at the end thereof the following new section:

"SEC. 30. ACID RAIN CONTROL EQUIPMENT.

"(a) Allowance of Credit.—

"(1) In general.—If qualified acid rain control property is placed in service during any taxable year, there shall be allowed as a credit for each taxable year in the credit period an amount equal to 6⅔ percent of the taxpayer's qualified investment in such property.

"(2) Credit period.—For purposes of paragraph (1), the term 'credit period' means, with respect to any qualified acid rain control property, the 3-taxable year period beginning January 1, 1995.

"(b) Qualified Acid Rain Control Property.—For purposes of this section—

"(1) In general.—The term 'qualified acid rain control property' means tangible property—

"(A) which—

"(i) is required to be installed by reason of the phase I sulfur dioxide emission limitations under title IV of the Clean Air Act (as in effect after the Clean Air Act Amendments of 1990), and

"(ii) reduces sulfur dioxide emissions by 65 percent or more at the source (or sources) in connection with which such property is installed, or

"(B) which is installed on or in connection with property described in subparagraph (A).

"(2) Only depreciable property eligible.—The term 'qualified acid rain control property' includes only—

"(A) property to which section 168 applies (without regard to any useful life), or

"(B) any other property—

"(i) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(ii) which has a useful life (determined at the time the property is placed in service) of 3 years or more.

"(3) Property must be new.—

"(A) In general.—The term 'qualified acid rain property' includes only property the original use of which commences with the taxpayer.

"(B) Reconstruction.—For purposes of subparagraph (A), a rule similar to the rule of the last sentence of section 48(b)(1) shall apply.

"(4) Certain other requirements.—In determining whether property is qualified acid rain control property, rules similar to the rules of the following provisions of section 48(a) shall apply:

"(A) Paragraph (2) (relating to property must be used predominately in the United States).

"(B) Paragraphs (4) and (5) (relating to exclusion of property of certain tax-exempt organizations, governmental units, and foreign persons and entities).

"(C) Paragraph (7) (relating to property completed abroad or predominately of foreign origin).

"(5) Termination.—The term 'qualified acid rain control property' shall not include property placed in service after December 31, 1996.

"(c) Qualified Investment.—For purposes of this section—

"(1) In general.—The term 'qualified investment' means, with respect to any qualified acid rain control property, the basis of such property as of the time such property is placed in service.

"(2) Limitations wtih respect to certain persons.—In determining qualified investment, rules similar to the rule of section 46(e) shall apply.

"(d) Limitation Based on Amount of Tax.—

"(1) Liability for tax.—The credit allowable under subsection (a) for any taxable year shall not exceed—

"(A) the sum of—

"(i) the taxpayer's minimum tax liability under section 55(a) for such taxable year, plus

"(ii) the taxpayer's regular tax liability for such taxable year (as defined in section 26(b)), over

"(B) the sum of the credits allowable against the taxpayer's regular tax liability under subparts A and D of this part and sections 27, 28, and 29.

"(2) Carryback and carryforward of unused credit.—

"(A) In general.—If the amount of the credit allowed under subsection (a) for any taxable year exceeds the limitation under paragraph (1) for such taxable year (hereinafter in this paragraph referred to as the 'unused credit year'), such excess shall be—

"(i) an acid rain control credit carryback to each of the 3 taxable years preceding the unused credit year, and

"(ii) an acid rain control credit carryforward to each of the 15 taxable years following the unused credit year,

and shall be added to the amount allowable as a credit under subsection (a) for such years. If any portion of such excess is a carryback to a taxable year beginning on or before the date of the enactment of this section, this section shall be deemed to have been in effect for such taxable year for purposes of allowing such carryback as a credit under this section. The entire amount of the unused credit shall be carried to the earliest of the 18 taxable years to which such credit may be carried, and then to each of the other 17 taxable years to the extent that, because of the limitation contained in paragraph (1), such unused credit may not be added for a prior taxable year to which such unused credit may be carried.

"(B) Limitations.—The amount of the unused credit which may be taken into account under subparagraph (A) for any succeeding taxable year shall not exceed the amount by which the limitation provided by paragraph (1) for such taxable year exceeds the sum of—

"(i) the credit allowable under subsection (a) for such taxable year, and

"(ii) the amounts which, by reason of this paragraph, are added to the amount allowable for such taxable year and which are attributable to taxable years preceding the unused credit year.

"(e) Recapture Upon Disposition.—

"(1) In general.—If, during any taxable year, qualified acid rain control property is disposed of (or otherwise ceases to be such property with respect to the taxpayer) before the close of the 5-year period beginning on the date such property was placed in service, the tax under this chapter for such taxable year shall be increased by the recapture percentage of the aggregate decrease in the credits allowed under this section for all taxable years which would have resulted solely from reducing to zero the qualified investment taken into account with respect to such property.

"(2) Recapture percentage.—For purposes of paragraph (1), the term 'recapture percentage' has the meaning given such term by section 47(a)(5)(B).

"(3) Other rules.—Rules similar to the rules of section 47(a)(5)(D) and (a)(6) shall apply for purposes of this subsection.

"(f) Other Limitations.—For purposes of this section—

"(1) Limitation in case of certain regulated companies.—No credit shall be allowed under this section with respect to any property which is public utility property (as defined in section 46(f)(5)) with respect to which a credit would not be allowed under section 38 if section 46(f)(2) (relating to cost of service and base rate reductions) applied to such property, except that subparagraph (B) of section 46(f)(2) shall be applied by inserting 'not' before 'reduced'.

"(2) Basis adjustment.—For purposes of this subtitle, if a credit is determined under subsection (a) with respect to qualified acid rain control property, the basis of such property shall be reduced by the amount of such credit (determined as if the entire credit with respect to such property was allowable in the taxable year such property was placed in service)."

(b) Conforming Amendments.—

(1) Section 196 of the Internal Revenue Code of 1986 (relating to deduction for certain unused business credits) is amended by adding at the end thereof the following new subsection:

"(e) Acid Rain Control Credit.—The provisions of subsections (a) and (b) shall apply in the same manner to the credit allowed under section 30(a)."

(2) Section 383(a)(2) of such Code (defining excess credit) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a comma and "and", and by adding at the end thereof the following new subparagraph:

"(C) any unused acid rain control credit of the corporation under section 30(d)."

(3)(A) Section 6411(a) of such Code (relating to tentative carryback and refund adjustments) is amended by inserting "by an acid rain control credit carryback provided in section 30(d)," after "section 172(b),".

(B) Section 6411(a) of such Code is amended—

(i) by inserting "unused acid rain control credit," after "net capital loss," and

(ii) by inserting "or an acid rain control credit carryback" after "business credit carryback".

(C) Sections 6411(b) and 6411(c) of such Code are each amended by inserting "unused acid rain control credit," after "net capital loss," each place it appears.

(4) Subparagraph (C) of section 6511(d)(4) of such Code is amended by inserting "or any acid rain control credit carryback under section 30(d)" after "section 39".

(5) The table of sections for subpart B of part IV of subchapter A of chapter 1 of such Code is amended by inserting at the end thereof the following new item:

"Sec. 30. Acid rain control equipment."

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(c) **Effective Date.**—The amendments made by this section shall apply to property placed in service after December 31, 1990, in taxable years ending after such date.

Mr. SPECTER. The modification has been submitted, Mr. President, because the effective dates are changed, but that only. While my distinguished colleague from Ohio is on the floor, if I may have the attention of Senator METZENBAUM, I thank my distinguished colleague from Ohio for his leadership on this issue, and as I had indicated to him earlier, I had intended to state in my prepared remarks that the idea of the tax break originally came from the distinguished Senator from Ohio [Mr. METZENBAUM] and, along with some refinements, has been adopted in its present form. It is the amendment which has been submitted on behalf of Senators BYRD, LUGAR, METZENBAUM, BOND, GLENN, DIXON, ROCKEFELLER, SIMON, COATS, and myself.

Mr. METZENBAUM. I thank the Senator from Pennsylvania for his comments, and I am happy to be working with him in this respect.

Mr. SPECTER. I thank the Senator.

The Senator from Illinois is on the floor and has a very brief statement, Mr. President. So before I start on a detailed explanation of the amendment, I am willing to yield the floor to Senator DIXON for 5 minutes.

Mr. DIXON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois [Mr. DIXON].

Mr. DIXON. Mr. President, I am an original cosponsor of the amendment before us, which will provide necessary rate relief for customers of utilities which will need to employ costly acid rain control equipment as a result of the pending bill.

As my colleagues probably know well by now, I am not pleased with the way this bill before us has allocated the costs among States for cleaning up our national acid rain problem. This bill seeks to get 90 percent of acid rain reductions in the first phase from just nine States. I suppose that would be fair if these nine States were responsible for all of that pollution, but that is not the case. In fact, these nine States contribute only 51 percent of the total sulfur dioxide emissions.

This tax credit amendment provides an opportunity to restore a little bit of equity to the acid rain reduction plan the bill lays out. I know the opponents of this amendment will say that we should not be paying dirty States to clean up their problem. Let me say that Illinois is not a dirty State. The State of Texas, which is the third biggest sulfur emitter in the country, and which emits more sulfur than my State of Illinois, is considered a clean State under the terms of this bill. How did my State come to be called a dirty State?

Mr. President, I am not picking on my friends from Texas or Arizona, Louisiana, or New Mexico, who also happen to represent States that emit large amounts of sulfur, yet who will have to do little or nothing to clean up under the terms of this bill. Mr. President, I am just trying to point out that if we are going to call some States dirty because their sulfur emissions happen to come from utilities and other States clean because their emissions come from industrial sources, we are going to have a fairness problem here.

One way to help remedy this problem is to provide some tax relief for those who are being forced to disproportionately shoulder the costs of this national problem. The amendment of my friend from Pennsylvania, that I am honored to cosponsor, simply provides utilities with a tax credit for 5 years for the costs of design, construction, and installation of coal-based technologies.

Mr. President, this is a modest request to restore a little bit of fairness to this bill. Other States that are now considered clean received tax credits, accelerated amortizations, and tax-exempt pollution-control financing when they cleaned up their utilities. We are just asking the same for us. Some might say that Illinois utilities should have cleaned up earlier when tax credits were available. The fact is that Illinois utilities have spent over $1 billion cleaning up pollution. That is nearly twice as much as what utilities in any clean State have spent to clean up their emissions.

Mr. President, I would like to say more, but the time agreement does not permit it. In conclusion, let me just add that we in the Midwest and Appalachia know we are getting a raw deal. This bill is not fair. If we stop it and make it fair, we would, but we cannot, because we know we do not have the votes.

Let us stop pretending that we are doing something fair here and adopt this amendment to mitigate the rate hikes and coal miner job losses that States like mine will experience as a result of the acid rain title of this bill.

Mr. President, I am honored to cosponsor with my friend from Pennsylvania, and I urge my colleagues to act in fairness toward the States that are penalized under this bill and to vote for the Specter amendment.

Mr. GLENN. Mr. President, I rise today as an original cosponsor of this measure to provide an investment tax credit for the installation of equipment to reduce sulfur dioxide emissions.

The sulfur dioxide emission standards anticipated in this legislation fall directly on public utilities, many of which are located in Ohio. Those utilities will be required to incur costs, particularly for emission control equipment. These costs will in turn fall disproportionately on the utility ratepayers of Ohio and the other affected Midwestern States.

It is frustrating for me to hear repeatedly that Ohio and other Midwestern States can easily afford these costs because cheap, high sulfur coal provides low electricity rates. Mr. President, this is simply not true. In fact, Ohio's utility rates are higher than those in many other States.

Some of the lowest electric rates in the country are found in those States that have benefited from various Federal subsidies, which were paid in part by Ohio taxpayers. The States of Washington, Oregon, Idaho, Montana, Wyoming, and Tennessee, for example, benefit from federally funded hydroelectric projects that have resulted in average rates much lower than those paid by Ohio consumers. Many of these same States would be totally exempted from making any emission reductions under this bill.

Not only do these States enjoy lower electric rates partially at the expense of the Midwest, but their industrial emissions—a substantial part of overall sulfur emissions—are totally unregulated under this bill. In fact, emissions in some States will actually be allowed to increase at the same time utilities in my State will be spending millions to clean up their emissions. Mr. President, this is simply not fair.

I believe, and the people of my State share my view, that clean air is our goal. The people of Ohio have demonstrated a strong commitment to environmental protection and have backed up their commitment by spending more than any other State in the Nation on pollution control. According to the U.S. Department of Energy [USDOE], Ohio utilities spent more than $2.1 billion on air pollution control through 1987. All other States combined spent just over $19 billion.

More that just my State, Mr. President, clean air is a national goal. Yet, the burden of reaching that goal for acid rain is to be shouldered by one region. The people of Ohio, who have already shown their willingness to improve sulfur dioxide emissions, will now be required to bear an unfair burden.

It is easy to support clean air when someone else is going to pay the price. The amendment currently before the Senate is a measure of national support for a national priority. A 20-percent investment tax credit would partially relieve the burden of pollution control on the Midwestern States. Public utilities that install technological controls would be eligible for the tax credit for the capital costs of the installation. In order to be eligible, the installed equipment must reduce SO_2 emissions by at least 65 percent and must be in place by the end of 1996.

The estimated cost of this credit would be $1 billion over 5 years.

In order to protect ratepayers the tax credit will be included in calculations to determine a utility's rate base and will be amortized over the depreciable life of the asset.

Mr. President, I am arguing for fairness—not delay, not lower standards, not dirty air. I am arguing that the American people share the cost of solving a national concern.

Mr. SPECTER. I thank my distinguished colleague, the Senator from Illinois [Mr. DIXON], for his remarks. I ask the Chair how much time remains on my allocation.

The PRESIDING OFFICER (Mr. BRYAN). The Senator has 45 minutes, 45 seconds.

Mr. SPECTER. I thank the Chair.

Mr. President, at the outset, I want to make it plain that this Senator is in agreement with the objective of this legislation, removing 10 million tons annually of sulfur dioxide from the air to deal with the acid rain issue.

I compliment the managers of the bill and the drafters of the bill in moving ahead in this decisive way to provide for a strong clean air bill on this issue with sulfur dioxide removal and emphasize that this amendment is designed to deal with who will pay for that cleanup as opposed to any controversy on the necessity for the cleanup itself.

Mr. President, this amendment will provide for a 20-percent tax investment credit for the capital costs of technological controls installed by a public utility in order to comply with the first phase reductions of sulfur dioxides under Senate bill 1630. The goal of this proposal is to provide a financial incentive for the cost of capital of installing scrubbers in the first phase and this would accomplish three purposes.

First, limit the impact of the bill on States whose economies are dependent upon high sulfur coal. Second, to provide needed rate relief for those who have to pay high utility costs. And third, to ensure a more equitable allocation of acid rain control costs.

The acid rain control equipment is to be defined as equipment required to be installed by reason of phase I of the sulfur dioxide emission limitations. Such equipment shall reduce sulfur dioxide by 65 percent or more at the unit in which it is installed and it maintains the incentive for these technological controls.

At the outset there should be notation that the current legislation does not equitably carry out the principle of having the polluters pay, because consumers of utilities located in nine States must make 90 percent of the reductions in the first phase of the bill and 70 percent in the second phase even though those sources of sulfur dioxide in those nine States account for only 51 percent of the emissions. Senate bill 1630 does not adhere to the polluter pays principle in that it does not mandate reductions of sulfur dioxide from nonutility sources of sulfur dioxide in proportion to their contributions to nationwide sulfur dioxide emissions.

The distinguished Senator from Illinois has made a reference to Texas which is responsible industrially for 13 percent of such emissions but has no cost to share under this particular line.

This amendment, simply stated, would allow those utilities which install pollution control devices, scrubbers, the same kind of a tax break enjoyed by others who undertook those controls at an earlier time when there was an investment tax credit and also tax exempt municipal bond issues.

The cost of this proposal will not be borne until the year 1995, and I urge my colleagues, the few who are on the floor, the more who are listening on their television sets or radio, to focus on this point. This is a very important consideration because there will be no cost impact and it does not affect the budget until the year 1995 at which time the cost will be $300 million.

And I ask unanimous consent that a letter to me dated March 8, 1990, from the Joint Committee on Taxation be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, the evolution of this amendment has had a long course and it is worthwhile to summarize briefly for my colleagues. The Senators from seven States had extensive discussions under the leadership of Senator BYRD to try to find a way to have some equitable cost sharing for ther seven States involved, Pennsylvania, West Virginia, Ohio, Illinois, Kentucky, and Missouri.

We were unsuccessful in the negotiations candidly, Mr. President, because we did not have the votes to enable us to get this kind of relief.

We had a long series of meetings and one of the meetings occurred with the distinguished manager of the bill, Senator BAUCUS from Montana, together with the distinguished majority leader, and it occurred on November 20, Tuesday before our Thanksgiving recess. It was a long meeting. It began at 4 o'clock in the afternoon and went until about 5:25. Fourteen Senators from seven States sat along with Senator MITCHELL and Senator BAUCUS going over the details of considerations of our seven States.

At the conclusion of the meeting Senator BAUCUS said, if I might have his attention—he can verify the comment—"I have never seen so many Senators sit so still for so long; this must be an important consideration."

We were dealing with a great many issues at that time. Instead of 107 plants, we wanted to deal with less plants. We had a good many other proposals and they were by and large rejected. What we have come to as this bill has evolved are two amendments which are now pending.

One is the amendment offered by the distinguished Senator from West Virginia [Mr. BYRD] which would provide payments for unemployed coal miners, and this amendment which is an investment tax credit.

I had withheld offering this amendment until there had been a vote on the Byrd amendment because I did not want to move in the way of the distinguished Senator from West Virginia because he had been the chairman of the seven-State coalition and because his amendment had been offered and it was pending. In my discussions yesterday afternoon with Senator BYRD we talked about my moving ahead and he said that it was acceptable to him if this amendment were offered at this time and, as already noted, Senator BYRD is a principal cosponsor of this amendment.

If this amendment is adopted, it is my submission that it may well accomplish not only the intent of the Byrd amendment but even go beyond the Byrd amendment. I had suggested that to my colleague, Senator BYRD, yesterday, that this would be a preferable amendment to deal with the problems that his amendment and this amendment are directed toward.

I suggest that it is a preferable course because it keeps coal resources alive, and one of the really important objectives of the national energy policy should be to keep as much coal available for use as is possible. And this amendment would provide incentives for burning high sulfur coal, but in a way which would not be destructive of the environment because it would be scrubbed and it would be cleaned. And we know, Mr. President, there are substantial problems with OPEC oil and substantial problems with the nuclear industry and there is very strong reason for our national energy policy to maintain as much use of coal as is possible.

It would also be preferable for the coal miners to be at work as opposed to being unemployed and being paid under the provisions of any collateral suggestion.

It would further have a very desirable impact on those who would have indirect losses; for example storekeepers in coal mining towns who would not receive payments under the amendment offered by the distinguished Senator from West Virginia but who certainly would be hurt indirectly by a shutdown in the coal fields.

And it would keep the towns, cities, boroughs, and municipalities alive

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where those municipalities, towns, boroughs, and cities are dependent upon the coal industry.

There is good reason to believe that the United Mine Workers, the coal miners, those directly involved in the coal industries, of course including the coal companies which need to maintain the production of coal in western Pennsylvania, West Virginia, Kentucky and other similar States would be immeasurably aided by this amendment that would otherwise not be reached at all. And it is so much better from an economic point of view to structure a provision which will keep coal production alive and men and women working and companies in production, contrasted with an arrangement where the coalfields are idle, miners are idle, and there is payment which is really akin to unemployment compensation.

So I think, Mr. President, that if this amendment is offered, the objectives of the Byrd amendment will not only be reached but perhaps surpassed. And in saying this I state explicitly that I intend to maintain my support as a cosponsor of Senator BYRD's amendment. But there has been a lot of concern expressed on the floor of this body by Senator MITCHELL, Senator DOLE, and others about the costs involved in the Byrd amendment. I believe those costs are justified. But it may be that some Senators who have an inclination to support the Byrd amendment would see the Specter amendment or the pending amendment as a preferable way to reach those objectives.

Mr. President, I have consulted on this bill with the Chief of Staff, John Sununu, and Roger Porter at the White House, and Boyden Gray, and while there is reluctance to have anything that would add cost, so far we have had only a preliminary indication that they are not happy with any item which would add costs but they have not given a definitive "no." The matter is still under study at the White House.

My representation of their position has drawn a smile perhaps even a guffaw or laugh from my distinguished senior colleague from Rhode Island. But the issue has not been turned down flatly, and I suggest to those at the White House who may be listening on C-SPAN II, that there is great merit in this amendment to direct a cost factor, a minor cost factor, $300 million in 1995. And I have not added any beyond, although I think they would be minimal because the Committee on Joint Taxation is unable to provide such a cost estimate, that this is much less expensive than the alternative of the amendment by the distinguished Senator from West Virginia and is much more productive.

Mr. President, there is an issue on this amendment which relates to a tax provision. I have consulted with the distinguished chairman of the Finance Committee, Senator BENTSEN, on this point, and he has advised me that he would oppose the amendment out of concern for a possible blue-slipping from the House, and out of concern on the jurisdiction of the Finance Committee.

Mr. President, I have consulted with the Parliamentarian and with the history of similar measures and there is a procedure to avoid that, analogous for example to the child care legislation where the Senate acted first and there was a tax provision. The way to deal with it is to have the Senate bill held in the Senate at the desk knowing that the House will take up the clean air legislation and that there will not be a constitutional confrontation.

The same was done with the black lung legislation, the same was done with the savings and loan. So that when there has been an inclination to deal with the substance of a tax issue, that objection has not been interposed by the Finance Committee on jurisdictional grounds.

I think that it is a fair representation to make that the chairman of the House Ways and Means Committee, the distinguished Representative from Illinois, Congressman ROSTENKOWSKI, is well aware of this issue. My colleague, Senator DIXON, Congressman ROSTENKOWSKI's colleague from Illinois, has taken up this matter.

I believe that there have been hearings in the House on this issue. So that we are not starting something here which is not known to the House. This issue can be accommodated.

I would suggest further, Mr. President, that under the relevant Supreme Court decisions there is no constitutional impediment in any event to our considering this matter because it falls under the category of incidental considerations. With the limited time, I do not want to expand upon that legal consideration at this time, that matter of legal interpretation.

Mr. HEINZ. Will the Senator yield?

Mr. SPECTER. I am delighted to yield to my distinguished colleague from Pennsylvania.

Mr. HEINZ. Mr. President, I rise very briefly to commend the Senator from Pennsylvania for having persevered on a very carefully thought-out amendment, one I strongly support, and one for which I am cosponsor. If he would permit, I would like to take no more than 2 minutes to say why I think it is an important amendment.

Mr. SPECTER. I am delighted to yield to my distinguished colleague.

Mr. HEINZ. Mr. President, this is an important amendment but it is also a very modest and a very reasonable amendment. It is modest because, in providing the 20-percent tax credit for technolgy, all it does is to restore to the affected utilities the same kind of tax breaks; namely, the investment tax credit and the equivalent of access to tax exempt financing, that was available prior to the enactment of the 1986 tax reform bill for all other utilities that make these kinds of investments. So all it does in that respect, and the reason I say it is modest, is that it simply restores these tax incentives to the status quo that existed prior to 1986.

It is also very reasonable because the Midwestern States, even with this amendment, will continue to bear a disproportionate share of the cost of compliance and the amount of compliance. In sum and substance, in the first phase of the Clean Air Act for acid rain, phase I as we call it, the utilities in our nine States must make nearly 90 percent of the sulfur dioxide reduction that the bill imposes, whereas some 51 percent is what we account for in nationwide SO_2 emissions.

We are not asking for relief from our environmental protection responsibilities. But we are asking for assistance in reducing the costs to our region's electrical consumers in meeting our national clean air goals.

The reason we worry about our consumers should be apparent. Achieving the stringent goals set by this legislation will require many utilities in our region to install expensive technology.

A state-of-the-art, flue-gas scrubber can cost $100 million to put in place. It has annual operating costs of $10 million a year. Money doesn't grow on trees. It has to come from somewhere. The funds for the additional technology will come, one way or another, from the ratepayers.

Electrical rates for consumers in some States could increase by 13 to 20 percent. For a homeowner, the annual utility bill could increase by $120 to $200. That is no trifling sum for a senior citizen receiving the minimum Social Security benefit of $184.20 each month, or for a minimum wage earner bringing home $558.33 each month. A sudden jump in utility bills is not going to make the daily struggle to get by and get ahead any easier.

Our amendment is structured to ease the costs that will fall directly on our ratepayers. It provides a 20-percent investment tax credit, to be taken over a 3-year period beginning January 1, 1995, or the first year in which the pollution control device becomes operable. To protect ratepayers, the cost of the equipment that may enter into the rate base must be reduced by the new tax credit.

This tax credit is not a novel scheme. It has been tried and it worked to help utilities, many in the Western part of this country, to meet the requirements of previous clean air legislation. And it also worked to reduce costs to ratepayers of those utilities.

Our amendment merely restores tax credits offered to industry in the late 1970's and early 1980's for installing pollution control equipment. The tax credits covered approximately 20 percent of the capital costs of equipment. Those credits were eliminated in the 1986 tax reform legislation. Our amendment would merely restore this incentive to industry and therefore allow some relief to utilities targeted for regulation in phase I of the acid rain provisions of the pending clear air legislation.

Mr. President, our region stands ready to achieve the acid rain goals set out in this legislation. But we are requesting a measure of equity to help our ratepayers who will pay the price to reduce sulfur dioxide emissions.

I commend the Senator from Pennsylvania for the excellent research that he has done on the opportunities to move ahead with this tax credit legislation, notwithstanding the fact that the Constitution would not permit us to originate and send to the House tax legislation. He is quite correct when he points to the child care legislation as an appropriate and valid precedent.

I just want to say that without this amendment, we would experience some very, very high utility rate increases.

I urge the Senate to support this amendment.

Mr. SPECTER. I thank my distinguished colleague, Senator HEINZ, for those remarks and acknowledge his leadership as chairman of the coal caucus, and his very extensive efforts to try to bring parity for Pennsylvania and the other States which have been unfairly impacted by the bill in its present form.

Mr. President, I inquire as to the remaining time allocated to this side.

The PRESIDING OFFICER. The Senator has 26 minutes and 41 seconds remaining.

Mr. SPECTER. In light of the limitation of time, I ask unanimous consent at this point that a memorandum from Congressional Research to this Senator, dated March 9, 1990, be printed in the RECORD.

There being no objection, the memorandum was ordered to printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 9, 1990.

To: Honorable Arlen Specter. Attn: Morrie Ruffin.

From: Donald W. Kiefer, Senior Specialist in Economic Policy.

Subject: Effect of a 20 percent tax credit on use of acid rain control technology under the Clean Air Act amendments.

In response to your inquiry whether there was anyone who could estimate the number of utilities that would use scrubbers rather than fuel switching if a 20 percent investment tax credit were provided, I contacted the Edison Electric Institute. They put me in touch with a consultant they have used on the issue, T.J. Glauthier at Temple, Barker, & Sloane, Inc. He did some estimates and produced the attached memorandum on the issue. I, of course, cannot vouch for the accuracy of the estimates, but I do not know of any other source for such information.

You also asked whether it is possible to break out air pollution investment from the total volume of pollution control bonds listed in the material provided by Stanley Garnett. Unfortunately, none of the sources we have available break down the totals.

TEMPLE, BARKER & SLOANE, INC.,
March 9, 1990.

MEMORANDUM

To: Bob Beck, Ron Clements.

Copy: Don Keiffer, Congressional Research Service.

From: T.J. Glauthier.

Date: March 9, 1990.

Re: Effects of a Potential 20 percent Tax Credit for Scrubbers in S. 1630.

This documents a quick-turnaround analysis we completed yesterday on the potential effects that a 20 percent tax credit on the investment cost of scrubbers would have, if included in the Senate's acid rain control programs, S. 1630. These results were conveyed by telephone to Mr. Keiffer yesterday, and are being transmitted more formally today.

The analysis of such a tax credit is based on a detailed financial analysis of potential tax incentives for pollution control investments conducted by EEI's Tax Analysis & Research Subcommittee (TARS) over the past three months. The results of that analysis have been shared with the staff of the Joint Committee on Taxation and others who are examining the potential role that tax incentives could play in reducing the cost burden of acid rain compliance costs to electric utility customers. Mr. Edward F. Mitchell, President and Chief Executive Officer of Potomac Electric Power Company presented the key results of that analysis in testimony to the House Ways and Means Committee earlier this week, on March 7th.

The analysis performed by the TARS group included a 20 percent tax credit for investment costs as one of the options it examined. The conclusions of their analysis were that such a tax credit would reduce customer costs on a present-value, or levelized, basis by 8 percent with full normalization, or 26 percent with flow-through of benefits to the cost-of-service and rate base for customer costs.

In this analysis, we used the 26 percent cost reduction figure as a measure of the overall attractiveness of an investment tax credit in reducing the effective cost of a capital investment for environmental control. Whether the benefits flow through to the customer or are shared by the utility company, the 26 percent rate is indicative of the overall effect that such a tax credit would have on utility borrowing and capital-related costs. Such a savings would clearly make capital-intensive controls such as scrubbers more cost competitive.

To evaluate the effect that such a cost savings would have on utility compliance strategies under an acid rain control bill, we needed to include operations and maintenance expenses as well. Typically, capital-related expenses account for about 50 percent to 60 percent of the total annualized costs of a scrubber. Accordingly, we converted the 26 percent savings in capital costs into a cost savings of 15 percent in total annualized costs.

We used our database and Policy-Testing model (PTm II) of electric utilities to examine the effect that a 15 percent savings in annual costs would have on compliance with a program such as the Senate Clean Air Act S. 1630. The results are shown in the attached table and summarized here below:

In Phase I, by 1997 at the latest, some 48 generating units and 18,300 new of coal-fired capacity would be projected to comply through the use of scrubbers if a 20 percent tax credit were added to the basic program in S. 1630. About 5,000 mw of that total would be expected to change compliance modes from coal switching over to a scrubber as a direct result of the tax credit.

Those units burn 44 million tons of coal annually. They also would provide compliance with Phase I requirements for units that burn approximately another 30 to 40 million tons of coal.

The tax credit would amount to about $900 million in Phase I, and a total of about $3.3 billion throughout Phases I and II, extending just past the year 2000.

The annual savings from the tax credit would be about $126 million from Phase I scrubbing, on an annualized basis, over twenty to thirty years.

During Phase II, the tax credit would have even greater effects, became more scrubbing is expected in that timeframe. Another 122 units, accounting for 29,900 mw of full scrubbing and 18,300 of partial scrubbing would qualify for the tax credit. Those units burn 113 million tons of coal per year now. Annual cost savings would be $329 million more, for a total of $455 million per year.

EFFECT OF A 20-PERCENT TAX CREDIT IN S. 1630 WITH COMPROMISE AMENDMENTS

[Dollar amounts in millions]

Projected compliance strategy	Units	Capacity (megawatts)	Annual coal use (million tons)	Tax credit	Annual savings
Phase I scrubbing	17	8,200	18	$412	$56
Additional Phase I (scrubbing, due to incentive allowances and extension)	9	5,100	15	222	33
Low Sulfur Coal that would use FGD instead	22	5,000	11	274	37
Total, Phase I	48	18,300	44	908	126
Phase II:					
Full scrubbers	76	29,900	68	1,498	204
Partial scrubbers	46	18,300	45	906	125
Total, Phase II	122	48,200	113	2,404	329
Grand Total	170	66,500	157	3,312	455

Mr. SPECTER. Mr. President, this memorandum shows the extensive addition of scrubbers and utility of Pennsylvania, West Virginia, et cetera, coal if this investment tax credit were to be added, which shows the effectiveness of this particular measure at a very low cost, as indicated $300 million, not to be realized until 1995.

I further ask unanimous consent that a table be printed in the RECORD showing the additions of scrubbers in other States, with substantial scrubbers being added in Montana in the year 1986 and in Utah in the year 1987, which shows the advantages taken by Western States of the scrubbers, and the fact that this is recent technological utilization to deal with the issue raised by some that the scrubbers are really a thing of the past.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ALMANAC OF AMERICAN POLITICS, 1988

[FGD systems in selected States]

State and company	Unit	Capacity	Unit in-service date
Arizona:			
Alamito Co	Springerville 1	425	1985
AZ Elec Pwr Coop	Apache 2	194	1979
AZ Elec Pwr Coop	Apache 3	194	1979
AZ Public Service Co	Cholla 1	116	1962
AZ Public Service Co	Cholla 2	235	1978
AZ Public Service Co	Cholla 4	350	1981
Salt River Project	Coronado 1	411	1979
Salt River Project	Coronado 2	411	1980
New Mexico:			
AZ Public Service Co	Four Corners 1	190	1963
Do	Four Corners 2	191	1963
Do	Four Corners 3	253	1964
Do	Four Corners 4	818	1969
Do	Four Corners 5	818	1970
Plains Elec G&T Coop	Plains Escalante 1	233	1984
Public Service NM	San Juan 1	347	1976
Do	San Juan 2	329	1973
Do	San Juan 3	517	1979
Do	San Juan 4	515	1982
Montana:			
Montana Power Co	Colstrip 1	358	1975
Do	Colstrip 2	358	1976
Do	Colstrip 3	378	1984
Do	Colstrip 4	378	1986
Wyoming:			
Basin Elec Power Coop	Laramie River 1	570	1980
Do	Laramie River 2	570	1981
Do	Laramie River 3	570	1982
Pacific Power & Light Co	Jim Bridger 1	510	1974
Do	Jim Bridger 2	510	1975
Do	Jim Bridger 3	510	1976
Do	Jim Bridger 4	510	1979
Utah Power & Light	Naughton 3	326	1971
Pennsylvania:			
Duquesne Light Co	Elrama 1	510	1952
Do	Elrama 2	510	1952
Do	Elrama 3	510	1952
Do	Elrama 4	510	1952
Do	Phillips 1	411	1960
Do	Phillips 2	411	1960
Do	Phillips 3	411	1960
Do	Phillips 4	411	1960
Pennsylvania Power Co	Bruce Mansfield 1	835	1976
Do	Bruce Mansfield 2	835	1977
Do	Bruce Mansfield 3	835	1980
Philadelphia Electric Co	Cromby 1	188	1954
Do	Eddystone 1	354	1960
Do	Eddystone 2	354	1960
West Pen Power Co	Mitchell 33	299	1963
West Virginia:			
Monongahela Power Co.	Pleasants 1	684	1979
Do	Pleasants 2	684	1980

Note.—Investment for scrubbers on all units listed above was eligible for investment tax credits ranging from 3 to 10 percent until January 1, 1986.

Investment for pollution control devices on all units which were in commercial operation prior to January 1, 1976 was eligible for rapid (five-year) amortization.

Units in commercial operation prior to January 1, 1971, were eligible for either rapid amortization or the investment tax credit, but not both.

Since January 1, 1971, pollution control facilities are eligible for both investment tax credit (until January 1, 1986) and amortization (if in commercial operation prior to January 1, 1976).

Mr. SPECTER. Mr. President, I reserve the remainder of my time. I think it might be best utilized in responding to any contentions which may be raised by the managers of the bill.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes to be charged to the time allocated to the Senator from Pennsylvania.

Mr. METZENBAUM. I thank the Chair.

Mr. President, I join my colleagues in offering this 20 percent tax credit amendment.

First, let me say that I support the goals of the clean air legislation, and I commend those who have been on the floor for so many weeks attempting to bring about passage of this legislation.

Although I have some concerns about its impact upon my own State; I recognize that the goals are appropriate and ones that this country needs.

I therefore support the goals of that legislation, because frankly, the health of our children, their children, and their children's children will be better protected with the enactment of a new clean air bill.

The proponents of this legislation should be congratulated for moving this critical issue forward. And it has been a Herculean task.

But let me also say that in the push to get this legislation to the floor, the concerns of my State of Ohio and the rest of the Midwest, I believe, were shortchanged. We are still being asked to bear an unfair share of the cleanup burden.

I do not want to minimize the outcome of the negotiating sessions. My Midwest colleagues and I worked long and hard to be heard. With the stewardship of Senators BYRD and BOND, we succeeded in obtaining some modest improvements. The compromise that was reached will soften the legislation's impact on Midwest utilities, ratepayers, and coal miners.

The new agreement includes incentives for installing scrubbers. The use of this type of technology is crucial to the continued use of Appalachian coal.

The provisions also provide utilities with bonus allowances for controlling sulfur dioxide emissions. These allowances can be sold to help defray some of the enormous compliance costs associated with this bill. Those amendments, those changes, go in the right direction.

But the truth is they do not go far enough. This agreement is not an adequate replacement for a true cost sharing. It is a fact that under this legislation, thousands of Midwestern coal miners will still lose their jobs. Electricity rates in Ohio and the rest of the Midwest will still shoot up.

And the fact is we are hopeful that the Byrd amendment, of which I am a cosponsor, will be enacted or added to this legislation, which would somewhat ameliorate the impact. But the fact is that the miners will wind up losing their jobs, and there is nothing to keep that from happening. Even though we give them some compensation, hopefully, under the Byrd amendment, that is not going to solve the long-range problems of those communities and of the miners.

Mr. President, we still have a chance to make this bill a fair one. We can do it by passing this tax credit amendment. That is the right thing to do. When I originally proposed the tax credit amendment, it was at a 90-percent, level, and would provide that its impact would not come into play until several years down the road. So it would not have any present budgetary impact.

This amendment will help limit the disastrous impact of the bill on coal mining communities in the Midwest. Although it does not go as far as the original amendment that I have proposed, it is a major, major step in the right direction. I am happy to work with the sponsor of the legislation in helping to bring it about.

The amendment would help provide more relief to electricity ratepayers. And that is a critical issue for States such as mine.

It is not some new or undeserved special tax benefit. As the proponent of an even larger tax proposal originally, I am frank to say that I think the 20-percent tax credit is extremely modest.

There are other business-related tax credits available today which are close to that value. There is the investment tax credit for reforestation; there is the research experimentation credit, which is a 20-percent tax credit allowed for qualified research expenditures incurred by taxpayers in carrying on a trade or business.

The investment tax credit for reforestation is a 10-percent investment tax credit for expenses incurred in planting trees.

There is the targeted jobs tax credit, which is available on an elective basis, for hiring individuals from the targeted groups. There is the business energy tax credit for solar, geothermal, and ocean thermal property. There is the low-income housing tax credit. There is the orphan drug tax credit. There is the tax credit for corporations receiving income from doing business in the U.S. possessions. There is the alternative fuels production credit. There is the alcohol fuel credit. There is the rehabilitation of structures credit. There is the foreign tax credit. There is the credit for child and dependent care expenses. There is the tax credit for the elderly and the disabled. There is the earned income credit.

Mr. President, I will expand in the RECORD with respect to the details of each of these tax credits as follows.

BUSINESS-RELATED TAX CREDITS

Investment tax credit for reforestation. A 10-percent investment tax credit for expenses incurred in planting trees.

Research and experimentation credit. A 20-percent tax credit is allowed for qualified research expenditures incurred by a taxpayer in carrying on a trade or business. Expenditures eligible for this credit include: First, wages and supplies used in research; second, certain costs for computer use; and third, 65 percent of amount paid for contract research conducted on the taxpayer's behalf.

Targeted jobs tax credit. The targeted jobs tax credit is available on an elective basis for hiring individuals from nine targeted groups; that is; economically disadvantaged youths and veterans, AFDC recipients, et cetera the credit is equal to 40 percent of the first $6,000 of wages—generally $2,400 per individual. For summer youths, the credit is equal to 40 percent of up to $3,000 of wages for a maximum credit of $1,200.

Business energy tax credits for solar, geothermal, and ocean thermal property. A nonrefundable energy tax credit is allowed for certain investments in solar, geothermal and ocean thermal property. For solar and geothermal properties, the rate of the credit is 10 percent; for ocean thermal property it is 15 percent.

Low-income housing tax credit. A credit is allowed in annual installments over 10 years for qualifying low-income rental housing, which may be newly constructed, substantially rehabilitated, or new newly acquired existing residential rental property. For qualified projects without other Federal subsidies, the credit is structured to have a present value of 70 percent of construction or rehabilitation costs incurred. For federally subsidized projects and those involving unrehabilitated existing low-income housing, the credit is structured to have a present value of 30 percent.

Orphan drug tax credit. Fifty percent of testing expenditures for qualified drugs; that is, drugs used to treat rare diseases and conditions.

Tax credit for corporations receiving income from doing business in U.S. possessions. Tax exemption for businesses operating in Puerto Rico and other U.S. possessions.

Alternative fuels production credit. Tax credit for production of fuel from nonconventional sources; that is, synthetic fuels. Credit is equal to a portion of the fuels that are produced. Three dollars per 5.8 million Btu's which is equivalent to 1 barrel of oil.

Alcohol fuel credit. A tax credit of 60 cents per gallon for the production of alcohol used as fuel.

Rehabilitation of structures. An investment tax credit is available for the rehabilitation of buildings that are used for business or productive activities and that were erected before 1936 for other than residential purposes. The credit is 10 percent of rehabilitation expenditures. There is 20 percent rehabilitation tax credit for historical rehabilitation.

OTHER TAX CREDITS

Foreign tax credit. When a U.S. taxpayer pays a foreign income tax on foreign source income, the United States allows the taxpayer a foreign tax credit to offset his U.S. income taxes. In effect the United States forgives the tax that would otherwise be due to the United States; the foreign source country is given preference.

Credit for child and dependent care expenses. A credit may be claimed by married couples for child and dependent care expenses incurred when one spouse works full time and the other works at least part time or goes to school. The credit is equal to 30 percent of qualified expenditures for taxpayers with income of $10,000 or less. The credit is reduced to a minimum of 20 percent by one percentage point for each $2,000 of income between $10,000 and $28,000.

Tax credit for the elderly and disabled. Taxpayers who are blind or 65 years of age or older may take an additional $750 standard deduction, if single, or $600, if married. In addition, individuals who are 65 years of age or older, or who are permanently disabled, can take a tax credit equal to 15 percent of the sum of their earned and retirement income.

Earned income credit. This credit may be claimed by low-income workers with minor dependents. For 1989, the credit is 14 percent of the first $6,500 of earnings up to a maximum credit of $910. The credit is reduced by 10 percent of income over $10,240, so that no credit is available at income over $19,340.

Mr. President, what we have here is what I consider to be an extremely unfair situation. The 10-percent investment tax credit and the tax-exempt municipal bond financing which utility owners in the past could use to reduce costs associated with pollution control requirements are no longer available. They are not in the law any further.

But there were many States that took advantage of that. Now, we are just saying that States in the Midwest and other States that are going to have to put in scrubbers should be entitled to have these credits at the present time.

According to the Allegheny Power System, the availability of such tax benefits helped reduce pollution control expenditures for utilities during the 1980's by as much as 20 percent.

Many utilities, including many in the West and Southwest, used those tax benefits during the past decade. Yet today, our Midwest utilities are being called upon to make a disproportionate share of the Nation's sulfur dioxide reductions without the same Federal assistance.

How can anyone be against this amendment? I understand that the chairman of the Finance Committee will come to the Senate and say it should not be enacted into law. I understand the proponents of the legislation may very well oppose the amendment.

But whether that is the case or not, it is not right for us in the Senate to deny the Midwest the benefits that we have given to the West and the South over a period of many years. They were taken advantage of, and nobody objected.

I think this is only a fair kind of amendment. As a matter of fact, the Wyoming utility that made a capital expenditure to control pollution in 1980 got a tax credit. Why should we not do the same for Ohio and other Midwestern States today? If we vote against this amendment, whom are we trying to punish, utility executives? Believe me, they will not suffer.

Ratepayers and coal miners will ultimately suffer. Although we are not attempting to restore tax exempt municipal bond financing, we are seeking to restore comparable tax relief to our utility by way of a 20-percent tax credit. That is what this amendment is all about. It is the least that we can do in the interest of equity. I urge its adoption.

Mr. President, I now wish to address myself to the question of the various tax subsidies that we have in this country that so much benefit the West and the South and the Northwest. We have them in the area of water projects. We have them in the area of powerplants. We have them in the area of timber. It is only fair that the West, Northwest, and the South recognize that they have had the benefit of this burden sharing across the country for a number of years. Now we are asking them to help us in this connection. I hope they will see fit to do so.

Mr. President, I express my appreciation to the managers of the bill and to the author of this amendment and proponents of this amendment in permitting me to go forward at this time.

Mr. President, the administration and many of my colleagues have argued in this debate that there should be no help for the States that are harmed financially by this bill.

I do not believe that is fair. We have always had a tradition in this country of one region helping another in need.

Taxpayers in my own State of Ohio have subsidized Western development for the better part of this century. They still do.

I talked about this on the floor last month. For the benefit of my colleagues, I would like to talk about it in some more detail today.

Between 1981 and 1988, taxpayers in the five Great Lakes States paid $221 billion more in Federal taxes than they received back in Government spending—78 cents for every dollar sent to Washington. In 1988, the Great Lakes States ranked dead last in terms of receiving Federal dollars.

Michigan was No. 50.

Indiana was No. 49.

Wisconsin was No. 48.

Illinois was No. 46.

Taxpayers in Ohio are sick and tired of having to put out so much to take care of the other States of this Nation—and getting nothing in return.

When the savings and loan industry went down, Ohioans paid. Most of those banks are in Texas and California. Ohio taxpayers are still footing the bill to pay for golf courses and hotels thousands of miles away.

The savings and loan bailout is going to cost every American family at least $3,800 of their hard earned money.

That is only one instance where the taxpayers of one part of the country are subsidizing another part of the country.

There are more. Again, I spoke about subsidy programs at considerable length last month. I intend to speak about them again. It is a matter of fairness and equity.

One expression I have heard over and over again with respect to this clean air bill is "The polluter should pay."

Why should corporate farmers who receive subsidized water from the U.S. Bureau of Reclamation not pay? Why should consumers who obtain subsidized electricity from the Power Marketing Administration not pay? Why should ranchers who graze their cattle on public land for almost nothing not pay? Why should Western States that make money taxing coal and oil owned by all Americans not share the proceeds with the rest of us?

All of these groups should pay. There is no conceivable reason why Ohio factory workers should subsidize water used by California agribusinesses.

Who is this polluter that we are going to force into paying? Is it the electric utility managers—is it the utility stockholders?

No. It is the average Joe and his family—the electricity consumer—he is the one who is going to pay.

Since 1902, farmers out West have received subsidized water supplied by Government built dams and irrigation systems. The projects have been financed by interest free Government loans. No interest.

In many cases the crops that are irrigated are subsidized again through Federal price supports paid for by all the taxpayers of the country. Double subsidies.

The cumulative value since 1902 of the interest subsidy, according to the Congressional Budget Office, exceeds $33 billion and may be as high as $70 billion. Billions of dollars. We go along with it year after year.

I will quote from a letter written by the Interior Department's Chief of the Water Reclamation Program to the chairman of the House Water and Power Subcommittee.

He said:

> The irrigation subsidy * * * is responsible for much of the current character of the Western United States. * * * These projects have provided clean power to spark industrial development of the West. They have added greatly to the recreational opportunities available in the West.
>
> It would not be unfair to say that they supported and continued to support the development of a majority of major metropolitan areas in the West.

An incredible statement.

An admission that for 80-plus years, the taxpayers of the Northeast and Midwest regions of this country have subsidized development—of western agriculture and western cities—at their own expense.

Last year, the Federal budget deficit was $152 billion—we had no money to pay for education, homeless housing, health care, or AIDS research.

Yet, the Government spent $900 million subsidizing electric bills for people living throughout the South and West. How can such a thing happen?

The five regional power marketing administrations—set up in the 1930's to market wholesale electric power from 127 federally built dams—continued to rip off the taxpayers—just as they have for the past 50 years.

By law, the PMA's are required to recover all of their operating and capital costs.

In reality, the PMA's have not come anywhere near paying back the taxpayers' investment.

Seventy-five percent of the $16 billion Federal investment in the PMA's electric generating and transmission facilities has not been paid back.

In addition, the interest rates on that debt are well below market rates—they average about 3 percent.

Even the President realizes the PMA program is a rip-off. His budget complains that MPA's enjoy unquestioned access to the Federal Treasury.

Who benefits? Utilities that buy wholesale power from PMA dams charge their customers much lower electric rates than utilities that obtain power from private sources.

Ratepayers in Ohio and other Eastern States get hit twice. First they pay higher electric rates—then they pay taxes to keep rates down for PMA customers everywhere else. It is outrageous.

The PMA's should repay their debt just like other businesses repay their debts.

According to the Congressional Budget Office, if the PMA's simply adopted straight line amortization for the unpaid principal, and paid market interest rates on the unpaid debt—we would save $3.9 billion over the next 5 years—there is another area of subsidization that I talked about on the floor last month—an area in which there is general agreement—ranging from the administration to the Congressional Budget Office—that the taxpayers are being taken to the cleaners. Below cost timber sales.

Last year, 65 of our 122 national forests—more than half—lost money on timber sales.

The CBO estimates that eliminating below-cost sales of timber would save the taxpayers of this country $255 million over the next 5 years.

The Bush budget recommends a phaseout of below-cost sales. These timber sales only benefit local timber communities, and they do so at the expense of the taxpayers throughout the country, and they waste valuable timber resources.

Then there is the question about the proceeds from the timber sales—25 percent of the receipts are returned to the States in which the timber was cut.

Why should the proceeds from the sale of timber that belongs to all of the people of this country be given to just a few States?

In 1988, $285 million was distributed to the States under this program; 87 percent of that money went to 10 Western States: Arizona, Colorado, California, Idaho, Montana, New Mexico, Oregon, Texas, Washington, and Wyoming.

In 1988, an additional $108 million went to 18 Oregon counties under a separate Bureau of Land Management timber program—75 percent of the total proceeds from the sale of timber in these highly productive Oregon forests went back to 18 counties.

It is time we stopped selling publicly owned timber at a loss.

Let us look at another area. Take the issue of onshore oil, gas, and coal receipts paid to the States. Fifty percent of the oil, gas, and coal receipts collected by the Government are returned to the States in which the mining or drilling activity occurred.

In 1988, $398 million was distributed to the States. Six Western States received 93 percent of the money: Wyoming, New Mexico, Colorado, Utah, Montana, and California.

The Federal Government manages the land; the Federal Government determines whether there are valuable deposits of oil and other minerals; the Federal Government prepares and administers leases; and ensures that the land is returned to its natural State after the mining or drilling is finished.

The States do not incur any of these management costs. Yet, they receive 50 percent of the gross royalty payments made to the Government—right off the top—before any costs are calculated. Why? It is outrageous. It is time to cut this egregious taxpayer subsidy.

In 1987, we eliminated general revenue sharing for most of the communities in this country. It was a tough loss for Ohio. Communities in my State lost $214 million in annual payments from the Federal Government.

But revenue sharing is alive and well out West. It is called the Payment-in-Lieu-of-Taxes Program [PILT].

This is how it works. If our Western States are not able to collect sufficient timber, oil, gas and coal royalties in any given year, they receive an additional payment. The payment is based on the amount of public lands in the States—basically, they get 75 cents per acre.

Appropriations for PILT in fiscal 1989 totaled $103.8 million, 72 percent of the money—$74.8 million—went to 11 Western States—California, New Mexico, Utah, Arizona, Montana, Wyoming, Idaho, Colorado, Nevada, Alaska, and Oregon.

The other 39 States, plus Puerto Rico, Virgin Islands, and Guam received $29 million.

Ohio received $146,000.

Western States argue that because significant portions of their lands are under Federal ownership, they cannot be taxed at the local level, leaving local communities and schools without a source of funds.

Baloney! These States can afford to support themselves. Alaska, Nevada, Washington, and Wyoming have no State income tax.

Oregon received over $230 million in Federal timber royalties last year. Wyoming received $163 million in Federal oil, gas, and mining royalties in 1988. They have subsidies piled on top of subsidies.

Here is another program—grazing subsidies. When one thinks of Western cattlemen, one thinks of the great American cowboy—the rugged individualist, making a solitary living out on the dusty range. Nothing could be further from the truth.

Today's rancher has subsidized electricity, subsidized water, subsidized grazing land, crop price supports.

The fees he pays to graze his animals on public lands are so low they do not even cover the cost of maintaining the range in decent condition.

According to a report from the Secretaries of Agriculture and Interior, grazing fees are only one-third the true market value to the grazing rights. As if that were not bad enough, grazing fees dropped another nickel on March 1, 1990.

The Congressional Budget Office says that raising grazing fees to their true market value would save $150 million over the next 5 years.

Let us go to a different subject—that of disasters. Last year, in the space of a month, we passed two special appropriations bills totaling $3.95 billion—almost all of it went to South Carolina and California.

In connection with those bills, certain special exceptions were made in eliminating State cost-sharing requirements and permitting the expenditure of funds on items that typically would not have been eligible for Federal funding, like the San Francisco-Oakland toll bridge.

How did we know California and South Carolina needed $3.95 billion? Where did that number come from? We pulled it out of a hat.

Let us talk about another inequity which relates not only to the Western States, but to some of the New England States—the Federal Aid Highway Program.

Since 1957, the States have contributed $190 billion to the highway trust fund. All of that money, plus $30 billion more in interest, has been given back to the States for highway projects.

But 10 States—Ohio, California, Florida, Indiana, Michigan, North Carolina, Oklahoma, South Carolina, Texas, and Wisconsin—received back $8.6 billion less than they put in—only 88.7 percent of their contribution.

And the other States, how did they do? The other States averaged a 134-percent return on their contributions.

Ohio received back $698 million less than it paid.

The combined six New England States—Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and Rhode Island—received back $3.6 billion more than they paid.

So we have case after case—program after program—in which the beleaguered taxpayers of Ohio are called upon to support the rest of the country.

Yet, with respect to OUR problem—cleaning up the air—we can expect no help.

It is not fair. It is not the American way.

Mr. BAUCUS. Mr. President, I think Senators should be aware that the amendment offered by the Senator from Pennsylvania has many faults. In fact, there are so many faults that are fatal I cannot think of another amendment that has been before this body on this act that is as fatally flawed as this amendment.

First of all, it is a killer amendment. It is a killer amendment because it is unconstitutional. It is an amendment which affects revenue. Under the Constitution, all revenue bills must originate in the House. The chairman of the Finance Committee has a letter sent to him by the chairman of the House Ways and Means Committee expressing his very deep concern about this provision and others that affected revenue. Those others have been disposed of. They are the not in this bill. The only remaining revenue item in this bill would be the amendment offered by the Senator from Pennsylvania, if it were adopted.

The Senator from Pennsylvania has suggested some creative ways to deal with the problem, but the fact is that if this bill passes the Senate, we cannot send this bill to the House because it raises revenue. It would be unconstitutional. So first it is a killer amendment.

Second, it is deal breaker. The subject covered by the amendment was very exhaustively dealt with during our negotiations. It is true that the specific question of the tax credit for certain kinds of pollution control equipment was not specifically covered by the negotiators—the members from the Republican side of the aisle, Members from the Democratic side of the aisle and the representatives from the administration.

But it is also true that the general question of regional cost allocation around the country with respect to acid rain legislation, was debated and discussed. I might add, very exhaustively debated and discussed.

As a consequence of those negotiations, the negotiators, after much give and take, agreed to not only the provisions of S. 1630, but to add on other provisions to help alleviate the potential cost burden that might accrue to Midwestern States.

First of all, under the original bill, before additional compromises, the State of Ohio, for example, received more allowances than any other State. The State of Pennsylvania received the next greatest number of allowances. That is, before the Byrd-Bond compromise and before the Mitchell-Domenici compromise. And I will get to those in a few minutes. But before those compromises, the State of Ohio would be in a position to sell 180,000 allowances per year. The State of Pennsylvania would be selling 160,000 allowances per year. The State of Illinois would be selling 122,000 allowances per year. Those are sales of allowances.

The negotiators felt that maybe there might be some potential cost impact in the Midwest, so negotiators—and I was part of that negotiation, Mr. President—under the Byrd-Bond compromise, and under the Mitchell-Domenici compromise, an additional 25,000 allowances, approximately, go to Ohio; an additional 40,000 allowances, approximately, go to Pennsylvania; an additional 77,000 allowances, approximately, will be allocated to the State of Illinois.

That means that, at about $800 per allowance, each of those States on a per-year basis would be able to sell approximately $160 million worth of allowances to help their utilities modernize, get up to date, and begin to control acid rain emissions, sulfur dioxide emissions.

So I must say to the Senator that this second reason for opposing his amendment is that it is a deal breaker. We dealt with this general subject.

We knew that in the wings there might potentially be a tax credit amendment but we did not debate that because it was not specifically offered

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in negotiations. But we all knew by inference, because we dealt with the general question of cost reallocation, that the subject was dealt with; any other amendments which deal with cost allocation among various parts of the country with respect to acid rain had already been covered. So, No. 2, it is a deal breaker.

No. 3, it is patently unfair. It is patently unfair to other parts of the country that would not be subsidized by this amendment. The general intent of this amendment is to subsidize one part of the country only at the expense of other parts of the country.

In 1977 when the Clean Air Act was passed, there was an amendment in that act called percentage reduction. It had the effect of dramatically discriminating against Western States for the benefit of Midwestern States. If we add in percentage reduction to the 1977 act and add in other provisions, in that Clean Air Act, Western States as a consequence had to install scrubbers to get their emissions down to the levels required in the act. Midwestern States did not have to do so. They could emit much more because of the amendment they got enacted into law in 1977, which discriminated in favor of Midwestern high-sulfur coal-producing States at the expense of Western, low-sulfur producing States.

Of all the audacity, the Midwestern Senators now come in and say, we discriminated against you in 1977. We want to doubly discriminate against you again here in 1990. That is the effect of this amendment. So, the third reason, it is patently unfair, it patently discriminates against competitive low-sulfur producing States for the benefit and to subsidize Midwest, high-sulfur coal-producing States. So that is another reason why it is unfair.

Senators may argue, back in those days there was a tax provision called industrial revenue bonds. Because of industrial revenue bonds, Midwestern States were able to take advantage of a certain provision of the law to modernize, to install those scrubbers. I must say to the Senators from the Midwest who make that point, IDB's were also available to Midwestern States. That is a nationwide program, available to all States. And not only that, IDB's were available for not only acid rain pollution control, IDB's were available generally. Other plants, other companies, other private organizations took advantage of IDB's including the States of Ohio, Pennsylvania, Illinois.

Now they did not use IDB's, although they were available, to install scrubbers, because under the 1977 act they did not have to do so, because the act included, as I mentioned earlier, percentage reductions which required all coal—clean coal from Western States, dirty coal from Eastern States—to be cleaned, again, by a certain percent. That provision discriminated against the West for the benefit of Midwestern States. Again, another reason for opposing this amendment, not only is it a killer amendment and a deal breaker, but third, it is patently unfair, doubly unfair, to competitive parts of this country who are not asking for this subsidy.

No. 4, Mr. President, it is bad tax policy. This is tax policy which says that if you, a utility, control your SO_2 emissions under a 65-percent control strategy, that is, if you have a scrubber, you get the advantage of this tax credit—what about other parts of the country? What about other pollution control equipment that has nothing to do with scrubbers and SO_2 technology? That is not included, as I read the amendment. So it is bad tax policy. It discriminates. It is a rifle shot for only one part of the country. It is a rifle-shot tax policy. That is unfair, too.

So, for a whole host of reasons, Mr. President, I strongly urge Members to resoundingly defeat this amendment. It is a killer amendment. It is a deal breaker. It is patently unfair to competitive parts of the country. And it is bad tax policy.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I yield myself 3 minutes for a very brief reply to the distinguished Senator from Montana.

When the Senator from Montana rose and said there were so many faults, I expected him to have a large number of substantive objections. Instead, he has advanced four contentions, and two of them are overlapping. When he talks about this amendment as a deal breaker, Mr. President, I submit there is a certain amount of arrogance in that contention. When he talks about "we decided this and we decided that," et cetera, who is the "we"? Who are the "we"? A closed room arrangement?

Mr. BAUCUS. Will the Senator yield to a question?

Mr. SPECTER. No, but I will be glad to yield after I make a few comments.

Who may arrogate unto himself, or what group may arrogate under to themselves, to make a deal and then to take the floor of the U.S. Senate and to say that an amendment offered by a Senator is a deal breaker?

We do not deal with deals; we deal in legislation which is out in the open on the floor of the U.S. Senate and which is subject to amendment so that when the distinguished Senator from Montana talks about a deal breaker, I do not know what deal he is talking about.

This Senator is not party to a deal. Pennsylvania is not party to a deal. The seven States which have been unfairly excluded from any reasonable consideration here are not party to a deal.

There is nothing locked up so that there is any validity at all to a representation that a deal has been broken.

When the Senator from Montana talks about a killer amendment, and then talks about bad tax law, dividing it into two minor points, I suggest that he reread or read the amendment because it applies to any pollution device to clean the air, as this Senator explained in my opening comments. When he talks about it being a killer amendment, he does not deal with the practical fact of life that similar tax issues have been attached on Senate measures under the precise formula described by this Senator and held at the desk, and there has not been any intrusion on constitutional principle.

When the Senator from Montana talks about the matter being patently unfair, Mr. President, there is a lot that can be said on that. Let me bring one statistic to bear, and that is, the national share of pollution devices by Montana, 2.37 percent, contrasted with Pennsylvania at 5.07 percent; about half as much as Montana, in a State that has less than one-twelfth the population; on an approximate calculation, they have had over six times the benefit in the State of the manager on the Democratic side as in the State of Pennsylvania.

The Senator from Montana referred to the letter from Chairman ROSTENKOWSKI. I wonder if he would be willing to share that letter? I would like to examine it to see if Congressman ROSTENKOWSKI has included the investment tax credit, which is the subject of this debate.

The PRESIDING OFFICER. The Chair informs the Senator from Pennsylvania, who controls the time, the 3 minutes he yielded to himself has expired.

Mr. SPECTER. I thank the Chair, and I have concluded.

Mr. BAUCUS. Mr. President, will the Senator from Pennsylvania yield for a question?

Mr. SPECTER. Even before he answers my question about the Rostenkowski letter.

Mr. BAUCUS. Mr. President, this goes to the question of the compromise agreement that was agreed to. As the Senator well knows, those negotiations were open to all Senators. Overall, more than one-half of the Members of the Senate sat down and participated in the negotiations. All Senators were invited. The invitation was expressly made to all Senators because, obviously, any agreement that is worth anything has to be an agreement that is participated in by all Senators.

As the Senator knows, he was more than invited. In fact, I know the Senator participated. The Senator participated not for all the many days and weeks those negotiations continued, but the Senator did participate in part of the negotiations.

So the Senator knows an agreement was reached. There was an agreement reached with the extraordinary effort on the part of the negotiators to try to cover all the bases, accommodate at the Senators' conditions. But, as the Senator also knows, we are not totally a uniform country; different Senators from different parts of the country have different points of view. I ask the Senator, does the Senator feel he was excluded from these negotiations?

Mr. SPECTER. No. But this Senator did not agree to anything, and an agreement is an express statement that people have agreed to something. Does the Senator from Montana represent that the Senator from Pennsylvania agreed to anything?

Mr. BAUCUS. Not at all.

Mr. SPECTER. Of course, the Senator did not agree to anything. That is why I violently disagree with the characterization of the Senator from Montana of an agreement. There is no agreement. There is a joinder by the relatively few Senators who sat in that room. There is no agreement which is worth talking about.

Mr. BAUCUS. Mr. President, if I might answer the Senator's question, that is right. There are Senators who agreed to the agreement. The agreement came together because the White House asked to meet with the leadership of the Senate, Republican and Democratic leadership, to see if an agreement could be put together. The agreement is among the administration, through its representatives, as well as the leadership, that is the Republican leadership and the Republican manager of the bill and the Democratic leadership, Democratic majority leader and Democratic leaders of the bill, and other Senators, some of whom were on the relevant committee and some of whom are not on the relevant committee; that is, those who wanted to and did take extraordinary time and effort, sat down many hours, many weeks, to hammer out an agreement representing a critical mass.

As the Senator well knows, the point of all this was to try to find a clean air bill consensus that would pass. That was the whole effort. I might say to the Senator that I think the effort was extraordinarily successful. That is, many hours were spent, many points debated, and each Senator there gave in dramatically in order to reach an agreement for the good of the whole so the bill would pass. I must say to the Senator that without that agreement, there is a good chance that we would not be standing here today and there would be no clean air bill on the floor of the Senate.

Mr. SPECTER. Mr. President, when the Senator from Montana uses the word "consensus," that might be a more appropriate word since it suggests that there was some general understanding, but an agreement is something which people agree to. To take this floor and to criticize the pending amendment as a deal breaker because it breaks an agreement I think is an inappropriate characterization.

This Senator did not agree to anything. Fourteen Senators unfairly affected from seven States unfairly affected playing into a stacked deck did not agree to anything. So any suggestion that such an amendment flies in the face of an agreement I think is simply incorrect. There was no such agreement.

I ask the Senator from Montana if I might see the letter from Chairman ROSTENKOWSKI?

Mr. BAUCUS. Yes. Would the Senator like a copy?

Mr. SPECTER. I would.

Mr. President, I yield 5 minutes to the distinguished Senator from Illinois [Mr. SIMON].

The PRESIDING OFFICER. The Senator from Illinois [Mr. SIMON] is recognized.

Mr. SIMON. Mr. President, I am pleased to join my colleague from Pennsylvania in support of the amendment. Let me just comment first on this deal-breaking comment the distinguished Senator from Montana has talked about. First, one of the arguments that we always use against the merits of a particular amendment is if the merits are not strong, then we say it violates an agreement. Second, this is not the final form of the bill. We are going to go over to the House; we are going to have conference. If there are major problems with an amendment, we can work them out.

There are really nine States that provide about 51 percent of the sulfur dioxide emissions, and those nine States are asked, in the first phase of this bill, to account for 90 percent—not 51 percent—90 percent of the reduction in the sulfur dioxide emissions. What we are asking for is fairness.

I note that the Presiding Officer is the junior Senator from Nevada. I am pleased to indicate to my colleague from Nevada that I support the high-speed train project that he has to send the high-speed train from Los Angeles to Las Vegas. One of the things that makes this body and makes us a United States is that we recognize the problems of other areas, and we are not too provincial. So we have helped hydroelectric projects in the West; and when South Carolina has a hurricane, we help South Carolina. Now the Midwest, which has not asked for much in the way of help, needs help.

In my State, for example, we already have the second highest utility rates of any State in the Nation, and this bill will impose higher rates on us.

As far as what has happened, let us take a look at those municipal issues that were offered over the decade 1980 to 1990 where there were Federal subsidies: Illinois issued 1.1 billion dollars' worth; Montana, which has less than 10 percent of the population of Illinois, issued 1.2 billion dollars' worth. I could go into other States that obviously benefited a great deal more than the State of Illinois.

I am not complaining. Ultimately, what helps Montana helps Illinois. What helps Nevada helps Illinois. What helps Rhode Island and Texas helps Illinois. But, I say to my friends, the Midwest needs some consideration. I think we ought to be receiving that consideration.

If this amendment is adopted, I would add for those of you who are concerned about the Byrd amendment, it will substantially reduce the costs of the Byrd amendment, because we will not have to replace a great many mine workers who are going to be put out of work. This softens the impact of that amendment and saves money in that regard.

Now, I have not seen the letter that my colleague from Pennsylvania has just asked for from Congressman ROSTENKOWSKI, but I have heard Congressman ROSTENKOWSKI acknowledge that the Midwest needs help, and some form of tax relief may be the way to go. This seems to me to be in perfect compliance with what he has said.

Finally, I ask, Mr. President, what is the aim of all this? It is to reduce energy consumption and to improve air quality. What happens if this amendment is not adopted?

I will tell you one of the things that happens. First of all, even according to the EPA, which has the lowest estimates I know, 3,000 to 5,000 coal miners are going to be put out of work in the Midwest. But beyond that, what happens?

Well, we are going to use coal from the West instead of coal from the Midwest to operate our utilities, and that means we are going to use a lot of energy for trains to see that that coal gets to the Midwest. Those trains are going to pollute the air.

The PRESIDING OFFICER. The Chair informs the Senator that the time yielded to him has expired.

Mr. SIMON. I will conclude simply by saying what we are asking for in the Midwest is fairness. We have been generous to other regions. We are proud of that. But here, my friends, give us some fairness. That is what this amendment does.

Mr. SPECTER. Mr. President, I have secured a copy of this letter, and I will not make any representations about it until the distinguished Sena-

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tor from Montana is back on the floor. So I shall withhold comment at this moment.

I ask the Chair how much time remains on this side.

The PRESIDING OFFICER. The Chair informs the Senator that 14 minutes and 24 seconds remain of the time allotted to him.

Mr. SPECTER. I allocate 5 minutes to the distinguished Senator from Indiana [Mr. LUGAR].

The PRESIDING OFFICER. The Senator from Indiana [Mr. LUGAR] is recognized.

Mr. LUGAR. I thank the distinguished Senator from Pennsylvania. I join with him in this amendment. It is an important amendment, and the rationale for it is equally important.

Mr. President, a technological solution to a part of the problem we have been discussing in the Byrd amendment I think is imperative, and this amendment offers that opportunity, as the distinguished Senator from Illinois pointed out.

In short, by giving an investment tax credit for the capital costs of installing acid rain control equipment required to be installed in phase I, we have an across-the-board national solution, not a regional one.

Clearly, I believe there would be more regional fairness involved. I have associated myself with those from the coal-producing States in attempting to arrive at that fairness.

But there is good reason, of course, to target the situation, as we have in this amendment, to recognize that the industrial sources of pollution in this bill are not being reduced in the same way utilities are.

There may be good reasons why sponsors of the bill skewed the situtation in that way, but roughly seventenths of the pollution control comes with regard to utilities, about threetenths from other industrial pollution.

We heard testimony from Dr. Kenneth Rahn, of the University of Rhode Island, in 1987, before the Senate Foreign Relations Committee, and he suggested that half of the acidic aerosols in the Northeast can be traced to oil-based Northeastern rather than coal-based Midwestern sources. This is no doubt because the distance of the source from the affected ecosystem, depending on the amount of the emission, is a factor in the amount of SO_2 in the affected environment.

But I make the point, Mr. President, that we are in the process right now of perfecting a bill. I believe that this amendment offers a perfection to that process and encourages investment. It attempts to encourage that investment in ways that keep people employed in this country, specifically coal miners in the State from which I come, and other States that adjoin us.

It would be far better to approach this situation in terms of a positive incentive for investment in scrubbers or other equipment that is required, as opposed to attempting to compensate those who are unemployed because we failed to offer the incentives that clearly would have made a difference.

I appreciate the arguments that have been offered by the distinguished Senator from Montana with regard to tax questions. I have visited with the distinguished chairman of the Finance Committee. He has made those points in earlier conversations off the floor. It is an important point.

But I simply say, Mr. President, we are still in the early innings of consideration of refinements to this entire clean air situation in our country, and I think this amendment is a good one. It is one that has been bandied about. It has been floated in conversation.

The administration has been opposed to it, clearly for technical reasons of House origination. The managers of the bill are opposed to it today. But it is a good idea, Mr. President. It is a way at least of providing incentives for American investment as opposed to unemployment, bringing about some equity among regions, and offering incentives to all regions to help clean up their situations.

If the balance of the act is to be skewed toward the utility controls as opposed to the industrial, it offers some fairness in a national way. In my own judgment, it is not a deal breaker nor is it patently unfair. In fact, it is offered toward bringing about a greater sense of equity.

For these reasons, Mr. President, I am hopeful at this point that we will try to perfect a piece of work with a solution which is more equitable. I acknowledge the good work done by the managers of the bill to bring about more equity for my home State of Indiana. Clearly, the cost in utilities increases we now estimate dipping below a 10-percent cost rise, and that is important for us. Earlier estimates were certainly much more horrendous.

But let us look at this situation, Mr. President, in a sense of fairness and wisdom, as we proceed at least to bring about reasons why people will make the investments they should to help clean up this country, and specifically the SO_2 problem in utilities in America.

I thank the Chair.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas [Mr. BENTSEN] is recognized.

Mr. BENTSEN. Mr. President, if this amendment is in the bill, you can count on this bill being blue-slipped. Reference is made in Chairman ROSTENKOWSKI's letter. He did not specifically address the amendment, because this amendment had not been proposed at that time. But the principle is exactly the same.

We just refer back, as we have time and time again, to article I, section 7, of the Constitution, that specifies all bills for raising revenue shall originate in the House of Representatives.

Now, I know some Senators may say, "Well, is that not too much of a privilege for the Senate. Why should we defer to them on a matter of such importance?"

But I remind Senators that the Constitution also provides this body with some unique prerogatives: the sole power to try impeachments, responsibility to give advice and consent to treaties and appointments of Ambassadors, Supreme Court Justices, and other offices of the United States.

I am certain that my distinguished colleagues would think it inappropriate for the House to try to infringe on our responsibilities in those particular areas. I would bet Chairman ROSTENKOWSKI does not like the fact that the treaties, judges, and political appointees, under the Constitution, are the sole prerogative of the Senate. I have been frustrated myself at times serving in this body, as chairman of the Finance Committee, that we could not originate an "S. numbered" bill and send it on over there. But the bottom line is that it is not our choice to observe the Constitution's limitations in this case. It is not a question of whether we like the origination clause. The House in the past has insisted on its prerogatives, and you can bet that Chairman ROSTENKOWSKI and the House will insist on them again.

All this amendment would do is kill this bill. There is no question that this amendment is within the jurisdiction of the Finance Committee. Therefore, it ought to be subject to the scrutiny of this committee and follow the ordinary course of tax legislation. This amendment was never referred to the Finance Committee. The committee has not had the opportunity to analyze it. We should not consider this amendment without committee scrutiny of it. There are so many areas that I would like to legislate on the Senate floor without moving through the committees, but that is not the way the committee system works.

The purpose of having committees is to allow those with expertise in the particular areas to be responsible in the first instance for evaluating legislation in those areas.

The committee should be given an opportunity to examine the proposal carefully because it has the expertise and the responsibility for tax legislation. At some point this year the committee is going to be marking up a tax bill. If there is enough support on the committee, we will seriously consider various ways to help out these businesses.

I must say I know that there are some members of the committee who are strongly for this provision. But it ought to be done at the appropriate time and approved by the appropriate committee.

I am willing to work with any Senator to discuss their concerns concerning this one. I understand the concerns of the sponsors of the amendment about the impact this legislation would have on midwestern communities. Nobody in this body wants to put an unreasonable burden on business or create unemployment.

However, the sponsors of this amendment must let the Finance Committee do its job. Our committee has jurisdiction, and has the expertise to craft an appropriate legislative response.

Moreover it is by no means imperative that the Senate act on this matter immediately. The effective date of this amendment is 1995, 5 years from now. We have time to carefully analyze the problem and draft a legislative response if one is necessary. One of the things that we ought to be sure to understand is that these companies would be eligible for some tax relief even if this amendment does not pass.

I heard the distinguished Senator from Indiana talking about concessions and consideration that the Environmental Committee has given. That is quite true. He is quite fair in making that point.

Let me say, in so far as this debate, nobody has mentioned the fact that the current law—will provide some relief to companies required to install pollution-control equipment.

Section 169 of the Internal Revenue Code provides that a taxpayer may amortize over a 5-year period the cost of pollution-control facilities. Look back at the House bill of 1986. They would have repealed that deduction, but this postion was rejected in the conference, and section 169 remains on the books today. If this provision did not exist, expenditures for pollution would be recovered in accordance with the normal depreciation rules, and in this instance that period would be as long as 28 years, not 5 years. So 5 years versus more than 20 is a very significant difference. The faster recovery gives a much lower capital cost.

That proposal goes even further. It would force the Government to pay for 20 percent of all capital costs. I note that the old investment tax credit only paid for 10 percent of the cost. In addition, the credit in this amendment is more generous than the old credit because it allows taxpayers to zero out their regular and alternative minimum tax liability.

The 1986 act almost solved the problem of large companies avoiding tax liability. Let us think twice before we reinstitute that problem. Think back at what they used to be able to do. They were able to zero out their taxes. Many companies were making $600 or $700 million a year and paying no taxes. That is what we were seeking to correct under the 1986 tax law.

The bill already grants major concessions to proponents of this amendment. During phase I of the bill, which begins in 1995, companies are required to reduce their carbon dioxide consumption by 10 million tons each year. After the year 2000, the amount of the emissions would be capped.

The managers of the bill made significant changes to the clean air bill to address the concerns of Western and Midwestern States. The compromise package extends the deadline for complying with emission standards for coal-burning plants by 2 years, from 1995 to 1997. That will provide power plants that burn high-sulfur coal additional time to install scrubbers and other costly pollution control equipment which they can sell to other powerplants that are not meeting the emission standards. Those kinds of changes would significantly reduce the cost of complying with the acid rain provisions of this bill.

I am not saying that these provisions address the concerns raised by the sponsors of the amendment, but they sure are major. They are significant, and they are the kinds of considerations that the Finance Committee needs to weigh in making a judgment about whether further relief through a tax system is needed and, if so, what kind of relief. That is why the committee should be given the opportunity to consider these issues. That is why the proper procedures ought to be followed and not have it threatened.

Let us get to another point. That is the question of cost. The Joint Tax Committee says this bill would cost $300 million in the year it goes into effect, 1995. It also points out that the majority of the revenue loss associated with this proposal would occur outside the 5-year budget period. I understand that the cost would be nearly $1 billion over 3 years after it begins to take effect, and there is no revenue offset on this amendment.

I really get worried when these types of amendments are offered. When they decide they cannot get something from the Appropriations Committee to take care of a problem, they decide to go over to the tax side and take a credit there, and then refuse to tell us how they are going to make up for the lost revenue.

Where is that money going to come from? I understand that the proposal does not begin to lose revenue until you get out 5 or 6 years down the road. If they want to focus on the short run and close their eyes to the future, they are free to do so. But I certainly cannot support that kind of an approach. The problem is not when it loses revenue. The problem is that this amendment is not paid for, it is not fiscally responsible, and it is not responsible government. That fact alone is enough for me to oppose the amendment. When you layer this problem on top of constitutional concerns and jurisdictional issues, then I certainly have serious problems with this amendment.

Keep in mind that before 1986 companies could take advantage of the investment tax credit.

The PRESIDING OFFICER (Mr. KERREY). The Senator's time has expired.

Mr. BENTSEN. Will the Senator yield me 2 additional minutes?

Mr. BAUCUS. Yes.

Mr. BENTSEN. Should we feel sorry for those companies that did not take advantage of the investment tax credit? Should we now try to bring back the ITC? Should the Government pick up 20 percent of the tab? That is one of the things we ought to determine in the Finance Committee.

I will say, however, that prior to the 1986 Tax Act, the investment tax credit and tax-exempt bonds helped businesses pay for a wide range of business assets. I am not saying those days are history and we should not provide tax incentives to reduce capital costs. But I must stress that because of our budget deficit problems, we have to carefully scrutinize all revenue-losing provisions—particularly those that are targeted to a particular industry.

The investment tax credit was repealed in 1986, because it created economic inefficiencies. Instead, we provided lower corporate tax rates which provide benefits to all businesses. So let us take a close look at what the proponents of this amendment are asking for.

The Joint Tax Committee informs me that this credit is likely to benefit less than 50 companies, and the sponsors of this amendment want all taxpayers to pay a small number of utilities to burn high-sulfur coal.

I know it is important that they try to burn coal that is produced in their backyard and nobody wants workers to lose their jobs. I know it is difficult to place a monetary value on human suffering from lost jobs. I represent a State that has been hit particularly hard by an economic downturn over the last several years. In the last few years there have been more bankruptcies in my State, than any time since the Great Depression. In addition, a lot of people have left the State to find jobs in other places. So I understand the unemployment problem. I have some real horror stories I can tell, but this is neither the time nor place to amend the Tax Code.

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I am afraid that this proposal may set a dangerous precedent. For example, if we were to impose restrictions on the production of certain types of hazardous wastes—does this mean that we would be obligated to allow an income tax credit to help these companies pay for pollution control equipment? This is a slippery slope—we simple do not have the revenue to pay for every modification businesses must make in order to comply with sound public policy.

For all these reasons I oppose this amendment, and I urge my colleagues to vote against it.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask the distinguished Senator from Texas if he would remain on the floor for a moment or two because I wish to make a comment or two and direct a question to the Senator.

On the issue of whether this provision is appropriate, I cite the authority of the Supreme Court of the United States decision in Tendill versus Wellsley, a 1896 Supreme Court opinion, which has been followed up to the present time. This opinion involves the imposition of a tax on the circulation of the bank's associations organized under a statute. The Supreme Court in this case said that such a tax was "clearly not a revenue bill which the Constitution declares must originate in the House of Representatives." It then refers as on authority to the Justice Story commentary that bills are not required to originate in the House when they may "incidentally create revenue."

The issue which was raised by the distinguished Senator from Montana on the letter from Chairman ROSTENKOWSKI has, I think, really been nullified with the production of the letter by the chairman. I ask that the letter from the Chairman ROSTENKOWSKI, dated February 6, 1990, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. SPECTER. I asked the distinguished Senator from Montana for a copy of the letter to see if the investment tax credit was included here. It is not.

I do not make a representation that this is conclusive, but the investment tax credit had been widely discussed and I believe it had been called to the attention of Chairman ROSTENKOWSKI by Senator DIXON prior to the chairman's letter.

The point is that when the Senator from Montana makes a representation that Chairman ROSTENKOWSKI is going to oppose this legislation because of the investment tax credit, referring to the chairman's letter, there is no factual basis for that kind of representation.

Mr. BAUCUS. Will the Senator yield?

Mr. SPECTER. I will, on the Senator's time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. I say to the Senator from Pennsylvania, the Senator is correct, the letter referred to does not specifically mention the investment tax credit amendment offered by the Senator from Pennsylvania.

I must say to the Senator that I have recently checked with general counsel of the chairman, and general counsel of Chairman ROSTENKOWSKI said that he would object even more strenuously to the amendment offered by the Senator from Pennsylvania on constitutional grounds than he even objects to the other provisions in the bill.

I must also say to the Senator from Pennsylvania that there are no provisions referred to in Chairman ROSTENKOWSKI's letter to the chairman of the Finance Committee that are still in the bill. They have all been deleted, with the exception of one which has been modified, so there are no longer any constitutional objections.

I say to the Senator, again, although the letter itself does not specifically refer to the Senator's amendment, it is not because the letter only refers to sections of the bill, as of February 6; nevertheless, I have representations from general counsel of the chairman of the Ways and Means Committee saying that he, the chairman, would object even more strenuously on constitutional grounds than he previously objected to the provisions that were earlier in the bill and now deleted.

Mr. SPECTER. I thank the Senator. This confirms my representation that this letter says nothing about this amendment. If the chairman is going to object more strenuously than he has in the letter, it would be hard for me to fashion any language that would be a more strenuous objection.

Mr. BENTSEN. Will the Senator yield on my time?

Mr. SPECTER. Yes.

The PRESIDING OFFICER. Is there objection? It is so ordered.

Mr. BENTSEN. I have been informed that Chairman ROSTENKOWSKI would vigorously object to this amendment. I have dealt with Chairman ROSTENKOWSKI and the House for a long time and I can attest to his strong feelings about the origination of tax provisions. I have no question in my mind about what he would do.

Mr. SPECTER. I thank the Senator for his comment about that. What I wanted to do was clear the record on the representation of the letter, which I think has now been accomplished. As previously requested, I ask unanimous consent that the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, February 6, 1990.

Hon. LLOYD BENTSEN,
Chairman, Committee on Finance, U.S. Senate, Washington,

DEAR MR. CHAIRMAN: I am writing to advise you of my concern that a number of the "fee" provisions included in S. 1630, the Clean Air Act Amendments of 1989, may represent an infringement of the privileges of the House of Representatives established by the U.S. Constitution. As you know, Article I, Section 7, Clause 1 of the Constitution provides that "[a]ll Bills for raising Revenue shall originate in the House of Representatives."

I am concerned that the following sections of S. 1630, as reported by the Senate Environment and Public Works Committee, raise revenues and therefore appear to violate the Origination Clause:

New section 173(d) of the Clean Air Act, to impose a $15 per ton fee on stationary sources, as provided for by section 106 of the bill;

New section 182(d) of the Act, to impose a $2 auto registration fee, as provided for by section 107 of the bill;

New section 182(e) of the Act, to impose a $75 per ton fee on stationary sources, as provided for by section 107 of the bill;

New section 185(c)(2)(B) of the Act, to impose fees on ozone precursors, as provided for by section 107 of the bill;

New section 188(d) of the Act, to impose a $2 auto registration fee, as provided for by section 108 of the bill;

New section 192(c) of the Act, to impose a $75 per ton fee on stationary sources, as provided for by section 109 of the bill; and

New section 351(b)(3)(B)(i) of the Act, to impose a $25 per ton fee on regulated pollutants, as provided for by section 501 of the bill.

Several of these "fees" would be imposed directly by the Environmental Protection Agency (EPA) to fund its operations. The EPA would also be empowered to collect any fees that are not imposed by the States to fund its operations.

The Ways and Means Committee is continuing to review S. 1630, as reported, as well as proposed amendments that may be offered on the Senate floor. I will advise you if other provisions of the reported bill or any Senate floor amendments are, in the opinion of the Ways and Means Committee, inconsistent with the Origination Clause.

I encourage you to consider making appropriate modifications to S. 1630 prior to final Senate passage so that the bill will not be subject to constitutional challenges when it is received by the House of Representatives.

I appreciate your attention to this matter.

Sincerely yours,

DAN ROSTENKOWSKI,
Chairman.

Mr. SPECTER. I come to the question which I wanted to ask the distinguished Senator from Texas. I invite his comment on the Supreme Court decision that I referred to.

Mr. BAUCUS. Mr. President, is the Senator asking the question on his own time?

The PRESIDING OFFICER. The Senator from Pennsylvania is on his own time.

Mr. CRANSTON. Will the Senator yield for a unanimous-consent request in relationship to the Veterans Committee? It will just take a moment.

Mr. SPECTER. I yield.

Mr. CRANSTON. There has been an objection to committees meeting 2 hours after we came into session. The Veterans Committee, which I chair, is presently having a hearing on a very important matter; an administration proposal that may lead to better use of resources for veterans medical care. We have witnesses from all over the country, one all the way from California.

I ask unanimous consent that the Veterans Committee be permitted to continue to meet today.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. We would have to withhold on that to check that, if we might.

Mr. CRANSTON. I will withhold.

Mr. SPECTER. I would like to see the committee continue so that I would have an opportunity to join the committee in those hearings.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. 5 minutes 43 seconds.

Mr. SPECTER. Mr. President, the question which I have to ask of Senator BENTSEN, and I invite his comment, but would not press him, on the Supreme Court opinion, because I had not discussed it with him. I invite his comment, if he cares to make it. I ask this direct question: When we deal with the procedures, is there any difficulty in following the precise procedure of having the bill held at the desk, as we had the child care bill, where there was a tax provision, with the savings and loan bill, where there was a tax provision, or with the black lung bill, knowing that the House is going to take up the issue of clean air. We would follow the same analogy as with child care and not run into any conceivable problem.

Mr. BENTSEN. I think that would violate the jurisdiction of the committee that has the background and expertise in trying to evaluate this type of proposal. I frankly think that would be a serious mistake. So I urge that that not be done.

Mr. SPECTER. I thank the chairman for his comment. That does establish that this is the appropriate procedure to avoid the problem raised by Chairman ROSTENKOWSKI.

When the distinguished Senator from Texas raises the issue about depriving the Finance Committee of jurisdiction, I can appreciate that concern and that jurisdictional matter but I would say this: When the distinguished Senator from Texas says that this matter can be taken up at a later time, I would respectfully disagree because we are going to be called on to vote on the clean air bill and it is a matter of enormous concern to many Senators as to whether there will be an appropriate sharing of costs and that has to be determined during the course of this legislation.

Mr. BENTSEN. Will the Senator yield for a comment on his question?

Mr. SPECTER. On his time.

Mr. BENTSEN. Yes, I would be delighted.

The problem we have on the child care bill is the same sort of thing that we would have on this one. We would have to hold it at the desk. With respect to the child care bill, we are going to have to get unanimous consent to proceed on it. And that may be extremely difficult to do. One Senator can object to the procedure and then that obviously complicates trying to get something done in a reasonable period of time. So it is not a practical solution to the problem at all and I would strongly urge we not do it.

Mr. SPECTER. Mr. President, when the distinguished Senator from Texas talks about practicality in dealing with child care I suggest that we have employed that procedure on other measures, such as the savings and loan bill and the black lung bill.

The point this Senator raises, No. 1, is that I do not think we have a constitutional issue in view of the Supreme Court authority which I cited, but second there is a way, albeit with a requirement of unanimous consent, to eliminate, obviate that problem with the House of Representatives and that is the contention which this Senator raises.

When you come down to the merits, the Senator from Texas had not been on the floor earlier when I cited them, and he made reference to his State of Texas and the problems of his State, and I am very sympathetic to the problems which the State of Texas has had, but when you take a look at SO_2 emissions and you find that industrial emissions largely from the State of Texas amount to 13.9 percent of the emissions in the country and the earlier statistics show that the nine States which are being asked to bear 90 percent of the first phase and 70 percent of second phase account for only 51 percent of the emission, as a matter of fairness there ought to be allocation under this investment tax credit to do justice and fairness to those nine States.

I believe that the bottom line, the long and short of it, after we have discussion among the various Senators on this issue is that there is no constitutional impediment. If there is one, there are procedures where we can work it out, and there has been no written protest lodged by the chairman of the Ways and Means Committee of the House of Representatives.

I inquire of the Chair as to my remaining time.

The PRESIDING OFFICER. A minute and 45 seconds.

Mr. SPECTER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I ask for 8 minutes.

Mr. BAUCUS. Mr. President, I yield 8 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, at the start of this debate and throughout it there has run this theme of fairness. The suggestion is that somehow the Midwestern States are being treated unfairly, and therefore the principal argument they use is that in the past all the utilities in the Nation had available to them an investment tax credit. But that investment tax credit has since disappeared. It disappeared in the 1986 Tax Reform Act, and regrettably the Midwestern utilities did not use it. It was available but they did not use it. They say now that it has disappeared they would like to bring it back. They would like to bring it back because other States used it, other utilities used it, and why should they not have the same privilege.

What they do not say is that with the 1986 tax reform bill came lower rates. That was the switch that was made. The ITC, the investment tax credit, was abolished and in return came the lower tax rates. So when the ITC was taken out it not only lowered rates but it did something else for the utilities. It provided for an accelerated depreciation of the type of equipment that is being discussed here today.

What the proponents want, they do not want it both ways they want it four ways, and this is what they argue. They want the lower rates that were included in the 1986 tax reform bill. They want the accelerated depreciation that was included in 1986 tax reform bill. They want the ITC, the investment tax credit, that existed before 1986. They want that reinstated. And on top of it they want not what the ITC used to be, the investment tax credit of 10 percent but they want it 20 percent. This is what we call chutzpah. This is what we call real brass. They ask for four things, and they see no problem in that, and if denied all four things they cry foul, lack of fairness.

Furthermore, there is another provision they ask for: under the old tax code, pre-1986, when one used the investment tax credit it could not be used to reduce the minimum tax. This amendment, and it challenges one's imagination, and for straight brass I think this tops them all, this amendment permits the use of the ITC to reduce the minimum tax. If there is

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one thing that we sought in 1986 it was to get rid of people or to make sure that taxpayers paid some tax, and thus we put on the minimum tax. This would do away with that provision we had that everybody had to pay some tax if they had some earnings.

Second, in addition to all those arguments which certainly fatally flaw the proposal of the proponents of this amendment, this amendment favors only one method of reducing emissions. One of the things we sought in this clean air bill was to be fuel neutral. We said you, Mr. Utility, proceed the way you think is best at the lowest cost to you. We are not going to go in there and tilt it one way or another. What this amendment does is it favors the use of scrubbers. That is what it is about. It is the investment tax credit applied to use of scrubbers in effect and, therefore, no longer becomes fuel neutral, no longer does it encourage the lowest-cost method to reduce the sulfur dioxide emissions. Instead it is a tremendous slant toward the use of high sulfur coal, thus undermining the objectives of the bill.

There is a suggestion that somehow the Midwest has been persecuted here. I point out to the proponents of the measure that the Midwest has come up with $3.5 million special allowances under the Bond-Byrd proposal, $3.5 million. They have come up with $1.5 million special allowances under the Domenici proposal. So they come out with a total of $5 million allowances. That is a lot of money. Furthermore, the Midwest was given a special extra time to comply if they use clean coal technology. That was a special favor toward the Midwest and the high sulfur States.

The 2-to-1 credit for scrubbing technology was provided in this measure. So this suggestion that somehow the Midwest has been kicked around and has not received any benefits is sheer nonsense.

Finally, might I say this, and I harken back to the point that the distinguished chairman of the Finance Committee made, there is no rush for this. This does not even go into effect until 1995. Clearly the Finance Committee will meet before then and there will be tax measures.

But what I find as the final fatal flaw to this measure is the fact there is no way to pay for it. Now you can say oh, it is only $300 million. Very clearly it is not necessarily $300 million. It could well be more than that. I might say I have never seen any of these estimates come in on the low side.

But the fact is there is no way to pay for it. When we are running these tremendous deficits in this Nation if somebody wants a special advantage, something that is going to cost the Federal Treasury money, then they ought to come up with a way to pay for it.

So for these reasons, Mr. President, I believe the amendment is an unfortunate one. It is not a good amendment and I would hope it would be defeated.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are coming to a close in this debate. There is not a lot of time remaining.

Let me just make a couple points here. No. 1 is the single-shot nature of the amendment that I think many Senators in various parts of the country find particularly objectionable. This amendment offered by the Senator from Pennsylvania essentially allows the tax credit to be available essentially only for utilities that scrub to meet the SO_2 standards contained in the bill.

What about a utility that wants to change its operation from coal fired to natural gas? The tax credit would not be available.

What about a utility that wants to renovate in order to use low-sulfur coal? The tax credit would not be available.

What about other plants around the country—chemical plants, refineries—that need to modernize to meet the air toxics provisions of this bill? The tax credit would be unavailable.

What about large stationary sources that modernize to meet the volatile organic compound provisions of this act? The tax credit would be unavailable.

This is a very narrowly crafted, single-shot tax credit aimed to benefit a very small part of the country only. As the Senator from Rhode Island said, this is the chutzpah amendment. I underline that. This is the chutzpah amendment. This is the brass amendment. This is an amendment very narrowly targeted to help a very small number of utilities, utilities that want to be subsidized to help their part of the country at the expense of all of the rest of the country. Because, after all, the rest of the taxpayers of this country would be footing the bill for this single-shot, narrowly crafted amendment. I think Senators should understand that point very specifically, that is, the narrow nature of this amendment.

Point No. 2 is this: There has been some discussion as to whether or not this is a killer amendment because it violates the Constitution of the United States.

I have again been informed that the chairman of the Ways and Means Committee would specifically object to this amendment on constitutional grounds. Now he has not had an opportunity to send a letter over in the last 15 minutes, but there are other ways to communicate. There are telephones. I have not personally talked with the chairman, but I am advised by staff that people who represent the chairman of the Ways and Means Committee say that he would specifically object to this amendment on constitutional grounds.

The Senator from Rhode Island has mentioned other objections, but let me just reiterate that this is a killer amendment. The chairman of the Finance Committee has so stated. The chairman of the Finance Committee also objects on jurisdictional grounds that the amendment has never been debated. There were no hearings on this amendment before the Finance Committee.

In addition, this is a deal breaker. This breaks the deal agreed to by the administration, by the leadership on the Republican side, by the leadership on the Democratic side. It is also very, very unfair in that it very specifically and to a large degree benefits a certain, small section of the country at the expense of the rest of the country.

It is also very poor tax policy. It is bad tax policy because it is so narrowly crafted and also because it loses so much revenue without making up the revenue some other way.

For all these reasons, Mr. President, I again strongly urge Members to understand the narrow nature of this amendment and also to understand that, if this amendment were to pass, it would be a deal breaker, it would be a killer amendment, and it would very seriously jeopardize the Clean Air Act, which is so important to this Nation, which we have worked on for so many weeks and months. I think at this late date we would not want to jeopardize the passage of the Clean Air Act by the U.S. Senate.

Mr. SPECTER. Mr. President, when the distinguished Senator from Montana called this the chutzpah amendment, by reference to what Senator CHAFEE said, that it was real brass, I would disagree. Real brass does not mean chutzpah. There are substantial differences in the use of that term.

But in many senses, calling it a chutzpah amendment is a high compliment—it is a high compliment compared to chutzpah attaching to the nine States which are being unfairly treated by this specific provision of the bill.

But I want to come back to the real brass characterization by Senator CHAFEE because I think that goes, as opposed to an ethnic characterization, to an issue of merit here, but it cuts the other way. Because when you talk about real brass, you are talking about a nonutility and an industrial emission. Because when you make real brass, you create part of the problem that we are dealing with in the bill which illustrates the unfairness of the bill because, Mr. President, the utility pollution which is the subject of this amendment counts for only 51 percent of the sulfur dioxide emissions and yet these nine States are being called upon to pay, first, 90 percent, phase I; and, second, 70 percent of the clean up in phase II.

And when you look around the country—again referring to the State of Texas which has 13.9 percent of the SO_2 emissions from industrial, or the brass characterization, which shows the unfairness to the nine States involved and speaks very loudly and emphatically for the adoption of the pending amendment.

The PRESIDING OFFICER. The Senator's time has expired.

There are 18 minutes and 12 seconds now remaining to the Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 2 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I point out to those who are interested in this type of procedure—in other words, about improving the emission control equipment on the utility—that tax-exempt financing is still available through the States for pollution control equipment. Sometimes that is lost sight of. So that is available pursuant to State laws. Most States have those laws. Certainly my State has it.

I do not know what the situation is in Pennsylvania or the Midwest States, but it is possible for tax-exempt financing to be available for pollution control equipment, which obviously means that the utility can install that at a greatly reduced rate.

Mr. SPECTER. Mr. President, I would like to add a modification to the amendment which has been requested by the distinguished Senator from Tennessee [Mr. Sasser] which I think does not affect any of the debate so far.

I have been advised by the Parliamentarian that, because we are subject to a unanimous-consent agreement, unlike other modifications asked before the yeas and nays have been ordered, it requires unanimous consent, which I now request.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, as I read the requested modification it precisely makes my point about the very narrow nature of the Senator's amendment. As I read the proposed modification, it is attempting to broaden the narrow benefit to not only Midwestern States but, as I read the modification, to TVA States. That is, not to the rest of the country. I must be constrained, Mr. President, regrettably, to object because I, frankly, think this is a last-minute attempt to try to meet a fatal flaw and that does not begin to meet that flaw because it is so narrowly directed.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. In addition, I would say there are no cost estimates. There would be additional costs involved here. So I must object.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the time on this amendment is about to expire. The Senator from Texas [Mr. Bentsen] informs me at the appropriate time he would like to move to table the amendment. I understand, however, there are Senators who are unable to come to the floor to vote at about 11:52, when the time would expire. I am looking for a way to set a vote at a later time.

It is my understanding we cannot now, at this moment, clear a definite later time. I would like to set the vote at 12:30, if I could. I am unable to get that clearance at this moment.

I am wondering if we could set a time so Senators would be available and Senators would know when the vote might occur? Might I ask the Senator from Rhode Island or ——

Mr. SPECTER. The time of 12:30 is agreeable to this Senator.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I know the cosponsor of the amendment, Senator Metzenbaum, was seeking a time about that. But apparently we have difficulties over here, trying to get it cleared.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, the quorum call is rescinded. There are 3 minutes of controlled time left and the Senator will need time yielded to him.

Mr. BAUCUS. How much time does the Senator from Montana request?

Mr. BURNS. Probably no more than 30 seconds, just to offer some comments.

Mr. BAUCUS. I yield with pleasure to my colleague from Montana.

Mr. BURNS. I thank with pleasure my colleague from Montana.

As the debate runs on this clean air, we know there have been some agreements made, and final passage of this bill is very troubling to some of us who thought maybe we had reached an agreement on how we were going to approach the cleanup of air in this country. All at once we have another amendment here that sort of has taken something away from the West that we thought we had protected, and would offer some solutions to acid rain. This, Mr. President, would not do any more than to add more impetus to that. It is basically a scrubber amendment. That is what it is. Let us call it what it is.

We think we have a product, low-sulfur coal, with which we can clean up that problem. So I offer my objection to this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the vote on or in relation to the Specter amendment No. 1330, as modified, occur at 12:15 p.m. today and that the time between now and 12:15 p.m. be equally divided in the usual form between the two sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MITCHELL. Mr. President, Senators should be aware that a vote will occur at 12:15 on or in relation to the pending Specter amendment, and those offices of Senators who are not now in the Capitol should notify Senators of this fact.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, there will be 10 minutes, am I correct?

The PRESIDING OFFICER. There will be approximately 11 minutes equally divided.

Mr. CHAFEE. On behalf of Senator Baucus, I yield Senator Simpson 3 minutes.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do oppose the amendment offered by my friend, the Senator from Pennsylvania. When these negotiations were concluded and the Byrd-Bond proposal was incorporated into the agreement, it was the belief of this Senator and many others who participated in that—Senator Mitchell, Senator Chafee, Senator Baucus—that the allowances we so carefully crafted would be made available to the Midwest for growth, and, more importantly, they would offset increases in utility rates. But here I think we have found the

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United Mine Workers turned up the heat on Senators from high-sulfur coal-producing States. And then, of course, we have the Byrd amendment yet to deal with, the amendment to protect these high-sulfur coal miners.

But this amendment offered by my friend from Pennsylvania is strongly supported by those persons because they know what it will do. It will cause the use of more scrubbers in the future, and this will benefit the United Mine Workers. Of course, scrubbers do not benefit the ratepayers at all because they are one of the more costly ways of reducing SO_2 emissions. So a mechanism is needed to further subsidize the high-sulfur coal industry, and that is a tax credit.

I point out that scrubbers are not even necessarily good for the environment because they increase greenhouse gases, and I trust that my colleagues with true environmental concerns will catch that one. But a new tax credit for scrubbers or technology is nothing more than cost sharing about which, by a sense-of-the Senate resolution, we disagreed. We said, no. We did agree that there would be none. Cost sharing is something we have not endorsed in the Senate. It goes beyond the real subsidy we already have here provided under the allowance system, and it may be a return to former days of market and regional gimmickry.

But, more importantly, I believe this measure is a deal-buster because it would effect the agreement that we negotiated.

There is another aspect of the amendment that causes me concern, as it did Senator BENTSEN, the fact that is is a revenue loser. The Treasury Department has estimated that we would lose almost $1 billion in revenue if this amendment is agreed to. For 5 years, assuming a $4 billion investment, there would be a $338 million revenue loss; assuming a $5 billion investment, a $750 million revenue loss.

Mr. President, the reason we are here with this amendment at this time is because, again, these are the most heavily impacted utility areas in the United States and they knew what was coming. Those were the utilities in those States that chose to burn cheap, locally available high-sulfur coal without installing pollution equipment. So what we have is a situation where Midwestern utilities are seeking subsidies and, in effect, are asking the rest of the United States to help the high SO_2-emitting utilities retain the advantage of low electricity rates.

The proposed tax credit is an enhanced and expensive version of the pre-1986 investment tax credit. Unfortunately, it would be more than the old investment tax credit. It would equal 6⅔ percent of the qualified investment per year for 3 years, or 20-percent total over 3 years, with corporate tax rates at 34 percent. The old investment tax credit, on the other hand, equalled 10 percent of the investment of 1 year only with corporate tax rates at 46 percent.

It would permit a utility to reduce or completely avoid minimum tax liability. It has more generous limitations for offset rules than available under prior law. Under the old investment tax credit, regular tax liability could be reduced by up to 75 percent and minimum tax liability up to 25 percent. Under this amendment, both regular tax and minimum tax liability could be reduced up to 100 percent.

This amendment could potentially result in tax refunds even when, in fact, the tax payer has no tax liability for a current year. This is due to the combined effect of a carry back provision and tax liability limitations in the amendment.

All of these provisions provide a subsidy for scrubbers and high sulfur coal. So we would have all of these tax benefits added to the list of other scrubber incentives that were provided in the negotiated agreement. The scrubber incentives included bonus allowances, and deadline extensions.

It is the stark reality that the high sulfur coal producers in the Senate are a minority. Yet, they have been eminently successful in securing high sulfur coal production provisions. Now they are coming back for "one more little incentive," but this incentive would be the straw that broke the camel's back. This incentive could upset the whole apple cart. It might make sense to provide some incentive such as this if the allowances were not in place. But if we combine this with the allowance system and the scrubber incentives included in the negotiated agreement we would eliminate the concepts of flexibility, freedom of choice, and cost effectiveness that a majority of the Senate has embraced.

This amendment should not be confused with an attempt to protect ratepayers. It may do that—but in reality it is an attempt to protect the high sulfur coal miners and, more specifically, the United Mine Workers Union. The Byrd amendment and the tax credit amendment are the two things that the United Mine Workers are really pushing these days.

I might be sympathetic to the argument that Midwestern States need significant help with their electric rates if their customers already had high utility rates. However, in years past, the reality has been that the customers of the highest SO_2 emitting utilities in the Midwest generally have enjoyed the lowest electric utility rates in the country. This is because these utilities have chosen to burn cheap, locally available, high sulfur coal without installing pollution equipment. So, what we have is a situation where Midwestern utilities are seeking subsidies and, in effect, are asking the rest of the country to help high SO_2 emitting utilities retain the advantage of low electric utility rates. The inequities in that argument are plain to see.

What this all boils down to is that a relatively small group of utilities would rececive the greatest portion of financial relief under this proposal. There are 24 privately owned utilities which have emitted more that 50,000 tons of SO_2 in recent years. And these 24 utilities are going to be responsible for a large portion of the required SO_2 reductions in phase I and phase II in the Senate bill. They are located in the lower Midwest with a vast majority in Ohio, six; Indiana, five; Pennsylvania, three; and Missouri, three. These utilities produce less than one quarter of the country's electricity but emitted more than 7.5 million tons of SO_2 in 1987. That is about half of the sulfur dioxide emitted by the entire U.S. utility industry. This is one of the most important statistics to keep in mind during this debate.

It might be more important to note than three quarters of the utilities—18—had average electric rates in 1987 below the national average. Additionally, almost 60 percent of these utilities—14—had average electric rates at least 10 percent below the national average, and nine of them had average electric rates at least 20 percent below the national average.

After reviewing these facts, I think you will find that the Specter amendment is unnecessary and should be rejected. Even worse—if we pass this amendment we will be abandoning the polluter pays concept a majority of the Senate embraces.

The PRESIDING OFFICER. The time of the Senator from Wyoming has expired.

Mr. SIMPSON. I thank the Chair. I thank Senator CHAFEE.

The PRESIDING OFFICER. Who yields time? If no one yields time, time will be deducted equally between the two sides.

The majority leader is recognized.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I now suggest the absence of a quorum and ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COATS. Mr. President, I would like to add a few words to the debate on the amendment of the Senator from Pennsylvania [Mr. Specter] which is cosponsored by Senators Metzenbaum and Lugar, as well as myself.

I believe this is a reasonable amendment. It gives the same technology incentives to Midwestern utilities who must comply with the acid rain portion of the bill as were available during the 1970's and 1980's. This amendment would provide a 20 percent tax credit for utility pollution control equipment for 5 years. The tax credit would only be available for utilities who have compliance responsibilities under phase I of title IV of the bill.

Adoption of this amendment would be a major step toward more equitable treatment of utilities affected by the acid rain requirements in S. 1630. I believe it will provide needed rate relief and help preserve the 5,000–7,000 high sulfur coal jobs which will be lost if the bill is enacted as currently written.

Mr. President, I supported the Byrd-Bond compromise as the only alternative which was acceptable to the Senate leadership as well as midwestern Senators. But clearly the technology incentives which are the heart of Byrd-Bond will only begin to mitigate the impact of acid rain legislation on Indiana.

For instance, despite the Byrd-Bond incentives for early use of technology which have been incorporated into the Mitchell-Dole substitute amendment, S. 1630 will most likely result in the loss of over 1,000 coal miners' jobs in southern Ireland. While I support the amendment offered by my colleague, the senior Senator from West Virginia, to provide a safety net for those coal miners who do, in fact, lose their jobs, I also support efforts to encourage a more equitable distribution of the reductions, which I believe will result in fewer jobs lost overall.

The Indiana Department of Environmental Management estimates that, under the Byrd-Bond proposal, Indiana utilities will construct 4–6 scrubbers during phase I. IDEM believes that a 20-percent tax credit could result in the construction of two additional scrubbers, which would obviously encourage the continued use of Indiana coal.

Finally, I would like to add that the impact of compliance with all titles of S. 1630 will be immense. Indiana is affected by every title of this bill, and while I support efforts to protect the air quality in Indiana and around the country, I believe that tax credits would be an excellent way to make the bill less onerous for the Midwest.

Mr. MITCHELL. I ask unanimous consent that the Senator from Texas be recognized for 1 minute to make a motion to table the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized for 1 minute.

Mr. BENTSEN. Mr. President, I think it is obvious that I have strong objections to this amendment. The Finance Committee has proper jurisdiction over this matter. We must properly consider it and the impact it would have on businesses across the country. I am convinced that the bill would be blue slipped on the House side. And all the work that has been done on this very important piece of clean air legislation would, in effect, be negated.

So, Mr. President, with that in mind, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas to lay on the table the amendment of the Senator from Pennsylvania. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. Boren] and the Senator from Hawaii [Mr. Matsunaga] are necessarily absent.

I further announce that the Senator from Massachusetts [Mr. Kennedy] is absent on official business.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. Boren], would vote "yea."

The PRESIDING OFFICER (Mr. Simon). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—71

Adams
Baucus
Bentsen
Biden
Bingaman
Boschwitz
Bradley
Breaux
Bryan
Bumpers
Burdick
Burns
Chafee
Cochran
Cohen
Conrad
Cranston
Daschle
DeConcini
Dodd
Dole
Domenici
Durenberger
Exon
Fowler
Gore
Gorton
Graham
Gramm
Grassley
Harkin
Hatfield
Hollings
Humphrey
Inouye
Jeffords
Johnston
Kassebaum
Kasten
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
McCain
Mikulski
Mitchell
Moynihan
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Riegle
Robb
Roth
Rudman
Sanford
Sarbanes
Sasser
Simpson
Stevens
Wallop
Warner
Wilson
Wirth

NAYS—26

Armstrong
Bond
Byrd
Coats
D'Amato
Danforth
Dixon
Ford
Garn
Glenn
Hatch
Heflin
Heinz
Helms
Lott
Lugar
McClure
McConnell
Metzenbaum
Murkowski
Rockefeller
Shelby
Simon
Specter
Symms
Thurmond

NOT VOTING—3

Boren
Kennedy
Matsunaga

So the motion to lay on the table the amendment was agreed to.

Mr. MITCHELL. I move to reconsider the vote by which the motion to table was agreed to.

Mr. BENTSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President, with respect to the immediate schedule, it is my understanding that there will be a couple of amendments, I believe the first one by the Senator from Delaware that will be accepted, and then thereafter, about 1:30 or shortly thereafter, Senator Helms will be prepared to offer an amendment.

Mr. DOLE. In the interim, too, I think the Senator from Pennsylvania wanted to make a statement on the bill. We will not be losing any time.

Mr. MITCHELL. That is right.

So I do not think there will be a vote until about an hour after Senator Helms offers his amendment. I expect him to offer it sometime around 1:30, quarter to 2, in that range. The vote would presumably be about an hour after that, in terms of Senators looking to their schedule for the next couple hours.

If I might have the attention of the Senate, with the distinguished Republican leader here, I have discussed with him just prior to now, privately, a situation which has arisen with respect to meetings of Senate committees.

There were scheduled today 17 meetings of 12 committees, including both markups and hearings. At approximately 10:45, we were notified that there was a blanket Republican objection to any meetings of any committees. And so those meetings have, necessarily under the rules of the Senate, had to be discontinued.

I had indicated to the Republican leader that I would attempt to gain his assistance in having that objection removed so that we can proceed on these various hearings and meetings. With respect to the hearings, of course, as my colleagues know, these are planned some time in advance; witnesses have come, some of them, long distances to be here.

With respect to the markups, included in the markups is, of course, the action by the Foreign Relations Com-

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mittee with respect to the Panama-Nicaragua legislation. I know that the Secretary of State and the President are very anxious in that regard; indeed, the Secretary called me last night, and I believe he also called the distinguished Republican leader, urging action on it. We want to do the best we can to move forward to that legislation. But of course the inability of the committee to mark it up will make that more difficult.

So I would inquire of my colleague, the distinguished Republican leader, as to whether we might get some assistance in getting that objection removed.

Mr. DOLE. As I understand the objection, we know who made the objection and we are trying to contact that colleague now because, as was indicated, there were a number of witnesses who came from out of town and were scheduled to be heard. Now they have to be postponed until tomorrow. But we are making an effort to, first of all, find out why the blanket objection. If there was an objection to one committee, why the blanket objection?

One case was there was so many meetings going on it was hard to focus on the clean air bill. But we are trying to accommodate the majority leader, those witnesses who came long distances, the committee chairmen and the ranking members, and the administration in a couple of cases where the administration has matters pending that they want to have dealt with. So as soon as I can make a personal phone call, we may have a report back.

Mr. DODD. Will the majority leader yield?

Mr. MITCHELL. Yes.

Mr. DODD. Mr. President, I just want to make that point as well. I know particularly on this aid package for Nicaragua and Panama—something that I very strongly support, by the way—I think it is a very important piece of legislation. I know the importance of moving that process along. We have really done a lot of work, I would say, Mr. President, to the majority leader in trying to help that process. It is going to be very disruptive if we cannot get that markup.

Our intention today was not only to have the hearing but the markup so that we could help try and move that package along. It is going to be tough as it is to meet some of the deadlines.

But my hope would be that the Republican objection to that markup would be lifted. Otherwise we are going to find ourselves easily into next week, I would have to say to the majority leader, possibly ending up next week. It would be a shame and pity, in a sense, that these countries that need this help very, very much might end up not being able to get that assistance because the committee process was slowed down or objected to, particularly on that side. And I think the administration is anxious to get the package as well.

I commend that minority leader for trying to help us get that lifted.

Mr. REID. Mr. President, I would indicate to the majority leader and minority leader that my subcommittee is meeting, trying to. We have 20 witnesses. They are from all over the country. The meeting has been scheduled for months. It is a tremendous inconvenience and very expensive both to the Government and the private witnesses that this happen.

I would have to say that it is a spiteful thing to do. It is expensive to the Government. It is very expensive and inconvenience to witnesses who literally have come from all over the country to testify on a very important issue; namely, the dangers of lawn chemicals. I think that it really would be to the best interest of the country, the Senate, and the American public if we could get this hearing on.

Mr. WARNER. If the distinguished Senator would yield so I might join in a colloquy with the chairman of the subcommittee of which I am the ranking member?

We did experience, without any notice to us, the abrupt termination of our hearing. I, for one, and all of us here recognize a Senator may utilize the rules of the Senate, and that was done fairly. But the consequence in this particular hearing was that on a controversial issue; namely, the use of various chemicals and pesticides occasioned by the spraying to beautify the lawns and so forth across America, only one side was presented, and the hearing was abruptly terminated and the other side of the issue was not able to present its viewpoints, therefore leaving the impression—and the hearing was heavily attended by media—that only one side of the issue is going to be out for the purposes of the stories today. That presents an imbalance and it is unfair to the participants in the hearing.

I know the leadership of the Senate tries as diligently as it can to avoid these situations, but this is what occasionally happens.

Mr. CRANSTON. Will the majority leader yield to me?

Mr. MITCHELL. Yes.

Mr. CRANSTON. Mr. President, I would like to add that I sought to get unanimous consent for the Veterans Committee to meet. That was denied under the blanket order. This is wasting a lot of time and money. All the top people in the VA are sitting around waiting to see if they can testify. We have people from all over the country, including people who came from California, for the hearing. It is not a markup. It is a hearing. And it is on an administration proposal which could redirect resources so that they are used better and perhaps save quite a bit of money. We would like to be able to proceed. It is ridiculous not to be able to.

Mr. DOLE. Mr. President, if the majority leader would yield further, I recall when we were in the majority and an objection came from that side, we went ahead and had the hearings informally. As long as you do not report anything out, as I understand, there is no point of order that would lie. There is some question whether you could pay the reporter for the stenographic work. But you do disrupt a lot of schedules, not just of Senators—that is secondary—but also the poeple who come here to testify, who probably have to be somewhere else tomorrow.

But, in any event, I will contact my colleague and see if there is some way we can resolve this.

Mr. MITCHELL. Mr. President, I thank the distinguished Republican leader for his courtesy and effort. I want to say to him again how grateful I am for the assistance he provided in gaining the unaimous-consent agreement on the clean air bill. It is obvious to me, and I think clear to all, that but for his efforts we would not have been able to gain the unanimous-consent agreement. And that is a very, very significant action.

It will present us, as the Republican leader and I have previously discussed, with a very difficult decision next week on what we proceed to after the clean air bill, because we have had a longstanding commitment to go to the crime bill which I am extremely reluctant to delay further. That is an important initiative of the President. It is one that Senators are ready to go to. And yet we also have this Panama-Nicaragua request that the administration and many of our colleagues on both sides of the aisle are very anxious to proceed to.

So we will have to discuss that, and we will do that as we always have in determining how best to proceed. And it is my hope that we can move forward.

The Republican leader is of course quite correct. This is not new; this is not the first time such an objection has been made. It has frequently been done in the past, and I hope with good faith and perseverance, we can get it taken care of.

I thank my colleagues, Mr. President. I am now prepared to yield to the manager. I assume this is the presentation of the amendment of the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Without objection, the pending amendment will be set side.

AMENDMENT NO. 1406 TO AMENDMENT NO. 1293

(Purpose: To encourage a program for the removal from use and the marketplace of certain pre-1980 model year vehicles)

Mr. ROTH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH] for himself, Mr. KASTEN and Mr. SYMMS, proposes an amendment numbered 1406 to amendment No. 1293.

Mr. ROTH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 24, strike out "and".

On page 17, line 3, strike out the quotation marks and the last period and insert in lieu thereof a semicolon and the word "and".

On page 17, between lines 3 and 4, insert the following:

"(xv) program to encourage the voluntary removal from use and the marketplace of pre-1980 model year light duty vehicles and pre-1980 model year light duty trucks.".

Mr. ROTH. Mr. President, one issue our legislation does not address is the issue of older cars. It was not until the 1980 model year we finally began to control the emissions from our automobiles.

Many of my colleagues may remember this was accomplished through fuel efficiency and catalytic converters, and has been so effective that today, one 1979 model can emit as many hydrocarbons as eight 1990 models.

As a matter of fact, one 1970 model emits as many hydrocarbons as 20 1990 models. It has been estimated that cars older than 1980 models create something like 15 to 30 percent of the pollution caused by hydrocarbons.

Mr. President, this amendent is cosponsored by Senator KASTEN and Senator SYMMS.

In any event, despite the tremendous ongoing progress in producing cleaner, more fuel-efficient cars, 22 million pre-1980 models are still on the road. I think we should encourage the owners of these vehicles to voluntarily replace these cars with post-1980 automobiles.

Recently, I introduced legislation, the so-called clinker bill, that proposes on a voluntary basis to do just this.

The amendment I propose today adds to the transportation control measures already in title I of the bill. It would likewise direct the EPA and the Department of Transportation to publish and make available a program that encourages the voluntary removal of pre-1980 cars and light-duty trucks from use in the marketplace.

It gives the EPA, State, and local officials another alternative to consider how best to plan air quality and transportation measures.

Mr. President, it is my understanding that this amendment is not controversial, and I urge its adoption.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the Senator from Delaware makes a very valuable contribution to this bill. He is absolutely correct; the older cars are the biggest polluters. And the more quickly we can get the older cars, particularly the pre-1980 cars, off the road, the greater advance and greater improvement we will make toward cleaning up the air, particularly reducing hydrocarbon emissions.

It is important, however, to provide for a voluntary removal program, and the amendment of the Senator from Delaware does just that. It is to provide transportation control measures that would be appropriate in the nonattainment areas, the ozone nonattainment areas, and would also look toward possible implementation of voluntary, pre-1980 car removal programs.

If nonattainment areas move in that direction, Mr. President, and they are more likely to because of the amendment offered by the Senator from Delaware, then those areas that are the dirtiest areas of the country will move more quickly toward reaching attainment, and therefore clean up their air.

I urge the adoption of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I want to compliment the distinguished senior Senator from Delaware for his amendment. It goes right to the heart of one of our big problems, which is the older cars that remain on the road. They are the principal emitters.

The statistics the Senator gave are certainly startling, that a pre-1980 car emits as much as eight post-1980 automobiles. I commend him for coming forward with this. I hope it will work out.

I am not sure just what the States can do, but this will encourage them to try to adopt some voluntary incentives to get the pre-1980 automobiles off the road, and I think it is a good idea.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. SYMMS. I want to join in commending the senior Senator from Delaware. As often is the case, he once again has pointed out sometimes it is the simplest things that can get the most done for the least amount of money. It has been brought to my attention that 10 percent of the automobiles on the road produce 50 percent of the emissions.

The Senator is right on target. I am happy to be a cosponsor of his amendment, and I thank him for bringing it to the Senate today.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from Delaware.

The amendment (No. 1406) was agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1407 TO AMENDMENT NO. 1293

(Purpose: To require the Administrator to investigate the feasibility of using ethanol and high erucic acid oils as a substitute for diesel fuel)

Mr. SYMMS. Mr. President, I have an amendment which has been approved. I send it to the desk and ask for its immediate consideration.

This amendment, I say to the distinguished Senator from Montana and the distinguished Senator from Rhode Island, would take one of the two germane amendments that I have reserved a slot for, so that would leave me down to only one last amendment that is not already in the agreement.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 1407.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In amendment No. 1293, at the end of title II insert the following new section:

"SEC. . ETHANOL SUBSTITUTE FOR DIESEL.—Within one year after the enactment of this Act, the Administrator shall contract with a laboratory which has done research on alcohol esters of rapeseed oil to evaluate the feasibility, engine performance, emissions, and production capability associated with an alternative to diesel fuel composed of ethanol and high erucic acid rapeseed oil. The Administrator shall submit a report on the results of this research to Congress within three years of the issuance of such contract.

Mr. SYMMS. Mr. President, high erucic acid oil crops, such as rapeseed and crambe, have been shown to be potentially renewable source of a substitute for diesel fuel. This fuel can be extracted and processed into a fuel grade product using very simple technology and relatively inexpensive equipment. Winter rapeseed in the Pacific Northwest has had the best energy budget—4.2 megajoules of harvested liquid fuel for each megajoule

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invested in production and processing—and the best engine performance of any oilseed crop evaluated. A simple and efficient method has been developed for converting the basic compounds of rapeseed oil into an alcohol ester and glycerol. Initial engine tests indicate that the alcohol ester of high erucic acid rapeseed oil [AERO] could be directly substituted for diesel fuel in unmodified engines without significantly reducing performance or expected engine life. More importantly for the purposes of this act, however, the expected fuel would also significantly reduce emissions of diesel engines.

Preliminary data on AERO fuel indicates that it could significantly reduce particulate emissions of diesel engines by 70 percent or more. AERO fuel contains only 0.001 percent sulfur by weight, has essentially no aromatics, and has a very high Cetane rating while producing excellent engine performance and durability. The use of AERO fuels as a diesel fuel blend or as a primary diesel fuel substitute in areas with marginal air quality could provide an effective and economical means of achieving our air pollution control goals.

My amendment merely requires the Administrator to conduct some research on the feasibility of AERO fuels to determine whether it might play a role in our Nation's energy and environmental policies in the future.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I have one question I might ask the Senator. I am curious. As I look at the amendment, it says 1 year after enactment, the Administrator shall contract with a laboratory which has done research on the subject. Does the Senator have a particular laboratory in mind?

Mr. SYMMS. There are two laboratories working on this project, and they are running diesel engines now. One is the North Dakota State University, and the other is the University of Idaho. They are already doing it. I think that is a fair question: How much would this cost? I do not think I know specifically how much it would cost. Knowing the way North Dakota State University and the University of Idaho operate, I think that it can be done for a very reasonable amount. The EPA Administrator certainly will not have to spend any more than they think is necessary to achieve the information available. There are some very exciting things that have happened already with this. I think it is something we would be remiss to leave untouched by this bill.

Mr. BAUCUS. If I might further ask the Senator, will this then require a separate appropriation?

Mr. SYMMS. It will only be within the EPA's budget. I will not add extra money for it. They will have to do it within the framework of the Environmental Protection Agency budget.

Mr. BAUCUS. Mr. President, based upon the statements of the Senator from Idaho, I am prepared to accept the amendment. I think it will help solve our air pollution problems in the country if we can find substitutes that make sense, substitutes that do reduce emissions and have reduced emissions consequences. Certainly, the study of grapeseed and similar related oils as a potential substitute for diesel fuel would be a worthwhile effort. I support the amendment.

Mr. SYMMS. I thank the Senator.

Mr. CHAFEE. Mr. President, I think the Senator from Idaho has come up with a good suggestion. It is just the kind of activity we ought to encourage. There may be substitutes out there. Now is the time to try to ascertain whether these substitutes have a real potential, not only as a substitute but also at the same time reducing the sulfur emissions. I commend the Senator from Idaho for a good job and join in the support of this amendment.

Mr. BAUCUS. Might I ask the Senator from Idaho if this is one of the amendments on his list listed as a clean air relevant amendment?

Mr. SYMMS. Yes, it is. So now there is only one left.

The PRESIDING OFFICER (Mr. ADAMS). The question is on agreeing to the amendment.

The amendment (No. 1407) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. HELMS. Will the Senator yield for one moment?

Mr. SIMON. I will be pleased to yield to my colleague from North Carolina.

CHANGE OF VOTE

Mr. HELMS. Mr. President, there was a misunderstanding on the last vote. I believed it to be an up-or-down vote. I am recorded, I believe, in the affirmative; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I thank the Chair. Since it will not affect the outcome, I ask unanimous consent that my vote be reflected as I would have cast it had I not been misinformed about the fact that it was a tabling motion. So I would vote "no."

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, reserving the right to object, I have just been informed by the majority floor staff that they want to consult something or check something out. I do not know any objection at all to the request of the Senator. I feel restrained to ask the Senator if he would withhold his request at this time pending the outcome of the inquiry that is now being undertaken.

Mr. HELMS. Of course, I have no choice but to accede to it, and I will come back.

Mr. BAUCUS. I apologize for the inconvenience to the Senator to have to return again to the floor. I feel constrained at this point.

Mr. HELMS. Let me pose this to the Chair and see if the distinguished manager of the bill is agreeable to it. I ask unanimous consent that unless Senator BAUCUS, representing the majority, registers an objection, that the RECORD will show that I voted in the negative.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I am informed that inquiries have proved successful, and there will be no objection on this side if the Senator wishes to make his earlier request.

Mr. HELMS. I thank the Senator very much. I thank the Senator from Illinois.

The PRESIDING OFFICER. Without objection, the request of the Senator from North Carolina is agreed to.

(The foregoing tally has been changed to reflect the above order.)

Mr. CHAFEE. Mr. President, while the Senator from North Carolina is on the floor, I wonder if I might ask him one quick question. The Senator has an amendment coming up. At what time will he be presenting that amendment?

Mr. HELMS. Would it be convenient to the managers of the bill, inasmuch as I have two delegations of constituents from North Carolina at 2 o'clock, simultaneously, to say 2:15? Would that work into their plans?

Mr. BAUCUS. To bring up his amendment at 2:15?

Mr. HELMS. Yes.

Mr. CHAFEE. Can I ask a further question? Is this the amendment that deals with CFC's?

Mr. HELMS. Mr. President, let me suggest the absence of a quorum.

Mr. CHAFEE. Mr. President, I do not want to hold up the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. CHAFEE. The Senator from Illinois will only take a very short time, and then I can discuss this privately, if the Senator will be good enough to wait 2 minutes.

Mr. HELMS. I certainly will.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I am pleased the Senator from North Carolina is voting with those of us who voted in the minority in tabling that previous amendment. I thank him for it.

AMENDMENT NO. 1408 TO AMENDMENT NO. 1293

(Purpose: To require a study for the purpose of issuing certain regulations)

Mr. SIMON. Mr. President, I have an amendment on behalf of myself and Senator DIXON. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself and Mr. DIXON, proposes an amendment numbered 1408 to amendment No. 1293.

Mr. SIMON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 88, line 6, strike out "two" and insert in lieu thereof "three".

On page 88, line 11, after "emissions." insert the following: "The Administrator shall commence such study not later than 60 days after the date of the enactment of this subpart.".

On page 89, line 11, strike out "three" and insert in lieu thereof "two".

Mr. SIMON. Mr. President, the immediate amendment at hand deals with volatile organic compounds, better known as VOC's. The bill says there will be a 2-year study, and over a 7-year period there has to be a 1-percent reduction in VOC's from consumer and commercial products. The head of the EPA has said a 2-year study is very difficult to achieve when you are talking about, some estimates are, 700,000 products.

This amendment simply extends that study to 3 years, both for the industry and for EPA so we can get an adequate study. It does not extend the time period in which there has to be a 1-percent reduction. I believe it is agreed to by both sides. I think it is a good amendment that the Senate should agree to quickly.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the managers on this side examined the amendment and are prepared to accept it. It essentially reduces the study period from 4 to 3 years and changes the year, after which the regulations are promulgated to go into effect from 1 year to 2 years. It is a very important study because it addresses the volatile organic compounds in consumer solvents, a major uncontrolled source.

Frankly, Mr. President, if this country is to, in fact, reach attainment in all the areas around the country not yet in attainment, volatile organic emissions must not only be controlled from large stationary sources and from automobiles, but also from small sources and probably including consumer solvents. It is a very difficult matter to control VOC emissions from consumer solvents. A study will help us find a good solution to that problem because it is a major source that must be dealt with.

Mr. CHAFEE. Mr. President, likewise, on this side, we think it is a good amendment and urge its adoption.

The PRESIDING OFFICER. Is there any further debate? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1408) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, we are ready now to take other amendments. I see the Senator from Pennsylvania on the floor. I might inquire whether the Senator wishes to proceed with his amendment.

The PRESIDING OFFICER. The Senator from Montana has propounded an inquiry to the Senator from Pennsylvania.

Mr. BAUCUS. Mr. President, I yield the floor.

AMENDMENT NO. 1409 TO AMENDMENT NO. 1293

Mr. SPECTER. Mr. President, I call up amendment No. 1409, which relates to trade secrets and intellectual property rights, an amendment which has been filed, which I have discussed with the managers of the bill and which, as I understand it, is subject to agreement.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposed an amendment numbered 1409.

Mr. SPECTER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 242, line 16, strike the period and insert in lieu thereof a comma.

On page 242, before line 17, insert the following: "*Provided, however,* That none of the measures described in subparagraphs (A) through (D) shall compromise any patent or trademark or require the release of any trade secret or other intellectual property right.".

Mr. SPECTER. Mr. President, this amendment states:

Provided, however, That none of the measures described in subparagraphs (A) through (D) shall compromise any patent or trademark or require the release of any trade secret or other intellectual property right.

This is, as can be readily observed, a direct amendment which seeks to ensure that intellectual property rights are protected. This, of course, in no way militates against any of the enforcement provisions in the bill and is entirely consistent with the thrust of the bill to clean the air in a wide variety of forms.

But there is a risk that absent such an amendment there could be a disclosure of trade secrets or intellectual property rights, and the inclusion of this specific amendment would go as far as bill language can to preclude that undesirable consequence.

It is my understanding, as I noted before, that the managers of the bill have examined this amendment and think it is acceptable. So I yield to my distinguished colleague from Montana.

Mr. BAUCUS. Mr. President, this is a very helpful amendment that essentially protects the proprietary interests of companies that would be conforming to the air toxics provisions of the bill as they apply maximum achievable control technology.

I think the amendment will help facilitate the process that major plants and other sources will go through in order to achieve the objectives of the act because under the Senator's amendment, if it is enacted, those sources' proprietary interests would be protected. I would think if sources' proprietary interests are protected, they are more likely to go ahead, working with the permitting authority, whether it is the State or the EPA, to achieve the objectives called for in this act. I compliment the Senator for this refinement. I think it is an improvement, and I urge adoption of the amendment.

Mr. CHAFEE. Mr. President, the Senator from Pennsylvania has come up with a good amendment. Furthermore, it addresses not just the treatment of pollutants but it addresses their reduction. Indeed, it might be termed a pollution prevention measure because these companies could well come up with proprietary developments that could reduce emissions. So I think the Senator has done a fine job. It is a good amendment. I urge its adoption.

Mr. SPECTER. Mr. President, if I may, my distinguished colleague from Pennsylvania, Senator HEINZ, may have filed an intention to offer a similar amendment, so that I would ask that he be listed as an original cosponsor with me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1409) was agreed to.

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Mr. SPECTER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is an amendment pending.

Mr. HELMS. Would the Chair advise the Senator from North Carolina what it is?

The PRESIDING OFFICER. Amendment No. 1313, the amendment offered by the Senator from Colorado. The Chair has been asking and granting unanimous consent to set aside the pending amendment so that others may be offered.

Mr. HELMS. I thank the Chair. Mr. President, I ask unanimous consent that the pending amendment, if it is satisfactory to the managers of the bill, be set aside temporarily so I might offer an amendment.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily set aside so the amendment of the Senator from North Carolina may be offered.

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 1410 TO AMENDMENT NO. 1293

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1410 to amendment No. 1293.

On page 559, strike lines 3 through 15.

Mr. HELMS. Mr. President, for the information of the Senators who may be listening to the proceedings in their offices, let me read the portion on page 559 that I propose to strike. Beginning with line 3—

(b) The Administrator, in consultation with the Secretary of State, is authorized to support global participation in the Montreal Protocol on Substances that Deplete the Ozone Layer by contributing funds to developing countries that are parties to the Protocol and are operating under Article 5 of such Protocol. Such funding shall be contributed either directly to the recipient country or through appropriate channels established under the Protocol and the use of such funding shall be limited to the support of efforts to comply with the terms of the Protocol.

(c) There are authorized to be appropriated to the Environmental Protection Agency $75,000,000 annually to carry out subsection (b).

Mr. President, when I read that, I got a chronic case of heartburn for several reasons. In the first place; Mr. President, the Founding Fathers carefully designed this Nation to be a principled nation with the clear intent, indeed a mandate, that America would always strive for integrity and honesty. We try to lead the world by example. We do not always succeed, but we try. This provision in title VII of the substitute amendment to the clean air bill appears to contradict those principles.

This provision is in section 521 of the substitute. It authorizes $75 million per year of the American taxpayers' money to be given away to foreign countries in order to entice them to comply with the Montreal protocol.

There is no other way to put it. This has all of the ingredients of an attempted bribery. A word of explanation. The Montreal protocol is an international treaty calling for the phaseout of chemicals, such as CFC's, which deplete the ozone. Fifty-two countries thus far have ratified this treaty.

Now the question is how to help the developing countries comply with the protocol. This bill's answer to that question is to allow EPA to give to these countries $75 million a year, with no guidelines, as to how the money is to be spent. There are no specifications as to what types of projects can be funded. This is, for all intents and purposes, a blank check. To tell you the truth, it sounds like another foreign aid boondoggle. That is the reason I am standing here on the floor of the Senate.

Mr. President, for what will these millions of dollars of the American taxpayers' money be used? Will United States tax funds be used to finance a research project in China that will seek substitutes for CFC's? Will we give them new refrigerators? Will we sock it to the American taxpayers to pay the Chinese to build new plants? Why should we subsidize the industries of foreign countries while we do nothing for our own?

The only limitation on the allocation of the funds is that it must help the developing country comply with the protocol. How vague can you get? EPA can give China $10 million and say, "Here is $10 million, fellas. We do not care what you do with the money, as long as it is somehow related to reducing the use of CFC's."

Mr. President, this $75 million provision is practically a blank check from the United States that clearly smacks of bribery.

As a matter of fact, is it not inappropriate to force U.S. taxpayers to foot the bill to clean up the rest of the world? If assistance is to be offered at all, should it not be done through a tightly controlled program with the entire international community sharing the burden?

I understand that the parties to the Montreal protocol are discussing a plan to set up a United Nation's trust fund to provide technical assistance to the developing countries. Under the plan, all nations that are signatories to the treaty would contribute to the fund. But so far, this is only an idea. The fund does not even exist yet.

So not only is this provision ill-conceived, but it is also premature. We should wait to see how the concept of an international fund develops.

Some may argue that we need to help the developing countries because we would all benefit from a reduction in their use of CFC's. And, no question about it, it is indeed environmentally beneficial to convince other countries to comply with the Montreal protocol.

But the question is: What methods should properly be used to persuade these countries to comply? I am convinced that issuing blank checks that take money out of the American taxpayers' pockets is not an appropriate method.

Mr. President, this authorization of $75 million a year was not in the original clean air bill. I examined the bill and I did not find it. If it was there, it was perhaps tucked away in some other section.

No, Mr. President, I believe this provision was slipped into the Mitchell substitute, by whom I do not know. I doubt that more than five or six Senators know that the Senate is being asked to authorize the spending of $75 million U.S. tax money a year to induce—bribe—developing countries to abide by the Montreal protocol.

All of this causes one to wonder what else is in this substitute that we do not know about.

Mr. President, my amendment is very simple. It deletes the provision that authorizes the giveaway of $75 million U.S. tax money.

In conclusion, I would point out that this amendment is not a deal-buster. Title VII, dealing with ozone depleting substances, was specifically excluded from the compromise embodied in the Mitchell substitute.

Therefore, no Senator is bound by the so-called deal and all Senators can vote their conscience on this one.

I urge adoption of the pending amendment.

Mr. President, I am going to yield the floor now.

How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes remaining.

Mr. HELMS. I thank the Chair.

Mr. DOLE. Mr. President, I rise in strong support for the amendment of the senior Senator from North Carolina.

The amendment strikes an authorization in the amount of $75 million per year for a new foreign aid program related to CFC's.

Mr. President, as my colleagues are aware, some controversy was generated when this Senator proposed that we attempt to find some mechanism to give the President more flexibility in dispensing foreign aid assistance.

Just this year, for example, the Secretary of State has been trying to find just $5 million for Jamaica—a country which has dramatically altered its domestic and foreign policies to conform with requests from the United States. Secretary Baker is also trying to find just $10 million for Bolivia—major source country for coca paste, which is further refined into cocaine and shipped to the United States. Bolivia and Jamaica are trying to help the United States, but we cannot seem to find just $15 million to help them.

In all, the requests for foreign aid for 31 countries have been cut—13 countries have had their requests cut to zero. These countries represent nearly every black African and South American country.

With these facts in mind, we somehow find a new foreign aid program in the clean air bill—a $75 million program. I will not comment on the merit of the proposed program—I think the Foreign Relations Committee should hold a hearing on the matter before we vote on it.

So that my colleagues will be clear on the so-called leadership package and deal breaker amendments, let me briefly review the history of this provision.

This $75 million program was not voted on in committee; it was not considered at any funding level. This $75 million program was not discussed in the leadership negotiations, because it was not in the bill at that point. It turns out that this program was somehow put into the bill after an agreement had been reached—an agreement that did not include this provision—and the time the substitute was filed at the desk.

As the chief sponsor of the substitute with the distinguished majority leader, I was not consulted or advised of this addition to the substitute. Quite frankly, I am at a loss to explain to my colleagues just how this provision became included in the substitute.

I do however know this is no way to do business in the Senate. A lot of Members try to get their $5 million amendment, $10 million amendment, this is $75 million, but we have an agreement. I understand the Senator from North Carolina has been satisfied and the Senator from Rhode Island and the Senator from Montana have agreed to in effect take the amendment, with maybe some modification.

So I commend the managers but it seems to me that there ought to be a unanimous vote for this amendment. It sort of brings integrity back into the process. If the program has merit, let the committee of jurisdiction, the Committee on Foreign Relations, so determine and report it to the Senate. As far as I can determine, it had absolutely no business in the bill before us. So I am pleased to join the Senator from North Carolina in supporting his amendment.

The PRESIDING OFFICER. Who yields time?

Under the unanimous-consent agreement, there is a 1-hour time limit on each amendment, and one-half hour is allocated to the proponents of the amendment, and one-half hour to either of the two managers who indicate they are in opposition of the amendment.

Mr. CHAFEE. Mr. President, I will put in a quorum call now, and ask that the time be equally divided. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. First of all, Mr. President, three Senators have already asked to be identified as cosponsors of this amendment: the distinguished Senator from Mississippi, Mr. LOTT; the distinguished Senators from Idaho, Mr. SYMMS and Mr. MCCLURE. I ask unanimous consent they be made original cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks recognition?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Perhaps we can work out some modification on this, Mr. President.

I suggest the absence of a quorum with time to be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I ask unanimous consent to address the Senate as if in morning business for 5 minutes.

Mr. HELMS. Mr. President, before the Senator does that, if he will yield to me just a moment, the pending amendment is my amendment on which the time is running. Mr. President, I ask unanimous consent that the time on both sides of the amendment cease to run at this point in view of the fact that I believe we will reach a compromise, and this has been cleared on the other side.

The PRESIDING OFFICER. Is there objection to that arrangement?

Is the Senator inquiring for just the 5 minutes requested by the Senator from Arizona or is he requesting that the time not run any further?

Mr. HELMS. The time not run any further until the managers of the bill and the Senator from North Carolina is on the floor to resume the debate.

The PRESIDING OFFICER. The Chair is prepared to recognize the Senator from Arizona pursuant to his request and when the managers return the Senator will renew his request and the Chair will rule on it.

Mr. HELMS. I believe the Chair misunderstood. This is cleared on both side.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina that the time on the quorum call no longer run against both sides?

Hearing no objection, it is so ordered that it will not run.

Mr. HELMS. I thank the Chair and I thank the Senator from Arizona.

The PRESIDING OFFICER. Without objection, the Senator from Arizona is recognized for 5 minutes to proceed as if in morning business.

Mr. McCAIN. Mr. President, may I revise that request to address the Senate for 8 minutes as if in morning business?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized for 8 minutes.

NUCLEAR PROLIFERATION IN IRAQ

Mr. McCAIN. Mr. President, today we have had another grim warning that the process of proliferation is now outpacing our faltering efforts at arms control. We have heard reports that United States and British officials have intercepted a shipment of nuclear detonators to Iraq.

We have heard reports that they have found yet further proof that behind the supposed shield provided by the Nuclear Proliferation Treaty, the treaties and conventions affecting chemical and biological weapons, and the missile technology control regime, lurks the reality of a new global arms race.

The details of these reports have yet to be confirmed, but we cannot say we have not been warned. In fact, we cannot say we have not had warning for years.

Iraq used its first long-range Frog rockets against Iran in 1980—almost a decade ago. Israel was forced to launch its air raid against the Iraqi

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nuclear complex in Osirak on June 7, 1981.

Iraq began the large scale use of chemical weapons against Iran no later than 1984. Iraq began a "war of the cities" against Iran in 1986 that escalated to major air and missile strikes in 1987 and 1988. Iraq conducted massive chemical attacks against Iranian troops in 1988. It seems to have conducted chemical attacks against its own Kurdish citizens in 1989.

Since that time, Iraq has developed improved missiles with ranges up to 1,500 miles and missile boosters with ranges approaching those of ICBM's. It has embarked in the massive production of chemical weapons. It has developed advanced biological agents and may have deployed them. It has also clearly embarked on a nuclear weapons program.

Iraq, however, is only 1 of 10 to 20 nations moving toward the acquisition and/or deployment of weapons of mass destruction. As Judge Webster, the Director of the CIA, has repeatedly testified to both Houses of Congress, Iraq is not the problem. The problem is that our present methods of arms control simply are not adequate to the task.

As just one example, let me mention North Korea. North Korea now seems virtually certain to have a nuclear weapon at some point in the 1990's. India, and Pakistan may already be significant nuclear powers. Iran has chemical weapons and long-range missiles of its own, and still has some elements of the nuclear weapons program begun under the Shah. Argentina and Brazil have at least low-level nuclear weapons programs and are working on long-range missiles.

I cannot provide a full list of nations working on chemical and biological weapons, missiles, and refuelable long-range strike aircraft for security reasons. It is painfully clear, however, that this list includes radical nations like Libya, as well as more prudent states like Syria. Many of the states are not great friends of the United States, and even if they are, how can we call any nation a friend if it moves toward the use of such weapons.

Mr. President, I feel the message is clear. We have strong bills pending to deal with chemical proliferation and the proliferation of long-range missiles. However, these bills are effectively hung up in jurisdictional battles and arguments over whether we should take strong measures. They are blocked by Red Herrings about trade barriers and extraterritoriality.

The net impact is that we have celebrated the anniversary of the massacre at Halabjah by doing nothing. Further, we have not begun to take serious legislative action to deal with the fact that the Nuclear Proliferation Treaty is beginning to leak badly at the seams, and biological warfare is becoming a major threat to peace.

Mr. President, I leave it to the conscience of my colleagues. Do we need more massacres? Do we need to see such weapons used against our friends or our troops? Do we need to wait until our usual debates over millions of dollars are disturbed by debates over megadeaths, which may occur in the most horrible fashion?

I suggest we need to establish a clear deadline in our own minds: We need strong action on chemical weapons and missiles—with or without the support of the administration—no later than this fall. We need hearings and draft legislation on nuclear and biological proliferation no later than this fall. Above all, we need to understand that sanctions and public exposure may well save millions and millions of lives, and that compromise and inaction will not.

Mr. President, events just revealed this morning are of the most profound and serious consequences. We must act—hopefully with the support of the administration—but we must act. If we do not, we may see the specter of the most horrible deaths inflicted on mankind since 1945 become a grim reality.

I yield back the remainder of my time, Mr. President.

The PRESIDING OFFICER. The Senator has yielded the floor.

Who yields time?

Mr. McCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LAUTENBERG). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I just left the majority leader. Also, when I returned—I understand the hold posed earlier on committee hearings has been removed, so all committees are free to meet.

The PRESIDING OFFICER. The Chair is not aware of that.

Mr. DOLE. I am just informing the Chair at this very moment. We have informed the Democratic side. I know the majority leader was very concerned that we get word to him.

Mr. President, was leaders' time reserved this morning?

The PRESIDING OFFICER. Leaders' time was reserved.

JAMES ATHERTON—DISTINGUISHED CAREER IN PHOTOJOURNALISM

Mr. DOLE. Mr. President, one of the true professionals of the Capitol Hill press corps is heading for a well-deserved retirement, and I would like to salute him as he calls it a career.

I am talking about Jim Atherton, long-time Washington photographer, who spent 20 years with United Press and then another 20 with the Washington Post.

Jim has seen it all—and he has photographed it all, too: From space shots to gun shots, from committee hearings to demonstrations, from House Speaker to Senate majority leader, every President from Truman to Bush.

Jim is well-known and respected; no doubt about it, the hallways will not be the same without him. In retirement, we may not recognize him without all those cameras hanging around his neck, but we will instantly recognize the years of excellent photographs he has left for all of us to see.

It is a tough beat up here, with schedules and news events changing almost minute to minute. But Jim always knew where the news was, and he was always there to snap it.

I know my colleagues join me in wishing Jim well in his retirement.

HONORING FLETCHER REYNOLDS

Mr. DOLE. Mr. President, Fletcher Reynolds, a young man of 21 who lives in Paola, KS, has captured my admiration and respect, and I want to take this opportunity to recognize the battles he has fought in reaching his personal goals.

When Fletch was born, the doctors told his mother, Tina Murphy, that he was severely retarded and had to be institutionalized. But Tina refused and sought out alternative programs for him—she was determined to defy the prediction of a gloomy future.

Early on, he entered a program for speech therapy. Shortly, it was discovered that he had congenital cataracts and was completely blind in one eye. Then he began to have seizures.

LAKEMARY CENTER

At the age of 3½, Fletch entered Lakemary Center in Paola where he remained through the fifth grade. I recall dedicating the Lakemary Center in 1970, a complex that today includes an administration building, a school, residences for children, job training and placement, and scattered homes for adults in the Paola and Olathe communities.

Under the guidance of Dr. Patrice Schmitz, president, the Ursuline Sisters, have developed a highly respected program to improve the quality of life for disabled individuals, making them productive members of society who aim to live independently, perform community employment, and pay for their own needs.

HIGH SCHOOL GRADUATE

Fletch made remarkable progress and, from fifth grade on, continued his education in a special program in the Paola public schools. Again, he was fortunate to have good teachers, good programs, good friends, and a caring family. He was ultimately mainstreamed in some classes and graduated from Gardner-Edgerton High School.

WHIZ KID OF TASTY FROZEN

Under the job training and placement program at Lakemary headed by Sister Carleen Richards, Fletch thrived, according to his mother. He developed job skills and learned to take care of his personal needs. In his first job at the Tasty Frozen Plant in Lenexa, KS, he was known as the whiz kid of Tasty Frozen, setting a record for the number of bread rolls twisted per minute.

Subsequently, Fletch was hired and trained by the Dillon stores where he now works as a grocery sacker 30 hours per week.

FROM 1 TO 1 MILLION

Fletch thrives on challenges, as he graphically demonstrated recently, when he completed a 2½-year project which involved writing each number from 1 to 1 million in sequential order. In a contest instigated by his 19-year-old brother, Chris, he filled 18 notebooks with this list of numbers. Fletch has once more shown his determination to set goals and meet them.

GOALS ARE THE KEY

Again and again, we see examples of goals being set and successes achieved. Fletch is determined to be a productive worker and live independently. His mother was determined to find programs which would challenge and encourage every bit of her son's potential. The Ursuline Sisters were determined to establish a center for the disabled. Many caring teachers were determined to give Fletch all that they could.

And, now, citizens from throughout the Nation—as demonstrated during a recent gathering on the steps of the U.S. Capitol—are determined to see the Americans With Disabilities Act passed and signed into law.

FLETCH LEADS THE WAY

Fletch has set an example for all of us. Reaching 1 million represents a true achievement and reminds us that disabled Americans are leaders in spelling out the steps to success.

I salute Fletcher Reynolds and add my personal best wishes for continued progress and good luck in reaching new goals. He has my applause and encouragement.

We are now trying to see if we cannot get the "Guinness Book of Records" to recognize this as some world record and recognize what this man has done.

Mr. President, I reserve the remainder of my time.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, here is the situation. We are waiting now for the senior Senator from North Carolina to come forward with an amendment which is actually before us. He will modify that amendment. That amendment will then be acceptable to the managers of the bill. That all ought to be completed by 2:30, or close thereto. We are then open for business. We are open for amendments that can be accepted; we are open for amendments that require votes. We are here to do business.

I know there is a whole list of amendments that have not been considered yet, either accepted or voted upon. Here is an excellent chance for anybody who has an amendment to come forward. The clock is running, and the managers are ready to do business.

Mr. President, I urge those who are listening to come on over and let us consider their amendments. We have no votes scheduled. We have nothing before us except the Helms amendment which, as I indicated before, has been agreed to and will be disposed of around 2:30 or perhaps 2:35. I want to thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, the pending business is the Helms amendment?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 18 minutes 40 seconds.

AMENDMENT NO. 1410, AS MODIFIED

Mr. HELMS. Mr. President, we have achieved remarkable unanimity on this question.

I have agreed not to request a rollcall vote on my amendment because the modification that we have worked out is exceedingly satisfactory. I send that modification to the desk and for the purposes of the RECORD I ask the clerk to state it.

The PRESIDING OFFICER. The clerk will read the modification.

The assistant legislative clerk read as follows:

> On page 559, line 6, strike "by contributing funds to" and insert in lieu thereof "and to assist";
>
> On page 559, line 8, strike "Such funding" and the text following through line 15.

Mr. HELMS. Mr. President, I ask the clerk and the Chair to follow me and advise if my understanding of the provision as modified will read as follows:

Line 3, page 559, "(b) The Administrator, in consultation with the Secretary of State, is authorized to support global participation in the Montreal Protocol on Substances That Deplete the Ozone Layer and to assist developing countries that are parties to the protocol and are operating under article 5 of such protocol."

And beginning on line 8, strike "Such funding" and all the rest of the text down through and including line 15. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

I have no objection to the modification. As a matter of fact, I welcome it. I thank the managers of the bill.

Mr. BAUCUS. Mr. President, we have discussed this amendment offered by the Senator from North Carolina, as well as the modification. Essentially, as a result of the amendment and the modification, the substitute bill still will provide that the President undertake to enter into international agreements to foster cooperative research and also that the Administrator of the EPA in consultation with the Secretary of State is authorized to support global participation in the Montreal Protocol dealing essentially with CFC's, and to also work with and to assist developing countries party to the protocol. But the committee substitute would no longer contain the references to the $75 million to be authorized, that otherwise were to be authorized, and with deletion of the funding but yet with the continued participation of the U.S. Government in working with other countries to support global cooperative agreements, I accept the amendment offered by the Senator from North Carolina.

Mr. CHAFEE. Mr. President, I thank the Senator from North Carolina for his cooperation. I think it is a good result and certainly this side supports the amendment as modified by the Senator and urges its adoption.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HELMS. Mr. President, I have just been advised the administration would like its position printed in the RECORD.

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I ask unanimous consent that a letter dated March 28, 1990, from Roger B. Porter, Presidential assistant for economic and domestic policy, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 28, 1990.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: Page 558 and 559 of the Substitute Amendment to S. 1630, the Clean Air Act Amendments of 1990, contains an authorization of $75 million per year for contributions to be made by the Administrator of the Environmental Protection Agency of funds to developing countries who are parties to the Montreal Protocol.

The Administration did not request this authorization, nor does it support its inclusion in the Clean Air Act legislation.

Warmest regards,

ROGER B. PORTER,
Assistant to the President, for Economic and Domestic Policy.

Mr. HELMS. I yield back the remainder of my time.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the amendment, as modified.

The PRESIDING OFFICER. Is all time yielded back?

Mr. BAUCUS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment, as modified.

The amendment (No. 1410), as modified, was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

AMENDMENT NO. 1313 TO AMENDMENT NO. 1293

Mr. BAUCUS. Mr. President, I call for regular order on amendment No. 1313.

The PRESIDING OFFICER. It is not required. It is presently pending.

Mr. BAUCUS. I thank the Chair.

Mr. President, the Chair advises the Senate that amendment No. 1313, an amendment by the Senators from Colorado [Mr. WIRTH and Mr. ARMSTRONG] is the pending business. That amendment essentially asks each Federal agency in consultation with local health and air pollution control authorities that lie within a nonattainment area to determine whether the implementation of an alternative work schedule plan—that is, a flex plan—would help reduce air pollution within that nonattainment area.

This amendment has been cleared, Mr. President, by the Governmental Affairs Committee which otherwise would have jurisdiction over this. I think that the purpose of the amendment is a good one; that is, to encourage flexible work schedules for agencies in order to reduce spikes in compounds, carbon dioxide, or other pollutants that we are trying to control. I urge adoption of the amendment.

The Senators from Colorado [Mr. WIRTH and Mr. ARMSTRONG] advise the managers that they would like this amendment called up and agreed to.

Mr. CHAFEE. Mr. President, I ask if the amendment we are on reads, in the first line, "The head of each Federal agency may in consultation with the local health * * *." Am I correct that the word "may" is substituted for "shall"?

The PRESIDING OFFICER. That change has not been made.

Mr. BAUCUS. Mr. President, it is my understanding that that change is the change that all parties agree should be made.

Mr. President, I ask that the amendment be so modified so that the word "shall" be stricken, and in place of that word "may" be written in the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1313), as modified, is as follows:

On page 46, add a new subsection 174(d), after line 5, as follows:

"(1) The head of each Federal agency may, in consultation with local health or air pollution control authorities within a nonattainment area, determine whether the implementation of an alternative work schedule plan for such agency in accordance with the provisions of paragraph (2) will reduce air pollution within such nonattainment area.

(2) If there is a determination under paragraph (1) that an alternative work schedule plan would reduce air pollution within a nonattainment area without jeopardizing the mission of the agency or hindering its service to the public, such head of the agency shall—

(1) implement an alternative work schedule plan in accordance with the provisions of subchapter II of Chapter 61 of title 5, United States Code, for employees of such agency within such area; and

(2) to the greatest degree practicable, include employees within such area performing services pursuant to a contract with such agency in a similar alternative work schedule to coordinate and maximize the reduction of such air pollution."

Mr. CHAFEE. Mr. President, if I am correct, it now reads "The head of each Federal agency may in consultation with the local * * *"? Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. BAUCUS. Mr. President, I think there is one other modification that we must make; that is, on the line preceding the line just read by the Senator from Rhode Island, the line should read, "On page 46, add a new subsection 174(d), after line five, as follows."

The PRESIDING OFFICER. That change has previously been made.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Colorado.

The amendment (No. 1313) as modified, was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment as modified, was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I ask unanimous consent to be able to proceed as if in morning business for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SAVINGS AND LOAN CRISIS

Mr. KERREY. Mr. President, I rise again to call my colleagues' attention to what I consider a growing problem for the Nation, and that is the deterioration of the Nation's savings and loans and the costs to the people of the United States.

I have introduced, along with a number of other of my colleagues, a bill that would attempt to make a change in the FIRREA legislation to give us more accountability, as well as to enable us to dispose of the assets and to minimize the costs to the taxpayers.

An argument that has been made that says there was so much political influence that now we have to depoliticize this whole process. I believe we have followed that argument too much. We have permitted that argument to dominate this debate too much.

As a consequence, we have created an organization that has almost no accountability at all. As a consequence of that lack of accountability, they are struggling to make decisions.

I would make the case that political influence did not cause the problems we had at the savings and loans, or if they did, it was principally at the margin. The No. 1 problem was the regulators themselves were unable to make the decisions, were unable to indicate to the public officials the severity of the problem—at least not able to indicate it with enough urgency that the Congress and the executive branch were confused enough that they waited and delayed so long that the action when it was taken was extremely expensive.

What we have done with the creation of the new entity, I think, is we have created not only confusing overlapping lines of authority but we have also made it exceedingly difficult to make decisions and as a consequence, we are ending up with additional costs to the taxpayers. Mr. President, we are struggling to dispose of this problem and get it behind us.

Let me just review how this thing is organized so my colleagues can get a sense of the difficulty these organizations are going to have. First of all we have created a board that has oversight, the Resolution Trust Corporation Oversight Board. Remember that we have placed a lot of responsibility in this Board's hands. Not only does it currently have to operate approximately 400 seized savings institutions, but it also has to consider that there may be as many as 1,000 and more institutions, a large portion of all the savings and loan assets in this Nation, to be taken over by the RTC. The potential result being that it may become the world's largest financial institution.

This board, though it is not making day-to-day policy decisions, has the principal responsibility and authority for oversight. On this board we have the Secretary of the Treasury, the very able and competent Secretary Brady. We have the head of the Department of Housing and Urban Development, as well as, the Chairman of the Federal Reserve. And we have an appointee, Bill Taylor, as acting President, and currently, unfortunately, we still have two private sector seats that are vacant.

Essentially we have Secretary Brady as Chair, Secretary of Housing and Urban Development, Secretary Kemp, and Alan Greenspan being the three individuals appointed to have the responsibility for overall oversight.

I just argue that they already have enough on their plate without having the responsibility for what will likely be the world's largest corporation in terms of assets.

Then we have the Office of Thrift Supervision. This organization has the responsibility for determining when and if, and under what circumstances, to seize an insolvent savings and loan. To date, some 400 have been seized. They have a substantial number on their target list.

I point out to my colleagues, if they doubt that this is of concern to the taxpayers, that of these 485 institutions that have been taken over or are targets, they had $3.9 billion of non-operating losses and $2.6 billion of operating losses just in the fourth quarter of 1989.

Mr. President, you have been working and trying to draw our attention to the need to do something about the deficit and the need to bring the rising borrowing of this Nation under control. The taxpayers went on the line in the fourth quarter for $2.6 billion of operating losses and another $3.9 billion of non-operating losses. That was taxpayers' money that is paying for those operating losses for the 485 institutions that have currently been taken over.

Ominous news was presented to the House Banking Committee this past week that indicates that another 581 institutions on top of the already targeted 485 are in trouble and have not been taken over yet, but there was $1.3 billion in losses in those 585 institutions in the fourth quarter of last year.

It is a growing problem, Mr. President, and I just suggest that we have organized this thing in a fashion that makes it awfully difficult for us to make decisions that will benefit the taxpayers.

I, in fact, believe that we need more accountability in the RTC. We should give the President the authority to appoint a single Board, with a strong chair, with the responsibility for making decisions, with the responsibility for coming to the Congress and saying, here are the policy changes that have to be made, so the policy changes can be made quickly—all done in an atmosphere of trust.

Of all things that President Bush has done since he has been elected, he has been criticized by many people for doing lots of things wrong. The one thing I have heard very few criticize the President for, for which I believe he has received a considerable amount of praise, is his extraordinary capacity, given the time required and responsibilities of it, to bring good people into Government. We need somebody with the credibility of an Admiral Watkins, with the established trust that a Bill Reilly has, in order for us to be able to work this thing out.

We have seen, in the last couple of days, the appointment of Timothy Ryan as a consequence of a lawsuit that I think will stir controversy again. It will also raise questions as to whether or not this organization is going to work.

Mr. President, I ask unanimous consent to have two articles printed in the Record at this point, one dealing with a mistake we have apparently made in Congress, as to whether or not to require a confirmation of the appointment of the individual to head the TS, and another article indicating a considerable amount of difficulty that I believe we are going to have, Mr. President, in getting an appointee to head that organization.

There being no objection, the articles were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 28, 1990]

THRIFT NOMINEE STIRS STRONG OPINIONS ON HILL

(By Frank Swoboda)

It's hard to find anyone who's neutral about Timothy Ryan, the man picked by President Bush to lead the nation out of the $164 billion savings and loan morass.

To his fans, the 44-year-old Washington lawyer is a tough, hard-nosed regulator who proved himself as solicitor of labor during the early years of the Reagan administration, a man who helped clean up corruption in the Teamster pension funds and defended affirmative action in government contracting against the on-slaught of the Justice Department.

A different picture emerges from Ryan's critics, who include several of his political peers. To them, Ryan is a man too willing to use his government and Republican connections for his own personal gain.

As Ryan goes before the Senate Banking Committee today for hearings on his nomination as director of the Office of Thrift Supervision—the nation's chief savings and loan regulator—the only real agreement over his qualifications seems to be his reputation as a "team player."

But even that role troubles some of Ryan's critics. "When he's playing for the team, he's also playing for himself," said a former Republican political appointee who asked not to be identified. He said he knew of nothing illegal that Ryan had ever done but was concerned about several incidents that he said at least raised the appearance of conflict.

As an example, he questioned Ryan's role as an outside counsel for the Pension Benefit Guarantee Corp, after he left the Labor Department. After a partner from Ryan's law firm, Reed, Smith, Shaw and McClay, was hired as general counsel of the PBGC, the source said, Reed Smith was hired by the pension agency to handle the pension aspects of the International Harvester bankruptcy case. The partner, Ed Mackiewicz, later left the government and returned to Reed Smith. Mackiewicz has since left the firm again to serve on the pension fund of the Masters, Mates and Pilots union.

In another case, after serving as a chief regulator in a successful effort to clean up corruption in the $10 billion Central States Pension Fund of the Teamsters, Ryan left government and became directly involved in the regulatory process he had helped set up.

Shortly after former U.S. senator William Saxbe (R-Ohio) was picked by the Reagan administration to serve as special counsel to oversee the Teamster cleanup, he resigned from his law firm and joined Reed Smith, where Ryan became counsel to Saxbe.

Legal fees from the two governmental pension cases earned Ryan's law firm hundreds of thousands of dollars, according to sources familiar with the cases. The firm will not disclose its fee.

Until he appears before the banking committee, Ryan will not comment on the two pension cases. But sources close to him defend his actions.

In the case of the PBGC, they said, Mackiewicz did not become general counsel of the

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agency until after the work had been awarded to Reed Smith.

They also said that Saxbe's decision to join Ryan's law firm after getting the Teamster assignment was coincidental. Sources said Saxbe told Ryan's law partners he was not getting along with the people in his old firm and wanted to make a change. They said Ryan barely knew Saxbe at the time.

Former Labor Department officials tell of another incident that they see as a sign of Ryan's insensitivity to the conflict of interest question. In the mid-1980's, Ryan agreed to serve as a member of the Employee Retirement Income Security Act Advisory Council within the department. The group advises the secretary of labor on pension issues involving federal pension law.

While serving as a member of a council task force on employee stock option plans (ESOPs), Ryan also served as counsel to the ESOP Association in Washington. When the Labor Department discovered this, officials told him to either leave the advisory group or give up his job with the association. He left the advisory group under protest.

Former Labor Department officials said they offered Ryan the choice after learning of his association role from an insurance industry publication.

Sources close to Ryan tell a different story. They said Ryan had received an earlier ruling from the ethics officer of the solicitor's office saying that in the event of a conflict he would simply have to recuse himself from whatever issue the council was involved in. At the time he raised the question he did not hold the job with the association, they said.

His reputation as a team player also appears to have won Ryan few friends among civil servants during his days as a solicitor of labor, where he was part of the inner circle of then-labor secretary Raymond Donovan.

"As part of that group," said a former Reagan appointee at the department, Ryan's job was to "reduce the size of the department and shake things up." He said that while critics attack Ryan for not enforcing departmental laws and regulations, "that whole period of the Reagan era didn't take enforcement seriously."

Ryan's supporters cite his work in cleaning up the Teamster pension fund as ideal preparation for handling the savings and loan crisis.

Former Treasury undersecretary George Gould, who also serves as a consultant with Ryan on the Central States fund, describes Ryan as a leader who quickly grasps complicated issues.

But Gould said the White House selection of Ryan, who has no experience in banking, is "an interesting choice, off the beaten track."

Ryan also wins high praise for his work in the Central States case from Marty Steinberg, the former chief counsel of the Senate subcommittee on permanent Investigations. Steinberg, who is now in private law practice, describes Ryan as "decisive, practical and tough-minded."

In a letter to Sen. Sam Nunn (D-Ga.), his former boss on the committee, Steinberg said Ryan had the "strong leadership and extraordinary judgment and wisdom" needed for the S&L job.

[From the Wall Street Journal, Mar. 28, 1990]

CONGRESS LEARNS THAT EVEN THRIFTS HAVE CONSTITUTIONAL RIGHTS

(By L. Gordon Crovitz)

About 200 years ago a lawyer complained that boneheaded financial laws meant "creditors had been ruined, or in a very extensive degree much injured, confidence in pecuniary transactions had been destroyed, and the springs of modern industry had been proportionately relaxed." That lawyer, Alexander Hamilton, helped write a Constitution that would protect private property rights as one of the most effective ways of limiting the mischief politicians could do to markets.

The Constitution couldn't prevent the savings-and-loan crisis, but constitutional litigation will keep thrift lawyers occupied for years. One thrift already stunned Washington by winning a judicial delcaration that there has never been a lawful director of the Office of Thrift Supervision—the agency Congress created to take over hundreds of thrifts at a cost of billions of bailout dollars. The infamous five senators who befriended thrift operator Charles Keating feared any nomination hearings for Danny Wall. He knew too much. They ignored the constitutional requirement that the president nominate and the Senate advise and consent by slipping Mr. Wall into the job without Senate confirmation. The agency still has no clearly lawful head, which is causing delay and confusion.

It's Thrifts 1, Congress 0 so far, but expect a rout. Congress' next shock could come from lawsuits filed by several thrifts that have a good case that they were the bamboozled and not the bamboozlers.

These thrifts say that Congress did them wrong by forcing federal regulators to renege on negotiated deals. These deals were agreements aimed at saving thrifts without requiring any taxpayer bailout. The thrifts make the good argument that by breaking federal contracts, Congress violated their property rights. No one loves a thrift these days, but try this quiz: What's worse than taxpayers having to bail out a failed thrift? Having to bail out a salvageable thrift and then paying again to compensate thrift owners for the expropriation of their property.

Consider the experience of David Nierenberg, a venture capitalist with Trinity Ventures of San Mateo, Calif. He invested in a Portland thrift, Far West Federal, in exchange for a government pledge to give managers time to turn the thrift around. Now Mr. Nierenberg coudl lose his investment because he made a serious mistake. He trusted the government.

By the mid-1980s, Far West had losses of more than $30 million and books full of dubious holdings such as Arizona real estate and a foreclosed 300-acre resort. By 1987, bailing out the thrift would have cost taxpayers some $300 million. So the Federal Home Loan Bank of Seattle urged the thrift to find private investors. Enter Mr. Nierenberg and his partners, who agreed to invest $27 million in Far West if regulators agreed to a 10-year recovery plan.

The Federal Home Loan Bank Board was delighted. In 1987, it modified capital requirements, offered credit for an arbitrage system and agreed to an accounting arrangement that would threat the credit as an intangible asset for regulatory accounting purposes. Far West promised to keep capital reserves at the level fixed by federal regulators, who pledged that the agreement would set the amount of capital the thrift must hold "notwithstanding any subsequent changes in the definition of regulatory capital." Far West liquidated bad assets and earned small profits.

Then last year Congress passed the thrift-bailout bill, called the Financial Institutions Reform, Recovery and Enforcement Act. One effect of this complex legislation was that it canceled all forbearance agreements of the kind regulators had signed with Far West. The thrift now faces possible seizure, with the investors possibly losing all of their investment.

"Nobody objects to the right of a party to a contract to modify or even break a contract," Mr. Nierenberg says. "What I do find objectionable is that the government has been acting as if we made a $27 million contribution to the federal deficit, that it can violate a contract with impunity in a manner that you or I never could as citizens."

The Bank Board also solicited deals it's now been forced by the thrift bill to tear up with Long Island Savings Bank and Northeast Savings of Hartford. Northeast agreed to a "supervisory merger" with three indebted thrifts in 1982. In exchange, the government allowed it to record as capital for regulatory purposes the intangible asset of good will—"supervisory good will." This covered the amount of the three bad thrifts' negative worth of $290 million.

Northeast clearly wouldn't have agreed to the mergers without relying on these now-prohibited forbearances from regulators. Northeast dismisses the government's argument against its claims as saying, "They are not liable to Northeast because they are the government and Northeast is the governed. *L'etat, c'est moi.*"

In additional to classic contract breach, the thrifts cite violations of the Takings and Due Process Clauses of the Fifth Amendment. They can certainly point to property they lost because of the thrift bill. They can also invoke the Contracts Clause, which says that states may not impair the "obligation of contracts" (courts have held that similar considerations apply to the federal government). Interestingly, this clause was originally inserted in the Constitution partly because the states had passed "stay laws," which interfered with debts by simply announcing that debtors had to pay only a fraction of the face value. Bankers have never been popular with politicians.

The Supreme Court gives Congress some room to pass laws that do violate property rights. Under the current Supreme Court view, for example, thrifts probably can't sue Congress despite the law forcing them to dump their junk bonds. It's different, however, when the government has bound itself by contract, as it seems to have done with these thrifts. "It is very well to say that those who deal with the government should turn square corners," Supreme Court Justice Robert Jackson wrote in a 1947 case. "But there is no reason why the square corners should constitute a one-way street.

It usually doesn't matter much that the government is a lousy contract partner. But the thrift bailout has now delivered massive real-estate and junk-bond portfolios into the government's hands. Delays already show that denationalizing thse assets is going to require changes in the way government does business, starting with some realization that even the government is obliged to stick to its agreements. Until then, as Mr. Nierenberg says, it's no wonder that "the government is giving an auction and nobody's coming."

Mr. KERREY. I close by suggesting that if this problem dissolves, we have not shifted the responsibility or the authority away from us as a Congress simply by passing the legislation. Not for long are we going to be able to point and say that that is a mistake somebody in a bureaucracy over there made. Not for long are we going to be able to put off the rising tide of complaints we are receiving at home from people that have knowledge of whether or not this thing is working. We are not going to be able to put those individuals off and say, gee, if we just give it a few more months, maybe it will work out.

We passed this legislation, Mr. President. It is our responsibility. And there is growing evidence that it is not working. I hope my colleagues will give consideration either to the bill I put in or to another piece of legislation that will enable us to improve, one, the accountability, and second, the speed with which decisions were made.

With that, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I wish to reflect with you today upon a statement made by a major foreign leader in late 1988 at the United Nations. This widely heralded statesman said, "Freedom of choice is a universal principle which allows no exceptions."

The man who made this laudable declaration was Mikhail Gorbachev. I wish to take a few minutes to reflect on the implications this statement carries for the current crisis in Lithuania. Stalin's violation of the principle of freedom of choice led to the incorporation of Lithuania into the Soviet Union in 1940. Mr. Gorbachev's violation of that same principle is causing the crisis today. While his Government has denounced the pact between Hitler and Stalin back in 1939 that placed the Baltic Republics within the Soviet sphere of influence, Mr. Gorbachev continues to claim that these countries freely chose to join the Soviet Union.

The facts contradict his claims. On September 26, 1939, the Soviets insisted under a threat of force that Lithuania negotiate a "mutual assistance pact" which when concluded, allowed the Soviet Union to station military units within Lithuania.

On June 14, 1940, after knowingly propagating false accusations about the kidnaping of several Soviet soldiers stationed in Lithuania, the Soviets presented an ultimatum: "Permit free entry of a major Soviet military contingent or face a forcible intervention." Under threat of invasion, the Lithuanian parliament chose occupation over annihilation.

On June 17, 1940, after Soviet forces flooded into the country, the Soviets imposed a puppet People's Government on that country. It then called for new election but permitted on the ballot only candidates selected by the Lithuanian Communist Party.

On July 2, 1940, Soviet Foreign Minister Molotov summoned his Lithuanian counterpart and told him, "Lithuania, along with the other Baltic States, will have to join the glorious family of the Soviet Union."

On July 21, 1940, the new fraudulently elected Lithuanian parliament convened and took only 1 hour and 3 minutes to adopt a resolution imposing a Soviet-style government on the country. The next resolution—the passage of which was slightly delayed because the text from Moscow had to be translated from Russian into Lithuanian—petitioned the Kremlin to allow Lithuania to join the Soviet Union.

That was not freedom of choice. It was a choice imposed upon—and resisted by—the Lithuanian people. After World War II, Lithuanians waged a fierce war of resistance for 7 years. More than 30,000 Lithuanian freedom fighters were killed. In addition, the NKVD deported 350,000 Lithuanians, suspected of participating in or supporting the resistance, to isolated regions in Siberia. I might add there many of them perished.

I am certain that Mr. Gorbachev knows this history. He knows that when the new freely elected Lithuanian Government declared its independence its leaders were simply vindicating their national right of self-determination. He also knows that they did so in accordance with the Soviet Constitution, which permits the secession of individual republics. Yet in his actions he seeks yet again to deprive the Lithuanians of their freedom of choice. He appears to endorse freedom of choice only when he approves of the outcome in advance.

In our response to the crisis, we must seek to hold Mr. Gorbachev to the true meaning of his words at the United Nations. I do not want to diminish what Mr. Gorbachev has done in the Soviet Union. Glasnost has eased the restrictions on freedom of expression, and his political reforms have given for the first time a measure of political power to the people, though his reforms fall well short of establishing a genuine democracy. But we must make it clear that if he wants to join the community of nations, he must base his Government on consent, not coercion. In a multinational state like the Soviet Union, that requires the devolution of power to the Republics, which in some cases will inevitably foster movements for independence.

As Mr. Gorbachev once said, freedom of choice is a universal principle. And as his statement implied, an exception should not be allowed in the case of Lithuania.

Mr. President, the Lithuanian people are courageous people. They are courageous for what they have done in standing up to the Soviet Union and some of its leaders. I am hoping that Mr. Gorbachev will recognize that and will not permit what might happen over there, discord to occur between the 15 percent of the Lithuanian populace who are Soviet people who have colonized within Lithuania, in conflict with the rest of the Lithuanians because there are conflicts there. I hope he will prevent that rising into a serious disturbance which then will have to be quelled by what they call peaceable means. That could happen.

If a major demonstration is generated against independence, that could happen. The ethnic Russian minority in Lithuania which as I said comprises about 15 percent of the population and which is organized into an organization called Unity, they strongly oppose independence. Ethnic Russian minorities exist in all the non-Russian Republics of the Soviet Union. They have often been used by the Russian-dominated central authorities as an instrument to keep the non-Russians in line.

If someone provoked nationalist unrest of even violence between the Lithuanians and the ethnic Russians, hostilities between these two generally run deep. Lithuanians view the Russians, most of whom settled in the area after the Soviet takeover, as colonists. Russians view the Lithuanians unruly imperial subjects who need to be put in their place. It will not take much of a spark to make rival demonstrations flare up into violence. Moreover the KGB could easily continue a provocation to achieve that purpose. I hope that is not the case. If that is so then you can see the call to intervene with Soviet force under the guise of peacekeeping. Russian and Soviet imperial rule has often used this tactic.

Most recently the Soviets have used this in Baku, where they determined that the Soviet forces intervened to separate warring Armenians and Azerbaijanis. In Lithuania the Soviets might declare a state of emergency and use some of their new powers for the people to rule Lithuania from Moscow.

I am concerned about this, and I hope that Mr. Gorbachev will not allow that to happen.

I hope that he will grant the Lithuanians that which they deserve most, freedom to choose how they are going to be governed, with whom they are going to associate, and what they are going to do with their lives.

He will earn what seems to me to be the accolades of everybody in the world. I hope that is so.

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CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1411 TO AMENDMENT NO. 1293

(Purpose: To provide solar and renewable energy regulatory incentives)

Mr. McCAIN. Mr. President, I have an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the Baucus amendment?

Mr. BAUCUS. I ask the Senator what amendment this is.

Mr. McCAIN. This is an amendment that I believe both sides had been informed that I was prepared to offer on renewable energy.

Mr. BAUCUS. I am sorry; I did not hear the Senator.

Mr. McCAIN. It is on renewable energy.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I would be more than glad to enter into some kind of time agreement with the Senator from Montana at any time. I do not think it will take too much time.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1411 to amendment No. 1293.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 567, after line 20, add the following:

TITLE VIII—SOLAR AND RENEWABLE ENERGY

INCENTIVES

SEC. 801. (a) DEFINITION.—For purposes of this section, solar and renewable energy means photovoltaic, solar thermal, wind, geothermal and biomass technologies, or any other energy production technology, other than hydroelectric, recognized as "renewable energy" by the Department of Energy.

(b) FEDERAL RATE INCENTIVES.—(1) Within 24 months after enactment of this section, the Federal Energy Regulatory Commission shall complete a rulemaking to establish a demonstration program for regulatory incentives to promote and encourage solar and renewable energy. The regulatory incentives shall include—

(A) establishment of an incentive rate of return for solar and renewable energy development and distribution that recognizes their inherent risk; and

(B) allowance of a ten-to-twenty-year amortization period to recover the capital costs of solar and renewable energy technologies.

(2) The initial Federal Energy Regulatory Commission demonstration program shall be in effect for 5 years.

(3) At the end of the initial 5-year demonstration program, the Federal Energy Regulatory Commission shall review the merits of the program and determine whether to extend such program, including the establishment of a permanent program.

(c) FERC PREAPPROVAL OF PRUDENCE FOR SOLAR AND RENEWABLE ENERGY TECHNOLOGY COSTS.—The Federal Energy Regulatory Commission shall establish a process for negotiating with potential developers of solar and renewable energy technologies to agree upon costs caps for future projects and preapproval of the prudence of expenses for those projects if the expenses fall within the agreed-upon cap.

(d) ENCOURAGEMENT OF STATE INCENTIVE PROGRAMS.—Because the use of solar and renewable energy is in the national interest, States, including their agencies and political subdivisions which regulate public utility rates and charges, are encouraged to provide additional incentives for their implementation. Those incentives may include, but are not limited to—

(1) preapproval of recovery of capital costs and other expenses, within reasonable bounds agreed upon before project construction; and

(2) rapid amortization of solar and renewable energy expenditures.

Mr. BAUCUS. Will the Senator yield briefly?

Mr. McCAIN. I yield.

Mr. BAUCUS. Mr. President, I appreciate the Senator coming forth and offering the amendment.

I must say, Mr. President, the Energy Committee lodged objection to this amendment. That does not prevent the Senator from proceeding.

I inform the Senator that the Energy Committee does have objection to this amendment. We are now informing the Energy Committee that the Senator's amendment is now the pending amendment, so that the Energy Committee can come to the floor and take whatever action it chooses.

I wish only to inform the Senator that that is a matter that must be dealt with concerning the amendment.

The PRESIDING OFFICER. Under the agreement, 1 hour is allotted to the debate, equally divided.

Mr. McCAIN. Mr. President, I thank my friend from Montana.

I hope that since we have numerous amendments pending, the amendment will not require that length of time. And I fully understand that there is an objection on the part of the Energy Committee. I would probably be seeking the yeas and nays on this amendment.

Mr. BAUCUS. I am sorry; I could not hear the Senator.

Mr. McCAIN. I said I hope it would not take the full hour of debate. I was aware of the objection by the Energy Committee. I will probably be seeking the yeas and nays on this amendment.

Mr. BAUCUS. The Senator will seek or will not seek the yeas and nays?

Mr. McCAIN. Will seek.

Mr. BAUCUS. I thank the Senator.

Mr. McCAIN. Mr. President, I ask unanimous consent that Senators ADAMS, DECONCINI, HATCH, and MACK be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, as we all know, energy-related pollution is the primary cause of our Nation's air quality problems. My amendment, which has been endorsed by the National Clean Air Coalition and the Sierra Club, will help us achieve our clean air goals by promoting the most abundant pollution-free source of energy known to man—solar power.

Although solar, and other renewable energies, such as wind and geothermal, offer many environmental and economic benefits, these technologies continue to play only a minor role in our energy mix. Our failure to employ them more fully is depriving the American people of cleaner air, energy independence, and a place of leadership in one of the emerging industries of the future.

My amendment seeks to rectify this problem by boosting solar and other renewable energy technologies into America's commercial mainstream. It will do so through a number of simple, straightforward and vital financial incentives.

These inducements, which require no government subsidies or outlays, would be provided through the Federal Energy Regulatory Commission or FERC. The Commission, as Senators know, regulates the price of wholesale electricity distributed across State lines. My legislation calls on the agency to use its ratemaking authority to encourage investment and increase development of solar, wind, and geothermal electric generation.

The program will be conducted on a 5-year demonstration basis and contains four basic components:

First, FERC will be required to establish rules allowing a special incentive rate of return to those who commercialize renewable energy. Providing risktakers and entrepreneurs with greater earnings potential is the most powerful motivation I can think of to stimulate investment and development in the industry.

Mr. President, this does not mean that just because a utility generates electricity using solar power that it can take unfair advantage with Uncle Sam's blessing. By no means. These technologies must still compete in the marketplace with coal, oil, and nuclear power. The consumer benefits of basic price competition are preserved. The program merely encourages energy developers to go solar by rewarding them with a higher return on their investment for doing so.

Second, my amendment directs FERC to permit a 10- to 20-year amortization period for capital equipment. When setting electric rates the Commission normally spreads out equipment costs over 30 years. By shortening the timetable, producers of renewable power will be able recover their costs more quickly through the prices they charge their customers. This incentive will help attract the necessary venture capital to commercialize today's technology. I want to emphasize this incentive is not a rate incentive and not a tax incentive.

Third, FERC will establish a process to negotiate cost caps on future solar and renewable energy developments, and to preapprove expenses for such projects if the costs fall within the agreed upon cap. By law, if the Commission finds certain utility expenses excessive or imprudent, it can prohibit those costs from being passed on to customers through electricity rates. Negotiation and preapproval procedures will provide entrepreneurs with more certainty about the ability to recapture their costs before making large investments. Injecting an element of predictability into government regulation will prove extremely effective.

Finally, the amendment directs FERC to encourage State and local public utility commissions to extend similar rate policy incentives. Most electricity is generated and distributed within State boundaries, so it is imperative that local authorities be encouraged to promote clean energies in their jurisdictions.

Mr. President, adoption of this amendment is one of the most important steps the Senate can take to meet the goals of the Clean Air Act. I want to make sure my colleagues heard that. Passage of this amendment is one of the most important steps this body can take to meet the long-term environmental goals of the landmark legislation pending before the Senate.

Why is that the case? As I stated earlier, energy-related pollution is at the root of our country's air quality problems. We are mired in what one of my hometown newspapers, the Arizona Republic, termed the "folly of fossil fuels."

What is the nature of this folly? Burning gasoline to run our cars produces countless tons of carbon monoxide and ozone pollution choking our Nation's cities. Twenty years after Congress passed the Clean Air Act, promising healthy air for all Americans, over 150 million Americans live in areas that still do not meet EPA health standards—primarily because of our dependance on petroleum.

Burning coal to generate electricity produces the acid rain which threatens the health of our forests, lakes and streams. More folly. And scientists inform us that excessive carbon dioxide emissions from fossil fuel combustion, mostly oil and coal, are altering the chemistry of the atmosphere. We have come to know this problem as the "greenhouse effect"—a phenomenon which increases the potential for global climate change and its untold consequences. Perhaps folly isn't quite a strong enough word.

As vice chairman of the Energy and Environmental Study Conference, it has become abundantly clear to me that we cannot afford to perpetuate our dependance on fossil fuels. Unless Congress is prepared to return time and time again to update the Clean Air Act in a perpetual and perhaps futile race to stay ahead of the pollution curve, we must make fundamental changes in the way we power our Nation. Now is the time for clean energy. Promoting our cleanest power source—solar and renewable energy—is what my amendment is all about.

My colleagues are familiar with the well-known environmental benefits of renewable energies. By harnessing the limitless power of nature we can use its enregy to serve the needs of man without creating harmful or polluting byproducts. Perfectly safe! Perfectly clean!

Some might ask how solar can help reduce mobile source pollution, as well as toxics, acid rain precursors and greenhouse gases. Well one of the primary options for meeting future tailpipe standards is alternatively fueled vehicles, including electric cars. As a matter of fact, the Southern California Air Quality Control District has drafted a plan that calls for large-scale utilization of electric vehicles in the Los Angeles area sometime in the next century. Where will we get the power? Will we trade auto pollution and urban smog for pollution of another kind? Solar and renewable energy will help see that no such tradeoffs are necessary.

If we are ever going to fulfill the noble promise of clean air for all Americans, solar and renewables must play an integral role in this Nation's energy policy. My amendment will help us accomplish that goal.

While the environmental benefits alone are compelling, the issue of our Nation's energy security is another important factor favoring renewable energies.

Energy drives America, Mr. President. There is not one aspect of modern life that does not depend on it. Imagine life without the ability to light our homes, schools and churches; to refrigerate and cook our food; to power our factories; and to drive our transportation. The oil shock of the 1970's gave us a distasteful dose of what such a life would be like.

Despite the harsh lessons of that unhappy chapter in our America's history, we have done little to promote national energy independence.

Today we will pay $100 million to import 5.8 million barrels of crude oil—just today. And we will do the same thing tomorrow and the day after that, and the day after that. This enormous drain on our national resources grows wider, and our trade deficit grows deeper. America remains addicted to foreign oil supplies, captive to overseas suppliers and vulnerable to political caprice in the most volatile region in the world. As long as this trend continues, and it continues upward as we speak, our economy and energy security are at risk.

The good news is that we have a choice, Mr. President. Our dependence upon fossil fuels need not continue. Not if we take proper advantage of what nature has so bountifully provided. In less than 40 minutes, the Earth receives as much energy in the form of sunlight as we receive from all the fossil fuels we burn in a year. Our ability to harness that energy efficiently and cost-effectively improves every day. But only by commercializing our solar technologies can we become more energy independent and economically secure. My amendment will help us accomplish that goal.

These benefits are not just important for this generation, Mr. President, but for the future. Fossil fuel is, after all, a limited commodity. The world will always need coal and oil, and lots of it. What gives this generation the right to consume our limited natural resources at an unbridled pace without regard to the needs of tomorrow's world? As stewards, should not we work to save something for future generations? I think most thoughtful Americans believe we should. The limitless potential of solar and renewable energy will help us meet our responsibilities to the children of tomorrow and those who follow.

When renewable energies offer so much to our environment, our economy and our energy security, the question logically follows: Why are these technologies not playing a larger role in our energy mix?

Until now solar, wind and geothermal power, have been unable to compete economically with other forms of production. But that is changing. Dramatic gains are being made. Luz International in California, for example, is producing solar thermal electricity at a cost of under 10 cents per kilowatt hour—an extremely competitive price! The time for large scale commercialization has arrived.

Once again, however, our competitors recognize the opportunity better than we do, and they are prepared to seize it. If the solar ship is about to come in, by all indications, it appears that foreign interests will be at the port before us. According to a recent Congressional Research Service report the annual world market for wind and

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solar power systems will reach $2 billion by the end of next year, double that of 2 years ago. Where once we dominated these markets, we now account for less than one-third. Today, America is a net importer of wind and solar systems.

The European Consortium Phoebus plans to build a 30-megawatt solar facility in Jordan using state-of-the-art technology. Such a venture may establish European industry as the major force in the development and commercialization of solar technology. No doubt, their commercial application will spawn new developments and innovations making the technology more efficient and cost-effective. Unless America begins to commercialize renewable energy here at home, our leadership in a dynamic industry of critical importance to the world will be irretrievably lost.

My amendment will help invigorate the domestic industry and increase the market penetration of these technologies by making them a more attractive and productive investment.

Now I know some will cry out that my amendment is preferential treatment. A subsidy. You are skewing the market, they will say. Preferential treatment? Absolutely. No doubt about it. But, I believe the vast majority of the American people would prefer to invest in an energy future that is environmentally sound and nationally secure.

Is my amendment a subsidy? No, Mr. President. Again, this amendment will not cost the Federal Government a penny. Allowing innovators and risk takers to earn a higher return and to recover their investments in a more timely manner is not a subsidy. After all, as I stated earlier, solar and renewable energies will still have to compete in the marketplace. If their prices cannot compete, then in the great American tradition, the market, as it always does, will wean itself of those who cannot meet the public need at the right price.

Moreover, my amendment is not going to tilt the playing field, Mr. President, my amendment is going to level the playing field. After all, in a sense we subsidize fossil fuels.

The American Lung Association reports air pollution-related health care costs America $40 billion per year. The Environmental Protection Agency estimates that damage to buildings and agriculture caused by acid rain costs us over $5 billion per year. And if what some scientists are saying is correct, how do we even fathom the cost of global climate change?

These costs, which are directly attributable to fossil-fueled energy production, are not figured into consumer power rates, but society still pays, you can be sure of that. As I said, we might rightfully call that a subsidy.

To make up for it, some have suggested that perhaps there should be a polluter's tax to bring power prices into line with actual costs. That would certainly cast a new light on the competitive position and economic viability of renewables. But, I think a more positive approach would be to lend our support and assistance to clean technologies that do not incur hidden costs, neither in dollars nor human suffering, in the manner suggested by my amendment.

Finally, there will be the argument that this initiative has not been fully examined nor have hearings been held. Mr. President, I must tell my colleagues that these incentives are not new. The very same inducements were proposed by President Bush in the clean air bill he submitted to Congress last year.

After much study, analysis, and reflection the administration determined that FERC regulatory incentives were indeed appropriate to promote the national interest in clean air and energy independence. The President's goal was the same as mine—clean energy. Rather than direct these incentives to less polluting fuel technologies as the President intended, however, my amendment rightly focuses attention on our cleanest sources of power.

Incorporating solar and renewable technologies more fully into our Nation's energy mix is essential to meeting the underlying goals of the Clean Air Act and the long-term environmental, energy security, and economic needs of our Nation. My amendment provides the impetus necessary to help bring these vital clean air technologies into the marketplace, and I urge my colleagues to support this legislation today, so that Congress is not back at the table every 5 years still groping to achieve what the American people so richly deserve—energy to run our country, clean air, and a healthy environment.

Again, my amendment has been endorsed by the National Clean Air Coalition, the Sierra Club, the Solar Energy Industries Association, the U.S. Export Council for Renewable Energy, the American Wind Energy Association, among others. I ask unanimous consent that letters from these organizations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCAIN. Passage of this legislation is vital to the future of our Nation. While the term may be overused, there is no way to say it better—the future begins today. And I hope, for the sake of the future, our first step will be to approve this amendment.

EXHIBIT 1

UNITED STATES EXPORT COUNCIL
FOR RENEWABLE ENERGY,
Arlington, VA, November 21, 1989.
Senator JOHN McCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR McCAIN: The U.S. Export Council for Renewable Energy (US/ECRE) believes that efforts to promote renewable energy applications in the domestic markets will greatly increase our industries competitiveness overseas.

US/ECRE was formed by the nine national renewable energy trade associations promoting the exports of alcohol fuels, geothermal, hydropower, passive solar, photovoltaics, solar thermal, wind and wood technologies and services.

All of our international competitor nations have increased their programs promoting renewable energy development as a way to capture the potential multibillion dollar world markets. The United States which leads technologically in most of the renewable energy technologies has been losing market-share because we have been unable to scale-up our manufacturing facilities to lower our costs and increase our overall profitability.

Any initiatives, such as yours, to fashion low cost financing, are important to achieve success in the world markets. If you have further questions please contact US/ECRE's Executive Director Scott Sklar. Thank you for this important legislative amendment.

Sincerely,

ROGER LITTLE,
Chairman.

AMERICAN WIND ENERGY ASSOCIATION,
Arlington, VA, November 21, 1989.
Senator JOHN McCAIN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR McCAIN: I am writing to let you know of my appreciation for your efforts to speed commercialization of renewable energy technologies. Your proposal to apply certain clean coal technology incentives to renewable energy makes sound policy sense. On behalf of the American Wind Energy Association (AWEA), the national trade association representing windpower manufacturers and suppliers, I strongly salute your effort as one that should help renewable energy realize its market potential more quickly.

Wind energy now has over 1200 megawatts of installed capacity in this country, providing 1% of the electricity to the states of California and Hawaii. That power is sufficient to meet the residential needs of a city the size of San Francisco and is being provided at costs that average 7-9 cents per kilowatt-hour. Although renewable "fuel" like windpower is free, the up-front capital costs are more expensive today than for conventional technology. Your proposal could help wind energy realize some of its immense potential, which the National Academy of Sciences and other experts have conservatively estimated to be over a trillion kilowatt-hours annually, or about 40% of this country's annual electric demand.

We appreciate this initiative on behalf of a sound national energy strategy. Please let me know if AWEA can be of assistance on this or any other matter in the future.

Sincerely,

RANDALL SWISHER,
Executive Director.

NATIONAL WOOD ENERGY ASSOCIATION,
Arlington, VA, November 21, 1989.
Hon. JOHN MCCAIN,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR MCCAIN: The National Wood Energy Association (NWEA), is the national trade organization of the commercial wood energy equipment manufacturers, project developers, and woodlot owners. We applaud and support your efforts to make provisions for commercialization programs for biomass and other renewable energy technologies based on the clean coal commercialization programs.

Wood-fired power plants currently provide almost 4,000 MW of electricity to our nation's utilities and have the potential to provide at least ten times that much by the year 2000 with the proper incentives. The co-combustion of wood and coal is one way this increase could occur, offering an environmentally sensible way to utilize our coal resources.

Initiatives such as yours which would provide low-cost, long-term financing for renewable energy applications will greatly enhance the progress of our technologies into the marketplace.

NWEA firmly believes that initiatives such as yours are an important step in developing a level playing field for all energy generation technologies. Please contact me if I can be of further assistance.

Sincerely,

DAVID C. RINEBOLT,
Director of Research.

SOLAR ENERGY
INDUSTRIES ASSOCIATION,
Arlington, VA, November 20, 1989.
Senator JOHN MCCAIN,
U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: I am aware of your efforts to support renewable energy on the basis of commercialization efforts for clean coal technology. On behalf of the Solar Energy Industries Association (SEIA), the national trade organization for the photovoltaic and solar thermal manufacturers and component suppliers, I strongly support your efforts as the basis of sound national policy.

While renewable energy technologies today are cost-effective in many applications, because these technologies have higher front-end costs, we have experienced difficulty entering the market. Policies which provide lower-cost capital over longer periods will have a very positive effect by making it easier for utilities and other end users to amoritize these higher up-front costs which will be more acceptable to our potential customers.

Solar thermal power has over 200 megawatts of electricity interconnected to the utility grid which has all been privately financed. While only 20 megawatts of photovoltaic power is now on the utility grid, with proposals such as yours to promote solar and renewable energy, our industries could expect over 4,500 megawatts of solar thermal and 1,000 megawatts of photovoltaics by the year 2000.

Thank you for pursuing these efforts and please feel free to contact me if we can be of any assistance.

Sincerely,

SCOTT SKLAR,
Executive Director.

Mr. McCAIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona has 13½ minutes remaining.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Louisiana.

The PRESIDING OFFICER (Mr. GORE). The senior Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, with apologies to my friend from Arizona, I rise to oppose this in the strongest possible way.

First, Mr. President, this is squarely within the jurisdiction of the Energy Committee. Solar energy, renewable energy, is a very complicated subject. We have been dealing with it and legislating on it for years, Mr. President. Indeed, the very technologies which here are sought to be subsidized are already subsidized under PURPA legislation, the Public Utilities Regulatory and Policies Act. PURPA, we call it. They are already taken care of under that act, Mr. President.

But this seeks to provide some additional, as yet unstated, subsidies.

Mr. President, energy is energy, and we need to look at specific technologies to determine the extent to which they need subsidy. But, Mr. President, we have wasted hundreds of millions of dollars in the last 15 years on things that turned out not to be very good ideas.

I remember, Mr. President, in my own State, we had a $26 million ethanol plant where the taxpayers ended up picking up the tab because it was under one of those supersubsidized programs where the taxpayers had almost all the risk, and where it was not well enough thought out.

I think that program was one of these amendments engrafted on legislation, without having gone through the committee. We have done a lot of that, tax incentives, regulatory incentives for programs that do not have to bring their witnesses up and have their technologies examined.

This covers a very wide field, Mr. President. Biomass, for example, is the biggest form of solar energy. The biggest form of biomass is burning wood chips in woodmills. They are entitled to some kind of special subsidy here. It is the biggest form of solar energy there is.

I guess we ought to encourage it. Certainly we ought not discourage it. Because wood chips, after all, while they do produce a lot of NO_x, they produce virtually no SO_2. Nevertheless, it is hardly an emerging technology as to which the playing field is not level; as to which we should mandate an additional subsidy from FERC.

If these things are worthwhile to do, let them be done in the full light of day before the Energy Committee. Do not mandate without examining the technologies, without examining the size of what ends up being a subsidy—and a regulatory incentive is a subsidy. Do not do that without letting it go through the discipline of the committee process.

If the case could be made that the Energy Committee has been less than forthcoming on these matters, if the Energy Committee failed to report bills in the area of conservation or renewables, then, perhaps, the case could be made that we have to come in piggyback on some other legislation. But, Mr. President, that is not the case. We have reported more bills on conservation than, I believe, the House has. We have led the fight on both conservation and renewables.

To come in here at the last minute with nobody hearing about this amendment, not examining it, Mr. President, I think is wrong.

I would mention one other thing.

There are a whole raft of bills out here in the jurisdiction of the Energy Committee. People see this train, it sounds good, you know: Renewable energy, solar energy—it sounds good. We are all for it. It is energy with a good moral content. And energy does seem to have that moral content these days.

But we ought to have an energy policy. We have an Energy Committee to consider that energy policy. We should not just take the first thing that comes along, if it has the name solar and incentive on it, and pass it unless it passes muster.

In the strongest way, I urge my colleagues to not get in this business of nongermane amendments—at least it is nongermane to the jurisdiction of the bill here—and deal with matters that should not be dealt with without a committee hearing.

I hope and trust that the Environmental and Public Works Committee will support us in this. This may turn out to be a good bill, if we consider it in committee. It may turn out to be redundant, as I suspect it is, because PURPA, the Public Utilities Regulatory and Policy Act, already deals with it. And it may turn out to be another one of those boondoggles that we have undertaken in these past 15 years.

So, Mr. President, I urge my colleagues to defeat this amendment.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I request the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, as I say, I know how many amendments and how much business lies before us between now and next Tuesday, so I will try and be brief.

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First of all, I would like to express my appreciation to my colleague from Louisiana. He has labored long and hard on these issues, on all aspects of this Nation's energy needs. I do not know of anyone who is more knowledgeable on these issues.

I only wish that all of our energy needs could be satisfied by the great productions that we have received from his State in the form of gas and oil. Unfortunately, that is not the case. We are more and more in debt everyday. Today, $100 million will be spent for imported oil. We continue to pollute our environment, and even with tougher tailpipe emission standards required by the Clean Air Act amendments automobiles will still continue to pollute.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. McCAIN. I will be glad to yield.

Mr. JOHNSTON. Is the Senator familiar with the regulatory incentives provided in PURPA and, if so, can he tell me wherein those incentives are not sufficient to deal with the subject of incentives for renewables?

Mr. McCAIN. May I say to my friend from Louisiana, I do not believe that the PURPA incentives are entirely of the nature of these. I also remind him that the administration proposed these same kinds of incentives for the development of clean coal technology. That proposal is incorporated in the House bill. If I may finish answering my friend, I, like the administration, would not be asking for these incentives as they did for the development of clean coal technology if they were sufficiently addressed in PURPA.

Let me also point out the National Clean Air Coalition and the Sierra Club are of the opinion that PURPA does not supply sufficient incentives. Otherwise, they would not be supportive of this amendment.

Mr. JOHNSTON. If the Senator will yield, the Sierra Club may be of that opinion. they have not communicated that to the Energy Committee, to either me or our staff. It may be true that similar incentives are in the clean coal technology legislation, but that does not answer the question of wherein PURPA does deal with these technologies. We are not dealing with clean coal. We are dealing with renewables.

Mr. McCAIN. To answer the Senator, let me then quote from a letter I received from the Solar Industries Energy Association:

> While renewable energy technologies today are cost effective in many applications, because these technologies have higher front-end costs, we have experienced difficulty entering the market. Policies which provide lower cost capital over longer periods will have great positive effect by making it easier for the utilities and other end users to amortize these higher up-front costs which will be more acceptable to our potential customers.

I say to my colleague that the Solar Industries Energy Association, the National Wood Energy Association, the American Wood Energy Association, the United States Export Council for Renewable Energy all believe, as I do, that this amendment is called for in that there are not sufficient incentives presently in place. I will be glad to examine the items that the distinguished chairman brings to my attention.

Mr. JOHNSTON. If the Senator will further yield, those organizations are worthy organizations, to be sure, but they are all trade groups. Sure a trade group wants to make more profits for its members. That does not mean that the taxpayer ought to pay for them. The taxpayer ought to have to pay for incentives only if they can pass muster and are shown worthy. That is what we thought we were doing in PURPA. Surely, it is not sufficient a case, I say to my colleague, because the Solar Industries Energy Association wants something to say they ought to have it if it is already included in PURPA and the author of the amendment cannot tell me wherein it is not sufficient.

Mr. McCAIN. Let me respond by first saying I do not think the National Clean Air Coalition and Sierra Club are called trade groups. These other organizations are businesses that have banded together as businesses in oil and gas in the State of the Senator to pursue certain agendas they believe will not only help themselves but, obviously, the American people. To call the Clean Air Coalition and the Sierra Club a trade group I do not think is accurate.

Second of all, I think it is important to point out that I know of nowhere, if the distinguished chairman has examined this amendment, where the taxpayer will be paying. Perhaps he can give me an example of that in the amendment I have proposed where the taxpayer would be paying.

The intent of this amendment is to provide certain incentives in the form of amortization and other areas for these fledgling, and they still are fledgling, I might say to the distinguished chairman, industries to get off the ground.

Again, I repeat that the Administration holds my view that PURPA is not sufficient to promote clean energies. Otherwise, they would not have proposed these same incentives for clean coal technology—a proposal which is still under serious consideration in the House of Representatives.

I say to my colleague that I will be glad to examine each aspect of PURPA, as he has described it. Clearly, however, in the view of the Clean Air Coalition, the Sierra Club, and this Member current law is not sufficient. If they are already covered and redundant in nature, I suggest then the distinguished chairman would have no objection to this amendment.

Mr. JOHNSTON. Mr. President, parliamentary inquiry. Is it appropriate at this point to offer a second-degree amendent?

The PRESIDING OFFICER. Such an amendment would not be in order at this point under the prevailing unanimous-consent agreement.

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mr. BAUCUS. Mr. President, I yield an additional 2 minutes to the Senator from Louisiana.

MR. JOHNSTON. I thank the Senator. Mr. President, I wonder if my friend from Arizona would be content to offer this legislation if I guarantee him hearings in the Energy Committee. It simply is not so that we are not sympathetic to solar energy. Just weeks ago, we passed S. 488, which has already become public law, led by Senator FOWLER to encourage solar and renewable energy resources.

A moment ago, I did not mean to suggest the Sierra Club was a trade group. The Senator read three letters from trade groups, and there is nothing wrong with trade groups. It is just that their interests maybe are not in all points coincident with that of the taxpayers. We have not received a communication from the Sierra Club. We welcome them to testify. That is the way we ought to do this.

We can deal with legislation with dispatch in our committee. If the Senator will give us a chance to hear the case, if it is a worthwhile case, we can report legislation and deal with it and receive, I think, a sympathetic hearing here on the floor of the Senate. I wonder if the Senator will be willing to do that if I assure him we will give him hearings on that matter?

Mr. McCAIN. I say to the distinguished chairman, in all due and deep respect, I think this issue is of such utmost importance that I think it needs to be part of this legislation.

I appreciate his kind and generous offer. I look forward to working with his committee on these issues. But at this time, I would prefer to vote on this amendment. That is my response to the distinguished chairman.

The PRESIDING OFFICER. The time yielded to the Senator from Louisiana has expired.

Mr. BAUCUS. Mr. President, parliamentary inquiry. How much time remains for both sides?

The PRESIDING OFFICER. The Senator from Montana has 21 minutes 45 seconds remaining. The Senator from Arizona has 6 minutes remaining.

Mr. BAUCUS. I thank the Chair.

I yield myself 3 minutes.

Mr. President, it is clear that this amendment is within the jurisdiction of the Energy Committee. We are not on the floor of the Senate passing an energy bill. We are passing a clean air bill. This is a massive bill. I note, for example, a front page story in today's Wall Street Journal about the impact of this bill, of both the environmental benefits and the economic costs this bill will have on the Nation. It is a very significant bill.

I frankly believe the Senator from Louisiana, the chairman of the Energy Committee, had a good idea when he suggested that the appropriate forum for this legislation would be in the Energy Committee. That way the various varieties and forms of alternative energy proposals can be put together, they can be debated and discussed side by side as that committee works to form an energy policy.

As the manager of this bill, frankly, I would prefer that this amendment not be in this bill. I think that the subject has merit. I do not think anyone is denying that the subject is one genuinely which this Congress should pursue. But I think it is also clear that no one can deny by far the more appropriate forum for solar energy incentives and other renewable energy incentives would be before the Energy Committee so that there can be hearings and flush out and improve upon, refine and perfect various renewable energy alternatives.

So with that, Mr. President, I oppose the amendment. I think the amendment should not be on this bill. The appropriate location should be in an Energy Committee bill, and I urge the Senator from Arizona to reconsider the request made by the Senator from Louisiana to try to find a more appropriate vehicle, a more appropriate way in which to advance this legislation. I do not believe that the amendment should be on this bill.

I reserve the remainder of my time.

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mr. BAUCUS. I yield 2 minutes to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I have been here throughout the energy crisis. If the energy crisis started with the first oil embargo in 1973, at least I have been here the full time. I have seen us do a lot of legislation and a lot of it which was very, very unwise.

I recall, Mr. President, when we dealt with the entitlements program back in the first oil embargo, there was an amendment called the small refiner bias, and the purpose of that amendment was to protect the small refiners from these huge giants that would gobble them up and do away with the little mom-and-pop refiners.

It sounded good. It had that great ring to it. It is just like this; solar energy, everybody likes that, and we are helping the mom-and-pop small refiners.

Mr. President, nobody ever realized in, if I recall it correctly, a floor amendment—it did not go through committee if I remember correctly—nobody ever could see the billions of dollars of wasted assets by way of a small refiner bias.

Mr. President, there were people who got into the small refinery business. They called them teakettles. They were fairly easy to put together. There were some 5,000 barrels a day, some 10,000 barrels a day, and people got absolutely rich—I mean really rich. I do not mean millionaire. I mean multi, multi, multimillionaire—on small refiner bias.

Now, what is there in this innocent sounding case on solar energy? Mr. President, I am not sure except I know there is a double subsidy. We already have a subsidy and here is another subsidy on top of that. I know it apparently cannot stand light of day because no bill has been introduced. We have been legislating on solar energy matters in our committee regularly. We are sympathetic to it; we want to do it. We want to more than level the playing field. We want to subsidize the playing field and bring on line these subsidies. But, Mr. President, I urge my colleagues, without knowing about some bill, do not put another double subsidy on it. To what does it pertain? Does anyone know? I do not. I doubt if there is anybody in this Chamber who knows what is really involved. Is it wood chips at wood mills for these tiny little giants of the timber industry, like International Paper? Who knows?

So, Mr. President, this again is not the place to legislate still another double subsidy as to technologies we know not of, not described. For example, I wonder if my friend from Arizona can answer this question for me. There are some subsidies in purpose A for technologies that include the burning of natural gas to the extent of 25 percent. Is that allowed in these subsidies in this bill?

Mr. McCAIN. In my view of the amendment, as the amendment is intended, since that is not a renewable energy, the answer is no, I would say to the chairman.

Mr. JOHNSTON. So that the Senator would have no objection to an amendment that would exclude the use of natural gas in any kind of cofiring situation involving these solar energy technologies?

Mr. McCAIN. I would have to examine the implications or the Senator's suggestion more thoroughly before I could definitively answer that question. I don't believe, however, cogeneration should necessarily be excluded from the incentive program. This issue and any question of double or duplicative incentive in certain cases is something I certain would like to work on with the Senator and FERC perhaps in the rule making process to ensure that no undue benefits are extended.

Mr. JOHNSTON. I do not mean to try to embarrass the Senator. That is not my purpose. It is my purpose to show that under purpose A, you can use 25-percent natural gas. I do not know whether this definition encompasses that or not. If it does, do we want to allow a double subsidy for burning natural gas? It is hardly a frontier-type energy as to which we are just discovering an unbalanced playing field.

Mr. President, there are so many questions involved in this amendment that ought to be looked at. Surely, it is worth a day of hearings in the Energy Committee before we commit this Nation to massive double subsidies as to technologies that we cannot even describe at this point.

The PRESIDING OFFICER. The Senator from Montana has 14 minutes remaining; the Senator from Arizona has 6 minutes remaining.

Who yields time?

Mr. JOHNSTON. Parliamentary inquiry, Mr. President. At the appropriate time when the second-degree amendment is introduced, will it be allowed? Will there be time for debate?

The PRESIDING OFFICER. The second-degree amendment is not in order. The McCain amendment is a second-degree amendment. An amendment to the McCain amendment is not in order under the unanimous-consent agreement.

Mr. JOHNSTON. Will the Senator yield me another minute?

Mr. BAUCUS. I yield a minute to the Senator.

Mr. JOHNSTON. Mr. President, I had an amendment prepared which very simply would say that the regulatory incentives provided for by section 801 of this amendment shall not apply to any qualifying facility as defined by the Public Utility Regulatory Policies Act.

In other words, it would do away with the double subsidy. Now we find there is not even time to put in that corrective amendment. So we cannot deal with the question of double subsidy. We cannot deal with the question of burning natural gas. Are we going to be out there subsidizing natural gas and wood chips with a double subsidy?

Does the Senate want to do that in the name of clean air? Surely, Mr. President, there are better ways to spend the taxpayers' dollars than to come in with an amendment that cannot even be described as to its effect, where there has not been the first word of testimony before a committee. Surely, the Senate does not want to do that, Mr. President.

Mr. President, I think I have made my case. I hope the Senator from Montana opposing the amendment is going to move to table.

The PRESIDING OFFICER. The time yielded to the Senator from Louisiana has expired. The Senator from Montana has 11½ minutes remaining.

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The Senator from Arizona has 6 minutes remaining. Who yields time?

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I am prepared to yield the remainder of our time. I understand the Senator from Arizona likewise is so prepared.

Mr. McCAIN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Both sides yield the remaining time.

Mr. BAUCUS. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded, and the question is on the motion of the Senator from Montana to lay on the table the amendment of the Senator from Arizona. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN] and the Senator from Hawaii [Mr. MATSUNAGA] are necessarily absent.

I further announce that the Senator from Massachusetts [Mr. KENNEDY] is absent on official business.

The PRESIDING OFFICER (Mr. KOHL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—40

Baucus
Bentsen
Bingaman
Breaux
Bryan
Burdick
Burns
Byrd
Cochran
Conrad
Cranston
Dixon
Dodd
Domenici

Durenberger
Exon
Ford
Gore
Gramm
Hollings
Inouye
Johnston
Kerrey
Lautenberg
McClure
McConnell
Mitchell
Moynihan

Murkowski
Nickles
Pryor
Riegle
Robb
Rockefeller
Sanford
Sasser
Shelby
Simon
Wallop
Wirth

NAYS—57

Adams
Armstrong
Biden
Bond
Boschwitz
Bradley
Bumpers
Chafee
Coats
Cohen
D'Amato

Danforth
Daschle
DeConcini
Dole
Fowler
Garn
Glenn
Gorton
Graham
Grassley
Harkin

Hatch
Hatfield
Heflin
Heinz
Helms
Humphrey
Jeffords
Kassebaum
Kasten
Kerry
Kohl

Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
Metzenbaum

Mikulski
Nunn
Packwood
Pell
Pressler
Reid
Roth
Rudman

Sarbanes
Simpson
Specter
Stevens
Symms
Thurmond
Warner
Wilson

NOT VOTING—3

Boren
Kennedy
Matsunaga

So the motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered and the clerk will call the roll.

Mr. BAUCUS. Mr. President, I wonder, since the last vote was fairly decisive, whether the Senator from Arizona would be willing to seek to vitiate the yeas and nays.

Mr. McCAIN. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 1411) was agreed to.

Mr. McCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are now open for amendments. I advise Senators that we have an open period now. I am unaware of any Senator who wishes to bring up an amendment before the Senate. This, therefore, is an opportune time for Senators to offer their amendments. Some amendments will be accepted by the committee, some amendments will not be accepted by the committee. Senators should bring their amendment now. Even if their amendments are not accepted, if they want to bring up their amendment, this is an ideal time to argue their amendments. The amendment may be adopted. For example, the McCain amendment was just adopted by the Senate.

I strongly urge Senators to take advantage of this time. It is 4:15 in the afternoon and it is still daylight. I think it is better that we work on amendments during the daytime than during the nighttime. So I urge Senators to take advantage of this opportunity.

I also remind Senators that we now do have a unanimous-consent agreement which provides that the final vote will be at 8 p.m. Tuesday. I do not know how many hours the Senate will be in session on Friday or Monday. It could very well be late sessions, I do not know. But I do know from experience that opportunities like the one that now presents itself—that is now, this afternoon—are the best times to bring up amendments. Because when we get close to final passage on Tuesday afternoon and Tuesday evening, if there are many amendments left, it will be very difficult for Senators to make their case—particularly if it is after 8 o'clock Tuesday evening—to make their case during the minutes that will be allotted to them. Their chances for adoption and their chances of persuading Senators to adopt their points of view are much better prior to Tuesday evening. I again urge Senators to come to the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is an amendment in order?

The PRESIDING OFFICER. There is an amendment pending.

Mr. DOMENICI. Mr. President, I think the managers of the bill are aware of my amendment on rural fugitive dust. I assume they are going to support it based on what I know. That is what I intend to offer.

With that, I ask unanimous consent that the pending amendment be set aside so that I might offer the amendment which I just described.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1412 TO AMENDMENT NO. 1293

Mr. DOMENICI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI] proposes an amendment numbered 1412 to amendment No. 1293.

Mr. DOMENICI. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 123, line 15, at the end of section 193(b), add new subsection (c):

"(c) Within three years after enactment, the Administrator shall review pertinent information and report to the Congress on the need to modify subsection (b) to take into account infeasible requirements that might be placed on certain rural areas of the country where a substantial percentage of ambient PM-10 concentration in the area is caused by the suspension of natural soils in the ambient air due to non-industrial, anthropogenic activities. Included in this review shall be a recommendation on whether exemptions from the 5 per centum annual reduction requirement should be granted to certain areas. In making such recommendations, the Administrator shall consider the presence and concentration of potentially toxic substances in the mix of particulate emissions in the area, and the technological and economic feasibility of various control measures."

Mr. DOMENICI. Mr. President, I rise to offer an amendment which I understand has been cleared by the committee.

This amendment mandates that the Environmental Protection Agency undertake a study of rural areas in the country that are not meeting the particulate ambient standard due to the suspension of natural soils in the air and report to the Congress on whether those areas should be required to meet the 5 percent annual emissions reductions that are included in the bill.

Perhaps the best way for me to explain this amendment is to tell you about Anthony, NM. Anthony is a small agricultural town located on the Texas-New Mexico border. The primary source of particulate matter in the area is wind erosion of grazing areas, and to a somewhat lesser extent, unpaved roads.

The Environmental Improvement Division of the State of New Mexico has written to me to express their concerns that there is no reasonable control strategy that is going to bring about much change in the situation in Anthony. Furthermore, it would be questionable whether to impose requirements, such as road paving, on this area, which possesses limited resources.

The situation in Anthony is similar to other western areas in the country. That is why, EPA has had a Rural Fugitive Dust Policy since 1977.

The bill before us contains provisions to bring particulate nonattainment areas into compliance. While I certainly support moving toward compliance, I think it is extremely important that EPA evaluate the special needs of rural areas, such as Anthony, and to provide us with recommendations on how these areas should be handled.

I thank the committee for working with my staff to come to agreement to this amendment.

Mr. President, under this bill, there are certain parts of rural America and rural New Mexico that, in the next 10 years as part of the life of this bill, will be contributing to the particulate problem because of roads that are not paved that emit dust and because certain agriculture activities might indeed contribute particulates—our sophisticated word for dust—to the air and ultimately they may have to be under some kind of an order to control that at the rate of 5 percent a year.

Some of us think that we really do not intend that but we do not know enough about the overall situation and what it really means.

So what I am doing in this amendment is, since we have a long enough period of time, this amendment will mandate a 3-year national study by EPA of these kinds of areas that I just described and these kinds of problems which I just described and will report back to Congress on the nature of the problem, the contribution to the ambient air quality or lack of air quality, with recommendations on how we might achieve what we seek to achieve in this bill without what some of us think would be an arbitrary imposition of 5-percent annual reductions of this kind of dust and particulate that we really do not necessarily intend to control but have no other way of knowing quite how to do this.

We have a small community, for instance, in southern New Mexico, named Anthony, NM. It is pretty clear they have one of these kinds of problems. It would be absolutely impossible, if we started our 10-year, 5-percent mandated restriction, because they would have no way of fixing their rural roads or the agricultural activity that is taking place there. Consequently, this having come to my attention, it seemed to me we ought to try to solve it before it becomes an unbearable and rather arbitrary imposition on parts of rural America.

This will do nothing more than get in our hands, in 3 years, a study that is detailed, scientific, and makes appropriate recommendations regarding this situation. That is what the amendment is about.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I compliment the Senator from New Mexico. This is an amendment which will help perfect the bill. Essentially as the Senator described, there are many rural areas in America that are concerned about the fugitive dust requirements, where a portion of the fugitive dust is caused by nonindustrial sources, roads, dirt roads, and so on and so forth. It is a very major problem. I know it is a problem in the State of New Mexico but it is also a problem in my home State of Montana.

It is important to know the degree to which the requirements in the bill are feasible or not feasible, given the theoretical environmental and health effects of those requirements. So I think the 3-year study is very good so we are more certain that rural areas are not unfairly burdened with the requirements of this legislation. I accept the amendment.

The PRESIDING OFFICER. The Chair recognizes Senator CHAFEE.

Mr. CHAFEE. Mr. President, it is a good amendment, by the distinguished Senator from New Mexico. I had the privilege of being out in his State with him a couple of weeks ago and saw at closehand some of the problems that they have in that very, very large State, particularly in connection with the matter pertaining to this amendment. So it certainly is acceptable on this side. We thank the Senator for bringing it to our attention.

Mr. DOMENICI. Mr. President, might I just say again, sometimes when we recommend these mandated studies with recommendations, they are a means of getting out from under a problem. But in this case I think this will help to solve the problem, because we will not begin to force the reductions of 5 percent a year in these kinds of areas, under the basic bill, for a while.

This will give us an opportunity to get before us recommendations from experts who have in mind our air problems, but also because of this amendment, the practicality of this situation that cries out for something that will solve it. So we will know whether we ought to keep these small communities and these situations under the annual 5 percent mandate in time to do some good.

So I think this one, while I wanted an exemption, the Senator could not quite find the words to phrase it right without opening more than we wanted to, to exemptions. So this has been agreed upon, and I thank the managers, and I yield the floor.

Mr. DOLE. Mr. President, I rise to support the amendment of the distinguished Senator from New Mexico. The amendment from the distinguished Senator will provide important information that should assist the American farmer with regard to this legislation.

I applaud the 3-year study this amendment requires. It is important to make sure that farmers are not going to be hampered at planting time or harvest time with burdensome dust regulations.

In Kansas we do not have any PM-10 nonattainment areas at the present time. According to the Kansas Department of Health and Environment, farmers simply do not find their fields out of compliance with dust regulations.

Taking into account infeasible requirements that might be placed on rural areas because of ambient PM-10 concentrations is right on target. I intend to monitor this study very carefully over the next 3 years and certainly want to work with EPA and Senator DOMENICI to make sure adequate information is made available and consideration is given regarding farmers and their concerns during this period.

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The **PRESIDING OFFICER.** Is there further debate?

Without objection, all time is yielded back.

If there be no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 1412) was agreed to.

Mr. **DOMENICI.** Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **CHAFEE.** I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The **PRESIDING OFFICER.** The Senator from New Mexico [Mr. DOMENICI] is recognized.

Mr. **DOMENICI.** Mr. President, it slipped my mind we were under an hour time agreement on each amendment. I should have yielded back the remainder of my time. That was a mistake on the part of this Senator.

The **PRESIDING OFFICER.** The Chair recognizes Senator BAUCUS.

Mr. **BAUCUS.** Mr. President, at the appropriate time before final passage of this bill the managers will offer a package of proposed technical amendments. I would like to announce that there are presently available copies of the proposed technical amendments to the acid rain title. Those copies are available for distribution to Senators and to their staffs in room 415 of the Hart Building. I urge Senators, or more likely their staffs, to go to room 415 to get copies of those proposed technical amendments, so we can, at the appropriate time, offer that package to the bill.

Mr. President, I see no Senator seeking recognition to offer amendments. I again encourage Senators to come to the floor. We are moving, making progress here. I hope we continue to make progress.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **HEINZ.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. **HEINZ.** Mr. President, parliamentary inquiry; what is the pending business?

The **PRESIDING OFFICER.** There is an amendment of Senator BAUCUS pending.

Mr. **HEINZ.** Mr. President, I ask unanimous consent that I may speak as in morning business for not to exceed 10 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

EXPLANATION OF VOTE

Mr. **HEINZ.** Mr. President, yesterday the Senate voted twice in relation to the Nickles-Heflin-Dole amendment. The first vote on that amendment took place early in the morning, around 9:30 or quarter to 10, and then there was a subsequent vote in the afternoon, around 2:30 or 3 o'clock.

On the first rollcall vote, I voted in favor of tabling the amendment. Later in the day, I voted for the Nickles-Heflin amendment. Those two votes appear to be in conflict. I would like to take a moment to explain exactly why I voted the way I did and what I will do should the issue come before us again, as it well might, on a reconsideration vote or on a motion to table a reconsideration vote.

I had four concerns about the Nickles-Heflin amendment. Three of the concerns were related to the shield provisions. Another was related to the citizen suit provisions. When my staff received the amendment on Monday afternoon, the day before yesterday, we immediately sought to get certain clarifications as to what the language of this amendment, which is quite substantial and lengthy, meant and how it related to other elements of the bill.

My staff was unable to get satisfactory clarifications prior to 9:30 a.m. on Tuesday on the following issues—and I think it is worth going into this because since then we have received clarifications and they have been extremely helpful—one of which involves section 352(d). Section 352(d) in the amendment provided that if an applicant had properly submitted a complete application, but final action had not been taken by the permitting authority, then the applicant's failure to have a permit shall not be a violation of the act. That is the sum and substance of what this provision said. Obviously, if that had been all there was to the provision, then the failure to issue would be, in effect, a permit to pollute, and nobody should want to have a very large loophole that would permit that kind of pollution to take place.

So we went to the Environmental Protection Agency to find out what it was that the provision really meant. They came back to us and verbally said—they did not get back to us, I might add until after the first vote—that this does not mean that an applicant is not required to be in compliance with existing regulation but only that the failure to have been issued a permit is not in and of itself a violation. A very limited construction, therefore, of section 352(d).

A second concern was section 353(f)(1)(B) which provided that once a permit is issued, the source is deemed to be in compliance with all requirements promulgated after issuance unless EPA finds that actual harm to public health would result as a result of such noncompliance. The problem I had with that and another reason I voted, as in the first instance, against the Nickles amendment was that if there has been some kind of an omission such that the source is, nonetheless, deemed to be in compliance with all requirements after that permit has been issued, you would have to have a finding of actual harm.

I do not know what that means. There is no precedent for it. It is a term from tort law. If it means anything, it means that people actually have to have physical injuries, deaths, various kinds of actual harm as opposed to a risk to health being present.

That seemed to me on its face to be a loophole so large that again an enormous truck could have been driven through it. Therefore, I did not want to be party to an amendment which at least on its face appeared to subject the public, because of more or less technical issues, to that kind of a standard that would not be sufficiently protective of the environment or of them.

The Environmental Protection Agency came back and noted, I think appropriately, that section 353(f)(2) already provides that new regulations via rulemakings must be incorporated into issued permits.

Now, that is very good because it means that if something comes along under a rulemaking and renders the permit that had been issued, in a sense, obsolete, that rule must be incorporated, and that if you are in violation of the requirements of a rulemaking, even if you hold a validly issued permit, you still have to come into compliance with whatever new burdens are put upon you if you are polluting pursuant to the rulemaking.

That addressed very directly the issue. It was also made clear that the provision I cited first, section 353(f)(1)(B) only applies, at the Federal level, to what is referred to as new guidance, kind of the way you go about complying, the specific way they would like to see you build or rebuild or install equipment on a facility which.

Furthermore, it was stipulated that this section 353(f)(1)(B) would give the Environmental Protection Agency the authority to require that even such requirements as might be found in guidance documents, as opposed to the rules pursuant to rulemaking, must be incorporated into an issued permit if EPA finds that the public health is likely to be harmed as a result of such guidance not being made a permit condition—a second lock on the door.

Let us assume that the first guidance was for some reason really not adequate to the task. If EPA found in effect that they had issued what you might call flawed guidance, if there was a finding the public health was likely—this is different from actual harm—to be harmed as a result of such guidance not being followed, they could require that the permit be modified or that the source be directed to make the necessary changes.

I might add that it was also pointed out that section 116 of current law remains in effect, and what that says is that nothing in the act may prevent a State from adopting and enforcing requirements which are more stringent than the Federal requirements.

To make that as simple as possible, EPA said that section 353(f)(1)(B) does not override section 116 of the bill, and from the standpoint of my colleagues and I what that really means is that if the State wants to have something stricter than what is provided for by EPA via rulemaking or any other way, the States may continue to do so.

My third problem was that section 353(f)(3) provides that in any action to enforce a requirement which has been omitted from the permit, the 'who', 'why' and 'how', shall be relevant in assessing penalties. Furthermore, it provides that "no enforcement action shall lie if the omission is the fault of the permitting authority."

Now, what that again reads like on its face is another potentially big loophole, which is that you cannot take any enforcement action against a polluter if there has been an omission in the permit, no matter how serious, if the omission is the fault of the permitting authority.

EPA has clarified that and pointed out that the way to interpret the other provisions is that section 352(f) (1), (2) and (3) provides EPA with full authority to force compliance in the event there is a material omission, for whatever reason, in the permit. And, of course, as mentioned before, section 116 of current law remains in effect.

Finally, there was the issue of citizen suits and under what circumstances and against whom they might be permitted or not permitted. There was a question in my mind whether the Nickles amendment prohibited citizen suits for the purpose of the enforcement of new requirements.

There was some question as to whether that was permitted. My concern also involved the issue of whether the citizen suits would be permitted for discretionary and/or nondiscretionary decisions. The answer is, according to clarification again received, that this does allow a citizen to bring suit against the permitting authority—that can be either the EPA or the State—for issuing improper permits or permits not reflecting the requirements of the law, which seems to me to be an appropriate safeguard. In fact, this amendment explicitly provides for citizens suits when sources violate conditions of new requirements and when sources operate without a required permit.

These clarifications or assurances, call them what you will, were received late in the morning of yesterday, Tuesday, and at that time I asked for the Environmental Protection Agency to put those clarifications in writing. I have received those clarifications in writing. They are the same as those, in sum and substance, that I have just described verbally, and they constitute the reason why yesterday afternoon I voted in favor of the Nickles amendment.

There is a lesson, however, to this episode that I would like to share with my colleagues.

Mr. President, I ask unanimous consent that the letter from the Environmental Protection Agency which I received, dated March 27, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Environmental Protection Agency,
Washington, DC, March 27, 1990.

Hon. John Heinz,
U.S. Senate,
Washington, DC.

Dear Senator Heinz: This letter responds to the request for clarification relayed through Gerry Dorian of your staff regarding the effect of certain language in the March 26, 1990 version of the Nickles-Heflin-Dole amendment to the permits title of the proposed Clean Air Act Amendments. As you know, my staff has been involved in providing technical assistance in the drafting of this language.

1. Effect of Completed Application.—Section 352(d) states that if a "timely and complete application" for a permit has been submitted, but final action has not yet been taken on the application, "the source's failure to have a permit shall not be a violation of the Act," subject to certain limitations. The effect of the underscored language is only to protect the source from the requirement to have a permit, *i.e.* under section 352(a). Compliance with all other requirements under the Act (such as emission limitations imposed by the SIP and EPA rules) continue in effect without change unless and until a permit is actually issued. This is made clear in section 355(c) which states that when "properly issued or revised," a permit supersedes the requirements of the SIP and has the effect specified in section 353(f) (the so-called "shield").

2. Effect of Permits on New EPA and State Regulations.—Section 353(f)(1)(A) provides that compliance with the terms of a permit shall be deemed compliance with "all requirements of this Act . . . that are explicitly addressed" in the permit. Rules and regulations that are issued thereafter following notice-and-comment procedures apply automatically according to their terms upon notice to permittees under section 353(f)(2). With regard to guidance documents or other regulatory actions which are not rules as such, EPA can make them immediately applicable in whole or in part to permittees by finding that actual harm to public health would result from delay. States are free to impose additional requirements without regard to these requirements, however, pursuant to the terms of section 116 of the existing Act, which provides that "nothing in this Act shall preclude or deny the right of any State . . . to adopt or enforce" more stringent requirements.

3. Enforcement of Requirements Improperly Omitted from Codifying Permit.—If a requirement of existing law is improperly omitted from a codifying permit, then the permit is not "properly issued" for purposes of 355(c) and an enforcement action may be brought against the source for failing to comply with the omitted requirements. However, under section 353(f)(3), in "any action to enforce a requirement omitted from a permit," the circumstances of the omission may be taken into account by EPA and the courts and if the omission is solely the fault of the permitting authority, no "enforcement action" can be brought against the source. However, the source is not excused from compliance once the omission is discovered. Under section 353(f)(2), EPA and the state must notify the source when they learn that a material requirement under the Act has been omitted from a permit, and within 30 days the source must apply for a revised permit incorporating the omitted requirement. For the reasons explained in Paragraph 1 above, the application process does not protect the source from complying with the underlying requirement.

4. Citizen Suits.—The Amendment would not restrict the existing rights of citizens to bring actions to enforce permit requirements under section 304(a)(3), and, in fact, explicitly provides for citizen suits when sources violate conditions of these new operating requirements and when sources operate without a required permit.

Very truly yours,
E. Donald Elliott,
Assistant Administrator
and General Counsel.

Mr. HEINZ. Mr. President, I do not think any of us like legislating under these kinds of uncertainties with their attendant possibilities for confusion. The reason we are at this point is that we are dealing time after time with legislative moving targets. We started debating the Nickles amendment not this week but last week, but because of the complexity of the amendment and because the authors sought to improve the amendment sufficiently go garner enough support to carry the amendment, the amendment, in spite of the fact that it has been debated on Thursday—was not laid down until Monday afternoon when most of us were not here, and the vote was set for 9:30 a.m. Tuesday morning.

Now, an amendment of this importance should be subject to people's scrutiny for at least 24 hours, and this Senator is going to be strongly inclined in the future to object to major controversial amendments that are not available for our scrutiny ahead of time. So that if we want to take a look at the details of it, if we want to make the research and analysis, if we need clarifications, if we need to understand the intentions of the people who are going to endorse the amendment and its provisions, then we have time to do so. Between 2 or 3 in the afternoon and 9:30 a.m. the following day, if you do not happen to be in town until 8

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o'clock on Monday, there is not a lot of time to get that kind of work done. There is not even much time for one's staff that is here.

So it is my hope that people will offer complex amendments in a more timely fashion; and that people who do differ complex amendments pursuant to a time agreement, make sure that the amendments available at least 24 hours, working hours, before the vote. I hate to have someone lay it down, make it available to me at midnight, between Saturday and Sunday, and we vote on it the first thing Monday morning.

I hope there will be a real 24 hours for us to focus on these amendments. We could avoid this kind of scurrying around.

I know this is complex legislation. I know everybody wants their provision to prevail and their point of view to win. But it is terribly important that we have the opportunity to know and understand the major issues on which we are compelled, and quite properly so, to vote.

So I hope my colleagues will pay attention to that lesson. It is one that I felt somewhat uncomfortable having to deal with. I do not think that is the kind of discomfort that should be inflicted on this body.

Mr. President, I yield the floor.

Mr. CHAFEE addressed the Chair.

The **PRESIDING OFFICER.** The Senator from Rhode Island.

Mr. CHAFEE. I wonder if the distinguished senior Senator from Pennsylvania would just remain for a couple of moments more, because I first want to pay tribute to the thought that he has given to this matter, although I regret that this thought has brought him down on what would appear to me to be the wrong side of the issue.

Since he has given it a lot of thought, maybe he would be available for a little more thought. At least that would be my hope.

Here are the problems I call to his attention about the present amendment, the Nickles amendment. First of all, there is the delay that is incorporated into the Nickles amendment as regards enforcement.

What are we talking about? The whole Clean Air Act is based upon permits and enforcement. And the trouble with the Nickles amendment is that it changes the law as it now exists, as it exists for RCRA, as it exists for clean air, as it exists for clean water, as it exists for Superfund, and sets up a whole series of appeals.

What I fear is that under the Nickles amendment, we are not going to be able to get any enforcement provisions. I just do not know the answer to that. I am not saying this necessarily to the Senator from Pennsylvania, but others who are supporting this. How do we get over this problem?

What is the problem? You have your polluter out there. Under the present law, you go out and the EPA can tell that polluter to stop. Well, that is pretty tough.

So we have provided in this statute, in what you might call a leadership amendment, whatever it might be; call it the Baucus-Chafee provision—in there, we have provided that EPA goes to the polluter and says, "Stop."

The polluter says, "Hey, wait a minute. Let us sit down and talk this thing over." That is provided.

In other words, that is a step that is not included in the present law. The Nickles amendment says you not only come in and talk it over, but you are entitled to an administrative law judge. All right. Nobody can complain too much about that. The administrative law judge may take 6 to 8 months to decide the case, but he has some experience and authority.

Frankly, I suspect when you come in to talk it over under our provisions, there would be an administrative law judge who handled it, anyway. But here is the problem.

You do not like the decision of the administrative law judge. You go to a Federal district court. You appeal it. You appeal the decision of the administrative law judge. In fact, you start over. You start the whole case over.

Then you do not like that decision. It may take 2 years to get to the Federal district court. You are entitled to an appeal to the circuit court of appeals. Everybody knows that takes at least 2 years.

The thing that really most decidedly bothers me about the position of those proponents of the Nickles amendment is this: You cannot have enforcement of the act with all of these appeals. That is the first big problem. To me, it is the most serious problem with the Nickles amendment.

The answer usually given is due process. Now, it is one of the inherent rights of Americans to have due process. If you do not let them appeal to the district court, the circuit court, you are denying them due process. That is what has occurred under the present law.

The Federal district courts have said, "Nonsense. That is no denial of due process." You are not entitled to this by any inherent right. If the statute does not allow you to do it, that is fine. You are not losing out.

This whole due process is washed away. Under the Clean Water Act and under those other acts I have mentioned, the system has worked without objection. I am on the oversight committee. Surely, we would have all kinds of massive complaints if the public were being abused under this. But it has not occurred.

That is my first question. I was wondering if the Senator from Pennsylvania has given that particular matter any thought.

Mr. HEINZ. Let me respond, Mr. President, if I may, to the distinguished Senator from Rhode Island in a general way.

First, I want to compliment him and the Senator from Montana for having the patience of not one, but two jobs. They have been meticulous. They have tried to be as helpful as they can.

I do not envy them their job of steering this very complicated bill through the Senate between shoals and storms, narrow passages, and all kinds of unexpected events.

They have done a marvelous job, and I congratulate them and hope that we come to the end of this voyage with a successful conclusion; namely, a bill that they feel confident does the job, along with this Senator from Pennsylvania.

I would just say that it has been my impression that the managers of the bill, as well as the authors of the Nickles amendment, have been attempting to resolve the differences in point of view in good faith.

It is my view that both the Senators from Rhode Island and Montana and the Senator from Oklahoma and his cosponsors all want a bill that will do the job, that will not subject the goal of protecting the environment to uncertainties and delays, and will not subject the business community to the same kinds of uncertainties and delays.

Delays and uncertainty for either the environment or the way we put the bread and potatoes and meat on the table are no good for either side. So all I say, in response to my friend, the Senator from Rhode Island, is that I am confident, and I am hopeful as well as somewhat confident, that the kinds of issues that he has raised can be resolved; and, indeed, I had hoped that my seeking clarification, recorded clarification might be helpful to resolution. Because clearly, at least to this Senator, the Baucus-Chafee provisions and the, I will say, revised amendment from the Senator from Oklahoma, are in much closer agreement than the amendment originally drafted by the Senator from Oklahoma. So I am hopeful that the motion to reconsider might serve as a mechanism that will lead to concensus on these provisions. I thank the Senator.

Mr. CHAFEE. Mr. President, I appreciate the observations of the Senator from Pennsylvania. As we all know, we deal with legislation, and we get emotionally involved with it, and if we see something not going our way, we think the world is going to turn upside down, all the objectives you have been seeking go down the tubes and you do not end up with much.

So we sat through many amendments and votes here, but of all the ones we have dealt with, I think I feel strongest about this one. The problem with the position of the Senator from Pennsylvania in saying we will straighten it out later on is this——

Mr. HEINZ. That is not what the Senator is saying.

Mr. CHAFEE. I think the Senator is saying he hopes we could arrive at a conclusion, and the concerns I have do not exist or, if they do, hopefully, we can work it out.

Mr. HEINZ. Let me be clear to the Senator from Rhode Island. I think the concerns that the Senator from Rhode Island expresses are very real to the Senator from Rhode Island. I am sure Senator NICKLES and his cosponsors feel the same way, and I think both sides take the attitude that their particular approach to the problem is right.

It has been my experience in this body that both sides are partially right and partially wrong in any debate and that the purpose of debate and reflection is to resolve those differences. Sometimes, I have to admit, it comes down to a black or white decision, but on such technical issues such as permits, we are not talking about morality, we are not talking about absolute values. These are technical issues, and technical issues should not be so fraught with emotion that they cannot be resolved.

So if the Senator were talking about the issue of air toxics and whether they are good or bad for one, and if the Senator were talking about urban smog, if the Senator were talking about acid rain, if the Senator were talking about the health effects of certain pollution, we could have, I am sure, or he could have—and maybe I would be with him or maybe I would be in opposition to him—a debate about values.

Here the values are, I think, shared by both sides. The means of achieving those particular values, not how far to go in one direction or how far to go in another, is at issue. Qualitatively, there may be a difference. Still, I say to my friend from Rhode Island that I do hope we can handle this amendment by continued discussion and final conscensus.

If we voted to reconsider, it would only be, as I understand the way the votes came, if people who voted with the Senator from Rhode Island on the last vote changed and voted to reconsider. They would only do so, I assume, for a very good reason, and such reason would be if the Nickles amendment were changed in ways that the Senator from Rhode Island wanted it to be changed. Otherwise, if that does not happen, it seems to me the point of view of the Senator from Rhode Island is going to prevail. He was on the prevailing side, as I recollect, in the last vote. He is the captain of this ship at this point, it seems to me, if I am right in my suppositions that there are additional changes that the Senator from Rhode Island feels should be made. I hope the Senator from Rhode Island does not take any exception to my remarks. I thank him for yielding. I must leave the floor for another appointment.

Mr. CHAFEE. I know the Senator has to leave, Mr. President. No one was attaching any morality to this. I am not bold enough to say my position is a moral one and the other position is less moral or indeed immoral. There was no suggestion of that.

The real question is, How do we make this massive act that is 575 pages long enforceable? It is a nice act, but if you do not have permits and you do not have enforcement, it is not worth much. It might be useful as a paperweight or to start a fire with, but not much else. We could have lovely provisions dealing with tailpipe emissions and cutting them down or the use of alternative fuels or the need for MACT, maximum achievable control technology, and toxic emissions, all of these wonderful things, you can have it in a bill, but if you do not have a way to enforce it, it is a nullity. That is the problem. It seems to me that is what is happening under this amendment.

It has nothing to do with morality or with who has a halo around their head in connection with all this. It is how are we going to get clean air, and how are we going to make those who are befouling the air clean it up. You cannot do it unless you have enforcement provisions. And the way you have enforcement provisions is you have permits and say this is what you can do and what you cannot do. If you do not obey it, we will take away your permit and you cannot function—like a driver's license.

People say I am captain of the ship. Well, I am not sure I am captain. We have a lot of co-captains, but I am not sure that we have all our members or all the crew sturdily in their places. I hope those who voted with us yesterday on both the amendments—we won them both—will stick with us. Let me take the first one. I was incorrect. We lost the motion to table. The motion to reconsider we won on the merits. Now there is a motion to reconsider that. It is a little shaky, and we only won 49 to 48. So obviously, everybody counts.

I want to use this slack period here today to stress how important this vote is, how important it is that we stick by the position that the majority voted for yesterday on the enforcement provisions, particularly dealing with the appeals. If a polluter can go on polluting for 5 years while he goes through an appeals process, administrative law judge, U.S. Federal district court, U.S. court of appeals, the atmosphere is going to be pretty well polluted by the time it finally comes to a decision by the court of appeals.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MIKULSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1413 TO AMENDMENT NO. 1293

Mr. MURKOWSKI. Madam President, I sent an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending Baucus amendment will be set aside and the amendment of the Senator from Alaska will be considered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. STEVENS, proposes an amendment numbered 1413 to amendment No. 1293.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 188(c), on page 103, line 22, add a new paragraph (3):

"(3) Nothing in this Act shall prohibit a State containing an area classified nonattainment pursuant to section 187(a) from revising its implementation plan to substitute an alternative control measure for an existing control measure if the State demonstrates that:

(A) the alternative control measure—

(i) is not already included in the implementation plan:

(ii) is not otherwise required by this Act:

(iii) will provide an equal or greater degree of carbon monoxide emissions control as full implementation of the existing control measure would provide; and,

(iv) will be implemented not later than 18 months after the date of enactment of this Act; and,

(B) the existing control measure is not otherwise required under this Act or under guidelines or regulations issued by the Administrator.

When the State makes such a demonstration, the Administrator shall approve a revision to the implementation plan which incorporates the alternative control measure.

Mr. MURKOWSKI. Madam President, I understand that the intent of section 188(c) of this bill is to attempt to get all of our nonattainment areas into compliance.

However, if our goal is to get our cities into attainment for air quality standards, then let me point out that the effect of this section would be counterproductive for some of our cities.

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For example, Anchorage submitted an implementation plan which would substantially increase our mass transit program. Unfortunately, in the last few years, Anchorage has experienced a significant loss in population, a significant decrease in State revenues, and a much lower than predicted bus ridership.

If Anchorage is forced to implement this program it will result in a large expenditure of funds for an ineffective control strategy.

If our goal is cleaner air, cities like Anchorage would be better off using other control strategies that could produce greater emission reductions.

My amendment would allow cities that flexibility.

It would allow alternative control strategies to be substituted if demonstrated that they would produce greater or equal emission reductions and could be implemented in the same timeframe as section 188(c).

Madam President, it is my understanding that this amendment has been cleared with the bill managers. I urge its adoption

I thank the Chair.

Mr. BAUCUS. Madam President, the majority manager has examined the amendment because it helps the State of Alaska meet certain unique situations that occur in Alaska. We urge its adoption.

Madam President, I can also speak on behalf of Senator CHAFEE, that the minority manager also agrees with the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 1413) was agreed to.

Mr. MURKOWSKI. Madam President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Madam President, I have another amendment which I believe has been cleared.

AMENDMENT NO. 1414 TO AMENDMENT NO. 1293

Mr. MURKOWSKI. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 1414 to amendment No. 1293.

Mr. MURKOWSKI. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 402(p), on page 391, line 8, insert between "unit" and "that" the words "in any State".

Mr. MURKOWSKI. Madam President, the definitions section and purposes section of the acid rain title of this bill make it clear that this title applies only to the 48 contiguous States and the District of Columbia.

However, a literal reading of the operative section of the title, sections 403 and 405, would seem to include units in Alaska and Hawaii within the purview of those sections.

The bill defines "State" as one of the 48 contiguous States and the District of Columbia. My amendment incorporates this definition into the definition of "utility unit."

It therefore makes clear that units in Alaska and Hawaii are not subject to these provisions.

I understand that this amendment is acceptable to the bill managers, and, so, I would urge its immediate adoption.

Mr. BAUCUS. Madam President, the Senator is correct. It was never the intent to cover the States of Alaska or Hawaii in the acid rain portions of the bill. This amendment makes that intention more clear. We accept the amendment.

I also make that same representation on behalf of the minority manager.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, all time is yielded back.

The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 1414) was agreed to.

Mr. MURKOWSKI. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Madam President, I thank my colleague and I thank my staff.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1415 TO AMENDMENT NO. 1293

(Purpose: To amend the Clean Air Act relating to air pollutant research and monitoring)

Mr. REID. Madam President, I am joined by Senator SIMPSON in sponsoring this amendment. However, before sending it to the desk, I would like to add that senior Senator from Louisiana has expressed an objection to this amendment on jurisdictional grounds, similar to the last amendment that was adopted by this body.

Having gained clearance from both sides, I still withheld offering the amendment out of deference to my colleague, the senior Senator from Louisiana, so that I might understand, personally, his specific reservations in an effort to accommodate his concerns, if at all possible. I did this under the framework and in the spirit of compromise established on this clean air bill by the majority leader and the minority leader.

Inasmuch as the primary point of contention deals with utilization of a DOE facility by EPA, there already exists a memorandum of understanding between these organizations, between the Environmental Protection Agency and the Department of Energy, for access to the specific facility in question, and no alternative language appears to be acceptable, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. SIMPSON, proposes an amendment No. 1415 to amendnent No. 1293.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, insert the following:

SEC. . RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES.

Section 103 of the Clean Air Act is amended—

(1) by amending subsection (c) to read as follows:

"(c) In carrying out subsection (a), the Administrator shall conduct a program of research, testing, and development of methods for sampling, measurement, monitoring, analysis, and modeling of air pollutants. Such program shall include the following elements:

"(1) Consideration of individual, as well as complex mixtures of air pollutants and their chemical transformations in the atmosphere.

"(2) Development of improved monitoring and modeling techniques to increase understanding of the sources of ozone precursors, ozone formation, ozone transport, regional ozone trends, and physicochemical interactions of ozone with other pollutants. Emphasis shall be placed on those techniques which—

"(A) improve the ability to inventory emissions of volatile organic compounds contributing to urban air pollution, including anthropogenic and natural sources; and

"(B) improve the ability to identify and evaluate region-specific prevention and control options for ozone pollution.

"(3) Efforts to ensure the comparability of air quality data collected in different States and in different nations.

"(4) Periodic reports to the Congress which evaluate and assess the effectiveness of air pollution control regulations and programs using monitoring data collected pursuant to this subsection.";

(2) by amending subsection (d) to read as follows:

"(d)(1) The Administrator shall conduct a research program on the short- and long-term effects of air pollutants, including wood smoke, on human health. In conducting such research program the Administrator—

"(A) shall conduct studies, including epidemiological, clinical, and laboratory studies, as necessary to identify and evaluate effects of air pollutants on human health:

"(B) may utilize, on a reimbursable basis, the facilities of existing Federal scientific laboratories and research centers; and

"(C) shall consult with other appropriate Federal agencies to ensure that similar research being conducted in other agencies is coordinated and is not duplicative.

"(2) In conducting the research program under this subsection, the Administrator shall develop methods and techniques necessary to identify and assess the risks to human health from both routine and accidental exposures to individual air pollutants and combinations thereof.";

(3) by amending subsection (f) to read as follows:

"(f) In carrying out the provisions of subsection (a), the Administrator shall conduct a research program to improve the understanding of the causes, effects, and trends of natural resource damage from air pollutants. Such program shall include—

"(1) identification of regionally representative and critical ecosystems for research;

"(2) evaluation of risks to natural resources exposed to air pollutants, including characterization of the causes and effects of chronic and episodic exposures to air pollutants and determination of the reversibility of such effects;

"(3) development of improved atmospheric dispersion models and monitoring systems and networks for evaluating and quantifying exposure to and effects of multiple environmental stresses associated with air pollution;

"(4) evaluation of the effects of air pollution on water quality, including assessments of the short- and long-term ecological effects of acid rain and other atmospherically derived pollutants on surface water (including wetlands and estuaries) and ground water;

"(5) evaluation of the effects of air pollution, including acid rain, on forests, biological diversity, soils, materials, crops, and other terrestrial systems exposed to air pollutants; and

"(6) estimation of the ecological damages and their associated costs which have occurred as a result of exposure to air pollutants."; and

(4) by inserting at the end thereof the following new subsections:

"(g) Not later than 120 days after the date of the enactment of this subsection, the Secretary of Energy shall report to Congress on plans and procedures for entering into contracts and cooperative agreements with other Federal agencies, and private, public, and academic research organizations for use of the Liquefied Gaseous Fuels Spill Test Facility.

"(h)(1)(A) Not later than 180 days after the date of enactment of this subsection the Secretary of Energy shall establish and operate an air toxics emissions program to conduct research, development and technology demonstration activities in cooperation with the Liquefied Gaseous Fuels, Spill Test Facility in accordance with the provisions of this subsection.

"(B) Not later than 120 days after the date of enactment of this subsection the Secretary of Energy shall prepare and submit a report to the Congress on plans and deadlines to be implemented in carrying out the program described in paragraph (1)(A).

"(2) The research, development, and technology demonstration activities described in paragraph (1)(A) shall include—

"(A) developing and implementing improved procedures to predict behavior of dense gases including the transport and fate of such emissions;

"(B) developing new and improved analytical monitoring methods;

"(C) investigating and evaluating response methods to control toxic air emissions-related emergencies;

"(D) researching and evaluating monitoring techniques to improve knowledge of threats to human health and the environment with emphasis on cross-media effects of such emissions;

"(E) testing, development and demonstration of alternative or innovative technologies which may be utilized to control, abate, or minimize air toxic emissions.

"(3) In carrying out the provisions of this subsection, the Secretary of Energy, in consultation with the Administrator of Environmental Protection Agency, shall select at least two chemicals listed in section 112(b) of the Clean Air Act for research, development and technology demonstration activities pursuant to this subsection. The Secretary of Energy shall select two such chemicals annually for such activities. In selecting such chemicals, priority shall be placed on chemicals the Secretary of Energy determines pose the greatest threat to human health and the environment.

"(4) The Secretary of Energy shall make available to interested persons (including other Federal agencies and businesses) the use of the Liquefied Gaseous Fuels Spill Test Facility to conduct research and other activities in connection with the activities described in paragraph (2).

"(5)(A) In carrying out the provisions of this subsection, the Secretary of Energy is authorized to enter into contracts and cooperative agreements with, and make grants to, nonprofit entities affiliated with the University of Nevada and the University of Wyoming.

"(B) The agreement described in subparagraph (A) shall provide that such nonprofit entities—

"(i) may provide basic technical and management personnel; and

"(ii) shall provide permanent research institutes.

"(6) The research institutes described in paragraph (5) shall be authorized to make grants, accept contributions and enter into agreements with other entities to carry out the provisions of this subsection.

"(7) There are authorized to be appropriated to the Department of Energy $3,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year thereafter to carry out the provisions of paragraph (5). Such amounts shall remain available until expended.".

On page 512, line 17, strike "$90,000,000" and insert "$120,000,000".

Mr. REID. Madam President, as I stated earlier, this amendment has been cleared both by the minority and the majority. The amendment that I offer closes the loop in our efforts to ensure timely compliance with the provisions of the bill before us.

Madam President, I think it is important to recognize that there are a multitude of reasons for ensuring that appropriate research activities are undertaken, not just superficial research, but in depth research. I just completed a daylong hearing dealing with lawn chemicals; one issue that was pursued was whether or not EPA has the authority to take action with regard to the false advertising of such chemicals.

Significant testimony was offered by nearly 20 witnesses today; some raised concerns about how Congress had not done its job; that is, the Environmental Protection Agency is without authority to take action even if it wanted to do so.

All too often, as I have found in the Environment and Public Works' Subcommittee I chair, Congress requires that regulations be promulgated, but fails to provide for acquiring the necessary information and insight to act effectively. This amendment deals with research, testing and development activities which improve the state of the science of methods for sampling, measurement, monitoring, and modeling of air pollutants.

In addition, this amendment will ensure that probabilistic risk assessment methodologies are developed to assist in our understanding of potential consequences to human health, natural resources and ecosystems. Those activities of particular emphasis include efforts associated with the control of toxic air emissions.

Madam President, whether in Texas, North Carolina, Louisiana, Nevada or Wyoming, toxic air emissions are released in great quantities and are the result of activities at numerous and varied sources. The health threats posed by routine, controlled emissions or sudden, uncontrolled, accidental releases must be assessed and understood.

Each of us has heard about the problems and consequences of toxic air emissions. In the State of Nevada, a severe fire and catastrophic explosion occurred at an industrial complex near Henderson in 1988. We all saw pictures of this violent explosion on national television and newspaper reports for several days thereafter.

This catastrophe caused tens of millions of dollars of damage to public and private property. Two people were killed and numerous people injured.

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The toxic material released into the atmosphere from the fire and explosion threatened the lives and, certainly, the livelihoods of thousands of residents of southern Nevada.

The toxic chemical cloud which could be seen floating over southern Nevada remained consolidated for several hours and, because of its trajectory and speed, dispersed without any significant damage. But that was because of the uniqueness of the meteorological conditions that day. But alarm had been created for areas surrounding southern Nevada which included the metropolitan Las Vegas area.

This accident contained all of the elements of a manmade disaster of enormous proportions. We can still recall pictures of people running across the desert, stumbling and falling as explosions took place.

Madam President, upon reflection, we Nevadans consider ourselves fortunate. We consider ourselves fortunate that the loss of life was limited to only two individuals, because the potential was there to kill hundreds. The consequences of this event could have been much worse. And in other places they were much worse.

Just a few years before that, a devastating chemical plant accident resulted in over 3,500 deaths within hours. The latent effects of that catastrophe continue to remind us of the accident, as hundreds die annually from lingering accident-related illnesses.

Bhopal will be etched in our memories for life, and the explosion of the plant in Henderson, for those of us from Nevada, will remain etched in our minds for our lifetimes.

Madam President, incidents such as these two are not as rare as they should be and can be. According to the Environmental Protection Agency, thousands of spills that pose air toxic threats to the public and their communities have occurred over the past several years.

As a nation, we rely on the convenience of chemicals and are not in a position to abandon the contributions that the industry has made to improve our quality of life, in most instances.

We need to be more sensitive to the use of chemicals in our everyday experiences. We may take too much for granted. Because of the jurisdictional subcommittee that I chair, I am concerned that we may overplay the contributions of these chemicals. Perhaps we should be more concerned about chemicals.

Testifying before the committee today was an 11-year-old boy who has been poisoned by lawn chemicals; he cannot lead a normal life. He is a brilliant young man from Illinois who, in the summer months, has to leave his home and some of his family to avoid those areas where lawn chemicals are sprayed.

We listened to a nurse today, who has been poisoned by chemicals; her life has been disrupted.

We listened to the brother of a young man who died as a result of exposure to chemicals. The very, very painful death his brother could hardly be described in words.

So, while we accentuate the positive contributions of chemicals in our lives, we need greater assurances regarding the safe use of chemical products. There must be more attention given to chemicals in the workplace, chemicals around our houses, and chemicals around the schools our children attend. This convenience comes with a price. Mishaps in the use of these chemicals can turn a convenience into a nightmare.

We know from Superfund inventories that this approximately 2.5 billion tons of toxics are released each year; this means that 1,000 pounds of toxic materials are released for every man, woman and child in the Nation on an annual basis.

We need to do more than just report on the situation. We must be able to develop better monitoring and control capabilities. This can only happen through research and innovation on the part of industry, and aggressive research by the Federal Government that utilizes our existing research facilities, effectively.

The amendment that I propose recognizes the existence of the facility expressly designed and especially suited for ambient environmental research on dense, nonambient gases. The liquified gaseous fuels spill test facility offers researchers the opportunity to develop important data and technologies to ensure timely and proper control of toxic air emissions.

The spill test facility is the premier laboratory environment to conduct research on dense gases. There already exists a memorandum of understanding for its use by the Environmental Protection Agency and the Department of Transportation in cooperation with its operator, the Department of Energy.

Madam President, I ask unanimous consent that a copy of this memorandum of understanding between the Environmental Protection Agency and Department of Energy be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF UNDERSTANDING AMONG THE U.S. DEPARTMENT OF ENERGY (DOE), THE U.S. DEPARTMENT OF TRANSPORTATION (DOT), AND THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

A. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to provide a basis for establishing a long-range plan for collaborative research at the Liquefied Gaseous Fuels Spill Test Facility (LGFSTF) located at the Nevada Test Site which assures coordination by the Department of Energy with the Department of Transportation and the Environmental Protection Agency.

B. BACKGROUND

Section 118(n) of Public Law 99-499, headed "Spill Control Technology," directs the Secretary of Energy (1) to establish a test program at the LGFSTF to evaluate technologies responsive to spill releases of hazardous materials; (2) to conduct a technology transfer program; and (3) to arrange for the use of the LGFSTF in carrying out the provisions of the subsection. In the House Energy and Water Development Report which accompanies the FY 1987 Continuing Appropriations Act, the Committee directs the DOE to develop an MOU with the DOT and the EPA establishing a long-range plan for collaborative research at the LGFSTF. For purposes of this MOU, spills refer to the sudden unexpected release of chemical substances or mixtures in a gaseous, liquid, solid or mixed phase state.

C. SCOPE OF WORK

The work to be performed under this MOU will allow the DOE/DOT/EPA in coordination with the private sector and other agencies to develop, structure and prioritize the establishment of a generic, national research and development (R&D) program germane to heavier than air gas dispersion, hazardous substance releases and related mitigating technoloies.

D. FORMS OF COLLABORATION

Collaboration in accordance with this MOU may include, but is not limited to the following:

Planning, coordinating, and conducting research and development programs and test protocols leading to testing and evaluation of technologies at the LGFSTF, technology transfer, monitoring, complex terrain phenomena and atmospheric transformation, generic mitigation and action plans and such other forms of cooperation as may be agreed in writing by the parties.

E. AGENCY CONSULTATION AND COORDINATION

DOE will consult with DOE and EPA in planning for research at the LGFSTF. Such consultation shall occur at least on a semiannual basis.

DOE will coordinate with DOE and EPA on projects to be conducted at the LGFSTF which, based on consultations under paragraph (1), are of mutual interest to the agencies.

DOT and EPA, in carrying out their responsibilities regarding liquefied gaseous fuels and other hazardous substances under controlling statutes, will coordinate their research specifically related to the LGFSTF with DOE to assure the most efficient and productive use of available resources.

DOE, DOT and EPA will coordinate with the private sector and other Federal agencies, as appropriate, in fulfilling each agency's responsibilities under this MOU.

F. JOINT PROJECT AGREEMENTS

Specific efforts will be defined by joint project agreements, which will describe the schedule, the responsibilities of each party, and information and report dissemination.

G. FUNDING

The details of the levels of support of particular projects wil be developed by the individual agencies and if there is a transfer of funds between agencies this will be carried out through specific interagency agreements.

H. PUBLIC INFORMATION COORDINATION

Subject to the Freedom of Information Act (5 U.S.C. 552), decisions on disclosure of information to the public regarding projects and programs implemented under this MOU will be made following consultation between DOE, DOT, and EPA representatives.

I. PATENTS, TECHNICAL DATA, AND FINANCIAL POLICY

It is the policy of DOE, DOT and EPA to make the results of the research and development work contemplated by this MOU available to the public consistent with applicable security and other regulations. Because DOE has a specific statutory patent policy directing how this should be accomplished, DOE patent policy normally shall apply to interagency agreements executed between DOE, DOT and the EPA. DOE's technical data policy normally will be followed in view of its close relationship to DOE's patent policy, unless otherwise specified in interagency agreements for specific projects. DOE's financial policy normally will be followed in view of differences in financial restrictions placed on agencies, such as those between civilian and military agencies, unless otherwise specified in interagency agreements for specific projects.

J. TERMS OF AGREEMENT

This MOU will take effect upon signing by authorized officials of the DOE, DOT, and EPA, and shall remain in effect, subject to biennial sunset review, unless terminated by any agency providing 30 days advance written notice. Proposals for an amendment may be made by the DOE, DOT or EPA at any time.

K. PROJECT OFFICERS

Dr. Albert G. Dietz, Manager, Liquefied Gaseous Fuels Spill Program, U.S. Department of Energy, Office of Fossil Energy, FE-10, Washington, DC 20545.

Mr. Donald J. Ehreth, Deputy Assistant Administrator for Research and Development, Environmental Protection Agency, Washington, DC 20460.

Dr. Douglas Chisholm, Research Unit Head, U.S. Department of Transportation, Office of Pipeline Safety, 400 Seventh Street, SW., Washington, DC 20590.

L. AUTHORITY

The Superfund Amendments and Reauthorization Act of 1986, Title I, Section 118 (Pub. Law 99-499); the Energy Reorganization Act of 1974, Section 103 (Pub. Law 93-438, as amended); and the Department of Energy Organization Act, Section 301 (Pub. Law 95-91), as amended).

Approved by:

For the EPA—Dr. Vaun Newill, Assistant Administrator for Research and Development, June 30, 1987.

For the DOE—J. Allen Wampler, Assistant Secretary, Fossil Energy, June 30, 1987.

For the DOT—M. Cynthia Douglass, The Administrator, Research and Special Programs Administration, June 22, 1987.

Mr. REID. As an aside, Madam President, I know of the heavy responsibility that the subcommittee, which the Senator from Maryland chairs, has in dealing with the Environmental Protection Agency. The subcommittee controls the purse strings of the Environmental Protection Agency.

That Agency has much to do and has very little resources with which to do it. I certainly commend and applaud the Senator from Maryland for the work the Senator has done in trying to ferret out those activities which are "most" essential because there are so many things on the list of essentials.

The Senator has a difficult job because she is dealing with, literally, the lives of the people in the country. The EPA deals in the regulation of the most hazardous substances that we have in the world. I again extend my gratitude to the Senator from Maryland for the diligence she and her staff have shown in this most difficult task.

Madam President, the research that I am contemplating with this amendment will provide a data inventory to better assess cross-media stresses to ecological systems, the environment, and human health. Also, the comparability of information gathered by a variety of organizations, State, Federal, and foreign, would be addressed.

Last, this amendment recognizes the importance of developing, testing and demonstrating innovative and alternative technologies in the process and at the plant itself.

Ultimately, Madam President, we must improve the opportunity for pollution prevention at the front end of the process. For now, we deal with control at the back end of the process; too often we require that regulations be promulgated, but fail to provide the necessary insight to industry or our own Government agencies to ensure that they can comply with the proposed emissions control objectives. Forcing technology is meaningful when innovations are within reach and control strategies can be proven to be effective.

Madam President, we must finally make headway in ensuring the public has healthful air to breathe. This amendment that we are talking about today is being considered in similar form on the other side of the Capitol. Congressman SCHEUER has spent a great deal of time crafting a similar research and development proposal on the House side. This is one element to ensure we make headway in the process to provide the public with healthful air to breathe. That is what this whole clean air bill is about. With regard to air toxics, the Environmental Protection Agency will promulgate regulations for nearly 200 hazardous chemicals listed under title III of this legislation. Increasing from the list of seven today, this represents a significant amount of work that EPA needs to undertake.

The PRESIDING OFFICER. Will the Senator withhold? the Presiding Officer wishes to advise the Senator we are under a time agreement. The Senator might not be aware of that. The Senator has used approximately 16 minutes. Maybe the Senator would like to pace himself in a way as to be able to finish.

Mr. REID. Madam President, I very much appreciate the admonition of the Chair. I am about to wrap this up; I will do so much more quickly.

With regard to air toxics, EPA will increase from 7 to 200 those hazardous chemicals they will undertake to examine. We need to ensure appropriate focus is given to deal with the research, testing and development activities which improve the state of the science of methods for sampling, measurement, monitoring and modeling of air pollutants and their impact on human health, the environment, and ecosystems. This amendment will do just that.

Madam President, I yield the floor. Unless the Senator from Montana has a statement, I suggest the absence of a quorum.

Mr. BAUCUS. Madam President, I request the Senator withhold that request.

Mr. REID. The Senator withholds.

Mr. BAUCUS. Madam President, the amendment before us is an amendment offered by a very talented and able member of the committee. I am advised, however, as the Senator from Nevada has represented, that the Energy Committee has lodged an objection to this amendment on jurisdictional grounds. I am duty bound to inform the Energy Committee of this amendment. We have done so. I am now awaiting the arrival of the chairman of the Energy Committee to come speak on the amendment, if he so chooses.

I do not know whether the chairman of the Energy Committee, in fact, will oppose the amendment. That is a judgment that the chairman of that committee must make for himself.

I see no one who wishes to speak in opposition to the amendment, although the chairman of the committee may come to speak in opposition as the chairman of the Energy Committee. Because he is not yet here, I suggest the absence of a quorum.

Madam President, I withhold my request and yield to the Senator from North Carolina.

Mr. SANFORD. Madam President, I call up an amendment——

Mr. BAUCUS. I ask the Senator to withhold. We are now in the middle of another amendment. I inform the Senator we are now debating the amendment offered by the Senator from Nevada.

Mr. SANFORD. I thought the Senator had set that aside.

Mr BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. Who yields the Senator time?

Mr. BAUCUS. Madam President, I will yield 4 minutes to the Senator from Wyoming.

Mr. SIMPSON. I thank my friend from Montana.

I am very pleased to cosponsor and support this amendment. This amendment allows for air toxics research to be conducted at a very unique testing facility at Frenchman's Flat, NV by the Western Research Institute. That DOE facility is currently underutilized. It offers EPA the chance to work with other agencies to ensure a timely issuance of rules affecting our industrial base that will work for us under real life settings. An important aspect of this amendment, I think, too, is the return on the taxpayers' investment.

For several years we have provided millions of dollars to develop this laboratory to allow research on the environmental hazards associated with liquid or gaseous or chemical spills. This facility currently remains unused despite an array of diagnostic sensors, anemometer stations, extensive video monitoring and infrastructure to simulate fireballs, vapor cloud explosions, and routine toxic air emissions.

We are all aware of the need for this type of research. We remember the tragedy of Bhopal in India, the cyanide spill that claimed 3,500 lives—tank car explosions of chemicals and liquefied natural gas and, now, the knowledge that millions of pounds of toxic air emissions are released into the environment every year.

For the past several months we have heard about the hardships the air toxics legislation will impose on our industrial base. At the same time, we have heard testimony on the need to control toxic air emissions.

In response to the need for information on the toxic air emissions and the potential threat to human health and the environment, we will direct EPA to issue standards to control these emissions. We also provide authority to allow voluntary reductions to be considered as a means to substitute for costly maximum available control technology requirements. However, if we are going to ensure that such reductions do in fact take place, we will have to provide scientifically valid guidelines for monitoring activities.

This amendment provides for this by allowing an underutilized facility that is capable of full-scale demonstration of methods to conduct sampling and related monitoring research. This amendment also recognizes our responsibility to support development of innovative and alternative air toxics control technologies so that we remain internationally competitive. This amendment directs the use of an existing research facility for a new environmental activity. It will mean the timely entry into the marketplace——

Mr. JOHNSTON. Madam President, will the Senator yield?

Mr. SIMPSON. Yes.

Mr. JOHNSTON. I apologize for breaking in on his speech because he had a full head of steam.

Mr. SIMPSON. I have about 30 seconds left. That is why I was quite ahead.

Mr. JOHNSTON. I came in from a political event which, of course, I wanted to get back to if I did not have to participate in this debate. But do I understand that this amendment is now an authorization and does not require any grants or contracts?

Mr. REID. It is just an authorization.

Mr. JOHNSTON. I thank the Senator. I appreciate his letting me break in.

Mr. SIMPSON. Madam President, I have approximately 30 seconds left. That is why I was gathering that head of steam.

This is an allowance of an underutilized facility capable of full-scale demonstration, as we say. It is going to mean the timely entry into the marketplace of promising technologies to support compliance.

More important, this amendment will provide a vivid and realistic proving ground for innovative technologies, and it will help to remove concerns about their effectiveness.

So I would urge adoption of the amendment at this time. I commend the Senator from Nevada. It will provide a commitment to industry that we will do our part, and will do its part to provide the mechanisms that will ensure scientifically valid regulations are developed which industry can comply with in a very cost-effective manner.

I thank the Senator from Montana for yielding me sufficient time.

The PRESIDING OFFICER (Mr. DASCHLE). Who yields time?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have a brief question for the Senator from Nevada. Specifically, I would like to clarify some issues related to the Senator's amendment requiring research into the transport and fate of air toxics. As I understand this amendment, it requires the Department of Energy to establish a program within 120 days, including plans and deadlines, to conduct research at the liquefied gaseous fuels spill test facility at Frenchman Flats, is that correct?

Mr. REID. That is correct. Indeed, this amendment requires the plan to be submitted to Congress. We took this action because of grave concerns that the facility to date has been underutilized. It is our intention that the plan will avoid unnecessary delays in moving an important research program forward.

Mr. SIMPSON. As the Senator is aware, when Congress amended Superfund we included language directing the Department of Energy in consultation with the Department of Transportation and the Environmental Protection Agency to implement a research and development program to evaluate response technologies related to hazardous substance spills. This program was to be conducted at the Frenchman Flat site. We took this action because the site has the unique capability of providing a laboratory for full-scale experiments that mimic real-life situations.

Since passage of the Superfund Amendments and Reauthorization Act, environmental priorities have grown in number. Most specifically, we are moving to regulate toxic air emissions. Would the Senator clarify whether this amendment would affect the current mission of the Department's research related to hazardous substance research?

Mr. REID. The intent of this amendment is to build on the existing program the Department has at the site. We felt this necessary because of the uniqueness of this facility and its availability to conduct real-life research without affecting surrounding communities. For example, response methods to combat toxic emergencies are to be evaluated. This amendment would require the Department to develop and implement improved procedures to predict the behavior of toxic emissions. This includes developing necessary monitoring and related protocols to support rulemaking. The amendment also requires the Department to test, develop and demonstrate alternative and innovative technologies which may control, abate, or minimize air toxic emissions.

Mr. SIMPSON. Currently, the facility's hazardous waste research is supported by the fine talent of the University of Wyoming's Western Research Institute. I note that the amendment directs program management to be supported by nonprofit entities that would provide permanent research institutes. Would the Senator explain if it is his intent that this organization would meet the requirements of the amendment and should be included by DOE and EPA in any research activities.

Mr. REID. Without question this would be one of the research organizations that would be expected to provide necessary program management support. I would also add that the Desert Research Institute is another example of a research organization expected to support the Department's activities under this amendment.

Mr. SIMPSON. I thank the Senator for his clarifications.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Thank you, Mr. President.

Mr. President, a short while back, my good friend and colleague from Rhode Island was somewhat critical of the so-called Nickles-Heflin-Dole amendment due to the timetable and the amount of time it would take for enforcement.

The PRESIDING OFFICER. If the Senator will withhold, I apologize. The Senator from Montana is controlling the time. Does the Senator yield to the Senator from Oklahoma?

Mr. BAUCUS. Mr. President, I might inform the Senator from Oklahoma there is an amendment pending. It is the amendment offered by the Senator from Nevada. There is not a lot of time left on the amendment. It may be more orderly if we could dispose of this amendment in an appropriate fashion before proceeding to other subjects.

Mr. REID. If the Senator from Montana will yield, could I make inquiry as to the amount of time I have on this amendment?

The PRESIDING OFFICER. The Senator from Nevada has 15 minutes. The Senator from Montana has 9 minutes.

Mr. REID. I only had 14 minutes left 45 minutes ago. That is interesting.

Mr. BAUCUS. Mr. President, I frankly do not know why we cannot just vote on this amendment at this time. I do not know if there is any opposition to the amendment.

Mr. REID. I was waiting, as was the Senator from Montana, for the Senator from Louisiana. He has been on the floor and left. So I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 1415) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, a few moments ago, my good friend and colleague from Rhode Island was somewhat critical of the Nickles-Heflin-Dole amendment dealing with the timetable for enforcement. There were some statements made that I believe were factually incorrect, and I want to correct the record and also explain to my colleagues from Rhode Island and Montana how the enforcement timetable would work because, as I stated on the floor yesterday and the day before yesterday, our process was streamlined. It would be quicker than the Baucus-Chafee approach. I still believe that. The Justice Department believes it as well. I will not take a lot of time, but I want to explain it to my colleagues briefly, so maybe they will have a better understanding.

Mr. MITCHELL. Will the Senator yield?

Mr. NICKLES. Yes, I yield to the majority leader.

Mr. MITCHELL. I wish to make an announcement with respect to the schedule for the rest of the evening. I understand the Senator from Oklahoma wishes to engage in a colloquy with the Senator from Rhode Island on the subject matter of his amendment?

Mr. NICKLES. That is correct.

Mr. MITCHELL. Accordingly, Mr. President, I have checked with the managers on both sides, and I am advised that the only two matters that are before them or can be before them, or that have indicated will be before them this evening, are the colloquy with the Senator from Oklahoma, which will be merely a colloquy, not requiring any action, and an amendment by the Senator from North Carolina [Mr. SANFORD] which will be acceptable to the managers. No amendments, according to the managers, are ready to be offered that will require a vote. And, if that is the case—Mr. President, I withhold for a moment, because the distinguished manager may have additional information.

I am advised that there may be other amendments which are accepted that are being considered. But, as I understand it from the managers, there will not be an amendment that will require a rollcall vote.

I am trying to give Senators the benefit of the status that we are in. Mr. President, I am now advised that there may be contrary information. So I suggest the absence of a quorum, and I will have an announcement in just a few moments.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MITCHELL addressed the Chair.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quroum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. NICKLES. Mr. President, as I stated a moment ago, I think there has been some confusion or misunderstanding on what would happen and what the procedure would be under the so-called Nickles-Heflin-Dole amendment concerning enforcement. As a matter of fact, I believe I heard my good friend from Rhode Island mention that enforcement would be delayed and postponed indefinitely. That is totally not the case.

Mr. President, I heard our amendment was criticized and it was said that our administrative enforcement provisions provide multiple opportunities for delay, including de novo review of administrative decisions in district court. This is incorrect. Review of administrative orders under the Nickles amendment is on the record not de novo.

There is no requirement for the court to hear testimony or to take evidence. See my amendment on page 16 and 17.

Thus, under the Nickles amendment, the district court will use the same standard of review, and the same review procedure, that the court of appeals would use under the so-called Baucus-Chafee amendment.

Moreover, the use of the district court instead of the court of appeals to review these cases should result in faster resolutions of these cases and not delay for two reasons:

First, the district court decisions are made by just one judge, not three. The district courts are better equipped to deal with matters on an expedited basis. In contrast, it may take 1 or 2 years to dispose of some cases in the court of appeals.

Second, the district court unlike the court of appeals, is in a position to grant immediate injunctive relief and to enforce its orders if it upholds the EPA order. The court of appeals, in contrast, must remand the matter to EPA which must then bring a second action to enforce the order if the source does not comply.

Senator CHAFEE is wrong, in my opinion, in saying that the judicial review process provided for in my amendment would mean that a polluter will go for years without having to comply with the order, as the challenges work their way through the district court and the court of appeals.

Once the administrative law judge finds that the section 113(a) compliance order was valid, that order goes into effect. Section 167 orders, which deal with stopping construction, would go into effect immediately.

Once the agency's decision is final the order is then in effect unless the polluter persuades the court to issue a stay. The standards by which the courts would grant a stay are indentical under our bill and under the so-called Baucus-Chafee approach.

Finally we believe that if the source gets a fair, formal hearing at the agency level, plus the district court record review, they will be unlikely to seek additional review in the court of appeals.

So again, Mr. President, let me try and get my colleague's attention and make sure that he understands this process.

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If there is a disagreement between the source and EPA on the compliance order, or maybe it is on a 167 stop construction order, if there is a disagreement, say EPA regional office told the source you have a compliance order, and it means that you have to do such and such within 90 days, and that source may say wait a minute that is impossible, that is too expensive, that it is not realistic, then they have a disagreement. Under our procedure they would go before an administrative law judge. Under the Baucus-Chafee procedure they would go before an EPA staffer, in all likelihood an attorney working at some level in the EPA bureaucracy. Under either case, under the Baucus-Chafee or under Nickles-Heflin, regardless of whether it is an administrative law judge or whether it is before an EPA staffer, the order would be stayed through the hearing process.

If you are talking about a compliance order that order would be stayed during the compliance process. But once, and let me get my colleague's attention, that decision is made, let us say if we are talking about a section 113, if we are talking about a compliance order, once that decision is made, and again I want to repeat, once the decision is made on the record, it is not reviewed in the district court de novo under our bill. Before a source could get a final agency order overturned, that order goes into effect unless the court stays the order. In other words, that source would have to got to the court and say I disagree.

There are two different types of order. One is a compliance order. I will talk about compliance for the time being. If it is a compliance order, and the administrative law judge says, "I agree, you are polluting and you need to stop," that order goes into effect unless the district court stays the order. In other words, the burden is on the source to go to the district court and say wait a minute, EPA made a mistake, they are going to put me out of business, stay the order. If the district court does not agree, that order goes into effect under the Nickles amendment and under the Baucus-Chafee amendment. However, we have two different views on which court the source should appeal to. In Baucus-Chafee you are going to the appellate level. We are going to the district court level. At the district court level you argue before one judge. At the appellate court level you have to argue before three judges. The Justice Department said this would work better, this would be a more expedited approach.

Then let me give the Senator a little more information. If on the appellate side, if you go under the Baucus-Chafee approach and it is argued before the circuit court, and the circuit court wants to agree with EPA, you know they cannot issue that injunctive relief. They have to send it back to the district court.

The circuit court has no injunctive authority. It cannot command those sources to comply, so it would have to be remanded to the district court which does have injunctive authority. So again, this amendment by Senator HEFLIN and myself, and I compliment Senator HEFLIN, he has worked with us and the Justice Department at length on these sections, we have worked extensively with Justice Department trying to get something that would work. Our approach would streamline the process, that is what we have been saying.

The process under Baucus-Chafee is longer. There is nothing in our amendment that would allow the characterization that is made by my good friend from Rhode Island that a source would be able to go before the ALJ, and if he disagrees with the administrative law judge's decision, he could continue polluting the atmosphere for years and years while the appeal winds its way through the courts.

That is not the case. When the administrative law judge agrees with the EPA on a compliance order, then the source has to stop unless he can get the district court to agree with him, or unless he can get, under your approach, the circuit court to agree with him. Then the source has to stop, under the Baucus-Chafee approach or under the Nickles-Heflin approach and so the characterization that our approach will result in lengthy delays is totally wrong. In the district court you only have to argue it before one judge plus the fact that the district court has the authority to make the source comply with the order which the circuit court does not.

So, again, I just wanted to clarify the record because I think there were some mistakes, or maybe friends and colleagues did not understand this section of the Nickles-Heflin-Dole amendment. We did not discuss this very much during our debate over the last few days and I am happy to amplify it. I will be happy to amplify it further by submissions from the Justice Department or any other source.

But I want friends to have an understanding of how this process would work, particularly in light of the fact that I heard my good friend from Rhode Island saying this is probably his major objection to the Nickles amendment. Maybe after he has a clarification of what the Nickles amendment would do, I think he would agree with me that this is a better process. This is a process that will work better, both in the courts, and it will stop polluters if someone is polluting. If the administrative law judge agrees for the EPA staffer under the so-called Baucus-Chafee, they have to comply unless they can get a court to overturn that decision.

We even have language that says that decision would not be overturned unless there was not substantial evidence in the record, taken as a whole, to support finding of a violation.

So, again I think our language was well thought out. I think it is preferable to the Baucus-Chafee amendment, and I hope my colleagues, after they thoroughly review it and understand it, will agree.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I appreciate the description that the distinguished Senator from Oklahoma gave of his legislation. I would just like to make the following points: First, let us start with what the law is now. The law now is that if the EPA says a polluter is in violation the polluter has a right to go to the EPA and discuss it. And that ends it. The Administrator says I am not going to grant a stay, that is it. The polluter then better stop his actions, or if he proceeds he proceeds at his own risk. That is the way the law is now.

I am incorrect in that. Now he is not even entitled to the meeting with the EPA, the Administrator. Let me correct that if I might. Let me correct that. In the present situation, the Administrator says stop. The polluter has to stop. That ends it. I mean he cannot even ask for a hearing, a meeting with the Administrator. That is the existing law which we are operating under now.

Now we said that seems pretty rough. So our approach says the Administrator says stop, and before that order becomes final the polluter can come to an administrator and has a right to a public hearing prior to the order becoming final. Everybody agreed on that.

Mr. NICKLES. Will the Senator yield for a minute?

Mr. CHAFEE. I yield.

Mr. NICKLES. When the Senator says the Administrator, we get the implication we are talking about the Administrator of EPA. I think the Senator will acknowledge that under his amendment, the informal discussion he is talking about, it would not be before the Administrator of EPA, but before an EPA staffer. I use the characterization, bureaucrat.

Mr. CHAFEE. I try to avoid the use of the word bureaucrat.

Mr. NICKLES. I use the characterization, bureaucrat. The EPA staffer, EPA attorney in all likelihood.

Mr. CHAFEE. I think more likely before the regional administrator.

Mr. NICKLES. That is not called for in the Senator's amendment.

Mr. CHAFEE. All right. So therefore he comes in and has a hearing. Most likely I agree that would be before similar to an administrative law judge. After that the order becomes final. And there is no preferential review after that. There is some suggestion that you then go to the court of appeals. No; not under our provision. That ends it. You might say, wow, that is pretty tough. But that is not as tough as existing law. Furthermore, what is the objective? The objective is to end the pollution.

Mr. NICKLES. Will the Senator yield?

Mr. CHAFEE. If I could just finish the steps, under the Senator's proposal he allows an opportunity to seek a stay at three levels: the polluter is polluting, and the Administrator says stop. EPA says stop. And you say, no, I seek a stay of that order. So you then go in and you have the hearing before the administrative law judge. Yes; then you do not like that and you go to the Federal district court. You are absolutely right that it is not de novo there.

That it is not de novo there and I was wrong when I said it was. I stand corrected. And so then you go to the Federal district courts.

Now, somehow the impression is given that you just go to the Federal district courts. I do not know about the Federal district courts in Oklahoma. But the Federal district courts in probably every district in the United States are so jammed with drug cases and everything else. Indeed, as you know, Federal district judges—and you have read this, undoubtedly—have complained that they want these drug cases handled in some other fashion. They just cannot handle them. They are so crowded.

Mr. NICKLES. Will the Senator yield, because this is really critical? I would like to discuss with you as far as who is making the decision, whether it is administrative law judge or regional administrator. But the real key issue is that the compliance order goes into effect by the administrative law judge. If the administrative law judge agrees with EPA, it goes into effect unless the district court stays the order. So if it takes 2 or 3 years for the source to appeal to the district court then the administrative law judge's order is still in effect.

If the administrative law judge says you are not in compliance, we mandate you be in compliance, no matter what the source says, it must come into compliance unless he can get the court to stay the order.

So if there is a court backlog, it would be, to this Senator's view point, a detriment rather than an advantage to the source.

Incidentally, that is the same under the Senator's proposal as my proposal, the exception is you are talking about an appeal to the circuit courts and I am talking about an appeal to the district courts. A source has the right to appeal under the Senator's amendment—you mentioned administrator, but if the staffer, bureaucrat, administrator, whoever made that decision, said you are not in compliance and we mandate compliance by such and such and the source says, "Wait a minute, that is untenable, that is too costly," he can appeal it to the circuit court.

But the order goes into effect. The order goes into effect unless that circuit court stays the order. Under our bill, it is exactly the same. The order goes into effect by the administrative law judge unless the district court stays the order.

Mr. CHAFEE. I wonder if the Senator could point out where, under our language, it talks about going to the circuit court.

Mr. NICKLES. I will be happy to. I think it would be wise if we spent a lot more time reviewing your language.

Mr. CHAFEE. I am not trying to cause any difficulty here, but somehow the circuit court worked its way into this discussion. If you could point out to me on which line it talks about going to the circuit court, that would be helpful.

Mr. NICKLES. My staff will research that.

But let me just comment in this connection. Under the Baucus-Chafee approach, I think I heard you mention a minute ago, a source does not have the right for an appeal to the circuit court. We believe it does and we will see if we cannot find it.

I believe in your language that it does allow a source to appeal an order from the decision made by the EPA staffer, bureaucrat, administrator, whatever, to go directly to the circuit court. Under ours, they would go to the district court.

But the real critical point was that earlier my friend and colleague implied that, well, the polluter would continue polluting until he had his case in court and if he did not like that one, he could go to the appellate level, and he would continue polluting for all these years. That is not the case.

The facts are very simple; the order by the administrative law judge would be in effect unless the court stayed the order. And so that polluter would have to stop. If the administrative law judge said, "I think EPA was right," the order that was made by EPA which mandated compliance goes into effect unless the court, district court or the circuit court——

Mr. CHAFEE. Or the law judge?

Mr. NICKLES. No. I said if the administrative law judge said, "We agreed with EPA, this order, this compliance order, has to take effect by such and such a date," then it takes effect, unless that order is stayed by the circuit court under the Senator's amendment, or under my amendment by the district court. And we will try and find where you reference the circuit court of appeals.

Mr. CHAFEE. The Senator from North Carolina has an amendment.

Mr. NICKLES. With my colleague's indulgence, I am basically finished with my presentation. I would like to work with the Senator. Obviously, there is a significant amount of confusion on the process that we developed with enforcement. I think there was an inaccurate analysis of our approach on enforcement when statements on the floor were made that a polluter could be in disagreement with an EPA order and could appeal it forever and would continue polluting. That is not the case.

The case under the Nickles-Heflin amendment, as with the Baucus-Chafee amendment, once that decision is made by the staffer or the bureaucrat under Baucus-Chafee, or administrative law judge under Nickles-Heflin, once that order is made, it is in effect. It is in effect unless it is stayed by the district court or under Baucus-Chafee, it is in in effect unless it is stayed by the circuit court.

Mr. CHAFEE. While the Senator is working on that, would he also do some research on his provision dealing with citizen suits? Two points: One, under his provision, where the citizen has carried the suit all the way, he provides the Federal Government can come in at the last moment and elbow aside the citizen and take over the case. That is the first point.

The second point is on the citizen suit, the citizen cannot collect for past damages. In other words, the citizen has to give notice, under the law—and we all agree with this—has to give notice to the polluter that he is giving suit and that gives the polluter 60 days to straighten out the situation.

Under my colleague's proposal he cannot go back and collect anything for past damage. He can only collect for future damage. I do not understand the rationale for that provision. What the polluter does, he says: "Oh, that is right. I will straighten it out." So he straightens it out. And since the citizen cannot collect for any past damages and the polluters stop, then there is no ground for a suit. He stops within the 60 days.

Then what happens? The polluter starts polluting again, let us say somebody upstream, upwind. Then again the citizen has to go through this rigamarole, 60 days' notice; within the 60 days give notice. And the polluter says: "Oh, dear, I am sorry." We go through this charade possibly for several times.

I just do not understand the rationale behind that, either of those two points.

Mr. NICKLES. I will be happy to explain that to my friend and colleague. I can ask him to explain a few of the provisions which he mentioned in the last couple of days which were not intended, on his approach. One, would be his provision that would require LAER, the lowest achievable emission rate, be applied to any source in a nonattainment area which is much more expensive than that agreed to by the leadership agreement, and so on.

Let me make a couple of comments on the Attorney General being able to substitute himself in for the citizen suits because the citizen suit provisions are basically where the citizen is standing in for the Government. The law, as the Senator I am sure is well aware, is that all the damages or all the financial penalty from these suits—the money all goes to the Federal Treasury. That is part of the law right now. It is not going to individual groups. It goes to the U.S. Treasury. So the Attorney General does have the right to step in. It is his job to carry out enforcement.

Citizen groups would have the right under our provision as well as the Senator's provision to initiate suits. But under our provision, yes, the Attorney General would have the authority to step in and substitute himself for the citizen. He would not necessarily exercise it, but he would have the authority to step in because the citizens are basically standing in for the Federal Government in the suit. I think that is logical.

My colleague says wait a minute, the citizens are standing in. Maybe the Attorney General would like to take it over. Maybe he would like to have the case pursued in a particular way. Maybe he wants to settle and another group does not. There are a lot of different ramifications. But the citizen in these cases is actually standing in for the Federal Government. It is logical that the Federal Government may say, "Wait a minute, you are doing our work. We want to do it, we want to make these decisions from this point on. Maybe we want to settle. Maybe we want to be more aggressive. Maybe the followup will be better."

It may be the Attorney General will say, "Wait a minute. There have been violations. We did not catch it. We did not have the time or maybe our enforcement people were not doing a good enough job." They were busy defending themselves because under Baucus-Chafee citizens are allowed to sue EPA for discretionary actions so they did not have time to be aggressive on enforcement. So maybe a citizen suit was there to stop a polluter.

He says, "Oh, there is a legitimate case here," and he says, "We will take over that case because the citizen is standing in for the Government." I think that is logical, it does make sense. And again keep in mind the money from these suits does not go to the individual bringing the suit; it goes to the Federal Treasury.

Mr. CHAFEE. It seems to be a very dirty trick to let someone carry the ball all the way through, whether it is a citizen or the National Resource Defense Fund, Wilderness Society, whatever it is—they pick up the ball, carry it all the way down the field, and then at the 5-yard line the Federal Government comes in and shrugs its massive shouders and says "I am taking over here."

You say all the penalties go to the Federal Government. Yes; that is true. Except it is quite possible for the judge to enter a consent decree in chambers, worked out with the polluter, in which he says to the polluter in accordance with the guidance, if you would, or background information obtained from the citizen group that says we want mitigation here, under the consent decree the polluter agrees to the mitigation. We are going to fix up this shambles we have created; we are going to fix up this area that has been so badly polluted and X hundred thousand dollars will go toward that.

If the Senator has the Federal Government in the driver's seat as the Senator's proposal permits, the citizen is squeezed out. He is no longer in the driver's seat. To me that seems an unfairness.

You have a Federal judge there. The Federal judge can turn down the citizens' request for some kind of consent decree providing for mitigation. But under the Senator's proposals the chances of that are greatly reduced, and I find it very difficult to understand.

Mr. NICKLES. Again, I did not come to the floor to debate the whole bill. I will be more than happy to do so. As a matter of fact, I would like to review again further provisions that are under the Baucus-Chafee approach.

My real purpose in coming to the floor was to correct some mistakes that were made earlier dealing with the idea that sources could continue to pollute even after the administrative law judge says you have to stop and come into compliance.

I wanted to make sure the Senator from Rhode Island—he said that was his major objection to Nickles-Heflin—I want to make sure he understood that if the administrative law judge said you have to be in compliance, that that goes into effect unless the district court stays that order. If that is the Senator's major objection, I wanted to clarify my amendments provisions.

I know my staff and I have tried. We made some accommodations with the Senator, trying to get him to agree to the amendment. I heard my good friend and colleague from Pennsylvania say he was disturbed because there are changes made between the amendment that was pending for weeks and the amendment that we introduced on Monday. The reason why we made those changes was not to confuse anybody. It was not even to get more votes. The reason we made the changes was to try to get the leadership to agree to the amendment, because I have known all along that permitting and enforcement is too complicated for most Senators to have the time to study the issue, to totally understand the issue.

This is an issue that should be worked out, frankly, by staff. We have not had the cooperation from the staff to make that happen. We have tried to clarify some of the factual misinterpretations of our amendment. That is the reason why I came to the floor on enforcement.

Our bill is a good enforcement vehicle. It is one that is strongly supported by EPA, one strongly supported by the Department of Justice. They are not interested in allowing polluters to continue polluting and allow somebody to say, "Well, I am going to go to the administrative law judge and if I do not win there I am going to the district court and if I do not win this I will keep on polluting, and then go to circuit court; I will go to the Supreme Court."

That is not the case. That is just not the case and I wanted to make sure my colleagues understood that because this is a good amendment and it needs to be understood. Maybe, once it is totally understood, we can come to an agreement and the managers will adopt the amendment and we will not have to have another contested vote. If not, we will continue working, trying to educate Members. I think, again, once Members are educated they will be supportive.

I doubt that people are really interested in seeing American jobs going to Mexico and Canada and offshore because we have a permit system and a enforcement system that do not work.

I do not want that to happen and I venture to say the Senator from Montana and the Senator from Rhode Island do not want that to happen, either.

So, again, this is a streamlined process, a well-thought-out process. I think there is no question it is more streamlined, and enforcement is just as quick, if not quicker, under our proposal as it is under the so-called Baucus-Chafee.

The enforcement is real. If the administrative law judge says a source needs to be in compliance, they have to be in compliance unless they can get a district court to stay that order. If it takes 2 years for the district court, well, they have to be in compliance for those 2 years until they get their case heard in district court.

So we have a good proposal and one I think certainly makes giant steps toward protecting the environment. I heard it characterized in an incorrect fashion and that is the reason why I came. I will be happy to debate the entire amendment again if the Senator desires. That was not my intention coming to the floor. I just wanted to correct some of the inaccurate statements that were made earlier. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. SANFORD. Mr. President, I ask unanimous consent that the pending amendments be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1416 TO AMENDMENT NO. 1293

(Purpose: To protect the interest of minority owners of affected units under title IV with respect to allowances)

Mr. SANFORD. Mr. President, I call up my amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. Sanford] for himself, Mr. Durenberger, Mr. Adams, Mr. Gorton, Mr. Kohl, Mr. Bumpers, Mr. Pryor, Mr. Lieberman, Mr. Dodd, Mr. Roth, Mr. Heflin, and Mr. Boren, proposes an amendment numbered 1416 to amendment No. 1293.

Mr. SANFORD. Mr. President, I ask unanimous consent that reading of the amendment be dispended with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 392, line 4, add the following new definition: "(s) The term 'designated representative' means a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of an compliance with permits, permit applications, and compliance plans for the unit."

On page 392, line 4, add the following new definition: "(t) The term "life-of-the-unit, firm power contractual arrangement" means a contractual arrangement under which a utility receives a specified amount or percentage of capacity and associated energy generated by a specified generating unit (or units) and pays its proportional amount of such unit's total costs, for the life of the unit."

On page 392, line 9, strike the words "to the owner or operator of the affected units at an affected source" and substitute" for the unit, to be held or distributed by the designated representative of the owner or operator of each affected unit at an affected source in accordance with this title,".

On page 393, line 22, insert the words "a designated representative of" before the words "an owner or operator".

On page 394, line 14, insert the words "a designated representative of" before the words "the owner or operator".

On page 394, line 23, strike the words "the applicant" and insert the words "in accordance with the approved application".

On page 396, line 20, insert the words "designated representatives of the" before the words "owners or operators".

On page 397, line 23, insert the words "designated representatives of" before the words "the owners or operators".

On page 399, line 21, insert the words "designated representative of" before the words "owner or operator".

On page 399, line 22, strike the words "equal to" and insert the words "for no less than".

On page 400, line 6, insert the words "designated representative of the" before the words "owner or operator".

On page 429, line 5, delete the heading and insert the following before the words "Each permit":

"(b) Permit Applications and Compliance Plans Generally.—

Permit applicants required by this section shall be submitted by the designated representative of the owner or operator of the unit, shall identify each person on whose behalf allowances will be received, and shall specify the nature and extent of the interest of each person."

On page 429, line 6, insert the words "submitted by the designated representative of the owner or operator and shall be" before the words "accompanied by".

On page 430, line 5, insert the words "the designated representative of" before the words "the owner or operator".

On page 430, line 14, insert the words "the designated representatives of" before the words "the owners or operators".

On page 430, line 16, strike the words "they notify" and insert after "the Administrator" on line 17 the words "is given prior notification".

On page 432, line 14, insert the words "designated representative of the" before the words "owner or operator".

On page 433, line 9, insert the words "designated representative of the" before the words "owner or operator".

On page 433, line 18, insert the words "designated representative of the" before the words "owner or" and substitute the word "operator" for the word "operators".

On page 434, line 6, insert the words "designated representative of the" before the words "owner or operator".

On page 434, line 19, insert the words "and its designated representative" before the words "(1) to fail to submit".

On page 435, between lines 2 and 3, add the following:

(h) Multiple Owners.—No permit under this section shall be issued to an affected unit until the designated representative of the owner or operator has filed a certification concerning the holding and distribution of allowances. Where there are multiple holders of a legal or equitable title to or a leasehold interest in such a unit, or where a utility purchases power from an affected until under life-of-the-unit, firm power contractual arrangements, the certification shall (1) state that allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual share or, (2) if such multiple holders have expressly provided for a different distribution of allowances by contract, state that allowances will be deemed to be held or distributed in accordance with the contract. A passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit shall not be deemed to be a holder of a legal, equitable, leasehold, or contractual interest for the purpose of holding or distributing allowances as provided in this subsection, unless expressly provided for in the leasehold agreement. Except as otherwise provided in this subsection, where all legal or equitable title to or interest in an affected unit is held by a single person, the certification shall state that all allowances received by the unit are deemed to be held for that person."

Mr. SANFORD. Mr. President, this amendment is offered by myself, Senators Durenberger, Adams, Gorton, Kohl, Bumpers, Pryor, Lieberman, Dodd, Roth, Heflin, and Boren to clarify certain matters relative to multiple ownership.

In effect, it clarifies the bill that is before us. It addresses the question of sulfur oxide allowances in a straightforward, commonsense manner in a situation where multiple parties have legal interests in a unit, including multiple ownership and leaseback agreements. It has to do with allowances as such, but only in relation to those allowances at a given unit.

The amendment does not affect the number of allowances that EPA will allocate to any specific unit or specific State.

As my colleagues know, title IV contains very strong provisions to reduce the emissions of the sulfur and nitrogen oxides that are causing acid rain. The title also provides for the issuance of sulfur oxide allowances, which will be transferable between units. Since no unit will be allowed to emit sulfur oxide without holding the proper number of allowances, the allowance system will ensure that emission reductions occur as required, and that emissions do not increase once such reductions have been achieved.

The allowance system will also serve to greatly reduce compliance costs, since it will encourage those units who can reduce at the lowest costs to do so, and then profit by selling excess allowances to those for whom emission reductions would be more expensive. The allowance system proposal, I believe, has great merit, and may have applications with respect to future environmental legislation. This concept was included in the President's acid rain proposal, and those who developed and have worked hard to refine the concept deserve great praise. I would like to note that the Environmental Defense Fund deserves credit for bringing this concept to the acid rain debate and working to promote it. The allowance system clearly is an important component of the bill, and has helped us in moving clean air legislation forward.

However, there is one aspect of the allowance system which needs clarification. Put simply, what happens in a situation where an affected unit has more than one owner or has several parties with some type of legal interest? Joint ownership arrangements are common, as are more complicated arrangements including leaseback agreements and life-of-the-unit contracts.

Mr. President, the substitute before us does not provide a clear answer to

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the question just posed. Our amendment addresses this question in a straightforward, commonsense manner that will ensure that the existing relationship between the various parties with legal interests in an affected unit are preserved.

Mr. President, it is our contention that when allowances are issued to a unit with multiple owners, the various parties should each have a claim to control of a percentage of such allowances that is proportional to their respective share of ownership. This is a straightforward proposition that may seem obvious, but is nonetheless very important to those with minority interests in affected units.

Let me give a brief example of the type of situation which we want to make sure does not happen after passage of this bill. Let us assume that we have a plant with two owners, one with a 70-percent share and one with a 30-percent share. Let us further assume that the minority owner is a competitor with the majority owner in some area, and that the minority owner is in great need of additional allowances for use elsewhere.

As long as allowances issued to the plant in question are fully utilized by that plant, we do not have any problem. However, should there ever be excess allowances associated with that plant, we want to make sure that the majority owner could not gain a competitive advantage by deliberately holding the excess allowances or selling them elsewhere—knowing full well that allowances were desperately needed by the minority owner. Under the terms of our amendment, the minority owner in our example would at least have a claim to 30 percent of the excess allowances and would be able to use them elsewhere in their system.

So, Mr. President, the amendment is simply designed to protect the rights of minority owners or holders of other legal interests in a unit, without impinging on the rights of majority owners. It is intended to eliminate the potential, however remote, for allowances to be used against a minority owner or interest holder in an anticompetitive manner.

The amendment is not intended to put any additional burden on the Environmental Protection Agency. In fact, the amendment clarifies that allowances are to be associated directly with affected units, rather than with owners or operators of such units, and provides that EPA should issue the proper number of allowances to a designated representative of each affected unit. EPA does not want to have to go through a lengthy process of allocating allowances to a variety of owners or interest holders with respect to each unit, and that is proper. Our amendment would simply require EPA to issue allowances for a unit to a single designated representative, without worrying about how to treat additional interest holders.

However, once allowances are issued to that designated representative—who is also responsible for the submission of a permit application and compliance plan for the unit—our amendment establishes an affirmative responsibility for the designated representative to hold and distribute the allowances on behalf of interest holders in proportion to each holder's legal, equitable, or contractual share of the unit, unless the parties agree otherwise by contract. The designated representative must certify to the Administrator that allowances will be held for or distributed to interest holders in the appropriate manner as a condition of receiving an operating permit for the unit.

We do not expect EPA to be burdened with the responsibility of using scarce resources to rigorously examine the relationship between the various parties whenever there are multiple interest holders in a unit. Therefore, should there be a disagreement among the parties as to the proper holding and distribution of allowances, such a dispute would have to be resolved by the parties in accordance with the requirements of the amendment or the unit's operating permit would be in legal jeopardy.

The reference in the amendment to the holding and use of allowances by the designated representative in proportion to contractual share is intended only to apply to units operating under life-of-the-unit, firm power contractual arrangements with one or more utilities. This provision is intended to address a situation which I understand is presently unique to the State of Connecticut; the provision has been contributed by Senators **Lieberman** and **Dodd**.

The amendment further provides that, in a leaseback situation, a passive lessor whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit is not deemed to be a holder of a legal, equitable, or contractual interest in the unit for the purposes of the holding of distribution of allowances by the designated representative, unless expressly provided otherwise in the leasehold agreement. This provision was contributed by Senators **Bumpers** and **Pryor**.

Finally, I would like to make clear that this amendment will not affect EPA's enforcement authority established under this act or any other provision of law against the owner or operator of any affected unit.

Mr. President, the amendment is supported by the National Rural Electric Cooperative Association; the American Public Power Association; the North Carolina Rural Electric Cooperative Association; and Electricities of North Carolina. I have letters of support from these organizations and I ask unanimous consent that these be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

American Public
Power Association
Washington, DC, March 22, 1990.
Hon. Terry Sanford,
U.S. Senate, Washington, DC.

Dear Senator Sanford: The American Public Power Association is very concerned that the rights of minority owners of affected units to receive their fair share of emission allowances be fully and adequately protected.

Under title IV of the pending amendment in the nature of a substitute to S. 1630, emission allowances for each affected unit would be allocated to the owner or operator of that unit. There is no problem when the affected unit is owned by a single entity. However, a substantial number of public power systems across the country hold minority ownership interests in affected units or participate in the financing, construction and operation of such units under life-of-unit contracts. While these units are operated by a single entity, the allocation of emission allowances only to the project operator ignores the rights of these minority owners and is clearly inequitable. And yet this result clearly could occur under the measure as it is currently drafted.

The amendment you have proposed addresses this problem. It would ensure that where there are multiple owners or life-of-unit contractual arrangements, the rights of those parties to their proportionate share of emission allowances will be protected. APPA strongly supports this amendment.

APPA thanks you for your leadership on this amendment.

Sincerely yours,

Alan H. Richardson,
Assistant Executive Director.

North Carolina Association of
Electric Cooperatives, Inc.,
Raleigh, NC, March 22, 1990.
Senator Terry Sanford,
Hart Senate Office Building, Washington, DC.

Dear Senator Sanford: We support and need desperately language in the Clean Air Bill that addresses our concerns on the treatment of minority and passive owners of electric generating plants. Our association represents over 585,000 North Carolina rural electric consumers that by virtue of being co-op members actually own a portion of a generating facility jointly with municipals and an investor owned utility.

Thank you for your efforts.

Sincerely,

James Lee Burney,
Director of Government Relations.

Electricities of North Carolina,
Inc.,
Raleigh, NC, March 22, 1990.
To: Hon. Terry Sanford, United States Senate.
From: James T. Bobo, General Manager.
Subject: Minority Owners Amendment to S. 1630.

On behalf of North Carolina's public power communities, I urge your support of the proposed amendment to Section 408 of

S. 1630 protecting the interests of minority owners in power plants.

Inclusion of this amendment is vital to the continued well-being of more than 50 cities and towns in our state who, through their participation in joint municipal power agencies, depend on minority ownership interests in several generating units for their power supply program. The absence of protection for minority owners could seriously threaten these programs which provide a supply of electricity to more than 600,000 North Carolina citizens.

Again, Sen. Sanford, we will be very grateful for any help you can give to assure this amendment is included in legislation approved by the Senate.

NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
Washington, DC, March 22, 1990.

Hon. TERRY SANFORD,
U.S. Senate, Washington, DC.

DEAR SENATOR SANFORD: The Administration's clean air legislation (S. 1630) did not address the questions of allowance ownership where the affected unit has at least one owner who is a non-operator and; where the unit is subject to a sale-leaseback transaction and the utility does not hold legal title to the unit. There are many rural electric cooperatives that fall into these categories. Your amendment ensures that the direct burdens and benefits of the acid deposition reduction program equitably fall upon entities that are the active participants in the generation of electricity.

We wholeheartedly support your amendment.

Sincerely,

BOB BERGLAND,
Executive Vice President.

Mr. SANFORD. Mr. President, I thank my colleagues who have cosponsored this amendment for their assistance in addressing this issue. I also thank the distinguished floor managers for their willingness to work with us on this matter. I urge support for this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the amendment offered by the Senator from North Carolina is a helpful, clarifying amendment. The amendment has no impact on allowance allocations.

I also wish to emphasize that the amendment has no legal effect on the compliance reliability aspects of the acid rain program. It, on the other hand, is a clarifying amendment which helps define the ways in which the allowance system would mesh with private-commercial relationships among multiple owners of powerplants.

Again, it does not affect the allowance allocations. It rather clarifies the private-commercial relationships among multiple owners of powerplants. I think it is helpful that we make that clarification.

I accept the amendment.

Mr. CHAFEE. Mr. President, likewise on this side, it is a system of making certain that all the owners of a utility, particularly those who are in some sort of a joint venture, will receive their proportionate share of the allowances.

We accept the amendment.

Mr. BUMPERS. Mr. President, I want to lend my strong support to the Sanford amendment, and am pleased that he has included language at my request to clarify that purely passive lessors of units are not entitled to allowances.

By way of background, Mr. President, several rural electric cooperatives across the country including Arkansas Electric Cooperative Corp., have engaged in sale and lease back transactions with respect to their units. Arkansas Electric Cooperative has engaged in such a transaction for its 35-percent share of the Independence No. 2 unit. Technically, AECC's share of the unit is owned by the finance company lessor, and AECC is the lessee.

The problem the bill creates is that, by issuing allowances to the owner or operator of units, there is reason to expect that these valuable allowances could in fact be issued to the finance company who is the passive owner of AECC's interest in the unit. This would be a rather absurd result, but the bill makes it possible. All of us have been laboring under the assumption that these valuable allowances will be available for use by utilities, and legislative language that might allow them into the hands of a purely passive finance company must be changed.

That's exactly what the Sanford amendment does, among other things. It provides that the permit applicant for the unit must certify, in cases of multiple ownership, that the allowances will be held, used or distributed among the coowners either in proportion to their legal, equitable or leasehold interest, or according to a contract among them that specifically allocates allowances. However, a purely passive lessor, whose rental payments are not based either directly or indirectly upon the revenues or income from the affected unit shall not be deemed to have a legal, equitable, leasehold or contractual interest in the unit for purposes of holding, using or distributing the unit's allowances.

Mr. President, although I believe this language is clear, as one of the drafters I wanted to state my understanding of it. A passive lessor would have no legal, equitable, leasehold or contractual interest in the unit for the purposes of holding, distributing or using allowances unless the leasehold agreement expressly—meaning by explicit reference to the holding distributing or using of allowances—provides that the lessor has such an interest. In other words, Mr. President, it should be clear from the language that no agreement language would be construed to grant such an interest unless it deals explicitly and by its terms with allowances holding, distributing or use.

Mr. President, these sale and leaseback transactions are carried out in a fairly standard way. The passive lessor's right to payments under the lease is virtually absolute. The lessor's right to receive rents is in no way related to revenues or income from the unit. In other words, the finance companies are passive in every sense of the word; in fact, they get their rentals even if the unit shuts down entirely.

The basis standard of the amendment—independence of rental payments from unit revenues and income—is the same standard used by the SEC to exempt financing lessors from utility status under the Public Utility Holding Company Act [PUHCA]. All outstanding financing leases of units should already meet this standard since the avoidance of PUHCA regulation is a high priority for the financial institutions that act as lessors or owner trustees. Both FERC and the Nuclear Regulatory Commission have also exempted such financing lessors from utility ownership. So the standard of our amendment is a tried and true one.

Most of these leases were negotiated years ago before anyone even thought of allowances, this new and valuable thing created by this bill. Allowances will be critical to utility operation and to the utility's ratepayers. It would be a travesty if because of some ambiguity in this legislation a passive finance company lessor owner could get its hands on the allowances and rob the ratepayers of their value.

As an example, Mr. President, let us assume that the bill is enacted without clarification. All of a sudden the finance company owner of 35 percent of the Independence No. 2 unit would have a claim to millions of dollars worth of allowances, a complete and utter windfall. Not only that, but AECC's ratepayers would be robbed. AECC would have to pay the finance company to get the allowances back.

Mr. President, many of us from clean States were willing to give the Mitchell-Dole compromise our support because it gave our units more operational flexibility and reduced their costs substantially. But we assumed that ratepayers would get the benefit of the allowances. Thirty-five percent of the Independence No. 2 allowances, at $1,500 a ton, will be worth a minimum of $7 million each and every year. Robbing Arkansas ratepayers of this $7 million would be a travesty.

The Sanford amendment can remedy this problem and ensure that the Mitchell-Dole compromise serves its intended purpose. For this reason, Mr. President, I urge the adoption of the Sanford amendment.

Mr. ROTH. Mr. President, I rise today in support of the amendment offered by my distinguished colleague, Senator SANFORD. He has worked hard to protect minority ownership provisions in powerplants that are affected by the acid rain title. In addition, I wish to thank my other colleagues, Senator DURENBERGER in particular, who have worked on this amendment, and the distinguished floor managers of this bill, Senators BAUCUS and CHAFEE, for their assistance, leadership, and guidance in this matter.

Mr. President, this amendment protects the interests of minority owners of powerplants that are affected by the acid rain title of the bill currently before us.

The legislation creates a complex system of marketable pollution control allowances that utilities could buy and sell. Those utilities that reduce their emissions more than required at their plants could sell their extra allowances to other utilities, or they could keep their allowances to meet requirements in a future year. This is a commendable goal and many people support it, because it allows utilities to pursue strategies which provide the greatest reductions at the lowest cost.

However, the bill does not prescribe who holds the emission reduction credits obtained when the unit subject to the reductions is owned by other power companies, including out of state utilities.

For example in my State, Delmarva Power & Light [DP&L] owns parts of two Pennsylvania powerplants, the Keystone and Conemaugh plants. These two are subject to the strict emission reductions requirements as prescribed by the bill. Other power companies also own part of these plants and like Delmarva, pay all expenses associated with the operation of these units in accordance with its respective ownership percentages.

Because the trading of allowances is a novel idea, and because we know there are going to be limits on future growth based on the allowances a utility owns, we must make sure that the allowances are distributed equitably, fairly, and properly. This amendment clarifies the status of the allowances that the minority owners of a plant hold. It allows for a plant to operate when the distribution of the allowances have been agreed upon by the owners prior to the issuance of a permit by the administrator. It is an equitable solution. It makes available valuable allowances for future growth in Delaware at a reasonable cost.

Mr. President, I ask the distinguished floor managers for a clarification at this time.

The bill assumes that the allowances will be freely traded because potentially they may have a great worth. Yet some people are still not convinced that once a utility creates enough of these allowances a market will be supported. It may be that State utility commissions, or the State itself may direct the utilities to retain such allowances to accommodate future growth. In light of the previous discussion does the Senator from Minnesota foresee any problems where a State or State's public utility commission would direct the utility to retain such allowances?

Mr. DURENBERGER. Mr. President, if I may, this issue was addressed during the environment committee's hearings on the bill by Mr. William Badger on behalf of the National Association of Regulatory Commissioners. He indicated in his testimony that such a scenario could present itself. The Senator's concerns are correct and I share them with my friend from Delaware. There is nothing in the bill that will prevent a State from doing that. Naturally we hope that States will not interfere in this process, and we do not believe that will happen. The intentions of this legislation are for the utility to buy and sell the allowances for long term energy and environmental benefits. The reason is the public utility commissions will want to minimize costs to ratepayers. If a utility can lower its compliance costs by relying on transferring or leasing allowances, a public utility commission will want to allow that in order to benefit ratepayers.

Mr. LIEBERMAN. Mr. President, I am pleased to rise in support of this excellent amendment sponsored by my esteemed colleague, Mr. SANFORD has provided energetic and effective leadership in addressing the concerns raised by multiple owners of utility units covered by the bill and has helped a dozen or more Senators whose constitutents will be protected by these provisions.

The aspect of the amendment that is of direct relevance to my constitutents defines those who have entered into "life-of-the-unit" contracts as among those who will share in the use and distribution of allowances under the legislation. The Connecticut Municipal Electric Energy Cooperative [CMEEC] is a participant in such contracts covering 33 powerplants owned by the Connecticut Light and Power Co. [CL&P].

These wholesale contracts impose on CMEEC the full responsibilites of joint owners, although they do not give CMEEC that name. The contracts provide CMEEC with capacity and energy for a term spanning the life of the 33 existing electric generating units. They are take-or-pay contracts, which means that CMEEC pays CL&P its pro rata share of all the costs associated with each unit, whether or not the unit runs. In short, the contracts are basically unit participation contracts, with a life term.

Because these contracts impose the full financial responsibilities of ownership on CEEC, it should also be entitled to one of the more important, new economic benefits to derive from its participation: the creation of allowances under this legislation. CMEEC, unlike a traditional wholesale customer, cannot opt to terminate its purchase. CMEEC pays its full share of all the measures needed to generate allowances, including operational and capital improvement costs for pollution control, as well as actual retirement and decommissioning costs.

The proposed revisions to the Clean Air Act were not contemplated when the life-of-unit service contracts were negotiated in 1981. These contracts are extremely expensive and difficult to modify. Therefore, this issue is best addressed legislatively at this time.

The amendment offered by my esteemed colleague from North Carolina would define life-of-unit contract holders in the same manner as multiple owners for the purpose of holding and distributing allowances and would require that the designated representative of such multiple owners hold and distribute allowances in proportion to their ownership share. This amendment will both protect the rights of my constitutents and ensure that the allowance system functions in an equitable and efficient fashion.

Mr. PRYOR. Mr. President, I am pleased that the Sanford amendment includes the language drafted by Senator BUMPERS and me to clarify that purely passive lessors of units are not entitled to allowances.

Mr. President, Arkansas Electric Cooperative Corp. is one of several rural electric cooperatives across the country that have engaged in sale and leaseback transactions with respect to their units. Technically, AECC's share of the Independence No. 2 unit is owned by the finance company lessor, and AECC is the lessee.

Because the bill says that allowances are to be issued to the owner or operator of the unit, these valuable allowances could in fact be issued to the finance company who is the passive owner of AECC's interest in the unit. That would come as a shock to many of us. All of us have been laboring under the assumption that these valuable allowances will be available for use by utilities for the benefit of their ratepayers.

The Sanford amendment corrects this problem, among other things. It provides that the designated representative of the allowances will be held, used or, distributed among the co-owners either in proportion to their legal, equitable, or leasehold interest, or according to a contract among them that specifically allocates allowances. However, a purely passive lessor, whose rental payments are not based either directly or indirectly upon the revenues or income from the affected unit shall not be deemed to have a legal, equitable, leasehold, or contractual interest in the unit for purposes of holding, using, or distributing the unit's allowances unless expressly provided for in the leasehold agreement.

Mr. President, although I believe this language is clear, as one of the drafters I wanted to state my understanding of it. A passive lessor would have legal, equitable, leasehold, or contractual interest in the unit for the purposes of holding, distributing, or using allowances unless the leasehold agreement expressly—meaning by explicit reference to the holding, distributing, or using of allowances—provides that the lessor has such an interest. In other words, Mr. President, it should be clear from the language that no agreement language would be construed to grant such an interest unless it deals explicitly and by its terms with allowances holding, distribution, or use.

Mr. President, I want to thank the Senator from North Carolina for helping us deal with this important issue. I urge the adoption of the Sanford amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If there be no further debate, the question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (No. 1416) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE UNIVERSITY OF CONNECTICUT MEN'S BASKETBALL TEAM

Mr. DODD. Mr. President, it is with a lingering sense of exhilaration that I rise today to speak of a team's climb from mediocrity to excellence in the space of a single season. I rise today to speak of challenges accepted and met, and of accomplishments earned through relentless hard work. I rise today to speak of amazing length-of-court passes completed and miracle turnaround jump shots made in the eternity of a single second, and of heartbreak as victory is snatched away in the blink of an eye and replaced with defeat. As a fan of the University of Connecticut's men's basketball team, and as one who has spent countless hours over the past several months in arenas in Hartford and Landover and New York City and East Rutherford following the team, I rise today to speak of the University of Connecticut's dream season.

No one would have predicted 6 months ago that UConn would climb to the heights it has this year. The University of Connecticut Huskies, after winning the National Invitation Tournament in 1988, had not done as well as expected the following season. Moreover, the team's star, Cliff Robinson, had graduated in the offseason. So, Mr. President, most of us who follow basketball were prepared to pay heed to a preseason coaches' poll prediction that the University of Connecticut would finish no higher than eighth in the nine-team Big East this year.

But this was a team that was willing to work hard to confound all the pundits and prognosticators. Last spring, summer, and fall, UConn players labored overtime in the gym, honing their technique, and holding meetings to develop the cohesiveness that is so important in any sport. When the season began, they pressed their opponents relentlessly on defense, hustling, trapping, and forcing turnovers. On offense, they took their time, working patiently for good shots. They played hard each game, from opening tip to final buzzer.

Mr. President, the hard work paid off. The University of Connecticut Huskies rose to meet each new challenge they faced, and they grew steadily in confidence as they discovered that they could play with the best of the Big East and win. Coach Jim Calhoun's squad made believers of people around the State and the country with a 10-game winning streak in January and February. By the time the University of Connecticut finished its regular season with a record of 25-5, it had captured a share of the Big East conference championship, and the imagination of an entire State.

Mr. President, people in Connecticut are not used to having a contender that we can truly call our own. We are a small State. Aside from our Hartford Whalers, we are used to exporting our allegiances to Boston or New York, to the Celtics, the Red Sox, the Patriots, the Mets, the Yankees, the Jets, the Giants, or the Knicks. But here at last was a group of gentlemen from our midst that was making good in a sport on a national level. Like a young person discovering a new love, we were dazzled, swept off our feet, into a dreamlike trance filled with a tingling sense of limitless possibility.

Mr. President, the more we watched, the more those possibilities were realized. As our University of Connecticut team journeyed to Madison Square Garden for the Big East tournament, we glued ourselves to our television screens or paid any price for tickets so that we could be there in person. We were not to be disappointed, as we witnessed our smaller UConn team win against Georgetown and its twin towers of Mourning and Motumbo. We were proud as we saw the Huskies claw their way back into the game against Derrick Coleman and an experienced Syracuse squad, after falling behind early. As the buzzer sounded in the Syracuse game, and anointed the University of Connecticut as tournament champions, we realized we were not dreaming; we were living a dream.

As UConn went to the NCAA tournament for the first time in 11 years, we expressed our faith in the Huskies in a variety of ways. School kids painted their faces blue and white, and as they shot baskets in their schoolyards, they pretended to be Tate George or Nadav Hennefeld or Chris Smith. UConn alums donned school sweats that they had not worn in years. And people all over Connecticut schemed to get tickets to the opening round games in Hartford. If they could not, they cleared their schedules so as not to miss a minute of the play-by-play.

On Thursday, after the miracle, after Tate George had caught a court-length fastball from major league pitching prospect Scott Burrell, and had spun and shot to put UConn into the NCAA East Region final, we reveled in the thrill of our team's victory. We gave each other high-fives, we called each other to share our giddy exultation. "Tate George for Governor" posters appeared up all over Hartford, and workaholic bankers and lawyers and insurance executives throughout Connecticut put aside their labors for most of Friday, to savor the sweet taste of victory.

Even last Saturday's heartbreaking loss to Duke could not extinguish the excitement that we still feel over UConn's season. It diminished neither the pride we feel in the Huskies' accomplishments these past several months, nor the great affection we feel for the team.

Mr. President, I am proud to stand here today, to salute Connecticut's own UConn Huskies. Head coach Jim Calhoun, his assistants—Howie Dickenman, Dave Leitao, Glen Miller, and Scott Wissel, and of course, the UConn players—Scott Burrell, Dan Cyrulik, Lyman DePriest, Tate George, John Gwynn, Nadav Hennefeld, Oliver Macklin, Steve Pikiell, Tim Pikiell, Rod Sellers, Chris Smith, Marte Smith, Marc Suhr, Toraino Walker, and Murray Williams—these gentlemen did Connecticut proud, and gave all of us in the Nutmeg State a real boost.

Mr. President, I am pleased to be joined on the floor by my distinguished colleague from Connecticut, who I know has remarks he would like to make on a similar subject.

I am proud to be associated with his comments about the University of Connecticut, as well.

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The PRESIDING OFFICER. The junior Senator from Connecticut.

(Mr. DODD assumed the chair.)

THE UNIVERSITY OF CONNECTICUT HUSKIES

Mr. LIEBERMAN. I thank my senior colleague. I am proud to, shall I say, join in this issue with him and enter into this colloquy on a substantial matter, at least to the people of the State of Connecticut.

It is difficult to follow my senior colleague on this occasion, listening to him deliver his remarks as he did just now. After his career in the Senate, many, many years hence, is over, some would say, what will Chris Dodd do? Now I know. He will be one of America's great sports commentators. I look forward to that day. Part Howard Cosell, part Red Barber, the eloquence of George Will. There is no end to what we can expect there. I had the pleasure of going through the season with many in Connecticut, and in particular with my senior colleague now in the Chair. He and I were together on the night of the University of Connecticut-Clemson game, and that great pass that he so eloquently described from Burrell to George with one-tenth of a second left, throwing the ball through the hoop.

I just want to say for the edification of my colleagues that there was such exuberance expressed by my senior colleague that I think it was greater even than he will express on the day when child care legislation passes the Senate. That is the measure of his happiness.

Mr. President, I would like to take a moment to honor some of Connecticut's finest athletes, who also happen to be among the finest athletes in the Nation: the University of Connecticut Husky basketball team.

Anyone who loves to cheer for an underdog has to have been heartened by the fabulous season that the Huskies enjoyed this year. On Sunday, March 10, the Huskies did what many believed impossible just a few months ago. With victories over Seton Hall, Georgetown and Syracuse—three of the most respected teams in the country—the University of Connecticut won its first Big East Basketball championship.

While that may have surprised a lot of basketball fans around the country, it was not a shock in Connecticut, where fans have known that the team was something special. As testimony to the level of fan support for the Huskies, 4,000 people came to watch a practice session as the team prepared for the NCAA playoffs. I can think of no time in recent Connecticut history when the citizens of our State pulled together and rooted for one team like they have for the Huskies. The UConn basketball team dominated virtually all conversation in the State; people gathered in living rooms, dormitories, bars and in front of TV displays in department stores to root the Huskies on, game after game.

I had the pleasure of watching the UConn game against Seton Hall last week with my colleague, Senator Chris Dodd, whose office organized a special viewing of the game in a Dirksen hearing room for our staffs. You would have to have been there to witness the joy and pride Senator Dodd and I felt at the dramatic conclusion of that game, when Scott Burrell tossed the ball in with pinpoint accuracy to Tate George, who, with one-tenth of one second left, made the shot that won the game.

Mr. President, the UConn Husky basketball team demonstrated the fact that underdogs can and do win. They showed guts, determination and a deep belief in their own abilities to get the job done. They didn't listen to polls or pundits; they didn't let the odds or the experts dissuade them from the task. They just played hard and won games.

It gives me great pleasure to be able to thank the team for a great season. They've given us a renewed sense of pride in our State, and they've helped make us feel young again. It's my pleasure to read their names into the Record of the U.S. Congress: Scott Burrell, Dan Cyrulik, Lyman DePriest, Tate George, John Gwynn, Nadav Henefeld, Oliver Macklin, Steve Pikiell, Tim Pikiell, Rod Sellers, Clint Simmons, Chris Smith, Marte Smith, Marc Suhr, Toraino Walker, and Murray Williams. And special congratulations goes out to Jim Calhoun, Big East Coach of the Year, and to his fabulous staff.

And, Mr. President, if anyone thought this year was a good year for UConn basketball, just wait.

I would add to the eloquence of my senior colleague from Connecticut the fact that sports in America, perhaps many places elsewhere in the world but certainly in America, is a great form of entertainment and recreation, identification, in some cases downright therapy. That is what happened in Connecticut this year with this basketball team. We did not, after all, make it to the final four. Some may say, why all the excitement? For us, those young men are and were and always will be champions. They, through their own effort, through their teamwork, through their excellence, proved to the many doubters, people who had predicted they would come in seventh or eighth in the Big East this year, that without a big man really they put it together, worked hard, drew the most from themselves and made themselves winners.

It was undoubtedly a thrill, as extraordinary a test, as severe, as any they will face in their lifetimes.

The senior Senator and I and all the people of Connecticut are grateful to them for having allowed us to share this extraordinary journey from a team that was supposed to be an also-ran to a team that really ran at the head of the pack and will forever be remembered as genuine champions. They worked so well together. They were extremely selfless. They genuinely melded as a team, and they did so under the extraordinary leadership of their coach, Jim Calhoun. My senior colleague mentioned that there were "Tate George for Governor" signs springing up around the State. He and I are happy there were not "Jim Calhoun for Senate" signs springing up because we have no doubt the outcome of such a race. Jim Calhoun is a great man, a great family man, a great competitor, and a great teacher. He took this disparate group and combined them into a very proud functioning unit. They got to a point where they were so deeply involved in themselves they did not care what the pundits said. They did not look, if I may use an analogy, at the polls. They had a job to do and they went out and did it.

In that they taught all of us a great lesson. I am proud to stand on the floor and salute the team and its coach and express our thanks to them for a season that we will never forget.

CLEAN AIR ACT AMENDMENT OF 1989

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Arkansas.

AMENDMENT NO. 1417 TO AMENDMENT NO. 1293

Mr. BUMPERS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

> The Senator from Arkansas [Mr. Bumpers], for himself, Mr. Breaux, and Mr. Bingaman, proposes an amendment numbered 1417.

Mr. BUMPERS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 447, line 17, strike the word "that" and insert the following: "notwithstanding the provisions of paragraph (1), any other utility unit pollution control project, including, but not limited to, alterations that allow the use of natural gas as a fuel, where such project constitutes a retrofit pollution control project and where such project".

Mr. BUMPERS. Mr. President, let me say, first of all, that the comments by the two Senators from Connecticut were most eloquent. All of us have watched the University of Connecticut team this year with a great deal of interest and pride. I know the people of Connecticut have experienced a euphoria during this tournament that is rare in that State. But we all share with the Senators the tremendous pride that you obviously have taken with the magnificent exploits of the University of Connecticut team this year. But bear in mind that it is the Arkansas Razorbacks that are in the semifinals. So I would expect, win, lose, or draw in the semifinals or if we win it all, the same kind of charity from the Senators from Connecticut when I stand here on the floor next week and deliver my plaudits.

I might also say to my colleagues that the clean air bill is very important but it is running a very slow second in Arkansas right now to the rhapsodic feelings, we have about and the pride we take in, the Razorbacks. This is only the second time that we have ever gone to the final four. We did it in 1978. I will save the remainder of my remarks until next Tuesday.

Mr. President, I have talked to the distinguished floor manager of the bill a number of times regarding this amendment. It is a very simple amendment which actually in my opinion greatly enhances the bill. It will encourage utilities to use natural gas cofiring technology to reduce emissions of sulfur dioxide because it will ensure that the modification will not be subject to a new source performance standards and PSD review. Cofiring is designed to decrease the emissions of utility plants that use cofiring, a combination of natural gas and coal. That is essentially the amendment. I think it is a very good one. The distinguished floor manager has agreed to accept it as I understand it.

Mr. BREAUX. Mr. President, the amendment before us will help to ensure that important opportunities to encourage the use of clean burning natural gas technologies for utility boilers are not discouraged through the operation of other features of the Clean Air Act. The amendment extends to utility unit pollution control retrofit projects, including alterations that allow the use of natural gas as a fuel, the same treatment accorded permanent clean coal demonstration projects with respect to the circumstances under which such projects constitute a major modification. This is an important amendment that will facilitate the use of cofiring and other uses of clean burning natural gas in reducing sulfur dioxide emissions from utility units.

As we have amended section 415(d)(3)(B), a pollution control project is exempt from new source permitting and review provisions of the Clean Air Act, provided that there is no significant net increase in actual emissions of any pollutant regulated under this act. In making that determination, EPA is to presume that the project will not result in an increase in the capacity utilization of the unit. This is an important presumption, and one not lightly to be rebutted. To overcome the presumption, the Agency must have clear and convincing evidence that the investment in the pollution control device or the utilization of natural gas in and of itself provides the owner or operator with economic incentive to increase hours of operation or the power production rate. Incremental load growth, increased demand for power or economic dispatch of power causing increased hours of production or power production rates would not overcome the presumption. It is important to note that the provisions of this amendment apply, as specified in section 415(d)(1), to the cessation or removal of a project, such as natural gas cofiring, as well as to the project's installation and operation.

Mr. President, a number of my colleagues, including my good friends, Senator BUMPERS and Senator BINGAMAN, have shared my interest in this amendment. I certainly appreciate the strong support they have exhibited on this issue. Additionally, our distinguished subcommittee chairman, Senator BAUCUS, and the distinguished ranking member, Senator CHAFEE, have been most helpful in the development of this amendment, and most supportive of efforts to encourage the use of cleaner burning fuels that will provide public health and environmental benefits. I thank them for their assistance, and urge my colleagues to support this important amendment.

Mr. BAUCUS. Mr. President, there has been a lot of discussion throughout the Clean Air Act concerning the so-called WEPCO fix. It is a court decision affecting certain plants.

I would like to state here that in the WEPCO decision the EPA did exactly what it was supposed to do under the modification provisions in both section 111; that is, the new source performance standards, and under the PSD provisions, the prevention of significant deterioration provisions. The WEPCO plant was an old, relatively high-emitting powerplant that undertook a major refurbishment project. It was not a clean coal project. It did not include any pollution control equipment. It required what simply was a major modification to make an old facility like new. The Congress has been very clear in the past, however, that new source performance standards and the prevention of significant deterioration program for attainment areas and the new source review provisions that apply in nonattainment areas are meant to apply to both new sources as well as existing sources that undergo physical and operational changes when such changes increase emissions.

The issue is whether old facilities that are substantially renovated and refurbished should continue to be allowed to emit at much higher rates or to emit more pollution, and with little or no pollution control equipment, compared to new sources.

The obvious answer is that they should not, as long as the commonsense exceptions to the rules continue to apply, which I am sure they will.

Congress is about to pass sweeping revisions to the Clean Air Act that when all is said and done, are meant to bring about improvement in the quality of the air we breathe and in our environment.

But all the laws in the land, and all the State plans and Federal plans are meaningless unless the regulations and policies to implement those laws guide the responsible officials to make case-by-case decisions that result in less air pollution.

The WEPCO fix that would reverse the case would tie the EPA's hands and completely halt, or seriously deter, what little use the Agency has made of the modification provisions of the existing act.

The amendment before us is an amendment which the managers have seen and which the manager on this side accepts because it offers retrofit projects that are specifically pollution control projects the same regulatory incentives that the bill before us affords clean coal technology repowering demonstration projects and I thank the distinguished Senator from Arkansas for his constructive efforts in tailoring his amendment so carefully, in a way that confirms the WEPCO holding.

While this amendment grants pollution control projects that benefit certain presumptions it does not alter current law as to the ultimate application of parts C and D of title I of the Clean Air Act. I want to make it clear that this amendment is not intended to disturb the WEPCO case.

I urge adoption of the amendment.

Mr. DURENBERGER. Mr. President, I endorse the comments of the majority manager of the bill and the comments made by the Senator from Arkansas. The amendment is a very appropriate amendment to the act. It encourages retrofitting in the most appropriate situations, and as the Senator from Montana indicated, also it does not alter the application of current law.

So we too on this side encourge adoption of the amendment.

Mr. BUMPERS. I thank the distinguished floor managers. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not the question is on agreeing to the amendment of the Senator from Arkansas.

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The amendment (No. 1417) was agreed to.

Mr. **BUMPERS**. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. **BAUCUS**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **DURENBERGER**. Mr. President, I ask unanimous consent that I might proceed as though in morning business for 4 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

SITUATION IN LITHUANIA

Mr. **DURENBERGER**. Mr. President, in the past several weeks and days, the free world has watched with growing concern the increasing tension of Lithuania. As the Soviet military continues its moves against official Lithuanian institutions and former members of the Soviet Red army, we in this country and free people everywhere must speak out in support of the legitimate aspirations of Lithuanians.

Since 1940, when the Red army forcefully annexed the independent Baltic Republics, there has been an unnatural and coerced relationship between Lithuania and the Soviet Union. Now, 50 years later, the people of Lithuania seek to negotiate the peaceful terms of the release. It is ironic that President Gorbachev, whose policies of openness and restructuring have captured the world's attention, has acted in this case in a seemingly closed and reactionary manner.

The bold and courageous Lithuanians deserve our full and unequivocal support in their peaceful quest for independence from the Soviet Union. Despite Gorbachev's turning up the heat on Lithuania in recent days, most forcefully earlier this week as paratroopers stormed hospital sanctuaries, the Lithuanian people have remained remarkably calm and restrained.

As Lithuanian President Landsbergis stated in a telegram to Soviet President Gorbachev earlier this week, "Lithuania is an unarmed, peaceful state and the only way it can resist the aggressor is by moral strength and by not using armed resistance to violence." Negotiations, not violence, must be employed to resolve the situation in Lithuania.

Let there be no doubt about it: this Senator, the U.S. Congress, and the American people stand firmly along side the people of Lithuania. We fully support their peaceful pursuit for independence and self-determination.

Last week, on March 22, 1990, the United States Senate unanimously adopted Senate Concurrent Resolution 108 on the right to self-determination for Lithuania. In addition to calling on the Soviet Union to cease all efforts to intimidate the Lithuanian people, this concurrent resolution commends the Lithuanian people for their courage and perseverance in holding elections and peacefully asserting their right to self-determination.

Mr. President, this concurrent resolution further states that the Government and people of the United States "strongly and unequivocally support the right of the people of Lithuania to independence and democracy." This unanimous statement by the U.S. Senate, the body on which the Constitution confers special responsibility for foreign affairs, is an important indication of U.S. policy.

I ask unanimous consent to at this point to have printed in the RECORD the entire text of Senate Concurrent Resolution 108.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. CON. RES. 108

Whereas:

(1) On February 24, 1990, the people of Lithuania held the first democratic election in Lithuania in more than half a century.

(2) In that election, the people of Lithuania elected a large majority of candidates who supported the independence of Lithuania and the establishment of a democratic state.

(3) On March 11, 1990, the newly elected Lithuanian Parliament proclaimed Lithuania an independent state.

(4) The United States has never recognized the incorporation of Lithuania into the Soviet Union.

(5) The Soviet Government has not yet recognized the action of the Lithuanian Parliament in declaring Lithuania independent.

(6) The Soviet Government has undertaken action, including staging military maneuvers and ordering Soviet military units to assert more active and visible control over Lithuanian installations, in an apparent attempt to intimidate the Lithuanian Parliament and people.

(7) More recently, Soviet President Gorbachev has reportedly ordered citizens of Lithuania to hand over any weapons they hold to Soviet authorities within seven days and has ordered tighter controls on the ability of foreigners to visit Lithuania.

Resolved by the Senate (the House of Representatives concurring), That

(1) The Lithuanian people should be commended for their courage and perseverance in holding free and fair elections, declaring an independent Republic of Lithuania, and in asserting their right to self-determination peacefully and through the democratic process.

(2) The Government and people of the United States strongly and unequivocally support the right of the people of Lithuania to independence and democracy.

(3) Recent actions of the Soviet Union apparently aimed at intimidating the Lithuanian Parliament and people have seriously exacerbated tensions and the possibility of violence in Lithuania.

(4) The Soviet Union should immediately cease all such efforts to intimidate the Lithuanian Parliament and people.

(5) The Soviet Union has no right to use force against Lithuanians peacefully exercising their democratic rights, and President Gorbachev and other Soviet leaders should clearly understand that the use of force against the Lithuanian people would have severe repercussions for United States-Soviet relations.

(6) The Soviet Union should immediately begin the process of good-faith discussions with Lithuanian authorities to satisfy peacefully the expressed desire of the Lithuanian people for independence.

(7) Supports the President's strong commitment to the doctrine of non-recognition of the forced incorporation of territory, such as occurred in the Baltic States in 1940, and urges the President to reaffirm his commitment to an independent and democratic Lithuania and to seek ways to actively demonstrate that commitment.

(8) Urges the President to consider the call of the elected Lithuanian Government for recognition.

Mr. **DURENBERGER**. Mr. President, resorting to greater violence will have unfortunate consequences for United States-Soviet relations and for Soviet relations with the rest of the free world. Further resort to force carries the potential for slowing the encouragingly brisk pace of improving United States-Soviet relations. There are implications for trade relations, economic cooperation, arms control, and other important areas of our relationship. This would be most unfortunate, and unnecessary.

Lithuania will one day be completely free; about that there can be little doubt. Let us work to bring that day about through negotiations and not bloodshed. We need to speak with one voice as Americans. I urge the President to make absolutely clear to the Soviet leadership and the Lithuanian people our historic commitment to Lithuania and our advocacy of immediate negotiations.

The people of Lithuania have thus far heeded the calls of their newly elected leaders to resist being drawn into violent confrontation with the Red army. Now, it is essential that the Soviet authorities heed the call of the Lithuanian leaders and the leaders of the free world, to settle the confrontation by peaceful negotiations, not by brutal force. There is a path for the peaceful resolution of this issue. If the Soviet authorities will join the leaders of Lithuania in their commitment to peaceful negotiation, this situation can be resolved.

Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **McCLURE**. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. McCLURE. Mr. President, in an effort to clean up our environment, are we overlooking our responsibilities to harbor the people of this country against unwarranted damages?

I do not think the clean air legislation accurately balances the cost-to-benefit ratio. What benefit is there to a clean environment if, in the process, we close down vital industries and place thousands of people out of work? With steeply rising costs and rapidly diminishing benefits, when do we recognize that the small additional benefits are not worth the swollen costs?

An editorial in the March 28, 1990, Wall Street Journal points out that "public goods such as clean air are not free," and perhaps we should "strive to balance environmental benefits against economic costs." In the end, I hope we are not guilty of overlooking the costs associated with this legislation.

Mr. President, I ask unanimous consent that the March 28, 1990, Wall Street Journal editorial titled, "Double Indemnity" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 28, 1990]

DOUBLE INDEMNITY

The U.S. Senate is on the verge of one of the great legislative insights in political history.

The conceptual breakthrough arrived in the form of an amendment proposed by Senator Robert Byrd of West Virginia to the Clean Air bill. Mr. Byrd is asking taxpayers to compensate his coal-mining constituents if the new legislation throws them out of work. Obviously that is exactly what he expects this grandiose bill will do. In effect, he wants taxpayers to indemnify Americans against bad law, to provide insurance against stupid public policy. This is a precedent worth noting.

At the very least, Senator Byrd deserves credit for candor. He's the first prominent Washingtonian to point out that the Clean Air bill has real costs. The environmental lobby has repudiated the idea of cost-benefit analysis and the politicians wink at it, but now Mr. Byrd is presenting part of the tab, and in public no less.

The Clean Air bill would cost real people their jobs, though they aren't the sort who live in Washington or belong to the Sierra Club. Mr. Byrd figures the bill's acid-rain provisions will throw some 3,000 to 5,000 miners of high-sulfur coal out of work, even though a huge federally sponsored study of the science of acid rain reported that the problem is nowhere near as huge as the alarmists have suggested.

The Byrd amendment would pay these miners for as long as three years after they lose their jobs. They'd receive 70% of their total compensation the first year, 60% the second and 50% the third. Altogether, the government could pay these miners between $300 million and $500 million. The Bush administration and Senate leadership oppose the Byrd amendment because of its added costs, a position that would be more defensible if they'd considered the cost-benefit trade-off of this legislation in the first place. But today everyone wants to take political credit for being an "environmentalist."

Still, the weakness in Mr. Byrd's amendment is its modesty. After all, it isn't only coal miners who will lose their jobs because of the Clean Air juggernaut. Democrat Alan Dixon of Illinois has pointed out on the Senate floor that economists Robert Hahn and Wilbur Steger estimate that 3.7 million jobs in 20 states are at risk from the bill. How about them? Mr. Byrd's amendment has been altered to include non-coal miners, but only for the modest benefits under the federal trade-readjustment program.

But why limit this extraordinary new idea merely to Clean Air? The idea of stupid-policy insurance has potential whenever Congress considers legislation. How about a consumers rebate for the high prices caused by textile quotas? What about paying S&L owners for assets whipsawed by constantly changing regulation? Or why not compensation to the apple eaters who were denied their favorite fruit because of the Alar-scare hearings? The possibilities are probably endless.

Of course, there is an alternative. Politicians could take more care passing legislation, could make clear that public goods such as clean air aren't free, could even strive to balance environmental benefits against economic costs. Until that idyllic day descends on Washington, Senator Byrd is saying that Americans will be paying double for clean-air indemnity.

Mr. McCLURE. I ask unanimous consent to proceed for not to exceed 10 minutes on another subject, as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOYCOTT OF IDAHO POTATOES

Mr. McCLURE. Mr. President, I rise today to discuss an issue that may have seemed amusing to some at first, but which has since become in many respects bitter and mean-spirited.

It is the discussion we have heard from a number of different groups in the past few days about calling for a boycott of Idaho potatoes and other Idaho products, in response to action that the State legislature took last week on the issue of abortion.

Not surprisingly, some groups that oppose what the legislature has done have threatened a boycott of products that are either grown or made in Idaho. And not surprisingly, those who support what the legislature has done have vowed to counter any boycott by buying even more Idaho products.

At first, I would suspect that a lot of people across the country who saw or read about this story thought it a little bit humorous. Don't like what the legislature did? Boycott potatoes.

But whatever degree of humor there may have been about those threats has vanished in recent days, as the threats have escalated and the rhetoric has gone from silly to strident. Those who are screaming the loudest—those who have the best sound bite or photo opportunity—are carrying the day.

What is being lost in all of this noise and heat that's being generated are a couple of fundamental points about economics, fairness, and the political process.

Since I announced that I would not seek another term in the Senate, I've sat down with a number of reporters who are analyzing the state of American politics today. And on more than one occasion, I've made the observation that we've seen a continual decline in the depth and breadth of political debate. Where once we had reasoned reflection and a careful analysis of the issues as the standards for political debate, today the yardsticks are the best photo opportunity, or the catchiest sound bite.

That is exactly what has happened in this debate over the measure that was passed by the Idaho legislature. Special interest groups on both sides of the issue and from all over the country are competing in a mad sprint to out-threaten, out-shout and out-hype each other. Camera crews and reporters have descended upon Boise to chronicle which group is going to out-do the other. Who is going to dump a truckload of potatoes on the Statehouse steps. Who is going to lead a chanting group of partisans through the Governor's office. Who is going to make so much noise that they're assured a five-second bite on the evening news.

That, ladies and gentlemen, is what is passing for political debate on an issue that is as complex, as emotional, and as personal as the question of abortion. What a sad commentary.

But there is something more important than this that these groups, in their blind rush for publicity, have either ignored or failed to comprehend. It is the fact that they are using real people in Idaho as pawns in their political game.

There are men and women in Idaho who grow potatoes, for example, who would describe themselves to you as being devoutly pro-life. And there are men and women in Idaho who grow potatoes who would tell you if you asked them that they are adamantly pro-choice. The same is true for the men and women who work in the forest products industry, or the tourism industry, or the mining industry, or the high-tech industry, or any other industry in Idaho you can name.

But what in the world does that have to do with the way that these people are trying to make a living? Like anybody else, they're trying to make ends meet and support their families. They're trying to save up some money for their children's educa-

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tion. They're trying to be good, productive members of their communities. The same kind of things that people in communities across the country try to do every day.

And yet some interest groups outside of our State, who feel absolutely compelled to make some kind of a moral statement, have absolutely no problem lumping everyone in the State of Idaho into some monolithic bloc of people who think and act alike, and then threaten to force them to bear the brunt of an economic punishment that is the result of a decision that they themselves did not make.

What an insult to the people of Idaho. And what a sad statement about the people whose field of vision is no broader than the blinders of their single political issue.

In Lewiston, ID, there is a man by the name of Bill Hall. He is an editorial writer for the Lewiston Morning Tribune. It is a newspaper that is decidedly liberal in its editorial views, and it is an extremely rare occasion indeed when I find myself in agreement with anything that appears on the Tribune's editorial page.

But I have to say that portions of an editorial that Bill wrote in the March 28 issue on the matter of boycotts are right on target, Bill calling these moves "an unintelligent and lazy tactic."

Bill wrote:

> The people of Idaho are individuals. They are not some regiment in lockstep. They come in all sizes and shapes and harbor all variety of opinion. They have a right to be judged as individuals on their own merits and not according to their race or their sex or their age or the State in which they live.

That's what many of these groups cannot or will not comprehend. And that diversity of the people of Idaho underscores just how shallow the arguments are of those who advocate economic retaliation on our State.

If people in Idaho are upset one way or another with what the legislature has done, then they have the recourse of the ballot box come this November. That is their right and their obligation, just as it is in every other State legislature. Threats, boycotts, and bullying tactics by outside interest groups are no substitute for the political process.

This year, we in Idaho are marking our centennial celebration. And as we've spent the past year reflecting on our State's history, one of the traits that has been a constant over the years is the diversity and independent-mindedness of our people. We come from varied heritage and different backgrounds. We have a diverse political history that has confounded many outside Idaho who have tried to explain it. That history is part of what has made Idaho such a unique and blessed place.

Before some of these groups try to make good on their threats to exact some economic pain from our State, they would do well to take another look at our people and our history. If they would, then perhaps their blinders might come off and they would better understand the consequences of their threats.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1418 TO AMENDMENT NO. 1293

(Purpose: To amend Senate amendment 1293 (an amendment in the nature of a substitute)

Mr. EXON. Mr. President, I have an amendment at the desk that was submitted 3 days ago. I would like to add Senator MATSUNAGA as a cosponsor of the amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself, Mr. KERREY, Mr. HARKIN, and Mr. MATSUNAGA, proposes an amendment numbered 1418 to amendment No. 1293,

On page 213, line 20, strike "1991" and insert in lieu thereof "1992";

On page 213, line 24, strike "may" and insert in lieu thereof "shall";

On page 213, line 24, strike "1991" and insert in lieu thereof "1992";

On page 213, line 25, immediately following "deadline" insert "annually";

On page 213, line 25, strike "two" and insert in lieu thereof "three";

On page 213, line 25, after "determines", insert "in consultation with the Secretary of Agriculture";

On page 214, line 2, immediately following "that", insert "adequate".

Mr. EXON. Mr. President, I addressed this matter the other day. In essence, this is a compromise proposal to allow the Secretary, in consultation with the Secretary of Agriculture, to extend the leaded gasoline for up to 5 years if they determine that it would adversely affect fuel supplies for farm vehicles.

The amendment I propose is a simple one. Under the committee bill and the substitute, leaded gasoline is prohibited for highway use beginning January 1, 1991. Discretionary flexibility is provided for a 2-year delay if the EPA determines that this prohibition would result in the unavailability of leaded gasoline for farm vehicles and that substitutes are not available.

By way of background, let me just say that many farm vehicles require small amounts of lead or other lubricants to avoid valve recession. I appreciate the risks of lead in urban areas, but want to be sure that flexibility is maintained for farmers.

I think this amendment accomplishes that without "upsetting the apple cart," so to speak. The amendment postpones the prohibition for 1 year and says the EPA shall, rather than, may delay the prohibition on an annual basis for up to 3 years. In a nutshell, this makes the review of availability an annual thing rather than a one-shot deal.

This amendment provides flexibility for farmers while maintaining the overall momentum for reducing lead emissions in areas where that is a problem. I urge the adoption of the amendment.

I understand the amendment has now been discussed. I think there is general agreement on both sides on the amendment.

I do not intend to insist on the yeas and nays if we can pass this by voice vote.

The PRESIDING OFFICER. Who yields time? There is 1 hour of debate.

The Senator from Montana.

Mr. BAUCUS. Mr. President, who controls time on this? As manager of the bill, I am in favor of the amendment. I do not know who the manager would be in opposition to the amendment.

The PRESIDING OFFICER. In light of that, the Senator from Kansas would control the time of the opposition.

Mr. DOLE. I yield 5, 10 minutes? I may not be opposed to the amendment. I will be happy to yield.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. BRADLEY. Mr. President, I rise in opposition to the Exon amendment, and I would like to state my opposition clearly. The fact of the matter is that lead is a dangerous substance. Lead in the environment is a threat to our children. A hearing held in the Senate Environment and Public Works Committee, the Toxic Subcommittee, on March 9, was about lead and children's health. At that hearing, witnesses from Federal, State, and local government agencies, along with distinguished physicians and researchers testified to the significance of low-level lead poisoning and its current epidemic nature in this country.

Mr. President, we have a phenomenon where the Center for Disease Control consistently lowers the amount of lead in blood that it considers dangerous.

Lead enters the environment in a lot of ways: Leaded paints in homes used to be one way. Those were outlawed in the 1970's. Lead solders in pipes for drinking water were outlawed in 1986. We still have some lead paint in industrial applications. And there is, surprisingly, some lead also used in food cans.

Since lead was first introduced into gasoline, some 4 million tons of lead, through leaded gasoline, have been deposited in our soils, where they remain today.

Mr. President, let us be absolutely clear that leaded gasoline is a threat to the health of our children.

The committee bill would ban leaded gasoline in 1991, but it would give the Administrator of EPA, if he felt that it was adversely affecting the farm economy, a right to extend for 2 more years the use of leaded gasoline.

Mr. President, what would a quick phaseout of leaded gasoline mean? I will quote from the committee report. It says:

> A complete ban would result in 6,000 fewer children exceeding the toxicity level of 25 micrograms per deciliter in 1991. In addition, 18,000 fewer children would exceed the 20 micrograms per deciliter and 58,000 fewer would exceed the 15,000 micrograms per deciliter.

The Center for Disease Control and the EPA is about to issue a warning to parents and doctors in this country that if you exceed 10 micrograms per deciliter, you are in a threatening health circumstance. So an immediate ban would be of enormous benefit to 58,000 children.

In addition to the adult population, if the ban took place in 1991, there would be 91,403 fewer cases of hypertension, 298 fewer heart attacks and 266 fewer deaths. In addition, emissions criteria pollutants would be reduced by 451,000 tons of carbon monoxide, 64,000 tons of hydrocarbons and 29,000 tons of nitrogen oxides.

So, Mr. President, the bill that is before the Senate is a good bill. It bans leaded gasoline in 1991, and it provides some flexibility for the Administrator of EPA to give the farm community some leeway.

I think that the Senator's amendment—while I can imagine worse amendments that would strike what is in the bill completely—does extend the opportunity for the head of EPA to allow the use of leaded gasoline for up to 5 years, which is an additional 2 years from what we have now in the bill.

Mr. President, I know that the rationale for this is that the Senator from Nebraska would like to help farmers. The language of the report states:

> The legislation bans the sale of leaded gasoline for use in motor vehicles which are defined in the act to include vehicles which are designed to carry persons or property on the street or highway. The definition would exclude combines and tractors and other off-road vehicles. Leaded gasoline could still be sold for use in these vehicles.

Mr. President, it is very clear that there is in the bill a ban for leaded gasoline with a 2-year leeway. It is a ban that includes the use for on-road vehicles but excludes the use for tractors and for combines.

Mr. President, I hope that we reject this amendment. The fact of the matter is, in the year ahead, 2 years ahead, childhood lead poisoning is going to burst upon our national consciousness in a way that we have yet to understand. We have to recognize that one of the chief pollutants is leaded gasoline. To argue that what you really want to do is help farmers is to ignore some very clear statistics. That is, roughly 10 percent of the gasoline sold in the United States in 1989 was leaded—10 percent. Yet the total demand for gasoline in farm vehicles is about 1.4 percent, and some of that is nonleaded.

Mr. President, in an attempt to help farm vehicles, some of which can use leaded and unleaded gasoline and some vehicles which are totally excluded from this ban, we are endangering the lives of countless thousands of kids by continuing the use of leaded gasoline for an additional 3 years.

I hope, therefore, that we reject this amendment and that we can stay with the committee bill, which is a strong bill and which does clearly ban leaded gasoline.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. **Breaux**). The Senator from Nebraska.

Mr. EXON. Mr. President, I listened with careful interest to my friend and colleague from New Jersey. I have talked to him about this amendment. I know he feels sincerely about it. I did misinform the Senator from New Jersey. I said 3 years. As it works out, it is a 2-year extension, and that is my fault and not his.

What this amendment really does is it gives 1 more year from 1991 to 1992, January 1, 1992, and gives the option of the Secretary, in consultation with the Secretary of Agriculture, an additional 3 years. Mathematically, those two changes work out to an additional 2 years instead of an additional 3 years. I just wanted to correct that for the record.

I think we are all concerned about leaded gasoline and leaded particulate. It just so happens by coincidence today I had three family physicians that were very much interested in the Clean Air Act, very much concerned primarily about lead. I asked them what they thought leaded gasoline was causing in the youngsters. They said they did not know for certain, but they felt that the main cause for the loss of health of our youngsters, primarily, and probably people in general, was lead in paint. That is the main problem healthwise that we have with lead. They said, "We would estimate 90 percent of the problems healthwise is with regard to leaded paint that had been put on walls that peels off, gets into children's mouths" from a whole series of means which is a very, very serious problem.

I do not believe that leaded gasoline, per se, would cause very many of the problems that the Senator from New Jersey correctly alludes to. There is a problem with farm vehicles.

It might well be that the Secretary, in consultation with the Secretary of Agriculture, would not extend the deadline, but I think that option should remain.

I want to thank Senator **Grassley** from Iowa for the help he has been to the Senator from Nebraska in this regard. Senator **Grassley**, myself, and the cosponsors of this amendment are very much concerned about the adverse effect it will have on our agricultural community if, for example, by January 1, 1992, the Secretary, in consultation with the Secretary of Agriculture, should make the determination that there is a simple additive of gasoline of some type that the farmers could buy lead-free gasoline and economically and conveniently add in, through a tube or a pellet, some type of a fuel that would burn in engines that require leaded gasoline, then they do not have to make an automatic extension.

What we are primarily concerned about is, of course, whether or not there will be enough leaded gasoline made until and if and when we have that kind of a simple additive that the farmers could use that have older and some not so old vehicles that use leaded gasoline.

I think it is a reasonable compromise. I certainly understand the dangers of lead. It is just one more of those problems that we have to look at realistically. We have worked very hard to try to come up with an amendment that is a reasonable compromise that I do not think will result in any significant ill effects on children or the population at large.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. Mr. President, I yield 5 minutes to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I am ambivalent about this amendment. I say that, and then I say that I will support its adoption. I feel very strongly as the Senator from New Jersey, everything he said about the work we have been doing for the last 5 or 6 years on the lead ban, and you can argue whether or not more kids die from paint than die from lead in pipes or die from lead in the air because of misfiring or misfueling of automobiles. The reality is that lead is a toxic and that lead in a variety of forms including in gasoline is killing kids in this country.

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The reason that I am inclined to support the amendment of the Senator from Nebraska is that he is postponing, in effect, the day by 2 years that there will be a ban and there is a modification on the terms that relate to agriculture fuels.

Lead is added to gasoline to increase octane which prevents engine knock. However, lead is also an extremely damaging human toxicant and it impairs the operation of emissions control systems on automobiles.

Unleaded gasoline has been required for use in some automobiles since model year 1975 and in all vehicles produced beginning in model year 1980. Lead in the fuel poisons the catalytic converter which is installed in the tailpipe of cars and trucks. The catalyst oxidizes the carbon monoxide, hydrocarbons and oxides of nitrogen. Lead ruins the catalytic converter so it can't do its job.

Misfueling is the use of leaded gasoline in cars designed for unleaded. A significant amount of misfueling has occurred because leaded gasoline has been marketed at prices substantially lower than unleaded blends. Misfueling rates up to 16 percent were common in the early 1980's and especially in areas which did not have inspection and maintenance programs.

Even occasional misfueling—a few tankfulls of leaded gasoline—can significantly damage the performance of emission control systems. Emissions increases of 475 percent for hydrocarbons and 425 percent for carbon monoxide may occur as the result of misfueling a vehicle designed for unleaded gasoline. A 1988 EPA survey indicated that misfueling continues to be a significant problem—although the use of leaded gasoline has declined dramatically in recent years.

In addition to the misfueling problem, evidence available to the Agency beginning in the early 1980's indicated that lead is much more harmful as a human toxicant than previously understood. High blood levels cause symptoms of acute toxicity, but even at low levels, lead decreases cognitive development in children—literally stealing the cognitive potential of our children—measured as a loss of 3 to 4 IQ points on average for the 2 percent of children with blood lead levels above 30 micrograms per deciliter. Lead also contributes to high blood pressure, strokes and heart disease in the adult population. And lead is classified as a probable human carcinogen.

At the same time that EPA reduced lead to 0.1 grams per gallon in 1986, it proposed a complete ban on the sale of leaded gasoline for use in highway vehicles. The preamble accompanying that proposal rule contained estimates of the health and environmental benefits of banning lead in 1990 as an alternative to continuing the current standard.

The benefit of the ban in terms of the health of children was quantified as a reduction in the number of children expected to experience elevated blood lead levels. The Centers for Disease Control has established a blood lead toxicity level at 25 micrograms per deciliter. A complete ban would result in 6,000 fewer children exceeding the toxicity level in 1991. In addition 18,000 fewer would exceed 20 micrograms/deciliter and 58,000 fewer would exceed 15 micrograms/deciliter. Although symptoms of acute toxicity are not seen at these lower levels, losses in cognitive development have been positively associated with these levels in large surveys.

The benefits to the adult population from a lead ban would include 91,403 fewer cases of high blood pressure, 298 fewer heart attacks, and 266 fewer deaths. In addition emissions of criteria pollutants would be reduced by 451,000 tons of carbon monoxide, 64,000 tons of hydrocarbons and 29,000 tons of nitrogen oxides from the misfueling events that would be avoided.

The concerns that have been expressed about the impact of the complete ban on leaded gasoline with respect to wear on engines and farm vehicles and other off-road engines are real, and I say that as a Member who represents a farm State. I have been hearing that concern expressed for the 5 or 6 years that I have been a proponent of the ban, but I must also say that, on the other hand, dealing with the realities of the marketplace has taught me over this period of time that this bill will not prohibit the use of leaded gasoline in combines, in tractors and other off-road vehicles. There will be fuel available. Leaded gasoline can be sold for use in these vehicles. Most farms that we know of have on-farm storage tanks and their fuel is delivered to them. Combines and tractors are not driven into towns to the gas stations. They are filled from on-farm storage. Under this bill, gasoline delivered to the farm can and will continue to contain lead. It is not prohibited by the underlying bill.

In addition, fuels with additives other than lead or even leaded additives packaged in small containers to be mixed with unleaded fuels can be used in areas where leaded gasoline is not available.

The third option available to the farmer is to replace the valve seats in the engine so that excessive wear will not occur. That cost about $80. EPA's cost-benefit study indicates that farmers might actually save money by taking that step because, although it costs about $80 to replace the valve seats, using unleaded gasoline can prevent wear to other parts of the engine and postpone the day when a $500 or $1,000 engine overhaul will be necessary.

Mr. President, I have an EPA memo which makes the point clearly about the money that can be saved by using unleaded gasoline. I ask unanimous consent that it be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Environmental Protection Agency,
Washington, DC.

Subject: Lead in Gasoline and Engine Maintenance Costs.

From: Joel Schwartz, Economic Analysis Division.

Thru: Rob Wolcott.

To: Richard Morgenstern, Director, Office of Policy Analysis.

This memorandum describes what we know about the effect of unleaded gasoline upon engine durability and maintenance expenses.

SUMMARY—COSTS

To owners of light duty vehicles and trucks the move to unleaded gasoline will generate significant net cost savings. Net expenditures to owners of farm equipment from a change to unleaded gasoline will also be clearly negative. Owners of Ford, International Harvester, and other vehicles with hard valve seats will experience reduced costs associated with valve and ring maintenance without any excess risk of valve seat wear. Based on extensive tests conducted by the U.S. Army and other operators of large vehicle fleets such as utilities, owners of most of the equipment without hard valve seats will also have no valve seat wear problems. Cumulatively, this fleet data represents several hundred million vehicle miles of experience on unleaded gasoline in vehicles designed for leaded. For farm equipment using engines that are also used in trucks and construction equipment, the fact that they are usually governed at 2,400 rpm or less, while the engine is designed to operate in trucks at higher speeds gives an added margin of safety. These owners of engines without hard valve seats will also experience a decrease in valve and ring maintenance.

Owners of some John Deere equipment and possibly some other equipment with unhardened valve seats will incur expenses of as little as $80 per engine as a result of moving to unleaded gasoline. However, this move will significantly reduce the expenses associated with valve and ring maintenance on those engines. A doubling of remaining ring life will save considerably more than $80 per engine, because a ring job costs $500–1,000 per engine and a 40% reduction in valve jobs among the engines should also more than offset the $80 cost.

The 1978 census of agricultural equipment indicated that about 1 million vehicles of over 50 hp were gasoline powered. Presumably there are considerably fewer today. For 80% of the engines above 50 hp we were able to locate data on the use of valve seat inserts, and 70% of the equipment had hardened valve seats, and therefore are at no increased risk of valve seat recession. If 10% of those vehicles started to have valve seat recession and needed to install inserts, the total one time cost would be $2.4 million if the farmers removed the heads themselves. Even if all of them needed inserts, the cost would only be $24 million. Again, this is a one-time cost. By contrast, the reduction in valve jobs found by the Post Office using unleaded gasoline was 1% of the engines per year. If the 3 million (2 million under 50 hp, whose use is too light duty to increase risks of valve seat recession) gasoline powered agricultural engines saved valve jobs in 1% of the engines per year, that would be 30,000 fewer valve jobs each year, or about $3 million per year assuming $100 per valve job. Even if only 10% of all engines need ring jobs each year, a doubling of the expected life of the rings in these engines would save $75 million per year in ring repairs. Thus, net costs for major engine repair will be reduced if the farm engines are switched to unleaded gasoline.

BENEFITS

The preliminary RIA for the proposed ban on leaded gasoline in 1988 showed that, relative to the 0.10 gplg rule, the ban would result in 7,000 fewer children with lead toxicity; 123,000 cases of hypertension; and 387 fewer deaths—all in that year. The reduction in deaths exceeds the reduction in annual deaths from all of EPA's hazardous air pollution regulations combined. This information is in the docket for the rulemaking.

The final regulatory flexibility analysis estimated the health benefits associated with incremental changes in rural lead use. Applying those calculations to the increased lead use associated with allowing farmers to use 0.50 gplg in the 2 billion gallons of farm gasoline use gives estimates of 3,330 additional cases of lead toxicity, 48,000 additional cases of hypertension, and 150 additional deaths per year of that higher lead use.

Mr. DURENBERGER. Finally, Mr. President, the legislation also allows the EPA to delay the effective date of the ban, if there would be a widespread negative impact on availability of leaded gasoline for farm uses or if alternative valve lubricants are not available. The ban is to be put in place as scheduled, unless the Administrator finds that alternative lubricants are not available.

Mr. President, this is a health issue, a very important health issue. To make that point I would conclude my comments by reading to the Senate a portion of a letter which the Committee received from the chairman of the Committee on Environmental Hazards of the American Academy of Pediatrics. He said:

> Although children's blood lead levels in the United States have decreased since 1976 in parallel with the reduction in the consumption of leaded gasoline, the problem of childhood lead absorption is by no means resolved. Data from the second National Health and Nutrition Examination Survey indicate that almost 700,000 young children have elevated blood lead levels. * * * Every effort must be made to reduce the exposure of children to lead. There is no legitimate justification by which lead can be allowed to remain in gasoline in this country. Lead is not necessary in gasoline. The toxic effects which are produced in children by the absorption of lead from leaded gasoline are unconscionable, incalcuable and irreversible. Intelligence lost as the result of exposure to lead can never be regained. * * * The American Academy of Pediatrics urges the rapid and complete removal of all lead from gasoline. The lead phasedown must be completed on schedule. For the sake of the health of our children, no waivers and no exceptions can be allowed.

Mr. DOLE. Mr. President, I yield 5 minutes to the Senator from Nevada [Mr. REID].

Mr. REID. Mr. President, there is good news and bad news. The good news is that there is not going to be an amendment offered right now, I understand, to repeal the provision relating to the lead phasedown, so the good news is Senator EXON's amendment is not nearly as bad.

Mr. President, 3 weeks ago I chaired a hearing on the health effects of lead poisoning. The testimony presented was sobering to say the least. A recent report issued by one group states that lead exposure may be causing brain damage and behavioral problems in as many as 4 million American children. Severe exposure to lead of course can cause convulsions, comas, and even death in adults and children. Lead is a well-known toxic substance to humans. It can cause the impairments that I have indicated. In addition, a recent study found that prenatal and early childhood exposure to lead can cause permanent learning and behavioral impairment. This study prepared by Dr. Needleman, who has devoted much of his career to lead poisoning, found that children who had elevated lead levels in their teeth, when tested again in young adulthood continued to have developmental problems.

In fact, Dr. Needleman said that the most serious environmental health problem facing American children today is lead poisoning. There is certainly strong evidence and testimony to indicate that the high school dropout rate in the United States today correlates to excessive lead exposure.

I have only the greatest respect in the world for the senior Senator from Nebraska, who has offered this amendment. I understand how well-intentioned he is in offering this amendment. However, lead poisoning is not caused by paint only. Gasoline is still a source of lead in the environment. Though lead in gasoline and paint has been phased down, it hasn't been eliminated. So it is I think constructive, Mr. President, to understand that it is children who are at greatest risk, and children who receive the greatest exposure.

In addition I think that we have to recognize that the EPA has estimated that the reduction to 0.1 grams per gallon of lead in gasoline in 1986 would result in a decrease of 5,160 deaths per year.

So we are talking about problems relating to lead poisoning caused from gasoline. The simple fact that we stop using gasoline that has lead in it does not mean we are going to get rid of the problem that leaded gasoline has caused immediately because there is soil contamination all over this country that has been caused in part by leaded gasoline.

There are lead contaminated areas that might be compared to Superfund sites, being contaminated.

I understand that the amendment that is offered is intended to apply only to farm vehicles. I think the Senator from New Jersey has outlined clearly that this may not be the case.

I hope the Senate in considering this amendment recognizes the importance of our doing away with lead in all areas. In the State of Nevada, as an example, we are not only concerned about the lead in gasoline, and the lead in paint, but in Reno, NV, during the past 3 months they found over 20 schools where the water is contaminated with lead. They basically have shut off the water fountains in those schools. It is a serious problem. We have to understand it is a serious problem, and really by extending the time allowing leaded gasoline to be sold we are impairing the lives of America's children.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, if I might take a minute, I know a number of my colleagues have other plans. I say for the Record that I determine there is a great deal of opposition to any—well, quite a bit of opposition to this amendment. I assume, as the Senator from New Jersey pointed out, had there been a more stringent amendment offered to strike the section, we would be involved in a heavy debate.

I have been attempting, I must confess, to try to work that out for the past several weeks without success because one of my colleagues on this side feels strongly that it should be stricken because of the hundreds of thousands of farm engines that would be damaged by using unleaded fuel.

I know the Senator from Minnesota pointed out you can buy an attachment for $80. But I think the amendment by the Senator from Nebraska [Mr. EXON] at least gives some relief.

I think the fact that there has been consultation with the Secretary of Agriculture will be helpful. Certainly farmers understand the dangers of lead, as pointed out by the Senator from Nevada. But I think what they are concerned about is, if you have demand and still permit, as the Senator from New Jersey said for leaded gasoline to be sold to off-highway vehicles, there will not be enough demand. You will not be able to buy it. So the farmers have a special problem.

I understand that nothing in this section demands or precludes a farmer from buying the additive himself and mixing it on the farm with gasoline. That can still be done. Nothing in this bill, as I understand it, will prevent that. I assume that will be available as long as there is a market.

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But for the reasons suggested, maybe the Senator from Iowa [Mr. GRASSLEY] will offer his amendment for which I would join in to strike the section. But I believe this is an improvement.

I know of nobody on this side requesting a rollcall vote. I am prepared to yield the floor.

The PRESIDING OFFICER. Does the Senator from Nebraska yield his time? He controls 24 minutes. The Senator from Kansas controls 20 minutes.

Mr. EXON. I believe the manager of the bill controls on this side. I am willing to yield back the time.

Mr. BRADLEY. Mr. President, may I ask the status of the committee amendment?

Mr. BAUCUS. We are prepared to accept the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. DOLE. We yield our time.

The PRESIDING OFFICER. Without objection, all time is yielded back. The question occurs on agreeing to the amendment of the Senator from Nebraska.

The amendment (No. 1418) was agreed to.

Mr. EXON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

ORDER OF PROCEDURE

Mr. BAUCUS. Mr. President, on behalf of the majority leader, there will be no more rollcall votes tonight.

MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE FIRST POST-COLD WAR CRISIS: LAW OR ORDERS?

Mr. MOYNIHAN. Mr. President, the crisis in Lithuania is fast becoming the first crisis of this post-cold war era. We must take great care in deciding just what we are to do. I spoke to this subject today at the National Press Club, and I offer my remarks to my colleagues as one approach to this difficult situation. It is an approach which suggests that there are issues of law at the core of this problem and suggests that we might well use the machinery of international law and the International Court of Justice—which we labored mightily to create—to resolve this situation peacefully. I ask unanimous consent that the text of my remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE FIRST POST-COLD WAR CRISIS: LAW OR ORDERS?

(By Daniel Patrick Moynihan)

The morning papers confirm that we are now in the midst of what might fairly be called the first crisis of the post cold war era. The lead stories in all the major journals concern the newly declared independent republic of Lithuania and the response to that declaration by three distinct parties. First, the Soviet Union. Second, the United States and other western nations. Third (and this is the photograph in the front page of the *Times*) ethnic minorities within Lithuania itself, ethnic groups within the Soviet Union (in this instance, the military), ethnic influences within the United States.

Thus, the *Washington Post:*

"Lithuanians Protest Soviet Use of Force, White House Tones Down Its Comments."

The *New York Times:*

"Lithuania Anxious and Angry at U.S. After Soviet Raids, A Plea for Recognition," "U.S. Softens Tone on Lithuania Issue, White House is Not Prepared to Side With the Republic."

In the main the parties involved seem to be concerned more with stability than instability, each, however, having a different perspective as to just what constitutes stability. The possibility of some awful mistake is obviously on everyone's mind. What we do not seem to be thinking about are the uses of international law and international institutions to produce an equilibrium of sorts, and most especially, to avoid the disasters that could follow from mere hourly calculation of political advantage.

Since coming to the Senate I have more than once spoken of the centrality of law in the maintenance of world order. Granted, without much impact. But this may have reflected the times. Earlier ideas of international law had been lost in the fog of the cold war. Now, however, it seems to me that this argument might find a more attentive hearing. The cold war is behind us; more importantly, the Soviet Union in the very pronouncements in which they recognized their changed situation, also asserted an altogether new commitment to resolving international conflict through the application of international law. Finally, there could not be a more striking opportunity to test this commitment, for the situation in Lithuania is perhaps the most striking example of contractual illegality in the history of international relations.

I refer in the first instance to the remarkable address Mr. Gorbachev delivered to the United Nations General Assembly on December 7, 1988.

First this.

"We intend to expand the Soviet Union's participation in the controlling mechanisms of human rights under the aegis of the U.N., and within the framework of the European process. We think that the jurisdiction of the International Court in the Hague with regard to the interpretation and application of agreements on human rights must be binding on all states."

Then:

"While championing demilitarization of international relations, we would like political and legal methods to reign supreme in all attempts to solve the arising problems.

"Our ideal is a world community of states with political systems and foreign policies based on law.

"This could be achieved with the help of an accord within the framework of the U.N. on a uniform understanding of the principles and norms of international law; their codification with new conditions taken into consideration; and the elaboration of legislation for new areas of cooperation.

"In the nuclear era, the effectiveness of international law must be based on norms reflecting a balance of interests of states, rather than on coercion.

"As the awareness of our common fate grows, every state would be genuinely interested in confining itself within the limits of international law."

In the process, the then-General Secretary reminded the General Assembly of "the political, juridical and moral importance of the ancient Roman maxim: *Pacta sunt servanda!*—agreements must be honoured!"

Obviously, there is a corollary here. If the first rule of international law is that agreements must be kept, then the second must be that *illegal* agreements have no force and may not be upheld.

Pacta illegalia non servanda sunt.

And this is exactly what we have in the case of the Soviet presence in Lithuania. Yesterday, Lithuanian President Vytautas Landsbergis asked of the West, "Are they willing once again to sell Lithuania to the Soviet Union?" This is as much as the *Times* reports this morning. The suggestion is made that the question was addressed to the Bush administration. This seems to me unfair and unfortunate. For the United States did not sell Lithuania to the Soviet Union.

Hitler did.

I had thought to raise this matter in a Senate speech several weeks ago, but then on reflection it seemed better to send a short letter to the press, which I did two weeks ago and which the *Times* duly printed.

"To the Editor:

"I read with great interest the March 14 Op-Ed article by Prof. Lawrence Summers, "Gorbachev Should Pay Lithuania." Indeed. May I offer a further observation? On Aug. 23, 1939, in a secret protocol to the Molotov-Ribbentrop Nonaggression Pact, the Soviet Union and Nazi Germany carved out spheres of influence in the Baltic region. Lithuania fell within the German sphere. However, in supplementary protocols, it was sold to the Soviet Union for 7.5 million gold dollars.

"Washington, March 14, 1990."

The United States has known of this sale from the time in 1945 that the Nazi archives fell into British hands in Thuringia. However, it was not until last May that the texts were published in the Soviet Union, specifically in Moscow.

In brief, in the summer of 1939 the Soviet Union and Nazi Germany entered into an agreement which might well be described as a contract to begin World War II, that is the Molotov-Ribbentrop Pact of August 23, 1939. There can be no question that the Pact violated international law, leastwise there can be no question on the part of the Soviet Union which has recently acknowledged that:

"In the process of making and implementing [the Molotov-Ribbentrop Pact] the Soviet Government committed serious violations of international legal norms." (*Pravda*, May 25, 1989.) The Pact originally placed two of the three independent Baltic nations within the "sphere of influence" of the Soviet Union; Lithuania fell to the Nazis. A month later, September 25, in his further written agreement, Lithuania was transferred to the Soviets as well, as if this independent nation could be bartered about like so much chattel goods.

Excepted was a slice of Lithuanian territory known as the "Memel Triangle" which included Lithuania's only port city, Memel (now known as Klaipeda). In a further supplemental protocol dated January 10, 1941, the Nazis *sold* the Memel Triangle to the Soviets for $7.5 million gold dollars. Hitler already planning "Operation Barbarossa"—the invasion of the Soviet Union—engaged in a marketplace transaction with Stalin over the spoils of war.

This is how Lithuania came to be part of the Soviet Union, and yet we cannot seem to grasp that at its core this is an issue which involves violations of *law*.

Surely, given this extraordinary record, it is possible to approach the present crisis as one to be resolved through legal process. The most obvious course is for the General Assembly to request an advisory opinion of the International Court of Justice. There are other possibilities. But the point is to do *something. Now!*

I would plead with the United States government to raise this subject. Only by holding Mr. Gorbachev to his own professions about international law can we provide him a way out of the situation he finds himself in. The Soviet Union has no claim on Lithuania. It is stolen goods. Hitler did not own the nation he sold. Title of stolen property does not pass, no matter how many foreign ministry seals were on the document.

I sense what you may be thinking; I know what they will be thinking in the State Department. That again! International law. We tried it. It doesn't work.

To which I would reply, no we haven't. Not of late. Of late we have settled into the idea that international law is a system of negative restraint which simply tells you what you cannot do in consequence of which the others—the Communists, of course—get away with everything. I would plead that this need not be the case. Especially now that there are not in the older sense any Communists any more, but also that this notion that adherence to law is a confession of weakness is so wrong as to be contemptible.

Thus, in November 1979, Iranian "students" seized the American embassy in Teheran and took the embassy staff hostage. The Iranian government did nothing to protect or to restore American rights. The most elemental rule of international law, the immunity of envoys, was thus challenged. The response of the United States was wholly tactical. Embassaries were sent, intermediaries sought out. There was no lack of energy in the face of an extraordinary international event which immediately became a domestic crisis, but the State Department turned every which way save toward law.

On November 20, some sixteen days after the embassy had been sized, this Senator went to the floor to ask why we had not gone to the Court:

"I suppose there will be those who ask, what can the International Court of Justice do? I can answer that with, I think, some precisions. The International Court of Justice can say what is law and which party has violated it. The U.S. Government has put too much of its hopes and efforts into the rule of law to ignore the institution of the Court at this moment."

Almost as an afterthought we thereupon did so. Within the executive branch there was no confidence in the Court. Surely a Soviet bloc judge would assert that we had provoked the students; a South American judge would require more submissions; and African judge would wish to conduct a paralled inquiry into human rights violations in South Africa. The Iranians wouldn't respond. Etc. Yet, two weeks later, December 15, 1979, a unanimous court handed down its provisionals order, which clearly established that the rights of the United States were being violated, that the government of Iran was obliged to restore the embassy to United States control and release the hostages. In the manner of such rulings, it was further ordered that neither party take any action to exacerbate the situation, pending a final judgment.

On April 24, 1980, one month before the Court issued its final judgment, the United States launched a rescue operation that failed.

This was in fact a weak policy. A strong policy would have awaited the decisions of the Court, hurrying it a bit if necessary. Inevitably, unquestionably, the decision would be handed down in our favor. The obvious course for the United States was to wait another three to four weeks and the decision in hand, go to the Security Council and demand that "Measures be taken to give effect to the judgment." Making clear that either the council would take them or we would take them. The Seventh Fleet was already steaming for the Gulf. It is entirely likely that the council would have agreed. No nation favors the seizure of embassies. In the first instance the council would most likely have called for embargoes and the freezing of assets. Possibly the closing of all embassies in Teheran that were still open. This might have worked. Probably not, though. Whereupon the United States could have offered its services to the council to enforce the decision. Whereupon, with or without the Security Council's blessing—there would have been no legal difference—the United States would have commenced the high-level bombing of Kharg Island. Or whatever measures we thought necessary. Quite possibly some or all of the hostages would have died. Vastly greater numbers died to put in place the principles we would now be defending. But the Vienna Convention of 1961 on diplomatic relations was to be upheld at whatever the cost. If need be, fire and sword to the gates of Teheran. What was the matter with that? "The firm foundation of government," Woodrow Wilson often said, "is not pity but justice." On the wall of the 1837 Chenango County Courthouse in Cortlan, New York, there is inscribed in large Roman letters the plain proposition: Fiat Justitia Ruat Caelum. Let justice be done though the heavens fall.

Can I offer a thought? Had his advisors kept to the path of law—and the terrible swift sword which the law carries—Jimmy Carter might well have been reelected President.

Another instance. On April 6, 1984, Barry Goldwater and I, respectively Chairman and Vice Chairman of the Senate Select Committee on Intelligence, learned from the Wall Street Journal that the United States was directly involved in mining harbors in Nicaragua. I do not wish to revisit the controversy of when exactly we learned. Our point was that we were not informed in advance, as required by statute. Mr. Bud McFarlane has since testified under oath that we were not and ought not to have been. That, however, is beside my point. My point is to be found in the text of Senator Goldwater's letter to then-Director of Central Intelligence, Mr. William Casey.

"But mine the harbors in Nicaragua? This is an act violating international law. It is an act of war. For the life of me, I don't see how we are going to explain it."

Now, so far as I have been able to learn, there was no official in the White House who thought this way, or if any did, none who cared one way or the other. International law? What's that? Well, for one thing where it is treaty law, as it was in the case of Nicaraguan harbors, it is under Article VI of the Constitution, "the supreme Law of the Land".

Had there been more attention paid, there might have been fewer trials in the U.S. District Court here in Washington. Indeed, Mr. Reagan might have left his Presidency in an unsullied triumph. Instead, he spends his time giving depositions about alleged criminal acts by his subordinates.

I make the simple case that law seeks to avoid the use of force, but does not preclude it. I fear that in Washington at this time you have to get by that point before anyone will entertain the possibility that law might bring peace.

The difficult thing about international law, but also its greatest strength, is that it requires states to eschew their short-term interests in favor of larger principles. States which yield to the temptation to ignore international law do so at their peril. They sometimes find to their sorrow that they have won a battle—sometimes but a skirmish—only to lose the war against the lawless behavior of others. When India occupied the Portuguese enclave of Goa in 1961 it argued vociferously that *colonial* boundaries do not carry with them the weight of international law. The next year Indian diplomats heard their own speeches cited by the Chinese as Chinese troops crashed across the "imperialist, colonial" border established by the British in the Himalayas between India and China.

The same thing now appears to be happening to the Bush Administration on the subject of kidnapping. It began last fall when the press reported that the Justice Department had advised the President that the United States could lawfully kidnap persons abroad and bring them to the United States for trial. Our able Assistant Attorney General William P. Barr defended this view November 8, 1989 when he testified that, even if such acts violated international law, the United States was entitled to kidnap persons abroad. Shortly thereafter—does this surprise anyone?—the Iranian Parliament adopted a law authorizing its officials to kidnap Americans anywhere in the world.

Now, Vice President Quayle, as I read in the press, finds himself in the unfamiliar—"awkward" is the term used by Ann Devroy—of being "embraced by the Soviets

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for statements he made Saturday that suggested the Soviet army's roundup of Lithuanian deserters was acceptable to the United States." The *Post* headline. "Soviets Cite Quayle Remark as Justification."

But there you have it. It is helpful to keep in mind that rights we assert for ourselves can be claimed by others. I cannot imagine the Vice President meant any harm and would wish to leave the matter there. However, I do ask why no one in the administration seems the least interested in pursuing a legal approach to a settlement of the Lithuanian issue. This need not be our only approach; but surely it should be one.

I began these remarks speaking of the first crisis of the post cold war era. If we handle it well, it could be just that. If we don't, we could very well find ourselves back in that frozen antagonism of the past. Less ideological, to be sure. But not necessarily less dangerous.

RESCUE

Mr. SYMMS. Mr. President, on Monday, March 26, an 11-year-old boy performed a heroic deed which saved the life of a friend. Matthew Haney, a schoolboy from Twin Falls and his brother Ben were playing with 7-year-old Stevie Fisher when Stevie fell over the edge of a high canyon wall, 30 feet high. Without the quick thinking of Matthew, Stevie might not be alive today.

The boys were on a play Army expedition in a canyon when the accident occurred, and Matthew used techniques he said he learned from watching "Emergency 911" television. According to Brenda Fisher, Stevie's mother, "He did something that I wouldn't think that anyone could ever do that was his size."

Mr. President, here is a young boy who acted quickly and responsibly to save another's life. He deserves special recognition and thanks for acting the way he did. I ask unanimous consent that the story of the rescue from the Times-News of March 28, 1990, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Twin Falls Times-News, Mar. 28, 1990]

Twin Falls Lad, 11, Hauls Smaller Playmate Out of Canyon After Fall

(By Kirk Mitchell)

Twin Falls.—A Rock Creek Canyon play-Army expedition turned into a rescue mission for two Twin Falls boys when a third boy plummeted 30 feet face-first into a pile of lava boulders.

"They basically saved my son's life," said Brenda Fisher, mother of 7-year-old Stevie Fisher.

Stevie was in stable condition Tuesday afternoon at Magic Valley Regional Medical Center after four hours of surgery on Monday.

Stevie and his friends, Ben and Matthew Haney, ages 7 and 11, were exploring some cliffs about 300 yards from the Haneys' home at noon Monday when the accident happened.

Matthew said Stevie was lunging for a lizard when he slipped over the edge of a 30-foot-high canyon wall, hitting ledges twice before landing face-first on a rock.

Matthew, standing on a ledge about 15 feet below, said he tried to catch Stevie as he fell by. He screamed at his brother to go for help and climbed down the ledge to Stevie.

The impact has cut a wedge in Stevie's face at the nose, crushing bones and slicing into the right eye. Matthew pushed the protruding eye back into its socket.

Matthew, a carrot-haired 95-pounder, said he had lifted Stevie and was helping him walk when Stevie fell and said, "Just leave me alone and let me die."

"I kept yelling at him and told him to get up," Matthew said.

He led Stevie 60 feet up a rocky slope, 300 yards across two grassy fields, and through two barbed-wire fences.

"How he got him out of that canyon is amazing," Brenda Fisher said. "He did something that I wouldn't think anyone could ever do that was his size."

As they walked, Stevie gasped for air and started to faint about a dozen times as blood clogged his throat. Each time, Matthew patted Stevie on the back until he coughed the blood out.

"I learned that from watching 'Emergency 911,'" he said. "I watch it all the time."

Stevie's father, Steve Fisher, said his son is completely coherent, will not lose sight in his right eye and won't have scars from the stitches.

Stevie's room was filled with balloons, flowers and stuffed animals Tuesday. He will likely take at least two weeks to recuperate, Brenda Fisher said.

"He's a rambunctious, fun-loving child," said Irene Haney, Matthew and Ben's mother.

Asked whether the canyon is off-limits, Ben said, "It now is."

WISCONSIN COMMUNITY OPTIONS PROGRAM

Mr. KOHL. Mr. President, I would like to call the attention of my colleagues to an article in today's New York Times about the excellent and cost-effective home and community-based long-term care program established by the State of Wisconsin. As Senators may note, the Wisconsin Community Options Program does not simply provide chronically disabled senior citizens with affordable and compassionate long-term care. This innovative program allows its clients to live in dignity in their own homes, at a lower cost to the State than comparable institutional care. Wisconsin has long been a leader in implementing ground-breaking social policy initiatives, and I urge my colleagues to consider the strengths of the Community Options Program as we debate the long-term care recommendations of the Pepper Commission. I ask unanimous consent that the text of this article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 28, 1990]

Wisconsin as a Model: Savings and Dignity

(By Tamar Lewin)

Wisconsin's home care program is one of the most ambitious in the nation.

"Our underlying philosophy is that anyone can be served at home," said Lorraine Barniskis, an expert in long-term care in the state's Division of Community Services.

"The question is what the person wants, what the family can handle and the point at which it becomes ludicriously expensive. If someone needs the cows milked to be able to stay at home, we'll do it. Our only limit is that each county program cannot spend more, on the average, than the state would spend on nursing home care for those clients."

A SUCCESS STORY

Leita Twining Clayton of Gays Mills is one of the Wisconsin program's success stories: she is a 92-year-old retired schoolteacher who lost a leg and is confined to a wheelchair, but still manages to live alone, cooking for herself and receiving visitors in the farmhouse where she was born.

"I will be in this house as long as I live," she said. "I'm active in the D.A.R. and Republican politics, while my friends in nursing homes have lost contact with their friends and clubs and interests, and it gets so they just sleep a lot. Everything in my house has meaning to me. When I look at my antiques, things that have been passed down through my family, I can live my life over, and I enjoy it. I have a much better life than I would in a nursing home."

Mrs. Clayton's only son lives in California, so the Community Options Program has stepped in to keep her life running smoothly with what Mrs. Clayton calls her "support group." That group consists of a morning visitor who helps her get up and dress; a licensed practical nurse who comes at night to prepare her for bed; the man from a mile down the road who takes her to church, stokes her wood stove and sells her extra wood, and several others who drive her to clinic visits or on shopping trips.

"IT'S A MUCH NICER LIFE"

"This is a rural county, so we have to be creative in finding services," said Alice Mirk, director of the program for Crawford County, which serves Mrs. Clayton. "But even with all those different people helping, it costs about $650 a month, and nursing home care here is about $67 a day, so it's still cheaper, and in human terms, it's a much nicer life."

A team consisting of a social worker and a nurse will provide a free assessment and care plan to anyone with a chronic disability, or anyone considering moving to a nursing home. Other services of the Wisconsin program are free to those who are eligible for Medicaid, and available on a sliding scale for others, with the affluent paying full fee.

LITHUANIAN DECLARATION OF INDEPENDENCE

Mr. DODD. Mr. President, last week the Senate considered and voted on two resolutions on the independence of Lithuania. The first was defeated overwhelmingly, the second passed unanimously a day later. I was one of the many Senators who opposed the first resolution and supported the second one and I would like to use this opportunity to give my reasons for both.

Since I was first sworn in as a Member of Congress 15 years ago, I have seen few international issues that enjoy such unanimous support among Members of Congress as the freedom and independence of the Baltic states. I know I have had a consistent record of support for these small nations whom history dealt such a cruel fate in this century.

Now that as a result of the changes rocking the Soviet empire there is a real possibility that these nations can regain the independence that was for so long denied to them, we are all watching with bated breath the cat-and-mouse game being played out in the Baltic area.

One would think, that given the universal support that the Baltic nations enjoy from the American people and its Congress, this could be a time when we could all unite behind their cause. This was, however, not what some Senators had in mind last week. They managed instead to create dissension where there was none, and put the Senate on record with a negative vote which deeply upset many Americans of Baltic extraction.

It was obvious from the beginning that most Senators will not go along with a resolution that tries to dictate to the President how to manage this delicate and dangerous situation. It was particularly silly to try to call on him to send an American Ambassador to Lithuania at this point. How?—I beg the Senators to tell me. By putting him on the beach with a marine amphibious unit? By dropping him with a parachute? The only other way to send him would be through Moscow where he would promptly be put on the next return flight. The net result would be that we would load this already loaded situation with a direct American-Soviet confrontation, making it even more difficult for the Soviets to back off. This inane idea itself assured the defeat of the resolution and its sponsors knew it. I am afraid, however, that they could not resist trying to extract political capital from this critical situation.

Most of my colleagues probably suspect that I did not vote for this President at the last election. Nonetheless, he is my President now, and I want to support him unless and until the extent of our disagreement prevents me from doing so.

I do not know whether the President is too cautious, too tough, or just about right in this situation. Maybe I would do some things differently. For the time being, however, I see much more value in a national unity in support of the Baltic nations than in creating domestic divisions on this issue. Unless I am convinced that the President is pursuing the wrong course, I am not willing to upset the consensus supporting the cause of the Baltic nations and push my own demands on the President. I may, of course, revise my position depending on what happens in Lithuania.

Lithuanian-Americans from around the Nation are visiting their representatives in Washington these days and I welcome with particular pleasure my many constituents among them. My message to them is the following:

Do not listen to those who want to divide us, who try to persuade you that there is even one Senator here who is not dedicated to the freedom and independence of our brethren in Lithuania. The American people and its Government is behind you. We have to show a national unity and a sense of purpose to the Soviets at the time of this crisis for the Baltic peoples. If we let ourselves be divided, then the Moscow hard-liners will get the idea that maybe they can also divide us on this issue. Maybe, if they crack down, if they suffocate the springing buds of Baltic independence, it will be business as usual soon again. I say never. This is as good a test as any on the genuineness of the Soviet declarations on wanting to join the common house of Europe.

Real Europeans, Mr. Gorbachev, do not send troops into each other's houses to intimidate. Real Europeans do not attack hospitals to beat up and drag away young men whose only sin is refusal to serve in an occupying army. If the Soviet President ever dreams of entering that common house he has to act as civilized Europeans do, with respect to each other's security, integrity, self-determination.

I strongly believe that this National and this Congress are united in their determination not to make deals over the bodies of Baltic victims, over the trampled ruins of these spring flowers of independence. If the Soviet leader expects significant trade with us, assistance to his perestroika, beneficial deals, the first deal he will have to make is with the Baltic nations, with one possible result: full self-determination for these people with no violence and no intimidation.

Mr. President, when last Thursday the Senate was called upon to stand by Lithuania in a manner that united us instead of dividing us it did so unanimously. In fact, the latter resolution confirmed our dedication to the freedom and independence of the Lithuanian people much more forcefully than did the first one. That is the way we ought to proceed, not by political mischief.

I hope all the Lithuanian-Americans returning to their communities will tell their families and friends that the American people and its Congress is with them. There will be no deals at the price of Baltic freedom, as long as this Senator will have anything to say about it. You are not alone Lithuania, and not only our prayers and our hopes are with you but also our political determination to see you succeed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:52 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 98. A concurrent resolution authorizing a public event with music for Earth Day 1990 on the United States Capitol Grounds.

At 3:01 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2151. A bill to permit the transfer of the obsolete submarine U.S.S. Requin to the Carnegie Institute in Pittsburgh, Pennsylvania, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 388. An act to provide for 5-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3386. An act to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and nonfood products, and for other purposes; and

H.R. 4328. An act to authorize appropriations for fiscal years 1991 and 1992 for the customs and trade agencies, and for other purposes.

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The message also announced that pursuant to the provisions of section 3(a) of Public Law 86-380, the Speaker appoints Mr. ARMEY on the part of the House to the Advisory Commission on Intergovernmental Relations.

ENROLLED BILL SIGNED

At 3:12 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the followng enrolled bill:

H.R. 2692. An act to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3386. An act to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and nonfood products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4328. An act to authorize appropriations for fiscal years 1991 and 1992 for the customs and trade agencies, and for other purposes; to the Committee on Finance.

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3834. An act to amend the National Trails System Act to designate the route from Selma to Montgomery for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 1243. A bill to require the Secretary of Energy to establish three Centers for Metal Casting Competitiveness Research (Rept. No. 101-258).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations:

Herman Jay Cohen, an Assistant Secretary of State, to be a Member of the Board of Directors of African Development Foundation for the remainder of the term expiring September 22, 1991;

Edward Morgan Rowell, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Edward M. Rowell.

Post: U.S. Ambassador to Luxembourg.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, Edward O. and Christopher D., none; Karen (daughter) Schuler and husband Timothy D. Schuler, none.
4. Parents, Edward J. Rowell, deceased 1974; Mary M. Rowell, deceased 1972.
5. Grandparents, Frederick and Mary Mohler, deceased 1947 and 1950 respectively; Edward F. and Anne C. Rowell, deceased 1937 and 1950 respectively.
6. Brothers and spouses names, Frederic C. (brother) and wife Barbara E. Rowell, none.
7. Sisters and spouses, no sisters.

Robert Gregory Joseph, of Virginia, for the rank of Ambassador during his tenure of service as United States Commissioner on the U.S.-USSR Standing Consultative Commission.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Robert Gregory Joseph.

Post: Commissioner, Standing Consultative Commission.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, Susan Gibbs Joseph, none.
3. Children and spouses names, Nicholas Joseph, none; Mikaela Joseph, none.
4. Parents, Robert F. Joseph, none; Betty J. Joseph, none.
5. Grandparents, deceased, none.
6. Brothers and spouses names, William F. Joseph, none.
7. Sisters and spouses names, Mary C. Joseph, none.

John J. Maresca, of Connecticut, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Head of the United States Delegation to the Conference on Confidence and Security Building Measures (CSBM).

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: John J. Maresca.

Post: Rank of Ambassador, Chairman, U.S. Delegation to the Negotiations on Confidence and Security Building Measures.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses, none.
4. Parents, none.
5. Grandparents, none.
6. Brothers and spouses, none.
7. Sisters and spouses, none.

Everett Ellis Briggs, of New Hampshire, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

(Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.)

Nominee: Everett Ellis Briggs.

Post: Ambassador to Portugal.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses: Everett Barnard Briggs (son), Unable to reach. Traveling. To my knowledge has never made a political contribution; Catherine Sheppard Briggs Townsend (daughter), reports no contribution; Collis Ormsby Townsend (son-in-law), reports no contribution; Allen Townsend Briggs (son), reports no contribution; Michele Beauregard Briggs (daughter-in-law), reports no contribution; Lucy Hill Briggs Bassert (daughter), reports no contribution; George Beatty Bassert (son-in-law), reports no contribution; Church Ellis Briggs (son), reports no contribution; Mildred Thorp Soast (mother-in-law), reports no contribution.
4. Parents, Lucy Barnard Briggs (mother), undisclosed, 1988, Republican Party.
5. Grandparents, deceased.
6. Brothers and spouses, none.
7. Sisters and spouses, Lucy Therina Briggs, none.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated.

By Mr. BINGAMAN:

S. 2349. A bill to establish in the Department of Commerce an Office of International Technology Monitoring; to the Committee on Commerce, Science, and Transportation.

By Mr. BURNS:

S. 2350. A bill to authorize the Secretary of the Interior to provide funds for the repair and enlargement of the Tongue River Dam for the purposes of settlement for water right claims of the Northern Cheyenne Tribe, for fish and wildlife enhancement, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSTON:

S. 2351. A bill to remove certain prohibitions to the licensing of a vessel for employment in the coastwise trade of the United States for the vessels Ben Milam and William B. Travis; to the Committee on Commerce, Science, and Transportation.

By Mr. COHEN:

S. 2352. A bill to amend title 10, United States Code, to provide separation pay for regular enlisted members of the Armed Forces who are involuntarily discharged or released from active duty or are denied reenlistment; to the Committee on Armed Services.

By Mr. HEFLIN:

S. 2353. A bill to direct the Secretary of Agriculture to provide for national mobilization of rural firefighting forces to deal with the mounting danger of wildfires in the urban-rural interface areas of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. BURDICK, Mr. CONRAD, Mr. MURKOWSKI, Mr. GORTON, and Mr. DECONCINI):

S. 2354. A bill to amend the Housing and Community Development Act of 1974 to make technical corrections for grants to Indian tribes, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. BAUCUS:

S. 2355. A bill to strengthen the provisions of section 310 of the Trade Act of 1974 to open up foreign markets; to the Committee on Finance.

By Mr. SYMMS (for himself, Mr. RIEGLE, and Mr. PRYOR):

S. 2356. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees; to the Committee on Finance.

By Mr. INOUYE:

S. 2357. A bill to amend the Communications Act of 1934 to ensure (1) that cable subscribers are protected from excessive cable rate, and (2) that cable systems electing to retransmit local broadcast signals provide fair compensation to local stations and networks for the commercial exploitation of their signals and carry such signals on a basis that is consistent with the public interest; to the Committee on Commerce, Science, and Transportation.

By Mr. DECONCINI:

S. 2358. A bill entitled the "Digital Audio Tape Recorder Act of 1990"; to the Committee on Commerce, Science, and Transportation.

By Mr. HEINZ:

S. 2359. A bill to extend through December 31, 1992, the suspension of import duties on synthetic rutile; to the Committee on Finance.

S. 2360. A bill to extend through December 31, 1992, the suspension of import duties on needlecraft display models; to the Committee on Finance.

By Mr. ROCKEFELLER:

S.J. Res. 278. Joint resolution designating July 19, 1990 as "Flight Attendant Safety Professionals' Day;" to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2349. A bill to establish in the Department of Commerce and Office of International Technology Monitoring; to the Committee on Commerce, Science, and Transportation.

OFFICE OF INTERNATIONAL TECHNOLOGY MONITORING

● Mr. BINGAMAN. Mr. President, I rise to introduce legislation to strengthen our ability to monitor and utilize foreign technological and scientific achievements.

We are all aware that we live in a interdependent world economy. Economic activity in Europe and Asia, for example, has a direct effect on our day to day lives. Products and services, as well as investments, increasingly flow across international boundaries.

The same is true for scientific and technolgoical information. The world is vastly different from what it was a few decades ago. The United States is no longer the world's only technological superstar. Other nations, both allies and potential adversaries, have technological capabilties that match and, in some cases, exceed our own.

Just last week, we received additional confirmation of this trend when the Department of Defense released its Critical Technology Plan for 1990. In this report, DOD states that Japan is significantly ahead of the United States in 5 of the 20 technologies listed and is essentially on par with us in 3 others. The technologies in which Japan rivals us are all dual-use technologies with wide civilian amd military applications—semiconductors, photonics, composite materials, and biotechnology. Our NATO allies are on par in seven areas. The Soviet Union is ahead in one area, pulsed power, and on par in three others—although they generally lag behind in almost everything else, especially the technologies with extensive commercial applications.

Clearly, there is much we can learn, both scientifically and technologically, from the rest of the world. But, if we are to take advantage of what the rest of the world is doing, we need to have accurate information about their activities and be able to evaluate its usefulness to our own activities.

Also for strategic reasons, both economically and militarily, it is vital that we have good information about what other nations are doing in the area of science and technology. Our own technology policy and management, both military and civilian, demands such information.

No company today would think of not keeping an eye on what other companies are doing around the globe. Such an attitude would be a sure recipe for disaster. Yet, this is exactly what our Government does.

The recent debate over the FS–X advanced fighter codevelopment project with Japan illustrates the problem. The GAO, in their report on the issue, stated that it was unclear whether the United States would benefit from access to Japanese technology in the areas of phased array radar and composite materials for aircraft wings.

The DOD response to this finding was as follows:

> Even though the GAO concluded that the value of the FS–X radar is questionable and the value of the FS–X composite wing is modest, one would have to assume that a technically advanced country like Japan has something to offer the United States in these areas.

Let me repeat that, Mr. President.

> One would have to assume that a technically advanced country like Japan has something to offer the United States in these areas.

One would have to assume? Does that mean that we do not know?

Mr. President, that is an unacceptable statement.

My recent trip to Japan has only reinforced my belief that we need to improve our ability to monitor foreign technology. Because of my concern over our ability to monitor foreign technology, I asked the General Accounting Office to review the Government's activities in this area. Today, I am pleased to release the GAO's report, "Foreign Technology: U.S. Monitoring and Dissemination of the Results of International Research."

According to the GAO, 62 civilian and military agencies, offices, and divisions monitor foreign technology with both military and civilian applications. These activities are conducted primarily under six departments, including Commerce, Defense, Energy, State, NASA, and the National Science Foundation. The CIA apparently engages in related activities but refused to cooperate with the study.

The report points out that while much information is collected, its usefulness is limited by the absence of a mechanism for disseminating it among government agencies and to the private sector. That was also what I heard in Japan. According to GAO there are a number of problems. One problem is that a large portion of the information is in foreign languages and not translated into English.

Another problem is that only some of the agencies maintain computerized databases which index and abstract reports. In those instances where such a database exists, agencies use different computer hardware and software combinations so that simultaneous access to the databases is not possible. In other cases, information is kept in the informal and personal files of the researchers and is not available to others except through personal contacts.

The practice of combining classified and unclassified information in some of the databases also restricts access to the information.

In terms of coordination, the GAO report points out that the limited efforts at coordination have not been successful. GAO could find no central list or source identifying all the Government monitoring activities.

Mr. President, the present uncoordinated Federal activities in monitoring foreign technology developments are simply not good enough. It is distressing to learn that the Federal Government lacks such focus in the conduct of what ought to be a high priority and well-coordinated task.

The legislation I am introducing today attempts to deal with the lack of coordination of agency and department activities. This bill establishes an Office of International Technology Monitoring in the Commerce Department's Technology Administration. The Office would be headed by a Director appointed by the Secretary of Commerce.

The Office would coordinate and disseminate information obtained by the

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Federal Government regarding developments in science, research, and technology throughout the world and would collate and disseminate unclassified analysis of worldwide science and technology. The Office would also establish and maintain a database on worldwide science, research, and technology to aid those dissemination tasks.

As the GAO report points out, there are different levels activity concerning information about foreign science and technology. There is an especially important difference between technical information, such as research reports and scientific papers. Decisionmakers, in both the public and private sector, need access to analysis of that information, not necessarily the information itself.

The Office of International Technology Monitoring is intended to be the central coordinator for dissemination of both types of information. The Office is also intended to be an active participant in the analysis process. It would work with other Federal agencies to identify and track emerging areas of technology throughout the world. The purpose here is not to duplicate existing analysis capabilities of the Federal Government, but to insure a coordinated effort.

In order to make sure that the information collected is actually of use to both the Government and the private sector, the Office would be charged with identifying the requirements of the public and private sector for information concerning scientific and technological information and disseminating these requirements to all Federal agencies. This activity would be carried out based on regular reviews by relevant industry-sector advisory committees and experts at Federal laboratories.

It is the intent of this bill that this Office of International Technology Monitoring be the focal point for all such activities in the Federal Government. For this reason, the bill requires that all Federal agencies shall cooperate with the Office in coordinating the activities of such agencies with respect to the collection of information regarding technological and scientific development worldwide.

This bill addresses only part of the problems, however. We need to improve the ability of the agencies and departments to collect and utilize information on foreign technology, with particular emphasis on Japanese technology where language and other impediments, have led to underemphasis on this technological superpower. For example, the Defense Department needs to do a much better job of getting information about Japanese technology and technology policy to those in DOD labs, industry, and government policymaking positions. One way to this is to send technology assessment teams more frequently to Japan.

I also see a substantial role for the Energy Department's national laboratories and for the Commerce Department's National Institute of Standards and Technology. These institutions are at the forefront of Federal Government support for advanced technologies, civilian and military. Congress is increasingly demanding that the labs forge better links with industry to help our firms compete in the global marketplace. To do that, the labs need to improve their ability to follow international technological developments, again with special emphasis on Japan.

The DOE labs and NIST could be especially helpful to smaller American firms who can not afford to send their scientists and engineers to Japan for extended stays because of the cost of living there. The labs could provide a window into Japanese industry for such firms.

To do this job right, the DOE labs and NIST will need to create incentives for members of their staffs to learn the Japanese language. Over the past 40 year several of the DOE labs have done a masterful job of following technology developments in the Soviet Union to protect our national security. Now to ensure our continued technological and economic strength, we need to match that performance by assigning commensurate resources to monitoring Japanese technology. But unlike the Soviet case, the opportunities to go beyond monitoring and to be fully engaged in mutually beneficial cooperation with Japan at the forefronts of technology appear endless. I hope that that vision will permeate the culture and be reflected in the mission of each of the DOE labs and NIST.

Mr. President, the legislation I am introducing today is an attempt to make sense of the uncoordinated patchwork of Federal activities in monitoring foreign science and technology. As the GAO report points out, the current system creates the potential for duplication of monitoring efforts and for gaps in monitoring coverage. It also makes it more difficult for policymakers to find and utilize the information.

This bill moves us toward a more rational mechanism for collecting and disseminating information on foreign science and technology. I hope my colleagues will give it their support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Stevenson-Wydler Technology Innovation Act of 1980 (15. U.S.C. 3704) is amended by redesignating subsection (e) as subsection (f) and by adding immediately after subsection (d) the following new subsection:

"(e)(1) There is established, within the Technology Administration at the Department of Commerce, the Office of International Technology Monitoring (hereafter in this subsection referred to at the "Office").

"(2) The Office shall be headed by the Director of the Office of International Technology Monitoring, who shall be appointed by the Secretary.

"(3) The Secretary, through the Undersecretary and through the Director of the Office, shall—

"(A) establish a clearinghouse to—

"(i) coordinate and disseminate information obtained by the Federal Government regarding developments in science, research, and technology throughout the world; and

"(ii) collate and disseminate unclassified analysis by the Federal government of world-wide science and technology;

"(B) establish and maintain a data base on world-wide science, research, and technology;

"(C) work with other Federal agencies to identify and track emerging areas of technology throughout the world;

"(D) identify the requirements of the public and private sector for information concerning scientific and technological information and disseminate such requirements to all Federal agencies; and

"(E) assure regular reviews by relevant industry sector advisory committees and experts at Federal laboratories.

"(4) All Federal agencies shall cooperate with the Office in coordination the activities of such agencies with respect to the collection of information regarding technological and scientific developments worldwide.".●

By Mr. COHEN:

S. 2352. A bill to amend title 10, United States Code, to provide separation pay for regular enlisted members of the Armed Forces who are involuntarily discharged or released from active duty or denied reenlistment; to the Committee on Armed Services.

SEPARATION PAY FOR ENLISTED MEMBERS OF THE ARMED FORCES

● Mr. COHEN. Mr. President, I am introducing legislation today to correct a longtime inequity in military compensation. My bill would for the first time provide separation pay benefits for enlisted personnel who are involuntarily separated from the service.

The need for this legislation is clear. Officers in our military services have long had the separation pay benefit, but it has been denied to those in the enlisted ranks. The courageous men and women serving the enlisted ranks deserve this benefit no less than their commissioned counterparts.

This is especially so at a time when there is discussion of significant reductions in military personnel strength as a means of cutting defense expenditures. A good case for these personnel cuts can be made as tensions are being reduced throughout the world and as democratic forces assert themselves both in Eastern Europe and in this hemisphere as well. But as we talk aobut the so-called peace dividend, it is critical that it not be taken from the pockets of the men and women who have volunteered to make sacrifices and risk their lives in the armed services to assure that peace.

If there are substantial reductions in force over the next few years, it is imperative that separation pay be extended to the enlisted force. As it stands now, commissioned and warrant officers with 5 or more consecutive years of active service who are involuntarily separated would receive severance pay. This pay can reach as high as $30,000. But for enlisted service personnel, even with 19 years, 11 months and 29 days of honorable active service, there is nothing, not one dime of tribute in recognition of their loyalty, dedication and service to other nations.

Over the years, there have been repeated recommendations that this imbalance be corrected. In the 1967–69 "Frist Quadrennial Review of Military Compensation," the following statement appeared:

> Existing laws make no provision for separation pay to enlisted personnel except those separated for disability (and those reservists involuntarily released after five years or more of continuous active duty, although in practice only very few enlisted members qualify). The concept of separation pay should be extended to the enlisted grades on the same basis as now applies for officers to assure the just and reasonable treatment of these people and to give force managers a credible method for tailoring the enlisted force to best meet operational requirements.

Since that report, the Defense Department has repeatedly proposed readjustment or separation payments for enlisted personnel. In addition, separation, severance or readjustment pay for enlisted personnel has been recommended by the following: Interagency Committee, 1971; DOD Retirement Study Group, 1972; Defense Manpower Commission, 1976; President's Committee on Military Compensation, 1976; and General Accountign Office, 1972 and 1978.

The case for this legislation is all the more compelling today. Reductions in force are a virtual certainty. And enlisted men and women will certainly be affected. Those who made a commitment to their Nation through their decision to volunteer to serve should expect no less a commitment from use as they are told their service is no longer needed.

I should say parenthetically as a member of the Armed Services Committee and former member of its Manpower Subcommittee that we have done much on behalf of the men and women in our Armed Forces over the past decade. We gave them better pay, enhancements in quality-of-life, and the best technology available for their use in training, maintenance, and operational activities. We also restored GI bill educational benefits. But in some areas they continue to be shortchanged.

These dedicated career service members serve at their own financial risk. They are provided no vested retirement program. They are not allowed to participate in tax-free contributions to individual retirement accounts. There is no 401(k) plan for the military.

Service personnel are required to move frequently, but are reimbursed for only part of their expenses. And they are not guaranteed the ability to complete a qualifying period of service for retirement benefits. Yet, when force cuts occur, they may be denied reenlistment or simply selected for discharge on the basis of whatever arbitrary criteria suit the needs of their service.

The day they are discharged, they must move from military housing. They are stripped of all eligibility for medical care for themselves and their families. Literally, they must begin a new life.

As they do so, they are denied unemployment compensation for the first 5 weeks after discharge. Then, under the Unemployment Compensation for Ex-Servicemembers [UCS] Program, they are allowed only 13 weeks of benefits if they remain unemployed. That is about half the level of benefits available to Federal civilians, who can receive up to 26 weeks of benefits immediately after losing their job.

The legislation I'm introducing today, separation pay for enlisted military personnel involuntarily separated from the Armed Forces, accomplishes two things. First, it provides a recognition of the sacrifices these brave men and women have made during their 5 years or more of service to their Nation, and second, it provides them with a much-needed transition benefit so that they and their families do not face a bleak period as they seek civilian employment.

We must not forget that most of these individuals will be going back home after years away in the service of their country, finding housing for their families, enrolling their children in schools, and dealing with the wide range of problems that go along with moving. As they face these challenges, it is only fair and equitable our enlisted military personnel be treated in the same way we do our commissioned officers, Federal civilian employees, quasi-governmental workers, and foreign hires.

This measure is similar to legislation introduced in the House by Representative JIM SLATTERY. It is endorsed by the Non Commissioned Officers Association, which deserves great credit for the leadership role it has taken on this question. I have had the pleasure over the years of working with Mack McKinney, Dick Johnson, Chuck Jackson and others in NCOA on behalf of enlisted men and women. Their efforts have been critical in successful initiatives to raise military pay, restore GI bill benefits, and make other improvements of service personnel and their families.

I am pleased to work with the NCOA on behalf of this important legislation to bring equity for those who have volunteered to serve their nation and whose successful efforts on behalf of the cause of freedom have enabled our Government to look for these reductions which will have the ironic effect of forcing their involuntary departure from the military. My hope is that this bill will receive positive consideration.

In closing, I should add that I know the Defense Department is considering separation pay legislation of its own. I'm pleased it is taking this step and will give the approach it puts forward consideration when it comes before the Armed Service Committee. Meanwhile, I am hopeful that the bill I'm introducing today will help to stimulate debate on this needed benefit for enlisted personnel.●

By Mr. HEFLIN:

S. 2353. A bill to direct the Secretary of Agriculture to provide for national mobilization of rural firefighting forces to deal with the mounting danger of wildfires in the urban-rural interface areas of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL FIRE FORCES MOBILIZATION ACT

● Mr. HEFLIN. Mr. President, today it is with great pleasure I rise to introduce the National Fire Forces Mobilization Act of 1990. This bill authorizes $100 million in Federal matching funds for each fiscal year to be used for rural fire protection. A total of $50 million will be made available to State forestry agencies to enhance their fire fighting capabilities and conduct mobilization activities. This bill also provides for $50 million to aid rural volunteer fire departments.

Every year our Nation loses hundreds of lives, thousands of homes, and hundreds of thousands of acres of valuable forest land and wildlife habitat because of inadequate resources for rural fire protection. In fact, the recent fire season in the Yellowstone National Forest points again to the need for national legislation to address the Nation's wildlife problem.

The lack of fire suppression forces to handle peak periods of fire activity has been and will continue to be a severe problem for rural America. Our Federal forest fire protection agencies do not have adequate manpower to ef-

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fectively deal with peak periods of wildlife activity.

Fire protection is a basic service that most Americans expect from their Government. And yet, most of our rural citizen fire departments receive little if any support from the Government. Fortunately, rural America has developed a network of volunteer fire departments that answer the call for fire protection. In Alabama, 94 percent of our 900 fire departments are staffed by volunteers. These volunteers work without compensation and usually use only second-hand equipment.

This bill gives our rural volunteer fire departments the tools they need to meet the task of forest fire protection. It provides matching Federal funds to the men and women who risk their lives to protect our Nation's forests and rural communities.●

By Mr. McCAIN (for himself, Mr. INOUYE, Mr. BURDICK, Mr. CONRAD, Mr. MURKOWSKI, Mr. GORTON, and Mr. DECONCINI):

S. 2354. A bill to amend the Housing and Community Development Act of 1974 to make technical corrections for grants to Indian tribes, and for other purposes; to the Select Committee on Indian Affairs.

HOUSING AND COMMUNITY DEVELOPMENT ACT AMENDMENTS

● Mr. McCAIN. Mr. President, I rise to introduce a bill to amend the Housing and Community Development Act of 1974 and the Department of Housing and Urban Development Reform Act of 1989 to make technical corrections for grants to Indian tribes.

I am pleased to be joined in the sponsorship of this bill by the chairman of the Select Committee on Indian Affairs, Senator INOUYE, and other members of the committee, Senators BURDICK, CONRAD, and MURKOWSKI, and I am looking forward to working with them as we move forward with this legislation.

Once enacted, these amendments will simply restore to the Department of Housing and Urban Development its authority to make community development block grants to Indian tribes, an authorty that was inadvertently terminated by the adoption of the HUD Reform Act of 1989.

Mr. President, owing to this oversight by the Congress, we have an appropriation of $27 million for a grant program that is very important to tribes, but no grants may be made to them until the authorization is restored.

Perhaps I should add that no technical problem exists for the larger Community Development Block Grant Program of grants to cities and counties that totals about $1.9 billion.

For Indian tribes, this program is one of the most important resources for community development projects. It has enabled tribes to rehabilitate housing, build community facilities, provide public infrastructure, and stimulate economic development projects, and I have seen its benefits on many Indian reservations.

Mr. President, applications are being received now by the Department of Housing and Urban Development for this year's round of grants, and for some at least, prompt action on the applications is critical. I intend to make every effort to see these technical amendments moved ahead as promptly as possible.

Mr. President, I ask that a copy of the bill and the section-by-section analysis be printed in the CONGRESSIONAL RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. AMENDMENTS TO HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.

(a)(1) Subsection (c) of section 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301(c)) is amended by inserting immediately after "Federal assistance provided" the following: "to States and units of general local government".

(2) Subsection (a) of section 106 of such Act (42 U.S.C. 5306(a)) is amended to read as follows:

"(a)(1) For each fiscal year, of the amount approved in an appropriation Act under section 103 for grants in any year, the Secretary shall reserve for grants to Indian tribes not less than one percent of the amount appropriated under such section. The Secretary shall provide for distribution of amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific critera for the selection of Indian tribes to receive such amounts. The criteria shall be contained in a regulation promulgated by the Secretary after notice and public comment. Notwithstanding any other provision of this Act, such grants to Indian tribes shall not be subject to the requirements of section 104, except subsections (f), (g), and (k) of such section.

"(2) After reserving such amounts for Indian tribes, the Secretary shall allocate amounts provided for use in accordance with section 107.

"(3) Of the amount remaining after allocations pursuant to paragraphs (1) and (2), 70 percent shall be allocated by the Secretary to metropolitan cities and urban counties. Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant from such allocation in an amount not exceeding its basic amount computed pursuant to paragraph (1) or (2) of subsection (b).".

(3) Paragraphs (1) and (2) of subsection (b) of section 106 of such Act (42 U.S.C. 5306(b)) are each amended by deleting "after taking into account the set-aside for Indian tribes under paragraph (7), the" and inserting in lieu thereof "The".

(4) Paragraph (7) of subsection (b) of section 106 of such Act (42 U.S.C. 5306(b)) is repealed.

(5) Paragraph (1) of subsection (d) of section 106 of such Act (42 U.S.C. 5306(d)) is amended by deleting "section 107 and section 119" and inserting in lieu thereof "paragraphs (1) and (2) of subsection (a) of section 106".

(6) Paragraph (2) of subsection (e) of section 107 of such Act (42 U.S.C. 5307(e)) is amended by inserting immediately after "this section" a comma and the following: "section 106(a)(1),".

SEC. 2. AMENDMENTS TO DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REFORM ACT.

(a) Subsection (c) of section 702 of the Department of Housing and Urban Development Reform Act of 1989 is repealed.

(b) Subsection (e) section 702 of such Act is amended by deleting "1991" and inserting in lieu thereof "1990".

SECTION-BY-SECTION SUMMARY ANALYSIS OF AMENDMENTS TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974

SECTION 1

Section 1 sets out amendments to the Housing and Community Development Act of 1974. This section provides technical corrections to sections 109, 106, and 107 of the Housing and Community Development Act of 1974 to provide that the one percent allocation of assistance is set aside prior to the entitlement to metropolitan cities and urban counties.

Subsection (b)(2) of this section amends section 106 of the Housing and Community Development Act of 1974. It provides that one percent of an appropriation under section 103 shall be reserved for grants to Indian tribes based on competitive application. It also provides that after reserving such amounts for Indian tribes the Secretary shall allocate amounts pursuant to section 107 of the Act. It further provides that 70 percent of the remaining amounts shall be allocated to metropolitan cities and urban counties pursuant to the authority contained in section 106 of the Act.

SECTION 2

Section 2 repeals subsection (c) of section 702 of the Department of Housing and Urban Development Reform Act and replaces 1991 with 1990 in subsection (e) of section 702 of the Act.

● Mr. INOUYE. Mr. President, I am pleased to join my distinguished colleague, Senator JOHN McCAIN, vice-chairman of the Senate Select Committee on Indian Affairs, in introducing a bill to make certain corrections to the 1989 HUD Reform Act.

In that act, a new funding mechanism was enacted in the Community Development Block Grant Program for Indian tribes and tribal organizations. Unfortunately, the new authority is not effective until fiscal year 1992, and the authority for Indian programs was inadvertently omitted for fiscal year 1990, for which purpose $27 million has been appropriated by Congress. Thus, the amendment is necessary so that Indian tribes and tribal organizations may continue eligibility in fiscal year 1990 for Community Development Block Grant Programs.

It is critical that these amendments contained in the measure being introduced today be enacted as quickly as possible and I urge the support of my colleagues in this effort.●

By Mr. BAUCUS:

S. 2355. A bill to strengthen the provisions of section 310 of the Trade Act of 1974 to open up foreign markets; to the Committee on Finance.

MARKET OPENING ACT

● Mr. BAUCUS. Mr. President, today I am introducing sanctions legislation designed to strengthen the hands of United States trade negotiators and improve the chances for a successful resolution of current trade disputes with Japan.

I take this step reluctantly. Trade retaliation is a no-win business. In fact, we only resort to retaliation if trade negotiations have failed.

Unfortunately, there is very little altruism in the world.

The threat of sanctions is often the only way to move foreign governments to eliminate their trade barriers.

I am particularly concerned about the deadlocked Super 301 negotiations with the Government of Japan. The objective of these talks is to open the Japanese market to United States exports of processed forest products, supercomputers, and satellites.

The forest product talks alone have the potential to expand United States exports to Japan by $1 to $2 billion, create 10,000 to 20,000 United States jobs, and allow Japanese consumers access to high quality United States forest products.

But Japan has stonewalled the United States, and the June 17 deadline for concluding the talks is rapidly approaching.

In light of these developments, the United States has no choice but to seriously consider retaliation.

The legislation I am proposing has two main provisions.

First, it makes retaliation mandatory—under the terms of the 1988 Trade Act—for all Super 301 cases if they are not concluded on schedule. In some cases, the issues being negotiated under Super 301—though they are the United States most important trade policy priorities—are not subject to mandatory retaliation. This legislation corrects that oversight.

Second, the legislation directs the U.S. Trade Representative to prepare an action plan if the current Super 301 issues are not concluded by June 17, the statutory deadline for the Super 301 negotiations. Under the terms of the 1988 Trade Act, it is possible for USTR to suspend retaliation under Super 301 until January 17, 1991, if progress is still being made in the talks.

The Action Plan would have two parts. First, it would require USTR to determine exactly how significant the foreign trade barriers under negotiation are in terms of lost U.S. exports. This figure would be the basis for deciding upon the size of U.S. retaliation if it proves necessary.

Second, USTR would be required to suggest other trade policy actions that should be taken to improve chances for resolution of the trade dispute.

For example, in the case of the forest products talks, the Japanese forest products industry appears to be holding up progress toward an eventual agreement.

Yet, a Japanese-owned forest products company in Alaska—Alaska Lumber & Pulp Co.—is cutting valuable timber from Federal land and shipping it back to Japan. This timber provides a large percentage of the raw material needed by the Japanese forest products industry.

In effect, the United States Government is allowing a valuable resource from Federal land to be shipped to Japan to support the industry that is robbing the United States of exports and jobs.

This makes absolutely no sense.

Certainly, we would not want to take steps to threaten the legitimate business interests of U.S. industry or the maintenance of a timber supply from Federal and State forests.

But there do appear to be steps that could be considered—such as terminating the arrangement between the Federal Government and the Japanese-owned company—that would improve chances for a successful conclusion of the negotiations without endangering those interests. We should not be subsidizing our competitors.

Other examples of possible Action Plan initiatives might include revising U.S. procurement standards affecting supercomputers or satellites consistent with our international obligations.

An Action Plan would provide a blueprint for protecting and promoting U.S. trade policy interests in a responsible manner.

This legislation will strengthen the hands of U.S. negotiators and improve prospects for opening foreign markets.

At a time when the United States is striving to expand exports, this legislation is essential.

I originally planned to offer this legislation as an amendment to the trade legislation that the Senate Finance Committee recently reported.

Before the markup, however, I consulted with the U.S. Trade Representative, Ambassador Carla Hills, on this legislation.

She first of all assured me that she was prepared to use her existing authority to retaliate if the Super 301 negotiations with Japan were not successful.

She also asked that I not pursue this legislation at this time, though she understood that I would pursue it if the negotiations were not successful by June 17.

I have great confidence in Ambassador Hills, Ambassador Williams, and their capable staff. On the strength of Ambassador Hills' assurances, I will not pursue this legislation until June 17.

But I am today introducing the legislation so that all interested parties can easily examine it. And, if necessary, I intend to vigorously pursue this legislation.

Mr. President, I ask that the text of a letter from Ambassador Hills to myself on this subject and the text of the legislation appear in the Record immediately following my statement.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2355

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Market Opening Act of 1990".

SEC. 2. ACTIONS REQUIRED FOR AFFIRMATIVE DETERMINATIONS IN INVESTIGATIONS UNDER SECTION 310 OF THE TRADE ACT OF 1974.

Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

"(d) Mandatory Action Required.—In the case of an investigation initiated under subsection (b), if the Trade Representative makes an affirmative determination under section 304(a) that an act, policy, or practice described in section 301(b)(1) exists, such determination shall be treated for purposes of this chapter as a determination made under section 301(a) and the Trade Representative shall take such action authorized under section 301(a).".

(b) Current Super 301 Negotiations.—If negotiations currently being conducted under section 310 of the Trade Act of 1974 are not successfully concluded by June 17, 1990, the United States Trade Representative shall, in consultation with the President, the Congress, and other appropriate persons (including persons representing affected United States industries and employees), prepare an action plan and transmit such plan to Congress not later than July 2, 1990.

(c) Action Plan.—The action plan shall include—

(1) an estimate of the impact the trade barriers identified under section 310 of the Trade Act of 1974 have on United States exports; and

(2) recommendations for legislative and administrative action that should be taken to improve the chances for successful negotiations under section 310 or should be taken because negotiations under section 310 have proved unsuccessful.

The United States Trade Representative, Executive Office of the President,
Washington, DC.

Hon. Max Baucus,
U.S. Senate, Washington, DC.

Dear Max: I share your commitment to concluding a comprehensive agreement with the Government of Japan to open the Japanese forest products market. In our view, such a comprehensive agreement should eliminate or substantially reduce as many Japanese forest product trade barriers as possible and provide U.S. forest product ex-

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porters with the opportunity to substantially increase exports to Japan.

As you know, under the 1988 Trade Act, we have statutory authority to retaliate should the negotiations not conclude satisfactorily and on schedule. We are prepared to use this authority, if necessary.

We understand that you intend vigorously to pursue retaliatory legislation, if the negotiations fail. In the unfortunate event that we are unable to conclude a satisfactory agreement, we will be prepared to comment at that time on the merits of your proposed legislation. At this point, however, considering that negotiations on this matter are going into their final stage, we respectfully request that you refrain from pursuing legislation.

We appreciate your support and look forward to working with you toward a successful conclusion to these negotiations.

Sincerely,

CARLA A. HILLS.●

By Mr. SYMMS:

S. 2356. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees; to the Committee on Finance.

TAX-EXEMPT ORGANIZATIONS ELIGIBLE FOR 401(K) PLANS

● Mr. SYMMS. Mr. President, today I am introducing a bill to amend the Internal Revenue Code of 1986 [Code] to permit tax-exempt organizations to once again establish new cash or deferred arrangements, which are also called 401(k) plans. This bill would reinstate such plans for nonprofit groups, such as trade associations, labor unions, local chambers of commerce and professional societies.

In today's competitive global environment, we need to do everything we can to encourage savings by all citizens. One proven way of doing this is through tax-deductible retirement savings plans such as 401(k) plans.

We must also recognize that conventional wisdom has it that retirement income is derived from three sources: Social Security benefit payments, employer-sponsored retirement plan benefits and individual savings. The 401(k) plans allow employees to save for retirement on a tax-favored basis and frequently include employer matching contributions. Thus, 401(k) plans provide a means for accumulating funds to enhance retirement income derived from two of these sources.

The 401(k) plans are very popular with a recent survey indicating that approximately 36 percent of employers nationwide have established a 401(k) plan for their employees. And, it has been shown that some 57 percent of employees that are eligible to participate in their employee's 401(k) plan will make a contribution.

Not all employers are permitted under current law to establish a 401(k) plan. However, most employers that are precluded from establishing a 401(k) plan are permitted to establish a comparable form of salary reduction retirement savings plan. For example, state and local governments can establish an eligible deferred compensation plan under section 457 of the code that covers all of their employees. Employees of the Federal Government have available to them the Federal Thrift Savings Plan which permits savings on a salary reduction basis. And, organizations exempt under section 501(c)(3) of the code and certain educational organizations can offer to their employees salary reduction tax-sheltered annuities under section 403(b) of the code.

In fact, the only employees who do not have the opportunity to save for their retirement on a salary reduction basis are employees of tax-exempt organizations other than charitable organizations. In the Tax Reform Act of 1986, Congress precluded tax-exempt employers who did not have a 401(k) plan in effect before July 2, 1986 from establishing such a plan. It was mistakenly thought at the time that all tax-exempt employers could offer to their employees salary reduction tax-sheltered annuities under section 403(b) of the code. This was not the case then nor is it the case now. It was also assumed, again mistakenly, that by extending the coverage of section 457 of the code which pertains to a certain type of deferred compensation plan to tax-exempt organizations that this would offer an alternative means for employees to save on a salary reduction basis. The fact is that 457 plans are required under the Code to be unfunded and the Employee Retirement Income Security Act prohibits an employer—with the exception of a State or local government—from offering an unfunded plan to workers other than a select group of management and highly compensated employees.

As a result, studies have shown that only 16 percent of tax-exempt employers offer their employees a 401(k) plan. It is my intention in introducing this bill to remedy this inequitable treatment of employees of tax-exempt employers by granting them the same opportunity to save on a tax-favored basis as employees who work in the private sector or for Federal, State or local governments.●

By Mr. INOUYE:

S. 2357. A bill to amend the Communications Act of 1934 to ensure: First, that cable subscribers are protected from excessive cable rates, and second, that cable systems electing to retransmit local broadcast signals provide fair compensation to local stations and networks for the commercial exploitation of their signals and carry such signals on a basis that is consistent with the public interest; to the Committee on Commerce, Science, and Transportation.

CABLE SUBSCRIBER PROTECTION AND BROADCAST RETRANSMISSION ACT

● Mr. INOUYE. Mr. President, at the request of the broadcaster community, I am introducing the Cable Subscriber Protection and Broadcast Retransmission Act of 1990. My introduction of this bill should not be seen as an endorsement. Rather, this proposal represents an agreement among a significant part of the communications community—the broadcasters—and is thus deserving of our serious consideration. We will begin an exploration of this proposal at this Thursday's hearing of the Communications Subcommittee.

This legislation amends the Cable Act to require that broadcasters receive compensation for carriage of their signals by cable systems. It does not mandate that cable systems carry any broadcast signals, however, should a cable system choose to carry any stations, it would be required to carry all of the stations that are qualified under this bill and compensate those stations pursuant to a formula set out in the bill.

I hereby request that the legislation, the section-by-section analysis and the following letter from Edward O. Fritts, president of that National Association of Broadcasters, concerning this legislation be included in the RECORD following my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2357

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cable Subscriber Protection and Broadcast Retransmission Act of 1990."

SEC. 2. CABLE RATE REGULATION AND LOCAL BROADCAST RETRANSMISSION.

The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding after title VII the following new title:

TITLE VIII—CABLE SUBSCRIBER PROTECTION AND BROADCAST RETRANSMISSION

PART I—GENERAL PROVISIONS

SEC. 801. PURPOSES.

The purposes of this title are to—

(1) promote the availability to the public of a diversity of views and information through cable television and other video distribution media;

(2) where cable television services are not subject to effective competition, ensure that consumers have access to those services at reasonable rates;

(3) correct the existing policy imbalance which gives cable systems an unrestricted right to retransmit the signals of local television broadcast stations without paying any compensation to the broadcast stations and networks that originate the transmission of such signals or to the copyright owners of programs included in such signals; and

(4) assure that those cable systems that elect to retransmit the signals of local television broadcast stations perform this func-

tion in a manner that is consistent with the public interest in preserving a vigorous system of free over-the-air television broadcasting.

SEC. 802. FINDINGS.

The Congress finds and declares the following:

(1) Pursuant to the Cable Communications Policy Act of 1984, rates for cable television services have been deregulated in approximately 97 percent of all franchises since December 29, 1986. Since rate deregulation, monthly rates for the lowest priced basic cable service have increased by 40 percent or more for 28 percent of cable television subscribers. Although the average number of basic channels has increased from about 24 to 30, average monthly rates have increased by 29 percent during the same time period. The average monthly cable rate has increased almost three times as much as the Consumer Price Index since rate deregulation.

(2) For a variety of reasons, including local franchising requirements and the extraordinary expense of constructing more than one cable television system to serve a particular geographic area, most cable television subscribers have no opportunity to select between competing cable systems, and existing cable operators therefore are able to charge subscribers rates in excess of the rate levels that would prevail in a competitive marketplace.

(3) Cable systems derive substantial economic benefit from the retransmission of the signals of local television broadcast stations and the marketing of these signals to consumers as an integral part of their basic cable subscription services.

(4) The absolute right of cable systems, under existing law, to engage in such retransmission without compensating the originating stations and networks forces these entities to subsidize involuntarily the cable industry.

(5) This forced subsidy is inconsistent with the principles of law that are generally applicable where one entity seeks to retransmit and commercially exploit the programming signals originated by another.

(6) The subsidy also undermines the ability of free over-the-air television broadcasting to compete in the marketplace and erodes its ability to provide a diverse, high-quality programming service to the broadcast viewing public.

(7) While cable's right to carry broadcast signals without compensation may have been warranted during the infancy of the cable industry, it is not justifiable in the modern video marketplace where cable is prosperous and thriving.

(8) There is substantial governmental and First Amendment interest in promoting a diversity of views provided through multiple technological media.

(9) A primary objective and benefit of our nation's system of regulation of television broadcasting is the local origination of programming. There is a substantial governmental interest in ensuring its continuation.

(10) Broadcast television news continues to be a source of local news and public affairs programming that is critical to an informed electorate.

(11) Broadcast television programming is supported by revenues generated from advertisements broadcast over stations. Such programming is otherwise free to those who own television receiving sets and who do not require cable to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming.

(12) There has been an explosive growth in the penetration of cable television systems over the past decade, with cable television services now available to approximately 80 percent of the nation's households. More than 55 percent of American households subscribe to at least one tier of cable service, and this percentage will likely continue to increase.

(13) Cable television systems are often the single most efficient distribution system for television programming. A government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the A/B switch antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

(14) Broadcasters' competitive position in the marketplace is jeopardized by the fact that cable operators, who increasingly compete with local stations for programming, viewers and advertising, have sufficient market power and incentives to manipulate the position and carriage of local broadcast signals to the detriment of the broadcasters and to the cable operators' own commercial advantage. This is particularly true when the cable system is owned by a multiple system operator that has an investment in a cable programming service that competes with broadcast services.

(15) The absence of a requirement that cable television systems carry local broadcast signals has resulted in some systems deleting such signals from their systems, refusing to carry new signals, or repositioning such signals to a disadvantageous channel position. There is a substantial likelihood that absent reimposition of such a requirement, additional local broadcast signals will be deleted, not carried or repositioned.

(16) As a result of the economic incentive that cable systems have, in certain circumstances, to delete, not carry or reposition local broadcast signals, coupled with the absence of a requirement that such systems carry local broadcast signals, the economic viability of free local broadcast television and its ability to originate quality local programming will be seriously jeopardized.

(17) The public interest would be served by legislation that eliminates the mandated subsidy of cable by the various elements of the television broadcasting industry, requires cable systems to provide fair compensation for the retransmission rights that they use, and assures that those cable systems engaging in local broadcast signal retransmission do so in a manner that is consistent with maintaining a broadcasting service that will continue to be responsive to the needs and interests of the American television viewing public.

(18) The owners of the copyrighted programming carried on local broadcast stations should receive a portion of any statutory retransmission fee in recognition of the fact that, in a free cable marketplace, such owners would otherwise receive some compensation for the retransmission of their programming on local broadcast signals.

SEC. 803. DEFINITIONS.

For purposes of this title—

(1) Cable system.—The term "cable system" means an individual or organization that operates a facility which distributes video programming by wires, cables, or similar technology (including optical fiber) to multiple subscribers within a community, but such term does not include an individual or organization that operates (A) a facility that serves only subscribers in one or more multiple unit dwellings under common ownership, control or management, unless such facility uses any public right-of-way, (B) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the Communications Act, as amended, or (C) any facilities of any electric utility used solely for operating its electric utility systems.

(2) Retransmit.—A cable system shall be deemed to "retransmit" the signal or programming of a local broadcast station if such signal or programming is provided to viewers, in whole or in part, through or with the assistance of the cable system or any equipment, including switches or control devices, provided by the cable system, regardless of whether such equipment is connected to the cable system, except that nothing in this title shall prevent an individual cable subscriber, or any individual or entity unaffiliated with the cable system, from taking any lawful action, without the involvement of the cable system or any equipment provided by the cable system, to receive any signal or programming transmitted by a local broadcast station.

(3) Basic cable service.—The term "basic cable service" means any service tier providing advertiser-supported programming service or providing public, educational, or government access channels or the retransmission of local television broadcast signals.

(4) Market.—The term "market" means the area of dominant influence utilized in national television ratings, or any other similar definition that the Commission may from time to time prescribe.

(5) Local broadcast station.—The term "local broadcast station" means, with respect to any particular cable system, any United States commercial television broadcast station that would be entitled to insist upon its signal being retransmitted by that cable system pursuant to the rules, regulations, and authorizations of the Commission in effect on April 15, 1976.

(6) Broadcast network—Not later than 180 days after the enactment of this title, the Commission shall prescribe by rule a definition of "broadcast network" for the purposes of and consistent with the intent of this title.

(7) Affiliated station.—The term "affiliated station" means a commercial television broadcast station that is owned or operated by or affiliated with, one or more broadcast networks, and that transmits a substantial part of the programming supplies by such networks for a substantial part of that station's typical broadcast day.

(8) Independent station.—The term "independent station" means a commercial television broadcast station other than an affiliated station.

(9) Public television station.—The term "public television station" means a television station that is a noncommercial eductional broadcast station as defined in section 397 of title 47.

(10) Commercial television station.—The term "commercial television station" means a television station other than a public television station.

(11) Commission.—The term "Commission" means the Federal Communications Commission.

PART II—REGULATION OF CABLE RATES

SEC. 811. CABLE RATE REGULATION.

(a) IN GENERAL.—No Federal agency, State or local franchising authority may regulate the rates for the provisions of cable service, or for the installation or rental of equipment necessary for the receipt of cable service, except to the extent provided under this section and section 612 of the Communications Act of 1934 (47 U.S.C. 532).

(b) FCC REGULATION.—(1) Subject to the provisions of this subsection, the Commission shall have the authority to regulate the rates for any basic cable service, or for the installation or rental of equipment necessary for the receipt of cable service, or a cable system not subject to effective competition.

(2) Not later than 180 days after the date of enactment of the Cable Subscriber Protection and Broadcast Retransmission Act of 1990, the Commission shall prescribe by rule such procedures, standards, requirements, and guidelines as the Commission considers appropriate for carrying out its authority under this subsection to review and determine the reasonableness of rates.

(3) In determining the reasonableness of a rate, the Commission shall, among other public interest objectives—

(A) ensure that rates charged to the subscriber are affordable and do not reflect the inclusion of any monopoly profits earned by the cable operator;

(B) ensure that programmers can create new programs and services and can recover the cost of creating such new product;

(C) ensure that cable operators can reasonably expand the capability and the technological capabilities of their cable system; and

(D) not consider the costs associated with the acquisition and sale of one or more cable systems within a three-year period.

(4)(A) Upon written request by a franchising authority or by a State on behalf of a franchising authority, the Commission shall review the State and local laws and regulations governing the regulation of the rates of cable systems under the jurisdiction of such franchising authority. The Commission shall authorize such franchising authority to carry out such regulation in lieu of the Commission if the Commission finds that—

(i) such State and local laws and regulations conform to the procedures, standards, requirements, and guidelines prescribed under paragraph (2) and any interpretative rulings, decisions, and orders of the Commission that relate to rate regulation under this subsection; and

(ii) such franchising authority will provide an overall level of protection of consumers that is at least as great as the protection provided by the Commission and that carries out the national policy established in this title and the Communications Act of 1934.

(B) Upon petition by a cable operator or other interested party, the Commission shall review such regulation of cable system rates by a franchising authority authorized under this paragraph and shall revoke such authorization if the Commission, after the franchising authority has had a reasonable opportunity to comment, determines that the findings of the Commission under subparagraph (A) (i) or (ii) are no longer applicable.

(c) EFFECTIVE COMPETITION.—Under this section, a cable system shall be presumed to be subject to effective competition if—

(1) fewer than 30 percent of the households in the cable community subscribe to the cable service of such cable system; or

(2) the cable community is served by more than one multichannel video programming distributor.

For purposes of paragraph (2), a cable community shall be considered as served by more than one multichannel video programming distributor if (A) comparable video programming is available at comparable rates to at least 67 percent of the households in the cable community from a competing cable operator, multichannel multipoint distribution service, direct broadcast satellite program distributor, television receive-only satellite program distributor, or other competing multichannel video programming, and (B) the number of households subscribing to programming services offered by such competing multichannel video programming distributor, or by a combination of such distributors, is in the aggregate at least 30 percent of the households in the cable community.

(d) MISCELLANEOUS.—Nothing in this title shall be construed as forbidding any Federal agency, State, or franchising authority from—

(1) prohibiting discrimination among customers of basic cable service; or

(2) requiring and regulating the installation or rental of equipment which facilitates the reception of basic cable service by hearing-impaired individuals.

SEC. 812. TECHNICAL AMENDMENT.

Section 624 of the Communications Act of 1934 (47 U.S.C. 543) is hereby repealed.

PART III—OPTIONAL RETRANSMISSION

SEC. 821. OPTIONAL RETRANSMISSION OF LOCAL BROADCAST SIGNALS.

To the extent permitted by this title and by the provisions of title 17 of the United States Code, a cable system shall have the option of deciding whether to retransmit the signals or programming of local commercial broadcast stations as part of its offering to cable subscribers. Notwithstanding the foregoing, no cable system shall retransmit the signal or programming of any local commercial broadcast station, in whole or in part, unless the cable system complies with the requirements of parts IV and V of this title.

PART IV—PAYMENT AND DISTRIBUTION OF RETRANSMISSION FEES

SEC. 831. FILING WITH THE COMMISSION.

A cable system that retransmits the signals or programming of local commercial broadcast stations in whole or in part must, at least one month before the commencement of such retransmission or within one hundred and eighty days after the enactment of this title, whichever is later, and thereafter within thirty days after each occasion on which the ownership or control of the cable system changes, submit to the Commission a notice including a statement of the identity and address of the person who owns or operates the cable system or has power to exercise primary control over it, together with the identity and location of the local broadcast stations whose signals are carried by the cable system, and such further information as the Commission shall from time to time prescribe to carry out the purposes of this title.

SEC. 832. SUBMISSION OF STATEMENT OF ACCOUNT AND RETRANSMISSION FEE.

A cable system that retransmits the signals or programming of local commercial broadcast stations in whole or in part must, on an annual basis, deposit with the Commission, in accordance with requirements that the Commission shall prescribe by regulations—

(a) a statement of account, covering the 12 months next preceding, specifying the identity and location of local broadcast stations whose signals were retransmitted, the dates of such retransmissions, the total number of subscribers to the cable system, the gross amounts paid to the cable system for basic cable service, and such other data as the Commission shall from time to the time prescribe by regulation; and

(b) a fee in such amount as the Commission shall determine fairly reflects the value that retransmission of local broadcast signals contributes to the cable system's gross revenues.

SEC. 833. DEPOSITS OF FUNDS WITH TREASURY.

The Commission shall receive all retransmission fees deposited by cable systems pursuant to section 832 of this title and, after deducting the reasonable costs incurred by the Commission under this title, shall deposit the balance in the Treasury of the United States. All funds so deposited shall be held by the Secretary of the Treasury and invested in interest-bearing United States securities for later distribution with interest by the Commission as provided by this title.

SEC. 834. ANNUAL DISTRIBUTION OF FEES.

The retransmission fees deposited with the Commission under this part shall be distributed on an annual basis by the Commission in accordance with the provisions of this part and such other rules, regulations and procedures as the Commission shall establish.

SEC. 835. ALLOCATION OF FUNDS.

(a) IN GENERAL.—The Commission shall divide the funds deposited with the Treasury of the United States pursuant to section 832 of this title, together with accumulated interest thereon, into separate "market fee pools" for each market. Each market fee pool shall include the funds deposited for the relevant annual period by the cable system or systems located in such market. The funds apportioned to each market fee pool shall be distributed by the Commission in accordance with provisions of subsections (b) and (c) of this section.

(b) ALLOCATION TO COPYRIGHT OWNERS.—(1) The Commission shall distribute 20 per centum of each market fee pool to the copyright owners of the programs of local broadcast stations whose signals were retransmitted by cable systems in the market during the relevant annual period. Such fees shall be allocated to copyright owners on a basis that reflects the value of their copyrighted works, for the determination of which the Commission, as appropriate, may use as a guide the percentage of the total market audience for local broadcast programming in cable households that each copyright owner's programming received during the relevant annual period.

(2) Notwithstanding any provisions of the antitrust laws, for the purposes of this title, any copyright owners may agree among themselves as to the proportionate division of retransmission fees among them, may lump their claims together and submit a joint or single allocation request to the Commission, or may designate a common agent to receive payment on their behalf.

(c) ALLOCATIONS TO BROADCASTERS.—The Commission shall distribute 80 per centum of each market fee pool to the broadcast networks and stations whose signals were retransmitted, in whole or in part, by cable systems during the relevant annual period as follows:

(1) Public television stations whose signals were retransmitted by one or more cable systems in the market shall receive an amount of such funds equal to the percentage of the total market audience for local broadcast programming in cable households that each station received during the relevant annual period, multiplied by two.

(2) The portion of each market fee pool remaining after the required payments to copyright owners and public television stations have been made shall be allocated to the commercial stations and broadcast networks whose programming was included in the signals of one or more local broadcast stations carried by one or more cable systems in the market as follows:

(i) Independent stations shall receive a portion of such funds equal to the percentage of the total market audience for local commercial broadcast television programming in cable households that each station received during the relevant annual period.

(ii) Affiliated stations shall receive a portion of such funds equal to the percentage of the total market audience for local commercial broadcast television programming in cable households that each station's nonnetwork programming received during the relevant annual period, plus an amount equal to one-third of the percentage of the total market audience for local commercial broadcast television programming that each station's network programming received during the relevant annual period.

(iii) Broadcast networks shall receive a portion of such funds equal to two-thirds of the percentage of the total market audience for local commercial broadcast television programming in cable households that each network's programming received during the relevant annual period.

(3) Notwithstanding any provisions of the antitrust laws, for the purposes of this title, any broadcast networks or local broadcast stations may agree among themselves as to the proportionate division of retransmission fees among them, may lump their claims together and submit a joint or single allocation request to the Commission, or may designate a common agent to receive payment on their behalf.

SEC. 836. AUDIENCE DATA.

In allocating retransmission fees in accordance with the provisions of this part, the Commission may rely on audience data submitted by copyright owners, broadcast networks, local broadcast stations, their trade associations, or such other sources as it may deem to be appropriate. The Commission shall further establish procedures for resolving complaints or disputes concerning the accuracy or reliability of the audience data relied on by the Commission to distribute retransmission fees.

Part V—Local Signal Retransmission

SEC. 841. RETRANSMISSION REQUIREMENTS.

(a) In General.—A cable system shall not retransmit, in whole or in part, the signals or programming of local commercial broadcast signals unless it retransmits the signals of qualified local broadcast stations in accordance with the provisions of this section.

(b) Number of Channels.—A cable system shall retransmit the signals of all qualified local broadcast stations except that:

(1) A cable system with twelve or fewer usable activated channels shall not be required to retransmit the signals of more than three qualified local broadcast stations.

(2) A cable system with more than twelve and fewer than one hundred twenty-five usable activated channels shall not be required to retransmit more than the number of qualified local broadcast signals as follows:

Number of cable channels:	Number of television signals
13 to 20	4
21 to 29	7
30 to 33	10
34 to 37	11
38 to 41	13
42 to 25	14
46 to 49	15
50 to 53	17
54 to 57	18
58 to 61	19
62 to 65	21
66 to 69	22
70 to 73	23
74 to 77	25
78 to 81	26
82 to 85	27
86 to 89	29
90 to 93	30
94 to 97	31
98 to 101	33
102 to 105	34
106 to 109	35
110 to 113	37
114 to 117	38
118 to 121	39
122 to 125	41

(3) A cable system with more than one hundred twenty-five usable activated channels shall not be required to retransmit a number of qualified local broadcast signals greater than one-third of the aggregate number of usable activated channels of such system.

(c)(1) Cable System Discretion.—Whenever the number of qualified local broadcast stations exceeds the number of signals of such stations that a cable system is required to retransmit under this section, the cable system shall have discretion in selecting which signals shall be retransmitted in order to meet the retransmission requirements of this section; except that if the cable system elects to retransmit an affiliated station, such system shall retransmit the affiliated station whose city of license reference point, as defined in section 76.53 of title 47 Code of Federal Regulations, or any successor regulations thereto, is closest to the principal headend of the cable system. The retransmission of each signal of a qualified local broadcast station shall be included in determining whether a cable system has complied with the requirements of this section, even if the signal of one such station substantially duplicates that of another station.

(2) Channel position.—Each signal retransmitted in fulfillment of the retransmission obligations of a cable system under this section shall be retransmitted on the cable system channel number on which the qualified local broadcast station is broadcast over the air, or on the channel on which it was carried on July 19, 1985, at the election of the broadcaster, or on such other channel number as may be mutually agreed upon by the broadcaster and the cable system.

(3) Signal integrity.—

(A) A cable system shall retransmit in its entirety the primary video and accompanying audio transmission of each qualified local broadcast station the system selects to retransmit in accordance with this section, and shall not willfully alter, through changes, delections, or additions, the content of any particular program included in the signal of such station, or any commercial advertising or station announcements transmitted by the station during, or immediately before or after, the transmission of such program. Retransmission of material in the vertical blanking interval or other enhancements of the primary video and audio signal (including multichannel sound, teletext, and materials carried on subcarriers) shall be within the discretion of the cable system. (B) Except as provided in section 76.161 of title 47, Code of Federal Regulations, or any successor regulation thereto, no cable may retransmit less than the entire program schedule of any broadcast station: *Provided*, That, a cable system may delete from that signal any program for which carriage is barred by sections 76.151 *et seq.* of title 47, Code of Federal Regulations, or any successor regulations thereto.

(4) Signal quality.—The signals of qualified local broadcast stations that are retransmitted on a cable system shall be retransmitted without material degradation.

(5) Signal duplication.—A cable system shall not be required to retransmit the signal of any qualified local broadcast station that substantially duplicates the signal of another qualified local broadcast station that is retransmitted by the system.

(6) Signal reception.—Signals retransmitted in fulfillment of the retransmission obligations of a cable system under this section shall be available on the lowest priced tier of service separately available to each cable subscriber to which subscription is required for access to all other tiers of service. Such signals shall be viewable via cable on all television receivers of a subscriber connected to the cable system.

(7) Input selector switches.—Sections 76.66 (a) and (c) of the Commission's Rules and Regulations concerning the obligations of cable systems to provide subscribers with, and educate them about, input obligations switches are hereby repealed with respect to cable systems retransmitting the signals or programming of local broadcast stations pursuant to this part.

(8) Signal identification.—A cable system shall identify, upon request by any person, those signals carried in fulfillment of the signal retransmission obligations of the system under this section.

(9) Signal deletion or repositioning.—A cable system shall provide written notice to a qualified local broadcast station, the franchising authority of such cable system, and subscribers of such cable system at least thirty days prior to either deleting from carriage or repositioning the signal of a qualified local broadcast station. No such deletion or repositioning shall occur during a sweeps period in which major television ratings services measure the size of audience of qualified local broadcast stations.

(10) Prohibition against payments.—A cable system shall not accept monetary payment or other valuable consideration in exchange for retransmission of the signal of any qualified local broadcast station retransmitted in fulfillment of the signal retransmission obligations of the system under this section, except that any such station may be required to bear any cost associated with delivering to the headend of the cable system a signal of the quality defined in section 602(24) of the Communications Act of 1934 (47 U.S.C. 602(24)). Except as otherwise provided in this title, a local broadcast station shall not seek or accept any direct or indirect consideration from

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any cable system in exchange for the retransmission of its signal.

(d) Complaint Process.—(1) Whenever a qualified local broadcast station believes that a cable system has failed to comply with the signal retransmission requirements of this section, the station may file a complaint with the Commission. Such complaint shall allege the manner in which such system has failed to comply with such requirements and state the basis for such allegations.

(2) The Commission shall afford such cable system an opportunity to present data, views, and arguments to establish that the system has complied with the signal retransmission requirements of this section.

(3) Within one hundred-twenty days after the date a complaint is filed under this subsection, the Commission shall determine whether the cable system has complied with the requirements of this section. If the Commission determines that the cable system has failed to comply with such requirements, the Commission shall state with particularity the basis for such findings and order the operator to take such remedial action as is necessary to meet such requirements. If the Commission determines that the cable system has fully complied with such requirements, the Commission shall dismiss the complaint.

SEC. 842. DEFINITIONS.

For purposes of this part—

(1) Activated channels.—The term "activated channels" means those channels engineered at the headend of a cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided, including any channel designated for public, educational, or governmental use.

(2) Headend.—The term "headend" means the location of any equipment of a cable system used to process the signals of television broadcast stations for redistribution to subscribers.

(3) Principal headend.—The term "principal headend" means—

(A) the headend, in the case of a cable system with a single headend, or

(B) in the case of a cable system with more than one headend, the headend designated by the operator as the principal headend, except that such designation shall not undermine or evade the requirements of section 614 of the Communications Act of 1934.

(4) Qualified local broadcast station.—The term "qualified local broadcast station" means any commercial television station licensed and operating on a channel regularly assigned to its community by the Commission (except where such station would be considered a distant signal under section 111 of title 17, United States Code) that, with respect to a particular cable system—

(A) is licensed to a community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations, or any successor regulations thereto, is within fifty miles of the principal headend of the cable system, and which delivers to the cable system principal headend either a signal level of −45dBm for UHF signals and −49dBm for VHF signals at the imput terminal of the signal processing equipment, or a baseband video signal; and

(B) is not a low-power television station, television translator station, or other passive repeater which operates pursuant to part 74 of title 47, Code of Federal Regulations, or any successor regulations thereto.

(5) Usable activated channels.—The term "usable activated channels" means activated channels of a cable system, except those channels whose use for the distribution of broadcast signals would conflict with technical and safety regulations as determined by the Commission.

PART VI—MISCELLANEOUS

SEC. 851. CABLE COMPULSORY LICENSE.

Nothing in this title shall modify or otherwise change the terms of the cable compulsory licensing system for broadcast programming established by section 111 of title 17, United States Code.

SEC. 852. FCC RULEMAKING.

Within 180 days after the date of the enactment of this title, the Commission shall prescribe and make effective rules and regulations which prohibit cable systems from retransmitting the signals of local commercial broadcast stations except in compliance with the provisions of this title and which are otherwise necessary to implement the provisions of this title.

SEC. 853. SEVERABILITY.

If any provision of this title, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this title shall not be affected thereby and shall remain in full force and effect.

PART VII—REMEDIES AND PENALTIES

SEC. 861. GENERAL PENALTY.

Any person who willfully or knowingly does or causes or suffers to be done any act, matter, or thing in this title prohibited or declared to be unlawful, or who willfully and knowingly omits or fails to do any act, matter, or thing in this title required to be done, or who willfully and knowingly causes or suffers such omission or failure, shall, upon conviction thereof, be punished for such offense by a fine of not more than $10,000 or by imprisonment for a term not exceeding one year, or both; except that any person, having been once convicted of an offense punishable under this section, who is subsequently convicted of violating any provision of this title punishable under this section, shall be punished by a fine of not more than $10,000 or by imprisonment for a term not exceeding two years, or both.

SEC. 862. VIOLATION OF RULES AND REGULATIONS.

Any person who willfully and knowingly violates any rule, regulation, restriction, or condition made or imposed by the Commission under authority of this title shall, in addition to any other penalty provided by law, forfeit to the United States the sum of not more than $1,000 for each and every day during which such offense occurs.

SEC. 863. INJUNCTIVE RELIEF.

Any person adversely affected by the failure of any local broadcast station, or any cable system, to comply with the provisions of this title shall have the right to bring an action for injunctive relief to compel compliance in a court of competent jurisdiction.

SECTION-BY-SECTION ANALYSIS OF PROPOSED LEGISLATION

Sec. 1. Short Title.—This section provides that the act shall be known as the "Cable Subscriber Protection and Broadcast Retransmission Act of 1990."

Sec. 2. Cable Rate Regulation and Local Broadcast Retransmission.—This section states that the act shall become a new Title VIII to the Communications Act.

PART I—GENERAL PROVISIONS

Sec. 801. Purposes.—In general terms, the act's purposes are to promote diversity of views and information through video programming, to ensure that consumers have access to cable at reasonable rates, to compensate local broadcast stations for cable's retransmission and commercial exploitation of their signals, and to preserve a vigorous system of free over-the-air television broadcasting.

Sec. 802. Findings.—This section details the findings of Congress that rates for cable television service have increased considerably since passage of the Cable Communications Policy Act of 1984; that, since most cable systems are not subject to effective competition, subscribers are generally required to pay rates in excess of those that would prevail in a competitive marketplace; that cable systems derive substantial economic benefit from the retransmission of the signals of local broadcast stations; that cable systems increasingly compete with local over-the-air television stations for programming, viewers, and advertising; that there is a substantial governmental interest in promoting the continued availability of free television broadcasting; and that the public interest would be served by requiring cable systems to provide fair compensation for retransmission rights. Under existing law, cable systems have an absolute right to retransmit local television signals without compensating the originating stations and networks. While this subsidy may have been warranted during the infancy of the cable industry, the Committee believes it is not justifiable in the modern video marketplace. In addition, because some cable systems have improperly shifted the channel positions on which some broadcast signals are carried, it is believed that cable systems electing to retransmit local broadcast signals should be subject to carriage and channel positioning requirements that are consistent with the public's interest in a healthy over-the-air broadcasting service and with the First Amendment interest in promoting the availability of a diversity of views.

Sec. 803. Definitions.

(1) Cable system. This is based on the definition used in the 1984 Cable Act.

(2) Retransmit. In addition to conventional cable "retransmission," this definition includes cable system activities related to the supply of such items as A/B switches and associated remote control units. Nothing in the legislation would prevent subscribers, or others unaffiliated with the cable system, from providing such equipment.

(3) Basic cable service. This term includes any advertiser-supported programming service, public, educational or government access channels, and the retransmission of local television signals.

(4) Market. The Commission is encouraged to use the area of dominant influence ("ADI") market definition.

(5) Local broadcast station. This definition simply employs the Commission's 1976 must carry eligibility standard.

(6) Broadcast network. The Commission is directed to adopt a definition consistent with the purposes of this title.

(7) Affiliated station. This term includes both the affiliates of any entity determined under the above definition to be a "network," and the stations owned or operated by a "network."

(8) Independent station. A non-affiliated station.

(9) Public television station. A noncommercial educational broadcast station.

(10) Commercial television station. A television station other than a public television station.

(11) Commission. This term refers to the Federal Communications Commission.

PART II—REGULATION OF CABLE RATES

Secs. 811 to 812. Cable rate regulation.—This provision of the legislation gives the Commission the authority to regulate the rates of basic cable service, or the installation or leasing of reception equipment, of cable systems not subject to effective competition. In exercising its authority, the Commission is to ensure that rates are fair and do not include monopoly profits; afford programmers the opportunity to create new programs and services; ensure expansion capability; and do not include acquisition costs within a three year period. The Commission may review state and local rate regulation provisions and authorize their application in lieu of the Commission's regulations provided that the state or local regulation conforms to the Commission's standards and provides the same level of protection to consumers.

For purposes of this section, a cable system will be deemed to be subject to effective competition if the cable system has less than 30 percent penetration in the community served, or it the relevant community is served by more than one multichannel video distributor. In determining whether a community is served by more than one multichannel distributor, at least 67 percent of the households must be able to receive comparable programming at comparable rates from such alternate distributor or distributors and at least 30 percent of the households must subscribe to such alternate service or services.

PART III—OPTIONAL RETRANSMISSION

Sec. 821. Optional retransmission of local broadcast signals.—Cable systems are given the option of not carrying any local commercial TV signals but, if they elect to engage in such carriage, they must comply with Part IV of the legislation (fee payments) and Part V (must carry).

PART IV—PAYMENT AND DISTRIBUTION OF RETRANSMISSION FEES

Sec. 831. Filing with the Commission.—The language of this section is borrowed from the Copyright Act, and simply requires cable systems to file with the Commission on a periodic basis certain information about their ownership and the local broadcast television signals carried.

Sec. 832. Submission of statement of account and retransmission fee.—This section provides more necessary administrative reporting as well as the requirement that systems submit a retransmission fee to the Commission for their carriage of local broadcast signals. The Commission is instructed to set the fee so that it fairly reflects the value that local signal retransmission confers on cable operators.

Sec. 833. Deposit of funds with Treasury.—After deducting expenses relating to its administration of the fee program, the Commission will deposit the balance of all funds received from cable systems with the U.S. Treasury.

Sec. 834. Annual distribution of fees.—The distribution of fees by the Commission to broadcasters, networks and copyright holders will occur on an annual basis.

Sec. 835. Allocation of funds.—This section deals with the distribution of retransmission fees to copyright owners and broadcast interests. Each year, the Commission would divide the funds into separate "market fee pools" for each market, and would then allocate 20% of the fund to copyright owners and 80% to broadcasters in the applicable market. Each copyright owner would recieve a share of the "copyright fund" that is generally related to the percentage of the total market audience for local broadcast programming in cable households that the owner's programming received. The "broadcast fund" for each market would be distributed to public TV stations, who would receive a portion of the fund equal to twice their audience shares and to commercial stations and networks who would receive the remainder. In particular, the remaining portion of the pool would be distributed as follows: independents would receive a portion equal to their audience shares; networks would receive a portion equal to two-thirds of the audience shares for network programming; and network affiliates would receive a portion equal to the sum of their audience shares for non-network programming plus one-third of the audience shares for the network programming they carry. Both copyright owners and broadcast interests would be permitted to lump their claims together and present a single claim to the Commission if they so desired.

Sec. 836. Audience data.—This section permits the Commission to rely on audience data submitted by copyright owners, broadcast stations, networks, and others to determine relevant audience shares for distribution of the funds. The Commission is also to establish a dispute resolution procedure.

PART V—LOCAL SIGNAL RETRANSMISSION

Secs. 841 to 842.—These sections generally incorporate the "must carry" provisions of the Staff draft cable bill, with a few minor edits. The most significant differences are that noncommercial stations are not mentioned in the carriage requirements and that cable systems are affirmatively prohibited from deleting the commercials on a retransmitted broadcast signal and from, in most situations, carrying only a portion of a broadcaster's program schedule. In addition, the existing requirement that cable systems provide subscribers with input selector systems is repealed for those systems retransmitting local stations.

PART VI—MISCELLANEOUS

Secs. 851 to 853.—These sections provide that the terms of the compulsory licensing scheme are not modified by the act, that the Commission must adopt implementing regulations within 180 days after enactment of the statute, and that the provisions of the act can be severed from one another in the event one or more are found to be unlawful.

PART VII—REMEDIES AND PENALTIES

Secs. 861 to 863.—These sections set forth some general penalties for persons who violate any provision of the title. They also enable anyone who is injured by a cable system's (or broadcaster's) failure to comply with those provisions to bring a suit for injunctive relief. The penalty provisions were modeled closely after those contained in the Communications Act.

National Association
of Broadcasters,
Washington, DC, March 27, 1990.

Hon. Daniel Inouye,
Chairman, Subcommittee on Telecommunications, U.S. Senate, Washington, DC.

Dear Mr. Chairman: For over forty years, free, over-the-air television has served all the American people, regardless of where they live, or how much they earn. Unless several outdated government policies are changed, however, there can be little confidence that over-the-air television will be serving all of the people ten years from now, much less another forty.

This is why NAB strongly supports the proposal that you have agreed to introduce as legislation. We welcome the opportunity to foster debate in Congress on this much-needed change in our communications laws.

Congress created the free, over-the-air system of television broadcasting to serve the public interest and to serve all the American people. Broadcasting from hundreds of communities throughout the land, commercial television is best known for its vast menu of pogramming, ranging from local news and public affairs, through coverage of live sports events around the world, to an almost limitless supply of original entertainment programs. In times of crisis, broadcast television is trusted for its immediate and accurate reporting of events. The American people turn to broadcast television during difficult times, and television unfailingly responds by bringing the nation closer together with essential news and information. And it brings messages direct from the nation's leaders about the events unfolding around them. Unlike its competitors, free, over-the-air television does these things without any direct financial support from the government or from its audience.

As the new decade begins, free over-the-air television is fast approaching a critical juncture in its existence. While the essential fabric of local stations serving local communities remains intact, commercial television is facing a growing array of competitors for audience, for programming and, increasingly, for advertising dollars. Broadcast television is not seeking to avoid the discipline and rigors of competition. To be beneficial to the public, however, this competition must be fair. Commercial broadcasters' signals are free to everyone, while their present and future competitors concentrate on marketing their many channels to those who have the inclination and ability to pay, and who have access to them. The ultimate irony is that commercial television faces serious problems for the precise reason that its only product—its signal—also is free to its principal competitors.

The legislation that you are introducing today is designed to redress the serious competitive imbalance that governmental action has engendered between local television broadcasters and their principal competitors, cable television systems. Over the years, cable has been exempted from two important government policies. First, cable does not need to obtain the permission of local television stations before it retransmits the signals of those stations to its subscribers for a fee. Second, cable has a unique exemption from the regular operation of the copyright laws which would normally make such unauthorized use of broadcast programs a copyright infringement. These two exemptions allow cable systems to take the signals of television stations and retransmit them to subscribers for profit—*without* the permission of local broadcasters and *without* paying local broadcasters for the privilege of using their signals.

These two exemptions have created a subsidy that runs from the broadcast industry to the cable industry—a subsidy that has tipped the competitive scales in favor of cable. The most popular programming on cable has always been local broadcast programming. Today, it is still viewed over 60%

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of the time in cable households. A recent study estimated that over half of the net revenue of the typical cable system was attributable to local over-the-air television channels. Indeed, common sense suggests that if cable did not have access to broadcast signals, either subscription levels would drop or rates would have to be lowered—or both.

In the early days of cable's development, when systems were merely large-scale antennas, this governmental largess may have made sense. But today, cable is a growing prosperous industry whose overall worth is estimated at over twice that of the broadcasting industry. Even more significantly, cable competes vigorously with broadcasters for audience, programming, and advertising revenues. Given this new competitive relationship, it is not fair that exemptions from government policies continue to force television broadcasters to subsidize their foremost competitors. Nor is it fair to allow cable to use free access to local broadcast signals to erode the audience and advertising base of local broadcasters. Thus, the aim of this legislation is to strike a proper balance between local broadcasters on the one hand and the monopoly cable service provider on the other.

"The Cable Subscriber Protection and Broadcast Retransmission Act of 1990" would add a new section to the Communications Act to accomplish the following:

1. Cable systems would *not* be required to carry local broadcast signals. Cable would be free to choose to operate as a stand-alone business and offer only cable programming to its subscribers. This lack of a "must carry" requirement should eliminate the legal problems that such a requirement has encountered in the past.

2. If, however, a cable system chooses to carry local broadcast signals, it would pay a statutory fee for this privilege. To preclude cable's use of monopoly power to distort the Congressionally-mandated, federal licensing plan of local stations serving local commercials, a cable system shall carry a full complement of local signals within the limits of the carriage plan set forth in the legislation. The legislation also addresses the long-standing problem of cable's monopoly power to affect competition in the local market by the manipulaton of carriage and the channel positions of local stations.

3. The Federal Communications Commission would be authorized to set the retransmission fee at a realistic level to ensure that cable has access to broadcast programming and that broadcasters are compensated fairly for cable's use of that programming. Importantly, since cable systems choosing to carry local signals would be required to carry a full complement of local signals, the fee would not vary according to the number of signals carried.

4. Cable operators would be required to deposit the statutory retransmission fee with the FCC. To avoid any costs to the government, the FCC would deduct its administrative costs before distributing the proceeds on an annual basis. Under the distribution formula set forth in the legislation, 80 percent of the retransmission fees would go to local commercial stations, public television stations and broadcast networks—the backbone of the free broadcasting system—in varying amounts according to their ratings in local markets. However, in view of the special role played by public television, the share for public stations would be based on twice their actual ratings.

5. The remaining 20 percent of the retransmission fees would be paid to owners of the copyrights in local broadcast programming. This payment is to recognize that, in a free market negotiation, copyright owners may have a claim for additional compensation based on the subscription value of their properties on cable systems.

6. For cable systems not subject to "effective competition" as defined in the legislation, the FCC would be given the authority to regulate subscriber rates for basic cable service or establish guidelines for local authorities to regulate rates. This provision is designed to ensure that cable subscribers have access to cable service at reasonable rates and that these rates will not be affected adversely by the fees that cable systems rightly should pay for local broadcast signals pursuant to this legislation.

It is important to note that the retransmission fee outlined above for cable carriage of *local* broadcast stations would not affect the existing compulsory license under Title 17 for the retransmission of *distant* broadcast signals. In addition, by establishing a statutory retransmission fee, this legislation seeks to avoid individual marketplace negotiations between cable operators and local stations. This should result in transactional efficiencies along the same lines as those created by the cable copyright compulsory license.

This legislation addresses the competitive problems that have developed between local broadcasters and cable systems in a comprehensive manner. It would eliminate the unfair broadcast subsidy to cable and repair what has become a serious competitive imbalance in the local marketplace. It recognizes that local broadcasters—like all other program services that a cable system chooses to carry—have rights in their signals which must be honored and for which they should be compensated by the same cable systems that derive benefits from their carriage. It provides a statutory mechanism through which the fair value of broadcaster retransmission rights can be established by the FCC. It also takes into account cable's market power over the distribution of local broadcast signals while, at the same time, it avoids substantial transaction costs to broadcasters and cable systems alike.

Most importantly, this legislation is squarely in the best interests of the consuming public-cable users as well as those who do not have access to or cannot afford cable. For cable subscribers, this legislation will grant to the FCC power to arrest steadily rising subscriber rates. For everyone who enjoys broadcast television, over-the-air or through cable, this legislation addresses an emerging public policy issue. By eliminating the subsidy flowing from the "free media" to the "pay media," this legislation will ensure that local broadcast stations will continue to have the ability to provide every American home with the full range of programming to which the viewing public has become accustomed. Specifically, broadcast stations and networks will have the resources to fund attractive entertainment programming, to compete for rights to national and international sports events, and to maintain their commitment to thorough coverage of news events, whether they occur locally or in some far corner of the world.

Mr. Chairman, rarely is legislation more necessary, more appropriate or more timely. Congress is presented with the opportunity to balance properly the competitive relationship between two essential industries in a manner that has great benefits for *all* the American people. It should not let this opportunity escape.

On behalf of NAB, thank you for introducing this bill. We look forward to addressing these issues in your upcoming hearings.

Sincerely,

Edward O. Fritts.●

By Mr. DeCONCINI:

S. 2358. A bill entitled the "Digital Audio Tape Recorder Act of 1990"; to the Committee on Commerce, Science, and Transportation.

DIGITAL AUDIO TAPE RECORDER ACT

● Mr. DeCONCINI. Mr. President, I rise today to introduce the Digital Audio Tape Recorder Act of 1990. By introducing this legislation, we hope to bring to an end the controversy surrounding introduction of this new technology into the U.S. consumers across the country should have the opportunity to enjoy this technological advancement in sound recording.

I am including in the Record today a section-by-section description of the bill. I am including along with it a technical reference document that sets forth certain standards and specifications mandated by the legislation. At this point, I thought it would be helpful to describe this technology and the need for this legislation.

A digital audio tape recorder [DAT] is a tape recorder that records information in digital form, similar to the compact tape disc player except on tape. In a digital recording, music is converted into electronic pulses for coding, in the same way a computer stores information—in contrast, a conventional analog tape recorder records music in the form of the sound waves that constitute music. These digital pulses are then "read" and converted back into music. Proponents of this type of recording claim that it has several advantages over conventional methods of recording. These purported advantages include that the dynamic range of the music—the difference between the loudest and softest portions—and the signal-to-noise ratio are superior to most analog methods; the recording process itself does not add any noise; and "wow" and "flutter"—mechanical errors induced in some analog recordings—are virtually eliminated.

Last Congress, Congressman Robert Kastenmeier and I chaired joint hearings of our respective subcommittees on the problems presented by the introduction of this new technology. At that hearing, one of the main concerns voiced by recording industry representatives was that, by using a DAT to tape a compact disc, a consumer would be able to obtain a "digital master" or a "digital clone" every bit as good as the record producer's own digital master and that this recording could then be reproduced repeatedly in that form. Representatives of the consumer electronics industry testified that they had voluntarily configured the devices to prevent digital-to-digital cloning.

The focus of the hearing, however, was on a proposed technological addition to the DAT technology that would render the devices incapable of recording encrypted prerecorded software. This technology, called the copy-code scanner, was demonstrated by both the recording industry, who developed it, and the electronics industry. The results of the two demonstrations were markedly different. While the copy-code scanner demonstrated by the recording industry resulted in no discernible degradation in sound quality, the one utilized in the electronics industry presentation, however, obviously did adversely affect the quality. The committees were not able to determine which demonstration was more accurate and subsequently asked the National Bureau of Standards to test the copy-code scanner to determine its affect on DAT recorders. In addition, the two chairmen asked the Recording Industry Association and the Electronics Industry Association to try to resolve the dispute between themselves. The legislation I am introducing today represents the agreement that has been reached by the two long-term adversaries.

In fashioning this legislation, we have not included a surcharge provision to compensate artists and copyright holders for the possibility of loss of compensation that the sale of the machines may promote. The recording industry and others in the worldwide music community have long supported the imposition of a surcharge on blank tapes and recording devices. The consumer electronics industry, retail dealers and consumers have consistently opposed these efforts in the United States. In agreeing to recommend legislation to Congress, the industry representatives have put aside these differences. I applaud both sides for their efforts and for their willingness to compromise.

I am aware that there are groups who oppose the agreement represented by this legislation. These groups continue to believe that the only fair solution to the perceived problem of displaced sales is a distribution of moneys collected through the surcharge system. These parties also believe that the agreement sets a bad precedent by acknowledging for the first time in the copyright law, the existence of home taping. I have never supported the placing of such a surcharge on either software or hardware, but if this legislation is referred to my subcommittee, I will give this idea a fair hearing during consideration of the bill. In addition, language has been included in the legislation to clarify that Congress does not intend in adopting this approach to address the legality or appropriateness of home taping in general.

In agreeing to recommend SCMS, the industry representatives now seek to enable consumers to make digital-to-digital copies of prerecorded music, but to restrict the extent to which digital-to-digital copies of the copies can be made.

Under SCMS, the circuitry which controls the functions of a DAT will be programmed to read certain coding information accompanying the source material and, based on the particular combination of codes it reads, will permit unrestricted copying, permit copying but label the copy with a code to restrict further digital-to-digital copying, or disallow such copying. Under this system, a DAT will not be prevented from making first-generation digital-to-digital copies of original prerecorded music and other material from compact discs, prerecorded DAT cassettes, digital broadcasts, and other digital sources entering through a digital input, but will be unable to make second-generation digital-to-digital copies of the copies. In recognition of the fact that a DAT at present is unable to determine whether original prerecorded music or other material entering through an analog input has been coded for copyright protection, a DAT will be able to make a first-generation and a second-generation digital-to-digital copy of the source material, but will not be permitted to make a third-generation digital copy of the second-generation copy. In the event that technological developments permit the circuitry of a DAT to identify copyrighted material entering through an analog input, the same limitation on digital copies of copies should apply, but there will be no limitation on serial digital copying of analog material not coded for copyright protection.

The serial copy management system does not require any action by the consumer. No additional buttons or controls will complicate the recording process. Implementation of SCMS also will not require any changes to existing compact disc players or compact discs.

Home taping on conventional analog tape recorders will not be subject to SCMS. Thus, home taping on analog tape recorders will remain unaffected by this legislation. Moreover, the codes imbedded in digital sources to allow SCMS to work will not affect in any way the ability of analog tape recorders to record digital sources of music.

In my view, it is important that the DAT technology be available for American consumers. Therefore, the benefits of implementing SCMS for DAT's will be significant for consumers, the recording industry, the consumer electronics industry, and others in the United States. In furtherance of our goal of putting past controversy behind us, we introduce this legislation today. We look forward to the support of our Senate colleagues in moving this bill quickly.

I ask unanimous consent that the bill and the accompanying documents be inserted in the Record.

There being no objection, the materials were ordered to be printed in the Record, as follows:

S. 2358

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Digital Audio Tape Recorder Act of 1990".

SEC. 2. FINDINGS.

(a) Findings.—The Congress finds that—

(1) the Congress has been expressly granted the power under article 1, section 8, of the Constitution to promote the progress of science and the useful arts;

(2) representatives of the consumer electronics and recording industries have jointly studied possible recommendations to governments about the functions of digital audio tape (hereinafter in this section referred to as "DAT") recorders;

(3) taking into account concerns raised in the worldwide music community regarding copyright protection, the industry representatives announced a worldwide agreement in 1989 to make joint recommendations to governments, including the United States Government, with respect to DAT technology;

(4) the industry representatives agreed to recommend for government implementation worldwide the serial copy management system (hereinafter in this section referred to as "SCMS"), a technical system for controlling so-called "serial" copying on DAT recorders;

(5) under SCMS, the circuitry which controls the functions of a DAT recorder will be programmed to read certain coding information accompanying the source material and, based on the particular combination of codes it reads, will not prevent unrestricted copying, will not prevent copying but label the copy with a code to restrict further digital-to-digital copying, or will disallow such copying;

(6) under SCMS, a DAT recorder will not be prevented from making first-generation digital-to-digital copies of original copyright-protected prerecorded music and other material from compact discs, prerecorded DAT cassettes, digital broadcasts, and other digital sources entering through a digital input, but will be prevented from making second-generation digital-to-digital copies of the copies;

(7) under SCMS, in recognition of the fact that a DAT recorder at present will be unable to determine whether original prerecorded music or other material entering through an analog input has been coded for copyright protection, a DAT recorder will not be prevented from making first-generation and second-generation digital-to-digital copies of the source material, but will be prevented from making third-generation digital-to-digital copies of the second-generation copies;

(8) in the event that technological developments permit the circuitry of a DAT recorder to identify copyrighted material entering through an analog input, equivalent limitations on digital copies of copies should apply, but there will be no limitation on serial digital copying of analog material not coded for copyright protection;

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(9) home taping on conventional analog tape recorders will not be subject to SCMS and thus will remain unaffected;

(10) the benefits of implementing SCMS for DAT recorders will be significant for consumers, the recording industry, the consumer electronics industry, and others in the United States;

(11) in furtherance of the realization of those benefits and to encourage other governments to act accordingly, this Act implements SCMS for DAT recorders and provides mechanisms for regulatory implementation of solutions with respect to future issues and technological developments;

(12) representatives of the consumer electronics and music industries are expected to discuss copyright issues resulting from new technologies, including recordable and erasable compact disc players, and to study possible approaches, and to make recommendations to governments, including the United States Government, for applying SCMS or another system with greater copying restrictions than SCMS to these new technologies;

(13) this Act does not address or affect the legality of private home copying under the copyright laws;

(14) the enactment of this Act shall not prejudice consideration of whether or not royalties should be levied for private home copying of copyrighted music; and

(15) the enactment of this Act will promote the progress of science and the useful arts by encouraging the development of new technologically advanced products while providing copyright-related protection for creators of artistic works.

SEC. 3. DIGITAL AUDIO TAPE RECORDERS AND PHONORECORDS.

(a) Prohibition on Manufacture or Distribution.—(1) No person shall manufacture or distribute any digital audio tape recorder or digital audio interface device which does not conform to the standards and specifications to implement the serial copy management system that are either—

(A) set forth in the technical reference document; or

(B) established under an order by the Secretary of Commerce under section 4(b)(1) or (2).

(2) If the Secretary of Commerce approves standards and specifications under section 4(b)(3), then no person shall manufacture or distribute any digital audio tape recorder or digital audio interface device which does not conform to such standards and specifications.

(b) Prohibition on Circumvention of Serial Copy Management System.—No person shall manufacture or distribute any device, or offer or perform any service, the primary purpose or effect of which is to avoid, bypass, remove, deactivate, or otherwise circumvent any program or circuit which implements, in whole or in part, the serial copy management system in a digital audio tape recorder or digital audio interface device.

(c) Exception for Professional Models.—(1) Notwithstanding subsections (a) and (b), the requirements of those subsections shall not apply to a professional model digital audio tape recorder. For purposes of this Act, the term "professional model digital audio tape recorder" means a digital audio tape recorder—

(A) which is capable of sending a digital audio interface signal in which the channel status block flag is set as a "professional" interface, in accordance with the standards and specifications set forth in the technical reference document or established under an order issued by the Secretary of Commerce under section 4;

(B) which is clearly, prominently, and permanently marked with the letter "P" or the word "professional" on the outside of its packaging, and in all advertising, promotional, and descriptive literature, with respect to the recorder, that is available or provided to persons other than the manufacturer, its employees, or its agents; and

(C) which is designed, manufactured, marketed, and intended for use by recording professionals, in the ordinary course of a lawful business.

(2) The capability in a digital audio tape recorder described in paragraph (1)(A), or the marking of a digital audio tape recorder described in paragraph (1)(B), shall not create any presumption that the recorder is a professional model digital audio tape recorder.

(3) In determining whether a digital audio tape recorder meets the requirements of paragraph (1)(C), factors to be considered shall include—

(A) whether it has features used by recording professionals in the course of a lawful business, including features such as—

(i) a data collection and reporting system of error codes during recording and playback;

(ii) a record and reproduce format providing "read after write" and "read after read";

(iii) a time code reader and generator conforming to the standards set by the Society of Motion Picture and Television Engineers for such readers and generators; and

(iv) a professional input/output interface, both digital and analog, conforming to standards set by audio engineering organizations for connectors, signaling formats, levels, and impedances;

except that the presence or absence of features referred to in this subparagraph shall not create any presumption as to whether or not a digital audio tape recorder is a professional model digital audio tape recorder;

(B) the nature of the promotional materials used to market the digital audio tape recorder;

(C) the media used for the dissemination of the promotional materials, including the intended audience;

(D) the distribution channels and retail outlets through which the recorder is disseminated;

(E) the manufacturer's price for the recorder as compared with the manufacturer's price for digital audio tape recorders implementing the serial copying management system;

(F) the relative quantity of manufacture of the recorder as compared to the size of the manufacturer's market for professional digital audio tape recorders;

(G) the occupations of the purchasers of the recorder; and

(H) the uses to which the recorder is put.

(d) Encoding of Information on Phonorecords.—(1) No person shall encode a phonorecord of a sound recording with inaccurate information relating to the category code, copyright status, or generation status of the source material so as to improperly affect the operation of the serial copy management system.

(2) Nothing in this Act requires any person engaged in the manufacture or assembly of phonorecords to encode any such phonorecord with respect to its copyright status.

(e) Information to Accompany Transmission in Digital Format.—Any person who transmits or otherwise communicates to the public any sound recording in digital format shall not be required under this Act to transmit or otherwise communicate the information relating to the copyright status of the sound recording; except that any such person who does transmit or otherwise communicate such copyright status information shall transmit or communicate such information accurately.

(f) Definition.—For purposes of this section, the term "manufacture or distribute" means to manufacture, assemble, sell, resell, lease, or distribute in commerce, or to offer for sale, resale, lease, or distribution in commerce.

SEC. 4. SERIAL COPY MANAGEMENT SYSTEM.

(a) Publication of Technical Reference Document.—Within 10 days after the date of the enactment of this Act, the Register of Copyrights shall cause the technical reference document to be published in the Federal Register.

(b) Orders of Secretary of Commerce.—The Secretary of Commerce, upon petition by an interested party and after consultation with the Register of Copyrights, may issue an order to implement the serial copy management system set forth in the technical reference document as follows:

(1) The Secretary may issue such order for the purpose of permitting in commerce devices that do not conform to all of the standards and specifications set forth in the technical reference document, if the Secretary determines that such devices possess the same functional characteristics with respect to regulation of serial copying as, and are compatible with the prevailing method for implementation of, the serial copy management system set forth in the technical reference document.

(2) The Secretary may issue such order for the purpose of permitting in commerce devices that do not conform to all of the standards and specifications set forth in the technical reference document, if the Secretary determines that the standards and specifications relating generally to digital audio tape recorders and digital audio interface devices have been or are being revised or otherwise amended or modified such that the standards and specifications set forth in the technical reference document are not or would no longer be applicable, and that such devices conform to such new standards and specifications and possess the same functional characteristics with respect to regulation of serial copying as the serial copy management system set forth in the technical reference document.

(3) The Secretary may issue such order for the purpose of approving standards and specifications for a technical method implementing in a digital audio tape recorder the same functional characteristics as the serial copy management system so as to regulate serial copying of source material in the analog format in an equivalent manner as source material in the digital format.

SEC. 5. REMEDIES.

(a) Civil Actions.—Any aggrieved person or the Attorney General of the United States may bring a civil action in an appropriate United States district court against any person for a violation of section 3.

(b) Powers of the Court.—In an action brought under subsection (a), the court—

(1) consistent with the limitation set forth in subsection (e), may grant temporary and final injunctions on such terms as it may deem reasonable to prevent or restrain violations of section 3;

(2) shall award damages under subsection (c);

(3) shall direct the recovery of full costs, including awarding reasonable attorney's fees, by an aggrieved person, other than the United States, who prevails; and

(4) may grant such other equitable relief as it may deem reasonable.

(c) DAMAGES.—(1) An aggrieved person shall be entitled to recover damages for violations of section 3, which shall be computed, at the election of the aggrieved person at any time before final judgment is rendered, in accordance with one of the following, but in no event shall the judgment exceed a total of $1,000,000:

(A) The aggrieved person may recover the actual damages suffered by him or her as a result of the violation and any profits of the violator that are attributable to the violation which are not taken into account in computing the actual damages. In determining the violator's profits, the aggrieved person is required to prove only the violator's gross revenue, and the violator is required to prove his or her deductible expenses and the elements of profit attributable to factors other than the violation.

(B) The aggrieved person may recover an award of statutory damages for each violation of subsection (a) or (b) of section 3 in the sum of not less than $1,000 nor more than $10,000 per device involved in such violation or per device on which a service prohibited by section 3(b) has been performed, as the court considers just.

(C) The aggrieved person may recover an award of statutory damages for each violation of subsection (d) of section 3 in the sum of not less than $10 nor more than $100 per phonorecord involved in such violation, as the court considers just.

(D) The aggrieved person may recover an award of statutory damages for each transmission or communication that violates subsection (e) of section 3, in the sum of not less than $10,000 nor more than $100,000, as the court considers just.

(2) In addition to making an award of damages under paragraph (1), in any case in which the court finds that a violation of section 3 was committed willfully and for purposes of direct or indirect commercial advantage or private financial gain, the court in its discretion may increase the award of damages, whether actual or statutory, by an additional amount of not more than $5,000,000.

(3) In any case in which the court finds that the violator was not aware and had no reason to believe that his or her acts constituted a violation of section 3, the court in its discretion may reduce the total award of damages to a sum of not less than $250.

(d) IMPOUNDING OF ARTICLES.—At any time while an action under this section is pending, the court may order the impounding, on such terms as it may deem reasonable, of any device or phonorecord that is in the custody or control of the alleged violator and that the court has reasonable cause to believe does not comply with, or was involved in a violation of, section 3.

(e) LIMITATION REGARDING PROFESSIONAL MODELS.—Unless a court finds that the labeling and distribution of a digital audio tape recorder as a professional model by a manufacturer, given the factors set forth in subsection (c) of section 3, were without a reasonable basis or not in good faith, the court shall not grant a temporary or preliminary injunction against the distribution of such devices by the manufacturer.

(f) REMEDIAL MODIFICATION AND DESTRUCTION OF ARTICLES.—As part of a final judgment or decree finding a violation of section 3, the court shall order the remedial modification, if possible, or the destruction of any device or phonorecord that does not comply with, or was involved in a violation of, section 3 that is in the custody or control of the violator or that has been impounded under subsection (d) of this section.

(g) DEFINITION.—For purposes of this section, the term "device" does not include a phonorecord.

SEC. 6. DEFINITIONS.

(a) IN GENERAL.—As used in this Act—

(1) the term "aggrieved person" means—

(A) any person engaged in the manufacture or assembly of any digital audio tape recorder or any phonorecord;

(B) any person who is a copyright owner of any work embodied in a phonorecord; and

(C) any association, representative, or agent of any person described in subparagraph (A) or (B);

(2) the term "commerce" means commerce between or among any of the States, or between any of the States and any foreign nation;

(3) the term "digital audio interface device" means any machine or device, whether or not developed as of the date of the enactment of this Act, and whether or not included with or as part of some other device, that supplies a digital audio signal through a "non-professional interface," as the term "non-professional interface" is used in the Digital Audio Interface Standard in part I of the technical reference document or in an order of the Secretary of Commerce under section 4(b) (1) or (2);

(4) the term "digital audio tape recorder" means any device, whether or not developed as of the date of the enactment of this Act, and whether or not included with or as a part of some other device, that is intended or marketed for the primary purpose of making a sound recording in a digital format on magnetic tape;

(5) the term "interested party" means any person engaged in the manufacture or assembly of any digital audio tape recorder or any phonorecord, or any association, representative, or agent of such person;

(6) the term "person" includes "anyone" as that term is used in section 501(a) of title 17, United States Code;

(7) the term "serial copy management system" means the system for regulating serial copying by digital audio tape recorders that is set forth in the technical reference document or in an order of the Secretary of Commerce under section 4;

(8) the term "State" means any of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States;

(9) the term "technical reference document" means the document entitled "Technical Reference Document for Digital Audio Tape Recorder Act of 1990", as such document appears under the proceedings of the Senate in the Congressional Record for March 28, 1990; and

(10) the terms "analog format", "copyright status", "category code", "generation status", and "source material" mean those terms as they are used in the technical reference document.

(b) COPYRIGHT DEFINITIONS.—Except as otherwise provided, all terms used in this Act shall have the same meanings as those terms are given in title 17, United States Code.

SEC. 7. EFFECT ON OTHER LAW.

This Act does not affect any right or remedy, or any limitation on such right or remedy, held by or available to any person under title 17, United States Code. Nothing in this Act creates or affords any greater or lesser rights with respect to private home copying of a copyrighted work than any rights afforded under title 17, United States Code.

SEC. 8. AMENDMENT TO TITLE 17, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"§ 511. Effect of Digital Audio Tape Recorder Act of 1990

"The Digital Audio Tape Recorder Act of 1990 does not affect any right or remedy, or any limitation on such right or remedy, held by or available to any person under this title. Nothing in the Digital Audio Tape Recorder Act of 1990 creates or affords any greater or lesser rights with respect to private home copying of a copyrighted work than any rights afforded under this title.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 5 of title 17, United States Code, is amended by adding at the end the following:

"511. Effect of Digital Audio Tape Recorder Act of 1990.".

SEC. 9. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act, but shall not apply to any device or phonorecord manufactured or assembled before such date.

SECTION-BY-SECTION DESCRIPTION OF THE DIGITAL AUDIO TAPE RECORDER ACT OF 1990

Section 1 sets forth the title of the bill.

Section 2 sets forth certain findings that help put the legislation in perspective. Most of the findings describe the development of the serial copy management system (SCMS) for digital audio tape (DAT) recorders and how this system works. Other findings indicate that—

Enactment of the legislation will fulfill the constitutional power of Congress to promote the progress of science and the useful arts by encouraging the development of new technologically advanced products while providing protection for creators of copyrighted works;

Congress expects representatives of the consumer electronics and music industries to discuss copyright issues resulting from new technologies, including recordable and erasable compact disc players, to study possible approaches, and to make legislative recommendations for applying SCMS or another system with greater copying restrictions than SCMS to these new technologies; and

Enactment of the legislation will not address or affect the legality of private home copying under copyright law and will not prejudice consideration of whether or not royalties should be levied for private home copying of copyrighted music.

As a group, the findings provide background help for interpreting the SCMS standards and specifications mandated for DAT recorders and help put congressional consideration of the legislation into context.

Under SCMS, the circuitry which controls the functions of a DAT recorder will be programmed to read certain coding information accompanying the source material and, based on the particular combination of codes it reads, will not prevent unrestricted copying, will not prevent copying but label the copy with a code to restrict further digital-to-digital copying, or disallow such copying. Under this system, a DAT recorder will not prevent the making of first-generation digital-to-digital copies of original prerecorded music and other material from compact discs, prerecorded DAT cassettes, digital broadcasts, and other digital sources entering through a digital input, but will prevent the making of second-generation digital-to-digital copies of the copies. In recognition of the fact that a DAT recorder is presently unable to determine whether original prerecorded music or other material entering through an analog input has been coded for copyright protection, a DAT recorder will not prevent the making of a first-generation and a second-generation digital-to-digital copy of the source material, but will prevent the making of a third-generation digital-to-digital copy of the second-generation copy. In the event that technological developments permit the circuitry of a DAT recorder to identify copyrighted material entering through an analog input, equivalent limitations on digital copies of copies should apply, but there will be no limitation on serial digital copying of analog material not coded for copyright protection.

Home taping on conventional analog tape recorders will not be subject to SCMS. Thus, home taping on analog tape recorders will remain unaffected by this legislation.

Section 3 governs the manufacture and distribution of DAT recorders and phonorecords. Subsection (a)(1) provides that no person may manufacture or distribute a DAT recorder or digital audio interface device that does not conform to the standards and specifications to implement SCMS set forth in the technical reference document or established under an order by the Secretary of Commerce. (For purposes of this section, "manufacture or distribute" is defined broadly in subsection (f) to mean to manufacture, assemble, sell, resell, lease, or distribute in commerce, or to offer to do any of these in commerce.)

Subsection (a)(2) provides that, if the Secretary of Commerce approves standards and specifications under section 4(b)(3) to implement SCMS for source material in the analog format, then no person may manufacture or distribute a DAT recorder or digital audio interface device that fails to conform to such standards and specifications. At present, a DAT recorder is unable to determine whether original prerecorded music or other material entering through an analog input has been coded for copyright protection. Industry representatives are at work, studying the technical feasibility of implementing a system that would carry the copyright code in the analog, as well as the digital, format. If they develop a technical solution and if the Secretary then makes the required determination, future models of DAT recorders will have to implement the new technology before they may be sold in the United States.

Subsection (b) proscribes circumvention of SCMS. It provides that no person may manufacture or distribute a device, or offer to perform a service, the primary purpose or effect of which is to avoid, bypass, remove, deactivate, or otherwise circumvent any program or circuit that implements, in whole or in part, SCMS in DAT recorders. Thus, the legislation is aimed at the sale of so-called "black boxes" and computer programs that will defeat the system, as well as at persons operating a service to circumvent the system.

Subsection (c) exempts professional model DAT recorders from the coverage of the legislation. This subsection contains a number of criteria for determining whether a particular device qualifies as a professional model. The intent is threefold: to ensure that recording professionals, such as musicians, recording studio engineers, broadcasters, and cable operators, may purchase DAT recorders that are not limited in their recording ability; to provide manufacturers with guidance for designing and marketing models for use by recording professionals; and to ensure that this exception does not become a loophole by which the unscrupulous seek to market "professional" models to consumers through traditional consumer outlets.

Subsection (d) provides that no person may encode a phonorecord of a sound recording with inaccurate information relating to the category code, copyright status, or generation status of the source material so as to improperly affect the operation of SCMS. This provision, however, does not require any person to encode a phonorecord so as to claim copyright protection. That remains a decision for each copyright holder to make.

Subsection (e) provides that a person who transmits or otherwise communciates to the public in digital form the copyright status of a sound recording must do so accurately. This provision does not require broadcasters or cable operators to transmit sound recordings in a particular digital format or to otherwise transmit information about the category code, copyright status, or generation status of a sound recording. Rather, it only requires that information about the copyright status of a sound recording be accurate if it is transmitted or otherwise communicated.

Section 4 sets forth the mechanisms for implementing SCMS in DAT recorders and digital audio interface devices. Subsection (a) provides that within 10 days following enactment of the legislation, the Register of Copyrights must publish the technical reference document in the Federal Register. The proposed text of this document is attached to this section-by-section description. It is a technical reference document that adopts certain of the standards proposed to the International Electrotechnical Commission (IEC) in "IEC 958: Digital Audio Interface" and "IEC XXX Part 6: Serial copy management system for consumer audio use DAT recorders." Irrespective of how the proposals are treated by the IEC, the standards and specifications set forth in the technical reference document are intended to be determinative for purposes of defining the technical requirements of this legislation.

The technical reference document establishes two sets of standards and specifications. The first set governs the composition of digital audio signals being sent to and received by a DAT recorder, known as the "Digital Audio Interface Standard." The second set governs the recording functions of consumer model DAT recorders, to be known as the "Serial Copy Management System Standard" or the "SCMS Standard."

Subsection (b) contains three "safety valve" mechanisms, all triggered upon petition of an interested party, to implement SCMS differently than provided for in the technical reference document. Upon receipt of a petition and before issuing an order under this provision, the Secretary of Commerce must consult with the Register of Copyrights. The first mechanism provides the Secretary with the authority to issue an order permitting in commerce DAT recorders that possess the functional characteristics of SCMS and are compatible with SCMS as prescribed under the technical reference document, but which do not meet all of the standards and specifications set forth in the technical reference document. The intent is to have a mechanism by which the Secretary can remedy any technical problems that develop in implementing SCMS using the technical reference document and to permit other technologies which may be developed which implement SCMS in some other way. The second provision gives the Secretary the authority to issue an order permitting in commerce DAT recorders that meet a new set of standards and specifications to implement SCMS, in the event that the overall standards for DAT recorders or digital audio interface devices are no longer applicable and are revised in the future. The third provision provides the Secretary with the authority to approve standards and specifications for applying SCMS to source material in the analog format in an equivalent manner as source material in the digital format.

Section 5 establishes remedies for violations of the legislation. Subsection (a) provides that an aggrieved person or the Attorney General may bring a civil action to redress a violation of section 3. Subsection (b) provides the court with authority to grant injunctions, award damages, direct the recovery of costs, and grant such other equitable relief as it may deem reasonable.

Subsection (c) sets forth mechanisms for calculating damages, subject to a limit of $1 million per judgment as established under paragraph (1). An aggrieved person has the option of recovering actual damages or statutory damages, subject to this limit. Paragraph (2) provides the court with the authority to make an additional award of damages, up to a maximum of an additional $5 million, if it determines that a violation of section 3 was committed willfully and for purposes of direct or indirect commercial advantage or private financial gain. Paragraph (3) gives the court the discretion to lower the damage award to $250 if it finds that the violator was not aware and had no reason to believe that his or her acts constituted a violation of section 3.

Subsection (d) provides the court with authority to impound devices that the court has reasonable cause to believe do not comply with section 3.

Subsection (e) limits the authority of a court to issue a temporary or preliminary injunction against the distribution of DAT recorders labeled as professional models. The court only may do so if it finds that the labeling and distribution of the devices by a manufacturer were without a reasonable basis or not in good faith. The intent is to permit a manufacturer to continue to distribute devices in commerce pending resolution of the case, unless it is clear that it could not reasonably or in good faith have labeled and distributed a device as a professional model.

Subsection (f) permits the court to order the remedial modification of any device or phonorecord that does not comply with section 3. The court also is given authority to order destruction of any device or phonorecord that does not comply with section 3.

Section 6 defines terms used in the legislation. Of these definitions, the most important one defines a DAT recorder. The intent is to limit the applicability of this legislation only to devices that are intended or marketed to consumers for the primary purpose of making a sound recording in a digital format on magnetic tape. The "primary purpose" test is intended to ensure that only those products expected to be used principally for making audio recordings contain the circuitry or program to implement SCMS. In addition, by stating that the legislation covers devices included with or as part of some other device, the bill is intended to cover devices like "boom boxes" and to ensure that the requirements of the legislation may not be avoided merely by incorporating a DAT recorder into another device.

The bill defines a digital audio interface device as any machine or device, whether or not developed as of the date of the enactment of the Act, and whether or not included with or as part of some other device, that supplies a digital audio signal through a "non-professional interface" as that term is used in the Digital Audo Interface Standard in Part I of the technical reference document or in an order of the Secretary of Commerce pursuant to section 4(b) (1) or (2).

For drafting simplicity, the bill refers to the "technical reference document," the document appearing in the CONGRESSIONAL RECORD that sets forth the standards and specifications for implementing SCMS in DAT recorders and digital audio interface devices.

Finally, this section states that all other terms in the bill have the same meanings as those set forth in the Copyright Act of 1976, as amended. Such terms as "phonorecord" and "sound recording" appear throughout the bill. These and other terms have developed particular meanings through statutory amendments to the law and through judicial precedent. This provision preserves the interpretations developed under the Copyright Act.

Section 7 provides that the legislation is not intended to affect any right or remedy, or any limitation on any such right or remedy, held by or available to any person under the Copyright Act of 1976, as amended. Section 7 also provides that nothing in the legislation creates or affords any greater or lesser rights with respect to private home copying of a copyrighted work than any rights afforded under the Copyright Act.

Section 8 amends the Copyright Act to include the language set forth in section 7 in statutory form.

Finally, section 9 of the bill establishes the date of enactment as the effective date for the legislation, but specifies that the requirements for implementing SCMS do not apply to devices or phonorecords manufactured or assembled prior to that date. Thus, all devices and phonorecords currently in the hands of consumers or in the chain of distribution prior to enactment of the legislation will not be subject to it.

TECHNICAL REFERENCE DOCUMENT FOR THE DIGITAL AUDIO TAPE RECORDER ACT OF 1990

INTRODUCTION

This Technical Reference memorandum is provided to facilitate the implementation of legislation relating to digital audio tape ("DAT") recorders, known as the "Digital Audio Tape Recorder Act of 1990" (the Act").

This Technical Reference memorandum adopts those standards proposed to the International Electrotechnical Commission ("IEC") in "IEC 958: Digital Audio Interface" and "IEC XXX Part 6: Serial copy management system for consumer audio use DAT recorders", that are necessary to implement the Serial Copy Management System under the Act. However, compliance with the standards and specifications set forth herein may require adherence to additional IEC standards and specifications with respect to digital audio signals and/or DAT recorders. Regardless of whether the standards and specifications set forth in this or any other document are subsequently adopted or amended by the IEC, the mandatory standards and specifications set forth herein, as they may be amended pursuant to an order of the Secretary of Commerce under Section 4(b) of the Act, shall be considered determinative for the purposes of United States law.

Two sets of standards and specifications are established by this memorandum. The first set governs the composition of digital audio signals being sent to or by a DAT recorder via a nonprofessional interface, referred to hereinafter as the "Digital Audio Interface Standard." The second set governs the recording and play-back functions of non-professional model DAT recorders, referred to hereinafter as the "Serial Copy Management System Standard" or the "SCMS Standard."

PART I.—DIGITAL AUDIO INTERFACE STANDARD

Many devices are capable of producing digital audio signals. For example, compact disc players, DAT recorders, analog-to-digital converters and electronic musical instruments currently can issue digital audio signals; future devices may include digital video cassette recorders and digital microphones, among others. To enable communication between these different types of devices and a DAT recorder, it is necessary and desirable to establish a common protocol or "interface" that mandates the location and significance of particular bits of information in the digital audio output signal of each device. Such a standard already has been established in the document IEC 958.

Under IEC 958, inaudible information, known as "channel status data", accompanies a digital audio signal being sent to or by a DAT recorder. Like all digital data, channel status data consist of numerical information encoded as a series of zeros and ones. Each zero or one constitutes a "bit" of data in which both zero and one may impart information concerning the composition of the audio signal being sent to or by a DAT recorder. Bits represented in this memorandum as "X", rather than as zero or one, indicate that those bits may be either zero or one without affecting the standards set forth herein.

Channel status data bits are organized into units of information, known as "blocks," relating to both the left and right stereo audio channels. Each block contains 192 bits of information, numbered consecutively from 0 to 191. Most of these 192 bits currently are reserved for future use. Those channel status bits that are significant to the implementation of the Digital Audio Interface Standard and the Serial Copy Management System are included within channel status bits 0 through 15, as set forth in the remaining sections of this Part I.

A. Summary of mandatory digital audio interface standard

According to IEC 958, there are two basic types of interfaces for digital audio signals that can be sent by or by a DAT recorder. A "professional interface" is a digital audio signal that contains particular types of channel status data for such DAT recorders as would be used by recording professionals as contemplated by the Act ("professional model" DAT recorders). A "non-professional interface" is a digital audio signal that contains different types of channel status data. The channel status data sent in a non-professional interface are incompatible with the channel status data in a professional interface. Hence, a non-professional DAT recorder cannot record digital audio signals sent in a professional interface. Whether a digital audio interface is professional or non-professional is indicated by the setting of Bit O, known as the "Channel Status Block Flag", as set forth below.

This Digital Audio Interface Standard applies only to machines having a non-professional interface. To the extent that a professional model DAT machine also may have a non-professional interface, such a professional model DAT machine must send channel status data via its non-professional interface in accordance with the standards set forth herein. However, nothing in this Digital Audio Interface Standard shall be interpreted to prevent a professional model DAT recorder having a non-professional interface from permitting such channel status data bits to be set in accordance with the needs of a professional user.

This Digital Audio Interface Standard requires that all devices having a digital audio output capable of supplying a digital audio signal to a DAT recorder through a non-professional interface must implement five types of codes located between Channel Status Bits 0 and 15. Under the Digital Audio Interface Standard, Channel Status Bits 0 through 15 are supplied in a digital audio output signal, and are read by a DAT recorder. Those bits that are mandated under this Digital Audio Interface Standard are as follows:

1. Bit 0.—Bit 0 (the "Channel Status Block Flag"), one of the "Control" bits, shall identify whether the channel status bits are for a professional or non-professional interface. Where Bit 0 is set as "1", the signal contains the channel status data required for a professional interface. Where Bit 0 is set as "0", the channel status data is suitable for a non-professional interface. The remaining bit assignments under this Digital Audio Interface Standard are mandated only with respect to a non-professional interface, i.e., where Bit 0 is set as "0".

2. Bit 1.—Bit 1, another of the "Control" bits, shall identify whether the signal being sent to or by the DAT recorder is a digital audio or a digital data signal. Where Bit 1 is set as "0", the signal is a digital audio signal. Where Bit 1 is set as "1", the signal is a digital data signal.

3. Bit 2.—Bit 2 (the "C" Bit), another of the "Control" bits, shall identify whether copyright protection is asserted for the work being sent via the digital audio input signal. Where the C Bit is set as "0", copyright protection has been asserted over the material being sent to the digital audio input of the DAT recorder. Where the C Bit is set as "1", either that material is not protected by copyright or no copyright protection has been asserted by the owner of that material. For Digital Receivers (Category Codes 001XXXXL and 0111XXXL), the C Bit shall be set as "0", except that these devices shall send the C Bit as "1" only where the cable operator or broadcaster specifically transmits information indicating that no copyright protection has been asserted over the material. Where a device combines more than one digital audio input signal into one digital audio output signal (*e.g.*, in the case of a digital signal mixing device), and copyright protection has been asserted in the C Bit for at least one of the input signals, then the device must permit the assertion of copyright protection over the resulting digital audio output signal (i.e., set the C Bit as "0").

There is no existing legal requirement that a copyright owner must assert protection over its work (and, therefore, set the C Bit as "0"). However, except as provided herein with respect to Digital Receivers, a copyright owner may not set the C Bit as "0" for works that are not copyrighted or are in the public domain.

4. Bits 3-7.—These bits are sent to and read by a DAT recorder, but specific bit settings for Bits 3-7 are not necessary for the implementation of the SCMS Standard set forth in Part II.

5. Bits 8-14.—Bits 8-14 shall specify a "Category Code" that identifies the type of device that produces the digital audio signal sent to or by a DAT recorder. Using various combinations of zeros and ones, Bits 8-14 can define Category Codes for as many as 128 different devices that can provide digital audio signals to a DAT recorder. According to IEC 958, the first three to five Category Code bits (numbered Bits 8-10 through 8-12) describe general product groups, and the remaining Category Code bits specify particular devices within each product group. IEC 958 has assigned particular Category Codes to existing and anticipated product groups and devices, and has reserved additional Category Codes for future devices.

The Category Code issued by each particular device must reflect the most specific code applicable to that device. There is one exception in the case of digital signal processing and mixing products, which receive digital audio signals from one or more sources and either process or combine them with other incoming digital audio signals. If all incoming signals are from an analog-to-digital converter having a Category Code "01100XXX", these devices should issue the Category Code of that analog-to-digital converter rather than of the digital signal processing or mixing device. This will permit two generations of copies from present-day analog recordings, which otherwise is permitted under the SCMS Standard.

The relevance of these Category Codes to the SCMS Standard is described below in Part II.

6. Bit 15.—Bit 15 (the "L" Bit) shall indicate the "generation status" of the digital audio signals being sent to or by a DAT recorder. "Generation status" means whether the signal emanates from a source that has been produced or published by or with the authority of the owner of the material, such as commercially released pre-recorded compact discs or DAT tapes or a digital broadcast (referred to herein as "original"); or whether the signal emanates from a recording made from such "original" material. In the latter case, a recording made directly from an "original" source is known as a "first-generation" copy; a recording made from a first-generation copy is a "second-generation" copy; and so forth.

For most products, if the L Bit is set as "0", the source is a recording that is first-generation or higher. If the L Bit is set as "1", the source is "original." For digital audio output signals from a laser-optical product, however, the definitions of the L Bit are reversed (i.e., L Bit="0" for "original" material and L Bit="1" for first-generation or higher recordings). For Digital Broadcast Receivers (Category Codes 001XXXXL and 0111XXXL), the L Bit always shall be set as "0"); except in the case of receivers for Electronic Audio Software Delivery, in which case such receivers shall send the L Bit as "1" only where the cable operator or broadcaster specifically transmits information indicating that the material should be treated as if it were first-generation or higher.

For devices that combine more than one digital audio input signal into one digital audio output signal (such as digital signal processors or mixers), the L Bit of the output signal must reflect the highest generation status of any input signal over which copyright protection has been asserted. Thus, where one or more of the constituent input signals is a first-generation or higher copy over which copyright protection is asserted, then the device must reflect in the L Bit of the digital audio output signal the generation status for a first-generation or higher copy. In all other cases, the device shall reflect in the L Bit that the output signal is original.

B. Mandatory digital audio interface standards

The following bit assignments for channel status data, as referenced in the provisions of IEC 958 ¶4.2.2 "Channel status data format for digital equipment for consumer use", shall be mandatory:

1. Bits 0-2 of the "CONTROL" Bits:

a. Bit 0 (the "Channel Status Block Flag")—

Bit 0="0"—Non-professional interface,

Bit 0="1"—Professional interface.

b. Bit 1—

Bit 1 = "0"—Digital audio signals,

Bit 1 = "1"—Non-audio (data) signals.

c. Bit 2 (the "C" Bit):

i. Case 1—

Bit 2 = "0"—Copyright protection asserted,

Bit 2 = "1"—No copyright protection asserted or not under copyright.

Exception to Case 1

For Digital Receivers (Category Codes 001XXXXL and 0111XXXL), the C Bit shall indicate:

Bit 2 = "0"—Copyright information transmitted and protection asserted, or no copyright information transmitted,

Bit 2 = "1"—Copyright information transmitted and no copyright protection asserted.

ii. Case 2—

Where a single digital audio output signal results from the combination of more than one digital audio input signal:

Bit 2 = "0"—Copyright protection asserted over at least one of the constituent digital audio input signals,

Bit 2 = "1"—For all of the constituent digital audio input signals, no copyright protection asserted or not under copyright.

2. Bits 3-7:

Specific bit settings for Bits 3-7 are not necessary for the implementation of the SCMS Standard set forth in Part II.

3. Category Code Bits 8-15:

a. Bits 8-15—

The Category Codes that follow are established for particular product groups. Where Bit 15 is represented by "L" rather than a zero or one, Bit 15 (the "L" Bit) can be either a zero or one without affecting the Category Code. Where Bit 15 is represented by "X" rather than a zero or one, the device is not capable of issuing status information concerning the L Bit.

00000000—General. This category applies to products that are capable of sending channel status data but are not programmed to send such data in accordance with the specifications set forth in this Memorandum, because the products were manufactured before the implementation of this Digital Audio Interface Standard and the Serial Copy Management System Standard. This General Category Code shall not be used for products manufactured after the effective date of the Act.

0000001L—Experimental products not for commercial sale.

100XXXXL—Laser-optical products, such as compact disc players (including recordable and erasable compact disc players) and videodisc players with digital audio outputs.

010XXXXL—Digital-to-digital ("D/D") converters and signal processing products.

110XXXXL—Magnetic tape or disc based products, such as DAT players and recorders.

001XXXXL and 0111XXXL—Digital reception of digitally-encoded audio signals with or without video signals, including Digital Cable or Digital Broadcast Receivers.

101XXXXL—Musical instruments, microphones and other sources that create original digital audio signals.

01100XXX—Analog-to-digital ("A/D") converters for analog signals without status information concerning the C Bit and the L Bit ("Present A/D converters").

01101XXL—A/D converters for analog signals which include status information concerning the C Bit and the L Bit ("Future A/D converters").

0001XXXL—Solid state memory based products.

Particular devices within each product group defined above shall be assigned specific Category Codes in accordance with IEC 958. Manufacturers of any device that is capable of supplying a digital audio input to a DAT recorder must use the most specific Category Code applicable to that particular device. However, digital signal processing or digital signal mixing products in Category Code product group "010XXXXL" should issue the Category Code for Present A/D converters where all the input signals have the Category Code for a Present A/D converter.

b. Bit 15 (the "L" Bit):

The L Bit shall be used to identify the generation status of the digital audio input signal as emanating from an "original" work or from a first-generation or higher recording.

1. Case 1—

For all Category Codes (except as explicitly set forth below), the L Bit shall indicate:

Bit 15="0"—First-generation or higher recording,

Bit 15="1"—"Original" work, such as a commercially released pre-recorded DAT tape—

a. Exception (a) to Case 1—

The reverse situation is valid for laser optical products (100XXXXL). For this Category Code the L Bit shall indicate:

Bit 15="1"—First-generation or higher recording,

Bit 15="0"—"Original" recording, such as a commercially released pre-recorded compact disc.

b. Exception (b) to Case 1—

For Digital Receivers (Category Codes 001XXXXL and 0111XXXL), Bit 15 always shall be set as "0"; except for receivers for Electronic Audio Software Delivery, for which the L Bit shall indicate:

Bit 15="0"—Generation status information transmitted as original status material or no generation status information transmitted,

Bit 15="1"—Generation status information transmitted as for non-original material.

c. Exception (c) to Case 1—

The L Bit has no meaning for A/D converters for analog signals that do not include status information concerning the C Bit and the L Bit (*i.e.*, A/D converters in Category Code 01100XXX).

2. Case 2—

Where a single digital audio output signal results from the combination of more than one digital audio input signal:

Bit 15="0"—One or more of those constituent digital audio input signals over which copyright protection has been asserted is first-generation or higher.

Bit 15="1"—All other cases.

II.—SERIAL COPY MANAGEMENT SYSTEM FOR "NON-PROFESSIONAL MODEL" DAT RECORDERS

The Serial Copy Management System Standard applies only to digital audio tape recorders that are not professional model DAT recorders as defined under the Act.

The general intention of the SCMS Standard is to prevent non-professional model DAT recorders from making second-generation or higher digital recordings of "original" digital audio input signals over which copyright protection has been asserted via the channel status bits. The SCMS Standard does not prevent the making of a first-generation recording of such "original" digital audio signals. As future technologies permit, the SCMS Standard will limit the digital recording by a DAT recorder of analog audio signals over which copyright protection has been asserted to the making of only a first-generation digital copy. However, because present technology does not identify whether analog audio signals are protected by copyright, the SCMS Standard will not prevent the making of a first and second-generation digital copy of such signals. The SCMS Standard will not restrict digital recording of material over which copyright protection has not been asserted via the channel status bits of the digital audio input signal.

A. Summary of mandatory serial copy management system standard

To implement the Serial Copy Management System, the SCMS Standard requires that a DAT machine must play-back and/or record specific inaudible data in a particular location on a digital audio tape. According to the IEC documents "IEC XXX part 1: Digital Audio Tape Cassette System (DAT) Dimensions and Characteristics" and "Part 6: Serial copy management system for consumer audio use DAT recorders," that particular location on the digital audio tape consists of two bits known as "subcode ID6 in the main ID in the main data area" ("ID6").

1. SCMS Operation When Playing a DAT Tape—

With respect to the play-back function, a DAT machine that is connected to another DAT recorder can provide digital audio output signals via a non-professional interface. In that circumstance, the DAT play-back machine functions as a digital audio interface device that must provide channel status data conforming to the Digital Audio Interface Standard set forth above in Part I. The SCMS Standard requires that when a digital audio tape is played back, the DAT play-back machine reads the information from ID6 on the tape and then sends the corresponding channel status data (concerning Bit 2 "the C Bit" and Bit 15 "the L Bit"), along with the Category Code for a DAT machine, in its digital audio output signal. The channel status data to be sent in response to the various settings of ID6 are as follows:

1. Where ID6 is set as "00", copyright protection has not been asserted over the material under the SCMS Standard. In response to ID6, the digital audio signal output of the DAT will provide the C Bit set as "1" and the L Bit set as "0".

2. Where ID6 is set as "10", copyright protection has been asserted over the material under the SCMS Standard and the recording is not "original". In response to ID6, the digital audio output signal of the DAT will provide the C Bit set as "0" and the L Bit set as "0".

3. Where ID6 is set as "11", copyright protection has been asserted over the material under the SCMS standard and the recording is "Original". In response to ID6, the digital audio output signal of the DAT will provide the C Bit set as "0" and the L Bit set as "1".

2. SCMS Operation When Recording on DAT Tape—

With respect to the recording function, the SCMS Standard governs the circumstances and manner in which a DAT recorder may record a digital audio input signal. A DAT recorder implementing the SCMS Standard must be capable of acknowledging the presence or absence of specific channel status information being sent to the DAT recorder via its digital audio input. The DAT recorder then responds to that channel status information by either preventing or permitting the recording of that digital audio input signal. If recording is permitted, the DAT machine records specific codes in ID6 on the tape, so that when the tape is played back, the DAT machine will issue the correct channel status data in its digital audio output signal. The settings of ID6 to be recorded in response to particular channel status bit information are as follows:

1. Where the C Bit of the digital audio input signal is set as "0" (copyright protection asserted), the DAT recorder shall not record the input, expect in three circumstances: (1) where the input is original material (i.e., where the digital audio input signal comes from one of the products on the "Category Code White List" set forth below in section C); (b) where the digital audio input signal contains an undefined Category Code (in which case only one generation of recording in permitted); or, (c) where the digital audio input signal comes from a product with a defined Category Code but the product currently is not capable of transmitting information regarding copyright protection (in which case, two generations of copying are possible). In circumstances (a) and (b) above, the DAT recorder will record "10" in ID6 to prevent further copying. In circumstance (c) above, the DAT recorder will record "11" in ID6 for the first-generation copy.

2. Where the C Bit of the digital audio input signal is set as "1" (no copyright protection asserted or not copyrighted), the DAT recorder will record "00" in ID6, and unlimited generations on copying will be permitted.

3. Where the C bit of the digital audio input signal fluctuates between "0' and "1" at a rate of between 4–10 Hz, the signal is coming from a recordable or erasable compact disc that is not an "original" and that contains material over which copyright protection has been asserted. The DAT recorder shall not record in this circumstance.

4. The condition "01" in ID6 has been assigned no meaning within the SCMS Standard. Therefore, to prevent circumvention of the SCMS Standard, the DAT recorder shall not record "01" in ID6 on the tape.

B. Mandatory standards for the serial copy management system

1. Mandatory Standards for Digital Audio Output Signals—

a. Category Code Bit 15 (the "L" Bit)—

All "non-professional mode" DAT recorders shall provide the Category Code "1100000L" in the channel status bits of the digital audio output signal. The status of the L Bit of the Category Code shall be provided in the digital audio output signal of the DAT recorder as follows, in accordance with the status of ID6:

When ID6 is "00", the digital audio output signal shall indicate in the L Bit of the Category Code that the output source is either a first-generation or higher DAT tape recorded from a "original" source, or an "original" commercially released prerecorded DAT tape of masterial over which copyright protection is not being asserted under the SCMS standard. In either of these cases, the L Bit shall be set as "0", and the complete Category Code would be "11000000".

When ID6 is "10" the digital audio output signal shall indicate in the L Bit of the Categorey Code that the output source is a first-generation or higher DAT tape recorded from an "original" source (*i.e.*, L bit = "0"). The complete Category Code in this case would be "11000000".

When ID6 is "11", the digital audio output signal shall indicate in the L Bit of the Category Code that the output source is an "original' source, such as a commercially released prerecorded DAT tape (*i.e.*, L Bit = "1"). The complete Category Code in this case would be "11000001".

b. Bit 2 (the "C" bit—

All non-professional model DAT recorders shall provide an output code in the C bit in the channel status bits of a digital audio output signal. The C bit shall be applied in the digital audio output signal as follows, in accordance with the status of ID6:

When ID6 is "00", the C Bit shall be set as "1".

When ID6 is "10" or "11", the C Bit shall be set as "0".

2. Mandatory Standards for Recording Functions—

The SCMS Standard with respect to recording functions performed by a non-professional model DAT recorder receiving digital audio input signals shall be implemented as follows:

1. Digital audio input signals in which the C Bit is set as "0" shall not be recored, except for the cases specified below in paragraphs 2, 4 and 5.

2. A DAT recorder may record a digital audio input signal in which the C Bit is set as "0", where the Category Code of the signal is listed in the "Category Code White List" set forth below. The DAR recorder shall record "10" in ID6 on the tape in this case.

3. For digital audio input signals in which the C Bit is set as "1", the DAR recorder shall record "00" in ID6 on the tape except for those cases specified below in paragraphs 4 and 5.

4. For digital audio input signals that contain Category Code information that is not defined in this memorandum, the DAT recorder shall record "10" in ID6, regardless of the status of the C Bit or the L Bit.

5. For digital audio input signals originating from an A/D converter with the Category Code "01100XXL", or from other sources such as from A/D converters with the Category Code for "General" ("00000000"), the

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DAT recorder shall record "11" in ID6, regardless of the status of the C Bit or the L Bit. This requirement shall be applied to digital input signals that do not contain source information of the original signal before digitization, e.g., an A/D converter that does not deliver source information.

6. For digital input signals originating from an A/D converter with the Category Code "01101XXL", which can deliver original source information concerning the C Bit and L Bit even if the source is in analog format, the requirement stated above in paragraph 5 shall not be applied. The "Category Code White List" set forth below includes this Category Code.

7. A digital audio tape of "original" generation status over which copyright protection has been asserted shall contain "11" in ID6. A digital audio tape of "original" generation status over which no copyright protection as been asserted shall contain "00" in ID6.

8. A DAT recorder shall not record digital audio input signals where the C Bit alternates between "0" and "1" at a frequency of between 4 and 10 Hz and the Category Code is for a Compact disc digital audio signal ("10000000"), as in the case of digital audio input signals from recordable or erasable compact discs that are not "original" and that contain material over which copyright protection has been asserted.

9. A non-professional model DAT recorder shall not record digital audio input signals sent from a professional interface, i.e., where channel status Bit 0 is set as "1".

10. the condition "01" in ID6 is not to be used.

11. Category codes and the C Bit included in the channel status information of digital audio input signals being sent to or by a DAT recorder shall not be deleted or modified and shall be monitored continuously and acted upon accordingly.

C. *"Category code white list"*

100XXXX0—Laser optical product.

010XXXX1—Digital-to-digital converter and signal processing devices.

110XXXX1—Magnetic tape and disc based product.

001XXXX0 and 0111XXX0—Digital reception of digitally encoded audio signals with or without video signals, such as Digital Cable and Digital Broadcast Receivers.

101XXXX1—Musical instruments.

01101XX1—Future A/D converter (with status information concerning the C Bit and L Bit).

0001XXX1—Solid state memory based product.

00000011—Experimental products not for commercial sale.

PART III. APPLICATION OF THE DIGITAL AUDIO INTERFACE AND SCMS STANDARDS

The following charts apply and correlate those codes that are mandated by the Digital Audio Interface Standard and SCMS Standard under the Act, in those situations contemplated by these standards. The columns in each of these charts identify the following information:

The "Signal Source" column describes the type of product sending the digital audio signal to a DAT recorder.

The three columns under the heading "Digital Audio Input Signal" identify the correct channel status information in the C Bit, Category Code Bits 8-14 and the L Bit, respectively which correspond to each product. The "Digital Audio Input Signal" described below is the signal being sent to the DAT recorder.

The next three columns under the heading "DAT Recorder Response" identify the response of the DAT recorder to the corresponding digital audio input signal. The column "ID6" specifies the code that the DAT recorder will record on the tape in ID6 in response to the digital audio input signal. The last two columns set forth the correct channel status information in the C Bit and L Bit that are sent in the digital audio output signal of a DAT recorder in response to the setting of ID6.

Each of the appropriate codes is set forth in the cases described below:

CASE 1.—WHERE COPYRIGHT PROTECTION HAS BEEN ASSERTED OVER THE DIGITAL AUDIO INPUT, AND THE SOURCE OF THE INPUT IS "ORIGINAL" MATERIAL

[Only first-generation recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
Laser optical	0	100XXXX	0	10	0	0
D/D converter	0	010XXXX	1	10	0	0
Magnetic prod	0	110XXXX	1	10	0	0
Musical instrum	0	101XXXX	1	10	0	0
Future A/D conv	0	01101XX	1	10	0	0
Digital receiver	0	001XXXX	o	10	0	0
Digital receiver	0	0111XXX	0	10	0	0
Experimental	0	0000001	1	10	0	0
Solid state dev	0	0001XXX	1	10	0	0

CASE 2.—WHERE COPYRIGHT PROTECTION HAS NOT BEEN ASSERTED OVER THE DIGITAL AUDIO INPUT, AND THE SOURCE OF THE INPUT IS "ORIGINAL" MATERIAL

[First-generation and above recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
Laser optical	1	100XXXX	0	00	1	0
D/D converter	1	010XXXX	1	00	1	0
Magnetic prod	1	110XXXX	1	00	1	0
Musical instrum	1	101XXXX	1	00	1	0
Future A/D conv	1	01101XX	1	00	1	0
Digital receiver	1	001XXXX	0	00	1	0
Digital receiver	1	0111XXX	0	00	1	0
Experimental	1	0000001	1	00	1	0
Solid state dev	1	0001XXX	1	00	1	0

CASE 3.—WHERE COPYRIGHT PROTECTION HAS BEEN ASSERTED OVER THE DIGITAL AUDIO INPUT, AND THE SOURCE OF THE INPUT TO THE DAT RECORDER IS NOT "ORIGINAL" MATERIAL

[No recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
Laser optical	0	100XXXX	1	00	1	0
D/D converter	0	010XXXX	0	00	1	0
Magnetic prod	0	110XXXX	0	00	1	0
Musical instrum	0	101XXXX	0	00	1	0
Future A/D conv	0	01101XX	0	00	1	0
Experimental	0	0000001	0	00	1	0
Solid state dev	0	0001XXX	0	00	1	0

CASE 4.—WHERE COPYRIGHT PROTECTION HAS NOT BEEN ASSERTED OVER THE DIGITAL AUDIO INPUT, AND THE SOURCE OF THE INPUT TO THE DAT RECORDER IS NOT "ORIGINAL" MATERIAL

[Second-generation and above recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
Laser optical	1	100XXXX	1	00	1	0
D/D converter	1	010XXXX	0	00	1	0
Magnetic prod	1	110XXXX	0	00	1	0
Musical instrum	1	101XXXX	0	00	1	0
Future A/D conv	1	01101XX	0	00	1	0
Experimental	1	0000001	0	00	1	0
Solid state dev	1	0001XXX	0	00	1	0

CASE 5.—WHERE THE DIGITAL AUDIO INPUT SIGNAL INCLUDES CATEGORY CODE INFORMATION, BUT CANNOT PROVIDE INFORMATION CONCERNING COPYRIGHT PROTECTION OF THE SOURCE

[First- and second-generation recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
General	X	0000000	0	11	0	1
Present A/D Con	X	01100XX	X	11	0	1

CASE 6.—WHERE THE DIGITAL INPUT SIGNAL DOES NOT INCLUDE A DEFINED CATEGORY CODE

[First-generation recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
Undefined	X		X	10	0	0

CASE 7.—WHERE COPYRIGHT PROTECTION HAS BEEN ASSERTED OVER THE DIGITAL AUDIO INPUT FROM A RECORDABLE OR ERASABLE COMPACT DISC THAT IS NOT AN "ORIGINAL" BY FLUCTUATING THE C BIT AT A RATE BETWEEN 4–10 HZ

[No recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
CD Player	0/1	1000000	0	—	-	-

CASE 8.—WHERE THE DIGITAL SIGNAL TRANSMITTED TO A DIGITAL RECEIVER DOES NOT INCLUDE INFORMATION CONCERNING COPYRIGHT PROTECTION

[Only first-generation recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
Digital receiver	0	001XXXX	0	10	0	0
Digital receiver	0	0111XXX	0	10	0	0

CASE 9.—WHERE THE DIGITAL SIGNAL TRANSMITTED TO A RECEIVER FOR ELECTRONIC AUDIO SOFTWARE DELIVERY PROVIDES GENERATION STATUS INFORMATION AS IF THE STATUS WERE FIRST-GENERATION OR HIGHER

[No recording permitted]

Signal source	Digital audio input signal			DAT recorder response		
	C bit (Bit 2)	Category code (Bits 8–14)	L bit (Bit 15)	ID6	C bit (Bit 2)	L bit (Bit 15)
Digital receiver	0	001XXXX	1	—	-	-
Digital receiver	0	0111XXX	1	—	-	-

CONGRESS MUST ACT TO PROTECT THE CREATORS OF AMERICA'S MUSIC

Mr. WILSON. Mr. President, the development of technology brings with it great opportunities: To produce more with less effort, to solve complex problems as diverse as mapping distant planets and mapping our own genetic makeup, and to even enjoy with startling reality the artistic endeavors of musicians.

As these opportunities present themselves, they often are accompanied by challenges, especially to those of us with the responsibility to amend our laws to keep pace—to ensure that as technology serves to benefit some it does not endanger the rights of others.

This is the very situation we face with the advent of a new technology that allows perfect reproduction of prerecorded music.

For all of us all who marvel at the creativity of musicians and those

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whose music they perform, digital technology—in the form of compact discs—has provided an opportunity to appreciate recorded music almost as though it is being performed in front of us.

Unfortunately, this same digital technology—now is the form of digital audio tape—is very much endangering the legitimate interests of those same composers and performers.

Ultimately, if these interests are not protected, we will all lose the opportunity to enjoy the rich diversity of America's music community.

Mr. President, the law must keep pace with technology, and it is our responsibility to see that it does.

Today, the Senator from Arizona, Senator DECONCINI, is introducing a bill that proposes a solution to the DAT problem. The Senator has shown great leadership on many intellectual property issues—such as bringing to the floor legislation implementing the Berne Convention, revising our trademark laws, and promoting protecting of our biotechnology industry—so it is not surprising that he is sponsoring this remedial copyright legislation.

Mr. President, I commend Senator DECONCINI for his efforts, for he brings to the attention of the Senate a thoughtful proposal to protect the interests of all of those who create music for us to enjoy. Just as clearly, they are entitled to be compensated for their artistic endeavors.

Music is art, but is also a business, and Congress must not, through inaction, allow technology to run rampant over composers, musicians, and all of the others in the music industry.

That is why we need legislation.

Those in the music industry who support the DeConcini bill feel it is needed as a stopgap measure to slow the hemorrhaging that this currently draining the support that a vital music industry requires. Yet, there are others in the music industry who fear that an endorsement of the DeConcini proposal would indicate an abandonment of a justly deserved royalty system.

Mr. President, there is an absolute consensus in the music industry that Congress must act to respond to the threat posed by digital recording technology—today it is from digital audio tape, tomorrow it will be from recordable compact discs. Similarly, there is a full consensus that a royalty system should exist to compensate composers, artists, and the others who bring us recorded music for the harm they suffer from the copying of their works.

So, there is an overall consensus on what needs to be achieved. Unfortunately, there is not yet a similar consensus on the tactics to be used to reach this goal.

Mr. President, we need a royalty system. When negotiators for the music and electronics industries reached an agreement last year in Athens, they implicitly acknowledged the legitimacy of a royalty system—but only in Europe.

Mr. President, American consumers are certainly as willing as Europeans to support the arts. A royalty system is certainly as important for us to adopt in the United States as it is for the Europeans.

Indeed, with the long-overdue emphasis in the GATT on the need to protect intellectual property rights, once the Uruguay round ends one can only wonder how long it will be before Europeans file a trade complaint over our unwillingness to fairly compensate their creators of music with a royalty system.

Mr. President, Congress should have been ahead of the curve, or at least on top of it, by passing a royalty system for copyright holders whose works are regularly reproduced. The sad truth is that Congress is very much behind the curve.

Many are rightfully willing to come to the floor of the Senate and the House to chastise other countries for failing to protect the interests of U.S. intellectual property right holders. Yet, when we are devouring our own, the Congress is unable or unwilling to act.

Mr. President, we should demand of ourselves the same respect for intellectual property rights that we demand from others.

Mr. President, time is certainly of the essence. Already, DAT machines are being sold in this country—even in my own State, in Santa Monica. Therefore, action must be taken this year.

Mr. President, it is my understanding that the bill being introduced by the Senator from Arizona will be referred to the Commerce Committee. I urge that committee to begin hearings on this issue at the earliest possible time. It should take testimony from all interested parties—both from interested industries and from the public.

What is most important is that all parties should come forward, in good faith, to reach a consensus. To this end, the DeConcini bill, as well as alternative proposals, should be given fair and thorough consideration.

I urge the Commerce Committee to bring DAT legislation to the Senate this session. In this way the threat of technology can be dissipated while the opportunities it presents can be made available to the American public.

The bottom line is that we should find the best solution and put it in place this year. Every day that a workable solution is not in place is another day that America's composers and musical performers, and America's entire music industry, are at risk. This serves no one's interests—not the music industry's and not the public's.

By Mr. ROCKEFELLER:

S.J. Res. 278. Joint resolution designating July 19, 1990, as "Flight Attendant Safety Professionals' Day"; to the Committee on the Judiciary.

FLIGHT ATTENDANT SAFETY PROFESSIONALS' DAY

● Mr. ROCKEFELLER. Mr. President, today I am introducing a resolution to designate July 19, 1990, "Flight Attendant Safety Professionals' Day." The purpose is to give highly deserved recognition to the role of our Nation's flight attendants in protecting the safety of the public.

Since 1952, the Federal Aviation Regulations have required flight attendants on board all commercial airliners to protect the well-being of passengers. Flight attendants are on board to help with in-flight fires, decompressions, severe turbulence, hijackings, terrorists' acts and medical emergencies, as well as during evacuation after crashes.

One year ago, I stood before you and introduced a similar resolution. At that time, I talked about the heroic actions of the flight attendants on United Flight 811 who calmed their passengers when a cargo door blew off over the Pacific Ocean. These flight attendants' professionalism during the 25 minutes it took to land in Hawaii, and during the evacuation, were crucial in saving hundreds of lives.

Today I stand before you with further tales of flight attendant heroism and courage. Last July 19, United Flight 232 crashed in Sioux City, IA killing 112 passengers aboard the flight. News coverage of this horrible incident was graphic and we were all amazed that so many of the 297 passengers survived the tumbling crash. Survivors of the fiery DC-10 crash credited the flight attendants aboard that flight for helping them escape the wreckage. Passenger after passenger praised the calm, courageous, and herioc work of the flight attendants on that flight. Of the 112 people who lost their lives, one was flight attendant Rene LeBeau who as several months short of completing her first year of service.

Less than 2 months later, during takeoff at LaGuardia Airport, USAir Flight 5050 slid off the runway and into the East River. Four flight attendants battled noxious fumes in the darkened cabin to quickly evacuate passengers in the freezing river. After making sure the passengers has seat cushions to keep them afloat, they called the passengers around them to maintain calm in the darkness until help finally arrived 30 minutes later.

Following each air disaster, we hear of the heroism of the flight attendants working the flight. Time and time again, we see the important safety role flight attendants play on the aircraft. That is why I am again introducing this resolution proclaiming July 19, 1990, as Flight Attendant Safety Professionals' Day.

For years, flight attendants have vigorously lobbied for safety improvements through the Federal Aviation Administration and within their airlines, and have worked diligently to educate the flying public of safety procedures. Flight attendants have given their lives to save passengers in emergency evacuations.

The passage of this resolution by Congress will pay tribute to flight attendant safety professionals and the important role they play in aviation safety. I urge all my colleagues in the Senate to join me in honoring the flight attendant safety professionals by cosponsoring this resolution.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Resolution 278

Whereas Federal aviation regulations, since 1952, have required flight attendants on board all commercial airlines to safeguard the well-being of passengers;

Whereas flight attendants are trained to respond to medical emergencies and have assisted in saving passengers' lives in emergencies caused by strokes, heart attacks, and so forth;

Whereas flight attendants' professionalism and calmness in evacuations of crashed airplanes have saved thousands of lives that otherwise would have been lost;

Whereas flight attendants have given their lives to save passengers in emergency evacuations, sustaining an on-the-job fatality rate higher than that of police officers;

Whereas flight attendants have assisted in hundreds of in-flight emergencies due to hijackings, terrorist acts, decompressions, and severe turbulence; and

Whereas flight attendants have virgorously strived for safety improvements at their airlines and the Federal Aviation Administration and have worked diligently to educate the flying public of safety procedures: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That July 19, 1990 is designated as "Flight Attendant Safety Professionals' Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 190

At the request of Mr. Matsunaga, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 190, a bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the Armed Forces to receive compensation concurrently with retired pay without reduction in the amount of the compensation and retired pay.

S. 277

At the request of Mr. Humphrey, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 277, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 278

At the request of Mr. Humphrey, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 278, a bill to make permanent the authority of the Secretary of Defense to reimburse members of the Armed Forces for certain expenses incurred in the adoption of children.

S. 279

At the request of Mr. Humphrey, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 279, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income employee adoption assistance provided by the employer.

S. 619

At the request of Mr. Sarbanes, the name of the Senator from Georgia [Mr. Fowler] was added as a cosponsor of S. 619, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 849

At the request of Mr. Daschle, the names of the Senator from Michigan [Mr. Levin], and the Senator from North Carolina [Mr. Sanford] were added as cosponsors of S. 849, a bill to repeal section 2036(c) of the Internal Revenue Code of 1986, relating to valuation freezes.

S. 874

At the request of Mr. Ford, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of S. 874, a bill to establish national voter registration procedures for Presidential and congressional elections, and for other purposes.

S. 1006

At the request of Mr. Leahy, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of S. 1006, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

S. 1273

At the request of Mr. Boren, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 1273, a bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1405

At the request of Mrs. Kassebaum, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 1405, a bill to ensure the eligibility of displaced homemakers and single parents for Federal assistance for first-time home buyers.

S. 1634

At the request of Mr. Pryor, the name of the Senator from Iowa [Mr. Harkin] was added as a cosponsor of S. 1634, a bill to enhance drug interdiction in rural areas.

S. 1681

At the request of Mr. Humphrey, the names of the Senator from Texas [Mr. Gramm], and the Senator from Idaho [Mr. Symms] were added as cosponsors of S. 1681, a bill to make it a violation of a right secured by the Constitution and laws of the United States to perform an abortion with knowledge that such abortion is being performed solely because of the gender of the fetus, and for other purposes.

S. 2048

At the request of Mr. Sarbanes, the names of the Senator from California [Mr. Cranston], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of S. 2048, a bill to provide for cost-of-living adjustments in 1991 under certain Government retirement programs.

S. 2056

At the request of Mr. Harkin, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 2056, a bill to amend title XIX of the Public Health Service Act to provide grants to States and implement State health objectives plans, and for other purposes.

S. 2085

At the request of Mr. Gore, the name of the Senator from Texas [Mr. Bentsen] was added as a cosponsor of S. 2085, a bill to amend the Organ Transplant Amendments Act of 1988 to change an effective date.

S. 2159

At the request of Mr. Boschwitz, the name of the Senator from Vermont [Mr. Jeffords] was added as a cosponsor of S. 2159, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 2210

At the request of Mr. D'Amato, the name of the Senator from Massachusetts [Mr. Kerry] was added as a cosponsor of S. 2210, a bill to provide for preservation of competitive rail freight service routes in the Northeastern United States.

S. 2222

At the request of Mr. Bradley, the names of the Senator from Hawaii [Mr. Matsunaga], the Senator from Colorado [Mr. Armstrong], and the Senator from Nebraska [Mr. Exon] were added as cosponsors of S. 2222, a bill to amend the Internal Revenue Code of 1986 with respect to the tax

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treatment of payments under life insurance contracts for terminally ill individuals.

S. 2229

At the request of Mr. Dodd, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 2229, a bill to reauthorize the Head Start Act for fiscal years 1991 through 1994, and for other purposes.

S. 2256

At the request of Mr. Harkin, the names of the Senator from Maine [Mr. Cohen], the Senator from Indiana [Mr. Coats], and the Senator from Montana [Mr. Baucus] were added as cosponsors of S. 2256, a bill to amend title XIX of the Public Health Service Act to clarify the provisions of the allotment formula relating to urban and rural areas, and for other purposes.

S. 2313

At the request of Mr. Biden, the name of the Senator from New York [Mr. Moynihan] was added as a cosponsor of S. 2313, a bill to provide emergency Federal assistance to drug emergency areas.

S. 2315

At the request of Mr. McConnell, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of S. 2315, a bill to amend the Agricultural Act of 1949 to provide soybean producers with fair income and freedom of planting choice support, and to eliminate any indirect subsidization of foreign oilseed production.

S. 2317

At the request of Mr. McConnell, the name of the Senator from New Jersey [Mr. Bradley] was added as a cosponsor of S. 2317, a bill to require Federal, State, and local law enforcement agencies to report all cases of missing persons under age 18 to the National Crime Information Center of the Department of Justice.

SENATE JOINT RESOLUTION 195

At the request of Mr. D'Amato, the name of the Senator from North Carolina [Mr. Helms] was added as a cosponsor of Senate Joint Resolution 195, a joint resolution proclaiming Christopher Columbus to be an honorary citizen of the United States.

SENATE JOINT RESOLUTION 224

At the request of Mr. Byrd, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of Senate Joint Resolution 224, a joint resolution to designate the month of May 1990 as "National Trauma Awareness Month."

SENATE JOINT RESOLUTION 265

At the request of Mr. Dodd, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of Senate Joint Resolution 265, a joint resolution commemorating May 18, 1990, as the 25th anniversary of Head Start.

SENATE JOINT RESOLUTION 269

At the request of Mr. D'Amato, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of Senate Joint Resolution 269, a joint resolution authorizing and requesting the President to designate the second week of March 1990 as "National Employ the Older Worker Week."

SENATE RESOLUTION 239

At the request of Mr. DeConcini, the names of the Senator from Connecticut [Mr. Lieberman], the Senator from Arizona [Mr. McCain], and the Senator from Utah [Mr. Garn], were added as cosponsors of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate cease-fire.

AMENDMENT NO. 1330

At the request of Mr. Specter, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of amendment No. 1330 proposed to S. 1630, a bill to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

At the request of Mr. Heinz, his name was added as a cosponsor of amendment No. 1330 proposed to S. 1630, supra.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

FOWLER (AND OTHERS) AMENDMENT NO. 1396

(Ordered to lie on the table.)

Mr. FOWLER (for himself, Mr. Hatfield, Mr. McClure, and Mr. Matsunaga) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes, as follows:

On page 413 of the amendment between Table A and line 1, insert the following new subsections:

"(e) Renewable Energy Technology Reserve.—(1) Notwithstanding any other provision of law, beginning on January 1, 1995, the Administrator may allocate from a Renewable Energy Technology Reserve a tonnage amount equal to a total of 80,000 tons of allowances for emissions of sulfur dioxide pursuant to section 403, in an annual amount to be determined by the Administrator subject to paragraph (2) to owners or operators of affected units at affected sources. Such allowances shall be allocated to an owner or operator described in this subparagraph in an amount calculated pursuant to paragraph (2) if, beginning on January 1, 1991, such owner or operator—

"(A) generates electricity at a new renewable energy power plant (as defined in paragraph (4)); or

"(B) purchases electric energy generated at a new renewable energy power plant owned or operated by any person other than the owner or operator of an affected source.

"(2) The Administrator shall allocate annual allowances from the Renewable Energy Technology Reserve pursuant to paragraph (1) as follows:

"(A) Any annual allowance allocated under this subparagraph shall be allocated in a tonnage amount equal to the number of kilowatt hours generated or purchased by the owner or operator (as described in paragraph (1)), multiplied by the emissions rate of the lowest emitting coal- or oil-fired unit of the operating company applying for the allowance (as defined by the Administrator in concurrence with the Secretary of Energy, and excluding any oil- and gas-fired unit with an average annual fuel consumption for calendar year 1985 that, on a Btu basis, exceeded 90 per cent consumption in the form of natural gas), divided by 2000. (The product of such calculation shall be divided by 100 to reflect the conversion rate between Btus and kilowatt hours, assuming a heat transfer of 10,000 Btus per kilowatt hour).

"(B) Allowances allocated under this paragraph shall be allocated in accordance with the order of receipt of applications for such allowances.

"(3) Beginning on January 1, 2000, the Administrator shall deduct an tonnage amount equal to 8,000 tons per year for a period of 10 years from the annual allocation of allowances for units subject to the requirements of section 405 on a pro rata basis. Such allowances shall be deposited in the Renewable Energy Technology Reserve. The pro rata share for each such unit shall be calculated on the basis of the allowances that would be allocated pursuant to paragraphs (1) and (3) of section 405(b), paragraphs (1), (2), and (3) of section 405(c), subsections (e) and (f) of section 405, paragraphs (1) and (2) of section 405(g), paragraph (1) of section 405(h), and the equivalent of the emissions limitations requirements of paragraphs (4) and (5) of section 405(d).

"(4) As used in this subsection, the term 'new renewable energy power plant' means a power plant for which construction is initiated on or after January 1, 1991, or which realizes a significant increase in energy output (as defined and determined by the Administrator, in concurrence with the Secretary of Energy) attributable to the replacement of renewable energy equipment (as defined and determined by the Administrator, in concurrence with the Secretary of Energy) installed prior to January 1, 1991, by more efficient or productive renewable energy equipment (as determined by the Administrator in concurrence with the Secretary of Energy), and that operates primarily on energy derived from—

"(A) solar sources;

"(B) geothermal sources;

"(C) biomass sources; or

"(D) wind sources.

"(f) Application for Allowances from the Renewable Energy Technology Reserve.—The owner or operator of an affected unit under subsection (a) may submit an application to the Administrator at any time after January 1, 1991, for allowances from the Renewable Energy Technology

Reserve to be calculated using the formula described in subparagraph (A) of subsection (e)(2). Such application shall include—

"(1) the number of kilowatt hours the affected units generated or purchased from a new renewable energy power plant as defined in subsection (e)(4); and

"(2) documentation of kilowatt hours generated or purchased as recorded in a certified meter reading from the point of entry into the utility grid, or in an executed sales contract.

"(g) Action by Administrator.—(1) The Administrator, in consultation with the Secretary of Energy, shall approve or disapprove an application submitted pursuant to subsection (f) not later than 6 months after receipt of the application. If an application proposal does not meet the requirements of subsection (f), the Administrator shall disapprove the application.

"(2) If the Administrator approves an application submitted pursuant to subsection (f), the Administrator shall notify the applicant in writing of the number of allowances to be received pursuant to this paragraph. On or after January 1, 1995, the Administrator shall allocate allowances for the affected units in accordance with amount specified in the written notification described in this subparagraph, upon written request by the owner or operator of the affected units at the affected source.

SANFORD (AND OTHERS) AMENDMENT NO. 1397

(Ordered to lie on the table.)

Mr. SANFORD (for himself, Mr. Durenberger, Mr. Adams, Mr. Gorton, Mr. Kohl, Mr. Bumpers, Mr. Pryor, Mr. Lieberman, Mr. Dodd, Mr. Roth, and Mr. Boren) submitted an amendment intended to be proposed by them to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra; as follows:

On page 392, line 4, add the following new definition:

"(s) The term 'designated representative' means a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit."

On page 392, line 4, add the following new definition:

"(t) The term 'life-of-the-unit, firm power contractual arrangement' means a contractual arrangement under which a utility receives a specified amount or percentage of capacity and associated energy generated by a specified generating unit (or units) and pays its proportional amount of such unit's total costs, for the life of the unit."

On page 392, line 9, strike the words "to the owner or operator of the affected units at an affected source" and substitute "for the unit, to be held or distributed by the designated representative of the owner or operator of each affected unit at an affected source in accordance with this title,".

On page 393, line 22, insert the words "a designated representative of" before the words "an owner or operator".

On page 394, line 14, insert the words "designated representative of" before the words "owner or operator".

On page 394, line 23, strike the words "the applicant" and insert the words "in accordance with the approved application".

On page 396, line 20, insert the words "designated representatives of the" before the words "owners or operators".

On page 397, line 23, insert the words "designated representatives of" before the words "owners or operators".

On page 399, line 21, insert the words "designated representative of" before the words "owner or operator".

On page 399, line 22, strike the words "equal to" and insert the words "for no less than".

On page 400, line 6, insert the words "designated representative of the" before the words "owner or operator".

On page 429, line 5, delete the heading and insert the following before the words "Each permit":

"(b) Permit Applications and Compliance Plans Generally.—Permit applications required by this section shall be submitted by the designated representative of the owner or operator of the unit, shall identify each person on whose behalf allowances will be received, and shall specify the nature and extent of the interest of each person."

On page 429, line 6, insert the words "submitted by the designated representative of the owner or operator and shall be" before the words "accompanied by".

On page 430, line 5, insert the words "the designated representative of" before the words "the owner or operator".

On page 430, line 14, insert the words "the designated representatives of" before the words "the owners or operators".

On page 430, line 16, strike the words "they notify" and insert after "the Administrator" on line 17 the words "is given prior notification".

On page 432, line 14, insert the words "designated representative of the" before the words "owner or operator".

On page 433, line 9, insert the words "designated representative of the" before the words owner or operator".

On page 433, line 18, insert the words "designated representative of the" before the words "owner or" and substitute the word "operator" for the word "operator".

On page 434, line 19, insert the words "and its designated representative" before the words "(1) to fail to submit".

On page 435, between lines 2 and 3, add the following:

(h) Multiple Owners.—No permit under this section shall be issued to an affected unit until the designated representative of the owner or operator has filed a certification concerning the holding and distribution of allowances. Where there are multiple holders of a legal or equitable title to or a leasehold interest in such a unit, or where a utility purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, the certification shall (1) state that allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual share or, (2) if such multiple holders have expressly provided for a different distribution of allowances by contract, state that allowances will be deemed to be held or distributed in accordance with the contract. A passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected until shall not be deemed to be a holder of a legal, equitable, leasehold or contractual interest for the purpose of holding or distributing allowances as provided in this subsection, unless expressly provided for in the leasehold agreement. Except as otherwise provided in this subsection, where all legal or equitable title to or interest in an affected unit is held by a single person, the certification shall state that all allowances received by the unit are deemed to be held for that person."

MACK AMENDMENTS NOS. 1398 AND 1399

(Ordered to lie on the table.)

Mr. MACK submitted two amendments intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

Amendment No. 1398

On page 416, line 16, beginning with the word "In" strike all through line 23.

On page 425, after line 12, insert the following:

(i) In addition to allowances allocated pursuant to this section, the Administrator shall allocate and issue, subject to the restrictions of section 403(a)(1), allowances not to exceed 40,000 annually, to units in States that—

(1) have experienced a growth in population in excess of 25 percent between 1980 and 1988 according to State Population and Household Estimates, With Age, Sex, and Components of Change: 1981-1988 issued by the United States Department of Commerce, and

(2) had an installed capacity of more than 30,000,000kw in 1988,

in an amount equal to the difference between (A) the number of allowances that would be allocated to the unit pursuant to the emissions limitation requirements of this section based on the unit's annual average fuel consumption on a Btu basis of any three consecutive calendar years between 1980 and 1989 (inclusive) as elected by the owner or operator and (B) the number of allowances allocated to the unit pursuant to the emissions limitation requirements of this section. If necessary for meeting the 40,000 ton restriction imposed under this subsection the Administrator shall reduce, pro rata, the additional annual allowances allocated to each unit under this subsection.

Amendment No. 1399

Amend committee substitute, title IV, section 405, page 416, by adding on line 11 after the words "1.20 lbs/mmBtu": "and units included in section 405(b)(3).".

Amend committee substitute, title IV, sec. 405, page 417, by adding on line 10 after the word "factor." the new section:

(3)(A) Prohibition units under the power plant and industrial fuel use act of 1978 (FUA).—After Janaury 1, 2000, it shall be unlawful for any unit which was issued a prohibition order or a proposed prohibition order (from burning oil) and subsequently converted to coal between January 1, 1980 and December 31, 1985, to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a BTU basis, at 65 per centum capacity factor and its actual emission rate during the first full calendar year after conversion, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the emissions in excess

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of those permitted under this section. In no case shall this subsection allow a utility system containing one or more of these untis to exceed an annual average sulfur dioxide emission rate of 1.2 lbs./mmBtu after December 31, 2000.

(B) The administrator is authorized to issue no more than 20,000 allowances more than would have been alloted to the affected units under section 405(b)(3)(A). If the number of additional allowances generated by section 405(b)(3)(A) is greater than 20,000 tons the administrator will distribute the additional allowances on a prorated basis to the utilities affected by 405(b)(3)(A) based on a ratio of the affected unit's baseline to the total baseline of all the effected units.

BYRD AMENDMENTS NOS. 1400 AND 1401

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra; as follows:

AMENDMENT No. 1400

Beginning on page 390, line 6, strike out all through page 437, line 24, and in lieu thereof insert the following:

"(1) For the purposes of section 409, (1) the term 'repowering' means replacement of an existing coalfired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or a derivative of one of these techniques, or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler generation efficiency and of achieving signficantly greater solid waste reduction relative to the performance of technology in widespread commercial use as of the date of the enactment of the Clean Air Act Amendments of 1989, as determined by the Administrator, in consultation with the Secretary of Energy.

"(2) For purposes of paragraph (1), the term 'replacement' means (A) the replacement of all or part of an existing unit with equipment or facilities utilizing a repowering technology listed in or pursuant to the first sentence of paragraph (1) of this subsection ('listed technology'), or (B) the replacement of an existing unit with a new designated unit which uses a listed technology and which is located at a different site, but only if (i) the designated replacement unit is identified under section 409(a) to replace such existing unit, (ii) the existing unit will be retired from service on or before the date on which the designated replacement unit enters commercial service, (iii) the designated replacement unit is located in the same air quality control region as the existing unit, and (iv) at such time as the designated replacement unit enters commercial operation, any allowances otherwise available to the existing unit pursuant to section 409(c) shall be transfered to the designated replacement unit.

"(m) The term 'State' means one of the forty-eight contiguous States and the District of Columbia.

"(n) The term 'unit' means a fossil fuel-fired combustion device.

"(o) The term 'actual 1985 emission rate', for electric utility units means the annual sulfur dioxide or nitrogen oxides emission rate in units of pounds per million Btu as reported in the NAPAP Emissions Inventory, Version 2, National Utility Reference File. For non-utility units, the term 'actual 1985 emission rate' means the annual average sulfur dioxide or nitrogen oxides emission rate in units of pounds per million Btu as reported in the NAPAP Emission Inventory, Version 2.

"(p) The term 'utility unit' means a unit that produces electricity for sale. For purposes of this title, a unit that cogenerates steam and electricity shall be considered a utility unit if the unit supplies more than one-third of its potential electric output capacity and more than twenty-five megawatts electrical output to any utility power distribution system for sale.

"(q) The term 'allowable 1985 emissions rate' means the emissions limitations for sulfur dioxide and oxides of nitrogen, expressed as a rate in units of pounds of emissions per million Btu, of a federally enforceable emissions limitation applicable to a unit in 1985. Where the emissions limitation for a unit is not expressed, or the averaging period of that emission rate is not expressed on an annual basis, the Administrator shall determine the annual equivalent of that emissions rate.

"(r) The term 'qualifying phase I technology' means a technological system of continuous emission reduction which achieves a 90 per centum reduction in emissions of a pollutant from the emissions that would have resulted from the use of fuels which were not subject to treatment prior to combustion.

"ALLOWANCE PROGRAM FOR EXISTING AND NEW UNITS

"SEC. 403. (a) ALLOCATIONS OF ANNUAL ALLOWANCES FOR EXISTING AND NEW UNITS.—(1) For the emission limitation programs under this title, the Administrator shall allocate annual allowances to the owner or operator of the affected units at an affected source in an amount equal to the annual tonnage emission limits calculated under sections 404, 405, 406, and 410 except as otherwise specifically provided in section 405(h)(1) and elsewhere in this title. Except as provided in sections 405(a)(2) and 410, beginning January 1, 2000, the allocation of allowances for the emissions of sulfur dioxide pursuant to section 405 shall not result in total annual emissions of sulfur dioxide from utility units in excess of 8.9 million tons, except that the Administrator shall not take into account allowances carried forward by owners and operators of affected units or by other persons after issuance in previous years. If necessary to meeting the restrictions imposed in the preceding sentence, the Administrator shall reduce, pro rata, the annual allowances allocated to each unit subject to the requirements of section 405. Subject to the provisions of paragraphs (2) and (3) of this subsection, the Administrator shall issue allowances for each affected unit at an affected source annually, as provided in paragraphs (2) and (3) and section 408. If an existing unit subject to the requirements of sections 404, 405, or 406 is removed from operation, such removal from operation shall not affect the number of allowances allocated or issued for the unit annually as provided in section 408.

"(2)(A) Beginning January 1, 1993, and during each calendar year thereafter, the Administrator, pursuant to regulations promulgated not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, shall offer for purchase, at a price of $1,500 per ton (adjusted for inflation based on the Consumer Price Index beginning on the date of enactment of the Clean Air Act Amendments of 1989 and annually thereafter), allowances not to exceed an annual total of one hundred thousand. Allowances purchased pursuant to this paragraph shall be issued to the purchaser on January 1 of the calendar year seven years after the year in which the allowances are offered and reserved for the purchaser.

"(B) The regulations promulgated pursuant to subparagraph (A) shall specify that an applicant for such sales shall demonstrate that (i) it is, or will be, an owner or operator of a unit subject to subsection (e), (ii) the owner or operator has entered into binding agreements to construct the unit for which the allowances are being sought or that the public service commission with jurisdiction over the unit has given its approval for the construction and operation of the unit and (iii) the owner or operator has failed, after a good faith effort, to secure the necessary allowances from owners and operators eligible to receive allowances under paragraph (1) of this subsection. Applications may be submitted beginning ninety days after promulgation of such regulations and shall be approved or disapproved by the Administrator not later than ninety days after submission of each completed application. Applications shall be approved in the order of submission and each applicant shall be required to pay 5 per centum of the total purchase price within six months of approval of the application. Upon the receipt of such payment the Administrator shall issue to the owner or operator a letter certifying that the owner or operator is eligible to purchase allowances as specified in the approved application.

"(C) Not later than one year prior to the calendar year for which the allowances have been offered for sale and reserved in accordance with an approved application, the owner or operator who wishes to purchase such reserved allowances shall pay to the Administrator the balance of the purchase price. The Administrator shall issue the allowances to the applicant and deduct, from the allowances allocated pursuant to subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitations requirements of subparagraphs (4) and (5) of subsection (d) of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued.

"(3)(A) Beginning January 1, 1995, and during each calendar year thereafter, the Administrator, pursuant to regulations promulgated not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, shall auction, on a quarterly basis beginning January 1, 1995, and each calendar year thereafter, allowances in an amount not to exceed an annual total of one hundred thousand. Not later than thirty-six months after the enactment of the Clean Air Act Amendments of 1989, the Administrator, after consultation with the Secretary of the Treasury, shall promulgate regulations setting forth the method by which each auction shall be conducted. The regulations shall assure that the auction is open to any person who may hold allowances pursuant to this section and shall provide for quarterly sales of the allowances. The regulations shall not require that a minimum price be met for the purchase of allowances from the reserve. Allowances awarded at auction may be used for any purpose subject to the provisions of this title but in no calendar year earlier than five years after the calendar year in which the allowances have been awarded pursuant to auction. Persons awarded allowances pursuant to each auction shall be required to pay 5 per centum of the total purchase price within six months of award. Upon the receipt of such payment the Administrator shall issue to the person a letter certifying that the person is eligible to purchase allowances as specified according to the bid and award.

"(B) Not later than one year prior to the calendar year for which the allowances have been auctioned and awarded, the owner or operator who wishes to purchase such awarded allowances shall pay to the Administrator the balance of the purchase price. The Administrator shall issue the allowances to the applicant and deduct, from the allowances allocated pursuant to subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitation requirements of subparagraphs (4) and (5) of section 405 for the calendar year for which the purchased allowances are issued, allowances in an amount equal to the number of purchased allowances issued.

"(C) Within ninety days of receipt, all monies collected as a result of each auction shall be disbursed on a pro rata basis to the owners or operators of the affected units from whose allocation the allowances were withheld. The Administrator shall report the nature, price, and results of each auction including the prices of successful bids and shall record the transfers of allowances as a result of each auction and purchase in accordance with the requirements of subsection (b). Any holder of allowances may contribute to any auction allowances applicable for meeting compliance requirements in the year in which the auction is to be held and shall receive a pro rata share of monies collected. The holder of such allowances may specify a minimum sale price and time of payment provided that the Administrator finds that doing so would not interfere with the purposes and functioning of the auction.

"(D) The regulations promulgated pursuant to subparagraph (A) shall ensure that the operation of the auction is consistent with orderly functioning of a national market for allowances and with preservation of competition in the electric power industry. Pursuant to rulemaking after public notice and comment the Administrator may discontinue, or alter the frequency of, the auction if the Administrator finds that such auctions are not necessary to preserving the orderly functioning of a national market for allowances and competition in the electric power industry. Pursuant to the regulations promulgated pursuant to subparagraph (A), the Administrator may by delegation or contract provide for the conduct of auctions under the Administrator's supervision by other departments or agencies or by nongovernmental agencies.

"(b) Allowance System.—Allowances issued under this title may be transferred among the owners or operators of affected sources under this title or any person who lawfully acquires such allowances, as provided by regulations to be promulgated by the Administrator not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989. The Administrator shall promulgate regulations, not later than eighteen months after enactment, to establish the allowance system prescribed under this section, including, but not limited to, requirements for the issuance, transfer, and use of allowances under this title. Such regulations shall prohibit the use of allowances prior to the calendar year for which the allowances were issued, and shall provide, consistent with the purposes of this title, for the identification of unused allowances, and for such unused allowances to be carried forward and added to allowances allocated in subsequent years. Such regulations shall permit transfers only within each of the two major geographic regions of the country as defined by such regulations. Nothing in the regulations shall relieve the Administrator of the Administrator's permitting, monitoring and enforcement obligations under this Act nor relieve sources of their requirements and liabilities under this Act. Transfers of allowances shall not be effective until written certification of the transfer, signed by a responsible official of each party to the transfer, is received and recorded by the Administrator. Such regulations shall permit the transfer of allowances prior to the issuance of such allowances. Upon the recordation by the Administrator of such transfers, the Administrator, in the calendar year in which the allowances are issued, shall deduct the transferred allowances from the number of allowances issued to the transferor and add such allowances to those issued to the transferee. Such transfers shall not affect the prohibition contained in this subsection against the use of allowances prior to the year for which they are issued.

"(c) Interpollutant Trading.—Not later than January 1, 1994, the Administrator shall furnish to the Congress a study evaluating the environmental and economic consequences of amending this title to permit trading sulfur dioxide allowances, for nitrogen oxides allowances.

"(d) Allowance Tracking System.—The Administrator shall promulgate, not later than eighteen months after the date of enactment of the Clean Air Act Amendments of 1989, a system for issuing, recording, and tracking allowances and shall specify procedures and requirements. All allowance allocations and transfers shall upon recordation by the Administrator be deemed a part of each unit's permit requirements pursuant to section 408, but shall not require permit review and revision.

"(e) New Utility Units.—The owner or operator of each new utility unit must hold allowances equal to the annual tonnage of sulfur dioxide emitted by such unit after January 1, 2000. Such new utility units shall not be eligible for an allocation of sulfur dioxide allowances under subsection (a). Notwithstanding the geographic limitations on transfers of allowances in subsection (b), new utility units may obtain allowances from any unit allocated allowances under this title. After January 1, 2000, it shall be unlawful for any new utility unit to emit sulfur dioxide in an amount exceeding the allowances the owner or operator of such unit holds for such unit. The owner or operator of any new utility unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title.

"(f) Nature of Allowances.—An allowance issued under this title is a limited authorization to emit sulfur dioxide or nitrogen oxides in accordance with the provisions of this title. Such allowances may be limited, revoked or otherwise modified in accordance with the provisions of this title or other authority of the Administrator. Such allowance does not constitute a property right.

"(g) Prohibition.—It shall be unlawful for any person to hold or transfer any allowance issued under this title, except in accordance with regulations issued by the Administrator.

"PHASE 1 SULFUR DIOXIDE REQUIREMENTS

"Sec. 404. (a) Emission Limitations.—(1) After January 1, 1995, each source that includes one or more affected units listed in table A is an affected source under this section. After January 1, 1995, it shall be unlawful for any affected unit (other than an eligible phase I unit) to emit sulfur dioxide in excess of the tonnage limitation stated in table A for phase I unless the emissions reduction requirements applicable to such unit have been achieved pursuant to subsection (b) or (d) or the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions. The owner or operator of any unit in violation of this section shall be liable for fulfilling the obligations specified in section 411 of this title. The annual limitation for any unit totaled on Table A shall equal the product of each unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000.

"(2) Not later than December 31, 1991, the Administrator shall determine the total tonnage of reductions in the emissions of sulfur dioxide from all utility units in calendar year 1995 that will occur as a result of compliance with the emissions limitation requirements of this section, and shall establish a reserve of allowances equal in amount to the number of tons determined thereby not to exceed a total of 3.50 million tons. In making such a determination, the Administrator shall compute for each unit subject to the emissions limitation requirements of this section the difference between: (A) the product of its baseline multiplied by the lesser of each unit's allowable 1985 emissions rate and its actual 1985 emissions rate, divided by 2000, and (B) the product of each unit's baseline multiplied by 2.50 lbs/mmBtu divided by 2000, and sum the computations. The Administrator shall adjust the foregoing calculation to reflect projected calendar year 1995 utilization of the units subject to the emissions limitations of this section that the Administrator finds would have occurred in the absence of the imposition of such requirements. Not later than June 1, 1996, the Administrator shall adjust, if necessary, the allowances in the reserve to reflect the actual emissions reductions achieved by such units during calendar year 1995 as measured by continuous emissions monitoring pursuant to section 412. In making any such adjustment, the Administrator shall take into account, inter alia, whether emissions reductions achieved by any unit subject to the requirements of this section resulted from reduced utilization of the unit as compared with its baseline or from shutting the unit down and whether additional emissions of sulfur dioxide from units not subject to the emissions limitations of this section occurred as a result of those units' provision of electrical generation to compensate for the reduced output resulting from any affected unit's reduced utilization or shutdown. Pursuant to subsection (d), the Administrator shall issue allowances from the reserve established hereunder until the earlier of such time as all such allowances in the reserve are issued or December 31, 1999.

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"(b) Substitutions.—The owner or operator of an affected unit under subsection (a) may submit a proposal to the Administrator to reassign, in whole or in part, the sulfur dioxide reduction requirements to any other unit(s) under the control of such owner or operator. Such proposal shall specify—

"(1) the designation of the substitute affected units to which any part of the reduction obligations of subsection (a) shall apply, in addition to, or in lieu of, the original affected units designated under such subsection;

"(2) the baseline, the actual 1985 sulfur dioxide emissions rate, and the authorized annual tonnage limitation stated in Table A for the original affected unit;

"(3) calculation of the calendar year 1985 annual tonnage emitted by the substitute units, based on the baseline for each unit, as defined in section 402(d), multiplied by the unit's actual 1985 emission rate;

"(4) the emission rates and the actual tonnage limitations that would be applicable to the original and substitute affected units;

"(5) documentation, to the satisfaction of the Administrator, that the reassigned tonnage limits will, in total, achieve the same or greater emissions reduction than would have been achieved without such substitutions; and

"(6) such other information as the Administrator may require.

"(c) Administrator's Action on a Proposal.—

"(1) The Administrator shall approve or disapprove such substitution not later than six months after receipt of a substitution proposal that fulfills the requirements of this subsection. If a proposal does not meet the requirements of subsection (d), the Administrator shall disapprove it. The owner or operator of a unit listed in table A may not substitute another unit without the approval of the Administrator.

"(2) For an approved proposal, each substitute unit and source shall be deemed affected under this title, and the Administrator shall act on the submission in accordance with section 408. The Administrator shall allocate allowances for the affected units in accordance with the approved proposal pursuant to section 403. It shall be unlawful for any source or unit that receives allowances pursuant to this section to emit sulfur dioxide in an amount in excess of the allowances allocated to it. The owner or operator of any unit in violation of this subsection shall be liable for fulfilling the obligations specified in section 411 of this title. For a disapproved proposal, the Administrator shall issue allowances in accordance with subsection (a).

"(d) Eligible Units.—(1) Any unit subject to an emissions limitation requirement under this section may qualify for an extension of two years of the deadline for meeting such requirement. To qualify for such an extension a unit must employ a qualifying phase I technology, or transfer its phase I emissions reduction obligation to a unit employing a qualifying phase I technology. Such transfer shall be accomplished through submission of a compliance plan under section 408 that includes all units included in the transfer and satisfaction of the emissions reduction obligations imposed pursuant to an approved plan or permit.

"(2) The owner or operator of an affected unit under subsection (a) or (c) may submit a proposal to the Administrator requesting that such unit be designated an eligible phase I unit. Such proposal shall—

"(A) specify the unit proposed for designation as an eligible phase I unit;

"(B) provide an executed contract, which may be contingent upon the Administrator approving the proposal, for the design of the qualifying technology for the unit, or for the unit to which the unit's emission reduction obligation is to be transferred;

"(C) specify the unit's baseline, actual 1985 emission rate, allowable 1985 emission rate, and projected utilization for calendar years 1995 through 1999; and

"(D) specify the emission rate and number of allowances expected to be necessary for annual operation after the qualifying technology has been installed.

"(3) The Administrator shall review and approve or disapprove each proposal in order of receipt, and for an approved proposal designate the unit as as eligible phase I unit. Each eligible unit shall receive allowances determined under subsection (a)(1) or (c) of this section. In addition, the Administrator shall issue to each eligible unit, from the allowance reserve created pursuant to subsection (a)(2), allowances equal to the difference between its projected emissions tonnage for calendar years 1995 and 1996 and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu multiplied by a factor of 2, divided by 2000.

"(4) The Administrator shall reduce the reserve by the number of allowances calculated according to subparagraph (A) and (B) until either the reserve is consumed or all approved proposals have been acted upon. If the reserve is consumed before all proposals have been acted upon by the Administrator, any pending proposals shall be disapproved. The Administrator shall calculate allowances equal to—

"(A) the difference between the projected emissions tonnage for calendar years 1995 and 1996 of each eligible unit, as designated under paragraph (3), and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu; and

"(B) the difference between the product of each unit's baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2000, and the tonnage level specified under subparagraph (D) of paragraph (2) of this subsection multiplied by a factor of 3.

"(5) After January 1, 1997, in addition to the liabilities imposed under section 411, if any eligible phase I unit employing qualifying phase I technology emits sulfur dioxide in excess of the annual tonnage limitation specified under subparagraph (D) of paragraph (2) of this subsection, the Administrator shall, in the calendar year following such excess, deduct allowances equal to the amount of such excess from such unit's annual allowance allocation.

"(6) In addition to allowances specified in paragraph (3), the Administrator shall issue to the owner or operator of each eligible unit employing qualifying phase I technology, for calendar years 1997, 1998, and 1999, additional allowances, from the allowance reserve created pursuant to subsection (a)(2), not to exceed the difference between (A) the product of each eligible unit's baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2000, and (B) the tonnage level specified under subparagraph (D) of paragraph (2) of this subsection. However, the number of allowances issued shall be reduced, on a pro rata basis, as the result of any adjustment by the Administrator's June 1, 1996 recalculation of the level of the reserve under subsection (a)(2) of this section.

"Table A.—Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances (tons)

"State	Plant Name	Unit	Phase 1 Allowances	Phase 2 Allowances
"Alabama	Colbert	1	13,570	6,520
		2	15,310	7,350
		3	15,400	7,390
		4	15,410	7,400
		5	37,180	17,850
	E.C. Gaston	1	18,100	8,690
		2	18,540	8,900
		3	18,310	8,790
		4	19,280	9,250
		5	59,840	28,720
Florida	Big Bend	1	28,410	13,640
		2	27,100	13,010
		3	26,740	12,840
	Crist	6	19,200	9,220
		7	31,680	15,210
	Bartow	1	4,190	2,010
Georgia	Bowen	1	56,330	27,040
		2	54,770	26,290
		3	71,750	34,440
		4	71,740	34,430
	Hammond	1	8,780	4,220
		2	9,220	4,420
		3	8,910	4,280
		4	37,640	18,070
	J. McDonough	1	19,910	9,560
		2	20,600	9,890
	Wansley	1	70,770	33,970
		2	65,430	31,400
	Yates	1	7,210	3,460
		2	7,040	3,380

"Table A.—Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances (tons)—Continued

"State	Plant Name	Unit	Phase 1 Allowances	Phase 2 Allowances
		3	6,950	3,340
		4	8,910	4,280
		5	9,410	4,520
		6	24,760	11,890
		7	21,480	10,310
Illinois	Baldwin	1	42,010	20,170
		2	44,420	21,320
		3	42,550	20,430
	Coffeen	1	11,790	5,660
		2	35,670	17,120
	Grand Tower	4	5,910	2,840
	Hennepin	2	18,410	8,840
	Joppa Steam	1	12,590	6,040
		2	10,770	5,170
		3	12,270	5,890
		4	11,360	5,450
		5	11,420	5,480
		6	10,620	5,100
	Kincaid	1	31,530	15,130
		2	33,810	16,230
	Meredosia	3	13,890	6,670
		3	13,890	6,670
	Vermilion	2	8,880	4,260
Indiana	Bailly	7	11,180	5,370
		8	15,630	7,500
	Breed	1	18,500	8,880
	Cayuga	1	33,370	16,020
		2	34,130	16,380
	Clifty Creek	1	20,150	9,670
		2	19,810	9,510
		3	20,410	9,800
		4	20,080	9,640
		5	19,360	9,290
		6	20,380	9,780
	E.W. Stout	5	3,880	1,860
		6	4,770	2,290
		7	23,610	11,330
	F.B. Culley	2	4,290	2,060
		3	16,970	8,150
	F.E. Ratts	1	8,330	4,000
		2	8,480	4,070
	Gibson	1	40,400	19,390
		2	41,010	19,680
		3	41,080	19,720
		4	40,320	19,360
	H.T. Pritchard	6	5,770	2,770
	Michigan City	12	23,310	11,190
	Petersburg	1	16,440	7,890
		2	32,380	15,540
	R. Gallagher	1	6,490	3,120
		2	7,280	3,490
		3	6,530	3,130
		4	7,650	3,670
	Tanners Creek	4	24,820	11,920
	Wabash River	1	4,000	1,920
		2	2,860	1,370
		3	3,750	1,800
		5	3,670	1,760
		6	12,280	5,890
	Warrick	4	26,980	12,950
Iowa	Burlington	1	10,710	5,140
	Des Moines	7	2,320	1,110
	George Neal	1	1,300	620
	M.L. Kapp	2	13,800	6,620
	Prairie Creek	4	8,180	3,920
	Riverside	5	3,990	1,920
Kansas	Quindaro	2	4,220	2,020
Kentucky	Coleman	1	1,125	5,400
		2	12,840	6,160
		3	12,350	5,930
	Cooper	1	7,450	3,570
		2	15,320	7,360
	E.W. Brown	1	7,110	3,410
		2	10,910	5,240
		3	26,100	12,530
	Elmer Smith	1	6,520	3,130
		2	14,410	6,920
	Ghent	1	28,410	13,640
	Green River	4	7,820	3,750
	H.L. Spurlock	1	22,780	10,940
	Henderson II	1	13,340	6,410
		2	12,310	5,910
	Paradise	3	59,170	28,400
	Shawnee	10	10,170	4,880
Maryland	Chalk Point	1	21,890	10,520
		2	24,330	11,680
	C.P. Crane	1	10,330	4,960
		2	9,230	4,430
	Morgantown	1	35,260	16,930
		2	38,480	18,470
Michigan	J.H. Campbell	1	19,280	9,250
		2	23,060	11,070
Minnesota	High Bridge	6	4,270	2,050
Mississippi	Jack Watson	4	17,910	8,600
		5	36,700	17,620
Missouri	Asbury	1	16,190	7,770
	James River	5	4,850	2,330
	Labadie	1	40,110	19,250
		2	37,710	18,100
		3	40,310	19,350
		4	35,940	17,250
	Montrose	1	7,390	3,550
		2	8,200	3,940
		3	10,090	4,840
	New Madrid	1	28,240	13,550

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"Table A.—Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances (tons)—Continued

"State	Plant Name	Unit	Phase 1 Allowances	Phase 2 Allowances
		2	32,490	15,590
	Sibley	3	15,580	7,480
	Sioux	1	22,570	10,840
		2	23,690	11,370
	Thomas Hill	1	10,250	4,920
		2	19,390	9,310
New Hampshire	Merrimack	1	10,190	4,890
		2	22,000	10,560
New Jersey	B.L. England	1	9,060	4,350
		2	11,720	5,630
New York	Dunkirk	3	12,600	6,050
		4	14,060	6,750
	Greenidge	4	7,540	3,620
	Milliken	1	11,170	5,360
		2	12,410	5,960
	Northport	1	19,810	9,510
		2	24,110	11,580
		3	26,480	12,710
	Port Jefferson	3	10,470	5,030
		4	12,330	5,920
Ohio	Ashtabula	5	16,740	8,040
	Avon Lake	8	11,650	5,590
		9	30,480	14,630
	Cardinal	1	34,270	16,450
		2	38,320	18,400
	Conesville	1	4,210	2,020
		2	4,890	2,350
		3	5,500	2,640
		4	48,770	23,410
	Eastlake	1	7,800	3,750
		2	8,640	4,150
		3	10,020	4,810
		4	14,510	6,970
		5	34,070	16,350
	Edgewater	4	5,050	2,430
	Gen. J.M. Gavin	1	79,080	37,960
		2	80,560	38,670
	Kyger Creek	1	19,280	9,260
		2	18,560	8,910
		3	17,910	8,600
		4	18,710	8,980
		5	18,740	9,000
	Miami Fort	5	760	360
		6	11,380	5,460
		7	38,510	18,490
	Muskingum River	1	14,880	7,140
		2	14,170	6,800
		3	13,950	6,700
		4	11,780	5,650
		5	40,470	19,420
	Niles	1	6,940	3,330
		2	9,100	4,370
	Picway	5	4,930	2,370
	R.E. Burger	3	6,150	2,950
		4	10,780	5,170
		5	12,430	5,970
	W.H. Sammis	5	24,170	11,600
		6	39,930	19,170
		7	43,220	20,750
	W.C. Beckjord	5	8,950	4,290
		6	23,020	11,050
Pennsylvania	Armstrong	1	14,410	6,920
		2	15,430	7,410
	Brunner Island	1	27,760	13,330
		2	31,100	14,930
		3	53,820	25,840
	Cheswick	1	39,170	18,800
	Conemaugh	1	59,790	28,700
		2	66,450	31,890
	Hatfield's Ferry	1	37,830	18,160
		2	37,320	17,920
		3	40,270	19,330
	Martins Creek	1	12,660	6,080
		2	12,820	6,150
	Portland	1	5,940	2,850
		2	10,240	4,910
	Shawville	1	10,320	4,960
		2	10,320	4,960
		3	14,220	6,830
		4	14,080	6,760
	Sunbury	3	8,760	4,210
		4	11,450	5,500
Tennessee	Allen	1	15,320	7,360
		2	16,770	8,050
		3	15,670	7,520
	Cumberland	1	86,700	41,620
		2	94,840	45,520
	Gallatin	1	17,650	8,470
		2	17,310	8,310
		3	20,020	9,610
		4	21,260	10,200
	Johnsonville	1	7,790	3,740
		2	8,040	3,860
		3	8,410	4,040
		4	7,990	3,830
		5	8,240	3,950
		6	7,890	3,790
		7	8,980	4,310
		8	8,700	4,180
		9	7,080	3,400
		10	7,550	3,630
West Virginia	Albright	3	12,000	5,760
	Fort Martin	1	41,590	19,960
		2	41,200	19,780
	Harrison	1	48,620	23,340

"Table A.—Affected Sources and Units in Phase I and Their Sulfur Dioxide Allowances (tons)—Continued

"State	Plant Name	Unit	Phase 1 Allowances	Phase 2 Allowances
		2	46,150	22,150
		3	41,500	19,920
	Kammer	1	18,740	9,000
		2	19,460	9,340
		3	17,390	8,350
	Mitchell	1	43,980	21,110
		2	45,510	21,840
	Mount Storm	1	43,720	20,990
		2	35,580	17,080
		3	42,430	20,370
Wisconsin	Edgewater	4	24,750	11,880
	La Crosse/Genoa	3	19,090	9,160
	Nelson Dewey	1	6,010	2,880
		2	6,680	3,210
	N. Oak Creek	1	5,220	2,510
		2	5,140	2,470
		3	5,370	2,580
		4	6,320	3,030
	Pulliam	8	7,510	3,600
	S. Oak Creek	5	9,670	4,640
		6	12,040	5,780
		7	16,180	7,770
		8	15,790	7,580

"PHASE II SULFUR DIOXIDE REQUIREMENTS

"SEC. 405. (a). APPLICABILITY.—(1) After January 1, 2000, each steam-electric existing utility unit as provided below is subject to the limitations or requirements of this section. Each utility unit subject to an annual sulfur dioxide tonnage emission limitation under this section is an affected unit under this title. Each source that includes one or more affected units is an affected source. In the case of an existing unit that was not in operation during calendar year 1985, the emission rate for a calendar year after 1985, as determined by the Administrator, shall be used in lieu of the 1985 rate. The owner or operator of any unit in violation of this section shall be liable for fulfilling the obligations specified in section 411 of this title.

"(2) Following the issuance of permits pursuant to section 408 to the owners or operators of units subject to the emissions limitation requirements of this section the Administrator shall calculate the total tonnage of reductions in the emissions of sulfur dioxide from all utility units in calendar year 2000, achieved as result of compliance by units subject to this section with the emissions limitation requirements of subsections (b)(1), (c)(1) and (2), (e), (f), (g)(1), (g)(2) and the equivalent of the emissions limitation requirements of subparagraphs (4) and (5) of subsection (d). In calculating such reductions the Administrator shall compute for each unit subject to the emissions limitation requirements of section 404 and included on table A the difference between: (A) the product of each unit's baseline multiplied by 2.50 lbs/mmBtu divided by 2000, and (B) the product of each unit's baseline multiplied by 1.20 lbs/mmBtu, divided by 2000. For each unit not included on table A of section 404, but subject to the emissions limitation requirements of subsections (b) and (c), the Administrator shall compute the difference between: (A) the product of each unit's baseline multiplied by the lesser of its allowable 1985 emissions rate and its actual 1985 emissions rate, divided by 2000, and (B) the product of each unit's baseline multiplied by 1.20 lbs/mmBtu, divided by 2000, and sum the computations, except for those units granted an extension pursuant to section 409. The Administrator shall adjust the foregoing calculation to reflect the utilization of such plants that the Administrator finds would have occurred in the absence of the imposition of emissions limitation requirements. The Administrator shall establish a reserve of allowances equal in number to the tons so calculated and adjusted to reflect the actual emissions reductions achieved during calendar year 2000 as measured by continuous emissions monitoring pursuant to section 412 up to a limit of 5.30 million allowances. If the Administrator determines that the total of actual emissions reductions achieved in calendar year 2000 is less than 5.30 million tons, the Administrator shall deduct from each unit's annual allocation its pro rata share of 10 per centum of the difference between 5.30 million tons and actual emissions reductions achieved in calendar year 2000. Each unit's pro rata share shall be calculated on the basis of allowances that would be allocated pursuant to subsections (b)(1), (c)(1) and (2), (d)(4) and (5), (e), (f) and (g)(1) and (2). Pursuant to section 403 and subsections (b)(2), (c)(3), (d)(3)(A) and (B), (g)(3), (h)(2) and section 406(a), the Administrator shall issue annually 530,000 tons from the reserve established hereunder for calendar years 2000 through 2009.

"(b) UNITS EQUAL TO, OR ABOVE, 75 MWE AND 1.20 LBS/MMBTU.—(1) After January 1, 2000, it shall be unlawful for any steam-electric existing unit with nameplate capacity equal to, or greater, than 75 MWe and an actual 1985 emission rate equal to or greater than 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2000 unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions. In the case of a unit which has decreased its emissions rate as of the date of enactment by 40 per centum or greater from 1980, and whose utility system's residential customer growth has increased by at least 3 per centum per year since 1980, such unit has the option of calculating its baseline, as defined in section 402(d)(1), using an average of any three consecutive years between 1980 and 1989.

"(2) Except for units subject to the second sentence of paragraph (1), after January 1, 2000, the Administrator shall allocate and issue annually to the owner or operator of a unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate greater than 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 per centum, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 per centum of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 per centum capacity factor.

"(c) COAL OR OIL-FIRED UNITS BELOW 75 MWE AND ABOVE 1.20 LBS/MMBTU.—

"(1) After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is equal to, or greater than, 250 MWe to exceed an annual sulfur dioxide emissions limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is less than 250 MWe to exceed an annual sulfur dioxide emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(3) After January 1, 2000, the Administrator shall allocate and issue annually to the owner or operator of a unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 per centum, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 per centum of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 per centum capacity factor.

"(d) Coal-fired Units Below 1.20 lbs/mmBtu.—

"(1) After January 1, 2000, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate of less than 0.60 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(3)(A) At the election an operating company, after January 1, 2000, the Administrator shall allocate and issue annually for such unit subject to the emissions limitation requirements of paragraph (1) allowances, including allowances from the reserve created pursuant to subsection (a)(2), in an amount equal to either (i) the product of the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate multiplied by the difference, on a Btu basis, between the unit's baseline and its fuel consumption at a 60 per centum capacity factor, or (ii) 20 per centum of the allowances allocated for the unit pursuant to paragraph (1) and section 403.

"(B) At the election of the operating company, after January 1, 2000, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (2) allowances, including allowances from the reserve created pursuant to subsection (a)(2), in an amount equal to either (i) the product of the lesser of the unit's allowable 1985 emissions rate or its actual 1985 emissions rate multiplied by the difference, on a Btu basis, between the unit's baseline and its fuel consumption at a 60 per centum capacity factor, divided by 2000, or (ii) 20 per centum of the allowances allocated for the unit pursuant to paragraph (2) and section 403.

"(C) An operating company with units subject to the emissions limitation requirements of this subsection may elect only one formula for the allocation of allowances as provided under subparagraphs (A) and (B), which elected formula shall apply to the annual allowance allocation for each and every unit in the operating company subject to the emissions limitation requirements of this subsection. The Administrator shall issue allowances pursuant to subparagraphs (A) and (B) only in accordance with this subparagraph.

"(4) After January 1, 2010, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate of less than 0.60 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate and a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions."

"(5) After January 1, 2010, it shall be unlawful for any coal-fired utility unit with an actual 1985 sulfur dioxide emissions rate equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate and a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(6) For the purposes of this section, in the case of an oil- and gas-fired unit which has been awarded a clean coal technology demonstration grant as of January 1, 1991, by the United States Department of Energy, such unit may use any three consecutive years between 1980 and 1989 in calculating its baseline, as defined in section 402(d)(1).

"(e) Oil and Gas-fired Units Equal to or Greater Than 0.6 lbs/mmBtu and Less Than 1.20 lbs/mmBtu.—After January 1, 2000, it shall be unlawful for any oil and gas-fired utility unit with an actual 1985 sulfur dioxide emission rate equal to, or greater than, 0.60 lbs/mmBtu, but less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's allowable 1985 emissions rate or its actual 1985 emissions rate and a numerical factor of 120 per centum divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(f) Oil and Gas-fired Units Less Than 0.6 lbs/mmBtu.—After January 1, 2000, it shall be unlawful for any oil and gas-fired utility unit with an actual 1985 emission rate of less than 0.60 lbs/mmBtu whose average annual fuel consumption during 1985, 1986 and 1987 on a Btu basis was 90 per centum or less in the form of natural gas to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate multiplied by a numerical factor of 120 per centum, divided by 2000, unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(g) Units That Commence Operation Between 1986 and December 31, 1995.—After January 1, 2000, it shall be unlawful for any utility unit that has commenced operation on or after January 1, 1986, but not later than September 31, 1990 to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the unit's allowable sulfur dioxide emission rate, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) After January 1, 2000, the Administrator shall issue to the owner or operator of any utility unit that commences operation, or has commenced operation, on or after October 1, 1990, but not later than December 31, 1992 allowances in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the federally enforceable emission limitation, in pounds per mmBtu, divided by 2000.

"(3) After January 1, 2000, the Administator shall issue to the owner or operator of any utility unit that has commenced construction before December 31, 1990 and that commences operation between January 1, 1993 and December 31, 1995, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 per centum capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the federally enforceable emission limitation, in pounds per mmBtu, divided by 2000.

"(h) Oil and Gas-fired Units Less Than 10 Per Centum Oil Consumed.—(1) After January 1, 2000, it shall be unlawful for any oil- and gas-fired utility unit whose average annual fuel consumption during 1985, 1986 and 1987 on a Btu basis exceeded 90 per centum in the form of natural gas to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the unit's actual 1985 emissions rate unless the owner or operator of such unit has obtained allowances equal to the unit's total annual emissions.

"(2) Beginning January 1, 2000, the Administrator shall allocate and issue annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the unit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2000.

"ALLOWANCES FOR STATES WITH EMISSIONS RATES AT OR BELOW 0.8 LBS/MMBTU

"Sec. 406. (a) Election of Governor.—In addition to allocations of allowances pursuant to subsections (b)(1), (c)(1) and (2), (d)(1), (2), (3)(A)(ii) and (3)(B)(ii), (e), (f), and (g)(1) and (2), upon the election of the Governor of any State, with a 1985 statewide annual sulfur dioxide emissions rate of 0.80 lbs/mmBtu, averaged over all fossil fuel-fired utility steam generating units, the Administrator, in lieu of allocations pursuant to subsections (b)(2), (c)(3), (d)(3)(A)(i) and (B)(i), (g)(3) and (h)(2) of section 405, shall allocate and issue allowances from the reserve created pursuant to section 405(a)(2) to all such units in the State in an amount equal to the unit's pro rata share of electricity generated at fossil fuel-fired utility steam units in all such States.

"(b) Notification of Administrator.—Not later than January 1, 1997, each Governor of a State eligible to make an election under paragraph (a) shall notify the Administrator of such election. In the event that the Governor of any such State fails to notify the Administrator of the Governor's elections, the Administrator shall allocate and issue allowances pursuant to section 405.

"(c) Allowances After January 1, 2010.—After January 1, 2010, the Administrator shall allocate and issue allowances to units subject to the provisions of this section pursuant to section 405.

"NITROGEN OXIDES EMISSION REDUCTION PROGRAM

"Sec. 407. (a) Applicability.—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 404, 405 and 409, or on the date a unit subject to the provisions of 404(d) and 409(b), must meet the SO_2 reduction requirements, such units also shall become an affected unit for the purposes of this section and shall be subject to the emission rate limits for nitrogen oxides set forth herein.

"(b) Emission Limitations.—(1) Not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, the Administrator shall by rule establish allowable emission rates for nitrogen oxides for the types of utility boilers listed below, which rates shall not exceed the rates listed below. The Administrator may, however, set a rate higher than that listed for cell burners if the Administrator finds that the maximum listed rate for that boiler type cannot be achieved using low NO_x burner technology for that type of utility boiler. The maximum allowable emission rates are as follows:

"(A) for tangentially-fired boilers, 0.450 lb/mmBtus;

"(B) for dry bottom wall-fired boilers and for cell burners, 0.50 lb/mmBtu. After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and that is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

"(2) Not later than January 1997, the Administrator shall, by rule, establish preliminary allowable emission rates, on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

"(A) wet bottom wall-fired boilers;

"(B) cyclones;

"(C) all other types of utility boilers.

The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account available technology, costs, the costs of nitrogen oxides controls on other boiler types, and the energy and environmental impacts. Such rates shall be subject to periodic review and revision by the Adminisrator. After January 1, 2000, it shall be unlawful for any affected unit to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph or paragraph (1).

"(c) Revised Performance Standard.—(1) Not later than January 1, 1993, the Administrator shall propose revised standards of performance pursuant to section 111 for nitrogen oxides emissions from fossil-fuel fired steam generating units, including both electric utility and nonutility units. Not later than January 1, 1994, the Administrator shall promulgate such revised standards of performance. Such revised standards of performance shall reflect improvements in methods for the reduction of emissions of oxides of nitrogen.

"PERMITS AND COMPLIANCE PLANS

"Sec. 408. (a) Permit Program.—This title shall be implemented by permits issued in accordance with the provisions of this Act. Any permit issued by the Administrator, or a State with an approved permit program, shall prohibit each of the following:

"(1) annual emissions of sulfur dioxide or nitrogen oxides in excess of the total allowances held by the affected unit or source,

"(2) exceedances of applicable sulfur dioxide or nitrogen oxide emissions rates, and

"(3) contravention of any other provision of the permit.

"(b) Compliance Plan.—Each permit application shall be accompanied by a compliance plan for the source to comply with its requirements under this title. The compliance plan shall provide all necessary information on the schedule and means by which the source will obtain compliance with its annual tonnage limitation, or emission rate if applicable, including specification of the owner's or operator's intent to acquire any additional allowances beyond the initial allocation that will be used to achieve compliance and the owner or operator's certification that such owner or operator will comply with the requirements of this title in all circumstances, including, but not limited to, those in which such owner or operator fails to secure any such additional allowances necessary to achieve compliance. The Administrator may also require—

"(1) for a source, a demonstration of attainment of national ambient air quality standards, and

"(2) from the owner or operator of two or more affected sources, an integrated compliance plan providing an overall plan for achieving compliance at the affected sources.

"(c) First Phase Permits.—The Administrator shall issue permits to the affected sources under section 404—

"(1)(A) Not later than thirty months after the date of enactment of the Clean Air Act Amendments of 1989, the owner or operator of each affected source under section 404 shall submit a permit application and compliance plan for that source in accordance with regulations issued by the Administrator. The permit application and the compliance plan shall be binding on the owner or operator, and be enforceable for purposes of this Act, in lieu of a permit, until a permit is issued by the Administrator for the source pursuant to this section and title III of this Act. During pendency of the permit application and the compliance plan, the owners or operators may amend such applications or plans automatically provided that they notify the Administrator of such amendments.

"(B) In the case of a compliance plan for an affected source under section 404 for which the owner or operator proposes to meet the requirements of that section by reducing utilization of the unit by 20 per centum or more, as compared with the baseline prescribed in section 402(d), or by shutting down the unit, the owner or operator shall include in the compliance plan a specification of the units that will provide electrical generation to compensate for the reduced output of the affected source or a demonstration that such reduced utilization will be accomplished through energy conservation or improved unit efficiency. The source, and any unit to be used for such compensating generation, if not otherwise affected under section 404, shall be deemed affected under section 404, subject to the requirements of section 404 of this title, except that allowances shall be allocated to such unit in the amount of an annual limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's actual 1985 emission rate or its allowable 1985 emissions rate, divided by 2,000.

"(2) The Administrator shall review each proposed compliance plan to determine whether it satisfies the requirements of this title, and shall approve or disapprove such plan within six months after receipt of a complete submission.

"(3) Not later than eighteen months after enactment of the Clean Air Act Amendments of 1989, the Administrator shall promulgate regulations consistent with regulations required to be promulgated under title III of this Act to implement a Federal permit program to issue permits for affected sources under this title. Following promulgation, the Administrator shall issue a permit to implement the requirements of section 404 and the allowances provided under section 403 to the owner or operator of each affected source under that section. Such a permit shall supersede any permit application and compliance plan submitted under paragraph (1). The permitting authority shall issue a permit to the affected source in accordance with title III.

"(d) Second Phase Permits.—(1) To implement sections 405, 406, and 407, each State in which one or more sources subject to those sections are located, shall submit a permit program to the Administrator for approval. The Administrator shall approve any permit program meeting the requirements of section 351.

"(2) The owner or operator of each affected source under section 405 shall submit a permit application and compliance plan for that source to the permitting authority, not later than January 1, 1994.

"(3) Not later than July 1, 1995, each State with an approved permit program pursuant to title III of this Act shall issue permits to the owners or operators of existing affected sources under section 405 that satisfy the requirements of this Act. In the case of a State without an approved permit program, or a State that fails to issue permits to all of its existing affected sources by July 1, 1995, the Administrator shall, not later than July 1, 1996, issue a permit to the owner or operator of each such affected source that has not been issued a State permit.

"(4) Not later than July 1, 1996, the Administrator shall issue allowances to each affected source. These shall be deemed a part of the permit issued for that source, as provided in section 403. Allowances shall be issued each year by the Administrator to affected sources in accordance with sections 403 and 411.

"(5) The owner or operator of any unit subject to the requirements of section 407 shall submit a permit application for such unit to the permitting authority, not later than January 1, 1997. The Administrator shall, not later than July 1, 1998, issue a permit to the owner or operator of each such affected source that has not been issued a State permit. The permitting authorit, shall issue a permit to the owner or operator that satisfies the requirements of this title, including any appropriate monitoring and reporting requirements.

"(6) The owner or operators of any unit subject to the requirements of section 406 shall submit a permit application for such unit to the permitting authority not later than July 1, 1999. The permitting authority shall issue a permit to the owner or operator that satisfies the requirements of this title, including any appropriate monitoring and reporting requirements.

"(e) New Unit Permits.—(1) Each State shall submit a comprehensive and enforceable permit program for new units to the Administrator for approval, as provided under title III. The Administrator shall approve or disapprove complete submittals within one year of receipt.

"(2) The owner or operator of each source that includes a new unit or units shall submit a permit application and compliance plan to the permitting authority not later than twenty-four months prior to January 1, 2000, or to commencing operation of the unit, whichever is later. The permitting authority shall issue a permit to the owner or operator of the unit that satisfies the requirements of this title.

"(f) Amendment of Application and Compliance Plan.—At any time after the submission of an application and compliance plan under this section, the applicant may

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submit a revised application and compliance plan, in accordance with the requirements of this section.

"(g) Prohibition.—It shall be unlawful for an owner or operator (1) to fail to submit a permit application or compliance plan in accordance with the deadlines specified in this section or otherwise to fail to comply with regulations implementing this section, or (2) to operate any source subject to this title except in compliance with the terms and requirements of a permit application and compliance plan or permit issued by the Administrator or a State with an approved permit program.

"REPOWERED SOURCES

"Sec. 409. (a) Availability.—Not later than December 31, 1997, the owner or operator of an existing unit subject to the requirement of section 405 may demonstrate to the permitting authority that one or more units will be repowered with a qualifying clean coal technology to comply with the requirements under section 405. The owner or operator shall, as part of any such demonstration, provide, not later than January 1, 2000, satisfactory documentation of a preliminary design and engineering effort for such repowering and an executed contract for the majority of the equipment to repower such unit and such other information as the Administrator may require by regulation.

"(b) Extension.—(1) An owner or operator satisfying the requirements of subsection (a) shall be granted an extension of the emission limitation requirement compliance date for that unit from January 1, 2000, to December 31, 2003. The extension shall be specified in the permit issued to the source under section 408, together with any compliance schedule and other requirements necessary to meet second phase requirements by the extended date. Any unit that is granted an extension under this section shall not be eligible for a waiver under section 111(j) of this Act. Any unit receiving an extension until December 31, 2003 may elect to receive an additional two-year extension until December 31, 2005, provided that the allowances issued to that unit shall be reduced during such period after the unit is placed in service as the Administrator may prescribe (but not less than two years) by the excess of (A) the aggregate number of allowances which the unit received and used during the two-year period that the extension applied, over (B) the aggregate allowances to which the unit would have been entitled (but for the extension) under section 405.

"(2) If (A) the owner or operator of an existing unit has been granted an extension under paragraph (1) in order to repower such unit with a clean coal unit, and (B) such owner or operator thereafter satisfies the Administrator (i) that the clean coal technology to be utilized by such unit is economically or technologically infeasible, (ii) that by January 1, 2000, the owner or operator has demonstrated to the Administrator a good faith effort to achieve compliance with the requirements of subsection (a), and (iii) that such existing unit will be retrofitted or repowered with equipment or facilities utilizing another clean coal technology or other available control technology, then such extension shall be available until no later than December 31, 2003.

"(c) Allowances.—(1) For the period of the extension under this section, the Administrator shall issue to the owner or operator of the affected unit, annual allowances for sulfur dioxide equal to the affected unit's baseline multiplied by the lesser of the unit's federally approved State Implementation Plan limitation or its actual emission rate for 1995. Such allowances may not be transferred or used by any other source to meet emission requirements under this title. The source owner or operator shall notify the Administrator sixty days in advance of the date on which the affected unit for which the extension has been granted is to be removed from operation to install the repowering technology.

"(2) Effective on that date, the source shall be subject to the requirements of section 405. Allowances for the year in which the source is removed from operation to install the repowering technology shall be calculated by multiplying 1.20 lbs/mmBtu by the existing utility unit, divided by 2,000, and prorated accordingly, and are transferable.

"(3) Allowances for such existing utility units for calendar years after the year the repowering is complete shall be calculated by multiplying 1.20 lb./mmBtu of sulfur dioxide by the existing utility unit's baseline divided by 2,000.

"(4) Allowances issued to a new designated unit described in section 402(1)(2) shall be reduced during such period after the repowered unit is placed in service as the Administrator may prescribe (but not less than four years) by an amount equal to the excess of (A) the aggregate number of allowances issued under paragraph (1) and used by the existing unit during the extension period provided under subsection (b), over (B) the aggregate allowances to which the existing unit would have been entitled (but for this section) under section 405 during the calendar years that paragraph (1) applied.

"(d) Control Requirements.—Any source that is not a new designated unit described in section 402(1)(2), but qualifies for an extension under this section that does not increase actual hourly emissions for any pollutant regulated under the Act shall not be subject to any standard of performance under section 111 of this Act.

"(e) Expedited Permitting.—State permitting authorities and, where applicable, the Administrator, are encouraged to give expedited consideration to permit applications under parts C and D for any source qualifying for an extension under this section.

"(f) Prohibition.—It shall be unlawful for the owner or operator of a repowered source to fail to comply with the requirement of this section, and any regulations to implement this section.

Amendment No. 1401

On page 392, line 13, strike "in section 405(h)(1)".

On page 392, line 14, after "as provided in sections 405(a)(2)" insert: ", 406,".

On page 398, lines 13 through 15, strike the following: "Such regulations shall permit transfers only within each of the two major geographic regions of the country as defined by such regulations.

On page 401, line 9, strike "totaled" and insert in lieu thereof "listed".

On page 402, line 6, strike all beginning with the phrase "Not later than June 1, 1996," through the word "shutdown." on line 20.

On page 404, line 15, after "in accordance with section 408." insert the following: "Any unit listed in Table A for which the sulfur dioxide reduction requirements of subsection (a) are reassigned, in whole, to any other unit(s) under subsection (b), and for which such reassignment or substitution has been approved by the Administrator under subsection (c), shall no longer be deemed an affected unit under this section."

One page 406, line 14, after "equal to" insert "twice".

On page 406, lines 14 and 15, strike "projected emissions tonnage for calendar years 1995 and 1996" and insert in lieu there of: "average annual emissions in calendar years 1988 and 1989".

On page 406, line 17, strike "multiplied by a factor of 2".

On page 407, line 1, after "(A) the " insert "twice".

On page 407, lines 1 and 2, strike "projected emissions tonnage for calendar years 1995 and 1996" and insert in lieu there of: "average annual emissions in calendar years 1988 and 1989".

On pgae 407, line 5, after "rate of 2.50 lbs/mmBtu" insert ", divided by 2,000".

On page 407, line 11, strike "After" and insert in lieu thereof "Between".

On page 407, line 11, after "January 1, 1997" insert "and December 31, 1999".

On page 414, lines 17 through 19, strike "for each unit subject to the emissions limitation requirements of section 404 and included in Table A" and insert in lieu there of "for each affected unit under Section 404".

On page 415, lines 5 and 6, strike ", and sum the computations, except for those units granted an extension pursuant to section 409".

On page 415, line 17, strike "5.30 million tons" and insert in lieu there of "5.00 million tons".

On page 415, line 18, after "shall deduct" insert "during calendar years 2000 through 2009".

On page 415, line 20, strike "5.30 million tons" and insert in lieu there of "5.00 million tons".

On page 416, line 6, after "existing" insert "utility".

ROTH AMENDMENT NO. 1402

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra; as follows:

On page 437 of the amendment, between lines 10 and 11, insert the following:

"(4) An owner or operator of an existing unit satisfying the requirements of subsection (a) while using petroleum coke as a fuel shall be eligible for the same regulatory incentives under section 415(b)(1) as a qualifying clean coal technology.".

McCONNELL AMENDMENT NO. 1403

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

Amend committee substitute for S. 1630, title IV, section 405, page 416, by adding on line 11 after the words "1.20 lbs/mmBtu": "and units included in section 405(b)(3).".

Amend committee substitute, title IV, section 405, page 417, by adding on line 10 after the word "factor." the new section:

(3)(A) PROHIBITION UNITS UNDER THE POWER PLANT AND INDUSTRIAL FUEL USE ACT OF 1978 (FUA).—After January 1, 2000, it shall be unlawful for any unit which was issued a prohibition order or a proposed prohibition order (from burning oil) and subsequently converted to coal, between January 1, 1980 and December 31, 1985, to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a BTU basis, at 65 per centum capacity factor and its actual emission rate during the first full calendar year after conversion, divided by 2,000 unless the owner or operator of such unit has obtained allowances equal to the emissions in excess of those permitted under this section. In no case shall this subsection allow a utility system containing one or more of these units to exceed an annual average sulfur dioxide emission rate of 1.2 lbs/mmBtu after January 1, 2000.

(B) The administrator is authorized to issue no more than 20,000 allowances more than would have been alloted to the affected units under section 405(b)(3)(A). If the number of additional allowances generated by section 405(b)(3)(A) is greater than 20,000 tons the administrator will distribute the additional allowances on a prorated basis to the utilities affected by 405(b)(3)(A) based on a ratio of the affected unit's baseline to the total baseline of all the affected units.

McCLURE AMENDMENT NO. 1404

(Ordered to lie on the table)

Mr. McCLURE submitted an amendment intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

Amend amendment No. 1293:

(1)(A) on page 390, strike lines 6 through 19, and insert in lieu thereof the following:

"(1) The term (1) 'clean coal technology' means any technology included on a list to be published not later than December 31, 1992, and amended from time to time by Administrator, with the concurrance of the Secretary of Energy. Such list shall include—

"(A) the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, derivatives of one or more of these technologies, and any other technology capable of simultaneously reducing or removing emissions of sulfur oxides and oxides of nitrogen; and

"(B) any additional technologies with improved performance relative to the performance of technology in widespread commercial use as of the date of enactment of the Clean Air Act Amendments of 1989, as determined by the Administrator, with the concurrance of the Secretary of Energy, based upon consideration of the following criteria: efficiency of energy consumption, number of pollutants controlled, effect on the derating of a boiler, reduction of volumes of by-product solid and other wastes, and differences in availability dates.

"(2) 'clean coal unit' means a utility unit that utilizes a clean coal technology.

"(3) 'retrofit' means, for purposes of section 409, to install a clean coal technology at an existing utility unit with equipment or facilities utilizing a clean coal technology. Such term includes replacement of all or part of an existing utility unit with equipment or facilities utilizing clean coal technology at the same site.

"(4) 'replace' or 'replacement' means, for the purpose of section 409, to retire an existing utility unit and replace such unit with a new clean coal unit at the same or a different site, but only if—

"(A) the new clean coal unit is designated under section 409(a) by the owner or operator of the existing utility unit as replacing such unit,

"(B) the existing unit will be retired from service on or before the date on which the designated new unit enters commercial service, and

"(C) the new unit is located in the same air quality region as the existing unit.".

(B) On page 444, line 10, after "SEC. 415." delete existing subsection (a) and redesignate subsections (b) through (e) as new subsections (a) through (d), respectively.

(2) on page 435, strike from lines 3 through page 437, line 20, and insert in lieu thereof the following:

"RETROFIT AND REPLACEMENT

"SEC. 709. (a) AVAILABILITY.—Not later than December 31, 1997, the owner or operator of an existing unit subject to the requirement of section 405 may demonstrate to the permiting authority that one or more units will be retrofitted as a clean coal unit or replaced with a clean coal unit designated by the owner or operator of the existing unit, for the purposes of complying with the requirements under section 405. The owner or operator shall, as a part of any such demonstration, provide, not later than January 1, 2000, satisfactory documentation of a preliminary design and engineering effort for such retrofit or replacement and an executed contract for the majority of the equipment for such unit and such other information as the Administrator may require by regulation. If the owner or operator of an existing unit proposes to retrofit or replace such unit with a clean coal unit that uses a clean coal technology listed under section 402(l), and such proposed retrofit or replacement is incorporated in a compliance plan under section 408(b) and an approved permit under section 408(d), approval of such permit shall be deemed to satisfy the requirements of the first sentence of this subsection.

"(b) EXTENSION.—(1) An owner or operator satisfying the requirements of subsection (a) shall be granted an extension of the emission limitation requirement compliance date for the unit to be retrofitted or replaced from January 1, 2000, to December 31, 2005. The extension shall be specified in the permit issued to the source under section 408, together with any compliance schedule and other requirements necessary to meet second phase requirements by the extended date. Any unit that is granted an extension under this section shall not be eligible for a waiver under section 111(j) of this Act.

(2) If—

(A) the owner or operator of an existing unit has been granted an extension under paragraph (1) in order to retrofit or replace such unit with a clean coal unit, and

(B) such owner or operator thereafter staisfies the Administrator (i) that the clean coal technology to be utilized by such unit is economically or technologically infeasible, (ii) that by January 1, 2000, the owner or operator has demonstrated to the Administrator a good faith effort to achieve compliance with the requirements of subsection (a), and (iii) that such existing unit will be retrofitted or repowered with equipment or facilities utilizing another clean coal technology or other available control technology,

then such extension shall be available until no later than December 31, 2005.

"(c) ALLOWANCES.—(1) For the period of the extension under this section, the Administrator shall issue to the owner or operator of the affected unit, annual allowances for sulfur dioxide equal to the affected unit's baseline multiplied by the lesser of the unit's federally approved State Implementation Plan limitation or its actual emission rate for 1995. Such allowances may not be transferred or used by any other source to meet emission requirements under this title. In the case of any existing unit that is to to retrofitted as a clean coal unit, the source owner or operator shall notify the Administrator sixty days in advance of the date on which the affected unit for which the extension has been granted is to be removed from operation to install the clean coal technology.

"(2) Effective on that date, the source shall be subject to the requirements of section 405. Allowances for the year in which the source is removed from operation to install the clean coal technology shall be calculated by multiplying 1.20 lbs/mmBtu by the existing utility unit, divided by 2,000, and prorated accordingly, and are transferable.

"(3) Allowances for calendar years after the year the retrofit or replacement is complete shall be calculated by multiplying 1.20 lbs/Btu of sulfur dioxide by the existing utility unit's baseline divided by 2,000.

"(4) An owner or operator of an existing unit satisfying the requirements of subsection (a) while using petroleum coke as a fuel shall be elibile for the same regulatory incentives under section 415(b)(1) as a qualifying clean coal technology.

"(d) CONTROL REQUIREMENTS.—Any source qualifying for an extension under this section that does not increase actual hourly emissions for any pollutant listed as a criteria pollutant under section 108 of the Act shall not be subject to requirements of parts C and D of this Act for that pollutant.

"(e) EXPEDITED PERMITTING.—State permitting authorities and, where applicable, the Administrator, are encouraged to give expedited consideration to permit applications under parts C and D for any source qualifying for an extension under this section, that will increase its actual emissions as specified in section 409(d)."

"(g) APPLICABILITY OF NEW SOURCE REQUIREMENTS.—No existing utility unit or source subject to this title shall be subject to any standard under section 111(b) or be required to obtain a permit under sections 165 or 173 as a result of any physical or operational change that occurs at such unit or source after the date of enactment of this title provided that any such change in the unit's or source's physical and operational design does not increase the maximum potential capacity of the unit or source to emit criteria air pollutants under its physical and operational design.".

(3) on page 447 strike lines 12 through 14 and insert in lieu: "pollutant listed as a criteria pollutant under section 108 of the Act, except that potential post-repowering emissions from that pollutant do not exceed the potential pre-repowering emissions for that

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pollutant as a result of the demonstration project.".

MURKOWSKI AMENDMENT NO. 1405

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

Section 402(1), on page 390, line 7, after "boiler" insert "or feedstock".

On page 390, line 12, after "other" insert "combustion or precombustion".

Section 402(r), on page 391, line 25, after "reduction" insert "or a feedstock treated with clean coal technology as defined in section 415(a).".

On page 392, lines 2 and 3, strike "use of fuels" and insert in lieu thereof "fuels used at the time of submission of a proposal pursuant to section 404(d)(2)".

ROTH (AND OTHERS) AMENDMENT NO. 1406

Mr. ROTH (for himself, Mr. Kasten, and Mr. Symms) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 16, line 24, strike out "and".

On page 17, line 3, strike out the quotation marks and the last period and insert in lieu thereof a semicolon and the word "and".

On page 17, between lines 3 and 4, insert the following:

"(xv) program to encourage the voluntary removal from use and the marketplace of pre-1980 model year light duty vehicles and pre-1980 model year light duty trucks.".

SYMMS AMENDMENT NO. 1407

Mr. SYMMS proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

In amendment No. 1293, at the end of Title II insert the following new section:

"Sec. . Ethanol Substitute for Diesel.—Within one year after the enactment of this Act, the Administrator shall contract with a laboratory which has done research on alcohol esters of rapeseed oil to evaluate the feasibility, engine performance, emissions, and production capability associated with an alternative to diesel fuel composed of ethanol and high erucic acid rapeseed oil. The Administrator shall submit a report on the results of this research to Congress within three years of the issuance of such contract.

SIMON (AND DIXON) AMENDMENT NO. 1408

Mr. SIMON (for himself and Mr. Dixon) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 88, line 6, strike out "two" and insert in lieu thereof "three".

On page 88, line 11, after "emissions." insert the following: "The Administrator shall commence such study not later than 60 days after the date of the enactment of this subpart.".

On page 89, line 11, strike out "three" and insert in lieu thereof "two".

SPECTER (AND HEINZ) AMENDMENT NO. 1409

Mr. SPECTER (for himself and Mr. Heinz) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra; as follows:

On page 242, line 16, strike the period and insert in lieu thereof a comma.

On page 242, before line 17, insert the following: "*Provide, however,* That none of the measures described in subparagraphs (A) through (D) shall compromise any patent or trademark or require the release of any trade secret or other intellectual property right.".

HELMS (AND OTHERS) AMENDMENT NO. 1410

Mr. HELMS (for himself, Mr. Lott, Mr. Symms, and Mr. McClure) proposed an amendment, which was subsequently modified, to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra; as follows:

On page 559, line 6, strike "by contributing funds to" and insert in lieu thereof "and to assist".

On page 559, line 8, strike "such funding" and the text following through line 15.

McCAIN (AND OTHERS) AMENDMENT NO. 1411

Mr. McCAIN (for himself, Mr. Adams, Mr. DeConcini, Mr. Hatch, Mr. Mack and Mr. Wilson) proposed an amendment to amendment No. 1293 (in the nature of a substitute) to the bill S. 1630, supra; as follows:

On page 567, after line 20, add the following:

TITLE VIII—SOLAR AND RENEWABLE ENERGY

INCENTIVES

Sec. 801. (a) Definition.—For purposes of this section, solar and renewable energy means photovoltaic, solar thermal, wind, geothermal and biomasss technologies, or any other energy production technology, other than hydroelectric, recognized as "renewable energy" by the Department of Energy.

(b) Federal Rate Incentives.—(1) Within 24 months after enactment of this section, the Federal Energy Regulatory Commission shall complete a rulemaking to establish a demonstration program for regulatory incentives to promote and encourage solar and renewable energy. The regulatory incentives shall include—

(A) establishment of an incentive rate of return for solar and renewable energy development and distribution that recognizes their inherent risk; and

(B) allowance of a ten-to-twenty-year amortization period to recover the capital costs of solar and renewable energy technologies.

(2) The initial Federal Energy Regulatory Commission demonstration program shall be in effect for 5 years.

(3) At the end of the initial 5-year demonstration program, the Federal Energy Regulatory Commission shall review the merits of the program and determine whether to extend such program, including the establishment of a permanent program.

(c) FERC Preapproval of Prudence for Solar and Renewable Energy Technology Costs.—The Federal Energy Regulatory Commission shall establish a process for negotiating with potential developers of solar and renewable energy technologies to agree upon costs caps for future projects and preapproval of the prudence of expenses for those projects if the expenses fall within the agreed-upon cap.

(d) Encouragement of State Incentive Programs.—Because the use of solar and renewable energy is in the national interest, States, including their agencies and political subdivisions which regulate public utility rates and charges, are encouraged to provide additional incentives for their implementation. Those incentives may include, but are not limited to—

(1) preapproval of recovery of capital costs and other expenses, within reasonable bounds agreed upon before project construction; and

(20 rapid amortization of solar and renewable energy expenditures.

DOMENICI AMENDMENT NO. 1412

Mr. DOMENICI proposed an amendment to amendment No. 1293 (in the nature of a substitute) to the bill S. 1630, supra; as follows:

On page 123, line 15, at the end of section 193(b), add new subsection (c):

"(c) Within three years after enactment, the Administrator shall review pertinent information and report to the Congress on the need to modify subsection (b) to take into account infeasible requirements that might be placed on certain rural areas of the country where a substantial percentage of ambient PM-10 concentration in the area is caused by the suspension of natural soils in the ambient air due to non-industrial, anthropogenic activities. Included in this review shall be a recommendation on whether exemptions from the 5 per centum annual reduction requirement should be granted to certain areas. In making such recommendations, the Administrator shall consider the presence and concentration of potentially toxic substances in the mix of particulate emissions in the area, and the technological and economic feasibility of various control measures."

MURKOWSKI (AND STEVENS) AMENDMENT NO. 1413

Mr. MURKOWSKI (for himself and Mr. Stevens) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra; as follows:

Section 188(c), on page 103, line 22, add a new paragraph (3):

"(3) Nothing in this Act shall prohibit a State containing an area classified nonattainment pursuant to section 187(a) from revising its implementation plan to substitute an alternative control measure for an existing control measure if the State demonstrates that:

(A) the alternative control measure—

(i) is not already included in the implementation plan;

(ii) is not otherwise required by this Act;

(iii) will provide an equal or greater degree of carbon monoxide emissions control as full implementation of the existing control measure would provide; and,

(iv) will be implemented not later than 18 months after the date of enactment of this Act; and,

(B) the existing control measure is not otherwise required under this Act or under guidelines or regulations issued by the Administrator.

When the State makes such a demonstration, the Administrator shall approve a revision to the implementation plan which incorporates the alternative control measure."

MURKOWSKI AMENDMENT NO. 1414

Mr. MURKOWSKI proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra; as follows:

Section 402(p), on page 391, line 8: Insert between "unit" and "that" the words "in any State".

REID (AND SIMPSON) AMENDMENT NO. 1415

Mr. REID (for himself and Mr. SIMPSON) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

At the end of the amendment, insert the following:

SEC. . RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES.

Section 103 of the Clean Air Act is amended—

(1) by amending subsection (c) to read as follows:

"(c) In carrying out subsection (a), the Administrator shall conduct a program of research, testing, and development of methods for sampling, measurement, monitoring, analysis, and modeling of air pollutants. Such program shall include the following elements:

"(1) Consideration of individual, as well as complex mixtures of air pollutants and their chemical transformations in the atmosphere.

"(2) Development of improved monitoring and modeling techniques to increase understanding of the sources of ozone precursors, ozone formation, ozone transport, regional ozone trends, and physicochemical interactions of ozone with other pollutants. Emphasis shall be placed on those techniques which—

"(A) improve the ability to inventory emissions of volatile organic compounds contributing to urban air pollution, including anthropogenic and natural sources; and

"(B) improve the ability to identify and evaluate region-specific prevention and control options for ozone pollution.

"(3) Efforts to ensure the comparability of air quality data collected in different States and in different nations.

"(4) Periodic reports to the Congress which evaluate and assess the effectiveness of air pollution control regulations and programs using monitoring data collected pursuant to this subsection.";

(2) by amending subsection (d) to read as follows:

"(d)(1) The Administrator shall conduct a research program on the short- and long-term effects of air pollutants, including wood smoke, on human health. In conducting such research program the Administrator—

"(A) shall conduct studies, including epidemiological, clinical, and laboratory studies, as necessary to identify and evaluate effects of air pollutants on human health:

"(B) may utilize, on a reimbursable basis, the facilities of existing Federal scientific laboratories and research centers; and

"(C) shall consult with other appropriate Federal agencies to ensure that similar research being conducted in other agencies is coordinated and is not duplicative.

"(2) In conducting the research program under this subsection, the Administrator shall develop methods and techniques necessary to identify and assess the risks to human health from both routine and accidental exposures to individual air pollutants and combinations thereof.";

(3) by amending subsection (f) to read as follows:

"(f) In carrying out the provisions of subsection (a), the Administrator shall conduct a research program to improve the understanding of the causes, effects, and trends of natural resource damage from air pollutants. Such program shall include—

"(1) identification of regionally representative and critical ecosystems for research;

"(2) evaluation of risks to natural resources exposed to air pollutants, including characterization of the causes and effects of chronic and episodic exposures to air pollutants and determination of the reversibility of such effects;

"(3) development of improved atmospheric dispersion models and monitoring systems and networks for evaluating and quantifying exposure to and effects of multiple environmental stresses associated with air pollution;

"(4) evaluation of the effects of air pollution on water quality, including assessments of the short- and long-term ecological effects of acid rain and other atmospherically derived pollutants on surface water (including wetlands and estuaries) and ground water;

"(5) evaluation of the effects of air pollution, including acid rain, on forests, biological diversity, soils, materials, crops, and other terrestrial systems exposed to air pollutants; and

"(6) estimation of the ecological damages and their associated costs which have occurred as a result of exposure to air pollutants."; and

(4) by inserting at the end thereof the following new subsections:

"(g) Not later than 120 days after the date of the enactment of this subsection, the Secretary of Energy shall report to Congress on plans and procedures for entering into contracts and cooperative agreements with other Federal agencies, and private, public, and academic research organizations for use of the Liquefied Gaseous Fuels Spill Test Facility.

"(h)(1)(A) Not later than 180 days after the date of enactment of this subsection the Secretary of Energy shall establish and operate an air toxics emissions program to conduct research, development and technology demonstration activities in cooperation with the Liquefied Gaseous Fuels, Spill Test Facility in accordance with the provisions of this subsection.

"(B) Not later than 120 days after the date of enactment of this subsection the Secretary of Energy shall prepare and submit a report to the Congress on plans and deadlines to be implemented in carrying out the program described in paragraph (1)(A).

"(2) The research, development, and technology demonstration activities described in paragraph (1)(A) shall include—

"(A) developing and implementing improved procedures to predict behavior of dense gases including the transport and fate of such emissions;

"(B) developing new and improved analytical monitoring methods;

"(C) investigating and evaluating response methods to control toxic air emissions-related emergencies;

"(D) researching and evaluating monitoring techniques to improve knowledge of threats to human health and the environment with emphasis on cross-media effects of such emissions;

"(E) testing, development and demonstration of alternative or innovative technologies which may be utilized to control, abate, or minimize air toxic emissions.

"(3) In carrying out the provisions of this subsection, the Secretary of Energy, in consultation with the Administrator of Environmental Protection Agency, shall select at least two chemicals listed in section 112(b) of the Clean Air Act for research, development and technology demonstration activities pursuant to this subsection. The Secretary of Energy shall select two such chemicals annually for such activities. In selecting such chemicals, priority shall be placed on chemicals the Secretary of Energy determines pose the greatest threat to human health and the environment.

"(4) The Secretary of Energy shall make available to interested persons (including other Federal agencies and businesses) the use of the Liquefied Gaseous Fuels Spill Test Facility to conduct research and other activities in connection with the activities described in paragraph (2).

"(5)(A) In carrying out the provisions of this subsection, the Secretary of Energy is authorized to enter into contracts and cooperative agreements with, and make grants to, nonprofit entities affiliated with the University of Nevada and the University of Wyoming.

"(B) The agreement described in subparagraph (A) shall provide that such nonprofit entities—

"(i) may provide basic technical and management personnel; and

"(ii) shall provide permanent research institutes.

"(6) The research institutes described in paragraph (5) shall be authorized to make grants, accept contributions and enter into agreements with other entities to carry out the provisions of this subsection.

"(7) There are authorized to be appropriated to the Department of Energy $3,000,000 for fiscal year 1991 and such sums as may be necessary for each fiscal year thereafter to carry out the provisions of paragraph (5). Such amounts shall remain available until expended.".

On page 512, line 17, strike "$90,000,000" and insert "$120,000,000".

SANFORD (AND OTHERS) AMENDMENT NO. 1416

Mr. SANFORD (for himself, Mr. DURENBERGER, Mr. ADAMS, Mr. GORTON, Mr. KOHL, Mr. BUMPERS, Mr. PRYOR, Mr. LIEBERMAN, Mr. DODD, Mr. ROTH, Mr. HEFLIN, and Mr. BOREN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra; as follows:

On page 392, line 4, add the following new definition: "(s) The term "designated representative" means a responsible person or official authorized by the owner or operator of a unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances allocated to a unit, and the submission of and compliance with permits, permit applications, and compliance plans for the unit."

On page 392, line 4, add the following new definition: "(t) The term "life-of-the-unit, firm power contractual arrangement" means a contractual arrangement under which a utility receives a specified amount or percentage of capacity and associated energy generated by a specified generating unit (or units) and pays its proportional amount of such unit's total costs, for the life of the unit."

On page 392, line 9, strike the words "to the owner or operator of the affected units at an affected source" and substitute "for the unit, to be held or distributed by the designated representative of the owner or operator of each affected unit at an affected source in accordance with this title,".

On page 393, line 22, insert the words "a designated representative of" before the words "an owner or operator".

On page 394, line 14, insert the words "a designated representative of" before the words "the owner or operator".

On page 394, line 23, strike the words "the applicant" and insert the words "in accordance with the approved application".

On page 396, line 20, insert the words "designated representatives of the" before the words "owners or operators".

On page 397, line 23, insert the words "designated representatives of" before the words "the owners or operators".

On page 399, line 21, insert the words "designated representative of" before the words "owner or operator".

On page 399, line 22, strike the words "equal to" insert the words "for no less than".

On page 400, line 6, insert the words "designated representative of the" before the words "owner or operator".

On page 429, line 5, delete the heading and insert the following before the words "Each permit":

"(b) PERMIT APPLICATIONS AND COMPLIANCE PLANS GENERALLY—

Permit applicants required by this section shall be submitted by the designated representative of the owner or operator of the unit, shall identify each person on whose behalf allowances will be received, and shall specify the nature and extent of the interest of each person."

On page 429, line 6, insert the words "submitted by the designated representative of the owner or operator and shall be" before the words "accompanied by".

On page 430, line 5, insert the words "the designated representative of" before the words "the owner or operator".

On page 430, line 14, insert the words "the designated representatives of" before the words "the owners or operators".

On page 430, line 16, strike the words "they notify" and insert after "the Administrator" on line 17 the words "is given prior notification".

On page 432, line 14, insert the words "designated representative of the" before the words "owner or operator".

On page 433, line 9, insert the words "designated representative of the" before the words "owner or operator".

On page 433, line 18, insert the words "designated representative of the" before the words "owner or" and substitute the word "operator" for the word "operators".

On page 434, line 6, insert the words "designated representative of the" before the words "owner or operator".

On page 434, line 19, insert the words "and its designated representative" before the words "(1) to fail to submit".

On page 435, between lines 2 and 3, add the following:

(h) MULTIPLE OWNERS.—No permit under this section shall be issued to an affected unit until the designated representative of the owner or operator has filed a certification concerning the holding and distribution of allowances. Where there are multiple holders of a legal or equitable title to or a leasehold interest in such a unit, or where a utility purchases power from an affected unit under life-of-the-unit, firm power contractual arrangements, the certification shall (1) state that allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual share or, (2) if such multiple holders have expressly provided for a different distribution of allowances by contract, state that allowances will be deemed to be held or distributed in accordance with the contract. A passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit shall not be deemed to be a holder of a legal, equitable, leasehold, or contractual interest for the purpose of holding or distributing allowances as provided in this subsection, unless expressly provided for in the leasehold agreement. Except as otherwise provided in this subsection, where all legal or equitable title to or interest in an affected unit is held by a single person, the certification shall state that all allowances received by the unit are deemed to be held for that person."

BUMPERS (AND OTHERS) AMENDMENT NO. 1417

Mr. BUMPERS (for himself, Mr. BREAUX, and Mr. BINGAMAN) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 447, line 17, strike the word "that" and insert the following: "notwithstanding the provisions of paragraph (1), any other utility unit pollution control project, including, but not limited to, alterations that allow the use of natural gas as a fuel, where such project constitutes a retrofit pollution control project and where such project".

EXON (AND OTHERS) AMENDMENT NO. 1418

Mr. EXON (for himself, Mr. KERREY, Mr. HARKIN, and Mr. MATSUNAGA) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bill S. 1630, supra, as follows:

On page 213, line 20, strike "1991" and insert in lieu thereof "1992".

On page 213, line 24, strike "may" and insert in lieu thereof "shall".

On page 213, line 24, strike "1991" and insert in lieu thereof "1992".

On page 213, line 25, immediately following "deadline" insert "annually".

On page 213, line 25, strike "two" and insert in lieu thereof "three".

On page 214, line 2, immediately following "that", insert "adequate".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., March 28, 1990, to receive testimony on S. 456 and H.R. 1109, on the provisions of the bill designating the California National Trails System; S. 465 and H.R. 1159, to amend the National Trails System Act by designating the Juan Bautista de Anza National Historic Trail, and for other purposes; and S. 1756, to provide for the preservation and interpretation of sites associated with Acadian culture in the State of Maine; S. 1864 and H.R. 76, to amend the Wild and Scenic Rivers Act to study the eligibility of the St. Marys River in the States of Florida and Georgia for potential addition to the Wild and Scenic Rivers System; S. 2059, to establish the Weir Farm National Historic Site in the State of Connecticut; S. 2208, to provide for the issuance of a 7-day admission permit for the grand circle adventure comprising seven national parks in Utah, Colorado, and Arizona; and S. 1770, a bill to assess the suitability and feasibility of including certain Shenandoah Valley Civil War sites in the National Park System.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 28, at 2:30 p.m., to hold a hearing on famine in the Horn of Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 28, at 4 p.m., to hold a hearing and mark up on supplemental assistance for Nicaragua and Panama, to mark up legislation authorizing housing guarantees for Israel, and to vote on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 28, 1990, at 3 p.m., to hold a hearing in preparation for the 1990 farm bill: noxious weeds.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Wednesday, March 28, 1990, at 2 p.m., to hold hearings on the nomination of Timothy Ryan, Jr., to be Director of the Office of Thrift Supervision.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, March 28, 1990, at 9 a.m., to hold a hearing entitled "Circle of Poison: The Pesticide Export Reform Act of 1990."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DEFENSE INDUSTRY AND TECHNOLOGY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Defense Industry and Technology of the Armed Services Committee be authorized to meet in open session on Wednesday, March 28, 1990, at 9:30 a.m., to receive testimony on defense technology strategy and the defense critical technology plan in review of S. 2171, the Department of Defense Authorization Act of Fiscal Year 1991.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TOXIC SUBSTANCES, ENVIRONMENTAL OVERSIGHT, RESEARCH AND DEVELOPMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Toxic Substance, Environmental Oversight, Research and Development, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, March 28, beginning at 9:30 a.m., to conduct an oversight hearing on the regulation of lawn chemicals.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Indian Affairs be authorized to meet on March 28, 1990, beginning at 2 p.m., in 485 Russell Senate Office Building, on S. 381, recognition of Mowa Band of Choctaw Indians; S. 1413, Aroostook Band of Micmacs Settlement Act; S. 1747, Ponca Restoration Act; and S. 1918, Jena Choctaw.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence of the Armed Services Committee be authorized to meet in open session on Wednesday, March 28, 1990, at 2:30 p.m., to receive testimony on the plans, progress, and experience to date of the Defense Nuclear Facilities Safety Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EXPORT EXPANSION

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Small Business Committee's Subcommittee on Export Expansion be authorized to meet during the session of the Senate on Wednesday, March 28, 1990, at 2:15 p.m., the committee will hold a hearing on the effects of the 1992 European Community integration on United States small business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUSTAINABLE AGRICULTURAL RESEARCH AND EDUCATION ACT OF 1990

● Mr. CONRAD. Mr. President, I am pleased to join my colleagues as a cosponsor of S. 2334, the Sustainable Agriculture Research and Education Act of 1990. This bill builds on the research successes of the 1985 Food Security Act and adopts reasonable methods of encouraging farmers to be the best possible stewards of the environment.

It is fundamentally important that our approach to minimizing agriculturally related effects to the environment rely upon positive-based incentives and not upon negatively oriented regulations and restrictions. For a positive approach to be successful, farmers need the best information available, they need economically viable choices, and they need the flexibility to respond to ever-changing markets.

This bill will ensure that the necessary research is carried out to provide information on viable sustainable agriculture methods in every part of the country. This bill provides an incentive for every State to focus some of its research dollars on sustainable agriculture by creating a Federal-State matching grant program.

To illustrate the importance of this research, I would like to briefly describe two research projects in North Dakota that have been funded under the current program. Their value for demonstrating the economic potential of sustainable agriculture to the Northern Plains region is clear.

Wheat growers traditionally leave fallow a portion of their land every year to conserve soil moisture and control weeds. Last year 18 percent of all North Dakota crop land and 25 percent of crop land in the Great Plains lay fallow. There are two big problems with this approach: Fallow land erodes easily and farmers are not getting any productive use out of that land. Researchers at the North Dakota State University Carrington Research Center and a group of farmers are experimenting with a wheat-legume production system that would overcome those problems. This LISA research project has the potential to reduce fertilizer and chemical use, soil erosion, and improve the long-term sustainability of farming in the Great Plains.

Another LISA research project in North Dakota is focused on diversifying the Northern Plains agricultural economy by integrating livestock onto low-input crop production farms. Also based at the Carrington Research Center, researchers and farmers are studying how to integrate ruminant livestock into a farming operation by utilizing otherwise wasted grain straw, weather-damaged grains, and idle labor. This project can help us understand how farmers who choose to adopt sustainable farming practices can maximize their income.

The education component of this bill is as important as the research itself. Rather than burdening farmers with onerous rules and regulations, this bill requires that Extension Service agents be trained in sustainable agriculture methods. The result is clear: Farmers will be better informed on their choices so they will be able to make better decisions.

I believe that farmers will adopt the best stewardship practices that are available provided they can do so profitably. That is why this bill is so important. It will help demonstrate which agricultural practices are both environmentally and financially sound.

Again, I offer my congratulations to Senator LEAHY and his staff for crafting this fine bill. Demonstrating to farmers that they can earn a fair profit while using sustainable agriculture methods is one of the most important things we can do to safeguard our environment.●

EASY GUNS KILL ANEW

Mr. SIMON. Mr. President, I am not a regular reader of the Miami Herald, but I happened to pick up the newspaper the other day and read an excellent editorial titled, "Easy Guns Kill Anew."

It seems we are incapable of churning up enough courage to protect our people from needless carnage.

I wish we could follow the advice of the Miami Herald.

I ask to have printed the editorial into the RECORD at this point, and I urge my colleagues to read it.

The editorial follows:

[From the Miami Herald, Feb. 20, 1990]

EASY GUNS KILL ANEW

Again South Florida grieves. One of its protectors, Broward Sheriff's Deputy John W. Greeney III, is dead. A fellow deputy, Robert Sallustio, is hospitalized. He could have been killed too, but his bulletproof vest spared him.

These two officers were cut down by a hail of gunfire from a semiautomatic weapon early Saturday. They were shot while trying to stop a holdup in progress at a Church's Chicken restaurant on Broward Boulevard west of Fort Lauderdale.

In this instance, South Florida's sorrow is justifiably tinged with rage. Mr. Greeney, whose father and grandfather were policemen, is the *seventh* law-enforcement officer slain in South Florida within the past two years. He leaves a wife and three sons.

Meanwhile, his alleged killer—Lancelot Armstrong, 26—is wanted in Massachusetts for assault and rape. Even so, under Florida's inexcusably lax laws governing the sale of firearms, he had no trouble buying a deadly weapon. Police say that the receipt was still in his wallet when he was captured at a Maryland roadblock in a commendable display of solid police work.

Except for that police work, there is no redeeming feature to this tragedy. Words may console, but they cannot undo the evil that was done. A trial may convict the killer, but it cannot restore life to the victim.

Moreover, other police officers whose lives are daily at risk realize this. So this jolting reminder of the dangers of South Florida's mean streets is bound to have an impact upon even the most professional and prudent among them.

As a result, somewhere in South Florida in the months ahead, an officer in a potentially life-threatening situation, with a split-second to act, may err on the side of caution and take an innocent life. When that happens, it will be yet another casualty of the mind set that tolerates deadly weapons in the hands of felons and lunatics.

So the body count can be expected to climb in this escalating war between law enforcement and the lawless. Yet grieving after the death of a policeman is a poor substitute for action to curb the carnage.

The only satisfactory solution is to prevent such incidents in the first place. No single approach is foolproof, but the experience of societies with far-better records suggests that making it more difficult for the lawless to buy firearms would be a good place to start.●

NATIONAL MEDICAL RESEARCH DAY

● Mr. LAUTENBERG. Mr. President, yesterday several of my constituents were in town to observe National Medical Research Day and participate in the Advocacy/Mentor Training Conference sponsored by the National Health Council [NHC]. The third annual National Medical Research Day, which was observed on Monday, is part of a larger, ongoing collaborative campaign entitled "Medical Research: Invest in America's Health." The National Health Council is compromised of 39 voluntary health agencies [VHA's] and the Pharmaceutical Manufacturers Association who have organized to concentrate their collective energies on the need to stabilize and promote the growth of our Nation's overall medical research enterprise.

The National Health Council provides a significant voice on behalf of medical research efforts throughout the United States. This organization works hard to encourage a positive public policy environment to foster and increase private sector medical innovation.

To reinforce the good work of the National Health Council, we in the Congress must see that the Federal commitment to medical research remains strong. We must provide adequate funding for the four Federal centers for medical research—the National Institutes of Health [NIH], the Alcohol, Drug Abuse and Mental Health Association [ADAMHA], the Centers for Disease Control [CDC], and the medical research component of the Veterans Administration [VA].

The United States is well established as an international leader and innovator in the field of medical research. This status cannot be maintained, however, if we do not invest sufficient funds in basic research.

Clearly, an infusion of Federal dollars cannot and should not be seen as the only answer to every problem. However, adequate Federal investment in medical research is sound public policy, with priceless returns that can be seen in the many lives saved or made more comfortable through discoveries that ultimately enhance the quality of life nationally and internationally.

Medical research is the precursor to the discovery, diagnosis and treatment of disease. Despite the many advances in recent years, much remains to be done. We still need to know a lot more, for example, about exactly how viruses cause respiratory illness such as asthma, emphysema and bronchopulmonary dysplasia [BPT], a chronic disorder afflicting one in ten infants whose tiny lungs are scarred and functionally abnormal.

We need to take necessary steps to ensure this country's place as the world leader in medical research. Working jointly with the private sector, we need to continue to take this responsibility seriously and reconfirm our commitment to the medical research that will make life better for everyone.●

HUNGER PREVENTION ACT OF 1990

● Mr. CONRAD. Mr. President, I am pleased to join my colleagues as a cosponsor of S. 2310, the Hunger Prevention Act of 1990.

This legislation makes major strides in a very important area—that of food assistance to America's low-income persons. Too often, millions of Americans go to bed hungry, and millions of American children do not receive sufficient nutrition to ensure their health and well-being. So far, our response to this problem has been inadequate. Although the Government has created a number of excellent programs which provide food assistance to low-income individuals, too often these programs have been funded or administered in a haphazard or insufficient way. Too often, people in urgent need of food assistance are not reached.

During the 1980's, the combination of a brutal recession and cuts in Government benefits programs caused the number of impoverished persons in this country to rise dramatically. Under the Reagan administration, the poverty rate rose from 11.4 to a peak of 15.2 percent in 1983 before declining to 13.1 percent in 1988.

The Reagan track record on programs to assist low-income Americans is discouraging. President Reagan's first budget proposal included a request for an initial 20-percent cut in the Special Supplemental Food Program to Women, Infants, and Children [WIC], with additional cuts to occur in subsequent years. While Congress did not accept all of the President's recommended cuts, the WIC Program during the Reagan years never received adequate funds to meet its service requirements. Food stamp programs have also suffered dramatic reductions under the past administration. Approximately one-third of Reagan's recommended cuts in the Food Stamp Program were accepted by Congress. These cuts caused nearly 2 million eligible persons to be dropped from the food stamp services between 1981 and 1987.

Mr. President, cuts in programs to assist low-income Americans have deepened the problem of hunger in America. Although many of us used to view hunger and malnutrition as problems characteristic of Third-World nations, these problems are rapidly becoming part of the American landscape. Area shelters and soup kitchens report record increases in the numbers of people who rely on these forms of assistance on a daily basis. It is estimated that 20 million people—1 of every 12 Americans—goes hungry at least once a month. Further, public assistance recipients note that as a greater proportion of their income must go for high housing costs, they find themselves unable to put adequate amounts of food on the table—forced to make a choice between eating and keeping a roof over their children's heads.

The bill that we are introducing today should help alleviate the problems which plague food assistance programs and ensure that impoverished persons receive the help they need. In the first place, it increases funding for highly effective programs like WIC so that these programs can better meet the needs of the people they were created to serve. Although the WIC Program's success has been well-documented, the program has never received funding allotments which would enable it to assist more than 50 to 60 percent of the women and children eligible for the program. My State ranks relatively high in WIC participation, but still serves only 50 to 60 percent of eligible persons. The Food Stamp Program, which, like WIC, has a good public assistance track record, rarely provides benefits that last the entire month, according to an overwhelming 93 percent of food stamp recipients surveyed. These statistics give us no cause for self-congratulation. They indicate the very great need for more assistance.

In addition to improving funds for food assistance programs, the bill eliminates many barriers to program accessibility and effectiveness. I understand that those who discuss public assistance programs most often invoke the specter of urban blight. However, as my colleagues from rural States well know, America's heartland is no stranger to poverty and hunger. Poverty is growing at an alarming rate among rural populations. In my own State, in one city alone, the number of hungry and homeless women and children increased by 37 percent in the last year.

Yet Federal programs are ill-equipped to meet the needs of rural areas where poor families often struggle in silence to obtain the basic human needs of food and shelter. In many cases, these families struggle alone because they do not know about the assistance programs which are available to them. In other cases, these low-income families simply are not able to utilize food assistance programs. The agencies which administer the programs may be located too far away to help families who do not have means of transportation, or may present other obstacles such as complicated and protracted application procedures.

Mr. President, our food assistance programs are serving as many people as current funding levels allow. However, that's not good enough when so many people are still going hungry. The legislation before us today could make a significant difference. I applaud the chairman of the Budget Committee, Senator Sasser, the chairman of the Agriculture Committee, Senator Leahy, for the hard work they have put into this legislation, and for the insight and compassion with which they have dealt with this issue. I urge my colleagues to lend their support to this measure.●

TAKING CARE OF MOM AND DAD

● Mr. SIMON. Mr. President, population projections spell out a frightening national need for long-term health care for the elderly. By the year 2000, one in five people will be 65 years or over. Almost 6 million will be 85 or older, a group big enough to make two cities the size of Chicago. But the numbers alone do not give us the entire picture of what those needs are and what they will be. They do not spell out the human drama involved in every individual story.

The Commercial-News of Danville, IL, recently ran an excellent series called "Taking Care of Mom & Dad." Reporter Jean Byram has taken a sensitive, sometimes heart-warming, sometimes heartbreaking look at families in Danville living with the everyday need of long-term health and personal care. These are people who could easily be our own moms and dads. Chances are we will all face some crisis or some situation where we will have to make an agonizing decision on what kind of care our own parents will receive.

I ask to have one installment of the series reprinted in the Record.

The article follows:

It Can Make You Bitter—or Better

(By Jean Byram)

Morning runs its fingers through the Friday sky. Verna Huckstadt, nurse's aide, has been up for two hours.

Shortly before 7, she will be knocking at the door of her first client of the day. By early afternoon, she will have brought aid to four elderly homebound residents and comfort to the relatives who care for them.

"We're the homekeepers," she says with pride.

She is not exaggerating.

Her work and that of six other certified nursing assistants employed by Vermilion County's CRIS Senior Services is the little bit of help that make it possible for many senior citizens to remain in their homes. Hospital and nursing home bills are saved; tax money is saved.

Twenty percent of the people in Vermilion County already are 60 or above. That's 18,000 people, people with the potential of needing short- or long-term care. Where will they find it? Will they find it? Who will pay for it?

Medical marvels lengthen lives. But what happens next? Who will care for those who cannot care for themselves?

These are questions that must be answered as we approach the year 2000.

The unrelenting grind of taking care of an invalid is tough work, mentally and physically. Many caregivers, not longer young themselves, have health problems of their own. They are not able to lift patients, give baths, develop an exercise routine, or make medical judgments.

For Verna Huckstadt, those things, repeated over and over each day she works, are a labor of love.

Verna, 57, is the oldest of the CRIS aides. To get to her share of the 27 clients, she has waded in waist-deep snows, maneuvered over icy country roads and climbed fences.

She spends 25 to 26 hours a week taking vital signs, checking medicines, assessing needs, taking patients through range of motion exercises and therapy, changing linens and clothes, emptying and cleaning commodes and giving baths in and out of tubs—"anyway I can give them."

If there is time, she will bring in her keyboard from the back of her gray station wagon and give an impromptu concert of a client's favorite songs. "They clap and sing along with me. That's therapy, too."

Verna's first patient of the day is Mary Stank, 80. Verna sees her three times a week.

Mary is seated at her wheelchair in her kitchen, finishing up her breakfast of cold cereal and milk.

Mary has no children. She lives alone.

She has had open heart surgery and two hernia operations. Eight years ago, her left leg was amputated because of poor circulation.

That devastation did not compare to the shock of the death of her husband, Jess, two years ago, less than 24 hours after a routine operation. He was not only her husband but her caretaker.

She does not wear a prosthesis.

"I got an artificial leg but I never could wear it. I'm a little off balance but I get along all right."

Getting along all right means that despite other health aggravations, including phantom pain in the foot and toes of the non-existent leg, she can do her own cooking from her wheelchair, get herself up from and into bed, and that she can keep on living in a place that is precious to her: the tidy four-room white-painted, wood-paneled block home she shared with Jess.

She could not do that if it were not for in-home care. Agency nurses are her surrogate children.

There is no charge here or in any of the homes visited but donations are encouraged.

A community care helper comes two hours a week to clean house. That program is administered by the Vermilion County Health Department. The health department makes assessments of need and ability to pay; workers are provided through a vendor based in Champaign. As with the nursing service, which has a waiting list, no one is turned down through inability to pay.

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Mary's sister, Margaret Carrigan, does her laundry and comes every afternoon to perform other necessary chores.

Verna lifts Mary from her wheelchair into a rolling chair and wheels her into the bathroom, through the narrow area between tub and sink. Verna bought the chair at a rummage sale for 75 cents. Her husband, Ralph, retired from General Motors, outfitted it with wheels.

Without it, Mary could not get into the bathroom. Her wheelchair is too wide.

Verna transfers Mary onto a plastic bench set across the tub. The bath begins. Verna shampoos Mary's hair, too, pouring the rinsewater over her head with an old aluminum saucepan.

Mary's husband once took her to plays and musicals. Now it's Verna who takes her.

"She's more my friend than a nurse to me," Mary says.

There's a special picture on the mantel of the brick fireplace at Verna's next stop, the Brewer Road home of former West Lebanon, Ind., residents Rollin and Frances Watkins.

It is of Rollin, 75, and Frances, 71, on their 50th wedding anniversary. They are smiling. Rollin is in suit and tie. Frances wears a dress that is the clear pure blue of a summer sky. It is the exact shade of her eyes.

Frances rarely gets into the living room. A stroke has left her an invalid, bedfast except for a short period each day.

"I get her up at noon," Rollin says. "She stays up about two hours and then I put her back in bed."

Frances' hospital bed is in an end bedroom. Her face is thinner than that of the smiling woman in the picture. Her eyes are the same.

To prevent bedsores, Frances' bed is fitted with a pressure mattress of heavy blue plastic. The mattress has air pockets, bubbles really, that fill up and out as the mattress pulsates. Her body is never concentrated on a pressure spot.

Verna goes about her routines: the bed bath, the shampoo, the bedding change. For the shampoo, she places a rectangular plastic tray beneath Frances' head, covering it with a pad where the rim will touch skin. The tray has a spout that lets the water flow into a bucket. So that the water will not splash on the floor, Verna has set the bucket up as high and close to the bed as she can.

Last fall, the unthinkable happened. Rollin also had a stroke.

"I didn't know what was the matter," he says. "All of a sudden I couldn't see.

"It was a light stroke. But it affected my hearing, my eyes, my speech. I can't talk worth a damn."

Still, Rollin, 75, considers himself blessed. He has three supportive sons. His son Earl insisted that his parents move next door to his own family.

Rollin is happy that they did.

"I don't know what I'd do if we hadn't."

The stranger in the house of Wilma Schuster, 74, of Westville, is her husband Ben, 76.

They owned and operated Rogers Cartage Company. "One or the other of us, we were working 24 hours a day, seven days a week."

The Schusters looked forward to retirement, to time for travel and relaxation, to doing what they wanted when they wanted to do it.

They didn't reckon with neuralgia. Had they heard of it, they would have dismissed it as too seemingly simple an ailment to turn their lives inside out, drain their savings, and make them strangers.

Wilma says that the neuralgia struck Ben 10 years ago, affecting one side of his face.

"He said that it was like somebody was in there with a hot knife grinding it around his face."

Ben, who also has a heart condition, has had two surgeries to relieve the pain. A nerve has been cut; his face is partially paralyzed.

"The first time the doctors said an artery was laying on a nerve and that caused the pain," Wilma says. "They put a sponge in between. He was free of pain for six weeks. Then he fell. Evidently that moved the sponge because the pain started again. He's been the narcotic route, too. Finally I said, no, that's enough."

A brain stimulator has been inserted in Ben's head. Ridges under the skin of his forehead and the left side of his face trace its route.

"That's supposed to scramble pain signals," Verna says as she goes about her ministrations: taking the vital signs, giving the bath, changing the bedding and pajamas.

Ben unconsciously picks at his skin until it bleeds. He has raised, encrusted, bloody sores on his body. The sores never heal. Bandaging is nearly useless. Verna does it anyway.

Ben's weight has dropped form 185 to 130 pounds. His personality is erratic. It is probable that he does not know who Wilma is.

Certainly, Wilma says, it is not "her Ben" who yells commands, or demands the three big meals a day. "Ben was a person everybody liked. He was full of fun. He was a man who never gave anybody a cross word."

The one mercy, she says, is that he is unaware of his behavior.

"If he knew, he would be mortified."

It is what Ben was, what she still sees in the painful caricature he has become, that keeps her trying to keep their home together.

"But I can't let him alone a minute. It would be like leaving a child in the house. If there was a fire, he couldn't get out.

"We looked forward to retirement. I knew chances were we'd get something wrong with us. But I never visualized this head sickness."

Supplemental Medicare costs $2,000 a year, prescriptions average $1,600.

Until recently, Sandra Rusk, the Schusters' only child, lived next door. Last fall, her husband was transferred to the Alton area. She would like her parents to move there. Wilma is reluctant to leave familiar surroundings.

People are kind but visitors are few.

"I don't see too many people," Wilma says.

"They're not too enthusiastic about coming here."

Wilma's relief comes from in-home health care, the limited respite care also offered by CRIS, and an occasional babysitter.

"When I get the chance, I just get in the car and drive."

The fourth and last stop of Verna's Friday is to the rural Fairmount home of Lawrence "Buddy" Pate and his wife, the former Rubydean Black. Here, the procedure is more complicated than at other stops. It will take a fast-moving hour and a half for Verna to do it all.

Buddy breathes through a tracheotomy, which must be cleaned. He is fed through a tube. He spends most of his hours in a hospital bed in the living room.

Buddy, 66, and Rubydean, 63, are one of those second-time-around romances that promise everything for the golden years: love, mutual respect, companionship. All that's still there. But Buddy, except for his gentle manner, his luminous dark eyes, and his smile, is no longer an active part of it.

Rubydean, a music teacher in Westville schools, had been a widow 11 years when she and Buddy married in 1979. They honeymooned in Germany, thought of their two families of children and grandchildren as one, and had five years of happiness. Then the good times ended.

While at work on a construction job in Champaign, Buddy—who'd been feeling just fine the night before—suffered an aneurysm in his brain. He was in a coma 10 months, and at Burnham and Mercy hospitals in Champaign for a total of 15 months.

The deadly bursting of the blood vessel continued to wreak its havoc. Because it was in a section of the brain that governs the respiratory system, Buddy kept aspirating.

"He got pneumonia over and over," Rubydean says.

Doctors said the only thing that would save him was to suture his vocal chords. After agonizing indecision, she gave permission.

"It was the hardest thing I ever did."

Buddy would never talk again. But doctors say the procedure saved his life.

Not much more than halfway through Buddy's hospitalization, his care capped the $250,000 their hospital insurance covered.

"We had so many financial problems," Rubydean says. "Both hospitals sued."

At 10 one night, after a particularly grueling day at the hospital wondering whether Buddy would live or die. Rubydean had a telephone call that she would have to be in court the next day.

There was no way out. The Pates, who had thought they were financially prepared for everything, were not able to pay for a half-a-million dollar illness. They declared bankruptcy. They were allowed to keep their house but lost all other assets, including IRAs, CDs and bank accounts. Too young for Medicare, they then had the problem of finding other insurance. That was eventually obtained through Rubydean's teacher's union.

Family, friends, church and community rallied around the Pates. A benefit in Catlin brought in $4,000. The women's group of their church, tiny Fairview United Methodist, gave them $100 a month for months. Individuals, many of them anonymous, sent cards and money. One day Rubydean opened a card from the Judith Giacoma School in Westville, where she'd taught and "the money just fell out."

The children of both families, indeed the whole community, continue to be supportive. While Verna is there, a son calls to say he'll be over to take care of his father while Ruby—bothered with a cough—goes to the doctor. The cough turns out to be pneumonia; the doctor sends her to the hospital. Friends and family help, working schedules so that someone will be with Buddy until Rubydean can come home.

The boys also see that their dad gets exercise. "He can walk with support of two hefty guys," Verna said. "But Rubydean can't handle it alone."

An oxygen enricher that Rubydean bought secondhand for $3,000 moistens the air that passes into Buddy's trach. He cannot drink or eat by mouth. He cannot swallow. He is fed through a tube attached to a stoma, or hole, in his stomach. The liquid nutrient is given four times a day, 12 ounces at a time.

Buddy has suffered none of the personality changes that often mar the patient-caregiver relaltionship.

The nurses' aides "just love to come see Buddy," Verna says. "He has a beautiful smile."

Given the problems, the work, the loss of security, would Rubydean marry Buddy if she had it to do over again?

"Yes," she says. "I would. We had good years.

"Things like this can either make you bitter or better."●

OREGON DRUG ABUSE PROGRAM

● Mr. PACKWOOD. Mr. President, I would like to take this opportunity to recognize the outstanding efforts of an Oregon business in the war against drugs.

Elmer's Pancake and Steak House, a chain of restaurants based in Portland, OR, has dedicated over 50 percent of its entire advertising budget to a promotion aimed at preventing high school students from drinking and driving and using drugs.

Herman Goldberg, Elmer's president and CEO, is dedicated to preventing the tragic loss of life that so frequently accompanies drunk driving and drug use. Elmer's has implemented a $2,000 scholarship program for high school students through the use of videotapes—"The Victims" and "Dead End." The scholarship program, which was initiated in the Portland area, is now being set in motion in other areas of the State of Oregon.

"The Victims" is a very graphic video about the perils of drunk driving. After viewing the video, students write essays on how they feel about the video and drunk driving. One student entry from each participating Oregon county is randomly drawn to receive a $2,000 scholarship. One more student from each county is selected for a $500 scholarship based on content of the essay.

"Dead End" is a very touching video exposing the pain and problems of former teen drug addicts, parents who have lost a child to drug abuse, and the efforts of local law enforcement officials and high school drug counselors who are trying to combat the drug problem. The same scholarship program is set up for this video.

Both videos are very emotional, and they send a strong message to the viewer about the intense personal tragedy which often results from drug use and drinking and driving.

Local area media and vendors are this year donating time and space on television and milk cartons for antidrug messages produced by Elmer's. This is a promotion that is growing in size and, hopefully, effectiveness. It will be some time before the effect of prevention programs are fully realized, but my hunch is that this program will make a difference.

To Elmer's Pancake and Steak House—keep up the good work.●

DANIEL GREENE AND THE DAVID SCHOOL

● Mr. McCONNELL. Mr President, I rise to today to commend Mr. Daniel Greene for the establishment of and his continued work at the David School in David, KY. In February, Mr. Greene was recognized for his outstanding work by President Bush and named one of the President's daily "Points of Light."

Just over 20 years ago, Daniel Greene traveled to the Appalachian coal fields of eastern Kentucky. In response to a dropout rate of 40 percent, Mr. Greene established the David School with a vision of breaking the cycle of poverty and dependence on welfare by addressing the serious problem of school dropouts. The David School began in 1972, with 10 students in building with no heat and no plumbing. Over the last 15 years, the school has given a second chance to over 1,000 students and more than 95 percent of those students have completed high school. The David School adheres to the policies on curriculum and attendance established by the Kentucky Department of Education and maintains a staff of approximately 20 professionals, many of whom are volunteers.

The David School offers its students a nontraditional environment which was established to confront the problems of literacy, employable skills training, and socialization of the student. Students participate in individualized programs that combine basic educational classes with a work study program. The teacher to student ratio is 8 to 1 and every student is given the individual attention they need. Students participate in classroom studies during the mornings and each student is required to have a work responsibility. The David School owns and operates a full service gas station, grocery/carry-out store, and woodworking, carpentry shop where students are given on-the-job training. Additionally, all students are required to participate in community service projects.

In recent years, to meet other educational needs of the area, the David School has expanded its programs to include a licensed preschool/kindergarten which introduces children to sound educational values at an early age and an adult education program to address the problem of adult illiteracy.

Daniel Greene continues to be a guiding force behind the David School and its educational programs. Much of the success of the school can be attributed to his dedication and involvement. Mr. Greene visits the parents of the students in their homes and gets them involved with the educational programs of the school. Daniel Greene continues to make invaluable contributions to the lives of students throughout eastern Kentucky. His dedication to the education of these students should be a model for us all.

Daniel Greene is a perfect example of the President's "Points of Light." I congratulate him for his accomplishments at the David School and commend him for his continued dedication to the education of young people and adults in eastern Kentucky.●

CFTC JURISDICTION OVER FUTURES MARKETS AND INSTRUMENTS

● Mr. SIMON. Mr. President, I rise today to express my concern over a debate that is heating up in Congress regarding respective jurisdictions of the Commodity Futures Trading Commission and the Securities and Exchange Commission. What we have here is an ago-old turf war between New York and Chicago. What we also have is a great deal of misinformation. I think it's time to clear the air.

The White House appointed working group, headed by Secretary Brady, is testifying before the Subcommittee on Securities on Thursday, March 29. Secretary Brady has spoken of changing the current regulatory jurisdiction of the commissions and each of his proposals in some way weakens the authority of the CFTC. I think we should proceed with caution when it comes to making fundamental changes in the regulatory structure of our markets. Our markets are the envy of the world. The kinds of changes contemplated may threaten that stature. I'd like to take a moment to review some of my concerns.

The most frequently voiced concern is probably over margins. It is a shame, Mr. President, that margins are so poorly understood. I will return to the floor to discuss them in some detail on another day. Let me say for now, however, that most of the assertions turn out to be mistaken. Margins on futures contracts can provide as much or more security as do those elsewhere.

A second point that needs to be made, Mr. President, is regarding the leadership that the CFCT has provided in making our markets the dominant force they are in the world today. You don't get to the leading position our futures markets are in by allowing corruption and insider dealing. You get there by providing innovative, safe markets for investors.

There is no better example of this leadership than the market for the Treasury bond futures contract. The "T-bond" contract—as it is called—was designed in the Chicago markets under the guidance of the CFTC. In 10 years, it has become one of the leading futures contracts bought and sold in

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Tokyo, London, Paris, and Sydney. Last year 9.7 trillion dollars' worth of U.S. Treasury bond related contracts were traded at the Chicago Board of Trade. Dealers in U.S. Treasury bonds can use the Chicago Board of Trade's T-Bond market to hedge their purchases and thereby offer the Treasury a better bid. Over time this saves the Federal Government billions of dollars in the financing of our national debt.

Another are that the CFTC has encouraged development is in worldwide, 24-hour trading. The Chicago markets have been hard at work on systems that may revolutionize trading across the globe. These systems simply would not have gotten off the ground without the kind of farsighted leadership that the CFTC has consistently provided.

The speed with which foreign countries have copied the products, trading systems, and technology developed by U.S. futures exchanges reveals the worldwide recognition that futures markets fill a key role in today's financial markets.

In addition to being innovative, the CFTC-controlled markets have been at the cutting edge in the development of enforcement tools. No system is perfect, but after the crash, the Chicago markets were able to provide data on their trading that in some cases has yet to become available from the equity markets. In fact, the New York markets used the trade tracking system as a model for their own system which is still being developed. This is but one example of the kind of leadership that the CFTC has exerted to assure investors that their dollars are well protected.

Frankly, I am skeptical of the assumption that the Securities and Exchange Commission will regulate the futures industry better than the Commodity Futures Trading Commission. Federal indictments within the futures industry involve miniscule amounts of money relative to the insider trading abuses at the stock exchanges. Ivan Boesky alone accounts for over $100 million. We have yet to get to the bottom of the problems at Drexel, but they may easily top the Boesky amount.

In addition, the SEC has not kept up with market developments. The fastest growing source of financing under SEC jurisdiction is in junk bonds. Yet, the SEC has collected virtually no data on these bonds. How can anyone assure investors that their money is safe when they don't even know the most basic information about the markets?

Finally, Mr. President, many of us have heard from constituents injured in penny stock scandals. Business Week recently estimated that penny stock fraud on the stock market costs investors hundred of millions of dollars per year. Yet, the SEC has only recently begun to devote any resources to this problem.

Certainly the futures industry has experienced its share of problems in the last year, and there is no question that serious trading abuses within the industry must be addressed. But the futures exchanges have responded vigorously and honorably to the challenge of self-regulation and made a commitment to putting an end to trading abuses. First, they have invested $5 million toward the development and implementation of an electronic audit trail device that achieves a fully accurate and verifiable audit trail. And, second, they have basically supported S. 1729, Senator LEAHY and Senator LUGAR's bill that contains strict regulatory reform language.

Senator LEAHY's bill goes above and beyond what the futures industry or the securities industry has implemented through self-regulation. And frankly, it's a hard pill to swallow. The legislation calls for a 50-percent increase in the CFTC's authorized budget, installation of new audit trail mechanisms, a new system of deficiency orders, authority to conduct undercover operations to investigate suspected abuses, increased authority for the CFTC to ban dual trading in cases of abuse, and the allowance of punitive damage recoveries against traders by customers. Early remedial actions by the Chicago MERC and the CBOT were, in fact, so extensive and impressive that the Brady Report recommended that the SEC follow suit.

Senator DODD has market reform legislation before the Banking Committee that addresses critical areas of regulatory reform such as large trader reports, trade tracking systems, and emergency powers. I applaud the SEC for taking these important steps. The CFTC, has for decades, been able to track each day the large traders. In fact, the futures markets already have the ability to track trades on a minute-by-minute basis. In addition, the CFTC has also always possessed emergency authority over its markets.

Mr. President, removing significant markets from the CFTC's jurisdiction would be a mistake. We have an excellent regulatory system that has proven itself again and again under most trying circumstances. I urge my colleagues to think long and hard before they leap to any drastic conclusions about changes to that regulatory structure.

Mr. President, an excellent op ed recently appeared in the Wall Street Journal that made all of my points much more eloquently than I ever could. I commend it to my colleagues and I ask to print the Wall Street Journal article by Karsten Mahlmann in the RECORD.

The article follows:

[From the Wall Street Journal, Mar. 23, 1990]

HOW TO IMPERIL FINANCIAL FUTURES

(By Karsten Mahlmann)

The longstanding debate over the respective jurisdictions of the Commodity Futures Trading Commission and the Securities and Exchange Commission again heats the halls of Congress, with the Bush administration fueling the fires. Should Congress respond precipitously, however, the U.S. economy, government and citizens will be exposed to unnecessary risk. A "do-something" mentality that stems from concern over the Oct. 13, 1989, stock market drop, the savings-and-loan crisis and the fall of Drexel Burnham Lambert can lead to legislative overreaction.

THE MEANS TO HEDGE

Treasury Secretary Nicholas Brady has offered four alternatives to "rationalize regulatory jurisdiction"—merging the SEC and CFTC; giving the SEC jurisdiction over all futures except "tangible" commodities; giving SEC jurisdiction over stock index futures; or mandating higher futures margins, which he characterized as a "piecemeal solution." Rep. Dennis Eckart (D., Ohio) and Rep. Dan Glickman (D., Kan.) have announced they will introduce legislation to form a single "super-regulator" to regulate securities and financial futures, opting for Secretary Brady's second alternative. That they felt such a shotgun marriage necessary leaves no doubt that the vision of the contemplated agency would be more SEC than CFTC.

Long an essential element of agribusiness, futures markets are now equally important to financial investment. They provide market participants with the means to hedge against adverse price movements, whether in the value of corn or of investment portfolios. To place their regulation in the hands of an agency with little or no understanding of their importance would be detrimental to the interests of every citizen.

None of these "solutions" offer the public investor any better regulation of either futures or securities markets. The most likely outcome would be futures markets more costly to use, less liquid and less responsive to market forces.

These proposals are based on two false premises—stock-index futures have caused surges in volatility: volatility has scared away the small investor.

The first premise turns reality upside down. Volatility in the stock market creates the need for futures as a hedge. As far as the second premise is concerned, the small investor had left the stock market as a direct participant by the mid-1970s, before the introduction of stock-index futures.

Individual investors have held only about 15% of their assets directly in stocks since 1974, down from 33% in 1968. The are still in the markets, but now indirectly as participants in pension funds, mutual funds, etc. This is an important trend and has occurred in all financial-industry segments—not just the stock market. Much direct participation by individual investors has been replaced by large-scale institutional investment.

Some brokerage firms have adapted and devised strategies to serve the needs of the institutional investor, including the use of futures and options. The individual investor benefits.

Naturally, retail brokerage firms that failed to adapt have lost. They appeal to the Bush administration and to Congress to turn back the clock and to raise their competitors' costs. The individual investor will find the opportunities that institutional trading strategies have provided seriously diminished under a more constrictive regulatory environment.

The individual investor is not the only potential loser should the regulators be merged. The average consumer-taxpayer has more at stake than his pension fund. The general price stability in our economy is due in large part to the ability of providers of goods and services to limit their long-term price risks by using the futures markets. In recent months, consumer interest rates have remained stable even though government bond markets have been quite volatile, thanks to interest-rate futures markets at the Chicago Board of Trade. Consumers would feel the impact of high-cost, inefficient futures markets right in the wallet.

The same markets have saved the government billions of dollars in financing the federal budget deficit. Primary dealers in U.S. bonds can offer the Treasury better bids because they know they can hedge their purchases in the CBOT's T-bond futures market. Testifying before the House Subcommittee on Telecommunications and Finance in May 1988, Treasury Undersecretary George Gould said. "These risk-reducing benefits of futures markets lead to a reduction of the risk premium investors require on the underlying Treasury securities and thus lower interest costs for the federal government." The continued efficiency and liquidity of these markets will be just as crucial to the success of the government's funding of the S&L rescue.

What would happen to their liquidity and efficiency if margins were set at a 20% minimum, the so-called speed limit advocated by SEC Chairman Richard Breeden? The margin issue turns up again and again even though every government analysis following the 1987 stock market crash recognized the difference between securities margin and futures margin was due to the difference in their functions as elements of entirely different markets. The Subcommittee on Monetary Policy of the House Banking Committee, in its July 1988 report on futures margin regulation, asked: "If cash and futures margins differ sharply in function and purpose, why should regulation seek to 'harmonize' them?"

Indeed, at the time of Mr. Breeden's confirmation, he recognized those differences, saying he was comfortable with the current division of SEC and CFTC jurisdictions. Now he proposes blurring the distinctions by, at the very least, repealing the CFTC's exclusive right to regulate all futures contracts. He says CFTC exclusivity inhibits innovation in the securities industry.

INDEX PARTICIPATIONS

Nearly all innovation in financial instruments in the past 20 years has been in the form of new futures contracts or as a result of them. The securities industry thinks it is being innovative by crafting futures contracts called index participations. By including such features as dividends, the industry hopes to disguise them as securities, but they are futures contracts just the same.

As such, they must be regulated by the CFTC. The futures industry does not object to competing with such instruments as long as their regulation meets the stringent clearing, settlement and audit-trial requirements of the CFTC. Under SEC regulation, they do not.

Since the inception of financial futures, they have been part of investors' solutions, not a problem. Congress must not yield to "do-something" pressure from those who claim otherwise. In its deliberations, Congress should be very careful to determine whether something indeed needs to be done and, if so, then consider just as carefully what. The most efficient, responsive and innovative part of our financial system, our futures industry, is at stake.●

JORGE L. CORDOVA ENDORSES CONGRESSIONAL TERM LIMITATION

● Mr. HUMPHREY. Mr. President, in 1980, 39 Members of the House seeking reelection were defeated. In 1982, 27 were defeated. In 1984, 24 were defeated. In 1986, only nine were defeated, and in 1988 only seven were defeated. For a would-be challenger, elections against incumbents are increasingly becoming a waste of time and money. The odds are stacked against challengers. As a result, there is less and less real political competition for seats in the Congress. This year, for example, in the State of Texas, 12 of 27 incumbents will run for reelection without opposition.

Yet, as incumbents are being reelected at a rate of 98.5 percent in the House, public approval of Congress is at an all-time low. Even as incumbent invincibility keeps Members in office for lengthy tenures of tens of years, incumbent invincibility also pulls Members further from their districts and deeper inside the beltway, where the media access and special interest pandering entrench Members.

Mr. President, I would like to share with my colleagues a letter I have recently received from Mr. Jorge L. Córdova, a Resident Commissioner from Puerto Rico from 1969 to 1973, that endorses Senate Joint Resolution 235, a proposed constitutional amendment to limit congressional terms. I urge those 88 Senators who have not yet cosponsored this fundamental reform to examine this proposal. I ask that Mr. Córdova's letter may appear in the RECORD immediately following my remarks.

The letter follows:

MARCH 2, 1990.

Hon. GORDON J. HUMPHREY,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR HUMPHREY: You are to be commended for the initiative which, together with Senator DeConcini, you have taken in introducing S.J. Res. 235 which would limit the term of office of Representatives to six full terms and those of senators to two full terms.

As former delegate from Puerto Rico for four years (1969-73) and as a citizen of our country I fully support your proposed limitation of congressional terms. Unlimited, unchecked seniority has inevitably bestowed on a few individuals power such as the founding father never meant them to possess, the corrupting power of which Lord Acton spoke, the power which has destroyed a colleague I admired, and forced him to resign as Speaker of the House.

I wish you all success, and only regret that as a voteless resident of Puerto Rico, and thus unrepresented in Congress as yet, I can now do no more.

Cordially yours,

JORGE L. CÓRDOVA.●

TRIBUTE TO A.J. "TONY" PASANT

● Mr. RIEGLE. Mr. President, on March 5, the State of Michigan and the city of Lansing lost one of their truly outstanding citizens, A.J. "Tony" Pasant. A native son of Michigan, Tony Pasant was a man of vision and conscience who's life was guided by the words of President Andrew Jackson—"One man with courage makes a majority." His legacy is the Jackson National Life Insurance Co., which he founded in 1961, and which now reigns as one of the largest, most progressive and innovative life insurance companies in the United States.

Jackson National Life was a dream that Tony brought to life in the face of many obstacles. Indeed had Tony followed the wishes of his mother upon his return to Michigan after distinguished service in the Pacific during World War II, he would have been a fireman. Instead, Tony enrolled at Michigan State University, where, as a 27-year-old freshman with a child on the way and the tin roof of a 14-foot trailer over his head, he began selling life insurance to meet the needs of a new family. It was during this time that the seeds of starting his own life insurance company were sewn.

In the years that followed, Tony, with the single-minded purpose of establishing his own company, learned the life insurance business from the ground up, taking advantage of every opportunity, even when it meant leaving a secure financial position as a top insurance agent for a position which offered no compensation beyond what he could make by creating products on his own and selling them through a new insurance agency he had formed. His success with the new venture encouraged him in 1960 to begin the daunting task of establishing the first life insurance company to be chartered in Michigan in nearly 30 years. The doors of Jackson National Life Insurance Co., named for President Andrew Jackson, were thrown open an agonizing year later and its biggest asset was the vision and innovative spirit of Tony Pasant.

With steady growth through the sixties, Jackson National was positioned to implement the marketing and product innovations that Tony had envisioned for years.

The success which followed was no surprise to Tony, who had always known that the desire to provide financial security for our families transcends all social and economic orders.

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Tony's dream of making life insurance products more flexible and affordable brought financial security and peace of mind into hundreds of thousands of American homes.

Tony, like his hero Andrew Jackson, was a "man of the people." It was apparent in all of the life insurance products developed by Jackson National. Most recently the concept of the "living benefit" policy was pioneered in the United States by Jackson National. These policies offer protection from the financially debilitating expenses of catastrophic illnesses and crises, such as cancer, heart attacks and strokes. Tony Pasant's company recognized a problem, took charge, and responded.

Since 1961, Jackson National has taken a shoestring and a dream and has grown to have over $8 billion in assets with nearly $100 billion of individual life insurance in force. The vision of Tony Pasant lives on in its 1,300 employees, in the 85,000 insurance professionals who represent it, in his wife and children, and in the million plus of Jackson National Life Insurance Co., policyholders across this country.

Tony admired Andrew Jackson because his background and views reflected the common man. Tony Pasant was a rare man of uncommon vision. He will be missed.●

THE RETIREMENT OF A GREAT AMERICAN: GEN. JOHN L. PIOTROWSKI

● Mr. ARMSTRONG. Mr. President, this week marks the retirement of Gen. John L. Piotrowski, commander in chief of both the U.S. Space Command and North American Aerospace Defense Command—in Colorado Springs, CO.

General Piotrowski is the senior military officer stationed in Colorado and, consequently, I have come to know and deeply respect his insight and understanding on a broad range of defense issues. On Capitol Hill, he is considered to be a kind of quiet powerhouse—low key, direct and unassuming, and his effectiveness is easily traced to his strict reliance on facts.

CONSIDER WITH ME HIS MANY ACHIEVEMENTS

Commanding NORAD and U.S. Space Command is no small task. Any event anywhere that might be a threat to our Nation comes first to "General Pete," as he is affectionately known, who must then determine whether or it is in fact a threat. Last year U.S. fighters scrambled more than 300 times in response to threats to our security and more than 1,900 worldwide missile space launches occurred. Every event had to be analyzed by NORAD and a threat determination made. In every case, General Pete made the final decision on whether the threat was great enough to require the notification of the President and the other national command authorities.

In addition to his many daily activities that keep America safe, he has been an untiring advocate of a U.S. antisatellite weapon. When the general took over as the commander in chief of United States Space Command, Congress had passed a testing ban on any type of United States antisatellite, or Asat, weapon even though the Soviets continued then and continue still today to test the components of their own Asat system.

It is important to note at this point, the Soviet Union is in the midst of great change. We all hope the result will be increased freedom for the peoples of the Soviet Union, and an end to the pursuit of the Marxist-Leninist goal of worldwide Communist rule. Today however, the Soviets are still on the road to recovery. Their society in undergoing great turmoil and their military has not yet abandoned its former Marxist-Leninist goals. Even though many see a lessened threat, we Americans must continue our patient vigilance—and our commitment to keep our Nation secure.

General Piotrowski has demonstrated clearly that all Soviet military doctrine has yet to change, especially as it relates to space. Mastery of space in wartime is still a primary objective of the Soviet military. In fact, the Soviet Dictionary of Basic Military Terms states the "Mastery of space is an important prerequisite for achieving victory in war." And mastery of space is not just a rhetorical goal, as General Piotrowski has been careful to explain. The Soviet Union has developed, tested, and continues to test components of a ground-based coorbital intercepter that can attack all current low-altitude United States satellites, because the Soviets realize the importance of space-based platforms in an effective warfighting effort.

At the same time, the United States has nothing that might threaten the Soviet "eyes in the space"—a deficiency that is a direct threat to our own men and women in uniform. In the event of war, the Soviets will use their space platforms to collect and relay information on our troop positions and will use their Asat to deny us the same capability. Piotrowski, and many others like him, realized the great disadvantage resulting from America's lack of any similar Asat capability. As U.S. commander in chief of Space Command, Piotrowski took the lead in bringing this deficiency to America's attention.

General Piotrowski's careful attention to the facts and his diligence in bringing them to the attention of the American people again and again turned the tide of American public opinion. His efforts, together with those of many others, were the engine behind lifting the congressional ban against any type of testing for a U.S. Asat. Today—thanks to the efforts of General Pete and others—America is on its way to developing an effective Asat capability.

He put us over the top on the antisatellite debate and could have rested on his laurels, but the general did not shy away from further controversy. In his quiet, effective manner—he has taken a position at the forefront of America's most keenly debated topic: the need for a strategic defense.

It was General Pete's support, based on solid facts, that silenced Senate questioning during hearings on a strategic defense last year. It was those same solid facts that provided an effective counter to those in Congress who would have turned the strategic defense initiative into nothing more than a high-tech hobbyhorse. As the U.S. military commander in chief responsible for defending the United States against ballistic missile attack, he has effectively made the case again and again for a firm U.S. commitment to a strategic defense.

He has also spoken out on behalf of a space-based wide area surveillance system: one that will allow constant tracking of all planes, cruise missiles, and ships anywhere on the Earth's surface. General Piotrowski has been an effective spokesman on its behalf. It is a system he has convinced me and many others in Congress we must move ahead with.

General Piotrowski has served our Nation well. He deserves our highest praise. He is a man of conviction whose solid reliance on the facts has had a very real impact on American defense policy. He has earned our respect.

Not only Coloradans, to whom General Pete is a familiar face, but I am certain all Americans, join with me in thanking the General—and Mrs. Piotrowski too—for their service to our great country. We wish them all the best in their future challenges.●

GREEK INDEPENDENCE DAY

● Mr. SIMON. Mr. President, on March 25, 1990, citizens of Greece and Greek-Americans celebrated the 169th anniversary of the day the Greeks began their struggle for independence. I am proud to honor Greek Independence Day this year, as I have in the past.

Few other nations have contributed so much to Western civilization. In the words of Percy Bysshe Shelly, "We are all Greeks! Our laws, our literature, our religion, our art, have their roots in Greece."

The Greek nation's fight for freedom lasted nearly a decade. Just as we looked to ancient Greece for inspiration and for a model for our new nation during our Revolutionary War, the 19th century Greeks held our young nation and the American Revolution as their model for struggle and their ideal nationstate. Our countries share a deep love of democracy and a profound commitment to liberty and justice. Many American volunteers traveled to Greece to join in the struggle, and our statesmen Jefferson, Monroe, and Adams all proclaimed their support for the cause of Greek independence.

Democracy in Greece is still vibrant, and Greeks continue to influence society and culture all over the world. During the early 1900's, many Greeks emigrated to the United States to begin a new life. They and their families made a strong and positive impact on this country. Their contributions in the fields of politics, religion, popular culture and entertainment, science, medicine, and the arts are extensive and impressive. Many Greek-Americans live in my home State of Illinois, and Chicago has hosted an annual Greek Independence Day parade since 1968.

It is with great pleasure that I invite my colleagues and all Americans to join me in commemorating Greek Independence Day. The spirit and patriotism of the Greek people and the Greek-American community have inspired and enriched our way of life.●

SUSPENDING SECTION 332 OF THE AGRICULTURAL ADJUSTMENT ACT OF 1938 FOR THE 1991 CROP OF WHEAT

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of H.R. 4099, a bill to suspend section 332 of the Agricultural Adjustment Act for the 1991 crop of wheat, and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 4099) to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment.

If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 4099) was ordered to a third reading, was read the third time, and passed.

Mr. BAUCUS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. CHAFEE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendars Nos. 487 and 488, en bloc; that the amendments, where appropriate, be agreed to; that the bills, as amended, be deemed read a third time and passed; that the motion to reconsider the passage of these bills be laid upon the table; that the title amendments, where appropriate, be agreed to.

Mr. President, I further ask unanimous consent that any statements relating to these calendar items appear at the appropriate place in the Record, and that the consideration of these items appear individually in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMP W.G. WILLIAMS LAND EXCHANGE ACT

The Senate proceeded to consider the bill (S. 393) entitled the "Camp W.G. Williams Land Exchange Act of 1989," which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) Short Title.—This Act may be cited as the "Camp W.G. Williams Land Exchange Act of 1989".

(b) Definitions.—As used in this Act—

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "camp boundaries" means the exterior boundaries of Camp W.G. Williams after enactment of this Act, in Utah and Salt Lake Counties, Utah, as generally depicted on the map referenced in section 2(a) of this Act.

SEC. 2. EXCHANGE.

(a) Offers.—Notwithstanding any other provision of law, as soon as possible but not later than six months after the date of enactment of this Act, the Secretary shall offer to exchange lands identified as "FEDERAL LANDS OFFERED FOR EXCHANGE" on a map entitled "PROPOSED EXCHANGE FOR CAMP W.G. WILLIAMS, UTAH", dated August 25, 1989 (hereinafter referred to as the "map"), to the owners of tracts of private lands identified as "PRIVATE LANDS TO BE ADDED TO CAMP W.G. WILLIAMS BY EXCHANGE AND WITHDRAWAL" on such map. If the owners of any or all of such tracts of private lands accept the offer within two years after the date of enactment of this Act, then the Secretary as soon as practicable shall convey to such owner or owners or their designee title to so much of the identified land as is approximately equal in value to such tracts of private land as are simultaneously conveyed to the United States.

(b) Any lands, identified on the map as "FEDERAL LANDS OFFERED FOR EXCHANGE", not exchanged shall be returned to the public domain.

SEC. 3. BUREAU OF LAND MANAGEMENT LANDS.

Lands identified on the map as "PUBLIC LANDS AT CAMP W.G. WILLIAMS TO BE WITHDRAWN" shall be transferred to the Department of the Army.

SEC. 4. ARMY LANDS.

Subject to the provisions of section 7, lands identified on the map as "WITHDRAWN LANDS TO BE RETURNED TO PUBLIC DOMAIN" shall be transferred to the Department of the Interior, returned to the public domain and managed accordingly.

SEC. 5. ACQUISITIONS.

The Secretary, in accordance with applicable law, is authorized to acquire, solely by donation or exchange from a willing seller, lands that are identified as 2a and 2b on the map, and is directed to transfer such lands to the Department of the Army for the explicit purpose of addition to Camp W.G. Williams. The Secretary of the Army shall modify the camp boundaries so as to encompass lands acquired pursuant to this subsection.

SEC. 6. DEPARTMENT OF THE ARMY LANDS.

(a) All lands transferred, exchanged, or acquired by this Act within the camp boundaries shall immediately become a part of Camp W.G. Williams and shall be administered and managed by the Department of the Army in accordance with the same laws, regulations, and executive orders applicable to the lands under the jurisdiction of the Department of the Army adjoining such acquired tracts.

(b) Subject to valid existing rights, no lands owned by the United States within the camp boundaries shall be available for any form of settlement, sale, location, or entry under the general land laws, including the mining laws, but not the mineral or geothermal leasing laws, and such lands shall be administered and managed by the Department of the Army.

SEC. 7. REVOCATION OF EXECUTIVE ORDER, ETC.

(a) Revocation.—(1) Executive Order 1922 of April 24, 1914, shall be revoked, only insofar as it affects lands outside of the camp boundaries and only upon acceptance by the Secretary of an appropriate certification by the Secretary of the Army that such lands do not contain any hazardous materials or substances, as defined by applicable Federal law. Upon such revocation, affected lands shall be returned to the public domain and managed accordingly.

(2) The Secretary of the Army shall perform all inspections and other actions necessary to make the certification required in paragraph (1), and shall report his findings to the Secretary, within one year after the date of enactment of this Act. Thereafter the Secretary of the Army shall hold harmless the Secretary for any liability associated with any hazardous materials or substances as defined by applicable Federal law that were placed upon or reasonably appear to have been placed upon the land prior to the return of the subject lands to the public domain.

(b) Liability.—Upon the acquisition by the United States of any lands or interest in land pursuant to this Act, any liability accruing to the United States as a result of such acquisition shall be deemed to vest in the United States Department of the Army.

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In no event shall liability vest in the Department of the Interior.

SEC. 8. MAPS AND LEGAL DESCRIPTIONS.

As soon as practicable after the date of enactment of this Act, the Secretary shall publish in the Federal Register a legal description of the lands proposed to be exchanged by this Act and shall file such maps and the legal descriptions with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed.

The title was amended so as to read "A bill entitled 'Camp W.G. Williams Land Exchange Act'."

ADDITIONAL LANDS FOR KNIFE RIVER INDIAN VILLAGES NATIONAL HISTORIC SITE

The Senate proceeded to consider the bill (S. 1230) to authorize the acquisition of additional lands containing Indian burial grounds for inclusion in the Knife River Indian Villages National Historic Site, North Dakota, and to provide additional development funding for the historic site visitor center, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

S. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF ADDITIONAL LANDS.

(a) The Secretary of the Interior is authorized to acquire by purchase with donated or appropriated funds, donation, or exchange the lands comprising approximately 465 acres and described in subsection (b) as an addition to the Knife River Indian Villages National Historic Site **[**North Dakota.**]** *North Dakota: Provided, That no such lands may be acquired without the consent of the owner thereof.*

(b) The lands referred to in subsection (a) are those lands depicted on the map **[**entitled "Proposed Boundary Map, Knife River Indian Villages National Historic Site", dated June 1988.**]** *entitled "Proposed Boundary Knife River Indian Villages National Historic Site" numbered 468-80,039 and dated June 1988.*

[(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

[SEC. 2. ADDITIONAL DEVELOPMENTAL FUNDING.

[Section 104(e) of Public Law 93-487 (88 Stat. 1461) is amended by striking "$2,268,000" and inserting "$4,000,000".**]**

SEC. 2. ADDITIONAL AUTHORIZATIONS

Section 104(c) of Public Law 93-486 (88 Stat. 1462) is amended by striking "$600,000" and inserting in lieu thereof "$1,000,000" and by striking "$2,268,000" and inserting in lieu thereof "$4,000,000.".

Mr. BURDICK. Mr. President, I would like to take this time to encourage swift passage of S. 1230. This bill, S. 1230, will expand the boundaries of the Knife River Indian Villages National Historic Site in North Dakota. The need for this expansion of the site is to protect adjacent land which, since the establishment of the site many years ago, has been found to contain a number of Indian burial mounds.

The Knife River Indian Village NHS was established by the 93d Congress to commemorate the culture and history of the Plains Indians, among them the Mandan and Hidatsa Tribes. However, since that time, it has been discovered that this area was occupied by a predecessor group during the prehistoric Woodland period, a period not now represented in the park. As a nation, we owe it to these early inhabitants of our land to protect forever their sacred burial grounds. Without this action, there is the grave possibility that the area in which the mounds are buried could be mined for gravel. We must prevent this from happening.

It is important to note that in appearing before the Senate Public Lands, National Parks, and Forests Subcommittee, the National Park Service testified in support of the bill, agreeing that these resources should be included in the site. I should also point out that under this legislation, the purchase of the additional acreage will be done on a willing-seller basis only.

The bill also raises the development ceiling at Knife River to accommodate construction of a new visitor center/administrative facility for which funds have already been appropriated.

In summary, S. 1230 is a very simple, yet important bill which will protect an important piece of our country's history. There is an exciting story to be told at Knife River about how these early inhabitants of the Northern Plains lived long before North Dakota became a State. With the new interpretive center now under construction and the addition of these burial mounds to the historic site, this story will finally be properly told.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time and passed, as follows:

S. 1230

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION OF ADDITIONAL LANDS.

(a) The Secretary of the Interior is authorized to acquire by purchase with donated or appropriated funds, donation, or exchange the lands comprising approximately 465 acres and described in subsection (b) as an addition to the Knife River Indian Villages National Historic Site, North Dakota: *Provided*, That no such lands may be acquired without the consent of the owner thereof.

(b) The lands referred to in subsection (a) are those lands depicted on the map entitled "Proposed Boundary Knife River Indian Villages National Historic Site" numbered 468-80,039 and dated June 1988.

SEC. 2. ADDITIONAL AUTHORIZATIONS.

Section 104(c) of Public Law 93-486 (88 Stat. 1462) is amended by striking "$600,000" and inserting in lieu thereof "$1,000,000" and by striking "$2,268,000" and inserting in lieu thereof "$4,000,000.".

The title was amended so as to read "A bill to authorize the acquisition of additional lands for inclusion in the Knife River Indian Villages National Historic Site, and for other purposes."

ORDERS FOR TOMORROW

RECESS UNTIL 9 A.M. TOMORROW; RESERVATION OF LEADER TIME; MORNING BUSINESS

Mr. BAUCUS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m., Thursday, March 29; that the time for the two leaders be reserved for their use later in the day; and, that there be a period for morning business not to extend beyond 10 a.m., with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAUCUS. Mr. President, tomorrow under the agreement, beginning at 10 a.m., there will be 5 hours for debate on the Byrd amendment 1329, with a vote to occur relative to the amendment at 3 p.m. Other votes are very likely after the vote on the Byrd amendment, and I would again encourage Senators with amendments to come to the floor and offer them tomorrow.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAUCUS. Mr. President, If the distinguished Republican leader has no further business, and if no Senator is seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order until 9 a.m., Thursday, March 29.

There being no objection, the Senate, at 8:28 p.m., recessed until Thursday, March 29, 1990, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 28, 1990:

DEPARTMENT OF JUSTICE

DANIEL J. HORGAN, OF FLORIDA, TO BE U.S. MARSHAL FOR THE SOUTHERN DISTRICT OF FLORIDA FOR THE TERM OF 4 YEARS (REAPPOINTMENT).

HOUSE OF REPRESENTATIVES—*Wednesday, March 28, 1990*

The House met at 12 noon.

Mr. Joe VanDyke, minister of the Chisholm Hills Church of Christ, Florence, AL, offered the following prayer:

Our heavenly Father, for the privilege of life this day we give You thanks. For the privilege of being in this gathering we give You thanks. For the privilege of communing with You we give You thanks. Today as we assemble we do so with a keen awareness of Your supremacy in our world—our land—and our lives. For this governing and serving body we are very grateful. Help us to be mindful of the great institutions you have ordained, and, especially today, the institution of government. We pray that each man and woman here today will see themselves as Your ambassador to this Nation and to the world. May their thoughts, their plans, and their dreams for our Nation be those that reflect Your very nature. And, in that reflection, may the world see through them and us the glory and blessing that can come only from above. Father, may we feel humbled in Your presence, and may Your presence give us the power we need to live from day to day. In some way, great or small, may we make this world a prelude for an eternal existence with You. Through Christ, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 108, answered "present" 2, not voting 23, as follows:

[Roll No. 47]

YEAS—299

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Livingston
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCrery
McCurdy
McEwen
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Packard
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schiff
Schneider
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Smith (IA)
Smith (NJ)
Smith (VT)
Solarz
Spence
Spratt
Staggers
Stallings
Stark
Stenholm
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—108

Armey
Baker
Ballenger
Barton
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Chandler
Clay
Clinger
Coble
Coleman (MO)
Coughlin
Courter
Cox
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Edwards (OK)
Fields
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Goss
Hancock
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Martin (IL)
Martin (NY)
McCandless
McDade
McGrath
McMillan (NC)
Michel
Miller (OH)
Miller (WA)
Moorhead
Murphy
Parris
Paxon
Porter
Regula
Rhodes
Ridge
Roberts
Rogers
Rohrabacher
Roukema
Saxton
Schaefer
Schroeder
Schuette
Sensenbrenner
Shays
Sikorski
Slaughter (VA)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stearns
Sundquist
Tauke
Thomas (CA)
Upton
Walker
Weber
Whittaker
Wolf

ANSWERED "PRESENT"—2

Pashayan
Smith (FL)

NOT VOTING—23

Atkins
Craig
Dingell
Durbin
Emerson
Fascell
Ford (TN)
Hansen
Marlenee
Mavroules
McDermott
Owens (UT)
Ros-Lehtinen
Roybal
Smith (NE)
Smith, Denny (OR)
Stokes
Stump
Thomas (WY)
Udall
Vucanovich
Williams
Young (AK)

□ 1222

Mr. LEHMAN of Florida changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York [Mr. Flake] please come forward and lead the House in the Pledge of Allegiance.

Mr. FLAKE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TRIBUTE TO BROTHER JOE VanDYKE, MINISTER, CHISHOLM HILLS CHURCH OF CHRIST, FLORENCE, AL

(Mr. FLIPPO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLIPPO. Mr. Speaker, I want to recognize Brother Joe VanDyke, the minister of Chisholm Hills Church of Christ in Florence, AL, who has provided us with an inspirational prayer to guide our day's activities.

Joe VanDyke was born in Lexington, TN, and is the son of a gospel preacher. He is here today with his wife, Rita, and his sons, Will and Doug, and Mrs. Agnes Gossett, Rita's mother.

Joe is a graduate of David Lipscomb College and has undertaken graduate studies at the Harding Graduate School of Religion. He has also served as an instructor in psychology and counseling at the International Bible College in Florence, AL.

His many community activities include service to the Riverbend Mental Health Center and the Association for Retarded Citizens. He currently serves on the board of the American Red Cross in Florence, North Alabama AGAPE, a family counseling center, and he serves as resource minister for Day by Day, a support group for parents who have lost a child. He is also active in the Florence Civitans.

Brother VanDyke's ministry has helped to broaden the faith of everyone that he has touched. I am pleased he could be here today to share his faith and guidance with us.

SWEARING IN OF THE HONORABLE JOSÉ E. SERRANO, OF NEW YORK, AS A MEMBER OF THE HOUSE

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. José E. Serrano], be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. Will the gentleman from New York [Mr. Serrano], the Member-elect, along with the Members of the New York delegation come forward and will the Members please stand.

Mr. Serrano appeared at the bar of the House and took the oath of office, as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the Congress of the United States.

INTRODUCTION OF THE HONORABLE JOSÉ E. SERRANO

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, as chairman of the New York delegation I am pleased to rise again today to introduce yet another new Member of the House of Representatives. A little over a week ago, on March 20, José Serrano was elected to Congress from the 18th Congressional District of New York, which covers the South Bronx. His election to this body comes after a very successful career in the New York State Assembly where he served from 1975 until early this year.

During his early years in Albany he established himself as an influential voice in educational matters. His diligence and leadership paid off when he was named chairman of the Assembly's Education Committee in 1983.

Having served in Albany for 15 years, he comes to the House of Representatives with a record of achievement of which most Members here would be very proud.

I am certain this body will benefit from his background in the field of education. I am also certain that he will have much to say about pending legislation which calls for a plebiscite to determine the political status of his native Puerto Rico.

In light of his heritage and due to the fact that New York is home to over 1 million Puerto Rican-Americans, he speaks with authority on the concerns of those citizens.

I wanted to point out to José that many Puerto Ricans live in upstate New York as well as New York City, including 30,000 in my district, which is in Rochester.

As you will come to learn, José, the 34 Members and two Senators of the New York congressional delegation work closely together and work together for the benefit of our State and for our Nation.

We are looking forward to working with you on a variety of issues that confront our Nation and our State.

José has five children, who are here with him today. We certainly want to welcome your children, José. I join with my colleagues in welcoming you and your wife Mary and I want to wish you well as you pursue this career in the House of Representatives.

Now it gives me a great deal of pleasure to introduce my colleague, the dean of the Democratic delegation from New York City, Jim Scheuer. Jim, would you say a few words on behalf of our newly elected Member?

☐ 1230

Mr. SCHEUER. Mr. Speaker, I am very happy and proud to be here, welcoming José. I have worked closely with him. He is a real professional. He is a mensch.

Mr. Speaker, before we have the new Congressman from the Bronx address the House, perhaps the Delegate from Puerto Rico could say a few words.

Mr. FUSTER. Mr. Speaker, I just want to say that all constituents in the Island of Puerto Rico, the 3½ million citizens that I represent, feel very proud of José E. Serrano. We know him well, and we are sure the great career he has had up until now will give him the kind of skills and leadership to do the same in the House. We are very confident of that.

Hermano, un abrazo, y bienvenido a esta Camara. (Brother, a hug and welcome to the House.)

Mr. HORTON. Mr. Speaker, it gives me a great deal of pleasure to introduce José E. Serrano, our new Member.

A BETTER TOMORROW

(Mr. SERRANO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SERRANO. Mr. Speaker, on March 28, 1952, a 31-year-old woman arrived in Idlewild Airport from Puerto Rico with two boys. She was met there at the airport by her husband who had come to New York a year earlier to look for work. Together, they raised two boys in New York City, first in the tenements, and then moving up to the public housing projects of Millbrook at 187th Street and St. Anne's. They took the two boys through public school, he as a sheet metal worker, and she as a member of the Garment Workers' Union. They struggled. They lived out their lives. He left too early, in 1982, and we lost her last September.

Today, 38 years to the day of the arrival from Puerto Rico, while her youngest son is in the gallery, her oldest son is sworn in as a Member of the United States Congress.

I am honored today that I have been joined in this Capitol by a lot of people from my district and a lot of dignitaries from throughout this country. Let Members take the story of those two individuals who worked, so that their son could be a Member of the most important body in the freest country on Earth, and let the message go from here today to those children who live in the projects and to those children who are still on the street corners, that there is indeed a better tomorrow. I thank God Almighty for making this day part of my better tomorrow.

APPOINTMENT AS MEMBER OF ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER. Pursuant to the provisions of section 3(a) of Public Law 86-380, the Chair appoints to the Advisory Commission on Intergovernmental Relations on the part of the House the gentleman from Texas [Mr. ARMEY].

RESIGNATION AS A MEMBER OF THE COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation as a member of the Committee on Small Business:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 28, 1990.

Hon. THOMAS S. FOLEY,
House of Representatives,
H-204, The Capitol,
Washington, DC.

DEAR MR. SPEAKER: In view of my appointment to the House Judiciary Committee, I herewith offer my resignation from the House Small Business Committee.

Best Regards,

Tom Campbell.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 367) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 367

Resolved, That Representative Molinari of New York be and is hereby elected to the Committee on Public Works and Transportation and the Committee on Small Business.

The resolution was agreed to.

A motion to reconsider was laid on the table.

VIDEO VIEWING OPPORTUNITY

(Mr. SAVAGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAVAGE. Mr. Speaker, I just won reelection in the primary last week against a network of television and dated newspaper reporters, and the Israel-American Public Affairs Committee, an illegally affiliated political action committee. As a consequence, I have been denounced by those, some in this body, who would be intimidated by this group who pledges loyalty to a foreign government disloyal to America.

Tomorrow at 10 a.m., in room B310, at 10 a.m. tomorrow I will screen the entire tape of the speech for which I have been charged with bigotry, for all Members of this House to see, and for any invited members of the Washington press corps, to find out who are the victimizers and who are the victims.

On tomorrow also, after the business of this House, I am going to lay out the facts for this Nation via C-SPAN so they can find out the dangers that democracy faces from this un-American organization. I hope to see all Members who are interested at 10 a.m. tomorrow morning in B310 of the Rayburn Building. Stay tuned for tomorrow evening, after the business of this House.

PRESIDENT WILL VETO DEMOCRATIC LEADERSHIP BILL

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, yesterday at 5 p.m. a member of the Democratic leadership told me I could go to the Committee on Rules and get a copy of the liberal Democratic leadership bill. I went upstairs, and after a 30-minute wait, I was given a Xeroxed copy. But that was not the bill being introduced. Another version of the liberal Democratic bill was delivered to the Committee on Rules at 7:08 p.m. I have been told there may have been a third version delivered this morning, but we are not sure.

Having a staff written, hastily thrown together bill on an issue of this importance is exactly how Congress produces a section 89 disaster. There has been no hearing, no markup, no scrutiny of a 119-page bill. This procedure threatens every individual Member. Despite these problems, we have analyzed the liberal Democratic bill. It is antireligious. It does have Federal regulations, and President Bush will veto the liberal Democratic bill if it passes the House.

UNLV WILL TAKE ATLANTA

(Mr. BILBRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILBRAY. Mr. Speaker, yesterday Members of the Georgia delegation rose before this House to tell the Members of this House how great Georgia Tech is and how they would defeat UNLV on Friday.

In defense of my school, which I attended, I am here to tell Members that is wishful thinking. Just like Sherman took Atlanta in 1864, UNLV will take Atlanta in 1990.

☐ 1240

Congressmen DARDEN and I have a bet. He will wear this T-shirt on Saturday all over Atlanta if UNLV wins. Congressman DARDEN should notice that it is extra large. After all the crow he is going to eat on Friday night, he will gain a lot of weight.

I would like to say, too, that Georgia Tech is a great team. It is one of the best teams east of the Mississippi River, but to win it all, to be the national champion, you have to be the best team in the entire country, and that team is the University of Nevada at Las Vegas.

CHILD CARE BILL FLAWED

(Mr. HENRY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HENRY. Mr. Speaker, I would like to make it very clear to the Members here that having been able this morning to see the Democratic child care bill, I want to clarify the fact that it does not protect freedom of choice for parents in the choice of vendors under the title XX section. Yes, it does mandate the provision of vouchers or certificates for parents who so choose them. However, it does not mandate the widest possible choice for parents as to what they can do with those certificates.

Further, as we can see in the "Dear Colleague" letter Members will be receiving this afternoon, it imposes new restrictions under the Civil Rights Act, title VII, which further restricts the religious autonomy of religious day care providers that may in some cases be allowed to participate under this act. In other words, it narrows the latitude of options for religious day care centers rather than expanding them.

Mr. Speaker, I point that out because few of us have had an opportunity to read the act. I picked up the latest draft at 8:30 this morning through the staff of the Education and Labor Committee, and they told me it may yet be rewritten even though the rule has already been promulgated.

TRIBUTE TO THE NATIONAL HIGH SCHOOL PLAYER OF THE YEAR, DAMON BAILEY

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, Indiana is known for basketball and its basketball greats.

Nowhere in the State is this more true than in my area of southern Indiana where Larry Bird and Bob Knight have achieved greatness.

Thus it is no mean feat that young Damon Bailey has led Bedford North Lawrence to the Indiana State basketball championship while becoming the top high school player in State history.

He was selected the tournament's most valuable player and won the Trester Award for mental attitude. He was named the Naismith national high school basketball player of the year. Damon has also been named all-State four times.

Mr. Speaker, I extend congratulations to Coach Dan Bush and the Bedford North Lawrence Stars. They have never lost a home game during the Damon Bailey era. We wish Damon Bailey continued success as his education continues at Indiana University.

A KINDER AND GENTLER POSITION ON BROCCOLI

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr Speaker, the President's position on broccoli has been greatly misunderstood.

As a kinder and gentler man, we can understand the President's deep concern over cutting off the legs of young broccoli in their prime. First chilled to near freezing and then boiled alive, the broccoli are finally suffocated with hot cheese.

How much must these innocent broccoli endure?

The President stands at the forefront of vegetable rights. Many of us here in Congress identify closely with vegetables. Members have the opportunity to join the Ways and Means Committee in balancing the budget of this Nation with tax increases. Members can join also and support the broccoli severance tax.

ENVIRONMENTAL POLICY

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, President Bush promised to fight the greenhouse effect with the White House effect. Well, as far as I can tell, the White House effect is nothing more that letting John Sununu change the President's speeches and alter report starts. As far as I can tell, the President speaks loudly and carries a toothpick.

Mr. Speaker, we thought we heard the President promise a nonpartisan debate on the creation of the Department of Environmental Protection. Unfortunately, we hear threats of vetos every time we try to give the department some clout. We hear complaints about broccoli, while developers make plans to turn Washington into a beach resort for the year 2000.

Mr. Speaker, summer is coming and the temperatures will rise. The air quality will worsen, and the air conditioners will be turned on. As we all look out over a smog covered Capital this July, I hope we won't be asking "Where was George?"

VENICE BEACH

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, in 1937 the U.S. Army Corps of Engineers built a jetty in southwest Florida. The purpose of the jetty was to help avoid dredging in the intracoastal waterway.

In this role, the jetty has done a good job. But at the same time it has created an unintended nightmare for the city of Venice—massive beach erosion.

In 1948 the Federal Government realized that it was going to have to do something to save the beaches and the infrastructure of the Venice community.

In 1986 the Federal Government authorized Federal commitment to a cooperative beach renourishment project for Venice.

Finally, nearly 40 years after the problem was first recognized and after Venice beaches have deteriorated to the point of disaster—this project did get partial funding last year. This year President Bush has requested additional funding for the project. I urge my colleagues' support.

Mr. Speaker, the people of Venice and the State of Florida have worked hard to meet their obligations in seeing this project through. It's time the Federal Government did the same—particularly since it is to blame for the problem.

Beach renourishment in Venice is not a matter of aesthetics. It's a matter of economic necessity. Each day the situation in Venice grows worse as the badly eroded shoreline threatens roads, sewer systems and the preservation of clean, white beaches which are accessible and enjoyed by constituents of all Members of Congress.

AMERICANS SUPPORT LITHUANIANS IN THEIR QUEST FOR FREEDOM

(Mr. JONES of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES of Georgia. Mr. Speaker, for decades, we have refused to recognize the forced annexation of the Baltic States by the Soviets, and for decades we have encouraged freedom and democracy in that region.

Now, as Soviet tanks roll through Lithuania, as patriotic young soldiers are brutally beaten there, as foreign journalists are threatened and intimidated, and as diplomats and foreigners are ordered out, the freedom loving people of that proud little Baltic country look to the United States for recognition and support.

While the White House equivocates, let us assure our brothers and sisters in Lithuania that our people do not equivocate. We are with you—we the people support you and recognize you, and join the world in admiration of your determination and your courage.

MUSCLE-FLEXING WILL NOT DETER LITHUANIANS' PURSUIT OF INDEPENDENCE

(Mr. SAXTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAXTON. Mr. Speaker, I rise today to express my strong concern regarding the Soviet response to the Lithuanians pursuit of freedom under the spirit of glasnost. In the most striking contrast to date of the Soviet commitment to glasnost, armored personnel carriers rumbled into the Lithuanian capital of Vilnius, occupied the Communist Party building and raided a local hospital.

Mr. Speaker, this type of military intervention has already created adverse repercussions in the United States Congress and is counterproductive to improve United States-Soviet relations.

The American people are hoping for the success of glasnost and perestroika in the Soviet Union. We all want to see President Gorbachev succeed in reforming his country, but if the price of that success is the compromise of our most fundamental national principles—freedom and independence—then the price is too high and glasnost is merely a creature of the Soviet propaganda machine.

Fifty years ago, the world spoke its outrage after Stalin and Hitler moved to deny Lithuanians their national sovereignty. Today, the courageous people of Lithuania are standing up to repair this terrible injustice. To remain silent at this moment would make us accomplices in the second unforgivable Soviet effort to smother Lithuanian independence.

I urge my colleagues, and the Bush administration, to stand up and loudly commend the courage and determination of the Lithuanian people in their struggle for freedom against occupation and to recognize Lithuania as an independent and democratic state.

ANNOUNCEMENT OF RETIREMENT BY THE HONORABLE GEORGE W. CROCKETT, JR., OF MICHIGAN

(Mr. CROCKETT asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. CROCKETT. Mr. Speaker, a few days ago the press carried the story of the death of the Honorable Harold Medina, who was the judge who presided over the famous Communist trial in New York back in 1949 and 1950. In the course of that trial Judge Medina sentenced the five defense lawyers to prison. I am the only living survivor of those five defense lawyers.

During the 4 months that I served in a Federal prison it never occurred to me that one day I would also serve in the U.S. Congress and be a member of the committee having oversight jurisdiction over all Federal judges and all Federal prisons.

□ 1250

Today, Mr. Speaker, I rise to inform my colleagues that I have decided to retire from the House at the conclusion of the 101st Congress. After 68 years of working, championing unpopular causes, I am hoping to enjoy a little time off.

Mr. Speaker, I will not miss running back and forth for the bells or the endless meetings this job entails, but I will miss the company of so many deeply committed men and women with whom I have had the pleasure to serve.

For the past decade, Mr. Speaker, I have been privileged to serve the people of Michigan's 13th District in this body, and it has been a challenge and an honor I will always cherish. I will also cherish the tireless support I have received from members of the religious, labor, and political communities in Detroit, the senior citizens, my friends, and our great mayor, Coleman Young, and our dedicated council president, Maryann Mahaffey, as well as my staffs both here and in Detroit.

There is a time, however, when each man or woman must decide to leave the day-to-day struggles to others. When this Congress ends in January, I will go on to other less challenging challenges.

[Applause, the Members rising.]

ADVANCING THE INAUGURATION OF MRS. CHAMORRO TO APRIL 1990 WAS A GOOD IDEA

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, reports of an agreement in Nicaragua between the Sandinistas and the newly elected Chamorro government are encouraging if it really means a reduction in the size of the army and that the army will be subject to civilian control and not the Sandinista Party.

Few seem to realize however that the outgoing Sandinista regime has been actively seeking to undermine the ability of the new government to carry out its program. International election observers report that weapons are being distributed in towns and on farms by the Sandinistas perhaps for the purpose of creating paramilitary groups that could cause problems in the future.

The Sandinistas are also distributing homes, vehicles, machines, and other government property to Sandinista Party loyalists before the April 25 transition as well as using up and selling off the scarce petroleum reserves that are vital to propping up the failing economy.

All this is occurring in the 2-month time span between the elections and the inauguration of Mrs. Chamorro. Think what would have happened if the Sandinistas had not been pressured into changing the original inauguration date from Janauary 1991 to April 1990.

WELCOMING OUR TWO NEW MEMBERS FROM THE STATE OF NEW YORK

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Mr. Speaker, I just want to join with all of our colleagues on both sides of the aisle in welcoming our two new Members, both of whom I am proud to say are from New York. SUSAN MOLINARI was sworn in yesterday and will, I am sure, follow in the great tradition of her dad, our former colleague, Guy Molinari. JOE SERRANO, who was sworn in just a few moments ago, was a very close and special friend of mine. We served together in the State legislature. Joe served for 15 years in the New York State assembly and rose through the ranks to become the chairman of the education committee. He is, to put it quite simply, Mr. Speaker, one of the most capable and competent public servants I have had the privilege of knowing during my 20 years as an elected public official, and I am confident, as time goes on and our colleagues get to know him more intimately, he will become rightly recognized as one of the outstanding Members of this institution.

DO NOT DESECRATE THE AMERICAN FLAG

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, it has been said that a motion picture can leave an indelible impression on people. I found that to be true during the academy awards two nights ago when Denzel Washington received an Oscar for best supporting actor.

Mr. Washington's performance in "Glory" was exceptional. The climatic point in that movie was the development of his character, from a skeptical, cynical soldier to a proud patriot willing to fight and die for freedom and carry the American flag in battle.

That climatic point has been repeated in real life—from Valley Forge to Vietnam in every battlefield where ever American values have been attacked, the American flag has been the shining, eternal spirit of liberty.

Denzel Washington's scene is reminiscent of other tales veterans have told of similar conflicts.

Mr. Speaker, to desecrate the American flag is to desecrate the memory of the thousands of Americans who have sacrificed their lives to keep that banner flying, intact.

I urge my colleagues to sign a discharge petition, No. 7 offered by Congressman CHUCK DOUGLAS today. This petition, would bring the proposal for a constitutional amendment prohibiting flag desecration to the House floor.

WHY WASTE $500 MILLION?

(Mr. APPLEGATE asked and was given permission to address the House for 1 minute.)

Mr. APPLEGATE. Mr. Speaker, why is the Bush administration rushing into an acid rain bill when we have before us the National Acid Rain Precipitation Assessment Program, a 10-year study costing $500 million, begun in 1980, to be concluded later this year? Why are they doing this? Why waste taxpayers' money to the tune of $500 million?

Mr. Speaker, it is strictly because Northeast politicians are frightened by the news media and by the environmentalists, the same environmentalists who brought us the ill-fated snail darters back a few years ago, and by the Western coal interests and by the Canadians who both stand to profit. They are afraid of this study, and what it is going to say, and let me just say that James Mahoney, the director, has said the study eliminates the view

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that acid rain represents "an imminent environmental disaster," and indicates the damage is "less than we once thought and much less than the characterizations we sometimes hear."

So, Mr. Speaker, I ask my colleagues, "Why don't we wait until the full study is out, until we know the exact facts?"

Mr. Speaker, I think that we are wasting the taxpayers' money if we spend $500 million and then do not pay any attention to what they say.

LITHUANIA: GLASNOST TEST CASE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, events in Lithuania are determining whether or not real change has indeed occurred within the Soviet Union. The freely elected Lithuanian legislation is exercising its right to pursue national self-determination and independence. The Soviet Government appears poised to continue to use force to maintain their illegal occupation of Lithuania which resulted from the Hitler-Stalin pact.

Mr. Speaker, if they do so, it would be the equivalent of saying goodbye to glasnost, which could well mean the resurrection of Stalinism in all its ugliness.

The United States can send a powerful signal to Moscow not to retreat into the past. We should recognize the sovereignty of the freely elected Government of Lithuania. At this crucial moment in history the Lithuanians are showing the world what courage means. Let us not let them down.

DISTORTED INTERPRETATIONS BY THE AMERICAN FAMILY ASSOCIATION ON NEA FUNDING

(Mr. TALLON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALLON. Mr. Speaker, I know that many of my colleagues have been swamped by angry protests from constituents who have been misinformed as to congressional action on the National Endowment for the Arts. The American Family Association has been circulating distorted interpretations of the congressional votes related to NEA funding, and has misinformed its readership as to the nature of many NEA grants.

In fact, I voted to remove funding for the NEA equivalent to several controversial projects considered to be obscene. I am disappointed that the AFA chooses to deliberately misinform my constituency, and I am appalled that I should have to defend myself against falsely generated material.

LITHUANIAN VISAS FOR MEMBERS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, like millions of Americans of Eastern European descent, the events unfolding in Eastern Europe cause us to be excited that relatives and friends now will live free in democracy.

At the same time, we are concerned with the fate of our "cousins" to the north—the Lithuanians.

Mr. Gorbachev has been called the "Man of the Decades." Here is his chance to prove it.

Does Gorbachev's glasnost stretch to Lithuania, or are the borders the Baltic Republics closed to his policy of "openness"?

Congress should know.

Today, I am applying to the Soviet Embassy for an immediate visa to go to Vilnius; and, I ask my colleagues to join me.

A plane of Congressmen should go to Lithuania this weekend to see what truly is happening.

Members have been to Nicaragua, to El Salvador, to Eastern Europe; and we have had an effect.

Congress needs to know, especially if we are to consider an Soviet economic aid package.

Congress should give no Soviet aid until we know that glasnost embraces all of the people who have been under the paws of the Soviet bear most of this century.

□ 1300

AIR FORCE ASSISTANCE ASKED WITH NEW YORK FIRE VICTIMS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I have asked Air Force Secretary Donald Rice to please make available some Air Force transport planes to fly back to Honduras and to the Dominican Republic the bodies of so many of the people killed in last weekend's very tragic fire in the Bronx.

I think this would really be a tremendous humanitarian gesture to the families of the victims, and it would also express the deep sorrow of the United States for the tragedy and our affection for our neighbors in this hemisphere. I certainly hope that these planes can be made available.

The stories of them passing the hat in New York and doing all sorts of things to try to return people home are something I think that we could really help with.

EARTH DAY

(Mr. JAMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JAMES. Mr. Speaker, this year marks the 20th anniversary of Earth Day. It is an important date to remember in light of the many environmental problems that all mankind faces. While these problems are severe and will take much work to correct, it is not too late to act and make a difference. We need to change the way that we view our world, and change our habits in order to accommodate the environmental realities that now face us. We must learn to stop using products that pollute our water, air, and ground. We must conserve our forests around the world, so that all living things benefit. We must transform our society from one that throws away everything into one that uses and reuses our valuable resources. All of us, Mr. Speaker, can do our part to make a difference. On Earth Day 1990, we need to start making conscientious efforts to change our habits and work for our planet. The planting of trees, the beginning of local or household recycling programs, and starting energy conservation efforts will make a big difference. Mr. Speaker, Earth Day is here to remind us of our responsibilities. Let's live up to them and make this Earth Day the best ever.

SUPPLIERS REJECT POISON GAS PROGRAM

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, yesterday's Washington Post headlines: "Suppliers Reject Poison Gas Program; U.S. May Act."

Well, with all the inaction in the Bush administration, why is it that the one time they might choose to act, to actually preempt private enterprise in our country or to go overseas to obtain a vital constituent of poison gas is in the area of producing gas instead of something of real benefit to this Nation?

The Bush administration, the paper goes on to say, is contemplating legal action against two chemical firms for refusing to sell an ingredient necessary for continued U.S. production of poison gas artillery shells. They are looking at foreign sources.

A quote from Mr. Wilcke of Mobay Chemical:

> In this day and age, who wants to be involved in providing chemicals that go into chemical weapons?

Who indeed. It is time to remove this threat, this shadow from the world, and also for the United States to be pure in its pledge to rid the world of chemical weapons. Let us start here. Let us not force people to sell us these constituents. Let us stop producing chemical weapons and save the $47 million.

DEFENSE DEPARTMENT SHOULD STOP HARASSMENT OF CHEMICAL COMPANIES

(Mr. PORTER asked and was given permission to address the House for 1 minute.)

Mr. PORTER. Mr. Speaker, Department of Defense officials are poised to invoke a 1950 law to force two U.S. chemical companies to produce lethal chemicals for our 155-millimeter binary nerve gas artillery shell program. The two American companies, the only ones capable of producing the chemicals, have refused, stating that their policy is not to produce chemicals for any military purposes.

DOD has three choices, Mr. Speaker. The first is to compel the companies to produce the chemicals under a law designed to commandeer production in wartime. This would be outrageous. The second is to import the chemicals from a foreign manufacturer. This choice would seriously undermine the President's stated position on chemical weapons by making a mockery of our efforts to stop the proliferation of chemical weapons worldwide.

The third choice is the right choice, Mr. Speaker. The Defense Department should stop its harassment of chemical companies who refuse to produce nerve gas chemicals for military weapons. These companies, rather, should be applauded, not strong-armed, and our efforts should focus on nonproliferation and destruction of chemical weapons, and not on their continued production.

LOCKHEED ONE OF OUR NATION'S VITAL ASSETS

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, 2 weeks from now the space shuttle *Discovery* is scheduled to lift our Nation and our world into a new era of exploration.

Discovery will carry into space the most powerful telescope ever devised, the Hubble space telescope. Once in orbit, this eye in the heavens will offer mankind the opportunity to peer back into time and see the ends of the known universe.

The irony, Mr. Speaker, is that today as the Hubble space telescope is being readied for its historic flight, the company that built this technological masterpiece for our country is under attack. Lockheed is today at risk from a corporate takeover specialist focused not on the long-term future of the United States, but on short-term profit taking.

As a member of the Science, Space, and Technology Committee, and a former member of the Intelligence Committee, I believe that Lockheed is truly one of our Nation's vital assets. It is a company whose commitment to long-term investment in research and technology has paid off time and time again—not only for its employees and shareholders, but for the United States as a whole.

Mr. Speaker, it would be a tragedy were Lockheed's excellence to be sacrificed in the future for the sake of short-term profits and managerial expedience.

LITHUANIAN INDEPENDENCE

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, over the past 11 months, we have witnessed an incredible change which has taken place. I believed that Ronald Reagan and Lech Walesa are responsible for the change, but it is very clear that it would not have taken place had it not been for Mikhail Gorbachev. It was a year ago next month that we saw the roundtable talks in Poland lead the way toward that very historic June 4 election. Then following that, we all know what happened, the crumbling of the Eastern bloc.

Well, Mr. Speaker, it is very clear that we have some concerns which have come to the forefront in the past several weeks. On March 11, the people of Lithuania reaffirmed their independence, and I believe it is very clear that we may be jeopardizing the tremendous gains which have been made over these past 11 months in Soviet-United States relations.

Mr. Speaker, I am for General Secretary Gorbachev to allow the people of Lithuania to, in fact, implement their will and to move ahead with the kind of independence which the people around the world are successfully seeking.

PRESIDENT OFFERS ONLY AN INVISIBLE HAND TO EASTERN AIRLINES

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, today's financial pages report the latest sorry episode in President Bush's invisible hand, laissez-faire approach to Eastern Airlines. You will recall earlier this month when Transportation Secretary Skinner and the bankruptcy examiner Shapiro pleaded with Congress to let well enough alone because an agreement had been reached for Frank Lorenzo to return half of what he misappropriated from Eastern, pay creditors 50 cents on the dollar and get back to managing the airline. Unfortunately, the House took this pie-in-the-sky advice.

Yesterday, Eastern announced that it is actually losing money at twice the rate it had previously admitted, breaking even the recordbreaking losses it had reported. As a result, more jets will be sold, more people will lose their jobs, creditors will get next to nothing and retired employees will have their health benefits scaled back.

It is too bad, Mr. Speaker, that when the decent, hard-working employees of Eastern Airlines needed the President's help, all he offered was the invisible hand.

TRANSFER OF U.S.S. "REQUIN" TO CARNEGIE INSTITUTE IN PITTSBURGH, PA

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the Senate bill (S. 2151) to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, PA, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

□ 1310

The SPEAKER pro tempore (Mr. McCLOSKEY). Is there objection to the request of the gentleman from Florida?

Mr. SPENCE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. BENNETT], my distinguished chairman of the Subcommittee on Seapower and Strategic and Critical Materials, so that he might explain the bill.

Mr. BENNETT. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, S. 2151 would waive the 60-day waiting period before the transfer of an obsolete Naval submarine to a museum in Pittsburgh, PA. The Navy supports the transfer of the submarine *Requin*, and this bill has already passed the Senate. At this time, I would like to yield to the gentleman from Pennsylvania [Mr. COYNE] for a further explanation of the bill.

(Mr. COYNE asked and was given permission to revise and extend his remarks.)

Mr. COYNE. Mr. Speaker, I rise in support of legislation to facilitate the transfer of the U.S.S. *Requin*—an obsolete submarine—from the Navy to the new Carnegie Science Center in Pittsburgh.

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I realize that transferring an obsolete submarine to a museum may sound a bit unusual, but it is actually part of a remarkable project that will transform the *Requin* into a floating museum. Indeed, I understand Carnegie will then be the only science museum in the United States to have a submarine as one of its facilities.

The Carnegie Science Center would be an appropriate home for the U.S.S. *Requin*. It was commissioned in the last months of World War II, and it served our country with distinction through the 1960's. But our Nation's military needs have changed over the years, and the *Requin* was struck from the Navy list nearly 20 years ago. It has been moored in the Hillsborough River in Tampa, FL, ever since.

Officials at the Carnegie Science Center envision an entirely new use for this fine old submarine. Once it is transported to a site on the Ohio River near the Center, visitors from around the country will be able to see what a World War II submarine was like—and they will also see demonstrations of the principles of density and ballast, as well as exhibits that will show how the *Requin*'s propulsion system and periscope worked.

The Navy no longer needs the *Requin*. Officials in Tampa are amenable to moving it to Pittsburgh. The Carnegie Science Center is eager to put it to good use.

The only snag right now is a technical problem. To get to Pittsburgh, the *Requin* must travel along the Mississippi and Ohio Rivers. The trip will take about 6 weeks; and the only time this year when the *Requin* can safely negotiate the journey is before June 30, when the waters of the Mississippi and Ohio are at their highest levels. Furthermore, the submarine needs some alteration before it can start for Pittsburgh.

Unfortunately, there is a legal requirement of a 60-day congressional waiting period before the *Requin* can be formally transferred from the Navy to the Carnegie Science Center. Under most circumstances, such a requirement is useful and appropriate—but in this particular situation, it could jeopardize the opportunity for the *Requin* to travel safely this year from Tampa to Pittsburgh.

It is for that reason that I support the U.S.S. *Requin* Safe Transfer Act. It would waive the requirement for the 60-day congressional waiting period in this case so that the *Requin* can make the journey to its new home in Pittsburgh this year during the safest possible time.

I urge my colleagues to support this legislation; and after the conversion of the *Requin* is complete, I invite all of my colleagues to visit both the *Requin* and other facilities of the new Carnegie Science Center, which together will make up one of the finest science museums in the country.

Mr. SPENCE. Mr. Speaker, I certainly support the request of the gentleman from Florida [Mr. BENNETT], and, with that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. WAIVER OF WAITING PERIOD.

Clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, for use by the Carnegie Institute in connection with the Carnegie Institute Science Center in Pittsburgh.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BENNETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2151, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 364 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3847.

☐ 1311

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3847) to establish a Department of Environmental Protection, and for other purposes, with Mr. HARRIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, March 27, 1990, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute now printed in the reported bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3847

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Environmental Protection Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) The health and well-being of the United States and its citizens is fundamentally dependent on the quality of the environment of the United States and the rest of the world.

(2) Despite significant progress in environmental protection over the past two decades, the natural and human resources of the United States continue to be lost, harmed, or inefficiently used at an alarming rate, requiring a much greater Federal commitment to prevent pollution and protect the environment for present and future generations.

(3) Environmental issues have achieved a new and important place on the international agenda of the world's nations, requiring extensive cooperation among many countries in order to find solutions to major problems such as potential global climate change and stratospheric ozone depletion.

(4) Since the Environmental Protection Agency was established in 1970, the scope of its functions have expanded significantly and agency staff and resources now exceed those of several major Cabinet-level departments.

(5) Environmental policies and programs affect nearly every agency of the executive branch yet they have not always been adequately integrated into other Federal policies and programs due in part to the lack of equal standing between the Environmental Protection Agency and other Federal agencies.

(6) It is necessary to consolidate and improve the collection and analysis of environmental data in order to fully comprehend the current state of our environment, to identify new environmental problems at the earliest possible date, and to determine the effectiveness of environmental policies and programs.

(7) Improved collection of environmental information, affirmative dissemination of such information, and presentation of such information in ways that support analysis and public understanding will assist efforts to protect the environment.

(8) Because environmental policies affect a wide range of citizens, businesses, and State and local governments, it is necessary to ensure that the agency primarily charged with protecting the environment, consistent with applicable statutes it administers, is responsive to the needs and concerns of the public.

(b) PURPOSES.—The purposes of this Act are the following:

(1) Establish a Department of Environmental Protection, which will carry out the current functions of the Environmental Protection Agency.

(2) Ensure that prevention of pollution and protection of the environment, consistent with applicable statutes, is firmly established at the highest level of Federal policymaking, and that a Secretary of Environmental Protection will be an integral part of the President's key advisory and decision-making process.

(3) Foster better international cooperative efforts to address global environmental issues and ensure that, when appropriate, United States representation in international environmental deliberations and meetings is at a level commensurate with the ministerial rank of foreign governments.

(4) Create a Bureau of Environmental Statistics which will identify, collect, and make accessible a comprehensive and standard-

ized set of environmental quality and related public health data to improve the effectiveness and objectivity of central environmental data collection and analyses and conduct other environmental studies as needed so that the President, the Congress, and the public can be adequately informed about conditions and trends in environmental quality and so that the Department can better manage and coordinate its environmental protection responsibilities and evaluate its programs.

(5) Promote the awareness, access, and use of environmental information resources by ensuring that information activities of the Department of Environmental Protection are conducted in such a manner as to (A) improve the quality of decisionmaking, regulation, and program management, (B) assist environmental and public health protection, and (C) encourage public use.

(6) Provide for the cooperation of, and consultation with, Federal, State, and local governments in the development and implementation of national environmental policies and programs under the jurisdiction of the Department.

(7) Ensure incorporation of national environmental protection goals in the formulation and implementation of other national programs, and advance the goals of restoring, protecting, and enhancing environmental quality, and assuring public health, while recognizing the importance of—

(A) policies that ensure that the industry, business, and agriculture of the United States, and the jobs they provide, will continue to improve economically and be competitive internationally; and

(B) policies that promote the interests of consumers and the continued good health of the small businesses of the United States.

TITLE I—REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEC. 101. REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(a) REDESIGNATION.—The Environmental Protection Agency is redesignated as the Department of Environmental Protection (hereinafter in this Act referred to as the "Department"), and shall be an executive department in the executive branch of the Government. The Department shall be headquartered at the seat of Government. The official acronym of the Department shall be "D.E.P.".

(b) SECRETARY OF THE ENVIRONMENT.—(1) There shall be at the head of the Department a Secretary of Environmental Protection (hereinafter in this Act referred to as the "Secretary") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of the Secretary and the Deputy Secretary appointed under subsection (d), and may include an Executive Secretary.

(c) TRANSFER.—The functions, powers, and duties of the Administrator and other officers and employees of the Environmental Protection Agency are transferred to and vested in the Secretary.

(d) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe, and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of the Secretary.

(e) DELEGATION OF AUTHORITY.—Except as provided in this Act and other existing laws, the Secretary may delegate any functions, including the making of regulations, to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as the Secretary considers to be necessary or appropriate.

SEC. 102. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—Subject to sections 108, 109, and 110, there shall be in the Department such number of Assistant Secretaries, not to exceed 10, as the Secretary shall determine, each of whom—

(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

(2) shall perform such functions as the Secretary shall prescribe.

(b) FUNCTIONS.—Subject to sections 108, 109, and 110, the Secretary shall assign to each Assistant Secretary of the Department such functions as the Secretary considers appropriate, including, subject to the discretion of and modification by the Secretary, the following: Pollution prevention, including resource recovery, recycling, and reuse; education; policy, planning, and evaluation; administration; resources management, including financial and budget management; information resources management; procurement and assistance management; personnel and labor relations; enforcement; compliance monitoring; research and development; air; radiation; water; pesticides; toxic substances; solid wastes; hazardous waste; hazardous waste cleanup; emergency response; congressional and legislative affairs; public affairs; intergovernmental affairs; and international environmental affairs.

(c) DESIGNATION OF FUNCTIONS PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall state the particular functions of the Department (as assigned by the Secretary under subsection (b)) such individual will exercise upon taking office.

SEC. 103. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department 20 Deputy Assistant Secretaries, or such number as the Secretary determines is appropriate.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) MINIMUM NUMBER OF DEPUTY ASSISTANT SECRETARIES WITH SERVICE IN CIVIL SERVICE.—(1)(A) Subject to paragraph (2), at least two-thirds of the number of positions established under subsection (a) and filled under subsection (b) shall be filled by individuals who have at least 5 years of service in the Federal civil service in the executive branch preceding their appointment under subsection (b) as a Deputy Assistant Secretary.

(B) For purposes of determining the service of an individual pursuant to subparagraph (A), there shall not be included any service by such individual in a position—

(i) in a Schedule C appointment in the Excepted Service, as such term is defined in section 2103 of title 5, United States Code;

(ii) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5, United States Code; or

(iii) to which such individual was appointed by the President, with or without the advice and consent of the Senate.

(2) Not more than one-half of the positions required to be filled as provided in paragraph (1) may be filled by individuals not having at least 5 years of service in the Federal civil service, if each such individual has at least 5 years experience in environmental affairs, including experience administering or overseeing programs or developing policy with respect to environmental matters. Such individuals shall be selected from as broad a base as possible, including individuals having experience in the legislative or judicial branches, State and local government, academia, industry, or the public interest environmental community.

(d) FUNCTIONS.—Functions assigned to an Assistant Secretary under section 102(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 104. OFFICE OF THE GENERAL COUNSEL.

(a) GENERAL COUNSEL.—There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

(b) DEPUTY GENERAL COUNSEL.—There shall be in the Office of the General Counsel at least one Deputy General Counsel, who—

(1) shall be appointed by the General Counsel; and

(2) shall perform such functions as the Secretary shall prescribe.

SEC. 105. OFFICE OF INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), is redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 106. REGIONAL ADMINISTRATORS.

There shall be in the Department not more than 11 of regional administrators, each of whom shall be appointed by the Secretary. Political affiliation or political qualification may not be the primary factor taken into account in connection with the appointment of any person to a position as a regional administrator of the Department. Each regional administrator shall—

(1) perform in accordance with applicable law such of the functions transferred or delegated to or vested in the Secretary as the Secretary shall prescribe in accordance with the provisions of this Act and other applicable law; and

(2) implement enforcement and other program policies and priorities as established by the Secretary, Assistant Secretaries, and Deputy Secretaries.

SEC. 107. CONTINUING PERFORMANCE OF FUNCTIONS.

(a) REDESIGNATION OF POSITIONS.—(1) The Administrator of the Environmental Protection Agency is redesignated as the Secretary of the Department of Environmental Protection.

(2) The Deputy Administrator of such agency is redesignated as the Deputy Secretary of the Department of Environmental Protection.

(3) Each Assistant Administrator of such agency is redesignated as an Assistant Secretary of the Department.

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(4) The General Counsel of such agency is redesignated as the General Counsel of the Department.

(5) The Inspector General of such agency is redesignated as the Inspector General of the Department.

(b) Not Subject to Renomination or Reconfirmation.—An individual serving at the pleasure of the President in a position that is redesignated by subsection (a) may continue to serve in and perform functions of that position after the date of the enactment of this Act without renomination by the President or reconfirmation by the Senate.

SEC. 108. OFFICE OF INTERNATIONAL ENVIRONMENTAL AFFAIRS.

(a) Establishment of Office.—There shall be in the Department an Office of International Environmental Affairs, which shall be headed by an Assistant Secretary for International Environmental Affairs.

(b) International Agreements.—In addition to exercising other international responsibilities under existing law, the Secretary is encouraged to assist the Secretary of State with carrying out the Secretary of State's functions as the official with primary responsibility for—

(1) negotiating conventions or other international agreements that are necessary to prevent pollution and protect the environment; and

(2) participating in the work of international organizations relevant to environmental protection.

(c) Public Participation in Deliberations.—Whenever in the opinion of the Secretary or his or her designee the circumstances permit, in preparing for Department of Environmental Protection deliberations on international agreements, the Secretary shall—

(1) consult with, and obtain the advice of, other Federal agencies, industry, agriculture, labor, environmental organizations, scientists, analysts, and others, on the technical, economic, and other impacts of such agreements; and

(2) ensure that the public is given an opportunity to comment.

(d) Research and Technical Assistance.—The Secretary, in consultation with the Secretary of State and the Administrator of the Agency for International Development, and to the extent otherwise authorized by law, is authorized and encouraged—

(1) to continue the Department's major role in conducting research concerning the nature and consequences of international environmental problems and the actions needed to solve them; and

(2) to provide technical assistance to other nations and international bodies to improve the quality of the environment.

(e) Performance of Other Acts.—The Secretary is encouraged to perform such other acts which are necessary to protect the international environment and not inconsistent with the functions of other departments of the executive branch of the Federal Government.

SEC. 109. OFFICE OF ENFORCEMENT.

(a) Establishment of Office.—There shall be in the Department an Office of Enforcement, which shall be headed by an Assistant Secretary for Enforcement.

(b) Functions.—The functions of the Office shall include—

(1) monitoring compliance with the laws and regulations within the jurisdiction of the Department;

(2) investigating and taking enforcement action against violations of laws and regulations within the jurisdiction of the Department; and

(3) assuring that enforcement responsibilities delegated to States or other entities under laws and regulations within the jurisdiction of the Department are carried out in accordance with applicable law.

(c) Regional Enforcement.—The Office of Enforcement shall maintain within each regional office of the Department a regional counsel and other enforcement staff who shall be responsible for compliance monitoring and enforcement within such region.

SEC. 110. OFFICE OF POLLUTION PREVENTION AND RECYCLING.

(a) Establishment of Office.—There shall be in the Department an Office of Pollution Prevention and Recycling, which shall be headed by an Assistant Secretary for Pollution Prevention and Recycling. The Office shall—

(1) be independent of the Department's single-medium program offices;

(2) have as its principal goals—

(A) the reduction of emissions, releases, waste disposal, and other discharges of pollutants to any environmental media;

(B) the promotion of a multimedia approach to source reduction; and

(C) the promotion of a multimedia approach to recycling.

(b) Pollution Prevention Functions.—The pollution prevention functions of the Office shall include, in accordance with statutes administered by the Department—

(1) developing and implementing a strategy to promote source reduction;

(2) ensuring that the Department considers the effect of its existing and proposed programs on source reduction efforts;

(3) reviewing proposed regulations of the Department to determine their effect on source reduction;

(4) coordinating source reduction activities in each office of the Department;

(5) determining what capabilities the Department should have to measure multimedia pollution and pollution control practices in the United States, including determining to what extent, if any, changes are needed in existing Department practices with respect to the collection and handling of data regarding pollution measurement and control; and

(6) facilitating the adoption of pollution prevention techniques by businesses.

(c) Other Functions.—The Secretary may—

(1) assign to the Assistant Secretary for Pollution Prevention and Recycling the additional functions of policy, planning, and evaluation, as described in section 102(b); and

(2) add such functions to the name of the Office.

SEC. 111. BUREAU OF ENVIRONMENTAL STATISTICS.

(a) Establishment.—There is established within the Department the Bureau of Environmental Statistics (hereinafter in this section referred to as the "Bureau").

(b) Functions.—The functions of the Bureau include—

(1) identifying a comprehensive set of data for determining environmental quality and related public health matters over both the short and long term;

(2) promulgating guidelines for the collection of the data identified under paragraph (1) to ensure that the data are accurate, reliable, relevant, and in a form that permits systematic analysis;

(3) collecting, analyzing, and reporting the data identified under paragraph (1), except that the Bureau may not collect data if the Bureau determines that it can obtain equally reliable data more efficiently from another agency that is already collecting such data;

(4) reviewing data information needs in consultation with the Office of Research and Development and, at least annually, with the Science Advisory Board;

(5) making readily accessible or, to the extent practicable, disseminating all public data collected under paragraph (3) in a timely manner and using dissemination methods that will maximize the utility of the information to the public;

(6) collecting such other data as may be required by the Bureau to efficiently and effectively fulfill its responsibilities, or to identify new environmental problems;

(7) in cooperation with the Council on Environmental Quality and other Federal agencies, assisting in the preparation of the report required under section 201 of the National Environmental Policy Act of 1969 (42 U.S.C. 4341);

(8) conducting specialized analyses and preparing special reports on particular subjects whenever required to do so by the President, by law, or when considered appropriate by the Director of the Bureau of Environmental Statistics;

(9) coordinating the collection of data under paragraph (3) with related information-gathering activities conducted by other Federal, State, and local agencies; and

(10) making grants to and entering into contracts with State and local governments, as needed, to assist them in meeting the costs of collecting specific data or in short-term activities that relate to the functions described in paragraphs (1), (3), and (5).

(c) Director of Environmental Statistics.—(1) The Bureau shall be under the direction of the Director of Environmental Statistics (hereinafter in this section referred to as the "Director"), who shall report directly to the Secretary.

(2)(A) The Director shall be appointed by the Secretary for a term of 4 years and may be reappointed as Director for additional terms.

(B) An individual may, at the request of the Secretary, serve as Director after the expiration of his or her term for not more than 3 months until his or her successor has taken office.

(C) An individual may be removed as Director by the Secretary only for malfeasance in office, maladministration, or neglect of duty.

(3) The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) An individual appointed as Director shall—

(A) be in the Federal civil service or in the Senior Executive Service and shall be a career appointee; and

(B) be well qualified through experience or training in the collection and analysis of environmental statistics.

(d) Associate Directors.—There shall be in the Bureau such number of Associate Directors as may be specified and appointed by the Director.

(e) Responsibilities of Director.—(1)(A) The Secretary shall delegate to the Director the functions vested in the Secretary by law which relate to gathering, analysis, and dissemination of environmental quality and related public health information, and the Director may act in the name of the Secretary for purposes of enforcement activities pursuant to those delegated functions.

(B) Any delegation of functions under this paragraph may be on an exclusive or nonex-

clusive basis, as the Secretary determines to be necessary to ensure the faithful execution of the Secretary's authorities and responsibilities under law.

(2) The Director shall not be required to—

(A) obtain the approval of any other officer or employee of the Department in connection with the collection, analysis, or dissemination of any information; or

(B) obtain, prior to publication, the approval of any other officer or employee of the United States with respect to the substance of any reports prepared in accordance with law.

(3) The Director shall establish and maintain the scientific, engineering, statistical, and other technical capability to perform analysis of environmental quality and related public health information to—

(A) verify the accuracy of items of environmental quality and related public health information submitted to the Director; and

(B) ensure the coordination and comparability of the environmental quality and related public health information in possession of the Bureau and other Federal agencies.

(4) The Director shall establish and maintain the professional and analytic capability to evaluate independently the adequacy and comprehensiveness of the environmental quality and related public health information in possession of the Bureau.

(5) Subject to other provisions of law, in carrying out responsibilities under this Act, the Director may collect data from such Federal agencies, State or local agencies or instrumentalities, businesses, and other individuals, persons, organizations, and institutions, as the Director considers appropriate. The Director may use the statistical method known as sampling to carry out this section.

(6) The Director may, upon request, provide technical assistance to offices of the Department and to other Federal agencies for the purpose of assuring the technical quality and the coordination of statistical activities of the Department. Such assistance may include reviewing data collection plans, survey designs, and pretests, management of data, and quality of data.

(7) The Director may use information collected by any Federal agency and may enter into interagency or intraagency agreements for the collection of statistics for the purposes of this section. Subject to applicable law, all Federal agencies (including agencies in the Department) shall provide to the Director any data that the Director requires to carry out responsibilities under this Act. The Director may arrange with any agency, organization, or institution for the cooperative collection of statistics for the purposes of this section and may assign employees of the Bureau to any such agency, organization, or institution to assist in such collection.

(8) The Director—

(A) may select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Bureau, subject to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; and

(B) notwithstanding any other provision of this Act, may obtain services as authorized by section 3109 of title 5, United States Code, at a rate not to exceed the equivalent daily rate payable for grade GS-18 of the General Schedule under section 5332 of such title.

(f) STAFF.—(1) The Secretary shall ensure that the Bureau of Environmental Statistics has staff sufficient to enable the Director to efficiently carry out his or her duties.

(2) Any positions created pursuant to this subsection shall be career reserve positions.

(g) CONTINUING PERFORMANCE OF FUNCTIONS OF DIRECTOR PENDING CONFIRMATION.—An individual who, on the effective date of this Act, is performing any of the functions required by this section to be performed by the Director may continue to perform such functions until such functions are assigned to an individual appointed as the Director under this Act.

(h) SPECIAL REPORTS.—(1) The Director—

(A) shall provide statistical records and make special statistical compilations, surveys, and reports for Committees of the House of Representatives and the Senate; and

(B) may provide statistical records, compilations, surveys, and reports to State and local officials, public and private organizations, and individuals.

(2) The Director may charge the actual cost of any special statistical records, compilations, surveys, and reports conducted for State or any local official, public or private organization, or individual. The Director may engage in joint statistical projects with nonprofit organizations and may share the costs equitably as determined by the Director. Any funds received in payment for work or services described in this paragraph shall be deposited in separate accounts which may be used, subject to annual appropriations, to pay directly the costs of such work or services, to repay appropriations which were used for any part of such costs, or to refund excess sums when necessary.

(3) The Director shall prepare and publish such information and documents as may be of value in carrying out the purposes of this section, including periodically by issuing a regular schedule of publications.

(i) CONFIDENTIALITY OF DATA.—Upon a showing satisfactory to the Director by any person that any information obtained under this section from such person would, if made public, disclose information exempt from disclosure pursuant to subsection (b)(4) of section 552 of title 5, United States Code, such information or portion thereof shall not be disclosed publicly, except that such information or portion thereof may be disclosed to—

(1) any delegate of the Director for the purpose of carrying out this Act;

(2) the General Accounting Office;

(3) any department or agency that requires the information in order to carry out its responsibilities under law; and

(4) the Congress, including to any committee or subcommittee of the Congress upon request of the Chairman thereof.

(j) ADVISORY COMMITTEE ON ENVIRONMENTAL STATISTICS.—(1) The Secretary shall establish an Advisory Committee on Environmental Statistics (hereinafter in this subsection referred to as the "Committee") to advise the Director and the Congress on the implementation of the functions of the Bureau detailed in subsection (b), and ensure that the statistics and analyses reported by the Bureau are of high quality, publicly accessible, and not subject to political influence.

(2) The Committee shall be composed of 11 members appointed by the Secretary. In appointing members of the Committee, the Secretary shall ensure that the Committee—

(A) is fairly balanced with respect to the points of view represented by members of the Committee;

(B) has members who have knowledge of, and experience with, environmental statistics and analysis; and

(C) includes members appointed from among individuals representing environmental organizations; public interest groups; academia; research organizations; industry; labor unions; Federal, State, and local governments; and other appropriate entities.

(3) The Secretary shall complete appointment of members of the Committee not later than 6 months after the date of the enactment of this Act.

(4)(A) Except as provided in subparagraph (B), members of the Committee shall be appointed for a 3-year term, and may be reappointed for one additional term.

(B) Of the members first appointed to the Committee—

(i) one-third shall be appointed for a one year term; and

(ii) one-third shall be appointed for a 2-year term.

(5) A member of the Committee shall receive no compensation for service on the Committee, but may be paid travel and transportation expenses by the Secretary under section 5703 of title 5, United States Code, in the same manner as an employee serving intermittently in Government service.

(6) The Secretary shall designate a member of the Committee as chairperson.

(7) The Committee shall meet at the call of the chairperson of the Committee, but in no case less often than 3 times each year.

(8) The Committee shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(k) PEER REVIEW OF PERFORMANCE OF BUREAU.—(1) The procedures and methodology of the Bureau shall be subject to an annual peer review of performance. Such review shall be conducted by a Peer Review Team, which shall prepare and submit to the President and the Congress a report describing its investigation and findings.

(2) The Peer Review Team shall consist of at least 6 professionally qualified persons who are officers or employees of the United States, of whom at least—

(A) one shall be designated by the Chairman of the Council of Economic Advisers;

(B) one shall be designated by the Commissioner of Labor Statistics;

(C) one shall be designated by the Administrator of Social and Economic Statistics;

(D) one shall be designated by the Chairman of the Securities and Exchange Commission;

(E) one shall be designated by the Administrator of the Energy Information Administration; and

(F) one who shall be designated by the Comptroller General.

(3) The member of the Peer Review Team appointed under paragraph (2)(F) shall be the Chairman of the Team.

(4) The Director and the Secretary—

(A) shall cooperate fully with the Peer Review Team; and

(B) notwithstanding any other provisions of law, shall make available to the Peer Review Team such data, information, documents, and services as the Peer Review Team determines are necessary for successful completion of its review of performance.

(l) SPECIFICATION IN BUDGET OF PROPOSED APPROPRIATIONS.—The President shall include as a separate line item in each budget submitted under section 1105 of title 31, United States Code, an estimate of appro-

priations necessary to carry out this section for the fiscal year covered by the budget.

SEC. 112. PUBLIC ACCESS TO INFORMATION RESOURCES.

(a) GUIDE TO INFORMATION SERVICES.—The Secretary shall develop and maintain a current, comprehensive, and detailed guide to the Department's environmental and related public health information services, products, and systems. The guide shall—

(1) describe each such service, product, and system, including the type of information available, the cost and other terms of public access, and the sources;

(2) be updated regularly on at least a quarterly basis;

(3) be disseminated as widely as possible in electronic and hard copy formats; and

(4) be printed at least annually.

(b) INTEGRATION AND AVAILABILITY OF SERVICES.—(1) The Secretary shall identify and develop policies, programs, and methods for integrating environmental quality and related public health information resources and services, so that public and private users can gain more effective access to, and make more effective use of, the information. The policies, programs, and methods that are considered for this purpose shall include—

(A) standard formats for data collection, retrieval, storage, and retention;

(B) integrating separate information resources;

(C) making readily accessible or providing for the prompt dissemination of publicly disclosable information generated by or submitted to the Department; and

(D) the use of computer telecommunications for public access.

(2) The Secretary shall report to the Congress on activities under this subsection one year after the date of the enactment of this Act and biennially thereafter.

(c) ADVISORY COMMITTEE ON PUBLIC ACCESS.—(1) The Secretary shall establish an Advisory Committee on Public Access (hereinafter in this subsection referred to as the "Committee") to provide recommendations on improving public access to departmental information.

(2)(A) The Committee shall be composed of 15 members appointed by the Secretary. In appointing members of the Committee, the Secretary shall ensure that the Committee—

(i) is fairly balanced with respect to the points of view represented by members of the Committee;

(ii) has members who have an understanding and appreciation of the need to make environmental information publicly accessible; and

(iii) includes members appointed from among individuals representing environmental organizations, public interest groups, academia, research organizations, libraries, labor unions, industry, State and local governments, and other appropriate entities.

(B) The Secretary shall complete appointment of members of the Committee not later than 6 months after the date of the enactment of this Act.

(C) A member of the Committee shall receive no compensation for service on the Committee, but may be paid travel and transportation expenses by the Secretary under section 5703 of title 5, United States Code, in the same manner as an employee serving intermittently in the Government service.

(3) The Secretary shall designate a member of the Committee as chairperson.

(4) The Committee shall meet at the call of the chairperson of the Committee, but in no case less often than 3 times each year.

(5) The Committee shall—

(A) make recommendations to the Secretary, the Advisory Committee on Environmental Statistics, and the Congress for establishing priorities for public access to departmental information and for implementing such priorities; and

(B) make any other recommendations regarding information collection and dissemination policies and practices that would contribute to making the public more informed about environmental quality and public health effects.

(d) PROMOTING PUBLIC ACCESS TO INFORMATION.—(1) The Secretary shall undertake a study of the use of computer telecommunications and other means to provide for dissemination of and public access to environmental information. The Secretary shall report to the Congress on the plan for the study not later than 3 months after the date of the enactment of this Act and shall report on the results of the study not later than 18 months after that date of enactment.

(2) The study required by paragraph (1) shall include—

(A) the potential use of geographical information systems;

(B) an evaluation of the role of CD-ROM (compact disk—read only memory) in fulfilling the public dissemination obligations of the Department;

(C) one or more pilot programs to expand existing online information dissemination programs to include additional data bases; and

(D) other relevant topics recommended by the Advisory Committee on Public Access established under subsection (c).

(e) USER FEES.—(1) Fees for dissemination of agency information products or services may not exceed the marginal cost of dissemination.

(2) The Secretary shall develop a policy permitting the Department to reduce or waive any user fees for access to departmental information in cases in which such reduction or waiver may enhance the mission of an agency.

(f) TRADE SECRETS.—The Secretary shall—

(1) not later than 12 months after the date of the enactment of this Act and subject to public notice and comment, develop a consistent policy with respect to trade secrets consistent with other laws the Department administers; and

(2) identify to the President and the Congress any statutory barriers to developing such a consistent policy.

(g) ANNUAL REPORT.—The Secretary shall annually report to the Congress on—

(1) pilot projects authorized under this section; and

(2) implementation of policies required to be developed under subsection (e).

SEC. 113. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) LIMITATION ON NUMBER OF NONCAREER SENIOR EXECUTIVES.—Notwithstanding section 3134(d) of title 5, United States Code, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not exceed 10 percent of the total number of senior executives employed in Senior Executive Service positions in the Department at the end of the preceding fiscal year.

(b) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with—

(1) the appointment of any person to any career position in, or to perform any services for, the Department; or

(2) the assignment or advancement of any employee of the Department.

SEC. 114. CONFLICTS OF INTEREST OF MEMBERS OF ADVISORY BODIES.

(a) CONFLICTS OF INTEREST REPORTING REQUIREMENTS.—Each member of an advisory body, including a committee, council, board, or panel, utilized by the Department shall file an annual written report disclosing—

(1) the member's principal employment;

(2) all other corporations, companies, firms, partnerships, business enterprises, research organizations, educational institutions, or other entities in or to which the member serves as an employee, officer, adviser, director, owner, or consultant, including the subject matter of the member's service, but only to the extent the entity or relationship is or may foreseeably become relevant to the purposes and functions of the advisory body; and

(3) the identity, but not the value or amount, of any sources of income or financial interests of the member that are or may be relevant to the purposes and functions of the advisory body.

(b) PUBLIC ACCESS TO REPORTS.—The Department shall, within 15 days after receiving any report under this section, permit inspection of such report by, or furnish a copy of such report to, any person requesting such inspection or copy, subject to the terms and conditions established by section 105 of Public Law 95-521.

(c) BALANCED REPRESENTATION REQUIREMENT.—The membership of each advisory body appointed by the Department shall be fairly balanced in terms of the points of view represented and the functions to be performed. In order to meet this requirement, each such advisory body shall have representatives of the following groups:

(1) The affected industry.

(2) Consumer, environmental, health, or other similar public interest groups.

(3) When appropriate, State or local governments or subunits.

These categories are not exclusive, and each of them may be waived by the appointment authority if a determination is made in writing explaining why the category is not germane to the work of the advisory body. This determination is subject to judicial review.

SEC. 115. INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) PERFORMANCE BY GOVERNMENT OFFICERS AND EMPLOYEES.—Inherently governmental functions of the Department shall be performed only by officers and employees of agencies in the executive branch of the Government.

(b) LIMITATION.—This section does not prohibit persons who are not officers and employees referred to in subsection (a) from—

(1) performing research or studies;

(2) gathering information or data;

(3) providing technical services or advisory and assistance services; or

(4) rendering any other such support activities;

that are not inherently governmental functions.

(c) REGULATIONS.—The Secretary shall issue regulations implementing this section not later than 180 days after the date of the enactment of this Act.

(d) DEFINITIONS.—In this section—

(1) the term "advisory and assistance services" includes—

(A) management and professional support services;

(B) the conduct of studies, analyses, and evaluations; and

(C) engineering and technical services, excluding routing technical services; and

(2) the term "inherently governmental function" means any activity that is so intimately related to the public interest as to mandate performance by Government officers and employees, and includes activities which require either the exercise of discretion in applying Government authority or the use of value judgment in making decisions for the Government, such as—

(A) formulation of Government policy and management of Government programs;

(B) selection of program priorities;

(C) direction of Federal employees;

(D) regulation of the use of space, oceans, navigable rivers, and other natural resources; and

(E) regulation of industry and commerce.

SEC. 116. ORGANIZATIONAL CONFLICTS OF INTEREST.

(a) Regulations.—(1) The Secretary shall promulgate regulations regarding organizational conflicts of interest pertaining to the award or potential award by the Department of any contract, grant, cooperative agreement, or other arrangement.

(2) Rules promulgated pursuant to paragraph (1)—

(A) shall require the contracting officer, or other appropriate individual within the employ of the Department—

(i) to identify and evaluate actual and potential organizational conflicts of interest relating to the award by the Department of any contract, grant, cooperative agreement, or other arrangement; and

(ii) to avoid, neutralize, or mitigate such actual and potential organizational conflicts of interest as soon as practicable prior to such award; and

(B) shall establish procedures and requirements for making determinations under subsection (b).

(b) Prohibition on Awards.—(1) No contract, grant, cooperative agreement, or other arrangement shall be awarded by the Department to any person who has an actual or potential organizational conflict of interest unless, under regulations promulgated under subsection (a), the Secretary determines that—

(A) such award is essential to protect the interest of the Government;

(B) such actual potential organizational conflict of interest has been mitigated to the extent practicable; and

(C) such award is otherwise permitted by law, including the Federal Acquisition Regulation.

(2) The Secretary may not delegate the authority to make determinations under paragraph (1) to a level below that of the senior procurement executive of the Department designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)).

(3) The Secretary shall publish notice in the Federal Register before awarding any contract, grant, cooperative agreement, or other arrangement, to any person that has an actual or potential organizational conflict of interest. To the maximum extent practicable, such notice shall be published at least 30 days prior to the award and shall set forth the reasons supporting the Secretary's determination to make the award.

(c) Organizational Conflict of Interest Deemed to Exist.—For purposes of this section, an organizational conflict of interest is deemed to exist in any case in which the nature of work to be performed under a contract, grant, cooperative agreement, or other arrangement may—

(1) result in an unfair competitive advantage to the person awarded the contract, grant, cooperative agreement, or other arrangement; or

(2) impair the person's objectivity in performing the work.

(d) Disclaimer.—Nothing in this section—

(1) precludes the Department from promulgating regulations to monitor potential organizational conflicts of interest after the provision of financial assistance; or

(2) shall be construed to authorize potential or actual organizational conflicts of interest that would otherwise be prohibited by law, regulation, or policy.

(e) Central File.—The Secretary shall promulgate regulations creating a central file of all notices published under subsection (b)(3) and comments received by the Department relating to implementation of subsection (b). Such file shall be made available for public inspection.

(f) Rules.—The Secretary shall publish final rules implementing this section not later than 180 days after the date of the enactment of this Act.

SEC. 117. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Environmental Protection Agency is deemed to refer to the Department of Environmental Protection;

(2) to the Administrator of the Environmental Protection Agency is deemed to refer to the Secretary of Environmental Protection;

(3) to the Deputy Administrator of the Environmental Protection Agency is deemed to refer to the Deputy Secretary of Environmental Protection; and

(4) to an Assistant Administrator of the Environmental Protection Agency is deemed to refer to the corresponding Assistant Secretary of the Department of Environmental Protection who is assigned the functions of that Assistant Administrator.

SEC. 118. SAVINGS PROVISIONS.

(a) Continuing Effect of Legal Documents.—All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, privileges, and other administrative actions—

(1) which have been issued, made, granted or allowed to become effective by the President, the Administrator or other authorized official of the Environmental Protection Agency, or by a court of competent jurisdiction, which relate to functions of the Administrator or any other officer or agent of the Environmental Protection Agency actions; and

(2) which are in effect at the time this Act takes effect;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) Proceedings Not Affected.—This Act shall not affect any proceeding, proposed rule, or application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, and such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) Suits Not Affected.—This Act shall not affect suits commenced before the effective date of this Act, and in all such suits proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) Nonabatement of Actions.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall be abated by reason of the enactment of this Act.

(e) Property and Resources.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 119. CONFORMING AMENDMENTS.

(a) Presidential Succession.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Environmental Protection".

(b) Definition of Department in Civil Service Laws.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

"The Department of Environmental Protection.".

(c) Compensation, Level I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Secretary of Environmental Protection.".

(d) Compensation, Level II.—Section 5313 of title 5, United States Code, is amended by striking "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of Environmental Protection".

(e) Compensation, Level IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of Environmental Protection";

(2) by striking each reference to an Assistant Administrator, or Assistant Administrators, of the Environmental Protection Agency; and

(3) by adding at the end thereof the following:

"Assistant Secretaries, Department of Environmental Protection.

"General Counsel, Department of Environmental Protection.".

(f) Compensation, Level V.—Section 5316 of title 5, United States Code, is amended by adding at the end the following:

"Director, Bureau of Environmental Statistics.".

(g) Inspector General Act.—The Inspector General Act of 1978 is amended—

(1) in section 11(1)—

(A) by inserting "Environmental Protection," after "Energy,"; and

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(B) by striking "Environmental Protection,"; and

(2) in section 11(2)—

(A) by inserting "Environmental Protection," after "Energy,"; and

(B) by striking "the Environmental Protection Agency,".

SEC. 120. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and other appropriate committees of the Congress, the Secretary shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the laws of the United States, to reflect the changes made by this Act. Such proposed legislation shall be submitted not later than 6 months after the effective date of this Act.

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. ACQUISITION OF COPYRIGHTS AND PATENTS.

The Secretary may acquire any of the following rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) Copyrights, patents, and applications for patents, designs, processes, and manufacturing data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

SEC. 202. GIFTS AND BEQUESTS.

The Secretary may accept, hold, administer, and utilize gifts, bequests, and devises of real or personal property for the purpose of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

SEC. 203. OFFICIAL SEAL OF DEPARTMENT.

On and after the effective date of this Act, the seal of the Environmental Protection Agency, with appropriate changes, shall be the official seal of the Department, until such time as the Secretary may cause an official seal to be made for the Department of such design as the Secretary shall approve.

SEC. 204. USE OF LIKENESS OF OFFICIAL SEAL OF DEPARTMENT.

(a) Display of Seal.—Whoever knowingly displays any printed or other likeness of the official seal of the Department, or any facsimile thereof, in or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

(b) Manufacture, Reproduction, Sale, or Purchases for Resale.—Except as authorized under regulations promulgated by the Secretary and published in the Federal Register, whoever knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department or any substantial part thereof (except for manufacture or sale of the article for the official use of the Government of the United States), shall be fined not more than $250 or imprisoned not more than 6 months, or both.

(c) Injunctions.—A violation of subsection (a) or (b) may be enjoined by an action brought by the Attorney General in the appropriate district court of the United States. The Attorney General shall file such an action upon request of the Secretary or any authorized representative of the Secretary.

SEC. 205. USE OF STATIONARY, PRINTED FORMS, AND SUPPLIES OF ENVIRONMENTAL PROTECTION AGENCY.

(a) In General.—The Secretary shall ensure that, to the extent practicable, existing stationary, printed forms, and other supplies of the Environmental Protection Agency are used to carry out functions of the Department before procuring new stationary, printed forms, and other supplies for the Department.

(b) Limitation.—Notwithstanding subsection (a), the Secretary may procure stationary, printed forms, and other supplies for the specific use of the Secretary and the Office of the Secretary.

TITLE III—COMMISSION ON IMPROVING ENVIRONMENTAL PROTECTION

SEC. 301. ESTABLISHMENT OF COMMISSION.

There is established a commission to be known as the Commission on Improving Environmental Protection (hereinafter in this title referred to as the "Commission").

SEC. 302. MEMBERSHIP OF COMMISSION.

(a) Appointment.—The Commission shall be composed of 9 members, appointed not later than December 31, 1990, as follows:

(1) 3 members appointed by the President.

(2) 2 members appointed by the majority leader of the Senate.

(3) 1 member appointed by the minority leader of the Senate.

(4) 2 members appointed by the Speaker of the House of Representatives.

(5) 1 member appointed by the minority leader of the House of Representatives.

(b) Qualifications.—(1) Individuals appointed under subsection (a) may be officers or employees of the executive branch or the legislative branch, or may be private citizens.

(2) Individuals who are appointed under subsection (a) shall be individuals who—

(A) are citizens of the United States; and

(B)(i) have extensive experience at the Federal or State level in administering or overseeing programs in the area of environmental administration; or

(ii) have experience managing programs in one or more of the following areas:

(I) Environmental science.

(II) Environmental statistics.

(III) Environmental public health.

(IV) Pollution control.

(V) Marine and water planning.

(VI) Atmospheric and climate control.

(VII) Land and wildlife management.

(c) Chairperson.—The President shall select a chairperson from among the members of the Commission.

(d) Quorum.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(e) Voting.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(f) Vacancies.—Any vacancy on the Commission—

(1) shall not affect its powers; and

(2) shall be filled in the manner in which the original appointment was made.

(g) Pay.—Each member of the Commission not otherwise in the employ of the United States Government shall receive the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which such member is actually engaged in the performance of the duties of the Commission. Each member of the Commission shall be allowed travel expenses in the same manner an individual employed intermittently by the Federal Government is allowed travel expenses under section 5703 of title 5, United States Code.

SEC. 303. FUNCTIONS OF COMMISSION.

(a) In General.—The Commission in its report under subsection (c) shall address, analyze, report, and make specific recommendations on the following matters:

(1) The program or programs which currently are not within the jurisdiction of the Department but which relate to the mission of the Department.

(2) The benefits and detriments of consolidating those programs within the Department.

(3) The benefits and detriments of changes in organization of the Department by media and by function.

(4) Federal environmental research programs, including the adequacy and distribution of federally-funded environmental research at academic institutions.

(5) The benefits and detriments of creating a Department-wide Office of Ombudsman which would resolve complaints, disputes, and grievances that are not resolvable through normal departmental channels.

(6) The manner in which recommendations relating to matters referred to in paragraphs (1) through (5) should be implemented.

(7) The authorities which would have to be transferred or amended to adopt recommendations on matters referred to in paragraphs (1) through (3).

(8) The legal and other relationships of the Department with other organizations which are required as a result of establishing the Department.

(9) Any other matters related to reorganization and management which the Commission considers necessary.

(b) Limitation on Authority.—Nothing in this title authorizes the Commission to address, analyze, report, or make recommendations as to the substantive regulatory responsibilities of the Department under existing or proposed law.

(c) Final Report.—(1) Not later than June 30, 1992, the Commission shall submit a final report to the President, the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the authorizing committees of the Congress which have jurisdiction over the laws and programs discussed in the final report. The report shall contain a detailed statement of the findings and conclusions of the Commission, including its recommendations for administrative and legislative action that the Commission considers advisable.

(2) A recommendation may be made by the Commission to the President and to the Congress only if adopted by a majority vote of the members of the Commission.

(3) On May 30, 1992, the President may issue an order extending the date for submission of the final report to November 30, 1992.

SEC. 304. POWERS OF COMMISSION.

(a) Hearings.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times *and places, as the Commission may consider appropriate.*

(b) Rules and Regulations.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

(c) Assistance From Federal Agencies.—(1) The Commission may request from the head of any Federal agency or instrumentality such information as the Commission may require for the purpose of this title. Each such agency or instrumentality shall, to the extent permitted by law and subject to the exceptions set forth in section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), furnish such information to the Commission.

(2) Upon request of the chairperson of the Commission, the Administrator of General Services shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and its staff as may be necessary for the Commission to carry out its duties under this title.

(3) Upon request of the Chairperson of the Commission, the head of any Federal agency or instrumentality shall, to the extent possible and subject to the discretion of such head—

(A) make any of the facilities and services of such agency or instrumentality available to the Commission; and

(B) detail any of the personnel of such agency or instrumentality to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this title, except that any expenses of the Commission incurred under this subparagraph shall be limited to such amounts as are provided in appropriation Acts.

(d) Mails.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(e) Contracting.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts with State agencies, private firms, institutions, and individuals for the purpose of conducting research or surveys necessary to enable the Commission to discharge its duties under this title.

(f) Staff.—Subject to such rules and regulations as may be adopted by the Commission and the availability of appropriations, the chairperson of the Commission may appoint, terminate, and fix the compensation (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or of any other provision of such title or of any other law relating to the number, classification, and General Schedule rates of employees) of an Executive Director, and of such additional staff as the chairperson considers appropriate to assist the Commission, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title. Any Federal employee subject to the civil service laws and regulations who may be employed by the Commission shall retain civil service status without interruption or loss of status or privilege.

(g) Advisory Committee.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 305. EXPENSES OF COMMISSION.

(a) Subject to Appropriations.—Any expenses of the Commission shall be paid from such funds as may be made available in appropriation Acts.

(b) GAO Audit.—Prior to the termination of the Commission under section 306, the Comptroller General of the United States shall conduct an audit of the financial books and records of the Commission to determine whether limitations established by this title on expenses of the Commission have been complied with, and the results of such audit shall be included in the report of the Commission.

SEC. 306. TERMINATION OF COMMISSION.

The Commission shall cease to exist on the date that is 30 days after the date on which the Commission submits its report under section 303.

SEC. 307. RECOMMENDATIONS OF COMMISSION.

Any recommendation made by the Commission to the President or the Congress which would result in the abolition, transfer, or consolidation of one or more agencies, units of agencies, or functions of one or more agencies, may not be implemented unless authorized by existing statute.

SEC. 308. APPROPRIATIONS AUTHORIZATION.

There are authorized to be appropriated to carry out this title not more than $1,500,000 for fiscal year 1991 and not more than $2,500,000 for fiscal year 1992.

TITLE IV—STUDY OF EFFECTS OF ENVIRONMENTAL POLLUTION ON MINORITIES AND LOW-INCOME POPULATIONS IN THE UNITED STATES

SEC. 401. STUDY OF EFFECTS OF ENVIRONMENTAL POLLUTION ON MINORITY AND LOW-INCOME POPULATIONS IN THE UNITED STATES.

(a) In General.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall request the National Academy of Sciences (hereinafter in this section referred to as the "Academy") to conduct a study and prepare a report to the Congress for the purpose of—

(1) determining whether minority and low-income populations in the United States are disproportionately impacted by environmental health hazards;

(2) evaluating the extent to which Federal environmental programs adequately address the priority environmental needs of such minority and low-income populations; and

(3) to the extent those programs fail to adequately address those needs, making recommendations for improvement.

(b) Content.—A study and report under this section shall address, but shall not be limited to, the following issue areas:

(1) The nature and extent to which minority and low-income populations in the United States may be disproportionately exposed to environmental health hazards, including exposure in food, drinking water, indoor and ambient air, and occupational and housing settings.

(2) The nature and extent to which such minority and low-income populations may suffer disproportionate cumulative and synergistic adverse health effects resulting from such exposure.

(3) The degree to which identifiable minority and low-income populations or individuals in the United States may be more susceptible to adverse health effects resulting from exposure to environmental contaminants than would be average healthy adults in the United States, and the nature and extent to which these individuals or groups are more susceptible.

(4) The nature and extent to which minority and low-income populations in the United States may experience adverse health effects resulting from exposure to environmental health hazards as they relate, individually or cumulatively, to low-wage occupations, inadequate housing, and poor health care.

(5) Whether such minority and low-income populations are disproportionately affected by the siting of hazardous waste treatment and waste disposal facilities.

(6) Identification of long-term environmental trends related to, effects on, such minority and low-income populations.

(c) Report.—Not later than 18 months after the Secretary contracts with the Academy to conduct a study under this section, the Secretary shall submit a report describing the results of the study to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and other appropriate committees of the Congress. The report shall contain—

(1) a summary and evaluation of relevant publications and unpublished studies;

(2) a statement of methodologies and assumptions for estimating effects on particular populations;

(3) recommendations for future studies and evaluations; and

(4) recommendations for improving Federal environmental programs and policies which affect minority and low-income populations in the United States.

SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this title not more than $600,000.

Amend the title so as to read: "A bill to redesignate the Environmental Protection Agency as the Department of Environmental Protection, and for other purposes.".

The **CHAIRMAN**. No amendments to said substitute are in order except pro forma amendments printed in House Report 101–429. Said amendments shall be considered in the order specified in House Report 101–429, may be offered only by the Member specified in the report, or the Member's designee, and shall not be subject to amendment except pro forma amendments for the purpose of debate. The amendments numbered 1 may be considered en bloc and shall not be subject to a demand for a division of the question.

It is now in order to consider amendment No. 1 printed in House Report 101–429.

AMENDMENTS EN BLOC OFFERED BY MR. CONYERS

Mr. **CONYERS**. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendments en bloc offered by Mr. Conyers:

In section 101(b) strike "Secretary of the Environment" and insert "Secretary of Environmental Protection".

In section 101(b)(2) strike "Office of the Secretary.—".

In section 101(b)(2) insert "appointed by the Secretary" after "Executive Secretary".

In section 103(a) insert "lesser" after "or such".

In section 103(c)(1)(A) strike "the Federal civil service in the executive branch" and insert "the civil service (as that term is defined in section 2101 of title 5, United States Code)".

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In section 103(c)(2) strike "Federal civil service," and insert "the civil service (as that term is defined in section 2101 of title 5, United States Code),".

In section 103(c)(2) strike "administering or overseeing" and insert "administering, overseeing, or implementing".

In section 108(d) strike "and the Administrator of the Agency for International Development,".

In section 108(e) insert ", after consultation with the Secretary of State," after "to perform".

In section 111(b) strike paragraph (4) and redesignate the subsequent paragraphs in order as paragraphs (4), (5), (6), (7), (8), and (9), respectively.

In section 111(f) strike "(1)".

In section 111(f) strike paragraph (2).

in section 114(a) in the matter preceding paragraph (1) insert "with the Secretary" after "shall file".

In section 114(b) strike "The Department" and insert "The Secretary".

In section 114(b) strike "section 105 of Public Law 95–521." and insert "section 104 of the Ethics in Government Act of 1978 (2 U.S.C. 704) for reports filed under that Act.".

In section 118 insert before subsection (a) the following and redesignate the subsequent subsections in order as subsections (b), (c), (d), (e), and (f), respectively:

(a) POWERS AND AUTHORITIES.—Except as provided in sections 101(e), 108, 109, and 110, the department and its officers, employees, and agents shall have all the powers and authorities of the Environmental Protection Agency and its officers, employees, and agents, respectively.

In section 119 insert the following after subsection (d) and redesignate the subsequent subsections in order as subsections (f), (g), and (h), respectively.

(e) COMPENSATION, LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking "Deputy Administrator of the Environmental Protection Agency.

In section 120 strike "After consultation" and all that follows through "and other" and insert "After consultation with".

In section 302(b)(2)(B)(ii) insert "extensive" after "have".

Amend section 307 to read as follows:

SEC. 307. RESTRICTION ON IMPLEMENTING RECOMMENDATIONS OF THE COMMISSION

Any recommendation of the Commission that would result in—

(1) the transfer of an agency, or of any unit or functio of an agency, of another executive department to the Department; or

(2) the consolidation of an agency, or of any unit or function or function of an agency, respectively, of the Department;

may not be implemented unless otherwise authorized by law.

In section 401(c) strike "the Committee on Government Operations" and all that follows through "and other".

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, the first amendment that is brought forward for this important measure are the technical and nonconforming amendments which have been made in order by the Committee on Rules. They are, of course, grammatical changes, and technical amendments of which we have numbered 19. They are strictly technical. I would ask that they be approved and that the exchange of letters between the Committee on Government operations and other relevant committees be included at this point in the RECORD.

COMMITTEE ON GOVERNMENT
OPERATIONS,
Washington, DC, March 19, 1990.

Hon. E DE LA GARZA,
Chairman, Committee on Agriculture, Washington, DC.

DEAR MR. CHAIRMAN: On Tuesday, March 13, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." I believe the enclosed reported version of the bill (together with additional amendments) reflects the concerns that you and other committee chairmen with jurisdiction over environmental statutes and programs have raised.

The Committee on Government Operations acknowledges your right to a sequential referral on selected parts of the bill, in particular Titles III and IV. The leadership has tentatively scheduled the bill for floor action next week. In the interest of time, I would be most grateful if your Committee would waive the right to a sequential referral so that this matter could be brought before the House as expeditiously as possible.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON AGRICULTURE,
Washington, DC 20515, March 27, 1990.

Hon. JOHN CONYERS, Jr.,
Chairman,
Committee on Government Operations,
2157 Rayburn HOB,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of March 19 informing me that the Committee on Government Operations had ordered reported H.R. 3847, the "Department of Environmental Protection Act", and acknowledging the Committee on Agriculture's right to a sequential referral.

The Committee on Agriculture recognizes the importance of this legislation. As you know, as one of the Committees with jurisdiction over environmental statutes and programs, this Committee is interested in the provisions of H.R. 3847.

However, in the interest of expediting consideration of H.R. 3847, I do not intend to request referral of the bill to the Committee on Agriculture. This action is not intended to waive the Committee's jurisdiction over the matter, and should this legislation go to Conference, the Committee on Agriculture reserves the right to request to be included as conferees on any provisions within this committee's jurisdiction.

Thank you for your cooperation in this matter.

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

COMMITTEE ON GOVERNMENT
OPERATIONS,
Washington, DC, March 19, 1990.

Hon. WALTER B. JONES,
Chairman, Committee on Merchant Marine and Fisheries, Washington, DC.

DEAR MR. CHAIRMAN: On Tuesday, March 13, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." I believe the enclosed reported version of the bill (together with additional amendments) reflects the concerns that you and other committee chairmen with jurisdiction over environmental statutes and programs have raised.

The Committee on Government Operations acknowledges your right to a sequential referral on selected parts of the bill, in particular Titles III and IV. The leadership has tentatively scheduled the bill for floor action next week. In the interest of time, I would be most grateful if your Committee would waive the right to a sequential referral so that this matter could be brought before the House as expeditiously as possible.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON MERCHANT MARINE
AND FISHERIES,
Washington, DC, March 27, 1990.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, Washington, DC.

DEAR CHAIRMAN CONYERS: On March 13, 1990, the Committee on Government Operations reported a substitute to H.R. 3847, the Department of the Environment Act, with amendments. The principal purpose of H.R. 3847 is to elevate the Environmental Protection Agency (EPA) to a cabinet-level department. Today, the House is scheduled to consider the bill on the floor.

H.R. 3847 was referred solely to the Committee on Government Operations although it contains several provisions that are of interest to, and are within the jurisdiction of, the Merchant Marine and Fisheries Committee.

To expedite consideration of H.R. 3847 by the House of Representatives, I waived an assertion by the Merchant Marine and Fisheries Committee of its jursidiction over this bill in exchange for your acknowledgment of our jurisdiction and your willingness to continue to work with us on any needed refinements in the bill when it is considered in informal negotiations or conference with the Senate.

H.R. 3847, as reported, contains four titles: (I) Designation of Department of the Environment; (II) Administrative Provisions; (III) Commission on Improving Environmental Protection; and (IV) Study of Effects of Environmental Pollution on Minorities and Low-Income Populations. The Merchant Marine and Fisheries Committee is mainly concerned with titles I and III.

The central purpose of title I is to designate and organize EPA as a cabinet-level department. But, in so doing, the title also authorizes the new department to undertake a number of functions, some of which directly affect laws and programs within the jurisdiction of the Merchant Marine and Fisheries Committee. For example, the Office of International Environmental Affairs, in section 108(b) of the bill, is encouraged to assist the Secretary of State in carrying out the Secretary of State's primary responsibility for participating in the work of international organizations relevant to environmental protection. This provision fails to acknowledge the need for the Secretary of Environmental Protection to cooperate with other agencies who also participate in the work of international environmental organizations.

The Coast Guard, for whose activities this Committee has oversight responsibility (House Rule X(1)(n)(3)) serves as the chief liaison to the International Maritime Organization (IMO) and is responsible for the development and implementation of international agreements on marine pollution, prevention, and safety. The National Oceanic and Atmospheric Administration (NOAA), another agency over whose environmental programs the Merchant Marine and Fisheries Committee has jurisdiction, also participates in the work of international organizations relevant to environmental protection, including the IMO and the United Nations. We would therefore appreciate an acknowledgement, either in the conference report or statement of managers that the Secretary should cooperate with these agencies as well as with the Secretary of State.

Section 110 of H.R. 3847, as reported, establishes an Office of Pollution Prevention. The principal goal of the new Office will be the reduction of emissions, releases, waste disposal, and other discharges of pollutions to any environmental media. To accomplish this objective, the Office will have to work through existing laws administrative by EPA, such as title I of the Marine Protection, Research, and Sanctuaries Act (MPRSA, 33 U.S.C. 1401 et seq.), which regulates the dumping of materials into ocean waters from vessels, and section 311 of the Clean Water Act (33 U.S.C. 1321), which regulates the discharge of oil into the navigable waters of the United States. The Merchant Marine and Fisheries Committee has jurisdiction over title I of the MPRSA and shares jurisdiction over certain portions of that title and the Clean Water Act with the Committee on Public Works and Transportation.

Section 111 of the bill establishes a Bureau of Environmental Statistics for the purpose of identifying a comprehensive set of data for determining environmental quality and related public health matters over both the short and long term. The Bureau is authorized to cooperate with the Council on Environmental Quality (CEQ) and other federal agencies in preparing the report required under section 201 of the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4341). The Committee on Merchant Marine and Fisheries asserts jurisdiction over CEQ, established by section 202 of NEPA. CEQ has the primary responsibility for preparing the annual Environmental Quality Report under section 201.

We recently reported, and the House passed, a bill reauthorizing the CEQ for fiscal years 1989 and 1990 (H.R. 1113, H.R. Rept. 101-219). We are pleased to see that H.R. 3847, as reported acknowledges CEQ's lead responsibility for preparation of the Environmental Quality Report. We also appreciate your willingness to have the Merchant Marine and Fisheries Committee offer an amendment to add the text of H.R. 1113 as passed by the House, with some technical modifications, to H.R. 3847. Representative Gerry Studds of our Committee has asked the Rules Committee to make in order an amendment to add a CEQ title to your bill and Rules has agreed to that request.

To carry out the functions of the Bureau of Environmental Statistics, its Director is authorized to collect environmental data from such other federal agencies as the Director considers appropriate. One source of these data will certainly be NOAA. NOAA collects and maintains a comprehensive data base on the quality of our ocean and coastal environment through its Status and Trends program, National Ocean Pollution Program Office, and National Environmental Satellite, Data, and Information Service, among other programs. We wish to ensure that the new Bureau does not duplicate or intrude on the data collection functions properly belonging to NOAA. At the same time we recognize the need for the Bureau to have access to data maintained by NOAA and other agencies in order to carry out its functions. To accomplish these objectives, we would have preferred to see the interagency coordinating council, authorized by section 110(b)(7) of the bill, as introduced, restored and NOAA added to the list of council members. Perhaps, this is a matter that can be addressed in the conference committee.

Title III of H.R. 3847, establishing the Commission on Improving Environmental Protection, is particularly important to the Merchant Marine and Fisheries Committee. By June 30, 1992, the nine-member Commission is to issue a report to the President and the Congress on, among other matters, the benefits and detriments of consolidating programs which are currently not within the jursidiction of the Department of the Environment but which relate to its mission (section 303). A number of programs that meet this description fall within the jurisdiction of the Merchant Marine and Fisheries Committee. These programs are administered by NOAA, the Fish and Wildlife Service, the Coast Guard, and the Corps of Engineers. How they are managed and by which agency are issues of critical concern to this Committee.

While we recognize that the Commission's function is solely advisory, what the Commission recommends and how its recommendations are implemented is important to any future consolidation of other agencies and programs with the new department. For that reason, we appreciate the changes you have already made in the composition of the Commission's membership, the qualifications of its members, and identification of the Congressional committees to whom the Commission issues its report. We were deeply concerned about the need to ensure that the Congress and both our Committees are involved in making decisions on further reorganizations affecting environmental programs. This is particularly important in the case of NOAA, an agency created by executive action. Therefore, we are pleased that your Committee added new language to section 307 of the bill making certain that any future reorganizations between agencies and the department can be implemented only if otherwise authorized by law.

Finally, I would like to call to your attention a provision in title III of the Senate version of the Department of the Environment Act (S. 2006) that establishes an Interagency Committee on Global Environmental Change. While there is no comparable provision in H.R. 3847, it is similar to title II of H.R. 3332, the Global Environment Research and Policy Act of 1989, which I introduced and which the Merchant Marine and Fisheries Committee reported on September 26, 1989 (H.R. Rept. No. 101-394, Part 1).

I would appreciate your cooperation in having Members of the Merchant Marine and Fisheries Committee appointed as limited conferees to any House-Senate conference considering the adoption of title III of S. 2006, as well as for the purpose of considering the other provisions discussed above. I also would appreciate your cooperation in ensuring that Members of this Committee are included in any informal negotiation that takes place to reconcile differences in the House and Senate bills that affect the jurisdiction of the Merchant Marine and Fisheries Committee.

Thank you again for acknowledging this Committee's jurisdiction over various aspects of H.R. 3847 and for working so closely with us in the development of the final language of this bill. I would like to take this opportunity to express my appreciation for the cooperation and assistance Frank Clemente of your staff has provided us in this regard. Finally, I wish you well on the floor today and would like to indicate my support for the bill reported from your Committee.

With warm personal regards, I am

Sincerely,

Walter B. Jones,
Chairman.

Committee on
Government Operations,
Washington, DC, March 19, 1990.

Hon. John D. Dingell,
Chairman, Committee on Energy and Commerce, Washington, DC.

Dear Mr. Chairman: On Tuesday, March 13, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." I believe the enclosed reported version of the bill (together with additional amendments) reflects the concerns that you and other committee chairmen with jurisdiction over environmental statutes and programs have raised.

The Committee on Government Operations acknowledges your right to a sequential referral on selected parts of the bill, in particular Titles III and IV. The leadership has tentatively scheduled the bill for floor action next week. In the interest of, time, I would be most grateful if your Committee would waive the right to a sequential referral so that this matter could be brought before the House as expeditiously as possible.

Sincerely,

John Conyers, Jr.,
Chairman.

Committee on Energy and Commerce,
Washington, DC, March 21, 1990.

Hon. John Conyers, Jr.,
Chairman, Committee on Government Operations, Washington, DC.

Dear John: On March 13, 1990, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." By letter dated March 18, 1990, you have asked that the Committee on Energy and Commerce waive its right to a sequential referral so that this bill could be scheduled for floor consideration as expeditiously as possible.

Several provisions of the reported bill affect, and are within the jurisdiction of, the Committee on Energy and Commerce, including sections 108, 110, 111, 115, 116 and Titles III and IV. Further, the Energy and Commerce Committee will be seeking conferee status on those provisions of the companion Senate bill which are within the jurisdiction of the committee, including but not limited to the Establishment of an Interagency Committee on Global Environmental Change.

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As a result of discussions between our two Committees which have led to a number of changes in the reported bill and your agreement to support additional changes during floor considerations, I am agreeing not to seek sequential referral of H.R. 3847 at this time so that the bill can be considered by the House.

I would appreciate your including this letter as a part of the record during consideration of this bill by the House. With every good wish, I am

Sincerely,

JOHN D. DINGELL,
Chairman.

COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, DC, March 19, 1990.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, Washington, DC.

DEAR MR. CHAIRMAN: On Tuesday, March 13, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." I believe the enclosed reported version of the bill (together with additional amendments) reflects the concerns that you and other committee chairmen with jurisdiction over environmental statutes and programs have raised.

The Committee on Government Operations acknowledges your right to a sequential referral on selected parts of the bill, in particular Titles III and IV. The leadership has tentatively scheduled the bill for floor action next week. In the interest of time, I would be most grateful if your Committee would waive the right to a sequential referral so that this matter could be brought before the House as expeditiously as possible.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 23, 1990.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter of March 19 regarding H.R. 3847, the Department of Environmental Protection Act, certain provisions over which the Committee on Foreign Affairs has jurisdiction.

The primary interests of the Committee on Foreign Affairs are in assuring that the existing foreign policy and foreign assistance authorities remain unaffected by the creation of a new Cabinet-level department. In this regard, the Committee has no objection to Titles III and IV of the legislation in their current form. With respect to section 108 dealing with the Office of International Environmental Affairs, the addition of clarifying report language in conjunction with a colloquy on the Floor, should be adequate to address the Committee's concerns.

Therefore, in order to expedite consideration of this legislation, the Committee on Foreign Affairs will waive its right to sequential referral of H.R. 3847, without prejudice to the jurisdiction of the Committee.

At this time, I wish to reserve judgment concerning a request that Committee on Foreign Affairs members be appointed as conferees on H.R. 3847, pending the outcome of the legislation in the Senate and on the House Floor. The Committee on Foreign Affairs, which has jurisdiction over international environment, will request joint referral on any future legislation that impacts upon the jurisdiction of the Committee.

I appreciate your efforts to accommodate the concerns of the Committee on Foreign Affairs during your Committee's consideration of H.R. 3847. I look forward to continuing to work with you on this legislation as it moves through the legislative process.

With best wishes, I am

Sincerely yours,

DANTE B. FASCELL,
Chairman.

COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, DC, March 19, 1990.

Hon. GLENN M. ANDERSON,
Chairman, Committee on Public Works and Transportation, Washington, DC.

DEAR MR. CHAIRMAN: On Tuesday, March 13, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." I believe the enclosed reported version of the bill (together with additional amendments) reflects the concerns that you and other committee chairmen with jurisdiction over environmenital statutes and programs have raised.

The Committee on Government Operations acknowledges your right to a sequential referral on selected parts of the bill, in particular Titles III and IV. It is not the intent of the Committee in Title I of the bill to change existing law regarding any program under the jurisdiction of the Committee on Public Works and Transportation. The Committee acknowledges that any such change would ordinarily provide the basis for a sequential referral.

The leadership has tentatively scheduled the bill for floor action next week. In the interest of time, I would be most grateful if your Committee would waive the right to a sequential referral so that this matter could be brought before the House as expeditiously as possible.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON PUBLIC
WORKS AND TRANSPORTATION,
Washington, DC, March 21, 1990.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: As you know, out of deference to the Leadership, the Committee on Public Works and Transportation waived its right to sequential referral of H.R. 3847, a bill to establish a Department of Environmental Protection.

Nonetheless, the Committee remains very concerned about various provisions in the bill which may go beyond what is necessary to establish the Department and, in so doing, may affect water pollution programs and laws under our jurisdiction.

Recognizing this and in anticipation of a quick resolution of the House and Senate bills, I respectfully request that the Committee on Public Works and Transportation be appointed conferees on the entire bill.

Sincerely,

GLENN M. ANDERSON,
Chairman.

COMMITTEE ON
GOVERNMENT OPERATIONS,
Washington, DC, March 19, 1990.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, Washington, DC.

DEAR MR. CHAIRMAN: On Tuesday, March 13, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." I believe the enclosed reported version of the bill (together with additional amendments) reflects the concerns that you and other committee chairmen with jurisdiction over environmental statutes and programs have raised.

The Committee on Government Operations acknowledges your right to a sequential referral on selected parts of the bill, in particular Titles III and IV. The leadership has tentatively scheduled the bill for floor action next week. In the interest of time, I would be most grateful if your Committee would waive the right to a sequential referral so that this matter could be brought before the House as expeditiously as possible.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON INTERIOR
AND INSULAR AFFAIRS,
Washington, DC, March 20, 1990.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, Washington, DC.

DEAR MR. CHAIRMAN: I appreciate your cooperative efforts to resolve the few differences between our committees on the provisions of H.R. 3847.

My staff advises me that your committee intends to offer amendments which will solve our concerns satisfactorily as long as the record is clear that, in cases where recommendations and legislative proposals within the jurisdiction of the Committee on Interior and Insular Affairs are involved, it will be considered the "appropriate committee" with which the Secretary will consult and the committee to which proposed legislation will be referred.

In addition, it should be clearly understood that where any report is submitted by the Secretary which involves matters within the jurisdiction of the Committee on Interior and Insular Affairs, the committee will be considered the "appropriate committee" to receive such report and consider legislation related thereto.

As Chairman of the Committee on Government Operations, if you agree that the Committee on Interior and Insular Affairs would be an "appropriate committee" to which the report and recommendations should be referred, then I have no problem with expediting consideration of the proposed legislation.

I would greatly appreciate it if you would acknowledge the interests of this committee in your committee report, if possible, and incorporate an exchange of letters to this effect in the Congressional Record when the bill is considered by the House.

With kindest regards, I am

Sincerely,

MORRIS K. UDALL,
Chairman.

COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, DC, March 19, 1990.
Hon. ROBERT A. ROE,
Chairman, Committee on Science, Space and Technology, Washington, DC.

DEAR MR. CHAIRMAN: On Tuesday, March 13, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." I believe the enclosed reported version of the bill (together with additional amendments) reflects the concerns that you and other committee chairmen with jurisdiction over environmental statutes and programs have raised.

The Committee on Government Operations acknowledges your right to a sequential referral on selected parts of the bill, in particular Titles III and IV. The leadership has tentatively scheduled the bill for floor action next week. In the interest of time, I would be most grateful if your Committee would waive the right to a sequential referral so that this matter could be brought before the House as expeditiously as possible.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, March 23, 1990.
Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding H.R. 3847, the "Department of Environmental Protection Act," in which you acknowledge the jurisdiction of the Committee on Science, Space, and Technology over portions of the bill, particularly Titles III and IV, and request the Committee to waive its right to a sequential referral.

I share your desire to move this important legislation expeditiously to the floor. At the same time, we understand that the Committee's jurisdiction over present and possible future provisions in the bill relating to environmental research and global climate change issues is being clearly recognized, and that our prerogatives as conferees will be protected.

Therefore, I would propose to engage in a brief colloquy during floor consideration of the bill in which the Committee's jurisdiction is recognized and to insert copies of these letters in the record at that time.

I very much appreciate the cooperation we have received from you and your staff during the development of this bill, and look forward to continuing to work with you.

Sincerely,

ROBERT A. ROE,
Chairman.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York [Mr. HORTON], the ranking member of the committee.

Mr. HORTON. Mr. Chairman, I rise in support of this amendment. It is technical in nature, as the chairman stated. It makes minor changes in the bill as reported by the Committee on Government Operations. They were worked out in consultation with the minority. We support their adoption, and I urge their adoption.

The CHAIRMAN. The question is on the amendments en bloc offered by the gentleman from Michigan [Mr. CONYERS].

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report No. 101-429.

Mr. CONYERS. Mr. Chairman, I would yield to the gentleman from Oklahoma [Mr. SYNAR] for amendment No. 3. We are going to pass over amendment No. 2 at this point.

AMENDMENT OFFERED BY MR. SYNAR

Mr. SYNAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYNAR: Amend section 106 in the second sentence by striking "Political" and all that follows through the end of that sentence and insert the following: "Regional Administrators shall be selected and appointed on the basis of managerial competence and relevant professional and other experience pertaining to environmental protection, and not on the basis of political qualification.".

Mr. SYNAR. Mr. Chairman, the amendment I am offering is designed to clarify and strengthen language in the bill regarding the appointment of regional administrators.

As my colleagues know, EPA's 10 regional administrators have a great deal of discretionary authority. These are not token jobs, they are real jobs. Regional administrator's decisions can save or cost a regulated company millions of dollars. Their actions have an impact—for better or worse—on the health of our citizens and the environment. They are the people who determine what kind of relationship our State has with the Environmental Protection Agency. They are EPA's frontline.

Because of the complexity of our environmental laws, it only makes sense that the people who hold these jobs should come to the post with a solid knowledge of the laws and an appreciation of the consequences of their day-to-day actions.

Unfortunately, that is not always the case. While there are some good ones, we have also ended up with some very bad regional administrators who, to put it politely, have had some difficulty adjusting to their rules as servants for all the people, or who have had difficulty adjusting to the enormity and complexity of their task.

Mr. Chairman, these jobs are too important to be handed out like gifts to people who have no relevant experience. Yet, as it now stands, they can be and, in some instances, have been.

They are not subject to Senate confirmation proceedings, which would at least give us some opportunity to root out the demonstrably unqualified. While we could have required that, I do not think the administration or the Senate would have wanted that extra burden.

We could have restricted the posts to career civil servants. But that would have excluded from the pool of prospective candidates an enormous number of people from the private sector who have ample experience and qualifications.

We could address the problem by taking away most or all of the regional administrators' discretionary authority. But, clearly, that is an extreme and impractical solution, since we can't—and shouldn't—have all decisions made here in Washington.

So we are trying to deal with the problem in a sensible way, and my amendment simply says:

> Regional administrators shall be selected and appointed on the basis of managerial competence and relevant professional and other experience pertaining to environmental protection, and not on the basis of political qualification.

It's as simple as that. The only issue at stake here is whether Congress, the regulated community and the American people have a right to insist that regional administrators have some demonstrable experience in environmental protection and be competent to do their jobs. Competence versus politics—that's the choice.

Before closing, Mr. Chairman, I just want to emphasize a couple of points with respect to the difference between my amendment and the language currently in the bill.

First, the bill uses the term "political affiliation" along with "political qualification." My amendment drops the term "political affiliation," since many people consider that to mean nothing more than party identification, and that was not the intent. If any President wants to have regional administrators of his own party, that is OK with me. The problem arises when other political factors, such as contributions and political connections, are considered in their selection.

My amendment goes directly to the heart of that problem by requiring that regional administrators be selected on the basis of managerial and environmental qualifications—not on the basis of these inappropriate political factors.

Mr. Chairman, there are plenty of people in the ranks of both political parties who would be qualified and competent to do these jobs. So, it's not that the amendment constrains the Secretary's ability to find good people to fill the posts. We're only asking that competence and quality prevail over politics.

Mr. HORTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Oklahoma. This amendment would prohibit the President from taking into account the political affiliation of a candidate for Regional Administrator of the Environmental Protection Agency. While political qualifications should not be the sole basis for appointment of senior officials within the Government, the President must be permitted to appoint individuals who are in fundamental agreement with the policies and goals of his administration. The Constitution provides for Presidential appointment of senior officials so as to ensure that the President will have the ability to carry out the programs and policies for which he was elected by the people. If the President is to be held accountable to the people for the manner in which the laws are implemented, then he must have the discretion and the power to appoint those senior policymaking individuals who are charged by law with carrying out the laws. Any attempt by Congress to prohibit the President from ever considering the political affiliations of such an individual is fundamentally at odds with the constitutional scheme as embodied in the appointments clause of article II. Moreover, this amendment has the potential of embroiling EPA in litigation over the legality of a regional administrative appointment in cases where a regional administrator must take action to enforce the environmental laws. Because I believe the amendment would unconstitutionally infringe on the President's appointment powers and because I believe it is an invitation to litigation on the legality of appointments, litigation which would detract from EPA's important health and environmental mission, I oppose this amendment.

☐ 1320

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this proposition advanced by the gentleman from Oklahoma [Mr. SYNAR] was given very considerable examination in the full committee, and we have language now in the bill brought before the committee which attempts to depoliticize the regional administrator's post.

What the gentleman from Oklahoma has now done further, which I think improves his intention, is to drop the term "political affiliation." In the first instance, there is no way conceivable that this could present a constitutional problem. I can assure anyone that is within a mile of a law library that there is no constitutional problem involved here.

But there is something involving our good judgment, and that is whether we want to take cognizance of the fact that regional administrators over the past several years in the Environmental Protection Agency have abused their post. The evidence of that, unfortunately, is all over the place.

So what we have attempted to do is to merely clear the air and say that the requisite for the nomination of regional administrators should be his or her experience in the field. It does not eliminate the fact that a person may have a political affiliation or even a political activity. We are not trying to bring in people who have no political experience. We are saying that that will not be the basis of the appointment.

Is there a Member in the Congress who would oppose a proposal as sensible and practical as this? I cannot believe that we would want to take this language out for any reason whatsoever.

It is true that political affiliation might be mistaken for simply being a Democrat or a Republican, and I think that the gentleman from Oklahoma has improved the language that he actually has brought forward in our substitute in the Government Operations Committee.

Let me say again that this is not micromanagement. This directive is necessary simply because our record shows that too many regional administrators have been appointed who have no relevant experience necessary to understand the laws and make the crucial judgments necessary for an affective environmental protection in the region in which they were appointed.

So for those reason I would join with our committee to support this modification of the Synar amendment which is now before the committee. I urge its adoption.

Mr. SYNAR. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Oklahoma.

Mr. SYNAR. Mr. Chairman, I appreciate the gentleman yielding. I did want to correct for the RECORD what the gentleman from New York said. He said that it was political affiliation. That is exactly what we are trying to get away from.

It is the intention of the gentleman from Oklahoma to make sure that the President would be able to appoint people from his own party, and I am very confident that there are plenty of people within the President's party who are competent to fit this post.

The other thing I wanted to point out was with respect to the gentleman from New York's statement that he saw this could be causing a lot more legal questions to arise. We had that same question at the Rules Committee, as the gentleman from New York is aware, and during that Rules Committee meeting, I promised the gentleman from California [Mr. PASHAYAN] that I would look into it. As a result, I have a memo here from the American Law Division of the Library of Congress, and I am happy to share this entire memo with the body. But let me just briefly tell my colleagues what it says.

It says that if standing and other prerequisites to sue are met, the Federal district court might entertain the challenge. However, it goes on to say that while a court might have jurisdiction in some circumstances, substantial obstacles to recovery would remain. It goes on to say that for practical purposes, success might depend upon the showing that there was nothing in the appointee's record that may be reasonably viewed as constituting relevant experience relating to environmental protection. And while it is conceivable that such circumstances could occur, and that a successful challenge could be brought, it does not seem to be likely.

I included for the RECORD the entire memo, because I think, as the gentleman from New York points out, we do not want to have a lot of legal challenges. We do not see this amendment causing them.

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to my colleague, the gentleman from New York.

Mr. HORTON. Mr. Chairman, in answer to that I would hope that the gentleman would put that memo in the RECORD. I think that would be helpful to have in the RECORD, because some Members do have some concern about possible lawsuits which might evolve as a result of this.

Mr. SYNAR. Mr. Chairman, I include for the RECORD the memo from the American Law Division of the Library of Congress.

The memo referred to follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, March 26, 1990.

To: Subcommittee on Environment, Energy, and Natural Resources, Attention: Steve Richardson.

From: American Law Division.

Subject: Possible Challenge to Appointment of Officer.

This responds to the request of Steve Richardson of the Subcommittee's staff for written summary of our telephone conversation of March 22, 1990, relating to the reviewability of appointment of Regional Administrators under a proposed amendment to H.R. 3847, a bill to convert the Environmental Protection Agency to a Department of the Environment.

The proposed amendment would read as follows:

"Regional Administrators shall be selected and appointed on the basis of managerial competence and relevant professional and other experience pertaining to environmental protection, and not on the basis of political qualification."

The amendment would replace current bill language providing that

"[p]olitical affiliation or political qualification may not be the primary factor taken into account in connection with the appointment of any person to a position as a regional administrator of the Department."

Under either wording, a federal court would most likely have jurisdiction over an action to determine whether a Regional Administrator was validly appointed. However, success on the merits seems a remote possibility, given the broad discretion inherent in the qualification standards.

Federal district courts could entertain a challenge to a Regional Administrator's appointment under general federal question jurisdiction,[1] assuming that standing and other prerequisites to suit are met. The standing requirement might well be met by someone subject to an enforcement action undertaken by a Regional Administrator; standing in other contexts is more conjectural. That federal courts may enjoin regulatory actions by persons not properly appointed to an office of the United States is evidenced by the recent decision of a district court in *Olympic Federal Savings and Loan Ass'n v. Director, Office of Thrift Supervision,*[2] enjoining the Office from appointing a receiver or conservator for the S & L until a new Director is constitutionally appointed. The court held that the Office's first Director had been appointed in violation of the Constitution's Appointments Clause, that his successor Acting Director had also been appointed in violation of law, and that consequently neither had constitutional authority to act under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

While a federal court might in some circumstances have jurisdiction over a suit challenging appointment of a Regional Administrator, substantial obstacles to recovery would remain under the proposed amendment. No specific and easily verifiable qualifications for office are set.[3] Instead, an appointee's qualifications are, to a large degree, left to the discretion of the appointing official, the Secretary of the Environment. For example, what constitutes "managerial competence" is basically subjective; there is not even a requirement that the appointee have held a management position. Experience *is* required by the second factor ("relevant professional and other experience pertaining to environmental protection"), but seemingly any number of previous activities might satisfy that requirement. Importantly, the Secretary as the appointing official would have broad discretion to determine what is "relevant" experience, and what experience "relates to" environmental protection. For practical purposes, success might depend upon a showing that there is *nothing* in the appointee's record that may reasonably be viewed as constituting relevant experience relating to environmental protection. While it is conceivable that such circumstances could occur and that a successful challenge could be brought, it does not seem very likely.

GEORGE COSTELLO,
LEGISLATIVE ATTORNEY,
American Law Division.

Mr. SOLOMON. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, in speaking against the amendment let me just speak to the point that was just made by the gentleman from Oklahoma [Mr. SYNAR]. I have read the CRS study as well, and I would point out that the study does indeed suggest that the criteria in section 106, with or without the Synar amendment, are subjective.

The study also indicates that appointees to the position of regional administrator could have their qualifications challenged in Federal court. The study also suggests that the criteria for appointment are sufficiently broad so as to make a successful challenge in court unlikely, and that is what the gentleman from Oklahoma [Mr. SYNAR] is saying; he is correct. But that is precisely the point. In this business, ambiguity goes a long way, and we live in an age in which litigation for the sake of litigation has become an end unto itself.

Trial by headlines has become in many cases much more significant a threat than trial by due process. The very fact that ambiguous, subjective language is floating out there as part of Federal statute will inevitably invite a challenge in court.

So I would suggest my colleagues just wait and see, let this language stay in the bill, and we will have all kinds of problems.

Section 106, with or without the Synar amendment, represents in my view an absolutely unprecedented intrusion on the President's prerogatives in appointing officers to serve his administration. Nowhere else in any department can we find this kind of restriction. This is the first time in history that a bill establishing a Cabinet-level department has contained such a provision; here we are writing whole new law.

The argument was made before the Rules Committee that setting forth some subjective criteria for the appointment of regional administrators is a middle way between the two alternatives of filling these positions with a career bureaucrat on the one hand or with full-blown Presidential appointees, with Senate confirmation, on the other hand. But the idea of requiring the appointment of career bureaucrats was ruled out, according to the gentleman from Oklahoma [Mr. SYNAR] and others, on the ground that we cannot get rid of a career person once he gets entrenched in office.

The idea of making these regional administrator positions full-blown Presidential appointments with Senate confirmation was ruled out, evidently on the ground that the Senate confirmation process would take too long.

What all these sophistries choose to ignore is the obvious fact that regional administrators have to be politically responsive. That is the nature of government itself. It is the nature of the gentleman's own congressional offices. Take a look at your congressional offices. Do any of the Democrats have a Republican on their staff? No. Does any Republican have a Democrat on the staff? No.

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Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the chairman of the committee.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I want to say to my good friend from New York that I have no idea whether I have a Republican on my staff because I have not canvassed to make that definition clear or not. I doubt if many others, including the gentleman from New York, have done that. I certainly do not know if they are Democrats or not.

Mr. SOLOMON. Mr. Chairman, I would just say to the chairman I have not polled mine either to find out. But I will tell you what I do do: I sit them down, talk to them, I find out what their philosophy is, and if they are liberals I do not hire them. It is obvious, you know.

I suppose they could be conservative Democrats, but I do not think so.

Now let us not kid ourselves, and that is the really ironic factor here at stake in section 106.

Section 106, with or without the Synar amendment, is meant to protect the new Department of Environmental Protection from excessive or unwarranted political influence. But in fact, section 106, with or without the Synar amendment, is setting a table for politically motivated challenges to the President's appointments.

If you think a Senate confirmation hearing takes too long, wait until you see the litigation against regional administrators on the specious grounds that they do not meet the subjective criteria set forth in this bill.

It would be nice if taking care of the environment was not a political issue. But show me one thing in this day and age that is not a political issue.

With the press the way it is and all the special interest groups out there, we are just looking for trouble in this language if it stays in the bill.

Now let me tell all of you back in your offices and listening, if this amendment is adopted, it means that you, I and every Member of Congress cannot continue to act as an ombudsman for the constituents we represent.

Now Mr. SYNAR, with all due respect, and I have a great deal of respect for him, maybe he has a problem with the regional administrator in his area of the country. Maybe there is a Member from Michigan who has a problem with the regional administrator in that part of the country. There was a problem between me and the regional administrator in my area, and he was a schedule C political appointee.

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[1] 28 U.S.C. § 1331 provides that district courts have original jurisdiction of all civil actions arising under the laws of the United States.

[2] Civ. Action No. 90-0482 (RCL) (D.D.C., Mar. 21, 1990).

[3] Contrast, for example, the situation in People ex rel. Bird v. Galbraith, 163 Mich. 47, 127 N.W. 771 (1910) (a person appointed to a nursing board of registration had not, by occasionally performing nursing services, satisfied a statutory qualification of five years' nursing experience).

The CHAIRMAN. The time of the gentleman from New York [Mr. SOLOMON] has expired.

(By unanimous consent Mr. SOLOMON was allowed to proceed for 5 additional minutes.)

Mr. SOLOMON. I would just repeat that I have had problems with the regional administrator in my section of the country, but at least he was a political appointee and he had to sit down and listen to me. Since that regional administrator left office, not too long ago, and they put in a career bureaucrat as the acting director, the responses have been less forthcoming.

So I say to the gentleman from Oklahoma, if you think you've got problems, let your amendment be enacted into law and you'll get more problems than you've ever thought about.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I would be glad to yield to the chairman.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, that is a problem with political appointees. I mean you cannot get the phone picked up when you want to. If you had a person, I say to my dear friend from New York, who is there not to create policy but to implement programs, which is the regional director's job, the regional administrator has that responsibility. They are not elected like we are. The inspector generals are not elected like we are.

They have implementing prerogatives.

So I would urge that our Members reject this amendment.

Nothing would hurt us more than to go on record saying we want administrators who are political.

Mr. SOLOMON. Relcaiming my time if I might, the gentleman knows that every Member of Congress has two jobs: The job that he is elected to do is to enact laws in this Chamber; and the other demand on his time is to go back home and act as an ombudsman for his district, which takes up a great deal of time. There is nothing more frustrating than to have a career bureaucrat think he can ignore you.

Let me read to you the remarks of EPA Administrator, Bill Reilly, who is an environmentalist, who was taken out of the environmental field in the private sector and appointed as the EPA director:

> These people represent the administration in a very visible and special way. It seems to me fully appropriate that the regional administrator be directly responsible to me and be someone who can be moved along as agency administrations come and go, if necessary.

That is what Bill Reilly said before your committee, Mr. Chairman, on February 7, 1990.

Now, you know it just seems to me that you Democrats have thrown in the towel. I do not think you ever expect to elect another President of the United States of America. Therefore, you do not ever expect to have a Democrat as a regional administrator.

Well, that is not true. I really believe someday there is going to be another Democratic President, and you will be coming back here making the same arguments that I am making here today. So let us just defeat the Synar amendment and leave things the way they are, the way they are working well, so that you and I can represent our constituents.

Mr. TORRES. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the Synar amendment.

Mr. Chairman, over the past decade many appointments of regional Administrators have been made largely on political grounds with no requirement that they be qualified in any way. These are key positions in EPA's 10 regions charged with implementing and enforcing the Nation's environmental laws.

In some cases, their tenure has been shortened because of lack of managerial competence or overtly political conduct with regard to environmental decisionmaking. Such has been the case in the past with my region, region 9, and in surrounding regional offices.

I wholly concur with the statement just made by my colleague Mr. CONYERS. The chairman of the committee is attesting to the wide abuse of political conduct by regional administrators.

As the gentleman from Oklahoma [Mr. SYNAR] amendment properly does, it is time to put the emphasis on professional qualifications and environmental expertise in these key appointments, rather than on fund-raising expertise or political connections.

I urge support for the amendment offered by the gentleman from Oklahoma.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

The amendment was agreed to.

The CHAIRMAN. Is the gentleman from New York [Mr. SOLOMON] offering his amendment?

Mr. SOLOMON. No, Mr. Chairman.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON:

Amend the heading for section 109 to read as follows:

SEC. 109. OFFICE OF ASSISTANCE AND COMPLIANCE.

In section 109(a) strike "Office of Enforcement," and insert "Office of Assistance and Compliance,".

In section 109(a) strike "Assistant Secretary for Enforcement" and insert "Assistant Secretary for Assistance and Compliance".

In section 109(b) redesignate paragraphs (1), (2), and (3) in order as paragraphs (3), (4), and (5), respectively, and insert before paragraph (3) (as so redesignated) the following:

(1) issuing regulations under which persons who are subject to statutory requirements administered, and regulations issued, by the Department, shall be given adequate notice of those requirements and regulations before any enforcement actions may be taken;

(2) providing of such persons appropriate assistance in complying with those requirements and regulations;

In section 109(c) strike "Office of Enforcement" and insert "Office of Assistance and Compliance."

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GUNDERSON. Mr. Chairman, the amendment before you actually has some drafting problems technically, but I think the concept is one that we have to review and it is the reason that I asked the amendment be brought forth at this point in time so we can discuss it.

As you look at the legislation before you and as we create this new Department of Environmental Protection, you will note that the bill requires that there be created three specific assistant secretaries, one for international affairs, one for enforcement, one for pollution prevention and recycling.

Then it allows up to seven other assistant secretaries from a whole host of particular areas.

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As I looked at that part of the bill, and as I followed the language down through the regional administrations, and now the creation of the specific regional councils and enforcement staff, it became quite clear to me that we were frankly topheavy on the enforcement side of EPA. I would like to almost call my amendment the "attitude amendment," and that is, is EPA going to be an agency that works with the American public individually, local government and business, to improve the environmental land and the enforcement of the environmental laws of the land, or was it going to be an agency that was based almost totally on confrontation and litigation?

Let me share with Members an experience that I think almost every Member of Congress is enjoying at the present time. That is, every local township, village, and city that is trying to deal with land use regulations today has a terrible problem. EPA has said that based on date certain, if companies have not closed their landfills by that date when these regulations are

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published, the hard, cold reality is that they will have to, when they close that landfill, meet much tougher standards, almost 10 times tougher.

Now, the typical legitimate response of a local government is to say, "Congressman or Congresswoman, can you find out for us when those regulations are going to be published, and when they go into effect?" I have tried. EPA says, "We don't know and we may or may not tell you."

So I have now told a whole host of local governments that we may or may not be able to inform them. That is the attitude problem that I think all Members in this room want to prevent, that we want to solve.

That is why I introduced this particular amendment changing it from a Bureau of Enforcement to, frankly, a Bureau of Assistance and Compliance, so that EPA would understand there are 2 parts of the equation. One part is to give adequate notice, education, technical information, and assistance in complying; and the second part and obviously necessary part is to deal with this whole issue of adequate compliance with the law.

The problem with the amendment as drafted is it is conditional. It says unless we give "adequate information and assistance," we cannot enforce the law. While I do not think there is any Member in this room that wants that, I have to tell Members that I do not want that. That is why the amendment in its present form is, I think, unacceptable to everyone, myself included. However, the concept is one that I think we do need to try to resolve.

I have talked to the chairman, the ranking member, about offering a substitute amendment, and the chairman has agreed with me that we have a problem, and believes we can solve it another way.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, first of all, I do understand the gentleman's basic proposition involved in the amendment. He wants Members not to be onerous and oppressive, at every juncture enforcing environmental regulations, but to try to provide as much assistance for those who would like to come out of the shadow of the law, and who may not be fully aware of the provisions that are involved in our Federal legislation on the subject.

It would seem to me that in view of the dilemma of drafting that the gentleman has been subjected to in the process, that we might engage, if the ranking minority leader of this committee were also willing, to consider report language that captures the essence of what the gentleman is trying to do. We could require that we study the use of an ombudsman who would help businesses and State and local governments to better comply with environmental regulations.

Would that move in the direction that gentleman would have gone in his original amendment, had it been able to come to the floor?

Mr. GUNDERSON. Mr. Chairman, I think the gentleman is clearly moving in the right direction. That is, that we made it very clear to EPA that they had a twofold process that is not only to enforce the law, but it is to work with local governments, individuals, and businessses, in understanding what is required to enforce the law.

Mr. CONYERS. If the gentleman will continue to yield, I can assure the gentleman that on this side we would be willing to put in very clear report language that would cover the gentleman's objectives.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. GUNDERSON] has expired.

(On request of Mr. HORTON and by unanimous consent, Mr. GUNDERSON was allowed to proceed for 2 additional minutes.)

Mr. HORTON. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I share the gentleman's concern that persons subject to enforcement receive adequate notification of regulations, and they receive appropriate assistance in complying with the law. I think the gentleman is on the right track. We need to have more of that type of information.

I certainly want to indicate my support for what the chairman has just said, and I agree with that. As Members know, in the bill, we set up a commission on improving environmental protection, and I think that commission could well undertake the study of this particular point that we are making, and thus accomplish what the purpose of the gentleman's amendment would be. Therefore, I would join with the chairman and give the gentleman those assurances.

Mr. GUNDERSON. Mr. Chairman, I appreciate the support and the comments very much of both the ranking member and the distinguished chairman.

Mr. Chairman, on the assurances that both of the gentleman have made, as well as the gentleman from Oklahoma [Mr. SYNAR], I ask unanimous consent that the amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MRS. MARTIN OF ILLINOIS

Mrs. MARTIN of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARTIN of Illinois:

At the end of section 109 insert the following:

(d) OFFICE OF CRIMINAL INVESTIGATION.—The Secretary shall increase the number of professional criminal investigators assigned to the Office of Criminal Investigations of the Department in each of the first 5 fiscal years commencing after the date of the enactment of this Act. The increase in each such fiscal year shall be at least equal to 30 percent of the aggregate number of criminal investigators assigned to that office during the prior fiscal year. For the first year commencing after the date of the enactment of this Act, and for the next 4 fiscal years, the Secretary shall provide additional support staff to the Office of Criminal Investigations.

(e) CIVIL INVESTIGATIONS.—The Secretary, as soon as practicable but no later than one year after the date of the enactment of this Act, shall hire 50 civil investigators to assist the Office of Enforcement in developing and prosecuting civil and administrative actions and carrying out its other functions.

(f) NATIONAL TRAINING INSTITUTE.—The Secretary shall, as soon as practicable but no later than one year after the date of the enactment of this Act, establish within the Office of Enforcement the National Enforcement Training Institute. It shall be the function of the Institute, among others, to train Federal, State, and local lawyers, inspectors, civil and criminal investigators, and technical experts in the enforcement of the environmental laws of the United States.

(g) FUND.—(1) There is established in the Treasury of the United States the Environmental Laws Enforcement Fund (hereinafter in this subsection referred to as the "fund").

(2) Commencing in the first full fiscal year after the date of the enactment of this Act, and each fiscal year thereafter, the Secretary of the Treasury shall transfer to the fund those moneys deposited in the general revenues of the Treasury during the preceding fiscal year from penalties imposed in connection with the violation of laws administered by the Department. Additional moneys necessary to fund provisions of subsections (d), (e), and (f) shall come out of the budget of the Department.

(3) Moneys in the fund shall be available, in such amounts as are provided in appropriation Acts, for use in carrying out the provisions of subsections (d), (e), and (f). Moneys in the fund, to the extent determined by the Secretary to be in excess of the amounts needed for purposes of those subsections, shall be returned to the general revenues of the Treasury.

(4) Nothing in this section shall be construed as reducing or otherwise limiting any other authorization for appropriations available to the Department.

(h) AUTHORIZATION.—For the purposes of meeting initial needs of subsections (d) through (g) during the fiscal year after the date of the enactment of this Act, there is authorized to be appropriated $5,000,000.

Mrs. MARTIN of Illinois (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be

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considered as read and printed in the RECORD..

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. MARTIN of Illinois. Mr. Chairman, I would like to begin by congratulating the members of the Committee on Government Operations for their hard work in putting this legislation together and bringing it to the floor. In particular, the chairman and ranking member of the committee deserve thanks for the leadership they have provided and the gentleman from Oklahoma [Mr. SYNAR].

H.R. 3847, which creates a Cabinet-level Department of Environmental Protection, is a symbolically and substantively important statement of America's recognition that effective stewardship of our environment and natural resources has moved to the center of the national policy agenda. Debate and disagreement will continue within this body and in the Nation on precisely what paths to take and on how to most fairly allocate the costs. We can take heart, however, from the fact that we are making steady progress toward a commonly held objective: a clean and healthy environment for this generation of Americans and for the generations that will follow. The amendment which I am offering is consistent with this objective and will, if adopted, allow us to reach it more quickly and more surely.

My amendment does four things. All are intended to increase the criminal and civil investigation and enforcement capabilities of the new Department and to integrate enforcement functions more fully into its fabric.

First, it directs the new Secretary to increase, by 30 percent a year for 5 years the number of criminal investigators assigned to the new Department's Office of Criminal Investigations. The result would be about 215 criminal investigators within the Office.

The Environmental Protection Agency's criminal investigations arm consists of 10 regional offices which together comprise the Office of Criminal Investigations. Prior to the beginning of this fiscal year, incredibly, a less than grand total of 47 investigators were employed throughout the system—less, in other words, than a single criminal investigator per State of the Union. For the entire region that encompasses my State, Illinois, along with Michigan, Ohio, Indiana, Wisconsin, and Minnesota, five criminal investigators were assigned.

Investigators working in the regional offices, prosecutors working within the Department of Justice's Environmental Crimes Section, and many expert witnesses who earlier this year provided testimony on this proposal before the Senate Committee on Environment and Public Works have all been emphatic in stressing that the present number of criminal investigators in the system is inadequate.

As a result, there is a growing backlog of uninvestigated reports of environmental violations. Moreover, many violations that are in fact criminal are being referred for civil or administrative action.

Overall, the severe lack of manpower has forced OCI to adopt a reactive, rather than a proactive approach to its task. Many investigations are only initiated after substantial long-term environmental damage has been done. Many willful polluters are counting on a free ride and getting it.

Second, my amendment directs the new Secretary to hire 50 civil investigators to assist the Department's new Office of Enforcement in developing and prosecuting civil and administrative actions against polluters.

While the need for greater dedication to the criminal enforcement function is great, the majority of environmental law enforcement actions initiated through the Department will remain civil and administrative. EPA has relied heavily until now on independent outside consultants to develop civil and administrative cases. There is good reason to doubt that this will continue to be an effective way to assure the basis for a successful program of civil and administrative enforcement in the future.

A former director of EPA's National Enforcement Investigations Center, which has overseen both the criminal and civil investigations programs at EPA, testified that future patterns of misconduct will be technologically sophisticated and that successful investigation will require "trained specialists with diverse technical, scientific, and investigative backgrounds who must work in a coordinated and cooperative team approach." Adoption of my amendment will provide the resources out of which to build such a team.

Third, the amendment I am offering requires the new Secretary of the Department of Environmental Protection to establish a National Enforcement Training Institute. The Institute will offer Federal, State, and local prosecutors and investigators the special training that is becoming increasingly necessary for effective enforcement of the Nation's environmental laws.

In its resolution of support for this provision, the National District Attorney's Association stated that "local law enforcement has been hampered by the lack of investigators trained in the special techniques and procedures required for the successful prosecution of environmental crime." Adoption of my amendment will address this problem in a focused and direct manner.

Fourth and finally, my amendment directs the Secretary of the Treasury to establish an Environmental Laws Enforcement Fund.

All money deposited to the general revenues account of the Treasury from civil or criminal fines collected in connection with the violation of laws administered by the Department of Environmental Protection will be transferred to the fund. There is very good reason to believe that through this mechanism the provisions of the amendment will ultimately be self-financing.

Support for the legislation which provided the basis for my amendment is bipartisan in both the House and the Senate. It has received the endorsement of National District Attorney's Association, the Friends of the Earth, a former head of the Department of Justice's Environmental Crimes Section, and a former Director of EPA's National Enforcement Investigations Center, to name a few.

Mr. Chairman, I believe strongly that my amendment deserves the critical support of this body. By adopting this amendment we can add real teeth to existing law and signal, clearly and from the outset, our determination that the Department of Environmental Protection give enforcement a prominent and permanent place on its agenda.

□ 1350

The CHAIRMAN. The time of the gentlewoman from Illinois [Mrs. MARTIN] has expired.

(On request of Mr. LAGOMARSINO, and by unanimous consent, Mrs. MARTIN of Illinois was allowed to proceed for 2 additional minutes.)

Mr. LAGOMARSINO. Mr. Chairman, will the gentlewoman yield?

Mrs. MARTIN of Illinois. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise today in support of the amendment authored by my colleague, LYNN MARTIN, and call for its passage.

By increasing the number of professional criminal and civil investigators assigned to the Office of Criminal Investigation, we will give the criminal investigative arm of the new Department the teeth it needs to bust environmental criminals. Also, by creating the National Enforcement Training Institute to train attorneys, inspectors, and investigators, we increase needed knowledge in enforcement of our Nation's environmental laws.

Despite scant resources, the Office of Criminal Investigation has proven it can be effective. The Martin amendment will increase that effectiveness and will decrease tolerance for environmental criminals. By increasing the number of investigators and providing increased training, the Martin amendment will ensure that those breaking environmental laws will be caught, prosecuted, and convicted.

Mr. Chairman, we need the resources to enforce our environmental laws. I urge my colleagues to vote for this important amendment.

Mr. Chairman, I want to also state support H.R. 3847 and urge my colleagues to vote for this important legislation.

By making the Environmental Protection Agency a Cabinet-level department we will ensure that environmental protection issues receive the stature and attention they deserve. The change in status will assist in heightening our domestic environmental concerns and, perhaps more importantly, will inform the rest of the world that the United States is serious about environmental protection and is dedicated to solving environmental problems.

It is not secret that environmental issues are very important to a majority of U.S. citizens. Those citizens deserve to know that the Department of Environment Protection is there to defend their right to a clean environment and to protect them from environmental harm.

H.R. 3847 is a good bill. Through the amendments we consider today, I hope we can make it even better. I commend the President for his endorsement of the new Department, I thank the members of the Government Operations Committee for moving so quickly on this legislation and I urge my colleagues to support H.R. 3847.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I would like to point out to the gentlewoman from Illinois that this amendment is undoubtedly the strongest amendment in terms of a prosecutorial thrust against environmental violators that has come to the attention of the committee, and in that respect I would like to congratulate her. We are talking now about adding prosecutors, using civil techniques to fight those who violate our Federal laws, and then, of course, adding a training institute and an enforcement fund to the provision. I think that this is tough medicine.

I would like to ask the gentlewoman, if this amendment is incorporated into the bill, whether she would be inclined to oppose any substitute at the end which would not only wipe out her work but the rest of the committee's as well.

Mrs. MARTIN of Illinois. Mr. Chairman, if the gentleman will yield, she would be so inclined.

Mr. CONYERS. Mr. Chairman, I am further encouraged about the appropriateness of this measure. I will not ask the gentlewoman where the money may come from in this, but I would yield to her for that explanation.

Mrs. MARTIN of Illinois. Mr. Chairman, I thank the chairman of the committee, and I also thank him for his kind words.

We can pass the toughest laws in the world, but if we do not do anything about enforcing them, they are laughed at. So let us pass this law and then enforce it.

We requested from the CBO their estimates of cost, and we are able, therefore, to tell the Members that in year one we believe the addition of criminal investigators will cost approximately $1.4 million. We are still waiting for the CBO's estimate on some of the others. We are estimating civilian investigative costs at $3 million, again using extrapolations from the figures on fines already achieved with a smaller force, and it would indicate after year one the fines themselves will pay for all investigators and for the institute that would help local and State prosecutors in the increasing complicated field of environmental law do the job they want to do.

Mr. CONYERS. The gentlewoman is not saying that it would bust the budget of EPA as a department?

Mrs. MARTIN of Illinois. No, in fact quite the opposite. It will be something I just read about this morning in the Post—pay as you go.

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman very much.

Mr. PORTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my colleague, the gentlewoman from Illinois [Mrs. MARTIN].

This amendment will help the new department's Office of Criminal Investigations by increasing the number of professional criminal investigators assigned to this office. Until this year we had not even one investigator per State. I wish our criminals were as sparse.

It is difficult to believe that as we work to construct environmentally and economically sound policies across the country, there is a group working just as hard to circumvent our intentions. These are people who are breaking the law and getting away with it. Worse yet, they are probably paying minuscule fines and still making a profit.

Americans recognize the costs of environmental compliance are high, Mr. Chairman. Nonetheless, they are ready to incur these costs. As responsible companies, large and small alike strive to meet the regulations and pay those costs, let us make sure they are not spending their money in vain while others get away with noncompliance and blatant illegalities.

We must make sure that those who do not shoulder the costs know we are serious about cleanup, and we have to make them pay the price, Mr. Chairman, and realize that criminals are going to get caught.

Mr. Chairman, as we elevate the EPA to Cabinet status, let us give it increased enforcement capabilities. The amendment offered by the gentlewoman from Illinois [Mrs. MARTIN] would do just this, and I commend her for her strong leadership in this area. I hope my colleagues will join me in support of this amendment.

Mr. SYNAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the gentlewoman from Illinois may know, through my Subcommittee on Environment, Energy, and Natural Resources, I have been extensively involved with EPA's enforcement program and in fact have been meeting recently with Jim Strock, the Assistant Administrator for enforcement and Hank Habicht, the deputy administrator, about the serious problems the gentlewoman is trying to address in her amendment, and also regarding their plans to reorganize the Office of Criminal Investigations.

I do not think any of us who have served in this body can disagree with the intent that we need additional resources in enforcement. But I have some concerns about the gentlewoman's amendment that I would like to explore, if I may get the attention of the gentlewoman. Could the gentlewoman from Illinois tell me if she is aware that the Department of Justice does handle a lot of criminal prosecutions, and whether there are estimates of the number of additional persons that department will need to hire in order to handle the increased cases? Has the gentlewoman talked to the Justice Department, which will be in charge of criminal prosecutions, to see whether or not they will have the resources?

□ 1400

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Chairman, I hope the gentleman from Oklahoma [Mr. SYNAR] did hear my compliments about the work he is doing. A former head of that division indicated that this would be an appropriate amendment. We have checked with the administration, too, in terms of could this amendment be supported, and that would be through all the departments of the administration. It is my understanding, and I hope I am correct in saying this, that they believe it is handleable.

Mr. SYNAR. Mr. Chairman, if the gentlewoman from Illinois [Mrs. MARTIN] would further respond.

Mrs. MARTIN of Illinois. Of course.

Mr. SYNAR. Does the gentlewoman from Illinois [Mrs. MARTIN] have any concerns with the potential conflict which may arise because of her amendment, when we have the same division assessing the penalties that are to be used for their own salaries and office operations?

I mean does the gentlewoman from Illinois foresee any questions raised by the public and the persons who will have these penalties assessed on them, as to whether or not enforcers may be more aggressive in order to get better raises and more office funds?

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Mrs. MARTIN of Illinois. Mr. Chairman, if the gentleman from Oklahoma [Mr. SYNAR] means, and I do not think he does, but it sounds as if he is saying that if they are doing a good job, will that be a problem?

Mr. Chairman, I would think we want them aggressive, but, as my colleagues know, there are limitations in what they can be paid already in loss, and so it is not as if someone is going to pay themselves a million dollars because they go after people, and it has to go right through the personnel system.

The concerns that I have, and the gentleman from Oklahoma [Mr. SYNAR] shares; so we have shared concerns here, is that, if we have law without aggressive pursuit, the law holds no forbidding aspect, and it should, and so although I hear the gentleman's concern, I must tell him that one is not overriding to me. The public eye will be upon this at all times, and so would, I might add, the excellent oversight of the subcommittee of the gentleman from Oklahoma [Mr. SYNAR].

So, Mr. Chairman, I cannot ever think that anything would happen that would go beyond his purview and without his knowledge, that he would be keeping a very careful watch.

Mr. SYNAR. Mr. Chairman, the gentlewoman from Illinois [Mrs. MARTIN] is going to kill me with kindness, I am sure.

Mrs. MARTIN of Illinois. We try, Mr. Chairman, we try.

Mr. SYNAR. Mr. Chairman, I think the gentlewoman from Illinois [Mrs. MARTIN] needs to understand that, since the amendment allows that office to be funded by the fines that are assessed, one would conclude that there is an added incentive by the office to do a more aggressive job than would be normal, and this concerns the gentleman from Oklahoma because clearly we do not want someone just running enforcement for the sole purpose of providing money for their budget.

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Chairman, I would certainly share that belief, although it seems to me, I must say, that that indicates a very low view of the caliber of people that we would want to have, both the gentleman from Oklahoma and I together, in that department. The gentleman from Oklahoma and I want an aggressive, assertive law enforcement. We also want it to be carefully monitored by the Congress and by the judicial system itself.

Mr. Chairman, I believe built in there, that combination of executive, judicial, and executive, almost as the Founding Fathers wanted it, that that balance will actually act as the correct offset for the concerns, rightfully stated concerns, of the gentleman from Oklahoma [Mr. SYNAR]. I know this person will be looking at it carefully.

Mr. SYNAR. Mr. Chairman, let me look at the specific numbers that were mentioned in the statement of the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Yes, do.

Mr. SYNAR. Mr. Chairman, we did some numbers crunching on the amendment by the gentlewoman from Illinois [Mrs. MARTIN], and it appears that over 5 years the number of criminal investigators would be increased from around 58 to at least 212.

Mrs. MARTIN of Illinois. The gentleman from Oklahoma [Mr. SYNAR] is correct.

Mr. SYNAR. In addition to that, Mr. Chairman, the amendment would increase the number of civil investigators by another 50.

Mrs. MARTIN of Illinois. The gentleman from Oklahoma is correct.

Mr. SYNAR. Mr. Chairman, that is a pretty big number, but it actually goes beyond that, as I think the gentlewoman from Illinois would agree.

Mr. Chairman, these investigators do not do the job by themselves. They have substantial backup from legal and technical people who do lab work and other things. In fact, I understand that it takes about 2½ additional technical and legal people to complement each one of these investigators, and that is about 350 additional support people over 5 years just for the criminal investigators. And an additional 50 civil investigators would need about the same amount of support.

Mr. Chairman, the amendment the gentlewoman from Illinois [Mrs. MARTIN] has provided us today requires the Secretary to provide additional support staff to the Office of Criminal Investigations.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. SYNAR] has expired.

(By unanimous consent, Mr. SYNAR was allowed to proceed for 2 additional minutes.)

Mr. SYNAR. However, Mr. Chairman, the amendment which the gentlewoman from Illinois [Mrs. MARTIN] offered today does not seem to authorize sufficient funds for these people.

The question I have is: Will the Secretary be required to take those people from other programs, and what programs would those be?

Mrs. MARTIN of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SYNAR. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Chairman, we believe, and I truly did stop beating my husband, but I will go with the question anyway. I will repeat again, that the way we achieved our numbers, and I think the gentleman from Oklahoma [Mr. SYNAR] is very aware of that, was, one, we asked for this gradual increase, and again, getting back to the reason why we are doing it, I think it is important.

If we have only 50 investigators nationwide, we can have the world's toughest laws, and they are not going to do much good. When we got those numbers from CBO, we extrapolated from them. We also talked to the department itself. As the gentleman from Oklahoma knows, there are increases in the department budget.

Mr. Chairman, we also believed that there will be, will be, more than enough money in the fund from fines from these investigators; generally they produce more than 2½ times their salary, I think is what we were told, in fines, so that that does even provide for support staff.

So, Mr. Chairman, I believe we have tried to carefully balance the need for fiscal accountability with the need to have the law that the gentleman has worked so hard on be enforced, and we would hope that the gentleman would be willing to look at this amendment in the spirit in which it is offered to help make the law he cares about truly work.

Mr. SYNAR. Mr. Chairman, I have a couple of other questions.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. SYNAR] has expired.

(By unanimous consent, Mr. SYNAR was allowed to proceed for 2 additional minutes.)

Mr. SYNAR. Does the gentlewoman from Illinois [Mrs. MARTIN] intend by her amendment that the amounts deposited in the Treasury special fund to be the total amount of all fines and penalties assessed as a result of the action of EPA's enforcement?

Mrs. MARTIN of Illinois. Mr. Chairman, let me get the specific language on that and go to the amendment itself.

The fines that would come from the compliance would be deposited, and the Secretary of the Treasury is the depositor, if the gentleman will, for that particular fund.

Mr. SYNAR. Of all penalties that EPA assesses?

Mrs. MARTIN of Illinois. The penalties that come from the criminal investigation, yes, that is correct. From the criminal investigation.

Mr. SYNAR. All right.

Now, following up on that, the funds for the crime victims programs are deducted——

Mrs. MARTIN of Illinois. Mr. Chairman, may I quickly add that this would exclude, of course, Superfund. We are talking about the investigations.

Mr. SYNAR. Now, normally, funds for crime victim programs are deducted before criminal penalties are deposited with the Treasury's general fund. Does the gentlewoman from Illinois [Mrs. MARTIN] intend that the funds usually deducted from all criminal penalties for victims' funds and programs not be deducted from EPA?

Mrs. MARTIN of Illinois. No, Mr. Chairman, that is not correct. We would use current law for that.

Mr. SYNAR. Now, in directing the use of criminal penalties to the benefit of one agency, is the gentlewoman from Illinois [Mrs. MARTIN] intending to decentralize the funding and control of criminal prosecution?

Mrs. MARTIN of Illinois. Mr. Chairman, I am sorry. Would the gentleman from Oklahoma [Mr. SYNAR] repeat that?

Mr. SYNAR. Yes.

Is the gentlewoman in her amendment, by trying to direct the use of criminal penalties to the benefit of only one agency, intending to decentralize the funding and control of all criminal prosecutions?

Mrs. MARTIN of Illinois. Mr. Chairman, what we are attempting in the language of the amendment is quite clear, that those fines that are generated because of criminal pollution of our environment, discovered by these additional investigators and the sophisticated means that are now going to be required, go into this fund. That is quite correct, and that that fund pays for them. It does not go into the general fund. It is earmarked, and that is absolutely correct, and we believe that makes it possible to have what this person wants to see done, and that is real law really enforced.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. SYNAR] has expired.

(By unanimous consent, Mr. SYNAR was allowed to proceed for 2 additional minutes.)

Mr. SYNAR. Mr. Chairman, that will be the last time that request will be made.

Mrs. MARTIN of Illinois. Mr. Chairman, I welcome this. I enjoy speaking with the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Now finally, Mr. Chairman, does the gentlewoman from Illinois [Mrs. MARTIN] intend by her amendment that Congress would no longer have discretion in assessing the needs and priorities of EPA's civil and criminal enforcement divisions?

Mrs. MARTIN of Illinois. The gentleman from Oklahoma full well knows the Congress always has discretion. Ultimately it can change, it can move anything. I do not think anyone is suggesting at all, at all, that this will do anything except that which we are supposedly here for, setting up, not only new investigators, but setting up for local and State people a chance to be part of the sophisticated training they need to go against criminal polluters to set up a fund so that we do not either, A, break the budget, or, B, take from other necessary programs and so that we can protect our environment.

Now does the Congress always have oversight? Can the Congress always choose to change any single part of it? And the answer is obviously. "Yes, that's why we come here."

Mr. SYNAR. Just one final thing.

Mrs. MARTIN of Illinois. Sure.

Mr. SYNAR. I would just ask the gentlewoman from Illinois if these fines are not sufficient to cover the day-to-day operations, as the gentlewoman from Illinois intends, will she join with me and the gentleman from Michigan [Mr. CONYERS] and others to go to Appropriations and ask for the necessary funds to make up the difference?

Mrs. MARTIN of Illinois. I will certainly, although I may be on the other side of the rotunda at the time, but I look forward to working with the gentlemen to make sure that, not only does this fund work, but the environment gets better.

□ 1410

Mr. ERDREICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. ERDREICH. Mr. Chairman, I rise in support of H.R. 3847, legislation to establish the Department of Environmental Protection. Protecting the environment is one of the most important challenges of our time. Since the creation of the Environmental Protection Agency in 1970, we have made tremendous strides in the fight against pollution. Through the efforts of many individuals the public is now more aware than ever of the need to be environmentally conscious. We have had many successes but we have also had many failures. Many of our larger cities still do not meet the clean air standards. Toxic and hazardous waste continues to be a problem in many States. And we are approaching a crisis in solid waste disposal as landfill space rapidly diminishes.

Elevating the Environmental Protection Agency to Cabinet-level status signals a strong commitment on the part of the Federal Government to attack the problems of environment pollution on not only a national but an international scale. The Secretary of the Department of Environmental Protection will be able to confer with the coordinate environmental policy with environmental ministers from around the world. Elevating EPA to a department would create a closer relationship to the President and strengthen ties and coordination with other Federal agencies.

To be effective, however, the new Department of Environmental Protection must have several key capabilities. It must be able to independently collect reliable environmental and public health data. It must have an effective and well-staffed criminal and investigative arm to insure compliance with the law and to punish violators. It must have adequate research facilities that can help devise means of not only cleaning up pollution, but of reducing it at the source. The staff of the Department of Environmental Protection must be professionals who are well schooled in environmental research, policymaking and management. Most importantly, the Department of Environmental Protection must be well-funded to allow it to perform its mandated role of protecting the environment. If we are serious about our commitment to protecting and cleaning up the environment, then we must provide the Department of Environmental Protection with all the tools necessary to carry out its functions.

I urge my colleagues to support this long overdue legislation.

Mr. SMITH of Vermont. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Martin amendment. I will not take all my time today but I want to rise in support of H.R. 3847, and also the amendment of the gentlewoman from Illinois to that bill.

It is a special pride for me as a new Member of this body to see come to fruition an issue that is not only of enormous importance to America and to the world and to our structure of government, but one which as a candidate for the U.S. Congress just 2 years ago I made the centerpiece of my environmental platform as I ran for this body, and to see this bill on the floor of the House headed for passage and enactment is a great day indeed for America's environment.

The problem that this amendment addresses is a problem that we saw writ large just over a year ago with the *Exxon Valdez* tragedy in Prince William Sound.

The bottom line is when that tragedy occurred we were faced with a spectacle that no one had anticipated in the law effectively, in my mind. The message was that unless the polluters are absolutely certain that they are going to pay and that there are penalties and investigatory processes to make sure that they know that the judgments they receive will be swift, it will be sure and it will be appropriate to the pollution which has occurred, then in fact all the laws in the world do not make a difference.

The problem that we see is that in this agency which we are about to elevate to Cabinet status or Cabinet level, only 1 out of almost every 300 employees is an investigator. What the gentlewoman from Illinois has done is simply come up with a small solution

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to a big problem that is going to make a big difference.

As the gentleman from Oklahoma noticed and mentioned, it is going to be a four-times increase in the number of investigatory personnel in the field.

The cost is minimal in the scale of things around here. The benefits are going to be enormous if in fact we want this new Cabinet-level agency to be able to fulfill the promise which Americans have for it.

If in fact we are going to have tough laws and if in fact all the entities in this country who pollute now are going to be put on notice, then in fact we owe it to the people of this country and to the new EPA Cabinet level to give them the enforcement personnel they need.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am here today to give my support to the amendment offered by my friend and colleague the gentlewoman from Illinois [Mrs. MARTIN]. After 9 long years of environmental neglect, I am pleased to be able to join in this bipartisan effort to add effective enforcement capabilities to the Department of Environmental Protection.

The elevation of the EPA to Cabinet-level department is long overdue. The fate of our planet rests with the ability of lawmakers not only to enact strong environmental protections, but also to make sure that these provisions will be adequately enforced.

The amendment offered by Mrs. MARTIN takes an important step toward adding substance to the threat of criminal penalties. Increasing the number of criminal investigators will not only significantly enhance the ability of the Department of Environmental Protection to find criminal violations, but it will also put polluters on notice that their time is limited. It will, in short, act as a deterrent to future violations of environmental protections.

The world is waking up to the necessity of tough environmental protections. The 1980's was a decade in which the environment was all too often subject to regressive policies and short sightedness. In the 1990's, as America moves away from seeing red, I hope it will move toward seeing green. I am confident that we can work together to produce effective protections of our natural environment. It makes no sense, however, for Congress to continue passing legislation without giving the President the resources to enforce the law.

I urge my colleagues to supply these resources and show some common sense by supporting the Martin amendment to H.R. 3847.

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Martin amendment to increase the number of criminal investigators by 30 percent a year for 5 fiscal years the EPA employs in its Office of Criminal Investigation.

The task of enforcing our Nation's environmental laws facing EPA is a staggering one. The Superfund toxic waste sites on the National Priorities List alone number 1,200 and according to EPA, 900 more may be added to the list in the next decade. The Office of Technology Assessment recently released a report entitled, "Coming Clean: Superfund Problems Can Be Solved * * *." In its report, OTA recognizes the need to expand the work force of EPA if we are to proceed with restoring our environment.

The law which created Superfund is a good law but it will not serve the purpose that Congress intended unless it is enforced. By adding a greater number of well-trained criminal investigators to the EPA work force, we can give our Nation's environmental laws the teeth they need and EPA the ability to protect public health and the quality of our environment.

One of a government's most important roles is the protection of the environment. We need to make our environmental laws more than just rhetoric. We need to give EPA the capability to carry out the mandates of Congress and to protect the health and safety of our citizens.

Increasing the number of EPA's criminal investigators may also serve as a deterrent to potential pollutors and a preventive step against environmental damage. As we vote to elevate EPA to Cabinet-level status, recognizing the importance of preserving our environment, let us give the new Department the ability to carry out its mission.

Mr. Chairman, I yield to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I rise in support of the Martin amendment.

A number of important provisions are included in the Martin amendment, as the gentlewoman from Illinois had outlined. I would like to take the remainder of my time, however, to address that provision which addresses clearly the criminal aspect of this. Throughout this country, we all know there is a tremendous amount of toxic waste that is being generated on a daily basis. Dangerously, this increase is being coupled with limited and expensive disposal options. While we are trying to deal with the situation on a national level and the bill that will come before us tomorrow will go a long way toward that, there still exists the situation in my area, for example, where financial incentives for illegal disposal greatly outweigh the burden imposed by obeying the law. This amendment will go a long way toward insuring that effective criminal deterrence exists and that those who dump illegally face a good chance of being prosecuted.

We know the program enforced by the EPA and the Department of Justice works. Last year, for example, criminal convictions reached an all-time high with 75 percent of the defendants being convicted. While this program has been successful, the resources that have been allocated have been terribly inadequate, given the demand that it faces. We put strong criminal penalties in our environmental laws in recent years, yet we are not providing the resources necessary to make these criminal provisions the strong deterrents they should be. This amendment I believe boldly moves to strengthen our enforcement of environmental laws and it deserves the support of this body.

In conclusion, with regard to the issue of cost, I submit that in the long run there is no more cost-effective measure than we as self-proclaimed environmentalists in this Congress can in fact enact than the Martin amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Illinois [Mrs. MARTIN].

The amendment was agreed to.

□ 1420

The CHAIRMAN. The amendment of the gentleman from Illinois [Mr. HASTERT] is next in order.

AMENDMENT OFFERED BY MR. THOMAS A. LUKEN

Mr. THOMAS A. LUKEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. THOMAS A. LUKEN: Amend section 115(d)(2) by inserting at the end of the following: "Such term includes but is not limited to preparation of testimony, development and drafting of rules, regulations, standards, and policies, and enforcement of statutes and regulations.".

Mr. THOMAS A. LUKEN. Mr. Chairman, the amendment which I am offering today is intented to limit the use of private contractors by the new Department of Environmental Protection. This amendment is needed to ensure that the basic functions of the Department are entrusted solely to officers and employees of the Federal Government, rather than handed over to private contractors. The extent of the problem is set forth in the OTA report of January 29, 1989.

> During the last 8 years, the Superfund Program has been increasingly dependent upon contractors, who have received between 80 and 90 percent of its funds each year. Over that time, private contractors have received $4 billion from the Superfund Program.

Section 115 of H.R. 3847 specifies that "inherently governmental functions" of the Department of Environmental Protection must be carried out only by Government employees. The amendment which I am offering clarifies this provision by specifying that these inherently governmental functions include: First, preparation of testimony; second, the development and drafting of regulations, standards; third, policies, and fourth, enforcement of laws and regulations. Thus my amendment would limit the use of private contractors and ensure that these basic Government policy functions are carried out only by Government employees, not beltway bandits.

This amendment addresses a serious, long standing problem. EPA has farmed out so much of its work to outside contractors that much of the Agency's basic functions are being performed not by Government employees but by an invisible bureaucracy of contractors and consultants.

This amendment addresses a growing scandal.

In the committee report on this bill, the Committee on Government Operations, chaired by my good friend Mr. CONYERS, noted that there have been situations where private contractors have been hired by EPA to do such things as formulate and analyze policy options, evaluate the performance of EPA regional offices, and write Agency regulations. Outside contractors have even been used to prepare congressional testimony and to write annual reports to Congress which EPA was required to submit by law.

While EPA cops out, consultants who are loaded down with the burden of conflicts of interest, selectively enforce the law and regulations.

As a member of the Energy and Commerce Committee and the chairman on the Subcommittee on Transportation and Hazardous Materials, which has jurisdiction over the solid waste laws, including the Resource Conservation and Recovery Act [RCRA] and Superfund, I note that we have found these same problems.

For example, we have found cases in which private contractors were hired by EPA to formulate regulatory policy on hazardous waste when these same contractors were doing work for the very companies to which the regulations would have applied.

This flagrant misuse of contractors compromises and jeopardizes the EPA's mandate to carry out environmental laws. Clearly, key Agency activities, such as writing regulations, should always be performed by Government employees.

The use of private contractors mistakenly substitutes the judgment of contractors, who may have multiplicity of conflicting interests, for the impartial judgment of Government employees who are bound by the single purpose of serving the public interest.

The Office of Management and Budget recognizes this fundamental principle. OMB has issued a directive prohibiting Federal agencies from hiring private contractors to carry out inherently governmental functions. But EPA has blatantly ignored even this mandate from within the executive branch.

We are just spelling out, making clear the OMB policy.

My amendment to limit the use of outside contractors by the new Department is consistent with the intent of the Committee on Government Operations. The committee report states that the committee intends that the Department will be precluded from contracting out for the drafting of Agency rules, regulations, or policies, or for the implementation and enforcement of Agency regulations. However, in the face of EPA's history of flouting this principle, I believe that it is crucial that we include precise language in the legislation itself.

This amendment would not prohibit the hiring of outside contractors by the new Department of Environmental Protection. Certainly, nonpolicy functions such as technical and scientific work, cleanup of hazardous waste sites, research, and data collections can be performed by contractors where appropriate. But environmental decisionmaking should be performed by the Agency itself, by employees who are directly accountable to the Congress and the President, and whose loyalty is not to private employers.

Elevating EPA to Cabinet-level status, in keeping with the greater awareness of—and deep concern about—the environment, which we are experiencing throughout America, may be a good idea. But, if we do, we must make sure that the act of conferring Cabinet-level status will not enhance the opportunity of the new Department of Environmental Protection to use beltway bandits to carry out basic policy.

I urge my colleagues to support this important amendment.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. THOMAS A. LUKEN. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, first of all, the experience of the gentleman from Ohio on the Energy and Commerce Committee is standing him in very good stead.

We on the Committee on Government Operations are indebted to him for making even more clear that we want to prevent to the maximum extent possible the conflicts of interest that have already been discovered by the gentleman in his own committee work, so I am prepared to accept this amendment and congratulate the gentleman from Ohio [Mr. THOMAS A. LUKEN] for his excellent work.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. THOMAS A. LUKEN] has expired.

(By unanimous consent, Mr. THOMAS A. LUKEN was allowed to proceed for one-half additional minute.)

Mr. THOMAS A. LUKEN. Mr. Chairman, in view of that, I will abbreviate any further remarks.

I thank the chairman for supporting this amendment. I believe that it is totally consistent with, and spells out, helps out, to make it clear, because when we are adopting regulations, when we are giving governmental authority to carry out regulations, the clearer they are, the more binding they are, the more likely they are to be enforced.

Mr. CONYERS. Mr. Chairman, I thank the gentleman.

Mr. KANJORSKI. Mr. Chairman, I rise in support of the Luken amendment which would expand the definition of "inherently governmental functions" when contracting out at the Department of Environmental Protection.

As chairman of the Subcommittee on Human Resources of the Committee on Post Office and Civil Service, I have extensively reviewed the concept of contracting out. One important area of my review was the contracting out of functions considered to be inherently governmental. This consists of anything from privacy issues, such as contracting for the security clearances, or the act of governing, such as the disbursement of grant money for the Federal Government. As my colleague has pointed out, the preparation of testimony, the development and drafting of rules, regulations, standards, and policies, and the enforcement of statutes and regulations are and should be considered inherently governmental functions.

During my subcommittee's hearings, several scholars in the area of public policy testified that contracting out has finally gotten out of control by allowing the private sector to control public policy. They cited several examples of where the Government has no set standards or controls on what contractors are permitted to do and how much money is spent on private contractors and consultants.

I have heard of many instances where private sector contractors are performing functions that they should not be performing. For example, the Department of Energy has a private contractor prepare testimony, congressional briefings, and virtually all of the Department's public affairs functions. Why are they paying exorbitant fees to a contractor when civil servants can and should be performing these functions? In fact, the Department of Energy has private contractors prepare studies on whether or not to have a private contractor perform a function. There is also little oversight or economic control over these contractors. For example, the Internal Revenue Service now wants to contract out for the processing of tax returns.

Whether or not you believe that the private sector can perform every function more efficiently than the public sector is not the question. The question is whether or not you want the private sector controlling public policy. I

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say no and I urge my colleagues to also say no.

What we end up doing is not reducing the size of the Federal bureaucracy but just creating a new bureaucracy of so called Beltway Bandits that end up controlling public policy. Let us not let this happen at the Department of Environmental Protection. I urge you to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. THOMAS A. LUKEN].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. LOWEY OF NEW YORK

Mrs. LOWEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LOWEY of New York:

Insert at the end of title I the following new section:

SEC. 121. SENSE OF CONGRESS ON DEPARTMENT OF ENVIRONMENTAL PROTECTION BUDGET.

(a) FINDINGS.—Congress finds that—

(1) In the year of Earth Day 1990, it is vital that the United States commit adequate resources to administer the many important environmental laws enacted by Congress since Earth Day 1970;

(2) an important reason for elevating the Environmental Protection Agency to cabinet status is that the agency's job has grown significantly since 1979 with the passage of several major environmental laws and the requirement to regulate thousands more pollution sources, research thousands more potentially toxic chemicals, and oversee implementation of hundreds of additional regulations;

(3) the Federal Government has a responsibility to pay a reasonable share of the costs to state and local governments to meet environmental requirements imposed by the federal government;

(4) the total operating budget of the Environmental Protection Agency in fiscal year 1990 is lower in constant dollars than it was in fiscal year 1979, and the budget request for fiscal year 1991 would only raise the Environmental Protection Agency operating budget to roughly the same level as in fiscal year 1979;

(5) the budget request for the Environmental Protection Agency capitalization of the State Revolving Fund for fiscal year 1991 is more than $400 million below the level enacted by the Congress for fiscal year 1990, and $800 million below the level authorized for fiscal year 1991, even though the 50 States report combined needs of about $43 billion for this program over the next five years; and

(6) the funding levels enacted for fiscal year 1990 for the Superfund and Leaking Underground Storage Tank trust funds are below the level in the budget request for fiscal year 1990 as necessary to achieve maximum effective results.

(b) SENSE OF CONGRESS.—It is the sense of Congress in the year of Earth Day 1990 that—

(1) the total budget level enacted for the Environmental Protection Agency for fiscal year 1990 is inadequate to properly implement the environmental protection laws enacted by Congress;

(2) the total budget request for the Environmental Protection Agency for fiscal year 1991 would underfund several proven and important programs, and such total budget level for fiscal year 1991 should be increased significantly, with increases targeted to those programs which address the greatest needs and can spend increases most effectively;

(3) the President should request for future fiscal years after 1991 a budget for the Department of Environmental Protection that is adequate to carry out the significantly increased responsibilities of the Department of Environmental Protection to protect public health and safety.

Mrs. LOWEY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. LOWEY of New York. Mr. Chairman, this amendment simply expresses the sense of Congress that the Department of the Environment will need greater funding to properly carry out the jobs we have given it. Basically, the amendment say that the EPA needs more than a promotion—it needs a raise, too.

Before we talk about what the amendment does, I would like to make one thing clear. I strongly believe that the actual funding decisions on the new department must be made by Congress through the normal authorization, appropriation, and budget committees. This is a sense of Congress amendment that leaves full discretion to those committees.

The amendment recommends no specific funding levels or programs. It just calls for a significant increase in the overall funding level of the EPA, with increases targeted to those programs which address the greatest needs and can use additional resources most effectively. The amendment simply gives Congress an opportunity to express its general feeling that more funding will be necessary if the new department is to live up to our high hopes for it.

Mr. Chairman, I would hope that all Members can support this amendment, whether they favor or oppose making the EPA a department.

Some Members favor creation of a new department as a good first step toward dedicating more money and attention to solving our environmental problems. This amendment is consistent with that. It says that we understand what the second step is—giving the new department enough money to do its growing job.

Other Members oppose creation of a new department because they do not think the bill goes far enough. They feel that a seat at the Cabinet table is no substitute for a commitment to cleaning up our air and water. This amendment is 100 percent consistent with that. This amendment says, let's not kid ourselves. Cleaning up our air and water is going to require more commitment and more money.

Some Members may be asking themselves, does the EPA need a bigger budget? Let me tell you the facts.

The EPA operating budget is now lower in real terms than it was 13 years ago in fiscal 1979? Measured in constant 1991 dollars, the EPA operating budget was $2.12 billion in fiscal year 1979. In the current fiscal year, 1990, it is $1.99 billion expressed in the same fiscal 1991 dollars. Even President Bush's budget request would only raise it to $2.15 billion—just barely back to where we were more than a decade ago.

This most important part of the EPA budget is lower than it was in 1979, even though EPA's workload has doubled since then. Congress has passed six major environmental laws since then, including the Safe Drinking Water Act of 1986, Clean Water Act Amendments of 1987, Resource Conservation and Recovery Act Amendments of 1984, Superfund Amendments of 1986, just to name a few.

The EPA operating budget is lower than it was 13 years ago, even though EPA now must regulate thousands more pollution sources than it did 13 years ago. It is lower, even though the Agency must research thousands more potentially toxic chemicals and oversee implementation of hundreds more regulations written to enforce the laws we passed.

It almost makes you wonder whether the laws are actually being carried out. Well, some of them surely are not being carried out as well as Congress intended. Take the Nonpoint Source Water Pollution Control Program. This is an important EPA program enacted 4 years ago in the 1987 amendments to the Clean Water Act. The program is supposed to combat water pollution from runoff from fields and streets, which usually doesn't get any treatment. According to EPA, more than half of the contaminants that enter our water today come from this kind of runoff. This poison runoff is a major polluter of the Long Island Sound, Chesapeake Bay, Great Lakes, and many rivers and other bodies of water all over the country.

This poison runoff control program was authorized to receive a total of $400 million over the 4-year period from fiscal 1988 to 1991. But total funding for that period, including that proposed in the President's fiscal 1991 request, will be less than $70 million. I don't think we're trying hard enough.

Funding for EPA's State Revolving Loan Fund Sewage Treatment Program is significant below the authorized funding level. The current funding level for fiscal 1990 is about almost exactly $2.0 billion, and the President's requested funding level for fiscal 1991 is $1.6 billion. This request is $400 million less than the current level and $800 million less than the authorized level.

The 50 States report combined needs of about $43 billion for this program over the next 5 years. In New York, where the need for more sewage treatment facilities is particularly serious, the cost of funding this program will run as high as $5.6 billion over the next 5 years.

Small communities will be especially hard hit by funding shortages here because they frequently cannot get bond ratings or secure affordable financing independently.

There are now over 1,200 sites on the Superfund national priorities list, and many more are expected to be added. These are the worst and most dangerous sites in the country, and they are truly a menace.

Last year the President requested $1.75 billion but we could only find $1.53 billion for this program.

This amendment does not call for throwing money at the problem. The amendment says that increases should be "targeted to those programs which address the greatest needs and can spend increases most effectively."

Mr. Chairman, there are some people who might think that giving the EPA a promotion is a way to avoid giving it a raise. We should be clear with the American people that we understand that this isn't so, and that we intend to do better.

Earth Day is coming and we all share the high hopes of the President and millions of Americans that elevation of the EPA to the Cabinet will be a big step toward achieving the ideals that inspire Earth Day 1990. But we should not fool ourselves that a promotion and a new title alone will get the job done. This new department will need a raise, or it will fall short of our aspirations. I ask my colleagues to be true to the ideals of Earth Day and support this amendment.

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Mr. HORTON. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY of New York. I yield to the gentleman from New York.

Mr. HORTON. Mr. Chairman, I certainly want to indicate my support for the sense of Congress resolution of the gentlewoman from New York [Mrs. Lowey]. I think all Members realize there is a need for additional funding. This is a sense of Congress resolution. I think it would be appropriate for us to accept it, and I do accept it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. Lowey].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Roe:

Insert after section 303(c) the following new subsection:

(d) National Environmental Research Institute Study.—The Commission shall contract with the National Academy of Sciences to conduct a study for the Commission to develop recommendations on establishing a National Environmental Research Institute which would support long-range fundamental and applied research through competitive grants to interdisciplinary research teams and individual investigators. The Academy shall report to the Commission and the appropriate Committees of Congress on the recommendations regarding the structure and functions of the Institute, the relationship of the Institute to federal agency and other research entities conducting environmental research, and the appropriate levels and sources of funding for the Institute. There are authorized to be appropriated such sums as may be necessary for carrying out the provisions of this subsection.

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Mr. Chairman, the amendment I am offering today with several of my colleagues requires the National Academy of Sciences to conduct a study on establishing a National Environmental Research Institute.

The credit for this idea goes largely to my distinguished colleague from the great State of New Jersey, Mr. Saxton, who has previously introduced legislation to launch a similar study.

Mr. Chairman, let me spend just a minute explaining why this amendment is important.

We are growing ever more aware of the threats to the health and habitability of our planet. Problems such as acid rain, toxic chemicals, ozone depletion, ocean pollution, and global warming are front page news today.

Yet in many ways, we really don't know how sick our planet is—or what our prospects are for getting well. Our understanding of Earth's ecological systems is still too rudimentary.

As the Council on Environmental Quality concluded back in 1985, we really don't have the scientific institutions in place to begin to answer these questions. Agencies such as the National Science Foundation and the National Institutes of Health tend to fund basic research, not research which is intended to help policymakers make decisions. EPA's own environmental research program is driven by both its limited budget and pressing regulatory needs into a short-term, technical support type of mission.

A National Environmental Research Institute, insulated from the constraints of seesaw budget fluctuations and short-term research needs, could assess long-term ecological effects, predict environmental problems before they do irreversible harm, develop technologies and strategies for enhanced stewardship of the Earth, and provide a basic understanding of the fragile ecological web that sustains life.

How best to structure such an institute is still being discussed and debated.

I can think of no better qualified group of thoughtful and experienced scientists to look at this very question than the National Academy of Sciences.

I expect that within approximately 1 year the academy will provide the Commission and Congress with a comprehensive analysis of several alternative structural configurations for a National Environmental Reseach Institute. This study will include an assessment of the potential for each option to improve and enhance our Nation's ability to conduct long-term, interdisciplinary, basic, and applied ecological research.

Once Congress has the benefit of such a study, I believe Congress should act swiftly to enact legislation establishing the institute so that we can get on with the important business of understanding and protecting the fragile ecological systems that support our very existence.

It is foolish to continue to pollute and perturb nature's balance, to experiment with natural processes and systems which have carefully evolved over the millennia, without understanding how the planet's system works.

By supporting this amendment, we are calling attention to the urgent need for ecological research, research which will help provide answers crucial to our ability to ensure the future health of our environment.

I want to again commend my colleague, Mr. Saxton, and Representatives Jim Scheuer and Claudine Schneider, chairman and ranking minority member, respectively, of the Subcommittee on Natural Resources, Agricultural Research, and Environment, for their work in developing this amendment through hearings.

Mr. CONYERS. Mr. Chairman, I rise to support the amendment.

My distinguished chairman, who has given us great guidance on matters dealing with science and technology and transportation across the years, has an amendment that seems to me to try to end the cycle of environmental problems that we seem to always be coming into. There is always something new happening that nobody ever thought of before which presents an immediate ecological crisis, and it seems to me that this kind of an institute and academy might be able to get on top of that.

Do I correctly determine the thrust of the amendment of the gentleman from New Jersey [Mr. Roe]?

Mr. ROE. Mr. Chairman, if the gentleman will yield?

Mr. CONYERS. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, the gentleman from Michigan [Mr. Conyers] has made some splendid comments here. The gentleman is absolutely right in his observation.

Mr. Chairman, I wonder if I might exchange a bit of colloquy with the chairman of the Committee on Government Operations.

Mr. CONYERS. Mr. Chairman, reclaiming my time, if I could just finish my point here, because, as the gentleman knows, a few years ago there was the discovery of a huge hole in the stratospheric ozone over the Antarctic. Before that there was discovery that acid rain was killing our lakes and forests. Now it is global warming. Somewhere along the line we have to get on top of these kinds of major questions.

It seems to me that a National Academy of Sciences would provide a mechanism, an environmental research institute, to do the long-range environmental research that can help us better understand how the planet itself works. Nowhere is this currently provided for in the bill, even in the Cabinet level operations that we now propose.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New Jersey.

Mr. ROE. Mr. Chairman, the gentleman from Michigan is totally correct. In fact, I think that the bill today that the gentleman has been sponsoring with the amendments is probably one of the most important environmental moves we have made in the last 10 or 15 years, because it will truly establish a functional operation in the Government, in our National Government, that will be able to provide the resources and understanding and knowledge. The institute we are speaking to now will provide a seat of knowledge, a seat of learning, a seat of expertise, where people can look for the right answers to the environmental problems we are facing today. I compliment the gentleman from Michigan [Mr. Conyers] on his extraordinary good work.

Mr. Chairman, in the colloquy which we spoke to, as the gentleman is aware, under the rules of the House, the Committee on Science, Space, and Technology has jurisdiction over environmental research. Does the gentleman from Michigan [Mr. Conyers] acknowledge that portions of H.R. 3847, the Department of Environmental Protection Act, lie within the jurisdiction of this committee, particularly title III and IV?

Mr. CONYERS. Mr. Chairman, I want to tell the gentleman from New Jersey that first of all I do, of course, but there were seven major committees which like the gentleman from New Jersey [Mr. Roe], the chairman of the Committee on Science, Space, and Technology, were totally cooperative in allowing us to bring this measure as expeditiously as we have to the floor. It is for that reason that I not only acknowledge his committee's jurisdiction, but urge that the gentleman continue the oversight that is within his prerogative, because we are going to need it. Obviously elevating an agency to a department does not change the nature of the beast. We just have a more organized Federal operation with which to fight it.

I believe that the job and jurisdiction of the gentleman on the Committee on Science, Space, and Technology is as important and valuable as it was before this bill came to the floor.

Mr. ROE. Would the gentleman from Michigan further acknowledge that the prerogative of the committee as conferees will not be prejudiced as to those portions of the bill that may be within the jurisdiction of the committee?

Mr. CONYERS. Mr. Chairman, I can again assure the gentleman from New Jersey [Mr. Roe] that the rights of the conferees on the gentleman's committee will be fully protected.

Mr. SAXTON. Mr. Chairman, I rise in support of the amendment.

It was last September that I first introduced legislation calling for the establishment of a national institute on the environment.

Since then, there has been a groundswell of support within the scientific community and within this body, for a research institute.

And today, I am particularly grateful to my colleague from New Jersey, Mr. Roe, for his wholehearted support; to Mr. Scheuer, who chairs the Subcommittee on Jurisdiction; and, to the gentlewoman from Rhode Island [Mrs. Schneider], who is cosponsor of this amendment.

I hope that I can convince the Members of the House that—despite the broad, esoteric language before them—that this amendment deals with a very simple subject: research.

It is all fine and well that we are recognizing the growing importance of clean air, land, and water by raising the EPA to the President's Cabinet. But this amendment takes us a step further, and declares that it is time to end the practice of plugging the discharge pipe after the pollution has already been spilled.

As policy makers, we need facts to make responsible decisions affecting the environment. We need innovative alternatives. We need to prevent pollution before it occurs.

In other words, we need long-term basic research.

Mr. Chairman, our current funding for research is dependent on political mood swing and watever happens to be the crisis de jour.

I offer a case in point: Since the Alaskan oilspill of 1 year ago, we have been trying to put together tougher oilspill laws. Why did we have to wait for an 11-million-gallon spill to realize our provisions for response and clean-up were so inadequate?

I offer another case in point: an estimated half the Atlantic stock of bottle-nosed dolphins died in 1987. We still don't know why. Currently, dolphins are dying over three times the normal levels in the Gulf of Mexico. Why? We still don't know.

I offer another case in point: black mayonnaise. That's what we call the disgusting black filth that coats our harbor floors. This sediment is contaminated with PCB's and other toxins. You can't dredge without stirring it up. And once you do, there's no place to put it. How do we treat it? We still need an answer.

The fact of the matter, Mr. Chairman, is that there is a multitude of problems confronting the environmental today, and we still don't have any concrete answers or solutions.

Nonpoint pollution from sewage plants and other sources continue to foul our bays and estuaries. Can we prevent and manage this pollution? Can we even identify it?

Controversy has arisen over the alleged threat of global climate change. Is it happening now? Can we reverse it?

Similarly, ozone has been identified as a real and present danger. Can ozone be replenished? What are the alternatives to CFC's?

Solid waste is a crisis that translates into landfills the size of mountains. What are the safe alternatives? How can we enhance recycling efforts?

Over half of our Nation's wetlands have been lost, and many species of wildlife along with it. Despite the policy of no net loss, we still really don't know how to replace wetlands.

We have a great Superfund law, but few alternatives for safely disposing of hazardous waste. Can these wastes be recycled or reduced or rendered benign?

Fears that our fishing stock could be depleted are all too real. Can we learn to better conserve our fish? Can we learn to harvest from the sea more responsibly?

This is not to suggest that no one is researching these problems. Much research is taking place.

For example, Government agencies are exploring global warming, and ozone depletion.

Private industry is deeply involved in the so-called clean-up technologies of bioremediation, of cogeneration and resource recovery, and of recycling.

Our universities and colleagues are involved in ecological research, fisheries research, and that all-too-often controversial subject of acid rain.

And private organizations, like the Smithsonian Institute are deeply involved in the research of biodiversity, endangered species, and the ecological sensitivities of the Antarctic.

Mr. Chairman, what we need is one independent body which can coordinate all this information, and make it available to those of us in the policy-making arena.

This amendment is simple enough. It provides for a study. And that study will reveal to us what a National Institute on the Environment should look like, and identify the environmental problems deserving of intense long-term research.

An environmental institute can work. In fact, this institute has a good model to follow.

For over 100 years the National Institutes of Health have been researching and finding solutions and cures for diseases and medical problems that have confronted us.

Whether it is arthritis, diabetes, or AIDS, we all benefit for medical research. And, we are all involved in supplying the necessary resources and innovation for that research.

It is now time that we find new medicine for the environment by providing it with the same national focus that NIH has given to the health of our citizens.

I am not belittling the work of the EPA. But the fact of the matter is that the EPA is principally a regulatory agency. It either can't or doesn't dedicate its energies and financial resources to research.

A study that the EPA itself contracted out in 1989 found that Federal agencies fund only about $81 million a year for investigator-initiated, policy relevant, environmental research.

Two-thirds went for environmental health research, leaving only $26 million for nonhealth research.

Many words, many big ideas, and many problems, that's what this amendment is about.

But once again, Mr. Chairman, it is really about one word, and one concept—research—environmental research.

And if we don't start dedicating more of our attention to the enhancement and coordination of this Nation's resources, we will be looking down the road at a litany of stopgap solutions of the environmental crises of the future.

Again, my appreciation to the cosponsors of this amendment.

Mr. SCHEUER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New Jersey.

Over the last decade, environmental research has fallen on hard times. The Reagan Office of Management and Budget slashed funds for most environmental research on the theory that if we knew more, we would have to do more.

On the other hand, when the environmentalists wanted the administration to do something, the administration would claim it didn't know enough and that more research was needed.

Thus, over time, environmentalists have come to think of research solely as an excuse for not taking strong action.

This view is most unfortunate, because effective environmental protection requires sound science and research.

Indeed, without a sound scientific foundation, even our most well-intentioned efforts to save the environment are doomed to failure.

It is time to recognize that environmental research is not only just as important as environmental regulation; indeed it is an essential precondition to sound, thoughtful cost effective environmental regulation.

The proposal to establish a National Environmental Research Institute is an important step in the rehabilitation of our neglected environmental research infrastructure.

At the same time that the Office of Technology Assessment has warned us that the demand for the supply of qualified environmental experts will quintuple in the 1990's, the supply of new graduate students in environmental science and engineering is dramatically declining.

The funds to train these students has dried up.

Out of the $9 billion of federally supported R&D at our Nation's universities and colleges, EPA funds only $58 million. That's a little more than 1 percent of the funding given out by Department of Health and Human Services alone.

A National Environmental Research Institute may well be the answer to this problem. Recent hearings before the Environment Subcommittee of the Science Committee generated enthusiastic support.

As the Commission in H.R. 3847 debates the future structure of Department of Environmental Protection, we also need to be thinking about revitalizing our environmental research capability.

The National Academy study in this amendment will help move us along that course.

Mr. Chairman, I want to commend the gentleman from New Jersey, and the other gentleman from New Jersey [Mr. SAXTON], who got the ball rolling with his legislation. I also want to commend the ranking Republican member of the subcommittee, CLAUDINE SCHNEIDER, for her support.

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The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ROE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STUDDS

Mr. STUDDS. Mr. Chairman, on behalf of the gentleman from North Carolina [Mr. JONES] and myself, I offer an amendment made in order under the rule.

The Clerk read as follows:

Amendment offered by Mr. STUDDS: After Title IV, insert the following new Title V:

TITLE V—OFFICE OF ENVIRONMENTAL QUALITY REAUTHORIZATION ACT

SEC. 501. CLARIFICATION OF NATIONAL ENVIRONMENTAL POLICY.

(a) STATEMENT OF GENERAL ENVIRONMENTAL POLICY.—Section 101(b) of the National Environmental Policy Act of 1969 (42 U.S.C. 4331(b)) is amended—

(1) in paragraph (5) by striking "and" following the semicolon;

(2) in paragraph (6) by striking the period and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(7) provide world leadership in ensuring a healthy and stable global environment.".

(b) ENVIRONMENTAL IMPACT STATEMENTS.—Section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is amended—

(1) by striking clause (iii) and inserting in lieu thereof the following:

"(iii) reasonable alternatives to the proposed action that achieve the same or similar public purposes, including alternatives that avoid the adverse impacts described in clause (ii) and alternatives that otherwise mitigate those adverse impacts,"; and

(2) by inserting "and the public" immediately before the second period.

(c) FEDERAL AGENCY ACTION REGARDING GLOBAL ENVIRONMENT.—Section 102(2)(F) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(F)) is amended to read as follows:

"(F) work vigorously to develop and implement policies, plans, and actions designed to support national and international efforts to enhance the quality of the global environment;".

(d) IMPLEMENTATION OF MITIGATION MEASURES.—Title I of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 106. Environmental mitigation and monitoring measures and other conditions discussed in a detailed statement or other document prepared under section 102(2)(C) and selected by an agency as part of its final decision to undertake an action shall be implemented by the appropriate agency.".

SEC. 502. PRESIDENT'S STRATEGY FOR ENVIRONMENTAL PROGRESS.

Section 201 of the National Environmental Policy Act of 1969 (42 U.S.C. 4341) is amended to read as follows:

"SEC. 201. Not later than January 31 of each year, the President shall transmit to Congress a report which—

"(1) describes the President's strategy for implementing the policy and objectives set forth in section 101 during that year;

"(2) describes areas of new or heightened environmental concern:

"(3) proposes initiatives to strengthen and improve Federal environmental programs;

"(4) sets priorities for national action to protect the environment; and

"(5) analyzes issues associated with the implementation of this Act and the effectiveness of measures specified in detailed statements of Federal agencies under section 102(2)(C) to mitigate the adverse environmental impacts of Federal actions.".

SEC. 503. REGULATORY AUTHORITY.

Section 204 of the National Environmental Policy Act of 1969 (42 U.S.C. 4344) is amended—

"(1) by striking "and" at the end of paragraph (7);

"(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

"(3) by adding at the end of new paragraph:

"(9) to promulgate regulations governing the implementation of this Act by all Federal agencies (including independent regulatory commissions) which include provisions for public review and comment on the detailed statements required by section 102(2)(C) and, as appropriate, on other documents prepared pursuant to this Act.".

SEC. 504. REVIEW FUNCTIONS OF COUNCIL.

(a) Issuance of Guidelines for Agency Review of Certain Environmental Impact Statements.—Not later than 6 months after the date of the enactment of this Act, the Council on Environmental Quality (hereinafter in this Act referred to as the "Council") shall issue guidelines under which each Federal agency shall review a statistically significant sample of detailed statements prepared by the agency under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) in which measures were specified for the mitigation of any adverse impact on the environment that was predicted to occur as a result of agency action.

(b) Content of Guidelines.—Guidelines issued by the Council under subsection (a)—

(1) shall establish the timing and frequency of reviews to be conducted by agencies under the guidelines; and

(2) shall require that Federal agencies examine—

(A) the accuracy of predictions of adverse impact which were included in such statements, including predictions of impacts on fish and wildlife populations and habitats;

(B) the extent to which mitigation measures specified in statements under section 102(2)(C) of the National Environmental Policy Act of 1969 were implemented; and

(C) the effectiveness of those implemented mitigation measures.

(c) Agency Reviews.—Each Federal agency shall carry our reviews in accordance with guidelines issued by the Council under this section, and shall promptly submit to the Council the results of those reviews.

(d) Summary of Results in Annual Report.—The President shall include a summary of the results of the review carried out by Federal agencies under this section with the annual report transmitted to the Congress under section 201 of the National Environmental Policy Act of 1969 (42 U.S.C. 4341).

SEC. 505. IMPACT OF AGENCY ACTIONS ON THE ENVIRONMENT OUTSIDE UNITED STATES JURISDICTION.

(a) Issuance of Regulations by Council.—Not later than 1 year after the date of the enactment of this Act, the Council shall issue regulations under which each Federal agency shall—

(1) ensure the consideration, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), of the significant effects of its major actions on the environment of the global commons outside the jurisdiction of any nation; and

(2) ensure the formal assessment, in a manner that furthers the objectives of the National Environmental Policy Act of 1969, of the significant effects of its major actions, including extraterritorial actions, on the environment outside the jurisdiction of the United States and its territories and possessions.

(b) Contents of Regulations.—The regulations issued by the Council under paragraph (1) shall—

(1) be consistent with the national security and foreign policy of the United States; and

(2) include guidance for Federal agencies for assessing the effects (including cumulative effects) of proposed major actions, on—

(A) global climate change;

(B) depletion of the ozone layer;

(C) the loss of biological diversity;

(D) transboundary pollution; and

(E) other matters of international environmental concern.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended by adding at the end of the following:

(E) $3,000,000 for each of the fiscal years 1991 and 1992."."

Mr. STUDDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. STUDDS. Mr. Chairman, this amendment incorporates the text of H.R. 1113, a bill to authorize funds for the Office of Environmental Quality and to make a number of clarifying amendments to the National Environmental Policy Act.

The substance of this proposal should not be controversial, for it was approved by the House under suspension of the rules last October 10. I offer the amendment in order to provide the other body with a convenient vehicle for completing action on it, should it so desire, and because the amendment is thoroughly consistent with the overall purpose and spirit of this Department of the Environment bill.

The amendment authorizes $3 million annually for the next 2 years for the Council on Environmental Quality, a Presidential advisory panel which nearly expired from neglect during the previous decade, but which has shown at least some signs of life under the leadership of its new Chairman, Michael Deland.

CEQ advises the President on the full range of environmental issues, but it's primary responsibility remains the enforcement of NEPA. That law, now in its 20th year, is without question the most important environmental statute in the world. It has been tried and tested and proven at home and it serves increasingly as a model for nations and international organizations abroad.

Like the Constitution, NEPA may need some improvement from time to time, but it's hard to quarrel with the general idea. All NEPA requires is that Federal agencies think in advance about the environmental effects of the actions they propose to take and that they consider alternatives that avoid or minimize environmental harm.

We are concerned now—as we were when NEPA was enacted—about polluted rivers, dirty air and unplanned development. But we did not worry then that the Earth might someday suffer an even greater loss—the loss of the very features that distinguish it from its interplanetary neighbors: a healthy ozone layer; a proper balance between oxygen and carbon dioxide in the atmosphere; and the ability to sustain human life.

That is why the time has come to apply the principles of NEPA not just to our national environment, but to the global environment, as well. This amendment takes the first steps in that direction.

The amendment eliminates any doubt that NEPA applies—as I believe it always has applied—to major Federal actions having a significant environmental impact on the atmosphere, the oceans, Antarctica and other areas that make up what is commonly referred to as the global commons.

Second, it requires CEQ, consistent with the national security and foreign policy of our country, to issue regulations requiring Federal agencies to consider the impact of their actions, including extra-territorial actions, on global climate change, depletion of the ozone layer, the loss of biological diversity, transboundary pollution and other matters of international environmental concern.

That sounds like common sense. But the fact is that Federal agencies currently make long-range decisions about agriculture, forestry, water resources, coastal zone resources and energy policy with little or no regard for the cumulative impacts of those actions on the global climate.

We seek, if the President is to be believed, to take the lead on international environmental issues. But today, it is we who are the world's largest generator of the emissions that cause global warming. We are the largest user of the CFC's that deplete the ozone layer. We are by far the world's largest consumer of fossil fuels. And yet, a recent survey by CEQ indicated that not one Federal action was systematically reviewed for its impact on the international environment—as required by NEPA—during the last decade.

Leadership must begin at home. This amendment offers Members an opportunity to go on record in support of action to protect our planet from the poisons that endanger it, and to back up American rhetoric with American action on global environmental issues.

Finally, I want to thank Chairman Conyers for his leadership and cooperation on this bill and I include at this point in the RECORD a letter to him from the chairman of the Committee on Merchant Marine and Fisheries concerning something even more important than Earth's survival—committee jurisdiction.

Mr. Chairman, I urge adoption of the amendment.

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The letter to which I referred is as follows:

COMMITTEE ON MERCHANT MARINE
AND FISHERIES
Washington, DC, March 27, 1990.
Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, Washington, D.C.

DEAR CHAIRMAN CONYERS: On March 13, 1990, the Committee on Government Operations reported a substitute to H.R. 3847, the Department of the Environment Act, with amendments. The principal purpose of H.R. 3847 is to elevate the Environmental Protection Agency [EPA] to a cabinet-level department. Today, the House is scheduled to consider the bill on the floor.

H.R. 3847 was referred solely to the Committee on Government Operations although it contains several provisions that are of interest to, and are within the jurisdiction of, the Merchant Marine and Fisheries Committee.

To expedite consideration of H.R. 3847 by the House of Representatives, I waived an assertion by the Merchant Marine and Fisheries Committee of its jurisdiction over this bill in exchange for your acknowledgment of our jurisdiction and your willingness to continue to work with us on any needed refinements in the bill when it is considered in informal negotiations or conference with the Senate.

H.R. 3847, as reported, contains four titles: (I) Designation of Department of the Environment; (II) Administrative Provisions; (III) Commission on Improving Environmental Protection; and (IV) Study of Effects of Environmental Pollution on Minorities and Low-Income Populations. The Merchant Marine and Fisheries Committee is mainly concerned with titles I and III.

The central purpose of title I is to designate and organize EPA as a cabinet-level department. But, in so doing, the title also authorizes the new department to undertake a number of functions, some of which directly affect laws and programs within the jurisdiction of the Merchant Marine and Fisheries Committee. For example, the Office of International Environmental Affairs, in section 108(b) of the bill, is encouraged to assist the Secretary of State in carrying out the Secretary of State's primary responsibility for participating in the work of international organizations relevant to environmental protection. This provision fails to acknowledge the need for the Secretary of Environmental Protection to cooperate with other agencies who also participate in the work of the international environmental organizations.

The Coast Guard, for whose activities this Committee has oversight responsibility (House Rule X(1)(n)(3)) serves as the chief liaison to the International Marine Organization [IMO] and is responsible for the development and implementation of international agreements on marine pollution, prevention, and safety. The National Oceanic and Atmospheric Administration [NOAA], another agency over whose environmental programs the Merchant Marine and Fisheries Committee has jurisdiction, also participates in the work of international organizations relevant to environmental protection, including the IMO and the United Nations. We would therefore appreciate an acknowledgment, either in the conference report or statement of managers that the Secretary should cooperate with these agencies as well as with the Secretary of State.

Section 110 of H.R. 3847, as reported, establishes an Office of Pollution Prevention. The principal goal of the new Office will be reduced of emissions, releases, waste disposal, and other discharges of pollutants to any environmental media. To accomplish this objective, the Office will have to work through existing laws administered by EPA, such as title I of the Marine Protection, Research, and Sanctuaries Act (MPRSA, 33 U.S.C. 1401 *et seq.*), which regulates the dumping of materials into ocean waters from vessels, and section 311 of the Clean Water Act (33 U.S.C. 1321), which regulates the discharge of oil into the navigable waters of the United States. The Merchant Marine and Fisheries Committee has jurisdiction over title I of the MPRSA and shares jurisdiction over certain portions of that title and the Clean Water Act with the Committee on Public Works and Transportation.

Section 111 of the bill establishes a Bureau of Environmental Statistics for the purpose of identifying a comprehensive set of data for determining environmental quality and related public health matters over both the short and long term. The Bureau is authorized to cooperate with the Council on Environmental Quality [CEQ] and other federal agencies in preparing the report required under section 201 of the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C. 4341). The Committee on Merchant Marine and Fisheries asserts jurisdiction over CEQ, established by section 502 of NEPA. CEQ has the primary responsibility for preparing the annual Environmental Quality Report under section 201.

We recently reported, and the House passed, a bill reauthorizing the CEQ for fiscal years 1989 and 1990 (H.R. 1113, H.R. Rept. 101-219). We are pleased to see that H.R. 3847, as reported, acknowledges CEQ's lead responsibility for preparation of the Environmental Quality Report. We also appreciate your willingness to have the Merchant Marine and Fisheries Committee offer an amendment to add the text of H.R. 1113 as passed by the House, with some technical modifications, to H.R. 3847. Representative Gerry Studds of our Committee has asked the Rules Committee to make in order an amendment to add a CEQ title to your bill and Rules has agreed to that request.

To carry out the functions of the Bureau of Environmental Statistics, its Director is authorized to collect environmental data from such other federal agencies as the Director considers appropriate. One source of these data will certainly be NOAA. NOAA collects and maintains a comprehensive data base on the quality of our ocean and coastal environment through its Status and Trends program, National Ocean Pollution Program Office, and National Environmental Satellite, Data, and Information Service, among other programs. We wish to ensure that the new Bureau does not duplicate or intrude on the data collection functions properly belonging to NOAA. At the same time, we recognize the need for the Bureau to have access to data maintained by NOAA and other agencies in order to carry out its functions. To accomplish these objectives, we would have preferred to see the interagency coordinating council, authorized by section 110(b)(7) of the bill, as introduced, restored and NOAA added to the list of council members. Perhaps, this is a matter that can be addressed in the conference committee.

Title III of H.R. 3847, establishing the Commission on Improving Environmental Protection, is particularly important to the Merchant Marine and Fisheries Committee. By June 30, 1992, the nine-member Commission is to issue a report to the President and the Congress on, among other matters, the benefits and detriments of consolidating programs which are currently not within the jurisdiction of the Department of the Environment but which relate to its mission (section 303). A number of programs that meet this description fall within the jurisdiction of the Merchant Marine and Fisheries Committee. These programs are administered by NOAA, the Fish and Wildlife Service, the Coast Guard, and the Corps of Engineers. How they are managed and by which agency are issues of critical concern to this Committee.

While we recognize that the Commission's function is solely advisory, what the Commission recommends and how its recommendations are implemented is important to any future consolidation of other agencies and programs with the new department. For that reason, we appreciate the changes you have already made in the composition of the Commission's membership, the qualifications of its members, and identification of the Congressional committees to whom the Commission issues its report. We were deeply concerned about the need to ensure that the Congress and both our Committees are involved in making decisions on further reorganizations affecting environmental programs. This is particularly important in the case of NOAA, an agency created by executive action. Therefore, we are pleased that your Committee added new language to section 307 of the bill making certain that any future reorganizations between agencies and the department can be implemented only if otherwise authorized by law.

Finally, I would like to call to your attention a provision in title III of the Senate version of the Department of the Environment Act (S. 2006) that establishes an Interagency Committee on Global Environmental Change. While there is no comparable provision in H.R. 3847, it is similar to title II of H.R. 3332, the Global Environment Research and Policy Act of 1989, which I introduced and which the Merchant Marine and Fisheries Committee reported on September 26, 1989 (H.R. Rept. No. 101-394, Part 1).

I would appreciate your cooperation in having Members of the Merchant Marine and Fisheries Committee appointed as limited conferees to any House-Senate conference considering the adoption of title III of S. 2006, as well as for the purpose of considering the other provisions discussed above. I also would appreciate your cooperation in ensuring that Members of this Committee are included in any informal negotiation that takes place to reconcile differences in the House and Senate bills that affect the jurisdiction of the Merchant Marine and Fisheries Committee.

Thank you again for acknowledging this Committee's jurisdiction over various aspects of H.R. 3847 and for working so closely with us in the development of the final language of this bill. I would like to take this opportunity to express my appreciation

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for the cooperation and assistance Frank Clemente of your staff has provided us in this regard. Finally, I wish you well on the floor today and would like to indicate my support for the bill reported from your Committee.

With warm personal regards, I am

Sincerely,

Walter B. Jones,
Chairman.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment offered by Messrs. Jones and Studds really incorporates a provision that was overwhelmingly approved only 5 months ago by the House and it certainly underscores the importance of the funding level for the Office of Environmental Quality. It amends the National Environmental Policy Act to require the President to submit to Congress annually a strategy for achieving our national environmental objectives and reviews the effectiveness of environmental mitigation measures identified in previous environmental impact statements.

So we really have a already existing position of the House that is being incorporated appropriately into this bill for the Senate's continued consideration.

I urge support of this measure.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. Studds].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ECKART

Mr. ECKART. Mr. Chairman, under the rule, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Eckart: And at the end of the bill the following new title:

TITLE V. FEDERAL FACILITIES COMPLIANCE

SEC. 501. SHORT TITLE.

This title may be cited as the "Federal Facilities Compliance Act of 1990".

SEC. 502. APPLICATION OF CERTAIN PROVISIONS TO FEDERAL FACILITIES.

(a) In General.—Section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961) is amended—

(1) by inserting "(a) In General.—"after "6001.";

(2) in the first sentence, by inserting "and management" before "in the same manner";

(3) by inserting after the first sentence the following: "The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines."; and

(4) by inserting after the second sentence the following: "For purposes of enforcing any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order, or civil or administative penalty or fine) against any such department, agency, or instrumentality, the United States hereby expressly waives any immunity otherwise applicable to the United States. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State solid or hazardous waste law with respect to any act or omission within the scope of his official duties. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including but not limited to, any fine or imprisonment) under any Federal or State solid or hazardous waste law, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction.".

(b) Administrative Enforcement Actions.—(1) Such section is further amended by adding at the end the following new subsection:

"(b) Administrative Enforcement Actions.—(1) The Administrator may commence an administrative enforcement action against any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government pursuant to the enforcement authorities contained in this Act. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against another person. Any voluntary resolution or settlement of such an action shall be set forth in a consent order.

"(2) No administrative order issued to such a department, agency, or instrumentality shall become final until such department, agency, or instrumentality has had the opportunity to confer with the Administrator.

"(c) Limitation on State Use of Funds Collected From Federal Government.—Unless a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the cost of environmental protection or enforcement.".

SEC. 503. DEFINITION.

"(a) Person.—Subtitle F of the Solid Waste Disposal Act is amended by adding at the end the following:

"SEC. 6005. DEFINITION OF PERSON.

"For purposes of this Act, the term 'person' wherever used in this Act, shall be treated as including each department, agency, and instrumentality of the United States.".

"(b) Table of Contents.—The table of contents for such subtitle F is amended by adding the following new item at the end:

"Sec. 6005. Definition of person.".

SEC. 504. APPLICABILITY WITH RESPECT TO A FEDERAL WASTEWATER TREATMENT WORKS AT MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) Applicability.—Subtitle F of the Solid Waste Disposal Act is amended by adding at the end the following:

"SEC. 6006. APPLICABILITY TO A FEDERAL WASTEWATER TREATMENT WORKS AT MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

"(a) Applicability.—(1) A wastewater treatment works at the Marine Corps Air Station, Cherry Point, North Carolina, that receives and treats waste, a majority of which is domestic waste generated by a department, agency, or instrumentality of the Federal Government—

"(A) shall be considered to be managing a solid waste, but not a hazardous waste, for purposes of this Act, if such a wastewater treatment works and all discharges to the treatment works comply with the pretreatment program requirements established pursuant to section 307 and 402(b)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1317 and 1342(b)(8)); and

"(B) shall be subject to enforcement only under tne Federal Water Pollution Control Act for any violation of such pretreatment program requirements.

"(2) Removal of solid waste from any unit that is part of a wastewater treatment works as described in paragraph (1), whether or not such solid waste was defined as a hazardous waste before the date of the enactment of this section, shall not be required unless the removal is part of a corrective action taken in response to a release from the unit.

"(b) Relationship to Federal Water Pollution Control Act.—Nothing contained in this section may be construed as defining a wastewater treatment works owned by a department, agency, or instrumentality of the Federal Government as a publicly owned treatment works for purposes of the Federal Water Pollution Control Act.".

(b) Table of Contents.—The table of contents for such subtitle F, as amended by section 3, is further amended by adding the following new item at the end:

"Sec. 6006. Applicability to a Federal wastewater treatment works at Marine Corps Air Station, Cherry Point, North Carolina.".

Mr. ECKART (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. ECKART. Mr. Chairman, the Eckart-Schaefer amendment before this House today is a replay of an earlier piece of legislation, H.R. 1056, which passed this body with its overwhelming support by a vote of 380 to 39.

The reason that Mr. Schaefer and I bring this amendment here today to you is that we believe that raising EPA to a Cabinet-level status should mean more than just pulling up another chair to the already-crowded Cabinet table.

Cabinet-level status should mean a full partnership, full empowerment to an agency that already has a very full plate.

Many of us are thoroughly familiar with things that our moms and dads used to tell us when we were children. It used to be, "Make your bed, brush your teeth, have a good time and behave yourself." Also, "Eat your vegetables," Mr. President.

Or, "If I have told you once I have told you a million times." Yet I would like to add one more, one that I think is very appropriate in the consideration of this debate, and that is, "Do as I say, not as I do."

For the fact of the matter is that like our parents, the Federal Government has walked around in the arena of the environment telling people, "Do as I say, not as I do." The fact remains that thousands and thousands of pounds of environmentally unacceptable materials are released by Federal agencies into our air, into our water, and they seep into the ground. If these releases had been caused by a private party, by a municipal or State government or by a business, they would be subject to penalty, legal actions and possibly even criminal charges.

The Federal Government has been saying, "Do as I say, not as I do," and created the hypocrisy of having taxpayers pay to pollute and then asking them to come forward and clean up.

Adding H.R. 1056 to H.R. 3847 tells the American people we will hold this new Department of Environmental Protection to a tough standard, not a double standard. We will say clearly and unequivocally that the Nation's environmental laws apply to the Federal Government as well and that a double standard which says that private citizens, communities and businesses have to live up to one set of laws but the Federal Government does not, just will not cut it anymore.

That is, the last plantation standing free from environmental protection will come tumbling down.

It has been absolutely clear to Mr. SCHAEFER and my colleagues and I that the Federal Government has been much less than a good neighbor Sam. We have polluted people's back yards in the name of running the Nation's business. The DOE and the Department of Defense are among the worst offenders. DOD lists 8,000 active sites at 897 installations, and there are 3,700 sites under the Department of Energy at 17 facilities, all of which require important environmental remediation.

My colleagues, this legislation before us gives real meaning to the words of our President uttered so eloquently in May 1988 on the campaign trail. Let me quote them to you once again: "Unfortunately some of the worst offenders are our own Federal facilities," then Vice President Bush said. He continued: "As President, I will insist that in the future Federal agencies meet or exceed environmental standards. Government should live within the laws that it imposes on others."

We say that if in fact the Environmental Protection Agency is going to be raised to Cabinet level, we are going to put the President's words where his campaign pledges have been. And that is, as this Nation's environmental President, Mr. Bush's words will be taken at face value by those of us who have worked on this measure for some years.

My colleague from Colorado, who has worked hard on this matter and will speak in his own right, can assert with terrible clarity the problems that have occurred in his own home State, where the FBI was required to, under the cloak of darkness, seize records at Federal facilities because of their intransigence.

Now, Mr. Chairman, "Do as I say, not as I do," will not work in the arena of environmental protection anymore. Passing a Cabinet-level bill that looks good but does not do good is small solace for those who find Uncle Sam not being a very good neighbor.

The inclusion of H.R. 1056 which, with but a few dissenting voices, just a few short months ago stated the priorities of this Congress to require that Federal facilities be held up to the standards of national enforcement of the same Federal laws of others, is long overdue.

I thank my colleagues for their time.

Mr. CONYERS. Mr. Chairman, I move to strike the last word and would only say that the gentleman from Ohio [Mr. ECKART], whose measure was indeed H.R. 1056, passed only last year overwhelmingly by this House, that required Federal facilities to be the first to apply and support the environmental protection laws of the land, is so appropriate that I am very, very pleased to incorporate it within the context of our bill before the membership.

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Mr. Chairman, I urge its support.

Mr. SYNAR. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Oklahoma.

Mr. SYNAR. Mr. Chairman, as chairman of the Subcommittee on Environment, Energy, and Natural Resources, who had done most of the hearings in this area, I rise in support of this amendment.

I rise in support of the amendment for the following reasons:

First, the amendment simply incorporates a bill already passed by the House earlier this Congress:

The Eckart amendment incorporates a bill, H.R. 1056, which was overwhelmingly approved by the House 380 to 39 on July 19, 1989, after being approved by the Energy and Commerce Committee by a vote of 38 to 5.

Second, this amendment is necessary to address an immediate and serious problem; the failure of Federal agencies to comply with the Federal hazardous waste laws:

Both my Subcommittee on Environment, Energy and Natural Resources of the Government Operations Committee, which reported this bill, and the Energy and Commerce Committee, which reported H.R. 1056, have held extensive hearings on environmental problems at Federal facilities. From these hearings and investigations conducted by the U.S. General Accounting Office we know of extensive hazardous waste problems at Federal facilities. For example: 28 of 45 major Department of Energy sites—sites not individual facilities—will require corrective actions under RCRA and more under Superfund. At the Hanford site alone there are over 1,000 individual facilities or spills requiring cleanup. Cleanup costs at DOE sites are estimated at between $35 billion and $60 billion.

Third, the amendment would correct a regulatory vacuum created by the courts and the Justice Department:

The Justice Department argues that EPA can't take enforcement action against other Federal agencies under RCRA. At the same time, Justice has also convinced some courts that the States can't either. Consequently, we are left, in some cases, with no effective enforcement. This amendment would restore both EPA's authority and the States' authorities to regulate as Congress originally intended.

Fourth, the EPA Cabinet bill is the right vehicle to solve this problem:

We are passing this bill to elevate EPA to a Cabinet level agency precisely because we want there to be no doubt about the national importance of protecting the environment and the importance of EPA's role. Congress would be remiss if we did not take this opportunity to clear up the existing ambiguity over EPA's authority to enforce RCRA.

Fifth, Eckart amendment will end the double standard for hazardous waste regulation:

The Eckart amendment will end the double standard for hazardous waste regulation where States, municipalities, and private corporations are subject to civil penalties levied by EPA for RCRA violations, but not other agencies of the Federal Government.

Sixth, Eckart amendment is consistent with new DOE policy on contractor accountability:

Earlier this year, DOE proposed changes to its procurement policy to make contractors liable for fines and penalties for violations of environmental laws. The Eckart amendment would simply add RCRA to the list of environmental statutes containing fines and penalties which DOE now acknowledges are important tools to assure contractor accountability for environmental protection. The Department of Defense already holds its contractors responsible for paying such fines.

Seventh, H.R. 1056 is supported by all 50 State attorneys general, the National Conference of State Legislatures, and the Western Governors Association:

All 50 State AG's signed a joint letter last summer during debate on the H.R. 1056. The Western Governors Association passed a resolution last summer calling for the enactment of H.R. 1056. And the National Conference of State Legislatures has sent a letter to all Members of the House urging them to adopt the Eckart amendment.

Mr. SCHAEFER. Mr. Chairman, I rise in support of the Eckart amendment.

Mr. Chairman, I am pleased to join the gentleman from Ohio, [Mr. ECKART] in offering this important amendment. His commitment to ensuring that our Federal facilities are operated in an environmentally safe manner is unparallelled and greatly appreciated.

Last July, in passing H.R. 1056, we in the House sent a message to our Fed-

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eral facilities. And we did it in a manner that could not be misunderstood. By a vote of 380 to 39, we placed our Government agencies on notice—that disregard for the Nation's environmental laws would no longer be tolerated.

But strong words alone aren't enough. Over time, their forcefulness fades and their impact diminishes. Little incentive is left for Federal facilities to comply, outside of setting a good example for their private counterparts. Despite its merits, the past has proven that principle woefully inadequate.

It is a past that won't be soon forgotten by those living near the Rocky Flats plant just outside my district. They saw their trust in the Federal Government betrayed when 70 FBI agents raided the plant to investigate a host of suspected environmental violations. Nine months and a new contractor have done little to comfort those who feared for the value of their homes and more importantly, the health of their families. For those individuals, many of which are my constituents, nothing we do today can erase the events of last June.

But we can see that it doesn't happen again. We need to ensure that Government agencies act in an environmentally responsible fashion even when the watchful eye of Congress is focused elsewhere. That is the intent of this amendment.

Its premise is simple—that Federal facilities should meet the same requirements as private, and be subject to similar sanctions if they do not. As with other critical environmental statutes, like the Clean Air Act and Safe Drinking Water Act, States could for the first time levy fines and penalties against those violating the law—even if the guilty party is the Federal Government. It only makes good sense.

Clearly, that was the conclusion of my colleagues—both Democrat and Republican—when we approved similar legislation so convincingly last year. To date, the other body has failed to recognize our wisdom. That is why it is essential that we take this opportunity to again express our firm commitment to environmental compliance at our Federal facilities. I look forward to an equally decided outcome.

Again, I cannot say too often how much I thank my friend and colleague the gentleman from Ohio for his great work and dedication to this legislation.

Mr. BLILEY. Mr. Chairman, will the gentleman yield?

Mr. SCHAEFER. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Chairman, once again I rise in strong support of the Federal Facilities Compliance Act as an amendment to H.R. 3847. Each year, Federal facilities generate millions of tons of hazardous waste. I find it unconscionable that some of the most horrifying stories of noncompliance with our hazardous waste laws deal with Federal facilities. This amendment correctly recognizes the fact that this Nation's ground water cannot tell the difference between Federal pollution and the rest of the country's pollution.

For this reason, last July this body overwhelmingly passed this language as a free-standing bill. Unfortunately, the august body across the Capitol, the U.S. Senate does not feel that this is a priority. They have chosen to ignore this environmental double standard. So today we must reaffirm our commitment to this language by attaching it to the bill to elevate the Environmental Protection Agency to Cabinet status.

This amendment clarifies the existing waiver of sovereign immunity in section 6001 of the Resource Conservation and Recovery Act [RCRA] to provide that Federal facilities are subject to the same enforcement sanctions, including civil penalties, that apply to State and local governments and private companies. It also restores that Environmental Protection Agency's ability to use administrative orders to resolve regulatory violations at Federal facilities. For too long, Federal facilities have been like the coach's son—not forced to do the drills like the rest of the team. Well, this bill puts an end to favoritism. It tells the Federal facilities: "Practice what you preach."

This is not a radical concept. Congress has clearly waived sovereign immunity under the Clean Air Act, the Safe Drinking Water Act and the Medical Waste Tracking Act. Under these laws States have shown reasonable, responsible behavior. I expect no different under this legislation. Of course, the best way of preventing any problems would be for the Federal facilities to be in compliance with the laws from the start.

This bill is a much needed tool to work for enforcement of our hazardous waste laws. I urge my colleagues to vote for fair play and a healthy environment. I urge their support of this amendment so that this issue may finally get the attention that it deserves from the Senate.

Mr. RICHARDSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to enter into a colloquy with my friend my colleague, the gentleman from Ohio [Mr. Eckart].

Mr. ECKART. If the gentleman will yield, Mr. Chairman, I will be more than willing to enter into a colloquy.

Mr. RICHARDSON. Mr. Chairman, according to USA Today which obtained unreleased military documents, the Pentagon intends to ask the President to exempt the military from clean air laws. Citing national security reasons, the military will reportedly request that all aircraft, spacecraft, wheeled and tracked vehicles, vessels, and weapons be exempt from the Clean Air Act.

Additionally, the Pentagon will request an exemption for the burning or detonating of munitions and ordnance as well as an exemption from emissions requirements on paints and chemicals used to repair or refurbish military vehicles.

It is estimated that the Army alone has over 800,000 cars, trucks, tanks, and other vehicles. Clearly, many of the actions for which these exemptions are being sought (i.e. the regulations of cars, trucks, and paint and chemical emissions) are significant sources of air pollution. They emit ozone precursors, carbon monoxide, and a variety of toxic compounds.

Because the current exemption in section 118 of the Clean Air Act is overly broad, I am concerned that the Pentagon will seek exemptions for emissions sources which are totally unrelated to national security. Moreover, as a member of the Energy and Commerce Committee which is currently reauthorizing the Clean Air Act, I am concerned that the Pentagon intends to thwart our best efforts to provide clean air for the Nation by seeking an exemption under current law after Congress enacts the legislation.

Mr. ECKART. I too am concerned. The Federal Government should set an example for the rest of the country. If Congress establishes a law regulating air pollution from important sources, it should not then turn around and exempt its own facilities for regulation. This sends the wrong signal to private industry which doesn't have the option of obtaining an exemption.

Mr. RICHARDSON. I would hope that I could work with my colleague, Mr. Eckart, the chairman of the full Committee on Energy and Commerce, and with my colleagues on Armed Services to arrive at a solution which is amenable to all during floor consideration of H.R. 3030, the Clean Air Act amendments.

Mr. ECKART. I pledge to work with the gentleman toward that end.

Mr. RICHARDSON. Mr. Chairman, at this point in the Record I would like to insert a letter from the chairman of the Committee on Energy and Commerce, the gentleman from Michigan, [Mr. Dingell], the text of which is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, March 21, 1990.
Hon. JOHN CONYERS, Jr.,
Chairman, Committee on Government Operations, 2157 Rayburn House Office Building, Washington, DC.

DEAR JOHN: On March 13, 1990, the Committee on Government Operations ordered reported H.R. 3847, the "Department of Environmental Protection Act." By letter dated March 19, 1990, you have asked that the Committee on Energy and Commerce waive its right to a sequential referral so that this bill could be scheduled for floor consideration as expeditiously as possible.

Several provisions of the reported bill affect, and are within the jurisdiction of, the Committee on Energy and Commerce, including sections 108, 110, 111, 115, 116 and Titles III and IV. Further, the Energy and Commerce Committee will be seeking conferee status on those provisions of the companion Senate bill which are within the jurisdiction of the Committee, including but not limited to the Establishment of an Interagency Committee on Global Environmental Change.

As a result of discussions between our two Committees which have led to a number of changes in the reported bill and your agreement to support additional changes during floor consideration, I am agreeing not to seek sequential referral of H.R. 3847 at this time so that the bill can be considered by the House.

I would appreciate your including this letter as a part of the record during consideration of this bill by the House. With every good wish, I am

Sincerely,

JOHN D. DINGELL,
Chairman.

In conclusion, Mr. Chairman, I would like to urge my support for this good amendment. I think it is something that is needed. It should have been adopted in the other body. I appreciate the colloquy with my colleague, the gentleman from Ohio [Mr. ECKART].

Mr. BROWN of Colorado. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the opportunity to speak today in favor of the Eckart-Schaefer amendment which overwhelmingly passed the House in July by a margin of 380 to 39 in the form of H.R. 1056, the Federal Facilities Compliance Act of 1989.

The reasons behind the original passage of this measure remain the same; the Federal Government should be held accountable to the same environmental laws that apply to private industry. Instead of serving as a leader in compliance with environmental laws, the Federal Government has continued to be a flagrant violator of our environmental statutes. It is time for the Federal Government to act responsibly. This amendment will ensure just that.

The Eckart-Schaefer amendment will make it clear that Federal facilities are subject to the same regulations regarding management, treatment, and disposal of hazardous and solid waste as private entities. If this amendment is passed, the Federal Government will no longer be able to ignore the environmental laws that protect the health and safety of our citizens.

There are countless examples across the Nation where the Federal Government has ignored these laws. In my congressional district lies Rocky Mountain Arsenal touted as one of the most polluted parcels in the Nation.

In 1984, TCE was discovered in excessive levels in drinking water wells neighboring the arsenal. When one of the sources of contamination was confirmed as emanating from the arsenal grounds, the Army was initially reluctant to fund a filtration system to ensure a safe drinking water supply for the Adams County community. This is not the kind of example the Federal Government, whose primary responsibility should be to uphold the law, should be to private entities.

It is the responsibility of all entities: Private, State, municipal or Federal to protect the health and safety of our citizens, the quality of our environment and to uphold the law. The Eckart-Schaefer amendment is a step forward in ensuring that this responsibility is not ignored.

□ 1510

Mr. McMILLEN of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend the gentleman from Ohio [Mr. ECKART] and the gentleman from Colorado [Mr. SCHAEFER] for advancing this amendment relating to the Federal Government.

Most assuredly, the Federal Government should live up to its word in the name of environmental standards, and I think it is very, very important that the Federal Government live by the same standards we require the private sector, the States and localities to uphold.

I would like to talk about an example of this in the State of Maryland which existed really in our own back yard. The Bainbridge Naval Complex in Cecil County, MD, which served as a naval training facility until 1976, has had a number of complicated environmental problems associated with it that went unabated long after that facility closed down. In addition to the presence of a pesticide landfill and large amount of asbestos in decaying buildings, Bainbridge had a series of underground storage tanks that were in danger of leaking.

I would like to say that it was only after the gentleman from the First District of Maryland [Mr. DYSON] went after a lackadaisical Department of Defense that anything was done, and that was 10 years after the facility was closed. That kind of standard would never have been permitted in the private sector.

So, Mr. Chairman, I just hope that we can move this amendment forward and have the Federal Government live up to the Environmental Protection Code that it requires of others in the private sector and in the States and localities. I urge adoption of the amendment.

Mr. BILIRAKIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of H.R. 3847, legislation which will redesignate the Environmental Protection Agency as the Department of Environmental Protection, a Cabinet-level Government Department, and in support of the Eckart-Schaefer amendment to this bill.

The serious environmental challenges we are presently facing require that we recognize the vital importance of environmental issues in the framework of Federal policymaking. Elevating EPA to Cabinet-level status would place protection of the environment and reduction of the risks of pollution at the top of the Federal agenda—a position which is commensurate with the realities of the day and the need to protect our citizens from environmental hazards.

Mr. Chairman, it has been almost 20 years since we first began to recognize the need to take significant action to halt the environmental destruction wrought by the excesses of our modern, industrial society. On April 22 of this year, we will celebrate the 20th anniversary of the first Earth Day, a point making the coalescence of the environmental movement in this country.

Twenty years ago, we entered an era in which this body took a bold, new legislative course, resulting in the passage of a series of laws to protect the quality of our air and water, and to ensure the proper disposal of hazardous wastes. We are also approaching the 20th anniversary of the creation of the Environmental Protection Agency, the Agency charged with directing the mission set forth in these ambitious legislative mandates. Today we should take the next step and bring EPA into the inner circle of Government. We should reserve a place at the Cabinet table from which environmental concerns can be assessed in the discussion of all pressing national issues.

Mr. Chairman, the results of this Nation's efforts at environmental protection over the last two decades have been impressive: The emission of certain categories of dangerous air pollutants has been curtailed and a number of indicators of water quality have shown marked improvement. In addition, we have created the Superfund Trust Fund to address the threats posed by uncontrolled hazardous waste sites. We can look at these gains and see that progress has been made on numerous fronts.

However, much more remains to be done. Studies on the effects of greenhouse gases and global climate change along with the stark pictures portraying the despoilation of the Alaskan coast by the *Exxon-Valdez* oilspill and the systematic destruction of the tropical rain forests demand our attention. Issues such as these have helped bring about a resurgence of environmental awareness in this country, and more importantly, in the international arena. In addition to the work still to be done on previously recognized hazards, we now realize that we are faced with a new generation of environmental problems which will require even greater initiative. As William K. Reilly, present Administrator of EPA, points out, problems such as global warming, acid rain, stratospheric ozone depletion, and the loss of valuable habitats severely threaten the health of the world in which we live.

I believe, Mr. Chairman, that the far-reaching, global implications of our many environmental problems requires the inclusion of environmental issues on the President's Cabinet. The head of EPA should maintain an institutional seat at the top of the Federal hierarchy to work with national and international leaders in meeting the complex, multifaceted environmental challenges that we face.

In addition, I urge my colleagues to support H.R. 1056, the Federal facilities Compliance Act, offered as an amendment by my colleagues Messrs. ECKART and SCHAEFER.

The Federal Facilities Compliance Act will assure greater compliance by Federal facilities with the Resource Conservation and Recovery Act, known as RCRA. As you know, RCRA regulates the management, treatment, storage, and disposal of hazardous waste. The Department of Defense and the Department of Energy facilities together generate approximately 20 million tons of hazardous or mixed hazardous and radioactive waste annually.

The Eckart-Schaefer amendment will accomplish two goals. First, it will clarify that states have the authority to assess civil fines and penalties against Federal facilities from noncompliance with RCRA requirements. Until this time, States have been divided with regard to the authority to levy fines and penalties against Federal facilites. The State courts in California, Washington, and North Carolina and the Department of Justice state that Congress did not clearly and unambiguously waive sovereign immunity of the United States with respect to civil penalties.

Other State courts in Ohio and Maine have resolved this differently and have in fact found the RCRA clearly permits the recovery of civil penalties. The amendment will remove any ambiguity and permit States to assess fines and penalties against Federal facilities just as municipalities, individuals, and private facilities are subject.

In addition, this amendment explicitly grants the Environmental Protection Agency [EPA] the authority to bring administrative enforcement actions against Federal facilities. It will act to define "person" under RCRA to include each Department, Agency and instrumentality of the United States. Therefore, RCRA will now parallel the Clean Air Act, the Safe Drinking Act, Superfund, the Toxic Substances Control Act, and the Marine Protection, Research, and Sanctuaries Act, all of which treat Federal agencies as "persons".

During consideration of H.R. 1056 last July, I offered an amendment which was agreed tó by the House Energy and Commerce Committee. This amendment requires that States use any fines collected for violations of the Resource Conservation and Recovery Act [RCRA] by a Federal facility for environmental restoration projects. Instead of these Federal taxpayers' dollars going into the State's General treasury to be spent in any manner, as is the current law, I believe these moneys should be returned to the environment. My amendment assured this would be the case; it is part of this amendment.

Altogether, let us recognize 20 years of enviornmental awareness with substantive accomplishment. Let us pass the Eckart/Schaefer amendment and H.R. 3847. Let us follow two decades of environmental concern with environmental action.

Mr. JONES of North Carolina. Mr. Chairman, one part of the Eckart amendment will clarify a troubling interpretation of the Solid Waste Disposal Act, or RCRA, for the wastewater treatment works at Marine Corps Air Station, Cherry Point, NC. This language is identical to an amendment I offered successfully when the House passed H.R. 1056 on July 19, 1990.

With respect to Cherry Point, the problem arose just as the Navy had completed construction of its multimillion dollar state-of-the-art electroplating facility. The plating facility is designed so that rinse water from the facility would be treated first at an industrial pretreatment plant owned by the Navy. After electroplating sludges are removed, the treated effluent from the industrial pretreatment plant would be discharged into a Navy-owned waste water treatment works which further treats the effluent before it is discharged into surface water pursuant to a permit under the Federal Water Pollution Control Act—also the Clean Water Act. Some sludge has built up over time in polishing ponds at the treatment works site; other sludge has been land applied pursuant to State of North Carolina permits.

Just as the facility was ready to open, the EPA advised the Navy that the sludge in the ponds would constitute a listed hazardous waste under RCRA because the sludge could contain small amounts of metals from the plating facility's rinse water. Since the ponds did not have a RCRA permit to handle hazardous waste, the rinse water from the plating facility could not be discharged in the treatment works. To prevent a violation of RCRA, the new plating facility has not opened.

What makes this situation ironic is that if the same plating facility were to discharge the same rinse water into a waste water treatment works that was owned by a State or municipal government, the waste would be completely exempt from RCRA. I will briefly explain.

RCRA applies to solid waste but does not include solid or dissolved material in domestic sewage—section 1004(27). As construed by the EPA, any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works for treatment falls within the domestic sewage exclusion. But, EPA has defined publicly owned treatment works for purposes of the domestic sewage exclusion as limited to those owned by a State or municipality. This interpretation is based on EPA's reading of the Clean Water Act, and in particular its concern that federally owned treatment works should not be eligible for construction grants under that act.

In short, under EPA's interpretation of the domestic sewage exclusion, different laws and standards apply to sewage treatment works depending on whether they are owned by the Federal Government or by a State or local government. The practical result of this construction has been the inability of the Navy to open its new plating facility at Cherry Point.

To resolve its problem at Cherry Point, the Navy has considered various design alternatives, including a closed loop system so that no waste water is discharged and building new storage tanks at the waste water treatment works. But, these alternatives are all costly and would require a few years and millions of dollars to complete. I have therefore concluded that the best solution is to amend RCRA to clarify its applicability to the treatment works at Cherry Point.

My amendment adds a new section 6006 to RCRA, as follows:

First, the federally owned waste water treatment works at Marine Corps Air Station, Cherry Point, NC that receives and treats waste, a majority of which is domestic waste generated by federal installations, shall be considered to be managing a solid waste but not a hazardous waste for purposes of RCRA, provided the treatment works and all discharges to the treatment works comply with the pretreatment requirements of section 307 and 402(b)(8) of the Clean Water Act;

Second, if, in the future, the treatment works violates the pretreatment requirements of the Clean Water Act, it shall be subject only to an enforcement action under the Clean Water Act for the violation;

Third, removal of solid waste from any unit of the waste water treatment works will not be required by EPA or the State unless the removal is part of a corrective action taken in response to a release from the unit into the surrounding environment; and

Fourth, the federally owned waste water treatment works at Cherry Point shall not be considered a publicly owned treatment works for purposes of the Clean Water Act by virtue of this amendment to RCRA.

The amendment only applies to the federally owned waste water treatment works at Cherry Point which treats a majority of domestic waste. By majority, I mean that most or at least 51 percent of the waste is of domestic origin. By domestic origin, I mean untreated sanitary wastes.

The amendment enables the Navy to exercise an option as to which Federal law should apply to its waste water treatment works at Cherry Point. The choice is to stay within the purview of RCRA and comply with all of RCRA's provisions, or to be exempt from the hazardous waste provisions of RCRA provided that the treatment works and all discharges to the treatment works meet the pretreatment requirements of the Clean Water Act. The treatment works will qualify for the RCRA exemption when it meets all of the pretreatment program requirements of the Clean Water Act. The pretreatment requirements are those established by EPA and the States pursuant to sections 307 and 402(b)(8) of the Clean Water Act.

Should the waste water treatment works fall out of compliance with the pretreatment requirements in the future, the exclusive remedy for a violation of such requirements is an action under the Clean Water Act to enforce the pretreatment provisions.

To ensure that the environment is completely protected, the amendment explicitly provides that EPA retains its authority to bring a corrective action against the waste water treatment works for a release into the environment. The emphasis is on release as opposed to simply the presence of a solid waste in a unit. EPA cannot require the removal of a solid waste from the unit just because, prior to the enactment of this amendment, the waste would have been technically considered a hazardous waste. The Navy will be required to clean up any releases into the ground or ground water from its solid waste managment units that cause environmental harm but will not be required to spend money unnecessarily on the cleanup of ponds and other applications of sludge that were deemed in the past to contain hazardous wastes. A corrective action may be brought under RCRA or the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA].

Finally, the amendment makes clear that the federally owned waste water treatment works shall not be considered a publicly owned treatment works for purposes of the Clean Water Act. Although the amendment provides parity between the treatment of a federally owned treatment works for purposes of RCRA's hazardous waste provisions and requires that the federally owned treatment works comply with the pretreatment requirements of the Clean Water Act to achieve this parity, it is not thereby considered to be a publicly owned treatment works for purposes of the Construction Grants Program or any other provisions of the Clean Water Act.

The bottom line is that my amendment will resolve a confusing issue, the applicability of RCRA to the federally owned waste water treatment works at Cherry Point Marine Corps Air Station. It will give the Navy an important option for treating waste from its industrial and domestic waste water treatment plants at Cherry Point. I am confident this option will enable Cherry Point Marine Corps Station to comply with the law and open its new plating facility.

I wish to thank Chairman DINGELL, Mr. ECKART, Mr. LUKEN, and staffer Richard Frandsen, for their cooperation and help in resolving this troubling situation. I also appreciate the willingness of EPA and the Navy to be consulted on technical aspects of this amendment. Without all their help, the Navy's $15 million plating facility would continue to remain idle and the Navy would be forced to spend millions of dollars on redesign and construction with no clear environmental benefit.

I urge my colleagues to support my amendment.

Mr. FAZIO. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Ohio [Mr. ECKART]. The amendment will help improve Federal facility compliance with the Resource Conservation and Recovery Act [RCRA], the primary Federal statute governing the management, treatment, storage, and disposal of hazardous and solid waste.

The need for greater compliance is well documented. The Department of Energy and the Department of Defense alone generate approximately 20 million tons of hazardous or mixed hazardous and radioactive waste annually. And past mismanagement of these hazardous materials has created a huge cleanup—upwards of $145 billion by current estimates—that we will be paying for decades to come.

The Eckart amendment offers us an opportunity to improve the management of hazardous waste by the Federal agencies and thereby slow the creation of new hazardous waste sites and even larger cleanup bills for future generations. The amendment gives Federal and State regulatory authorities access to all of the compliance and enforcement tools available under RCRA, something they have not had access to in the past. The most important of these tools is the authority to levee penalties and assess civil fines. This has proven to be a critical lever for EPA to induce compliance and deter future misconduct in the private sector and with State and local governments. If we are to encourage greater compliance and improve the management of hazardous waste by our Federal agencies, EPA must also have this authority in its dealings with Federal facilities.

Mr. Chairman, this amendment removes any doubt that the Federal Government is to be held to same standard of compliance as any private business or any State or local government. The fairness and equity of this amendment cannot be disputed, and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. ECKART].

The amendment was agreed to.

Mr. HORTON. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 48]

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Craig
Crane
Crockett
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums

Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Foglietta
Ford (MI)
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gillmor
Gilman
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton

Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)

Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal (MA)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Sawyer
Saxton
Schaefer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shumway
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stangeland
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

□ 1530

The CHAIRMAN. Four hundred and thirteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair recognizes the gentleman from Illinois [Mr. HASTERT].

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. HASTERT

Mr. HASTERT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. HASTERT: Strike all after the enacting clause and insert the following:

TITLE I—REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION

SEC. 101. REDESIGNATION OF ENVIRONMENTAL PROTECTION AGENCY AS DEPARTMENT OF ENVIRONMENTAL PROTECTION.

(a) REDESIGNATION.—The Environmental Protection Agency is redesignated as the Department of Environmental Protection (hereinafter in this Act referred to as the "Department"), and shall be an executive department in the executive branch of the Government. The Department shall be headquartered at the seat of Government. The official acronym of the Department shall be "D.E.P.".

(b) SECRETARY OF THE ENVIRONMENT.—(1) There shall be at the head of the Department a Secretary of Environmental Protection (hereinafter in this Act referred to as the "Secretary") who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) OFFICE OF THE SECRETARY.—The Office of the Secretary shall consist of the Secretary and the Deputy Secretary appointed under subsection (d), and may include an Executive Secretary.

(c) TRANSFER.—The functions, powers, and duties of the Administrator and other officers and employees of the Environmental Protection Agency are transferred to and vested in the Secretary.

(d) DEPUTY SECRETARY.—There shall be in the Department a Deputy Secretary of the Environmental Protection, who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe, and shall act as the Secretary during the absence or disability of the Secretary or in the event of a vacancy in the Office of the Secretary.

(e) DELEGATION OF AUTHORITY.—Except as provided in this Act and other existing laws, the Secretary may delegate any functions, including the making of regulations to such officers and employees of the Department as the Secretary may designate, and may authorize such successive redelegations of such functions within the Department as the Secretary considers to be necessary or appropriate.

SEC. 102. ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department such number of Secretaries, not to exceed 10, as the Secretary shall determine, each of whom—

(1) shall be appointed by the President, by and with the advice and consent of the Senate; and

(2) shall perform such functions as the Secretary shall prescribe.

(b) FUNCTIONS.—The Secretary shall assign to each Assistant Secretary of the Department such functions as the Secretary considers appropriate, including, subject to the discretion of and modification by the Secretary, the following: Pollution prevention, including resource recovery, recycling, and reuse; education; policy, planning, and evaluation; administration; resources management, including financial and budget management; information resources management; procurement and assistance management; personnel and labor relations; enforcement; compliance monitoring; research and development; air; radiation; water; pesticides; toxic substances; solid wastes; hazardous waste; hazardous waste cleanup; emergency response; congressional and legislative affairs; public affairs; intergovernmental affairs; and international environmental affairs.

(c) DESIGNATION OF FUNCTIONS PRIOR TO CONFIRMATION.—Whenever the President submits the name of an individual to the Senate for confirmation as an Assistant Secretary under this section, the President shall state the particular functions of the Department (as assigned by the Secretary under subsection (b)) such individual will exercise upon taking office.

SEC. 103. DEPUTY ASSISTANT SECRETARIES.

(a) ESTABLISHMENT OF POSITIONS.—There shall be in the Department 20 Deputy Assistant Secretaries, or such number as the Secretary determines is appropriate.

(b) APPOINTMENTS.—Each Deputy Assistant Secretary—

(1) shall be appointed by the Secretary; and

(2) shall perform such functions as the Secretary shall prescribe.

(c) CAREER SENIOR EXECUTIVE SERVICE.—At least one-half of positions established under subsection (a) and filled by under subsection (b) shall be in the career Senior Executive Service.

(d) FUNCTIONS.—Functions assigned to an Assistant Secretary under section 102(b) may be performed by one or more Deputy Assistant Secretaries appointed to assist such Assistant Secretary.

SEC. 104. OFFICE OF GENERAL COUNSEL.

(a) GENERAL COUNSEL.—There shall be in the Department the Office of the General Counsel. There shall be at the head of such office a General Counsel who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall provide legal assistance to the Secretary concerning the programs and policies of the Department.

(b) DEPUTY GENERAL COUNSEL.—There shall be in the Office of the General Counsel at least one Deputy General Counsel, who—

(1) shall be appointed by the General Counsel; and

(2) shall perform such functions as the Secretary shall prescribe.

SEC. 105. OFFICE OF INSPECTOR GENERAL.

The Office of Inspector General of the Environmental Protection Agency, established in accordance with the Inspector General Act of 1978 (5 U.S.C. App.), is redesignated as the Office of Inspector General of the Department of Environmental Protection.

SEC. 106. MISCELLANEOUS EMPLOYMENT RESTRICTIONS.

(a) LIMITATION ON NUMBER OF NONCAREER SENIOR EXECUTIVES.—Notwithstanding section 3134(d) of title 5, United States Code, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not exceed 12 percent of the total number of senior executives employed in the Senior Executive Service positions in the Department at the end of the preceding fiscal year.

(b) PROHIBITED EMPLOYMENT AND ADVANCEMENT CONSIDERATIONS.—Except as otherwise provided in this Act, political affiliation or political qualification may not be taken into account in connection with the appointment of any person to any position in the career civil service or in the assignment or advancement of any career civil servant in the Department.

SEC. 107. REFERENCES.

Reference in any other Federal law, Executive order, rule, regulation, reorganization plan, or delegation of authority, or in any document—

(1) to the Environmental Protection Agency is deemed to refer to the Department of Environmental Protection;

(2) to the Administator of the Environmental Protection Agency is deemed to refer to the Secretary of Environmental Protection;

(3) to the Deputy Administrator of the Environmental Protection Agency is deemed to refer to the Deputy Secretary of Environmental Protection; and

(4) to an Assistant Administrator of the Environmental Protection Agency is deemed to refer to the corresponding Assistant Secretary of the Department of Environmental Protection who is assigned the functions of that Assistant Administrator.

SEC. 108. SAVINGS PROVISIONS.

(a) CONTINUING EFFECT OF LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, privileges, and other administrative actions—

(1) which have been issued, made, granted or allowed to become effective by the President, the Administrator or other authorized official of the Environmental Protection Agency, or by a court of competent jurisdiction, which relate to functions of the Administrator or any other officer or agent of the Environmental Protection Agency actions; and

(2) which are in effect at the time this Act takes effect;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, Secretary, or other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—This Act shall not affect any proceeding, proposed rule, or application for any license, permit, certificate, or financial assistance pending before the Environmental Protection Agency at the time this Act takes effect, and such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) SUITS NOT AFFECTED.—This Act shall not affect suits commenced before the effective date of this Act, and in all such suits proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted.

(d) NONABATEMENT OF ACTIONS.—No suit, action, or other proceeding commenced by or against the Environmental Protection Agency, or by or against any individual in the official capacity of such individual as an officer of the Environmental Protection Agency, shall be abated by reason of the enactment of this Act.

(e) PROPERTY AND RESOURCES.—The contracts, liabilities, records, property, and other assets and interests of the Environmental Protection Agency shall, after the effective date of this Act, be considered to be contracts, liabilities, records, property, and other assets and interests of the Department.

SEC. 109. CONFORMING AMENDMENTS.

(a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Environmental Protection".

(b) DEFINITION OF DEPARTMENT IN CIVIL SERVICE LAWS.—Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

"The Department of Environmental Protection.".

(c) COMPENSATION, LEVEL I.—Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Secretary of Environmental Protection.".

(d) COMPENSATION, LEVEL II.—Section 5313 of title 5, United States Code, is amended by striking "Administrator of Environmental Protection Agency" and inserting in lieu thereof "Deputy Secretary of Environmental Protection".

(e) COMPENSATION, LEVEL IV.—Section 5315 of title 5, United States Code, is amended—

(1) by striking "Inspector General, Environmental Protection Agency" and inserting in lieu thereof "Inspector General, Department of Environmental Protection";

(2) by striking each reference to an Assistant Administrator, or Assistant Administrators, of the Environmental Protection Agency; and

(3) by adding at the end thereof the following:

"Assistant Secretaries, Department of Environmental Protection.

"General Counsel, Department of Environmental Protection.".

(f) INSPECTOR GENERAL ACT.—The Inspector General Act of 1978 is amended—

(1) in section 11(1)—

(A) by inserting "Environmental Protection," after "Energy,"; and

(B) by striking "Environmental Protection,"; and

(2) in section 11(2)—

(A) by inserting "Environmental Protection," after "Energy"; and

(B) by striking "the Environmental Protection Agency,".

SEC. 110. ADDITIONAL CONFORMING AMENDMENTS.

After consultation with the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and other appropriate committees of the Congress, the Secretary shall prepare and submit to the Congress proposed legislation containing technical and conforming amendments to the laws of the United States, to reflect the changes made by this Act. Such proposed legislation shall be submitted not later than 6 months after the effective date of this Act.

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. ACQUISITION OF COPYRIGHTS AND PATENTS.

The Secretary may acquire any of the following rights if the property acquired thereby is for use by or for, or useful to, the Department:

(1) Copyrights, patents, and applications for patents, designs, processes, and manufacturing data.

(2) Licenses under copyrights, patents, and applications for patents.

(3) Releases, before suit is brought, for past infringement of patents or copyrights.

SEC. 202. GIFTS AND BEQUESTS.

The Secretary may accept, hold, administer, and utilize gifts, bequests, and devises of real or personal property for the purposes of aiding or facilitating the work of the Department. Gifts, bequests, and devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon the order of the Secretary.

SEC. 203. OFFICIAL SEAL OF DEPARTMENT.

On and after the effective date of this Act, the seal of the Environmental Protection Agency, with appropriate changes, shall be the official seal of the Department, until such time as the Secretary may cause an official seal to be made for the Department of such design as the Secretary shall approve.

SEC. 204. USE OF LIKENESS OF OFFICIAL SEAL OF DEPARTMENT.

(a) DISPLAY OF SEAL.—Whoever knowingly displays any printed or other likeness of the official seal of the Department, or any facsimile thereof, in or in connection with, any advertisement, poster, circular, book, pamphlet, or other publication, public meeting, play, motion picture, telecast, or other production, or on any building, monument, or stationery, for the purpose of conveying, or in a manner reasonably calculated to convey, a false impression of sponsorship or approval by the Government of the United States or by any department, agency, or instrumentality thereof, shall be fined not more than $250 or imprisoned not more than 6 months, or both.

(b) MANUFACTURE, REPRODUCTION, SALE, OR PURCHASES FOR RESALE.—Except as authorized under regulations promulgated by the Secretary and published in the Federal Register, whoever knowingly manufacturers, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any likeness of the official seal of the Department or any substantial part thereof (except for manufacture or sale of the article for the official use of the Government of the United States), shall be fined not more than $250 or imprisoned not more than 6 months, or both.

(c) INJUNCTIONS.—A violation of subsection (a) or (b) may be enjoined by an action brought by the Attorney General in the appropriate district court of the United States. The Attorney General shall file such an action upon request of the Secretary or any authorized representative of the Secretary.

SEC. 205. USE OF STATIONERY, PRINTED FORMS, AND SUPPLIES OF ENVIRONMENTAL PROTECTION AGENCY.

(a) IN GENERAL.—The Secretary shall ensure that, to the extent practicable, existing stationery, printed forms, and other supplies of the Environmental Protection Agency are used to carry out functions of the Department before procuring new stationery, printed forms, and other supplies for the Department.

(b) LIMITATION.—Notwithstanding subsection (a), the Secretary may procure stationery, printed forms, and other supplies for the specific use of the Secretary and the Office of the Secretary.

SEC. 206. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on such date during the 6-month period beginning on the date of enactment, as the President may direct in an Executive order. If the President fails to issue an Executive order for the purpose of this section, this Act and such amendments shall take effect on January 20, 1991.

Mr. HASTERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HASTERT. Mr. Chairman, first of all, I want to congratulate, com-

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mend, and praise the chairman of the Government Operations Committee, the gentleman from Michigan [Mr. CONYERS], and certainly the ranking member, the gentleman from New York [Mr. HORTON] for bringing this issue before the House, and that is raising the Environmental Protection Agency to full Cabinet status.

Mr. Chairman, I think the issue at hand is what do we have and what are we raising to the full Cabinet level? The bill that we are reporting this afternoon and discussion is not a pure and simple elevation of the Environmental Protection Agency to Cabinet level.

□ 1540

What we have is a bill that is loaded down with a great deal of extraneous material, a bill that is loaded down with commissions and changes to laws that have been the law of our land for a number of years, for example, the RCRA law that we all deal with day in and day out.

Mr. Chairman, one of the things that I want to say is that for the past 3½ years that I have been a Member of this body, day in and day out that I have been in this Congress, I have had to deal with environmental problems in my district. I have had to deal with the EPA, and I have had to deal with the Corps of Engineers, and I have had to deal with the wetlands issues and the National Regulatory Commission, et cetera, and on and on and on.

What we need, Mr. Chairman, is an agency that we can get response from, that is clean, that does not have the encumbrances of commissions and the political tags that we put on this bill. Mr. Chairman, what we need is an agency that is clean and responsive.

The Members, as well as I, who have to deal with these agencies and especially the EPA day in and day out need somebody who is accountable to Members of Congress. We need an agency that when we knock on their door or pick up the telephone we can get a clear and concise answer back.

The reason for elevating the EPA up to Cabinet level is so that we can have the dialogue on the Presidential basis, on the Cabinet level, to raise it where it belongs, but when we start to wrap in bureaucracies within a bureaucracy, all of a sudden from my experience we prohibit our ability to deal with that agency. We prohibit the ability to get a straight answer. We prohibit the ability of the agents of that agency or division of government to start to answer our problems on a timely basis and get tied in with shifting of bureaucratic concerns from one agency to another, from one commission to another.

I think we need to keep this bill and this agency clean. Mr. Chairman, accountability is the issue, being able to answer the questions that we have, the concerns that we have in this Congress.

For instance, in my district alone, we have over 13 million cubic feet of thorium tailings that need to be moved. I have naturally occurring radium in the water that needs to be cleaned up. These are the types of issues that I have worked on.

But the problem of not having the EPA on a Cabinet level prohibits us to get a swift and concise answer. To tie the EPA in with the added bureaucracy that this bill offers, the amendments that we have just accepted, will prohibit us from a timely and concise answering process.

Mr. Chairman, my name is on this amendment because I believe that we should keep the process clean. Our environmental issues are simply too important to be given short shrift. Let us debate these issues openly in the appropriate committees of jurisdiction. This bill has come through. We have bypassed the committee of jurisdiction. We have added on very substantive amendments today, very substantive amendments today that really change the way that we operate and that the EPA operates. I think that we did that in a very quick and not a very deliberative order.

Mr. Chairman, I think we should reevaluate, and if we do add on to the responsibilities of the EPA, if we do add on the commissions and the extra agencies that we have added on, then we ought to do that in a deliberative order in the committees of jurisdiction.

Mr. Chairman, one other point, and that is the cost. My bill will cost approximately less than $100,000 to elevate the EPA to a Cabinet level. The bill, as it stands now, will add costs of $50 million to approximately $100 million new dollars of costs to implement the bill as we have it before, us at this time.

Mr. Chairman, I ask for open and concise debate. I ask the Members of this body to consider what we are doing. We are going beyond what the President has asked us to do and move the EPA into just up to the Cabinet level. We are in a position where we have a bill that is burdened down with a great deal of extraneous amendments, and certainly consideration of my substitute amendment will make the bill clean. It will make it expedient, and certainly on the President's desk for signing by Earth Day.

□ 1550

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HASTERT] has expired.

(At the request of Mr. SYNAR and by unanimous consent, Mr. HASTERT was allowed to proceed for 3 additional minutes.)

Mr. SYNAR. Mr. Chairman, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Oklahoma.

Mr. SYNAR. Mr. Chairman, the gentleman from Illinois makes an eloquent speech today about what we are trying to do. I think all Members are in agreement we want to raise EPA to a Cabinet level position. I have been here since 1 o'clock this afternoon. We have gone through around 13 amendments. The gentleman from Illinois [Mr. HASTERT] sat here through the 13 amendments, and yet not one time has spoken against any of the amendments, nor asked for a vote on any of the amendments.

Is it now the position of the gentleman from Illinois that he is opposed to every amendment we accepted?

Mr. HASTERT. Mr. Chairman, it has been the gentleman's position that we should have a choice if we want to move a clean bill, a clean bill as it was originally introduced, to Cabinet level.

Mr. SYNAR. Would the gentleman from Illinois explain why the gentleman did not ask for one vote on any amendment during the last 3 hours then?

Mr. HASTERT. Mr. Chairman, it was the gentleman's understanding that the amendments were agreed to and the bill in its present form that came, before it was amended, in my judgment, needed to be changed. That is why I offered this rule several days ago before we even had the amendments added on. It is the gentleman's position that we need to be able to move the bill clean without the extraneous amendments that were put on in committee.

Mr. SYNAR. If the gentleman would yield further, is it not true that under the rule that the gentleman from Illinois had an opportunity to offer an amendment to do exactly what he wanted to do, which was to strike provisions which he found cumbersome, but did not take that opportunity also?

Mr. HASTERT. Mr. Chairman, the gentleman from Oklahoma is correct. The gentleman had an amendment to deal with the statistical agency. It was the opinion of the gentleman that I would prefer to move a clean bill to the desk of the President, and that is what I have chosen to do. Besides, I think some of those amendments are pretty bad legislation. I think it should be the rule of the House that Members have an option or an opportunity to move a clean bill.

Mr. SYNAR. Mr. Chairman, I would just say in conclusion that after 3 hours of what I think has been productive bipartisan debate, when the gentleman from Illinois [Mr. HASTERT] had 13 opportunities to ask for a vote on any objections, that now the gentleman says he is opposed to all this, and in one instance where the rule allowed the gentleman to offer his amendment he did not take that opportunity, shows the genuineness of the argument of the gentleman. I hope that our colleagues will consider that as we vote on this amendment.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment in the nature of a substitute.

Mr. Chairman, I rise to oppose the amendment of the gentleman from Illinois [Mr. **Hastert**], a valuable member of the Committee on Government Operations who has served with great diligence. This amendment would undo simply everything that the committee and this body has just agreed to do and should, therefore, be emphatically rejected.

The entire Committee on Government Operations, save one member, voted in favor of the reported version of the bill. This amendment would not only repeal all of their good work, but it would repeal the bipartisan amendments that have been allowed by the Committee on Rules and supported here on the floor virtually without dissent.

Now, Members should remember the Committee on Rules allowed every amendment of any Member in Congress to have been included in a modified closed rule.

So we come here at the close of debate on elevating this agency to Cabinet level, to create a department, and we now have the suggestion that we reject everything, the entire work of the Committee on Government Operations, six other standing committees and the Committee on Rules, which allowed 13 amendments to be presented, most of which were agreed to. Now we come to the close of debate and we say well, let us just name a Cabinet level head and forget about the rest of the structure that is so clearly needed.

Mr. Chairman, I would argue that the work that we have done, which incidentally has been favorably commented on by the existing Administrator of the EPA, Mr. Bill Riley, who testified before the committee, leaves me with, of course, no other alternative but to ask that the Hastert substitute be recognized for what it is: environmentalism on the cheap. It simply offers to change the name and a salary increase for the top few people at the agency, but does nothing toward improving our environmental protection efforts.

Countless witnesses worried before the committee that elevating EPA would be a meaningless, insignificant, symbolic act, and if we did what is being proposed under this substitute, that is exactly what would happen. We would put an end to the independent nonpartisan data collection bureau at the Department. We would do away with the newly created offices of International Environmental Affairs, the Office for Enforcement and Pollution Prevention, and we would continue business as usual, with the outside contractors who have conflicts of interest that are not even publicly revealed. They would limit public access.

Join me, please, in repudiating this amendment, a substitute amendment, which would gut the work of this committee and the work on the floor that has gone on to date.

Mr. Chairman, at this point, I am entering into the Record, a Congressional Research Service legal memorandum on the constitutionality of the independence of the Bureau of Environment Statistics:

Congressional Research Service,
The Library of Congress, American
Law Division,
Washington, DC 20540, March 26, 1990.
Hon. John Conyers, Jr.,
Chairman, House Committee on Government Operations.

Constitutional Objections To An Independent Bureau of Environmental Statistics

Section 111 of H.R. 3847, the Department of Environmental Protection Act, would establish a Bureau of Environmental Statistics [Bureau] within the new Department of Environmental Protection [DEP]. The purpose of the Bureau is to identify, collect, analyze, and report data on environmental quality and related public health matters and to coordinate its information collection activities with other Federal agencies and with State and local agencies. It is intended that the Bureau be an independent entity within DEP in order to assure that environmental data collection, monitoring and reporting be comprehensive and reliable so that Congress and the President may make timely and appropriate decisions on environmental issues and environmental regulators may engage in informed enforcement activities.

The statutory independence of the Bureau is accomplished in the following manner: The Bureau is to be headed by a Director of Environmental Statistics who is appointed by the Secretary of DEP for a four-year term and may be reappointed by him for additional terms. Section 111 (c)(2)(A). The Director may be removed by the Secretary "only for malfeasance in office, maladministration or neglect of duty." Section 111 (c)(2)(C). The Secretary is directed to delegate to the Director all functions currently vested in the Secretary which relate to the gathering, analysis and dissemination of environmental quality and related public health information. The Director may act in name of the Secretary for purposes of enforcement activities pursuant to those delegated functions. Section 111 (e)(1)(A). The Director is not required to obtain prior approval of any DEP officer or employee with respect to the collection, analysis or dissemination of any information, nor the approval prior to publication of any other officer or employee of the United States with respect to the substance of any reports prepared in accordance with law. Section 111 (e)(2).

On March 22, 1990, the Office of Management and Budget (OMB) issued a Statement of Administration Policy which objected to these provisions on the grounds that they "raise constitutional concerns and severely restrict Executive branch oversight of the new Bureau" and advised that it would recommend a presidential veto if the provisions are not "deleted or modified satisfactorily." The OMB statement cites no legal authority in support of its constitutional objections. You have inquired whether there is any substantial legal basis for these objections. We conclude that a court reviewing the issues that might be raised is likely to uphold the proposed scheme in its entirety. In view of the short deadline imposed, our supporting analysis is necessarily brief and summary in nature.

It is well settled that Congress in legislating pursuant to the powers granted it under Article I, section 8 of the Constitution, as well as powers granted in other parts of the Constitution, has the authority, under the Necessary and Proper Clause, Art. I, § 8, cl. 18, to create the bureaucratic infrastructure of the Executive Branch and to determine the nature, scope, power and duties of the offices so created. *Buckley* v. *Valeo*, 424 U.S. 1,138 (1976). Moreover, as a general matter, the Supreme Court has spoken very broadly of the legislative power over offices. Where Congress deals with the structure of an office—its creation, location, abolition, powers, duties, tenure, compensation and other such incidents—its power is virtually plenary. See, e.g., *Crenshaw* v. *United States*, 134 U.S. 99, 105–06 (1890); *Morrison* v. *Olson*, 108 S.Ct. 2597 (1988); *Mistretta* v. *United States*, 109 S.Ct. 647 (1989). Only where the object of the exercise of the power is clearly seen in the particular situation as an attempt to effect an unconstitutional purpose, e.g., *supra: Bowsher* v. *Synar*, 478 U.S. 714 (1986), have the courts felt constrained to intervene.

The Supreme Court's most recent pronouncements have indicated that in separation of powers cases where aggrandizement is not in issue, it will weigh justifications for the congressional scheme in question, including the necessity to maintain "Congress' ability to take needed and innovative action pursuant to its Article I powers," against the degree of intrusion on the ability of the President to perform his assigned functions. *Commodity Fixtures Trading Commission* v. *Schor*, 478 U.S. 833, 851 (1986). *De minimis* disruptions are insufficient to block an otherwise legitimate congressional objective. *Id.* at 852. In *Morrison* v. *Olson*, *supra*, the Court broadly confirmed Congress' ability to insulate officers appointed by the President who perform "purely executive" functions from at-will removal and dealt a severe blow to the notion of a unitary executive. In *Mistretta* v. *United States*, the Court underlined the breadth of its rulings in *Schor* and *Morrison* by upholding the location in the judicial branch of an independent agency composed of judges and non-judges whose sole function was the promulgation of binding policy with respect to sentences that may be imposed by judges. The emphatic nature of these decisions, as well as the long history of consistent congressional practice of controlling the ordering and arrangement of administrative agencies, make it likely that the constitutional objections raised by OMB to H.R. 3847 respecting the independence of the Director of the Bureau, the delegation of information collection authority, and the insulation from prior executive review of information collection and dissemination decisions and reports required by law would not be sustained by a reviewing court.

More particularly, it may be noted that the litigation involving the removability of members of independent regulatory agencies focused on presidential appointees confirmed by senatorial consent. See, e.g., *Humphrey's Executor* v. *United States*, 295 U.S. 602 (1935). *Morrison*, however, dealt with Congress' power to vest the appointment of independent counsels in the courts, subject to removal only for cause by the Attorney General. In upholding that authority the Court adverted to and reaffirmed that it had long recognized Congress' power to limit the Executive's power to remove inferior officers where it chooses to vest appointments in the President alone, department heads or the courts. The Court explained:

> Indeed, this Court has never held that the Constitution prevents Congress from imposing limitations on the President's power to remove all executive officials simply because they wield "executive power". Myers itself expressly distinguished cases in which Congress had chosen to vest the appointment of "inferior" executive officials in the head of a department. See 272 U.S., at 161-163, 164, 47 S.Ct., at 40-41, 41. In such a situation, we saw no specific constitutional impediment to congressionally imposed restrictions on the President's removal powers. See also *United States* v. *Perkins*, 116 U.S. 483, 485, 6 S.Ct. 449, 450, 29 L.Ed. 700 (1886) ("'The constitutional authority in Congress to thus vest the appointment [of inferior officers in the head of departments] implies authority to limit, restrict, and regulate the removal by such laws as Congress may enact in relation to the officers so appointed'") (quoting the Court of Claims' decision in the case).

Morrison v. *Olson*, *supra*, 108 S.Ct. at 2618 note 27. Moreover, in rebutting the argument of dissenting Justice Scalia that any officer exercising any part of the executive power must be subject to at-will removal by the President, the *Morrison* Court again relied on the precedent of *United States* v. *Perkins*.

> The dissent says that the language of Article II vesting the executive power of the United States in the President requires that every officer of the United States exercising any part of that power must serve at the pleasure of the President and be removable by him at will. Post, at 2626. This rigid demarcation—a demarcation incapable of being altered by law in the slightest degree, and applicable to tens of thousands of holders of offices neither known nor foreseen by the framers—depends upon an extrapolation from general constitutional language which we think is more than the text will bear. It is also contrary to our holding in *United States* v. *Perkins*, 116 U.S. 483, 6 S.Ct. 449, 29 L.Ed. 700 (1886), decided more than a century ago.

Morrison v. *Olson*, *supra*, at 2618 note 29.

With respect to the insulation from executive review of particular decisions or reports required by law, judicial precedent and historical congressional practice is plentiful. The Court in *Morrison*, for example, reaffirmed Congress' authority to require the submission of reports and other information to it from officials, and the exercise of oversight over agencies, "as functions that we have recognized generally as being incidental to the legislative function of Congress." *Morrison* v. *Olson*, *supra*, 108 S.Ct. at 2621, citing *McGrain* v. *Daugherty*, 273 U.S. 135, 174 (1927). Previously, the Court had occasion to note that "there is abundant statutory precedent for the regulation and mandatory disclosure of documents in the possession of the Executive Branch" and that "[s]uch regulation of material generated in the Executive Branch has never been considered invalid as an invasion of its autonomy." *Nixon* v. *Administrator of General Services*, 433 U.S. 425, 445 (1977). There the Court cited with approval the Freedom of Information Act, the Privacy Act of 1974, the Government in the Sunshine Act, and provisions dealing with census data and tax returns as appropriate instances of such regulation. In *Nixon* itself, the Court upheld the Presidential Recordings and Materials Preservation Act, which regulates, *inter alia*, public access to former President Nixon's presidential papers, against presidential claims of violations of the doctrine of separation of powers and executive privilege. And c.f., *Public Citizen* v. *Burke*, 655 F.Supp. 318 (D.D.C. 1987), *aff'd*, 843 F.2d. 1473 (D.C. Cir. 1988) (executive interference with discretionary duties vested in Archivist with respect to administration of Presidential Recordings and Materials Preservation Act held unlawful).

In addition, Congress has long and frequently exercised the authority to require simultaneous or unaltered submission of budget requests and legislative proposals and comments that have limited OMB review of budget requests, legislative proposals, review of proposed agency rules, and other required reports and documents. See compilation in Rosenberg, Congress' Prerogative Over Agencies and Agency Decisionmakers: The Rise and Demise of the Reagan Administration's Theory of the Unitary Executive, 57 George Washington L. Rev. 627, 672-75 (1989) (copy attached).

Finally, there would appear to be no question as to the authority of Congress to direct the delegation of functions from one officer to another. As indicated previously, Congress' power to create administrative entities and to vest them with duties and functions is virtually plenary. The concomitant power to reorganize such entities and to add and subtract from their powers and duties is similarly broad. See, e.g., *Shoemaker* v. *United States*, 147 U.S. 282 (1893).

MORTON ROSENBERG,
Specialist in American Public Law.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, section 115 provides that inherently governmental functions of the Department shall be performed only by officers and employees in the executive branch. It also provides, however, that it does not prohibit persons who are not officers and employees from providing technical services or advisory and assistance services. Am I correct in assuming that section 115 does not affect the Department's existing authority to seek and obtain peer review?

Mr. CONYERS. Mr. Chairman, the gentleman is entirely correct. Peer review where it exists within the existing authority of the Department is permissible, and section 115 would allow for the continued provision of technical and advisory and assistance services.

Mr. HORTON. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, if H.R. 3847 as introduced by the chairman and myself were what was before this Congress now, I do not think we would have any problem. That was a bipartisan approach. It was signed on by many Members on both sides of the aisle.

What happened when we went to the full committee was we made some substantial changes, changes that are objectionable as far as the administration is concerned, and it concerned me.

One of them that is very important, and nobody is saying that we should not have this Bureau of Statistical Information, but the agency head, the head of that Bureau, would have no control whatsoever. It would be a different type of organization than any other agency has now in existence.

The Department of Energy has statistical information. I read a letter yesterday from the Environmental Control Administrator in which he said, "The current version of H.R. 3847 would require delegation of all of the Department's data gathering, analyzing and disseminating functions to the Bureau. This delegation would commingle the Bureau's information functions with the Department's important regulatory enforcement and compliance monitoring functions. Such a step significantly compromises the Department's ability to implement environmental protection statutes by making it dependent on the Bureau for information it will need to fulfill its mission. Accordingly, while I support an independent bureau, I cannot support the wholesale delegation of the Department's data gathering authorities to the Bureau."

Mr. Chairman, that is the problem that we have with that particular department. It was changed in the full committee. The agency head would have no control over that. As a matter of fact, and I would urge everyone to look at this very carefully, it does not matter whether it is a Republican or a Democrat in the White House.

□ 1600

But whoever is in charge of that bureau now could do whatever he or she wanted without any control whatsoever. I could really be counteractive to what we have tried to do here in the legislation that we have provided, and I think that there is a good point in trying to eliminate that.

Some other things were added, and I have no objection with some of the amendments. As a matter of fact, I indicated my support for some of the amendments. I think they should be considered. But unfortunately, that is not the choice we now have.

Now we have a bill that if it goes over to the Senate, and it goes to the President, it is going to be vetoed, and we will not have a department. This substitute that is being offered by the gentleman from Illinois [Mr. HASTERT] would purely and simply elevate this agency to a department level, which is the very same thing we did when we created the Department of Veterans Affairs. If Members will recall, we did not get into all of this policy.

I can understand everybody in this Chamber and everybody in the Congress being concerned about the environment. We are all concerned about the environment and we want to do something about it. I have no problem with people trying to put policy into the elevation of this agency to a department. That is always what happens, and that is why the Government Operations Committee has jurisdiction for just creating a department and that is all the jurisdiction we have.

But when we get into these other areas, which is what we have done, that is how we get all of the other committees involved, the Committee on Public Works and Transportation, the Committee on Energy and Commerce, the Judiciary Committee, whatever the committee is that has jurisdiction over the subject matter of what we are trying to do in this particular bill, and it brings together those committees because they are concerned about getting their policy into this bill. I have no quarrel with the Members who have tried to offer amendments, because this is a good place to try to do that.

What the gentleman for Illinois [Mr. HASTERT] is trying to do is clean it all up, and say all we are going to do is elevate the Environmental Protection Agency to a Department. What it does is it establishes the Office of the Secretary, not more than 10 Assistant Secretaries, the Office of General Counsel, the inspector general. In other words, it does exactly what the President and the bipartisan group that met with the President said that we wanted to do; namely, elevate the Agency to a Cabinet status. It is done in the same way we did with the Veterans Affairs Department.

There should not be any controversy in what this gentleman is offering. I do not know how any Member could oppose it unless they want to put in all of these other issues, hazardous waste, statistical analysis, and other policy questions.

So I urge my colleagues to join me in cleaning it up, and let us support the Hastert substitute.

Mr. WEISS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the environmental crisis facing this Nation and this planet should force all of us in Congress to take the most expeditious and decisive action possible. We are at a turning point today in meeting this crisis, and raising the Environmental Protection Agency to Cabinet-level status is certainly a step forward. But it is not sufficient in and of itself.

The amendment offered by the gentleman from Illinios [Mr. HASTERT], takes major steps backward in a number of different areas. Let me address just one. The Hastert amendment would weaken the ability of the Director of Bureau of Environmental Statistics to collect, analyze, and disseminate needed environmental data by making the collection of that information optional, and not mandatory

Further, this aspect of the Hastert amendment would destroy the independence and effectiveness of the Bureau by making the Director's collection and dissemination of environmental information subject to the control of the Secretary of Environmental Protection and other Federal officials.

As written, this bill represents a bipartisan effort in creating a Department of Environmental Protection, which would address the pressing environmental problems we face. The Bureau of Environmental Statistics simply ensures that the new Department has the proper infrastructure and adequate information to carry out the crucial task of protecting the environment. I urge my colleagues to vote against the Hastert amendment and to proceed with the business of protecting and improving our environment.

Mr. Chairman, also, at the request of the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], I have a statement to enter into a colloquy with the distinguished gentleman from Michigan [Mr. CONYERS].

The gentleman from Florida [Mr. FASCELL] expresses his appreciation to the distinguished chairman of the Committee on Government Operations for his willingness to address the technical and jurisdictional concerns of the Committee on Foreign Affairs. In that regard, I ask for the gentleman's indulgence in clarifying certain provisions of the legislation.

In authorizing H.R. 3847, it is important to reiterate that nothing in the bill alters the responsibilities assigned to any Federal agency under current law. A primary concern is to assure that the existing foreign policy and foreign assistance authorities remain unaffected by the creation of a new Cabinet-level department.

Section 108 officially establishes the Office of International Environmental Affairs within the new Department of Environmental Protection, to be headed by an Assistant Secretary. Section 108 also describes various international activities in which the new Department is expected to participate.

I would like to point out that the Secretary of State is responsible for formulating U.S. foreign policy. Foreign aid programs are then carefully crafted by the Agency for International Development in consultation with the Secretary of State, in the overall context of U.S. foreign policy. I wish to emphasize that AID is vested with responsibility as the lead agency for coordinating and implementing U.S. foreign assistance programs, including research and technical assistance.

It is important to underscore the intent of the bill that any international activities of the new Department or Secretary or his/her designees shall not be undertaken independently, but in consultation with and through existing channels which presently have responsibility and authority for international policy and assistance activities.

Is this interpretation the understanding of the distinguished chairman of the Committee on Government Operations?

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WEISS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to first of all thank my friend, the gentleman from New York [Mr. WEISS], who serves so ably on our Committee on Government Operations as a subcommittee chairman and is a former member of the Foreign Affairs Committee.

His interpretation, and that of the chairman of the Foreign Affairs Committee, the gentleman from Florida, Mr. FASCELL, is precisely correct. We appreciate the cooperation that was extended in the jurisdictional resolutions that had to go on between that committee and six others, and that authority and jurisdiction will remain under the new provisions of making this agency now a department.

Mr. WEISS. I thank the distinguished chairman for his response.

At this point I will include the pertinent provisions relating to international agreements referred to in the colloquy.

[Information follows:]

SEC. 108(B). INTERNATIONAL AGREEMENTS

This provision recognizes a role for the new Department in participating in international agreements and relevant international organizations. The preference of the Committee on Foreign Affairs would have been to delete the vague and imprecise phrase "in addition to exercising other international responsibilities under existing law,". However, the provision does make clear the Secretary of State's primary responsibility for negotiating international instruments, and participating in international organizations. EPA's international activities to date have been coordinated and implemented as a component of US foreign policy under the direction of the Secretary of State, as are international activities of all Federal agencies. Sec. 108(b) of the bill reinforces that structure by authorizing the Secretary of the Environment to "assist" as the Secretary of State carries out his primary responsibility with regard to negotiating international agreements (including treaties, conventions, and protocols), and participating in international organizations.

SEC. 108(C). PUBLIC PARTICIPATION IN DELIBERATIONS

This provision recognizes the benefit of public participation in internal deliberations of the Department of Environment in preparing for international agreements. It gives the Secretary of Environment the authority to consult with a wide range of interested persons, including the public, at his discretion. This section applies only to internal

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deliberations of the Department of Environmental Protection. It is not intended that this provision authorize independent action by the Secretary of the Environment once interagency consideration of possible positions for the US government has begun. Coordinating decisions to consult the public, among others, is part of the Secretary of State's responsibilities, and this legislation does not alter it.

SEC. 108(D). RESEARCH AND TECHNICAL ASSISTANCE

This provision recognizes the current, and significant activities of the EPA in conducting research on global environmental problems and in providing technical assistance overseas to improve environmental quality. It encourages continuation of this role by the new Department in consultation with the Secretary of State.

Under this provision, deletion of the words "and the Administrator of the Agency for International Development" should not be interpreted to alter the existing role and responsibilities of AID with respect to international research and technical assistance activities, in particular, and foreign assistance activities in general.

The Agency for International Development is vested with responsibility as the lead agency for coordinating and implementing US foreign assistance programs. AID serves as the major contractor of foreign aid, and often delegates its authority to other agencies to implement aid activities overseas. It is expected that the new Environmental Department will continue to implement international research and technical assistance activities in consultation with both the Secretary of State and the Administrator of AID, as in the past. This provision in no way diminishes the existing authorities of AID with regard to foreign assistance activities, but is meant to assure streamlined and effective delivery of aid through a single coordinating entity.

SEC. 108(E). PERFORMANCE OF OTHER ACTS

This provision encourages the Secretary of the Environment "to perform, after consultation with the Secretary of State, such other acts which are necessary to protect the international environment and not inconsistent with the functions of other departments . . ." of the US government. Although the provision seems unnecessary, the Committee on Foreign Affairs appreciates the addition of the language regarding consultation with the Secretary of State to clarify that this does not alter existing foreign policy authorities.

Mr. CLINGER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. RAY. Mr. Chairman, will the gentleman yield?

Mr. CLINGER. I yield to the gentleman from Georgia.

Mr. RAY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the Hastert amendment which would bring this bill back to its original intent, namely—elevating the EPA to Cabinet level and departmental status.

Over the past 20 years, we have seen a dramatic rise in the Nation's awareness of environmental problems. The 1990's have been labeled "The Decade of the Environment". It is only fitting that the Federal department charged with the carrying-out of the Nation's environmental initiatives be a full-fledged member of the President's Cabinet. Virtually every decision we make on a national level has environmental significance, and the President should be fully briefed on such impacts while decisions are still in the discussion stage.

Additionally, Mr. Chairman, as chairman of the Environmental Restoration Panel of the House Armed Services Committee, I have seen the need for an organized and elevated environmental policy. In fact, I have repeatedly urged the Secretary of Defense to elevate the Department's environmental person to the Assistant Secretary or Under Secretary level.

However, Mr. Chairman, this bill, as it stands now, is not intended to create a new EPA department. Rather, this bill is intended to cause political embarrassment to the administration. With all these amendments and add-ons, this measure is intended to force the President to use his veto pen and not allow him to reach his goal of an EPA department by Earth Day, which is April 22. Well, the only lasting embarrassment will be to the United States which will continue to have its environmental problems being handled by a non-Cabinet level, non-department. I think that is wrong, and I urge my colleagues to do away with such partisan shenanigans.

Many of the provisions currently within H.R. 3847 are non-germane or deal with subject matters that are better handled in other committees at other times. Let's deal with those provisions in a more straightforward manner at a later date. Today, we should do what we started out to do in the first place, and move quickly in granting Cabinet-level status to EPA.

Enacting the Hastert amendment will cleanse the bill of this excess material. The Nation deserves a Cabinet-level department to carry out its environmental practices, and it deserves to have such a department as soon as possible.

□ 1610

Mr. CLINGER. Mr. Chairman, I rise in support of the Hastert substitute to simply elevate the Environmental Protection Agency to Cabinet-level status. Preservation of our environment for future generations of Americans dictates that we work to ensure that our air is breathable, our waters swimmable and drinkable, and our soil tillable and productive. Elevating EPA to the Cabinet will help ensure that each of these desirable objectives is achieved. President Bush was right on the mark when he announced his support for elevating EPA.

What does elevating EPA to Cabinet level mean? Many may argue that elevation is largely a symbolic statement. I believe that elevation goes beyond symbolism. Giving the Administrator of the Environmental Protection Agency added stature can only ensure that environmental issues receive necessary Presidential attention. In addition, elevating the Administrator of EPA to Secretary will place our Nation's chief environmental protection officer on equal footing with environmental ministers from other countries. This is important as we begin to realize that pollution "knows no boundaries" and as it becomes apparent that a global response is necessary to effectively protect the environment.

Unfortunately, H.R. 3847 as currently drafted is not what the President envisioned when he embraced the elevation concept in January. Nor is H.R. 3847 what many of us on Capitol Hill envisioned when we first began discussing elevation legislation. Early on, I had reservations about any legislation that would go beyond elevating EPA. Looking at H.R. 3847 today, I realize that my reservations were well-founded. Understandably, the Administration has gone so far as to threaten to veto H.R. 3847 if some of the more burdensome and unrelated language is not removed. I am concerned that the legislation has been "loaded up" with language that has nothing to do with elevating EPA to Cabinet-level status. It is disappointing that some of my colleagues have turned the issue of the environment and a well-intentioned concept into a game of political football.

As currently drafted, H.R. 3847 establishes extraneous permanent advisory committees, provides sweeping and almost unchecked authority to the Director for Environmental Statistics, limits Presidential discretion in making appointments, overzealously requires disclosure information from individuals participating on scientific advisory boards, and is overly restrictive of the Agency's ability to contract out for certain services. In summary, H.R. 3847 has evolved from what the President termed a good concept into a bill that will be more costly to the American taxpayer and make the EPA more bureaucratic.

In an effort to evaluate whether executive branch agencies would be better managed under the Department of Environmental Protection, H.R. 3847 establishes the Commission on Improving Environmental Protection. I can appreciate the stated desires of Commission supporters to determine whether consolidation of executive branch agencies is warranted. Achieving better management and coordination in the executive branch are desirable goals. However, I am concerned that recommendations by the Commission will eventually inhibit Cabinet debate, thus limiting the choice of options available to the President. Quite conceivably the concerns of these agencies may be overridden by the Secretary of the Department on Environmental Protection. Often cited as candidates for consolidation under the new Department of Environmental Protection are the National Oceanic and Atmospheric Administration, the Office of Surface Mining, and the Army Corps of Engineers. In addition to these agencies, I am certain that the Commission will consider executive branch agencies currently under the jurisdiction of other Departments for inclusion under the Department of Environmental Protection. It would be ironic that as we work to ensure the Environmental Protection Agency has a voice in the Cabinet, we dampen concerns that other agencies might have.

In summary, the Environmental Protection Agency should be elevated to Departmental status. This increased stature will ensure that issues of environmental significance will receive the President's personal attention. The Hastert substitute adeptly avoids the problems in H.R. 3847 and accomplishes our goals in the most expenditious and concise manner.

I would urge my colleagues to vote in support of the Hastert substitute.

Mr. TORRES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to express my strong opposition to the substitute being offered by Mr. HASTERT.

Congress has the responsibility to create a Department of Environmental Protection with the internal structure to do the job right—to do the job that Congress thinks is necessary to protect the environment. That should be our first priority, to protect the environment.

I resent being asked to simply approve a name change.

I will not be a party to a scheme for contracting out to the President's Chief of Staff the critical job of organizing the Department of Environmental Protection.

This body is not in the business of rubber stamping public relations ploys, even if they are being done in the name of Earth Day.

The creation of the Department of Environmental Protection is too important to be reduced to a simple name change.

I would urge my colleagues to vote against this substitute, and to vote in favor of final passage of the committee's excellent legislation.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I obviously rise in support of the amendment offered by my good colleague, the gentleman from Illinois [Mr. HASTERT].

Someone once said that most problems arise in Washington because Congress wants to give the President direction and the President wants Congress to give him discretion.

H.R. 3847 is a monument to the congressional obsession with giving directions to Presidents.

Mr. HASTERT's amendment strips away the various accretions, and additions, and mandatory requirements and gets to the heart of the matter.

And what is the heart of the matter? It is to raise the Environmental Protection Agency to a Cabinet-level Department.

That is what we are here to do. We are not here to fine-tune, micromanage, or impose our esoteric philosophies of management on the President.

There is a wonderful word of Yiddish origin that captures the spirit of those who have added on all these various directives.

The word is "kibitzer," defined as "one who looks on and often offers unwanted advice and comment."

H.R. 3847 has become the House kibitzer protection bill.

Given the fact that our own institution needs serious management reform, you would think we would be the last people in the world to load up this bill with defective directives.

But, no, the temptation to kibitz is too much for some of us.

Let us return to the pristine simplicity of the original idea of creating a Department of the Environment.

Mr. HASTERT's amendment is a model of legislative environmental quality itself; pure unpolluted by extraneous legislative matter, safe to vote for, and protective of the endangered species known as congressional common sense.

A vote for Hastert will be a vote for clean, swift, effective action something that is as rare around here as our own gifts for micromanaging anything.

Mr. WOLPE. Mr. Chairman, I move to strike the requisite number of words and I rise in strong support of the legislation to elevate the Environmental Protection Agency to Cabinet-level status and in strong opposition to the Hastert amendment to H.R. 3847.

I fully support elevating EPA to Cabinet-level status, but it is important that improvements be made in the agency's organization and responsibilities. I believe that H.R. 3847 makes many of the improvements and that these positive changes should be made in the legislation.

If the Hastert amendment were to pass, all of these enhancing provisions would be eliminated and we would be left with little more than a name change and an extra chair at the table.

Now I have no doubt whatsoever as to Mr. Reilly's own commitments to the environment. I think the selection of Mr. Reilly to head up the EPA was a marvelous choice by the President. But we have seen time after time again in the last several months where Mr. Reilly has been overruled either by Mr. Sununu or Mr. Darman at OMB. In many instances the budget commitments for EPA programs that have been offered up by Mr. Reilly have been totally gutted as the budget moved through the administrative process.

Therefore, so we have to in this Congress make clear that we expect more than lip service, that we are looking for more than simply a name change.

In my view, one of the most critical additions that this legislation would accomplish is a statutory creation of the assistant secretary for pollution prevention and recycling.

I want to commend my good friend and colleague, the gentleman from Michigan [Mr. CONYERS] for his foresight in establishing that office and the assistant secretary in statutory form.

Additionally I support my colleagues Mr. TORRES and Mr. CONYERS in the colloquy that they had yesterday in which they stressed the intent of Congress that the primary function of this new office be exclusively pollution prevention activities.

I have been on this floor many times before talking on the critical importance of pollution prevention, and I will continue to seek every opportunity to promote that concept, through research and technology transfer, through industry reporting requirements and through other means.

We simply must begin to change old habits and attitudes that have been cemented over the past several decades and have focused almost exclusively on end-of-the-pipe solutions.

We have a crisis orientation when it comes to dealing with the environment.

□ 1620

What we need to do is shift our policy. We are beginning to talk about stopping the creation of waste products at the first-of-the-pipe, before they enter the environment. That is why it is so important that the EPA begin to take seriously the commitment to prevention. We have been told that EPA supports the waste management hierarchy in which prevention is at the top of the list. However, the reality is less than 1 percent of EPA's R&D activities over the past several years have been centered on pollution prevention. Ninety-nine percent of everything that has been gone to the EPA has focused on the crisis response and the end-of-the-pipe approach. Therefore, we must establish, in statutory form, an office that will provide the bold, highly visible actions so necessary to promote pollution prevention.

It turns out that not only is pollution prevention the most environmentally sensitive approach, it also makes enormous business sense for industry

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and for the society. We also have to stop the shell game of transferring pollution from one medium to another. The establishment of an Assistant Secretary for Pollution Prevention and Recycling better provides for a comprehensive approach to the issue of pollution prevention. This legislation will send an explicit message to other EPA offices, to other Federal and State and local agencies, to industry, and to the public that the Federal Government is finally serious about first reducing or eliminating the contaminants before they enter our environment, and second, recycling as much of the remaining wastes as possible. We are saying this is not just a passing fad, but a serious, long-term commitment.

Just as important as creating this position of Assistant Secretary for Pollution Prevention and Recycling is the need for this office to maintain a clear, unequivocal mission, unencumbered by additional responsibilities.

I urge my colleagues to oppose the Hastert amendment and support H.R. 3847.

Mr. ROGERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Hastert substitute. If the goal of the Congress is to mire the Department in jurisdictional battles with other agencies and departments in an attempt to consolidate power, then the committee bill has the very real potential to do just that.

If the goal of the Congress is to elevate EPA to a Cabinet-level agency—the Hastert substitute does the job simply, clearly, and expeditiously.

Mr. Chairman, this contains a highly controversial Advisory Commission on Improving Environmental Protection. The purpose of this Commission is clear—to enlarge the power and scope of the Department at the expense of agencies already in place, already working, and already fulfilling their mandate.

Proponents of the Commission have expressed an interest in extending the Department's jurisdiction to encompass the National Oceanic Atmospheric Administration, the Office of Surface Mining, and the Army Corps of Engineers, to name a few.

By consolidating the various offices that now have jurisdiction over environmental issues within the Department of Environmental Protection, we run the risk of stifling debate on policy questions within the executive branch. The Hastert substitute ensures that policy questions and information on environmental issues will continue to flow freely from one agency to another.

Mr. Chairman, I urge my colleagues to support the Hastert substitute which elevates the EPA to a Cabinet level without holding other agencies and offices hostage to an unfriendly takeover.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the legislation. As a member of the Committee on Government Operations, I want to commend our chairman, the gentleman from Michigan [Mr. CONYERS], and the ranking member, the gentleman from New York [Mr. HORTON] for their leadership in bringing this legislation to the floor.

I rise in support of H.R. 3847 because I think it is necessary. Throughout the history of our country, the growth and needs of our country have been reflected by the growth in the Cabinet. As we prepare for the future and prepare for the year 2000, in order to leave the proper legacy for our children and our grandchildren, it is necessary for that Cabinet to be expanded to include the full protection of our environment.

This should not be a symbolic action. For that reason, I oppose the Hastert substitute, and ask my colleagues to vote against it in support of the bill that has been reported out of the Committee on Government Operations.

Again, I thank the chairman, the gentleman from Michigan [Mr. CONYERS], and the ranking member, the gentleman from New York [Mr. HORTON].

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of the gentleman from Illinois [Mr. HASTERT] amendment. This amendment would return Members to the goal stated by the leaders of both sides and by the President of the United States.

We would elevate the EPA, clean and simple. Debating the merits of these other amendments is useful, but frankly, it threatens to get Members off target. In the vernacular of southwest Florida, it is hard to remember your purpose is to drain the swamp when we are up to our elbows in alligators. This bill now faces the risk of becoming so bogged down by extraneous and possibly unconstitutional provisions that we literally might lose the forest for the trees.

If the goal is to elevate the EPA to Cabinet status, and it is, then we should stick to that goal and pass a clean bill. A number of amendments our colleagues have offered today are very worthy and deserve consideration in other proper context. Now, however, is not the time.

A little over 2 years ago, this body voted to elevate the Veterans' Administration to Cabinet level. That status came about without weighting down the new Department with new responsibilities that had not been adequately studied. The result? The Department of Veterans Affairs has received good marks for its performance and contribution to the community. Much of its success can be attributed to a smooth, unencumbered transition to the President's Cabinet table.

The value of elevating the EPA lies in transforming the role from an administrative line agency to a highly visible national and international advocate for the environment. Unfortunately, many of the previous amendments run the risk of causing the EPA to focus literally on a myriad new bureaucratic structures, rather than allowing it to look upward. Maybe, to put it topically in Washington language—there is getting to be too much "broccoli" in this bill.

Mr. Chairman, the Department of Environmental Protection needs to hit the ground running. We should not bog down Secretary Reilly at the very point when he can least afford to be bogged down.

There is another bit of lore in southwest Florida that comes to mind today. Old-timers down our way say "Never try to teach a pig to sing. It frustrates you, and irritates the pig." That is good advice. I cannot see any reason to ignore it. We do not need any singing pigs. We do need a Secretary of Environment.

I strongly urge my colleagues to cast a vote for clean environment and a strong Department of Environment for protection, and support the Hastert amendment.

Mr. HEFLEY. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Hastert amendment. I would like to take a couple of moments to say a word in support of the Hastert amendment.

I think environmental issues, indeed as has been stated over and over here this afternoon, will be some of the most important issues that we deal with in the next decade, both in this Congress and across the world. We need to clean up our air. There is no question about that. The brown clouds need to go. We need to get rid of the acid rain problem and quit dumping waste in streams and lakes, and deal with the problem of solid waste which is about to bury everyone. Every man, woman, and child produces 4½ pounds of solid waste a day in newspaper and junk. We do not know where to put it. We cannot find enough landfills to fill it up. Also, on a global basis where the cutting and burning of the rain forest is completely unacceptable. Our planet will not tolerate much more of that. We need an Environmental Protection Department that can sit at the table on an equal basis with similar departments of other world leaders, when we are trying to deal with these worldwide environmental problems.

□ 1630

That is the question. That is why we got into this debate. That is why the President recommended that we elevate the Environmental Protection Agency. He did not say, "Come in and help me to see how we can better protect the environment." He said, "Let us elevate this so that we will have an agency that can sit on an equal footing with other such agencies around the world."

But today we are playing politics with this very important issue of the environment. We see a Christmas tree, we plug on the lights, and we see all these great ideas, good and bad ideas about amendments that we can attach to this bill so they will go cycling through and we can get them passed.

We do not need this as a vehicle for that kind of political game-playing. We need it to be a cabinet level position, and the way to do that is to pass the Hastert amendment. Let us pass a bill that the President can sign and will sign, not one that is designed to embarrass him and force him to veto, but one that he can and will sign. Let us pass the Hastert amendment. When we do that, we will know that we have the Department elevated to Cabinet status, and we can deal with each of these other issues on their own merits.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I may, I would pose a question to the author of the amendment.

We have heard a lot of discussion here this afternoon about the relative advantages of the gentleman's amendment versus the amendment that has been offered by the committee. I think one of the questions many of us want absolutely clarified is the question of the cost of these two different approaches.

Can the gentleman estimate for me what the cost is of implementing his bill?

Mr. HASTERT. Mr. Chairman, if the gentleman will yield, my understanding from the OMB is that the cost of implementing the pure escalation of the EPA to Cabinet status will be about $30,000.

Mr. WALKER. The cost would be $30,000, and that would take care of all the new signs?

Mr. HASTERT. And the seals and accessories.

Mr. WALKER. The seals and all that. So there would be no additional expense involved?

Mr. HASTERT. That is my understanding.

Mr. WALKER. Mr. Chairman, let me ask the gentleman, is there an estimate of what the committee bill would cost to elevate it to Cabinet status?

Mr. HASTERT. The estimate on the committee bill as it came to the floor today is about $50 million. That is the OMB estimate.

Mr. WALKER. Did the gentleman misstate himself? Did he mean $50,000 as compared to $30,000?

Mr. HASTERT. No, $50 million.

Mr. WALKER. All right. And that is $50 million for this new department?

Mr. HASTERT. That is correct.

Mr. WALKER. Now, about the amendments we have added on the floor today, do they add any expenses beyond that?

Mr. HASTERT. I am sure they did add expense. I do not have any current update, but probably from the estimates we have, they may double the price or the cost of the bill.

Mr. WALKER. So we have the potential in what we are voting here that the difference between the gentleman's amendment is the difference between $30,000 and $100 million?

Mr. HASTERT. Well, there are two issues. First of all, we have just the cost of the bill, plus the bureaucracy that the $100 million will buy and that we have to cut through to get answers from the EPA.

Mr. WALKER. But at the very least, according to OMB, the difference is between $30,000 and $50 million?

Mr. HASTERT. That is exactly right.

Mr. WALKER. And it could be as much as $100 million. So we are talking about real numbers here.

Is there any pay-as-you-go in this process where we have come up with the money to handle $100 million worth of cost?

Mr. HASTERT. It is my understanding that there was one provision in the amendment offered by the gentlewoman from Illinois [Mrs. MARTIN] that any recaptured funds from enhanced enforcement would go back into the pot. But that is all I know about.

Mr. WALKER. But that would go back into the pot for enforcement, would it not?

Mr. HASTERT. That is right.

Mr. WALKER. It would not pay for the cost of $100 million that would elevate it to Cabinet status?

Mr. HASTERT. That is my understanding.

Mr. WALKER. So what we have in the bill is this: We have no pay-as-you-go, and it would add $50 million to $150 million of cost to the Federal Government?

Mr. HASTERT. That is correct.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Michigan?

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding.

Mr. Chairman, I would like to bring to the gentleman's attention a document signed March 26 by Robert Grady, the associate director for natural resources for OMB.

He said that the administration expects incremental costs associated with the elevation to be small. He pointed out that the administrator's salary would be about $10,700 to $107,300, and the deputy administrator's salary would be $7,600 to $96,000. So we have a very tiny increase.

But the report itself on page 16 gives us a more total appropriations authorization in section 308. It says: "There are authorized to be appropriated to carry out this title not more than $1.5 million for fiscal year 1991 and not more than $2.5 million for fiscal year 1992."

Mr. Chairman, I think the gentleman should be advised of those figures.

Mr. WALKER. I thank the gentleman, but I am a little confused by the figures. I do not know what the administration may be calling small amounts of money. Maybe somebody down there thinks that $50 million is a small amount of money, but I do have some CBO costs before me that indicate that just the Bureau of Statistics in this bill is $5.2 million in 1991; the access to information resources is $2.5 million in 1991; the computer pilot program is between $250,000 and $1.5 million; the advisory committee on access begins at $300,000 a year; the commission on improving environmental protection is $1.5 million in 1991; the minority pollution study is another $600,000.

That adds up to some big bucks, I would say to the chairman of the committee. Somebody might call that little amounts of money. To me it sounds like significant sums.

Is the gentleman saying that CBO is wrong here,

Mr. CONYERS. Mr. Chairman, if the gentleman will continue to yield, this is what we are going to go forward with. In other words, what we may do is save a lot of money from the CBO estimates, because this is all we are seeking. This is the bottom line. So I would not concern myself about the variety of estimates. We have three so far, and this is what is in section 308.

Mr. WALKER. What is the bottom line on how much the gentleman said he is going to charge for getting this department started?

Mr. CONYERS. The bottom line for fiscal year 1991, referring to page 16 of our report, is $1.5 million for fiscal year 1991.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. So, Mr. Chairman, if I understand the gentleman correctly, by his estimates, which CBO seems to

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disagree with, it is going to cost $1.5 million under his bill, whereas the Hastert approach is going to cost $30,000. Back in Pennsylvania Dutch Country there is a big difference between $30,000 and $1.5 million. Even that is a very significant difference in moneys, but that seems to not take into account this Bureau of Statistics figure of $5.2 million.

Is the gentleman saying the Bureau of Statistics can be done within the $1.5 million he is talking about?

Mr. CONYERS. No, sir. What I wanted to remind the gentleman of is that on an amendment that was passed and offered by the gentlewoman from Illinois [Mrs. MARTIN], we put additional prosecutors who earn 2½ times their own salary in recoveries in terms of criminal and civil suits. So we think these things are going to balance out.

But if the gentleman wants only this—and apparently the gentleman from Illinois does, and the gentleman from Pennsylvania might too, for all I know—if these gentleman really want to elevate the head of the agency to a Cabinet level and leave the rest alone, they are on solid ground.

Mr. WALKER. No.

Mr. CONYERS. Mr. Chairman, if the gentleman wants to make the kinds of corrections that are dictated by experience, including those the present director, Mr. Reilly brought to our attention and which we have converted into the bill now before us, then we will have to make those corrections, and it may carry this price tag with it.

In other words, what the gentleman seems to be saying to me is that indeed the price tag may be a good deal more than this, and somehow we are going to magically come up with the money. But there is a real difference between what the gentleman is proposing and $30,000. The price tag here is somewhere between $1.5 million and $50 million or $100 million, depending upon who makes up the figures. My guess is that probably $30,000 is more like what we can afford.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois [Mr. HASTERT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HORTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 161, noes 266, not voting 6, as follows:

[Roll No. 49]

AYES—161

Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bliley
Broomfield
Bunning
Burton
Byron
Callahan
Campbell (CO)
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gekas
Geren
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hayes (LA)
Hefley
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hutto
Hyde
Inhofe
Ireland
Johnson (CT)
Jones (GA)
Kasich
Kolbe
Kyl
Lagomarsino
Laughlin
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Mollohan
Montgomery
Moorhead
Morrison (WA)
Myers
Nielson
Olin
Oxley
Packard
Parker
Parris
Pashayan
Patterson
Paxon
Petri
Pickett
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Saiki
Sarpalius
Schiff
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Robert
(OR)
Solomon
Spence
Stallings
Stangeland
Stearns
Stenholm
Sundquist
Tallon
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOES—266

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Bilbray
Bilirakis
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Campbell (CA)
Cardin
Carper
Carr
Clarke
Clay
Clement
Coleman (TX)
Collins
Condit
Conte
Conyers
Cooper
Costello
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Douglas
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Foglietta
Ford (MI)
Frank
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Gray
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hefner
Henry
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Jacobs
James
Jenkins
Johnson (SD)
Johnston
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickle
Porter
Poshard
Price
Rahall
Rangel
Richardson
Rinaldo
Roe
Ros-Lehtinen
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Russo
Sabo
Sangmeister
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schumer
Serrano
Sharp
Shays
Sikorski
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Smith, Robert
(NH)
Snowe
Solarz
Spratt
Stark
Stokes
Studds
Swift
Synar
Tanner
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Walgren
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—6

Ford (TN)
Hawkins
Roybal
Smith, Denny
(OR)
Staggers
Stump

□ 1700

The Clerk announced the following pair:

On this vote:

Mr. Stump for, with Mr. Ford of Tennessee against.

Messrs. MARTINEZ, FLAKE, TAUKE, HENRY, and DERRICK changed their vote from "aye" to "no."

Messrs. LEWIS of California, VOLKMER, and MILLER of Ohio changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. No further amendments are in order under the rule.

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a subsitute, as amended, was agreed to.

Ms. SCHNEIDER. Mr. Chairman, I rise in strong support of the Environmental Protection Agency becoming elevated to Cabinet rank, and commend President Bush for expediting implementation of this effort. When we take a moment to realize how environmental concerns pervade our daily lives, whether at home, work, school, or during our recreation, it is clear that this is a long overdue step. In the 20 years since Earth Day there has been a steady rise in the public's call for maintaining clean air and water, preventing toxic chemicals from entering our food and soils, protecting our oceans, bays, and coastline from contamination, and strongly supporting energy conservation and pollution prevention as top priorities for preserving the environment and maintaining our quality of life. Constituents in my home State of Rhode Island hold our natural heritage in very high regard, and place a special premium on protecting the integrity of these natural assets.

At the same time, there is an increasing awareness among the voters that the environmental problems we face are no longer limited to the community or State, or even the Nation, we live in. We now face a rash of global environmental threats to humanity, among them massive extinction of plant and animal species, destruction of the ozone layer, and global warming.

Each of these problems poses serious risks to ongoing economic prosperity for all nations. As a number of astute observers have noted, our failure to address these problems also compromises national security. The tens of millions of environmental refugees who now cross national boundaries in search of food and escape from famine is a stark manifestation of how ecology and security overlap.

The value of EPA as a Cabinet-level agency is its ability to bring into full relief the environmental conditions essential for maintaining a vibrant economy. As the cofounder and cochair of the Congressional Competitiveness Caucus, I have had the opportunity to observe firsthand the recognition by corporate leaders that environmental concerns must be an integral part of every company's practices. Pioneering companies like 3M, with the 3P program, Pollution Prevention Pays, have demonstrated beyond any about that bottom line profits can be achieved through reducing, reusing and recycling pollutants.

I can think of no finer Cabinet Secretary for EPA than Bill Reilly. As the former head of the Conservation Foundation World Wildlife Fund, Bill brings to this position a consummate understanding of environmental issues. I have the utmost respect for his dedication to breathing new life into EPA, and for his keen insight that sound environmental management is essential for a prosperous economy, not inimical to it. I look forward to working with Secretary Reilly on the many legislative issues before us.

Mr. SKAGGS. Mr. Chairman, I want to express my strong support for H.R. 3847, the Department of Environmental Protection Act. By voting to establish a Department of Environmental Protection [DEP], I hope we are signaling the beginning of a new philosophy and seriousness about our responsibilities to this Earth.

The bill sent us by the Government Operations Committee is a good one. It will start things out on the right track: broadening and strengthening EPA's research, regulation, and enforcement mandate, while minimizing political influence on these critical areas. Environmental protection—like law enforcement—should not bow to the changing political winds of different administrations or their particular constituencies. Therefore, I urge my colleagues to defeat amendments designed to undercut the new department's independence, and turn back other amendments intended to weaken its strong proenvironment charter. This is a chance to do things right. Let's make a clear and determined statement in this bill, and do so proudly.

If, on the other hand, after passing this bill, we leave this Chamber thinking we've fulfilled our responsibility to the environment, then creating this Department will have been an empty exercise—a victory of symbol over substance. We must all continue to fight for the environmentally sound policies we've charged the Department of Environmental Protection with enforcing. It can't do it without our support.

Earth Day is April 22. But each and every day in Congress we have the special opportunity and responsibility to craft policy that protects the Earth. In the long run, the actions we take now to protect the future of our country and our planet will do as much to advance our national security as any item in the defense budget. I, for one, pledge to do everything I can to shape law to cleanup, protect, and preserve our air, our water, and our lands.

The scientists can't yet tell us how forgiving of our environmental assaults the Earth ultimately will be. They can't tell us if human activity may already have pushed the planet past the point of no return. We're walking on the margin of error, and if we exceed it, we destroy our future.

Mr. KANJORSKI. Mr. Chairman, although I rise today in support of H.R. 3847, I would like to share with my colleagues a complaint that I fear is all too commonplace.

Far too frequently large sums of Superfund money are spent on public relations, lawyer fees, and studies while not enough is going toward actually cleaning up hazardous and toxic sites.

Of the nearly $4.5 billion spent on the Superfund Program to date, only $1.6 billion has been used for the actual cleanup. Most of the money is spent on studies, legal fees, and public relations. The result: less than 2.5 percent of existing Superfund sites have been removed permanently from the list. Furthermore, this list continues to grow by leaps and bounds.

In my district two Superfund sites offer excellent illustrations of the inadequacies within the Superfund Program. The first is the Butler Mine Tunnel which was placed on the Superfund list in 1981. In this instance, abandoned mine tunnels were being used as illegal dumps because unscrupulous people flushed toxic materials down a borehole that led to the series of tunnels.

In 1982, the EPA declared the site cleaned up. However, as a result of heavy rains from Hurricane Gloria in 1985, approximately 100,000 gallons of contaminated oil spilled from the Butler Mine Tunnel into the Susquehanna River.

Since then, the site has been returned to the Superfund list. However, no real action has been taken to resolve the continuing health hazard. The people of northeastern Pennsylvania have heard reports of numerous studies and law suits, but we have seen no action.

The second case involves the cleanup of the C&D recycling center, which was placed on the Environmental Protection Agency's Superfund list in August of 1985. Since that time, very little has been done to actually clean up the site, and it appears now as if further delays lie ahead.

Since late 1985, residents with property adjacent to the C&D site have not been able to drink their tap water for fear of lead contamination. Furthermore, until very recently, these same residents were increasingly frustrated due to an almost complete lack of communication between themselves and the EPA.

While the EPA has, recently, attempted to be more receptive to the residents' questions and concerns, little substantive progress has been made. Moreover, if the present plan is followed, the site is not likely to be cleaned up for at least 5 more years.

As part of its effort to improve relations and communication betwen the EPA and the community, the EPA has hired the consulting firm of Booz, Allen. While I applaud their intentions, I question whether this step will, in the long run, help either the project or the EPA's standing with the community.

At this point, the residents simply want the site cleaned, and there is a great fear that by hiring Booz, Allen the process will only be prolonged. The EPA has lost the respect and the confidence of the people, and concrete action is the only way that it will be restored.

I believe that the EPA's handling of the C&D Recycling and Butlers Mine Tunnel sites are all too common examples of many of the problems currently facing the Superfund Program. While reading the recent report issued by the Office of Technology Assessment on the Superfund Program, I was struck by the similarity between frustrations documented by OTA and those experienced by the residents near the C&D and Butler Mine Tunnel sites.

Mr. Chairman, the EPA's record in cleaning up Superfund sites is a disgrace. While I believe that the important work of this agency merits departmental status, I hope we do not lose sight of the crying need to revamp the Superfund Program so that more progress is made on cleaning up hazardous sites and less attention is paid to hiring public relations firms to make excuses for EPA's failure to perform.

Mr. UDALL. Mr. Chairman, today, I will vote against the elevation of the Environmental Protection Agency to Cabinet status. As a Congressman, I've been privileged to play a part in one of the most important movements of this century, the crusade to protect the environment. Like many of my colleagues, I believe there is great danger that mankind may make this planet uninhabitable. I would agree with many of my colleagues on the need for greater attention to the poor condition of our environment. That being said, I will vote against this legislation.

As a student of Congress for quite some time, I've learned a few rules and fundamental truths. I've discovered that in complicated human affairs one leader can only supervise on a daily, routine basis a crew of four to six individuals. You will see this throughout Government in differing terms. In the Army, there is one general and four or five top assistants. Many of my colleagues operate their offices in

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this fashion. Any increase in this small number of assistants tends to produce a breaking point, a collapse of communication.

When I came to Washington the President's Cabinet meeting was a relatively small affair. Now I wonder if the White House has enough chairs for everyone. I've witnessed the creation of four new Cabinet posts and I have come to recognize that the creation of bureaucracy is a one-way street, that going back is not a possibility. In regards to this style of governing, I am casting my vote as a form of protest.

Mr. GALLO. Mr. Chairman, I am very pleased that the House is considering today H.R. 3847, which would establish a Department of Environmental Protection.

As an original cosponsor of this legislation, I believe that passage of this bill brings the needed recognition that the United States, on a bipartisan basis, is committed to environmental protection in this country and to the world environment.

When I first came to Congress, we were debating Superfund to assist in cleaning up our Nation's toxic waste sites that were created during our industrial revolution, when environmental awareness was put on the back burner. Since then we have begun to make headway in the need for environmental protection.

Today, as we move into the 21st century our planet is still plagued with many global environmental problems. The quest for clean air and water, concerns about global warming and the growing solid waste disposal crisis has placed an even greater importance on preserving our environment and natural resources.

We have come a long way since the creation of the Environmental Protection Agency in the 1970's, however, it is time for the United States to take the next step and create the Department of Environmental Protection. I think the Government's chief environmental protection office should have the same authority and influence as the other U.S. departments and therefore should be granted the appropriate status.

H.R. 3847 would provide for a closer working relationship with the President, a strengthening and balancing of the Department's interrelations with other Federal agencies and an equal standing with foreign environmental ministries.

This bill is a commitment to protecting the environment and I am proud to support it.

Mr. GEPHARDT. Mr. Chairman. I want to commend Chairman CONYERS for his strong leadership and for bringing legislation to the floor today that will elevate the Environmental Protection Agency to Cabinet-level status.

Since the Environmental Protection Agency was established 20 years ago, its responsibilities have greatly increased. Elevating the Agency to Cabinet-level status, as Chairman CONYERS proposed early this year, will strengthen our ability to protect the environment, both at home and internationally.

The Government Operations Committee bill, and many of the amendments under consideration, go farther than simply lengthening the size of the Cabinet table to accommodate another chair.

These proposals will strengthen environmental protection, and insulate the proposed department from partisan influence and special interest control. Adopting them will ensure the new Department stands with the people, and against the polluters, and for helping to protect working families from environmental hazards in our land, water, and air.

Our bill establishes an independent Bureau of Environmental Statistics. The Bureau will collect and disseminate facts on environmental hazards, and this data will be protected from the kind of number cooking in which OMB and others have typically engaged.

Our bill seeks to limit the contracting out to private interests of functions that should be conducted by Department employees—and this will prevent polluters from exerting an unhealthy influence on the policymaking process.

Other reforms deserve our support as well. Department of Energy and Department of Defense facilities—and those of every other Federal agency—should comply with the hazardous waste standards we require of the private sector. The new Department's personnel should be appointed on the basis of competence rather than politics.

These proposals are all aimed at strengthening the Department, they are aimed at ensuring the symbolic importance of elevating EPA to Cabinet-level status is not undermined by politics or special-interest favor. These concerns are not academic in nature. We want to prevent a repetition of the kinds of political gamesmanship which occurred during the 1980's under Administrator Gorsuch and others.

For these reasons, I was particularly disappointed that the administration has issued a veto threat against our bill, simply because it attempts to assure the Department is an independent watchdog for and protector of the environment.

It would be a sham and a shame to place another chair around the Cabinet table with a law that places a gag on that Department's ability to protect the environment in an effective, non-partisan way.

I urge my colleagues to support these reforms. This is a reasonable step for good government and for an effective, non-partisan approach solving the Nation's environmental problems.

Mr. HOYER. Mr. Chairman, today I rise in support of the H.R. 3847, the Department of Environmental Protection Act, redesignating the Environmental Protection Agency as the Department of Environmental Protection which elevates it to Cabinet status. I would like to thank and commend the chairman for expeditiously bringing this legislation to the floor.

Mr. Chairman, in less than 1 month we will be commemorating the 20th anniversary of "Earth Day" which will be celebrated and recognized throughout the world. In addition, the Congress of the United States is in the final stages of passing monumental clean air legislation for the first time in 10 years. This is clearly the decade of the environment. What better way to serve the best interest of our country's environment by elevating the Environmental Protection Agency to Cabinet status. It is vitally important that if we are to protect this country's greatest natural resource we need to give the regulating authority the status and credibility it needs to facilitate the operations of the Department.

I would like to take this opportunity to applaud some of the key provisions of H.R. 3847. The experience and proficiency of professional employees will be guaranteed by appointing individuals based primarily on their experience on environmental concerns rather than on the basis of their political affiliations. This provision preserves the intent of the legislation by ensuring that employees have the professional experience and knowledge to competently serve the Department.

The establishment of three offices within the Department of Environmental Protection, each headed by an assistant secretary will serve to efficiently regulate the concerns within their respective jurisdictions.

The Office of International Environmental Affairs will allow the Secretary to effectively participate in the work of international organizations, and negotiate environmental conventions. Canada, our neighbor to the north, is keeping a watchful eye on our clean air bill and their concern with acid rain generated by this country validates the need for establishing this office.

The Office of Enforcement will monitor compliance with existing regulations and new laws resulting from clean air legislation. The office will investigate regulation violations and assist in correcting many of the deficiencies in current environmental enforcement action.

The Office of Pollution Prevention and Recycling will implement programs for reducing the quantity of pollution already being generated, coordinated efforts to prevent pollution, and promote recycling programs.

Mr. Chairman, our Nation's minority and low-income populations have sadly been exposed to health hazards and adverse environmental conditions as a result of their environment. The legislation before us today authorizes $600,000 for a National Academy of Sciences study and report to Congress to determine the extent to which minority and low-income populations are disproportionately affected and exposed to environmental pollutions. In addition, the academy is required to make recommendations in order to solve the problem.

Mr. Chairman, we have an opportunity today to recognize the importance that the environment has to our country. If this is to be the decade of the environment we need to make every effort to improve the quality of our environment. I urge all of my colleagues to join with me today in support of the Department of Environmental Protection Act.

Mr. DREIER of California. Mr. Chairman, it's easy to argue that the EPA deserved Cabinet status as the Department of Environmental Protection. Since its inception 20 years ago, the EPA has been a regulatory force guarding the safety and quality of our air, land, and water.

The EPA administers the comprehensive protection laws vital to our Nation's environment, among them Superfund, the Resource Conservation and Recovery Act, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Clean Air Act, passage of which we all look forward to celebrating next month on Earth Day.

The responsibility of protection our environment deserves treatment equal to that of preserving our interior or of maintaining our energy resources. The EPA presently lacks important access to the President not missed by the Departments of Interior and Energy, not to mention the other 12 Cabinet Departments.

The President endorsed the idea of a Department of Environmental Protection, and I understand he will support H.R. 3847, given specific improvements. I urge my colleagues to support the President's efforts to create a structure for the new Department of Environmental Protection along the lines of the other Cabinet-level agencies.

Supporting the promotion of the EPA to Cabinet status need not reflect a desire to a balloon the size and scope of bureaucracy. Some of my colleagues wish to amend this bill to open the door to increased Department spending, close the door to the private sector, and build fortified, independent microbureaucracies instead of a cohesive, responsive, directed Department of Environmental Protection.

The last 25 years have seen 5 new Cabinet Departments, and in our entire history not one of our current 14 Departments has ever been reduced or eliminated. We show good judgment by elevating the EPA. Let us also show good judgment by not forgetting the need for restraint in our action.

After the EPA's promotion we should consider streamlining the Cabinet. One option is to merge the Departments of Interior, Energy, and Environmental Protection to form one Department of Resource Management. Such a move would unify the Departments' objectives and eliminate both redundant and contradictory divisions that exist in the three separate Departments. Surely, the EPA merits Cabinet status, but the status of the Cabinet also merits serious consideration.

Mr. BORSKI. Mr. Chairman, I rise today to voice my support of H.R. 3847, bipartisan legislation to establish the Department of Environmental Protection.

Environmental protection will be one of the major issues of the 1990's, both in this country and abroad. The time is right to recognize the importance of giving the environment priority by elevating the Environmental Protection Agency [EPA] to Department level status.

The EPA already has a larger budget than the State Department or the Commerce Department and employs more people than the Education Department or the Department of Housing and Urban Development [HUD]. And that is good.

But the EPA lacks something that State, Commerce, Education, and HUD have: clout. H.R. 3847 will give the new Department of Environmental Protection more influence in the White House, more pull with other Government agencies and more power for enforcing environmental regulations.

The Secretary of Environmental Protection will have a seat at the President's Cabinet table, not a seat by the door. The Secretary will be able to negotiate global environmental treaties and accords. And, the Secretary and Department employees will have the authority necessary to ensure compliance with the environmental laws passed by Congress.

H.R. 3487 will not solve all of our environmental problems. But it will move us toward resolution of those problems.

The United States has made a lot of environmental progress in the last two decades. With the 20th anniversary of both Earth Day and the creation of the EPA upon us, H.R. 3847 will ensure that environmental progress continues for decades to come.

Mr. HOCHBRUECKNER. Mr. Chairman, I rise in strong support of H.R. 3847, to establish a Cabinet-level U.S. Department of Environmental Protection. I am delighted to be a cosponsor of this long-overdue legislation.

First of all, I want to recognize the diligence and hard work of our colleague from Michigan [Mr. CONYERS]. The gentleman is to be commended for his foresight and skill in preparing this landmark legislation and bringing it to the floor in such a timely fashion.

Thanks are also due to our former colleague from New Jersey [Mr. FLORIO], who sponsored similar legislation last year. I am sure that he is pleased that the House is moving on this legislation today.

I want to call my colleagues' attention to a particular provision of H.R. 3847—the establishment of an Office of Pollution Prevention and Recycling within the new Department of Environmental Protection. This is a critical provision. Many of our colleagues have called for the creation of a central Federal office or "clearinghouse" that would be equipped to coordinate waste reduction and recycling programs, disseminate information to the public, and work to facilitate the adoption of pollution prevention and recycling programs nationwide. H.R. 3847 realizes this important objective while elevating the Federal Government's environmental office to the highest level.

Mr. Chairman, we all recognize that our Nation faces a severe garbage crisis. Americans collectively throw away over 160 million tons of trash every year, 80 percent of which is landfilled. Since 1983, over 3,000 landfills have closed for environmental or capacity reasons. By 1992, one-third of all remaining solid waste dumps will be closed. Over the next several years, more than half of all States will face critical landfill capacity problems. Clearly, we are running out of places to hide our waste.

My own district currently faces difficult choices. New York State law requires that all public landfills on Long Island must close permanently this coming December. In other words, under current State law, the principal waste management tool will be forever unavailable to my constituents less than 9 months from now. As a result of that State law, as well as increased local interest in protecting Long Island's fragile environment, many of my constituents are promoting recycling and composting as principal waste management techniques to help meet the region's needs into the 21st century.

As I see it, the chief obstacle to expanded recycling efforts is the uncertainty of markets for recycled materials. As municipalities adopt waste collection programs designed to increase recycling, they face the persistent problem of locating recycling facilities willing to accept post-consumer waste and ensuring that there will be markets in the manufacturing industry for recycled materials. We need to work to change that situation.

Federal guidance is also needed on ways to perfect waste collection and sorting methods and systems for transporting recyclables from the point of waste generation to the processing plant. We must assist towns, counties, and States in implementing recycling programs without incurring unreasonable costs. We need to implement model programs across the country such as curbside pickups of recyclables in residential neighborhoods; backyard composting and/or separate pickups of food and yard waste for municipal composting; and in-house trash separation at restaurants and other commercial establishments. Finding our way out of the garbage crisis will require waste managers and consumers to make shifts in the way they handle refuse. It need not, however, require a complete overhaul of existing local governments services.

I am delighted at the interest that has been demonstrated by Members of the 101st Congress in developing a national strategy for maximizing recycling of post-consumer wastes. As Members are aware, I have introduced a comprehensive waste recycling bill, entitled the Recyclable Materials Science and Technology Development Act—H.R. 500—which is cosponsored by 144 of our colleagues from both sides of the aisle. I believe that H.R. 500 is consistent with the action being considered by the House today.

I ask that the Members of this body support H.R. 3847, along with the strengthening amendments that have been proposed by Mr. CONYERS, Mr. SYNAR, Mr. LUKEN, Ms. LOWEY, Mr. ROE, Mr. STUDDS, and Mr. ECKART. It is high time that the Congress recognize the importance of environmental protection by enacting an appropriate restructuring of the executive branch of Government. Thank you, Mr. Chairman.

Mr. BRENNAN. Mr. Chairman, I strongly urge you to support this bill. I have always believed that we as a society have a deep responsibility to leave our air, land, and water cleaner than we found them. Raising the EPA to Cabinet level symbolizes the importance of our Nation's commitment to this important goal.

We have come to realize that environmental policy affects many other issues: health, labor, small businesses, and the budget, to name just a few. It is, therefore, fitting, and necessary, that this new Department be an integral part of the President's Cabinet.

The creation of the Department of Environmental Protection is a significant step forward in our efforts to fight pollution. With Cabinet status, the DEP will focus public attention on domestic issues such as clean air legislation, and the creation of the Office of International Environmental Affairs within the new Department will give our Government greater credibility and leverage in our efforts to combat world environmental problems, such as ozone depletion and global warming.

I am proud to be a cosponsor of this landmark legislation. By passage of this bill, we are sending an important message to the public, and to the world: That we are committed to the task of protecting our environment,

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and that we are determined to leave our children a cleaner and healthier world. I urge my colleagues to support this task, and this bill.

Mr. MACHTLEY. Mr. Chairman, today, we have the opportunity to bring the Environmental Protection Agency to the Cabinet table where it belongs by creating a new Department of the Environment.

This important event is made more historic as we commemorate the 20th anniversaries of both the Environmental Protection Agency and of Earth Day.

Recently, its seems as protecting the environment has come into style. We are seeing individuals, communities, and States—on their own—taking important steps for the environment.

And now the Federal Government is falling in step.

Establishing an executive department slated for protecting the environment sends an international message that the issues facing the environment are a top priority with us.

Guaranteeing environmental issues this clout is especially important as we begin to move toward a more global understanding of the impact of the environment—and our shared responsibility for protecting our planet.

I commend this administration's efforts to guarantee environmental protection a consolidated base of authority and action for now and for the future. I urge my colleagues to join me in support of this momentous legislation.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. GEPHARDT] having assumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3847) to establish a Department of Environmental Protection, and for other purposes, pursuant to House Resolution 364, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

It is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore, announced that the ayes appeared to have it.

Mr. HORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 371, nays 55, not voting 7, as follows:

[Roll No. 50]

YEAS—371

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bartlett
Bateman
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Coleman (TX)
Collins
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Emerson
Engel
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grant
Gray
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Henry
Hertel
Hiler
Hoagland
Hochbrueckner
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (FL)
Lewis (GA)
Lipinski
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Manton
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McDermott
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stangeland
Stark
Stearns
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—55

Applegate
Armey
Baker
Barton
Burton
Callahan
Combest
Craig
Crane
Dannemeyer
DeLay
Duncan
Early
Edwards (OK)
Gekas
Grandy
Hall (TX)
Hancock
Hansen
Hayes (LA)
Herger
Holloway
Hunter
Jacobs
Laughlin
Lewis (CA)
Lightfoot
Livingston
Madigan
Marlenee
McCandless
McCrery
McEwen
Michel
Miller (OH)
Montgomery
Moorhead
Myers
Nielson
Olin
Packard
Parker
Quillen
Ray
Rohrabacher
Schroeder
Shumway
Shuster
Smith, Robert (OR)
Stenholm
Sundquist
Udall
Vucanovich
Walker
Young (AK)

NOT VOTING—7

Bates
Flippo
Ford (TN)
Hawkins
Smith, Denny (OR)
Staggers
Stump

□ 1721

The Clerk announced the following pair:

On this vote:

Mr. Ford of Tennessee for, with Mr. Stump against.

Mr. GLICKMAN and Mr. DERRICK changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to redesignate the Environmental Protection Agency as the Department of Environmental Protection, and for other purposes.".

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3847, DEPARTMENT OF ENVIRONMENTAL PROTECTION ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 3847, the Clerk be authorized to correct section numbers, punctuation, and cross references, and to make such other conforming changes as may be necessary to reflect the actions of the House in amending and adopting the bill, H.R. 3847.

The SPEAKER pro tempore (Mr. SKAGGS). Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3847, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATIONAL CAPITAL TRANSPORTATION AMENDMENTS OF 1989

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1463) to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on District of Columbia, the bill shall be considered for amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such as I may consume.

Mr. WHEAT. Mr. Speaker, House Resolution 366 is an open rule providing for 1 hour of general debate, to be equally divided between the chairman and ranking minority member of the Committee on the District of Columbia, on H.R. 1463, to amend the National Capital Transportation Act of 1969, relating to the Washington Metrorail System.

The resolution provides that each section of the bill is to be considered as having been read, and it makes in order one motion to recommit.

The current legislative authority for the Washington Metrorail System provides enough funding for Metrorail to complete construction of 89.5 miles of the adopted regional system.

Today, of the 103 miles of the planned system, 70 miles and 64 stations are operating and construction continues on another 19.5 miles. There remains to be built 13.5 miles of the adopted regional system.

H.R. 1463 seeks to authorize additional Federal funds of $2.16 billion to be appropriated in $200 million increments over an 11-year period, which is the current projected cost for construction of the remaining 13.5 miles.

In 1966 with the support and earlier endorsements by Presidents Eisenhower, Kennedy, and Johnson, Congress created a Federal/local partnership designated as the Washington Metropolitan Area Transit to construct a rail system for the Nation's Capital.

Two States—Maryland and Virginia—the District of Columbia, and eight local jurisdictions comprise the Washington metropolitan compact and despite the diversity, these political jurisdictions have consistently adhered to their commitment to fund annual operating subsidies and to provide the local match for Federal capital grants.

The signatories of the regional agreement have supported and contributed to the construction of the system with the expectation that all segments would eventually be built.

The challenge for the coming decade is the completion of the full 103-mile metrorail system. Only a continued strong Federal commitment to the project will enable this rapid transit system to become the reality envisioned over 30 years ago.

House Resolution 366 provides the opportunity for all Members to offer amendments to the bill. I am aware of no controversy with regard to this rule. Therefore, I recommend a favorable vote by my colleagues on its passage so that we may proceed to consideration of this important legislation.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, today we are bringing to the House an increasingly rare commodity, a completely open rule. There are no restrictions on the normal amending process. There are no waivers of the Budget Act. There are not even any waivers of the House Rules. This is exactly the kind of rule we should be using most of the time.

I would like to commend the chairman and the ranking Republican member of the District of Columbia Committee, the gentleman from California [Mr. DELLUMS] and the gentleman from Virginia [Mr. PARRIS] for their hard work on this bill. They agreed in requesting this open rule and in support of the bill.

I would be remiss if I failed to note that not everyone agrees on this bill, however. At the time of the Rules Committee meeting on this bill, the administration sent a statement noting that if this bill were presented to the President in its current form, the Secretary of Transportation and the Director of OMB would recommend that the bill be vetoed. Among other things, the administration objects that the bill would authorize $2.16 billion for an additional 13.5 miles for the Metrorail system. This equates to an average Federal construction cost of $160 million per mile. According to the administration, it would make the extension the most expensive transit project in the country on a Federal cost-per-mile basis.

Mr. Speaker, I will support this open rule, so that the House can get down to the business of debating and amending this bill to authorize appropriations for the Washington Metrorail System.

Mr. DELLUMS. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I am happy to yield to the gentleman from California.

Mr. DELLUMS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I simply would like to thank the gentleman for his complimentary remarks. We appreciate the cooperation in expeditiously bringing this rule to the floor. I thank my colleague.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I have no requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 366, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1463.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the

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Whole House on the State of the Union for the consideration of the bill (H.R. 1463) to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System, with Mr. WHEAT in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes, and the gentleman from Virginia [Mr. PARRIS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

H.R. 1463 amends the National Capital Transportation Act of 1969 which established the Washington Area Metrorail System. The purpose of H.R. 1463 is to authorize an additional Federal contribution in order to complete construction of the total 103-mile regional Metrorail system as originally planned. It is anticipated that $2.16 billion in Federal funds will be appropriated over the next 11 years in increments of approximately $200 million per year. The local match will be $540 million over this 11-year period.

This new authorization is predicated on the same reasoning and justification for the previous bipartisan support that Metro has enjoyed since its inception during the administration of President Eisenhower. Every President since has promoted Metro.

The Federal commitment to Metro recognizes the unique Federal-local partnership which has brought this very efficient award-winning rapid transit system so near to completion. The Federal Government should not turn back now. This Federal commitment was not as some opponents of reauthorization have claimed, a commitment to a dollar amount or to the current 89.5 miles. Rather it was a commitment to complete the full adopted regional system.

Metrorail is an essential part of our National Capital transportation system. There are numerous ways in which this system serves the operation of the Federal Government: First it is an integral part of the Nation's Capital coordinated transportation system which daily carries a large part of the 400,000 Federal employees in the region; second, it transports thousands of persons conducting business with the Federal Government; third, it serves many of the 17 million tourists from across the country and around the world who visit the Nation's Capital each year; fourth, it carried over 600,000 people on inaguration day, fifth, it has over half of the existing stations located in such a way as to directly serve Federal facilities such as the Pentagon, the Federal Triangle Office Buildings, the Capitol, and the Smithsonian Institution. The remaining 13.5 miles to be constructed will serve three major Federal facilities, including Andrews Air Force Base; and sixth, it carries over 500,000 riders daily. Ridership has exceed all original estimates.

Included in the remaining 13.5 miles to be completed is the final portion of the inner green line, which will serve the most transit dependent population of the region. It is unfortunate that the neediest will be the last to have access.

In considering the question of why an additional authorization is needed, the committee thoroughly reviewed the testimony of WMATA and other witnesses from the region. It is clear that numerous unavoidable delays in contruction contributed to cost escalations.

The Federal Government conceived metro 30 years ago and began construction 20 years ago. We must now strengthen our resolve to complete metro by 2001. For the Federal Government not to participate in the completion of Metro is tantamount to desertion of a much needed service as well as a national treasure. Let's not break our promise to the people of this region and the Nation.

□ 1730

Mr. Chairman, I reserve the balance of my time.

Mr. PARRIS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, today, I rise in support of H.R. 1463, legislation reauthorizing the Washington Metrorail Program and providing for the completion of this model mass transit system. All of my colleagues, as at least part-time residents of this metropolitan area, are well aware of the convenient, low-cost and environmentally sound transit service that Metrorail provides. It is important to recognize, however, that the benefits of this system extend far beyond the beltway, to every corner of the Nation, earning the system its familiar designation as "America's Subway."

The most obvious benefit to the public at-large arises from the simple fact that Washington is a "company town," and that company is in the business of government. Washington is the corporate headquarters for the executive, legislative, and judicial branches, as well as the national defense infrastructure, and the tens of thousands of private contractors who support the operations of the Federal Government. As the chairman stated as long ago as President Eisenhower, he spoke of the need for an effective transportation infrastructure to ensure the unimpeded functioning of the Federal Government. Because of the foresight of President Eisenhower and of his successors in that office, 350,000 civil servants now move more easily through the Washington area to do the business of the Nation.

My colleagues who use the Metrorail system will recognize amidst the civil servants another familiar constituency of Metro tourists. In 1989, more than 19 million tourists visited America's Capital City. These travelers included families and student groups, who came to learn about their seat of government. Many of our politically active constituents came as well, arriving at Capitol South and Federal Center Southwest with strong views on important issues. There were also travelers from every part of the globe, who left Washington with a lasting impression of American efficiency and technology. Mr. Speaker, America's subway is here for all of them.

Despite the unquestioned success of this system, the job is not yet complete. Thousands of area residents, including many of our most transit-dependent citizens, await access to the system. Today, we have an opportunity to complete America's subway. H.R. 1463 enjoys broad support from across the political spectrum and across the country. Expressing support for the bill are transit providers from the Nation's major metropolitan areas—San Francisco, Denver, Atlanta, Minneapolis, Miami, Hartford, Pittsburgh, Memphis, among others. This support comes from Metrorail's very competitors for Federal transit dollars under UMTA's section 3 program. These transportation planners recognize Metro as a model of Federal-local cooperation in the provision of high-quality transportation services. Mr. Speaker, Metrorail is a project of national importance and a source of pride to all Americans. I urge my colleagues to end this success story in a fitting way—with the completion of America's subway.

Let me very quickly call the attention of my colleagues to these charts on my left. I requested my staff on March 16 of this year, about 2 weeks or so ago, to go out to the subway stop at the corner of the Cannon Office Building for 1 hour. I asked them, on a Friday morning, to just count the number of people that came out of the subway and inquire did they work on Capitol Hill and, if so, where and what they did for a living.

The results are astounding. On this chart, ladies and gentlemen, you will see of the total of 1,214 persons—now this is a nonlegislative day—262 were other categories, including the Library of Congress, 126 tourists, and 826 Hill staff people.

Now, I do not suggest that the Members of Congress enjoy unique benefits from the subway system, but we have an enlightened self-interest to make this system work, and, to provide services to our constituents and our staff, it is critical to that.

I think there is a management requirement for the accomplishment of effective Government functions that you will notice from the other pie chart which shows that our staff makes up 70 percent of the people who get off of the subway system in 1 hour.

Now, if we are going to run this place in any kind of an effective manner, how are they going to get here if we do not have a viable subway system?

I submit to you that we have a responsibility at least in this instance to create some kind of an effective management decision and the subway system extension is one of those.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Maryland [Mrs. Byron].

Mrs. BYRON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me say this bill, H.R. 1463, reauthorizes the final 13.5 miles of the 103-mile system expanding service into the most public-transit dependent areas of Washington, DC and Maryland, and providing greater transit use for suburban Marylanders and Virginians.

This is not just a bill to benefit our region—your constituents also use the system. About 19.5 million tourists use metrorail when they visit Washington. They come and stay with my constituents.

The system itself demonstrates that the Federal Government's commitment to transit is not wasted. It is efficient, it is affordable, and most important—people use it.

I would encourage you to support this bill.

Let's not contradict ourselves here. In a very short time, we will be looking at clean air legislation. Our air is in terrible shape. What better way to show our commitment to clean air than getting people out of their cars and putting them on metro.

The Washington Metropolitan Area Transit Authority [WMATA] estimates that without metro, an additional 90,000 private cars would be driving into Washington each day, with your contituents and mine in them.

□ 1740

Mr. PARRIS. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia [Mr. Bliley].

Mr. BLILEY. Mr. Chairman, I rise in strong support of H.R. 1463. No one will dispute that metro runs well, it runs efficiently, it is easy to use, indeed it is a pleasure to use. A great deal of today's debate will center around the usual issues of cost and how this legislation could affect others throughout the country.

I would like to shift that focus for just a moment to the environment. I serve on the Committee on Energy and Commerce where we are presently in the midst of marking up major clean air legislation. The Washington metropolitan area is a nonattainment area and it will remain so unless we take steps to reduce the number of automobiles traveling the highways every day. Metro plays a role—and with passage of this legislation will play an even greater role—in reducing air pollution in the Nation's Capital.

If you're concerned about clean air, I'd like you to consider a couple of important facts:

Every day the current metrobus and metrorail system removes 600,000 cars from the road and with the completion of the 103 mile system that number will be 1 million cars not on the road—an additional 400,000.

That translates into a current savings of 100 million gallons of gasoline annually and 150 million gallons when the system is complete.

The bottom line for the environment—the current system reduces hydrocarbon, carbon monoxide and nitrogen oxide emissions by 7 million tons annually—the completed system will raise that total to 11 million tons.

If you want to dump an extra 4 million tons of pollutants into the air, then vote against this bill. If you want to improve air quality and help move the Nation's Capital toward attainment, vote for H.R. 1463.

Mr. Chairman, a vote for H.R. 1463 is a vote for clean air. A vote against H.R. 1463 is a vote to dump an extra 4 million tons of pollutants into the air each year. I urge my colleagues to cast an important pro-environment vote.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. McMillen].

Mr. McMILLEN of Maryland. Mr. Chairman, I am pleased to join so many of my colleagues today in support of H.R. 1463, a bill to authorize funds for the Washington Metrorail.

Our plan to have the Nation's finest subway rail system is close to fruition. Presently, we have almost 70 miles of a 103-mile system completed. A reauthorization of the 1969 Stark-Harris Act is critical now to ensure that metrorail is built according to the regional plan agreed to by the signatories—District of Columbia, Maryland, Virginia, and, last but not least—the Federal Government. We are so close to finishing what many refer to as "America's subway"—let's complete the task—without the final 13.5 miles, the system would be incomplete and would operate at less than optimal efficiency. Importantly, the most public transit dependent portions of the metro region will depend on extensions of the green, yellow, and red lines to fully integrate them into the regional transport system.

The Washington Metrorail has a set of responsibilities unlike any other mass transit system in the country—it is called on to convey over 19 million visitors to the Nation's Capital every year—people from all 50 States, U.S. territories, and hundreds of foreign lands. Dozens of Congressmen and hundreds of their personal and committee staff take advantage of Metro's efficient operation every single day. The Federal Government operates more smoothly in large measure because metrorail allows Federal workers to expedite their business travel around the metro area.

Dozens of metro and transit authorities from around the country—from Albuquerque to Atlanta—have written us telling us of their support for the final construction stages of the Washington Metrorail. They know that successful completion of the District of Columbia area metro sets a precedent for future mass transit projects of this magnitude. Additionally, the American Public Transit Association, representing over 900-member organizations has lent its support to this worthwhile infrastructure.

Mr. Chairman, the Washington Metrorail System would not be complete—and consequently would not operate as efficiently—without the construction of the final 13½ miles. Successive Congresses and administrations since the days of Ike have been behind the completion of the planned Metro—now is our time to fulfill our commitment and fund the final portion of the Washington Metrorail.

I urge the adoption of H.R. 1463.

Mr. PARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. Rohrabacher], a member of the committee.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to H.R. 1463, the Washington Metrorail construction bailout bill. This bill is a $2 billion budget buster which takes tax dollars from all parts of the country to help one of the richest areas of the country solve its local transportation problems.

Mr. Chairman, if the Federal Government is ever going to get its budget deficit under control, we in Congress have to take a stand and pay for only those things which are absolutely necessary. Our deficit spending situation is so critical that leaders on the other side of the aisle are seriously proposing freezing Social Security and other programs which affect the lives and health of our citizens. When we are considering these kinds of drastic cutbacks, it's time to think twice about whether it is absolutely necessary for the Federal Government to spend $2 billion more for the Washington area's local subway system.

In addition, H.R. 1463 is unfair to every other region of the country that wants to build or expand a mass transit system. Whether the Federal share in this bill turns out to be 80 percent or 75 percent. It will be the largest share any system in the country will ever receive. No other system in the country could hope to be guaranteed the maximum level. Even if the Federal Government does not spend one more dime on this local subway system, it will have already spent $7.7 billion—more than we have spent for construction of all other transit systems combined.

Every dollar of the $2 billion authorized by this bill that is beyond the Washington region's fair share will come directly out of the money that other regions can expect. Those of my colleagues who have received letters from their local transit authorities supporting this bill should know that your local people have been sold a bill of goods about where the money comes from.

Even though this bill is separate from the Public Works Committee's deliberations on the money for other region's systems, the appropriations for the Washington Metro come from the same appropriations pot as everyone else's system. Every excess dollar given to Washington will come from someone else's hide. I hope members will listen carefully to the gentleman from Pennsylvania [Mr. COUGHLIN], the vice chairman of the Transportation Appropriations Subcommittee, when he explains the financial facts of life about transit system funding.

Mr. Chairman, I would like to point out that in spite of the claims of this bill's supporters, there is no commitment on the Federal Government's part to pay any more for the Washington area's local transportation than what has already been authorized. Just because the Congress has already spent over $7 billion on Metrorail construction does not mean we have to keep pouring in Federal money until construction is done. No one ever promised that Congress would pay the lion's share of constructing the entire 103-mile system no matter how much it costs.

I would also like to address the argument that the Federal Government should give the Washington area far more money than anyone else because of tourist traffic. This is nonsense. The part of southern California which I represent also contains major tourist attractions, which also bring in visitors from all over the country. These tourists are a major economic benefit to my district, and all of southern California. I would never think of asking for preferential treatment and extra money for southern California because we attract so many visitors.

Finally, I would like to point out, especially to my Republican colleagues, that the Bush administration strongly opposes this bill. I would urge my colleagues to read the statement of administration policy, which clearly threatens a veto if this bill passes the Congress.

Mr. Chairman, I urge my colleagues to vote "no" on H.R. 1463. Do not take $2 billion from your and my constituents just so this area, a rich area, will not have to pay its fair share for local transit.

□ 1750

Mr. Chairman, I include the statement of the administration's policy, as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 1463—NATIONAL CAPITAL TRANSPORTATION AMENDMENTS

If H.R. 1463 were presented to the President for signature in its current form, the Secretary of Transportation and the Director of OMB would recommend that the bill be vetoed.

By the end of its current authorization, Washington Metrorail will have benefited from $7.7 billion in Federal appropriations from general revenues for completion of the 89.5-mile system. If additional Federal funding is to be provided for Metrorail, it should be provided as part of the national mass transit assistance program, competing with other mass transit projects. No other jurisdiction has a separate and discrete Federal fund for construction of a mass transit system, and no other system is financed from general taxpayer revenues.

The Administration further objects to the new authorization for reasons of equity:

H.R. 1463 would allow Washington area jurisdictions to pay for only 20 percent of the construction costs or the Metrorail system. Other communities with comparable systems are paying a substantially higher proportion of the costs of their projects—in most cases over 50 percent.

H.R. 1463 would authorize $2.16 billion in appropriations for an additional 13.5 miles for the Metrorail system. This equates to an average Federal construction cost of $160 million per mile. It would make the extension the most expensive transit project in the country on a Federal cost-per-mile basis.

Upon completion of the 89.5 miles of the Metrorail system in 1993, the Metrorail system will have received far more Federal construction assistance than any other new transit system—and more than all other new systems combined. Since 1968, Washington Metrorail has received 60 percent of the $12.9 billion Federal investment nationwide for construction of new systems.

Mr. PARRIS. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I take this time to remind my colleagues and my friend, the gentleman from California, that this is an authorization bill, not an appropriation bill. The Congressional Budget Office, in the report they have included in the material here, estimated the cost to the Federal Government in 1991 to be $2 million and in 1992 to be $14 million. The budget expenditures are measured by outlays, and the Congressional Budget Office clearly indicates that this is not a budget buster.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume, and I will be very brief.

I would like to say to my distinguished colleague, the gentleman from California, who is a member of the committee that is reporting this bill to the floor, that I will call my colleague's attention to page 10 of the report of our committee that is available to every single member of the committee, including the distinguished gentleman from California. With respect to budget authority, it simply underscores the comments made by my distinguished colleague, the gentleman from Virginia [Mr. PARRIS] and it says:

> This legislation for the District of Columbia creates no new budget authority or tax expenditure by the Federal Government. Therefore, a statement required by section 308(a) of the Congressional Budget and Impoundment Control Act of 1974 is not necessary.

Mr. Chairman, I am sure that my distinguished colleague, the gentleman from California, misspoke himself when he called this a budget buster. This is an authorization that requires no new budget authority.

With that explanation, Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. LAUGHLIN].

Mr. LAUGHLIN. Mr. Chairman, I rise in support of H.R. 1463.

Mr. Chairman, I come from a large rural area. My district is larger than 9 of our States. Yet with that size, we do not have a single mass transit system in my congressional district. So you may ask, "Why do you support this bill?"

Mr. Chairman, as the distinguished gentleman from Virginia and the distinguished gentlewoman from Maryland pointed out, each day I have constituents from the 14th District of Texas in my office. Some of them are here on business, and, yes, some of them are here as tourists, and each day some of those Texans tell me they have ridden this Metro system and they wonder how they could get around this city, with all the visitors we have in this city, if we did not have the Metro system. And yes, a part of that American Public Transit Association that supports this bill comes from Texas.

In fact, all three transit systems there support this bill—the one from Houston, the one from Dallas, and the one from Fort Worth.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. PARRIS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise today in support of this legislation to authorize the Federal funds necessary to complete construction of the Washington Metro system.

The Washington Metro—America's subway—has received the support of six Presidents and the bipartisan support of Congress for more than three decades. And it deserves our continued support.

Not because it has helped the Washington metropolitan area deal with its increasing traffic congestion. Clearly, it has. Not because the system has been helpful in the economic prosperity this region has experienced. It has helped in that area as well.

The reasons for supporting this reauthorization go right to the heart of why throughout the world this is known as America's subway.

Nineteen and a half million visitors come to the Washington area from around the country and 50 percent or more of these visitors—your constituents—ride Metro to see the Nation's Capital region.

Metro serves the Federal Government by transporting millions of Federal employees to and from the agencies they work for every year. More than half of all Metro stations are at Federal facilities—the Pentagon, Smithsonian, Federal Triangle, Federal Center, Capitol South—these all serve the Federal Government and they serve your constituents as well.

Last, Mr. Chairman, Metro was originally envisioned as a model transit system befitting our Nation's Capital. It was carefully designed to be as the Washington Post editorialized yesterday: "a working symbol of this country's commitment to mass transportation * * *" And that is part of the reason nearly three dozen organizations—including many other transit systems from across the country—support this reauthorization.

When Metro was conceived under the leadership of President Eisenhower, who we honored in this Chamber yesterday, it was understood that the Federal Government was committed to construction of a first-rate system that the Nation could be proud of.

We have a first-rate system. One that the Nation is proud of. This bill will allow the system to be completed as originally envisioned and as originally promised. It is the right thing to do and I urge Members to join me in supporting it.

METRO REAUTHORIZATION, H.R. 1463, IS ACTIVELY SUPPORTED BY:

California.—Cubic Western Data Corp., Los Angeles County Transportation Commission, Metropolitan Transportation Commission. (MTC-San Francisco), Santa Clara County (CA) Transit District.

Colorado.—Regional Transportation District (Denver, CO).

Connecticut.—Greater Hartford Transit District (Conn.)

Florida.—CSX Corporation (Jacksonville, FL), Metro-Dade Transit Agency (Miami, FL).

Georgia.—Metropolitan Atlanta Rapid Transit Authority (Atlanta).

Idaho.—Morrison-Knudsen (Idaho).

Illinois.—Chicago Transit Authority, De Leuw, Cather & Co., Harry Weese & Association (Insurance for WMATA).

Massachusetts.—Massachusetts Bay Transportation Authority (Boston).

Minnesota.—Metropolitan Transit Commission (Minneapolis, MN).

Missouri.—State Development Agency (St. Louis Transit).

New Jersey.—New Jersey Transit.

New Mexico.—City of Albuquerque, NM (Suntran).

New York.—New York Metropolitan Transit Authority.

Ohio.—Central Ohio Transit Authority.

Pennsylvania.—Port Authority of Allegheny Co. (Pittsburgh, PA), Southeastern Pennsylvania Transportation Authority (SEPTA), Bethlehem Steel Corp.

Tennessee.—Memphis Area Transit Authority (Tennessee).

Texas.—Texas Transit Assoc. (Including all Texas Transit Authority), Dallas Area Rapid Transit (DART), Fort Worth (TX) Transportation Authority.

Washington.—Washington State Transit Association.

West Virginia.—Tri-State Transit Authority (TTA-Huntington, WV).

General support.—American Public Transit Association (APTA), American Public Works Association (ACEC), League of Women Voters, Transportation Engineering Management Association, Amalgamated Transit Union (AFL-CIO, CLC), Conference of Minority Transportation Officials.

The CHAIRMAN. The time of the gentleman from Virginia [Mr. WOLF] has expired.

Mr. PARRIS. Mr. Chairman, I yield 1 additional minute to the gentleman from Virginia [Mr. WOLF].

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield for a question?

Mr. WOLF. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I wonder if my colleagues could describe or explain why, if gridlock would result in not developing this system, why the gridlock here is so much more important than a gridlock in other parts of the country when we are taxing this money from other people who also have gridlock problems.

Mr. WOLF. Mr. Chairman, I would say to my friend, the gentleman from California, that all the metro systems around the country bar none support this bill. They understand that to deal with transportation issues in metropolitan areas we need mass transit. We literally have to get people out of their automobiles and into buses and into metro systems.

I would tell the gentleman that Los Angeles and other metropolitan areas want to move toward metro systems. Last year, this system received the transit award as the best system in the country, and I think that is clearly the answer.

Mr. Chairman, as the gentleman from Virginia [Mr. BLILEY] said, from an air quality point of view, this is a good, positive environmental vote.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. Mr. Chairman, I appreciate the opportunity to make a few comments at the beginning of this floor debate regarding the reauthorization of Federal funds for the completion of the remaining 13.5 miles of the Washington Metrorail system as originally planned.

I am honored to join with my House colleagues from Maryland and Virginia to confirm formally here today our cooperative commitment to the passage of H.R. 1463. The legislation which we introduced in mid-March 1989 to provide for the reauthorization of funds to complete the Metrorail system of the Nation's Capital.

I was privileged to be among the community leadership nearly 30 years ago which helped forge the initial partnership among the various metropolitan Washington area governmental jurisdictions that ultimately resulted in the creation by Congress in 1967 of the Washington Metropolitan Area Transit Authority [WMATA]. For more than 20 years now, the WMATA partnership has demonstrated remarkable success in the construction and management of an exemplary mass transit system, including the regional Metrorail system, of which 70 miles are already operational, with 19.5 additional miles currently under consideration.

The completion of the remaining 13.5 miles of this model Metrorail system will thus be the culmination of an unprecedented working partnership among WMATA, the Federal Government, the District of Columbia, the State of Maryland, the Commonwealth of Virginia, and the eight local jurisdictions served—a partnership founded on mutual responsibility and accountability. In the next 11 years, with the funding authorized under H.R. 1463, we can anticipate a completion of the remaining 13.5 miles of metrorail as originally planned, an achievement which will maximize the system's efficiency and enhance mass transit service for millions of area residents and visitors to our Nation's Capital each year.

As the Member of Congress representing the people of Washington, DC, it gives me particular satisfaction to note that these final 13.5 miles of the Metro system include the long-delayed inner green line. Once completed, the green line as originally planned will connect the U Street and Fort Totten stations, with intermediate stops at Columbia Heights and Georgia Avenue, linking some of the most economically disadvantaged residents of the District to employment opportuni-

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ties existing throughout the metropolitan area. In addition, the extended green line in Southeast Washington will connect the Anacostia station with Branch Avenue near the beltway in southern Prince Georges County, permitting convenient access to Andrews Air Force Base, two area hospitals, and a major U.S. Government complex.

Indeed, to many people in Washington, DC, the completed Metrorail system will constitute a lifeline to economic opportunity. For the tens of thousands of District of Columbia residents who will be directly served by the green line, this improved access to our modern Metrorail system will make the critical difference between today's often frustrating dependence on cumbersome and time-consuming bus-rail-bus transfer arrangements and tomorrow's swift, comfortable, convenient, safe, and affordable transportation to employment opportunities throughout the area. Completion of the green line will also encourage the development of commercial, residential, and recreational opportunities, as well as social services, within the neighborhoods contiguous to the Metrorail stations, enhancing both the economy and the community pride in some of our more depressed areas.

Mr. Chairman, from the outset we have promised the people of Washington, DC, that the Metro system was also for them. We promised the residents of Anacostia, of Congress Heights, of Naylor Road and Alabama Avenue out in Southeast Washington—we promised the people who live in Columbia Heights and along Georgia Avenue and in Shaw—my old neighborhood—up in the north central part of the city—we promised them that Metrorail would serve them. Mr. Chairman, we promised them that their young people would be able to take the subway to UDC and to Howard and George Washington Universities, that their families would be able to take advantage of low-cost, fast, safe subway transportation to jobs and schools and shopping centers throughout Metropolitan DC.

But after so many years, Mr. Chairman, these promises remain largely unfulfilled. After more than 20 years of waiting, most of these residents continue to wait for the completion of vital lines that will link them to the rest of the Metrorail system and to the opportunities that system brings within their reach.

Thus, Mr. Chairman, it is with great seriousness and resolve that I join today with my colleagues in the Congress; with Government officials from the District of Columbia, Maryland, Virginia, and related local jurisdictions; with WMATA officials; and with representatives from our business community as we unite in a spirit of commitment and progress to call for the Federal Government's full cooperation in reauthorizing the funds necessary to complete the WMATA Metrorail system: a model of mass transit for the Nation.

□ 1800

Mr. PARRIS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, it seems to me that, as a Member of the Virginia delegation, but representing a part of the State remote from the District of Columbia and the Washington metropolitan areas, that I might be able to cast this matter in a slightly more correct perspective than I have heard it from some. My colleagues would believe from the opponents of this bill that there was something remarkable about the Federal Government having participation in a local mass transit system. There is certainly nothing remarkable about that. Local transportation systems, mass transit systems, receive Federal assistance. My community certainly has.

Mr. Chairman, if there is any mass transit system in the United States that deserves the assistance of the Federal Government, why not the Washington metropolitan area, which is more close to and impacts more fully upon that system because of the presence of the Federal Government here?

I am not sure that in the interest of peninsular transit authority, whom we rely upon for mass transit, I want to throw the District of Columbia and the metropolitan area, notwithstanding its intense Federal connection, into a pot from which we compete for whatever is left of the same amount of transit dollars from mass transit support throughout the United States, and, quite frankly, I think it is very obvious why so many transit authorities throughout the country are supporting H.R. 1463, and I, too, rise to support it.

Mr. Chairman, I would also suggest that it was 21 years ago that the Congress entered into a partnership between the Federal Government, the D.C. government, the Virginia government, the Maryland government, and eight local political subdivisions to construct the 103-mile subway system. I see no reason why the Federal Government should renege in that partnership, and that this bill should be passed and this authority should be granted.

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Chairman, I appreciate the gentleman from California [Mr. DELLUMS] yielding this time to me, and I will use maybe most of it, but not all of it. I have some prepared statements, but I think I would rather just try to talk to my colleagues for a few minutes from the heart.

Mr. Chairman, I realize that this measure with the distinguished advocates that have graced this well is going to pass, and I do not really have any problems with that. I understand and recognize the fact that the District of Columbia is a special place, that mass transit in this area is perhaps to some extent the responsibility of all the people in the United States of America.

Mr. Chairman, I asked for this time to say that I am going to oppose the legislation. As I said, I do not think that will make that much difference really, but I want to talk to my colleagues a minute about an inequity that the Congress should proceed to address at this session.

Mr. Chairman, this $2 billion or so that we are appropriating here will be paid for by the taxpayers in the State of North Carolina and in over 25 other States in the Union that do not get any benefit to speak of from the funds that they pay into the Federal Government of mass transit.

There are all kinds of mass transit needs, Mr. Chairman. The State of North Carolina with all of its problems, with all of its difficulties, with all of its high illiteracy rate, with all its trouble and problems with public health, for every dollar that we pay into the mass transit fund that goes into the highway trust fund we get back a nickel. We get back 5 cents out of every dollar. Mr. Chairman, I have a list here that shows that there are about 25 States in the Union that are in almost the same condition.

So, what we are doing now is we are paying for this fine system, and the others around the country, by taxpayers, many of whom live below the poverty level in the United States. We cannot get any money from the Federal Government to create bus systems in rural North Carolina, and I suggest the same thing applies to South Carolina, Arkansas, and other places.

So, Mr. Chairman, I ask my colleagues, I implore them in the spirit of fairness, to help us address this problem. It is not fair, and I am talking about over the past year and something like $40 billion from the State of North Carolina goes into this fund, and we get about $2 million back.

Now there are other problems with other formula that exist, but I suggest to my colleagues that that is a shame, that that is unworthy of the people's Representatives, and I ask my colleagues to help us address this problem at the appropriate time.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I rise in strong support of the bill that is before us. I think that it has become somewhat popular to be against Washington, DC, and we see that on a day-to-day basis, not only sometimes in this House, but we see it throughout this country.

Now the bill that we have before us is not an appropriations bill. It is an authorization bill, and it needs to be kept separate primarily for one reason, because of the national security interests that are involved as far as transporting the Federal work force.

Mr. Chairman, we in a small State like Mississippi, we in a southern rural State, we do not have a lot of transportation systems at all. We are in the situation where we cannot compete with the national security interests that this subway system would have.

Mr. Chairman, I urge my colleagues to join me in supporting this bill.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just speak to this notion. First, I indicated to my distinguished colleague from North Carolina [Mr. VALENTINE] that, based upon our computer printouts, the distinguished gentleman's district receives in excess of $31 million in contracts related to Metrorail construction. The gentleman's State receives in excess of $40 million in contracts related to Metrorail in the District. The distinguished gentleman from California should know that the State of California receives $775 million in contracts related to Metrorail construction.

I would now like to very briefly, Mr. Chairman and members of the committee, deal with this question, this notion as if in some way the metropolitan region is in some way ripping off the Atlantic States. This is a bizarre notion.

First of all, where did we come to this us-versus-them idea? I thought that this was our capital, the capital of the entire United States.

□ 1810

What is this notion of us versus them? Since 1968, Mr. Chairman, you should know some very factual information. Local governments in this region have contributed over $1.3 billion for Metrorail construction and have transferred an additional $2.2 billion, not million, $2.2 billion in interstate highway grants for Metrorail construction, so here is $1.3 billion that local governments have contributed for Metrorail construction and they have transferred money that could have built highways in order to accommodate the development of the Metrorail system.

For those of my colleagues who parade into the well, Mr. Chairman, and talk about their ecological orientation and their commitment to the environment, here is a local community that has contributed on one level or another $3.5 billion.

So this idea that in some way this region is ripping off the American taxpayers is a bizarre and absurd idea, and I would like to stamp that out at this moment.

During that same time period, Mr. Chairman, local governments have contributed $2.3 billion to operate the Metro system. By the year 2,000, operating subsidies by the local government will reach in excess of $500 million annually. These folks are paying their way.

So this is a partnership between the local government and indeed the Federal Government. We have thousands of Federal workers here. So what do we do? How do they get to work?

The gentleman from Virginia is correct. Do we engage in gridlock or do we attempt to open up this matter?

I would like to see the Metrorail in every urban metropolitan center in this country. We have to start somewhere, and if these folks in Washington, DC, have put together a model system, than rather than play games on the floor of the Congress about who ought to fund it, whether it is local or Federal, we ought to try to finish this project and make it a model for the entire Nation.

At some point we need to get past the military budget and start funding programs to preserve the integrity of the fragile nature of our ecological system, and Metrorail is an important aspect of that.

Mr. PARRIS. Mr. Chairman, I yield myself 30 seconds, and I do so simply to add to those very articulate comments by my friend, the gentleman from California [Mr. DELLUMS] to say that those of us who are privileged to serve on the District of Columbia Committee in regard to the Nation's Capital and some of its operations take the constitutional requirement very seriously for that obligation, as do the balance of our colleagues.

Article 1, section 8, clause 17, says that the Congress of the United States shall be responsible for the legislative authority of the Nation's Capital, and this is it. This is a critical part of it, and I submit to you that is an important function of this debate.

Mr. PARRIS. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, this is a difficult bill to oppose, but it is the right thing to do to oppose it.

I love my colleague, the gentleman from Virginia [Mr. PARRIS] like a brother. We have done lots of things together and shared a lot together, including service during the Korean war.

The distinguished chairman of the committee is a great American, a distinguished American, and I respect him.

My colleague, the gentleman from Maryland [Mr. HOYER] and I have shared a lot together, too, including visiting dissidents overseas at a time when that was pretty risky.

The gentleman from Virginia [Mr. WOLF] and I serve on the same subcommittee together. He came from my home town in Philadelphia.

I love our Nation's Capital. I have been on the D.C. Appropriations Subcommittee, or had been, longer than anyone except the distinguished gentleman from Kentucky, whom I see sitting out here.

But my friends, I cannot sit here idly by and watch us have a $2 billion raid on the Federal Treasury. I cannot vote and I would not think most of my colleagues could vote to give the Washington metropolitan area a better deal than any other place in the country.

The Washington Post is a fine newspaper. It opposes pork. It says that we should not have transit projects or airports or other projects in other parts of the country, but when it comes to a $2 billion special authorization for the city of Washington, DC, and for the Washington metropolitan area, that is not pork. That is mother's milk. That is also pure hypocrisy.

I am sure that San Francisco or Los Angeles or St. Louis or Chicago would love to have a $2 billion authorization of their own. A $2 billion authorization would do a lot for the city of Philadelphia or for New York, but they do not have those, only for Washington, DC.

Let us just look at some facts. It has been pointed out that Washington, DC, has already received $7.7 billion in Federal dollars for the model system, more than 60 percent of all the funds spent for all the jurisdictions in all the United States; but even more important is what we are asking here. Because of current constraints on the budget, we are asking other communities around the Nation to contribute up to 50 percent and more in a local match. The Washington metropolitan area says, "We are only going to contribute 20 to 25 percent as a local match." That is unfair. It is wrong and it should not be.

Washington has the ability, like any other metropolitan area, like any other system, to compete with other systems for the pot of money that is already available.

Let me say to those people in the other transit authorities around the country that they are really misguided because they do not understand that the Washington Metropolitan Area Transit Authority will take money away from their systems because they are all competing for the same pot of money. They are all competing. We have the same section 302 allocation to our subcommittee. They are com-

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peting but Washington, DC's money will come off the top. That is not right.

Now, Metro is called America's subway. It is necessary to serve visitors to the Nation's Capital, and that is fine. However, these very same visitors are an enormous economic benefit to this area, an enormous economic benefit that has brought this area wealth and prosperity that should enable this area to produce a larger share and to compete with other communities across the country for very scarce Federal dollars.

I urge a vote against this bill so that Washington, DC, can be in the same position as every other community across the United States and compete in the same way for the limited Federal dollars.

Mr. CARR. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to my colleague on the subcommittee, the gentleman from Michigan.

Mr. CARR. Mr. Chairman, I thank the gentleman for yielding to me. I would like to associate myself with the crux of his remarks.

It is hard to oppose this bill because it comes from many friends, both on the committee and in the delegation here.

I think it has to be noted, and I do note as we did in the committee the other day, that the Washington Metro System is among the best run in the country, as our colleague, the gentleman from northern Virginia [Mr. WOLF] indicated. I think the management of this transit property is outstanding. It is not fun to stand here and oppose it.

In the final analysis, as a member of the Subcommittee on Transportation, I will work to make sure that the Metro is funded and completed.

Mr. COUGHLIN. As will I, I might add.

Mr. CARR. As I know the gentleman does, we have talked about that. So we are not talking about stopping Metro or preventing it from happening. It is just that after all these years, it seems to some of us there are some important parts of this that should be seriously considered.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. Coughlin] has expired.

Mr. PARRIS. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I yield to my colleague, the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, could the gentleman indicate to us how much money is typically in the account from which this money would come?

Mr. COUGHLIN. It varies. We have in the area of $600 to $700 million, if I recall properly, last year in the account. However, Washington, DC, has always gotten their fair share, and more.

Mr. WALKER. It is $700 million?

Mr. COUGHLIN. That is correct.

Mr. WALKER. In the total account?

Mr. COUGHLIN. Yes.

Mr. WALKER. And this bill would anticipate about $195 million or $180 million of it going each year to Metro?

Mr. COUGHLIN. That is approximately correct.

Mr. WALKER. Mr. Chairman, I thank the gentleman.

Mr. CARR. Mr. Chairman, will the gentleman yield further?

Mr. COUGHLIN. I yield to the gentleman from Michigan.

Mr. CARR. Mr. Chairman, I would just say this bill in my judgment calls upon us to continue preferential treatment for the Washington metro area long beyond its needs. I think they have the support in the Congress and in the committee to fully fund the completion of metro, but it is time that metro joins the rest of the transit properties in America and comes to the Congress in the Appropriations Subcommittee on an equal footing.

Mr. COUGHLIN. I share the gentleman's belief and urge defeat of the bill so thay can compete with the rest of the country.

□ 1820

Mr. DELLUMS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. Fazio].

Mr. FAZIO. Mr. Chairman, I rise in support of this legislation for a number of reasons, particularly because I think, given the fact that this is a 20-year-old-authorization, the formula that I understand we will be using is 75-percent/25-percent cost-sharing formula, which is very consistent with what we have been doing across the country, but more importantly, because what I would like to say to my colleague, the gentleman from California [Mr. Rohrabacher], is very relevant.

We are not talking here about one type of infrastructure in a vacuum. Orange County, for example, where the home of the gentleman from California [Mr. Rohrabacher] is located, is going to be receiving over $1 billion in energy and water development funds out of the Committee on Appropriations because they have an extremely serious flood-control problem.

The rest of the country is not beggaring its neighbors by saying, "We cannot afford to help Orange County." We know Orange County is one of the wealthiest counties in this Nation, but I think we are probably going to be providing the funds to Orange County because they have a serious problem.

I would just simply want to focus my colleagues on the overall needs to appropriate public works based on need and not on some basis related to wealth or cost-sharing alone.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, does the gentleman think that the traffic problems here in the Nation's Capital and in this area are so much greater than those problems that we face in California and throughout the country?

Mr. FAZIO. Reclaiming my time, I do not think they are unique in the sense that there are many around the country, but they are very severe, and I think we are following through on a long-term commitment to this region, a 20-year-old-authorization, and I think a 75-percent/25-percent cost-sharing is consistent with our desire to complete this project before we go on to others in other parts of the country.

Mr. ROHRABACHER. If the gentleman will yield further, if they are not unique and the problems of gridlock and of traffic problems are spread throughout the country in major urban areas, why should we commit ourselves, as we have heard, of so much of the transportation money pot which is committed right off the top to this area?

Mr. FAZIO. Let me start by going back to a point that was made. I know the gentleman was preoccuppied, and I do not deny him the need to be, but let me just simply say that if we took the same attitude on the Santa Ana River Project, we simply would tell Orange County to come up with far more money than we are going to ask in local cost-sharing simply because there are other areas in the State let alone in the country that need flood control. I think it has to mean that consistency here requires us to, on occasion, make a major investment, certainly for a period of time in an infrastructure issue, in a public works project that has clear need, and so Orange County deserves the larger share.

Mr. ROHRABACHER. Has there not already been a major commitment by the Federal Government into the traffic problems here in the District of Columbia and the surrounding area? Is not $7.7 billion already a major commitment?

Mr. FAZIO. It is a major commitment, and I think we are making major commitments in other areas, too, because in order to get the project done in a timely way and keep it from costing even more than it has already, we ought to finish the job. We ought to finish it here in the District of Columbia on transit, and we ought to finish flood control in Orange County. We cannot take a beggar-thy-neighbor approach here in this country.

Mr. DELLUMS. Mr. Chairman, I yield 4¾ minutes to my distinguished colleague, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the very distinguished chairman of the Committee on the District of Columbia, who has been a long-time supporter of this system and of our region. I would be remiss, indeed, if I did not recognize on the floor of the House one of the giants not only of this Congress but an expert about the District of Columbia and about the Washington metropolitan region, the distinguished gentleman from Kentucky [Mr. NATCHER].

I would like to speak about some points that have been raised here. The gentleman from Pennsylvania, whom I deem to be one of the finest Members of this Congress, with whom I have worked closely both on the Committee on the District of Columbia and on his Committee on Transportation; this is not a raid on the Treasury of the United States. It is a project of great importance to the people of the United States. Dwight David Eisenhower said that, not specifically in those terms. Gerald Ford, as a Member of the House, supported that policy. Presidents since that time have supported that policy until this decade when President Reagan, on at least one occasion, wanted to zero-fund the Metro system.

We talk about competition with others throughout the country. The President proposed zero-funding the Metro system. This Congress overwhelmingly rejected that proposal. This Congress has indicated year in and year out its support, its 1952, 1969, and 1979 commitment.

Metro is going to be funded. That is not the issue, I suggest to the Members, and I suggest to my good friend, the gentleman from Pennsylvania who indicates to the gentleman from Pennsylvania the $700 million, $700 million because of the 302(b) allocation. Every year that the subcommittee has had a 302(b) allocation, the Committees on the Budget has included a specific sum for Metro. We do not have to follow them, that is true, but I suggest to the Members that that may not be quite as large if Metro is not a component of the budget resolution.

The budget resolution is affected by the perception of the Committee on the Budget that this is America's subway, and that it is appropriate that Americans help pay for it just as this region has paid for it, almost $600 million.

Let me speak to the $7.7 billion figure. My good friend, the gentleman from Pennsylvania, unfortunately has gotten that from the Secretary of Transportation. The Secretary of Transportation, and I wish the gentleman from California [Mr. ROHRABACHER], perhaps, would listen to me, because he has used this figure as well. It is wrong, dead wrong.

Let me tell the Members what the figures are and what they are composed of. First of all, there was a $2 billion figure that is being ascribed to that $7.7 billion which was this region's interstate highway money, that we decided, because we believed that it was in the interests of the metropolitan area not to necessarily have more roadways but to have a much more efficient and effective commuting system which we call Metro. That was part of it. But we would have spent that anyway. That was not some largesse. That was interstate money that our region got just as other regions got.

The gentleman from Orange County, I am sure, probably knows off the top of his head his interstate money. It is very high. We know that.

In addition, the Secretary of Transportation says that we have gotten $2 billion when actually we have gotten $750 million, so he is $1.2 billion off.

Actually when we take those figures out, this region has gotten $3.7 billion. That is a lot of money. We thank everyone for that. That was important to move this system ahead.

New York, I want to advise my friend, the gentleman from Pennsylvania, has gotten as of 1988, and how many times have we heard that this system has gotten more than any other system, and New York has gotten $8 billion as of 1988. The Washington metropolitan region is not begrudging them that. They have a lot of people.

Our system is the second largest in the country.

Mr. Chairman, this is America's subway; 19½ million Americans from throughout the country come here, and, sure, they go to Orange County.

Let me tell the Members that there is a difference here. If we have added costs, we cannot raise the property taxes of the major employer in our region, because it is us. It is the people of America. We call it the Federal Government.

Support this authorization. It is good for America and good for this region and good for the country.

□ 1830

Mr. PARRIS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, today I speak in strong support of H.R. 1463, a bill which would authorize funds to complete America's subway. The 13.5 miles, which remain to be built, are critical to the 103-mile system. The Metrorail system was designed as a whole, and these final miles contain necessary storage yards, inspection facilities, and traffic intercepts which are vital to assure the efficient and effective operation of the system. Besides completing the system, the lines to be built serve some of the most transit dependent citizens in the region.

This legislation will allow the extension of the red line from Wheaton, MD to Glenmont, MD, the site of an existing Metrorail inspection yard. This final portion of the red line is a vital part of the remaining 13.5 miles to be built. It will provide badly needed transportation to the upper Georgia Avenue corridor. This corridor is experiencing rapid growth in housing and office development. Montgomery County has initiated efforts to manage traffic demand in this area, and they have had some success, but the continual increase in automobile trips has reduced mobility on most of the arterial streets in the Glenmont area.

The demand for Metrorail is shown by the high use of park and ride lots and shuttle bus service to the Silver Spring Metrorail Station. Montgomery County's plans to construct additional parking facilities to provide auto users more access to Metrorail demonstrates the need to complete Metrorail to Glenmont.

The Glenmont portion of the Metrorail system must be built. It provides a badly needed transportation alternative in one of the fastest growing corridors in Montgomery County and the region. It will provide mobility to transit dependent riders form Howard County, Baltimore County, and other local jurisdictions to the north of Montgomery County. Without this portion of the red line, there will be enormous traffic problems.

The Metro system will improve the quality of life.

Traffic conditions in Metro corridors are much improved: 600,000 fewer cars on the road each weekday, projected to rise to 1 million when Metrorail system is finished. Increases in traffic congestion less inside the beltway with Metrorail service than outside the beltway.

Air quality much improved—7 million fewer tons of pollutants annually today will grow to 11 million fewer tons of pollutants annually when Metrorail system is finished.

Does anyone doubt that the 20 miles that will be opened over the next 3 years and the 13.5 miles that this bill will help build will create economic development and job opportunities for thousands of people in the National Capital region, including many of the least fortunate among us?

One of the primary causes of a lower quality of life in any growing metropolitan area is suburban sprawl—it is a direct cause of traffic congestion and pollution, among other ills. Metrorail concentrates commercial, retail, and residential development at station sites and along rail corridors, resulting in lower automobile usage and pollution.

Finally, Washington, DC, and its environs is a National and international capital—it is a place where a nation puts its best foot forward and shows off the best it has to offer—Metrorail, with its soaring architecture, cleanliness, high service standard, and crime-free environment is the standard we should show the world. The least this Congress can do is finish what we started over 20 years ago.

Mr. Chairman, I urge my colleagues to support the bill H.R. 1463. Let us finish the subway that serves the 400,000 civilian and military Federal employees in the region and the 19 million tourists who visit the Nation's Capital annually. Passage of H.R. 1463 will permit the realization of the vision by Congress of building the full 103-mile Metrorail system.

Mr. PARRIS. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN. The Chair advises the gentleman from Virginia that he has 4½ minutes remaining.

Mr. PARRIS. Mr. Chairman, the Metro has been under construction in this city for more than 20 years. The Metro has 70 miles currently in service, and by the year 1993 it will be 89½ miles in service. That is more miles than any other system that is under construction and still growing, including the cities of Los Angeles, San Francisco, and Atlanta.

In this region 400,000 Federal employees use the Metropolitan Washington subway every day. Metro removes, as has been said, 100,000 cars from the highways of this region every day. If this system is not viable, where would they park when they get here?

I think one could make the case, Mr. Chairman, that this is a cost-effective proposal, if in fact one assumes that the Federal Government has an obligation to manage its business in some kind of an effective way.

I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, in closing the debate I would make two final points. In finishing this system, the last 13.5 miles, we are trying to serve the transit-dependent people. This is their vehicle to economic development.

A final comment: there are moments, Mr. Chairman, I say to the members of this committee, that require our highest and our best judgment. There are moments when we should rise above the narrow confines of our parochial interests. On the basis of dignity and compassion and good judgment, we should make decisions that are indeed in the Federal interests of the United States.

The legislation before us today is a classic case in point. Let us rise above the narrow confines of our parochial interests. I challenge my colleagues to their highest and their best, and ask them to join with me in passing the legislation before us.

Ms. PELOSI. Mr. Chairman, I rise in support of H.R. 1463, which would reaffirm the Nation's commitment to the Washington Metropolitan Area Transportation Authority. It is appropriate that we consider this bill after voting to elevate protection of the environment to Cabinet-level status.

As we enter the decade of the 1990's, we are confronted with very real environmental problems—problems, such as air pollution and global warming, which cannot be solved without changes in environmentally destructive behavior. To clean the air, we must encourage Americans to move out of their cars and on to transit.

Since its inception, Washington Metro has done just that—today the Metro system provides nonpolluting transportation for 1 million passengers a day. This means an estimated 600,000 less cars on the road each day. It means a reduction in automobile-produced air pollutants of 7 million tons per year.

Mr. Chairman, now is not the time to pull the financial rug out from under Metro. Rather, it is time to promote clean air by supporting mass transit in our Nation's Capital. I urge my colleagues to support H.R. 1463.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

Mr. PARRIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate having expired, pursuant to the rule, the bill is considered under the 5-minute rule by sections. Each section shall be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is a follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Capital Transportation Amendments of 1989".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. AMENDMENT TO NATIONAL CAPITAL TRANSPORTATION ACT OF 1969.

Effective October 1, 1989, the National Capital Transportation Act of 1969 (Public Law 91-143; 83 Stat. 320) is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTIONS FOR CONSTRUCTION

"SEC. 17. (a) The Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized by sections 3 and 14, for the purpose of financing in part the cost of construction of the Adopted Regional System.

"(b) Federal grants under subsection (a) for the Adopted Regional System shall be subject to the following limitations and conditions:

"(1) The work for which such grants are authorized shall be subject to the provisions of the Compact and shall be for projects included in the Adopted Regional System.

"(2) The aggregate amount of such Federal grants made during any fiscal year shall be matched by the local participating governments by payment of capital contributions for such year in a total amount that is not less than 25 percent of the amount of such Federal grants and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or revenues available in cash, or new capital.

"(3) Such grants shall be subject to terms and conditions that the Secretary may deem appropriate for constructing the Adopted Regional System in a cost-effective manner.

"(c) In addition to funds authorized under section 14, there is authorized to be appropriated to the Secretary of Transportation for the purpose of making grants to complete the Adopted Regional System as provided in subsection (a) an aggregate amount not to exceed $2,160,000,000.

"(d) Amounts appropriated pursuant to the authorization under subsection (c)—

"(1) shall remain available until expended; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under the Urban Mass Transportation Act of 1964 and section 103(e)(4) of title 23, United States Code.".

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee Amendment: Page 3, line 21, strike the period and insert the following: ", with such amounts to be made available in increments for 11 fiscal years, or until expended, beginning in fiscal year 1991.".

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 2?

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Page 3, after line 13, insert the following:

"(4) The Transit Authority shall conduct in accordance with the regulations issued by the Secretary of Transportation under subsection (c) testing of its employees responsible for safety-sensitive mass transportation functions for the illegal use of controlled substances.

"(c) Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation, in the interest of mass transportation safety, shall issue regulations establishing a program which requires the Transit Authority to conduct testing (including random testing) of its employees responsible for safety-sensitive mass transportation functions for the illegal use of controlled substances (as such term is defined under section 102 of the Controlled Substances Act

Page 3, line 14, strike "(c)" and insert "(d)".

Page 3, line 22, strike "(d)" and insert "(e)".

Page 23, line 22, strike "(c)" and insert "(d)".

Mr. SOLOMON. Mr. Chairman, I thank the gentleman from California [Mr. DELLUMS], the chairman of the Committee on District of Columbia, and the gentleman from Virginia [Mr. PARRIS], the ranking member.

One of the most serious problems facing our Nation today is the use of illegal drugs, which is maiming our young children, killing them. Now the problem is spreading not only just in the metropolitan areas of our country, but out into the suburbs and the rural areas that I represent.

Mr. Chairman, this amendment would simply require mandatory random drug testing of people involved in the transit system with the safety sensitive mass transportation.

I offer this amendment as a series of amendments that I have offered to the State Department legislation, to many authorization bills, even the CIA, in an effort to try to cut down on the demand for illegal drugs. The only way we are ever going to deal with this serious problem is to reduce the demand, which will take away the profits from those who want to produce illegal drugs and sell illegal drugs to our young people throughout this country.

Mr. Chairman, I will not bother to go into the amendment, but I would ask that the amendment be accepted.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I will be glad to yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding. On this side of the aisle we are significantly aware of the fact my distinguished colleague has offered this amendment successfully on a number of pieces of legislation, and he has been very consistent in that regard. We are prepared to accept the amendment of the gentleman from New York on this side of the aisle.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the ranking member, the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, this amendment is consistent with Secretary Skinner's regulations. Metro has already drafted a plan to effectively implement the regulation. We support the amendment and urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WALKER. Mr. Chairman, on that I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. A recorded vote has been demanded. Does the gentleman insist on his point of order?

Mr. WALKER. Mr. Chairman, I do insist on my point of order.

The CHAIRMAN. The Chair will count for a quorum.

Mr. WALKER. Mr. Chairman, I withdraw my demand for a recorded vote. It would be my intention to get a separate vote on this amendment when we get to the House.

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So the amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDERSON

Mr. ANDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDERSON: page 3, line 2, strike out "25" and insert in lieu thereof "33⅓".

Page 3, line 8, strike out "revenues" and insert in lieu thereof "reserves".

Page 3, line 19, strike out "$2,160,000,000" and insert in lieu thereof "$2,025,000,000".

Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON. Mr. Chairman, this amendment reduces the Federal share of the cost of construction of the Washington Metrorail System from 80 percent to 75 percent, which is the percentage currently authorized by Federal law for the construction of all other new rail systems in this country. When Stark-Harris funds were last authorized for Metrorail in 1980, the federally authorized share was 80 percent for these systems.

Therefore, the Stark-Harris bill reflected that percentage. Subsequently, when the Congress reauthorized the Surface Transportation Assistance Act in 1982, the percentage share was reduced to 75 percent. This occasion is the first opportunity that we have had to address the inconsistency which now exists between the Federal share for the Washington system and the provisions of the relevant authorization act.

Therefore, this amendment is absolutely necessary out of equity and fairness to bring the additional Metrorail funding contained in this bill into conformity with the federally authorized share of costs for other new rail projects under the Surface Transportation Assistance Act.

I urge my colleagues to adopt the amendment and to support H.R. 1463, as amended.

Mr. COUGHLIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment, but remain in opposition to the bill.

The amendment would raise the local share from 20 percent to 25 percent. We are asking other transit authorities around the country to put up a local share of 50 percent or more. Metro is still asking for a 75 percent Federal contribution toward the system here.

The important issue that is before us is that not one single other transit authority in the country has a special authorization like this, not one single one. There is no need for Metro to have a special authorization because at the time the original Stark-Harris legislation was passed we did not have the sophisticated in-place system for funding transit systems that we have now. Metro is entitled to and we ask Metro to apply for funds under section 3 for discretionary grants. They get funds under section 9 for formula grants which can be used for construction, which can be used for capital projects. There is no need, there is no need for Metro to have a special authorization.

Most importantly, there is no reason why Metro should be treated more favorably than any other transit system in the country.

So I continue in opposition to the bill.

Mr. PARRIS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise for two reasons. I want to thank the chairman of the Committee on Public Works and Transportation, the gentleman from California, [Mr. ANDERSON], for his thoughtful insight on this matter, and I am in support of his amendment.

This effectively brings the Metro system into conformance with Federal participation levels in other transit properties under the Federal Urban Mass Transit Administration Action 3 Program. We on this side of the aisle urge its adoption and suggest that it is an important addition to this bill. We thank the gentleman for his contribution.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. PARRIS. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding and rise simply to first, associate myself with the remarks of my distinguished colleague from Virginia [Mr. PARRIS]; and second, to simply say that we were clearly aware of the fact that the gentleman from California [Mr. ANDERSON] would be offering this amendment. We perceived it as a friendly amendment. We knew that it would come from the floor, and this side of the aisle is prepared to accept the gentleman's amendment.

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Mr. PARRIS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ANDERSON].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer two amendments, and I ask unanimous consent that the amendments be considered as read, printed in the RECORD, and considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio.

There was no objection.

The text of the amendments is as follows:

Amendments offered by Mr. TRAFICANT: Page 4, after line 4, insert the following:

SEC. 3. BUY-AMERICAN PROVISION.

(a) REPORT TO CONGRESS.—The Washington Metropolitan Area Transit Authority shall report to Congress (1) on contracts which the Transit Authority enters into with foreign entities with respect to its rail system in fiscal years 1991 and 1992 and which are subject to the Buy American provisions of the Surface Transportation and Assistance Act of 1982 or the Surface Transportation and Uniform Relocation Assistance Act of 1987, and (2) on the number of such contracts which meet the requirements of such provisions but which are determined by the United States Trade Representative to be in violation of the General Agreement on Tariffs and Trade or any other international agreement to which the United States is a party.

(b) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If the Secretary of Transportation determines that any person intentionally affixes a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall declare that person ineligible to receive a Federal contract with the Washington Metropolitan Area Transit Authority for its rail system for a period of not less than 3 years and not more than 5 years. The Secretary may bring action against such person to enforce this subsection in any United States district court.

Page 4, after line 4, insert the following:

SEC. 3. RESTRICTIONS ON CONTRACT AWARDS.

No foreign government shall be eligible to receive a contract with the Washington Metropolitan Area Transit Authority for its rail system if that government unfairly maintains, in government procurement, a significant and persistent pattern or practice of discrimination against United States products or services which result in identifiable harm to United States businesses, as identified by the President pursuant to section 305(g)(1)(A) of the Trade Agreements Act of 1979.

Mr. TRAFICANT. Mr. Chairman, this is the Buy America amendment.

Mr. Chairman, I want to thank both the chairman and vice chairman of the committee for accepting the amendments.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, I thank the gentleman for yielding.

The minority has no problem with this amendment and urge its adoption. I thank the gentleman for his cooperation in this regard.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, we accept the gentleman's amendment on this side of the aisle and see it as a friendly amendment. We thank the gentleman for his diligence.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendments were agreed to.

The CHAIRMAN. Are there other amendments to the bill?

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I usually do not complain about authorization bills from a budget standpoint because they are only the first half of the process. But I think in this case an exception ought to be made.

We are talking here about an awful lot of money, billions, a couple of hundred million in BA annually, and it is for a particular region of the country at a time when our economy cannot afford many other important programs that many of us think should be starting out. It is at a time when we are enduring an enormous, several hundred billion deficit, and have been enduring that deficit for about a half a dozen years.

Under these circumstances, Mr. Chairman, it seems to me that it is absolutely inappropriate for the House to be encouraging this kind of spending, even though an authorization does not itself mean that we are expending the funds. It seems to me that this House and the Members thereof would be well advised to get rid of this problem right now, and worry about concentrating on the deficit and the other kinds of priorities that we need to face immediately.

I urge a vote against the bill, and I yield back the balance of my time.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. WHEAT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1463) to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System, pursuant to House Resolution 366, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. WALKER. Mr. Speaker, I demand a separate vote on the so-called Solomon amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 3, after line 13, insert the following:

"(4) The Transit Authority shall conduct in accordance with the regulations issued by the Secretary of Transportation under subsection (c) testing of its employees responsible for safety-sensitive mass transportation functions for the illegal use of controlled substances.

"(c) Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation, in the interest of mass transportation safety, shall issue regulations establishing a program which requires the Transit Authority to conduct testing (including random testing) of its employees responsible for safety-sensitive mass transportation functions for the illegal use of controlled substances (as such term is defined under section 102 of the controlled substances act.

Page 3, line 14, strike "(c)" and insert "(d)".

Page 3, line 22, strike "(d)" and insert "(e)".

Page 23, line 22, strike "(c)" and insert "(d)".

Mr. WALKER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 405, nays 3, answered not voting 25, as follows:

[Roll No. 51]

YEAS—405

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilbray
Bilirakis

Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chandler
Chapman
Clarke
Clay
Clement
Clinger
Coble
Coleman (MO)
Collins
Combest
Condit
Conte
Conyers
Cooper
Costello
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
Darden
Davis
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Downey
Dreier
Duncan
Durbin
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
Engel
English
Erdreich
Espy
Evans
Fawell
Fazio
Feighan
Fields
Fish
Flake
Foglietta
Ford (MI)
Frank
Frenzel
Frost
Gallegly
Gallo
Gaydos
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Gray
Green
Guarini
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hoagland
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Laughlin
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowey (NY)
Luken, Thomas
Lukens, Donald
Machtley
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Petri
Pickett
Pickle
Porter
Poshard
Price
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Serrano
Sharp
Shaw
Shays
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Stallings
Stangeland
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Weber
Weiss
Wheat
Whittaker
Williams
Wise
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NAYS—3

Dingell
Perkins
Washington

NOT VOTING—25

Aspin
Callahan
Coleman (TX)
Coyne
Crockett
Dwyer
Dymally
Fascell
Flippo
Ford (TN)
Hall (OH)
Harris
Jenkins
Lent
Miller (WA)
Moody
Rose
Smith (NJ)
Smith, Denny (OR)
Staggers
Stump
Waxman
Weldon
Whitten
Wilson

☐ 1911

Mr. McEWEN changed his vote from "nay" to "yea."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. MURTHA. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 260, nays 150, not voting 23 as follows:

[Roll No. 52]

YEAS—260

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Atkins
AuCoin
Baker
Bateman
Bates
Beilenson
Bentley
Berman
Bevill
Bilbray
Bliley
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Chapman
Clarke
Clay
Clement
Coleman (MO)
Collins
Condit
Conte
Conyers
Cooper
Courter
Craig
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Dyson
Eckart
Edwards (CA)
Engel
Erdreich
Espy
Evans
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Green
Hall (TX)
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hughes
Hutto
Ireland
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Laughlin
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken, Thomas
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCrery
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Michel
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Pallone
Panetta
Parker
Parris
Payne (NJ)
Payne (VA)
Pease
Pelosi
Perkins
Pickett
Pickle
Price
Rangel
Ravenel
Ray
Richardson
Ridge
Rinaldo
Roberts
Roe
Ros-Lehtinen
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Sabo
Saiki
Sangmeister
Sarpalius
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schumer
Serrano
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (VT)
Solarz
Spratt
Stallings
Stangeland
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Vento
Visclosky
Walgren
Walsh
Washington
Weber
Weiss
Wheat
Wilson
Wise
Wolf
Wolpe
Wyden
Yates
Yatron
Young (FL)

NAYS—150

Annunzio
Archer
Armey
Ballenger
Barnard
Bartlett
Barton
Bennett
Bereuter
Bilirakis
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Campbell (CA)
Carr
Chandler
Clinger
Coble
Combest
Costello
Coughlin
Cox
Crane
Dannemeyer
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Early
Edwards (OK)
Emerson
English
Fawell
Fields
Fish
Frenzel
Gallegly
Gekas
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Guarini
Gunderson
Hamilton
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Houghton

Hubbard
Huckaby
Hunter
Hyde
Inhofe
Jacobs
James
Kasich
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lowery (CA)
Lukens, Donald
Machtley
Marlenee
Martin (IL)
McCandless
McCollum
McEwen
McMillan (NC)
Meyers
Miller (OH)
Moorhead
Myers
Neal (NC)
Nielson
Packard
Pashayan
Patterson
Paxon
Penny
Petri
Porter
Poshard
Pursell
Quillen
Rahall
Regula
Rhodes
Ritter
Robinson
Rogers
Rohrabacher
Rostenkowski
Roth
Russo
Schiff
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Skeen
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stearns
Sundquist
Tallon
Tauke
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Whittaker
Williams
Wylie
Young (AK)

NOT VOTING—23

Aspin
Callahan
Coleman (TX)
Coyne
Crockett
Dwyer
Fascell
Flippo
Ford (TN)
Hall (OH)
Harris
Jenkins
Lent
Miller (WA)
Moody
Rose
Smith (NJ)
Smith, Denny (OR)
Staggers
Stump
Waxman
Weldon
Whitten

☐ 1927

The Clerk announced the following pair:

On this vote:

Mr. Moody for, with Mr. Stump against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1463, NATIONAL CAPITAL TRANSPORTATION AMENDMENTS OF 1989

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1463, the Clerk be authorized to correct section numbers, punctuation, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in the passage of the bill, H.R. 1463.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1463, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON THURSDAY, MARCH 29, 1990

Mr MOAKLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Thursday, March 29, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3, CHILDHOOD EDUCATION AND DEVELOPMENT ACT OF 1989

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-436) on the resolution (H. Res. 368) providing for the consideration of the bill (H.R. 3) to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST H.R. 4404, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1990

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-437) on the resolution (H. Res. 369) waiving certain points of order against consideration of the bill (H.R. 4404) making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes, which was referred to the House Calendar and ordered to be printed.

☐ 1930

U.S. NAVAL RESERVE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 266) designating March 1990, as "United States Naval Reserve Month" and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. HATCHER). Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I do so simply to acknowledge the work of the gentleman from Florida [Mr. MCCOLLUM], who is the chief sponsor of House Joint Resolution 413.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 266

Whereas March 1990, is the 75th anniversary of the establishment of the Federal Navy Reserve Force;

Whereas thousands of men and women of the United States have served the Nation as "Twice the Citizens" by serving with the United States Naval Reserve;

Whereas thousands of Reserve members have been a critical component of the Fighting Force of the United States Navy;

Whereas 600,000 individuals were members of the Naval Reserve during World War I and 80 percent of Naval personnel were reservists during World War II;

Whereas, in the Berlin Crisis, Korea, Vietnam, and most recently in the Persian Gulf, Naval reservists played vital roles;

Whereas the United States Naval Reserve continues to serve the Nation in peace time by maintaining military readiness and contributing to fleet support;

Whereas the reservists serve as part-time regular Navy personnel which economically fulfills important military missions and expands the operational abilities of the Navy around the world;

Whereas thousands of employers throughout the United States and the families of reservists have contributed to the support and encouragement needed for a successful Reserve program;

Whereas many Naval reservists have died while serving the Nation; and

Whereas in recognition of great sacrifice of Naval reservists during peace time and during war: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 1990, is designated as "United States Naval Reserve Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the Nation to observe the day with appropriate ceremonies and activities in recognition of the 75th anniversary of the United States Naval Reserve.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL RECYCLING MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 250) designating April 1990 as

"National Recycling Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. RIDGE. Reserving the right to object, Mr. Speaker, I do so again simply to acknowledge the work of the gentleman from California [Mr. HAWKINS] who is the chief sponsor of this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 250

Whereas the continued generation of enormous volumes of solid waste each year presents unacceptable threats to human health and the environment;

Whereas several regions of the United States are experiencing a severe shortage of disposal capacity for municipal solid waste;

Whereas as a result of the inability to find sites for new solid waste management facilities, many communities are managing waste in facilities that were not designed with the best available environmental controls;

Whereas the generation of hazardous waste and solid waste must be reduced and as much remaining waste as possible must be recycled to protect human health and the environment and to minimize treatment and disposal capacity problems;

Whereas a significant amount of waste can be diverted from disposal by the utilization of source separation, mechanical separation, and community-based recycling programs;

Whereas local governments should be an integral component of the decisionmaking process regarding the management of municipal solid waste;

Whereas developing a system of waste management that, to the greatest extent practicable, separates elements of the waste stream that require special management or that are in demand for reuse or recycling will enhance the economic feasibility and environmental safety of all management methods, including recycling, incineration, and land disposal;

Whereas source reduction and recycling represent the most environmentally sound means of managing municipal solid waste and can often be carried out with a lower cost than is incurred by other means;

Whereas recycling preserves limited landfill capacity and reduces the amount of solid waste intended for incineration;

Whereas recycling can save energy and avoid the pollution created from extracting resources from their natural environment;

Whereas the revenues recovered by recycling programs offset the costs of solid waste management;

Whereas a well-developed system of recycling scrap metals, paper, and glass already exists and is significantly reducing the quantity of solid waste entering landfills or incinerators;

Whereas the technology for recycling plastic is currently under development, and progress continues toward increasing potential markets;

Whereas many consumer products are designed without sufficient regard for safe and efficient recycling after disposal;

Whereas Federal, State, and local governments should promote the design of products that can be recycled safely and efficiently;

Whereas Federal, State, and local governments should enact legislative measures that will increase the amount of solid waste that is recycled;

Whereas Federal, State, and local governments should encourage the growth of incremental markets for materials recovered from recyclable goods;

Whereas Federal, State, and local governments should establish incentives for household separation of waste to encourage recycling;

Whereas the success of source reduction and recycling programs depends on the participation of an informed public; and

Whereas the people of the United States should be encouraged to participate in educational and legislative endeavors that promote waste separation methods, community-based recycling programs, and expanded utilization of recovered materials: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 1990 is designated as "National Recycling Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

The Senate joint resolution was order to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EDUCATION DAY, U.S.A.

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 500) to designate April 6, 1990, as "Education Day, U.S.A.," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

Mr. MICHEL. Mr. Speaker, I welcome this opportunity to say a few words about House Joint Resolution 500, requesting the President to designate April 6, 1990, as Education Day, U.S.A.

Along with the distinguished majority leader, Richard Gephardt, I am sponsoring this resolution. The majority leader and I joined forces last year and I am happy to be a part of this worthy venture today.

As I said last year, I think it is fitting that the majority and the minority leaders should cosponsor such a resolution. It deals with a subject that transcends partisan consideration.

We are seeing a rebirth of the old American idea of progress through education for all Americans. That's still a great idea.

April 6 also happens to be the 88th birthday of the internationally renowned and respected religious leader, Rabbi Menachem Mendel Schneerson.

This year marks the fourth decade of the Rebbe's leadership of the Lubavitch Movement which actively promotes education programs at more than 150 centers in the United States.

The Lubavitch Movement, founded in the 18th century, has as its philosophical foundation three basic elements: Wisdom, understanding, and knowledge.

It is, therefore, appropriate that the movement, under the inspired leadership of the man called the Rebbe, has been so active in promoting education.

Looking over my remarks from last year, I came upon a fact I want to share with you today.

The movement which the Rebbe heads takes its name from the Russian city, Lubavitch, which translated into English means, "city of love."

In the final analysis it is love of one's religious heritage, love of learning—that is at the heart of the Lubavitch Movement and at the heart of our resolution.

I'm pleased once again to honor a great man and to support such a noble idea.

Mr. Speaker, I would also like to mention that a letter signed by 51 Senators was sent to the President requesting the proclamation ceremony be performed on the White House grounds this year. This would allow leaders of Lubavitch from each of its major U.S. cities, as well as my colleagues who take pride in representing these leaders in their districts, to participate in such a worthy proclamation. I would like to join my friends from the Senate and urge the President schedule a public ceremony.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 500 to designate April 6, 1990, as "Education Day, U.S.A.," and commend my colleagues Mr. MICHEL and Mr. GEPHARDT for introducing this measure.

The quality of education is essential to our American heritage of cultural and political freedom. Our schools are instrumental in providing for our scientific and technical competence. Education holds the key to the future. By designating April 6, 1990, as "Education Day, U.S.A." we will call the attention of the American people to the necessity of improving our educational system, which promotes good moral and ethical values.

Mr. Speaker, the future of our Nation, our way of life, and our democratic system of Government is dependent on a highly educated citizenry, a citizenry that must be equipped to compete with other nations of the world. We must nurture our desire for learning and to motivate students and teachers to assure that we maintain leadership to continue our American democracy.

House Joint Resolution 500 calls attention to the Lubavitch movement, which promotes many of our ethical values and principles upon which the educational system of our great Nation was founded.

In choosing April 6, 1990, we are also honoring Rabbi Manachem Mendel Schneerson, the leader of the Lubavitch movement who will be celebrating his 88th birthday and the 40th anniversary in which the rebbe ascended to the world leadership of the Lubavitch movement.

Mr. Speaker, I strongly urge my colleagues to join me in supporting this resolution which focuses attention on the educational values which are so vital to the future of our Nation.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. Res. 500

Whereas Congress recognizes the historical tradition of ethical values and principles which are the basis of civilized society and upon which our great Nation was founded;

Whereas these ethical values and principles have been the bedrock of society from the dawn of civilization, when they were known as the Seven Noahide Laws;

Whereas without these ethical values and principles the edifice of civilization stands in serious peril of returning to chaos;

Whereas society is profoundly concerned with the recent weakening of these principles that has resulted in crises that beleaguer and threaten the fabric of civilized society;

Whereas the justified preoccupation with these crises must not let the citizens of this Nation lose sight of their responsibility to transmit these historical ethical values from our distinguished past to the generations of the future;

Whereas the Lubavitch movement through its over one hundred and fifty centers in the United States and many more the world over has fostered and promoted these ethical values and principles throughout the world;

Whereas Rabbi Menachem Mendel Schneerson, leader of the Lubavitch movement, is universally respected and revered and his eighty-eighth year will be seen as the year of continued "turn and return", the year in which we continue to turn to an education which will return the world to the moral and ethical values contained in the Seven Noahide Laws:

Whereas, this year of 1990 (5750 on the Hebrew calendar) is the "Fortieth Anniversary" in which the Rebbe enters the fifth decade since his ascension to the world leadership of the Lubavitch movement and spirtual guidance of world Jewry; and

Whereas this has been reflected in the "International Scroll of Honor" which has been signed by the President of the United States and other heads of state: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That April 6, 1990, the eighty-eighth birthday of Rabbi Menachem Schneerson, leader and head of the worldwide Lubavitch movement, is designated as "Education Day, U.S.A.". The President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities. We also call on heads of state of the world to join our President in this tribute by signing similar scrolls of honor which will be presented in their respective countries this year of the "Fortieth Anniversary" entering the fifth decade of leadership. On this occasion we would also welcome the cooperation of the Department of State in extending the good office of the United States missions to the Lubavitcher emissaries.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. **SAWYER.** Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the several joint resolutions just passed.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

VACATING OF SPECIAL ORDER

Mr. **McEWEN.** Mr. Speaker, I ask unanimous consent that the 60-minute special order granted for today for the gentleman from Georgia [Mr. GINGRICH] be vacated.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

THE LIBERAL DEMOCRATIC CHILD CARE BILL

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. **GINGRICH.** Mr. Speaker, I wanted to take this time to talk briefly about the liberal Democratic child care bill which will come to the floor tomorrow to urge every Member to read that bill carefully and to point out that the bill has a number of facts in it that are not exactly as reported in the newspaper.

The bill does not have adequate religious freedom language. It would, in fact, with the current language allow discrimination against people who want to practice their religion. It would, in fact, set up circumstances in which the children could not pray before they ate their cookies. It would, in fact, set up a standard in which in many ways 3-year and 4-year-olds would be limited by their government; but there is a deeper principle involved.

The liberal Democratic child care bill is one more step toward a large bureaucratic welfare state approach, toward a federal bureaucracy, toward Federal regulations, toward the kind of control from Washington which makes less and less sense to the average American.

On the other hand, the Stenholm-Shaw bill provides that parents will have the power to decide over their children, that parents will be able to decide what kind of child care they should put their children in, and that parents will be the ultimate judge of the appropriate quality and the appropriate circumstances.

I think this draws a clear discrimination between the liberal Democrats and the conservative Democrat-Republican coalition that is trying to apply common sense to find a positive solution for child care.

My concern is that this bill has come out so late, the printed version only became available today, the Rules Committee only adopted the rule late this afternoon, that the average Member will not have had enough time to thoroughly look at the liberal Democratic bill.

It is not, in fact, as good as the Senate bill. It is much worse. It is much more antireligious than the Senate bill and it is much more proregulation than the Senate bill.

Let me carry the Members a stage further. There will be an amendment offered tomorrow which, in effect, would strip out all the freedom of religious language in both the Stenholm-Shaw and the liberal Democratic bill.

In particular I want to urge my colleagues to vote against that amendment. I believe that it is very, very important, that we reestablish the right of parents to voluntarily choose where their children go and what they do in terms of child care, and I think it is very important that we recognize, for example, that in the innercity something like two-thirds of all the black innercity child care is provided by church-based providers.

It is important that we recognize that in many parts of the country that there are people who feel strongly that at 3 and 4 years of age that they should have a child care program which is more than just another public bureacracy, more then just another arid sterile secular room, that they, in fact, what some kind of value structure, that they are concerned about their children growing up in a value framework.

We decided that we would work from President Bush on down in favor of allowing parents to have that choice, allowing parents to make that decision.

President Bush has been very clear all along. He is committed to passing a child care bill. He is committed to signing a child care bill, but President Bush has certain very basic standards.

First, President Bush is committed to allowing mothers to stay at home with no discrimination, because he feels strongly that mothers who want to stay at home with their child should be afforded that opportunity when the child is very young. It is part of why he is in favor of the toddler tax credit. It is part of why he has worked to insure that parents who want to stay at home have that opportunity.

Second, President Bush is committed to using vouchers to empower parents so that they have the choice of whether to allow their child to stay with their relatives, their grandmother, their aunt, their sister, their cousin, to allow them to choose a local private child care center, to allow them to choose a local church- or synagogue-based center, or to allow them if they want to, to pay them a supplement to use a local public school or a local public facility.

□ 1940

But the parent could choose by using the voucher where the parent wanted the child to go. In addition, President Bush has pledged consistently that he was opposed to any left-wing proposal which was secular and antireligious. He was committed to not allowing us to raise taxes on all Americans in order only to subsidize nonreligious circumstances, and he felt deeply that it is inappropriate to exclude religion, to exclude the right to pray, to exclude the American people, 3- and 4-year-olds, from having an opportunity to have a values-oriented child care center in which one knows that their child is not just getting fed but they are, in fact, being nurtured, being taken care of by people you believe in, whose values you share.

Finally, President Bush indicated clearly he opposed Federal regulations. Child care should be as close to the parents as possible, as close to the local community as possible, as close to the State as possible in terms of the State government, but the idea of having a Federal bureaucrat sitting in Washington writing regulations which would then define the quality of child care in Phoenix, AZ, the quality of child care in Carrollton, GA, or the quality of child care in Schenectady, NY, is the opposite of President Bush's beliefs.

ORDER OF BUSINESS

Mr. WALKER. Mr. Speaker, I ask unanimous consent that my special order for today scheduled for 60 minutes be made a 5-minute special order.

The SPEAKER pro tempore (Mr. Hatcher). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FAIRNESS IN THE CLEAN AIR DEBATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. Poshard] is recognized for 5 minutes.

Mr. POSHARD. Mr. Speaker, our economic future, and our future as the leading society in the world, depends on our ability to adequately educate our children.

But I am very fearful that doing that for the students of southern Illinois will be infinitely more difficult if we are forced to live under some provisions of the clean air legislation being considered.

So I am asking for just a moment of your time to consider arguments on behalf of fairness in the clean air debate.

Without a more equitable formula for cleaning the air and spreading the costs more evenly, the Midwest will pick up a hugely unfair portion of the cleanup tab. We will pay with higher utility rates and higher unemployment.

And our children will pay, because we will be able to offer them less due to a depressed economy.

Here is what we fear. The clean air bill forces utility companies to reject the high sulfur coal produced in my area. The companies don't need the workers and the local economy doesn't get the activity generated by the coal mines.

Over the past decade we have lost 7,000 coal mining jobs in my district. But through technology and efficiency, production has remained basically the same. The damage has been severe, though in some ways controllable.

But now we are looking at a situation where demand and production actually go down and the hundreds of businesses that supply the mines and their employees lose as well.

So here we sit on top of America's most bountiful and dependable resource and no one wants it.

People are forced to move away and look for jobs, accept jobs that don't pay near what they are working for now, or accept the completely unattractive alternative of unemployment as their last resort.

You are probably thinking they can just go get another job. But here is the reality, according to the dean of technical careers at Rend Lake College, Mr. Carroll Turner.

He says the challenge is to identify educational programs that have sufficient job opportunities once the training is done.

The growth in the job market cannot keep pace with the current decline we're already experiencing and he does not forsee any improvement in the future. We have not recovered from previous coal job losses and now people face prospects that are even worse.

And what happens to their children? What happens in the local schools?

I asked Dr. Allan Patton, superintendent of Benton Community Consolidated School District No. 47 what would happen. I will enter his remarks, which were made to a subcommittee hearing in my district, into the Record.

Here is the scenario he anticipates.

In Franklin County, where Benton is located, more than 25 percent of all employed persons are coal miners. And about a 1,000 of them risk losing their jobs under proposals that don't spread the cost of compliance.

That jumps the present unemployment rate of 12 to 15 percent all the way up to 20 or 25 percent. OK, so what does that do to the people who have to live that way.

Dr. Patton suggests that an additional 2,500 Franklin County students will be products of an unemployed family.

The student population will go down by almost 36 percent. Schools which are reimbursed in the State aid formula at the rate of about $2,400 a student, will lose almost $6 million.

Franklin County will lose 100 teachers because of declining enrollment. Schools will be forced to consolidate, limit their courses, eliminate extracurricular activities, in general, offer our students few of the things we need to give them to compete in a modern world.

As a former teacher, I know how important it is to have the resources at your disposal to make the most of a school day, and the end result of an unfair clean air bill will be to put students in the high sulfur coal producing areas of this country at an unfair disadvantage.

Nobody wins that way. Areas that do not have to pay as much under this cleanup will pay one way or another. They will have to support the people who, because they were not given the ability to compete, become a drag on the economy of the Nation.

People in my area want to work. They want to earn a living, educate their kids, give them the opportunity to succeed, and participate in the American dream. They cannot do that without the education to let them reach their potential. And I am fearful that an unfair approach to clean air legislation will create that barrier to their success.

We support clean air. We accept our share of the responsibility. Please join us in a spirit of cooperation and fairness, it benefits us all.

The remarks referred to follow:

Statement of Dr. Allan D. Patton, Superintendent Benton Community Consolidated School District No. 47 on Acid Rain Legislation on Workers and Small Business in the High Sulfur Coal Industry

Mr. Chairman, Congressman Poshard, distinguished members of the Congressional Subcommittee, it is a pleasure and an honor for me to be here and welcome you to southern Illinois. Indeed, it is a special privilege for me to be in the company of my long-time friend Congressman Glenn Poshard. We in the education community are keenly aware of his commitment to a strong public education, and thank him for his dedication.

Mr. Chairman, I appreciate this opportunity to share with the committee the educational issues of Acid Rain legislation that is now pending before this body. In my opinion, President Bush's comprehensive clean air bill emphasizes the power of the marketplace to protect the environment. However, House Resolution 3030, the Clean Air Act Amendments of 1989, ignores the indirect impact on the nation's schools. In high sulfur coal producing states like Illinois, reduced demand for coal will cause significant adverse economic impacts. The state will not only lose coal mining jobs, but it will also lose jobs in mining-related business and service industries. In a realistic scenario, Illinois would lose approximately 19,000 direct and indirect coal jobs, predominantly in southern Illinios.[1]

Before going into the reasons that I believe that this legislation is not warranted, I would like to discuss the importance of education to our nation's goals. On October 15, 1989, in a letter from the White House, Mrs. Barbara Bush stated that, "Nothing is more important than education * * * the future of America depends on it. Education and our schools are everybody's business." One thing is abundantly clear in the closing years of the 20th century: To be poorly educated is to be condemned to a life of unfulfilled potential. President Thomas Jefferson, in a letter to a friend, wrote that a "nation that hopes to be ignorant and prosperous hopes for something that never was and never will be." Without an educated citizenry American business is in deep trouble. Without an educated work force, business cannot compete.

During the past few years the schools of Benton, and Franklin County, Illinois, have suffered through a major period of declining enrollment. The overriding factors that have contributed to this problem are the reduced birth rate and the stagnate local economy. Within this period of time, statistics reveal that the county unemployment rate has fluctuated between 12 and 15 percent, two to three times greater than the state and national average.

It is important to note that more than 25 percent of all employed persons, 16 years and over, that reside within Franklin County are coal miners. [2] Of these 3544 individuals, approximately 1000 are destined to lose their jobs if the proposed acid rain legislation is enacted in its present form. The estimated impact on the economy of Franklin County would be an added eight percent unemployment rate—a total of 20–25 percent.

Data reveals that the average American family is composed of 2.5 children. By utilizing this count and extending it by the predicted number of miners that may lose their jobs due to the acid rain bills, we are able to extrapolate the economic impact on the schools of Benton and Franklin County. The Legislation would have the following repercussions:

An additional 2500 Franklin County students would be products of an unemployed family.

The Franklin County student population would reduce by 35.8 percent, from 6978 to 4478.[3]

Schools within Franklin County and Benton would lose $5,955,000 in state funding. Schools are reimbused at the rate of $2,383 per student.

Approximately 100 Franklin County teachers would be released due to the decline in student enrollment.

The economy of Franklin County would decline by 2.8 to 3.0 million dollars due to the lay-off of teaching personnel.

Several small communities would lose their local schools due to forced consolidation.

Many schools would be forced to lessen their curriculum to compensate for the decline in student enrollment and the economic impact of reduced state funding. The academic areas that are the most vulnerable are the arts, music, advanced mathematics, and advanced sciences.

Rend Lake and John A. Logan community colleges would experience a devastating financial impact, much as the public school.

The above statements must be placed in the proper perspective. All of the data and the perceived economic affect, describes only the schools of Franklin County and Benton, Illinois. In a memorandum from the office of James R. Thompson, Governor of Illinois, it was stated that the State of Illinois would lose nearly 19,000 coal positions. Therefore, these examples depict only 1/18 of the possible damage to the economy of the State of Illinois.

On September 27, 1989 the President and the nation's Governors met in an education summit at the University of Virginia. Some of the agreements of that historical meeting were:

A better educated citizenry is the key to the continued growth and prosperity of the United States.

As a nation, we must have an educated work force, second to none, in order to succeed in an increasingly competitive world economy.

Education has always been important, but never as important as it is today.

The overriding objective is to develop an ambitious, realistic set of performance goals that reflect the views of those with a stake in the performance of our education system.

Generally, it is agreed that education is one of the most critical issues facing the nation. Our children do not just deserve a good education, they deserve a world class education—the best we can give them. However, the problem is stark: how can Congress develop acid rain standards on one hand, and provide equal educational opportunities on the other. We must weigh environmental considerations more heavily as we make educational decisions. Acid rain legislation should not centralize the burden on a few industrial states, but spread the burden among all states. We cannot pour money into one problem at the detriment of another.

Finally, the bottom line is, American's fight for long term competitiveness ultimately will be won or lost not in the halls of Congress—not in the board rooms around the world—but in America's classrooms. I urge you, the members of Congress, not to prematurely impose new acid rain standards that are unrelated to children, but require States to spend tax money that could otherwise go to education.

Again, thank you very much for your time Mr. Chairman, I would be pleased to answer your questions.

MESSING WITH THE SOCIAL SECURITY SYSTEM GOES ON AND ON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

Mr. WALKER. Mr. Speaker, several nights ago, I took to the floor to remind my colleagues of that moment during the President's State of the Union Message when the whole House rose in a standing ovation when President Bush told us that we should not be messing with Social Security, and I reminded my colleagues that since that time there has been a good deal of messing going on, and I have come to the floor tonight to suggest that the messing goes on and on and on.

First, we had a plan advanced by the senior Senator from New York to undercut the Social Security System by jeopardizing the trust fund with a tax cut aimed at reducing the amount of revenue going into the reserve to pay Social Security benefits in the future. Then we had Members coming to the floor arguing that there ought to be a differential between what employers and employees pay, that the tax system ought to be made fairer, they said, but what they were really talking about was changing the way in which the tax system works in terms of who pays what into the Social Security System; at least that is the only interpretation one can put on the figures they use to talk about a regressive tax system that has emerged over the last decade.

The only way that one can get to those figures is to put the Social Security increases in, understanding that those Social Security increases were a part of an entire program that was agreed to bipartisanly.

The problem with that differential that they are talking about is that they really are moving toward making Social Security into just another welfare system, precisely the opposite of everything we have told the American people for years about what Social Security should be.

Then we had the chairman of the Committee on Ways and Means come forward with his plan for deficit reduction that called for an elimination of the cost-of-living system for at least 1 year under Social Security.

We now have the Democratic National Committee that has weighed in on the issue, and the Democratic National Committee has come out in favor of the Moynihan plan. In other words, they have come out in favor of undermining the 1983 bipartisan compromise to ensure the integrity of the Social Security System.

□ 1950

The Democratic National Committee meeting this past weekend took the stand that they are in favor of reducing the amount of money coming into the reserve by reducing the schedule of payments due the system. Therefore, what the Democrats have decided to do as a party, as a national party, they have decided now to jeopardize the integrity of the Social Security System.

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[1] Memorandum, "Impact of Acid Rain Legislation on Illinois," Washington, DC, September 1989.

[2] Greater Egypt Regional Planning and Development Commission. "Population Data." October 1989

[3] Regional, Superintendent of Schools, Franklin County, Illinois, October 1989.

The Social Security trust fund is one of those things which is in pretty good shape. We have very few things in the Federal Government that are in good shape at the present time. The Social Security trust fund happens to be one of them. As a result of what we did in 1983, we have been building up that reserve. That reserve now stands at an ability not only to pay benefits to present retirees, but to pay benefits in the future, to ensure the people in the next century now paying the bill that they will have a Social Security System that will protect them.

What the Democrats are suggesting and what their national committee suggested this week is that we ought to eliminate some of that integrity, eliminate some of the payments coming into the system, and thereby jeopardize the future of the Social Security System.

I am a little bit stunned that a party that ran for several years talking about "Save Social Security, vote Democratic," is now in the process where leader after leader of that party comes forward with plans for messing with Social Security, and now the Democratic National Committee goes on record as being in favor of messing with the Social Security System.

I would suggest that it is time we follow the advice of President Bush, that some of the leadership who are now talking about destroying and undermining the Social Security System and so on ought to back off. We ought to take the advice of President Bush. The advice of President Bush to this body ought to be followed. We ought not be messing with Social Security. The standing ovation that was given on the House floor that night ought to be followed. We ought not be messing with Social Security.

It is time that this House goes on record and makes the American people understand we are not going to mess with the Social Security system. But the last few weeks have been disturbing, and the recent vote by the Democratic National Committee to do a lot of messing with Social Security is most disturbing.

THE U.S. DEFENSE BUDGET

The **SPEAKER** pro tempore (Mr. HATCHER). Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes.

Mr. **LIPINSKI**. Mr. Speaker, tonight I am joined by friend and colleague, the gentleman from Illinois [Mr. SANGMEISTER], and the topic of our special order is the United States defense budget.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. SANGMEISTER] as much time as he may consume in his presentation.

Mr. **SANGMEISTER**. Mr. Speaker, I thank my colleague from Illinois once again for being invited this evening to speak on this special order.

Mr. Speaker, before I get into my discussion concerning what America's national security policy should be, I would like to take this time to commemorate a man who has contributed as much to preserving this Nation's liberty as any other individual. Yesterday, a joint session of Congress was held to honor this man's 100th birthday. I am referring to the former Supreme Allied Commander of the Allied Forces during World War II and twice-elected President—Dwight David Eisenhower. President Eisenhower embodied courage, leadership, and loyalty to his country. He has certainly been an inspiration to me and I hope his wisdom lives on in our Nation's collective memory for years to come.

On the advent of the most dramatic movement toward democracy in Eastern Europe and the Soviet Union, I believe we should take this occasion to reflect upon some remarks made by President Eisenhower during his farewell address on January 17, 1961. President Eisenhower said: "In the councils of government, we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial complex. The potential for the disastrous rise of misplaced power exists and will persist. We must never let the weight of this combination endanger our liberties or democratic processes. We should take nothing for granted. Only an alert and knowledgeable citizenry can compel the proper meshing of the huge industrial and military machinery of defense with our peaceful methods and goals, so that security and liberty may prosper together."

What President Eisenhower was driving at was the danger of not adjusting our military commitments to the actual threats that America faces any given time. In a democracy that depends on a vigorous economy to keep the system strong, military strength is not the single issue when considering our national security needs. The two pillars of a strong democracy are a vibrant economy and a sufficient defense. The idea of weakness and strength of a nation is a relative balance between military and economic power depending on what the specific threats are. Funding the military at a low level in the face of a mightier enemy obviously invites danger and is an intolerable situation for the United States to place itself in. On the other hand, devoting excessive funds to the military at a time when the economy is in trouble also ignores the responsibility of the Government to keep the economic pillar from tumbling. Throughout history, great nations have fallen as much from the inside as from the outside.

Mr. Speaker, it is the job of the elected officials to strike the right balance between non-military and military commitments when the time comes to pass a budget. I believe the President's budget proposal has tipped that balance away from forcefully addressing our urgent economic and other domestic problems such as drugs, education, environment, and protecting our senior citizens.

The President has called for a 2.6 per cent decrease from the 1990 level, once the effects of inflation are taken into account. I applaud the President for understanding the importance of reducing the military budget, but as Senator SAM NUNN, chairman of the Senate Armed Services Committee, said last week, the Defense Department has failed to develop a new military strategy in response to the changes in the Soviet Union and Europe.

Testifying before the House Armed Services Committee on March 1 of this year, CIA Director William Webster said: "Revolutionary changes are sweeping what we once called the Soviet bloc of nations. Communist parties and Marxist doctrines are collapsing or already lie in ruins * * * as these upheavals continue to gain momentum they will be progressively more difficult to suppress. In fact, the changes are probably already irreversible in several critical respects: Perhaps most importantly, there is little chance that Soviet hegemony could be restored in Eastern Europe."

Mr. Speaker, I would be the last person to support any defense plan that was unworthy of the label "defense." A strong, capable defense is fundamental in the protection of our freedoms. But I call out for some common sense. After 10 years of extremely high military spending and with revolutionary changes in the heart of our adversaries camp, how can the President not allow a peace dividend?

I believe the President needs to take a closer look at how much we spend on defense in comparison with our allies. Western Europe and Japan spend far less per capita on their own defenses then we do. Our resources are being devoted to countries around the world that have as strong or even stronger economies than we do and yet they spend less on defense. Is it any wonder that our economy is lagging in the arena of international trade? Why does the President plan on closing down mostly domestic military bases

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while proposing to build a large base in Italy?

Besides simply reducing the military budget further, we need to restructure our priorities. Why are we spending billions of dollars on extravagant weapon systems like the B-2 bomber and SDI when we have soldiers that can barely read at a fourth grade level? As the nuclear threat diminishes with further arms control agreements, we must pay more attention to the quality and readiness of our conventional force structure. With the reduction of American Forces in Europe and in Asia, the Reserves and the National Guard should play a greater role.

Mr. Speaker, we can no longer push problems like the budget deficit under the rug, because soon our rug will be repossessed. By restructuring our priorities through burden sharing with our allies, eliminating funding for unnecessary programs, and improving the quality of our conventional forces, Americans can maintain confidence in our national defense.

Mr. LIPINSKI. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. SANGMEISTER] for his very insightful comments here in regard to our national defense situation. I would like to now express my feelings along those lines.

There's something curious about the monumental tides sweeping through the Soviet Union and Eastern Europe in recent days and months. These movements of global change seem to stop short of the United States shore.

Nowhere is this barrier against meaningful change more apparent than the administration's defense budget projections. With President Gorbachev unilaterally cutting conventional forces, with Soviet troops being removed from newly democratic nations like Czechoslovakia, the world's military theaters are drastically changing. While it seems obvious that the U.S. military mission, and its budget, should be changing as well, the Bush administration has yet to see this reality.

It is time Congress and the White House work together to do what is right—gradually cut defense spending to reasonable and necessary levels, reflecting today's realities. This should not be done to produce a peace dividend to spend at home—although it will eventually free up resources.

It should not be done under the premise that military power is obsolete and economics is all that matters—although this fundamental redirection is underway. Rather, we should reduce defense spending because it is the logical and reasonable step to take militarily, and because it reflects the world's new realities.

The framework for military spending has changed at an alarming pace. Throughout the 1980's, the United States was involved in an ideological battle with an aggressive Communist empire. I was a proponent of the consolidation of American military power under the Reagan administration. I believe a strong military was essential to containing Soviet expansionism in the Third World and played a vital role in the recent liberalization of Eastern Europe. For 50 years, the United States military mission justifiably focused on containing Soviet Communist influence by matching Soviet military power, and matching Warsaw Pact military preparedness with NATO firepower.

But with the demise of Communist governments in Poland, Hungary, Czechoslovakia, and East Germany, the Warsaw Pact is defunct. Not only is the threat of Soviet military aggression vanishing because of political realities under Gorbachev, given the state of the Soviet economy, the threat of the Soviet Union mounting a potent attack on the West is largely folly.

Soviet troops would first have to battle through Eastern European democracies. In essence, America's national security interests can now be defined as promoting stability rather than preparing for confrontation. The ideological goal of combating communism can be replaced by the goal of nurturing democracy.

The change in framework from providing for stability rather than confrontation is subtle, but the implications for U.S. military priorities are profound. Containing communism focused on maintaining destructive nuclear powers to match the Soviets', maintaining a huge conventional army in Western Europe to match the Soviet standing army in Eastern Europe, and constantly modernizing conventional and strategic weapons of every sort. Nurturing democracy changes the focus considerably: The United States must still have a sufficient nuclear deterrent while continuing arms control reductions. We must maintain some troops in Western Europe for stability, while concentrating on light, highly mobile troops to react to global hotspots. But in nurturing democracy, the nonmilitary American role will prove far more important than military strength. Given the goal of promoting stability and nurturing democracy, it is in the United States best interest to spend less on the military, more on economic initiatives to stabilize new democracies, and more on solving our domestic problems and increasing America's international competitiveness. The U.S. defense budget must reflect these realities.

I do not take defense budget reductions lightly. But clearly the military mission must be restructured: There's no longer any sense in preparing United States troops in West Germany for an East German attack, let alone stationing short-range nuclear weapons there which can only reach Eastern Germany. So the budget must be restructured.

STRATEGIC FORCES

I find the choices to be made in the strategic nuclear weapons realm are the least difficult. Now more than ever, the primary role of nuclear weapons is deterrence. The desire for first strike capability is an irresponsible holdover from the most bitter days of the cold war. Rather than modernize existing forces and continuing to build new attack power, we should decide what strategic forces are the optimal deterrents and ensure their effectiveness. And as long as we maintain our highly effective deterrent, ambitious arms control agreements should place everything else on the table.

In general, arms control agreements are a vital complement to sizing down our strategic forces because they codify changes in force levels for the future, guarding against changes in Soviet leadership.

As for me, I find the U.S. submarine-launched ballistic missiles the ultimate deterrent. In the theoretical realm of nuclear confrontation, our nuclear submarines not only assure retaliation, but provide our most potent strategic offense. So, I feel the maintenance of our existing fleet of 17 LA-class subs, and perhaps biannual production of new subs, is the key to U.S. deterrence. Our LA-class fleet holds 3,264 nuclear warheads. Since START negotiations will likely limit the superpowers to 4,900 warheads, subs fill the majority of the U.S. quota. The submarine nuclear force should be complemented by highly accurate land-based ICBM's.

Beyond maintenance of our SLBM's and some ICBM's there is little need for strategic modernization and new projects. Although the Soviets have mobile ICBM's in the SS-18 and SS-20, those weapons do not approach the mobility and secrecy of subs. The United States should continue an uphill struggle to eliminate mobile ICBM's through arms control, there is no need to mobilize our ICBM's. If Congress failed to fund Midgetman and the MX throughout the 1980's, I am sure we can afford to drop those programs in the 1990's.

Most importantly, Congress should use common sense and halt the production of the untested and tremendously expensive B-2 Stealth bomber. B-2 proponents argue that it can destroy mobile targets, which the Defense Department cannot verify. They say it assures retaliation after the doomsday first strike, which is unimportant because subs do as well. The argument for a conventional role for the Stealth shows just how unclear and unnecessary the B-2's mission is. I am a cosponsor of HR 3978 which would halt B-2 production. This approach is a way to save $70 billion without undermining the needs and mission of our Nation's defense.

Finally, the strategic defense initiative would require the United States to withdraw from the ABM Treaty if ever deployed, which would certainly be a step in the wrong direction. Frankly, star wars served its purpose—along with the rest of the Reagan military buildup, it spent the Soviet Union into the ground. The Soviet Union can no longer afford massive offensive modernization programs, and we should move toward strengthening ABM agreements not spending billions on the slight chance of deploying SDI. Once again, the Defense Department's change in concept toward "Brilliant Pebbles" calls into question the reality of SDI's original form and goal.

Satellite or space-based strategic defense can be continued as a small part of overall defense technological development, but the dream of SDI deployment should be abandoned. Again, because it's unnecessary.

CONVENTIONAL FORCES

After guaranteeing a strong nuclear deterrent, we move on to the tougher task of American troops and conventional forces. Although high-profile projects like SDI and the B-2 justifiably attract a great deal of attention, it is important to remember the enormous costs of maintaining a large standing military. The traditional support for large conventional forces is even more engrained than the high-technology system needs of the military-industrial complex. Once again, I point to worldwide political and military realities to justify restructuring our conventional military priorities.

The Soviet Union has begun to withdraw significant numbers of troops from the Warsaw Pact nations, and many countries have made it clear they will demand all Soviet troops end the occupation of their homeland. Gorbachev began with unilateral cuts almost 2 years ago. Like recent world events, the Soviet troop cuts have accelerated. The fact that Gorbachev has accepted a higher number of NATO troops over Warsaw Pact troops in Europe highlights that Soviet plans for a conventional attack on the West do not exist. Furthermore, the CIA has recognized that the warning time for a Soviet attack on the West has increased dramatically and will continue to rise.

Needless to say, our conventional forces need not maintain the mission of preparing for a ground war in Europe. Just as we do not need to modernize missiles designed to reach the eastern part of Germany from the western part of Germany, the United States should not keep 250,000 troops in West Germany. President Bush has supported troop levels of 195,000. I do not believe we should create magic numbers like 195,000 or 100,000. Rather, if a NATO country would like American troops to remain, we can arrive at a reasonable number. The same process should apply to Korea. But if our allies like the security offered by American troops, I would like them to help the United States sustain our troops abroad.

If America transfers the military expenditures of keeping troops in Europe toward industrial and technological funds to enhance U.S. economic competitiveness, the United States will still maintain a great presence in those countries. However, the American profile will be in the form of economic power rather than military presence. This is a move that must be made, the sooner the better.

In the short term, the United States can cut troop levels in Europe by 50 percent, and then arrive at permanent levels in cooperation with our allies.

Our large standing army abroad should be changed to lighter, highly mobile forces prepared to react to "hot spots" worldwide. Light, moble forces will best serve stability worldwide, whether in Central America, the Persian Gulf, the South Pacific, or Europe. So our budget priorities should be redirected toward short-term, low intensity conflicts, concentrating on mobility, sealifting and airlifting capabilities, not tanks or troops abroad. Reserves will play an ever greater role in military preparedness. A light, potent force should be complemented by increased concentration on intelligence. Increasing intelligence capability is naturally compatible with decreasing the number of standing troops in Europe, and will aid adequate military preparedness.

In general, the time will soon be upon us when we must make real decisions on our national defense priorities. We must make choices of what is militarily necessary, not rely on accounting gimmicks or "management improvements". Secretary Cheney's defense plan, which supposedly includes heavy cuts, does offer some inflation-adjusted decreases. But observe that the administration's 1990 budget is 32 percent larger than the fiscal year 1980 budget. The 1995 proposal would still be 22 percent greater than 1980. Those numbers are adjusted for inflation.

As a proponent of strong and necessary defense who has closely examined global changes, I am prepared to undertake significant reductions in defense budget. I believe we should halt B-2 production, the MX, Midgetman, and Lance modernization. We should not allow the Department of Defense to build a new Air Force base in Italy while decreasing United States troops in Europe and closing bases at home. We should maintain an adequate light conventional force for stability.

Quite simply, the world has changed, and the United States will serve its interests best by taking advantage of global military change, redirecting our resources to a stronger, more competitive America and nurturing democracies worldwide.

I realize the process of restructuring the military budget will be gradual. In order to be fair and successful, it will include defense conversion to redirect defense firms toward successful commercial ventures. It should include educational and training benefits to displaced soldiers. This conversion will take time. Nevertheless, 1990 is the time to begin making the hard choices.

If we continue to put off these choices, we continue to ignore the realities of a changing world. It is time that Congress make changes in the Soviet Union, Eastern Europe, and all the world for the benefit of the American people. Nowhere is this more clear than in the defense budget, and its time for action.

□ 2010

TEXT OF SPEECH OF JACK MOSELEY

The SPEAKER pro tempore (Mr. HATCHER). Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, last week, I came on the floor of the House to ask my colleagues to join me in paying tribute to one of the leaders of the Baltimore business community, Jack Moseley.

Since 1982, Jack has served as the chairman of the board, president, and chief executive officer of the United States Fidelity and Guarantee, a prominent Baltimore-based insurance firm.

I chose last week to come to the floor and pay tribute to Jack because last Wednesday, the Sellinger School of Business and Management at Loyola College honored Jack as their "Business Leader of the Year for 1990."

There is certainly no one more deserving of this honor than Jack Moseley, who has been an anchor in Baltimore's business community for so many years.

There are very few people in Jack's position who give so much of their own personal time and resources to help other people. Jack serves on the boards and is an active participant in charitable and civic organizations too numerous to mention.

On Wednesday, at his award dinner, Jack again showed his selflessness and commitment to others by dedicating his remarks to what he so rightly points out as one of the biggest problems facing our Nation today: The in-

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adequacy of many aspects of our educational systems.

Mr. Moseley's comments were very timely and appropriate, and hit at the crux of the problems plaguing education of the United States. I would like to share his thoughts with you because they are so on target and I think they would be of interest to every Member of this body who shares my concerns about education.

Because Mr. Moseley's message is so vital to the most important foundation of our Nation, I have chosen to present it orally here this evening.

Loyola's choice of "Business Leader of the Year 1990," Mr. Speaker, started off his remarks with a few statistics that bluntly stake out what ought to be an overriding concern for business well into the next century.

> America's literacy rate ranks 48th out of the 149 nations.
>
> Of the 15 most developed nations, our students placed 14th in algebra and last in biology.
>
> Nearly half of our 17-year-olds can't perform junior high school math—and a third can't calculate change from an order at MacDonald's.
>
> 700,000 functional illiterates receive a high school diploma each year—and another 750,000 have already dropped out of the same class by graduation.

Mr. Speaker, that means that 1½ million students a year are just not making it—a very high number.

Continuing Mr. Moseley's remarks, he pointed out:

> There's an expert around each corner who can tell you how we got there. But certainly a big part of the blame belongs to my generation who mistook the fading economic momentum from the 1950s and 60s for the enormous productivity demanded for the 1970s and 80s. It was my generation that failed to prepare our children for the enormous changes that the world would take—and to warn of the terrible challenges that now face our grandchildren as they enter school. We didn't keep turning the screws on quality—and efficiency.

Mr. Speaker, Mr. Moseley emphasized that:

> We failed to check the spread of the education bureaucracy—and the great experiments that went awry. We raised a generation to believe that a good education was an American guarantee. That if you paid your taxes and made sure Johnny had all his books when he left the house, he'd get a good education.
>
> I sometimes wish we could have a bloodless war—or a depression that didn't deprive for long—just to confront this country with the tough realities the rest of the world knows all too well. That the difference between surviving and excelling is a national conscience born of the fear of hard times.
>
> We're raising kids who get most of their history from Erol's Video—kids who find the amazing rush of events abroad of little interest because they have no basis to measure them. Forty percent of America's high school seniors think that Israel is an Arab country. They don't know where the Berlin Wall came from. They don't know that Russia was our ally during World War II. Too many can't even tell you when, and over what, the war was fought—the war that established the world's political and economic mosaic over the last half century.
>
> At its worst, America's education system—from the White House to the one-room schoolhouse has long validated failure. We have lowered the bar to a point where the least qualified can jump over. Hundreds of thousands of functional illiterates cross the stage each spring to be handed a diploma—to have their ticket stamped by a system that is too clogged with bureaucracy and tedium to say "no." Why? Because saying "yes" to mediocrity is much easier.
>
> And the problem gets passed on and on—from one grade to the next—until it's too late to start over—until we've sentenced another kid to the dark side of society, unable to make a good life for his family, never mind for the world around him.
>
> That's a terrible indictment of our public schools, but the statistics have already begun to eat away at our national strength. It's the old story of the kingdom being lost for lack of a horseshoe nail. Excellence starts at the bottom. A corporation is not better than the last employee hired to do the least job.
>
> At USF&G we know that to fill a clerical job we'll have to sort through 100 applications to find five with promise—and that of those five, only one will truly have the skills to do the job. That's one in one hundred. That's why we're now running TV ads to do our recruiting. For a company that's made its reputation of foresight and service, that's a grim statistic.

That is a shocking figure, Mr. Speaker: One out of 100. I have heard from other companies in New York and elsewhere that interviewed 60,000 persons to get 3,000 qualified persons—almost the same proportion as at USF& G. Banks report similar startling numbers in searching for good employees. The Loyola honoree continued:

> And it's not only at the entry level, we interview too many applicants coming out of good colleges with good grades who speak poorly—and write worse. We're not looking for actuaries who can quote Wordsworth—but we want someone who has the ability to think, and the pride to present thoughts clearly.
>
> And the demographics of America hold little promise that things will get better—unless we make some radical changes in our standards. Over the next decade fewer kids will be going to school. Fewer adults will enter the workplace. Fewer jobs will open to marginal workers.
>
> A recent study shows that five years ago non-military jobs required an average language proficiency of 3 on scale of 1 to 6—typical of skilled construction workers or retail clerks. Today, tests reveal that the average young adult in America is reading at a 2.6 level. Jobs, like telephone operators or assembly line workers, now require a working knowledge of computers.
>
> And the odds of matching workers to jobs will continue to shrink—unless we can convince kids that a first rate education is worth all the work—and that we have teachers and the facilities (and the system) in place to give them the education they're willing to work for.
>
> The alternative is for corporations to get into the education business. By one recent count, American business is spending $50 billion a year on training employees—and half of that is spent to train entry level employees rudimental skills—from reading to using a keyboard to how to dress.
>
> At USF&G we conduct a similar program for some of our employees called I CAN. But we shouldn't be in the business of education. The economy and our stockholders are much better off if we stick to what we do best—and that's providing insurance and financial services.

He continued:

> The solutions? I would only raise a few ideas that may not sit well with the education establishment.

His suggestions for solutions are:

> First, we ought to raise the walls around an education—to make it harder to get from one grade to another—to make it harder to get a diploma. When confronted with a 10-foot wall, most people figure there's no way over—and give up trying. But a few find a way over—because the wall is either blocking something they want—or they simply want to see what's on the other side.
>
> We've got to urge our educators to build higher walls. And we've got to convince our kids to want to climb them.
>
> America simply has to ask more of its teachers. And parents have to ask more of their kids. Standards have got to be raised—and they have to be uniform. We can't afford the great disparity that pervades our education system—where two schools with the same budget turn out students of a very different caliber. We can't tolerate two math teachers—teaching side by side on the same corridor—with one class excelling on standard tests—and the other class flunking. The walls that divide success and failure have to be the same height.
>
> Raising standards will be a shock to poor students who have been passed along from one grade to the next because the system is designed to keep everybody moving. At first, the failure rate will be high. It will take some time to convince our children and grandchildren that they've got to climb the wall by themselves—that nobody's going to come along with a ladder. It's going to take time to find the best teachers—and free them up to teach, rather than keep order.

He cited an interesting perspective on education from California businessman William J. Hume:

> According to the Gallup poll, most parents think that their children are doing well; and, in general, they are satisfied with their schools. Other schools may have trouble but not their school.

And then Mr. Hume asked:

> Why is there no national perspective at the local level? Who is telling the parents that their children are doing well? The school district. What standard of performance is most commonly given to the parents? The report card. What does the report card do? Compare one child's performance with another's in the given class. Where is the comparison of the child's performance at the local level versus National and International standards? There is none, and therefore there is no focused attention of the parents on the larger picture.
>
> Ultimately, standards will be a combination of the perceived needs of business and society. Standards have to be driven by what you want the final outcome to be; i.e., what educational attainment, what skills and knowledge, do you want the 12th grader to possess?
>
> "Standards by themselves will not cause the educational establishment to change.

> "Assessment mechanisms must be developed at the same time as standards and goals are developed."

Mr. Moseley's comment was:

> If I've learned one thing in this free country of ours, it's that you may not get everything you want—but you certainly won't get more than you demand. And we've got to demand higher standards up and down the line.

His second suggestion followed this statement:

> A lot of money doesn't guarantee a good education—any more than a big bat makes a good hitter. America today spends more per pupil than any other country in the world, yet over the last quarter century, education performance has dropped. It's how the money is spent that counts. Heaping millions of dollars on an already top-heavy administrative structure just creates more paperwork for teachers. Nor does more money have much effect on classroom teaching. For years, studies have concluded that higher salaries don't make better teachers.
>
> And third, I think this country ought to treat education like a job—as if kids were going to work from first grade on.
>
> Today I'm more convinced than ever that education ought to run on the same track as free enterprise—with the same challenge and the same promise. If you work hard—if you have a better idea—if you're willing to compete against the best—then there ought to be just compensation.
>
> There ought to be the very real understanding that earning high marks in school is an automatic promotion that carries all the way through life. That to do well in school opens the doors wide open to a good job—not just a well-paying job, but a job that demands your best. We've got to convince our kids that from good education flows respect—and the great satisfaction of giving back a part of that education to society.
>
> As the head of an American corporation, I have the obligation to produce the best product and the best return to our shareholders. We've got fine and talented people at USF&G—many of them from this very college, sitting here in front of me. But my successors will have a terrible time maintaining today's performance unless we change the course of education in America.
>
> As bleak as the statistics are across the country, I sense an awareness—and a turning. There's no reason—other than apathy—why America cannot graduate the finest students in the world. We've met tougher tests. But it's going to take all of us pushing for higher standards and a new work ethic. And it's got to start now.

Mr. Speaker, I think its very evident that Jack Moseley's remarks were not only very well thought out and reasoned, but from the heart.

Who would better know about the status of the education that our young people are receiving than this man who gives so many of them their first job out of school?

If Jack Moseley is concerned about this problem as it affects the future of his corporation, how much more concerned should we be as Members of Congress, whose responsibility it is to find ways to improve upon our educational system.

I urge each of my colleagues in the House to read and reread the text of Jack Moseley's remarks in the Congressional Record, because they are so accurate and so timely with respect to a crisis that we must open our eyes and face.

And finally, I would again like to recognize and commend my very dear friend, Jack Moseley, and thank him for his excellent presentation, and a job well done.

TWO VISIONS OF CHILD CARE: STENHOLM-SHAW VERSUS HAWKINS-DOWNEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. McEwen] is recognized for 60 minutes.

Mr. McEWEN. Mr. Speaker, tomorrow we are expected to vote on two competing child care bills which represent dramatically different approaches in meeting the child care needs of America's families. The gentleman from Texas [Mr. Stenholm], a Texas Democrat, and the gentleman from Florida [Mr. Shaw], a Florida Republican, are cosponsors of the bipartisan Family Choice and Child Care Improvement Act, H.R. 4294, which gives parents the right to choose the child care setting they wish, including child care that includes religious activities.

By contrast, two Democrats on the other side of the aisle, the gentleman from California [Mr. Hawkins] and the gentleman from New York [Mr. Downey], have cosponsored legislation similar to the measure they introduced in the House in the last session. It would limit severely parental choice and effectively prohibit the funding of child care programs with any religious activities.

Now, the President has said that he will veto any child care bill which fails to guarantee real parental choice as embodied in our Stenholm-Shaw substitute.

☐ 2040

The two House bills are headed toward a showdown on the House floor because they are irreconcilable. The Hawkins-Downey approach reflects the belief that social service bureaucrats in Washington, not parents, should choose how children are raised. It seeks to replace religious values and institutions with secular values and institutions by using tax dollars to help the secular institutions and to penalize the religious institutions. Because this approach is so unpopular with grassroots Americans, the Hawkins-Downey bill is expected to be rushed to a vote with little opportunity to debate its provisions.

In fact, Mr. Speaker, the print was not made available until just a matter of minutes or a couple of hours ago. The Stenholm-Shaw bill, however, was introduced on March 15, and enjoys broad bipartisan support. Over 2 years after the better child care bill was introduced, placing child care on the national agenda, the Stenholm-Shaw bill attracts the broadest public and political support because it is the only child care proposal that respects fully parents' rights to raise their children free from State interference.

Well over 90 percent of American preschoolers are in the care of their parents, relatives, neighbors, or church-based programs. The Stenholm-Shaw bill respects the wishes of the vast majority of parents who have made these child care choices; the bill thus ensures that Federal assistance is available to all parents. The liberal left approach, by contrast, ignores parental preferences. Its main concern, it seems, is to fund child care arrangements that meet with the needs of such special interests as the National Education Association, State child care bureaucrats, and child development professionals.

There are four key principles to sound legislation to help American parents raise young children.

No. 1, a Federal child care bill must guarantee that all parents assisted by the program have the right to choose who cares for their own children and to determine the moral and religious principles by which their children will be raised. Each parent must be guarantee choice among a wide variety of providers, including grandparents, neighbors, private sector and public sector day care centers, and churches.

No. 2, a Federal child care bill must guarantee that parents will be able to use government assistance at religious day care providers, including those that offer hymns, prayers, and Bible stories as part of their child care programs.

No. 3, a Federal child care bill must preserve diversity among child care providers. The current child care system is composed primarily of neighbors, churches, and private sector day care providers, such as the 4,000 Montessori centers throughout the United States. These facilities should not be driven out of business by unfair competition from a new taxpayer-subsidized government day care system. The key to preserving his diversity is to guarantee parental choice rather than to provide arbitrary support only to those parents whose children attend public sector or government-sponsored day care programs.

No. 4, a Federal child care bill should not create a bloated new day care bureaucracy nor expand Federal regulatory control over day care.

The Stenholm-Shaw bill meets all four of these fundamental criteria. The Hawkins-Downey substitute on the other side, the liberal left provision, violates all four.

The Stenholm-Shaw bill guarantees parental choice among a wide variety

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of care givers; the Hawkins-Downey bill effectively prohibits choice as it allows bureaucrats and special interests, not parents, to determine how children will be raised. The Stenholm-Shaw guarantees assistance to parents who want child care that includes religious activities for their children; the Hawkins-Downey bill will effectively deny assistance to these families. The Hawkins-Downey bill establishes a new government day care system in the public schools, subsidized by taxpayers, which ultimately will drive most private and religious day care program out of business because they will be virtually denied government funds and will be unable to compete against this new subsidized public day care system.

Mr. Speaker, my colleagues and I know what has happened to the educational system in the last 20 years. Many of us believe that private choice should be protected for those that are not into school yet and that are still under provisions of family choice day care. Under the provision that will be on the floor tomorrow from the leadership, what they choose to do to young children in day care is what they have done to America's educational system in recent years.

Mr. Speaker, our bipartisan Stenholm-Shaw bill has three major provisions.

First, the bill increases by $2¼ billion Federal grants to the States for child care over 5 years through the existing title XX program, also called the social service block grants, which now gives the States almost $3 billion per year for child welfare, job training, child care, and other social services needs. The Stenholm-Shaw bill restructures the title XX program by ensuring that all parents receiving Federal child care assistance have the option of obtaining a child care certificate that enables them to choose who cares for their child.

Second, the Stenholm-Shaw bill expands the existing earned income tax credit, which supplements the take-home wages of low-income parents, including those parents that care for their own children in the home. The bill also contains a new Infant Child tax credit, with a maximum value of $430 per year for low-income mothers caring for their own children under age 1 in the home.

Third, the Stenholm-Shaw bill offers an additional authorized expenditure of $3.2 billion over 5 years for Head Start.

Those of us who support Stenholm-Shaw argue that moderate-income and poor parents, as well as rich parents, should be able to choose how their children are raised. The child care programs of our bill thus have been designed to guarantee parental choice. The Stenholm-Shaw title XX program expansion allows State governments to provide grants to day care centers to increase day care supply in areas short of day care facilities. States may even use funds to provide day care in public schools. But, ultimately, parents will decide who cares for their own child. Each parent assisted under the title XX program has the option of receiving a day care certificate; if they do not like the government-selected day care program, they may choose to use the certificate from the government to reimburse a provider of their choice.

The Stenholm-Shaw bill contains three indispensable parental choice provisions, all absent from the liberal left position. Under Stenholm-Shaw, each parent receiving assistance is:

One, guaranteed the right to a certificate;

Two, guaranteed the right to use the certificate among a wide variety of providers, including grandparents, neighbors, churches, and private sector day care programs; and

Three, guaranteed the right to use certificates in child care programs that include religious activities.

Now States will retain the freedom to determine at what income levels families become eligible for title XX assistance. As in existing law, the Stenholm-Shaw bill gives States the right to set standards for care givers receiving certificates.

Mr. Speaker, the State sets the standards, not Washington bureaucrats, but no State could prohibit parents from using these certificates for whatever they were to choose.

The Stenholm-Shaw provisions are designed to accommodate the way American parents now use day care. Some 65 percent of childen under age 5 are cared for by parents in the home. Another 11 percent are cared for by aunts and grandparents while the parents are employed, an arrangement favored by inner-city families. Another 13 percent of children are cared for by small, informal providers, generally neighbors caring for one or two children in their own homes.

Another 11 percent of children under age 5 are cared for by small, informal day care centers. Among these day care centers some 80 percent are for-profit, private sector programs or churches.

The Stenholm-Shaw title XX parental choice provisions also respect the parental preferences revealed by polls. Most parents prefer parental care for their children. When parental care is not feasible, parents prefer: first, care by relatives; second, care by friends and neighbors; third, care by churches. All of these real preferences of parents are incorporated into our bill which will be on the floor tomorrow, but they are excluded by the Hawkins-Downey leadership provisions that will be up tomorrow as well. Only 6 percent of parents would prefer to place their children in the secular day care programs which would be the primary recipients of the funds under Hawkins-Downey.

The Hawkins-Downey ABC bill purports to solve the alleged problem of a widespread shortage in day care. In fact, many existing day care programs have vacancies. Examples: the major day care chains, La Petite Academy, Gerbers, and Kindercare, have average vacancy rates nationwide of 25 percent. In fact, the Boston Globe reported this month that "throughout the country, day-care providers are facing an excess of slots, notably at the preschool level." Child care expert Gary Neugebauer, publisher of The Childcare Information Exchange, estimates that there are two licensed day care slots for each child actually enrolled in day care.

□ 2050

Now, while the Supreme Court has held that the Government may not give funds directly to institutions engaged in religious activities and instruction, it also has ruled that the Government may give funds to individuals who in turn use these funds in those religious institutions.

Example: An elderly person receiving Social Security from the Federal Government may place these funds directly in the collection plate of any church or synagogue without violating the separation of church and State as prescribed in the first amendment. The G.I. bill, moreover, has provided benefits to millions of veterans to attend public and sectarian educational institutions.

Similarly, the Supreme Court has ruled in Mueller versus Allen and Witters versus Washington Department of Services for the Blind that if the Government gives educational assistance to individuals through mechanism like tax credit or vouchers, the individual may freely use those funds for education that includes religious instruction. The court has held that as long as the individual, not the Government, determines where the funds are used, the separation of church and State has not been violated. These rulings make the provisions in the Stenholm-Shaw bill with respect to child care in religious settings constitutionally sound.

Last year's Hawkins-Downey bill, which passed the House on October 5 as placed in the Omnibus Budget Reconciliation Act was in effect nullified when the House and Senate agreed to strip all nonbudgetary items out of the Budget bill. The original bill virtually prohibited parental choice. The bill's public school day care program, which would provide child care assistance to families earning up to $33,000 per year, prohibited choice completely. The title XX provisions allegedly permitted choice by allowing States, in accord with their law, to offer certificates to parents, but States were free to prohibit choice completely under the program if they wished. The result: choice under such a system would have been very limited at best. The reason: under the current title XX program nearly half the States offer no certificates at all. Instead the bureaucrats select which day care programs receive the subsidies. In those States that offer certificates, the certificate programs generally are very limited. Only two States offer certificate programs statewide, programs often are restricted elsewhere to a single county; nor do the certificates themselves offer true choice to parents. In most cases, the certificates can only be used with one or two day care centers that are selected by the bureaucrats.

Now, advocates of the leadership bill coming up tomorrow from the left and supporters of the original Hawkins-Downey bill claim that their legislation permitted churches to participate in federally-funded day care programs. This claim was misleading because the public school day care program prohibited religious activities entirely, and we know that. The other day care programs permitted churches to receive funds only if the church purged itself of all religious content, such as prayers, hymns, bible stories, or anything else from its day care program.

The public school programs and the day care programs under titles III and IV of the ABC legislation expressly prohibited funds from being used for day care which included religious activities. The title XX section did not contain an explicit prohibition, but instead maintained "silence" on religion. Yet since neither DOWNEY nor HAWKINS said that they intended title XX certificates to be used for day care that included religious activities, and since the "silence" provision was offered an alternative to explicit provisions which we preferred in other bills, courts would have been forced to conclude that it was the intent of Congress in enacting this provision that we expected to prohibit such use or we would have stated otherwise. Many nonchurch private sector day care programs also have religious activities and they, too, would have had to be purged from their programs as well.

The swell of popular support for our provisions over the last week apparently has convinced the sponsors on the other side that it will be difficult to pass legislation tomorrow overtly restricting parental choice and discriminating against parents who wish religious care for their children. So in order to make their bill appear more palatable, they have incorporated two "choice" provisions in their bill. While their bill's $2.5 billion public school child care provision will prohibit choice altogether, my colleagues have altered the title XX section to contain provisions borrowed from the Senate, including: First, a guarantee that any parent receiving assistance under title XX has the option of receiving a certificate instead of placing the child in a government-selected child care center subsidized by direct grants.

Second, a statement which would authorize States to permit parents to use certificates that include religious activities, but would not guarantee parents this option.

Let us look at both of these. At first glance these provisions could improve this year's bill. At second glance, the improvement dissolves. Even with the Senate provisions, the Hawkins-Downey title XX program will not guarantee parental choice. In reality, choice will be severely limited. This would be so for four reasons:

First. While the Stenholm-Shaw bill guarantees that parents could use certificates with a wide range of providers, the "new" bill that was introduced today will not. Permitting the States to restrict the parents' use of certificates to one or two child care centers offered almost no real choice. Since the majority of existing certificates under the title XX program appear to be limited in this manner, therefore even with the addition of the Senate language the Hawkins-Downey bill will not guarantee choice.

Second. While the Stenholm-Shaw bill guarantees that parents assisted under title XX are free to choose child care by grandparents, neighbors, and private sector child care centers, the new bill would allow bureaucrats to prohibit from using certificates to pay for secular child development, to pay for a child by a grandparent. Restrictions of this sort are nearly universal under the existing title XX program.

Third. While Stenholm-Shaw gives parents receiving assistance the right to select church child care that includes religion, Hawkins-Downey, even with the new Senate language, allows States to deny assistance to any parent seeking religious child care for their children, and there is nothing in their bill that would prevent it.

Fourth. Now, while the Stenholm-Shaw bill provides all its child care funds in programs that guarantee choice, the Hawkins-Downey bill would dispense nearly half of its child care funds through a public school program that as we all know expressly prohibits choice. Over time the highly organized NEA union would press successfully to expand the public school child care program, but the title XX program, while better serving the needs of parents, will not have the organized interest to promote it, and thus the certificate programs even under the limited title XX part will remain limited, while the antichoice public school child care system will continue to mushroom.

Even if parents are allowed certificates under the Hawkins-Downey bill, restrictions would make it difficult or impossible for parents in many States to use their certificates for religious child care.

One Hawkins-Downey restriction, for example, requires State governments to impose a wide array of secular regulations on churches receiving certificates. This would create real problems in the 13 States that currently partially or fully exempt religious child care from State licensing and regulation. The States are Alabama, Florida, Illinois, Indiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, North Dakota, Pennsylvania, South Carolina, and Virginia. Churches in these States would not be willing to relinquish their present autonomy from secular regulation in order to receive certificates. The result: parents in the States would not be able to use certificates in existing religious care programs. Thus the Hawkins-Downey religious "solution" would be no solution precisely in those southern States where public concern for equal treatment of religious child care is the strongest.

A second Hawkins-Downey restriction, if the bill currently including the Senate language is passed, requires a church receiving even one child care certificate for a disadvantaged child to secularize much of its child care program. Contrary to the legal principles published in the Civil Rights Act of 1964, churches thus would be forced to replace their own religious criteria in hiring child care workers with secular standards. This, for example, would force the church to replace Sunday School teachers with individuals trained in child development and would force churches to replace administrators trained in Christian education with individuals trained in secular child development. Though some of these results might be mitigated through costly litigation, the apparently intended effect of the Senate provisions would be to profoundly discourage churches from accepting vouchers.

A third Hawkins-Downey restriction would prevent a church that receives a certificate for one child care slot to show a preference for children of their own religion.

□ 2100

A fourth Hawkins-Downey restriction would force churches that accept even one certificate to relinquish control over their employment standards throughout the entire church organization to the Federal Government. This means that churches might be required to hire alcoholics or drug users or others whose conduct violates the churches' teachings. Few churches would be willing to submit to such secular control of their internal operations. To remain independent, therefore, the churches almost surely would be forced to refuse the certificates under the Hawkins-Downey bill of which they will be speaking so boldly tomorrow.

In contrast, our bill does not require churches receiving certificates to employ persons whose conduct violates their religious tenets of their church.

In addition to restricting parental choice, the Hawkins/Downey bill would create a bloated new day care bureaucracy. For example, the original ABC bill imposed 183 new Federal mandates on State governments and local recipients of funds. Many of these new mandates such as the requirement that programs be developmentally appropriate would be expanded into voluminous detailed Federal regulations, mandated nearly 120,000 reports on day care by the year 2000, and micromanaged every aspect of State day care programs.

Now, one of the most far-reaching regulations that would have been imposed on State governments by the original ABC bill was the ratchet provision which, in my reviewing the legislation which had just come off the press this afternoon, and I have not been able to find it in their new bill, and I, of course, will know by tomorrow, but under their original bill, States receiving Federal day care funds could at any future point make their day care regulations more severe, but they could not relax any regulation without the express written approval of the Federal Department of Health and Human Services. Example: Some States require day care workers in facilities receiving State funds to have 15 college courses in child development. Under their provisions, the State could not reduce this requirement to 14 without Washington's express approval. In effect, this provision would transfer total authority for the regulation of day care from State legislatures to the Federal HHS bureaucracy, not the Congress, but to the Health and Human Services bureaucrats.

Over 60 percent of children live in States where a grandmother caring for even one neighbor's child in her own home is required to be licensed or regulated. For the most part, these State requirements are nominal with no serious attempt being made to enforce them.

This would have been changed dramatically by the ABC bill as passed last year. It required States to enforce vigorously all regulations and prohibited States from reducing the regulation scope or severity. The bill would force States to create a huge day care police to ferret out the hundreds of thousands of mothers and grandmothers who, in their own homes, care for one or two neighborhood children without government regulation and oversight.

States that failed to stamp out this unregulated care would lose their Federal funds to the entire State.

The original ABC bill not only required States to impose existing regulations on grandmothers, but also required new health, safety, and nutrition regulations on small in-home providers even when no government funds were received. Thus, under the bill, in States where nearly 60 percent of children reside, a grandmother caring for even one neighbor's child and receiving no government funds would be required to be licensed or regulated, would be forced to fill out periodic reports on the nutrition content of meals and snacks given to children.

In response to this regulatory intrusion, many of the 1.6 million women providing informal care for one or two children in their own home would be simply forced to leave the market. The original Hawkins-Downey bill mandated the creation of nearly 38,000 local day care commissions. The result of that would be to create a permanent political infrastructure funded by the taxpayers to lobby for future increases in government day-care spending as has worked so well for community action organizations, and this is typical 1960's new-age programs fit to a T, now an anachronism in 1990, and it can be and must be killed tomorrow.

This is the way it works: Create a program, fund it with Federal dollars, make sure there are all kinds of boards and commissions at every place on the local level, allow those people to use those funds or Federal dollars to come to Washington and lobby for the maintenance of that Federal spending program, because it is not their dollars, it is Federal tax dollars, and let the taxpayer pay for it. They come in, and that is what January, February, March, and April are all about; you line up at the Congressman's door, coming in pleading for more Federal dollars that are being paid for, the whole infrastructure is financed, by the Federal Government, the taxpayer, and that is who they propose to have maintain the bureaucracy for the maintenance of this new day-care lobby.

Even one of the sponsors criticized this feature of the bill, saying it showed it was concerned less about caring for the children and more about guaranteeing that there are armies of lobbyists for child care spending in the future. Yet, despite this criticism, the offending provisions remained in the original legislation.

There were even those who complained about the ratchet provision of which I just spoke, and yet it remained in there as well.

The Heritage Institute has done a great deal, the Heritage Foundation, in bringing the information about the differences between the two bills before us to the attention of the American people.

Robert Rector, policy analyst, has prepared most of the information that many of us have depended on in recent days in order to keep track of what was moving on the other aisle, because it was not available to us until just this afternoon.

I happen to believe, however, that if there were a national referendum of parents and if we asked them if they prefer a child care policy guaranteeing them a wide range of choices in how their children are raised or a policy severely limiting choice while expanding the public schools to care for their preschoolers as well, there is no doubt how parents would respond. Public opinion polls show that only 6 percent of parents would prefer to have their children cared for in secular daycare programs that would receive nearly all of the money under the liberal left program proposed tomorrow.

Obviously parents have had no role in designing the Hawkins-Downey child care bill. The bill's authors apparently believe social science professionals, and not parents, should choose how children are raised. The Hawkins-Downey bill would create a new government daycare system that prohibits or severely restricts parental choice and would drive much religious private-sector Montessori child care out of business.

This is not the case with the bipartisan Stenholm bill. It seeks to assist parents while guaranteeing that they, and not the bureaucrats, choose who will care for their children. The Stenholm-Shaw bill guarantees that those who seek religious child care are given equal treatment, and as such, the Stenholm bill serves parents and children and not the special interests.

Mr. Speaker, you know that throughout the 1960's and 1970's there was a real competition as to who could create the most boards, bureaus, commissions, and new Federal agencies and who could have them last the longest.

We have kind of gotten out of that tradition in recent years, but tomorrow we have a real test. We have a typical 1960's idea that "Washington knows best," and "The poor people that go to work every day, pay their taxes, raise their children and pull the wagon just are not quite bright enough to know how to handle things and, therefore, what we need is to have a Federal bureaucracy that will set up a Federal agency, that will set up local institutions, that will be regulated, controlled, and financed from Washington," and that, of course, we will take that person who supposedly cannot make their own decisions, and that we will take that money and finance it out of their pocket each week on Friday at paycheck time, we will take it out in taxes, and then we will fund it and say, "If you want to have day care, you go over here, and we will decide who works there and what they are taught, and God forbid that someone asks a prayer over cookies, or God forbid that there should be a Bible story told or that they should be taught some of the basic, fundamental moral values that were used in our schools, up until 20 years ago."

The parents have said, "No, we do not like that idea. We do not need any more Federal programs. We do not need any more Federal regulators. We do not need any more new ideas out of Washington. We know how to handle this. If you want to help us, then you allow us to choose on our own by lowering taxes or by giving us the voucher, and when you give us the voucher which lowers our taxes and allows us to have the wherewithal regardless of whether we work in or outside the home, we will then be able to use it in the best interests of our children."

I firmly believe that parents are the best source of deciding what is good for their own children, and regardless of the commitment of some Washington bureaucrat, they simply cannot have the care and commitment as to the welfare of a child living in Hillsboro, OH, as that parent has.

Tomorrow we will make a very simple question, and we will give a very simple answer. Will Washington decide, or will parents decide? Stenholm-Shaw says parents should decide.

The old leftover remnant ideas of the past, the 1960's, government-knows-best ABC bill can and must be defeated.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORD of Tennessee (at the request of Mr. Gephardt) for today on account of personal business matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McEwen) to revise and extend their remarks and include extraneous material:)

Mr. Crane, for 60 minutes, on March 29.

Mr. McEwen, for 60 minutes, today.

Mr. Gingrich, for 5 minutes, today.

Mr. Douglas, for 5 minutes, today and for 60 minutes on March 29.

Mr. Kyl, for 5 minutes, today.

Mr. Barton of Texas, for 5 minutes, today.

Mr. Machtley, for 60 minutes, on April 5.

Mrs. Bentley, for 60 minutes each day, on April 5, 18, and 19.

(The following Members (at the request of Mr. Poshard) to revise and extend their remarks and include extraneous material:)

Mr. Poshard, for 5 minutes, today.

Mr. Annunzio, for 5 minutes, today.

Mr. Savage, for 60 minutes each day, on March 29 and on April 3, 4, and 5.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KANJORSKI, in two instances in the Committee of the Whole, on H.R. 3847, today.

(The following Members (at the request of Mr. McEwen) and to include extraneous matter:)

Mr. Saxton in two instances.

Mr. Lagomarsino in two instances.

Mr. Parris.

Mr. Douglas.

Mr. Ballenger.

Mr. Bliley.

Mr. Porter.

Mr. Gradison.

Mr. Shumway.

Mr. Barton of Texas.

Mr. Thomas of California.

Mr. Hyde.

(The following Members (at the request of Mr. Poshard) and to include extraneous matter:)

Mr. Neal of Massachusetts.

Mr. Hamilton.

Mr. Hoyer.

Mr. Guarini in two instances.

Mr. Rahall.

Mrs. Schroeder.

Mr. Rangel.

Mr. Udall.

Mr. Donnelly.

Mr. Frank.

Mr. Ray.

Mr. Waxman.

Mrs. Kennelly.

Mr. Durbin.

Mr. Erdreich.

Mr. Swift.

Mr. Pallone.

Mr. Dixon.

Mr. Traficant.

Mr. Foglietta.

Mr. Akaka.

Mrs. Boxer.

Mrs. Oakar.

Mr. Darden.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2692. An act to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

ADJOURNMENT

Mr. McEWEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 29, 1990, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees and other miscellaneous interparliamentary groups concerning the foreign currencies and U.S. dollars utilized by them during the first, third, and fourth quarters of 1989 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Romano Mazzoli	10/28	10/29	West Germany		187.00						187.00
	10/29	10/30	Belgium		183.00						183.00
Commercial transportation							968.99				968.99
Stephen Lynch	10/28	10/29	West Germany		187.00						187.00
	10/29	10/30	Belgium		183.00						183.00
Commercial transportation							606.92				606.92
Mary Frances Uekes	10/26	10/29	West Germany		[3] 496.79						[3] 496.79
	10/29	10/31	Belgium		[3] 245.72						[3] 245.72
Commercial transportation							606.92				606.92
Diane Worthington	10/26	10/29	West Germany		561.00						561.00

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REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1989—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	10/29	10/31	Belgium		366.00						366.00
Commercial transportation							606.92				606.92
Committee total					2,409.51		2,789.75				5,199.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

JOHN J. LaFALCE, Chairman, Mar. 2, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE 81ST INTERPARLIAMENTARY UNION CONFERENCE, BUDAPEST, HUNGARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 11 AND MAR. 19, 1989

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John Conyers	3/11	3/19	Hungary		1,454.99		[3] 2,567.49				4,022.48
Hon. Martin Frost	3/11	3/19	Hungary		1,160.00		[3] 2,567.49				3,727.49
Delores Snow	3/11	3/19	Hungary		960.00		[3] 2,567.49				3,527.49
Julie Ilsley	3/11	3/19	Hungary		960.00		[3] 2,567.49				3,527.49
Martin Sletzinger	3/11	3/19	Hungary		1,065.89		[3] 1,283.75				2,349.64
William Long	3/11	3/19	Hungary		1,060.48		[3] 2,567.49				3,627.97
Colleen Early	3/11	3/19	Hungary		960.00		[3] 2,567.49				3,527.49
Delegation expenses:											
Control room and supplies					1,875.18						1,875.18
Official meals					1,676.26						1,676.26
Local transportation							900.00				900.00
Embassy personnel, drivers (overtime-American and FSN)									286.56		286.56
Miscellaneous									690.53		690.53
Committee total					11,172.80		17,588.69		977.09		29,738.58

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] DOD transportation provided pursuant to 31 USC 22A.

JAMES H. SCHEUER, Chairman, Mar. 7, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE 82D INTERPARLIAMENTARY UNION CONFERENCE, LONDON, ENGLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND SEPT. 9, 1989

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. George Brown	9/1	9/9	England		2,068.51		[3] 3,254.53				5,323.04
Hon. James Scheuer	9/1	9/9	England		1,659.25		[3] 3,254.53				4,913.78
Hon. Ben Blaz	9/1	9/9	England		2,122.49		[3] 3,254.53				5,377.02
Hon. John Paul Hammerschmidt	9/1	9/7	England		1,422.23		[3] 1,627.26				4,368.49
							[3] 1,319.000				
Donnald Anderson	9/1	9/9	England		1,971.29		[3] 1,319.00				5,225.82
Dallas Dendy	9/1	9/9	England		1,972.84		[3] 3,254.53				5,227.37
Spencer Oliver	9/4	9/7	England		786.11						786.11
Ann Fletcher	9/1	9/9	England		1,971.29		[3] 3,254.53				5,225.82
Martin Sletzinger	9/1	9/9	England		1,972.52		[3] 3,254.53				5,227.05
Julie Ilsley	9/1	9/9	England		1,922.22		[3] 3,254.53				5,176.75
Delegation expenses											
Control room and supplies					3,402.84						3,402.84
Official meals					2,260.29						2,260.29
Local transportation							5,750.90				5,750.90
Embassy personnel, drivers (overtime-American and FSN)									1,677.72		1,677.72
Miscellaneous									20.16		20.16
Committee total					23,531.88		34,733.40		1,697.88		59,963.16

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] DOD transportation provided pursuant to 31 U.S.C. 22A.

GEORGE E. BROWN, JR., Chairman, Mar. 7, 1990.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE INTERPARLIAMENTARY UNION SYMPOSIUM ON WOMEN, GENEVA, SWITZERLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 21 AND NOV. 25, 1989

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Mary Rose Oakar	11/21	11/25	Switzerland		1,500.00		[3] 635.00				2,135.00
Committee total					1,500.00		635.00				2,135.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Commercial round trip.

MARY ROSE OAKAR, Mar. 9, 1990.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2853. A letter from the Assistant Secretary of the Army (Research, Development and Acquisition), transmitting a draft of proposed legislation to authorize the use of DOD appropriations for payments under equipment operation and equipment maintenance contracts that cross fiscal years; to the Committee on Armed Services.

2854. A letter from the U.S. National Commission on Libraries and Information Science, transmitting a draft of proposed legislation to improve the operation of the U.S. National Commission on Libraries and Information Science, and for other purposes; to the Committee on Education and Labor.

2855. A letter from the Secretary of Energy, transmitting a copy of a report entitled "Enforcement Actions and Comprehensive Status of Exxon and Stripper Well Oil Overcharge Funds"; to the Committee on Energy and Commerce.

2856. A communication from the President of the United States, transmitting the report on adherence of the United States to arms control treaty obligations and on problems related to compliance by other nations with the provisions of arms control agreements to which the United States is a party, pursuant to 22 U.S.C. 2592; to the Committee on Foreign Affairs.

2857. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting the Secretary's certification and justification regarding the eligibility of certain East European countries and Yugoslavia to receive ESF funds, pursuant to Public Law 101-243, section 201(b)(1) (104 Stat. 10); to the Committee on Foreign Affairs.

2858. A letter from the Chairman, National Labor Relations Board, transmitting a report on the Board's activities under the Freedom of Information Act, during calendar year 1989, pursuant to 5 U.S.C. 552; to the Committee on Government Operations.

2859. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting the Board's annual report of its compliance with the Government in the Sunshine Act during calendar year 1989, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

2860. A letter from the Secretary of Transportation, transmitting the Department's 15th annual report on its activities under the Freedom of Information Act, during calendar year 1989, pursuant to 5 U.S.C. 552(e); to the Committee on Government Operations.

2861. A letter from the Chairman, Federal Election Commission, transmitting 35 recommendations for legislative action, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

2862. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of Defense, on Nogales Wash and Tributaries, AZ, together with other pertinent reports, pursuant to section 6 of the Flood Control and Protection Act of 1938 (H. Doc. No. 101-165); to the Committee on Public Works and Transportation and ordered to be printed.

2863. A letter from the Secretary of Veterans Affairs, transmitting a report on the extent of contractor performance of activities at VA health-care facilities during fiscal year 1989, pursuant to 38 U.S.C. 5010(c)(7) (96 Stat. 1449); to the Committee on Veterans' Affairs.

2864. A letter from the Acting Director, Office of Government ,Ethics, transmitting a draft of proposed legislation to amend the Ethics in Government Act of 1978 to increase the authorization of appropriations for the Office of Government Ethics, pursuant to 31 U.S.C. 1110; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2571. A bill to provide for the designation of certain national wildlife refuge lands as wilderness in the State of Arizona; with an amendment (Rept. 101-435, Pt. 1). Ordered to be printed.

Mr. FROST: Committee on Rules. House Resolution 368. Resolution providing for the consideration of H.R 3, a bill to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes (Rept. 101-436). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 369. Waiving certain points of order against consideration of H.R. 4404, a bill making dire emergency supplemental appropriations for disaster assistance, food stamps, unemployment compensation administration, and other urgent needs, and transfers, and reducing funds budgeted for military spending for the fiscal year ending September 30, 1990, and for other purposes (Rept. 101-437). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DONNELLY (for himself, Mr. MOAKLEY, and Mr. FRANK):

H.R. 4405. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for fees for sewer and water services; to the Committee on Ways and Means.

By Mr. DYMALLY:

H.R. 4406. A bill to ensure participation of disadvantaged business concerns in Federal contracts, and for other purposes; jointly, to the Committees on Banking, Finance and Urban Affairs; the Judiciary; Government Operations; Education and Labor; and Post Office and Civil Service.

By Mr. ERDREICH:

H.R. 4407. A bill to require Federal, State, and local law enforcement agencies to report all cases of missing persons under age 18 to the National Crime Information Center of the Department of Justice; to the Committee on the Judiciary.

By Mr. FLIPPO (for himself, Mr. SCHULZE, Mr. SUNDQUIST, Mrs. KENNELLY, Mr. ANTHONY, Mr. JENKINS, Mr. McGRATH, Mr. RANGEL, Mr. FORD of Tennessee, Mr. MATSUI, Mr. GUARINI, and Mr. VANDER JAGT):

H.R. 4408. A bill to amend the Internal Revenue Code of 1986 to make permanent the provisions permitting certain small issues of tax-exempt bonds; to the Committee on Ways and Means.

By Mr. HUBBARD:

H.R. 4409. A bill to require the Army Corps of Engineers to perform necessary channel modifications on the lower Cumberland River in the State of Kentucky; to the Committee on Public Works and Transportation.

By Mr. LEACH of Iowa:

H.R. 4410. A bill to amend the Support for East European Democracy [SEED] Act of 1989 to authorize the reduction of official debt owed to the U.S. Government by any East European country that meets certain criteria, and for other purposes; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. RUSSO:

H.R. 4411. A bill to amend the Internal Revenue Code of 1986 to impose a tax on income and gain from providing leveraged buyout and other financing to certain businesses; to the Committee on Ways and Means.

By Mr. SABO:

H.R. 4412. A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to authorize States to collect delinquent Federal income taxes and retain a portion of the amount collected; to the Committee on Ways and Means.

By Mr. SCHUMER (for himself and Mr. Waxman):

H.R. 4413. A bill to amend title XIX of the Social Security Act to provide for adjustment of payment under the Medicaid Program to hospitals with a disproportionate share of inpatients with AIDS; to the Committee on Energy and Commerce.

By Mr. SOLOMON (for himself, Mr. Walsh, Mr. Wolf, Ms. Kaptur, Mr. Hughes, Mr. Guarini, Mr. Emerson, Mr. Lagomarsino, Mr. Hastert, Mr. Murphy, Mr. Rangel, Mr. Horton, Mr. Nielson of Utah, Mr. Bustamante, Mrs. Patterson, Mrs. Collins, Mr. Shumway, Mr. McNulty, and Mr. Pallone):

H.J. Res. 532. Joint resolution authorizing and requesting the President to designate the second full week in March 1991 as "National Employ the Older Worker Week"; jointly, to the Committees on Post Office and Civil Service and Education and Labor.

By Mr. MICHEL:

H. Res. 367. Resolution electing Representative Molinari of New York to the Committee on Public Works and Transportation and the Committee on Small Business; considered and agreed to.

By Mr. DOUGLAS (for himself and Mr. Barton of Texas):

H. Res. 370. Resolution providing for the consideration of the joint resolution (H.J. Res. 268) proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

337. By the Speaker: Memorial of the Senate of the State of Michigan, relative to a review of Federal laws pertaining to asbestos and asbestos removal to make them consistent with new scientific information; to the Committee on Energy and Commerce.

338. Also, memorial of the Nitijela of the Marshall Islands, relative to the recommendations submitted to the U.S. Congress by the Rongelap Atoll local government at the November 16, 1989, oversight hearing on the safety and habitability of Rongelap Atoll; jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.

339. Also, memorial of the Nitijela of the Marshall Islands, relative to the implementation of the phase 2 comprehensive and independent study mandated by the Compact of Free Association; jointly, to the Committees on Interior and Insular Affairs and Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of the rule XXII,

Mr. SHUMWAY introduced a bill (H.R. 4414) to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Co.; which was referred to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 90: Mr. Johnson of South Dakota.

H.R. 159: Mr. Borski.

H.R. 378: Mr. Gallegly.

H.R. 567: Mr. Aspin.

H.R. 775: Mr. Valentine.

H.R. 857: Mr. Mrazek.

H.R. 933: Mr. Moody and Mr. Gaydos.

H.R. 965: Mr. Scheuer, Ms. Pelosi, and Mr. Smith of Florida.

H.R. 1136: Mr. Fazio.

H.R. 1175: Mr. Rhodes.

H.R. 1227: Mr. Parris, Mr. Tallon, Mr. Cox, Mr. Bilirakis, and Mr. Gallegly.

H.R. 1236: Mr. Mineta, Mr. Saxton, Mr. Dyson, Mr. Dellums, Mr. Miller of Washington, Mr. Boehlert, and Mr. Rinaldo.

H.R. 1381: Mr. Fuster and Mr. Rangel.

H.R. 1663: Mr. Hughes, Mr. DeFazio, Mr. Evans, Ms. Slaughter of New York, and Mr. Stokes.

H.R. 1875: Mr. Boucher.

H.R. 2202: Mr. Bevill, Mr. Lancaster, Mr. Neal of North Carolina, and Mr. Neilson of Utah.

H.R. 2285: Mr. Roberts, Mr. Wise, Mr. Foglietta, Mr. Murphy, Mr. Derrick, and Mr. Crane.

H.R. 2540: Mr. Morrison of Washington and Mr. Swift.

H.R. 2584: Mr. Carper, Mr. Smith of New Hampshire, Mr. Johnston of Florida, Mr. McGrath, Mr. Ford of Tennessee, Mr. Skelton, and Mr. Spratt.

H.R. 2787: Mr. Richardson and Mr. Shumway.

H.R. 2974: Mr. Hefner, Mr. Hancock, Mr. Akaka, Mr. Flippo, Mr. Kleczka, Mr. Oxley, Mr. Sabo, Mr. Campbell of Colorado, Mr. Manton, Mr. Nowak, Mr. Lewis of Florida, Mr. Poshard, Mr. Wolpe, Mr. Armey, and Mr. Smith of Texas.

H.R. 3123: Mr. Brown of Colorado, Ms. Oakar, and Mr. Staggers.

H.R. 3154: Mr. Valentine, Mr. Ravenel, Mr. Morrison of Washington, Mr. Fascell, and Mr. McCurdy.

H.R. 3191: Mr. Sikorski, Mrs. Lowey of New York, Mr. Neal of Massachusetts, and Mr. Espy.

H.R. 3278: Ms. Slaughter of New York, Mr. DeFazio, and Mr. Bilbray.

H.R. 3343: Mr. Gordon.

H.R. 3412: Mr. Andrews and Mr. Richardson.

H.R. 3423: Mr. AuCoin.

H.R. 3440: Mr. Herger.

H.R. 3595: Mr. Herger, Mr. Kyl, Mr. Ridge, and Mr. Parris.

H.R. 3604: Mr. Michel and Mr. Spence.

H.R. 3686: Mr. Dreier of California and Mr. Robert F. (Bob) Smith.

H.R. 3733: Mr. Frank, Mr. Fuster, Mr. Miller of California, Mr. Owens of Utah, Mr. Savage, Mr. Traficant, Mr. Valentine, and Mr. Rahall.

H.R. 3734: Mr. Lipinski, Mr. Atkins, Mr. Poshard, Mr. Rowland of Connecticut, Mr. Lewis of Georgia, Mr. Saxton, Mrs. Byron, and Mr. Hertel.

H.R. 3745: Mr. Wheat, Mr. Savage, Mr. Matsui, Mr. Torres, Mr. Dymally, Mr. Ford of Tennessee, Mr. Rangel, Mrs. Collins, Mr. Bates, Mr. Crockett, and Mr. Hayes of Illinois.

H.R. 3798: Mr. Burton of Indiana, Mr. DeLay, Mr. Parris, and Mr. Rogers.

H.R. 3852: Mr. Wheat.

H.R. 3857: Mr. Atkins.

H.R. 3895: Mr. Atkins.

H.R. 3901: Mr. Fish and Mr. Lewis of Georgia.

H.R. 3905: Mr. Gibbons and Mr. Fascell.

H.R. 3933: Mr. Torres, Mr. Brennan, Mr. Jontz, Mr. Hayes of Illinois, Mr. Atkins, Mr. Murphy, Mr. Kildee, Mr. Owens of Utah, Mr. Jenkins, and Mrs. Lloyd.

H.R. 3961: Mr. Kildee.

H.R. 3980: Mr. Poshard.

H.R. 4003: Mr. Coleman of Texas.

H.R. 4025: Mr. Grandy.

H.R. 4037: Mr. Henry, Mr. Madigan, Mr. Miller of Washington, and Mr. Upton.

H.R. 4057: Mr. Pease, Mr. Towns, Mr. Smith of Florida, Mr. Rahall, Mr. Fauntroy, Mr. Bruce, Mr. Fazio, and Mrs. Unsoeld.

H.R. 4060: Mr. Shays, Mr. Boehlert, and Mr. Kildee.

H.R. 4088: Mr. Petri.

H.R. 4100: Mr. Clinger, Mr. Fuster, Mr. Hyde, Mr. Machtley, Mr. Rowland of Connecticut, and Mr. Tallon.

H.R. 4274: Mr. Derrick, Mr. Walsh, Mr. Shumway, Mr. McNulty, Mr. Nielson of Utah, Mr. Rahall, Mr. Evans, and Mr. Hatcher.

H.R. 4250: Mr. Neal of Massachusetts.

H.R. 4319: Mr. Chapman, Mr. Ravenel, Mr. Olin, Mr. Leath of Texas, Mr. Ritter, Mr. Thomas of Wyoming, Mr. Oxley, Ms. Kaptur, Mr. Atkins, Mr. LaFalce, and Mr. Rogers.

H.R. 4363: Mr. Jontz.

H.R. 4369: Mr. Owens of Utah.

H.J. Res. 28: Mr. James.

H.J. Res. 439: Mr. English, Mr. Guarini, Mr. Pallone, Mr. Paxon, and Mr. Hoyer.

H.J. Res. 475: Mr. Rowland of Connecticut, Mr. Hayes of Illinois, Mr. de Lugo, Mr. Tauke, Mr. Vander Jagt, Mr. Gray, Mr. Upton, Mr. Quillen, Mr. Geren, Mr. Smith of Vermont, Mr. Skaggs, Mrs. Martin of Illinois, Mr. Obey, Mr. Hastert, Mr. Annunzio, Mr. Dicks, Mr. Martin of New York, Mrs. Vucanovich, Mr. McCollum, Mr. Hunter, Mr. Lowery of California, Mr. Thomas of Wyoming, Mr. Donnelly, Mr. Kanjorski, Mr. McDade, Mr. Ireland, Mr. Moorhead, Mr. Lewis of Florida, Mr. McCrery, Mr. Pashayan, Mr. Cardin, Mrs. Byron, Mr. Schuette, Mr. Robinson, Mr. Stump, Mr. Pursell, Mr. Inhofe, Mr. Donald F. Lukens, Mr. Skeen, Mr. Torres, Mr. Bilbray, Mr. Atkins, Mr. McDermott, Mr. Spratt, Mr. Borski, Mr. Petri, Mr. Smith of Texas, Mr. Bustamante, Mr. Saxton, Mr. Miller of Ohio, Mr. Feighan, Mr. Faleomavaega, Mr. Dingell, Mr. Slattery, Mr. Bennett, Mr. Packard, Mr. Solarz, Mr. Clarke, Mr. Morrison of Connecticut, Mr. Johnson of South Dakota, Mr. Ford of Tennessee, Mr. Frenzel, and Mr. Dornan of California.

H.J. Res. 486: Mrs. Collins, Mr. Payne of New Jersey, Mr. Nielson of Utah, Mr. Dixon, Mr. Grant, Mr. Gonzalez, Mr. Poshard, Mr. Fish, Mr. Martinez, Mr. Lewis of Georgia, Mr. Bliley, Mr. Fascell, Mr. Rowland of Connecticut, and Mr. Brennan.

H.J. Res. 487: Mr. Bevill, Mr. Fawell, and Mr. Walsh.

H.J. Res. 492: Mr. Dyson, Mr. Bliley, Mr. Erdreich, Mr. Robinson, Mr. Flippo, Mr. Wheat, and Mr. Lewis of Florida.

H.J. Res. 519: Mr. Mfume and Mr. Bilbray.

H. Con. Res. 522: Mr. Frost and Mr. Bustamante.

H.J. Res. 530: Mr. Walgren, Mr. Rangel, Mr. Bliley, Mrs. Boxer, Mr. Neal of North Carolina, Mr. Owens of New York, Mr. Skelton, Mr. Bunning, Mr. Lewis of California, Mrs. Johnson of Connecticut, Mr. Rowland of Connecticut, Mr. Fauntroy, Mr. Hansen, Mr. Hughes, Mr. Horton, Mr. Evans, and Mr. Roe.

H. Con. Res. 2: Mr. McDade.

H. Con. Res. 98: Mr. Upton, Mr. Weldon, Mr. Coughlin, Mr. Bereuter, Mr. Solomon, and Mr. Shaw.

H. Con. Res. 177: Mr. Neal of Massachusetts.

H. Con. Res. 224: Mr. Smith of Florida.

H. Con. Res. 270: Mr. Gejdenson, Mr. Costello, Mr. Atkins, Mr. Fazio, Mr. Solarz, and Mrs. Morella.

H. Con. Res. 273: Mr. Thomas A. Luken, Mrs. Martin of Illinois, Mr. McNulty, Mr. Dixon, Mr. DeFazio, Mr. Fazio, Mr. Bonior, Mr. Shays, and Mr. Mavroules.

H. Con. Res. 281: Mr. Fauntroy and Mr. Jones of Georgia.

H. Con. Res. 285: Mr. Gallo, Mr. Stokes, Mr. Borski, Mr. Fauntroy, Mr. Payne of New Jersey, Mr. Houghton, Mr. Bilbray, Mr. Scheuer, Mr. Gordon, Mr. Bosco, Mr. Rangel, Mr. DeFazio, Mr. Wheat, Mr. Smith of Florida, Mr. McNulty, Mr. Walsh, Mr. Carper, Mrs. Martin of Illinois, Mr. Lagomarsino, Mr. Dixon, Mr. Fazio, Mr. Rinaldo, Mr. Sikorski, Mr. Marlenee, Mr. Petri, Mr. Foglietta, Mr. Dellums, Mrs. Morella, Mr. McDermott, and Mr. Morrison of Connecticut.

H. Con Res. 289: Mr. Pallone, Mrs. Kennelly, Mr. Rostenkowski, Mr. Hayes of Illinois, Mr. Douglas, Mr. Morrison of Connecticut, Mr. Walgren, Mr. Saxton, Mr. Schuette, Mr. Herger, Mr. Edwards of Oklahoma, Mr. Bereuter, Mr. Hyde, Mr. Emerson, Mr. Smith of New Jersey, Mr. Gilman, Mr. Leach of Iowa, Mr. Roth, Mr. Donald E. Lukens, Mr. Burton of Indiana, Mr. Gallegly, Ms. Snowe, Mr. Jones of Georgia, Mr. Kanjorski, Ms. Ros-Lehtinen, Mr. Bonior, and Mr. Hefley.

H. Con. Res. 290: Mr. Berman, Mr. Cardin, Mr. Faleomavaega, Mr. Jontz, Mr. Moody, Mrs. Morella, Mr. Natcher, Ms. Schneider, Mr. Sikorski, and Mr. Tanner.

H. Res. 354: Mr. Kildee, Mr. Foglietta, Mr. AuCoin, and Mr. Lantos.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

145. The SPEAKER presented a petition of the City Council, Compton, CA, relative to the President's proposal to eliminate and restrict priority municipal programs in order to offset the national budget deficit; which was referred to the Committee on Government Operations.

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EXTENSIONS OF REMARKS

A REPORT ON THE SITUATION IN EL SALVADOR

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. HYDE. Mr. Speaker, I would like to bring to your attention an important report that has just been released by five of my colleagues who traveled to El Salvador in February to investigate the killings of the six Jesuit priests in November 1989.

The report, which was prepared by Congressmen SHUSTER, DREIER, MCEWEN, DORNAN, and MCCOLLUM, found that the Salvadoran Government has competently and efficiently proceeded with the investigation of the Jesuit killings. Further, the Salvadoran Government continues to investigate allegations that there may have been a coverup within the military. In this regard, it is important to note that no convincing evidence was brought forward during the visit to show that any Salvadoran Government officials were involved in the crime beyond those who have been charged and arrested. Significantly, within 2 months of the deaths of the priests, eight Salvadoran soldiers were arrested and charged. A ninth subject deserted his military unit and is reportedly now in Mexico City talking with representatives of the Cuban-backed Salvadoran guerrillas [FMLN].

As you know, Mr. Speaker, the deaths of the priests took place at the height of the FMLN final offensive. There is a general and widespread belief that religious persecution in El Salvador has increased. This allegation is not substantiated by the facts. Most of the searches took place during the first 10 days of the offensive, when up to one-third of San Salvador City was controlled and occupied by the guerrillas. Some churches and religious facilities were searched, and in two well-documented cases, weapons were found.

On the other hand, the FMLN also engaged in human rights abuses, the most egregious of which was the well-documented use of civilians as shields. Doug Farah noted in his Washington Post outlook section article of March 3, 1990, that "The insurgents have used inaccurate artillery in heavily populated areas * * *" that led to needless casualties. These facts and others on the FMLN should also receive attention.

I strongly urge my colleagues to read this report. It is thorough, in depth, and I insert the report into the RECORD:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 7, 1990.

Hon. ROBERT H. MICHEL,
Republican Leader,
Washington, DC.

Subject: El Salvador: The Human Rights Situation, with Emphasis on the Jesuit Murders—CODEL Moakley/Shuster Trip Report.

SUMMARY

Since the death of six Jesuit priests on the night of 16 November 1989, there has been intense and rekindled focus on the human rights situation in El Salvador. A 15-Member Congressional delegation just completed a visit from 11 through 14 February of which we were members. [The composition of the group is attached at TAB A.] We found that the Salvadoran Government had competently and efficiently proceeded with the investigation of the Jesuit murders. The first phase of the case was completed on 17 January with the arrest of eight Salvadorans charged with complicity in the murders, including Colonel Guillermo Benavides. [A ninth soldier is a deserter who has been indicted in absentia.] Further, the Salvadoran Government continues to investigate whether anyone in the high command ordered the murders or, following their perpetration, attempted to cover them up. In this regard, no convincing evidence was brought forward during the Congressional visit to show that any Salvadoran Government officials were involved with the crime beyond those who had been charged and arrested.

The death of the six Jesuits is a major human rights case that deserves the attention it is receiving. However, respect for human rights in El Salvador has improved dramatically since the low point of the early 1980's, when up to 800 to 1,000 people were killed or disappeared each month. According to most recent U.S. Embassy figures of August 1989, 14 individuals were disappearing per month under mysterious circumstances in El Salvador. These included deaths attributed to the FMLN as well as right-wing death squads. This said, there is still a justified fear on the part of left-wing activists in El Salvador as to their personal safety. However, President Cristiani is committed to providing for their personal safety and insuring that an environment exists in the country which will permit them to peacefully advocate their political views.

From its own sources, the Salvadoran Army learned of the planned November offensive. From 9 November on the High Command was meeting continuously in expectation of a major offensive. However, no one predicted the scope of the offensive. Later it became clear that major attacks were about to take place throughout the country. Because a decision was made to minimize civilian casualties in recapturing poor neighborhoods in San Salvador, the Army was ordered to proceed carefully in clearing out the FMLN guerrillas in the city. As a result, the process took longer than anyone had anticipated. It was clear to both Democratic and Republican staff from tours of the poor neighborhoods that the Salvadoran Government has used force discriminately and discretely to minimize collateral damage to civilian neighborhoods. This conclusion is supported by America's Watch in their latest report on El Salvador.

There has been a general and widespread belief that religious persecution in El Salvador has increased since the beginning of the FMLN offensive. This is not substantiated by the facts. Most of the charges of indiscriminate searches and harassment took place during the first 10 days of the FMLN offensive, when up to one-third of San Salvador City was controlled and occupied by FMLN guerrillas. During the process of clearing them out, churches were searched and religious workers were arrested or expelled from the country. While in most cases, these searches did not reveal anything more than FMLN propaganda, in two well-documented cases weapons were found.

First is the highly publicized Jennifer Casolo case. It is clear that arms were buried at her house, that these were not placed there by the Salvadoran Government, and that Jennifer Casolo had some involvement with FMLN logistical operations. Second, in the case of an Episcopal Church located in San Salvador, the parish priest, Luis Serrano Lorente, was arrested for complicity in the attack on the offices of the Chiefs of Staff on 30 October 1989. Lorente permitted the FMLN to load two trucks with homemade guerrilla mortars in the church parking lot. This incident also has been verified by America's Watch in its latest report.

On the issue of conditioning aid, this is an underlying theme that was explored first in January during the staff visit, and more specifically, during our trip in February. [A copy of the staff report is included at Tab B.] It is our opinion that the conditioning of aid of the Government of El Salvador will aggravate rather than improve the human rights situation by playing into the hands of the FMLN. It would serve to confirm in the minds of Salvadoran Government officials that no matter what they do, including a prompt, good-faith resolution of the Jesuit case, that the United States is bent on punishing them. The Jesuit Provincial for Central America, Father Tojeira, with whom the delegation spoke during the trip, stated that while he advocated that the United States cease providing military aid to El Salvador, he recognized that this can not be done as long as the Nicaraguans and other foreign powers were providing assistance to the FMLN. One side cannot be armed and the other disarmed. Congressman Moakley specifically stated during his press conference that he had not yet made up his mind on the issue of conditioning of aid.

Below, you will see under major headings the major subject areas that we covered during our trip.

JESUIT MURDERS

President Cristiani is committed to investigating fully the murder of the six Jesuit priests and the two women on the night of 15 and 16 November 1989. The Special Investigative Unit (SIU), which is U.S. financed and trained and manned by Salvadorans, conducted a thorough investigation that led to the initial breakthroughs in the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

case. When sufficient evidence was developed to convince him that the Army was involved, President Cristiani went on T.V. on 7 January and announced that he had determined that members of the Atlacatl Batallion were involved. On 17 January 1990, eight members of the El Salvador armed forces, seven of whom were members of the Atlacatl Batallion, were arrested. A ninth had previously deserted. Those arrested included four officers—Colonel Guillermo Benavides, two lieutenants and one sub-lieutenant.

The Salvadoran General Staff assures us that it is fully committed to investigating this crime. No evidence was presented to the Members which implicated the General Staff. On the evening of 15 November, a General Staff meeting took place at which Colonel Benavides was present. There is no evidence that an order was given to kill the priests at that meeting. Indeed, from the evening of the 9th on through the 15th, the General Staff met in almost continuous session in response to the FMLN offensive.

While a preliminary investigation has been completed, including the arrest of the individual's who were actually involved in the crime, the investigation is not yet completed. No convincing evidence was brought forward that anyone in the High Command sanctioned, either directly or indirectly, the killing of the priests; and following the murders, whether any individuals had knowledge of the Atlacatl Batallion's involvement in the crime and failed to report it. To this end, the U.S. Government continues to investigate a report from a U.S. Army Major assigned to El Salvador that a Salvadoran Colonel Aviles received information fourth-hand that Colonel Benavides was involved in the crime. Both Aviles and the Major have been polygraphed and deception has been indicated in both of their statements. It is unclear how much of the information that the Major reported is accurate. The Pentagon continues to investigate this case and has already made the Major available for interviews by House Intelligence Committee staff. Congressman Moakley has been greatly incensed at this, and has insisted that Defense Department make the Major available to his staff at the earliest possible date. Congressman Studds plans to explore a possible subpoena through the Foreign Affairs Committee.

Judge Zamora, the presiding judge in the Jesuit case, has stated that he believes that the existing evidence presented to him is adequate to bring Colonel Benavides and the others to trial and to convict them. In previous human rights cases involving co-conspirators, it has been difficult, if not impossible, to convict them of the crime because under Salvadoran law one conspirator cannot testify against another. Two options are being explored by the prosecution to improve their case. First, there is a possibility that charges against one of the eight men arrested in the case will be dropped and his testimony will be used against the others. Secondly, additional circumstantial information which links Benavides to the crime will be assembled and should be sufficient to convict him. Judge Zamora believes he already has enough evidence, but wishes to tighten his case.

RELIGIOUS PERSECUTION

Serious allegations of increased persecution of religious groups arose during the FMLN offensive. In the main, the charges stem from searches that were conducted during the first 10 days of the offensive when the FMLN controlled up to one-third of San Salvador City and other major municipal areas such as San Miguel. In rooting out FMLN guerrillas from the poor neighborhoods of San Salvador, it was found that the guerrillas had used church facilities for refuge. Up to 20 Catholic churches were actually searched by the military out of a total of 300 in San Salvador City. FMLN propaganda was found in many of them, but no weapons. After widespread criticism, President Cristiani ordered that either he or members of the general staff must specifically approve searches of religious facilities before they occur. Since that time, the number of incidents reported in the press have diminished significantly.

Despite the fact that many of the searches of religious facilities did not yield weapons, two prominent cases did tie religious workers directly to the FMLN: Jennifer Casolo and Father Luis Lorento Serrano, an Episcopal priest.

Jennifer Casolo: Significant new information was developed during the trip on Jennifer Casolo which clearly convinced us of her involvement with the FMLN. First, she lived in a very small house where the weapons were found. The weapons were buried in holes that were approximately five feet deep and were carefully hidden just a few feet from her bedroom window. Second, personal documents of hers were actually found mixed in with the arms. The Embassy Consulate Officer, David Ramos, was present when the weapons were dug up. Third, Jennifer made several incriminating statements as the weapons and documents were being discovered, including the fact that she acknowledged on a contemporaneously filmed videotape that the documents did belong to her. Fourth, the guerrilla who identified Jennifer's house as being a weapons cache, positively identified her as being at the house during one of three occasions in which he was removing arms. Jennifer gave this guerrilla water. Further, this same guerrilla was captured in the possession of a silenced AK-47. The assault rifle was made in North Korea, the silencer was of Russian origin. [The rifle has been brought back to Washington.] The same guerrilla identified three other locations of arms. One, his own house, did contain the arms. The two other locations when searched revealed empty caches.

Many Salvadorans remarked on what they perceived as a double standard being imposed on them. On the one hand, when sufficient evidence existed to bring Jennifer Casolo to trial, she was released due to enormous outside pressure. On the other hand, the Salvadoran Government is expected to be relentless in its investigation of the Jesuit case. It is asked to run down every rumor, story of cover-up or conspiracy when there is no hard evidence to support such allegations. Many find this selective application of justice offensive.

Father Luis Lorento Serrano: Father Serrano permitted weapons to be held on his Episcopal Church grounds which were used in an attack on the Chief of Staff offices on 30 October 1989. The 14 other Episcopalians that were arrested with Father Serrano have subsequently been released for lack of evidence. He is, however, still being held because eye witnesses identified him as having had some involvement with allowing the loading of the weapons on the truck, which was used in the attack. Further, in its most recent report, America Watch confirmed that this incident took place.

Allegations of religious persecution have, by and large, come from a small, discreet element of Salvadoran society. There are large, mainstream religious organizations affiliated with the Catholic Church, Baptist Church, and others in El Salvador and they do not claim any religious persecution. Indeed, we met with Catholics and Baptists from these groups and they stated clearly that religious persecution does not exist. Salvadoran Archbishop Rivera y Damas, who is a vocal critic of the military, acknowledged on 22 January 1990 that persecution against the Church in general had decreased. Most prominent of those complaining about religious persecution is a Lutheran Bishop Gomez. Gomez is the head of a small Lutheran group representing approximately 1,000 individuals inside of El Salvador. He, however, has been the primary funnel for Lutheran assistance provided to El Salvador. He left the country shortly after the offensive began and is still trying to return to the country. There are many who say that he and his religious followers are heavily involved in providing aid and support to the FMLN, and that their mission organizations are regular supply routes for the FMLN guerrillas.

SALVADORAN MILITARY: RESPONSIVENESS TO HUMAN RIGHTS

The Salvadoran military provided us with access to any member of the military with whom we wished to speak. If there was a question, they tried to answer it immediately. If they could not provide an answer, follow-up information was made available as soon as possible. The Chief of the Joint General Staff, Colonel Emilio Ponce, was questioned regarding a general staff meeting held on November 15, 1989, the same evening on which the Jesuits were killed. There have been allegations that something was said at this meeting, which Colonel Benavides construed as authority to kill the Jesuits. Ponce was very clear about what took place on that evening. He referred to his personal notebook, stated the time the meeting took place and the subject matters discussed, including the increased use of artillery and air support to assist military units in rooting out pockets of FMLN resistance in the poorer neighborhoods. President Cristiani had been asked to sign an order permitting the use of heavier weapons, which he did. Colonel Aviles and Colonel Benavides were both present at the meeting. No order, however, was given to kill the Jesuits, according to Ponce, or any other order that could have been construed to encourage such action. There is no convincing evidence that there were any other incidents that evening or shortly thereafter which could be used to confirm that such an order was given. Although Congressman Bonior stated that Bishop Gomez from the Lutheran Church and his organization did receive some harassment that night, this was never confirmed.

With regard to the allegations made by U.S. Army Major that Colonel Aviles had gone to him with fourth-hand information concerning the killing of the Jesuits. Colonel Ponce could not shed any light on this. Three other Salvadoran officers were implicated as being in the chain of knowledge: Colonel Benavides; Lt. Colonel Rivas; and Colonel Lopez y Lopez. It is noteworthy that Aviles was present at the General Staff meeting on the 15th of November. Yet while Aviles is alleged to have told the Major about Benavides' alleged involvement in the Jesuit murders, Aviles made no mention of any orders on the night of the 15th which

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could have been interpreted as an order to kill the Jesuits.

With regard to allegations made by a private in the Salvadoran Army, Joya Martinez, that he was involved in officially sanctioned death squad activities, the Members went to the First Brigade where the alleged incidents took place and spoke with the Brigade Commander, Colonel Elena Fuentes. Colonel Fuentes was well prepared to address the concerns of the Members, particularly those of Congressman Studds. He answered fully and completely each question. He provided documentary evidence that Joya Martinez was being investigated for human rights violations and that nobody in the Brigade had any knowledge of his activities. Indeed, on the 5th of July 1989, Colonel Fuentes filed a full and complete report to Colonel Ponce, outlining that Martinez was under investigation for human rights violations. Martinez had been turned in by lieutenants of the Atlacatl Battalion for having captured eight prisoners, who all appeared to have been severely beaten. Finally, Joya makes very serious allegations with regard to the alleged knowledge of U.S. military personnel of Joya's involvement in death squads and extra-judicial interrogations that violated the Geneva Conventions. The House Intelligence Committee is investigating Joya's allegations and will soon receive a detailed report addressing the involvement of American military personnel. At this point, Martinez's allegations of U.S. military involvement appear to be baseless. It is acknowledged by all, however, that he was indeed involved in the deaths of two Salvadoran civilians in July of 1989 for which he is currently wanted in El Salvador and for which the Salvadoran Government is seeking his extradition from the United States. Joy's attorneys here in the United States have agreed to allow him to be interviewed by the FBI. At that time he will submit to a polygraph examination.

With regard to human rights allegations in general, the Salvadoran Army is very sensitive to these charges and seeks to investigate them fully when they are levied. The problem is that in many cases it is difficult to reconstruct exactly what happened. For example, while the Codel was in El Salvador, we learned of an alleged bombing incident which resulted in the deaths of five Salvadoran citizens in Chalatenango Province near the Honduran border. Two Members attempted to investigate these allegations. One, Congressman Dreier, flew in a military helicopter to a nearby town. He was unable to get in to personally look at the village because the FMLN was still operating in the area. On the other hand, Congressman McDermott was driven from San Salvador by car and was able to pass through several government roadblocks and enter the area without any problem. There he was given "evidence" of a military bombing of one house which resulted in the deaths. Had the building been bombed, as was reported, it would have disappeared and not have been still standing. It is possible, however, that it was hit with a rocket fired from a Salvadoran Air Force plane or helicopter. It must be noted, however, that the guerrillas ambushed a government patrol and were fighting from well-constructed trenches 30 meters outside the hamlet. They fled through hamlet as they left the area. The house may have been hit by an errant rocket at this time. Conversely, the Army states that the house was blown up the the FMLN with dynamite. In any case, the SIU will investigate. The difference between this case and that of the killing of the Jesuits is that the deaths of the civilians may have been an accident whereas the Jesuit murders were clearly premeditated.

PROSPECTS FOR A NEGOTIATED SETTLEMENT

Throughout the trip, Members asked repeated questions concerning what the prospects were for a negotiated settlement to the war. It was noted by a captured high ranking guerrilla that the Salvadoran FMLN prepared for the 11 November offensive for nearly two years. The final preparations were made in September and October of 1989 while the FMLN allegedly was negotiating with the Government in good faith.

Members met with and debriefed a captured member of the PRTC, one of the constitutent groups of the FMLN. This individual, Gustavo, is a member of PRTC Central Committee and holds the rank of commandante. He stated that from the FMLN's standpoint, one cannot consider political and military situations separately. The FMLN will negotiate when they are militarily weak. When they have regrouped and re-equipped themselves, they begin to fight again. Their military/political strategy is designed with one goal in mind, and that is to take over power from the Government. At this time, according to Gustavo, the FMLN is in a negotiating phase because morale is low following the offensive; and because they have expended large amounts of ordnance in the offensive. Gustavo, who received 11 months of training in Cuba, stated that the Nicaraguans are only an intermediary stop for support for the war. The Cubans are the masterminds behind the war and the operations in El Salvador. Weapons are received from North Korea, Vietnam, Bulgaria and other Eastern Bloc countries. Another member of the PRTC, who was interviewed by the Members, stated that he had been involved in the total re-equipping of the FMLN with arms that were brought in from Nicaragua via Honduras, some by sea and a small amount by a new route through Guatemala. But the principal route, however, was with large trucks with concealment devices passing from Nicaragua into Honduras and then into El Salvador.

Despite all the evidence that the FMLN may not be seriously conducting good faith negotiations with the Salvadoran Government, President Cristiani is giving every bit of support he can to the effort to end the war. He has asked the Secretary General of the United Nations, Perez de Quellar, to act as mediator between the FMLN and the Salvadoran Government.

CONDITIONING OF AID

Currently there are a number of proposals, including one introduced by Senator Dodd and five other Senators, which condition aid to the Government of El Salvador. All of the proposals are based on concern over an alleged resurgence of human rights problems in El Salvador and a desire to force negotiations between the Government and the FMLN through the conditioning of U.S. military assistance.

All parties are advocating negotiations, including President Cristiani. But the key is whether good faith negotiations will actually take place. It must be remembered that the FMLN negotiated while it was preparing for the November offensive and now, severely weakened, they are ready to negotiate once again while they rest and regroup for the next offensive.

Many Salvadoran parties advocate negotiations as well, but they realize than a cut-off or a dimunition in U.S. assistance would not be productive unless the FMLN was also to receive fewer supplies. It is important to note that the U.S. Government has provided extensive resources to cut Nicaraguan arms shipments to El Salvador, an effort which has not been successful. The arms which have been seized en route from Nicaragua to El Salvador has only been detected through fortuitous events. Large amounts still continue to get through.

Conditioning of aid is a slap in the face to the Cristiani Government as well as the people of El Salvador. U.S. military aid has brought about a significan improvement in the human rights situation. While some church leaders would say that the military mind set has remined the same and only the numbers have gone down, it is impossible to disagree with the figures of a decrease from 800 to a 1,000 per month to 14 per month as being a significant improvement.

Our best policy is to continue supporting the Government of El Salvador, pressing them to bring to justice the perpetrators of the Jesuit killings, and perhaps most importantly, exerting maximum leverage on the Soviet Union to disengage their clients, Cuba and Nicaragua, from supporting the FMLN guerrillas.

Bud Shuster,
Bob McEwen,
Bill McCollum,
David Dreier,
Robert K. Dornan,
Members of Congress.

A TRIBUTE TO C.A.R.E.S.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to some of the great citizens of this country who have served their community in extraordinary ways. Today, I ask my colleagues to join me in paying tribute to the volunteers of C.A.R.E.S., the Crestwood Assistance Referral Employment Services.

C.A.R.E.S., the volunteer-run, non-profit assistance program for the occupants of Crestwood Village Retirement Home, has demonstrated dedication through providing transportation and other services to the community of 17,000 senior citizens. These contributions help to increase the quality of life for the people residing in the home at a time when barriers may need to be overcome.

One of the main services furnished by C.A.R.E.S. is the dial-a-ride taxi, which consists of station wagons and wheel chair vans for the handicapped that will transport the residents anywhere they need to go. Many take advantage of this successful program. In fact, the total number of passenger trips in 1989 was 27,503; miles driven totaled 72,739.

C.A.R.E.S. also contains an employment service which, for a fee, will do small jobs or give referrals. They lend physical aides when needed, and help with the calculation of bills and financial analysis. Once a month a specialist is available to handle questions concerning anything from passports, to wills and estates, veteran issues, or insurance-Medicare supplements. The C.A.R.E.S. contributions of knowledge and support help to make the golden years of retired citizens shine bright.

I call on my colleagues in the House to join with me, along with the people of the 13th Congressional District of New Jersey, in extending our gratitude and appreciation to C.A.R.E.S., for its 15 years of dedication to the senior citizen community of Crestwood Village Retirement Home.

FELIX J. SCHEFFLER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. LAGOMARSINO. Mr. Speaker, this Saturday, March 31, Felix J. Scheffler will retire from Martin Marietta Corp. after 31 years of service. For the past 6 years, Mr. Scheffler has been director of Vandenberg operations for Martin Marietta Denver Aerospace, where is he directly responsible for the management and direction of Titan programs and common support to all Martin Marietta projects at Vandenberg Air Force Base in Santa Barbara County in my district.

Felix joined Martin Marietta in 1958 at Denver, CO, as a senior electrical engineer for Titan. His career at Vandenberg spans 19 years—1959 through 1977 and 1984 to the present. During that time, he has held a number of positions on the Titan program, including test engineer, test conductor, launch site operations chief and test operations manager. He was test conductor for the first operational Titan I launch from Vandenberg Air Force Base. From 1975 to 1977, he was director of Vandenberg operations. Additionally, he was director of Canaveral operations from April 1977 through December 1982 and at Denver, until his return to Vandenberg in February 1984, assuming his present position. The Titan continues as the most successful expendable space launch booster in industry.

Felix was born in Gretna, LA, in 1921. He earned a bachelor of electrical engineering degree at the University of Southern California in 1956. He is a member of the American Institute of Aeronautics and Astronautics, the Air Force Association, USC Alumni Association, the board of directors of the United Way of the Central Coast, Inc., the North Santa Barbara County Industry Council, the board of trustees of the Western Spaceport and Science Museum, the Economic Development Plan Committee, city of Lompoc, and a charter member of the Martin Marietta Management Club.

Felix has been recognized numerous times for outstanding performance. He is a recipient of the corporate Jefferson Cup Award. He is a three-time recipient of the Denver Operational Performance Award and has received the Vandenberg Operations Gold Medallion Award on two occasions. The Silver Knight of Management Award was presented to Scheffler by the National Management Association for outstanding achievement as a professional manager.

Mr. Speaker, Felix Scheffler has had an outstanding professional career and a remarkable record of service to the community and his country. On behalf of the U.S. House of Representatives, and the Northern Santa Barbara County community, I extend to Felix, and his wife, Bonnie, our warmest congratulations and appreciation. It has truly been a privilege to know him.

ADMINISTRATION'S REPORT ON PLO "SELECTIVE AND DISTORTED"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. FRANK. Mr. Speaker, I believe that pressing for peace in the Middle East on equitable terms is one of the most important tasks for the American Government, and I believe that some of the efforts undertaken by President Bush and Secretary Baker to achieve that goal have been constructive. I was one of those who welcomed the announcement by the Government of Israel in 1989 that it was willing to have elections in the West Bank and Gaza Strip so that the local populations could select representatives who would be given some autonomy to run the day-to-day affairs of those entities, not only to improve current conditions but in the hope that some broader settlement might evolve from the working relationship established. And I thought it was constructive for the American Government to work with the Egyptian and Israeli Governments to establish rules for those elections which would genuinely advance the peace process.

Sadly, however, recently the Bush administration has blundered seriously in this area, by comments and policies which are not only unfair to Israel and fail to take Israel's legitimate interests into account, but also jeopardize the peace process by creating doubts in the minds of the Israeli electorate as to America's steadfastness on certain important points.

The most serious of these mistakes was President Bush's gratuitous and inaccurate reference to East Jerusalem when discussing the question of settlements. By calling into question Israel's right to maintain a unified Jerusalem as its capital, the President greatly undermined America's ability to be a construction force for peace.

After that, the administration further erred when the State Department put out a report on the PLO which the Anti-Defamation League correctly called selective and distorted. Part of the framework in which we have been working for peace was a commitment by the administration to work to see that the PLO ended its campaign of terrorism against Israel. The recent report by the State Department exonerating the PLO despite significant evidence of terrorism by PLO elements therefore further undercuts this peace effort.

Mr. Speaker, the Anti-Defamation League put out a very thoughtful statement in which it summarized the glaring defects in the State Department's exoneration of the PLO. Because it is important in the advance of the peace process for us to make clear our willingness in America to stand by the commitments we have given, I very much regret this administration report and I ask that the ADL analysis of its inadequacies be printed here.

STATEMENT OF THE ANTI-DEFAMATION LEAGUE

New York, NY, March 20—The Anti-Defamation League today called a new State Department report "selective and distorted" in its analysis of PLO compliance with American conditions for the U.S.-PLO dialogue.

Abraham H. Foxman, ADL's national director, said the report "sends a message that the PLO is not to be held accountable for its many acts of violence and inflammatory rhetoric which clearly violate the terms of the dialogue. Such an approach," Mr. Foxman went on, "reduces incentives for the PLO to take meaningful steps toward peace and hinders the building of trust and confidence essential to resolution of the conflict."

ADL documented at least ten flaws in the report including the following:

PLO acts of violence are excused because they were not formally authorized by the PLO Executive Committee.

The report cites PLO compliance with the political program passed at the November 1988 Algiers Palestine National Council meeting but fails to mention that the Algiers program was not considered sufficient by the U.S. to initiate a dialogue with the PLO.

Selective in its list of PLO rhetoric: Omits numerous PLO statements which contradict Arafat's pledge to recognize Israel's right to live in peace and security.

Acknowledges that PLO leaders have not denounced PLO acts of violence—a condition that was stipulated by the U.S. at the time of the initiation of the dialogue.

Fails to recognize that "armed struggle" has long been a code word for terror operations and that it is standard PLO practice to label violent assaults against civilians and civilian centers as "military operations" and "armed struggle."

Fails to mention 12 Fatah-sponsored grenade attacks against Israeli civilians since December 14, 1988.

Ignores additional PLO-sponsored cross-border attacks and downplays Arafat's refusal to publicly condemn these operations or his failure to discipline those PLO leaders responsible for them.

Omits evidence PLO involvement in the execution of fellow Palestinians deemed "collaborators," Arafat's public sanctioning of such activities and repeated statements by senior aides of Arafat's Fatah faction endorsing such assassinations.

Omits the failure of the PLO to affirm Arafat's Geneva pledges in any official or unofficial context.

PORNOGRAPHY AND VIOLENCE IN THE COMMUNICATIONS MEDIA—A PASTORAL RESPONSE

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. BLILEY. Mr. Speaker, I would like to sumbit for the RECORD a statement by the Pontifical Council for Social Communications entitled "Pornography and Violence in the Communications Media—A Pastorial Response."

While the technological advances we have seen in telecommunications and other media have brought much good to mankind, they have also been used as channels to spread corruption, degradation, and hopelessness. This document recognizes the influences prevalent in communications media which are destructive of family life and family values in our Nation and throughout the world. Pornography and violence have a purely material view of humanity, portraying our fellow human beings as objects to be used, abused, and discarded.

The Catholic Church has long been a defender of the dignity and value of each human being at every age and stage of development. In this document, the council offers direction to all those involved in or affected by the communications media. Regardless of our situation in life, we must use our resources to respond to these harmful influences. We must simultaneously work to prevent further disruption of family life by pornography and violence, and to strengthen the moral education of children.

I believe this is a thoughtful, helpful document and I recommend it to my colleagues and their constituents.

PORNOGRAPHY AND VIOLENCE IN THE COMMUNICATIONS MEDIA—A PASTORAL RESPONSE

INTRODUCTION

1. There has been a worldwide revolution in the perception of moral values in recent years, involving profound changes in the way people think and act. The communications media have played and continue to play a major role in this process of individual and social change as they introduce and reflect new attitudes and life-styles.[1]

2. Some of this change has been for the better. Today, as Pope John Paul II recently noted, "The first positive note of the full awareness among large numbers of men and women of their own dignity and of that of every human being * * *. At the same time, in a world divided and beset by every type of conflict, the conviction is growing of a radical interdependence and consequently of the need for a solidarity which will take up interdependence and transfer it to the moral plane".[2] The communications media have contributed much to these changes.

3. Many changes, however, have been for the worse. Along with old abuses, new violations of human dignity and rights and of Christian values and ideals have occurred. Here, too, the media bear part of the responsibility.

4. The communications media are involved because, as the Second Vatican Council stated, if it is true that "they bring valuable assistance to the human race," it is equally certain "that individuals can use these means (of communication) in a manner contrary to the commandments of the Creator and can convert them into instruments of evil".[3]

5. Among the alarming developments of these years has been the widespread increase of pornography and wanton violence in the media. Books and magazines, recordings, the cinema, the theatre, television, videocassettes, advertising displays and even telecommunications frequently offer a representation of violent behaviour or of permissiveness in sexual activity that reaches the point of being openly pornographic and morally offensive.

6. As reflections of the dark side of a human nature marred by sin, pornography and the exaltation of violence are age-old realities of the human condition. In the past quarter century, however, they have taken on new dimensions and have become serious social problems. At a time of widespread and unfortunate confusion about moral norms, the communications media have made pornography and violence accessible to a vastly expanded audience, including young people and even children, and a problem which at one time was confined mainly to wealthy countries has now begun, via the communications media, to corrupt moral values in developing nations.

7. Thus, the communications media which can be such effective instruments of unity and understanding can also sometimes be the vehicles of a deformed outlook on life, on the family, on religion and on morality—an outlook that does not respect the true dignity and destiny of the human person.[4] In particular, parents in many areas of the world have expressed understandable concern about the films, videocassettes and television programs their children can see, about the records their children can hear and about the publications their children can read. They rightly do not want to see the moral ideals inculcated in the home undermined by objectionable materials all too easily accessible in all too many places—often through the communications media.

8. We wish here to describe the more serious effects of pornography and violence on individuals and society, to indicate some of the principal causes of the problem as it exists today and to point to remedial steps which need to be taken by professional communicators, by parents, by educators, by youth, by the general public, by public authorities and by churches, religious bodies and groups in the private sector.

EFFECTS OF PORNOGRAPHY AND VIOLENCE

9. Ordinary experience confirmed by studies conducted around the world has recognized the evil effects of pornography and violence in the media.[5] Pornography in the media is understood as a violation, through the use of audiovisual techniques, of the right to privacy of the human body in its male or female nature, a violation which reduces the human person and human body to an anonymous object of misuse for the purpose of gratifying concupiscence; violence in the media may be understood—especially in this context—as a presentation designed to appeal to basic human instincts of actions contrary to the dignity of the person and depicting intense physical force exercised in a deeply offensive and often passionate manner. Specialists may disagree among themselves about how and to what degree particular individuals and groups are affected by these phenomena, but the broad outlines of the problem are stark, clear and frightening.

10. While no one can consider himself or herself immune to the corrupting effects of pornography and violence or safe from injury at the hands of those acting under their influence, the young and the immature are especially vulnerable and the most likely to be victimized. Pornography and sadistic violence debase sexuality, corrode human relationships, exploit individuals—especially women and young people, undermine marriage and family life, foster anti-social behaviour and weaken the moral fibre of society itself.

11. Thus, one of the clear effects of pornography is sin. Willing participation in the production or dissemination of these noxious products can only be judged a serious moral evil. Likewise, production and dissemination of these materials could not continue if there were not a market for them, so those who use such materials not only do moral harm to themselves but contribute to the continuation of a nefarious trade.

12. Frequent exposure to violence in the media can be confusing to children, who may not be able to distinguish readily between fantasy and reality.

At a later stage, violence in the media can condition impressionable persons, especially those who are young, to regard this as normal and acceptable behaviour, suitable for imitation.

13. It has even been said that there can be a psychological link between pornography and sadistic violence, and some pornography is itself overtly violent in theme and content. Those who view or read such material run the risk of carrying over such attitudes and behaviour into their own relationships and can come to lack reverence and respect for others as precious children of God and as brothers and sisters in the same human family. Such a link between pornography and sadistic violence has particular implications for those suffering from certain forms of mental illness.

14. Even so called "soft core" pornography can have a progressively desensitizing effect, gradually rendering individuals morally numb and personally insensitive to the rights and dignity of others.

Exposure to pornography can also be—like exposure to narcotics—habit-forming and can lead individuals to seek increasingly "hard core" and perverse material. The likelihood of anti-social behaviour can grow as this process continues.

15. Pornography can foster unhealthy preoccupations in fantasy and behaviour. It can interfere with personal moral growth and the development of healthy and mature relationships, especially in marriage and family life, where mutual trust and openness and personal moral integrity in thought and in action are so important.

16. Indeed, pornography can militate against the family character of true human sexual expression. The more sexual activity is considered as a continuing frenzied search for personal gratification rather than as an expression of enduring love in marriage, the more pornography can be considered as a factor contributing to the undermining of wholesome family life.

17. In the worst cases pornography can act as an inciting or reinforcing agent, a kind of accomplice, in the behaviour of dangerous sex offenders—child molesters, rapists and killers.

18. A fundamental message of pornography and violence is disdain, the consideration of others as objects rather than as persons. Thus, pornography and violence can eat away at tenderness and compassion and can foster insensitivity and even brutality.

CAUSE OF THE PROBLEM

19. A fundamental reason for the spread of pornography and violence in the media would seem to be a pervasive moral permissiveness, rooted in the search for personal gratification at any cost. Associated with this is a kind of despairing moral emptiness, which makes sense pleasure the only happiness humans beings can attain.

20. A number of more immediate causes also contribute to the escalation of pornography and violence in the media. Among them are these:

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[1] Footnotes at end of article.

The profit motive. Pornography is a lucrative industry. Some segments of the communications industry have tragically succumbed to the temptation of exploiting human weakness, including the weakness of young and impressionable minds, in order to make money from productions of pornography and violence. In some societies, the pornography industry is so lucrative that it has been linked to organized crime.

Bad liberation arguments. Freedom of expression is said by some to require the toleration of pornography, even at the cost of the moral welfare of the young and of the right of all members of society to privacy and to an atmosphere of public decency. Some even falsely say that the best way to combat pornography is to legalize it. Faulty liberation arguments are sometimes espoused by small groups who do not represent the moral values of the majority and who fail to recognize that every right carries with it a corresponding responsibility. The right to freedom of expression does not exist in a vacuum. Public responsibility for promoting the welfare of the young, for fostering respect for women and for the protection of privacy and public decency indicates that liberty cannot be equated with license.

The lack of carefully prepared laws or the ineffective enforcement of laws which already exist to protect the common good, especially the morals of the young.

Confusion and apathy on the part of many persons, including members of the religious community, who erroneously consider themselves either as unaffected by pornography or violence in the media or as powerless to contribute to a solution to the problem.

RESPONSES TO THE PROBLEM

21. The spread of pornography and violence in the communications media does injury to individuals and society and creates an urgent problem requiring realistic responses from many persons and groups. The legitimate rights to free expression and free exchange of information must be respected, but so must the rights of individuals, families and society itself to privacy, public decency and the protection of basic values.

22. We shall speak here of seven sectors with obligations in this matter: professional communicators, parents, educators, youth, the general public, public authorities, and the Church and religious groups.

23. Professional communicators. It would be unfair to suggest that all communications media and all communicators are involved in this noxious trafficking. Many communicators retain high personal and professional standards and seek to fulfill their responsibilities with a strong commitment to moral norms and the common good. Their efforts—especially the efforts of those who seek to provide wholesome family entertainment—deserve recognition and encouragement.

We urge these communicators to join in formulating and applying ethical codes for the communications media and for advertising which respect the common good and promote sound human development. Such codes are particularly necessary for television, which makes it possible for images to enter directly into the home where children may often be alone and unsupervised. Effective self-control is always the best control, and self-regulation by the media can be the first and best line of defense against those who would corrupt the media and society itself by seeking to profit from pornography and violence.

We also urge communicators to help make better known through the media the steps which can be taken to stem the tide of pornography and the exaltation of violence in society.

24. Parents. Parents must re-double their efforts to provide for the sound moral formation of children and youth. This includes inculcation of healthy attitudes toward human sexuality based on respect for the dignity of every person as a child of God, on the virtue of chastity and on the practice of self-discipline. A well-ordered family life in which the parents are obviously faithful and committed to each other and to their children provides the best school for the formation of sound moral values.

Today, too, children and young people must be taught how to be discriminating, informed consumers of media. Parents, in particular influence their children through the example they give in this matter; parental passivity or self-indulgence in regard to media teach false and damaging lessons to the young. Of particular importance to young people is the example their parents give of true love and tenderness in marriage and of readiness to discuss matters of concern to their children in a loving and gentle manner. It must not be forgotten that, in matters of human formation, "more is obtained by reasoned explanation than by prohibition".[6]

25. Educators. The chief collaborators with parents in the moreal formation of young people must be educators. Schools and other educational programs should support and inculcate the social and ethical values that promote the unity and health of families and of society itself.

Of particular value are programs in media education to develop in young people a critical attitude and properly formed skills of discernment in using television, radio and other media, so that they might know how to resist manipulation and how to avoid merely passive listening and viewing habits.

It is also important that schools emphasize the need for respect for the human person, the value of family life and the importance of personal moral integrity.

26. Youth. Young people themselves can help to stem the tide of pornography and violence in the media by responding positively to the initiatives of their parents and educators and by taking responsibility for their own moral decisions in the choice of entertainment.

27. The public. The general public also needs to make its voice heard. Individually and collectively, concerned citizens—including young people—should make their views known to producers, commercial interests and public authorities. There is an urgent need for continuing dialogue between communicators and representatives of the public so that those involved in the communications media may learn more about the real needs and interests of those whom they serve.

28. Public authorities. Legislators, administrators, law enforcement officials and jurists should recognize and respond to the problem of pornography and violence in the media. Sound laws must be enacted where they are lacking, weak laws must be strengthened, and existing laws must be enforced.

Because the production and distribution of pornographic material has international implications, action should also be taken on the regional, continental and world levels to control this insidious traffic. Those who have already taken such initiatives deserve support and encouragement in their efforts.[7]

Law and the agents of law have as their most sacred duty the protection of the common good, particularly as it pertains to youth and the most vulnerable members of the community.

We have already noted some of the harmful effects of pornography and violence, and we can conclude that the common good has indeed been harmed and continues to be harmed where such materials are produced, exhibited and distributed without responsible restriction or regulation.

Public authorities must feel obliged to take prompt action to deal with this problem where it already exists and to prevent it from arising in places where it may not yet have become an urgent matter.

29. The church and religious groups. For the Church, the first responsibility is the constant, clear teaching of the faith, and therefore, of objective moral truth, including the truth about sexual morality. In an era of permissiveness and moral confusion, this requires that the Church be a prophetic voice and, often a sign of contradiction.

The so-called "ethic" of immediate personal gratification is fundamentally opposed to integral human growth and fulfillment. Education for family life and indeed for responsible life in society requires formation in chastity and self-discipline. By contrast, pornography and wanton violence can blind individuals to the divine image in the human person, can weaken marriage and family life and can do serious harm to individuals and to society itself.

Wherever possible, the Church must join with other churches, denominations and religious groups in teaching and fostering this message. It must also make the best possible use of its own institutions and personnel to give education and formation concerning the media of social communications and their proper role in individual and social life. Special attention should be given to assisting parents in their efforts.

Thus, media education belongs in Catholic schools and other educational programs, in seminaries,[8] in formation programs of religious and secular institutes, in the continuing formation of priests and in parish programs for youth and adults. Priests and Religious in pastoral and educational work should themselves be discriminating consumers of media who give good example in what they read and view.

30. Finally, a merely censorious attitude on the part of the Church toward the media is neither sufficient nor appropriate. Instead, the Church should be engaged in continued conversation with repsonsible communicators to encourage them in their work and to provide assistance where it is needed or requested. Catholic communicators and their professional organizations,—with their special insights and experience—can play a key role in these continuing conversations.

31. As they conscientiously evaluate productions and publications in accordance with clean and consistent moral principles. Catholic critics and communications organizations can offer valuable assistance both to communications professionals and to families. In fact, the guidelines on the communications media present in existing Church documents, including recent reflections by many bishops on the problems of pornography and violence, deserve extended study and systematic application.

32. This document is intended to address the widely expressed concerns of families and of the shepherds of the Church and to

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invite even more general reflection of an ethical and practical nature on the problem of pornography and violence in the communications media and to encourage all to follow the injunction of St. Paul: "Do not be overcome by evil, but overcome evil with good" (*Rom* 12, 21).

Pontifical Council for Social Communications.

Vatican City, May 7, 1989.

XXIII World Communications Day.

JOHN P. FOLEY
President.
MONS. PIERFRANCO PASTORE
Secretary.

FOOTNOTES

[1] *Communio et progressio,* 22.

[2] *Sollicitudo rei socialis,* 26.

[3] *Inter mirifica,* 2a.

[4] *Familiaris consortio,* 76; cf. JOHN PAUL PP. II, *Message for World Communications Day,* May 1, 1980.

[5] Among those can be cited: 1) *The Longford Report on Pornography* (original title, *Pornography: The Longford Report*), Ricerche-Mursia, Milan (Italy), 1978; 2) *Final Report of the Attorney General's Commission on Pornography,* Rutledge Hill Press, Nashville, Tennessee (U.S.A.), 1986; 3) ISPES (Istituto di Studi Politici, Economici e Sociali), *I e II Rapporto sulla Pornografia in Italia,* Rome, (Italy), 1986 and 1988.

[6] *Communio et progressio,* 67.

[7] The EEC (European Economic Community), the Council of Europe and UNESCO, among others, have taken action in this sense.

[8] CF. CONGREGATION FOR CATHOLIC EDUCATION, *Guide to the Training of Future Priests concerning the Instruments of Social Communication,* Vatican City, 1986.

HOPE FOR NICARAGUA

HON. JOLENE UNSOELD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mrs. UNSOELD. Mr. Speaker, there is hope for Nicaragua.

Yesterday, the Nicaraguans again defied the pessimists. A new agreement, in a land know mainly for disagreements, calls for repatriation of the Contras and a peaceful transition of power by the Sandinistas. Both the army and the police force will be turned over to the civilian government.

I commend Nicaragua's Roman Catholic Cardinal Obando y Bravo for mediating an immediate and unconditional cease-fire in this ongoing shooting war, something many feared could not be achieved.

Pessimists said fair elections would never happen in Nicaragua.

They said President-elect Violeta Chamorro would never win.

They said a defeated Daniel Ortega would never concede.

They said the Contras would never give up power.

We have seen fair elections, a victory for democratic reform, a concession of loss by the Sandinistas. Let us hope for an end to the fighting and a peaceful transition of power.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 16, 1990.
Her Excellency VIOLETTA CHAMORRO,
Office of the President, Managua, Nicaragua.

DEAR MADAM PRESIDENT: I wish to offer you my sincere congratulations on your recent victory. The success of UNO proves that non-violent opposition can win. The opinion polls failed to predict what was in the hearts of the Nicaraguan people. Like the people of Eastern Europe, they sought to become a part of the movement towards democracy and prosperity. The ninety-percent turnout of registered voters and your large margin of victory showed this to be true. I commend you and the Nicaraguan people on their choice and your mission to bring peace, democracy, and economic well-being to your country.

My interest in human rights is long-standing, particularly in Latin America. I have long supported a peaceful solution to the end of the war in your country, including the Arias Peace Plan and the $400,000 for election monitoring. I will continue to support your efforts to bring peace to your troubled nation, to repatriate the Contra forces, to rebuild your economy, and to heal the wounds that divide your people.

As a woman newly elected to federal office and as a widow, I can identify with some of the challenges you face. My heart goes out to you and your people; your great courage and leadership are an invaluable asset at this juncture in your nation's history.

I understand that you have already sent an envoy to the Contra leadership to negotiate their return. I have joined many of my colleagues in urging President Bush to cease all sustaining support to the Contra forces and to require these forces to disarm as a condition of receiving any further U.S. assistance. I strongly agree with your sentiments that the continued existence of the Contra forces poses a threat to a successful transfer of power and the transition to democracy.

I also support efforts to end trade embargos directed at your country and will encourage our administration to move quickly to grant Nicaragua most favored nation status.

I wish you the best as you prepare to take office on the 25th of April. I am confident that this will be the beginning of a new era of cooperation and understanding between our nations.

Sincerely,

JOLENE UNSOELD,
Member of Congress.

INTRODUCTION OF LEGISLATION TO ALLOW A DEDUCTION FOR FEES FOR SEWER SERVICE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. DONNELLY. Mr. Speaker, I am introducing legislation today which will be of enormous benefit to middle-class homeowners across the country. My legislation will allow property owners to deduct, in the same manner as local property taxes, fees for sewer and water services.

Mr. Speaker, my legislation is prompted by the actions of a recently created State agency in Massachusetts. The Massachusetts Water Resources Authority, the agency charged with the cleanup of the Boston Harbor, will soon become the largest bond issuer in the country. The agency will pay off the bonds with proceeds from user fees charged to homeowners in the greater Boston area. Although I have in the past criticized the arrogance of the MWRA and the luxurious offices out of which they operate, it has become increasingly clear that homeowners in the Boston area will soon be saddled with the highest water rates in the country. As a Member of Congress representing that area, I have an obligation to respond, and my legislation does so.

The bill does so in a generic way, by allowing all homeowners to deduct fees for sewer and water service. Middle-class homeowners in this country are being taxed by State and local government agencies in the form of user fees for services. It is wrong that these fees are not deductible in the same manner as property taxes. In the coming decade, as America meets the challenge of cleaning up our water supply, fees will increase across the Nation. This legislation does something about it, by providing some measure of relief to the middle-class homeowner.

Mr. Speaker, let me say in closing that, as a member of the Committee on Ways and Means, I am more than willing to find the revenues necessary to pay for this legislation. I submit a technical description of the bill for the RECORD.

PRESENT LAW

Section 164 of the Internal Revenue Code allows as a deduction from adjusted gross income certain taxes paid, including State and local real property taxes. The term "tax" has been defined by the Internal Revenue Service as "an enforced contribution, exacted pursuant to legislative authority in the exercise of the taxing power, and imposed and collected for the purpose of raising revenue to be used for governmental purposes." (Rev. Rul. 77-29, 1977-1 CB 44).

The Internal Revenue Service has consistently taken the position that fees imposed for sewer and water services are not deductible as local or State real property taxes (*see,* e.g., Rev. Rul. 79-201, 1979-1 CB 97, Situations 2 and 3; Rev. Rul. 75-346, 1975-2 CB 66; Rev. Rul. 75-455, 1975-2 CB 68).

EXPLANATION OF PROPOSAL

Under the bill, fees imposed by a local government, State government, or the District of Columbia for sewer or water services would be deductible in the same manner as local real property taxes. Thus, a deduction would be allowed from adjusted gross income (i.e., as an itemized deduction) for sewer and water fees.

EFFECTIVE DATE

The provision would be effective for taxable years beginning after December 31, 1990.

A TRIBUTE TO THE BROAD STREET UNITED METHODIST EPISCOPAL CHURCH

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. SAXTON. Mr. Speaker, I rise today in recognition of the 220th anniversary of the Broad Street United Methodist Church of Burlington, NJ. Founded on December 14, 1770, the church has the honor of being the first Methodist congregation in the great State of New Jersey.

The church was first called the Broad Street Methodist Episcopal Church when it began as a small society lead by Joseph Toy, a layman. At this time services were held in the homes of members.

In 1784, the church was organized as a denomination at the famous Christmas Conference in Baltimore. A building for the church was finally built on Library Street in Burlington after James Sterling, an active member, and Maj. Joseph Bloomfield, who later became the Governor of the State, made an agreement to carry out the project.

With the continued growth of the church, a new building became necessary. In 1819, a committee was formed for this purpose and acquired the land where a jail used to stand. This was the same site where, almost 40 years earlier, according to tradition, retired British Army officer Captain Webb preached the Methodist doctrine. Executions were public in these times, and Webb was able to gain many followers.

Although the church has been rebuilt since then, it still remains on the same land. In 1924, the church name officially became Broad Street Methodist Episcopal Church of Burlington.

The church has had a long exciting history—a fact that proves it has been able to preserve its faith. From the early Methodist preachers that used the church alter such as Bishop Francis Asbury, to the current Rev. Karl R. Kraft, the church has been a strong part of the community. Today, the congregation has over 500 members, one of which is over 107 years old.

Mr. Speaker, it is my pleasure to proudly acknowledge the more than two centuries that the Broad Street United Methodist Church has served its church members. I ask my colleagues to join me and wish them continued success in the future and another century of growth.

SHERIFF JOHN W. CARPENTER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. LAGOMARSINO. Mr. Speaker, on March 31, Sheriff John W. Carpenter will retire as sheriff-coroner of Santa Barbara County, a position he has held since he was first elected in 1970.

Sheriff Carpenter has had a remarkable and rewarding career in law enforcement. A graduate of California State University with a degree in criminology, he started his career with the city of Hermosa Beach Police Department, where he served 12 years, rising to the rank of lieutenant. Moving to Santa Barbara County, he served as the first chief of police for the then newly incorporated city of Carpinteria. In 1970, after 4 years as chief of police, he was elected sheriff-coroner of Santa Barbara County. He was re-elected four times.

Sheriff Carpenter is a graduate of the FBI National Academy in Washington, DC; the Police Management Institute of the University of Southern California; and the Delinquency Control Institute at USC.

He has served in numerous professional capacities, including tricounty coordinator of the President's Organized Crime Drug Enforcement Task Force; chairman of the County Law Enforcement Chief's Association; mutual aid coordinator for the tri-counties; member of the executive steering committee for the National Narcotics Border Interdiction System, Pacific Region (Vice President's Committee); member of the U.S. Attorney's Law Enforcement Coordinating Committee; and member of Senator William Campbell's Committee on Fire, Police, Emergency, and Disaster Services for California.

I might note, Mr. Speaker, that Sheriff Carpenter provided exemplary service in protection of President Ronald Reagan during the President's many stays at his ranch in Santa Barbara County, and in fact continues to do so. Mr. Speaker, it is with a great sense of pride and personal friendship that I extend to Sheriff John Carpenter, on behalf of the U.S. House of Representatives and the community of Santa Barbara County, our warmest congratulations and appreciation to him and his wife, Linda, and our best wishes for continued success.

THE 1990 CENSUS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 28, 1990, into the CONGRESSIONAL RECORD:

THE 1990 CENSUS

On April 1, 1990, the United States government will ask Americans to stand up and be counted. The 1990 Census will mark the 21st time that the federal government has undertaken its constitutional requirement to count the number of people in the United States every ten years. The 1990 Census will be the most complex, the most expensive, and, if the Census Bureau is right, the most accurate in our history.

The census is extremely important. While the original intent of the census was to count the number of people in the country to determine congressional districts, the census has expanded in several significant ways. The national census provides data on housing, employment, transportation, income, education, energy usage, and other issues that are used widely by the public and private sectors. The federal government will use the census statistics to allocate more then $80 billion in aid. Funding levels for unemployment assistance, low-income housing, elementary and secondary education, and a variety of other programs are decided partly on the basis of census information. School districts use census data to decide where to build schools, and rural and urban planners use the information to plan housing, roads, and economic development. Census information allows businesses to know more about potential customers, and companies use it to plan everything from mail-order marketing to the best location of new shopping centers.

Because so much is at stake in the numbers obtained by the census, there is a great deal of concern over the accuracy of the count. The 1980 Census missed an estimated 3.2 million persons, or roughly 1.4% of the population. Indiana receives an average of $165 in federal aid for every Hoosier each year. Since the 1990 Census will be more accurate than the off-year census tabulations that follow until the 2000 Census, a person missing the 1990 count could result in losses to the state and local government of at least $1,650 over a ten-year period.

Potential undercounts are especially important to mayors of large cities with concentrations of minorities. As many as 6% of blacks and 8% of Hispanics were missed in the 1980 Census. This probably resulted in an undercount in Texas of 220,000 persons, and New York City alone may have missed 500,000 persons. For 1990, the Census Bureau has agreed for the first time to conduct a "post-enumeration survey" to check for an undercount. During this survey the Census Bureau conducts a door-to-door population count of an area and compares it to the results from the earlier, mailed-in census questionnaires. The final census count could then be adjusted, but it is not yet clear if the Census Bureau will use the post-enumeration survey for such a purpose.

The problems of counting ourselves are enormous. The Census Bureau will be trying to gather information on approximately 250 million people in 106 million housing units. Many persons believe the census questions are an invasion of their privacy (although all responses are kept confidential), and persons who are hiding from the government, such as illegal aliens, do not want the government to know about them. The homeless also are difficult to count, and the Census Bureau has increased efforts to account for all persons with transient lifestyles.

Fortunately, the census questionnaire is not difficult to fill out. Five households out of six will receive the short form, a quesionnaire of 14 questions that should take about 15 minutes to complete. One out of six families, however, will receive the long form containing about 60 questions that will take roughly 45 minutes.

The Census Bureau is taking several steps to improve the accuracy of the 1990 count. More than 95% of the population will receive mailed questionnaires. Census enumerators, persons who go door to door to ask census questions, will concentrate on rural areas where it is difficult to obtain complete mailing lists. The number of enumerators will be increased substantially from 203,000 in 1980 to about 300,000 this year. In addition to counting rural areas, enumerators will follow up on persons who do not send in their census forms and will canvass places missed in the past, such as bus stations and mission houses where many transient people live.

Other efforts to improve accuracy include implementing a new computerized mapping

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system and giving local governments greater opportunity to review maps and counts to check for inaccuracies. With these improvements, the Census Bureau expects the 1990 Census to be the most accurate ever. To meet this goal, the Census Bureau plans to spend more money on the 1990 Census than for any previous effort. From 1984 to 1993, the total cost of planning, carrying out and providing the results of the census will be about $2.6 billion. More than half will be spent this year.

In 1990, the Census Bureau estimates that Indiana will have about 5.6 million persons, roughly 2.3% more than in 1980. The 9th Congressional District will contain about 571,000 Hoosiers, an increase of roughly 26,000 from 1980. Because of Indiana's low population growth rate compared to other states—some sunbelt states have population increases of over 20%—we are on the list of states which may lose a congressional seat. After the reapportionment following the 1980 Census, Indiana lost its 11th congresional seat by only 7,000 persons, and there was some initial concern that Indiana might lose another seat after the 1990 Census. Recent projections, however, indicate that Indiana will keep its 10th seat.

The 9th District will have a special role in the 1990 Census. The Data Preparation Division in Jeffersonville is one of the Census Bureau's main processing facilities. Established as a temporary facility in 1958, it covers a million square feet, employes thousands of Hoosiers, and supports over 150 Census Bureau projects. The Jeffersonville facility will process about one-third of all the 1990 Census data.

The 1990 Census will be an important event in our country, and its outcome will have a profound effect on planning for the future, on the distribution of federal aid, and on the make-up of congressional districts in the next decade. I urge evey person to participate in the census and make it as accurate as possible.

WEST VIRGINIA'S NEW RIVER RANKED AMONG NATION'S 13 BEST

HON. NICK JOE RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. RAHALL. Mr. Speaker, the March 1990 issue of Outside Magazine carries an article entitled "The Torrents of Spring" on, according to the magazine, the 13 best springtime rivers in America from the perspective of river recreationists. I am pleased to note that the mighty New River, in southern West Virgina, is among those listed.

In southern West Virginia, we have the largest network of federally protected rivers in the Eastern United States. The segment of the New River described in the article was designated a National River in 1978 as a result of legislation advanced by myself and our West Virginia Senators in the Congress. Building upon the success of the New River Gorge National River, in 1988 we designated several tributaries of the New River—the premier whitewater segments of the Gauley and Meadow Rivers and a segment of the Bluestone River—as units of the National Park System as well.

Today, these developing park units stand as a testament not only to our commitment to preserving the outstanding natural resource heritage of southern West Virginia, but to the benefits that can accrue to the regional economy through conservation measures.

Following, is the portion of the magazine article on the New River:

THE NEW RIVER, WEST VIRGINIA

Cutting northward through North Carolina and southwest Virginia, the New River comes into its frothy finest in West Virginia. The upper reaches of the West Virginia section begin in the town of Hinton at the base of Bluestone Dam, and the next 35 miles below the dam are a shoal-filled stretch that offers moderate whitewater and some gorgeous Appalachian scenery. Then, downstream from the once-thriving coal town of Thurmond, the river drops into a thousand-foot-deep gorge that's filled with house-size boulders and raft-eating rapids. The 15-mile run of chasm-bound river between Thurmond and Fayette Station is considered one of the wildest spring paddling stretches in the east. There are 19 rapids, Class I to Class V, in the gorge, and in the spring eight-foot standing waves and monstrous compression holes are the norm. Only experts, using rafts or decked boats, should attempt this run during high-water periods, although as the year goes on and the waters subside, intermediates may find that roaring Class V rapids like Double Z and Greyhound Bus Stopper have been reduced to manageable Class IIIs.

Rafting season on the New usually runs from April to October, with the biggest water—and the lightest traffic—coming in April and early May. Class VI River Runners Inc. (Box 78 Ames Heights Road, Lansing, WV 25862; 304-574-0704) is one of many local outfitters that offer one- to three-day oar and paddle raft trips. Prices start at $60 per day.

DOES GOD STILL BELIEVE IN PEOPLE?

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. HUGHES. Mr. Speaker, Sidney Ascher has been a friend of mine for some time, and I have often enjoyed reading the insightful ideas and observations contained in his columns. Apparently I am not alone in this endeavor, for his "Best Years" column is carried by 147 newspapers, 37 newspapers carry "Sid Ascher's World," and his remarks are often quoted in Reader's Digest.

One of his recent columns focuses on a frequent topic of debate, belief in God, and changes the question to, "Does God still believe in people?" I would like to bring this thoughtful column to my colleagues' attention, and I ask that it be included in the RECORD.

DOES GOD STILL BELIEVE IN PEOPLE?

(By Sid Ascher)

Recently a survey was conducted by April S. Anastasi to determine if people still believed in God. It showed that well over 93 percent are God fearing individuals, but it seems to me the question really should have been, "Does God still believe in people?" It would be nothing short of miraculous if God still does believe in people.

He knows of the never ending warfare, of greed, selfishness, callous indifference to the sufferings of our fellow man, and man's cruel inhumanity to man. He witnesses growing disrespect and lack of consideration for our aged, and He is aware of the shocking violations of His Ten Commandments and disregard for the Golden Rule.

He gave us wonderous land, sparkling clear waters, bountiful crops, and then added intelligence and great imagination to enable us to prosper and progress. He gave these precious gifts to ALL mankind, not merely to the strong who conquer through violence and fear.

And what have we done in return? We have polluted the pristine waters, defiled the air, and ravaged the land, choose to ignore the warning signs of disaster. We continue on our path of self-destruction and now, to compound our arrogance we ask not if God still believes in us, but if we believe in God.

In reality, we should pray that God still believes in us.

HONORING THE ESTEEMED JOURNALIST BERNARD ROSENBERG

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. GUARINI. Mr. Speaker, a constituent of mine, Mr. Bernard Rosenberg, recently retired from a very distinguished newspaper career. He was a valued member of the staff of the Jersey Journal for over 40 years, following in the tradition of his eminent father, Rosie Rosenberg, who served as sports editor of the Bayonne Times for many decades. Mr. Rosenberg also happens to be the cousin of our esteemed colleague, Mr. FRANK of Massachusetts, who takes great pride in his Bayonne roots and strong family ties.

I insert the Jersey Journal article detailing Bernie Rosenberg's impressive career here in the CONGRESSIONAL RECORD:

"BERNIE BAYONNE," A NEWSPAPER LEGEND IN HIS OWN LIFETIME

(By Joseph J. Casey, Jr.)

A second generation of service to newspaper readers ended yesterday when wire editor Bernard Rosenberg retired after a 40-year career—38 years of which he devoted to The Jersey Journal.

He followed in the footsteps of his father, Morris L. "Rosie" Rosenberg, for many years sports editor of The Bayonne Times. Bernie's son, Steve, currently is following the family tradition as a Jersey Journal sports reporter.

Although as wire editor his chief concern has been international, national and state news, Rosenberg has never lost touch with what was happening locally, and fledgling reporters often were referred to "Bernie Bayonne" for facts and local lore, not only about his hometown but also the county in general.

As a young boy, Rosenberg and his younger brother, Henry, used to accompany their father to The Bayonne Times, recalls his brother, in the days when World Series and other scores were written on a giant scoreboard outside the newspaper and broadcast over loudspeakers at 26th Street and Avenue C as they came over the ticker tape.

Morris L. Rosenberg for a generation wrote the Rosie's Roundup column, which always was accompanied by the latest in a series of pictures of him with a cigar in his mouth.

He became a fulltime sports reporter right out of high school, and a few years later, when the paper expanded, he became sports editor and served in that position for decades almost until his death in 1970.

After starting college at Purdue, Bernie Rosenberg was drafted during World War II, recalls his brother, Henry, and just as he was finishing basic training, was put under the Army Specialized Training Program and sent to Texas A&M to study electrical engineering.

The ASTP was an Army program to make use of college students' specialized talents. After the war Rosenberg was able to get into the University of Missouri under the GI Bill of Rights.

One week after basic training, his brother recalls, Rosenberg's original battalion was in the centerfold of Life magazine in combat in Europe.

Rosenberg joined the Long Island Star Journal in 1949, right out of the University of Missouri School of Journalism, starting as a cub reporter.

At the Jersey Journal, he began by covering North Bergen and then the county courthouse. He was The Journal's "Mr. Fixit" for two years before becoming a copy editor in 1964.

He was Bayonne editor from 1966 until 1971 when he returned to Journal Square as makeup editor. In 1974 he took over as wire editor.

"When I think of the phrase 'a real newsman' I think of Bernie Rosenberg. During his years as Bayonne editor, he covered Bayonne like a glove, with tremendous dedication to the remarkable community where he lives," said Steve Newhouse, editor of The Jersey Journal.

"And the hallmark of Bernie's success as wire editor has been his great curiousity about state, national and world affairs, and his ability to relate them to the interests of our readers," he added.

"I know Bernie well, as I knew his father 'Rosie'," said Mayor Dennis P. Collins, "and the apple certainly didn't fall far from the tree.

"While I've always known Bernie to be a low-key person, I've always found him to be very thorough in getting the story, as well as fair and objective.

"I'd like to thank him for his many years of providing news to the residents of Bayonne and for his contribution to journalism, and he has my every best wish for his future," Collins said.

"Bernie's always been a dedicated, loyal citizen of Bayonne," said Council President Neil A. DeSena, "and always gave 100 percent; he's always been a credit to the city of Bayonne, the paper and himself.

"I've always found him to be a very sensitive and sincere individual and although I have not had a day-to-day relationship with him, he is someone I'd call a friend."

I am sure that my colleagues here in the House of Representatives will join me in honoring Bernie Rosenberg for his outstanding career and wishing him well in his retirement.

WHY I AM PROUD OF AMERICA

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. BALLENGER. Mr. Speaker, each year, the Veterans of Foreign Wars of the United States and the ladies' auxiliary conduct the Voice of Democracy speechwriting contest. Over 137,000 secondary school students participated in the contest this year in competition for 12 national scholarships totaling $56,000. The 12 winners will receive money to go toward their college education. The theme of the contest this year was "Why I Am Proud of America."

I would like to take this opportunity to submit for the RECORD the text of the speech that will represent the State of North Carolina in the contest. The speech was written by Jennifer Anne Neale of Valdese, NC. Jennifer is from the 10th district of North Carolina that I so proudly represent.

I am proud of Jennifer and all of the students who participated from across the country. Also, I would like to thank the sponsors of the contest for giving these students the opportunity to say why they are proud of America.

WHY I AM PROUD OF AMERICA

(By Jennifer Neale, North Carolina Winner of the 1989/90 VFW Voice of Democracy Scholarship Program)

I live in an area to the "west." It's a beautiful home, new and shiny. Yet, from its windows I view the follies of my neighbors, and am saddened by their pain. But perhaps I appreciate my home all the more by observing these examples of injustice, and enjoy the freedoms I am granted in my home: the right to think as I wish, speak when I might, and be whatever kind of individual I may aspire to become.

No, the home I'm discussing doesn't have a white picket fence or a garden. There's no welcome mat on the front porch, and no dog to greet me at the door. But I hold more pride in this home than I could in any mere building which could be constructed from man-made materials. Because I'm talking about my home, the United States of America. "Give me liberty, or give me death."

All who have heard Patrick Henry's famous words are struck by the weight behind them. This man's love for a group of colonies, not even yet a country, is inspiring—to say the least. For a greater love and yearning lay beyond them . . . a desire for liberty, for freedom, and for choice without fear!

And so, through countless battles and countless deaths, our ancestors took up their weapons—and laid down their lives—for this shining star of hope. Because of these victories, America has not only survived, but has become better, stronger . . . yet it is still the people's haven of justice and security. Is this not a home of which to be proud?

America's foundation is built from the rugged stone of democracy, and thus, everyone who is a citizen of the country has a right to freedom. However, it is possible, that we, having always been willed this right, could not know what it is like not to have the luxury of sovereignty.

To best illustrate life without independence, we must first picture ourselves enclosed in a tiny cubicle, with instructions telling us what we are to say—or do—being shoved in through a small slot on the side. A frightening scene, is it not? But, of course, we are not in danger of such an occurrence. Yet, look to our neighbors in the East. Observe Tiennamen Square. The blood of marchers has been washed away, but the pain remains.

Why did this happen? Because Chinese students without liberty looked upon our happiness, and acted in order to gain the freedom of speech. This right may be called the windows of our home, from which we shout our views without fear, for we know that we are protected by the secure walls which our government has erected.

Secondly, in Nicaragua, newspapers have been shut down and reporters' lives are endangered by their government. Yet here, in America, the press is respected as the doors of information, leading from one area to another, and to the rest of the world.

The freedom of religion completes our home, providing the roof over our heads and protection from those who would take this right from us. Yet, again, others are not so fortunate. In Lebanon, the Christians, Jews, and Moslems have fought for years in order to gain power over one another. However, in America, religions exist together, no one higher than the others. We are truly blessed.

America: melting pot of the world, land of opportunity, mother to all . . . the symbols, rights, and most importantly, the people, make up the solid bricks of the United States, bonding together the family living in this home of justice where all may find peace—always expanding, always growing, opening itself to everyone.

True, there are no streets paved with gold, and not everyone is rich and prosperous; but all who ask are fed and clothed; and all who strive can become what they wish. It is America that grants these dreams, and America that leads the world.

Proud? Yes, I'm proud of America. I am proud of my home.

TRIBUTE TO OUR AMBASSADOR TO GREECE, MICHAEL SOTIRHOS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. RANGEL. Mr. Speaker, I'd like to call to your attention the following article which appeared in the international edition of the Miami Herald on January 4, 1990, about our Ambassador to Greece, Mr. Michael Sotirhos. Since assuming his post in September, he has caught the eyes of many and has won the approval, respect and wonder of the Greek public. Ambassador Sotirhos has done much to improve what have been tense relations between Greece and the United States. Often mingling with a crowd, his open, enthusiastic and down-to-earth style and charisma have helped create a better image and acceptance of Americans and the United States. He also practices and encourages better commmunication and openness among diplomatic leaders. Proudly showing the American flag nearly everywhere he goes, he is the first Greek-American to serve as Ambassador to Greece.

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SHOWING THE FLAG: BOLD U.S. ENVOY CAPTIVATES GREEKS

(By Paul Anastasi)

ATHENS, GREECE.—Reversing America's low-profile diplomacy in Greece, he insists upon braving the threat of terrorism by displaying the American flag wherever he goes.

He does not hesitate to step into the crowd to cheer at basketball games, and he jokingly reassures Greeks that he, like most of them, is an islander—from the island of Manhattan.

After 15 years of strained relations between the United States and Greece, both members of NATO, easing tensions between the two nations well may have a lot to do with the unorthodox tactics of a Greek-American New Yorker: Michael Sotirhos, the American ambassador to Greece.

Sotirhos, 61, arrived in Greece in September and, much to the dismay of the traditionally hostile Greek press, has plunged into a public relations campaign that his predecessors never would have attempted. In several cases, he has left his Greek audience crying for more.

Greece first got a hint of the ambassador's new approach when he turned up at the funeral of Pavlos Bacoyannis, the chief spokesman in Parliament of the conservative New Democracy Party who was killed by terrorists in September.

For the first time in years, the American flag flew from the ambassador's armored limousine. Mourners broke ranks and burst into applause at the sight.

Similarly, it was front-page news when the ambassador scored another first by visiting Communist Party headquarters to talk with the party leader. He next turned up at a hastily summoned town hall reception for Boris Yeltsin, the maverick Soviet legislator, while the Soviet ambassador failed to appear.

Not only has the ambassador been shaking up the political status quo with his maneuvering, but also has managed to capture the public's attention with his style.

Recently, Sotirhos broke with protocol by strolling onto the court to greet the stars of Greece's best basketball team. On another occasion, he mingled with fans at a heated soccer game. In both cases he was applauded and even embraced by fans.

As evidence of his adherence to the Greek Orthodox faith, Sotirhos attends Mass every Sunday at churches in Athens and sometimes sings along with the choir. Always, he wears an American flag pin in his lapel.

"We're going to take every necessary security precaution, but we're not going to hide," a diplomat recalls the ambassador telling staff members. "Having armored cars and bodyguards, that's security. Not flying the flag is hiding."

The ambassador's new approach differs considerably from diplomatic practices adopted since 1974, when simmering anti-Americanism and terrorist attacks compelled most Americans to maintain a low profile.

Now, Sotirhos has ordered that the American flag fly on all occasions. He has encouraged diplomatic personnel to widen the circle of leaders whom they meet to include Communists and to seek contact with the general public.

At meetings with American servicemen, he urges them to emphasize rather than hide their official American status. "Go out, go to the countryside, find the mayor and introduce yourself as an American," he told personnel, according to the diplomat.

"Anti-Americanism has been declining for the past few years," another foreign diplomat said.

"But the new ambassador is accelerating the gradual decline of anti-American sentiment and taking it one step further to revive traditional pro-Americanism among Greeks."

While developments in Eastern Europe and the decline of Communist domination might be one coincidence explaining Sotirhos' warm reception, the ambassador also enjoys the advantage of being the first Greek-American in the post.

His wife, Estelle Manos, also is Greek-American, and both speak Greek fluently.

The advantage of language and the ethnic connection is evident.

One witness recounted an incident when Sotirhos, questioned by an elderly couple in the streets of a small town, informed them that his father was from the island of Kythira and his mother from the island of Milos.

"So you are *nisiotis*, an islander, like us?" the couple asked him.

"Yes," the ambassador replied. "I'm from Manhattan."

JENNIFER KALEINANI BRANCO, HAWAII'S WINNER IN VOICE OF DEMOCRACY

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. AKAKA. Mr. Speaker, I rise today to commend a truly gifted and talented individual, Jennifer Kaleinani Branco. Jennifer was recently named the State finalist in Voice of Democracy, a scholarship program conducted by the Veterans of Foreign Wars.

Jennifer is a senior at Saint Joseph High School on the Island of Hawaii, and was recently selected as class valedictorian. Her essay on "Why I'm Proud of America" was insightful, and I would like to share it with my colleagues. I kindly ask that Jennifer's composition be included for the RECORD.

I wish to extend my appreciation to the Veterans of Foreign Wars. Under their leadership, the Voice of Democracy Program has grown to include 137,000 students from over 8,000 schools. The program provides 12 national scholarships, including a first-place scholarship award of $18,000.

It was indeed a pleasure to meet Jennie while she was in Washington, she is a wonderful and intelligent individual. I would like to congratulate her on her accomplishments and extend my best wishes for her endeavors.

WHY I'M PROUD OF AMERICA

(By Jennifer K. Branco)

I am a woman eighteen years old. I live in America, not because I have to, but because I want to. I am young—a free spirit attending school—not by force, but by choice. I can join with others and discuss what goes on outside my home. I am not secluded, isolated or kept in the dark. I am informed through the media, and can interpret what is said, my way. I am provided for and in return can provide for others. I can change my home by voting; through democracy I have an equal say about what goes on when, where and how. I may disagree with politics in my country or the way my government proceeds; and if enough people feel the same way, we can take steps to change things peaceably—without our opinions and actions being held against us. There are times when I am unsure of myself. I choose to call upon God to help me, and legally He may. Rules are set to protect me and "justice" is heard on the lips of all. Yet, I am still free to live my life the way I want.

TIME GOES BY . . . .

I am twenty-one and learning about life. Fufilling dreams and opportunities that arise. I am now married to the man I wanted and love. I have a child, a young boy. And, I will raise him with my own values, my own ideals—teaching him right from wrong as I see fit within the laws that support and protect my family. My child may attend school, learn at home, and learn from books, or learn from Big Bird.

I have a job. I am a mechanical engineer, but not the only one in my field. I work hard to advance and am able to do that because of motivation, incentive, pride in my craft and the reassuring fact that I am happy doing what I do and no one has the power to constrict my goals or dreams.

I don't need to depend on anyone to support me, for I have the ability to provide for myself. But, if one day I do need a "helping hand" I know my government is there to help me go on with life. Walk hand in hand with me through the streets of hardship till the day when I can again walk alone.

I am not a criminal, but find comfort in the fact that if I was ever in need of aid, the arms of justice would reach out and embrace me. I have no fear of justice, only that of injustice.

TIME GOES BY . . . .

I am now forty. My son is nineteen, facing all the choices and decisions I did. For questions never change, only answers to them do. I tell my son to explore his dreams, his goals, to question, to interpret. And, I reassure him of these "gifts" that he has; but not because I am his mother, but because he lives in America. I tell him to defend it's pride, America, what it stands for. To accept its few faults in return for its vast provisions. (And) my son, he tells me standing proudly in his uniform, that he is so proud of his country that he is willing to die for it. His father and I watch as we lose our son, but not to drugs, corruption or violence, but to a provider, a father, a comforter, a healer, to America.

TIME GOES BY . . . .

I am now seventy years old, and I still remember why I live in America. Why I'm proud of America; because it's my home, my father. It is freedom, it is choices and decisions all of which I have the control of. That's why I'm proud of America.

CHILD CARE LEGISLATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mrs. SCHROEDER. Mr. Speaker, as we again attempt to define the ideal relationship between Federal funding for child care and religiously affiliated child care providers, I hope that my colleagues will keep in mind the arguments of those groups and agencies that will be most effected by our decisions.

I would like to submit for the RECORD a letter from the National School Board Association.

NATIONAL SCHOOL BOARD ASSOCIATION,
Alexandia VA March 27, 1990.

Member, U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE: The national School Boards Association represents the 97,000 members of the nation's 15,350 local school boards. Our members govern America's public schools.

When you vote on child care legislation, please keep in mind the following:

(1) The bill that passes should include an education component. NSBA supports the option of school-based programs. We oppose the Stenholm bill.

(2) No provision of the bill should permit education funds to go to sectarian programs. NSBA continues to oppose the use of any federal funds for education or developmental programs for sectarian purposes.

NSBA recognizes the importance of federal support for safe, high quality child care that is affordable and accessible to all who need it. A good child care program for children ages two and older includes a developmental/educational component. Thus, while infant and toddler care might be considered strictly custodial, any progrm for older children is subject to the same constitutional strictures in regard to separation of church and state as are elementary and secondary education programs.

Your vote on the bill before the House of Representatives may be a difficult one, particularly if the bill contains elements such as constitutionally suspect church/state language. We urge you to voice your views during debate, so that a continuing strong record of Congressional opposition to any federal education funding for sectarian programs is established.

We ask that you keep in mind, as you decide how to vote, that H.R. 3 as passed by the Education and Labor Committee would have permitted federal funds to flow to church-run day care programs, even with the bill's strong language prohibiting funding of sectarian programs. The overwhelming majority of church-run day care programs are not sectarian: they provide child care, rather than inculcate young children in a particular creed; they hire staff without regard to religious affiliation; and they admit children without regard to their parents' religious preference. There is, therefore, no need to place language of questionable constitutionality in the bill.

Very truly yours,
JAMES R. OGLESBY,
President.
THOMAS A. SHANNON,
Executive Director.

COUNTDOWN TO EARTH DAY

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. UDALL. Mr. Speaker, 25 days from today we will celebrate "Earth Day," which recognizes the 20th anniversary of the first Earth Day, as well as, renews our commitment to environmental concerns that exist today.

The popularity of this event is attaining levels well beyond everyone's expectations. According to Earth Day 1990 headquarters, they are receiving an average of 1,000 phone calls a day and 3,500 to 4,000 pieces of mail weekly. They are aware of more than 1,200 events in this country alone. This doesn't even include those events that have not been reported to the Earth Day organization.

Just as exciting are the events being planned around the globe. Mr. Speaker, I would like to share some of the reports sent in to Earth Day 1990 from around the world. I do not attempt to mention every country that has Earth Day events planned, but rather mention these as simply a means to make the point that this event will truly be celebrated worldwide.

EARTH DAY

AFRICA

Morocco: The "L'Institut Scientifique des Peches Martitimes" in Casablanca, has contacted the Moroccan media and Moroccan associations interested in the evnironment to ensure Earth Day participation. They are planning a beach clean-up of oil residues, plastics and mercury, a visit to a modern farm, and a roundtable discussion with Moroccan groups interested in the environment.

Nigeria: The "African Centre for Science and Development Information" is unveiling a chilling photo exhibition depicting the filth and pollution in Nigeria's highly industrialized and urbanized areas on April 22. They will also publish posters and car stickers, hold a press conference, and conduct a workshop on environmental reporting.

South Africa: The "Umgeni Valley Project" has translated Earth Day news into Zulu and Afrikaans and will translate the materials into other languages as well, so that all southern Africans can learn about Earth Day.

Uganda: The "Uganda National Parks" and its subsidiary, the "Wildlife Clubs of Uganda," are launching a countrywide campaign to enhance and protect the environment, including tree planting in degraded areas.

MIDDLE EAST

Jordan: The "Ministry of Education" plans morning speeches, lectures, local public meetings, nature excursions, drawings, essay writing, and research contests stressing the environmental concerns in Jordan. Clean-up campaigns will be directed at collecting plastic refuse and nonbiodegradable litter and camping sites are planned to be erected in areas of natural importance. The "Ministry of Education," in collaboration with the "Ministry of Agriculture," plans to plant trees in areas threatened with desertification.

Saudi Arabia: The "Meteorology and Environmental Protection Administration" intends to increase public awareness of environmental threats and to teach practical individual solutions to protect and enhance the environment via a coordinated mass media campaign.

ASIA

China: The "Fujian Centre of Environmental Education" is planning an evening banquet with music and dance, along with street-corner broadcasts of environmental messages, distribution of pamphlets, and children walking the streets wearing green and the Earth Day logo.

India: Particular programs planned for Earth Day include lectures, films, an essay and debate competition, wall writings, nature camping, performance of street plays, the establishment of "Himalayan Nature Clubs" in the universities and colleges, tree planting, a socio-ecological audit of the Tehri Dam project, and the flying of the Earth Day flag. Large scale tree planting is planned for each state, and there will be an environmental symposium in New Delhi.

Japan: A large scale Earth Day Eve Festival will be held in Osaka, and will include concerts, artists' installations, and citizen's exhibits about the preservation of the environment. On Earth Day there will be concerts and a parade, along with other events yet to be finalized.

Philippines: Planning continues for an impressive array of events to promote public awareness of environmental problems and their solution. Their activities include: "Noah's Arkful of Animals," a traveling public exhibition of zoo animals along with talks about wildlife, conservation, and the appreciation of Nature; an Earth Walk with tree-planting; a youth conference on the environment; and the launching of a comprehensive campaign to save the endangered Filipino Eagle which will include a marathon dance fundraiser.

NORTH AMERICA

Canada: Some of the events planned for Earth Day Canada include an Earth Day sunrise/flag-raising ceremony in Ottawa, Inner Harbour, St. John and Charlottestown, an Earth Day Litter Walk in New Brunswick, "Light up the Earth" on the waterfront in Halifax, and an Earth Day Festival and a "Walk for Peace and Planetary Survival" in Vancouver.

Mexico: In Mexico City there will be activities with private businesses, schools, institutions, chambers of commerce, industries, etc. There will be an ecological bazaar on April 22 in the national park, "Manantial de Pena Pobre." There will also be a meeting of all the national ecologists to form a National Committee and put together an ecological directory.

CENTRAL AMERICA

Nicaragua: "PeaceTrees Nicaragua" is planning a planting of 10,000 fruit trees in Bluefields by young people from the U.S., USSR, Nicaragua, and Costa Rica.

Panama: Several organizations are planning, among other things, a symbolic planting of trees throughout the main neighborhoods of the capital city. They will also be creating a town square to commemorate St. Francis of Assisi which will provide a green area in the heart of the Casco Viejo District in Panama City.

SOUTH AMERICA

Columbia: The National Board of Earth Day has already begun an informative campaign which is being covered nationwide in the newspapers, radio, and television. It is expected to reach some 10,000,000 people.

Ecuador: Local high schools, and possibly the national army, will help to plant native trees close to the rivers that surround Cuenca industrial park. These events will be coordinated with the local media.

EUROPE

Bulgaria: The Institute of Forestry Research will provide saplings for planting. The Geographical Institute is dedicating to Earth Day the Foundation of a Physico-geographical landscape polygon for experimental research.

Czechoslovakia: Arboretum-Bila Lhota has prepared a week's program for visitors including lectures on wildlife, ecological films, and a tree-planting ceremony.

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East Germany: Minister Steinback has been gathering signatures with one mark for each signature since mid 1989 to protest the tremendous pollution from the Espenhaim coal-fired electrical and chemical plant. He plans to present these to the government on Earth Day as a symbolic first payment for the removal of the plant.

France: There are hundreds of events planned all over France. They include an 800 km. human chain along the Loire River, a giant ice sculpture in the form of a thermometer to the "mer de glace" glacier at Chamonix, a 2000-kites arch over the Char River at Tours, a bicycle race on the Parie highway, and of course, cleaning and recycling, including CFC aerosols.

Poland: The Student's ECONET plans a film festival, a bicycle demonstration against the traffic problem, a marathon run, a rock concert, an ecotramway and tree planting.

USSR: Denis Hayes, the Chairman of Earth Day, met with Earth Day coordinating groups in both Leningrad and Moscow, as well as, being interviewed by Pravda and a major television program. The committee in Leningrad is planning a diverse array of events, including both child and adult demonstrations, a concert, seminars with experts, street and shoreline clean-ups for Earth Day.

Mr. Speaker, Earth Day, and the environmental concerns that go along with it, is recreating the world down to what Marshall McLuhan termed the "global village".

TRIBUTE TO BEN AND LILA DWOSKIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. WAXMAN. Mr. Speaker, we rise today to commend Ben and Lila Dwoskin for their devoted service to the Jewish community.

Ben serves as general manager of Mount Sinai Memorial Park which is owned and operated by Sinai Temple in Los Angeles. As manager, he has made many innovations in cemetery and mortuary operations that better meet the life cycle needs of the Jewish community. In addition to his outstanding work at Mount Sinai Memorial Park, Ben has been actively involved in charitable work on behalf of the community for 45 years.

Lila also has an active professional life. After raising their three daughters, Lila returned to school and earned a bachelor's degree in English with a minor in history. She then went on to complete her master's degree in social work. Lila currently serves as case work supervisor in the Russian Immigration and Resettlement Department of Jewish Family Service. In this position, Lila works with hundreds of families who are beginning a new life in the United States.

Mr. Speaker, we would like to say thank you to the Dwoskins for their dedication and hard work—they richly deserve the recognition. May the Mount Sinai Temple dinner dance in their honor be a great success.

TRIBUTE TO ST. BENEDICT'S PREPARATORY SCHOOL'S SOCCER TEAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to ask my colleagues here in the House of Representatives to join me in offering congratulations to the soccer team from St. Benedict's Preparatory School in Newark, NJ. They finished the 1989–90 season ranked No. 1 in Essex County and the State of New Jersey. Furthermore, they were selected as the No. 2 high school soccer team in the entire United States by the Gatorade/USA Today National High School Poll.

This outstanding team composed of 25 young men earned their No. 1 ranking by ending the season with an unblemished 22–0 record. St. Benedict's set a State record for shutouts in a season by blanking 21 of their 22 opponents.The team averaged almost 5 goals per game for a season total of 104. Amazingly, their defense yielded only 1 goal during the entire season.

With such exemplary play on the field, St. Benedict's was crowned the champion of three soccer tournaments: the 1989 Essex County Tournament, the 1989 Sectional State Champions Parochial "B," and 1989 State Champions Parochial "B."

St. Benedict's has a history of success on the soccer field. In 1988 the team set a State record for consecutive shutouts with 17 in a row. For the last five seasons, the team record is 99–8–3 with 83 wins by shutout.

The success of St. Benedict's Soccer Team would not be possible without great coaching and support from the school administration. I would like to take this opportunity to recognize those members of the coaching staff and school administration who are responsible for St. Benedict's athletic accomplishments: Rick Jacobs, head coach; Henry Cordeiro, assistant coach; Bill Schweitzer, assistant coach; James Hamer, junior varsity coach; Micheal DiPiano, athletic director; and Father Edwin Leahy, headmaster.

The members of the 1989–90 St. Benedict's Soccer Team are Stephen Plauski, Veron Gatling, Chris Clax, Telmo Nunes, Paulo Nunes, Leo Rios, Joshua Morgan, Gregg Berhalter, Richard Dunn, Sean McAtee, Pedro Lopes, Joseph Almedia, Claudio Reyna, Chris Cotton, Raul Ventura, Richard Bustamente, Michael Anabul, Raheem Drayton, Hector Ortiz, Seth Morgan, Willie Schweitzer, Kubi Appiah, James Wandling, Barry Keenan, and Chris Rodriguez. Two of these players, Pedro Lopes and Claudio Reyna, were selected as members of Parade Magazine's All-American Soccer Team.

St. Benedict's Preparatory School has been operated since 1868 by the Benedictine Monks of Newark Abbey to provide college prep education to youths from the Newark area. In addition to their success in soccer, I am proud of their rich tradition of quality education.

The soccer team is visiting Washington to learn about how our Government works. By touring the FBI Building and visiting our Chambers today, these students are able to see firsthand how our Nation's laws are made and enforced.

I hope that the spirit of teamwork and success which these students have cultivated will help them meet the challenges of life after high school. Mr. Speaker, I know my colleagues join me in congratulating this outstanding group of young men and in saluting their accomplishments as a team.

A COLLEAGUE'S RESPONSE TO CHANGES IN EASTERN EUROPE

HON. HARRY A. JOHNSTON II

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. JOHNSTON of Florida. Mr. Speaker, the first time I met DAVE MCCURDY, I noticed in his office several biographies of George C. Marshall. I informed DAVE that I had gone to Virginia Military Institute where Marshall had graduated at the beginning of the century, and I had the pleasure of meeting him here in Washington. I later sent him a picture of General Marshall and me. In January this year, DAVID was invited to address a prestigious group at the George C. Marshall Foundation in Lexington, VA, on the campus of Virginia Military Institute. I have read and studied his speech, and it is not only profound, but prophetic and I would like to include his speech in the CONGRESSIONAL RECORD.

CHANGE IN THE SOVIET BLOC: A CALL FOR NEW DIRECTIONS IN U.S. FOREIGN AND DEFENSE POLICY

(Remarks by U.S. Representative Dave McCurdy before the George C. Marshall Foundation, Jan. 29, 1990)

It is a great honor for me to speak today before the George C. Marshall Foundation and to be in the company of such a distinguished group of professors from the Virginia Military Institute and Washington and Lee University, as well as other citizens of this fine community.

As some of you may know, General Marshall has long been one of the figures in American history I admire most. In these fascinating times, we can only imagine what General Marshall might have to say about them. My own reading of the man leads me to conclude that not only would he marvel at what has happened over the last several years, but that he would, with customary humbleness, take a certain amount of satisfaction at his own contributions of some forty years ago to the present state of world affairs.

Indeed, his contributions to the revival of a devastated Western Europe after the war were such that now, as the other half of Europe is finally liberated from the grip of communism, we hear his name invoked again as some call for another Marshall Plan, one which will bring Eastern Europe into the late twentieth century. We can debate the wisdom of pursuing such a policy at this early moment in Eastern Europe's liberation; but it should come as no surprise that, once again, people are looking to the genius of this great soldier/statesman in their efforts to bring freedom, prosperity, and stability to the European continent.

After a distinguished 45-year career in the Army, General Marshall's appointment as Secretary of State in January 1947 was a welcome one. For then, as now, the intentional situation was one of great change and uncertainty, one which demanded American leadership to ease the transition to a new world order. His name meant a sober and steady control of events, regardless of their complexity. His old boss, Secretary of War Henry L. Stimson, perhaps best conveyed the relief felt by many in the foreign policy community in a letter to General Marshall: "Your appointment as Secretary of State has filled me with a great sense of security so far as our country is concerned. Mr. Truman made a very wise as well as a very shrewd appointment."

As his critics were often pleased to point out, General Marshall at times found the transition from soldier to statesman difficult. But he had the trust and respect of the one person who counted. "General," President Truman once said to him, "if you feel that something has to be done, and needs to be done in a hurry, do it. Don't wait for me or for Congress. I'll settle it with them later."

Notwithstanding President Truman's brief irreverence for proper consultation with Congress, today I have been asked to make a few remarks on the events that have recently swept across Eastern Europe and the Soviet Union. I will conclude by offering a few thoughts on the future of the U.S. military as we reassess our foreign policy and defense strategy.

As most politicians are often wont to do, let me begin by stating some of the more obvious thoughts that come to mind.

To say now that the events that have unfolded during the last six months are fascinating and welcomed might, at this point, be an understatement. An entrenched, totalitarian system of control, despised by its people for over forty years and maintained only by brute force, has disintegrated before our eyes in Poland, Hungary, East Germany, Czechoslovakia, Bulgaria, and Romania with a speed none of us could have imagined. However, once this revolution got underway with the formation of a Solidarity-led government in Poland, it was accomplished with surprisingly little bloodshed. Romania, of course, was the notable exception.

These events, it seems to me, are the most important since the end of World War II, for it was the imposition of communist rule in Eastern Europe that has been at the heart of the Cold War. The vivid images of November 9, 1989, the day the Berlin Wall began crumbling, were probably the most emotional. As people flooded through Checkpoint Charlie, I remembered my own visit to the Wall in 1984 and the sad impact it had on me. Now that ugly scar, the ultimate symbol of a failed tyranny, is being dismantled and is up for sale.

But if communism has indeed collapsed, what of Eastern Europe's future? Will liberal democracies arise from the rubble of totalitarianism? While there is considerable room for hope and optimism, a number of uncertainties, even if they are only temporary, should give us all pause for thought.

For the moment, there is only one genuinely democratic head of state in Eastern Europe, Vaclav Havel of Czechoslovakia. In Hungary, which is still ruled by communists with a new Socialist name, we recently saw the remnants of the police state at work tapping telephones, bugging offices, and placing informers in the ranks of the new democratic parties. In Poland, Solidarity is running the government, but communists still control the police and the military. East Germany's communist prime minister came under fire for claiming that a secret police was still needed. Yesterday he was forced to move up the date for national elections and agree to a coalition government with opposition parties.

Bulgaria, which has been free for about six weeks, is experiencing difficulty protecting the rights of its Turkish minorities. The National Salvation Front in Romania is loaded with former active participants in Ceausescu's reign of terror. And in each of these countries, the bureaucracy remains firmly in the hands of the old guard.

All of this, we hope, will change with the elections that have been promised or are scheduled to take place in the coming months. The people of Eastern Europe, I am convinced, want to be governed by democratically elected leaders. They made this abundantly clear when they took to the streets by the hundreds of thousands late last year.

As these elections approach, however, the East Europeans are going to need our support and democratic experience even more. Already, the National Democratic Institute for International Affairs, I am pleased to note, has sent numerous political advisors and election experts to Hungary, Poland, and Czechoslovakia to train people in the intricacies of democratic elections. Private organizations such as Freedom House are being asked by the leaders of these countries for help in building democratic institutions. And last year, Congress, with subsequent approval by the President, provided an enormous economic aid package for Poland and Hungary.

But in all the euphoria, as essayist Charles Krauthammer has noted, we must caution our friends in Eastern Europe about the potential for disillusionment with democracy. For they will soon find, just as we in the United States have always known, that democracy is glorious in the abstract, but often difficult in practice. They are about to gain firsthand experience with Churchill's observation in the House of Commons in 1947: "Democracy is the worst form of government except for all those others that have been tried from time to time."

The people of Eastern Europe will soon realize that with elections come political parties—Czechoslovakia, at last count, had 51 parties. And where there are political parties there will be campaigns. As we saw in the 1988 race for the White House, campaigns are not always a benchmark of democracy's ability to perform. In Hungary, a dispute broke out last year between the Democratic Forum and the Free Democrats over the timing and method of picking a president. The Free Democrats have since accused the Forum of anti-semitism and ultra-nationalism. The Forum, if you can imagine, countered with charges of McCarthyism!

But if democracy does not offer a solution to all of Eastern Europe's many ills, it does promise a better and freer life. As Jefferson is thought to have said: "Democracy is cumbersome, slow and inefficient, but in due time, the voice of the people will be heard and their latent wisdom will prevail."

The prospects for liberal democracy and a market economy are far less certain in the Soviet Union, where *Time* magazine's "Man of the Decade" is finding the new decade much more challenging than the last.

Before looking more closely at these challenges facing Mikhail Gorbachev, we should take a moment to give credit where it is due. Many of these political advances in Eastern Europe would have been unthinkable without the consent and, in some instances, active encouragement of Mr. Gorbachev. His recognition of the limits of Soviet imperial power have opened the door for many of these changes, and he should be commended for demonstrating realism and farsightedness.

The "new thinking" in Soviet foreign policy has opened fresh opportunities for reaching strategic and conventional arms control agreements. It has generated a better atmosphere for finding ways to settle the so-called "regional conflicts." Tensions between the United States and the Soviet Union and the likelihood of a major confrontation in Europe are at their lowest point in forty-five years.

At home, Mr. Gorbachev's policy of glasnost has opened a tidal wave of debate and self-appraisal that would have filled the gulags of Siberia just a few short years ago. Now it seems that no institution or policy, including Lenin, the Communist Party, the KGB, and the military, is above reproach or critical analysis in the official and non-official press. Solzhenitsyn is now being published. Andrei Sakharov lived long enough to move from internal exile in Gorki to become a leading member of the Congress of People's Deputies. Stalin is now routinely denounced. And up to one million Soviet Jews are expected to emigrate within the next ten years.

But if glasnost has created new openings in Soviet society, it also has unleashed a nationalist fervor among the disparate peoples of the Soviet Union that, as we have seen in recent weeks, threatens to unravel the Soviet empire within its own borders. Moreover, glasnost has exposed the poor performance of the other half of Mr. Gorbachev's reform program. Perestroika, Mr. Gorbachev's attempt to rejuvenate the torpid Soviet economy, has failed on most counts to deliver a better standard of living for the Soviet people, and there seems little hope on the horizon that it will improve to any significant extent.

Part of the problem for perestroika's lack of success can be attributed to the unwillingness of Mr. Gorbachev to go all the way, as it were, and introduce a free market economy. He has, instead, continued his search for a "third way" between a command economy and one based on market principles. In so doing, a number of halfway measures have been introduced that permit some workers to dabble in private enterprises, and also to encourage limited joint cooperatives with Western business. But even these narrow steps have been used unevenly, and in a number of instances they have been retracted making the situation even worse.

It is fair to assume that Mr. Gorbachev has so far refused to take the steps necessary to move toward a market economy because it would ultimately lead, as it has in the rest of Eastern Europe, to the elimination of the Communist Party's leading role in Soviet society—a consequence he does not yet appear ready to accept.

Elsewhere, Mr. Gorbachev faces the serious prospect of being overcome by the rising sense of nationalism in many of the 15 Soviet Republics. Lithuania, Latvia, and Estonia stand ready to withdraw from the

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Soviet Union, at least in part if not entirely. We cannot be sure yet now he will respond to this pressure, but we should not rule out the likelihood that some members of the Soviet leadership will want to employ force to stave off this possibility. In Armenia and Azrbaijan, we see Soviet troops actively fighting Azeri nationalists as the government attempts to quell ethnic violence. And it is perhaps only a matter of time before similar nationalist sentiments will rise to the surface in the Ukraine.

To put it mildly, Mikhail Gorbachev is not in an enviable position. He continues to ride the proverbial tiger, but the tiger is becoming restless and hungry. Nonetheless, as George Kennan recently noted, it is difficult to imagine that any of Mr. Gorbachev's opponents in the Soviet leadership would want to assume these burdens of office any time soon.

The question arises, then, about how the United States should respond to these developments? What should our policies be in the new world order?

As one who comes from the Jackson wing of the Democratic Party, Senator Henry "Scoop" Jackson, that is, I think it is essential that we avoid the isolationist tendencies of both the far right and the far left in American politics. Where Democrats such as Chuck Robb and I have had to fight isolationists in our party who fear American involvement abroad, the Republican Party must now contend, as General Marshall did, with the likes of traditional, conservative isolationists who argue ironically that, with the communist beast now slain in Eastern Europe, "America should come home."

I believe we should be as active as possible in Eastern Europe in promoting democratic institutions and market economies. We cannot afford to remain a mere spectator standing on the sidelines as our political, military, and perhaps most important, our economic relationships around the world are being reshaped.

But to remain engaged does not mean simply sending more and larger amounts of money, if for no other reason than our own resources are limited. In addition to any future aid we send, we can offer advice on how to build permanent democratic institutions and to create new opportunities for American investment. Once these countries have free market economic policies in place, we can assist them in obtaining development loans at the World Bank and IMF.

Besides our moral interests in helping Eastern Europe get on its feet, though, we have an economic interest as well. We should see in Eastern Europe a huge, untapped market opened for American products, technologies, and investments. This will mean that we will have to relax some restrictions on COCOM, such as the Administration's recent decision to permit the export of certain computer systems. But it will also mean that American manufacturers must be more competitive in marketing their products in all of Europe since the competition is likely to be fierce among our allies.

Our policy toward the Soviet Union, however, will require a more deliberate approach. For some time now, there has been considerable debate in this country about what we can or should do for Mr. Gorbachev as he attempts to implement his reforms. Some argue that perestroika is doomed to fail since it only involves measures designed to make the communist system work better. Helping Mr. Gorbachev with significant trade concessions and large loans, as we did in Poland 15 years ago, would only prolong the agony of communism's exit from the Soviet Union.

Opponents of this view maintain that Mr. Gorbachev's actions, both foreign and domestic, deserve a positive response from the West. His personal future, they argue, is instrumental to further reform, and the likely alternative to Mr. Gorbachev would be far worse for Western interests.

I generally come down somewhere between these two positions. Clearly, we do not want to be too generous in offering assistance to the Soviet Union if it can be demonstrated that such help will retard the prospects for additional economic and political reforms. At the same time, standing idly by and watching Mr. Gorbachev's potential demise is also not in our interest.

Therefore, we should carefully examine Mr. Gorbachev's economic and political reforms and target our trade policies specifically at those areas that will offer the best return for our investment and which will promote more political pluralism. We should encourage the establishment of free economic zones with their own convertible currency in such places as the Baltic states, Armenia, or in the Soviet Far East. The hope would be that by pursuing such a policy, we can stimulate the spread of these reforms across the Soviet Union.

We also must pursue the improved opportunities for serious arms control agreements with the Soviet Union which will be mutually beneficial in both strategic and economic terms. I would argue that it is in the arms control arena that the changes in Eastern Europe have created the most important opportunities for East-West relations.

We now face the real prospect of the disintegration of the Warsaw Pact as we have known it for forty years. President Havel has asked the Soviets to have all of their 70,000 troops out of Czechoslovakia by the end of the year. Poland, which has 40,000 Soviet troops, and Hungary, with 60,000, have begun discussions with the Soviets on removing all foreign forces from their soil. For good measure, Hungary indicated that its army would no longer only face West, but would be prepared to resist "any foreign intervention or aggression." A Soviet military spokesman announced two weeks ago that the Warsaw Pact's supreme political body, which was the main instrument of Soviet control over the Pact, was being disbanded.

This means, therefore, that with my good friend, James Woolsey, as head of the conventional arms reductions talks in Europe, our CFE negotiating strategy must evolve and keep pace with the rapid evaporation of the Soviet threat in Europe. But just as importantly, I would like to see CFE become the strategic framework we will need when dealing with the demands for cuts in defense spending.

In our Strategic Arms Reductions Talks, I hope we can take advantage of a new Soviet willingness to achieve not only significant reductions in the overall number of nuclear weapons, but also in the mix of forces that are the most destabilizing. I support General Brent Scowcroft's recent proposal that we offer to give up deployment of our rail garrison MX system in return for the dismantlement of the Soviet Union's SS-24 missiles. In addition, we should continue our research efforts is SDI, but at greatly reduced levels and without the pressures for near-term deployment.

Part of the problem with our military build-up in the 1980s concerned the fact that it was not accompanied by a coherent and comprehensive military strategy designed to meet the actual threats we faced. In the Pentagon's Planning, Programming, and Budgeting System, commonly known as PPBS, the first "P" was usually ignored. Whereas General Marshall used his genius to develop a defense strategy that served as a blueprint for integrating the four services into "an efficient team of land, naval, and air forces," the last Administration and many members of Congress opted to concentrate on budget figures, production lines, and pork for the district. It was unwise to build up our military without a strategy, but it will be dangerous to build down without one.

In formulating this comprehensive strategy, there are a few fundamental points I believe we should keep in mind before we pull out the hatchet in search of a "peace dividend."

First, we should avoid "budgeting by headlines"—a tactic successfully employed by former Secretary of the Navy John Lehman—and look at reducing spending levels in those areas where the threat to American interests has actually subsided. At the moment, this would be in the European theater. This principle should be based, however, on a thorough net assessment of our own military capabilities as well as those of our adversaries. It was my amendment to the Nichols-Goldwater Defense Reorganization Act which required the Chairman of the Joint Chiefs of Staff to perform such a net assessment. This came about after we saw the many operational flaws in our military intervention in Grenada.

Although the first net assessment submitted to Congress by Admiral William Crowe in 1988 was a good step, we have not fully integrated this planning procedure into the programming and budgeting system. Moreover, as the military threat recedes in Europe we must fully assess other potential threats such as international drug trafficking and terrorism in the Third World.

Secondly, our strategy must emphasize our own enduring strengths as a military power. These would include the high quality and readiness of our armed forces personnel, and the need to ensure that they are well-trained with unit cohesion, leadership, and discipline. If General Marshall could have accompanied me to Panama last month and talked to the soldiers who performed so valiantly and with such a sense of mission, he would have been proud of and impressed with today's men and women in uniform. In my opinion, we should be prepared to reduce the overall size of our force structure if that is what it takes to avoid losing the individual quality of our forces. A smaller, lighter and more deployable force will be the order of the day.

Thirdly, we need to emphasize our ability to project power around the globe in this rapidly changing environment. The greatest symbol of U.S. power projection is in our carrier battle groups. However, even though we have two keels under construction today, the Navy must be prepared to contend with fewer battle groups as it takes on new roles, such as protecting our economic interests around the world. And if the Navy is ordered to protect any more oil tankers in the sea lanes of the Persian Gulf, it should not forget the importance of bringing along quality minesweepers.

But projecting American forces around the world will also require a modern airlift capability, as we saw in Panama. The C-17 will be the most modern, efficient, and in the long-run, most cost effective aircraft for the job.

Finally, we must continue to employ the power of our technological resources as an integral part of our defense strategy. No country brings technology to the soldier in the field better than the United States. Maintaining this capability will mean continuing and enhancing our long-range research and development efforts. With the proliferation of more lethal weapons in the Third World, such as ballistic missiles and chemical weapons, we cannot assume that superior numbers of forces or old technology will do the job.

But instead of automatically going into costly production, we might store this technology to hedge against any future uncertainties. In the meantime, we can make some of this non-classified technology available to private industry. If we are wise, over the next five years we can shape a military that is leaner, more capable, and better prepared to meet new contingencies.

Before closing, I would like to take just a few minutes to address some of the other challenges facing us as we get into the 1990s. As we redefine our military strategies in a new world, we should also remember that a country's strength is not only measured by its military power. The Soviet Union today is a contemporary example of a country placing all its eggs in the military basket.

Our economic strength and moral principles have always been at the core of our influence in the world. While our moral principles remain intact, to an extent we have let that strength slip away.

A recent poll indicated that Americans perceive the economic power of Japan as a greater threat to the United States than the military power of the Soviet Union. This poll, I think, indicates the uncertainty many Americans feel about our ability to compete in the global economy.

It is easy for some politicians to point to the economic success of Japan and to decry its trade and cultural barriers as the root cause of our trade deficits. Others convey a deep concern about Japanese investment in this country and demand that we impose restrictions.

In my view, this is shortsighted, if not dangerous. As Sun Tsu said in *The Art of War*, it is not enough to know your enemy. You must know yourself as well.

A brief look in the mirror will tell us that we have chosen over the past decade to focus on our competitors while avoiding the difficult steps required to build up our own competitiveness and economic strength. We have gotten out of shape by living off of our equity and borrowing against the future. With huge leveraged buyouts and corporate mergers, we have racked up huge debts, looked only at quarterly balance sheets, and ignored long-term investment. Our fiscal policy has been based on smoke, creative accounting, and a refusal to make hard choices.

We have a consumer policy, not an investment policy. While we debate and chip away at our scientific budgets for superconductivity, HDTV, and the National Aerospace Plane, the Japanese simply move along the path to production and prosperity. We win the Nobel Prizes in physics and engineering, while the Japanese win the market share.

We talk about quality education, but refuse to require high performance or pay for it. We demand rights, benefits, and freedoms, but refuse to serve as citizens under a National Service program such as the one Senator Nunn and I introduced in Congress last year.

With the economic integration of Europe just two years away, I would argue that we cannot afford to be spectators satisfied with the status quo. Nor can we ignore the demographic trends in the Third World which promise to put new strains on the world economy. By the year 2025, the population of Africa will outnumber the combined populations of North America, Europe, Japan, and the Soviet Union. India, not China, will be the most populous nation.

Finally, we cannot leave a healthy legacy if we refuse to live up to our responsibilities to protect our fragile environment.

These are but a few of the problems that we must overcome. As a superpower, we certainly have the qualifications to resolve many of them. But while some preach that we are incapable of rising to these challenges, I would remind them of the goosebumps I felt as Lech Walesa, a humble Polish electrician, addressed a joint session of Congress and told of how the principles of Abraham Lincoln and the Founding Fathers are at the heart of the Solidarity movement. They would do well to recall that it was a replica of the Statue of Liberty that the Chinese students in Tiananmen Square held up as a symbol of their aspirations.

We have not, as some have said, reached the end of history, but rather we are at the beginning of a new future. We can act wisely, or we can fail. Forty years ago, Walter Lippman told a reunion class at Harvard:

> "You took the good things for granted. Now you must earn them again. For every right you cherish, you have a duty which you must fulfill. For every hope that you entertain, you have a task that you must perform. For every good that you wish to preserve, you will have to sacrifice your comfort and your ease. There is nothing for nothing any longer."

Knowing his courage and willingness to sacrifice, I believe General Marshall would agree.

TOM SHEA REMEMBERED

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. NEAL of Massachusetts. Mr. Speaker, in 1940 the late Scottish author Lord Tweedsmuir suggested that "politics is still the greatest and most honorable adventure." For 64 years, Thomas John Shea lived that adventure to the fullest, leaving behind a legacy that shines brightly 1 year after this untimely passing. To all, he was a friend and a mentor whose spirit we will never forget.

For many years Tom successfully managed my campaigns, but he learned his trade, as did many of Springfield's political veterans, during John Fitzgerald Kennedy's historic campaign for the Presidency in 1960. For this proud son of County Cork, the election of Jack Kennedy as America's first Irish-Catholic President, served to reinforce his love of politics, heritage, and country.

From that defining moment he attacked each successive campaign, from city council to Congress, and from State representative to mayor, with his trademark wit and candor. He spoke knowingly of the political trenches and street fight campaigns. He was an operative from the old school who knew who his friends were, and of his enemies, he would say simply, "they're not with us."

Like all experienced campaign managers he could talk political strategy with ease for he knew every street and precinct in the city. But what was truly unique about Tom was that he never forgot those whom he called the foot soldiers, the dedicated souls who held the signs on election day, who stuffed envelopes at the headquarters, and who collected the nomination signatures. These were his people, and he appreciated their time and effort. More importantly, he respected their dedication. For above all else, Tom Shea was a man who fiercely valued the quality of loyalty.

As a young man, Tom served his country with distinction in the Navy, participating in the Guadalcanal, Solomon Islands, and Okinawa campaigns during World War II. Following his discharge, he began a career as a firefighter for the city of Springfield, a career which would last until retirement in 1971. After his retirement he turned his energies to the activities of many social clubs including American Legion Post 430, the Marconi Club, and the John Boyle O'Reilly Club. He was, perhaps, most proud of his nomination in 1985 to the board of directors of the Friends of the John F. Kennedy Presidential Library at Boston's Columbia Point.

Mr. Speaker, it has been 1 year since Tom's passing. To those he left behind, particularly his wife, Elaine, two sons, Thomas J. Jr., and Cornelius, two daughters, Mary and Theresa, two brothers, Patrick and John, and a sister, Mary Garvey go my thoughts and prayers as they mark this anniversary.

While I am sure that Tom is resting comfortably, I can say with confidence that he is still missed by those fortunate enough to have known him. Indeed, as the campaign season begins to heat up once again, I am sure that Tom is looking down on the political playing field ripe with advice for his candidate, blasting the motives of his opponents, and asking the inevitable question to one and all, "What do ya hear?"

THE APPEAL OF THE LITHUANIANS FOR RECOGNITION

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Ms. OAKAR. Mr. Speaker, when the Red army occupied the Baltic States in 1940, we refused to recognize their incorporation into the Soviet Union. Lithuania, Latvia and Estonia had been sovereign republics and members of the League of Nations The had exchanged ambassadors with countries throughout the world, including the United States, and had participated in the Olympic games. The Soviet annexation of these countries—the result of a cynical deal between Stalin and Hitler—was enforced with mass arrests, deportations and executions.

For 50 years, the United States has affirmed support for Baltic independence and opposition to aggressive expansion. By act of Congess, all United States Government maps and publications relating to Estonia, Latvia and Lithuania clearly state our policy affirming their status as occupied countries with every right to political independence. Every year, the administration and Members of Congress affirm the support for freedom and independence for the Baltic States. Frequently, we came to the defense of brave individuals who challenged Moscow and the KGB by speaking the truth in their own languages—languages that were under constant assault from Soviet Russification policies.

Earlier this year, the Lithuanian people voted in thier first firee election in two generations and chose their representatives. On March 11, the freely elected Lithuanian Parliament unanimously affirmed the will of the people and declared the restoration of their country's independence. The dream the United States had supported for 50 years became a reality. Sadly, the dream could become a nightmare as a result of Soviet hostility and military aggression.

I urge President Gorbachev to respect the sovereignty by immediately ceasing political and military harassment and violence and to enter into negotiations on an equal basis with Lithuania on their future relations as neighboring countries. While the Soviet Union and Lithuania differ over whether Lithuania was legally incorporated into the Soviet Union, even the Soviet Constitution recognizes the right to secession. Differences over the semantics of independence can be worked out. The point is, that the principle of Lithuanian independence be upheld.

It is also imperative that our country play a positive role in the Lithuanian independence movement. This is a brave nation that has applied the nonviolent tactics and principles of Mahatma Gandhi and Martin Luther King to restore its independence, and they are calling for our support.

I urge President Bush to respond positively to the appeal of the Lithuanian people for recognition. This would keep faith with the position we have consistently taken for the past 50 years and it would strengthen the negotiating hand of President Landsbergis at the time when he and his nation are most vulnerable. Our support and attention can make the critical difference between independence and the loss of liberty and lives. Extending our hand to the new Lithuanian Republic would also negate the bitter fruits of the infamous nonaggression pact, struck by history's greatest mass murderers more than half a century ago.

In the past year we witnessed the continuation of the decolonization process, which was set into motion following World War II with the end of the British and French Empires. Moscow will have to accommodate itself to the loss of its empire as well. Our country, itself a product of decolonization, must recognize the positive currents of history and support their flow toward freedom and self-determination. The brave Republic of Lithuania has taken a firm and unequivocal stand for independence; a stand that is firmly based on international law and the organized free will of the people. For two generations, we supported the aspirations of the Baltic peoples. This generation of Lithuanians now affairs its right and its intention to rejoin the community of sovereign nations. As a nation of free men and women, we cannot forget our own origins and we cannot ignore our abiding commitment to freedom and independence. The United States now has the obligation to tell the Lithuanian people that we understand their struggle, we support their efforts, and we recognize their republic.

LEGISLATION CONFIRMING TITLE TO FORMER RAILROAD RIGHT-OF-WAY LAND

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. SHUMWAY. Mr. Speaker, today I am introducing legislation that if enacted, would legalize, validate, and confirm, as far as U.S. Government interest is concerned, the conveyance of certain lands in California that were granted by the United States to the Central Pacific Railway through the act of July 1, 1982. Forty-seven parcels of land in two counties are covered under the bill, all of which formed parts of the 400-foot wide right-of-way granted to the Central Pacific, now known as the Southern Pacific Transportation Co.

The need for this legislation arises from the terms of the 1862 act, under which the Federal Government provided land grants to individuals to encourage the development of railroads. The Central Pacific Railway, during the late 1800's and early 1900's transferred the titles of unneeded land along the 400-foot wide right-of-way to private property owners whose land abutted the railway. However, because congressional consent was not obtained at the time of these transfers, the titles remain clouded; only through legislation such as that I am proposing can the owners obtain clear title to the land they have held and paid taxes on for decades.

While the legislation may appear to be minor, the lack of congressional validation has created a host of difficulties to both communities and individuals along the railroad. In Truckee, CA, the right-of-way extended to the opposite side of a river from where the railroad was built—clearly, that land was never needed by the railroad and was transferred to the adjacent property owners. To this day, though, their titles remain in question.

The question has been raised as to whether the Government should obtain fair market value for the parcels of land covered by the bill; however, these small strips of land have little value to anyone but the adjacent property owners. For example, the total amount of land involved in this legislation in the Truckee area is about 2.035 acres of land. Unfortunately, this relatively small piece of property affects, I believe in a disproportionate manner, the title of 39 property owners in Truckee. Furthermore, it would cost the Federal Government more to conduct the appraisals necessary to attempt to determine the fair market value of each parcel than it could possibly get for the land, creating only an administrative nightmare.

Another issue that might be raised with respect to the conveyances in this bill is that of third party interest in the land. Southern Pacific, however, has carefully researched the history of each property before issuing quitclaim deeds in order to ensure that claims to the property were not in contest and that only the successors in interest received the deed to the land. In addition, this legislation protects third party claimants through language in section 7 which exempts any conveyance arising out of adverse possession from validation.

Mr. Speaker, only congressional action on this legislation can finally resolve the title uncertainties set in motion 100 years ago. In light of the long delay endured by the individual property owners along the railway in obtaining clear title to the lands they have long believed to be legally their own, I urge my colleagues to support this legislation.

AIRPORT SAFETY PROJECT: CONGRATULATIONS TO A SUCCESSFUL FAA-AAAE VENTURE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. OBERSTAR. Mr. Speaker, recently the Federal Aviation Administration [FAA] and the American Association of Airport Executives [AAAE] jointly sponsored for the first time an Airport Safety and Operations Specialist [ASOS] school. The program commenced March 5, 1990, and was attended by over 190 personnel on the front line of airport operations and safety. This school is an excellent example of how government and industry can work together on a voluntary basis to increase awareness of Federal regulatory requirements and enhance safety at our Nation's airports. From snow removal and ice control to airport emergency planning, the participants in this inaugural school discussed for 3 full days the issues critical to the safe and efficient operation of our air transportation system. The faculty for the school not only included FAA headquarters staff and airport executives but also airline pilots, air carrier and fixed base operator representatives, and State aviation officials.

This was the first of many successful ASOS schools which will continue year round. AAAE and the FAA are to be commended for their joint efforts in sponsoring these continuing education forums that will no doubt make the world's safest aviation system even better.

A SHORT HISTORY OF EDUCATION IN AUSTELL

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. DARDEN. Mr. Speaker, Austell, GA, this year is celebrating 100 years of excellence in public education. For the past century, Austell has been a leader in education in the State of Georgia, and that legacy is continuing with the united support of parents, teachers, students, and the entire community. Austell Elementary School offers a clear example of the community's commitment to quality education, and Austell is rightfully proud of their school system. As Austell celebrates a century of excellence and pride, I am confident that this legacy will continue and grow as the community remains dedicated to quality education.

A Short History of Education in Austell

(By Douglas R. Davis)

Established in 1882 as a junction for two railroad systems connecting Atlanta to the west and north, Austell grew and prospered as both an important rail center and, with nearby Lithia Springs, as a resort of national fame. In this same year, Glenn O. Mozley, founder of Austell, donated a lot to trustees, who soon erected a small structure, called "the academy", which became the new town's first school, with Luke W. Mizell as teacher. Austell was incorporated in 1885 and by 1888 the school had 55 pupils.

In 1889 citizens of the town asked the Georgia General Assembly to authorize the creation of free public schools in Austell, and upon unanimous approval of both houses, an act establishing the Austell Public School System was approved on November 11th of that year. The act required the approval of at least two-thirds of Austell voters, and on January 23, 1890 it passed "without a dissenting vote", making Austell the first municipality in Cobb County to establish a public school system.

The voters of Austell also approved in 1890 a bond issue of $5,000 for the construction of a two story, brick schoolhouse. All the bonds were bought by Mrs. Francina Austell, widow of Alfred Austell, for whom the town was named.

The school was administered by a Board of Education of five members appointed by the Mayor and Council, and one of first actions of the new Board was to elect Professor Nathan A. Fessenden as the first principal. Fessenden was a native of Massachusetts and had attended Harvard University. The new school became an immediate success and by 1893 there were 100 students and in 1902 there were 150.

The school continued to improve and by 1915 Wm. P. Davis, Chairman of the Board, reported to the city council that there were 155 pupils and 6 graduates; that Principal Urben Bowen was paid $1,022 per year and that each of the 3 teachers (Lilla Perkerson, Cora White and Mina White) each received $360 per year. Some of the other early principals were: T.M. Pierce, G. McLarty, J.J. Greer and J.M. White. Some members of the Board were: Dr. J.M. Strickland (whose house still stands across from the school), Dr. Luke G. Garrett, Sr. (for whom Garrett Middle School is named), and A.H. Irvine (1st merchant).

In 1921 the proposal of the Cobb County School System to take over the Austell school was accepted by the city council, and in 1922 city voters approved the termination of city control.

Under the country system more funds were available and Austell School District Trustees administered the school. Dr. Garrett, S.E. Berry. L.L. Ragsdale, and E.R. Perkerson were early Trustees. In 1928 a badly needed new building was erected and the old structure was demolished. Austell School also become accredited, permitting graduates to enter college without an examination. The number of teachers increased from 5 to 8 and students from 237 to 302, with an 11th grade added for the 1st time.

In 1939 a separate high school building was built (the present main structure) which was used until 1952 when Austell High and Mableton High were consolidated into the new South Cobb High School. The 7th, 8th and 9th grades were then moved into this building. When Garrett Middle School came into existence in 1972 it took Austell's 6th through 8th grades, and the 1st through 5th moved to the 1939 building, with new structures built around it over the next several years. Also at this time the 9th grade moved into South Cobb High School.

In 1976 the old 1928 building was leased to the City of Austell for 20 years at $1 per year and was named the Kate Westmoreland Center, in honor of Miss Kate's 43 years as teacher in all three buildings until her retirement in 1965.

The Austell Elementary School is the historical successor of the Austell Public School System, and today we celebrate a century of quality education in Austell, with parents, teachers and students beginning a second century dedicated to continuing excellence in education.

SUPPORT OF THE V-22 OSPREY

HON. FRANK McCLOSKEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. McCLOSKEY. Mr. Speaker, I would like to request that the attached two editorials in support of the V-22 Osprey, and of the overall benefits of tilt rotor technology, be printed in the RECORD.

These editorials from the Indianapolis News clearly indicate that versatility of tilt rotor aircraft, such as the V-22, in both civilian and military activities.

The House will determine in the near future whether or not to cancel the V-22 Program as Secretary Cheney has recommended and I urge all of my colleagues to examine these two editorials. Tilt rotor technology would not only give the Marine Corps and other branches of the service a versatile and effective aircraft, it would ensure American competitiveness in international aviation technology. America needs the Osprey.

An Osprey for Peace

When the V-22 Osprey tilt engine troop carrier aircraft was unveiled in Arlington, Texas, on May 23, 1988, Marine Commandant Alfred M. Gray, Jr. termed it the Marine Corps' "number one aviation priority."

The Marine Corps is not normally given to high-tech equipment. But the Osprey, for all of its innovations, is in reality a low-tech solution to the problem of moving troops quickly and safely to battlegrounds where elaborate landing fields are not available.

The Marines planned to buy 552 Ospreys. The Air Force wanted 55 for search-and-rescue operations. The Navy was interested in 50 for hunting submarines.

If Secretary of Defense Richard Cheney's budget proposal stands, however, there will be no Osprey for any military agency. There will be no Osprey, period. In a defense budget-cutting move, Cheney has ordered the Osprey project scrapped just as it is nearing the production stage.

What is unfortunate about his edict is that the Osprey not only holds promise for the military in the types of hot conflicts throughout the globe this nation is likely to face. It also holds promise in what may prove to be a more important battle this nation is engaged in—an economic one.

The Osprey is not only well suited for military operations. With a slightly different pressurized fuselage, it is ideally suited as a short-to-medium-range commuter plane.

Jim P. Schwalbe, senior vice president of the Bell Boeing joint program office, told The News that a commercial variant of the Osprey would be ideally suited in a nation that is woefully short of runway space. The Osprey can take off from a rooftop or parking lot, fly at speeds twice as fast as a helicopter over a range of about 400 miles without fueling, then land in the busiest downtown area.

It has promise as the ideal commuter plane or craft for hauling passengers to hub airport terminals for connections to longer flights by conventional aircraft.

Unfortunately, no single domestic airline can afford the financial risk of continuing development or production of this aircraft.

The Japanese are interested, however.

Schwalbe said the Japanese have indicated that if the Defense Department drops the project, they would like to pursue it. Japan, after all, is a country critically short of land for landing strips. They recognize the commercial potential of this craft worldwide.

And, if they acquired it, they would be able to build upon a lot of high-tech research into composite material aircraft body structures, computerized mechanical systems and a revolutionary tiltable engine being developed here by Allison.

According to Schwalbe, there is also a consortium of European nations working on a similar type of aircraft.

Aside from its military and commercial potential, the Osprey holds promise as a weapon against drug smugglers. Schwalbe noted that it is difficult to interdict drug shipments by air into this country because smugglers frequently land on makeshift landing fields which can be blocked off to thwart pursuers in conventional fixed wing planes. Helicopters are too slow for pursuit. By the time they arrive on the scene, the drug smugglers are long gone.

The Osprey, however, is fast enough for pursuit and maneuverable enough to land under just about any circumstances.

Able to fly under most weather conditions, the Osprey also has excellent potential as a rescue vehicle during natural disasters.

The Osprey's namesake, a majestic bird that chooses high, solitary perches, was also once on the list of birds that were nearly extinct. Through the efforts of conservationists, it is making a comeback.

Congressional leaders should override the secretary of defense on this one and bring the V-22 Osprey back from the brink of extinction.

It is a badly needed aircraft in war and in peace.

An Osprey for War

If it looks like a fixed-wing airplane and it flies like a helicopter, then it must be a. . . .

Well, it's not a duck. That's for sure. Nor is it a helicopter. Nor a conventional, fixed-wing airplane. It's a V-22 Osprey.

Earlier this month, Defense Secretary Richard Cheney shot the Osprey down.

In testimony before the defense subcommittee of the House Appropriations Committee, Cheney said the entire Osprey program was being eliminated in an effort to pare $150 billion from the nation's defense budget over the next five years. He told the committee:

"I've come forward reluctantly as secretary and had to recommend that we not go forward with the V-22. As I've said before this committee and in many conversations with you, that all other things being equal, I'd like to be able to buy the V-22. It has a lot of potential applications.

"My problem is one of affordability."

With a major national budget deficit, a substantially reduced Soviet threat worldwide, and the achievement of arms and troop reduction agreements, U.S. defense spending needs to be cut. Cheney's $150 billion cut proposal over the next five years represents a realistic target.

But continued development and deployment of the Osprey should not be included in the cuts.

The Osprey is, on the one hand, a revolutionary, high-tech aircraft. It has a unique tilt motor, being developed here at Allison's, that enables it to take off vertically from a rooftop and then turn its engines horizontally to fly as a conventional fixed-wing plane. It has a new, tough, composite shell, enabling it to withstand substantial enemy firepower. The Osprey also employs some new computerized gadgetry that makes it extremely easy to fly.

But the Osprey is also a low-tech solution to the type of warfare the United States is most likely to encounter in the years to come.

The U.S. attempt to rescue American hostages in Iran during Jimmy Carter's presidency failed because it relied on helicopters that have a short flight range and had to be refueled in the middle of an inhospitable desert. A squadron of Ospreys, however, could have each carried 24 special forces from aircraft carriers in the Persian Gulf to the rooftop of the American embassy in Tehran, landed and then returned to the carrier on a single tank of fuel.

An Osprey will fly about twice as fast and go four times as far as the CH-46 Marine helicopter it is designed to replace.

Maj. Gen. Charles H. Pitman, the Marine director of aviation, says the Osprey is the only fast troop transport craft that could survive the defenses even Third World countries are acquiring, such as Soviet heat-seeking SA-7 antiaircraft missiles that can easily down a helicopter.

If downed, the Osprey can give troops onboard a chance to survive. Because it has wings, it will not flip upside down like a disabled helicopter.

The Osprey is also designed to briefly float on water, giving troops an opportunity to evacuate.

Because of its speed and range, the Osprey introduces an element of surprise into battle.

Panamanians may have been tipped off to the American invasion because huge cargo planes were seen arriving at American bases ferrying in helicopters that then had to be assembled. With Ospreys, the assault could have largely been launched from aircraft carriers beyond the horizon with little chance of tipping off the enemy.

The Iranian hostage rescue attempt, Grenada and Panama all suggest that the type of conflict American forces are most likely to be involved in is a limited type of engagement requiring rapid deployment, surprise and a high degree of flexibility.

That is exactly what the Osprey is designed for.

TRIBUTE TO THE SLOVAK FREEDOM DINNER

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to the people who are of Slovak heritage from my 17th Congressional District of Ohio. The American-Slovak Cultural Association of Mahoning Valley will be holding a Slovak Freedom "Slovenska Sloboda" dinner-dance on March 29, 1990.

The American-Slovak Cultural Association actively supports the Slovak people in Czechoslovakia in their quest for freedom and their own state. The association has a variety of reasons to celebrate, the most important of these being the fall of the Communists in Czechoslovakia. The wave of freedom in Central Europe gives the Slovaks new hope in their quest for autonomy.

Since the ninth century the Slovak people have been under the rule of a variety of governments. The Slovaks experienced a brief period of autonomy before World War II but since that time have been under the oppression of Hitler's Germany and the rule of the Communists. However, with the election of a new government in Czechoslovakia led by President Vaclav Havel, the Slovak people have a chance at a self-determined democracy.

The American-Slovak Cultural Association of Mahoning Valley wholeheartedly supports the efforts of the Slovak people in their quest for their own democratic nation. The Slovaks as well as the other peoples of central Europe have been through a great deal in the last 40 years and now, as we enter the final decade of the 20th century, they have a chance to exercise their right of self-determination. With the help of organizations such as the Slovak-American Cultural Association of Mahoning Valley, the dream of freedom and self-rule may come true for millions of people.

Mr. Speaker, I would like to take this opportunity to commend the American-Slovak Association of Mahoning Valley on their efforts on behalf of the Slovak people. It is our duty as Americans to help the countries of central Europe as well as the rest of the world in their struggle for democratic societies. I am proud to represent these concerned citizens and support them in their efforts to bring democracy to the rest of the world.

COMMENDATION OF LIONEL "L-TRAIN" SIMMONS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. FOGLIETTA. Mr. Speaker, as we continue to glory in "Final Four" fever, I rise today to pay special tribute to an outstanding individual who resides in my district. Lionel Simmons, better known as "L-Train" in the world of college basketball, shines as a beacon of hope and achievement.

For those of you who may not be familiar with Lionel, let me acquaint you with this fine, talented, young man. Lionel went to South Philadelphia High School before enrolling at La Salle University and embarking on an outstanding college basketball and academic career.

Lionel entered the freshman class at La Salle in the fall of 1986 and began his stellar basketball career. His freshman season, Lionel averaged 20 points a game and was named both the "Big Five and the MAAC Player of the Year." As a sophomore, Lionel continued his success. He averaged 23 points a game and was named the "Big Five and the MAAC Player of the Year." As a junior, Lionel continued to impress everyone by averaging 28 points a game. Once again, the young man, from my district in south Philly, was named the "Big Five and MAAC Player of the Year." This past season, Lionel concluded his career just as he began it, with a flourish. He averaged 7 points per game. This enabled Lionel to become the fifth player in NCAA history to score over 3,000 points. Lionel was named the "Player of the Year," by not only the Big Five and MAAC, but also the UPI, Eastman Kodak, Naismith, and the World Almanac to name a few, Furthermore, Lionel is a finalist for the John Wooden and Pete Maravich Awards as well as being a finalist for the "AP Player of the Year."

However, Lionel's accomplishments do not end on the basketball court. In May, Lionel will receive a bachelor of arts degree in criminal justice at La Salle. Over the past 4 years, Lionel has maintained a cumulative grade point average of 2.7.

Mr. Chairman, I am honored and proud to commend Lionel Simmons today. It is fine men and women such as Lionel who provide hope and inspiration to young people. I commend Lionel and wish him continued success.

CONGRESSMAN SERRANO: A PUERTO RICAN SUCCESS STORY

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. FUSTER. Mr. Speaker, as I pointed out in my remarks on the floor of the House earlier today when I introduced the newest Member of this body, the Honorable JOSÉ E. Serrano of the 18th Congressional District of New York, this is a special day for Hispanics in general and Puerto Ricans in particular. Congressman SERRANO is a great native son of Puerto Rico who will bring credit to this body.

As the only Member of Congress representing the 3.5 million American citizens who live in Puerto Rico, I look forward to working with Congressman SERRANO. Obviously, there are areas of interest between me and Congressman SERRANO, and I am sure he will be a positive force for Puerto Rico, and for the United States as a whole, in this body.

Congressman SERRANO represents perhaps the most heavily Puerto Rican district on the U.S. mainland, that of South Bronx. Although he was born in Mayaguez, Puerto Rico, he came to the mainland at age 7 and spent most of his life in the Bronx. Congressman SERRANO, in fact, represented his district in the New York State Assembly from 1975 to this year, serving with distinction and becoming chairman of its education committee in 1983.

Assemblyman SERRANO'S influence over the budget for State education programs helped win school aid increases for New York City. He also pushed through bills for bilingual education programs and for a project to reduce the high dropout rate in New York City.

In a congressional district that is heavily plagued by unemployment and crime, Mr. SERRANO is an up-from-poverty success story, and I join my colleagues in welcoming him to the U.S. Congress.

INTRODUCTION OF LEGISLATION IMPOSING A TAX ON INCOME AND GAINS FROM PROVIDING LEVERAGED BUYOUT AND OTHER FINANCING TO CERTAIN BUSINESSES

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. RUSSO. Mr. Speaker, I rise to introduce a bill to amend the Internal Revenue Code of 1986 to prevent small businesses investment companies from providing leveraged buyout and other financing to business which have a significant amount of assets.

Mr. Speaker, small business investment companies are private, Government-sponsored entities. These Government-sponsored entities were established by the Congress for the purpose of supplying loan funds and equity capital to independent small business concerns. The Federal Government, through the Small Business Administration, may purchase or guarantee debentures of these small business investment companies, and such guarantees carry the full faith and credit of the United States. In addition, the Internal Revenue Code contains several beneficial provisions for small business investment companies, including special rules allowing full deductibility of dividends received by the entity, in order to promote the goal of supplying capital to small businesses.

It has come to my attention that the goals of this Federal program may be circumvented by small business investment companies because of a loophole in the definition of a small business that can qualify to receive the equity investment or loans. The current rules allow funds to be supplied by small business investment companies to entities with net equity of $6 million or less and average after-tax earnings for the preceding 2 years of $2 million or less. Under these rules, the potential exists for a large company to qualify for a loan as a small business because of a leveraged buyout or other transaction which significantly reduces the equity and increases the debt of the corporation. In other words, the benefits of Government guaranteed loans can go to large corporations in a leveraged buyout and other debt driven transactions through small business investment companies. Loans to large, highly-leveraged corporations may diminish the amount of financing available to truly small businesses.

Mr. Speaker, this abuse must be stopped. Congress certainly did not intend through this program of small business assistance to subsidize large companies undergoing leveraged buyouts or other debt driven transactions.

The bill I introduce today would require that a small business which receives the benefits of this program be truly small. Under this bill, if a small business investment company makes a loan to a business which is not truly small, then any income or gain received by the small business investment corporation from the nonqualified business would be subject to a tax equal to 15 percent of such disqualified income. This additional tax is designed to be approximately equivalent to the Federal Government benefits received by the small business investment corporation which are being improperly directed to large businesses. A qualified small business under this legislation is defined as under current law, with the additional requirement that the cash and the aggregate adjusted tax bases of property of a qualified small businesses can be no more than $10 million.

Mr. Speaker, I have asked the chairman of the Committee on Ways and Means to refer this legislation to a subcommittee for the purpose of holding hearings on this legislation. In order to be reasonable and fair in this legislation, I have asked for the hearings to review the appropriateness of the bill's test of a qualified small business. In addition, I have delayed the effective date of the bill until the full Committee on Ways and Means has approved this legislation. If, however, small business investment companies continue to make loans to large companies undergoing leveraged buyout or other debt driven transactions that abuse these rules, I will recommend that the full committee adjust the effective date of the legislation to stop truly abusive transactions occurring after the date of introduction of this legislation.

I have attached a copy of the legislation, and a technical explanation of the bill to my statement, and ask that they be printed in the RECORD at the end of this statement. Mr. Speaker, I hope that this legislation and the hearings to be held in the Committee on Ways and Means will put an end to this abuse and allow the tax benefits and the benefits of financing with the full faith and credit of the United States to be directed to truly small businesses deserving this Nation's assistance.

TECHNICAL EXPLANATION OF THE BILL

PRESENT LAW

The Small Business Investment Act of 1958 (15 U.S.C. 661, et. seq., "the Act") authorizes the licensing of small business investment companies (SBICs). SBICs are privately-owned corporations and limited partnerships and are intended by the Act to supply equity capital, loans, and management assistance to qualifying small business concerns. Small business concerns are generally defined by the Small Business Administration as companies with net equity of $6 million or less and average after-tax earnings for the preceding two years of $2 million or less. A corporation with a significant amount of gross assets may be able to meet the $6 million net equity test by having a large amount of debt.

Subject to certain limitations, the Small Business Administration may purchase or guarantee debentures of a SBIC. Such guarantees carry the full faith and credit of the United States. Thus, SBICs have access to funds at a rate that approximates the borrowing rate of the Federal government.

SBICs organized as corporations or limited partnerships generally are subject to Federal income tax in the same manner as are corporations or limited partnerships that are not SBICs, with exceptions for certain particular items.[1]

EXPLANATION OF PROVISION

The bill would provide, in addition to all other taxes, a tax equal to 15 percent of the disqualified income of a SBIC. Disqualified income would be the sum of gross income from any disqualified investment plus any net gain attributable to the disposition of a disqualified investment. A disqualified investment would be (1) any investment in a small business concern (as defined by the Small Business Act) if the amount of cash and aggregate adjusted tax bases of other property held by such concern exceeds of $10 million or (2) any investment not permitted under the Small Business Investment Act of 1958 (or the regulations thereunder). The determination of whether a small business concern has cash and other property in excess of $10 million would be made immediately after the SBIC investment and would take into account the proceeds of the SBIC investment. In the case of a SBIC organized as a partnership, the tax would be imposed at the entity level.

The bill would be effective for investments made after the date of approval of the provision by the House Committee on Ways and Means, for taxable years ending after such date.

THE RURAL ECONOMIC DEVELOPMENT ACT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. SWIFT. Mr. Speaker, the forest products industry in the Northwest is going through very difficult times. All the issues relating to the spotted owl and ancient forests, the issues surrounding the forthcoming Forest Service plans, and the effort to assure a long-term and reliable timber supply into the future are critical to small towns and communities throughout this region. The Washington State congressional delegation is working to bring that stability to the wood products economy within responsible environmental guidelines.

In the past several years, there has been little or no timber being cut from our national forests. Last year, Congress passed legislation that permits some timber to be harvested, but not at the rate it has been harvested in the past. As new forest plans are released this summer, the harvest level is expected to drop even lower for the next decade.

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[1] For example, dividends received by a SBIC are allowed a 100 percent dividends received deduction (sec. 243(a)(2)) and losses on certain investments in, and of, SBICs are treated as ordinary rather than capital losses (secs. 1242 and 1243).

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The situation has become so critical that we have to operate on more than one solution. We need separate, parallel tracks to assure the economic survival of many of these communities.

Congressman SID MORRISON has introduced a bill, H.R. 3997, to assist some of the smaller timber dependent communities that are facing economic havoc with the reduction in Federal timber harvests. This bill has been incorporated into H.R. 3581 as title IX.

Title IX allows these small towns which are dependent on national forest resources to obtain loans and assistance to boost economic diversification. It establishes guidelines for a program to aid small communities that are dependent on timber harvests from national forests to diversify their economies. This is accomplished through the Forest Service working with each community to determine its particular needs. Community economic analysis, retooling existing industries, creating new industries, and training of workers for new skills are all possibilities that would be available to a community. Also, this bill sets up a loan program for these communities to implement their plans.

Along with continued efforts to assure a reliable timber supply that is environmentally sound, this legislation is something I support because so many of our small towns in this region of the country may well need to benefit from the innovative approach it offers for rural economic development. I am pleased that the House passed H.R. 3581 with title IX intact.

I would also like to state my support for title VII, the rural electrification provisions, and in particular section 722 which recognizes the need for rural telephone systems to be made fully capable of transmitting data as well as voice messages. In 1934 we recognized through the Communications Act the need to make telephone service a national goal. In 1990 we need to ensure that all citizens have the right to share in the newly emerging information services that can be carried through telephone lines. These cannot be services offered only to those in urban areas, or only those who decide to buy personal computers. Universal service must remain the national policy as we enter the Information Age, and I commend the authors of this legislation for recognizing that need in this bill.

CONGRATULATIONS TO LOYOLA MARYMOUNT LIONS

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. DIXON. Mr. Speaker, I rise today to honor the accomplishments of an outstanding educational institution that is located in my congressional district—the 28th District of California. Loyola Marymount University and its basketball team's courageous spirit has captured the hearts of sports fans across America.

Although the Loyola Marymount University Lions' remarkable season came to an end last Sunday in the finals of the NCAA West Regionals, each player distinguished himself in a season marked with triumph and tragedy.

On March 4, the Lions' captain, Hank Gathers, tragically died of heart failure while playing in the team's last game before the NCAA Tournament. Hank Gathers was more than one of the Nation's finest college basketball players. He was an outstanding human being and role model not only for students on Loyola's campus, but throughout the country.

It was the dream of Hank Gathers and the Loyola Marymount team to win the NCAA Tournament and become the national champions. In the wake of his death, the team dedicated itself to playing for the memory of their fallen captain.

Everyone knew that Loyola Marymount had a very good team, for their fast-break style of basketball had shattered scoring records all year. However, the pundits and prognosticators never really gave them much of a chance—not without Hank.

But when Loyola Marymount defeated highly regarded New Mexico State 111–92, toppled the defending national champion University of Michigan 149–115, and fought back to overcome the clever slow-down tactics of the University of Alabama 62–60, the pundits and prognosticators had to scratch their heads and take notice. Amazingly, Loyola Marymount had come within three victories of the national championship.

What they did not understand was that Hank Gathers was still playing for Loyola Marymount. His spirit was with them and his team was playing inspired basketball. His spirit united not only the team, but the entire campus community.

In the finals of the NCAA West Regionals against the University of Nevada-Las Vegas, the remarkable season of the Loyola Marymount Lions came to an end. However, the accomplishments of a little team from a little school, when the odds were all against them, will not be forgotten. Nor will we forget Hank Gathers.

Mr. Speaker, I wish to recognize the relentless determination and unyielding spirit of the Lions' players—Bo Kimble, who led the Nation in scoring, Jeff Fryer, Per Stumer, Tony Walker, Chris Knight, Terrell Lowrey, Tom Peabody, Greg Walker, Chris Scott, Jim O'Connell, Brian McCloskey, Marcellus Lee, Jeff Rosco, and Marcus Slater. I also wish to congratulate Coach Paul Westhead on an outstanding job, as well as his assistant coaches Jay Hillock, Bruce Woods, Judas Proda, and Paul Westhead, Jr.

TRIBUTE TO DON FREYMILLER

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. THOMAS of California. Mr. Speaker, I rise today to call the attention of my colleagues to a good friend, Don Freymiller, chairman of the board and chief executive officer of Freymiller Trucking, Inc., of Bakersfield, CA. Today he has been elected president of the Interstate Truckload Carriers Conference, which represents the truckload, irregular route, common, and contract motor carriers of the United States and is affiliated with the American Trucking Association. It is an extremely important organization and has been in existence for more than half a century.

This is another important accomplishment achieved by Don Freymiller in a career that represents a commitment to hard work, discipline, and integrity. Don started his trucking business with one truck, in 1968. Freymiller Trucking now employs more than 1,000 people and has revenues over $69 million. And I am proud to say that Freymiller Trucking is headquartered in Bakersfield, CA. Don resides there with his wife Maxine and his four children, and is active in local organizations such as the Rotary Club, the Sierra Scouts, and the Greater Bakersfield Chamber of Commerce.

I am proud that Don Freymiller has been chosen to lead the Interstate Truckload Carriers Conference. It is yet another tribute to a man who is a monument to entrepreneurial spirit and determination. Don Freymiller is a tribute to Bakersfield, to the trucking industry, and to this Nation.

LITTLE HAS CHANGED IN EL SALVADOR

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mrs. KENNELLY. Mr. Speaker, 10 years ago, on March 24, 1980, Archbishop Oscar Romero, the Catholic archbishop of El Salvador, was murdered in cold blood while saying mass at the chapel of a cancer hospital in San Salvador. He was a good man—a man who spoke out repeatedly against the violence and political repression that plagued El Salvador. He loved his country and was dedicated to making a difference for the people there. This conviction and determination was shared by the six Jesuit priests who were brutally murdered on November 16, 1989.

The Romero murder case has long been cited by United States and Salvadoran officials as a test case for Salvadoran justice. It is interesting that 10 years later the same semantics should be used to describe the Jesuit case.

The years 1980 to 1990—a decade passed, yet little has changed. As a member of the Speaker's Task Force on El Salvador charged with overseeing the investigation of the Jesuit murders, I was in El Salvador in February of 1990. Ten years and over $4 billion U.S. taxpayer's money later and nothing has really changed.

The policy of our Government in El Salvador, as all our foreign policy, should be realistic while reflecting our belief in sanctity of human rights. Our policy in El Salvador should foster a negotiated settlement and an end to the hostilities in that nation. Our present policy of providing the Salvadoran Government with over $1.5 million a day—a government that has proven repeatedly that it does not control its military—does neither.

The anniversary of the assassination of Archbishop Oscar Romero reminds us of how much time has passed, yet how little progress has been made in El Salvador. 1980 to

1990—the death of Archbishop Romero, the death of six Jesuit priests, the harassment, torture, and murder of thousands of civilians in the years between should prove that cases in El Salvador are not tests; 1980 to 1990—still a judicial system that barely functions, still heinous violations of human rights, still severe political repression. The evidence is conclusive.

On this most tragic anniversary, I urge my colleagues to reflect honestly about our policy in El Salvador, where we are headed, and what is happening to the people of that country.

TRIBUTE TO HAROLD DODD

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. DURBIN. Mr. Speaker, I rise today to honor Harold Dodd, a good friend and an outstanding agricultural leader, who is retiring from his position as president of the Illinois Farmer's Union after 16 years of dedicated service.

Harold Dodd started his career as an active proponent of the family farmer in 1954 when he joined the Farmer's Union as a charter member. Since that time his contributions to American agriculture have been significant. As a member of the Governor's agriculture advisory board, and the Illinois Department of Agriculture's advisory board, he represented the interests of Illinois farmers. As chairman of the National Farmer's Union's executive board for 2 years, he led the cause nationally for the family farmer. As traveling diplomat to China, Bulgaria, and Jordan, and as host to numerous foreign dignitaries, Harold has been a leader in teaching progressive agricultural practices around the world.

Harold's involvement in the community has not stopped with agriculture. His positions as a board member of St. John's Hospital and the Illiteracy Council attest to his strong belief in and service to the people of this community.

Harold's retirement does not signify the end of his legacy. Rather, he will continue his important work as he embarks on a 2-year term as chairman of the board for the Illinois Farmer's Union.

On the occasion of Harold Dodd's retirement, I call on my colleagues in the House to join with me and the people of Illinois' 20th District in extending our congratulations and best wishes to Harold Dodd for his contributions to the preservation of the family farm and the enrichment of agriculture in Illinois.

NATIONAL CHILD SEARCH ASSISTANCE ACT

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. ERDREICH. Mr. Speaker, today I am intruducing legislation to require States to provide missing children information to the National Crime Information Center of Washington in order to improve methods for locating missing children. At the present time 48 States have developed clearinghouses to locate missing children, with the remaining 2 States well on the way to establishing similar programs. With the assistance of these clearinghouses, parents and local authorities have been able to locate thousands of missing children.

Unfortunately, efforts to locate missing children through the National Center for Missing and Exploited Children, a nonprofit clearinghouse set up by the Government in 1984, have been hindered by the lack of a national network to provide easy access to State clearinghouse information. Under my bill, State authorities would be required to provide missing children information to the National Crime Information Center in Washinton. This information could then be easily accessed so that State information could be quickly available nationwide.

My bill is the companion to legislation introduced by Senator McCONNELL and is the product of discussions with the Department of Justice, the International Association of Chiefs of Police, the FBI, and numerous childrens' organizations. These groups support centralizing information from the State clearinghouses into the National Crime information Center and believe it will help the National Center for Missing and Exploited Children to better locate missing children.

It is my hope this legislation will provide a cohesive and coordinated network that will give us the best chance to return our missing children to a safe, loving, and healthy environment. I urge my colleagues to support this important legislation.

LITHUANIA'S MOMENT IN HISTORY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. PALLONE. Mr. Speaker, Lithuania's March 11 declaration of its national sovereignty and independence should be accorded full honor and recognition by the Government of the United States.

As a result of my strong support for Lithuanian independence, I have joined as a cosponsor of House Concurrent Resolution 292, sponsored by Representative WILLIAM S. BROOMFIELD, Republican of Michigan, stating that, among other things, the United States should immediately establish diplomatic relations with the new Government of the Republic of Lithuania.

The United States has never recognized the forcible incorporation of Lithuania, or its Baltic neighbors Estonia and Lativia, into the Soviet Union. These lands, with their proud histories and distinct languages and cultures, have traditionally been considered under the unique category of captive nations. They are the victims of a cynical deal cut by two of history's most vicious mass murderers, Adolf Hitler and Joseph Stalin. Soviet domination of these lands has no historic legitimacy. On the practical level, 50 years of Moscow's rule has not succeeded in building genuine public support among the populace in Lithuania for continued membership in the U.S.S.R. Now that the brave Lithuanian people are breaking out of their captivity it is time for the United States to put into practice our longstanding official stance.

Concerns are raised about the threat that the break-up of the Soviet empire will have on President Gorbachev's reform efforts. While I want to see reforms take root in the U.S.S.R., the very notion of the Red Army forcibly exercising control over an unwilling population is contrary to the goal of reforming the system. If Mr. Gorbachev accepts the Lithuanian secession, he will lose a disgruntled and restive Soviet Republic, and gain a stable, friendly, peaceful neighboring country.

Mr. Speaker, if there were any doubt that the Lithuanian people need our help, this week's bloody arrests of so-called deserters—proud and patriotic young Lithuanians who refuse to serve in the army of a foreign power—proves what the Lithuanians are up against. We can only imagine the horrors that these young men will be subjected to upon their return to their army units, and our prayers are with them. We cannot allow this fate to be visited on the rest of the Lithuanian people. America's recognition of Lithuania's independence will send a clear signal to the Soviet leadership that the consequence of armed intervention will be international isolation. I hope the leaders in the Kremlin will see that it is in their best interests to call off their current intimidation tactics against the Lithuanians and begin a process of peaceful coexistence.

Last year, we cheered as one by one the nations of Central Europe threw off their oppressive Communist systems. Now it is Lithuania's moment in history. We owe it to the Lithuanians, to ourselves and to the entire free world to stand on the side of freedom and self-determination for the Lithuanian people.

TRIBUTE TO COLONEL JAMES I. DAILY

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. RAY. Mr. Speaker, I rise today to pay tribute to Col. James I. Daily, who will be retiring as chief of staff of the U.S. Army Infantry Center on March 30, 1990. He has served in this distinguished position since April 30, 1987.

Colonel Daily was born in New Albany, IN, and graduated from Western Kentucky University in 1964 with a bachelor of science degree in education. Upon graduation, he was designated a distinguished military graduate and entered the Regular Army as a second lieutenant of infantry.

He served in Vietnam with the 1st Cavalry Division as a reconnaissance platoon leader and company executive officer. He was assigned as an instructor at the Florida Ranger Camp at Eglin Air Force Base upon returning to the United States. In 1968, he returned to

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Vietnam and served as a rifle company commander and brigage assistant operations officer in the 101st Airborne Division.

Colonel Daily returned to the United States after being assigned to the ROTC unit at Ohio University in Athens, OH. During this tour, he received a master's degree in education. He was then reassigned to the 101st Airborne Division which had returned to Fort Campbell, KY. In 1977, he was assigned to the United States military training mission as a training adviser to the Saudi Arabian land forces.

Following this tour in Saudi Arabia, he assumed command of the 1st Battalion, 29th Infantry, at Fort Benning, GA. He then served with the 197th Infantry Brigade at Fort Benning as its executive officer. From 1982 to 1984, he was assigned to the U.S. Military Academy as a regimental tactical officer. He returned to Fort Benning and served as the director of training and doctrine in the infantry school until his appointment as chief of staff of the center.

Colonel Daily's military education include the infantry officer advanced course, the U.S. Army Command and General Staff College, and the U.S. Army War College. He has been awarded the Bronze Star with V device with oakleaf cluster, the Meritorious Service Medal with oakleaf cluster, the Air Medal with V device, the Purple Heart, and the Army Commendation Medal with oakleaf cluster. He also wears the Combat Infantryman Badge, the Master Parachutist Badge, the Ranger Tab, and the Air Assault Badge.

Col. James Daily has made a lasting impact on Fort Benning and the infantry center in his capacity as chief of staff. I am proud to represent Fort Benning and the Third Congressional District. It has been a privilege to support "the Home of the Infantry", a shining star of the U.S. Army, and the best quality soldiers in the world such as Col. James Daily.

CUSTOMER SATISFACTION: THE FORGOTTEN PRECEPT AT THE U.S. POSTAL SERVICE

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. GRADISON. Mr. Speaker, on March 6, the U.S. Postal Service [USPS] formally requested the Postal Rate Commission to approve a 20-percent rate increase for delivery of first-class mail. The Postal Service has estimated that this rate increase will increase the average American's postage cost by $10 a year. This extra cost is particularly vexing in light of poor service and mismanagement within the Postal Service. Many of my constituents have contacted me in recent months to express anger or concern over late and misdelivery of mail, declining services, and slow and unfriendly counter service. The proposed rate increase has served only to heighten public dissatisfaction with USPS.

The Postal Service's natural monopoly is protected and supported by a set of Federal laws called the Private Express Statutes. The original protections were enacted in 1792 by the Second Congress, on the grounds, still widely accepted today, that only the Federal Government could provide complete nationwide postal service and that as a public service, it should not be subject to, and potentially fragmented by, competition. These statutes were designed to bind the Nation together through universal letter mail service and rates.

In 1970, the Postal Service was converted into a quasi-independent agency as part of the Postal Reorganization Act. The 1970 act gave the President strong discretion to establish rules and regulations to promote a business type of operation, and required that revenues approximatley equaled the total estimated cost of postal service, less congressional appropriations for subsidized postal classes. In addition, the act established the Postal Rate Commission to determine, at the request of the Postal Service, the necessity of rate increases. As a result of these measures, effective congressional oversight of USPS has declined. This, I believe, is terribly unfortunate.

The intent of the act was to provide a business-like environment where postal officials could improve the quality and scope of service and achieve financial self-sufficiency over a period of years. Although the intent was good, time has shown that it hasn't worked. Services have declined while costs have increased, well above the rate of inflation.

In the face of rising costs and stabilizing mail volume, the Postal Service has reevaluated its existing service areas and standards. New service areas will result in slower mail delivery for mail service outside regional zones. In addition, the Postal Service has been painfully slow to utilize high-technology sorting machines which could provide substantial cost savings. A report issued by the Postal Inspection Service in December 1989 found that the Postal Service had achieved only one-third of the expected savings from their investment in these machines. In some cases, the Postal Inspection Service noted that mail that could have been processed by the sorting machines was diverted to less-efficient machines and manual processing in order to keep mail clerks busy.

For the last 2 years, the Postal Service has regularly delivered bonuses to its general managers even though postal costs rose at twice the rate of inflation in 1988 and the Postal Service barely broke even in 1989. In 1989, bonuses which are based on service, human relations, and financial management records ranged from $3,200 for those with the poorest records and $11,200 for the best. All 75 division managers received a bonus. At the same time, the Postal Service squandered approximately $6.2 million on meetings and conferences for division managers in Hawaii, Florida, and Arizona. I believe there are less exotic and expensive meeting sites for entities in need of a 20-percent rate increase.

Last November, the Congress and the President agreed to move the U.S. Postal Service off-budget, a move I strongly opposed. Was this move a reward for good management? No, it was a move for budget accounting expediency. As a result, the Postal Service has become even more independent while maintaining its quasi-monopoly status. In effect, the budget agreement which reduced the Federal budget deficit $1.77 billion—the amount of the USPS deficit—has further limited congressional oversight of postal operations.

Congress has acted to rid itself of responsibility for the Postal Service. If there is to be no accountability for postal operations, it is clear that the Postal Service must give up its monopoly position in the increasingly competitive communications marketplace.

CONGRATULATING MR. GEORGE JOHNSON, SR.

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. PARRIS. Mr. Speaker, I rise today to salute one of Virginia's noblest citizens. Mr. George Johnson, Sr. of Alexandria, VA, will celebrate his centennial birthday on April 9, 1990. George was born in Newberry, SC, the grandson of slaves. His paternal grandfather, Tom Higgins, worked as a slave for the Confederate Army under the command of Colonel Johnson. Mr. Higgins changed his surname to Johnson in honor of the colonel under whom he had served. George Johnson, Sr. was married on December 30, 1912 to the late Lou Emma Jesse Johnson and together they reared 11 children.

George was educated in the elementary church schools of his native home State and has worked as a sharecropper, a lumber bearer, in an oil mill, as a gardener, on a gun press, and for a railroad company. He has worked all of his life in his beloved southland and through the years has provided not only for his family but also for friends and relatives.

George, who is a man of deep Christian faith, has served God all his life and found strength in his beliefs. He has served as a deacon in the Welch Baptist Church in Newberry, and as superintendent of it's Sunday school. He has also served as a deacon in the Mt. Pleasant Church in Alexandria, VA. George, as head of five generations, has proven he is a man of faith and wisdom who has a reverence for life and love of his family and fellowman.

Edward Bortz said, "It is only in the later years that the full flowering of the finest essence of the human spirit becomes a reality." Mr. Speaker, George Johnson, Sr. has demonstrated throughout his life the "finest essence of the human spirit." I am proud to have George as my constituent and I join his family and friends in saluting him on his 100th birthday. May God bless this extraordinary man and grant him many more years of health, love, and happiness.

THE SMALL ISSUE INDUSTRIAL DEVELOPMENT BOND PROGRAM

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. FLIPPO. Mr. Speaker, I am today introducing legislation that would permanently extend the Small Issue Industrial Development

Bond Program. These bonds, which are now carefully targeted to smaller manufacturers, provide a critical source of the financing necessary for these businesses to establish new plants or modernize existing facilities. For many companies, the bonds have become a key component of a trade strategy, offering the only form of Federal assistance to help combat heavily subsidized foreign competition.

In my State of Alabama, we have used this program as an essential ingredient of our efforts to encourage economic growth. Over the past 3 years, these bonds have helped finance the investment of over $200 million in plant and equipment in manufacturing facilities in Alabama. This investment has led to the creation or retention of over 5,700 jobs for our people.

Projects financed by these bonds are found in every part of the State, from Opelika to Livingston to Gadsden. This tax-exempt financing has been particularly helpful in promoting economic growth in smaller, rural communities.

While my interest in IDB's arises from the compelling experience we have had with them in Alabama, I think it important to note that projects financed with small-issue IDB's have created literallly thousands of jobs in every part of the Nation. Since 1976, for example, the New York City Industrial Development Agency has issued bonds for 484 companies, creating or retaining roughly 68,000 jobs. From 1983 to 1988 bonds issued by the Illinois Development Finance Authority financed 50 projects in Chicago, providing 4,575 jobs.

The tax bills of 1984 and 1986 have made major changes in the Small Issue Bond Program, eliminating perceived abuses, targeting the bonds to smaller manufacturers, subjecting them to a tight volume cap, and requiring greater public participation in the process of deciding which projects should receive tax-exempt financing. The result is a strong, reformed, and responsible program that contributes to job creation and retention in 49 States.

Mr. Speaker, as you know, last year the House voted for a 2-year extension of the program, but in the negotiations over the budget reconciliation package, that extension was reduced to 9 months. I think it is time we made this program permanent, that we allow it to operate, and that we get away from having to deal with an extension each year.

The uncertainty that these year-to-year extensions create make it difficult for economic development officials and businesses to make rational, long-term plans for major expansions or new plants. And, when we consider the concerns of this body about our competitive position in the world marketplace, this financing program—targeted to the Nation's smaller manufacturers—should be a permanent and reliable source of investment capital to meet this challenge.

The fact that last year Congress made no further changes in the program suggests that we have now achieved a consensus on how this program should operate. Now that we have reformed it like we want it, we should extend it and let it work. Should abuses emerge in the future, Congress can always go in and reexamine how the bonds are being used.

I am pleased that a number of groups representing State and local officials also advocate the extension of small-issue bonds. The National Governors' Association Economic Development Committee, chaired by Gov. Ray Mabus, has listed an extension of small issue bonds as one of its priority items. The National Association of Counties and the National League of Cities are also on record in support of this program. These officials recognize the importance that these tax-exempt bonds play in encouraging economic growth in their areas.

Mr. Speaker, the small issue bond provision is sound, prudent public policy. I urge my colleagues to join me in supporting this bill.

NATIONAL MEDICAL RESEARCH DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. HOYER. Mr. Speaker, March 27, 1990 marks an important day to our Nation. It is National Medical Research Day and the week of March 26–30 has been dedicated to raising awareness of the importance of medical research to our country. It is my pleasure to offer this floor statement to support our Nation's investment in medical research.

It is my firm belief that the continued success of our Nation's medical research efforts will depend upon the fundamental leadership of and commitment by our Federal Government. During the past decade, the private sector investment in our Nation's medical research efforts has experienced an unprecedented annual growth. Voluntary health associations have been devoting more of their charitable contributions to medical research and in absolute dollars, this Nation's pharmaceutical companies invest more in research than the total annual funding of the National Institutes of Health. Still, the demand for medical research outstrips the supply of research dollars.

This Congress must make a commitment now to increasing the support of biomedical research in this Nation. It only takes a few examples to illustrate the logic of this commitment. Within my lifetime, the polio and rubella vaccines were discovered saving the lives of millions of Americans. Insulin was discovered over 60 years ago and has enabled millions of individuals with diabetes to live nearly normal lives. AZT is showing promise to forestall some of the devastating effects of AIDS. Witness chemotheraphy for cancer, bypass surgery for coronary artery disease, and hip replacement surgery for arthritis. These are only a few examples of how medical research has touched our lives. Even the wisdom of our mothers urging us to eat a balanced breakfast is now being borne out by medical research. The list is virtually unending. But we have a lot more to do. Cures and better treatments are still needed for many diseases—diabetes, cancer, epilepsy, multiple sclerosis, and depression, to name only a few.

In 1987, the National Health Council [NHC], which represents 39 voluntary health associations, established the "Medical Research: Invest in America's Health" campaign. The campaign focuses its efforts on four Federal centers for medical research—the National Institutes of Health [NIH], the Alcohol, Drug Abuse and Mental Health Administration [ADAMHA], the Centers for Disease Control [CDC], and the medical research component of the Veterans Administration [VA].

On National Medical Research Day, volunteers from across the Nation bring a strong collective voice to Capitol Hill, educating members of Congress about the importance of medical research and our Nation's commitment to it, and demonstrating that the coalition of private sector organizations cooperating on this issue is a growing force.

Can any of my colleagues in Congress introduce me to one individual who has not benefited from medical research? The simple answer is no. And the equally simple fact is that medical research not only helps every American live a better life, it has helped us achieve the preeminent world status we have so long enjoyed. The challenge clearly is before us: to make a strong national commitment now to medical research.

NATIONAL MEDICAL RESEARCH DAY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. PORTER. Mr. Speaker, I rise to recognize National Medical Research Day which we are celebrating this week. I want to relate the story of the Skinners, a family which has benefited from biomedical research.

In 1981, Rosa Skinner, pregnant with twins, learned that one of the fetuses had a potentially fatal urinary tract blockage. In order to save the child without harming its twin, Rosa Skinner's doctors decided to attempt a medical first: in utero surgery. On April 25, 1981, doctors Mitchell Golbus and Michael Harrison successfully performed the first surgery to correct a birth defect before the birth of the child. Today Mrs. Skinner is the proud mother of 8-year-old Mary and her very fortunate twin brother, Mike.

Medical miracles do not happen in a vacuum. They are founded upon years of medical research, and pave the way for even greater advances in improving the health of our Nation.

I urge members of the Budget Committee to support funding of $9.237 billion for our Nation's preeminent research facilities, the National Institutes of Health [NIH]. This level of funding would allow NIH to fund 30 percent of approved research grant applications, and would allow NIH to keep pace with biomedical research inflation. Tomorrow's Mike Skinners depend on our continued support of biomedical research funding.

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RECOGNITION OF PROF. ALBERT P. BLAUSTEIN, RUTGERS UNIVERSITY LAW SCHOOL

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 1990

Mr. HUGHES. Mr. Speaker, it is my pleasure today to bring to my colleagues' attention the work of Prof. Albert P. Blaustein of the Rutgers University Law School. Professor Blaustein was one of my law professors, and he has become known internationally for drafting constitutions. I would like to take this opportunity to pay tribute to him for his work, particularly in Third World nations where he has helped many nations develop constitutions.

Most recently, Professor Blaustein has worked with the Federal Republic of Nigeria to develop a constitution that will take effect on October 1, 1992. This momentous occasion has been somewhat obscured by the breathtaking developments in Eastern Europe, but we should note that freedom and democracy are sweeping across Africa as well as Europe and Central America. In fact, the restoration of civilian, constitutional government to Nigeria will bring democracy to more people than any of the governmental changes in Europe. Nigeria is the world's eighth most populous country, and its population is equal to that of Poland, Romania, Bulgaria, Hungary, Czechoslovakia and East Germany combined.

Nigeria's new Constitution is a revised version of one drafted with Professor Blaustein's assistance in 1979. The 1979 Constitution was widely praised for its bill of rights and its enforcement provisions to protect those rights. Unfortunately, the original Constitution did not prevent the first civilian government from using vote-fixing and corruption to maintain its control over the country. That government was finally overthrown in a popular coup, and the current military regime of General Ibrahim Babangida is paving the way for reinstating the Constitution and returning to civilian rule. He has taken steps to address the country's economic crisis and to remove governing authority from the Armed Forces Ruling Council.

Americans can look with pride at the Nigerian Constitution, for much of it was inspired by our own U.S. Constitution, that glorious document that I and my colleagues in the House are sworn to protect. The revised Nigerian Constitution calls for the establishment of an executive Presidency, a bicameral legislature with a Senate and a House of Representatives, and an independent judiciary. The revised document addresses the vote-fixing problems of the past by establishing election tribunals and by requiring candidates to disclose their assets and liabilities. In addition, the Constitution provides for recall procedures for members of both the Federal and state legislatures.

Elections will be based upon a strict two-party system. Groups seeking approval to become one of the two parties must agree not to advocate regional or religious causes and must establish innocence of tribal bias. The selection of the two parties will take place this September. Other steps in the transition are proceeding, and all indications are that the military supports the transition to civilian rule and will not prevent the eventual election winners from taking office.

Mr. Speaker, too often we take for granted the freedoms brought to us by our Constitution. As we watch the development of young democracies in Nigeria and around the world, we should be thankful for that great document and grateful for the work of Professor Blaustein, who is helping other countries secure similar constitutional protections for their citizens.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 29, 1990, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 30

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 639, to establish a research and development program for the development of a domestic hydrogen fuel production capability.
SD-366

Labor and Human Resources
Disability Policy Subcommittee
To hold hearings on proposed legislation authorizing funds for the Developmental Disability Act.
SD-430

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on the Farmers Home Administration, Federal Crop Insurance Corporation, and the Rural Electrification Administration.
SD-138

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Library of Congress, and the Office of Technology Assessment.
SD-116

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on S.J. Res. 246 (pending on Senate calendar), requesting the United Nations to repeal General Assembly Resolution 3379, which equates Zionism with racism.
SD-419

10:30 a.m.
Judiciary
To hold oversight hearings on immigration issues, focusing on the General Accounting Office's report on discrimination and employer sanctions.
SD-226

APRIL 2

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production and Stabilization of Prices Subcommittee
To hold hearings on proposed legislation to strengthen and improve U.S. agricultural programs, focusing on deficiency payment problems associated with barley.
SR-332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Bureau of Land Management, Department of the Interior.
S-128, Capitol

10:30 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for military construction programs, focusing on the Air Force.
SD-192

2:00 p.m.
Armed Services
Defense Industry and Technology Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on defense manufacturing technology and quality assurance programs.
SR-222

4:00 p.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Henry J. Cauthen, of South Carolina, and Lloyd Kaiser, of Pennsylvania, both to be members of the Board of Directors of the Corporation for Public Broadcasting.
SR-253

APRIL 3

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Energy and Natural Resources
To hold oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Judiciary
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Department of Justice.
SD-226

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Air Force posture.
SD-192

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to review the U.S. global change research program and NASA's program, the Earth's Observing System.
SR-253

Commission on Security and Cooperation in Europe
To hold hearings on German unification and the Conference on Security and Cooperation in Europe.
SD-226

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. bilateral assistance.
SD-192

APRIL 4

9:00 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1880, to revise title VI of the Communications Act of 1934 to ensure carriage on cable television of local news and other programming and to restore the right of local regulatory authorities to regulate cable television rates.
SR-253

9:30 a.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume hearings on S. 2171, to authorize funds for fiscal year 1991 for military functions of the Department of Defense, and to prescribe military personnel levels for fiscal year 1991, focusing on environmental programs.
SR-222

Veterans' Affairs
To resume hearings on S. 1398 and S. 1332, bills to establish a Commission on the Future Structure of Veterans Health Care.
SR-418

10:00 a.m.
Appropriations
Agriculture and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Agriculture, focusing on Agricultural Stabilization and Conservation Service, Foreign Agricultural Service, General Sales Manager, and Soil Conservation Service.
SD-138

Appropriations
Energy and Water Development Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for energy and water development programs.
SD-192

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To hold hearings on S. 626, to revise the Lanham Trademark Act to prohibit the importation or sale of goods manufactured outside the United States and bearing an identical trademark of goods manufactured within the United States.
SD-226

Small Business
To resume hearings on the President's proposed budget request for fiscal year 1991 for the Small Business Administration.
SR-428A

2:30 p.m.
Judiciary
To hold hearings on the nominations of Joseph M. Hood, to be U.S. District Judge for the Eastern District of Kentucky, Raymond C. Clevenger, III, of the District of Columbia, to be U.S. Circuit Judge for the Federal Circuit, Robert E. Jones, to be U.S. District Judge for the District of Oregon, and D. Brock Hornby, to be U.S. District Judge for the District of Maine.
SD-430

APRIL 5

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To resume hearings on S. 1400, to regulate interstate commerce by providing for a uniform product liability law.
SR-253

Energy and Natural Resources
To hold hearings on S. 324, to establish a national energy policy to reduce global warming and promote energy conservation and efficiency.
SD-366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on Navy and Marine posture.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Highway Traffic Safety Administration and the Research and Special Programs Administration.
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Postal Service, and the National Archives.
SD-116

Finance
To hold hearings to examine the security of retirement annuities provided by insurance companies.
SD-215

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Emergency Management Agency.
SD-192

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 2117 and H.R. 2570, bills to designate certain lands as wilderness in the State of Arizona.
SD-366

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

APRIL 6

9:30 a.m.
Finance
Private Retirement Plans and Oversight of the Internal Revenue Service Subcommittee
To hold oversight hearings on the implementation of the Omnibus Taxpayer Bill of Rights (P.L. 100-647).
SD-215

Governmental Affairs
Government Information and Regulation Subcommittee
To resume hearings on the quality of U.S. health promotion statistics.
SD-342

APRIL 18

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the AMVETS, the Vietnam Veterans of America, the Veterans of World War I, and the Non-Commissioned Officers Association.
SH-216

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Housing and Urban Development.
SD-138

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Park Service, Department of the Interior, and the National Gallery of Art.
S-128, Capitol

APRIL 19

9:30 a.m.
Select on Indian Affairs
To hold hearings on S. 1289, to improve the management of forests and woodlands and the production of forest resources on Indian lands.
SR-485

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Small Business Administration, and the Legal Services Corporation.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak).
SD-138

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of Management and Budget, and the Executive Office of the President.
SD-116

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on multilateral development banks.
SD-138

Commerce, Science, and Transportation
To hold hearings on the nomination of John K. Lauber, of Maryland, to be a member of the National Transportation Safety Board.
SR-253

2:15 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Energy, focusing on atomic energy defense programs.
SD-116

APRIL 23

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Forest Service of the Department of Agriculture.
SD-192

Select on Indian Affairs
To hold oversight hearings on the Indian Federal acknowledgment process, including S. 611 and S. 912, bills to establish administrative procedures to determine the status of certain Indian groups.
SR-485

APRIL 24

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on the National Guard and Reserves.
SD-192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Transportation Safety Board and the Federal Highway Administration.
SD-138

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's superconducting super collider program.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on refugee programs.
SD-138

APRIL 25

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Office of the Attorney General.
S-146, Capitol

Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Services Administration.
SD-116

2:00 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

Energy and Natural Resources
Public Lands, National Parks and Forests Subcommittee
To hold hearings on S. 370, to establish the American Heritage Trust to provide funding for the preservation of America's natural, historical, cultural, and outdoor recreational heritage.
SD-366

APRIL 26

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Aeronautics and Space Administration.
S-126, Capitol

10:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for defense intelligence programs.
S-407, Capitol

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of State.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the General Accounting Office.
SD-138

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume oversight hearings on the Department of Energy's Decision Plan relating to the opening of the Waste Isolation Pilot Plant (WIPP) in Carlsbad, New Mexico, and on proposed legislation to withdraw the public lands surrounding the WIPP site.
SD-366

Governmental Affairs
Oversight of Government Management Subcommittee
To hold hearings on S. 1957, to provide for the efficient and cost effective acquisition of nondevelopmental items for federal agencies.
SD-342

APRIL 27

9:00 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Aviation Administration.
SR-253

APRIL 30

2:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for fossil energy and clean coal technology programs of the Department of Energy.
S-128, Capitol

Select on Indian Affairs
To hold oversight hearings on provisions of S. 1203, to provide tax incentives for businesses on Indian reservations, and S. 1650, to allow an Indian employment opportunity credit for qualified employment expenses of eligible employers on Indian reservations; to be followed by a business meeting to mark up S. 143, to establish the Indian Development Finance Corporation to provide development capital for Indian businesses.
SR-485

MAY 1

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on the Department of Energy's uranium enrichment program.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Supreme Court of the United States, the Judiciary, and the Federal Trade Commission.
S-146, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on eastern Europe.
SD-138

MAY 2

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Bureau of Investigation, and the Drug Enforcement Administration, Department of Justice.
S-146, Capitol

MAY 3

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on strategic programs.
S-407, Capitol

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the National Endowment for the Arts, the National Endowment for the Humanities, and the Bureau of Mines, all of the Department of the Interior.
S-128, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the U.S. Coast Guard.
SD-138

10:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Council on Environmental Quality, the National Space Council, and the Office of Science and Technology Policy.
SD-116

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Corps of Engineers.
SD-192

MAY 4

10:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Resolution Trust Corporation.
SD-138

MAY 7

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Minerals Management Service and the Office of Surface Mining, Department of the Interior.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings to examine the Indian health service nurse shortage.
SR-485

MAY 8

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on tactical airpower.
SD-192

2:15 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1848, to implement and provide financial assistance for a research and demonstration program for natural gas and coal cofiring technologies.
SD-366

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on U.S. military assistance.
SD-138

MAY 9

9:30 a.m.
Commerce, Science, and Transportation
Communications Subcommittee
To resume hearings on S. 1981, to permit the Bell Telephone Companies to conduct research on, design, and manufacture telecommunications equipment.
SR-253

MAY 10

9:30 a.m.
Select on Indian Affairs
To hold oversight hearings on initiatives for Indian programs for the 1990s.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on land warfare.
SD-192

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Veterans Administration.
S-126, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Federal Aviation Administration.
SD-138

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1991 for the Federal Aviation Administration.
SR-253

MAY 14

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for activities of the Secretary of the Interior, the Secretary of Energy, and the Secretary of Agriculture.
S-128, Capitol

2:00 p.m.
Select on Indian Affairs
To hold oversight hearings on S. 1021, to provide for the protection of Indian graves and burial grounds, and S. 1980, to provide for the repatriation of Native American group or cultural patrimony.
SR-485

MAY 15

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on seapower.
SD-192

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on population policy and resources.
SD-138

MAY 16

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

MAY 17

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense, focusing on space programs.
S-407, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on semi-conductors and the future of the U.S. electronics industry.
SR-253

11:00 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for the Departments of Veterans' Affairs, Housing and Urban Development, and independent agencies.
SD-138

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MAY 22

9:00 a.m.
Appropriations
Defense Subcommittee
To hold closed hearings on proposed budget estimates for the Department of Defense, focusing on classified programs.
S-407, Capitol

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on the global environment.
SD-138

MAY 24

9:00 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1991 for defense programs.
SD-192

JUNE 5

9:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for the Department of Defense.
SD-192

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
SD-138

JUNE 7

2:00 p.m.
Select on Indian Affairs
To hold hearings on S. 2203, to settle certain claims of the Zuni Indian Tribe, S. 2075, to authorize grants to improve the capability of Indian tribal governments to regulate environmental quality, and S. 1934, to revise the United States Housing Act of 1937 to provide for the payment of fees for certain services provided to Indian Housing assisted under such Act.
SR-485

JUNE 12

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1991 for foreign assistance, focusing on organization and accountability.
SD-138

JUNE 19

9:00 a.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1991 for foreign assistance.
Room to be announced

JULY 12

9:30 a.m.
Select on Indian Affairs
To hold hearings to examine protective services for Indian children, focusing on alcohol and substance abuse programs.
SR-485

CANCELLATIONS

MARCH 29

10:00 a.m.
Finance
To hold hearings to examine possible causes for the decline of corporate income tax revenues, and to compare the U.S. corporate tax burden with that in other industrialized countries.
SD-215

MARCH 30

9:00 a.m.
Banking, Housing, and Urban Affairs
HUD/Moderate Rehabilitation Subcommittee
To hold hearings on the Department of Housing and Urban Development's internal controls, focusing on self-evaluation.
SD-538

POSTPONEMENTS

MARCH 29

9:30 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

APRIL 2

2:00 p.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 1966, to implement a research, development, and demonstration program for the generation of commercial electric power from nuclear fission.
SD-366

SENATE—*Thursday, March 29, 1990*

(Legislative day of Tuesday, January 23, 1990)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable Herbert Kohl, a Senator from the State of Wisconsin.

The PRESIDING OFFICER. The prayer this morning will be offered by our guest Chaplain, Dr. Paul Dovre, who is the president of Concordia College in Moorhead, MN.

PRAYER

Dr. Paul Dovre, president, Concordia College, Moorhead, MN, offered the following prayer:

Let us pray:

For I know the plans I have for you, says the Lord, plans for welfare and not for evil, to give you a future and a hope.

Lord, these words of promise to exiles of another millennium both haunt us and cheer us. They haunt us because we are so busy with our own plans. Our mastery of mind and matter lead us to believe we are both the creators and adjudicators of the future. In a world of ego and id we become exiles of the spirit. The wreckage of our exile is both in us and about us in our broken promises, our inconsistent conduct and our commitment to expediency. Merciful God, have mercy on us.

God give us a vision of the future You have in store for us, a future in which the wounded are bound up, the prisoners are freed, the homeless are housed, the hungry are fed, nature is restored, and the guilty find mercy in Your grace. Give us eyes to see Your vision of the future, ears to hear it, the spirit to accept it, and the will and strength to do it. Yea, Lord, make us instruments of Your future and Your hope in our time, in this place, on this day of grace. God of the future, hear our prayer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Byrd].

The legislative clerk read the following letter:

U.S. Senate,
President pro tempore,
Washington, DC, March 29, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Herbert Kohl, a Senator from the State of Wisconsin, to perform the duties of the Chair.

Robert C. Byrd,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

Mr. MITCHELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

THE JOURNAL

Mr. MITCHELL. I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. MITCHELL. Mr. President, for the information of Senators, there will now be 1 hour of morning business under the control of Senator Nunn, which will be devoted to a discussion by him and other Senators of defense policy matters.

At 10 a.m. the Senate will resume consideration of the clean air bill under the previous order. The pending amendment will be the Byrd amendment with respect to which there will be a vote at 3 p.m. today.

Beginning at 4 p.m., the Senate will be in position to consider so-called allowance amendments to the clean air bill. Consideration of the clean air bill will continue throughout the day. It is my hope that we can continue to make progress on that bill. Senators are encouraged to offer their amendments today. As all Senators know by now, we are operating under a unanimous-consent agreement, pursuant to which the vote on final passage of the clean air bill will occur not later than 8 p.m. on next Tuesday evening. So if Senators have amendments they wish to offer, today and tomorrow and Monday and Tuesday will be the time to offer them. I encourage them to do so promptly.

Mr. BOSCHWITZ addressed the Chair.

The ACTING PRESIDENT pro tempore. Senator Boschwitz.

THE GUEST CHAPLAIN

Mr. BOSCHWITZ. Mr. President, I want to comment briefly, if I may, about the prayer and the very distinguished Minnesotan who has come here this morning and has given the prayer. It is Dr. Paul Dovre, president of Concordia College in Moorhead, MN, as you mentioned, Mr. President, in your introduction.

Moorhead is at the northwestern end of our State, near Fargo, ND, and Concordia is an unusual college. It is not a large college; but Concordia is a college that is imbued with a spirit that is unusual, in my experience. It is a real gift. People who go there become enamored of the college in such a way that their lives are changed by having gone to this college. The spirit almost possesses them, in a sense, in a very positive way, and they become devotees of their college for their lifetime.

It is a college that is unique in many ways, unique not only in spirit, but in the quality of the education it gives its students and the esteem in which it is held by Minnesotans, and certainly by myself.

Some years ago they needed $400,000 to build a library, when libraries still cost that amount. Since they had no donors that could possibly give that amount, they got together 400 people to give $1,000 each and formed an organization that built a library and made history. I became involved with the college as a donor, not at the very beginning, but some years ago. Concordia's C-400 Club, as it is called now, has over 12,000 members. It has been a glue that brought people back to the college and has involved the entire community.

This college is involved in the community in a way that is really second to none, in my experience. It is just a fine institution. It is an institution that is affiliated with the Lutheran Church, an institution that is of great benefit to not only the northwestern part of our State, but to all of our States. Concordia students come from every sector of this country and from all corners of the Earth.

It has been a special privilege to listen to Dr. Dovre this morning. He spoke, in his prayer, about restoring

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

nature, and that is what we will do, hopefully, for the rest of the day as we consider the Clean Air Act that is before us here in the Senate.

I yield the floor.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CHANGED THREAT ENVIRONMENT OF THE 1990'S

Mr. NUNN. Mr. President, in his eloquent address to a joint session of Congress last month, Czechoslovak President Vaclav Havel perceptively observed that events in Eastern Europe and the Soviet Union have moved so rapidly that "we have literally no time even to be astonished."

I. INTRODUCTION

As legislators, our responsibilities do not allow us the luxury of waiting for things to slow down before making hard decisions about needed adjustments in our Nation's defense strategy, our defense posture, and our defense budget. The deadlines associated with the budget, authorization, and appropriations process are independent of the dizzying pace of world events, the schedule of elections in Eastern Europe, the dates of party congresses in the Soviet Union, or the pace of unification in Germany.

In remarks to the Senate last week, I discussed five specific shortcomings in the administration's fiscal year 1991 defense budget request and its 5-year defense plan:

First, I described the threat blank;

Second, the strategy blank;

Third, the dollar blank;

Fourth, the force structure blank; and

Fifth, the program blank.

In a speech at the National Press Club delivered shortly after I spoke, Secretary Cheney disputed the existence of some of these blanks. Secretary Cheney also insisted that in designing the defense budget from fiscal years 1992 through 1997, the Defense Department is taking into account the dramatic events in the Kremlin and Eastern Europe of the last year, as well as a number of other assumptions about arms control and the future course of democratization in Europe. I welcome this news.

It is critical to note, however, that Secretary Cheney made no claim that the administration's fiscal year 1991 budget request reflects these assumptions. He made no claim that this year's budget that we are now deliberating reflects these basic assumptions that he now says have been plugged into the review of the 1992 to 1997 budget. I think it is very important for us to understand that. That is a big distinction because our committee and the Senate are going to be asked this year to vote on the 1991 budget. We need to see the longer term to know whether the 1991 budget makes sense, and the 1991 budget itself needs to be based on a new threat assessment and needs to be based on an evolving if not new military strategy.

This is the budget on which we are now required to make decisions. Moreover, the joint military net assessment submitted to the Congress this month does not include as part of its calculations the recent disintegration of the Warsaw Pact—a development of profound significance to the conventional balance in Europe.

I hope the Defense Department will quickly fill in these blanks and submit a new 5-year defense plan, as required by statute. Absent administration decisions concerning our strategy, major programs, and force structure, however, the committee will have to rely on our own best judgments. To arrive at the appropriate level of defense spending we must not simply pull a number out of the air. Rather we must recommend a figure only after analyzing the threat, determining the major changes that should be made in our strategy in light of these changes in the threat, and deciding what force structure and weapons programs we need to carry out this revised strategy.

Mr President, today I will address another step in this process—that of assessing the major changes in the nature of the threat. I want to commend the many expert witnesses who have testified before the committee on this subject over the last 2 months. They gave us much to ponder and made an enormous contribution to our deliberations. Mr. President, I ask unanimous consent to print in the RECORD at the conclusion of my remarks a list of the witnesses who appeared in our series of strategy hearings.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NUNN. Mr. President, the principal conclusions I have reached concerning recent changes in the world scene and their implications for the threat environment of the 1990's, based on the testimony we had before our committee plus a large number of other conversations, are as follows:

First, the threat of a large-scale Warsaw Pact attack against Western Europe has virtually been eliminated, and the chances of any Soviet go-it-alone attack across Eastern Europe against the West are very remote.

Since over half of our defense budget has traditionally been spent on forces deployed in Europe, earmarked for the early reinforcement of Europe, or available for later arriving reinforcement, these developments have enormous consequences for the size of defense budgets and our conventional force structure. We must remember, however, that our policy has been one of "if you can skin the cat, you can skin the kitten." We have assumed, in other words, that United States-based forces designated for Europe are also available for non-European contingencies or conflicts. That is a distinction that has been missed many times in the debate so far.

Second, any Soviet effort to reestablish a credible threat of a large-scale conventional attack on NATO would be very difficult and would require a vast and extended mobilization, thereby giving NATO many months of warning time. Since warning time drives strategy and strategy drives the budget, this too is a profound development.

Third, the positive trends we have witnessed at the conventional level are not matched by developments at the strategic nuclear level. Soviet strategic nuclear forces remain the paramount military threat to United States national security.

Fourth, the longstanding danger of unauthorized or accidental use of nuclear weapons has been heightened by the turmoil and tension of the Soviet Union.

That is a subject that I have worked on for years with Senator WARNER from Virginia, who is on the floor. I still believe that is one of our most important and often neglected subjects. I will have more to say about it during the course of these remarks.

Fifth, possible contingencies in and around the Persian Gulf, on the Arabian Peninsula, and in Southwest Asia continue to pose serious risks to United States security interests. Having been driven out of Afghanistan, the Soviet Union will for the next several years not likely pose a credible threat to launch a large-scale invasion in that region to seize Persian Gulf oil resources. However, other threats to Western access to oil resources in the region could emerge, and border conflicts between the Soviet Union and other states and among other states in this region are possible.

Sixth, North Korea continues to pose an invasion threat against our ally, South Korea.

Seventh, the United States faces serious risks, some of which are growing, in other regions and other areas. For example, there is the increasing proliferation into the Third World of weapons of mass destruction and the means of delivering them at long ranges;

there is the danger that large arms reductions in Europe and the Soviet Union will lead to increased arms sales to the Third World by NATO and Warsaw Pact countries; there is the risk of war between India and Pakistan—a war which could turn nuclear; there remains the possibility of another Arab-Israeli war; there is the danger of future instability in China; there are a number of potential instabilities in the Pacific region, Latin America, and Africa; and there is the threat posed by international narcotics trafficking. In each of these cases, the problem is one of managing risks which, if not contained, could develop into direct threats to our national security interests.

II. CHANGES IN THE WARSAW PACT CONVENTIONAL THREAT

Turning to the changes in the Warsaw Pact conventional threat, without question the most profound change in the threats confronting our security in the last year has been the virtual elimination of the threat of a large-scale Warsaw Pact attack against Western Europe. Three separate factors have contributed to this development:

First, the increase in warning time recognized before 1989;

Second, the Soviet and Warsaw Pact unilateral reductions begun in 1989 and scheduled for completion before 1991; and

Third, the disintegration in recent months of the Warsaw Pact as a warfighting coalition.

In addition, the emerging NATO/Warsaw Pact arms reduction agreement on conventional forces in Europe [CFE] will, if successfully concluded, make the threat of a Soviet attack on Western Europe even more remote.

First, the increase in warning time before 1989.

In the fall of 1989, the committee learned that the U.S. intelligence community had for at least a year believed that NATO would have substantially longer to prepare for a major Warsaw Pact invasion of Western Europe than had previously been assumed. Let me review this chronology:

Last March, an internal Defense Department study concluded that before the developments of 1989 there was "wide agreement within the United States intelligence community that the Soviet forces in Eastern Europe are not now postured for a standing start or short-warning attack against NATO."

In November, this study was obtained by the media and widely quoted in press reports. According to these reports, the study concluded that the intelligence community believed we would have some 33 to 44 days of warning time to respond to Warsaw Pact preparations for an attack, instead of the 10 to 14 days which had been NATO's standard planning assumption for years.

In December, at the committee's first hearing in its series of hearings on strategy, Under Secretary of Defense Paul Wolfowitz confirmed that the conclusions stated in the Defense Department study were consistent with the findings contained in the just-completed version of the national intelligence estimate on warning time [NIE 4-1]. According to Under Secretary Wolfowitz, the intelligence community had concluded that due to the efforts of the United States and its NATO allies over the last 10 years to improve its conventional readiness and capabilities, the Warsaw Pact would "have to take longer to prepare the forces we believe they would think they need for a sustained, successful offensive thrust into Western Europe." At the same hearing, the national intelligence officer for warning, Charles Allen, confirmed that this assessment had evolved before President Gorbachev announced his far-reaching unilateral Soviet conventional force reductions in December 1988 and before the Warsaw Pact began to unravel in late 1989.

Second, unilateral reductions.

In a speech to the United Nations on December 7, 1988, President Gorbachev announced that by 1991, the Soviet Union would unilaterally reduce its armed forces by 500,000 men, 10,000 tanks, 8,500 artillery pieces, and 800 combat aircraft. Phil Karber, a highly respected defense expert, has pointed out that the unilateral Soviet withdrawals from Eastern Europe alone, which include six tank divisions and 5,300 tanks, will be greater than the entire United States 7th Army and 20-percent greater than the most ambitious proposal that NATO ever made in the long and disappointing 14-year history of the mutual and balanced force reduction talks, the predecessor to the current negotiations on conventional forces in Europe, or CFE.

In other words, Gorbachev unilaterally announced a withdrawal larger than anything NATO had offered for 14 years in terms of a mutual reduction.

In addition to these Soviet reductions, other Warsaw Pact nations announced at about the same time unilateral reductions of their own totaling five divisions and 2,700 tanks. Since then the newly democratic Governments of Hungary and Czechoslovakia have announced even deeper unilateral reductions.

In a recent appearance before the House Armed Services Committee, a senior JCS official, Maj. Gen. John Robinson, confirmed that the unilateral Warsaw Pact reductions would have a dramatic impact on warning time. Once the unilateral withdrawals are fully implemented, General Robinson declared that the estimate of warning time contained in NIE 4-1 would have to be increased by "a factor of four or five." In addition, General Robinson acknowledged at the hearing that the 1990 joint military net assessment did not include as part of its calculations the recent disintegration of the Warsaw Pact.

The third point is the disintegration of the Warsaw Pact.

Over the decade of the 1980's, the Soviet Union's allies in Eastern Europe provided almost half of the Warsaw Pact forces deployed in Central Europe on a day-to-day basis. While the probability that the Soviet Union would be supported in an attack on Western Europe by its East-bloc allies was always open to question, NATO could not assume that the Soviets would be denied such support.

In our hearings, the witnesses were unanimous in expressing the view that the Warsaw Pact exists now in name only. As former Secretary of Defense Schlesinger testified:

> How long the Warsaw Pact may survive as a political association is an open question, but its role as a military alliance and a military threat has been largely broken.

Or, as Jean-Michel Boucheron, chairman of the Defense Committee of the French National Assembly, put it in testimony before our committee:

> The Warsaw Pact today is merely occupying troops that are being forced to withdraw under popular pressure.

The evidence of the Warsaw Pact's disintegration is overwhelming:

Non-Communist coalitions have taken power in Poland, Hungary, Czechoslovakia, and East Germany;

President Havel has negotiated an agreement with President Gorbachev for the complete removal of all Soviet forces from Czech soil within a year;

Hungary has also negotiated an agreement with President Gorbachev requiring the complete withdrawal of Soviet forces by next summer, and its Foreign Minister even suggested that Hungary might ask to join NATO;

The East German army has been racked by desertions, strikes, and poor morale and is now, in the words of one NATO official, "devoid of any operational capability;"

Soviet General Chervov has revealed that the Warsaw Pact's military command apparatus would no longer be governed through Communist Party channels, but rather through heads of state or government, thus eliminating the Soviet Union's principal mechanism for direct control of the military forces of its allies.

Assessing the implications for the Soviet Union of these developments within the Warsaw Pact, the Director of Central Intelligence, Judge Webster, told our committee in January that "Moscow is not likely to be confident" of the reliability of its former

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allies. Two months later, he told the House Armed Services Committee that the Soviet Union "could not count on" receiving support from these nations in a conflict with NATO. The implications of this development for NATO are very significant.

First, it means that the Soviet Union is extremely unlikely to entertain seriously the idea of a "go-it-alone" attack. The problem for Moscow is not just that it would no longer have the assets of its Warsaw Pact allies in the order of battle. More importantly, its lines of communications and forward logistics staging areas in Eastern Europe would not be secure. In short, a Soviet attack, in James Schlesinger's words, can now only be conceived of an "an act of supreme folly."

As General Soyster, Director of the Defense Intelligence Agency, noted in his appearance before the committee:

> If Moscow judges its allies forces to be unreliable, they would likely be forced now to adopt a defensive posture in the event of a crisis that could lead to war. In light of these developments, I believe the Soviets would consider large-scale theater operations against NATO with only their own forces as highly risky, if not impractical.

Or, as former Assistant Secretary of Defense Richard Perle testified:

> It is simply no longer possible to imagine a cohesive Warsaw Pact, led by Soviet troops, forcing its way through the center of Europe in a massive invasion of NATO territory. The canonical threat against which a defensive NATO alliance has long been poised is no longer credible.

Mr. President, I might note at this point that one of our colleagues, who serves ably as the chairman of our Conventional Forces and Alliance Defense Subcommittee, pointed out this achilles heel of the Soviet conventional threat before it became obvious for the world to see. In a 1988 report entitled "Beyond the Bean Count," Senator LEVIN emphasized the Soviets' lack of confidence in their Warsaw Pact allies, terming this "perhaps the single most significant variable affecting the conventional balance in Europe." Senator LEVIN's report made a valuable contribution to the debate when it was released. I believe that the events of the last year have proven that his conclusions on the unreliability of the Warsaw Pact allies and the implications of that for the conventional balance were perceptive.

Fourth, implications of CFE.

The current NATO/Warsaw Pact conventional balance will be even more significantly altered in NATO's favor if we conclude the emerging CFE agreement. Under this prospective accord, the Soviet Union will be required to demobilize over 300,000 soldiers and destroy tens of thousands of tanks and other weapons systems critical to offensive operations. According to Secretary Cheney, the military services have been directed to assume a successful outcome in CFE as they prepare their portions of the new 5-year defense plan.

At the recent House Armed Services Committee hearing on the 1990 joint military net assessment, General Robinson stated that in post-CFE conditions of parity not only would the warning time be even greater, but NATO actually "does quite well" in terms of who would win the war. Indeed, said General Robinson, the 1990 joint military net assessment reflects a combat outcome in post-CFE conditions of parity so favorable to NATO that it raises the question of why the Soviets "would choose to attack in the first place."

Turning to changes in Soviet naval operations.

Changes in the Soviet conventional threat have not been confined to the European mainland. In September, the Defense Department reported that Soviet naval activity outside home waters had dropped by 15 percent. On February 1, General Powell, Chairman of the JCS, testified that "their fleet out-of-area deployments will continue to decline." A week later, Admiral Kelso, commander in chief of the U.S. Atlantic Command amplified on General Powell's observation:

> The Soviets have decreased out-of-area operations substantially in the last few years. * * * We see very few submarine patrols in the Atlantic any more. They have scaled down the number of forces they have in the Mediterranean, therefore we see fewer transducing back and forth to the Mediterranean. They have reduced their deployments to Cuba. * * * I think they pulled back to support that idea of a defensive doctrine.

At another hearing, Admiral Hardisty, commander in chief of the United States Pacific Command, confirmed decreased operating tempos by the Soviet Navy in the Pacific, as well as their pull-back of various units from forward deployments in the region, including at Cam Rahn Bay in Vietnam.

Mr. President, I think it is important for us to understand that all of this does not mean the Soviet Union does not have continuing strengths. They do.

None of this is to suggest that the Soviet Union has or soon will be demoted from the superpower ranks in terms of its conventional forces. The Soviet armies which will remain deployed in the Western Military Districts of the U.S.S.R. even after all CFE reductions are carried out will still dwarf those of any other army in Europe and will constitute a force many times more formidable than the army which Adolf Hitler threw against the low countries in 1941.

Moreover, although Soviet tank production has been cut in half, the Soviets will still turn out twice as many tanks each year as the United States. Soviet defense spending finally appears to be headed downward, but it is starting from a remarkably high level.

The Director of Naval Intelligence, Rear Admiral Brooks, recently pointed out that Soviet production of new submarines, measured in tonnage, was greater last year than any year since 1980, and its production in 1989 of surface combatants, again measured in tonnage, exceeded that of any year in more than 20 years. The Soviet Navy has adopted a more defensively oriented posture, but we should remember that those ships could again sail in the open oceans after some preparation. In contrast to the extraordinary diminution in the conventional threat in Central Europe, recent changes in the Soviet naval threat, while significant, are far less dramatic and much easier to reverse.

What does all this mean?

In assessing the implications of these continuing Soviet military strengths, it is critically important to distinguish between, on the one hand, conventional forces which are prepositioned and poised for immediate offensive operations against NATO, and, on the other, conventional military power which, absent large-scale mobilization and forward deployments, does not pose an offensive threat to Western security. Since Soviet conventional power seems to be moving steadily in the direction of the latter status, we must address the question of the likelihood that it might reverse course back toward the former condition.

That gets to the all-important question of reversibility.

G. REVERSIBILITY OF CURRENT TRENDS

In recent weeks, an important fault line has developed within the administration on the critical question of the reversibility of current downward trends in the Soviet threat. Testifying in his capacity as the head of the U.S. intelligence community, CIA Director Webster told the House Armed Services Committee on March 1 that the dramatic changes in the Warsaw Pact threat to NATO "will be increasingly difficult to reverse." Furthermore, said the CIA Director:

> Even if a hardline regime were able to retain power in Moscow, it would have little incentive to engage in major confrontations with the United States. New leaders would be largely preoccupied with the country's urgent domestic problems, and would be unlikely to indulge in a major military buildup.

Appearing before another House committee on that same day, Secretary Cheney testified that a future Soviet regime "could reverse military course decisively." This statement was consistent with the views the Secretary expressed in the annual report which he submitted to our committee on February 1, particularly his assertion that, quoting again from Secretary Cheney:

> Soviet policy declarations reflect changes in Soviet intentions, but they are only just beginning to be implemented and are still *relatively easy* to reverse.

Secretary Cheney stated during a television interview a few days later that he wished the Director of Central Intelligence had shown more restraint in stating his views and that his testimony was not helpful to the President's policies.

Mr. President, I was privileged to serve with Senator Symington, Senator Stennis, Senator Jackson, and a number of other legislators who were instrumental in establishing the CIA. One of the fundamental reasons for wanting an independent assessment was to ensure that we heard the frank and candid views from our intelligence community, even if they differed from the prevailing policy of the time or the official position of any particular administration. The strength of the CIA is that since it is not pushing a particular program, policy, or weapons system, it can and must be objective and candid. If CIA Director Webster were not to give his independent view, that would be the quickest way I know of to destroy the credibility of the intelligence community, and in the long run to work against the national security interests of the United States.

The testimony before our committee strongly indicates that CIA Director Webster's assessment is closer to the mark than Secretary Cheney's. As Jim Schlesinger told our committee:

> The lines of force that have governed international relations in the postwar period have now been *permanently* altered. To proceed as if transformation had not occurred would ultimately be self-defeating.

H. MAINTAINING CONVENTIONAL DETERRENCE

In the long run, only history can fully determine the correctness of these conclusions. In terms of our defense planning and our defense posture, though, the critical point is this: Even if one deems it necessary to hedge against the possibility, however remote, of a re-establishment of a Soviet invasion threat against Western Europe, it does not necessarily follow that the appropriate precaution is to maintain huge American standing armies on guard in Europe.

Test pilots talk of turning inside your opponent when they speak of one aircraft's capability to outmaneuver another. I believe a similar standard should now serve as NATO's measure for judging the adequacy of its defense posture. We can not determine as an absolute matter whether the greatly diminished Soviet threat is reversible. This is a highly subjective judgment of intentions.

NATO's criterion should be whether the alliance is capable of maintaining deterrence at lower levels and mobilizing and rebuilding to higher levels in time should a Soviet buildup being.

In short, it is a question of the West mobilizing faster than the enemy can get ready for war. This, to me, has got to be the future measure of the adequacy of our future conventional forces and conventional posture. This requires a different concept of warning time—that is, warning that the Russian bear is no longer hibernating but is emerging from his den.

I. IMPLICATIONS OF INSTABILITY

There are many implications of the instability that we see every day in Europe. As recent events in Lithuania have demonstrated, the possibilities for instability are manifold as Eastern Europe and the Soviet Union move into the uncharted waters of resurgent democracy.

I said back in September of last year we must plan for and expect some steps backwards. If we do not, we are naive and we ignore history.

The risk of armed Soviet intervention into Lithuania requires forceful and skillful diplomacy by the NATO Alliance. It requires in some cases quiet but very firm diplomacy. I hope and trust that that is going on.

President Gorbachev must understand that such an action would undermine the basis for Western assistance to his program of perestroika. President Bush should carefully consider Senator MOYNIHAN's suggestion of requesting United Nations and World Court of Justice assistance in resolving this dangerous confrontation peacefully.

There are a number of other disturbing scenarios that could unfold and thus require close Western attention and consultation. Four hundred years of European history suggest that future tensions are likely, if not inevitable. These could include the possible breakup of Yugoslavia, with attendant difficulties for relations between Bulgaria and Turkey, an escalation in the disputes we are seeing between hungary and Romania over the large ethnic minority of Hungarians inside Romania, tensions between Poland and Germany over border issues, or other secession efforts by various Soviet republics.

In light of these potential instabilities, caution and prudence are clearly in order as we build down our military presence. American troops in Europe can and should play a stabilizing role during this period of transition. It would be wrong, however, to assume that United States or NATO combat forces are an appropriate instrument to deal directly with instabilities or crises in Eastern Europe, much less the Soviet Union. NATO has never been designed or equipped for such purposes—politically or militarily.

As a result of the triumph of democracy in Eastern Europe, the Warsaw Pact is now unsuited for coordinated action in such contingencies. And, as was demonstrated during the fighting in Romania, the Soviet Union at this stage, is unlikely to dispatch the Red army to suppress regional or ethnic hostilities outside its borders or to use such instability as a pretext for reestablishing a forward-based offensive posture against NATO.

That does not mean that NATO should sit idly on the sidelines. Our objective should be to anticipate such flareups and to attempt to prevent them from getting out of hand. Our challenge is to put in place effective mechanisms for risk management to ensure that prospective instabilities do not end up overturning the recent gains for democracy in Europe. The events in Lithuania should give urgency to our efforts to establish mechanisms now that might prevent such a reversal.

This leads one to ask what multilateral or international organization could perform such a peacekeeping function? Could the CSCE or the European Economic Community evolve in this direction? Or is this more appropriately a function of the United Nations? This difficult but important issue must be thought through carefully by the United States and its allies, and in the case of Lithuania, quickly.

III. CHANGES IN SOVIET STRATEGIC THREAT

A. IMPROVEMENTS IN CAPABILITIES

Turning to the Soviet strategic threat, in contrast to the momentous reductions in the Soviet conventional threat, Soviet modernization of its strategic nuclear forces has tended to continue apace. As CIA Director Webster informed our committee:

> The bulk of the evidence about Soviet strategic forces and programs shows a vigorous, broad-based modernization effort that is improving their overall strategic capabilities.

Ongoing deployment programs include three ICBM types, two of which are mobile, two nuclear-powered ballistic missile submarines armed with new types of MIRV'd SLBM's, and two new strategic bombers. In addition, the Soviets continue to invest heavily in strategic defensive forces, included large-scale expenditures in the area of ballistic missile defense.

It is indeed troubling, if not inexplicable, that notwithstanding the political and economic crises affecting the Soviet Union, the modernization of Soviet strategic forces remain relatively unimpaired. The Soviet strategic program is a matter of continued serious concern, and it continues to represent the paramount military threat to United States national security.

Nonetheless, in characterizing Soviet strategic programs the administration has tended to overstate its case. For example, Secretary Cheney has repeatedly stated that there has been no change in Soviet strategic nuclear forces. He has also stated that the

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only change we see see in Soviet strategic programs is an improvement in their capability.

In contrast, CIA Director Webster testified before the committee in January that:

> *Important* changes *have occurred* in the strategic arena. Last year for the first time there was a reduction in the number of Soviet strategic launchers as older systems were retired more rapidly than new ones were introduced START force levels have become the baseline for Soviet strategic planning, and new Soviet programs have been altered accordingly.

CIA Director Webster also testified that U.S. intelligence had detected a cutback in the Blackjack bomber production "that goes beyond what is required by START." Two other recent positive developments at the strategic level that were not mentioned by Director Webster are the cessation by the Soviets of Yankee-class SSBN patrols off our coasts and the halting of nuclear-armed Bear-H bomber patrols to the north of Canada.

In years past, the briefings conducted by the intelligence community featured charts on Soviet strategic nuclear weapons showing curves climbing dramatically higher in the "non-START-constrained" scenario. The assumption then was that in the absence of arms control, the Soviets would face virtually no bounds in turning out even higher numbers of launchers and warheads. Now, we are seeing a different trend. As CIA Director Webster confirmed in his testimony, the Soviets are beginning to throttle back in their strategic production in anticipation of the early successful conclusion of START.

However, Soviet strategic forces are still massive—and will remain so even if all reductions under START are fully achieved. In fact, the much-touted 50-percent cut in START will actually turn out to be more on the order of 30 to 35 percent. Under most projections, the Soviet Union can retain a force of upwards of 9,000 strategic nuclear bombs and warheads under START. The United States will be allowed by the treaty and should retain a comparable inventory.

C. RELATIONSHIP BETWEEN CONVENTIONAL AND STRATEGIC THREAT

There is a relationship, Mr. President, between the conventional threat diminishing and the strategic threat, and I think it is an important relationship.

The decrease in the Soviet conventional threat holds important implications for the Soviet strategic threat. Since the possibility of a Soviet "bolt from the blue" strategic nuclear attack can never be ruled out, an important part of our strategic deterrent must be designed to deter such an attack, however remote. However, most analysts have long thought that a strategic nuclear exchange would be far more likely as the outgrowth of a conventional war, particularly in Europe, which escalated to the nuclear level. As the likelihood of a conventional war in Europe has significantly decreased, a nuclear war originating from escalation of a European conflict has also significantly diminished. As General Robinson testified, "The risk of nuclear deterrence failing is assessed as decreasing."

Turning to Soviet motivations, the Soviet economic crisis clearly affects Moscow's thinking about military conflict and military spending. President Gorbachev's unilateral military cuts, his intention to cut Soviet defense expenditures, his emphasis on conversion of military to civilian production all point in this direction.

As Richard Perle, testified:

> [T]he Soviet ability to continue to grind out strategic weapons mindlessly as it faces economic collapse is not a threat to be regarded with the seriousness with which we had to take it ten years ago.* * * [W]ith every passing month the pressure on the Soviet leadership to reduce these weapons unilaterally even increases.

Glasnost and perestroika have inevitably begun to affect Soviet attitudes toward the use of force outside its borders. This has been underscored by popular Soviet resentment over the war in Afghanistan, by the growing interest of Soviet legislators in exercising oversight of military and intelligence operations, and by growing indications of the deterioration of some components of the Soviet military. These trends cannot but help to have implications in terms of greater Soviet awareness at the societal level of the consequences of nuclear war.

Turning to the subject that I alluded to earlier, control of nuclear weapons. Even before the recent turmoil in the Soviet Union, one of the most important concerns I have had was that some of the tens of thousands of Soviet nuclear weapons could fall into the wrong hands or be launched by accident. As I have read reports of the ethnic unrest in Azerbaijan and elsewhere in the Soviet Union, my concern has been heightened.

If nationalists or terrorists overran a Soviet nuclear storage site in one of the republics, how would we react and how would the Soviets react? Is there any mechanism for the superpowers to coordinate their actions? Have we thought through the problem of how we could respond to nuclear blackmail by a terrorist group with a nuclear bomb in an American city? What would each side do if there were an unexplained nuclear detonation at a site in the Soviet Union? Who would the Soviets suspect, and how would they react, particularly in a time of turmoil and crisis internally?

I have also long felt that our methods and procedures in handling our nuclear weapons need periodic thorough reviews by qualified experts who are not part of the nuclear chain of command, an outside professional, knowledgeable review. For these reasons, I believe we should encourage the Soviets to join with us in conducting separate but parallel top-to-bottom reviews of our positive control and fail-safe mechanisms. I have met with General Powell and the service chiefs on this subject and look forward to working closely with Secretary Cheney, General Powell, and the Department of Defense as we pursue this matter further. The Senate Armed Services Committee plans to review this area in the months ahead.

I cannot think of a more meaningful arms control agreement than a simple one-page letter on the part of President Bush and President Gorbachev that would say, "We are each going to review internally and separately our own nuclear chain of command and all of our failsafe mechanisms." To me that would be more important than many of the arms control deliberations now underway.

An important step in the mutual interest of the United States and the Soviet Union would be to utilize the nuclear risk reduction centers to conduct a dialog about how the two nations would handle such contingencies to avoid an inadvertent nuclear war. We must prevent the lethal combination of nuclear weapons and terrorism. It is clearly in the mutual interest of both superpowers to first prevent and second deal jointly with nuclear terrorism if, God forbid, it ever occurs.

Turning to regional threats, although the dramatic events in Eastern Europe and the Soviet Union have commanded center stage over much of the last year, we must assess the status of threats to United States and allied security in other regions of the world. Foremost among these is the threat of hostilities in the Persian Gulf or elsewhere in the Middle East.

A. PERSIAN GULF

Secure Western access to Persian Gulf oil resources has been a U.S. priority since enunciation of the Carter doctrine in 1980. Today, the economies of Western Europe and Japan remain critically dependent on this oil, and regrettably dependence by the United States has been growing in recent years.

In 1989, U.S. domestic oil production registered its steepest 1-year decline in history, and U.S. petroleum imports rose to a 10-year high. CIA Director Webster testified that by the year 2000, the Persian Gulf will provide 40 percent of the oil used by the United States and its allies, compared to 30 percent today. U.S. dependence on oil from this region will rise to 25 percent, compared to 10 percent today and 5 percent in 1973, when the West was faced with the oil embargo.

For a decade, U.S. policy has required our armed services to develop, train, and equip forces capable of ensuring Western access to these oil resources. U.S. planning under the Carter doctrine has focused on two separate contingencies: The first, an attempt by any indigenous nation, such as Iran, to block the sea-lanes along which travel the tankers carrying oil to the West; and second, a Soviet move into the region to seize oil fields.

From July 1987 until September 1988, we successfully dealt with the first contingency by deploying 16,000 servicemen and scores of naval combatants to escort tankers navigating the gulf under the threat of Iranian mines, torpedo boats and antiship missiles. While a state of truce currently exists between Iran and Iraq, the root causes of that war have not even begun to be resolved. Hostilities could once more flare up, again threatening Western access to these vital resources and necessitating a coordinated allied military response.

In terms of military requirements, however, the second contingency—that of a Soviet move against Iran or the oil-producing countries of the gulf to seize oil resources—has posed far more daunting challenges to U.S. planners. For example, as conceived in the early 1980's, the Rapid Deployment Force [RDF] envisioned up to 200,000 troops and several carrier battle groups moving to the region to attempt to halt any Soviet invasion of Iran at the Zagros Mountain area. The United States has never acquired capabilities sufficient to implement this strategy, but we have aimed in that direction.

It was, therefore, with particular interest that the committee this year examined the question of this administration's planning assumptions with regard to this threat.

At a recent hearing before our committee, General Schwarzkopf, commander in chief of the Central Command, testified that he had changed "what I considered an unrealistic strategy to a far more realistic strategy."

This, too, has profound implications.

General Schwartzkopf provided this elaboration:

> Given what had happened in Afghanistan, given what was happening all over the world, it just did not seem likely that the Soviet Union would be invading Iran any time while I was in the position of CINCCENT, or perhaps a few years after that. So I looked very hard at that situation and made a decision that I felt the real threat we would have to face over there in the near term, not the long term but the near term, was going to be one of these regional conflicts overflowing its boundaries, just like happened in the Iran-Iraq war.

I agree with General Schwartzkopf that for the next several years the threat of the Soviet Union moving into the Middle East or the Persian Gulf region to seize oil fields is of such low likelihood that it should not be the focus of our military planning. I also believe that it makes no sense to imagine that the fundamentalist Moslem regime in Teheran would ask America to intervene with tens of thousands of troops or that the American people would support our doing so even if a future President were so disposed. As a result, I agree that our strategy for Southwest Asia should now be focused on scenarios requiring fewer forces and material.

B. OTHER MIDDLE EAST THREATS

That is not to say, of course, that U.S. military force may not be required in the Middle East region. Despite decades of American diplomatic efforts to help the nations of the region conclude an enduring peace, the Arab/Israeli confrontation could at any time again escalate into open, large-scale warfare. New indigenous threats to Western access to Persian Gulf oil could emerge. Terrorist contingencies remain an ever-present danger throughout the region and elsewhere.

Tensions in this region have also been exacerbated not only by the growing proliferation of chemical weapons but also of the means of delivering them at great ranges. At our January 23 hearing, CIA Director Webster testified that by the year 2000, at least six Third World countries probably will have missiles with ranges up to 5,500 kilometers. The horrors of chemical weapons use was vividly illustrated during the Iran-Iraq war. More recently, the potential for hostilities associated with chemical weapons was highlighted in Libya.

Before the recent fire, United States intelligence confirmed that the Libyan facility at Rabta had begun actual production of chemical weapons. Presidential spokesman Marlin Fitzwater stated that the administration would not have ruled out the use of military force as one option for halting this activity. This and other plausible scenarios in the region might well require U.S. military intervention using appropriately tailored contingency forces.

C. NORTH KOREA

In Asia, the foremost regional security threat remains North Korea. The invasion tunnel discovered recently under the DMZ and the reports of North Korea efforts in the nuclear area are stark reminders of that regime's hostile intent. While the announced transfer of power from Kim Il Sung to his son may provide an opportunity for progress toward rapproachment, it may also be a catalyst for greater instability.

To meet this threat, South Korea has developed a large, modern military that has advanced with the country's growing economy and national budget. As far as the future is concerned, I believe that South Korea enjoys long-term advantages that will enable it to continue military improvements and continue to deter aggression. For example, its total population is twice as large as that of North Korea, and its gross national product is about six times larger. South Korea's total trade turnover in 1987 amounted to about $87 billion, which is almost 22 times larger than that of North Korea.

These structural advantages now make it possible for the United States to reassess the future of its military presence in South Korea. The Armed Services Committee initiated this review last year—Senator WARNER and I, Senator MCCAIN and others—by directing the President to report to the Congress by April 1 on changes that could be made in coordination with South Korea that would enable it to assume a greater role in its own defense, in addition to offsetting substantially United States costs associated with our Korean deployment.

We are about to receive a report on that subject from the Department of Defense and I am hopeful that the report will point the way toward a U.S. force structure that will be more oriented toward tactical air power, fire power, and intelligence roles. I will have more to say about that in the future.

D. PACIFIC REGION

In contrast to the direct threat posed by North Korea to our vital security interests on the Korean Peninsula, a survey of the Pacific region reveals a number of continuing risks which, if not adequately managed, could in time threaten important United States interests. There is the risk of massive instability in the world's most populous nation, China, as its repressive Government continues to resist the yearning of its people for reform. There is the risk represented in the continuing unresolved status of Taiwan. There are the risks attendant in the Chinese takeover of Hong Kong. There are the risks inherent in the unsettled situation in Cambodia. There is the risk of Sino-Soviet hostilities over border issues, although that risk is being reduced. Of course, there is instability in the Philippines and from time to time in Indonesia. And there is the risk of Japanese-Soviet tensions over the northern islands, although I hope that will also diminish.

E. LATIN AMERICA

With the successful conclusion of Operation Just Cause in Panama and the election of a democratic government in Nicaragua, the threat to peace in Central America has diminished. The restoration of democracy in those countries is only just beginning, however, and a great deal of effort and nuturing, including economic assistance will be required.

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The ongoing struggles against narcotics traffickers and Marxist and other insurgencies in the Andean region still pose a major problem to democratic regimes. Ninety percent of the cocaine that reaches the United States comes from coca grown in Bolivia and Peru and processed in Colombia. Opposing forces there not only present a persistent military or paramilitary threat, they pose a substantial threat to the economic, political, and social well-being of the countries involved. These conflicts also compound our difficulty in encouraging the local police and military to fight the drug war.

El Salvador is beset not only by a violent leftist insurgency but also, as is often common in such situations, human rights violations from the right.

Cuba stands out as the odd man out in our hemisphere. Like Kim Il-Sung in Korea, Castro condemns the emergence of democracies throughout the globe and clings desperately to Marxism. Cuba, moreover, still is virtually unchanged and there are no signs that Castro has any intention of abandoning his effort to export Marxism and armed revolution in our hemisphere.

Economic instability and the drug trade in the region require our urgent attention. The United States must carefully craft a trade policy that will facilitate legitimate exports of the Andean nations and we must play a leading role in organizing an international effort to ease the Andean nations' debt problems. U.S. military assets are not directly relevant to the economic situation. The appropriate role for the U.S. military in drug source countries is to provide communications, training, and logistical support to host nation forces and to U.S. law enforcement agencies in source countries. Additionally, the U.S. military does have a significant detection and monitoring mission to perform in conjunction with U.S. Federal and local law enforcement agencies to interdict the flow of drugs into America. And the National Guard, while under State control, continues to have a major role in the fight against drugs.

V. ECONOMIC COMPONENT OF SECURITY

Mr. President, to this point I have stressed national security as narrowly defined by direct military threats and other regional and global risks. There is, however, another critical dimension to this review of the threats to our national security. That is the economic component of national security. This threat assumes many forms.

There is the genuine threat that if we do not get our fiscal house in order, we may well be paying such a bill on our staggering national debt that we will simply not have sufficient funds remaining to provide for the common defense and our nondefense needs. Testifying on our staggering national debt earlier this month, the Comptroller General, Charles Bowsher, said:

> If we continue along this same path, we can expect the national debt to increase to $4.5 trillion by fiscal year 1995. A debt of this magnitude would require annual interest payments of over $335 billion and would represent the largest single item in the Federal budget.

The interest payments on the $3 trillion debt we have already accumulated—$2 trillion of which was added just in the last 10 years—are increasing by $15 billion a year. Unless there are radical changes in fiscal policy, the savings in defense we are able to make will be largely consumed by the increased interest payments required to service a Federal debt that, according to CBO projections, will grow by 8 percent a year for the next 5 years. And this estimate assumes interest rates will fall steadily over the next 5 years—an assumption few outside experts support.

Suffice it to say the largest I have heard anybody talk about cutting defense outlays this year is about $15 billion. Interestingly enough, the interest on our national debt goes up approximately $15 billion this year, that is just the interest on the debt, and just the increase.

There is also the all-too-clear recognition that due to our fiscal woes, we are simply failing to respond with an appropriate level of assistance to the newly restored democracies in Eastern Europe and Central America. President Vaclav Havel told us: "The millions you give to the East today will soon return to you in the form of billions in savings."

If we can find neither the resources nor the political will to free up those millions, we will indeed have missed a historic opportunity to secure the peace and to avoid billions in defense expenditures and more importantly to avoid young Americans dying on the battlefields of tomorrow.

As we look to the year 2000, we can envision a range of other global factors which will bear on our national security and well-being. These include threats to the world's environment, Third World debt, overpopulation, poverty, and despair, the particular threats posed by radical Moslem fundamentalism, and the growing competitiveness of other industrialized nations. To improve United States competitiveness against the new economic superpowers such as Japan and Germany will require major investments at home—in our decaying infrastructure; in the education of tomorrow's workers, especially in math and the sciences; and in arresting the decline of savings and investments in industrial productivity and in reducing the high cost of capital to United States business.

VI. CONCLUSION

Mr. President, in presenting this threat assessment I do not want to imply that the diminishing likelihood of direct East-West military conflict necessarily means that the world is going to become tranquil and peaceful. I hope that it will. But neither past history nor current events provide grounds for unbridled optimism.

Nationalism, for centuries the traditional cause of international conflict, is likely to reassert itself as the international order moves away from superpower confrontation and toward multipolar distribution of power and influence. During the postwar period of confrontation, nationalistic tensions were largely suppressed in Eastern Europe and the Soviet Union. Today we see sharp ethnic conflicts and tragic bloodshed in many corners of the world.

In looking to the decade ahead, our challenge is to distinguish between threats and risks. We must recognize and counter the continuing threats that still directly challenge our vital interests—and by that I mean those interests we are prepared to send our soldiers to die for. At the same time, we and our allies must manage regional or global risks which, if left unaddressed, could threaten important U.S. interests.

An up-to-date threat assessment is a condition precedent to addressing the critical question of "how much is enough?" How much is enough to deter or defend against these threats and protect our security interests? To answer this question, we cannot simply take our lead from opinion polls. We cannot simply grab a number out of the air. Nor can we necessarily rely on past policies or historical precedents. There is no precedent for the collapse of communism. Nor can we ask the American people to pay for a defense posture that is based on yesterday's threat. Our assessments must be based on today's realities and not yesterday's stereotypes.

Our strategy must be revised to reflect the changed threat environment. We must then determine what forces and what level of defense spending are required to implement our revised strategy.

Mr. President, I intend to address these issues in future speeches.

EXHIBIT 1

THREAT AND STRATEGY HEARINGS BEFORE THE SENATE ARMED SERVICES COMMITTEE

TUESDAY, DECEMBER 12, 1989

The Committee met in open session in Room SH216, to review recent studies of warning time in Europe and the process by which the Defense Department revises threat estimates, defense strategy and budgets.

Witnesses: Hon. Paul D. Wolfowitz, Under Secretary of Defense for Policy; Lt. Gen. Lee Butler, USAF J-5, Joint Chiefs of Staff;

Mr. Charles Allen, National Intelligence Officer, Warning, Central Intelligence Agency.

TUESDAY, JANUARY 23, 1990

The Committee met in open session in Room SH216, to receive testimony on the changing nature of the threat facing the United States and its allies.

Witnesses: Hon. William H. Webster, Director, Central Intelligence Agency; Lt. Gen. Harry E. Soyster, USA Director, Defense Intelligence Agency; Brig. Gen. Richard J. O'Lear, USAF Director of Intelligence, U.S. European Command.

The Committee met in top secret-codeword session in Room SH 219, and continued to receive testimony as indicated above. In addition to the witnesses listed above, the following also testified.

Witnesses: Dr. Larry Gershwin, Central Intelligence Agency; Brig. Gen. David Armstrong, USA National Intelligence Officer for General Purpose Forces, Central Intelligence Agency; Mr. Arthur Zuehke, Defense Intelligence Officer on Soviet Union and East Europe, Defense Intelligence Agency.

WEDNESDAY, JANUARY 24, 1990

The Committee met in open session in Room SH 216, to receive testimony on changes in the Soviet threat.

Witnesses: Mr. Phillip A. Karber, Senior Vice President for National Security Programs, the BDM Corp.; Mr. Richard Perle, Resident Fellow, American Enterprise Institute; Dr. Edward L. Warner III, Senior Defense Analyst, the Rand Corp.

THURSDAY, JANUARY 25, 1990

The Committee met in open session in Room SH 216, to receive testimony on allied perceptions of the Soviet threat.

Witnesses: Dr. Karl Kaiser, Director, Research Institute for the German Society for Foreign Affairs; Ambassador Francois de Rose (Ret.), Former French Permanent Representative to NATO; Dr. Masashi Nishihara, Professor of International Relations, National Defense Academy of Japan; Malcolm Mackintesh, Senior Fellow, International Institute for Strategic Studies.

FRIDAY, JANUARY 26, 1990

The Committee met in open session in Room SR232A, to receive testimony from the Sub-Committee on Defence Co-Operation of the North Atlantic Assembly.

Witnesses: Hon. William V. Roth, Jr., U.S. Senator, Delaware; Mr. Patrick Duffy, United Kingdom President, North Atlantic Assembly and M.P., United Kingdom; Mr. Karsten Voigt, Federal Republic of Germany Chairman, Military Committee, North Atlantic Assembly and M.P., Federal Republic of Germany; Mr. Peter Petersen, Federal Republic of Germany Chairman, Sub-Committee on Defence Cooperation North Atlantic Assembly and M.P., Federal Republic of Germany; Mr. Jean-Michel Boucheron, M.P., France; Mr. Geoffrey Johnson Smith, M.P., United Kingdom; Mr. Michael Jopling, M.P., United Kingdom; Mr. Rodrigo de Rato, M.P., Spain; Mr. Thijs van Vlijmen, M.P., Netherlands; Mr. Zeki Yavuzturk, M.P., Turkey.

TUESDAY, JANUARY 30, 1990

The Committee met in open session in Room SR 222, to receive testimony on the implications of changes in the Soviet Union and Eastern Europe for western security.

Witnesses: Dr. James R. Schlesinger, former Secretary of Defense, Secretary of Energy and Director, Central Intelligence Agency.

THURSDAY, FEBRUARY 1, 1990

The Committee met in open session in Room SH 216, to receive testimony on the Amended Defense Authorization Request for Fiscal Year 1991 and the Five Year Defense Plan and to receive a net assessment from the Chairman, Joint Chiefs of Staff.

Witnesses: Hon. Richard B. Cheney, Secretary of Defense; Gen. Colin L. Powell, USA Chairman, Joint Chiefs of Staff.

FRIDAY, FEBRUARY 2, 1990

The Committee met in open session in Room SH 216, to continue to receive testimony on the implications of changes in the Soviet Union and Eastern Europe for western security.

Witnesses: Adm. William J. Crowe, Jr., USN (Ret.) former Chairman, Joint Chiefs of Staff; Gen. David C. Jones, USAF (Ret.) former Chairman, Joint Chiefs of Staff; Gen. John W. Vessey, Jr., USA (Ret.) former Chairman, Joint Chiefs of Staff.

TUESDAY, FEBRUARY 6, 1990

The Committee met in open session in Room SR 222, to continue to receive testimony on the implications of changes in the Soviet Union and Eastern Europe for western security.

Witnesses: Dr. Harold Brown, former Secretary of Defense.

WEDNESDAY, FEBRUARY 7, 1990

The Committee met in open session in Room SH 216, to receive testimony on the military strategy and operations requirements for NATO defense.

Witnesses: Gen. John R. Galvin, USA Commander in Chief, U.S. European Command; Adm. Frank B. Kelso II, USN Commander in Chief, U.S. Atlantic Command.

THURSDAY, FEBRUARY 8, 1990

The Committee met in open session in Room SH 216, to receive testimony on the military strategy and operations requirements of commands oriented to Pacific defense.

Witnesses: Adm. Huntington Hardisty, USN Commander in Chief, U.S. Pacific Command; Gen. Louis C. Menetrey, USAR Commander, U.S. Forces, Korea.

THURSDAY, FEBRUARY 8, 1990

The Committee met in open session in Room SH 216, to receive testimony on the military strategy and operation requirements of the unified commands oriented to Third World defense and unconventional warfare.

Witnesses: Gen. James J. Lindsay, USA Commander in Chief, U.S. Special Operations Command; Gen. H. Norman Schwarzkopf, USA Commander in Chief, U.S. Central Command; Gen. Maxwell R. Thurman, USA Commander in Chief, U.S. Southern Command.

WEDNESDAY, FEBRUARY 21, 1990

The Committee met in open session in Room SR 222, to receive testimony on the military strategy and operational requirements for rapid reinforcement and associated transportation requirements.

Witnesses: Gen. Edwin H. Burba, Jr., USA Commander in Chief, U.S. Forces Command; Gen. Hansford T. Johnson, USAF Commander in Chief, U.S. Transportation Command.

THURSDAY, FEBRUARY 22, 1990

The committee met in open session in Room SR 222, to continue to receive testimony on the implications of changes in the Soviet Union and Eastern Europe for western security.

Witnesses: Hon. Frank Carlucci, former Secretary of Defense.

TUESDAY, FEBRUARY 27, 1990

The Committee met in open session in Room SR 253, to receive testimony on the Amended Defense Authorization Request for Fiscal Year 1991 and on the Fiscal Years 1991-1995 Five Year Defense Plan.

Witnesses: Hon. Michael P.W. Stone, Secretary of the Army; Hon. H. Lawrence Garrett III, Secretary of the Navy; Hon. Donald B. Rice, Secretary of the Air Force.

WEDNESDAY, FEBRUARY 28, 1990

The Committee met in open session in Room SD 106, to receive testimony on the Amended Defense Authorization Request for Fiscal Year 1991 and on the Fiscal Years 1991-1995 Five Year Defense Plan.

Witnesses: Gen. Carl E. Vuono, USA, Chief of Staff, U.S. Army; Adm. Carlisle A.H. Trost, USN, Chief of Naval Operations; Gen. Alfred M. Gray, Jr., USMC, Commandant of the Marine Corps; Gen. Larry D. Welch, USAF, Chief of Staff, U.S. Air Force.

THURSDAY, MARCH 1, 1990

The Committee met in open session in Room SD 192, to receive testimony on the Fiscal Year 1991 Budget, the Five Year Defense Plan and recommendations to improve the efficiency of Defense Department operations.

Witnesses: Hon. Charles A. Bowsher, Comptroller General, U.S. General Accounting Office.

WEDNESDAY, MARCH 7, 1990

The Committee met in open session in Room SR 222, to receive testimony on operational requirements and military strategies for strategic forces.

Witnesses: Gen. John T. Chain, USAF, Commander in Chief, Strategic Air Command; Gen. John L. Piotrowski, USAF, Commander in Chief, U.S. Space Command.

Mr. NUNN. I yield the floor. I thank my colleagues.

(During the preceding remarks; the following colloquy occurred, which at the request of Mr. NUNN, appears at this point.)

Mr. NUNN. Mr. President, I ask unanimous consent that I have an additional 10 minutes.

Mr. COATS. Mr. President, reserving the right to object, I ask a question here because I do not quite understand the procedure. I certainly do not want to raise an objection to a unanimous-consent request for additional time.

My understanding, though, is that the Byrd amendment, which is the next pending business, is allocated under a time limitation, and that time has been allocated to various Members to speak for or against that particular amendment.

I am wondering if the unanimous-consent request would include an extension of time for discussion under the Byrd amendment, so that all of those who——

Mr. NUNN. Mr. President, I cannot do that. I withdraw the request and yield the floor.

Mr. WARNER. Mr. President, in the absence——

The PRESIDING OFFICER. The Chair advises that the period for morning business has expired.

Mr. WARNER. Mr. President, first I ask will the Chair inform the Senate as to the standing orders issued by the leaders?

The PRESIDING OFFICER. Under the previous order, the Senate is scheduled to resume consideration of the clean air bill at 10 a.m. There will be 5 hours of debate equally divided.

Mr. WARNER. Mr. President, I regret to say this Senator was unable to hear with the clarity I desire what the Chair stated. Could the Chair restate the order.

The ACTING PRESIDENT pro tempore. At 10 a.m. there are 5 hours of debate under the Byrd amendment, equally divided, with the vote scheduled for 3 p.m.

Mr. WARNER. Mr. President, I wonder if we might resolve this in a manner to accommodate all interests here. Would the Chair inform the Senate as to what time the hour of morning business was to conclude?

The ACTING PRESIDENT pro tempore. At 10 a.m.

Mr. WARNER. Was there not an allowance made for the leader for some time within this period?

The ACTING PRESIDENT pro tempore. The time of the Republican leader was reserved under the previous order.

Mr. WARNER. Mr. President, I propound the unanimous-consent request that the hour for morning business be extended, say, 15 minutes, with 10 minutes being accorded the senior Senator from Georgia and 5 minutes to be accorded the Senator from Virginia.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Reserving the right to object, I am wondering whether it is possible, first of all, to clear that with the persons involved in the clean air debate to make sure that they are protected; second, if they have no objection, whether I might also have 5 minutes.

Mr. WARNER. Mr. President, it seems to me at this time we might suggest the absence of a quorum for the purpose of allowing the leadership to help those of us there on the floor resolved in a manner to allow the chairman of the Armed Services Committee to continue for a few minutes and for other Senators who wish to address remarks with the chairman to have a few minutes.

The ACTING PRESIDENT pro tempore. A unanimous-consent request is pending. Does the Senator withdraw his unanimous consent?

Mr. WARNER. The Senator from Virginia withdraws that unanimous-consent request and also puts another one, that the Senator from Virginia be allowed to put the statement in the RECORD if time is not permitted this morning.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BRYAN). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I think we have reached a mutual understanding that there is the sum of 10 minutes available and these would be allocated, 5 minutes to the chairman, the distinguished Senator from Georgia; 3 minutes to the Senator from Virginia; and 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. Does the Senator make that a unanimous-consent request?

Mr. WARNER. The Senator propounds that.

The PRESIDING OFFICER. Is there objection? Hearing none, without objection, it is so ordered.

The Senator from Georgia [Mr. NUNN] is recognized.

(Conclusion of earlier colloquy.)

Mr. WARNER. Mr. President, I join with the distinguished chairman of the Senate Armed Services Committee in observing that this year we will have perhaps the most intense, the most in-depth debate we have had since I have been privileged, for nearly 12 years, to serve in the Senate, on issues regarding our national defense and security.

While many of us may have differences with the distinguished chairman, we have no difference in the fact that he has undertaken to present to the Senate, and to all of those who have an interest in this subject, a very carefully prepared in-depth analysis this morning of the threat assessment, as he views it, across the world.

I underline his last remarks, which, in my judgment, are key, and that is while there have been dramatic changes in Eastern Europe, for which we all rejoice for that particular section of the world, those developments cannot cloud the thinking nor override the judgments independently which must be made on other areas of the world.

The President has provided Congress with a document entitled the National Security Strategy of the United States, which has just been received. In addition, the President has forwarded, through the Department of Defense, the analysis by the Joint Chiefs of Staff, the annual military net assessment, being a classified document. It is available to all Senators in S-407.

The presentation by the chairman today basically sets forth the facts throughout the world, and I think it is a reasonably accurate and fair presentation of those facts. Senators will find differences within the analysis to be drawn from those facts, the weight to be accorded, how we interpret intentions versus military capabilities. Herein will be the debate, and it will be an important one.

I again commend the chairman and the members of his staff who worked so hard, together with members of the minority staff of the Armed Services Committee, in trying to present to the Senator our analysis.

Mr. President, I join the chairman of the Senate Armed Services Committee in coming to the floor of the Senate today to share with the Senate our views about the threats facing our Nation. An understanding of the various types of threats which we face today and will face in the future is necessary for the Senate to reach wise decisions concerning our defense requirements. The President, Secretary of Defense and chairman of the joint Chiefs of Staff have initiated this debate with a cautious, pragmatic approach, with which I agree. There are however refinements and adjustments, which, in some instances are required by changes occurring since the administration's initial presentation that must be made. In brief, the facts are constantly changing, more so than ever before, in the annual planning cycle; but we must do our best to provide for a revised defense structure to meet the threats of today and of tomorrow.

Mr. President, there is no doubt that the threat facing the United States today is different than the threat we faced just a year ago. But that fact, of course, is of little value in making decisions about our defense needs. Rather, the real question is, how has the threat changed worldwide. We are a global power, and no matter how dramatic changes may be in one area of the world, those changes do not dictate that adjustments be made elsewhere in the world.

In central Europe, I believe there is general agreement that today the threat of the Soviet Union launching a conventional war against NATO is less than it was in the past. Yet, at the same time, we are aware that while promised reductions of Soviet forces in Eastern Europe are being carried out, the equipment that is remaining are the most modern and capable. Indeed, some systems that are being removed are, in fact, being replaced with far more modern and capable systems. Military, this may well mean that Soviet capabilities to launch a conventional attack against NATO have changed very little. But we do recognize that the non-Soviet Warsaw Pact nations would today not likely be cooperative and might, in fact, actually oppose any advance of Soviet forces through their territory toward NATO. It is this geographic buffer zone, as well as the probable removal of non-Soviet Warsaw Pact forces from the equation, that results in the changed threat in Central Europe.

There also is general agreement that the United States and its NATO allies would have increased warning time of any Soviet moves to launch a conventional attack in Eastern Europe. Warning time, however, is elusive. Increased warning time is of value in judging the threat only if we and our allies can and will recognize early indications of possible hostilities, only if we can and will act on those indications, and only if we have the capabilities to respond appropriately. So, to a large degree, our intelligence and military capabilities are a major factor in warning time. We also must understand that a potential enemy's perception of our willingness and capability to respond can alter warning time. That is to say, warning time is a function of the activities of both sides of the equation.

National intentions are also part of the threat equation. But intentions are much more difficult to judge than are military capabilities. Because an analysis of intentions is so much more subjective than is an analysis of military capabilities, we must recognize the higher degree of uncertainty about a threat in which intentions are considered a major factor. Furthermore, we, as a peace-loving Nation, must constantly guard against making emotional analyses of other nations' intentions. We hope and want to believe that other nations prefer peace, but none of us will successfully see the future if we forget the past.

Today, we all hope and want to believe that Soviet intentions are changing—that the Soviet Union may now be prepared to enter the community of nations who prefer to settle their disputes peacefully. I hope that is the case.

But our hopes cannot be allowed to cloud the fact that, in 1989, the year that Mr. Gorbachev announced planned reductions in military production, the Soviets produced 6,500 armored combat vehicles, an increase of 8 percent over the previous year. We cannot forget that, in 1989, the Soviets produced 2,600 pieces of artillery, almost 10 times more systems than were produced by the United States. We cannot forget that, in 1989, the Soviets produced almost 3 times more tanks than did the United States.

All of this occurred after Mr. Gorbachev announced his intentions to reduce military production. And all of this happened at a time when each of these three systems—armored combat vehicles, artillery pieces, and tanks—are being proposed for strict limitations under a CFE treaty. So, while we have statements of intentions which we hope are true, we also have facts about capabilities which appear to be contradictory to those stated intentions.

Turning now to the area of strategic forces, every bit of information available to this Senator indicates that there is no slow-down or reversal of the major Soviet strategic modernization programs, although that program now appears to be conducted within the framework of the proposed START treaty. The Soviets continue to deploy two mobile ICBM systems and the highly lethal SS-18, for which there are no United States counterparts. The Soviets continue to produce two classes of ballistic missile submarines and SLBM missiles. They also continue to produce two modern bombers and an advanced cruise missile system. All of this modernization is coupled with the unabated expansion of their enormously expensive deep underground shelter systems. So once again, while we hope that Soviet intentions are to move toward more cooperation and peaceful relations with all nations, there is no doubt that Soviet strategic forces are and will be modern and lethal, and for the foreseeable future, the Soviet Union will remain the only potential enemy who is capable of annihilating the United States.

With respect to Soviet naval operations and production, it is true we have seen a slight reduction in the tempo of operations of the Soviet navy. Nevertheless, construction of surface combatant ships and submarines continues apace and may actually increase over the next several years. The nine combatant submarines launched by the Soviet Union in 1989 equals or exceeds the numbers of submarine launches in each of the previous 7 years. Soviet naval aviation is also being expanded and modernized. In short, the Soviet navy is continuing to modernize, thereby compensating for reductions in their operating tempo and improving their capabilities across the board.

Even while we see these changes in the Soviet threat, there are new military threats emerging around the world. Old ethnic and border disputes are again arising in Eastern Europe, which always have the possibility of erupting into general war. Chemical and nuclear weapons continue to be developed and produced by more and more countries. More and more countries, particularly in the Middle East, continue to develop the capability to deliver weapons of mass destruction through the use of ballistic missiles. Drugs continue to be a worldwide problem and acts of terrorism continue to increase.

Mr. President, there is no doubt that the world is changing. The military threats to the United States are changing. Likewise, there can be no doubt that we must reevaluate and in some cases change our defense capabilities. However, we must be cautious in our analysis of these changes in the threat, and any changes we propose to make in our defense capabilities must reflect the real world. In some cases, those changes in our capabilities could cost more, not less, than we presently spend in our defense budget. I urge each of my colleagues to carefully consider what we see and know about the changes occurring in the world. If we are careful in our analysis and in our decisions today, our opportunities to reap rewards for our Nation in the future will be much higher.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, let me first commend our chairman for an extraordinary effort; he has brought his amazing intellect to this process over the years. These remarks of his over the last few days are a very major contribution to our discussion.

Mr. President, the collapse of the Warsaw Pact as a cohesive military force has reduced the likelihood of conventional conflict. It has been widely acknowledged that the most likely path to nuclear war was a consequence of conventional conflict with the Warsaw Pact and, therefore, because that likelihood has been reduced, superpower nuclear conflict has also been reduced as a likelihood.

But the budget that has been sent to us is out of sync with these existing and lightening threats. The President has proposed elimination of about 20 conventional weapon systems, but at the same time the administration is asking for an increase in every single nuclear weapons system, even though the threat of nuclear war has also been reduced.

The Secretary of Defense has proposed cuts of $2.9 billion in conventional weapons systems, but in the same budget, he is proposing an increase over last year of $4.6 billion in nuclear programs. He is requesting more for the MX, more for Midgetman, more for SDI, on and on and on.

The world has changed, yet this defense budget only partially responds to the new reality. Our current strategic nuclear systems are survivable and robust. Even if the Soviets launched a nuclear attach today, with no warning, we would have over 4,000 surviving nuclear warheads on our aircraft and ballistic missile submarines with which to retaliate. The important point is that even if the Soviets doubled the number of warheads that were target-

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ed on us, we would still have 4,000 strategic nuclear weapons for retaliatory purposes, because our alert aircraft and our ballistic missile submarines at sea would still survive that attack.

Yet, this budget asks for significantly more money for nuclear weapons. It does not respond to the reduced threat. It is wasteful fiscally, and I believe this will be the major battleground in both the Armed Services Committee and on this floor. Again, I commend our chairman for his extraordinary contribution.

THE MILITARY THREAT

Mr. LEVIN. Mr. President, we are at the threshold of a new era in international security—one that by all signs will be marked by decreased East-West military tensions. The changes in Eastern Europe have been dramatic, and as many experts have testified, almost certainly irreversible. The world that we have lived in since the end of World War II is in the process of changing and as it does we will move beyond old rivalries and encounter new challenges.

As we move from a bipolar to a multipolar world, we will inevitably be faced with threats to our national security that fall outside the scope of traditional United States-Soviet rivalry. Global economic competition, terrorism, the proliferation of sophisticated weapons in the underdeveloped portions of the world, and political instability in regions vital to U.S. Interests are just some of the challenges that the United States will face in the future.

It is clear that the most significant change in the U.S. security equation is that the threat of attack by the Warsaw Pact against NATO is at the lowest point since the formation of that military alliance. The collapse of the Warsaw Pact as a cohesive military alliance has been hastened by the rapid demise of Communist regimes in Eastern Europe. The Soviets cannot rely on their allies to act in concert with them in an attack against Western Europe.

The reliability of the Warsaw Pact allies has been in doubt for some time—for example a 1988 study of the military balance in Europe that I conducted pointed out that the Soviets faced a serious cohesiveness and reliability problem at that time. The grassroots demand for democracy in Eastern Europe has not only shattered the military tie to Moscow, it has dramatized the lack of reliability of Warsaw Pact allies that previously had existed beneath the surface.

Since it has been widely acknowledged that the most likely path to nuclear war was as a consequence of conventional conflict with the Warsaw Pact—the threat of superpower nuclear conflict has also been significantly diminished.

We can take credit for having built the network of strategic and conventional deterrence that has helped keep the peace in Europe for over 40 years. We can now look forward to a future which should allow us to maintain national security at significantly reduced levels of armaments. One way to codify a reduction of armaments is through the arms control process. And we are expecting a conventional force reduction agreement and a START agreement this year.

But, I am afraid the defense budget that has been sent to the Congress is not in sync with our new national security needs.

The administration is proposing the termination of 20 conventional weapons—many of them currently first-rate systems which may be needed some day—at the same time it is asking for an increase in every nuclear weapon system.

The Secretary of Defense has proposed $2.9 billion in savings by terminating conventional weapons such as the F-15 fighter, Apache helicopter, and M-1 tank. In the same budget he has proposed an increase of over $4.6 billion in nuclear programs.

For example, this budget requests twice the amount appropriated last year—over $2 billion—for the MX and Midgetman mobile ICBM's. It asks for almost $1 billion more for SDI over last year's level. It even includes an $80 million increase for the Lance missile replacement—a weapon that most knowledgeable experts predict will never be deployed in Germany. West German Foreign Minister, Genscher, has flat out said so.

The world has changed but this defense budget only partially responds to the new reality. Our current strategic nuclear systems are survivable and robust. Even if the Soviets launched a nuclear attack today with no warning we would have over 4,000 surviving nuclear warheads on our aircraft and ballistic missile submarines with which to retaliate. And if the number of warheads that the Soviets targeted on United States nuclear weapons were doubled, we would still have about 4,000 strategic nuclear weapons for retaliatory purposes because our alert aircraft and ballistic missile submarines at sea would still survive the attack. That is the key—if the Soviets increase their strategic forces, the number of our survivable retaliatory forces is not significantly affected.

Just as a purely static bean count of weapons made no sense when evaluating the level of conventional defense in Europe—it makes no sense when evaluating the level of nuclear deterrence. The key to evaluating nuclear deterence, is not determining whether the United States or Soviets have more nuclear warheads (the United States does at the moment). It is the number of survivable warheads that determines the robustness of your deterrence.

The MX rail garrison system is a perfect example of the ongoing overemphasis on nuclear weapons that is wasting billions of dollars while adding little to our existing robust level of nuclear deterrence.

In the President's proposal, billions will be spent to move our 50 existing MX missiles from the hardened silos in which they are currently deployed, and placed on unhardened trains. In this new configuration, the MX missiles and the rail road cars on which they will sit will be significantly more vulnerable to surprise attack than in current silos.

In a recent letter to me, the Congressional Research Service [CRS] stated that the MX missile deployed on trains and sitting in the open was hardened to about 5-10 pounds per square inch [PSI]. In its garrison the PSI would only be slightly higher the CRS said. By comparison, the MX in silos is estimated to be hardened to 2,200 PSI. So, in its silo, the MX is presently 220 times as hard as; that is, 220 times as survivable, as it will be in the rail garrison configuration that the President is proposing.

The issue of vulnerability is especially important for those who believe the strength of the MX lay in its mobility. In fact, the MX will rarely be mobile. It will not be able to survive a surprise attack. Stability comes from survivability, and the MX in rail garrison will be less survivable than it is now, except in those rare cases when our forces are generated. Yet, its destructive potential actually makes MX an especially inviting target for a surprise attack. The reason is that the 4 trains, each carrying 2 missiles with 10 warheads, are all deployed in unhardened shelters within a one-quarter mile area. As a result of this configuration, a few enemy warheads could eliminate 80 of ours—4 times 2 times 10. That is a very inviting target—a 40:1 ratio that is very destabilizing.

In current silos, each 10-warhead MX missile is no closer than three miles apart. It would take 2 attacking warheads to destroy 10 of ours. This is a 5:1 ratio which is much more stabilizing. The status quo is more stable than the change that is proposed because the proposed mobility only rarely exists and during all the other times the MX is a more vulnerable, more attractive target than it is now.

The MX proponents argue that the MX rail garrison will survive in times of crisis when our nuclear forces are generated. At this time, the MX train is supposed to pull out of the station and leave its vulnerability behind. What exactly is a time of crisis? Thirty years ago, the United States created the DEFCON or Defense Condition system. Since then, on three occasions worldwide U.S. nuclear forces were placed on a high state of alert. These events occurred in May 1960 during the Paris Summit Conference; October 1962 during the Cuban missile crisis; and October 1973 during the war in the Middle East.

But it is in those rare times of crisis we need the MX least—because our airplanes and submarines are generated, are deployed, in a time of crisis and we have more than twice as many survivable warheads available as in times of calm. The numbers here are important. In normal times, as I have pointed out, some 4,000 of our nuclear warheads could survive a surprise attack on the United States. In times of crisis, more than 8,000 warheads would be survivable after our forces were put on a higher state of alert.

The fact is that for either a surprise attack or an attack that came during a crisis, the United States has more than enough nuclear weapons to launch a totally devastating counterattack against any enemy. This is the essence of deterrence, and every military official that has testified before the Armed Services Committee in past years has stated that we have sufficient nuclear deterrence. And, this scenario of a potential attack on our ICBM's does not include the nuclear weapons possessed by our allies, or our nuclear-tipped cruise missiles on ships at sea.

As generals and administration officials have testified, it would be totally irrational for a Soviet leader to launch a nuclear attack when faced with such certain and potent retaliation. It would be irrational to launch a surprise attack against us when we would have 4,000 survivable warheads and irrational to launch a nuclear attack against us after we have generated 8,000 warheads capable of retaliation. By the way, just one of the 192 survivable warheads on one Trident submarine has about 6.5 times the destructive power of the Hiroshima bomb and each Trident sub has 192 warheads.

Some will argue that we need to build more modern nuclear systems because the Soviets continue to modernize their nuclear forces. This argument might have some logic if we are willing, for instances, to stop Soviet modernization by agreeing not to build our own—again, for instance, to eliminate the deployment of the Soviet rail-mobile SS-24 missiles by agreeing not to build our MX rail garrison system.

But we have refused to do that—our position is that MX's be allowed in a new agreement. We are rushing ahead at great cost to make them mobile in order to match the Soviet capability, rather than to use them as a bargaining chip to eliminate the Soviet capability.

The MX is not only wasteful because it is not needed for nuclear deterrence. It is doubly wasteful because the Air Force is moving forward to buy trains before the rail garrison concept has been fully developed and tested. For the last two years the GAO has been reporting to the Congress that the MX rail garrison program has a significant overlap between its development and production phases. This overlap, known as concurrency, has been cited by GAO as a significant factor in excessive weapon system cost, schedule delays, and performance problems.

Concurrency usually occurs when systems are rushed into production before being adequately tested. This was the case with the B-1B bomber and it has cost the United States hundreds of millions of dollars to correct the problems that were caused by building large numbers of aircraft before we knew if the plane could meet the requirements that were written for it. The MX rail garrison procurement plan is another example of this "buy before you fly" policy that has cost this country so much money in recent years.

In fact, the GAO has pointed out four unique characteristics of the MX rail garrison program that they say require testing before we purchase large numbers of MX trains. These include: First, the capability of the train to withstand missile launch; second, the launch effects on commercial railroad trackbeds and the ability of the train to resume mobile operation after launch; third, the capability of the guidance and control system to recover specified levels of accuracy following rail transit; and fourth, the effects of horizontal basing and rail movement on MX missile performance and reliability.

At a time when the defense budget is going to be reduced at a minimum of 2 to 3 percent per year, we cannot afford to waste money on the wrong defense priorities. We will need to manage defense reductions wisely and apply the savings in a way that strengthens our nation's security by meeting the challenges of tomorrow.

These future threats are not likely to come from our traditional adversaries in Eastern Europe and the Soviet Union, but instead will be generated by civil unrest, political instability, and the proliferation of sophisticated weapons in the underdeveloped regions of the world.

As the United States-Soviet competition relaxes and superpower intervention in regional conflicts decreases, Third World nations increasingly are building up their military establishments. In an attempt to dominate a region or to maintain a military balance, these nations are seeking more lethal conventional weapons, purchasing ballistic missiles, manufacturing chemical and biological weapons, and working on nuclear weapon programs. Just yesterday, it was reported that a shipment of nuclear bomb triggers bound for Iraq was interdicted in Great Britain.

While the United States-Soviet arms race may be slowing, regional arms races are heating up—and these developments can have serious implications for United States security. We must be ready to act if action is necessary and appropriate to protect our interests in a variety of Third World lands, be it oil supplies in the Persian Gulf or American lives in Panama.

We will also need to guard the lives of our citizens from extremists and fanatics who use terrorist tactics to further their political goals. As we have seen in the past, the Eastern bloc and Soviet Union were very willing to support terrorist regimes and organizations. While that is changing, the threat of terrorism will remain for the forseeable future. We must invest in military technology that will be useful in uncovering the shadowy trail of terrorist organizations and individuals so their actions can be preempted, or if tragedy strikes, will allow us to bring the guilty parties to justice.

These are among the most challenging military threats that the United States will face in the coming century. They are problems that have traditionally been viewed through the lenses of United States-Soviet competition for influence around the world. However, irrespective of United States-Soviet competition, these issues will be extremely important for the preservation of United States national security goals. Increasing the number of nuclear weapons that we possess are irrelevant to achieving these goals.

The administration's defense budget does not meet our most likely future needs. The most challenging threats that we will face in the future will not require the continued buildup of nuclear weapons as the President has proposed. It will require a ready military force that is equipped with the tools and equipment needed to deter a wide variety of conventional and unconventional military threats, and to defeat these threats if deterrence fails.

Because we are talking today about military security, I want to spend more than a moment stating what is becoming increasingly apparent—the challenge to our security is becoming more and more economic and less and less military.

While our allies have allowed us to shoulder most of the military burden for the last 45 years they have devoted their savings to becoming more competitive. The nations of East Asia, especially Japan, South Korea, and Taiwan, have recorded a phenomenal rate of economic growth. As Europe reduces its barriers and encourages the free flow of goods and labor, it too

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will become an extremely strong economic power.

The measure of a nation's power is in its economic strength. A healthy American economy is essential if this nation is to continue in its role as the leader of the free world. We now have the opportunity to apply military savings to other purposes and we must focus on honing our competitive edge in the global economy.

Mr. President, I would like to congratulate my colleague, Senator NUNN, for the excellent speech that he has given here on the floor today, and also commend him for having the courage to outline a view of our security that takes into account the recent changes in the world. At this point in history we need to look forward to the future and the challenges we are likely to face, not dwell on the threats of the past which are disappearing quickly.

DEPARTMENT OF DEFENSE ACTION ON MILITARY PERSONNEL REPROGRAMMINGS

Mr. NUNN. Mr. President, yesterday the House Appropriations Committee reported H.R. 4404, the fiscal year 1990 supplemental appropriations bill. This bill includes $870 million for assistance to Panama, Nicaragua and other countries, and for refugee assistance.

Since we have already exceeded the deficit target for fiscal year 1990, this supplemental appropriations bill must be "outlay neutral" so as not to increase the fiscal year 1990 deficit. In other words, Congress and the administration must work together to pay for the Panama, Nicaragua, and refugee assistance by taking the money from funds already appropriated for other programs in fiscal year 1990.

Mr. President, I was disappointed to learn that the Defense Department recommended to the House Appropriations Committee that the funds which the Department of Defense requested just last month be reprogrammed into the military personnel accounts to avoid large layoffs and other adverse personnel actions this year now be used instead as a source of funds for Panama aid, Nicaragua aid, refugee assistance, and other items.

Members will recall that after refusing to use the Presidential authority to exempt the military personnel accounts from the Gramm-Rudman sequester last year, the Defense Department last month submitted reprogramming proposals to transfer funds from other areas of the Defense budget into the military personnel accounts to reduce the impact of the sequester on military personnel programs this year.

The Defense Department mounted a full court press on the Congress to approve these reprogramming requests. If these requests were not approved—we were told—thousands of military personnel would be involuntarily separated from the military services, promotions would be frozen for the rest of the year, and military people serving overseas would not be able to come home on schedule.

The Armed Services Committee was critical of the administration's original decision not to exempt the military personnel accounts. That decision by the administration created a great deal of uncertainty and concern among military members and their families, and created the very real possibility that large numbers of military members and their families would be adversely affected by layoffs or other adverse personnel actions as a result of the sequester.

Because of our concerns for the men and women in uniform, the Armed Services Committee approved the Department's proposal to reprogram $795 million into the military personnel accounts on March 8, 85 percent of the amount requested by the Pentagon.

Now, Mr. President, to learn that the Defense Department has proposed using the funds for the military personnel reprogrammings to pay for the Panama, Nicaragua, and refugee assistance supplemental raises real questions in my mind about what is really important to the Defense Department.

Last month they told us that congressional approval of these military personnel reprogrammings was their first priority. Now they have taken the sources of funds in these reprogrammings and told the House Appropriations Committee to spend them on aid to Panama, Nicaragua, and refugees.

Where does that leave our men and women in uniform? Has the Department decided not to reprogram funds into the military personnel accounts in fiscal year 1990 to offset the adverse impact of the sequester?

A few weeks ago, Mr. President, I received an impassioned letter from Lt. Gen. Thomas Hickey, the Air Force Deputy Chief of Staff for Personnel, outlining why Congress needed to act on the Department's military personnel reprogrammings. General Hickey said in his letter:

> Our people read the newspapers and are very well informed. When they perceive that some of your colleagues are more concerned with taking care of the people in Eastern Europe, Nicaragua, and Panama than "our own" in the military, they will leave us. I know you understand this and can see why the reprogramming is so vital.

Mr. President, General Hickey needs to make these arguments to the senior leadership of the Defense Department and the White House, not to the Congress and certainly not to the Armed Services Committee. I will ask unanimous consent that the full text of General Hickey's letter to me be inserted in the RECORD at the conclusion of my remarks.

Defense Department officials have repeatedly said that military personnel are their highest priority. Their actions in this case suggest that their attitude on the needs of our military personnel are stronger on rhetoric than on substance.

I have serious reservations about this approach. I will do what I can to see that our military personnel are given a better break than they seem to be getting from the Pentagon at the moment. I hope the Defense Department will make clear what their future plans are for the military personnel reprogrammings now that they have proposed using the funds for these reprogrammings for aid to Panama, Nicaragua, and refugee assistance.

I ask unanimous consent that the letter to which I earlier referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE AIR FORCE,
Washington, DC, March 6, 1990.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: With all of the recent publicity about the Services' Personnel reprogramming requests, I want to share with you my concerns on what disapproval of the reprogramming means in terms of our people's welfare and the impacts to readiness. I hope you will share these concerns after reading my letter. If not, the troops will pay the price. They are the ones, and their families, who will suffer.

The Air Force started FY90 with a coherent and workable MPA game plan but as the months went by, new "bills to pay" related to Congressional marks, entitlements authorized but not funded, OSD PBDs and Gramm-Rudman-Hollings sequestration continued to mount. As you know, there are only a few ways to adjust for large dollar shortfalls in the Air Force MPA—reduced accessions, officer and enlisted early release programs, reduced PCS moves, reenlistment denials, promotion freezes, SERB's and RIFs. There are basically no other ways to reduce expenditures since approximately 94% of the account is driven by statutory rates and entitlements. Our flexibility is limited to the remaining 6% of the total account. Most adjustments have a direct effect on end strength and unfortunately result in non-programmatic reductions. That's the worst possible way to garner dollars to pay bills, particularly when the force structure (iron on the ramp) remains basically constant. As a result, we build a hollow force and readiness is directly affected.

When the senior leadership in the Air Force looked at the total shortfall ($601 million), they elected to solve over half of it internally within the MPA. That solved over $373 million, but forced us to early release over 11,000 troops in '90, delay or cancel over 13,000 PCS moves and cut accessions by over 18,000 from programmed levels. In actuality, that exceeded the Gramm-Rudman-Hollings bill of $179 million out of the MPA. The sequester issue was clearly not our central problem. However, the draconian measures that would have had to be taken against our people, over and above the $373 million, convinced us to reprogram from other accounts to ease their pain. As you know, such reprogramming actions have occurred on nearly a yearly basis. If the reprogramming is not approved, we have several dichotomies as well as problems. One is that we and you have fought hard for new entitlements that were granted but came without funding. In effect, with no reprogramming, we will kick troops out to save money to provide funds to make the financial quality of life better for those that remain. It's tough to explain that to the commanders in the field who will be severely undermanned.

A major area of concern is the PCS account. We virtually bankrupted it as we worked the solution to the $601M problem. As I mentioned earlier, we have already involuntarily extended our troops, many with families, in our oversea locations for up to two months. In doing so we have built ourselves an $80+ million PCS bow-wave in FY91 that will have to be paid. That bill, coupled with other FY91 actions on the horizon (base closures, changes of tour lengths in Panama and Guam), were not budgeted for and will exacerbate our PCS problems next year. Some of your colleagues seem to believe there is no cost associated with reducing troop levels overseas. That is just not so and our FY91 PCS budget will be testimony to that fact.

The negative impacts of these actions on retention and readiness are extremely dangerous. We saw the beginning of this when we had over 17,000 airmen apply for early release from the Air Force. Many of these airmen had between four and nine years of service. They walked in and signed up to leave. Granted, we waived some training commitments, but we could not allow all of them to go. It showed us that there are rumblings out there that could cost us dearly in retention. We keep advertising the all-volunteer theme but when our folks realize they are bearing the brunt for any "peace dividend", the changing world situation, or a political tug-of-war, who knows what their reaction will be? It may well take over a generation to recover. Our people read the newspapers and are very well informed. When they perceive that some of your colleagues are more concerned with taking care of the people in Eastern Europe, Nicaragua and Panama than "our own" in the military, they will leave us. We can't afford that and still maintain an all-volunteer force. I know you understand this and can see why the reprogramming is so vital.

Because Congress has historically approved reprogramming requests into the MPA, we have executed almost six months of this year's MPA based on the likelihood it would again be approved. We were even more convinced when the authorizations committee language stated that expectation for FY90. We had to change course considerably in the first three months of this fiscal year to "pay the bills" for $373 million. To come up with an additional $228 million with only six months of the execution year left will have catastrophic impacts on the force. Some Congressmen have spoken out against the reprogramming. As one of the key committee chairmen, I hope you are able to convince them this is not a prudent or responsible action.

You are a critical part of this decision process, and I am at your disposal. I consider the reprogramming to be my highest budget priority and stand ready to assist you in any possible way to secure its approval. I have talked to Admiral Mike Boorda and General Al Ono and I know they feel the same way. We just not allow the troops to bear this burden.

Sincerely,

Thomas J. Hickey,
Lieutenant General, USAF,
Deputy Chief of Staff, Personnel.

DIVERTING FUNDS FOR THE NICARAGUAN-PANAMA SUPPLEMENTAL

Mr. GLENN. Mr. President, I emphatically agree with the statement made by the chairman of the Senate Armed Services Committee this morning about the shell game that the Department of Defense is playing with the money it previously said it needed to prevent the wholesale layoff of military personnel this year. Diversion of these funds to fund the Nicaragua-Panama supplemental directly contradicts the claim by Secretary Cheney that military personnel are the top Defense priority. The Department of Defense is playing a dangerous game of Russian roulette with the welfare of our men and women in uniform and their families. This time, the Department of Defense may run out of time and money to stop the gun before it goes off.

HOOSIER HEROES: A SALUTE TO "DOC" COUNSILMAN

Mr. COATS. Mr. President, on March 29–31 the NCAA swim meet will be held in Indianapolis. Although Indiana University's fine swimmers are not expected to win, this event will mark the last meet at which the Hoosiers will compete under their legendary coach, for James "Doc" Counsilman is retiring.

Doc Counsilman has been the swimming coach at IU for 33 years. During that tenure he has coached many fine swimming squads at Royer Pool, including 23 Big Ten and six NCAA championship teams. He has known and trained the best, including the great Mark Spitz and several Olympic gold medal-winning teams. He has not only coached them to victory, but has inspired them to do their very best in life as well as in the pool. Not surprisingly, Doc attributes his successes solely to the prowess of the athletes rather than to his own motivational and tutorial skills. And Doc's successful methods are known universally, for he approaches physical education scientifically and applies a technical system to his sport that he wrote about in his 1968 best seller, "The Science of Swimming."

Those of us who follow Hoosier sports and root for Indiana teams are in awe of this living legend. As an IU alumnus, I sincerely regret Doc's decision to retire from regular coaching duties. Fortunately he will remain busy and active around Bloomington, teaching an advanced athletic training seminar and continuing to provide inspiration and a few pointers to aspiring swimmers.

Doc Counsilman is a genuine Hoosier hero whose IU swimming legacy will be studied by coaches everywhere. I wish him well in his retirement.

Mr. President, recently Frederick C. Klein wrote an interesting tribute to Coach Counsilman in the Wall Street Journal that I wish to bring to the attention of my colleagues. I think this article captures the personality and spirit of the man, and I ask unanimous consent that the complete text be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 2, 1990]

On Sports: Indiana's Great Swim Coach

(By Frederick D. Klein)

Bloomington, IN.—James "Doc" Counsilman was saying how, a few weeks ago an official of Indiana University, where he coaches swimming, came by Royer Pool here to chat during a team practice.

"While we were talking, he was watching the boys do their laps. Finally he said, 'Up and back, up and back! How do you stand the monotony?' I laughed, and answered with a joke because I wasn't in the mood to lecture. But he really couldn't have been more wrong."

"That same week, we did endurance and speed work in the water. We did speed-assisted work with flippers to get faster stroke turnover. We lifted weights and did other aerobic and anaerobic land exercises. If all there was to this business was 'up and back,' I'd never have gone into it."

But now, after 33 years at Indiana, the 69-year-old Counsilman is retiring. The next NCAA swim meet, March 29–31 in Indianapolis, will be his last. His team won't win it—schools with better facilities than antiquated Royer Pool have come to dominate the field—but chances are that the team that does win will have benefitted indirectly from his teaching.

Counsilman, whose nickname is earned (he holds a Ph.D. in human-performance physiology and is a professor in IU's department of physical education), wrote the the book on the sport. First published in 1968, it's called "The Science of Swimming," and has been translated into some 20 languages. Every swimming coach worth his stopwatch has read it.

When Doc has the horses (or, rather, the dolphins), his teams won big: Photographs of his 23 Big Ten championship teams line his pool's balcony, and six of those squads also won NCAA crowns. The 1964 U.S. Olympic men's team he coached captured eight of 11 gold medals at Tokyo, and two of the three that escaped it were taken by Australians he'd tutored at Indiana. He led another U.S. men's team to the 1976 Olympics at Montreal, where it won 12 of 13 golds.

He coached Mark Spitz, winner of seven gold medals at the 1972 Munich Games and perhaps the greatest swimmer ever. Scores of his other Indiana pupils were Olympic-medal winners, world-record holders, or both. And he practices what he preached: In 1979, at age 58, he became the oldest person to swim the English Channel.

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He has been bothered of late by arthritis, and the talent at his command isn't what it used to be, but he insists that the fun hasn't left his coaching. "I get as much of a kick out of seeing a swimmer establish a personal best as break a record," he says. Still, he admits to liking winning as well as the next man, and remarks that he "slept better" when the likes of Spitz, Gary Hall, John Montgomery and John Kinsella wore Hoosier-red Speedos.

"You know, I listen to that Dick Vitale on the basketball telecasts, saying how this or that coach carries his team, and I wonder what he's talking about," Counsilman mused. "I think it's the other way around—that great athletes make their coaches look good. I give myself maybe 20% of the credit for my team's success in a good year, and 10% in an ordinary year. I haven't yet scored a point for Indiana in a meet.

"Sure, we instruct technically, and that's important. It was the technical side of swimming that got me interested not only in coaching but in education as a whole. I was a poor student in high school—bottom 3% of my class. All I wanted was to get a job and earn some money, and that's what I did for four years after I graduated. But then I took up swimming, and it both appealed to my competitive instincts and enlarged my curiosity. It got me into college, and kept me there as a student until I was 31 years old, for goodness sakes.

"But the main thing we coaches do is try to motivate our athletes," he went on. "There are a lot of approaches to do this. The fellow who coached basketball here [Bob Knight], who I'm fond of, by the way, does it with fear and anxiety. Maybe I'd do the same if I were in his shoes. He only has his boys for five months a year, and most of them have big heads from being overpraised all their lives. I work with my swimmers 10 or 11 months a year, and two-thirds of 'em aren't even on scholarship.

"I let my kids know that we're a unit and share the same goal, which is their improvement. I try to give them what everybody needs, which is attention, affection, a sense of belonging and a feeling of accomplishment. I succeed to the extent they do. It's as simple as that."

When the athlete is Mark Spitz, it's even simpler, Counsilman continued. "I've always thought it was remarkable that Mark came to Indiana," he said. "He was a California boy, and it snowed the weekend he visited us for his recruiting trip. He even fell on the ice.

"But he enrolled, and what a swimmer! He was flexible physically, and that helped, but he had the most perfect natural stroke I ever saw. I'd been thinking about the application of Bernoulli's Principle to human propulsion in water, and when I first watched Mark doing the butterfly, I thought, 'Eureka! That's what he's doing!' I may have said those very words aloud. I went ahead and wrote an article on the subject.

"Mark was a nice person and a dream to coach. He had tunnel vision about swimming; he was dedicated to the point of being something of a bore. He was shy, and private, and never handled the news people well. That hurt him once he got into the limelight. But in school, and in the pool, he was the best."

Spitz, now 40, recently returned to training with an eye toward swimming in the 1992 Olympics. Doc talks to him regularly and has more than a rooting interest in his comeback try. The coach plans to update "The Science of Swimming" in retirement, and continue to study and lecture on advanced athletic training, the subject of the graduate seminar he teaches at Indiana.

"Mark's convinced he can do it, and if anyone can, it's him," Counsilman noted. "Meantime, we'll be learning a lot about the potential of middle-aged people."

THE INCREASE IN THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, this Sunday, after a 9-year wait, the minimum wage finally goes up. For millions of low wage workers, this increase is long overdue.

Since January 1, 1981, the minimum wage has been stuck at $3.35 an hour. In the years since then, its purchasing power has declined by close to 40 percent.

In my view, it is a disgrace that this increase is so small. It is too little to restore the lost purchasing power. But in all candor, it is the best we could do against an antiworker administration that refuses to do justice for America's working poor.

The driving point behind the minimum wage is as valid in 1990 as it was when the minimum wage was first enacted in 1938—if you work for a living, you should not have to live in poverty.

Supporters of the minimum wage yielded a great deal in the notorious compromise of 1989, by accepting a smaller increase and by agreeing to an expanded training wage. But in a small victory for workers, we were able to obtain concessions from a hostile White House that made the amount of the increase somewhat larger and the provisions of the training wage somewhat less harsh than the administration proposed.

Let the administration be on notice. The increase in the minimum wage that takes place on Sunday is not enough. We intend to raise the issue in the next Congress and I hope that we will succeed in raising the minimum wage to a level that is fair to millions of workers who are being unfairly exploited now.

Never in the half century history of the minimum wage has this long a period elasped without an increase. As chairman of the Senate Labor and Human Resources Committee, I intend to do all in my power to ensure that the working poor never have to wait this long again.

COLTS CHARITIES SCORE IN INDIANA

Mr. COATS. Mr. President, one cannot say enough about the contribution that professional football has made to the social welfare of this country. For instance, NFL Charities was founded in 1973 by the clubs of the National Football League to make collective grants to worthy national charities. Since then NFL Charities have made grant disbursements totaling almost $10 million to over 100 different needy organizations. The largest gift is a $2 million, 20-year commitment to the Vince Lombardi Cancer Research Center at Georgetown University in Washington, DC.

In 1985, Commissioner Pete Rozelle and the NFL were recipients of the distinguished Robie Humanitarian Award of the Jackie Robinson Foundation for the league's support for the advancement of minorities in pro football and the NFL's involvement in educational programs at predominantly black colleges. This past year NFL Charities donated $1 million to United Way of America to be used specifically for victims of the October earthquake that struck northern and central California.

Beyond this beneficence, the individual clubs and owners participate in raising funds and make individual contributions to organizations and worthy causes for which they have a special interest. Since moving to Indianapolis the Colts have brought much cheer to sports fans and joy to many Hoosier charities. Last year the Colts raised approximately $600,000 for Indianapolis area organizations alone. The largest beneficiary was the Mental Health Association of Indiana which received in excess of $100,000 from a benefit dinner.

Other charities that have benefited from the Colts generosity are the Noble Center, Indiana Black Expo, Christamore, Little Sisters of the Poor, and the Indiana School for the Blind. In addition, the United Way has received for distribution to needy kids and families two free tickets to every Colts game played at the Hoosier Dome in Indianapolis. During the 1989 season the Colts donated $100 for every touchdown, split evenly between the Noble Center and Indianapolis Athletic Club Sports Foundation.

Summing up his philantropic philosophy, Indianapolis Colts owner Robert Irsay stated:

> We have made a commitment to be actively involved in the charitable causes of the city * * * It's important to put money back into the community, to do the right thing.

Based on the team's record of charitable contributions in Indianapolis during the past 5 years, Mr. Irsay has proven that he and his players have hearts as big as the Hoosier Dome. Congratulations to Bob Irsay and the Colts! May you score as well on the gridiron as you have done to help Indiana's needy.

WILLIAM R. DAVIE: SOLDIER, STATESMAN, MASON, AND FATHER OF UNC

Mr. HELMS. Mr. President, North Carolina's history is replete with remarkable men and women who contributed so much to the building of our State and its great institutions. One of them will be honored, possibly before the year is out, for his many achievements, one of which was the founding of the University of North Carolina.

William Richardson Davie was born in 1756 in England, but he is a legend in North Carolina. Among other things, he became a leader in the Masonic Order. For 7 years he was grand master of Masons of North Carolina and in that capacity, on October 12, 1793, he laid the cornerstone of the "Old East" building on what was to become the sprawling campus of the University of North Carolina at Chapel Hill.

Mr. President, I have a very special friend in Greenville, NC. His name is James W. Brewer. Jimmy Brewer's career in Masonry is remarkable, and his contributions to it cannot be measured. He is a past grand master of the Grand Lodge of North Carolina Masons, and he also served as treasurer of the Grand Lodge.

Jimmy Brewer has been fascinated with the life and career of William R. Davie. As long ago as 1961 he was researching and writing about William R. Davie. Just recently I ran across a most interesting paper written by Jimmy Brewer in 1961, and I want to share it with my colleagues and make it a part of the RECORD.

Therefore, Mr. President, I ask unanimous consent that Mr. Brewer's paper on William R. Davie be printed in the RECORD at the conclusion of my remarks. I make the same request regarding a news story published in the Greenville Reflector in December 12, 1989, headed "UNC Founder Gets Belated Recognition."

There being no objection, the material was ordered to be printed in the RECORD as follows:

WILLIAM RICHARDSON DAVIE: THE SOLDIER, THE STATESMAN, THE MASON, AND THE FATHER OF UNC

William R. Davie was the son of Archibald Davie and was born at Egremont, Cumberland County, England, on June 20, 1756. His mother, whose maiden name was Richardson, named him for her brother, the Reverend William Richardson and at that time a Presbyterian clergyman in South Carolina.

In 1763, the Treaty of Paris put an end to the Seven Years War, or as it was known in America, the French and Indian War. Mr. Davie then visited America, and among other places, went to the Waxhaw settlement on the Catawba River, where Mr. Richardson was living. There he left William Richardson Davie under his uncle's care. The latter had no children and becoming fond of his nephew, the uncle adopted him as his son and heir.

From this time on, nothing is known of the boy's relationship with his father or the rest of his immediate family. Davie's early education was received from his uncle, but he was later sent to Queen's College, an academy in Charlotte. About 1772, he entered Nassau Hall at Princeton. Dr. John Witherspoon was at this time President of the college and was famous for his patriotic ideas. Dr. Jon Witherspoon was a great influence on Davie's life as to his patriotic endeavors.

The first service that Davie rendered to the Patriots' Cause and his first military service was before his graduation in the summer of 1776. With the full approval of Dr. Witherspoon, a party of students volunteered for service in New York and were in the army for several months.

In the autumn, upon his return to Princeton, he took his examinations and was granted a Degree of Master of Arts with first Honor.

Before he could reach South Carolina, then the home of his adopted father, Mr. Richardson had died; and Davie was thus left practically alone in the world. He had already settled upon law as his profession and soon commenced the study of it in Salisbury, North Carolina.

He was naturally suited to the profession and soon became much absorbed in his studies, but they were not to continue very long at this time. In the early winter of 1777, Charleston was threatened by the British; and he joined a detachment raised in North Carolina and put under the command of General Allen Jones. The threatened attack being abandoned, Davie was back in Salisbury in about three months and resumed his interrupted studies.

In the autumn of 1778, it was discovered that the British were planning a southern campaign. The Continental Congress called upon North Carolina to furnish 2,000 troops. Early in 1779, a troop of cavalry was raised from Salisbury; and Davie became one of the Lieutenants. He was commissioned by Governor Caswell April 5, 1779. He served under the command of General Lincoln. In a short period of time he was a captain, then later a Major.

He was wounded in the battle of Stona. He was saved from capture and possible death by an unknown soldier, who at the risk of his own life, carried Davie off the field. He was taken to a hospital in Charleston; and because his wound would not heal, he found military service would be an impossibility for a considerable period of time. Thereupon, he returned to his legal study in Salisbury, NC.

In September 1779, he received his license to practice law before the county courts. The following spring, he was admitted to practice in the superior courts.

In the spring of 1780, he returned to the cause of country; he raised a troop of cavalry and two companies of mounted infantry. He equipped these with his inheritance from his uncle's estate. He showed great daring and military skill in his engagement with the enemy. He was appointed a colonel by Governor Nash and given authority to raise a regiment. For a time, his was the only organized and armed body in the South in active opposition to the British.

In September of 1780, he and his men held Cornwallis in check at Charlotte for several hours; and though compelled in the end to withdraw, he did so in good order. He was a part of the American success at King's Mountain and caused Cornwallis to retreat into South Carolina again in November of 1780—the term for which his men's enlistment expired. They went home and left him without a command.

However, so valuable a man was not long to be absent from important service. When General Nathaniel Green took command of the Southern Army, he met Davie and offered him the Office of Commissary, from which Colonel Thomas Polk has just resigned, saying it was impossible to feed the army.

In 1781, Davie entered upon the duties of the office. Through his successful efforts, he did contribute much to the success of General Green's army. Four months later, he was made Commissary General of North Carolina. Overcoming great obstacles, he fed not only the N.C. troops, but he also fed those of the State of Virginia. Failure to procure supplies at this time would have probably meant the failure of the American Cause. Davie continued in his office until the close of the war, after which Colonel Davie resumed the practice of law.

In 1783 he met and married Miss Sarah Jones, a daughter of General Allen Jones, and made Halifax his place of residence. At this time, Halifax was one of the most important towns in the State.

William Richardson Davie was a great lawyer and orator of his day and ranked among the fine orators the American nation had produced.

In 1786 and 1787, he represented the borough of Halifax in the House of Commons. On January 6, 1787, Davie was elected a delegate to the Philadelphia Convention; and his influence was felt in drafting the Constitution. However, just before the Convention adjourned, Davie went home to attend the fall courts and consequently did not sign the Constitution. He played a bit part in getting North Carolina to ratify it.

When the General Assembly met in Fayetteville in November 1787, he, serving as a member of the House Commons, helped gain the ratification of the Constitution. Also at this session of the General Assembly, William Davie presented a bill to establish the University of North Carolina. On December 11, 1789, the act was passed. He was an earnest advocate of the education of the young and had much to do with the establishment of the Warrenton Academy and headed its board of trustees.

He was very active in the work of getting the University started: raising money, choosing the site, selecting professors, and the proper course of study. On October 12, 1793, as Grand Master of Masons of North Carolina, which position he held for seven consecutive years (1792-1799) he laid the cornerstone of the "Old East" building at Chapel Hill. In 1798, in the same capacity, he laid the cornerstone for the "South" building. In many ways, by numerous acts of service, did he show his deep interest in the young and struggling institution. Well does he serve the title given him by the Trustees as early as 1810—"The Father of the University."

In 1811, the University conferred upon him the honorary degree of L.L.D., the first in its history.

[From the Greenville (NC) Daily Reflector, Dec. 12, 1989]

UNC FOUNDER GETS BELATED RECOGNITION

Rarely is William R. Davie's name mentioned in any of the histories of higher education. But the Revolutionary War hero founded the nation's oldest state-funded university—the University of North Carolina. He's about to receive some recognition.

In the next five years, as UNC-Chapel Hill celebrates its bicentennial, Davie's efforts will be the object of considerable attention.

Although the bicentennial observance won't officially begin until October 1993, the university marked the passage of a bill

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that established its charter 200 years ago and the state's signing of the U.S. Constitution with a Bicentennial Issues Forum on Monday night at Fayetteville State University.

"Why he has never gotten more recognition, I'll never know," Blackwell P. Robinson, Davie's biographer and a retired associate professor of history at the University of North Carolina at Greensboro, said. "He's never been given the honor he should have as founder of the university."

Yet his ideas on public education were clearly ahead of their time. And the University of North Carolina at Chapel Hill, which he helped to found, preceded Thomas Jefferson's University of Virginia in Charlottesville, Va., by more than a quarter of a century.

In addition to being a champion of public education, Davie also was a Revolutionary War hero, framer of the U.S. Constitution, North Carolina governor, statesman and jurist.

Davie introduced the university's charter bill in the Legislature—which then met in Fayetteville—and guided its passage Dec. 11, 1789.

Just weeks earlier on Nov. 21, the Halifax resident was instrumental in persuading the delegates of the N.C. Constitutional Convention, also meeting in Fayetteville, to ratify the U.S. Constitution and the Bill of Rights.

University leaders and historians consider these events—the ratification of the Constitution and the chartering of the university—two of the most significant milestones in the state'e history.

CHARLESTON WELCOMES A DISTINGUISHED SON OF VIRGINIA

Mr. HOLLINGS. Mr. President, with the wisdom that comes only with ripe late middle age, James J. Kilpatrick is departing his native Virginia to take up residence in my home town of Charleston. Of course, Jack is part of a demographic trend. The experts now predict that by the year 2000 every living Republican in the United States will have moved to the State of South Carolina, where they will duly establish voting residency. I regret that I have but one political career to sacrifice for the economic vitality of my State.

Jack has claimed for 24 years now that he lives in a place called Scrabble. I can't vouch for the veracity of this claim. Judging from Jack's idyllic vignettes, the place sounds just too good to be true. Anyway, Scrabble sounds too tumble-down and Democratic. Monopoly would have been more in keeping with Jack's elite, Tory tastes.

In any case, that is all academic now. He's leaving the rustic charms of Virginia for an elegant house on Charleston's South Battery. Apparently, Jack got wind of a Southern plot to renew the siege of Fort Sumter, and he wanted to be in on the action. I must say, my friend is going to be mighty disappointed to discover that Sumter is now in possession of the U.S. Park Service, and the battery itself has largely been taken over by Yankees.

In any case, Virginia's loss is South Carolina's great gain. I have valued Jack Kilpartrick's wit and friendship for more decades that I care to recount. I relish the thought of having him as a neighbor, and I can tell him that the whole city of Charleston welcomes him with open arms.

Mr. President, James J. Kilpatrick's final dispatch from the Scrabble address is a model of a refined writing and sensibility. For those of our colleagues who did not have the pleasure of reading it, I ask that it be printed in the RECORD.

There being no objection, the article was orderd to be printed in the RECORD, as follows:

[From the Charleston (SC) Evening Post, Mar. 26, 1990]

LAST LOOK AT HIS HOME IN THE HILLS

(By James Kilpatrick)

SCRABBLE, VA.—When Marie and I bought the Corbin place 24 years ago this month, the old gentleman who owned it wept tears of parting. Now I know how he felt. My first Scrabble dateline was in November of 1966. This is my last.

Many readers were skeptical about the dateline. They figured Scrabble was something I had made up, like Camelot or Yoknapatawpha County. A lawyer for the popular word game wrote me a hoity-toity letter; he was going to sue if I didn't knock it off. I wrote back that Scrabble had been on the map for a hundred years before anyone thought of landing an "X" on a triple-word. That shut him up.

So Scrabble is real. The community is located about 13 miles west of Culpeper, nine miles east of Sperryville, 64 miles and a few light-years east of the Washington Beltway. Scrabble had its own post office until Jim Farley economized it out of existence in 1937. The little building still stands, just across the road from the Mount Lebanon Baptist Church (founded 1833). Mosby's Raiders, gray as ghosts, once cantered along the winding road that goes from Scrabble to Laurel Mills. From almost any point along the road, you get a great view of the blue Ridge Mountains.

We were talking the other evening about the best of all seasons. It was like Lancelot singing to Guinevere. You remember. He couldn't bear to leave her in spring time, nor in summer, winter or fall.

Maybe spring is best. This year spring came bounding in like a Labrador puppy. We had a week of temperatures in the 80s. Then an inch of rain fell, and overnight—just in time for St. Patrick's Day—the fields were Kelly green. A teasing breeze swirled the skirts of the willows. The peepers, tiny tree frogs, launched into their evening serenades. Suddenly we had flowers—narcissus, daffodills, tiny anemones in the rock garden—and the birds of spring returned. A pair of phoebes, yelling their heads-off, came back to nest again outside the office.

Summers also have been wonderful here. We look back to the summer that granddaughter Heather was 4, running about the backyard at dusk in search of fireflies. She would capture them in a Mason jar and release them when it got dark so they could go home to their mothers. On August nights we would sit outside under the chestnut oak, watching for shooting stars.

My own vote probably would go to autumn. The Blue Ridge is blessed not only by dark masses of pines but also by hardwoods in abundance. The dogwood and gum trees turn first, mottled as an old man's hand; then the maples go to scarlet and the poplars change to gold. Walking a country road in October is like walking through an old cathedral, with shafts of sunlight pouring through stained glass and ruined choirs. The air has the tang of hard cider. It smells of open fires.

There is even something to be said for winter in the mountains. We don't get a great deal of snow, but when it comes it transforms the countryside. The snow stays clean, unsmudged by city soot, and it piles up in scallops of whipped cream. The mountains sleep, old men with white hair, and nothing much moves but the deer and the somnolent cattle. On clear nights, through the bare and bony trees, you can see a billion stars. Maybe two billion. Only a passing plane, bound for Dulles International, provides a reminder of the world outside.

We have been like Lancelot: We never could leave it at all. So we believed when we shook hands with Mr. Corbin. At 45 the spavins and wheezes of age are not even passing thoughts. But one day there comes the sudden painful thump, the sharp imperative reminder of mortality, and the metaphorical heart says stay, but the literal mind says go.

We move this week to a house on South Battery in old Charleston, with a view from the bedrooms to the sea. It is a city of great charm and friendliness—Charlestonians call it the Holy City—and I will have a comfortable office to work in. This is not retirement. That comes a few years hence. I will be commuting constantly to Capitol Hill. Ultimately I may try my hand at teaching. Who knows?

On the Friday before St. Patrick's, I made my last drive out from Washington. I had hoped for a gorgeous spring day, with every budding tree just perfect, but the skies came up gray as gravel. I paused at a favorite spot west of Amissville, where Route 211 makes a long climbing turn. Ordinarily the whole panoply of the Blue Ridge comes into view, but that afternoon I saw the mountains through a blur of rain. Only it wasn't rain.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

CLEAN AIR ACT AMENDMENTS OF 1989

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1630, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Mitchell amendment No. 1293, in the nature of a substitute.

(2) Baucus amendment No. 1307 (to Amendment No. 1293), to grant Administrator authority to authorize limited produc-

tion of halons after the year 2000 if necessary for aviation safety purposes.

(3) Byrd further modified amendment No. 1329 (to amendment No. 1293), to provide benefits for terminated coal mine workers.

AMENDMENT NO. 1329, AS FURTHER MODIFIED, TO AMENDMENT NO. 1293

The PRESIDING OFFICER. Pursuant to the previous order, the pending question is amendment 1329, as further modified, offered by the Senator from West Virginia [Mr. Byrd]. There will be 4 hours and 45 minutes of debate on the amendment, equally divided and controlled in the usual form. The vote on or in relation to amendment number 1329 will occur at 3 p.m. today.

Who yields time?

Mr. BYRD. Mr. President, I yield 15 minutes to the very distinguished Senator from Indiana [Mr. Coats].

Mr. COATS. Mr. President, I thank the distinguished Senator from West Virginia for yielding me 15 minutes of time to speak on this bill and particularly on the amendment which is before us.

We have traveled a very long road in the effort to make amendments to the Clean Air Act. I joined the House of Representatives early in 1981 and served on the Energy and Commerce Committee for 8 years. As a member of that committee, I was part of many failed efforts to bring forward amendments to the Clean Air Act.

Those attempts failed, in my opinion, because they did not achieve what I thought to be a necessary balance between needed improvements to our environmental laws to clean up the environment, and a recognition that such improvements would have an impact on our economy potentially force many people out of work.

Those two goals, improving the environment, maintaining economic growth and providing jobs for Americans, are two very worthy goals and two goals that ought to be pursued. Achieving a balance between desired environmental improvements and continued increases in employment for all Americans is the balance that I think should shape our debate, help shape the decisions that were made in the early 1980's and mid-1980's as to where we would go with the clean air amendments. It ought to be an essential part of how we address the bill before us. Because proposals presented to us in those 8 years, 1980 to 1988, would not provide that balance, I think the legislation failed.

It was clear that in 1988, subsequent to the elections, that the dynamics had changed and that we would now move forward with clean air legislation. That is exactly what we are doing. I think most people would acknowledge that this is the time and this is the session of Congress that we will go forward with amendments to the Clean Air Act.

In this body we were presented with a work product out of the committee that I believe did not achieve this balance, did not recognize these two important goals. Most conservative cost estimates for the bill presented by the Environment and Public Works Committee reached a total of a $40- to $45-billion cost to the economy per year for each of 10 years. The Business Round Table Commission had an independent study which calculated the cost running as much as a $100 billion-a-year economic impact on the industries of this Nation. That was clearly unacceptable. It would have devastated my State of Indiana, I suggest, and the economy of the industrial Midwest and the economy of this country.

We would have faced a serious economic recession as a result of the imposition of the provisions in the proposal brought to this Senate floor. This Nation is already spending nearly $35 billion a year to cleanup the environment.

There are goals that Americans support. We have committed to cleaning the environment, both the land and the water as well as the air, and we are moving forward with that.

Adding up to $100 billion of cost to that per year would have placed American industry in a much less competitive position than they are now and it would not have improved productivity. It would have a serious economic impact, and particularly an impact on the jobs of hundreds of thousands if not millions of Americans.

Now we entered into some very tough backroom negotiations to deal with the bill that was before us. I commend all parties to those negotiations, those from the committee, the administration, those of us who were trying to press the case that we needed a balance in this. Those negotiations were long. They were arduous. They are difficult. But I think they produced a compromise that moved us toward finding that proper balance.

We were able to preserve major environmental gains in the areas of air toxics, and areas of acid rain, and areas of nonattainment. We provided the flexibilities under the mobile source requirements that are needed. We provided some safety concerns. The Byrd-Bond amendment pressed the need for technology as a way to deal with the burning of coal in this country.

We have moved what is projected as double-digit rate increases for consumers and residents in Indiana down to single-digit rate increases. Nevertheless, that is something that we ought not to accept lightly. We have gone to studies that will determine what health standards ought to be employed in the year 2000 and beyond. So we made some major strides.

Throughout all of that, throughout that period of the eighties in the House of Representatives in the Energy and Commerce Committee, and throughout the negotiations, and here on this floor, I along with others have been trying to focus attention on the economic impact and more directly on the job loss impact that this bill would impose, because there are two sides to this equation. Yes, there are health concerns that need to be addressed, but there are also economic concerns that need to be addressed.

It was not until the Senator from West Virginia offered his amendment that we are dealing with now that the attention of this body became focused on the second half of that equation, became focused on the very real potential loss of jobs that might occur under this bill.

So I commend the Senator from West Virginia for his determined effort to force Members of this body to address a question that in my opinion had not been seriously enough addressed during all the negotiations in committee and during the negotiation that brought the bill to this floor. It is the Byrd amendment which we are now dealing with that finally turned the debate to an area that had not been in my opinion adequately addressed.

We heard last week and before some remarkable debate on this Senate floor not about just the health standards that need to be imposed and the environmental gains that will be achieved through this goal, but also about the impact on individual lives, on the lives of families and communities that would be affected by this particular bill. It is only the Byrd amendment that has allowed us and focused our attention on that.

Having done that, we have understood that while the health risks exist that we all want to address, and that is why we are here with these amendments, there is also a very human risk that exists in terms of loss of jobs and loss of employment.

Senator Byrd has eloquently articulated the devastating impact that this bill might have on many families, individuals and communities in West Virginia. I can add to that in southwest Indiana where 19 counties mine coal that impact is just as real as it is in West Virginia. Those people need representation and those people need a voice standing up saying: "We too will be affected."

Yes, we are concerned about the health of our families and our communities. We are also concerned about the cost to our families and communities of the loss of jobs. Let us not make the mistake of saying this will not cost jobs. This will impact on jobs. This will have a very human impact on jobs.

It is the Byrd amendment that has forced us to face up to this very real

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question. Senator BYRD has compromised on this bill. The amendment now before us is, I think, a very reasonable compromise from what was originally proposed. It provides job retraining. It provides continuing education. It recognizes that there may be people out of work. It provides a very real safety net for those people to move them from a previous level of employment to find new employment.

In the coal fields it is not easy to go out and find a new job. Often these coal mining activities take place in remote areas of the country, take place in the rural areas of Indiana where you just do not drive a few miles and find new job opportunities. Because of geography, because of the skills that are employed by coal miners, starting a new career is not an easy task. It would be wrong for us in this body not to recognize that, and the Byrd amendment forces us to look at the very human side of the impact of this bill.

Mr. President, as I have said, we have made some major strides in terms of negotiation with this bill. We have addressed some of the concerns that I have had about finding ways to employ technology to burn coal that is an ample domestic resource in this country and use that as a source of powering our industries and powering the heavy duty concerns that produce the heavy duty materials and the durable goods that are so important to the economy of this country.

We have not made all the strides that I would have hoped. I think there is more that needs to be done. I believe that as this bill moves to the House of Representatives and then in the conference we can continue to address these concerns. Employing technology to burn coal, domestic resources of coal, is a goal that we should pursue and should be a part of this bill. It does not make sense to increase our ever-increasing dependence on foreign oil. It makes a great deal of sense to utilize existing resources that are available to us.

Finding a way to burn coal cleanly ought to be a very real part of the legislation before us. We have made some changes; we have improved that situation. I regret that we lost on the amendment yesterday to provide a tax credit for the utilization of technology to burn coal cleanly, but with the credit system in place and the 2-for-1 credits that will be available to industries that are reducing their emissions, we have taken a step in the right direction. With the extensions available for utilization of clean coal technology we have taken a step in the right direction.

I think more can be done.

In the auto area we have taken steps to apply reasonable studies to determine where we go with round two. We all know providing that last incremental improvement in air quality is very, very expensive. We are not starting at zero here. The auto industry mobile sources have made remarkable gains in the last two decades in terms of controlling emissions. In fact, hydrocarbons emissions out of mobile sources have been reduced 96 percent. It is going after that last 3 or 4 percent that is so enormously expensive. We need to do that but, yes, we also need to do it in a way that we can afford it and will not put us at a competitive disadvantage, and that it will not so negatively impact productivity that the United States will find itself with clean air but no one working. So finding that balance is important.

Mr. President, I intend to vote for this bill. I think it continues us down a very long road in terms of making our environment safer, making it safer for all Americans. As I said earlier in my statement, it is a worthy goal and a goal that we should pursue.

This bill after the compromise amendments—three of which were mine, were adopted, and now part of this bill—makes an unbalanced bill more balanced. It is not all that we can do. It is not all that anybody wants. I think both sides can say we did not get all we want. That is the nature of compromise. But I intend to vote for this because it continues a process that ought to continue.

But I very much hope that this bill will include the Byrd amendment.

Again, I commend the Senator from West Virginia for forcing all of us to look at a side of the question that had not been adequately addressed. It has taken a great deal of time. It has taken the Senate's time, but it is time well worth spent. It has produced debate that is extremely important to the future of this Nation. It has allowed us to focus on a side of the equation in terms of the human costs, the human lives in terms of lost jobs, and the impact that it has on individuals, on families, on communities, that this Senate deserves to address and address in a very real way.

I watched the anguish and the pain of friends in the recession of the early eighties, many of whom lost jobs for the very first time in their life. They had employed skills that they had learned though applied to a particular profession or particular job that could not easily be replaced. They had to go through agonizing periods of time when they had to learn new skills. It was a time of great challenge. It was a time for great distress for a lot of people. I do not want to ever see that again.

We have a duty to understand, to recognize, and try to accommodate in a reasonable way the very real loss that occurs when people lose their jobs and when laws that are mandated by Congress affect people where they live. The Byrd amendment does that. It reaches beyond coal. It provides trade adjustment assistance to steelworkers, chemical workers, and auto workers who may lose jobs as a result of this bill.

I trust that my colleagues will support the Byrd amendment as it comes for a vote in the Senate.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator for a fine presentation. I thank him for his cooperation throughout this whole effort, going back for a period of over many, many weeks and months, back to the fall of last year, in our joint effort on the part of Republicans and Democrats who come from States in the Midwest and Appalachia who represent constituencies that are going to be hurt by the passage of this bill. I thank him very much.

Mr. President, I yield now to the distinguished Senator from Illinois [Mr. DIXON] for 10 minutes.

Mr. DIXON. Mr. President, I thank the distinguished President pro tempore for yielding to me briefly to support his amendment which is designed to address a very serious, social, and economic problem that will be direct outgrowth of the passage of this clean air bill.

Before I briefly address that issue, Mr. President, may I take the liberty to express, on behalf of the people of my State who will be directly affected by this legislation, the profound appreciation of this Senator for the work that has been done by the distinguished senior Senator from West Virginia in connection with this amendment. His tenacity, his singleness of purpose, his devotion to the principle involved in this legislation, this amendment, is a great monument to his long service to his State and to his country. As his friend and admirer, I express to him my deep feeling of appreciation for the outstanding work that he has done.

Mr. President, in the course of this debate, several times I have talked about the fact that no one here knows how much this bill will ultimately cost business interests in America and no one here knows how many jobs will be lost—good jobs—to working people in America by the passage of this bill.

On a prior occasion, or perhaps on several prior occasions, Mr. President, I referred to the Hahn-Steger report that has received considerable currency in national publications. That report suggests that this bill could cost 3,760,000 jobs in America, 195,000 jobs in my State. But I think we would all agree that there is a good deal of sheer speculation in what is said in this report, such that the Senate cannot respond in a realistic way to that kind of anticipated job loss.

But every Senator here knows, without any shadow of a doubt, that thousands and thousands and thousands of soft coal miners in America, particularly those mining high-sulfur coal, which is the kind of coal mined in my State of Illinois, are going to lose their jobs almost immediately on the passage of this legislation. May I say that those coal miners know that and the supporting economic institutional groups with them know that. There is no doubt about the job loss that will occur for high sulfur coal miners by any Member of the Senate of the United States.

I think one of the best debates I have ever heard here was the debate the other night that lasted until past midnight when my friend, the great President pro tempore, the Republican leader, and others engaged in a very, very spirited discussion about the nature of this amendment—some claiming it is too narrowly defined, and the fact that there will be other job losses. I think it scared a lot of people who had not thought about it much before.

But the one given, the one given, is that coal miners who mine down in the bowels of the Earth in the most dangerous jobs known to mankind to mine soft, high-sulfur coal will lose their jobs.

My friend comes here and says, be understanding, be responsive. He says, when you are passing a bill that everybody says it is conceded will cost tens of billions of dollars, would you not give a pittance to those who will positively, as a known fact, lose their jobs as a consequence of what we do here? What we do as Senators in the casting of our votes next Tuesday night at 8 o'clock determines that job loss.

My friend from West Virginia only asks that, in the compassion of each of us, we respond to the needs of those stricken from gainful employment by what we do here. How could that be regarded by anyone as an unfair thing to request of our colleagues? Those of us who have stood here many times and cast our votes to address national concerns, with reference to hurricanes and earthquakes and all kinds of things that have occurred, are asking now that our own colleagues act not to respond to an act of God but act to respond to their own act. How could one question that?

Nine States, including the State of my colleague from West Virginia and this Senator's State, nine in the country are asked to respond with over 90 percent of the costs of this acid rain problem that is still somewhat debatable. My friend from Ohio, Senator GLENN, so eloquently showed that the other day. And if we are to respond, I ask you to have the compassion to understand that people will suffer for that.

I do not know whether my friend will carry the day with his amendment. I know no one could have worked so assiduously for so long a time as my friend from West Virginia. What a man he is and what a fight he has fought. Sometime today we will know whether he has won the day. But whether he has won the day or not, what he has done here stands, I think, as a continuing tribute to the thoughtfulness of those Senators who acknowledge when we embark upon a course in this Congress, we ought to be compelled to do the responsible and decent thing once the consequences of that course are known to us.

Mr. President, I say to my colleagues, come here to this table and do for those who will be hurt and who will suffer as a consequence of our passage of this bill next Tuesday, do for them today what we would do if called upon in other circumstances. This is, in my view, the most important vote that will be cast on this bill to determine the course of this legislation.

Whether I will vote for the bill in the end, I do not know. I may, in the hope that the House, where some of our States are more represented, can moderate some of the things that are being done here. That is my hope, frankly.

But I ask my colleagues to give us a chance to consider voting for this bill by the adoption of this amendment.

I thank, again, my colleague, the distinguished senior Senator from West Virginia. I thank my colleagues who may have listened to these remarks and who may consider them in deciding how they will vote.

I think the vote is close. I ask those who are still agonizing over what they will do on this amendment to thoughtfully and prayerfully consider one more time doing the right thing to support the consequences of what happens in the passage of this bill.

I thank my friend from West Virginia and I yield the floor.

Mr. BYRD. Mr. President, I thank my friend from Illinois for his caring speech.

Caesar, at the Battle of Pharsala, approached a centurion. He said, "What will our fortunes be today?" The centurion answered, "You will be victorious. As for me, whether I live or die, when the day is done I shall have deserved the praise of Caesar."

Whatever the outcome here, the Senator from Illinois shall have deserved the praise of this people. And I thank him for an excellent statement.

Mr. President, I ask unanimous consent—this consent has been cleared—that whatever time was consumed prior to resuming consideration of the Byrd amendment, be charged to the opponents.

The PRESIDING OFFICER. Is there objection?

Mr. DURENBERGER. Mr. President, reserving the right to object, let me say, having been present here at the point of that particular discussion and recognizing the nature of that discussion, there is no objection on our side to the 15 minutes being charged to the opponents.

Mr. BYRD. May I say I was authorized by the distinguished majority leader to make the request.

The PRESIDING OFFICER. Without objection, that is the order.

Mr. BYRD. I thank the Chair.

Mr. President, I yield to the distinguished Senator from Ohio [Mr. METZENBAUM] 10 minutes.

Mr. METZENBAUM. I thank the Senator from West Virginia. I join my colleague from Illinois in commending him for his leadership on this issue. He has worked, zealously, vigorously, day in and day out in an effort to adopt this amendment. I am hopeful it will be agreed to. It should be agreed to. It is the only right thing to do.

It disturbs me much that we have to pass it, or try to pass it—and it will pass or fail on the basis of one vote or two votes, when I would have hoped that the administration and the managers of the bill would have recognized the validity, the correctness of this piece of legislation.

Frankly, I wish we did not have to have such a measure before us. I have many coal miners in my own State. My coal miners are not anxious for this amendment to be adopted, but they want it and they need it even though they are not anxious to have it. They would rather work. They are not looking for compensation in lieu of work. They go into those mines every day. They are difficult, dirty jobs, but they do them because they love their families and because that is the only source of employment they have, in many of these areas.

I wish we were not about to rob thousands of coal miners of this country of their jobs. But that is what we are doing with the acid rain title of this legislation. The EPA's own figures, and I believe they are low, put the coal mining job loss at somewhere between 3,000 and 5,000 by 1995, and by the year 2000 EPA estimates that 35 percent of all high-sulfur coal jobs will be gone because of this legislation.

Unfortunately, most of these job losses will occur in my own State, and in West Virginia, and in Pennsylvania, the States where high-sulfur coal is mined. Ohio has an abundance of high-sulfur coal. There is enough energy in that high-sulfur coal to keep this country going for 200 years. That is the reality, that is nature's handiwork, that it happens to be high sulfur.

But I am not going to argue that we should not clean it up. We should. But I also think we should not forget how Ohio coal fueled the industrial growth of this Nation. It fueled the furnaces that made the steel that went into our

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cars and our bridges, and, yes; helped us win World War I and World War II.

Yet the clean air bill before us forgets all of that. "We do not need to worry about that steel, we do not need to worry about that coal. We are doing great out in the West here and everything is going fine." The miners of this country, the miners of my State, are happy that this Nation is doing well. But they love their families every bit as much as any other working person in this country loves his or her family. And this bill does harm to them. It means they are going to be out of work.

This amendment, of which I am a cosponsor, is not going to solve their problem. No, it is going to try to ameliorate it a little bit.

Make no mistake about it, every mine that closes and every direct mining job that is lost has an impact upon the entire community. I can say to my colleagues without fear of contradiction that when this legislation that is before us, the clean air bill, has its full impact, we will not only lose the jobs of the miners who will be put out of work, but two nonmining jobs will go down the drain each time one mining job is lost.

The fact is that small communities and towns in southeastern Ohio will be absolutely devastated. They do not have six different industries in those communities. They have one industry; it is the mining industry. There is no hope that somebody else is going to come there and build a new plant. So what we are doing is we are wrecking the entire community.

It is sad to say this amendment will not save those communities. No, this amendment is only temporary help. It is a compassionate way, a kind way, to say that we in the Congress want to provide some transitional assistance, recognizing what we are doing to you who work in the mines.

These coal miners would much rather keep their jobs than receive this compensation. They are not parading out here with signs saying "give us compensation instead of our jobs." No. They want their jobs. No one is jumping for joy because of this amendment. But it is a way of our saying this body has compassion.

I stood on the floor of the Senate when we passed a $1.3 billion bill on hurricane aid without a hearing, and I did not fight about it and neither did any other Member of the Senate. It went through, boom, no hearings, because we knew it was the right thing to do; $1.3 billion.

And when the earthquake caused great harm out in San Francisco we did not take a lot of time to figure out what to do. We had compassion in our hearts. I believe we sent out something in the area of $2 billion or $4 billion or $6 billion. I do not remember the exact number, but suffice it to say far more by many times what this bill will cost.

I do not take great pleasure in supporting the Byrd amendment. Rather, I support it because it is the only decent thing to do. We tried very hard to soften the blow of the acid rain title in other ways. We tried to save coal mining jobs.

The managers of the bill and the administration stood resolute and they said, "No, we are not going to help."

Yes, there was a little movement. It helped some. Senator BYRD and Senator BOND were able to make some effort, and it was partially successful. But the fact is it did not solve the problem.

When Senator SPECTER and I yesterday tried to pass a tax credit proposal that would help utilities that have installed scrubbers—it would have helped preserve current coal markets, it would have saved coal jobs—we did not do well. We knew we were not going to do well. We had only 26 votes. When we have the administration and the managers of the bill against us, it is pretty hard to prevail, but we knew we had to make the fight.

The tax credit proposal developed when our efforts to promote traditional cost sharing fell flat. We in the Midwest met for months trying to work on something to help coal miners and ratepayers in our region. We kept hearing that we could not get cost sharing through because it was a tax.

That is unadulterated bull.

Under the leadership of Senators BYRD and BOND we did manage, as I said, to come up with a modest compromise, which was accepted, involving bonus allowances for installing technology.

But that only chipped away at the problem. The Midwest is still going to take it on the chin because of the acid rain provisions of this bill. Coal miners are still going to lose their jobs. Electricity rates are still going to go up.

The arguments against this amendment do not make sense. I have heard it is too expensive but, at most, the coal mine workers protection provision has between $300 million and $500 million. How does that compare with $1,300,000,000 that we sent down to South Carolina, Puerto Rico, and the islands to help with respect to the havoc that had been wreaked by the hurricane?

I have heard it is unfair to workers outside the coal industry, but Senator BYRD's modification now provides some modest relief to non-coal-mine workers who lose their jobs because of this legislation.

I also heard opponents say losing one's job is the risk one faces in a free market economy. Is that not a great statement? Is that not a great argument to make against this bill?

In response, I would like to say the coal miners we are talking about are not going to lose their jobs because of the workings of the market; they are going to lose their jobs because of Government action we are about to take. We will cause the loss of the jobs. We are passing legislation that will put them out of work.

There is ample precedent for such assistance that we propose. We did it for Conrail workers; we did it for Amtrak workers. And when we expanded the Redwood National Park in California, we helped out timber workers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. METZENBAUM. Mr. President, I ask unanimous consent for 2 additional minutes.

Mr. BYRD. Mr. President, I yield 2 additional minutes to the Senator.

Mr. METZENBAUM. I thank the Senator from West Virginia.

Mr. President, let us do the right thing again today. Let us vote for the Byrd amendment and provide assistance to coal miners.

There are many who probably at this moment are inclined to vote no; no because the administration does not want it; no because the managers of the bill do not want it; some tell me it might be a deal breaker. I am not really concerned about deal breakers or deal makers. I am concerned about the miners; the miners will lost their jobs.

So I say to them—not nearly as passionately or eloquently as my colleagues from Illinois said it just a few minutes ago—I say to my colleagues, think about these men. These are people just like the people you represent. They are only asking for some consideration when we in the Senate, we in the Congress, put them out of work. These are decent, fine Americans wanting to perform a full day's work for a decent wage. They are doing that now. They are risking their lives. We are going to put them out of their jobs. Let us not risk their economic future. At least let us give them some transitional funds.

I implore those who are inclined at the moment to vote no, those who are committed to vote no, to reassess the situation and think about what is the compassionate, what is the human, what is the right thing to do. Think about how we helped those who were hurt by the hurricane; think about how we helped those who were hurt by the earthquake; and think about the miners who will be hurt by this legislation.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Ohio for his very fine statement, which is an appeal for justice and which is made out of the earnestness of his heart, because his people are going to be hurt by the passage of this legislation. I thank him.

Mr. METZENBAUM. I thank the Senator.

Mr. BYRD. Mr. President, I hope the other side will furnish some speakers. While we are waiting to see if someone on the other side wants to speak—I have some speakers. I had anticipated that the other side would furnish some speakers. Consequently, I left a few windows in my own chart.

While waiting, I have a letter in my hand which is addressed to all Senators by the department of legislation, the AFL-CIO organizations, signed by the director of the department of legislation, Mr. Robert M. McGlotten, expressing the support of the AFL-CIO. I shall read it:

> The AFL-CIO supports the goal of improving air quality for all Americans. We believe that these goals can and must be met with minimum job loss and dislocation.
>
> That is why the AFL-CIO urges support for the amendment to S. 1630 that will be offered by Senator Robert C. Byrd. Senator Byrd's revised amendment of 3 years of declining percentage benefits for coal miners coupled with the equivalent of 1 year of trade adjustment assistance for non-coal miners is a modest and fair response to the documented dislocations that will spring from the achievement of the acid rain goals of S. 1630.
>
> Permanent unemployment for tens of thousands of workers should not be the inevitable result of Federal efforts to improve air quality. To the extent that such drastic, extensive, and pervasive job loss flows from the congressional clean air mandate, there should be an accompanying cushion of relief for those workers paying an economic price for these goals.* * *
>
> In conclusion, the AFL-CIO urges your support for the Byrd amendment to S. 1630 as a just and important element of the clean air legislation.

Mr. President, I ask unanimous consent that the entire letter and an enclosure which accompanied it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, AS FOLLOWS:

AFL-CIO,
Washington, DC, March 28, 1990.

DEAR SENATOR: The AFL-CIO supports the goal of improving air quality for all Americans. We believe that these goals can and must be met with minimum job loss and dislocation (please see attached Executive Council statement dated August 8, 1989).

That is why the AFL-CIO urges support for the amendment to S. 1630 that will be offered by Senator Robert C. Byrd (D-W.VA). Senator Byrd's revised amendment of three years of declining percentage benefits for coal miners coupled with the equivalent of one year of trade adjustment assistance for non-coal miners is a modest and fair response to the document dislocations that will spring from the achievement of the Acid Rain goals of S. 1630.

Permanent unemployment for tens of thousands of workers should not be the inevitable result of federal efforts to improve air quality. To the extent that such drastic, extensive, and pervasive job loss flows from the Congressional Clean Air mandate, there should be an accompanying cushion of relief for those workers paying the economic price for these goals.

During the course of building the hearing record on the Clean Air Act the Environmental Protection Agency testified that significant unemployment would occur in high sulfur coal areas of northern Appalachia and the midwest. The E.P.A. estimated Acid Rain emission controls would cost 14,000 to 16,000 coal mine jobs by the year 2000. The United Mine Workers estimated that their direct job losses will exceed 20,000, and that related industries will suffer additional job losses two or three times that number.

In conclusion the AFL-CIO urges your support for the Byrd Amendment to S. 1630 as a just and important element of the Clean Air legislation.

Sincerely,
ROBERT M. MCGLOTTEN,
Director,
Department of Legislation.

STATEMENT BY THE AFL-CIO EXECUTIVE COUNCIL ON THE CLEAN AIR ACT, AUGUST 8, 1989, CHICAGO, IL

The Clean Air Act of 1970 set ambitious goals for improving the nation's air quality and protecting citizens against hazardous pollutants. Cleaner air is in the nation's best interest, and the attainment of this goal is an objective the AFL-CIO strongly supports.

While the Clean Air Act has significantly improved air quality in the United States, its goals have yet to be fully realized. Numerous metropolitan areas remain in noncompliance with the national ambient air quality standards for ozone, carbon monoxide and fine particulates. Acid rain threatens forests, streams and lakes in some parts of the country, and toxic emissions from smokestacks pose substantial health risks.

Strong and effective measures are needed to mitigate these threats to the health of Americans and to preserve and enhance the quality of life on our planet. With a realistic timetable and a proper regard for economic growth, the goals of the Clean Air Act can, and must, be met without significant job loss or dislocation.

Recently, the Administration and Congress began the process of rewriting and reforming the Clean Air Act. We believe this overhaul should include passage of amendments that will improve attainment with national ambient air quality standards, limit acid rain emissions, strictly control the release of toxic substances into the air, and prevent major catastrophic chemical accidents.

The AFL-CIO will cooperate with congressional leaders in the development of legislation that will significantly improve the environment for workers, families and communities, while fully recognizing the need to enhancew the vitality of, and maintain employment opportunities in, America's construction, industrial and mining base.

Mr. BYRD. Mr. President, we have heard talk of tests of leadership. This amendment is not a test of anyone's leadership.

I have noted some of the news stories that have surfaced within the last little while. That charge is simply facetious. It is a spurious charge. It has no basis. It has no life. The only thing that this amendment tests is not anyone's leadership, but the economic survivability of 5,000 American coal miners and their families and communities. That is the test.

Only in Washington, DC, could the claim that somebody's leadership is being tested become significant when weighed against the human cost of 5,000 jobs.

In my view, that claim trivializes what is really at issue. The issue is simply that this Senate is consciously, and with full knowledge aforethought, making decisions that will eliminate, we are told by EPA, the jobs of from 3,000 to 5,000 coal miners. That is just in the first phase. That is all we are talking about in this amendment. This amendment goes to the first phase. We have not even touched the second phase, which will mean a total, cumulative cost in jobs to coal miners, based on EPA estimates, of 14,000 to 16,000 jobs caused by this legislation.

Let us not forget that. We are only talking about the first phase. The question is then, do we need to do something to try to cushion the blow, or do we simply turn our face aside and turn a blind eye to the consequences of our actions—not an act of God but an act of man.

Consequences ought to be considered in this body. We rush to try to ameliorate the consequences of earthquakes, of storms, of floods, of famine, drought, all of those God-made acts. They are acts of God. We immediately rush to aid the victims of an act of God. Then, why do we not likewise feel compelled to address the consequences of our own acts, the actions of this Senate, the acts of men and women here? The decisions made by this body and by the other body and by the executive branch that impact upon our fellow citizens can likewise produce suffering and pain and hardship and loss, just as can the acts of God.

So when members of the legislative branch know from the beginning that, as in this case, our action will cause severe hardships on an identifiable group of men and women and children. I submit that we, as legislators, have a responsibility to try to alleviate the pain and suffering of our own acts, the acts of men upon other men and women.

Mr. President, I understand that my distinguished friend from North Carolina [Mr. SANFORD] wishes 10 minutes. I am privileged to yield 10 minutes to my friend, the former Governor of North Carolina, a fine Senator, and a man who has a heart. I am delighted to yield to him.

The PRESIDING OFFICER (Mr. ROBB). The Senator from North Carolina is recognized for 10 minutes.

Mr. SANFORD. Mr. President, I am pleased to come to the floor to support Senator BYRD in his determination to see that the coal miners of this country, who will be so immediately put at

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disadvantage by the passage of this very fine legislation, do not suffer unnecessarily beyond our capacity to help lessen that suffering.

Mr. BYRD. Mr. President, may we have order in the Senate? I would like for everyone to hear this distinguished Senator, who is a cosponsor of the legislation even though he does not have coal mining in his State, or, if he does, not very much.

Mr. SANFORD. If we do have, I do not know where it is. I suppose that I have always felt that North Carolina was blessed in many ways, and it turns out that maybe is a blessing we do not have coal mining because I remember when I was Governor and we were looking at some of the basic problems of America. One of those problems was the Appalachian region—what could we do about it? The young, new, vigorous President seeking out the new frontiers, John Kennedy, was in office. We were determined to do those things that needed to be done across America to build a stronger nation.

The Appalachian region had suffered for years and years. It was a distressed area from the top to the bottom, ranging from Pennsylvania all the way down to Alabama. The great difference between the Appalachian region in North Carolina and the Appalachian region in West Virginia and Kentucky was that we had never had a coal mining industry that could collapse and change the entire economy around it. We needed roads, we needed to open up our part of the mountains, and it seemed to me then, as it does now, that the people living in West Virginia, western North Carolina, eastern Tennessee, eastern Kentucky, up and down this mountain range, that was the first barrier as the new settlers in America moved westward, the people that had settled those mountains were the pioneer stock of the original settlers of America. They were rough and rugged and independent and willing to work hard and moved on to new territories. And then, all of a sudden, they became the people who were not doing well, who did not have much of a chance, who had not developed their own economies and their own regions and parts of their States as others had. And so what was the reason?

The reasons were multiple, of course. For one thing, we had them cut off from the rest of the world. It was so expensive to build roads in the mountains that most States, certainly North Carolina, had neglected to open up the mountains of our region, and so we attempted to work there with representatives from the Governor's office of all the Appalachian States and with the Kennedy administration and then later with the Johnson administration to find ways to give those people an opportunity to do something for themselves. We had programs that gave them possibilities to build health care centers. We found money for industrial education. We built roads and a road network that would let the trucking industry move in and out and therefore support industries. But we never did do very much for the collapsed economies of western Kentucky and West Virginia because the coal mining industry was such that it was very, very difficult to revive. I learned then, as I worked with the then Governor of West Virginia, how difficult the lives of West Virginia coal miners had always been, difficult in terms of the daily toll, the danger involved, difficult in terms of the hope that they might have in life. Where would they expect their children to go to, to come out better than they had come out? What was the future for these people in the coal mines of West Virginia, Kentucky, and the other areas? It was very, very bleak.

My sympathies went out to them then and continue to go out to them now. One of the reasons it has been so difficult to get clean air confronted as a piece of needed legislation has been that this great body of American workers would be so immediately disadvantaged. They do not quite have even the security of workers in manufacturing plants. They are going to have to do something to conform, spend money to conform to this new legislation, or going to perhaps to have to lay off people, and perhaps here and there maybe a plant that cannot be properly renovated will have to be closed.

So there will be a lot of suffering economically, a lot of belt tightening, if we are going to do what has to be done to preserve the environment, preserve the quality of the air, and keep the globe livable.

So we have to pay a price. I suppose we do not mind paying that price but we should not put an unfair share of that burden on one segment of the economy. We have now a place, and reiterated in this legislation, for the proper retraining and relocation of anyone losing a job because of the clean air legislation. We have more specific and direct benefits for the coal miners because there is not any hope that we are going to clean up their situation. There is not any hope that we are going to be able to mine and use this coal, make it an economic and viable part of the communities, and a means of livelihood for these people.

I do not think there is any question that they are entitled to our special concern, our special considerations, and our special provision for them in this period of readjustment.

We will lose jobs in North Carolina. We expect to take care of those situations by bringing in new industry. We expect to have a natural advantage because of the diversity of our economic base and our industry in North Carolina. But in the Virginia-West Virginia coal mine region you do not have that diversity. There is not a possibility of going across town in very many instances. The challenge of rebuilding and expanding the West Virginia economy in those areas is very, very doubtful—just the chance of doing it.

So how do we help them in a period of readjustment beyond the regular programs that we have and programs that will be available to other workers in other industries? How do we help them. They need some special immediate help unlike any other industry as I view it.

So Senator BYRD's approach is, I think, well justified. Surely it is going to cost money. But we knew that it was going to cost money to readjust if we were going to pay the price.

One reason we have not done this sooner is we worried too much about the cost. But if we are going to have a clean environment and a safe globe, we have to pay some costs.

This is it. We knew it was going to cost. Part of this cost ought to be borne by the taxpayers generally when it impacts so heavily on one particular segment.

So I have been convinced, Mr. President, that this is a totally justifiable cost of the transaction from a nation that did not care very much about protecting the environment and clean air to a nation that now has become far more determined to do what is necessary, and to pay what price they must in order to clean up the air.

Part of that price is making certain that we do not once again thrust the heavy burden on people who have always had to carry too heavy a burden in life, compared to most of the rest of us.

So, Mr. President, I hope we can follow the leadership of the distinguished Senator from West Virginia, and that we can indeed see this problem as a problem for all of us, a burden for all of us, a great tragedy for a great many of our fellow citizens if we do not help them pick up their share of the burden.

Mr. President, I thank you. I thank the distinguished chairman from West Virginia.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield myself such time as I may consume. I thank the distinguished Senator who has demonstrated a real compassion for people. That is what we are talking about here.

His heart is as stout as the Irish oak and as pure as the lakes of Killarney.

We are both from North Carolina originally. I have always felt very close to the Senator. And I, and the people of the Midwest and Appalachia, who are involved here will likewise feel very grateful to the Senator for his support.

Mr. President, I yield now to the distinguished Senator from Kentucky, which is a neighboring State to West Virginia, and produces a great deal of coal. Kentucky is No. 2, as of last year, in coal production. West Virginia is number three. Wyoming is No. 1.

I thank the able Senator from Kentucky, and yield him 10 minutes.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. FORD. I thank the Chair. I thank my good friend from West Virginia, the chairman of the Appropriations Committee and President pro tempore of the Senate.

Mr. President, this is going to be an unusual day. It is going to be unusual if we turn down the so-called Byrd amendment. It will be the usual day if we pass it. The reason I say that is we have precedents all over our record where this Senate has been compassionate with those who by reason of Federal legislation lost their jobs.

So, Mr. President, fairness and balance has been the recurring theme in this debate. At times there has been an element of kick them while they are down in the remarks on the floor. Some have asserted with vigor that western U.S. coal has suffered under the 1977 Clean Air Act. My Kentucky miners would suffer like the western coal miners under the 1977 act.

Wyoming has now surpassed Kentucky and West Virginia as the leading coal-producing State. That has not seemed to me to hurt Wyoming much. Wyoming coal has been test burned and will be used by some of our Kentucky utilities. There will be no jobs lost in Western States as a result of 1630. There certainly will be in Kentucky.

As the distinguished Presiding Officer who has been Governor understands what Governors do every once in a while, and how they work, my State paid for the transportation and cost of western coal, primarily Wyoming coal, to bring it to Kentucky to be test burned in the "H" Process, the method of turning coal into oil. We tried to be fair with all of the country, but as soon as the Reagan administration came in, they canceled all of those projects and took the money and spent it. Now we find ourselves trying to grab ahold of something to keep from going down the drain. Fifty-four percent of the oil we use in this country every day comes from offshore. In 1973, I believe, when we had the embargo, we only used 28 percent of foreign oil. We find ourselves getting into more trouble all the time.

Mr. President, Kentucky has two coal regions. Western Kentucky, with basic high-sulfur coal and eastern Kentucky with the low-sulfur coal. Under the bill before us, coal mining employment in western Kentucky could be, and I feel it will be, cut in half. Coal mining jobs are vital to west Kentucky's economy.

The Congressional Research Service investigated the importance of coal in five counties of west Kentucky that account for 90 percent of the coal produced and found in that area. Here are the results: The mining industry employs more than any other, accounting for one of every four jobs. Twenty-five percent of the jobs in the western Kentucky area go to the coal fields. Mining jobs account for over 40 percent of the personal income in those counties. The second and third largest categories are service and government—mostly school teachers—which are very dependent on the coal industry.

Together, Mr. President, these three largest employment categories account for 67 percent of the area's personal income. The Congressional Research Service report concluded:

> Indeed, it is unclear whether the communities within these counties would exist without coal. And hence in discussing mining jobs, one is discussing more than individual jobs. Rather, one is talking about the economic viability of selected communities.

Mr. President, a study by Arthur H. Little estimated the likely response of unemployed workers in western Kentucky. Only 8 percent would find new jobs in the area, 40 percent would be unemployed for an extended time or drop out of the work force, and 11 percent would move out of State.

Mr. President, eastern Kentucky coal markets will also be significantly disrupted. As an indicator, eastern Kentucky coal averaged below the 1.2-pound-per-million Btu's generated at only 3 of its top 20 market plants. The market for the coal at the other plants could be lost, and probably will be, regardless of how utilities reduce their emissions. If these utilities switch to lower sulfur coal, the market would be lost. If these utilities install flue gas desulfurization, the markets would likely be lost as the utilities switched to lower-priced coal. Overall, less than one-fourth of the eastern Kentucky coal currently delivered to utilities meets the 1.2-pounds-per-million Btu emission rate. In other words, the current market for 3 out of every 4 tons could be lost.

The ICF study projects that increased production of low-sulfur coal would offset the losses, the medium sulfur coal and result in net production and employment gains in eastern Kentucky. This would occur, Mr. President, through significant disruption of current markets and employment. Further, there are several reasons that ICF's projections may not occur.

Western U.S. coal may capture a large share of the market for low sulfur coal. Western U.S. coal is already capturing an increasing share of the eastern utility market. Western U.S. coal was selected as the fuel source for a plant in Indiana that can be seen from my back door in my hometown. Many Eastern utilities have successfully tested Western U.S. coal; Western U.S. coal is significantly lower in sulfur, even when its lower Btu content is considered.

Due to the tonnage cap provisions of the President's acid rain bill, many utility units will have to achieve an emission rate of less than 1.2-pounds-per-million Btu's generated. Very little eastern Kentucky coal can meet emission rates below the 1.2 standard. For example, only 4 percent of eastern Kentucky's current utility deliveries meet a 1.0-pounds-per-million Btu limit. By comparison, Mr. President, I want you to think about this. When the distinguished Senator from Wyoming stood up and said his State was raped by the 1977 clean air bill, the coal in Wyoming, 74 percent of Wyoming's utility deliveries meet the limit.

Think about it now. Imported coal. Let us talk about deficit and balance of trade. Imported coal will also be competing for low-sulfur markets. The coal industries in countries in which production costs are relatively low by Government investment, low taxes, and low labor costs may be expected to gain an increased share, and they are on our shore now, because we funded the plant in Colombia for Exxon. Overall demand for coal can be expected to decline due to increased costs of coal-fired electricity. Thus, eastern Kentucky may pay a large slice of a smaller pie.

Mr. President, the Byrd amendment seeks to cushion the shock of inevitable job loss. It seeks to give my people a chance to survive, just as the Congress did in the Urban Mass Transit Transportation Act of 1964, the 1970 Amtrak legislation, and Conrail legislation in 1973.

Mr. President, regarding the Redwood National Park Expansion Act of 1978, let me read just a section of the report on that, if I may:

> In comparison with the benefits that would be provided, terminated mine workers under the Byrd-Bond amendment to the Clean Air Act Amendments of 1989, the benefits provided to affected timber workers under title II of the Redwood National Park Expansion Act of 1978 were, in general, more generous than what we are doing for the miners.

Mr. President, 28 Senators that are now in the U.S. Senate voted for that generous help for the Redwood people and the lumbermen in that area.

So, Mr. President, I hope that the 28 current Members of the Senate who voted for that bill, the final passage of the Redwood bill, show the same con-

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sideration and same compassion for the coal miners, and that they will support the Byrd amendment. We are not asking for anything more than what is fair, a procedure that will help these people.

As I said earlier, Mr. President, all you have to do is walk to the center of town in Harlan, KY, and look at that white marble with almost 1,400 names on it of men and women who have lost their lives in the coal mines.

Very few in here outside of the two of us—maybe others—have gone 3 to 5 miles underground with a coal miner.

Let us look at the Harlan Boys Choir that sang for the inauguration last year. When I was Governor I helped a younger group of them go to Geneva, and they won in international competition. The President and Mrs. Bush thought so much of them they asked them to sing at the inauguration.

At Harlan, KY, the person who conducts the boys choir also sings and coaches the basketball team.

Do you think they want us to give a handout? No. The would like to have a job.

Let us prepare them, Mr. President, so that in the next 3 years they can have something to sustain them with an opportunity to be retrained for a new job.

I thank the Chair and yield the floor.

The **PRESIDING OFFICER**. The Senator's time has expired.

Who yields time?

Mr. **BYRD**. How much time do I have remaining?

The **PRESIDING OFFICER**. The Senator has 75 minutes and 16 seconds under has control.

Mr. **BYRD**. How much time does the opposition have?

The **PRESIDING OFFICER**. 135 minutes.

Mr. **BYRD**. Does the opposition have a speaker?

We have done very well on our side of the question. We have some other speakers, but I had anticipated there would be windows which would be taken by the opposition. So my other speakers are not here. I have no problem filling in. I can talk all the rest of the time, but I do not want to do that.

The **PRESIDING OFFICER**. The Chair recognizes the Senator from Montana [Mr. BAUCUS].

Mr. **BAUCUS**. Mr. President, there are Senators who indicated to me they would like to speak. They are not here now. I can get the word to them to come to the floor to speak. In the meantime, if the chairman of the Appropriations Committee would like to speak a little bit longer, I will try to get them here.

Mr. **BYRD**. My problem is I may speak a little bit longer and then all my time runs out and the opposition has the time.

Mr. **BAUCUS**. I will get them here very quickly.

The **PRESIDING OFFICER**. The Chair recognizes the President pro tempore, the Senator from West Virginia [Mr. BYRD].

Mr. **BYRD**. Mr. President, I hope speakers will come to the floor. I yield myself such time as I may require.

The list of cosponsors of the original amendment which would have cost $1.3 billion were the following: Senators ROCKEFELLER, FORD, MCCONNELL, GLENN, METZENBAUM, SIMON, DIXON, COATS, BOND, BURDICK, DANFORTH, SPECTER, SANFORD, KENNEDY, HEFLIN, and SHELBY. The two modifications that were submitted subsequently to that first offering, brought the total price tag down. I do not want the impression to be that this is only a Byrd amendment or that only West Virginia is affected here. Several other States are involved in which coal miners are going to be hurt by this legislation.

I thank my friend from Kentucky, Senator FORD, who has been a leader in this body for his State and other Midwestern and Appalachian States. He does an excellent job in representing his people, and in this instance, the people of other States as well.

His remarks are telling. They are incisive. They are thought-provoking and they are factual. So I am very appreciative.

Mr. President, seeing no one else at the moment ready to speak, let me address my comments for a moment to a newspaper story which I saw earlier today and which quoted someone in the administration as saying that this amendment was not good environmental policy. I do not know whether the quote is accurate or not. The quote appears in the newspaper as follows:

> Environmental Protection Agency head William Reilly told USA Today's editorial board Wednesday that Byrd's proposal was "bad public policy, bad environmental policy," citing additional expenses.

Mr. President, let me debunk, let me attempt at least to debunk this idea that my amendment is bad public policy or bad environmental policy.

Mr. President, that is a statement that ought to be put aside almost preemptorily but I will not do so. My amendment is not bad environmental policy. This is not an environmental amendment. It does nothing about the environment. It is not a clean air amendment. How can it be bad environmental policy?

So one can dismiss that charge out of hand.

The other portion of the statement by Mr. Reilly that the amendment is bad public policy. Mr. President, is it bad public policy in this country to help people who are going to get hurt as a result of our actions on this legislation? The objective of the legislation is good. We are all for clean air. But this is not a clean air amendment.

Is it bad public policy to try to help people? I tell you what is bad public policy. It is bad public policy to hurt people and to disregard the suffering that is going to be caused by legislation which targets a group of people and which will unceremoniously dump them out of their jobs. That is bad public policy—not to respond to the needs of people. The reason why we have government is to help people, not hurt them. Tiberius Sempronius Gracchus was the son of Cornelia. Cornelia was a very proud Roman matron, the daughter of Publius Cornelius Scipio Africanus, the elder. Cornelia had 12 sons and daughters. She lost all but three of her children—two sons and one daughter. The two sons were named Tiberius Sempronius Gracchus and Gaius Sempronius Gracchus.

A neighbor came by one day to visit Cornelia, and the neighbor proudly showed to Cornelia her jewels and then haughtily turned to this great Roman woman, the mother of the Gracchi, and said, "Have you any jewels?" To which Cornelia replied, pointing to her two remaining sons, "These are my jewels."

Tiberius Gracchus was a tribune. A tribune was one of those 10 individuals who were elected to represent the plebians' interests, the common people to protect them against the patricians.

Tiberius stood up for the poor, and he said:

> The wild beasts of Italy have their caves to retire to but the brave men who spill their blood in her cause, who die to advance the wealth and luxury of the great, they are without houses, and they wander from place to place with their wives and children.

These are the coal miners. The wild beasts of the Appalachian mountains have their caves to retire to, but what is going to happen to the coal miners who will wander from place to place with their wives and children looking for work? Illinois, Pennsylvania, and other States are going to suffer greater losses than West Virginia.

When the coal miner sits down at night, his body knows the pain of the day's work. He knows the sweat, the toil, the back-breaking drudgery that went into the earning of that dollar. Money is a kind of blood. And the miner knows what he has had to give amid the black dust and in the dark subterranean cavities of the Earth to produce that dollar. For him, it is a heavy dollar.

When we spend that miner's dollar we lift the weight of that dollar. But here in this great city, where, by the skid of a pen or a lucky rise in the exchange rates, the dollar is light, we think little of how the worker has to toil for his hard-earned dollar.

Those miners will not be denied. They are not going to be put aside. They are not asking for welfare. Nobody asked for this amendment.

Rich Trumka did not ask me for this amendment. The United Mine Workers of America did not ask me for this amendment. No labor organization asked me to offer this amendment. Nobody in West Virginia asked me to offer this amendment. I have nothing politically to gain by pushing this amendment.

Anyone who looks at the polls in West Virginia and sees my standing among the coal miners knows that I do not have to offer this amendment to gain their support. It is of no political benefit to me at all. This amendment was generated down in my office by my staff and myself, and we ran it by the other Senators from the coal-producing States before I brought it to the floor.

But those miners in the Midwest and Appalachia are what we Senators are thinking about, and their families, and their communities. And they will not be denied. They may be denied their jobs, but we cannot get rid of those people. They will not be denied.

We may think, if we reject this amendment, it will be a net gain to the taxpayers. If this amendment is denied, the taxpayers are still going to pay. They will pay in welfare, in food stamps. So there is no getting away from the problem or the cost. There is no net gain to the Government by denying these people who do not want welfare who do not want food stamps, who want to earn their bread by the sweat of their brow for their families. Look into the sad eyes of a hungry miner's child. There will not be any net gain for the taxpayers if this amendment is defeated.

There is going to be another cost, and that is the demoralizing, degrading, demeaning feeling of poverty—helpless poverty—the human cost. The miner wants to work to earn his crust of bread, and we are going to remove his job.

Poverty demoralizes. To the extent that a man is forced to go into debt, it is to that extent that he is a slave. This amendment seeks justice for the coal miners and nonmine workers who are about to lose their livelihoods.

Mr. President, I see my friend from Pennsylvania, Mr. HEINZ, is here.

Mr. HEINZ. Will the Senator yield?

Mr. BYRD. Yes, I am happy to yield. How much time does the Senator wish?

Mr. HEINZ. I would ask for 10 minutes.

Mr. BYRD. I yield 10 minutes to my friend.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 10 minutes.

Mr. HEINZ. Mr. President, I come to the floor in support of the amendment of the Senator from West Virginia. I want to make two fairly simple and straightforward points that I think are very critical to the Senate's decision on this amendment.

The first point is about a point of attack of the opponents, namely, the cost of the amendment, and the second relates to the policy behind our amendment.

I have heard some Senators come to the floor on previous days and say that the Federal Government cannot afford this amendment, that the retraining and income support provided by the Byrd-Heinz amendment and others, our cosponsors, could cost as much as $700 million a year. Some people say it could be a lot more than that; over the life of the amendment, it could be billions of dollars, $2 billion, $3 billion, $4 billion.

Whether you agree with those figures or not—and I and my cosponsors believe that they are grossly overestimated—we are still asking for a significant amount of help. And we are asking for that help because no matter what the cost of this amendment, the cost that is going to be borne by our miners and their families, by the communities in which they live and the States that have jurisdiction over the communities, are going to be infinitely more, many times more than the cost of the Byrd-Heinz amendment.

We are not asking for a handout. We are asking for some help. When people come to us with a problem, with an earthquake in California or a hurricane in the Carolinas, our taxpayers support that emergency assistance.

When the agricultural and farm community came to our taxpayers in 1985 and said the first year cost of the farm bill is going to be $26 billion, we were willing to help.

When people come for help on hydroelectric projects and others, we step up and say that it is in our national interest, even if it is not in our backyard.

When the savings and loan crisis took place, and it was principally concentrated in three States, California, Texas, and Oklahoma, we supported the passage of the savings and loan reform and bailout legislation. That was $50 billion right up front.

Mr. President, we have done our share to help solve the problems that other areas of the country encountered.

I brought here today a fairly recent study that those of us in the Northeast/Midwest Coalition recently released. It is a study of the flow of Federal funds from 1981 to 1988.

In sum and substance, for the Midwest specifically, it shows that over that 8-year period, our region contributed in taxes some $232.8 billion more than we received in Federal spending. That is a pretty large number. I will repeat it: $232.8 billion.

What that means is that over that 8-year period, we, on average, got back only 80 cents for every dollar we sent to Washington, DC. We have improved it a little bit. We now, as of today, get 83 cents back on every dollar we send, as a region, to Washington, DC, to redistribute to the victims of earthquakes, to the victims of hurricanes, to farmers who are having a tough time competing, to help reestablish the security of our financial markets.

So, we do not think we are asking for anything that is out of line. Indeed, as I said before, the costs that are going to be visited upon our region are going to be many times more than the cost of the Byrd amendment, whatever that might be.

If we do succeed with the Byrd amendment and we do get some help with training and transition costs, the question is, what other costs are our States going to have to bear? They are considerable.

That brings me to the second point I would like to make about the national policy behind our amendment. In program after program, where people stand to be hurt by an action that we take, we usually make efforts to create a specific safety net for them.

When we passed the 1974 Trade Act, we created a Trade Adjustment Assistance Program. We did not know where the casualties were going to be from that act, so we created a broad program. Our commitment, however, was one we did not keep because people axed the Trade Assistance Adjustment Program and rendered it either broke or inoperative; so there is no confidence in that program anymore. Nonetheless, the original intent of Congress expressed in that act was that when we hurt people, by virtue of laws we pass, we take care of them. We do not just throw them on some kind of human refuse heap.

I would like to take a specific example, Mr. President, of exactly what takes place in a community when disaster hits. We are talking about an industry that, when a coal mine closes, may be the sole or major source of employment in that community. The Chair is a native of the State of Virginia, and he knows whereof I speak.

The fact of the matter is, when that major source of employment closes, that coal mine closes, or as I learned 10 years ago when steel mills started closing in Pennsylvania, when that mill closes, the first thing that happens is that the town has no source of revenue, in addition to the men or the women having no source of income.

The first thing that happens, therefore, is that public services are virtually eliminated. My first real exposure to that, over 10 years ago, was when the Crucible Steel Division of Colt Industries, located in Midland, PA, was closed cold turkey by Colt Industries, located up in Connecticut somewhere.

Suddenly, 3,000 people, by far the single largest source of moneys for

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that community, were thrown out of work. And the next day the town had to lay off most of the police department; and public services, for all intents and purposes, evaporated.

I tell the Chair this, not because the Chair is not familiar with it, but because, Mr. President, I do not think most of our colleagues understand that what may be an incident, an unemployment incident expressed in a few numbers, is a catastrophe for the people, for the communities who have contributed so much to our society in a very dangerous and dirty profession.

Mr. President, I must say it is vital we have this amendment. I also want to say one other thing. There was a kind of an offer made to the chairman of the Appropriations Committee, the senior Senator from West Virginia, regarding an alternative approach which alleged to build on the Trade Adjustment Assistance Program.

Mr. President, time does not permit me to say everything that I would like to say about that so-called offer. The fact of the matter is that that offer, if that is a term worthy of it, was so deeply flawed that it would have required first, States, then firms, then workers to jump through an increasingly narrowing and virtually unending set of hoops through which, if they got to the end, they would get just about nothing.

The PRESIDING OFFICER (Mr. FORD). The time yielded to the Senator has expired.

Mr. HEINZ. Mr. President, I thank the Senators for their attention.

May I have 2 more minutes?

Mr. BYRD. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania has 2 additional minutes.

Mr. HEINZ. Mr. President, I thank the distinguished Senator from West Virginia for the additional time. I will just elaborate briefly on what I started to say about this unending series of hoops in this so-called offer that, frankly, I think is an insult to the workers it purports to help.

One of the conditions, or hoops, applies to firms. If you have a national firm like Du Pont which owns Consolidated Coal, which operates mines in my State but has a lot of other operations, as we well know, if the overall firm, Du Pont, does not have a decrease in revenues or production, then the affected miners get no help. If the workers do not happen to be in a State where the insured unemployment rate over the prior 24 months exceeded 140 percent of the national average, again, no help. Do you know how many States qualify? Two. Two plus Puerto Rico: West Virginia, Mississippi, and Puerto Rico.

Finally, only workers in an industry that lost more than 18 percent of its total work force, in that State, in the prior 24 months would qualify. Mr. President, I had my staff research that issue. We have yet to find an industry any time, anyplace with that type of catastrophic level of unemployment. I say that, even with respect to the steel industry when the bottom dropped out of it in the early 1980's and the streets of western Pennsylvania, West Virginia, and many others were lined with unemployed steelworkers.

So, Mr. President, what has been floated as a counteroffer, in my judgment, is a sham. I think that the work of the Senator from West Virginia [Mr. BYRD] has been critical and important in bringing this issue to the Senate. His proposal merits our support. Our region merits the help, and I urge our colleagues not only to stand with him but to stand with us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Pennsylvania for his lucid, cogent, very persuasive, succinct, incisive statement.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 44 minutes, 30 seconds.

Mr. BYRD. How much time remains to the opposition?

The PRESIDING OFFICER. 134 minutes 22 seconds.

Mr. BYRD. Mr. President, I hope the opposition will take some time.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 15 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I wish to explore, if I might, this legislation and see if I understand it thoroughly. If the distinguished senior Senator from West Virginia could correct me if I am in error on my understanding of this legislation, I would greatly appreciate it.

It is my understanding, first of all, that it is solely coal miners who receive the benefits that are set forth in regard to the 70 percent, 60 percent, 50 percent, solely coal miners who have lost their jobs due to the Clean Air Act. Other workers—petrochemical, whatever it might be, wood finishing plants—receive a different type of benefit, which perhaps could be described loosely as being similar to the Trade Adjustment Assistance Act, or, indeed, an extension of unemployment compensation. Is that a fair characterization?

Mr. BYRD. The Senator is correct. It does that because the miners are going to take a direct, sure, immediate, severe hit. And, furthermore, because of their hazardous work, their pay is higher than is ordinary. Their work is more hazardous, likewise, than ordinarily is the case throughout the country.

Mr. CHAFEE. I hate to cut off the Senator, but I presume this is on my time?

Mr. BYRD. Oh, I would think so. But the Senator has plenty of time.

Mr. CHAFEE. No, I do not. The Senator who is controlling the time has plenty of time, but I have 15 minutes. So, if the distinguished Senator could perhaps correct me if I am wrong without perhaps an elaboration. So, therefore, my understanding is correct: Coal miners are the only ones who receive these unique benefits.

The next point I would like to make is—and if I am in error, I will be glad to be corrected—that the coal miners will receive in the first year 70 percent of his, let us assume it is a male, his previous year's base pay, plus fringe benefits; the next year, 60 percent; and the next year, 50 percent. Taxes would still be applicable to the benefits received.

Mr. BYRD. That is correct.

Mr. CHAFEE. However, Social Security would not be applicable to this type of benefit. I just know that as a fact, that Social Security would not be applicable to this since it is not earned income. It is a benefit.

Mr. President, I point out that this yields very interesting results because, in the first year, the coal miner would be receiving more in take-home pay than he would when he worked. Let me point out how that comes about.

In a highly unionized industry, such as the coal mining industry, fringe benefits roughly are 35 percent of base pay. Sometimes it is 40 percent, sometimes 30 percent. Basically, I have taken the figure of 35.

So you take 70 percent of base pay, which is 100, plus 35. Seventy percent of 135 comes to 94.5. In other words, if it is $1,000 or $100, whatever the base pay is, the worker is receiving, in his first year, 94.5 of his base take-home pay. If he were working, he would receive 100 percent, minus 7.5 percent, which is the Social Security, or he would be taking home 92.5 percent. So the individual's take-home pay in the first year is greater than it is when he was working.

I am free to admit, yes, that he is not receiving the fringe benefits. In other words, the health insurance is not still there, the retirement benefits, insurance—whatever it might be. But the actual receipt, the check that comes from the Federal Government, in the first year will be greater than the check that the worker received when he was working full time.

So it goes in the second year. He would be receiving 60 percent of his base pay plus fringe benefits, which is 81 percent of his take-home pay. The third year it would be 67.5 percent.

Those kinds of benefits are hardly the type of benefits to encourage one to go out and seek other employment. On top of it all, there is a provision of 20 percent if one goes into some type of retraining program. So that would mean that in the first year and the second year, assuming the individual in the second year was in a training program, he would be receiving just about the same as he received in his take-home pay.

Admitting that that does not include the fringe benefits that he does not receive in a pay envelope; in other words, the health insurance is not covered, the retirement benefits, and any, perhaps, insurance that might also be included in the package.

Mr. President, I myself find it extremely difficult to understand why we treat one segment of our society in this preferred fashion and another segment of our society, somebody who has lost his or her job due to the Clean Air Act, in a totally different fashion. For example, under the extended unemployment compensation in our State, that might be equal to $167 a week; whereas, under this proposal, the benefits could well be, in the third year, as much as $500 a week.

As the distinguished proponent of the amendment has pointed out, coal miners earn a lot, maybe as much as $1,000 a week. So that to me is a gross inequity. And the explanation is given: The coal miners are engaged in a dangerous occupation.

Nobody is buying that. But they are not engaged in a dangerous occupation when they are not working. Somehow to justify the fact that they receive these wildly disproportionate payments, which nobody else in the country receives, because they were working in a dangerous occupation does not follow. I think that is probably the grossest flaw in this particular proposal.

Now, whether I would be supportive if everybody received the extended unemployment compensation, I am not saying that now. But I certainly have great trouble, and I think most of us do, with this disparate treatment of two groups of Americans.

I would like to point out how other people are treated in the country. I come from a State where we have workers engaged in the most dangerous occupation in the United States of America. The most dangerous occupation in the United States of America is commercial fishing. There is no question about that. Commercial fishing is the most dangerous occupation. Next is coal mining.

We have had commercial fishermen thrown out of work due to the actions of the United States. Let me give you an example. There was a boundary dispute in 1984. The United States took the case, to The Hague Commission. Where is The Hague Commission? The International Court of Justice in The Netherlands.

The argument was between Canadian fishermen and United States fishermen, who could fish where. The decision that was given in October 1984 was that the Canadians got the finest part of the fisheries that existed off the Grand Banks. The U.S. fleet lost access to the bank's richest and most durable source of many fisheries: Scallops, 35 percent of all the scallop resources known; lobsters, ground fish, redfish, haddock, pollack, cod, yellowtail flounder, and on the list went.

So our fishermen were displaced. There was no special legislation passed for them. I suppose that the Senator could justifiably say, you never came and asked for it. That is true. That is exactly true. We did not come and ask for it. We thought that this was a situation that came about through a decision. It was not in the hands of these fishermen. But I must say the idea of coming to the Senate and getting a special privilege for a special group of fishermen seemed to me unacceptable.

Now we are getting a new approach. Maybe we will all learn something. Maybe any time our individuals are affected—we have lost textile jobs; we have lost 80 percent of our textile jobs in the past 20 years. We are losing some of our jewelry industry, gold chain industry to competition from Israel and overseas. Maybe there is a whole new approach.

Under the Free Trade Act, we are going to lose some of these jobs. Maybe the approach should be when the Federal Government takes any action, we depart from our traditional method of handling unemployment in our Nation; that we come for a special targeted program, not something like an extension of unemployment compensation such as is provided for under the Trade Adjustment Assistance Act but a special approach.

I find it very difficult to agree. We have to recognize that in the past 88 months—that is 7 years—in the past 7 years, every single month the United States has increased the number of jobs by 250,000—250,000 new jobs have been created in this country every single month for the past 88 months, an extraordinary record. More new jobs than Japan, Great Britain, West Germany, France, Australia, and New Zealand put together have been created in this country. And so we have taken the view, the traditional view, that we have these forms of assistance for those who lose their jobs under unemployment compensation. That is set by the States. The States can increase the amounts if they choose. We have also, in some instances, extended that unemployment compensation, affected by unusual circumstances such as the Trade Adjustment Assistance Act.

Mr. President, it is for these reasons that I find this amendment a very, very difficult one to understand. I do not get the rationale that we treat one group of Americans this way and another group of Americans in an inferior way, vastly inferior. They are not getting, in effect, 100 percent of their take home pay, this group over here. It is nothing like that. It is for these reasons, Mr. President, that I will vote against the proposal of the distinguished Senator from West Virginia and the President pro tempore.

I thank the Chair.

Mr. BYRD. Mr. President, I thank the distinguished Senator. He referred to the increase in the number of jobs in this last few years. What kind of jobs? That is a rhetorical question. Selling hamburgers, working at K Mart, working at Sears Roebuck? And I say that with no reflection on those who do have those jobs.

I am delighted that we are increasing the number of service jobs in this country. But what is happening to our manufacturing-industrial base? We are not increasing jobs there. Yet, we hear all of this talk about a big increase in jobs. What has happened to our steel industry, our pottery industry? Who is making the television sets? Who is making the bicycles? Who is making the radios? Look overseas to Japan for the answer.

The distinguished Senator talks about how his people have been hurt by imports. We have seen our steel mills close their furnaces in West Virginia. We have seen our pottery plants go. We have seen our footwear industry go. We used to have a half dozen plants in West Virginia that made shoes. They are gone. We once had the largest ax factory in the world, the largest synthetic rubber plant in this country, Those jobs are gone. And while it may not be said that they are gone because of the action of our Government, it can be said with fervor that these jobs and these industries are gone because of the inaction of our own Government.

I do not say that in any partisan manner. Because of the inaction of Democratic and Republican administrations, in failing to stand up to the Japanese, who are tough bargainers, we have seen our manufacturing base go overseas, the smokestack industries have suffered. It may be better for the environment, but we are talking about American jobs. There is no environmental free lunch, and that is what this is all about. So let it be the action or the inaction of Government; we in West Virginia have lost our jobs, too—because of the inaction of our own Government in not standing up to the Japanese and others.

Now, the Senator talks about fringe benefits. When did health insurance ever become a fringe benefit?

When did health insurance become a fringe benefit? I assume that those

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men who go out on boats off the rocky coast of Maine or Rhode Island, wherever it is, and fish in those troubled waters, I suppose they have health insurance. It is a pretty essential factor in their lives. That is not a fringe benefit. That is a necessity for people who work in dangerous occupations.

The Senator says this amendment is something different, something unique. Well, let us see how unique it is. In the case of Conrail, title IV of the act guarantees to employees of the railroads incorporated into Conrail that their pay and benefits continue in amounts not less than the level of the jobs previously held. Employees who had 5 years or more of railroad service on January 1, 1974, were protected until age 65. That is truly unique. My amendment provides only for 3 years, not until age 65.

So perhaps I came up with a shortsighted amendment. Why should I not have asked for these dislocated coal miners in West Virginia, Kentucky, Pennsylvania, and the other States, why should we not have provided for them until age 65?

Let us see what else is unique about this amendment. Take Amtrak; there we provided for the payment of wages equivalent to the monthly guarantee for a period of the length of the employee's service of up to 6 years, not 3 years, but 6 years—continuation of seniority, health and welfare benefits, pension plan, and so forth, during the protected period. So there is another precedent when it comes to the loss of jobs.

Also on Conrail, in Conrail the cost of living was taken into consideration. Yet, we are not suggesting in this amendment that the benefits be increased to follow the cost of living. But in Conrail, the cost of living was taken into consideration as well. Perhaps we should have included that in this amendment. Look at the monthly benefits under Conrail: April 1, 1976, $2,705; October 1, 1976, $2,975 monthly benefits; July 1, 1977, the maximum per month, $3,093; April 1, 1978, $3,185. Going up all the time. October 1, 1978, $3,250 monthly benefits; July 1, 1979, $3,380; July 1, 1980, $3,548; January 1, 1981, $4,087. So the maximum per month under Conrail went up in accordance with the cost of living and the annual maximum per worker rose from $32,460, April 1, 1976, to $49,044 on January 1, 1981.

We are not asking for cost-of-living increases here in our amendment. Let us look at the Redwood National Park Employment Security Program, which provided "continuing entitlement to health and welfare benefits and accrual of pension rights and credits based upon length of employment, and/or amounts of earnings to the same extent as and at no greater cost to said employees than would have had been applicable had they been actively employed."

So let it not be said here, Mr. President, that the representatives of coal producing States are coming in here and asking for fringe benefits that were never before included for someone else.

Mr. President, I see there are other Senators on my side. Does the distinguished Senator on the other side wish time?

Mr. CHAFEE. Yes. Mr. President, if I might have 4 minutes.

Mr. BAUCUS. Mr. President, I yield 4 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, obviously the illustrations that the distinguished President pro tempore gave are valid ones, the Redwoods individuals, the Amtrak, Conrail. And I would not be surprised if there are not others out there.

But my point is this: I doubt if in any of this legislation that he cited he could find within that—within the Conrail employees, within the Amtrak employees, within the Redwood Forest individuals—one group which was treated in one fashion, and another group treated in another fashion.

That is the troubling part of this legislation. Here we have a group of individuals across the Nation affected by the Clean Air Act. That is why this is part of the Clean Air Act. It refers to those who lose their jobs due to the Clean Air Act. And the proposal is that a mass of individuals out there are affected by this act, but some of them get very substantial benefits as compared to the others. That is where we bog down. At least I bog down and am unable to understand the rationale.

We did not do that with Conrail. Whether you agree or not with Conrail, everybody was treated the same. You might not agree with the approach in Amtrak. But everybody was treated the same.

You might not approve of what was done in the Redwoods, but everybody was treated the same. You did not say those over there were left-handed, treated this way, those who are formerly ax men were treated such a way, or those who were engineers were treated in one fashion but if you were a trainman you were not. They all were treated the same. Whether we like it or not; you are 65, you are guaranteed you kept your term fringe benefits.

There is nothing denigrating about fringe benefits. That is a term of art. That is, anything above one's basic wages whether it is insurance, whether it is health insurance, whether it is retirement, it is a term of art. Fringe benefit, that is what it is known as. Maybe there should be a more lofty term, necessary benefits. But that is not before us now, Mr. President.

So if somebody could explain to me examples or rationale for why if you are a coal miner you get this treatment, if you work in a petrochemical plant you are treated in this fashion. That is the difficulty with this legislation.

Mr. BYRD. Mr. President, the bill itself makes that distinction when it singles out coal miners for heavy job losses. We are told by EPA that 35 percent of those people are going to lose their jobs. We are also told that the bill, as amended, is practically taking care of everybody else. It is the bill that singles the miners out.

If the miner's wages are $35,000 a year or $40,000 a year—and he certainly is entitled to every dollar that he earns—his family budget is going to be commensurate therewith. If someone else's salary is lower, say, $15,000 a year, or $20,000 a year, and he loses his job because of this act, his family budget is going to be commensurate with his salary.

What you are saying to the coal miner, those who are on high wages, because they do dirty, dangerous work, you are saying to him, "You are out of a job." If he has a family budget that is screwed to his pay, he also has a mortgage on the house that is likewise adjusted to his pay, and he is going to lose his house and his car. One can see what is going to happen to his mortgage, because his budget went under.

I yield 10 minutes to the distinguished Senator from Ohio [Mr. GLENN].

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I appreciate the consideration of the distinguished Senator from West Virginia. I rise today as an original cosponsor of the amendment that he is proposing. I think it is imperative that we take this step to address the needs of those who will lose their jobs as a direct consequence of the Clean Air Act.

Last year when we started work on this bill, we felt that Ohio and the Midwest was being dealt with very unfairly. We tried to get some form of burden sharing. Such a fee or electric generation to help pay some of the cleanup costs.

We needed help; after having provided assistance to other States around this Nation. So then we tried to get some help for the people involved that are going to definitely lose their jobs. We could not get help directly with a fee or an appropriation or the tax credits that we tried to get through, and so we are down to a last resort here. We are trying to help those people who definitely will be thrown out of work because of this legislation. As the distinguished Senator from West Virginia pointed out, there is ample precedent for this.

My State will be hard hit by the acid rain provisions in the bill. In fact, Ohio will be more severely impacted than any other State by acid rain control. This fact has been overlooked in this debate.

We have heard a lot about the need for growth allowances for the West. We need survival allowances in the East. We hear about the need for saving lakes in the Northeast. We hear about the need to protect industrial emissions in the South.

Mr. President, I want to see acid rain and all the other emissions cleaned up just as fast as we possibly can. I want to see this just as much as any Senator in this Chamber. But, my State has needs, too. My State built the cars, the tools, and the appliances that were sold around this world. The people in my State helped the victims of the floods and the tornadoes and the hurricanes. We did not complain about this. That is part of being a part of the country that developed the industrial heartland for this country.

But now, Mr. President, the people of my State need some help. They are not asking for a handout. We already went to work and spent $2.1 billion more than any other State in the Nation cleaning up pollution.

We are willing to do our share, if that share is a fair share. That has been the issue ever since we started this—what is fair? We will have, just in my State, approximated 10,000 mining and related jobs that could be lost. Coal miners in Ohio want to work. Coal miners in Ohio are proud of the work they do and proud of the role their work has in their community.

Entire communities and small towns in southeastern Ohio will be devastated by the loss of these jobs. These communities depend on the mining jobs for their survival. The lives of the people in these communities will be drastically disrupted by the loss of mining jobs.

The arguments for this amendment go beyond the needs of coal miners and their specific communities. High-sulfur coal is a major economic and energy resource to the Midwest and to the Nation. Coal is our Nation's most abundant energy resource, providing over 57 percent of our electrical power. Continued use of this coal is vital to America's energy security by ensuring that we do not increase our dependence on foreign oil.

The crux of this issue, Mr. President, is equity—equity for coal miners, ratepayers, and for industry. This amendment does not solve all of the problems, but it certainly is a step in the right direction, and it is the right thing to do. I want to support this amendment. I urge my colleagues to join me in supporting this amendment.

Mr. President, one other thing I want to mention. I held the floor 4 hours 2 days ago to address this. Even at this late stage in the game what environmental benefits do we find after putting all these requirements on? I will tell you. The NAPAP study, National Acid Precipitation Assessment Program, conducted over the last 10 years at the request of Congress, funded by Congress, as the best scientific group ever put together on this acid rain study ever, at any time has escalated this issue.

What did they come up with? We now have that information available to us. As I pointed out on the floor the other day, we find that the effect on the forests, the ecosystems that have been assumed for a generation, are not there. Between 1973 and 1987 we reduced the emissions out of the Midwest by some 24 percent. And what do we find in acid rain precipitation? They cannot see any difference. They cannot see any difference. There is no direct correlation between the reduction and environmental improvement.

I read into the RECORD the other day a series of statements from the NAPAP report, which I have in my briefcase this morning. Some of it is summarized this morning once again in the Washington Times by Warren Brookes in his column. I ask unanimous consent that that article be printed in the RECORD at conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GLENN. The article points out how we do not know much about this issue. It will not do any good to make a big impact on business—some $7 billion a year and make us less competitive in trade without an environmental benefit. We are, in effect, shooting ourselves in the foot.

We have gone through a lot of work these past several years in trying to be fair about this, trying to make sure that the heartland of this country, is being dealt with fairly. Yet, we are being hit very unfairly by this bill. That is the reason I am glad to support the amendment of the Senator from West Virginia. I hope everybody will read that article by Warren Brookes in this morning's Washington Times, because it encapsulates the points I made on the floor at great length a couple of days ago.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes.

Mr. GLENN. Mr. President, I yield back the remainder of my time.

EXHIBIT 1

ACID RAIN'S COST CLOUDBURST

(By Warren Brookes)

As Senate Majority Leader George Mitchell drives toward passage of the Clean Air Act, he is running into growing concern that the economic costs of this act—now estimated at $45 billion a year—far exceed any environmental benefits.

That is particularly true of Title IV, the acid-rain section, which will force utilities and industry to spend up to $7 billion a year in a crash program to remove 10 million tons of sulphur dioxide annually from their emissions by the year 2000.

That would be worth it if there were no other way to achieve as good a result, or if the magnitude of the problem warranted it. Neither is the case, and Congress knows it.

As Lawrence Kulp, former director of the federal National Acid Precipitation Assessment Project, writes in Regulation magazine: "The crash effort to reduce emissions . . . is estimated to cost on the order of $100 billion over the next 20 years and will not permanently solve the problem," because it would "preclude the use of advanced technologies now being developed."

In fact, the crash program degrades the ecosystem by forcing limestone scrubbing in old plants instead of allowing utilities to phase in new clean coal-burning technologies. Not only does scrubbing generate three tons of sludge for every ton of sulphur dioxide removed (generating a 30-million ton disposal problem costing $2.5 billion per year—$80 to $90 a ton) but it puts an added ton of carbon dioxide into the atmosphere for every ton of sulphur dioxide removed. Worse, it makes it economically impossible to substitute the reduction of the much more environmentally dangerous nitrous oxide for sulphur dioxide cuts.

By contrast, Mr. Kulp points out, "An alternative policy which consists of tightening the New Source Performance Standards (on new plants) . . . to take full advantage of the new advanced technologies and setting a reasonable age limit (40 years) beyond which old boilers must be shut down or controlled, could eliminate the acid rain problem at a net cost that is close to zero."

(See Table.)

THE $100 BILLION ACID RAIN SCANDAL

[Tons of sulphur dioxide (Cumulative added costs in billions of dollars)]

	New source phase-in only		Crash retrofit scrubbing	
	SO2 tons	Costs	SO2 tons	Costs
1990	22	$0	22	$0
2000	17	0	12	50
2010	13	0	12	100
2020	10	0	13	150

Source: Regulation Magazine—Lawrence Kulp, February 1990.

The only difference between the two outcomes is that the New Source Performance Standards approach would cut emissions by 10 million tons in 20 years—not 10 years. To see how little environmental difference that would make, consider what current NAPAP Director James Mahoney wrote on Feb. 7 to House Energy and Commerce Chairman John Dingell:

"It is unlikely that differential environmental effects over large regions could be measured between cases where national emission levels would differ by 1 or 2 million tons." In fact, the target of 10 million tons was picked out of the air by President Bush himself, without any scientific basis. If cutting the 10-million ton reduction goal to 8 million would have no effect, neither would stretching it out.

James Mahoney, current director of the 10-year $600 million NAPAP study, admit-

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ted to the Senate Environment Committee last October: "If there were no change in acid deposition from current levels, we would expect that in the Northeast the chemical status of the lakes would stay approximately the same over the next 50 years." When asked what would happen if we doubled acid deposition, he answered, "Not much."

In short, the $600 million NAPAP study for which you and I paid shows acid rain is a modest problem to start with and isn't getting any larger. Yet NAPAP's final 28 papers have not even been studied by Congress, and Environmental Protection Agency Administrator William Reilly is saying nothing about their devastating conclusions.

Forests: "Acidic deposition has not been shown to be a significant factor contributing to current forest health problems in North America . . . There is no evidence of widespread forest damage from current levels of acidic rains in the United States."

Crops and vegetation: "Acidic precipitation at ambient levels in the United States is not responsible for regional crop yield reduction. Sulphur dioxide is rarely associated with crop damages near point sources and is not a regional scale problem."

Lakes and streams: "Acidic lakes were a relatively small percentage of the National Surface Water Survey. The percentage of total lake surface area that was acidic (was) 2.1 percent . . ."

While the study concluded acid rain had caused some small-lake acidification, it also showed the median acidity of all Adirondacks lakes has gone down since preindustrial times.

NAPAP concluded it would take at least 50 years of sulphur-dioxide reduction to deacidify only 75 lakes nationwide. That's a cost of more than $4 billion per lake. By contrast, it said, "The mitigation strategy most effective for restoring acidic surface waters is the addition of base materials [lime] to lakes."

We could lime all acidic lakes in the U.S. Northeast for $1 million a year or 0.02 percent the cost of the Bush/Senate bill. Instead, the Senate is determined to do real harm to the environment—while charging us $7 billion a year and killing 250,000 jobs to do it.

It is as stupid a bill as was catastrophic insurance.

The PRESIDING OFFICER. The Senator from West Virginia controls the time.

Mr. BYRD. Mr. President, I yield to Mr. Specter 10 minutes.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the distinguished Senator.

Mr. President, I support the pending amendment because I believe that the legislation will result in very, very substantial unemployment in the soft coal industry, added to very high unemployment figures at the present time, and that this kind of measure is necessary in light of the fact that the legislation as it is now crafted does not take into account the concerns of a seven-State area.

We had engaged in very extensive efforts to see to it that there would be appropriate attention to Pennsylvania, West Virginia, Kentucky, Ohio, Illinois, Missouri, but our efforts were of no avail because the States controlled only 14 votes, and as a matter of happenstance, no one from the seven States was a member of the key committee.

This Senator, as the record will show, made an effort yesterday, through an investment tax credit amendment, to direct relief for this seven-State area in a very constructive way which woud have allowed those utilities which took on air pollution devices to have a tax break and would have permitted the clean burning of high-sulfur coal. This was an effort to allow those who would put on these cleaning devices in the future to have the same tax advantages which utilities had in the past.

The amendment was strenuously resisted on technical grounds that it was a tax measure, notwithstanding the fact that there were ample precedents to keep the bill at the desk as we had with the child care bill, as we had with the savings and loan bill, as we had with the black lung bill, and the amendment was defeated 72 to 25.

Arguments were made of a highly specious nature, such as that the savings would not be passed on to the ratepayers, a fallacious argument because it is obvious, as the text of the bill provided, that there would be provisions for investment tax credits which would lower the cost to utilities and those benefits would be passed on to the ratepayers.

It is still my hope that before this bill becomes law there will be a sensible accommodation of the interests of these seven States and when the distinguished Senator from West Virginia has put forward his amendment, which is being very much opposed by the administration and by the leaders, the managers of the bill, because of its high cost, I am not sure that we have exactly the right figure and I am not sure exactly what is going to come out of conference, but I believe that the distinguished Senator from West Virginia has gotten the attention of the administration and has gotten the attention of the managers of this bill, which the 14 Senators could not do.

You, Mr. President, as the distinguished Senator from Kentucky, sat in those meetings hour after hour. I never attended so many meetings for such a long period of time over so many days. And we sat down with Senator Mitchell, the distinguished majority leader, and Senator Baucus, the manager of the bill on the Democratic side, for an hour and a half in late November. And at the conclusion of the meeting Senator Baucus commented he had never seen so many Senators sit so still for so long.

But notwithstanding all of those efforts, we were not able to attract the attention of those who ultimately crafted this bill. I think their attention has now been attracted.

It is my hope that before we are through we will find a way to see to it that high-sulfur coal can be produced. I hasten to add that this Senator has consistently agreed with the managers of the bill on the necessity and desirability of taking 10 million tons a year of sulfur dioxide out of the atmosphere. I agree that we need a strong clean air bill. But the question has been who is going to pay for it. And that is why we have tried so hard to get a rational approach that would not put an unfair burden on the seven States, my State included.

Mr. President, I could go down a long list of counties which have ununemployment in excess of 10 percent in Pennsylvania. On Monday of this week I was in southwestern Pennsylvania, Fayette County, in Uniontown, and Washington County, in Washington, PA, and the distinguished Senator from West Virginia has spoken in graphic terms of the problems of the mines. I have visited several coal mines in western Pennsylvania and it is quite an experience to go 160 feet, 16 stories into the Earth, and then to drive in a car for several miles underground, and you have to keep your head down, and you go to the end of long tunnels that are filled with dust, grime, and dirt, and you wonder, notwithstanding the overhead supports, that there may be a mine cave-in at this particular moment. It is highly hazardous work and it is an industry that suffered gravely.

In Pennsylvania we had 39,000 coal miners in 1979, and are down to 17,000 coal mining jobs at the present time. Regrettably, the clean air bill is targeted in a very direct fashion at the miners in the soft coal industry, and that is why I am supporting the amendment which the distinguished Senator from West Virginia is offering.

There is still a long way to go between this point and the ultimate legislation which we are to have, and this legislation does not deal with the shopkeeper, does not deal with the membership in the United Mine Workers, does not deal with the lives and vitality of the coal mining towns, and does not deal with a real necessity to have a strong coal industry in this country, which we need as a matter of national oil policy because of the uncertainties of OPEC oil and because of the problems in the nuclear field.

But this is only one step, and I think that we are facing an important amendment and that is why I support it and hope that my colleagues will similarly support this amendment as part of our way to getting a strong bill which will protect the air and a bill which will not impact unfairly on one segment of our population, the coal miners, and yet may be able to structure a way where we will keep the coal mines alive and perhaps return to a 10-percent, 20-percent investment tax credit.

But at this stage I submit this amendment ought to be adopted.

I thank my colleague from West Virginia for allocation of time, and I yield the floor.

Mr. BYRD. Mr. President, I thank my friend from Pennsylvania for his fine statement and his excellent cooperation that he has given to the whole working group of Senators from coal-producing States in the Midwest and Appalachia throughout these many, many months. I appreciate very much his contributions.

I yield to the Senator from Illinois [Mr. Simon] 5 minutes.

The PRESIDING OFFICER (Mr. Bingaman). The Senator from Illinois.

Mr. SIMON. Mr. President, I am pleased to join in support of the Byrd amendment.

Let me deal with one point that my distinguished colleague from Rhode Island mentioned here just a few minutes ago, and that is the inequity of helping one group more than another group. Part of that has been addressed by Senator Byrd. There is no question, according to EPA, the group that is hit the hardest by this bill are the coal miners. But let me add two other points.

One, the fact that everyone is not treated equally and there may be some others who are not in this that ought to be in it and are not in it, therefore we will deny justice and equity to everyone is not in and of itself in my opinion a very logical conclusion.

Second, we do not in our other programs provide complete equity in terms of what we grant. If I may use the Medicaid Program as an example, under Medicaid, because we go according to what the State does, if the State of New Mexico spends more money on Medicaid the Federal Government matches it, or Illinois, or New York, or Kentucky, or whatever the State may be. So the Federal Government in fact provides more medical assistance in some areas than in other areas. That is an inequity. But if you want to eliminate that inequity you either have a national program, which we are not prepared to do, or you have an equity in not giving benefits to anyone and that is clearly not fair.

There is one other important distinction with coal miners and that is you are dealing in areas that already are pockets of poverty. You show me a county in Illinois that is a coal mining county and I will show you a county that has above average unemployment. It is the nature, part of the heritage of these areas. I hope that can change. But that is the way it is today.

Then you devastate these areas even more by knocking these coal mines out and you are really causing great, great damage.

Finally, the argument will be used that just this area of the Nation, the Midwest region of the Nation will benefit. I doubt that there is a single Member of this Senate, certainly anyone who has served here very long, who has not gone to Senator Byrd and said, "I need help for my area," and if it can be squeezed into the budget and the appropriations and into the time of the Senate, he has provided assistance.

We provided assistance. When South Carolina has a hurricane, all of us provide help. When California has an earthquake, all of us provide help.

My friends, what you are causing is an earthquake in the coal mining industry in the Midwest, and we ask for your help. And it seems to me it is simple justice to do it.

Finally, let me just add that the authorization is money that will in part be saved. When you provide money for coal miners for this purpose, you are going to be reducing welfare costs and some other costs that otherwise are going to come along with this bill.

What Senator Byrd and those of us who are cosponsoring this bill are asking for is justice for coal miners, justice for people who are in the most dangerous industry in this country. I have probably been in coal mines more than any Senator, other than Senator Byrd. I think I have some understanding of the feeling of coal miners, and the importance of what they contribute to this Nation, at great danger.

We are saying let us improve the air that we breathe in this Nation—and that is a laudatory arm—but let us not do it at the expense of coal miners, who at great danger have been providing energy to this country. Let us not do it by devastating communities where coal mines are, for all practical purposes, the only source of income in those communities.

Senator Byrd and those of us who are cosponsoring this amendment are asking for justice, nothing more, nothing less, and I hope we can get it.

Mr. President, I yield back the remainder of my time.

Mr. BYRD. Mr. President, I thank my friend from Illinois for his constant strong support on not only this amendment, but also for the whole effort that we have made for months to try to come up with legislation that would reduce the job losses that are bound to flow from the enactment of this legislation.

Mr. SIMON. If I may reciprocate, I thank my colleague, who is President pro tempore. He is in a position of leadership, but he has been providing leadership in more than name.

I also observe, in the course of all of this, the Senator's hair has gotten a little whiter in the process of fighting this struggle here.

Mr. BYRD. Well, Mr. President, the beauty of old men is in their gray heads. That is from the Scriptures.

Mr. President, I am almost at a point where I must throw my poor self upon the opposition and plead for mercy.

The quality of mercy is not strain'd;
It droppeth as the gentle rain from heaven
Upon the place beneath: it is twice blest;
It blesseth him that gives and him that takes:
'Tis mightiest in the mightiest: it becomes
The throned monarch better than his crown;
His sceptre shows the force of temporal power,
The attribute to awe and majesty,
Wherein doth sit the dread and fear of kings;
But mercy is above this sceptred sway;
It is enthroned in the hearts of kings,
It is an attribute to God himself;
And earthly power doth then show likest God's
When mercy seasons justice.

Would the opposition have mercy please, may I plead on bended knee, would the opposition yield some time to my side of the aisle? [Laughter.]

Mr. CHAFEE. It would take an incredibly cold heart to resist a plea such as that. [Laughter.]

When in disgrace with fortune and men's eyes, I all alone beweep my outcast state.

It seems to me that—about how many minutes?

Mr. BYRD. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from West Virginia has 9 minutes and 29 seconds; the opposition has 117 minutes.

Mr. BYRD. I must say, I have been unhorsed; I am without shield; I have thrown my spear away; I have only a broken sword, and I am at the complete mercy of my opposition.

Mr. CHAFEE. Well, I recognize your spear is gone; your horse is disabled; your helmet is askew. How many votes do you have, though? [Laughter.]

Just take whatever time you want.

Mr. BYRD. I thank my friend. He is gracious, indeed.

My situation now is this. I have Senator Rockefeller, who has yet to come to the floor. Senator McConnell is coming to the floor, and I may have another Senator.

I, myself, have not yet spoken, except to the extent of filling in time when the opposition could furnish no speakers.

Mr. CHAFEE. Why do we not do this? I think if we save—what do we have, 117 minutes?

The PRESIDING OFFICER. The opposition has 116 minutes.

Mr. CHAFEE. Because I do not know what the leader wants to do, will you let us know when there is only 40 minutes left? We will just see what you need and see how it goes.

Mr. BYRD. I thank the distinguished Senator.

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The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished Senator. He certainly is fair, and very reasonable. I simply tried to fill in the time with speakers, and I am grateful on behalf of my speakers.

Mr. President, Senator ROCKEFELLER is due at 1 o'clock. It is about 3 until 1. I will take these 3 minutes to read a letter which has just been delivered to me, and which I myself have not read.

This letter comes from the National Clean Air Coalition. It is addressed to me. It reads as follows:

DEAR SENATOR BYRD: We support your efforts to add a worker adjustment assistance program to the pending Clean Air Act. The National Clean Air Coalition has as its mandate the protection of public health and welfare from air pollution. We believe that this objective is served by the addition of a program to address potential employment effects of this legislation.

Despite the claims of the polluters, the American people have always believed—and the experience of the past 20 years has demonstrated—that a clean environment and a growing economy go hand in hand. But every major national program can have microeconomic effects. It is certainly appropriate for Congress to consider ways to respond to these localized effects in the context of the Clean Air Act. Indeed, the debate over acid rain control has been dominated by just these considerations.

It is generally recognized that control programs designed to minimize the cost to consumers in high sulfur coal states could have an impact on high sulfur coal mine jobs. Your amendment is one approach among many that attempt to ameliorate localized coal mine job losses that could result from acid rain control. Other Members of Congress have taken different approaches to mitigate the impact of acid rain control on mine workers, power consumers and the utility industry. These alternative approaches have included mandatory technology requirements, utility rate relief and pollution fees.

Over the past 10 years, the NCAC has endorsed a variety of approaches to acid rain control that have addressed this equation in different ways. We have endorsed several approaches that attempt to minimize shifts in coal use. We have also endorsed the acid rain title of the pending legislation. There appears to be a consensus in Congress in support of the approach dubbed the "least cost" control program. More accurately, the latter approach attempts to minimize direct abatement costs. Numerous studies also suggest this approach might have a negative impact on high sulfur coal demand, depending on individual utility compliance decisions.

Given Congress' apparent preference for the approach that minimizes direct abatement costs, it is appropriate in our view for Congress to adopt a standby worker assistance and job retraining program for coal miners.

The Byrd Amendment would establish an extended—but limited—unemployment benefit program and job retraining opportunities for high sulfur coal miners affected by the acid rain control program.

We have testified repeatedly over the years that we were prepared to support any one of a variety of approaches to ameliorate the economic impact of acid rain, as long as the fundamental structure of the program is sound—if it achieves the necessary reductions on an accelerated timetable. We could support the acid rain title of the Leadership substitute, as amended by the Byrd Amendment, consistent with our longstanding position.

We believe it is also good policy to establish a standby federal environmental adjustment assistance program for workers in other fields who lose their jobs as a direct result of compliance with the Clean Air Act. Such cases are rare, and the need for this provision will be minimal. On balance, the Clean Air Act has had a positive impact on our economy. The Clean Air Act creates jobs—jobs in construction, engineering, specialty chemical manufacture and other fields.

Some may ask why the National Clean Air Coalition is addressing itself to this particular amendment. We are a broadly based coalition involving environmental, labor, religious, public health and citizen organizations. We have alway formulated our positions on environmental matters mindful of the concerns and interests of all our members. We have also learned from the experience of the past 20 years. The utility industry used the threat of minor job losses to weaken air pollution controls in Midwestern states under the 1970 law, resulting in the pollution control failure that make the current amendments necessary. Amendments that address mining job losses will remove this rhetorical weapon from the hands of the polluters.

The current Clean Air Act already addresses the threat of economic blackmail through other worker protection provisions. Adjustment assistance and job retraining programs such as those established by the Byrd Amendment can build a bridge between yesterday's job and tomorrow's opportunity.

We note you have modified your amendment substantially and agreed to an absolute ceiling on costs. And we understand you are working with Senate leaders and the managers of the bill in an attempt to develop a consensus approach to worker protection. We fully support those efforts and encourage all parties to go forward in a spirit of compromise.

We believe the Byrd Amendment can be and ought to be accommodated in the pending bill.

Sincerely,

RICHARD E. AYRES,
Chairman.

So, as I did in the case of the letter from the AFL-CIO, I ask unanimous consent that this letter also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CLEAN AIR COALITION,
Washington, DC, March 29, 1990.

Hon. ROBERT C. BYRD,
U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: We support your efforts to add a worker adjustment assistance program to the pending Clean Air Act. The National Clean Air Coalition has as its mandate the protection of public health and welfare from air pollution. We believe that this objective is served by the addition of a program to address potential employment effects of this legislation.

Despite the claims of the polluters, the American people have always believed—and the experience of the past 20 years has demonstrated—that a clean environment and a growing economy go hand in hand. But every major national program can have microeconomic effects. It is certainly appropriate for Congress to consider ways to respond to these localized effects in the context of the Clean Air Act. Indeed, the debate over acid rain control has been dominated by just these considerations.

It is generally recognized that control programs designed to minimize the cost to consumers in high sulfur coal states could have an impact on high sulfur coal mine jobs. Your amendment is one approach among many that attempt to ameliorate localized coal mine job losses that could result from acid rain control. Other Members of Congress have taken different approaches to mitigate the impact of acid rain control on mine workers, power consumers and the utility industry. These alternative approaches have included mandatory technology requirements, utility rate relief and pollution fees.

Over the past 10 years, the NCAC has endorsed a variety of approaches to acid rain control that have addressed this equation in different ways. We have endorsed several approaches that attempt to minimize shifts in coal use. We have also endorsed the acid rain title of the pending legislation. There appears to be a consensus in Congress in support of the approach dubbed the "least cost" control program. More accurately, the latter approach attempts to minimize direct abatement costs. Numerous studies also suggest this approach might have a negative impact on high sulfur coal demand, depending on individual utility compliance decisions.

Given Congress' apparent preference for the approach that minimizes direct abatement costs, it is appropriate in our view for Congress to adopt a standby worker assistance and job retraining program for coal miners.

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We believe it is also good policy to establish a standby federal environmental adjustment assistance program for workers in other fields who lose their jobs as a direct result of compliance with the Clean Air Act. Such cases are rare, and the need for this provision will be minimal. On balance, the Clean Air Act has had a positive impact on our economy. The Clean Air Act creates jobs—jobs in construction, engineering, specialty chemical manufacture and other fields.

Some may ask why the National Clean Air Coalition is addressing itself to this particular amendment. We are a broadly based coalition involving envirfonmental, labor, religious, public health and citizen organizations. We have always formulated our positions on environmental matters mindful of the concerns and interests of all our members. We have also learned from the experience of the past 20 years. The utility industry used the threat of minor job losses to weaken air pollution controls in Midwestern states under the 1970 law, resulting in the pollution control failure that make the current amendments necessary. Amendments that address mining job losses will remove this rhetorical weapon from the hands of the polluters.

The current Clean Air Act already addresses the threat of economic blackmail through other worker protection provisions. Adjustment assistance and job retraining programs such as those established by the Byrd Amendment can build a bridge between yesterday's job and tomorrow's opportunity.

We note you have modified your amendment substantially and agreed to an absolute ceiling on costs. And we understand you are working with Senate leaders and the managers of the bill in an attempt to develop a consensus approach to worker protection. We fully support those efforts and encourage all parties to go forward in a spirit of compromise.

We believe the Byrd Amendment can be and ought to be accommodated in the pending bill.

Sincerely,

Richard E. Ayres,
Chairman.

Mr. BYRD. Mr. President, Senator McConnell is here. How much time does Senator McConnell wish?

Mr. McCONNELL. Mr. President, 10 minutes?

Mr. BYRD. I yield 10 minutes to the distinguished Senator, with the concurrence——

Mr. CHAFEE. Mr. President, I wonder if a more orderly way to proceed on the time would not be if we yield it in blocks? Say 20 minutes here. I do not know who will appear on this side. There will be plenty of time, I can assure the distinguished leader. Or 30 minutes, if he would like, to start with.

Why do we not start with a block of 20 minutes. Would that be convenient?

Mr. BYRD. To me? Yes. I thank the Senator, and I yield 10 minutes.

Mr. CHAFEE. Then at the end of that, when he will let us know the 20 minutes is up we will do another 20 minutes, so we have some idea in order to take care of those who might come on our side.

Mr. BYRD. I yield 10 minutes to Mr. McConnell from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I want to address the Senate for the third time today on the Byrd amendment. At the outset, Mr. President, I would like to once again commend the outstanding work of the chairman of the Appropriations Committee, Senator Byrd, on this amendment.

Senator Byrd has been our leader. He has made the point time and time again that what this issue is about is compassion, compassion for those who are engaged in an extraordinarily dangerous work, that of extraction of coal which feeds the electric generators of this country and provides power for an awful lot of people who assume that electricity just mysteriously appears without any effort.

This is a serious economic crisis that we have before us, and the Senator from West Virginia, the distinguished chairman of the Appropriations Committee, has been our leader, has understood it, has spoken forcefully on its behalf. I want to commend him once again for his truly outstanding leadership in this whole area.

As has been made clear by the speakers who preceded me this morning, this amendment is designed to provide some relief to the thousands of coal miners who will pay the ultimate price for reducing acid rain in this country—their jobs.

The importance of this amendment to coal miners and their families is evident by the bipartisan support it enjoys. Mr. President, this is not a partisan issue. It is not one that pits Republicans against Democrats. It is not an ideological issue. Rather, Mr. President, this is an issue of compassion—compassion for the hard-working men and women of the Midwest coal mines who will suffer so that the rest of this country and our Canadian neighbors can have clean air.

My distinguished colleague from Kentucky spoke eloquently this morning on the impact this bill will have on certain communities of Kentucky.

Let me take just a moment to reiterate the point the senior Senator from Kentucky made about this impact. I do so to make it perfectly clear why this amendment has bipartisan support in Kentucky and in the other midwest coal-producing States of this Nation.

The economic impact of this acid rain title on coal communities will be concentrated due to the nature of the coal industry. Small communities which develop around coal-mining sites are, by definition, almost exclusively dependent on the mining operation for their economic viability.

I know, Mr. President, that we have seen a multitude of reports and studies produced recently which show the economic impacts of the clean air bill. Unfortunately, many of these reports are produced by groups with a policy stake in the debate and are, therefore, inevitably biased. However, I think we all would agree that the Congressional Research Service is an objective, unbiased organization. So I will be quoting CRS.

Mr. President, the CRS has produced a startling and disturbing report which describes the dependence of certain counties in western Kentucky on the coal industry. This report shows that 90 percent of the high sulfur coal produced in western Kentucky is mined in five counties. CRS points out that one out of every four jobs in these counties is a coal-mining job and that the second and third largest categories of jobs are in the service and Government sectors, both of which closely support the coal industry. The CRS study estimates that, under the original Bush bill or Environment Committee bill, these five counties would lose 40 to 50 percent of their coal production.

The Congressional Research Service points out that a discussion of coal jobs in these five communities is really a discussion about the economic viability of these communities. The study concludes that—

> Indeed, it is unclear that these communities would exist without coal.

The compromise acid rain package we have developed here helps alleviate this impact to some extent. I am told this compromise will reduce job losses by one-half to one-third over the committee proposal. However, thousands of jobs will still be lost in western Kentucky. •

While much of eastern Kentucky stands to experience a short-run job gain in coal jobs as a result of this legislation, pockets of this region of my State will also be hard hit.

Mr. President, I recognize the odds we supporters of this proposal face. In fact, because the coal-mining impacts will be so concentrated, the rest of the country as a whole will probably not even realize it is occurring. It will be easy, therefore, for my colleagues to look the other way. They will not have to go home and face the economic devastation which will be wrought from this bill. Instead, they can go home and crow about the great vote they cast to clean up the air. They can even brag about how they made sure that none of the costs incurred to clean that air will be felt by citizens of their particular States.

Unfortunately, Mr. President, the Senator from Kentucky and other midwestern coal State Senators do not have that luxury. The citizens of our States will feel the impact.

Indeed, Mr. President, the environmental benefits of reducing acid rain will be enjoyed by many, but the costs of those benefits will be borne by a few. And so, Mr. President, I urge my colleagues today, as I have urged them many times before: Please, before you cast that all-important clean air vote to look with compassion on those who will pay the real cost of that vote and also vote in favor of the Byrd amendment.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I yield 15 minutes to my distinguished colleague, Senator Rockefeller.

The PRESIDING OFFICER (Mr. Graham). The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank my distinguished senior colleague from West Virginia.

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Mr. President, the Senate knows that the amendment of that same distinguished senior colleague of mine from West Virginia deserves to be adopted. In our hearts, we know it does, both because it is right and because it is in the interest of the entire country.

This is not a plea for relief from a natural disaster, to which the Senate would undoubtedly quickly respond. This is a stronger case than a natural disaster. It is a request to mitigate the disproportionate economic impact intentionally imposed in the acid rain section of this bill on a distinct minority of States.

Let me emphasize this point. Mr. President, it may not be understood, even at this late date in the debate, what is going on in this bill. The authors and the principal proponents of the acid rain title, including President Bush, intentionally require the States of the industrial Midwest and Appalachia to reduce emissions by more than the percentage of total nationwide emissions that they, in fact, contribute. The rationale behind this approach is that removing a pound of sulfur dioxide from the air from a large coal-fired utility in the Midwest is less expensive than removing it from the air in a State like Texas where the sources emitting sulfur dioxide are more dispersed, although no less damaging. But, and I say this is a big "but," if Congress intentionally imposes an extra reduction requirement on the Midwest and Appalachia, beyond its contribution to the problem, the country, as a whole, should be ready and, indeed, eager to pay to mitigate the impact in the Midwest and Appalachia. The country should be eager to do this because the country is getting a bargain by so doing.

Let me repeat that. This amendment is a bargain. If each State were required to pay cleanup of its own actual share, it would cost the States more than, indeed, paying to mitigate the impact on the Midwestern and Appalachia States that are doing the job for the other States.

The issue is what is right for the country. Is there a jobs problem or not? If there is, it will not be addressed by trying to ignore it. In fact, those who say we should ignore the jobs problem so that we can have clean air have the situation exactly backward. If there is a jobs problem, ignoring the problem is not the way to get clean air. Ultimately, you will not get clean air, Mr. President, in this country, unless the problem of jobs is addressed and addressed seriously.

The point is that those of us who do want a cleaner environment have to have a broader focus than just the environment. This may not be good news to some who have been toiling to advance environmental legislation, but, in the long run, I think it is better to be working with an accurate understanding of what one is really facing. What this really means is that the job of cleaning up the environment is, in fact, even harder than we have all expected. It is harder because unless we can prevent serious economic damage, public support for cleaning up the environment will not be sustained.

So it is true that the issue of jobs adds some difficulty to achieving clean air, but some seem to be saying that dealing with the jobs issue is just too difficult to be done and would rather not do it. I have been startled to hear some opposing this amendment because they have suddenly discovered that not only coal miners, but other jobs, could be affected. Where will it all end, they say? And, in fact, who knows. Perhaps now that the Senate is really focusing on the issue, we might wind up doing what is really fair and makes sense for the country. At least that is what I hope.

We can and we should have both jobs and clean air, Mr. President. That entails a cost, some will say. Of course, it entails a cost. That is what this amendment is all about. But costs are involved either way we go. Not cleaning the air entails costs in the quality of the environment that we live in. I faithfully subscribe to that. But not dealing with job dislocation also entails costs in the lives of our citizens. It entails costs in the waste of the human resources that we need in order to not only have our citizens have a decent life, but to compete economically in the world. It entails costs in insurance, welfare, AFDC, alcoholism, broken families and the tragedy that happens when jobs are taken away from communities that are utterly destroyed, which is what could happen if this bill passes without improvement.

Compare our hesitant approach to worker retraining, to the approach of other nations. We worry and we argue about whether we can afford to be compassionate. While we are arguing, those who know the importance of a trained work force and who consider unemployment a stupid policy will defeat us and are in the process of so doing in global economic competition.

Everything costs, Mr. President. The real question is what will happen if we fail to pay the price. Let us stop complaining that this or that is going to cost, and let us find out which costs we have to pay to avoid greater problems and to achieve a decent life for all Americans.

We hear that much of the public has become skeptical of our Government institutions. I do not blame the citizens for that skepticism when people in Washington seem to have difficulty setting what would seem to be fairly clear priorities and throw up their hands and say, nothing can be done. That is what those who want to defeat the Byrd amendment are saying: that nothing can be done about this.

There is a lengthening agenda of things, Mr. President, that the public wants its Government to do. Let me suggest that it is not as hard to set priorities as is sometimes argued. We can begin this afternoon.

When a Federal law targets a given area of the country and a given industry, and particularly when it targets it in a way in which it is expected to produce job loss in that region, and a region with limited job alternatives at best, the law should provide readjustment assistance.

It is said that the limited cost of this amendment somehow constitutes valid objection to it, but that position turns upsidedown our national priorities. If the Government may throw people out of work to achieve environmental objectives, should we give priority to compensating people who are in fact thrown out of work or should we give priority to proposals by those who urge us to provide tax breaks for people in top tax brackets? That would seem to me not a difficult choice.

What expenditure is more warranted, adjustment assistance for hardworking people whom we need to enlist in the battle for international markets or the purchase of those missiles whose only purpose is to be launched from West Germany to strike targets in East Germany? And yes, they are requested in the budget that we have before us. That is not a difficult choice, Mr. President.

The list goes on and on. In fact, the point is that when it comes to priorities, adjustment assistance for working people thrown out of work by direct action of the Government should be at the top of any list of priorities, ahead of everything else.

The real truth is that there should have been significant cost sharing in this bill. I am furious that that was not adopted. It was a political deal and it is done. Whether or not it remains possible to achieve cost sharing, it should have been done in the first place. Cost sharing, so that the industrial Midwest would not be required to pay more than its share for cleanup. Absent that, whether to pay modestly for those unemployed by this bill is not a difficult choice at all.

There should be no complaining about paying the amounts in this amendment. There should be no hand wringing about how we cannot do anything because of all the expenditures that we are being pressed to consider. These jobs come first. Today the impact of Government action is concentrated in my region of the country, and we will suffer. Tomorrow it may be in your region of the country. This amendment, Mr. President, should be uncontroversial.

Where does the Senate stand? Is the Senate willing to pay for clean air or is it not? Is the Senate serious or is the Senate not about the need to protect our human resources, rather than waste them, in the battle for international markets? Is the Senate willing to accept responsibility for the consequences of its actions or are we not? Is the Senate prepared or are we not to put jobs ahead of tax breaks for the already privileged and all the other luxuries on which we are asked to spend taxpayer money? And that list is long. I believe, and I certainly hope, that these questions answered themselves.

I commend my distinguished senior colleague from West Virginia for his leadership on this amendment and on so many other causes. I commend this most important amendment to my colleagues in a most favorable manner.

I thank the Chair. I thank my senior colleague. I yield the floor.

The **PRESIDING OFFICER.** Who yields time?

Mr. **BYRD.** Mr. President, I thank my colleague for the strong, steady, constant companionship he has given in this effort over the many months that we have been wrestling with the clean air legislation, hoping to reduce and minimize the job cuts. He has been very effective and I deeply appreciate his support. I am sure our people do likewise.

The **PRESIDING OFFICER.** Who yields time? The Senator from Montana.

Mr. **BAUCUS.** Mr. President, I yield myself 10 minutes.

The **PRESIDING OFFICER.** The Senator from Montana.

Mr. **BAUCUS.** Mr. President, I represent the State of Montana. Montana is known as the Treasure State. Our State's economy is predominately shaped by agriculture. We are a forest product State. We are a mining State. We are an outdoor State. We are a natural resource State.

My State is no stranger to the cruel shifts of a free market economy. In the last decade, Montana has witnessed the loss of the Milwaukee Railroad—entirely gone, no Milwaukee Railroad anymore. We have also witnessed a significant loss of portions of our only remaining railroad, the Burlington Northern.

In 1980, just 10 years ago, the Anaconda Co., historically the dominant private employer in the State of Montana, closed its copper mining, closed its smelting operations, and closed refining operations in our State. In little over a century, the richest hill on Earth, in Butte, MT, which produced 20.1 billion pounds of copper and over 2 million ounces of gold totaling over $22 billion—that is in 1984 dollars—had become one of the largest Superfund sites in the Nation. From being the richest hill on Earth to being one of the largest Superfund sites in the Nation.

Since 1980, Montana has lost 12,000 workers in agricultural, mining and construction sectors. Total workers' earnings from these sectors have declined by a quarter. In September 1980, literally overnight, 65 percent of the State's primary metals production has vanished. Sixty-five percent of the State's primary metals production has vanished. Per capita income has declined to 80 percent of the national average compared with 100 percent in 1950. A decade ago, roughly 12 percent of Montanans lived below the poverty level. Today that is up to 16 percent, well above the national average. Since 1984, nearly 30,000 Montanans have left the State in search of a job. There were nearly 10,000 miners in Montana in 1950, and today there are fewer than 6,000.

It is a virtual certainty that our State will lose one of its two seats in the U.S. House of Representatives following this year's census.

Indeed, Montanans are intimately familiar with the cruel realities of a free market economy. We have witnessed job losses. We have witnessed dislocation. We have seen the resulting increases in alcohol and drug abuse, spouse and child abuse, and we have seen whole communities literally decline and vanish.

So I speak today with a great deal of firsthand experience and a great deal of empathy of those who see their jobs potentially threatened by the passage of this bill. I know what it is like to go to a town meeting and face whole communities desperate for work and economic security.

This amendment is not the solution. This amendment is unwise economic policy, and it is unworkable environmental policy. Under the proposal, there is no mechanism to distinguish between coal mining jobs actually lost as a result of the acid rain provisions of the bill and job losses which resulted from normal economic free market changes. Between 1950 and 1960 the number of miners in America's bituminous coal fields fell from a high of 400,000 miners to 160,000 miners. In just a little over a decade, 60 percent of the jobs in the bituminous coal mining regions of the country were lost.

These job losses occurred well before the passage of the landmark Clean Air Act of 1970—well before the passage of the 1970 Clean Air Act. Three hundred thirty-nine thousand coal jobs were lost between 1950 and 1970. Since the enactment of the Clean Air Act, only 29,000 jobs have been lost in the bituminous coal industry.

Factors other than environmental regulation resulted in the loss of these jobs. Indeed, mechanization in the coal industry and the national shift to other sources of energy and development of low sulfur coal deposits contributed to slacking demand in the bituminous coal industry.

So, Mr. President, I say to you that this amendment is not the solution. In many ways, if enacted, this amendment could be a self-fulfilling prophecy. It could well be the excuse needed to close marginal mines and allow the taxpayers to pay for the consequences.

Most of the copper workers who lost their jobs in the State of Montana and other areas of the West during the 1980's received only the minimal unemployment compensation and related benefits, to which they were entitled. There was no special treatment for these workers.

In the coming months, this Congress will confront similar difficult economic dislocations as a result of changing budget priorities. Is every civilian employee of the Defense Department entitled to similar compensation when job losses result from military base closings? Are employees of defense contractors entitled to special unemployment and education benefits because of the decline in defense production and procurement? What are we going to do, Mr. President, when certain procurements are discontinued, whether it is the Bradley fighting vehicle or the M-1 tank? What are we going to do for those workers? Are they entitled to receive similar benefits?

These job losses are the result of changing public priorities and Federal budget shifts. Should we compensate the thousands to be added to the unemployment lines as a result of the defense budget cutbacks? What about highway funding reallocations? What happens if this Congress next year passes a new highway authorization bill? It will result in some job losses in some parts of the country. It may move funds from highway to mass transit, a move which I might say I do not favor.

There is no guarantee that when that highway bill passes there will not be some shifts in allocation of highway dollars. The result may be some workers are going to be out of jobs. Are we going to give them the same benefits? That is legislation passed by this Congress. Are we going to give those workers the same benefits?

What happens when we pass an appropriations bill that has a cut in some project or some program? Are we then going to add another appropriations bill to give compensation to those people who are out of work because the first appropriation was a cut?

What about the S&L fiasco? This Congress, the President, and the regulatory agencies are responsible for the S&L fiasco which has resulted in the job dislocations around this country. Are we going to give those people the

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same benefits that are provided for in this bill?

Mr. President, we all know the current Clean Air Act, at least those of us in the West know this, presently discriminates against low-sulfur coal. Consequently, most of the powerplants in the West have been required to add costly scrubbers even though they burn clean, low-sulfur coal. The existing act has permitted aging powerplants in other parts of the country, particularly the Midwest, with no pollution controls, or only minimal pollution controls, to continue to burn dirty, high-sulfur coal. The current act discriminates against the West, and we have taken steps to remove this injustice in this legislation.

The compromise that has been worked out over the last several weeks concerning acid rain is just that. It is a compromise. It is a compromise in the very best sense of the word. No one got everything on this wish list. But by the same token, every region in the country was given fair consideration, and every major concern was addressed.

I might say, Mr. President, the Midwest was treated fairly in our negotiations. The new marketable allowance system, for example, established in the bill will benefit the Midwest significantly in defraying the cost of pollution controls.

In the West, we were not given allowances when we modernized our electric generating facilities. We paid for them the old-fashioned way. Our electric ratepayers paid and continue to pay with the cold, hard cash.

The adoption of the pending amendment upsets the delicate balance which I and others associated with this legislation have endeavored to craft over the past decade. The amendment however adds salt to the festering regional wounds which resulted in the unfair percentage reduction requirements in 1977 that are contained in the current law.

I must say, Mr. President, this amendment also does not make environmental sense. It does not make environmental sense because the concerns and allowance allocations were fully addressed in the compromise we reached. No one ever said a national clean acid rain reduction program would be cheap. No one ever said that. But we have endeavored to be sure that the burden is distributed fairly and evenly across the board, particularly on a regional basis.

The allowance system in the substitute will go a long way to assist in the implementation of this program. Those costs are not unlike the costs incurred by other regions of the country over the past decade.

Mr. President, the current act has been unfair to the West, and we have paid the price for our clean air. We have paid dearly. In the compromise the balance allocates emissions allowances in a fair way so that the Midwestern utilities, the dirtiest utilities in the Nation, the utilities that have to clean up are going to get a major break because about 25 to 30 percent of the cost is going to be paid for by other electric ratepayers in the country.

The allowance system is going to go a long way to find a balance between western low-sulfur coal and eastern high-sulfur coal. This compromise is just that. It is a compromise.

Mr. President, that to go further, as far as the pending amendment would go, not only adds salt to the wounds in the compromise, but it is very unfair. It is unfair because there are existing programs that can help people who are out of work. But it is not right; it is not fair to give that much more additional compensation to only one set of workers in primarily one part, of the country. It is just not fair. It is not fair to the rest of the country.

The best solution is one that strikes a bit of a balance between the present amendment that is offered, cut that back significantly, so that all workers around the country basically get decent compensation if they are out of work but not at such a rich rate that it is unfair to the rest of the people in this country.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from West Virginia controls 25 seconds.

Mr. BYRD. Mr. President, I thank the Chair.

The PRESIDING OFFICER. Who yields time?

If no one yields time, it will be deducted equally from each side.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the distinguished minority leader.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, I thank the manager.

Mr. President, I have tried to listen to all the different speakers this morning. You know I could not be on the floor all the time listening to the majority leader on the radio or watch the television. There were not any surprises. I mean those from coal States are obviously for super benefits and some others have not decided.

Again, I think we should agree with the Senator from West Virginia: this is not the vote on the environment, but this is a vote on a national policy. We have to make a judgment whether we want to start some new national policy of super benefits that may carry over into everything else we do when it comes to somebody losing a job. Base closings will be the next ground. Are we going to have super benefits for people who lose their jobs because of that?

Contrary to what the Senator from West Virginia would have us believe, this legislation does impose broad, new requirements on all major industrial sectors of the economy. Thus, any justification that high-sulfur coal mining should be singled out from other industrial sectors and industries for preferred and special treatment just does not make sense. Other industries facing increased requirements include autos, steel, chemicals, refineries, utilities, rubber, paint, coatings, solvents, plastics, to name but a few and there are many more. Indeed, this legislation is so far-reaching, it goes from the Fortune 500 clear down to Main Street, U.S.A., including dry cleaning facilities, bakeries, printing plants, and gas stations.

As I have said before, this clean air bill is the most significant legislation we are going to tackle all year. The industries I have just mentioned, including many others, have all these problems with the bill, all these compliance problems, and it is going to affect everybody. The auto industry, for example, has to produce vehicles meeting extensive new control requirements. The steel industry will have to significantly reduce its emissions, and in order to do so may be forced to close certain facilities. The chemical industry will have to meet stringent new requirements that reduce both air and toxics emissions, emissions which contribute to smog. The utility industry will have to slash its sulfur dioxide emissions by close to 50 percent over the next 10 years. Oil companies will not only have to meet air toxic and nonattainment smog requirements, they will also have to reformulate their products such as gasoline and diesel fuel. This list, of course, is much longer.

The point I am trying to make is that the economic impact falls on other industrial sectors, too, and does not, as the Senator from West Virginia would have you believe, target, in his words, "Big Bertha" on high-sulfur coal miners.

Everyone knows that each of these industries has thousands of jobs at risk. You could quarrel with the estimates, but the estimates by Hahn and Steger suggest that the toxics provision alone may affect about 1 million jobs. Some will say that is too high, but that is their projection. They estimate that between 100,000 and 200,000 jobs could be lost in various industrial sectors.

I might say, this study was done before we made improvements in the bill, before we in effect helped balance the bill, as opposed to the committee bill we originally brought to the floor.

For example, in transportation equipment, Hahn and Steger estimate that approximately 300,000 jobs may be affected, 30,000 to 60,000 which could be lost.

These workers are largely found in 16 States, including Kansas, Indiana, Ohio, Tennessee, Texas, and Washington.

In the chemical industry, approximately 125,000 jobs may be affected; 12,000 to 25,000 could be lost. These workers are largely found in 19 States, including West Virginia, Illinois, Kentucky, Louisiana, Missouri, Ohio, Texas, Virginia, and others.

In the primary metals industry, approximately 120,000 jobs may be affected, 19,000 to 24,000 of which could be lost. These workers are largely found in 12 States, including West Virginia, Alabama, Illinois, Indiana, Kentucky, and Pennsylvania.

In the paper products industry, approximately 60,000 jobs may be affected, of which 6,000 to 12,000 could be lost. These workers are largely found in 10 States, including Alabama, Kentucky, Maine, and Ohio.

In the electronics industry, approximately 55,000 jobs may be affected, and could lose between 5,500 and 11,000. Again, these workers are largely found in four States, consisting of Alabama, California, Connecticut, and Nebraska.

So, as I have said repeatedly, a lost job is a lost job. What happens if coal miners lose their jobs and because of the loss in jobs somebody at the J.C. Penney store is laid off, and they are the breadwinner in the family, and they have children and bills and rent to pay and they are not getting the higher wages that the coal miners receive? They are out of work; they do not get any protection. They get regular unemployment, 26 weeks at an average of $164 a week or $4,277.

I have great empathy for the coal miners, and I have listened to my friend from West Virginia, but I cannot rationalize how we can say, they are the highest paid workers—maybe with the exception of steel industry—but anyway, we ought to give them bigger benefits, super benefits, because they may have lost their job.

They are losing their jobs now because of technology. They lost thousands and thousands of jobs in the coal industry because of the change in technology, not because of the Clean Air Act. Even if we do not pass the Clean Air Act, there are going to be thousands of jobs lost in the coal sector because of new technology. Why are they being targeted for special benefits? I ask, why should a coal miner from West Virginia receive economic benefits that a steel worker from Pennsylvania or, for that matter, West Virginia, would be denied under this proposal?

I also emphasize that, to his credit, the Senator from West Virginia has been making a case, and his concern for coal miners has not fallen on deaf ears, as he would have you believe. This legislation contains many provisions intended to protect high-sulfur coal-mining jobs over the long haul, and these provisions include the following: clean coal technology financial incentives. These provisions give special financial incentives for clean coal technology projects, and almost all of these projects encourage the use of high-sulfur coal.

Clean coal technology regulatory incentives. These provisions for clean coal technology relax existing environmental requirements for these projects.

Clean coal technology repowering projects, almost all of which will use high-sulfur coal, receive a 4-year compliance delay under the compromise, and this extension is a tremendous incentive for utilities to continue using high-sulfur coal instead of switching to low-sulfur coal.

In phase one, any plant which scrubs high-sulfur coal will receive a 2-year compliance extension. This is yet another big incentive to continue using high-sulfur coal instead of switching to low-sulfur coal.

The Byrd-Bond provisions also grant extra emission allowances—so-called 2-for-1 credits—to utilities using scrubbers with high-sulfur coal. This incentive encourages utilities to continue using high-sulfur coal.

Finally, all of these provisions in the compromise are in addition to the existing Clean Coal Technology Demonstration Program. This program provides for $5 billion worth of subsidies for the development of clean coal technology. Half of this money comes from the Federal Government, and almost all of it will be spent on technologies intended to facilitate sustained use of high-sulfur coal. Needless to say, much of this coal will come from West Virginia.

So I do not want to leave the impression, and I hope the impression is not made, that we said we are not going to worry about the coal miners or high-sulfur coal or those States in which it is produced. This bill is replete with provisions that benefit that industry.

Senator MITCHELL and myself made a proposal last Thursday to the distinguished Senator from West Virginia. We tried to come to grips to see whether we could find some proposal and a good faith effort which would provide, yes, generous benefits for workers who lose their jobs as a primary result of the Clean Air Act amendments, with additional benefits to be provided in certain cases involving high unemployment. Such additional benefits were carefully crafted to meet the needs and concerns of the coal workers expressed by the Senator from West Virginia and other Senators. This proposal has not been accepted.

I want to take a couple of minutes to point out that that proposal and the so-called Byrd, et al. amendment that is pending, is very clear, painfully clear; the offer made was a very generous offer and exceeded considerably what a worker who lost his job otherwise would receive under typical unemployment programs. Keep in mind that based on the State average it is $164 a week. That happens to be what we receive in my State. I have a list of all 50 States. Some are lower, some are higher. West Virginia is $245 a week. New York is about $245 a week.

With respect to basic benefits, under the Mitchell-Dole proposal, all workers are entitled to benefits if the loss of their jobs is the result of the Clean Air Act amendments, the same as in the Byrd amendment. You start off the same.

In addition, the amount of basic benefits is the same under the Byrd amendment. In addition, there are an additional 52 weeks of unemployment insurance benefits, plus training, plus job search and relocation allowances.

Thus, under the Byrd amendment and the proposal made by the distinguished majority leader and myself, benefits are provided for those who lose their jobs, benefits to live, plus assistance with respect to finding a new job, training assistance for that job, and relocation assistance to move to a new job.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. DOLE. Will the Senator yield me 3 additional minutes?

Mr. BAUCUS. I yield 3 additional minutes to the Senator.

Mr. DOLE. In addition, the Byrd amendment provides super benefits to coal workers only, 70 percent of their wages, and you have another 20 percent. So it is almost as much as they are making in the first place in the first year.

The proposal made last week to the distinguished Senator from West Virginia provides additional benefits to workers in all States with unemployment exceeding 140 percent of the national average and in industries which lose more than 18 percent of the work force within a 24-month period.

The amendment was intended to target those States suffering unemployment above the national average with industries which are experiencing increased unemployment.

This proposal was crafted with the intention of providing additional benefits to workers who truly need this type of additional assistance, that is, in high-unemployment States who are working at hard-hit industries, that combination.

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I firmly believe that the proposal will provide such workers with benefits and assistance that they will need to make the transition to a new job.

While the amount of the benefits provided under the Byrd amendment and under the proposal differ in amount, the benefits provided under the proposal are available for all workers in all States, not just for coal miners. In other words, while the amount of benefits under the Mitchell-Dole proposal are smaller on a per-worker basis, they are available for all workers and are not available just to coal workers who as we know are a small minority of the many workers who will be or could be hit by this legislation.

It is my belief what the Byrd amendment translates into is for the Federal Government to provide super benefits to coal workers and to no one else other than coal workers.

For example, during the first year of eligibility, the Byrd amendment will provide the average West Virginia coal miner with approximately $33,000 without any requirement whatsoever that such displaced worker enter a training program or seek alternative employment.

Again, keep in mind that for one who loses his job, just losing his job, what does he get over a 6-month period? He gets $4,277 a year. That would be about $8,500 compared to $33,000.

Again, I would say what would happen if you lost your job in West Virginia or Kansas or somewhere else—maybe you are working in a grocery store; maybe a cleaning store, somewhere else; you lose your job because employment is down at Boeing Aircraft or somewhere else—you are going to get the big sum of $164 a week, while somebody else, somewhere else, will get $33,000 a year.

So it seems to me that when you get $33,000 without the requirement that the displaced worker enter a training program or seek alternative employment, that is a pretty good super benefit.

If such worker is enrolled in a training program, such worker would receive approximately $43,000 because you get more if you get into a training program; $43,000 per year, and in that one year.

Here is the super benefit made available just to coal miners: They do not have to make any attempt to find work, no attempt for training. And it seems to me it already creates a disincentive for anybody finding a job. Why would you want to work if you can make $43,000 a year for not working?

Under the Mitchell-Dole proposal, which is still very generous, the West Virginia coal miner would receive approximately $19,000 during the first 1½ years of eligibility, and with the value of training included, such worker would receive approximately $23,000 during the first 1½ years of eligibility.

In addition, under our proposal, all eligible workers nationwide would receive on an average approximately $13,000 during the first 1½ years, and approximately $17,000 with training. So there is a little discrepancy between that benefit for those directly related and not.

So, Mr. President, in response to the debate and the efforts by the distinguished President pro tempore, we have tried to come up with a satisfactory solution, not supported by the White House, I might add, but one we are prepared to propose as a leadership amendment.

I do not know how many people would vote for the leadership amendment. But we wanted to make certain we were in good faith. We did not think there ought to be discriminatory programs. There ought to be some standards and guidelines set where workers in my State would have a chance, or workers in Minnesota, Montana, or other States that might be affected by this bill would have the same opportunities.

But we did provide for average wages, and we also provided in those States hard-hit—that might be West Virginia; it might be some other State—that there would be an advantage as far as benefits were concerned.

Mr. President, I am noting we tried to provide a safety net for all the workers.

Mr. BYRD. Mr. President, will the distinguished Republican leader yield?

Mr. DOLE. Yes.

Mr. BYRD. I am out of time.

Will the Senator answer a question?

Mr. DOLE. If I can.

Mr. BYRD. What States would qualify for the benefits under the White House joint leadership proposal that was given to me?

Mr. DOLE. As I understand—and I have the list; I will be glad to put it in the Record—it would be four States: Texas, Louisiana, West Virginia, Alaska, and also Puerto Rico. That is at 140 percent.

If you lower that to 120 percent, you pick up about 5 or 7 or 8 or 10 additional States.

Mr. BYRD. I thank the distinguished Senator.

Mr. FORD. Will the Senator also yield for another question?

The PRESIDING OFFICER. Does the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. FORD. The Senator said in his statement that his sources and his figures were prior to the new package substitute, the Mitchell-Dole substitute, as to loss of jobs in the various fields. The Senator took that, I guess, from the Congressional Research Service figures?

Mr. DOLE. No. We took ours from the Hahn-Steger survey.

Mr. FORD. The CRS—and I hope I am correct. But the CRS statement says the compromise thus even using the established methods in the report, the effect of the Senate compromise package would be to eliminate most or all of the direct employment impacts from the $1½ million risk standard.

So, if that is true, I say to my distinguished friend, if they would check it, then they would find out that it just leaves the coal industry. So when the ink is dry, they will immediately have the problem, and the other industries are virtually home free.

Mr. DOLE. I will just indicate, first of all, the point I was trying to make is that the study by Hahn and Steger looked only at air toxics to start with and did not look at acid rain. It looks at air toxics.

Second, they were basing their assumption on the bill reported out of the committee, not the Mitchell-Dole substitute.

Mr. FORD. That is right. But the figures the Senator reported were from the bill reported from the committee. I understood the Senator to say that his figures were prior to this substitute.

Mr. DOLE. Yes, I did say that.

Mr. FORD. So the Senator's figures are erroneous if the substitute passes.

Mr. DOLE. Not necessarily.

Mr. FORD. The Senator said that himself.

Mr. DOLE. I said it could be smaller because it was after the bill. It still indicates there are people at risk other than coal miners in Kentucky, in my State and every other State.

Mr. FORD. But the Senator left Kentucky out in the proposal he submitted to us as a compromise, and that got a little bit touchy for me when the Senator eliminated us and only took care of four or five States.

Mr. DOLE. We hope that nobody loses their job because of the Clean Air Act.

Mr. FORD. You can rest assured the coal miners will lose their jobs.

Mr. DOLE. Also rest assured, they are going to lose jobs in any event because of new technology. They are losing jobs in the coal mining industry because of new technology.

Mr. FORD. That is correct. There is competition.

There are 28 Senators here that voted for lumbermen and redwood forests, to give a much more generous support than this amendment asked for. I hope they will give us the same support on this.

Mr. DOLE. Let me correct the answer I gave to the distinguished Senator from West Virginia. Alaska, West Virginia, Louisiana, and Mississippi—I think I said Texas rather than Mississippi.

If you lower that, of course, you pick up additional States. If you go down to 115 percent, you add Alabama, Arkansas, Texas, Colorado, Illinois, Montana, and Wyoming.

But it is at 140 percent in the proposal we gave the distinguished Senator from West Virginia.

Mr. BYRD. I thank the Senator.

Mr. President, if I may say one word, the Senator from West Virginia is not interested in any approach that just benefits West Virginia and one or two others, and does not benefit all of the coal-producing States that are going to be hurt by this amendment. This is not pork.

I am in this fight with all the other Senators who have been working on this amendment for many weeks. If they cannot have a place in the lifeboat, I will not elect to stay in it either.

Mr. DOLE. I thank the Senator from West Virginia.

Again, I want to credit the Senator from West Virginia. Had I offered an amendment like this, I would not get five votes. But in any case, it indicates the strength of the Senator from West Virginia that comes with seniority and other things. But I know how you count votes and I know how you get votes, and the Senator from West Virginia has certainly worked that.

I do know this is bad policy. I am not certain the trade adjustment assistance really helped people, but we had it, and we still have it. So the distinguished majority leader and myself tried to pattern something after trade adjustment assistance so it would be fair and across the board.

Again, maybe the coal miners are in the most hazardous work of anybody in a America. Maybe not. Maybe the people in the coke ovens think they have it pretty hard there, too, and they may be in hazardous work and those in the steel industry and related industries. But to single out and say we are going to have a superbenefit for this group and different benefits for everybody else is pretty hard to sell, even if you wanted the program.

Again, there may be another modification. I am not certain, but I understand there may be a third modification to the amendment. If that is the case, then the argument I made may not apply, or it may apply. But again, when you start paying somebody 70 percent of their regular wage in unemployment benefits, I think it is very hard to justify.

What are we going to do when we start base closing? What are we going to do next time we have something come up or somebody else loses a job? Why should they not all look to the Federal Government? So, it seems to me, we have a good program in place. We have unemployment compensation available for a minimum of 26 weeks; it varies State by State. We have trade adjustment assistance still in operation in some States. I hope that my colleagues will take a look at their State and take out the Byrd amendment and see what your unemployed workers are going to receive, if anything. It is a question of fairness to our workers in our States.

It is also a question of cost. This is going to cost, over the lifetime, $800-some million. Again, I do not know what the modification is, but I have suggested to the White House, at least they have suggested this is a very serious amendment and if it should come out of conference in this fashion, it would certainly be a good candidate for a veto.

I yield the floor. I know other Members want to speak. I hope to have a chance to speak a few minutes more before 3 o'clock.

The PRESIDING OFFICER. The Senator from Montana controls 56 minutes, 48 seconds.

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from Texas.

Mr. GRAMM. Mr. President, I spoke at some length on this amendment the night that it was offered. I am not going to repeat all of those arguments. I think this amendment is poor public policy. I deeply respect our distinguished President pro tempore. I think the fact that this amendment is broadly supported is more a testament to him than it is to the quality of the amendment.

But I want my colleagues to know that if this amendment is offered, if this is good policy for the coal miner, then it is good policy for the petrochemical worker, and it would be my intention to follow this amendment with a simple amendment that would simply say, "Notwithstanding any other provision of this act, the term terminated coal mine worker shall mean any terminated worker without regard to the industry in which such worker was employed."

Under that case, the 84,000 people in the petrochemical industry whose jobs are jopardized by this bill would be afforded the same protection as the people in the coal mining industry. Those in small business, in laundries and drycleaners, in all of the other industries that would be affected would be treated the same.

I want my colleagues, in looking at how they are going to vote on this amendment, to look at the impact of having the Federal taxpayer indemnifying every worker in America. I think this is a bad amendment. It is a bad policy. It is well intended, but it is very poor public policy. But poor public policy or no poor public policy, people in other States are not going to be treated better than the people in Texas.

I yield the floor.

The PRESIDING OFFICER (Mr. ADAMS). Who yields time?

Mr. BAUCUS. I yield 15 minuts to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I will oppose the amendment offered by my colleague, the senior Senator from West Virginia, and I do so reluctantly.

I have long supported cost sharing for acid rain controls. In fact, in 1983 and again in 1985, I introduced legislation to impose a fee on all sources of sulfur dioxide and nitrogen oxide emissions with the revenues to be used to assist with the cost of pollution control technology installed at powerplants in the Midwest.

I continue to believe that cost sharing is justified, although it is not a popular concept with business and industry in my State. My State of Minnesota has already spent hundreds of millions of dollars to clean up its sulfur dioxide emissions. In the 1960's and 1970's, we were burning high-sulfur Illinois coal without scrubbers. We have installed several scrubbers. We have switched to low-sulfur coal. We have constructed three nuclear-fueled powerplants. All of that has significantly increased the cost of electric energy to our industries and commercial businesses in the State of Minnesota.

The acid rain legislation pending before the Senate will not have any impact in Minnesota, because we have already implemented an acid rain control program. Under this bill, Minnesota is allocated 125,000 tons of allowances for sulfur dioxide emissions. By State law, we have a cap on emissions at 93,000 tons. So business and industry in Minnesota will not face higher electric costs because of this bill. We have already paid our share. And our businesses don't see much justification for contributing to the cost of cleanup in other parts of the Nation.

But there is a case to be made for assisting the Midwest States. The Senator from West Virigina has made that case here on the Senate floor with great eloquence and substantial feeling. In his State and in other Midwestern States, the issue is not only the impact on electricity rates, but the impact on coal mining jobs, as well. Coal mining communities tend to be dominated by that single industry. I have an iron range in Minnesota in which all they do is mine the iron ore that, when combined with the coal and the coke, becomes the steel of this country. I know that well.

The whole economy in each community turns on the productivity of the coal miners. If they are out of work, the impact on the community is devastating.

The nature of these impacts has, as every one knows, galvanized the Midwest in opposition to acid rain control legislation.

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As a Minnesotan, I want an acid rain control program for the whole Nation like the one that my State has already implemented. Minnesotans care deeply about this issue. It has always seemed to me that it is possible to have jobs in the coal fields of the Midwest and to reduce acid rain at the same time. It can be done with pollution control technologies which are available today. The only question is whether the Nation is willing to invest in that technology or not. For it would take a national investment, some cost sharing, a contribution by all of us to make that strategy a political possibility here in the Senate. You just cannot order up the scrubbers and say that the polluter pays. That is not a strategy that would pass the Senate.

So, I have supported cost sharing. I believe that Minnesotans would support a program of that kind, if it could break the political deadlock and get a clean air bill enacted.

I think they would be willing to contribute to a cost-sharing program if it meant a significant reduction in national sulfur dioxide emissions, because it is we, our lakes and our forests, that would benefit from reducing the atmospheric pollutants that begin in the Midwest.

But, since the beginning of this Congress and with a new President, the debate has moved away from the practical control of acid rain, in the other direction, the direction favored by various fossil fuel products in this country. It is a strategy called fuel switching. Those who favor a fuel switching strategy have moved the debate here in the Senate to the point where explicit cost sharing for pollution control technology is not a viable option.

The low-sulfur coal and natural gas interests are clearly going to get a piece of the national pie. That is just a political reality.

The jobs which the senior Senator from West Virginia is concerned about are not lost because this bill reduces economic activity. They are not lost because we will use less domestic energy. They are not lost because there will be fewer people employed in the energy industry in America. The jobs he is concerned about are lost because this bill will cause a shift in fuel sources from high-sulfur coal to low-sulfur coal and natural gas.

I do not think a massive dose of fuel switching is a necessary part of an acid rain control bill, except here. It is not even a good idea when looked at from a solely parochial Minnesota perspective, because we use natural gas to heat our homes in Minnesota and to the extent more of it is used to produce electricity as a way to avoid sulfur dioxide emissions, prices to heat homes in Minnesota will increase. A strategy that fires utility boilers with natural gas is not a strategy that is good for my State. So I was willing to support pollution control technology cost sharing.

I might say there is some cost sharing in this bill already. The allowance system has been modified so excess allowances will go to those who invest in pollution control technology during the first phase of this program. The senior Senator from West Virginia has already won a great victory with that amendment. It was his amendment. His folks will be assisted as a result of that amendment. There will be more scrubbing, lower electricity rates and more coal jobs in the Midwest as a result of that amendment.

So I am on record, Mr. President, as being willing to support cost sharing for pollution control with my votes. But a comprehensive unemployment compensation program, I must say, is another matter. Clean air does not equal economic ruin. That is a principle that if I do not stand for it today, I will not be able to stand for it the next time we have an environmental bill before us. Clean air does not equal economic ruin. And I am deeply troubled that the directions of the debate in this body suggests that the environment and economy must inevitably be in conflict.

This body has, on occasion, seemed to be on the verge of accepting that equation as a fact, and I am here to say it is not a fact. A few days ago, our colleague from Washington, SLADE GORTON, proposed an import tariff to protect American jobs that might be lost to foreign production because of the cost of air pollution control.

That some of us would blindly accept the premise of that amendment to me is astounding. Clean air does not mean lost jobs. In a country like ours, we can do both.

There have been all kinds of claims made about the economic impact of this bill; some very large numbers for economic cost, for health care costs. They have all been thrown around on all sides, so it is kind of hard to sort out those claims. But, if we take the job losses which the Bush administration has projected, and put those numbers in context, 5,000 coal miners may lose their jobs as a result of the acid rain battle. Those jobs will shift to other parts of the American energy industry as other fuels are used in place of high-sulfur coal.

But employment in the coal fields has declined by tens of thousands over the past decade. Not because of any environmental law here in the U.S. Senate; largely because of mechanization and because of a series of environmental control laws, passed in States like mine.

If my colleagues were here this morning, they heard the senior Senator from Kentucky talk about the fact that Wyoming is now the No. 1 coal producer. We know that did not come about because of anything we did here in the U.S. Senate. That came about because over time, mechanization and a series of other State level environmental laws have accumulated in this country, which have favored Wyoming coal over coal in other parts of the country. But no unemployment compensation bill has passed through this body or through my legislature in Minnesota, to compensate for this rather enormous loss of jobs in the high-sulfur coal States.

Coal production over that period has still increased dramatically. But the jobs have decreased. The industry has made great strides in productivity, which have had a profound effect on unemployment and life in the coal community.

That is a very important social issue, one which we can see across the face of West Virginia. But it has nothing to do with this legislation.

On air toxics, the administration has estimated that the air toxics legislation reported by the committee, not the compromise now before us but the bill reported by the committee, might reduce unemployment by 11,000 to 14,000 jobs. That impact was based on the assumption that no new pollution control technology would be developed between now and the year 2005, when the health standards would become effective under the bill. Even the administration paper called that assumption unreasonable.

New technologies will save those jobs, I am sure. Every job is important. We do not want to pass legislation here in the Senate which negatively impacts anyone's job. And I am confident that the toxics provisions in the bill can be implemented also, without job losses.

But the number of jobs that we are talking about here is a blip in an economy the size of ours. The American economy is in a constant state of flux. Some industries are dying, some are growing. Old plants are replaced with new plants. Well-managed companies are expanding share while other firms decline. Every day, every week, every month, thousands of jobs turnover in this country. Last month, a 28-day-month, 370,000 new jobs were created, including many in the State of West Virginia. That was on top of the millions of new jobs that had been created since the end of the last recession in 1982—millions of new opportunities.

The notion that 11,000 or 14,000 or 5,000 jobs nationwide is a big impact for a bill of this kind is just plain wrong.

How it triggered the debate we are having here in the Senate is beyond my understanding.

Clean air does not mean the loss of jobs. Competition among regions for the future of this country, for the future of the energy marketplace, will have impact. In my view, we could have kept that competition out of this debate. It is not a clean air issue. I cannot vote for an amendment premised on the note that environmental protection is a threat to our economy and that is why I will have to vote against the Byrd amendment.

It is not that I doubt the impact nor that I am unsympathetic with the impact nor that I am unwilling to pay for my State to reduce pollution from others, not that I believe that the Senator from West Virginia is unreasonable. He has a reasonable right to make this case.

If this bill creates winners and losers in the energy marketplace, and it will create winners and losers as it is currently written, it is not because of the environmental goals set in this bill. It is because this body chose the strategy to reach those goals with a fuel switching rather than a pollution-control technology. The Senate and the administration have explicitly chosen the least-cost strategy, knowing that jobs would be shifted from one part of the energy industry to another.

So be it. Let us not turn that decision into a massive unemployment compensation program which is not justified by the facts. We, in the land of 10,000 lakes, believe it is possible to have tough pollution control laws and a sound economy. We are proof of that point. We have already implemented the acid rain program which this legislation now proposes for the country as a whole. We are pleased the whole Nation will be joining us in the effort to clear our air.

We do not find that effort an unbearable burden. We are quite proud of our accomplishments, as we are sure the Nation will be when this bill is fully implemented. We, in Minnesota, will share in the costs of environmental improvement. We will not, however, pay the costs of job switching in the fuel industry.

I am reluctant to oppose this amendment because it does offset the large costs that West Virginia will pay in the short term so that we all may benefit. But I must, Mr. President, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Does the Senator from West Virginia wish to proceed?

Mr. BYRD. Mr. President, I thought I might have one additional speaker. I am not sure now that I will. Since I do not have him at the moment I cannot produce him. So I suggest the Senator proceed.

Mr. BAUCUS. Might the Senator from West Virginia, later?

Mr. BYRD. I might.

Mr. BAUCUS. Mr. President, at this time, we do not have additional speakers. There are one or two others who may speak in opposition to the amendment, in addition to the statement by the distinguished majority leader. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I ask unanimous consent for 2 minutes.

Mr. BAUCUS. I yield 2 minutes to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I had the privilege earlier in the morning of discussing with the distinguished senior Senator from West Virginia this legislation. Of course, the principal point of contention was the fact that it is a dual track system of paying individuals in the country who lose their jobs due to the Clean Air Act. No. 1, the coal miners are treated in one fashion and all others who lose their jobs in another fashion.

I have been brooding over the explanation that was given to me. It is, to me, very, very difficult to understand. I think I am quoting the distinguished senior Senator from West Virginia, the sponsor of the measure, correctly when I say that one of his justifications for this special treatment of the coal miners was the fact that they are earning a lot of money to start with. Therefore, when they lose their jobs, they are pegged to a higher cost of living where their mortgages might be high and their standard of living and, thus, I think it is fair to say the distinguished Senator's justification was that they should be treated in a more favorable manner, in a higher payment manner. I believe I am correct in saying that. I remember it fairly clearly.

That, to me, is a very, very strange way of proceeding in this Nation that, in effect, the wealthy get treated better than the poor. Sure, under our unemployment compensation it is geared, to some degree, to one's previous pay. But the differences are modest. In other words, somebody who is working at the minimum wage in our State would get maybe $147, and somebody who is working at a higher rate might get $164 per week, but the difference in the total amount is very modest, where the differences in this, as has been pointed out, is monstrous.

In other words, it could be the difference between unemployment compensation which the noncoal miner gets of $146 a week and the coal miner getting $500 a week, not for 6 months, which the unemployment comp person gets, but for 3 years. The rationale in favor of this that that person is wealthier and has been working at a higher wage and, thus, has higher mortgage payments is to me completely contrary to any system we have had previously.

Mr. BYRD. Will the Senator yield?

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired.

Mr. BAUCUS. I yield 1 additional minute to the Senator.

Mr. CHAFEE. I will be glad to yield.

Mr. BYRD. I thank the distinguished Senator. That was just one reason.

Mr. CHAFEE. I recognize that.

Mr. BYRD. There are many others. This hits that group and for each mining job lost, there can be two nonmining jobs lost. In many of the counties in these areas, 40 percent or more of the income is coal mining. We are not just looking at the coal miners. We are looking at the communities that are likewise going to suffer.

So to keep that economy from total disruption, we need to make that, if the Senator wants to use the word, disparity.

Mr. CHAFEE. Mr. President, I believe I pointed out that this was one of the reasons that the distinguished Senator gave for this special treatment. But I find even citing that reason extraordinary in that, and I think I am quite correct in saying, that the well off get treated better than the less well off. That is contrary to any system we have had in this country under this form of payment.

The PRESIDING OFFICER. The time of the Senator has once again expired. The Senator from Montana.

Mr. BAUCUS. Mr. President, how many minutes does the Senator desire?

Mr. DOLE. Three or four minutes.

Mr. BAUCUS. I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Republican leader is recognized for 5 minutes.

Mr. DOLE. Mr. President, again, I just want to make a basic case for fairness. Again, I commend the distinguished Senator from West Virginia. He has done an outstanding job.

I do not agree with him on policy. I agree with him this is not a clean air amendment. But it is bad policy. This amendment is expensive, and it is excessive. This amendment gives special preferential treatment, super benefits to one group and not to others. It is going to cost per worker $94,000 for each coal miner over the 3-year period—$94,000 as compared to a normal person who might be unemployed if they get benefits that long, about $24,000, and it is pretty hard to justify. It is a question of fairness, and that, I think, we ought to consider.

They say, well, we are going to put a cap on it. It is $500 million. We do not know what the other program will cost. I understand the Senator is not going to modify his amendment again.

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I think it is unnecessary, it is duplicative.

We have an unemployment insurance program. We pay out $15 billion a year in unemployment insurance—$15 billion; trade adjustment payments, an average benefit of just under $200 to an estimated 16,000 workers weekly.

So it is not that we do not have benefits. We already have benefits in place. But I guess what I would come back to, the bottom line is this is just not fair. It is inequitable. So we are going to single out some who are displaced because of pollution control efforts.

What about those workers displaced by other causes like increased competition, shifting tastes, changing economic trends? They do not get these super benefits. They get the basic benefit, $164 a week average. That is it.

The program is perverse. They are going to delay readjustment There is no incentive, if you are going to get $94,000 over 3 years, to go out and look for a job. Job retraining is not required. So it is going to hinder anybody who wants to make an adjustment.

So I just think for all the reasons that I have stated, again in all due respect to my friend and colleague from West Virginia, it is going to be hard to sell this package because I assume if this amendment is adopted, we will next hear from the chemical workers and every other group that might lose jobs because of this legislation.

If this amendment is adopted, how can we vote against anybody else? Or say, oh, we have a different rule for coal miners than if you work for J.C. Penney or some other clothing or retail business and you lose your job. You get $164 a week as opposed to 500-something dollars a week.

So, Mr. President, the bottom line is, it is unfair; it is inequitable; it is excessive; it will probably lead to the veto of this legislation. I just conferred with someone from the White House who said this ought to be applied to everybody if it is going to be applied to the coal miners. If it is, it is going to raise the cost of this bill by billions of dollars. If it comes out of conference that way, I do not see how the President could sign it.

Mr. President, I yield the floor.

Mr. BAUCUS. Mr. President, I yield the remainder of the time to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President and Members of the Senate, I oppose the pending amendment. I commend the distinguished chairman of the Appropriations Committee for the diligent effort with which he has pursued this matter in behalf of his constituents. The people of West Virginia know, as they have known for many years, that they have in Senate Senators who fight for their interests. The Senator from West Virginia surely has done that, and I commend him for it.

We have had the opportunity over the past weeks and days to discuss this amendment and alternatives to it. We talked about it several times. I have indicated to the distinguished chairman of the Appropriations Committee the reasons why I oppose the amendment, so what I am about to say will come as no surprise to him because we have discussed it. But I believe I should share my views with all of my colleagues so that those Senators who are voting on this amendment and those who are voting for this amendment will understand precisely what it is they are voting for because it has serious implications for national policy.

I favor some form of job protection for persons who lose their jobs as a consequence of direct Federal action. I believe that we should have a comprehensive policy, one that is fair to all concerned, one that is reasonable, one that is responsible.

I oppose this particular amendment because I believe that it unfairly discriminates against workers other than coal miners in eligibility for the higher benefits that it provides. Under this amendment, coal miners and only coal miners are eligible for higher benefits if they lose their jobs as a result of this legislation. Chemical workers, steelworkers, a whole host of other workers, whose jobs may be in jeopardy, who may lose them, receive no such higher benefits.

As our colleagues will recall, one of the most hotly contested provisions of this bill was the provision relating to toxic air pollutants, those emitted from chemical industries and with respect to which the opponents of the legislation have urged will cause wholesale closure of factories and loss of a large number of jobs. I do not believe those estimates to be accurate, but I cannot say for certain that they are inaccurate. Therefore, that possibility exists, and those workers would be discriminated against. They would not be eligible for the additional benefits.

Second, I believe the amendment is inequitable in the differential in the benefits provided as a consequence of the different eligibility standards. The amount of benefits provided I believe is without precedent in American law.

Finally, I am concerned about the fiscal effects of the amendment because there is no overall cap on expenditures. There is a cap on the amount of expenditures that can be made to the coal miners, but there is no cap with respect to others who may qualify for the lower level of benefits, and, accordingly, there is no one who today can say what this amendment may or may not cost.

Mr. President, let me address each of these points in more detail.

First, the discrimination.

Right now, the average wage of coal miners in this country is just over $36,000 a year. That is the cash income, not including fringe benefits. It is a little bit higher in West Virginia. Right now the average wage nationally for chemical workers is also just a little bit more than $36,000.

So you have two groups of workers, both making about the same amount of money and both engaged in difficult, hazardous occupations.

The distinguished chairman has described for the Senate in considerable detail the hazards faced by coal miners, and I believe he has done so accurately. But chemical workers face hazards as well. They are dealing with toxic materials. It is a different type of hazard but one perhaps that may be even more serious because of the uncertainty that exists with respect thereto. And yet, Mr. President, if Senator Byrd's amendment is adopted and a chemical worker and a coal miner each lose their job as a result of this legislation, both of whom are making $36,000 a year in cash, in the first year after they lose their job, the coal miner would receive in cash $41,240 a year.

The chemical worker would receive on average nationwide $8,500 a year in cash. Let me repeat that. If Senator Byrd's amendment is adopted, a coal miner who loses his job could receive $5,000 a year more in cash than he received while he was working. There is no precedent for that in our law. There is no compensation system which we have ever adopted that has said that a person who loses his job will actually receive a higher level of cash than that which he received while he was working.

Let me describe how that result would occur. Under Senator Byrd's amendment a coal miner who lost his job as a result of this bill could receive 70 percent of his total compensation in the first year, 60 percent the second year, 50 percent of third year. Total compensation means the cash income he receives plus the value of all other benefits. In addition, that person could receive an extra 20 percent if he elected to participate in a job training program. So he would therefore be eligible for 90 percent of his total compensation package which is more cash than he was actually receiving while working.

I ask my colleagues in the Senate: Are Senators prepared to write this policy into law?

Mr. BYRD. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. BYRD. What about the income taxes?

Mr. MITCHELL. You have to pay taxes on the income.

Mr. BYRD. What about the case when others receive benefits? They do not have to pay income taxes on it. Right? But in this case, that coal miner is going to have to pay income taxes on the whole amount—his compensation and the benefits—including that portion that dislocated workers do not have to pay income taxes on in the other laws that have heretofore cites.

Mr. MITCHELL. I thank my colleague.

As I indicated, there is no precedent for this in our law. Are we prepared as Members of the Senate to write this precedent into law without the kind of very thorough consideration and deliberation over its implications that it might have?

Second, with respect to the differential, I repeat. You have a coal miner and a chemical worker. It could be in the same community. Both lose their jobs as a result of this bill. Both make about $36,000 a year. In the first year after the loss of jobs the coal miner would receive $41,000, a little bit more than that in cash income; the chemical worker would receive about $8,500 a year in cash income plus $4,000 of the value of benefits, not cash, but training which is valued at $4,000.

Mr. President, I submit we should not write such a standard into our law. I believe that any Senator who votes for this amendment must ask himself a question whether he is prepared to have that kind of a precedent written into law which will undoubtedly come back again on other legislation.

Mr. President, let me deal specifically with West Virginia because, as I indicated, their levels of compensation are somewhat higher. Let me provide you the comparable figures. The average wage of a West Virginia coal miner now in cash exclusive of benefits is $37,800 a year; 90 percent of the total compensation package is $42,525 a year. So if a coal miner in West Virginia who now on average receives in cash $37,800 a year lost his job as a result of this bill, he could receive in cash the first year out of work $42,525.

What about workers in other States in other industries? I respect the effort of the distinguished Senator from West Virginia in behalf of his constituents. But what about other Senators who do not have coal miner in their States?

Well, Mr. President, as a distinguished Republican leader has indicated, they would be eligible for unemployment compensation. The averages just about $164 a week. That is what they would be entitled to.

So a Senator who comes in here and votes on this amendment, who is presumably as concerned about the interests of his constituents and his workers who may be affected by this bill, would be voting, if he voted for this amendment, for a provision that would say that a coal miner in West Virginia who lost his job would receive nearly $5,000 a year more than he received when he was working.

But the worker in the other State, if not a coal miner, whatever his or her occupation, would get $146 a week on average. It varies, and some are higher and some are lower. Some States have as low as $126 a week. Some are over $200 a week. But that is what they would be getting.

So the question each Senator must ask is who does he or she represent. What are his or her constituents interests? And a Senator must be prepared to respond to his constituents' concerns who will say how could you have voted to provide someone in another State, in another industry, $5,000 more than they were getting when they are working, as much as $42,500 in the first year, while I, your constituent, am getting $164 a week or about $8,000 a year?

That is the question each Senator must ask for himself or for herself.

Now, in his arguments for this amendment, he pressed vigorously and very forcefully, and the distinguished chairman of the Appropriations Committee justified the additional amount for coal miners on three grounds. He said first they were engaged in dangerous work, therefore were paid more; and, therefore their compensation if they lose their jobs should be more. Second, he said they will be particularly hard hit by this bill. I believe he described it as the Big Bertha making a hit on the coal industry. Third, he said that many of these effects will be felt in areas which already have high unemployment such as the State of West Virginia. Each of those is a valid point. Each of those makes sense.

But the problem with this amendment is that it concludes that only coal miners will meet these criteria. Instead of writing a law which has standards in it, and which says that anyone who meets the standards will be eligible for this additional assistance, the law presumes that coal miners will meet the standard, and no one else. But we do not know that. No one can know that.

So when we discussed this, and Senator DOLE and I proposed an alternative, it was an effort to write into the law standards based upon the arguments made by the distinguished chairman of the Appropriations Committee, but simply to say surely coal miners will meet these standards. But if anyone else meets them they ought to have the same level of benefits so you do not have the discrimination against those persons who are not coal miners.

For example, as I noted earlier, chemical workers are engaged in hazardous work, and the greater because of the uncertainty. The risk is just now becoming clear to many people, including the workers themselves. It is a different danger than coal miners, but it still is a danger.

Many argued when we were dealing with the toxic air pollutant provision that it was the chemical industry that was singled out, and is hard hit by this bill; and, therefore, if some of these predictions come true about wholesale plant closures, there may be many workers in that industry affected. They may very well occur in areas of previously high unemployment. If that is so, then why should not those workers be entitled to the same level of benefits if they meet the same criteria?

That is why we should not be writing laws which specify in the law one group and one group alone should receive benefits, but we should be writing laws that set forth certain criteria for standards so that if anyone meets those criteria or standards they would be eligible. That is the way I believe this type of law should be written. This amendment does not do so.

In fairness to the distinguished chairman of the Appropriations Committee, we discussed this at some length and he, in our discussions, indicated he might be willing to modify this amendment in some of these respects. We could not reach agreement. We went back and forth with proposals and counterproposals, and I regret that. These are some of my concerns.

Finally, the question of the overall cap of expenditures. I see the former chairman of the Budget Committee here. Very soon, the budget resolution will be upon us, and if there is one thing that is as certain as the Sun rising and the Sun setting, it is that we are going to hear a lot of talk in this Chamber about the budget deficit. We are going to hear a lot of talk about how we have to deal with that budget deficit.

Mr. President, as each Senator comes to the floor to vote for this amendment, he should ask himself or herself about the consequences of a program like this on the budget deficit. This creates an entire system of benefits, without any knowledge of what the ultimate cost will be. It creates a level of benefits that, to my knowledge, is without precedent in our law.

That is, for the first time, we will have a system where people get more cash income after losing their job than they were receiving while they were working, and all without any cap overall.

Mr. President, I ask my colleagues, those who are already preparing their speeches on the budget deficit, those who have stood in this Chamber and time and time again told us about the

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concerns of the deficit, to think about that as they vote on this.

When we get to the budget resolution and when we hear the speeches, let all of us bear in mind how the vote on this amendment went, so that we can keep in context the statements being made by Senators about the deficit, to determine whether there is some kind of match between statements and votes, so that we can see what the effect is in practice and in the reality of legislation as opposed to in speeches and rhetoric about the deficit.

So, Mr. President, I regret that I must oppose this amendment. I regret it very much. The distinguished chairman of the Appropriations Committee has been unfailingly courteous and kind to me over the past year, and we have established a good personal working relationship, which I hope and I am confident will continue.

I do not like to stand up and oppose the distinguished chairman's amendment, because I know how important it is to him, and I respect him for the intensity and vigor with which he pursued this amendment.

But Senators must realize what it is we are voting on, what the effects would be, not just in terms of this bill, but in terms of the implications for policy in our society and in our Nation, with respect to how we are going to deal with future circumstances in which the possibility of job loss, direct or indirect, as a result of Federal action, will be before us, and how we are going to deal with the budget deficit, which we know will be before us very shortly.

I encourage my colleagues, in conclusion and in summary—and I regret to some degree in repetition—to consider the facts which I have stated.

This amendment discriminates against all workers who are not coal miners. It provides an inequitable level of benefits based upon that discrimination. It establishes a new system of compensation that is unique and without precedent, and I suggest creates a new policy for our society which has not been thought through or considered. For the first time, to my knowledge—and I will stand corrected if incorrect, and I have been advised by staff as a result of research—a person would actually receive more cash income for not working than he received for working. I submit that that is the kind of policy we ought to think through carefully, if we want to adopt it.

I do not believe that all the amendments of the Senate have focused on that particular aspect of this prior to this vote. I do not believe that they have thought through the consequences and the implications of adopting such a policy now, and what it will mean with respect to future action.

Finally, I believe that the amendment is deficient in not providing an overall cap, and therefore creating the possibility of substantial expenditures which cannot now be estimated by anyone.

Mr. President, I notice the Senator from New Mexico is here. I have a few more minutes, and I would be pleased to yield.

Mr. DOMENICI. Mr. President, I do not want to take time from somebody who has been a principal participant. If there is 1 or 2 minutes, I will use it.

Mr. MITCHELL. I will yield 2 minutes.

Mr. DOMENICI. Mr. President, I say to the distinguished majority leader, about 8 days ago on a CBS newscast, there was a show about a steel mining town, about a steel mining town that had gone through the changes in steel production, and they were now in their schools talking about their children's futures.

There was exhilaration in the community because the schools were training these young people to be in the competitive market of the future. And what they were talking about is they did not want their children to have to go through what we have gone through in the past.

Obviously, what we are talking about here is precedent setting with reference to the future economy. The majority leader said it right. We really ought to be making sure that we adopt policies that give the United States the best chance to grow and prosper in the future, and that means that a new precedent setting policy such as this could indeed cause us to be years away from balancing a budget and getting on with getting the deficit under control. That is the best way to provide for America's economic future and for the children of every State to have a real future.

I know that the distinguished Appropriations Committee chairman has worked diligently, and none of us fault him for it. He has a cause, and he served the cause well. But I submit that on a Clean Air Act we should not change policy with reference to unemployment, changing technology, and new measures of productivity in this country that bring us into this next decade of prosperity. I think it is too risky to put this kind of precedent on top of the American economic system when we are just about to get ourselves in a competitive posture with the rest of the world.

It has been a tough one for a lot of people—tough for this Senator. It is time to adopt a new Clean Air Act, and I hope we will do it without risking our economic future, without risking a veto of the Clean Air Act.

I thank the majority leader for yielding.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader still has the floor.

Mr. MITCHELL. I understand that the proponents of the legislation are out of time and that I have 2 minutes left.

I ask unanimous consent that the vote be delayed until 3:05, and that the distinguished chairman of the Appropriations Committee might have an additional 5 minutes to address the Senate.

I reserve my 2 minutes until after that.

The PRESIDING OFFICER. Is there objection? The majority leader has 1 minute, 32 seconds remaining.

Mr. MITCHELL. I will reserve that time, and yield 5 minutes to the distinguished chairman of the Appropriations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished majority leader.

I am in a situation where I have no time, simply because we used our time earlier, and we did it because it is said that "he who is diligent in his business shall stand before kings."

I was diligent in my business of lining up speakers, and they came to the floor to speak. The other side did not have speakers. So we used our time. It was better that way than to let the time run and not let the speakers have it.

Mr. President, there are a good many arguments that have been made here by both leaders, and I respect those two leaders greatly, but, in my opinion, I think I can offer a fair rebuttal to anything that has been said if I had some more time. I think there have been some inaccuracies stated by both leaders, and it would take longer than the 5 minutes for me to address those inaccuracies.

For example, the distinguished majority leader spoke about the additional money that the coal miner would take in cash income over and above what others would take. This point should be made: In the case of others if their wages are, say, 65 percent and their benefits are 35 percent and the employer pays those benefits, the wage earner does not pay income tax on that 35 percent. He pays income tax only on the 65 percent that he takes home. But in this amendment, the miners who receive those additional benefits are going to pay an income tax on those benefits, because the employer does not pay them any longer when the job is gone. The miner has to continue to pay his health insurance, for example, to receive the benefit.

So if he is going to have to pay income tax on the benefit, why should we not say 70 percent of his compensation and benefits? There is nothing new about benefits being included.

I stood here on the floor already and mentioned Amtrak, Conrail, the redwoods, and the Urban Mass Transportation Act; all these are precedents.

Finally, and this is all that I will have time to address, the distinguished majority leader says each Senator must ask himself or herself a question when he votes on this amendment.

I agree, let each Senator ask himself a question: Is this fair? Remember what the President said about ours being a kinder, gentler Nation? Does kinder and gentler stop at the edge of the coal field? Let us think of kinder and gentler in terms of those who are by this very legislation going to be dumped from their jobs.

The distinguished majority leader mentions the budget. He says, let those who come in now and vote for this Byrd amendment think about what they are going to ask when questions concerning the budget come up. Let me ask the question for all of us, and I shall ask it now. What about the $500 million that is being requested for Panama? That money will be spent in Panama. The administration wants it in a hurry. It wants it by the Easter break. It cannot wait. And it cannot substantiate, in my judgment, the justifications for $500 million. It cannot tell us why it needs it now or for what it will be spent. But yet it wants the whole $500 million.

So, I say to the distinguished majority leader, let each Senator when he votes on this amendment or when she votes on it, ask himself or herself how they are going to respond to the administration's request for $500 million for Panama and $300 million for Nicaragua. Compare that budget request with the request we are making here for people who sweat and bleed to make this country great and who have given and sacrificed in war and in peace and who will spend that money here in our own country, not in Panama.

When each Senator asks himself or herself about the budget impact of $500 million for American miners, ask also about the $500 million that the administration wants for Panama.

Mr. President, I thank the distinguished majority leader. He is my friend.

I ask for one additional minute and ask for one additional minute for him also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I have stated on this floor that when the majority leader runs again he has my vote. I state it again right now.

Mr. President, I ask unanimous consent to have printed in the Record my statement at the press conference that was held when the Mitchell-Dole substitute was unveiled. I said then that I would probably offer some amendments on the floor, and that I retained my rights as a Senator from a coal producing State to try to improve the bill if I could.

There being no objection, the material was ordered to be printed in the Record, as follows:

TRANSCRIPT OF CLEAN AIR PRESS CONFERENCE, MARCH 1, 1990

Senator BYRD. I add my congratulations to those that have been expressed by others with reference to our two leaders, Sen. Mitchell and Sen. Dole, and as to the members of the committee, Mr. Baucus, Mr. Chafee, and others and also I want to thank those people in the Administration who gave to the committee through many long hours the best advice that they could give. They certainly were fair to me, and they tried to give us the objective facts, and they did so.

As a Senator who comes from a major coal producing state, one that has been hit hard economically for a good many years, I have to say that I think we came a long way in this legislation. I was concerned not only about acid rain, but also about air toxics.

Now, we haven't gotten everything that we want by any means. I don't think any Senator can say that he is 100 percent satisfied with this piece of legislation. But there are regional and economic clashes that are inevitable. This is not a partisan matter. There are regional problems with respect to high sulfur and low sulfur coal that no person here had any control as to where low sulfur would appear and high sulfur coal would appear in these United States. We had to take it as we found it. And I am pleased that although the bill does not go as far as I would hope, and perhaps it can be improved on the floor, and I hope in the other body, yet I think that we have come a long way. And I think that we have taken steps to protect the emerging new clean coal technologies which are extremely important if we hope to continue to produce the kind of volume of coal and produce it and burn it in an environmentally acceptable manner.

And so while I will atttempt to perhaps improve the bill to some extent on the floor if I can, I support those provisions that are not in the bill. I want to pay tribute to my colleague Kit Bond. What is called the Byrd-Bond amendment dealing with acid rain is in the bill. And finally let me say that to the other Appalachian and eastern and southern and midwestern coal state Senators, I want to thank them for the many, many meetings that we have had in our efforts to have some input into this legislation. I also want to thank the western Senators who had their problems as well. Finally let me just pay special tribute to Sen. Mitchell. He has been eminently fair, reasonable, and helpful. I had hoped to try to get legislation at the close of my last tenure as Majority Leader. And Sen. Mitchell worked many, many days and weeks and hours in that effort. It was not successful. It was productive to some extent. And I think he is entitled to the greatest credit of any Senator in this body. And I join with others in saluting the President as well. It is time we have to clean up the air. There is no question about that. The time has come. The Clean Air Act that is on the books served a good purpose, but we have to move on. The problem has been that of doing so in a way that would avoid as much as possible the clash between and among the economic, the energy and the environmental interests. This group is entitled to my thanks and the thanks of my people. I thank you all.

Question. Roger Porter suggested that signatories to this agreement will support it throughout the Senate process, yet you said that you would fight for some improvements on the Senate floor. Does that mean that you will not be part of this process, and part of the substitute?

Sen. BYRD. I am not a signatory. I am still concerned about job losses and economic dislocation, but I think that the package that has been brought here and which will be introduced as a substitute goes a long way. I'm not going to engage in any filibuster. I naturally would like to see some improvements in the legislation. I will have one or more amendments of my own. There are still a few little ends to be tied, especially with regard I believe to clean coal technology. I understand that the staffs are working on those and we will probably be able to resolve them. I don't know how I can better say what I have already said. I'm not going to simply sign on and say this is it, I don't want any changes. But at the same time, I think we all have to be reasonable men and women and I think that this thing has come a long way. It is better than the committee bill, and it is better than the Administration bill were in many respects. And it is the result of bipartisan efforts and cooperation on the part of the leadership, on the part of the members of the committee, on the part of members who are not on the committee, and I think it's a remarkable demonstration of the art of compromise. Now I don't know how I can better answer than that.

Question. Does this bill as it stands right now present disadvantages to the coal operators and to the people you are concerned about in West Virginia?

Sen. BYRD. Of course there are disadvantages. But at the same time I think we all have to rise to the occasion and deal with a national and international problem. We'll recognize that. And we'll do whatever we can to try to improve this bill in some ways. But as it stands today, it's a great improvement over what it was when it came to the floor. And I intend to give my support to the leadership. At the same time I will retain my rights as a Senator from a coal producing state to try to improve it if I can. Both leaders understand that and would expect it. They too gave up a good bit.

Mr. BYRD. Mr. President, if there is no objection I ask unanimous consent to print in the Record the proposal that was given to me and the coal State senators by the White House and the joint leadership.

There being no objection, the material was ordered to be printed in the Record, as follows:

PROPOSED ALTERNATIVE TO BYRD AMENDMENT

Trade Adjustment Assistance benefits to workers:

In a firm if a significiant number or portion of its workers have been totally or partially separated or are threatened to become so, and

Sales or production of the firm have decreased, and

Clean Air Act Amendments of 1989 was the direct and primary cause of the job loss.

Additional benefits (as defined below) to workers:

In States that have average unemployment rate at least 140 percent of national average for the prior 24-month period:

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In industry that has lost at least 18 percent of its work force in the State within the prior 24-month period.

Additional benefits: 26 weeks of additional TAA benefits; and

TAA benefit tied to average wage of workers in the affected industry within the State (rather than average wage of all workers in the State), not to exceed 150 percent of maximum UI benefit in State.

No application for benefits after December 31, 1995.

Authorization for appropriations not to exceed $125 million annually.

Mr. BYRD. Let us see what Senators, what States and what constituencies would have met those standards.

Mr. President, I thank the distinguished majority leader for his courtesy in giving me that additional time.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

The Senator from Maine, the majority leader has 1 minute.

Mr. MITCHELL. Mr. President, I think my colleague, the distinguished chairman of the Appropriations Committee.

Mr. DOLE. I wonder if I might have 1 minute so the majority leader may have the last word.

Mr. MITCHELL. I yield to the distinguished Republican leader.

The PRESIDING OFFICER. The Chair was correct. They have been given 2 minutes, so the Senator is recognized. The majority leader had yielded to the Senator from Kansas. He is recognized.

Mr. DOLE. I have 1 minute, right?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. DOLE. We are down to that stage of the proceeding. It is going to be a very tight vote. I have nothing but respect for the Senator from West Virginia but I want my Republicans to vote with me. This is very important to the President of the United States. This could kill this bill because if this amendment is adopted why should anybody else not be covered with super benefits, $40,000-some a year, chemical workers, rubber workers, iron workers? Why not put then all in and I will vote for it?

So this is a very important vote. It is not an environmental vote. It is bad policy.

I want to urge my colleagues on this side. I do not have the influence the Senator from West Virginia has, but I have a little. I want my colleagues, whether on the Appropriations Committee or not, to take a look at the policy and then cast a vote against this amendment. The amendment makes no sense. It is going to start us down a road we are going to regret in 10 or 15 years.

Mr. President, this is one amendment that ought to be defeated not because of its author; he ought to be promoted, but the amendment ought to be defeated.

Mr. HELMS. Mr. President, I have rarely been described as indecisive on issues coming before the Senate, but in the instance of Senator BYRD's amendment I confess that I have been doing a balancing act in seeking to weigh the arguments for and against it.

Part of my problem, I acknowledge, is that BOB BYRD has been my friend since the morning of January 3, 1973, when I took the oath of office the first time as a Senator. And long before I ever met him, I was proud of his skill as a Senator. Perhaps Senators are not aware of it, but Senator BYRD was born in North Carolina.

I will tell the Senate precisely what I have told Senator BYRD—that by proposing his amendment he has helped focus public attention upon an aspect of this clean air legislation that has been virtually obscured in the clamor of the news media for—and I emphasize "a"—a clean air bill. With rare exception, the awesome toll this kind of legislation is certain to take on the working people and small businesses of America—this has been obscured.

So, Mr. President, Senator BYRD is right in seeking to protect his miners of West Virginia. That is his responsibility, as he sees it, and no one can say that he has not done it effectively and diligently. He has sent a message, loud and clear, that there is a downside, perhaps a disastrous downside, to this bill. Certainly it will be a disaster for all those who lose their jobs and their ability to feed and clothe and house and educate their children.

Those are the people in West Virginia for whom BOB BYRD is speaking. He is sending a message—a clear message, an accurate message, a compassionate message.

I have been sorely tempted to join him in sending that message. But as I have told the distinguished Senator, the nature of his amendment is a contradiction of where I have stood on countless issues in the Senate. It will cost a half billion dollars minimum, added to the national debt. It does not propose to provide the same benefits to the hundreds of thousands—perhaps millions—of other Americans who will be adversely affected in other jobs and industries.

Mr. President, I think my friend from West Virginia knows that I have given an enormous amount of thought, sincerely seeking a way that I could justify in my own mind engaging in a contradiction of the previous positions I have taken, votes I have cast, speeches I have made. But, much as I understand Senator BYRD's motivation; much as I admire his dedication to serving the people he represents in his State of West Virginia, I have reached the conclusion that I would not be true to myself if I supported his amendment. Because he is my friend I hope he will understand.

THE BUDGET ACT IMPLICATIONS

Mr. SASSER. Mr. President, I rise today to discuss the budget implications of the Byrd amendment. After careful review of the amendment as currently written, I have determined that it has no budget act problems. I commend Senator BYRD for his hard work on this issue and his sensitivity to budget considerations as he drafted his proposal.

In making a determination as to the Budget Act implications of this amendment, the Budget Committee had to consider how this new program would be treated in the budget if this amendment were enacted into law. If the amendment created an entitlement, a point of order under sections 311(a) and 401(b)(1) of the Budget Act would lie against it. If the new program were a discretionary program subject to annual appropriations action, there would be no Budget Act problem with this amendment.

After careful review of the proposed language, it appears that the Budget Committee would consider spending for the program as a discretionary appropriation within the province of the congressional Appropriations Committees.

The foundation for this determination can be found in section 610(b)(1) of the amendment which states:

> In any fiscal year, the Secretary shall limit the total benefits payable under this title to any amount not in excess of the appropriation provided in advance for such fiscal year. If the requirements of sections 605 and 606 of this title exceed the limitation set herein, benefits shall be reduced to the extent necessary to comply with such limitation.

This passage clearly subjects funding control of this program to the limits enacted by the Appropriations Committees of Congress. Because appropriations will retain direct control over the level of the program, it would be a purely discretionary program and would be scored as a discretionary program now and in future years.

Because the program would be discretionary, no budget act point of order would lie against the Byrd amendment.

Again, I commend the distinguished chairman of the Appropriations Committee for his hard work as well as his ongoing attention to the budget concerns.

Mr. SIMPSON. Mr. President, I would like to commend the exceedingly credible job of my colleagues Senator BYRD, Senator MITCHELL, and Senator DOLE in this splendid debate.

The vote today on the Byrd amendment is one of the most important votes on this legislation that we will cast.

This vote is about sound public policy and it is not sound public policy to provide money for a small group of miners in the manner the Byrd amendment would accomplish.

I have been on record as supporting some type of job retraining assistance to displaced coal miners, but I am not able to support this amendment in its present form.

We have already provided assistance to the high-sulfur coal industry in the negotiated agreement. We provide allowances that may be converted to cash to help insure that scrubbers and high-sulfur coal will be used in some areas. We have provided significant scrubbing incentives in phase I much to the chagrin of some of my constituents.

Then we have the Clean Coal Program which will provide over $2 billion—primarily to the high-sulfur coal industry. There have been three rounds of solicitations under the DOE Clean Coal Program and after those three rounds were completed DOE has funded 32 projects east of the Mississippi and eight west of the Mississippi.

Than let's look at something no one has discussed yet—historical coal production of all States. The high-sulfur coal producing States have been producing coal for over 100 years. They have reaped the huge economic benefits that have come from this historic production.

You don't have to go back 100 years to realize that the low-sulfur producing States only recently began to produce significant amounts of coal. Let us just look at historic coal production since 1968. If we take three representative States—Kentucky, West Virginia, and Wyoming—and look at what those States have produced since 1968 we find some rather interesting statistics.

According to figures supplied to me by the National Coal Association these three States have the following coal production and sales in millions of short tons since 1968.

Kentucky, 2,929.3 million tons.

West Virginia, 2,329.7 million tons.

Wyoming, 1,413.9 million tons.

So we can easily see that just over the last 22 years the high-sulfur coal States have out produced the leading low-sulfur-producing State by a factor of 2. This in turn has resulted in millions of dollars going into the high-sulfur State coffers and economies. But, I don't hear any reference to these facts.

Prior to 1968, Wyoming wasn't even on the screen as far as coal production was concerned. So the high-sulfur States had even more production since the turn of the century up to 1968 and this historic production translated into money for those States.

Then we have had the good old percentage reduction requirement that the United Mine Workers and their friends in Congress put in the Clean Air Act in 1977 in order to ensure high-sulfur coal production would stay artifically high.

Senator Byrd has stated that he wasn't responsible for that legislative scheme to gimmick the marketplace—and I fully accept that. However, there are some in this chamber who were responsible for this provision and they are here today pleading for relief when they helped to create this situation of assuring artificially high dirty coal production in the first place.

We hear a great deal about the potential loss of 3,000 to 5,000 jobs in the high-sulfur sector. These are EPA numbers and they have been quoted often by Senators from the high-sulfur coal States. Unfortunately, there are other EPA estimates that never get reported. EPA also estimates that there will be an increase of 3,000 to 5,000 jobs in the eastern low-sulfur coal production sector that will offset the high-sulfur job loss. Part of the reason those figures are not bandied about is because many of the mines that produce eastern low-sulfur coal are not United Mine Worker Union mines. And then we hear the increase in low-sulfur jobs being discounted by those who say this coal will be produced with technology not people. But this argument is not valid because EPA took all that into account and still predicts job increases in the eastern low-sulfur sector.

We do not have an environmental issue—we have a social and an economic issue. Some of these people may receive more cash for not working than for working.

I know how tough it is today. But think how you will defend this? When you go home how do you explain this one—that you did this for 3,000 to 5,000 people. The people in your own State who are hurting saw you cast that vote. That's worse than losing the "greenie" vote in a 30-second spot.

So, I would urge my colleagues to weigh some of these facts that haven't been discussed previously to any great degree and to vote against this very poor public policy.

Mr. KERRY. Mr. President, I am very concerned that the amount of compensation is too high and the breadth of the coverage too great in the amendment currently before us. I am also concerned with the weak linkage between compensation, retraining, and work as provided for in this program—the incentive to return to work must be greater than it is in this amendment.

However, the amendment before us at this time has as its goal a noble one and one that I have long supported. Namely, if as a direct and immediate result of a major public policy decision, workers lose their jobs then we have a responsibility to assist them in every reasonable way with the education and job training they need to once again become productive workers. And, reasonable public support during such a retraining period is necessary.

More specifically, since I began my effort to get a national acid rain control program adopted nearly 10 years ago, I have always and explicitly supported the need to assist coal miners affected by this policy get the training and support needed to become productive workers again.

But, even though the net cost to the Treasury is much less than the gross cost—because unemployed coal miners would be receiving unemployment compensation, food stamps, Medicaid, and in some cases, AFDC and/or general relief—this cost, even after the modification from the earlier proposal, seems to me to be excessive.

So, this is a difficult vote for me to cast. In principle, I am for helping these workers, just as I expect the author of this amendment will be if it is defense contractor employees in Massachusetts at some future date. But, I am very concerned about the size and scope of this amendment.

I have decided to support this amendment because of my long-term commitment to the principles it reflects and with the knowledge that it will be changed and improved dramatically in the conference committee that will produce the final bill. I urge the author and the administration and the committee leadership to use this as an opportunity to design the serious and cost-effective job retraining program that can serve as a model for all dislocated workers for years to come.

Mr. BAUCUS. Mr. President, I ask unanimous consent that a letter by the National Wildlife Federation concerning the Byrd amendment be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

National Wildlife Federation,
Washington, DC, March 29, 1990.

Hon. Max Baucus,
Hon. John Chafee,
U.S. Senate, Washington, DC.

Dear Senators Baucus and Chafee: The National Wildlife Federation does not support the Byrd Amendment, but rather would like to see a program along the lines of the Mitchell-Dole worker protection proposal.

We do not believe that environmental protection comes at the cost of jobs over the long term. While there may be short-term dislocations, we must be careful how we fashion worker protection in these instances.

On behalf of the 5.8 million members and supporters of the National Wildlife Federation, we urge you to oppose the Byrd Amendment.

Sincerely,

Jay D. Hair.

The PRESIDING OFFICER. The majority leader has 1 minute remaining under the unanimous consent request.

The majority leader is recognized.

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Mr. PRYOR. I do not want to take time of the leader. There was too much noise in the gallery. I wonder if we could ask the officials in the gallery to at least temporarily close the doors until all the debate is ended.

The PRESIDING OFFICER. As requested the Sergeant at Arms will restore order in the galleries. Those in the galleries will take their seats. The Sergeant at Arms will close the doors so Senators may hear the debate. The Senate will be in order.

The majority leader is recognized for 1 minute.

Mr. MITCHELL. Mr. President, I believe all that needs to be said or can be said has been said. I thank my colleague, the distinguished chairman of the Appropriations Committee. I thank all of our colleagues. None of us like the choice we now face but that is one of the benefits of public office. I merely ask my colleagues as they vote to consider the public interest and to consider their constituents.

I thank my colleagues, and I yield back the remainder of the time.

The PRESIDING OFFICER. The Chair will state the vote will occur now.

The yeas and nays have not been requested.

Mr. MITCHELL. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I have been asked by Senator JOHNSTON to announce that if he were here he would vote for the amendment. He has been unavoidably detained. He had to attend a funeral today and because of the weather was unable to be here for the vote.

The PRESIDING OFFICER. The request is recognized by the Chair and will be spread on the record.

Under the previous order, the question now occurs on amendment No. 1329, as further modified, offered by the Senator from West Virginia [Mr. BYRD] which is to the amendment No. 1293 to the committee substitute amendment to the bill S. 1630.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana [Mr. JOHNSTON] would vote "yea."

The PRESIDING OFFICER (Mr. KERRY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 50, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—49

Adams
Bentsen
Bingaman
Bond
Bradley
Bryan
Bumpers
Burdick
Byrd
Coats
Cochran
Conrad
Cranston
Danforth
DeConcini
Dixon
Exon
Ford
Glenn
Gore
Grassley
Harkin
Hatfield
Heflin
Heinz
Hollings
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Lieberman
Matsunaga
McClure
McConnell
Metzenbaum
Mikulski
Moynihan
Pell
Reid
Rockefeller
Sanford
Sasser
Shelby
Simon
Specter
Stevens
Wirth

NAYS—50

Armstrong
Baucus
Biden
Boren
Boschwitz
Breaux
Burns
Chafee
Cohen
D'Amato
Daschle
Dodd
Dole
Domenici
Durenberger
Fowler
Garn
Gorton
Graham
Gramm
Hatch
Helms
Humphrey
Jeffords
Kassebaum
Kasten
Leahy
Levin
Lott
Lugar
Mack
McCain
Mitchell
Murkowski
Nickles
Nunn
Packwood
Pressler
Pryor
Riegle
Robb
Roth
Rudman
Sarbanes
Simpson
Symms
Thurmond
Wallop
Warner
Wilson

NOT VOTING—1

Johnston

So the amendment (No. 1329) was rejected.

Mr. MITCHELL. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question occurs on the amendment of the Senator from Montana.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President pro tempore is recognized.

Mr. BYRD. Mr. President, it is easy to be magnanimous in winning. I want to be magnanimous in defeat. I thank all Senators on this side of the aisle who voted for the amendment. I thank all Senators on the Republican side of the aisle who voted for the amendment.

It is not a party issue, Mr. President. It never was. It is not a partisan issue. It never was. There were partisans on both sides, but not political partisans. It was a bipartisan amendment, and it represented what Republican and Democratic cosponsors and supporters thought was fair and reasonable and just.

It is pretty tough to have to be confronted by the administration and the joint leadership. But that is life in the Senate. That is life, and I knew that when I started out with the amendment—almost when I started out. I soon afterward learned that. So I felt a little like Edward III at the Battle of Crecy in 1346. He was outnumbered by the French 3 to 1. And a little like Henry V of England at the Battle of Agincourt in 1415 when he was similarly outnumbered. But both of them won in spite of their being outnumbered. I didn't. [Laughter.]

So I thought, well, perhaps we can win, too. But win or lose, we coal-State Senators did what we thought was right. I have no regrets. I must say that I am sorry I lost the vote because the administration threatened that it would veto the bill, if this amendment were adopted.

But I have encountered that argument before, and we have discussed it here. I always pretty much rejected it out of hand for the simple, common, good sense reason that the President knows, if this bill does not make it because he vetoes it, he probably will not get another one, or if he got one, it may not be as much to his liking as this one.

But nevertheless, I do not hold that against the President. He has to do what he thinks he has to do. He has the right to veto the bill and he would have to take the responsibility for it. He has the right to call Senators, and he has the right to call them on both sides of the aisle, just as I went on both sides of the aisle. It was not a party matter. If it had been a party matter, I would have stayed over on this side because I would recognize that my friends on the other side would not appreciate my attempting to come over the fence in a matter of that kind. This was not a party matter, so I felt I could go over there, and did. I was received well. So the President did what he thought he had to do, and that is that.

I thank the Senators on both sides who met with me during all those many weeks in an attempt to develop legislation that would reduce the job losses in the high-sulfur coal fields. I also thank the majority leader and the Republican leader and those others on the task force who worked for many days and nights, and the people at the White House who accepted the Byrd-Bond approach which did alleviate our losses to some extent, in the first phase, but not in the second phase—not to the fullest extent we would like, of course, or that we ought to have had. Nevertheless, they did help, and I am appreciative.

Having said that, I want to thank the staffs who have worked so diligently and who have been most helpful to me and other coal-State Senators.

I want to thank those Senators on both sides who voted for this amendment, but who are not from coal-producing States and come from other areas of the country. I was amazed that in many instances they came to our aid, even though they did not represent coal-producing States. Yet, they will have questions directed to them—why did you vote for this amendment? They have been subject to some pressures in that regard. I am grateful for their nonwavering support. They recognized what they saw as the justice of this cause, and I am deeply grateful to them.

Finally, may I say I am most particularly appreciative of the effort that SPARKY MATSUNAGA made to come and cast his vote today. He could easily have avoided this vote. He has no coal in his State. He gave this vote out of his dedication to a belief in what is just, and he made that same strong fight for justice when he was talking to all of us many months ago about the Japanese-Americans who had been wrongly treated by this country in World War II. He carried his case to every Senator. He went individually to every Senator. Senators listened and they supported his amendment. Today, he did what he wanted to do, and at some inconvenience and cost to himself. I want to say clearly here that I never urged SPARKY to come and vote. I did not feel I should urge him to come and vote, but he knows that I do appreciate it. There is a man. When comes another?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, there is a reason why I voted the way I did, in light of the fact that I was at least one of those people whom the White House called. I want to make it clear, there are two votes I have cast on this clean air bill thus far that, given a different set of circumstances, I would have supported them. But in light of the fact that I was convinced that if either one of them had become part of this bill, the clean air bill would fail, I voted against both of them. One was the Wirth amendment relating to auto emissions, and the other was the Byrd amendment.

I had indicated to Senator BYRD that my sympathies were with his position—I, like him, would like to help the coal miners—and if this were not a deal buster, if this would not kill this bill, I would vote with him. But if it would, I would not.

I heard a good deal of discussion characterizing whether it would or would not kill this bill. I acknowledge that the phone call I received was incredibly timely, but, nonetheless, I received a phone call and spoke to Mr. Sununu. I asked him point blank: First, did they see this as a deal buster and, not going around the barn; second, would they, in fact, guarantee to me they would veto this; is that what they were saying?

And the answer was yes. First, they thought it was a deal buster because it pushed up the total dollar cost of this bill which he said they agreed to. And, secondly, he guaranteed me the President was going to veto the bill. I was not ready to take the chance because it has been too many years since there has been a clean air bill, and I believe passage of a bill this year is necessary to deal with acid rain and other pollution problems that are hurting my State and so many others in this country.

Frankly, I am not so sure the President wants this bill so badly. I want it badly, but I am not sure the President wants it badly.

I am also not so sure that there are not a lot of other people on this floor who are not so crazy about the bill.

So the Byrd amendment was the second amendment to the bill that I voted against that if the vote had been only on the merits of the individual amendment, I would have voted aye. I just want to make the record clear that I do not blame my vote or give credit for my vote to the White House or Mr. Sununu. It is my vote. I voted that way. I would vote that way again because I believe we must have a clean air bill. The rationale for my vote is as it stands, and I was not prepared to take a chance that in fact the administration was not in fact telling the truth. I took them at their word that they would veto the bill.

I thank the Chair for this point of personal privilege.

Mr. MITCHELL. Mr. President, I thank the President pro tempore for his kind and gracious remarks. I join with him in thanking all Senators for the consideration which they gave to both sides. It was a difficult vote, controversial, but it is now behind us and I hope we can proceed promptly to enact this legislation.

I am particularly respectful of the effort and intensity with which the chairman of the Appropriations Committee offered this amendment, sought to obtain support for it, and did obtain support for it. I think it is an enormous tribute to him, to his capacity.

As I said in my remarks earlier, there is one thing the people of West Virginia know, that they have two Senators in the Senate who fight for their interests. The chairman of the Appropriations Committee is foremost in that regard. So, Mr. President, I thank the Senator very much for his kind and gracious remarks.

Mr. DOLE. Mr. President, I congratulate the Senator from West Virginia. Somebody said we need the joint leadership and the President. I said that is not enough; we are fighting ROBERT BYRD—not ROBERT BYRD, but the amendment. We never fight ROBERT BYRD.

But I do agree with the distinguished majority leader. I know sometimes votes slip away. I lost one because I could not get a Member's amendment accepted to the clean air bill. I take the blame for it, I guess. But, in any event, I have been saying it is going to be close, it will be 1 vote. And it would have been 50-50 if Mr. JOHNSTON had been here. So it was about as close as you could come on an amendment.

But again I want to thank the distinguished majority leader. Everything was on the table. I think it was fairly done, effectively done, I would say to my colleague from West Virginia.

As the Republican leader, I did the best I could to fulfill my responsibility on this side of the aisle to support the administration, and I hope that it is done without any longstanding damage to our friendship. We will be friends long after this bill is gone. There will be another bill up next week. Hopefully we will be on the same side.

Mr. BYRD. Mr. President, I will not belabor the point. May I assure Mr. DOLE, my good friend, that this, in no way, will ever impinge upon our friendship. Here, the Senate works its will, and the Senate spoke today. I accept that verdict. I have only the kindest of feelings for the Senator. He and I have had to stand across from each other many times in debate, and many times he has lost. He has always been a good loser, and that I admire.

I appreciate the kind words of my own leader as well. In view of the fact that the White House told a Senator that the amendment was a deal-buster and the bill would be vetoed, I will ask unanimous consent that a UPI story, which appeared in the Charleston, WV, Gazette, appear in the RECORD at the conclusion of what I am going to say now, and I will merely read one paragraph from it. I select this paragraph to show—I do not know whether it is an accurate quote or not, but I believe it is and I believe it is what the majority leader believes. I do not presume to speak for him. He is here to speak for himself. But I want to read what it says the majority leader said about the amendment:

> Mitchell also said he did not consider Byrd's amendment a "deal-buster" that could upset the compromise bill worked out between Senate leaders and the administration, which is concerned about the cost of the Byrd proposal.

It went on to state some reasons why Senator MITCHELL did not feel he would support the amendment. That is all right. Here is the majority leader who, if anybody does, has his heart in

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this bill. He stated it was not a deal-buster.

Of course, it was not a deal-buster. It was never a part of any deal. It was not a clean air amendment. It was not part of any deal. So it could not have been a deal-buster.

Mr. President, I close by saying to my leader and everyone here that we in the coal-producing States in the Midwest and Appalachia have fought a good fight. We have finished our course. We have kept the faith.

Mr. President, I ask unanimous consent that the article be printed in the RECORD simply to show that my own leader apparently did not believe the amendment was a deal-buster.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Charleston (WV) Gazette, Mar. 29, 1990]

SENATE REJECTS PLAN TO EASE IMPACT OF ACID RAIN REDUCTION

WASHINGTON.—The Senate rejected a plan Wednesday that would have eased the impact of acid rain control on coal miners by giving utilities tax incentives to encourage the environmentally sound use of high-polluting Eastern coal.

The Senate voted 72-25 against the amendment to the clean air bill as several hundred miners from Alledonia, Ohio, rallied outside the Capitol to protest job losses that would result from the legislation.

In emotional remarks to the protesters, Sen. Robert Byrd, D-W.Va., the chairman of the Senate Appropriations Committee, vowed to use all his influence to help them.

"I grew up in a coal miner's home," Byrd said. "I slept in a coal miner's bed. I married a coal miner's daughter."

"The man who used to pick the banjo with me when I played the fiddle died in a slate fall. . . . I carried the heavy coffins of coal miners on the steep hills of West Virginia.

"My heart has always been with you," Byrd told the miners, his voice rising dramatically. "You are my roots and you will always be my roots. I will never, never, never forget you."

Byrd later met with local miner families and promised he would press his legislation to provide special unemployment benefits to miners and other workers who lose their jobs because of the clean air bill.

Senate leaders, concerned about the minimum $500 million price tag of Byrd's amendment, have proposed a compromise plan, but Byrd told reporters the offer was unacceptable to him.

"The counterproposal does not do what needs to be done," Byrd said.

But he said that negotiations are not dead. "The door is not closed," he said.

Byrd's amendment is scheduled for a floor vote Thursday, but Senate Democratic leader George Mitchell of Maine said he still hoped to reach an agreement with Byrd.

Mitchell also said he did not consider Byrd's amendment a "deal-buster" that could upset the compromise bill worked out between Senate leaders and the administration, which is concerned about the cost of Byrd's proposal.

Mitchell said he favors some form of job protection for miners and other workers but Byrd's amendment was not structured the right way.

Senators rejected another proposal to help coal miners Wednesday, voting down an amendment by Sen. Arlen Specter, R-Pa., which would have granted a 20 percent investment tax credit to utilities that put smokestack "scrubbers" on coal burning power plants in order to reduce sulfur dioxide emissions.

Sulfur dioxide is a primary component of acid rain, which has been linked to forest and lake damage in the Northeast and Canada.

By using scrubbers, utilities could continue burning high-sulfur coal and avoid laying off miners in the coal fields of Appalachia and Midwestern states such as Ohio, Indiana and Illinois.

The proposal, estimated to cost $1 billion over five years, was designed to dissuade Midwestern and Appalachian utilities from switching from high-sulfur Eastern coal to low-sulfur Western coal as a low cost way of meeting the acid rain reduction provisions of the clean air bill.

The bill requires a 10 million ton reduction in sulfur dioxide emissions by the turn of the century, with virtually all the reductions coming from about 100 coal burning power plants in Appalachia and the Midwest.

Without any incentives to keep using high-sulfur coal, the Environmental Protection Agency estimates 3,000 to 5,000 miners in the East will lose their jobs because of the diminished utility demand for high-sulfur coal.

In addition to saving coal miner jobs, the tax credits would help affected utilities hold down electricity rate increases stemming from costly acid rain control measures.

Specter and other supporters of the tax credit plan argued that Midwestern and Appalachian states deserve financial assistance because they were being required to do more than their fair share of acid rain control.

Specter said that nine Midwestern and Appalachian states would have to achieve 90 percent of the acid rain reductions required under the clean air bill through 1995, even though they were responsible for only 51 percent of total sulfur dioxide emissions nationwide.

The disproportionate burden, they said, resulting from placing all acid rain control requirements on utilities and exempting factories from any cuts. They said states such as Texas had substantial industrial sulfur dioxide emissions that would remain untouched by the clean air bill.

But opponents said the tax credit plan was unfair in that it rewarded Midwest utilities that had dragged their feet on acid rain cleanup while effectively penalizing "clean" utilities that had reduced their emissions without any federal aid.

Mr. MITCHELL. Mr. President, if I may merely comment on the most recent comment of the distinguished chairman of the Appropriations Committee. I did make the statement to which he referred, and it is an accurate statement. But in fairness to the White House, it should be made clear that although this provision was not the subject of negotiation, and therefore not part of the agreement, the administration made clear throughout the negotiations and afterwards that their primary concern was the cost of the bill.

Although we did not reach an agreement with respect to cost, the administration made amply clear throughout proceedings that if at any time the cost of the bill exceeded by any significant degree the amount the President felt was appropriate for this legislation, they would regard that as a subject matter for disapproval by the President.

So I think it ought to be clear we did not reach an agreement, but from the very first to the very last discussion, the administration made clear that their primary concern was cost and they would reach agreement and continue to support the legislation only if the costs were, in fact, within the limits that the administration had established. So it did not bust the deal in a sense that it was not the subject matter in the negotiations.

We never discussed job security. But it clearly would have resulted in the bill exceeding the cost which the administration had made clear throughout they regarded as essential to sustain the support for this legislation.

It is for that reason that I have opposed this and other amendments. And I might say, Mr. President, for the information of my colleagues in the Senate, I have spent the past 9 years working to get this bill passed. I believe very strongly that our Nation needs a new clean air bill. There have been very many difficult hurdles to overcome, and we have had to work out a lot of subjects in which there is a great deal of controversy. This was one of them.

I hope very much that now we can move forward on the legislation and produce what I believe will be strong, fair, comprehensive legislation which will be approved by the Senate and ultimately enacted into law. I thank all of my colleagues for their contributions to that effort.

Mr. SIMPSON. If the majority leader will yield? I want to commend the majority leader, and I want to commend Senator BYRD and Senator DOLE. In my 11 years here I have never seen all three of them more galvanized and active, as we might say. And then it must have rubbed off on me because I, too, became very active. Senator BYRD was awesome in his activities because of his deep belief and love of his State.

And it was truly something to witness. Senator MITCHELL, with his commitment of 9 years' worth; Senator DOLE, with his commitment of delivering votes from our side of the aisle; we all doing our share. That was what was being done there.

But I want to say that I happened to be the courier of that message to the front. I felt like Henry V. I said that the Chief of Staff would be pleased to tell Senator BIDEN that indeed the bill would be vetoed if that Byrd amendment was there.

And I expressed that message while Senator BYRD was right there within 2 feet—not a very happy experience. I am still thinking about the fence near the elk refuge—that $60,000. But hopefully we can keep them in there. And I will talk with him later about that.

I do want to say that when I served as acting leader of our party for several weeks while our able senior colleague, ROBERT DOLE, was seeking the Presidency. During that time, ROBERT BYRD—Senator BYRD—treated me with utmost fairness and the utmost courtesy. Let me tell you, I was thrown into heavy water. And he was not only courteous and fair; he assisted me greatly in my task.

So I have great admiration for him. I have great admiration for the way in which the debate was conducted, and the intensity and skill with which the parties participated. That is truly the legislative system in its purest form, win or lose.

It is much more difficult to be gracious in defeat than in victory, and Senator BYRD has expressed that so masterfully once again. And I thank him.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WALLOP. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I ask unanimous consent that I might be permitted to proceed as if in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SOUTH AFRICA TODAY—POLICY AND PROMISE

Mr. WALLOP. Mr. President, the years 1989 and 1990 will go down in history as years of dramatic and historic change. Like most Members I am thrilled to see the trend continue in 1990, but unlike many who have commented on these changes, I do not foresee victory or triumph just yet. To borrow a phrase from Winston Churchill, I submit we have seen only "the end of the beginning."

Among the dramatic changes this year, one has come from South Africa. In Capetown, on February 2, at the opening of the new session of the South African Parliament, President F.W. de Klerk announced a number of measures which constitute major breakthroughs in the process toward national reconciliation in that country. Although no one thinks—not does President de Klerk claim—that his proposals will solve all of South Africa's problems, his speech was nonetheless momentous. It clearly signaled the South African Government's willingness to discuss all of the issues related to ending apartheid. Furthermore, the breadth of the action taken indicated the degree to which real reform is desired within South African society.

The de Klerk speech announced the following initiatives:

An end to the banning of the African National Congress [ANC], the Pan African Congress [PAC], the South African Communist Party [SACP] and subsidiary organizations;

The release of all political prisoners, including Nelson Mandela;

An end to most of the emergency regulations governing the activities of the media and education sectors;

An end to restrictions on the activities of 33 organizations, including the South African National Students Congress, the Congress of South African Trade Unions [COSATU], and the United Democratic Front [UDF].

Mr. President, it is entirely conceivable that broader freedoms will reach South Africa in the not too distant future. The release of Nelson Mandela and the unbanning of the various organizations has had an immediate and positive impact on South African politics. It will take time before many of the reforms produce tangible results, but the grounds to delay negotiations with the government are fading fast. Nevertheless, various factions on the left and the right will seek to undermine the genuine efforts of moderate South Africans to bring peace, freedom, and prosperity to their nation.

There has already been a strong reaction to de Klerk's reforms from the rightwing. Nelson Mandela and other ANC leaders have made equivocal statements about the future of the "armed struggle" in South Africa. Even should the ANC abandon the armed struggle and commit itself to negotiations, there will continue to be violence committed by the extreme left. It is incumbent upon individuals with leadership roles in South Africa to respond to these challenges forcefully and responsibly.

There must be reconciliation within the South African black community itself. Previously banned or restricted organizations will need a period of adjustment to prepare for negotiations with the government. The ANC recently announced its decision to move operations back inside South Africa. Yet they are clearly not the sole spokesman for South African blacks or even the spokesman for a majority. It was encouraging to see Nelson Mandela deliver a speech in the Natal Province, calling on forces loyal to him to cease their attacks on the members of the Inkata organization led by chief Gatsha Buthelezi.

Key individuals and groups are only beginning to discuss the guidelines for "talks about talks", as the preliminary negotiations are being called. Although not complacent about the changes which have thus far taken place I think most South Africans appreciate the need to progress at a gradual but persistent rate of reform. Mr. President, the process of reform in South Africa is not wholly new. It has been proceeding steadily for roughly 10 years.

Yet many people still dictate to South Africa about the pace of reform and the agenda for negotiations. Forgetting or ignoring the fact that the ANC by no means speaks for all South African blacks or for minority factions, they press on with their singular view. These self-proclaimed moralists have for years been orchestrating and manipulating political reaction around the world to events in South Africa. Unlike the generally favorable black reaction inside South Africa to President de Klerk's reform package, this sanctions lobby seems determined to make headlines at the expense of sound policy.

Their clarion call has already begun for continued or even strengthened sanctions against South Africa. Any suggestion that President de Klerk's reforms warrant either repeal, suspension or modification of sanctions is met with consternation and denunciation. Singularly courageous in bucking this trend is British Prime Minister Margaret Thatcher who, to her credit, has responded to President de Klerk's initiative by lifting some of Great Britain's sanctions against South Africa.

United States sanctions against South Africa were enacted over President Reagan's veto in 1986. The comprehensive Anti-Apartheid Act—often referred to as the "C-Triple A"—anticipated continual change in South Africa. The legislation itself included a list of options for the United States to respond to reforms made by South Africa. The South African Government has complied with most of the conditions necessary to terminate sanctions. If the Government of South Africa complies with the remaining conditions, the sanctions provided for in the "C-Triple A" would end—period. That is the letter of the law.

Mr. President, in addition to its provisions for automatic termination of sanctions, the "C-Triple A" contains provisions which allow the President to respond to a partial implementation of the reforms demanded. Depending on the actions taken by South Africa, the President of the United States has, subject to a congressional resolution of disapproval, the option of either modifying the sanctions or suspending them for a period of time.

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It would be my hope that the South African Government will simply take the necessary steps to terminate all sanctions. The conditions set forth in the "C-Triple A" are specific and the termination mechanism automatic. The South African Government knows what steps will be recognized and acknowledged. Most importantly, the conditions enumerated in the C-AAA delineate are precisely those obstacles preventing genuine dialog between the government and black South Africans.

The reforms enacted thus far in South Africa justify a reexamination of our sanctions policy. Regrettably, the same forces of domestic politics which prevented a rational debate in 1986 will tend to prevent a sensible discussion of the matter in 1990. In 1986 the sanctions lobby advocated bringing all factions in South Africa to the negotiating table without precondition. It appears they have now changed their goal. Now, they want to maintain sanctions until there is a complete transfer of power to a black government—this without regard to the fate of any minorities in South Africa: tribal, colored, Indian, or white.

The sanctions lobby never imagined the South African Government would satisfy the conditions set forth in the "C-Triple A." Having seriously miscalculated the Government's dedication to reform, they now find it necessary to change the rules of the game. How ironic that while the South African Government becomes more moderate, the sanctions lobby grows increasingly radical.

By now claiming sanctions represent the leverage to force the current Government from power, the sanctions lobby shows its real motive. They never were interested in national reconciliation or self-determination. They are only concerned with power. There is no dedication to nonracial democracy—or even democracy at all. These people are the first to demand the protection of minority rights in this country—and rightfully so. America was founded on the principle of the fundamental right of a minority to be protected from the tyranny of the majority. When it comes to South Africa, why is the concept of protecting minority rights so repugnant?

The sanctions lobby has repeatedly expressed its willingness to destroy South Africa by way of reconstituting it. By keeping sanctions in place until there is so-called black rule, the sanctions lobby is unconcerned by consequences. They do not dispute that hundreds of thousands—perhaps millions—of blacks have lost their livelihoods because of the economic downturn created by sanctions. The sanctions lobby merely proclaims it is a price South African blacks are willing to pay. Easy enough when there is nothing for them to pay and only a harvest of sanctions credit to reap.

The sanctions lobby is willing to abandon all South Africans to the fate of democratic forces in Eastern Europe: the legacy of a ravaged economy. In the case of Eastern Europe, those economies were ruined by the Communist policies of the respective totalitarian regimes. In South Africa, the economy will have been destroyed by our basic interference—not to black South African—domestic American political gain.

Can the sanctions lobby not see how sanctions worsen the economic disparity between blacks and whites? Having seen socialism fail on a worldwide scale, they must nonetheless intensify their demand for the policies of socialism and nationalization in South Africa? Do these people honestly believe foreign investment will be attracted to a socialist South Africa? Do they care? Will some South African black leaders—and the Americans who support them—ignore the lessons learned in Eastern Europe, Central America, and the rest of the African Continent?

Mr. President, some South African blacks already equate capitalism with apartheid, whether through convenience or mistrust. Such a notion is not only wrong, it is dangerous. Yet, the sanctions lobby is determined to perpetuate that myth—knowing full well the consequences of its failure worldwide.

Mr. President, no one who opposes continuing sanctions wants to see our country disrupt the process of reform occurring in South Africa. No one is proposing we bail out the Government there with massive amounts of economic assistance. This Senator would simply like to know why free enterprise democracy is good for Eastern European and Asian countries, but not for African nations?

America has committed itself to sending huge amounts of investment and economic assistance to Eastern Europe. The United States is even planning to support some of these nations before they have truly begun to reform. We seem only too willing to bail these countries out. Yet most people believe the opening of economic ties with the People's Republic of China helped create the democratic spirit which was so brutally crushed last June by the Communist Chinese Government. Why is it that free enterprise and American investment will not have identical effects in South Africa?

In order to help Mikhail Gorbachev stay in power many Members of Congress—even some former Presidential candidates—are prepared to give the Soviet Government credits, untied loans, and other economic assistance. They are prepared to subsidize the Soviet Government despite massive new personal powers ceded to Mr. Gorbachev to rule by decree. While some people are placing such high priority on helping Mikhail Gorbachev succeed, why are they also prepared to go for the jugular in South Africa?

Mr. President, what are we prepared to do to help President de Klerk succeed? President de Klerk has embarked on a bold and courageous initiative in order to promote peace and national reconciliation in his country. The nationalist party has indicated its willingness to negotiate itself out of power. They freely admit that in 5 to 10 years a black government will probably run the country. Mr. de Klerk certainly faces a considerable challenge from his rightwing—probably more genuine than that faced by Mikhail Gorbachev.

Are we prepared to recognize their efforts and to make a gesture of appreciation? Not the sanctions lobby. They are outraged that President Bush would even extend President de Klerk an invitation to visit the White House—despite the fact that President Bush has also asked Nelson Mandela to come for a meeting.

Let me here commend President Bush for his handling of the developments in South Africa. He has properly recognized the boldness of President de Klerk's initiatives. President Bush has congratulated Nelson Mandela on his release and asked for his assistance in bringing about national reconciliation in South Africa. However, the President must recognize that, despite the popularity of sanctions in the United States, in the long run they decrease the likelihood of freedom and democracy in South Africa.

The President nonetheless should make clear his opposition to any effort to increase sanctions or to any change in the mechanism for lifting sanctions. The people in South Africa affected most by sanctions—blacks working to support their families, young progressive whites entering the work force, and the moderate Afrikaners trying to bring peace and prosperity to their beloved nation—these are precisely those individuals most dedicated to seeing democracy and freedom in South Africa. If the level of reform eventually meets the requirements for lifting sanctions, what signal would increasing the sanctions or passing further conditions send to the moderates in South Africa—both black and white?

Mr. President, there can be a South Africa where blacks, whites, Indians, and coloreds, work together in business, in the arts, in sports, in social settings, and in government. Together they can take a country already blessed with the most productive, most advanced economy on the continent of Africa and use it for their own betterment and that of their neighbors. None of this will happen if the sanctions lobby is allowed to wage economic warfare on the people of South Africa at the very moment when the process of negotiation and reconciliation looks most promising.

Mr. President, the colloquy between the distinguished Senator from Idaho Senator SYMMS and myself which will appear immediately following my remarks, discusses the sanctions legislation passed by Congress in 1986, and addresses the conditions in the law for the termination or suspending sanctions in light of the reforms taking place in South Africa.

Mr. President, I yield the floor.

Mr. SYMMS. Mr. President, will the senior Senator from Wyoming yield to me for the purpose of several questions? Perhaps they will shed some light on the course the United States should take in responding to recent events in South Africa.

Mr. WALLOP. Mr. President, I am delighted to yield to my distinguished colleague from Idaho.

Mr. SYMMS. I thank my friend.

Mr. President, all Americans are delighted by the recent reforms in South Africa. Unfortunately, our enthusiasm does not conceal the level of disagreement which still exists in this country about what action we as a nation ought to take.

Mr. President, the sanctions legislation passed by Congress in 1986 contained provisions for responding to certain reforms enacted by the South African Government. Different combinations of reforms implemented by the South African Government could lead to different responses from our Government. The options available to the United States include termination, suspension, or modification of the sanctions enacted in the Comprehensive Anti-Apartheid Act also known as the C-AAA.

If my friend from Wyoming has a copy of the sanctions law available, I think it would be helpful to remind our colleagues what actions the South African Government would need to take in order to elicit various responses from our Government. Could the Senator outline which reforms are necessary to prompt a complete termination of the sanctions.

Mr. WALLOP. Mr. President, according to the Comprehensive Anti-Apartheid Act—Public Law 99-440, section 311(a)—the sanctions shall terminate if the Government of South Africa:

First, releases other political prisoners and Nelson Mandela from prison;

Second, repeals the state of emergency in effect on the date of enactment of this act and releases all detainees held under such state of emergency;

Third, unbans democratic political parties;

Fourth, repeals the Group Areas Act and Population Registration Acts; and

Fifth, publicly commits itself to good faith negotiations with truly representative members of the black majority without preconditions.

Let me reiterate for the benefit of my colleagues. The actions I have just listed are the specific reforms necessary to terminate the sanctions imposed against South Africa in 1986 by the C-AAA.

Mr. SYMMS. I thank the Senator from Wyoming. Mr. President, it is my understanding that, were the measures just enumerated by the Senator from Wyoming enacted, the sanctions contained in the C-AAA would cease immediately and automatically—there need not be any intervening action taken by either Congress or the President. Is that also the understanding of the Senator from Wyoming?

Mr. WALLOP. Mr. President, it is this Senator's opinion that the distinguished Senator from Idaho is entirely correct. If the South African Government takes the actions prescribed in section 311(a), the sanctions are terminated. No intervening action by any branch or department of this Government would be necessary for the sanctions imposed by the C-AAA to simply stop.

Mr. SYMMS. If my friend would continue to yield, it appears to this Senator that three of the five conditions you previously delineated have already been met. Of the conditions, listed, the remaining ones to be met pertain to the repeal of the State of Emergency and the repeal of the Group Areas Act and Population Registration Act. Would my colleague from Wyoming agree that this appears to be the case?

Mr. WALLOP. I certainly would, Mr. President. If the reforms announced in South African President de Klerk's address before Parliament are implemented as expected, that would leave the two conditions just referred to by the Senator from Idaho as the only obstacles preventing the termination of the sanctions contained in the C-AAA.

These last two issues certainly are not small matters, Mr. President. However, with respect to the state of emergency, President de Klerk has already stated his intention to lift the restrictions if no major acts of violence or terrorism are committed in the aftermath of the current reforms. As for the repeal of the Group Areas Act and the Population Registration Act—the pillars of the apartheid system—this Senator is unable to predict the likelihood of the South African Government repealing either of these in the near future.

Mr. SYMMS. If my distinguished friend from Wyoming would yield further, I think it would be similarly helpful to our colleagues to examine the provision of the C-AAA which deals with the suspension or modification of sanctions. Would he be willing to describe to our colleagues how the C-AAA treats these issues?

Mr. WALLOP. Mr. President, I would be happy to accommodate the Senator's request.

Section 311(b) of the C-AAA states that the President of the United States "may suspend or modify" any of the sanctions enacted if he reports to Congress that the Government of South Africa has: Released Nelson Mandela and other political prisoners; has complied with three of the four aforementioned conditions; and—I am now quoting from the law—"made substantial progress toward dismantling the system of apartheid and establishing a nonracial democracy."

I might just add, Mr. President, that Congress would have the option of rejecting any attempt by the President to suspend or modify the current sanctions regime. The C-AAA contains a provision for the expedited consideration of a joint resolution of disapproval to block any change in U.S. policy.

Mr. SYMMS. Mr. President, I thank my friend for his thorough answer.

If he would continue to yield, this Senator is concerned with the inclusion of rather vague language in the section dealing with the suspension or modification of sanctions. What type of reform would the Senator from Wyoming consider sufficient to meet the standard defined as "substantial progress toward dismantling the system of apartheid and establishing a nonracial democracy"?

Mr. WALLOP. Congress chose not to define what reforms constitute substantial progress in these areas. Despite our desire to see democratic reform and an end to apartheid in South Africa, any subsequent debate on sanctions ought to hinge on what constitutes substantial progress toward achieving these goals.

It appears each individual Member of Congress will have to determine for him or herself how to define this standard if and when this issue comes before us. In all honesty, this Senator is unsure how to interpret this standard. Regrettably, many proponents of sanctions have already decided that nothing short of a complete transfer of power will be sufficient to justify an end to sanctions.

Mr. SYMMS. I thank my friend from Wyoming. In the process of answering the question, he actually makes my point.

The C-AAA does not require South Africa to dismantle apartheid or establish a nonracial democracy before the President can request a suspension or modification of sanctions. The C-AAA only requires there be substantial progress toward these ends.

But how likely is it 535 Members of Congress will agree on what consti-

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tutes substantial progress? This provision is supposed to provide the President flexibility in responding to changes in South Africa. I think the opposite is the case.

Certain Members of Congress have made it clear they will not be satisfied with the pace and substance of reform in South Africa until there is black rule—whatever that means. Such a stance contradicts the letter and the spirit of the law. It also represents the intractable nature of the prosanctions forces. Their approach cripples the executive branch's ability to react to positive changes in South Africa.

Surprisingly, the conditions stipulated in the suspension and modification section of the C-AAA are possibly more onerous than those necessary to completely terminate the sanctions. Terminating sanctions may initially appear more difficult since the reforms demanded are specific. However, this exactness is the very advantage. The South African Government knows what their actions will accomplish. Absent passage of a new law, the mechanism for ending sanctions is beyond the control of Congress or the President.

On the other hand, the ability of the President to utilize the suspension and modification language is uncertain. It offers the South African Government changes in sanctions commensurate to the reforms they enact. However, Congress retains the power to negate any attempt by the President to take appropriate, incremental action.

Judging by how emotional previous sanctions debates have been, I am not confident Congress will respond prudently. In assessing what constitutes substantial progress, Members of Congress will exploit the existing sensitivities surrounding this matter. Many Members appear uninterested in or incapable of objectively assessing the De Klerk government's commitment to ending apartheid.

Does the Senator from Wyoming consider these concerns valid?

Mr. WALLOP. Mr. President, indeed I do. The Senator makes important points.

This Senator has often questioned the efficacy of economic sanctions. If you are going to impose sanctions, it is imperative they be designed to achieve specific goals. It is difficult for any sanctions to produce specific results if the targeted party is unsure what actions are desired.

I think the authors of the C-AAA believed the South African Government would never meet the requirements contained in the law. Now that it appears the De Klerk government may, in fact, meet the necessary criteria, I hope the Congress will honor its commitment and respond accordingly by lifting sanctions.

Mr. SYMMS. Mr. President, if my distinguished colleague would yield for one last comment, let me just say his insight and analysis are much appreciated.

We both share a deep concern for the region of southern Africa. We similarly share a dedication to the people of South Africa to try and assist them in this difficult period of national reconciliation.

Finally, let me convey my appreciation to the Senator for taking the time to come to the floor today and help bring to the Senate some knowledge and understanding of this matter.

I thank the distinguished senior Senator from Wyoming.

Mr. WALLOP. I thank my friend and colleague, the distinguished Senator from Idaho, for his remarks and valuable contribution. The Senator has helped us all understand how the recent changes in South Africa will affect United States policy.

At this time, I am prepared to yield the floor.

MAKING A POSITIVE DIFFERENCE IN SOUTH AFRICA

Mr. McCLURE. Mr. President, for many years debate in this country has been the best way for the United States to help promote an end of apartheid in South Africa. Two administrations have correctly said that all Americans agree on the goal, but we have differences in how to accomplish it.

Congress and two Presidents have agreed that reform and negotiation are the goals in South Africa. For years it seemed that the doors to these options were shut by the South African Government. But recently, the doors have been opened wide. I believe that President Bush and Congress should actively pursue steps to acknowledge and reward the twin priorities of reform and negotiation.

Fortunately, the President and the State Department have been saying positive things about the need for peaceful reform and negotiations involving all parties and interested groups. The South African President, F.W. de Klerk, has been welcomed to come to the United States on an official state visit. I believe this should be arranged as soon as practical. After his visit, it will be appropriate for political opponents of the South African Government, such as Nelson Mandela and Chief Minister Buthelezi, to take President Bush's invitation and come to Washington. Perhaps these two antiapartheid crusaders should come together. These visits could be powerful steps to encourage the ends which all Americans agree on.

President Bush, and yes, even the State Department should be commended for their emphasis in the past few weeks. Now Congress must echo that positive message.

U.S. policy is clearly outlined in the Comprehensive Anti-Apartheid Act of 1986. I supported President Reagan's veto of that legislation, but it is the law of the land. In that legislation, there is a clear set of conditions imposed on the South African Government. The Bush administration has strongly indicated that if provisions of the law are fulfilled, punitive measures will end.

It is too bad that a few people in and out of Congress are critical of President Bush's reasonable approach to end apartheid by encouraging reform and negotiation. They act as if they will settle for nothing but extremes, including imposing a single solution on South Africa without reform and precluding real negotiations with everything on the table. No more sticks are required to threaten or punish South Africa.

South African President de Klerk took a considerable risk with the plan he announced in his February 2, 1990, speech and by releasing Nelson Mandela. He has legalized the South African Communist Party and its close affiliate, the African National Congress. He has released all individuals who were jailed for their political beliefs. He has loosened the state of emergency and looks forward to a day in the near future when it can be completely repealed. And President de Klerk has announced his intention to begin serious negotiations soon.

The forces of revolution and reaction in South Africa are unsatisfied. They oppose both negotiation and reform. Inaction by Congress would inevitably be seen as encouraging renewed division and violence when a peaceful end of apartheid is in sight.

President George Bush is correct in applauding these actions and in welcoming Nelson Mandela into the full political life of the country. Congress can do no less than to respond warmly to the quick thaw in South Africa with positive, concrete actions that back our President's stand.

Mr. President, bearing in mind that the following article from the American Spectator was written before Mandela's release, I urge my colleagues to read it. Micah Morrison, in the "The Mandela Dilemma" points out some of the nuances of South Africa's antiapartheid political factions. We must be aware of those factions if we are to propose positive solutions to South Africa's problems.

UNITED STATES POLICY TOWARD SOUTH AFRICAN SANCTIONS

Mr. COATS. Mr. President, I rise today to urge the Congress to renew debate on the United States policy of sanctions against South Africa. Given the dramatic developments in South Africa over the last several months, culminating with the release of Nelson Mandela, it seems appropriate to review what the Congress intended to achieve through the Comprehensive Anti-Apartheid Act, what we still expect from sanctions, and what changes are needed in United States-South Africa policy.

Although I have long had reservations about the usefulness and long-term consequences of comprehensive sanctions, I supported such legislation in 1985 and 1986, culminating with a vote to override President Reagan's veto of the Comprehensive Anti-Apartheid Act of 1986—H.R. 4868, Public Law 99-440. In my view, the system of apartheid is morally indefensible and ultimately must be dismantled. I believe, however, that the process of positive change must be orderly and peaceful. Economic collapse and violent revolution in South Africa would serve only the interests of the most radical factions within and outside of South Africa.

The quest for political and social equality in South Africa will occur peacefully only if propelled by economic empowerment of the black population and a commitment to a negotiated settlement by both sides. I am encouraged by Mr. Mandela's recent statements demonstrating a willingness to engage in negotiations with the South African Government, although his apparent reluctance to abandon violence is disturbing. The African National Congress' continuing commitment to Marxist doctrine is equally troubling, and quite ironic in light of events in Eastern Europe. I am convinced that once the ANC abandons its Marxist agenda and follows a path of political pluralism and free market principles, it will find the South African Government to be a more cooperative and conciliatory negotiating partner.

President Frederik de Klerk also deserves praise for his contribution to national reconciliation. In his speech to the South African Parliament in early February, President de Klerk unveiled several major initiatives that demonstrate serious commitment to real reform of the apartheid system, including the legalization of several black political organizations, the release of all political prisoners, and significant reductions in emergency regulations. These measures, once fully implemented, will fulfill many of the requirements set forth in the Comprehensive Anti-Apartheid Act of 1986. Of the five provisions for termination of sanctions listed in this legislation, only two will remain: The lifting of the state of emergency and the repeal of the group areas and population registration acts. I do not mean to minimize the importance of these provisions, or the obstacles associated with them. I do not suggest that we abandon sanctions before these goals are realized. But I do believe that very substantial progress has been made—perhaps enough to begin considering a modification in our sanctions policy. The Comprehensive Anti-Apartheid Act of 1986 states explicitly that if Nelson Mandela is released, if three of the other four provisions for termination of sanctions are met, and if South Africa makes "substantial progress toward dismantling the system of apartheid and establishing a nonracial democracy" the President of the United States "may suspend or modify" any of the sanctions. While this is clearly a decision for President Bush to make, Congress' role in approving or rejecting modifications in our sanctions policy demonstrates the importance of establishing a mutually acceptable approach.

In my view, we should seek modifications in United States sanctions policy that are designed to promote the economic empowerment of South Africa's black population. In June 1986, I supported an amendment to the Comprehensive Anti-Apartheid Act that would have exempted from the bill's sanctions U.S. companies that comply with the so-called Sullivan principles, which include the following: nonsegregated work facilities; equal and fair employment practices; equal pay for equal work; increased number of blacks, coloureds, and Asians in management and supervisory positions; and improved quality of employees' lives outside the work environment.

It may now be appropriate to think about applying this approach, or to consider new and creative ways to achieve its intent.

President de Klerk has demonstrated a commitment to reform. At considerable risk to his political welfare, he has shown a willingness to begin dismantling the apartheid system through negotiations. It is in America's interest, de Klerk's interest, and the interest of South Africa's black and coloured population to see that this effort succeeds. Unfortunately, President de Klerk faces seriouis opposition from radical supporters of apartheid and his reforms are far from invulnerable. For this reason, it would be unwise and potentially dangerous to increase the burden of sanctions. If we reward de Klerk's reforms with a more onerous burden he will have little incentive to proceed along his charted path, especially given the growing movement in South Africa that seeks to undermine reform.

The United States should encourage the South African Government to fulfill the final two provisions for an end to sanctions. Yet President de Klerk must feel confident that if he does lift the state of emergency and repeal the group areas and population registration acts that we will fulfill our part of the bargain, as explicitly defined in the Comprehensive Anti-Apartheid Act of 1986—section 311. At the same time, we should seek to foster political and economic policies toward South Africa that boost the economic power of the black population. We should attempt to convince all South Africans that the free market can bring political freedom, and that the road of violent revolution serves only the interests of those who wish to set back the clock of history by establishing a Marxist regime. South Africa has the most advanced and productive economy in Africa, an asset that can be used to bring freedom to all South Africans.

A balanced United States sanctions policy has played a role in bringing about change in South Africa. Those Members of Congress who have advocated an incentive system that rewards reform and discourages the status quo in South Africa deserve credit. In this regard, the senior Senator from Indiana, Senator RICHARD LUGAR, must be singled out. His leading role during 1985 and 1986 and the legislation he sponsored provided a balanced alternative to the more radical approaches that sought to devastate the South African economy.

Mr. President, I hope that the United States will seek to work as a force for reconciliation in South Africa. We should demonstrate firmness in insisting that apartheid be abandoned, yet a willingness to reward positive change as it comes. We must work to establish a system where all racial groups can live side by side, each enjoying political and social freedom and the benefits of a prosperous and open economy.

Mr. WALLOP. Mr. President, I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SYMMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. MIKULSKI). Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1419 TO AMENDMENT NO. 1293

Mr. SYMMS. Madam President, I am going to speak on an amendment that I hope to offer in a few moments. I will not offer the amendment until the managers are prepared. But I thought I would explain the amendment I am going to offer at this point.

Supposedly, 377,000 of the 10 million tons in sulfur dioxide reduction attribute to the provisions of this bill are assumed to come from the desulfurization of diesel. The bill itself requires that diesel used on-highway be desulfurized to a level of no more that 0.05 percent sulfur by weight.

I say supposedly because I would like to challenge that SO_2 reduction

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assumption. According to the EPA, desulfurization of "on-highway" diesel only yields a total SO_2 reduction of 140,000 tons. So, the remaining 260,000 tons must be assumed to be achieved by the desulfurization of "off-highway" diesel.

The "grand keepers of the SO_2 numbers," in making such an assumption, simply concluded that refineries would almost completely replace their off-highway distillate with desulfurized product.

This is a faulty assumption. First of all, the marketplace will certainly not encourage this. The desulfurized on-highway diesel will be between 2 cents—EPA's estimate—and 5 cents—refiner's estimate—more expensive than nondesulfurized diesel.

Second, for diesel markets that are served principally by small refineries and farm co-ops, EPA's own rule on diesel desulfurization has this to say:

> Investments required for fuel control might be difficult for some small refiners to finance, causing some small refiners to discontinue the production of highway diesel fuel. This should not be an insurmountable problem, however, since there refiners should be able to shift their product slates to meet "off-highway" distillate needs in their geographic areas.

In fact, the EPA rule counts on there existing an even greater delineation between on-highway and off-highway diesels, and proposes to require that one of the two be dyed so as to help prevent misfueling.

In other words, while the assumption is made that SO_2 reductions will occur from wide-scale desulfurization of off-highway diesel, there is nothing in the clean air amendments before us to make that happen, there are few incentives in the marketplace that would make it likely, and EPA's own rulemaking counts on it not happening.

The problem that small diesel refiners would face in attempting to desulfurize is well known to the Environment and Public Works Committee. In fact, in 1987, the committee unanimously adopted a provision that completely exempted certain small refiners from the desulfurization requirement for several years.

A report done by the National Petroleum Refiners Association [NPRA], and presented to our committee at that time, revealed that the total capital expenditure for desulfurization required by this bill would be approximately $2.2 billion. According to a survey by the NPRA, 37 refiners nationwide reported "that they would not be able to make the necessary capital investment." Not surprisingly, all of these refineries fell in the medium to small categories.

As mentioned before, EPA's response was simply to point out that these small refiners could redirect their product to a separate and distinct off-highway market. Their August 24, 1989 rule suggests that "any diesel fuel in the control of a regulated party is on-highway diesel fuel and subject to the [desulfurization] requirement, unless it is visibly dyed," thus further distinguishing one market from the other.

But dying the off-highway diesel will not provide for any greater SO_2 reduction, neither is it a fool-proof guarantee that off-highway diesel will not be used on-highway. In fact, the incidence of misfueling is even greater in farm and rural areas—precisely the areas most likely supplied by the small refineries and co-ops who are least likely to desulfurize. Consequently, the price differential, coupled with the supply, will make "cross-fueling" very likely in these areas. This, of course, would be illegal—but according to my own Idaho Department of Environmental Quality—it would also be virtually unenforceable.

Furthermore, it may only exacerbate SO_2 even beyond the fact that high-sulfur fuels will be used in those areas. Part of the sulfate particle control strategy being developed by EPA, and required by this bill, requires engine manufacturers to install particulate traps on their engines sold on and after 1993. These traps can be fouled by the use of high-sulfur diesel. The continued presence of such diesel in remote rural areas, the incentives for cross-fueling, and the difficulty of enforcement, could end up making a significant number of traps disfunctional—resulting in continued sulfur oxide emissions even when that particular vehicle operates in areas with a prevalence of desulfurized fuel.

I hope it is evident that there are a number of problems associated with the bill's desulfurization requirement. Most of these problems could be solved by one thing—making it more cost-effective for small refiners to desulfurize.

In an attempt to do this, I have drafted an amendment that credits to small refiners, as defined in the Clean Air Act already, the SO_2 emissions reductions that would occur from their desulfurization. These refineries, of course, would not be able to use those allowances, but they could be sold to compensate for the capital cost of the desulfurizing equipment.

Small refiners account for 8.5 percent of all diesel. Since EPA estimates the total SO_2 emissions due to all diesel to be 497,000 tons, the absolute maximum number of allowances that could be available for small refiners would be 34,000, and this, of course, assumes that every small refiner in the Nation will opt to desulfurize its entire distillate.

For every small refiner that does desulfurize because of this incentive, the amendment allows the accompanying SO_2 reductions to be caught permanently. The amendment limits the time period in which these allowances are granted, terminating them by the year 2000. Once the capital cost of the desulfurizing is captured, it will continue to be in a refiner's interest to desulfurize even without the allowance incentive.

Also, to ensure that larger small refineries do not game the allowance system by vastly increasing throughput during the years being credited, each refinery is capped at no more than 1,500 allowances per year.

And finally, to ensure that a refinery does not use extra-sour crudes in order to artificially increase the projected SO_2 reduction, the amendment only credits those sulfur reductions below the national average of 0.274 percent by weight.

AMENDMENT NO. 1419 TO AMENDMENT NO. 1293

(Purpose: To provide an incentive for small diesel refineries to remove sulfur from diesel sold for off-highway and home heating purposes)

Mr. SYMMS. Madam President, I have explained the amendment, and now on behalf of myself, Mr. SIMPSON, Mr. BOREN, Mr. GARN, Mr. HATCH, Mr. MCCLURE, Mr. REID, Mr. BINGAMAN, Mr. WALLOP, and Mr. BREAUX, I send an amendment to the desk.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. SYMMS. Is there an amendment pending?

The PRESIDING OFFICER. The Baucus amendment is pending.

Mr. SYMMS. I ask unanimous consent the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside.

The clerk will report the Symms amendment.

The bill clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself, Mr. SIMPSON, Mr. BOREN, Mr. GARN, Mr. HATCH, Mr. MCCLURE, Mr. REID, Mr. BINGAMAN, Mr. WALLOP, and Mr. BREAUX, proposes an amendment numbered 1419 to amendment No. 1293.

Mr. SYMMS. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 438 of amendment No. 1293, at line 12 insert the following new subsection:

"(h) SMALL DIESEL REFINERIES.—The Administrator shall issue allowances to owners or operators of small diesel refineries who produce diesel fuel after October 1, 1993 meeting the requirements of subsection 211(i) of this Act.

(A) ALLOWANCE PERIOD.—Allowances may be issued under this subsection only for the period from October 1, 1993 through December 31, 1999.

(B) ALLOWANCE DETERMINATION.—The number of allowances issued pursuant to this paragraph shall equal the annual number of pounds of sulfur dioxide reduction attributable to desulfurization by a small refinery divided by 2000. For the purposes of this calculation, the concentration of sulfur removed from diesel fuel shall be the difference between 0.274 per centum (by weight) and 0.050 per centum (by weight).

(C) REFINERY ELIGIBILITY.—As used in this subsection, the term "small refinery" shall mean a refinery or portion of a refinery—

(i) which has bona fide crude oil throughput of less than 18,250,000 barrels per year, as reported to the Department of Energy, and

(ii) which is owned or controlled by a refiner with a total combined bona fide crude oil throughput of less than 50,187,500 barrels per year, as reported to the Department of Energy.

(D) LIMITATION PER REFINERY.—The maximum number of allowances that can be annually issued to a small refinery pursuant to this subsection is 1500.

(E) LIMITATION ON TOTAL.—In any given year, the total number of allowances issued pursuant to this subsection shall not exceed 35,000.

Mr. SYMMS. Madam President, it is my understanding that the majority and minority leadership of the committee have accepted this amendment. I yield to them for their comments.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SYMMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMMS. Madam President, I withdraw my amendment.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator's amendment is withdrawn.

The amendment was withdrawn.

Mr. SYMMS. Madam President, I would say it is my understanding from the Senator from Montana that he would prefer not to handle the amendment at this time. Although this does not have a net loss on allocations, he would prefer to do this some time after 5 p.m. today. I have an appointment that will cause me to be off the floor, so I will leave it to Senator BAUCUS and Senator CHAFEE to offer it at the appropriate time. I thank those two Senators. I am sure that the Senators who are cosponsors thank them also.

Mr. BAUCUS. Madam President, the Senator from Idaho is absolutely correct.

I ask the Senator if I could be added as a cosponsor of his amendment.

Mr. SYMMS. Madam President, I ask unanimous consent that when the amendment is reoffered that Senator BAUCUS be listed with the cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Madam President, I believe this amendment is perfectly fine and will be accepted. I do not think there will any problem with it. However, there is a technical matter we must clear first and once that is cleared—and I do expect it to be cleared—we will offer the amendment on the Senator's behalf.

Mr. SYMMS. I thank the Senator, and I thank the Senator from Rhode Island.

Mr. BAUCUS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Madam President, I rise to express my concern with the treatment of oil and natural gas-fired dual fuel units in the acid rain title of the Mitchell-Dole substitute to S. 1630, the Clean Air Act Amendments of 1989.

Under section 405(h) of this bill, dual fuel units that burned 90 percent gas during the period 1985–87 are treated as "gas dominated units," despite the fact that the units historically relied heavily on oil. During the years 1985–87, when natural gas was plentiful and reasonably priced, utilities with dual fuel units consumed more gas than oil. These utilities are being penalized by this bill. These units are given virtually no allowances.

This inequity is illustrated by the case of the largest utility in my State of Mississippi. The pending legislation will impede the growth of Mississippi Power & Light Co. because it is too clean. The utility will not have the allowances it needs to operate and expand.

The time period used to determine whether a unit is oil dominated is not representative. A longer, more historical timespan would offer a more accurate picture of historical oil usage. Fuel usage at a facility during 1980–89, for example, would be more representative, since the lengthened time period would cover the full range of operations and energy supply conditions.

Madam President, I am not going to offer an amendment to correct this problem at this time. The distinguished majority leader and minority leader have worked very hard to produce a compromise on this bill that can achieve the goal of reducing sulfur dioxide emissions by 10 million tons, and I do not want to upset that compromise at this late date.

Nonetheless, I want everyone to recognize the unfairness of this provision, and I want to express my hope that we can correct the problem at some stage of the legislative process. I understand that several proposals being considered by the House of Representatives contain provisions to use a longer, more representative period for determining whether a unit is oil dominated.

Should this issue be visited in conference, I strongly urge the Senate conferees to be mindful of my conerns.

Mr. BAUCUS. Madam President, it is now 4:25. There are no pending amendments. There is technically an amendment pending that is kind of a gatekeeper amendment, but that will be laid aside if other Senators come forth and offer their amendments. We know of a few amendments that Senators wish to offer and would strongly urge that those amendments be brought up.

Again I remind Senators that now is the time. There are 2 or 3 hours here within which amendments can be taken up and considered and passed and included in this bill. Of course, not all amendments will be accepted, but at least Senators have an opportunity to bring up their amendment and have their amendment debated if they wish their amendment to be included in this bill. Otherwise, we face the prospect of maybe late tonight or perhaps even late Tuesday night until we finally pass this bill.

I hope we do not work late Tuesday night. But the probability of not working late, say, Tuesday night, are enhanced the more we bring up and process and act upon amendments at a time as strong as this one. It is an opportune time for Senators to come to the floor and offer their amendments.

Mr. CHAFEE. Madam President, I would like to have a brief colloquy if I might with the floor manager of the bill to see where we stand.

First of all, I want to say to all those on the Republican side, come on over with your amendments. Now is the time. We are not doing anything. We have nothing scheduled. It is an ideal chance to present the amendments. We might take them. If we do not take them, we can vote on them. Here is your chance.

Working backward, the plan on Tuesday is to vote on amendments that we might debate on Monday and stack up. There will be no votes on Monday. As I understand it, we will be in session tomorrow, for a while anyway. Am I correct in that understanding?

Mr. BAUCUS. Yes, the Senator is correct. We will be in this evening and we will be in tomorrow as well.

Mr. CHAFEE. I would not want to encourage people to drift over here about 9 o'clock tonight and get their amendment in. Frankly, if we do not do any business at this store, we might as well close the doors and go home. I hope that if nothing happens and we

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have no business before 6, that seems like a nice time to quit.

Mr. BAUCUS. Quite frankly, I think the Senator makes a good suggestion. There is no point us staying here this evening if there is no work to be done.

Mr. CHAFEE. The help is getting tired.

Mr. BAUCUS. The help is getting very tired. I must say, it is not only the help that is getting tired.

Mr. CHAFEE. Furthermore, there is no overtime in this job, so we might as well shut the doors and go home and get a nice night's sleep and come back refreshed, probably to do nothing tomorrow at the rate things are going.

Mr. BAUCUS. I might also say to the Senator, if Senators were to come over now and offer their amendment, they would probably be even more favorably received than if they offered it later.

Mr. CHAFEE. That is right. They have us in a weak mood. We are in an amiable mood. So if the Senator from Connecticut has an amendment, here is an ideal chance to present it.

Mr. DODD. Will my colleague yield?

Mr. CHAFEE. Yes.

Mr. DODD. The Senator does have an amendment. He is waiting to see if it can be cleared on the minority side. The administration apparently is looking at it, as well. I am prepared to offer it. It should be a noncontroversial one. I am told it falls in that category. I am prepared to to it. I would rather have you look at it and then call it up.

Mr. BAUCUS. Might I ask the Senator, I do not see the Senator's amendment listed.

Mr. DODD. It is still outstanding.

Mr. BAUCUS. I do not see it on the list.

Mr. DODD. I do not know if it is listed under my name or not.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, I think it would be helpful to some of those who might be listening, as to whether there are any definite votes scheduled for today. As I understood the previous announcement, the Daschle amendment was going to come up following the Byrd amendment. But I now understand that the sponsors of the Daschle amendment will not be ready until tomorrow? Is that the plan? The Daschle amendment will come tomorrow, will it?

Mr. BAUCUS. I would like to see the Daschle amendment come up this evening. I understand the authors of the amendment may not be ready today, so, therefore, it would have to come up at a later date. Maybe tomorrow.

I also understand the distinguished minority leader is inclined to wait until tomorrow before offering that amendment.

Mr. CHAFEE. It might be helpful to everyone who is listening, because the Daschle amendment clearly will be a vote and will involve Senators who have strong views, why do I not try to ascertain on the Daschle amendment whether it is coming up tonight and then we will be able to make an announcement.

Mr. BAUCUS. That will be fine.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DECONCINI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DECONCINI. Madam President, I ask unanimous consent that I may proceed for a period of time as in morning business to introduce some legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. DECONCINI. I thank the Chair.

(The remarks of Mr. DECONCINI pertaining to the introduction of S. 2365 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolution.")

Mr. DECONCINI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. BAUCUS. Mr. President, there are two or three remaining somewhat major issues to be disposed of yet in this bill in addition to the large number of other amendments which may or may not be offered.

One of those somewhat major issues is the acid rain emissions allocations amendment. There are several amendments offered by Senators with respect to either specifically a plant or two or utility system in their States or a bit more generically dealing with certain classes of utility plants.

Each of the amendments have the effect of increasing allowance emissions but not adding to the cap; that is, each of the amendments, if they were to be enacted to become law, would have the effect of subtracting, on a proportionate basis, on a pro rata basis, the allowance emissions to be available to other plants.

We, under no circumstances, would be breaking the 8.9-million-ton cap that is set forth in the bill. In an effort to reach a resolution, however, of all of these amendments—and there are not many—there are maybe six or seven, approximately, in an effort to reach a successful resolution, I have been talking with the Senator from New Mexico, Senator DOMENICI, who has been very helpful in helping us find a solution here. The Senator from New Mexico was a very able and helpful participant in the negotiations on many parts of this bill, particularly the acid rain title.

The Senator informs me he has spoken with various other Senators, and he makes a suggestion I think is quite a good one. His suggestion is that Senators who have allowance amendments meet together in the same room, and with other interested Senators, to see if we can put together a package. Senator DOMENICI met this afternoon with a good number of Senators, while we were working on other matters. I thank the Senator from New Mexico for taking a lot of time on his own to help fashion an agreement here on allowance amendments.

He suggests—and I think it is a good idea—that Senators with allowance amendments meet tomorrow morning at 9:30 in S-224 with a view toward putting together a package that will then be submitted to the Senate as an amendment. We are not certain that we can put this package together, but that would be the intent.

It is our thought that if we can do so, it would be a package which would not jeopardize one allowance amendment in favor of another. It would be a package that would not discriminate in favor of one over another but would rather be fair to all Senators. That is our thought.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. First, let me thank Senator BAUCUS for his kind words, and let me suggest that we do not want to bother Senators that do not have to be disturbed tomorrow morning. We only need those who have an amendment on the allowances.

We plan to have a meeting at 9:30 in S-224, right here outside of the Senate Chamber, where we negotiated this agreement. Those of us who have been looking at the amendments and are familiar with them, and a number of staff on both sides of the aisle, and a number of Senators, have already reduced them to one document so we know what they are. We think that in looking at the overall list, there are grounds to be somewhat upbeat about the possibility of resolving most of them, if not all.

Senators should familiarize themselves with the negotiations thus far, because some have had their staffs work on various issues, and we have already looked at what they recommended. But I quickly indicate to the Senators that are involved, that want to be notified, and I would state their names: Senator Bond wants to be notified, Senator McConnell, Senator Graham from Florida, Senator Gramm from Texas, Senator Mack from Florida, Senator Boschwitz from Minnesota, Senator Specter from Pennsylvania, both Wisconsin Senators, Mr. Kasten and Mr. Kohl. I believe that is it.

Mr. BAUCUS. Senator Fowler.

Mr. DOMENICI. Excuse me, Senator Fowler. Senator Wirth, Senator Johnston, both Ohio Senators, Senator Metzenbaum and Senator Glenn. Senator Hatfield is on one of the amendments as cosponsor. If he wants to be there, I believe we have been talking with his staff and with the principal author, but he is the Republican cosponsor of an amendment. Before I yield the floor, might I say to Senator Chafee, I think our idea, which he supported, to handle this this way is going to work out.

The Senators are free to do what they want, technically, under the unanimous consent, but I do believe we have now seen the spectrum, and most are generic amendments, I say to the two managers. The overwhelming number are generic, in the sense that most are not asking for something specific for their State but rather for a kind of problem that would run across the gamut of States. I think we can resolve it by clearing a number of amendments or putting them all in one package for those who had amendments to offer, tomorrow sometime.

Mr. BAUCUS. Is Senator Kohl on the list?

Mr. DOMENICI. Yes.

Mr. CHAFEE. Mr. President, I want to commend the distinguished Senator from New Mexico, because he was the one that about a week ago tonight brought this to the attention of everybody, when the first attempt was made to get the unanimous-consent agreement and pointed out that unless we got these allowances under control and presented them as a package at the end of the negotiations here, or at end of the voting, we would have broken the ceiling long before that time. The Senator from New Mexico has done an excellent job.

I just have one minor point. After having listened to that list of Senators and knowing the size of the room, S-224, I suggest you get a bigger hall.

We have all spent a lot of time in S-224. I counted 57 people in there. Maybe there is some incentive. Winston Churchill said, when the House of Commons was burned down through the bombing in World War II and it came to design and rebuild the House of Commons—and there were only seats for 240 in the House of Commons, and there are 600 members—the people said, "build it for 640, a seat for everyone." Churchill said, "no, keep it small, so that when there is a great debate and all the members come, the hall is packed and it gives a sense of excitement." That may be what you are looking for tomorrow; I do not know. But you will achieve it, I think, with that number of Senators. It will be standing room only.

Mr. COCHRAN. Will the Senator yield for an observation?

Mr. DOMENICI. Yes.

Mr. COCHRAN. Even though some of us who feel that there is a lot of unfairness in this allowance section we are not on that list because we do not have amendments, because we could not get anywhere trying to get changes made, and we basically had to give up. I put a statement in the Record earlier today identifying what I think are some serious inequities in that part of the bill.

I am not on the amendment list. I am not going to be on the list, but I hope that when the managers of the bill get to conference with the House, that they will look at this section. Maybe House Members will be more persuasive than we have been in trying to get the attention regarding some of these provisions.

I congratulate the Senator from New Mexico in taking the lead and trying to wrestle through some of these problems. But there are still some of us who feel like we have been treated unfairly, that our States have been treated unfairly in this section.

Mr. LOTT. Mr. President, I want to reaffirm the comments offered by the senior Senator from Mississippi. I share his concerns for those oil/natural gas dual units who were treated as gas dominated units on the basis of their fuel usage during a short and unrepresentative timeframe. I am also concerned for those clean coal units which were using low-fulfur coal and operating at a low capacity factor during the same restrictive baseline years. Under section 405(f) duel fuel units are granted allowances based on their fuel usage from 1985 to 1987, a time when gas was probably the cheapest and most available it has been in the history of the United States. Consequently, gas was used almost exclusively by every utility that had access to natural gas. A decade earlier, the situation was inverted. Natural gas was scarce and expensive and oil was used extensively.

If this bill were based on the fuel usage during the mid-1970's, the result would have been equally unrepresentative. It makes more sense to use a longer, historical time period to determine the true emissions of a unit for the purposes of this bill. Because of the relative low capacity factor of these units and their use of natural gas or low-sulfur coal during the baseline years, the allowable emissions from these clean units are unfairly restricted. It would be more fair to use a longer timeframe from which to determine that baseline years in order to more properly reflect true emissions from a unit and the capacity at which that unit would operate.

I sincerely hope that my colleagues will recognize the inequities of this provision and want to express my desire to have this problem corrected as this bill continues through the legislative process.

Mr. DOMENICI. Let me say to my friend from Mississippi that we have never had a situation like this, where we had to allocate these kinds of allowances, a brand new thing in environmental law. I think that we are all in the process of getting information, and the House will have some, perhaps, plant-by-plant updates that we did not have.

We tried very hard, I say to my good friend, to be fair. I did not do it all. I tried to work on one kind of State that I thought was unfairly treated. Another amendment addressed the South and particular States like the Senator's in an effort to redress something we thought was unfair. I do not necessarily disagree with the Senator that more could be done. But I believe on these amendments that Senators put in, there is room for serious negotiation and working it out. We are going to try our best so we can get this bill moving.

I thank the Senator for his kind words and for his concern because there still could be a lingering concern. There is nothing that we cannot work out. It will get worked out before we finish, I am sure.

Mr. COCHRAN. If the Senator will yield for a last comment, the basis of our concern is we are going to be locked into a position where we cannot grow without violating the provisions of this law, or raising to unnecessarily and intolerably high rates the cost of electricity, and compliance with this law will be economically burdensome on areas that really are considered to be fairly clean in comparison with other parts of the country. I think that is the condition our State is in. It is a real threat to our future economic vitality to see this bill designed in the way it is with this allowance section as it now stands.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I very much hear the Senator from Mississippi and understand what he is saying.

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There are several States that are so-called clean States. And Mississippi is basically in that category and is legitimately concerned therefore about future growth. The State of Montana is in the same category, as are other States.

It is our hope and full intention that the additional allowances that were generated by accelerating the date of phase one as well as phase two and taking those allowances and distributing them to clean States and to other Midwest States as well will meet those concerns.

This is not the end of this bill. As the Senator says, the House will yet look at the allowance system. There is a conference and plenty of opportunities as we refine this bill to iron out some of the imperfections that are likely to occur. The Senator from Mississippi might very well put the finger on one. The Senator has my assurance, and I am sure the assurance of the Senator from Rhode Island, to take those concerns into consideration as the bill proceeds

Mr. COCHRAN. I thank the Senator from Montana for that assurance and wish him well in the effort to draft a bill that does meet these concerns that many of us still have.

Mr. BAUCUS. I thank the Senator.

Again Mr. President, the meeting will be at 9:30 tomorrow in room S-224 for those Senators will allowance amendments and other Senators who are also interested.

Mr. COCHRAN. Mr. President, does the Senator yield the floor at this point?

Mr. BAUCUS. I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, what is pending right now before the Senate?

The PRESIDING OFFICER. The pending amendment is amendment No. 1307, an amendment by the Senator from Montana.

AMENDMENT NO. 1423 TO AMENDMENT NO. 1293

Mr. HARKIN. Mr. President, as long as there is nothing pending on the floor, I want to talk about an amendment on clean air that Senator DASCHLE and I and also Senator DOLE will be offering, along with a number of other cosponsors. It is an amendment that Senator DASCHLE and I have been working on for some time dealing with reformulated gasoline.

Mr. President, sometimes we get too involved with the details of an issue to see the complete picture. Take air pollution from automobiles. We have been concentrating for years on preventing ozone-forming gases from leaving the vehicle, either through evaporation, refueling, or actual running of the engine.

We have ignored the source of this pollution—the gasoline that goes into the tank. As someone once said, "You put garbage in, you get garbage out."

Removing ozone-forming and toxic chemicals at the refinery can complement or add to our efforts to cut emissions from motor vehicles.

Consider next the constituent components of today's gasoline. We often think of gasoline as a monolithic fuel, much like an element such as hydrogen, or a compound like methane. But gasoline is really a witches brew of many different, complex hydrocarbons, and the brew has been growing toxics in recent years.

One class of ingredients in gasoline are so-called aromatics. I know it sounds pleasing, sounds like it makes it smell nice. The reality of aromatics is much different.

The aromatic hydrocarbons in gasoline include benzene, toluene, and xylene.

Benzene is a known carcinogen, one of the worst air toxics. Eighty-five percent of all benzene in the air we breath comes from motor vehicle exhaust.

Xylene, another aromatic, is highly photoreactive—meaning that it forms ozone very rapidly in sunlight. Xylene from automobile exhaust in the morning rush hour will form ozone in sunlight to choke our lungs by the afternoon trip home.

Toluene, another aromatic, usually forms benzene during the combustion process and thus becomes carcinogenic along with benzene in the gasoline.

Today, about 33 percent of gasoline is composed of aromatics by volume. Some higher octane gasoline may contain 45 percent or more aromatic hydrocarbons.

Worse yet, the aromatics tend to reduce the effectiveness of catalytic converters. Above 25 percent aromatics, the ceiling set by the amendment that will be offered by Senator DASCHLE amendment, emissions of nitrous oxides, volatile hydrocarbons, benzene, and carbon monoxide all increase sharply.

I use this chart, Mr. President, to show that. These lines represent the NO_x, the hydrocarbons, and the carbon monoxide. The dotted line represents the benzene that is in the gasoline. You can see that at about 45 percent octane you get high levels of emissions of NO_x, the hydrocarbons, and the carbon monoxide. The dotted line represents the benzene that is in the gasoline. You can see that at about 45 percent octane you get high levels of emissions of NO_x, hydrocarbons, and carbon monoxide. The national average for aromatic hydrocarbons is about 33 percent. The amendment reduces the level of aromatics to no more than 25 percent. So as you can see by reducing the amount of aromatics by volume, you substantially reduce the amount of carbon monoxide, hydrocarbons, and nitrogen oxide emitted into the atmosphere way below the levels that are being emitted right now.

So again by putting a ceiling of 25 percent, as the Dashchle-Dole-Harkin amendment does, it is going to substantially reduce the emissions of hydrocarbons, carbon monoxide, and oxides of nitrogen.

Another 10 to 25 percent of gasoline, over and above the 35 to 45 percent that is now made up of aromatics, consists of olefins. Many olefins are even more photoreactive than xylene, forming ozone rapidly.

So because of these components, gasoline, when burned, is a major source of toxic air pollutants, ozone, and carbon monoxide. We know that, but no one has really focused on the aromatics that make up a third, and sometimes a half if you are using high octane gasoline.

Gasoline has not always been this highly toxic with these levels of aromatics. In 1979, the average aromatic content of gasoline was only 22 percent. The average, as I pointed out, is now 33 percent. The high octane gasolines have about 45 percent or higher aromatic hydrocarbons.

However, when we correctly mandated the removal of lead from gasoline, other components were added to keep octane levels high: The octane enhancer of choice was aromatic hydrocarbons.

In retrospect we corrected one problem—lead poisoning—but created another; toxic chemicals and ozone.

But this historical error can be corrected. We can return to previous aromatic levels.

Fortunately, there are other choices than aromatics to maintain octane level in gasoline.

Guess what they are? The oxygenated fuel additives.

To date, EPA has approved six fuel additives which are all combinations of alcohols, such as methanol, or ethanol, or the ethers derived from those alcohols. These oxygenated fuel additives not only replace toxic and ozone forming compounds, but they reduce carbon monoxide.

Mr. President, I have been working with my friend and colleague from South Dakota [Mr. DASCHLE] for some time to improve alternatives to removing toxic and ozone forming chemicals in the gasoline. Earlier this year, we recommended to the Environment and Public Works Committee that the quickest and cheapest method for cleaning up our air would be to remove the toxic chemicals from gasoline. We recommended a plan to phase out pollutants in gasoline, a plan that would eventually bring cleaner gasoline and, therefore, cleaner air to all Americans.

Our original schedule would require clean octane gasoline in, No. 1, all ozone nonattainment areas by 1992; No. 2, all cities with population above

100,000 by 1995; and No. 3, all gasoline by the year 2000. In other words, clean octane gasoline would have had to been used in all cities by the year 2000, under the original schedule that we promoted.

I still believe that this plan would be one of the most cost-effective methods to clean up our air in the short term. However, there has been reluctance and some resistance to the acceptance of this plan.

Well, I do not fully understand that resistance or that unwillingness to accept cleaner burning gasoline. I can understand the oil companies not wanting to accept it because, obviously, they are the ones that are putting the aromatic hydrocarbons in the gasoline now. The big oil companies do not want to go to oxygenated fuels. So I can understand that from the standpoint of some, not all, of the oil companies. But because there has been resistance to this, we agreed to reduce reformulated gasoline coverage to just the ozone nonattainment areas in the provision that we placed in the Wirth-Wilson alternative fuels and clean vehicle amendment to the clean air bill which, as we know, was defeated here last week.

The Wirth-Wilson amendment, had it been agreed to, would have brought clean gasoline to 101 cities which consume about 60 percent of all gasoline. This would have tripled or quadrupled the market for ethanol, the clean-burning fuel additive made from corn. Other provisions of the Wirth-Wilson amendment would have opened up the market for clean fueled vehicles run on ethanol or methanol. Finally, the Wirth-Wilson amendment was one of the key environmental votes of 1990, actually supported by all environmental organizations. That is why I worked for and voted for the Wirth-Wilson amendment.

Well, the Wirth-Wilson amendment, as we know, was defeated by a narrow margin, with 46 Senators voting for passage. Even a few farm State Senators voted against this amendment. So Senator DASCHLE and I and others have taken that reformulated part of the Wirth-Wilson amendment and we will be offering that here on the floor of the Senate as a separate amendment.

The reformulated gasoline or the clean octane fuel amendment that Senator DASCHLE and I and Senator DOLE and others will be offering is more modest than the provisions of the Wirth-Wilson amendment. It would cover only the nine worst ozone nonattainment areas in the country.

We went from 101 nonattainment areas down to 9. Well, I know that sounds like quite a drop, and that is quite a drop. Yet the amendment before us today still covers about 25 percent of all the gasoline in America. That is a big drop from 60 percent in the Wirth-Wilson amendment, but it is still one-fourth of all the gasoline. Around here you take what you can get. I wish we had more.

In addition, this compromise amendment also reduces the limits that we originally suggested. We had recommended earlier an aromatic content of less than 20 percent. In other words, a 20-percent cap on the amount of aromatics that could go into reformulated gasoline.

The amendment that we are offering raises that limit to 25 percent. We initially recommended an oxygen content of at least 3.1 percent by weight. The amendment that we are offering calls for 2.7 percent, another drop.

We also initially recommended that the xylene content be limited to 5 percent or less. The compromise amendment has no direct limit on xylene.

We recommend olefin content of no more than 5 percent. Again, I repeat that olefins are the most highly photoreactive components of gasoline. They form ozone very rapidly in the sunlight. The compromise contains no direct limits on olefins.

Initially we recommended no more than eight-tenths percent benzene, a known carcinogen. The amendment sets the benzene ceiling at 1 percent rather than eight-tenths of a percent.

In other words, we have had to reduce both the number of cities covered and the actual gasoline specifications to reach a compromise that we hope will be acceptable to the managers of the bill.

I would only state, again, Mr. President, I would much prefer stricter limitations on the toxic poisons in gasoline. I think we ought to have a 20-percent limit on aromatics, and I think we ought to cover 101 cities. But evidently there is too much resistance to that. I would much prefer that all Americans, no matter where they live, could avoid breathing toxic chemicals from the cars and trucks they drive.

But I understand political reality. We have opposition to a more comprehensive reformulated gasoline amendment, and so we have to take what we can get. But I would point out that at least this amendment will provide a significant start for clean octane gasoline. As I pointed out, the nine cities consume about 24 percent of all the gasoline sold in the United States.

I am hopeful that, with the 24 percent, the oil companies will begin making even more reformulated gasoline using the oxygenated fuels, either the ethanols or the methanols or the ethers.

The underlying clean air amendment before us, amendment No. 1293, does not place any limit on aromatic hydrocarbons and it does not specify the use of clean burning oxygenated fuels in ozone nonattainment areas.

The underlying amendment does not put any limit on aromatic hydrocarbons. We put a limit of 25 percent. It does not specify the use of clean burning oxygenated fuels. We do in this amendment.

The underlying amendment does call for reformulated gasoline, but it appiles only to new cars sold in nine cities and has no ceilings on gasoline pollutants.

Now, I wish someone would tell me how that is going to operate. The underlying amendment calls for reformulated gasoline but only for new cars sold in nine cities.

I inquired around about how that might operate. And the only feasible way is if they put another hose and another pump in the gasoline stations. I suppose it would have to be a different diameter. We would have another pump and another hose, further confusing the public and costing more money. Thus the underlying amendment has very weak reformulated gasoline provision that applies only to new cars in nine cities.

However, the Daschle-Dole-Harkin amendment will impose significant restrictions that will help to reduce toxic and ozone forming chemicals and carbon monoxide, as all cars and trucks, old and new, will spew out less pollution in those nine worst ozone nonattainment areas. Our amendment will cover all cars and trucks, in those nine cities.

There is one other important aspect of the amendment: An opt-in clause—not opt-out—an opt-in clause which will allow States to include clean octane gasoline in their State implementation plans as one tool to fight urban smog.

So while we have not mandated clean gasoline in the 101 cities as in the Wirth-Wilson amendment, we have mandated clean gasoline in nine cities. The States can opt into this clean gasoline plan if they would like to, to implement their plans. So we could go up to 101 cities if the States want to do so. I think that is an important aspect of this amendment.

Mr. President, we may revisit this issue of clean air and clean fuel for automobiles in the future. We probably will do so. It is my hope EPA will itself strengthen the specifications on gasoline in the years ahead as allowed by the bill. I hope EPA will restrict olefins and that they will phase in lower aromatic content.

It is also my hope that many cities that are not covered by our amendment will opt into the reformulated gasoline program. And it is my hope the oil companies will voluntarily remove toxic chemicals from their gasoline products.

Mr. President, I have heard all kinds of stories floating around here about how much this amendment would cost to reformulate gasoline, and how much more it would cost the con-

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sumer. But, Mr. President, five companies have already introduced or announced plans to introduce cleaner fuels with no increase in price.

Let me just read some of those. Arco sells reformulated EC-1 with 20 percent aromatics, not the 25 percent that is in our compromise amendment, but the 20 percent that we originally proposed. Arco sells their EC-1 with 20 percent aromatics at the same cost as regular nonleaded gasoline. No increase in price.

Diamond Shamrock sells their RG-87 with 20 percent aromatics. Again 20 percent, not 25 percent.

Phillips sells 20-percent aromatic gasoline in Colorado.

Conoco sells 25-percent aromatic reformulated gasoline, also in Colorado.

Marathon Oil Co. announced on March 15 that all gasoline sold in Detroit would meet the 25-percent aromatic content in all their grades of gasoline—all grades, high octane, low octane, mid-octane. This clean gasoline will be sold with no increase in price.

So, five oil companies, as I said, have already offered or plan to offer reformulated gasoline. I have heard rumors floating around here that some industry officials have said that this is going to cost $100 billion. EPA estimated the cost to be about $2 billion. But here are five companies offering it at no additional cost to the consumer.

Obviously they can do it if they want to do it. We will reduce our health care costs. We can have reduced farm support costs. And reduced oil imports. So, any way we look at it, if we have reformulated gasoline with the cleaner additives rather than the toxic additives that are in there now, we are better off in every aspect.

This compromise amendment is less than I wanted and I think many wanted, but it will still open up a large market for cleaner burning fuel additives such as ethanol, ETBE, and MTBE, and this compromise will begin the process of removing toxic chemicals at the source, before they enter the fuel distribution system, the motor vehicles, and ultimately the air that we breathe.

Mr. President, it is my understanding that we are using about 900 million gallons per year of ethanol in our motor vehicle fleet in America. It has been estimated that if the Daschle-Dole-Harkin amendment—is agreed to, it could double the amount of ethanol used a year to almost 2 billion gallons of ethanol a year.

That is going to take a lot of grain from the marketplace. It is going to reduce the need for farm program costs. It is going to mean we have cleaner burning fuel and we will have cleaner air. So, any way we look at it, this kind of amendment makes sense and I am hopeful the managers of the bill will accept the amendment and make it a part of the underlying amendment.

I can absolutely see no reason why we should not do it. From a cost basis, as I said, five oil companies have already offered or plan to introduce these cleaner burning fuels, and some at lower levels than we are even suggesting in the amendment. It is certainly going to reduce health costs and it will clean up our air in the nine worst ozone nonattainment cities in America.

So, from just about every standpoint it is about time that we focused on this one aspect in the clean air bill. We always focus on what is coming out the tailpipe, how the engines work, putting in catalytic converters; we are looking at smoke stacks and we are looking at utilities. But we have to look at what goes into that gasoline tank. What is in the gasoline that comes out the exhaust pipe? As I said earlier, garbage in, garbage out. Well, let us take the garbage out of the input and we reduce the garbage coming out the back end.

I am informed, Mr. President, this reformulated gasoline amendment offered by Senator Daschle—which again I hope will be accepted by the managers of the bill—is supported by the National Corn Growers Organization, the Sierra Club, the National Clean Air Coalition, the Renewable Fuels Association, State and Territorial Air Pollution Program Administrators, and the American Agriculture Movement. I know the staffs of the managers are looking at it and I hope this amendment will be accepted.

I yield the floor.

The PRESIDING OFFICER (Mr. Wirth). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, if the Senator will withhold the quorum call for 1 minute, I have just been notified that Senator Wirth, presently occupying the Chair, is also a cosponsor. I did not mean to leave that off.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I ask unanimous consent that I be permitted to speak as in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

Mr. BOND. I thank the chair.

(The remarks of Mr. Bond pertaining to the introduction of S. 2366 are located in today's Record under "Statements on Introduced Bills and Joint Resolutions.")

CLEAN AIR ACT AMENDMENTS OF 1989

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, on behalf of Senator Wallop and Senator Simpson, I send an amendment to the desk.

First I ask, Is there anything we have to set aside?

The PRESIDING OFFICER. The Senator from Montana has pending amendment No. 1307.

Mr. BAUCUS. Mr. President, I ask unanimous consent the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1420 TO AMENDMENT NO. 1293

(Purpose: To amend title II of the Toxic Substances Control Act)

Mr. CHAFEE. Mr. President, on behalf of Senators Wallop and Simpson, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. Chafee], for Mr. Wallop (for himself and Mr. Simpson), proposes an amendment numbered 1420 to amendment No. 1293.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title VI, add the following new section: Asbestos in Schools:

"Sec. 612. (a) Section 203(d) of title II of the Toxic Substances Control Act is amended by adding the following new paragraph at the end thereof:

" '(7) EPA Information or Advisory.—The Administrator shall, not later than 30 days after enactment of this paragraph, publish and distribute to all local education agencies and State governors information or an advisory to—

" '(A) facilitate public understanding of the relative risks associated with in-place asbestos-containing building materials;

" '(B) promote the least burdensome response actions;

" '(C) describe the limited circumstances in which asbestos removal is necessary to protect human health; and

" '(D) describe the relative risks associated with removal of asbestos-containing building materials.

Such information or advisory shall be based on the best available scientific evidence and shall be revised, republished and redistributed as appropriate, to reflect new scientific findings.

"(b) Title II of the Toxic Substances Control Act is amended by adding the following new section at the end thereof:

" 'Sec. 216. Asbestos Health Effects Study

" 'The Administrator in conjunction with the Health Effects Institute shall conduct a study to identify, characterize, and quantify risks to human health from exposure to each form of asbestos, including but not limited to the health effects of serpentine and amphibole fibers, and report to Congress within twenty-four months after enactment of this section. Not later than 90 days after completion and submission of such study, the Administrator shall report to Congress with recommendations for modifications or changes, if any, to statutory or regulatory requirements under this Act. Such recommendations shall be based on the findings of the study prepared under this section and such other information as the Administrator deems appropriate."

Mr. CHAFEE. Mr. President, what this amendment does is two things. First, it requires EPA to issue advisories which emphasize that an active in-place management program for asbestos in schools is very often preferable, both in terms of safety and cost, to removal. In other words, we send out these advisories.

Second, it requires that EPA conduct a study to evaluate the relative health effects from two distinct types of asbestos: serpentine and amphibole.

And then it requires the administration to recommend statutory and regulatory changes which should be made based on the results of this study.

This amendment will serve to dissuade schools from undertaking unnecessary and costly asbestos removal and will definitively answer a question raised in a recent Science magazine article regarding the health risks from a common type of asbestos.

Mr. President, I think this amendment makes a lot of sense.

As you know, there has been increased concern not only over the expense of the removal of asbestos but also the damaging aspects that come from the removal, the stirring up of the asbestos, and finally, when you take it out, what do you do with it? Next, there is a concern over whether all types of asbestos are the same. What this amendment does is require EPA to notify the schools that maybe it is better to just leave it alone rather than stirring it up and, second, to undertake this study to ascertain more about asbestos.

Mr. President, it is a good amendment, and I certainly agree with it. It is cleared on this side.

Mr. BAUCUS. Mr. President, the managers on this side have had an opportunity to examine the amendment, and we accept it. I think it is a very helpful endeavor because there have been a lot of questions about the removal of asbestos and under what circumstances. This amendment by the Senator from Wyoming will help clear up a lot of questions, a lot of confusion, and hopefully, as a consequence of this amendment, the Asbestos Program will be much more efficient and the health effects will be more directed than they have been in the past. We accept the amendment.

Mr. WALLOP. Mr. President, the amendment I am offering today should be considered the second volley in what promises to be a long struggle to bring into equilibrium a destabilizing Federal program. The issue is asbestos, and the relevant Federal program is the Asbestos Hazard Emergency Response Act of 1986. Earlier this month, I and my colleagues, Senator SIMPSON and Senator SYMMS, introduced S. 2248, a bill to repeal AHERA and to undertake a health risk assessment of the various forms of asbestos.

My interest in this issue was prompted by two events, as I have described previously. The first event is the ongoing asbestos removal project at Kelly-Walsh High School, in Casper, WY. AHERA is a program directed at public and private schools. The act requires that schools with asbestos-containing construction material to develop plans to prevent exposure to any asbestos which may become airborne in the school. This program has been a nightmare for the schools. They have to expend limited resources to abate a health risk with techniques that can increase exposure to the health risks. That is the situation at Kelly-Walsh High School. They are in the midst of a $4 million asbestos removal program which has closed down the school for at least this school year. We are hopeful that the school will be able to reopen next fall. The disruption in that community has been incredible. But, it is not an isolated incident. Since the introduction of our bill, I have received calls from schools all over the country regarding the problems they have had with this statute, and the need for reform. State legislatures, responding to the problems raised by this legislation, have been passing resolutions urging repeal. Even California, the eco-state, now supports repeal.

The current removal activity is estimated to cost up to $6 billion, money that our schools could better use to meet the incredibly ambitious Goals 2000 that we have recently established by national concensus. It has never been the intent of Congress or EPA that the asbestos in schools program be interpreted as biased in favor of removal. However, that is how the regulations are being interpreted, particularly by self-serving asbestos consultants.

For example, some consultants incorrectly use the Clean Air Act's section 112 requirements, which require asbestos removal prior to building demolition, as a rationale for removing asbestos now. Congress never intended, nor does it intend now, that this section in any way affect how or when local education agencies decide to respond to asbestos-containing materials in their buildings.

The second event arousing my interest was the publication of an article in Science magazine in January. The article dealt with the health risk of exposure to the two different mineral forms of asbestos. It represented the end of a scientific consensus on the health effects of asbestos. The article has also been very controversial, invoking strong reactions from people on both sides of the issue. The authors relied on their conclusions, in part, on work that had been done for the EPA study of asbestos exposure issues as required by AHERA. As a result of this article, and related commentaries, additional research will be undertaken to investigate the health risk of asbestos.

We are finally beginning to focus on the issue of risk. A conclusion of the scientific studies is that the "Available data do not support the concept that low-level exposure to asbestos is a health hazard in buildings and schools." These studies also conclude that different types of asbestos have different potency and that asbestos removal is being done haphazardly even though it is rarely necessary to protect building occupants, particularly if asbestos management programs are implemented.

One of the problems I have with the AHERA program in the schools, is that we have no health risk standards for exposure to asbestos. Monday's Washington Post contained a news story on the uncertainty associated with trying to measure the dangers of exposure to the world around us. And, exposure to asbestos is not a manmade event. Asbestos occurs naturally in the air, so we breathe asbestos every day. I would ask that the Post article and several recent editorials from Science be included in the RECORD at the end of my statement. We have a program, but we do not know what the risk is.

As a result of these two events, I introduced S. 2248. I announced at the time that I intended to offer this proposal as an amendment to the clean air reauthorization bill. My staff has had discussions with the Environment Committee staff and with EPA about this issue over the past few weeks. We have worked out language which is acceptable to all sides. We are not going to repeal AHERA. That is a drastic step, which at some future date may be necessary.

The amendment achieves two objectives. First, we require EPA to provide clear guidance to local schools and the States on the proper response actions to an asbestos problem. Second, we require a study of the health risk of asbestos, including the issues raised by the Science article. A report and recommendations on revisions in the statute will be provided to Congress.

The intent of the amendment is to discourage unnecessary and expensive

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asbestos removals when long-term management programs will suffice. It requires EPA to publish advisories, based on the most current scientific studies, for local education agencies to use as a decision tool in the selection of response actions and a communications tool to address questions and concerns of parents, teachers and other school employees. EPA should make available recently published exposure studies and comparative risk evaluations which corroborate the Agency's own statements regarding the health risk of asbestos. EPA must also communicate more clearly the fact that AHERA rarely requires removal, and that removal is not the preferred response action.

As I said, this is the second volley in this battle. The Environment Committee will be holding hearings on the school-based asbestos problem in late April. This will be a very interesting forum to discuss the various problems with the program. Later this year, we will be reauthorizing the 1984 legislation to assist schools with loans and grants to abate asbestos. This program also needs to be improved. So, there will be other opportunities to consider this program this year. I look forward to working with the schools, with EPA, and with the Environment Committee in developing a program which deals with the actual health risk of asbestos exposure.

I would like to thank the two managers of this bill, Senator CHAFEE and Senator BAUCUS, and their staff for their assistance in developing this amendment.

I ask unanimous consent that the articles to which I referred be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 26, 1990]

MEASURING CHEMICALS' DANGERS: TOO MUCH GUESSWORK?

(By Malcolm Gladwell)

When scientists calculate whether pesticide residues kill little children or automobile exhaust causes cancer, there comes a point when they put aside their hard data and their complex theorems and make a guess.

They know the effect of massive doses of each chemical on rats and mice. But public policy is about humans, not animals, and it must apply to chemicals often found in very small amounts. To draw any conclusions about the real world from what they have seen in the laboratory, scientists have had to speculate.

For 20 years, toxicologists have lived with this uncertainty in trying to measure the dangers posed by the chemicals we eat, drink and breathe. But when rising public concern about potentially dangerous chemicals is in conflict with rising costs of eliminating risk, society is faced with increasingly difficult choices. Many scientists are beginning to argue that the guesses made in the name of risk assessment are no longer good enough.

"Many of the leading people in the field are getting very suspicious about animal tests and what they mean," said Bruce Ames, director of the environmental health center at the University of California at Berkeley. "I think we may be being led down the wrong path."

A LINEAR ASSUMPTION

The problem arises from the fact that the risk of developing cancer from typical exposure to many toxic chemicals may be in the range of one in a million or even less. That means that for a laboratory animal experiment to have a chance of detecting a chemical's carcinogenicity at realistic doses, it would have to use millions of animals.

Because that is hardly practical, scientists do the next best thing. They feed a far smaller group of rats or mice a much higher than normal amount of the chemical. It is understood that this creates an unrealistically high incidence of cancer. Then the researchers extrapolate backwards to estimate how many cancers would have been caused at a more realistic dose.

In extrapolating, both the Environmental Protection Agency and the Food and Drug Administration make what is called a linear assumption. For example, if 50 out of 100 rats got cancer from eating a bowl of a particularly nasty chemical every day, then federal health officials assume that at half a bowl a day, half as many would get cancer, and at quarter bowl, a quarter would get sick and so on down to the point where if the rats were nibbling on the chemical only once a month, just one or two would develop tumors.

This is called a linear assumption because a graph of it, called a dose-response curve, would be as straight as a yardstick (see diagram).

Here is where the controversy begins. Although it seems logical that the risk of cancer should change in proportion to the chemical dose, that is only a guess—a guess that is now being called into question.

"When it comes right down to it, why should we expect nature to give us dose-response curves that follow any predictable mathematical formula?" said John Bailar, a toxicologist at Montreal's McGill University. "Why should they follow a straight line or some regular curve? I don't think you can make an iron law about these things."

What if, for example, a chemical is so potent that it poses a grave risk in even the smallest amounts? If low doses do about as much damage as is possible, then large doses could not make much difference. The dose-response curve in this case would be shaped like a kind of street lamp, rising very sharply in the beginning and leveling off at higher doses. If policy decisions are made on the assumption of a straight-line relationship, the risk of intermediate doses would be underestimated.

It may be that a bowlful of this chemical every day, like the hypothetical nasty chemical, still kills 50 our of 100 rats. But a nibble every month, which the linear assumption guessed was killing just one or two, might actually cause cancer in 15 or 20 rats.

Or consider the opposite. What if high doses of a chemical are needed to trigger the complex chain of events that cause cancer? This is a well-known phenomenon among some carcinogens. Formaldehyde is an example. In such cases the risk of cancer would look like a hockey stick, increasing only slightly until the critical mass of the chemical is reached and then rising sharply.

Here as well the typical extrapolations about the dangers of low doses might be wrong. A bowl of this chemical, like the hypothetical nasty chemical, might still kill 50 out of 100 rats. But a quarter dose might not come close to killing a quarter of the rats. If that quantity fell below the cancer threshold, it wouldn't be any more dangerous than a monthly nibble.

The differences among various dose-response curves have implications for policymaking. A chemical the government thinks is safe for human consumption might not be safe at all if its curve resembles the street lamp. Hockey stick chemicals, on the other hand, could be pronounced unacceptable risks when in fact at realist doses they are virtually harmless.

Large sums spent to reduce exposures to a hockey-stick chemical to extreme lows might buy very little added safety. The money might be better spent redoubling efforts to protect society against street-lamp chemicals.

A "DEFAULT POSITION"

How might chemicals deviate from the yardstick model? Vinyl chloride, a street lamp chemical, is dangerous because the body processes it into another substance that causes potentially cancerous mutations. But the body can only metabolize a limited amount of vinyl chloride at one time. While cancer risks from the chemical rise steeply at lower doses, they level off as the body can no longer process any more of it.

At the same time, recent research into how cancer begins lends some credence to the idea that some chemicals may have a hockey stick shaped-curve. For example, the greatest risk of cancer from chemical toxins, appears to be when cells are dividing rapidly, replacing cells killed by the toxin.

But low levels of a chemical might not cause enough cell damage to kill cells and cause rapid cell proliferation. In many cases, wholesale cell killing—with its accompanying increased risks of cancer—occurs only when a toxin reaches a critical level in the body.

The problem, however, is that scientists understand very few chemicals well enough to know which model they fit, if any.

"Our position is that linear dose extrapolations are the only ones we can justify as a general principle," said David Gaylor, director of the biometry staff of the National Toxicology Program. "It's a default position unless there is convincing evidence to the contrary, which there rarely is. It would be very risky to assume hockey sticks as a rule."

"In most cases the [government's] procedure probably overestimates cancer risks," said John Graham, a professor at Harvard University's School of Public Health. "In some cases they are probably underestimating it, and sometimes they might be right on the mark. But what we have to keep in mind is that no one really knows the right answer."

[From Science Magazine, Mar. 2, 1990]

THE ASBESTOS REMOVAL FIASCO

(By Philip H. Abelson)

Removal of asbestos from buildings could cost as much as $50 to $150 billion. The content of asbestos fibers in the air of buildings containing asbestos is harmlessly small and essentially the same in outdoor air.[1] Asbestos in buildings, unless damaged, does not shed fibers. The removal process releases asbestos fibers which could result in more cancer in the workmen than would have resulted in the usual occupants had the asbestos been left in place.

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[1] B.T. Moorman *et al., Science* 247, 294 (1990).

A puzzling defect in federal legislation and regulations is an arbitrary lumping together of disparate minerals and calling the lot of them asbestos. As a result, chrysotile, a serpentine mineral, is tarred with association with the dangerous amphibole crocidolite. The two minerals differ in composition, color, shape, solubility, and persistence in human tissue. Chysotile is a white mineral with composition $Mg_6Si_4O_{10}(OH)_8$. It tends to be soluble and to disappear in tissue. Fibers tend to be curly and excluded from the periphery of the lung. Crocidolite is blue, has the formula $Na_2(Fe^{3+})_2(Fe^{2+})_3Si_8O_{22}(OH)_2$, and is relatively insoluble. It persists in tissue. Its fibers are long, thin, and straight and penetrate narrow lung passages. About 95 percent of the asbestos in place in the United States is chrysotile.

Another puzzling defect in federal performance is failure to give sufficient weight to epidemiological experience relating to chrysotile mines in Quebec. These mines have been operating since before 1900 and have produced about 40 million tons of chrysotile. In keeping with the lax practice of earlier days, mining operations were accompanied by large amounts of chrysotile dust. Wives of miners were heavily exposed; they dwelt in homes near the mines. Four epidemiological studies of the Quebec chrysotile mining localities show that lifelong exposure of women to dust from nearby mines caused no statistically significant excess disease.

The Environmental Protection Agency has fostered the view that a single fiber can cause cancer. This hypothesis is unproven. We live on a planet on which there is an abundance of serpentine and amphibole-containing rocks. Natural processes have been releasing fibers throughout Earth history. We breathe in about 1 million fibers a year.

Another puzzle is a lack of expeditious effort by the EPA to obtain rigorous measures of indoor and outdoor levels of fibers. It is only recently that appropriate measurements have been made using transmission electron miscroscopy. Use of this equipment permits identification and quantitation of asbestos fibers. One would think that in a $50- to $150-billion program the first priority would be an accurate assessment of the problem. This lack of concern about determining the facts of expose is also reflected in EPA policies with respect to schools.

Public and private school are required to inspect for asbestos and to inform parents if asbestos-containing materials are present. Schools must submit a plan detailing how they will deal with damaged asbestos. They can be fined $5000 per day for failing to meet deadlines. The EPA has recommended bulk sampling and visual inspection to determine a course of action rather than measurement of airborne levels of fibers.

The removal process releases fibers into the air, sometimes creating greater concentrations of them than before the abatement work began. Remedial workers are being exposed to high occupational levels. EPA itself estimates one half of all asbestos removal projects are done improperly.

Panic has not been confined to schools. Building owners broadly have been ripping out asbestos. If anything, the rush to remove asbestos is accelerating. EPA requires that asbestos be taken out of buildings before they are demolished or renovated. In addition, some owners have noted that the presence of asbestos has made it difficult to lease, sell, or insure asbestos-containing buildings. *The Environmental Contractor* has published an estimate that this year $7 billion will be spent on asbestos abatement—an increase of more than 30 percent during 1989. The estimate for 1993 is $11.5 billion.

The credibility of EPA has already been damaged. Unless policies are modified, the sums wasted in abatement and litigation will proliferate. Regulations should be modified to take into account the greatly differing hazards of the various asbestiform minerals. Standards for indoor air should be based on actual measurements of types and amounts of fibers.

[From Science magazine, Feb. 16, 1990]

PRIORITY ONE: RESCUE THE ENVIRONMENT

(By Daniel E. Koshland, Jr.)

President Bush has recommended that the Environmental Protection Agency be elevated to cabinet status and Congress is likely to approve. As a symbolic move to increase the visibility of our environmental crisis, the change is most welcome. However, unless a slipshod and emotional approach to environmental policy is replaced by a well-planned and scientific one, the EPA hero galloping to rescue the environmental damsel in distress is likely to fall off his horse.

In fact, EPA's change in status should be approved only on condition that improvements in its procedures be made. A major hurdle in protecting the environment is the cost of even partial solutions. Implementing provisions of the Clean Air Act will cost billions, as will disposal of toxic wastes and protection of the water supply. Our environmental dilemma calls for extraordinary thoughtfulness, good research, and careful choices based on cost-effectiveness. At present, priorities often seem to reflect random publicity, and research analysis is an unwanted guest hustled out the back door.

How can we change to a more rational policy? We can start by ensuring that the cost of each object includes the cost of an environmentally protective disposal. Like in mining, manufacturing of a beer bottle or a plastic toy should be subject to laws relating to incineration or recycling which would be supported by the cost of the object. In such circumstances, the manufacturers would have an incentive to devise more environmentally appropriate products, and consumers would have a voice in the cost-effective solutions.

The need to think through the entire cost of a product requires an element of overall planning currently lacking in environmental policy. If, for example, car emissions are reduced by 50 percent to obtain the minimal acceptable level for health, urban communities cannot allow more cars to enter their cities, thus nullifying the effect of the required technolgical changes. A farmer in Iowa might rightly say, "I shouldn't have to spend more for my car until the urban centers have a plan that makes my sacrifice worthwhile."

Part of a more rational approach to confronting environmental problems is to rely more on facts and be willing to modify policies as new facts are uncovered. Asbestos provides one good example. When asbestos was discovered it was hailed as a marvelous insulator and building material. As the industry grew, disturbing signs of adverse health effects on asbestos workers were swept under the rug, with tragic effects on health and life. The banning of asbestos then seemed logical, but recently, evidence has appeard to indicate that different forms of asbestos may have different pathological effects—one form is dangerous, the other relatively harmless at usual concentrations (see B. T. Mossman *et al.*, *Science*, 19 Jan., p. 294). If this is so, we may be spending between $50 billion and $150 billion needlessly. The dollars might be better spent to improve our water supplies and to provide prenatal care to underprivileged mothers.

Is there a way to institutionalize rational and informed environmental decisions? There is, and the time is now. A large and effective research arm should be put in place in the EPA at the same time that the organization is raised to cabinet level EPA now does some research (approximately $424 million worth annually), and to give credit where it is due, some EPA officials are already aware that they need more long-range planning. But present research by the agency is almost always directed toward immediate remedies, such as cleaning a specific dump site; as a result we are wasting billions on poorly devised general policy. To provide an effective recycling policy, for example, research in the chemistry of glasses is needed. To develop a policy for effective clean air requires transportation research among other things. Before many plastics can be recycled safetly, polymer and combustion research are needed.

A basic research budget for environmental problems at least four times bigger than the present one could provide the kind of information needed to set priorities, stimulate novel ideas, and ensure mutually consistent overall policies. This plan would engage such diverse disciplines as engineering, geophysics, biology, epidemiology, and economics, and would include both Washington-based and university-based research, with the National Institutes of Health as a model. A cabinet-level EPA could then base environmental policy on facts and rational goals, rather than on sloganeering and lobbying. Such a comprehensive approach could provide for environmental research the same kind of stature and competence that we now have in our work in biomedicine and might make giant strides toward the rescue and rehabilitation of our beleaguered planet.

[From the Wall Street Journal, Sept. 18, 1989]

PUNCTURING A PANIC

The long-running scare over asbestos is turning out to be the "War of the Worlds" of environmental panics. As with Orson Welles's famous scary radio broadcast, the asbestos panic has been whipped up by endless evening news reports about how the nation's schools were cancer traps. A group of specialists on asbestos and disease gathered at Harvard recently and their report concluded what most serious scientists already knew: "Using conservative (pessimistic) assumptions, mesothelioma and lung-cancer risk projections from exposures to indoor asbestos for school-age children and the general population were generally agreed by all the symposium participants to be quite small."

The cost, however, has been quite large. According to Kate Herber, legislative counsel for the National School Board Associa-

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tion, asbestos-removal costs could for elementary and secondary schools be as high as $6 billion. This figure is only for removal costs for 671 of the more than 15,000 public-school districts around the country who answered a survey.

The cost of compliance of just the surveyed schools from fiscal 1986 to fiscal 1990 will approach $64 million. "A lot of money that used to go to educational programs is now going to comply with EPA regulations," says Ms. Herber.

According to the Harvard report, the average levels of airborne asbestos in buildings where the asbestos is intact are "extremely low," and it suggests that the emphasis should be on maintenance of asbestos, since removal, if improperly done, usually is more dangerous than just leaving it alone. The report goes on to say that cigarette smoke or radon pose a much greater risk than in-place asbestos. Interestingly, the report shares the school boards' concern that what the symposium called "fiber phobia" may be diverting money from other pressing needs. One that springs to mind is the schools' war on drugs.

If there is an architect of this expensive public-policy fiasco it is Democratic Congressman Jim Florio of New Jersey. Mr. Florio was the principal sponsor of the Asbestos Hazard Emergency Response Act of 1986, which mandates that schools inspect their buildings for asbestos and take appropriate action. The principal effect of the Florio bill, of course, has been to publicize its flawed premise—that asbestos in buildings is a significant cancer threat. It simply isn't.

For reasons of its own, the Environmental Protection Agency hasn't made much effort to put the asbestos issue into proper scientific perspective, even in the wake of the Harvard report. Charles Elkins, an EPA spokesman, says that the findings of the Harvard report is a position "we've taken for a good number of years." This surely is news to a lot of private and public schools that have torn apart their budgets to satisfy the asbestos mandates.

Indeed, the politicians' phobia over asbestos continues. New York City for instance, is considering a removal law. The costs would be prohibitive. According to a spokesman for the World Trade Center, removal costs would be $300 million to $350 million for just the trade center.

The one group that might conceivably be at some risk from asbestos is workers, such as plumbers or electricians, who might spend time around asbestos that's being dislodged. But the Occupational Safety and Health Administration imposes regulations that, though stringent, concede the relative harmlessness of casual exposure to most asbestos.

In 1986, OSHA issued revised standards that said that "countless maintenance operations involving the handling of asbestos-containing materials are conducted . . . and those operations, which are small in scale and of short duration, are vastly dissimiliar in degree of hazard to many other asbestos-related construction operations, such as asbestos-abatement projects." In other words, if anyone's in danger, it is people around projects that are tearing out asbestos.

Despite all this, Rep. Florio now wants to extend his law to all private and public buildings and has introduced an amendment to the 1986 act. Some of his colleagues, however, have received an earful from their local school boards, and Congress has hired a consultant to do a two- to three-year study of the potential effects of the bill. After these accomplishments, Mr. Florio is pursuing the current logic of upward mobility in American politics; he's running for the governorship of New Jersey.

The asbestos story is an archetype of how in our time negligible health hazards are blown up into plague-sized problems. Scientists are starting to use a phrase to describe the politicans' response: too much money chasing too little risk.

Mr. SIMPSON. Mr. President, I want to express my strong support for my friend, Senator WALLOP's amendment dealing with the mineral asbestos. We, in Wyoming, have had some sad experiences with the Federal asbestos legislation which I do not think are unique.

Because of the asbestos in schools legislation Congress and EPA have unleashed a monster on the American public. Schools have initiated inspection and removal programs because of this law and that has resulted in more asbestos being released into the school environment than would have even been released under normal circumstances. This, in turn, has placed severe economic burdens on school districts that cannot afford to deal with this expensive problem and it has caused extraordinary hardships for communities all over the country.

We, in Congress, are to blame for enacting a law that was not really needed and EPA is to blame for coming up with a financial aid distribution formula that is very flawed. The result is schools have been closed and school districts are going broke. I don't think that is what those of us in Congress ever intended.

Senator WALLOP's amendment makes real progress in two important areas. EPA will now be required to provide clearer guidance to school districts regarding proper response actions. Second, the amendment requires a study on health risks posed by various forms of asbestos. This will help to ensure more responsible actions by EPA and school districts in the future.

The Environment and Public Works Committee will again be holding hearings on the asbestos issue as we begin to reauthorize the asbestos in schools legislation. I trust that all of the horror stories will be laid out and that we can begin to reform or repeal this legislation. We surely made a mistake.

I urge adoption of the amendment.

Mr. REID. Mr. President, the amendment offered by my colleague from Wyoming, Senator WALLOP, addresses an important issue with respect to implementation of the asbestos abatement program in schools. It is my sense that in many cases schools are electing to undertake expensive, and disruptive asbestos removal projects when they may not be necessary or warranted.

Asbestos abatement is too often misconstrued to mean asbestos removal. In fact, in-place management of asbestos is generally the preferred approach to protecting the health of students and school employees. There are several techniques including enclosure and encapsulation which are completely effective in preventing the release of asbestos into the air. Only in cases where the asbestos containing material is seriously damaged and cannot be encapsulated or enclosed is removal the primary option.

In many cases, I believe, schools have opted to remove asbestos because they do not fully understand that less disruptive options exist. This is an issue I have requested the General Accounting Office to look into. I am concerned that there may be a bias in either the Asbestos Hazard Emergency Response Act [AHERA] or the implementing regulations which fosters removals over less drastic measures. In addition, I intend to pursue this matter in a hearing in April on asbestos issues.

In the meantime, the amendment offered by the Senator from Wyoming will help promote the message to schools that in-place management techniques are often preferable to large scale asbestos removals. The second part to the amendment addresses an ongoing health effects research effort by EPA and the Health Effects Institute.

An article that appeared in Science Magazine in January raised the issue of potentially differing health effects from exposure to various forms of asbestos. While this issue is not new, the Health Effects Institute is looking into the matter as part of a larger asbestos study cofunded by EPA and the private sector. The amendment will require that the study be submitted to Congress in 24 months. It further requires that EPA provide recommendations to Congress based upon the findings in the study and other pertinent information for modifications, if any, to either the AHERA statute or the regulations.

I am willing to support the amendment, and look forward to a full discussion of asbestos issues when my Subcommittee on Toxic Substances, Environmental Oversight, Research and Development conducts its hearing in April.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1420) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLURE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. METZENBAUM. Mr. President, is there a pending amendment?

The **PRESIDING OFFICER**. The amendment of the Senator from Montana is pending.

Mr. **METZENBAUM**. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

AMENDMENT NO. 1421 TO AMENDMENT NO. 1293

(Purpose: To require certain sources of coke emissions to make available to the public certain risk assessments, and for other purposes)

Mr. **METZENBAUM**. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The **PRESIDING OFFICER**. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 1421.

Mr. **METZENBAUM**. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

The amendment is as follows:

On page 282, line 25, after "date," insert "and complies with the provisions of clause (iii)"

On page 283, between lines 12 and 13, insert the following:

"(iii) Sources of coke oven emissions qualifying for an extension under this subparagraph shall make available not later than January 1, 2000 to the surrounding communities the result of any risk assessment performed by the Administrator to determine the appropriate level of any emissions standard established by the Administrator pursuant to subsection (f) or the results of the risk assessment performed by such source pursuant to paragraph 3 or 4.".

On page 283, line 15, insert ", and which was in operation on January 1, 1990" before "may".

On page 284, line 13, insert "and which complies with the provisions of subparagraph (A)(iii)" after "(iii)".

Mr. **METZENBAUM**. Mr. President, I rise to offer an amendment dealing with the steel fix contained in the air toxics substitute. My amendment will prevent the steel fix from being exploited.

Under the substitute, coke ovens, a key part of the steelmaking process, are extended special preferential treatment.

Coke operators can avoid the basic health protection standard—1 in 10,000 cancer risk—for 30 years.

This health-based standard has already been revised by the substitute to take into consideration a study by the National Academy of Sciences. That study will determine the appropriate risk assessment for plant-specific emissions.

So here we are giving the steel industry the advantage of a revised risk assessment standard and an additional 30-year extension. Thirty years.

This is truly disturbing. Of all the industries emitting cancer-causing pollutants, coke ovens pose the highest risk of cancer. Yet, other high risk sources get no longer than 10 to 18 years to meet a health-based obligation.

Why are we giving coke operators such a break? They do not need it. An EPA study suggests that 36 percent of present coke capacity can already meet the 1-in-10,000-health-risk standard.

I do not buy the argument that the steel industry will have to shut down its coke operations because they cannot meet a health-based obligation 15 years from now or 30 years from now. I do not believe there will not be further control improvements. I do not believe there will be plant closings and job layoffs. And neither do the steelworkers.

Make no mistake, emissions from coke ovens are very dangerous. They contain benzene and some 200 other suspected and confirmed carcinogens.

The risk to the community and to workers has moved the United Steelworkers of America, the International Chemical Workers Union and the Oil, Chemical and Atomic Workers Union to support the imposition of controls on coke oven operators.

Mr. President, the 30-year extension for meeting health-based standards is deeply troublesome. So is the extra special treatment provided independent coke producers by the substitute.

This substitute treats independent coke operators who represent about 10 percent of all coke-making capacity, differently from integrated steel producers who operate their own coke-ovens.

Independent coke operators are subjected to even weaker compliance requirements.

The substitute gives coke operators three possible compliance options. Each option includes a requirement that coke operators meet a specific technology-based obligation in the short term. Unfortunately, this obligation is not uniform.

Under option one, coke coperators can make only a few minor technological adjustments early on to partially reduce toxic emissions. If they choose this option, however, they are then supposed to meet the health-based standard of assuring no more than a 1 in 10,000 health risk by the year 2000.

This option will be appealing to those who are phasing out operations in the next 10 years anyway. They will not have to do much.

Under option two, coke facilities owned and operated by integrated steel mills could select another more effective control technology known as LAER—lowest achievable emission rate—which, if installed by 1995 and maintained, would entitle the operator to avoid any further controls on residual emissions for another 25 years—unitl the year 2020.

The third option allows independent coke operators to avoid meeting the health-based standard until 2020 but does not require them to adopt the more effective LAER technology required of the integrated steel producers.

This latter option, which is eligible to some 10 percent of coking capacity, has the potential of causing not only additional health impairments for the communities but also employment dislocations for workers at integrated plants. Integrated steelmakers could shift some of their demand for coke from their own facilities to the independents, thereby resulting in closures.

Mr. President, my amendment will achieve two objectives.

It will require EPA to prepare and disclose a health risk assessment for coke ovens just as they will be required to do for any other facility under the air toxics substitute. It maintains the steel fix because it will not require coke operators to install additional control strategies before the year 2020. It simply provides the communities with important information regarding their health risks.

The second part of the amendment would restrict the option which allows independent coke producers to adopt weaker control strategies to those independents in operation January 1, 1990. This will prevent integrated producers from shifting production to these facilities.

The **PRESIDING OFFICER**. Is there further discussion on the amendment?

Mr. **BAUCUS**. Mr. President, I think the amendment is a good one. Essentially it requires risk assessments be made and also the information be made available to local communities. I think it is a good idea, and I accept the amendment.

Mr. **METZENBAUM**. I thank the Senator.

Mr. **CHAFEE**. Mr. President, we approve the amendment on this side.

Mr. **METZENBAUM**. I thank the Senator from Rhode Island.

The **PRESIDING OFFICER**. The question is on agreeing to the amendment.

The amendment (No. 1421) was agreed to.

Mr. **METZENBAUM**. I move to reconsider the vote by which the amendment was agreed to.

Mr. **CHAFEE**. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. **METZENBAUM**. Mr. President, I thank the managers of the bill for their cooperation.

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AMENDMENT NO. 1422 TO AMENDMENT NO. 1293

(Purpose: To provide an incentive for small diesel refineries to remove sulfur from diesel sold for off-highway and home heating purposes.

Mr. CHAFEE. Mr. President, on behalf of Senator SYMMS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], (for Mr. SYMMS) (for himself, Mr. SIMPSON, Mr. BOREN, Mr. GARN, Mr. HATCH, Mr. MCCLURE, Mr. REID, Mr. BINGAMAN, Mr. WALLOP, Mr. BAUCUS, and Mr. BREAUX), proposes an amendment numbered 1422.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 438 of amendment no. 1293, at line 12 insert the following new subsection:

"(h) SMALL DIESEL REFINERIES.—The Administrator shall issue allowances to owners or operators of small diesel refineries who produce diesel fuel after October 1, 1993 meeting the requirements of subsection 211(i) of this Act.

(A) ALLOWANCE PERIOD.—Allowances may be issued under this subsection only for the period from October 1, 1993 through December 31, 1999.

(B) ALLOWANCE DETERMINATION.—The number of allowances issued pursuant to this paragraph shall equal the annual number of pounds of sulfur dioxide reduction attributable to desulfurization by a small refinery divided by 2000. For the purposes of this calculation, the concentration of sulfur removed from diesel fuel shall be the difference between 0.274 per centum (by weight) and 0.050 per centum (by weight).

(C) REFINERY ELIGIBILITY.—As used in this subsection, the term "small refinery" shall mean a refinery or portion of a refinery—

(i) which has bona fide crude oil throughput of less than 18,250,000 barrels per year, as reported to the Department of Energy, and

(ii) which is owned or controlled by a refiner with a total combined bona fide crude oil throughput of less than 50,187,500 barrels per year, as reported to the Department of Energy.

(D) LIMITATION PER REFINERY.—The maximum number of allowances that can be annually issued to a small refinery pursuant to this subsection is 1500.

(E) LIMITATION ON TOTAL.—In any given year, the total number of allowances issued pursuant to this subsection shall not exceed 35,000.

Mr. CHAFEE. Mr. President, the distinguished Senator from Idaho has spoken on this before, so I will not go into detail. Basically, the facts are these: The large refineries will desulfurize. The small refineries will not desulfurize because the equipment is expensive. However, what this does is say to the small refineries, "If you do desulfurize, then you will receive some allowances for doing so." These are very modest allowances because these small refineries are defined as refineries with crude oil stock, feedstock capacity of 50,000 barrels per day or less, which is a very small refinery.

So, actually, this is a good environmental amendment because, by getting these few allowances, it will encourage them to do something they would not normally have done, namely, desulfurize. Thus, more sulfur will be taken out of the diesel fuel.

So it is a good amendment, Mr. President. I urge its adoption.

Mr. BAUCUS. Mr. President, likewise we accept the amendment. We, essentially, find that the refineries which install desulfurization equipment are entitled to allowances and EPA also estimates that after the year 2000 this will result in increase total SO_2 control by up to 15,000 tons.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 1422) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MITCHELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, I am advised by the managers that Senator DASCHLE is prepared to offer his amendment which will be contested, and which will require a vote.

Accordingly, Senators should be aware that there will be another rollcall vote this evening not later than 7:15, possibly earlier if all of the time is not used and some is yielded. That will be the only other vote this evening.

Then the managers will be taking additional amendments which have been accepted, and we will return to session tomorrow to consider the amendments with respect to the allowance system, and other amendments that will be offered at that time.

So there will be one more vote this evening. That will be not later than approximately 7:15, possibly earlier, and then tomorrow we will be in session with votes possible as we continue to consider amendments as they are offered by Senators.

I thank the managers for their cooperation. I thank Senator DASCHLE very much for his cooperation.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I will have the draft of the amendment momentarily.

Until it arrives I think I will begin debate of the amendment.

Mr. McCLURE. Mr. President, parliamentary inquiry. Is it possible for us to start the allocation of the 1-hour time limit on the amendment so people may be informed the vote will not be beyond 7:15?

Mr. DASCHLE. I ask unanimous consent that the vote occur at 7:15.

The PRESIDING OFFICER. Without objection, it is so ordered. The vote on the Daschle amendment will occur at 7:15.

Mr. McCLURE. Mr. President, I wonder if the Senator will reformulate that request. I do not mean to delay the consideration. Under the unanimous-consent agreement, as I understand, each amendment that is in order is limited to 1 hour of general debate. Fixing a general time for when we would hold or start using the time now would achieve the same objective, but still ensure people that indeed if time is yielded back the vote could occur before 7 o'clock.

Mr. DASCHLE. I amend my unanimous-consent request in that regard, that it be held no later than 7:15, and possibly earlier.

Mr. BAUCUS. Mr. President, I reserve the right to object.

Mr. President, these negotiations concerning this bill cover many subjects. One of the subjects covered was the alternative fuels including performance requirements and specifications of gasoline. It is clear that this amendment offered by the Senator from South Dakota is the amendment which covers a subject that was very exhaustively covered.

Consequently, as the manager of the bill, as the participant in those negotiations, I feel constrained to say, which I have already said privately to the Senator from South Dakota, that this is an amendment which is a deal breaker. It breaks the deal.

Therefore, I feel further constrained to ask that the vote, if there be a vote either at 7:15 or earlier, be either on or in relation to the amendment so that I can move to table. I will only move to table at the appropriate time because consistent with all other amendments which in my judgment are deal breakers just as I moved to table those amendments I feel constrained also consistently to move to table this amendment as well.

So therefore I ask that the vote be either on or in relation to.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. McCLURE. I do not mean to delay this, but I wonder if I can ask unanimous consent that the time on the Daschle amendment start running at this time and the vote thereon occur in the normal course of events under the previous order?

The PRESIDING OFFICER. Is there objection? The chair hears none. The Chair will then announce that the vote concerning the Daschle amendment will occur no later than 7:20.

Who yields time?

Mr. DASCHLE. I thank my colleagues, and I yield such time as I may consume.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 1423 TO AMENDMENT NO. 1293

Mr. DASCHLE. Mr. President, the amendment I am offering, with Senators DOLE, HARKIN, DURENBERGER, McCLURE, DIXON, GRASSLEY, SIMON, EXON, KERREY, BURNS, and CONRAD, would improve air quality by cleaning up the gasoline that all of us burn every day in our cars. Specifically, this amendment seeks to use oxygenated fuels and other benign additives to replace the toxic aromatics that are now used to boost octane in gasoline.

We are not proposing a sweeping change. In fact, our amendment would merely roll back gasoline aromatics levels to those present only a decade ago. It would apply only to the nine cities that have been designated the most severe ozone nonattainment areas in the country.

At the outset, I would like to make particular mention of the contribution that Senators HARKIN and DOLE have made to the development of this amendment Senator HARKIN has been an articulate advocate for the establishment of the strongest possible reformulated gasoline standard from the beginning, and his involvement in this effort has been invaluable. Senator DOLE the distinguished Republican leader, played a pivotal role in negotiations with the administration on this amendment, and his initiative in that area has helped bring this issue to the Senate floor. Both Senator HARKIN and Senator DOLE are well known not only as leaders of the effort to stimulate national demand for agriculturally derived fuels, but also as early proponents of the value of alternative fuels as a vehicle for improving air quality and reducing our country's dependence on imports of foreign oil. I very much appreciate their help on this amendment.

Also, before proceeding with the debate, I ask unanimous consent that an explanation of responses to concerns about this amendment be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DASCHLE. Mr. President, it is important to note that this amendment is a compromise drafted after a series of negotiations with EPA and White House officials. The original draft of this amendment covered all 101 ozone nonattainment areas, and we have also discussed the option of covering the 41 serious to extreme ozone nonattainment areas. We could easily justify coverage of all 101 areas, but in acknowledgement of the concerns of others and in the spirit of cooperation, we have deferred to EPA's request that the clean octane standard be applied only to the nine most severe ozone nonattainment areas, with the proviso that other communities could opt into the program. This is the minimum we can do if we are serious about tackling the problem of air toxins from mobile sources.

This modest compromise has attracted a broad range of support, as indicated by the distinguished cosponsors of the amendment as well as the endorsement of the following organizations: the National Governors Association, the National Clean Air Coalition, the Sierra Club, Citizen Action, the Renewable Fuels Association, the National Corn Growers Association, Renew America, Farm Bureau Federal, American Agriculture Movement, SAFER—safer air through fuel enhancement, reformulation and reforestation—National Farmers Union, National Farmers Organization, Arizonans for Clean Air Now, the Idaho Ethanol Fuel Association, and the Clean Fuels Development Coalition.

The thrust of the Clean Air Act legislation before the Senate is to make the air cleaner by making cars cleaner. While cars can and should produce less pollution, it is simply unfair to heap the burden of pollution control solely on the automakers when the gasoline that cars burn produces 50 percent more pollution than gasoline of only a decade ago. This amendment would achieve substantial clean air benefits without requiring costly modification of our automobiles. Moreover, it would implement what many of the more far-sighted oil companies are already beginning to do in select regions of the country.

In the context of the Clean Air Act, it has been well documented that more than 50 percent of urban pollution comes from the combustion and evaporation of motor fuels. Mobile sources account for more than 90 percent of carbon monoxide emissions and at least half of the harmful ground level ozone formation. Also, data from the Environmental Protection Agency [EPA] shows that 55 percent of air toxins come from mobile sources. More than 80 percent of airborne benzene comes from mobile sources, as does a remarkable 98 percent of 1,3 butadiene.

If anyone has any doubts about the real world health effects of these facts, they need only ask EPA. EPA reports that more than 50 percent of the annual cancer deaths attributed to air toxics come from mobile sources.

As my colleagues from California and New York are well aware, risk from air pollution does not stop in the great outdoors. According to a May, 1989 study by the South Coast Air Quality Management District in California, commuters traveling congested roads and freeways are exposed to levels of cancer-causing air pollutants inside their cars that are up to four times higher than the levels outdoors.

In terms of cost effectiveness and immediate clean air benefits, there is no more important step we can take than cleaning up the gasoline used in conventional automobiles. This amendment would do just that by establishing an improved, cleaner gasoline standard.

There has been a great deal of discussion about what reformulated gasoline is, and everybody seems to define it differently. The generic term "reformulated gasoline" refers to changing the concentration of certain gasoline components in order to allow the gasoline to burn more cleanly. In simple terms, the focus of that effort has always been on the components used to enhance gasoline octane. In this amendment, the term "reformulated gasoline" could just as accurately be described as clean octane.

Gasoline was first reformulated when lead was phased out as a gasoline octane enhancer. While health considerations clearly necessitated this initiative, EPA failed to monitor the resulting change in gasoline composition to ensure that one poison was not replaced by another. That is exactly what happened.

In order to replace the octane lost by lead phase-outs, gasoline refiners increased the aromatics and olefin content of gasoline and raised the volatility of the gasoline. Moreover, recent octane wars, designed to increase market share, have exacerbated the problem. While the aromatics content of gasoline prior to lead phase-out was around 20-volume percent, the average aromatics content of gasoline today is greater than 32-volume percent. Premium unleaded gasoline can

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have an aromatics content greater than 50-volume percent.

The primary aromatics used in gasoline are benzene, toluene and xylene, all of which are EPA-listed hazardous chemicals. The amount of benzene emitted from the tailpipe is directly related to the amount of benzene found in gasoline. However, a gasoline can have no benzene and still produce benzene exhaust because of the chemical transformation that toluene and xylene undergo during the combustion process.

Recent data compiled by ARCO Chemical further demonstrates the environmental consequences of high aromatics gasoline. In an article published in the Oil and Gas Journal, December 4, 1989, ARCO scientist William Piel cites data that clearly indicates that gasoline containing more than 25-percent aromatics content results in dramatically increased levels of carbon monoxide [CO], hydrocarbons [HC] and nitrogen oxides [NO_x]. The relationship between aromatics and toxics and, in particular, benzene, has been well documented by EPA and others.

Mr. Piel concludes that high aromatics gasoline literally disables an automobile's catalytic converter, thereby resulting in the nonlinear relationship between aromatics and emissions.

The implications of the ARCO data on emissions points out the danger of relying solely on vehicle control technology for emissions reductions. It does not matter how many levels of tailpipe standards were required if the technology cannot handle the gasoline.

I want to stress to my colleagues why it is so important to adopt this clean octane standard. If the Clean Air Act amendments are passed without such a standard for existing cars in ozone nonattainment areas, overall air quality could get worse, not better, despite the well-intended efforts of those who have done such an admirable job contructing the current compromise.

Allow me to elaborate on the statement.

In ozone nonattainment area, gasoline refiners will be required to lower the volatility of gasoline in order to reduce ground level ozone. To meet the new volatility standards, gasoline refiners will remove the most volatile components of gasoline and replace them with less violatile ones. Butane is the primary component likely to be removed in order to meet the new standards. If left to their own discretion, petroleum refiners will almost certainly turn to even higher levels of aromatics to fill this gap because aromatics are relatively high octane, low volatility components.

Therefore, in our most polluted cities, we face the strong likelihood that gasoline volatility could be reduced, but at the unintended expense of increased toxics, carbon monoxide, unburned hydrocarbons, and even nitrogen oxide.

The most significant single step that can be taken to improve urban air quality is to limit aromatics content in gasoline to no higher than 25-volume percent. Further steps can and should be taken to stipulate what the reformulated gasoline should look like.

This amendment requires that gasoline in all serious, severe, and extreme ozone nonattainment areas have the following parameters:

No more than 25-volume percent aromatics hydrocarbons (including no more than 1.0-volume percent benzene);

A 15-percent reduction in ozone-forming emissions as compared to a similar automobile fueled by conventional gasoline; and

An oxygen content of at least 2.7-volume percent, based on averaging as specified in section 218 of the act.

The aromatics and oxygen content requirements would be phased in over 3 years, and other communities would be allowed to opt into the program.

Such a standard would allow refiners flexibility in making gasoline, while ensuring that one poison is not replaced by another—an unfortunate and unintended result of lead phase-out.

Some oil companies will claim that they cannot meet this standard and that, if they are forced to try, it will bankrupt the American consumer. But these arguments are false, and can easily be refuted.

One of the most important attributes of a clean octane program is that it can be implemented immediately. In fact, there are 11 EPA-approved octane-enhancers that can be used to replace aromatics, including MTBE, ETBE, ethanol and other oxygenates. The ethers, especially MTBE and ETBE, are expected to be major components of meeting a clean octane program. Isobutylene availability is important in overall ether supply, as isobutylene is mixed with methanol or ethanol to produce MTBE and ETBE, respectively. Isobutylene is a natural by-product of refinery operations, and it can be made from butane.

According to the General Accounting Office, isobutylene supply will expand to meet the market. As butane is in tremendous surplus today because of the new fuel volatility requirements, the availability of the feedstocks for isobutylene is all but guaranteed. MTBE is the world's fastest growing chemical, with projected supply expected to increase by more than 20 percent for the next 5 years. Given the availability of isobutylene and the expanding capacity for ether production—not to mention the current surplus in ethanol production capacity—conservative estimates put the anticipated oxygenate supply at nearly double the projected demand based on this amendment.

Of course, refiners could simply choose to make a lower aromatics gasoline and reduce octane. This would not require any new investment, and would actually save a large amount of oil. It should be pointed out that 90 percent of the automobiles in America get no benefit from an octane rating above 87. No car needs an octane rating above 91. The current octane wars are an advertising sham designed at increasing market share and profit for the major oil companies.

The claim that oil companies cannot make the clean gasoline required by this amendment is undermined by the facts of the current marketplace. Clean octane gasolines are being used today across the country. In California, ARCO has had tremendous success with their EC-1, a clean octane gasoline made with MTBE. Phillips Petroleum has announced the introduction of its "Super Clean Unleaded Plus" in Colorado. Diamond Shamrock currently sells "RG-87," a low aromatics, unleaded, and low volatility gasoline. Earlier this month, Marathon Oil announced that it was introducing clean gasoline, in all three grades, in all 161 service stations in Metropolitan Detroit. There are many other examples of clean octane gasoline, both on the market and soon to be introduced.

It is important to note that these gasolines are price competitive with traditional gasolines in the marketplace. According to comparative cost estimates prepared by Information Resources, Inc., a well-known industry consulting group, the average cost of a clean octane gasoline consistent with the standard proposed in this amendment would be only 1 to 3 cents per gallon more for regular grades. For premium grades, reformulated gasoline could result in no additional cost and may, in fact, be cheaper.

Late last week, in a hastily called press conference, the American Petroleum Institute [API] charged that the Daschle amendment will cost $100 billion and that meeting its requirements "will likely add 25 cents a gallon to consumer's fuel costs." These grossly inflated cost figures, disseminated by the major oil companies' national trade association, simply do not jibe with estimates from the EPA and other credible industry sources. They smack of the recycled horror stories that the oil industry repeatedly resorts to in its efforts to block natural gas and grain-derived fuels from entering the marketplace.

At their press conference, API also claimed that "no one knows if this amendment will help improve air quality." Yet, it is interesting to note the actions of one of API's members, Marathon Oil. Last Friday, March 23, 1990, in an article entitled "Marathon

Oil Has a Cleaner-Burning Gasoline," the New York Times reported that:

> Emissions from engines using Marathon's fuel will be lower in carbon monoxide and in unburned hydrocarbons that cause the formation ozone, a prime component of smog. Marathon said the new gasoline would result in a 20 percent reduction in unburned hydrocarbon emissions and a 14 percent reduction in carbon monoxide.

The pollution fighting potential of clean octane gasoline is enormous. If all the gasoline used in the United States each year were to be reformulated, substantial reductions in ozone—at least 15 percent, carbon monoxide—20 to 30 percent, toxics—40 to 60 percent, and even nitrogen oxides would be achieved, at only a fraction of the cost of other control technologies currently being debated.

While the technology and products necessary to replace aromatics in gasoline currently exist—and while some gasolines have already been reformulated—we are sensitive to the fact that it will take some readjustment in the overall refining industry to implement this change in fuel standards. Therefore, the amendment would phase in the proposed clean octane gasoline program over 3 years for the oxygen requirement and 5 years for the aromatics reduction.

The oil industry will tell you that they favor cleaner gasoline, but that we should let them do it themselves, or let EPA design a workable program. First, it is a bit far-fetched to assume that the oil industry will improve overall gasoline composition on its own. One need only review the history of the last 10 years to see that gasoline has gotten dirtier, not cleaner. Second, we cannot simply assume that EPA will do the job, either.

With all due respect to Administrator Reilly, for whom I have great admiration and respect, it simply is not enough to make the gasoline standard subject to EPA discretion. EPA has known about the aromatics and toxics relationship resulting from lead phasedown for a decade, but has failed to act. I will cite the record of reducing benzene as an example.

Benzene was listed as a hazardous air pollutant by EPA in 1977. In November 1983, then-Administrator William Ruckelshaus made a commitment to accelerate substantially the regulatory process under section 112 of the Clean Air Act. Mr. Ruckelshaus stated that "We intend to make decisions on benzene * * * emissions standards as quickly as possible." Mr. Ruckelshaus stated that he hoped the regulations would be completed by the end of 1985. EPA openly states that more than 80 percent of the benzene in the atmosphere comes from mobile sources.

The regulations were completed on February 27, 1990. With great fanfare, EPA announced that it was implementing regulations to reduce benzene emissions by 93 percent. But if you read the fine print, the EPA regulations cover only stationary sources. The regulations address less than 20 percent of the sources of benzene emissions. Very simply, EPA has known about the problem for more than a decade and has failed to take any meaningful action.

To summarize, the Nation has a tremendous opportunity to address a chronic public health and environmental problem by mandating a strong clean octane gasoline standard. Moreover, the health and environmental standard would be implemented in an extremely cost-effective manner with minimal dislocation to the refining industry and to consumers.

According to the Motor Vehicles Manufacturers Association [MVMA], the national trade organization of automakers, cleaning up gasoline "offers the quickest and cheapest way to obtain air quality improvements of any potential alternative fuel. Its use does not require any change in the fuel distribution infrastructure and the new fuel can immediately be used in the entire gasoline vehicle fleet because no engine modifications are required."

Mr. President, this amendment makes good public policy sense and should be adopted.

Exhibit 1

Clean Octane Gasoline Concerns and Responses

You are telling the gasoline refiners how to make gasoline. It is not this simple. Congress should not be in the business of specifying what the content of a product should be.

First, our amendment does not lock refiners into any particular fuel composition. Like the evaporative emissions fuel specifications in Section 211 of the bill, or the oxygen content fuel requirements in Section 218, our amendment seeks to control major causes of pollution that are inherent in today's high octane gasoline by establishing simple parameters on fuel quality in dirty air areas. These parameters are primarily maximum aromatics levels and minimum oxygen content. Refiners can decide how they want to get octane without using the toxic aromatics. They can decide how to achieve the oxygen standard.

Congress should set goals and not micromanage private industry. Any attempt to reduce mobile source emissions should specify the goals of the program, which in turn should be implemented by the EPA. Specifications should be avoided, and a general percentage reduction approach should be adopted.

If this were a perfect world, I would agree that EPA and not the Congress should implement broad pollution reduction goals. Unfortunately, EPA has known about this problem for more than a decade and has repeatedly failed to address it. Despite the face that mobile source toxics account for more than half the air pollution-related cancer deaths annually, EPA does not regulate mobile source toxics. I simply do not trust EPA to implement a program that has been stonewalled for more than a decade. Congress shares the blame—oversight of this problem has been nearly non-existent.

The oil industry is one of the most powerful industries in the world. The Environmental Protection Agency is not immune to pressure, both from well financed lobbying and from divergent interests within the Administration itself. The well publicized rifts in the Administration over global warming and wetlands policy, for example, do not give me comfort that the public interest will be best served in the regulatory process. Given the EPA's history on mobile sources toxics reductions, I feel very strongly that Congress should help the EPA by providing guidelines as opposed to just giving them complete discretion.

The amendment will cost billions. Such cost estimates are absurd—pure scare tactics by the oil companies. Clean octane gasoline (with some stricter specifications than what is being offered here) is already being sold in various markets across the country at prices competitive with traditional gasoline.

Oxygenates are price competitive octane enhancers.—Using oxygenates instead of aromatics for octane has several advantages. First, they are a price-competitive octane substitute. MTBE is used in approximately 15 percent of the gasoline sold today to boost octane, and MTBE production capacity is predicted to expand by 20 percent every year. ETBE and ethanol also boost octane at prices competitive with traditional gasoline. Many others oxygenates are in production and available.

By lowering aromatics, the nation will save oil.—Today, refiners primarily get their octane by running their reformers at a more "severe" level. This increases aromatics and octane. But it is also energy intensive, and you get less gasoline as an end product. For each point increase in aromatics (i.e. 91 octane to 92 octane) in the nation's aromatics pool, more than 1 billion barrels of gasoline are lost every year.

By lowering reformer severity and aromatics content as a means of achieving octane, and replacing it with high octane oxygenates, you conserve large quantities of oil in two ways—first, savings in gasoline because of the lower severity of the refining operation of the base gasoline; and second, straight physical displacement of gasoline by oxygenates.

For example, a 2.7 oxygen percent using MTBE displaces 15 percent of the gasoline. Using ETBE, the displacement would be 17 percent. Therefore, replacing octane from aromatics with octane from oxygenates is good for energy security and our balance of trade, as well as the environment.

This amendment will save millions of barrels of oil every year.

If you assume the current octane pool is maintained, the likely cost of the amendment will be from 1 to 3 cents per gallon.—If you assume that the current octane pool is maintained (60 percent regular 87 octane, 10 percent mid-grade 89 octane, and 30 percent premium 91 and above octane), cost estimates by Information Resources, Inc., a respected oil industry analysis group, predict that gasoline prices need only increase 1 to 3 cents per gallon. As I stated, this assumes that the present octane pool is maintained. Less than 10 percent of the cars on the road need a gasoline with an octane of 91 or above. However, 30 percent of the gasoline sold is premium or super premium. This is a huge waste of money that is a direct consequence of oil company hype and advertising "octane wars." If the overall octane pool

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were reduced, then costs would be even less—possibly even no net cost.

Clean gasoline is being sold today at prices the same as traditional gasoline.—On Thursday, March 15, Marathon Oil announced that it was introducing reformulated gasoline (with a 25 percent aromatics level) into all of its grades (regular unleaded, mid-grade, and premium) in the entire Detroit metropolitan area. This gasoline will be price competitive with traditional gasoline. ARCO's EC-1, sold in Southern California, costs less than 2 cents more than regular gasoline to make, and is sold for the same price as regular gasoline. Would Marathon, for example, introduce reformulated gasoline into an entire metropolitan market if it costs them 30 cents more per gallon to make? I doubt it.

A report made to EPA states that it would only cost 1 to 6 cents per gallon to have the entire U.S. gasoline pool contain 15 percent MTBE.—A report for EPA by Sobotka and Co., Inc., obtained from EPA, estimates that it would only cost 1 to 6 cents per gallon to have every gallon of gasoline sold in the US contain 15 percent MTBE, which equals 2.7 percent oxygen. Our amendment only calls for 9 cities!

But the Department of Energy estimates that your amendment will cost 100 billion!

Let's examine the DOE estimate's basic assumption—that every drop of gasoline sold in the United States must meet these specifications. There are so many factual errors and fallacious assumptions in the DOE estimate that it is not even worth debating.

There is already a portion of the compromise amendment that requires the use of reformulated gasoline in our dirtiest cities. Your amendment is redundant and unnecessary.

It is true that there is a section on reformulated gasoline in the compromise amendment, and I commend the Majority Leader and the Republican Leader for persevering to make sure that cleaning up gasoline was a part of cleaning up urban air. But very simply, more needs to be done.

The provision in the compromise bill would require reformulated gasoline in the 9 dirtiest cities in the country, just as this amendment would. But this amendment addresses cleaning up gasoline used in today's cars; the compromise addresses only new cars. The standards would be phased in with new cars beginning in 1995. Therefore, the gasoline would not be fully integrated into the marketplace until 2005, assuming a 10 year fleet turnover.

By requiring a year round oxygen standard, this amendment will actually raise NO_x emissions and therefore contribute to the ground level ozone problem and acid rain.

More fantasy from the oil companies. There is not a single reputable study that links using oxygenates to increases in NO_x. In fact just the opposite is true.

I would like to cite a December article in the Oil and Gas Journal that clearly states that using oxygenates, and in particular ethers (such as ETBE and MTBE), dramatically lowers emissions of NO_x. There are several reasons for this: aromatics displacement; ethers have a lower boiling point than hydrocarbon gasoline; and oxygenated fuels burn more cleanly. Morever, there is express language in the bill that prohibits an increase in NO_x as a result of this amendment.

Some people claim that if you splash blend ethanol in summer conditions you will get more evaporative emissions because ethanol has a higher vapor pressure than gasoline. While several studies have disproved this theory, I will not debate that here. Even if splash blended ethanol did cause more evaporative emissions—an admission I am not willing to make—it cannot increase ozone under terms of this amendment. This amendment requires a 15 percent reduction in ozone forming emissions. If splash blended ethanol causes more NO_x, and therefore ozone, it cannot be used. Period. I repeat—NO_x, which is a precursor of ozone formation, and ozone formation must be reduced by the amendment.

There is not enough isobutylene [the product that ethanol and methanol are mixed with to form ETBE or MTBE, respectively] nor ethanol to supply the demand that would be mandated by the amendment.

Untrue. Isobutylene is a natural byproduct of the refining process, and it is manufactured by converting butane and isobutane into isobutylene. Because of the mandated reductions in gasoline vapor pressure across the nation, refiners are having to remove butane from their gasoline to make it less volatile. Therefore, there is a huge surplus in the butane supply today, and this will only grow.

Ethers provide an outlet for this butane. Rep. Phil Sharp, Chairman of the House Energy Committee's Subcommittee on Energy and Power, and I asked GAO to look into this very question, and GAO reported back that isobutylene supply would not be a limiting factor in an aggressive expansion of ether-based fuels.

As methanol is made from natural gas, there is clearly no shortage of methanol. The ethanol industry could comfortably quadruple today's level of production, meaning that at least 4 billion gallons of ethanol could be sold. Given the availability of feedstocks for ethers, and the existence of other oxygenates, the supply will easily meet the anticipated demand.

The burden of this amendment will be the hardest felt by small refineries, many in the Midwest, which may go out of business.

Exactly the opposite is true. The small refineries and the independent refiners are in a position to benefit from this amendment. The average aromatics content of the big, multinational, oil companies (formerly the Seven Sisters) is about 35 or 36 volume percent. The average aromatic content of gasoline from the independent refiners is about 26 or 27 percent. Many of the independents have not been able to afford the expensive capital investments required to make high aromatics gasoline. They instead have sold lower octane gasoline or have blended oxygenates to get their octane. They are positioned perfectly to benefit from the amendment.

This is just another attempt by the Midwestern Senators to expand the market for federally subsidized ethanol, especially since the amendment requires oxygen in gasoline.

Ethanol, and ethanol as ETBE, is clearly one of the fuels that will benefit from cleaning up gasoline. This is because ethanol and ETBE are well proven pollution fighters. But to claim that this is an ethanol amendment is wrong. The 2.7 percent oxygen standard is fuel neutral. My colleague from New Jersey, Senator Lautenberg, who I disagreed with in the debate over the oxygen standard for CO non-attainment areas, will readily admit that 2.7 is fuel neutral, as will the major oil companies.

The Oxygenated Fuels Association recently petitioned the EPA to approve all ethers or mixtures of ethers to meet the 2.7 percent oxygen standard. To quote their request, "We believe that this expansion will result in a number of significant environmental benefits without any detrimental effects in vehicle performance or materials compatibility."

Will vehicle modification be required to use the clean octane gasoline that you propose?

No. Every car in the country will run, and run better, on cleaner gasoline.

Your amendment calls for 1 percent benzene. Benzene is a naturally occurring element in gasoline. This means that refiners will actually have to take the benzene out of the gasoline. This is expensive and will create a potential hazardous waste problem.

Untrue. Our amendment had originally proposed a 0.8 percent benzene standard, which is better environmentally, but does require extracting benzene from the gasoline. A 1.0 standard does not generally require benzene extraction. California, New York and possibly other States are or will be implementing 0.8 standard for benzene. The oil industry already knows this is coming, and is preparing for it. The EPA should have implemented the benzene standard long ago. When 85 percent of the nation's benzene emissions come from mobile sources, the problem has to be addressed. As far as creating a waste problem, the nation currently imports almost 300 million gallons of benzene, primarily for chemical uses. Obviously benzene has a market, and claims to the contrary are simply not true.

The 1.0 standard in our amendment is not restrictive.

There is currently a joint oil/auto research program underway to determine the comparative benefits of using reformulated fuels. Why mandate a specific reformulation when even the industry does not know the pros and cons of reformulated gasoline?

As it is commonly known, the joint oil/auto research program is an attempt by these industries to show that simple fuel reformulation can achieve many of the same benefits of requiring cars to run on M-85 (85 percent methanol-15 percent regular gasoline), without requiring modifications in the cars. This study will no doubt produce many very valuable results, but if the Congress were to wait for industry to do their own research before enacting policy, we'd probably still be waiting for a lead phase-out.

While the specific reformulations of gasoline will no doubt vary between refiners and localities, there are certain specifications that should be included in any attempt to make a cleaner gasoline, namely reduced aromatics content (including benzene) and increased oxygen content. These are the basic characteristics that have been the cornerstones of current clean octane gasolines in the marketplace.

A more effective manner of controlling pollution is through stricter controls on automobiles and a better inspection and maintenance program for cars.

While cars can and should be cleaner, it takes approximately 10 to 15 years for a vehicle fleet to turn over. Moreover, high aromatics gasolines are poisoning modern pollution control devices. Let's try and give Detroit a little help. According to paper presented jointly by ARCO and SUN representatives at a recent conference in Detroit, "(B)ecause of their compatibility with existing vehicles, reformulated fuels can produce an immediate impact on vehicle emissions and resulting ozone formation."

According to the Motor Vehicles Manufacturers Association (MVMA), the national trade organization of automakers, "Reformulated gasoline offers the quickest and cheapest way to obtain air quality improvements of any potential alternative fuel. Its use does not require any change in the fuel distribution infrastructure and the 'new' fuel can immediately be used in the entire gasoline vehicle fleet because no engine modifications are required."

Mr. DASCHLE. I reserve remainder of my time.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask the Senator if he will offer his amendment.

Mr. DASCHLE. I will.

Mr. BAUCUS. It would be helpful so Senators could see what is in the amendment.

Mr. DASCHLE. The amendment has just arrived.

At this time I send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. Daschle], for himself, Mr. Dole, Mr. Harkin, Mr. McClure, Mr. Dixon, Mr. Durenberger, Mr. Grassley, Mr. Simon, Mr. Exon, Mr. Kerrey, Mr. Burns, Mr. Conrad, Mr. Wirth, Mr. Leahy, and Mr. Pressler, proposes an amendment numbered 1423 to amendment No. 1293.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(a) on page 214, line 21, delete "specific"; and

(b) on page 215, strike from line 5, through page 216, line 2, and insert the following:

"(2) Clean Fuels for Conventional Vehicles.—(A) Within one year of enactment of the Clean Air Amendments of 1990, the Administrator, pursuant to paragraph (1), shall promulgate regulations establishing specifications for reformulated gasoline to be used in conventional gasoline fueled motor vehicles in any nonattainment area with a 1989 ozone design value equal to or exceeding 0.18 parts per mission. Such regulations shall prohibit any person from selling, offering for sale, dispensing, supplying, offering for supply, transporting or introducing into commerce in such area or areas any gasoline not meeting the requirements of this paragraph for use in gasoline fueled motor vehicles. Such regulations shall take effect in accordance with the phase in schedule set forth in subparagraph (B). Such regulations shall be incorporated in the final regulations promulgated pursuant to paragraph (1).

"(B) Subject to the limitations set forth in subsection (h) and section 212(a)(11), the specifications for fuel quality promulgated pursuant to subparagraph (A) shall, at a minimum, provide for—

"(i) a maximum aromatic hydrocarbon content by volume of not greater than 30 percent as of January 1, 1992; of not greater than 28 percent as of January 1, 1994, and of not greater than 25 percent as of January 1, 1996;

"(ii) a maximum benzene content by volume which shall be the lowest concentration of benzene accompanying the maximum aromatic hydrocarbon content under clause (i) that can be achieved without additional capital investment but, in no event may such maximum benzene content be greater than 1.0 percent by volume;

'(iii) during the high ozone season (as defined by the Administrator), a 15-percent reduction in the ozone-forming potential of volatile organic compounds and no increase in oxides of nitrogen emitted from existing vehicles (as determined by the Administrator) using such fuel compared to conventional gasoline with a Reid vapor pressure of 9.0 pounds per square inch sold in calendar year 1989; and

"(iv) subject to paragraph (D), an oxygen content by weight equal to or greater than 2.0 percent as of January 1, 1992, 2.5 percent as of January 1, 1993, and 2.7 percent as of January 1, 1994, except where a higher oxygen content is required under section 211(1) or section 188, except as provided in subparagraph (D).

"(C) The regulations promulgated under paragraph (A) shall include procedures under which the Administrator shall certify fuels as complying with the specifications established pursuant to paragraph (B).

"(D) The Administrator may waive, in whole or in part the requirements of paragraph (2)(B)(iv) upon a determination by the Administrator that the use of oxygenated fuels would prevent or interfere with the attainment by such area of a national primary ambient air quality standard (or a State or local ambient air quality standard) for any air pollutant other than carbon monoxide.

"(E) Sellers of fuels subject to this paragraph with an oxygen content higher than percentages specified in subparagraph (B)(iv) shall be eligible for credits in accordance with the terms and conditions of section 211(1)(2).

"(F) The regulations promulgated under this paragraph shall include procedures under which the Administrator may certify fuels as complying with the specifications established pursuant to subparagraph (B). The regulations shall establish a procedure by which the Administrator may certify a gasoline as complying with such specifications if such gasoline (i) complies with the specification in clauses (iii) and (iv) of subparagraph (B) and (ii) achieves equivalent or greater emission reductions that are achieved by a gasoline meeting the specifications established pursuant to clauses (i) and (ii) of subparagraph (B).

"(3)(A) Any State in which there is a moderate or serious ozone non-attainment area may propose as a revision of the applicable implementation plan for such area or areas a requirement that reformulated gasoline sold, offered for sale, dispensed, supplied, offered for supply, transported or introduced into commerce in such area or areas for use in gasoline fueled motor vehicles shall be subject to all the requirements of this subsection beginning on the date specified in the revision.

"(B) For the purposed of paragraph (A), the Administrator may delay, for not to exceed three years, the date on which reformulated gasoline which meets the specifications in paragraph 2(B) is to be offered for sale or sold in order to provide adequate lead time for such fuel to be made available in necessary quantities. The decision of the Administrator to provide such delay shall be accompanied by an explanation of the reasons for such delay.".

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 5 minutes.

Mr. GRAMM. Mr. President, I make two arguments against the amendment.

No. 1, it violates the bipartisan agreement that has formed the foundation of this bill and which brings us, for the first time in a decade, to the brink of improving the clean air standards in America.

The second argument I make is that this amendment is bad policy and it is piracy. It is piracy aimed at benefiting one industry relative to another, and its objective has absolutely nothing to do with clean air.

Mr. President, let me begin by reading from our clean air fuel standards section of the bipartisan Senate clean air agreement.

> The emissions reductions will be met primarily through the use of cleaner fuels. By January 1992, EPA is to issue specifications for various alternative fuels, including ethanol, methanol, CNG, electricity, LPG as well as reformulated gasoline that will achieve the emissions reductions required in conventional vehicles. The performance standards will be fuel neutral.

Mr. President, this amendment violates the basic foundation of the bipartisan agreement because this amendment fundamentally changes the nature of this bill and violates our commitment that it be fuel neutral.

Second, what this amendment is doing is aiming at forcing society to make a choice. The whole foundation of this bill is based on the fact that we are trying to improve the environment and we are trying to do it at the lowest possible cost by allowing free choice in terms of technologies and free choice in terms of fuel. Changing the standards as is set in the Daschle-Harkin amendment has one and only one objective and that is to bump some of the competitors off the track, to eliminate competition, and to benefit one producer of alternative fuels.

Now, Mr. President, we have already done this once. I remind my colleagues that to begin with, the bill was skewed to help one particular fuel. Then we had an amendment related to carbon monoxide which in that area skewed the bill further.

Now we are talking about the ozone section of the bill. We are talking about a large number of potential cities affected and we are talking about further narrowing the competition.

Mr. President, our whole objective here has been to try to prevent this kind of piracy. We earlier defeated an amendment that would have given coal special treatment as an industry

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that would be affected by this bill as compared to all other industries.

This amendment is bad public policy and it ought to be defeated for two reasons: One, it violates the bipartisan agreement, and if we start violating this agreement, the bill is going to come apart at the seams.

Second, it is bad public policy. It is bad public policy because it aims to benefit one particular industry at the expense of the whole economy. There is no reason that we should tilt the solution toward one particular industry.

Mr. President, in my own case I assume that to one degree or another many of these fuels might be produced in my State. But this policy decision that would be embodied in this amendment is poor policy for America, it is piracy, it is exactly the kind of special interest that we should keep out of this bill, and I urge my colleagues to vote for the motion to table this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. Mr. President, I respond to our colleague, the Senator from Texas, by saying a couple things.

First, Senator DOLE is a cosponsor of this amendment. He was part of that agreement, and I doubt very much that if he felt it was a deal breaker, he would have seen fit to have been the prime cosponsor of my amendment. I do not want to speak for him. I am sure he will come to the floor and he is certainly capable of speaking for himself. He is a cosponsor of the amendment, and I remind my colleagues of that fact.

Second, it does not benefit one industry. There are a number of options that the oil companies have with regard to additives they can use to reformulate gasoline. They can use ethanol. They can use methanol. They can use a whole range of aromatic substitutes that provide them options in improving gasoline quality.

I will remind my colleagues one more time, it is important we understand what we are talking about here. We are simply talking about going back to the basic standards the oil companies had 10 years ago themselves. Reducing toxic aromatics to where they were only a decade ago is neither restrictive nor impractical. It is a common-sense approach to a glaring problem.

I yield the Senator from Idaho 5 minutes.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 5 minutes.

Mr. McCLURE. Mr. President, I rise in support of the pending amendment.

Our continued national reliance on the automobile for our principal source of transportation has significant energy and environmental implications for all Americans. During this debate, there has been a great deal of discussion about reformulated gasoline and its potential role in cleaning our air.

Reformulated gasoline, as a generic term, refers to gasoline in which the concentration of its constituent components has been changed to allow the gasoline to burn more cleanly. In recent years, the composition of gasoline was changed to reduce air pollution. However, in some instances, because the aromatic content was increased there have been accompanying increases in carbon monoxide, hydrocarbons and nitrogen oxides. In other efforts to reformulate gasoline, alternative fuel components such as ethanol have been used. Each constituent has its own unique characteristics and customer acceptance.

Since the gasoline lines of the 1970's, the Department of Energy has examined several alternatives. Among these are alcohol fuels, which have received the most attention.

Since Federal economic incentives were provided in 1978 for the production and sale of ethanol, sales have continually climbed. In 1988, 8 percent of all gasoline sold in the United States was a 10-percent gasohol blend. About 320 million bushels of corn were consumed annually to make this ethanol. This is not only good for our national energy security and environmental quality, but it is also good for our Nation's farmers.

The objective of this amendment is to reduce the pollutants associated with present formulations of conventional gasoline by more clearly defining reformulated gasoline. A year-round standard for reformulated gasoline can aid control in cities where ozone pollution is a problem. There is a potential both to produce air quality benefits and to provide new markets for agriculture products.

No other clean fuel option can be implemented as quickly and demonstrate such significant air quality improvements in ozone and carbon monoxide nonattainment areas. No other fuels option can be as effectively used in conventional vehicles at such a nominal cost to consumers.

Because there currently is a limited capacity in this country to supply oxygenates and limited refinery flexibility without further capital investment, the amendment limits the program to the nine critical ozone non-attainment areas. A phase-in of oxygenate requirements over 3 years from 1992 through 1994 is provided. A phase-in of aromatic requirements over 5 years also is required.

In the event that there are insufficient supplies of reformulated gasoline to meet market demands, the Administrator may delay the effective date of specific State implementation programs until the necessary quantities of reformulated fuels can be made available.

Success in our quest to find alternatives to conventional gasoline as our transportation fuel can serve as an important and critical element in our national energy strategy for the reduction of oil imports. Of course, it is intended that reformulated gasoline marketed under this amendment must be consistent with the overall requirements for protection of public health set forth in the Clean Air Act.

Mr. President, let me respond just briefly to the statement made here that this violates the agreement. There is no truth in that argument as far as I am concerned, because the argument that was used is that the agreement was intended to be fuel neutral. It was fuel neutral built around an M-85 standard but instead of saying M-85 is required, certain standards had to be met. It says any kind of fuel that could meet those standards would be permitted.

All this does is change the standards slightly to increase the likelihood, the reality, as a matter of fact, that we get better clean air performance out of the revised standard. But any fuel that can meet the standard is eligible.

Now, certainly there are some fuels that are disadvantaged in that. But if you want to talk about the lack of fuel neutrality, let me point to one thing that is very cute in this bill, very cute indeed. Formaldehyde is an air toxic under the air toxics section but it is not an air toxic under the tailpipe standard. Why? Because you cannot burn ethanol without producing formaldehyde and the committee and the bipartisan agreement did not want to disqualify M-85 or M-100 or other ethanol-based fuels. In order to do that they had to say what is bad for the health of the public coming out of an industrial plant is bad for your health, and formaldehyde comes out in the air, it is an air toxic, but only if it comes out the tailpipe of a car. Talk about fuel neutrality, talk about the pollution effects of this bill that was done specifically for a single industry, for a single area, for a single fuel. So let us not get diverted in this argument about whether or not the bill is fair or the amendment is fair.

This amendment does something for air quality and cleanup in the most polluted areas of our country that is not done under the bill. This enhances the cleanup. And I do not think that is against the bipartisan agreement. I do not think it is against the EPA's position. I do not think it is against the administration's position. I have not thought it was against the committee's position.

This is a good amendment. I am proud to support it. I urge my colleagues to support it. Again, it is not fuel specific. It sets a standard. Any fuel that can meet the standard is eligible for competition in the marketplace, just as every other fuel is eligible to meet the competition in the marketplace. It is good public policy. It is good clean air policy, and I urge the adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield such time to the Senator from Louisiana as he may consume.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I probably will not need that much time. I thank the chairman for yielding to me.

I normally am in agreement with our good friend from South Dakota on most of his amendments. We differ on this. I think truly those of us who sat in that room for about 20-some-odd days trying to work out some compromise with all the competing interests, those of us who were there clearly know that this amendment is in fact a deal-breaker. There is no question about that.

We talked extensively about trying to be fuel neutral and the product that we are going to present to the floor. This amendment is in direct contradiction to what we agreed to do and the approach that we agreed to in the committee.

In addition to being a clear deal-breaker which threatens the coalition that is supporting this bill, in addition to that, it is not good public policy.

Let me make just a couple comments in that regard. The oxygen content requirement of the legislation is clearly a let's buy more corn proposal. And if we wanted to let us buy more corn we should have this in the farm bill, not in a clean air bill. Because not only do the oxygenate provisions of this amendment not help the environment and not help the quality of clean air, it actually has a great potential to do great violence to the quality of the air and particularly to increase the amount of ozone that is formed as a result of burning fuels with this particular oxygenate requirement.

There is no question that the requirement on the oxygenate content in this amendment can do severe damage to those areas that are nonattainment for ozone problems. There is no dispute by any scientist that would differ with that proposition. So if we are talking about let us buy more corn, it should be in the farm bill. If we are talking about cleaning up the environment, this one is contrary to what we are trying to do.

If you have an oxygenate requirement of 2.7, you would have a very difficult time using that type of fuel in ozone nonattainment area without doing grave violence to the quality of air in the ozone areas.

For instance, the net effect of an ethanol blend is likely to be about a 13-percent VOC increase. These are EPA estimates. What am I talking about? We are talking about dramatically increasing the evaporation of the fuel as it is loaded into the vehicle that is going to be using it, thereby dramatically increasing the ozone problems.

So the point I make, in addition to being a deal-breaker, the oxygenate requirements in the amendment would cause more problems in the nonattainment areas with regard to ozone formation problems than we have currently. So instead of being a progressive step toward cleaning up the air in nonattainment areas that are there because of ozone problems, it will greatly add to the potential damage to the environment.

The other thing that I would point out is the tremendous costs that we are talking about. Are we ready to tell the consumers in this country that they are looking at gasoline that is going to cost maybe 20 or 30 cents more than they would normally be paying? I think not. We are talking about increasing the tax on gasoline already. Many States are already using that and here we are getting ready to tell people that we are going to adopt an amendment on the floor that is going to increase the cost of gasoline by a substantial margin. I doubt we want to do that by adopting this amendment.

With all of the possibilities that are in this amendment, if all the cities that it would allow to come in under this program were to, in fact, exercise an option which this amendment gives them the right to do, the estimates from the Congressional Research Service, the Library of Congress—certainly not a partisan organization at all—but when they were asked to comment on this they said that they would estimate that it would cost $25 billion to $50 billion to install the necessary equipment capacity to produce the fuels that are mandated by this amendment. At $25 billion to $50 billion, at that price it would cost about 10 to 15 cents per gallon, by their analysis and by their estimates.

If you factor in the other cities that could come in under this program you are looking at doubling, or even more than that, the price of fuel in this country. Therefore, first, it is far too expensive to be of any value when you consider the value that you get from this amendment.

Second, rather than helping to clean up the air in ozone nonattainment areas it causes much greater problems.

And, third, it is clearly outside the scope of the agreement and the deal that was put together to try to come up with something that is fuel neutral.

Mr. McCLURE. Will the Senator yield for a question?

Mr. BREAUX. Certainly.

Mr. McCLURE. Is the Senator aware of the waiver provisions that would respond to two of the three questions that the Senator has raised?

With respect to the quantity of fuel required, there is a waiver provision that simply says if that occurs, the administrator waives the provision.

Is the Senator aware——

Mr. BREAUX. I am well aware of the waiver provisions, but it simply says you still have the ability, under the amendment, for any State to come in and require the provisions—any State. The Senator talks about nine cities.

The amendment clearly says any State may impose and/or require this type of reformulated gas be adopted.

Mr. McCLURE. Will the Senator yield further on that point?

Mr. BREAUX. I will be happy to yield.

Mr. McCLURE. But it also says if you cannot meet that volumetric requirement because of too many people coming in, the administrator can suspend that application.

Mr. BREAUX. I agree with the Senator's comment, but only to the point it says if they cannot meet the volume. They can meet the volume. It is a question, at what cost? We can produce enough, but at what cost? How many refineries are we going to have to rebuild in this country?

Mr. McCLURE. That is certainly a different question.

Is the Senator also aware of the fact that you cannot use these fuels if VOC's go up? That is specifically provided for in the amendment.

Mr. BREAUX. The point I would make in response to the Senator, there is a waiver, yes. The waiver applies if you cannot produce the volume of fuel that is required by this amendment.

The problem is not that they cannot produce it. The problem is, at what cost? Are we going to rebuild every refinery in America in order to produce a product which in fact can cause more potential harm to the clean air in nonattainment ozone areas than we have with the current situation?

Mr. DASCHLE. Will the Senator yield?

Mr. BREAUX. I will be happy to yield, in just a second.

There are a number of reasons why I think this amendment, there is no question, will produce more corn and will sell more corn. But I think it should be part of the agriculture bill and not part of the clean air bill.

I will be happy to yield.

Mr. DASCHLE. I thank the Senator for yielding.

On page 2 of the amendment, it says that none of the fuels we are addressing here can be certified unless they reduce the ozone-forming potential by at least 15 percent.

With that provision, I cannot see how this amendment could actually cause more problems. It will not even

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be certified unless we can bring the ozone-forming potential down by 15 percent.

So clearly, having the very concern in mind that the Senator has addressed, we stipulated in the amendment that it would not even be a legitimate additive unless it reaches that kind of capability.

I think it more than adequately addresses the legitimate concern the Senator has, and I thank him for yielding.

Mr. BREAUX. Let me conclude. I appreciate the Senator's point.

I will admit he has improved the amendment by some of the requirements addressing some of the concerns that I have been expressing.

The point is, I think, in opposition to the amendment, we are really talking here about an amendment that is aimed at trying to increase the purchase of corn in this country in order to produce a fuel-specific gasoline, which is based on ethanol.

I think that may be an admirable proposition for someone to consider. But I do not think it is appropriate and proper to be considering it in discussion of the clean air bill. I think any benefits that are derived from a reduction in aromatics and the benzene content are really minimal if compared to the problems and costs associated with the new refinery modifications, and the new construction of refineries that is going to have to be undertaken as a result of this amendment.

I think the better course of action would be to support the compromise that was reached over a 20-some-odd-day period of intense negotiations with people who represented, I say, all of the interests that we have represented on the floor today.

It is a deal breaker, and I think the subcommittee chairman has made that point very, very clear.

The PRESIDING OFFICER. Who yields time?

Mr. DASCHLE. I yield 4 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 4 minutes.

Mr. GRASSLEY. Mr. President, I rise to urge my colleagues to support our amendment presented to the Senate by Senators DASCHLE and DOLE. I praise their hard work to bring their individual proposals regarding reformulated fuel standards together into a reasonable, workable package that we can all support. A lot of thought and effort has been devoted to addressing various concerns and objections.

I say with no hesitation that the final product being offered today as the Daschle-Dole amendment greatly improves the Clean Air Act's ability to reduce fuel-source pollution in a cost-effective manner.

Mr. President, it simply does not make sense to phase out leaded gasoline in the name of cleaning up the air, only to have lead replaced by aromatics that are highly toxic and carcinogenic.

But that is exactly what many in the oil industry have done. Replacing one poison with an even worse poison is not our idea of improving air quality.

Our amendment, by setting fair, and I emphasize, very achievable, standards for reformulated fuel, we take a major step in removing high concentrations of toxic aromatics from our air supply.

Mr. President, first, our amendment is limited in application. It affects only the nine worst ozone nonattainment cities in the country.

Second, our amendment phases down the aromatic hydrocarbon content from 30 percent to 25 percent by January 1, 1994. By 1994, oxygen content standards will be phased in to 2.7 percent by weight.

Third, our amendment also limits to 1 percent by volume the amount of benzene content allowed.

Mr. President, there has been considerable misinformation circulated about our amendment. We have been told that this amendment mandates one oxygenated fuel additive over others. That simply is not true.

What this amendment does do is provide the means to clean up the dirty air in nine cities—cities which face the most severe ozone nonattainment problems. It does this by restricting the use of: First, toxic aromatics; and second, requires, instead, the use of octane enhancers that will not poison our air.

The oil industry says, "No, Congress should not tell us how to reformulate gasoline."

Their argument is persuasive. But it is something we have heard from every sector of industry which finds itself impacted by the Clean Air Act. Let us be frank. That's what this Clean Air Act is all about, it is telling us Americans how to clean our air. We all want clean air but we don't want to be told how to do it. And we do not want to pay for it. Let someone else pay for it.

Mr. President, this is a modest attempt at improving air quality. I say "modest" because the Daschle-Dole version we are offering is far less imposing on the oil industry than what we really ought to be discussing here.

Our amendment allows a 25-percent cap on aromatics. It should be 20 percent, but in deference to the oil industry's concerns, we have made concessions.

Our amendment should apply to all 101 nonattainment cities. But it doesn't. In deference to the oil industry's concerns, we limit it to only nine cities.

That is still not enough to satisfy the oil companies.

So, what should we in Congress do?

We can vote in favor of the Daschle-Dole amendment to not only help nine cities clean up their air, but also prove to the world that it can be done cost-effectively.

Or, we can vote against the Daschle-Dole amendment and let the oil industry continue on its merry way polluting the air with toxics and carcinogens and rely upon their promises to clean up their act.

Mr. President, the Daschle-Dole amendment improves the Clean Air Act. It is a modest proposal. I am proud to have been able to make a contribution, and urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I might ask, Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Montana has remaining 15 minutes and 30 seconds. The Senator from South Dakota has remaining 6 minutes and 20 seconds.

Mr. BAUCUS. Mr. President, I yield 5 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. CONRAD). The Senator from Oklahoma is recognized for 5 minutes.

Mr. NICKLES. I thank my friend and colleague from Montana.

Mr. President, I rise in strong opposition to the amendment offered by my good friend, Senator DASCHLE, and Senator GRASSLEY. I heard their comments. I respect their position. I understand they are trying to help corn, primarily, and I respect them for it. But I think they are making a serious mistake.

I also heard my friend and colleague, Senator McCLURE from Idaho, and I have great respect for him. He is very knowledgeable on energy issues, and probably almost all the time I would agree with him. But I just vigorously disagree with him in this case. I think he is wrong.

Mr. President, right now there are studies being done by the auto and oil industries trying to figure out how to make improvements in various types of gasoline. They are actually conducting road tests right now on 26 different types of so-called reformulated gasoline.

The Senator's amendment addresses one. Maybe others would qualify, but certainly not all 26. The Senator from South Dakota has already mentioned this is the one he wants. For some reason, he knows better than the industry tests that are now going on what standards need to be made. I think that is a serious mistake. Already the energy industry and auto industry said, "Let us see what we can do in reformulated gasoline. We think some improvements can be made."

The Senator's amendment says we want to stipulate one type which is different than the other 25 that are being studied. Why should we on the floor of the Senate have the idea that we can be making this decision much better than the engineers who are really professional and really know what they are talking about when they use terms such as aromatics or autonates or MBTE or EBTE and how much is it going to cost?

Adoption of this amendment is going to cost taxpayers a bundle. You need to be aware of that. I believe I heard a Senator say it will not cost anything. This amendment applies to these nine worst ozone cities. But one of the other ozone nonattainment cities that will opt into it—and no telling how many will be eligible; perhaps all 100 cities could opt into it. API, which manufactures the gasoline, says it will cost 24, 25 cents a gallon. I do not know if they are right or wrong. I asked DOE, and they said it would cost 7 cents, maybe 10 cents.

We have a study from CRS that just came out. I think Senator Johnston is going to print it in the Record, but in case he does not, I will. On the last line, it says the API's $100 billion estimate begins to sound like a realistic estimate of potential cost to the industry. People need to be aware, if we are going to be passing something, that it is going to mandate a $100 billion cost. I do not know if it is $100 billion. DOE says it could be $8 to $16 billion if it is confined to 25 percent of the national total volume of gasoline, but if it goes up to 40 or 60 percent, the cost could easily go to $35 to $75 billion. Then you are talking about anywhere from 15 cents a gallon. I do not know that American citizens are saying they want to have a 25-cent-per-gallon gasoline tax increase. Maybe so.

What improvements will they be getting in the environment? Will this be the best way to spend that money? Maybe we can spend it in another way to get greater environmental reduction than having this kind of a gasoline tax or gasoline cost going up. So I think we need to be aware of the cost and the inflexibility of the approach taken in this amendment.

What are we doing? We are right now trying to mandate one specific type of reformulated gasoline when many others are being tested. Maybe others will be much more successful. I personally think it is a little bit of a mistake for us to be trying to impose or presume that we have the knowledge to make that decision.

Mr. HARKIN. Will the Senator yield for a question on that?

Mr. NICKLES. I am on limited time. I am not quite through with my statement. Then I will be happy to yield.

In addition to that, we are talking about significant loss to the Treasury. The loss to the highway trust fund will be $1.4 billion every year if gasohol is the primary means of complying with this amendment.

Most ethanol is made by one company. I do not have anything against ADM. It is a great company. I like them. They are a great company. But that is where much of the benefits are going to go. Perhaps more of the benefits will go to them than the corn farmers.

Mr. FORD. Will the Senator yield at that point?

Mr. NICKLES. Just a second. I have 5 minutes.

Mr. FORD. Little farmers down my way are making ethanol. Exxon, all those and others, may have a corner on it.

Mr. NICKLES. I heard my good friend from Kentucky say something about drinking ethanol. I didn't know little farmers were making it.

Mr. FORD. People who do not understand good whiskey drink ethanol.

Mr. NICKLES. I understand my colleague's wisdom. Mr. President, I think adopting this amendment will be a serious mistake.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NICKLES. Will the Senator give me 30 seconds?

Mr. BAUCUS. 30 seconds.

Mr. NICKLES. DOE estimates this will cost 7 cents a gallon. API estimates it will cost up to 20, 25 cents a gallon. They estimate the cost of each refinery to be $1 billion. I think we need to look at the cost. I am not sure this would be a wise amendment to mandate one specific formulated gasoline.

Mr. President, I ask unanimous consent to have printed in the Record the CRS memorandum to the Senate Energy and Natural Resources Committee at this point.

There being no objection, the report was ordered to be printed in the Record, as follows:

Congressional Research Service,
Washington, DC, March 28, 1990.

MEMORANDUM

To: Senate Committee on Energy and Natural Resources. Attn: Joel Saltzman.

From: David E. Gushee, Senior Specialist in Environmental Policy.

Subject: Composition of Gasoline.

This responds to your request for a discussion of how a requirement that gasoline contain 2.7% oxygen in ozone nonattainment areas would interact with a requirement that gasoline have a maximum volatility of 9 psi as measured by Reid Vapor Pressure (RVP).

For an RVP 9 gasoline, MTBE, ETBE, and ethanol (with its 1 psi volatility waiver and the proper blendstock properties) can provide the necessary oxygen. In the start-up years, ETBE would probably be reserved for lower volatility areas, because of limited capacity to produce it. Currently, there is not enough MTBE capacity in the U.S. to supply the volumes required. Over the past year or more, a number of refiners have announced plans to build new MTBE capacity in domestic refineries (similar announcements are being made about capacity in Europe and the mid-East). There will be plenty of butane available from the RVP reductions. However, there is not enough isobutylene capacity to feed the MTBE units, so new isobutylene-from-butane capacity would also be needed. Also, there is not enough ethanol capacity to supply the volumes which would be required under the proposed mandate.

For gasolines with RVP below 9, MTBE cannot be the major oxygen source, because its RVP is about 9. ETBE or mixed alcohols or ethers would be required (Octamix, for example, is a mixed alcohol product from which mixed ethers can be made, although at least some of the methanol in it would have to be removed to meet the vapor pressure requirement). However, there is essentially no capacity in place today to make large quantities of either, so construction for either would be required.

For low-RVP gasolines, indications are that significant changes in refinery operations would be necessary, at significant cost. The more stringent are the emission requirements, the greater the cost in refineries, for the least cost approach would be to produce more reformate, which unfortunately seems to cause greater tailpipe emissions. And tailpipe emissions make up most emissions, because at these low volatilities, evaporation contributes only a minor share of the total ozone-formers to the air.

Depending on the start-up schedule, it is possible that much of the additional ethanol would be imported until domestic production capacity could be built up and corn supplies arranged for. Similarly, it is likely that MTBE would be imported in the early years and maybe even for a long time, depending on how the economics of adding methanol, isobutylene, and etherification capacities turn out. And probably methanol would always be imported, even if the MTBE were made domestically.

The Clean Fuels Development Coalition (CFDC) testified before Senate Energy Committee 11/14/89 that 5-6 billion gallons of ETBE capacity would cost $5 to $7 billion, take 3 to 5 years, and add about 2 cents per gallon to gasoline price. For 2.7% oygen, ETBE content has to be about 17%, MTBE about 15%. The 100 ozone nonattainment areas have about 40% of the national gasoline consumption. If all the gasoline in those areas had 17% ETBE, the need would be about 7 billion gallons of ETBE, which would need about 3 billion gallons of ethanol. If it were all MTBE, it would be 6 billion gallons of MTBE, or about 1.8 billion gallons of methanol (all imported). Other major shifts in refinery hardware and operations would also be required.

It could all be done in the 1990's, assuming that the Title I ozone controls and the Title V permits would allow it. I would estimate it would cost $25 to $50 billion to install the necessary butane isomerization and dehydrogenation capacity, added alkylation capacity, added distillation capacity and miscellaneous other fixes to balance refinery operations (API says up to $100). At $25 to $50 billion, it would cost about 10 to 15 cents per gallon, by analogy with CFDC's estimate.

Some specialists knowledgeable about industry operating practices say that 20% or 40% of total gasoline volume required to meet prescribed specifications by regulation.

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whether seasonally or year-round, in an integrated national market means all of it, in order to supply and resupply the whole infrastructure. If it does, then API's $100 billion begins to sound like a realistic estimate of potential cost to the industry.

Mr. CHAFEE. Mr. President, as one who was part of the negotiations where, under the agreement, we have a program for alternative fuels and we made an agreement that we stick by it, I intend to vote against the amendment because, in my judgment, it is indeed a deal-breaker.

As I say, we have a program for alternative fuels. Also, let me say, Mr. President, it seems to me that this is levying a tremendous expense upon the Nation when we mandate that all cars within these nine cities have the alternative fuels that are provided here, as opposed to the new cars, as we have provided under the agreement.

So, Mr. President, whether indeed they can meet that, I am doubtful. Whether refineries will be able to make that conversion in time, regardless of the expense that is required, I am extremely doubtful.

Second, Mr. President, I point out that under our program, under the agreement, the Mitchell-Dole proposal we have before us, the States, indeed, can get into this. That is, if the States where the nine affected cities are involved and other cities wish to opt into the program, they are entitled to do so. So that is something that is reserved for those cities. It is not mandated by the Federal Government.

So, Mr. President, because it violates the agreement, because it is an option that is available to the cities who choose to go into the program, and because of the intense concern that the refineries will not be able to meet this mandate on time, I will vote against the amendment.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I have fond respect for the Senator from Rhode Island. He has done an exemplary job of managing this bill. With real deference, I want to clarify a couple points in this amendment. First of all, we do not add one city in this amendment beyond what the bill does itself. Secondly, we ensure not 3 years, but 5 years. We give oil companies 5 years to lock their aromatic characteristics into their gasoline. So there are all kinds of time for them to adapt to the situation.

Third, let me remind my colleagues that eight oil companies today are on the street marketing the very product we are suggesting that we have for everybody else in 5 years. So it does not seem to me that we are asking too much. I feel, as a result of all of the compromises we have made, there really is not any reason for people to think that this is something out of the realm of possibility for any oil company marketing gasoline today.

I also will clarify one point. I have been advised that the California Air Resources Board is a strong supporter of this amendment and wants to be listed as such. I ask unanimous consent that Senators WIRTH and LEAHY be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I yield 2 minutes to the Senator from Colorado.

Mr. WIRTH. I thank the distinguished Senator from South Dakota for yielding. Mr. President, I am proud to be a cosponsor of this amendment. This is very similar, almost exactly the same as one of the parts of the Wirth-Wilson amendment which the other day received 46 votes and I think probably would have won the other day had the opponents of the Wirth-Wilson amendments not told a whole variety of people that the problem with the Wirth-Wilson amendment was that the reformulated issue was not that at all, it was all for ethanol. The arguments made in opposition to this amendment, as it was part of Wirth-Wilson a week ago, was that it was all methanol.

I have been sitting in the chair, and I listened to just the opposite. The arguments made against it today are that it is too heavy ethanol. I know consistency is not necessarily the mother's milk of the business we are in. What is it? What it is is precisely what Senator HARKIN has suggested, and others, it is fuel neutral. That is what the Wirth-Wilson amendment was, and that is what this one is.

Clearly, this is the right thing to do or it would not be attacked from two different angles with two different pieces of information. That always tells you you are on the right attack when one day you get attacked with one argument and the other day precisely the opposite argument. This is a fuel-neutral amendment and the right thing to do.

The second thing we ought to recognize is this is the only part in the bill that helps our extraordinary dependence on imported oil. Mr. President, last month we imported 53 percent of the oil that we used in the United States—53 percent. The Department of Energy tells us that if we continue on current patterns, we are going to be about two-thirds by the turn of the century, two-thirds dependent on such wonderfully stable individuals as Qadhafi, the Ayatollah—a wonderful place to be in. The opponents say this is a bad deal because maybe an American company like ADM might benefit from it. Come on, let us look at the potential.

I ask unanimous consent for 30 additional seconds.

Mr. DASCHLE. I yield the Senator 30 seconds.

Mr. WIRTH. This is the only opportunity we have in the whole bill to really encourage domestic fuels. That is what we ought to be doing. That is sound, forward-looking policy rather than looking in the rear view mirror as we have too often, in the whole mobile standards area, looking in the rear view mirror as if this were the 1950's and 1960's.

I thank the distinguished Senator from South Dakota for yielding and I am proud to be a sponsor of this amendment.

Mr. DASCHLE. I thank my colleague. I yield 2 minutes to the Senator from Minnesota.

Mr. DURENBERGER. Mr. President, my reluctance in rising is not because I think this is a deal breaker but because of the respect that I have for the junior Senator from Louisiana, who more than anybody in this whole Chamber has been forced to ride a bucking bronco to the edge of the cliff so many times that I hate to be in the position of throwing a saddle on another one. But as I best recall the so-called deal in the negotiations, there is a part of this amendment which one might consider a deal breaker, and it is the requirement in the amendment that the fuel reduce ozone-forming emissions by 15 percent in the 9 cities.

We did discuss that issue and the bipartisan agreement establishes a standard that is different from that included in the amendment. However, that standard is simply where we would be anyway, according to the deal, by the year 2000. So we are talking about a time element.

What is important about this amendment is the way in which it deals with the aromatic content and the oxygen content of the fuel. That is a very different dimension. That is not an ozone issue. That was not discussed in the negotiations. An aromatic standard is outside the scope of the agreement that we reached, and so is oxygen.

Senator LAUTENBERG, as we know, offered an amendment on oxygen on the floor. That amendment did not break the deal, and the oxygen requirement here in this amendment does not either.

This amendment will make an important addition to the air quality program which the committee has reported. I commend the sponsor on the amendment and his consistent efforts in this area of public policy.

Gasoline is a complicated mixture of some 200 different chemical compounds. The exact mixture of these compounds varies over a wide range by brand and grade of gasoline. The variation in the mixture of gasoline can have an impact on air quality. Some gasoline is cleaner from an air quality perspective than other gasoline.

Motor vehicles contribute a substantial portion of the air pollution in the United States. They emit 40 to 70 percent of the pollutants contributing to ozone nonattainment and 90 percent of the carbon monoxide. Vehicle emissions account for 55 percent of the cancers attributable to air toxics and 25 percent of the global warming gases, principally carbon monoxide. All of this pollution begins with the fuel and can be affected by the characteristics of the fuel.

Over the 20-year history of the Clean Air Act most of the regulatory effort has focused on the vehicle itself with requirements for new pollution control technology like the catalytic converter or the evaporative canister system. Very little attention has been paid to fuel quality during that same period. Lead has been phased down because it interferes with the operation of the catalytic converter. In other respects, however, fuels have actually become dirtier in the last 20 years. The octane provided by the lead has been replaced with octane from aromatic hydrocarbons which are toxic and have other negative air pollution effects. And the volatility of gasoline has increased dramatically causing increased evaporative emissions.

The bill reported by the committee already addresses some of these fuel quality issues. It bans lead completely. It reduces RVP to 9 pounds per square inch in summer months. It requires oxygen additives in carbon monoxide nonattainment areas in winter months. And it requires detergent additives to prevent deposits in fuel and engine components.

But it is possible to accomplish much more pollution reduction by focusing on the fuel. The most aggressive approach is to require alternative fuels like methanol, ethanol, compressed natural gas and electricity in the most severe nonattainment areas. These fuels would be used in new vehicles designed for that purpose. We have made a few steps in that direction with the compromise proposal that is pending. Especially, the fleet program in this legislation will encourage new fuel/vehicle systems that are dramatically different from cars and fuels of today.

A less aggressive, but equally important step, is to clean up the gasoline that is used by the cars which are out there already. This strategy has come to be called reformulated gasoline. The oil companies have become interested in reformulated gasoline, perhaps because of the more aggressive alternative fuels program in this bill. ARCO has begun to sell a reformulated gasoline which it calls EC-1 in southern California.

The Daschle amendment calls for a cleaner gasoline which would meet several specifications. One would be a benzene limit.

Benzene is a component of gasoline averaging about 2 percent of this volume. It was a smaller portion of gasoline before lead was removed. It is a known human carcinogen. It is one of the most widely dispersed air toxics. Risks of early death from lukemia caused by benzene exposure reach 1 in 1,000 in some urban corridors; 50 percent of the benzene emissions come from benzene in the fuel and 50 percent come from the transformation of other compounds to benzene when the fuel is burned. The staff of the California Air Resources Board has proposed a 0.8-percent benzene limit for all gasoline sold in that State. The Daschle amendment would limit benzene content to 1 percent.

A second specification relates to the aromatic content. Aromatic compounds are a substantial portion of gasoline fuel. They average 32 percent of the volume but in premium fuels may reach up to 54 percent by volume. Aromatic compounts include benzene, toluene and xylene. All three are air toxics listed in title III of this legislation. They contribute to ozone formation with xylene being especially reactive. Fuels high in aromatics cause deposits in combustion chamber interfering with combustion and increasing emissions. Aromatics have a higher carbon content than the rest of gasoline, so gasoline high in aromatics contributes more to global warming. Aromatics were only about 20 percent of the fuel in 1970, but percentages have increased substantially because the aromatics have been used to replace the octane that was lost as a result of the lead phase down. The specification for aromatics in this amendment is a cap at 25 percent of the volume of the fuel.

There is another way to replace the octane lost with the lead phasedown. Oxygenated fuels can make up the octane deficit. Oxygenates including ethanol, MTBE, methanol, and ETBE. Fuels with these additives are somewhat more expensive than simply increasing the aromatic content, but from the perspective of air quality, the oxygenates are damatically cleaner. This amendment requires a 2.7 percent oxygen content on average. That level is consistent with the proposal to hold aromatics to 25 percent. There will be more than sufficient octane in the fuel pool with these specifications.

Gasoline fuels may also include detergent additives which prevent deposits in the fuel system, in the carburetor or fuel injector and in the combustion chamber. Deposits increase emissions by interfering with combustion. These deposits also reduce fuel economy increasing the cost of transportation to the vehicle owner and increasing carbon monoxide emissions.

Mr. President, in closing, let me highlight the environmental benefits we could expect by adopting this amendment.

The first benefit is realized in reduced emissions of air toxics. Benzene is a potent cancer-causing substance. Every American experiences an increased cancer risk because of exposure to benzene in the air. Some face substantially higher risks. Eighty-five percent of the benzene in the air comes from gasoline. This amendment would reduce benzene pollution substantially.

The second benefit is realized in urban areas with smog problems. Reformulated gasoline can make a substantial contribution in reducing emission of the highly reactive hydrocarbons including xylene and olefins. Better fuels can also mean better performing engines so that all of the hydrocarbons are more completely burned.

Third, the fuel mandated by this amendment would reduce carbon monoxide emissions. The increased oxygen provides that benefit and it will be a benefit in cities beyond the 44 which are currently in nonattainment. It will help others maintain the standard in the face of increasing trips and vehicle miles, and will provide a margin of safety for the current standard which, according to some recent evidence, may not be sufficient to protect those most sensitive to carbon monoxide pollution.

And fourth, this amendment will have global warming benefits. Fuels high in aromatics contain more carbon, relative to hydrogen, than fuels which contain alcohols like ethanol and methanol. The more of the energy in the fuel that comes from burning carbon, the more carbon dioxide—the principal greenhouse gas—will be emitted. This reformulated gasoline will cut CO_2 emissions.

With that, Mr. President, I will conclude by once again congratulating the sponsor on this amendment and encouraging my colleagues to support it.

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, has all time expired.

The PRESIDING OFFICER. The Senator from Montana controls 7 minutes 30 seconds.

Mr. BAUCUS. Has time on the other side expired?

The PRESIDING OFFICER. All time on the other side has expired.

Mr. PRESSLER. Mr. President, I rise today to support the Daschle-Dole amendment to the Clean Air Act. The reduction in carbon monoxide [CO] is directly related to the amount of oxygen in gasoline. Many cities may avoid a serious CO problem in the reformulated gasoline from the onset.

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Mr. President, the most exciting feature of this amendment is that it promotes the use of a renewable resource and improves the quality of the air we breathe by reducing carbon monoxide emissions. This amendment establishes specifications for reformulated gasoline which would be required in certain nonattainment areas.

Ethanol, made from corn, is a home grown renewable resource. Increased use of ethanol could enhance and promote our rural economy and, I believe, lessen our dependence on foreign oil imports.

The recent GAO study regarding the economic benefits of an expanded ethanol industry is exciting, projecting a net annual positive budgetary impact of over $800 million in a moderate growth scenario. Thousands of jobs could be created, and a reduction in our balance of trade deficit will be realized.

This amendment is a positive step toward cleaner air and increased ethanol and gasahol use. We in South Dakota are not burdened with the air pollution problems of the heavily populated metropolitan areas. I strongly support my colleague's amendment and am a cosponsor because I believe it will serve as a tool to enhance our rural economy and help ensure clean air for future generations.

The PRESIDING OFFICER. Who yields time.

Mr. BAUCUS. Mr. President, I yield 1 minute to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 1 minute.

Mr. HARKIN. I thank the Senator from Montana for his generosity. I wanted to make two points. One in regard to what the Senator from Oklahoma said earlier about the increases in prices.

Arco, Diamond Shamrock, Phillips, Conoco, and Marathon are all selling or planning to sell 20 to 25 percent aromatics reformulated at no increase in price. So much for the increases in prices that will come about because of the Daschle amendment.

Second, the California Air Resources Board, as the Senator from South Dakota has said, does indeed support this amendment. My good friend, the Senator from Louisiana, said that this amendment would increase ozone. Well, if it increases ozone, I can assure you the California Air Resources Board would would not be supporting the amendment. They are supporting the amendment regardless of what you may hear from outside these doors.

I congratulate and compliment my colleague from South Dakota for all the work and effort he has put into this great amendment. It deserves support and deserves to be passed for the benefit of all Americans.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. Mr. President, I yield myself such time as I consume.

Mr. President, there has been some discussion back and forth as to whether this amendment does or does not break the deal. Frankly, Mr. President, I have no ax to grind on that subject as some Senators say; and as some others often say I have no dogs in this fight. But my State of Montana has some oil and gas, some wheat, some barley. My State is not directly affected one way or the other. Yet, as manager of the bill and as one involved in these negotiations, it is my judgment, for those Senators who care about whether this is or is not a deal breaker, that in fact this is a deal breaker. That is my judgment because we did discuss alternative fuels. We set standards, formal standards for alternative fuels in the bipartisan agreement. We also bent over backwards to come up with a fuels-neutral bipartisan solution.

Obviously, there are various parts of this country that prefer one fuel over another. Gasoline, compressed natural gas, ethanol, methanol, you name it, some part of the country favors one fuel or another.

The best evidence that this amendment is a deal breaker, Mr. President, would be if this amendment were offered in the bipartisan negotiation. This debate is an indication that this amendment would not be agreed to, would not be part of the deal. Certainly the Senators from Oklahoma, Texas, and Louisiana would not have agreed to this amendment. It might have been modified slightly, but certainly this amendment in the present form, in the form it is offered now, would not have been agreed to. That is the best evidence that this amendment in fact is a deal breaker.

I might add that the bipartisan agreement allows cities, allows States to opt up and opt in. That is, if a city wishes to have the reformulated gasoline standards provided for in this amendment, a city could choose to do so. Not only the nine cities that are the severest in nonattainment but the serious or even the moderate areas could opt in under the bipartisan agreement and adopt the same standards under the agreement if they were to choose to do so.

Moreover, I might say to Senators that the bipartisan agreement also includes an oxygenated fuel provision, 3.1 percent of oxygen content. That would be required in carbon monoxide nonattainment areas during winter months. That is a big boost to ethanol production in this country. It is not required in all nonattainment areas. It is only the carbon monoxide nonattainment areas, but nevertheless it is a boost.

Let me conclude again by saying I oppose this amendment because it does break the deal. There is some judgment on that but in my personal judgment, to be fair and honest about it all, I think it does break the deal.

I at the appropriate time, therefore, will move to table.

Mr. DOLE. Mr. President, I do not want to extend this. I can use my leader's time but is there any time remaining?

Mr. BAUCUS. Mr. President, I yield the time I have remaining to the distinguished minority leader.

Mr. DOLE. I know a number of Members have other commitments. How much time is remaining?

The PRESIDING OFFICER. A minute, 47 seconds.

Mr. DOLE. I may use a couple of minutes of my leader time.

The PRESIDING OFFICER. The Senator has that right.

Mr. DOLE. Mr. President, I think this amendment is going to make a significant advancement in cleaning the air of our worst polluted cities.

The PRESIDING OFFICER. If the Senator will suspend for one moment. The Senate will be in order. If we could please direct the attention of Senators and staff to the Republican leader.

Mr. DOLE. I thank the Chair.

Before proceeding any further, let me state from the outset that this amendment has been significantly changed from the first Daschle amendment, which I had not cosponsored. Many of you might have seen the letter from the Department of Energy stating that amendment would cost $100 billion. I am not sure if that was accurate, but was a lot of money. I know it frightened a lot of people.

That amendment mandated reformulated gasoline in 101 cities, this amendment deals only with the nine cities in which the bill already mandates that reformulated gasoline be made available. Therefore, reformulated gasoline is not mandated for any city that will not already have reformulated gasoline due to the underlying substitute.

There are two differences between this amendment and the substitute. First, under the Daschle-Dole amendment, all gasoline-burning automobiles in the nine most polluted cities will be required to burn reformulated gasoline—not just new vehicles as is proposed in the substitute.

Second, the amendment places three limits on what can constitute reformulated gasoline. It places a phased-in 25-percent limit on the amount of aromatic hydrocarbons that may be used, a phased-in 2.7-percent oxygen content, and limits benzene—a carcinogenic aromatic hydrocarbon to 1 percent by volume.

There have been many accusations about the problems this amendment will bring. Let me address a few of the major ones. I am certain they have been addressed by Senator DASCHLE and others.

Some have charged that there will be no way to get the fuel mandated by the Daschle-Dole amendment to market. But, the substitute already mandates the sale of reformulated gasoline in the same cities covered by this amendment. The difference is volume. I suspect most oil companies will use the product pipeline capacity, tank farm space and retail pumps currently dedicated to leaded gasoline for reformulated gasoline.

Others have charged that we have so limited the definition of reformulated gasoline that the fuel may be environmentally damaging. However, we have included a waiver for the limitations if the administrator of EPA determines a fuel made under these broad specifications do lead to environmental damage.

Finally, I have heard that oil refiners will not have sufficient lead time to make these fuels available. Therefore, we have delayed the more severe aromatic limitations by 2 years, and provided for a 3-year delay in the so-called opt-in provisions for areas beyond the original nine cities.

Mr. President, the amendment will help both methanol and clean-burning, domestically produced ethanol and is strongly supported by the National Corngrowers and Renewable Fuels Association. Both organizations responsibly opposed to earlier amendments several days ago, but have worked vigorously for this much more responsible and achievable amendment.

Again, as to whether the amendment is a "deal breaker," I voted against a lot of the amendments because I was told they were deal breakers even though I wanted to support the amendments. I am certain that the definitions of reformulated gasoline were not discussed in the negotiations. Further, the amendment does not expand but rather exactly tracks the language for reformulated fuel availability in polluted cities. And for that reason, and for the reasons stated on the floor by many of my colleagues, I hope we will vote against the motion to table.

I yield the floor.

Mr. CONRAD. Mr. President, I rise to express my support for the Dole-Daschle reformulated fuels amendment to the Clean Air Act. I want to commend Senator DASCHLE for his strong leadership on this issue. This amendment provides much needed improvements in the formulation of gasolines used in our most heavily polluted cities.

I support this amendment becasue it will reduce the toxic aromatics currently used to boost octane in gasoline; it will reduce ozone-forming automobile emissions; it will begin to reduce our dependence on imported oil; and it will enhance rural and farm economies. These improvements will be accomplished by strict, environmentally sound performance standards for gasoline.

When the EPA required a phaseout of lead in gasoline, refiners replaced that additive with aromatic compounds that have subsequently been shown to be toxic or highly reactive in the environment. This amendment will require reductions in those harmful additives. It will encourage the use of environmentally compatible octane enhancers such as MTBE, ETBE, and ethanol blends.

Mr. President, it is particularly important to note that the reformulation requirements of this amendment can be achieved by reducing harmful gasoline additives and replacing them with ethanol and ETBE, an ethanol-derived additive. Because ethanol is made from corn and other grains, its use in reformulated fuels has additional benefits. Use of ethanol will reduce our dependence on imported oil and will boost rural and farm economies across our country.

For these reasons, Mr. President, I am pleased to be an original cosponsor of the Dole-Daschle amendment to the Clean Air Act.

Mr. JOHNSTON. Mr. President, I strongly oppose the Daschle amendment that would legislate a recipe for reformulated gasoline. This amendment would fly in the face of a principle that formed the foundation of the compromise on mobile sources: that is, that performance standards be set covering total mobile source emissions, including tailpipe, evaporative and running loss emissions, thereby allowing the refiners and automobile scientists and engineers, overseen by EPA and DOE technical experts, to develop the most cost-effective approach to achieve this result.

This amendment would put undue constraints on that approach, thereby costing refiners, and ultimately, gasoline consumers an estimated $100 billion. These costs would result from the need for widespread and substantial new facilities at refineries, imports of oxygenates, massive tax breaks for ethanol and ETBE producers, and shortages of engineers, construction firms, skilled labor, and vendor supplied equipment.

New large refinery facilities would be required for extraction, separation, and further processing to meet the numerous recipe requirements contained in the amendment. Refinery configurations would have to be changed, possibly triggering time-consuming new permit procedures. Since much U.S. oil production is heavy crude, higher in aromatic content, many U.S. refineries are tuned to process this oil. Many refineries will not be able to make the modifications necessary in the short time allowed under this amendment, and they will attain the reductions by importing more oil lower in aromatics. Further, ingredients like alkylate, a high octane, low Reid vapor pressure substance that transforms ozone-forming olefins into a promising, environmentally superior additive would be disfavored if this prospective amendment were adopted.

Other large, new facilities would have to be engineered and constructed in a great hurry to meet the oxygenate requirements. Ethanol cannot be transported in oil products pipelines and so must be added near the end of the distribution chain. Separate new production, transportation and storage facilities will have to be built just to meet this mandate. Further, the credits provision in the amendment significantly encourages even more demand, increasing the potential for spot shortages and costly imports of MTBE, ETBE, and ethanol.

These added incentives for oxygenates distort markets, and create artificial demand. According to CRS, oxygenates can increase corrosivity and gum-forming deposits, necessitating more detergent additives and higher octane requirements. This needlessly wastes crude oil, and raises prices to motorists as more additives become required.

Moreover, the amendment could actually exacerbate ozone problems due to the added encouragement to splash blend ethanol year round, which increases fuel volatility and emissions of oxides of nitrogen. Air toxic emissions of aldehydes also increase. At present, there is great scientific dispute as to whether total hydrocarbon emissions might actually go up with high oxygenate levels as are encouraged by this amendment. Most importantly, the scientist and engineers do not even know whether the combination of requirements ordered in this amendment are technically achievable of cost effective.

It is bad energy and environmental policy to prejudice an outcome where the scientific data is hotly disputed. It is bad refinery policy to dictate numerous specifications nationwide without knowledge of the interaction of the elements of these disparate requirements, or without regard to the varied configurations in refinery designs.

EPA testified before the Energy Committee that it will soon be issuing an advanced notice of proposed rulemaking on fuel quality and air toxics to request information from experts on environment, refineries, and automotive technology in order to develop specifications for cleaner fuels. This notice and comment process must consider all significant environmental,

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technological, and economic factors in designing new generations of fuels. The advantages and disadvantages of various approaches will be scientifically evaluated. To adopt this amendment would unduly constrain and delay this important process.

The proponents of this amendment will argue that the $100 billion estimates are high. They will contend that DOE estimates contained in a March 27, 1990, letter from the Deputy Secretary of DOE to Senator DASCHLE are also highly inflated. But a Congressional Research Service analysis concludes that the $100 billion estimates are quite realistic.

For example, the nine cities that this amendment would automatically affect now consume approximately one-quarter of the Nation's gasoline. Under the Daschle proposal, other areas could opt in to the program, significantly increasing the percentage of the gasoline pool to which the mandate would apply. CRS believes that, due to the tremendous capital investments needed, and the presence of an integrated national market for gasoline production and distribution, even a seasonal or regional requirement of this magnitude equates to a year round national mandate for the expensive recipe.

Some researchers have concluded that higher oxygen content has only been shown to have a significant effect on carbon monoxide emissions from older cars. Moreover, carbon monoxide nonattainment is a problem that only occurs in a few cities during the winter months. CRS concludes that "reduction benefits from fuel oxygenation will decline as the fleet turns over and will become too small to make a difference after a number of years". This oxygen mandate is therefore overly broad, and would only correct a temporary problem until older cars are removed from the road. Yet despite these facts, the amendment has no phaseout for this requirement. Further, a phaseout would not be realistic because massive capital investments would already have been made.

Another implication of the amendment has not been considered. The U.S. Department of Agriculture wrote the Energy Committee that it takes 75,000 to 95,000 Btu's of energy to produce 1 gallon of ethanol, which in turn contains only 76,000 Btu's of energy. Forty-five thousand to sixty-five thousand Btu's of this energy is derived from coal combustion, which fuels the ethanol manufacturing plants. Since ethanol manufacturing plants would be exempt from emissions constraints as industrial sources under this bill, the adverse effects of this amendment on air quality could be significant.

The impacts on the trade deficit must be considered. According to the Congressional Research Service, the shortfall in capacity to produce oxygenates, especially in the early years, would be met by imports of MTBE, methanol, and even ethanol and ETBE, until domestic production capacity could be built, and sufficient corn supplies are produced. If drought, or other events reduce corn yields, as occurred in 1988, tighter grain supplies would exacerbate the spike in gasoline prices that will likely result from this amendment. Consumers will blame the refiners and Congress for causing these dramatic price increases.

Shouldn't the EPA, DOE, and auto and refinery engineers develop cleaner gasoline in the most cost-effective manner through the dispassionate process of scientific investigation, and notice and comment rulemaking rather than typing the experts' hands by requiring a gasoline recipe? Should the Congress be making such monumental and costly intrusions into refinery and energy policies, subjects clearly within the Energy Committee's jurisdiction, without full and thoughtful committee consideration of its implications? The answer to both questions is "No."

I ask unanimous consent that copies of letters from the Deputy Secretary of Energy and the Congressional Research Service be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF ENERGY,
Washington, DC, March 27, 1990.
Hon. THOMAS DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: Thank you for your letter to Secretary Watkins asking us to explain the basis of my March 20, 1990 letter to Senator Dole. In that letter, I set forth the Department of Energy's analysis of reformulated gasoline requirements contained in both the Wirth-Wilson and the Daschle clean fuels amendments. I welcome the opportunity to discuss our analysis with you.

The Daschle amendment (based on the version that we had as of March 20, 1990) would require reformulated gasoline in all nonattainment areas of the United States. This would include 101 metropolitan areas with a population comprising about 60 percent of the United States and a corresponding percentage of motor fuel consumption.[1]

As I pointed out in my letter to Senator Dole, because of the nature of our gasoline refining and distribution system, such a broad requirement would be tantamount to a nationwide mandate for the specified reformulated gasoline. It would be quite difficult for refineries to supply reformulated product to only the 101 metropolitan areas, while supplying all areas outside those boundaries with a conventional product. Therefore, our capital cost estimates were based on reformulating all of the gasoline in the U.S. to meet the specifications provided in the amendments.

The Department's cost estimates were partly derived from an independent study by Turner, Mason and Company, published by Information Resources, Inc., (*U.S. Gasoline Outlook, 1989-1994: Changing Demands, Values and Regulations, 1990,* p. VIII-12). Based on our review of the Turner, Mason and Company analysis, $4 billion of capital investment in existing refineries is required to achieve an aromatic reduction of 10 percentage points. DOE estimates that gasoline currently averages about 35 percent aromatics. DOE therefore calculated that this $4 billion investment would be necessary to meet the required reduction of aromatics in gasoline to 25 percent.

Additional capital investment is also required for MTBE and methanol production facilities. Based on Turner, Mason and Company's estimate of the cost of MTBE production, facilities, and a Department of Energy study of the cost of methanol production facilities (*Assessment of Costs and Benefits of Flexible and Alternative Fuel Use in the U.S. Transportation Sector, Technical Report 3: Methanol Production and Transportation Costs,* DOE/PE-0093, November 1989) additional investments of $13 billion (MTBE plants) and $4 billion (methanol plants) will be required, or a total investment in such facilities of $17 billion.

Finally, based on analysis provided by the Office of Technology Assessment (*Alternative to Conventional Liquid Fuels in Automobiles, Special Report,* Review Draft, December 21, 1989), the cost of reducing benzene to 0.8 percent would be 2.5 cents per gallon, which translated into an equivalent capital cost, would be $13 billion. Therefore, our total estimated cost to achieve, on a nationwide basis, the reformulation of gasoline that would be required in the Daschle amendment, assuming use of MTBE, is $35 billion.

If ETBE is used to achieve the oxygenate levels in the Daschle amendment, the costs could be substantially higher. For example, accounting for the ethanol that is currently produced, and accounting for the existing methanol used in MTBE, an additional 7.5 billion gallons of ethanol would be required to oxygenate all gasoline to the levels required in the Daschle amendment. Approximately 150 relatively large dry-milling ethanol plants (50 million gallons per year) would be required to supply the additional ethanol. Based on capital cost and output data for the New Energy Company of Indiana ethanol plant, $36 billion (1990 dollars) of total investment in new ethanol production facilities would be required. We also estimate that the cost of the required ETBE production facilities would be $15 billion.

Considering the recent extension of the blenders tax credit to use of ethanol in ETBE, ETBE may be an economically attractive oxygenate to meet the requirements of the proposed amendment. Use of ETBE instead of MTBE could raise the estimated capital cost required to satisfy the Daschle amendment from $35 billion to $69 billion. These cost estimates do not include additional transportation and distribution infrastructure costs.

Under the Daschle amendment, these investments would be required within a 3-year period. Obviously, such a requirement is impractical. For example, these reformulation requirements would require an additional 14 billion gallons of MTBE or 16 billion gallons of ETBE, or some combination of the two. To produce an additional 14 billion gallons of MTBE, 101 large scale (10,000 barrel per day) MTBE plants and 16 world scale (2,500 metric tons per day) methanol plants would have to be constructed. To produce an additional 16 billion gallons of ETBE, 116 large scale (10,000 barrel per day) ETBE plants and, as pointed out above, 150 large dry milling ethanol plants (50 million gallons per year) would have to be constructed. If Federal legislation required that these facilities be constructed in less than 3 years time, we estimate that the capital costs of such a project would be substantially increased. Shortages of architectural, engineering, and construction firms, skilled labor, and vendor supplied equipment would cause all costs to increase substantially. We do not actually believe that it would be possible to build all of this additional capacity within the three-year timeframe; but if it were, the cost penalty could easily be as high as 50 percent. Therefore, taking all of the above factors into consideration, we concluded that the capital cost estimates of these reformulated gasoline requirements "*range up to* $100 billion."

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[1] The Wirth-Wilson amendment required reformulated gasoline in fewer cities, and with a 4-year lead time instead of a 3-year lead time. These requirements were cited in my letter to Senator Dole.

We cannot comment on the EPA and private industry estimates that you mentioned in your letter because those analyses have not been made available to us.

Clearly, if the requirements for reformulated gasoline were reduced to a smaller number of cities, and adequate lead time were provided, the costs of providing reformulated gasoline would be lower. However, compared to the reformulated gasoline program contained in the Senate-Administration compromise, the reformulated gasoline program required in the Daschle amendment could be very costly. This is becasue the fuel specifications contained in the Daschle amendment exclude less costly reformulated gasoline that would otherwise meet the ozone and toxic emission reduction requirements of the Seante-Administration compromise. Once overall toxic and ozone reducing requirements have been set, additional requirements on aromatics, oxygenate levels, or specific toxic components can only increase the cost of reformulation without achieving significant additional environmental benefits.

The department of Energy is moving aggressively to develop cost effective alternative transportation fuels, not only to improve air quality, but to reduce the transportation sector's near total dependence on oil. But time and trial is needed to determine what kind of reformulated gasoline or alternative fuel will work best. With the Nation's refinery capacity and fuel distribution infrastructure operating at near peak capacity, careful and accurate analysis is needed of the costs, benefits, and consequences of any new gasoline requirements. Moving too abruptly risks price and supply disruptions that none of us want.

The reformulated gasoline program contained in the Senate-Administration compromise is carefully crafted to introduce a clean gasoline in the cities that most need it as quickly as possible. We are concerned that moving too quickly would be counterproductive to the energy and environmental benefits that we both seek.

With kindest personal regards, I remain

Sincerely yours,

W. HENSON MOORE.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 28, 1990.

MEMORANDUM

To: Senate Committee on Energy and Natural Resources. Attn: Joel Saltzman.

From: David E. Gushee, Senior Specialist in Environmental Policy.

Subject: Composition of Gasoline.

This responds to your request for a discussion of how a requirement that gasoline contain 2.7% oxygen in ozone nonattainment areas would interact with a requirement that gasoline have a maximum volatility of 9 psi as measured by Reid Vapor Pressure (RVP).

For an RVP 9 gasoline, MTBE, ETBE, and ethanol (with its 1 psi volatility waiver and the proper blendstock properties) can provide the necessary oxygen. In the start-up years, ETBE would probably be reserved for lower volatility areas, because of limited capacity to produce it. Currently, there is not enough MTBE capacity in the U.S. to supply the volumes required. Over the past year or more, a number of refiners have announced plans to build new MTBE capacity in domestic refineries (similar announcements are being made about capacity in Europe and the mid-East). There will be plenty of butane available from the RVP reductions. However, there is not enough isobutylene capacity to feed the MTBE units, so new isobutylene-from-butane capacity would also be needed. Also, there is not enough ethanol capacity to supply the volume which would be required under the proposed mandate.

For gasolines with RVP below 9, MTBE cannot be the major oxygen source, because its RVP is about 9, ETBE or mixed alcohols or ethers would be required (Octamix, for example, is a mixed alcohol product from which mixed ethers can be made, although at least some of the methanol in it would have to be removed to meet the vapor pressure requirement). However, there is essentially no capacity in place today to make large quantities of either, so construction for either would be required.

For low-RVP gasolines, indications are that significant changes in refinery operations would be necessary, at significant cost. The more stringent are the emission requirements, the greater the cost in refineries, for the least cost approach would be to produce more reformate, which unfortunately seems to cause greater tailpipe emissions. And tailpipe emissions make up most emissions, because at these low volatilities, evaporation contributes only a minor share of the total ozone-formers to the air.

Depending on the start-up schedule, it is possible that much of the additional ethanol would be imported until domestic production capacity could be built up and corn supplies arranged for. Similarly, it is likely that MTBE would be imported in the early years and maybe even for a long time, depending on how the economics of adding methanol, isobutylene, and etherification capacities turn out. And probably methanol would always be imported, even if the MTBE were made domestically.

The Clean Fuels Development Coalition (CFDC) testified before Senate Energy Committee 11/14/89 that 5–6 billion gallons of ETBE capacity would cost $4 to $7 billion, take 3 to 5 years, and add about 2 cents per gallon to gasoline price. For 2.7% oxygen, ETBE content has to be about 17%, MTBE about 15%. The 100 ozone nonattainment areas have about 40% of the national gasoline consumption. If all the gasoline in those areas had 17% ETBE, the need would be about 7 billion gallons of ETBE, which would need about 3 billion gallons of ethanol. If it were all MTBE, it would be 6 billion gallons of MTBE, or about 1.8 billion gallons of methanol (all imported). Other major shifts in refinery hardware and operations would also be required.

It could all be done in the 1990's, assuming that the Title I ozone controls and the Title V permits would allow it. I would estimate it would cost $25 to $50 billion to install the necessary butane isomerization and dehydrogenation capacity, added alkylation capacity, added distillation capacity and miscellaneous other fixes to balance refinery operations (API says up to $100). At $25 billion to $50 billion, it would cost about 10 to 15 cents per gallon, by analogy with CFDC's estimate.

Some specialists knowledgeable about industry operating practices say that 20% or 40% of total gasoline volume required to meet prescribed specifications by regulation, whether seasonally or year-round, in an integrated national market means all of it, in order to supply and resupply the whole infrastructure. If it does, then API's $100 billion begins to sound like a realistic estimate of potential cost to the industry.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. All time has expired.

Mr. BAUCUS. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to lay on the table the amendment of the Senator from South Dakota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Hawaii [Mr. MATSUNAGA], is necessarily absent.

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—30

Armstrong
Baucus
Bentsen
Biden
Boren
Breaux
Chafee
Cochran
Domenici
Garn
Gorton
Graham
Gramm
Hatch
Heflin
Humphrey
Johnston
Levin
Lott
Mack
Mitchell
Moynihan
Murkowski
Nickles
Riegle
Rudman
Shelby
Stevens
Wallop
Warner

NAYS—69

Adams
Bingaman
Bond
Boschwitz
Bradley
Bryan
Bumpers
Burdick
Burns
Byrd
Coats
Cohen
Conrad
Cranston
D'Amato
Danforth
Daschle
DeConcini
Dixon
Dodd
Dole
Durenberger
Exon
Ford
Fowler
Glenn
Gore
Grassley
Harkin
Hatfield
Heinz
Helms
Hollings
Inouye
Jeffords
Kassebaum
Kasten
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Lieberman
Lugar
McCain
McClure
McConnell
Metzenbaum
Mikulski
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Sanford
Sarbanes
Sasser
Simon
Simpson
Specter
Symms
Thurmond
Wilson
Wirth

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NOT VOTING—1

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The motion to lay on the table was rejected.

The PRESIDING OFFICER. The question is now on agreeing to amendment No. 1423 offered by the Senator from South Dakota.

The amendment (No. 1423) was agreed to.

Mr. DASCHLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. Mr. President, I would like to enter into a colloquy with the distinguished chairman of the Subcommittee on Environmental Protection, Mr. BAUCUS.

We have an unusual situation in Iowa, since a major power plant was shut down for over 10 months during the 1985-87 period due to a tornado. This plant, George Neal 4, is a clean plant, emitting less than 0.8 pounds of sulfur dioxide per million Btu.

And yet, because of the 10-month shutdown due to tornado damage, this plant could not operate near full capacity after the emission cap goes into effect, if it is limited to an artificially lowered baseline—in this case because of the tornado-induced shutdown. I am sure it is not the distinguished manager's intent for this bill effectively to force a clean plant to limit operation, while dirty plants with plenty of allowances could continue operating at higher emission rates.

Section 402, paragraph (d)(1) of the substitute amendment 1293 does offer potential relief: this section states that "The Administrator may exclude periods during which a unit is shut down for a continuous period of four months or longer."

This is reassuring, but I would much prefer that this sentence be changed to the "Administrator shall" exclude such down periods, or at least the "Administrator shall exclude such periods if caused by natural disasters."

But I understand that this language change is not acceptable to the committee.

Mr. BAUCUS. Mr. President, the Senator from Iowa is correct. We cannot mandate this 4-month downtime exclusion, since some peak shaving plants may not operate for longer periods. Excluding these plants that are not routinely used full time would break the allowance and emission cap. We must therefore give the EPA Administrator the flexibility to separate the special cases from the normally low capacity units.

Mr. HARKIN. Mr. President, I then ask the Senator from Montana if it is the intent of this language in section 402 to exclude plants shut down unexpectedly by natural disasters such as a tornado?

Mr. BAUCUS. Yes, and my staff has discussed this very issue with representatives from EPA. They understand and concur that plants that were shut down by natural disasters such as the tornado in Iowa would qualify for the exclusion of section 402 for down-time.

Mr. HARKIN. Then it is the Senator's intent that the baseline for this plant would be determined by excluding those months when the plant was not operating due to tornado damage. That is, the average capacity during the other months in the 1985-87 time period would be used to determine the baseline to compute the plant's phase two emission allowances?

Mr. BAUCUS. That is correct.

Mr. HARKIN. I thank the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAUCUS. What is the pending amendment?

The PRESIDING OFFICER. The Baucus amendment No. 1307.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator BREAUX be added as a cosponsor of the Symms small refinery amendment adopted earlier this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

AIRPORT SAFETY

Mr. FORD. Mr. President, I would like to take this opportunity to applaud the Federal Aviation Administration [FAA] and the American Association of Airport Executives [AAAE] for recently sponsoring a school designed to enhance safety and improve operations at our Nation's airports. With over 190 airport personnel from all sizes of airports in attendance, the inaugural Airport Safety and Operations Specialist [ASOS] School is a fine example of how cooperation between the Federal Government and the aviation industry can lead to a safer and more efficient air transportation system.

The ASOS School's diverse and impressive facility, ranging from FAA headquarter's officials to airport executives to airline pilots, presented 3 full days of intensive sessions on issues of critical importance to airport operations, such as aircraft rescue, fire fighting techniques, and control of runways incursions.

I commend FAA and AAAE for their excellent efforts to improve our country's aviation system and wish them continued success in future ASOS Schools.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

NOMINATION OF T. TIMOTHY RYAN

Mr. RIEGLE. Mr. President, I rise to address an issue of particular importance to members of the Senate Banking Committee with respect to the nomination of T. Timothy Ryan to be Director of the Office of Thrift Supervision.

In talking today with various members of the committee and ranking minority member, Senator GARN, recently on the floor, I want to review this situation because we may very well bring this nomination forward tomorrow for action and disposition in the Senate Banking Committee at 10:30 in the morning.

I say that is a tentative matter because I have not settled that as yet and I want to continue my discussions with other members of the committee.

But here are the circumstances, and it is very important that they be understood.

I received a letter from Secretary Brady on March 23 addressed to me asking that the committee expedite the consideration of Timothy Ryan, the nominee to be the Director of the Office of Thrift Supervision.

> Our request for expedited action stems from recent court decisions in which injunctions have been entered against OTS based on Constitutional arguments. In order to avoid any delay or uncertainty in forging ahead with the critical work of OTS under the 1989 FIRREA legislation, an OTS Director, nominated by the President and confirmed by the Senate needs to be on the job. This is the fastest and surest way that Congress and the Executive Branch can address the current uncertainty.
>
> I know that working together we can and will address this situation, and I thank you for your cooperation and assistance.

That is an unusual procedure and we treat this kind of a request with great respect. Certainly I do, and the committee has.

So on last Friday we received the papers of the nominee and within 3 working days had scheduled and conducted yesterday the nomination hearing. Obviously, in order to do that on such short notice other things had to be set aside and rearranged in terms of the committee schedule to respond to this unusual request of the Secretary, but we did so because of our feeling that what he requested was appropriate and that we should move as rapidly as possible. So that hearing was held yesterday and it went on at some length.

News stories, as many of you may have read today in various papers, cover the content or at least some of the content of that discussion yesterday.

When he testified it became apparent to many members of the committee that they had grave reservations concerning Mr. Ryan's qualifications to assume the office for which he had been nominated. Mr. Ryan freely admitted in his testimony that he has no experience working in or with financial institutions. He has never been involved in financial institutions regulation and, further, he professed no opinion on the future of the thrift industry, the adequacy of thrift capital standards, the Federal deposit insurance system, and other issues fundamentally important to the position.

Following that hearing, it became apparent to me that a substantial possibility existed that the committee might very well reject Mr. Ryan's nomination.

Recognizing that possibility, I have communicated that view to people in the administration so they are fully apprised of that situation. And also, in keeping with the Secretary's request and in consultation with others, it is my view as chairman that we ought to try to move as quickly as we can in response to this initial request from the Secretary, and to deal with and dispose of the nomination in one fashion or another.

I might say that the rules of the committee require and allow the waiver of the usual notice requirements for scheduling a markup if exigent circumstances exist. And there are such circumstances, at least five of them, that, as I see it, would apply in this case. So I will not lay those out just now.

But I wanted to put Senators, particularly those on the Senate Banking Committee, on notice that we may very well be in tomorrow morning for a vote on this nomination at the hour of 10:30. I want to continue my discussions with Senators before making a final judgment.

But as soon as that issue is clear, I will so state. But that is my present inclination, and so that may very well be the course of action that we take.

I would further say that my sense of the canvass of the votes would be—and it is not complete, and I have not talked with every Member directly—but I think, based on the vote count that I have, that there are not the votes to confirm this nomination. But that would await, of course, a rollcall in the committee.

So in any event, whatever the disposition, I think we are under some obligation to move as rapidly as the Secretary has asked us to move. We have moved faster on this nomination than any that we have dealt with at his request. We want to continue to move with the same speed.

So with the Senate on that notice, and based on further conversations when I have more to report, I will do so.

Mr. WIRTH. Will the Senator yield?

Mr. RIEGLE. Yes.

Mr. WIRTH. I thank the Senator.

I wanted to thank the distinguished chairman of the Banking Committee for moving expeditiously on this. We do have an obligation to move very rapidly. This is an extraordinarily important appointment.

We are faced with perhaps the biggest set of scandals and problems in our financial industry since the Great Depression, and we must have somebody of the highest quality right away to take over this enormously important job.

Unhappily, from listening to the very extensive discussions that were held in the hearing that the chairman scheduled right away at administration's request—we had almost all the members of the Senate Banking Committee there—I think, as the press reported extensively this morning, the nominee did not impress very many members of the committee with his knowledge of the issues, with his sense of worthiness to where he is headed in the future, and with his ability to cope with this extraordinarily difficult problem.

I know we are going to move on this very rapidly. If this gentleman, Mr. Ryan, is not confirmed, then I would hope that the administration would send up to us somebody of the highest quality who really knows this situation as well as it must be known.

I again commend the distinguished chairman of the committee for moving as quickly as he possibly could. I cannot imagine the Banking Committee moving any more rapidly on this, and I think he did a very good job.

I thank the distinguished chairman for yielding.

Mr. RIEGLE. I thank the Senator for his personal comments.

I might say one other thing. It is very important to understand that with respect to this position, the nominee, whoever is finally confirmed, not only becomes the Director of the Office of Thrift Supervision, and therefore is responsible for resolving the enormous number of problem situations in that industry, but this person also gets two other very major top-level jobs.

He becomes a member of the FDIC, overseeing the entire insurance system that underlies our banking and savings and loan system, and as well becomes a member of the RTC, the Resolution Trust Corporation that has the responsibility of disposing of an enormous amount of property and assets that have been accumulated by the Government.

These are three top-level financial positions of enormous responsibility and consequence at this particular time. It is against the standard of that requirement and that outstanding problem that this nominee has been assessed in the committee and by members of the committee.

It is very important, I think, that these facts be openly and widely shared among ourselves, because we are operating under an extraordinary request for speed and we want to respond in that fashion.

I might say as well that there is now an acting director, Mr. Martoche who serves on an acting basis. So there is a person in that capacity who can continue to act while the judicial stay is in place. And should this nomination not be approved and sent forward, I hope the administration will choose somebody, maybe somebody who presently serves in the administration with an extensive background in top-level financial activity not necessarily in the savings and loan business, but certainly of a substantial financial weight and breadth and experience base, could be found to be sent forward in that eventuality, in which case the Banking Committee is prepared to move with the same speed.

I am prepared to set anything else aside next week that we have before us in order to take up this matter in any other form that it may be presented because we want to be responsive, and I intend to be responsive.

I would finally conclude by saying that I think we have had an excellent working relationship with the administration from the very first day of this Congress. I prize that relationship and I intend to maintain it.

We have operated on a fully open and equal bipartisan basis within the committee, and that is the way I intend to continue to operate the committee.

I want to make sure that we are communicating directly and openly back and forth on a matter of this consequence. I have taken this time now for that purpose, and I hope that is clear. When I have more to report, I will do so.

I thank the Chair, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILSON. Mr. President I ask unanimous consent that I be permitted to proceed in morning business for a period not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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The Senator from California is recognized.

Mr. WILSON. I thank the Chair.

(The remarks of Mr. WILSON pertaining to the introduction of Senate Joint Resolution 282 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I make an inquiry to the distinguished manager of the bill and ask, are we in a position where I can offer an amendment now that has been cleared on both sides?

Mr. President, I ask unanimous consent to lay the pending amendment aside.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

AMENDMENT NO. 1424 TO AMENDMENT 1293

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposed an amendment numbered 1424 to amendment No. 1293.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 107 at page 80 is amended by striking "(A)" at line 4, by striking the word "each" at line 6, by inserting the letter "s" following the word "employee" at line 6, by striking the word "a" at line 7, by inserting the letter "s" following the word "space" at line 7, by striking the semicolon on line 7, and by striking the words "and" through the word "cost" on lines 7 to 10.

Section 108 at page 112 is amended by striking "(1)" at line 18, by striking the word "each" at line 20, by inserting the letter "s" following the word "employee" at line 21, by striking the word "a" at line 21, by inserting the letter "s" following the word "space" at line 21, by striking the semicolon on line 22, and by striking the words "and" through the world "cost" on lines 22 to 24.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, this is a compromise amendment I worked out with the leadership on both sides. I had originally intended to offer an amendment that was a little more blunt in repealing the mandates of this bill with respect to carpooling.

First, I would say I support car pooling. I think carpooling is a very brilliant idea, and I think we should recognize carpooling did not come as some ingenious idea thought up by the Federal bureaucracy. Carpooling is something people have done any time they are traveling in the same direction and do it on a regular basis. It saves gas, wear and tear, there are many good reasons to carpool.

This amendment, rather than striking the portion of the bill that referred to carpooling, as I had originally intended to do, simply states and modifies the position to say if a company has employees, rather than just ordering them to carpool, it simply encourages them to spend as much money to encourage and enhance carpooling as they do paying for parking.

I think it is a fair compromise. What it will really do is it will really be an incentive for companies to encourage their employees to carpool by paying bonuses and so forth, some mileage allotments, because in many many ways this will save a lot of money. If people carpool, they will not have as big a parking problem. I thank the leadership of the committee. I see the distinguished Senator from Vermont is here, and I yield the floor.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, as I understand the amendment, and I think it is a useful one, the methodology for trying to determine as to whether or not a person complies with this section was rather confusing and difficult to show.

This simplifies the situation by saying that as long as an employer is spending as much on carpooling or other ways of sharing rides as he, the employer, is on the aspects of parking, then he is in compliance with this section.

I checked with both sides of the aisle, and this amendment is agreeable.

Mr. LIEBERMAN. Mr. President, I want to support the amendment offered by Senator SYMMS. I also want to describe the importance of the ridesharing provisions in sections 107 and 108 of the committee amendment No. 1293. During this debate on the Clean Air Act, perhaps the clearest message to emerge is that motor vehicles are the principal source of the Nation's smog and carbon monoxide problem, contributing about 50 percent of the ozone problem and about 90 percent of the carbon monoxide problem.

Unfortunately, vehicle emissions are expected to increase at the end of this decade for two important reasons.

First, people are driving more. There are 140 million cars on the Nations' highways today—over 50 million more than in 1970, driving 40 billion more miles per year. In 1987, passengers in private automobiles alone drove 1.49 trillion miles. Moreover, a recent article in the New York Times reported that while people outnumbered cars by 2.5 to 1 in 1970, by 1988, there were just 1.7 people per car. Half of the automobile trips made in the United States carry only the driver, and 87 percent of all trips involve no more than two passengers. Americans—only 5 percent of the world's population—own 35 percent of the world's cars and actually drive as many miles each year as the rest of the world combined.

Past predictions have been that the annual number of vehicle miles traveled would increase by about 2-3 percent per year from now through 2005. According to the Congressional Office of Technology Assessment, using this figure would mean that there would be a 40-60 percent cumulative increase. But the most recent estimates have shown that the annual rate in many areas is more than double these predictions. The president of the Highway Users Federation recently stated that the growth in many urban areas exceeds 6 percent annually. Another recent study concluded that the average annual increase exceeds 6 percent in four cities, including Portland, OR, Sacramento, CA, San Diego, CA, and Atlanta, GA. Thus, even though individual cars are getting cleaner, the ever growing number of cars and the number of miles they travel smother the gains we are trying to get from making cleaner cars.

Second, congestion is also increasing. Large increases in vehicle miles traveled, combined with even modest expansion of our transportation system, will result in significant congestion and substantial increase in emissions. The Highway Users Federation has reported that "congestion already delays Americans more than 2 billion hours a year at a cost of $75 billion in lost productivity." The General Accounting Office recently issued a report concluding that urban congestion levels will increase nearly 300 percent over 1985 levels by the year 2005, barring changes in drivers' behavior or the introduction of measures to reduce congestion.

These cars and trucks are the single largest contributor to the Nation's smog and carbon monoxide problems, emitting 40-50 percent of the Nation's hydrocarbons and nitrogen oxides and 90 percent of the carbon monoxide.

Motor vehicles also account for one third of all U.S. carbon dioxide emissins. The United States generates more carbon dioxide from motor vehicles alone than most other developed countries produce from all sources. If the current rate of vehicles miles travelled continues in the United States, transportation-related CO_2 emissions will increase by 30 percent by the year 2000.

The new Clean Air Act will require that the automobiles produced in the future be cleaner than today's cars.

But if we are ever to reduce or even simply avoid increases in vehicle pollution, it is not enough to control only the pollution which each car emits. The use of the car must be examined as well because the growth in vehicle miles traveled threatens to overwhelm what can be achieved through even the toughest tailpipe standards. Even as our cars get cleaner, it is clear that we must deal head-on with the problem underneath the problem—the increasing number of cars on the road and the increasing number of miles these cars travel.

In the past, the Congress has elected to simply keep hitting Detroit with ever-greater tailpipe standards at even greater costs. It has ducked the issues of vehicle use. The bill before the Senate tries in a very modest way to change this pattern. It includes some very small measures which are intended to reduce future growth of vehicles miles traveled, but at the same time provide enhanced mobility to serve increasing travel demands.

Before discussing the specific provisions of the bill which relate to employee ridesharing, it is important to place them in the context of the other requirements of the bill.

The bill requires all industries to do more and in fact poses technological challenges to many industries to develop processes which will result in less pollution. In contrast, the Office of Technology Assessment has concluded that transportation control measures are a technologically simple way to lower emissions which can result in very large improvements. They are also far more cost effective than other pollution control efforts. For example, OTA notes that the implementation of transportation control measures in Los Angeles is expected to reduce highway vehicle VOC emissions by a total of 30 percent by 2010, compared to levels projected without the controls.

The committee's efforts to take this leading role have been supported by numerous groups in the testimony last year and in letters to Congress. The State and local air pollution control officials, the clean air working group made up of 2,000 small and large businesses, the Clean Air Coalition, the umbrella organization of environmental groups, the American Public Transit Association, the Northeast States for Coordinated Air Use Management, the National Association of Railroad Passengers, the State of New York Metropolitan Transportation Authority, all have expressed support for these provisions. The clean air working groups, composed of American businesses, supported the transportation provisions in their testimony on the Senate bill. They said: "CAWG endorses (the bill's) emphasis on the role of * * * TCM's. It is important to recognize that new automobiles have very low emissions levels. * * * CAWG suggests, however, that attention to automobile use issues should be extended still further. For example, TCM's might be an alternative in moderate and serious (nonattainment areas), not just in the worst two classes." In other words, this group of 2,000 small and large companies most affected by this bill feel that the transportation provisions in it did not go far enough.

The provision on employee vehicle occupancy programs contained in section 107 of the bill aims to reduce the number of vehicles on the road during rush hours and the time the remaining cars spend idling or operating at inefficient low speeds, and thereby to reduce the emissions of hydrocarbons, carbon monoxide, and NO_x.

The results of this provision could be dramatic because more than 80 percent of our population commutes to work in automobiles. We could save 33 million gallons of gasoline each day and significantly reduce air pollution if the average commuter passenger load were increased by just one person.

This provision applies only in ozone areas classified as severe or extreme and in carbon monoxide areas classified as serious. These are the areas of the country, including Connecticut, where the public health threat from ozone and carbon monoxide is the worst. Therefore, this provision is only going to apply in about 15 cities. This is not a national program—it will apply in only the very worst areas.

The bill requires that major employers—those with more than 100 employees—achieve a reduction of 25 percent improvement in commuting vehicle occupancy above a baseline in the affected area for ridership on all such trips. This program is modeled on programs long in place in California.

Affected employers will have complete flexibility in the types of incentive programs, services and facilities to encourage employees to share commuting trips. Some examples which have been successful at California companies where these programs have been instituted include: ride-matching services, vehicles provided for use during the day for employees who ride-share, rides home in the event of an emergency, ride-matching services, parking assistance for carpoolers, preferential parking for carpools, passes for transit users, and local shuttle services.

Importantly, there is no absolute requirement in the bill that this increase in ridership be met by the employer. This amendment clarifies that an employer who subsidizes parking for employees at the employer's workplace, which would include the employer's own parking facility or at a commercial facility, can demonstrate compliance with the requirement even if the increase is not achieved if the employer can show that it is making expenditures on the ridesharing program equal to the amount which the employer is spending on providing employees' parking spaces. This, I believe, is a fair and reasonable compromise on this expenditure issue.

Some will undoubtedly argue that the ridesharing provisions in this legislation, even as amended, would result in large economic costs to both large and small industries. But the evidence is to the contrary: Employer ridership programs make economic sense for both the employees and employers.

For example, studies in California show that trip reduction programs result in savings to the employers who previously subsidized parking because they are paying for fewer spaces. For example, the California South Coast District estimates that an administrative center employing 1,259 people and spending $365,500 on employee parking would save $115,000 annually by increasing the number of ridesharers by 18 percent.

The trip reduction program in the Los Angeles area also has resulted in savings to the employees. For example, the program at Arco's facility resulted in estimated annual savings of $1.77 million to the company's 1,475 employees, assuming a savings of approximately $2,000 per employee per year.

In other words, California employers find that ridesharing programs are far cheaper than providing employee parking.

The evidence also is that where trip reductions programs have been implemented they are successful. OTA reports that some companies have increased the proportion of their employees who do not ride alone to more than 80 percent of their work force. The most far-reaching program in effect is in Los Angeles. Los Angeles' regulation, in effect, requires that average ridership be increased from the current level of 1.13 to a new level of 1.3 to 1.75 per vehicle, depending upon the location of the company. The ordinance applies to employers of 100 or more employees and affects more than 8,000 businesses. According to OTA, the regulation is expected to reduce the number of private motor vehicle trips made each day by about 10 percent, resulting in reductions in volatile organic compounds of 4 percent of current highway vehicle emissions. In the field of clean air where we spend most of our energy fighting to just keep emissions from growing, getting a 4-percent reduction in such a cost-effective manner is extraordinarily significant.

In Pleasanton, CA, a 1984 ordinance set a goal of reducing peak hour commuting traffic by 55 percent—far above the modest level proposed in this bill—from a baseline that assumed everyone drives alone. Employers are expected to achieve a 15-percent reduction in the first year and additional reductions of 10 percent in each of the next 4 years. According to OTA, in the second year of the program, only 3 of the many companies complying failed to achieve the targeted 25 percent reductions, and 12 companies had already exceeded the fourth year target of 45 percent.

One means to comply with the requirement will be to encourage greater use of mass transit—which counts as an increase in the occupancy of the transit vehicle—thereby decreasing the number of cars on the road. One of the incentives which employers may choose to use to encourage employees not to drive to work is to provide mass transit passes as alternatives to parking spaces. A 1984 study by the Port Authority of New York and New Jersey showed that 64 percent of New York City-bound motorists crossing the Hudson who participated in the survey were subsidized by their employer for the trip, typically through employer-provided parking. The study disclosed that 28 percent of Holland Tunnel work commuters and 26 percent of Lincoln Tunnel work commuters—two of the most important routes into the highly congested New York area—switch to public transit if their employer subsidized in whole or in part their mass transit trip. This is dramatic evidence that the employer ridership program now in the bill will have an important effect on pollution levels.

This port authority data also underscores the effect of the existing Federal tax subsidy that the Federal Government now provides for parking which is nothing less than a direct subsidy on single occupancy auto use. Employees, in turn, receive free parking from an employer as a tax-free fringe benefit and this Federal subsidy for parking further exacerbates urban area congestion. Employers in the small number of cities that will face this ridership provision are already on the Federal tax gravy train through this tax subsidy; the ridership provision in the bill simply provides that they will have to take a few modest steps in return for this tax break. It is a modest attempt to offset some of the very adverse environmental effects of the Federal tax subsidy.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Idaho.

The amendment (No. 1424) was agreed to.

Mr. SYMMS. Mr. President, I move to reconsider the vote.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. JEFFORDS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. RIEGLE. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BIRTHDAY OF JAMES MADISON

Mr. LEAHY. Mr. President, in recent months, we have watched as one Communist regime after another has crumbled in the face of overwhelming demands for democracy. Years of cold war between the Communist and free worlds have given way to a shared belief in a free, cooperative future. We have conquered these closed, oppressive societies not by force, but by example. We have shown them that freedom is the greatest impetus for change.

On March 16, we in the United States celebrated the 239th birthday of James Madison, whose commitment to the principles of open government is a lasting legacy to the American public. It was Madison who said:

> A diffusion of knowledge is the only guardian of true liberty.

Madison knew then, as we know today, that a legitimate democratic government is possible only if it is fueled by an informed electorate. Our government, of, by, and for the people is an empty guarantee if the people know not what the government is doing in their name. We must ensure that the public is fully informed because we are a society of free individuals with not only the right, but the duty to govern ourselves.

The Freedom of Information Act is a superb tool for ensuring that the public has access to government information and thereby the power and knowledge to govern effectively. It is a great weapon against government secrecy, public ignorance, and widespread complacency.

The FOIA embodies our commitment to liberty and self-determination. It represents faith in our ability and right to govern ourselves. The significance of the act has not gone unnoticed by the world's new struggling democracies.

A leadership group of the Hungarian opposition party, Alliance of Free Democrats [FIDESZ], visited the United States to study our system of government. These Hungarians were so impressed with the notion of every citizen having the right to government information, that they decided to draft legislation in the spirit of our FOIA. Imagine a member of the Warsaw Pact enacting a Freedom of Information Act.

Our values, principles, and ideals are sweeping the world. Our belief in democracy is shared by those who have known the misery of living without it. In the face of these changes it is time to renew our commitment to the FOIA and the ideals it represents.

In just the last year, the FOIA has been used successfully by journalists to reveal: Details of the scandal at the Department of Housing and Urban Development, discriminatory practices against blacks and Hispanics by savings and loan institutions, lapses in airport security as documented by the Federal Aviation Administration, accidents at the Rocky Flats nuclear weapons plant, and details of the *Exxon Valdez* oil tanker accident.

Despite frequent delay and agency intransigence, reporters, and in turn the American people, prevailed in these instances. The FOIA worked. And the promise of government accountability was realized.

Abraham Lincoln once said:

> While the people retain their virtue, and vigilance, no administration, by any extreme of wickedness or folly, can very seriously injure the government, in the short space of four years.

Extreme folly is no stranger to government, but vigilance by the people and the press has tempered many potential excesses. That vigilance is crucial to the control of a government that has grown exponentially since its inception. It is true that there are times when government secrecy is necessary, but those times are rare and require full justification by those who assert it. It is too tempting to shroud mistakes, embarrassments, and political miscalculations behind the veil of government silence. A responsible government must resist that temptation.

MINORITY OWNERSHIP AMENDMENT TO THE CLEAN AIR ACT

Mr. GORTON. Mr. President, I rise today as an original cosponsor of Senator SANFORD'S minority ownership amendment to the Clean Air Act. This amendment will clarify a potential conflict between majority and minority owners or operators of generation projects regarding the allocation of allowances. Because allowances will be produced by pollution controls paid for by all joint owners, this amendment will ensure that the granted allowances must be allocated in proportion to ownership.

Many electric utilities across the country participate in the ownership of jointly funded generation. In my home State of Washington we have several coowned and operated electric generating facilities. Minority owners share both the burdens and risks of these facilities with the majority owners and the costs of emissions controls. Since they will pay a proportionate share of the costs of emissions reductions, minority owners should be entitled to a proportionate share of emissions allowances.

Without this amendment, the existing language could lead to disputes between joint owners. Contracts governing joint power projects were written years ago in negotiations similar to the one in which we presently find ourselves. If EPA allocates all allowances to the majority owner or operator, minority owners would have to go back to the bargaining table over this issue, and in many cases be forced to pay a premium to obtain their fair share of allowances. This would be time consuming, costly, and unfair.

I appreciate the cooperation of the leadership on this important amendment and thank Senator Sanford for his leadership on this issue.

A CALL FOR SUPPORT FOR THE U.N. CODE ON TRANSNATIONALS

Mr. PELL. Mr. President, action at the United Nations on the proposed Code of Conduct for Transnational Corporations has reached a critical stage. After more than 10 years of discussions, the matter has reached the point where its early completion is imperative.

The code proposes a voluntary set of guidelines that, if enacted, would maximize the positive contributions of corporations that operate across national borders. The code would also minimize the negative aspects of multinational corporate activities.

Mr. President, recently an informative article on the code appeared in the United Nations Association publication, the Interdependent. The article was authored by Esther Peterson, the International Organization of Consumers Unions Representative to the U.N. Economic and Social Council. Mrs. Peterson has had a long and distinguished career in public service, and she is well known to many of us in the Senate for her service in the Kennedy, Johnson, and Carter administrations.

As Mrs. Peterson points out, our changing global situation has made the need for the code all the more apparent. A new order is emerging in Europe, and it will be important to implement standards of good behavior for international businesses and for host countries. In addition, the code would make an invaluable contribution to international environmental protection, an issue that should be a priority for the United States and the international community.

Mr. President, I believe Mrs. Peterson sends an important message about the code to the administration and to interested observers. I also believe that my colleagues in the Senate would benefit from her words, and I ask unanimous consent that Mrs. Peterson's article in the Interdependent be printed in the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Interdependent, Spring 1990]

New Support for Code on Transnationals

(By Esther Peterson)

At a November hearing of a congressional subcommittee that has been examining U.S. policy toward the proposed U.N. Code of Conduct for Transnational Corporations, a strong plea was made for members to persuade the United States Mission to the U.N. to change the administration's stance from one of footdragging to that of active support. Chairman Gus Yatron (D-Pa.) of the House Subcommittee on Human Rights and International Organizations and Congressman Wayne Owens (D-Ut.) sent a joint letter to President George Bush urging him to support the Code "as representing good practices and good conscience in the world's marketplace."

The Code, which is being negotiated before the U.N. Commission on Transnational Corporations (TNCs), would spell out guidelines both for TNCs in their dealings with countries and for the host country in its treatment of TNCs. The Code, a voluntary set of norms, would benefit the public in every country by setting up standards of decency, of fair competition, fair market prices, and greater honesty in the operation of businesses across national boundaries.

This is promising material for those of us who watch current happenings with genuine concern—the dumping of hazardous wastes, destruction of natural resources, intrusions on national sovereignty and on cultural patterns, and the exploitation of citizens in developing countries. At present we have no minimum standards, no inclusive international yardstick for measuring responsible conduct.

However, as the world economy is growing and as new democracies are emerging, standards for good corporate and nation-state behavior are definitely called for. The Code could prove especially valuable to the Eastern European countries as they move into market economies and increase their activities as host to foreign investment. The Code is not designed as a business-bashing instrument. Initially conceived as a set of standards for the behavior of corporations that invest across national borders, it has since evolved to include standards for host country dealings with foreign investors as well. Among the guidelines established by the Code are respect for national sovereignty, observance of human rights, observance of social and cultural values, environmental and consumer protection, abstention from corrupt practices, and fair and equitable treatment in countries in which the TNC operates.

The United States was the first to propose a U.N. agreement on standards for foreign investment, way back in 1948. Work on the Code at the U.N. began in 1977. During the last decade agreement has been reached on about 80 percent of the Code, including some important provisions on environment and consumer protection. Unfortunately, the United States has been anything but a strong supporter over the last years. In 1987, President Reagan's Assistant Secretary of State for International Organization, Alan Keyes, said that negotiations on the Code were "bogged down." and last November the Bush administration testified that it saw little hope for an early agreement on the Code. Fortunately, however, increasing congressional and nongovernmental organization interest, developments in the EEC, and a strong commitment to passage of the Code by members of the Commission on TNCs (including support from the Group of 77) have given new hope for a successful adoption of the Code.

After reaching agreement on the great majority of its provisions, the Code negotiations have indeed been deadlocked on one or two issues concerning the standard of compensation for expropriation and the formulation of an "international law" standard. It is mostly agreed, however, that these are antiquated agruments that have lost much of their meaning in today's investment climate. A committee of international experts has proposed solutions to those outstanding issues; what is needed now is the political will to complete the work.

The Code is becoming more and more relevant to Americans at home as the U.S. becomes a major host country for foreign investment. The Code not only serves to protect U.S. corporations against discriminatory practices throughout the world but is also a vital instrument for the U.S. In its role as a recipient of non-U.S. goods and services. Additionally, it will help to secure a predictable climate for Americans seeking to invest abroad.

During the congressional hearings in November, hope was expressed that, in light of recent compromises favorable to the U.S., the administration would take a more supportive role vis-à-vis the Code. However, in their letter to President Bush, Congressmen Yatron and Owens said: "We were somewhat disappointed by the Administration's unenthusiastic approach toward achieving an acceptable Code in the near future. We were hoping that, as a former U.N. ambassador, your support for this endeavor would be stronger than your predecessor's. We are appealing to you to direct the State Department and the U.S. Mission to the U.N. to reconsider your policy and assume greater international responsibility in the development of fair and reasonable standards of corporate and financial activities carried across national boundaries."

The proposed Code is now on the agenda for the March/April meeting of the U.N. Economic and Social Council's (ESOSOC's) Commission on TNCs.

RECOGNITION OF INDEPENDENT LITHUANIA

Mr. HELMS. Mr. President, this morning, the President of Independent Lithuania once again pleaded with the United States Congress to give strong support for the formal recognition of his government. Even now, the Soviet tanks are in his streets, Soviet KGB troops are occupying public buildings, and Mr. Gorbachev is demanding that the Lithuanian declaration of independence be rescinded. The failure of the world to act, the failure of the United States to act, is inviting Mr. Gorbachev to crush the fledgling independent Republic.

President Landsbergis, in a special message of Senators and Congressmen this morning, stated as follows:

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Now the freedom of Lithuania is in great danger.

For this reason, I would like to state very clearly:

Support for Lithuania is support for freedom and democracy in Eastern Europe. This support will also undoubtedly help Mr. Gorbachev: it would stop him from making a great mistake.

The recognition of the government of the reestablished Republic of Lithuania that we request is a very important step towards strengthening peace in the world. As we wait with strong hearts and with no weapons in our hands, we await your help in this difficult struggle against militarism and aggression, in this struggle for peace and justice.

Mr. President, that is an eloquent plea for help from a brave man representing a brave people. How is it possible to say that these brave people are wasting their courage, and are failing to understand their situation? It is possible that a statement so eloquent is at the same time misguided? Is it possible that people who are putting their lives and their freedoms on the line have miscalculated in their bravery?

Mr. President, I do not think so. I think that the Lithuanian people know exactly what is good for them. Only firm resolve, only the courage of conviction can win out against oppression. Immediate recognition of the Lithuanian Government is the only measure that can save the Lithuanian people from disaster.

For that reason, Mr. President, the reluctance of the United States to recognize the freely elected government of independent Lithuania is a tragic indecision that may very well lead to dangerous consequences. The situation in Lithuania hangs in a very delicate balance. The Soviet dictator, Mr. Gorbachev, has his hands on that throat of a peaceful and independent country. He could throttle it at any moment, or he could slowly strangle a free country over a period of months. And he will do either without remorse so long as he believes he has no significant opposition from the United States.

Of course, we cannot use armed force to dissuade Mr. Gorbachev from his aims. But we don't have to. We have the power of persuasion, and it is a powerful form of persuasion. We can deny Mr. Gorbachev the very things he needs the most: International recognition as a member of the civilized family of nations; participation in worldwide markets on advantageous terms; Western financing of Soviet economic problems. If we were to recognize the independence of Lithuania immediately, we would no longer have to persuade Mr. Gorbachev that we are really in earnest. He would see that the very things he desperately seeks from the West would be in jeopardy.

President Bush has suggested that the recognition of the government of Lithuania might encourage his friend, Mr. Gorbachev, to use military force against Lithuania. But if the President were to think things through, he might well conclude that an international leader who threatens such force, especially the dictator of a country that brandishes massive military force for illicit means, can hardly be a friend of the United States.

Mr. President, whether Mr. Gorbachev himself stays or falls may very well be irrelevant to the United States. Mr. Gorbachev's military policies at this moment constitute a greater threat to the United States than 5 years ago, despite perestroika or perhaps because of perestroika. The consolidation of Mr. Gorbachev's powers in the Soviet Union is hardly an advantage to the United States. We did not make Mr. Gorbachev, nor can we unmake him. Another leader may come who is better or worse than Mr. Gorbachev; the important thing is that the United States follow realistic policies in dealing with a Communist system that has been proven to be an historic danger to freedom.

It is said that the recognition of Lithuania might lead to the disintegration of the Soviet Empire. If so, so be it. The Soviet system is one conceived in force, imposed by bloodshed, and is collapsing internally because its system is diametrically opposed to nature of man. We do not need to take steps to hasten its collapse, but neither should we do the slightest thing to prevent its collapse. All over the Soviet Union, one nation after another yearns to be free from the hateful system of communism. They do not look upon the so-called reform of communism as a blessing, but as an opportunity to seize upon its weaknesses to get out.

So, Mr. President, I say let Lithuania out. Let all the Baltic states out. Let the Ukraine out, if it so desires. Let Georgia out. Let Armenia out. Let Moldavia out. Let all the Asiatic republics out. The disintegration of the Communist Soviet empire will be good for all those nations, and it will be good for the United States. It will even be good for what's left of the Soviet Union. Mr. Gorbachev may stay, or he may go, but it may even give what's left of the Russian republics a chance to rip out communism root and branch, instead of being saddled with alleged "reform."

My feeling, therefore, is that to recognize Lithuania will not trigger bloodshed; rather, the failure to recognize Lithuania will invite bloodshed. If we, as a nation, abandon principle in order to court the favor of the unprincipled, then we give a stamp of approval to aggression.

There is only one way to avoid tragedy in Lithuania. That way is recognition of the independent government of Lithuania. There is only one way to bring about national self-determination—not only for Lithuania, but for all the nations of Eastern Europe and all the nations forcibly incorporated in the Soviet empire. That way is recognition of Lithuania. The whole future of the world hangs in the balance.

Mr. President, the recognition of Lithuania is the right thing to do, no matter what the consequences. But if we fail to do the right thing, the consequences for our own Nation will be tragic indeed.

Mr. President, I ask unanimous consent that the statement of President Landsbergis of today, March 29, as well as his earlier statement of March 26, be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Appeal of the Supreme Council of the Republic of Lithuania to the Signatories of the Helsinki Final Act

(Received March 28, 1990 via telex from Vilnius)

The armed forces of the Soviet Union are pursuing aggressive military actions against the Republic of Lithuania. Civilian buildings are being taken over by force, hospitals are being ravaged, citizens and even patients under the protection of the Lithuanian state and the Lithuanian Red Cross are being abducted by brutally violent forces. A Lithuanian militiaman was cruelly beaten while in the line of duty.

When Soviet armed forces enact similar operations in their own territory, their actions are qualified as unconstitutional and contrary to the laws of the Soviet Union. Such behavior of Soviet military troops within the sovereign territory of the Republic of Lithuania and directed against defenseless Lithuanian citizens is a brutal violation of human and civil rights and a breach of universally recognized principles of international law—sovereignty of states; territorial inviolability; and the observance of the policy of non-interference with respect to the internal affairs of states.

The government of the Republic of Lithuania has demanded that the government of the Soviet Union immediately discontinue the aggressive activities of the Soviet armed forces and return all recently abducted Lithuanian citizens. The Supreme Council of the Republic of Lithuania urges the governments and parliaments of nations which are signatories to the Helsinki Final Act to put forth every effort that the aforementioned actions taken by the Soviet government and directed against the Republic of Lithuania be terminated.

VYTAUTAS LANDSBERGIS,
President of the Supreme Council of the Republic of Lithuania.

VILNIUS, *March 27, 1990.*

Lithuanian Government Appeals to U.S. Congress

NEW YORK, March 29, 1990. President Vytautas Landsbergis of Lithuania has issued a call for recognition of his government to the U.S. Congress, reports the Lithuanian Supreme Council Information Bureau from Vilnius in a telex to the Lithuanian Information Center of New York. Following is the text of his message.

Dear Senators and Congressmen: By the will of the people of Lithuania, we, the Supreme Council of Lithuania, were elected on a platform to reestablish the Republic of Lithuania, continuing its statehood, returning it to Europe and to the family of free nations. And we have done it. But now the freedom of Lithuania is in great danger.

For this reason, I would like to state very clearly:

Support for Lithuania is support for freedom and democracy in Eastern Europe. This support will also undoubtedly help Mr. Gorbachev: it would stop him from making a great mistake.

The recognition of the government of the reestablished Republic of Lithuania that we request is a very important step towards strengthening peace in the world. As we wait with strong hearts and with no weapons in our hands, we await your help in this difficult struggle against militarism and aggression, in this struggle for peace and justice.

Yours, with trust and hope,
Vytautas Landsbergis,
President of the Supreme Council of the Republic of Lithuania.

Vilnius, *March 29, 1990.*

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 1,839th day that Terry Anderson has been held in captivity in Beirut.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:05 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolutions, without amendment;

S.J. Res. 250. Joint resolution designating April 1990 as "National Recycling Month"; and

S.J. Res. 266. Joint resolution designating March 1990, as "United States Naval Reserve Month."

The message also announced that the House has passed the bill (S. 1036) to improve the economic, community, and educational well-being of rural America, and for other purposes; with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1463. An act to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System; and

H.J. Res. 500. Joint resolution to designate April 6, 1990, as "Education Day, U.S.A.".

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

At 4:19 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 2151. An act to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer;

S.J. Res. 250. Joint resolution designating April 1990 as "National Recycling Month"; and

S.J. Res. 266. Joint resolution designating March 1990 as "United States Naval Reserve Month".

The enrolled bill and joint resolutions were subsequently signed by the Acting President pro tempore [Mr. Kohl].

ENROLLED BILL SIGNED

At 8:07 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4099. An act to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1463. An act to amend the National Capital Transportation Act of 1969 relating to the Washington Metrorail System; to the Committee on Governmental Affairs.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore [Mr. Kohl] reported that on today, March 29, 1990, he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 2692. An act to amend the Woodrow Wilson Memorial Act of 1968 to provide that the Secretary of Education and two additional individuals from private life shall be members of the Board of Trustees of the Woodrow Wilson International Center for Scholars.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on today, March 29, 1990, he had presented to the President of the United States the following enrolled bill and joint resolutions:

S. 2151. An act to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer;

S.J. Res. 250. Joint resolution designating April 1990 as "National Recycling Month"; and

S.J. Res. 266. Joint resolution designating March 1990 as "United States Naval Reserve Month".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 30: A bill to provide for certain requirements relating to the conversion of oil shale mining claims located under the General Mining Law of 1872 to leases, and for other purposes (Rept. No. 101-259).

H.R. 2392: A bill to amend section 37 of the Mineral Leasing Act relating to oil shale claims, and for other purposes (Rept. No. 101-260).

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 2364: An original bill to authorize supplemental economic assistance to support democracy in Panama, Nicaragua, and sub-Saharan Africa, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the Congressional Record and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered,

(The nominations ordered to lie on the Secretary's desk were printed in the Record of March 20, 1990, at the end of the Senate proceedings.)

*Lt. Gen. Ronald W. Yates, USAF, to be general (Reference No. 956)

*Maj. Gen. Thomas R. Ferguson, Jr., USAF, to be lieutenant general (Reference No. 961)

*Maj. Gen. David J. Teal, USAF, to be lieutenant general (Reference No. 962)

**In the Marine Corps there are 187 appointments to the grade of lieutenant colonel and below (list begins with William G. Byrne, Jr.) (Reference No. 1154)

Total.—190.

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INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HEFLIN (for himself and Mr. Fowler):

S. 2361. A bill to revise and extend programs to provide price support and production stabilization for peanuts, soybeans and upland cotton, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSTON (for himself, Mr. Inouye, Mr. McClure, and Mr. Murkowski):

S. 2362. A bill to enhance the survivability and recovery of the Insular Areas from severe storms; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. Dodd, Mr. Pell, and Mr. Simon):

S. 2363. A bill to establish a Head Start Transition Project; to the Committee on Labor and Human Resources.

By Mr. PELL:

S. 2364. An original bill to authorize supplemental economic assistance to support democracy in Panama, Nicaragua, and sub-Saharan Africa, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DeCONCINI (for himself and Mr. D'Amato):

S. 2365. A bill to amend the Controlled Substances Act to prohibit advertisements intended to promote or facilitate the distribution or transfer of a Schedule I controlled substance; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mr. Heflin, Mr. Cochran, Mr. Lott, Mr. Danforth, Mr. Bingaman, Mr. Chafee, and Mr. Shelby):

S. 2366. A bill to encourage States to establish Parents as Teachers Programs; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself, Mr. Cochran, Mr. Boren, Mr. McConnell, Mr. Fowler, Mr. Helms, Mr. Bumpers, Mr. Wilson, and Mr. Lott):

S. 2367. A bill to provide a price support program for the 1991 through 1995 crops of cotton, rice and oilseeds; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MOYNIHAN:

S. 2368. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources; to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; to the Committee on Environment and Public Works.

By Mr. BAUCUS (for himself, Mr. Heinz, and Mr. Rockefeller):

S. 2369. A bill to initiate actions under section 310 of the Trade Act of 1974 with respect to the trade barriers of Japan that are the subject of the Structural Impediments Initiative; to the Committee on Finance.

By Mr. SIMON (for himself and Mr. Leahy):

S. 2370. A bill to amend section 107 of title 17, United States Code, relating to fair use, to clarify that such section applies to both published and unpublished copyrighted works; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself and Mr. Lautenberg):

S. 2371. A bill to direct the National Academy of Sciences to conduct a study of the feasibility of an umbrella research arm to support research on a variety of environmental issues; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S.J. Res. 279. Joint resolution to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week"; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Cranston, Mr. Hatch, and Mr. DeConcini):

S.J. Res. 280. Joint resolution approving the findings of the Comptroller General of the United States contained in the General Accounting Office (GAO) report, dated March 29, 1990, regarding employer sanctions; to the Committee on the Judiciary.

By Mr. DeCONCINI (for himself, Mr. Thurmond, and Mr. Johnston):

S.J. Res. 281. Joint resolution to designate September 13, 1990, as "National D.A.R.E. Day"; to the committee on the Judiciary.

By Mr. WILSON:

S.J. Res. 282. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Child"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SASSER:

S. Con. Res. 110. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal years 1991, 1992, and 1993; to the Committee on the Budget.

By Mr. HARKIN (for himself, Mr. Packwood, Ms. Mikulski, Mr. Cohen, Mr. Simon, Mr. Cranston, and Mr. Lieberman):

S. Con. Res. 111. Concurrent resolution to express the sense of the Congress with respect to contraception and infertility; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN (for himself and Mr. Fowler):

S. 2361. A bill to revise and extend programs to provide price support and production stabilization for peanuts, soybeans and upland cotton, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SOUTHERN AGRICULTURAL ACT

● Mr. HEFLIN. Mr. President, today I rise to introduce the Southern Agriculture Act of 1990. This bill reauthorizes the present agricultural price support program for peanuts and cotton, establishes a marketing loan for soybeans, establishes a Southern Institute for Agricultural Resource Policy, provides for the expansion of plant science research, and allows for double-cropping flexibility on set-aside lands.

The purpose of this bill is to reaffirm America's commitment to our Nation's family farmers. The 1985 farm bill has helped to stabilize farmer income while keeping domestic products competitive abroad. In fact, agricultural products have increased in their export value by over 10 percent a year since the 1985 farm bill was inacted. Furthermore, the American farmer still provides the American consumer with the cheapest and safest food supply in the world.

This bill establishes a target price floor of 75 cents per pound for cotton. It also allows for upward adjustments in target price levels for cotton and adjustments in loan rates for peanuts due to increases in costs or production. This legislation calls for a loan rate formula with a 55-cent-per-pound minimum price floor for cotton and maintains current loan levels for peanuts.

The Southern Agricultural Act of 1990 instructs the Secretary of Agriculture to consider adjustments in actual yields for farming situations where technological production practices have changed and for situations where farm ownership or the operator has changed. The Secretary is further instructed to implement a 50/100 program for cotton with a deficiency payment guarantee as well as 0/100 program for cotton in disaster years.

A flexibility provisions provided for in this bill allow producers to make up to a 10-percent crop-specific base shift between program crops with a snapback provision. It eliminates cross-compliance requirements for program crops with no loan or deficiency payment benefits available for those program crops planted beyond their normal allotted acreage base. This bill allows a program crop producer to certify a zero planting without loss of program base. The producer would then be able to plant any another crop on this acreage provided that the producer receives no loan or deficiency payment benefits. My bill also eliminates the ARP requirement for non-program crops that are double-cropped with program crops. Double-cropping is a common farming practice used extensively throughout the deep South.

The Southern Agricultural Act of 1990 establishes a marketing loan for soybeans at the base rate of $6.24 per-bushel. The Secretary may also establish a marketing loan for any other oilseed at a comparable level of support for that crop.

In summary, the establishment of a marketing loan for soybeans will provide a small level of income support for American producers while increasing our marketing share abroad. The reauthorizing of the present cotton title of the 1985 farm bill will help to maintain cotton's competitive world price and expanding world markets against heavily subsidized foreign competition. And last, the extension of the 1985 peanut title will ensure a safe edible product with little if any cost to U.S. taxpayers.●

By Mr. JOHNSTON (for himself, Mr. INOUYE, Mr. MCCLURE, and Mr. MURKOWSKI):

S. 2362. A bill to enhance the survivability and recovery of the insular areas from severe storms; to the Committee on Energy and Natural Resources.

INSULAR AREAS RECOVERY ACT

● Mr. JOHNSTON. Mr. President, it has been an especially difficult past 2 years for many of our fellow Americans who live in the insular areas of the Pacific and Caribbean. Hurricanes and typhoons have been occuring with great frequency, and hitting with great force.

Most of us are aware of the extensive damage caused by Hurricane "Hugo" in the Virgin Islands, Puerto Rico and the Carolinas last October. But few of us know of typhoons Tusi and Ofa, which tore through the Samoas, or Roy which devastated parts of the Marshalls, or Koryn which recently wrecked the Marianas. Each of these islands has recently been declared a disaster area by the President. In response, each has, with the excellent assistance of the Federal Emergency Management Agency, begun the road to recovery. However, there are special circumstances in these islands which complicate recovery, and which I believe warrant special attention. The frequency of these severe storms has convinced me that a special effort must be made to "harden" certain infrastructure against future storm damage. It simply doesn't make sense to keep rebuilding to existing standards only to have facilities blow down again. I can't remember exactly how many times the taxpayers have paid to reinstall wooden power poles in Saipan, but I'm certain that it would have been less expensive to put in hardened steel or concrete poles many years ago.

A second problem in the islands is their extreme vulnerability to damage to the communications and transportation systems. Unlike the mainland, when a disaster strikes in the islands neighboring communities can't load up trucks with supplies and drive to provide assistance. Docks and airports are usually heavily damaged and assistance is delayed during the first critical days. In the Virgin Islands conditions of near panic followed in the wake of Hugo and the collapse of all communications. Public Health and safety must be protected with special efforts to assure the survival of essential infrastructure during disasters.

A third problem which some of the islands have is a severe shortage of trained government and private sector personnel to negotiate and manage reconstruction contracts. Most of these island communities are simply too small, too remote and too underdeveloped to cope with the stress of a disaster. FEMA does as good a job as can be expected—but remember, FEMA assumes the presence of a wide range of Federal agencies, a sophisticated and experienced State government, and a well developed private sector to do most of the actual work of reconstruction. Unfortunately, in the islands these assumptions are usually invalid.

It is in response to these problems, Mr. President, that I am today introducing the Insular Areas Recovery Act of 1990.

This bill would greatly enhance the ability of the islands to survive disasters by encouraging the "hardening" of essential infrastructure before a severe storm strikes. The bill would also assist the islands in recovering from disasters by giving the President and the Governors greater flexibility in meeting costs and in providing needed technical assistance.

The principal feature of this measure, section 3, is an authorization for appropriations to construct facilities, such as civil defense shelters, to help assure the survival of the most basic governmental functions, such as communications. This authorization would also allow appropriations to supplement FEMA and local funds so that essential infrastructure could be rebuilt to withstand future storms, and thus break the costly cycle of rebuilding facilities to old standards only to have them destroyed again.

Section 4 would allow the island Governors to use certain Federal grants to meet emergency recovery needs. Often a Governor's recovery options are limited by a lack of local matching funds. This authority would allow the Governors to shift certain Federal grants, such as Low Income Energy Assistance grants, to higher priority disaster needs and would thus help to keep options available that would otherwise be foreclosed by the lack of local funding.

Section 5 requires the President, upon the declaration of a disaster in an insular area, to assess the capability of the insular area government to respond to disaster. If the President finds that the local government lacks capabilities essential to the recovery effort, such as the ability to manage the subtstantial increase in contracting and funding activity, then the President shall provide the necessary technical assistance. This seciton is intended to require a review of local government capabilities, and to require that appropriate technical assistance be provided so as to assure an efficient and well managed recovery effort. As stated earlier, FEMA assumes certain capabilities exist with the local government and can be relied upon in the recovery effort. However, the local government is usually a State government. In the case of the insular areas, remoteness, small size, and an often underdeveloped economy, makes this basic assumption doubtful.

Prudence requires that a review of local capabilities be made as financial assistance is sent to the area. Prudence also requires that the technical assistance necessary for a smooth recovery effort be provided to the local Governor through agencies such as the Army Corps of Engineers or the Department of the Interior. It is intended that the cost of this technical assistance would be borne by FEMA or the agency providing the assistance.

Section 6 would authorize the President to waive certain funding and local hiring requirements of the Robert T. Stafford Relief and Emergency Assistance Act in recognition of the special circumstances found in the islands. Such flexibililty may make the difference in getting a project done in the most cost effective manner and to the necessary standards.

For example, section 404 of the Stafford Act limits FEMA expenditures for hazard mitigation—so-called hardening—to no more than 10 percent of all public assistance grants made under section 406 of the act. In the case of typhoon Ofa, which recently hit American Samoa, the local government had wisely taken out insurance against a disaster. This means that FEMA's public assistance grants will be substantially lower than if the local government had not taken out insurance. Ironically, the local government, after saving FEMA millions of dollars in assistance grants, has severely limited its eligibility for hazard mitigation grants since these grants are limited to 10 percent of the public assistance grants. Section 6 of this bill would allow the President to waive the 10 percent limit under section 404 of the Stafford Act, among other provisions, if the President finds that such a waiver would promote reconstruction so as to enhance survivability in the event of future disasters.

Section 7 of this act would make certain technical corrections to the Robert T. Stafford Relief and Emergency Assistance Act to clarify the applicability of the act to the jurisdictions of the former Trust Territory of the Pacific Islands. It does not alter the coverage of the act.

Finally, section 8 would authorize the Administrator of the Rural Electrification Administration [REA] to provide financial assistance to the insular areas for 5 years following a Presidential disaster declaration. This provision is very narrow, and is intended only to authorize additional REA assistance in cases of extreme hardship, following a disaster, and when the REA assistance would be cost ef-

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fective because it would provide for the hardening of electrical systems against future storm damage.

There have been discussions with the administration regarding the policy and budget implications of section 8. The administration has been opposed to REA loans and has policy concerns regarding the expansion of REA's loan authority. While I appreciate this concern, I would hasten to point out two things. First, Congress has consistently supported REA, so it is safe to assume that the program will continue. Second, if REA is going to be making loans, then why not make loans that will reduce other Federal expenditures, in this case, FEMA grants to disaster areas?

I also appreciate the administration's budget concerns regarding this bill. Our initial discussions with CBO indicate that this bill would have no budget impact, with the possible exception of section 8. I plan to continue to work with CBO and OMB in an effort to determine the budget impact of section 8. I hope that OMB will keep an open mind with respect to this section until all of the necessary budget information is available from CBO.

Finally, I would like to acknowledge the efforts of the Governors and the Delegates from the insular areas to resolve the many problems they face when disasters strike. The chairman of the House Subcommittee on Insular and International Affairs, Ron deLugo, has been dealing with an enormous crisis in the Virgin Islands. He has worked closely with FEMA and his colleagues in the House on ways to respond to this crisis and get St. Croix back on its feet. Many of the ideas in this act derive from legislation he was able to pass out of the House of Representatives last year. I look forward to working with him on getting this bill enacted as soon as possible.

Mr. President, this bill reflects many years of experience in dealing with the particular circumstances of our insular areas. I look forward to working with others who are concerned with the island's welfare in fashioning a bill to meet these special conditions.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2362

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress Assembled, That this Act may be referred to as the "Insular Areas Recovery Act of 1990".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) the term "Insular Areas" means the United States Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands and the Freely Associated States;

(2) the term "disaster" means that the President has declared a disaster under Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(3) the term "Secretary" means the Secretary of the Interior.

SEC. 3. AUTHORIZATION.

There are hereby authorized to be appropriated such sums as may be necessary to construct facilities to protect public health and safety, and to enhance the survivability of essential infrastructure in the event of disasters in the Insular Areas. Such sums shall remain available until expended and shall be considered local funds for the purposes of Federal-local matching requirements.

SEC. 4. USE OF CERTAIN FUNDS.

(a) For a period of two years from the date on which a disaster is declared by the President, the Governor of the affected Insular Area may transfer up to 100 percent of that Insular Areas's respective allotment under Section 2604(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(b)) for the fiscal year in which the disaster occurred, for use in disaster recovery or in enhancing the survivability of essential infrastructure in the event of future disasters. Such funds shall be transferred to a State Energy Conservation Program established pursuant to Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), and such use of these transferred funds shall be deemed to be consistent with the purposes for which such program was established. The Governor of the Insular Area shall inform the Secretary of any such transfer of funds. Puerto Rico shall be considered to be an Insular Area for the purposes of this subsection.

(b) During the 2-year period following a disaster in Puerto Rico, it shall be deemed to be an "Insular Area" for the purposes of section 501 of the Act entitled "An Act to authorize certain appropriations for the territories of the United States, to amend certain Acts relating thereto, and for other purposes", approved October 18, 1977, (48 U.S.C. 1496a) when in the judgment of the appropriate agency head the consolidation of grants would facilitate recovery from disaster damage.

SEC. 5. TECHNICAL ASSISTANCE.

(a) Upon the declaration by the President of a disaster in an Insular Area, the President shall assess, in cooperation with the Secretary and the Governor of such Insular Area, the capability of the Insular Area government to respond to the disaster, including the capability to: assess damage; coordinate activities with other agencies, particularly the Federal Emergency Management Agency (FEMA); develop recovery plans, including recommendations for enhancing the survivability of essential infrastructure; negotiate and manage reconstruction contracts; and prevent the misuse of funds. If the President finds that the Insular Area government lacks these, or other capabilities essential to the recovery effort, then the President shall provide technical assistance to the Insular Area government which the President deems necessary for the recovery effort.

(b) One year following the declaration by the President of a disaster in an Insular Area, the Secretary shall report to Congress on the status of the recovery effort, including: an audit of Federal funds expended in the recovery effort; and recommendations on how to improve: public health and safety, survivability of infrastructure, recovery efforts, and effective use of funds, in the event of future disasters.

SEC. 6. WAIVERS.

(a) Hazard Mitigation.—The President may waive any cost contribution requirements or conditions under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to expenditures in an Insular Area if the President finds that such a waiver would promote reconstruction in the disaster area so as to enhance the survivability of essential infrastructure, or would enhance public health and safety, in the event of future disasters.

(b) Use of Local Firms.—

The President may waive the requirement of section 307 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in an Insular Area if the President finds that the disaster has exceeded the capability of local firms to respond to the disaster.

SEC. 7. TECHNICAL AMENDMENT.

Section 102(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by inserting after the words "American Samoa," the following: "Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands and the Freely Associated States".

SEC. 8. ELECTRIFICATION LOANS.

(a) The Administrator of the Rural Electrification Administration is authorized to make loans, or provide other financial and technical assistance under the Rural Electrification Act (7 U.S.C. 901 et seq.), including sections 4, 5, 305, and 306 of such Act (7 U.S.C. 904, 905, 935, and 936) in any Insular Areas in which the President declares a disaster, for the purposes set forth in such Rural Electrification Act, including the financing of the construction and operation of generating plants, electric transmission and distribution lines or systems to provide electricity to any persons who are resident in such territory. Such authority shall expire 5 years after the date on which the President declared the disaster.

(b) Nothing in this section shall be deemed to affect any program of Federal financial assistance that may otherwise be available under any provision of law.●

By Mr. KENNEDY (for himself, Mr. Dodd, Mr. Pell, and Mr. Simon):

S. 2363. A bill to establish a Head Start Transition Project; to the Committee on Labor and Human Resources.

HEAD START TRANSITION PROJECT ACT OF 1990

● Mr. KENNEDY. Mr. President, today I am introducing legislation to help us preserve the investment our Nation has made in the Head Start Program. Despite many setbacks over the last quarter-centry, Head Start today is regarded by Democrats and Republicans alike as one of our most effective social programs. The President has proposed a $500 million increase in Head Start; I hope that the actual increase will be closer to $1 billion so that we may substantially increase the percentage of eligible children served by the program and enhance its quality.

Head Start provides more than simply an early educational start. It addresses the needs of the whole child. All too often, policymakers have responded to the symptons and not the cause of educational failure. A child whose homelife is not stable because of unemployment, poverty, or substance abuse faces many obstacles. A child whose parents do not read will face the greatest risk of future illiteracy. A child who goes to school hungry or who lacks dental and medical care may not flourish under the kindest, brightest teacher. Those are simple facts, and the Head Start Program, by focusing on the health, mental health, and social service needs of at-risk children and their families has made a difference in the lives of millions of Americans.

Parents should be children's best advocates. Sadly, many parents, themselves struggling to get by, fail to fill this role. More and more families are torn apart by drug abuse. Other parents are little more than children themselves, and are unable to respond to the great responsibility of parenthood. Many parents have difficulty using the help that is available—navigating through the myriad of Federal, State, and local bureaucracies that provide these services is no simple task. Sometimes something as simple as lack of transportation or child care can prevent a parent from obtaining free services for her child available through a community agency. Head Start, by coordinating the provision of supportive services, has assisted families to take care of their children's basic needs.

Equally important, children need the active involvement of their families to achieve their fullest educational potential. Parents must play an active, not adversarial, role in the educational process, reinforcing learning at home and helping the teacher understand the child's unique needs. Few Government programs have been as successful as Head Start in bringing the concept of parental involvement to life. Head Start parent Lula Malone explained the role that Head Start played in her life two decades ago, when she found herself an 18-year-old mother of three and a high school dropout: "Head Start gave me new hope. I learned that I wasn't the only young mother or dropout as I started putting time in at the class. The teacher would give me work to do with the children. I remember picking up a book to read to the children and the fear I felt. I realized that I needed Head Start." Head Start inspired Ms. Malone to get her GED. Later, she became a lab technician, and her children have gone on to successfully graduate from high school. Malone's experience with Head Start is typical. For every five children enrolled in Head Start, four parents volunteer services to the program. According to studies, Head Start parents read to their children more, and show more interest in their children's reading and writing skills than non-Head Start parents. Often parents themselves are inspired to continue their own education, many finding paid employment in the Head Start centers they had once volunteered in.

Although Head Start has succeeded in achieving parental involvement and in addressing the health, mental health, nutrition, social services, and educational needs of at-risk children, all too often, public schools have neglected the noneducational needs of students and their families. As with all points of transition in a child's life, the child's movement from Head Start to kindergarten is critical. It is at this point that experts believe some of the gains of Head Start are lost as the child—and parent—moves from a supportive environment that addresses the needs of the whole child to a new setting where noneducational and family needs are often left at the schoolhouse door.

This transition point is the focus of this legislation. Numerous reports and studies indicate that several elements that are critical to continuing the benefits of Head Start into the elementary grades. First, it is essential that supportive services, such as health, mental health, and social services, continue to be addressed. Second, the school must foster real parental involvement that encourages and enables low-income parents to be advocates and teachers for their children. Third, there should be continuity of the educational program, which can be achieved by ensuring that both the Head Start Program and elementary school use developmentally appropriate curricula. Finally, a strong line of communication must be established between the Head Start Program and public school.

Our proposal builds on these principals. The legislation would authorize the Administration on Children, Youth, and Families to make grants to Head Start agencies or local educational agencies working in partnership with one another. The program sponsor would employ a team of family services coordinators who would be charged with facilitating communication among low-income families and the schools, helping these families obtain services, and ensuring that there is developmental continuity between the early childhood and elementary school programs. Local applications would be jointly developed by the Head Start and local educational agencies, after consultation with community agencies that provide supportive services. Ten million dollars would be authorized to provide at least one demonstration program in each State. An evaluation of the program would be completed 4 years from the date of enactment.

Public schools are ready to take on this challenge. In a 1988 report entitled "Right from the Start," the National Association of State Boards of Education recognizes that there is a "lack of planning and collaboration to ensure a smooth transition for children between early childhood programs in the community and programs in the schools." As a remedy, the report encourages collaborative planning, ongoing communication, and use of a developmentally appropriate "curriculm and classroom environment that responds to learning patterns of children within a given age range, to individual differences among children, and to cultural and linguistic diversity among children."

I hope that the concepts embodied in this legislation will extend beyond the transition program. My proposal requires the local educational agency to conduct a self-assessment of their services to all at-risk children, not just those who benefited from Head Start. "Right from the Start" advocates that elementary schools adopt "features from high quality programs for young children, such as active parental involvement, family support services, and comprehensive services for children." The Committee for Economic Development [CED], an organization of leading business executives, goes even further. In their 1987 report, "Children in Need," CED suggested that "schools serving disadvantaged students * * * undergo fundamental restructuring" so schools and their communities could "reach beyond traditional boundaries of education in order to provide the comprehensive services and sustained effort needed by disadvantaged children and youths." In its description of such a "community school," "Children in Need" suggested that we "make schools the focal point for a variety of community activities and social services targeted to children."

This modest demonstration program can help us bridge the gap between Head Start and elementary school. If successful, it has potential to help schools rethink traditional boundaries of education.

I urge my colleagues to support this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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SECTION 1. SHORT TITLE.

This Act may be cited as the "Head Start Transition Project Act".

SEC. 2. HEAD START TRANSITION GRANTS.

(a) In General.—The Secretary is authorized to pay the Federal share of the costs of making demonstration grants to Head Start agencies and local educational agencies to develop and operate programs that assist low income elementary school students aged 5 through 8 and their families in—

(1) obtaining supportive services that build on the strength of families, including, health, immunization, mental health, nutrition, parenting education, literacy, and social services (including substance abuse treatment, education, and prevention services); and

(2) supporting the active involvement of parents in their children's education.

(b) Term of Grant.—Grants awarded under this Act shall be for a period of 5 years.

SEC. 3. ELIGIBILITY.

(a) Head Start Agency.—A Head Start agency shall be eligible for a grant under this Act if such Head Start agency has formed a consortium with one or more local educational agencies serving children who have been served by such Head Start agency.

(b) Local Educational Agency.—A local educational agency shall be eligible for a grant under this Act if such agency has formed a consortium with one or more Head Start agencies serving children who will enroll in the schools of such local educational agency.

(c) Cooperating Agency.—A nonprofit agency or institution of higher education with experience in child development may participate in any consortium formed under subsection (a) or (b) in developing, operating, and evaluating programs assisted under this Act.

SEC. 4. REQUIREMENTS.

(a) In General.—The Secretary shall award grants under this Act to Head Start agencies and local educational agencies in both rural and urban areas.

(b) Special Rule.—The Secretary shall award at least one grant in every State before the Secretary may award a second grant within any one State.

(c) Consideration.—In awarding grants under this Act, the Secretary shall consider—

(1) the commitment of the Head Start agency and local educational agency to the program;

(2) the quality of the Head Start program operated by a Head Start agency desiring financial assistance under this Act, as measured by compliance with Head Start program performance standards;

(3) the number of low-income children in the area served by the Head Start agency or local educational agency compared to the number of non-low-income children in the area served by the Head Start agency or local educational agency;

(4) the ability of the proposed program to serve as a model for other programs;

(5) the quality of information and plans in the application; and

(6) the commitment of the community to the program.

SEC. 5. APPLICATION.

(a) In General.—Each Head Start agency or local educational agency desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Each such application shall include—

(1) a description of the activities and services for which assistance is sought;

(2) a description of members of the consortium established in accordance with section 3, including any cooperating agency;

(3) an assessment of the Head Start agency's or local educational agency's program to address the health, immunization, mental health, nutrition, parenting education, literacy, social service (including substance abuse treatment, education and prevention), and educational needs of low-income students and their families, including the use of a developmentally appropriate curriculum;

(4) a plan for the development of a supportive services team of family service coordinators to—

(A) assist families, administrators and teachers to respond to health, immunization, mental health, nutrition, parenting education, social service and educational needs of students;

(B) conduct home visits and help students and their families to obtain health, immunization, mental health, nutrition, parenting education, literacy, and social services (including substance abuse treatment, education and prevention), for which such students and their families are eligible;

(C) coordinate a family outreach and support program, in cooperation with parental involvement efforts undertaken pursuant to chapter 1 of title I of the Elementary and Secondary Education Act of 1965, the Head Start Act, part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (Even Start), and the Education for all Handicapped Children Act of 1975;

(D) assist families, administrators, and teachers in enhancing developmental continuity between the programs assisted under the Head Start Act and the transition into elementary school; and

(E) prepare a plan for the transition of each child from Head Start to kindergarten, including—

(i) a meeting of the Head Start teacher with the kindergarten teacher;

(ii) the transfer of knowledge about the child including the transfer of written records from the Head Start teacher to the kindergarten teacher; and

(iii) the formulation of an individual education plan for the child with the participation of the parents, the Head Start teacher and the kindergarten teacher;

(5) the designation of a member of the supportive services team described in paragraph (4) who will serve as the supervisor of such supportive services team;

(6) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low-income students served by such Head Start agency or local educational agency have been consulted in the preparation of the plan described in paragraph (4);

(7) assurances that State agencies, local agencies, and community-based organizations that provide supportive services to low/income students served by such Head Start agency or local educational agency will designate an individual who will act as a liaison to the supportive services team described in paragraph (4);

(8) a description of the target population to be served by the supportive services team described in paragraph (4) including families previously served under the Head Start Act, part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (Even Start), or comparable early childhood development programs;

(9) a description of the supportive services to be provided, directly or through referral;

(10) a plan to ensure the smooth transition of children served under the Head Start Act, part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (Even Start), Education of the Handicapped Act, and comparable early childhood development programs to public schools;

(11) assurances that, and a plan describing how, families will be involved in the design and operation of the program;

(12) a description of the Federal and non-Federal resources that will be used to carry out the program;

(13) assurances that the supportive services team described in paragraph (4) will be equipped to assist children and families with limited English proficiency and disabilities, if appropriate;

(14) a plan describing how the program will be sustained after the grant has expired;

(15) program goals; and

(16) such other information as the Secretary may reasonably require.

(b) Special Rule.—Each supportive services team developed pursuant to paragraph (4) of subsection (a) shall include at least 1 family service coordinator for every 25 children to be served.

SEC. 6. EVALUATION AND REPORT.

(a) Evaluation.—The Secretary shall, through grants, contracts or cooperative agreements, provide for the continuing evaluation of the programs assisted under this Act in order to determine the effectiveness of such programs in achieving stated goals, the impact of such programs on related programs, and the implications of the design and operation of such programs for the effective delivery of services.

(b) Local Evaluation and Information.—(1) Each Head Start Agency or local educational agency receiving a grant under this Act shall carry out an evaluation of the program funded under this Act in order to determine the effectiveness of the program in achieving stated goals, the impact of the program on the families served and the community, the problems encountered in the design and operation of the program and ways in which such problems were addressed, and the impact of the program on the Head Start Agency and local educational agency.

(2) Each Head Start agency or local educational agency receiving a grant under this Act shall furnish to the Secretary any information the Secretary shall request in order to carry out the evaluation described in subsection (a).

(c) Report.—The Secretary shall, not later than September 30, 1995, prepare and submit to the Congress a report on the evaluations conducted pursuant to subsections (a) and (b), including the strengths and weaknesses in the design and operation of programs assisted under this Act and the effectiveness of such programs in achieving stated goals.

SEC. 7. PAYMENTS; FEDERAL SHARE.

(a) Payments.—The Secretary shall pay to each Head Start agency or local educational agency having an application approved under section 5, the Federal share of the cost of the activities described in the application.

(b) Federal Share.—(1) The Federal share shall be 80 percent.

(2) The non-Federal share of payments under this Act may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. 8. DEFINITIONS.

For the purposes of this Act—

(1) the term "developmentally appropriate curriculum" means a curriculum that is appropriate for the child's age and all areas of the individual child's development, including educational, physical, emotional, social, cognitive, and communications;

(2) the term "family services coordinator" means an individual who is trained to assist families in obtaining supportive services;

(3) the term "Head Start agency" means any agency designated as a Head Start agency under the Head Start Act;

(4) the term "local educational agency" has the same meaning given such term in section 1471(12) of the Elementary and Secondary Education Act of 1965;

(5) the term "Secretary" means the Secretary of the Deparment of Health and Human Services; and

(6) the term "supportive service" means service that will enhance the physical, social, emotional, and intellectual development of low-income children, including providing necesssry support to their parents and other family members.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 for fiscal year 1992, and such sums as may be necessary in each of the fiscal years 1993, 1994, 1995, and 1996, to carry out the provisions of this Act.●

● Mr. DODD. Mr. President, I rise to urge support of the Head Start Transition Project Act of 1990, which I am pleased to cosponsor. I commend Senator KENNEDY for his creativity in crafting this legislation. This bill takes the most important principles of Head Start and begins transferring them to the schools where disadvantaged children will continue their education.

Few would disagree that Head Start is one of the most successful poverty programs in history. One key to Head Start's success is its recognition that we cannot help the child outside the context of the family. So, in addition to developmental services, Head Start coordinates comprehensive social services to children and families and encourages parent involvement.

I cannot emphasize enough the importance of these features. Many disadvantaged families are overwhelmed by constantly having to trudge from place to place for the social services they need. Unfortunately, many parents also are discouraged by their own lack of education from taking an interest, much less an active role, in their children's education.

Head Start has changed all this for millions of children and families. It is one of the few poverty programs that seeks to weave a seamless garment of social services for families.

Parents find their own lives changed as significantly as their children's. At a Head Start hearing I chaired a few weeks ago, a former Head Start parent told how her close relationship with the Head Start staff gave her badly needed confidence, first, to become involved with the program's Parent Committee and, then, to get a degree in Child Development. The woman who made those statements was Eugenia Boggus, today the president of the National Head Start Association.

Some parents, like Ms. Boggus, continue their progress when their children leave Head Start. Others, however, are cut off from the support system formed by other Head Start parents and staff. Their children enter a school system that often ignores the context from which the child comes, the family situation that is a major determinant in the child's development.

Mr. President, the Head Start Transition Project Act would begin in a modest way to remedy this problem. It authorizes $10 million for demonstration projects to carry the Head Start principles of a comprehensive, family oriented approach and parent involvement forward into kindergarten and elementary school. Under the projects, family services coordinators in the schools would help parents become effective advocates for their children and obtain the range of services they need. The bill thus complements the Head Start Expansion and Quality Improvement Act of 1990, S. 2229, which I introduced along with Senator KENNEDY a few weeks ago. One objective of S. 2229 is to improve the coordination of social services to families while their children are in the Head Start Program.

The bill requires Head Start agencies and local educational agencies to work together to obtain the grants, thus forging a link between the two that now seldom exists. This link will help foster communication and developmental continuity from early childhood programs to elementary schools. Our hope is that these demonstrations will plant the seeds for a more family-oriented approach to education for all disadvantaged children, not just those lucky enough to be coming out of Head Start.

Mr. President, much is made of the success of Head Start. I hope we will not let the accomplishments of that program wither as children move into schools that address only one dimension of their needs. This bill is a small step toward ensuring that those early accomplishments, nurtured in Head Start, will flourish in elementary school. I urge my colleagues to support this legislation.●

● Mr. PELL. Mr. President, I am very pleased to join Senators KENNEDY and DODD in introducing the Head Start Transition Project Act. This program serves to provide an important linkage between the Head Start Program and formal elementary school instruction. It seeks to build upon the progress begun under the Head Start Program, by facilitating a smooth transition from early childhood education to instruction in elementary school.

The tremendous success of the Head Start Program has been well documented. Some studies have even suggested that for every dollar invested in the Head Start Program, this Nation receives $5 in return as measured by its prevention of costs such as welfare and crime, and by producing a subsequent increase in the student's productivity. Services provided in the early years to a child in poverty under the Head Start Program are continued in later years under the chapter I program of the Elementary and Secondary Education Act. The chapter I program provides compensatory education such as additional reading and mathematics tutoring to students in greatest need. In most school districts, these important services target students beginning in kindergarten.

The success of the chapter I program parallels that of Head Start. An investment of this nature in the early years of a student's academic growth can have untold benefits in later years, both by increasing academic abilities and by preventing learning difficulties before they become entrenched. It is important to note that many of the students served by the Head Start Program continue to be served under the chapter I program. However, since the providers of Head Start are typically not school districts, there is little institutional coordination between services under Head Start and services under chapter I. This is a critical problem because the transition between Head Start and elementary school can often be extremely threatening to a small child, and may well imperil that child's learning progress.

I believe that an investment in the Head Start Transition Project Act would prevent such a danger by protecting the gains established through Head Start. It would enable chapter I to build upon Head Start rather than duplicate material already covered. This transitional program would bridge a linkage between Head Start agencies and local educational agencies. It would encourage a coordination of programming and of curriculum. It calls upon families, parents, administrators and teachers to respond to the wholistic needs of the students, including their health, nutrition, education and other social service needs. And it uses the total resources of the community to ensure that the transition from Head Start to formal schooling is smooth.

In short, this bill would forge a cooperative concern among all parties involved in the educational, health, and social development of our students—a partnership that would begin in the very early years, and would reach well beyond into the elementary school grades. Such linkages can only enhance the learning potential and

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achievement of our students, which in turn will serve us all. For it is the education of our citizenry which makes our Nation strong, and the quality of that education will in large part be determined by the approach to—and advances in—learning in a student's early years.

By Mr. DECONCINI (for himself and Mr. D'AMATO):

S. 2365. A bill to amend the Controlled Substances Act to prohibit advertisements intended to promote or facilitate the distribution or transfer of a Schedule I controlled substance; to the Committee on the Judiciary.

PROHIBITION OF ADVERTISEMENTS OF CONTROLLED SUBSTANCES

Mr. DECONCINI. Mr. President, I rise today to introduce legislation that will make illegal a practice which I believe sends the wrong message about this Nation's commitment to wage an effective offensive against the production of marijuana in the United States.

We are all well aware that marijuana is illegal. It remains the most widely used illegal narcotic in the United States—used by an estimated 20 million Americans. For most drug addicts, it is the gateway drug to cocaine and heroin.

Nevertheless, you can walk into most book stores and find magazines like "High Times" that include advertisements on how and where to send away for the finest seeds for growing marijuana.

Let me explain an exhibit I have. This is a magazine you can pick up at your local news store. I am not here to advertise the magazine. This is an ad for General Champion, 1989, for a seed bank. Indeed, if you write to this address, you end up getting marijuana seeds.

Although marijuana is not always mentioned in these ads, there is no question about what is being offered.

The Drug Enforcement Administration is the Federal Government's lead agency for marijuana eradication. As part of this mission, the DEA must coordinate among others, State and local law enforcement agencies, the U.S. Forest Service, the Department of Interior, and the National Guard in conducting domestic eradication operations. What kind of crazy signal are we sending the courageous law enforcement officers who put their lives on the line daily attempting to put marijuana growers out of business when, at the same time, we allow these advertisements to continue?

We must demonstrate a total commitment to a war on drugs and stop shooting ourselves in the foot. These marijuana seed distributors are positioning the United States to be the leading producer of marijuana in the world. Despite the increased efforts of the DEA over the past 10 years, the percentage of marijuana available in the United States which is domestically grown has increased substantially. The DEA estimates that more than 25 percent of the marijuana available in the United States is grown here, compared to about 7 percent in 1980. It is estimated that approximately 4,500 metric tons of marijuana were harvested in the United States in 1988.

Once virtually ignored by marijuana users, U.S.-grown marijuana now has a reputation as among the most potent available. The substantial profit from domestic marijuana, ranging from $1,000 to $3,500 per plant, continues to entice growers into the illicit business. The most selective cannabis product is sinsemilla which is prepared from the unpollinated female cannabis plant. It is becoming increasingly common to find THC concentrations of 14 or 15 percent in U.S.-grown sensemilla. This is double to triple the THC content of Mexican and Colombian marijuana.

To avoid eradication measures, fear of detection, and theft, many marijuana growers have turned to Federal lands to cultivate their illegal crops. In 1989, the National Forest Service eradicated more than 400,000 marijuana plants from 4,100 cultivation sites—a 25-percent increase in cultivation sites over the past year.

The increase in activity on public lands has caused serious problems for Federal land agencies. The American public who visit the National Forest System continue to be endangered by the presence of marijuana cultivation sites and activities. In 1989, 13 individuals were assaulted physically by growers. The total number of booby traps increased by more than 50 percent, and the number of weapons seized from suspects and cultivation sites doubled. More than 300,000 acres of National Forest Service land are considered unsafe for public use.

Growers have also turned to cultivating indoors. Such greenhouse operations often utilize the latest horticultural techniques. The DEA reported more than 1,200 greenhouse seizures in 1988. A recent seizure reported by the DEA resulted in the largest indoor sensemilla production operation ever detected in the United States—over 9,500 plants along with 550 pounds of processed high-grade marijuana. The DEA believes that a substantial number of the sensemilla plants seized were germinated from seeds bought from foreign suppliers who openly advertise their products in U.S. magazines.

Mr. President, my legislation would take a major step toward cutting off growers from their source of information on the latest illegal drug growing techniques and the availability of marijuana seeds. This bill would prohibit advertisements intended to promote or facilitate the distribution or transfer of a Schedule I controlled substance. There is no doubt that such advertising is not protected by the first amendment. In fact, these advertisements probably could be prosecuted under current law. However, because these ads are often associated with conduct which enjoys first amendment protection, legislation which is specific to the problem is critical.

Relying on Central Hudson, the Court in *Village of Hoffman* v. *Flipside*, 102 S.Ct. 1186 (1982), unpheld a city ordinance licensing and regulating the sale of drug paraphernalia displayed with or within proximity of literature encouraging illegal use of illegal drugs. After holding that if there was any commercial speech interest implicated it was at most an attenuated interest in displaying merchandise in the manner the retailer desires. "The ordinance is expressly directed at commercial activity promoting or encouraging illegal drug use. If that activity is deemed 'speech,' then it is speech proposing an illegal transaction, which a government may regulate or ban entirely." Id. at 1192.

In *Pittsburgh Press* v. *Pittsburgh Com'n on Human Rel.*, 93 S.Ct. 2553 (1973), the Supreme Court upheld an ordinance which prohibited newspapers from carrying sex designated advertising columns against the newspaper's claim it violated its first amendment rights. According to the Court, "[d]iscrimination in employment is not only commercial activity, it is illegal commercial activity under the Ordinance. We have no doubt that a newspaper constitutionally could be forbidden to publish a want ad proposing a sale of narcotics or soliciting prostitutes." Id. at 2560.

I urge my colleagues to add their names as cosponsors of this bill. It is time we sent a message to the officers we have asked to fight the battle against illegal drugs that we are ready to close the loopholes and that they have our complete support.

By Mr. BOND (for himself, Mr. HEFLIN, Mr. COCHRAN, Mr. LOTT, Mr. DANFORTH, Mr. BINGAMAN, Mr. CHAFEE, and Mr. SHELBY):

S. 2366. A bill to encourage States to establish Parents as Teachers Programs; to the Committee on Labor and Human Resources.

PARENTS AS TEACHERS: THE FAMILY INVOLVEMENT IN EDUCATION ACT

Mr. BOND. Mr. President, today on behalf of myself, Mr. HEFLIN, Mr. COCHRAN, Mr. LOTT, Mr. DANFORTH, Mr. BINGAMAN, Mr. CHAFEE, and Mr. SHELBY, I am introducing legislation to expand Missouri's highly successful Parents as Teachers Program nationwide.

All of us are aware of the great needs and problems facing our country's educational system. Our Nation's Governors, the President, and we in Congress have focused increasing attention on the first few years of life, before school even starts, as crucial in the development of a child's language skills, social skills, and personality.

We also know that parental involvement in the education of their children appears to be the key to long-term gains for youngsters. Parents are their children's first and most important teachers. What parents do to help their children learn is far more important to their academic success than the parents' well-being or how wealthy the family is.

I believe every new parent would agree that their child could use some help in finding ways to maximize their development and ability. This measure we are introducing today is designed to provide the tools to the parents so they can help their children develop.

With a limited Federal investment, we can help parents get their children off to the right start in their life by exporting successes of Missouri's program.

The parents as teachers program is an all-in-one early intervention, parent education, and early childhood education program which addresses a variety of needs for young families.

In our State, school districts are required to provide the program. Participation is optional with the parents. The curriculum starts early—in some States, it started as early as prior to conception—to strengthen the foundations of later learning, to lay the groundwork of how to encourage language and intellectual development, curiosity, and social skills.

In addition, by providing health screening for very young children participating in this preschool program, we are able to detect potential health problems, mental health problems, and other learning impairments early on.

The strength of the program is that it is community and family based. It is administered at the State level and at the local level. It has been successful in Missouri in urban, rural, and suburban areas. We now have some 50,000 families in Missouri participating in it.

An independent evaluation of those children whose families participated in the program showed that the children in the program consistently scored significantly higher on all measures of intellectual achievement, auditory comprehension, verbal ability, and language ability than their peers who did not participate.

Parents participating in the program obviously were better skilled in the talents of raising children. Parents as teachers staff have been able to intervene in numerous at-risk situations and to encourage families to seek medical or other assistance to deal with their children's problems.

One of the national goals adopted at the education summit and two of the objectives adopted at that summit by the Governors in February are directly related to this program.

The first goal on the list is by the year 2000, all children in America will start school ready to learn. The two objectives under that goal this program addresses are, No. 1, that ever parent in America will be the child's first teacher and devote time each day to helping his or her preschool child. The parents will have access to training and support they need.

The second objective is that children will receive the nutrition and health care needed to arrive at school with healthy minds and health bodies.

Mr. President, the parents as teachers legislation is a great way for the Federal Government to work with Governors to meet this goal.

Briefly, the legislation would set up a $20 million competitive grant program for States who wish to begin or expand parents as teachers programs. We believe that providing seed money to expand proven effective programs is an appropriate role for the Federal Government.

Down the road, States will be able to muster political support they need. Local communities which have parents involved in the program will find out how it works and be able to determine the continuation of the program.

I have a personal interest in this program. It was started with a bit of Federal seed money in 1969. Four Missouri school districts participated. When our son Sam was born, we participated in the information provided by the program and saw how it could help. From 1981 through 1984, I recommended the program to the Missouri Legislature, and in 1984, it was adopted statewide.

I believe that this legislation is significant because it does not direct its attention to any specific population or income level for assistance. There is no stigma attached because parents at all social and economic levels in our State, and I suspect throughout the Nation, need to have better training in the skills to educate and to stimulate the learning intelligence of their children.

It has been Missouri's experience that more hard-to-reach populations are willing to participate in the program because it is not stigmatized. The good news of the program is spreading. A number of other States are interested in the program, and I believe a little Federal seed money will go a long way toward laying a foundation for young children, minimizing developmental problems which might interfere with future learning and providing children better able to learn when they reach school.

That means down the road these kids are less likely to end up in costly remedial education programs, correctional systems, on the Government dole. We found that it is a good way, in addition, to help prevent child abuse. It was identified as the most effective child abuse prevention program we could develop in Missouri. We will all be better off for showing a little foresight.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Parents as Teachers: the Family Involvement in Education Act of 1990".

SEC. 2. FINDINGS.

The Congress finds—

(1) increased parental involvement in the education of their children appears to be the key to long-term gains for youngsters;

(2) providing seed money is an appropriate role for the Federal Government to play in education;

(3) children participating in the parents as teachers program in Missouri are found to have increased cognitive or intellectual skills, language ability, social skills and other predictors of school success;

(4) most early childhood programs begin at age 3 or 4 when mediation may already be necessary; and

(5) many children receive no health screening between birth and the time they enter school, thus such children miss the opportunity of having developmental delays detected early.

SEC. 3. STATEMENT OF PURPOSE.

It is the purpose of this bill to encourage States to develop and expand parent and early childhood education programs in an effort to—

(1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children;

(2) strengthen partnerships between parents and schools; and

(3) enhance the developmental progress of participating children.

SEC. 4. DEFINITIONS.

For the purposes of this Act—

(1) the term "developmental screening" means the process of measuring the progress of children to determine if there are problems or potential problems or advanced abilities in the areas of understanding and use of language, perception through sight, perception through hearing, motor development and hand-eye coordination, health, and physical development;

(2) the term "eligible family" means any parent with one or more children between birth and 3 years of age, or any parent expecting a child;

(3) the term "lead agency" means the office or agency in a State designated by the Governor to administer the parents as teachers program authorized by this Act;

(4) the term "parent education" includes parent support activities, the provision of resource materials on child-development and parent-child learning activities, private

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and group educational guidance, individual and group learning experiences for the parent and child, and other activities that enable the parent to improve learning in the home;

(5) the term "parent educator" means a person hired by the lead agency of a State or designated by local entities who administers group meetings, home visits and developmental screening for eligible families, and is trained by the Parents As Teachers National Center established under section 8; and

(6) the term "Secretary" means the Secretary of Education.

SEC. 5. PROGRAM ESTABLISHED.

(a) In General.—The Secretary is authorized to make grants to States to pay the Federal share of the cost of establishing, expanding, and operating parents as teachers programs.

(b) Special Rule.—Any State operating a parents as teachers program which is associated with the Parents As Teachers National Center located in St. Louis, Missouri, shall be eligible to receive a grant under this Act.

SEC. 6. PROGRAM REQUIREMENTS.

(a) In General.—(1) Each State receiving a grant pursuant to section 5 shall conduct a parents as teachers program which—

(A) establishes and operates parent education programs including programs of developmental screening of children; and

(B) designates a lead State agency which shall—

(i) hire parent educators who have had supervised experience in the care and education of children;

(ii) establish the number of group meetings and home visits required to be provided each year for each participating family, with a minimum of 4 group meetings and 8 home visits for each participating family;

(iii) be responsible for administering the periodic screening of participating children's educational, hearing and visual development, using the Denver Developmental Test, Zimmerman Preschool Language Scale, or other approved screening instruments; and

(iv) develop recruitment and retention programs for hard-to-reach populations.

(2) Grants awarded under this Act shall only be used for parents as teachers programs which serve families during the period of time beginning with the last 3 months of a mother's pregnancy and ending when a child attains the age of 3.

SEC. 7. SPECIAL RULE.

No person shall be required to participate in any program of parent education or developmental screening, or in any program for developmentally delayed children, pursuant to the provisions of this Act.

SEC. 8. PARENTS AS TEACHERS NATIONAL CENTER.

The Secretary shall establish a Parents As Teachers National Center to disseminate information to, and provide technical and training assistance to, States establishing and operating parents as teachers programs.

SEC. 9. EVALUATIONS.

The Secretary shall complete an evaluation of the State parents as teachers programs within 4 years from the date of enactment of this Act.

SEC. 10. APPLICATION.

Each State desiring a grant pursuant to the provisions of this Act shall submit an application to the Secretary at such time, in such manner and accompanied by such information as the Secretary may reasonably require. Each such application shall describe the activities and services for which assistance is sought.

SEC. 11. PAYMENTS AND FEDERAL SHARE.

(a) Payments.—The Secretary shall pay to each State having an application approved under section 10 the Federal share of the cost of the activities described in the application.

(b) Federal Share.—(1) The Federal share—

(A) for the first year for which a state receives assistance under this Act shall be 100 percent;

(B) for the second such year shall be 100 percent;

(C) for the third such year shall be 75 percent;

(D) for the fourth such year shall be 50 percent; and

(E) for the fifth such year 25 percent.

(2) The non-Federal share of payments under this Act may be in cash or in kind fairly evaluated, including planned equipment or services.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $20,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out the provisions of this Act.

Mr. CHAFEE. Mr. President, first of all, I want to commend the Senator from Missouri for his initiative that he is taking with this legislation which he just introduced. It certainly is a fine one.

The whole idea of getting young children started early on education and good health precedures and getting the parents so deeply involved as he proposed is an excellent one.

I support it.

Mr. COCHRAN. Mr. President, research shows that the parent-child relationship is the critical factor in a child's success in the early school years. The child is deeply influenced by parents' belief in the value of education, interest in school progress, encouragement of reading, and development of other skills at home.

I am pleased to be an original cosponsor of the Parents as Teachers Act, which will authorize the Secretary of Education to make grants to States on a competitive basis to establish programs for at-risk children and their families to enable parents to be their child's first teacher in the transition from infancy to independence.

The bill will authorize $20 million to enable States to establish or expand Parents as Teachers Programs similar to the Missouri initiative which has proven so successful. States may receive grants with a modest average cost of $15,000 per year, allowing participation by school districts serving thousands of students and families.

Recognizing that States should eventually pick up the cost of Parents as Teachers Programs, this legislation phases out Federal funding over a 5-year period. Federal funds will cover 100 percent of the cost during the first year, declining to 25 percent in the fifth year.

The aim of Parents as Teachers is to start at an early age to improve the foundation for later learning by strengthening language skills, intellectual development, social skills, and health care. There is also an attempt to reduce the incidence of adolescent pregnancy and to combat adult illiteracy.

The program funded under the Parents as Teachers Act will be open to families with children age 3 and under, regardless of socioeconomic status. The legislation will also establish a Parents as Teachers national center to provide information, training, and technical assistance to participating States.

Parents as Teachers was one of 10 national winners in the 1987 Innovations in State and Local Governments Awards Program, sponsored by the Ford Foundation and the John F. Kennedy School of Government. In 1989, Parents as Teachers was 1 of 8 recipients of the Innovations Award granted by the Council of State Governments.

In 1989, the Center for Family Education in Jackson, MS, affiliated with the Missouri program to become my State's first Parents as Teachers agency. The center, a private, not-for-profit agency, was established by the Junior League of Jackson with funding provided by the league, the Field Cooperative Association, the Child Care Food Program of the U.S. Department of Agriculture, the Purchase of Care Program of the Mississippi Department of Human Services, and Frito Lay, Inc.

The center provides a number of programs, beginning with Parents as Teachers for children aged 3 and under. It promotes Parents as Teachers in school districts, among child care providers, and in agencies seeking to prevent teen pregnancy and drug abuse. Parents as Teachers has been selected as the model family literacy program in all education reform legislation currently before the Mississippi legislature.

Mr. President, I urge Senators to join in this effort to improve our educational process by cosponsoring the Parents as Teachers Act.

Mr. HEFLIN. Mr. President, I am pleased to join my colleague and friend, Senator Bond, in introducing the Parents as Teachers Act. I am proud to be an original cosponsor of this legislation, which, as you know, will encourage States to establish Parents as Teachers Programs.

Parents as Teachers provides guidance and support to parents, encouraging them to best nurture their infant's overall development, with special emphasis on the abilities essential for later school success. Data collected in a 13-year study of early development [1965–78] by the Harvard University preschool project, indicate that language, curiosity, social skills, and cognitive intelligence lay the foundation for learning. The study further shows that, with few exceptions, the development of these skills in a 6-year old can be predicted at age 3. An official who headed several departments in the Mobile County Public School System in my home State of Alabama told a group of State legislators and business persons:

> We weep when we see the condition some of the 4- and 5-year-old children are in when they come to us. They don't understand simple directions, are afraid of adults and other children, and have low receptive and expressive language. They are simply not ready either for kindergarten or first grade.

The time and effort involved in helping children try to "catch-up" are staggering. Parents as Teachers is even more critically needed than Head Start because so much of human development is at-risk during infancy. By beginning at the beginning, preventing can replace remediation.

Individuals from 27 States of our Union have participated in training programs in Missouri. Martha Semon was the first such individual from Alabama to participate. The practicality and success of the Missouri program inspired Mrs. Semon to initiate a similar program in Alabama. A pilot program in the beautiful port city of of Mobile, AL, is now approaching its first anniversary.

This point program is funded in large party by the children's trust fund of Alabama based upon the anticipated effectiveness of the program in preventing child abuse. Additional support has been provided by Scott Paper Co., the University of South Alabama, and its college of medicine, the Mobile Community Foundation, and a few private donors. Approximately 70 adults and 37 babies are currently participating.

Mr. President, I would like to see Parents as Teachers Programs available to parents and infants statewide and nationwide. This program has proven itself effective in helping young people develop their intelligence, language, curiosity, and social skills, all of which are at-risk during infancy and critically important for a child's success in the school system. In all probability, the program will also prove itself to be an effective deterrent to child abuse, I am sure that my colleagues agree that an ounce of prevention is worth a pound of cure.

Mr. President, I strongly urge my colleagues to consider the potential of this program, to investigate it for themselves. Talk to Senator Bond about his participation in the program after the birth of his first child. Then, join us in support of legislation which will encourage States to establish Parents as Teachers Programs.

By Mr. PRYOR (for himself, Mr. Cochran, Mr. Boren, Mr. McConnell, Mr. Fowler, Mr. Helms, Mr. Bumpers, Mr. Wilson, and Mr. Lott):

S. 2367. A bill to provide a price support program for the 1991 through 1995 crops of cotton, rice, and oilseeds; to the Committee on Agriculture, Nutrition, and Forestry.

COTTON, RICE, AND OILSEEDS ACT

Mr. PRYOR. Mr. President, today I rise to introduce a bill that is the result of lengthy considerations resulting from advice and guidance of many farmers from across my State of Arkansas and other areas of the country. In an effort to develop legislation that would contribute to the security of a stable food supply, the increase of agriculture's competitiveness in domestic and international markets, improvement of agronomic practices for the benefit of the environment, and a positive future for producers, we have developed the Cotton, Rice, and Oilseeds Act of 1990.

This legislation attempts to accomplish the goals we originally set out to address by focusing on the principal weakness of the 1985 Food Security Act, which was a lack of planting flexibility for producers. Flexibility has gained the attention of many, but the type of flexibility we provide is a matter of serious debate. To simply suggest we can afford to increase flexibility with a normal crop acreage approach while support levels are continuing to decline is unreasonable, and I am concerned that it is misdirected. We cannot expect our farmers to remain competitive if adequate support levels are not maintained, at least not as long as foreign competitors continue to unfairly subsidize their agricultural interests. Flexibility, in proper amounts, can prove to be a valuable solution to numerous problems, but wide open flexibility in and of itself is not the answer; in truth, it would only compound the problems faced by the stewards of America's lands.

A balanced and responsible approach to flexibility that remains sensitive to the budget could allow producers to respond to market signals and enhance their ability to utilize techniques which would have a positive impact on the environment. I believe that this legislation would accomplish these very needs.

Realizing that flexibility should serve a need instead of providing an incentive, we have crafted a number of provisions that will place a great deal of flexibility in the producer's hands without neglecting some of the traditional supply management tools. The critical point of this flexibility approach is that the decision to implement these flexibility measures will be made by the producer, thus the name, Farmer's Choice. Farmer's Choice would be easily understood by producers, and straightforward to administer. Farmer's Choice has been developed by combining familiar flexibility measures with provisions of the 1985 Food Security Act that have been highly successful. This combination is a healthy one indeed.

Specifically, we have called for the elimination of modified cross compliance, mandate of the 10-percent crop acreage base shifts, implementation of the modified flexible ARP, mandating the planting of nonprogram crops on permitted acreage, and the elimination of an ARP for certain nonprogram crops in particular double cropping situations. We have not only kept the cotton and rice programs in place, but used them as a model in developing a marketing loan for oilseeds, in hopes of returning those commodities to a stronger position in U.S. production.

In developing this legislation I have worked side by side with Senator Cochran of Mississippi. The knowledge and grasp of agricultural issues the Senator carries have made this process enjoyable and helped to arrive at a point that we believe can serve as a practical framework for the entire commodity title of the 1990 farm bill. It has been a pleasure working with Senator Cochran, and I look forward to advancing our legislation through the farm bill debate in hopes of achieving the most workable, beneficial, and responsible farm bill available. The contributions made by some of our other colleagues, on and off the Senate Agriculture Committee, have not only made this legislation possible, but have given us reason to be excited about the possibilities this bill holds. I am especially pleased that Senator Kerrey of Nebraska, in the commodity bill he has introduced, has included the same oilseed language we developed for this legislation. It is encouraging, indeed, to see a majority of the members of the Agriculture Committee unite behind provisions that address oilseeds. It certainly offers hope that we can eventually center behind similar policy that would address the overall issue of flexibility in this farm bill.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

Summary of the Cotton, Rice, and Oilseeds Act of 1990

FARMER'S CHOICE

Flexibility

This legislation would address one of the principal weaknesses of the 1985 Food Security Act by offering producers significant flexibility to respond to market signals, adopt sound conservation practices, and/or organize their farming operations into a more efficient configuration employing new technology. By utilizing familiar concepts the legislation would be easily understood by producers, relatively straight-forward to administer, and budget responsible. The

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proposal would also allow traditional supply management measures to function in times of significant inbalance. The combination of eliminating cross compliance, allowing moderate base shifts, utilizing a modified contract in times of short supply, and a permanent 0/25 oilseed planting provision should, when administered in a fair and reasonable manner, result in market oriented production in an economically and environmentally sound process.

Specifically, the legislation includes the following:

Cross Compliance.—Eliminates existing authority to require producers to limit plantings of program crops for which no benefits are received as a condition of eligibility for program benefits on another program crop. This will allow producers to respond to positive market signals without gains or losses in program benefits.

Crop Base Acreage Shift.—Producers would be allowed to shift up to 10% of a program crop base to another crop provided there is a corresponding adjustment to the respective bases. The provision would automatically restore the crop bases to the original level at the end of each year to ensure that the shifts respond to markets rather than program benefits.

Modified Flexible ARP.—Producers would be authorized to increase plantings in excess of permitted acreage, up to 98% of the crop acreage base, provided the payment acreage is reduced by an amount equal to the acreage planted in excess of the permitted level. This provision allows producers to identify a production level which maximizes return on capacity utilization. By limiting the "over planting" 98% of crop acreage base, the provision would not result in uncontrolled production or large increases in budget outlays.

Oilseed Planting Provision.—Producers may choose to devote up to 25% of a crop acreage base to oilseeds and certain other nonprogram crops. The producer would not be penalized with a loss of crop base history and could shift a percentage of production capacity to respond to market demand. The net result would be reduced budget outlays without penalizing producers or resorting to decoupling benefits from production.

To round out "Farmer's Choice" flexibility provisions, the legislation would restore a producers ability to certify zero acreage planted to a program crop in return for considered planted credit. This provision would allow a producer to elect not to plan a program crop, which may be surplus, and forgo all program benefits in return for the ability to plant an alternative crop. This provision offers significant budget advantages and would be utilized in resource conservation practices. "Farmer's Choice" also eliminates a troublesome provision in current law which imposes an ARP on certain non-program crops in certain double cropping situations.

Cotton provisions

"Farmer's Choice" legislation builds on a highly successful 1985 farm bill by continuing most provisions of the cotton title and modifying certain key provisions to enhance farm income and enhance U.S. cotton's competitive position in domestic and international markets.

Loan.—The loan would continue to be established based on a market oriented formula with a limit on annual fluctuation and a minimum level. The loan terms would be 10 months with an 8 month extension whenever the price is not more than a specific level.

Marketing Loan, Adjusted World Price, Competitiveness.—The legislation continues the authority to operate a marketing loan program based on the adjusted world price. During periods when U.S. cotton is not competitive the Secretary would be required to make adjustments in the world price to ensure U.S. cotton would move to market.

Target Price and Deficiency Payments.—The target price would be frozen at current levels with a provision for adjustment to reflect increases in input costs. Deficiency payments would be calculated on a calendar year basis.

Acreage Reduction Program.—Provide the Secretary with the authority to establish an unpaid diversion requirement of up to 25%. In order to access more accurate data, the legislation calls for the Secretary to make an initial announcement on November 1, and a final adjustment being offered on January 1, as needed.

Carryover Target.—Recognizing the need for sufficient stocks to sustain continued growth in cotton markets, the legislation requires the Secretary to establish an ARP at such level required to maintain carryover stocks equal to the higher of 4 million bales or 33% of total disappearance.

55-100 and 0-100.—The legislation continues the concept of allowing producers to rotate land for a variety of sound agronomic reasons while receiving some program benefits. The successful 50-92 program authorized in 1985 is restored to the original level of 50-100, with a provision to ensure predictable deficiency payment rates. The 50-100 concept allows producers to maximize the efficiency of resource utilization on an individual basis. The legislation authorizes a 0-100 provision for producers prevented from planting so that producers are not required to plant in order to qualify for benefits.

Miscellaneous.—The legislation reauthorizes a seed cotton loan, mandates a cotton seed loan at a level that recognizes the traditional market relationship with other oilseeds and simplifies the CCC resale procedure and requires a competitive bid procedure.

Rice provisions

Loan.—The legislation maintains current market oriented formula, with limit on annual fluctuation, and a minimum level.

Marketing Loan.—This proposal would extend the current world price competitiveness embodied in the marketing loan provision of the Food Security Act of 1985.

Target Price.—The target price would be frozen at a level not less than current law under this legislation.

Acreage Reduction Program.—Provide the Secretary with the authority to establish an ARP up to 35%. The initial announcement must be made no later than January 31.

Carryover Target.—Recognizing the need for sufficient stocks to sustain continued growth in rice markets, both domestic and international, the legislation requires the Secretary to establish an ARP at such level required to maintain carryover stocks equal to 20% of the average of total rice use for the three preceeding years.

50-100 and 0-100.—The legislation continues to allow producers to rotate land for a variety of sound agronomic reasons while receiving some program benefits. The 50-92 program authorized in 1985 is restored to the original level of 50-100 with a provision to ensure a guaranteed payment rate. The 50-100 concept allows producers to maximize efficiency in the utilization of their land resources on an individual basis. The legislation authorizes a 0-100 program for producers prevented from planting so that they are not required to plant in order to qualify for benefits.

Oilseeds provision

Marketing Loan.—In order to provide an adequate level of support for oilseeds so that they may remain a staple crop, a marketing loan of $6.25 for soybeans and an equitable amount for other oilseeds would be implemented for 100% of the crop. A triggering mechanism would be incorporated which would give the Secretary discretion to reduce the support level up to 10% based on consideration including, but not limited to the following: domestic support programs; domestic ARPs; U.S. stocks; global outlook on supply and demand; cost of inputs; budget outlays. The same criteria would be used in consideration of setting the support level for the other oilseeds. If there is a reduction in the marketing loan level, the non-recourse loan returns to the $6.25 level at the beginning of each year for the life of the authorization of the bill.

Mr. COCHRAN. Mr. President, I join my distinguished colleague from Arkansas, Senator PRYOR, in cosponsoring the Cotton, Rice, and Oilseeds Act of 1990. This bill continues commodity price support programs for the 1991 through 1995 crop years by fine-tuning the basic provisions of the Food Security Act of 1985. In addition, the bill includes increased planting flexibility provisions for the Nation's farmers.

Senator PRYOR and I sponsored the marketing loan program provisions for upland cotton and rice in 1985. This bill extends the basic provisions of the marketing loan program which will allow the United States to continue to play a dominant role in international markets for these commodities. An extra-long staple cotton title is included that maintains the current law established in the 1985 Act. Our bill mandates a marketing loan program for soybeans as well as other oilseed commodities.

The success of the 1985 farm bill is clear. Net farm income has increased steadily and was estimated at a record $48 billion in 1989. Last year, U.S. agricultural exports reached $40 billion. Burdensome stock levels of most commodities, which prevailed during the development of the 1985 legislation, have shifted from government stocks to domestic and foreign markets.

The U.S. cotton and rice industries have witnessed a dramatic turnaround in terms of larger domestic consumption and export shipments. This, in turn, has increased acreage and more efficient use and management of our cotton and rice production base. For example, after 4 years under the 1985 Farm Bill, U.S. cotton offtake increased nearly a third to 14.5 million bales. A similar scenario can be documented for rice.

Competitive pricing of U.S. upland cotton and rice through the marketing loan programs has resulted in increased domestic demand and a larger U.S. share of world trade. The farm value of upland cotton averaged $4.5 billion during the last 3 years, up about $1 billion from the 4 years prior to the 1985 act. The farm value of U.S. rice production has increased in each of the past 4 years and is expected to total $1.1 billion for the 1989/90 marketing year. Larger production, demand, and farm revenue have occurred under the auspices of the 1985 act while Government expenditures for upland cotton and rice have accounted for only 10 and 6 percent, respectively, of the total Government outlays on all commodity programs. The relative program costs for upland cotton and rice have remained approximately constant since the mid-1970's.

Cotton and rice are extremely important for Mississippi. According to the 1987 Census of Agriculture, upland cotton was produced on 4,225 farms, with 75 percent of these farms depending on cotton as their primary source of income. In 1989, cotton production totaled 1.6 million bales. Estimated farm value of this production totaled $576 million and represents 17 percent of the revenue generated from Mississippi's agricultural production.

Similarly, in 1987 rice was produced on 800 farms in Mississippi and was the major source of revenue on over 40 percent of these operations. In 1989, rice production totaled 13.4 million hundredweight and the estimated farm value totaled nearly $143 million. There can be no doubt that the health of the rice and cotton industries has a significant impact on the overall well-being of the Mississippi economy.

The successful turnaround for the cotton and rice industries has not occurred for the producers of our Nation's oilseeds. For example, although the U.S. share of world trade in soybeans and soybean products reached nearly 60 percent in the early 1980's, by 1989 our share is expected to drop to 35 percent, the lowest of the decade. It is becoming increasingly clear that current policies and programs for oilseeds must be changed if we are to continue to have a competitive oilseed sector. We believe a marketing loan program similar to the one that has worked so well for upland cotton and rice should be expanded to include soybeans and related oilseed crops.

This would serve to protect farm income, allow the United States to be price competitive, discourage further expansion of soybean acreage in Brazil, Argentina, and other countries, and enable our Nation's producers to capture a fair share of the world market.

Major provisions of our upland cotton and rice titles include maintaining target prices at their current levels of $0.729 per pound for cotton and $10.71 per hundredweight for rice. In addition, upward adjustments in target prices may be made on the basis of increased production costs. Target prices have already been reduced by 10 percent under the 1985 Farm Bill, while the cost of inputs used to produce cotton and rice have risen by about the same percent. Current target prices are necessary to provide the minimal acceptable level of income protection necessary for commercial farming operations.

Minimum loan rates for upland cotton of 50 cents per pound and $6.50 per hundredweight for rice are maintained in our bill. The formula loan rate floors were established under the 1985 act. Current loan rate minimums are justified, since there is adequate flexibility under the marketing loan provisions to provide for orderly marketing. This will also ensure that we continue to be price competitive. For many producers, the loan is not only a marketing tool, but also assists in obtaining needed credit.

Our bill continues the current law for the Commodity Credit Corporation's 10-month nonrecourse loan program for upland cotton and includes the existing provision for an 8-month extension under certain conditions. For rice, the 9-month loan term is maintained. The marketing loan provision allows producers to repay their upland cotton and rice at the lesser of the loan rate or the prevailing world market price as determined by the Secretary of Agriculture.

This legislation continues the current law for establishing cotton and rice program base acreage. Program yields would also remain frozen at the level established for the 1990 crop year. The Secretary of Agriculture would have discretion, however, to adjust program yields in farming situations where changes in production practices or farm ownership necessitate a modification.

The soybean title of our farm bill mandates a marketing loan program for soybeans and other related oilseed commodities similar to upland cotton and rice programs. Our soybean program directs the Secretary of Agriculture to support the price of soybeans through nonrecourse marketing loans throughout the 1991 through 1995 marketing years.

The support price for soybeans shall be $6.25 per bushel, which takes into account the relative support for alternative program crops. In addition, the Secretary may reduce the loan level each marketing year by a maximum of 10 percent. The Secretary will be able to maintain the support level of soybeans relative to support levels of alternative crops, taking into account any acreage reduction programs in effect. Adequate authority to discourage excessive planting of soybeans and potential buildup of excessive stocks should also be provided. The soybean program will allow the United States to maintain a viable and competitive domestic soybean industry at a reasonable cost to the Federal Government.

In addition to the cotton, rice, and soybean titles in our farm bill, the other major component addresses planting flexibility issues. Under the 1985 act, producers had only limited alternatives available if they chose to participate in Federal commodity programs. Senator PRYOR and I have developed flexibility provisions which increase the producer's choices in developing economically sound and environmentally sensitive farm plans. While no one feature of our program would necessarily achieve the desired goals, in combination they provide farmers with the needed flexibility to improve the efficiency and productivity of their operations.

Our approach to increased planting flexibility requires the Secretary of Agriculture to allow producers the option to shift up to 10 percent of their commodity specific acreage bases annually. Any upward adjustment in a crop base would be offset by an equivalent downward adjustment in one or more other crop acreage base. Any such adjustment would only apply to a single crop year and revert back to the original established crop specific bases after that crop year. Producers would be eligible for loan protection and program benefits on the adjusted acreage. Similarly, another feature would allow producers to plant up to 98 percent of a crop specific acreage base. If an acreage reduction program is in effect for that crop, however, program benefits would be reduced for each additional acre planted above a producer's permitted acreage.

Our flexibility program eliminates planting cross-compliance requirements for program crops. By eliminating this provision, farmers will be able to more effectively react to market conditions without jeopardizing eligibility for program benefits. Another feature would allow producers to certify zero plantings, maintain their established bases, and plant any other alternative crop on the acreage, although producers would be ineligible for loan protection and program benefits on this acreage.

Our flexibility package includes a provision which allows producers to plant up to 25 percent of their established program acreage to selected nonprogram crops without the loss of their program base. The legislation will eliminate the acreage reduction requirement for nonprogram crops which are doublecropped with program crops. In total, this approach to planting flexibility should offer producers sufficient latitude in responding to commodity price signals.

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I urge Senators to support this legislation to enchance the ability of the Nation to compete in international markets, to provide for orderly commodity marketing, and to protect incomes from our Nation's cotton, rice, and oilseed producers.

By Mr. MOYNIHAN:

S. 2368. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources; to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; to the Committee on Environment and Public Works.

NATIONAL BIOLOGICAL DIVERSITY CONSERVATION AND ENVIRONMENTAL RESEARCH ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill to initiate a research program on biological diversity. The bill is a companion to a similar bill which has been introduced in the House by my friend, Congressman JAMES SCHEUER.

Biological diversity is a term which we did not hear until just a few years ago. Biological diversity refers to the full range of all living organisms, plants and animals, and of the ecological communities in which they live. Diversity is defined as the number of different items and their relative frequency. We are concerned with the diversity of all levels of biological resources, from the molecular composition of genetic material, to individual species, to complete ecosystems.

Only recently have we begun to fully recognize the often subtle biological impacts of our activities—how we can upset delicate ecological balances. Often, the losses of biological diversity are unintended. Sadly, many of the losses may even go unnoticed. There are about 1.4 million species of plants and animals which have been identified and given scientific names. But scientists think that there are actually between 5 and 80 million species. We don't even know the amount of diversity on the planet to the nearest order of magnitude.

I would not say that we can, or should even try to, prevent all losses of biodiversity. Clearly there have been many natural extinctions over the history of the Earth. Biological systems are dynamic—they are always evolving and changing. But the things that we do, we should do with understanding. The National Science Board estimates that the rate of extinction over the next few decades is likely to rise to at least 1,000 times the normal background rate of extinction—that being the term we use to describe typical and expected patterns of extinction. Scientists estimate that from one-quarter to one-half of the Earth's species will become extinct in the next 30 years. We are losing these plants and animals even before we can learn their potential value or how they fit into their ecological niche.

The bill which I am introducing today will help us understand the magnitude and impact of the loss of biological diversity. It establishes conservation of biological diversity as a national goal. The bill also establishes a National Center for Biological Diversity and Environmental Research. This Center will be the focal point for research, data compilation, and dissemination of information on biological diversity. Since biological diversity is, by its scope, a multidisciplinary, multiagency issue, the bill also creates an interagency working committee to develop a coordinated Federal strategy for conservation of biological diversity. A National Scientific Advisory Committee is established to oversee the implementation of the national strategy.

Mr. President, I very much hope that we can rapidly consider this bill, and I urge my colleagues to join with me in the effort to enact it. I ask unanimous consent that the text of my legislation be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Biological Diversity Conservation and Environmental Research Act of 1990".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Earth's biological diversity is being reduced at a rate without precedent in human history, and this rate is certain to increase greatly in the near future;

(2) most losses of biological diversity are unintended and largely avoidable consequences of human activity;

(3) while the most rapid losses of biological diversity are occurring outside the United States, biological impoverishment is also a serious problem within the country;

(4) humans depend on biological resources, including plants, animals, and micoroganisms, for food, medicine, shelter, and other important produts;

(5) biological diversity is valuable as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure;

(6) reduced biological diversity may have serious consequences for human welfare as resources for research and agricultural, medicinal, and industrial development are irretrievably lost;

(7) reduced biological diversity may also endanger the functioning of ecosystems and critical ecosystem processes that moderate climate, govern nutrient cycles and soil conservation and production, control pests and diseases, and degrade wastes and pollutants;

(8) reduced biological diversity will diminish the raw materials available for scientific and technical advancement, including the development of improved varieties of cultivated plants and domesticated animals;

(9) existing information regarding the abundance and distribution of biological diversity is inadequate, often inaccessible, and frequently inapplicable to conservation management, thus hampering the effeciency of resource policy and management decisions;

(10) existing conservation laws largely address the protection of individual species that have already suffered declines, rather than focusing on maintaining ecosystem conditions that are necessary for sustaining healthy diversity across a broad range of species;

(11) maintaining biological diversity through habitat preservation is often less costly and more effective than efforts to save species once they become endangered;

(12) existing laws and programs relevent to the loss of biological diversity in the United States are largely uncoordinated and inadequate, and sometimes result in duplication of efforts, conflicts in goals, and gaps in geographic and taxonomic coverage;

(13) a comprehensive and coordinated Federal strategy is needed to arrest the loss of biological diversity and also, where possible, to restore biological diversity both through natural recovery and active management;

(14) increased biological and ecological research is needed to provide the knowledge to maintain biological diversity, to protect and manage ecosystems, and to ensure the sustainable use of natural resources;

(15) a policy that will contribute to a biological inventory, determine the rate and scale of the depletion of biological diversity, and provide a model for the conservation of biological diversity is needed;

(16) increased understanding and appreciation by the public of the importance of biological diversity is necessary for effective conservation; and

(17) because it cannot be predicted which biological resources will be most important for future needs, maintaining the diversity of living organisms in their natural habitats is prudent policy.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "biological diversity" means the full range of variety and variability within and among living organisms and the ecological complexes in which they occur, and encompasses ecosystem or community diversity, species diversity, and genetic diversity;

(2) the terms "conserve", "conserving", and "conservation" refer to protective measures for maintaining existing biological diversity and active measures for restoring diversity through management efforts, in order to protect, restore, and enhance as much of the variety of species and communities as possible in abundances and distributions that provide for their continued existence and normal functioning, including the viability of populations throughout their natural geographic distributions;

(3) the term "ecosystem or community diversity" means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere and distinct parts of the world;

(4) the term "genetic diversity" means the differences in genetic composition within and among populations of a given species;

(5) the term "species diversity" means the richness and variety of native species in a particular location of the world; and

(6) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

SEC. 4. PURPOSES.

It is the purpose of this Act—

(1) to conserve biological diversity by protecting, restoring, and enhancing as much of the variety of species and communities as possible in abundances and distribution that provide for their continued existence and normal functioning;

(2) to require explicit assessment of effects on biological diversity in all evaluations of the environmental effects of major Federal actions significantly affecting the quality of the human environment;

(3) to establish a Federal strategy for the conservation of biological diversity;

(4) to establish mechanisms for encouraging and coordinating Federal, State, and private efforts to preserve biological diversity and natural environments;

(5) to undertake a nationally coordinated effort to collect, synthesize, and disseminate adequate data and information for—

(A) the understanding of biological diversity;

(B) assessing the rate and scale of the depletion of biological diversity; and

(C) identifying elements of biological diversity that are in significant decline or otherwise warrant special attention;

(6) to support basic and applied research necessary for the conservation of biological diversity; and

(7) to educate the citizens of the United States regarding the importance of biological diversity and foster actions that prevent biological impoverishment and preserve biological diversity and natural resources; and

(8) to integrate domestic efforts with international efforts to conserve biological diversity.

SEC. 5. NATIONAL BIOLOGICAL DIVERSITY AND ENVIRONMENTAL POLICY.

(a) Policy.—It is the public policy of the United States that conservation of biological diversity domestically and globally is a national goal, and conservation efforts are a national priority.

(b) Biological Diversity Contexts.—In implementing the policy set forth in subsection (a), biological diversity of the entire biosphere shall be considered in global, national, regional, and local contexts.

(c) Consistency of Federal Action.—The actions, policies, and programs of all Federal agencies shall be consistent with the goal of conservation of biological diversity, to the maximum extent practicable.

(d) Conservation of Biological Diversity on Federal Lands and Waters.—All Federal lands and waters shall be managed to conserve biological diversity within the context of the purposes for which those areas were established. Nothing in this section shall diminish the duties to maintain biological diversity established under existing law.

(e) Agency Review Process.—

(1) Each Federal department or agency shall, within 1 year after the date of the enactment of this Act and annually thereafter—

(A) review its programs, both individually ands comulatively, for consistency with the conservation of biological diversity in accordance with this Act, paying particular attention to especially endangered biological systems; and

(B) report the results of such review to the President, the Council on Environmental Quality, and the Congress.

(2) With respect to a program found to be inconsistent with the conservation of biological diversity in accordance with this Act, the relevant department or agency shall—

(A) undertake any modifications within its authority to eliminate such inconsistency;

(B) propose any legislation which may be necessary to eliminate such inconsistency; and

(C) submit a statement in its annual budget request to the Congress explaining any continuation of program elements that have adverse effects on biological diversity.

(f) Council on Environmental Quality.—

(1) Establishment of guidelines.—The Council on Environmental Quality shall, within 1 year after the date of enactment of this Act, establish guidelines, in consultation with the National Scientific Advisory Committee on Biological Diversity established under section 10 (hereafter in this Act referred to as the "Scientific Advisory Committee"), for consideration of biological diversity in the preparation of environmental impact statements.

(2) Identification of communities, species, and populations in significant decline.—The Council on Environmental Quality shall identify, in consultation with the National Center for Biological Diversity and Conservation Research established under section 6 (hereafter in this Act referred to as the "Center") those biotic communities, species, and populations that appear to be in significant decline or in imminent danger of loss of viability, or are otherwise of special concern, and shall include such information in its annual report. Information acquired pursuant to this paragraph shall be considered in the assessment of the impacts of major Federal actions on biological diversity under section 102 of the National Environmental Policy Act of 1969.

(3) Criteria, review, and recommendations.—The Council on Environmental Quality shall, in consultation with the Scientific Advisory Committee—

(A) develop criteria for the preparation of reports required by subsection (e)(1);

(B) review such reports;

(C) make recommendations regarding the efficiency and success of programs described in such reports; and

(D) recommend improvements to such programs that are necessary to acheive the purposes of this Act.

(g) Review of Environmental Impact Statement by EPA.—

(1) Review.—In reviewing environmental impacts under Section 309 of the Clean Air Act (42 U.S.C. 7609), the Administrator of the Environmental Protection Agency shall consider an action to be "unsatisfactory" for the purposes of said section if such action is likely to result in a significant reduction of biological diversity.

(2) Significant reduction of biological diversity.—For the purpose of this subsection (g), "a significant reduction of biological diversity" means the loss of significant components of the ecosystem, including—

(i) losses of individuals of species with respect to which a finding is made under section 4(b)(3)(B)(iii) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(3)(B)(iii));

(ii) losses of more than 10 percent of the geographic populations within any State of a native species that has been found by the Council on Environmental Quality or such State to be rare or of special concern on a State, National, or global level;

(iii) losses of more than 10 percent of the geographic populations within any State of a native species that has been found by the Council on Environmental Quality to appear to be in significant decline or in imminent danger of loss of viability;

(iv) losses of native floral or faunal communities that have been found by the Council on Environmental Quality or an affected State to be rare or of special concern on a State, National, or global level;

(v) losses of floral or faunal communities that have been found by the Council on Environmental Quality to appear to be in significant decline or in imminent danger of loss of viability; and

(vi) losses of more than 20 percent of the geographic populations within any State of a native species, or of occurrences of a floral or faunal community.

(B) This subsection shall take effect upon issuance of guidelines under subsection (f)(1).

(h) Effect on Other Laws.—Nothing in this Act shall be construed to amend or otherwise alter the requirements of the Marine Mammal Protection Act of 1972 or the Endangered Species Act of 1973.

SEC. 6. NATIONAL CENTER FOR BIOLOGICAL DIVERSITY AND CONSERVATION RESEARCH.

(a) Establishment and Purpose.—There is established within the Smithsonian Institution, in cooperation with the Environmental Protection Agency, a National Center for Biological Diversity and Conservation Research (the Center), whose primary purpose shall be to set research priorities and provide leadership and coordination for the understanding and promotion of knowledge of the biota with respect to its composition, systematics, distribution, status, biological properties, ecological relationships (including environmental significance), and economic value, and the effects, including the rate and scale of depletion, on the biota of the activities of people, and to make this knowledge accessible to the people of the United States, and others working to conserve biological diversity throughout the world.

(b) Functions.—The functions of the Center shall be—

(1) to summarize and enhance the knowledge of the distribution, status, and characteristics of the biota, as described in subsection (a), in a manner that can be used in conservation and management;

(2) to prepare, with the assistance of agencies and other sources, lists and, where appropriate, maps of—

(A) biotic communities, species, and populations that appear to be in significant decline or in imminent danger of loss of viability;

(B) areas of outstanding ecological or biotic importance;

(C) communities, species, populations, and areas that warrant special concern; and

(D) factors, including ownership status and applicable laws, affecting the protection of such communities, species, and populations;

(3) to provide information useful to—

(A) the Interagency Working Committee on Biological Diversity established under section 7 (hereafter in this Act referred to as the "Interagency Committee") in the preparation of the Federal strategy for conservation of biological diversity described in section 8; and

(B) the various agencies responsible for the implementation of such strategy;

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(4) to publish information, such as floral and faunal treatises, resource inventories, vegetation maps, atlases, and guides for practical use of biological information, and especially publications that synthesize information relevant to national goals of understanding and conserving biological diversity;

(5) to identify taxonomic groups, ecological communities and geographical areas in need of study, and to develop a strategic plan for, initiate, and provide financial support toward an ongoing survey of the biota;

(6) to provide for the conducting of field surveys and research, through contracts or otherwise, by Federal, State, and private agencies, institutions, organizations, and individuals;

(7) to make recommendations with respect to the use of the latest technology for data collection, storage, and retrieval;

(8) to provide training and technical assistance regarding collection and interpretation of biological data; and

(9) to conduct supplementary research, as appropriate.

(c) Directives.—In carrying out its functions under subsection (b), the Center shall—

(1) establish a cooperative network of Federal, State, and private agencies, institutions, and organizations for the collection and coordination of information regarding the status of biological diversity;

(2) oversee a review of existing information on biological diversity, including data bases;

(3) collect data and develop biotic information, with respect to aquatic and marine systems as well as terrestrial systems, that is relevant and applicable to resource management and conservation decisions;

(4) work closely with the national network of State natural heritage programs;

(5) cooperate with international data collection and coordination centers; and

(6) raise additional funds as necessary to support the activities of the Center.

(d) Structure and Membership.—

(1) Advisory board.—The Center shall have an advisory board, which shall assist in setting the policies for and directing the Center.

(2) Membership.—

(A) The advisory board shall consist of 12 members, including—

(i) 1 representative of the Smithsonian Institutions;

(ii) 1 representative of the Fish and Wildlife Service;

(iii) 1 representative of the National Marine Fisheries Service;

(iv) 1 representative of the National Science Foundation;

(v) 1 representative of the Department of Agriculture;

(vi) 1 representative of the Environmental Protection Agency;

(vii) 1 representative of State biological surveys;

(viii) 1 representative of private organizations that maintain large data bases oriented toward biological conservation;

(ix) 2 scientists from nonprofit research institutions or universities; and

(x) 2 representatives from institutions with collections of biological specimens.

(B) Members listed under clauses (vii) through (x) of subparagraph (A) shall be appointed by the President from a list of nominees recommended by the National Academy of Sciences. Such list of nominees shall include not more than twice as many names as there are positions available.

(3) Terms.—Members of the advisory board shall serve for terms of 5 years, and may serve more than one term.

(4) Per diem.—Members of the advisory board who are not employees of the United States shall each be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-16 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the advisory board.

(5) Chairman.—The members of the advisory board shall select 1 member to serve as chairman.

SEC. 7. INTERAGENCY WORKING COMMITTEE ON BIOLOGICAL DIVERSITY.

(a) Establishment.—There is established an Interagency Working Committee on Biological Diversity (the Interagency Committee).

(b) Membership.—The Interagency Committee shall consist of 1 representative each from—

(1) the Bureau of Land Management;
(2) the National Park Service;
(3) the Fish and Wildlife Service;
(4) the Forest Service;
(5) the Department of Defense;
(6) the Environmental Protection Agency;
(7) the National Marine Fisheries Service;
(8) the National Science Foundation;
(9) the Agricultural Research Service;
(10) the Soil Conservation Service;
(11) the Center;
(12) the Army Corps of Engineers;
(13) the Council on Environmental Quality; and
(14) any other agency or department of the United States that the President, or the Chairman of the Interagency Committee, considers appropriate.

Each such representative shall be designated by the head of the entity named.

(c) Chairman.—The member of the Interagency Committee representing the Council on Environmental Quality shall serve as Chairman of the Interagency Committee.

(d) Function.—The function of the Interagency Committee shall be to prepare a coordinated Federal strategy for conservation of biological diversity described in section 8.

(e) International Coordination.—The heads of the following entities shall designate representatives who shall work with the Interagency Committee to ensure coordination of domestic efforts with the existing U.S. strategy on conservation of biological diversity internationally (as required by Section 119 of the Foreign Assistance Act) and with international treaty obligations with respect to biological diversity—

(1) State Department;
(2) Agency for International Development;
(3) Treasury Department; and
(4) Man and the Biosphere Program.

(f) Dissolution.—The Interagency Committee shall be dissolved after the submission to the Congress of the Federal strategy required under section 8(f)(2) and the submission to the Congress of any regional strategy under section 8(c).

SEC. 8. FEDERAL BIOLOGICAL DIVERSITY STRATEGY.

(a) Development.—The Interagency Committee, with the advice and guidance of the Scientific Advisory Committee, shall develop a coordinated Federal strategy for the conservation of biological diversity (hereafter in this Act referred to as the "Strategy").

(b) Contents.—The Strategy shall address—

(1) the responsibility of each Federal agency to conserve biological diversity;

(2) methods of interagency cooperation, such as bioregional management of ecosystems;

(3) Federal involvement in non-Federal sectors;

(4) conservation through protective measures to maintain existing biological diversity, and through active measures to restore biological diversity;

(5) identification of habitats of special concern and methods to protect them;

(6) prevention of anthropogenic biological extinctions and endangerment;

(7) provisions for the long-term viability of ecosystems and escosystem processes;

(8) maintenance of gene pools through combination of in situ and ex situ techniques;

(9) use of demonstration areas, such as biosphere reserves;

(10) enhancement of scientific knowledge through improved and more complete biological surveys;

(11) research programs to identify factors limiting population viability or persistence;

(12) improvement of management techniques based on scientific knowledge;

(13) methods to encourage conservation-oriented thinking and ecological awareness in public and private decisionmaking;

(14) broad-based educational efforts regarding the importance of biological diversity and the need for conservation;

(15) consistency with the Strategy in international actions of Federal agencies;

(16) development of criteria for evaluating the progress of Federal agencies toward implementing the Strategy;

(17) reduction of the impact of global climate change on biological diversity;

(18) priorities for conservation, including financial priorities; and

(19) methods by which Federal employees can receive rewards or other incentives for activities for the conservation of biological diversity.

(c) Strategies for Regional Ecosystems.—The Interagency Committee shall—

(1) identify and delineate very large ecological regions within the United States and its territories and possessions; and

(2) prepare an interagency strategy for conservation of biological diversity within each such region, which shall—

(A) address the issues referred to in subsection (b); and

(B) emphasize management on a regional level, taking into account linkages between habitats.

(d) Agency Plans.—

(1) Preparation.—Each agency represented on the Interagency Committee shall prepare a plan for implementing those elements of the Strategy, and any regional strategy prepared under subsection (c), which apply to such agency.

(2) Submission.—A plan prepared under paragraph (1) shall be signed by the head of the preparing agency, and by the Secretary of any Department of which the preparing agency is a part, and shall be submitted to the Congress along with the report required by subsection (f)(2).

(3) Monitoring, evaluation, and modification.—Each plan prepared under paragraph (1) shall include provisions for monitoring and evaluating the success of the plan, along with procedures for modification of the plan as science provides new methods for the conservation of biological diversity.

(e) Public Participation.—The public shall be provided with opportunities to participate in the preparation of, and to comment on, the Strategy and any regional strategies prepared under subsection (c).

(f) Reports.—

(1) Within one year after the date of the enactment of this Act, the Interagency Committee shall submit to the Congress a report detailing progress made toward development of the Strategy.

(2) Within two years after the date of the enactment of this Act, the Interagency Committee shall submit to the Congress a report containing the completed Strategy, including written comments by the Scientific Advisory Committee and the public, and including a statement explaining any difference between the completed Strategy and the recommendations of the Scientific Advisory Committee. Such report shall be signed by the head of each agency represented on the Interagency Committee.

(3) At least once every two years after the submission of a report under paragraph (2), the head of each agency which was represented on the Interagency Committee shall submit to the Congress a report—

(A) detailing progress in the implementation of the Strategy, including written comments by the Scientific Advisory Committee and the public; and

(B) including a statement explaining any difference between the implementation of the Strategy and the recommendations of the Scientific Advisory Committee.

SEC. 9. GRANTS, RESEARCH, AND TRAINING.

(a) Biological Diversity Grants.—

(1) Grants.—Each agency which was represented on the Interagency Committee may engage in partnership grants with pulbic agencies, including State natural heritage programs and State natural resource agencies, private individuals, and organizations for projects to maintain or restore biological diversity through research, resource management, personnel training, public education, or otherwise.

(2) Small-scale projects.—Grants issued under paragraph (1) shall include small-scale projects by private individuals and grassroots organizations.

(3) Guidelines and review procedures.—Agencies issuing grants under this subsection shall cooperate through the Scientific Advisory Committee in setting guidelines and competitive review procedures for grant proposals.

(4) Matching funds.—Federal funds made available for grants under this subsection must be matched in cash or in kind on at least an equal basis by the grantee, except in the case where the grantee is a State or where the grant is provided for research.

(b) Environmental Research and Training.—

(1) Priority.—Each agency, as well as cooperating entities designated in Section 7(e), which was represented on the Interagency Committee shall, where appropriate to its mission, give high priority to research and personnel training towards implementation of the Strategy.

(2) Adequacy assessment.—Without two years after the date of the enactment of this Act, each agency which was represented on the Interagency Committee shall conduct an assessment of its environmental research and training programs to determine their adequacy for—

(A) long-term ecological research and monitoring;

(B) development of programs to train personnel in basic principles of ecology and systematics; and

(C) public education regarding biological diversity.

and shall improve those programs determined to be inadequate. The results of such assessment, and a summary of actions taken to improve such programs, shall be included as part of the final report of the Interagency Committee submitted under section 8(f)(2).

(c) National Science Foundation.—The National Science Foundation shall provide support for research that integrates fundamental and applied science toward the conservation of biological diversity.

(d) Department of Agriculture.—The Secretary of Agriculture is directed to:

(1) research the potential of increased utilization of biological diversity in agriculture, including

(a) alternative crops and other products;

(b) biological control of pests and integrated pest management; and

(c) use of native prairie grasses on conservation acreages;

(2) undertake longterm studies of agroecosystems; and

(3) assess the impact of agricultural and forestry practices on biological diversity and recommend improvements as appropriate.

SEC. 10. NATIONAL SCIENTIFIC ADVISORY COMMITTEE ON BIOLOGICAL DIVERSITY.

(a) Establishment.—There is established a National Scientific Advisory Committee on Biological Diversity (the Scientific Advisory Committee), which shall be constituted by the National Academy of Sciences as a permanent entity.

(b) Functions.—The functions of the Scientific Advisory Committee shall be—

(1) to oversee the implementation of the Strategy;

(2) to provide scientific and technical advice and counsel to the Interagency Committee in the preparation of the Strategy to ensure that the best possible scientific information is used in developing the Strategy;

(3) to provide scientific and technical assistance to the agencies of the United States responsible for the implementation of the Strategy;

(4) to assist in the coordination of interaction between the agencies represented on the Interagency Committee and the Center;

(5) to provide scientific and technical assistance in—

(A) the evaluation of the impacts of proposed Federal actions on biological diversity;

(B) the review of Federal programs for consistency with the conservation of biological diversity; and

(C) the assessment of the adequacy of Federal programs in environmental research and training; and

(6) to provide a general reference and scientific and technical advisory resource for the Nation in matters relating to conservation of biological diversity.

(c) Membership and Structure.—

(1) Membership.—

(A) The Scientific Advisory Committee shall consist of 15 members, including—

(i) the Director of the Center;

(ii) one representative of the advisory board of the Center;

(iii) one representative of the Smithsonian Institution;

(iv) one representative of the Environmental Protection Agency; and

(v) 11 scientists from Federal or State agencies, universities, nonprofit research institutions, nongovernmental organizations, and natural resource industries with particular expertise in the area of biological diversity.

(B) Members listed under clause (v) of subparagraph (A) shall be appointed by the President from a list of nominees recommended by the National Academy of Sciences. Such list of nominees shall not include more than twice the number of positions available. The President shall make such appointments so as to ensure that the Scientific Advisory Committee membership is diverse disciplinarily and geographically.

(2) Term of office.—

(A) Except as provided in subparagraph (B), members of the Scientific Advisory Committee shall be appointed for 3-year terms, and no member may serve more than 2 consecutive terms.

(B) Of the members initially appointed under paragraph (1)(A)(v), 3 shall be appointed for 1-year terms and 4 shall be appointed for 2-year terms.

(3) Chairman.—The members of the Scientific Advisory Committee shall elect 1 member to be chairman.

(4) Per diem.—Members of the Scientific Advisory Committee who are not employees of the United States shall each be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay in effect for grade GS 15 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Scientific Advisory Committee.

(d) Reports.—Within 3 years after the date of the enactment of this Act, and once every two years thereafter, the Scientific Advisory Committee shall submit a report to the Congress and the Council on Environmental Quality describing activities taken under this Act.

(e) Administrative and Staff Support.—The Scientific Advisory Committee shall receive from the Council on Environmental Quality such administrative and staff support as may be necessary to carry out its functions.

SEC. 11. INTERNATIONAL CONSERVATION ACTIVITIES

(a) The Agency for International Development, Department of State, Fish and Wildlife Service, National Park Service, National Marine Fisheries Service, Environmental Protection Agency, Forest Service, and Department of Agriculture are directed to encourage conservation of biological diversity globally through—

(1) fully supporting and coordinating implementation of existing obligations and programs that contribute to the conservation of biological diversity globally, including—

(A) Convention on Trade and Endangered Species (CITES)

(B) World Heritage Convention

(C) Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere

(D) Convention on Wetlands of International Importance, Especially as Waterfowl Habitat (Ramsar)

(E) Man and the Biosphere Program—U.S.

(2) supporting basic and applied research towards understanding ecological systems and applying that knowledge for sustainable development and the conservation of biological diversity internationally, including cooperative research and scientific exchange with governmental, educational and research institutions.

(3) increasing training, education, and technical assistance related to conservation

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of biological diversity and sustainable development;

(4) providing assistance that promotes sustainable development and global environmental stability including research on and implementation of:

(A) alternative land use practices in areas adjacent to natural areas of significant ecological value;

(B) measures to increase productivity of degraded and altered lands and waters in order to relieve the pressures on natural ecosystems.

(5) cooperating with one another and with appropriate international organizations and governments in developing and in implementing these obligations, research, and conservation programs.

(b) The Agency for International Development is directed to hire, as opportunity permits through attrition or otherwise, U.S. direct-hire technical staff in environmental and natural resources with extensive formal training in conservation of biological diversity and sustainable development.

(c) The Congress finds that Sections 118 and 119 of the Foreign Assistance Act provide a significant basis for addressing the problems of tropical deforestation and loss of biological diversity. The Congress reaffirms its support for these provisions and directs that AID give high priority to their implementation.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATIONS.—There are authorized to be appropriated for the activities of the grants program under section 9 and for the activities of the Center under section 6—

(1) $10,000,000 for the fiscal year ending September 30, 1990;

(2) $15,000,000 for the fiscal year ending September 30, 1991; and

(3) $20,000,000 for the fiscal year ending September 30, 1992.

(b) LIMITATION.—Expenditures in any fiscal year of funds appropriated under this section for grants under section 9 shall not exceed 10 percent of the total amount appropriated under this section for such fiscal year. Funds appropriated under this section shall be in addition to sums authorized and appropriated under any other Act.●

By Mr. BAUCUS (for himself, Mr. HEINZ, and Mr. ROCKEFELLER):

S. 2369. A bill to initiate actions under section 310 of the Trade Act of 1974 with respect to the trade barriers of Japan that are the subject of the structural impediments initiative; to the Committee on Finance.

JAPANESE TRADE BARRIERS

Mr. BAUCUS. Mr. President, I rise today to introduce legislation that directs the President to initiate a new round of trade negotiations with Japan if the current trade talks fail to open the Japanese market.

Last spring—in conjunction with the announcement of Super 301 priorities, the administration launched the structural impediments initiative or SII. SII was conceived as a broad discussion between the United States and Japan of various trade and economic problems, including land use, fiscal policy, savings rates, business practices, and the Japanese distribution system. The talks are scheduled to conclude this summer.

I have held four hearings on SII as chairman of the Senate Finance Committee's International Trade Subcommittee.

THE JAPANESE TRADE PROBLEM

In light of the testimony at those hearings, I believe SII is the most important trade initiative the United States has ever undertaken.

It is the only effort that gets at the heart of the United States trade problem—the closed Japanese market which may be costing the United States as much as $30 billion in lost exports annually.

Mr. President, let me explain what that means to America.

In international trade, we sometimes lose sight of the forest for the trees.

We focus so much on the individual products that are involved in trade disputes that we lose sight of the bigger picture.

When lumber mill workers in Montana, computer makers in California, or auto workers in Michigan lose their jobs because of unfair Japanese practices they are not able to purchase agricultural products, consumer goods, and services that the rest of the United States produces. We all lose.

If America is driven out of leading edge industries by unfair Japanese competition, the United States economic base is undermined. We all lose.

If the closed Japanese market undermines the long-term economic health of the United States, we all lose.

In short, addressing Japanese trade problems is not just a concern to States that produce beef, semiconductors, satellites, or forest products. The economic fate of all 50 States is linked. No State is an island unto itself. If 1 State loses, all 50 will eventually lose.

Therefore, trade with Japan is a concern for all States and all Americans. It should be an interest of every Member of this body and opening the Japanese market should be one of the United States' top policy priorities.

PROGRESS IN SII

Unfortunately, very little concrete progress toward opening the Japanese market has been achieved in the SII talks.

After three rounds of SII negotiations, U.S. negotiators stated they were very disappointed with the lack of progress in SII. Apparently, the Government of Japan has failed to take SII seriously. Unfortunately, the lack of clear structure and deadlines to the SII negotiations reinforces the perception that the United States is not serious about obtaining results from SII.

The mid-term report for the SII negotiations is due in early April. If SII is to yield results, this report must demonstrate concrete progress. If it does not at least lay a mutually agreed blueprint for progress in SII, there is little chance of a substantive agreement by this summer.

There have been various reports in the press in recent weeks that Japan may be considering substantial concessions in SII. I hope these reports are true. If they are true, they are encouraging. But we cannot base policy on leaks to the press. These could as easily be test balloons as serious proposals.

Certainly, I hope that SII succeeds on schedule. But if it does not succeed the United States must pursue other options. And early public discussion of the alternatives should SII fail sends the message that the United States will demand results from the SII.

SUMMARY OF LEGISLATION

In that light, I am today introducing legislation to mandate that the trade-related issues in SII be pursued through section 301 investigations should the SII fail to yield results. The authors of the 1988 Trade Act intended for "Super 301" to be used to address the trade issues now being discussed in SII. We must give SII a chance to succeed. But should SII fail, it is logical to fulfill the original intent of Congress and address these issues under section 301.

Certainly, not all SII issues can be addressed under section 301. Some of the issues, such as Japanese savings rate and land policy, are not primarily trade issues and would not fit well into the framework of section 301. Other issues, however, including the Japanese distribution system, administrative guidance, and exclusionary business practices, can quite easily be pursued under section 301. We must distinguish between these two types of SII issues in discussions of alternatives.

The legislation I am proposing would not take effect until September 1, 1990—after the scheduled conclusion to the SII talks. The legislation would require the President to certify to Congress that SII had succeeded in addressing Japanese structural trade barriers by September 1, 1990. If he fails to make this certification, the U.S. Trade Representative must identify those issues in the SII that can be best addressed under section 301 and self-initiate section 301 cases on these issues by October 1, 1990.

The legislation also contains a provision requiring the administration to monitor the implementation of any agreements reached under SII. If the President makes an affirmative Certification to Congress on September 1, 1990, to avoid initiating section 301 cases, 18 months later he must certify to Congress that: First, the agreement has been faithfully implemented, and second, U.S. exports have risen accordingly. If the President is unable to make that certification, the U.S. Trade Representative must initiate section

301 investigations into the outstanding trade issues that we not adequately addressed by SII. For example, if the President is unable to certify that substantive reforms are underway in the Japanese distribution system by early 1992, a section 301 investigation must begin on the Japanese distribution system.

Aside from the changes described, the legislation makes no changes in either section 301 or the super 301 provision of the 1988 Trade Act. The 1989 and 1990 rounds of super 301 determinations will go forward unaltered and no changes are made in the time limits or retaliation requirements of section 301.

This legislation is cosponsored by Senator HEINZ and Senator ROCKEFELLER. A companion measure is being introduced in the House of Representatives by Congressman GUARINI.

CONCLUSION

I am a strong supporter of SII. As I have been arguing for several years, the United States and Japan can best address their economic problems through mutual give and take. Certainly, there are problems in the United States that might usefully be addressed through SII. Further, we would see much more improvement in the overall trade imbalance between the United States and Japan if we addressed a range of bilateral economic problems at the same time that we lower Japanese trade barriers. In fact, more than 3½ years ago I suggested an approach very similar to SII in a speech to the Tokyo Press Club.

Unfortunately, it appears that the United States and Japan may not be able to muster the political will to make SII succeed.

But the problems being discussed in the SII are too important to simply ignore.

If SII does not succeed we must look for second-best alternatives.

Ideally, these issues might be addressed in a multilateral forum, such as the current round of GATT talks. But as Ambassador Williams—the current Deputy USTR—points out, these issues are not the agenda for the GATT talks. We have no alternative but to explore bilateral and unilateral measures.

I believe the legislation I am today introducing is the most attractive second-best option available.

It is always unfortunate when the United States and Japan are not able to resolve their trade differences in an amicable manner. Unfortunately, Japan has been very slow to open its markets. United States pressure has been necessary to stimulate trade reform in Japan.

Above all else, this legislation should demonstrate to both United States and Japanese negotiators that the United States Congress remains committed to opening the Japanese market.

By Mr. SIMON (for himself and Mr. LEAHY):

S. 2370. A bill to amend section 107 of title 17, United States Code, relating to fair use, to clarify that such section applies to both published and unpublished copyrighted works; to the Committee on the Judiciary.

CLARIFICATION OF FAIRNESS DOCTRINE UNDER THE COPYRIGHT LAWS

● Mr. SIMON. Mr. President, today I introduce a bill important to scholarly research and the preservation of history, involving both constitutional first amendment rights and copyright law. The issue in a nutshell is this: How do we balance the interests of accurate scholarship or journalism against the right of authors to control the publication of their own unpublished work? Some Federal courts appear to have adopted a rule that would tip the scales against critical historical analysis. This bill is an attempt to restore the appropriate balance.

Mr. President, one of the fundamental tenets of sound scholarly research is this command: Go to the original source. As an amateur historian and author myself, I know how important it is for scholars to cite directly from authentic documents. Sometimes only a person's actual words can adequately convey the essence of a historical event.

Of course, there can be abuse of this kind of citation. No one would argue that I could publish a draft of Stephen King's next thriller on the pretext of "reporting" the results of my "research." There has to be a balance.

That balance has already been struck under the fair use clause of the Copyright Act of 1976, at section 107. By enacting that clause, Congress in effect ratified a doctrine that the courts have long recognized: That there can be limited fair use of copyrighted material for purposes such as scholarship or news reporting without infringing on the author's copyright. The courts have developed a complex and sophisticated test for interpreting whether a particular use is fair. That test already includes factors relevant to the consideration of unpublished works, such as the nature of the copyrighted work, and the effect of the use upon the potential market for the work.

Unfortunately, the Court of Appeals for the Second Circuit, which has jurisdiction over many of the Nation's major publishing houses, has recently issued decisions that begin to upset this careful balance. The case of New Era Publications versus Henry Holt involves the use of unpublished letters and diaries in a critical biography of L. Ron Hubbard, founder of Scientology. In that case, the court suggests that virtually any quotation of unpublished materials is an infringement of copyright, and not fair use.

This is an unfortunate interpretation of language from Harper & Row versus Nation Enterprises, an earlier case in which the Supreme Court held extensive quotation from the unpublished memoirs of President Ford to be an infringement of copyright. However, Harper & Row involved quotes from a purloined manuscript that was soon to be published, in an article that was intended to scoop the scheduled authorized publication of excerpts from the book in a competing news magazine.

In Salinger versus Random House, the second circuit expanded on the Supreme Court's decision in Harper & Row, barring the publication of an unauthorized biography of writer J.D. Salinger that quoted extensively from unpublished letters written by Salinger that were collected in university libraries. The Supreme Court declined to hear an appeal of either the Salinger case, or, just recently, the New Era case.

As chair of the Judiciary Committee Subcommittee on the Constitution, I am particularly concerned about the impact these cases will have on the first amendment right to free speech. These decisions have created something of an uproar in the academic and publishing communities. The spectre of historical and literary figures and their heirs exercising an effective censorship power over unflattering portrayals appears to have already had a chilling effect. Books that quote letters, even those written directly to the authors, have been changed to omit those quotations. At least one other lawsuit has been filed against a biographer. If scholars and historians can be prohibited from citing primary sources, their work would be severely impaired. Ultimately, I think it's no exaggeration to state that if this trend continues, it could cripple the ability of society at large to learn from history and thereby to avoid repeating its mistakes.

Mr. President, this is a simple bill which would merely direct the courts to apply the full fair use analysis to all copyrighted works, rather than peremptorily dismissing any and all citation to unpublished works as infringing. This bill is not intended to allow unlimited pirating of unpublished materials. Just as it does now, the law would still generally prohibit a writer from copying the expressive content of an author's work; it would still prevent a writer from quoting more than a minimal amount of an original work; a work could still not be quoted for other than limited purposes.

Nor is the bill intended to render the unpublished nature of a work irrelevant to fair use analysis under the four statutory factors. Courts would

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still consider the unpublished nature of a work in assessing the nature of the work, or in determining the effect of the use upon the potential market for the work. Courts should generally retain full flexibility in applying the fair use test to various particular situations that may arise. All the bill says is that the unpublished nature of a work alone should not determine whether a particular use of it is fair. I hope only to forestall the adoption of a broad and inflexible judicial rule against fair use of unpublished works.

It may be that the Supreme Court, or the second circuit itself, will eventually modify these decisions by limiting their application to a narrower category of cases. I would welcome that development. Nonetheless, we should not rely on the possibility that they will act. The modest language in this legislation can help to direct their actions.

A broad coalition of individual authors, publishers, and trade organizations has reached a general consensus in support of this bill. As they have strong interests in protecting authors' copyrights as well as in encouraging scholarly research, I believe this approach is a balanced one. I have also heard from parties who are concerned about the unintended consequences this bill might have on certain unpublished scientific works that embody trade secrets, such as computer source codes. This bill is not intended to provide new fair use access to those works, and I will work closely with those who have concerns to see that it does not. Congressional hearings will flesh out the record regarding the need for legislation. I am open to suggestion as to how this bill can be improved, and I welcome hearing from all parties involved in this important issue.●

Mr. LEAHY. Mr. President, I am pleased to join the distinguished Senator from Illinois in the introduction of this important legislation. This bill would strike a fair balance of the right to privacy, the rights ensured by the first amendment, and the protections designed to foster the creative spirit of our Nation.

American copyright law has its origins in the Constitution, which gives to Congress the power:

> To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

Our Founding Fathers recognized that in the absence of legal protection, ingenuity and, in turn, progress would wither. The Constitution and laws of the United States protect that ingenuity and the result has been two centuries of innovation and unmatched creativity.

Copyright, however, is not an absolute right. It is an attempt to balance the rights of the author or inventor with the "progress of science and useful arts." One exception to exclusive copyright protection is the fair use doctrine, which allows subsequent authors to build on the work of others. The Copyright Revision Act of 1976 provides that "the fair use of a copyrighted work * * * for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research, is not an infringement of copyright." (17 U.S.C. section 107)

Should the fair use doctrine apply to unpublished materials? A series of decisions in the second circuit pinpoint the difficulties raised by this question. In New Era Publications versus Henry Holt, the court suggested that almost any quotation or use of unpublished material would constitute a copyright infringement. The Supreme Court declined to review this second circuit decision.

In an earlier decision, the Supreme Court found copyright infringement when Nation magazine published a leaked copy of President Gerald Ford's memoirs immediately before they were scheduled for publication by Time magazine. The Court held that the Court of Appeals erred in overlooking the unpublished nature of the work and the resulting impact on the potential market for first serial rights of permitting unauthorized prepublication excerpts under the rubric of fair use." *Harper & Row* v. *Nation Enterprises*, 471 U.S. 539, 569 (1984).

In Salinger versus Random House, the second circuit relied on the Harper & Row decision in holding that "Salinger has a right to protect the expressive content of his unpublished writings for the term of his copyright, and that right prevails over a claim of fair use under 'ordinary circumstances.'" 811 F.2d 90, 100 (1987). In this decision, the court found that the balance tipped in favor of Salinger's right to privacy as well as the right of his heirs to retain the option to profit from the publication of his materials.

This trend toward restricting the use of unpublished works must be examined carefully because it implicates significant competing interests. I commend the distinguished Senator from Illinois for his commitment to this debate.

Senator SIMON's proposed legislation would clarify current copyright law by specifically including unpublished material in section 107 of the Copyright Act. It would not remove copyright protection from unpublished material. It would require that courts determine whether the use of unpublished material qualifies as a fair use under the act. Thus, the same standard would apply to both published and unpublished material: The purpose of the use, the nature of the copyrighted work, the amount of the work used, and the effect of the use upon the potential market for the copyrighted work would be examined by the court.

I believe that this approach is a reasonable effort to balance the competing interests of the creator's copyright, the public's right to the broadest dissemination of information, and the original author's right to privacy.

Members of the computer industry have expressed concern that the protection of their computer source codes might be jeopardized by this legislation. That is not our intent with this legislation and we will work with the industry to ensure that it is not the effect.

As Justice Brennan once said, "A broad dissemination of principles, ideas, and factual information is crucial to * * * robust public debate and [an] informed citizenry." *Harper & Row* v. *Nation Enterprises*, 471 U.S. 539, 582 (1984) (Brennan, J., dissenting). I look forward to working with Senator SIMON to ensure that our basic first amendment liberties and our privacy rights are preserved. The chilling effect of recent court decisions cannot be permitted to censor journalists and authors. The richness and breadth of our history is too important to the future of the country—it helps to define us by educating our children and reminding our leaders of their place in history.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 2371. A bill to direct the National Academy of Sciences to conduct a study of the feasibility of an umbrella research arm to support research on a variety of environmental issues; to the Committee on Environment and Public Works.

NATIONAL INSTITUTE FOR ENVIRONMENTAL RESEARCH

● Mr. BRADLEY. Mr. President, it is an unfortunate fact of life that most of our environmental policy is reactive: it is the disasters which repeatedly show our inadequacies and our imperfect understanding of man's relationship to the environment.

Not long ago, I stood on the banks of the Arthur Kill in New Jersey. This heavily traveled waterway was the site of not one but multiple oilspills just within the last month. And each of these exposed loopholes in the laws that protect our environment.

Today, my hope is to look to the future, to build a foundation to address the major environmental challenges we will face and to assess what steps we can take now to prevent environmental disasters tomorrow. We know too well that our everyday actions have implications far beyond this or next week, the next election, or even the next decade. The Superfund law—of which I'm quite proud—is a multibillion-dollar effort to address an unfortunate inheritance of industrial and public environmental neglect. This sort of inheritance is not what I have in mind for our children. We can do better and a National Institute for Environmental Research is part of that effort.

Mr. President, the legislation I am introducing today promotes a simple concept: a rational and steadfast approach to long-term environmental research. It's time to acknowledge through a comprehensive research program that we humans have many cohabitants on this planet. We have many neighbors, who too often are overlooked or harmed by our actions. If we are to continue living in a healthy world, with its diversity of species and natural beauty, we need to learn better how to treat our collective home with respect and understanding.

Clearly, this effort is intended as a necessary supplement and complement to the existing environmental research efforts. These efforts, which must continue, have been dominated by media-specific issues—for example, air to water pollution—or human health concerns. Ecological and global concerns are glaring holes in our research agenda. For example, our efforts to address oilspills focus on short-term aquatic effects. But in the estuarine ecosystem, oil wastes often settle and destroy shellfish, disrupt the food chain, obliterate nesting areas, and kill off food sources for birds and important sport and commercial fishes. These subtle effects are often easy and convenient to disregard. If we underestimate the costs of our actions, both inadvertent or otherwise, we will inadequately safeguard our natural legacy. We can not estimate these costs until we appreciate the subtle effects and changes in natural systems.

Mr. President, I believe there is emerging a consensus in the scientific community that the National Institutes of Health [NIH] can be an effective model for these efforts. I believe the National Institute can, like NIH, consist of problem-oriented institutes or centers. The institutes will encourage and support funding for competitive research by academic institutions, non-profit organizations, and industry. These efforts will yield two positive results. Competitive research efforts always promise the best use of funding. And by working through our educational institutions, we ensure the development of a necessary intellectual infrastructure. As we consider the mounting challenges ahead, this last component should not be underestimated.

Mr. President, my legislation calls on the National Academy of Sciences to examine these issues and report to Congress on the feasibility and merits of this National Institute. This report will be due in one year. Although I believe the merits of this effort are transparent, it is likewise clear that many agencies can and should play a role in the establishment of this Institute. The EPA, the National Oceanic and Atmospheric Administration, the National Science Foundation, the U.S. Geological Survey, the Forest Service, the Fish and Wildlife Service, and the President's Council on Environmental Quality are among the many Federal groups that have a legitimate role to play and deserve the opportunity to contribute to the Institute's development.

This legislation parallels efforts in the House of Representatives that are being spearheaded by New Jersey Congressmen ROE and SAXTON. I have urged them onward in their efforts, which are bearing fruit in the House, and I will work in the Senate toward the same goal. I urge my colleagues to consider my legislation carefully and to support these efforts.

Mr. President, I ask unanimous consent that the text of my legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STUDY.

(a) The National Academy of Sciences shall conduct a study of the feasibility of an umbrella research arm, the National Institutes for Environmental Research, which would support training in the environmental sciences and fundamental and applied environmental research on a wide variety of disciplines, including biology, ecology, geology, and engineering through intramural and extramural research activities, including competitive grants to institutions and organizations that support interdisciplinary research teams and that support investigator-initiated proposals.

(b) The National Academy of Sciences shall evaluate the current state of extramural research support and undergraduate and graduate training relevant to such issues as tropical deforestation, species extinction, ecosystem degradation, biological restoration, use of underutilized resources, economic consequences of environmental change, sustainable resource use, and the human impact on the environment and of environmental impact on human endeavors.

(c) Within the 12-month period following the date of the enactment of this Act, the National Academy of Sciences shall report to the appropriate committees of Congress on its recommendations regarding mechanisms that can be used to advance environmental research and training, their relationship to existing Government programs and other research entities conducting environmental research, and appropriate levels and sources of funding.

(d) There is authorized to be appropriated $500,000 to carry out the provisions of this Act.●

By Mr. SPECTER:

S.J. Res. 279. Joint resolution to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week"; to the Committee on the Judiciary.

NATIONAL REHABILITATION WEEK

Mr. SPECTER. Mr. President, today I am introducing a joint resolution to designate the week of September 16, 1990, as "National Rehabilitation Week."

National Rehabilitation Week is an opportunity to celebrate the victories and determination of the more than 36 million disabled people in America. It is also a time to salute the dedicated health care professionals who provide rehabilitation care and to call attention to the unmet needs of our Nation's disabled citizens.

As my colleagues know, there are significant areas where the needs of individuals with disabilities have not been met. The designation of a week as National Rehabilitation Week provides the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities. It is also an excellent opportunity to recognize the dedicated health care professionals who work daily to help such individuals achieve independence.

Reports indicate that stroke, amputation, brain injury, birth defects, serious illnesses, or other injuries affect one-third of our Nation's population. Experts estimate that 66 percent of those people never seek rehabilitation assistance. The widespread importance of rehabilitation is further evidenced by reported statistics that one out of every two Americans will need some form of rehabilitation therapy in his or her lifetime.

As the ranking minority member of the Appropriations Subcommittee on Labor, Health and Human Services, and Education, I am particularly concerned that we continue to work toward providing sufficient resources to help the disabled. Therefore, for the benefit of all American citizens, National Rehabilitation Week would provide a forum for education and promotion of a broader awareness of the effective resources that rehabilitation facilities provide.

I am pleased that my own State of Pennsylvania is home to the headquarters of one of the largest providers of health care services in the United States—Allied Services. Allied provides a community of resources for the physically and mentally disabled, the elderly, and the chronically ill.

Having personally toured Allied's facilities in Scranton, PA, I have seen firsthand the important contributions that such rehabilitation services provide. Since 1976, Allied has led the country in celebrating Rehabilitation Week. As part of this week, Allied has honored exceptional individuals for their commendable personal accomplishments and their work on behalf of the disabled. Past recipients have

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included former Presidential press secretary James S. Brady, pitcher of the California Angels Jim Abbott, internationally renowned violinist Itzak Perlman, and Rick Hansen, who traveled by wheelchair across 25,000 miles throughout Europe and the United States.

This annual effort to focus attention on the courage and determination of the disabled and on the valiant and successful efforts of those professionals who are working to help them is, indeed, worthy of national attention and praise.

Mr. President, I can think of no nobler nor more estimable task than endeavoring to restore disabled individuals to independent, productive, and fulfilling lives. All who are engaged in these efforts have my admiration and respect.

Accordingly, I urge my colleagues to join me in support of the disabled person and the dedicated professional, both of whom personify the philosophy that disabilities can be turned into possibilities and successes.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 279

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the week of September 16, 1990, through September 22, 1990, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(2) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

By Mr. KENNEDY (for himself, Mr. Cranston, Mr. Hatch, and Mr. DeConcini):

S.J. Res. 280. A bill approving the findings of the Comptroller General of the United States contained in the General Accounting Office [GAO] report, dated March 29, 1990, regarding employer sanctions; to the Committee on the Judiciary.

JOB DISCRIMINATION UNDER THE 1986 IMMIGRATION ACT

Mr. KENNEDY. Mr. President, the Comptroller General has today released a report to the Senate Immigration Subcommittee finding a widespread pattern of job discrimination in the implementation of the Immigration Reform and Control Act of 1986.

The GAO report confirms exactly what many of us in Congress feared when employer sanctions were enacted in 1986. The sanctions would be discriminatory against Hispanic-American citizens, Asian-American citizens, and other ethnic minorities, and it would be difficult to implement the law is a way that avoids such discrimination.

Under the terms of an amendment that I added to the 1986 act, the General Accounting Office was required to make three annual reports. The third and final report—which we will review tomorrow in detail with the Comptroller General—is clearly the most important.

Under the law, if the Comptroller General determines that a widespread pattern of discrimination has resulted from the law, expedited procedures are provided requiring Congress to consider a joint resolution within 30 days.

If the joint resolution is adopted and signed by the President, employer sanctions are terminated.

Today, the Comptroller General has made that determination, and I am introducing a Senate joint resolution to approve the findings and terminate the sanctions under the expedited procedures.

I am doing so to require Congress to deal with the serious issues raised by the GAO report. These issues can be ignored no longer. Our fears of 1986 have become the reality of 1990. Congress and the country cannot tolerate the discrimination that has been found.

Tomorrow the Judiciary Committee will hold a hearing, as required under the statute, to review the Comptroller General's report and consider appropriate recommendations to deal with this intolerable situation.

Discrimination in the enforcement of the employer sanctions is intolerable. Unless Congress finds a way to end this discrimination, the sanctions must be repealed.

Mr. President, I ask unanimous consent that the text of the joint resolution may be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 280

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, pursuant to section 274A(l)(1)(B) of the Immigration and Nationality Act, the Congress approves the findings of the Comptroller General of the United States contained in the General Accounting Office (GAO) report entitled "Immigration Reform: Employer Sanctions and the Question of Discrimination", dated March 29, 1990 (identification number GAO/GGD-90-62).

By Mr. DeCONCINI (for himself, Mr. Thurmond, and Mr. Johnston):

S.J. Res. 281. Joint resolution to designate September 13, 1990, as "National D.A.R.E. Day"; to the Committee on the Judiciary.

NATIONAL D.A.R.E. DAY

Mr. DeCONCINI. Mr. President, for the third year in a row I am pleased to introduce a joint resolution designating September 13, 1990 as "National D.A.R.E. Day." D.A.R.E. is an acronym for drug abuse resistance education, a semester-long program which teaches fifth and sixth grade children how to resist pressure to experiment with drugs and alcohol. The D.A.R.E. Program was originally developed in Los Angeles by Police Chief Daryl Gates as a cooperative effort between Los Angeles Police Department and the Unified School District. Police Chief Gates deserves a great deal of credit for putting this program together. I compliment him for this effort.

Today, this exciting program has expanded into more than 2,000 communities in 49 States. The D.A.R.E. message is being received by over 4.5 million students in 100,000 classrooms during the 1989-90 school year, double the number of classrooms taught last year. Additionally, the D.A.R.E. Program has been adopted for use internationally in the Department of Defense's dependent schools.

The D.A.R.E. Program is also offered for kindergarten and junior high school students and their parents. It provides parents with the skills necessary to further the development and reinforce the decision of their children to lead drug free lives. The program has proven effective because it targets children who are young enough not to have received maximum exposure to illegal drugs, yet are old enough to fully comprehend the dangers of drug use.

In my home State of Arizona, we now have 74 separate agencies that are involved in D.A.R.E. and nearly 500 trained officers. During this school year alone, these officers will reach over 30,000 students in 300 public schools. These numbers are even more impressive when you consider that this is a 17-lesson series, taught once a week over the course of a semester.

When the University of Michigan's 15th annual national drug abuse survey of high school seniors was recently released, the report showed a continued decline in teen drug use. The Michigan survey reported a decrease in cocaine use for the third year in a row. Among high school seniors, the proportion of users of cocaine fell by more than half between 1986 and 1989, from 6.2 to 2.8 percent. The Michigan survey, which is funded by the National Institute on Drug Abuse, reported that illegal use dropped last year among all three categories of young people surveyed, and that casual use among high school seniors and college students is about half what it was a decade ago. These encouraging results occurred at a time when those surveyed reported significant increases in the perceived availability of illegal drugs.

In contrast, a recent drug abuse survey of high school students conducted in Arizona by the Criminal Justice Commission found cocaine use by high school seniors higher than the national average, but lower in the use of alcohol and marijuana. Although 4 percent of Arizona high school students surveyed had tried cocaine in the past 30 days, this is a significant improvement over last year's figure of 7 percent. The drug abuse trend is slowly declining. However, an effective, long-term program is critical in continuing the education of our children on the perils of illegal drugs.

I believe these surveys tell us we still have a long way to go in our efforts to rid society of these deadly poisons. We must fight harder—implementing greater preventive measures and creating greater community awareness. President Bush has requested $10.6 billion in his fiscal year 1991 budget for antidrug programs. Although the President's budget represents an increase of more than $1 billion over this year's funding level, the budget increases drug education funding by less than $50 million. The President's funding request for drug education falls far short of what is needed in this country if we are to provide a drug education curriculum for every child, in every classroom, in every school in America. Programs like D.A.R.E. have proven effective and must be utilized.

An evaluation completed by the U.S. Department of Justice reveals great enthusiasm among school principals and teachers who say that D.A.R.E. students are less accepting of substance use and better prepared to deal with peer pressure as a result of the innovative drug education. Moreover, educators are finding that the D.A.R.E. program has contributed to improved study habits and grades, decreased vandalism and gang activity and has generated greater respect for police officers.

Our acceptance of drugs is at the root of the illicit drug problem in America. This acceptance has permeated the Nation's youth—it is not enough to simply hand them a ready-made cliche—"Just Say No." We must cognitively teach them to resist the subtle pressures that cause them to experiment with dangerous substances.

Mr. President, the D.A.R.E. Program is one that works. The program is producing unprecedented results. Hopefully, we will acknowledge the merit of this program for the third straight year by designating September 13, 1990 as "National D.A.R.E. Day." I urge my colleagues to show their support by cosponsoring this meaningful resolution.

I want to give a special thanks to Adena Bernstein, of my staff, for her fine work on this resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 281

Whereas D.A.R.E. (Drug Abuse Resistance Education) is a comprehensive program under which children from kindergarten through the 12th grade are taught how to resist the pressures of experimenting with drugs and alcohol;

Whereas the D.A.R.E. program provides parents with the information and techniques necessary to reinforce and further develop the decisions of their children to lead drug free-lives;

Whereas the D.A.R.E. program targets children at ages when they are most vulnerable to extreme peer pressure to try drugs and alcohol and teaches them how effectively to resist pressure to engage in negative behavior;

Whereas the D.A.R.E. program is now conducted in local schools in more than 2,000 communities in 49 States and in Department of Defense Overseas Dependent Schools worldwide;

Whereas more than 4,500,000 school children will be reached through the D.A.R.E. core curriculum in 1990;

Whereas school children are sometimes more street wise about substance abuse than are classroom teachers, the D.A.R.E. program is taught by veteran police officers having direct experience with cases involving criminal drug offenses and with people whose lives have been ruined by substance abuse;

Whereas each police officer who teaches the D.A.R.E. program completes an 80-hour training course that includes instruction in teaching techniques, relationships between officers and schools, self-esteem development, child development, and communication skills;

Whereas the D.A.R.E. curriculum, developed by the Los Angeles Police Department and the Los Angeles Unified School District, helps school children understand self-image, recognize and manage stress without using drugs or alcohol, analyze and resist media presentations about drugs and alcohol, evaluate risk-taking behavior, resist gang pressure, apply decision-making skills, and evaluate the consequences of the choices facing them;

Whereas independent research shows that the D.A.R.E. program has exceeded its goal of helping students combat peer pressure to use drugs and alcohol by contributing to improved study habits and grades, by reducing vandalism and gang activity, and by instilling greater respect for police officers; and

Whereas the D.A.R.E. program has achieved outstanding success teaching positive and effective approaches to one of the most difficult problems facing young people today, namely drug and alcohol abuse: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 13, 1990, is designated as "National D.A.R.E. Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.

By Mr. WILSON:

S.J. Res. 282. Joint resolution to designate the decade beginning January 1, 1990, as the "Decade of the Child"; to the Committee on the Judiciary.

DECADE OF THE CHILD

Mr. WILSON. Mr. President, we will call upon our children entering kindergarten today to provide the leadership necessary to compete in a global marketplace tomorrow, because tomorrow will come all to soon.

The question that presents itself is: will our children be prepared to successfully confront the challenges of that global marketplace, indeed the challenges of the future on all fronts, or will they lack the self-esteem and the confidence needed to try to succeed.

Will our children meet the requirements of an increasingly technological job market? Will they find that American business must look abroad to build our human resource base? Well, these and many other questions necessarily must be confronted. And, in fact, those answers must be found, because the clock is running.

As a nation, we have to ask ourselves, will we meet the needs of our children in the next decade, providing them the kind of individual attention, the caring, the support, the guidance which can in fact change young attitudes, change young lives, and produce productive adults?

Will we feel secure in the knowledge that we have done all within our ability to meet our greatest hopes and our ambitions for those children? Mr. President, I do not have a crystal ball, but I can predict with some degree of certainty that, unless current trends are reversed, we may miss our rendezvous with destiny by failing America's children.

Each day in America, over 1,800 children are abused, over 2,700 teenagers become pregnant, 1,300 drop out of

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high school. If these statistics alone do not compel us to carefully reexamine our policies and programs affecting children, consider these facts, Mr. President:

Each year in America 1,300,000 children run away from home, 2,100 teenagers commit suicide, close to 600,000 of our youth enter adult jails, and 3,200 die at gunpoint.

What promise does the future hold for the victim of child abuse, for the unwed teenage mother, for the high school dropout, or the juvenile offender?

Just as important, what promise do these children hold for the Nation? Because what we are saying is that these ills that I have recited afflict not only the individual child, but as each child is lost, as the potential of each is wasted, our society as a whole suffers the loss of energy and talent that we cannot afford to lose.

How much better, Mr. President, to prevent child abuse than to suffer the next generation of child abusers and violent criminals, to end a cycle of pain and suffering. How much better to keeep a kid in school and off the street. How much better to channel energy into productive activities and away from crime.

The answer is that prevention is far more cost effective, because it is far more effective. For that reason, prevention is infinitely more humane and much less expensive. Much more expensive, much less likely of success, are remedial actions. The kinds of problems we are talking about are not intractable; they are difficult problems, but the truth is they are preventable if detected early and in a timely manner. This, truly, is a time when an ounce of prevention is worth 100 pounds of cure.

Solutions which emphasize early intervention have proven far more certain of success, far more humane than the most well-intentioned remedial efforts. As parents, as policymakers, as community leaders, as businessmen and women, our focus must be upon the educational and the developmental and the health needs of America's children before it is too late.

We must act before a child takes his or her first sip of alcohol, his or her first hit of crack, before a child becomes so demoralized as to think that he or she really does not have much value, before a child reaches that point of despair and feels that there is no hope and takes his or her life with his or her own hands.

So, how do we steer our children down the path toward a fulfilling and fulfilled existence? There is no universal answer. Each child brings with him or her a unique quality which cannot be captured with broad strokes. But I submit there are basic issues: A safe and secure home environment in which to grow, high quality education and health care, a life that at a minimum is free of the influence of drugs and alcohol. These, Mr. President, I submit are the bare minimum conditions which America must seek to guarantee to every child in this Nation if we are to be fair to those children, and if we are to improve our chances of meeting, not only the child's needs but America's needs, for all of our children and all of our futures.

As a first step to define this common ground, those basic issues, today I am introducing a joint resolution to declare the decade of the 1990's as the decade of the child, the decade in which America focuses unprecedented attention upon the unfinished business of seeing to it that America's children enter life and go through childhood with every break going for them; that every one, at least, that we can effect, be a conscientious and timely action.

If we do so, we will make an investment in our future. Indeed, we will cut the costs of the kind of remedial, half measures that otherwise will be the certain response to our failure to engage in adequate prevention.

Let me close by asking my colleagues to join me in support of the decade of the child. This is simply a first step, an invitation to my colleagues to join with me, as I will join with many of them, in the specific steps that are required to make good on this commitment to America's children and America's future.

Mr. President, I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 282

Whereas the ability of our Nation to compete in a global marketplace depends on our ability to produce confident, caring adults who possess both job and social skills;

Whereas an investment in our children is an investment in the future of our Nation;

Whereas all children need, and are entitled at a minimum to, a safe and secure environment in which to live, beginning with the healthy, drug- and alcohol-free pregnancy of their mothers, and a home environment without child abuse, alcoholism, or drug use by their parents;

Whereas all children must be healthy, both in mind and body, to lead productive lives;

Whereas all children need the best educational system our Nation can provide in order to be stimulated to learn;

Whereas all children must have role models to provide individual attention, caring, and guidance and to foster greater self-esteem, pride of accomplishment, and initiative;

Whereas preventive programs such as early childhood education and prenatal care reduce costs to the Nation in terms of human suffering, taxes, and private expenditures;

Whereas efforts to eradicate the scourge of illegal drugs from the Nation reduce a threat to the lives of all Americans, especially those of our youth;

Whereas social and child development services for which we now pay taxes too often fail to reach the children for whom they are intended, requiring much improved intra- and inter-governmental coordination and communication in order to benefit our Nation's children;

Whereas the complex problems that affect our children require comprehensive solutions, continually reinforced by all of society including family, community, government, and the private sector;

Whereas the declaration of the Decade of the Child will focus the Nation's attention on the educational, developmental, and health needs of our children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the decade beginning January 1, 1990, is designated the "Decade of the Child"; and

(2) the President is authorized and requested to issue a proclamation calling on all public officials and the people of the United States to observe the decade with appropriate programs and activities.

ADDITIONAL COSPONSORS

S. 101

At the request of Mr. Sanford, the name of the Senator from Connecticut [Mr. Dodd] was added as a cosponsor of S. 101, a bill to mandate a balanced budget, to provide for the reduction of the national debt, to protect retirement funds, to require honest budgetary accounting, and for other purposes.

S. 137

At the request of Mr. Boren, the name of the Senator from Montana [Mr. Baucus] was added as a cosponsor of S. 137, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 434

At the request of Mr. Reid, the names of the Senator from Arizona [Mr. DeConcini] and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of S. 434, a bill to prohibit a State from imposing an income tax on the pension income of individuals who are not residents or domiciliaries of that State.

S. 776

At the request of Mr. Bradley, the name of the Senator from New Jersey [Mr. Lautenberg] was added as a cosponsor of S. 776, a bill to amend the Internal Revenue Code of 1986 to disallow deductions for advertising expenses for tobacco products.

S. 1006

At the request of Mr. Leahy, the name of the Senator from Delaware [Mr. Biden] was added as a cosponsor of S. 1006, a bill to encourage innovation and productivity, stimulate trade, and promote the competitiveness and technological leadership of the United States.

S. 1041

At the request of Mr. **Levin**, his name was added as a cosponsor of S. 1041, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for farmers who realize capital gain on the transfer of farm property to satisfy an indebtedness, and for other purposes.

S. 1212

At the request of Mr. **Sanford**, the name of the Senator from Nevada [Mr. **Bryan**] was added as a cosponsor of S. 1212, a bill to amend title II of the Social Security Act to provide for a more gradual period of transition—and a new alternative formula with respect to such transition—to the changes in benefit computation rules enacted in the Social Security Amendments of 1977 as such changes apply to workers born in years after 1916 and before 1927—and related beneficiaries—and to provide for increases in such workers' benefits accordingly, and for other purposes.

S. 1273

At the request of Mr. **Levin**, his name was added as a cosponsor of S. 1273, a bill to amend the Internal Revenue Code of 1986 with respect to treatment by cooperatives of gains or losses from sale of certain assets.

S. 1557

At the request of Mr. **Roth**, the name of the Senator from Colorado [Mr. **Wirth**] was added as a cosponsor of S. 1557, a bill to amend title 17, United States Code, to permit the unlicensed viewing of videos under certain conditions.

S. 1883

At the request of Mr. **Kennedy**, the names of the Senator from New York [Mr. **Moynihan**], the Senator from Oregon [Mr. **Hatfield**], the Senator from Massachusetts [Mr. **Kerry**], the Senator from Oregon [Mr. **Packwood**], the Senator from Ohio [Mr. **Glenn**], the Senator from Alaska [Mr. **Stevens**], the Senator from Maine [Mr. **Cohen**], the Senator from Pennsylvania [Mr. **Heinz**], and the Senator from Utah [Mr. **Garn**] were added as cosponsors of S. 1883, a bill to amend the Public Service Act to establish a center for tobacco products, to inform the public hazards of tobacco use, to disclose and restrict additives to such products, and to require labeling of such products to provide information concerning such products to the public, and for other purposes.

S. 2021

At the request of Mr. **Dole**, the name of the Senator from New York [Mr. **D'Amato**] was added as a cosponsor of S. 2021, a bill to amend title 11, United States Code, to ensure that the bankruptcy laws are not used to prevent restitution to, or recovery of, failed bankruptcy institutions.

S. 2149

At the request of Mr. **Boschwitz**, the name of the Senator from Mississippi [Mr. **Cochran**] was added as a cosponsor of S. 2149, a bill to amend the Internal Revenue Code of 1986 to stimulate employment in, and to promote revitalization of, economically distressed areas designated as enterprise zones, by providing Federal tax relief for employment and investments, and for other purposes.

S. 2198

At the request of Mr. **Bradley**, the name of the Senator from Nevada [Mr. **Reid**] was added as a cosponsor of S. 2198, a bill to amend title XIX of the Social Security Act to reduce infant mortality through improvement of coverage of services to pregnant women and infants under the Medicaid Program.

S. 2210

At the request of Mr. **D'Amato**, the name of the Senator from New Hampshire [Mr. **Humphrey**] was added as a cosponsor of S. 2210, a bill to provide for preservation of competitive rail freight service routes in the Northeastern United States.

S. 2241

At the request of Mr. **Graham**, the name of the Senator from Iowa [Mr. **Harkin**] was added as a cosponsor of S. 2241, a bill to provide scholarships to law enforcement personnel who seek further education.

S. 2290

At the request of Mr. **Heinz**, the name of the Senator from Oklahoma [Mr. **Boren**] was added as a cosponsor of S. 2290, a bill to amend titles II and XVI of the Social Security Act to improve widow's and widower's eligibility for insurance benefits and children's eligibility for Supplemental Security Income benefits.

S. 2307

At the request of Mr. **Riegle**, the name of the Senator from Oregon [Mr. **Hatfield**] was added as a cosponsor of S. 2307, a bill to require the Secretary of Health and Human Services to provide intensive outreach and other services and protections to homeless individuals.

SENATE JOINT RESOLUTION 263

At the request of Mr. **Helms**, the name of the Senator from Virginia [Mr. **Robb**] was added as a cosponsor of Senate Joint Resolution 263, a joint resolution to designate October 11, 1990, as National Society of the Daughters of the American Revolution Centennial Day.

SENATE CONCURRENT RESOLUTION 91

At the request of Mr. **Hatfield**, the name of the Senator from Hawaii [Mr. **Inouye**] was added as a cosponsor of Senate Concurrent Resolution 91, a concurrent resolution expressing the sense of the Congress with respect to achieving common security in the world by reducing reliance on the military and redirecting resources toward overcoming hunger and poverty and meeting basic human needs.

SENATE RESOLUTION 239

At the request of Mr. **DeConcini**, the name of the Senator from Minnesota [Mr. **Boschwitz**] was added as a cosponsor of Senate Resolution 239, a resolution expressing the sense of the Senate denouncing the military offensive in Angola and urging an immediate ceasefire.

SENATE CONCURRENT RESOLUTION 110—CONGRESSIONAL BUDGET FOR FISCAL YEARS 1991, 1992, AND 1993

Mr. SASSER submitted the following concurrent resolution; which was referred to the Committee on the Budget:

S. Con. Res. 110

Resolved by the Senate (the House of Representatives concurring), That the Congress determines and declares that the concurrent resolution on the budget for fiscal year 1991 is established and the appropriate budgetary levels for fiscal years 1992 and 1993 are set forth.

MAXIMUM DEFICIT AMOUNTS

Sec. 2. The following levels and amounts in this section are set forth for purposes of determining, in accordance with section 301(i) of the Congressional Budget and Impoundment Control Act of 1974, as amended by the Balanced Budget and Emergency Deficit Control Act of 1985 and the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, whether the maximum deficit amount for a fiscal year has been exceeded, and as set forth in this concurrent resolution, shall be considered to be mathematically consistent with the other amounts and levels set forth in this concurrent resolution;

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $1,169,900,000,000.
Fiscal year 1992: $1,248,000,000,000.
Fiscal year 1993: $1,336,500,000,000.

(2) The appropriate levels of total budget authority are as follows:

Fiscal year 1991: $1,420,300,000,000.
Fiscal year 1992: $1,454,500,000,000.
Fiscal year 1993: $1,532,200,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $1,233,900,000,000.
Fiscal year 1992: $1,270,200,000,000.
Fiscal year 1993: $1,307,300,000,000.

(4) The amounts of the deficits are as follow:

Fiscal year 1991: $64,000,000,000.
Fiscal year 1992: $22,200,000,000.
Fiscal year 1993: $29,200,000,000. (surplus)

DEBT INCREASE AS ONE MEASURE OF DEFICIT

Sec. 3. The amounts of the increase in the public debt subject to limitation are as follows:

Fiscal year 1991: $190,900,000,000.
Fiscal year 1992: $165,100,000,000.
Fiscal year 1993: $127,600,000,000.

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DEFICIT LEVELS EXCLUDING TRUST FUND SURPLUSES

SEC. 4. (a)(1) The amounts of the surpluses of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1991: $74,200,000,000.
Fiscal year 1992: $85,100,000,000.
Fiscal year 1993: $97,300,000,000.

(2) The amounts of the deficits excluding the receipts and disbursements of the Federal Old-Age Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 1991: $138,200,000,000.
Fiscal year 1992: $107,300,000,000.
Fiscal year 1993: $68,100,000,000.

(b) The amounts of the deficit excluding the receipts and disbursements of all Federal trust funds are as follows:

Fiscal year 1991: $202,400,000,000.
Fiscal year 1992: $167,100,000,000.
Fiscal year 1993: $125,300,000,000.

RECOMMENDED LEVELS AND AMOUNTS

SEC. 5. (a) The following budgetary levels are appropriate for the fiscal years beginning on October 1, 1990, October 1, 1991, and October 1, 1992:

(1) The recommended levels of Federal revenues are as follows:

Fiscal year 1991: $861,000,000,000.
Fiscal year 1992: $918,300,000,000.
Fiscal year 1993: $984,300,000,000.

and the amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 1991: $14,500,000,000.
Fiscal year 1992: $14,600,000,000.
Fiscal year 1993: $14,700,000,000.

and the amounts for Federal Insurance Contributions Act revenues for hospital insurance within the recommended levels of Federal revenues are as follows:

Fiscal year 1991: $74,600,000,000.
Fiscal year 1992: $79,600,000,000.
Fiscal year 1993: $85,100,000,000.

(2) The appropriate levels of total new budget authority are as follows:

Fiscal year 1991: $1,111,300,000,000.
Fiscal year 1992: $1,124,600,000,000.
Fiscal year 1993: $1,179,600,000,000.

(3) The appropriate levels of total budget outlays are as follows:

Fiscal year 1991: $999,200,000,000.
Fiscal year 1992: $1,025,600,000,000.
Fiscal year 1993: $1,052,400,000,000.

(4) The amounts of the deficits are as follows:

Fiscal year 1991: $138,200,000,000.
Fiscal year 1992: $107,300,000,000.
Fiscal year 1993: $68,100,000,000.

(5) The appropriate levels of the public debt are as follows:

Fiscal year 1991: $3,316,600,000,000.
Fiscal year 1992: $3,478,700,000,000.
Fiscal year 1993: $3,606,300,000,000.

(6) The appropriate levels of total Federal credit activity for the fiscal years beginning on October 1, 1990, October 1, 1991, and October 1, 1992, are as follows:

Fiscal year 1991:
(A) New direct loan obligations, $20,900,000,000.
(B) New Primary loan guarantee commitments, $106,100,000,000.
(C) New secondary loan guarantee commitments, $85,400,000,000.

Fiscal year 1992:
(A) New direct loan obligations, $17,700,000,000.
(B) New primary loan guarantee commitments, $109,900,000,000.
(C) New secondary loan guarantee commitments, $88,800,000,000.

Fiscal year 1993:
(A) New direct loan obligations, $18,100,000,000.
(B) New primary loan guarantee commitments, $112,600,000,000.
(C) New secondary loan guarantee commitments, $92,300,000,000.

(b) The Congress hereby determines and declares that the appropriate levels of budget authority and budget outlays, and the appropriate levels of new direct loan obligations, new primary loan guarantee commitments, and new secondary loan guarantee commitments for fiscal years 1991 through 1993 for each major functional category are:

(1) National Defense (050):

Fiscal year 1991:
(A) New budget authority, $281,000,000,000.
(B) Outlays, $291,700,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New primary loan guarantee commitments, $0.

Fiscal year 1992:
(A) New budget authority, $280,900,000,000.
(B) Outlays, $286,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:
(A) New budget authority, $280,900,000,000.
(B) Outlays, $281,100,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(2) International Affairs (150):

Fiscal year 1991:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $16,600,000,000.
(C) New direct loan obligations, $1,800,000,000.
(D) New primary loan guarantee commitments, $6,700,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1992:
(A) New budget authority, $18,400,000,000.
(B) Outlays, $17,200,000,000.
(C) New direct loan obligations, $1,900,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.

Fiscal year 1993:
(A) New budget authority, $18,500,000,000.
(B) Outlays, $17,000,000,000.
(C) New direct loan obligations, $2,000,000,000.
(D) New primary loan guarantee commitments, $7,300,000,000.
(E) New secondary loan guarantee commitments, $400,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 1991:
(A) New budget authority, $16,600,000,000.
(B) Outlays, $16,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:
(A) New budget authority, $17,300,000,000.
(B) Outlays, $17,000,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:
(A) New budget authority, $18,000,000,000.
(B) Outlays, $17,600,000,000.
(C) New direct loan obligations, $0.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(4) Energy (270):

Fiscal year 1991:
(A) New budget authority, $5,900,000,000.
(B) Outlays, $4,100,000,000.
(C) New direct loan obligations, $1,900,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:
(A) New budget authority, $5,300,000,000.
(B) Outlays, $3,900,000,000.
(C) New direct loan obligations, $1,600,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:
(A) New budget authority, $6,000,000,000.
(B) Outlays, $4,700,000,000.
(C) New direct loan obligations, $1,900,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(5) Natural Resources and Environment (300):

Fiscal year 1991:
(A) New budget authority, $17,700,000,000.
(B) Outlays, $18,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:
(A) New budget authority, $18,800,000,000.
(B) Outlays, $18,900,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:
(A) New budget authority, $19,400,000,000.
(B) Outlays, $19,400,000,000.
(C) New direct loan obligations, $100,000,000.
(D) New primary loan guarantee commitments, $0.
(E) New secondary loan guarantee commitments, $0.

(6) Agriculture (350):

Fiscal year 1991:
(A) New budget authority, $18,900,000,000.
(B) Outlays, $15,100,000,000.
(C) New direct loan obligations, $9,100,000,000.
(D) New primary loan guarantee commitments, $7,000,000,000.
(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $21,500,000,000.

(B) Outlays, $16,100,000,000.

(C) New direct loan obligations, $8,900,000,000.

(D) New primary loan guarantee commitments, $7,300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $18,900,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $8,700,000,000.

(D) New primary loan guarantee commitments, $6,700,000,000.

(E) New secondary loan guarantee commitments, $0.

(7) Commerce and Housing Credit (370):

Fiscal year 1991:

(A) New budget authority, $45,000,000,000.

(B) Outlays, $44,900,000,000.

(C) New direct loan obligations, $6,200,000,000.

(D) New primary loan guarantee commitments, $63,300,000,000.

(E) New secondary loan guarantee commitments, $85,000,000,000.

Fiscal year 1992:

(A) New budget authority, $14,900,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $3,500,000,000.

(D) New primary loan guarantee commitments, $65,500,000,000.

(E) New secondary loan guarantee commitments, $88,400,000,000.

Fiscal year 1993:

(A) New budget authority, $26,900,000,000.

(B) Outlays, $14,700,000,000.

(C) New direct loan obligations, $3,600,000,000.

(D) New primary loan guarantee commitments, $67,900,000,000.

(E) New secondary loan guarantee commitments, $91,900,000,000.

(8) Transportation (400):

Fiscal year 1991:

(A) New budget authority, $31,900,000,000.

(B) Outlays, $30,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $100,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992.

(A) New budget authority, $33,600,000,000.

(B) Outlays, $32,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $25,000,000,000.

(B) Outlays, $33,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(9) Community and Regional Development (450):

Fiscal year 1991:

(A) New budget authority, $7,700,000,000.

(B) Outlays, $7,800,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992.

(A) New budget authority, $7,400,000,000.

(B) Outlays; $7,100,000,000.

(C) New direct loan obligations, $1,100,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $7,500,000,000.

(B) Outlays, $7,000,000,000.

(C) New direct loan obligations, $1,200,000,000.

(D) New primary loan guarantee commitments, $400,000,000.

(E) New secondary loan guarantee commitments, $0.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 1991:

(A) New budget authority, $46,700,000,000.

(B) Outlays, $42,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitment, $12,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(A) New budget authority, $47,600,000,000.

(B) Outlays, $46,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,500,000,000.

(E) New secondary loan guanantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $48,700,000,000.

(B) Outlays, $48,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $13,800,000,000.

(E) New secondary loan guarantee commitments, $0.

(11) Health (550):

Fiscal year 1991:

(A) New budget authority, $65,300,000,000.

(B) Outlays, $64,400,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $72,800,000,000.

(B) Outlays, $72,200,000,000.

(C) New direct loan obligations, 0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $80,200,000,000.

(B) Outlays, $79,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $300,000,000.

(E) New secondary loan guarantee commitments, $0.

(12) Medicare (570):

Fiscal year 1991:

(A) New budget authority, $123,400,000,000.

(B) Outlays, $102,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $134,200,000,000.

(B) Outlays, $115,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $147,000,000,000.

(B) Outlays, $128,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(13) Income Security (600):

Fiscal year 1991:

(A) New budget authority, $202,400,000,000.

(B) Outlays, $156,000,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $210,600,000,000.

(B) Outlays, $164,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $218,300,000,000.

(B) Outlays, $175,900,000,000.

(C) New direct loan obligations, $100,000,000.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(14) Social Security (650):

Fiscal year 1991:

(A) New budget authority, $3,800,000,000.

(B) Outlays, $3,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $4,400,000,000.

(B) Outlays, $4,500,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $4,900,000,000.

(B) Outlays, $4,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(15) Veterans Benefits and Services (700):

Fiscal year 1991:

(A) New budget authority, $31,900,000,000.

(B) Outlays, $31,300,000,000.

(C) New direct loan obligations, $600,000,000.

(D) New primary loan guarantee commitments, $15,500,000,000.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $32,700,000,000.

(B) Outlays, $32,300,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $15,900,000,000.

(E) New secondary loan guarantee commitments, $0.

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Fiscal year 1993:

(A) New budget authority, $33,600,000,000.

(B) Outlays, $33,400,000,000.

(C) New direct loan obligations, $500,000,000.

(D) New primary loan guarantee commitments, $16,200,000,000.

(E) New secondary loan guarantee commitments, $0.

(16) Administration of Justice (750):

Fiscal year 1991:

(A) New budget authority, $13,100,000,000.

(B) Outlays, $13,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $13,800,000,000.

(B) Outlays, $14,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $14,400,000,000.

(B) Outlays, $14,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(17) General Government (800):

Fiscal year 1991:

(A) New budget authority, $12,200,000,000.

(B) Outlays, $10,800,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $13,000,000,000.

(B) Outlays, $11,700,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $13,500,000,000.

(B) Outlays, $12,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(18) Net Interest (900):

Fiscal year 1991:

(A) New budget authority, $204,200,000,000.

(B) Outlays, $204,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, $213,200,000,000.

(B) Outlays, $213,200,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, $224,100,000,000.

(B) Outlays, $224,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(19) The corresponding levels of gross interest on the public debt are as follows:

Fiscal year 1991: $275,400,000,000.

Fiscal year 1992: $288,800,000,000.

Fiscal year 1993: $300,900,000,000.

(20) Allowances (920):

Fiscal year 1991:

(A) New budget authority, −$3,400,000,000.

(B) Outlays, −$2,100,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, −$3,600,000,000.

(B) Outlays, −$3,300,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, −$3,800,000,000.

(B) Outlays, −$3,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

(21) Undistributed Offsetting Receipts (950):

(A) Fiscal year 1991:

(A) New budget authority, −$31,400,000,000.

(B) Outlays, −$71,900,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1992:

(A) New budget authority, −$32,200,000,000.

(B) Outlays, −$49,600,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

Fiscal year 1993:

(A) New budget authority, −$32,400,000,000.

(B) Outlays, −$75,000,000,000.

(C) New direct loan obligations, $0.

(D) New primary loan guarantee commitments, $0.

(E) New secondary loan guarantee commitments, $0.

RECONCILIATION

SEC. 6. (a) Not later than June 15, 1990, the committees named in subsections (b) and (c) of this section shall submit their recommendations to the Committees on the Budget of their respective Houses. After receiving those recommendations, the Committees on the Budget shall report to the House and Senate a reconciliation bill or resolution or both carrying out all such recommendations without any substantive revision.

SENATE COMMITTEES

(b)(1) The Senate Committee on Agriculture, Nutrition, and Forestry shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $1,179,000,000 in budget authority and $1,179,000,000 in outlays in fiscal year 1991; $1,282,000,000 in budget authority and $1,282,000,000 in outlays in fiscal year 1992; and $1,286,000,000 in budget authority and $1,286,000,000 in outlays in fiscal year 1993.

(2) The Senate Committee on Armed Services shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $216,000,000 in fiscal year 1991; $301,000,000 in fiscal year 1992; and $320,000,000 in fiscal year 1993.

(3)(A) The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $56,000,000 in budget authority and $554,000,000 in outlays in fiscal year 1991; $127,000,000 in budget authority and $900,000,000 in outlays in fiscal year 1992; and $200,000,000 in budget authority and $772,000,000 in outlays in fiscal year 1993.

(B) The Senate Committee on Banking, Housing, and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues: $90,000,000 in fiscal year 1991; $94,000,000 in fiscal year 1992; and $97,000,000 in fiscal year 1993.

(4) The Senate Committee on Commerce, Science, and Transportation shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $295,000,000 in budget authority and $295,000,000 in outlays in fiscal year 1991; $317,000,000 in budget authority and $317,000,000 in outlays in fiscal year 1992; and $327,000,000 in budget authority and $327,000,000 in outlays in fiscal year 1993.

(5) The Senate Committee on Energy and Natural Resources shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce authority and outlays as follows: $204,000,000 in budget authority and $153,000,000 in outlays in fiscal year 1991; $214,000,000 in budget authority and $209,000,000 in outlays in fiscal year 1992; and $214,000,000 in budget authority and $214,000,000 in outlays in fiscal year 1993.

(6) The Senate Committee on Environment and Public Works shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $206,000,000 in budget au-

thority and $206,000,000 in outlays in fiscal year 1991; $228,000,000 in budget authority and $228,000,000 in outlays in fiscal year 1992; and $236,000,000 in budget authority and $236,000,00 in outlays in fiscal year 1993.

(7)(A) The Senate Committee on Finance shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $3,001,000,000 in fiscal year 1991; $4,898,000,000 in fiscal year 1992; and $6,588,000,000 in fiscal year 1993.

(B) The Senate Committee on Finance shall report changes in laws within its jurisdiction sufficient to increase revenues: $14,300,000,000 in fiscal year 1991; $14,300,000,000 in fiscal year 1992; and $14,400,000,000 in fiscal year 1993.

(8) The Senate Committee on Governmental Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $1,703,000,000 in fiscal year 1991; $1,501,000,000 in fiscal year 1992; and $838,000,000 in fiscal year 1993.

(9)(A) The Senate Committee on Labor and Human Resources shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $65,000,000 in outlays in fiscal year 1991; $0 in budget authority and $65,000,000 in outlays in fiscal year 1992; and $0 in budget authority and $67,000,000 in outlays in fiscal year 1993.

(B) The Senate Committee on Labor and Human Services shall report changes in laws within its jurisdiction sufficient to increase revenues: $108,000,000 in fiscal year 1991; $229,000,000 in fiscal year 1992; and $280,000,000 in fiscal year 1993.

(10) The Senate Committee on Small Business shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $50,000,000 in budget authority and $50,000,000 in outlays in fiscal year 1991; $52,000,000 in budget authority and $52,000,000 in outlays in fiscal year 1992; and $54,000,000 in budget authority and $54,000,000 in outlays in fiscal year 1993.

(11) The Senate Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $386,000,000 in budget authority and $366,000,000 in outlays in fiscal year 1991; $425,000,000 in budget authority and $426,000,000 in outlays in fiscal year 1992; and $455,000,000 in budget authority and $464,000,000 in outlays in fiscal year 1993.

HOUSE COMMITTEES

(c)(1) The House Committee on Agriculture shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $1,179,000,000 in budget authority and $1,179,000,000 in outlays in fiscal year 1991; $1,282,000,000 in budget authority and $1,282,000,000 in outlays in fiscal year 1992; and $1,286,000,000 in budget authority and $1,286,000,000 in outlays in fiscal year 1993.

(2) The House Committee on Armed Services shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $216,000,000 in fiscal year 1991; $301,000,000 in fiscal year 1992; and $320,000,000 in fiscal year 1993.

(3)(A) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $56,000,000 in budget authority and $554,000,000 in outlays in fiscal year 1991; $127,000,000 in budget authority and $900,000,000 in outlays in fiscal year 1992; and $200,000,000 in budget authority and $772,000,000 in outlays in fiscal year 1993.

(B) The House Committee on Banking, Finance and Urban Affairs shall report changes in laws within its jurisdiction sufficient to increase revenues; $90,000,000 in fiscal year 1991; $94,000,000 in fiscal year 1992; and $97,000,000 in fiscal year 1993.

(4) The House Committee on Education and Labor shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $0 in budget authority and $65,000,000 in outlays in fiscal year 1991; $0 in budget authority and $65,000,000 in outlays in fiscal year 1992; and $0 in budget authority and $67,000,000 in outlays in fiscal year 1993.

(B) The House Committee on Education and Labor shall report changes in laws within it jurisdiction sufficient to increase revenues: $108,000,000 in fiscal year 1991; $229,000,000 in fiscal year 1992; and $280,000,000 in fiscal year 1993.

(5) The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $401,000,000 in budget authority and $401,000,000 in outlays in fiscal year 1991; $445,000,000 in budget authority and $445,000,000 in outlays in fiscal year 1992; and $463,000,000 in budget authority and $463,000,000 in outlays in fiscal year 1993.

(6) The House Committee on Interior and Insular Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $204,000,000 in budget authority and $153,000,000 in outlays in fiscal year 1991; $214,000,000 in budget authority and $209,000,000 in outlays in fiscal year 1992; and $214,000,000 in budget authority and $214,000,000 in outlays in fiscal year 1993.

(7) The House Committee on Merchant Marine and Fisheries shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, and other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $100,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1991; $100,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1992; and $100,000,000 in budget authority and $100,000,000 in outlays in fiscal year 1993.

(8) The House Committee on Post Office and Civil Service shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $1,703,000,000 in fiscal year 1991; $1,501,000,000 in fiscal year 1992; and $838,000,000 in fiscal year 1993.

(9) The House Committee on Small Business shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $50,000,000 in budget authority and $50,000,000 in outlays in fiscal year 1991; $52,000,000 in budget authority and $52,000,000 in outlays in fiscal year 1992; and $54,000,000 in budget authority and $54,000,000 in outlays in fiscal year 1993.

(10) The House Committee on Veterans' Affairs shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce budget authority and outlays as follows: $386,000,000 in budget authority and $366,000,000 in outlays in fiscal year 1991; $425,000,000 in budget authority and $426,000,000 in outlays in fiscal year 1992; and $455,000,000 in budget authority and $464,000,000 in outlays in fiscal year 1993.

(11)(A) The House Committee on Ways and Means shall report changes in laws within its jurisdiction that provide spending authority (as defined in section 401(c)(2)(C) of the Congressional Budget and Impoundment Control Act of 1974, other than as defined in section 401(c)(2)(C) of the Act, or any combination thereof) sufficient to reduce outlays: $3,001,000,000 in fiscal year

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1991; $4,898,000,000 in fiscal year 1992; and $6,588,000,000 in fiscal year 1993.

The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to increase revenues: $14,300,000,000 in fiscal year 1991; $14,300,000,000 in fiscal year 1992; and $14,400,000,000 in fiscal year 1993.

SALE OF GOVERNMENT ASSETS

Sec. 7. (a) It is the sense of Congress that—

(1) from time to time the United States Government should sell assets to nongovernment buyers; and

(2) the amounts realized from such asset sales will not recur on an annual basis and do not reduce the demand for credit.

(b) For purposes of allocations and points of order under section 302 of the Congressional Budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be allocated to a committee and shall not be scored with respect to the level of budget authority, outlays, or revenues under a committee's allocation under section 302 of that Act.

(c) For purposes of reconciliation under section 310 of the Congressional budget and Impoundment Control Act of 1974, the amounts realized from asset sales or prepayments of loans shall not be scored with respect to the level of budget authority, outlays, or revenues reconciled under section 6 of this resolution.

(d) For purposes of this section—

(1) the terms "asset sale" and "prepayment of a loan" shall have the same meaning as under section 257(12) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987); and

(2) the terms "asset sale" and "prepayment of a loan" do not include asset sales mandated by law before September 18, 1987, and routine, ongoing asset sales and loan prepayments at levels consistent with agency operations in fiscal year 1986.

RESERVE FUND FOR MEDICAID

Sec. 8. (a) It is assumed that, in the Senate, budget authority and outlays may be allocated to the Senate Committee on Finance for increased Medicaid funding if the Committeee on Finance or the committee of conference reports Medicaid funding legislation that—

(1) will, if enacted, make funds available for that purpose; and

(2) to the extent that the costs of such legislation are not included in this resolution, will not increase the deficit in this resolution for fiscal year 1991, and will not increase the total deficit for the period of fiscal years 1991 through 1993.

(b) Upon the reporting of legislation pursuant to subsection (a), and again upon the submission of a conference report on such legislation (if such a conference report is submitted), the Chairman of the Committee on the Budget of the Senate may file with the Senate appropriately revised allocations under section 302(a) of the Congressional Budget Act of 1974 and revised functional levels and aggregates to carry out this section. Such revised allocations, functional levels, and aggregates shall be considered for the purposes of such Act as allocations, functional levels, and aggregates contained in this resolution. The Committee on Finance shall report revised allocations pursuant to section 302(b) of such Act for the appropriate fiscal year (or years) to carry out this section.

RECONCILIATION OF REVENUES

Sec. 9. (a) The Congress finds that, according to estimates provided by the Congressional Budget Office, the revenue sources proposed by the President in his budget submission would actually result in $4,700,000,000 less revenue than the amount of revenue that he proposed in his budget.

(b) It is the sense of the Congress that the President should propose revenue sources that would result in the amount of revenue increases that he proposed in his budget submission.

(c) If the President proposes additional revenue sources that would result in the amount of revenue increases that he proposed in his budget submission, then it is assumed that the Committee on Finance and the Committee on Ways and Means shall increase the amounts of revenues that they will achieve pursuant to the reconciliation instructions in section 6 by the amount of $4,700,000,000.

Mr. SASSER. Mr. President, today I am submitting Senate Concurrent Resolution 110, a multiyear budget resolution which both meets the 1991 deficit targets of Gramm-Rudman-Hollings and which provides for a balanced budget in 1995 under the realistic economic and budget estimates provided by the Congressional Budget Office.

Within the past several weeks, the distinguished chairman of the House Ways and Means Committee, Dan Rostenkowski, has presented the Congress with a multiyear budget plan which is designed to put our fiscal house in order.

Now while I do not agree with all aspects of the Rostenkowski proposal, he does deserve great credit for presenting an ambitious and comprehensive budget plan.

The Bush administration has offered a 1991 budget that purports to reduce the 1991 deficit by $37 billion though the Congressional Budget Office estimates real savings to be actually $30 billion. Moreover, the Bush administration has yet to chart out a convincing budget plan that realistically and equitably reduces the deficit and brings the budget in balance over the long term.

My plan has several relatively simple elements that can help us eliminate our deficit problems.

First, on defense we achieve about $15 billion in outlay savings in 1991 and then institute a budget authority freeze from 1991 through 1995.

This means that in 1995 we will still be spending about $278 billion for national defense. That represents a $228 billion spending level in 1990 dollars—about $8 billion above the average level of defense spending for postwar peace-time years, namely, the period after the Korean war and the period after the Vietnam conflict prior to the defense buildup of the 1980's.

Over the 5 years that this plan is in effect, we will save some $232 billion in defense spending.

For 1991, this resolution contemplates some $14 billion in additional revenues, exactly the level proposed by the President in his 1991 budget. This policy change, contained in the President's budget will yield some $70 billion in additional revenues over the next 5 years. Indeed, if the administration and Congress agreed, $45 billion of this amount could come from eliminating the tax bubble in the current Tax Code.

The plan also calls for spending restraint on the domestic side. Nondefense discretionary spending and entitlement spending is reduced by $9 billion in 1991 and by a total of about $43 billion through 1995.

While this plan does provide spending restraint on the domestic side, it does not freeze Social Security cost-of-living adjustments as does the Rostenkowski plan.

Finally, the plan achieves some $44 billion in interest cost savings due to reduced deficits.

I offer this plan as one possible means of meeting our Gramm-Rudman-Hollings budget target in 1991 and the years beyond. It is a plan that calls for spending restraint on domestic programs, a prudent but realistic build-down of defense spending in light of reduced world tensions, and a moderate level of new revenues—the level called for in the President's 1991 budget—for the next several years.

In the next several weeks the House and Senate Budget Committees will hammer out constructive deficit plans.

We can do the best job possible by adopting a budget plan that has many of the features of the plan that I have enumerated here. The deficit reduction for 1991 contained in Senate Concurrent Resolution 110 will enable us to meet deficit target in 1991 and will lead to a balanced budget by 1995.

The budget plan contained in Senate Concurrent Resolution 110 will bring about real and substantial deficit reduction in both the long and short term. That, in the final analysis, is the only way we can put our fiscal house in order, raise our national savings rate, and end our persisting overdependence on foreign capital to keep our economy growing.

Mr. President, I ask unanimous consent that an outline of this prepared plan be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

BALANCED BUDGET PLAN

[In billions of dollars]

	1991	1992	1993	1994	1995	5-year total
CBO baseline deficit	161.5	124.4	132.1	121.4	110.3	....

BALANCED BUDGET PLAN—Continued

[In billions of dollars]

	1991	1992	1993	1994	1995	5-year total
Deficit reduction:						
Defense	−15.2	−31	−47.2	−62.1	−76.9	−232.4
Non-Defense	−9	−8.2	−8	−7.9	−9.7	−42.8
Revenues [1]	−14.5	−14.6	−14.7	−14.6	−14.6	−73
Offsets	−1.5	−3.1	−4.6	−4.7	−5.9	−19.8
Debt Service	−1.3	−4.3	−8.1	−12.6	−17.8	−44.1
Total reduction [2]	−38.6	−55.2	−73.6	−92.6	−113	−373
Resulting deficit [2]	−122.9	−69.2	−58.5	−28.8	[3]−2.7	

[1] Revenue increases are shown as minuses because they reduce deficits.

[2] Totals may not add due to rounding.

[3] Surplus in 1995.

SENATE CONCURRENT RESOLUTION 111—RELATIVE TO CONTRACEPTION AND INFERTILITY

Mr. HARKIN (for himself, Mr. Packwood, Ms. Mikulski, Mr. Cohen, Mr. Simon, Mr. Cranston, and Mr. Lieberman) submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. Con. Res. 111

Whereas the incidence in the United States of both unintended pregnancy and abortion is substantial and unacceptable;

Whereas there is a significant incidence of infertility in the United States;

Whereas studies estimate that 31,800,000 women nationwide are at risk of unintended pregnancy, and that, for a variety of reasons, 13 percent of these women are not using any form of contraception;

Whereas there is a substantial need for the development of new contraceptive drugs and devices, but only 1 private pharmaceutical company based in the United States is conducting research toward such development;

Whereas if a variety of safe and effective options with respect to contraception are widely available, significant benefits for women and their families accrue, including a reduction in the number of low-birth-weight births and a reduction in the number of premature births, leading to a reduced incidence of maternal and infant mortality;

Whereas it is estimated that 1 out of 6 couples in the United States is infertile or fails to conceive within 1 year of deciding to have a child;

Whereas the Centers for Disease Control estimates that 20 percent of cases of infertility in the United States are caused by sexually transmitted diseases;

Whereas cases of infertility resulting from sexually transmitted diseases are the most preventable of such cases;

Whereas with respect to the problems of contraception and infertility, the obstacles to making an effective response to such problems are many and include a lack of consistent funding, the political controversy concerning abortion, the lengthy and complex procedures for the approval by the Food and Drug Administration of new drugs and devices, the costs of liability insurance for research and for the marketing of drugs and devices, and a shortage of scientists in the relevant fields; and

Whereas family planning is universally recognized as a human right: now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress should—

(1) establish a program of research for the development of new and improved methods of contraception and new and improved methods of diagnosing and treating infertility, including the establishment of research centers for such purposes;

(2) provide adequate long-term resources for the program to ensure that the program is among the principal Federal research priorities and that the United States is a world leader in research with respect to contraception and infertility;

(3) ensure that Federal programs with respect to the prevention, diagnosis, and treatment of sexually transmitted diseases adequately respond to the role of such diseases in cases of infertility;

(4) ensure that the public is educated with respect to contraception and infertility, including education on new and improved drugs and devices;

(5) establish as Federal goals the development, by the year 2010, of—

(A improved barrier methods to protect against unintended pregnancy and sexually transmitted diseases;

(B) new methods of contraception for use by men;

(C) a vaccine-like drug for women that prevents unintended pregnancy for a significant period of time without disrupting the menstrual cycle or causing adverse metabolic or cardiovascular effects; and

(D) new and improved techniques of diagnosing and treating infertility;

(6) require the Secretary of Health and Human Services to take prompt action to reestablish the Ethical Advisory Board (terminated in 1980) in order to facilitate research with respect to infertility;

(7) review the policies and procedures of the Food and Drug Administration to determine the extent to which the process of approving drugs and devices for use by the public, especially with respect to contraception and infertility, can be expedited with a reasonable degree of safety, including consideration of the role of conducting ongoing surveys and studies of the effects on the public of drugs and devices that have been so approved; and

(8) determine to what extent measures can be implemented by public or private entities to resolve liability issues regarding persons conducting research into, or marketing, drugs and devices with respect to contraception and infertility.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

SYMMS (AND OTHERS) AMENDMENT NO. 1419

Mr. SYMMS (for himself, Mr. Simpson, Mr. Boren, Mr. Garn, Mr. Hatch, Mr. McClure, Mr. Reid, Mr. Bingaman, Mr. Wallop, and Mr. Baucus) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill (S. 1630) to amend the Clean Air Act to provide for attainment and maintenance of health protective national ambient air quality standards, and for other purposes; as follows:

On page 438 of amendment No. 1293, at line 12 insert the following new subsection:

"(h) Small Diesel Refineries.—The Administrator shall issue allowances to owners or operators of small diesel refineries who produce diesel fuel after October 1, 1993 meeting the requirements of subsection 211(i) of this Act.

(A) Allowance period.—Allowances may be issued under this subsection only for the period from October 1, 1993 through December 31, 1999.

(B) Allowance determination.—The number of allowances issued pursuant to this paragraph shall equal the annual number of pounds of sulfur dioxide reduction attributable to desulfurization by a small refinery divided by 2,000. For the purposes of this calculation, the concentration of sulfur removed from diesel fuel shall be the difference between 0.274 per centum (by weight) and 0.050 per centum (by weight).

(C) Refinery eligibility.—As used in this subsection, the term "small refinery" shall mean a refinery or portion of a refinery—

(i) which has bona fide crude oil throughput of less than 18,250,000 barrels per year, as reported to the Department of Energy, and

(ii) which is owned or controlled by a refiner with a total combined bona fide crude oil throughput of less than 50,187,500 barrels per year, as reported to the Department of Energy.

(D) Limitation per refinery.—The maximum number of allowances that can be annually issued to a small refinery pursuant to this subsection is 1,500.

(E) Limitation on total.—In any given year, the total number of allowances issued pursuant to this subsection shall not exceed 35,000.

WALLOP (AND SIMPSON) AMENDMENT NO. 1420

Mr. CHAFEE (for Mr. Wallop, for himself and Mr. Simpson) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

At the end of title VI, add the following new section:

ASBESTOS IN SCHOOLS

Sec. 612. (a) section 203(d) of title II of the Toxic Substances Control Act is amended by adding the following new paragraph at the end thereof:

"'(7) EPA Information or Advisory.—The Administrator shall, not later than 30 days after enactment of this paragraph, publish and distribute to all local education agencies and State governors information or an advisory to—

"'(A) facilitate public understanding of the relative risks associated with in-place asbestos-containing building materials;

"'(B) promote the least burdensome response actions;

"'(C) describe the limited circumstances in which asbestos removal is necessary to protect human health; and

"'(D) describe the relative risks associated with removal of asbestos-containing building materials.

Such information or advisory shall be based on the best available scientific evidence and shall be revised, republished and redistributed as appropriate, to reflect new scientific findings.' "

(b) Title II of the Toxic Substances Control Act is amended by adding the following new section at the end thereof:

" 'SEC. 216. ASBESTOS HEALTH EFFECTS STUDY.

" 'The Administrator in conjunction with the Health Effects Institute shall conduct a study to identify, characterize, and quantify risks to human health from exposure to each form of asbestos, including but not limited to the health effects of serpentine and amphibole fibers, and report to Congress within twenty-four months after enactment of this section. Not later than 90 days after completion and submission of such study, the Administrator shall report to Congress with recommendations for modifications or changes, if any, to statutory or regulatory requirements under this Act. Such recommendations shall be based on the findings of the study prepared under this section and such other information as the Administrator deems appropriate.' "

METZENBAUM AMENDMENT NO. 1421

Mr. METZENBAUM proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 282, line 25, after "date," insert "and complies with the provisions of clause (iii)".

On page 283, between lines 12 and 13, insert the following:

"(iii) Sources of coke oven emissions qualifying for an extension under this subparagraph shall make available not later than January 1, 2000 to the surrounding communities the results of any risk assessment performed by the Administrator to determine the appropriate level of any emissions standard established by the Administrator pursuant to subsection (f) or the results of the risk assessment performed by such source pursuant to paragraph 3 or 4.".

On page 283, line 15, insert ", and which was in operation on January 1, 1990" before "may".

On page 284, line 13, insert "and which complies with the provisions of subparagraph (A)(iii)" after "(iii)".

SYMMS AMENDMENT NO. 1422

Mr. CHAFEE (for Mr. Symms, for himself, Mr. Simpson, Mr. Boren, Mr. Garn, Mr. Hatch, Mr. McClure, Mr. Reid, Mr. Bingaman, Mr. Wallop, Mr. Baucus, and Mr. Breaux) proposed an amendment to amendment No. 1230 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

On page 438 of amendment No. 1293, at line 12 insert the following new subsection:

"(h) Small Diesel Refineries.—The Administrator shall issue allowances to owners or operators of small diesel refineries who produce diesel fuel after October 1, 1993 meeting the requirements of subsection 211(i) of this Act.

"(A) Allowance period.—Allowances may be issued under this subsection only for the period from October 1, 1993 through December 31, 1999.

"(B) Allowance determination.—The number of allowances issued pursuant to this paragraph shall equal the annual number of pounds of sulfur dioxide reduction attributable to desulfurization by a small refinery divided by 2000. For the purposes of this calculation, the concentration of sulfur removed from diesel fuel shall be the difference between 0.274 per centum (by weight) and 0.050 per centum (by weight).

"(C) Refinery eligibility.—As used in this subsection, the term 'small refinery' shall mean a refinery or portion of a refinery—

"(i) which has bona fide crude oil throughput of less than 18,250,000 barrels per year, as reported to the Department of Energy, and

"(ii) which is owned or controlled by a refiner with a total combined bona fide crude oil throughput of less than 50,187,500 barrels per year, as reported to the Department of Energy.

"(D) Limitation per refinery.—The maximum number of allowances that can be annually issued to a small refinery pursuant to this subsection is 1500.

"(E) Limitation on total.—In any given year, the total number of allowances issued pursuant to this subsection shall not exceed 35,000.".

DASCHLE (AND OTHERS) AMENDMENT NO. 1423

Mr. DASCHLE (for himself, Mr. Dixon, Mr. Durenberger, Mr. Grassley, Mr. Simon, Mr. Exon, Mr. Kerrey, Mr. Burns, Mr. Conrad, Mr. Wirth, Mr. Pressler, and Mr. Leahy) proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. Mitchell (and others) to the bill S. 1630, supra, as follows:

(a) on page 214, line 21, delete "specific"; and

(b) on page 215, strike from line 5, through page 216, line 2, and insert the following:

"(2) Clean fuels for conventional vehicles.—(A) Within one year of enactment of the Clean Air Amendments of 1990, the Administrator, pursuant to paragraph (1) shall promulgate regulations establishing specifications for reformulated gasoline to be used in conventional gasoline fueled motor vehicles in any nonattaiment area with a 1989 ozone design value equal to or exceeding 0.18 parts per million. Such regulations shall prohibit any person from selling, offering for sale, dispensing, supplying, offering for supply, transporting or introducing into commerce in such area or areas any gasoline not meeting the requirements of this paragraph for use in gasoline fueled motor vehicles. Such regulations shall take effect in accordance with the phase in schedule set forth in subparagraph (B). Such regulations shall be incorporated in the final regulations promulgated pursuant to paragraph (1).

"(B) Subject to the limitations set forth in subsection (h) and section 212(a)(11), the specifications for fuel quality promulgated pursuant to subparagraph (A) shall, at a minimum, provide for—

"(i) a maximum aromatic hydrocarbon content by volume of not greater than 30 percent as of January 1, 1992; of not greater than 28 percent as of January 1, 1994, and of not greater than 25 percent as of January 1, 1996;

"(ii) a maximum benzene content by volume which shall be the lowest concentration of benzene accompanying the maximum aromatic hydrocarbon content under clause (i) that can be achieved without additional capital investment but, in no event may such maximum benzene content be greater than 1.0 percent by volume;

"(iii) during the high ozone season (as defined by the Administrator), a 15 percent reduction in the ozone-forming potential of volatile organic compounds and no increase in oxides of nitrogen emitted from existing vehicles (as determined by the Administrator) using such fuel compared to conventional gasoline with a Reid vapor pressure of 9.0 pounds per square inch sold in calendar year 1989; and

"(iv) subject to paragraph (D), an oxygen content by weight equal to or greater than 2.0 percent as of January 1, 1992, 2.5 percent as of January 1, 1993, and 2.7 percent as of January 1, 1994, except where a higher oxygen content is required under section 211(l) or section 188, except as provided in subparagraph (D).

"(C) The regulations promulgated under paragraph (A) shall include procedures under which the Administrator shall certify fuels as complying with the specifications established pursuant to paragraph (B).

"(D) The Administrator may waive, in whole or in part, the requirements of paragraph (2)(B)(iv) upon a determination by the Administrator that the use of oxygenated fuels would prevent or interfere with the attainment by such area of a national primary ambient air quality standard (or a State or local ambient air quality standard) for any air pollutant other than carbon monoxide.

"(E) Sellers of fuels subject to this paragraph with an oxygen content higher than the percentages specified in subparagraph (B)(iv) shall be eligible for credits in accordance with the terms and conditions of section 211(l)(2).

"(F) The regulations promulgated under this paragraph shall include procedures under which the Administrator may certify fuels as complying with the specifications established pursuant to subparagraph (B). The regulations shall establish a procedure by which the Administrator may certify a gasoline as complying with such specifications if such gasoline (i) complies with the specification in clauses (iii) and (iv) of subparagraph (b) and (ii) achieves equivalent or greater emission reductions that are achieved by a gasoline meeting the specifications established pursuant to clauses (i) and (ii) of subparagraph (B).

"(3)(A) Any state in which there is a moderate or serious ozone non-attainment area may propose as a revision of the applicable implementation plan for such area or areas a requirement that reformulated gasoline sold, offered for sale, dispensed, supplied, offered for supply, transported or introduced into commerce in such area or areas for use in gasoline fueled motor vehicles shall be subject to all the requirements of this subsection beginning on the date specified in the revision.

"(B) For the purposes of paragraph (A), the Administator may delay, for not to exceed three years, the date on which reformulated gasoline which meets the specifications in paragraph 2(B) is to be offered for sale or sold in order to provide adequate lead time for such fuel to be made available in necessary quantities. The decision of the Administrator to provide such delay shall be accompanied by an explanation of the reasons for such delay.".

SYMMS AMENDMENT NO. 1424

Mr. SYMMS proposed an amendment to amendment No. 1293 (in the nature of a substitute) proposed by Mr. MITCHELL (and others) to the bills S. 1630, supra, as follows:

Section 107 at page 80 is amended by striking "(A)" at line 4, by striking the word "each" at line 6, by inserting the letter "s" following the word "employee" at line 6, by striking the word "a" at line 7, by inserting the letter "s" following the word "space" at line 7, by striking the semicolon on line 7, and by striking the words "and" through the word "cost" on lines 7 to 10.

Section 108 at page 112 is amended by striking "(l)" at line 18, by striking the word "each" at line 20, by inserting the letter "s" following the word "employee" at line 21, by striking the word "a" at line 21, by inserting the letter "s" following the word "space" at line 21, by striking the semicolon on line 22, and by striking the words "and" through the word "cost" on lines 22 to 24.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a bill has been added to the hearing before the full committee on Energy and Natural Resources scheduled to take place Thursday, April 5, 1990, at 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building. In addition to S. 324, the National Energy Policy Act of 1990, the Committee will also receive testimony on S. 2191, the Federal Energy Management Amendments of 1990.

For further information, please contact Leslie Black of the committee majority staff at 202/224-9607 or Richard Grundy of the committee minority staff at 202/224-7847.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing to consider the nomination of John C. Foltz to be Administrator of the Federal Grain Inspection Service on Tuesday, April 3, 1990, at 11:30 a.m., in SR332. Senator DASCHLE will preside. For further information contact Rob Wise of Senator DASCHLE's staff at 224-2321.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on issues related to jurisdiction between the CFTC and the SEC on Wednesday, April 25, at 2:00 p.m., in SR332. For further information, please contact Ken Ackerman of the committee staff at 224-2035.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on S. 2205, the Maine Wilderness Act 1990, on April, 19, at 2:00 p.m., in SR485. For further information contact Ben Yarbrough of the committee staff at 224-5207.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full committee on Energy and Natural Resources.

The hearing will take place Friday, April 20, 1990, at 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Thomas L. Sansonetti, nominee for Solicitor of the Department of the Interior.

For further information, please contact Rebecca Murphy at (202) 224-7562.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Thursday, March 29, 1990, at 9:30 a.m., to hold a hearing on the reauthorization of the National Earthquake Hazards Reduction Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Communications, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on Thursday, March 29, 1990, at 2 p.m., to hold a hearing on the committee staff draft substitute to S. 1880, the Cable Television Consumer Protection Act of 1990.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 29, 1990, at 10 a.m., for a hearing on reauthorization of the National Endowment for the Arts.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY AND THE LAW

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Technology and the Law of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Thursday, March 29, 1990, at 9:30 a.m., to hold a hearing on competitive issues facing the semiconductor industry and the impact of joint ventures.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. RIEGLE. Mr. President, I ask unanimous consent that it be in order that the full committee hearing originally scheduled for March 8, 1990 on the Department of Energy's decision plan related to the opening of the waste isolation pilot plant in New Mexico has been rescheduled. The hearing will take place on March 29, 1990, at 9:30 in SD-366.

Please make this change on your schedule. If you have any questions concerning the schedule please call Marilyn Pedretti at 4-7569.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HOUSING AND URBAN AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, March 29, 1990, at 9:30 a.m. to hold hearings on the administration's proposed housing legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN, FAMILIES, DRUGS, AND ALCOHOLISM

Mr. RIEGLE. Mr. President I ask unanimous consent that the Subcommittee on Children, Families, Drugs, and Alcoholism of the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Thursday, March 29, 1990, at 1:30 p.m. for a hearing on the Low Income Home Energy Assistance Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate on Thursday, March 29, 1990, at 10 a.m. to hold hearings on SEC/CFTC jurisdiction and margin.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURE RESEARCH

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet

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during the session of the Senate on Thursday, March 29, 1990, at 9:30 a.m. to hold a hearing in preparation for the 1990 farm bill: agricultural research.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on Conservation and Forestry of the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, March 29, 1990, at 2 p.m. to hold a hearing in preparation for the 1990 farm bill: conservation title.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, March 29, at 10 a.m. for a markup on: S. 444, the Federal Advisory Committee Act Amendments; S. 1742, the Federal Information Resources Management Act, and other pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Subcommittee on European Affairs of the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, March 29, 1990, at 10 a.m. to hold a hearing on the implications of the open skies talks.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECALL OF UNITED STATES AMBASSADOR TO GUATEMALA

● Ms. MIKULSKI. Mr. President, it is not often that I praise this administration for its actions in Central America, but today I want to commend the President for recalling our Ambassador to Guatemala.

The temporary recall was prompted by United States displeasure over the Guatemalan Government's unwillingness to clamp down on the military-linked death squads which have been responsible for the assassinations of several high-level opposition leaders recently.

These killings were shocking because of the status of the victims, but we should be even more concerned about the long-term campaign against Indians, social workers, human rights workers, and opposition groups, which has resulted in nearly 150,000 deaths over the past 20 years.

By any estimate, Guatemala has the worst human rights record in a region that has set abysmal standards on human rights. There are daily murders and kidnapings; 100,000 Indians have fled to refugee camps in Mexico; hundreds of thousands of Indians are forced into civil patrols. No military officer has ever been investigated or punished in spite of well-documented massacres by the army.

The recall gesture was a welcome shift of policy for this administration, whose last Ambassador to Guatemala referred to political murders and kidnapings as so-called human rights violations. The action was necessary to make it clear that the United States cannot condone the acquiescent policy of the Guatemalan Government.

Ambassador Stroock has since returned to Guatemala after consultations here in Washington, and I urge him and our State Department to keep a very close watch on human rights issues in Guatemala and to offer support and protection to victims of political crimes. I look forward to working with the administration to promote real human rights improvements in the region.●

ESSENTIAL AIR SERVICE

● Mr. CONRAD. Mr. President, on Tuesday I joined my distinguished colleague Senator BAUCUS in introducing legislation to finally place the Essential Air Service Program on firm footing. It is my hope that this important legislation will pass this year.

The legislation we introduced would make the EAS Program an entitlement. Last year, during consideration of the Department of Transportation appropriations legislation, Senator LAUTENBERG and I engaged in a colloquy about the difficulties posed by uncertain funding for the EAS Program. In 1989, the EAS Program was proposed for elimination by the administration, substantially cut by the House Appropriations Committee, and underfunded to the extent of needing a supplemental appropriation. I believe this near-yearly battle is extremely hazardous. Carriers cannot rely on their contracts, communities cannot rely on their needed air service, and many rural communities face the threat of isolation if EAS proponents lose one of these battles.

We are all aware of the serious ramifications this uncertainty has for the program. While the Bush administration's budget does request $24 million for the EAS Program, there are indications that the perennial funding battle will continue. They have announced their intention to seek a 5-year phase-out of the program. Making the program an entitlement will hopefully spare the program these yearly battles and give participants in the program—both communities and air carriers—some assurances that the EAS Program will remain viable throughout the life of its authorization.

Mr. President, guaranteeing continued commitment to this program is crucial. EAS enjoys broad support in this body for a number of reasons. When Congress adopted the Airline Deregulation Act of 1978, it stressed the importance of maintaining air service to small communities and isolated areas. The EAS Program was established to guarantee that such communities—which might otherwise have lost commercial airline service—would continue to receive a minimum level of air transportation. The Congress believed then—and continues to believe now—that providing air service to those communities where there are not enough passengers for profitable operations is of substantial enough public benefit to justify Government subsidies. In 1987, Congress reaffirmed its commitment to EAS by overwhelmingly reauthorizing the program.

In today's world of instantaneous communications and global competition, isolating these communities from the Nation's air transportation network would effectively doom their economies to stagnation and decline.

In North Dakota, three communities received subsidies under the EAS program. Commercial air transportation for Jamestown, Williston, and Devils Lake is a gateway to the economic infrastructure of our Nation. Economic prosperity for these communities, and all of North Dakota, depends on the continuation of these vital transportation links. The importance of EAS to North Dakota cannot be overestimated. In Devils Lake and Jamestown, small manufacturing firms have captured military contracts. They may be forced to close their doors without EAS. The Williston Oil Basin is a crucial part of this Nation's search for energy independence. Without air service, this national goal could be jeopardized.

These communities are working hard to attract new businesses and diversify their economies. Still reeling from the farm crisis, these communities would suffer greatly from the loss of air service now provided by the EAS Program. Business development prospects would be stymied if potential employers saw these air routes disappear.

Mr. President, this legislation will protect EAS for the future. Instead of a yearly, communities served by EAS routes will know that the Federal Government's commitment to the program will remain firm. The legislation will fulfill the promise made long ago to these rural and isolated communities. If adopted, the legislation will allow rural communities—like Jamestown, Devils Lake, and Williston in North Dakota—to continue the important work of revitalizing their economies.

I urge my colleagues to support this legislation.●

DELTA STATE UNIVERSITY LADY STATESMEN REPEAT AS NATIONAL CHAMPIONS

● Mr. COCHRAN. Mr. President, for the second consecutive year, the Delta State University Lady Statesmen from Cleveland, MS, are the NCAA Division II national collegiate basketball champions. In claiming the national title, Delta State has also established a new record for national championships. The Lady Statesmen have now won five national crowns in the last 15 years.

Under the very capable leadership of head coach Lloyd Clark, Delta State cruised through this year's post-season tournament play, winning by an average of 29.4 points over five opponents. Their season culminated in a decisive 77-43 win over Cal Poly Pomona in the championship game. That margin of victory also broke a record, held by Delta State in last year's championship game over the same opponent.

The Lady Statesmen were winners of 28 straight games this season—the longest wining streak in the Nation for men's or women's teams. Their 32-1 won loss record for the year was the Nation's best for any team, men's or women's. Delta State led in the Nation in outscoring opponents by a 26 point margin, and the team was ranked No. 1 all season.

Mr. President, I am especially proud that all 12 players on the Lady Statesmen roster are Mississippians. My State produces some truly outstanding basketball talent, and Delta State's success story certainly supports that claim. In fact, Lady Statesman Crystal Hardy, a senior from Meridian, MS, was selected as the NCAA Division II "National Player of the Year" and as a member of the first team Kodak All-America squad. Ms. Hardy has also distinguished herself by maintaining a 3.55 grade point average, including a perfect 4.0 last term, and has been named to the GTE Academic All-America Team. Seniors Pam Lockett and Anita Robinson have also been named to various all-star teams.

As the Lady Statesmen continue their winning ways in collegiate women's basketball, excellence in the sport has become synonymous with Delta State University and its outstanding tradition of excellence—on the court and in the classroom. I congratulate the Lady Statesmen, their coaches, and Delta State University president, Kent Wyatt, for repeating as national champions. They have brought distinction to themselves, the university, the State of Mississippi, and the outstanding community that supports them.●

HONORING BRYNHILD HAUGLAND

● Mr. BURDICK. Mr. President, I would like to share with my colleagues a brief tribute to Brynhild Haugland, the longest serving State lawmaker in the Nation. After 52 years of distinguished service in the North Dakota House of Representatives, Brynhild has decided to retire.

District 40/50 in Minot first elected Brynhild Haugland to the House in 1939. As the long-time chair of the Social Services and Veterans Affairs Committee, this Republican woman has been a true workhorse, never a show horse. Her commitment to human services and the people of North Dakota can be seen time and time again in programs passed by the North Dakota Legislature in the last half decade.

As one of the first women in elective office, Brynhild Haugland served as a role model for thousands of women in North Dakota. A farm owner, she helped bridge the gap between farm interests and business concerns. Thanks in great part to Brynhild, North Dakota boasts the International Peace Garden and the International Music Camp on the border with Canada.

Brynhild is now 84 and she has decided not to run for the 28th time. I respect her decision. She can be proud of her long list of accomplishments in the legislature as she continues to serve the Minot area as a private citizen.

The words Brynhild used in announcing her retirement reflect her wonderful attitude toward public service: "It has been a great privilege and a joy to represent the people of this area. They are progressive, forward-looking and well informed. They are innovative, and they are concerned and caring."

Brynhild is all of that and more. I would like to take this opportunity to thank her for all her hard work for North Dakota and to wish her well in the future.●

FELIX ROHATYN'S VIEWS ON LEADERSHIP

● Mr. MOYNIHAN. Mr. President, recently the well-known and highly respected investment banker, Felix Rohatyn, addressed the Woman's National Democratic Club. The subject of his remarks was leadership.

Mr. Rohatyn knows much about this topic. He and I were both members of the National Economic Commission and were mandated to recommend solutions for our fiscal problems. We were prepared. But, as Mr. Rohatyn tells us, the administration was not ready to do away with the deficit. Indeed, he has hit upon a most important point. The deficit itself is not the problem. Rather, the problem is our policy to have a deficit.

Mr. Rohatyn also offers a most important analysis of how we need to invest an additional $1 trillion over the next decade. To save the money he recommends a combination of military cuts, a 50-cent gasoline tax, a small rise in the income tax top bracket, and some modest spending cuts. He would dedicate $500 billion to bringing down the Federal deficit; the other $500 billion would be spent on infrastructure and assistance to State and local governments. A bold plan and clearly on target. Mr. Rohatyn urges us to rediscover our need for "active government." He reminds us of the responsibility of government to provide leadership.

Mr. President, I ask that the full text of Mr. Rohatyn's remarks be placed in the RECORD along with a Hobart Rowen article from the March 22 issue of the Washington Post.

The remarks of Mr. Rohatyn and the article of Hobart Rowen follow:

REMARKS BY FELIX G. ROHATYN

From Johannesburg to Moscow, the winds of freedom are blowing all over the world. In country after country, in Poland, Hungary, Czechoslovakia and Bulgaria, the model for the revolution is the American system. The combination of political freedom and an economic system that seems to guarantee an ever-rising standard-of-living, has made of America the model for every one of these struggles for democracy. It is important to recognize that it is American democracy, and not Japanese discipline or German efficiency, that these countries are striving for. Whether and how these countries will achieve their goals is impossible to predict; their struggle will be long and not always peaceful. It is worth examining, however, whether their model is all that they think it is or whether, like many an astronomer, they are seeing the light of a distant star which, sometime ago, may have ceased to shine so brightly.

As we approach the 21st Century, we have to face the reality that military power is no longer the ultimate test for influence in the world. As the Soviet Union struggles simply to survive, the competition we face is no longer communist ideology or military expansion, but European and Japanese financial and economic power. The so-called American century lasted barely 25 years. We are still, in many ways, the richest and most powerful country in the world. However, since the mid-1970s, our competitive position in the world has steadily eroded, our position as the world's largest creditor has turned into the world's largest debtor, and our dependence on foreign capital has become worrisome to many. It is ironic that, as one country after another strives for freedom, or our economic independence is more and more constrained as a result of our borrowing needs. We are rather smug about the fact that "we beat communism", and without any question, the strength and steadfastness of the Western Alliance had a great deal to do with it. Credit must also be given to President Carter's emphasis on the importance of human rights. But if the command economies have failed, our own experiment with total free market and deregulated economics is far from a complete

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success. Communism mostly self-destructed because it is philosophically untenable and economically unviable in the modern world. In many ways, communism was defeated by the ideal of America, rather than by our reality. We should try to become what those countries think we are and what they are trying to become.

First and foremost, as they are striving to do, we should become a real multiparty political system. At the very least, we should have two functioning political parties; this is no longer the case today. I have been a Democrat ever since I came to this Country in 1942, at the age of 14, from occupied France. There was never any question about it in my mind—FDR; Truman; Stevenson; Kennedy; Johnson. These men stood for the Democratic Party and stood for what I believed in: Internationalism and the defense of freedom; equality of opportunity; fairness in the distribution of wealth. The Republican Party, it seemed to me, was a party of the status quo and of the Establishment; of isolationism; and of the simple, unadulterated pursuit of wealth. Today the political choice, if there is any, is quite different. The Republican Party is internationalist and expansionary militarily and economically; it is rigorously conservative, if not to say reactionary, on social issues such as abortion, school prayer, gun control, etc.; it is dedicated to the pursuit of wealth through lower taxes and the absence of regulation without any seeming concern for the appropriate role of government. What does the Democratic Party stand for, as an alternative to this program? It is exceedingly hard to tell because the Democrats are not an opposition party. The Democrats share power, they do not seek it. Seeking power requires submitting alternatives to the voters and competing for their allegiance; sharing power is an entirely different role. The Democratic leaders in the Congress are men of intellect and character, of decency and strength. But, they are part of an existing power structure, almost a coalition government with a Republican Administration. Congressman Dan Rostenkowski's proposal to cut the budget deficit and eliminate the Gramm-Rudman law is a courageous exception to this situation. However, in the main, we are no longer a true multiparty system, certainly not at the national level.

The true legacy of Ronald Reagan, which has totally paralyzed the Democratic Party, is twofold:

(1) The conviction, throughout America, that, this Country is overtaxed with a 28% top income tax rate;

(2) The conviction that Government is the enemy.

The result of these convictions is that two important notions have been completely eliminated from the political dialogue. The dreaded "T-word" (i.e. taxes), which means that no rational discussion of resource allocation or of fairness can take place; and the dreaded "L-word" (i.e. liberal), which means that no rational discussion of an active governmental role anywhere can take place.

The Republican Administrations of the 1980s together with the Democratic Congresses are jointly responsible for the present situation. Excessive tax cuts together with steep increases in defense-spending created huge deficits which were financed with $2 trillion of debt. The low domestic savings pool resulted in high real interest rates and the sale of more and more domestic assets to make up financing shortfalls. Haphazard deregulation brought about the fiasco of the S&L's, the casino practices of the securities industry, the demise of half of our airlines, the degrading of the environment.

In order to create a facade of fiscal responsibility, the Administration and the Congress enacted the Gramm-Rudman-Hollings Act, a piece of accounting fantasy both cynical and grotesque. We solemnly go through this charade every year which gives the executive and the Congress the excuse to borrow another $200 billion, and to pretend that we are reducing the deficit. It is also an excuse to hide behind the process in order to do nothing about our real problems, other than to suggest that state and local governments deal with them. The most recent example of this policy is the suggestion by the Secretary of Transportation Skinner for the States to pay for a larger proportion of the Federal highway program through higher local fuel taxes.

The events occurring in the world today afford us a unique opportunity to deal with our internal problems and, by doing so, retain the role of leader of the West which is rapidly slipping away from us. This will require massive new domestic investment both in the private and the public sectors; a significant reduction in the cost of capital to our businesses; and a willingness on the part of the federal government to play an active role, in partnership with local governments as well as with business, to deal with many of these problems.

With or without the addition of Eastern Europe, Western Europe will be a more formidable competitor even though they will face significant problems getting from here to there. With a unified market, a common currency, financial institutions more powerful than ours, massive investment in public facilities, higher educational standards, and a strong social safety net, Europe will be a powerhouse in the 21st Century. So will the massive financial and industrial power of Japan and the Pacific rim, with financial institutions and manufacturing enterprises moving significantly beyond our reach. And, unless we begin to change the way we conduct ourselves, we will gradually slip into the position of a large, less-than-first rate economic power, still powerful militarily, but less and less competitive, burdened by huge levels of debt and astride a continent equally burdened by debt and declining living standards. This does not have to happen but it will, unless there is a consciousness in this Country that a national effort must be made. The leadership of the Democratic party, in the Congress and in the Statehouses, must come forward with such a positive program, even if this means defying the conventional political wisdom.

Our Country, today, has gigantic problems. These include lack of infrastructure, deficient public education, drugs, runaway health care costs, lack of housing and many others. Dealing with these problems is inhibited by the federal deficit and the need to remain within the totally artificial arithmetic of the Gramm-Rudman law. Even though the social, physical and economic problems which we face are daunting and deep seated, our fiscal problems are really not. To deal with our fiscal problems would require relatively little real sacrifice. I was a member of the late National Economic Commission which was mandated to come up with recommendations in that regard, and a decisive bipartisan majority of the Commission was ready to propose a program of budget cuts and new taxes which would have accomplished the objective. The Administration was not interested in such a program, the Congressional leadership could not take it on without presidential support, and the Commission was disbanded. But it is relatively easy to do if the political will is there to do it; certainly easy compared to the risks and hardships that are being taken on in Eastern Europe and the Soviet Union. Dan Rostenkowski's recent proposal would certainly be one way to do it.

What could have been done by the NEC in 1989, with relatively little pain, can be done ever more readily in 1990 given the new realities of the world situation. Therein lies our greatest opportunity.

The so-called "peace dividend" is not something that will magically appear, like Athena fully-armed from the brow of Zeus. The peace dividend will become reality when it is decided upon, planned for and managed, over a period of years, as a matter of national policy. How much it will be need not be left to chance; it is up to us, as a nation, to decide. Furthermore, the peace dividend will not by itself provide the needs of new public investment in America; nor will cutting the deficit, by itself, do the job. They should, however, form an important part of an ambitious objective: To invest an additional $1 trillion (in today's dollars) in America by the year 2000; to cut our real cost of capital significantly; and to reduce the tax burden of state and local government.

Such an objective is not really as far fetched as it sounds. Military spending, at current levels in today's dollars, would amount to $3 trillion over the decade. Reducing this by $500 billion or slightly over 15% does not appear to be overly ambitious. In addition to the defense-savings, another $500 billion, over ten years, can easily be generated by a combination of gasoline taxes (50¢ per gallon alone would accomplish it), a small increase, to say, 33% in the maximum income tax rate and slowing the growth of entitlement programs moderately. Health care costs are growing at three times the rate of inflation and must be brought under control. Our increasing dependence on foreign oil, alone, would justify the gasoline tax as a conservation measure; it would still leave our fuel costs at less than half of Europe's and Japan's. Appropriate safeguards would be provided to the poor. In addition, the reduction in interest costs to the individual and corporate borrower and the increased value of assets ranging from securities portfolios to real estate, would more than make up for the costs of the tax increase to individuals and businesses.

Is it exceedingly bold to suggest investing an additional $1 trillion in our economy over the next decade? Not if you look at Europe investing $100 billion in high speedrail alone. Not if you look at the savings rate of the Japanese economy and at the fact that the cost of capital to Japanese companies is about half of our own capital costs in real terms. Not if you look at the state of our infrastructure, with an estimated need for $2 trillion to bring our roads, our cities, our airports to an acceptable condition; not if you look at the fact that state and local governments are, in many cases at the limits of their fiscal capabilities to deal with many of these problems. One trillion dollars is probably a minimum.

Obviously, to talk seriously about this kind of objective involves two subjects that are presently taboo insofar as political dialogue is concerned. The first is active government. A significant reduction in military spending must be actively managed if it is to produce the hoped-for savings and, at the same time, avoid serious industrial and social dislocations domestically. This requires some level of planning between the federal government, local communities and the defense industry. The industry should be encouraged, through tax benefits or direct contracting, to develop non-military activities such as rapid rail and mass transit systems; development of a large supersonic commercial airplane; large scale waste disposal systems; and, possibly, if the political climate changes, the development of cheap, safe, standardized nuclear power generation. The anti-trust laws should be reviewed to permit mergers among large contractors facing significant cutbacks. Personnel reductions should be planned far ahead of time and cushioned by retraining and relocation programs. If any of this smacks of another dreaded word, i.e. "industrial policy", so be it.

The second political taboo is, obviously, taxes. No one likes to pay taxes, especially if the money seems to be wasted in fraud, corruption and political waste. However, taxes are also the price one pays for a civilized society, for clean and safe streets, a decent education system, a viable health care system and a real social safety net. No advanced western industrialized democracy functions today with a top income tax rate of 28% or with gasoline prices less than double our own. And yet Japan and West Germany outproduce us, outsave us and provide at least as much security to their citizens. We must break out of this trap.

Recently, Senator Moynihan attempted to do so by suggesting a cut in the Social Security payroll tax. Moynihan was trying to point out a harsh reality: Since 1981, we have cut income taxes and increased military spending by some $3 trillion and we have financed this program with increases in payroll taxes, domestic and foreign borrowing of $2 trillion, and increases in State and local taxes to make up for federal cutbacks. This is socially regressive and economically self-destructive. Moynihan and the Democratic leadership were, however, inhibited from stating the logical conclusion from this reality; if payroll taxes are to be cut, income taxes or other taxes must be increased.

Tax increases must be considered, but this should be done as part of a long-term, aggressive domestic public investment program which will, simultaneously lower the cost of capital to American business and reduce the fiscal pressure on local governments.

The high cost of capital in America is due, in large part, to the huge borrowing requirements of the government and to the propensity to use debt by the private sector within a framework of low national savings. This Country's overall debt structure is a financial San Andreas fault which puts the entire economy at risk. This was compounded in the 1980s by financial deregulation, high levels of speculation and the massive use of junk bonds and other forms of credit in takeovers and corporate restructurings. Financial deregulation together with lax oversight and unbelievable corruption produced the scandal of the S&L's. Using federally guaranteed deposits to save an industry that should have been liquidated a decade ago, will ultimately cost the taxpayers $300–500 billion; ten years ago, it could have been done for maybe $10 billion. The colossal amounts of money wasted by this industry, in worthless real estate, in junk bonds, in speculation and corruption of all kinds, could have been invested in new, productive investments. The huge capital drain caused by the S&L's is one reason for our high cost of capital.

Another is the more general substitution of debt for equity of the 1980s. The invention of the junk bond, regulatory and credit relaxation in general, and the rush for high immediate returns by financial institutions led to the huge wave of debt-financed takeovers, LBO's and restructurings of the last decade. In the last five years alone, some $500 billion of equity disappeared as companies were acquired or bought back their own shares, and was replaced by debt. The leading edge of this wave was the junk bond.

The junk bond, because of its lack of convenants or any real restrictions on the borrower, for the first time gave almost any raider, no matter how small, the ability to acquire almost any company, no matter how big. All it needed was large scale institutional demand for junk bonds created by very high interest rates (quite often beyond any historical profitability of the underlying business) and the promise of something like a functioning market. The S&L's, banks, pension funds, insurance companies rushed to acquire over $200 billion of this paper, and together with the commercial banks, created the boom of the 1980s. A slowing economy, an increasing number of large bankruptcies, the collapse of the junk bond market and the demise of Drexel Burnham brought the world back to harsh reality: First; there was no real junk bond market, only an agglomeration of financial institutions holding questionable paper; second, far from being into innovative new way to finance American growth, the excessive use of junk bonds is in the process of destroying both borrowers and lenders, at great cost to the U.S. economy. It was a destructive experiment which also had, as its effect, raising the cost of capital to American business. But it was not the free market alone that belatedly started the demise of junk bonds; it was regulation tightening the use of bank credit and legislation taking the S&L's out of junk bonds over the next five years. These actions were way overdue.

Additional regulation and legislation are probably required to reduce the cost of capital by making equity financing more attractive than debt. Making dividends tax deductible should be studied as part of alternative programs to capital gains tax reductions, which offer no real overall economic benefits. This should obviously be related to overall budgetary considerations. In addition, to restore full confidence in our financial institutions, regulation of the financial markets should be tightened by increasing the capital requirements of the securities firms and adopting the initial recommendations of the Brady Commission.

Ultimately, significant reductions in capital costs require significant reductions in real interest rates. This can only occur with reductions in U.S. government borrowing requirements, together with meeting the concerns about huge capital requirements for the development of Eastern Europe. We can only deal with the former; Germany, the European Community and Japan will have to deal with the latter.

If we were to free up to $1 trillion in new resources over the next decade through a combination of new taxes and military and other expenditure cuts, one half, or $500 billion, should be dedicated to bring down the deficit and to reduce the borrowing requirements of the U.S. Government. This should allow the Federal Reserve System to bring interest rates down significantly. Such a reduction in the real cost of capital would have a dramatic effect on economic growth; our objective should be a 5% prime rate of interest within two years. In addition, such a reduction would bring down significantly the ultimate cost of the S&L bailout, the existing problems of the banks with Third World and real estate loans, and the problems of companies struggling with high leverage.

The arguments about including or excluding Social Security from the Federal budget are not really relevant. Social Security is, and always will be, a pay-as-you-go system with the level of taxes and benefits set by future Congresses. We should not get fascinated by the accounting mirrors of the Gramm-Rudman law. The real issue here is the net borrowing requirement of the Government. For the five years from FY 1986 through FY 1990, the National Debt held by the public grew by almost $900 billion despite the existence of Gramm-Rudman. It will probably continue to increase at between $150–200 billion per year as a result of continued deficits together with greater financial requirements of the S&L bailout. The reduction in interest rates and the increase in national savings of a national program will also accelerate real budget balance, and could cause a significant rise in the securities markets, lowering the cost of capital further and stabilizing the dollar. Both our balance of trade and our ability to invest abroad will be strengthened.

The balance of $500 billion should be returned to the States to be invested one half in infrastructure projects and one half in assistance to state and local governments. If $250 billion were devoted to infrastructure over the decade, it would still only represent a fraction of our total needs. New York City, alone, projects a requirement of $40–$50 billion for the next decade. However, annual increases in infrastructure investment by the States would be of significant help to the overall economy. The funds dedicated to infrastructure should be deposited in State Trust Funds solely earmarked for such purposes.

The balance of the funds, about $250 billion, would be used for direct assistance to local governments. Enormous pressure has been put on state and local governments to deal with social problems that are national in scope: education, healthcare, crime, housing, the environment, etc. With a slowing national economy and the eternal federal cutbacks, local governments have had to raise taxes and cut services time and time again. The new Federalism has consisted of transferring responsibilities to local governments and having them financed locally. This is terribly destructive. A national investment program would assist local governments by making it possible for them to reduce their own taxes by an amount equal to the Federal contribution. These consist of local sales taxes, property taxes and income taxes. Such a program, a different version of revenue-sharing, would stimulate local economies and allow them to devote more resources to cope with national problems, while causing a rollback in some of the more regressive local taxes. Local governments should be given the option of using up part of the Federal funds for high priority areas of social need such as public education and the fight against drugs. It is not enough for the President and the Nation's Governors to set ambitious goals for public education by the year 2000. The

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States have to be given the means to carry out those goals.

If we continue on our present road, of borrowing and spending and selling our national assets; of neglecting our environment, our cities and our children; of giving up one industry after another to foreign competition, we will surely see a decline in this Country's position in the world whether or not we have a financial crisis. We will not be in a position to play an important role in the reconstruction of Eastern Europe, or to regain a position of world leadership. We will also see a steady erosion in our standard-of-living and in the polarization of our society. Dealing with our budget problems is easy; we should simply stop acting like a poor country. However, for a change to occur, political leadership will have to come forward. The Democratic party should produce that leadership, at some political risk, by proposing to invest in this Country and by defining an active role for our government in partnership with other constituencies. We will have to develop a national consensus to manage our affairs differently as we approach the year 2000 if we are to retain a position of world leadership. The world is changing very rapidly and, in Japan as well as in Europe, we can see governments working in partnership with business without creating corporatism or government domination of the economy. We cannot afford an ideological isolationism that leaves us less and less competitive. There is always a risk in saying: "The emperor has no clothes", but that risk is small compared to the risks run every day by the Lech Walesas, the Vaclav Havels, the Mikhail Gorbachevs, the Nelson Mandelas and F.W. deKlerks and by the people demonstrating in the streets. The Democrats should raise their sights, and ask this Country to live up to the ideal the rest of the world is striving for.

[From the Washington Post, Mar. 22, 1990]

AN IRRELEVANT PARTY

(By Hobart Rowen)

Felix Rohatyn, the investment banker who helped save New York City from bankruptcy 15 years ago, came to town a few days ago and tried to snap a decadent Democratic Party out of the doldrums. It was a wake-up call from a lifelong Democrat.

"Ever since I came to this country, at the age of 14 from occupied France," he said at the Woman's National Democratic Club, "the Democratic Party stood for what I believed in: internationalism and the defense of freedom, equality of opportunity and fairness in the distribution of wealth."

But in recent years, Rohatyn charged, Democrats have been echoing the GOP's "conservative, if not reactionary" stands on abortion, school prayer and gun control, as well as its commitment to the wealthy through tax cuts and deregulated markets.

He asked: "What does the Democratic Party stand for as an alternative to this [Republican] program? It is exceedingly hard to tell because the Democrats are not an opposition party. The Democrats share power, they do not seek it. . . . [In Congress] they are part of an existing power structure, almost a coalition government with a Republican administration."

Rohatyn charged that today's Democratic officeholders, secure on Capitol Hill and in the statehouses, have fallen into a Republican trap by shunning the dreaded T-word (taxes) and equally feared L-word (liberal). That means that "no rational discussion of resource allocation or of fairness can take place . . . [and] that no rational discussion of an active governmental role anywhere can take place."

The joint Republican-Democratic abandonment during the 1980s of a cohesive role for government produced today's sad state of economic affairs: the country is broke, unable to help finance the great victory of democracy over communism in Eastern Europe. The United States sits by helplessly as the S&L fiasco drains the Treasury, and Western Europe and Asia increase their domination of the global economy.

An overflow crowd of loyalists at the Democratic club, accustomed to being fed Pablum-like reassurances from party leaders, was held spellbound by the disillusioned Rohatyn. At the end, they gave him an ovation.

But Democratic Party pols don't take kindly to Rohatyn's challenge. The party pros would rather remind you that they have controlled the House since 1957, have a majority in the Senate and 29 of the 50 governorships.

But not the White House.

There, the Democrats have been shut out since Jimmy Carter lost to Ronald Reagan a decade ago. And given George Bush's popularity, no leading Democratic politician is making an open bid for the dubious honor of the 1992 Democratic presidential nomination. Ambitious Democrats would prefer to battle Dan Quayle in 1996—a chance they may not be granted by more clever Republicans.

The Democrats should be dealing with the real world of today, not some dream scenario of the future. But every time some venturesome Democrat pokes his head out of the trenches in an effort to rally the troops, he's shot down by the congressional leadership. Aware that many middle-class Americans think the Democrats too inattentive to their economic interests, Sen. Pat. Moynihan of New York proposed a cut in Social Security taxes that would not only benefit middle America, but force both parties to pay serious attention to the budget deficit.

Moynihan was hooted down by his fellow Democrats. Then came Ways and Means Committee Chairman Dan Rostenkowski, who offered a comprehensive plan to cut military and civilian spending and to raise the top tax from 28 percent to 33 percent—cutting the deficit by $500 billion in five years. The idea evinced at least a glimmer of interest from Bush, but has been cold-shouldered by the Democratic Party bosses on Capitol Hill. Read House Majority Leader Richard Gephardt's lips: "It is not the position of the Democratic Party to raise taxes."

Now is the time when the Democratic Party should have something to say, but it has all but vanished from the scene as a national force. Instead, it is a synthesis of irrelevancy, deserving only to lose.

Rohatyn's message is that there still is a way out for the Democratic Party, if it chooses to reassert itself. It would require backing a plan to invest an additional $1 trillion of our own money in America by the year 2000. About half of that—$500 billion—would come from a 15 percent cut in projected defense expenditures of $3 trillion in the next decade. The other $500 billion would be generated by tax increases and spending cuts (with safeguards for the poor), along lines suggested by Rostenkowski.

Such a Democratic program would crank money into a decaying road system, relieve congestion at airports, brake mounting health costs, and do something concrete about the failing education system. Rohatyn also backs a form of industrial policy, including modification of antitrust laws.

Few will agree with everything on the platter Rohatyn served to the Democratic club. But it's a starting point for an urgently needed debate: Democrats have become complacent, unresponsive to change and too willing to allow Republicans to hold the presidency, so long as Democrats are comfortably ensconced in Congress.●

REAUTHORIZATION OF THE NATIONAL ENDOWMENT FOR THE ARTS

● Mr. CHAFEE. Mr. President, one issue has received a great deal of attention lately: Federal funding of the arts via the National Endowment for the Arts [NEA].

Last year, as we all remember, the NEA came under intense public and congressional scrutiny for having indirectly supported certain distasteful exhibits by two artists: Robert Mapplethorpe and Andres Serrano. As a result of the uproar, Congress struggled for months with the question of just what the relationship between art and Government should be.

Finally, after numerous hearings, heated floor debate, several rollcall votes, and a lengthy House/Senate conference, an uneasy compromise—based in part on the now-famous Helms amendment—was forged. Yet the compromise left a bad taste in everyone's mouth.

I was active in last year's Senate debate on the NEA, and was one of the two Members who rose last July to speak against the first Helms amendment. Why? Not because I am a big fan of the Mapplethorpe portfolio. Not because I think art should be offensive, or pornographic. And not because I believe lascivious artists should live high off the hog on taxpayers' money.

I rose because the amendment came dangerously close to prescribing what constitutes art. And for me, that comes dangerously close to censorship—a very, very slippery area. I certainly do not endorse pornography. But I also do not endorse attempts to douse our much-admired American spirit, our ability to express ourselves freely and creatively. As President Bush said recently:

> I would prefer [not to] risk censorship, or [get the] Federal Government into telling every artist what he or she can paint, or how he or she might express themselves.

There is another argument expressed—that the Government has no business funding the arts at all, especially in this time of budget deficit. Reinforcing that view is the constant reference made to the sick art and immoral trash funded by the NEA. Those references gave many the impression that a radical, independent agency known as the NEA has been running amok promoting offensive art since 1965.

I agree that we must be careful to spend money on only those programs that are worthwhile. But I do not think that the majority of people realize to what extent the NEA has touched their communities. It is an agency that has proven itself to be not only worthwhile, but exemplary.

The NEA was created with bipartisan support in 1965 with the goal of fostering professional excellence of the arts in America, and helping create a climate in which the arts may flourish. To that end, the NEA has successfully provided 85,000 grants since its inception in 1965. Of these, less than 25 have been the subject of controversy. That is a track record to be very proud of.

My home State of Rhode Island is small in size, but rich in cultural and artistic activity. For us, the NEA has had a far-reaching and positive impact on our children, our communities, and even our economy. Last year, all 39 cities and towns in Rhode Island participated in arts programs, and more than 2.6 million people attended nonprofit arts events sponsored in part by the NEA. Rhode Island received $796,000 in fiscal year 1989 NEA moneys, benefiting 128 organizations, 500 schools, and 60 artists. The net result? A flourishing, popular public arts program, and a boost of $72 million to the Rhode Island economy.

I might add that NEA moneys are often matched 3 to 1 by private sector funds, thus generating a tremendous amount of support for, and stimulating public/private partnerships in, the arts. Those partnerships bring communities together for the enjoyment and benefit of all involved.

Furthermore, contrary to popular belief, NEA funds are not reserved exclusively for artists and art institutions. In fact, the broad, diverse range of individuals and groups that receive NEA support would come as a very big surprise to most. Schools, churches, community groups, groups for those with mental or physical handicaps, libraries, boys and girls clubs, parks, theatres, and even prisons receive help for their arts and arts-related programs.

NEA-sponsored projects are not elite, radical activities that are of interest to only a very few. They are projects that are accessible to everyone, projects that improve the quality and richness of our—and our children's—lives. Most of us have probably taken part in NEA-sponsored events without ever realizing it. For example, here are just some of the hundreds of NEA-sponsored Rhode Island projects:

"Project Discovery," which allowed 18,500 students to attend 41 performances at Trinity Repertory Co. in Providence;

The Westwarwick "chance to dance" afterschool activity for 100 fifth- and sixth-graders;

Museum tours and programs for 12,000 students at the R.I. Museum of Design;

A Pawtucket art program for persons with cerebral palsy;

The Providence first night celebration;

The Newport Folklore Society;

The Cranston "Big Sister" Association; and

The Boston Museum of Fine Arts' Renoir exhibit.

That is an impressive list.

If there is any debate today about the importance of the NEA, it should be framed in terms of the overall record of the agency, not in terms of a few individual grants that may have escaped careful scrutiny. A few rotten apples in the bunch should be viewed for what they are—anomalies—instead of being used as the yardstick by which the entire agency is judged.

Let us let the fires of originality burn. Sure there will be some singeing, but I think that is a risk worth taking if we want to allow American creativity to shine. I do not think we want to see safe art—that of the lowest common denominator—become the only art supported by the NEA. The NEA has helped our arts programs flourish. That is what it was created to do. And it is working.●

CENTERS FOR DISEASE CONTROL'S SELECTED CANCERS STUDY OF VIETNAM VETERANS

● Mr. **MURKOWSKI.** Mr. President, today Secretary of Veterans Affairs Ed Derwinski took quick action to compensate Vietnam veterans ill with non-Hodgkin's lymphoma. His action came in the wake of an announcement by the Centers for Disease Control [CDC] that the CDC Selected Cancers Study [SCS] found an association between service in Vietnam and the subsequent development of non-Hodgkin's lymphoma, a form of cancer. Secretary Derwinski had announced in January that he would make a decision on compensation for non-Hodgkin's lymphoma when the results of the SCS became available.

I commend Ed Derwinski for his quick and decisive action. He has once again demonstrated that he is more than a mere advocate for veterans. He has shown that he will back up his words with action.

It has been a decade since the Congress became concerned with a possible association between service in Vietnam and subsequent disease. The Congress long ago gave VA the authority to administratively determine that compensation should be paid if such an association is actually demonstrated. The study released today, which found a 50-percent increased risk for non-Hodgkins lymphoma, and which also provides no evidence to support the hypothesis that soft tissue sarcoma or other cancers can be associated with service in Vietnam, will be the most complete study on this question we will ever have.

The Centers for Disease Control study, mandated by Public Law 96-151, is a case control study designed to determine if there is an increase among Vietnam veterans in the incidence of several serious, but relatively rare, cancers—lymphoma, including non-Hodgkin's and Hodgkin's lymphoma, soft tissue sarcoma, and nasal, nasopharyngela, and primary liver cancers.

According to Report 101-82, published by the Senate Committee on Veterans' Affairs to accompany S. 1153, the selected cancers study is an extremely powerful one. It has a 98 percent chance of identifying a doubled risk of soft tissue sarcoma and a 99 percent chance of finding a doubled risk of non-Hodgkin's lymphoma. The study design and implementation were monitored by the Office of Technology Assessment [OTA], an independent arm of the U.S. Congress. In a letter dated March 27, 1990, OTA reported the study is "very well designed, conducted, and analyzed."

In September 1987, when I introduced S. 1692—the first Senate bill to call for automatic compensation for veterans with non-Hodgkin's lymphoma—I said: "The evidence is not perfect, but it will never be perfect * * * The essence of leadership is to know when the data are adequate to act. Leadership is a willingness to take action in the face of incomplete and imperfect data, rather than accepting the paralysis inherent in a never ending wait for perfect understanding." Those words were true in 1987 when the selected cancers study was 2½ years in the future. Secretary Derwinski's January decision to defer action until the selected cancers study became available was a responsible and understandable one given the short delay imposed by that decision. Now, with the benefit of the best data we will ever have, I am not surprised that Secretary Derwinski took prompt action to resolve the question of compensation for this disease in favor of Vietnam veterans.

Mr. President, I think Ed Derwinski's action is evidence that the system works. The Congress, America's veterans, and all of the American people should be pleased that VA acted promptly, decisively, and compassionately when it received credible evidence that Vietnam veterans do have an increased risk of developing a disease.

I also think veterans should be pleased that the study also confirms that, in general, their health experi-

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ence is good. The increased risk of non-Hodgkins lymphoma found by CDC translates into an additional 150 cases of this disease per year. These veterans have earned our compassion for their illness as well as our gratitude for their service. At the same time we can take some comfort in the fact that 150 cases a year in a population of about 3 million is not evidence of widespread poor health.

The lack of a finding of a statistically significant increase in the other cancers studied confirms other studies which have also not supported the hypothesis that Vietnam veterans are disproportionately ill. This is also good news for veterans.

Mr. President, I ask that the executive summary of the CDC report and the statement of Secretary Derwinski be printed in the RECORD at the conclusion of my remarks.

The summary follows:

THE ASSOCIATION OF SELECTED CANCERS WITH SERVICE IN THE U.S. MILITARY IN VIETNAM—EXECUTIVE SUMMARY

THE SELECTED CANCERS COOPERATIVE STUDY GROUP

The Selected Cancers Study (SCS) is one of several studies undertaken to assess the effects of military service in Vietnam and exposure to herbicides of the subsequent health of American veterans of that conflict. In this population-based, case-control study, we examine the risk of (1) non-Hodgkin's lymphoma, (2) soft tissue and other sarcomas, (3) Hodgkin's disease, and (4) nasal, (5) nasopharyngeal, and (6) primary liver cancer among Vietnam veterans. These malignancies were chosen because of published studies suggesting an association with phenoxyherbicide exposure. Agent Orange, which was used extensively in Vietnam, is a combination of two phenoxyherbicides. Because of the difficulty in estimating Agent Orange exposure in individual veterans, we only indirectly evaluated Agent Orange exposure. We focused our analysis, instead, on the association of Vietnam service and cancer. Other studies on the risk of these cancers in association with Vietnam military service or with nonmilitary exposure to phenoxyherbicides have produced inconsistent results.

In the study, the case group was restricted to men who would have been between the ages of 15 and 39 in 1968, at the peak of U.S. troop strength in Vietnam. All men who were diagnosed in a 4-year period (late 1984-late 1988) as having any of the six cancers and who lived in the geographic areas covered by eight tumor registries were eligible for this study. These areas, encompassing three states (Connecticut, Kansas, and Iowa) and five large metropolitan areas (Miami, Detroit, San Francisco, Seattle, and Atlanta), included about 10% of the U.S. population. The comparison group of controls was scientifically drawn from households with telephones and included men of the same age who did not have any of the six cancers.

Information on military service in Vietnam, along with relevant medical and occupational history was collected from both case and control subjects via a telephone interview using a standardized questionnaire. Interview participation rates were high both for men with cancer (87%) and for controls who completed the selection process (83%). Cancer diagnoses were confirmed by a panel of pathologists who are experts in each of the six cancers. The U.S. Army and Joint Services Environmental Support Group, of the Department of Defense, attempted to verify reported military service in Vietnam. The group was unaware of the case or control status of the subject whose record was being reviewed.

For several of the six cancers, the SCS is the largest such study ever conducted on men in this relatively young age range that has included confirmation of diagnosis by a review pathologist panel and extensive collection of data through a standardized interview.

The strength of the association between military service in Vietnam and each of the sites and types of cancer was assessed by the odds radio (OR), an estimate of the relative risk. This method estimates whether cancer is more likely to develop in men who served in Vietnam than in men who did not.

Results

We found an increased risk of non-Hodgkins's lymphoma (NHL) among Vietnam veterans relative to men who did not serve in Vietnam, but no increased risk for the other five cancers. After taking into account other factors that might influence the development of NHL among Vietnam veterans, we found these men to be at a roughly 50% increased risk for NHL (OR=1.47). This is a statistically significant increase ($p=0.01$), with the 95% confidence interval ranging from 1.09-1.97. When we restricted the comparison population to men who had served in the military, but not in Vietnam, or further restricted it to those who had served during the time of the Vietnam conflict, we found little change in the estimate of 50% increased risk. Thus, the increased risk appears to be specific to Vietnam veterans, rather than being associated with military service in general.

The data suggested a higher relative risk for veterans who had served a longer time in Vietnam, although the result was not statistically significant ($p=0.10$). An examination of several characteristics of Vietnam military service, however, provided no evidence that NHL was more likely to develop in one group of Vietnam veterans than in another. In particular, the risk differed only slightly by dates of service, age at entry on duty in Vietnam, rank, or type of unit the veteran served in (combat, combat support, or support). Differences in risk by branch of service (with risk higher for the Navy and Marines than for the Army or Air Force) were not statistically significant. Viewed by itself, however, the increased risk for men who served in the Navy in Vietnam was statistically significant (OR=1.89), 1.11-3.24). Further, the relative risk was slightly higher (OR=2.17) among the 84% of all Navy men who had served on ocean-going ships.

We found no evidence that the increased risk of NHL might be related to exposure to Agent Orange in Vietnam. The pattern of risk among subgroups of Vietnam veterans seemed to be the opposite of the pattern for use for Agent Orange in Vietnam: Navy veterans who served on ocean-going vessels tended to be at higher risk than Vietnam veterans based on land, and Vietnam veterans who served in III Corps, the region of heaviest Agent Orange use, tended to be at somewhat lower risk than Vietnam veterans who served in other regions. Only 1 of the 99 Vietnam veterans with NHL reported that he had handled equipment or containers used with Agent Orange, and none reported having sprayed defoliants. These data, along with evidence from other studies regarding the likelihood of Vietnam veterans' exposure to Agent Orange, make it quite unlikely that the increased risk of NHL among Vietnam veterans result from exposure to herbicides. In our study we did not identify any other factor as being responsible for that risk. Most known and suspected risk factors for NHL (immunodeficiency, the use of drugs to prevent malaria, and use of intravenous drugs, for example) were examined and none explained the increase in risk for Vietnam veterans. We were unable to determine why these men are at higher risk for NHL.

The risk estimate identified in our study is not high. It is, however, of the order of size the study was designed to be able to detect. The possibility that our finding is entirely explained by chance can never be completely ruled out, but it is highly unlikely. There is only a 1 in 100 likelihood that the study result for NHL is due to chance, if this result is viewed by itself. While our study was designed to examine the associations between military service and six malignancies, whether or not to adjust for multiple comparisons is controversial. However, the probability of observing one or more (out of six) associations as extreme as that observed for NHL (when in fact no associations exist) is at most 7 in 100.

Although a risk of this magnitude may be due to unrecognized bias or uncontrolled confounding, an examination of several recognized potential sources of bias or confounding produced little evidence that these factors had an appreciable effect on our results. For example, the lack of an association between Vietnam service and any of the other malignancies limits the likelihood that the observed association with NHL is due to underascertainment of Vietnam veterans in the control group. Since we studied all cancers simultaneously using the same design and an identical group of control subjects, several biases concerning selection and information quality should have similarly affected the risk estimate for each of the six cancers.

The risk estimates for the other five cancers were 1.14 (95% CI, 0.71-1.83) for Hodgkin's disease, 1.00 (0.63-1.58) for soft tissue and other sarcomas, 0.66 (0.15-2.91) for nasal carcinoma, 0.53 (0.16-1.77) for nasopharyngeal carcinoma, and 1.16 (0.50-2.68) for primary liver cancer. None of the estimates were significantly different from 1.0, the value indicating that the risk among Vietnam veterans is identical to that among men who did not serve in Vietnam. Of particular interest is our finding of no increased risk for sarcoma, a group of cancers that has been of great concern among Vietnam veterans; restricting the cancer group to soft tissue sarcoma yielded a relative risk of 0.94. We found no indication that any particular subclass of sarcoma was increased after Vietnam service or that any subgroup of Vietnam veterans was at increased risk of sarcoma. As with NHL, we found no indication that the pattern of distribution of sarcoma among the 26 Vietnam veterans with sarcoma was related to the pattern of Agent Orange use in Vietnam.

EDWARD J. DERWINSKI—SECRETARY OF VETERANS AFFAIRS

NEWS CONFERENCE OPENING STATEMENT—MARCH 29, 1990

Good afternoon, ladies and gentleman. I have a brief statement I would like to read, and then I will gladly answer your questions.

You may recall that last May, I announced that VA would not appeal a Federal court's ruling that VA's regulations concerning disability claims based on Agent Orange exposure were, in the court's words, too strict. We immediately went to work revising our regulations, publishing them for public comment and put them into effect on November 1st. On November 3, our Veterans Advisory Committee on Environmental Hazards completed the first of several reviews it will conduct in compliance with Judge Henderson's ruling. The Committee reviewed 31 papers from the scientific literature dealing with herbicide exposure and a rare family of cancers known as non-Hodgkin's lymphoma commonly referred to as N-H-L.

The committee's conclusion at that time was that although it did not find enough evidence to show a significant statistical association between NHL and exposure to herbicides, it—to use the Committee's words—"cannot rule out such an association." Several members of the committee also expressed the belief that the results of a study of cancer among Vietnam veterans being conducted by the Centers for Disease Control could have had a bearing on their conclusions. I elected to wait for the results of the CDC study.

Yesterday, I was provided with a full briefing by CDC prior to their release at noon today of the study findings. Those findings included the following statement: "Results of this study strongly suggest that Vietnam veterans have a roughly 50 percent increased risk of developing non-Hodgkin's lymphoma about 15 to 25 years after military service in Vietnam. The results do not show a similar increased risk among veterans who served in other locations during the Vietnam Era; this finding suggest that the association is specific to Vietnam service rather than military service in general."

On the basis of this report and all other available literature, and following consultation with the President, I am exercising my authority as Secretary of Veterans Affairs to make a determination that in my judgment there is at the present time a relationship between Vietnam service and non-Hodgkin's lymphoma. I am instructing that regulations be immediately drafted to establish that the disease is service-connected for the purposes of disability compensation. And, we will extend as much latitude as possible in awarding retroactive benefits and in assisting the widows and children of those veterans whose deaths were due to NHL. The exact application of this ruling will be spelled out in the proposed regulation which we hope to have ready for publication in the Federal Register by May 1.

I want to make clear that my decision is not a scientific decision and should not be seen as that by anyone. My decision and the President's support for it is a policy determination. As Secretary of Veterans Affairs I have a responsibility, if not an obligation, to serve the best interests of the Nation's veterans. We at VA are especially dedicated to those who suffer disabilities as a direct performance of military duty. Those veterans who will now be compensated are most deserving of our care and concern. It is my hope that this action will help begin to mend the divisiveness and controversy that has surrounded this issue for many years.

Now, I will be happy to take your questions.●

UNIVERSITY OF NEVADA-LAS VEGAS BASKETBALL TEAM

● Mr. BRYAN. Mr. President, I would like to take this opportunity to congratulate the University of Nevada at Las Vegas basketball team and coach on advancing to the Final Four in Denver, CO. After defeating Ball State and Loyola Marymount at the NCAA West Regional in Oakland, the UNLV Running Rebels are on their way to the Final Four for the third time in their school's history.

These fine players had an exceptional season with a 16-2 record in the Big West. The Rebels were the winners of the Big West Tournament held in March with a decisive win over Long Beach State, taking their sixth Big West Tournament championship. In addition they earned cochampion honors with New Mexico State, making it UNLV's eighth consecutive Big West regular season.

For the third time under Coach Jerry Tarkanian the Rebels will attend the Final Four. A 17-year veteran of the UNLV program, he is the winningest active coach by percentage, and I am proud to have him lead our team to victory.

This Saturday the Rebels will be playing Georgia Tech in the first round of the Final Four tournament. On behalf of the entire State of Nevada and other Runnin' Rebel fans, we commend them on their outstanding dedication and fine ability on which UNLV's reputation is based. We wish the team best of luck and the most successful of tournaments.●

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar No. 673, with reference to Mr. Robert G. Joseph; Calendar No. 674, with reference to John J. Maresca; Calendar No. 675, with reference to Everett E. Briggs; Calendar No. 676, with reference to Edward M. Rowell; and Calendar No. 677, with reference to Herman J. Cohen.

I further ask unanimous consent that the nominees be confirmed, en bloc; that any statements appear in the RECORD as if read; that the motions to reconsider be laid upon the table, en bloc; that the President be immediately notified of the Senate's action; and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

Robert Gregory Joseph, of Virginia, for the rank of Ambassador during his tenure of service as U.S. Commissioner on the U.S.-U.S.S.R. Standing Consultative Commission.

John J. Maresca, of Connecticut, a career member of the Senior Foreign Service, class of minister-counselor, for the rank of Ambassador during his tenure of service as head of the U.S. Delegation to the Conference on Confidence and Security Building Measures [CSBM].

Everett Ellis Briggs, of New Hampshire, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal.

Edward Morgan Rowell, of California, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

AFRICAN DEVELOPMENT FOUNDATION

Herman Jay Cohen, an Assistant Secretary of State, to be a member of the Board of Directors of the African Development Foundation for the remainder of the term expiring September 22, 1991.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

FEDERAL ENERGY REGULATORY COMMISSION MEMBER TERM ACT

Mr. RIEGLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 388.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 388) entitled "Act to provide for five-year, staggered terms for members of the Federal Energy Regulatory Commission, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Energy Regulatory Commission Member Term Act of 1990".

SEC. 2. FIVE-YEAR TERMS FOR MEMBERS OF THE FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—Section 401(b) of the Department of Energy Organization Act is amended by striking "four years" in the third sentence and inserting "5 years".

(a) STAGGERED TERMS.—Section 401(b) of such Act is amended by—

(1) inserting "(1)" after "(b)";

(2) striking the fourth sentence;

(3) amending the seventh sentence to read, "A Commissioner may continue to serve after the expiration of his term until his successor is appointed and has been confirmed and taken the oath of Office, except that such Commissioner shall not serve beyond the end of the session of the Congress in which such term expires."; and

(4) adding at the end thereof the following:

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"(2) Notwithstanding the third sentence of paragraph (1), the terms of members first taking office after the date of enactment of the Federal Energy Regulatory Commission Member Term Act of 1990 shall expire as follows:

"(A) In the case of members appointed to succeed members whose terms expire in 1991, one such member's term shall expire on June 30, 1995, as designated by the President at the time of appointment.

"(B) In the case of members appointed to succeed members whose terms expire in 1992, one such member's terms shall expire on June 30, 1996, and one such member's term shall expire on June 30, 1997, as designated by the President at the time of appointment.

"(C) In the case of the member appointed to succeed the member whose term expires in 1993, such member's term shall expire on June 30, 1998.".

(c) APPLICABILITY.—The amendments made by this section apply only to persons appointed or reappointed as members of the Federal Energy Regulatory Commission after the date of enactment of this Act.

Mr. RIEGLE. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. RIEGLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EDUCATION DAY, U.S.A.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Joint Resolution 500, designating April 6, 1990, "Education Day, U.S.A." just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 500) to designate April 6, 1990, as "Education Day, U.S.A."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 500) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

Mr. RIEGLE. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

REPAYMENT TERMS FOR THE WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 489, S. 1859, the Wolf Trap Foundation bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1859) to restructure repayment terms and conditions for loans made by the Secretary of the Interior to the Wolf Trap Foundation for the Performing Arts for the reconstruction of the Filene Center in Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, today, the Senate will unanimously pass S. 1859, a bill I introduced at the end of the last session of Congress. S. 1859 is designed to assist a national treasure located in the Commonwealth of Virginia—Wolf Trap Farm Park. Unfortunately, through a series of misfortunes, Wolf Trap now finds itself unable to repay debts owed to the United States. The legislation to be approved today would address Wolf Trap's problem.

Mr. President, I would like to recount for Members of the Senate the history of Wolf Trap Farm Park's creation and the source of its financial difficulties. In 1966, Mrs. Catherine Filene Shouse donated approximately 100 acres of her northern Virginia farmland and provided $1.7 million to the U.S. Government for the construction of an original outdoor amphitheater and related structures. These gifts, accepted by the 89th Congress, Public Law 89-671, created America's only national park dedicated to the performing arts, Wolf Trap Farm Park.

Under the terms of a cooperative agreement, the Wolf Trap Foundation, a private 501(C)(3) foundation, provided the programming, fundraising, marketing, and related education programs for 10 successful years in partnership with the National Park Service. The foundation's educational programs have expanded nationally, reaching substantial numbers of preschool children through the arts.

In April 1982, the Filene Center, Wolf Trap's outdoor amphitheater, burned to the ground. The exact cause was never determined. At the time, like all Government buildings, the center was self-insured by the U.S. Government.

Mindful of the lengthy process normally associated with the rebuilding of a Government facility, the foundation worked closely with the administration and Congress to reach an agreement, which was codified in Public Law 97-310, to share equally in the reconstruction effort. At the time, the cost of reconstructing the facility was estimated to be $18 million.

During the reconstruction effort, representatives from the National Park Service and the foundation approved necessary change orders for structural enhancement, safety, and fire protection that escalated the original estimated cost to $26.4 million. Moneys raised by the foundation, totaling almost $7.4 million, which were to be used to retire the debt, were channeled into the reconstruction effort.

In January 1985, near the end of the reconstruction, a main girder fractured. To repair the fractured girder, the foundation raised an additional $4 million in advances from contractors, an insurance carrier, and additional borrowing from the National Park Service, as well as $.7 million contributed by the foundation. The foundation instituted litigation against the contractor, subsequently receiving a partial settlement on advanced moneys.

Reconstruction and repair of the Filene Center has spanned approximately 5 years. During that time the foundation has consumed significant time, energy, and resources to assist in providing construction and repair administration for a Government facility.

The Filene Center has reopened and is once again providing high-quality programs and a truly unique park experience for hundreds of thousands of visitors.

Mr. President, at this point three facts are clear:

For a variety of reasons, rebuilding the facility cost more than the original estimates;

The Wolf Trap Foundation raised almost $7.5 million of private funds which has of necessity been used to rebuild the facility instead of for payment of its debt to the U.S. Government; and

The U.S. Government and the American people have a first-class and truly unique facility for the performing arts.

Mr. President, S. 1859 acknowledges the significant contribution that the Wolf Trap Foundation has made to the public and acknowledge the unforeseen difficulties it has encountered by restructuring the debt obligation to the U.S. Government in a manner that contributes to its education programs which serve the public interest throughout the Nation.

Mr. President, the legislation approved by the Senate waives repayment obligations for one-half of the total amount owed by the foundation in principal and interest as of the date of enactment of this act and stops the running of interest upon the date of enactment of this act. In addition, the legislation provides that the remaining obligations shall be repaid in 10 years with cash, property, or credits—including credits for the continuing educational programs for the Wolf Trap Opera Company, Wolf Trap Institutes for Early Learning Through the Arts, and the programs and activities of the education division.

Mr. President, I thank all those who have worked so hard to bring this legislation to this point. I am especially grateful to Senators ROBB, JOHNSTON, and McCLURE for their efforts on this legislation.

Thank you, Mr. President.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of subsection (b) of Public Law 99-310, as amended (16 U.S.C. 284c) the terms and conditions of any unpaid obligations of the Wolf Trap Foundation for the Performing Arts (hereinafter referred to as the "Foundation") resulting from loans made by the Secretary of the Interior (hereinafter referred to as the "Secretary") to the Foundation to complete reconstruction of the Filene Center of the Wolf Trap Farm Park in Fairfax County, Virginia are hereby restructured as follows:

(a) The Secretary shall waive repayment obligations for one-half of the total amount owed by the Foundation in principal and interest as of the date of enactment of this Act.

(b) The Secretary shall not assess interest on any remaining unpaid obligations owed by the Foundation after the date of enactment of this Act.

(c) Any remaining unpaid obligations shall be repaid in full by the Foundation within 10 years after the date of enactment of this Act with cash, property, or credits. Such credits are to be jointly determined by the Foundation and the Secretary, and may be derived and created by the foundation in its continuing educational programs for the Wolf Trap Opera Company, Wolf Trap Institute for Early Learning through the Arts, and the programs and activities of the Education Division.

Mr. RIEGLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. JEFFORDS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RIEGLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, before the majority leader had to part, I had a conversation with him about the schedule for tomorrow. We are coming in at 10:30. There will be a meeting at 9:30 with all those who have allowance amendments. There is no reason to come in at that time. We could not take up those amendments in any event.

There have been questions raised on both sides about votes tomorrow and again I do not know whether or not there will be votes. The majority leader does not know. We do not know what amendments may be out there and what amendments may be offered tomorrow. I know there is one on incinerators that I am concerned about—so is the Presiding Officer—that may require a vote. I hope we can work that out. I think the Senator from Alabama [Mr. HEFLIN] has an amendment on utilities. If there were to be a vote tomorrow, I suggest we could have it at a later time.

So I would say to those on this side and the other side, I guess, who have been asking about votes tomorrow, we do not know. That is the best we can say at this time. Perhaps the majority leader will be able to give us some more definitive reading by, say, tomorrow noon.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIEGLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANFORD). Without objection, it is so ordered.

NOMINATION OF T. TIMOTHY RYAN

Mr. RIEGLE. Mr. President, I indicated earlier that the Senate Banking Committee might well take up the nomination of Timothy Ryan on tomorrow morning at 10:30 a.m., to vote on that nomination and deal with it. I want to indicate now, though it is a very late hour and Members are at different locations, that we will in fact meet tomorrow morning at 10:30 for that purpose in the Banking Committee. I have discussed this with all parties. Senator GARN is on the floor now and we have had our discussions about it, and the nominee has been so informed.

With that, I just want to make sure the announcement is clearly known and to stress again that we are moving precisely as we were requested by the administration in writing to do, and that is to move on an expedited basis. It is an unusual situation. I think the committee is ready to render a judgment, and we should do so without any further delay. We will take the matter up at 10:30 tomorrow morning.

ORDERS FOR TOMORROW

RECESS UNTIL 10:30 A.M.; MORNING BUSINESS

Mr. RIEGLE. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:30 a.m., Friday, March 30; that following the time for the two leaders, there be a period for morning business not to extend beyond 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is also ordered.

SCHEDULE

Mr. RIEGLE. Mr. President, tomorrow the Senate will resume consideration of the clean air bill at 11 a.m. At that time, the managers hope to be able to dispose of any allowance amendments, as well as other amendments, which might be offered. Rollcall votes are possible during tomorrow's session.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. RIEGLE. Mr. President, I ask unanimous consent that the Senate now stand in recess under the previous order until 10:30 a.m., Friday, March 30, 1990.

There being no objection, the Senate, at 9:04 p.m., recessed until Friday, March 30, 1990, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 1990:

DEPARTMENT OF STATE

DON MELVIN NEWMAN, OF INDIANA, FOR THE RANK OF MINISTER DURING HIS TENURE OF SERVICE AS THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE COUNCIL OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

DEPARTMENT OF EDUCATION

MICHAEL L. WILLIAMS, OF TEXAS, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE LEGREE S. DANIELS, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 29, 1990:

DEPARTMENT OF STATE

ROBERT GREGORY JOSEPH, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS U.S. COMMISSIONER ON THE U.S.-U.S.S.R. STANDING CONSULTATIVE COMMISSION.

JOHN J. MARESCA, OF CONNECTICUT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AM-

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BASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF THE U.S. DELEGATION TO THE CONFERENCE ON CONFIDENCE AND SECURITY BUILDING MEASURES (CSBM).

EVERETT ELLIS BRIGGS, OF NEW HAMPSHIRE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

EDWARD MORGAN ROWELL, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

AFRICAN DEVELOPOMENT FOUNDATION

HERMAN JAY COHEN, AN ASSISTANT SECRETARY OF STATE, TO BE A MEMBER OF THE BOARD OF DIRECORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR THE REMAINDER OF THE TERM EXPIRING SEPTEMBER 22, 1991.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Thursday, March 29, 1990*

The House met at 10 a.m.

The Reverend Dr. Donald F. Christian, Office of the Bishop, Washington, DC, Metro Synod, Evangelical Lutheran Church in America, offered the following prayer:

O God, our Father, we pause to remember this day those who have taken this journey of life before us, whose examples provide light for our path, and whose spirits offer a lamp for our way.

There are the great names of history, O God, You have called to significant roles of leadership for peoples and nations. But there are also the lessor known names to each of us who have become our own personal beacons.

We remember this day: mothers, fathers, teachers, friends.

O God, as we remember and, therefore, thank You and them in our hearts, let us also remember that we, each one, are today's examples for the future and that our spirits will guide tomorrow's generation.

Hear our prayer, O God, and bless our efforts this day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from South Carolina [Mr. RAVENEL] will come forward and lead the House in the Pledge of Allegiance.

Mr. RAVENEL led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 4099. An act to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

EARLY CHILDHOOD EDUCATION AND DEVELOPMENT ACT OF 1990

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 368 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 368

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3) to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, and with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 4381, as modified by the amendment printed in section 2 of this resolution, as an original bill for the purpose of amendment under the five-minute rule. Said substitute, as modified, shall be considered as having been read and all points of order against said substitute, as modified, are hereby waived. No amendment to said substitute, as modified, shall be in order except those amendments printed in this report of the Committee on Rules accompanying this resolution, said amendments shall be considered in the order and manner specified in said report, shall be considered as having been read, shall not be subject to amendment except as specified in said report, and shall be debatable for the time specified in the report, to be equally divided and controlled by the offeror and a Member opposed thereto. All points of order against the amendments printed in the report are hereby waived. It shall be in order to consider the amendments offered by Representative Gephardt of Missouri, or his designee, printed in the report of the Committee on Rules as pending simultaneously to the amendment offered by Representative Stenholm of Texas and to the amendment in the nature of a substitute made in order as original text by this resolution, and said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole shall put the question on the amendments en bloc as one question. It shall be in order to consider the amendments offered by Representative Edwards of California, or his designee, printed in the report of the Committee on Rules as pending simultaneously to the amendment offered by Representative Stenholm of Texas and to the amendment in the nature of a substitute made in order as original text by this resolution, and said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole shall put the question on the amendments en bloc as one question. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Sec. 2. At the end of the bill add the following new title:

"TITLE VII—SENSE OF THE CONGRESS AS TO DEFICIT EFFECT

"It is the sense of the Congress that the congressional budget resolution should assume an increase in revenues or a reduction in spending, or a combination thereof (beyond those otherwise needed for deficit reduction) sufficient to offset the net deficit effect of this Act and amendments made by this Act for the first 5 fiscal years beginning after September 30, 1990.".

The SPEAKER pro tempore (Mr. McNulty). The gentleman from Texas [Mr. Frost] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, 1 yield 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 368 is a modified closed rule providing for the consideration of H.R. 3, the Early Childhood Education and Development Act of 1989. The rule waives all points of order against consideration of the bill and provides for 2 hours of general debate on the bill. The general debate time is to be divided in the following manner: 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; and 1 hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

House Resolution 368 provides that in lieu of the amendments now printed

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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in the bill, that it shall be in order to consider an amendment in the nature of a substitute consisting of the text of H.R. 4381, as modified by the amendment printed in section 2 of this resolution, as an original bill for the purpose of amendment when the bill is considered for amendment under the 5-minute rule. Section 2 of the resolution is a new title VII expressing the sense of the Congress that for the first 5 fiscal years beginning after September 30, 1990, the budget resolution should assume spending reductions or revenue increases sufficient to offset the net deficit effect of the costs of this legislation. The rule provides that the substitute, as modified, shall be considered as having been read. All points of order against the substitute, as modified, are waived by the rule.

Mr. Speaker, H.R. 4381 is a package bill which incorporates provisions of the child care legislation originally reported last year by the Committee on Education and Labor and the Committee on Ways and Means. Briefly, the package expands Head Start, provides before- and after-school care for both preschool and school-aged children, increases and earmarks funding for title XX Social Services Block Grant child care programs and provides an expansion of the Earned Income Tax Credit. H.R. 4381 requires each State education agency to establish appropriate standards for child care programs. The package also incorporates language found in the Senate-passed child care bill relating to sectarian child care by requiring States receiving title XX child care funds to establish a voucher system for child care which could be used for care provided by church-based child care programs. This provision does not, however, override any State law or State constitutional provision prohibiting the expenditure of public funds by or in sectarian institutions.

Mr. Speaker, only those amendments printed in the report accompanying House Resolution 368 are made in order by the rule and the rule provides that those amendments shall be considered in the order and manner specified in the report. The rule also provides that the amendments shall be considered as having been read and shall not be subject to amendment except as specified in the report.

Specifically, the report makes in order an amendment to the substitute to be offered by the gentleman from Texas [Mr. STENHOLM]. One hour of debate is provided on this amendment and that time is to be equally divided between Mr. STENHOLM and a Member opposed to the amendment. The Stenholm amendment is a substitute to the text of H.R. 4381 and differs from the provisions of H.R. 4381 in several respects. First, the Stenholm amendment does not provide for before- and after-school care for preschool and school-aged children, does provide additional Head Start funds but only permits 50 percent of those funds to be used to expand Head Start into a full-day, year-round program, and does not require States to develop day care quality standards. The Stenholm amendment does provide additional earmarked funds for title XX and increases the EITC but differs from H.R. 4381 by providing an additional credit for families with infants. Like H.R. 4381, the Stenholm amendment requires States receiving title XX funds to establish a voucher system for child care. Those vouchers could be used by parents at any eligible child care provider, including religious child care programs which permit religious activities, as is permitted by the package introduced as H.R. 4381. Both the bill and the Stenholm substitute permit religious child care providers to require their employees to adhere to the religious tenets or teachings of the organization.

The report also specifies that it shall be in order to consider en bloc amendments to be offered by the gentleman from Missouri [Mr. GEPHARDT] or his designee and an en bloc amendment to be offered by the gentleman from California [Mr. EDWARDS] or his designee. Thirty minutes of debate is provided for the Gephardt en bloc amendment to be equally divided and controlled by the offeror of the amendment and a Member opposed and 40 minutes of debate is provided for the Edwards en bloc amendment, also to be equally divided and controlled by the offeror and a Member opposed.

The rule provides that the en bloc Gephardt amendments shall not be subject to a division in the House or in the Committee of the Whole. In addition, the rule provides that it shall be in order to consider the Gephardt amendments as pending simultaneously to the Stenholm amendment and to the amendment in the nature of a substitute made in order as original text by the rule and that the Chairman of the Committee of the Whole shall put the question on the en bloc amendments as one question. In other words, when the question is taken on the Gephardt en bloc amendments, the vote will be on amending both the original text and the Stenholm amendment.

The Gephardt en bloc amendments would amend the voucher programs found in both H.R. 4381 and the Stenholm amendment by making the State voucher program permissive, rather than requiring the States to provide for a voucher program.

Mr. Speaker, the rule further provides that the Edwards en bloc amendments shall not be subject to a division in the House or in the Committee of the Whole. When the Edwards en bloc amendments are considered, House Resolution 368 provides that it shall also be in order to consider that amendment as pending simultaneously to the Stenholm amendment and to the amendment in the nature of a substitute made in order as original text by the rule and that the Chairman of the Committee of the Whole shall put the question on the en bloc amendments as one question. Again, as in the case of the Gephardt en bloc amendments, when the question is taken on the Edwards en bloc amendments, the vote will be on amending both the original text and the Stenholm amendment.

The Edwards en bloc amendments eliminates the provisions in both H.R. 4381 and the Stenholm amendment relating to sectarian care, including the language permitting preferential hiring and admissions, and language permitting sectarian child care providers to require their employees to adhere to their religious tenets. The Edwards amendments provide that no Federal funds, including vouchers for child care, could be used for sectarian child care programs.

Finally the rule provides that at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, the Members of the House are in agreement that the provision of safe, quality, and affordable day care is a problem that desperately needs to be addressed. The questions raised by the child care debate seem to involve the scope of the provision of day care rather than the need to provide day care. No one can argue with the statistics of modern day life—over half of the mothers with infants younger than age 2 are in the work force, nearly 57 percent of mothers with preschool children are in the work force, and nearly 65 percent of all mothers with children under age 18 work outside the home. Unfortunately, the world of June Cleaver and Margaret Anderson no longer exists; today, more and more mothers are working outside the home only because it is an economic necessity. Oftentimes a mother's paycheck is all that stands between her family and poverty.

Mr. Speaker, the House needs to address the day care issue. The bill we will consider today, as well as the Stenholm amendment, provide the House a choice of options. The amendments to both the bill and the Stenholm amendment provide the House an opportunity to address the church-state question. House Resolution 368 provides a forum for debate on this most important national question, and I urge its adoption.

□ 1010

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, the gentleman from Texas [Mr. Frost] has ably explained the provisions of the rule.

But Mr. Speaker, this rule is not fair. It absolutely cuts off Republicans. It is one of the worst rules ever reported in this session of the Congress, and I hope the previous question is voted down so that our Republican leader may be able to offer his amendment.

It is not fair first because it fails to allow a number of amendments which should have been considered by this House, and fails to allow any amendment at all presented by a Republican. The record will show that there were a significant number of amendments requested by Republican Members of the House in the Rules Committee.

The Republican leader in the House, the gentleman from Illinois [Mr. Michel] wrote a letter requesting an amendment. In the Rules Committee meeting yesterday, I offered an amendment to the rule to allow consideration of the Michel amendment, and it was rejected by a party line vote.

The gentleman from Wisconsin [Mr. Petri], a member of the committee with primary jurisdiction over this bill, asked to have two amendments made in order. In the Rules Committee meeting yesterday I offered an amendment to the rule to allow consideration of the Petri amendment. It was rejected.

The gentleman from Texas [Mr. Bartlett] also a member of the committee of primary jurisdiction requested an open rule. The gentleman from Minnesota [Mr. Frenzel] spoke in support of the Michel amendment. The gentleman from Pennsylvania [Mr. Gekas] requested an amendment.

Clearly there were plenty of Republicans requesting to have amendments made in order, but none were included.

On the other hand, one of the amendments that was included was never requested by anybody. The rule provides for consideration of an amendment to be offered by the gentleman from Missouri [Mr. Gephardt], but he never appeared in the Rules Committee to ask for any amendment. We were not given a copy of any letter from him requesting that an amendment be made in order. And yet a Gephardt amendment was included when we finally got to see the rule a few minutes before we had to vote on it.

Where is the balance in this procedure? How can we talk about bipartisanship when one party is cut out of even having amendments offered by its Members considered on the floor of the House?

□ 1020

And then, as if to rub salt in the wound, the minority is being denied its one traditional last chance to have its position considered. There will be no motion to recommit with instructions under this rule. We can have a straight motion to recommit, but we are denied the right to make any change in the bill through the use of instructions. Mr. Speaker, this rule is not fair.

The proposals offered from the Republican side were not unreasonable proposals. The one offered by the Republican leader sounds remarkably like an idea many Democrats have professed to believe in for some time. The Michel amendment would provide for a pay-as-you-go approach to child care. It would provide that before new money could be spent there would have to be either new revenue to pay for the additional cost or offsetting cuts in other programs. If we do not have the Michel amendment, this bill will only serve to provide a giant increase in the deficit. The bill does not provide sufficient funding to pay its projected cost. If we mean what we say about the need to control the deficit then we have got to have something like the Michel amendment.

There is a way that this House can have an opportunity to vote on the Michel amendment. The House can vote "No" on the motion for the previous question. If the motion for the previous question is defeated, I will then be prepared to offer an amendment to the rule to allow consideration of the Michel amendment, the pay-as-you-go amendment.

It simply is not fair to deny the Republican leader an amendment to this measure. When an amendment has been added without any hearing on it at all, without any request from the gentleman from Missouri [Mr. Gephardt] it is not fair to deny all Republican amendments.

Mr. Speaker, I ask for a "no" vote on the previous question and then if we fail in that effort, and I hope we do not, then a "no" vote on the rule itself.

And, Mr. Speaker, I have several requests for time, I would like to advise the gentleman from Texas [Mr. Frost].

Mr. FROST. Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Education and Labor, the gentleman from California [Mr. Hawkins].

(By unanimous consent Mr. Hawkins was allowed to speak out of order.)

CORRECTION OF LIST OF COSPONSORS

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the list of additional cosponsors to H.R. 4000, which I submitted on Monday, March 26, be corrected to remove the name of Mr. Hall of Texas and include, instead, the name of Mr. Hall of Ohio.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr Solomon].

Mr. SOLOMON. I thank the gentleman for yielding this time.

I hope the members of the press who are not up here in the gallery are listening, and I certainly hope that every Member of this Congress, of this House of Representatives, is listening in their offices because, Mr. Speaker, this is the worst rule that has ever come before this House in the 12 years that I have been a Member of this body.

It is an abuse which is almost unbelievable.

You know, democracy is breaking out all over the world; it is spreading all over the world, everywhere except in this House of Representatives.

Let me read you two statements that I have put together because of my respect for Speaker Tom Foley and my deep respect for Chairman Joe Moakley of the Committee on Rules.

Let me take your time for a minute.

There are two brochures that I was very proud to put together. Here is a picture of Tom Foley and the statement that he made, his opening statement, when he became Speaker of this House on June 5, 1989.

Let me read you the statement. It says:

> I will do what I can every day that I serve in this office to insure that the rights and the privileges of each Member of the House are respected and to insure that the procedure is fair to all.

You go on to say, Mr. Speaker, "I understand the responsibility of the Speaker of the House as other Speakers have understood it and practiced it to be a responsibility to the whole House and to each and every individual Member, undivided by that center aisle." Mr. Speaker, you went on to say, "I look forward to working with you, Bob Michel in a spirit of cooperation and increased consultation," increased consultation, gentlemen, "as we address the problems facing this House and the Nation." Mr. Speaker, we took you at your word and we all do respect you. What happened to that statement?

Let me also read you the statement that my good friend Joe Moakley made.

Here is what Joe Moakley said to the National Journal on August 5,

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1989, and to the Washington Post on September 12, 1989. Washington Post, it is in your paper out there; dig it out and look at it.

It says:

> I think we should all be distressed by the rising number of rule requests that seek restrictions for no justifiable reasons. I don't do any of these things in a vacuum. I consult with my committee, and, you know, we try to do the best thing for mankind.

JOE MOAKLEY goes on to say:

> On the big bills—

And I assume this is a big bill—

> We've called the Republicans, sat down with them, listened to their problems, and we gave them some of the things they wanted rather than the old style of saying, "Hey, we've got the votes. Let's vote. The heck with you."

Mr. MOAKLEY goes on to say:

> You know, I don't play that game because we have an old Irish proverb—the people you meet on the way up the ladder are the same people you meet on the way down. I would like to be treated by some of these people the way I think I am treating them.

Mr. Speaker, and Mr. MOAKLEY, what happened to those statements? As I look at this rule, no Republican amendment was allowed, and yet Mr. GEPHARDT, the majority leader, has an amendment in order; Mr. EDWARDS of California has an amendment made in order; Mr. STENHOLM has an amendment made in order. And worse than that, Mr. PANETTA has an amendment made in order, not only made in order but self-executing in the rule, so that no amendment can be allowed to the Panetta amendment.

Even worse than that, if you want to know how bad this rule is—

Mr. DOWNEY. How bad is it?

Mr. SOLOMON. I am going to tell you right now. You should not be a smart aleck about it because you ought to be serious about it.

The rule goes on to provide that the vote on each amendment is deemed to apply to both the substitute made in order as original text and the Stenholm amendment. Do you know what that is? That is ducking the religious test, the choice of freedom of religion in this bill.

You are depriving not only Republicans on this side of the aisle but conservative Democrats on your side of the aisle.

It is just a shame that this House cannot work its will. I am not going to go on and belabor this thing, but I will tell you what I am going to do, I am going to take this picture of TOM FOLEY and his statement and I am going to draw an X through it. OK?

JOE MOAKLEY you are a good friend, but let's X out your statement, too. Could the two of you come on this floor and explain what happened to your statements and your commitments to fairness in this House?

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I would be more than glad to yield if I have the time, to my good friend.

The SPEAKER pro tempore. The time for the gentleman has expired.

Mr. FROST. Mr. Speaker, I yield 1 minute to the chairman of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. Mr. Speaker, to my dear friend from New York. I hope this does not mean that he takes me off his Christmas card list.

Mr. SOLOMON. Absolutely not. I am still going to try to convert you, JOE.

Mr. FROST. Mr. Speaker, reclaiming my time, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget.

☐ 1030

Mr. PANETTA. Mr. Speaker, I do want to make reference to the inclusion in the rule of some very important language that relates to how we cover the cost of this legislation. The rule itself provides language that ensures that whatever version of the child care bill passes, whether it is the leadership package or the Stenholm package, that we will be directed in the context of the congressional budget resolution to assume either an increase in revenues or reduction in spending, or a combination thereof, sufficient to offset the net deficit effect of a child care bill over the next 5 years.

As many Members know, I have introduced legislation which would require the President and the Congress to follow a pay-as-you-go budget process. Very simply, that would require that any new initiative or any new tax reduction should be paid for over a period of 3 to 5 years. I believe pay-as-you-go will provide the discipline to reduce the deficit while allowing Members to deal with those initiatives that we think are important to our society. It is important to apply this principle to this new program of child care.

The sense-of-Congress language contained in the rule will direct the Committee on the Budget to ensure that the outyear costs of the bill are paid for, and this can be accomplished with spending cuts or revenue increases. It does not require any particular House committee to pay for the bill. However, it will require Members in the budget resolution to acknowledge how those costs will be covered.

The practical effect of this language is to require that the deficit targets are still met in the budget resolution while accommodating the additional expenditures contained in this bill. The reconciliation proposal or bill from last year basically acknowledged this, although within reconciliation it said "except to the extent that the costs of this legislation exceed the costs of the child care provisions contained in the bill" which was part of the reconciliation bill.

The reality is that this bill, under either version, exceeds those costs. Therefore, it is our goal to try to cover those costs. Indeed, it is our goal to cover the costs of the education and labor portion of the child care bill as well. The conference report language from last year's reconciliation bill only dealt with the Committee on Ways and Means portion. It is important for Members to cover the costs of both, and that is what this language would do.

The Committee on the Budget will take this report language and deficit reduction achieved in last year's reconciliation bill into consideration as we develop a budget resolution which complies with the sense-of-Congress language in the rule. Under either version of this bill it ought to be paid for, and the language that is included in the rule will direct Members to do just that.

For that reason, I urge support of the rule.

Mr. Speaker, H.R. 3 is an important initiative and I am pleased that we in the House are moving forward with legislation to address our Nation's need for child care. But while the need to improve the ability of families to obtain quality, affordable child care is important, so too is the need to move steadily and responsibly toward a balanced budget and to be sure that new initiatives are paid for.

I am pleased to note that with passage of this rule, sense-of-the-Congress language will be included in whichever version of child care passes today directing the congressional budget resolution to assume an increase in revenues or a reduction in spending, or a combination thereof, sufficient to offset the net deficit effect of the child care bill over the next 5 fiscal years.

NEED FOR PAY-AS-YOU-GO PROCESS

As many of you know I have introduced legislation which would require the President and the Congress to follow a pay-as-you-go budget process. Very simply this process would require new spending programs and tax reductions to be paid for over a 5-year period.

I believe pay-as-you-go will provide the discipline to reduce the deficit while allowing us to enact badly needed new initiatives. Today we have an opportunity to apply this principle to an important new program: Child care.

COST OF CHILD CARE BILLS

Let me review the basic numbers regarding the cost of the leadership bill and the Stenholm substitute including authorizations.

[IN BILLIONS OF DOLLARS]

Leadership bill:	
Total cost of bill over 5 years	27.4
Total amount offset over 5 years	14.4
Net cost of bill	13.0
Stenholm-Shaw bill:	
Total cost of bill over 5 years	20.0
Total amount offset over 5 years	14.0
Net cost of bill	6.0

Because of the shortfall in both bills it is important that the House make a commitment to pay for the child care legislation which eventually emerges from a House-Senate conference.

PURPOSE OF SENSE-OF-CONGRESS LANGUAGE

The sense-of-the-Congress language contained in the rule will direct the Budget Committee to ensure that the outyear costs of the bill are paid for. This can be accomplished with spending cuts or revenue increases. It does not require any particular House committee to pay for the bill.

The practical effect of the language is to require that the deficit targets are still met in the budget resolution when spending for this bill is assumed.

RECONCILIATION CONFERENCE REPORT LANGUAGE

Let me also address an issue relating to conference report language in last year's reconciliation bill, stated as follows:

> The conferees intend that an extension of the telephone excise tax shall be the exclusive and only required source of funding of child care legislation that may be enacted in the second session of the 101st Congress, except to the extent that the costs of such legislation exceed the costs of the child care provisions contained in Title XI of the House passed reconciliation bill.

First I must point out that the telephone excise tax did not pay for last year's Ways and Means version of the child care legislation. In fact it left $4.8 billion unpaid for. In this year's version the extension of the telephone excise tax and the revenues attributable to the dependent care credit modification pay for $14.4 billion of the $21.4 billion Ways and Means component of the leadership bill over 5 years. That leaves $7 billion of the Ways and Means portion of the bill yet to be paid for.

Having said that, and assuming that the conference report language is binding on the Congress, at the very least we would expect the cost of the Ways and Means portion of the 1990 bill above and beyond the cost of the 1989 bill to be paid for. This amounts to some $6 billion over 5 years.

Finally the House should reserve the right to address the issue of paying for the Education and Labor portion of the child care bill, which is $6.1 billion over 5 years. The conference report language in last year's reconciliation bill covered only title XI of the House-passed reconciliation bill, which was the Ways and Means title. That language in no way deemed the Education and Labor authorizations to have been paid for.

The House Budget Committee will take this report language and deficit reduction achieved in last year's reconciliation bill into consideration as we develop a budget resolution which complies with the sense-of-Congress language contained in the rule.

I urge that Members support the rule.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. Frenzel].

Mr. FRENZEL. Mr. Speaker, I rise in opposition to the rule providing for the consideration of H.R. 3. I strongly oppose the proposed rule on the grounds that it: waive all points of order under the Budget Act; does not allow consideration of an important pay-as-you-go amendment requested by the Republican leader; and denies the minority of the right to offer a motion to recommit the bill with instructions.

First of all, this rule would waive all points of order under the Budget Act. Both the Democrat amendment to H.R. 3 and the Stenholm amendment violate section 303(a)(2) of the Budget Act which prohibits consideration of amendments that decrease revenues in a fiscal year before the budget resolution for such fiscal year is adopted. Both of the child care packages would increase the earned income tax credit and cap the dependent care tax credit beginning in fiscal year 1991 before Congress has passed the fiscal year 1991 budget resolution. The two amendments also provide new entitlement authority first effective in fiscal year 1991, again before the fiscal year 1991 budget resolution is adopted in violation of section 303(a)(4) of the Budget Act.

Second, the rule does not make in order an important amendment requested by the Republican leader, Bob Michel. Mr. Michel's amendment would have provided that no new money would be obligated or revenues reduced for fiscal year 1991 through 1995 until offsets have been found to cover the entire cost over those 5 years. I am relieved to see that at least Chairman Panetta's amendment—a sense-of-Congress amendment that the fiscal year 1991 budget resolution would assume sufficient offsets to cover the 5-year cost of the bill—has been made part of what is passed by the House. I am disapppointed, however, that we cannot have a vote on the specific issue that the full costs of this bill must be offset in some manner by this body.

Although both the leadership and Stenholm-Shaw amendments obtain some savings through capping the dependent care tax credit and extending the telephone excise tax, they are insufficient to cover the full cost of the competing child care substitutes. Even with the offsets, the 5-year deficit impact of just the entitlement provisions of the leadership bill is almost $7 billion and that of the Stenholm-Shaw substitute about $3 billion. The table following reveals the hideous truth about the enormity of this fiscal disaster.

I am not certain we truly appreciate the magnitude of the numbers involved. The leadership bill would cost over $27 billion over 5 years if we assume full appropriations of the authorized programs. Moreover, most of this money is for entitlement programs over which Congress has virtually no control.

Third, I oppose the rule because it does not allow motion to recommit the bill with instructions—a right of the minority which should not be denied. This is particularly outrageous in view of the fact that the bill has been open to the scrutiny of Congress for little more than a day. I think that most of us have sufficient respect for the democratic process to preserve the rights of the minority.

I urge my colleagues to defeat this unwise and unjust rule.

COMPARISON OF DEFICIT IMPACT OF THE HAWKINS-DOWNEY AND STENHOLM-SHAW CHILD CARE BILLS

[Outlays, revenue loss and deficit impact in millions of dollars]

	Fiscal years—					
	1991	1992	1993	1994	1995	5 yr
HAWKINS/DOWNEY						
Direct spending:						
Title XX	270	456	568	594	708	2,596
EITC	412	4,049	4,353	4,676	5,017	18,507
Total direct spending	682	4,505	4,921	5,270	5,725	21,103
Discretionary spending:						
Business incentive grants	5	27	26	25	25	108
School-based child care	51	345	436	462	481	1,775
Grants for child care	78	290	299	287	298	1,252
Grants for standards	19	70	75	75	75	314
Federal administrative costs	4	4	3	3	4	18
Head Start	306	593	647	673	700	2,919
Total discretionary spending	463	1,329	1,486	1,525	1,583	6,386
Offsets:						
Dependents care tax credit and section 129	(52)	(285)	(333)	(389)	(458)	(1,517)

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COMPARISON OF DEFICIT IMPACT OF THE HAWKINS-DOWNEY AND STENHOLM-SHAW CHILD CARE BILLS—Continued

[Outlays, revenue loss and deficit impact in millions of dollars]

	Fiscal years—					
	1991	1992	1993	1994	1995	5 yr
Telephone excise tax	(1,520)	(2,570)	(2,748)	(2,936)	(3,135)	(12,909)
Total offsets	(1,572)	(2,855)	(3,081)	(3,325)	(3,593)	(14,426)
Gross spending: (direct plus discretionary spending)	1,145	5,834	6,407	6,795	7,308	27,489
Net spending: (gross spending minus offsets)	(427)	2,979	3,326	3,470	3,715	13,063
Net direct spending: (direct spending minus offsets)	(890)	1,650	1,840	1,945	2,132	6,677
STENHOLM/SHAW						
Direct spending:						
Title XX	270	396	450	450	450	2,016
EITC	0	448	4,470	4,904	5,257	15,079
Earnings test exemption	15	15	15	20	20	85
Total direct spending	285	859	4,935	5,374	5,727	17,180
Discretionary spending:						
Head Start	302	584	637	663	689	2,875
Small business grants	5	27	26	25	25	108
Total discretionary spending	307	611	663	688	714	2,983
Offsets:						
Dependent care tax credit and section 129	0	(53)	(333)	(389)	(458)	(1,233)
Telephone excise tax	(1,520)	(2,570)	(2,748)	(2,936)	(3,135)	(12,909)
Total offsets	(1,520)	(2,623)	(3,081)	(3,325)	(3,593)	(14,142)
Gross spending: (direct plus discretionary spending)	592	1,470	5,598	6,062	6,441	20,163
Net spending: (gross spending minus offsets)	(928)	(1,153)	2,517	2,737	2,848	6,021
Net direct spending: (direct spending minus offsets)	•1,235)	(1,764)	1,854	2,049	2,134	3,038

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I rise in opposition to this rule because it denies me an opportunity to offer an important amendment.

The amendment would be offered both to the Hawkins-Downey provisions and to the Stenholm-Shaw substitute and would provide that money received from the earned income tax credit [EITC] would count as income for purposes of determining eligibility for means tested entitlement programs such as AFDC. As they now stand, both substitutes provide that EITC amounts would not count as income for this purpose.

I believe this amendment is important for several reasons. In the first place, we have a whole complicated series of interacting income transfer programs and rules affecting low-income people, and we are just asking for trouble if we do not call things what they are. If something is green, has Presidents' pictures on it, and can be used to buy stuff, it is income. If we do not treat it as income, my constituents will wonder what in the world we're doing here.

In the second place, failing to count EITC as income will seriously undermine welfare reform efforts. Most of my constituents regard welfare not as a great thing for everyone to have, but as a necessary evil. They think handing out money on a long-term basis to able-bodied people who do not work is profoundly demoralizing. It's demoralizing both to the welfare recipients themselves and to the nonwelfare working poor, and it is an open invitation to abuse.

The solution is to enable or require able-bodied needy people to take jobs, even publicly provided jobs if necessary. Then if what they can earn in the work force is not enough to meet their needs, society can supplement those earnings according to need as determined by family size. The family size-adjusted EITC is the best vehicle to provide that supplement, and that has always been a principal argument for adopting it.

The Welfare Reform Act of 1986 made an important stride in the right direction by allowing States to require welfare recipients to take jobs, but only if the jobs paid as much as the people could receive on welfare. Now under those provisions, if you do not count as income the EITC that supplements the job's wages, in many cases you will not be able to require people to work at all.

In my opinion, it is ridiculous to make an income comparison in which you do not count up to $2,200 of income on one side of the comparison. But that is what we will be doing without my amendment, and it will seriously undermine welfare reform efforts.

We will be putting in place a wonderful welfare reform tool, the family size-adjusted EITC, and then telling States they can not use that tool for one of its principal purposes. Because the rule before us does not allow us to fix this problem, I urge all my colleagues to defeat it.

The **SPEAKER** pro tempore (Mr. MCNULTY). The Chair will state that the gentleman from Texas [Mr. FROST] has 17 minutes remaining and the gentleman from Tennessee [Mr. QUILLEN] has 15 minutes remaining.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. EDWARDS].

Mr. EDWARDS of Oklahoma. Mr. Speaker, I rise in support of the Shaw-Stenholm substitute to the child care bill, but I also rise to oppose the manner in which this legislation was brought to the floor. Republicans and conservative Democrats have been working together for the last 2 or 3 years to try to create a good, workable child care bill, and not the leadership on the Democratic side has brought forth its own bill.

However, I am very disturbed about the fact that neither I nor most of the other Members of the House had the opportunity to see the legislation that the Democratic leadership came up with, until yesterday. This is one of the most important bills we have dealt with this year, yet the Democratic leadership hid it under a cloak of secrecy until just before floor consideration.

□ 1040

Over the last few weeks it has become the "stealth child care" bill. What bombs did it carry? No one has known.

Why was this bill rushed through the Rules Committee and onto the floor with no chance for other Members to develop specific amendments based on the bill? This is not the same legislation that went through the committee process, and Members deserve the chance to read it and respond to it before being forced to vote on it.

On the other hand, because the Shaw-Stenholm bill was introduced openly, specific amendments were made in order to change specific portions of the bill.

Mr. Speaker, we cannot have it both ways. You cannot launch surgical strikes at the Shaw-Stenholm bill while at the same time keeping your own bill shielded from the same kind of close examination and the same kind of specific amendments.

Several Republican amendments were not made in order by this rule. The Republican leader developed an amendment to require the cost of the child care bill to be offset by other, equal, spending reductions, and it is unfair to every Member of the House and a misuse of the process when any responsible and germane amendment such as the Michel amendment is not made in order.

At the very moment in world history that this body is being looked to by emerging democracies as the beacon of democracy, the Democratic leadership of this House has worked to circumvent the will of the many Members of this House in favor of the will of a few. How can we be the example of free and open debate when legislation is not made available to Members of Congress early enough before floor consideration for it to be read, understood, and criticized or amended?

Finally, while I oppose the procedure under which this legislation reached the floor, I do support this Shaw-Stenholm bill. It represents a well-reasoned, responsible approach to the child care problems many families are facing. I urge my colleagues to support the Shaw-Stenholm substitute.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule to accompany H.R. 3, the Early Childhood Education and Development Act of 1990.

The rule is fair and equitable. This is a very complex issue. When Congress began debating child care 4 years ago, during the many hearings and debate in those child care hearings, several issues came to the surface. This rule provides for adequate debate and determination of those issues that came to the surface.

First, should Congress provide some direction to States to insure the health and safety of children cared for with Federal dollars? We do address that. There is a clear decision this House can make on this question.

Second, should parents be given a choice to use child care certificates in religious care settings? That choice clearly is given to this House. We have a choice to decide that.

Next, in all these 4 years of hearings there was this question: If we use vouchers, should those vouchers be optional for the States, or should they be mandatory? These are the three issues that emerged as we had these 4 years of hearings. We give this House the opportunity to address the issues, to go on the record, and to vote on those issues.

I think the rule is clear and equitable. I know my good friend, the gentleman from New York, does not agree with that. I think he is sincerely wrong on that.

Mr. Speaker, this is a complex bit of legislation. I think the Rules Committee has given us a chance to speak to every one of these major issues in this legislation.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, we have just been told that this rule is fair and equitable. It is no wonder that there were smiles on that side when that statement was made.

This rule cannot even pretend to be fair and equitable. A number of Republicans, including the Republican leader, came to the Rules Committee and asked for an amendment to be made in order. Not one Republican amendment is made in order in this rule—not one.

Now, there is a substitute that most of the Members on our side are going to support. But guess what? As a part of this rule, an amendment was made in order by the anti-religious left on the Democratic side to strip not only the bill of its religious language but to strip our substitute of its religious language. That is fair and equitable? Is it fair and equitable that in one fell swoop we can strip not only the bill they bring to the floor, which is a horrendous piece of legislation, but that in one amendment the gentleman from California [Mr. EDWARDS] is going to be allowed to come to the floor and strip the Stenholm bill?

That is fair and equitable? Come on, guys. Somewhere along the line, admit the fact that you have decided to run this House like a petty little dictatorship, that you have the votes and you are going to use the votes to muscle whatever you want, whenever it is important to you. That is exactly what you are showing us with this rule.

This rule comes nowhere near being fair and equitable. This rule is simply an attempt to apply muscle, and apply muscle at our expense. So smile all you want and kid all you want over there about this rule, but the fact is that what you have done is broken the comity and the partnerships that we have been trying to develop. And some of us have worked fairly hard at that over here in the last few months.

What you have done with this rule is said that the old days are back, that whenever it is important to us and whenever we can't get our act together on our side, what we will do is design a rule that allows us to muscle our position on the House floor.

That is what you have done here. I think it is a sad day for the House, but I think it is going to be a much sadder day if this becomes the pattern. And I am afraid, with what we have seen over the last few days, that is exactly the pattern that we will see develop. This rule is not fair and equitable. This rule is vicious.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, if you think it is a gloomy day outside, you ought to see what it is like in the Chamber of the House of Representatives.

We have set aside all precedent for fairness and decorum in this rule to ram through one of the most important, one of the most controversial, and one of the biggest pieces of legislation we are going to debate in this Congress not only this year, not only this session, but for a long period of time.

We talk about the process. This rule was written a long time ago. It was written earlier, but we waited and waited, with the process of holding a Rules Committee hearing, until we could work out the details of the so-called Democratic compromise.

Here we are dealing with a $20 billion to $28 billion spending program. This is no small piece of change, no small piece of budget policy. And do you know what? We deny the Republican leader the opportunity to offer an amendment to deal with the cost and the financing of a $20 billion to $28 billion proposal. But we say we will provide an amendment and we will waive all points of order so that Democratic leaders can have an amendment to hold up and auction off to the highest bidder to get the necessary votes so we can come down here and win this for the party's sake regardless of public policy, regardless of the opportunity for a full and honest debate.

Is that any way to run a legislative body? Is that any way to deal with the children of this country?

Then we get to the religious issues. If you want to be anti-religious in your compromise, go ahead. You have every right to do that in a free and open society, but if some people want to offer a substitute that offers a definitive difference between your concept of where Federal dollars can go and our concept of where Federal dollars can be used, then give us at least that opportunity to win or lose on a fair, open, honest debate over issues and over concepts.

This rule is a sad commentary on the House of Representatives and our legislative process, and it is a sad beginning to what ought to be one of the most serious open debates, because we are not talking about Members of Congress here; we are talking about America's next generation, and here we have before us a closed rule.

□ 1050

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. HAWKINS], the chairman of the Committee on Education and Labor.

Mr. HAWKINS. Mr. Speaker, this is certainly the most amazing exhibition that I have witnessed in several generations.

There are charges made of secrecy. Yet, these issues before us today have been around for 4 years before several committees.

Mr. Speaker, this process is the most amazing I have ever heard being suggested by those who want to defeat the rule, who want to use process as a means of defeating a child care bill.

It would be very simple for all of us, any of us, to wait until a matter goes before the Committee on Rules to get the idea that we want to offer substitutes rather than work with committees. It would be a very easy process, it seems to me, for those who claim that they support the Stenholm-Shaw bipartisan bill to discuss their issues, to put amendments into that bill, their so-called bipartisan bill, and bring them to the floor. They have had plenty of opportunity to do it.

Mr. Speaker, are they denying now they had the opportunity to craft what they wanted.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. HAWKINS. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I would just like to ask the gentleman from California [Mr. HAWKINS] about rules of the House allowing substitutes to be offered on the floor of this House. They allow an amendment process so that 435 Members can be heard.

Mr. Speaker, is the gentleman from California [Mr. HAWKINS] suggesting that everything should go through the committee? We should do away with the floor amendments and floor substitutes? I am just asking the gentleman.

Mr. HAWKINS. Mr. Speaker, I am not suggesting, I am saying, that one should not wait until a bill goes to the Committee on Rules in order to try to get their bills in or to get their amendments into bills. Why have the standing committees?

Mr. Speaker, the Education and Labor and Ways and Means Committees have worked for 4 years on this issue. Not only that, last year we passed essential this same bill. I do not know whether the gentleman from New York [Mr. SOLOMON] voted for it. He probably did not vote for it then. Perhaps, that is why he won't vote for the rule today.

This issue has been around as long as any issue in this House. It is a matter of whether or not we are going to do something for the children, and that is what the gentleman from New York [Mr. SOLOMON] is not remembering.

This is a child care bill. We should not be engaging in partisan bickering. Let us get on to the merits of child care for those children.

The SPEAKER pro tempore (Mr. MCNULTY). The time of the gentleman from California [Mr. HAWKINS] has expired.

Mr. FROST. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

Mr. HAWKINS. What I want to indicate, however, is that the issue before us today is one of child care. It is the melding of the recommendations of two of the standing committees of this House. We have, as an alternative, another proposal before the House, the Stenholm-Shaw substitute.

Mr. SOLOMON. Mr. Speaker, would the gentleman yield?

Mr. HAWKINS. No, Mr. Speaker, I will not—the Stenholm-Shaw substitute has never been considered by a single committee except the Committee on Rules. My point is, and I ask the gentleman, "Why didn't these gentleman and others go before the standing committees to help us to craft a proposal? Why wait until we get before the Rules Committee?

Mr. Speaker, it seems to me the issue is, What are we going to do for the children of America? The President, in the State of the Union Message, favors some of the provisions incorporated in the leadership package before the House. We are now trying to implement the education goals that he spoke of.

The SPEAKER pro tempore. The time of the gentleman from California [Mr. HAWKINS] has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. Mr. Speaker, I want to welcome my colleagues to the Democrats' procedural equivalent of the NCAA Final Four Basketball Tournament. Only this rule is not the road to Denver. The rules of decorum prevent me from telling you where this road really leads; and even then it is not paved with good intentions.

The problem is that our conference—that's the Republican conference—has not even been invited to play. No, the Democratic leadership is telling us in this rule that it is their ball and their court, and they will impose their rules and only let their people play. Under this rule the final four are: MOAKLEY, GEPHARDT, EDWARDS of California, and STENHOLM—Democrats all. Those are the only amendments allowed.

Mr. Speaker, this is not so much a tournament as it is a slam-dunk contest—without the contest. The Democrats in this rule are slamdunking the minority and, more ironically, the Democrats are slamdunking democracy.

Mr. Speaker, I realize that this is a childcare bill, but that does not mean we should be treated like children in considering the bill. We are adults in this House—adults who can be trusted to act fairly and maturely, and who are capable of exercising independent judgment. And yet this rule is child's play—a tantrum befitting the terrible-twos.

The Democrats in the Rules Committee even rejected my motion to allow the minority its traditional right to offer a motion to recommit with instructions. We were told that the majority leader did not want us to retain even that basic right. Can you imagine, someone who claims to have a vision of democracy in Eastern Europe turning around and not allowing democracy to operate freely in this, the U.S. House of Representatives? What have we come to? There are 178 Republicans in this House who represent 90 million Americans. When it comes to amendments, this rule disenfranchises the entire House Republican membership and the millions of Americans it represents. Is this your vision of democracy, Mr. Majority Leader?

And the interesting thing is, Mr. Speaker, that in the process of developing this new Democratic leadership substitute, the Democrats have apparently made the bill worse rather than better than it was. After waiting around all these days for what was promised to be a new and improved child care bill, we are left to wonder whether we have have been the victims of false labors. I have yet to have anyone explain to my satisfaction how any of these various substitutes will help the average working family in small-town America.

Oh, we will be pumping more billions into this, that and the other thing. But when all is said and done, will anything more be done for that average working mother in rural America, for instance, in terms of finding safe and affordable childcare? I frankly do not know. All I do know is this process will not allow us to fully debate, deliberate, and formulate some satisfactory answers and solutions to those very fundamental questions. I therefore urge a resounding defeat of this awful rule, and ask unanimous consent to insert certain extraneous materials.

OPEN VERSUS RESTRICTIVE RULES, 95TH–101ST CONGRESSES

Congress (years)	Total rules granted [1]	Open rules [2]		Restrictive rules [3]	
		No.	Percent	No.	Percent
95th (1977–78)	211	179	[illegible]	32	15
96th (1979–80)	214	161	75	53	25
97th (1981–82)	120	90	75	30	25
98th (1983–84)	155	105	[illegible]	50	32
99th (1985–86)	115	65	57	50	43
100th (1987–88)	123	66	54	57	46
101th (1989–90)	53	29	55	24	45

[1] Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

[2] Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House.

[3] Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole.

Note.—The above data differs slightly from that published in previous Congresses because it is based on a rule-by-rule examination and not just on summary tables from committee surveys for the 95th–99th Congresses as was previously done. Moreover, appropriations rules (which only provide for waivers) and original jurisdiction measures are no longer counted.

Sources: Rules Committee Calendars and Surveys of Activities, 95th–100th Congresses; "Notices of Action Taken," Committee on Rules, 101st Congress, as of March 29, 1990. (Prepared by the Minority Counsel, Subcommittee on the Legislative Process, Committee on Rules).

RULES GRANTED IN THE 101ST CONGRESS

[Providing for the initial consideration of legislation]

Rule No. H. Res.	Date granted	Rule type	Bill No. and subject
108	3–14–89	MO	H.R. 1231: Emergency Strike Board.
111	3–21–89	O	H.R. 1369: Mansfield Business Center.
112	3–21–89	MC	H.R. 2: Minimum Wage.
117	4–4–89	O	H.R. 18: Uniform Voting Time.
126	4–11–89	MO	H.R. 1487: State Dept. of Authorization.
127	4–12–89	C	H.R. 1750: Contra Aid.
135	4–25–89	O	H.R. 2072: Supplemental Appropriations.
138	4–25–89	O	H.R. 1486: Maritime Adm. Authorization.
143	5–2–89	O	H.R. 7: Voc. Ed. Act Extension.
145	5–2–89	MC	H. Con. Res. 106: Budget Resolution.
155	5–16–89	O	H.R. 643: Oil Shale Claims.
160	5–23–89	C	H.R. 2442: SDI for Drugs Transfer.
161	5–23–89	O	H.R. 2392: Oil Shale Claims.
165	6–1–89	MC	S.J. Res. 113: FSX Agreement.
173	6–13–89	MC	H.R. 1278: Financial Institutions Reform.
179	6–20–89	MO	H.R. 2655: Foreign Aid Authorization.
195	7–11–89	O	H.R. 2022: Soviet and Indochinese Refugees.
196	7–11–89	O	H.R. 989: Tongass Timber Reform Act.
198	7–13–89	O	H.R. 1549: NRC Authorization.
199	7–13–89	O	H.R. 1484: Park System Review Board.
200	7–13–89	O	H.R. 828: BLM Authorization.
202	7–17–89	O	H.R. 1056: Federal Waste Disposal.
211	7–21–89	MO	H.R. 2461: DoD Authorization.
217	7–28–89	C	H.R. 3024: Debt Limit Increase.
224	8–4–89	O	H.R. 1668: NOAA-Coastal Authorization.
228	8–4–89	C	H.R. 1594: MFN Status for Hungary.
230	8–4–89	O	H.R. 2427: NOAA-Satellite Authorization.
234	9–7–89	O	H.R. 1759: NASA Authorization.
235	9–7–89	O	H.R. 2869: Commodity Futures Improvements.
236	9–7–89	O	H.R. 1659: Aviation Security Act.
245	9–21–89		H.R. 3299: Budget Reconciliation.
249	9–26–89	MC	
246	9–25–89	C	H.J. Res. 407: Continuing Appropriations.
254	10–3–89	O	H.R. 2748: Intelligence Authorization.
255	10–3–89	O	H.R. 1495: Arms Control Authorization.
256	10–3–89	C	H.R. 3385. Nicaragua Election Assistance.
266	10–17–89	O	H.R. 3402: Polish/Hungarian Initiative.
267	10–17–89	O	H.R. 2494. International Development.
270	10–19–89	O	H.R. 2459: Coast Guard Authorization.
271	10–23–89	MC	H.J. Res. 423: Continuing Appropriations.
273	10–24–89	C	H.R. 45. Central American Studies.
275	10–26–89	O	H.R. 3443. Airline Acquisition Review.
277	10–31–89	O	H.R. 1465: Oil Spill Liability.
278	10–31–89	C	H.R. 2710: Minimum Wage.
289	11–13–89	O	S. 974: Nevada Wilderness.
290	11–15–89	C	H.R. 3660: Ethics Reform Act.
295	11–19–89	MC	H.R. 3743: Foreign Assistance Approps.
309	1–30–90	MC	H.R. 2190: Voter Registration Act.
338	2–20–90	O	H.R. 2570: Arizona Wilderness Act.
355	3–7–90	MO	H.R. 3581: Rural Economic Development.
360	3–20–90	O	H.R. 644: Wild and Scenic Rivers Amends.
364	3–22–90	MC	H.R. 3847: Dept. of Environ. Protect.
366	3–27–90	O	H.R. 1463: Capital Metrorail System.
368	2–28–90	MC	H.R. 3: Childhood Ed. and Develop.

Code: A completely open amendment process is provided by an open rule (O). Restrictive rules are those which provide for less than a completely open amendment process and include: closed rules (C), modified closed rules (MC), and modified open rules (MO).

Excerpt From, the Motion To Recommit in the House: The Minority's Motion

(By Ilona B. Nickels, Analyst in American National Government, Government Division, Congressional Research Service, August 18, 1988)

UNDERLYING PRINCIPLES OF THE MOTION

The fundamental purpose of the contemporary motion to recommit was stated clearly by House Speaker Frederick H. Gillett on October 7, 1919:

"A motion to recommit is intended to give the minority one chance to express fully their views so long as they are germane. The whole purpose of the motion to recommit is to provide a record vote on the program of the minority." [16]

On April 27, 1904, Speaker Joseph Cannon expressed another rationale for the motion to recommit when he told the House its purpose was to give the House a last chance to ". . . cure a mistake, if perchance any had been made in the engrossment of a bill, or a mishap to it." [17]

Cannon's remark reflects the original purpose of a recommittal motion: to provide the committee with the opportunity to regain possession of the measure under floor consideration in order to make technical and other corrections to the text. In the early years of the House, the motion to recommit was most often offered by the chairman of the committee—a member of the majority party.

It was not until House Rule XVI was amended in 1909 that the Speaker was enjoined to recognize Members opposed to a measure to offer the motion to recommit. The change was part of a procedural reforms that led to the downfall of Speaker Cannon a year later. At the time, Speaker Cannon stated:

"The object of this provision was, as the Chair has always understood, that the motion should be made by one friendly to the bill, for the purpose of giving one more chance to perfect it, as perchance there might be some error that the House desired to correct. But since the adoption of the late rule upon this subject, the Chair is compelled, provided someone arises and moves to recommit the bill, to submit the question: 'Is the Gentleman opposed to the bill?'" [18]

The 1909 amendment to House Rule XVI thus changed the tenor of the motion to recommit from a last-minute technical tool of correction for the majority, to a policy tool of last resort for the minority.

USE OF THE MOTION

What makes the modern use of the motion to recommit most significant to the minority party is the distinction between the procedures of the House and those of the Committee of the Whole. The House debates and amends most major measures in the parliamentary forum known as the Committee of the Whole. After the completion of the amendment process, the Committee of the Whole resolves itself back into the House for the purpose of voting on the question of final passage. While a separate vote may be demanded in the House on any amendments adopted in the Committee of the Whole, the House ordinarily does not consider amendments rejected in the Committee of the Whole. The previous question is routinely applied in the House, usually via the provisions of a special rule, thus precluding the consideration of any further amendments in the House. While this practice promotes the efficient processing of legislation, it also favors the majority position on amendments.

Before passage of the Legislative Reorganization Act of 1970, amendments in the Committee of the Whole were voted either by voice, division, or unrecorded teller vote. Observers have noted that the minority party most frequently used the motion to recommit with instructions in the House to gain a record vote on amendments considered in the Committee of the Whole. Since the 92nd Congress, it has been possible to obtain recorded votes in Committee of the Whole. The minority party's use of the motion to recommit with instructions subsequently shifted toward the current emphasis: a final forum to raise its legislative position.

The increase in the number of closed and otherwise restricted special rules in the last two Congresses further enhances the significance of the motion to recommit with instructions to the minority party.[19] Because such special rules preclude or restrict the opportunity for individual Members to offer floor amendments in Committee of the Whole, the motion to recommit with instructions remains the last, and perhaps only, method by which an amendment might be offered. It also gives the minority another opportunity to offer amendments previously rejected in Committee of the Whole.[20] In fact, the motion to recommit with instructions may be the only avenue through which amendments rejected can again be brought before the House. This is because special rules from the House Rules Committee routinely provide for the previous question to be ordered through final passage, thus precluding any further debate or amendment of the measure once the Committee of the Whole has resolved back into the House and agreed to the amendments proposed by the Committee.

Motions to recommit with instructions are also used to demonstrate conditional support for final passage. A roll-call vote ordered on a motion to recommit with instructions might be used as a way of obtaining for the record the views of Members unhappy with a controversial provision of the measure, while still permitting them the opportunity for an affirmative vote on final passage. Thus, a vote for the motion to recommit with instructions, linked with a vote for final passage of the measure, provides a way for Members to indicate less than total support for a measure.

Finally, the House occassionally uses the motion to recommit with instructions to require one or more of its committees to take certain actions, such as hold hearings or conduct studies on a specified subject. During the 8 years examined in this report, only 6 such motions were offered out of a total of 105 motions to recommit with instructions.

RESTRICTIONS ON THE MOTION

While the motion to recommit is meant to give the minority a final opportunity to ex-

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[16] Cannon, Clarence. Cannon's Procedure in the House of Representatives. Washington, G.P.O., 1963. (Document, House, 87th Congress, 2d session, no. 87–610). p. 308.

[17] 2 Hinds' Precedents, sec. 1456.

[18] 8 Cannon's Precedents, sec. 2762.

[19] Lott, Trent. Extension of Remarks in the House. Congressional Record, v. 133 [daily ed.], Oct. 30, 1987, p. E4268.

[20] 8 Cannon's Precedents, sec. 2700 and 2728, and, e.g., Congressional Record, v. 125, December 12, 1979, p. 35544.

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press itself, there are situations where that right is restricted to avoid conflict with other procedural principles of the House.

For example, through its instructions the motion to recommit has the potential of doing indirectly what may not be done directly during the amendment process. To do so would violate clearly established House precedents on the amending process.[21] Therefore, House precedents on the motion to recommit forbid instructions (1) which are not germane, (2) which strike out an amendment already adopted, (3) which seek to further amend a provision already once amended, (4) which propose an amendment containing legislative language to a general appropriations bill, (5) which propose an amendment containing appropriations to an authorization bill, or (6) which violate a special rule prohibiting under any circumstances the offering of amendments to a certain title of a measure.[22]

While the effect of these prohibitions is to avoid conflict with other House procedures, the House has chosen to favor the motion to recommit in two procedural areas. First, the House normally forbids the reoffering of a defeated amendment. Yet, as noted above, a motion to recommit with instructions incorporating such an amendment could be in order.

Second, in the usual amendment procedure, when the House has adopted an amendment in the nature of a substitute which offers a full text alternative to a measure, no further amendments to the measure are in order. However, in instances where such amendments in the nature of a substitute have been offered, the special rule governing the measure has often expressly permitted a motion to recommit "with or without instructions." The minority is thereby granted the opportunity to propose further amendments in a situation which otherwise would preclude any. The House Rules Committee has also reported special rules which expressly permit motions to recommit with instructions in an otherwise "closed rule" situation prohibiting any floor amendments.[23]

As noted earlier, the Rules Committee has also on occasion taken the converse position. It has reported special rules which prohibit the offering of a motion to recommit with instructions, while continuing to allow a simple motion to recommit (as mandated by House Rule XI, clause 4(b)). For example, on Oct. 29, 1987, the House rejected H. Res. 296, providing for the consideration of H.R. 3545, the 1987 Budget Reconciliation Act. This rule had provided for "one motion to recommit, which may not contain instructions."

In an additional restriction, at least one rule-making statute, the Congressional Budget Act of 1974, in section 305(a), expressly prohibits the offering of motions to recommit to either concurrent budget resolutions or conference reports thereon.

CONCLUSION

Simple motions to recommit, while of symbolic significance to the minority party, rarely win. The House has demonstrated that it prefers to defeat a measure directly on the question of final passage, not indirectly by adopting a motion to recommit the measure to the committee of jurisdiction.

However, the motion to recommit with instructions has on occasion gone beyond being a vehicle for simply raising issues, and become a vehicle through which the minority party can change a measure's provisions. When the motion to recommit with instructions actually succeeds, its adoption can have profound consequences. The most recent such example was the aforementioned motion to recommit with instructions containing a substantive and major revision of the Nation's criminal code offered in 1984 to H.J. Res. 648, the Continuing Appropriations Act for Fiscal Year 1985. The measure, known as the Comprehensive Crime Control Act, had passed the Senate in two prior Congresses, but had never been reported out of committee on the House side in omnibus form. In this instance, the minority party was able to circumvent the House committee system and avoid extensive floor debate and amendments to the proposal through the use of a motion to recommit.

The appendix to this report lists and describes motions to recommit with instructions offered from 1979 to 1987 (96th Congress through the First Session of the 100th Congress), including their outcome. Simple motions to recommit are not included because they are not so much substantive as symbolic of opposition. As noted earlier, Members prefer to defeat a measure directly on the question of final passage, rather than indirectly on a motion to recommit.

The rate of adoption for motions to recommit with instructions has in general declined over the five Congresses examined: 17% of those offered were adopted in the 96th Congress, 21% in the 97th, 13.3% in the 98th, 11.7% in the 99th, and 12.5% in the first session of the 100th Congress.

The number of motions to recommit with instructions offered has also dropped during the time period studied. In the 96th Congress, 35 such motions were offered; 19 were offered in the 97th; 30 in the 98th; 17 in the 99th; and 8 in the first year of the 100th Congress. The decline may have been influenced by an increase in the number of special rules reported from the House Rules Committee which specifically prohibit or limit motions to recommit with instructions. In the 100th Congress to date (as of May 17, 1988), 14% of all special rules denied recommittal instructions, and 12% denied them in the 99th Congress. This is a marked increase over the 97th and 98th Congress, when none were denied. In the 96th Congress, recommittal instructions were denied in 0.5% of all special rules granted.[24]

Although the motion to recommit, either simple or with instructions, is not often a successful mechanism for substantive legislative change, it remains an important manifestation of the underlying purpose of the rules of the House—to strike a balance between the rights of the minority to be hard and the necessity of the majority to rule. For this purpose, the motion to recommit has been protected and maintained for the last seven decades.

Mr. QUILLEN. Mr. Speaker, I advise the gentleman from Texas [Mr. Frost] that I have one remaining speaker.

Mr. Speaker, I urge a no vote on the previous question so that the amendment of our minority leader, the gentleman from Illinois [Mr. Michel] can be added.

Mr. Speaker, pay as you go sounds good to me, and it should to all of us.

Mr. Speaker, to conclude the debate on this side, I yield the balance of our time to the gentleman from Illinois [Mr. Michel].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. Michel] is recognized for 6 minutes.

Mr. MICHEL. Mr. Speaker, I rise in opposition to this rule, and I do so for two reasons.

The first, Mr. Speaker, is that the majority with its apparently craven fear of free debate has crafted a disgraceful rule that is a mockery of democratic procedure. Never before in the history of the House of Representatives has there been a rule that allows an amendment that simultaneously amends two different propositions at once. We have done so by unanimous consent, but never before in this House have we done it in the way the rule provides. The normal way to amend a bill is through an orderly procedure by way of a substitute, an amendment to the substitute, or an amendment to the main proposition. So we are breaking new ground here today, and it is bad ground.

However, Mr. Speaker, that is precisely what this rule gives the majority leader, as the gentleman from Oklahoma [Mr. Edwards] has pointed out.

Mr. Speaker, if Mr. Gorbachev did something like this in the Soviet Union, we would be decrying his dictatorial ways. But we have no glasnost in this House. Do I have to say that we do not even have comity anymore? The Majority has turned this House into a den of inequity.

The second reason I oppose this unprecedented rule is that the rule does not allow my proposed pay-as-you-go amendment.

Did my colleagues happen to see the Washington Post yesterday? Mr. Speaker, emblazoned in broad, big headlines, is "Pay as You Go; Democrats Sense New Opportunities in Old Idea." "Sense" is exactly the word.

This rule does not contain any pay-as-you-go provision. It contains a sense of the Congress that the budget resolution should cover the cost of the bill. "Sense of the Congress" means to me: refuse to do anything, but we want to say something nice out there. In other words, Mr. Speaker, when it comes to pay as you go, the majority is all mouth, but no teeth.

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[21] 5 Hinds' Precdents, sec. 5529-5541, and 8 Cannon's Precedents, sec. 2705.

[22] House Rules Manual, sec. 788; Deschler's Procedure, Chap. 23, sec. 15.3 and 15.7; Deschler's Precedents, Chap. 23, sec. 25; and 8 Cannon's Precedents, sec. 2856.

[23] If a measure is debated under a closed rule, a motion to recommit with instructions may still be permitted unless the rule explicitly prohibits amendments in the House as well as in the Committee of the Whole. If a rule does prohibit amendments in the House, a motion to recommit with instructions would be permitted only if the rule so specifies.

[24] Data compiled by the Minority Counsel, Subcommittee on the Legislative Process, House Committee on Rules. Congressional Record [daily ed.], v. 134, May 24, 1988, p. H3578.

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My amendment states that to the extent funding in the bill exceeds the fiscal year 1990 spending levels or revenues fall below fiscal year 1990 revenue levels, the funds cannot be obligated until they are offset by other spending reductions or revenue increases.

And yet here we are facing a debate on a program whose costs are estimated at $28 billion over 5 years, but the majority refuses to allow a real pay-as-you-go amendment.

As in so many other cases, their rhetoric is pay-as-you-go, but their politics is "spend-as-we-please."

And then to add insult to injury, the meaningless "sense of the Congress" statement is incorporated in a self-executing rule, and makes no mention of reconciliation.

Again, it is so obvious that the majority does not want to give this House a straight up or down vote on what my amendment would have called for, a real, meaningful pay-as-you-go provision.

They are afraid of a vote, because what they said here would have to be put to the test on the floor of this House, instead of just mealy-mouthed mouthings on the television screen or wherever.

You know, I am dismayed at what is happening in this House. Controversial issue as this is, yes, discussed for months, but who knows about all those little intricate arguments that are carried on behind closed doors. This is the people's House where it ought to be discussed in the open, not behind closed doors. We have all the time in the world. We could have had this thing scheduled for a couple of weeks and let everybody have their say.

I do not know if I would win. Is it absolutely necessary that you win?

I would like to think that a meaningful child care proposition would be a win for all of us, but I will tell you, when you are so darn afraid of free debate and bringing matters to a yea or nay vote, you demean the democratic principles of the House.

I long for the old days. When I first came here, we used to take an issue like this and beat up on it for a couple weeks. We stayed around here and did our work. That is what this House is all about.

Is it a clash of ideas? Sure, it is, and wills and views and expressions, differing views on my side, differing views on your side. What is wrong with having them all discussed and brought together and eventually coming to some consensus? That is what this House is all about, but here again with a rule of this kind that really stifles debate and stifles the opportunity for the people out there to have their Representatives express themselves with a clean up-or-down vote.

Folks, I have got to ask you to vote against the previous question in order to make it possible to include our own amendment, which will really get the job done.

Then, if we fail on the previous question, I would ask my colleagues to vote against the rule.

The SPEAKER pro tempore. The gentleman from Illinois has yielded back 1 minute, so the gentleman from Tennessee has 1 minute remaining.

Mr. QUILLEN. Mr. Speaker, I urge a no vote on the previous question, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

We are now approaching a vote on this important issue. This is a major piece of legislation. It represents real progress for the country.

The Members on the other side of the aisle have stirred up a lot of dust, have made some statements that are not entirely accurate. That is their right to do.

I would like to make two points——

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. FROST. No, I do not yield to the gentleman.

Mr. WALKER. Well, the gentleman has accused us of making inaccurate statements.

Mr. FROST. Mr. Speaker, I do not yield to the gentleman. They have yielded back all their time and I am making my concluding remarks. I do not yield.

On the church-state issue, the language of the base bill and of the Stenholm amendment are virtually identical on the church-state issue. This is not a question of Stenholm and the Republicans being on one side of church-state and the base bill being on the other side. That is simply not the case.

Now, the Edwards amendment is different. There is no question that the Edwards amendment is different from the base bill on church-state and is different from the Stenholm-Shaw approach. Those people who like churches playing a role in day care will vote against the Edwards amendment and will support the base bill and the Stenholm approach. Those people who do not approve of the churches playing a role in day care will have the opportunity to vote for the Edwards amendment. That will either pass or fail, but the base bill and the Stenholm amendment are very, very similar on the church-state issue and provide for a significant role for churches to play in day care.

Second, there is a Republican substitute made in order. The gentleman from Florida [Mr. Shaw] is the coauthor with the gentleman from Texas [Mr. Stenholm]. It is embraced by the White House. It will be supported by the majority of the Republicans. There is an opportunity for those with a different view to be heard on this issue.

Now, I urge that this rule be adopted and that we proceed to consideration of this very critical issue that faces the country.

Mr. Speaker, at this point for purposes of a unanimous-consent request, I yield to the gentleman from Illinois [Mr. Rostenkowski], the chairman of the Ways and Means Committee.

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that my remarks be included in the Record at this point.

The SPEAKER pro tempore (Mr. McNulty). Is there objection to the request of the gentleman from Illinois?

Mr. FROST. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to make certain that we clarify the point that the gentleman made.

The gentleman accused this side of making inaccurate statements. I would like to know what the gentleman is referring to where this side made inaccurate statements.

Mr. FROST. Mr. Speaker, a parliamentary inquiry.

Mr. WALKER. Mr. Speaker, I am reserving the right to object.

Mr. FROST. Mr. Speaker, they have used all their time.

Mr. WALKER. Mr. Speaker, I am reserving the right to object.

Mr. FROST. Mr. Speaker, I have made this very clear in my statement. The gentleman does not have time.

Mr. WALKER. Mr. Speaker, I have reserving the right to object and I do not yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Pennsylvania has reserved the right to object to the request of the gentleman from Illinois [Mr. Rostenkowski].

Mr. WALKER. Mr. Speaker, I have reserved the right to object and I asked the gentleman a question. It is not a parliamentary inquiry. It is a question to the gentleman.

What are the inaccuracies that he is accusing this side of having made in the course of the debate?

Mr. FROST. Mr. Speaker, if the gentleman were listening, rather than forming his question, he would have heard that I said they made inaccurate statements on church and state. They made inaccurate statements on the question of day care—excuse me, of the substitute. I have answered the gentleman's question, and the gentleman from Illinois [Mr. Rostenkowski] has made his unanimous consent request.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, the fact is we made no inaccurate state-

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ments. The gentleman made an inaccurate statement. At one point he said that the Stenholm language is exactly the same as the leadership bill.

Furthering reserving the right to object, Mr. Speaker, the gentleman is absolutely wrong. The Stenholm language and the bill that the leadership brings to us are not the same on religious language. He corrected his statement later on, but his first statement was absolutely inaccurate. Now, I do not think he can accuse us of being inaccurate on the statements.

Mr. FROST. Mr. Speaker——

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I have not yielded to the gentleman.

Mr. FROST. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALKER] has the floor.

Mr. FROST. Regular order, Mr. Speaker.

Mr. WALKER. Reserving the right to object, Mr. Speaker——

The SPEAKER pro tempore. Regular order has been demanded. Is there objection to the request of the gentleman from Illinois [Mr. ROSTENKOWSKI]?

Mr. WALKER. I do not object, Mr. Speaker.

There was no objection.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise in opposition to the rule. I do so reluctantly because the Rules Committee and the leadership have worked hard to develop a fair rule. However, my opposition is provoked by inclusion under the rule of a new title VII to the bill, a sense of the Congress as to deficit effect. It is my strong feeling that this sense-of-the-Congress provision is gratuitous and totally contrary to an explicit understanding reached in the conference on the Omnibus Budget Reconciliation Act of 1989.

During the conference on last year's reconciliation bill, the conferees from the Budget Committee repeatedly urged me to produce a clean reconciliation conference report, one stripped of so-called extraneous matters. The Budget conferees were particularly insistent that the child care provisions contained in the House reconciliation bill be dropped in the interest of someone's notion of budgetary purity. With great reluctance, the Ways and Means conferees agreed to drop the child care provisions.

I want to be absolutely clear, Mr. Speaker, that the House-passed child care provisions were fully financed in last year's reconciliation bill. Consistent with its longstanding budgetary commitment, the Ways and Means Committee worked long and hard to fully pay for its child care provisions on a pay-as-you-go basis. When, at the insistence of the Budget conferees, the child care provisions were dropped in conference, the conferees agreed that revenues in the reconciliation bill would be fenced off to pay for this year's child care bill. Having fully paid for child care once, the Ways and Means Committee did not want to have to pay for child care a second time this year.

Mr. Speaker, I want to stress that this understanding about the financing of this year's child care bill was clear and explicitly stated in last year's reconciliation conference report as follows:

> The conference agreement does not include the House bill provision. *The conferees intend that an extension of the telephone excise tax shall be the exclusive and only required source of funding of child care legislation that may be enacted in the second session of the 101st Congress, except to the extent that the costs of such legislation exceed the costs of the child care provisions contained in Title XI of the House-passed reconciliation bill.* It is the intent and understanding of the conferees that the revenues contained in this reconciliation bill are sufficient to cover any costs in excess of the telephone excise tax. The fencing off of these revenues does not prejudge in any way the substance or structure of the child care package." (Italic added.)

This financing issue was discussed at length with the Budget conferees and the leadership. In my view, the conferees' understanding is binding on all parties who signed the conference report including the 10 House Budget conferees, Budget Chairman PANETTA and Majority Leader GEPHARDT who was the leadership's representative on the conference, as it is on me.

Mr. Speaker, the only expanded cost in this year's child care bill over last year's House-passed reconciliation bill is approximately $1.15 billion of additional funding for title XX. Consistent with my conference commitment to fully pay for such additional costs, however, I have agreed to include a phase-out of the dependent care tax credit as a new financing provision in this year's bill. This new financing provision will raise approximately $1.5 billion over the next 5 years, and will fully offset the additional costs of $1.15 billion from the further expansion of title XX. Thus, I feel strongly that the Ways and Means Committee has fully discharged its commitment made in last year's reconciliation conference.

Others, however, appear intent to have the Committee on Ways and Means pay for child care twice by choosing to ignore the commitments and understandings of last year. Let me be absolutely clear. Having paid for child care once, the Ways and Means Committee has no intention of paying for child care a second time.

Mr. Speaker, the Ways and Means Committee has a long history of budgetary prudence and responsibility—a history of which we are collectively and justifiably proud. The committee has developed its legislation on a pay-as-you-go basis for the last 9 years—long before it was fashionable elsewhere. But our commitment to pay-as-you go financing does not mean that the Budget Committee can insist that you pay-as-we-go-for-more this year.

The sense-of-the-Congress language contained in the rule is highly objectionable to me and my committee, having fenced off in good faith additional revenues for child care last year—revenues that exceeded our revenue reconciliation instruction. It is for this reason, Mr. Speaker, that I must oppose this rule.

Mr. FROST. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 251, nays 171, not voting 11, as follows:

[Roll No. 53]

YEAS—251

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Collins
Condit
Conyers
Cooper
Costello
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Richardson
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Sarpalius
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)

Smith (IA)
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Washington
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—171

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Cox
Craig
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—11

Crane
Flippo
Ford (TN)
Jenkins
Laughlin
Lent
McCrery
Rinaldo
Savage
Smith, Denny (OR)
Stump

□ 1130

Mr. MACHTLEY changed his vote from "yea" to "nay."

Mr. WISE changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. McNulty). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 246, noes 176, not voting 11, as follows:

[Roll No. 54]

AYES—246

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Collins
Condit
Conyers
Cooper
Costello
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken, Thomas
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Ray
Richardson
Roe
Rose
Rowland (GA)
Roybal
Sabo
Sangmeister
Sarpalius
Savage
Sawyer
Scheuer
Schroeder
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spratt
Staggers
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Washington
Watkins
Waxman
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—176

Archer
Armey
Baker
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Cox
Craig
Dannemeyer
Davis
DeLay
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
Jacobs
James
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Machtley
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Pursell
Quillen
Ravenel
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Rostenkowski
Roth
Roukema
Rowland (CT)
Russo
Saiki
Saxton
Schaefer
Schiff
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stearns
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Weber
Weldon
Whittaker
Williams
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—11

Crane
Donnelly
Flippo
Ford (TN)
Jenkins
Laughlin
Lent
Rinaldo
Smith, Denny (OR)
Stallings
Stump

□ 1146

The Clerk announced the following pair:

On this vote:

Mr. Stallings for, with Mr. Stump against.

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. McNulty). Pursuant to House Resolution 368 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3.

□ 1148

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3) to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes, with Mr. McHugh in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. Hawkins] will be recognized for 30 minutes, the gentleman from Pennsylvania [Mr. Goodling] will be recognized for 30 minutes, the gentleman from Illinois [Mr. Rostenkowski] will be recognized for 30 minutes, and the gentleman from Texas [Mr. Archer] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. Hawkins].

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3, the Early Childhood Education and Development Act of 1990, will provide needed child care services for America's low-income families and will improve the quality of those services. H.R. 3 builds on effective, existing programs such as Head Start and early childhood education, and enhances efforts by the States to address critical issues of affordability, availability and quality of child care. This comprehensive child care bill establishes a quality system that is accessible to poor families and includes a diverse network of providers.

The need for expanded child care services has never been greater. Today, three out of five mothers with children under the age of 6 work outside the home. By the end of the decade, 80 percent of all American children will have mothers in the work force. With increasing demand, the cost of child care, particularly for low-income families, has become prohibitive. Current estimates indicate that nationally the average cost of full-time child care is approximately $3,000 per child annually. Families with incomes of $10,000 spend 25 percent or more of their incomes on child care. Thus, the impact of child care costs on low-income working parents is most severe in proportion to their income.

A recent report by the National Research Council [NRC] underscores the fact that we are not investing enough to care for our children. As a result, the future health of our Nation is at risk. The NRC report shows existing child care services are inadequate, fragmented and unable to meet the needs of parents and children. H.R. 3 attacks this problem by increasing the availability of child care, providing support for families to meet the costs of day care and by helping States improve the quality of child care services.

H.R. 3 emphasizes early childhood education and development through such programs as Head Start. Title I authorizes funds for Head Start grantees to provide full-day/full-year developmentally appropriate services to eligible children. In addition, H.R. 3 specifically earmarks funds for States to establish or expand early childhood education programs. Twenty-seven States have implemented programs to increase the early social and cognitive development of children likely to be at risk of school failure.

The importance of early childhood education is broadly supported by the business community as well as others who are concerned about our Nation's education. A 1985 study on preschool education by the Committee for Economic Development, an organization of Fortune 500 companies, states, "It would be hard to imagine that society could find a higher yield for a dollar of investment than that found in preschool programs for its at-risk children."

H.R. 3 specifically addresses the desperate needs of the Nation's 10 million latchkey children. Title II of the bill earmarks funds for local education agencies to provide directly or to contract for before- and after-school programs for school children whose parents work or are in training or education. Inadequately supervised children are at a greater risk of falling prey to experimenting with drugs, alcohol and teenage pregnancy.

H.R. 3 also provides funding to States to improve the quality of care through training of child care workers, enhanced enforcement of health and safety and other services. Poor quality care inevitably damages children while quality care has been shown to compensate for disadvantaged family environments. The long term costs of poor and inadequate care are measured in unskilled youth, school dropouts, lower incomes and permanent economic dependency.

Finally, H.R. 3 recognizes the need to provide incentives for businesses to become more involved in meeting the family needs of employees. Currently, only 11 percent of all employers provide some types of child care assistance. H.R. 3 authorizes $25 million in matching grants for businesses to pay start-up costs associated with providing child care services.

Twenty years ago, a Presidential veto blocked the establishment of a Federal child care policy. Who can calculate what our failure to act has cost this Nation? Now, we are again on the threshold of historic legislation. We must not let this opportunity pass us by. I urge you to fulfill the dream we almost realized two decades ago.

□ 1150

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. Tauke], who has been in the forefront of child care for many years.

Mr. TAUKE. Mr. Chairman, I come here today on the one hand with the feeling that we have before us a great opportunity to enact good child care legislation and with the recognition that this is the culmination of years of work on the part of many of the Members who are currently in the Chamber; at the same time I come here with a sense of concern because I think much of the work we have done over the last 3 years has gone down the tubes.

The legislation that is before us, Mr. Chairman, is not a good bill. It is a poorly drafted piece of legislation, cobbled together at the last minute with provisions in it that are directly contradictory to one another. It is just poorly written.

But beyond that, the legislation that is before us is not legislation that has much of a chance of becoming national policy. Last week many of us in this Chamber were sitting around the table for hours and hours working out an agreement. We did work out an agreement on child care legislation which involved the earned income tax credit expansion use of title XX funds, and a before and after school program, and we had the White House signing off and Members of both parties in the House signing off. But the Democratic leadership in this institution failed us after that agreement was reached.

Now, either the leadership decided they would rather have an issue than a policy on child care or they simply did not have the guts to stand up to the special interests who were badgering this body for certain provisions in child care legislation. I choose to think that it was the latter.

In any event, it is a tragic failure because it means it is going to be much more difficult for us to get a child care policy enacted into law in this Congress, and it means it is going to be much more difficult for us to get a child care policy that will work.

The major issue that we face, Mr. Chairman, as we develop child care legislation is not really how much money we are spending. Oh, we will argue about that, but that is not the key issue. The key issue is not whether or not the Federal Government should have a role in child care. We will argue about what that role should be, but essentially we are all agreed that the Federal Government should have a role. The major issue is, who makes the decision as to what is appropriate child care for children?

Those of us who are going to be backing the Stenholm-Shaw substitute say that when all is said and done, the parents should be the ones to decide what is appropriate child care for children, and that if a parent in Holy Cross, IA, wants to work out an arrangement with his or her next door neighbor, that ought to be OK, and that if a parent in Holy Cross, IA, wants to have a grandmother take care of the kids, that ought to be all right, and that if they want to use their local church-based child care center, that ought to be OK, too. We believe that the parents should be making that decision.

Those who are backing the bill that is before us take the view that it is Government that is better able to make the judgment as to what is appropriate child care than the parents.

That ultimately is the philosophical choice before this body. The question is, do you have more faith in Government making the decision as to what is appropriate child care, or do you have more faith in parents making the decision as to what is appropriate child care for their kids? I go with the parents, and I hope the majority of this body will.

Unfortunately, H.R. 3 as it is drafted before us does not give parents the choice.

The regulatory requirements—and there are 40 pages of them in this bill—and the mandates that are contained in this legislation reduce the choices available to parents. Despite all the rhetoric coming from the other side of the aisle, the fact is that the mandated voucher system in the bill does not work, and the parents in at least half the States in the Nation are not going to have a realistic choice of choosing a church-based child care program, or because of the regulatory requirements relating to standards that are going to be imposed eventually on the Federal level, with the training of child care workers, and so on, choosing one's next door neighbor is not a realistic option under this legislation.

And to those of us from rural areas and those who represent rural areas, let me say this: I ask my colleagues from rural areas to pay attention to this. This is particularly troublesome. In Postville, IA, or Luxenburg, IA, or Holy Cross, IA, or in a variety of other places, we do not have a YWCA setting up a child care center, and we do not have other institutions setting up a child care center. The choice in those communities is the church or a nextdoor neighbor.

□ 1200

My colleagues, why do we want to prohibit those choices from being available to the parents in those communities, many of whom need the choices? And why do we want to regulate the providers to such an extent that we force the costs up? Why do we want to take away from the States the ability to adjust their regulations as they see fit? I do not understand those kinds of policies contained in this legislation.

Mr. Chairman, I just suggest to my colleagues that they not listen solely to the rhetoric. Start reading the bill, and understand that this bill is very different from the Stenholm-Shaw substitute, and understand that it is in many ways worse than the legislation that was being considered last year, and understand that the decision as to what is appropriate child care is made in substantial part by Government officials, not by parents.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will advise the spectators that they are here as guests and would please refrain from applause or other emotional outbursts.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of the House leadership compromise on H.R. 3, the Early Childhood Education and Development Act of 1990.

After long but productive negotiations between the Committee on Education and Labor and the Committee on Ways and Means, the leadership has developed a compromise which serves our ultimate goal: To help low- and moderate-income working families with their child care needs.

The leadership compromise will accomplish our goal in several ways. In particular, provisions crafted by the Committee on Ways and Means will guarantee Federal support to the States for child care services and increase current Federal efforts to supplement the incomes of low-income, working families.

Federal support for child care services would be increased under title XX of the Social Security Act by $450 million in fiscal year 1991. This funding would rise gradually to $700 million in fiscal year 1995 and subsequent years. The additional child care funds are directed to a proven child care delivery system, and States are given the authority to deal with their child care problems. For fiscal years 1991 through 1998, an additional $75 million per year would be authorized for grants to States to assist them in improving State child care standards.

The leadership compromise also contains a major expansion of the earned income tax credit. Lowering the tax burden for the working poor by $18.5 billion over the next 5 years will have the biggest financial impact of any provision in the bill. By expanding the earned income tax credit, adjusting it for family size, and providing a supplemental credit to families with young children, we send a powerful message to America's families. Their children represent our future, and we want them to have the opportunities promised by the American dream.

Mr. Chairman, the child care debate has been long and contentious. Now it's time to vote. I support the leadership compromise on H.R. 3 and urge its adoption by the House.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, all of us are familiar with the saying that there are two things people should never have to watch being made—sausage and laws.

Mr. Chairman, watching the development of this child care bill over the past 2 years—it occurs to me that that comment is a terrible thing to say about sausage makers.

The first budget submitted to Congress by President Bush last year contained a child care initiative which carried a price tag of a little less than $7 billion over 4 years.

At the time, many of us wondered whether child care was a problem that required a new $2 billion a year Federal solution—especially in view of the fact that the Federal Government was already spending well over $6 billion a year on child care.

In the ensuing months, we were treated to a numbing series of increases in the cost of various child care proposals, and what amounted to a bidding war ensued.

Like Olympic pole vaulters, the competing interests kept reaching for new highs, breaking one multibillion spending barrier after another.

Today we may still not have reached the pinnacle. We're being asked to vote for a bill—crafted in Keystone Kops fashion by a disorganized House majority—that for starters costs the taxpayers $29 billion over 5 years. Conservatively estimated, it will add $14½ billion to the Federal deficit in that time.

Even worse, when fully implemented, the bill would cost a minimum of $8 billion a year. That's more in each year than the President's proposal, which started the debate, would have spent over 4 years.

I don't envy the fair weather pay-as-you-goers on the other side of the aisle who have to stand up today and try to defend that kind of budget-busting debacle.

I don't envy those who've got to explain their refusal even to allow a vote on an amendment proposed by our distinguished minority leader to put the

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program on a real, mandatory, pay-as-you go basis.

The sense-of-the-Congress alternative in title VII of the bill is a nice cosmetic touch, but it's really more of a fig leaf which underscores the fact that recent Democrat calls for a responsible pay-as-you go budget strategy are pure baloney.

It appears that the Democrat leadership has met Chairman Rostenkowski's challenge by heading into full retreat from fiscal responsibility.

The truth of the matter is that, with or without title VII, the threat of Gramm-Rudman sequester will force us to deal with the $14½ billion deficit increase this bill creates.

The majority just doesn't want to face up to telling the American people today which additional taxes they're going to try to raise later to pay for the $14.5 billion shortfall. Do it on down the road in reconciliation, or sequestration, where it becomes someone else's problem and gets conveniently hidden in a much larger package.

If I sound somewhat cynical about this process we're going through, it's because I am. I think what we're being asked to do is irresponsible and hypocritical, and we have no business playing that game when we're struggling to make our Gramm-Rudman targets as it is.

It seems to me that if we're going to embark on an expansion of Federal child care spending, we'd be far better off beginning with an expansion on the scale of the one that President Bush originally proposed. If there's really a compulsion to raise the revenues this bill contains, use the excess $7 billion or so for deficit reduction.

In the long run, $7½ billion of deficit reduction might seem awfully well spent, compared to what we're likely to see happen with much of the additional spending in this bill.

In all candor, I'm not thrilled with the cost of the Stenholm-Shaw amendment either. But importantly, it's an $8½ billion improvement over the bill it seeks to replace. That's a big difference, and I support it. As an improvement to what otherwise might pass the House.

It contains numerous provisions which are far preferable to those in the Democrat leadership's bill—on basic issues like States rights, parental rights and religious freedom.

Significantly, the Bipartisan Stenholm-Shaw substitute has been available for public inspection and comment for 2 weeks. The final version of the bill it seeks to replace has been public for less than a day.

I know that a number of speakers are ready and able to highlight the important differences in the two measures.

Mr. Chairman, I reserve the balance of my time.

Mr. ARCHER. Mr. Chairman, all of us are familiar with the saying that there are two things that people should never have to watch in the process of manufacture: sausage and legislation.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. Kildee].

Mr. KILDEE. Mr. Chairman, I rise in support of H.R. 3, the Early Childhood Education Development Act of 1990.

Mr. Chairman, during the past 4 years much of what we learned in hearings we found in a 2-year report funded in part by the U.S. Department of Health and Human Services and conducted by the National Academy of Sciences to determine the state of child care in America.

That study, a nonpartisan study, states:

> The existing child care services in the United States are inadequate to meet current and likely future needs of children, parents and society as a whole.

The Academy calls upon Congress to take action in three key areas: affordability, accessibility, and quality. H.R. 3 does address those elements.

The bill is deliberately flexible, carefully flexible, as to how States design health and safety protections, and the Congress provides the money for implementation for those States to monitor their own standards.

H.R. 3 responds to the need for improved accessibility to child care services by authorizing funds to expand Head Start programs to full-day, full-year programs, and to expand school-based programs and to recruit new child care providers.

We also address affordability in this bill. We make it affordable by helping those families in poverty to have adequate child care and on a sliding scale basis to provide child care for low- and moderate-income families.

I have worked hard also on this bill, so hard that I have succeeded probably in getting both sides angry at me. I have worked hard to maintain the role of churches in this bill. It has been a difficult task, but we have done that. We have maintained the role of churches even in those areas where there is religious content, and I have borne bruises from both sides in this, but both these bills contain that. H.R. 3 contains that.

It has been a pleasure, Mr. Speaker, to work with the gentleman from California [Mr. Hawkins] on this. Nearly 60 years ago the gentleman from California [Mr. Hawkins] began his career in the California legislature by introducing a child care bill. We have worked hard on this. I think it is a great tribute to him that today we are debating a bill that can, I believe, become law in this country. I think we have such a bill. The dynamics are such that we want to send a bill to the President that can receive his signature. I think when this process is over we will have such a bill, and I urge your support for H.R. 3.

Mr. GOODLING. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. Bartlett].

Mr. BARTLETT. Mr. Speaker, I rise in support of Stenholm-Shaw and opposed to the Downey bill as presented. There are a number of items that one could discuss in such a massive piece of legislation. I want to mention several and focus on one.

First, the bottom line is that the Stenholm bill provides up to $2,500 of money into the pockets of low-income parents with children. The Downey bill provides only up to $2,100 to those same parents, and yet the Stenholm-Shaw bill does that by spending a total of $8 billion less by the Government.

Stenholm-Shaw provides $2,500 in payments to parents; Downey provides $2,100. Stenholm-Shaw does that for $8 billion less in cost to the Government.

No. 2, we thought that standards were taken care of. Standards are taken care of all right. In the Stenholm-Shaw bill there are no standards in the legislation. In the Downey bill there are 41 pages of new Federal mandates and standards in the legislation, at last count up to 200 individual mandates.

I want to focus, though, on the section with regard to religious providers. It does seem to me, whether consciously or subconsciously, there has been somewhat of a bait-and-switch approach in the legislation. Remember that the Downey bill was not offered to Congress until the close of business after 5:30 on Tuesday afternoon, and yet the sponsors of that bill had told some who were concerned about using certificates in religious-based providers that they could do so even under the Downey legislation. I am here to report to you that the way the legislation is finally drafted, that is simply not the case. It is not the case in two parts.

First, under the Stenholm-Shaw bill, the legislation explicitly says that a parent can choose where to use their certificate, including a religious-based provider. The Downey bill, merely a statement that the prohibition against sectarian activities shall not apply for that particular subsection, but the fact is there is still a problem.

Second and more importantly, in the case of 13 specific States, the Downey bill prohibits the use of certificates in religious-based providers because the Downey bill requires, on page 43, that those providers shall be required to be licensed and regulated. The Downey bill requires licensing of religious-based providers before they can use their certificates.

Mr. DOWNEY. Mr. Chairman, I yield myself such time as I may consume.

There is a wonderful quotation from a poet, and it says that each child that is born is a reminder to us of God's faith in mankind. I believe that to be true and I suspect that all of us who are here debating believe that to be true.

The time has come for us to put our money where our mouths are, to stand up and to recognize, as we often do in the speeches that we give, that children are our most important natural resource in this country, and that for too long we have neglected them.

Happily, both the Stenholm substitute and that of the majority recognize some very fundamental principles. They recognize the principle of parental choice. They recognize the important role that the States will have in providing money to assure both the quality of child care and its availability.

The earned income tax credit, which was also proposed by my Republican colleague, the gentleman from Wisconsin [Mr. PETRI], has found its way here in a different and larger form. It will provide substantial amounts of money to working poor families to help them afford the child care that they desire. That is in both bills. There are some differences, but the lion's share of the provisions are the same. It is the heart of both bills.

Further, my Republican and conservative friends have made the point over and over to us, and not without some appreciation on our part, that it is time to trust the States to do a good job with money, to give them the widest possible latitude in how they spend the money for child care, and we have done that.

The gentleman from California [Mr. MILLER] and myself had a disagreement with the gentleman from Florida [Mr. HAWKINS] in the Education and Labor Committee about whether or not we should do ABC or use title XX. That debate has been resolved. We have decided to use the existing mechanism of law, title XX, which will guarantee the money to the States to provide child care. This will not be child care on a wing and a prayer. States will not have to worry about whether they will receive money or not once programs are started. It will be there.

Ours imposes, as has been pointed out and I suspect will be throughout the debate today, some minor restrictions on how that money is to be spent, and herein lie some very fundamental differences of opinion about child care. Many of us believe that there should be some standards, but we recognize the important responsibility of the States in setting them out.

So what have we done? We have said that the States shall develop standards, but that they can be the ones to make that determination. All that we say is that for child care providers, there should be a requirement for training.

Now, the religious issue has raised itself here. I notice that a number of my colleagues have written speeches that would have been appropriate to the ABC debate, but are inappropriate to this debate. They talk about the restrictions on how money can go to States. They talk about the fact that their bill presents parental choice and ours does not.

Here is the bill. Show me where it does that. Notwithstanding the erroneous statement of the gentleman from Texas about the licensing of religious providers, the fact is that the widest possible latitude is there for church-based providers to receive money and to be involved.

□ 1220

There is no way to construct the language to conclude, as the gentleman has suggested, that religious providers are prohibited. He can read it all he wants and say all he wants, the fact is that both bills will allow the widest possible range of choices.

Last, let me say one more thing about this debate. I lament the fact that this could not be a bipartisan bill, and I worked hard to make it one. My colleagues on the other side know that. I think it would have been better for everyone had we not had a battle, but we are here, and there are differences. The differences will be highlighted I hope honestly and fairly.

Do not mislead people about what is in our bill. It does not do you any credit. Recognize that our small desire for standards has nothing to do with an attempt to interfer with States, but is born out of our concern for the children of this country.

I would say one other thing with respect to this process. When there were religious differences, my conservative friends said, "Vote for me. We will fix them." And we accommodated their concerns. When there were concerns about vouchers, we fixed them. We now hear there are concerns about money. This reminds me most of the Saturday Night Live character the late Gilda Radner presented to us, Roseanne Roannadanna, who used to say, "It's always something." I submit to my colleagues it is always something with you, the grasping at straws about what we provide and what we do not provide, which is one indice of this, and another is this argument about the budget.

The gentleman from Texas [Mr. BARTLETT] talked about a figure of $2,500 under this version of the EITC, which spends $3 billion less over a shorter period of time. It must be the light beer equivalent of our bill, where somehow spending less money means more money for individuals, no mean trick if you can figure it out. But what is not mentioned in this is that almost $4.5 billion of the savings is a result of a delay of the earned income tax credit for 1 year. We differ with you on this.

We see the need to help working poor families immediately, not in a year's time, not when their children are a little older, but today, now, 1991, as soon as it can be put into law. That is where part of the budget savings is.

The other portions of the budget differences have to do with the fact that we believe that after-school programs, which have been actually done by the Committee on Education and Labor, are an important part of the building blocks of greater opportunities for children. That is another difference, and I am happy to highlight it.

We are saying to middle-class families all cross this country, "We are not going to forget about you. We recognize the fact that you drop your child off at a school, and it is convenient for you to have that child be safely and well cared for at that school, and we are going to provide some money so that it can be done."

What do you say? You say, "Well, we have less money, and you can fight with the other people as to how it can be allocated." You wash your hands of the middle class. We do not. We recognize the 5 to 10 million children who will need after-school care, and we care for them.

Therein lies the differences between our bill and your bill. Our bill is for all American children. Our bill is for all American parents. It provides the widest possible range and latitude. It richly deserves the support of this Chamber.

Mr. ARCHER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New Jersey [Mrs. ROUKEMA]

Mrs. ROUKEMA. Mr. Chairman, I thank my colleague, the gentleman from Texas, for yielding me this time.

Mr. Chairman, I must reluctantly oppose the majority's day care bill, H.R. 3, and the Stenholm-Shaw substitute as well.

Time permits only an abbreviated explanation for my opposition, but I ask unanimous consent to revise and extend my remarks.

If we are to have a new Federal Child Care Program, I do not oppose vouchers for centers sponsored and operated by religious groups. Clearly the Federal Government already funds a variety of programs that are based in churches and synagogues. These programs work and they are not challenged on constitutional grounds. I believe that is a phantom argument. Moreover, we cannot ignore the fact that church-based groups supply an estimated 40 percent of all child care available outside the home. Any child care bill passed by us needs to recognize this fact and make funding available to build on these successful programs.

As for the substitute backed by the administration, they want diversity and choice—and tax credits—but inexplicably they don't want to associate this program with the schools, except to the extent that Head Start continues. They do not wish to expand the program for before and after school programs for "latchkey" children.

Fundamentally, we do not have the right to create not one, but two new entitlement programs conservatively estimated to cost $28 billion over the next 5 years. This at a time when both parties are pledging no new taxes * * * when nobody except Mr. ROSTENKOWSKI—who is disavowed by his party leadership—will even touch the subject of meaningful, real world deficit reduction. And talk of a pay as you go package is nice but I do not see it anywhere in these bills.

Perhaps this is the way we are to spend the peace dividend which the administration tells us doesn't even exist? If so, I want to know it up front.

And finally, Mr. Chairman, you know that as surely as night follows day, this entitlement is bound to grow. This is only the downpayment.

Now to return to the programs proposed by these bills, namely title XX, block grants, Head Start expansion, and so on, I would take a very different and more cautious approach. My approach to the issue of child care proposes grants to the States in the form of seed money to develop programs at the State and local level cooperatively with community groups, local school systems and business. A meaningful startup could be accomplished with a grant program of approximately $300 million. In addition to being a program we can afford, it also has merit in stimulating innovation and in keeping direction and choice as close to home as possible—with the State, community, school, business, and parents—rather than a federally directed, mandated program.

This seed money could be used to initiate and build on model programs such as those established in Independence, MO, and in my home town of Ridgewood, NJ. The program in my hometown, established by Cathy Marino, was created and thrives today without the benefit of Federal funds.

Like the program in New Jersey, the Independence, MO, program is the result of the combined efforts of the community, business, the school system, and parents. By using the already available school facility, child care providers and parents have entered into a partnership that provides child care at an affordable price while giving quality and parent involvement top priority.

I urge my colleagues to keep in mind the successes of the Independence, MO, and Ridgewood, NJ programs. In our effort to help working parents pay for quality child care, we must not destroy the very kind of child care programs that we want, and ought, to encourage. With these new proposals before us today, we will do just that.

Again, I stress that we should encourage child care programs in States and communities across the country that have responded to the needs of working parents. The best way to do that is through block grants to the States as seed money to expand and build on the successful programs.

Any child care legislation that Congress passes should do four important things:

First, keep direction and choice as close to home as possible—with State, community, school, business, and parents.

Second, inspire and invest in innovation suitable for local needs.

Third, give flexibility to integrate existing programs in the public schools as well as church-sponsored programs.

Fourth, given our enormous budget deficit, child care legislation must be consistent with the objectives of a pay as you go system and the overarching need for deficit reduction.

The bills we have before us today do none of these.

Mr. ARCHER. Mr. Chairman, I yield 6 minutes to the gentleman from Minnesota [Mr. FRENZEL], a member of the committee.

Mr. FRENZEL. Mr. Speaker, I yield to the distinguished gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to point out a couple of things at this point in the debate as a followup to the eloquent presentation by the gentleman from New York [Mr. DOWNEY] on the majority bill.

One thing is absolutely clear, and I can point it out, paragraph and line, if the gentleman or anyone here in these chambers would like for me to do so.

The majority bill requires the States to regulate the child care facilities, whether they was to or not, if the vouchers are redeemable at those locations, and there are a number of States, some 13 or 14 States, that do not regulate religious day care centers that they would be required to regulate under this bill, and the authority on that can be found at the bottom of page 33, continuing on to 34 and into the sections that are referred to in those particular lines.

Another thing I would like to refer to is the recklessness of this House imposing standards on the States even though they are broad and, I am sure, well meaning. One of the standards provided requires that the care providers provide parents with unlimited access to their children whenever children of such parents are in the care of providers. That sounds great until you think about what kind of parents might be out there, and the fact that there may even be some restraining orders for child molesters who are parents, and I can tell you, and I can bring you into any city in this country and show you very disastrous occasions of that.

When we start regulating and telling these States, and we start writing the regulations up here in Washington, we are in for a world of trouble. We should not do this. It is a dangerous precedent.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for his splendid contribution.

Mr. Chairman, I am horrified and terrorized by the escalating costs of the child care bills before us. The Democratic leadership's bill, H.R. 4381, is estimated to cost about $30 billion over 5 years. The substitute offered by Representatives STENHOLM and SHAW is expected to cost about $20 billion over 5 years.

There is a difference. Stenholm-Shaw is merely overpriced. The Downey-Hawkins leadership bill is obscene.

It is the same old story for Congress. The more Congress talks, and Congress has been talking about child care for some time now, the more it spends. It is again trying to stamp out the alleged "crisis in child care" by throwing more money at certain corners of the problem.

So here we are, confronted by two versions of a child care proposal that most of our citizens don't want, and at a cost, that very few of our citizens believe we can afford.

Last year when child care was being debated we were looking at $14.1 billion—over 5 years—for the Republican substitute, $17.2 billion for the Stenholm-Shaw proposal and a whopping $22.7 billion for the Democratic bill. Those prices were far too expensive then.

In the usual congressional bidding competition we have added nearly 50 percent more cost to last year's bloated bills. That is supposed to make the proposals "more attractive." But, ask any taxpayer. That is no way to deal with serious legislation like child care, nor to deal with a more serious issue like the budget deficit.

You have heard me time and time again on this floor criticizing our unwillingness to decrease, or even marginally scale back, spending. Despite your unwillingness to heed my warnings, I must make them again.

Passing expensive bills as these child care bills can only cause long-term harm. The children we are trying to help will inevitably bear the costly burden of our follies. It is a wierd form of child care that forces a huge debt on to the backs of our children and their children.

Even with offsetting receipts from the dependent care, tax credit and the telephone excise tax, the leadership bill would still cost taxpayers $14.5 billion and the Stenholm-Shaw bill would cost $6.4 billion. That is a huge difference and a clear distinction. The Stenholm-Shaw compromise is the only acceptable approach.

With the Gramm-Rudman targets looming over the horizon, $6.4 billion cannot be taken lightly. This body cannot begin to reduce the deficit or pass a sensible bill until it gets its own fiscal house in order. Passing multi-billion dollar spending bills is not a step in the right direction.

I am amazed at the cost increases since President Bush first came out with his child care initiative. At that time it had a price tag of $7 billion. Stenholm-Shaw has tabled it. Metro-Goldwyn-Downey-Hawkins has quadrupled it. The Bush plan included many of the programs we are debating today, an increase in Head Start, a new child tax credit, phasing out the dependent care tax credit as well as making it refundable.

We have come a long way from this original initiative. It has taken brilliant Democrat leadership intervention to get the price up to $30 billion. That is what has been called the penalty of leadership.

Let us not lose sight of the main objective—the children and their well-being in child care settings. Our main goal is to give families some assistance while providing maximum flexibility, so they can make their own decisions about child care. I share my constituents primary goal of freedom of choice as a key factor in child care legislation. Thus, I strongly reject the idea of mandating requirements such as ones in the leadership bill.

Fifteen hours of training is an example of Federal encroachment into State rights that does not guarantee better child care. My State leadership, as determinedly Democrat as the leadership of this House tells me to get rid of that requirement. It can handle its own training.

The build up of a bureaucracy, such as H.R. 4381 proposes to do like its predecessor H.R. 3 before it, cannot guarantee quality in child care. What it does guarantee is that exactly the opposite will occur; decreased quality, increased costs, and yet another layer of Federal bureaucracy.

As much as I agree with my colleagues that child care is an important need, I find it awfully hard to swallow the large costs of these child care proposals. I agree that in order to give low-income working families choice in child care, that tax credits need to be strengthened. I further agree that using existing programs and allowing states the flexibility through title XX is the right approach. The wrong approach, however, is to require State mandates in child care facilities. Whenever did Federal mandates make a program safer or better? The parents, first of all, should be given the resource to make the child care decisions.

The costs of these two bills are a perfect example of Congress' good intention gone haywire, and of its manifest inability to manage the affairs of the people. I ask my colleagues to carefully weigh the funding implications and different approaches in these bills before casting a vote. The only possible fiscal conclusion is a vote for Stenholm-Shaw, and eventually, a vote against either.

□ 1230

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES of Illinois. Mr. Chairman, I rise in opposition to the Stenholm-Shaw substitute and in support of the compromise version of the Early Childhood Education and Development Act.

Mr. Chairman, It has been about 4 months since this body had the opportunity to finish what it started to do late last year—pass meaningful child care legislation. The closed door negotiations are over, the compromises have been made. Unfortunately, as is usually the case, the only people who suffer are those who can least afford to pay—our Nation's children and their parents.

While we debate the merits of this historic measure, thousands upon thousands of children suffer from a lack of adequate and safe child care services. Hopefully, since this measure was last on the floor, many of you have taken the time to visit with, and listen to your constituents. I would say the vast majority of you have heard the same stories—the supply of affordable, and I emphasize, affordable, child care is severely limited, and in many cases, nonexistent.

Representing the South Side of Chicago as I have since 1983, I have seen first hand, the needs of working families and the needs of those who cannot find work. The unfortunate reality of life in my district is that many children are growing up in single parent, female headed, households. Households with little to no income coming in to help put food on the table, clothes on their backs or shoes on their feet. Many of these women are unemployed and if they can find employment, cannot take advantage of it due to a lack of child care services.

The unemployed sincerely want to find a job at a livable wage. The myth that they want to live off Government assistance is just that—a myth. What they want is the opportunity to work at decent wages and provide for their families. But what becomes of their families while they are at work? All too often the children are placed in unsafe, uninspected and uncertified holding facilities because their working parents either cannot afford to put them in approved child care centers, or cannot find such facilities.

This Congress has an obligation to provide for those in our society who cannot do for themselves. My constituents cannot afford for this compromise to go half way, if that much, as called for in the Stenholm-Shaw substitute. The substitute simply fails to meet the true needs of American's working and nonworking families.

The substitute, unlike the compromise, does not address the quality of child care programs. It does not set aside funds for the thousands of children known as "latchkey" children. And it would continue the short-changing of the Head Start Program. Meaningful programs essential to enhancing real access to, and improving the supply of, quality child care, cannot be shortchanged. The Stenholm-Shaw substitute must be defeated.

My constituents are in desperate need of affordable and safe child care services. H.R. 3 provides opportunities for them to not only reenter the mainstream of society, but to also ensure the well being of their children. We cannot afford any further delay in passing this legislation. Far too many people are looking to Congress for leadership in this area and I urge the Members of this Chamber to defeat all substitutes and pass this much needed legislation.

Mr. GOODLING. Mr. Chairman, I yield myself 30 seconds to enter into a colloquy with the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Is it the understanding of the gentleman from Pennsylvania [Mr. GOODLING] that on page 43 if the language there relating to the child care funded by the State under the title were in fact in place, that the religious child care providers in our State of Pennsylvania would be ineligible for any money under the committee bill?

Mr. GOODLING. Mr. Chairman, I would respond to the gentleman by saying that the first I saw this legislation was at midnight last night, and as I read page 43, the gentleman is correct.

Mr. WALKER. In other words, the religious child care provisions that are in the committee bill are a total phony with regard to the State of Pennsylvania.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I rise in strong support of the Stenholm-Shaw provisions in the substitute that is going to be offered for a number of reasons. First and foremost, let us ask the question: In the era of deficit reduction in this country, since when did $20.5 billion not become a lot of money?

I am astonished by the rhetoric we hear on the floor here today that somehow suggests that we are cheap on child care because we are only spending $20 billion.

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I have to say in all honesty, I am afraid there are some Members around here who are so drunk on spending dollars that their only key is how much more can we spend than the other side.

The second question and point I have to bring up is on the religious issue. There is no debate about Stenholm-Shaw. I am not here to suggest a final resolution about the Downey-Hawkins bill, because I do not think it has been resolved yet. But I know that there is no debate about Stenholm-Shaw on the religious issue.

The third question that I bring up is the whole issue of Federal regulations. Whether you like it or not, there are 41 pages of Federal standards that every State must meet, and for a State to receive any funds under this particular proposal, within 3 years you have to develop regulations.

I am struck by the education groups that are saying:

> Well, we cannot allow vouchers for child care because that is a foot in the door for vouchers for education.

Do you want to talk about a foot in the door? You ought to talk about the 41 pages of standards that are in this bill, because once you mandate State set standards, you are going to mandate within 3 years that the State standards are not good enough and we have got to make Federal standards for child care. Mark my word.

Mr. DOWNEY. Mr. Chairman, I am going to take 2 minutes and end this legal scholarship on the floor about what pages 43 and 33 mean, so we can put this to bed and Members can find something else to argue about.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like to ask the gentleman from New York [Mr. DOWNEY], the language that is contained as the gentleman referred to on page 43 and page 33, the language there, especially on lines 23 and 24 of page 33 and on lines 10 and 11 of page 43, does that mean that the State is required to license and regulate all child care centers, including religious?

Mr. DOWNEY. No, it does not require the State to license religious providers.

Mr. VOLKMER. If the gentleman will yield further, it means that if the State does elect to license or regulate religious child care providers, then they must use the standards?

Mr. DOWNEY. Mr. Chairman, that is correct.

Mr. VOLKMER. If the gentleman will yield further, it also says, as I read it and as the gentleman from New York reads it as the author of it, does the gentleman agree that no State will be required to license?

Mr. DOWNEY. Mr. Chairman, that is correct. Let me state it once and for all. The gentleman is correct.

Mr. VOLKMER. If the gentleman will yield further, the gentleman is the author of it. I want to have his interpretation.

Mr. DOWNEY. Mr. Chairman, I want to make it clear on the record, I know Members are anxious to hear it, so let me say it so Members understand it, because there are other things to talk about. The bill says that if a State chooses not to license religious providers, they may do that. The bill further states that in the process of not requiring that license, they are still eligible for title II money. One may not agree with it but that is what it says.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, today has been a long time in coming. There were times some of us wondered if today would ever come. But that is understandable, an acceptable day care bill means different things to different people.

However, the committee bill before us means the bottom line is we have come through all the changes and still have a comprehensive bill. It includes: First, an extended earned income tax credit—not exactly day care per say but a great deal of help to low-income families with young children; second, increased block grant money to States for child care services; third, expanded Head Start, a proven successful day care program for disadvantaged children; and fourth, before and after-school site day care.

Oh we do not agree on everthing.

This proposal also requires States to have day care standards in certain areas of health, safety, and quality within 3 years.

I guarantee we will be back before that wishing we had done more. This is only sensible. I wish there were more standards. It does seem ludicrous to be allocating this amount of funding and not insisting on more safety standards.

Also, many of us wish the bill had more day care staff training and more increased day care sites. However, I know others wish we did not even need this bill and mothers would stay home and take care of their children.

But neither extreme happened. Instead, the bill before us experienced a multitude of compromises, a year of negotiations, and most recently the result is comprehensive day care.

If passed, many children in the United States will receive additional day care and multitudes of parents will breathe easier. I say that is not bad.

□ 1240

I think that is a good job. So let us just vote for it and get on with it and join all of those other nations.

Mr. SHAW. Mr. Chairman, I would like to invite the House to listen closely to what the gentleman from New York [Mr. DOWNEY] said. What he is saying is that the committee bill does not require States to regulate religious day care centers. He is correct, but if those vouchers are redeemable there, they darn well are required to regulate them; that is what the bill said, and I am sure the gentleman from New York will agree with me on that.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON], a member of the Ways and Means Committee, who has worked long and hard on this particular bill before us.

Mrs. JOHNSON of Connecticut. Mr. Chairman, as we debate some of the details of this bill, which indeed are very important, I do not want Members to lose track of the enormous significance of this day for America's women and children. Not only do we have the chance today to provide significant new resources to enable our poorest children to receive better care, but at long last we have the opportunity to adopt a family support policy that will directly attack poverty in working families.

We know from experience with another income support program, Social Security, that poverty can be reduced through income support policies, and indeed poverty among seniors is the lowest of any group in America. So today, with the expansion of the earned income tax credit, we take a giant step forward by adopting an income support policy that is not only sensitive to income and size of the family, but also, if we adopt the Stenholm-Shaw amendment, sensitive to the most vulnerable members in our society: infants.

Through the Stenholm-Shaw program we powerfully attack the problem of children in poverty, but we also empower parents to make the choice of caring for their own children. By expanding family income we make part-time work an option, we make it even possible for one parent to concentrate exclusively on caring for children if the other parent is employed.

When children are young and parents' responsibilities are many, expanding the incomes of America's lowest earning families is indeed sound policy and will encourage the building of strong families and the creation of greater fairness throughout our society. There are regulatory issues in this bill that deserve and need addressing. In the course of our debate we must get to them, because they could dramatically reduce the availability of service for those very same poor families. But at this time let me urge your support for the Stenholm-Shaw substitute because it provides the most generous income support policy for America's working poor families.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. Ford].

Mr. FORD of Michigan. Mr. Chairman, I rise in support of the leadership bill, H.R. 4381, which is a rewrite of the Hawkins bill, H.R. 3.

At the outset, I want to say that no one ever in my 25 years here has worked longer and harder in trying to get day care legislation such as we have before us today than the gentleman from California [Mr. Hawkins]. We have some late volunteers here who are sudden experts in the field, but there are people on both sides of the aisle, Democrats and Republicans on that committee, who have been wrestling with the problem for a long time.

The protracted debate over child care in this Congress has created unfortunate confusion about the proposals under consideration today. At issue today is not whether or not federally funded child care programs are needed. There is a general consensus that, while the Congress may not be able to completely solve the Nation's child care crisis, it most certainly can and must make an important contribution toward lessening it. Nor does the child care debate focus on how much money should be spent on child care. The general consensus is that child care is important enough to spend several billion dollars from the start. The alternatives we will consider today—the leadership package and the Stenholm/Shaw substitute—are not vastly different. The discussions today will illustrate their many similarities along with their few differences.

Today we are considering two proposals: H.R. 4381, which is a modified version of the Education and Labor Committee's bill, H.R. 3, and a substitute to that bill offered by Congressman Stenholm and Shaw. Some have characterized the Stenholm-Shaw substitute as a wholly different approach to child care, arguing that only Stenholm-Shaw is "pro-family" and only Stenholm/Shaw offers parents "choice" in the care of their children. In truth, the Early Childhood and Education Development Act and the Stenholm-Shaw proposals are far more similar in this regard than they are different. Both proposals authorize an increase in Head Start appropriations for full-day, full-year services for low-income families. Both proposals give a tax credit to families with young children by expanding the earned income tax credit program. Both proposals would help finance this tax benefit for low-income families with children by limiting the amount upper income families can earn and still qualify for the dependent care tax credit. Both proposals would establish an assured set-aside for child care under the existing program, title XX of the Social Security Act. Both bills reinforce parental choice through the use of the vouchers through this title XX program. Both bills provide a modest amount of funding for loans to small businesses which wish to offer child care services.

Having named the similarities, I would like to concentrate on the differences, which is why I support the Early Childhood Education and Development Act unequivocably. There are three primary reasons to support H.R. 4381.

First, the bill requires that each State receiving the funds earmarked under title XX must establish its own child care standards in specified areas, such as the ratio of children to adults, and providers must meet those State standards to qualify for Federal funding. This offers minimum protections for children who are being cared for by those other than their parents.

Second, the bill authorizes, at the discretion of each State, various activities to help improve the quality of child care, such as developing resource and referral programs, providing training to providers, providing loans to improve facilities. From countless studies, including the acclaimed Perry Preschool Study from my district, there is documented proof that a high-quality child care program has positive and long-lasting effects on children who have participated in these programs.

Third, and most importantly, the leadership's bill offers an additional title, title II, to create school-based programs for before and after school care and preschool care.

The leadership bill authorizes $429 million in 1991 for title II to establish programs operated at or through schools for early childhood development or before and after school care. The program does not create a new bureaucracy. Rather it builds on the existing structure established through chapter I of the Elementary and Secondary Education Act, which sends Federal support directly to local educational agencies. Such programs would be designed to assure working parents that child care would be provided for all their children regardless of age, at one location for the entire working day. Children from families who are at the poverty level would be provided services free of charge. Families who earn up to 160 percent of the State's lower living standard could receive a Federal subsidy for child care, based on a sliding fee scale.

Mr. Chairman, child care programs must be able to take the place of the working mother, who spends 8 or more hours a day away from home to pay for her family's food and housing. By the year 2000 75 percent of all two-parent families will have both parents in the out-of-home work force. This means there will be 2 million infants, 9 million children between age 1 and 5, 7 million school children ages 5 to 9 and 8 million 10 to 14 year olds with mothers in the work force. By the year 2000 these 26 million children will need child care either during the entire workday or before and after school. It is essential that any Federal initiative passed by this Congress include a strong educational component as is reflected in the leadership's package so that the youngest among these children will be ready to derive the maximum benefits from school and the school-aged children will use their out-of-school time wisely through both recreational and school-related activities.

I would like to call the Members' attention to the fact that there is a real irony involved in this bill. I am not going to hold myself out as a constitutional expert, but I have been studying the church-state decisions of the courts for a long time. I have no doubt in my mind that the language that is in this bill, and the language that is in the Stenholm bill, is unconstitutional. There is one way for those who are sincere, not in grandstanding for any bloc of religions, but who are sincere about giving access to children to church-related day care centers, and particularly to the educationally based programs in nonpublic schools. These Members should support the Edwards amendment, because I have the suspicion that the adoption of the Edwards amendment, contrary to popular thought on this floor, might sanitize this legislation to the point where it would pass constitutional muster. If Members vote down the Edwards amendment, they are going to learn about the glory of a strict constructionist court, because I can predict the outcome of that litigation, and predict that it will be very prompt after the President signs the bill, if he chooses to do so.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. Petri], Mr. EITC himself.

Mr. PETRI. Mr. Chairman, I thank the gentleman for yielding me this time. I also would like to thank my colleague, the gentleman from New York [Mr. Downey] for his generous remarks in his earlier statement on the floor.

Mr. Chairman, I note that most of the money provided by each of the two alternative child care bills before us would be spent on an expanded EITC adjusted for family size.

In my opinion, that represents major progress. I have been arguing, along with others, for several years now that the fairest and most efficient

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way to help low income families with children is EITC reform.

The problem is insufficient income with which to support children. And the solution is to supplement wages directly, according to need as determined by famiy size.

The basic principle here is to provide needy working parents more income and let them decide how to spend it. There is now broad support for that. We could pass a separate EITC bill in the twinkling of an eye. In fact we could have passed one long ago.

What's holding up this bill, and will probably hold it up some more even after we finish here today is the rest of the bill—the part that tries to tell people how to spend their money.

There's no need for all the wrangling over those issues. Just take whatever money we're going to spend and give it to neeedy working parents through the EITC.

We could and should have done that long ago. We could and should do it today. Still, I am happy that at least we seem to be moving in the right direction.

I'd also like to point out that on my reading of both the base bill and the Stenholm substitute, nothing in either bill would prevent a State from using up to 90 percent of its new earmarked title Twenty money for a State level earned income tax credit if the State so chose.

In case a State chose to do that, surely the requirement to offer a certificate option to parents would be superfluous, since the EITC would be simpler and more flexible than a certificate.

Mr. Chairman, just as most of the Federal money for child care is likely to be provided through the Federal EITC, it seems to me the simplest thing for the States to do would be to follow our example. Surely this is the best way to help needy working parents.

□ 1250

Mr. DOWNEY. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Subcommittee on Human Resources, the gentleman from Tennessee [Mr. FORD.]

Mr. FORD of Tennessee. Mr. Chairman, I am pleased to come to the floor today in support of H.R. 3, the Early Childhood Education and Development Act.

I would like to commend my chairman of the Committee on Human Resources for a job well done, along with the gentleman from California [Mr. HAWKINS] who is also chairman of the Committee on Education and Labor in this Congress.

Mr. Chairman, this bill is of vital concern to millions of Americans and is based upon the premise that all of society benefits when the Government helps strengthen the ability of families to address the needs of their children of this great Nation.

Mr. Chairman, current estimates indicate that nationally the average cost of full-time child care is approximately $3,000 per child annually, with infant care dramactically higher. The impact on low-income working parents is even more severe in proportion to their income. For low-income families. child care expenses consume 20 percent of family income as compared to 5 percent for more affluent families.

Child care is no longer a luxury for the rich, but a necessary service for many Americans. The demand for child care is increasing and is expected to rise significantly higher by the end of the decade.

However, Mr. Chairman, in addition to high cost, parents seeking child care services face many other barriers: limited supply and inconsistent quality. These factors limit child care choices and often force parents to settle for whatever is available rather than what is needed.

Parents with few options face the real prospect of having to leave their children in unsafe and unhealthy places during their work hours. The lack of quality child care has reached such crisis proportions that we cannot continue to address it with a band aid approach.

This bill today is a real response to the health care needs of this Nation. Rather, we must begin to establish a child care system that is reliable, accessible to all children, and becomes part of the very structure of society.

Mr. Chairman, I believe H.R. 3 is the answer. The issue here today is not a matter of church-state or vouchers but the welfare and best interest of our children. Religion should not be the focal point of this bill.

This is a children's bill, a bill about the welfare of children. America's children cannot afford expensive lobbyists, do not contribute to political campaigns, and cannot vote for their representatives.

But they do deserve the support of their representatives on the floor. If we do not care for our children today, they will not be able to care for themselves later. Our children's future and certainly our Nation's depends on what we do here this afternoon.

Mr. Chairman, I urge my colleagues to give full support to H.R. 3 today on the House floor.

Mr. SHAW. Mr. Chairman, may I ask how much time remains for each speaker?

The CHAIRMAN. The gentleman from California [Mr. HAWKINS] has 18 minutes remaining, the gentleman from Pennsylvania [Mr. GOODLING] has 16½ minutes remaining, the gentleman from New York [Mr. DOWNEY] has 12½ minutes remaining and the gentleman from Florida [Mr. SHAW] has 15½ minutes remaining.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. CHANDLER], a member of the Committee on Ways and Means.

Mr. CHANDLER. Mr. Chairman, if I may, I would like to address the question of religion in day care in the context of this debate and an amendment that we will see later today.

I want to make it clear that I favor choice, I favor parents deciding what is best for their children. We need to consider some facts.

The fact is in the State of Washington, which I represent, and in the rest of the country, approximately a third—it ranges, 30 percent, some higher—of all the day care takes place in churches, synagogues, temples, religious-based day care. This is good quality, dependable, safe, reliable day care.

It is overwhelmingly the first choice of parents, poll after poll has indicated that.

It is also a fact that parents who will qualify under title XX do or will desire to have their children in religious day care.

Now, the Constitution of the United States prohibits the establishment of a State religion. It also prohibits restriction, limitation, inhibition of any kind of a religious practice by the Government.

Now, does Stenholm-Shaw violate that separation of church and state? My view is no.

If an individual takes their child along with a voucher, a certificate, that is not a decision by the Government, that is a decision by the individual. It neither establishes a religion nor does it interfere with religion.

We do not tell an AFDC recipient, a welfare recipient, that, "You can't take a dollar of that money even if it is your only source of income and put it in a church collection plate." That is none of our business, that is their property.

It is my view that a voucher or a certificate is exactly the same thing when it is being used for day care.

Specific to the Edwards amendment that we will face later on: My understanding of that amendment, if it is adopted to amend Stenholm-Shaw, if a parent walks up to a religious day care center and presents that voucher, that day care center, then makes an important decision. It either says, "No, you cannot bring your child here," or it says, "Yes, you can. We will take your voucher and we are going to completely change our practice as a result of having done so or face a lawsuit." Clearly.

And that change that would be necessary would be to take the crosses or any other religious symbol off the walls, no prayer, no limitations on hiring. Catholics would have to hire Jews, Jews would have to hire Catholics and so on. And that removes choice.

I urge my colleagues to support Stenholm-Shaw. If there is a constitutional question about this, and there may be, as my colleague from Michigan points out, let us the court decide it and not prejudge that issue today.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California, [Mrs. Boxer].

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, I think our House soars when we do something that addresses the hopes and the dreams of our people.

Today, by passing H.R. 3, we do something to make those hopes and these dreams possible.

What are these dreams? To be productive members of society, to provide for ourselves and our children, to help our families give our children the support they need to grow up strong and assured and healthy.

When our families are searching for quality child care and cannot find it, that is a negative. When our families feel that child care will not have basic standards of care, that is a negative. When our families have to pay a quarter of their income for child care, that is a negative.

Today we can change all that by passing the Democrat bill that has training standards, that has before- and after-school care, that gives States wide options to build the programs to suit their particular activities.

I am proud to be here today to see that vision achieved.

Mr. Hawkins, Mr. Miller of California, Mr. Downey, Mr. Kildee, they deserve our thanks for getting us to this point.

And to the children of America, I have a message for you: You are moving up on America's priority list. And, who knows, maybe you will even surpass the Stealth bomber.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. Robinson].

Mr. ROBINSON. Mr. Chairman, first let me state that I am not a constitutional lawyer and on this particular day I am thankful to God that I am not.

But I am the parent of six children and the grandparent of seven grandchildren.

I have listened to the debate today, and I was reflecting back early on in my marriage in which my wife and I were both working. We chose to put our six children at a religious day care center because we wanted our children to learn something about religion. We wanted them to learn how to pray and to be thankful for God, early on in their lives.

□ 1300

As I look at the Democratic proposal today, I have to just shake my head and wonder why, in a body that we start our each and every day with a prayer, Members look up here and it says "In God We Trust." Why would they submit an antireligious day care bill? It is beyond my comprehension.

We have three daughters that are young, working mothers. One of their biggest expenditures is child care. They want their children and our grandchildren in a religious day care center because they think we have too many, too many day care centers that really do not care about religion, they do not care about the formation in the early years of our grandchildren's lives, about teaching them the difference between right and wrong.

I will say this: That if we pass the Democratic bill today, it will be a sad commentary on the integrity of this institution. We can argue constitutional law all we want to, but I can state with a clear conscience that I think there are more of us than there are of you, and that is why I support the Stenholm-Shaw amendment.

Mr. DOWNEY. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. Pease]

Mr. PEASE. Mr. Chairman, as a member of the Committee on Ways and Means, the Subcommittee on Human Resources, I am pleased and proud to stand here today and support this leadership package, and particularly to commend our subcommittee chairman, the gentleman from New York [Mr. Downey], for what I consider to be a magnificent job of leadership over the last few months. It has been a long and difficult path to where we are today. It was not easy to find compromises between the Committee on Ways and Means' version and the Committee on Education and Labor's version of child care legislation.

After some months, we did find those compromises, and the leadership package before Members today is that product. It deserves your support. The leadership package will be strengthened by the Price and Edwards amendments, and I urge your support for them.

The leadership package will not be strengthened, it will be weakened by the Stenholm-Shaw amendment. I urge Members to oppose it.

The leadership bill, my friends, is prochild, directly through an expansion of title XX, directly through school-based care provisions, and directly through Head Start expansion. It is also profamily through the EITC, the earned income tax credit provisions, which will allow families to get additional cash in their pockets and make their own decisions about where they want to spend those dollars, whether they want to spend those dollars in a central day care center, or with a neighborhood baby sitter, or whether they want to encourage the father or the mother to stay home and take care of those children.

It is also proworking Americans, again, because of the earned income tax credit. The last 10 years have seen terrible things happen to low-income Americans in terms of unfair taxes. This earned income tax provision of this bill, as a bonus, helps to redress that situation. All in all, this bill is a good bill, an excellent bill, richly deserving of your support. I hope Members will support Price, support Edwards, oppose Stenholm, and vote for a final passage of this bill.

Mr. SHAW. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. Dickinson].

Mr. DICKINSON. Mr. Chairman, Alabama is one of the States that grants religious freedom, and I rise in support of Stenholm-Shaw.

We have had several weeks to examine the Stenholm-Shaw proposal, and only a few hours of rumors in the Cloakroom to get a vague idea of what is in the partisan Democrat package.

From what I've heard about the Democrat bill, there is no doubt that the Stenholm-Shaw proposal is the best of the two, primarily because it clearly allows parents to select the day care providers of their choice, including religious day care programs.

Churches and other religious organizations provide an estimated one-third of all center-based care and in many areas, especially rural areas, offer the only care available. Yet, it is unclear in the Democrat proposal as to whether parents will be given an opportunity to buy whatever sort of care they want for their children.

Parents should be able to decide where they are going to send their children, and if they want to send them to a church child care facility, then they should be eligible for the same Federal assistance as if they send them to an ABC child care facility.

I would have liked to have seen the Democrat proposal before I arrived on the floor this morning, but the unfortunate trend that is developing in the House did not allow me. It seems that the rush to judgment in secrecy is becoming a habit of a few, led by those who believe that a deliberative, reasoned evaluation can only impede their agenda.

I hope that the House will return to the method of thoroughly analyzing the issues, especially when dealing with such sweeping legislation as child care.

It is clear that parents will be given freedom of choice through Stenholm-Shaw, but nobody seems to know if parents are protected by the Democrat proposal. Vote yes for the family, and vote yes for Stenholm-Shaw.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to a member of the Committee on Ways and Means, the gentleman from Tennessee [Mr. Sundquist].

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Mr. SUNDQUIST. Mr. Chairman, I thank the gentleman for yielding time to me.

The argument today is not about whether we have child care or not. I have not heard any person speak yet as to whether we ought to have child care or not have child care. We all agree we need to have child care. That is not the question.

One of my colleagues quoted from "Saturday Night Live," "It is always something." Well, it is always something.

Let me tell Members what that something is. It is a question of cost, and it is a question of choice. The cost is a good deal more, $8 billion, as the gentleman from Texas [Mr. ARCHER] said earlier. We do not measure love for our children by how much we spend, my friends. It does not mean we love our children more when we spend more money. We need the best kind of child care bill for the best price. We need to invest in our children a balanced budget, and less deficit, and I say to Members if we vote for the majority child care bill, Members are going to be voting for a bigger deficit, we are going to be voting, probably for a tax increase. Let Members vote on what is needed.

The second point is choice. The choice is, who decides what kind of care we have? Is it the parents, or is it the Federal Government? I do not know if other Members have been getting phone calls like I have been getting phone calls, but I have been getting many, many calls on behalf of Stenholm-Shaw. I support that, and I urge Members to vote for that. I think it is in line with the majority of people in the country. Be careful and vote against the Gephardt amendment, against the Edwards amendment, because it will, in fact, gut Stenholm-Shaw. Members cannot vote for those and satisfy the constituents at home who are urging Members to vote for Stenholm-Shaw.

Therefore, friends, let Members make the right choice, let Members vote for Stenholm-Shaw.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in support of H.R. 3. If there were no other reason to vote for it, I would argue that it comes down to the question that when the school bell rings, every kid should have a safe place to go.

Many go home to mom. But for many others, mom's not home yet.

She may want to be. I wish every mom could make that choice.

But some moms are the only adult in their family.

Other moms and dads both have to work, just to give their kids a home, food, and clothing.

For many American families, have a parent home after school means more than giving up luxuries. It means living in poverty or going on welfare.

Today more than 15 million school kids live in families where every adult works.

And that number is skyrocketing.

The amount of awake time that school kids spend out of school each year exceeds the amount they spend in school.

The quality of the care that these kids receive before and after school has a significant affect on their lives.

The National Research Council's recent report on child care policy cited two studies which compared children in a model after school program with a program of much lesser quality.

The kids who were in a high quality after school program were getting higher grades in school, and had higher standardized test scores.

More important to the kids themselves, these same studies showed that their teachers rated them as among the best in their classrooms at making and keeping friends.

What does all this mean? It means kids need a safe place to go. They need care just like mom would give them if she could—care that teaches and nurtures.

This bill will give these kids a chance to get that kind of care—in trusted community settings, like schools and Y's in churches and homes.

A vote for the Early Childhood Education and Development Act is a vote for Congress' most significant legislation in a quarter of a century. The kids and the country need it.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, let me simply say I am deeply concerned about not just the religious issues in the bill, but the evident religious bias in the bill.

□ 1310

Why would we use such strong words? I use such words because the committee bill actually has new restrictions on religiously affiliated organizations that do not presently exist in current Federal law. These are new restrictions.

So much of the debate has been: Are we going to open up through certificates the eligibility of parents to choose religious providers? What is being missed is that there are new restrictions on religious providers.

For example, there is a new test. There is a prohibition on funding any sectarian purpose or activity under title III of the bill other than the certificates. That is any sectarian purpose or activity. There is absolutely no other precedent in statute law for that kind of blanket restriction. It exceeds the lemon test. The lemon test gives us three goals:

You have to have a valid secular purpose if you are going to be dealing with the State; you have to be sure you do not have a primary effect of advancing religion; and you have to be sure you do not have excessive entanglements of church and state.

That language goes beyond the existing lemon test, and it is a restriction on the ability to utilize religiously affiliated organizations.

Second, the bill puts restrictions on the title VII protections for religiously affiliated organizations in terms of the Civil Rights Act, title VII, protections for religious organizations.

I want to point out that that is new language. It is a restriction on religiously affiliated day care providers. In both cases it is a retreat from present law.

I think we should broaden choice, and I think we should allow for religious providers. After all, they account for 30 percent of the day care out there, and poll after poll tells us they are the first provider of choice of the parents.

But when we point out then that we have not guaranteed the choice of the parent through that so-called certificate system, that it is really buried elsewhere in other parts of the bill and there are restrictions on the use of those certificates, when we consider that and put these other portions in the bill, I would submit, Mr. Chairman, that this is genuinely antireligious in terms of putting in new constraints that our religious providers hitherto have not had to comply with, including under title XX.

We have existing title XX programs. Many departments of social services contract with religiously oriented groups. They do it in other areas, too. We do it for drug abuse, health screening, and neighborhood health centers. My church started a drug rehabilitated program, and it probably is incidentally or inadvertently involved with some sense of mission toward society that is religiously inspired.

Does that mean it should not be allowed to service community needs? According to the language in this bill, in title III, section 2012, any such funding whatsoever will be prohibited.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HENRY] has expired.

Mr. GOODLING. Mr. Chairman, I yield 30 additional seconds to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, let me also point out that there are a lot of people who feel that both bills, the committee bill and the Stenholm-Shaw bill, mandate vouchers. That is correct, they both mandate vouchers, but the committee bill leaves up to State law what the vouchers can be used for, whereas the Stenholm-Shaw bill allows that voucher to be utilized for any appropriate day care provider under State law. That is to say any lawful provider of day care can receive that certificate. The committee bill denies that choice to the parent.

So the debate is not specifically in terms of whether or not you get a certificate. The issue is what you can do with it, and the committee bill does not give to the parent the ability to choose the vendor of his or her choice.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. Dorgan].

Mr. DORGAN of North Dakota. Mr. Chairman, I support this legislation and applaud those who constructed it. I think it makes sense, and it is a good piece of legislation.

Missing in this legislation, however, is an ingredient that would provide child care funds on Indian reservations. Nowhere is the need more acute for child care than on Indian reservations. We must solve that problem. We must in conference deal with this issue.

We talk about children generically. Let me put a face to these issues. About 4 weeks ago I met with 4-year-old Tamara DeMaris, she had a broken nose, broken arm, broken leg, and hair pulled out by the roots. This was child abuse of the severest kind. No, it was not in a child care facility; it was in a foster home.

But child care issues for the defenseless among us, the children, are critically important. We must protect them. This child care bill is very important, and I am going to support it. But we must go further. We must provide child care moneys for Indian reservations. If we fail to do that, we will have missed our mark, in my judgment.

So, Mr. Chairman, I hope for cooperations when we go to conference to solve this problem on behalf of Tamara and all the other children who need that help.

Mr. SHAW. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. Stenholm], co-author of the Stenholm-Shaw substitute.

Mr. STENHOLM. Mr. Chairman, I want just to touch quickly on one of the major differences between H.R. 3 versus the Stenholm-Shaw substitute.

I would quickly point out that there is 95 percent agreement from this Member to the Ways and Means Committee provisions, but there is a lot of interesting language in H.R. 3 that was borrowed from or inserted by the Education and Labor Committee. The new H.R. 3 mandates that States apply standards and enforcement policies, tailored to detailed Federal specifications, to all child care funded under title XX. That has major implications for Alabama, Florida, Illinois, Indiana, Maryland, Mississippi, Missouri, New Jersey, North Carolina, North Dakota, Pennsylvania, South Carolina, and Virginia, the States that exempt religious child care providers from State regulation. If you happen to represent a district in one of those 13 States, read the language in the bill. Do not listen to the debate, read the language in the new H.R. 3 as it pertains to your State and the status quo. That bill requires State standards and enforcement policies as a condition of Federal assistance—including vouchers. The language is convoluted and some may think it can be read either way. But look at Stenholm-Shaw and you will see that our language is very clear, very specific. It does not have an excess of words. It does not take a lot of interpreting by lawyers. And it doesn't change the rights of States under the status quo to choose to regulate or exempt. Just read the bills.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maine [Ms. Snowe].

Ms. SNOWE. Mr. Chairman, I rise today to express my support for this compromise child care package, although I do want to express disappointment at the way this issue has been handled. Frankly, if the child care legislation were an actual child, Congress would be charged with both abuse and neglect.

And who has paid the price for these needless delays? The families of America, that is who. According to one estimate, Congress' footdragging has cost working families with small children some $900 already.

I hope that today's process will expedite the House-Senate conference. I want to urge my colleagues to support the Hawkins-Downey compromise package. I say so because it is the only proposal before us that gets to a key child care problem—the quality, the health, and the safety factors in child care. This is not just the opinion of one Member. I ask the Members to listen to what the National Research Council of the National Academy of Sciences had to say recently on this issue:

> Of greatest concern is the large number of children who are presently cared for in settings that do not protect their health and safety, and do not provide appropriate developmental stimulation * * * poor quality care, more than any single type of program or arrangement, threaten children's development.

They go on to say this: "A great deal of available out-of-home child care appears to be of poor quality." This poor quality care early in life, the Council pointed out, leads to developmental problems later in life.

The Council is unequivocal in terms of how to solve the crisis:

> The Federal Government should initiate a process to develop national standards for child care * * * incentives must be created to encourage State development of standards.

In the Hawkins-Downey package, States are given incentives to create their own quality standards. This bill, quite modestly, does not create or mandate national standards.

In contrast, proponents of the Stenholm amendment abandon the issue of quality and seem to say that quality is incompatible with parental choice.

Hawkins-Downey provides for a wide range of choices. There are real choices among options that will meet at least minimal quality standards. Parents should have this choice if they cannot fall back on relatives to whom they can entrust their children. Having standards means that parents will have some confidence that their children are being cared for properly or that parents will have the right to visit their children unannounced—one of the best methods of preventing child abuse.

And they are standards that, from a fiscal responsibility perspective, ensure that the billions of taxpayer dollars are being used for services of basic acceptability. We demand that of every other Federal program. Why not for our children?

Mr. Chairman, the families of this Nation have had to wait an unacceptably long time for Congress to enact child care legislation. For example, I introduced my first bill some 6 years ago. We are finally on the verge of passing a bill. Let us make sure it is child care legislation that American parents both want and need.

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Mr. GOODLING. Mr. Chairman, I yield myself 3 minutes.

First of all, Mr. Chairman, I want to congratulate the gentleman from Iowa [Mr. Tauke] and the gentleman from Michigan [Mr. Kildee], two people who worked hard on child care legislation long before it became such a popular issue and long before everybody got into the act.

I also want to say, "thank you," to my chairman. We worked very closely up until 3 weeks ago trying to work out what I thought would be a good child care proposal.

In doing that, Mr. Chairman, we agreed on title I, we agreed on title II, we agreed to get rid of the Federal prescriptions in title III, we agreed to title V.

I will admit it was not my committee who now brought some of those disagreements back into play. It was the other committee, and those things that came back into play that I really had problems with deal with Federal prescriptions.

Mr. Chairman, when we started this whole debate, it was my feeling that child care was very important for one particular segment of our society, as far as the Federal Government was concerned, and that our Federal responsibility was to make sure the working poor could continue to work, and that is where I thought our responsibility ended from the Federal level.

My second concern was that there were those who were going to somehow or another believe that we could federally prescribe not allowing to happen in day care centers what has happened throughout this country, that somehow or another we could take those horror stories off of the front pages of the newspaper if only we could write a bunch of prescriptions, and I am here to tell my colleagues that those horror stories generally happened in the States that had the most prescriptive day care rules and regulations throughout the entire country.

Mr. Chairman, there is no way we can federally prescribe that those horror stories will not happen, and so I now have problems with title III because I believe it is federally prescriptive. I have problems with title VI because I also believe, and we sort of negotiated this out of the Education and Labor package, that that is a backdoor approach to eventually having the Federal prescriptions that I do not believe should be in place.

So, Mr. Chairman, I now find myself in a position, having worked a long, long time to try to improve the Education and Labor bill, that putting the two together I find it an unacceptable bill.

I also have a real problem, I suppose, with $30 billion. I would hope that somehow, and I am not sure how that will happen, that by the time we finish this year we will have a bill that I can wholeheartedly support, and what happens today will have a lot to do with that, and what happens then in conference will also have a lot to do with that.

Mr. DOWNEY. Mr. Chairman, I yield 6 minutes to the gentleman from California [Mr. MILLER], the distinguished chairman of the Select Committee on Children, Youth, and Families.

Mr. MILLER of California. Mr. Chairman and members of the committee, let me begin by thanking everyone who has been working on this legislation, the gentleman from Michigan [Mr. KILDEE], and the gentleman from California [Mr. HAWKINS], and the gentleman from Iowa [Mr. TAUKE], and the gentleman from Pennsylvania [Mr. GOODLING] from the Committee on Education and Labor, and the gentleman from Illinois [Mr. ROSTENKOWSKI], the gentleman from New York [Mr. DOWNEY], and the gentleman from Florida [Mr. SHAW] from the Committee on Ways and Means. I also want to thank the staff of the Select Committee on Children, Youth, and Families, which I chair. For over 7 years, this staff has developed a seminal body of knowledge on child care that has educated and energized the Congress and the Nation.

Mr. Chairman, we are going to have a child care bill. That in and of itself is a milestone. When we complete the debate, we will have probably the most significant act that this Congress has passed on behalf of children since the public school acts of the 1960's.

However, Mr. Chairman, there is a distinction between these bills. Let us remember that. There is a distinction, as the gentlewoman from Maine [Ms. SNOWE] said, about how they address the health and the safety of our children and the quality of those child care programs.

Many have taken this well today and suggested to us that standards are bad, that we should reject this bill because of standards. They claim that standards are abhorrent to us.

But those same individuals have voted for standards throughout their entire career in the Congress. They voted for Head Start performance standards, so we would know we were getting a dollar's worth of services for a dollar paid. They voted for air traffic control standards so planes do not collide in the air. They have voted for work rules for pilots. They have voted for work rules for doctors and nurses. They have set Federal standards, and were proud of it, when they went home and said that we do not put our parents in unlicensed facilities in nursing homes, proud of it when they had quality controls in hospitals.

However, Mr. Chairman, now, for America's children, they suggest that somehow standards are immoral. Not only have they voted for standards for health and safety on behalf of working men and women and our elderly: They have voted for standards on behalf of America's animals.

Mr. Chairman, they have voted for the Livestock Transportation Act which says that animals may not be transported or confined without proper feeding, watering and rest for more than 28 hours. They must be humanely unloaded in properly equipped pens for rest. They must be given space to lie down. They must have rest periods at least for 5 hours out of every 28 hours.

I say to my colleagues, "Mind you, this is a mandated Federal standard, and it's harsh." So what did my colleagues do? They put in an exemption for sheep. Sheep can be transported a little bit longer than can other animals because it was a harsh, federally mandated standard.

Now, they have also decided they were concerned about the amount of feed that these animals would get. They are concerned about the cleanliness of the water in their troughs, so they have specified standards. They are concerned about the temperature of the water in their troughs, so they said it must be sufficiently warm as to prevent ice from forming on it.

Yes, we see that not only do they care about the living animals, but they have been concerned about the slaughter of those same animals. There are restrictions on the discomfort of an animal that is slaughtered, although it is hard for me to imagine how they enforce that standard. They require a postmortem inspection. They regulate the methods of slaughter.

For poultry, they have decided how much care we should give to chickens. They have decided how much disinfectant should be in their pens. They have decided the method and the means by which we will clean out the manure from those pens. They have decided that the disinfectant shall be federally mandated and written to such an extent that there shall only be 4 fluid ounces of disinfectant to 1 gallon of water.

Mr. Chairman, are my colleagues starting to get the picture? This is not a philosophical argument about Federal standards. This is an attack on America's children and on quality day care. They cannot elevate this to a philosophical argument when they mandated farmers, and they mandated truckers, and they mandated shippers, and they mandated growers, and they still do it today, and they will soon have the farm bill out here.

But somehow, if we want trained people to watch our children, that is evil. Somehow, if we want to make sure that parents have access to the care centers that is taking care of their children, that is wrong.

But they didn't think it was a great philosophical point in 1984, when many of these same people who have taken the well voted for my bill that required Federal training for day care workers in specific instances. Why did they support that bill in 1984? Because children were being molested, children were being harmed in day care settings.

Mr. Chairman, they came to me and said, "What can you do? I've got to do something for my district back home."

We conditioned the money on identification checks of day care workers, on fingerprinting for day care workers, on background checks for day care workers. We asked that the States establish those standards as a condition of Federal child care funding, and the States did. And in this bill today, we do not mandate specific standards. We ask that the States establish their own standards in several critical areas, and the States will do it. Many States have. These are not Federal standards. This is a Federal mandate that States, in a 3-year period of time, have the minimal standards available if they want to utilize Federal funds.

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So the question for you in the next few minutes before you vote is, are America's children as important as America's poultry? Are America's children as important as America's pigs? Are America's children as important as America's cows? And the answer has to be yes, but there is only one bill that would afford these children that kind of protection, and that is the bill of the gentleman from California [Mr. HAWKINS] and the gentleman from New York [Mr. DOWNEY], because the other bill believes it is immoral to suggest that our children have quality care.

We saw 87 young people burn up in the Happy Land fire because of bad standards and bad enforcement. What do we need, a Happy Land child care tragedy? Do we need another baby Jessica to fall down a well in another unlicensed facility before you are back here covering your political tails asking for standards?

Mr. SHAW. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I will just take an additional minute. The Speaker a moment ago was decrying the lack of child care and the lack of how long it has taken us to get here. You know, we have 28 child care bill provisions already in force in the Federal Government that cost $7 billion already.

Now, Mr. Chairman, we are talking also about standards and improvements of quality. I do not argue against standards. There is nothing in my bill that says there are not going to be standards. What we argue against is having them federally mandated. I have problems with the list that the gentleman from California [Mr. MILLER] just read off, like he did. I would like to eliminate some of those mandates. They are unnecessary and unneeded.

I also have problems with the idea that the Federal Government is the only entity that can provide these standards for adequate child care development skills.

Mr. Chairman, throughout the lengthy period during which the child care issue has been before the House, continually we have heard pleas for quality or quantity improvements in child care programs. In particular we have heard about the need for improvements in care provider training, updating of their skills and knowledge, and the need for greater parent involvment in all aspects of child care.

I would like to bring to the attention of the House two recent developments that have originated in the proprietary or for-profit child care sector: the establishment of two new national organizations for teachers, the American Association of Early Childhood Educators, and for parents, the National Childcare Parents Association. Both of these organizations are aimed at improving the quality of child care development for children. The other important development is the recent effort to train proprietary sector teachers in groups so that they may qualify for the Child Development Associate credential or its equivalent. Through the efforts of the Southwest Training Institute in Phoenix, AZ, over 800 preschool teachers are completing such courses and the training program soon will include over 1,000 teachers in the State of Texas.

These are noteworthy and very responsible endeavors coming from the proprietary sector, and I would like to submit for the RECORD two articles describing these important ventures.

NCCA ANNOUNCES START OF TWO NEW ORGANIZATIONS—AMERICAN ASSOCIATION OF EARLY CHILDHOOD EDUCATORS, AND NATIONAL CHILDCARE PARENTS ASSOCIATION

After a year-long study of the concept and need, the NCCA Board of Directors, at its last meeting, formally decided to develop two new national affiliates—one for center directors, teachers and aides (AMERICAN ASSOCIATION OF EARLY CHILDHOOD EDUCATORS), and the other for parents with children in child care centers (NATIONAL CHILDCARE PARENTS ASSOCIATION). "The time has come to branch out and support our professional educational staffs, and parent customers", declared NCCA President Gary Mohler in announcing the decision.

The NCCA Board has established a three person Oversight Committee to coordinate the development of both programs, with Mark Walsh (New York-Chairman), Mark Rosenberg (Maryland) and Nick Craft (Georgia). The new organizations will contract with Associated Child Care Consultants, Ltd. in Annandale, Virginia to facilitate the start-up, promotion, administration, and provision of membership services for the new tax-exempt national organizations.

Start-up, seed funding is being provided by the NCCA and from a generous grant from Hardee's Food Systems, Inc. "Hardee's demonstrated commitment to quality child care, through their variety of financial and service support, has allowed the NCCA to expand the services that we can offer our members and the child care community at large," Mohler stated.

"The main benefits of the teachers' group (AAECE)," noted Chairman Mark Walsh, "will be to offer a variety of valuable services, and the opportunity for group training to qualify for the CDA credential, or its professional equivalent. The parents' group (NCPA) also will offer a number of services and low-cost benefits as well as conferences and other parenting materials from Parent Care, Inc. based in Rockville, Maryland." Newsletters and government representation on many issues also will be provided to members of the new organizations.

"These national associations" continued Walsh, "will have extremely reasonable, charter membership rates. The NCCA is committed to providing ever-expanding services to our fast growing membership, and we envision these two new groups as a great first step. The coming months and years will require that the proprietary child care industry work together as we face the local and national challenges."

[From Center Management, April 1990]

A BETTER PROCESS FOR CREDENTIALS

(By William Tobin)

The sign reads, "Wanted: Skilled Labor." Businesses hire employees who have the necessary training and experience to handle the demands of the job. Child care centers are not as fortunate. Directors find they must hire staff members with little or no training and experience in child care. Many centers hope that on-the-job training will develop the professional skills of their workers.

In the child care world, the nationally recognized professional credential is the Child Development Associate, or CDA. If caregivers are skilled individuals with a specific educational background, at least 42 states and the District of Columbia will issue them credentials.

Parents can rest assured that directors and caregivers with CDA certifications are qualified to care for their children. Getting CDA certification, however, has been a slow, self-directed, individual process, which has kept the number of CDAs lower than may have been hoped for. Since the accreditation program began in 1975, only 32,000 CDAs have been granted. A new development spearheaded by private child care centers, however, promises to expand the number of CDA-credentialed caregivers.

The call for better-quality child care programs and more-prepared personnel has grown louder in recent years as the nation moves toward a new federal child care policy. Steps must be taken to meet the needs and increase the number of qualified caregivers.

During the February 1989 congressional hearings on the Act for Better Child Care, known as the ABC bill, Deborah Phillips, assistant professor of psychology at the University of Virginia, and a well-known researcher in the study of early childhood, testified that quality care "makes a tangible difference in children's lives."

"Stable caregivers who are trained in child development and work in programs that make reasonable demands on their expertise and energy—by keeping groups small and ratios high—offer children the supervision and responsive, stimulating interactions that promote positive developmental outcomes," Phillips said.

Her testimony underscores the need for up-to-date training for caregivers in the field of early childhood development.

For the past 15 years, the CDA credential has gained more national acceptance as the professional certificate awarded to skilled caregivers. Though viewed as an entry-level certification, CDA provides an incentive for workers to acquire an advanced degree in the early childhood field. According to Carol Phillips, executive director of the Council for Early Childhood Professional Recognition, the Washington, DC-based nonprofit independent agency solely responsible for awarding the CDA credential, candidates must participate in four "experiences," such as inservice training or workshops.

A four-person local assessment team, including the candidate, has to collect and approve "firsthand observational evidence." The candidate is rated on six competency goals, which include establishing and maintaining a safe and healthy learning environment and advancing children's physical and intellectual competence.

When all the information is gathered, a CDA representative (appointed by the council) schedules an assessment meeting. At that time, a final vote of recommendation for the credential is taken. After the meeting, the assessments are forwarded to Washington for processing. Accreditation does not required formal course work and assigned readings. The observation period takes place over a period of 12 weeks.

Responding to the call for improvements in the quality of caregiver preparation, a new partnership has been forged recently between the proprietary child care center sector and the Southwest Training Institute in Phoenix.

According to its president, Ray Minshall, the institute chose to enhance participation by developing two 15-week-training courses designed for caregivers to take in their own centers.

CDA accreditation training is offered for three hours per week, in addition to the regular working hours. After center directors have received a week's worth of specialized training, during one Saturday a month, they are trained by the institute to serve as paid instructors.

The institute also offers courses in CPR techniques and Red Cross training. Federal government grants cover the costs for the group training programs. The institute awards scholarships to individuals unable to qualify for grants.

As an added benefit for center owners, federal and state unemployment insurance premiums do not have to be paid during the training period, a savings reported to total at least $350.

As a result of the initial training offered last fall and winter, more than 500 child care providers graduated in the middle of March in Phoenix, and almost all qualified for CDA accreditation.

Similar mass training programs are being planned for several Texas cities during the coming year. These developments point to encouraging signs that this group training program affiliated with the for-profit sector of child care, ultimately will produce more CDAs in less time than the total awarded over the past 15 years under the older, self-driven system.

Perhaps as a response to these initiatives, the national council itself has announced plans to upgrade its CDA requirements during 1991 by offering the credential through the direct observation process, requiring more extensive caregiver service hours with children, or through a professional proparation program affiliated with local postsecondary institutions.

The expansion and improvement of the CDA accreditation program is well on track. The child care industry, parents, and children all will benefit from the outcome.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, when we first enacted, that is, first proposed to enact a child care bill in 1971, 30 percent of the children of this country under 6 years of age had mothers who worked. Today, 19 years later, half of them have mothers who work. That is more than 10 million children. If current trends continue, 70 percent of the mothers of preschool children will be working by the end of the decade.

We need this bill. The families and children of America have waited long enough for this day care bill. Although I have some problems with it, I think it is the only thing available and I certainly will support it and oppose the Stenholm amendment.

I have a factsheet here on the need for child care that I would like to include in my statement because of the limitations of time. Also, I have a fact sheet on the earned income tax credit. I think much has been made of that, but we should recognize the fact that the earned income tax credit just gives back to poor people the money we have taken away from them under Social Security. The payroll tax has taken that away. I hope we will give it back and find other ways to give more of it back in accordance with some of the proposals of Senator MOYNIHAN; but the earned income tax has very little significance in terms of providing an amount of money significant to fund child care for families.

I also would like to put on the record my comments on the wrongness of the funding stream via title XX. Title XX, it has been said, is a more reliable funding stream than the appropriations-driven process. Over the last decade, however, the facts are quite different. They show something very different. In the last decade, appropriations-driven programs for the disadvantaged have fared much better in the budget process than the so-called entitlements under title XX. Since 1980, for example, funding for title XX has dropped. We have lost funding when the adjustment is made after inflation of about 42 percent. The cut has been about 42 percent.

In contrast, the real value of appropriations for chapter 1 programs for poor children has dropped only 3 percent.

We have suffered greatly, but title XX has suffered much more. Appropriations for education for the handicapped have actually gone up by 3 percent after inflation adjustments, and, of course, the Pell grants, an appropriations-driven program, has gone up 35 percent, but we have gone down 42 percent under title XX for child care.

Also, I know that certain Members of the other body continue to be adamantly opposed to this title XX approach. I hope that ultimately it will be killed in conference, because I think it is not protecting the interests of children. It is holding out hope when the facts show that the substance is not there.

I have had research done by the Congressional Research Service, some tables that I would also like to include along with the factsheets, which show year by year what the social services block grant amount has been and it shows that there has been a minus 42.4 percent drop in the funding since 1980, while at the same time for chapter 1, for Pell grants, and for the education of the handicapped programs, we have fared much better under the appropriations-driven process. In fact, several of those programs have gone up.

THE NEED FOR CHILD CARE

When we first tried to enact a child care bill in 1971, 30 percent of the children in this country under 6 years old had mothers who worked. Today, 19 years later, half of them have mothers who work. That's more than 10 million children. If current trends continue, 70 percent of the mothers of preschoolers will be working by the end of the decade.

Families are struggling to meet the cost of child care. Surveys have found that after taxes and housing, child care costs are the single largest household expense for working familes. The average cost of care in this country is about $3,000; in major cities like New York, it's even higher—sometimes as much as $8,000 per year.

Families are having trouble finding adequate care for their kids. In a recent poll of voters, 74 percent said it was difficult to find affordable, quality child care, 63 percent said there wasn't enough child care period—at any price.

Poor families, in particular, have been shut out of quality child care. Only 40 percent of children from families with incomes under $10,000 are enrolled in early childhood development programs; by contrast, two out of three children in families earning more than $35,000 are enrolled in such programs.

THE EARNED INCOME TAX CREDIT

We have been hearing so much from the Ways and Means Committee about how terrific the EITC provisions of this bill are that I was surprised to discover just how modest they really are when I took a closer look. Some Members have indicated that these provisions are actually going to lift some families out of poverty. The Ways and Means Committee report even asserts that some working parents will be able to quit their jobs and stay home with the children if these provisions are enacted. I wish that were so, but the truth is much different.

We tend to lose sight of the fact that the purpose of the EITC was and is to try to offset the impact of the regressive Social Security payroll tax on low-income workers. It would have been a lot easier on poor people if we had just made Social Security taxes progressive in the first place so they would not unduly burden the poor, but failing that, the EITC is one way of undoing some of the damage. So in essence, most of the money we're talking about giving to poor workers is actually money that should never have been taken from them in the first place. Poor people are glad to get their money back, of course, but they are probably more than a little dismayed at all the Congressmen in Washington who are busy congratulating themselves for being so generous and compassionate.

The EITC provisions in this bill will put a little more money in the pockets of low-income working families, but it will not be of much help in meeting child care expenses and it certainly will not be enough to enable a working parent to stay home.

A family with a child over 6 years old which earns $10,000 annually in adjusted gross income would receive the maximum credit of $1,217 in 1991. That's just $215 per year more than they would have received under current law. And if you subtract from that the amount their Social Security taxes have gone up in the past 2 years—$50 annually—their net gain is a mere $165 per year. That's an embarassingly meager $3.17 more per week.

A family earning the same income with one child under age 6 would receive an additional $430 annually, for a net total increase in EITC benefits of $595. That's somewhat more generous, but it still only adds up to $11.44 more per week.

Whether you are getting $3 or $11 more per week, you are still nowhere near meeting the costs of child care, which averages about $60 a week and in places like New York is often considerably higher than that. Nor is likely that many working parents will be moved by that $3 or $11 more to quit their jobs and stay home with the children.

TITLE XX IS THE WRONG FUNDING STREAM FOR THIS BILL

I want to take a few moments to express my concern about the use of title XX as the funding stream for the child care program in this bill. I think it is important to correct for the record the many misperceptions about the ongoing dispute between the Ways and Means Committee and Education and Labor over this issue and to express my support for striking this provision from the bill in conference.

SO-CALLED CLASH BETWEEN NEW AND OLD IDEAS

Some Ways and Means members have told the press that this dispute is some kind of clash between new and old ideas, branding Education and Labor as somehow old-fashioned and outmoded. But unless you consider vanity and self-promotion to be new ideas, the debate had nothing to do with any of that. What it was really about was the Ways and Means' desire to usurp jurisdiction over the child care issue rather than share it.

THE EDUCATION AND LABOR BILL WAS A CONSENSUS BILL

Literally hundreds of groups from around the country were involved in the process of drafting and refining this child care bill in an open and democratic process. The legislation our committee reported had the support of a broad-based, bipartisan coalition of organizations. The only opponents of the bill were conservatives—and a handful of members of Ways and Means.

THIS WAS NOT A MODERATE VERSUS LIBERAL DEBATE

Some Members have represented the alternative sought by Ways and Means as somehow less liberal and more mainstream than the bill we reported. But read the bills and you'll find that, except for the funding source, the language of the two alternatives is identical. Both would create child care block grants with few mandates or restrictions. Education and Labor's would have been paid for by yearly appropriations. Ways and Menas would have been carved out of title XX. Neither would have entailed creating any new bureaucracy on the State level.

WHY AN APPROPRIATIONS-DRIVEN APPROACH IS SUPERIOR

Ways and Means has claimed that as a so-called capped entitlement, title XX is a more reliable source of funding than an appropriations-driven program. That's at odds with recent history.

Over the last decade appropriations-driven programs for the disadvantaged have fared much better in the budget process than so-called entitlements like title XX. Since 1980, funding for title XX has dropped more than 42 percent after inflation. In contrast, the real value of appropriations for the chapter 1 program for poor children has dropped only 3 percent. Appropriations for the education of the handicapped have gone up 3 percent after inflation and risen 35 percent for the Pell grant program for low-income college students.

STRIKE TITLE XX IN CONFERENCE

I know that certain Members of the other body continue to be adamantly opposed to the title XX approach and I hope that ultimately it will be killed in conference. It should be axed not just because the Ways and Means Committee's arguments are meritless, but because it is the children, who should come first for once.

Congressional Research Service,
The Library of Congress,
Washington, DC, March 28, 1990.

To: Hon. Major Owens, Attention: Braden Goetz.

From: Carol O'Shaughnessy and Rich Rimkunas, Specialists in Social Legislation, Education and Public Welfare Division.

Subject: Social Services Block Grant Funds.

Per your request, we have prepared a table on funding for the title XX social services block grant program.

The following table presents outlay amounts FY 1980-1990; percent change; outlay amounts after applying the implicit price deflator for State and local government purchase of non-capital goods and services; percent change after application of the deflator; and the requested appropriation amounts FY 1980-1991. Also presented is the cumulative change 1980-1990 and the compound annual rate of change.

Note that the title XX program became a block grant program in 1982 under the 1981 Reconciliation Act. Budget request amounts shown for 1980 and 1981 show amounts for grants to States for social services and for State and local training activities.

We hope this information is of assistance to you.

SOCIAL SERVICES BLOCK GRANT BUDGET DATA

[Dollars in millions]

Fiscal year	Outlays	Percent change	Constant outlays [1]	Percent change	Budget request (appropriations)
1980	$2,763.3		$2,763.3		[2] $2,575.8
1981	2,646.2	−4.2	2,414.3	−12.6	[3] 2,616.0
1982	2,567.5	−3.0	2,162.6	−10.4	1,974.1
1983	2,507.8	−2.3	1,988.8	−8.0	[4] 1,974.1
1984	2,789.0	11.2	2,102.7	5.7	2,500.0
1985	2,742.8	−1.7	1,975.1	−6.1	2,700.0
1986	2,670.7	−2.6	1,858.5	−5.9	2,700.0
1987	2,687.8	.6	1,792.8	−3.5	2,700.0
1988	2,665.8	.8	1,697.1	−5.3	2,700.0
1989	2,670.6	.2	1,619.7	−4.6	2,700.0
1990	2,761.1	3.4	1,591.7	−1.7	2,700.0
1991 request					2,800.0
Cumulative change FY 1980–FY 1990 [5]		−0.1		−42.4	
Compound average annual rate of change FY 1980–FY 1990 [6]		−0.01		−5.37	

[1] Rate of inflation as measured by the Office of Management and Budget (OMB) implicit price deflator for State and local government purchase of goods and services. FY 1990 inflation rate is estimated based on OMB projections, Jan. 1990. The use of a different inflation measure or the use of different FY 1990 inflation assumptions will affect the trend displayed in this table.

[2] Includes $2.475 billion for grants to States for social services and $100.8 million for State and local training.

[3] Includes $2.5 billion for grants to States for social services and $116 million for State and local training.

[4] The Administration proposed to consolidate a number of Office of Human Development Services (OHDS) programs, including grants to States for social services, into a consolidated block grant program, totalling $3.8 billion. The amount shown is the request for the title XX program.

[5] Cumulative change represents the change between FY 1980–FY 1990. This figure is sensitive to the size of the amount in the base year (FY 1980).

[6] The compound annual rate of change represents the percentage change that would need to be applied each year with compounding to the FY 1980 spending level to reach the FY 1990 level. This summary measure is analogous to the annual interest rate on a savings account. This measure is sensitive to the spending level in the base year and the number of years in the spending series.

Note. Appropriation amounts as shown in the requests are not strictly comparable to outlays. Appropriation amounts may not be outlayed in the year in which funds were appropriated.

Source: All outlay information was obtained from U.S. Budget documents, Historical Tables of the Budget, "Outlays for Federal Aid to State and Local Governments, by Function, Agency, and Program." Table 12 3 U.S. Budgets for 1990 and 1991. All budget request information was obtained from the OHDS Justifications of Appropriations for various years.

TABLE 1.—COMPENSATORY EDUCATION FOR DISADVANTAGED CHILDREN

Fiscal year	Appropriation (in thousands)	Percent change from FY 1980	Percent change from FY 1980 adjusted for inflation [1]	Budget request (in thousands)
1980	$3,215,593			$3,478,382
1981	3,104,317	−3.5	−11.4	3,686,772
1982	3,033,969	−5.6	−19.2	([2])
1983	3,200,394	−.5	−19.6	1,942,000
1984	3,480,000	8.2	−17.6	3,013,969
1985	3,688,163	14.7	−16.0	3,480,000
1986	3,529,572	9.8	−23.4	3,646,615
1987	3,944,163	22.7	−18.6	3,688,163
1988	4,327,927	34.6	−15.1	4,144,163
1989	4,570,246	42.1	−14.1	4,566,065
1990	5,358,783	66.6	−3.4	4,721,549
1991 request	5,604,361	74.3	−3.1	5,604,361

[1] Appendix A of CRS Report for Congress 89–144 EPW, U.S. Department of Education: "Major Program Trends, Fiscal Years 1980–1990" (Mar. 1, 1989), describes adjustment for inflation.

[2] The budget request proposed program termination and replacement with a $3.6 billion local education block grant and a $0.7 billion State education block grant. The Congress enacted a $0.5 billion education block grant instead, but this program was not included in it.

TABLE 2.—EDUCATION OF THE HANDICAPPED, STATE GRANT PROGRAM

Fiscal year	Appropriation (in thousands)	Percent change from FY 1980	Percent change from FY 1980 adjusted for inflation [1]	Budget request (in thousands)
1980	$874,500			$862,000
1981	874,500	0	−8.3	992,000
1982	931,008	6.5	−8.9	([2])
1983	1,017,900	16.4	−5.9	771,685
1984	1,068,875	22.2	−7.0	998,000
1985	1,135,145	29.8	−4.9	1,069,000
1986	1,163,282	33.0	−7.2	1,135,000
1987	1,338,000	53.0	1.5	1,135,100
1988	1,431,737	63.7	3.3	1,259,381
1989	1,475,449	68.7	2.0	1,474,239
1990	1,542,610	76.4	2.3	1,525,614
1991 request	1,615,125	84.7	2.6	1,615,125

[1] Appendix A of CRS Report for Congress 89–144 EPW, U.S. Department of Education: "Major Program Trends, Fiscal Years 1980–1990" (Mar. 1, 1989), describes adjustments for inflation.

[2] The budget request proposed program termination and replacement with a $3.6 billion local education block grant. The Congress enacted a $0.5 billion education block grant instead, but this program was not included in it.

TABLE 3.—PELL GRANTS

Fiscal year	Appropriation (in thousands)	Percent change from FY 1980	Percent change from FY 1980 adjusted for inflation [1]	Budget request (in thousands)
1980	$2,441,328			$1,796,000
1981	2,604,000	6.7	0.3	2,159,000
1982	2,419,040	−.9	−10.8	2,187,680
1983	2,419,040	−.9	−14.3	1,400,000
1984	2,800,000	14.7	−4.4	2,713,800
1985	3,862,000	58.2	28.4	2,800,000
1986	3,579,716	46.6	14.3	2,681,000
1987	4,187,000	71.5	28.0	3,250,000
1988	4,260,430	74.5	24.1	2,710,000
1989	4,483,915	83.7	25.1	5,011,000
1990	4,804,478	96.8	28.5	4,740,000
1991 request	5,277,000	116.2	35.3	5,277,000

[1] Appendix A of CRS Report for Congress 89-144 EPW. U.S. Department of Education: "Major Program Trends, Fiscal Years 1980–1990" (Mar. 1, 1989), describes adjustments for inflation.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, much has been said during the course of this debate, and the debate on the formal section of the bill is winding down. I want to bring several of the items of debate into sharp focus, because the fact is during the course of this debate a number of things have become clear.

The first thing that should be clear is that there are a number of Members who had agreed to vote for the Downey bill and agreed to vote against the Stenholm substitute earlier this week before they got a chance to read what was in the real bill.

The fact is, there has been a colossal bait-and-switch during the course of this week. Now that the bill has been disclosed, what many of those Members believed they were voting for is not in the Downey bill. What they want to vote for is still in the Stenholm bill.

Let me be specific. First, the Stenholm-Shaw bill as prepared by those two gentlemen provides more money to low-income parents with children and does so at a lesser cost to the Government, and that is because the Stenholm-Shaw bill does not provide large new programs of categorical grants of money going to States and to governments and bureaucracies and the providers.

Stenholm-Shaw puts money in the hands of low-income parents with children.

Second, the Stenholm-Shaw bill guarantees that the certificates can be used in religious-based providers. It guarantees it because it says it explicitly. It says it in black and white.

By contrast, the Downey bill not only does not make that guarantee at all, it goes further and clearly says that religious providers cannot use these certificates unless they are licensed and regulated by the States in very clear and specific fashion, a set of regulations that goes on for pages, 41 pages' worth of regulations beginning on page 43 in the legislation.

I urge Members who had agreed to vote against Stenholm, before they do, go read the bill and determine what it is they are voting for and what is in the two bills.

Last, the Stenholm bill contains no new Federal standards. The gentleman from California [Mr. MILLER] said it clearly. He said he was for Federal standards. The majority of this House are not for Federal standards. The fact is the Stenholm bill leaves that up to the States and local governments, indeed allows title XX money to be used to fund the preparation and the implementation of those standards, but the standards are left up to the States and local governments, and that is the way it should be.

The bill that we saw a year ago contained 185 new Federal mandates under child care. This bill is getting worse. By last count on these 41 pages, the Downey bill has over 200 specific mandates every single year regardless of circumstances.

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So for those three reasons, I hope the Members do not fall for a bait-and-switch, and that they do not wake up with a headache in the morning, and that they vote for the Stenholm substitute.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today to express my support for the Stenholm-Shaw amendment and to express my concern with H.R. 3, the majority leadership bill, and the way it has been brought to the floor.

Certainly, the majority leadership has fashioned a more palatable bill than the original one, but unfortunately our political palates are unable to taste much of this legislation as it is being procedurally forced down our throats. I suggest that the taste is now bitter-sweet.

As a mother of 5 now-grown children, a grandmother of 15 and a great-grandmother of 1, I have a strong interest in public policy affecting child care in our country.

The child care issue is about familes and freedom: freedom from big government, freedom from welfare, freedom from taxes, and freedom of religion.

The child care debate has come a long way from the initial debate 3 years ago, but H.R. 3 is not the panacea many would have us believe. This bill includes Federal regulations and fails to consider fully the impact of these regulations on our parents, families, spouses who choose to work out of the home, and religious institutions. The majority leadership bill is a wolf in lamb's clothing.

The Stenholm-Shaw amendment would include many of the provisions in H.R. 3 which are well-intended, while empowering parents to make decisions concerning their famileis themselves and protecting religious-based child care centers.

H.R. 3 represents an exercise in backroom, make-shift policymaking which is not government by, for and of the people but an exerciese in machine-style politics and our families and children are the losers

I will support the Stenholm-Shaw amendment and urge my colleague to do the same.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Chairman, I am delighted to see that we are today working on child care legislation again.

Some 10 years ago when I introduced child care legislation, it was not the kind of issue that is roaring in America today. It was one that was coming into focus, but many people did not see the need for it; and for that reason not a great deal was done about it.

Today, however, everybody understands that the care of our children is the most important thing that we can do for our Nation as a whole. Additionally, we find that this is not just a children's issue, but it is a national economic issue. It is one that is necessary so that our economy can begin to grow stronger and so that the parents of children can work with the satisfaction of knowing that their children are going to be well provided for.

Certainly the Federal Government has a role in this, and it is a role that I think all of us recognize. I am pleased to see that the principal features of my legislation are some of the key features that are in the leadership package that we are discussing today.

These features include the focus on: First, priority of services for children from needy families, from families of the working poor; second, a sliding payment scale based on family income; third, high quality standards for child care services including training requirements for those who are in personnel, and fourth, coordination and sharing of information with the States, including the establishment of model child care standards for a national body.

A lot of work has been done on this legislation; a lot of compromises have been made. I am pleased to see the tax-credit provisions that were contributed by the Committee on Ways and Means as well.

As I have indicated in my bills, although tax credits are not sufficient by themselves, they are an appropriate addition to a broader child care approach, and that is what we are all about here today. Therefore, I want to compliment all of those who have worked on this legislation.

The national need for child care services is well documented. Presently, over 55 percent of all women work outside the home and over 60 percent of them have children under 18. Nearly 50 percent of American mothers return to work before their baby's first birthday, and 70 percent of mothers who have school age children are working or looking for work. If current trends continue, in 1995, two-thirds of all preschool children will have mothers in the work force. According to a Department of Labor report released on April 15 of this year, in 1950, only 35 percent of women age 25 through 34 were working; now, that figure has doubled to 70 percent. In 1950, only 12 percent of mothers with children under the age of 6 were working; now, that figure has exploded to 57 percent. In 1950, the typical American family was thought of as the family where the father worked and the mother stayed at home with the children; now, only 10 percent of American families fit this description. Considering that the "Baby Boom" generation is having children now, these percentages translate to huge numbers.

In Chicago and elsewhere, employment opportunities multiply greatly with the presence of adequate child care services.

Child care services that are easily accessible and affordable will give many people the liberty to find regular jobs and, in the process, uplift many of them out of the welfare system.

Child care services benefit the employer as well as the employee. Studies have shown that when parent-employees know that their children are being well cared for during working hours, those employees are less distracted and more productive. Similarly, absenteeism and tardiness are greatly decreased. In addition to these day-to-day benefits, recruitment efforts are greatly enhanced and worker turnover is reduced by a strong company child care program. The net effect is a national economic boost that will be concrete and substantial.

Over the years, I have called for an expanded Government role in increasing the availability, quality and affordability of child care for middle-class families as well as the poorest of Americans, and I take this time to mention efforts of which I am extremely proud.

As chairwoman of the Government Activities and Transportation Subcommittee of the Committee on Government Operations, I have been in the forefront of efforts to impel the establishment of onsite child centers by agencies of the Federal Government.

The Congress had the vision, in 1985, to enact and later reenact, authority to allot space and services in Federal controlled buildings for child care services, predominantly to Federal employees. In addition, the statute provided that the space and also services, such as heat, electricity and office equipment, could be furnished without charge to the child care providers. This law can be found in section 490b of title 40, United States Code.

The basic authority for this function is vested in the General Services Administration [GSA], over which the Government Activities and Transportation Subcommittee has oversight jurisdiction.

In 1987, our subcommittee conducted hearings and issued a report recommending that GSA's Administrator appoint a high-level official with specific responsibility for onsite child care; that GSA work with Federal agencies throughout the country to survey Federal workers concerning their interest in and need for onsite child care; and that GSA distribute a handbook to assist those interested in establishing day care facilities.

At the time of our report, only 10 onsite child care centers had been established. The then Administrator of General Services, Terence Golden, responded with enthusiasm to make GSA the catalyst in promoting onsite child care centers for Federal workers. The number of centers in GSA buildings nationwide jumped to 35. But, when Mr. Golden left GSA in March 1988, GSA's efforts appeared to dwindle.

In March 1989, our subcommittee requested testimony from the Acting Administrator, Mr. Austin, who is still Acting, although his confirmation hearings are now underway. Both I and the subcommittee's able ranking minority member, the gentleman from Utah, [Mr. NIELSON] expressed concern lest the momentum that had been developed in the previous year be lost. There had been indications that support for the program in OMB was weak.

I am glad to say that the Acting Administrator has taken significant action since then. He recently reported that there are now 672 centers in operation. In the planning stage are 36 centers, 17 of which are expected to open this year. He has appointed a well-qualified person as Associate Administrator for Child Care and Development Programs. I commend him, but, let me return to the bill at hand, H.R. 3. There is little doubt that young, lower-salaried parents must have help with child care; and H.R. 3 is designed to provide that through expansion in 1991 of the earned income tax credit about which I have already spoken. Not only is the amount of tax credit increased, but it is adjusted upward for eligible families with more than one child. And more significant in terms of parents with preschool children, the bill includes an added refundable tax credit for children under age 6.

I would like to compliment many of my colleagues in the House on their endurance and tireless commitment to child care, without which we would not be discussing this measure today. Chairman HAWKINS, Representative GOODLING, Chairman KILDEE, and Representative TAUKE have all made tremendous contributions to the child care effort which cannot be understated. I would also like to thank my Chicago neighbor, Chairman ROSTENKOWSKI, as well as Chairman DOWNEY for further propelling child care to the forefront.

The language in the compromise is an appropriate, badly needed and long overdue Federal voice in the child care debate. Consequently, I must stress that any weakening of this language—such as through the Stenholm/Shaw amendment—would be an obvious, disastrous regression. Any weakening would amount to an insensitive, inadequate answer to a compelling problem. Those who want to weaken the bill suggest that the bill goes too far. Their solution seems to be to help those in high tax brackets with their child care needs while offering only a crumb to the poor. That reflects a failure to understand the problem, an insensitivity to the people in need and a basically un-American attitude.

There is, however, one issue which the compromise still does not resolve. It simply does not make sense to prohibit religious discrimination yet allow child care providers to require that their employees "* * * adhere to the religious tenets and teachings of such organization." Nor does it make sense to allow providers to discriminate in selecting children, whether or not the particular slot is federally funded. The opportunities for abuse are too profound, even beyond the obvious absurdity. Thus, I strongly support the amendment being offered by our colleague, Representative DON EDWARDS, that would cure this cancer. As the Edwards amendment would permit, child care providers run by religious organizations should be eligible to receive Federal benefits. But allowing them to discriminate would be unconscionable.

Mr. Speaker, today we are witnessing a landmark transformation. Today is the official recognition by the House of Representatives of child care's valuable place in American society. I urge my colleagues to do what is overdue. I urge my colleagues to support the bill and the Edwards amendment without any weakening amendments.

Finally, I want to compliment all of the Members of Congress who recognize that this is a needed piece of legislation, that without it we are not going to be doing a service for our

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families, we are certainly not going to be servicing our children, and we are certainly not going to be doing what is best for the United States of America.

Mr. GOODLING. Mr. Chairman, I yield 5 minutes, the remainder of my time, to the gentleman from Iowa [Mr. TAUKE].

Mr. TAUKE. Mr. Chairman, members of the committee, during the course of this discussion, we have not had much attention paid to title II of the program, which provides grants for school-based child care. Obviously the intention of providing school-based child care is a good one, but as an old professor of mine used to say, "The road to hell is paved with good intentions," and this is a well-intentioned section of the bill which, in my judgment, creates significant problems.

First of all, grants under this title must be provided for Monday through Friday care, school holidays, and vacation periods, or, as the bill says, year round. It has to be provided for the full calendar year.

I do not understand how you have before and after school care during the summer vacation months where there is no school program, but the legislation says it has to be a calendar-year package.

Second, it requires that the school districts provide the services for an unlimited age group. There is no age limit on it. But it says that they have to provide them for 4 year olds. So you not only have those who are attending school but also those who are not yet in school.

Those who are 4 year olds have to have an early childhood development program. It is not entirely clear what the early childhood development program is, but we do know this, that no church institutions are eligible for any of the funding, although this is a third, one-third, of the appropriated dollars. It must cover early childhood development for 4 year olds. There is no question about it in this section; no dollars can go to a church institution.

Also, no dollars can go to for-profit day-care centers. So here we have a situation where we are going to say to local school districts, "You have to provide services year round, and if you are going to provide them for anybody, you have got to include in your program coverage for 4 year olds with an early childhood development program."

I harken back to what I said in my last statement. This is legislation that does not serve rural America very well. Ladies and gentlemen, in rural America, this is not the kind of program we need. We maybe do need a before and after school program, but we are not going to be able to qualify if it is a before and after school program that has to be calendar year round, that has to include service for 4 year olds.

I might also observe that under this section of the bill there is no stipulation that low-income families are first in line. Instead, this is a section of the bill which provides services to a wide-ranging group of incomes, and there is no indication that the low income have to be first. We could have a good before and after school program, but as is the trouble with many portions of this package, what we could have had and what in some cases is advertised is not what we are getting.

The second thing that I would like to focus a moment on is the State child-care standards. I keep talking to my colleagues as they roam in and out of the Chamber, and it has not yet penetrated the thinking of many Members of the House that this bill requires State child care standards. Each State under the legislation must have standards in certain areas that are outlined on pages 43, 44, and 45, but what is most important, I think, are two things. One is that in those standards everybody has to meet a minimum training requirement.

This brings me back to the days when we had discussions in our subcommittee about people who would have to meet certain training requirements. When you impose those kinds of training requirements, what you do is one of two things: You force some child-care providers underground, because meaning that they are going to stop registering with the State, being licensed with or by the State, which is a major problem in those States that have regulations, or otherwise you put legitimate child care providers out of business.

That is a problem that we have seen before. The only comprehensive study that I know of that has been done on day care requirements, which was done in 1978 by the Federal Interagency Task Force, said that the average monthly cost per child would rise significantly if we had this kind of requirement imposed.

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You would as a result set up a bigger problem with the two-tier system than we have today, meaning you would have one tier of child care available to the very wealthy and those who are subsidized more or less completely by the Federal and State Governments, and then you would have another tier for everybody else.

I think this legislation, instead of solving our problem in that regard, tends to exacerbate it. So I urge support for Stenholm-Shaw as a better drafted, more reasonable package.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I would like to take a moment to remind all of us just what it is we are trying to accomplish here today. American families and the lives of our children have changed dramatically since most of us in this Chamber were youngsters. Ozzie and Harriet may live with us still in television reruns, but the reality of life for most American families is far different from that which the Nelson family once enjoyed.

For example, last year, the Children's Defense Fund reported to me that 49 percent of mothers in Delaware with children under 6 are working; 10,000 of Delaware's 47,000 children under 5 live in poverty. But poor working mothers are unlikely to find the child care they need. Fewer than one-fourth of Delaware children living in poverty are receiving care assistance—that is down 6 percent from 1981 levels.

Delaware is not alone in facing a crisis in affordable child care. The statistics in our State are echoed throughout the Nation. Affordable child care has become one of the most vexing domestic problems facing our country. Much of the answer lies in efforts by employers to accommodate the child care needs of their work force. But for many of the working poor, the solution requires the help we provide in the child care bill before us today.

We clearly do not all agree on some parts of this legislation. But I think we do all agree on the importance of expanding programs like Head Start and tax credits to increase the availability of child care for the working poor in ways that will allow parents the discretion they should have. We should not lose sight of the fact that increasing child care opportunities is what this bill is all about.

Mr. SHAW. Mr. Chairman. I yield 2½ minutes to the gentleman from California [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I think we are moving in precisely the wrong direction with the Downey-Hawkins bill. If you look at the world, and I want to disagree with the previous speaker, the world is not moving away from what you might call the Ozzie and Harriet era. The world is moving away, and if you look at the people climbing the walls in Eastern Europe, it is away from governments that give cradle-to-grave social programs, including child care programs. The world is moving toward a world in which the individual and the family and the control of that family over their own destiny has primacy.

Let me just say the relationship between a 3- or a 4- or a 5-year-old and their mother or their father, their grandparents, is a very personal relationship. Most Americans in our communities want their child care relationship to be an extension of their own personal relationship with their sons or daughters.

I have here dozens of pages of regulations that will be imposed and interjected between these family members under the Downey-Hawkins bill.

Mr. Chairman, let me just say I do not believe Government can impose itself and interject itself in this family relationship without damage.

Now, the gentleman from California [Mr. MILLER] said it is a wonderful thing for children to have standards and for States to impose standards. I can remember going to Nebraska several years ago where there was a little church school that had excellent teachers, but were church teachers not certified by the State. In that little school the children of that little community had a chance to watch their mothers and fathers being arrested by officers of the State and dragged away forcibly because they insisted on carrying on a church school in which the teachers were not certified. Now, they met all of the requirements on an academic basis, they got high grades, but they were not certified.

I would suggest to the gentleman from California [Mr. MILLER] that there are many countries in the world that have as many standards for the education of children and for day care as they have for livestock regulation, and it is not necessarily good. Mr. Chairman, I just want to quote, because there has been a lot of argument about this, from page 43 of the bill.

> * * * each State which receives a payment under this subtitle shall have in effect child care standards in each of the categories described in this subsection, which shall apply to child care funded in the State under this title and all child care services delivered by providers in the State who receive public funds for child care services and are required by the State to be licensed or regulated.

Mr. Chairman, let us maintain the primacy of the family in controlling the child care of their own children. Keep Government out of it, and let us move to Stenholm-Shaw.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I want to discuss at a little greater length this issue of mandatory standards. The Shaw-Stenholm bill requires that all providers meet standards. We just allow States to set those standards. What is dangerous and concerning to me in the other bill is that we are requiring States to set standards in specified categories that we have used in the past, the categories of family day care provider, centers, and group homes. Those categories and that regulatory system is failing us. In States where we have really implemented that policy, we are struggling and we are drowning under the paperwork and administrative costs of that system.

Day care is an industry that is going to expand dramatically to serve the needs of the children in America. We will not be having family homes, group homes, and group centers necessarily in the future. We are likely to have child care development centers that have a series of satellites around them of smaller providers. The center will provide the quality assurance and staff training. The 15-hour training standard will be obsolete as will likely be the categories of group homes, family homes, and centers.

In other words, I do not mind requiring that all the concerns in the committee bill that need to be addressed be addressed, but let us not impose a straitjacket of regulation, a format, on the States to address those issues. Let us particularly not impose a regulatory structure that repeats past experience, that is failing in the present, and that cannot meet the challenge of the future.

That is the case that I make against your bill. It is too specific. It tells States to do it the old way. The old way has failed. It will not meet the dramatic expansion of this service industry in the future, and we cannot demand that States be tied to it.

Second, in your bill you say that if States experiment with regulation and have to change their regulations you will withdraw, deny, all Federal funds from them.

Under your bill Connecticut would have lost all Federal funding every year in each of the last 4 years because we are a progressive State with high standards. That is in your bill. I will quote you line and verse if we can do it on your time. But I point out to you that the regulatory provisions in your bill are looking at the past and not speaking to the future. This is one of the major reasons we must adopt the more flexible approach in the Stenholm-Shaw amendment and reject the micromanagement of the committee bill.

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Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, we have heard a lot today about bait and switch, waking up in the morning with headaches, all kinds of comments, and it is so easy to lose sight of what this debate is really all about: the future of our Nation's children.

Our Nation's families face a serious shortage of safe, affordable child care. There is a growing crisis out there which affects millions of parents across our Nation.

The question before us today is whether we want to make a real difference for our children for the next generation. The leadership package provides more child care, safe child care, affordable child care, and it provides more choices for American families.

We expanded Head Start, we support school-based child care, and how important that is for many parents across our country who bring their children to school and have to go to work early, and get home late. They want to be sure those children are going to get these services this bill provides.

We increase the title XX social services block grants, we expand the earned income tax credit, and I am particularly pleased that the bill contains an essential amendment which I authored to help create public-private partnerships in the child care field. Under this amendment, businesses will be eligible for matching grants to create or expand child care services either on site or nearby. Many businesses already recognize that child care services are an important factor in productivity and competitiveness, and by increasing private sector involvement we can provide more and better child care without large new Federal expenditures. We have just got to get the private sector involved, because Government cannot do it all. We just do not have those resources.

If we are really interested in supporting our families, if we are really interested in building the future of the next generation, the leadership child care bill should be approved.

I am a parent. My children are grown now, but oh how well I remember and how well I understand the concerns of parents, mothers, and fathers throughout this Nation who worry when they go to work, who worry about who is taking care of their children, who worry about whether that caregiver is properly trained, whether that caregiver can respond to that child in the event of an emergency. We all want to be sure that the person taking care of our children is well qualified and well prepared.

I remember so well when my children were young. I know parents across this Nation want what is best for their children. They want us to pass this bill, H.R. 3. Anything less, anything less than this bill is second-best, and when it comes to our children we should never settle for second best.

Mr. DOWNEY. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MATSUI], a member of the subcommittee.

Mr. MATSUI. Mr. Chairman, I am rising today in support of H.R. 3, the Early Childhood Education and Development Act and in opposition to the Stenholm substitute. Passage of H.R. 3 will great help ease the critical shortage of child care faced by millions of American families every day.

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The United States is in the midst of a severe child care shortage. Presently, 3 out of 5 mothers with children under the age of 6 work outside the home. It is estimated that the number of children requiring care outside the home will grow from 6 million now, to 14.6 million by 1995.

H.R. 3 takes a significant step toward meeting this growing child care need. This legislation makes an investment in the future of America's children by putting money into expanding the Head Start Program: providing before- and after-school child care; improving the quality of child care, increasing the title XX social services block grant for child care services, and encouraging employer-sponsored child care. The Stenholm substitute fails to meet this need.

The substitute being offered today does nothing to protect the health and safety of american children. It is irresponsible not to put into place a minimum assurance that children are cared for in a safe environment by individuals who are properly trained. The Stenholm substitute includes no such guarantee. Without the health and safety assurances provided by H.R. 3, we will surely see more children like Jessica McClure in Texas who fell down a well being cared for in an unlicensed day care center.

The Stenholm substitute also does nothing for children who are in school and whose parents work, the children we call latchkey kids. These kids are more suseptible to becoming substance abusers and more likely to become juvenile defenders. By authorizing funds for school-based care, H.R. 3 takes a step toward easing the minds of parents who spend their day worrying about whether their child has made it home safely or if their child is in danger of abuse.

When we vote today, I urge my colleagues to support a child care package that really makes an investment in the future of American children and a commitment to their health and well-being. I urge you to vote against the Stenholm substitute and vote for the Early Childhood Education and Development Act.

Mr. DOWNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill that the gentleman from California [Mr. HAWKINS], and I have brought here has been widely mischaracterized, and not withstanding the firmness of belief often stated, that does not make beliefs facts. There are some stubborn things about facts, as President Reagan was wont to say. One of the facts has to do with the amount of money that the working poor will get. It is not possible, you see, to spend less money and deliver more to the working poor, not withstanding the generous view of the gentleman from Texas. It is not true now and it shall not be true when the bill is implemented. Nor is it fair or accurate to suggest that theirs is the only bill that allows church-based providers to receive money under title XX. That is not so. Only a willful misreading of the language would lead one to that conclusion.

The fact is our bill provides the widest possible latitude for church-based providers to receive benefits under this bill. There is nothing in our bill that requires church-based providers to be licensed, and in the absence of a license, the standards do not apply. Churches will be able to have the money from the States in an appropriate way.

Lastly, let me say one thing about the finishing line that has been erected up here. The standards that are here pay homage to the point that has been made by my colleagues on the right about the States being able to have standards. That is what we do. We require the States to have some standards, and the only time that we impose our heavy hand, and it is not such a heavy hand, is to say please, provide training to the people who will be with the children. Is that so much to ask, that the people who will care for America's children will understand something about them? That is what we do.

That is why our bill richly deserves Members' support.

The CHAIRMAN. The time of the gentleman from New York [Mr. DOWNEY] has expired.

Mr. SHAW. Mr. Chairman, may I inquire as to the time on the other side?

The CHAIRMAN. The gentleman from Florida [Mr. SHAW] has 2 minutes remaining, and the gentleman from California [Mr. HAWKINS] has 2 minutes remaining. The gentleman from California has the right to close debate.

Mr. SHAW. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, as this debate ends, I would urge Members to read the bill carefully. Read the bill. Read exactly what it says.

Among other things, Members will find in the bill a list of standards of 41 pages. I have prepared and will enter into the RECORD the 212 separate mandates and standards that are contained in this legislation. I call to the attention of the House floor these standards that are printed out on this computer printout we have unfolded so Members can have the full impact of the Federal Government standards and regulations that are mandated by the Downey bill that is before us.

The Stenholm bill allows States to adopt standards. The Downey bill mandates what those standards would be.

The document refered to follows:

REGULATIONS IMPOSED BY THE HAWKINS-DOWNEY CHILD CARE BILL—THE EARLY CHILDHOOD EDUCATION AND DEVELOPMENT ACT OF 1990

TITLE I—EXPANDED HEAD START

1. Requires that Head Start be expanded to a full calendar year program instead of expanding the program so it can meet its current need.

2. Requires that Head Start be expanded to a full-working-day program to meet parents' child care needs, when the Head Start program is much more than child care.

3. Requires that Head Start funds be expended on other developmentally appropriate child care services rather than concentrating scarce funds on serving all Head Start eligible children.

TITLE III—CHILD CARE

1. Requires that States lose their eligibility for funds under Subtitle B of Title III if the State cannot demonstrate that all child care providers in the State receiving funds under this title, or who receive any public funds for child care services, are not licensed or regulated as required by State or local law.

2. Requires that States lose their eligibility for funds under Subtitle B of Title III if the State cannot demonstrate that all child care providers in the State receiving funds under this title, or who receive any public funds for child care services, are in compliance with the minimum child care standards established by the State in accordance with section 2012(c) of the Act.

3. Requires that States lose their eligibility for funds under Subtitle B of Title III if the State cannot demonstrate that all child care providers in the State receiving funds under this title, or who receive any public funds for child care services, are subject to the applicable enforcement provisions of section 2012(i) of the Act.

4. Requires that the State agency with primary responsibility for child care in the State shall administer the use of all payments made to the State under subtitle B.

5. Requires that no financial assistance received under Subtitle B of Title III be expended for any sectarian purpose or activity.

6. Prohibits any financial assistance provided under subtitle B of Title III to be expended for any services provided to students enrolled in grades 1 through 12 during the regular school day.

7. Prohibits any financial assistance provided under subtitle B of Title III to be expended for services provided to students enrolled in grades 1 through 12 for which such students receive academic credit toward graduation.

8. Prohibits any financial assistance provided under subtitle B of Title III to be expended for services provided to students enrolled in grades 1 through 12 for such students to receive any instructional services which supplant or duplicate the academic program of any public or private school.

9. Requires that any financial assistance provided under subtitle B of Title III shall constitute Federal financial assistance for purposes of Title VI of the Civil Rights Act of 1964 and the regulations issued thereunder.

10. Requires that any financial assistance provided under subtitle B of Title III of the Early Childhood Education and Development Act of 1990 shall constitute Federal financial assistance for purposes of Title IX of the Education Amendments of 1972 and the regulations issued thereunder.

11. Requires that any financial assistance provided under subtitle B of Title III of the Early Childhood Education and Development Act of 1990 shall constitute Federal financial assistance for purposes of the Rehabilitation Act of 1973 and the regulations issued thereunder.

12. Requires that any financial assistance provided under subtitle B of Title III shall constitute Federal financial assistance for purposes of the Age Discrimination Act of 1975 and the regulations issued thereunder.

13. Prohibits any religious discrimination in employment, except that a sectarian organization may require that employees adhere to the religious tenets and teachings of such organization.

14. Prohibits any religious discrimination in employment, except that a sectarian organization may require their employees adhere to rules forbidding the use of drugs or alcohol.

15. Prohibits any child care provider receiving assistance under subtitle B of Title III from discriminating against any child on the basis of religion in providing child care services.

16. Prohibits a child care provider who receives assistance under subtitle B of Title III from discriminating in employment on the basis of the religion of the prospective employee if such employee's primary responsibility will be working directly with children providing child care services.

17. Requires that if any provision of subtitle B of Title III, of the application thereof to any individual or circumstance, is held invalid, the invalidity shall not effect other provisions or applications of this subtitle which can be given effect without regard to the invalid provision.

18. Requires that nothing in subtitle B of Title III shall be construed to supersede or modify any provision of a State constitution or law that prohibits the expenditure of public funds in or by sectarian institutions.

19. Requires that after two years of enactment of subtitle B each State receiving funds under the subtitle will offer a child care certificate program.

20. Requires that each State receiving funds under subtitle B of Title III use 90 percent of the amount to provide child care services, with 10 percent to be used for the administration, training and enforcement of child care services.

21. Prohibits States from utilizing child care financial assistance under subtitle B of Title III unless such services meet all applicable child care standards and licensing and registration requirements.

22. Requires that, after three years of enactment, each State receiving funding under subtitle B of Title III, or any other public funding, have in effect child care standards for each of the categories listed below.

The following State child care standards must be in place after three years of enactment for center-based child care services:

23. Requires a child care standard addressing group size limits in terms of the number of caregivers to the number and ages of children.

24. Requires a child care standard addressing the maximum appropriate child to staff ratios.

25. Requires a child care standard on preservice qualifications and background of child care personnel.

26. Requires a child care standard on the requirements for inservice training in areas appropriate to the provision of such child care services.

27. Requires a child care standard on health and safety requirements for children and caregivers.

28. Requires a child care standard on requirements for parental involvement in licensed and regulated child care services.

The following State child care standards must be in place after three years of enactment for family child care services:

29. Requires a child care standard on the maximum number of children for which child care services should be provided and the maximum number of infants for which child care services should be provided.

30. Requires a child care standard on the minimum age for caregivers.

31. Requires a child care standard on requirements for inservice training in areas appropriate to the provision of such child care services, or participation in a provider organization that addresses child development and management issues.

32. Requires a child care standard on health and safety requirements for children and caregivers as appropriate for family child care services.

The following state child care standards must be in place after three years of enactment for group home child care services:

33. Requires a child care standard addressing the maximum appropriate child to staff ratios.

34. Requires a child care standard on the miximum number of children for which child care services should be provided and the maximum number of infants for which child care services should be provided.

35. Requires a child care standard on the minimum age for caregivers.

36. Requires a child care standard on requirements for inservice training in areas appropriate to the provision of such child care services, or participation in a provider organization that addresses child development and management issues.

37. Requires a child care standard on health and safety requirements for children and caregivers as appropriate for family child care services.

38. Requires each State receiving assistance under subtitle B of Title III or any other public assistance after two years of enactment shall require all child care providers, and the caregivers employed by such providers, to complete an annual average of 15 hours of training.

39. Requires States to reimburse child care expenses at market rates, with higher reimbursements for infants and toddlers, children with disabilities and comprehensive child care programs for children of adolescent parents.

40. Requires each State to establish a sliding fee scale, based on income, for determining the amount a family will be required to pay for child care received under this title.

Each State receiving funding under subtitle B of Title III shall not reduce the following:

41. the categories of child care providers licensed or regulated,

42. the level of standards applicable to child care services, unless the State can justify their actions based on positive developmental practice, or necessary to increase access to and availability of child care providers.

Beginning three years after enactment, each State receiving payment under subtitle B of Title III shall put in effect enforcement policies that apply to all child care funded, e.g.:

43. Requiring child care inspectors to receive training in child development, health and safety, child abuse prevention and detection, the needs of children with a disability, program management and relevant law enforcement.

44. Requires, to the maximum extent possible, that all individuals responsible for inspection of child care facilities have inspection responsibilities exclusively for children's services.

45. Requires child care inspectors to make at least one unannounced inspection annually of each center-based child care provider in the State, and periodic unannounced inspections of licensed and regulated family child care providers.

46. Requires that the State's supply of child care licensing inspectors be maintained at a rate permitting timely inspections.

47. Requires licensed or regulated child care providers to have written policies and program goals available to parents.

48. Requires licensed or regulated child care providers to provide parents unlimited access to their children.

49. Requires States to implement a procedure for addressing complaints.

50. Requires that consumer education information be available to parents and the general public.

51. Requires that the child care provider post on the premises the telephone number of the appropriate licensing or regulatory agency.

52. Requires States to maintain records of parental complaints, make this information available to the public upon request.

53. Requires that State expend their funds in such fiscal year or in the succeeding fiscal year, or any unexpended funds must be returned to the Secretary.

TITLE 2—EARLY CHILDHOOD DEVELOPMENT AND SCHOOL-RELATED CHILD CARE

54. Requires the Secretary to make grants to eligible States.

55. Requires that a certain percentage of the appropriation be allocated to U.S. Territories.

56. Requires that a certain percentage of the appropriation be allocated to the Secretary of Interior for purposes of serving the Indian population.

57. Requires the Secretary of Health and Human Services to promulgate regulations that will carry out the purposes of this title as it relates to U.S. Territories.

58. Requires the Secretary of Health and Human Services to determine eligibility for local education agencies to grants in each fiscal year.

59. Requires that the amount of grants in this title not be below $15,000 (or $5,000 in certain circumstances).

60. Requires that someone in the federal government figure out the sentence that reads: "Each State shall receive under this paragraph an amount that bears the same relationship to such remaining amounts as the amount received by all local educational agencies in such State under Chapter 1 of Title 1 in the preceding fiscal year bears to the amount made available to carry out such chapter in such fiscal year, except that in any fiscal year no State may receive any amount under this paragraph that, when added to the amount received under paragraph 1 in such fiscal year by all local educational agencies in such State, would total more than an amount that bear the same relationship to the amount made available for purposes of carrying out this Title for such fiscal year as the amount received by all local educational agencies in such state

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in the preceding fiscal year under Chapter 1 of Title 1 bears to the amount made available to carry out such Chapter in such fiscal year."

61. Requires each State to give preference to local educational agencies with high concentrations of low income families.

62. Requires each State to give preference to local educational agencies that will use the funds to supplement, not supplant, non-Federal funds used for the purposes of this Act.

63. Requires each State to give preference to local educational agencies that are located in areas designated to be in the greatest need according to the needs assessment required under this Act.

64. Requires that each State grant amounts no less than $5,000 to local educational agencies.

65. Requires that children age 4 in a local educational agency be counted in a formula allocating funds under this Title.

66. Requires that the Federal Government not exceed certain levels of allocation when providing funds to the States.

67. Requires that local educational agencies who want to be eligible for federal assistance submit an application to the State that includes a 2 year plan describing how they would use the funds.

68. Requires that each local educational agency who submits an application per the mandate above meet requirements related to the area of persons served.

69. Requires that each local educational agency who submits an application meet requirements restricting the eligible parents to parents who work outside the home or are in educational or training programs.

70. Requires that the local educational agency application offer the program at no cost for 4 year olds from families whose income is not more than 100% of poverty.

71. Requires that local agency program must consist of services that are provided during such time of the day when regular instructional services are not in session.

72. Requires that services be available during the full working day for 4 year olds.

73. Requires that before and after school care be available for the calendar year, Monday through Friday, excluding legal public holidays.

74. Requires that each local early childhood development program be in compliance with State standards for health and safety.

75. Requires that each local early childhood development program be in compliance with applicable State standards for program quality.

76. Prohibits the use of norm referenced and criterion referenced standardized testing.

77. Requires each program to be developmentally appropriate.

78. Requires each program to meet the diverse recreational needs of school-aged children.

79. Requires each program to meet the diverse social needs of school-aged children.

80. Requires each program to meet the diverse emotional needs of school-aged children.

81. Requires each program to meet the diverse cultural needs of school-aged children.

82. Requires each program to meet the diverse educational needs of school-aged children.

83. Requires that services include providing adequate and nutritious meals and snacks.

84. Requires that services include, if practicable, social services.

85. Requires that services coordinate, for early childhood development programs, health and nutrition services available from other agencies.

86. Requires that services coordinate, for early childhood development programs, referrals to health and social services for which an enrolled child may be eligible.

87. Requires that information, programs, and activities for parents be made available in a language and a form that parents understand.

88. Requires that all fees collected be retained and used solely to carry out this title.

89. Requires that each local educational agency coordinate with all other public and private nonprofit organizations involved with providing similar services, including programs receiving assistance under Section 619 of the Education of the Handicapped Act.

90. Requires that the local educational agency give priority to programs located in public school buildings, if the costs are comparable to the costs offered in other facilities.

91. Requires that a private non profit community-based organization provides assurances that the organization is able to and willing to enroll racially diverse children.

92. Requires that the private organization described above provides assurances that the organization is able to and willing to, or has a history of enrolling, enroll ethnically diverse children.

93. Requires that the private organization described above provides assurances that the organization is able to and willing to, or has a history of enrolling, enroll linguistically diverse children.

94. Requires that the private organization described above provides assurances that the organization is able to and willing to, or has a history of enrolling, enroll economically diverse children.

95. Requires that the private organization described above provides assurances that the organization is able to and willing to (or has a history of enrolling) enroll children with disabilities.

96. Requires that the private organization described above is in compliance with Section 654 of the Head Start program.

97. Requires that any contract for these services be subject to Title IX of the Education Amendments of 1972.

98. Requires that any State meet the requirements in paragraphs (2) and (5) of Section 435 of the General Education Provisions Act.

For purposes of early childhood development programs:

99. Requires that any State will establish standards relating to group size limits for the number of staff members.

100. Requires that any State will establish standards relating to group size limits for the number of children.

101. Requires that any State will establish standards relating to group size limits for the ages of children.

102. Requires that any State will establish standards relating to the maximum appropriate child-staff ratios.

103. Requires that any State will establish standards relating to qualifications of staff members.

104. Requires that any State will establish standards relating to the background of staff members.

105. Requires that any State will establish standards relating to health requirements of children and staff members.

106. Requires that any State will establish standards relating to nutrition requirements of children and staff members.

107. Requires that any State will establish standards relating to safety requirements for children and staff members.

108. Requires that any State will establish standards relating to parental involvement.

For purposes of before and after school child care programs:

109. Requires that any State will establish standards relating to inservice training of staff members.

110. Requires that any State will establish standards relating to health requirements of children and staff members.

111. Requires that any State will establish standards relating to nutrition requirements of children and staff members.

112. Requires that any State will establish standards relating to safety requirements for children and staff members.

113. Requires that any State will establish standards relating to parental involvement.

114. Requires that local educational agencies and State agencies comply with any applicable statutory and regulatory provisions pertaining to this Title.

115. Requires any local educational agency to submit a 2-year plan should they apply for funding in this Title.

116. Requires that the State establish a sliding fee scale within some parameters that is periodically revised.

117. Requires the Secretary to make payments on a timely basis to the States.

118. Requires that the State shall distribute not less than 97% of the amount paid to it from the Federal government to the local educational agency.

119. Requires that an early childhood development program is one that provides educational services that are appropriate for the child's age and all areas of the individual child's development, including physical, emotional, social, cultural, cognitive and communication and including services appropriate to meet the needs of children with disabilities.

120. Requires that the State report to Washington before it expends any amount of money as to the intended uses for this money.

121. Requires that the State make the report described immediately above public.

122. Requires that any unexpended funds be reported to Washington.

123. Requires an annual report from the State on the activities carried out with funds from these subtitles.

124. Requires that this report be made public and available for public inspection.

125. Requires that this report be transmitted to the Secretary.

126. Requires that this report shall be provided to any interested public agency.

127. Requires that each report include the number of children receiving service, grouped according to the average income of families of such children as a percentage of poverty for center-based care.

128. Requires that each report include the number of children receiving service, grouped according to the average income of families of such children as a percentage of poverty for group home child care services.

129. Requires that each report include the number of children receiving service, grouped according to the average income of families of such children as a percentage of poverty for family child care services.

130. Requires that each report include the number of children receiving service, grouped according to the average income of

families of such children as a percentage of poverty for relative care services.

131. Requires each report to include the average cost and market rate, by geographic area for center based care.

132. Requires each report to include the average cost and market rate of group home child care services.

133. Requires each report to include the average cost and market rate of family care.

134. Requires each report to include the average cost and market rate of relative care.

135. Requires each report to include the out-of-pocket costs for such services provided in center based care.

136. Requires each report to include out-of-pocket costs for such services provided in group home care.

137. Requires each report to include out-of-pocket costs for such services provided in family based care.

138. Requires each report to include out-of-pocket costs for such services provided in relative care settings.

139. Requires each report to include whether the recipients of each type of service specified receive public assistance benefits, the extent to which these benefits are taken into account and the effect of public assistance benefits on the child care service.

140. Requires the report to include income eligibility guidelines, sliding fee scales, requirements for enrollment in school or training programs and any other criteria for eligibility or priority in receiving services.

141. Requires each report to include the methods by which each type of service specified in the requirements 8 through 19 above are required.

142. Requires the State to specify in the report the state standards in effect relating to requirements 8-19 described above.

143. Requires the State to specify in the report the State licensing and regulatory requirements in effect in the state relating to requirements 8-19 described above.

144. Requires the State to specify in the report the State enforcement policies and practices in effect relating to requirements 8-19 described above.

145. Requires the Secretary to establish uniform reporting requirements for the States to offer their reports to Washington.

146. Requires State audits, no less than every 2 years, of expenditures.

147. Requires these audits to meet certain specifications.

148. Requires employers to require employees to furnish a signed earned income eligibility certificate or a signed statement that the employee does or does not meet certain specifications.

TITLE 4—CHILD CARE QUALITY IMPROVEMENT

149. Requires State that desires to receive funds to designate a State agency to act as the lead agency to perform administrative functions.

150. Requires a State to submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require by rule to be eligible for funds.

151. Requires state application to include an assurance that the State will comply with specific requirements described in the bill and comply with a State plan (to be implemented during a 5-year period meeting the requirements below).

152. Requires the plan to identify the lead agency designated in accordance with the bill and contain assurances that—

153. Requires funds received under this subchapter by the State to be administered by the lead agency; and

Requires the lead agency to comply with the following:

154. Review the law applicable to, and the licensing requirements and the policies of, each licensing agency that regulated child care services and programs in the State unless the State has reviewed such law, requirements, and policies in the 3-year period ending on the date of the enactment.

155. Within 18 months after the date of the enactment prepare and submit a report to the chief executive officer of the State.

Requires the report to contain—

156. A statement of the findings and recommendations that result from the review carried out, including a description of the current status, and recommendations for improvement, of child care licensing, regulating, monitoring, and enforcement in the State; and

157. Recommendations regarding standards that should apply to local educational agencies that receive funds under title VIII of the Elementary and Secondary Education Act of 1965 to provide child care services.

158. Requires the plan to provide that the State shall use funds received under this subchapter to do 1 or more of the following:

"(A) Provide financial assistance to establish or expand local resource and referral programs under section 658F.

"(B) Improve the quality of child care services and early childhood development programs in the State by providing training in accordance with the requirements of section 658G.

"(C) Improve the quality of child care services by improving the monitoring of compliance with, and enforcement of, the licensing and regulatory requirements (including registration requirements) of the State.

"(D) Improve salaries and other compensation paid to full- and part-time staff who provide child care services—

"(i) for which assistance is provided under the Head Start Act or title VIII of the Elementary and Secondary Education Act of 1965; and

"(ii) to the extent practicable, in other major Federal and State child care programs, except programs conducted pursuant to part A of title IV of the Social Security Act; to the extent that such salaries and other compensation are inadequate.

159. The plan shall provide that the State may use not more than 5 percent of the funds received under this subchapter to do 1 or more of the following:

A. Make low-interest loans to eligible child care providers and family child care providers to make renovations and improvements in existing facilities to be used to carry out child care programs.

B. Make grants or low-interest loans to child care providers to assist such providers.

C. Make grants to local public libraries (If Title V funds are not appropriated, make grants to business to carry out the purpose of the title).

E. Develop and implement state tax credits and incentives.

160. Enforcement of Licensing and other Regulatory Requirements (Including Registration requirements)—Requires the plan to provide that within 3 years of enactment, the State have in effect enforcement policies and practices that will be applicable to all licensed or regulated child care providers (including child care providers required to register) in the State, including policies and practices that:

161. Require personnel who perform inspection functions with respect to licensed or regulated child care services to receive training in child development, health and safety, child abuse prevention and detection, the needs of children with a disability, program management, and relevant law enforcement;

162. Impose personnel requirements to ensure that individuals who are hired as licensing inspectors are qualified to inspect and, to the maxium extent feasible, have inspection responsibility exclusively for children's services;

163. Require personnel who perform inspection functions with respect to licensed or regulated care services to make not less than 1 unnanounced inspection of each center-based child care provider in the State annually;

164. Personnel who perform inspection functions with respect to licensed or regulated child care services to make unannounced inspections periodically, and during normal hours of operation, of licensed and regulated family child care providers in the State; and

165. Require the ratio of licensing personnel to child care providers in the State to be maintained at a level sufficient to enable the State to conduct inspections of child care facilities and providers on a timely basis and otherwise to comply with the enforcement requirements of this section;

Require licensed or regulated child care providers (including registered child care providers) in the State—

166. To have written policies and program goals and to make a copy of such policies and goals available to parents; and

167. To provide parents with unlimited access to their children whenever children of such parents are in the care of such providers;

168. Implement a procedure to address complaints of parents and child care providers;

169. Prohibit the operator of a child care facility to take any action against an employee that would adversely affect the employment, or terms or conditions of employment, of such employee because such employee communicates a failure to comply with any applicable licensing or regulatory requirement;

170. Make consumer education information available to inform parents and the general public about licensing requirements, complaint procedures, and policies and practices required by this paragraph;

171. Require a child care provider to post, on the premises where child care services are provided, the telephone number of the appropriate licensing or regulatory agency that parents may call regarding a failure of such provider to comply with any applicable licensing or regulatory requirement; and

172. Require the State to maintain a record of parental complaints and to make information regarding substantiated parental compliants available to the public on request.

173. Requires the plan to provide that not more than 2 percent of the funds received under this subchapter will be used to pay administrative costs incurred by the lead agency to carry out the above requirements.

174. Requires the plan provide by December 31, 1992, and at 2-year intervals thereafter, that the State will submit to the Secretary a report—

175. Specifying the uses for which the State expended funds; and

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176. Specifying, in each specific category, the amount of such funds expended;

177. Stating the reasons supporting the selection of each such use and the amount of such funds expended for each use;

178. Identifying the extent to which other resources of the State were expended for each of the activities; and

179. Containing data designed to show—how the child care needs of families in the State are being fulfilled, including information on—

180. the number of children being assisted with funds provided under this subchapter, and under other State and Federal child care programs, except programs conducted pursuant to part A of title IV of the Social Security Act;

181. the type and number of child care programs, child care providers, caregivers, and support personnel located in the State; and

182. salaries and other compensation paid to full- and part-time staff who provide child care services; and

183. the extent to which the availability of child care services has increased; during the 2-year period for which such report is required to be submitted.

SEC. 658I. FEDERAL ENFORCEMENT.

184. Requires the Secretary to review and monitor State compliance with enforcement and the plan approved under section 658E for the State.

185 If the Secretary, after reasonable notice and opportunity for a hearing to a State, finds that—

there has been a failure by the State to comply substantially with any provision or any requirements set forth in the plan; or

in the operation of any program or project for which assistance is provided under this subchapter there is a failure by the State to comply;

requires the Secretary to notify the State of the finding and that no further payments may be made to such State under this subchapter . . .

186. Additional Sanctions available including recoupment of money improperly expended for purposes prohibited or not authorized by this subchapter, and disqualification from the receipt of financial assistance under the bill.

187. The notice *required* under the noncompliance provisions shall include a specific identification of any additional sanction being imposed.

Requires the Secretary to establish by rule procedures for—

188. Receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any other requirement; and

189. Imposing sanctions under this section.

190. Requires the Secretary to establish, within 60 days of enactment, the National Advisory Committee on Recommended Child Care Standards.

191. Requires the Committee to review Federal policies with respect to child care services and such other data as the Committee may deem appropriate;

192. Requires the Committee (within 180 days) to submit proposed recommended standards taking into account the different needs of infants, toddlers, and preschool and school-age children; and

193. Requires the Committee to develop and make available to lead agencies (for distribution to resource and referral agencies in the State) recommended requirements for resource and referral agencies.

194. The proposed standards submitted shall consist of ("only") the following:

Center-Based Child Care Services—

195. group size limits in terms of the number of caregivers and the number and ages of children;

196. the maximum appropriate child-staff ratios;

197. qualifications and background of child care personnel;

198. health, nutrition, and safety requirements for children and caregivers;

199. inservice training in areas appropriate to providing such child care services, including the minimum number of hours of such training; and

200. parental involvement in licensed and regulated child care services.

Requires family child care services standards to include:

201. the maximum number of children for which child care services may be provided and the total number of infants for which child care services may be provided;

202. the minimum age for caregivers;

203. health, nutrition, and safety requirements for children and caregivers; and

204. inservice training in areas appropriate to providing such child care services, including the minimum number of hours of such training.

Requires group home child care services to include:

205. the maximum appropriate child-staff ratios;

206. the maximum number of children for which child care services may be provided and the total number of infants for which child care services may be provided;

207. the minimum age for caregivers;

208. health, nutrition, and safety requirements for children and caregivers; and

209. inservice training in areas appropriate to providing such child care services, including the minimum number of hours of such training.

210. Requires the Secretary to prepare notice of proposed rulemaking and issue rules establishing recommended child care standards within 180 days after standards are published.

211. The standards shall include nutrition requirements.

212. The Secretary may not amend any standard, by amendment or otherwise, to make such standard less comprehensive or less stringent than it is when first established.

Mr. SHAW. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Chairman, child care has been discussed, debated and dragged through the mud. Finally, Congress again has the opportunity to vote for a reasonable child care bill. The Stenholm-Shaw bill better meets the needs of the American public without creating a new bureaucracy. There are a few facts that need to be brought to light.

Both bills are costly. However, H.R. 3 has a 5-year funding shortfall of $14.5 billion, over twice the shortfall of the Stenholm-Shaw amendment. This is clearly irresponsible.

Second, H.R. 3 creates a new grant program with the potential to grow into a burgeoning new bureaucracy. This is an anti-market, even somewhat socialistic, approach to providing child care. H.R. 3 gives priority to the public sector to provide child care. Under the Stenholm-Shaw bill, States may use title XX funds to initiate a school-based child care program if States indeed prefer school-based care.

Third, H.R. 3 authorizes $1.4 billion for a new grants program. Its primary purpose will be to expand child care grant programs and to establish a National Advisory Committee on Child Care Standards. In addition to being a considerable amount of money, this provision has the potential of blossoming into a new layer of State and national government.

Fourth, and finally, H.R. 3 has broad and complicated religious language which risks an unconstitutional church-state entanglement. Furthermore, the language in H.R. 3 will deter and even prevent religiously affiliated providers from accepting Government assistance. The Stenholm-Shaw bill guarantees Americans their right of choice for religious day care. It is specific in its language and will not endanger church-based care.

The Stenholm-Shaw bill is more flexible, equitable, and does not contain mandates that would reduce the supply of child care and increase its costs. I encourage my colleagues to vote in favor of the Stenholm-Shaw bill.

Mr. SHAW. Mr. Chairman, I yield myself such time as I might consume.

The CHAIRMAN. The gentleman from Florida is recognized for 1½ minutes.

Mr. SHAW. Mr. Chairman, unfortunately in this debate we have concentrated on what divides us and not what brings us together. We do have an opportunity here on the floor today, in the House of Representatives to pass historic legislation. It is legislation for the first time that will reward people for working. It will go to the working poor, those people who are struggling to work their way out of poverty, those people who are poor, working and happen to have kids, which is an added expense, and have day care. That is what brings us together.

Unfortunately, we do have to talk about what divides us, and we have spent an extraordinary amount of time talking about regulations and people trying to say it is a Stealth issue. It is not. We have seen the list. It is up before us.

The question is as to what it provides for, and I will read down from page 43 of the bill starting at paragraph (c). It says, "State Child Care Standards.—Beginning 3 years after the date of the enactment of this subtitle, each State which receives a payment under this subtitle shall have in effect child care standards in each of the categories described in this subsection, which shall apply to all child care funded in the State under this title, and all child care services delivered by providers in the State who receive public funds," "public funds," "public funds" are State funds as well as Federal funds, "for child care services and are required by the State to be licensed or regulated." And then it goes on to state how these are going to be, and that language is incorporated back under title XX.

I would ask the Members to think carefully about imposing the federally mandated standards upon their individual States.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SHAW] has expired. The gentleman from California [Mr. HAWKINS] has 2 minutes remaining.

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Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. I thank the gentleman very much.

Mr. Chairman, I certainly rise in strong support of the bill before us. I think we are seeing, colleagues, the liberation of Eastern Europe, the struggle of the Lithuanian people, the Chinese people, et cetera; I think Americans are asking where is our revolution?

I really believe that it is in quality-of-life issues, certainly starting with the quality of life in training and care for our children.

That is why this issue is an anchor issue, this issue is landmark, this legislation is landmark legislation and we certainly would be remiss if we did not pass it in its present form.

I want to commend all the people who worked so hard on this bill and who have worked on this bill for years.

But I especially wanted to commend the distinguished chairman of the full committee, the gentleman from California, Chairman HAWKINS, who has paved the way to providing not only this landmark legislation but when I came to Congress we were talking about the Humphrey-Hawkins bill, and a bill for full employment for every American.

Take a look at the educational issues that have been before us and you will see GUS HAWKINS and other names associated with Head Start, student loans, equal access to educational needs.

Take a look also at legislation such as the Older Americans Act.

I want to just say "Thank you" to GUS HAWKINS, who has announced his retirement. He has been a public servant for more than 62 years, I believe. He looks a lot younger than most of us.

But these are the Members of Congress that sometimes we never hear about. The American people ought to know of a genuine hero right on this House floor.

The CHAIRMAN. The gentleman from California [Mr. HAWKINS] is recognized for 1 minute to close debate.

Mr. HAWKINS. Mr. Chairman, I would like to just simply remind the Members, despite all the charges and countercharges, of one thing as we close, who would benefit under the leadership proposal but not under the Stenholm substitute. But let me make one final plea for 10 million latchkey children, because the Stenholm substitute does not earmark funds for this group. At the close of the school day, children between the ages of 6 and 16 will be left adrift. When they leave the school grounds, they either go home to empty houses or go out into the streets where they will be exposed to various risks of drugs, alcohol, teenage pregnancy, gang activity, and so forth.

I say let us not allow those children of America to be exposed to those risks. We cannot possibly do that, it seems to me, in a civilized society.

Let us oppose Stenholm.

Mr. BORSKI. Mr. Chairman, I rise today in strong support of H.R. 3, the Early Childhood Education and Development Act. I also commend the Democratic leadership for drafting this much-needed comprehensive child care package.

With the dramatic rise in the number of mothers of young children in the labor force, child care has changed in just one generation from a topic regarded as strictly a private matter to one of intense public debate.

I am committed to the passage of legislation which will improve the quality as well as the availability and affordability of child care for working families. I believe H.R. 3 is a positive first step in addressing the child care needs of America's working families. Child care has become a pressing concern for millions of working parents and a Federal response is urgently needed.

I believe that a comprehensive and systematic approach to child care should include an array of services: Grants to States to fund affordable child care; before- and after-school care programs; expanded Head Start; financial incentives to enhance the quality of their system; model child care standards to assist counties and States to develop a quality system; and tax credits to increase the money available for child care for working families.

Federal investment in child care is necessary if my State of Pennsylvania is to meet the growing demand for child care. In Pennsylvania, 37 percent of mothers with children under 6 are working. Moreover, 157,000 Pennsylvania children under age 5 live in poverty, yet only 26,823 received child care assistance last year. The $74 million earmarked for Pennsylvania in the bill will begin to address these dire statistics.

The cost of child care is not the only issues at stake here. America's parents are deeply concerned about the safety and quality of child care available to them. They need basic assurances that their children will be safe and protected when they must work outside the home. H.R. 3 should give working parents that peace-of-mind because it establishes common sense health and safety protection for children in day care.

Standards for regulating the care and handling of animals are well known and, for the most part, strictly adhered to throughout the agricultural industry. Should we be less demanding when it comes to developing safety and quality standards for the welfare of our most precious resources, our children?

For example, Pennsylvania's regulations do not address a parent's right to visit and/or observe their child in a child care center or family day care home. They do not establish limits on the number of children that can be cared for in group centers. Pennsylvania has no on-going training requirements for either teachers in child care centers or family day care providers.

H.R. 3 addresses public concerns about the safety and quality of child care. Under the legislation, States—not the Federal Government—will develop safety and quality standards assuring parents that their children are in healthy and safe settings which protect them and promote their development and well-being.

These provisions assure that parents will have a right to visit their child care program at any time; parental complaints about child care programs will be recorded and made available to the public; and regulatory staff will be trained in child abuse prevention.

Affordability is another concern that many working low and middle income families are facing. Pennsylvania has not changed its title XX income eligibility guidelines since 1981. A family of three must have an income not in excess of $17,500 in order to be eligible for child care benefits. The high cost of care has kept many families from accepting promotions and pay raises do not meet the cost of child care in order to remain eligible for title XX benefits.

Lack of day care is a major barrier to employment for one out of five Philadelphia families. These 26,000 parents had to leave a job, refuse an employment opportunity, or not engage in a job training or education program because they could not find adequate or affordable day care for their children.

H.R. 3 would not be complete without a before- and after-school child care provision. In Philadelphia alone, nearly 25,000 school-age children come home to an empty house after school.

The lack of good child care is a national problem, demanding a comprehensive solution. The Early Childhood Education and Development Act establishes a partnership between the Federal Government and the States that will ensure that low- and middle-income families across the Nation will have greater access to safe and affordable child care.

H.R. 3 is a significant response to the mounting child care crisis. I urge my colleagues to support the Early Childhood Education and Development Act.

Mr. CONYERS. Mr. Chairman, I rise in support of H.R. 3.

The inaccessibility of child care is one of the most distressing obstacles facing women who work and families where both parents work. Passage of legislation to remedy this situation is of particular importance to African-Americans.

Over half of all African-American children live in single parent families. A single mother cannot afford to take a job or take advantage of education or training opportunities if she cannot find someone to help her with her current job—caring for her children. One in four black children has a teen mother who needs child care in order to return to and finish

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school. A single mother needs child care in order to be able to work at all.

If we are committed to breaking the cycle of poverty, we must act now.

Even for two-parent African-American families, a second income is key to economic self-sufficiency: Between 1967 and 1985, wives' contributions to family income for two-parent African-American families rose from 19.4 to 30 percent—one third of a family's income. For many African-American families the loss of a mother's salary would put them below the poverty line.

Families should not have to choose between buying shoes, or heating their home and the child care that they need to hold a job. They should not be forced to leave their children in substandard or unsafe situations. Right now we have young children—7, 8 years old—staying home from school to babysit so that their mothers can go to work.

We are on the verge of losing two generations of black children to drugs, violence, and poverty. We need to provide as strong an early childhood foundation as possible. This is in all of our self interest. By the year 2000 one third of our Nation's children will be minority. We cannot afford to squander their lives and talents.

This is critical legislation for African-American and all families. Access to safe, affordable, convenient and quality child care is a necessity. Providing for our children is the best national security investment we can make.

Mr. CONTE. Mr. Chairman, I rise today on behalf of the parents of young children throughout this great land, who find themselves caught in the complexities of wanting to care for their children, needing to work in order to meet those obligations, and lacking quality care for their children.

We all represent families that desperately need our help. Families that are facing the gut-wrenching challenge of finding child care that is safe and affordable.

By voting for H.R. 3, the early Childhood Education and Development Act of 1989, we can take a step toward easing the pain that too many working parents experience everyday.

Under H.R. 3 we will invest $1.75 billion in direct support for child care. Of this $600 million would go to caring for headstart children with parents who work, $438 million would go to before and after school care and preschool care, we'd have $450 million for infant and toddler care, and $263 million to improve the quality and availability of care. In addition to the $1.75 billion, $25 million would be made available to encourage businesses to provide day care for their employees and $75 million would go to the States to upgrade the quality of their care.

H.R. 3 is the result of over 3 years of thought, discussion and compromise, compromises many of us wish we didn't have to make. But that's what it takes to get things done around here. The bill responds to the legislative concerns that have been expressed and it addresses the needs of our working families in a manner that works for everyone—parents, States, churches, and the Federal Government.

H.R. 3 represents a significant investment in child care, an investment that will give us many good returns because it targets the families with greatest need, working families with latch-key children and children in Head Start. And it provides for quality care, an issue that keeps parents awake at night worrying about whether their children are being poorly served or mistreated.

This package has broad-based support and it provides enough resources to meet the needs of those families most in need. H.R. 3 is a good bill and it deserves our support.

Mr. SHUMWAY. Mr. Chairman, I rise today in strong opposition to the leadership's so-called compromise child care bill. Last week, I prepared some lengthy remarks to deliver in opposition to the anticipated measure but, since its changing contents have continued to remain something of a mystery, I will confine my remarks to general opposition.

In my view, this is another example of what I call "applehood" bills—measures which have noble-sounding titles designed to defy negative votes. Unfortunately, the nobility of the Childhood Education and Development Act begins and ends in that title.

As the father of six children and grandfather of six more, I strongly believe that decisions concerning appropriate child care should be left up to parents. Some choose to have their children cared for at home, or in the homes of relatives or neighbors. Others prefer to leave their children in church-based daycare centers, while some may elect more formal, structured centers outside the home. That is as it should be. The leadership bill would impede parental choice, as well as reduce the present responsive variety of child care methods available. Its effect on the right to choose church-based daycare remains unclear. For those reasons alone, I would oppose it. However, extending the restrictive hand of the Federal Government directly into the nursery is not the measure's only flaw.

This is a time of serious budget constraints. Any action we take must reflect a responsible commitment to budget reduction; fulfilling that commitment virtually precludes the establishment of costly new programs. The leadership's child care bill ignores that fact. This is not the time for advocates of public school-based child care to fulfill their long-term agenda, nor is it an appropriate moment to expand and enhance the size and scope of Federal control.

In my view, the Federal Government should stay out of family decisionmaking, and this compromise possesses few redeeming features. Moreover, it perpetuates a procedural tradition which I have never condoned, by presenting us with a last-minute surprise. We have no business voting on a measure which has neatly bypassed the usual process, and which comes to us devoid of legislative history. I could not support it under any circumstances. Fortunately, those among my colleagues who share my view will at least be offered an alternative.

No doubt many of those colleagues have experienced the same flood of angry telephone calls from parents as I have this past week. Literally hundreds of them have made it clear that they don't want the Federal Government interfering with their decisions in raising their families and, if some Government involvement is inevitable, they would prefer the so-called Stenholm-Shaw II language.

In contrast to the leadership version, Stenholm-Shaw II preserves parental choice. It treats all family situations equally. It provides low-income parents with both freedom and buying power to select an appropriate child care method. Maximum flexibility is extended to States to target child care money where it is most needed, without the burden of Federal mandates. No new bureaucracy is created.

Public policies should encourage the healthy and responsive diversity in child care which is now available, not restrict it. I believe the alternative recognizes that goal, while minimizing cost, maximizing relief, and preserving free choice. It is not perfect, but certainly it is vastly superior to the compromise.

Mr. DORGAN of North Dakota. Mr. Chairman, I rise in support of the child care legislation that the Democratic leadership has brought to the floor today. When the House first considered child care legislation last year as part of the Omnibus Budget Reconciliation Act of 1989 there were some unresolved problems. First there were two competing versions relating to the kind of funding the new Federal child care program would involve. Second, there was language in the bill that would have prohibited child care providers housed in religious institutions from receiving child care funding.

The Congress has deliberated child care legislation for the past few years. During this time, I have had two fundamental concerns: First, I feel that the new Federal child care program must utilize the least amount of Government bureaucracy as possible. Families and states do not need heavy handed Federal regulation—they need Federal assistance. My second concern has been to allow religious institutions to continue providing child care services and allow these institutions to receive Federal funding to continue providing child care services. Church and synagogue child care programs represent as much as one-third of all child care centers in the United States. These programs have contributed in significant ways to meeting pressing child care needs in this country; some of the finest examples of child care today are found in local churches and synagogues.

I am pleased that these issues have been resolved in the leadership bill. The use of an existing bureaucracy, the social services block grant, will be less complicated and should provide a reliable and familiar system to fund child care services.

I am also pleased that the leadership bill incorporates the Senate-passed languages dealing with sectarian child care. The bill will require states receiving title XX child care funds to establish a voucher system for child care. This will permit families to have the freedom to choose where their children will receive child care. The bill will also allow the status quo to continue in religious-based child care services. I do not support amendments that attempt to restrict the freedom of religious institutions in their hiring and admission practices for child care services. It is very important that families be permitted to select the child care setting of their choice, and that should include sectarian care, if that is their wish. The language in the leadership bill not only recognizes that religious-based child care should be allowed to receive Federal funding but it also grants them the freedom to provide that care as they have in the past—with faithfulness to their own tenets.

I think that this legislation is long overdue. Those who have waited have reason to rejoice. Those who were concerned about religious freedom can be assured that this freedom has been protected and their child care services will be utilized in this new Federal child care program.

Mrs. BENTLEY. Mr. Chairman, we are about to pass legislation that is of historic importance to working families throughout this Nation—namely child care. Very few can dispute that the number of women in the workplace is increasing at a dramatic pace and the need for safe and cost efficient child care is of paramount importance. Unfortunately, jurisdictional, mechanical, and philosophical debates have bogged us down for much too long. As such, I rise today to commend my colleagues for bringing a bill to the floor, and to lend my support to the substitute legislation.

First, I am firmly convinced that the best method of delivering child care funds to the working family is through a vehicle that already exists—the earned income tax credit—rather than by setting up a whole new bureaucracy to undertake the task. Lord knows, the last thing we need is another bureaucracy to foul things up. ABC would have done just this: Create yet another bureaucratic monument to inefficiency. The Soviets are struggling to free themselves from 73 years of bureaucratic bottlenecks; we should learn from their failures.

I have consistently supported legislation to expand the earned income tax credit for low income families because it offers families the freedom and buying power to choose the type of child care that they—not the government—think is best for them. In addition, this approach gives families the important option of not having to put a child in day care at all—maximum flexibility that makes good sense.

The Stenholm-Shaw substitute recognizes both these points and retains the emphasis on a tax credit while expanding the Head Start and social services block grants, again using proven programs rather than creating new ones.

Also, there are the issues of vouchers and religious-based day care. The Senate took the right tack, but the substitute being considered today goes one small step further in terms of giving parents additional flexibility, and isn't this our desired goal?

Many people harbor reservations about the issue of separation of church and State and the like, but let's face reality: 30 percent of the center-based day care in this country is run through religious institutions. To exclude them would mean fewer choices for parents than exists under current law.

Many of us have been very concerned about ABC's initial unreasonable licensing regulations that would be imposed providers of informal care, including churches and grandmothers. I concur with the statement made by the gentleman from Texas [Mr. STENHOLM] last week, when he said: "We simply reject the premise that licensed and regulated strangers guarantee better care than trusted friends and relatives."

This is a kernel of truth that cannot be discounted and it is simply outrageous to think that institutionalized and overregulated child care is good for America, or any country for that matter. Look at the example of Czechoslovakia. To compensate for serious labor shortages in the immediate postwar period, they set up a mammoth network of institutionalized day care centers so that women could go out and work. What happened? Well, 20 years later they were taking drastic steps to dismantle the same institutionalized system due to the dramatic impact it had on child development.

Now, of course we are not Czechoslovakia, but one thing is crystal clear—our goal should be to increase rather than decrease options available to the family. The bottom line is that Stenholm-Shaw does a better job meeting this goal and it is for this reason that I support the substitute.

Mrs. SCHROEDER. Mr. Chairman, you've got a BMW 850, a dinner at Jean Louis, a Lear jet, a commissioned piece of art, a $3,000-a-year child care bill, and an oriental rug. In the words of the "Sesame Street" gang, "Which one of these is not like the other?" The answer is child care expenses.

Although child care expenses are legitimate business expenses, the leadership package and the Stenholm substitute propose phasing out the dependent care tax credit for families with an income of $70,000. In many States, $70,000, translates in to a family headed by two police officers or two teachers.

More than 64 percent of workingwomen find that dependent care is an ordinary and necessary expense of carrying out a business. Our tax law imposes a tax on NET business income, and permits a deduction for all other ordinary and necessary business expenses. However, we choose to discriminate against dependent care expenses in favor of Lear jets.

No other business expense, including BMW 850's and business lunches at Jean Louis, are subject to an income ceiling. Until our tax policy limits the deduction of other business expenses at upper income levels, it doesn't make sense to single out child care expenses. Do we want to tell American families that the U.S. Government is more interested in their office furnishings than their children or their family?

Mr. KOLBE. Mr. Chairman, there is no more important natural resource than the children of our Nation. We are now focusing on the care of young children because our society has been hit by a double whammy of dealing with a changing work force and the growing realization that early childhood experiences shape the individual for the rest of their life.

The work force has changed. More women with children work. Family structure has changed. There are fewer nuclear families—fewer intergenerational families meeting the emotional and physical needs of children. Conversely, there are more single parents struggling to balance these needs for their children. These changes have dramatically increased the demand for child care.

We are struggling with drug problems, juvenile gangs, quality of education, soaring health care costs, the deterioration of traditional values. We have learned that many problems that engulf children follow them to adulthood. We understand better today that these tragedies might have been avoided with earlier intervention.

When I served in Arizona's legislature, I remember very well tackling these very issues of child care in committee and on the floor. I think we did a good job of setting State requirements and enforcement procedures. But, we did it based on conditions in Arizona, not New York or California. It is ludicrous for the Federal Government to force, yes, force States to adopt its list of recommended standards.

Our task is to create more child care, not less. The claims that this bill will create more child care slots are just plain false. The heavy doses of regulations and reports will inevitably restrict the number of child care providers. Requiring States to set training and ratio requirements and requiring them to file reports on every possible infraction will shrink the number of current day care providers. All H.R. 3 will do is drive up prices and diminish the supply of care.

Another particularly troubling provision in H.R. 3 is the expansion of school-based child care for 3 and 4 year olds. Many teachers I talked with tell me special skills are needed for teaching this age group. They worry about the burden this will placed on our already overburdened school systems. And they are right.

We do have an option available to us that would help provide more and more affordable child care, provide more choice for parents, and resist the urge to strangle child care providers in Federal red tape. The Stenholm-Shaw amendment will allow the maximum choice for parents without restricting the child care market. Expanding the earned income tax credit puts more money into the pockets of the working poor, not the pockets of bureaucrats and administrators.

The Stenholm-Shaw amendment also puts more funds into the successful Head Start and Social Service Block Grant Programs. This allows parents to exercise all of their options while encouraging State and local government to find ways to increase day care slots. It won't require the creation of a massive bureaucracy to oversee and administer child care as H.R. 3 does.

I urge my colleagues to seriously consider which option will best meet the real need that exists for more accessible and affordable health care. We can focus on the children and the parents or we can build another Federal bureaucracy. Let us not repeat the mistake of catastrophic health legislation by completely misreading the needs and desires of those we are trying to help. Surely, if we pass this monstrosity we will be back a year from now attempting to fix it or repeal it. We can save ourselves a lot of grief by adopting the Stenholm-Shaw amendment today.

Mr. MFUME. Mr. Chairman, I rise today in strong support of H.R. 3, the Early Childhood Education and Development Act. Mr. Speaker, over the last two decades, the economic reali-

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ties within this Nation have fueled an incredible increase in the number of women within our Nation's labor force. According to the Department of Labor, women made up 45 percent of America's total labor force in 1988.

In fact, Mr. Chairman, the number of women entering America's labor force due to economic necessity continues to rise as does the proportion of families headed by single mothers. I submit at this point that the stereotypical housewives or the June Cleavers of America are quickly becoming an image of the past. Sadly, the concomitant ill effects of this national phenomenon has been the devastating price America's children have had to pay.

The question before us today is not whether we should create a national child care plan, but rather which plan do we adopt? I for one support H.R. 3, and urge like-minded Members of the House to support this measure over the Stenholm-Shaw substitute.

Mr. Chairman, I am sure that many of my colleagues have received dozens of phone calls over the last week from their constituents urging them to support Stenhom-Shaw. Calls I have received claim that H.R. 3 does not provide parental choice and discriminates against church-based child care centers.

The charge that H.R. 3 limits choice is false because there is no language in H.R. 3 that in any way limits parents in selecting a provider. Mr. Speaker, the American public has somehow been hoodwinked into believing that H.R. 3 was designed to exclude the parent from the day care center of their choice and discourage the selection of a church-based institution. I find this a misrepresentation of the facts and urge the American people and Members themselves not to be duped by these accusations.

The child care bill that I support seeks to expand the availability of day care for working parents by expanding Head Start to a full-day, year-round program, which proposes to use schools to provide child care and by encouraging businesses to provide care for the children of their employees.

Mr. Chairman, essentially my problems with Stenholm-Shaw is that it does not provide adequate funding to ensure quality day care. Additionally, this substitute under funds crucial programs that contribute to the development of our Nation's youth. I could continue to go on and on regarding the differences between these two measures but will conclude that the House compromise on H.R. 3 is clearly beneficial, offering quality and choice. It is time for the Congress to get serious about this issue and move to protect the future of our Nation—the children.

Mr. FAUNTROY. Mr. Chairman, I rise in strong support of H.R. 3, the Early Childhood Education and Development Act which is the leadership package. This package makes a sound and significant investment in our children by authorizing $1.75 billion in child care while targeting funds to areas of special need in our country such as latchkey children.

This measure builds on the success of the Head Start Program by authorizing $611 million in fiscal year 1991 to expand the time children can spend daily in the program, covering a full working day of at least 10 hours daily. Head Start would also be expanded to cover the full calendar year with the exception of weekends and holidays. Under present constraints this extremely successful program is most often a half-day program with only 6 percent of the children served enrolled in a full-time experience. The expansion of Head Start is also required because under present operations less than 20 percent of eligible children are served.

Importantly, this Head Start expansion will encourage parents who are seeking to improve themselves by opening enrollment opportunities to eligible children provided their parent or parents are engaged in an education or training program.

Under the leadership package $429 million would be authorized in fiscal year 1991, for the provision of State grants to school districts to expand, establish, or operate early childhood development programs. Programs structured under these grants will provide access for working parents to child care, at one location for an entire working day. These school-based programs would be required to provide child care without charge for economically deprived families that reside in the school district and whose parents are employed or are pursuing further education or training.

While this leadership package does contain important provisions that will assist States to improve the safety, quality, and supply of child care and includes State developed health and safety protections, I would hope that the model standards criteria originally developed by the Committee on Education and Labor version would receive reconsideration when this legislation goes to conference.

Additionally, this leadership package contains significant tax credits to assist low-income parents, including mothers who choose to stay at home as well as child care incentives to businesses.

Provisions of this legislation that do require modification are those that would authorize the dissemination of Federal funds in the form of vouchers to religious institutions for religious instruction and also provide Federal funds for day care centers run by religious institutions that discriminate in the hiring of employees and in the admission of children to the program. I am in agreement with my distinguished colleague, Chairman DON EDWARDS of the Subcommittee on Civil and Constitutional Rights, that this otherwise worthy bill should be amended to accord with constitutionally mandated standards separating church and State. Under Chairman EDWARDS' amendment, troubling provisions would be stricken and religious organizations would be eligible for Federal funding for child care programs carried out on a nonsectarian basis. The amendment builds upon and enhances our constitutional fealty by requiring that Federal funds may not be used to promote religious instruction or to discriminate on the basis of religious belief, while permitting religious organizations to continue to provide quality child care in accord with the stipulations of our Constitution. I would urge my colleagues to support this amendment.

Mr. Chairman, families across our Nation are in desperate need of gaining access to safe and healthy, quality early childhood education and development programs. This leadership package makes great strides in meeting this fundamental and most important national need, a need that is most acutely reflected in the District of Columbia where we are experiencing a 45-percent dropout rate among students enrolled between grades 9 and 12. I know this legislation will make a difference in our Nation and in the District of Columbia. I urge the passage of the leadership package that will give all of our children a chance.

Mr. VENTO. Mr. Chairman, I rise today in strong support of the child care provisions contained within the Early Childhood Education and Development Act, H.R. 3. This legislation represents a lifeline to our Nation's struggling parents. It is also an opportunity to correct our past neglect. If we were to miss this chance today, we would fail to provide not only for the well-being of our children, but for the future of our Nation. We will have lost the means to implement a range of national laws and policies which we embraced as recently as the last Congress.

Mr. Chairman, when we stood here back in the fall of 1988 we passed a comprehensive welfare reform act with the belief that it would change the public assistance system from passive to active. We expected that it would break the cycle of public assistance dependency by assisting families in supporting themselves through education and job training to promote independence and self-sufficiency. Many of us believed that the legislation would work because we believed that Congress was committed to making it work. However, inherent to the ultimate success of welfare reform were the promises that we made to ensure full support in all the areas with which workers newly emerging from the welfare rolls would find themselves struggling. Not only education and training is necessary, but government assistance in other vital areas like affordable housing, comprehensive health care, and more readily available and safe child care. We have failed to followthrough and fulfill our commitment so far, Mr. Chairman—but today we can begin to change that.

It has been 20 years since any legislation has held this magnitude of hope and promise for children. Rapidly occurring changes in our society have now brought the lack of affordable, quality child care to the level of a national crisis. We can no longer deny that the escalating costs of raising healthy and literate children have taken their toll. By 1995, four out of five school age children will have working mothers. While for some, this is an elected choice, for many others it is an economic necessity. One-quarter of our working mothers in this country are the sole supporters of their children. Thankfully, however, the child care provisions reported by the Committee on Education and Labor and the Committee on Ways and Means offer a ray of hope. Combining some of the essential ingredients necessary to produce a successful program, the Hawkins-Downey provisions address many of the most crucial child care needs of our Nation's parents: affordability and quality. I would like to have seen the ABC provisions retained within the bill, because I believe that they more adequately addressed the critical issue of the availability of child care. In comparison, the provisions which remained in H.R. 3 are merely a down payment on the problem rather than a permanent solution. None the less, we must choose the best choice available and that is the Early Childhood Education and Development Act.

Mr. Chairman, it is crucial that we address each of these issues while we have the opportunity. To do less would be an injustice both to many of the Nation's children and to those whose hopes we raised with the passage of welfare reform and the JOBS Program. Yet as we stand here today and declare the urgent need for child care we are simultaneously considering a substitute amendment that would diminish or simply remove the most important provisions of child care remaining within H.R. 3.

Mr. Chairman, we must take care. The amendment offered today by my colleagues Mr. STENHOLM and Mr. SHAW is woefully inadequate. Although it is being portrayed as an alternative to the child care provisions crafted by the Committee on Education and Labor and the Committee on Ways and Means, it doesn't come close to meeting current child care needs. None of us are here today to harm families or to hurt children. Nor are we here to limit parents choices, such as for church centered child care. I recognize the essential role that religious affiliated providers have played, and will continue to play, in providing child care. This bill would not reduce that role. I find it ironic that the Stenholm substitute is being touted as the profamily bill, as though H.R. 3 is intended to be antifamily. The irony, Mr. Chairman, is that, of the choices before us today, one bill would indeed do significantly less to alleviate the child care needs in America and it is the Stenholm-Shaw substitute.

The adoption of the Stenholm-Shaw amendment would eliminate the minimal training standards which would ensure that our children are being cared for by professionals in a safe environment. It would eliminate the provision which would allow parents to drop by and determine first hand the type of care their children are receiving. It would fail to provide for before and after school child care to help the growing numbers of latchkey kids. And it even fails to fund to the same level the Title XX and Headstart Programs that it has in common with H.R. 3, which itself is still too low. Clearly, Mr. Chairman, the Stenholm substitute amendment would fail to meet the most basic child care needs of American families.

If we vote today to accept the alternative and not the provisions offered by the Committee on Ways and Means and the Committee on Education and Labor we will have demonstrated our inability to understand the lesson which has been taught to us many times. Providing funding without guidelines to ensure that it is spent in the intended manner is a certain way to fail in obtaining the purpose of public policy. Good intentions are not enough—we must make the law effective and workable. We do no less for any other program, should we do any less for our children?

Mr. Chairman, I specifically urge my colleagues to oppose the Stenholm-Shaw substitute. Over 150 major organizations—including most of the Nation's major labor, education, children's, and religiously affiliated groups—have seen fit to support the provisions within the leadership compromise package. The House should support it as well.

We have already failed during the 101st Congress to provide for almost half of those who are eligible to receive WIC funding. We have very nearly enacted an overly generous bill with the capital gains tax policy change. Congress failed to override President Bush's veto of the minimum wage law capable of providing the working class poor in this country the opportunity to raise themselves above the poverty level. And we failed to protect the most rapidly growing sector of our society from unforeseen illness when this House recommended full repeal of the Catastrophic Health Care Act. The House has still not attempted to enact the provisions in that catastrophic act that provided for the essential expansion of key Medicare programs.

Mr. Chairman, this is not a good response, it is a record of avoiding problems, and I fear indifference. But today we have a chance to begin to change the score. We can and must address the needs of families. Millions of Americans need our assistance and not our indifference to their everyday concerns and dreams. Not since the early 1970's has Congress been this close to enacting serious, comprehensive child care legislation. The tireless efforts of the grassroots groups who brought us to this point can not go unattended—American children should not continue to be inadequately cared for. Today, let's make the most of this opportunity and support the child care provisions of H.R. 3. Vote against the Stenholm amendment and for final passage of the leadership compromise. Ensure that child care is made not only more affordable, but that it is provided by qualified personnel in a safe environment. This is essential if we are to realize a renewed commitment to the American family. We must keep this ray of hope alive for children today and tomorrow.

Mrs. ROUKEMA. Mr. Chairman, I must reluctantly oppose the majority's day care bill, H.R. 3 and the Stenholm-Shaw substitute as well.

Time permits only an abbreviated explanation for my opposition, but I ask unanimous consent to revise and extend my remarks.

If we are to have a new Federal child care program, I do not oppose vouchers for centers sponsored and operated by religious groups. Clearly the Federal Government already funds a variety of programs that are based in churches and synagogues. These programs work and they are not challenged on constitutional grounds. I believe that is a phantom argument. Moreover, we cannot ignore the fact that church-based groups supply an estimated 40 percent of all child care available outside the home. Any child care bill passed by us needs to recognize this fact and make funding available to build on these successful programs.

As for the substitute backed by the administration, they want diversity and choice—and tax credits—but inexplicably they don't want to associate this program with the schools, except to the extent that Head Start continues. They do not wish to expand the program for before and after school programs for latchkey children.

On the issue of tax credits, I want it made clear that I am not fundamentally opposed to them. However, we are using the earned income tax credit in this case as Federal child care policy, which I believe is a misapplication of tax credits. If we are to consider earned income tax credits, we should be doing it in terms of national tax policy and incomes policy, but not as child care policy since there is no guarantee that this money will be used for child care expenses.

Fundamentally, we do not have the right to create not one, but two new entitlement programs conservatively estimated to cost $28 billion over the next 5 years. This at a time when both parties are pledging no new taxes, when nobody except Mr. ROSTENKOWSKI—who is disavowed by his party leadership—will even touch the subject of meaningful, real world deficit reduction. And talk of a pay-as-you-go package is nice but I do not see it anywhere in these bills.

Perhaps this is the way we are to spend the peace dividend which the administration tells us doesn't even exist. If so, I want to know it up front.

And finally, Mr. Chairman, you know that as surely as night follows day, this entitlement is bound to grow. This is only the downpayment.

Now to return to the programs proposed by these bills, namely title XX, block grants, Head Start expansion, and so on, I would take a very different and more cautious approach. My approach to the issue of child care proposes grants to the States in the form of seed money to develop programs at the State and local level cooperatively with community groups, local school systems and business. A meaningful startup could be accomplished with a grant program of approximately $300 million. In addition to being a program we can afford, it also has merit in stimulating innovation and in keeping direction and choice as close to home as possible—with the State, community, school, business, and parents—rather than a federally directed, mandated program.

This seed money could be used to initiate and build on model programs such as those established in Independence, MO, and in my hometown of Ridgewood, NJ. The program in my hometown, established by Cathy Marino was created and thrives today without the benefit of Federal funds.

Like the program in New Jersey, the Independence, MO program is the result of the combined efforts of the community, business, the school system, and parents. By using the already available school facility, child care providers and parents have entered into a partnership that provides child care at an affordable price while giving quality and parent involvement top priority.

I urge my colleagues to keep in mind the successes of the Independence, MO, and Ridgewood, NJ, programs. In our effort to help working parents pay for quality child care, we must not destroy the very kind of child care programs that we want, and ought, to encourage. With these new proposals before us today, we will do just that.

Again, I stress that we should encourage child care programs in states and communities across the country that have responded to the needs of working parents. The best way to do that is through block grants to the

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States as seed money to expand and build on the successful programs.

Any child care legislation that Congress passes should do four important things:

First, keep direction and choice as close to home as possible—with State, community, school, business, and parents.

Second, inspire and invest in innovation suitable for local needs.

Third, give flexibility to integrate existing programs in the public schools as well as church sponsored programs.

Fourth, given our enormous budget deficit, child care legislation must be consistent with the objectives of a pay as you go system and the overarching need for deficit reduction.

The bills we have before us today do none of this.

Mr. FRENZEL. Mr. Chairman, as indicated several times on this floor, it is my intention to vote for the Stenholm-Shaw amendment on the grounds that it is more reasonably priced than the $27½ billion H.R. 3, that it has no regulation compared to 212 bureaucratic regulations in H.R. 3, and that it provides more parental choice than H.R. 3.

However, Stenholm-Shaw also costs more than $20 billion over 5 years. I supported the Presidents $7 billion program when it was introduced. I could go a little higher, but I will not support a bill three times as expensive. If it prevails over H.R. 3, I would expect to vote against it.

If I am obliged to leave before the vote, I shall be paired, if possible, as noted above.

Mr. STOKES. Mr. Chairman, I rise today in support of H.R. 3, the Childhood Education and Development Act. I want to commend my friend and colleague, Chairman AUGUSTUS HAWKINS, for the extraordinary job he has done in developing this bill. He has brought real leadership to Congress on behalf of our Nation's children.

This legislation, as you know, is the first comprehensive child care bill ever, designed to help expand the range of good child care choices available to working families. H.R. 3 is the product of many years of effort by parents, educators, child care providers, and many others. It spells promise and hope to millions of American families and children.

Unfortunately, I might add, this is a good news/bad news situation. The good news is that we are finally moving ahead on an initiative that in my opinion is a national priority. This issue is the pressing need for safe, affordable, child care for our Nation's families. The bad news is that it has taken us so long—with months of unnecessary quarreling and delay—to move forward on this initiative.

Mr. Chairman, that is why, as a cosponsor of H.R. 3, I am pleased today to join with Chairman HAWKINS and so many other of our colleagues in support of this crucial measure. Ultimately, passage of this bill doesn't hinge on a question of affordability or differing ideologies and viewpoints, but on the question of whether we can afford not to enact meaningful child care legislation now.

Mr. BUNNING. Mr. Chairman, I think it is important to understand what is being debated today in this Chamber.

Virtually all of us agree that the Federal Government should provide a policy to encourage the development of adequate, affordable, readily available child care facilities in this country. Few if any of us question that.

The debate here today is about something even more basic. The debate today centers around the single question: Should the Federal and State governments determine what kind of care the children of our country should receive—or should the parents of our country determine what kind of care their children should receive?

That is it. That is what this debate is all about. It's about choice.

Stenholm/Shaw provides choice to the parents.

H.R. 3 as amended does not provide choice.

It is that simple.

Some changes have been made in H.R. 3 to make it appear that it provides choice but it is still basically what it has always been, blatant Federal intrusion into the American family.

The proponents of H.R. 3 say it does not establish Federal standards for child care—but it contains 41 pages of standards and mandates—minimum training requirements, child-staff ratios, qualifications and background of staff. Those sound like Federal standards to me.

The proponents of H.R. 3 say that it offers choice—but it fails to guarantee parental choice by permitting States to prohibit use of certificates for religious child care.

Stenholm/Shaw guarantees all parents who receive a child care certificate the freedom to use that certificate with any child care provider the parents choose. Including those with sectarian activities.

And to make the antireligious related child care bias of H.R. 3 even more obvious, H.R. 3 limits religious preference in hiring.

Stenholm/Shaw permits preference in hiring based on religious beliefs.

On every count—on every issue—Stenholm/Shaw provides choice—H.R. 3 does not.

So, for me, the issue is very clear. I believe in choice. And I am going to vote for choice. I believe that parents should have the right to determine what kind of environment they want their children to be raised in. And I don't believe that the Government—the Federal Government or any State government—has the right to make that decision for parents.

That is why I am voting for Stenholm/Shaw. And that is why I am going to vote against H.R. 3.

It's all a matter of choice.

Ms. LONG. Mr. Chairman, I rise to address the issue of child care, which the House is considering today. Since coming to Congress, I have been an advocate of moving forward on child care legislation, which is urgently needed by our Nation's families.

Many provisions of the proposals we are considering today are excellent. These provisions will help ensure that our Nation's children have the care they need to get a good start in life and that families are provided with the financial assistance they need in order to give their children a strong foundation on which to grow. Moreover, these provisions ensure that parents maintain control over the type of care their children receive.

In fact, among the provisions I support most strongly are those that allow parents to choose the type of care they want for their children. I am pleased that provisions in the proposals being considered will allow child care funds to be used to pay for all types of child care, including family-provided care, group care, and church-based care.

I also strongly support the provisions that increase the funding levels for Head Start and that expand Head Start to a full-day, year-round program. This excellent program has already proven to be of great assistance to those who are given the opportunity to benefit from it. Research shows that children who have a quality preschool experience are less likely to be involved in a teen pregnancy, less likely to be arrested and face incarceration, more likely to finish high school, more likely to continue with post-high-school education, and more likely to find employment. By increasing the funding levels we will enable more children to benefit from Head Start. By providing for full-day, year-round care, I believe we will further improve the results of Head Start.

Similarly, I believe that by providing for school-based care before and after school hours, we will be able to provide care for the school-age children who truly need it. Sadly, more and more of our Nation's children are now without supervision during after school hours. Without supervision, many end up in trouble. By providing for school-based care, we will enable these young people, as well as their younger brothers and sisters, to receive quality care at a single location. With care of this nature available, parents will no longer have to make the anguished choice between the job they and their families need and the children they love.

Finally, I am strongly supportive of the proposals to increase the earned income tax credit [EITC]. By increasing the EITC and adjusting it to family size, we will help lower income parents, many of whom are overwhelmed by the costs of raising children. The adjustment for family size and the supplemental credits for young children and infants will make the EITC even fairer, by providing additional help to those who must provide for larger families.

Because of my strong support for these provisions, I deeply wish that I could vote in favor of child care legislation today. But I cannot. I cannot support either of the proposals before us because each contains provisions that will increase the taxes paid by many Americans. Both proposals would extend the 3-percent excise tax on telephone services that was instituted as a temporary tax. This tax was scheduled to expire at the end of this year, but under these proposals it will become a permanent addition to our tax system.

Moreover, both proposals would eliminate or reduce the dependent care tax credit for families in specific income categories. The result of this change would be to increase the amount of taxes paid by these families. I have stated that I do not support increasing taxes and this remains my position. I do not believe that we need to increase taxes, and I will not support legislation that does so.

As strongly as I support child care legislation and as much as I believe that we must provide for the support of our Nation's children, I cannot vote for either proposal before the House today.

I am hopeful that child care legislation without any tax increases will emerge from the Congress this year, and I look forward to supporting such a measure wholeheartedly.

Mr. ENGEL. Mr. Chairman, I rise today to urge my colleagues to support the comprehensive child care package proposed by the House leadership and to oppose the inadequate substitute offered by Representatives STENHOLM and SHAW.

Child care is an issue of importance for all of us. Sixty percent of all working women have children under age 6, and half of all married mothers with infants under age 1 are in the labor force. There are three critical issues to child care that must be addressed: the high cost of services to low-income families; a shortage of facilities and services in most States; and the lack of minimum standards for child care services. The Stenholm-Shaw substitute does not address these needs. This proposal provides at least $700 million less than the leadership package. How can we stand up here and even consider making monetary cuts in an area so important such as child care. We owe our children the best possible care available—and it is not permissible to cut corners in providing that care.

The Stenholm-Shaw proposal seriously thwarts the goals of H.R. 3. Specifically, it fails to provide guidelines for safe, quality child care programs; it eliminates funding for before and after school programs for latchkey children—leaving them more exposed to the pressures of alcohol and drug abuse; and it does not require that care givers be subject to any minimum licensing standards or requirements.

The leadership package, on the other hand, is a comprehensive, national child care policy. It provides sufficient funding to extend child care services to the working poor and to develop guidelines for program quality and safety. Additionally, it extends Head Start to a full-time, year-long program; creates before and after school programs for elementary school children; increases child care worker salaries and provides resource and referral programs. The leadership package is clearly designed to help American families care for their children in a safe, reliable way.

Mr. Chairman, as a father and former teacher, I feel it is very important to provide child care for America's youth. Work demands and family responsibilities have increasingly come in conflict as mothers have become a large and permanent part of the work force and fathers have begun to share in the caregiving responsibilities. With the changing nature of the American family and work force, many parents are not able to stay home full time to care for their children. The need for both parents to work, coupled with raising children, has left many families with their hands tied behind their backs. By not providing affordable, reliable child care, the strong family structure of America is threatened. It is up to the Government to help and it is important to provide children with educational and developmental opportunities. Mr. Chairman, a vote for the leadership package is a vote in favor of families and children.

Mr. KLECZKA. Mr. Chairman, I strongly support the revised child care bill, H.R. 4381, which would finally make comprehensive day care services affordable for America's low- and middle-income working families.

Let me emphasize that this legislation is particularly important to nearly half of the working women in Wisconsin, who are also the mothers of children under age 6 requiring day care. According to the children's defense fund, 3,500 Wisconsin families were on waiting list for subsidized day care in 1989. The waiting period for an open day care slot is still months long in many counties. The combined licensed capacity of day care centers and family care providers is less than 60,000 now in Wisconsin. Yet, children requiring public assistance for day care services increased 62.3 percent between fiscal years 1981 and 1988. Indications are that the demand for safe, affordable child care will continue to increase in Wisconsin. H.R. 4381 would bring much-needed Federal child care relief directly to hard-working families throughout Wisconsin.

It is notable that H.R. 4381 and the Stenholm-Shaw bill—H.R. 4294—are now quite similar in many aspects. Both bills expand the earned income tax credit [EITC] to help working families with a stay-at-home parent or a single head of the household. In addition, the bills maximize choice by allowing parents to send their children to a school-based program or a private day care center.

Clearly, H.R. 4381 and H.R. 4294 provide parents with a broad range of child care options. But it is wholly inappropriate for these bills to require States to establish voucher systems, and to endorse their use at facilities which permit religious worship, instruction and employment discrimination.

The Edwards amendment and Price amendment, which address these glaring constitutional defects in the bills, have my full support.

First, forcing States which do not now have voucher systems in place to create them abrogates the States' rights. Second, a Federal voucher for religious day care clearly violates the principle of separation of church and state—and would be found unconstitutional if brought to a test in a court of law. This is because a Federal voucher for religious day care is equivalent to Government support for the establishment of religion. This opens the door to Federal subsidization of religious education at all grade levels. For more than two centuries, the wall between church and state in this Nation has remained intact. This wall of separation, designed by our Nation's founders to protect religious freedom, has served us well. It should remain in place.

These last few days, my office has received many letters and phone calls regarding the child care bills. Most of the people who contacted me said they should be able to send their child to a religious child care facility and still receive Federal assistance to subsidize what is a very private choice.

In this regard, I would like to share with my colleagues a portion of a letter from the National Council of Churches and other religious groups, who last summer wrote to Congress in opposition to tax support of religious programs. Their letter declared:

> We respect the right of churches, synagogues and other religious organizations to offer specifically sectarian programs and child care. * * * But such care should be supported by those who share their specific beliefs and experiences and not by government funds.

I agree.

Mr. WEISS. Mr. Chairman, one of the central concerns of the American family, and of this Nation, is the good care of our children. This country's future depends on how we treat our children today. Now, a long overdue opportunity to address the child care crisis that threatens the development of the children of this country stands before us. The Early Childhood Education and Development Act represents one of the most important and urgently needed domestic programs to face us in this Congress. I strongly support many of the significant steps this plan takes to alleviate the child care crisis.

Our Nation's child care crisis has reached alarming proportions. Finding adequate child care represents a grave problem for millions of Americans. Today, 26.5 million children have insufficient day care. Between 60 to 80 percent of children in this country who need day care do not have it. One out of every four working mothers stands as the sole provider for her children; these mothers, on an average, spend $211 per month on child care, an amount almost on par with that spent by business executives.

In light of this crisis, Congress must pass a substantive, comprehensive child care bill that can meet the child care challenge. Such a bill must invest significant sums of money. H.R. 4381 does; it responds to American families with $1.7 billion in direct support for child care for the first year. In addition, the bill would assist low-income families with children through the expansion of the earned income tax credit and the title XX child care program.

The substitute offered by Representatives STENHOLM and SHAW would only invest $450 million in the first year. In addition, the substitute authorizes less for title XX child care funds. The substitute's insufficient funding would deny child care to hundreds of thousands of children. And, by spreading far fewer dollars across the full range of age groups, the substitute amendment would prevent significant action on any of the critical child care fronts: infants and toddler, latchkey children at risk of drug and alcohol abuse, and wrap-around care for Head Start youngsters whose parents work outside the home.

Numerous studies have proven that children who have attended quality early childhood development programs are more likely to be literate; are more likely to be employed; and are more likely to be enrolled in postsecondary education. These children are less likely to be school dropouts; are less likely to be dependent on welfare; and are less likely to be arrested for criminal activity than those who have not attended such programs. Clearly, a large investment in child care now will save us billions in the future.

The Stenholm-Shaw substitute not only fails to provide the funds necessary to meet our Nation's escalating child care crisis, but it also fails to provide even minimal assurances to American families that their children will receive quality care. American families have demonstrated in survey after survey that qual-

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ity is the issue most important to them. While the substitute remains silent on this most vital issue, H.R. 4381 provides funding to help States address the issue while giving them complete freedom to devise whatever standards they deem appropriate.

Unfortunately, despite the bill's many noteworthy provisions, it contains language that is clearly unconstitutional. As written, the bill permits religious favoritism for child care providers who receive less than 80 percent of their funds from Federal and State sources. This means that most child care providers would be free to discriminate on the basis of religion, since very few programs would be publicly funded at the 80 percent level. Such favoritism blatantly violates the establishment clause of the Constitution. No matter how important the issue, no matter how exceptional the piece of legislation, no matter how delicate the negotiations that have led to this point, there is no excuse to pass a bill that clearly violates the Constitution of the United States.

Therefore, I strongly support the Edwards amendment which bars the use of Federal funds for sectarian activities and prohibits discrimination on the basis of religion. As important as this piece of child care legislation is, without passage of the Edwards amendment, I cannot support its final passage. I strongly urge my colleagues to support the Edwards amendment and to oppose the Stenholm-Shaw substitute.

Mr. STUMP. Mr. Chairman, today, the House will consider two types of legislative options for child care programs and services—H.R. 3, the Early Childhood Education and Development Act, and the Stenholm-Shaw child care substitute amendment.

I am strongly opposed to the passage of H.R. 3. The most disturbing element of the legislation is title II which authorizes $2.3 billion to create a new school-based child care program. This measure gives the public schools an unprecedented role in caring for very young children. It will create a Federal child care bureaucracy which will limit parental choice of child care programs, and restrict assistance to most parents whose children are cared for by relatives, neighbors, the private sector, or church based centers.

Ninty-eight percent of our children under age 5 are cared for by parents, relatives, neighbors, or private sector day care centers, while less than 2 percent are cared for in public schools. However, under H.R. 3, the public schools are guaranteed 37 percent of child care funds and are eligible to receive an additional 46 percent of funds provided under Social Service Block Grants. It is clearly not in the best interests of parents, or their children, to have Government bureaucrats dictate or limit their child care choices.

While the Stenholm-Shaw substitute is a better alternative as it expands parental choice, it also raises concerns in that its costs are not sufficiently offset. In light of our massive deficit and the continual battles not to increase taxes, I honestly cannot see how we can increase Federal spending for child care at this time.

It is my feeling that Congress should not preempt the prerogative of the family, by creating incentives to move children out of home settings and into Government-controlled institutions.

Mr. MARLENEE. Mr. Chairman, there is an increasing number of working mothers in our Nation's labor force, and child care is a growing politically important issue. Today, the House will once again be faced with two competing versions of child care. I encourage my colleagues to support the child care substitute offered by my good friends, Representatives CHARLES STENHOLM and CLAY SHAW?

The new version of last year's H.R. 3, which would have established massive child care bureaucracies in every State has evolved and improved a great deal, but I believe it still has a long way to go. The flaws in H.R. 4381, the latest incarnation of H.R. 3, are still there—they are just more clerverly disguised.

First, the child care alternative offered by Representatives AUGUSTUS HAWKINS and THOMAS DOWNEY will create 41 pages of standards and mandates that will apply to all 50 States. Once again, Big Brother leaves Montana citizens out of control of their own destiny.

The Stenholm-Shaw substitute, H.R. 4294, imposes no Federal day care standards, and leaves this arena up to the States, where it properly belongs using the funds provided under the proven title XX program to implement these standards. This substitute will not usurp States' rights on this critical issue.

Second, the Hawkins-Downey package fails to protect parental choice by permitting States to prohibit the use of vouchers or certificates for day care in churches and synagogues. Because I support giving the greatest freedom to parents to determine the destiny for their children, I believe parental rights are superior to any governmental entity—local, State, or Federal. That's why I endorse the Stenholm-Shaw substitute, which uses the resources of the Federal Government to reinforce parental rights.

It is generally accepted among day care experts that religious institutions provide about one-third of all child care in the United States. If we don't protect parents' rights in this arena, it is possible parents who choose day care in religious facilities will not be able to receive any benefits under this program. Oftentimes in rural Montana, the local church or synagogue is the best and only suitable day care facility.

The profamily Stenholm-Shaw substitute lets parents decide who will care for their children by offering vouchers to them by selecting any form of day care they desire—whether at home, among relatives, in an informal neighborhood setting, in a religious institution, or in a secular day care center. Mr. Chairman, parental choice is key to why I support the Stenholm-Shaw approach to day care.

H.R. 4294 also permits religious institutions to hire those who subscribe to their beliefs. The Hawkins-Downey package limits the rights of ministers to hire day care providers who adhere to their religious beliefs. This was a problem I saw with the Grove City legislation in 1988, where religious freedom was eroded in favor of the liberal agenda of the American Civil Liberties Union [ACLU]. We are now reaping the bitter fruit of this debate where churches and synagogues are under attack for hiring only people who agree with their religious beliefs. Stenholm-Shaw protects the time-honored principle of religious freedom, which is a cornerstone of our constitutional protections.

Another amendment offered by Representative DON EDWARDS to Stenholm-Shaw would be even more destructive to religious freedom. His provision would require that all religious day care providers remove all references to sectarian practices. In blunt terms, a church or synagogue child care worker couldn't talk about God during the day care session, and that person would have to remove every cross and every star of David to participate in this program.

Mr. Chairman, this is outrageous. The liberal effort to enforce separation of church and State is so misguided to the point that they would effectively bar participation in day care in religious facilities. Are they afraid that children will learn to respect authority and become productive citizens? At a time when the Federal Government, through the National Endowment for the Arts, funded antireligious art and obscenity, it is unconscionable that churches and synagogues cannot particpate in a Federal day care program. I encourage my colleagues to vote against the Edwards amendment.

Third, there are also several funding issues at the heart of this debate. Both child care bills would provide a $600 million annual increase for the praised Head Start Program. This program provides half-day care for prekindergarten children from poorer neighborhoods. If we can get these children excited about education, they can advance themselves up the ladder of achievement. Study after study has shown that Head Start has a proven track record of success.

I support this funding increase, but the liberal package is misguided once again. The increase in Head Start funding in Hawkins-Downey would expand the program to offer a full day, year-round program which would overburden our Nation's educators. According to Hawkins-Downey, this funding boost would not increase the number of children served under Head Start. The Stenholm-Shaw substitute is much more realistic by expanding existing programs to serve more children.

Fourth, both bills would authorize spending $100 million over the next 5 years for child care "incentive grants." However, the liberal package authorizes only a minor portion of this for grants to businesses to establish child care programs with the majority of the money going to States to establish and improve State child care standards. The Stenhom-Shaw substitute would spend all the money on grants to businesses, thus eliminating a layer of Government bureaucracy.

Finally, much has been made in this House about the need for day care among poor women. I am pleased that the Democrat leadership adopted a Republican idea to boost the earned income tax credit [EITC]. Plus, I was delighted to learn that the dependent care tax credit will be targeted more toward poorer families by phasing out this tax break to families earning over $70,000 per year.

However, I was surprised to see that under Stenholm-Shaw, low-income families with three children would receive a tax credit of up to $2,500 while the Hawkins-Downey version provided only $2,100 for an identical family. Who is really on the side of the working poor? Who wants to craft a day care package targeted for these low-income families? It's the conservatives who recognize that creating bureaucracy and regulations will not solve the day care problem. Empowering poor people to make decisions for themselves will do more to help them obtain child care than all of the great programs we can dream up in Washington.

Mr. Chairman, I would like to emphasize my belief that the Hawkins-Downey day care package is terribly misguided. Its passage will result in removing parental choice in day care and will create bloated bureaucracies. Let's enact a sensible day care policy by voting for the day care substitute package offered by Representatives STENHOLM and SHAW.

Mr. WOLPE. Mr. Chairman, I rise in strong support of the Early Childhood and Development Act of 1990. Today, we are accomplishing the most significant legislative achievement on behalf of our children in decades. Indeed, the passage of comprehensive child care legislation is a milestone in our Nation's effort to make American families healthy, productive, and strong.

The legislation before us is the product of long debate and negotiation between differing groups and individuals all deeply committed to the welfare of our children. What has emerged is a blend of the most constructive ideas from competing child care proposals, while those measures whose actual effect would have limited availability, creativity, and freedom to choose have been discarded.

Clearly, families across the country are in desperate need of comprehensive child care. Our society has undergone significant changes in the past few decades and, increasingly, two salaries are needed just for a family to survive. Since 1966, the number of women in our work force has increased by 100 percent, and nearly 60 percent of women with children under the age of 6 are in the work force. For many, the child care crisis has become a personal nightmare, forcing parents to make difficult choices between leaving their children in substandard care while they work, or returning to the welfare rolls.

This child care package provides important assistance to America's families. By expanding the Head Start Program to a full day, year-round program, and by using schools to provide child care, parents will be able to leave their children at one location throughout the entire day, without worry, in an environment which enhances their development.

Furthermore, the legislation provides much needed funding to low-income families. By expanding the earned income tax credit [EITC] and adjusting the amount of the credit for family size, child care choices are placed in the hands of parents, where they should be. Families in which one spouse works at home will not be penalized.

This legislation represents an important investment in the American family and in America's future. I urge its passage.

Mr. SMITH of New Jersey. Mr. Chairman, given the opportunity, most parents would elect to care for his or her own child rather than seek someone beyond the immediate family to provide that attention. However, there are simply circumstances where parents are denied such ideal conditions. Single parenthood or economic situations frequently require parents to seek work outside the home. Many of today's families, therefore, must turn to child care.

If we, as elected leaders, are to design and vote upon child care legislation, we must remember that no parent lightly chooses a child care provider. Whatever child care bill is sent to the President, must be legislation that would give the parent the option to use child care services that most accurately reflect the care they would provide themselves.

Mr. Chairman, the Stenholm-Shaw Family Choice and Child Care Improvement Act is the legislation that would offer parents the greatest choice among child care providers.

The expansion of the earned income tax credit [EITC], the creation of certificate or voucher programs in the States, and the Social Services Block Grants, each offer needed assistance to parents and child care centers. Moreover, these funds and credits are not limited to secular child care services by the Stenholm-Shaw proposal.

The variety of choices available to parents is impressive. Moneys from grants would support child care established by State and local governments, public schools, small businesses, not-for-profit organizations, and employee associations. Voucher programs, as well as tax credits, would make care offered by religious organizations available to parents as readily as public-sponsored secular child care.

I believe that the benefits of Federal child care assistance should not be denied to parents who want this religious care. They too, pay taxes and deserve the aid this legislation offers. With fully one-third of all child care centers based in churches, legislation lacking such aid would be incomplete. In short, American parents want to exercise individual freedom in selecting the care their precious children need.

Some have raised questions about child care standards and regulatory requirements. Clearly, commonsense standards are necessary for the safety of our children. Those standards, however, will be set by the States under Stenholm-Shaw. Just as our local school boards establish educational standards, the States are better qualified to address child care standards. Washington does not have all the answers and State and local governments frequently know what standards best serve their own constituencies.

Mr. Chairman, I have been a firm advocate of child care legislation. I am proud to cast my vote today in favor of the bipartisan measure authored by my colleagues, CHARLIE STENHOLM and CLAY SHAW. They showed great vision in crafting this equitable bill. President Bush has endorsed their measure and has specifically sought these provisions providing parental choice.

I urge support for this amendment.

The CHAIRMAN. The time of the gentleman from California [Mr. HAWKINS] has expired.

All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of the bill, H.R. 4381, as modified by the amendment printed in section 2 of House Resolution 368, shall be considered as an original bill for the purpose of amendment and shall be considered as having been read.

The text of the amendment in the nature of a substitute consisting of the bill H.R. 4381, as modified, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Early Childhood Education and Development Act of 1990".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TABLE OF CONTENTS

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Authorization of appropriations.

TITLE I—EXPANDED HEAD START

Sec. 101. Definitions.
Sec. 102. Financial assistance for Head Start programs.
Sec. 103. Conforming amendment.
Sec. 104. Allotment of funds.
Sec. 105. Federal share.
Sec. 106. Participation in Head Start programs.
Sec. 107. Establishment and revision of sliding fee scale.
Sec. 108. Technical amendment.

TITLE II—EARLY CHILDHOOD DEVELOPMENT AND SCHOOL-RELATED CHILD CARE

Sec. 201. Grants for State and local programs.

"TITLE VIII—EARLY CHILDHOOD DEVELOPMENT AND SCHOOL-RELATED CHILD CARE

"Sec. 8001. Program authorized.
"Sec. 8002. Amounts of grants.
"Sec. 8003. Local program requirements.
"Sec. 8004. State program requirements.
"Sec. 8005. Establishment and revision of sliding fee scale.
"Sec. 8006. Payments to States.
"Sec. 8007. Payments to local educational agencies.
"Sec. 8008. Definitions."
Sec. 202. Technical Amendment.

TITLE III—CHILD CARE

Sec. 301. Grants to States for child care.
"Sec. 2000. Purpose of title; limitation on entitlement.

"Subtitle B—Grants to States for Child Care

"Sec. 2011. Payments to States.
"Sec. 2012. State administration.
"Sec. 2013. Child care allotments.
"Sec. 2014. Reports and audits.

"Subtitle C—Applicability of Other Law

"Sec. 2021. Applicability of other law."
Sec. 302. Expansion of earned income tax credit.
Sec. 303. Phaseout of dependent care credit and exclusion for dependent care assistance.
Sec. 304. Telephone excise tax made permanent.

TITLE IV—CHILD CARE QUALITY IMPROVEMENT

Sec. 401. Coordinating activities.

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"SUBCHAPTER C—CHILD CARE QUALITY IMPROVEMENT

"Sec. 658A. Short title.
"Sec. 658B. Authority to provide financial assistance.
"Sec. 658C. Amounts reserved; allotments.
"Sec. 658D. Lead agency.
"Sec. 658E. Application and plan.
"Sec. 658F. Resource and referral programs.
"Sec. 658G. Training and related activities.
"Sec. 658H. Limitations on use of financial assistance.
"Sec. 658I. Federal enforcement.
"Sec. 658J. National Advisory Committee On Recommended Child Care Standards.
"Sec. 658K. Definitions."

TITLE V—BUSINESS INVOLVEMENT IN MEETING EMPLOYEE CHILD CARE NEEDS

Sec. 501. Establishment of grant program.
Sec. 502. Eligible businesses.
Sec. 503. Application.
Sec. 504. Selection of grantees.
Sec. 505. Definitions.
Sec. 506. Authorization of appropriations.

TITLE VI—CHILD CARE STANDARDS IMPROVEMENT INCENTIVE GRANT PROGRAM AND DEMONSTRATION PROJECT

Sec. 601. Child care standards improvement incentive grant program; demonstration project.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to build on and to strengthen the role of the family by seeking to ensure that parents are not forced by lack of available programs or financial resources to place a child in an unsafe or unhealthy child care facility or arrangement;

(2) to promote the availability and diversity of quality child care services and early childhood development programs to expand child care options available to all families who need such services;

(3) to assist States and Indian tribes to work with businesses to find innovative ways to provide employee child care services through the workplace;

(4) to provide assistance to families whose financial resources are not sufficient to enable such families to pay the full cost of necessary child care services and early childhood development;

(5) to lessen the chances that children will be left to fend for themselves for significant parts of the day;

(6) to improve the productivity of parents in the labor force by lessening the stresses related to the absence of adequate child care services;

(7) to provide assistance to States and Indian tribes to improve the quality of, and coordination among, child care programs and early childhood development programs;

(8) to increase the opportunities for attracting and retaining qualified staff in the field of child care and early childhood development to provide high quality child care services to children; and

(9) to strengthen the competitiveness of the United States by providing young children with a sound early childhood development experience.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for the purposes specified in subsection (b) $1,300,000,000 for fiscal year 1991 and such sums as may be necessary for fiscal years 1992, 1993, 1994, and 1995.

(b) AVAILABILITY OF APPROPRIATIONS.—Of the aggregate amount appropriated under subsection (a) for a fiscal year—

(1) 47 percent shall be available to provide developmentally appropriate child care services under the Head Start Act, as amended by title I of this Act;

(2) 33 percent shall be available to carry out title VIII of the Elementary and Secondary Education Act of 1965, as added by title II of this Act; and

(3) 20 percent shall be available to carry out the Child Care Quality Improvement Act, as added by title IV of this Act.

TITLE I—EXPANDED HEAD START

SEC. 101. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended by adding at the end the following:

"(4) The term 'full calendar year' means all days of the year other than Saturdays, Sundays, and legal public holidays.

"(5) The term 'full-working-day' means at least 10 hours per day.

"(6) The term 'lower living standard income level' means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor and based on the most recent lower living family budget issued by the Secretary of Labor.

"(7) The term 'sliding fee scale' means the sliding fee scale established and revised under section 658.".

SEC. 102. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638 of the Head Start Act (42 U.S.C. 9833) is amended—

(1) in subsection (a)—

(A) by striking "and (2)" and inserting "(2)"; and

(B) by inserting the following before the period at the end: "; and (3) may provide developmentally appropriate child care services in accordance with this subchapter"; and

(2) in subsection (b) by striking "subchapter E" and inserting "subchapter G".

SEC. 103. CONFORMING AMENDMENT.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended by inserting "(other than the provisions relating to child care services referred to in section 638(a)(3))" after "subchapter".

SEC. 104. ALLOTMENT OF FUNDS.

Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (1) by inserting "and the amount made available under section 3(b)(1) of the Early Childhood Education and Development Act of 1990" after "section 639";

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A) by inserting "under section 639" after "appropriated";

(B) in the second sentence by inserting "under section 639" after "appropriation";

(C) in the last sentence by striking "such funds appropriated under this subchapter" and inserting "such funds reserved under this paragraph";

(D) by inserting before the last sentence the following: "The Secretary shall reserve 8 percent of the amount made available under section 3(b)(1) of the Early Childhood Education and Development Act of 1990 for any fiscal year, for use in accordance with subparagraphs (A) and (B)."; and

(3) in paragraph (3)—

(A) by striking "The Secretary" and inserting "After reserving the amounts required by paragraph (2), the Secretary"; and

(B) by striking "remaining 87 percent of the amounts appropriated" and inserting "remainder".

SEC. 105. FEDERAL SHARE.

Section 640(b) of the Head Start Act (42 U.S.C. 9835(b)) is amended—

(1) in the first sentence by striking "Financial" and inserting "Except as provided in paragraph (2), financial";

(2) by inserting "(1)" after "(b)"; and

(3) by adding at the end the following:

"(2) Financial assistance extended under this subchapter to a Head Start agency, attributable to funds made available under section 3(b)(1) of the Early Childhood Education and Development Act of 1990, shall be 100 percent of the approved costs of the developmentally appropriate child care services for which such assistance is provided.".

SEC. 106. PARTICIPATION IN HEAD START PROGRAMS.

(a) CHILD CARE SERVICES AND EXPANDED HEAD START ELIGIBILITY.—Section 645(a) of the Head Start Act (42 U.S.C. 9840(a)) is amended—

(1) in the second sentence of paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3)(A) Funds allotted under section 640 that are attributable to funds made available under section 3(b)(1) of the Early Childhood Education and Development Act of 1990 shall be expended only in accordance with this paragraph.

"(B) Funds allotted under section 640 that are attributable to funds made available under section 3(b)(1) of the Early Childhood Education and Development Act of 1990 may be expended to enable Head Start programs to provide developmentally appropriate child care services throughout the full calendar year to children who are eligible under paragraphs (1) and (2) to participate in, and are participating in, Head Start programs so that such children receive full-working-day services if such child care services are provided to meet the needs of parents each of whom is working, or attending a job training or educational program.

"(C) Subject to subparagraph (D) and subsection (b)(2), funds allotted under section 640 that are attributable to funds made available under section 3(b)(1) of the Early Childhood Education and Development Act of 1990 may be expended to enable Head Start programs to provide throughout the full calendar year both Head Start services (other than services specified in section 638(a)(3)) and developmentally appropriate child care services to children—

"(i) who are ineligible under paragraphs (1) and (2) to participate in Head Start programs; and

"(ii) whose family income is greater than the poverty line but less than 125 percent of the poverty line;

so that such children receive full-working-day services if such services are provided to meet the needs of parents each of whom is working, or attending a job training or educational program.

"(D)(i) For purposes of carrying out this paragraph, funds allotted under section 640 that are attributable to funds made available under section 3(b)(1) of the Early Childhood Education and Development Act of 1990 may not be expended for a fiscal year for the purpose specified in subparagraph (C) unless developmentally appropriate child care services are provided under subparagraph (B) for such fiscal year to all children who are eligible to receive such services and whose parents request such services.

"(ii) For any fiscal year, an amount not to exceed 20 percent of the funds allotted under section 640 that are attributable to funds made available under section 3(b)(1) of the Early Childhood Education and Development Act of 1990 may be expended for the purpose specified in subparagraph (C).".

(b) Fees.—Section 645(b) of the Head Start Act (42 U.S.C. 9840(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) Parents of children who receive Head Start services (including developmentally appropriate child care services) under the authority of subsection (a)(3)(C) shall pay a portion of the cost of such services, based on a sliding fee scale. Payments received under this paragraph shall be retained by Head Start agencies and shall be expended by such agencies only to carry out this subchapter.".

SEC. 107. ESTABLISHMENT AND REVISION OF SLIDING FEE SCALE.

The Head Start Act (42 U.S.C. 9831-9852) is amended by adding at the end the following:

"ESTABLISHMENT AND REVISION OF SLIDING FEE SCALE

"Sec. 658. The Secretary shall establish and periodically revise, by rule, a sliding fee scale that provides for cost sharing between the Federal Government (acting indirectly through Head Start agencies) and the families that receive services for which assistance is provided under the amendments to this Act made by Early Childhood Education and Development Act of 1990. Such fee scale shall be based on the services provided to, and the income of the families (adjusted for family size and extraordinary medical expenses paid by the family as a result of a disability of a family member) of, eligible children who receive such services, except that families whose income does not exceed the poverty line (as determined under section 652) may not be required to pay a fee for such services.".

SEC. 108. TECHNICAL AMENDMENT.

Section 652(b) of the Head Start Act (42 U.S.C. 9847(b)) is amended by inserting "For All Urban Consumers" after "Consumer Price Index".

TITLE II—EARLY CHILDHOOD DEVELOPMENT AND SCHOOL-RELATED CHILD CARE

SEC. 201. GRANTS FOR STATE AND LOCAL PROGRAMS.

The Elementary and Secondary Education Act of 1965 is amended—

(1) by redesignating title X as title IX;

(2) by redesignating sections 8001 through 8005 as sections 9001 through 9005, respectively; and

(3) by inserting before title IX (as redesignated by paragraph (1)) the following new title:

"TITLE VIII—EARLY CHILDHOOD DEVELOPMENT AND SCHOOL-RELATED CHILD CARE

"SEC. 8001. PROGRAM AUTHORIZED.

"(a) General Authority.—The Secretary shall make grants to eligible States to assist in the expansion or establishment of before- and after-school child care or early childhood development programs that offer services that—

"(1) are intended to provide an environment which enhances the educational, social, cultural, emotional, and recreational development of children; and

"(2) in the case of before- and after-school child care—

"(A) are provided Monday through Friday, including school holidays and vacation periods other than legal public holidays, to children attending half-day early childhood development programs, kindergarten, or elementary or secondary school classes during such times of the day and on such days that regular instructional services are not in session; and

"(B) are not intended to extend or replace the regular academic program.

"(b) Availability of Appropriations.—Amounts shall be available to carry out this title as provided in section 3(b)(2) of the Early Childhood Education and Development Act of 1990.

"SEC. 8002. AMOUNTS OF GRANTS.

"(a) Grants for Territories.—

"(1) The Secretary shall reserve 1 percent of the amount made available for purposes of carrying out this title in each fiscal year for payments to—

"(A) Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands according to their respective needs for grants under this title; and

"(B) the Secretary of the Interior in the amount necessary—

"(i) to make payments to local educational agencies, upon such terms as the Secretary determines will best carry out the purposes of this title with respect to out-of-State Indian children in the elementary and secondary schools of such agencies under special contracts with the Department of the Interior, in amounts determined by the Secretary in accordance with the provisions of section 1005(d)(1); and

"(ii) to meet the needs of Indian children on reservations serviced by elementary and secondary schools for Indian children operated with Federal assistance or operated by the Department of the Interior, pursuant to an agreement between the Secretary and the Secretary of the Interior made in accordance with the provisions of section 1005(d)(2).

"(2) The grant which a local educational agency in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands is eligible to receive shall be determined pursuant to such criteria as the Secretary determines will best carry out the purposes of this title.

"(b) Grants for Local Educational Agencies and the Commonwealth of Puerto Rico.—

"(1)(A) In each fiscal year, the Secretary shall determine which local educational agencies in a State are eligible to receive a grant under subparagraph (B) and the amount of the grant each such local educational agency is eligible to receive in accordance with the provisions of subsections (a) through (c) of section 1005, section 1403(b), and subparagraph (B).

"(B) Except as provided in paragraph (2), and subject to the availability of appropriations, in any fiscal year a local educational agency shall receive a grant under this subsection only if the amount of the grant which such local educational agency is eligible to receive, as determined under subsections (a) through (c) of section 1005 and section 1403(b)—

"(i) is not less than $15,000; or

"(ii) is not less than $5,000, in the case of a local educational agency which has under its jurisdiction children at least 30 percent of whom are eligible to be counted under section 1005(c).

"(2)(A) In each fiscal year, amounts remaining from amounts appropriated for the purpose of making grants under this title after carrying out subsection (a) and paragraph (1) shall be allocated to the States for the purpose of making grants to local educational agencies that did not receive a grant under paragraph (1) for such fiscal year. Each State shall receive under this paragraph an amount that bears the same relationship to such remaining amounts as the amount received by all local educational agencies in such State under chapter 1 of title I in the preceding fiscal year bears to the amount made available to carry out such chapter in such fiscal year, except that in any fiscal year no State may receive any amount under this paragraph that, when added to the amount received under paragraph (1) in such fiscal year by all local educational agencies in such State, would total more than an amount that bears the same relationship to the amount made available for purposes of carrying out this title for such fiscal year as the amount received by all local educational agencies in such State in the preceding fiscal year under chapter 1 of title I bears to the amount made available to carry out such chapter in such fiscal year.

"(B) Subject to subparagraphs (C) and (D), in each fiscal year each State shall, from amounts made available to it under this paragraph, make grants to local educational agencies that did not receive a grant under paragraph (1) for such fiscal year, for the purposes specified in section 8001.

"(C) Each State shall give priority for grants under subparagraph (B) to local educational agencies—

"(i) that have under their jurisdiction the greatest concentrations of children whose families have very low income;

"(ii) that will use amounts made available under the grant to supplement, not supplant, non-Federal funds being used before the grant is received for the purposes for which the grant is provided; and

"(iii) that are located in areas in greatest need of child care and early childhood development services, taking into consideration the needs and resources assessment conducted under section 659F of Public Law 97-35.

"(D) The State may not make a grant under this paragraph for an amount that is less than $5,000.

"(3) For purposes of determining the amount that a local educational agency in a State would be eligible to receive under this title, the Secretary shall include children aged 4 in the count conducted under section 1005(c).

"(4) For purposes of this subsection, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(c) Limitation.—Notwithstanding the provisions of this section, the amount paid to any State under this title for any fiscal year shall not exceed 150 percent of—

"(1) the amount received by such State under this title in the preceding fiscal year; or

"(2) an amount that bears the same relationship to the amount made available to carry out this title as the amount received by all local educational agencies in such State under chapter 1 of title I in the pre-

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ceding fiscal year bears to the amount made available to carry out such chapter in such fiscal year.

"SEC. 8003. LOCAL PROGRAM REQUIREMENTS.

"(a) APPLICATION.—A local educational agency that desires to receive funds under this title shall submit an application to the State that includes a 2-year plan describing how the local educational agency will use such funds to carry out the purposes of this title.

"(b) USE OF FUNDS.—Each local educational agency that receives funds under this title shall use such funds to expand, establish, or operate an early childhood development program or before- and after-school child care program, or both, in accordance with the application and plan approved by the State. Each such program shall meet the following requirements:

"(1)(A) An early childhood development program shall be provided at the costs described in subparagraph (C) for children described in subparagraph (B).

"(B) Children described in this subparagraph are children from families—

"(i) within the area served by the local educational agency; and

"(ii) in which the parent or parents work or are in education or training programs.

"(C) The program described in subparagraph (A)—

"(i) shall be provided at no cost for 4-year-old children from families within the area served by the local educational agency with income of not more than 100 percent of the poverty level (to the extent such services are not available under the Head Start Act); and

"(ii) may be provided, from not more than 25 percent of the funds provided under this title that will be used to provide such program—

"(I) on a sliding fee scale for 4-year-old children from families within the area served by the local educational agency with income of more than 100 percent of the poverty level but not more than 160 percent of the lower living standard income level; and

"(II) on a full-fee basis for children from families within the area served by the local educational agency with income of more than 160 percent of the lower living standard income level.

"(2) At the option of the local educational agency, an early childhood development program may be provided for 3-year-old children under the terms described in paragraph (1).

"(3)(A) A before- and after-school child care program shall provide such care at the costs described in subparagraph (C) for children described in subparagraph (B). Such program shall consist of services that—

"(i) are provided during such times of the day when regular instructional services are not in session; and

"(ii) are not intended as an extension of or replacement for the regular academic program, but are intended to provide an environment that enhances the social, educational, cultural, emotional, and recreational development of school-age children.

"(B) Children described in this subparagraph are children from families within the area served by the local educational agency and in which—

"(i) the parent or parents work or are in education or training programs; and

"(ii) the children are attending early childhood development programs, kindergarten, or elementary or secondary school classes.

"(C) The care described in subparagraph (A)—

"(i) shall be provided at no cost for children from families within the area served by the local educational agency with income of not more than 100 percent of the poverty level; and

"(ii) may be provided, from not more than 25 percent of the funds provided under this title that will be used to provide such care—

"(I) on a sliding fee scale for children from families within the area served by the local educational agency with income of more than 100 percent of the poverty level but not more than 160 percent of the lower living standard income level; and

"(II) on a full-fee basis for children from families within the area served by the local educational agency with income of more than 160 percent of the lower living standard income level.

"(4)(A) Services shall be available during the full working day for 4-year-olds (and for 3-year-olds, where offered). Such services may only include an early childhood development program or before- and after-school care, or both.

"(B) Before- and after-school care shall be available for the calendar year, Monday through Friday, excluding legal public holidays.

"(5) The local educational agency shall provide for the inclusion in each program of eligible children enrolled in private early childhood development programs and in private kindergarten and elementary and secondary schools in accordance with the provisions of chapter 1 of title I relating to the participation of children enrolled in private schools.

"(6) Each early childhood development program shall be in compliance with—

"(A) applicable State regulatory standards for health and safety; and

"(B) applicable State standards for program quality.

"(7) With respect to early childhood development programs, norm-referenced and criterion-referenced standardized tests shall not be administered.

"(8) With respect to before- and after-school child care programs—

"(A) each such program provided shall be developmentally appropriate and meet the diverse recreational, social, emotional, cultural, and educational needs of school-aged children; and

"(B) each such program shall be in compliance with—

"(i) applicable State regulatory standards for health and safety; and

"(ii) applicable State standards for program quality.

"(9) A smooth transition of children shall be encouraged—

"(A) from early childhood development programs to kindergarten; and

"(B) from kindergarten to grade 1.

"(10) Services shall include—

"(A) adequate and nutritious meals and snacks;

"(B) if practicable, social services; and

"(C) in the case of early childhood development programs—

"(i) coordination of such health and nutrition services as are available from other agencies for children in such programs; and

"(ii) referrals to health and social services for which an enrolled child and the family of such child are eligible under Federal, State, or local law.

"(11) Information, programs, and activities for parents shall be provided, to the extent practicable, in a language and form the parents understand.

"(c) FEES.—Payments received by local educational agencies from parents of children who receive early childhood development services under the authority of subsection (b)(1)(C)(ii) or before- and after-school child care services under the authority of subsection (b)(3)(C)(ii) shall be retained by such agencies and shall be expended by such agencies only to carry out this title.

"(d) COORDINATION WITH EXISTING PROVIDERS.—Each local educational agency that receives funds under this title shall coordinate the program carried out with such funds with other public entities and private nonprofit community-based organizations that provide before- and after-school child care and early childhood development programs in the area served by the local educational agency, including entities and organizations that provide programs with assistance received under section 619 of the Education of the Handicapped Act.

"(e) CONTRACTING AUTHORITY.—

"(1) A local educational agency may provide a before- and after-school child care program or early childhood development program in accordance with the provisions of this title through grants to or contracts with other public entities and eligible private nonprofit community-based organizations that provide before- and after-school child care programs or early childhood development programs, as appropriate. In making a grant or entering into a contract under the authority of the preceding sentence, a local educational agency shall give priority to a program offered in a public school building, if the cost of such program is comparable to the costs of programs offered in other facilities.

"(2) To be eligible for a grant or contract under this subsection, a private nonprofit community-based organization shall provide assurances that—

"(A) the organization is able to and willing to enroll in the program, or has a history of enrolling, racially, ethnically, linguistically, and economically diverse children and children with disabilities;

"(B) the organization will ensure that the program is in compliance with section 654 of the Head Start Act; and

"(C) the organization will comply with other reasonable requirements established by the local educational agency consistent with the purposes of this title.

"(3) Title IX of the Education Amendments of 1972 shall apply to any program or activity provided with assistance under this title to the same extent and in the same manner as any program or activity included within the meaning of such term under such title IX. References in this title to section 654 of the Head Start Act shall be construed so as to be consistent with such title IX.

"SEC. 8004. STATE PROGRAM REQUIREMENTS.

"(a) STATE EDUCATIONAL AGENCY ASSURANCES.—In order for a State to participate under this title, the State shall submit to the Secretary, through its State educational agency, assurances that the State educational agency—

"(1) will meet the requirements in paragraphs (2) and (5) of section 435 of the General Education Provisions Act, relating to fiscal control and fund accounting procedures;

"(2) will establish, before the expiration of the 3-year period beginning on the date of the enactment of the Early Childhood Education and Development Act of 1990—

"(A) standards for early childhood development programs for which funds are received under this title, which shall include standards relating to—

"(i) group size limits in terms of the number of staff members and the number and ages of children;

"(ii) the maximum appropriate child-staff ratios;

"(iii) qualifications and background of staff members;

"(iv) health, nutrition, and safety requirements for children and staff members; and

"(v) parental involvement; and

"(B) standards for before- and after-school child care programs for which funds are received under this title, which shall include standards relating to—

"(i) inservice training for staff members;

"(ii) health, nutrition, and safety requirements for children and staff members; and

"(iii) parental involvement;

"(3) will ensure that its local educational agencies and State agencies receiving funds under this title comply with any applicable statutory and regulatory provisions pertaining to this title; and

"(4) will require any local educational agency that desires to receive assistance under this title to submit an application for such assistance that includes a 2-year plan describing how the local educational agency will carry out the objectives of this title.

"(b) Limitation on State Program Costs.—The State educational agency may, from the amounts paid to it pursuant to section 8006, use not more than 3 percent of such amounts for costs of administration related to carrying out this title.

"SEC. 8005. ESTABLISHMENT AND REVISION OF SLIDING FEE SCALE.

"The State shall establish and periodically revise, by rule, a sliding fee scale that provides for cost sharing between the Federal Government (acting indirectly through the State and local educational agencies) and the families that receive child care or early childhood development services for which assistance is provided under this title. Such fee scale shall be based on the services provided to, and the income of the families (adjusted for family size and extraordinary medical expenses paid by the family as a result of a disability of a family member) of, eligible children who receive such services, except that it shall apply only to services received by children from families with income of more than 100 percent of the poverty level but not more than 160 percent of the lower living standard income level.

"SEC. 8006. PAYMENTS TO STATES.

"The Secretary shall pay to each State on a timely basis, in advance or otherwise, the amount which it and the local educational agencies of such State are eligible to receive under this title.

"SEC. 8007. PAYMENTS TO LOCAL EDUCATIONAL AGENCIES.

"Each State educational agency shall distribute not less than 97 percent of the amounts paid to it pursuant to section 8006 to the local educational agencies of the State which are eligible to receive grants under this title and which have applications and plans approved by the State.

"SEC. 8008. DEFINITIONS.

"For purposes of this title:

"(1) The term 'community-based organization' means an organization that—

"(A) is representative of the community or significant segments of the community; and

"(B) provides child care, preschool programs, or early childhood development programs.

"(2) The term 'early childhood development program' means a program to provide educational services that are appropriate for the child's age and all areas of the individual child's development, including physical, emotional, social, cultural, cognitive, and communication, and including services appropriate to meet the needs of children with disabilities.

"(3) The term 'full working day' means at least 10 hours per day.

"(4) The term 'lower living standard income level' means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor and based on the most recent lower living family budget issued by the Secretary of Labor.

"(5) The term 'poverty level' means the criteria of poverty used by the Bureau of the Census in compiling the most recent decennial census for a family of 4 in such form as those criteria have been updated by increases in the Consumer Price Index For All Urban Consumers.

"(6) The term 'sliding fee scale' means the sliding fee scale established and revised under section 8005.".

SEC. 202. TECHNICAL AMENDMENT.

The first sentence of section 1005(c)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711(c)(2)(B)) is amended by inserting after "Consumer Price Index" the following: "For All Urban Consumers".

TITLE III—CHILD CARE

SEC. 301. GRANTS TO STATES FOR CHILD CARE.

(a) Establishment of Program.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(1) by inserting after the title heading the following:

"SEC. 2000. PURPOSE OF TITLE; LIMITATION ON ENTITLEMENT.

"(a) Purpose of Title.—The purpose of this title is to provide Federal assistance to States for a range of social services, with additional funds set aside for child care services.

"(b) Limitation on Entitlement.—For payments to which States are entitled under this title, there shall be available to the Secretary—

"(1) $3,250,000,000 for fiscal year 1991, of which $450,000,000 shall be for payments under subtitle B; and

"(2) $3,350,000,000 for fiscal year 1992, of which $550,000,000 shall be for payments under subtitle B; and

"(3) $3,400,000,000 for each of fiscal years 1993 and 1994, of which $600,000,000 shall be for payments under subtitle B; and

"(4) $3,550,000,000 for each fiscal year after fiscal year 1994, of which $700,000,000 shall be for payments under subtitle B.

"Subtitle A—Grants to States for Social Services"; and

(2) by adding at the end the following:

"Subtitle B—Grants to States for Child Care

"SEC. 2011. PAYMENTS TO STATES.

"(a) Entitlement.—

"(1) In general.—Each State which is eligible for payments under this subtitle for a fiscal year shall be entitled to payments in an aggregate amount equal to the child care allotment of the State for such fiscal year.

"(2) Eligibility.—

"(A) First 3 years.—During the 3-year period beginning on the date of the enactment of this subtitle, each State is eligible for payments under this subtitle.

"(B) After 3 years.—After the end of such 3-year period, a State shall be ineligible for any payment under this subtitle if the State has not demonstrated to the Secretary that all child care providers in the State who receive funds under this title and all other providers in the State who receive public funds for child care services—

"(i) are licensed or regulated as required by State or local law;

"(ii) comply with the minimum child care standards established by the State in accordance with section 2012(c); and

"(iii) are subject to the applicable enforcement provisions of section 2012(i).

This subparagraph shall not be construed to require the training or licensing of any individual who provides child care solely to members of the family of the individual.

"(b) Payments.—The Secretary shall make payments to each State which is eligible for payments under this subtitle for a fiscal year from the child care allotment of the State under this subtitle for such fiscal year, in accordance with section 6503 of title 31, United States Code.

"SEC. 2012. STATE ADMINISTRATION.

"(a) Administration.—

"(1) In general.—The State agency with primary responsibility for child care in the State shall administer the use of all payments made to the State under this subtitle.

"(2) Limitations on use of financial assistance for certain purposes.—

"(A) Sectarian purposes and activities.—No financial assistance provided under this subtitle shall be expended for any sectarian purpose or activity, including sectarian worship and instruction, except that this subparagraph shall not apply to funds received by any eligible provider resulting from the distribution of a child care certificate to a parent under this subtitle. Financial assistance provided under this subtitle shall not be expended in a manner inconsistent with the Constitution.

"(B) Subparagraph (A) shall not apply to funds received by an eligible child care provider who provides child care solely to members of the family of such provider.

"(C) Tuition.—With regard to services provided to students enrolled in grades 1 through 12, no financial assistance provided under this subtitle shall be expended for—

"(i) any services provided to such students during the regular school day;

"(ii) any services for which such students receive academic credit toward graduation; or

"(iii) any instructional services which supplant or duplicate the academic program of any public or private school.

"(3) Nondiscrimination.—

"(A) Federal financial assistance.—Any financial assistance provided under this subtitle, including a loan, grant, or child care certificate, shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the regulations issued thereunder.

"(B) Religious discrimination.—

"(i) In general.—Nothing in this paragraph shall be construed to modify or affect the provisions of any other Federal law or regulation that relates to discrimination in employment on the basis of religion, except

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that a sectarian organization may require that employees adhere to the religious tenets and teachings of such organization and further, such organization may require that employees adhere to rules forbidding the use of drugs or alcohol.

"(ii) Discrimination against child.—

"(I) In general.—A child care provider that receives assistance under this subtitle shall not discriminate against any child on the basis of religion in providing child care services.

"(II) Non-funded child care slots.—Nothing in this paragraph shall prohibit a child care provider from selecting children for child care slots that are not funded directly with assistance provided under this subtitle because such children or their family members participate on a regular basis in other activities of the organization that owns or operates such provider.

"(iii) Employment in general.—

"(I) Prohibition.—A child care provider that receives assistance under this subtitle shall not discriminate in employment on the basis of the religion of the prospective employee if such employee's primary responsibility is or will be working directly with children in the provision of child care services.

"(II) Qualified applicants.—If two or more prospective employees are qualified for any position with a child care provider receiving assistance under this subtitle, nothing in this section shall prohibit such child care provider from employing a prospective employee who is already participating on a regular basis in other activities of the organization that owns or operates such provider.

"(III) Present employees.—This clause shall not apply to employees of child care providers receiving assistance under this subtitle if such employees are employed with the provider on the date of enactment of this subtitle.

"(iv) Employment and admission practices.—Notwithstanding clauses (ii) and (iii), if assistance provided under this subtitle, and any other Federal or State program, amounts to 80 percent or more of the operating budget of a child care provider that receives such assistance, the Secretary shall not permit such provider to receive any further assistance under this subtitle unless the grant or contract relating to the financial assistance, or the employment and admissions policies of the provider, specifically provides that no person with responsibilities in the operation of the child care program, project, or activity of the provider will discriminate against any individual in employment, if such employee's primary responsibility is or will be working directly with children in the provision of child care, or admissions because of the religion of such individual.

"(v) Severability.—If any provision of this subtitle or the application thereof to any individual or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this subtitle which can be given effect without regard to the invalid provision or application, and to this end the provisions of this subtitle shall be severable.

"(C) Effect on state law.—Nothing in this subtitle shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions.

"(4) Methods for providing child care services.—Each State which receives funds under this subtitle—

"(A) shall design and carry out its child care services program in a manner which maximizes parental choice; and

"(B) may provide child care services pursuant to this subtitle—

"(i) directly;

"(ii) through child care providers, by using grants, purchase of service contracts, or issuing child care certificates; or

"(iii) through such other arrangements as the State agency described in paragraph (1) deems appropriate.

"(5) Child care certificates.—Beginning 2 years after the date of the enactment of this subtitle—

"(A) each State which receives funds under this subtitle shall offer a child care certificate program in accordance with this subsection;

"(B) each parent or legal guardian who receives assistance pursuant to this subtitle shall have the option of receiving such assistance in the form of a child care certificate; and

"(C) any parent or legal guardian who receives a child care certificate pursuant to this subtitle may use such certificate with any eligible child care provider.

"(6) Definitions.—As used in this subsection:

"(A) Child care certificate.—The term 'child care certificate' means a certificate issued by a State directly to a parent or legal guardian to authorize payment for child care services provided by an eligible child care provider.

"(B) Eligible child care provider.—The term 'eligible child care provider' means any child care provider which meets applicable standards of State and local law.

"(b) Use of Payments.—

"(1) In general.—

"(A) 90 percent for child care services.—Each State which receives a payment under this subtitle shall use 90 percent of the amount of such payment to provide child care services in accordance with this subtitle.

"(B) 10 percent for administration, training, and enforcement.—Each State which receives a payment under this subtitle shall use 10 percent of the amount of such payment for child-care related administration and training, and for enforcing in accordance with subsection (i) the child care standards established by the State in accordance with subsection (c).

"(2) Limitations.—

"(A) Child care providers and services must meet state standards and requirements.—Each State which receives a payment under this subtitle may not use any part of any grant made under this subtitle for any child care services unless such services meet all applicable child care standards and licensing and registration requirements—

"(i) during the 3-year period beginning on the date of the enactment of this subtitle, as established by State and local law; and

"(ii) after such 3-year period, as established by State and local law pursuant to subsection (c).

"(B) No supplanting of other public funds for child care services.—Each State which receives a payment under this subtitle shall not use such payment to supplant any other Federal or State funds used for child care services.

"(c) State Child Care Standards.—Beginning 3 years after the date of the enactment of this subtitle, each State which receives a payment under this subtitle shall have in effect child care standards in each of the categories described in this subsection, which shall apply to all child care funded in the State under this title and all child care services delivered by providers in the State who receive public funds for child care services and are required by the State to be licensed or regulated. Such categories are as follows:

"(1) Center-based child care services.—Such standards with respect to child care services provided by center-based child care providers shall be limited to—

"(A) group size limits in terms of the number of caregivers and the number and ages of children;

"(B) the maximum appropriate child-staff ratios;

"(C) preservice qualifications and background of child care personnel;

"(D) requirements for inservice training in areas appropriate to the provision of such child care services;

"(E) health and safety requirements for children and caregivers; and

"(F) requirements for parental involvement in licensed and regulated child care services.

"(2) Family child care services.—Such standards with respect to child care services provided by family child care providers shall be limited to—

"(A) the maximum number of children for which child care services should be provided and the maximum number of infants for which child care services should be provided;

"(B) the minimum age for caregivers;

"(C) requirements for inservice training in areas appropriate to the provision of such child care services, or participation in a provider organization that addresses child development and management issues; and

"(D) health and safety requirements for children and caregivers as appropriate for family child care services.

"(3) Group home child care services.—Such standards with respect to child care services provided by group home child care providers shall be limited to the matters specified in paragraphs (1)(B) and (2).

"(d) Minimum Training Requirement.—Each State which receives a payment under this subtitle after the expiration of the 2-year period beginning on the date of the enactment of this subtitle shall require all child care providers (and the caregivers employed by such providers) who receive public funds for child care services and are required to be licensed or regulated in the State to complete annually an average of 15 hours of training. Such training shall be tailored to the needs of the State and the providers.

"(e) Market Rates.—Each State which receives a payment under this subtitle shall reimburse child care expenses at market rates, with higher reimbursements for infants and toddlers, children with disabilities, and comprehensive child care programs for children of adolescent parents.

"(f) Sliding Fee Schedule.—Each State which receives a payment under this subtitle shall establish a sliding fee schedule, based on income, for determining the amount a family will be required to pay for the delivery of child care services under this title.

"(g) Child Care Services To Be Provided at No Cost to Families With Incomes Below Poverty Line.—Each State which receives a payment under this subtitle shall ensure that child care services which are provided to any family with income below the poverty line shall be provided at no cost to such family.

"(h) Policies and Procedures.—Each State which receives a payment under this subtitle shall develop policies and procedures designed to ensure that the State will not reduce—

"(1) the categories of child care providers licensed or regulated by the State on the date of the enactment of this subtitle; or

"(2) the level of standards applicable to child care services provided in the State and to the matters referred to in subsection (c), even if such standards exceed the standards required to be established by the State in accordance with subsection (c), unless the State demonstrates, to the satisfaction of the Secretary, that the reduction is—

"(A) based on positive developmental practice; or

"(B) necessary to increase access to and availability of child care providers, and will not jeopardize thc health and safety of children.

"(i) Enforcement.—Beginning 3 years after the date of the enactment of this subtitle, each State which receives a payment under this subtitle shall have in effect enforcement policies and practices that will apply to all child care funded in the State under this title, including policies and practices that—

"(1) require personnel who perform inspection functions with respect to licensed or regulated child care services to receive training in child development, health and safety, child abuse prevention and detection, the needs of children with a disability, program management, and relevant law enforcement;

"(2) impose personnel requirements to ensure that individuals who are hired as licensing inspectors are qualified to inspect and, to the maximum extent feasible, have inspection responsibility exclusively for children's services;

"(3) require personnel who perform inspection functions with respect to licensed or regulated child care services to make—

"(A) not less than 1 unannounced inspection annually of each center-based child care provider in the State; and

"(B) unannounced inspections, periodically and during normal hours of operation, of licensed and regulated family child care providers in the State;

"(4) require the ratio of licensing personnel to child care providers in the State to be maintained at a level sufficient to enable the State to conduct inspections of child care facilities and providers on a timely basis and otherwise to comply with the requirements of this subsection;

"(5) require licensed or regulated child care providers (including registered child care providers) in the State—

"(A) to have written policies and program goals and to make a copy of such policies and goals available to parents; and

"(B) to provide parents with unlimited access to their children whenever children of such parents are in the care of such providers;

"(6) implement a procedure to address complaints that will provide a reasonable opportunity for a parent, or child care provider, that is adversely affected or aggrieved by a decision of the agency described in subsection (a) or any program or activity assisted under this subtitle or, to the extent funds are used for child care services, under subtitle A, to be heard by the State;

"(7) prohibit the operator of a child care facility to take any action against an employee of such operator that would adversely affect the employment, or terms or conditions of employment, of such employee because such employee communicates a failure of such operator to comply with any applicable licensing or regulatory requirement;

"(8) make consumer education information available to inform parents and the general public about licensing requirements, complaint procedures, and policies and practices required by this subsection;

"(9) require a child care provider to post, on the premises where child care services are provided, the telephone number of the appropriate licensing or regulatory agency that parents may call regarding a failure of such provider to comply with any applicable licensing or regulatory requirement; and

"(10) require the State to maintain a record of parental complaints and to make information regarding substantiated parental complaints available to the public on request.

"(j) Timing of Expenditures.—Except as provided in section 2013(c)(1), each State receiving a payment under this subtitle for a fiscal year shall expend such funds in such fiscal year or in the succeeding fiscal year.

"SEC. 2013. CHILD CARE ALLOTMENTS.

"(a) Formula for Determining Child Care Allotments.—The child care allotment of any State which is eligible for payments under this subtitle for a fiscal year shall be—

"(1) the State share for such fiscal year; multiplied by

"(2) the child care set aside for such fiscal year.

"(b) Definitions.—

"(1) State share.—The term 'State share' means, with respect to a State and a fiscal year—

"(A) the regular allotment of the State under section 2003 for such fiscal year; divided by

"(B)(i) the amount specified in section 2003(c) for such fiscal year; minus

"(ii) the aggregate of the regular allotments, under section 2003 for such fiscal year, of the States which are not eligible for payments under this subtitle for such fiscal year.

"(2) Child care set aside.—The term 'child care set aside' means—

"(A) $450,000,000 for fiscal year 1991;

"(B) $550,000,000 for fiscal year 1992;

"(C) $600,000,000 for each of fiscal years 1993 and 1994; and

"(D) $700,000,000 for each fiscal year after fiscal year 1994.

"(c) Redistribution of Unexpended Child Care Allotments.—

"(1) Remittance to the secretary.—Each State which receives any payment under this subtitle for a fiscal year shall remit to the Secretary that part of such payment which the State intends not to, or does not, expend in such fiscal year or in the succeeding fiscal year.

"(2) Redistribution.—The Secretary shall increase the child care allotment of each State not remitting any amount to the Secretary for a fiscal year pursuant to paragraph (1) by an amount equal to—

"(A) the aggregate of the amounts so remitted; multiplied by

"(B) the adjusted State share for such fiscal year.

"(3) Adjusted state share.—The term 'adjusted State share' means, with respect to a fiscal year—

"(A) the child care allotment of the State for such fiscal year (before any increase under paragraph (2)); divided by

"(B)(i) the child care set aside for such fiscal year; minus

"(ii) the aggregate of the amounts remitted to the Secretary for such fiscal year pursuant to paragraph (1).

"SEC. 2014. REPORTS AND AUDITS.

"(a) Reports on Intended Uses of Child Care Allotments.—

"(1) In general.—Before any State expends any payment made to the State under this subtitle for any fiscal year, the State shall report to the Secretary on the intended uses of such payment (including information on the types of activities to be supported, and the categories and characteristics of individuals to be served) and on any part of such payment which the State intends not to expend in such fiscal year or in the succeeding fiscal year.

"(2) Publication in the state.—The State shall make the report required by paragraph (1) public within the State in such manner as to facilitate comment by any person (including any Federal or other public agency) during the development of the report and after the completion of the report.

"(b) Notice to Secretary of Unexpended Child Care Set Aside.—Each State which has not completely expended the payments made to the State under this subtitle for a fiscal year in such fiscal year or the succeeding fiscal year shall notify the Secretary of any amount not so expended.

"(c) Reports on Actual Use of Child Care Set Aside.—

"(1) Annual reports.—

"(A) In general.—Each State shall prepare reports annually, beginning with fiscal year 1993, on the activities of the State carried out with funds made available under this subtitle or (to the extent funds made available under subtitle A are expended for child care services) under subtitle A, covering the most recently completed fiscal year.

"(B) Form and content.—Each report required by subparagraph (A) shall be in such form and contain such information (including the information specified in paragraph (2)) as the State finds necessary—

"(i) to provide an accurate description of such activities;

"(ii) to secure a complete record of the purposes for which funds made available under this subtitle were spent; and

"(iii) to determine the extent to which such funds were spent in a manner consistent with the reports required by subsection (a).

"(C) Availability of copies.—The State shall make copies of each report required by this section available for public inspection within the State, shall transmit a copy of each such report to the Secretary, and shall provide a copy of each such report, on request, to any interested public agency.

"(D) Submission to congress.—The Secretary shall annually compile the State reports transmitted to the Secretary pursuant to subparagraph (C), and submit such annual compilation to the Congress.

"(2) Reports to contain certain specific information.—Each report prepared and transmitted by a State under paragraph (1) shall set forth with respect to child care services funded under this subtitle or subtitle A (for the fiscal year covered by the report)—

"(A) showing separately for center-based child care services, group home child care services, family child care services, and relative care services—

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"(i) the number of children who received such services paid for, in whole or in part, with funds made available under this subtitle or subtitle A, grouped according to the average income of the families of such children as a percentage of the poverty line;

"(ii) the average cost and market rate, by geographical area, for child care services funded, in whole or in part, with funds made available under this subtitle or subtitle A; and

"(iii) the out-of-pocket costs for such services funded, in whole or in part, with funds made available under this subtitle or subtitle A, grouped according to the average income of the families of the children receiving such services as a percentage of the poverty line;

"(B) whether the recipients of each type of service specified in subparagraph (A) receive public assistance benefits, the extent to which such benefits are taken into account in determining the child care services benefit, and the effect of public assistance benefits on the child care services benefit;

"(C) income eligibility guidelines, sliding fee schedules, requirements for enrollment in school or training programs, and any other criteria applied in determining eligibility for, or priority in receiving, each type of service specified in subparagraph (A);

"(D) the methods by which each type of service specified in subparagraph (A) was provided;

"(E) the child care standards in effect in the State with respect to each type of service specified in subparagraph (A);

"(F) the child care licensing and regulatory (including registration) requirements in effect in the State with respect to each type of service specified in subparagraph (A); and

"(G) the enforcement policies and practices in effect in the State which apply to licensed and regulated child care providers (including providers required to register).

"(3) Uniform reporting requirements.—Within 12 months after the date of the enactment of this subtitle, the Secretary shall establish uniform reporting requirements for use by the States in preparing the information required by this subsection, and make such other provision as may be necessary or appropriate to ensure that compliance with this subsection will not be unduly burdensome on the States.

"(4) Interim report.—The Secretary shall issue an interim report on the matters described in paragraphs (1) and (2) with respect to fiscal year 1992, based on information made available by the States.

"(d) Audits.—Each State shall, not less often than every 2 years, audit the expenditures of the State from payments made under this subtitle. Such audits shall be conducted by an entity independent of any agency administering activities funded under this subtitle, in accordance with generally accepted auditing principles. Within 30 days after each such audit is completed, the State shall submit a copy of such audit to the legislature of the State and to the Secretary. Each State shall repay to the United States amounts ultimately found not to have been expended in accordance with this subtitle, or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subtitle.

"(e) Definitions.—As used in this subtitle:

"(1) Center-based child care provider.—The term 'center-based child care provider' means a child care provider that provides child care services in a nonresidential facility, and may include a nonprofit institution of higher education.

"(2) Family child care provider.—The term 'family child care provider' means 1 individual who provides child care services to a child who does not reside with such individual, as the sole caregiver and in the private residence of such individual.

"(3) Group home child care provider.—The term 'group home child care provider' means 2 or more individuals who jointly provide child care services in a private residence to a child who does not reside with any of such individuals.

"(4) Institution of higher education.—The term 'institution of higher education' has the meaning given such term in section 481(a)(1) of the Higher Education Act of 1965, except that with respect to a tribally controlled community college such term has the meaning given it in section 2(a)(5) of the Tribally Controlled Community College Assistance Act of 1978.

"(5) Poverty line.—The term 'poverty line' has the meaning given to such term in section 673(2) of the Community Services Block Grant Act.".

(b) Miscellaneous and Conforming Amendments.—

(1) Title XX of such Act (42 U.S.C. 1397 et seq.) is amended—

(A) by striking "this title" each place such term appears (except in section 2001 and the 3rd place such term appears in section 2002(d)) and inserting "this subtitle";

(B) by inserting "regular" before "allotment" each place such term appears;

(C) in section 2003(c)—

(i) in paragraph (4), by striking "and";

(ii) in paragraph (5), by striking "each fiscal year after fiscal year 1989." and inserting "fiscal year 1990;"; and

(iii) by adding at the end the following:

"(6) $3,250,000,000 for fiscal year 1991;

"(7) $3,350,000,000 for fiscal year 1992;

"(8) $3,400,000,000 for each of fiscal years 1993 and 1994; and

"(9) $3,550,000,000 for each fiscal year after fiscal year 1994."; and

(D) in section 2006(a), by striking "each such agency may provide its views on these reports" and inserting "the Secretary shall annually compile the reports transmitted to the Secretary and submit such annual compilation".

(2) The heading of section 2001 of such Act (42 U.S.C. 1397) is amended by striking "TITLE" and inserting "SUBTITLE".

(3) The heading of section 2003 of such Act (42 U.S.C. 1397b) is amended by inserting "REGULAR" before "ALLOTMENTS".

(4) Effective January 1, 1991, section 402(a)(18) of such Act (42 U.S.C. 602(a)(18)) is amended by inserting "and (viii)" after "(8)(A)(v)".

(c) Applicability of Other Law.—Title XX of such Act (42 U.S.C. 1397 et seq.) is amended by inserting after the subtitle added by subsection (a)(2) of this section the following:

"Subtitle C—Applicability of Other Law

"SEC. 2021. APPLICABILITY OF OTHER LAW.

"Sections 658E and 658J of the Child Care Quality Improvement Act shall not be construed to impose any requirement relating to licensing, training, compliance, enforcement, salaries, recommended standards, or the making of grants or loans, or to authorize the expenditure of any funds, with respect to child care services provided pursuant to this title.".

SEC. 302. EXPANSION OF EARNED INCOME TAX CREDIT.

(a) General Rule.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) Allowance of Credit.—

"(1) In general.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed $5,714.

"(2) Limitation.—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $5,714, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(b) Percentages.—

"(1) In general.—For purposes of subsection (a)—

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child........	17	12
2 qualifying children..	21	15
3 or more qualifying children.	25	18.

"(2) Supplemental young child credit.—In the case of a taxpayer with a qualifying child who has not attained age 6 as of the close of the calendar year in which or with which the taxable year of the taxpayer ends—

"(A) the credit percentage shall be increased by 6 percentage points, and

"(B) the phaseout percentage shall be increased by 4.25 percentage points.".

(b) Qualifying Child Defined.—Subsection (c) of section 32 of such Code is amended by adding at the end thereof the following new paragraph:

"(3) Qualifying child.—The term 'qualifying child' means any child (within the meaning of section 151(c)(3)) of the eligible individual if—

"(A) such individual is entitled to a deduction under section 151 for such child (or would be so entitled but for paragraph (2) or (4) of section 152(e)), and

"(B) such child has the same principal place of abode as such individual for more than one-half of the taxable year.".

(c) Advance Payment Provisions.—

(1) Payment based on number of qualifying children.—

(A) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year and whether any such child is described in section 32(b)(2).".

(B) Paragraph (2) of section 3507(c) of such Code is amended—

(i) by striking "14 percent" in subparagraphs (B)(i) and (C)(i) and inserting "the credit percentage",

(ii) by striking "subsection (b)" in subparagraph (B)(ii) and inserting "subsection (a)(2)", and

(iii) by adding at the end thereof the following new sentence:

"For purposes of this paragraph, the determination of the credit percentage under section 32(b), and the determination of the amounts referred to in subparagraph (B)(ii), shall be made on the basis of the information specified in the earned income eligibility certificate.".

(C) Clause (i) of section 3507(e)(3)(A) of such Code is amended by inserting before ", or" the following: "(or changing the percentages applicable to the employee under section 32(b) for the taxable year)".

(2) Expanded participation in advance payment program.—Subsection (e) of section 3507 of such Code (relating to furnishing and taking effect of certificates) is amended by adding at the end thereof the following new paragraph:

"(6) Employers required to collect certificate or statement of ineligibility, etc.—On or before the date of commencement of employment with an employer, the employer shall require the employee to furnish to the employer a signed earned income eligibility certificate or a signed statement that such employee does not meet the requirements of paragraphs (1) and (2) of subsection (b). As of the beginning of each calendar year, the employer shall require each employee with respect to whom an earned income eligibility certificate is in effect to determine whether there has been a change in circumstances requiring a new certificate or revocation of such certificate.".

(3) Repeal of calendar year limitation on effectiveness of certificate.—

(A) Subparagraphs (A) and (B) of section 3507(e)(1) of such Code are each amended by striking "had been in effect for the calendar year" and inserting "is in effect".

(B) Paragraph (2) of section 3507(e) of such Code is amended—

(i) by striking "for any calendar year", and

(ii) by striking "during such calendar year".

(d) Coordination of Earned Income Credit With Means-Tested Programs.—Section 32 of such Code is amended by adding at the end thereof the following new subsection:

"(j) Coordination of Credit With Means-Tested Programs.—

"(1) Federal means-tested transfer payments treated as support provided by taxpayer.—Solely for purposes of determining whether any credit is allowable to an individual under this section (and the amount of credit so allowable), expenses paid with Federal means-tested payments shall be treated as provided by such individual.

"(2) Credit disregarded in determining benefits under other means-tested programs.—Any refund of tax by reason of this section, and any payment made by an employer under section 3507, shall not be taken into account as income or receipts for purposes of determining the eligibility (for the month in which such refund or payment is made or any month thereafter) of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds. The preceding sentence shall apply only if the individual (or the family unit of which the individual is a member) is a recipient of benefits or assistance under such a program for the month before the month in which such refund or payment is made.".

(e) Conforming Amendments.—

(1) Paragraph (2) of section 32(f) of such Code is amended—

(A) by striking "subsection (b)" each place it appears in subparagraphs (A) and (B) and inserting "subsection (a)(2)", and

(B) by adding at the end thereof the following new sentence:

"Separate tables shall be prescribed for taxpayers with 1 qualifying child, 2 qualifying children, 3 or more qualifying children, and any qualifying child who has not attained age 6.".

(2) Subparagraph (A) of section 32(i)(2) of such Code is amended by striking "or (ii)" in clause (i) and by striking "clause (iii)" in clause (ii) and inserting "clause (ii)".

(3) Subparagraph (B) of section 32(i)(2) of such Code is amended by striking clauses (i), (ii), and (iii) and inserting the following:

"(i) the $5,714 amounts contained in subsection (a), and

"(ii) the $9,000 amount contained in subsection (a)(2)(B).".

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 303. PHASEOUT OF DEPENDENT CARE CREDIT AND EXCLUSION FOR DEPENDENT CARE ASSISTANCE.

(a) Phaseout.—Paragraph (2) of section 21(a) of the Internal Revenue Code of 1986 (defining applicable percentage) is amended to read as follows:

"(2) Applicable percentage defined.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below zero) by the sum of—

"(A) 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $10,000 but does not exceed $30,000, and

"(B) 1 percentage point for each $1,000 (or fraction thereof) by which the taxpayer's adjusted gross income for the taxable year exceeds $70,000."

(b) Exclusion for Dependent Care Assistance.—Paragraph (2) of section 129(a) of such Code is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) Phaseout of exclusion for taxpayers whose adjusted gross incomes exceeds $70,000.—

"(i) In general.—If the taxpayer's adjusted gross income for the taxable year exceeds $70,000 ($35,000 in the case of a separate return by a married individual), the applicable dollar amount in subparagraph (A) shall be reduced (but not below zero) by $250 for each $1,000 (or fraction thereof) of such excess.

"(ii) Coordination with other provisions.—For purposes of clause (i), adjusted gross income shall be determined without regard to this subparagraph and after the application of sections 86, 135, 219, and 469. This subparagraph shall not be taken into account in applying such sections."

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 1990.

SEC. 304. TELEPHONE EXCISE TAX MADE PERMANENT.

(a) General Rule.—Paragraph (1) of section 4251(a) of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by striking "the applicable percentage" and inserting "3 percent".

(b) Conforming Amendment.—Subsection (b) of section 4251 of such Code is amended to read as follows:

"(b) Communications Services.—The term 'communications services' means—

"(1) local telephone service,

"(2) toll telephone service, and

"(3) teletypewriter exchange service."

TITLE IV—CHILD CARE QUALITY IMPROVEMENT

SEC. 401. QUALITY IMPROVEMENT.

Chapter 8 of subtitle A of title VI of Public Law 97-35 (42 U.S.C. 9871-9877) is amended—

(1) by redesignating subchapters C, D, and E, as subchapters D, E, and F, respectively; and

(2) by inserting after subchapter B the following:

"Subchapter C—Child Care Quality Improvement

"SEC. 658A. SHORT TITLE.

"This subchapter may be cited as the 'Child Care Quality Improvement Act'.

"SEC. 658B. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE.

"The Secretary may provide financial assistance to eligible States, and to Indian tribes and tribal organizations, to carry out this subchapter.

"SEC. 658C. AMOUNTS RESERVED; ALLOTMENTS.

"(a) Amounts Reserved.—

"(1) Territories and possessions.—The Secretary shall reserve not to exceed one half of 1 percent of the amount made available under section 3(b)(3) of the Early Childhood Education and Development Act of 1990 in each fiscal year for payments to Guam, American Samoa, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and Palau, to be allotted in accordance with their respective needs.

"(2) Indians.—The Secretary shall reserve an amount, not less than 1.5 percent and not more than 3 percent of the amount made available under section 3(b)(3) of the Early Childhood Education and Development of 1990 in each fiscal year, to carry out subsection (c) regarding Indian children.

"(b) State Allotment.—

"(1) General rule.—From the remainder of the amount made available under section 3(b)(3) of the Early Childhood Education and Development Act of 1990 for each fiscal year, the Secretary shall allot to each State (excluding jurisdictions referred to in subsection (a)(1)) an amount equal to the sum of the following:

"(A) Fifty percent of the amount that bears the same ratio to such remainder as the product of the young child factor of the State and the allotment factor bears to the sum of the corresponding products for all States.

"(B) Fifty percent of the amount that bears the same ratio to such remainder as the product of the school lunch factor of the State and the allotment factor bears to the sum of the corresponding products for all the States.

"(2) Limitations.—If a sum determined under paragraph (1)—

"(A) exceeds 1.2, then the allotment factor of that State shall be considered to be 1.2; and

"(B) is less than 0.8, then the allotment percentage of the State shall be considered to be 0.8.

"(3) Determination of allotment factor.—

"(A) In general.—The allotment factor for a State means—

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"(i) the per capita income of all individuals in the United States; divided by

"(ii) the per capita income of all individuals in the State.

"(B) **Per capita income.**—For purposes of subparagraph (A), per capita income shall be—

"(i) determined at 4-year intervals;

"(ii) applied for the 4-year period beginning on October 1 of the first fiscal year beginning on the date such determination is made; and

"(iii) equal to the average of the annual per capita incomes for the most recent period of 3 consecutive years for which satisfactory data are available from the Department of Commerce at the time such determination is made.

"(c) **Payments for the Benefit of Indian Children.**—

"(1) **Indian tribes and tribal organizations.**—From the funds reserved under subsection (a)(2), the Secretary may, upon the application of an Indian tribe or tribal organization, enter into a contract with or make a grant to such Indian tribe or tribal organization for a period of 2 years, subject to satisfactory performance, to plan and carry out programs and activities that are consistent with this subchapter. Such contract or grant shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act (25 U.S.C. 450f) and shall be conducted in accordance with sections 4, 5, and 6 of the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 655-657), that are relevant to such programs and activities.

"(2) **Indian reservations.**—In the case of an Indian tribe in a State other than the States of Oklahoma, Alaska, and California, such programs and activities shall be carried out on the Indian reservation for the benefit of Indian children.

"(d) **Reallotments.**—

"(1) **In general.**—Any portion of the allotment under subsection (b) to a State that the Secretary determines is not required to carry out a State plan approved under section 658E, in the period for which the allotment is made available, shall be reallotted by the Secretary to other States in proportion to the original allotments to the other States.

"(2) **Limitations.**—(A) The amount of any reallotment to which a State is entitled to under paragraph (1) shall be reduced to the extent that it exceeds the amount that the Secretary estimates will be used in the State to carry out a State plan approved under section 658E.

"(B) The amount of such reduction shall be similarly reallotted among States for which no reduction in an allotment or reallotment is required by this subsection.

"(3) **Amounts reallotted.**—For purposes of any other section of this subchapter, any amount reallotted to a State under this subsection shall be deemed to be part of the allotment made under subsection (b) to the State.

"(e) **Definition.**—For the purposes of this section, the term 'State' means any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico.

"SEC. 658D. LEAD AGENCY.

"The chief executive officer of a State that desires to receive funds under this subchapter shall designate, in an application submitted to the Secretary under section 658E(a), a State agency to act as the lead agency to perform administrative functions to carry out this subchapter. The State agency so designated shall be the State agency that has primary responsibility for child care in the State.

"SEC. 658E. APPLICATION AND PLAN.

"(a) **Application.**—To be eligible to receive funds under this subchapter, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require by rule.

"(b) **Plan.**—The application of a State submitted under subsection (a) shall include an assurance that the State will comply with the requirements of this subchapter and a State plan that is designed to be implemented during a 5-year period and that meets the requirements of subsection (c).

"(c) **Requirements of the Plan.**—

"(1) **Lead agency.**—(A) The plan shall identify the lead agency designated in accordance with section 658D and contain assurances that—

"(i) funds received under this subchapter by the State will be administered by the lead agency; and

"(ii) the lead agency will comply with the requirements of subparagraph (B).

"(B)(i) The lead agency shall review the law applicable to, and the licensing requirements and the policies of, each licensing agency that regulates child care services and programs in the State unless the State has reviewed such law, requirements, and policies in the 3-year period ending on the date of the enactment of the Early Childhood Education and Development Act of 1990.

"(ii) Not later than 18 months after the date of the enactment of the Early Childhood Education and Development Act of 1990, the lead agency shall prepare and submit a report to the chief executive officer of the State. Such report shall contain—

"(I) a statement of the findings and recommendations that result from the review carried out under clause (i), including a description of the current status, and recommendations for improvement, of child care licensing, regulating, monitoring, and enforcement in the State; and

"(II) recommendations regarding standards that should apply to local educational agencies that receive funds under title VIII of the Elementary and Secondary Education Act of 1965 to provide child care services.

"(2) **Activities to improve the quality of child care.**—The plan shall provide that the State shall use funds received under this subchapter to do 1 or more of the following:

"(A) Provide financial assistance to establish or expand local resource and referral programs under section 658F.

"(B) Improve the quality of child care services and early childhood development programs in the State by providing training in accordance with the requirements of section 658G.

"(C) Improve the quality of child care services by improving the monitoring of compliance with, and enforcement of, the licensing and regulatory requirements (including registration requirements) of the State.

"(D) Improve salaries and other compensation paid to full- and part-time staff who provide child care services—

"(i) for which assistance is provided under the Head Start Act or title VIII of the Elementary and Secondary Education Act of 1965; and

"(ii) to the extent practicable, in other major Federal and State child care programs, except programs conducted pursuant to part A of title IV of the Social Security Act;

to the extent that such salaries and other compensation are inadequate.

"(3) **Other allowable activities.**—The plan shall provide that the State may use not more than 5 percent of the funds received under this subchapter to do 1 or more of the following:

"(i) Make low-interest loans to eligible child care providers that are nonprofit child care providers and family child care providers to make renovations and improvements in existing facilities to be used to carry out child care programs.

"(ii) Make grants or low-interest loans to child care providers to assist such providers to meet Federal, State, and local child care standards, giving priority to such providers that serve children of families that have very low income.

"(iii) Make grants to local public libraries (and elementary and secondary school libraries, as appropriate) to improve the quality of early childhood learning resources and to expand the availability of such resources to eligible child care providers (particularly family child care providers) that provide child care services to preschool children, and to the preschool children and their families served by such providers.

"(iv) If funds are not appropriated to carry out title V of the Early Childhood Education and Development Act of 1990 in a fiscal year, make grants in such fiscal year to businesses for the purpose, and under the terms and conditions, specified in such title.

"(v) To develop and implement State tax credits and other policies designed to encourage businesses to offer child care assistance.

Amounts (including interest) received by the State for the repayment of loans made under this paragraph shall be used by the State to carry out this subchapter.

"(4) **Enforcement of licensing and other regulatory requirements (including registration requirements).**—The plan shall provide that the State, not later than 3 years after the date of enactment of the Early Childhood Education and Development Act of 1990, shall have in effect enforcement policies and practices that will be applicable to all licensed or regulated child care providers (including child care providers required to register) in the State, including policies and practices that—

"(A) require personnel who perform inspection functions with respect to licensed or regulated child care services to receive training in child development, health and safety, child abuse prevention and detection, the needs of children with a disability, program management, and relevant law enforcement;

"(B) impose personnel requirements to ensure that individuals who are hired as licensing inspectors are qualified to inspect and, to the maximum extent feasible, have inspection responsibility exclusively for children's services;

"(C) require—

"(i) personnel who perform inspection functions with respect to licensed or regulated child care services to make not less than 1 unannounced inspection of each center-based child care provider in the State annually;

"(ii) personnel who perform inspection functions with respect to licensed or regulated child care services to make unannounced inspections periodically, and during normal hours of operation, of licensed and regulated family child care providers in the State; and

"(D) require the ratio of licensing personnel to child care providers in the State to be maintained at a level sufficient to enable the State to conduct inspections of child care facilities and providers on a timely basis and otherwise to comply with the enforcement requirements of this section;

"(E) require licensed or regulated child care providers (including registered child care providers) in the State—

"(i) to have written policies and program goals and to make a copy of such policies and goals available to parents; and

"(ii) to provide parents with unlimited access to their children whenever children of such parents are in the care of such providers;

"(F) implement a procedure to address complaints of parents and child care providers;

"(G) prohibit the operator of a child care facility to take any action against an employee of such operator that would adversely affect the employment, or terms or conditions of employment, of such employee because such employee communicates a failure of such operator to comply with any applicable licensing or regulatory requirement;

"(H) make consumer education information available to inform parents and the general public about licensing requirements, complaint procedures, and policies and practices required by this paragraph;

"(I) require a child care provider to post, on the premises where child care services are provided, the telephone number of the appropriate licensing or regulatory agency that parents may call regarding a failure of such provider to comply with any applicable licensing or regulatory requirement; and

"(J) require the State to maintain a record of parental complaints and to make information regarding substantiated parental complaints available to the public on request.

"(5) Limitation on administrative expenses.—The plan shall provide that not more than 2 percent of the funds received under this subchapter will be used to pay administrative costs incurred by the lead agency to carry out this subchapter.

"(6) Report.—The plan shall provide that not later than December 31, 1992, and at 2-year intervals thereafter, the State will submit to the Secretary a report—

"(A) specifying—

"(i) the uses for which the State expended under paragraph (2) funds received by the State; and

"(ii) with respect to each use specified under clause (i), the amount of such funds expended;

"(B) stating the reasons supporting the selection of each such use and the amount of such funds expended for each such use;

"(C) identifying the extent to which other resources of the State were expended for each of the activities described in subparagraphs (A) through (D) of such paragraph; and

"(D) containing data designed to show—

"(i) how the child care needs of families in the State are being fulfilled, including information on—

"(I) the number of children being assisted with funds provided under this subchapter, and under other State and Federal child care programs, except programs conducted pursuant to part A of title IV of the Social Security Act;

"(II) the type and number of child care programs, child care providers, caregivers, and support personnel located in the State; and

"(III) salaries and other compensation paid to full- and part-time staff who provide child care services; and

"(ii) the extent to which the availability of child care services has increased;

during the 2-year period for which such report is required to be submitted.

"SEC. 658F. RESOURCE AND REFERRAL PROGRAMS.

"(a) Recognition.—Each State that desires to provide assistance under subsection (b) shall recognize a community-based organization, a public organization, a unit of general purpose local government, or a public agency that represents a combination of units of general purpose local government as the resource and referral agency for a particular geographical area in the State.

"(b) Funding.—Each State that receives funds under this subchapter for a fiscal year may provide assistance, in such fiscal year, to the organizations recognized under subsection (a) to enable such organizations to carry out resource and referral programs—

"(1) to identify existing child care services;

"(2) to provide to interested parents information and referral regarding such services;

"(3) to provide or arrange for the provision of information and training to existing and potential child care providers and to others (including businesses) concerned with the availability of child care services; and

"(4) to provide information on the demand for and supply of child care services located in a community.

"(c) Requirements.—To be eligible for recognition as a resource and referral agency for a designated geographical area in a State, an organization shall—

"(1) have or acquire a database of information on child care services in the geographical area that the organization continually updates, including child care services provided in centers, nursery schools, and family child care settings;

"(2) have the capability to provide resource and referral services in the designated geographical area;

"(3) be able to respond in a timely fashion to requests for information or assistance;

"(4) be a public agency, or a community-based organization, located in the geographical area to be served; and

"(5) be able to provide parents with a checklist to identify quality child care services.

"(d) Duty.—An organization recognized under subsection (a) as a resource and referral agency shall gather, update, and provide information concerning child care services available from eligible child care providers in the geographical area served by such organization.

"(e) Limitation on Information.—An organization recognized under subsection (a) as a resource and referral agency shall not provide information concerning any child care program or services which are not licensed or regulated, and not exempted from licensing and regulation, by the State.

"SEC. 658G. TRAINING AND RELATED ACTIVITIES.

"(a) Grants and Contracts for Training.—A State may make grants to and enter into contracts with public agencies, nonprofit organizations, and institutions of higher education to develop and carry out child care training programs under which preservice and continuing inservice training is provided to—

"(1) staff who provide child care services for which assistance is provided under the Head Start Act or title VIII of the Elementary and Secondary Education Act of 1965; and

"(2) staff of eligible child care providers and staff of resource and referral programs involved in providing child care services in the State.

"(b) Training and Other Activities Relating to Family Child Care Enhancement.—

"(1) Authority to make grants and contracts.—A State may make grants to and enter into contracts with public agencies and nonprofit organizations (including resource and referral organizations, child care food program sponsors, and family child care associations) to enable such organizations to develop and carry out child care training programs under which preservice and inservice training is provided to eligible child care providers that are family child care providers.

"(2) Eligibility requirements for grants and contracts.—To be eligible to receive a grant or enter into a contract under paragraph (1), a nonprofit organization shall—

"(A) recruit and train individuals to become family child care providers, including providers with the capacity to provide night-time child care services and emergency child care services at irregular hours (as well as emergency care for sick children);

"(B) provide ongoing training to individuals who are family child care providers, including specialized training in working with infants;

"(C) operate resource centers to make developmentally appropriate curriculum materials available to family child care providers;

"(D) provide grants to family child care providers for the purchase of moderate cost equipment to be used to provide child care services; and

"(E) provide such other services to family child care providers in the communities of such organization as the lead agency determines to be appropriate.

"SEC. 658H. LIMITATIONS ON USE OF FINANCIAL ASSISTANCE.

"(a) Substitution of Funds.—Funds received under—

"(1) the amendments to the Head Start Act made by the Early Childhood Education and Development Act of 1990;

"(2) title VIII of the Elementary and Secondary Education Act of 1965; or

"(3) this subchapter;

by the State may be used only to supplement, not to supplant, the amount of Federal, State, and local funds expended for the support of the activities for which such funds are received.

"(b) Existing Facilities.—No financial assistance provided under the provisions of law specified in subsection (a) may be expended to renovate or repair any facility unless—

"(1) the child care provider that receives such financial assistance agrees—

"(A) in the case of a grant, to repay to the Secretary or the State, as the case may be, the amount that bears the same ratio to the amount of such grant as the value of the renovation or repair, as of the date such provider ceases to provide child care services in such facility in accordance with this subchapter, bears to the original value of the renovation or repair; and

"(B) in the case of a loan, to repay immediately to the Secretary or the State, as the case may be, the principal amount of such loan outstanding and any interest accrued, as of the date such provider ceases to provide child care services in such facility in accordance with this subchapter;

if such provider does not provide child care services in such facility in accordance with this subchapter throughout the useful life of the renovation or repair; and

"(2) if such provider is a sectarian agency or organization, the renovation or repair is necessary to bring such facility into compliance with health and safety requirements imposed as a result of such provisions of law.

"SEC. 658I. FEDERAL ENFORCEMENT.

"(a) Review of Compliance With State Plan.—The Secretary shall review and monitor State compliance with this subchapter and the plan approved under section 658E for the State.

"(b) Noncompliance.—

"(1) In general.—If the Secretary, after reasonable notice and opportunity for a hearing to a State, finds that—

"(A) there has been a failure by the State to comply substantially with any provision or any requirements set forth in the plan approved under section 658E for the State; or

"(B) in the operation of any program or project for which assistance is provided under this subchapter there is a failure by the State to comply substantially with any provision of this subchapter;

the Secretary shall notify the State of the finding and that no further payments may be made to such State under this subchapter (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to such program or activity) until the Secretary is satisfied that there is no longer any such failure to comply or that the noncompliance will be promptly corrected.

"(2) Additional sanctions.—In the case of a finding of noncompliance made pursuant to paragraph (1), the Secretary may, in addition to imposing the sanctions described in such paragraph, impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this subchapter, and disqualification from the receipt of financial assistance under this subchapter.

"(3) Notice.—The notice required under paragraph (1) shall include a specific identification of any additional sanction being imposed under paragraph (2).

"(c) Issuance of Rules.—The Secretary shall establish by rule procedures for—

"(1) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this subchapter; and

"(2) imposing sanctions under this section.

"SEC. 658J. NATIONAL ADVISORY COMMITTEE ON RECOMMENDED CHILD CARE STANDARDS.

"(a) Establishment.—

"(1) In general.—In order to improve the quality of child care services, the Secretary shall establish, not later than 60 days after the date of the enactment of the Early Childhood Education and Development Act of 1990, the National Advisory Committee On Recommended Child Care Standards the members of which shall be appointed from among representatives of—

"(A) persons who carry out various types of child care programs;

"(B) persons who carry out resource and referral programs;

"(C) child care and early childhood development specialists;

"(D) early childhood education specialists and specialists in the education of children with a disability and children whose English language proficiency is limited as a result of their non-English language background;

"(E) individuals who have expertise in pediatric health care, nutrition, disabilities, and related fields;

"(F) organizations representing child care employees;

"(G) individuals who have experience in the regulation of child care services;

"(H) parents who have been actively involved in child care programs; and

"(I) States.

"(2) Appointment of members.—The Committee shall be composed of 21 members of which—

"(A) 7 members shall be appointed by the President;

"(B) 4 members shall be appointed by the majority leader of the Senate;

"(C) 3 members shall be appointed by the minority leader of the Senate;

"(D) 4 members shall be appointed by the Speaker of the House of Representatives; and

"(E) 3 members shall be appointed by the minority leader of the House of Representatives.

Not less than one-third of the members of the Committee shall be appointed from among individuals described in paragraph (1)(H).

"(3) Chairman.—The Committee shall appoint a chairman from among the members of the Committee.

"(4) Vacancies.—A vacancy occurring on the Committee shall be filled in the same manner as that in which the original appointment was made.

"(b) Personnel, Reimbursement, and Oversight.—

"(1) Personnel.—The Secretary shall make available to the Committee office facilities, personnel who are familiar with child development and with developing and implementing regulatory requirements, technical assistance, and funds as are necessary to enable the Committee to carry out effectively its duties.

"(2) Reimbursement.—Members of the Committee who are not regular full-time employees of the United States Government, while away from their homes or regular places of business on the business of the Committee, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service.

"(3) Oversight.—The Secretary shall ensure that the Committee is established and operated in accordance with the Federal Advisory Committee Act (5 U.S.C. App.).

"(c) Duties.—The Committee shall—

"(1) review Federal policies with respect to child care services and such other data as the Committee may deem appropriate;

"(2) not later than 180 days after the date on which a majority of the members of the Committee are first appointed, submit to the Secretary proposed recommended standards described in subsection (d) for child care services, taking into account the different needs of infants, toddlers, and preschool and school-age children; and

"(3) develop and make available to lead agencies, for distribution to resource and referral agencies in the State, recommended requirements for resource and referral agencies.

"(d) Recommended Child Care Standards.—The proposed recommended child care standards submitted pursuant to subsection (c)(2) shall consist of only the following:

"(1) Center-based child care services.—Such standards submitted with respect to child care services provided by center-based child care providers shall be limited to—

"(A) group size limits in terms of the number of caregivers and the number and ages of children;

"(B) the maximum appropriate child-staff ratios;

"(C) qualifications and background of child care personnel;

"(D) health, nutrition, and safety requirements for children and caregivers;

"(E) inservice training in areas appropriate to providing such child care services, including the minimum number of hours of such training; and

"(F) parental involvement in licensed and regulated child care services.

"(2) Family child care services.—Such standards submitted with respect to child care services provided by family child care providers shall be limited to—

"(A) the maximum number of children for which child care services may be provided and the total number of infants for which child care services may be provided;

"(B) the minimum age for caregivers;

"(C) health, nutrition, and safety requirements for children and caregivers; and

"(D) inservice training in areas appropriate to providing such child care services, including the minimum number of hours of such training.

"(3) Group home child care services.—Such standards submitted with respect to child care services provided by group home child care providers shall be limited to the matters specified in paragraphs (1)(B) and (2).

"(e) Consideration and Establishment of Standards.—

"(1) Notice of proposed rulemaking.—Not later than 90 days after receiving the recommendations of the Committee, the Secretary shall—

"(A) publish in the Federal Register—

"(i) a notice of proposed rulemaking concerning the recommended standards proposed under subsection (d) to the Secretary; and

"(ii) such proposed recommended standards for public comment; and

"(B) distribute such proposed recommended standards, for comment, to each lead agency.

"(2) Establishment of recommended child care standards.—(A) The Secretary shall, in consultation with the Committee—

"(i) take into consideration any comments received by the Secretary with respect to the recommended standards proposed under subsection (d); and

"(ii) not later than 180 days after publication of such standards, shall issue rules establishing recommended child care standards for purposes of this subchapter. Compliance with such standards shall be at the option of the States. Such standards shall include nutrition requirements.

"(B) The Secretary may amend any standard first established under subparagraph (A), except that such standard may not be modified, by amendment or otherwise, to make such standard less comprehensive or less stringent than it is when first established.

"(3) Additional comments.—The Committee may submit to the Secretary and to the Congress such additional comments on the recommended child care standards established under paragraph (2) as the Committee considers appropriate.

"(f) Termination of Committee.—The Committee shall cease to exist 90 days after the date the Secretary establishes recommended child care standards under subsection (e)(2).

"SEC. 658K. DEFINITIONS.

"As used in this subchapter:

"(1) Center-based child care provider.—The term 'center-based child care provider' means a child care provider that provides child care services in a nonresidential facility, and may include a nonprofit institution of higher education.

"(2) Community-based organization.—The term 'community-based organization'—

"(A) means a private nonprofit organization that—

"(i) is representative of the community or of significant segments of the community; and

"(ii) provides child care, preschool programs, or early childhood development programs; or

"(B) has the meaning given it in section 4(5) of the Job Training Partnership Act (29 U.S.C. 1503(5)).

"(3) Disability.—The term 'disability' means any condition set forth in section 602(a)(1) of the Education of the Handicapped Act (20 U.S.C. 1401(a)(1)) or subparagraph (A) or (B) of section 672(1) of the Education of the Handicapped Act (20 U.S.C. 1472(1)).

"(4) Early childhood learning resources.—The term 'early childhood learning resources' includes books, audio and video tapes, films, educational toys and games and other materials designed principally for use by or with children who are less than 6 years of age.

"(5) Eligible child care provider.—The term 'eligible child care provider' means—

"(A) a center-based child care provider, a group home child care provider, a family child care provider, or other provider of child care services for compensation that—

"(i) is licensed or regulated under State law; and

"(ii) satisfies—

"(I) the Federal requirements; and

"(II) the State and local requirements;

applicable to the child care services it provides; and

"(B) a child care provider who provides child care services only to an eligible child who is, by affinity or consanguinity, the grandchild of such provider if such provider satisfies the State requirements (if any) applicable to such services.

"(6) Family child care provider.—The term 'family child care provider' means 1 individual who provides child care services to any eligible child who does not reside with such individual, as the sole caregiver and in the private residence of such individual.

"(7) Group home child care provider.—The term 'group home child care provider' means 2 or more individuals who jointly provide child care services in a private residence to any eligible child who does not reside with any of such individuals.

"(8) Indian tribe.—The term 'Indian tribe' has the meaning given it in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

"(9) Institution of higher education.—The term 'institution of higher education' has the meaning given such term in section 481(a)(1) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1)), except that with respect to a tribally controlled community college such term has the meaning given it in section 2(a)(5) of the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801(a)(5)).

"(10) Lead agency.—The term 'lead agency' means the agency designated under section 659D.

"(11) Local educational agency.—The term 'local educational agency' has the meaning given that term in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12)).

"(12) Public library.—The term 'local public library' has the meaning given that term in section 3(5) of the Library Services and Construction Act.

"(13) Nonprofit organization.—The term 'nonprofit organization' includes an Indian tribe and a tribal organization.

"(14) Non-English language background.—The term 'non-English language background' means the experience of living in a home in which the primary language spoken is not English.

"(15) Parent.—The term 'parent' includes a legal guardian or other person standing in loco parentis.

"(16) Secretary.—The term 'Secretary' means the Secretary of Health and Human Services.

"(17) Staff.—The term 'staff' means an individual who provides a service directly to an eligible child on a person-to-person basis.

"(18) State.—The term 'State' means any of the several States, the District of Columbia, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau.

"(19) Tribal organization.—The term 'tribal organization' has the meaning given it in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).

"(20) Unit of general purpose local government.—The term 'unit of general purpose local government' means a city, county, town, parish, village, or other general purpose political subdivision of a State.".

TITLE V—BUSINESS INVOLVEMENT IN MEETING EMPLOYEE CHILD CARE NEEDS

SEC. 501. ESTABLISHMENT OF GRANT PROGRAM.

The Secretary of Health and Human Services shall establish a program to make grants to eligible businesses—

(1) to pay start-up costs incurred to provide child care services; or

(2) to provide additional child care services;

needed by the employees of such businesses.

SEC. 502. ELIGIBLE BUSINESSES.

To be eligible to receive a grant under section 501, a business shall submit to the Secretary an application in accordance with section 503.

SEC. 503. APPLICATION.

The application required by section 502 shall be submitted by a business or consortium at such time, in such form, and containing such information as the Secretary may require by rule, except that such application shall contain—

(1) an assurance that such business shall expend, for the purpose for which such grant is made, an amount not less than 200 percent of the amount of such grant;

(2) an assurance that such business will expend such grant for the use specified in section 501, as the case may be;

(3) an assurance that if the employees of such business do not require all the child care services for which such grant and the funds required by paragraph (1) are to be expended by such business, the excess of such child care services shall be made available to families in the community in which such business is located;

(4) an assurance that such business will employ strategies to provide such child care services at affordable rates, and on an equitable basis, to low- and moderate-income employees; and

(5) an assurance that the provider of such child care services will comply with all State and local licensing requirements applicable to such provider.

SEC. 504. SELECTION OF GRANTEES.

For purposes of selecting eligible businesses to receive grants under this title, the Secretary shall give priority to businesses that have fewer than 100 full-time employees. To the extent practicable, the Secretary shall make grants equitably under this title to businesses located in all geographical regions of the United States.

SEC. 505. DEFINITIONS.

As used in the title:

(1) Business.—The term "business" means a person engaged in commerce whose primary activity is not providing child care services.

(2) Child care services.—The term "child care services" means care for a child that is—

(A) provided on the site at which a parent of such child is employed or at a site nearby in the community; and

(B) subsidized at least in part by the business that employs such parent.

(3) Consortium.—The term "consortium" means 2 or more businesses acting jointly.

(4) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 506. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out this title.

TITLE VI—CHILD CARE STANDARDS IMPROVEMENT INCENTIVE GRANT PROGRAM AND DEMONSTRATION PROJECT

SEC. 601. CHILD CARE STANDARDS IMPROVEMENT INCENTIVE GRANT PROGRAM; DEMONSTRATION PROJECT.

(a) Grant Program.—

(1) In general.—On October 1, 1990, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall establish a child care standards improvement incentive grant program to make grants to eligible States to assist such States in improving State child care standards in the categories described in section 2012(c) of the Social Security Act.

(2) Eligibility.—To be eligible to receive a grant under this subsection, the State desiring the grant shall prepare and submit to the Secretary an application at such time, in such form, and containing such information as the Secretary shall require, including—

(A) an assurance that the State will meet the requirements of paragraph (4)(C);

(B) information that shall—

(i) describe the present level of child care standards that are in effect in the State;

(ii) describe the prospective use of such grant; and

(iii) describe the expected improvement in the child care standards of the State;

(C) an assurance that the State will use any amounts received under a grant under

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this subsection to specifically improve its child care standards; and

(D) any other information that the Secretary determines appropriate.

(3) CONSIDERATION AND AWARDING OF GRANTS.—

(A) INITIAL GRANTS.—The Secretary shall consider applications submitted by States under paragraph (2), and shall award the initial grants under this section to States on a competitive basis after considering the following criteria:

(i) The relative quality of the existing child care standards of the State as described in the application in comparison to such standards of other States that submit applications.

(ii) The level of child care standards that the State desires to adopt and the State plans for achieving this improved level of standards.

(iii) The relative fiscal capacity of the State in comparison to that of other States that submit applications.

(B) SUBSEQUENT GRANTS.—In determining whether a State that submits an application under paragraph (2) for a subsequent grant under this subsection after the expiration of the previous grant, the Secretary shall award such grant based on the compliance of the State with the application for the previous grant. The Secretary may award a subsequent grant to a State that has not complied with such application of the State if the Secretary determines that factors beyond the control of the State significantly contributed to such noncompliance.

(4) AMOUNT OF GRANT.—

(A) IN GENERAL.—The Secretary shall pay each State awarded a grant under the program established under this subsection 80 percent of the costs to be incurred with respect to activities carried out under the grant.

(B) STATE CONTRIBUTION.—Each State awarded a grant under the program established under this subsection shall, from non-Federal sources, pay 20 percent of the costs to be incurred with respect to activities carried out under the grant.

(C) LIMITATION.—A State may not require any private provider of child care services that receives or seeks funds made available under title XX of the Social Security Act to contribute in cash or in kind to the State contribution required by subparagraph (B).

(5) USE OF GRANTS.—

(A) IN GENERAL.—Each State that receives a grant under this subsection shall use amounts provided under such grant to specifically carry out the State's application for improving child care standards, as submitted by the State under paragraph (2).

(B) SPECIFIC USES.—In meeting the requirement of subparagraph (A), a State may use such amounts for any activity which is directly related to the State's application for improving child care standards.

(6) ADMINISTRATIVE PROVISIONS.—

(A) TERM OF GRANTS.—Grants made under the program established under this subsection shall be for a 2-year period with no State receiving more than 3 consecutive grants.

(B) TERMINATION.—The grant program established under this subsection shall terminate 8 years after the date of the enactment of this Act.

(b) DEMONSTRATION PROJECT.—

(1) AUTHORITY TO MAKE DEMONSTRATION GRANTS.—The Secretary may make grants to not more than 10 eligible public agencies and private entities, in urban and rural areas, to administer child development models.

(2) APPLICATION FOR GRANT.—To be eligible to receive a grant under paragraph (1), a public agency or private entity (in this subsection referred to as the "applicant") shall submit to the Secretary an application that contains at least the following:

(A) Information demonstrating that the applicant has established, or will establish, a child development model.

(B) A detailed plan for the recruitment, training, and support of family child care satellites that will participate in such model.

(C) An assurance that each family child care satellite will be required by the applicant, as conditions of participating in such model—

(i) to pay to the applicant a minimal annual fee; and

(ii) to enter into a contract with the applicant requiring such satellite to provide high quality child care services to children for whom it provides child care services.

(D) A detailed plan for the continuing evaluation of such model and such satellites.

(E) A plan specifying in detail the expenditures the applicant will make, as part of administering a child development model, with such grant throughout a 2-year period.

(F) An assurance that resource materials acquired by such model with a grant received under paragraph (1) will be made available to any child care provider in the community.

(G) An assurance that with respect to each of the following categories of children, there is at least 1 participating satellite that will provide child care services:

(i) Children who are ill but not terminally ill.

(ii) Children who do not speak English as their primary language, if there is a reasonable number of such children in the geographical area in which such model will be administered.

(iii) Children who have a handicapping condition.

(H) An assurance that the applicant will recruit, train, monitor, and provide support for not fewer than 20, and not more than 35, family child care satellites.

(I) An assurance that the applicant will provide to each participating satellite training with respect to the following:

(i) Basic child development, including physical development, social and emotional development, intellectual development, and language development.

(ii) Developmentally appropriate activities.

(iii) Developmentally appropriate problem solving.

(iv) Providing family child care services as a business.

(J) Information describing the demographics of the population in the geographical area in which such model will be administered.

(K) An assurance that the applicant will prepare and submit to the Secretary, by such date as the Secretary may specify, the report required by paragraph (3)(B).

(L) Such information and assurances as the Secretary may require by rule.

(3) EVALUATION AND REPORT.—

(A) EVALUATION.—Each applicant that receives a grant under paragraph (1) shall evaluate each family child care satellite that participates in the child development model administered by the applicant. Such evaluation shall include—

(i) a determination, based on making monthly visits (with and without advance notice to such satellite), whether—

(I) the child care services provided by such satellite are appropriate for the ages of the children to whom such services are provided;

(II) the interaction of the staff of such satellite with such children is of good quality; and

(III) such satellite is providing nutritional food to such children to satisfy their needs;

(ii) a determination of the extent to which the community cluster of which such model is a part—

(I) expands the availability of quality child care for working families;

(II) encourages quality and professionalism in child care;

(III) encourages the emotional security of sustained relationships between children and child care providers;

(IV) serves as a model and information center for current and potential child care providers; and

(V) educates family child care providers on matters relating to quality child care; and

(iii) such other information as the Secretary may require by rule.

(B) REPORT.—In accordance with rules issued by the Secretary, submit to the Secretary a detailed description of the results of the evaluation conducted under subparagraph (A).

(4) REPORT BY THE SECRETARY.—Not later than April 1, 1993, the Secretary shall submit to the Congress a report describing the operation of the child development models that received grants under paragraph (1) and summarizing the evaluations received under paragraph (3)(B) by the Secretary.

(5) DEFINITIONS.—As used in this subsection:

(A) CHILD CARE DEVELOPMENT CENTER.—The term "child care development center" means a center-based child care provider that provides child care services that include educational activities that are appropriate to the ages of participating children.

(B) CHILD DEVELOPMENT MODEL.—The term "child development model" means—

(i) a child care development center that—

(I) provides child care services at a single site (or at multiple sites in reasonably close proximity) to infants, toddlers, preschool children, and school-age children; and

(II) is capable of providing training and on-going assistance to satellites that provide child care services to sick children or to exceptional children; or

(ii) a high quality child care program that is capable of—

(I) recruiting, training, supporting, and monitoring family child care providers; and

(II) providing training and on-going assistance to satellites that provide child care services to sick or exceptional children.

(C) COMMUNITY CLUSTER.—The term "community cluster" means a child development model together with not fewer than 20, and not more than 35, family child care satellites.

(D) FAMILY CHILD CARE SATELLITE.—The term "family child care satellite" means a licensed or unlicensed family child care provider who is—

(i) capable of providing high quality child care services, as defined by such child development model; and

(ii) monitored and evaluated regularly by such child development model.

(E) HIGH QUALITY CHILD CARE PROGRAM.—The term "high quality child care program" means a child care program in which—

(i) participating children are well nourished;

(ii) the health of participating children is monitored;

(iii) participating children are supervised;

(iv) participating children have adequate space;

(v) ample equipment for learning is provided to participating children;

(vi) materials are incorporated into the child care environment in ways that are appropriate to the ages of participating children;

(vii) staff members who carry out such program have training in child development and teaching methods;

(viii) appropriate salaries and benefits are available to staff members;

(ix) such program is well planned and well organized;

(x) such program provides to parents unlimited access to their children while their children are receiving child care services provided by such program;

(xi) the number of participating children is appropriate; and

(xii) the ratio of staff members to participating children is appropriate.

(F) Resource material.—The term "resource material" means printed or nonprinted material relating to—

(i) child development or providing child care services; or

(ii) practical or legal matters applicable to the operation of a child care provider, including management, taxation, and insurance;

(G) Support.—The term "support" means—

(i) access to a toy lending library;

(ii) regular inservice programs on topics related to providing child care services;

(iii) development of a family child care satellite support group; and

(iv) regular visits from a resource specialist.

(c) Limitations on Authorization of Appropriations.—

(1) In general.—For grants under this section, there are hereby authorized to be appropriated to the Secretary not to exceed $75,000,000 for each of fiscal years 1991 through 1998.

(2) Demonstration project.—2 percent of the amounts appropriated for each fiscal year pursuant to paragraph (1) shall be used to make grants under subsection (b) in such fiscal year.

TITLE VII—SENSE OF THE CONGRESS AS TO DEFICIT EFFECT

It is the sense of the Congress that the congressional budget resolution should assume an increase in revenues or a reduction in spending, or a combination thereof (beyond those otherwise needed for deficit reduction) sufficient to offset the net deficit effect of this Act and amendments made by this Act for the first 5 fiscal years beginning after September 30, 1990.

The CHAIRMAN. No amendment to said substitute, as modified, shall be in order except those amendments printed in House Report 101-436. Said amendments shall be considered in the order and manner specified in said report, shall be considered as having been read, and shall not be subject to amendment except as specified in said report. Debate time specified for each amendment shall be equally divided and controlled by the proponent of the amendment and a Member opposed thereto.

It shall be in order to consider the amendments offered by the gentleman from Missouri, Mr. Gephardt, or his designee, printed in House Report 101-436, as pending simultaneously to the amendment offered by the gentleman from Texas, Mr. Stenholm, and to the amendment in the nature of a substitute made in order as an original text by House Resolution 368. Said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question. The Chair shall put the question on the amendments en bloc offered by the gentleman from Missouri or his designee as one question.

It shall be in order to consider the amendments offered by the gentleman from California, Mr. Edwards, or his designee, printed in House Report 101-436, as pending simultaneously to the amendment offered by the gentleman from Texas, Mr. Stenholm, and to the amendment in the nature of a substitute made in order as an original text by House Resolution 368. Said amendments shall be considered en bloc and shall not be subject to a demand for a division of the question. The Chair shall put the question on the amendments en bloc offered by the gentleman form California as one question.

It is now in order to consider amendment No. 1 printed in House Report 101-436.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. Stenholm: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Choice and Child Care Improvement Act of 1990".

TITLE I—EXPANSION OF HEAD START

SEC. 101. DEFINITION.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended by adding at the end the following:

"(4) The term 'adjusted appropriation' means the amount appropriated under section 639(a) for the preceding fiscal year as adjusted to reflect the percentage change in the Consumer Price Index For All Urban Consumers, issued by the Bureau of Labor Statistics, during the 1-year period ending June 30 immediately preceding the fiscal year with respect to which an authorization of appropriations is being determined under section 639(b)(1).".

SEC. 102. AUTHORITY TO PROVIDE CHILD CARE SERVICES.

Section 638(a) of the Head Start Act (42 U.S.C. 9833(a)) is amended—

(1) by striking "; and (2)" and inserting ", (2)"; and

(2) by inserting the following before the period at the end: ", and (3) may provide developmentally appropriate child care services throughout the full calendar year to children who are eligible under section 645 to participate in, and are participating in, Head Start programs so that such children receive full-working-day services if such child care services are provided to meet the needs of parents each of whom is working, attending a job training or educational program, or seeking employment (but may not use for this purpose funds appropriated under this subchapter other than funds made available pursuant to section 639(b)(2))".

SEC. 103. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) by inserting "(a)" after "Sec. 639.";

(2) by inserting "(other than the provisions relating to child care services referred to in section 638(a)(3))" after "subchapter"; and

(3) by adding at the end the following:

"(b)(1) If for fiscal year 1991, 1992, 1993, 1994, or 1995 the amount appropriated under subsection (a) exceeds the adjusted appropriation for such fiscal year, then there is authorized to be appropriated, in addition to any amount authorized by subsection (a) to be appropriated, to provide Head Start services under paragraphs (1), (2), and (3) of section 638—

"(A) $600,000,000 in the case of fiscal year 1991; or

"(B) such sums as may be necessary in the case of fiscal year 1992, 1993, 1994, or 1995.

"(2) Not more than fifty percent of the amount received by a Head Start agency from funds appropriated under paragraph (1) for any fiscal year shall be available to provide child care services under section 638(a)(3).".

SEC. 104. HEAD START RESEARCH STUDY.

(a) Research and Reports.—After consulting with experts in research design and preschool programs, the Secretary of Health and Human Services shall conduct a longitudinal research study on the effects of Head Start on children's development. Such study, which shall be conducted on a nationally representative sample, shall include information on school grades, grade retention, special education placement, high school graduation, delinquency, teenage pregnancy, welfare participation, college attendance, employment, and similar outcomes deemed appropriate by the Secretary. Such sample shall be followed for at least 20 years, during which time the Secretary shall make periodic reports to the Congress on the study's findings. Such study shall begin not later than September of 1991.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out subsection (a) $2,000,000 for each of the fiscal years 1991 through 2011.

TITLE II—SMALL BUSINESS INVOLVEMENT IN MEETING EMPLOYEE CHILD CARE NEEDS

SEC. 201. ESTABLISHMENT OF GRANT PROGRAM.

The Secretary of Health and Human Services shall establish a program to make grants to eligible small businesses—

(1) to pay start-up costs incurred to provide child care services; or

(2) to provide additional child care services; needed by the employees of such businesses.

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SEC. 202. ELIGIBLE SMALL BUSINESSES.

To be eligible to receive a grant under section 201, a small business shall submit to the Secretary an application in accordance with section 203.

SEC. 203. APPLICATION.

The application required by section 202 shall be submitted by a small business (separately or jointly with 1 or more other small businesses) at such time, in such form, and containing such information as the Secretary may require by rule, except that such application shall contain—

(1) an assurance that such small business shall expend, for the purpose for which such grant is made, an amount not less than 300 percent of the amount of such grant;

(2) an assurance that such small business will expend such grant for the use specified in section 201, as the case may be;

(3) an assurance that if the employees of such small business do not require all the child care services for which such grant and the funds required by paragraph (1) are to be expended by such small business, the excess of such child care services shall be made available to families in the community in which such small business is located;

(4) an assurance that such small business will employ strategies to provide such child care services at affordable rates, and on an equitable basis, to low- and moderate-income employees; and

(5) an assurance that the provider of such child care services will comply with all State and local licensing requirements applicable to such provider.

SEC. 204. DEFINITIONS.

As used in the title:

(1) Small Business.—The term "small business" means a person that—

(A) is engaged in commerce and whose primary activity is not providing child care services; and

(B) has fewer than 50 full-time (or the equivalent) employees.

(2) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 to carry out this title.

TITLE III—BLOCK GRANT CHILD CARE PROVISIONS

SEC. 301. EXPANDED TITLE XX CHILD CARE.

(a) In General.—Title XX of the Social Security Act (42 U.S.C. 1397 et seq.) is amended—

(1) by inserting after the title heading the following:

"SEC. 2000. LIMITATION ON ENTITLEMENT.

"For payments to which States are entitled under this title, there shall be available to the Secretary $3,250,000,000 for each fiscal year after fiscal year 1990, of which $450,000,000 shall be for payments under section 2007."; and

(2) by adding at the end the following:

"SEC. 2007. CHILD CARE.

"(a) Payments to States From Special Allotments.—

"(1) Entitlement.—Each State which is eligible for funds under this section for a fiscal year shall be entitled to payments in an aggregate amount equal to the special allotment of the State for the fiscal year.

"(2) Payments.—The Secretary shall provide funds to each State which is eligible for funds under the section for a fiscal year from the special allotment of the State for the fiscal year, in accordance with section 6503 of title 31, United States Code.

"(3) Special allotments.—The special allotment of each State for any fiscal year equals the amount that bears the same ratio to the amount specified in section 2000 for payments under this section for such fiscal year, as the number of children who have not attained the age of 13 years residing with families in the State bears to the total number of children who have not attained the age of 13 years residing with families in all States, determined on the basis of the most recent data available from the Department of Commerce at the time the special allotment is determined.

"(4) Expenditure of funds by States.—Except as provided in paragraph (5)(A), each State which receives funds under this section for any fiscal year shall expend such funds in such fiscal year or in the succeeding fiscal year.

"(5) Redistribution of unexpended special allotments.—

"(A) Remittance to the secretary.—Each State which receives funds under this section for a fiscal year shall remit to the Secretary that part of such funds which the State intends not to, or does not, expend in such fiscal year or in the succeeding fiscal year.

"(B) Redistribution.—The Secretary shall increase the special allotment of each State not remitting any amount to the Secretary for a fiscal year pursuant to subparagraph (A) by an amount equal to—

"(i) the aggregate of the amounts so remitted; multiplied by

"(ii) the adjusted State share for such fiscal year.

"(C) Adjusted state share.—As used in subparagraph (B)(ii), the term 'adjusted State share' means, with respect to a fiscal year—

"(i) the special allotment of the State for such fiscal year (before any increase under subparagraph (B)); divided by

"(ii)(I) the special allotments of all States for such fiscal year; minus

"(II) the aggregate of the amounts remitted to the Secretary for such fiscal year pursuant to subparagraph (A).

"(b) Lead Agency.—

"(1) Designation.—The chief executive officer of a State desiring to participate in the program authorized under this section shall designate, in an application submitted to the Secretary under subsection (c), an appropriate State agency that carries out the responsibilities described in paragraph (2) to act as the lead agency.

"(2) Responsibilities.—

"(A) Administration of funds.—The lead agency shall administer the funds made available to the State under the section to support programs and services authorized under the section.

"(B) Coordination.—The lead agency shall coordinate with State and local governments in developing the State plan required under subsection (c) to provide services under this section.

"(C) Interagency coordination.—The lead agency shall establish procedures for assuring that appropriate State agencies work together to carry out the purposes of this section.

"(c) State Plan Requirements.—

"(1) Application.—To be eligible to receive funds under this section for a fiscal year, a State shall prepare and submit an application to the Secretary that shall be subject to the approval of the Secretary and that complies with the requirements of paragraph (3).

"(2) Approval.—Not later than 90 days after the date of the submission of the State application under paragraph (1), the Secretary shall either approve or disapprove such application. If the Secretary disapproves the application, the Secretary shall provide the State with an explanation and recommendations for changes in the application to gain approval.

"(3) State plan requirements.—The application submitted under paragraph (1) shall contain a plan which—

"(A) identifies the lead agency in accordance with subsection (b);

"(B) describes the activities the State will carry out with funds provided under this section for the fiscal year;

"(C) provides assurances that the funds provided under this section will be used to supplement, not supplant, State and local funds as well as Federal funds provided under any Act and applied to child care activities in the State during fiscal year 1989;

"(D) provides assurances that the States will not expend more than 7 percent of the funds provided to the State under this section for the fiscal year for administrative expenses;

"(E) provides assurances that the State will give priority to programs that serve low-income families and geographical areas;

"(F) ensures that child care providers reimbursed under this section meet applicable standards of State and local law;

"(G) provides assurances that the lead agency will coordinate the funds provided under this section with other Federal resources for child care provided under this Act, and with other Federal, State, or local child care and preschool programs operated within the State; and

"(H) provides for the establishment of fiscal and accounting procedures that may be necessary to——

"(i) ensure a proper accounting of Federal funds received by the State under this section; and

"(ii) ensure the proper verification of the reports submitted by the State under subsection (e)(2).

"(d) Use of Funds.—

"(1) In general.—Funds provided under this section shall be used to expand parent choices in selecting child care, to address deficiencies in the supply of child care, and to expand and improve child care services, with an emphasis on providing such services to low-income families and geographical areas. Subject to the approval of the Secretary, States receiving funds under this section shall use such funds to carry out child care programs and activities through grants to or contracts with public or private entities and through child care certificates given directly to families.

"(2) Specific uses.—Each State which receives funds under this section may expend such funds for—

"(A) child care services, including services for infants, sick children, children with special needs, and children of adolescent parents;

"(B) after-school and before-school programs and programs during nontraditional hours for the children of working parents;

"(C) programs for the recruitment and training of day care workers, including older Americans;

"(D) grant and loan programs to enable child care workers and providers to meet State and local standards and requirements;

"(E) child care information and referral services;

"(F) child care programs developed by public and private sector partnerships;

"(G) liability insurance pools to serve child care providers;

"(H) programs to promote and ensure the health and safety of children and caregivers, to improve the quality of all types of child care, and to train child care providers in health and safety practices;

"(I) State efforts to provide technical assistance designed to help providers improve the services offered to parents and children; and

"(J) other child care-related programs consistent with the purpose of this section and approved by the Secretary;

"(3) METHODS OF FUNDING.—Funds for child care services under this title shall be for the benefit of parents and shall be provided through contracts or grants with public or private providers or through child care certificates given directly to parents.

"(4) PARENTAL RIGHTS OF CHOICE.—Any parent who receives a child care certificate under this title may use such certificate with any child care provider, including those providers which have religious activities, if such provider is freely chosen by the parent from among the available alternatives.

"(5) CHILD CARE CERTIFICATES.—

"(A) IN GENERAL.—For purposes of this title, a child care certificate is a certificate issued by a State directly to a parent or legal guardian for use only as payment for child care services furnished by any provider eligible to receive funds under this Act.

"(B) EQUAL TREATMENT.—If the demand for child care assistance for families qualified to receive services from a State under this Act exceeds the fund available for such assistance, the State shall ration assistance to obtain such services using procedures that do not disadvantage parents using child care certificates, relative to other methods of financing, in either the waiting period or the pecuniary value of such services.

"(C) COMMENCEMENT OF CERTIFICATE PROGRAM.—

"(i) IN GENERAL.—Subject to clause (ii), beginning not later than 2 years after the date of the enactment of this section, each State that receives funds under this title shall offer a child care certificate program in accordance with this section.

"(ii) EXTENSION OF PERIOD.—The Secretary may delay the application of clause (i) to any State by extending the 2-year period described in clause (i) for not more than 1 additional year if the Secretary determines that the State is making a good faith effort to establish a child care certificate program.

"(D) AUTHORITY TO USE CHILD CARE FUNDS FOR CERTIFICATE PROGRAM.—Each State that receives funds under this title may use the funds provided to the State under this title which are required to be used for child care activities to plan and establish the State's child care certificate program.

"(6) OPTION OF RECEIVING A CHILD CARE CERTIFICATE.—Each parent or legal guardian who is to receive assistance pursuant to this title shall be provided with the option of enrolling his or her child with an eligible child care provider that receives funds through grants or contracts, or of receiving child care certificates provided under this title. Such parent shall have the right to use such certificates to purchase child care services from an eligible provider of his or her choice.

"(7) RIGHTS OF RELIGIOUS CHILD CARE PROVIDERS.—Notwithstanding any other provision of law, a religious child care provider who receives funds under this title, is described in section 501(c)(3) of the Internal Revenue Code of 1986, and is exempt from taxation under section 501(a) of such Code may require adherence by employees to the religious tenets or teachings of such provider.

"(8) ELIGIBLE CHILD CARE PROVIDERS.—Any child care provider which meets applicable standards of State and local law for that type of care shall be eligible to receive funds or accept certificates under this title. As used in this paragraph, the term 'child care provider' shall include—

"(A) units of State and local governments, and elementary, secondary and post-secondary educational institutions;

"(B) nonprofit organizations under subsections (c) and (d) of section 501 of the Internal Revenue Code of 1986;

"(C) professional or employee associations;

"(D) consortia of small businesses; and

"(E) proprietary for-profit entities, relatives, informal day care centers, religious child care providers, day care centers, and any other entities that the State determines appropriate subject to approval of the Secretary.

"(9) PROHIBITED USES.—Any State which receives funds under this section may not use any of such funds—

"(A) to satisfy any State matching requirement imposed under any Federal grant;

"(B) for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility; or

"(C) to provide any service which the State makes generally available to the residents of the State without cost to such residents and without regard to the income of such residents.

"(e) REPORTING REQUIREMENTS.—

"(1) NOTICE OF SECRETARY OF UNEXPENDED FUNDS.—Each State which has not completely expended the funds received by the State under this section for a fiscal year in such fiscal year or the succeeding fiscal year shall notify the Secretary of any amount not so expended.

"(2) STATE REPORTS ON USE OF FUNDS.—Not later than 18 months after the date of the enactment of this section, and each year thereafter, the State shall prepare and submit to the Secretary, in such form as the Secretary shall prescribe, a report describing the State's use of funds received under this section, including—

"(A) the number, type, and distrbution of services and programs under this section;

"(B) the average cost of child care, by type of provider;

"(C) the number of children served under this section;

"(D) the average income and distribution of incomes of the families being served;

"(E) efforts undertaken by the State pursuant to this section to promote and ensure health and safety and improve quality; and

"(F) such other information as the Secretary considers appropriate.

"(3) GUIDELINES FOR STATE REPORTS; COORDINATION WITH REPORTS UNDER SECTION 2006.—Within 6 months after the date of the enactment of this section, the Secretary shall establish guidelines for State reports under paragraph (2). To the extent feasible, the Secretary shall coordinate such reporting requirement with the reports required under section 2006 and, as the Secretary deems appropriate, with other reporting requirements placed on States as a condition of receipt of other Federal funds which support child care.

"(4) REPORTS BY THE SECRETARY.—

"(A) REPORTS TO THE CONGRESS OF SUMMARY OF STATE REPORTS.—The Secretary shall annually summarize the information reported to the Secretary pursuant to paragraph (2) and provide such summary to the Congress.

"(B) REPORTS TO THE STATES ON EFFECTIVE PRACTICES.—The Secretary shall annually provide the States with a report on particularly effective practices and programs supported by funds received under this section, which ensure the health and safety of children in care, promote quality child care, and provide training to all types of providers.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1990.

(c) CONSTRUCTION.—If the highest court of a State holds that any provision of subsection (d) of section 2007 of the Social Security Act or the application thereof to any person or circumstance is inconsistent with the constitution of that State, the remainder of such subsection and the application of such provision to other persons or circumstances shall not be affected thereby.

TITLE IV—TAX CHANGES RELATING TO CHILD CARE

SEC. 401. EXPANSION OF EARNED INCOME TAX CREDIT.

(a) GENERAL RULE.—Subsections (a) and (b) of section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) are amended to read as follows:

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the credit percentage of so much of the earned income for the taxable year as does not exceed $5,714.

"(2) LIMITATION.—The amount of the credit allowable to a taxpayer under this subsection for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of $5,714, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $9,000.

"(b) PERCENTAGES.—

"(1) IN GENERAL.—For purposes of subsection (a)—

"In the case of an eligible individual with:	The credit percentage is:	The phaseout percentage is:
1 qualifying child	17	12
2 qualifying children	21	15
3 or more qualifying children	25	18.

"(2) SUPPLEMENTAL YOUNG CHILD CREDIT.—In the case of a taxpayer with a qualifying child who has not attained age 6 as of the close of the calendar year in which or with which the taxable year of the taxpayer ends—

"(A) the credit percentage shall be increased by 6 percentage points, and

"(B) the phaseout percentage shall be increased by 4.25 percentage points.

"(3) SUPPLEMENTAL INFANT CREDIT.—

"(A) IN GENERAL.—In the case of a taxpayer with a qualifying child who has not attained age 1 as of the close of the calendar

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year in which or with which the taxable year of the taxpayer ends—

"(i) the credit percentage shall be increased by 6 percentage points (4 percentage points in the case of a taxable year beginning before January 1, 1994), and

"(ii) the phaseout percentage shall be increased by 4.25 percentage points (2⅚ percentage points in the case of a taxable year beginning before January 1, 1994).

The percentages under this paragraph shall be in addition to the percentages determined under paragraph (2) with respect to such child.

"(B) **Election between dependent care credit and credit for child claimed under this paragraph.**—If the taxpayer elects to take a child into account under this paragraph, such child shall be treated as not being a qualifying individual under section 21.".

(b) **Qualifying Child Defined.**—Subsection (c) of section 32 of such Code is amended by adding at the end thereof the following new paragraph:

"(3) **Qualifying child.**—The term 'qualifying child' means any child (within the meaning of section 151(c)(3)) of the eligible individual if—

"(A) such individual is entitled to a deduction under section 151 for such child (or would be so entitled but for paragraph (2) or (4) of section 152(e)), and

"(B) such child has the same principal place of abode as such individual for more than one-half of the taxable year.".

(c) **Advance Payment Provisions.**—

(1) **Payment based on number of qualifying children.**—

(A) Subsection (b) of section 3507 of such Code is amended by striking "and" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", and", and by inserting after paragraph (3) the following new paragraph:

"(4) states the number of qualifying children (as defined in section 32(c)(3)) of the employee for the taxable year and whether any such child is described in paragraph (2) or (3) of section 32(b).".

(B) Paragraph (2) of section 3507(c) of such Code is amended—

(i) by striking "14 percent" in subparagraphs (B)(i) and (C)(i) and inserting "the credit percentage",

(ii) by striking "subsection (b)" in subparagraph (B)(ii) and inserting "subsection (a)(2)", and

(iii) by adding at the end thereof the following new sentence:

"For purposes of this paragraph, the determination of the credit percentage under section 32(b), and the determination of the amounts referred to in subparagraph (B)(ii), shall be made on the basis of the information specified in the earned income eligibility certificate.".

(C) Clause (i) of section 3507(e)(3)(A) of such Code is amended by inserting before ", or" the following: "(or changing the percentages applicable to the employee under section 32(b) for the taxable year)".

(2) **Expanded participation in advance payment program.**—Subsection (e) of section 3507 of such Code (relating to furnishing and taking effect of certificates) is amended by adding at the end thereof the following new paragraph:

"(6) **Employer required to collect certificate or statement of ineligibility, etc.**—On or before the date of commencement of employment with an employer, the employer shall require the employee to furnish to the employer a signed earned income eligibility certificate or a signed statement that such employee does not meet the requirements of paragraphs (1), (2), and (3) of subsection (b). As of the beginning of each calendar year, the employer shall require each employee with respect to whom an earned income eligibility certificate is in effect to determine whether there has been a change in circumstances requiring a new certificate or revocation of such certificate.".

(3) **Repeal of calendar year limitation on effectiveness of certificate.**—

(A) Subparagraphs (A) and (B) of section 3507(e)(1) of such Code are each amended by striking "had been in effect for the calendar year" and inserting "is in effect".

(B) Paragraph (2) of section 3507(e) of such Code is amended—

(i) by striking "for any calendar year", and

(ii) by striking "during such calendar year".

(d) **Coordination of Credit With Means-Tested Programs.**—Section 32 of such Code is amended by adding at the end thereof the following new subsection:

"(j) **Coordination of Credit With Means-Tested Programs.**—

"(1) **Federal means-tested transfer payments treated as support provided by taxpayer.**—Solely for purposes of determining whether any credit is allowable to an individual under this section (and the amount of credit so allowable), Federal means-tested payments shall be treated as support provided by such individual.

"(2) **Credit disregarded in determining benefits under other means-tested programs.**—Any refund of tax by reason of this section, and any payment made by an employer under section 3507, shall not be taken into account as income or receipts for purposes of determining the eligibility (for the month in which such refund or payment is made or any month thereafter) of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds. The preceding sentence shall apply only if the individual (or the family unit of which the individual is a member) is a recipient of benefits or assistance under such a program for the month before the month in which such refund or payment is made.".

(e) **Conforming Amendments.**—

(1) Paragraph (2) of section 32(f) of such Code is amended—

(A) by striking "subsection (b)" each place it appears in subparagraphs (A) and (B) and inserting "subsection (a)(2)", and

(B) by adding at the end thereof the following new sentence:

"Separate tables shall be prescribed for taxpayers with 1 qualifying child, 2 qualifying children, 3 or more qualifying children, any qualifying child who has not attained age 1, and any qualifying child who has not attained age 6.".

(2) Subparagraph (A) of section 32(i)(2) of such Code is amended by striking "or (ii)" in clause (i) and by striking "clause (iii)" in clause (ii) and inserting "clause (ii)".

(3) Subparagraph (B) of section 32(i)(2) of such Code is amended by striking clauses (i), (ii), and (iii) and inserting the following:

"(i) the $5,714 amounts contained in subsection (a), and

"(ii) the $9,000 amount contained in subsection (a)(2)(B).".

(f) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

(g) **Study.**—The Secretary of the Treasury or his delegate shall conduct a study of the changes made by this section in section 3507 of the Internal Revenue Code of 1986 to determine whether such changes have resulted in an undue administrative or paperwork burden on taxpayers or the Internal Revenue Service. Not later than 2 years after the date of the enactment of this Act, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives a report of such study together with any recommendations such Secretary may have (including recommendations with respect to alternatives to such section 3507).

SEC. 402. PHASEOUT OF DEPENDENT CARE CREDIT AND EXCLUSION FOR DEPENDENT CARE ASSISTANCE.

(a) **Dependent Care Credit.**—Subsection (a) of section 21 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new paragraph:

"(3) **Phaseout of credit for taxpayers whose adjusted gross incomes exceeds $70,000.**—If the taxpayer's adjusted gross income for the taxable year exceeds $70,000, the applicable percentage shall be reduced (but not below zero) by 1 percentage point for each $1,000 of such excess.".

(b) **Exclusion for Dependent Care Assistance.**—Paragraph (2) of section 129(a) of such Code is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) **Phaseout of exclusion for taxpayers whose adjusted gross incomes exceeds $70,000.**—

"(i) **In general.**—If the taxpayer's adjusted gross income for the taxable year exceeds $70,000 ($35,000 in the case of a separate return by a married individual), the applicable dollar amount in subparagraph (A) shall be reduced (but not below zero) by $250 for each $1,000 of such excess.

"(ii) **Coordination with other provisions.**—For purposes of clause (i), adjusted gross income shall be determined without regard to this subparagraph and after the application of sections 86, 135, 219, and 469. This subparagraph shall not be taken into account in applying such sections.".

(c) **Effective Date.**—The amendments made by this section shall apply to taxable years beginning after December 31, 1991.

TITLE V—CHILD CARE EARNINGS EXCLUDED FROM EXCESS EARNINGS TEST

SEC. 501. CHILD CARE EARNINGS EXCLUDED FROM WAGES AND SELF-EMPLOYMENT INCOME FOR EXCESS EARNINGS TEST.

(a) **Wages.**—Section 203(f)(5)(C) of the Social Security Act (42 U.S.C. 403(f)(5)(C)) is amended—

(1) by striking out "or" at the end of clause (i),

(2) by striking out the period at the end of clause (ii) and inserting in lieu thereof ", or", and

(3) by adding at the end thereof the following new clause:

"(iii) the amount of any payment made to an employee who has attained retirement age (as defined in section 216(l)) by an employer for child care services (including indirect services) performed by such employee after the month in which such employee initially becomes entitled to insurance benefits under this title.".

(b) SELF-EMPLOYMENT INCOME.—Section 203(f)(5)(D) of such Act (42 U.S.C. 403(f)(5)(D)) is amended—

(1) by striking out "or" at the end of clause (i),

(2) by adding "or" at the end of clause (ii),

(3) by inserting immediately after clause (ii) the following new clause:

"(iii) an individual who has attained retirement age (as defined in section 216(l)) who has become entitled to insurance benefits under this title, any income attributable to child care services (including indirect services) performed after the month in which such individual becomes entitled to such benefits,", and

(4) by striking out "royalties or other income" and inserting in lieu thereof "royalties or income".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to wages or income earned after the date of the enactment of this Act.

TITLE VI—TELEPHONE EXCISE TAX MADE PERMANENT

SEC. 601. TELEPHONE EXCISE TAX MADE PERMANENT.

(a) GENERAL RULE.—Paragraph (1) of section 4251(a) of the Internal Revenue Code of 1986 (relating to tax imposed) is amended by striking "the applicable percentage" and inserting "3 percent".

(b) CONFORMING AMENDMENT.—Subsection (b) of section 4251 of such Code is amended to read as follows:

"(b) COMMUNICATIONS SERVICES.—The term 'communications services' means—

"(1) local telephone service,

"(2) toll telephone service, and

"(3) teletypewriter exchange service.".

SEC. 602. ACCELERATION OF DEPOSIT REQUIREMENTS FOR TELEPHONE EXCISE TAX.

(a) IN GENERAL.—Subsection (e) of section 6302 of the Internal Revenue Code of 1986 (relating to mode or time of collection) is amended—

(1) by inserting "COMMUNICATIONS SERVICES AND" after "TAXES ON" in the heading and

(2) by inserting "section 4251 or" after "imposed by" in the text.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to payments of taxes considered collected for semimonthly periods beginning after September 30, 1990.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent that my time be equally divided with the gentleman from Florida [Mr. SHAW].

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. Is there a Member in opposition?

Mr. HAWKINS. Mr. Chairman, I yield 15 minutes of my 30 minutes that I understand I have to the Committee on Ways and Means.

The CHAIRMAN. Without objection, the gentleman from California [Mr. HAWKINS] will be recognized for 15 minutes and the gentleman from New York [Mr. DOWNEY] will be recognized for 15 minutes in opposition.

There was no objection.

The CHAIRMAN. Does the gentleman from Texas [Mr. STENHOLM] wish to withhold at this moment?

Mr. STENHOLM. Mr. Chairman, I ask unanimous consent to withhold my time at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN. For what purpose does the gentleman from North Carolina [Mr. PRICE] rise?

AMENDMENTS EN BLOC OFFERED BY MR. PRICE TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM AND TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE AS MODIFIED MADE IN ORDER AS ORIGINAL TEXT

Mr. PRICE. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN. The Chair will inquire, is the gentleman from North Carolina [Mr. PRICE] the designee of the gentleman from Missouri [Mr. GEPHARDT]?

Mr. PRICE. I am, Mr. Chairman.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. PRICE to the amendment in the nature of a substitute offered by Mr. STENHOLM and the amendment in the nature of a substitute, as modified, made in order as original text:

The amendment to the amendment in the nature of a substitute offered by Representative Stenholm.

In section 2007(d)(1) of the Social Security Act, as proposed to be added by the amendment made by section 301(a)(2) of the bill, strike "and" the 5th place such term appears and insert "or".

In section 2007(d)(5) of the Social Security Act, as proposed to be added by the amendment made by section 301(a)(2) of the bill, amend subparagraph (C) to read as follows:

"(C) AUTHORITY TO OFFER CERTIFICATE PROGRAM.—Each State that receives funds under this title may offer a child care certificate program in accordance with this section.

In section 2007(d) of the Social Security Act, as proposed to be added by the amendment made by section 301(a)(2) of the bill, amend paragraph (6) to read as follows:

"(6) AUTHORITY OF STATE TO OFFER PARENTS OPTION TO SELECT FORM OF ASSISTANCE.—

"(A) IN GENERAL.—Each State may offer each parent or legal guardian who is to receive assistance pursuant to this title the option of enrolling his or her child with an eligible child care provider that receives funds through grants or contracts, or of receiving a child care certificate provided under this title.

"(B) EFFECT OF ELECTION TO RECEIVE ASSISTANCE IN THE FORM OF A CHILD CARE CERTIFICATE.—If a State offers an option described in subparagraph (A), each parent or legal guardian who elects to receive a child care certificate from the State shall have the right to use any such certificate provided by the State to the parent or legal guardian to purchase child care services from an eligible provider of his or her choice.

The amendment to the amendment in the nature of a substitute made in order as original text by this resolution.

Strike paragraph (5) of section 2012(a) of the Social Security Act, as proposed to be added by the amendment made by section 301(a)(2) of the bill, and redesignate paragraph (6) of such section 2012(a) as paragraph (5).

The CHAIRMAN. The gentleman from North Carolina [Mr. PRICE] will be recognized for 15 minutes and a Member opposed will be recognized for 15 minutes.

The Chair will inquire which Member seeks to be recognized in opposition.

Mr. SHAW. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. PRICE] will be recognized for 15 minutes and the gentleman from Florida [Mr. SHAW] will be recognized for 15 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to both H.R. 4381, the Early Childhood Education and Development Act, and the Stenholm-Shaw alternative. My amendment will restore to the States the ability effectively and efficiently to serve the child care needs of families in this country.

Specifically, my amendment will remove the compulsory language in both proposals that require voucher programs in every State, but it will leave intact the provisions that create a voucher-certificate option.

Both H.R. 4381 and the Stenholm-Shaw proposal share a commitment to giving States, and families within those States, the greatest flexibility in choosing the type of child care they want. Under both bills, families can benefit from an expanded earned income tax credit. Under both bills, States receive funding under an expanded title XX block grant program and can use these funds for a variety of purposes. These provisions are designed to increase the flexibility of States and parents in choosing the most appropriate type of child care—whether it is for a parent staying at home with their child or a family with both parents working, whether using day-care centers run by churches or synagogues or other kinds of facilities.

Unfortunately, this flexibility ends when it comes to child care certificates or vouchers. Under both bills, States are mandated to make available child care certificates to its citizens. But this mandate ignores local conditions which may or may not make certificates an effective way to provide child care services in any particular State.

My amendment will remedy this situation. It gives States the option of offering child care certificates to parents. This option is important to maintain, because in many areas of the country, certificates are a well-accepted and appropriate form of assistance.

They give families maximum latitude of choice and avoid the legal and other difficulties of direct subsidies to providers. Church-operated centers may be prevalent in these areas, and families under this bill, and under my amendment, can use these certificates to subsidize the cost of care in these centers.

But in other areas of this country, a different form of assistance may be more appropriate, and I do not think it is constructive for the Federal Government to be telling States they must offer this or that type of assistance. We will maximize our resources, and benefit the most people, if we ensure that the assistance is tailored to specific circumstances. Under my amendment, if they choose not to use vouchers, States will still be able to use all of their title XX funds in other ways.

I know that some of my colleagues are skeptical of any use of certificates or vouchers. I would agree with them that they are not the best alternative in other areas of public policy like public school education. But I would remind them that we are not trying to create today a child care system based on the model of public education. Instead, we are trying to make child care more available and affordable, to stengthen and expand a system of providers, some one-third of which are church-related. Certificates are a viable way to strengthen this system and meet these needs.

I also know that some of my colleagues may have a powerful attraction to vouchers or certificates and are ready to solve every problem through a voucher. But let me remind them that even our former colleague, Jack Kemp, has said publicly that he does not want to be known as the Secretary of Vouchers but instead as the Secretary of Housing. His statement is true in this setting also. This is a child care bill, not a voucher or certificate bill. Let us not lose sight of our main goal because of rigid dogma.

This amendment, I believe, is both reasonable and consistent with the intent of both H.R. 4381 and Stenholm-Shaw. I urge my colleagues to join me in supporting it. No one model of child care is ideal for every family and community. If you want to increase flexibility and choice for States and families, this amendment will help to achieve that end.

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Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, let me say this: The heart of this issue is that of freedom. The freedom of a parent to choose that form of child care or that vendor that the parent believes is most appropriate for his or her child's need.

The question is not the freedom of the State to impose the vendor on the child or on the parent. The question is the freedom of the parent. Why ought not a parent have a choice, a very elemental choice, as to whether or not the child care vendor is located close to where the mother, in this case, works, as opposed to where the mother may live? So if the child becomes sick or involved in an injury, she has the choice as to what is the most adroit means of addressing the emergency needs of that child.

The legislation does not require the use of a voucher or certificate by the parent. It simply gives the parent the right to exercise such a choice, should the parent not be satisfied with the arrangements that the State has provided in State-vended child care services. I am not opposed to State-vended child care services. However, I think a parent ought to have the right, we ought not to discriminate on behalf of one form of child care as opposed to another, nor are we to intervene in a decision as close and as precious to a parent as to who the vendor of services ought to be for a young preschool child. That is the issue.

The issue is, yes, freedom of choice, freedom of access, availability of a range of services. It is permissive to the parent, permissive, only by making it mandatory in the State that such a permissive choice be made available to the parent. Surely the gentleman, in light of what is happening across Central Europe and Eastern Europe, in the rising tide against statism, against excessive governmental interference in the way in which people seek to order their private lives, would not seek to deny such choices to American citizens, to American mothers, and American fathers. Who knows best—Uncle Sam or the mother?

The CHAIRMAN. The gentleman from North Carolina [Mr. PRICE] has 11 minutes remaining.

Mr. PRICE. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, in the process of trying to weigh what would make sense for parents and States, and to provide maximum flexibility today and when the House originally dealt with this in the fall, we used the title 20 approach. We recognized that some States had voucher programs that worked very well for them, and we felt that it was appropriate that the States make a determination about vouchers.

We have just heard at least an hour explaining why States should be trusted to provide all sorts of standards for their children in child care, and that it is not and should not be a Federal mandate to do these things. Up there is a list of the floating number of standards that the minority feels would be imposed upon the States by Mr. HAWKINS and myself. Yet, when it comes down to vouchers, suddenly we do not trust the States. Suddenly, we think that the States will not be responsive to parents, and that the States will somehow ignore the wishes and needs of their own citizens.

How preposterous. How absurd. The whole idea is to trust the States. We trust the States. If the States have a program that works with vouchers, let them have it. If they have a program that works differently without vouchers, let them do that. When it comes to being trusting, when it comes to being flexible, the Price amendment will improve both bills. If Members believe that the Federal Government should not be on the backs of the States, then vote for the Price amendment.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

This amendment cannot be considered really a gutting amendment as to either one of the bills. However, I think it is important that we reflect on the question of States rights.

It would appear on the surface, to be an inconsistent position. However, I would submit to the House that what we are doing here is a balance. We are balancing parents' rights against States' rights. That is what is important.

We are opposed to this particular amendment, and have come up on the side of parents' rights. We feel that they should have a mandated position in the State law that if the States are going to receive the money, that they must have a voucher provision, and that these voucher provisions must give to the parents the widest latitude of choice as to where to send these kids.

I can remember my wife and I, at a very early time, putting our youngsters into a child-care facility. We had the funds to do it. However, we chose a religious-based child-care facility. We are Catholics, but we chose a Protestant child-care provider. It gave this Member a great deal of comfort to know that this child-care provider was a religious affiliated institution.

With that memory in mind, I feel that the poor who cannot afford it themselves, should be given the same kind of choice that we should, and that mandatory vouchers must be in the law if we are going to accomplish the ends that we want to, despite the fact that admittedly, it is a violation, or it does somewhat trespass onto the whole concept of States' rights.

Mr. Chairman, I reserve the balance of my time.

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Mr. PRICE. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Yes, indeed, this really is about whether or not we trust the States. I hear people talking about how this looks on the surface. Well below the surface or any other way you look at this, we are going to mandate what the States do. I think we should give the States flexibility. That has been the law in the past. We gave the States flexibility. Why do we want to take States options away now?

It is conceivable there is a whole range of other options the States may wish to choose from. They may choose deductions from the State income tax system. There are many varieties of options and I think that parents are closest to the State government and, therefore, they will have the most influence in determining what is the best and most efficient way to deliver services. That is all this is about. So we cannot have it both ways. We cannot scream on one side that we do not want choices, and on the other side that we do.

I think the really important thing we are trying to do here today is to give the States a menu, a menu of options. Then they can look at their State and decide which menu choice fits them the best. It is very conceivable to me that Alaska may select an entirely different choice than maybe Hawaii, or maybe New York will select a very different choice than Alabama. But I think it all depends on how many rural areas you have, what your urban complex looks like, what your tax base looks like, what the average income is, and a whole range of things. Not only that, but you have to look at what you have been doing in the past with the title XX money.

Why would we mandate now that States have to start producing vouchers? They have not done it in the past, and they have had other alternatives. So I do not see any reason why we would want to mandate that they have to eat certain things on the menu but not others. After all, we have a President now who wants to refuse to eat broccoli. If we vote against this, we would really be mandating that he has got to eat broccoli, and I do not think we want to do that.

So let us give them this choice. Let us give this choice to the States and let us say that we trust them to put together the best way to deliver services. And let us be perfectly honest. The amount of money here so de minimus. We are not going to come close to really meeting the child care needs of States anyway. So what we really want them to do is to be as efficient as possible and find the things that fit their areas in the best possible way. We do not want to have something they can hide behind, saying they did this rather than the other thing because we ordered them to do it. We want it to be the best and the most efficient system, and with the most input from the parents locally.

Mr. Chairman, I salute the gentleman from North Carolina [Mr. PRICE] for offering the amendment. I think it makes all the sense in the world, and I hope the Members vote aye on the amendment.

Mr. SHAW. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. BARTLETT.]

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, in the first place, this amendment may not matter with regard to the underlying Downey bill because it is clear to most of us who have read the bill that there is no guarantee that the vouchers or certificates in the Downey bill would be usable in any but federally sponsored and regulated child care centers in any event. But his amendment does matter profoundly to the Stenholm-Shaw substitute because the Stenholm-Shaw substitute without the Gephardt-Price amendment would permit vouchers to be used at places of the parents' choice.

This is another example of the bait-and-switch technique that has been used through this legislation. On October 5, 1989, in the last debate on child care, the gentleman from Missouri [Mr. GEPHARDT], the majority leader, said in the RECORD:

> My feeling from listening to the debate today is that we should move toward the Senate language because it would continue to allow religious institutions to have child care within their institutions.

The majority leader went on to say:

> The Democratic side is committed to a conference report on this issue that deals with this question in a way that would be appropriate for the religious institutions where you could have children in church basements and children in religious institutions.

Yet it is the Gephardt amendment, as offered by the gentleman from North Carolina [Mr. PRICE], that would take away that freedom, that would take away that minimum freedom that is in the Senate bill. So, No. 1 it is part of the bait-and-switch approach.

No. 2, Mr. Chairman, we have the "States' right" issue. I would contend that this country settled the States' rights issue the right way in 1964 and 1965. During those times we heard the issue of "States' rights," from the South largely. At that time States' rights meant segregation. But the people of the United States, both North and South, said, No. Personal freedom comes first. Personal freedom to decide on the terms and conditions of one's own life, of one's own family, comes way before the right of a State to deny that personal freedom. So in those days the people of the United States said no to Jim Crow and no to segregation and no to States' rights if States' rights mean segregation.

With this amendment, States' rights would mean no personal choices for parents who are choosing to raise their children the way they want to with regard to Federal money through these vouchers. And the people of the United States will also say no, and they should say no to this denial of personal freedom.

The question is this: If the Federal Government wants to assist low-income parents in providing for their own child care, should the Federal Government assist those parents in the way the parents want the assistance, or should the Federal Government, as per the Gephardt-Price amendment, try to assist State governments or State bureaucracies to take away freedoms from individuals?

There are comparable Federal programs to mandatory children vouchers. We have food stamps that the States help in administering, but we do not allow States to require people to only use their food stamps in State-operated commissaries. We have Pell grants that go to post-secondary students in colleges and universities, and those students can take a Pell grant to any college or university of their choice. We do not allow a State to restrict a Pell grant to only be used in a State-designated community college.

The issue here is parental freedom, versus the freedom of the Government to impose its own conditions on people. The issue is this: Are we going to allow people freedom, or are we going to allow States and the Federal Government and bureaucracies to take that freedom away? The issue is an issue of diversity. Institutional child care works well for a lot of people, for about 50 percent of the child care in this country, but 30 percent is offered by religious-based child care, and it works well, too, for those who choose that. And relative-based child care works well for others, and in-home child care works well for others. One parent or the other staying at home with their children during their early years works well for others, and grandmother works well for others, and the lady up the street works well for others. The issue is diversity and the parent's right to choose from among those diverse choices.

The CHAIRMAN. The Chair wishes to state that the gentleman from Florida [Mr. SHAW] has 7 minutes remaining and the gentleman from North Carolina [Mr. PRICE] has 7 minutes remaining.

Mr. PRICE. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I support the Price amendment.

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Mr. Chairman, I do consider this a States' rights issue. I say to my friend, the gentleman from Texas, that I also consider it an issue affecting the diversity of State child care programs.

I want to give the Members an example of what happens in my own State of Kansas in order to let them know that if we do not pass the Price amendment, we sill squelch the diversity of the many ways child care is treated in some of the States.

Kansas is a good example. Kansas has a system that is like a voucher system, but it may be different than in other States. Rather than physically giving parents vouchers, each eligible family registers with its local State human resources office and gets a credit in their account.

Any licensed day care provider may apply for a purchase of services contract to be eligible to provide child care to families registered through the State office. By getting a purchase of services contract, a provider also agrees to accept the fee schedule for reimbursement from the State and cannot balance bill the families for any difference in reimbursement.

Kansas also makes in-home care available for reimbursement, and the reimbursement will come from the States' human resources department account that is reserved for the parents.

Because Kansas does not have a traditional paper voucher system, but rather the State reimburses providers and homemakers directly and draws it against the parents' account, it is likely that Kansas would not comply with the mandatory voucher system contained in this bill. It is not absolutely clear, but it is likely that we would not comply or we would have to change our system dramatically in order to comply. The mandatory voucher provision was included in the bills to force the establishment of a voucher system in States that do not currently provide vouchers.

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However, Mr. Chairman, since Kansas already has an effective voucher-type program in effect, why jeopardize its effectiveness by supporting a mandate that may force the State to do things in an entirely different and very costly and regulatory manner? I submit to my colleagues that there are States all over this country that are in similar conditions to my own State of Kansas that will find it extraordinarily difficult to conform with a mandatory requirement.

So, Mr. Chairman, I urge my colleagues to support the Price amendment. My State's voucher system provides for parental choice. People can place their children and have the State pay for it at home, and at religious institutions, and at licensed day care centers. There is no reason to take that freedom of choice away from them in the way the statute applies in Kansas.

Finally, I would like to say the following:

I intended to oppose the Edwards amendment. I think the church child care is good, often the best in this country. But I say to those of my colleagues who really want to see that church-related child care provided, "I would warn you that requiring the State to furnish vouchers on a mandatory basis might create the compulsion that a court in this country might find makes the whole issue unconstitutional."

So, Mr. Chairman, for those of my colleagues who want to preserve the constitutionality of the church-state-related issues in this Child Care Program, they are in much better shape by supporting the amendment of the gentleman from North Carolina [Mr. PRICE].

Mr. SHAW. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Chairman, I would like to use my time to respond to the previous comments from the gentleman from Kansas [Mr. GLICKMAN]. I respect his insights on what the State of Kansas has done. Some of it is very innovative, very attractive. I wish my State had done the same.

What I want to point out, however, is that there is nothing in mandating vouchers which would interfere with that program whatsoever. Nothing would stop the State of Kansas, or any other State, from doing whatever program they wish to have, whatever range. It simply says that a State must, as well, give ultimate choice and responsibility back to the hands of the parent. In the State of Kansas, those parents who are satisfied with that program in that State, if it wishes to continue to run the program, continues to run the program, those parents can continue to utilize it.

But what we do is we allow the parent to decide. Perhaps the attractiveness of the program is that other programs have not been there. I do not know; I am not suggesting that.

On the issue of mandates, it is very awkward when people say, "Oh, you've opposed all the regulatory mandates. Now you're mandating something on the States. You are mandating everything on the system except choice, choice for the parent."

This does not eliminate any choice existing. It insures, however, that the ultimate choice is in the hand of the consumer.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I do not believe this is a matter of those who support States rights and those who oppose States rights. I would remind my colleagues that the Moakley bill requires States to accept mandates on States, that they regulate day care, family day cares, group homes, and centers. Many States reject that regulatory structure. They do not regulate group homes. They do not allow group homes. They only allow centers and family day care providers.

The Moakley bill is mandating a regulatory system on States that many States have already rejected as unwise policy. You are also mandating on States 15 hours of training. People who work in centers are under the direct supervision of the center director. They have daily training, day in and day out. States ought to have a right to decide how they're going to manage the upgrading of the professional knowledge of those who take care of children.

Mr. Chairman, States are capable of governing child care services. Many are doing extremely well. We only need to encourage others to do so, but we ought not to be mandating the specifics of any particular system.

What we should be willing to require is parental choice. In Connecticut, my State, that didn't allow any other parents choice, we adopted a certificate program for Hispanic parents. Why? Because Hispanic parents in Connecticut did not want their children in non-Hispanic homes. There were not enough Hispanic homes that met the rather rigid criteria of our licensing system, to take care of all those children wanting care. So, the State, to go around its own licensing mandates, set up a program of vouchers for Hispanic families so that they could have the choice that they needed to provide care for their children.

Mr. Chairman, I say everyone ought to have a right to that choice, and, furthermore, constitutionally, I believe that the only way to get around the church-state issue is to mandate that parents have the right to a voucher and spend it with the provider they think best—just like they have a right to get food stamps and spend them in supermarkets or the corner store.

Mr. Chairman, I attended a long seminar on the subject at Harvard, and the one thing the lawyers on each side of this debate agreed on was that certificates were the only legitimate way to allow public monies to be expended in religious day care.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman and Members, the reason I asked for some time on this is so that I could follow up on some comments made earlier reflecting to the other side of the aisle that this might seem a convenient tactical move for the moment, but it is totally inconsistent with the commitment their leadership made last October when we debated this issue earlier.

Mr. Chairman, at that time nobody less than the gentleman from Missouri [Mr. GEPHARDT], the majority leader, said, and I quote:

> I know there's a great deal of concern among Members on the question of church and state. My feeling, from listening to the debate today, is we should move toward the Senate language because it would continue to allow religious institutions to have child care within their institutions.

Mr. Chairman, the leadership on the Democratic side is committed on this issue to a conference report that deals with this question in a way that would be appropriate for the religious institutions that are now delivering child care.

This is no different than the concept of a Pell grant. This is not a Pell grant, however, for higher education. This is a Pell grant for child care. No one in this room would suggest that we ought to create a means of grants, and loans and higher education, but the only way to get them is if one goes to a State university college.

That is what the amendment of the gentleman from North Carolina [Mr. PRICE] will do. It will say:

> You and your State will be able to limit the availability of a voucher or certificate, and in essence the only way it will be done is through those certificates.

That is not what anybody is asking for here. We are asking for the choice to be given, not to the State, but to the family. If they want to take this to a religious-based child care, fine. If they want to take it to a school-based child care, fine. If they want a family base, fine. But give them that choice.

Mr. Chairman, if we deny them that choice by denying certificates, then the only people who get the Federal dollars are those who are involved in the federally regulated child care that we are going to create over the next 3 years under the proposal of the gentleman from Massachusetts [Mr. MOAKLEY].

That is not what the Democratic leadership committed itself to last October. That is not what I believe the majority of my colleagues want today. And that is why, unfortunately, the amendment that is now before us ought to be rejected, so we can go back home and say that we have enhanced the opportunity and the choice of the parents to make that decision.

The CHAIRMAN. The gentleman from North Carolina [Mr. PRICE] has 3 minutes remaining, the gentleman from Florida [Mr. SHAW] has 2 minutes remaining, and the gentleman from North Carolina is entitled to close debate.

Mr. SHAW. Mr. Chairman, I yield such time as I have remaining to the gentleman from Texas [Mr. STENHOLM].

The CHAIRMAN. The gentleman from Texas is recognized for 2 minutes.

Mr. STENHOLM. Mr. Chairman, this amendment is fundamental to the argument on child care today. The gentleman from Kansas [Mr. GLICKMAN] a moment ago made an eloquent statement regarding the program in Kansas. There is nothing in the Stenholm-Shaw amendment that changes Kansas one iota, and I hope the gentleman from Kansas would acknowledge that. It is H.R. 3 that he was referring to.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, there is more flexibility on this issue in Stenholm-Shaw, but I do not think there is total flexibility of what I would like to see by the discretionary option.

Mr. STENHOLM. Mr. Chairman, the amendment—everybody can read it—is on page 14. However, Mr. Chairman, I rise in opposition to the Price amendment, which its supporters characterize as making vouchers voluntary, rather than mandatory, as they would be in either my amendment or the committee bill.

Mr. Chairman, it is not a piece of paper—a voucher or a certificate—which we believe must be mandated. It is not participation of religious providers in a Federal child care program that must be mandated.

It is parental choice which must be mandated.

It's funny how the word "mandate" is only a bad word when it applies to the other side's priorities.

So, you can think of these voucher provisions as a mandate—or you can regard them—as I do—as a guarantee of the fundamental right of parents to choose the kind of care their children receive.

Vouchers do not in any way bias a parent toward one kind of care over another. They may be used in the widest possible variety of child care providers. They simply guarantee that the parents will be able to choose how they want to care for their children, rather than having the Government make those choices.

If certain providers and interest groups were not afraid of some good healthy competition in the child care field, they wouldn't worry about parents being able to freely choose their child care. There is no doubt in my mind that with child care, as with other services, an open market is one of the best ways to improve quality, which the other side says they are so concerned. Competition and guaranteed choice to parents are keys to quality.

Both the Stenholm-Shaw substitute and the committee substitute guarantee that parents be offered the option of a voucher. Only Stenholm-Shaw also guarantees that parents have the a wide range of choices among providers.

The Stenholm-Shaw certificates accomplish one thing: We treat religious providers just the same as every other provider—community nonprofits, proprietors, schools, family members, and trusted neighbors—fairly. We guarantee a level playing field to providers and ensure the maximum range of choices to the parents.

I urge my colleagues to oppose the Price amendment and assure parents the choice we have promised them.

Mr. PRICE. Mr. Chairman, in debating this amendment, there does seem to be agreement that somehow choice and diversity are at issue, but there I am afraid the agreement stops.

The gentleman from Florida said that the position of the opposition might appear inconsistent. I think that is true, because that position is inconsistent.

We in this bill that is before us, and for that matter the Stenholm-Shaw substitute, have moved toward increased diversity, increased freedom of choice. Both bills contain these tax credits of which all parents can take advantage.

Both bills contain title XX aid which the States can use in a wide variety of ways, and both bills have moved away from some of the regulatory schemes that were suggested earlier.

We have heard a lot of talk about the need to give flexibility and give choice. My amendment is totally consistent with that thrust.

Despite what has been said here today, the bill that is before us is a provoucher bill. It not only permits, it encourages vouchers. Despite what the gentleman from Texas says, the bill specifically provides for the use of title XX funds for certificates, and it specifically provides that the certificates may be redeemed at church-run centers.

That is not the issue. The issue is whether a single model, a single kind of program will be mandated, will be imposed on the States.

The gentleman from Kansas raises a very legitimate issue. What about our program in North Carolina where social services contracts with providers and provides a few slots? Is that a voucher or a certificate system or is it not? Who would say?

Some day care regulator would dictate exactly what form that program must make, dictate exactly whether North Carolina's program is legitimate or not. I do not think that is what we want. I think we want variety. We want discretion. We want States to be able to use their own best judgment in setting up programs that best meet their needs.

This amendment I believe, is moderate and reasonable and consistent with the intent of both H.R. 4381 and Stenholm-Shaw.

No one model of child care is ideal for every family and every community and every State. Surely we have had enough dogmatism, enough extreme positions articulated in debating this bill. There is too much of this suggesting that one answer is right for every family, one answer is right for every community. Let us remain consistent with our professions of respect for freedom of choice and diversity. No one model of child care is ideal for everyone.

The virtue of this bill and the virtue, for that matter, of the Stenholm-Shaw substitute is the diversity that it provides, and if you want to increase flexibility and choice for States and families this amendment will help us all achieve that end.

The CHAIRMAN. All time has expired.

The question is the amendments en bloc offered by the gentleman from North Carolina [Mr. PRICE] to the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM] and the amendment in the nature of a substitute, as modified, made in order as original text.

The question was taken, and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 243, not voting 8, as follows:

[Roll No. 55]

AYES—182

Ackerman
Akaka
Alexander
Anderson
Applegate
Aspin
AuCoin
Bates
Beilenson
Bennett
Berman
Bilirakis
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Clarke
Cla
Clement
Coleman (TX)
Collins
Conyers
Cooper
Coughlin
Coyne
Crockett
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Downey
Dymally
Eckart
Edwards (CA)
Engel
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray
Hamilton
Hawkins
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kastenmeier
Kennedy
Kennelly
Kleczka
Kostmayer
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Machtley
Markey
Martinez
Matsui
Mavroules
McCloskey
McDermott
McMillen (MD)
Meyers
Mfume
Miller (CA)
Mineta
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Neal (MA)
Neal (NC)
Nelson
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickle
Price
Rahall
Rangel
Rose
Rostenkowski
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schumer
Serrano
Sikorski
Sisisky
Skaggs
Slattery
Smith (FL)
Solarz
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Towns
Traficant
Udall
Unsoeld
Valentine
Vento
Visclosky
Walgren
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron
Young (FL)

NOES—243

Andrews
Annunzio
Anthony
Archer
Armey
Atkins
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilbray
Bliley
Boehlert
Boggs
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Chandler
Chapman
Clinger
Coble
Coleman (MO)
Combest
Condit
Conte
Costello
Courter
Cox
Craig
Crane
Dannemeyer
Darden
DeLay
DeWine
Dickinson
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Dreier
Duncan
Durbin
Dyson
Early
Edwards (OK)
Emerson
English
Erdreich
Espy
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Geren
Gillmor
Gilman
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Kanjorski
Kaptur
Kasich
Kildee
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Luken, Thomas
Lukens, Donald
Madigan
Manton
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McNulty
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Montgomery
Moorhead
Morrison (WA)
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Richardson
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Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland (CT)
Rowland (GA)
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Schiff
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shays
Shumway
Shuster
Skeen
Skelton
Slaughter (NY)
Slaughter (VA)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Spratt
Stallings
Stangeland
Stearns
Stenholm
Sundquist
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Traxler
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)

NOT VOTING—8

Dwyer
Flippo
Jones (NC)
Laughlin
Roukema
Sarpalius
Smith, Denny (OR)
Stump

□ 1518

The Clerk announced the following pair:

On this vote:

Mr. Jones of North Carolina for, with Mr. Dwyer against.

Messrs. TALLON, NOWAK, ROE, SHARP, PALLONE, McHUGH, Ms. SLAUGHTER of New York, Messrs. GUARINI, and CONDIT changed their vote from "aye" to "no."

Messrs. DAVIS and CARDIN changed their vote from "no" to "aye."

So the amendments en bloc to the amendment in the nature of a substitute offered by Mr. STENHOLM and the amendment in the nature of a substitute as modified, made in order as original text were rejected.

The result of the vote was announced as above recorded.

□ 1520

AMENDMENTS EN BLOC OFFERED BY MR. EDWARDS OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STENHOLM AND THE AMENDMENT IN THE NATURE OF A SUBSTITUTE, AS MODIFIED, MADE IN ORDER AS ORIGINAL TEXT

Mr. EDWARDS of California. Mr. Chairman, I offer two amendments en bloc made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. EDWARDS of California to the amendment in the nature of a substitute offered by Mr. STENHOLM; and the amendment in the nature of a substitute, as modified, made in order as original text.

The amendment to the amendment in the nature of a substitute offered by Representative STENHOLM.

In section 2007(d)(4) of the Social Security Act, as proposed to be added by the amendment made by section 301(a)(2) of the bill, strike "including those providers which have religious activities,".

In section 2007(d) of the Social Security Act, as proposed to be added by the amendment made by section 301(a)(2) of the bill, strike paragraph (7) and redesignate paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

In section 301 of the bill, strike subsection (c).

At the end of title III of the bill, insert the following:

SEC. 302. LIMITATIONS ON USE OF FINANCIAL ASSISTANCE FOR CERTAIN PURPOSES.

(a) Sectarian Purposes and Activities.—No financial assistance provided under subtitle B of title XX of the Social Security Act shall be expended for any sectarian purpose or activity, including sectarian worship and instruction. Financial assistance provided under such subtitle shall not be expended in a manner inconsistent with the Constitution of the United States.

(b) Limitation.—Subsection (a) shall not apply with respect to funds received by an eligible family child care provider.

SEC. 303. NONDISCRIMINATION.

(a) Federal Financial Assistance.—Any financial assistance provided under subtitle B of title XX of the Social Security Act shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 794 et seq.), the Age of Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the regulations issued thereunder.

(b) Religious Discrimination.—

(1) In general.—Nothing in this section shall be construed to modify or affect the provisions of any other Federal law or regulation that relates to discrimination in employment on the basis of religion, except that a sectarian organization may require that employees adhere to rules forbidding the use of drugs or alcohol.

(2) Discrimination against child.—A child care provider that receives assistance under subtitle B of title XX of the Social Security Act shall not discriminate against any child on the basis of religion in providing child care services.

(3) Employment in general.—

(A) Prohibition.—A child care provider that receives assistance under this subtitle B of title XX of the Social Security Act shall not discriminate in employment on the basis of the religion of the prospective employee if such employee's primary responsibility is or will be working directly with children in the provision of child care services.

(B) Present employees.—This paragraph shall not apply to employees of child care providers receiving assistance under this subtitle B of title XX of the Social Security Act if such employees are employed with the provider on the date of enactment of this Act.

(4) Severability.—If any provision of this section or the application thereof to any individual or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this section which can be given effect without regard to the invalid provision or application, and to this end the provisions of this section shall be severable.

(c) Effect on State Law.—Nothing in this section of subtitle B of title XX of the Social Security Act shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions.

The amendment to the amendment in the nature of a substitute made in order as original text by this resolution.

In section 2012(a) of the Social Security Act, as added by 301(a)(2) of the bill, strike paragraphs (2) and (3), and insert the following:

"(2) Limitations on use of financial assistance for certain purposes.—

"(A) Sectarian purposes and activities.—No financial assistance provided under this subtitle shall be expended for any sectarian purpose or activity, including sectarian worship and instruction. Financial assistance provided under this subtitle shall not be expended in a manner inconsistent with the Constitution of the United States.

"(B) Limitation.—Subparagraph (A) shall not apply with respect to funds received by an eligible family child care provider.

"(3) Nondiscrimination.—

"(A) Federal financial assistance.—Any financial assistance provided under this subtitle shall constitute Federal financial assistance for purposes of title VI of the Civil Rights Act of 1964 (42 U.S.C. 794 et seq.), the Age of Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), and the regulations issued thereunder.

"(B) Religious discrimination.—

"(i) In general.—Nothing in this paragraph shall be construed to modify or affect the provisions of any other Federal law or regulation that relates to discrimination in employment on the basis of religion, except that a sectarian organization may require that employees adhere to rules forbidding the use of drugs or alcohol.

"(ii) Discrimination against child.—A child care provider that receives assistance under this subtitle shall not discriminate against any child on the basis of religion in providing child care services.

"(iii) Employment in general.—

"(I) Prohibition.—A child care provider that receives assistance under this subtitle shall not discriminate in employment on the basis of the religion of the prospective employee if such employee's primary responsibility is or will be working directly with children in the provision of child care services.

"(II) Present employees.—This paragraph shall not apply to employees of child care providers receiving assistance under this subtitle if such employees are employed with the provider on the date of enactment of this Act.

"(iv) Severability.—If any provision of this paragraph or the application thereof to any individual or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this paragraph which can be given effect without regard to the invalid provision or application, and to this end the provisions of this paragraph shall be severable.

"(C) Effect on state law.—Nothing in this subtitle shall be construed to supersede or modify any provision of a State constitution or State law that prohibits the expenditure of public funds in or by sectarian institutions."

The CHAIRMAN. The gentleman from California [Mr. Edwards] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes. Does the gentleman [Mr. Henry] seek recognition in opposition?

Mr. HENRY. Mr. Chairman, I am opposed.

The CHAIRMAN. The gentleman from Michigan [Mr. Henry] will be recognized for 20 minutes.

The Chair recognized the gentleman from California [Mr. Edwards].

Mr. EDWARDS of California. Mr. Chairman, I yield myself as much time as I use.

Mr. Chairman, this issue is older than our country, older than our Nation. Our founders thought they had resolved this issue 200 years ago when the Constitution was written and when the Bill of Rights was made a part of the Constitution. Thomas Jefferson was the real author of it. He put it into the Virginia Constitution, the principle of separation of church and state. Mr. Jefferson said that if you intertwine church and state, the government and religion both are destroyed.

That is what this amendment does, it take both propositions, the Stenholm bill and the leadership bill and makes them constitutional.

My amendment deals only with religious child care providers and has to do with the church-state issue. The church-state issue provisions in the bill before us are similar to the ones in the Senate bill. My amendment would replace these provisions with language which would enable church-based child care programs to receive Federal funds as long as they complied with the Constitution.

My amendment represents a middle ground between those who would deny Federal funds to religious entities in every case, and those who want to provide Federal money for religious instruction and worship, which is a violation of the Constitution. Under my amendment church-based child care programs are eligible for Federal funds, but the Federal fund could not be used for any sectarian purpose or activity, including worship or instruction, nor would church-based programs be allowed to discriminate on the basis or religion against either the pupils or the faculty.

I am concerned, Mr. Chairman that unless this amendment is adopted, implementation of the bill, if enacted, will be delayed many years as it fights its way through the courts, and during that time every child care program will be unable to receive funds.

The Senate bill would end up hurting church-based programs. My amendment would help them. My amendment is a pro-child-care amendment.

To my friends on the conservative side, this is a conservative amendment, and I think that all of them would support it. Conservatives quite generally support the Constitution, support the Bill of Rights, and this is a Bill of Rights issue: freedom of worship.

So I would hope that many of my colleagues who consider themselves conservative would support this amendment. Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The gentleman from California [Mr. Edwards] has consumed 4 minutes.

Mr. HENRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is without doubt one of the most critical issues we will face today, and I will try to square on the issue as honestly and directly as I can.

The amendment of the gentleman from California [Mr. EDWARDS] in fact establishes a new standard and new limitations and new restrictions relative to the relationship of affiliated religious institutions and the intersection of Federal funds. I want so stress that, Mr. Chairman, because this is not an attempt to get balance, to ensure that exiting tests are honored. It is in fact a new standard and restricted standard that hitherto has not appeared in comparable legislation.

First of all the amendment of the gentleman from California would put an absolute barrier, an absolute wall between any Federal financial assistance directly or indirectly received, including indirectly received, and that which may have any sectarian purpose or activity which may in fact be incidential to the primary purpose.

I want to point out that that violates two very established tests for standards. One, the distinction between direct consequences of a government policy; the other, as opposed to indirect aid or indirect consequences.

The threefold limit tests says if in fact there is incidential or religious activity associated with a publicly funded program, it is not ipso facto inherently unconstitutional so long as it meets the threefold test that it has a valid sectarian purpose, that it does not have a primary effect of advancing religion, and does not create excessive entanglement of church-state.

□ 1530

Mr. Chairman, the bill before us seeks to meet those tests. Mr. EDWARDS would impose a new test. Not only that, the Edwards amendment would go beyond existing language in existing title XX provisions.

We already have another section in title XXII which has standards relative and constitutional requirements relative to any potential intermixture of Federal funds in religiously associated or supported activity.

The language presented to us is in fact a different standard, a more stringent, a tighter standard, a higher wall, a thicker wall between church separation.

Now he may be right, but let us at least be sure we understand what it does. This is not a reaffirmation of the decisions of the court; it is new language.

Secondly, the amendment takes away existing protections to religion. Let me emphasize that: It takes away existing protections to religiously affiliated institutions as protected under title VII of the Civil Rights Act.

Title VI of the Civil Rights Act, which deals with discrimination in employment, specifically allows religious bodies and religiously affiliated entities to establish a religious test for employment in keeping with the tenets of that body's religious tradition.

Very clearly, very clearly the amendment strikes at religious tenets exemption.

I just want to be sure that we are clear as to what is happening, and the gentleman from California agrees with me, but I also point out that that is moving away from the existing protections and exemptions given to religious entities today under title VII.

Third, I want to point out that it would also affect the use of a voucher.

So we are now talking not just about directly vended child care, the ability of your department of social services to contract with a religiously affiliated or oriented child care protector but also it would strike directly at the right of a recipient of a voucher to use that.

So once again it establishes a new legal entanglement or standard or barrier relative to indirect support which do not have the primary effect of advancing religion and which may in fact have a valid secular purpose and which in fact avoid excessive entanglements of church and state.

Finally, Mr. Chairman, if I may, one other brief comment: The tragedy associated with the rule, and I do not want to beat a dead horse but I do want to make very clear that the consequences of the amendment will affect not only the committee bill but the Shaw-Stenholm substitute. In that sense, I would suggest this is really a poison pill, and I urge my colleagues to oppose the amendment.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the Edwards amendment.

Congressman EDWARDS is a very distinguished constitutional scholar and chairman on the Judiciary Committee, and this amendment I think is absolutely essential if we are going to make this bill constitutional.

First of all, we just heard some debate over here that I would like to answer. The gentleman on the other side said there is new language in the Edwards amendment. Yes, there is new language in the Edwards amendment because we did not have this kind of language when we dealt with these issues before.

If you look at the legislation dealing with Head Start, you will find that we did not put language in on things dealing with the religious issue because it was assumed that the Constitution and the court language would be applied.

Therefore, what we are talking about here is a codification of the court standards. I think it is so important to say to this body there has been so much misinformation on this issue that it is tragic. Let us look at Head Start.

Head Start is all federally funded, we know that. And I would bet you that 90 percent of Head Start facilities are in churches. There is nothing wrong with having these things in churches.

Where the problem is is if you are paying religious dollars to do religious instruction. That is where the problem comes.

In Head Start we let the law stand. Here there is language that the gentleman is trying to deal with to make sure that it is constitutional and complies in the same way that Head Start did.

So when people say that you cannot have them in the facilities in your community, that is wrong; when they say that you cannot do religious instruction with Federal money, that is right. That is what our forefathers fought for, and it goes back clear to the Constitution, to our Constitution.

Second, some of these are in rural areas, and in rural areas it is the only place where young children can go. And surely you would not want them to be discriminated against.

Mr. HENRY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California. I understand and agree the amendment is well-intentioned. But it is unnecessary, and it tortures the letter of the Constitution in an attempt to enforce a misguided reading of the spirit of the Constitution.

I remind my colleagues that there are two parts to the first clause of the first amendment:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.

There is no intent on the part of the supporters of the Stenholm-Shaw substitute—or, indeed, the authors of the Senate language in the committee substitute—to use public resources to establish religion or favor religious entities in any way.

We must realize that the Federal Government spends an amount every year equal to 22 percent of the gross national product. It touches every aspect of national life and touches, in some way, every citizen and resident. If we were to insist that every transaction, every institution, every endeavor tainted by an indirect dollar from the Federal Government then had to be purged of all religious content, there would be no religion left that could be exercised freely.

The certificate—or voucher—program in Stenholm-Shaw—and the committee substitute—passes Constitutional muster under the established, commonsense tests.

Under the Supreme Court's Lemon versus Kurtzman decision, a constitutional statute "must be one that neither advances or inhibits religion." In Mueller versus Allen, the Court said:

> Where, as here (in an education tax deduction program), aid to parochial schools is available only as a result of decisions of individual parents no "imprimatur of state approval" can be deemed to have been conferred on any particular religion, or on religion generally.

In its Witters decision, the Court upheld a student aid program because

> Any aid provided under Washington [State's] program that ultimately flows to religious institutions does so only as a result of the genuinely independent and private choices of aid recipients.

The authors of Stenholm-Shaw took great pains to ensure that our certificate program relies on the independent choices of the parents receiving assistance. There is a reason our bill is entitled the "Family Choice and Child Care Improvement Act." We took pains to make clear that child care with religious activities is listed as one of many options we want to ensure are available to parents. We list religious providers as one of many types of eligible providers. And we use the certificate program to make sure and avoid the problem of funds going directly from the Government to a provider with religious activities.

I wonder if anyone here today would argue that Pell grants should not be allowed to go to students at colleges with religious activities. Like Food Stamps or Pell grants, the key feature of child care certificates relevant to this debate is where the point of decisionmaking occurs. When the family is the beneficiary and the parents choose where to spend the certificate, there is no government establishment or support of religion.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Committee on Education and Labor, the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Chairman, I rise in strong support of the Edwards amendment. Religious organizations provide over one-third of child care services in this country and are often the only providers in low-income neighborhoods and rural communities. It is essential that religious institutions continue to participate in federally funded nonsectarian programs; but they must do so in a way which is constitutionally sound. The Edwards amendment permits church sponsored child care under this act, but protects such child care from constitutional challenge. Such a provision will provide the same protection that H.R. 3 bill already offers to expanded Head Start programs and before and after school education programs.

The Edwards amendment also protects child care workers and children from discrimination. The Edwards amendment prohibits discrimination on the basis of religion by child care providers in employment and admissions. Such a provision is crucial to families who lack access to other types of child care.

I urge Members to ensure that religious institutions can continue to provide federally assisted nonsectarian care. Support the Edwards amendment.

☐ 1540

Mr. HENRY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, if I could have the attention of the chairman of the subcommittee, the gentleman from California [Mr. EDWARDS], I think that part of our problem here is a lack of understanding precisely what the gentleman's amendment accomplishes, and particularly the word "sectarian purposes and activities."

I would like to ask the gentleman some questions. Under the current provisions of the title 20 program, church-based day care centers do qualify to receive funding, and one of the purposes of this legislation before Members is to increase the level of available child care. Would the Edwards amendment that is before Members now affect those centers which are currently receiving title 20 funds, or in any way impact on their ability to operate?

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from California.

Mr. EDWARDS of California. The answer is no.

Mr. FISH. Mr. Chairman, do I understand correctly that the Edwards amendment does not prohibit the new moneys in the two bills before Members from going to additional church-based day care providers that are otherwise qualified?

Mr. EDWARDS of California. If the gentleman will continue to yield, if they qualify, and it would be nonsectarian, then new church establishments would be perfectly all right.

Mr. FISH. Am I to understand fully that the Edwards amendment only specifies that the new moneys cannot be used for religious worship or instruction, in otherwise qualified child church-based day care centers?

Mr. EDWARDS of California. That is correct.

Mr. FISH. Finally, does the amendment deal with the issue of vouchers?

Mr. EDWARDS of California. No, it does not deal with the issue of vouchers. It does not eliminate vouchers.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY. Mr. Chairman, I do not know whether this bill is constitutional or not, but my guess is that the gentleman from California [Mr. EDWARDS] is right, that it is probably not constitutional unless we adopt this language, but there is a broader public policy question here.

In both the Stenholm bill and in the majority bill, we allow religious institutions in the name of religion, to discriminate in the hiring of people to teach children. That is crazy. That violates every American ideal that I know about. It violates what this country had done for 200 years. It has been very difficult for Americans as a people to learn to live together. We are black, we are white, we are brown, we are yellow, we are 120 different religions, and at least that many different ethnic groups. It has been a struggle for Americans to be inclusive. Now, both bills are saying, "Turn back the hands of time. It is OK to discriminate. It is all right to only have one religious group teach another religious group."

I cannot think of a more dangerous public policy than the one we are putting in both these bills today, quite apart from the constitutionality.

We have a stewardship as public policymakers to make sure that the institutions of this society which receive tax money do not engage in invidious discrimination. Any time we craft a law that supports or encourages, however, subtly, elitism, exclusivity, prejudice, or religious intolerance, we communicate to the next generation a carelessness and shortsightedness about the most precious values in American life.

The Bible tells Members something about this in Proverbs. It says:

> Train up a child in the way he should go, and when he is old, he will depart from it. The rich ruleth over the poor, and the borrower is servant to the lender. He that soweth inequity shall reap vanity, and the rod of his anger shall fail.

That was Proverbs, Chapter 22, Verse 628 in the King James Version of the Bible.

Please accept the Edwards language. Make this bill constitutional. Make it consistent with the values that made this country what it is.

Mr. HENRY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, first I want to make it clear, as I read the gentleman's amendment, it does affect the voucher section of the bill because it strikes the language in the Stenholm substitute, in section 2007(d)(4), that does refer to parental choice for vouchers.

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Second, I would observe that in my judgment, in the judgment recently received by the American Law Division of the Congressional Research Service, the amendment probably does not matter very much for the original Downey bill. In that bill the vouchers are not usable anyway for religious-based providers. And specifically for 13 States that used religious-based providers. I will subsequently enter into the RECORD a legal opinion from the Congressional Research Service which summarizes in the last sentence, "After three years"—according to the Congressional Research Service—"all providers receiving public funds must comply with the minimum standards set under section 2012(c), or the State becomes ineligible for further payments under this subtitle."

So for the original Downey bill, the Edwards amendment probably does not matter at all because those vouchers will be unusable anyway.

However, in the Stenholm substitute, which this amendment also affects, the gentleman's amendment would say is that parents who choose to use religious-based providers be unable to do so. Thirty percent of the parents who use child care in the country today choose to go to the church of their choice. The Edwards amendment would prohibit certificates or vouchers that are given to them by the Federal Government from being used for religious-based care. If the Edwards amendment is adopted, then those parents would be stopped from choosing religious-based child care for their own children. That is wrong. We should reject this amendment.

THE LIBRARY OF CONGRESS,
Washington, DC, March 29, 1990.

To: House Committee on Ways and Means.
Attention: Honorable E. Clay Shaw, Jr.
From: American Law Division.
Subject: Exemption of Religious Child Care Providers From Standards Requirement of Title III of H.R. 4381.

This is in response to your request for an interpretation of the language contained in Title III of H.R. 4381 regarding standards for child care. More specifically, you asked whether that language would require that the States that currently exempt religious day care centers from licensing or regulation would have to eliminate the exemption.

Title III would amend Title XX of the Social Security Act. Section 2011(2)(B) of the amendment provides that a State would be ineligible for assistance after three years if it

> has not demonstrated to the Secretary that all child care providers in the State who receive funds under this title and all other providers in the State who receive public funds for child care services—
>
> (i) are licensed or regulated as required by State or local law;
>
> (ii) comply with the minimum child care standards established by the State in accordance with section 2012(c); . . . .

Section 2012(c), in turn, requires that after three years each State receiving a payment under this subtitle

> shall have in effect child care standards in each of the categories described in this subsection, which shall apply to all child care funded in the State under this title and all child care services delivered by providers in the State who receive public funds for child care services and are required by the State to be licensed or regulated.

This language would not appear to require the States that now exempt religious child care providers from licensing to repeal the exemption. It would appear to require, however, that all child care providers that receive public funds under this bill or otherwise must meet the minimum child care standards the States are required to set under Section 2012(c). That requirement does not appear to exclude religious day care providers that might be exempt from licensing or regulation under State law. To be eligible to receive public funds under this bill or otherwise, in other words, day care providers would have to comply with the minimum standards created under Section 2012(c).

A contrary interpretation would have to assume that the last words of Section 2012(c)—"and are required by the State to be licensed or regulated"—apply as a limitation on both of the categories of child care previously mentioned, i.e., "all child care funded in the State under this title" and "all child care services delivered by providers in the State who receive public funds for child care services." While that might be arguable, the language of Section 2011(2)(B) seems explicit: After three years all providers receiving public funds must comply with the minimum standards set under Section 2012(c), or the State becomes ineligible for further payments under this subtitle.

I hope the above is responsive to your request. If we may be of additional assistance, please call on us.

DAVID M. ACKERMAN,
Legislative Attorney.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I rise today to urge my colleagues to support the amendment being offered by Representative DON EDWARDS to the comprehensive child care bill. This amendment is necessary to assure the constitutionality of the bill by requiring the separation of church and state.

Many of the day care centers in this country are church-run, and we all agree that Federal funds should be provided to them. The problem lies with Federal funds being used in a sectarian manner, based on religious affiliation. In the spirit of the first amendment of the Constitution, Americans pride themselves in maintaining a distinct division between the church and the state. This amendment would state explicitly that religious organizations can receive Federal funds for child care programs conducted on church property only if the program itself is nonsectarian.

Mr. Chairman, the separation of church and state in this country dates back to our Founding Fathers. We know and understand the law well. Why should we pass new legislation which obviously contradicts the first amendment? We are inviting legal battles to determine whether or not this bill is constitutional. This will take time, money, energy, and will prevent church-based child care centers from receiving any funds at all while the court challenges proceed.

The Edwards amendment would set boundaries within which churches could participate fully in a federally funded child care program without risking violation of the principle of separation of church and state.

Mr. Chairman, I urge my colleagues to prevent further disagreement on the constitutionality of providing Federal funds to church-run child care centers and vote "yea" for the Edwards amendment.

Mr. HENRY. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I am going to oppose the amendment of my good friend from California [Mr. EDWARDS] with whom I almost always agree. I guess I am less sure of what the current U.S. Supreme Court would do on this or almost any other issue, than many of my colleagues. I am not sure what will be held by them to be constitutional.

However, there are public policy questions here. First, I would not be supporting the bill as written, if I thought it was going to provide for discrimination against the children or employment. On page 37 of the bill, and I agree that our friends in the other body have not on this occasion been a model of lucidity, but there are very clear statements here, and it says that:

> Discrimination against a child and provisions of services on the basis of religion is prohibited, and discrimination in employment is prohibited for those who are primarily working in child care.

☐ 1550

What it then does, given those antidiscrimination provisions, is to make what seems to me a reasonable accommodation. The gentleman from Texas pointed out that Pell grants and student loans are used for religious schools. I think my friends at the NEA and elsewhere make a mistake if they see this as a precedent.

Where the public has provided a universal network like the public education network, then I am not for subsidizing competition with it in this way. But we do not have a public child care network, and we are not likely to have one. We are talking about two very different things, and they make a mistake, those who are opposing the notion of a widespread voucher system in the public education sector to make these arguments, because the use of vouchers where there is not widespread network is very different than public policy, and I believe constitutionally, than where it is. The fact is that where we do not have a public network, churches provide a great deal.

Yes, my friend does allow the churches to do it, but under conditions, I fear, that many of them would find so restrictive and so intrusive that they would not have much of an incentive to do it. A lot of us would wish a lot of things were different. In the current reality and given that this bill as it now stands without the amendment offered by the gentleman from California, which prohibits discrimination in employment and discrimination in admissions, I think this is the best accommodation, and I hope the amendment is defeated.

Mr. EDWARDS of California. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, each of us who serves in this great body brings to it our differences, be they regional, political, or personal. One force that binds us all, though, is the oath we take to uphold the Constitution of the United States.

For this reason, Mr. Chairman, I rise to support the Edwards amendment which would allow the use of Federal funds for child care centers based in religious facilities but would not provide funds for religious worship or teaching.

I appreciate the value of religious education. My husband and I and our five children have just recently surpassed our 100th year of formal Catholic education—in most cases from kindergarten to college. We are still waiting to hear from graduate schools.

That Catholic education taught us to respect our own beliefs and those of others and the Constitution of the United States.

That experience is a source of strength to us. It is a reason for us to be proud. It is not a reason for us to compromise the oath that we have taken, us, in this body to uphold the Constitution of the United States—when it is difficult as well as when it is easy.

For this reason, Mr. Chairman, I urge my colleagues to support the Edwards amendment. I would also like to thank the chairman of the committee, the gentleman from California [Mr. HAWKINS], the gentleman from California [Mr. MILLER], the gentleman from New York [Mr. DOWNEY], and all those who worked so hard to bring the child care bill to the floor, a bill which is so important to the future of our children.

The children and the working parents of our country have been waiting for their Government to assist them in providing affordable, safe, and quality child care. Today, we can begin helping families by passing a comprehensive child care bill.

I want to take this opportunity to commend Chairman HAWKINS and my colleagues on the Committee on Education and Labor, Chairman GEORGE MILLER of the Select Committee on Children, Youth, and Families and Chairman TOM DOWNEY of the Ways and Means Subcommittee on Human Resources for their diligent work on the child care bill. We all know they have spent much time and energy to develop the best child care bill possible for our families.

Dramatic changes in the family have made child care a necessity for our country. Only 18 percent of our children live in what was once a typical situation with a father working and a mother at home full time. Now, 57 percent of working mothers have children under age 6 and this percentage is expected to climb. In the city of San Francisco which I represent, we have the highest rate of single parent families in the bay area. It is for these reasons, that we need to pass a comprehensive child care bill.

Not only must we allocate more funds for child care, but we must set quality and safety standards for the care of our children. At present we have child care that varies from State to State and from provider to provider. We must at least set some basic safety and quality standards so that parents will not have the burden of worrying about the safekeeping of their child. It should be understood that all child care centers are safe and teachers are qualified to be with their children.

It is imperative that we include funding before and after school programs and Head Start. Studies have shown that Head Start participants have had fewer grade delays, special education placements, lower absenteeism and that Head Start provides a stable and safe environment for children while their parents must work.

There has been great concern over the constitutionality of the child care bill due to the church-state provisions. I urge my colleagues to vote in DON EDWARDS' amendment which would allow the use of Federal funds for child care centers based in religious institutions, but would not include religious worship or teaching.

We cannot afford to wait any longer to assist in providing affordable and safe child care for our children and working families. They have waited long enough. Many women do not have the luxury of making the decision of whether or not they should work—they must work. They have no choice. Let us at least give families a choice in the child care they want for their children and pass H.R. 3—a comprehensive child care bill. I urge my colleagues to support this bill and vote no on the Stenholm/Shaw substitute.

Mr. HENRY. Mr. Chairman, I yield myself 45 seconds.

Mr. Chairman, I commend our colleagues for keeping this discussion so rational, given the difficulty and the importance of the issue.

The question was raised as to whether or not the Edwards amendment would effectively strike any possibility of using a voucher or certificate for parents. Let me simply point out that what the amendment does is to eliminate this protection in the committee bill. It eliminates the language saying that "except that this qualification shall not apply to funds received by any eligible provider resulting from the distribution of a child care certificate to a parent under this subtitle."

So it clearly is meant in part to eliminate or to cut the legal eligibility of a voucher.

The second thing I want to do is simply to indicate to my good friend, the gentleman from California, that it is beyond existing court standards.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, there is an old saying in life itself that says, "If it ain't broke, don't fix it."

The provisions of the committee bill and the provisions of the Stenholm-Shaw amendment do not entail a constitutional problem that needs to be fixed.

I quote from the case of Bowen-Kendrick decided in 1898 by the U.S. Supreme Court which said in part:

> We note in addition that this Court have never held religious institutions are disabled by the First Amendment from participating in publically sponsored social welfare programs.

The philosophies that are in conflict on this issue are quite simple. My good friend, the gentleman from California [Mr. EDWARDS], is essentially urging the point of view of freedom from religion. That is the interpretation that we citizens should take with respect to the first amendment of the Constitution of the United States.

Mr. Chairman, the position that this Member from California is advocating is that the first amendment guarantees to all of us freedom of religion. The distinction is great, and we should recognize it in rejecting this solution that is not needed.

Mr. EDWARDS of California. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Chairman, I rise in strong support of the amendment offered by Mr. EDWARDS.

Our Nation is founded on certain fundamental principles. One of those principles, embodied in the Bill of Rights, is the freedom to worship as we please. This freedom was especially important to the founders of our Nation who were fleeing religious persecution abroad.

And in order to ensure that the new land that they came to would not also impose a national religion or otherwise interfere in the freedom to worship, the founders of the new Nation insisted on a strict separation of church and state.

These principles of the freedom to worship and the separation of church and state are among the chief building blocks of our democracy. These building blocks cannot be tampered with or compromised without affecting the entire structure. In fact, as public servants, it is our sworn duty to uphold them in the best way that we know how.

The vote on the Edwards amendment should be a simple one for those who understand that duty. The use of Federal funds for sectarian child care is not consistent with the principles for which our Nation stands. It is not constitutional.

There are those who make the assertion that this amendment is antireligious. But they are turning the issue upside down. The first amendment protects religious freedom. The separation of church and state protects religious freedom. And this amendment also protects religious freedom. It is the provisions of the current bill which do damage to this precious right.

There are those who continue to contend that this amendment will interfere with the ability of churches and synagogues to conduct child care programs. But this amendment does not prevent a single synagogue or a single church from offering child care services. It simply states that those programs must be nonsectarian in nature if they use Federal funds.

There is another concept which is absolutely fundamental to our Nation—and that is the concept of equal opportunity. The long battle to provide all individuals in our Nation with fundamental civil rights continues today. And we should not even contemplate a step backward.

But the provisions of the current bill do contemplate a step backward. They contemplate permission to discriminate in the hiring of child care workers and in the admissions of children in child care programs which use Federal funds. This also should not be tolerated, and the Edwards amendment will accomplish this important task.

Should we send Federal funds to a religious child care center which, on the basis of a religious precept, discriminates against blacks or jews or any other American citizen? Or refuses to admit children on this basis? The answer of this Congress should be a resounding no.

Mr. Chairman, this amendment goes to the heart of what we stand for as a democracy. Freedom of religious worship. Separation of church and state. And equal opportunity for all of our citizens.

I urge the prompt adoption of the Edwards amendment, which preserves the principles on which our Nation is founded.

The CHAIRMAN. The Chair wishes to state that the gentleman from Michigan [Mr. HENRY] has 5 minutes and 15 seconds remaining and the gentleman from California [Mr. EDWARDS] has 7 minutes remaining.

Mr. HENRY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I believe our Constitution is anti the establishment of a religion but is not antireligion or neutral in regard to the importance of faith and morality in our lives and in the life of the Nation.

If we are going to enter upon an era in which more and more children are going to be cared for out of homes, I certainly do not want to be a part of preventing them from being cared for in morally governed environments. When I raised my children, my primary responsibility was not to change their diapers. My primary responsibility was to teach them how to deal with conflict and how to deal with resolving their differences with others. That is moral guidance.

If I were going to have my child cared for out of my home, I would certainly want to have the right to choose an environment that was, frankly, morally laden, in harmony with those principles that I believe in. I think we all ought to take note of the materials that have been distributed amongst us, which make clear that the Supreme Court has upheld the constitutionality of programs that result in the indirect funding of religious educational institutions.

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Mr. Chairman, in Mueller versus Allen, the Supreme Court upheld a State tax relief program for elementary and secondary students, not just those who attended nonpublic schools. The key factors in the Court's decision were that the benefits went to a broad spectrum of groups, and by providing the benefit to all parents, the program was neutral in its treatment of religion.

In Witters versus Washington Department of Services to the Blind, the Supreme Court reversed a lower court ruling that barred tuition assistance under a State program to a blind student who wanted to attend a Christian college. The Court said that eligible students used this financial assistance at the school of their choice and that there was no evidence that a significant portion of the assistance under the program as a whole would go to religious institutions.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I want to commend the gentleman from California [Mr. EDWARDS], my good friend, for offering an extremely important amendment which is, in fact, necessary in this legislation to protect against discrimination both in employment, and in admissions and to insure that this bill is, in fact, constitutional.

Mr. Chairman, religious liberty and freedom of choice is enshrined in the Bill of Rights and is a founding principle of American citizenship, and without this amendment to this legislation we would find that a constitutional problem clearly exists which must be fixed. Under section 122 of this bill, if less than 80 percent of the funds are Federal funds, these institutions would be able to discriminate both in employment and in admissions.

Mr. Chairman, I believe we have the responsibility to enact sound public policy. It would clearly not be sound public policy to pass legislation prohibiting certain religious sects from entering the public school system, and yet, without this amendment, we would be enacting such a policy in our private schools.

Mr. Chairman, I strongly urge the support of this amendment to make this bill constitutional.

Mr. Speaker, religious liberty and freedom of choice is enshrined in the Bill of Rights, and is a founding principle of American citizenship. I know that we in Congress are sworn to preserve and uphold this freedom.

I rise in support of the Edwards amendment because its passage is necessary to protect those rights. Passage of this amendment will protect children and child care staff from discrimination in hiring and admittance to day care programs, speed implementation of this much-needed legislation and ensure that tax dollars are not wasted on a series of lawsuits which will inevitably result from passage of the bill the way it is now written.

As lawmakers, we have the responsibility of enacting sound public policy. Would it be sound policy to pass legislation prohibiting certain religious sects from entering the public school system, either as employees or as students? No. Yet unless the Edwards amendment is enacted we run the risk of subsidizing, with Federal dollars, exactly such practices in our private schools. We must refrain from passing legislation that has either that language or that effect. The Edwards amendment would preserve a hard-won heritage by prohibiting discrimination on the basis of religion both in employment and admissions practices. Without it we will be sanctioning descrimination in hiring and admittance and supporting such discriminatory practices with Federal dollars.

Second, we must ensure maximum freedom of choice to Americans—a task which encompasses the child care issue. Currently, parents receiving child care subsidies can choose among a variety of child care arrangements. Many providers housed in religious institutions currently offer nonreligious care to both their own members and to the entire community, thereby serving a diverse population. Without the Edwards amendment, these providers would be encouraged with Federal funds to accept children of a certain faith only. Thus parents would be faced with an unacceptable choice: Either take his or her child out of this arrangement to look for another program, which, if it exists, may be out of reach, or reluctantly send his or her child to a program which, if it even decides to accept this child, indoctrinates children in beliefs the parent does not uphold.

We must spare parents from having to make such a decision. The best way to do so is to make Government-funded child care nonsectarian. Parents have a right to be free of possibly unwanted constraints and judgments on their values. That right should extend to every American child.

Finally, working parents and children need child care now. They simply cannot wait any longer. But the Supreme Court has declared that religious discrimination by a sectarian institution may be sufficient reason to strike an otherwise constitutional program. If this legislation does not prohibit religious discrimination, we run the very real risk of tying up child care progress in long and costly litigation procedures while the state of child care gets no better. Again, on this issue, the Edwards amendment preserves the status quo.

Educational programs traditionally have had to comply with explicit nondiscrimination statutes. These programs include the Elementary and Secondary Education Act, the Higher Education Act, the Jobs Training Partnership Act, the Adult Education Act, the Health Professions Educational Act, and Head Start, a program that has been in place for 25 years and is the model Early Childhood Education Program. We know from experience that this system works. There is not only no reason to change the system, the Constitution mandates that we do not.

Let us not lose sight of the purpose of this legislation so many have worked so hard to bring to the floor. It is to address the pressing need for an adequate child care system—one that includes the components of quality, availability, and affordability. Government support of religious education will ultimately limit, not expand, parental choice. The Government has an obligation to help parents by supporting child care programs that meet their needs. But it does not have the right to inhibit their religious beliefs.

The Edwards amendment would allow funds to go to sectarian institutions that provide nonsectarian care, providing they do not discriminate on the basis of religion. The Edwards amendment is sound public policy and I urge my colleagues to join me in support of it.

Mr. HENRY. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, I have no question that the gentleman from California [Mr. EDWARDS] is well-intentioned. I know indeed that in my district in eastern Kentucky there are very few options for those who want to be involved in child care. The option that is most prevalent is that that is a religious base. Those are the only real options that we have across rural America today, and what concerns me greatly is that what we are talking about doing with this particular amendment is going into those areas, reaching within those organizations, whatever they are, and telling them how they are going to be running their particular operations. K through 12, we have a public organization.

Mr. Chairman, I do not support vouchers, and I will not support vouchers in the future. College and before, we do not have that established organization. I would ask people to consider very strongly whether it is right to ask that we deprive people an opportunity to learn a particular piece of information because that is something that is concerned with beliefs within an individual area. That is, it seems to be the question that we are dealing with today.

Mr. Chairman, I know this is a difficult question. Anytime we talk about church and state it is a difficult question. But what we are talking about is deprivation here, and that is something that concerns me greatly.

Mr. EDWARDS of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, the time has come to move child care legislation along. I rise in support of the Edwards amendment, which I believe would protect child care programs in churches and synagogues. Under the Edwards amendment, churches and synagogues could provide child care services and receive Federal assistance as long as they refrain from religious teaching in the program. Child care providers would be hired on the basis of their qualifications. To do otherwise will throw the legislation into the courts and delay implementation.

Certainly, we recognize the importance of the child care services provided by our religious institutions. National statistics tell us that one-third of the child care centers in the United States are based in churches and synagogues. However, federally subsidized programs must meet constitutional requirements and comply with nondiscrimination statutes. Programs such as Head Start already are subject to such standards. And many States, such as my State of Maryland, do not give funding to child care centers that engage in religious teaching.

I believe that the use of Federal funds for sectarian child care would lead to a long-drawn out court procedure. I want rapid implementation of child care assistance to low-income working parents. According to the children's defense fund, almost two-thirds of all mothers in the workforce are single, widowed, divorced, separated or have husbands who earn less than $15,000 per year. The need for quality child care is apparent.

The Edwards amendment is supported by the National Council of Churches. The American Baptist Churches, the American Jewish Committee, the United Church of Christ, Evangelical Lutheran Church in America, United Methodist Church, among many other groups deeply concerned about quality child care.

Mr. Chairman, I urge adoption of the Edwards amendment, which would protect the child care services offered by churches and synagogues. Let us move child care legislation to conference.

Mr. HENRY. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the amendment of the gentleman from California [Mr. EDWARDS].

Mr. Chairman, I rise in strong opposition to the Edwards amendment that would eliminate Federal funding or sectarian church based child care programs.

I believe it is essential that the child care legislation enacted today should not be biased against religious providers. Indeed, it is imperative that church based day care centers are recognized for the loving and thoughtful care they provide to so many of our children. The inclusion of this language is particularly important to my own congressional district in Tennessee where many church based centers are in operation and doing an outstanding job—in providing essential child care services.

The voucher provisions contained in the Stenholm proposal, for low-income families to send their children to day care facilities in religious institutions, acknowledge that at least one-third of all child care in this country is provided by religious facilities. This language will firmly guarantee family choice and ensure the rights of many Americans who choose religious based care as their best option for child care services.

I believe that any legislation adopted by the House must be inclusive of this very important segment of our child care providers and that adoption of the Edwards amendment would only serve to unduly penalize those parents who entrust their children to church based care.

I urge my colleagues to join with me in voting against the Edwards amendment and to maintain the Stenholm language on church based care which gives all parents the choice to send their children to whatever programs they feel are most appropriate—including those providing religious activities.

Mr. HENRY. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in support of the amendment offered by Mr. EDWARDS. Passage of this language would significantly improve the child care legislative package. I commend the gentleman for offering the amendment.

This amendment would strike the church-state language of the child care bill as currently drafted, child care centers would be allowed to discriminate on the basis of religion with Federal dollars. This is an assault on Principle of Freedom of Religion. Separation of church and state is a bedrock concept of our Constitution. In addition, Federal money should not be used to promote discrimination of any kind. Allowing religiously sponsored child care centers to discriminate in hiring and admissions with Federal funds, opens the door to allow discrimination in other areas. If the current church-state language were to become law, it would set a precedent for other issues of church and state.

Make no mistake, I want religious organizations to play a significant part in meeting the child care needs of working parents, even with Federal assistance. But as long as these centers are receiving Federal money, they must provide care which is appropriate for all families in their service areas. The Edwards amendment would create a child care proposal that would serve the public good—not specific religious purposes. Specifically, sectarian programs should gather their support from those who share the specific beliefs of the program. If religious centers want to discriminate, they should do so with their own money, not money that has been collected from all taxpayers.

I am in favor of this amendment also because I believe that the church-state issue in the child care debate should not be settled in the courts. We need clear language to settle the issue here and now. As Members of Congress, we must protect against undue entanglement of church and state in the child care arena. The Edwards amendment will do this.

I urge my colleagues to support this amendment, and I again commend it's sponsor.

Mr. EDWARDS of California. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. EDWARDS] for yielding.

Mr. Chairman, I strongly support the amendment of the gentleman from California [Mr. EDWARDS] because it reaffirms a principle upon which our great Nation was founded, the principle of separation of church and state. I also support the amendment of the gentleman from California [Mr. EDWARDS] because it affirms another great principle, the principle of nondiscrimination.

Mr. Chairman, I stood 25 years ago at the Pettus Bridge in Selma, AL, bloody, my head beaten in, and I almost died, not to come here in the well of the House to vote for religious institutions to discriminate against child care hiring and admissions. It is wrong for our Government to subsidize discrimination. We are not about the business of discrimination. But we are about the business of dealing in interracial democracy in America, and that is what this bill is all about, not separation, but togetherness.

So, Mr. Chairman, I say, "support the Edwards amendment."

The CHAIRMAN. The gentleman from Michigan [Mr. HENRY] has 2 minutes and 15 seconds remaining, and the gentleman from California [Mr. EDWARDS] has 3 minutes remaining. The gentleman from California has the right to close debate.

Mr. HENRY. Mr. Chairman, I yield myself the balance of our time.

The CHAIRMAN. The gentleman from Michigan is recognized for 2 minutes and 15 seconds.

Mr. HENRY. Mr. Chairman, I thank the gentleman from California [Mr. EDWARDS] for the character and quality of our debate.

In closing, let me just illustrate again one or two key points. The issue here is whether or not we are going to impose new and additional restrictions on the relationship between the Federal Government and religiously affiliated institutions, not whether or not we are going to honor existing restrictions.

Second, Mr. Chairman, the issue is whether or not the additional restrictions will eliminate the ability to have certificated child care provided by religious institutions, and clearly the vast majority of religious-based child care, even through a voucher or certificate, would be stricken practically as a consequence of this amendment.

I want to make very, very clear that this goes beyond the basic Bowen Kendrick or Lemon versus Kurtzman standards in terms of what the existing court standards are for undue entanglement or interference in related church-state issues. We are going beyond the constitutional test, and, therefore, the amendment has the practical effect of discriminating against religious institutions, and in that sense it is every bit as unconstitutional as should I come down here and try to violate the terms of the Constitution in the other direction by suggesting or urging my colleagues to adopt something that did not honor the court's standards.

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Second, on the hiring standards and the religious tenets exemption, the denial of the religious tenets exemption is new language. It is a rewriting for all practical intents of the title 7 provisions which we have honored consistently.

To my very good friend, the gentleman from Georgia, this has nothing to do with admissions practices whatsoever. It does not establish any criteria on admissions. Both the committee bill and the Stenholm substitute are clear on admissions in terms of demanding a nondiscriminatory admissions policy.

What is at issue is whether a religious institution can make religious tenets a criteria of hiring for their purposes. That has been recognized under the same Civil Rights Act which we both hold dear, and this amends that language as it affects religious institutions in this instance.

So I would plead with the Members to deny this amendment and see the similarity. If we are striking this, we might as well strike the Pell Grant Program. We might as well take churches out of the McKinney Act as well. It is exactly the same principle.

Mr. EDWARDS of California. Mr. Chairman, one would think from the other side that most of the churches in America are against my amendment. On the contrary, most of the mainline churches in America strongly support this amendment, the Methodists, the Presbyterians, the Lutherans, the American Baptists, the Unitarians, the Jewish churches, the United Churches of Christ—the list is almost endless.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, without this language, we will be violating the long historic and unbroken national commitment to maintain a clear separation between church and state. Without this language, this legislation is so informed as to be in violation of the establishment clause of the Constitution of the United States. The establishment clause has without exception been found by the Supreme Court to ban Federal funds from being provided to pervasively sectarian institutions churches for the purpose of early childhood education.

The child care bill before us provides not simply for the warehousing of America's children, but also for their early education. We all know that child care includes, of course, an education component for children. America's churches throughout the long glorious history of this country have taught many of our children, and for the most part they have done a good job and without exception we have never mandated that the American people pay for the education task those churches have accomplished

My colleagues, let us protect the churches from entanglement with the Federal Government. This amendment will allow child care to go forward in the basement of America's churches, but it will keep the Federal Government out of those basements.

A year ago the White House asked the Department of Justice for its view of the Senate language, and as you know, without the Edwards amendment our bill basically falls back to the Senate language. The Justice Department wrote a 12-page letter to the Oval Office and the Justice Department concluded with this:

> We seriously question the appropriateness of exposing our churches and their religiously affiliated child care centers to the kind of oppressive government oversight that would likely be required by this bill.

You heard not long ago from the National Council of Churches in a letter. Let me quote from that letter to you from the National Council of Churches:

> We respect the right of churches, synagogues, and other religious organizations to

offer specifically sectarian programs of child care, but such care should be supported by those who share their specific beliefs and experiences, but not by government funds.

Accept this amendment and protect America's churches

Mr. SKAGGS. Mr. Chairman, I would like to take this opportunity to express my strong support for H.R. 3, the Early Childhood Education and Development Act. It is vital that we pass child-care legislation now—vital for parents, vital for businesses, and most important, vital for our children.

The first few years in a child's life are the foundation for future learning and achievement. Right now, thousands of children are starting off life with marks against them and against their chances of success. These children are being denied an environment early on that guarantees basic health and nutritional needs. They start school ill-prepared to learn, and many will fall further and further behind. Without an adequate education, these children cannot develop the skills necessary to enter the work force, earn a living, and contribute to society.

It is certainly not news to anyone that changes in the American work force are putting new demands on families with children. We're seeing a growing number of women in the work force, an increase in families with two working parents, and an increase in the number of single-parent families. Studies show that 60 percent of school-age children have mothers who work outside the home.

For most of these families, child care is essential. For low- and middle-income families, the burden of increasing child-care costs can be overwhelming.

Parents shouldn't have to trade quality for affordability in obtaining care for their kids. Nor should they have to sacrifice a safe environment for affordability. And they shouldn't have to choose between leaving their children home alone or going on welfare.

It's our responsibility to change that. I believe this legislation takes us a long way toward meeting that responsibility.

Under this bill, many more families with real needs will be able to arrange adequate, affordable care for their children. The bill responds to concerns about quality without imposing Federal requirements—letting families and caregivers decide how to care for their children. Parents will be able to go to work knowing that their children are safe and secure.

Further, this bill recognizes the important fact that child care is only part of the picture. The bill would expand Head Start, making this proven program available to more children. It would also link quality child care and quality education by expanding before and after school programs.

There is one issue, however, on which I disagree with the committee version of the bill, and I hope to see it resolved through an amendment to the bill. Everyone recognizes that churches, synagogues, and other religiously affiliated institutions are important providers of child care. We've got to make sure that any legislation we pass allows Federal funds to go to nonsectarian, church-based programs. But we also have to remember that even the most comprehensive child-care bill won't do anyone any good if it's struck down by the courts as unconstitutional.

That is why I intend to vote in favor of an amendment offered by my colleague, Mr. EDWARDS. This amendment, which would prohibit Federal funds from being used for sectarian activities, would protect the constitutional principle of separation of church and state. It would still allow Federal assistance for child care provided by churches and other religious organizations, so long as the child-care services do not include religious instruction.

Mr. Chairman, I'm enormously pleased to see this legislation before the House today. Two and a half years ago, I joined many of my colleagues in introducing the Act for Better Child Care, or ABC bill, because of my commitment to improving the affordability, quality, and availability of child care. I hope that what we do today will lead quickly to the enactment of a comprehensive child-care package that has the support of parents and of providers.

I urge every one of my colleagues to remember that behind every statistic, every number, and every penny that we are talking about here is a child—a child who is depending on all of us to make sure he or she is prepared to meet the challenges of the future. And that child cannot wait any longer.

Mr. MINETA. Mr. Chairman, today we have the opportunity to nurture this Nation's greatest resource—our children. The House of Representatives has the responsibility to forge the framework for adequate and available child care options.

Children too often are left with a latchkey for after school guidance. We must each look into our hearts, look past political debate, and look to a future where our children thrive in a safe and healthy environment.

H.R. 3, The Early Childhood Education and Development Act, works to meet the Nation's child care needs. It emphasized educational and developmental activities, not merely custodial care, for young children of various ages.

This legislation makes sense. It builds upon existing systems which have proven their worth over more than two decades. To truly benefit our children, we must not simply warehouse them in front of televisions and video games. Through the existing elementary and secondary school structure, we can provide a school-based program for 4-year-old children and before school and after school care for the school age children. The extremely successful Head Start Program will provide full day service for children 3 years of age and older.

Mr. Chairman, this bill reaches out to all kinds of families. States will have voucher systems which greatly increase a parent's option in selecting the care they want for their children, including church-based care.

This child care package sets reasonable, minimum standards for care providers who receive Federal money. Why on Earth should the people who mean the most to us be left unprotected?

Mr. Chairman, it is essential that we adopt the amendment offered by the gentleman from California [Mr. EDWARDS]. His amendment is thoughtful and fair.

This amendment recognizes the importance of the role of religious organizations in providing quality care to children.

Equally important, it retains the separation of church and state by providing Federal funds for religious child care providers for nonsectarian care programs only. This is a fundamental principle in the basis of our Constitution: A document that guarantees us the freedom to practice the religion of our choice.

As the representatives of the people, the Congress cannot allow any institution receiving Federal funds to engage in discrimination. We must not turn our heads at this blatant disregard for constitutional law. And most important, we must not teach our children that they should not respect the beliefs of others.

Mr. Chairman, when the future of our children is at stake, the future of our country is at stake. I urge my colleagues to support the Edwards amendment and the Early Childhood Education and Development Act.

Mr. COLEMAN of Texas. Mr. Chairman, I rise today in support of H.R. 3, the Early Childhood Education and Development Act, and in support of the Edwards amendment, which assures adherence to the first amendment and the principles of separation of church and state.

Current family situations indicate there is a chronic shortage of child care services facing parents. It is unfortunate that over 2 million children between the ages of 5 and 13 spend time without supervision. Although less than 1 percent of employees receive child care benefits, 67 percent of working women with preschool children and 73 percent with school children work full time.

There are several significant provisions in this bill, including a significant investment in child care, funding to areas of special need, such as latchkey children, assistance to States to improve safety, quality and supply of child care, and the ability for States to develop health and safety protections. The bill also proposes to reauthorize the existing Head Start Program as well as expand it to provide day long services. The Head Start Program is widely recognized as one of the most successful Government programs, serving as a public investment in providing an opportunity for disadvantaged children to become productive citizens. This program provides education, nutrition and health services for about 448,000 low-income 3- and 4-year-olds. This body has overwhelmingly supported increases in the funding authorized for this program, and I am pleased to see its inclusion in this bill.

"Freedom of choice" is one of the most important issues in this debate. But I would argue that it is the committee bill before us that provides the widest possible freedom of choice available under the Constitution. While the Stenholm-Shaw substitute purports to provide freedom of choice, I am concerned that it fails to address the chronic shortage of child care services that faces American parents today. "Freedom of choice", while a pleasant sounding term, does no good if there is no affordable and quality child care available in the first place. While everyone concerned in this debate supports the "freedom" part, we must not lose sight of the "choice" part, either. We must have the choice—the wide range of child

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care options, from formal programs to staying at home with a child—to be able to exercise the freedom. Stenholm-Shaw, important though it may be in many regards, does not go far enough to provide that range of choices. Both the bill and the substitute promote freedom, but only the committee bill goes the extra mile to ensure choice.

Further, I reject the premise of those who have made the argument to me that I should oppose this bill because most women are joining the work force for selfish reasons at the expense of neglecting their children. It is a fact that women are working for economic survival. Two-thirds of women working outside the home are either the sole providers for their families or have husbands earning less than $15,000 per year. The tax credit of $400 per year would not provide the additional income these families need.

I am especially pleased to be able to support the Edwards amendment because it brings the bill into compliance with the Constitution. As brought to the House floor, the bill includes provisions similar to companion legislation in the Senate which authorize Federal funds in the form of vouchers being paid to religious institutions for religious instruction. In addition, funds are authorized for day care centers operated by religious institutions that discriminate in the hiring of employees and in the admission of children to the program. As a Member of Congress, I do feel it is my duty to defend the U.S. Constitution. The Edwards amendment proposes to eliminate these provisions from the bill. Instead, it would be plainly stated that religious organizations can receive Federal funds to provide child care services conducted on church property only if the program itself is non-sectarian. I have no doubt but that the use of vouchers for religious child care and discrimination based on religion would be ruled unconstitutional, and should such a finding occur, church-based child care providers would be prohibited from receiving any Federal funds at all.

Adoption of the amendment would permit religious organizations to continue providing quality child care in compliance with the Constitution, and most importantly, would carry forth principles established in public education and other Federal programs that Federal funds cannot be used to promote religious instruction or to discriminate on the basis of religious belief.

I urge my colleagues to carry out their oaths of office and defend constitutional principles and adopt the Edwards amendment and of H.R. 3 as adopted.

The CHAIRMAN. All time has expired.

The question is on the amendments en bloc offered by the gentleman from California [Mr. EDWARDS] to the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM] and to the amendment in the nature of a substitute, as modified, made in order as original text.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 125, noes 297, not voting 11, as follows:

[Roll No. 56]

AYES—125

Ackerman
Akaka
Anderson
AuCoin
Bates
Beilenson
Berman
Boehlert
Bonior
Boxer
Brennan
Bruce
Campbell (CO)
Cardin
Carr
Clay
Clement
Coleman (TX)
Collins
Conyers
Costello
Coyne
Crockett
Davis
DeFazio
Dellums
Dicks
Dixon
Downey
Dymally
Edwards (CA)
Engel
Evans
Fascell
Fazio
Feighan
Fish
Flake
Ford (MI)
Ford (TN)
Gejdenson
Gonzalez
Gray
Hawkins
Hayes (IL)
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Johnston
Jontz
Kaptur
Kastenmeier
Kennedy
Kleczka
Kostmayer
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Machtley
Martinez
Matsui
Mavroules
McDermott
McNulty
Mfume
Miller (CA)
Mineta
Moody
Morella
Morrison (CT)
Mrazek
Neal (MA)
Nelson
Olin
Owens (NY)
Payne (NJ)
Pease
Pelosi
Pickett
Pickle
Poshard
Rangel
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schiff
Schneider
Schroeder
Schumer
Serrano
Shays
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Stark
Stokes
Studds
Swift
Synar
Torres
Towns
Udall
Unsoeld
Vento
Washington
Waxman
Weiss
Wheat
Williams
Wilson
Wolpe
Wyden
Yates
Young (AK)

NOES—297

Alexander
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boggs
Borski
Bosco
Boucher
Brooks
Broomfield
Browder
Brown (CA)
Brown (CO)
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell (CA)
Carper
Chandler
Chapman
Clarke
Clinger
Coble
Coleman (MO)
Combest
Condit
Conte
Cooper
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
Darden
de la Garza
DeLay
Derrick
DeWine
Dickinson
Dingell
Donnelly
Dorgan (ND)
Dornan (CA)
Douglas
Dreier
Duncan
Durbin
Dyson
Early
Eckart
Edwards (OK)
Emerson
English
Erdreich
Espy
Fawell
Fields
Foglietta
Frank
Frost
Gallegly
Gaydos
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gingrich
Glickman
Goodling
Gordon
Goss
Gradison
Grandy
Grant
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Jones (GA)
Kanjorski
Kasich
Kennelly
Kildee
Kolbe
Kolter
Kyl
LaFalce
Lagomarsino
Lancaster
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Luken, Thomas
Lukens, Donald
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCloskey
McCollum
McCrery
McCurdy
McDade
McEwen
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Michel
Miller (OH)
Miller (WA)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morrison (WA)
Murphy
Murtha
Myers
Nagle
Natcher
Neal (NC)
Nielson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Parris
Pashayan
Patterson
Paxon
Payne (VA)
Penny
Perkins
Petri
Porter
Price
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Saiki
Sangmeister
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (VT)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stangeland
Stearns
Stenholm
Sundquist
Tallon
Tanner
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Torricelli
Traficant
Traxler
Upton
Valentine
Vander Jagt
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Whitten
Wise
Wolf
Wylie
Yatron
Young (FL)

NOT VOTING—11

Dwyer
Flippo
Frenzel
Gallo
Jones (NC)
Laughlin
Leath (TX)
Roukema
Sarpalius
Smith, Denny (OR)
Stump

□ 1635

Messrs. RICHARDSON, RIDGE, and GILMAN changed their vote from "aye" to "no."

Mr. WILSON and Mr. GONZALEZ changed their vote from "no" to "aye."

So the amendments en bloc to the amendment in the nature of a substitute offered by Mr. STENHOLM and the amendment in the nature of a substitute, as modified, to the original text were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] is recognized for 15 minutes.

Mr. STENHOLM. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, unfortunately too many people on all sides of this issue have gotten bogged down in arguing for a particular method or lifestyle which they claim is the preferable way to raise children. The fact is that social engineering from the Federal level, whether you want to engineer it from the right or from the left, from the liberal direction or the conservative direction, is a bad idea. The point the gentleman from Florida [Mr. SHAW] and I have tried to make with the amendment we now have before you is to retain individual freedom, the opportunity to exercise that sacred Judeo-Christian concept of free will, to the greatest extent socially possible.

Liberal economist Robert Samuelson made the point eloquently in a Newsweek column when the Federal child care debate was still young. Samuelson wrote,

> The point is not that parental care is superior to child care or vice versa. It is that we don't know, or that it may be different for different families . . . Why children turn out as they do is one of life's mysteries. It involves personality, talent, parents, culture, income, life experiences, schools, luck (good and bad) and so much more. Government can't prescribe competent child-rearing.

□ 1640

There is a big difference between H.R. 3 and the Stenholm-Shaw amendment, and over these next few minutes we are going to hear those differences outlined. There are big differences in some areas and very small ones in others, I might say in all honesty.

There are differences in the religion language. While both versions require States to make certificates, vouchers available to parents, only Stenholm-Shaw guarantees they can use those certificates with the provider of their choice, including providers that may have religious activities.

There is a continued bias in H.R. 3 in title II that allows schools to contract out for services for latchkey children and 3- and 4-year-olds. But in H.R. 3, the opportunity to contract is limited to not for profits only, and for profit providers may not compete for those title II contracts under H.R. 3. Is that what we want to do?

Even though churches may compete for these contracts in title II of H.R. 3, vouchers do not extend to this title. This means that any church-provided care must be absolutely stripped of any religious vestiges—including prayer before lunch and symbols on the wall.

Currently 55 percent of all center-based care is provided by for profit, usually small, proprietorships; 30 percent is provided by religious organizations. Yet, one-fourth of the grant money—one-third of the authorizations—in H.R. 3, title II, is restricted to use in a new program that ignores and competes with the type of care preferred by 85 percent of the current day care users.

We have heard a lot about the money, and I will just touch on that. Our bill costs $20 billion over 5 years, and it is going to be tough finding $20 billion. We have the excise telephone tax, we have the elimination of the DCTC tax credits for those earning over $90,000, and I would propose in the spirit of the truth in legislating bill that we have sponsored, and in spirit of the pay as you go process that so many of my colleagues on both sides are saying we should have, that the cost of our bill can be paid for, and I would submit should be paid for by repealing the Davis-Bacon Act, an antiquated labor law that has no business continuing to siphon money in that area that could go for child care and could pay for either of the two bills today.

Let me quickly say in summation there is another big difference between the two bills, and this is in the Washington-knows-best area. We have talked about who has mandated regulations and standards; we've heard they do and we do not. We do have them. Just read our bill. We are not suggesting that we send a blank check to anyone. We are just suggesting that the local governments and the State governments are the best determiners of what those standards ought to be. Common sense would tell us that we need standards in the care of children. That is not a real item debate. It is how we do it, and whether we specify it, a, b, c.

Finally, we find in H.R. 3 the needless duplication and bureaucracy and questionable priority differences, again in title II. A ground breaking, potentially huge new program is masked in H.R. 3 behind a common-sense-sounding idea, and I have to agree with that idea. But title II is not just a latchkey program and not just day care, my colleagues. Much of it is an early childhood education and development program which will move thousands of 3- and 4-year-olds into public school facilities, and it should be given scrutiny in a separate education bill.

Title II would compete with and provide many of the same services that Head Start does, although more non-poor children would be admitted. We should more completely serve low-income families through existing programs before starting a new one.

Let me just say in summary there are very few differences between the two versions of Head Start. We make it possible for the Head Start Program to be utilized for full day care at the State and local option. We agree on the EITC, and that is landmark legislation. For the first time since I have been in Congress, and that is 11 years, we are going to begin rewarding individuals who work instead of continuing to reward individuals who choose to be on welfare. That is an admirable goal, and with those who suggest that this EITC expansion is not child care, again I have a fundamental disagreement. I happen to believe if we can put more money into the hands of those parents who wish to work and provide for their families, the children will do better, and that is in both of our bills.

We have one other difference, over taking a fundamental, first little step in improving tax policy with the wee tots tax credit. We believe those who choose to stay home with their children should not be penalized, and we have that philosophy in our bill, and Members will hear more about that later also.

The CHAIRMAN. The gentleman from Texas [Mr. STENHOLM] has consumed 6 minutes.

The gentleman from California [Mr. HAWKINS] is recognized for 15 minutes.

Mr. HAWKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Stenholm-Shaw substitute. For millions of families across the country in desperate need of child care services, this substitute provides less choice, less money, and less quality of care than the leadership package.

The substitute provides less choice because it does not specifically earmark funds for early childhood education programs and before and after school care. Numerous studies provide convincing evidence on the effectiveness of high quality early childhood education for at-risk 3-, 4- and 5-year-olds. A 1985 report by the Committee for Economic Development on preschool education called the program an extraordinary economic buy.

The Stenholm-Shaw substitute does not adequately address the before and after school care needs of this Nation's 10 million latchkey children. Rather, the substitute authorizes before and after school care as an optional use of funds. Research demonstrates that unsupervised children are more prone to experimenting with drugs and falling prey to gangs, alcohol abuse, and teenage pregnancy. The lack of adequate supervision is also manifested by a child's poor performance in school and other health and developmental problems.

The substitute provides $700 million less in assistance for parents to pay for child care services and to help States and localities improve the quality of care. In fact, under Stenholm, States need not spend $1 on direct services or increase the supply of child care by even one slot.

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The substitute provides less quality because it fails to offer any assistance for States to improve quality child care without mandating any State standards and offers nothing more than custodial care. Poor quality child care programs threaten a child's development as well as the child's safety and health.

The leadership package does much more to enhance affordable, available, quality child care. I urge my colleagues to vote against the Stenholm-Shaw substitute, as they did last October when the Stenholm-Shaw substitute was then before the House. There is no reason why we should today reverse our position today.

The CHAIRMAN. The gentleman from California [Mr. HAWKINS] has consumed 3 minutes.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to lead off by complimenting and thanking my colleague, the gentleman from Texas [Mr. STENHOLM] and his staff as well as my own staff and our colleagues on both sides of the aisle who have come together and formulated a bill that I think really brings together the thoughts of the American people. I would also like to compliment the gentleman from New York, Mr. DOWNEY, and the gentleman from California, Mr. GEORGE MILLER. We worked tirelessly last week, and in fact we have worked tirelessly over the last month or two in trying to craft a compromise bill. Last Thursday we worked closely with the White House, and I want to thank Governor Sununu who worked closely with us, and we came that close to crafting a compromise bill that I believe would have given this House a great deal of satisfaction, and I believe would have been one of the high water marks here in the House of Representatives from a legislative history standpoint. Unfortunately, that compromise came unraveled over the weekend, and early in this week, and I believe it was not until Tuesday evening that a bill from the majority side finally emerged.

One of the problems with that bill is it has been sitting in the dark collecting dust. It has been written, rewritten, and it has not gotten out for the Members to see it, and for the people across the United States to see it. It is as a result of being hidden away that it is badly flawed. Many of those flaws are being seen for the first time here on the House floor today.

□ 1650

To begin with we talk about the question of regulation. There has been a great debate on it this morning. I quite frankly think my colleagues on the Democratic side who are supporting the Democratic bill, the committee bill, were surprised to find that in doing so they were regulating religious day care providers who were receiving vouchered funds, that became part of the debate this morning.

I think as a result of that we asked the Congressional Research Service of the Library of Congress, we said, "Listen, you give us an opinion. Where does it stand?" I would like to read you pertinent part of this provision. They are referring to page 43 of the majority bill, section 2012(c).

It says;

> This language would not appear to require the States that now exempt religious care providers from licensing to repeal the exemption. It would appear to require that all child care providers that receive public funds under this bill or otherwise must meet the minimum child care standards the States are required to set under section 2012(c).

Public funds; my friends, we are not only talking about Federal funds, we are talking about State funds, we are talking about county funds, we are talking about city funds. We are sticking our nose so far into the affairs of States that it is unbelievable.

It already has been set out what these regulations are. I can tell you they are being drafted up here in Washington. This is not a question of saying the States have to draft their own regulations. We then go tell them what the regulations have to say.

Now that is a blatant disregard for States' rights.

My colleagues, I would earnestly urge you read the bill. For those of you who have concern, this leter from the Library of Congress, do not take it from me, read it. It is their words. They are available here at the minority desk. They will be available during the entire debate and during the vote.

I urge you to come by and take a look at them. These are not my words, these are the words of the majority bill. It is badly flawed. It is a bad way to legislate to hide your bill until it goes to the Rules Committee.

I would sincerely tell you that the Stenholm-Shaw bill has been out there since March 15 for all to see. I would urge you to support the Stenholm-Shaw substitute.

Mr. Chairman, I reserve the balance of my time.

Mr. DOWNEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 3—the leadership child care package—and in opposition to the Stenholm substitute.

What we are addressing today is not only a family issue. It is an economic issue. The fact is that by 2000, women will make up half of the country's labor market. In the future, two thirds of all new jobs will go to women.

At a time when our country has to adapt to the new challenges in the world marketplace, and keep our economic strength from eroding, we must make every effort to maximize the potential of our work force. The United States cannot remain competitive without adequate child care.

Because most of our economic battles in the next century will be fought in the Sun Belt States, the issue of sufficient child care is particularly important to the South.

It is also an economic issue for our families. Today working women keep many families above the poverty line.

In my home of Houston, the shortage of affordable, quality child care has become so serious that parents have to plan for day care before they plan to have the child. In Texas there are more than 2 million children under the age of 13 who need child care or after school care, but there are only 600,000 spaces in licensed day care facilities.

The availability crisis is particularly acute among children of the working poor. A Harris County program that subsidizes child care only reaches a tiny fraction of the 91,000 children eligible. Statewide, less than 10 percent of the children of working parents who live below the poverty line receive child care assistance.

This debate is about finding the best day care policy for our Nation's children. Clearly, this problem is so pervasive and so complex that no single approach will resolve it. The needs of American families are as diverse as this House. The Stenholm-Shaw substitute is not deficient in what it does, but in what is does not do. The titles and different approaches in the leadership package reflect the diversity of needs which face us.

For instance, the Stenholm-Shaw bill does not adequately address the needs of latch-key children and their working parents. In Texas, 1978 population data stated that "an estimated 30,900 children under age 6 may be left to care for themselves while their parents work." This does not even begin to describe the problem for children over age 6.

In both title II, which involves school-related child care, and in the Head Start title of the leadership package, funds are concentrated on this very problem. The Parents and Teachers Association [PTA], and the National School Boards Association have endorsed the leadership package because they have seen first hand the need for before and after school programs. The American public trusts our schools, why let this resource go to waste as the Stenholm-Shaw bill would have us do?

In addition, the Stenholm-Shaw bill provides no funds to improve or coordinate for child care programs. In Houston, some of the most critical work involves expanding local resource and referral programs. A nonprofit program called Initiatives for Children is one of Houston's new solutions to the problem of access to quality care. Initiatives for Children acts as a referral center for both the individuals and corporations. For a small fee, employers can offer these referral services as an employee benefit. This program and the funding from title IV are essential because of the scarcity of child care services.

But above all the Stenholm-Shaw substitute ignores the question of standards. The American people are not just demanding child care, they are asking the Federal Government to ensure that where they leave their children during the day is a safe, clean place.

The model standards in the leadership package are a simple means to encourage State to improve the quality of child care. They lay down uniform national ground rules for how Federal funds are spent on child care.

We set standards for the workplace, for airlines and even for animals. Why in the world would we not do so for our most precious resource—our children?

My State of Texas already has standards for day care centers and registered family homes in every category required by the leadership package. Without these standards, Texas children would have no guarantee of a clean, healthy day care center or a nutritious meal. They could face overcrowded centers where they are neglected or unsupervised. And finally, without these standards, they could be left to someone who lacks the faintest idea about child care—or worse, a convicted felon.

Texas also has a training requirement equal to that in the bill. Staff at a Texas day care center are required to take 15 hours of training a year to improve job performance. This training requirement is not a burden on Texas, it is peace of mind for Texas parents.

There is no doubt that we owe this to our children and the American taxpayer.

Clearly, the earned income tax credit and title XX provisions help the neediest get child care, but without the rest of the leadership package we're only addressing a fraction of the issues that need our attention. Finally, excluding the tax credits and business grants, the Stenholm-Shaw bill will cost Texas over $48 million in assistance for day care.

This legislation should not pose a difficult choice. Lyndon B. Johnson in an earlier time said:

> What it adds up to is meeting America's needs, facing America's problems, meeting them and facing them now, not deferring them until they have multiplied beyond the power of the next generation to ever cope with them at all.

Today over 23 percent of Texas children live in poverty, a 25-percent increase in the last 8 years. We cannot afford to defer their chance for hope any longer. Decent child care is the first and necessary step toward changing these kids' lives and ending the cycle of poverty.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee [Mrs. Lloyd].

Mrs. LLOYD. Mr. Chairman, time after time, again, when I meet with my elected officials from the State of Tennessee, I have received several complaints, numerous complaints that too often Congress passes sweeping legislation which mandates difficult and very expensive rules and regulations for our State to administer.

Not too long ago my Governor came to Washington to express his concern about the excessive rules and regulations and the costs to our States. I can tell you unequivocally that the people in the Third District of Tennessee have a better idea about the kind of day care they need and how they should have a greater say in how this should be administered. The Stenholm amendment gives us the freedom to target our child care funds where they are needed the most.

My colleague from Texas just spoke about the problems in the State of Texas. Under the Stenholm language you can target this money where you need it, to address your specific concerns in your State, whether you need the money to expand on infant care, school-based day care, you can put your money where you need it with the Stenholm language.

By leaving these important decisions up to the State we can give them the autonomy to implement the programs that really address their specific needs.

Basically, it gives our States the freedom to choose their priorities in their programs without excessive bureaucratic redtape.

You know, we can only spend our money one time and we have the opportunity today to craft a good day care bill. We need this.

My friends, as we spend our money, we can vote for the 212 regulations that come along with H.R. 3, or we can vote for the Stenholm substitute and give our money to the kids.

My colleagues, let us give one to the kids today.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. Kildee].

Mr. KILDEE. I thank the gentleman for yielding.

Mr. Chairman, I rise to oppose the Stenholm-Shaw substitute. We have a good bill in H.R. 3. We do address the church-state issue, I think, well in this.

The U.S. Catholic Conference, in a letter written just today, having poured over this legislation—writes to us saying:

> We urge you to support H.R. 3 unamended. It is a significant step forward in meeting the diverse child-care needs of our Nation's families.

□ 1700

The churches, I think, really will use this bill in a way to continue to deliver those services they have delivered well in the past.

Another point, the Stenholm substitute does not require the State to address the health and safety issues, and therein lies a serious problem because we see that. I have had hearings for 4 years on this bill, and the thing that recurs time and time again is serious health and safety issues. We had, for example, one instance where 47 children, over half of whom were under the age of 2, were being cared for by one adult caretaker in a basement.

Now, some women had to choose that type of child care. That is no choice at all. If it is a choice, it is a cruel choice. We cannot tolerate that.

We have to give the States, then, some money to monitor their own standards, help them, encourage them, to raise their own standards, and give them some help to monitor their standards. H.R. 3 does not. The Stenholm-Shaw substitute does not do that.

Mr. SHAW. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Connecticut [Mrs. Johnson].

Mr. RIDGE. Mr. Chairman, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Chairman, I thank the gentlewoman for yielding.

There is certainly one group of people whose vested interest in child care and standards is greater and more meaningful than that of this Congress and the Federal Government. That happens to be the mothers and fathers who give birth, nurture, raise, educate, and love those children.

Give them their choice. Let them set the standards. Vote for Stenholm-Shaw.

Mr. Chairman, I rise in strong support of the Stenholm-Shaw amendment. It is most responsive to those who matter the most in this debate—the children and their parents.

Stenholm-Shaw builds on existing institutions and programs, it does not create new ones. It better protects the option of parents to use child care providers related to religious organizations. Stenholm-Shaw empowers people, not Government. It makes parents the ultimate judge of whether or not a particular center meets the standards they require for their children.

My colleagues, currently 15 States, including Pennsylvania, exempt religious day care centers from regulation. H.R. 3 infringes on that relationship and in doing so creates po-

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tential constitutional problems that need not exist. The Stenholm-Shaw amendment protects that relationship as well as the option of parents to use vouchers for those facilities without Government interference.

The proponents of H.R. 3 cannot resist the temptation to address another social and economic problem with a new and expensive program. It is troubling that some of my democratic friends believe Government interference in the decision to bear children is unconscionable, but advocate Government intrusion in child care. Freedom of choice to bear, but not for child care.

Proponents of H.R. 3 argue for more money, more bureaucracy, more regulations, but sadly, less choice for States and parents. Federal assistance is critical in breaking the cycle of poverty that plagues millions and in helping low- and moderate-income families. We do not need to establish a Federal day care business to accomplish that goal. Stenholm-Shaw uses existing programs and parental choice. Fewer regulations, more options—a better approach.

H.R. 3 empowers bureaucrats. It empowers Government. Shaw-Stenholm empowers people. It is insulting, arrogant, and wrong for Congress to conclude that regulators or bureaucrats can set better standards than parents. Parents are in the best position to decide on adequacy of a child care facility and its staff. The Federal Government, no matter how big or powerful, is not a parent and should not limit the child care choices of parents.

Finally, the question of standards. H.R. 3 as amended provides 40-plus pages of standards and mandates. Once again, traditional and misplaced emphasis on input and quantity. In the minds of some, more standards equates to better care and safer facilities. I, for one, dont' accept that logic in child-care legislation.

There is one group of people whose vested interest in child care and standards is greater and more meaningful than that of this Congress or the Federal Government. Those are the mothers and fathers who give birth, nurture, educate, and love their children. Give them the choice. Let them set the standards. Vote for Stenholm-Shaw.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in strong support of the Stenholm-Shaw amendment and want to address the very serious problems for States and child care providers that the regulatory framework in the Moakley bill would create.

As I have only a few brief minutes to focus your attention on provisions that could strangle the positive development of child care services in your State, let me address the three most glaring problems.

First, the Moakley bill would force States to set standards that regulate day care according to provider categories States have used in the past. Yet this system is failing States today and is totally inadequate for the future. It is unwise, from Washington, to impose a regulatory framework on a service sector that must grow and change if the needs of children and families are to be met.

States are already finding that the existing categories of family providers, group homes and centers, and the mechanisms of licensing each small provider and making frequent visits to each facility are unworkable. New provider groups are emerging through which sophisticated providers are assuring quality throughout a network of satellite providers. There is even a demonstration project establishing this kind of innovative arrangement in the Moakley bill.

Just as new developments and new thinking are opening up new possibilities for assuring quality, involving parents and expanding services, we in Washington are going to straightjacket States by imposing a regulatory system modeled on the past and already failing in the present.

Second, as States struggle to find new ways to oversee a rapidly growing industry, we threaten to cut off Federal monies if they change their standards—even if those changes keep new standards well above the national average or Federal model guidelines.

That is simply absurd, and yet it is true. This bill would have cut off all Federal child care aid to Connecticut—one of the Nation's most regulated States—because we changed the ratio of children to caregivers in home care settings. We did it to keep our providers economically viable and still have one of the toughest ratios in the Nation. Nonetheless, this bill would have cut off all Federal child care aid to Connecticut because we would have degraded our standards.

Finally, a word about the bill's recommended standards. Did you know that the legislation directs the National Advisory Committee on Recommended Child Care Standards to make the guidelines available for public comment, and then, specifically, in law, prohibits those recommendations from being changed to reflect those public comments?

What if the Committee's recommendations were developed in an ivory tower, and set a ratio of three children per family day care providers? Even if the comments of every provider in the Nation opposed this ratio—which would make home care an uneconomic alternative to out-of-home work—it could not be changed. Read the language on page 98. It uniquely prohibits government from responding to public comment in the rulemaking process. A truly undemocratic and dangerous precedent.

Mr. Chairman, we in Washington must learn to trust State and local government to care about child care services for their people—our people. The public servants closest to the people should have the ability to crack the tough problems of overseeing service expansion and assuring quality.

The Stenholm-Shaw bill provides States with that ability. No money goes to providers who do not meet State standards. But we do not dictate a new regulatory framework that is a product of past experience, is failing us in the present, and cannot meet the future. Most importantly, we do not penalize States experimenting with new oversight approaches as the child care industry grows and changes. And we do not distort the rule-making process to prevent the opinions of our citizens from influencing the decisions of government.

Those of you who cherish the role of State and local government in our democracy should support the Stenholm-Shaw amendment and provide both the money and flexibility to enable your State to serve the needs of your people, so that your constituents can make the choices that are best for their children.

Mr. DOWNEY. Mr. Chairman, I yield myself such time as I may consume.

We have talked a great deal about what is and what is not in this bill. Let me try and focus our findings on some of the more contentious parts and deal with, I think, what is the fundamental difference.

The titles that deal with the earned income tax credit, are for the most part similar, with the exception of when it would start and being a little richer. So, working poor people will be able to get more money.

There has been a great deal of concern raised by my colleagues on the other side about the fact of whether church-based providers would be eligible for this money, and language was read that suggested there was ambiguity. I and the other author of the bill sense no ambiguity. As far as I am concerned, the language is clear. It says that church-based providers are eligible, if the States decide not to license them, that is a State decision. They are eligible for title III funds.

Now, we will deal with the major differences between the bills. That has to do with title II, the afterschool care program. I suspect that in your districts, there are people who earn more than $25,000, who are concerned about child care, and would like to see this bill do something for them. You wash your hands of those people. There is nothing in your bill for middle class people. You will say to the children who you have all seen, if you have ever driven by a school in the morning that does not have a K program, they are huddled together in the schools waiting for the doors to open, or they are playing on a playground, with keys around their neck. Do you ever see that? I have. I have seen that. Then they leave the school to go home alone. Sometimes to dangerous city apartments. They would prefer to be in school, and their parents would prefer to have them there.

Eighty-nine percent of the children in America go to public schools. There are 10 million of them, 10 million of them who are latch-key children. We are concerned about them. We have a plan for them. We will say to parents: "You can drop your child off in the morning and there will be a teacher, there will be somebody at the school or at some other center to take care of them, and if you have to pick them up later on in the evening, they can stay in the classroom or in the cafeteria or in the gymnasium." They do not have to walk home alone. They do not have to be alone. That is the difference.

We are concerned about the poor, the working poor, and the middle class. This bill, a Democratic bill, addresses itself to the middle class, and that is why it deserves your support. It is for all of America's children, not just the poor and the working poor.

The CHIAIRMAN. The gentleman from New York [Mr. Downey] has consumed 3 minutes.

Mr. STENHOLM. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. Ray].

Mr. RAY. Mr. Chairman, I rise today in support of the Stenholm-Shaw bill, and I oppose H.R. 3.

There are a number of differences. The draft notices and supporters of H.R. 3 have been telling me they have incorporated in a whole lot of the Stenholm-Shaw bill into H.R. 3 and it is a good bill. There are some differences, Mr. Chairman.

H.R. 3 is a good bill, but it is a Cadillac bill at a time when this country owes $3.2 trillion. I guess Stenholm-Shaw would be more like a Chevrolet bill, and we could move up to a Cadillac when the country is more able to afford it.

There are some differences. There is an $8.9 billion difference. Not many people in this body know how big a billion dollars is, but less than 2 billion minutes ago, Julius Caesar was ruling Rome. Now we have a situation where we have an $8.9 billion differences over 5 years. Therefore, I urge my colleagues to support Stenholm-Shaw.

I want to commend my colleagues, Congressman Stenholm and Congressman Shaw, for offering their amendment, and I urge my colleagues to support the Stenholm-Shaw amendment.

There are two major differences between H.R. 3 and the Stenholm-Shaw amendment which I believe Members should focus on. One is the difference in cost between the two bills. H.R. 3 would cost $28.9 billion over 5 years. The Stenholm-Shaw proposal would cost $20 billion. So Members should note that the substitute amendment is a third less costly than H.R. 3. Thirty percent less dollars are required.

The other major difference concerns the religious day care issue. The provisions contained in H.R. 3 would place restrictions on the hiring and admissions by religious child care providers. These new restrictions limit hiring and admissions more so than current law does.

There are 15 States which currently exempt church-based child care providers from State regulation. The language in H.R. 3 would mandate their coverage under State regulations. The Stenholm-Shaw substitute provides flexibility to the States to set different types of care.

It is important to note the differences between H.R. 3 and then Stenholm-Shaw substitute. I believe a close analysis of these differences will lead Members to vote for the Stenholm-Shaw amendment, and I strongly encourage my colleagues to do so.

I thank the gentleman for yielding me time.

□ 1710

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Washington [Mrs. Unsoeld].

Mrs. UNSOELD. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I extent my accolades to all who have worked to bring us to this point.

The United States has been conspicuous among advanced industrialized countries in failing to develop national policies responsive to the needs of families.

Today we are about to set a new national policy for early childhood education and development, and we shift our spending priorities to invest in the future of our children and to recognize that the best child care has a strong educational component.

All of us want a strong vital America, but we seldom stop to realize that the security of our nation depends upon the health and prosperity of our economy in relation to our families.

In creating new child care policy for America's working family, there are four reasons why we should vote no on this substitute and yes on Hawkins-Downey. The leadership package includes provisions that seek to expand the availability of child care for working parents by, No. 1, expanding the Headstart Program into a full-day, year-round program, and, No. 2, by using schools to provide child care so that working parents could leave their children at one location throughout the entire day, No. 3, the leadership package also expands the earned income tax credit now rather then next year, and, No. 4, it directs States to set their own standards for health and safety.

American working families want their children to have child care with standards for safety and health.

Mr. Chairman, for the children of this Nation and for America's future families, let us vote on this amendment and yes for the Early Childhood Education and Development Act of 1990.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. Tauke].

Mr. TAUKE. Mr. Chairman, virtually all of the speakers who have come up here to speak in opposition to Stenholm-Shaw have cited title XX of H.R. 3 relating to the school-based program.

First, I want to point out that the Stenholm-Shaw substitute includes as one of the principal uses of funds having a before and after school program, and it allows the States to structure that program. But the second thing I point out to the Members is that the way the bill is structured and the way it has come before us today, we have a poorly structured package that is not going to work for the vast majority of areas of the country.

First of all, we should understand that one-third of the appropriated dollars goes into the school-based program. Second, we should understand that the schools are mandated to provide for before and after school care, not just for the school year but year round. I asked earlier during the debate, how do we provide for before and after school care during the summer periods and during vacation periods when there is no school? To date, there has been no answer.

There also is a requirement in here that any school which provides the before and after school care must offer care to 4-year-olds, and the 4-year-old program must be an Early Childhood Development Program. That is a mandate under this legislation. That is duplicative, of course, of the Headshart Program that we already have, but it also is a requirement that will preclude many school districts, particularly in rural areas, from being able to take advantage of the program.

Lastly, I would point out to the Members that churches may not participate in this program, for profit organizations may not participate in this program, and as the gentleman from Texas pointed out earlier, 85 percent of the child care in the country falls into that category. Yet they will not be able to participate.

The private schools, the parochial schools, will not be able to participate in this Before and After School Program. There are so many that cannot participate, and for those who could participate the requirements are so stiff they will not, especially in rural areas, be able to take advantage of it.

So, Mr. Chairman, I urge the Members to go with the more flexible Stenholm-Shaw approach to before and after school care.

Mr. ANDREWS. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. Miller].

Mr. MILLER of California. Mr. Chairman, we are coming down to the closing moments of this argument. There are in fact differences between these two bills. Those differences go

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essentially to how we view our children and the importance we place on them.

The Members heard me earlier talk about standards and related issues, and some Members have repeated them again in their support for the Stenholm measure.

Let us remember what we are talking about. We are talking about the care of our children. I am sure that almost each and every one of the Members here has stood before an audience in their districts and elsewhere and said that these children are the future of our Nation, that these children are our most valuable resource, and yet they are then fully prepared to turn around and put these children into a system, spend $20 billion to put children into a system where we do not speak about the quality of that system or we do not make an effort to improve the system because we are convincing ourselves that somehow we are committing ourselves to an ideological point of view which, as Ronald Reagan used to say, would "get the government off our backs."

Just like there are a lot of bad savings and loans out there, there is a real lot of bad child care, and most of us would not put our children in that child care.

This bill makes a minimal effort toward asking the States to protect our children and to provide for quality child care.

One of the things we know and one of the things we have learned over the last decade is that bad child care is bad for children and good child care is good for children, and we are wasting our money on bad child care and we will be wasting the taxpayers' money.

H.R. 3 makes an effort to encourage the States to promulgate standards for the health and safety of our children, all of our children. H.R. 3 makes an effort to provide protection for parents whose children are of school age and to provide for after school care. Vast numbers of parents tell us that they would prefer, when their children are of school age, to in fact be able to leave their children another hour after school or until 5 o'clock or, as in my district, a suburban district where people commute, maybe until 6 o'clock when they get home so they do not have to worry about their children taking transportation to find another child care arrangement. In some cases they do not want their children walking down dangerous streets. So we say, why should we not just use the facility where the children already are? We say that that is a priority, because that is where the children are.

Now, that after school program under the bill of the gentleman from California [Mr. HAWKINS], can be run by the Campfire Girls, and in some cases it is. It can be run by a Boy's Club, and in some cases it is. In my district, it is run by the YMCA.

Is that really so terrible? Is it so terrible that we would make that priority and an option, that we would say that our children are so important that we are trying to provide quality programs?

Many of us have said time and again that we cannot solve these problems by throwing money at them. We are about to throw money at a problem and we will not be successful if we adopt the Stenholm amendment because we have no assurances of quality and we are really defying all of the serious research on the well-being of children in child care and our chances of increasing the opportunities for success of these children.

I ask, why do we not just once commit ourselves to quality in the care of our children, our neighbors' children, and our constituents' children? If we do not, Members will be back here with horror stories about what went wrong with bad child care? We have an opportunity here to prevent that.

The CHAIRMAN. The Chair wishes to advise that the gentleman from Texas [Mr. STENHOLM] has 6 minutes remaining, the gentleman from Florida [Mr. SHAW] has 6½ minutes remaining, the gentleman from California [Mr. HAWKINS] has 8 minutes remaining, and the gentleman from Texas [Mr. ANDREWS] has 5 minutes remaining.

□ 1720

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in full support of the substitute offered by Representatives STENHOLM and SHAW. All of us realize the need to provide improved day care assistance to the American family. Above all other concerns to the American family is their ability to choose the type of care that best reflects their values and ideals. Stenholm-Shaw satisfies those concerns without excluding any group or organization.

At least one-third of all child care is provided by religiously affiliated organizations and any child care policy must recognize those organizations. Both the Stenholm-Shaw substitute and H.R. 3 require States to make vouchers available to parents. Only Stenholm-Shaw guarantees they can use those certificates with the provider of their choice, including providers that may have religious activities.

Further bias against church and private day care providers still exists within H.R. 3. Title II of H.R. 3 allows schools to contract out for 3- and 4-year-olds and latchkey care. But, for-profit providers may not compete for those contracts, nor are the vouchers extended to those contracts. Thus, religious providers are also discriminated against.

We face many issues that affect the American family. However, what is important to the average American family is too often ignored. When considering child care, remember little children need their parents. The American family wants to freely choose the care that best serves their needs and the Stenholm-Shaw substitute provides that choice. I wholeheartedly support Stenholm-Shaw and I urge my colleagues to do so as well.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. HOYER], the chairman of the Democratic Caucus.

Mr. HOYER. Mr. Chairman, I want to associate myself with the remarks of the gentleman from California [Mr. MILLER]. There is probably no group more in trouble in America than children. As the gentleman from California [Mr. MILLER] pointed out, who has the principal focus in the House on the issue of children, we have all stood and said that this is one of our greatest resources. America will not be competitive in the next century if we do not provide for full educational opportunities and safe havens for our children.

Mr. Chairman, today there are 6 million preschool children who require child care. In 5 years the number will grow to 14.6 million children. By the year 2000, four out of five children under 1 year of age will have mothers who work outside the home.

There is no doubt, therefore, that this is one of the most critical issues confronting our Nation's welfare and the welfare of each and every person in America who will rely on these children to insure the quality of life in the next century. We need to care for them well.

My time is brief, and, therefore, I will not expand upon the statistics that have already been read on this floor. However, Mr. Chairman, I am in support of H.R. 3 and in opposition to the substitute offered by my two friends, the gentleman from Texas [Mr. STENHOLM] and the gentleman from Florida [Mr. SHAW] for the reasons really that were referenced by the gentleman from Georgia [Mr. RAY].

Mr. Chairman, the gentleman from Georgia [Mr. RAY] got up and said that the children ought not to have a Cadillac, they ought to have a Chevrolet. Well, I think we could argue that example. But let me suggest this to the gentleman from Georgia: They ought to have a Chevrolet, but that Chevrolet needs to be, as H.R. 3, custom equipped with a spare tire, access for working families. It needs to come with a seatbelt, before and after school care, and it needs to come with a catalytic converter which provides safety factors and minimum standards for those children. So, I suggest that perhaps we can only afford a Chevrolet, and, whether it is $20 or $27 billion, it is not enough for the crisis that confronts America in caring for its children and educating its children.

So, let us make sure that we vote for H.R. 3, which is a fully equipped Chevrolet.

Mr. Chairman, I rise in strong support of H.R. 3, which reflects the leadership compromise on child care and against the substitute amendment offered by the gentleman from Texas.

There is a clear choice before the House today. We can support the enactment of comprehensive child care legislation or we can continue to ignore the needs of millions of American families.

Today, there are 6 million preschool children who require child care. By 1995, the number will grow from 6 million to an estimated 14.6 million children. By the year 2000, four out of five children under 1 year of age will have mothers who work outside the home.

The comprehensive child care provisions in the bill before us are the results of years of study, research and development by the committees involved, representatives of the child care community and parents from across the Nation. The child care provisions in H.R. 3 offer parents a full range of choices in their day care while ensuring that quality day care is available to the broadest number of children. Furthermore, the leadership bill builds on the existing structure in the public schools to respond to the needs of latchkey children. No longer will children be forced to leave school to walk through dangerous streets to empty homes.

The legislation before us today provides States and communities with the flexibility and the resources to build upon and improve existing child care services. And it provides the resources and the structure to support the development of a multitude of care settings from which a parent can choose the most appropriate setting for their child.

The substitute offered by the gentleman from Texas does not provide adequate assistance for low-income parents and school age latchkey children. These children live in families who most need our support. However, the substitute would serve far fewer children than H.R. 3. In fact, my State of Maryland would receive $10.3 million less to respond to the needs of families under the substitute amendment.

By striking the provisions for before and after school care and limiting the expansion of Head Start, the substitute leaves poor parents with few choices. And of even greater concern to most American parents, the substitute does not give parents any assurances that their children will be cared for in a safe environment. America, which ensures that cattle are kept in pens humanely should do no less for her children.

Under the bill, States have the primary responsibility for establishing and meeting quality assurance standards for child care. States are provided with funding to develop standards, but are also allowed the freedom to develop standards which are most appropriate for them. The American people overwhelmingly support quality assurances. In fact, as reported in a recently released Lou Harris poll, Americans are increasingly concerned about safety. Yet, if the Stenholm substitute is adopted, when parents go to work and leave their children in day care, they will have no assurance that their child will be safe.

There are few in this House today who do not believe that we must develop a national, child care policy. The question before us today is how to accomplish that goal. H.R. 3 will provide working Americans with a wide spectrum of choice in the type of child care they choose. It will assure parents that their children are provided care in a safe and healthy environment. It will ensure that parents do not have to worry about where their children are after school.

I commend the gentleman from Texas and the gentleman from Florida for their effort. Unfortunately, however, the substitute fails to meet the needs of America's families. Key early childhood education provisions, which build on existing effective programs are dropped. The structure of the amendment restricts the range, single working parents who are most in need of our help, will have fewer options. Finally, the funding authorized in the amendment is inadequate to address the needs of working Americans.

Mr. Speaker, the United States cannot afford to allow our children to continue in their current status. Millions of young children are without any adult supervision for far too much of the day. For children who are in supervised environments, the quality of the care is often unacceptable. Our poorest children are those with the fewest options. The leadership bill gives us the opportunity to increase the availability of after school programs which will keep these kids off the street and away from the dealers.

Mr. Speaker, if we do not help our children today, we cannot be shocked at the problems of tomorrow. According to a recent poll by the analysis group, 91 percent of Americans want substantial increases in funding to educate a more literate and productive work force. This education begins early with early childhood education and reliable, affordable child care. If we do not reach out to these citizens during their youngest years, America will not be able to depend on them when they are adults.

We are the ones who will be responsible if we leave our youngest, most impressionable citizens alone, in unsafe places or in unstimulating environments when we have the opportunity to offer them so much more. We will only have ourselves to blame when these children turn to the easy money of drug dealing, the despair of the dropout, the ignorance of illiteracy and the hopelessness of the untrained and uneducated.

Mr. Speaker, the eyes of the future, the eyes of our children are upon us. I urge my colleagues to look into those eyes and say yes, to the children, say yes to the working families of America. I urge my colleagues to oppose the substitute and support the Early Childhood Education and Development Act.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I yield to the gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, if our children could cast votes on this child care legislation today, how would they vote?

Would they choose to be cared for by a Federal Government enforcing a 41-page Government regulations manual?

Would they choose to require their grandmothers who care for them to get licenses and be subject to home inspections?

Or would they choose a system in which they could go to loving family members' homes?

Or to programs at their churches or synagogues with care-givers and other children who share their values?

As the father of two children, I am certain that they would choose the latter.

Who are we passing child care legislation for—our children and their parents or the special interests and their wallets?

Our children are precious, and we must give them our complete consideration.

One trait of children is that they are trusting. Let's not betray that trust.

The Stenholm-Shaw substitute trusts the parents, who know and love their children more than anyone.

The Stenholm-Shaw substitute is by far the best choice for children, parents, and the future.

Mr. ARMEY. Mr. Chairman, it is my privilege today to stand in this debate on behalf of the gentleman from Minnesota [Mr. FRENZEL], the distinguished ranking Republican member of the Committee on the Budget.

Mr. Chairman, this debate has been a lively debate which has had, no doubt, feelings running strong, and well they should because this debate, like so many debates we have here, indeed in my estimation all debates that we carry out here, is over how we will spend taxpayers' money on behalf of the children of America and, in a most particular sense, care for the children of America.

Unfortunately, Mr. Chairman, we must always come to the point in these debates when we do express our love for our children, and want to do so much for our children and, in fact, would want to do everything we can for our children, where we must realize we cannot do all we would like to do and, therefore, must, in fact, look at the comparative cost of alternatives.

Mr. Chairman, let me just look at these two alternatives. In the next 5 years, H.R. 3 will spend $21.4 billion in entitlements. The Shaw-Stenholm will spend $17.2. In discretionary spending H.R. 3 will spend $3.6 billion; the Shaw-Stenholm, $3 billion. The total expenditure for H.R. 3 will be $27.5 billion; the Shaw-Stenholm, $20.2 billion. They will offset that expenditure in both cases with $14.4 billion, leaving a net increase of the debt that must be repaid by these very children of $13.1

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billion in H.R. 3 and only $6 billion in the Shaw-Stenholm alternative.

The fact is for those of us who care to do the very, very best we can for our children and leave them with a world in which they can afford to pay the debt that is left behind, the Shaw-Stenholm is the better alternative, and I recommend a yes vote on the Shaw-Stenholm because it is the best way to spend our children's money on their behalf.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, I do not know how I am going to vote on this amendment. I have been given so much bad information, and shame on us. We should be here talking about children.

Mr. Chairman, I have three grandchildren, if my colleagues will permit me to be personal, one infant, and one 3-year-old and one 4-year-old. Two of them are in a church-supported day care, and the information floating around, simply to get a few votes, it is wrong. People are given information now that is totally wrong in order to win, and that is bad. We should be thinking about children.

Now what I will decide on this and what I see here is that the church-state language is basically the same, and the argument is being made about the money for the latchkey children and all these others. They need day care. It is not just church people that go to church-supported day cares. It is all children. Shame on us, trying to get a few votes and giving out bad information to Members of this House that has not had the time to have been researched.

□ 1730

Shame on us, because we are trying to get a bill for children. I said in this House once before when we talked about day care and we got the promise that this House would move toward the Senate language, and they delivered on that.

We should be thinking about children, to who is going to have a 30-second blip to say you are against church and state, you are not for letting children go to church-supported day care centers. That should not be what it is all about. It should be about the single-working mothers who are trying to put their children in day care to give them a decent standard of living. That is what it should be about.

Shame on us, any of us who would put out half information and false information and misrepresent the facts in this day care bill. Shame on us. Let us try to get a good day care bill for our children and forget about the 30-second cuts on television on the news tonight.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I rise in opposition to the amendment and in support of the bill.

Mr. Chairman, after many months of intense discussion and debate, I am pleased that we have before us a comprehensive and viable bill to address the critical need of quality child care.

Unfortunately, we have had little leadership from the previous and present administration in putting together a Federal child care program. It has been left to the Congress to address this critical need and concern of so many American families.

More and more mothers are working out of economic necessity. Often a mother's paycheck is all that stands between her family and poverty. Over half of all mothers with infants younger than age 2 are in the work force; 56.7 percent of all mothers with preschool-age children work; and, 64.7 percent of all mothers under age 18 work outside the home. Further, about one-quarter of today's working mothers are the sole source of support for their children. It is expected that by 1995, two-thirds of all preschool children and four out of five school-age children will have mothers who work outside the home.

Child care is an essential part of the solution to helping poor families become self-sufficient through work. Unless mothers have access to free babysitting by relatives, their annual child care costs make up one of the largest household budget items, comparable to housing and taxes.

In addition, although child development experts agree on the key factors which determine quality child care, the quality of child care that is available varies widely from State to State and from provider to provider and is often so inadequate that it threatens the well-being of the children served. These variations include: the family day care provider to infant ratio; parental access to family day care homes; and, requirements for experience or training for family day care providers.

Quality child care is vital to our children. In fact, it has been shown that high quality preschool and child care programs can provide children—especially those from low-income families—with the foundation they need to do better in school and lead more productive lives. For example, $1 of Federal funds invested in preschool education returns $6 in savings because of lower special education and welfare costs and higher worker productivity.

Adequate child care can also lead to better worker productivity on the part of parents. More and more working parents are having trouble finding quality child care and are going to work worried about the adequacy of their child care arrangements. Concerns about adequate child care have led to absenteeism and unproductive work time among employees with small children.

H.R. 4381 addresses all of these important concerns. Its provisions would: expend Head Start to a full-day, year-round program; establish a new program that would use schools to provide care for pre-school children and before and after school care for school-aged children; expand the title XX block grant program to include funds for child care; expand the earned income tax credit to help low-income families obtain child care; direct states to improve the quality of child care; and encourage private businesses to provide care for their employees' children.

My home State of California, with its critical child care needs, will greatly benefit by these additions. For example, California will receive an additional $146 million for child care: $57 million for title I (Head Start) $40 million for title II (development) and $49 million for title III (title XX).

It is crucial that this legislation be approved by Congress and signed into law. We cannot afford to turn our backs on the Nation's families and their child care needs. This legislation is a responsible bill, one which deserves my colleagues' support.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, back when the child care issue was debated last year, I supported the first Stenholm-Shaw substitute in opposition to H.R. 3, often referred to as the ABC bill. After weeks of negotiations, H.R. 3 has come a long way and significant improvements have been made. It is not at all the same as the ABC bill which I have long argued against.

In its current form, H.R. 3 provides funds for the Head Start program so that extended day and full year care may be provided. This is what I have pressed for in my own Head Start expansion legislation. It is essential that we full utilize this successful program for low-income families and that we make it day and year long.

H.R. 3 authorizes a program to provide school-based day care for preschoolers and for school-aged children before and after school. It is fiscally responsible to use existing facilities for child care. Further, the public schools have proven that they are capable for caring for the Nation's children.

H.R. 3 expands the earned income tax credit [EITC], based on family size, so that low-income families will have additional funds to meet child care or other family expenses. This is a tax break that also helps those families who have a parent at home. This EITC expansion would become effective in 1991, whereas the EITC expansion included in the Stenholm-Shaw substitute would be delayed until 1992. EITC expansion is good policy all around and should not be delayed. If they choose, families can use this extra income to purchase the type of child care they prefer, including religious centers.

H.R. 3 earmarks increases in title XX social services block grant to States—an effective way to assist without establishing a new Federal program. Rather than setting Federal standards with a mile-long list of regulations, H.R. 3 simply requires States to be accountable for the Federal funds they receive. This provision would also allow States to offer voucher to be used by families who prefer private or church-based child care. Personally, I think value-based, religious day care is among the best child care available in our society.

These are significant improvements when compared to the original version of this legislation. As redesigned, H.R. 3 now incorporates three basic principles which I believe are correct and worthy of support. First, the new H.R. 3 focuses attention on existing programs—like title XX and Head Start—not new programs. Second, the bill emphasizes parental choice through tax breaks that improve family income—not Federal child care subsidies. Finally, the new bill offers the States flexibility, not Federal mandates. We have moved a long way in the right direction with these changes in H.R. 3.

Mr. SHAW. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. Henry].

Mr. HENRY. Mr. Chairman, I wish I could stand before this body and suggest in good conscience that all the religious problems have been addressed in the committee bill with the defeat of the Edwards amendment. Unfortunately, I cannot do so. I will try very briefly to highlight three very serious problems in the church-state area with H.R. 3. That is why I am voting for the Shaw-Stenholm substitute, because the Shaw-Stenholm substitute addresses all three of these problems.

The committee bill still establishes a new statutory standard under the title III new chapter 20 programs for child care. It distinguishes now between voucher or certificate use in which existing tests are maintained, but it still imposes a new test for other uses of the title XX moneys directed toward child care.

For those of you who voted against the Edwards amendment by a margin of 125 to 297, who believe that a new standard should not be imposed across the board because the Edwards language would impose that standard on everything in title XX, we struck the Edwards language from the voucher portion of title XX, but the remaining restriction remains for other uses of that money. It is still there and it discriminates against religious providers.

No. 2, the language still has problems on religious preference in hiring. Take a look at page 36 in the act and page 37. Page 36 has the traditional title VII language in it. Page 37 has the Edwards language in it.

What the gentleman from California [Mr. Edwards] sought to do was to strike the page 36 language, the traditional language, leaving in page 37. We defeated that. We left the traditional title VII language in, but the new title VII restrictions are still in the bill.

Third and finally, this House convincingly defeated the Gephardt-Price amendment. That was an amendment trying to make vouchers optional for the States. We defeated it because the majority felt that vouchers should be mandatory so that people could have a choice.

The committee bill, however, makes the providing of religious day care under a voucher system optional to the State, as opposed to the Shaw-Stenholm substitute, which says that all lawful providers in the State shall be in the voucher program.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from Maine [Mr. Brennan].

PARLIAMENTARY INQUIRY

Mr. SHAW. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHAW. It was my understanding, Mr. Chairman, since this is the Stenholm-Shaw amendment, that the gentleman from Texas [Mr. Stenholm] was going to have the right to close.

The CHAIRMAN. No, the committee manager in opposition has the right to close. The Chair will give the gentleman from Texas [Mr. Stenholm] the right to speak next to last.

Mr. SHAW. This was not, I believe, the order of speaking on the previous amendments, Mr. Chairman.

The CHAIRMAN. There was no discernible committee position. The committee position was diffused on the last amendment. The Chair could not clearly ascertain what the committee position was.

Mr. BRENNAN. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, it may have taken us nearly 20 years, but we finally are ready to approve the Nation's first comprehensive child care package.

We have come a long way since 1971 when President Nixon opposed a major child care initiative as antifamily. For many two-earner or single-parent families who are struggling to make ends meet, clearly child care is not just an option, it is absolutely a necessity.

As I travel across my home State of Maine, I am often approached by parents who are concerned about the quality of child care. They want to see more after-school care. They want to see incentives for employer-sponsored child care. They want to see more tax credits for working families.

The Hawkins-Downey legislation before us today emphasizes these priorities, and it also recognizes the large role that churches play in child care.

Mr. Chairman, I support the leadership proposal which does more for child care quality, and child care quality is something we cannot ignore. I think it is important. It is in the legislation that we ultimately will pass, and I oppose the Stenholm-Shaw substitute amendment.

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Mr. SHAW. Mr. Chairman, I yield myself 2½ minutes, the remainder of my time.

Mr. Chairman, it has been a long day. I think we have had a very good debate.

We started this morning with the gentleman from New York [Mr. Downey] recognizing, quite properly so, that our children are our greatest natural resource. On that we certainly agree.

But the question then comes down in the comparison of these bills as to whose custody were these children put into. I would submit that it is a higher authority than the U.S. Congress that put these children in the custody of their parents, and I would also say to my colleagues that the Stenholm-Shaw bill gives to this custodian the maximum amount of decisionmaking ability in deciding where that child is to go.

Mr. Chairman, in looking at the two bills, I would tell the Members to, please, look and see which bill gives the parent the decisionmaking authority. We in the Congress do not want to be a party to taking this decisionmaking authority away from the parent, and the standards that have been put in the majority's bill do exactly that. It also rewrites it for the States, and it says that the States are going to have to comply if they use public funds, including their own tax dollars.

Where did we get that authority? Where did we get that authority?

Also, the question has been made by the gentleman from Georgia [Mr. Ray], who was talking about a Chevrolet next to a Cadillac, and the gentleman from Maryland [Mr. Hoyer] was talking about, well, let us equip it with all the extras. I want to tell the Members that if they put all the extras on there, they are not going to put any gas in the tank. The country is running out of gas.

On our side, our bill is over $20 billion. Not to be outdone, the majority made their bill $30 billion. Where are you going to get it? Where are you going to get it?

No one has yet come up and said that they are going to get $30 billion. We talked about the telephone excise tax; that is in both bills. We talked about the dependent care tax credit, making alterations, and that is in both the bills. But there is no one here who has come to the well of this House and told us where $30 billion are going to come from.

I would urge my colleagues to be fiscally responsible, to be honest with the taxpayers and voters of this country. Let us not vote for something that we know right well we cannot afford

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when we are running a deficit of $100 to $150 billion a year.

Let us take care of our kids. Let us leave the decisionmaking privilege in the hands of the parents where it should be, and let us be fiscally responsible and bring sanity to this House tonight.

Support the Stenholm-Shaw substitute.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes, the remainder of my time, to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, colleagues, my dear friends, today we have in front of us an important piece of legislation that marks a landmark in terms of what we are doing for the children of this country.

It makes me proud to be a Member of this body when today we are approaching something that is going to change so many lives in such a fashion. There has been a great deal that has gone on this week that has changed the composition of what we are going to vote on today.

One of the things has been the change in the church-state language that was, indeed, changed just this week that included the Senate position as opposed to what you have been getting your telegrams on for the last week.

What this position states, purely and simply, is that we in America who want to have the right out in the rural areas or urban areas to see religious education that occurs in preschools and pre-preschools are going to have that funding out there and, purely and simply, that is what we are at today.

Some people may not like that on my side of the aisle, but, purely and simply, that is what we are going to vote for today.

I will tell the Members frankly that I stood here and I opposed the Edwards amendment, as many of the Members will recall. I am standing here and telling the Members that I am for this bill, because it is more comprehensive. What it does is it goes out and takes care of the latchkey kids, and if we think that is not the biggest difference between the committee bill and the other bill, then we are wrong. The latchkey kids in this country are a significant problem. The committee bill goes out and reaches to those children and gives them an option that they are going to be able to be taken care of. The other side does not do so.

Members may vote against this bill on budgetary grounds, they may vote against this bill because they feel that it is too much money to accept the committee's bill, but do not make the mistake, my friends, of voting against this bill because you think it is not going to allow us religious freedom in America, because it will.

I want to tell the Members something, we should be proud to be involved in this historic occasion today where we are addressing for the first time a bill and a piece of legislation that is going to make the children of America much better off tomorrow than they are today, and that is something that I think we can all be proud of.

Mr. Chairman, we should commend the people who have worked so hard and diligently on this bill, and we should be thankful for the opportunity today to support the committee bill and, in fact, to pass legislation that is going to make a better tomorrow for America.

Mr. DOWNEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I rise in support of the committee bill.

Mr. Chairman, the House is on the verge of voting for the largest package of assistance for our Nation's children in many years. Today in America enormous obstacles are keeping our children from thriving. One in five children live in poverty. One in five children live with a parent who never graduated from high school. One half of all preschoolers have mothers in the work force.

The time is ripe for the House to address the needs of working parents and the welfare of their children. Passage of this legislation marks a giant step forward in bringing children to the top of our national agenda. This action is long overdue.

This historic legislation targets assistance to the neediest population—our Nation's children—by utilizing proven and effective programs. Head Start's ability to promote the health and development of children has been demonstrated many times over, yet only one in five eligible preschoolers receives services. The legislation before us today builds upon the successes of this program. Expansion of the title XX social services block grants allows States the flexibility to develop child care programs that best meet the needs of their citizens.

Two years ago this Congress passed landmark welfare reform legislation that reaffirmed our commitment to get families off the welfare rolls and into jobs. Today we make another stride toward that goal by assuring poor, working mothers that their children will receive appropriate and safe care as they prepare to enter the workforce.

Mr. Chairman, families searching for day care in our country have not one concern, but three. They care about affordability, they care about availability and they care about quality. Today we have an opportunity to address each of these needs. I urge my colleagues to support the Early Childhood Education and Development Act of 1990.

Mr. DOWNEY. Mr. Chairman, I yield the balance of my time, 3 minutes, to the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Chairman, members of the committee, I think it is appropriate as we close this debate to try to remember what is at stake this afternoon and what this is all about.

We have had a lot of good argument about often arcane details, specifics, important all, but I think we have to remember that what we are talking about may be the most important issue we are going to deal with this year.

The world has changed. Parents, families need and want child care. They want to know, as they go off to work, that their child is going to be safe, that they are going to have a lunch, that they are going to be cared for as they would care for them. There are millions of parents all over this country today who do not have that kind of child care and spend most of the day worrying about whether their youngster is going to be cared for properly.

The issue we are deciding in this vote is whether or not there is going to be more of that child care provided for more of those families, or there is going to be less.

One of the good arguments that has been made is that the money has not been provided. That is not true. We passed this child-care bill last year. We put taxes in last year's reconciliation bill. We put language in the report that said that should be dedicated to child care, and that money is still there, along with the telephone tax and the change we have today in the tax code, so the money in the Democratic bill that has been presented by the committee is there. The money is up, not a whim; it is not something that is going to happen in the future.

Second, the point has been made over and over again that we have to worry about latchkey kids. The committee bill takes care of that in title II. The Stenholm-Shaw substitute does not.

What are we going to say to the children who are in school, that we are going to have a program before school and after school: "You do not get child care; you do not happen to have that in your community. Sorry. It does not exist."

I think we want that, and the committee bill does that.

Third, there is more money. I had a meeting in my district the other day at a child care facility in my district that has been there for over 100 years.

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They pay their workers minimum wage. The head of the school, who is wonderful, bright, energetic human being, dedicated to what she does, committed to the family, proud of what she does, they have been doing it for over 100 years, a volunteer institution, she took me into her office.

She said, "Congressman, I want you to look at what I have got in my desk drawer." She pulled out the list of kids that have applied of families that want child care at her institution, and she cannot provide it.

She said:

> I have been listening to this long debate you have been having in the Congress. Do you want to know the truth? It is irrelevant. Give us the tools to get the job done, and I can get more of these kids into my child care facility.

Mr. Chairman, this is the time to put up or shut up. The Democratic bill gives more child care to more families in this country. Please vote against the substitute. Vote for the Democratic alternative.

Mr. STENHOLM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, much of what my leader has just said I certainly concur with, particularly the emphasis on child care. The remarks of the gentleman from Kentucky [Mr. PERKINS] a moment ago, I was hoping the gentleman was supporting my amendment, but I think maybe he was not.

We all agree that families and children need more assistance. That has been the reasoning and the logic and the extra umph behind the activities of this Member and the gentleman from Florida [Mr. SHAW] in coming up with what we believe is a compromise.

The money is perhaps there, but there is going to have to be some difficult decisions made in finding the difference of the $8 billion. But if the dedication of this body is there to make the challenges and the changes, it will be there, and I will not argue with that.

To the gentleman from North Carolina [Mr. HEFNER] who a moment ago expressed a lot of anger because of the misinformation that has been circulated around, I would hope that most of my colleagues would agree that if there is misinformation concerning the Stenholm-Shaw bill that was introduced on March 15, 2 weeks ago, and has not changed since, the 32 pages that we have before you and which have been before you for more than 2 weeks to look at and to analyze, 32 pages worth. H.R. 3, that has been before all of us for 2 days, has 113 pages. And to those Members who suggest that maybe there is misinformation, maybe there is a logical reason, when you do not have something before you that you can read during that period of time. But I do not choose to say that anyone has made deliberate attempts to misinform any of my colleagues on either side.

In the heat of debate sometimes we say things that we believe, but we find out later that maybe it just was not quite that way. I am reminded now of the words of the late Will Rogers, when he said:

> It ain't people's ignorance that bothers me so much, it is them knowing so much that ain't so that is the problem.

I think we all get a little carried away from time to time.

You know, my colleague talking about the Cadillac and the Chevrolet, and then we need to add the catalytic converter, et cetera, I had to smile on that because the number of pastures and wheat fields that have been burned up in my country because of catalytic converters. We have got mixed emotions about that. And maybe, just maybe, differences in that vehicle, maybe some of us need Cadillac, some of us need a Chevrolet, and maybe some of us need a motorcycle. And that has been the whole impetus behind Stenholm-Shaw, that there are differences and different needs in different parts of our States.

Those that have suggested that the Stenholm-Shaw bill just has no regulations, no requirements. I want to enter into the RECORD right now the listing of the requirements and the guidelines that are in our bill. We do not give blank checks. Again, I put it into the RECORD, apparently a lot of Members have not read our bill in the 2 weeks they have had to go over it with a fine-tooth comb, what we have attempted to do.

To those that suggested Federal guidelines are the magic answer, I would just respectfully like to have had you with me about a year ago when I was confronted in a rest home in my district by a little old lady that had spent the last 5 years working in that nursing home as a baby sitter, getting paid minimum wage. But all of a sudden the Federal guidelines, that the wisdom of this body had imposed on nursing homes, said that she had to drive 56 miles a day for 6 days for 12 hours of supervision and training.

She said, "I cannot do that, Congressman. I cannot do that."

Really, does that make sense? No one would agree that it does. But that is the danger we get into when we believe the infinite wisdom of this country is present inside the Beltway. That has been the heart of Stenholm-Shaw all along. We believe that State and local governments, but more particularly the parents, are the prime deciders. We have given moneys in the Head Start Program, and on the latchkey question we put $500 million in our bill that will be made available to the States to takes care of the latchkey problem.

Now, is that enough? Could we spend more? I am sure we could. But again, we look at the bottom line, and the bottom line is we are going to have difficulty paying for a lot of programs.

I will conclude this by saying that since there seems to be such a contention on money, why is it that we currently have 28 programs dealing with child care in which we are already spending $7 billion? Maybe we ought to take a look at those 28 programs and see if we can do a better job with those. Maybe then we will find some of the money to fund some of the other additional programs that this Member might be persuaded a year from now to make more logical sense.

Mr. Chairman, I urge Members' support for the Stenholm-Shaw compromise substitute. It is a bill that the President will sign.

REQUIREMENTS AND GUIDELINES IN THE STENHOLM CHILD CARE SUBSTITUTE

In general, the Stenholm substitute attempts to provide adequate resources to states and families in order that availability and quality of child care are improved. Resources from the federal level are delivered through the Title XX social services block grant program and the Earned Income Tax Credit. Guidelines are provided and parameters are set, but in a way intended to maximize flexibility and responsiveness at the state, community and family levels, while improving the quality of care.

Sec. 11901 (Expanded Title XX for Child Care) stipulates that:

States must designate a lead agency which must:

Administer the funds.

Coordinate with state and local governments in developing the state plan.

Establish procedures for assuring that appropriate state agencies work together.

State plans must:

Identify the lead agency.

Describe the activities the state will carry out.

Provide assurances that the federal funds used will supplement, not supplant other state and local child care funds.

Provide assurances that the state will not spend more than 7% for administrative expenses.

Provide assurances that the state will give priority to programs that serve low-income families and geographical areas.

Ensure that child care providers reimbursed by Title XX meet state and local standards and laws.

Provide assurances that the lead agency will coordinate these federal funds with other federal, state and local funds.

Ensure that proper accounting procedures are used with these federal funds.

These Title XX funds must be used:

To improve the availability of child care services.

To improve and ensure quality of child care services.

To promote and ensure health and safety of children and caregivers.

To provide for training of care givers.

To focus services on low-income families and geographical areas.

Through direct grants, certificates, contracts with families or public or private entities as the State determines appropriate.

These funds may be used for:

Infants, sick children, children with special needs and children of adolescent parents.

After-school and before-school programs for children of working parents.

Programs for the recruitment and training of day care workers, including older Americans.

Grant and loan programs to enable child care workers and providers to meet State and local standards and requirements.

Information and referral services.

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Certificate programs that, consistent with current law, may be used by parents to obtain child care from, among other sources, sectarian providers (sense of the Congress language as to Constitutionality).

Child care programs developed by public and private sector partnerships.

Liability insurance pools to serve child care providers.

Other child care related programs consistent with the purposes of this bill.

Each State must report annually to the Secretary of Health and Human Services, providing the following information:

Number, type and distribution of services and programs.

Average cost of child care.

Number of children served.

Average income and distribution of incomes of the families being served.

Efforts undertaken to promote and ensure health and safety of children and caregivers, and to improve the quality of child care services.

The Secretary of Health and Human Services will:

Collect and disseminate information useful to providers on particularly effective practices and programs which help ensure health, safety and quality in the delivery of child care services.

Report annually to Congress on the states' implementation of this program.

Mr. FRENZEL. Mr. Chairman, I rise in opposition to the leadership's child care amendment which has been made the original text of H.R. 3. Although I oppose the leadership amendment for both policy and budgetary reasons, I speak to you today primarily in my capacity of vice chairman of the Budget Committee.

I begin by reminding my colleagues that we are considering legislation of tremendous budgetary significance. The Democratic leadership amendment increases entitlement spending by more than $21.1 billion over the next 5 years. Another $6.4 billion would be authorized for discretionary programs. Taken together, these entitlement and discretionary provisions could cost a staggering $27.5 billion over the next 5 years.

In fact, by fiscal year 1995 the Federal Government would be spending more on this program than we do on job training programs and a little less than half as much as we do on all elementary, secondary, and vocational education programs.

We should also recognize that three-fourths of this package is for two entitlement programs over which Congress has little control. Neither title XX nor the earned income tax credit is subject to the control of the appropriations process. Once expanded, these programs will be virtually on automatic pilot unless Congress takes action to curtail the spending in the future, which appears unlikely when looking at the significant growth of entitlement programs over the last years.

It has been pointed out that much of the cost of these programs are offset by capping the dependent care tax credit and extending the telephone excise tax. Unfortunately, these two offsets fall far short of what will be needed to cover the costs. If we assume that Congress appropriates the full amount for the discretionary programs, the Democratic leadership package would still increase the deficit by more than $13 billion over the next 5 years. In truth, Congress is unlikely to appropriate the full authorization amount. Even if we count only the entailment provisions, the offsets leave uncovered, over 5 years, $6.7 billion of the leadership bill and $3 billion of the Stenholm-Shaw substitute.

I should add that the offset from the extension of the telephone excise tax is more apparent than real. First, it does not cover expenses after fiscal year 1991. Congress has continuously imposed an excise tax on telephone operations since 1932. Regardless of whether this bill is enacted, Congress is certain to extend this tax. Now that you have spent it for child care, cross it off for future budget consideration.

Unfortunately, we lost a perfect opportunity to pay for this legislation. The Republican leader, BOB MICHEL, offered an amendment at Rules Committee which would not allow new funding to be obligated or revenues to be reduced until offsets were found to cover the entire 5-year cost of this legislation. Unfortunately, the Rules Committee did not see fit to provide the House the opportunity to vote on the pay-as-you-go requirement.

The Rules Committee did decide to make Chairman PANETTA'S amendment part of what the House finally agrees to. Chairman PANETTA'S amendment states that the fiscal year 1991 budget resolution shall assume offsets to pay for the 5-year costs of this legislation in addition to deficit reduction otherwise required.

In truth, we really do not know how much this bill will ultimately cost. Unanticipated growth may have long-term budgetary consequences. One need only recall a modest assistance program for poor widows which mushroomed into the $310 billion program we know as Social Security.

In conclusion, I ask my colleagues to carefully consider the budget implications of the amendments before us along with their substantive merits.

Mr. DREIER of California. Mr. Chairman, I rise in support of the Stenholm-Shaw amendment.

With 57 percent of mothers with young children at work, child care is an issue that must be addressed. I think it is important, however, that we consider why parents cannot afford child care. One reason is cumbersome State regulations which drive costs up and discourage providers. As much as 80 percent of care provided in family day care situations are unlicensed because of the paperwork and inspections required. A second reason is excessive Federal taxes. Since 1980, the Federal income tax paid by the median family has increased by 52 percent, leaving families with a greater need for two incomes and less money to spend on child care.

But the fundamental issue, in my mind, is are we going to let parents decide what child care setting is best for their children. The Stenholm-Shaw amendment ensures parental rights by requiring a voucher for parents to use in the way they see fit, including religious centers, which make up one-third of all centers; it protects States rights and religious freedom; and it is $8.5 billion less.

Finally, Mr. Chairman, I am very disappointed in the manner in which this legislation has been handled. We have been kept in the dark on what was in the Democratic leadership bill until late yesterday, and today we are expected to vote on one of the largest expansions in the Federal Government we may see this year. The Stenholm-Shaw amendment, on the other hand, has been available for weeks for public scrutiny. Let me suggest that this is an irresponsible and unwise way to legislate.

Mr. LAGOMARSINO. Mr. Chairman, I rise today in strong support of the Stenholm-Shaw substitute and urge my colleagues to support this important legislative measure.

One of the major issues we are debating today is the freedom of choice. At the Federal level, we must allow those closest to child care issues to make the essential choices pertaining to local child care. We must give parents the freedom to chose whether they would like to send their children to child care centers or to care for them at home. We must also give parents the freedom to choose which child care center they would like their children to attend and give religious groups, businesses, local governments, and others the freedom to make decisions on the needs of the families they serve.

By expanding the earned income tax credit, the Stenholm-Shaw substitute provides needed tax relief for families regardless of the employment status of the mother. The substitute also contains the wee tots credit which provides an additional 6-percent credit to parents during one of the hardest times, when their child is under the age of 1. The substitute also provides for the creation of a voucher system which directs money to families in need while providing those families with the greatest flexibility in choosing the method of child care they feel is most appropriate.

Further, the Stenholm-Shaw substitute contains flexible grant programs such as Head Start, title XX, and child care business incentives. These flexible programs improve our Nation's child care while excluding regulations and provisions which take child care decisions away from families and child care providers.

Rather than dictate and regulate the child care needs of families, the Federal Government should nurture and assist innovative ideas in child care which are being conceived in my district and around the Nation. Above all, the Federal Government should allow parents to make vital choices pertaining to child care for their children. I believe the Stenholm-Shaw substitute provides for that freedom while addressing our Nation's child care needs.

I ask my colleagues to support the Stenholm-Shaw substitute.

Mr. ROSTENKOWSKI. Mr. Chairman, I rise in opposition to the Stenholm substitute.

The provisions of the leadership compromise have all the merits of the Stenholm substitute—without all the problems.

Both versions would allocate money to the States for day care under title XX of the Social Security Act. The leadership compromise guarantees that 90 percent of the funds will be made available to families for child care services. Under the Stenholm substitute, however, the title XX funds can be used for a wide variety of activities with no guarantee that parents will get the child care help they need. When all is said and done, the leadership compromise earmarks $2.9 billion for title XX child care services over the next 5 years. Who knows how much will actually be spent on child care if the Stenholm substitute prevails.

Both the Stenholm substitute and the leadership compromise would greatly expand aid to low-income working families through the earned income tax credit. The tax credit provisions of the Stenholm substitute, however, have serious flaws.

In addition to the tax credit expansions in the leadership compromise, the Stenholm substitute would create an additional credit for families with infants, and require families to choose between the infant credit and the dependent care tax credit. Some of my colleagues will support this policy because it makes it easier for them to oppose a parental leave bill later. Or because they want to restrict the availability of the dependent care tax credit. In so doing, they're willing to make the tax code so complex that we jeopardize the ability of struggling families to claim the earned income credit. I will not be a party to a strategy that will undermine the earned income credit for such narrow political reasons.

The restriction on receiving both the dependent care tax credit and the infant credit would also punish low-income mothers who go to work. Just 2 years ago, many of my colleagues were calling for mandatory work programs during the welfare reform debate. Now, many of those same individuals want to punish single mothers that choose to work, in order to help stay-at-home mothers in two-parent families. The American people expect better of us.

The Stenholm substitute also contains a provision that would exempt from the social security earnings limit the wages of seniors who perform child care. This provision would lead us down a path I don't wish to follow. What other equally meritorious earnings will we exempt from the earnings limit—work in nursing homes, work with drug addicts? This provision—which would create different rules for different jobs—can only make it more difficult for the Federal Government to make accurate and timely social security payments to the elderly.

Child care is important to America's families. Many of them can't afford decent care and can't find a safe place to leave their children while they are working. The Stenholm substitute offers more empty promises, inadequate resources, and a cynical and complex tax policy. With the leadership compromise we can deliver on our promise. I urge my colleagues to oppose the Stenholm substitute.

Mr. OWENS of New York. Mr. Chairman, I rise in strong opposition to the Stenholm substitue which would gut the child care provisions of this legislation.

The substitute would eliminate all of the bill's $429 million in funding for school-based preschool and afterschool programs. The rationale for this is unclear. Some of the groups supporting the substitute, such as Concerned Woman for America, are right-wing fringe groups which oppose all school-based preschool programs because they believe that children should not go to school until they're at least 8 years old. They are entitled to their opinion, of course, and if they do not need or want school-based care, either preschool or after-school, they do not have to use it. But many of our constituents both need and want school-based programs and they should not be denied them because of the paranoia and prejudices of a few.

One of the key reasons the Education and Labor Committee developed a title to support school-based preschool programs was our concern that we invest not just in custodial care for our children, but in developmentally appropriate care that addresses the educational needs of young children. This is particularly critical for disadvantaged children. We know from experience that every dollar invested in high-quality preschool programs with educational components saves $6 in lowered costs for special education, remedial education, public assistance, and crime later on. Low-income children enrolled in these programs are more likely than other poor children to be literate, employed, and enrolled in postsecondary education. They are less likely to be school dropouts, teen parents, dependent on welfare, or arrested for criminal activity. Investing in quality preschool programs has become a national imperative. As one of our more enlightened Republican Presidents, Theodore Roosevelt, once put it:

> Each of these children represents either a potential addition to the productive capacity and enlightened citizenship of the Nation, or, if allowed to suffer from neglect, a potential addition to the destructive forces of the community. The ranks of criminals and other enemies of society are recruited from children bereft of their natural homes and left without sufficient care. The interests of the Nation are involved in the welfare of this army of children no less than in our great material affairs.

The Stenholm substitute also attacks the bill's funding for the expansion of Head Start in some communities into a full-day, full-year program. This provision is essential to helping to assure that Head Start is available to every child who needs and is eligible for it. I have heard from many parents in my district who had wanted to enroll their children in Head Start but could not because they worked all day and the only programs in our area are part-day. Later in the year we will take up the reauthorization of Head Start when, I hope, we will authorize sufficient funding over the next several years to make Head Start available to all eligible children on at least a part-day basis. The funding in this legislation is a vital complement to that reauthorization and will help assure that no child is shut out of Head Start because his or her parents work full-time.

I urge my colleagues to support the leadership bill and defeat this destructive substitute.

Mr. DENNY SMITH. Mr. Chairman, family choice should be the key to any child care bill. The Stenholm-Shaw proposal provides and protects family choice while keeping Oregon's child care initiative fully intact.

The Stenholm-Shaw bill addresses the needs of all parents. By including an earned income tax credit, a social service block grant, and increasing Head Start, this bill addresses the problem of making quality child care available to every American family.

Oregon has one of the best, and most innovative, child care programs in the country. By allowing the States maximum flexibility in retaining their regulatory authority Oregon's program would not be superseded by arbitrary Federal guidelines. I feel strongly that Oregonians, both those working in the child care industry and those working in the home, can best assess the child care needs of our State. I trust Oregonians and I feel that they will be fiscally responsible in allocating these block grants toward resource and referral, provider training, liability insurance risk pools and child care facilities, and other areas where it is needed.

Furthermore, the Stenholm-Shaw proposal does not discriminate against the religious child care providers who currently supply one third of all day care.

Finally as a member of the Budget Committee, I feel this bill responsibly allocates child care money. By earmarking funds to existing programs and expanding existing resources, we increase the supply of child-care services without diverting scarce resources into a Federal bureaucracy. In addition, the Stenholm-Shaw bill saves $1 billion through capping the department care tax credit at $70,000 and eliminating it at $90,000.

Stenholm-Shaw's bill has something for everyone. It puts money into the hands of those Oregonians who understand the child care needs of our State. In the face of our Nation's changing economy, Stenholm-Shaw upholds fundamental family values which are timeless.

Mr. MILLER of Washington. Mr. Chairman, I rise today in support of the rights of families. Families deserve to choose how they wish to care for their children. And they must be given the resources and the options to make those choices. Mr. Chairman, the Stenholm-Shaw proposal gives families the ability to make those individual choices.

Parents must have all options available, including church-based child care. The Stenholm amendment gives parents that option. It also gives religious child care providers the freedom to hire church members as employees.

Mr. Chairman, my constituents do not want an expensive, Federal bureaucratic system. They do not want a system which mandates Federal child-care standards or limits their choices. The Stenholm amendment is less expensive. It gives needed flexibility to the States.

I have continually fought for the rights of stay-at-home mothers and the Stenholm measure protects their rights. Mr. Chairman, for the first time, families with children less than 1 year old, would have a supplemental tax credit.

The issue here is parental choice. My constituents support this and they have let me know that choosing their own child care option will strengthen their families.

Mrs. LLOYD. Mr. Chairman, time and time again when I have met with distinguished officials from the State of Tennessee, who are working very hard to see that the needs of our State are addressed by the U.S. Congress, I have been beseiged by complaints that the Congress far too often passes sweeping legis-

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lation which mandates difficult and expensive regulations for the States to administer.

We should all be sensitive to our States' concerns and I am supporting the Stenholm amendment today, as a strong and viable alternative to the leadership's child care package, because of my interest in seeing that States are given the tools they need to put their priority child care programs into place, without the burden of federally mandated directives.

The Stenholm amendment gives the States the freedom to target their child care funds where they are needed most. Whether that is infant care, day care worker training, school-based care for kids or public-private child care partnerships. By leaving these important decisions up to the States we are giving them the autonomy they seek to implement and pursue the programs which have proven successful to them. The Stenholm proposal gives States the freedom to choose to pursue their priority programs without burdensome regulatory mandates. This is the hallmark of the Stenholm proposal and one which I believe is worth strong congressional support.

I think I can state unequivocally that my constituents, in every town and municipality that I represent in the Third Congressional District of Tennessee have greater knowledge of their particular child care needs, and should have a greater say on how their own State administers their programs of choice, than the Federal bureaucracy.

Individuals, as well as the States, want the freedom to choose whatever child care method is most appropriate for their own needs and another major component of the Stenholm plan are provisions to grant good tax incentives to families so that they can choose to stay at home with their young children, or leave them with a family member or other appropriate caretaker if they so choose. I believe that every family should have the right to make decisions on their child care needs based on their own criteria, not on what the Federal Government mandates is appropriate and this, too, is the strength of our bill.

We must give our States the opportunity to concentrate their valuable resources on providing quality child care, not in administering complicated, bureaucratic red tape. The Stenholm proposal recognizes that our Federal resources are limited. And, yes, it recognizes that we do have a Federal budget deficit to consider when enacting major legislation of this nature. Because of our firm belief that these dollars should be spent as efficiently as possible, the Stenholm proposal targets Federal support on children. Not on new programs. We have good, solid programs in already in existence in every State. Programs that States have created and administered because they match their own needs.

Let's give our States the opportunity to build on what they have and grow. Let's not spend our limited resources on contributing to a bureaucracy that has already forced many of our State agencies into spending much of their dollars administering complex Federal regulations when they would rather be serving our children who are in need.

The Stenholm plan not only spends less of our tax dollars, it clearly does more for our children in terms of concentrating our limited resources on their care. It is a balanced approach, which is as fair and equitable to families in all circumstances, as we could possibly fashion. The Stenholm proposal provides a greater degree of flexibility for the States, and a more substantive level of parental choice, than any of the alternatives which have been brought forth in the Congress. The Stenholm proposal lends the greatest support possible to our children's needs—not to administrative overhead—which is where the leadership would put it's money—as evident by the 212 Federal mandates they included in their bill.

By adopting the Stenholm proposal we are steering a clear and straight course for our Nation's future which depends on what thought we give to our children's care today. I urge my colleagues to join with me in supporting the Family Choice and Child Care Improvement Act. Support the Stenholm-Shaw amendment.

Mr. HOUGHTON. Mr. Chairman, I would like to say a few words about child care and the Stenholm amendment. To introduce this subject, let me say first that without taking undue credit Corning Glass Works—of which I was chairman—started one of the first day care-child care centers in the Nation. We believed in the concept. I believe in the concept, and would like to espouse day care for now and for the future. That means Federal involvement and Federal funds. Day care is very expensive, and as such needs extra funds. In today's world those funds most probably should come from the Federal treasury.

Now there are two roads to travel today—the so-called leadership route and the Stenholm route. Let me ask you a question: Suppose I asked you to judge between approach "L" and approach "S".

Approach "S"—Stenholm—cares for children in a way that local communities and families can understand, can decide on. It gives your home State the flexibility to put funds where they are most needed. There is a minimum of regulation and while caring in a full and humane way for young children, it costs $8 million less than the other approach.

Approach "L"—leadership—on the other hand, dictates from above—from Washington—virtually the entire program plus a brand new delivery system. In rural communities, like my own hometown, it forces a family to make very difficult choices, and usually the right ones aren't available. The care system is vastly more expensive—and who pays for this extra expense? Also it mandates in-school programs which may or may not help the rural family members, who cannot always get to the allocated buildings.

Now I ask you if you had the choice which way would you go—approach "S" or approach "L"?

To me there is not the slightest question. Approach "S"—the Stenholm amendment—is the clear choice.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute offered by the gentleman from Texas [Mr. STENHOLM].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 225, not voting 13, as follows:

[Roll No. 57]

AYES—195

Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Cooper
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
Darden
DeLay
Derrick
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Fish
Gallegly
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hall (TX)
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hatcher
Hayes (LA)
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
James
Jenkins
Johnson (CT)
Jones (GA)
Kasich
Kolbe
Kyl
LaFalce
Lagomarsino
Lancaster
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Montgomery
Moorhead
Morrison (WA)
Myers
Nielson
Ortiz
Oxley
Packard
Parker
Parris
Pashayan
Patterson
Paxon
Petri
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schiff
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stallings
Stangeland
Stearns
Stenholm
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Walsh
Watkins
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NOES—225

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Bilbray
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke

Clay
Clement
Coleman (TX)
Collins
Condit
Conte
Conyers
Costello
Coyne
Crockett
Davis
de la Garza
DeFazio
Dellums
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Dyson
Early
Eckart
Edwards (CA)
Engel
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gilman
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hughes
Jacobs
Johnson (SD)
Johnston
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Pallone
Panetta
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Tanner
Torres
Towns
Traficant
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Washington
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—13

Dwyer
Flippo
Frenzel
Gallo
Gibbons
Jones (NC)
Laughlin
Roukema
Sarpalius
Smith, Denny (OR)
Stump
Torricelli
Traxler

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The Clerk announced the following pairs:

On this vote:

Mr. Gallo for, with Mr. Dwyer against.

Mr. Frenzel for, with Mrs. Roukema against.

Mr. Denny Smith for, with Mr. Stump against.

Messrs. LANTOS, SHAYS, and McGRATH changed their vote from "aye" to "no."

Messrs. MICHEL, DERRICK, and LAFALCE changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute as modified, made in order as original text.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

(By unanimous consent Mr. GEPHARDT was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. GEPHARDT. If Members will pay attention for a moment, it is our thought that since it is now 6:20, we will not go to the supplemental appropriations but will stop after this bill.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] had demanded a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 263, noes 158, not voting 12, as follows:

[Roll No. 58]

AYES—263

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Berman
Bilbray
Bilirakis
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coleman (TX)
Collins
Condit
Conte
Conyers
Costello
Coughlin
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Dyson
Early
Eckart
Engel
English
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hughes
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Richardson
Ridge
Rinaldo
Roe
Ros-Lehtinen
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Thomas (GA)
Torres
Towns
Traficant
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOES—158

Archer
Armey
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bliley
Broomfield
Browder
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Clay
Clinger
Coble
Coleman (MO)
Combest
Cooper
Courter
Cox
Craig
Crane
Dannemeyer
DeLay
Dellums
DeWine
Dickinson
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Fawell
Fields
Gallegly
Gekas
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hubbard
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Kolbe
Kyl
Lagomarsino
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (NY)
McCandless
McCollum
McCrery
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Montgomery
Moorhead
Myers
Nielson
Olin
Oxley
Packard
Parker
Parris
Pashayan
Paxon
Pickett
Porter
Pursell
Quillen
Ray
Regula
Rhodes
Ritter
Roberts
Robinson
Rogers
Rohrabacher
Roth
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stearns
Stenholm
Stokes
Sundquist
Tauke
Taylor
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Williams
Wolf
Wylie
Young (AK)
Young (FL)

NOT VOTING—12

Dwyer
Flippo
Frenzel
Gallo
Jones (NC)
Laughlin
Roukema
Sarpalius
Smith, Denny (OR)
Stump
Torricelli
Traxler

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□ 1834

So the amendment in the nature of a substitute, as modified, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. McHugh, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to authorize appropriations to expand Head Start programs and programs carried out under the Elementary and Secondary Education Act of 1965 to include child care services, and for other purposes, pursuant to House Resolution 368, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO COMMIT OFFERED BY MR. GINGRICH

Mr. GINGRICH. Mr. Speaker, I offer a motion to commit with instructions.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. GINGRICH. I am opposed to the bill, yes, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Gingrich moves to commit the bill, H.R. 3, jointly to the Committee on Ways and Means and the Committee on the Budget with instructions to hold hearings on the bill and the net deficit effect of this Act and amendments made by this Act for the first 5 fiscal years beginning after September 30, 1990, and to report promptly back to the House their recommendations on how to offset any such net deficit effect.

The SPEAKER. The gentleman from Georgia [Mr. Gingrich] is recognized for 5 minutes in support of his motion to commit.

POINT OF ORDER

Mr. FORD of Michigan. Mr. Speaker, I reserve a point of order against the motion. My understanding of the rule is that it did not provide for a motion to recommit with instructions.

Mr. GINGRICH. Mr. Speaker, I would ask, is the gentleman making a point of order?

Mr. WALKER. As a parliamentary inquiry, Mr. Speaker, I would ask, is the gentleman reserving a point of order or making a point of order?

Mr. FORD of Michigan. Mr. Speaker, I will make the point of order and ask for a ruling.

The SPEAKER. The gentleman from Michigan [Mr. Ford] makes a point of order against the motion to commit on the ground that it provides for instructions contrary to the resolution adopted by the House.

Does the gentleman from Pennsylvania [Mr. Walker] or the gentleman from Georgia [Mr. Gingrich] wish to be heard on the point of order?

Mr. GINGRICH. I do, Mr. Speaker.

It is my understanding, Mr. Speaker, that it is within the rules of the House to offer a motion to recommit with instructions that do not provide for forthwith reporting back, that this motion is in fact within the standard rules of the House.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. Walker] wish to be heard on the point of order?

Mr. WALKER. Yes, I do, Mr. Speaker.

That would be the point I would make, Mr. Speaker, that the instructions in the rule were that we could not have instructions on a motion that would report back to the House forthwith. This particular motion does not do that, so, therefore, it is perfectly within the rules of the House for the gentleman to offer the motion.

The SPEAKER. It is the Chair's opinion that the resolution prohibits a motion to recommit with instructions which have the effect of further amending the bill which has been amended in its entirety and ordering its reporting back with that amendment. The language in the motion to recommit does not propose an amendment to the bill, but a relevant procedural action upon committees of the House, and the Chair believes that it is within the rules of the House and the permissible scope of the motion to recommit under the resolution adopted by the House, and the Chair over the point of order.

The gentleman from Georgia (Mr. Gingrich) is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, I simply want to make the following point, and I will not take all of the 5 minutes.

First, Mr. Speaker, I do want to report to the House that the President has been consulted with and that the bill in its current form will be vetoed. Members should be aware of that when they vote on final passage.

Mr. Speaker, since the House may not have been paying attention, let me just repeat what I have said.

We have checked with the White House and with the President, and the bill in its current form will be vetoed, and Members may want to keep that in mind as we vote on final passage.

But let me say on this particular motion that this is in essence the spirit of the Michel pay-as-you-go motion.

Mr. Speaker, I say this particularly to our friends on the Democratic side: I noticed a rather large article in the Washington Post yesterday about how many Democrats are not interested in pay as you go, and the intent of this motion is to allow those Democrats and those Republicans who believe that pay as you go is a good idea to have a first opportunity to vote on that concept here in the House.

So, Mr. Speaker, I would urge a yes vote to allow us to begin to implement the concept that the gentleman from Illinois [Mr. Michel] offered as an amendment which was not made in order, but to allow the Committee on the Budget to look at this bill and to refer back on how pay as you go might operate on this particular measure.

Mr. Speaker, I yield back the balance of my time.

Mrs. ROUKEMA. Mr. Chairman, I must reluctantly oppose the majority's day care bill, H.R. 3 and also the Stenholm-Shaw substitute as well.

If we are to have a new Federal child care program, I do not oppose vouchers for centers sponsored and operated by religious groups. Clearly the Federal Government already funds a variety of programs that are based in churches and synagogues. These programs work and they are not challenged on constitutional grounds. I believe that is a phantom argument. Moreover, we cannot ignore the fact that church-based groups supply an estimated 40 percent of all child care available outside the home. Any child care bill passed by us needs to recognize this fact and make funding available to build on these successful programs.

As for the substitute backed by the administration, they want diversity and choice—and tax credits—but inexplicably they don't want to associate this program with the schools, except to the extent that Head Start continues. They do not wish to expand the program for before and after school programs for latchkey children.

On the issue of tax credits, I want it made clear that I am not fundamentally opposed to them. However, we are using the earned income tax credit in this case as Federal child care policy which I believe is a misapplication of tax credits. If we are to consider earned income tax credits, we should be doing it in terms of national tax policy and incomes policy, but not as child care policy since there is no guarantee that this money will be used for child care expenses.

Fundamentally, we do not have the right to create not one, but two new entitlement programs conservatively estimated to cost $28 billion over the next 5 years. This at a time when both parties are pledging no new taxes * * * when nobody except Mr. Rostenkowski—who is disavowed by his party leadership—will even touch the subject of meaningful, real world deficit reduction. And talk of a pay as you go package is nice but I did not see it anywhere in these bills.

Perhaps this is the way we are to spend the peace dividend which the administration tells us doesn't even exist. If so, I want to know it up front.

And finally, my colleagues, you know that as surely as night follows day, this entitlement is bound to grow. This is only the downpayment.

Now to return to the programs proposed by these bills, namely title 20, block grants, Head Start expansion, and so on, I would take a very different and more cautious approach. My approach to the issue of child care proposes grants to the States in the form of seed money to develop programs at the State and local level cooperatively with community groups, local school systems, and business. A meaningful startup could be accomplished with a grant program of approximately $300 million. In addition to being a program we can afford, it also has merit in stimulating innovation and in keeping direction and choice as close to home as possible—with the State, community, school, business, and parents—rather than a federally directed, mandated program.

This seed money could be used to initiate and build on model programs such as those established in Independence, MI, and in my home town of Ridgewood, NJ. The program in my hometown, established by Cathy Marino, was created and thrives today without the benefit of Federal funds.

Like the program in New Jersey, the Independence, MI, program is the result of the combined efforts of the community, business, the school system, and parents. By using the already available school facility, child care providers and parents have entered into a partnership that provides child care at an affordable price while giving quality and parent involvement top priority.

I urge my colleagues to keep in mind the successes of the Independence, MI, and Ridgewood, NJ, programs. In our effort to help working parents pay for quality child care, we must not destroy the very kind of child care programs that we want, and ought, to encourage. With these new proposals before us today, we will do just that.

Again, I stress that we should encourage child care programs in States and communities across the country that have responded to the needs of working parents. The best way to do that is through block grants to the States as seed money to expand and build on the successful programs.

Any child care legislation that Congress passes should do four important things:

First, keep direction and choice as close to home as possible—with State, community, school, business, and parents.

Second, inspire and invest in innovation suitable for local needs.

Third, give flexibility to integrate existing programs in the public schools as well as church-sponsored programs.

Fourth, given our enormous budget deficit, child care legislation must be consistent with the objectives of a pay as you go system and the overarching need for deficit reduction.

The bills we have before us today do none of this.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the leadership bill on child care which is before us today.

As a member of the Education and Labor Committee, and a cosponsor of H.R. 3, the well-known ABC bill, I want to say for the record that I stand behind the committee bill as reported, which I believe was carefully crafted, would have expanded on proven successful programs such as chapter 1 for before-and-after school care, and Head Start for preschoolers, but most importantly would have provided direct grants to the States for assisting them in providing more child-care opportunities. That title, making direct grants to States, to all intents and purposes has been dropped from the bill before us. This was the title for the working poor and middle-income families—giving them child care that was of quality, that was provided in a safe environment, and that was affordable.

In addition to strongly supporting H.R. 3, I also supported an expansion of the earned income tax credit for poor families with children, which tax rebate could be used by them for the purchase of child care, or for other than child care purposes. With this additional source of funding, mothers who choose to remain at home and care for children rather than go to work, receive the benefit of added income for their families.

But I want to stress here and now, that there are mothers who are just as caring and just as concerned for their children's welfare who have had to join the work force—not because they just want a career, or just don't want to stay at home and care for their children on a full-time basis—but who have entered the work force because they need to have a second income as an economic necessity. Often working mothers are the only breadwinner—whether because of being single parents, or because their husbands are unemployed or underemployed—they have to work, and because of that, we wanted them to have a quality, safe, affordable place to leave their children as they go off to work each day.

I know the economic conditions in my State, in my district, are not as strong as they should be, as they can be, or as they will be.

I know why many more West Virginia women, mothers of children who are preschool age, and who are school age latchkey children, have gone to work for the first time in their lives, or are returning to jobs they held prior to getting married and beginning a family. In West Virginia, 31.6 percent, or 39,780 of mothers working have children under the age of 6; those working mothers with children between age 6 and 17 represent 45.9 percent, or 68,158 of all women in West Virginia's work force. Children in single parent families in West Virginia represent 17.8 percent of all children, and 155,000 of those children live in families earning incomes below the established poverty level. For you, this bill represents safe, affordable care for your children while you go off to work—not by choice, but due to the need to put food on your tables, or to keep a roof over the heads of your loved ones, to keep them warm and to keep them properly clothed.

Mr. Chairman, I will not support the Edwards amendment today. I have struggled over this amendment. I have spoken with parents who deeply believe that striking the church-state language somehow leaves them of the stream of the child care funding we plan to send to the States in its various forms. They are still eligible under the bill, under both bills, but regrettably they have been convinced otherwise by misinformation given out on the floor of the House of Representatives, and by electronic ministries who have been given the same deliberate misinformation about this bill. I hope I have been clear to them that leaving the church-state language in the bill, that by defeating the Edwards amendment, could place this bill in our court system for years, during which time churches could receive not a penny of these funds.

Today I will also support an amendment to be offered that makes State use of vouchers for the delivery of child care permissible, and not mandatory. Just as there are no mandated child care standards in this bill, there should be no mandated voucher requirements. If states wish to use vouchers, then this bill should permit them to do so. But no State, and especially not my State, should have them imposed. States know what works for them—and vouchers may not be the way to proceed with providing child care. Some States with demonstration voucher programs report that the costs of implementing the use of vouchers is very high, and may not be affordable. West Virginia is already struggling to find revenues for other human services programs—I doubt if they can afford to implement a voucher program mandated by Washington.

There is no early childhood education component in the Stenholm bill. There is no quality of care component in the Stenholm substitute.

There is no before and after school care in the Stenholm substitute.

The leadership bill provides for the expansion to a full day, year round in Head Start programs, and requires the full participation of the parents of Head Start children.

The leadership bill provides for both the expansion of early childhood education programs, or before-and-after school programs, or both. It includes providing services for 4-year-olds, and at the option of local educational agencies, it can provide services for 3-year-olds whose parents need child care.

As stated above with regard to standards we are said to be imposing on the States, let me clarify for the record that the standards in this bill are at the option of the States, not mandates on them. The standards recommended are intended to serve as models for those States that have few child care standards in place for the protection of the health and safety of the children being cared for.

I urge my colleagues to support the leadership bill, and to oppose the Stenholm substitute.

The SPEAKER. The gentleman from New York [Mr. DOWNEY] is recognized for 5 minutes.

Mr. DOWNEY. Mr. Speaker, there is one issue that has been around here for 5 months, and we all know what it is. It is this issue. We need no further hearings. We have not allowed the S&L's to wait for their money. We should not force the children to wait for theirs.

Please vote this motion down.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. Without objection, the previous question is ordered on the motion to commit.

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There was no objection.

The SPEAKER. The question is on the motion to commit.

The question was taken; and the Speaker announced that the noes appeared to have it.I90[H29MR0-882]{H1338}GINGRICH

Mr. GINGRICH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 152, nays 259, not voting 22, as follows:

[Roll No. 59]

YEAS—152

Archer
Armey
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Conte
Coughlin
Courter
Cox
Craig
Crane
Dannemeyer
DeLay
DeWine
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Fish
Gallegly
Gekas
Gillmor
Gingrich
Goodling
Goss
Gradison
Grandy
Grant
Green
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Hunter
Hyde
Inhofe
Ireland
James
Johnson (CT)
Kasich
Kolbe
Kyl
Lagomarsino
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McCrery
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Paxon
Petri
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Saiki
Schaefer
Schiff
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stearns
Sundquist
Tauke
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wylie
Young (AK)
Young (FL)

NAYS—259

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Berman
Bevill
Bilbray
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clay
Clement
Coleman (TX)
Collins
Condit
Conyers
Cooper
Costello
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Dyson
Early
Eckart
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gray
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lloyd
Long
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Pallone
Panetta
Parker
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Poshard
Price
Rahall
Rangel
Richardson
Rinaldo
Roe
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stallings
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tanner
Tauzin
Taylor
Thomas (GA)
Torres
Towns
Traficant
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wyden
Yates
Yatron

NOT VOTING—22

Baker
Dickinson
Dwyer
Edwards (CA)
Flippo
Frenzel
Gallo
Hatcher
Jones (NC)
Laughlin
Lipinski
Murphy
Owens (UT)
Robinson
Roukema
Sarpalius
Smith, Denny (OR)
Spence
Stump
Torricelli
Traxler
Wolpe

□ 1858

The Clerk announced the following pairs:

On this vote:

Mr. Roukema for, with Mr. Dwyer against.

Mr. Denny Smith for, with Mr. Traxler against.

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOWNEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 145, not voting 23, as follows:

[Roll No. 60]

AYES—265

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Bennett
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Boehlert
Boggs
Bonior
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Browder
Brown (CA)
Bruce
Bustamante
Byron
Campbell (CA)
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clarke
Clement
Coleman (TX)
Collins
Condit
Conte
Conyers
Costello
Coughlin
Coyne
Crockett
Darden
Davis
de la Garza
DeFazio
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Dyson
Early
Eckart
Engel
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horton
Hoyer
Hubbard
Hughes
Jacobs
James
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (GA)
Lowey (NY)
Luken, Thomas
Machtley
Manton
Markey
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McGrath
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Pallone
Panetta
Parris
Pashayan
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Petri
Pickle
Poshard
Price
Rahall
Rangel
Ravenel
Richardson
Ridge
Rinaldo
Roe
Ros-Lehtinen
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sangmeister
Savage
Sawyer
Saxton
Scheuer
Schiff
Schneider
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (VT)
Snowe
Solarz
Spratt
Staggers
Stark
Studds
Synar
Tallon
Tanner

Tauke
Tauzin
Thomas (GA)
Torres
Towns
Traficant
Udall
Unsoeld
Valentine
Vento
Visclosky
Volkmer
Walgren
Walsh
Washington
Watkins
Waxman
Weldon
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Wylie
Yates
Yatron
Young (FL)

NOES—145

Ackerman
Archer
Armey
Ballenger
Barnard
Bartlett
Barton
Bateman
Beilenson
Bentley
Bliley
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Clay
Clinger
Coble
Coleman (MO)
Combest
Cooper
Courter
Cox
Craig
Crane
Dannemeyer
DeLay
Dellums
DeWine
Dornan (CA)
Douglas
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Gekas
Gingrich
Goodling
Goss
Gradison
Grandy
Gunderson
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Kasich
Kolbe
Kyl
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lloyd
Long
Lowery (CA)
Lukens, Donald
Madigan
Marlenee
Martin (NY)
McCandless
McCollum
McCrery
McDermott
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Montgomery
Moorhead
Myers
Nielson
Olin
Oxley
Packard
Parker
Paxon
Pickett
Porter
Pursell
Quillen
Ray
Regula
Rhodes
Ritter
Roberts
Rogers
Rohrabacher
Roth
Schaefer
Schuette
Schulze
Sensenbrenner
Shumway
Shuster
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stallings
Stangeland
Stearns
Stenholm
Stokes
Sundquist
Swift
Taylor
Thomas (CA)
Thomas (WY)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weiss
Whittaker
Williams
Wolf
Young (AK)

NOT VOTING—23

Baker
Bryant
Dickinson
Dwyer
Edwards (CA)
Flippo
Frenzel
Gallo
Hatcher
Jones (NC)
Laughlin
Lipinski
Murphy
Owens (UT)
Robinson
Roukema
Sarpalius
Shaw
Smith, Denny (OR)
Spence
Stump
Torricelli
Traxler

☐ 1916

The Clerk announced the following pairs:

On this vote:

Mr. Dwyer for, with Mr. Shaw against.

Mr. Traxler for, with Mr. Dickinson against.

Mr. Jones of North Carolina for, with Mr. Frenzel against.

Mr. Torricelli for, with Mr. Denny Smith against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Speaker, during the House's consideration of child care legislation, I inadvertently cast an "aye" vote on the Edwards amendment—rollcall No. 56.

Mr. Speaker, I meant to cast a "no" vote on the Edwards amendment because I believe that a parent's right to select the kind of facility in which their children will be cared for during the day should be protected.

Mr. Speaker, I have long been concerned about this issue. In fact, I met with the Democratic leadership on precisely this issue long before this bill came to the floor to voice my concerns about protecting church-based day care programs. In my home district, which includes Nashville, TN, over half of all day care provided is church-based. I think these programs are doing an outstanding job, Mr. Speaker, and I do not feel that they should be penalized, nor should families be penalized, vis-a-vis other types of day care programs in their eligibility for Federal funds.

We are not mandating that parents send their children to church-based programs, Mr. Speaker, nor are we offering preferential treatment to such programs. Rejection of the Edwards amendment is a matter of treating church-based programs fairly and, most especially, a matter of treating fairly families who need to work and choose to have their children cared for in such programs. This is the American way, Mr. Speaker.

Thank you, Mr. Speaker. I appreciate the opportunity to correct the RECORD.

LEGISLATIVE PROGRAM

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I ask for this time to seek the schedule for next week.

Mr. FROST. Mr. Speaker, will the gentleman from New York [Mr. SOLOMON] yield?

Mr. SOLOMON. I yield to the gentleman from Texas.

Mr. FROST. Mr. Speaker, the House will not be in session tomorrow. The schedule for next week is on Monday, April 2, the House meets at noon. There is no legislative business.

On Tuesday, April 3, the House meets at noon to consider H.R. 4404, the Dire Emergency Supplemental Appropriation for fiscal 1990. As the gentleman from New York knows, a rule has already been reported that waives certain points of order. Suspensions that day, there are seven bills. Recorded votes on suspensions will be postponed until after debate on all suspensions. The suspensions are:

House Concurrent Resolution 271, expressing the sense of Congress that the President should make the release of Americans held hostage a high priority and accelerate efforts to this end;

H.R. 4009, Federal Maritime Commission authorization for fiscal year 1991;

H.R. 2571, Arizona Wildlife Refuge Wilderness Act;

S. 1813, providing that funds used under the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 may be used to acquire land for emergency shelters;

S. 1096, conference report providing for the use and distribution of the Seminole Indian award;

House Concurrent Resolution 275, providing for the publication of a volume pertaining to Christopher Columbus; and

H.R. 4073, to amend the Labor Management Relations Act of 1947 to permit parties to establish trust funds for employee housing.

The House meets at noon on Wednesday, April 4, 1990, and at 11 a.m. on Thursday, April 5, 1990. The following bills will be considered:

H.R. 2015, reauthorizing the Economic Development Administration and the Appalachian Regional Commission, subject to a rule;

H.R. 644, to amend the Wild and Scenic Rivers Act by designating the East Fork of the Jemez and Pecos Rivers in New Mexico, open rule, 1 hour of debate; and

H.R. 1236, Retail Price Maintenance Act subject to a rule.

On Friday, April 6, 1990, the House will not be in session. The Easter District work period begins. At the close of the week's business, the House will adjourn until noon on Wednesday, April 18, for the Easter District work period. Conference reports may be brought up at any time. Any further program will be announced later.

☐ 1920

Mr. SOLOMON. I thank the gentleman.

If I might inquire of the gentleman while he is on his feet, the dire supplemental is going to be taken up on Tuesday before the suspensions or after the suspensions?

Mr. FROST. Before the suspensions; that is correct. It will be taken up the first order of business.

Mr. SOLOMON. And there will be a vote? There will be a rule?

Mr. FROST. The gentleman is correct.

Mr. SOLOMON. Will there be a vote on the rule and a vote on the supple-

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mental before we go to the suspensions where the votes are going to be postponed until the end of the day?

Mr. FROST. If there are votes, the votes will occur in the natural order. Of course, it would be up to the minority if they request votes on the rule and on the appropriations bill. But it is my understanding they will occur prior to the suspensions.

Mr. SOLOMON. So that Members could possibly expect votes sometime around 1 o'clock or 1:30 on Tuesday?

Mr. FROST. That is certainly possible. The House goes in at noon. The first order of business is the rule, and the maximum amount of time on a rule is 1 hour. It depends if there is other business prior to that, but certainly there could be votes that early; that is correct.

Mr. SOLOMON. Might I just ask one further question. On the first suspension, No. 1, there was some question of whether that bill had come out of what committee. The ranking member of the Foreign Affairs Committee was not familiar with it when he was here on the floor earlier, and I wondered where that bill came from or how it got on the Suspension Calendar?

Mr. FROST. It did come from the Foreign Affairs Committee, that is correct.

Mr. SOLOMON. It was reported out of the Foreign Affairs Committee?

Mr. FROST. That is my impression, yes.

Mr. SOLOMON. I thank the gentleman for his time.

ADJOURNMENT TO MONDAY, APRIL 2, 1990

Mr. FROST. Madam Speaker, I ask unanimous consent that when the House adjourns today it adjourns to meet at noon on Monday next.

The SPEAKER pro tempore (Ms. SLAUGHTER of New York). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON WEDNESDAY, APRIL 4, 1990

Mr. FROST. Madam Speaker, I ask unanimous consent that when the House adjourns on Tuesday, April 3, 1990, it adjourns to meet at noon on Wednesday, April 4, 1990.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FROST. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. SOLOMON. Madam Speaker, reserving the right to object, I have not objected to these other unanimous-consent requests, but I would just observe that the gentleman who was kind enough to give us the schedule for next week is a member of the Rules Committee. He happens to be my good friend, the gentleman from Texas, who carried this rule which deprived Republican Members of their reasonable right to offer amendments on the floor of this House in a timely manner. I just want to put the House on notice on behalf of the Republican Members of this House that we are not going to take this rolling over. We were deprived, and we have to do something. We are going to fight, and the first way we begin to fight is to object to this Calendar Wednesday unanimous-consent request.

With all due respect, Madam Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

TRIBUTE TO MOLLY TURNER, A REMARKABLE SOUTH FLORIDIAN

(Mr. LEHMAN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of Florida. Madam Speaker, because the month of March is Women's History Month, I thought it would be appropriate to say a few words about a remarkable woman who broke the gender barrier in south Florida television: my special friend, Molly Turner.

Molly was the first woman television news anchor in Miami. In her 37 years in broadcasting, she did it all: Interview shows, investigative reporting, the weather—and developed a national reputation as a consumer issues reporter. She made time to serve on the boards of many community organizations, including United Way, Salvation Army, and United Cerebral Palsy.

In the 1950's, I owned and operated a used car lot. I advertised on a country and western musical show, Sunset Ranch. Molly was one of the stars, a hayseed character named Cousin Effie. That is how I got to know her.

Madam Speaker, south Florida is home to a number of remarkable men and women, but few have done so much as Molly Turner to make south Florida a better place for us all.

POLAND

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Madam Speaker, I rise today to pay tribute to Poland, a country that continually impresses the world with its raw courage and tenacious commitment to the causes of freedom and democracy.

Four nights ago in my home State of New York, Polish Prime Minister Tadeusz Mazowiecki announced that Poland will provide emigrating Soviet Jews with an air route to Israel—a path to freedom. This is a significant and courageous offer. What irony! Poland, once site of the Nazis' most atrocious and horrific death camp, Auschwitz, is now a beacon of freedom to Soviet Jewry, a bridge from a life of fear and persecution to a promising new life in the land of Israel.

But the Polish people have done more than provide a humanitarian service. They have done something that the Hungarians and the Soviets have not done. They have joined the fraternity of courageous nations that say "no" to terrorists. Poland's leaders know that to give in to terrorists is to embolden and empower them.

It is a lesson that Hungary and the Soviet Union would do well to learn. These two nations recently capitulated to threats of terrorism, scaling back the number of flights to Israel available to Soviet Jews. Such submission to the threats of terrorism is a tragic betrayal of democracy that endangers us all.

Once again, I applaud the courage, the leadership, and the commitment to justice that Poland has demonstrated in this offer to help usher Soviet Jews out of persecution.

CONGRESSMAN DENNY SMITH SUPPORTS STENHOLM-SHAW AMENDMENT

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute.)

Mrs. BENTLEY. Madam Speaker, my distinguished colleague, the gentleman from Oregon, Mr. DENNY SMITH, could not be here with us today because he is receiving medical attention at home. He did call from Oregon today and ask that I enter for the RECORD his unequivocal support for the bipartisan Stenholm-Shaw Family Choice and Child Care Improvement Act, and he has submitted a statement which will appear under general leave in the RECORD today.

□ 1930

EMPLOYER SANCTION REPEAL JOINT RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROYBAL] is recognized for 5 minutes.

Mr. ROYBAL. Madam Speaker, today I am introducing a House joint resolution to repeal the employer sanctions provisions of the Immigration Reform and Control Act of 1986 [IRCA] and to approve the findings of the General Accounting Office [GAO] report that employer sanctions have caused a widespread pattern of discrimination against U.S. citizens and others eligible to work in this country.

When employer sanctions were debated in Congress, some of my colleagues and I expressed deep concern that employer sanctions would cause employment discrimination against U.S. citizens and others who are authorized to work in the United States, but who happen to look foreign or speak English with an accent. Three years after the implementation of employer sanctions, I regret to say that our concerns have been confirmed by reports of the General Accounting Office [GAO], U.S. Commission on Civil Rights, the California Employment and Housing Commission, the New York City Commission on Human Rights, and various other major organizations.

The evidence that employer sanctions have caused a widespread pattern of discrimination is clear. The General Accounting Office concludes that "the employer survey results are sufficient to conclude that a widespread pattern of discrimination has resulted against eligible workers."

The GAO report found that nearly 20 percent of employers surveyed had discriminated on the basis of national origin and citizenship as a result of employer sanctions. Similarly, the U.S. Commission on Civil Rights, and the California and New York reports found that employers discriminated against U.S. citizens and other eligible workers out of fear of employer sanctions.

Under an expedited process provided by section 247(1) of the Immigration and Nationality Act [INA], the employer sanctions provisions are terminated if: First, the General Accounting Office concludes that these sanctions have caused a widespread pattern of discrimination against citizens and nationals of the United States or against eligible workers seeking employment and, second, Congress passes a joint resolution approving the Comptroller General's findings within 30 days of the transmittal of the report to Congress.

Today, I am introducing such a resolution which calls for the repeal of the employer sanctions provision of IRCA. As a country with a rich history of immigration, and an abhorrence for discrimination, we cannot continue implementing a program that has been used as a vehicle for employers to discriminate against U.S. citizens and other legal workers. I strongly urge my colleagues to cosponsor this legislation.

REQUEST TO SUBSTITUTE SPECIAL ORDER

The **SPEAKER** pro tempore. For what purpose does the gentleman from Illinois rise?

Mr. SAVAGE. Madam Speaker, I ask unanimous consent to speak in place of the gentleman from New York [Mr. OWENS].

Mrs. BENTLEY. Madam Speaker, reserving the right to object, I have about 15 minutes altogether and I do have an event in my district that I need to get back to. Since I am next on the list——

Mr. SAVAGE. Madam Speaker, I withdraw my request.

A TRIBUTE TO GEN. DRAZA MIHAILOVICH

The **SPEAKER** pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 60 minutes.

Mrs. BENTLEY. Madam Speaker, I am pleased that the distinguished gentleman from Illinois, Congressman PHILIP CRANE, suggested that we use this special order today to discuss a very heroic and courageous man, Gen. Draza Mihailovich.

Today's special order is a very timely one, Madam Speaker. Today marks the 42d anniversary of General Mihailovich being posthumously awarded the Legion of Merit Award by President Harry Truman.

And 2 days ago, on the 27th of March, we commemorated what would have been General Mihailovich's 97th birthday.

Unfortunately, however, most of our Nation's citizens do not even know who this brave freedom fighter for democracy was.

Perhaps more telling than anything else about General Mihailovich is the fact that he was the bitter enemy of both the Nazi occupiers of Yugoslavia during World War II and the dictatorial Communist government of Broz Tito who ruled Yugoslavia after the war.

It was Tito's government that was eventually responsible for the mock trial in a kangaroo court that culminated in the execution of General Mihailovich.

What better day is there than this one to remember why President Truman posthumously awarded the Legion of Merit Award to General Mihailovich?

While World War II was raging in central Europe, over 500 American airmen were shot down behind enemy lines in Nazi-occupied Yugoslavia.

These men were rescued, protected, and returned to safety by the freedom-fighting Chetnik forces under the command of Draza Mihailovich, whose forces fought first against the Nazi occupiers and then against the Communist forces that held sway over Yugoslavia.

I would like to quote from a letter sent to me recently from Maj. Richard L. Felman, U.S. Air Force, retired. Major Felman was one of these American airmen whose life was saved by General Mihailovich.

Major Felman includes in his letter a public thank you to General Mihailovich, saying, "Thank you, General Mihailovich, for saving the lives of over 500 of our boys while they were serving in the defense of our country. No one else has ever done that and we as a people and a nation are mighty grateful!"

Mr. Speaker, Major Felman is indeed correct in stating that no one has done so courageous a deed for American soldiers behind enemy lines as Gen. Draza Mihailovich.

When President Truman awarded General Mihailovich the Legion of Merit Award on March 29, 1948, the brave general was already dead.

Mr. Speaker, we have only recently been able to officially confirm this high honor bestowed upon the general. This information became available after the records in the National Archives were opened to the public 40 years after the end of World War II. Here is a copy of the award on the front cover of a Serbian publication "Pogledi."

LEGION OF MERIT CHIEF COMMANDER

General Dragoljub Mihailovich distinguished himself in an outstanding manner as Commander-in-Chief of the Yugoslavian Army Forces and later as Minister of War by organizing and leading important resistance forces against the enemy which occupied Yugoslavia, from December 1941 to December 1944. Through the undaunted efforts of his troops, many United States airmen were rescued and returned safely to friendly control. General Mihailovich and his forces, although lacking adequate supplies, and fighting under extreme hardships, contributed materially to the Allied cause, and were instrumental in obtaining a final Allied Victory.

HARRY S. TRUMAN

MARCH 29, 1948.

General Mihailovich was tried and executed by Communist authorities on the grounds that he collaborated with the Nazis during the war.

The American airmen who were under the general's protection knew that this was a patent lie, and had the evidence to disprove it.

Not only did the Yugoslav Communist government refuse the American airmen permission to come testify, but they also disallowed any use of their written testimony altogether.

Over 600 pages of sworn testimony by American airmen were presented by our State Department to the general's legal counsel, and thrown out at his trial.

Mr. Speaker, a great injustice has been done against the name of Draza Mihailovich. But time has proved what our boys, shot down in Nazi-occupied Yugoslavia, knew all along.

General Mihailovich was both a Yugoslav patriot and freedom fighter, not the traitor that the Communists executed him as.

I urge all Members of Congress to join me in commemorating the life of

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Gen. Draza Mihailovich on this very special anniversary.

Madam Speaker, I yield to the gentleman from Illinois, [Mr. CRANE].

Mr. CRANE. I thank the gentlewoman for yielding, and I commend her for taking this special order on this important occasion.

Madam Speaker, on this day 42 years ago, President Harry S. Truman upon the recommendation of the Supreme Allied Commander Gen. Dwight D. Eisenhower, posthumously awarded the Legion of Merit—Chief Commander, to Gen. Draza Mihailovich. This award, which is the highest military honor that can be bestowed upon a foreign national, was granted in recognition of the general's role during World War II. In the words of President Truman:

> General Dragoljub Mihailovich distinguished himself in an outstanding manner as Commander-in-Chief of the Yugoslavian Army Forces and later as Minister of War by organizing and leading important resistance forces against the enemy which occupied Yugoslavia, from December 1941 to December 1944. Through the undaunted efforts of his troops, many United States airmen were rescued and returned safely to friendly control. General Mihailovich and his forces, although lacking adequate supplies, and fighting under extreme hardships, contributed materially to the Allied cause, and were instrumental in obtaining a final Allied Victory.

Madam Speaker, I would only pause for a moment on this point, having read that citation from President Truman, and, as I say, upon the recommendation of General Eisenhower, to say that our State Department to this day continues to parrot the falsehood that there is not documentation to support the award that was made by President Truman upon the recommendation of General Eisenhower, and since the Soviets have come clean about the Katyn massacre, I think it is about time our State Department comes clean on this issue.

Madam Speaker, the reason for our tribute to General Mihailovich is first and foremost our gratitude to him and the Serbian people for saving the lives of over 500 American airmen. Despite having been betrayed by the Western Allies as a result of a misinformation campaign spearheaded by the Soviet Union, General Mihailovich orchestrated the rescue of those very same men whose governments had turned their backs on him.

At the end of the war, the Committee of American Airmen Rescued by General Mihailovich was established for the purpose of erecting a monument to the general, in Washington, DC, or its environs, in recognition of the role he played in saving the lives of the 500 American airmen. The committee of airmen will finance the project in its entirety, including construction and any subsequent maintenance costs.

In 1974, the airmen petitioned Congress for permission to erect the monument on public land. Legislation to this end has been introduced in every session of Congress since. I have been the chief sponsor since 1984. In the past, the legislation has had as many as 90 cosponsors in the House. Hearings have been held on it, and twice it has been passed in the Senate by voice vote. Although it has the support of such organizations as the AFL-CIO, the American Legion, and the Air Force Association, the debate over how it will be received by the Yugoslav communist government has been a major stumbling block.

The purpose of this ongoing legislative effort is not so much to make amends for a great historical injustice, or to clear General Mihailovich's name, but more simply, to provide retired American servicemen with the opportunity to recognize someone who sacrificed his life to save theirs. After 45 years of delays and inaction, the least we can do is provide these remaining rescued airmen with an adequate means to express their appreciation.

Mr. KLECZKA. Madam Speaker, I congratulate my colleague, Congressman PHILIP CRANE of Illinois for holding today's special order commemorating the courage of Gen. Dragoljub Mihailovich.

During World War II, General Mihailovich and his guerrilla army of Chetniks were renowned for their unrelenting opposition to the brutal Nazi occupation of Yugoslavia. At a time of great suffering, this brave man offered hope to his beleaguered people.

The U.S. Government has recognized General Mihailovich's services to the war effort by awarding him the Legion of Merit—Chief Commander citation.

Upon posthumously awarding this tribute in 1948, President Harry S. Truman stated that "General Mihailovich and his forces, although lacking adequate supplies and fighting under extreme hardships, contributed materially to the Allied cause, and were instrumental in obtaining final Allied victory."

Tragically, General Mihailovich was unable to receive this award or to enjoy the blessings of peace for which he had so valiantly struggled. Regrettably, he was unjustly executed at the end of the war by Marshal Tito's Communist forces.

On a more personal level, General Mihailovich is warmly remembered in the United States for the role he played in saving the lives of over 500 American airmen downed in Yugoslavia during the war. Without his efforts, these men surely would have been captured, tortured, and killed.

Over 40 years later, these grateful survivors still work to honor the memory of the general who was responsible for saving their lives. The National Committee of American Airmen Rescued by General Mihailovich has lobbied vigorously to erect a monument to him so that all will know of his heroic deeds. The Serbian-American community also has worked hard to inform Congress and others of the importance of such a memorial.

Aware of General Mihailovich's place in history, I am proud to be an original cosponsor of House Joint Resolution 156, legislation introduced by Congressman PHILIP CRANE to authorize the erection of a memorial in Washington, DC, to the general.

I urge my colleagues to join Congressman CRANE, 24 other Members of Congress, and myself in cosponsoring this resolution which would give long overdue recognition to General Mihailovich.

☐ 1940

LAYING OUT THE FACTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. SAVAGE] is recognized for 60 minutes.

Mr. SAVAGE. Madam Speaker, I rise tonight to deal with the problem that occurred in my recent primary election, the one in which—let me just say that I was successful, despite this problem. However, I want to bring it to the attention of our Nation tonight. For while I mention it in reference to my own experience in the recent primary election, I am convinced that it constitutes a danger for all America and threatens to rip the fabric of our democracy.

I represent the Second Congressional District in Illinois. It is not an inner-city district. It consists mainly of bungalows, semi-professional, and blue collar workers, second and third generation families there. It is approximately 30 percent suburban, approximately 30 percent nonblack. It is an industrial district that has housed most of the heavy industry in Illinois—automobile assembly plants, stamping plants, three steel mills, at one time, four.

In this campaign a strange thing occurred. A column was written by a columnist in the Sun-Times, the Chicago Sun-Times newspaper, by the name of Vernon Jarrett, that raised questions about who really was my opponent, because of what appeared to be a strange tilt in the sources of his campaign funding.

I want to share some facts with Members here this evening, that perhaps could be shared by some others who have been targeted, apparently as I was in this primary, and unfortunately, they lost their reelection bid.

After seeing this column, I began to check the records in the Federal Election Commission report of my opponent for this year, which was available only for January and February, of course, and began to check the identities of those who had contributed to his campaign. I want to let Members know what I found.

It relates to an organization called the American-Israel Political Affairs Committee. So before I begin to give numbers, amounts, let me first familiarize Members with the American-

Israel Political Affairs Committee, because it is not well-know beyond Capitol Hill in Washington, DC, and your elected representatives. It is indeed a rather shadowy operation, and I want to not just try to describe the American-Israel Political Affairs Committee, better known as AIPAC, and I will refer to it from the initials, A-I-P-A-C, AIPAC. This is not to be confused, incidentially, with the term "PAC"—referring to political action committees, as Members know, are those organizations under the Federal Election Commission that organize to contribute money to campaigns for Federal candidates and others. However, AIPAC means the American-Israel Political Affairs Committee, not a PAC—has no right to contribute money to candidates, therefore, but rather than to try to describe it myself, I want to just read excerpts to Members from newspapers reports that I discovered when I began to pursue this matter. In the process, I began to realize that I had been targeted for defeat by AIPAC.

First, The Wall Street Journal, June 24, 1987, an article by John J. Failka, and reads just in part, refers to the American-Israel Public Affairs Committee, or AIPAC, as "one of Washington's most powerful lobbying organizations." He points out in the article that "According to a computer-aided analysis of 1986 Federal Election Reports, despite AIPAC's claims of noninvolvement in political spending, no fewer than 51 pro-Israel PAC's, most of which draw money from Jewish donors"—I am reading a quote from The Wall Street Journal—"Jewish donors and operate under obscure-sounding names are operated by AIPAC officials, or people who hold seats on AIPAC's two major policy-making bodies". Continuing this article, "The analysis shows that three of seven regional chairpersons at AIPAC direct PACs"—meaning political action committees, those who can legally contribute money and do—"three of seven regional chairpersons of AIPAC direct PAC's, political action committee, and 26 more political action chairmen or treasurers sit on AIPAC's 131-member executive committee which meets four times a year and set overall lobbying strategy.

"Twenty-two more political action committee leaders hold seats on the second advisory body or AIPAC, a 200-member national council."

□ 1950

And it concludes: "While the pro-Israel PACs"—that is political action committees, not AIPAC—"represent diverse and supposedly bipartisan Jewish committees in almost every major city and region in the country, their spending patterns are remarkably similar."

I ask you to bear with me as I read from three or four clippings briefly to lay the ground work to understand this obscure operation, because however obscure and disguised, if you will bear with me you will learn what should be of great concern to us all. Here is the next clipping—and I am going to relate these down the line—is from the Washington Times newspaper, January 13, 1989.

It says in part: "A group of prominent Americans concerned about Washington's diplomatic tilt toward Israel filed a complaint yesterday with the Federal Elections Commission charging in a 100-page complaint that AIPAC has worked so closely"—I am just reading—"with legally established PAC's to target political candidates on the basis of their positions toward Israel, that the PAC's"—political action committees—"are in effect affiliates of the lobby group."

That would be illegal. That would be in violation of the Federal election laws. It would be in violation of what AIPAC contends are the limits of its own activities. And I continue from the same clipping: "AIPAC's formidable ability to monopolize congressional support is based not upon an appeal to American nation interests"—now, get this—"but upon threats by a special interests that has resorted to conspiracy and conclusion." That is a quote.

That is Richard Curtis, formerly the Chief Inspector of the U.S. Information Agency and one of the plantiffs in this case.

"The complaint supported by more than two dozen exhibits"—this is not longer the quote; this is in the newspaper clipping or the report—"demands that the FEC force AIPAC to register as a political action committee and disclose its activities. Such a ruling would hamper the effectiveness of the lobby which operates behind the scenes to recruit support for Israel, the largest recipient of United States aid, with $3 billion annually, and to oppose weapons sales to Arab foes of the Jewish state."

Now, that is from the Washington Times, by Isaiah Poole.

I have just a couple more, because I will bet that most of you are not familiar with AIPAC nor any of this that I am reading. This is from the Washington Post, November 14, 1989, an aritcle by Charles R. Babcock. It says:

> Internal AIPAC documents made available to the Washington Post, however, show that the group's top political operative was actively involved with pro-Israel political action committees—PACS—trying to help raise money for several condidates in the 1986 Senate races.
>
> A memo from Elizabeth A. Schrayer, then AIPAC's deputy political director, five weeks before that election urged an assistant to call several pro-Israel PACs and "try" to get $500 to $1,000 donations for five specific Senate candidates.
>
> In the Sept. 30, 1986, memo, Schrayer listed nine pro-Israel PACs and noted that some had not contributed to certain candidates.
>
> Four other documents are 1985 letters from Schrayer to individuals in Massachusetts, California and Hawaii. In them, she offers to provide fund-raising ideas and arrange speakers for a new pro-Israel PAC, sends a sample solicitation letter and list of pro-Israel PACs to a fund-raiser for Evans, and volunteers to answer questions about starting a PAC.
>
> AIPAC's major goal is maintaining the level of foreign aid to Israel, now $3 billion a year. * * * and defecting arms sales to Arab countries.

Now, what this is beginning to show you is that the interest or the purpose of AIPAC is to promote a foreign nation, not in America's interest, an organization operating within America composed of Americans, in the interest of a foreign nation interfering in the internal affairs and the elections of this Nation.

Let me go a little further now. Here, this is again from the Washington Post, dated October 7, 1988. Let us see what kind of interference this is. For what purpose, and who do they attack? Let us watch this. This article is written by the same Charles Babcock. It says this: Now listen closely.

> The American-Israel Public Affairs Committee (AIPAC), the nation's chief pro-Israel lobby, has become a subject of attention twice in the past week because of reports of partisan involvement or personal attacks in the 1988 political campaign.
>
> One case centers on a year-old internal AIPAC staff memo urging that Jewish reporters raise questions about Jesse L. Jackson's sex life and finances.

That is AIPAC pursuing the interests of a foreign government, beginning to try to develop surreptitious means of hurting and damaging a Presidential candidate in this Nation. This gets closer and closer, as you would notice, to something un-American.

Now, here in a special report of the Washington Report on Middle East Affairs of July 1989, it points out—and I am reading again—"70 active pro-Israel political action committees"—now, those are PAC's that give money to influence the outcome of elections—"spent $3,870,052 in direct contributions * * * in the 1988 elections."

I am skipping over and just reading excerpts.

"There are several factors * * * that make pro-Israel PAC's unique. The first is their names."

Now, you might ask, what is in a name? Why try to name something in a way as to not reveal its purpose and its function?

It continues in this article: "* * * Edward Roeder, whose Sunshine News Service publishes PAC's Americana—that is a book—"to draw this admission from Robert Golder, president of Delaware Valley PAC."

That is Robert Golder, president of the Delaware Valley PAC. That is an innocent sounding name. Delaware Valley PAC. That could be about

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nature. It could be about streams or whatever else might attract people to the small State of Delaware. It could be about the headquarters, about the many corporations that are located there.

But what does Golder, the president of the Delaware Valley PAC say? This is from the article: "This PAC is a group of American Jewish people working for a strong American position on Israel * * * I don't know that it's necessary for outsiders to know who we are * * * it's a small group of Jewish fundraisers raising money from mostly Jewish contributors, and we can explain who we are to them."

□ 2000

The article, and I am no longer quoting Golder, but the article by Richard Curtis, continues that, "If 70 pro-Israel PAC's active in 1988 coordinated their giving," and to do that through AIPAC would be illegal, "coordinated their giving, internal AIPAC documents instructing employees to contact named PACs and tell them to give designated amounts to named candidates which have fallen in the hands of both the Washington Post and the TV show, Sixty Minutes."

Mr. Speaker, you may recall the show when Mike Wallace exposed AIPAC. They indicated that coordination involving at least 20 of the major pro-Israel PAC's took place in 1988 and that such coordination makes AIPAC and those PAC's into a single PAC, circumventing the law that limits donations to a single candidate.

Now let us, after I got through that, described a PAC to you and make you a bit more familiar with AIPAC; so now let me go back to where we started and relate it to my recent primary.

Here is a letter dated February 28, 1990, from a Robert H. Asher, 211 East Chicago Avenue, Chicago, IL. Now I am going to tell you, and I will identify for you, this Robert H. Asher later. Let me first read this letter that was mailed by Robert H. Asher.

Let me just tell you right now so I do not hold you in suspense. Robert H. Asher was the president of AIPAC. But let us read.

"GUS SAVAGE has one of the worst attendance records in Congress."

Well, now of course that is untrue. The records of how often one votes in Congress is a matter of public records in print, and though many of you may know that in newspapers and television for the past 8, 9 years, whenever—many times when they just mentioned my name they say, "GUS SAVAGE who has such a poor attendance record," and, if I say that is in print, then they can find out just what that record is, and they would discover that record was not poor except for the few months of bereavement when in 1981, I lost my wife of 34 years to a very excruciating ailment, that except for that, nowhere near poor. But yet he says this, and, as I said, I will explain later why it might be interesting to note that the press has been saying this for the past 8 or 9 years knowing that it was not true and knowing that you would have, perhaps, no interest enough to check to find out whether it was true or not and just accepted it.

And he says that, "Since he is consistently anti-Israel," GUS SAVAGE, "anti-Semitic, pro-PRO, pro-Farrakhan, his lack of attendance is probably a good thing."

That is a bit scandalous, but let us see what his purpose of disseminating such falsehoods is.

"If SAVAGE is not defeated this time, he'll be in Congress as long as he wants."

Well, I hope he was correct in that regard at least.

Then he concludes, "Please send your check payable to the Committee to Elect Mel Reynolds in the enclosed envelope. The primary is less than a month away. Sincerely, Robert H. Asher."

I wonder why he is so interested in AIPAC in influencing the outcome of a primary election in the Second District of Chicago? The main issue in the Second District in Chicago is not Israel. It is about jobs. These are unemployed steelworkers, unemployed automobile workers. Jobs. Working conditions. Wage rates. Federal assistance to avoid mortgage foreclosures as a consequence of unemployment resulting from the structural economic changes in our country. Not Israel. Why then would he be so concerned about the outcome of that election? Let us see just how concerned he actually is.

Now what I am going to do is where I really feel the point I wanted to reach that makes this all relevant. I have here a list of the executive board of AIPAC, an executive board of AIPAC and its national council and officers. That is how I know who Robert H. Asher is. What I intend to do here now is to take the Federal Election Commission report filed by my then opponent, Mel Reynolds, filed here, his signature, for January and February of this year, the only one, the latest one that is available.

Now I am making this statement because I want my colleagues to conclude or agree with me that we need to strengthen the Federal election laws. We need to enforce that which now exists against AIPAC, and we need to be concerned about an agency whose main concern is the interest of a foreign government, taking advantage of the rights and privileges of American citizenship to influence your Congress.

Now, Reynolds had to file this, as all candidates do, and, incidentally, let me say that when I go to point out to you how much money he raised, you will find during that period, though they say incumbency is protected by our capacity to raise so much money; in that period I only raised $15,000, but Reynolds raised $51,000, more than three times as much. Never held office before in his life. Did not live in the district until a couple of years ago.

What about all of this money? Well, I can tell you something about money. I was, during our break in January, taking a little time off. I play golf; at least I claim I do. Some of those who play with me deny that. But at least I try, and I enjoy it, find it relaxing.

So, there is a great golf course down in the Bahamas called Paradise Island. So, I went to Nassau to play golf. And, after you finish a round of golf, you go back to the hotel resort, as some of you have done, I hope, and you go outside because it is such a wonderful climate there, and there is an outside bar; a refreshment stand may be a better way of putting it. You go out, and you refresh yourself, and they have entertainment outdoors there by the bar, and in this instance there is calypso singing which is very common in this part of the world, and a fellow was singing a song, a calypso song. I had not heard it before, but I do remember the lyrics because it was so interesting, and they are applicable here.

As my colleagues know, calypso is like the blues to African Americans. It is their complaining about personal problems, and in this song that is what he was complaining about. According to the lyric of this song, this man was complaining about his woman, not uncharacteristic of calypso songs, nor of the blues. Apparently she had come home very late one night. In fact, she stayed out all night long, and, as they say, the sunshine had caught up with her. The song indicates that she came in, fell asleep, and the man was so concerned and distraught, a very poverty-stricken family, and he started checking to see was she all right. And he noticed her purse, which was usually bare, was just chock full of something, just bulging, a bulging purse, and he opened the purse, and money just fell out. All kinds of money, and that is what the song says, all kinds of money from all kinds of places.

Well, of course in a resort like Nassau people come from all over the world, and, as the song goes, he tried to awake her to ask her, "Where did you get all of this money?" That is the title of the song. And it goes, "Where did you get"—I cannot sing, unfortunately. Some people say I do not speak too well either, but let me just talk it.

□ 2010

It says, "Where did you get this money, American money, German money, Japanese money, Jewish money, where did you get all of this money?" That was the question I asked myself when I saw that my opponent had raised so much more money than did I. Where did he get it, all of that money?

Well, fortunately, the FEC report requires that anyone who gives you $200 or more, any individual, must be listed by name and address and any PAC, that is a political action committee that gives you money, must also be listed by name and address and the name of its treasurer shown.

All right. Now, I was a journalist before I was ever elected to office for some 20 years, an award-winning journalist, learned a lot about how to do research and, of course, it was not hard to research this, so I took this list. I looked at his individual contributors, and let me give you these figures. Just bear with me, if you please.

Now, of that amount that he had raised, $8,250 of it was itemized as individual contributors, meaning people who gave him $200 or more. Of that $8,250 let us see how much came from where. To do that I refer back to this list from AIPAC, now blown up, so you can see listed under executive committee and national council and officers. I wanted to see how many people who contributed this money, the large sums, also are on the executive committee of the national council or as an officer of AIPAC. It is called cross-checking, you know.

Let us just go down and see. First of all, the contributor is that same Robert Asher. Now, the most an individual can give to a candidate is $1,000. The most that a PAC can give to a candidate, however, is $5,000. Private corporations cannot give money. Unions cannot give money out of a union fund.

Now, let us just check it. Robert Asher, as I told you, is the President of AIPAC. His address is 5100 Oakmont Road, Highland Park, IL. That is not in the second district, not even in Chicago, but he is interested in the second district to the tune of $1,000.

Let me just read this list.

Mary Jane Asher, $1,000, Highland Park, IL.

Daniel Asher, $1,000, Highland Park, IL.

Howard David Sterling, Beverly Hills, CA, $250.

Louis A. Morgan, $500, Highland Park, IL.

Susan Asher, $1,000, Highland Park, IL, and on and on. I will not read it all to you; but I took these names, the Ashers, Robert Adler, $500.

Louis Morgan.

Irvin Wein, $500.

I took all those names and found that they were all on the Executive Committee of AIPAC, not living in Chicago, let alone in the Second Congressional District, but board members of AIPAC who were not supposed to try to finance campaigns, not legally. They do not have the legal authority.

When I added it all up, as you can, if you would like to check this, because everything I have mentioned is relative to you. AIPAC is listed in the FEC report of my opponent. All this is available to you.

Add it up. It shows the sum of $8,250 from individual contributors, itemized contributors, $6,750 was from these.

In other words, 82 percent. I am not saying that he got a few contributors who like AIPAC or love Israel to give him some money, nothing unusual at all about that, but not 82 percent of all of those contributions for people affiliated with AIPAC, one organization, not in the Second District, the primary purpose concerned about the interest of a foreign nation.

Now, from PAC's, political action committees, people organized to give money to campaigns, he received from those $20,500. So I wanted to check to see what PAC's. Well, you have again, all of this is easy if you know your research, and I hope you are following me so you can practice some of this yourself. It is surprising what you learn sometimes, just in a little time.

This is the almanac of Federal tax, published right here in Washington. This is a reference book. It lists all the PAC's and their officers; but more than that, it groups them by purpose. If you have a good labor record, such as I do, you would want naturally to solicit funds from the labor unions, so they list all the labor unions and you can go solicit your money.

It also groups them by whether they are pro-Israel or not in this almanac of Federal PAC's, 1990.

Let us see. It says, "The emergence of a network of pro-Israel PAC's as an important source of campaign funds for Federal candidates has become an issue of intense controversy even among American Jews who want to promote Israel's security, but don't want to be perceived as being driven by a single issue."

I did not say that. That is what the book says.

It goes on, "There is little doubt that contribution decisions are centralized either through a formal or informal arrangement," and then it proceeds to list these pro-Israel PAC's.

It says, "It is well-documented that many of the pro-Israel PAC's were created with AIPAC's encouragement."

AIPAC, despite its name, is not a PAC, but a lobbying organization. Under Federal election law, PAC's are deemed to be affiliated if they are established, directed, or controlled by a common organization or if they have the same officers, vendors, or contributors. Then it lists these pro-Israel PAC's affiliated with AIPAC.

So I took this list, you see, and compared it to his list of PAC contributors. The total he received was $20,500. Let us see how much of that $20,500 came from these pro-Israel PAC's affiliated with AIPAC, AIPAC of which most of you have never heard, but which influences who represents you in this august body.

Now, let us go and take a look.

PAC's, $5,000 to candidate for Congress from the Joint Action Committee PAC. The Joint Action Committee PAC, listed right here. Let me get the list here. Listed right here. Joint Action Committee PAC, Highland Park, IL, affiliated with AIPAC, a pro-Israel PAC, according to this almanac, this reference work, rather, that I did not write.

Washington PAC, $1,000 to Reynolds for Congress, Morris Amitay, treasurer, Washington, DC, in this list.

Multi-issue PAC, $1,000 Highland Park, IL, in this list.

Citizens Organization PAC, $5,000, Los Angeles, CA, in this list, I haven't got to the Second District yet, you notice.

Look at these names. Nothing says anything about pro-Israel in these names, obscure names. Why?

Citizens Organization PAC, Los Angeles, CA, $5,000.

Hudson Valley PAC, Spring Valley, NY, not in the Second District of Illinois, Spring Valley, NY, no steelmills up there, $1,500 Reynolds for Congress.

Americans for Good Government, $1,000, Jasper, AL, in this list.

East Midwood PAC, $250; Garden State PAC, Union, NJ, $1,000, in this list; Desert Caucus PAC, Tucson, AZ, $1,500, in this list; Heartland PAC, Cleveland, OH, $2,500, in this list.

☐ 2020

What does it all mean? It means of the $20,500 that he received from PAC's, $19,750 came from PAC's with obscure names, affiliated with AIPAC, an organization whose main concern is the interests of Israel, not America, be that interest good or bad, right or wrong, but a foreign government. That amounts to 96 percent of all his receipts from PAC's. That means practically all of that money in that purse or his purse, practically all came indirectly from AIPAC, more than $9 of every $10 of the money for one to challenge me in the Second District of Illinois, where Israel's interests are far from being primary.

Now, let me say something about my position regarding Israel that may explain the concern, but certainly does not justify a body with no legal right to do so whose primary concern is a foreign nation rather than the interests of America, trying to determine the outcome of an American election for Congress. That, my friends, Mr. and Mrs. America, is dangerous, indeed.

Israel receives almost one-third of all the United States' foreign assistance, $3 billion in the foreign assist-

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ance bill, and usually $400 million or $500 million more tacked on here and there, roughly $3.5 billion a year. That is not the Government's money. That is your money, your tax dollars.

We do not have enough money to maintain full funding for student grants and student loans for those in need to attend the colleges of their choice, for which they are qualified, not enough money to create jobs programs for those pockets of poverty in our Nation, not enough funds for long-term Medicare for our senior citizens in need, but $3½ billion of your tax dollars to one little nation, Israel, a nation with only about 3½ million citizens. That means then that you are giving $1,000 a year to every man, woman, and child citizen of Israel. Think about that.

Since I am particularly concerned about the welfare of the Third World, since it is the poorest part of our Earth, one on which we are dependent and benefit greatly, this Nation; we benefit greatly from the natural resources of the 45 sub-Saharan African nations. Now, while Israel only has 3½ million citizens roughly, there are some 350 million citizens in the 45 sub-Saharan African nations.

How much do we give them out of our foreign aid? A $550 million only, which comes to, compared to the $1,000 per Israeli, $1.57. Our resources are there, but our money goes to Israel. It seems to me we should drop some of the pollen where we get the honey. Even bees know that.

My position is that that is upside down. We should give the larger amount to the larger group of people who are in greater need and from whom we benefit the most materially in Africa, give the $3.5 billion to Africa, and let the $550 million go to Israel, but more than that, $1.8 billion of that $3.5 billion is for war, military aid. Well, my God, military aid? To Israel? A nation that holds in prison presently some 9,000 Palestinians unfairly, unjustly, many without charges? Military aid to a nation that in the past 3 years has killed unarmed, defenseless 650 men, women, and children of Palestine?

Why not better take that military aid and take it over to Zambia in Africa, give it to the African National Congress so they can be sufficiently armed to chase off the face of the Earth the last remaining vestige of fascism, the apartheid regime of South Africa? That is my position.

Someone said, "Well, Gus, you receive money from PAC's, almost always labor PAC's, but PAC's, organized labor unions. The checks often come out of Washington, DC. That is not the Second District. Why is that not the same?"

It is not the same because American trade unions do not represent the interests of a foreign power. They represent the interests of American workers. That is an American interest. Some 40,000 citizens of the Second District of Illinois are members of trade unions, because I said that that is an industrial district, and PAC contributions, while maybe from Washington, come on the recommendation and request of their local affiliate, the United Automobile Workers. The United Automobile Workers give you a contribution from here, but it is because of the recommendation from its region 4 back in my district. So it has a right to be involved, and its interests are not un-American. It is not putting the interests of another nation above its own. No comparison, indeed.

If I may, before concluding, point out this connection between this interest, this insidious interest, and the mass media in this country. You may think you know something about mass media, because you are exposed to it so in television, but really it is, in many ways, as obscure and mysterious as AIPAC.

Ask yourself who owns CBS. Who is the president of ABC? Who are the board members of NBC? Where does Tom Brokaw live?

You know where I live. You know what is my salary. You know my marital stautus. You know where I went to school. You know my views. You know my children's names.

You know Tom Brokaw far better than you know GUS SAVAGE, or you think you do. Is he married? What is his salary? What are his views? For all you know, he may be one of those running around with a hood burning crosses, because you do not know. Powerful man. Controls your airwaves, determines whether GUS SAVAGE can go on the air or not, determines what is said about GUS SAVAGE, good or bad, right or wrong, true or false, unaccountable to you.

□ 2030

You cannot fire him, you cannot unelect him. You did not pick him.

I want to say something about the campaign coverage, because it was rather strange. It may not be correlated by AIPAC, but the apparent influence of a network of reporters across this country and the major daily newspapers and the television stations operating in the same way, telling the same lies simultaneously, makes one wonder.

My campaign, the Chicago Tribune, that is the major daily newspaper, largest circulation in Chicago, has a Pulitzer Prize columnist named Mike Royko, who wrote a column during this campaign strongly condemning me, and falsely so.

He said in the column that I had phoned him and told him that what appears to be my concerns are really false. I am not really concerned about civil rights, racism, and so forth in America. I just use that to help stir people up.

He said when I told him that on the phone that he felt this, and then he told me what he said to me and what I said back and what he said, and so on. But the problem is, I never talked to Mike Royko in my life, by phone or otherwise. In other words, he made up the column.

When I protested to the editor of the Chicago Tribune and said, "Look, I never talked to this guy in my life. How could he write this falsehood? Would you ask him to retract it or explain it or prove it?"

Never, never, never a reply. Unaccountable.

The political editor of the Chicago Sun Times, same thing. Steve Neal. Same thing. Called me all kinds of names. I have never met him, never talked with him.

When you have, and I do not want to say that the people who may be part of such a network would be these columnists. Generally the white press would have at least one apparent African-American columnist to jump on an African-American too in case the African-American hollers too loud and says, "well, these columnists jumping on me are white." So you have got a page in the Chicago Tribune, a Raspberry in the Washington Post, and all, and that is typical. It is the same kind of columns.

I was on "Cross Fire" on CNN. Some of you may have seen it. And you saw what a time Robert Novak gave me. I am sure if you saw it you could see it was not fair. How much does he earn? Where is he married? Does he not attend church? Has he ever been a member of the Ku Klux Klan? I am not saying that he is. I am not saying that he is married. What are his sexual preferences? I know none of that.

All I am saying is we do not know anything about these powerful bosses or spokesmen or talking heads on television and columnist in the most powerful newspaper of our land. And democracy depends upon a free and fair press.

I held a hearing to try to save the Economic Development Administration that the President has asked to be eliminated. I held a hearing in Pennsylvania, the coal mining area, where because anthracite coal has such high sulfur content people have unemployment, are suffering unemployment in double digits. I held it in Chicago, because there the African-American community suffers unemployment in double digits and have not enjoyed the prosperity that other parts of the country has, that the country in general has enjoyed in the past 8 or 9 years. We need economic development projects in such areas.

I went into Chicago to hold one such hearing, trying to stir up interest in saving EDA, and the press would not even cover it. Not in Chicago.

I will tell you, I have been treated better by the press in Johannesburg, South Africa, than in Chicago, IL.

I sponsored the biggest set-aside in the history of this country, an amendment to the 1986 Defense Authorization Act, that could mean some $8 billion a year to disadvantaged minority-owned businesses. I am very proud of that. It is the largest set-aside of all the others combined.

During this campaign channel 2 in Chicago, the CBS affiliate, a reporter named Mike Flannery insisted right there on television that Gus Savage did not sponsor that legislation.

I said, "Well, wait a minute. Wait a minute. I will give you a Congressional Record. I will get it to you tomorrow. If you are wrong, would you go on your news show tomorrow and admit that you are wrong? And, of course, if I am wrong, go on there and point that out too."

I sent him the Congressional Record showing, of course, that he was wrong. He never used it. Never another word. Unaccountable. Nothing I can do.

I am the sponsor of legislation for a third Federal building in Chicago, a project costing $153 million and employing some 50,000 people in the construction trades and the spinoff jobs that will result from that—$45 million of that amount in subcontract to small disadvantaged businesses.

On that same television interview show he insisted that I did not do that either. It is easy to ascertain whether I did or not. You have got a Congressional Record. Reporters are certainly familiar with it. Admit that that was a deliberate deceit.

Well, that kind of effort to disinform the electorate is also a danger to our democracy, and to the extent that it relates to activities such as the ones I have described from AIPAC, it makes you wonder are these connected up? In which case the danger would be enhanced.

Look at the strange attacks across this land on African-American leaders. You say, "Oh, well, that one was found guilty, and that one was found guilty."

I do not mean whether they were guilty or innocent, but the intensity and the frequency with which they are pursued.

Finally, let me say that I hope I have given you enough information already to cause you some concern. We operate in an atmosphere today that is not favorable to civil rights and racial equality. You might call it high-technology racism, the kind of racism that would cause a movie like "Driving Miss Daisy" to be named the best movie of the year. "Driving Miss Daisy." Because maybe there are those in America who would like to turn back race relations to the old days where blacks did do the driving and Miss Daisy rode in the back.

But those days, my friends, are gone forever. Some of us may have to drive Miss Daisy, but we do not love it. And it does not make a very good movie, for it is insulting to too large a segment of the American population at a time of high-technology racism—"Driving Miss Daisy."

I wonder how my American Jewish friends would feel if there was a movie about during the Holocaust where some Jewish man who was compelled because of imprisonment or whatever the reasons under the Holocaust to be a chamber maid for some Nazi general, and the movie was about how much he enjoyed that, which of course would not have been true, any more than "Driving Miss Daisy," how much he enjoyed that, and that movie received an Academy Award. I wonder how they would feel.

That is just how African-Americans in the main also feel. We are losing an understanding of each other, when we need to understand each other more than ever. Because America is losing its competitiveness in world trade. It has become a debtor rather than a creditor nation. And part of the reason is worsening race relations, where the number of male blacks in college is falling down. The number in prison is going up. Unemployment has remained at double digits for the past 10 years. More than 50 percent of black children live in single parent families. The black family is being destroyed to the disadvantage not just of blacks, but of all America.

□ 2040

When we have a nation that operates in such a way as this high-technology racism that when a black becomes Miss America that the first thing that black feels it is necessary to say is that, "Being black is the least that I am;" if you were Irish, Swedish, Jewish and you happened to win Miss America, how would you feel if the Irish victor got up and said the least thing I am is Irish or Jewish, or the victor said the least thing I am is Swedish? Why does she feel such compulsion? It is because she is trying to survive in this high-technology racist society.

So they create an image of me, a myth, that is no more accurate, no more real than Heathcliff Huxtable.

In the South I understand after World War II—and I will tell you this little bit and I will be through—in the South after World War II they said that a black veteran, and back then in the South often lynch mobs would come after blacks, you see, and a lynch mob came after this black veteran. He still has his M-1, and he was a sharpshooter, shot down 17 of the mob before they got him. And guess what? You would think they would have taken him out and lynched him twice, but no they did not, they did not even arrest him. They did not even put him in jail. Instead they put him in the insane asylum because they wanted it to appear that he was crazy. And that is what they tried to do to many outspoken blacks who said what I have said today, they say he is just crazy, in order to keep you away from him, and try to smear you, but I tell you to check the facts and you will agree with me.

I hope the following column by Vernon Jarrett, from the Chicago Sun-Times, and a letter to the editor, of the Chicago Tribune, will help you understand my renomination in the recent, controversial primary election:

[From the Chicago Sun-Times, Mar. 29, 1990]

Why Gus Savage Keeps Winning

(By Vernon Jarrett)

What makes a man like Gus Savage keep running . . . and winning?

"Why would you [black] people want to keep a troublemaker like Gus in office, when you can elect a highly educated young man, a *healer* like Mel Reynolds?"

"How can you [meaning this columnist] tolerate that man's ranting and raving about racism when there are more *moderate* voices in your community?"

The above represents a summary of the questions from whites directed to me ever since Rep. Gus Savage was elected to Congress from the 2nd Congressional District.

Savage keeps winning because he has two ingredients that many black voters miss in most of Chicago's "moderate" black leaders.

I speak from the experience of having participated in two campaigns to unseat Savage, who is in his fifth term.

Here's what I've learned from direct contact with black voters:

Savage's orations don't turn on that many people. They're with him because he "always has had the guts to speak out," to express *our outrage* against common injustices—while moderate blacks, as defined by whites, remain silent.

Gus may be strident, but he's not for sale. Even though black "moderates" also win elections, their silence and cooperation with known enemies of black political empowerment has been sickening.

Example: In 1955, when a Mississippi mob lynched a teenage Chicagoan named Emmet Till, blacks throughout the nation demanded federal action. Yet Chicago's lone black congressman, William L. "The Man" Dawson, refused to utter one strong word of protest. Dawson, a "moderate," was the late Mayor Richard J. Daley's black lieutenant.

It was a little band of standup crusaders, including Gus Savage and the late union leader Willoughby Abner of the NAACP, who picketed Dawson, the Congress and the White House and later met with Vice President Richard Nixon.

Dawson and Daley attempted to maintain silence by ordering hundreds of black precinct captains to take membership in the NAACP and control future NAACP elections. For years, all prospective candidates for the presidency of the local NAACP had to vow not to criticize the Machine.

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Years later, the Chicago Defender could describe black members of the City Council as "the Silent Six." And shortly before the election of Mayor Harold Washington, it was not uncommon to see black aldermen not only remain silent, but also vote against black interests. On Nov. 30, 1980, it was pathetic watching nine blacks vote for a racist ward map concocted by Mayor Jane Byrne and Ald. Edward Vrdolyak (10th). The actual motion to accept that map was made by a "moderate" black alderman and committeeman named Wilson Frost (34th), who was a Machine sponsor of Mel Reynolds.

At the same time, blacks are continuously presented Democratic Party slates of candidates who are out to curtail black political empowerment.

"If we are asked to ignore all the faults of our enemies and phony friends, why can't we do the same for an old friend that we *know* we can trust?" a Savage supporter asked me.

MORE AT STAKE

CHICAGO.—As one of a handful of whites who supported the re-election of U.S. Rep. Gus Savage, I want to respond to the Tribune's unwarranted attacks on him.

There was much more at stake in this election than a simple race between Gus Savage and Mel Reynolds. The central question was one of self-determination of the mostly black voters in the district and whether they were going to be allowed to choose their own representation or return to the era of plantation politics.

As for your newspaper finding Mel Reynolds so attractive because he was a Rhodes scholar, note that Gus Savage attended law school.

Savage has fought racism all his life. He earned his way into Congress. His opponent has never been active in the black community or held any office. I had never heard of him until he ran for Congress two years ago.

The black community didn't start racial politics, and it is not up to the black community to end racial politics.—KEVIN KITCHEN.

ATTEMPED TAKEOVER OF LOCKHEED

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DARDEN. Madam Speaker, a minority stockholder is currently attempting to seize control of the Lockheed Corp., America's sixth largest defense contractor. Over the past several months, I have used this forum to express my concerns about the negative effects of hostile corporate takeovers, whether through a proxy fight or an outright buyout. Once again, we are confronted with such an attempt.

The defense industry is somewhat unique because of the necessity to make considerable investments in the future. To meet the demands for future requirements, defense contractors must invest a great deal of their own funds in research and development programs. This is not conductive to making money in the short term. I believe this particular effort to gain control of Lockheed is not based on long-range strategic policy, but is an attempt to recover prior losses by either raiding the employees' pension fund, selling off various subsidiaries of the corporations, or bringing in foreign investors.

Fifty percent of Lockheed stock is currently controlled by investment houses. These investment house holdings are crucial in this proxy fight. I urge the investment houses to not concentrate only on the quick money they can make by the sale of the company's assets, or raiding the pension funds of the hardworking individuals of Lockheed, but to keep the national security need and the long-term goals of our Nation in mind when voting.

[From the Los Angeles Times, Mar. 27, 1990]

IT'S BAD FOR LOCKHEED—AND AMERICA

(By Frank J. Goffrey, Jr.)

In the newly released film "Pretty Woman," a beautiful prostitute is rescued Pygmalion-style by an unscrupulous corporate raider who, in turn, forswears the lucrative practice of acquiring companies simply for the purpose of selling off their assets. For the wheeler-dealer, the turning point comes when he declines to cannibalize the holdings of a defense contractor, instead joining forces with the firm's existing management to produce needed material for the U.S. armed forces.

We should all hope that life imitates art with a similar transformation in Texas billionaire Harold C. Simmons. Simmons is a real-life corporate raider with serious designs on a real-life defense contractor, Lockheed Corp. He hopes soon to control the board of directors as the result of a bitter proxy fight.

Should Simmons succeed, he will, if past practice is any guide, shortly dismember the corporation, stripping so-called surplus funds from its pension plan, selling off its less-profitable parts and diverting cash from expensive activities like research and development.

Unfortunately, Lockheed is an inviting target for such a raid. It is said to have a $1-billion net surplus in its pension plan. The company has valuable real-estate holdings in California and subsidiaries that theoretically could be sold off to produce an immediate infusion of cash.

In addition, a great deal of Lockheed's capital gets plowed back into relatively unprofitable research and development. For example, more than $100 million off bottom-line profits last year was invested in long-term and often highly classified R&D for U.S. government agencies performed by Lockheed organizations like the famous "Skunk Works," which produced the U-2 and SR-71 spy planes and the F-117 "stealth" fighter.

When Lockheed's management last year wrote off about $500 million against some of its fixed-price military programs, it barely broke even for the year. That angered institutional investors, who hold more than 50% of its stock. The Simmons bid holds out the promise of improved returns on investment in the short term.

But the national interest will almost certainly by very badly served by a takeover of Lockheed by Simmons. Should he proceed to raid the pension fund, divest the company of unprofitable subsidiaries and otherwise reduce the corporate investment in long-term research and development, the consequences are predictable:

Corporate raids on "over-funded" pension plans typically result in the liquidation of assets held by such plans and their partial replacement with annuities or other instruments worth far less. In this manner, Simmons in the 1980s stripped more than $200 million from the pension funds of three companies he acquired (NL Industries, Baroid and Amalgamated Sugar).

On paper, the sum of Lockheed's component parts would seem to be worth more than the whole. The breakup values of its assets are almost certainly overstated. In the present climate, the defense sector seems certain to contract a number of companies or subsidiaries are already on the block and demand is sluggish.

More important from the national perspective, experience has shown that frequently subsidiaries of defense contractors cannot survive, or perform as needed, if severed from the parent company. The synergy between corporate divisions, the transferability of intellectual and capital resources and the possibility that less profitable entities can be "carried" by more profitable ones naturally disappear when such enterprises are obliged to stand alone.

Finally, Simmons' corporate assault on Lockheed is likely to exacerbate a trend all too common in American business; the sacrifice of basic research and development so vital to long-term U.S. competitiveness. The National Science Foundation recently determined that corporate investment in such R&D has slipped below the level of inflation for the first time in 14 years. In part prompted by the threat of corporate takeovers, companies have instead been trying to demonstrate short-term profitability by diverting resources to applied or product-specific research and development—areas far less likely to produce fundamental technical breakthroughs, which determine national standing in terms of state of the art.

Nowhere is this trend likely to have more catastrophic results than in the area where America's qualitative superiority has traditionally mattered most—its military capabilities. Were Lockheed's demonstrated, prodigious capacity for innovation to be sacrificed to a corporate raider's insatiable appetite for quick cash, it would be hard to overstate the lasting and adverse impact on the national security.

In short, a great deal is riding on the proxy fight for control of Lockheed's board of directors. If it is too much to hope that Harold Simmons might follow Hollywood's script and simply lose his ambition to acquire—and probably destroy—Lockheed, it is imperative that the company's stockholders appreciate the damage his control would inflict on both their investment and the country's larger interests.

CONFERENCE REPORT ON S. 1096, PROVIDING FOR USE AND DISTRIBUTION OF SEMINOLE INDIAN AWARD

Mr. RAHALL submitted the following conference report and statement on the Senate bill (S. 1096) to provide for the use and distribution of funds awarded the Seminole Indian in dockets 73, 151, and 73-A of the Indian Claims Commission:

CONFERENCE REPORT (H. REPT. 101-39)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1096) to provide for the use and distribution of funds awarded the Seminole Indian in dockets 73, 151, and 73-A of the Indian Claims Commission, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 2.

MORRIS K. UDALL,
GEORGE MILLER,
GEORGE (BUDDY) DARDEN,
MEL LEVINE,
ENI F.H. FALEOMAVAEGA,
DON YOUNG,
ROBERT J. LAGOMARSINO,
JOHN J. RHODES,
Managers on the Part of the House.

D.K. INOUYE,
DENNIS DECONCINI,
TOM DASCHLE,
KENT CONRAD,
HARRY M. REID,
JOHN MCCAIN,
FRANK H. MURKOWSKI,
THAD COCHRAN,
SLADE GORTON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1096) to provide for the use and distribution of funds awarded to the Seminole Indians in dockets 73, 151, and 73-A of the Indian Claims Commission submit the following joint statement of the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Committee of Conference recommends that the House recede from its amendments and agree to the Senate language.

S. 1096 provides for the use and distribution of certain funds appropriated in satisfaction of an award to the Seminole Indians against the United States by the Indian Claims Commission. The award in docket 73-A is a small sum and is solely for the Seminole Indians of Florida. That sum is not involved in the matter in conference.

The funds awarded in consolidated dockets 73 and 151 were for additional compensation to the Seminole Indians for lands ceded to the United States by treaties of 1823 and 1832. Funds in satisfaction of the award were appropriated in 1976 in the amount of $16,000,000. After the payment of attorney fees and litigation expenses and with the addition of accrued earned income, the fund now totals approximately $47,172,000 and is being held in trust for the Seminole Indians pending authorization for distribution.

The long delay in distributing these funds to the Seminole Indians has been occasioned by the complete inability of the Seminole Nation of Oklahoma, on the one side, and the three Seminole Indian tribes of Florida to agree upon a formula for division of the funds.

S. 1096, as passed by the Senate, provided that 75.404 percent would be apportioned to the Oklahoma tribe and the remainder, 24.596, would be divided among the three Florida entities. The only matter in disagreement is the change of the formula for division approved by the House which provided 73 percent for the Oklahoma tribe and 27 percent for the Florida tribes.

As a general rule, when it becomes necessary to divide Indian judgment funds between or among present-day successor tribes to a historical tribe, the funds are divided on the basis of the relative populations of the contending tribes, based upon the most accurate census or membership roll records of the tribes nearest to the time when the injury or damages were incurred. This method has been accepted in the past by both the Congress and the Administration. Variance from this method would be the exception.

The Seminole Indians were aboriginally located in what is now the State of Florida. The land cession treaty of 1832 provided that the Seminole would cede all of their remaining lands in the State of Florida and remove to Indian Territory in what is now the State of Oklahoma. After strong initial resistance to such removal, including the waging of the second Seminole War under the leadership of Osceola, most of the Seminole did move or were moved to Oklahoma. Their descendants now constitute the Seminole Nation of Oklahoma.

A small number of Seminole refused to relocate and fled to the Everglades to escape efforts to forcibly relocate them. Their descendants now constitute the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida, and the independent Seminole Indians of Florida.

The percentage split in S. 1096 as passed by the Senate, 75.404%-24.596%, was proposed by the Secretary of the Interior in 1976 and is based upon respective census or population counts of the Seminole Indians in Oklahoma and Florida during the period 1906 to 1914. In 1906, the Bureau of Indian Affairs, pursuant to statute, developed a roll of the Oklahoma Seminole which numbered 2,146. The Florida Seminole count was developed by the BIA following the Indian Claims Commission award and is based upon the Bureau's "reconstruction" of the Florida census of 1914. The total number of Florida Seminole was placed at 700.

The Secretary determined that a division of funds based on relevant populations from 1906-1914 was the most equitable because: (1) at that time, most Oklahoma Seminole were of one-half blood quantum or more of Seminole ancestry; (2) the first formal census of Florida Seminole was taken in 1913-1914 and this census was reconstructed and supplemented by the Florida Seminole Tribe in 1977; and (3) to use either nineteenth century population data, which is sketchy at best, or contemporary populations would substantially diminish the Florida Seminole share.

Both the House and the Senate, in their Committee reports, found no reason to challenge the validity of the Secretary's findings. The formula for division proposed by the Secretary and included in the Senate-passed bill fell within the general rule. If a variance was to be accepted, the burden of supporting the exception fell upon the Florida Seminole. Documentation and testimony presented on their behalf did not meet that burden.

The House Committee report on S. 1096, in explaining the adoption of the Committee amendments, noted that there was a reluctance to make an exception to the general rule in this case as, from a substantive viewpoint, there was no justification for such an exception. However, to bring to an end the protracted dispute and to advance the bill in the legislative process, the House amendments were adopted as a compromise.

Upon consideration of the issue, both the House and Senate managers in conference agreed that these compromise amendments were not appropriate. The funds in question are not public funds nor appropriated Federal funds where such a compromise might be appropriate. The funds involved are private funds, the property of the Seminole Indians awarded for inadequate compensation for the taking of their lands. While Congress, in the exercise of its constitutional plenary power over Indian affairs, has some leeway in dealing with the property of Indian tribes, it nevertheless should adhere to standards of basic fairness and equity. The general rule adopted for the division of judgments was intended to permit Congress and the Executive branch to achieve those standards. In this case, there was simply not enough contrary evidence to support a variance in the rule.

MORRIS K. UDALL,
GEORGE MILLER,
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FRANK H. MURKOWSKI,
THAD COCHRAN,
SLADE GORTON,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RINALDO (at the request of Mr. MICHEL), until 2:30 p.m. today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. MCEWEN, for 5 minutes, today.

Mr. MCCANDLESS, for 5 minutes, on April 3.

Mr. RIDGE, for 30 minutes, on April 3, 4, and 5.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. LEHMAN of Florida, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. ROYBAL, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. Gonzalez, for 60 minutes each day, on April 2 and 5.

Mr. Traficant, for 60 minutes, on April 3.

Mr. Brown of California, for 30 minutes, on April 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Skaggs, prior to the vote on Edwards of California amendment to H.R. 3 in the Committee of the Whole today.

Mr. Coleman of Texas, immediately prior to the vote on the Edwards of California amendment to H.R. 3 today.

(The following Members (at the request of Mrs. Bentley) and to include extraneous material:)

Mrs. Roukema in two instances.
Mr. Broomfield in two instances.
Mr. Hyde.
Mr. Douglas.
Mr. Schuette in three instances.
Ms. Ros-Lehtinen.
Mr. Cox.
Mr. Bunning.
Mr. Coble.
Mr. Denny Smith.
Mr. Solomon.
Mr. McCandless in two instances.
Mr. Ireland.
Mr. Emerson.
Mr. Gallegly.
Mr. Livingston.
Mr. Green.
Mr. Ridge.
Mr. Coughlin.
Mr. Wolf.
Mr. Gekas.
Mr. Sundquist.
Mr. Horton.
Mr. Miller of Washington.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Williams.
Mr. Jacobs.
Mr. Traficant.
Mr. Guarini.
Mr. Penny.
Mr. Bonior.
Mr. Bryant.
Mr. Dingell in two instances.
Mr. Dyson.
Mr. Levine of California.
Mr. Kostmayer.
Mr. Engel.
Mr. Mazzoli.
Mr. Miller of California.
Mr. Stokes.
Mr. Vento.
Mr. Traxler.
Mr. Matsui.
Mr. Schroeder.
Mr. de Lugo.
Mr. Traxler in two instances.
Mr. Moody.
Mr. Durbin.
Mr. Visclosky.
Mr. Hochbrueckner.
Mr. Synar.
Mr. Studds.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4090. An act to suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 2151. An act to permit the transfer of the obsolete submarine U.S.S. *Requin* to the Carnegie Institute in Pittsburgh, Pennsylvania, before the expiration of the 60-day waiting period that would otherwise be applicable to the transfer;

S.J. Res. Joint resolution designating April 1990 as "National Recycling Month"; and

S.J. Res. 266. Joint resolution designating March 1990, as "United States Naval Reserve Month.".

ADJOURNMENT

Mr. DARDEN. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.) under its previous order, the House adjourned until Monday, April 2, 1990, at 12 noon.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONERS, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose or evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 101st Congress, pursuant to the provisions of 2 U.S.C. 25:

Hon. Susan Molinari, 14th District of New York.

Hon. José E. Serrano, 18th District of New York.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2865. A communication from the President of the United States, transmitting amendments to the fiscal year 1991 request for appropriations for the Department of State, Department of the Treasury, Department of Veterans Affairs, General Services Administration with advance appropriations for fiscal years 1992 and 1993, America the Beautiful Initiative, and the legislative branch, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-166); to the Committee on Appropriations and ordered to be printed.

2866. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report in rescissions and deferrals of budget authority as of March 1, 1990, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 101-167); to the Committee on Appropriations and ordered to be printed.

2867. A letter from the Secretary of Health and Human Services, transmitting the annual report, fiscal year 1988, describing the activities and accomplishments of programs for persons with developmental disabilities pursuant to 42 U.S.C. 6006(c); to the Committee on Energy and Commerce.

2868. A letter from the Acting Director, Defense Security System, transmitting an addendum to the listing of all outstanding letters of offer to sell any major defense equipment for $1 million or more; an addendum to the listing of all letters of offer that were accepted as of December 31, 1989, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

2869. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the 18th 90-day report on the progress of the investigation into the death of Enrique Camarena, the investigations of the disappearance of United States citizens in the State of Jalisco, Mexico, and the general safety of United States tourists in Mexico, pursuant to Public Law 99-93, section 134(c) (99 Stat. 421); to the Committee on Foreign Affairs.

2870. A letter from the General Counsel, Federal Mediation and Conciliation Service, transmitting the annual report of the agency's activities under the Freedom of Information Act, calendar year 1989, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

2871. A letter from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting notification that the agency has elected not to establish an Office of Inspector General; has employed the services of an independent firm to ensure that audits are conducted; to the Committee on Government Operations.

2872. A letter from the Attorney General, Department of Justice, transmitting a report of the Department's determination not to defend the constitutionality of that portion of section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101-73, 103 Stat. 183, that designated then-Chairman of the Federal Home Loan Bank Board, M. Danny

Wall, to be Director of the Office of Thrift Supervision, pursuant to Public Law 96-132, section 21(a)(2) (93 Stat. 1050); to the Committee on the Judiciary.

2873. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, section 5004(a)(3)(A), United States Code, to raise the Department of Veterans Affairs' minor construction cost limitation from $2 million to $3 million and for other purposes; to the Committee on Veterans' Affairs.

2874. A letter from the Comptroller General of the United States, transmitting the third and final annual report which describes the initial efforts to implement and enforce the employer sanctions provisions of the Immigration Reform and Control Act, pursuant to 8 U.S.C. 1324a; jointly, to the Committees on the Judiciary and Education and Labor.

2875. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend two sections in part I of subtitle E of title V of the Omnibus Trade and Competitiveness Act of 1988 regarding establishment of a National Trade Data Bank to give the Secretary of Commerce greater flexibility in assessing user fees to defray the cost of disseminating data and in developing an index of indicators for measurement of service sector activity; jointly, to the Committees on Banking, Finance and Urban Affairs; Foreign Affairs; Energy and Commerce; and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 2015. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; with amendments (Rept. 101-388, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2571. A bill to provide for the designation of certain national wildlife refuge lands as wilderness in the State of Arizona; with an amendment (Rept. 101-435 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. H.R. 1236. A bill to establish evidentiary standards for Federal civil antitrust claims based on resale price fixing (Rept. 101-438). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee of conference. Conference report on S. 1096 (Rept. 101-439). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DINGELL (for himself, Mr. Lent, Mr. Markey, and Mr. Rinaldo):

H.R. 4415. A bill to amend the Communications Act of 1934 to protect and promote carriage on cable television of distinctive noncommercial, educational television services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GONZALEZ (for himself, Mr. Wylie, Mr. Fauntroy, and Mr. Leach of Iowa):

H.R. 4416. A bill to provide for further participation by the United States in the International Development Association; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ACKERMAN (for himself, Mrs. Bentley, Mrs. Boxer, Mr. Brennan, Mr. Bustamante, Mr. Campbell of Colorado, Mr. Cardin, Mrs. Collins, Mr. Costello, Mr. de la Garza, Mr. Fauntroy, Mr. Frost, Mr. Gilman, Mr. Horton, Mr. Hyde, Mr. Jacobs, Mr. Jontz, Mr. Lancaster, Mr. Lantos, Mr. Manton, Mrs. Morella, Mr. Mrazek, Mr. Neal of Massachusetts, Mr. Quillen, Mr. Smith of Florida, Mr. Torres, and Mr. Wheat):

H.R. 4417. A bill to amend section 411f of title 37, United States Code, to authorize the provision of round-trip travel and transportation allowances for parents of a deceased member of a uniformed service to enable the parents to attend the burial ceremonies of the member; to the Committee on Armed Services.

By Mr. APPLEGATE (for himself, Mr. McEwen, Mr. Montgomery, and Mr. Stump):

H.R. 4418. A bill to amend title 38, United States Code, to revise the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to make certain improvements in veterans' compensation and pension programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BRENNAN (for himself, Mr. Atkins, Mr. Borski, Mr. Boucher, Mr. Dellums, Mr. Flake, Mr. James, Mr. Mineta, and Mr. Wheat):

H.R. 4419. A bill to authorize appropriations for the Congregate Housing Services Program for fiscal year 1991; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WILLIAMS (for himself, Mr. Ackerman, Mr. AuCoin, Mr. Berman, Mr. Bonior, Mrs. Boxer, Mr. Clay, Mrs. Collins, Mr. Condit, Mr. Crockett, Mr. DeFazio, Mr. Evans, Mr. Fauntroy, Mr. Frank, Mr. Fuster, Mr. Hayes of Illinois, Mr. James, Ms. Kaptur, Mr. Kleczka, Mr. Levine of California, Mr. Levin of Michigan, Mr. Miller of California, Mr. Morrison of Connecticut, Mr. Owens of New York, Ms. Pelosi, Mr. Perkins, Mr. Poshard, Mr. Rahall, Mr. Rangel, Mr. Savage, Mr. Scheuer, Mrs. Schroeder, Mr. Stokes, Mr. Studds, Mr. Torres, Mr. Traficant, Mrs. Unsoeld, Mr. Weiss, and Mr. Wyden):

H.R. 4420. A bill to prevent the sterilization of employees as a condition of employment by employers involved in or affecting interstate commerce; to the Committee on Education and Labor.

By Mr. BRYANT:

H.R. 4421. A bill to amend the Immigration and Nationality Act to extend the requirement for an annual GAO report on the impact of employer sanctions and to authorize a public information regarding antidiscrimination protections; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. CHANDLER (for himself and Mr. Swift):

H.R. 4422. A bill to amend title II of the Social Security Act to provide for an exemption from the 2-year waiting period for divorced spouse's benefits following the divorce in cases of prior receipt of spouse's benefits; to the Committee on Ways and Means.

By Mr. de LUGO (for himself, Mr. Lagomarsino, Mr. Miller of California, Mr. Fuster, Mr. Blaz, and Mr. Faleomavaega):

H.R. 4423. A bill to enhance the survivability and recovery of the insular areas from severe storms; jointly to the Committees on Interior and Insular Affairs, Public Works and Transportation, Education and Labor, Energy and Commerce, and Agriculture.

By Mr. EMERSON (for himself, Mr. Skelton, Mr. Shumway, Mr. Broomfield, Mr. Dickinson, Mr. Ireland, Mr. Myers of Indiana, Mr. Porter, and Mr. Rogers):

H.R. 4424. A bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States; to the Committee on Education and Labor.

By Mr. FEIGHAN (for himself and Mr. Levine of California):

H.R. 4425. A bill to amend the Export Administration Act of 1979 to require the Secretary of Commerce to establish a performance-based indexing system for the definition and control of supercomputer exports; to the Committee on Foreign Affairs.

By Mr. FRENZEL:

H.R. 4426. A bill to include photoreceptors and assemblies containing photoreceptors within the temporary suspension of duty on parts of certain electrostatic copying machines, and to extend the suspension until January 1, 1993; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself, Mr. Lagomarsino, Mr. Hunter, and Mr. Smith of Texas):

H.R. 4427. A bill to provide for 1,000 additional border patrol agents for military personnel displaced by defense realignment; to the Committee on the judiciary.

By Mr. GUARINI (for himself, Mr. Fauntroy, Mr. Hall of Texas, Mr. Hamilton, Mr. Johnson of South Dakota, Mr. Lipinski, Ms. Slaughter of New York, Mr. Solarz, Mr. Studds, Mr. Wolpe, Mr. Wyden, Mr. Yatron, Mrs. Lloyd, Mr. Dwyer of New Jersey, Ms. Kaptur, Mr. Derrick, Mr. Russo, Mr. Lancaster, Mr. Pallone, Mr. Bonior, Mr. Atkins, Mr. Dellums, Mr. Levin of Michigan, Mrs. Collins, Mr. Sikorski, Mr. Roe, Mr. Condit, Mr. Jontz, Mr. Bryant, Mr. Stallings, Mr. Kleczka, Mr. Frank, Mr. Tallon, Mr. Donnelly, and Mr. Hughes):

H.R. 4428. A bill to initiate actions under section 301 of the Trade Act of 1974 with respect to the trade barriers of Japan that are the subject of the structural impediments initiative; to the Committee on Ways and Means.

By Mr. LAGOMARSINO:

H.R. 4429. A bill to disclaim all right, title, and interest of the United States in and to certain private lands conditionally relinquished to the United States under the act of June 4, 1897 (30 Stat. 11, 36), and for

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other purposes; to the Committee on Interior and Insular affairs.

By Mr. MARTIN of New York (for himself and Mr. Leath of Texas):

H.R. 4430. A bill to amend the Demonstration Cities and Metropolitan Development Act of 1966 to extend the assistance program for homeowners adversely affected by base closures to employees of a nonappropriated fund instrumentality of the Department of Defense; jointly, to the Committees on Banking, Finance and Urban Affairs and Armed Services.

By Mr. MATSUI (for himself, Mr. Rangel, Mr. Ford of Tennessee, Mr. Thomas of California, Mr. Flippo, Mr. Chandler, Mrs. Kennelly, Mr. Sundquist, Mr. Coyne, and Mr. Cardin):

H.R. 4431. A bill to amend the Internal Revenue Code of 1986 to generally treat bonds issued for section 501(c)(3) organizations in a manner similar to governmental bonds; to the Committee on Ways and Means.

By Mr. MOODY (for himself and Mr. Hall of Ohio):

H.R. 4432. A bill to amend the Hunger Prevention Act of 1988 to require the Secretary of Agriculture to purchase, process, and distribute milk to States for distribution through soup kitchens; to the Committee on Agriculture.

By Mr. PAXON (for himself and Mr. Synar):

H.R. 4433. A bill to disqualify any individual or business concern who violates a Federal environmental law, or who holds a beneficial business interest in a person who has violated such a law, from being eligible to receive certain benefits from the Environmental Protection Agency for a period of 10 years; to the Committee on Energy and Commerce.

By Mr. PENNY:

H.R. 4434. A bill to amend the Fair Labor Standards Act of 1938 to permit nurses to make additional arrangements respecting the overtime requirement of such act; to the Committee on Education and Labor.

By Mr. SAVAGE (for himself and Ms. Oakar):

H.R. 4435. A bill to amend the Public Works and Economic Development Act of 1965 and the Appalachian Regional Development Act of 1965; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

By Mrs. SCHROEDER (for herself and Mr. Martin of New York) (both by request):

H.R. 4436. A bill to provide for the transfer of the jurisdiction, custody, control over, and responsibility for the operation of the Pentagon Reservation to the Secretary of Defense; jointly, to the Committees on Armed Services and Public Works and Transportation.

By Mr. SENSENBRENNER:

H.R. 4437. A bill to amend the Internal Revenue Code of 1986 to exempt certain distributions used to pay expenses of higher education from the additional tax on early distributions from qualified retirement plans; to the Committee on Ways and Means.

By Mr. SHUMWAY (for himself and Mr. Davis) (both by request), Mr. Young of Alaska, Ms. Schneider, Mr. Saxton, Mr. Weldon, Mrs. Saiki, Mr. Goss, Mr. Herger, and Mr. Ravenel):

H.R. 4438. A bill to reauthorize and amend the Coastal Zone Management Act of 1972; to the Committee on Merchant Marine and Fisheries.

By Ms. SNOWE:

H.R. 4439. A bill to authorize the reconstruction of the new chancery building of the United States Embassy in Moscow; to the Committee on Foreign Affairs.

By Mr. DeFAZIO (for himself and Mr. Lightfoot):

H.J. Res. 533. Joint resolution designating July 19, 1990, as "Flight Attendant Safety Professionals' Day"; to the Committee on Post Office and Civil Service.

By Mr. ROYBAL:

H.J. Res. 534. Joint resolution approving of findings of the Comptroller General relating to widespread discrimination resulting from imposition of employer sanctions and repealing employer sanctions and related antidiscrimination provisions in the Immigration and Nationalty Act; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. LEVINE of California (for himself and Mr. Wolf):

H.J. Res. 535. Joint resolution designating September 13, 1990, as "National D.A.R.E. Day"; to the Committee on Post Office and Civil Service.

By Mr. ACKERMAN (for himself, Mrs. Bentley, Mr. Bereuter, Mr. Bevill, Mr. Boucher, Mrs. Collins, Mr. Dwyer of New Jersey, Mr. Eckart, Mr. Espy, Mr. Fazio, Mr. Fauntroy, Mr. Foglietta, Mr. Frost, Mr. Gibbons, Mr. Hughes, Mr. Jontz, Ms. Kaptur, Mr. Kleczka, Mr. LaFalce, Mr. Levine of California, Mr. Lewis of Georgia, Mr. Manton, Mr. McNulty, Mr. Neal of North Carolina, Mr. Panetta, Ms. Pelosi, Mr. Pursell, Mr. Rangel, Mr. Ravenel, Mr. Roe, Mr. Sangmeister, Mr. Savage, Mr. Shaw, Mr. Smith of Vermont, Mr. Studds, Mr. Walsh, Mr. Waxman, and Mr. Wheat):

H. Con. Res. 294. Concurrent resolution to express the sense of the Congress regarding a national agenda for extending and improving foreign language instruction in the elementary schools of the Nation; to the Committee on Education and Labor.

By Mr. STANGELAND:

H. Con. Res. 295. Concurrent resolution expressing the sense of the House of Representatives with regard to restoring confidence in the Federal Crop Insurance Program pending consideration of legislation on the program; to the Committee on Agriculture.

By Mr. SWIFT:

H. Res. 371. Resolution relating to unfair practices in international trade resulting from differing national environmental policies, standards, and controls; jointly, to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

340. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to a constitutional amendment to permit the States and the Federal Government to prohibit flag desecration; to the Committee on the Judiciary.

341. Also, memorial of the Senate of the State of Utah, relative to the limitation of congressional terms; the 10th amendment to the Constitution; proposed amendment to the Constitution to prohibit physical desecration of the American flag; to the Committee on the Judiciary.

342. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to trade barriers which may be causing an unfair balance of trade between the United States and Japan; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. MORRISON of Connecticut introduced a bill (H.R. 4440) for the relief of Mary P. Carlton and Lee Alan Tan; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 50: Mr. Akaka, Mr. DeFazio, Mr. Kostmayer, Mr. Lehman of Florida, Mr. Lewis of Georgia, Mr. Markey, Mr. Studds, Mrs. Unsoeld, Mr. Waxman, Mr. Weiss, and Mr. Yates.

H.R. 60: Mr. Tanner, Mr. Solomon, Mr. Hefley, Mr. Dyson, Mr. Conte, Mr. Smith of New Jersey, Mr. Mazzoli, Mr. Brown of Colorado, and Mr. Dornan of California.

H.R. 140: Mrs. Unsoeld.

H.R. 290: Mr. Wilson, Mr. Gaydos, and Mr. Solomon.

H.R. 372: Ms. Schneider.

H.R. 446: Mr. Neal of Massachusetts, Mr. Early, and Mr. Roth.

H.R. 747: Ms. Pelosi.

H.R. 933: Mrs. Unsoeld, Mr. Jenkins, and Mr. Faleomavaega.

H.R. 2168: Mrs. Boxer, Mr. Skaggs, Mr. Gunderson, Mr. McCurdy, Mr. Udall, Mr. Penny, Mr. Lehman of California, Mr. Lantos, and Mr. Mrazek.

H.R. 2460: Mr. Bonior.

H.R. 2870: Mr. Lantos, Mr. Kasich, Mr. Lipinski, Mr. Jones of North Carolina, Mr. Jontz, and Mr. Torricelli.

H.R. 2902: Mr. Kleczka.

H.R. 3004: Mr. Carr and Mr. Clay.

H.R. 3080: Mr. Slaughter of Virginia, Mr. Boucher, and Mr. Bliley.

H.R. 3210: Mrs. Lowey of New York.

H.R. 3409: Mr. Kennedy, Ms. Kaptur, Mrs. Unsoeld, and Mr. Applegate.

H.R. 3423: Mr. Flake.

H.R. 3533: Mr. Gallegly and Mr. Williams.

H.R. 3582: Mr. Packard and Mr. Roe.

H.R. 3732: Mr. Lipinski, Mr. Packard, Mr. Nagle, Mrs. Vucanovich, Mr. Dannemeyer, Ms. Schneider, Mr. Gilman, Mr. Payne of Virginia, Mr. Kleczka, Mr. Roth, and Mr. Cox.

H.R. 3735: Mr. Durbin, Mr. Slaughter of Virginia, Mr. Berman, and Mr. Kastenmeier.

H.R. 3776: Ms. Pelosi, Mr. Fauntroy, Ms. Kaptur, Mrs. Lloyd, and Mrs. Morella.

H.R. 3789: Mr. Bonior, Mrs. Unsoeld, Mr. Faleomavaega, and Mr. Owens of Utah.

H.R. 3827: Mr. Owens of New York.

H.R. 3828: Mr. Owens of New York.

H.R. 3857: Mrs. Unsoeld.

H.R. 3859: Mr. Sikorski.

H.R. 3906: Mr. Kleczka, Mr. Fish, Mr. Spratt, Mr. Bateman, Mr. Hefner, Mr. Lewis of Georgia, Mr. Traficant, Mr. Val-

ENTINE, Mr. WILLIAMS, Mr. STANGELAND, and Mr. FALEOMAVAEGA.

H.R. 3958: Mr. FISH and Mr. HANSEN.

H.R. 3972: Mr. LEACH of Iowa, Mr. SCHIFF, Mr. BARTLETT, Mr. HOLLOWAY, Mr. ROBERT F. SMITH, Mr. KASICH, Mr. DEWINE, Mr. PASHAYAN, Mr. CAMPBELL of California, and Mr. MCCRERY.

H.R. 3979: Mr. BATES, Mr. SCHEUER, Mr. WALSH, and Mr. TORRICELLI.

H.R. 4000: Mr. HALL of Ohio.

H.R. 4040: Mrs. VUCANOVICH, Mr. LAGOMARSINO, Mr. HANSEN, Mr. SCHIFF, and Mr. BONIOR.

H.R. 4081: Mr. PACKARD.

H.R. 4083: Mr. WYDEN and Mr. DORGAN of North Dakota.

H.R. 4101: Mr. JOHNSTON of Florida.

H.R. 4120: Mr. ATKINS and Mr. HERTEL.

H.R. 4130: Ms. PELOSI, Mr. FAZIO, Mr. FOGLIETTA, Mrs. LLOYD, Mr. BILBRAY, and Mr. WALSH.

H.R. 4144: Mr. BONIOR, Mr. LAFALCE, and Mr. OWENS of Utah.

H.R. 4146: Mr. FRENZEL, Mr. GALLEGLY, Mr. SOLOMON, and Mr. HERGER.

H.R. 4250: Mr. YATRON, Mr. BONIOR, and Mr. LAGOMARSINO.

H.R. 4300: Mr. BORSKI.

H.R. 4347: Mr. BOEHLERT and Mr. BILBRAY.

H.R. 4369: Mr. OBERSTAR.

H.R. 4374: Mr. SUNDQUIST, Mr. HUGHES, and Mr. BUECHNER.

H.R. 4397: Mr. MILLER of California, Mr. LAGOMARSINO, and Mr. MORRISON of Washington.

H.R. 4401: Mr. OWENS of Utah, Mr. HUGHES, Mr. BUSTAMANTE, Mr. ROWLAND of Connecticut, Mrs. BENTLEY, Mr. MACHTLEY, Mr. HERGER, and Mr. SHUMWAY.

H.J. Res. 156: Mr. FISH and Mr. BUECHNER.

H.J. Res. 431: Mr. HYDE, Mr. HOUGHTON, Mr. DOUGLAS, Mr. KOLTER, Mr. GOSS, and Mr. HUNTER.

H.J. Res. 460: Mr. JENKINS, Mr. MCDERMOTT, Mr. HUGHES, Mr. SCHEUER, Mr. LEWIS of Florida, Mr. MARTINEZ, Mr. HANSEN, Mr. VOLKMER, Mr. CARDIN, Mr. SKAGGS, Mr. ROBINSON, Mr. STOKES, Mr. HUBBARD, Mr. NELSON of Florida, Mr. HOPKINS, Mr. DENNY SMITH, and Mr. SHAW.

H.J. Res. 464: Mr. BOEHLERT, Mr. BRENNAN, Mr. BROWN of Colorado, Mr. ENGEL, Mr. INHOFE, Mr. LEWIS of Georgia, Mr. NEAL of North Carolina, Mr. ROYBAL, Mr. SCHIFF, Mr. SLATTERY, and Mr. THOMAS of Wyoming.

H.J. Res. 482: Mr. CARR, Mr. DEFAZIO, Mr. JONES of North Carolina, Mr. BROOMFIELD, Mr. BENNETT, Mr. BOSCO, Mr. KILDEE, Mr. MONTGOMERY, Mr. LANCASTER, Mr. SPRATT, Mr. WAXMAN, Mr. FIELDS, Mrs. VUCANOVICH, Mr. EMERSON, Mr. BOUCHER, Mr. HUBBARD, Mr. STAGGERS, Mr. RIDGE, Mr. WEISS, Mr. SMITH of New Jersey, Mr. COURTER, Mr. PAYNE of New Jersey, Mr. INHOFE, Mr. HERTEL, Mr. CLAY, Mr. WILSON, Mr. NEAL of North Carolina, Mr. FAWELL, Mr. SABO, Mr. PANETTA, and Mr. KANJORSKI.

H.J. Res. 487: Mr. WOLF.

H.J. Res. 505: Mr. BRENNAN, Mr. DE LUGO, Mr. FUSTER, Mr. HATCHER, Mrs. JOHNSON of Connecticut, Mr. KILDEE, Mrs. LOWEY of New York, Mr. MFUME, Mr. MILLER of California, Mr. MOODY, Mr. TOWNS, Mr. JONTZ, Mr. APPLEGATE, Mr. FRANK, Ms. PELOSI, Mr. RANGEL, and Mr. WHEAT.

H. Con. Res. 23: Mr. JENKINS, Mr. SMITH of New Hampshire, Mrs. UNSOELD, Mr. LEWIS of Georgia, Mr. COX, Mr. DENNY SMITH, Mr. HUTTO, and Mrs. JACOBS.

H. Con. Res. 207: Mrs. LOWEY of New York.

H. Con. Res. 265: Mr. CAMPBELL of California.

H. Con. Res. 281: Mr. GAYDOS.

H. Con. Res. 289: Mr. MCEWEN, Mr. GALLO, Mr. DANNEMEYER, Mr. SOLOMON, Mr. PACKARD, Mr. BILIRAKIS, Mr. APPLEGATE, and Mr. LEWIS of Florida.

H. Con. Res. 290: Mr. BROWN of Colorado, Mr. CRANE, Mr. DANNEMEYER, Mr. DWYER of New Jersey, Mr. HOCHBRUECKNER, Mr. HUNTER, Mr. MCEWEN, Mr. MRAZEK, Mr. SMITH of New Hampshire, and Mr. WEBER.

H. Con. Res. 291: Mr. LANTOS, Mrs. LLOYD, Mr. GILMAN, Mr. SUNDQUIST, Mr. MORRISON of Connecticut, Mrs. UNSOELD, Mr. INHOFE, Mr. JONTZ, Mr. SOLOMON, Mr. NOWAK, and Mr. LENT.

H. Res. 358: Mr. ECKART, Mr. GEJDENSON, Mr. HORTON, Mr. SMITH of Texas, Mr. UPTON, Mr. LEHMAN of Florida, and Mr. FALEOMAVAEGA.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4000: Mr. HALL of Texas.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

146. By the SPEAKER: Petition of the Otsego County Board of Representatives, Cooperstown, NY, relative to the restoration of community services block grant funding to the levels of fiscal year 1990; to the Committee on Education and Labor.

147. Also, petition of the Board of County Commissioners, Citrus County, Iverness, FL, relative to the deauthorizing of the Cross Florida Barge Canal; to the Committee on Public Works and Transportation.

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EXTENSIONS OF REMARKS

United States POLICY TOWARD CUBA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. MILLER of California. Mr. Speaker, the following article on United States policy toward Cuba warns that recent and continued hostilities by our Government against Cuba will not bring about the desired democratic changes in that island nation. The author, an expert on Cuba, argues that the lesson from United States policy toward Cuba since the revolution in 1959 is that aggressive attacks against Cuba only hardens its alliance with the Soviet Union and unnecessarily separates the United States and Cuba. I submit this article by Saul Landau in the San Francisco Chronicle for the benefit of all of our colleagues.

Mr. Speaker, I submit also, as the most recent example of the aggressive United States policy toward Cuba, an article from the Washington Post on the insistence of the United States to broadcast TV Marti into Cuba despite Cuba's insistence to jam the signal because it argues the show is a violation of Cuba's sovereignty:

[From the San Francisco Chronicle, Feb. 26, 1990]

WILL THE ELUSIVE CUBAN DOMINO FALL?

(By Saul Landau)

Flush with perceived triumphs in Eastern Europe and Panama, the Bush administration appears eager to take on its next domino: Castro's Cuba.

In late January, a Coast Guard vessel riddled a Cuban-chartered vessel with bullets in international waters when its captain refused a demand to board and search for drugs. In a subsequent search of the ship in a Mexican port, no drugs were found. Cuban officials complain that there is a pattern of harassment, including an increased number of military flights and incursions into Cuban waters.

In addition, President Bush is planning to beam new television programs onto the island. Telemarti is expressly designed to undermine Castro's authority, by presenting news and political analysis from a pro-U.S. point of view. It will complement Radio Marti, which for several years has been sending the U.S. version of reality on AM radio in Cuba.

TURNING THE SCREWS

U.S. thinking on Cuba is that the Castro regime is in deep trouble and by turning the screws it will force it to crack.

Neither the thinking nor the current aggressive posture toward the Castro regime is new. What is striking is how little the administration has learned from the past. Bush is the eighth president who has tried to destroy the Cuban Revolution and remove its leader, Fidel Castro, from power. The attacks on Cuba, however, have tended to strengthen Fidel and hurt the United States. In the 1960s and into the early 1970s, the CIA attempted assassinations, sabotage and, the Cubans charge, biological warfare.

President Bush might reflect on the past, including the lessons of the 1962 missile crisis, when the United States and the Soviet Union terrified the world over the issue of Soviet nuclear weapons on the island. The reason for all this activity was to remove Soviet influence in Cuba.

Now, ironically, after all of this effort, the United States is demanding that Castro restore Soviet influence, lock, stock and perestroika. Castro, predictably, is having none of it. In addition to his customary, and apparently valid charges against the United States for its imperialist behavior, he is accusing Soviet leaders of political irresponsibility: for bringing chaos and capitalism to their land and Eastern Europe.

"CIRCLING THE WAGONS"

Castro sees attacks coming from both superpowers, one anxious to recover its former albeit unofficial colony, the other, desirous of shedding economic burdens that it can ill afford in its current internal reform phase. As one Cuban diplomat admitted, "Fidel is circling the wagons." And like the sterotyped Indians in the old Westerns, the U.S. government is increasing the pressure.

Lots of wishful thinking is going on in Washington and in Miami's Cuba exile circles, that Castro will fall from the East European domino effect, that the economy will crack because the Soviet and Eastern bloc nations withdraw aid, that the Cuban masses will pour into the streets and create an ungovernable situation where the 63-year-old president will be forced to resign Comparisons with Eastern Europe are misleading. The Cuban Resolution was an indigenous process, not one propelled by the occupying Soviet Army as was the case in Eastern European communism.

Although Castro is ideologically alone in the Communist world today, he has separated his Marxism-Leninism from state diplomacy and trade policy. Foreign investors have not flocked to the island, nor have they boycotted it. Spanish entrepreneurs are constructing several hotels, while Argentine, German and Canadian businessmen are putting together joint tourist ventures with the Cuban government.

AMERICAN FOIL

Castro has used U.S. hostility as a foil to put Cuba in the mainstream of world history. Fidel is seen in much of Africa as a hero. Cuba's decisive defeat of South African forces in Angola in 1988 at the battle of Cuito Cuanavale forced the apartheid regime to come to the bargaining table, a process that led to Namibian independence.

In 1990, all but the most subservient of U.S. clients have restored relations with Cuba, or have announced plans to do so, Even the ingratiating Honduran regime invited a Cuban parliamentary delegation to visit last year. Cuba enjoys relations with 110 countries, double the number in 1959, when the U.S. backed Batista dictatorship governed.

For all of his external and internal accomplishments, Fidel—and the Cuban Revolution—are facing their most serious challenge. Shifting Soviet priorities have damaged an economy already in trouble from inefficiency and from the plagues of most Third World countries: unpalatable debt to Western and Eastern banks and the yearly imbalance between what it receives for its basic exports, like sugar and coffee, and what it must pay for imports.

Dissent and demoralization are spreading, and Castro has responded with increased repression as he did especially in the early years of revolution. But by increasing attacks against Cuba, Bush hands Castro precisely the weapon with which he has historically been able to mobilize the population: anti-Americanism. The captain of the ship attacked by the Coast Guard has returned to Havana to a hero's welcome.

WHAT U.S. SHOULD DO

President Bush should look to Soviet behavior in Eastern Europe for Cuba-policy guidance. There, people began their process of self-determination only after Soviet President Gorbachev assured them, and the world, that he would abide by international law and not intervene in their political processes.

The United States has given quite the opposite message to people in the Caribbean Basin. Castro like the rest of Latin America, has noted the 1989 U.S. invasion and military occupation of Panama and the interference in the electoral process in Nicaragua.

"We have every reason to fear U.S. intervention," a high-level Cuban diplomat told me. "If the Soviet Union was our neighbor who knows what kinds of open processes might be occurring in Cuba?"

[From the Washington Post, Mar. 27, 1990]

TV MARTI: IGNITING WAR OF AIRWAVES.—AS THREE-MONTH TEST NEARS, CUBA THREATENS RETALIATORY JAMMING

(By Laura Parker)

MIAMI, March 26.—As Cuba attempts to avoid the tumult sweeping the rest of the communist world, a U.S. plan to bombard the island with television images from outside has touched off a war of the airwaves.

TV Marti, named after Cuba's 19th century national hero, Jose Marti, and modeled on the five-year-old Radio Marti, is poised to begin a three-month test run of game shows and basketball games to Havana several hours a day.

But TV Marti does not plan to stay with the soft stuff for long. Visions of Tiananamen Square and bloody revolution in Romania are just around the corner, and Cuban President Fidel Castro apparently is steaming. He has threatened to jam TV Marti's signal and disrupt U.S. television and radio if the telecasts proceed.

Friday evening, in what American broadcasters viewed as a "warning shot," a radio speech by Castro was beamed toward the U.S. mainland, disrupting six AM radio stations along the Florida coast. Castro came in loud and clear on radio at 11:00 AM in Miami, and radio announcers as far away as Nashville reported picking up portions of the three-hour speech.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"It certainly appears to be a warning shot," said Susan Kraus, spokeswoman for the National Association of Broadcasters, which opposes TV Marti broadcasts. "Cuban officials made it very clear that they intend to retaliate if TV Marti goes on the air."

Indeed, the Cuban government regards TV Marti as a violation of international law and broadcast regulations. Cuban newspapers are full of condemnations of TV Marti by government officials. Students at the University of Havana, featured in news stories, said they consider TV Marti to be "immoral" and showing a "lack of respect."

"We are prepared to block it totally. We are sure we can," said Gary Gonzalez, vice president of the Cuban Institute of Radio and Television, the Miami Herald reported.

At TV Marti headquarters in Washington, officials discounted Friday's disruption as minor.

"The Cubans have done this periodically for years," said Michael Schoenfeld, spokesman for the Voice of America. "Every once in a while, they crank up their transmitters." He said plans to put TV Marti on the air have not changed and added, "We're looking at several possible ways to overcome the jamming, if there is jamming."

He noted that the Cuban government threatened to jam U.S. radio stations when Radio Marti went on the air five years ago but did not.

The start-up date and channel selected for TV Marti have been kept secret by the U.S. Information Agency, which oversees Radio Marti and TV Marti. But Cuban exiles here, who monitor every nuance of the highly politicized project, expect the telecasts to start any day.

TV Marti's supporters say successful broadcasts will weaken Castro's 31-year hold on the island. "Cubans in Miami feel that, by showing the Cuban people what really is happening around the world, it will be a lot harder for Castro to maintain control," said Frank Calzon, a human-rights activist in Washington. "Cubans remember that Radio Rebelde, Fidel's short-wave station in the mountains, played an important role in mobilizing public opinion against Batista during the revolution." Fulgencio Batista ruled Cuba from 1934 until Castro's guerrillas forced him into exile Jan. 1, 1959.

The trial telecasts are to involve transmitting signals from an Air Force balloon tethered 10,000 feet above the Florida Keys. If the $7.5 million experiment is successful, TV Marti plans to add programming, including nightly news broadcasts prepared by Cuban exiles in a small Miami news bureau.

Some of those segments are to include reports about the Cuban human-rights movement, Nicaraguans considering returning home from here after the recent election defeat of the Sandinistas and Haitian reaction here to the fall of Lt. Gen. Prosper Avril.

The news broadcasts are to feature veteran Cuban newscasters in U.S. exile. Gilberto Rosal, a Radio Havana broadcaster in the 1960s and 1970s, is to be a news anchorman, and William Valdes, another Cuban radio and television broadcaster, who fled Cuba in 1982, a Miami correspondent.

TV Marti also plans a steady diet of American programming. For instance, "Alf," with its extraterrestrial star, will be dubbed in Spanish, as will "Kate and Allie."

The programming content has been a source of controversy in the Cuban exile community, where powerful factions have warred to gain political control of the fledgling station. The news director of Radio Marti, abruptly removed from his job this month, accused the powerful Cuban American National Foundation of muscling him out in order to gain control over Radio Marti and TV Marti.

Aside from the political implications, many technical experts expressed doubt that TV Marti, which is expected to cost $40 million over two years, will be a technical success. Broadcasters contend that the signal can be jammed easily and inexpensively.

Since Friday's jamming, other U.S. broadcasters have expressed renewed concerns about the effect of TV Marti on radio stations in 30 states.

"We are very vulnerable in the United States," Kraus said. "TV Marti could provoke a radio war. . . ." The Cubans can "jam our radio stations by using giant transmitters that can reach as far north as the Canadian border and as far west as Utah."

One of Cuba's three Soviet-built radio transmitters has 1 million watts of power, and the other two each have 500,000 watts, Kraus said. U.S. transmitters are limited to 50,000 watts of power.

Msgr. Bryan O. Walsh, director of Catholic Community Services here, said in a recent interview that the premise behind TV Marti and Radio Marti is "based on myth . . . that Cuba is hermetically sealed. You can hear 40 radio stations in Cuba. The BBC, Radio Netherlands. These broadcasts are in Spanish. You can buy Le Monde in Havana."

In fact, Cuban government officials estimate that one-third of Cuba's television programming is foreign and that almost half of movies shown there are from the United States. Some television programs shown there are purchased; others are nabbed from satellite transmissions.

Gonzalez criticized the United States for trying to "decide" what Cubans will watch on the small screen.

"What are you going to tell us?" he asked. "That we don't have enough food? We know that. That we don't have enough shoes? We know that."

A TRIBUTE TO DAVID JAICKS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mrs. ROUKEMA. Mr. Speaker, I would like to take this opportunity to honor the career and efforts of David P. Jaicks, who is retiring as chairman of American Home Food Products, Inc., after a distinguished 26 years.

David Jaicks is the prototype of the self-made man. He started his career as an office trainee at the Leo Burnett Advertising Agency in Chicago. He rose through the ranks of Leo Burnett and then General Foods before joining American Home Food Products 26 years ago. He has guided American Home Food Products for 15 years and is responsible for building his company into one of America's largest prepared food manufacturers. But David Jaick's contribution goes well beyond his business achievements. As much as he earned the respect of his colleagues as a leader of business, so has David Jaicks developed a reputation of sincere concern for his community and his Nation.

Following his graduation from high school, he answered his country's call when his country needed him. He enlisted in the U.S. Navy and served in the Pacific during World War II.

Today, David Jaicks is an active supporter of many local, State, and national organizations as well as the benefactor of numerous other charities. In fact, I first came to know David as we both worked to improve the public education system in our respective communities. He served as past president and trustee of the Waldwick, NJ Board of Education.

Across the country, communities are struggling to improve the quality of their schools. I would suggest that had communities across our country had the benefit of their own local David Jaicks, our American education system would not be mired in mediocrity. His energy and his fundamental good sense has paid dividends year after year.

Subsequently, we worked with other civic-minded community leaders in the Ridgewood Association for Good Schools, volunteer programs to preserve open space and led efforts to reform Government to referenda.

Mr. Speaker, David Jaicks is a man who understands the value of service. In his role as a business leader, he has fostered economic development and created valuable jobs for Americans. In his role as community leader, he has worked to develop the strong neighborhood roots that form the foundation of our society.

It has been my honor to recognize the accomplishments of a man who is respected as much for his compassion and abiding concern for others as his superior business skills. We owe David Jaicks a debt of gratitude. He has truly enriched the lives of those who know him.

A TRIBUTE TO THE INDEPENDENT NATION OF LITHUANIA

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SCHUETTE. Mr. Speaker, ladies and gentlemen of the House, my purpose before you today is threefold. First, I would like to praise the people of Lithuania in their ongoing quest for democracy and their recent proclamation of sovereignty; second, I want to strenuously condemn the force which continues to occupy and terrorize these citizens against their will, the Red army of the United Soviet Socialist Republics; and third, I want to urge the administration to formally recognize the independent state of Lithuania and the Lithuanian people's right to self-determination.

I was privileged to be present at the Berlin Wall when those joyous first winds of freedom and liberty began to blow down that stark symbol of repression of the free human spirit.

The events of the past year in Eastern and Central Europe have proven to the World what we in America have always held as true—that given an honest choice, voters choose freedom, not repression; embrace democracy, not domination. We have seen this proven recently with the fair elections in

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Poland, Hungary, Czechoslovakia, and East Germany, and I envision similar results in the upcoming elections in Bulgaria, Yugoslavia, and Romania.

This same yearning to be free has overcome Lithuania. The Baltic States have never accepted their 1940 incorporation into the U.S.S.R. Their long-sought right to self-determination led the nation of Lithuania to proclaim its independence on March 11, 1990.

This should be occasion for us to celebrate with the nation of Lithuania her rebirth.

But all is not well. At this very moment, Soviet troops continue to mobilize, occupy prominent Government buildings, and conduct a campaign of intimidation against Lithuanians by dropping antisecessionist literature from military helicopters. Though I deeply hope Mr. Gorbachev's reputed desire for a peaceful solution is a true one, one need only recall the Soviet actions against Czechoslovakia in 1948 and 1968, and Hungary in 1956, to know what disaster Soviet military intervention can bring.

Mr. Speaker, and my fellow colleagues, please join with me today in congratulating President Landsbergis and the people of Lithuania in their new-found democracy. Self-determination is a right we Americans hold dear. The brave people of Lithuania should be accorded the same right.

WE NEED A STRAIGHT ELEVATION OF EPA, CLEAR AND SIMPLE

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. McCANDLESS. Mr. Speaker, I support elevation of the Environmental Protection Agency [EPA] to Cabinet-level status and I voted in favor of the elevation when the matter came before the Committee on Government Operations earlier this year. As I have stated earlier on the House floor and in committee, I feel that the EPA should be a coequal part of our govenmental system with a voice in the President's Cabinet. Unfortunately, H.R. 3847, the bill which was passed in the House of Representatives goes far beyond the scope of the President's original proposal, and my support for a straight elevation of the EPA. For this reason, it was with regret that I could not support H.R. 3847.

The legislation which passed the House has excess provisions, eight additional amendments, and is seriously out of sync with the bill's original intent. Most troublesome to me are the provisions in H.R. 3847 which give a disproportionate and unchecked degree of power to a newly created entity in this legislation called the Bureau of Environmental Statistics. I am very concerned about the mandatory delegation of all information collection, analysis, and distribution from the Secretary of Environmental Protection to this new Bureau. Another serious problem is the requirement for broad disclosure of data collected by the newly created Bureau of Environmental Statistics. This disclosure is to occur without regard for effective confidentiality safeguards and without final approval from the Secretary of Environmental Protection or the President of the United States. This bill actually prohibits review of disseminated data within the Department or from the executive branch. A requirement such as this disclosure of unchecked data will seriously impact the ability of the Department of Environmental Protection to collect the highly sensitive information necessary to formulate sound policy or to conduct monitoring activities.

The President supports an unencumbered elevation and has stated that he will veto H.R. 3847. The Senate has already passed legislation providing for the unadorned elevation of EPA. Furthermore, my colleague, Mr. HASTERT, offered, as a substitute to H.R. 3847, a straight elevation of EPA to the Department of Environmental Protection. I supported the Hastert amendment because it eliminated all of the extraneous provisions surrounding some individuals' idea of what elelvation of the Agency is all about. Because H.R. 3847 contained such an outrageous conglomeration of unnecessary provisions, I was constrained to vote against the passage of the bill.

I support the elevation of EPA. It was with regret that I voted against H.R. 3847, and I can only hope that Representatives appointed as conferees will accept the Senate version of EPA elevation. I look forward to a clean version of the President's initiative which I can support. Any legislation as important as that which creates a new Department and Cabinet-level position should be passed on its own merits without any extra baggage.

RAY GOULDING MADE US LAUGH

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. JACOBS. Mr. Speaker, for nearly a half a century Ray Goulding made us laugh.

Now, for his encore, he is making us cry.

RAY GOULDING OF "THE BOB AND RAY SHOW" DIES

Ray Goulding, half of the gently offbeat Bob and Ray comedy team, died in his sleep March 24 in Manhasset, N.Y., after a long battle with kidney failure. He was 68.

Mr. Goulding was best known for his part in "The Bob and Ray Show" which the Lowell Mass., native created in Boston in the late 1940s with partner Bob Elliott.

The two, who played a wide variety of characters, brought their radio and television act to New York City in the early 1950s. They went on to appear in numerous radio and television productions, motion pictures and commercials.

The pair created such classic characters as newsman Wally Ballou; the befuddled Mr. Science; Mary Backstage; Noble Wife; and Jack Headstrong, All-American American.

They did commercials for bogus businesses as well as real ones. Among them were "Height Watchers International: Offering six ample servings of low vitamins and nutrients in artificial colorings" and "Einbinder Flypaper: The brand you've gradually grown to trust over the course of three generations."

The men made separate starts in Boston radio about 1940, then entered the military during World War II. They met in 1946 at radio station WHDH, were Elliott was a disc jockey and Mr. Goulding was a newscaster. Their early-morning quips soon put them in demand as a team.

"We were on the same wave-length, and these things just sort of developed naturally," Mr. Goulding once said.

Mr. Goulding's films include "Cold Turkey" in 1969 and "Author! Author!" in 1982. He and Elliott also appeared in the Broadway play "The Two and Only," which ran from 1970 to 1971.

The pair also wrote the book "From Approximately Coast to Coast . . . It's the Bob and Ray Show," which was published in 1983.

Their humor earned them Grammy nominations in 1987, for the record "A Night of Two Stars Recorded Live at Carnegie Hall," and in 1988, for "The Best of Bobby & Ray—Volume One."

Mr. Goulding is survived by his wife of 45 years, Elizabeth Goulding; six children; and six grandchildren.

THE SPREADING OYSTER BLIGHT

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. DYSON. Mr. Speaker, this morning I testified before the House Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, about a problem of grave concern to the constituents of Maryland's First Congressional District and to every community where commercial oystering has been a traditional livelihood.

Native stocks of American oysters are now being decimated by two diseases that long ago eliminated Pacific coast oyster beds, those of the once thriving Delaware Bay, and now threaten to destroy the oyster beds in the Chesapeake Bay, where over 80 percent of the oyster beds are infected, and where mortality rates for infected beds are between 80 and 90 percent.

I testified in favor of a request to appropriate $3 million for a multi-year, nationwide program of basic research into oyster diseases and innovations into natural resource management. I have worked to have authorizing language included in the appropriate legislation, and will continue my efforts to have that authority funded.

The challenge we face is nothing less than the preservation of the native American oyster as a commercial resource. The effort will require the combined expertise of our best marine scientific research and resource management specialists, guided by the insights and experience of commercial oystermen.

It will also require funding. The Commerce Department's National Oceanic and Atmospheric Administration has provided considerable support for research over the past few years. That support has enabled the scientific community to join with public natural resource managers in forging a comprehensive program for oyster disease research and response.

In the testimony that I will now submit for inclusion in today's RECORD, I describe the progress we have already achieved and point to the direction that future research efforts will follow in the effort to defeat the spreading oyster blight.

Testimony of Hon. Roy Dyson

Good morning Mr. Chairman, thank you for providing me this opportunity to review a problem that threatens to make the native American oyster extinct as a commercial resource.

I will be brief, Mr. Chairman. Among the programs operated by the Department of Commerce is the National Sea Grant Program of Strategic Research. This year, the administration has requested funding so that this program can continue its scientific research activities.

I am requesting that the subcommittee appropriate an additional $3 million for activities that have not yet been included in the administration proposal.

Mr. Chairman, as you know, stocks of native American oysters have been decimated by two distinct types of oyster diseases. The only things we know for certain about these diseases is that they pose no threat to human beings and they are absolutely lethal to productive oysters beds.

I have appeared before you in past years to draw the subcommittee's attention to the devastation these diseases have wrought, throughout the the rural water-dependent communities of the Chesapeake Bay, and in every coastal community where oystering is a traditional livelihood.

I've described the complete elimination of all oyster stocks in the Delaware Bay. I've reported on the spread of these diseases from Long Island to North Carolina, how they have been detected in the Gulf of Mexico and how they altogether wiped out the Pacific Coast oyster a decade ago.

Each year I have requested this subcommittee to appropriate funds for a full-fledged scientific assault on these diseases, and you have been supportive. I appreciate your support, especially during these extremely cost-conscious times.

Your support has helped to intensify the scientific investigation into the origin and lifecycle of these diseases. We now know appreciably more about transmission and mortality rates. We are, I believe close to the point where natural resource specialists, marine biologists, and commercial oystermen will be able to forge a comprehensive strategy for overcoming the effects of these diseases.

Last year, in part with the support your subcommittee provided, two important symposia were held on the problem of oyster diseases. One of these convened last September at the Virginia Institute of Marine Science, a second at Annapolis in conjunction with the Maryland State Department of Natural Resources.

These symposia brought together public fisheries management officials and marine scientists from across the country and overseas. After intense discussion and debate, these symposia have produced a battle plan for future research efforts needed to defeat the spreading oyster blight.

It is this program that I strongly urge you to fund, Mr. Chairman. I have taken the steps to see that the sea grant program is authorized to launch a comprehensive oyster disease research strategy. The best minds available for carrying that strategy out are in agreement and ready to begin field and laboratory experiments, monitoring and commercial innovations.

But without the necessary funding, we cannot expect to bring this strategy to victory.

The funds that I am requesting will help us restore the native American oyster as a commercial resource. The funds will help to generate new contributions to basic and applied research on marine diseases. We will learn more about genetic research into hybrid species and provide a boost for the technical innovations needed to germinate new aquaculture enterprises.

But if these funds are used as planned, in a concerted effort linking science with public management of public resources, they will also help to preserve a way of life that has been the unique signature of rural, coastal fishing communities since before this Nation was founded.

The watermen in my district, Mr. Chairman, practice a livelihood many inherited from their fathers and their grandfathers before them. They lead a solitary life of fierce independence. They take to the waters of the bays and coves of the Chesapeake each fall, and throughout the long winter they pluck their fortunes from the bay's once teeming fishing grounds.

Many of the bays resources have fallen victim to decades of pollution and mismanagement. The oyster, over the years, has become the staple of the watermen's livelihood. Now that livelihood is threatened, and there are few other resources available to the traditional waterman.

We can help, Mr. Chairman. We can let these men and women know that they are not alone in the battle against an unknown and invisible enemy. We have the science, the equipment, the imagination and the battleplan.

Grant this funding request, Mr. Chairman, and I am convinced that we can yet ensure that the Chesapeake Bay, and native oyster beds along the seaboard, will yet revive.

ARGUMENTS AGAINST ABORTION ON DEMAND

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. HYDE. Mr. Speaker, on Tuesday, March 27, my colleague Representative CHRISTOPHER SMITH testified before the Senate Labor and Human Resources Committee on the Freedom of Choice Act. I commend his excellent remarks to my colleagues, and urge that they strongly consider his arguments against aborton on demand.

Testimony of Representative Christopher H. Smith Before the Senate Labor and Human Resources Committee, March 27, 1990

Mr. Chairman, the time is fast approaching when historians will look back at America's unseemly abortion culture of today with a mix of incredulity and sorrow.

They will wonder how a society that paid so much attention to civil rights at home and human rights abroad could have allowed—even promoted—the violent destruction of over 25 million children.

They will weigh the misleading cliches, slogans, and euphemisms of our day proffered by the abortion lobby against the brutal reality of abortion—literal dismemberment of the baby and poison shots—and wonder how an ostensibly sane, compassionate society could have been so deceived.

All of this will be particularly perplexing in light of the tremendous advances made during the 70's and 80's in society's understanding of human life before the "event" of birth. And in any discussion of this issue all should be intellectually honest enough to acknowledge that birth is an event and only an event in a baby's life—it is not the beginning of a child's existence.

While it is true that the abortionists cloak their killing in the language of humanitarianism and basic rights, the fact of the matter is that abortion is child abuse. Children who suffer this abuse are cut and dismembered, and millions have been killed by injections of poison. This is not an issue of choice or "who decides." This is an issue of child abuse. And that is not a matter of choice in a civilized society.

Mr. Chairman, in a common method of abortion known as vacuum aspiration, a loop shaped knife attached to a high powered suction machine rips and shreds the unsuspecting child to pieces. The body parts are then vacuumed into a bottle and they're disposed of. The power of the vacuum is said to be about 30 times that of a household vacuum cleaner.

In a D&C and D&E abortion, the child is dismembered, literally dismembered, by a surgeon's scalpel without even the benefit of anesthesia.

In saline abortions, Mr. Chairman, usually done in the second trimester, the unborn child, the unborn baby, has his or her life purposely snuffed out by an overdose of injected salt water. A baby terminated in this way dies a very slow, excruciating and painful death. After the salt is injected by a hypodermic needle into the infant's amniotic sac, the child breathes in the fluid and gets sick. The salt burns the outer layer of the skin and gets into the blood stream, and kills the vital organs of the child. A day or two later, the mother goes into labor and gives birth to a chemically burned baby whose appearance resembles the first degree burn victim.

This, Mr. Chairman, is the horrific reality of abortion—dead babies.

Every abortion stops a beating heart.

At a time when serious reevaluation of abortion on demand is underway in the several States, S. 1912 and its companion measure in the House (H.R. 3700) seeks to rob States of their ability to protect life and restrict abortion.

This legislation is extreme, it is unwarranted and discriminates against children. It reduces unborn babies to the status of property and regards them in law as objects.

Mr. Chairman, let me also note here that I consider it outrageous that the abortion lobby is trying to mislead the public by drawing parallels between efforts to protect unborn life in America to the deplorable policies of Romanian dictator Nicolae Ceausescu.

Mr. Chairman, as a member of the Helsinki Commission and House Foreign Affairs Committee, I along with Rep. Frank Wolf (R-VA) and Tony Hall (D-OH) led the fight to end United States support for the Ceausescu regime. I was prime sponsor of the legislation to suspend Most Favored Nation (MFN) trading to Romania because of human rights abuses which was adopted after a bitter three-year fight. Senator Armstrong offered it in the Senate.

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Ceausescu, like the population control fanatics in the People's Republic of China, used draconian measures to force women to have children.

Romania, like China, imposed quotas. In China, the Communists rigidly enforce a one child per family quota and employ forced abortion and involuntary sterilization to ensure compliance. In Romania, the government quota was at least five children per family and Ceausescu, who cared nothing for freedom or human rights, imposed harsh penalties on those who didn't produce children for the State. That policy, like China's, is inhumane and indefensible.

I was in Romania again a few weeks ago and I saw substantial evidence that, like here in the U.S., the issue will be debated and focused upon in the near future—perhaps after the May 20th election of a new government. No one here, or in Romania, suggests a return to Ceausescu-like government child quotas. As in Poland, where human rights leaders Lech Walesa and many in Solidarity have begun pushing to enact meaningful protections for the unborn, Romania will revisit this issue.

PRESIDENT LANDSBERGIS' MESSAGE

HON. C. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. COX. Mr. Speaker, earlier today, President Vytautus Landsbergis of Lithuania issued a message to the United States Congress urging recognition of the Government of the Republic of Lithuania. It is my privilege formally to present President Landsbergis's message.

VILNIUS, *March 29, 1990.*

DEAR SENATORS AND CONGRESSMEN: By the will of the people of Lithuania, we, the Supreme Council of Lithuania, were elected on a platform to reestablish the Republic of Lithuania—continuing its statehood, returning it to Europe and to the family of free nations. And we have done it. But now the freedom of Lithuania is in great danger.

For this reason, I would like to state very clearly:

Support for Lithuania is support for freedom and democracy in Eastern Europe. This support will also undoubtedly help Mr. Gorbachev: it would stop him from making a great mistake.

The recognition of the government of the reestablished Republic of Lithuania that we request is a very important step towards strengthening peace in the world. As we wait with strong hearts and with no weapons in our hands, we ask your help in this difficult struggle against militarism and aggression, in this struggle for peace and justice.

Yours, with trust and hope,

VYTAUTAS LANDSBERGIS,
President of the Supreme Council of the Republic of Lithuania.

A TRIBUTE TO BOB HUGHES

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SCHUETTE. Mr. Speaker, I would like to take this opportunity to honor Mr. Bob Hughes on the occasion of the "Open House" to be held in his honor on April 14, 1990, by the Gladwin County VFW, Post 7303.

By honoring Mr. Hughes, the Gladwin County VFW recognizes him as a paradigm of service to both his community and his country. He exemplifies the ideals embodied in the VFW's articles of confederation. He has maintained true allegiance to the United States and her Constitution, endeavored to preserve and defend our country from her enemies, helped to maintain and extend the institution of American freedom, and, to the best of his abilities, fought to preserve and defend our country from her enemies.

Mr. Hughes has served our country in a myriad of ways. During the Second World War, he served in the 94th Army, 376th Infantry Division, Europe. While there, he was selected as both post commander and 11th district commander. He also assisted as a member of the department, district, and post honor guards. He now adds district service officer and quartermaster of the post to the many committee chairmanships and offices he has held in the past.

A graduate of Beaverton High, Robert Hughes was a leader at home as well as the field. Married in 1946 to Miss E. Willa Dean Thomas, the Hughes brought three children into this world, Randa, Robert, Jr., and Janet, who in turn blessed their parents with nine grandchildren.

I ask you, Mr. Speaker, and our colleagues in the House to join me in congratulating Bob Hughes upon this occasion of the "Open House" given in his honor. America owes a great debt to her soldiers and veterans, and Mr. Hughes' commitments and accomplishments serve as an example to us all.

WHY I AM PROUD OF AMERICA

HON. ALFRED A. (AL) McCANDLESS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. McCANDLESS. Mr. Speaker, each year the Veterans of Foreign Wars of the United States, and its ladies auxiliary, conduct the Voice of Democracy broadcast script-writing contest. This year more than 137,000 students participated in the contest competing for the 12 national scholarships. The contest theme this year was "Why I Am Proud of America."

I am proud to say that a young man from Corona, CA, in my district, has been awarded eighth place honors in this national contest. He is Joshua Thomas Burgess, a senior at Corona High School. I want to commend him for his evident dedication to democracy, and I insert the text of his winning script in the CONGRESSIONAL RECORD.

"WHY I AM PROUD OF AMERICA"

(By Joshua Thomas Burgess)

The darkening night pressed down harshly as the rain fell to the ground all around the mall. After some disoriented searching, I found what I was looking for. At other malls, people were shopping, looking for articles of clothing, but at this special mall I was searching the list of 58,175 names carved in a granite wall. I was at the Vietnam Veterans' Memorial in Washington, D.C.

Finally, I found the name of a high school friend of my parents. He had been the same age as my father, and now I was staring at this deceased friend's name on that granite wall. My father had served, too, but this man had paid the supreme sacrifice. I was thankful to him, and proud that such a man stood for America.

The following day, I joined a crowd of several hundred respectful mourners at the Tomb of the Unknown Soldier. But it wasn't all sadness at the tomb. There was pride, pride in the United States and her people.

More than a century ago, Senator Daniel Webster said, "I was born an American; I will live as an American; I shall die an American." Many men and women have died as Americans, fighting for their land on foreign soil. Yes, those men and women were proud of the United States; they were proud enough to die. Through war after war, the people of America have risen to the call to arms in times of need.

I am proud of America because of those soldiers who willingly chose to lay down their lives for the United States. Such displays of patriotism caused the English Statesman William Pitt to say, "You cannot conquer America." Who is this? It's because of the unceasing willingness of Americans to sacrifice for the good of their country.

My comments would be meaningless were it not that they are shown to be demonstrably true by history. A 1951 recruiting poster pictured a U.S. soldier and said, "But for him * * * words would be sterile, meaningless things * * * words like freedom, liberty, justice, equality * * * words that make pacts, proclamations, constitutions, charters* * * hopes for a better more peaceful future." Because of the faithful souls who have lived and died to protect our liberty, I am proud of America.

The people of the United States have always stood up and been counted for America. From the Revolution to the present, America has shown herself worthy of respect. A parent's pride in a child grows as the youngster develops into maturity, pursuing excellence. In the same way, our pride in America has grown as our nation has matured, seeking after excellence in every way. America has always risen above its troubles . . . social, economic, or political . . . to show itself to be the greatest nation in the world. This is why I am proud of America.

Yet, there are still more reasons to be proud of the United States. Consider this: homeowners will tell you that it is pride of ownership that causes them to take good care of their houses. The same is true for our democracy. Because Americans have pride of ownership in this great land, we protect our investments, our equity, our heritage to be passed on to future generations. This incomparable heritage was purchased with tears, sweat, and blood.

In 1989, thousands of persons fled Eastern Europe for freedom in the West. Many of these refugees will not rest until they have come to our nation of open borders, the land of the free, the home of the brave. It is democracy which fosters freedom and America, the strongest democracy in the world, still stands as a beacon of liberty to a beleaguered people. That's another reason why I am proud of America.

And more recently, when a terrible hurricane ripped through the east coast and a 7.1 earthquake devastated portions of the San Francisco Bay area, the people of America banded together to help one another. They showed that the people of this country have heart and compassion for their fellow man. That is why I am proud of America.

For all these reasons, I take pride in my right and responsibility to vote . . . for I thereby help preserve freedom here and abroad.

I could easily keep going as the reasons to be proud of America are countless. These are but a few. But, if these few reasons truly were the only reasons to be proud of America, I would still be bursting at the seams with pride. America is certainly the greatest nation on our planet. With good cause, I echo the pride of that great patriot Daniel Webster, who declared, "Thank God, I am an American."

IT'S TIME TO END DISCHARGE PETITION SECRECY

HON. CHUCK DOUGLAS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. DOUGLAS. Mr. Speaker, I have filed discharge petition No. 7 to bring to the House floor BOB MICHEL's resolution that proposes a constitutional amendment to ban desecration of the American flag. We were promised by the Democrat leadership last fall that we would get a floor vote on this resolution—but we all saw how valid that promise turned out to be.

It's time for my colleagues to put up or shut up in regards to their support for an amendment to protect the flag.

As we all have seen, the Flag Protection Act passed by this Congress last year was a sham. Two Federal courts have already ruled that a mere statute to protect the flag will not work, so an amendment is needed to get the job done. Let's give the 50 State legislatures a chance to express their views on whether they believe the American flag deserves protection as a unique national symbol of what brave Americans have fought and died for.

But perhaps we will never really know how some Members of this House will actually vote on this question. The secrecy of the discharge petition allows these Members the best of the both political worlds: They can publicly say they support a measure, while quietly withholding their names from the petition that would accomplish just that.

This faker protection prevents Americans from knowing where their elected representatives really stand. Unlike John Hancock, they can sign or not sign in complete secrecy. Thus are hyprocrites protected.

Following are more detailed objections to secrecy:

[From Roll Call, Mar. 29, 1990]

IT'S TIME TO END DISCHARGE PETITION SECRECY

(By Hon. Chuck Douglas)

There is a secret list in Congress. Under strictly controlled conditions, Members can see it, but they are not supposed to disclose the names on the list, nor reveal their number.

This covert list is part of the House discharge petition process, a special procedure designed to move bills that have become "stuck" in committee because of the opposition of the chairman. Established in 1931 in its current form, the discharge petition is intended to permit a majority in Congress, by signing the petition, to work its will, and as such the procedure is consistent with effective, democratic government.

A discharge petition is kept in a drawer in the clerk's desk at the front of the House chamber. The press and public cannot see it; Members cannot copy it, nor get a photocopy of it. Thus are hypocrites protected.

The secrecy of the petition, until it gains the required 218 signatures, is at odds with our system of honest and open government. Article I of the Constitution states, for example, that "each House shall keep a Journal of its Proceedings." The House Parliamentarian has ruled, however, that names of the discharge petition may not be printed in the Journal. In fact, when Members ask to see the petition, they are presented with a printed statement from the Speaker informing them that "publication or release" of the names is "strictly prohibited."

The root cause of the problem lies in the power of committee chairmen or the Speaker to refuse a vote on any measure they oppose. In my state of New Hampshire, with a four hundred member House of Representatives, we require every bill to 1) receive a fair hearing, 2) be voted on in committee, and 3) be allowed an open floor vote. This protects minority views from abuse. That change here in the U.S. House would make us more responsive and democratic, rather than dictatorial and autocratic. As fellow former judge George Mitchell said last fall to visitors from the Supreme Soviet studying legislative rules: "Don't copy our rules."

On Wednesday, I filed a discharge petition for H.J. Res. 350, Congressman Michel's proposed Constitutional amendment to permit Congress and the states to pass laws banning the burning and desecration of the American flag. Two lower federal courts have already ruled that a mere statute to protect the flag will not work, and so an amendment is needed to get the job done effectively.

The secrecy of the discharge petition, however, allows Members the best of two political worlds: they can publicly say they support a measure, like protecting the American flag, while quietly withholding their names from the petition that would accomplish just that. The resulting "faker protection" prevents Americans from knowing where their representatives really stand. Unlike John Hancock, they can sign or not sign in complete secrecy.

Congress should lift the veil of secrecy that surrounds the discharge petition, so the people can distinguish the true supporters of an issue from the fakers.

This is especially the case with regard to House Joint Resolution 268 that would amend the Constitution to require a balanced budget. It has 246 cosponsors, well over the majority in the House, yet the Judiciary Committee refuses to report the measure to the House floor. I intend to file a discharge petition soon for H.J. Res. 268, and will disclose the names of all who claim to support it but *fail* to sign the petition.

It is surprising that at a time when Congress is demanding ever greater access to Executive branch documents in the name of open government—to the point of demanding President Reagan's personal diaries—it ignores its own advice and clings to a system of outdated, and deceptive, covert lists.

IMPORTANT NOTICE

The publication or release of the names of Members who have signed this or any other discharge petition, before the petition has obtained the requisite number of signatures and been placed on the calendar of motions to discharge committees, is strictly prohibited under the precedents of the House. The prerogative of individual Members to determine when and whether to sign a discharge petition, and to remove their signatures until the petition has been signed by a majority of Members, is in the nature of a private and serious agreement among Members to invoke a special procedure of the House, which must not be diminished by the premature release of either the names or number of names contained on the petition.

DONNALD K. ANDERSON,
Clerk.

The Chair trusts that all Members will comply with this time-honored principle on their own responsibility.

THOMAS S. FOLEY,
Speaker.

CHURCH, STATE, AND ABORTION

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. LAFALCE. Mr. Speaker, the much publicized rift between the Catholic church and New York State Gov. Mario Cuomo over the issue of abortion has been extensively covered but, unfortunately, mischaracterized. Commentary on this issue has almost exclusively focused on the propriety of the Catholic bishops involvement in this issue. Governor Cuomo, however, recognizes the church's right to speak publicly on abortion and other moral issues once those issues have entered the political arena.

I would like to insert in the RECORD the following article, "Cuomo, Taney and the Bishops" by Charles Krauthammer, printed in the Friday, March 23, Washington Post. This article provides an enlightening historical perspective on this very current controversy and addresses some of the spurious assertions regarding the propriety of the Catholic church's articulations on the issue of abortion in our pluralistic society. I commend the following article to my colleagues for its clarity and insight.

[From the Washington Post, Mar. 23, 1990]

CUOMO, TANEY AND THE BISHOPS

(By Charles Krauthammer)

In 1857, Chief Justice Roger B. Taney handed down the Dred Scott decision upholding and extending slavery. Taney's opinion was, it is generally agreed, "the worst constitutional decision of the 19th century" (the words are Robert Bork's). Yet there is a curious and little known fact about Judge Taney. More than 30 years earlier he had freed his own slaves. Today, therefore, we would say that while he was "personally" opposed to slavery he did not want to "impose" his views on others.

The Taney contradiction—privately opposed to but publicly tolerant of some widespread social practice—is the preferred position on abortion of pro-choice Catholic politicians today. This view does not sit well with the Catholic Church. It holds, quite plausibly, that the Taney position is as morally incoherent when applied to abortion as it was when applied to slavery.

At the center of the debate is New York Gov. Mario Cuomo, who personally believes that abortion is sinful but as governor has supported no abortion restrictions, indeed has advocated state funding of abortions for poor women. For this, one New York Bishop has said that Cuomo is in danger of losing his soul and going to hell. Another New York Bishop barred Cuomo from any church function in his diocese (later modified as a ban on discussing abortion at any church function). Cardinal John O'Connor of New York has backed up his two bishops, continuing the argument he started with Cuomo in 1984 about whether it is possible to have it both ways, Taney-like, on abortion.

Liberal commentary has rushed into the breach to argue not so much the merits of the issue, but the propriety of the bishops' getting involved in the first place. The claim is that these clerical admonitions constitute an assault on the separation of church and state, a denial of religious pluralism, a form of religious tyranny. These prelates, writes Arthur Schlesinger, "seem to be doing their best to verify the fears long cherished by . . . a succession of anti-Catholic demagogues that the Roman Catholic Church would try to overrule the American democratic process."

This idea of overruling is outright nonsense. The Catholic Church is in no way compelling anyone to do anything, let alone interdicting the will of the majority. If it does manage to persuade a majority of Americans that abortion is wrong and ought to be banned, how is that different from any other group persuading a democratic majority to ban, say, polygamy or drug-taking?

As for the "threats" to Cuomo, they are entirely self-imposed. The force of the bishops' moral appeal derives exclusively from Cuomo's own freely offered profession that "I am a governor, I am a Democrat, but I am a Catholic first—my soul is more important to me than my body." Unlike President Kennedy, Cuomo is more than a nominal Catholic. His profession of faith makes him subject, voluntarily, to the teachings of his church. For the church to which he voluntarily adheres to repeat to him its position on abortion as well as the penalties the church believes are due those who violate it is hardly an act of imposition. It is an act of religious teaching that Cuomo himself invites when he says "I—and many others like me—are eager for enlightenment, eager to learn new and better ways to manifest respect for the deep reverence for life that is our religion and our instinct."

The other liberal complaint is that since the Catholic position on abortion is religiously derived, if it ultimately becomes law, that constitutes an imposition of religion. This argument is nonsense too. Under American concepts of political pluralism, it makes no difference from where a belief comes. Whether it comes from church teaching, inner conviction or some trash novel, the legitimacy of any belief rests ultimately on its content, not on its origin. It is absurd to hold that a pro-abortion position derived from, say, Paul Ehrlich's overpopulation doomsday scenario is legitimate, but an antiabortion position derived from scripture is a violation of the First Amendment. The provenance of an opinion has nothing to do with its legitimacy as a contender for public opinion—and as candidate for becoming public law.

Moreover, it is particularly hypocritical for liberals to profess outrage at the involvement of the Catholic Church in this political issue, when only a few decades ago much of the civil rights and antiwar movements were run out of the churches. When Martin Luther King, Jr. invoked scripture in support of his vision of racial equality and when the American Catholic Bishops invoked Augustine in their pastoral letter opposing nuclear deterrence, not a liberal in the land protested that this constituted a violation of the separation of church and state.

To his credit, Cuomo does not join the liberal chorus in denying the prelates a right to speak as they wish on abortion. Not so for many of his backers. When it suits their political purposes they approve, they demand, that the church stand up for right. When it does not suit them, Schlesinger comes forward to warn darkly that such outspokenness risks stirring up anti-Catholic bigotry.

On the face of it, I would say it already has.

THE INCREDIBLE SEASON OF THE RENSSELAER RAMS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SOLOMON. Mr. Speaker, It's a lucky athelete who is part of a team that people talk about 10, 20, 30 years after the final whistle of the final game is blown.

A team that puts together a magic season that inspires an entire community, makes everyone set aside his own problems and, for a few hours on a Friday night, feel the excitement that dreams are made of.

And for years afterward, everyone will talk about the last-minute basket that won a game, about the player who rose above his skill level to secure yet one more heart-stopping victory.

Mr Speaker, something like that happened this year to the Rensselaer Basketball Team in the 24th District of New York, which won the Class C section 2 championship before losing in the State federation tournament a week later.

But the loss to a tough Buffalo Nichols team couldn't tarnish the luster of a 28–1 season.

The Rams won more games than any other team in section 2 history, went farther than any other section team in post-season play, and tied the State public high school record for single-season victories.

The people of Rensselaer have already given their team a parade, but Mr. Speaker, today it is my pleasure to ask the entire House to join me in saluting the Rensselaer Rams, and everyone associated with them, for a superb season.

THE RENSSELAER MIDDLE HIGH SCHOOL BASKETBALL TEAM, "THE RAMS"

1989–90

Players: Lateef Duncan (Tri-Captain), Charles Bauer (Tri-Captain), Anthony Holloway (Tri-Captain), Christopher O'Grady, Thomas James, Akili Duncan, Kevin Filipello, Edward Welsh, Joseph Sousa, Marc Cannon, Brian Lord, Joseph Hennessey, Kevin Ninstant, Germain Mallory, and Nichoas DeJulio.

Coaches: Richard McCabe, James Kisselburgh, John Smith, and Robert Stranahan.

Statisticians: Scott Lawson, Felicia Nobles, and Brian Lewis.

Cheerleaders: Vanessa Allert (Captain), Jennifer Haggerty, Victoria Weidman, Bonnie Howland, Tina Osment, Lisa Van Vorst, Amy Bridgeford, Linda DeThomasis, Amy Chapman, and Crystal Bauer (mascot).

Cheerleader Coaches: Mary Relyea and Kim Crawford (assistant).

WHY I AM PROUD OF AMERICA

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. LIVINGSTON. Mr. Speaker, every year, the Veterans of Foreign Wars and its Ladies' Auxiliary conduct the Voice of Democracy broadcast scriptwriting contest for secondary school students.

This year, more than 137,000 secondary school students participated in the contest, the theme of which was "Why I am proud to be an American."

Mr. Speaker, the winner from the great State of Louisiana is 20-year-old Raymond Oliver "Ross" Squires of the Clifton L. Ganus School. I believe his essay is a fine tribute to our American values and I insert it into the RECORD:

WHY I AM PROUD OF AMERICA

(By Raymond Oliver Squires, Louisiana Winner of the 1989/90 VFW Voice of Democracy Scholarship Program)

A friend of mine once said, "I'm just a pawn in this game of life." This commonly used phrase aroused my philosophical interest, and gave me an incentive to think. So, I began to contemplate about this statement and applied it to the basis of my pride in America opportunity!

Think about it! In the game of chess, if a pawn, be it black or white, reaches its adversary's last row, it may be redemed for a piece of higher value, except for the king of course; that minute expendable pawn could turn the tables of the game simply by sacrificing itself only to be reborn again as either a queen, bishop, knight or castle. That pawn was given the opportunity to change through the player's discretion, of course; but still, it was given that chance to better itself for the advancement in the game.

Now, let's apply this principle to our modern American society. No matter what a person's social status may be, one is given the choice to decide one's own future. We are given the choices of education, profession, and/or travel; all of this and more simply by being born in this glorious country. So, any individual can enroll in a college, if he meets the required criteria, so that he could be trained for the hardships in the job market and the world at large. We, as American individuals, are granted the privilege of deciding our own profession, even if a job isn't desired. Also, one could change his profession if the job has become displeasing to that person per se; quicker than you could say "capitalism". The job transition could be completed simply and effectively through our freedom of opportunities. Now, the opportunity of travel comes to my mind. Americans need quality time outside their vocations, so travel agencies were born, which created vacation.

Education, vocation, and travel; these are just some basic opportunities Americans have, but are they truly noticed as such? Sure, I know what you're thinking; all democracies are the same and grant the same rights; not so I say. In retrospect, Athens, the birthplace of democracy, did not grant women or slaves suffrage. But for the sake of my argument, I'll redefine suffrage as the opportunity of governmental voice or action. On the other hand, all American citizens have the right of suffrage.

This opportunity is the most crucial to our society, and yet, some people neglect its importance. But, I can honestly boast that when it comes time for me to flick those ballot machine levers, I'll hold my head high in pride knowing that I, a pawn, could have made an important move for the betterment of society's chess board. Most Americans don't feel this way and take for granted our most common freedom, opportunity.

The person who once said, "Opportunity knocks but only once," obviously was not a United States citizen because opportunity floods through our doors, and we overlook them. Yes, I can truly believe in this aspect of our culture, and opportunity is the basis for my pride in America; because if I choose to quit school yesterday, you wouldn't be hearing my words today. And that dear friends could ruin my future plans with a definite checkmate!

A TRIBUTE TO MR. JOHN A. CHURCH

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SCHUETTE. Mr. Speaker, I have the privilege today of commending a distinguished citizen of Michigan, Dr. John A. Church, on the occasion of his retirement as president of the Wolverine Federal Savings and Loan Association.

Dr. Church joined the board of directors of Wolverine Federal Savings and Loan Association in 1957, was elected chairman in 1976, and president in 1980. First chartered in November 1933 as the Midland Federal Savings and Loan Association, Wolverine Federal Savings and Loan Association was Michigan's first federally chartered savings and loan. From its original Midland office, Wolverine now claims a total of six offices in four different cities, including Cadillac, Sanford, and Frankenmuth, with combined assets exceeding $100 million.

Dr. Church also serves as a trustee of the Northwood Institute, with which he has been associated since 1969. In 1986, Northwood granted Mr. Church a honorary doctor of laws degree.

Dr. Church graduated in 1942 from Michigan State University with a bachelor of arts degree in journalism. Following his 3-year tenure with the U.S. Army from 1942 to 1945 in the Pacific theatre, Lieutenant Church married Miss Hannah Baker in 1946. They were blessed with eight children, four daughters, and four sons: John, Mary, Susan, William, Sarah, Thomas, James, and Margaret.

Dr. Church is a former 9th district commodore of the U.S. Coast Guard Auxiliary, as well as a founding director, past president, and life member of the Coast Guard Foundation. In 1981, Dr. Church was awarded the U.S. Coast Guard's Distinguished Public Service Award. Dr. Church belongs to Memorial Presbyterian Church, as well as the Midland Rotary.

Mr. Speaker, and my colleagues in the House, please join me in honoring Dr. John A. Church for his service and leadership both to his community and country. Please join me in offering our congratulations and best wishes to Dr. John A. Church and his family on this joyous occasion.

WOMEN'S HISTORY MONTH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. DINGELL. Mr. Speaker, I rise today in recognition of Women's History Month celebrated nationally during the month of March. Historically, women have played an important, and yet often unrecognized, role in the development of our society. Their involvement in all walks of life, including education, politics, the arts and humanities, and leadership in the sciences, to name a few, has played a critical part in America's emergence as a world leader.

A number of women from the State of Michigan have been leaders in their respective fields and their recognition during Women's History Month is deserved in light of their lifetime contributions. In particular, Michigan is home to such politically active women as Martha Griffiths, Lieutenant Governor of the State of Michigan and former U.S. Representative; Helen Milliken, currently serving on the board of directors of the Women's Research and Education Institute, wife of former Michigan Gov. William G. Milliken, and politically active with women's issues and the arts; Helen Thomas of Detroit, dean of the White House Press Corps and White House Bureau Chief for United Press International; and Mary Coleman of Battle Creek, MI, former chief justice of the Michigan Supreme Court. Indeed, time does not permit me to mention all of the fine women currently serving in the State legislative, executive, and judicial branches.

Throughout Michigan's 153 years as a State, the list of prominent women goes on and on, many of whom have been recognized by the Michigan Women's Historical Center and Hall of Fame. The list ranges from leaders in our Nation's past to leaders in today's medical field. From Sojourner Truth—1797–1883—a slave who became a nationally recognized crusader for human rights and author of the famous speech "Ain't I a Woman," to Alexa Canady, M.D., chief of neurosurgery of Children's Hospital in Detroit, 1 of 50 women neurosurgeons in the United States and 1 of 10 women specializing in pediatrics.

These women, and countless more, deserve our recognition during Women's History Month. As a member of the "Congressional Caucus for Women's Issues," I applaud these women for their outstanding lifetime achievements and for serving as role models for both women and men alike.

REBUILDING AMERICA'S INFRASTRUCTURE: A TWO-PRONGED BATTLE

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. TRAXLER. Mr. Speaker, I would like to share with my colleagues an article from a recent newsletter that I sent to the members of my congressional district. In the article I suggest that the improved world climate now gives us the opportunity to do what the economic future of the United States requires: increase investment in our physical and human infrastructure.

So far the response from my constituents on the newsletter article has been very positive. With that in mind, I would strongly encourage all of my colleagues to take time to carefully review my views on this important matter.

[From the Washington Report of Congressman Bob Traxler, December 1989]

REBUILDING AMERICA'S INFRASTRUCTURE: A TWO-PRONGED BATTLE

America is in crisis. We face multi-billion dollar trade and budget deficits. Many U.S. industries have lost the competitive advantage which made this nation the world's economic leader. Drugs are widely available in urban and rural America. Escalating healthcare costs have reduced healthcare availability to millions of low income and elderly Americans. Cheap Third World imports have seriously damaged our industries and eliminated the jobs of hundreds of thousands of highly skilled, well-paid workers. In our universities there is a continuing decline in the number of science and engineering enrollments. Even more startling is the fact that over half of our science PhD candidates are foreigners, most of whom return to their country after completing their education in the United States to become our greatest competitors. While the dollar is currently strong, the Japanese and Germans have become the international financiers to the world. While we have been spending hundreds of billions of dollars each year on the defense of Europe and Japan, they have been investing billions of dollars in building their industrial and human infrastructure in preparation for the economic contest of the 1990's and the next century—an economic contest in which the United States is no longer prepared to compete.

To make our nation stronger, we must know where we have been and where we are going. Most importantly we must continue

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to maintain the foundation upon which this great country was originally built. This means that we must begin to decrease the amount of money that we are currently spending on defense and place greater emphasis upon rebuilding America's infrastructure—both physical and human.

Defense expenditures economically benefit only limited sections of the country. Public works, on the other hand, reach every state, city, and village in the nation. They increase demand for contractors, pipe manufacturers, cement producers, steel and heavy equipment manufacturers, and truck manufacturers. Public works also provide well paying jobs to various types of skilled and unskilled workers. The economic spinoff from all this activity is very positive for national and local businesses.

Infrastructure is the underlying base of essential elements necessary to build and maintain a strong nation. Physical infrastructure is our public works—highways, buildings, public transit systems, railroads, airports, solid waste facilities, sewer and water systems built by the government at public expense for public use. Human infrastructure, on the other hand, might best be described as "people power"—i.e., the ability of a country's citizens to become self-sufficient and productive members of the society in which they live.

Knowing the importance of a strong physical infrastructure, our American predecessors built railroads, highways, bridges, airports and transit systems that allowed people to move freely from one end of the country to the other. They built dams and water supply systems that supplied water and electricity to our farms as well as our cities.

For years our transportation networks fueled our industry and promoted economic growth. The past investment in constructing and maintaining our physical infrastructure employed hundreds of thousands of people ranging from truck drivers to engineers. During these periods our entire country prospered from such public expenditures.

Today, however, we find that America is literally falling apart. Bridges, roads, airports, mass transit systems, and sewer and water systems are wearing out faster than they are being repaired or replaced. Treatment of solid and hazardous wastes is a growing problem which needs research dollars and innovative technological solutions.

The Congressional Budget Office and the Joint Economic Committee project that $50-to-$65 billion in annual infrastructure spending will be necessary between 1989 and 2000. The National Council for Public Works Improvement recommends that annual real capital spending over the next decade for new and existing public works should double from the 1985 level of $45 billion. The Association of General Contractors has estimated that rebuilding the physical infrastructure of the United States to a predetermined set of engineering standards will cost $112 billion a year between 1989 and 2000.

But while so much money appears to be necessary to rehabilitate America's physical infrastructure, growth in spending on our infrastructure has slowed dramatically. Total public spending for our nation's physical infrastructure—capital and maintenance—dropped from 3.5% of the Gross National Product (GNP) to 2.5% between 1960 and 1985. Even more frightening is the fact that since 1985 we have witnessed a total reduction in federal infrastructure spending of over $3 billion in 1980 dollars.

In 1984, federal, state, and local governments together devoted only 6.8% of their budgets to public works, a decrease from 19% in 1950. From 1962 to 1987 total federal outlays for physical infrastructure dropped from 10.9% of total non-defense spending to 4.5%.

Clearly we must reevaluate our priorities. In recent years the erosion of our infrastructure has hampered our growth and productivity. Deteriorated highways and bridges have slowed the transportation of goods, while air and highway delays have added to labor costs. It is time to launch a major effort to rebuild our country, striving to leave America in better shape than we find it today.

According to David Aschauer, Senior Economist at the Federal Reserve Bank of Chicago, defense spending has a neutral effect on productivity growth. This is not the case, however, for physical infrastructure spending. Aschauer estimates that a $50 billion annual increase in our physical infrastructure spending would, in turn, lead to an increase in the productivity growth rate of one percent a year. This alone, says Aschauer, will go a long way in helping to reduce the productivity slump which the U.S. has experienced since the early 1970's. However, that's not all. Aschauer's figures also suggest that the same $50 billion increase in public investment would cause a subsequent $1.25 billion increase in private investment, for a net increase in national investment of $62.5 billion.

It is interesting to note that between the Group-of-Seven-Countries (the United States, our European allies and Japan), Germany and Japan have the highest rates of productivity growth. When compared to the United States these two countries devote a much larger share of their gross national product to infrastructure investment while they spend much less on defense.

As we have seen from the Soviet Union, spending money on weapons does not always make for a strong economy. Perhaps it's time that we learn from the Soviet example and start spending money to actually make our country strong as opposed to spending money to appear that we are strong.

Repairing our public works is only the first of a two-pronged battle that we must wage in order to rebuild America's infrastructure. The second prong of our attack must be directed towards rebuilding our human infrastructure. We must develop literacy programs targeted at youth to ensure that all Americans have the ability to read. We must develop programs to strengthen families, prevent child abuse, and teach life skills to our young people. We must work to promote a sense of community and to achieve a spirit of volunteerism in both urban and rural sectors of our society. Above all else, we must have a common definition of America and collectively work to achieve it as the Japanese and Germans have done with their societies.

Of course, the question then becomes one of how do we accomplish this seemingly insurmountable task. We should stop asking what the problems are and begin looking at the aspirations of our youth and start developing programs that will let them achieve their goals. When asked about aspirations, the typical group of youth will respond that they want to:

Be healthy;
Feel good about themselves;
Be cared for and loved;
Be sensitive to the needs of others;
Develop positive human relationships;
Be able to get a job; and
Have the freedom to be creative.

It is interesting to me that a majority of studies conducted in inner cities focus on the prevalence of crime and drugs. Why, we must ask ourselves, are we not focusing our attention towards looking at the success stories in these areas—those families who are able to survive and make a go of things. These are the families where aspirations and hope still exist. If we are to be successful, we must begin to study what these families are doing different from the rest.

Because we focus on failures as opposed to success, we tend to prescribe "band-aid" solutions. These "band-aid" approaches treat the symptoms rather than root causes of our problems, and thus, they are unsuccessful. It is time for us to realize that we will not solve our nation's problems just by running programs for pregnant teenagers, providing drug and alcohol treatment, setting up more programs for dropouts, and constructing more prisons and correctional facilities. While these programs are necessary and important, they should not be the entire focus of our efforts to rebuild the human infrastructure.

One of the keys to success in rebuilding our human infrastructure is early intervention and prevention. According to recent estimates by the National Alliance of Business, every dollar spent on intervention/prevention programs for youth will save $4.75 in reduced remedial education, welfare and crime costs. Other studies have estimated returns as high as $6-$8 for every dollar spent on preventing programs. Contrast this to the cost of expanding the federal prison system which is approximately $51,340 for each new bed space.

Aside from the family, one of the major driving forces in our early intervention/prevention efforts is our schools. In recent years the tendency has been to blame our schools for all of society's ills. The continuation of such an attitude, however, will only serve to make things worse—not better—for the effectiveness of our schools represents the priority given to education within a society. If our schools are not effective, we have no one to blame but ourselves.

To supplement the efforts in our schools, we need to utilize the media more effectively—especially television. Studies have shown that by the time of graduation an average student has spent more time in front of a television set than in front of a teacher. With some exceptions, the tremendous potential of television as a value-forming, character-building tool has never been fulfilled. We must achieve a positive balance between education and entertainment, using television to impart positive values to our nation's youth. Careful attention to positive children's programming is a vital component in developing today's young people into value conscious and productive citizens.

However, we must not place too great of a burden upon the media. For each program on television there is a sponsor. Until business begins to be more selective in what it sponsors—to look at the content of programs opposed to the number and nature of the viewers who watch them—there is little hope that we will be able to expand the level of educational television programming. This should be our goal.

We must get business more heavily involved in our education and prevention efforts. In recent years, all too often we have heard business state that we are producing an increasingly nonproductive and uneducated work force. Yet part of this very problem has been caused by the fact that Wall Street has encouraged business to focus on the bottom line with no incentive for community reinvestment. American business must come to realize that a strong human infrastructure is one commodity that it cannot do without and one that is worthy of its investment.

Finally, and perhaps most importantly, we must work to restore the foundations of community and family support which have always made our country strong. This can be done by focusing our attention on keeping youth in schools so that they have the opportunity to develop their potential and fulfill their aspirations. We must target resources to the highest-need communities and expand successful education programs that focus on at-risk youth. We must train more youth professionals and volunteers to work with young people, families, neighborhoods, and the larger community to prevent and treat problems. We must establish coalitions to deliver and support comprehensive community prevention programs to reach parents, youth, and community leaders. Through such efforts we can keep hope alive for a young child who might otherwise drop out of school or turn to drugs.

I believe now is the time to begin to rebuild America's infrastructure. Each dollar that we invest today will be returned to us many times over in the years to come. It is clear that the dramatic changes taking place in the Soviet Union and Eastern Europe today will permit us to reduce our military presence in Western Europe and in the Pacific. These billions of dollars in annual savings should be first directed to deficit reduction. In order to avoid a severe recession, the rebuilding of a physical and human infrastructure should go forward. We cannot continue to pour billions of dollars into the defense of our great nation at the expense of the very foundation upon which the nation was built. If this continues to be the direction that we choose to take, I am afraid that we may wake up to the realization that there is no nation left to defend.

NATIONAL DRUG ABUSE RESISTANCE EDUCATION DAY

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. LEVINE of California. Mr. Speaker, I rise to introduce, along with my distinguished colleague from Virginia, FRANK WOLF, legislation designating September 13, 1990, as National Drug Abuse Resistance Education Day. This resolution, which was signed into law in 1988 and 1989, recognizes D.A.R.E. as an outstanding drug abuse education and prevention program.

The D.A.R.E. Program consists of a 17-week curriculum, taught once a week over the course of a semester. It includes such subjects as drug use and misuse, decisionmaking and risktaking, resistance techniques, and assertive response styles. Other D.A.R.E. classes help students understand self-image, recognize stress and manage it without taking drugs, and analyze and resist media presentations about alcohol and drugs. The semester-long program was originally targeted to fifth and sixth graders, but now reaches younger grades and does followup instruction in junior high and high school as well.

The classes are taught by specially trained veteran police officers who have direct experience with the tragedies and crime caused by drug abuse. Each police officer completes an 80 hour D.A.R.E. training program including instruction on teaching techniques, development of self-esteem in children, and communication skills. In addition, the D.A.R.E. Program offers the opportunity for law enforcement, teachers, and school administrators to work together in a collective effort to curb drug abuse.

Originally developed as a cooperative effort of the Los Angeles Police Department and the unified school district, the D.A.R.E. program now reaches 4.5 million students in 49 States and the District of Columbia, and has been adopted for international use in the Department of Defense dependent schools.

Independent research has confirmed the success of D.A.R.E. Graduates of the program are both less accepting of drug use and more able to resist peer pressure to use drugs. The program also contributes to improved grades and study habits, decreased vandalism and gang activity, improved relations between ethnic groups, and a more positive attitude toward the police and school.

The success of D.A.R.E. is also demonstrated in a student-parent survey taken in the Los Angeles Unified School District. Before participating in the D.A.R.E. Program, 51 percent of the students surveyed equated drug use with having more friends. After completing the program, only 8 percent of the students made this association. Similarly, before witnessing the D.A.R.E. presentation, 61 percent of parents thought that there was nothing that parents could do to prevent their children from using drugs. After the D.A.R.E. presentation, only 5 percent of the parents still held this belief.

D.A.R.E. has become one of our most effective weapons in combating the war on drugs. It has set the national standard for drug education programs because it is innovative, cost-effective, and it works. For parents and students on the front lines of our drug crisis, D.A.R.E. sends a beacon of hope. I am pleased to have the opportunity to recognize this outstanding program once again.%

THE BUSH ADMINISTRATION'S PLO COVER-UP

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 2, 1990

Mr. GREEN. Mr. Speaker, as the following piece points out, "Refusal to criticize the PLO has now become a cornerstone of Bush administration policy."

The State Department's refusal to hold the PLO accountable for its many acts of violence and inflammatory rhetoric is outrageous and clearly in violation of the terms established for the dialog the United States has entered into with the PLO. Such as approach greatly reduces incentives for the PLO to take meaningful steps toward a nonviolent resolution of the conflict, and erodes the development of trust and confidence which is essential to progress in the peace talks.

I commend the following piece from the Wall Street Journal to my colleagues, and I urge the administration to cease this senseless policy of blindly protecting the PLO from criticism or accountability.

Steven Emerson, formerly a senior editor for U.S. News and World Report, was awarded the Investigative Reports and Editors Award in 1988. Mr. Emerson specializes in national security and intelligence affairs, and is coauthor of the forthcoming book, "The Fall of Pan Am 103: Inside the Lockerbie Investigation."

[From the Wall Street Journal. Mar. 22 1990]

THE BUSH ADMINISTRATION'S PLO COVER-UP

(By Steven Emerson)

A month ago, terrorists opened fire on a bus of Israeli tourists near Cario. Nine Israelis were machine-gunned to death. When the Palestine Liberation Organization issued a statement that appeared to justify the attack, the Egyptian government made its fury known to the PLO and the world media. And what was the official American reaction to the PLO statement? Nothing. Not a word.

Refusal to criticize the PLO has now become a cornerstone of Bush administration policy. The latest manifestation of this disposition to white-wash the Palestinian group is the report the State Department presented to Congress on Monday, as required by the PLO Commitments Compliance Act enacted last month.

In December 1988, Yasser Arafat told the world that he "renounced" terrorism and "recognized" the state of Israel. By uttering those magic words, Mr. Arafat immediately gained the recognition of the U.S. But Mr. Arafat has a long history of saying one thing and doing another. In fact, just one month before, Mr. Arafat had been denied a visa to the U.S. by the Reagan State Department because it found that, despite his claims that he had abandoned terror, he was directing terrorist acts through such front groups as Force 17 and the Hawari Organization.

CONDEMN TERROR

At the first meeting between U.S. and PLO representatives in December 1988, the Americans told the PLO—according to a list of "taking points" recently published by the Israeli government—that the dialogue would be broken off if the PLO resumed terrorism: "No American administration can sustain the dialogue if terrorism continues by the PLO or any of its factions." In addition, the U.S. required the PLO to "publicly disassociate" itself from "terrorism by any Palestinian groups operating anywhere." Finally, the U.S. said that it expected the PLO to condemm any terrorist act carried out by "any element of the PLO" and to expel that element from the PLO.

The Bush administration maintains that the PLO has met those conditions. Monday's State Department report says, "the PLO has adhered to its commitment undertaken in 1988 to renounce terrorism."

But what about the numerous terrorist attacks on Israel since December 1988? The State Department report reluctantly acknowledges that nine "border attacks"—the new diplomatic euphemism for terrorist attacks—against Israel have been-launched by "constituent groups of the PLO" over the past 14 months. Those incidents do not invalidate the report's conclusion, the report says, because "the intended target of the attack in which the report concedes that "civilians appeared to be the target." But the three attacks directed at civilians were, the report insists, neither authorized nor approved by Mr. Arafat or the PLO Executive Committee.

All of this is dangerously misleading or positively untrue. The State Department report omits any mention of the multiple terrorist attacks carried out by groups that sit on the PLO Executive Committee, including raids by Mr. Arafat's Fatah group. Constituent groups of the PLO have openly taken credit for more than 18 attempted terrorist attacks on Israel from Lebanon, Egypt, Jordan and the Mediterranean over the past 14 months. In the West Bank and Gaza, many Palestinians have been murdered at the explicit—and documented—direction of the PLO and Fatah.

As for the nine PLO acts that the State Department report does acknowledge, it is not true that there is no evidence about their targets. There is clear and compelling evidence that the intended target of each one of them was civilian.

To take just one example: On Jan. 26, three guerrillas armed with machine guns, grenades and explosives attempted to penetrate the northern Israeli border from Lebanon. Intercepted by Israeli soldiers, the squad was killed in a shootout. In the terrorists' possession, besides weapons, was a map revealing one—and only one—target: a kibbutz called Misgav Am. The group that claimed responsibility for the abortive Misgav Am attack—as well as five others that were equally unsuccessful—is the Democratic Front for the Liberation of Palestine, which sits on the PLO Executive Committee. One of the DFLP's senior officials, Yasser abd al-Rabbu, is the head of the PLO delegation to the U.S.-PLO dialogue in Tunis.

Confronted with this accumulation of evidence, State Department spokesman Adam Shub averred: "None of the cross-border attacks has succeeded, so we don't know what the targets would have been. Therefore we can't call them terrorist. We don't know what they were planning." The State Department dismisses the written evidence from the Misgav Am raid as "inconclusive." When offered transcripts of the confessions of captured terrorists by the Israeli government, the State Department said that the interrogations were not "reliable." When offered an opportunity to interview the captured guerrillas firsthand, the U.S. refused.

When the Bush administration finds itself unable to deny that an attack occurred, it blames some rogue Palestinian element, never the PLO itself. As Monday's report puts it, "We have no evidence in those cases or any others that the actions were authorized or approved by the PLO Executive Committee."

But this is to misunderstand how the PLO works. The PLO is an umbrella organization, and its central committees do not attempt to control the operations of its member groups. The issue is not, what does the PLO Executive Committee order or authorize; the issue is, are the groups that constitute the PLO complying with the commitment they collectively made to the U.S. in December 1988? As State Department spokesman Charles Redman said in March 1989, "If the PLO cannot or will not exercise such control, it raises questions concerning the commitment undertaken in the name of the PLO—indeed, questions about the PLO's ability to carry out its commitments."

The Bush administration is particularly at pains to avoid criticism of Mr. Arafat's own Fatah wing of the PLO. On Dec. 5, five guerrillas infiltrated the Israeli Negev from the Egyptian Sinai. They carried no identification and the labels in their clothes have been cut out—all they had were Kalashnikov rifles, explosives and 51 grenades. Israeli soldiers intercepted them.

Faced with incontestable documentation that the five were affiliated with Fatah, John Kelly, assistant secretary of state for Near East and South Asian Affairs argued before Congress three weeks ago that while "there may have been Fatah members involved," they were "operating without sanctions from their leadership." In private conversation, though, State Department officials have admitted Fatah sponsorship of the attack. It is highly unlikely that Mr. Arafat, a man who insists on approving the smallest actions of his Fatah organization, down to the purchase of its fax machines, could have been unaware of it. The attack is not mentioned in the State Department report.

The contortions the Bush administration goes through to protect the PLO can verge on the grotesque. Last August, a Palestinian fundamentalist from Gaza wrenched the steering wheel of an Israeli bus away from the driver. The bus plunged into a ravine; 15 Israelis and one American were killed. The terrorist act was captured on television, and within six hours of the incident, the Israeli government had provided a detailed accounting of the attack.

The usual unnamed State Department official termed the event "senseless" and "tragic"—but categorically refused to label it an act of terrorism.

WHY THE DELAY?

Only after two days had elapsed—and after a bitter Israeli protest that the Bush administration's failure to condemn the murder gave a "license to kill to every Palestinian individual or organization"—did the State Department see fit to label it a terrorist attack. Why the two day delay? A State Department spokesman said at the time that the U.S. had only belatedly acquired the necessary information. But in fact, according to a senior U.S. official, the real reason was that the Bush administration was afraid that the mass slaying had been a PLO operation. Only when PLO responsibility was ruled out did the administration feel free to call it a terrorist operation.

Last summer, the Israelis dispatched Yigal Carmon, the Israeli government's adviser on counter-terrorism, to Washington with proof—maps, documents, leaflets—that, despite the American "talking points," PLO groups had not ceased their terrorist raids. He also brought tapes of speeches in Arabic by Mr. Arafat in which he condoned terrorist attacks.

State Department officials at first refused to meet with Mr. Carmon, before finally agreeing to a perfunctory meeting. But the Bush administration apparently did not feel confident that others would find Mr. Carmon's documents quite so uninteresting—so he was instructed not to speak to Congress and the media.

On March 1, Secretary of State James Baker testified before Congress, ". . . we have not received or seen evidence of complicity or encouragement or acquiescence by [Mr. Arafat] of terrorist activity." If Mr. Baker has not seen the evidence, it is because he has ordered his underlings not to collect it.

WHY I AM PROUD OF AMERICA

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. IRELAND. Mr. Speaker, I rise today to commend the winner from the State of Florida of the Voice of Democracy broadcast scripwriting contest. Jennifer C. Raynor of Bradenton, FL, was chosen by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary as the winning contestant from the State of Florida for her script, "Why I Am Proud of America." More than 137,000 students nationwide participated in this year's competition. Here is what she had to say about our great country:

Yes, I am an American. I say the pledge every morning and sing the Star Spangled Banner at the sporting events. But, really, that's only a small representative part of being an American.

Remembering back to American civics class or the family vacation to Washington, D.C., most people have read or heard this statement: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness . . ." This part of the preamble to the Declaration of Independence represents a country who, in the words of Marvin Karp, has from the time of its birth until now, has withstood the test of financial panic, economic depression, a civil war that temporarily divided it, two World Wars and other military involvements, even corruption in high places. Out of these trials and tribulation has emerged one of the world's superpowers.

This nation is the United States of America. It is a land where any person can be proud of his heritage and culture; for it has given this citizen freedom. The freedom to live his dreams regardless of race, origin or religion.

Americans both young and old relate to the reassurance of knowing their country stands firm on its beliefs and promises. The political responsibility of listening to its public, working for the people, and promoting justice is a common practice among the nation. America protects is citizens' rights.

Citizens of other countries revolt and struggle everyday for a simple freedom of speech. Something Americans may openly express as they walk down the street. The joyous jubilation over the recent tearing down of the Berlin wall made such an impact on the German citizens. It was a celebration of both our countries, because they no longer must risk escape. But other countries aren't as fortunate.

The fact is, New York City holds more Italians than Rome and more Jews live there than Tel Aviv. You see, more and more immigrants cross the United States border every day for the hope of even one of our freedoms. They come expecting a nation with visions of justice. They expect from their new country an honorable character and enduring beliefs. These people endure personal tragedies and private griefs when they feel our nation itself is worthy.

Our forefathers fought hard for our rights. America is proud of their accomplishments and does stand worthy in the eyes of these aliens. They seek our pride in the work we accomplish and actions we take. Americans do stand tall and proud of what their country represents.

We have so much to feel proud of. Not just personal rights and freedom of choice, but also a nation who listens to what its people have to say. Where one person can make a difference in the lives of many. This is the kind of country whose citizens are proud to say they belong. Americans don't have to hide their opinions or run towards freedom. It is already ours. And it is something that any American may be proud of.

Yes, we are Americans. We say the pledge every morning and sing the National Anthem at every sports event. But we don't do it because we have to . . . we do it because we want to . . . and are proud to.

Mr. Speaker, I am proud of Jennifer Raynor and her clear understanding of the common bonds of goals and beliefs that set Americans apart from the rest of the world. It gives me great pleasure to know that she, and many others like her, will strive to preserve those goals and beliefs for future generations.

HONORING ARTHUR J. HILL, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION PRESIDENT

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Ms. ROS-LEHTINEN. Mr. Speaker, today at 4 p.m., Mr. Arthur J. Hill will be sworn in as the 10th president of the Government National Mortgage Association [GNMA]. This is a particularly special occasion for myself and the citizens of Greater Miami, for Mr. Hill has made invaluable contributions for the betterment of our community. Mr. Hill is one American who I am very proud to recognize as a dedicated community leader and a role model for youngsters.

Born on the Fourth of July, 1948, he grew up in Jacksonville, FL. Mr. Hill moved to Miami in 1968 and eventually went on to receive his bachelor of science degree in business administration and economics from Florida Memorial College, and his master's degree in agricultural economics from the University of Florida. Mr. Hill then received a graduate diploma from Southern Methodist University's Graduate School of Banking which launched him into a very prosperous business career.

Mr. Hill began his career at Southeast Bank, NA in Miami, FL, where he spearheaded the development of the bank's money market department and served as vice president of corporate lending. He later served as vice president and regional manager for corporate lending at the Amerifirst Federal Savings and Loan in Miami. Immediately prior to his nomination as GNMA's president, Mr. Hill was chairman, president, CEO and a director of the Peoples National Bank of Commerce in Miami, FL. With his tremendous leadership abilities, the financially distressed institution was totally recapitalized and returned to a profitable position.

Mr. Speaker, each day we are bombarded with news from across the globe which reminds us of the tremendous evils existing in our society. At the same time, we in America are comforted by the many successful citizens who use their talents to help those who are less fortunate. This is the true spirit of being an American, and Mr. Hill embodies this spirit. He is a tireless public servant of Greater-Miami, his most noted accomplishment was being a founding member of the Greater-Miami Chamber of Commerce's Drug Free Workplace Program, which has become a model for other organizations across the Nation. Efforts such as those of Mr. Hill encourages all of us to discipline ourselves and work for the good of our entire Nation.

Other of Mr. Hill's honors include membership in the 1989 Business Leadership Hall of Fame, sponsored by Junior Achievement of Greater Miami, and his selection as one of 24 Americans who participated in the British-American "Successor Generation" project sponsored by the Johns Hopkins School of Advanced International Studies, the Royal Institute of London, and the Pew charitable trust. He was also State chairman of black Republicans for Bush in 1988. With his tremendous experience, I am certain that Mr. Hill will be an excellent leader as president of the GNMA in furthering the availability of housing for those in need.

Mr. Hill is one of the uncountable success stories we have in this great Nation of ours. As Americans we have an obligation to help others who are less fortunate, for in the end, it enables our Nation to maintain its excellence. Join me today in honoring a truly great gentleman who embodies a congenial spirit we should all emulate.

THE PUBLIC TELEVISION CABLE CARRIAGE ACT OF 1990

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. DINGELL. Mr. Speaker, I am introducing, together with my colleagues, Mr. LENT, Mr. MARKEY, and Mr. RINALDO, the Public Television Cable Carriage Act of 1990. This legislation establishes a framework for the carriage of public television stations by cable systems operators. It is a good compromise, balancing the compelling national interest in making public television available to all Americans with the rights of cable system operators.

Historically, the Federal Communications Commission required cable system operators to carry the signals of all local broadcasters. Due to a series of court decisions, however, the FCC regulations are no longer in force. A statutory replacement is necessary.

Commercial broadcasters and cable system operators have, from time to time, attempted to agree on a statutory must-carry framework to replace the FCC regulations. These negotiations have not yet yielded any results.

While I believe that a responsible must-carry bill would be sound public policy, I am most concerned about the vulnerability of public television stations in the absence of must-carry. These are stations in which taxpayers have made substantial investments. Many are licensed to units of Government. Others are licensed to educational institutions. All do an outstanding job providing programming—especially children's programming—to the public.

It is my hope that our introduction of this bill will stimulate the commercial broadcasters and the cable operators to resume their discussions and reach an agreement on a statutory must-carry provision. Failing that, however, it is my intention to move forward with this legislation, and secure the position of public television stations on the cable systems of the Nation.

I would like to commend the public television community, especially the National Association of Public Television Stations, and the National Cable Television Association for their willingness to work out this compromise. I look forward to working with them as the legislation moves through the House. •

THE WEARING OUT OF AMERICA

HON. BOB TRAXLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. TRAXLER. Mr. Speaker, I am taking this opportunity to call the attention of my colleagues to a recent column by George Will titled "The Wearing Out of America," which appeared in the March 9 edition of the Detroit News. In the column, Mr. Will discusses the decaying state of our country's physical infrastructure. Drawing upon the transportation policies of previous conservative Presidents, Mr. Will also questions the Bush administration's understanding of the need to spend money to build and maintain our Nation's physical infrastructure. Given the importance of this matter, I strongly urge that all Members of Congress take the time to review this column.

[From the Detroit News, Mar. 9, 1990]

THE WEARING OUT OF AMERICA

(By George Will)

On March 9, 1832, a 23-year-old candidate for the Illinois General Assembly told Sangamon County voters "my sentiments with regard to local affairs." His first sentiment was "the public utility of internal improvements," particularly "the opening of good roads (and) the clearing of navigable streams." Thus did Abraham Lincoln's public life commence with concern about what is now called "infrastructure."

Today Transportation Secretary Samuel Skinner, from Illinois, has the challenging task of selling a taxaphobic nation on the rationality of spending much more on infrastructure. Americans already spend $800 billion for transportation products and services each year. Eighteen percent of GNP is spend on transportation, which employs one-tenth of the workforce. It is perhaps natural that the public considers infrastructure a banal subject. Natural, but unhistorical.

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In 1816, John Calhoun introduced legislation for a federal program of internal improvements as a means of avoiding disunion. President Madison, believing Congress not constitutionally empowered to do such things, vetoed it. So prosperous Northern states built their own improvements and the South sank into inferiority and increasing dependence on slavery.

Historican James McPherson writes that prior to 1815 most roads were rutted paths impassable in wet weather. "Commerce depended on sailing ships and riverboats. The cost of moving goods 30 miles inland equaled the cost of moving them across the Atlantic. Trans-Atlantic trade exceeded inland commerce and economic growth barely exceeded population growth.

But then came all-weather macadamized roads. The Erie Canal ignited construction: 3,700 miles of canal by 1850. Next, railroads freed commerce from frozen canals in winter, cut travel time from New York to Chicago from three weeks to two days, and cut the price of shipping a ton of wheat from Buffalo to New York from $100 to $10. The difference between the wholesale price of pork in Cincinnati and New York plummeted from $9.53 to $1.18. Suddenly urban workers had more money to spend on manufactured goods.

Today the condition of the infrastructure is just as dramatically connected with economic vitality. Unfortunately, the wearing out of America, which is one aspect of today's incontinent pursuit of current consumption, is accelerating. Since 1960, investment in infrastructure has fallen more than 50 percent as a percentage of GNP, which explains much of America's drop in productivity. Illustrations abound.

Of America's 575,000 highway bridges, 42 percent are structurally deficient (closed or restricted to light traffic) or functionally obsolete. A bridge fails every two days. Consider one bridge with a light load of 2,000 cars and 200 trucks a day: If trucks must detour, adding five miles to their routes at 50 cents a mile, costs increase $182,500 per year. If cars must detour (figuring 20 cents a mile), the annual cost is $730,000.

During the last two decades, traffic has grown five times faster than highway capacity. In the next two decades, congestion is projected to become five times worse. Airports anticipate a 72 percent increase in passenger volume in this decade; by 1997, 33 major airports are expected to experience, cumulatively, 20,000 hours of delays annually. More billions of gallons of gasoline and billions of dollars worth of aircraft fuel and fight crew time will be wasted yearly.

Time is indeed money and already billions of dollars are being lost because people and freight are congealed in traffic. There are three million truck, bus, taxi and delivery vehicle drivers stuck there, being paid by the hour. Transportation is 15 to 30 percent of the price of agriculture products. A worker delayed by even 10 minutes each during 45 years of commuting wastes the equivalent of two working years. Slow, unpredictable traffic prevents businesses from relying on "just in time" delivery of raw materials and parts, a technique for reducing inventory costs.

You get the picture. The first Republican president certainly did. A crimson thread of consistency connects Lincoln's passion for internal improvements with his later mission of binding the nation together as a land of opportunity. The ninth Republican president, in his exuberance, understood the value of infrastructure abroad: Teddy Roosevelt built the Panama Canal.

Transportation and other infrastructure issues should bring out a strong Hamiltonian streak in American conservatives who too often talk the anachronistic language of Jeffersonian small-government sentimentality, of nostalgia for another America. In the debate now beginning about transportation policy, we shall see if the 18th Republican president is the kind of conservative who understands the need to spend in order to conserve and enlarge the nation's sinews.

SOLVING OUR LANDFILL CRISIS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. CLEMENT. Mr. Speaker, I would like to share with my colleagues an essay written by an eighth grade middle-school student in Nashville, TN, the district which I represent.

Like many other cities throughout America, Nashville is confronting a crisis with the disposal of solid waste. Jill Tygard is a 13-year-old whose interest in this issue was due, in part, to her father being a member of the Metro Council in Nashville.

I applaud Jill for her acute sense of awareness and concern for the protection of our ecology.

Jill's essay was written as a class assignment for Mrs. Judy Therber's language arts class. I believe that when my colleagues read Jill's essay, like me, they will marvel at the writing proficiency, thorough research, depth of understanding and obvious concern for our planet that Jill displays.

Jill comes to the conclusion that "there is no one answer to the garbage problem," but focuses on recycling and other alternatives which are all parts of the answer to a difficult problem.

To borrow the final phrase of Jill's essay, "We can no longer afford to support our throwaway society."

She is absolutely correct.

I pay tribute today to a bright student and a young lady concerned about the future of our planet.

I submit her essay for the RECORD, and ask my colleagues to join me in this tribute:

SOLVING OUR LANDFILL CRISIS

(By Jill Tygard)

Our society has a problem. The United States generates more and more wastes every year, but there are fewer and fewer landfills to hold it.[1] Our society is called the Disposable Society because Americans make the most wastes. Landfills will always be necessary because there will always be some items that cannot be burned, recycled, or composted, but with the help of individuals, businesses, governments, and scientists the need for large landfills could be decreased.[2]

Between 1860 and 1986 the amount of American garbage grew eighty percent and is expected to increase twenty-two percent by the year 2000.[3] Each person in the United States throws away one thousand five hundred forty-seven pounds of garbage per year.[4] One hundred thirty-three million pounds of waste are hauled away annually and ten billion tons of waste are produced per year in the United States. One days' solid waste produced by Americans fills sixty-three thousand garbage trucks.[5]

Ninety percent of this garbage is trucked to landfills. However, in the past ten years, more than seventy percent of United States' landfills have closed, with five thousand five-hundred remaining open.[6] By 1995, half of those will be closed due to full capacity. For example, Chicago has only four years before its thirty-three dumps will be full.[7] New sights are available, but it is harder and harder to find suitable locations because no one wants to live close to a landfill. Half the dumps that are open are operating illegally, because they fail to meet governmental standards. According to Paul Montrone, chairman of the Wheelabrator Technologies, the United States' number two waste-to-energy company, "The states keep them open because there is no other place to put the garbage."[8]

Not only are citizens concerned over reduction of property values, the unsightliness of garbage, the smell, and the presence of rodents, but they are also concerned about physical harm that can come from landfill gases, microorganisms, and toxins.[9] Two of the more notable harmful elements are methane gas and leachate.[10] Both of these substances can harm the environment and are produced by the waste that is deposited in a landfill.[11]

Before 1970, landfills were put in convenient locations and on cheap land. Common sites included wetlands, marshes, and gravel pits. Some of these locations have proven to be unsuitable. Improvements to landfills in the future could include liners in the basin to form a "leachate bathtub" to prevent seepage. Ways of reducing water in landfills to control leachate include sloping land, materials to divert precipitation, and vegetation. The landfill should be covered daily, have monitoring systems installed, and the full landfills should be maintained for thirty years after closing.[12]

Although only ten percent of the United States' garbage is currently being recycled, it is estimated that seventy-five percent could be. Even a simple program can achieve thirty to fifty percent recycling of wastes. Recycling is most successful when made convenient, such as providing pickup schedules and special bins. Some wastes, such as the fifty percent that is paper and yard waste, is more readily recyclable than the forty percent that is metal, glass, food, and plastic, and the ten percent that is wood, rubber, and leather.

Recycling success delays the day when landfills cannot take anymore trash. The problem with recycling is that most Americans refuse to be bothered with sorting and separating the garbage into recyclable nad non-recyclable parts. New Jersey, Rhode Island, and Oregon have mandatory recycling. The Japanese recycle sixty-five percent of their waste and burn the rest.[13]

Educating the public to recycle and learning how to separate is only part of the solution. If there is not a demand for recycled products, then nothing has been accomplished. Recycling is expensive, and if there is no way to sell the product, then there is no economic reward.

Some states have already turned to refundable deposits on such items as glass. This provides a market for the brought-back item. This is an example of how the government can promote recycling. Economists estimate that if a moral responsibility appeal were made to Americans, recycling would reach eighty percent. It is interesting to

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Footnotes at end of article.

note that if businesses learned to use sturdier packages, banned use of non-recyclable items, and consumers chose reliable, nonwasteful products, then recycling would increase and the need for landfills would decrease. There is no incentive for companies to enter the recycling business if no one will buy more expensive, lower-grade products. This is why the government needs to step in and offer the business and consumers an advantage for participating in recycling.[14]

Incineration once offered the best chance of solving the waste disposal problem quickly and efficiently. One advantage of incineration is that it extends the life of the remaining landfills by reducing the volume of garbage by as much as ninety percent. It is cheaper because byproducts, such as steam and electricity, can be sold to local utilities. Another advantage is that incinerators can burn unsorted, unprocessed solid waste.[15]

However, incineration is now slowing due to dropping energy prices, elimination of tax incentives, and environmental concerns which bring about expensive safety measures. Additionally, incinerators take three to five years to construct. There also must be a need within the community for the supply of energy produced. Even worse, incineration has an impact on the environment. Gases released include hydrochloric acid, nitrous oxides, dioxins, and furans. Also, the ash that is produced ends up in the landfills.[16]

There is no one easy solution to the landfill problem. Simple solutions such as shipping American garbage elsewhere do not work because no one else wants somebody else's garbage. In the past, Miami has shipped their garbage to Venezuela under a special contract. This is not a long-term solution because the garbage has really not disappeared and it is expensive to move it across the world.[17] Realistic, long term solutions require a combination of features. Individuals must reduce their creation of waste. They are going to have to participate in recycling programs. Cash prizes for participating may even be developed. Waste disposal practices that are environmentally safe should be encouraged. Cities must take an approach that addresses all aspects of managing municipal solid waste.

According to James Cook, "One thing is clear. To find its way out of the garbage crisis, it is going to cost the United States consumer money, and lots of it. Some idealists would like to have us return to a simpler life with less packaging. That would mean that Americans would have to give up disposable diapers and TV dinners. It will not happen. Those mountains of garbage are the price we pay for our standard of living."

As a nation, the cost, risk, and impact of municipal solid wastes will continue to increase until Americans begin to take personal and public responsibility for limiting waste production, or until we can no longer afford to support our throwaway society.[18]

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FOOTNOTE

[1] James Cook. "Not in anybody's backyard." *Forbes*, November 28, 1988, p. 172.

[2] J.S. Lang. "The Disposable Society." *U.S. News and World Report*, June 1, 1987. p. 68.

[3] G.J. Church, "Garbage, garbage, everywhere." *Time*, September 5, 1988, p. 81.

[4] *Ibid.*, 82.

[5] P.R. O'Leary, "Managing Solid Waste." *Scientific American*, December 1988, p. 39.

[6] W.D. Marbach, "What to do with our wastes." *Newsweek*, July 27, 1987, p. 51.

[7] S. Budiansky, "Tons and tons of trash and no place to put it." *U.S. News and World Report*, December 14, 1987, p. 59.

[8] Cook, 174.

[9] O'Leary, 40.

[10] Janet Raloff, "Are landfills a major threat to climate?" *Science News*, March 7, 1987, p. 150.

[11] O'Leary, 44.

[12] *Ibid.*, 42.

[13] Church, 82.

[14] O'Leary, 39.

[15] Cook, 175.

[16] O'Leary, 39.

[17] Budiansky, 58.

[18] O'Leary, 42.

IT'S NOT ALL MACRO

HON. THOMAS J. RIDGE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. RIDGE. Mr. Speaker, all too often the discussion on national trade policy is like a one-way street. Policymakers, the Congress included, spend a lot of time worrying about unfair trade practices while all but ignoring the critical need for this Nation to become an aggressive salesman in the international marketplace. If we are truly serious about trade deficit reduction, increasing U.S. exports must be an important part of that turnaround.

Yet the lack of seriousness the United States takes toward exporting is all too evident to our trading competitors. The perception exists among many of our foreign competitors that they have sufficiently opened their markets and, in any case, even fully open markets wouldn't make a difference because American business is simply not serious about competing overseas.

Unfortunately, we give our competitors little reason to think differently. In the case of the Federal Government, we have for too long, aided and abetted by ignoring the need to actively promote American goods and services and to encourage American businesses to compete abroad.

Federal export infrastructure is crippled by a host of problems, not the least of which are a lack of coordination, duplication of effort, and counterproductive turf disputes. In addition, the U.S. ranks last or near last in nearly all measures of financial commitment to exporting when compared to our industrialized competitors.

I do not contend that a Federal policy to encourage exporting can supplant a national commitment by business to do so. But I strongly believe that the very strength of our economy depends greatly on our ability to think of exporting, not casually, but as a national necessity and way of life.

With this in mind, I commend to my colleagues the following piece by Howard Lewis of the National Association of Manufacturers on the need for the United States to launch a major export drive. I think that my colleagues will be surprised to discover how the Federal Government, in many instances, acts as an inhibitor to exporting rather than a facilitator. Our work impacts not only on exports but, ultimately, on our international competitiveness position. We need to keep that in mind.

IT'S NOT ALL MACRO

(By Howard Lewis III)

(Howard Lewis is NAM's vice president for international economic affairs. The following article is adapted from his speech to the American Foreign Service Association Conference on November 30, 1989.)

I want to talk about American competitiveness, I want to put macro and microeconomic policies in perspective. And I want to talk about an export drive, why we need one and what it should contain.

I recall a conversation I had about a year and a half ago with the chairman of one of this country's major corporations. I was trying to convince him that the United States should launch a major export drive as one element of an overall plan to address our trade deficit. After listening to me, this executive, with whom I have worked on a number of issues and for whom I have a lot of respect, shook his head and said that an export drive was just so much tinkering around the edges. The real solution to the trade deficit, he said, lay in the area of macroeconomic policy.

While I don't for a minute dismiss the importance of achieving a better balance in this country's macroeconomic policies, I was, nonetheless, startled by his response. I have worked on a number of export-related policy issues over the past decade and have been constantly amazed by the amount of U.S. trade affected by these policies. I have become increasingly skeptical of the argument that macroeconomic policies hold the total answer to our problems. Put another way, it seems doubtful that the tremendous economic success enjoyed by countries such as Japan, Korea and Taiwan over the past decade rests entirely on the mismanagement of American macroeconomic policies. I think a good case can be made that important non-macroeconomic factors—both on our side of the table and on the other side—are also at play. I would like to focus on some of these factors that are on our side of the table in terms of U.S. government policies that are more or less directly related to U.S. exports.

First, though, I would note that I am not alone. My skepticism is shared by a number of other people. The Massachusetts Institute of Technology recently published a study, *Made in America*, which concluded that manipulation of macroeconomic policies alone would not solve the United States' trade and productivity problems.

After examining eight industrial sectors, the authors of this study identified a half dozen non-macroeconomic factors that they believe have a decisive influence on the competitiveness of American industry. These factors included outdated business strategies, short corporate time horizons and weaknesses in taking technology from

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the research stage to development and production.

I would suggest that the extent to which we need to look beyond macroeconomics in explaining the shortcomings in corporate operations also applies to looking at the shortcomings in government policies aimed at correcting U.S. trade problems. Indeed, too much focus on macroeconomics as the explanation of our trade problems can blind us to important aspects of the way in which U.S. trade really works below the macroeconomic surface. We run the risk of treating everything below this macro surface as a kind of "black box" whose mechanisms we don't really need to understand. As an example of this phenomenon, I would point to the fact that until June of this year, for example, there was no profile of U.S. exporters broken down by average value of export shipments. Yet that is basic information.

We now have such a study. It was done by the Commerce Department. It is the type of report everybody in Washington should be able to handle: a press release on one side and a chart on the other.

One point leaps out at the reader: Only a tiny percentage of U.S. exporters—2.5 percent—sell big-ticket items, those that average $100,000 or more. Yet these large shipments account for 25 percent of the total value of U.S. exports. At the other end of the scale, the study found that the vast bulk of U.S. exporters—nearly 60 percent—have export shipments averaging less than $10,000 but accounting for only about 7 percent of the total value of our exports. In between, we have the rest, with average shipments between $10,000 and $100,000. These account for 38 percent of the total number of U.S. export shipments and about 60 percent of the value of American exports.

What does this tell us? Certainly it should tell us that decimating Eximbank's direct loan program over the past decade was not the wisest of policies, especially since our competitors were keeping export-finance programs strong.

If the value of U.S. export shipments were concentrated at the bottom end of the scale—$10,000 and less—the policy the U.S. government pursued might not have made much of a difference, since not many shipments of this size would be financed with 10-year loans for Eximbank. But that is not the case, and I think we are paying dearly for our neglect and our ignorance of this non-macroeconomic policy issue.

We are foolish to dismiss specific export-related policies as so much tinkering around the edges. Large amounts of trade are heavily influenced by so-called narrow trade policies as these examples show:

Approximately $5 billion in exports is generated each year by the foreign source tax rule on exports which the Treasury Department over the past several years has wanted to change.

Last year, the industrial nations increased direct credit export financing by 55 percent: from $8.0 billion to $12.5 billion. If the United States is lucky, our Eximbank will be able to book new direct loan business this year equal to only 4 percent of this total.

A recent Eximbank study on mixed credits found that the lack of a U.S. mixed credit program meant that U.S. companies were shut out of a $4-6 billion capital goods market in the Third World each year. That is equal to 20-30 percent of total U.S. capital goods exports to the LDCs.

Under our national security export controls, more than 40 percent of U.S. manufactured exports must get prior approval from the government before leaving the country.

An additional 5 percent of U.S. exports is caught up on U.S. export controls imposed for foreign policy reasons, according to the State Department's own publications. And, finally—

The United States provides the least amount of support in terms of export promotion and assistance of any industrial nation. The U.S. government spends 50 cents per capita, compared with about $2 in West Germany, $4 in France, $5 in Japan and nearly $8 in Canada.

The point I am trying to make here is that a large amount of U.S. trade is affected by these non-macroeconomic policies.

This fact is barely recognized in debates over these policy matters themselves, to say nothing of how quickly it is glossed over in general discussions of U.S. international economic policy.

I doubt, for example, that members of Congress realize the degree to which they are voting on a matter for or against American manufactured exports when they vote on the Export Administration Act. They tend to think about this as affecting only the thin edge of the technology wedge. In reality, we are talking about 40 percent of U.S. exports, including many "ordinary" products. From these examples, it should be clear what policies I would include in the export drive this country needs to launch:

Beef up the U.S. export promotion programs in the Foreign Commercial Service. Protect U.S. commercial interests overseas in such areas as product standards;

Strengthen U.S. official export financing with a credible mixed credit program and reexamine U.S. support for capital projects in the U.S. foreign assistance programs;

Drop counterproductive policies, such as the recent Treasury proposals for changes in taxes on export income;

Examine all major policy actions in terms of their impact on U.S. competitiveness; and

Eliminate unnecessary export disincentives, beginning with a major effort to streamline the export control system both for commercial products and munitions.

Each of these recommendations represents a large subject, with many concomitant policies in each. And these are not the only areas that require action. We also need to examine a range of other policies affecting U.S. exports, including greater use of trading companies, improved trade relations with Eastern Europe and the Soviet Union, arms exports policy and antitrust reform.

Let me leave you with one additional thought about the importance of export drive. If we do it right, it will be a symbol of our commitment to international competitiveness and to the international trading system. Widespread skepticism exists around the world about this and with good reason. We are telling the world that we have a problem; yet, we are doing relatively little to support and encourage exports. We are signaling that we are not that serious about competing or protecting our international commercial interest. When we send that signal, we not only hurt ourselves economically, we undermine the international trading system that we are now so desperately trying to strengthen.

INTRODUCTION OF THE INSULAR AREAS RECOVERY ACT OF 1990

HON. RON de LUGO

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. DE LUGO. Mr. Speaker, I rise to speak on two important pieces of legislation that have been developed in response to the tragic consequences of Hurricane Hugo and other natural disasters that have recently ravaged the U.S. Virgin Islands, Puerto Rico, and other islands of the Eastern Caribbean, as well as the United States insular areas of the Pacific.

I am introducing the Insular Areas Recovery Act of 1990 to provide a permanent, federally funded mechanism that will speed up recovery from future disasters that hit the vulnerable U.S. islands in the Caribbean and the Pacific. These disasters can devastate small, isolated islands like the Virgin Islands, Guam, American Samoa, and others. When 200-mile-per-hour winds hit these islands, unlike mainland communities, these local governments cannot draw on the resources of a larger State or adjacent communities that easily truck in emergency supplies. This bill recognizes the special vulnerability of these U.S. islands, and sets up a special, long-term funding mechanism that will enable the insular governments to speed up their recovery efforts.

In addition, I strongly support Chairman CROCKETT'S legislation in the Supplemental Appropriations bill that will provide $20 million in disaster relief and economic support for the small independent islands of the Eastern Caribbean, which were so heavily damaged by Hurricane Hugo and which are such good friends of the United States. A total of $15 million will be available for economic support for the independent islands that have complied with U.S. standards to become eligible for the Caribbean Basin Initiative programs, and $5 million would be designated for Hurricane Hugo relief for the islands of St. Kitts, Nevis, Antigua, Barbuda, and Dominica.

Chairman CROCKETT has been a true friend to the Caribbean. I admire his determination to help our friends in the Eastern Caribbean even though the U.S. Agency for International Development has ignored prior congressional mandates to provide hurricane assistance. I am saddened to hear of his plans for retirement, which will deprive me of a good neighbor in the Rayburn Building and will deprive this House of a great leader who is committed to fairness and justice for the people of our country and people around the world.

Mr. Speaker, the primary purpose of the Insular Areas Recovery Act that I am introducing today is to set up a fund to be available for the unpredicatable moment when a hurricane, typhoon, or comparable disaster hits the U.S. islands in the Caribbean or Pacific. The fund would be designated for special purposes that not only enhance immediate recovery, but also reduce the severity of damage in future disasters by "hardening" essential public facilities such as civil defense shelters and emergency communications equipment. It makes much more sense to "harden" these items so they survive future disasters, which can come with great frequency, instead of repairing them over and over again.

This kind of approach, with the emphasis on effective long-term recovery, is being taken by Governor Alexander Farrelly and Lieutenant Governor Derek Hodge in the U.S. Virgin Islands. Today, more than 6 months since Hugo hit, the Virgin Islands is still recovering from a disaster of unprecedented magnitude that wiped out our communications, electricity, and other vital services for several months, and will hurt our community, especially St. Croix, for years to come. Governor Farrelly and Lieutenant Governor Hodge are working exceptionally hard to develop the kind of recovery program that this legislation would help provide. I also want to commend the members of Governor Farrelly's special task force, who are devoting themselves to the long-term recovery of the Virgin Islands so we will be better equipped to survive future disasters.

The special fund established by the Insular Areas Recovery Act would be built up over a period of years through annual appropriations to be approved by this Congress and to be available only when the President declares a disaster in one of the insular areas. In such a situation, the local governor would be able to draw on the insular area's portion of the fund for eligible projects without any delay. That's the kind of fast action that is essential in major disasters in isolated insular areas, where the Federal Emergency Management Agency, despite its tremendous recent performance, cannot go into action immediately. Given our Federal budget restraints, this disaster fund would have to be built up over a period of years, but it is essential to get that process started and begin preparing ourselves for future disasters.

The Insular Areas Recovery Act provides other forms of aid and flexibility as well. It would allow insular governors to shift certain Federal grants, such as low-income energy assistance, to high priority disaster needs when demanded by an emergency. It would enable the President, in consultation with the Secretary of Interior and local governor, to provide greater technical assistance if an emergency overwhelms an insular government and if the assistance is necessary to assure a smoother recovery.

Furthermore, the act would lift certain ceilings for disaster mitigation programs. Under current law, FEMA's hazard mitigation funding for any area is limited to 10 percent of FEMA's total public assistance to the area. Sometimes that limitation is counterproductive. Sometimes, it makes more sense, and provides more long-term savings, to provide hazard mitigation funding that will be used to improve the survivability of essential public facilities so they will withstand future disasters and break the cycle of constant repairs to damaged facilities. This bill does not assure the waiver, but it authorizes the President to waive the 10 percent ceiling if the President finds that it would be beneficial.

Finally, the act would authorize the Rural Electrification Administration to provide financial assistance to insular areas for 5 years after the President declares a disaster. This provision also enhances future disaster mitigation by authorizing REA to make loans for the "hardening" of electrical distribution systems or the construction and operation of power plants that have been damaged by the disaster. Again, as with the proposed waiver, this bill simply authorizes REA to evaluate the situation and make loans if it determines they are proper and necessary.

Mr. Speaker, I am introducing this bill on the same day that that good friend of the insular areas, Senator J. Bennett Johnston, Chairman of the Energy and Natural Resources Committee, introduces it in the other body. Chairman Johnston is a longstanding friend and champion of the insular areas, and I look forward to working closely with him to assure that this legislation passes rapidly to become law.

STRUCTURAL IMPEDIMENTS INITIATIVE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. GUARINI. Mr. Speaker, today, I join with Senator Max Baucus and 34 of my colleagues to introduce legislation that will put teeth into our structural impediments initiative with Japan. My bill would put the SII under the rubric of section 301 and provide a mandate for acting to eliminate severe structural impediments to trade.

The administration's decision last May to enter into negotiations with the Japanese on structural barriers to trade was a critical step in rectifying our trade problems with Japan. For a number of years, we have been negotiating with Japan on a sector-by-sector basis under section 301 of the Trade Act of 1974. That approach, however, has not helped rectify problems that cut across many key industries which unsuccessfully try to penetrate the Japanese market. The SII negotiations provide a mechanism to address major areas of concern in the Japanese economy including land use policies, interlocking directorships, the distribution system, pricing mechanisms, exclusionary business practices, and the lack of investment in public infrastructure.

Both the United States and Japan have a great deal to gain from the successful conclusion of the SII negotiations. Addressing the United States concerns would increase the purchasing power and improve the standard of living for all of Japan's citizens. One-third of the houses in Japan are not connected to sewer systems. Japan's roads and parks are far below those of other OECD countries. Its medical facilities are substandard. This is particularly critical in light of Japan's rapidly aging population.

Moreover, Japan's monopolistic business practices and multilayered and inefficient distribution system make prices of United States and Japanese goods much higher in Japan than in other countries. Japan's system of land use whereby land near major cities is reserved for farmers makes the cost of warehouses and distributorships near the cities prohibitive. It has a similar impact on residential housing. These practices which serve to lower the Japanese standard of living also promote Japan's huge global trade surplus.

If the Japanese address United States concerns, we should see positive benefits for both of our countries. If Japan increases investment in public works projects, repeals the large-scale retail store law, strengthens the Anti-Monopoly Act, makes tax policy neutral with regard to alternative uses of land and limits the mutual holding of noncontrolling stock among Japanese firms, not only will foreign producers be able to sell more products in the Japanese market, but Japanese consumers will have better variety, and lower prices. They'll have better roads, parks, and medical care. The United States and other foreign businesses will enjoy the type of access and opportunities in the Japanese market which Japanese companies have enjoyed in foreign markets for years.

In the United States, our staggering budget deficit, the high cost of capital, the short-term outlook of U.S. businesses, and the lack of training and education of our work force severely drain our Nation's competitiveness. Deficit reduction must continue to be our No. 1 priority. We must lower the cost of capital for our companies and give them incentives to develop long-term strategies. We must invest more in the training and education of our workers and encourage more joint research and development. I'm willing to support measures to address all of these issues which the Japanese have cited as barriers to trade. I believe that the Japanese must do likewise.

If past experiences are an indicator, however, without outside pressure, the threat of sanctions, or mandated targets, the United States does not have sufficient leverage to generate action to implement the types of reforms required. We can negotiate with the Japanese until we are blue in the face, but not achieve results. And if we are lucky enough to be able to reach an agreement, there is no mandate to abide by it.

That's why a mandate for action and an enforcement mechanism for the SII is critical. My bill provides that mandate. It provides that enforcement mechanism. Under the bill, the USTR is required to initiate a section 301 investigation if no agreement is reached by September 1, 1990. If an agreement is reached, the bill mandates a section 301 investigation 18 months after the date of the agreement to ensure that the agreement has been faithfully implemented and that United States exports have increased accordingly.

The SII represents a unique opportunity to address severe trade barriers that hurt the competitiveness of many key United States industries both in Japan and the United States. We have a large stake in the successful outcome of these negotiations. This bill will help ensure that success and put Japan on notice that the United States is seriously pursuing a world of freer trade in goods and services. I urge my colleagues to lend their strong support for this measure.

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STERILIZATION OR YOUR JOB

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce legislation to prevent the sterilization of employees as a condition of employment by employers involved in or affecting interstate commerce.

This legislation would protect America's workers from being forced to choose between either keeping their job or being sterilized. The bill would provide relief, in addition to that already provided by existing civil rights laws, to any worker, male or female, faced with such a choice. It would include access to prompt remedies to prevent abuses by employers, and when employers fail to comply, it would provide damages to employees. Help is needed quickly to ensure that workers are not forced to make this choice. I will consider and pursue whatever legislative method will ensure the most rapid enactment of these necessary protections.

My bill makes it unlawful for any employer to:

First, directly or indirectly, to require, request, suggest, or cause any employee or prospective employee to submit to sterilization or a fertility test, or to refrain from procreation, as a condition of employment, promotion or transfer;

Second, to use, accept, refer to, or inquire concerning the results of any fertility test, or to inquire about the procreative ability or history of any employee or prospective employee;

Third, to discharge, discipline, discriminate against in any manner, or deny employment or promotion to, or threaten to take any such action against any employee or prospective employee who refuses, declines, or fails to take or submit the sterilization or a fertility test, or to refrain from procreation, or any employee or prospective employee on the basis of the results of any fetility test.

This legislation is partially in response to the Johnson Controls decision in the seventh circuit and is modeled after the Employee Polygraph Protection Act. This decision upheld the policy of excluding women of childbearing age from certain jobs. The court of appeals held that employers can exclude women who do not present proof of sterility in order to preclude the possibility of fetal harm. That court ignored the evidence of a variety of serious health effects including cardiovascular and reproductive risks to male workers. One of the dissenting judges called the case "the most important sex discrimination case in any court since 1964," and estimated that the majority opinion in the case could result in closing 15 to 20 million industrial jobs to working women.

I am delighted that the Supreme Court announced on Monday, March 26, that it decided to review the decision of the seventh circuit in this case and plans to respond in 1991. It is my hope and expectation that the Supreme Court will faithfully implement title VII and reverse the seventh circuit's erroneous decision.

The legislation that I am introducing today does not amend title VII and indeed goes beyond the specific statutory sex discrimination issues raised by the Johnson Controls case which the Court will review. So that we are both prepared to act expeditiously and are fully advised on the state of the background title VII law, I intend to urge my chairman to hold hearings on this bill this year, but not to consider this legislation until after the Supreme Court issues its opinion in 1991.

My bill would provide the minimum workplace standards described above to protect men and women who wish to safeguard their right to have children. This legislation offers gender-neutral protection and does not require a worker to demonstrate discimination in order to invoke the bill's protections. These hearings will explore the need for this legislation and whether males and females alike need the assurance that their potential vulnerability to workplace hazards will not be used as an excuse to deny them employment or infringe on their right to privacy.

This legislation is supported by the United Auto Workers, the American Federation of State, County, and Municipal Employees, the American Civil Liberties Union.

LEGISLATION TO REQUIRE EPA TO SCREEN DISPOSAL FIRMS AND INDIVIDUALS

HON. BILL PAXON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. PAXON. Mr. Speaker, Americans have suffered for far too long from toxic and hazardous waste that has been dumped along their highways, poured in their rivers, and buried in their neighborhoods.

People in western New York and the Finger Lakes region know this suffering all too well. We have had more than our share of environmental disasters in our small corner of the country, disasters that have led to death and disease in our own communities and families.

What is most appalling about these disasters is that the unscrupulous people who create them by polluting our soil, water, and air are the very people who very often are contracted by our Government to clean them up.

Mr. Speaker, I have introduced today a piece of legislation that I feel will empower the EPA with the authority it needs to identify and remove violators of environmental laws from the waste disposal business.

I am extremely pleased that my colleague from the State of Oklahoma, Mr. SYNAR, the distinguished chairman of the Subcommittee on Environment, Energy, and Natural Resources, has joined me in sponsoring this important, bipartisan legislation.

Mr. SYNAR has conducted extensive investigations into the problem of "Bad Actors"—firms or individuals that have been convicted of environmental violations and then turn around, and under a new name, receive Government contracts to do additional EPA work. The subcommittee chaired by Mr. SYNAR reported that despite the fact that investigators often knew of past violations, they were incapable of preventing these firms from getting new EPA contracts.

I became aware of this heinous problem when a company in western New York with close financial and managerial ties to other companies and individuals guilty of numerous environmental violations and other criminal activities, received a contract to do a cleanup project in my congressional district—one of the costliest Superfund cleanup projects ever in New York State.

Mr. Speaker, my legislation would require that all firms and individuals seeking contracts or other benefits from the EPA disclose extensive information about the owners, executives, managers, key employees, and others involved in the company. This information will be used by the EPA to screen these firms and individuals in the waste disposal business.

Any found to have violated serious environmental laws would be banned from receiving EPA contracts or other benefits for a period of up to 10 years.

This legislation will give the Environmental Protection Agency the authority it needs to keep dangerous "Bad Actors" out of the toxic and hazardous waste disposal business.

Mr. Speaker, I wish to once again thank my colleague, Mr. SYNAR, and urge our other colleagues from both sides of the aisle to join us in this critical effort to help protect our families, communities and environment from "Bad Actors."

Additionally, Mr. Speaker, I would like to insert two articles from the Buffalo News regarding the Buffalo firm I referred to into the RECORD at this point:

[From the Buffalo News, Dec. 10, 1989]

FIRM GETS JOB IN BRANT DESPITE PROBE INTO TIES—FEDERAL DOCUMENTS REVEAL LINK TO COMPANY INVOLVED WITH MOB

(By Douglas Turner)

WASHINGTON.—A company that documents show is closely tied to a Buffalo firm with a history of mishandling dangerous chemicals and links to organized crime will perform one of the costliest Superfund cleanup jobs ever awarded in New York State.

Wide Beach in Brant, a summer resort on Lake Erie that was contaminated by tainted oil sprayed on roads to keep down dust, is the site marked for cleaning under the federal government's Superfund. The cost of cleaning up the PCBs—or cancer-causing polychlorinated biphenyls—is $15.5 million.

The firm that won this massive cleanup job is Kimmins Thermal Corp. of Niagara Falls. It is tied in organization and money to Envirosure Management Corp. of Buffalo.

Federal investigators testified last year that Envirosure had connections to organized crime and had repeated violations that resulted in $2.4 million in fines for mishandling PCBs in the Kansas City, Mo., area.

According to congressional testimony and federal documents, the common thread running through Kimmins Thermal and Envirosure is the Williams family of Niagara Falls, mainly James H. "Harry" Williams and his brother Francis M. Williams.

Williams relatives are officers in both companies and the two brothers are personally guaranteeing Kimmins Thermal on the Wide Beach job through a $15.5 million performance bond and a $2.5 million penalty bond. Insurance companies refused to grant the bonds.

The Williams family denies the allegations that it is tied to the Kansas City operations as well as charges that James H. Williams has a role in Kimmins.

"To say the (Williams) family, which is 100 people strong, had something to do with some jerks in Kansas City is unconscionable," said Francis Williams, chief executive officer of Kimmins Thermal.

But Rep. Mike Synar, D-Okla., chairman of the House Government Operations Subcommittee on the Environment that investigated Envirosure for more than two years, was infuriated when he learned that the landmark Wide Beach contract had been awarded to a new company with links to Envirosure.

A report by Synar's subcommittee from 1988 contains accusations that Envirosure began with a $1 million loan from James H. Williams, a charge he denies. James H. Williams does acknowledge being a consultant to the organization in late 1988.

"In 1986, 1987 and 1988, our subcommittee had extensive hearings involving the Envirosure complex of companies and EPA's failure to heed their own investigators' report of criminal activity by officers and principals of those companies," Synar said.

Testimony before the subcommittee showed how little interest the administration had in policing bad actors who, when caught violating the hazardous waste law under one firm name, would fold the errant company only to open up a brand-new disposal business.

Emanuel Duke, who represents the Williams brothers' business interests, said they have been smeared by Synar's subcommittee.

The testimony at the 1988 hearings, Duke charged, "was totally guilt by association . . . It's the old McCarthy routine. . . . I'm outraged by some of the statements Synar made."

The Army Corps of Engineers, the Defense Logistics Agency and the Environmental Protection Agency all had a crack at stopping Envirosure or its offshoots along the way, but didn't.

Official reactions from the EPA, which is responsible for the Wide Beach cleanup, range from embarrassment to evasiveness. There is no law barring repeat violators from getting new EPA jobs, and the EPA hasn't asked for one.

DOCUMENTS REVEAL TIES

An EPA spokesman in Washington, Sean McIlhenney, said the agency "is interested in" the Wide Beach contract award and "is looking into it."

Documents obtained by The Buffalo News through Freedom of Information Act requests and congressional testimony indicate a pattern of relationships between Envirosure and the newly organized Kimmins Thermal Corp.

Despite these documents, the Williams family insists there are no business ties.

Francis Williams says he has no managerial or decision-making connection with Envirosure. Although he conceded in an interview that there appear to be connections between Kimmins Thermal and Envirosure, he also insisted the two companies are entirely distinct entities.

He also said his brother, James, is not an investor in Kimmins Thermal nor does James have any policy-making authority in Kimmins. James also said in an interview that he "has nothing to do with the management" of Kimmins.

However, the names of both James and Francis Williams appear on bonding documents that played a key role in Kimmins Thermal's winning government approval on the Wide Beach job.

In addition, Francis Williams is chief executive and majority stockholder of Kimmins Environmental Service Corp., which owns Kimmins Thermal. The name Kimmins derives from Kimmins Construction Co., which was founded in Buffalo 60 years ago. It was acquired in 1973 by Land Reclamation Inc., whose president was James Williams.

There are other connections. Their brother-in-law, Roger C. Bennett, was a vice president for Envirosure and was the financial vice president of Kimmins Thermal when it was organized. And an Envirosure prospectus shows that in 1984 stock worth $60,000 was held in trust by Bennett for his niece, the daughter of James Williams.

That holding grew to $7 million when Envirosure's over-the-counter stock hit a high of 43 cents a share. It last sold for about a penny a share, but the current value is unknown because Envirosure has not filed required financial statements with the Securities and Exchange Commission since May 1988, according to its underwriter, Blinder Robinson Co.

PURSUIT BY FEDERAL AGENCIES

Persons and companies associated with Envirosure have at various times in the past four years been pursued by the FBI, the EPA and the special investigations branch of the U.S. General Accounting Office, as well as Synar's subcommittee.

Synar's panel said Envirosure in 1986 acquired another company, Environmental Resource Management Corp., about the same time it was assessed another $1.56 million in EPA fines. Witnesses at Synar's hearing accused still another Envirosure subsidiary in Niagara Falls, Frontier Chemical Waste Process Inc., of falsifying its waste-disposal record.

In addition, James Williams was named in a civil suit brought under interstate racketeering laws, charging he bribed Donald O'Hara, one-time Niagara Falls city manager, to obtain a Love Canal remedial contract. The suit is still pending.

Despite the record accumulated by these agencies on the officers and financial backers of Envirosure, the government on Oct. 16 in a pre-award survey said it has "no reason to question" the integrity of Kimmins Thermal's corporate parent, Kimmins Environmental.

The EPA's Kansas City office initially awarded contracts to Envirosure-related companies in the early 1980s for several government cleanup projects in the Midwest.

During this period, Envirosure obtained $6 million worth of contracts from the Defense Logistics Agency to clean PCB-contaminated electric transformers and capacitors from military bases. Envirosure was the exclusive marketing agent for PCB Inc. and CB Oil Inc., which did the work.

The most pressing problem from work on these Envirosure contracts was that federal inspectors repeatedly cited CB Oil and PCB Inc. for either contract or health-code violations.

Parts of the contaminated electrical equipment from the military bases were to be buried in licensed landfills. One employee of PCB Inc. testified he was ordered to take 10 to 15 truckloads a week and dump them in rivers and lakes around the Kansas City area. The testimony was later challenged by the EPA and the Defense Department.

Other witnesses testified in 1987 that tainted transformers, which were supposed to be neutralized by a chemical process, were still contaminated when sold as scrap to unwary salvage yards.

As a result of the sloppy PCB-disposal and slipshod record-keeping at those sites, the EPA levied fines totaling $2.4 million against these companies associated with Envirosure. Eventually, though, the EPA let them settle the cases for only $100,000—or 3 percent of the maximum.

CORPS DENIES KNOWING OF LINKS

On the Wide Beach cleanup, Kimmins Thermal, working with a Syracuse subcontractor, Galson Remediation, Inc., will scrape up about 20,000 tons of PCB-contaminated road and cook it in a kind of chemical stew. Work is scheduled to start in the spring.

The novel process is supposed to make PCBs harmless.

In awarding this new project at Wide Beach, the EPA used the Kansas City office of the U.S. Army Corps of Engineers to review proposals and give out the contract.

The corps rated Kimmins' "business and financial reputation and integrity" as satisfactory. The corps gave the same rating to Kimmins' "past record of performance."

To assess the track record of Kimmins Thermal, which is less than a year old, the Army pulled a Dun & Bradstreet financial report and questioned one of Kimmins' customers.

Corps officials said a key factor in deciding a firm's reliability is its ability to obtain a contract performance bond.

But Kimmins Thermal could not get a performance bond from an insurance company and instead offered the personal surety of the Williams brothers on the $15.5 million performance bond and on a $2.5 million penalty bond.

Col. John Atkinson, the Army's district engineer in Kansas City, said the corps had no idea there might be a connection between Kimmins and Envirosure.

Reacting, Synar exploded.

"If the corps doesn't have any knowledge," the congressman said, "we have another example of the left hand of the government not knowing what the right hand is doing."

WHAT HAPPENED WITHIN EPA

The Envirosure network of firms operating in the Kansas City area was aided by the perplexing secretiveness of a special investigations division of the EPA during the Reagan administration.

The EPA's special investigations division had damaging information about Envirosure affiliates. But for a year and a half, it refrained from reporting the companies' shoddy records to a sister office in the EPA that cleared waste-handling permits.

EPA's special intelligence office, the National Enforcement Investigations Center in Denver, was so stingy with unpleasant information about hazardous-waste handlers that a congressional committee ordered that the agency be investigated by the General Accounting Office.

The GAO's top investigator testified before Synar's subcommittee that the EPA's intelligence agency had access to the following information:

Persons associated with Envirosure were, according to the GAO's congressional testimony, linked "with members of the La Cosa Nostra families in Buffalo . . . and in Kansas City."

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Another officer of PCB Inc. was the sales manager of a meat company identified as a front for organized crime. It was controlled by the head of La Cosa Nostra in Kansas City.

"(Kansas City area) officers of PCB Inc. and CB Oil were suspected of involvement in narcotics, prostitution, pornography, illegal gambling, fraud, extortion (and) arson."

A former president of CB Oil, Michael Canova, had been convicted of tax evasion and mail fraud in Kansas City. James Williams once loaned Canova more than $10,000.

An officer of one of the two Kansas City companies had ties to Martha C. Rose Chemical Inc., which abandoned 13 million pounds of PCB-tainted items in the Missouri town of Holden.

Synar's frustrations boiled over during an August 1988 hearing he called on Envirosure.

Questioning Thomas Gallagher, head of the EPA's intelligence section, about why he didn't alert the EPA's licensing unit in the mid-1980s about these companies, Synar demanded:

"What good are you?

"What good were you in this case, to let these companies continue to operate, given all this information? . . . When you did find information, you didn't share it with anybody."

Gallagher retired in February.

But EPA's chief criminal enforcement officer in the Bush administration, Paul B. Thompson, said: "We have only 46 EPA criminal investigators to cover the whole country. It would be ludicrous for us to get deeply involved in prosecuting organized crime."

Thompson said the EPA can bar a company from getting a hazardous-waste permit, but only if the firm has been convicted of a crime related to disposal.

Rick Young, an aide on Synar's subcommittee staff, said in an interview, "I've heard Thompson's song and dance before."

The EPA "never makes the effort" to nail firms with ties to organized crime, Young said.

"We are two steps behind the criminal element because there is no coordinated federal effort to keep track of them," Young said.

BAN ON WASTE BUSINESS JOBS EYED FOR BIDDERS WITH TIES TO VIOLATORS

(By Douglas Turner)

WASHINGTON.—Rep. Bill Paxon, R-Amherst, announced plans last week to introduce legislation barring "bad actors" in the hazardous waste business from obtaining more federally funded contracts.

Paxon's legislation is based on New Jersey's tough law, which allows that state's attorney general to bar a contractor if he has reason to believe the bidder is tied to firms with a long record of violations.

The congressman said in an interview he became interested in such legislation after The Buffalo News disclosed allegations from congressional testimony and other federal documents that link a Buffalo-based company, Envirosure Management Inc., to a new firm that has been awarded a major Superfund contract at Wide Beach, a community along the Lake Erie shoreline in the Town of Brant.

Companies owned by or controlled by Envirosure were fined more than $54 million in proposed EPA penalties in 1986 and 1987 for violations in the Kansas City, MO.

Wide Beach is in Paxon's 31st Congressional District. In mid-October, the Army Corps of Engineers awarded a $15.5 million contract to cleanse 20,000 tons of road dirt in the community. The roads had been sprayed with oil containing cancer-causing polychlorinated biphenyls, called PCBs.

The Army corps, the contracting agency for the Environmental Protection Agency, awarded the project to Kimmins Thermal Corp. Using a process developed by Galson Remediation Inc., of Syracuse, Kimmins Thermal intends to reduce the PCBs to an inert, biodegradable form by putting the substance through a kind of chemical pressure cooker.

Francis M. Williams, chief executive officer and majority stockholder of Kimmins Environmental, said in an interview that neither he nor his brother, James H. "Harry" Williams, had any role in the management of Envirosure prior to 1988, and maintained that the company was not a family enterprise. Francis Williams said there is no link between Envirosure and Kimmins.

"This legislation will disqualify companies from receiving grants, contracts or licenses, if found to have repeatedly violated EPA laws, and regulations," Paxon said.

Paxon's legislation will require all applicants for contracts and funds to file detailed personal disclosure forms.

The forms will include such questions as present and former business relationships, the names or key employees and stockholders, firms that do business with the applicant listing violations, prosecutions, and convictions of current and former employees, and links to labor union and trade associations.

New Jersey's tough law was outlined in 1988 hearings conducted by the House Government Operations Subcommittee on the Environment, conducted by Rep. Mike Synar, D-Okla.

New York has a bad-actors statute but only contractors that have been convicted of environmental crimes can be barred. It does not permit debarment on reasonable suspicion as New Jersey's law and Paxon's proposed legislation do.

Paxon said his bill provides that "if an applicant was found to be associated with an organization that has violated an EPA law, or there is reasonable suspicion that an association exists, the applicant's request for a license, contract or grant will be disqualified."

LEGISLATION TO REQUIRE EPA TO SCREEN DISPOSAL FIRMS AND INDIVIDUALS

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SYNAR. Mr. Speaker, I am pleased to join with my colleague from New York, Mr. PAXON, in introducing bipartisan legislation designed to help us ensure the integrity and competence of persons and companies involved in the waste disposal industry.

This issue has been an important focus of investigation by my Subcommittee on Environment, Energy, and Natural Resources over the past few years. Mr. Speaker, the Environmental Protection Agency currently has no effective procedure for tracking and cross-checking the environmental or criminal records of persons and companies appying for permits to handle, store, treat, and dispose of hazardous wastes. As a result, our subcommittee investigations have uncovered numerous instances, for example, of EPA-permitted PCB disposal companies who were suspected of extensive criminal activity, who had ties to organized crime, and/or had repeated environmental violations.

Based on the extensive investigations and hearings by my subcommittee, the Committee on Government Operations last year approved a report which forcused on the ways in which this failure has manifested itself with respect to EPA's efforts to adequately enforce its PCB regulatory program. Among other findings, the commitee concluded that:

EPA's criminal investigators within the National Enforcement Investigations Center [NEIC] were in some cases actually aware that owners and operators of EPA-permitted PCB disposal companies were suspected of involvement in extensive criminal activity, but did not share that information with agency personnel responsible for ensuring that the companies complied with PCB regulations. As a result, the companies continued to operate in violation of the regulations.

EPA had made little, if any, effort to identify disposal companies that exhibited some common traits or patterns of operation which would have made them suspect or might have evidenced control by individuals suspected of involvement in criminal activity. EPA did not have an effective policy or procedure for assessing financial relationships of companies and individuals participating in the hazardous waste industry, because no kind of financial disclosure was required of an applicant for a PCB or hazardous waste permit.

The agency does not have an effective policy or procedure for investigating the integrity of individuals or companies seeking EPA permits or to determine whether company officials requesting permits have been involved in other companies with serious environmental compliance problems. In fact, the agency had no formal policy for denying permits to companies or individuals that have exhibited repeated regulatory noncompliance.

Mr. Speaker, given the serious environmental threats posed by improper disposal of hazardous wastes and the costs imposed upon society in cleaning up these messes, it is essential that the Agency have at least some mechanism for keeping track of and weeding out the unscrupulous individuals and companies in this industry. The State of New Jersey has taken the lead in addressing this problem by establishing a system of background investigations of companies and individuals holding or seeking PCB or other hazardous waste permits. The New Jersey program precludes individuals or companies from participating in the waste industry if the applicant can not demonstrate reliability and competence. The State reports that the program has resulted in the voluntary forfeiture of hazardous waste licenses by organized crime operative anxious to avoid further investigation.

The concept of full disclosure which lies at the heart of the bill Mr. PAXON and I are introducing today will go a long way toward helping the Agency identify and root out those individuals and companies not fit to participate in the hazardous waste industry.

Mr. Speaker, this legislation would require those seeking permits to fully disclose: who runs the company; who actually owns equity in the company; what other waste companies are owned by those parties; information relevant to the applicant's experience and competence in the waste business; and information on, and an explanation of, certain environmental offenses for which the applicant and related parties have been convicted. This information is essential to allowing an informed decision by EPA about the reliability, competence, and integrity of the applicant. I believe it may be the least burdensome means available to us for preventing permits from being granted to parties demonstrably unfit to hold them.

Finally, Mr. Speaker, I want to emphasize two important points about the legislation. First, the program of full disclosure is designed to identify serious violations of the law on the part of an applicant, not relatively minor compliance problems such as paperwork violations. Second, the legislation contains provisions allowing the Agency to waive the ineligibility requirements in cases where it can be demonstrated that an individual or company has rehabilitated its integrity. There is no intention on our part to deny environmental permits to those who have taken appropriate action to clean up their act.

I would also note parenthetically that the full disclosure requirements are very similar to the disclosure requirements contained in H.R. 252, the hazardous waste export legislation which many of us recently introduced in the House of Representatives.

Mr. Speaker, this bill represents an important step in our efforts to get unscrupulous parties out of the hazardous waste industry. I hope our colleagues will join us in support of it so that we can enact the proposal during the current session.

FOREST SERVICE AND BUREAU OF LAND MANAGEMENT "IN LIEU" SELECTION BILL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. LAGOMARSINO. Mr. Speaker, I am today introducing a bill to begin the process of resolution of land title issues on Federal lands in the States of Arizona, California, Colorado, Idaho, New Mexico, Oregon, South Dakota, Utah, Washington, and Wyoming. This bill addresses an issue which has been outstanding for 93 years.

This issue arose in 1897 with the passage of an act (30 Stat. 11, 36) which was intended to consolidate lands within the newly created national forest system. This 1897 act was the first of a number of statutes authorizing the exchange of Federal and non-Federal lands to promote more efficient Federal land management. Unfortunately, the wording of the 1897 act suggested that the landowner first had to relinquish the private tract to the United States as a condition of selecting Federal land in exchange—rather than authorizing the simultaneous exchange of deeds, which has become the modern exchange procedure—and the Secretary of the Interior imposed that requirement by regulation.

In any event, many private land-owners relinquished their lands to the United States by a formal conveyance as a condition to the selection of the Federal "in lieu" lands. However, for a variety of reasons—at least in part because subsequent laws restricted the kinds of land available for selection—many private landowners never made a formal selection of the compensating Federal lands, or if they did, their selection was not approved. Since that time, a number of actions by the administration, courts, and Congress have addressed by the thousands of outstanding title questions through a variety of solutions. Congress currently deals with the situation on a case-by-case basis through private bills.

It is currently estimated that clouded titles exist on approximately 19,000 acres of land managed by the Forest Service and 8,000 acres of land managed by the Bureau of Land Management. These lands are owned by some 2,300 separate owners. Both agencies are aware of these title problems and desire to resolve them.

The bill which I have introduced was drafted by the Forest In Lieu Selection Committee which represents many of these private owners. Thus, it is intended as a discussion draft which will be reviewed in detail through the hearing and markup process. The final bill will provide a solution to this issue which is equitable for both the Government and private land owners. I look forward to working with my colleagues on this measure which will resolve these title questions both comprehensively and consistently.

A CONGRESSIONAL SALUTE TO HELEN MONNETTE AMESTOY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted many years of her life to the betterment of the Los Angeles and Lakewood communities. Helen Monnette Amestoy, librarian in charge at the A.M. Iacoboni Library, is retiring after 25 years with the Los Angeles County Public Library and 22 years in Lakewood. In recognition of this achievement, she will be honored on Friday March 30, 1990, at the Lakewood Country Club. This occasion gives me the opportunity to express my sincere appreciation for her many years of hard work and unending commitment.

Helen Amestoy received both her B.A. degree in history of art, and her masters in library service of art from UCLA. She began her career in the UCLA engineering library, and later moved to the Los Angeles County Public Library located in Carson. She later left Carson and began working at the Lynwood Library. In October of 1968, Mrs. Amestoy came to Lakewood. While she forged a successful professional career working with the Los Angeles County public libraries, she is also well respected in local professional, social and civic organizations.

A past president of the Pan American Association, she has served on the board of directors of the Greater Lakewood Community Hospice. She was a member of the women's division of the Lakewood Chamber of Commerce, the Lakewood Coordinating Council, The Friends of the Lakewood Libraries, and honorary life member of the Pilot Club of Lakewood and many more. Within the context of professional library related organizations, she served as the 1982 president of the California Society of Librarians, a chapter of the California Library Association [CLA]. She served on the intellectual freedom committee and the government relations committee of the CLA. In 1980 Helen was honored as Librarian of the Year by the Los Angeles County Library.

The hard work and dedication of Helen Amestoy will be missed by the community of Lakewood, and especially those associated with the Los Angeles County Public Library. My wife, Lee, joins me in extending our congratulations to this caring and giving woman. She is truly a remarkable individual who has devoted her talents and energies to providing a better education and way of life for the people of Lakewood. We wish Helen, her husband, Michael, their children, Margot, Michele, and Kami, all the best in the years of come.

CASTRO SHUTS OUT THE TRUTH: TV MARTI

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. BROOMFIELD. Mr. Speaker, who is afraid of letting the Cuban people see American soap operas and the World Series?

Who doesn't want families in Havana to watch "Kate and Allie" and music video chips?

Who denies the citizens of that country the right to see how good life is beyond Cuba's shores?

You know the answer. Castro, the last of the old-line revolutionaries, is the culprit.

A few days ago, he jammed TV Marti's first test broadcast after only a few minutes of transmission.

Castro has much to fear. Cuba's economy is a disaster. He is growing isolated in the world. By any standard, his Cuban revolution is a failure. A democratic revolution is sweeping the world. Is there any wonder that he fears the free flow of information?

Castro can block television signals, but he can't stop the rising tide of freedom that will someday sweep over the shores of Cuba. Then, Castro will be but a bad memory for the Cuban people.

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GATT SHOULD CONSIDER ENVIRONMENTAL FACTORS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SWIFT. Mr. Speaker, I am introducing today a resolution recognizing the growing need for coordinated action among nations in order to succeed in the fight against worldwide pollution.

Our country has had to spend large sums to clean up our own environment. We have had no choice in the matter. There is a compelling need to rid our Nation of toxic pollutants. And we are making significant and continuing progress in cleaning up our air, water, and land resources. But as we spend a multitude of dollars in this task, many other nations refuse to spend even pennies to clean up their own environment.

It is becoming increasingly clear that problems of pollution do not begin or end at national borders. We are all dependent upon a healthy Amazon basin for the ultimate quality of the air we breathe for example, and upon the health of the world's seas and oceans for the water we drink and the food we eat. The environment of the entire Earth stands in jeopardy from the pollution created by growing worldwide industrial activity. And these problems can only be addressed effectively if all nations work in concert.

There is another economic burden that our country has had to shoulder in the fight against pollution; but unlike the necessary costs of environmental cleanup that we must assume, this burden has been both unfair and unnecessary. That is the fact that our U.S. manufacturers must compete at a disadvantage when the necessary costs of meeting national environmental standards are not costs that our foreign competitors must also undertake to meet.

When foreign competitors pollute, they not only degrade the global environment that we all live in, they also are able to undercut American producers by avoiding pollution control costs that our manufacturers rightfully have to meet. So we as Americans are in double jeopardy; foreign pollution affects both the health of our citizens and the health of our economy.

I am introducing today a resolution calling upon the President to seek, through existing and prospective trade negotiations, agreements with our trade partners on the reduction of the competitive disadvantages resulting from the gap between our national environmental standards and those of other nations. It should become a stated policy of the United States that nations who do not require reasonable and necessary pollution controls of their manufacturers shall not be able to use any of such savings in their cost of manufacturing to underprice American manufacturers.

Nearly every day it seems, we discover new examples of the fragility of our global environment, and how widespread are the effects of worldwide industrial pollution. We need to create disincentives for others to pollute; we also need to ensure that our manufacturers are not penalized for acting responsibly in meeting our own environmental goals. I hope Members will join with me in supporting this resolution to help keep the global environment clean and international trade competitive.

INTRODUCTION OF THE LANGUAGE OF GOVERNMENT ACT

HON. BILL EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. EMERSON. Mr. Speaker, America is a nation of immigrants. As President Franklin Delano Roosevelt once said, "All of our people all over the country—except the pure-blooded Indians—are immigrants or descendants of immigrants, including those who came over here on the Mayflower."

Indeed, we are a diverse lot. We are a country of many peoples, each with an individual cultural heritage and tradition. It is not often that people of so many varying cultures and backgrounds can live together in harmony, for human nature often leads us to resist and fear those who are different from us. Yet despite our differences, we do have a common bond. We have a common tongue, the English language, that connects us to one another and creates our national identity. It is this unity in diversity that defines us as uniquely American.

Today, Representative SKELTON and I are introducing the "Language of Government Act," legislation that would declare English to be the official language of the Federal Government. Let's ensure that every American has access to his or her Government through a single official language. Let's promote and encourage the use of a unifying language, and let's make sure that every American has the opportunity to learn English and to fully participate in our society.

The legislation introduced today will not stifle or prohibit the use of languages other than English in this country. It will not ask immigrants to give up their varied cultures and native languages. What this bill would do is reaffirm that one language above all others is the common tongue, the unifying element in our society, and it is the one language in which our official business should be conducted.

As Americans, we should not remain strangers to each other, but must use our common language to develop a fundamental and open means of communication and to break down artificial language barriers. By preserving the bond of a unifying language in Government, this Nation of immigrants can become a stronger and more unified country.

PAGE PIRATES COMPLETE PERFECT BASKETBALL SEASON

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. COBLE. Mr. Speaker, perfection is rarely found in life. We all strive to achieve it, but few do. Perfection was achieved recently by a high school basketball team in our district. The Page Pirates of Greensboro, NC, completed a perfect basketball season on March 24, 1990, with a victory in the Class 4-A State championship.

The Page Pirates finished a remarkable season with a 31–0 record. Thirty-one times they took to the basketball hardwood this season and 31 times they came away with a victory. That is a remarkable achievement in itself. What makes this perfect season even more remarkable is the fact that the Pirates had a combined grade-point average of 3.8. This team inserted the word student back into the concept of student-athletes.

This was a special team for another reason. Everyone involved with the Pirates this season spoke of family. From head coach Mac Morris to each member of the squad to the coaching and support staff, the Pirates worked together like a closely knit family. This togetherness culminated at the championship game as Page defeated Wilson Fike High School 46 to 43 to capture the State 4-A basketball crown. "We have talked all year about being a family," Coach Morris told the Greensboro News & Record, "and I think tonight may have been the culmination of the family effort. This is absolutely the proudest moment I can ever imagine."

Congratulations must begin with Mac Morris, who in his 22d year of coaching turned a team with 12 losses the previous year into a squad with a 31–0 record. It was quite an accomplishment, but Coach Morris will be the first to tell you that it was a team—a family effort. Congratulations also to each member of the squad: Marc Lewis, the most valuable player in the title game; Brad Roland, Pearce Landry, Kevin Ryan, Alfred Hamilton, Billy Kretzer, Chris Lowe, James Bassett, Herb Connor, Burnhardt Frazier, Rick Gardner, Patrick Hamm, Derrick Steele, and Ronnie Wimberly. Special thanks must also go to the other members of the Pirate family who contributed to this perfect season. We salute assistant coach Clayton Nance; team physician, Dr. Jeff Todd; team trainer, Tim Via; student trainers, Nick Gregory and David Greaves; team managers, Rod Harrelson and Scott Woodard; video assistant, Laurie McElhone; and statistician, Will Rothschild.

In 1979, the Pittsburgh Pirates sang "We Are Family" as they won the World Series over the Baltimore Orioles. In 1990, the Page Pirates said they played together like a family. Pirates and family—the two terms seem to go together. It certainly worked for the Page Pirates. Each member of the Pirate family, including their countless fans, can take pride in what was accomplished this season. Perfection does not come along often in life; today we celebrate the perfect season of the Page Pirates basketball program.

INTRODUCTION OF THE PUBLIC TV CABLE CARRIAGE ACT OF 1990

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. RINALDO. Mr. Speaker, I am proud to be an original cosponsor of the Public TV Cable Carriage Act of 1990. I am joined in this effort by the chairman of the Energy and Commerce Committee, the gentleman from Michigan [Mr. DINGELL]; the ranking Republican member of the committee, the gentleman from New York [Mr. LENT]; and the chairman of the Telecommunications Subcommittee, the gentleman from Massachusetts [Mr. MARKEY].

Our bill would require cable TV systems to carry their local public television stations. This legislation is necessary because the Federal Communications Commission's must-carry rules, which guaranteed that local broadcast TV stations would be seen on local cable systems, were struck down by a Federal court 5 years ago. There now is no requirement that cable TV systems, which serve nearly 6 out of 10 Americans, carry any local broadcast TV stations. Public TV stations may have been harmed the most by the court's elimination of must-carry; it is estimated that more than 100 public TV stations have been dropped from cable TV systems over the past 5 years.

The lack of must-carry rules for public TV stations is particularly unfortunate, because it often results in making public TV programming unavailable to the same people who directly support it through their tax dollars and their generous contributions. Congress now appropriates over a quarter of a billion dollars annually to support public broadcasting. Those funds are used to provide educational and informational programming to supplement the programming available from commercial television.

Our substantial investment in public broadcasting gives us a uniquely compelling national interest in making sure that public television programming is available to all our citizens.

I continue to support must-carry rules that would apply to all local television stations, as do my cosponsors. We have waited patiently for the broadcasting and cable industries to strike an agreement so that must-carry legislation can move forward. That patience is beginning to pay dividends. Our bill incorporates a must-carry agreement between the cable television industry and public television stations that was concluded just yesterday. I commend both groups for working in good faith to resolve their differences and arrive at a compromise which we can recommend to the House today.

I hope that their agreement, and our introduction of this legislation today, will set the stage for subsequent must-carry agreements between cable and commercial broadcasters that will put must-carry rules that apply to all local broadcasters in place once and for all.

SERVICES PROGRAM FOR ELDERLY AND DISABLED WORKS AND DESERVES FUNDING

HON. JOSEPH E. BRENNAN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. BRENNAN. Mr. Speaker, today I am introducing legislation which will authorize appropriations of $12 million for the Congregate Housing Services Program. The President has proposed to eliminate funding for this successful program in his fiscal year 1991 budget—an action which I regard as highly imprudent.

Since 1978, the Congregate Services Program has provided elderly and disabled residents of public housing and section 202 housing for the elderly and handicapped with meals, housekeeping, transportation to and from appointments, personal assistance, and other services which allow them to maintain a level of independence in a home environment. For most of the residents who rely on this program daily, any cessation of funding would almost surely mean institutionalization.

Certainly we all realize that there are many, many elderly and disabled people who are not in need of constant medical attention, who are not in need of institutional care, but who do require assistance with some of the daily tasks that you or I might take for granted. For such people to enter nursing homes makes no sense at all, especially considering the vast discrepancies in many areas of the country between the demand for nursing home beds and the availability of spaces.

Even more compelling perhaps is the financial sense which the Congregate Services Program makes. One recent study estimates a savings of $5,000 per person, per year in comparison to institutional care, although even this figure is a conservative one, and in some areas of the country the savings could be even greater. In my home State of Maine, residents of congregate housing in Brunswick, Rockland, and Old Town could be saving as much as $20,000 per year.

I recently met with elderly Maine residents who benefit from this program. As one woman explained, "I had a stroke, and I thought I could manage my life by myself but I couldn't. [This program] makes all the difference in the world. I'm 84 and you don't have many friends left. I feel very independent."

I urge my colleagues to support legislation to reinstate funding for the Congregate Housing Services Program—a program with demonstrated success which should be allowed to continue and expand.

INTRODUCTION OF PENTAGON TRANSFER LEGISLATION

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mrs. SCHROEDER. Mr. Speaker, Congressman DAVID MARTIN and I are today introducing, at the request of the administration, a bill to transfer jurisdiction, custody, and control of the Pentagon from the General Services Administration [GSA] to the Department of Defense [DOD].

This issue was hotly contested, largely on jurisdictional grounds, in last year's conference committee on the defense authorization bill. The committees which oversee GSA felt blind sided by the inclusion of this language in the defense authorization bill. So, the transfer language was dropped and the conference report told GSA to come up with a plan to fix up the Pentagon. GSA developed a plan, but when the Office of Management and Budget saw the $1.2 billion price tag, OMB decided that the building should be transferred and the military construction budget would pay for renovation.

I have not decided what the right solution is. I do know that the Pentagon is in terrible shape. Something has to be done. So, the Subcommittee on Military Installations and Facilities, which I chair, will hold a hearing next Wednesday at 2 p.m. on this legislation. We will work with the other committees to develop a rational approach to renovate the Pentagon and protect the taxpayer.

IMPORTANT CONTRIBUTIONS OF THIS EPA

HON. GEORGE E. SANGMEISTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SANGMEISTER. Mr. Speaker, the task of preserving our environment has taken a back seat for too long in this country. The Envrionmental Protection Agency has fought for years to enforce clean air and water legislation, administer the Superfund cleanup program, and promote recycling and conservation efforts. Regrettably, this agency has had to address these monumental tasks with limited resources and limited respect. Mr. Speaker, yesterday this body voted overwhelmingly to elevate the Environmental Protection Agency to Cabinet level. By acknowledging this Agency's important contributions, we have set the stage for a more focused national environmental agenda.

Since the preservation of planet Earth cuts across political lines, I am heartened the bill clarifies that political affiliation will not be the primary factor taken into account when appointing regional administrators. Again, I applaud this initiative and would like to take this opportunity to acknowledge a constitutent who had the foresight to recognize the importance of preserving our environment before it became fashionable to do so. Mr. Jim Marzuki, a resident of Park Forest, IL, cared about the environment throughout the Reagan era when many environmental problems were virtually ignored. Now that Americans have become more environmentally aware, he has continued to help educate the citizens in his community.

As one of the original organizers of the Thorn Creek Preservation Society, Mr. Marzuki was instrumental in having nearly 900 acres of woodland set aside as an Illinois nature preserve. He also served on the board of direc-

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tors of the Illinois Environmental Council and as conservation chair for the Thorn Creek Audubon. Currently, he is a member of the National Audubon, the Illinois Audubon, the Thorn Creek Audubon Open Lands Project, the National Wildlife Federation, and the Sierra Club—as a member of the legislative committee for the Sauk-Calumet chapter. I applaud Mr. Marzuki's energy and accomplishments—his efforts serve to underscore that individuals can make a difference in the fight for a clean, safe environment.

HONORING THE NEW JEFFERSON COUNTY CHILD SUPPORT ENFORCEMENT OFFICES

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. MAZZOLI. Mr. Speaker, on March 16, I was pleased to take part in the dedication of the new Jefferson County Child Support Enforcement Office located in downtown Louisville.

In my remarks at the ceremony, I commended Jefferson County Attorney Mike Conliffe and director of the Child Support Enforcement Division, David Cathers, for their dedication and hard work in making the Jefferson County Child Support Enforcement Office one of the most successful operations in the Nation.

Currently, the Jefferson County Child Support Center handles 35,000 claims annually and collects at least $20 million annually in delinquent child support payments.

The office's clients actually are the children whose parent or parents refuse to provide them with the court-ordered support for the food, shelter, and clothing they need. Thus, the child support office does great good for the children of our community.

Many counties in the Commonwealth use the pioneering procedures of the Jefferson County Child Support Enforcement Center in their child support collection efforts and have become more efficient and effective as a result.

Because of the contributions the child support office makes to our community's children and to the Commonwealth, I was pleased to assist County Attorney Conliffe in obtaining $204,000 in Federal matching funds to upgrade the child support office's computer system.

Originally, his funding request of $140,000 had been denied. However, when Mike and David came to Washington, I arranged for Federal officials to come to my office to review the county's request. Once these officials had the opportunity to talk with Mike and Dave directly and study the proposal, the Federal officals granted the $140,000 and an additional $64,000 for good measure.

Mr. Speaker, I wish to commend Jefferson County Attorney Mike Conliffe and Child Support Enforcement Director David Cathers and their staff on a job well done, and I look forward to working with them to continue and improve our efforts in behalf of the children of Louisville and Jefferson County.

INTRODUCTION OF THE BUSH ADMINISTRATION'S COASTAL ZONE MANAGEMENT ACT REAUTHORIZATION BILL

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SHUMWAY. Mr. Speaker, I rise, as the ranking minority member of the House Oceanography Subcommittee, to introduce, along with a number of my Republican subcommittee colleagues, the President's legislation to reauthorize and amend the Coastal Zone Management Act of 1972.

The President and the new leadership at NOAA are to be commended for their efforts in support of reauthorizing this important statute which for nearly 20 years has played an important role in ensuring that coastal protection and development have taken place in a balanced fashion.

This act was originally a Republican-sponsored initiative and it properly places the role of coastal management decisionmaking control in the hands of the coastal States themselves.

As the House sponsors of this administration bill, we recognize that there are many areas of concern and even controversy which will undoubtedly be addressed during committee and House consideration of CZMA reauthorization legislation. Moreover, we recognize that Chairman JONES has introduced his own comprehensive legislation to reauthorize this act, and that his bill, H.R. 4030, is the proper vehicle for congressional action. Nonetheless, we believed it important that the administration's effort be formally introduced both to recognize their important leadership on this issue and to ensure that it is given the proper attention it deserves by the Merchant Marine and Fisheries Committee and the House as the reauthorization process moves forward.

THE HUNGER PREVENTION AND NUTRITION EXPANSION ACT OF 1990

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. MOODY. Mr. Speaker, I am today introducing legislation that takes an important and necessary step toward providing the homeless and needy with an essential nutritional dietary component: milk. The Hunger Prevention and Nutrition Expansion Act of 1990 amends the Hunger Prevention Act of 1988 to direct the Secretary of Agriculture to purchase and distribute 10 million dollars' worth of milk to soup kitchens for each of the years 1991 through 1995. This money would be in addition to the current $32 million annual authorization for the Soup Kitchen Commodities Program.

My bill is designed to serve as a bridge to the already existing Federal School Lunch Program and Special Milk Program by providing milk to needy families and individuals at meal sites throughout the country.

I am honored to be joined in introducing this needed legislation by the distinguished chairman of the Select Committee on Hunger, TONY HALL, of Ohio.

Homelessness is on the rise, and the ranks of people living below the poverty line have swelled over the last decade. Soup kitchens have played an increasingly important role as one of the few sources of support left for needy people. According to the U.S. Conference of Mayors, requests for emergency food assistance have increased 19 percent in each of the last 2 years. Sixty-one percent of those seeking assistance are families with children.

The old stereotypes about the homeless no longer accurately reflect the demographics of those seeking assistance these days. The poor now include many working families who struggle month to month to make ends meet on minimum-wage paychecks.

Most soup kitchens are run by community and church groups and rely upon donations of time, food, and money. Federal commodity programs administered under the soup kitchen and TEFA titles of the Hunger Prevention Act have helped meet some needs by channeling food to soup kitchens and food pantries. However, beginning in 1982 with the curtailment of the Special Milk Program, dairy products have played a smaller role in commodity distribution programs. This has been especially true in the last year and a half because Government CCC surpluses of cheese and nonfat dry milk have disappeared, effectively eliminating that flow of dairy products to the needy.

The Milwaukee Meal Coalition in my district, representing over 22 meal programs across the metro area and serving around 696,000 meals annually, has had difficulty providing milk. In some cases, water has been served when a soup kitchen was unable to afford milk.

The problems experienced in Milwaukee are repeated throughout the country where the number of homeless and needy persons outweigh the combined Government and private resources to alleviate hunger.

Nutritional needs do not stop at the end of a school day, nor do they end when a person turns 18. Many young children, needy adults, and elderly citizens rely on soup kitchens to provide them with a nutritional dinner. For far too many people, that evening meal at a soup kitchen may be the only full hot meal of the day. It is important that the nutritional needs of the homeless and the needy are being met and milk is a vital component to any healthy balanced diet. In my district of Milwaukee, some soup kitchens have had to serve water with their meals because money is tight and the meal sites have not been receiving Government or private donations of dairy products. My bill would make it easier for soup kitchens to serve milk on a regular basis.

This bill is good for the dairy industry which has seen its role in providing milk and other dairy products to the needy through Government programs diminished in recent years—just the opposite of what should be happening. This legislation will guarantee a stable supply of milk so that soup kitchens won't have to ride along with the dairy industry on the roller coaster ride of market supply and demand, surplus, and shortage. Both the dairy industry and the soup kitchens could be assured of a constant, consistent channel of milk.

Mr. Speaker, expansion of the Soup Kitchen Commodities Program is of great benefit to the millions of needy Americans—young and old, urban and rural—who rely on soup kitchens for a hot meal each day and to those dedicated people who run the meal sites around the country.

Mr. Speaker, I hope my colleagues will join Tony Hall and me in expanding the current soup kitchen commodities list to include $10 million of milk.

THE 50TH ANNIVERSARY OF THE "SOCIETA SAN SILVERIO DEI PONZESI"

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. ENGEL. Mr. Speaker, April 1, 1990, marks the celebration of the 50th anniversary of the Societa San Silverio dei Ponzesi, which, was founded on February 26, 1940, by its first president, Mr. Silverio DeLuca.

The society was located originally on Morris Avenue, in the Bronx, the very same street on which I was born. The society acted as a place for immigrants from the island of Ponza to meet and organize. This made it easier for many of the new immigrants to adjust to life in the United States. In addition, the society helped to promote pride in one's culture and heritage.

As you know, Mr. Speaker, this Nation was founded by immigrants. These immigrants brought with them a wide variety of cultural backgrounds which added to the cultural mosaic that now makes America the great country that it is.

For the past 50 years this organization has helped foster pride and create a sense of community for the immigrants of Ponza now residing in the New York metropolitan area. I would like to congratulate the society on its community service and express my hope for its continued success.

Under its current president, Mr. Luigi Mazzella, and with help from active members like Silverio Iodice, the society continues to service the large Ponza community within the New York metropolitan area.

FLEXIBILITY IN WORK SCHEDULES

HON. TIMOTHY J. PENNY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. PENNY. Mr. Speaker, today I am introducing legislation that was suggested by nurses at St. Mary's Hospital in Rochester, MN, but should assist many other health care professionals. The legislation, which would amend section 7(j) of the Fair Labor Standards Act, allows workers more flexibility in work schedules that are more amenable to the needs of family and child care arrangements.

Health care workers employed by hospitals, nursing homes, and other inpatient facilities are required, by nature of the work, to provide 24-hour, 7-day-a-week staffing of these facilities. The demands of shift work and weekend work, which do not often accommodate personal schedules, have contributed to the current difficulties in recruiting and retaining nurses and other health care professionals. Health care facilities have begun to lengthen work periods, such as expanding an 8-hour shift to 10 or 12 hours of duty, with workers being given compensatory days off. For example, rather than being assigned to work every other weekend, a nurse can be assigned every third week-end and receive additional days off during the week. This type of scheduling is particularly attractive to two-income families who are attempting to balance work and child care responsibilities.

The problem that has occurred is that under current law, employers are required to adhere strictly to a 40-hour work week, designed around a traditional 8-hour work day and including 5 working days per week. To protect the worker, the law requires that health care facilities pay overtime for work in excess of 8 hours in any work day and in excess of 80 hours in a 14-day period. This precludes the type of scheduling which many health care workers would prefer.

My legislation expands the number of shift hours allowed and the cycle over which the work may be completed while still protecting the rights of the worker. This expansion would be allowed only if the workers and the employer agreed to the change in writing. I believe this bill allows flexibility while still protecting workers' rights.

A TRIBUTE TO THE MEMORY OF JERRY CLARK

HON. ALBERT G. BUSTAMANTE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. BUSTAMANTE. Mr. Speaker, it is with great sadness that I learned of the passing of one of the great political leaders in America's labor movement—Jerry Clark, political action director for the American Federation of State, County, and Municipal Employees.

Many of us who are privileged to serve in this Chamber knew Jerry and benefited from his advice and counsel. As candidates, one of the first orders of campaign business was to call Jerry and inform him the campaign plans for the upcoming election. After you were finished meeting with him, Jerry Clark made sure that AFSCME played a key role in helping the campaign reach its goals. He always delivered. That's the kind of man he was—always, reliable; always there when needed.

Jerry was responsible for developing AFSCME's political action department and for making AFSCME the political force it is today. But he was responsible for more than making AFSCME's political action program one of the best in the country. Jerry also induced many young people—young men and women from all walks of life—to become involved in the political process. He had great confidence in their ability to shape our political future for the better. From that confidence he projected, Jerry inspired a sense of loyalty in those he introduced to the American political scene. Jerry's influence on the political landscape will continue as the young people who received their political training under AFSCME's political action program assume positions of leadership in their own right.

I express my condolences to his family, to his coworkers and staff of AFSCME's political action department, to AFSCME International President Gerry McEntee and Secretary-Treasurer William Lucy, and to the brothers and sisters of AFSCME.

We have lost a good and dear friend, and we will miss him dearly.

LEGISLATION TO BENEFIT PRIVATE COLLEGES AND UNIVERSITIES

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. MATSUI. Mr. Speaker, I rise today to introduce legislation which will make two vital changes in the Internal Revenue Code's tax-exempt bond rules for private, nonprofit colleges and universities. I am pleased to be joined by nine of my colleagues on the Committee on Ways and Means.

There are approximately 1,600 accredited independent colleges and universities in the United States. These institutions enroll approximately 2.65 million students, of which in 1987 nearly 30 percent of the freshmen were in the first generation of their families to attend college.

The tradition of private, nonprofit higher education dates from the earliest days of our country, and the United States is the only country in the world with this tradition. Yet despite this long practice, the Internal Revenue Code's tax-exempt bond rules characterize these colleges and universities as "private businesses". Yes, Mr. Speaker, private educational institutions treated just like for-profit corporations! In addition, a special $150 million limit on the amount of bonds that any single institution could have outstanding included in current tax law precludes any use of tax-exempt bonds to finance such facilities as dormitories, classrooms, and libraries at 24 of our best research universities.

This legislation corrects this misunderstanding of the role of independent colleges and universities by treating tax-exempt bonds for section 501(c)(3) organizations the same as bonds for State and local governments. In tax-exempt bond parlance, bonds for these organizations would no longer be treated as "private activity bonds." Simply stated, the tax-exempt bond rules would recognize that the activities of independent colleges and universities are indistinguishable from those of their governmental counterparts.

Second, my bill also would repeal the special $150 million limit on outstanding bonds for independent colleges and universities. As I

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stated previously, this limit totally prevents 24 of our prominent universities from benefiting from any additional tax-exempt bonds. These 24 institutions represent 20 percent of the independent doctorate-granting universities. This limit makes no sense in an era when new jobs increasingly require post-secondary education as the United States moves to a high-technology economy in today's intensely competitive world marketplace.

A recent report by the National Science Foundation maintains that despite current facilities needs, colleges and universities are deferring $3.60 of repair and renovation work for every $1 spent on such work they undertake. Of all expenditures, repair and renovation work is probably the most dependent on debt financing. Institutions frequently find that other funding sources, such as gifts, are much more readily available for new construction activities because of their greater visibility. Put more bluntly, roof or heating system repairs are less likely to attract large donations than a new building.

Our Federal budget deficit prevents our providing new direct assistance for these important projects. Yet, if the United States is to remain competitive in the rapidly changing world economy, the urgent facilities needs of our independent colleges and universities must be met. This legislation provides relatively inexpensive, yet effective assistance for these worthy purposes.

Mr. Speaker, I would like to thank my colleagues on the Ways and Means Committee for joining with me to introduce this legislation, and I urge my colleagues in the House to join in this effort.

IN HONOR OF GEORGE MORRIS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. KOSTMAYER. Mr. Speaker, it is with great pleasure that I draw the attention of my colleagues to the estimable accomplishments of Mr. George Morris of Levittown, PA.

For 35 years, Mr. Morris has been a member of the Pennsylvania Lions Club in Multiple District 14A. During that span, he has attended every meeting without fail. Now, after a distinguished career, he is retiring from active service to the club.

Although he is retiring, George Morris achievements will not be forgotten. In his 14-year service as club treasurer and fund raising chairman, he succeeded in raising over $700,000 for Lion projects and needy families. Truly, the unceasing dedication of Mr. Morris to many worthwhile charitable causes is a point of light at which we can all gaze with admiration. His work has helped out people in need and enriched his community and his country.

Mr. Speaker, it is my honor to pay tribute today to Mr. George Morris and his valuable and patriotic contributions to his community as a life member of the Lions Club.

IRCA ANTI-DISCRIMINATION AMENDMENTS ACT OF 1990

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. BRYANT. Mr. Speaker, the IRCA Anti-Discrimination Amendments Act of 1990 addresses the critical need for the Government to strengthen its efforts to combat immigration-related discrimination against citizens and other legal job applicants.

The Immigration Reform and Control Act of 1986 [IRCA] prohibits employers from hiring undocumented illegal immigrants and includes tough antidiscrimination provisions. As a result, it is not only illegal for employers to hire and exploit illegal workers, but also for employers to discriminate in hiring because of an applicant's race or accent or other unfounded suspicion that the person is an undocumented worker.

Unfortunately, preliminary General Accounting Office reports, required by IRCA, as well as studies in New York and California, indicated that many employers are discriminating against legal job applicants because of their appearance or their manner of speech. It is likely that the next GAO report will come to even more disturbing conclusions about the extent of immigration-related discrimination.

The IRCA Anti-Discrimination Amendments Act of 1990 will address this problem by requiring the Immigration and Naturalization Service to launch an extensive public education campaign designed to inform potential employees about their rights and remedies under the antidiscrimination provisions of IRCA and advise employers of their responsibilities under the law.

This measure requires the Office of the Special Counsel, charged under IRCA antidiscrimination enforcement, to establish regional offices more accessible to the victims of discrimination and to more aggressively pursue those who violate the law. The GAO would continue to monitor immigration-related discrimination for an additional 2 years.

The effort to stop the exploitation of undocumented immigrants by unscrupulous employers—one of the purposes of IRCA—must be continued. But we must also assure every legal job applicant that he or she will not be discriminated against. Any unlawful discrimination in employment is inexcusable and intolerable. I have introduced legislation today to combat this discrimination, and I invite my colleagues to join me in cosponsoring this important measure.

TRIBUTE TO WILLIAM JOHNSTON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to William Johnston who passed away on February 26, 1990, at the Cleveland Clinic. Bill was involved in my 17th Congressional District and served his country in the Marine Corps.

Bill was born on August 11, 1934 in New Castle, PA, to Herman "Red" and Margaret Johnston. While serving in the Marine Corps, he served as a White House guard under President Dwight D. Eisenhower. Bill was also the chairman of the Inland Water Way Authority and chairman of Intermodal Transportation of Tennessee-Tombigbee Waterway. From 1982 until his death, he owned and operated the Trailstar Manufacturing Co., of Alliance, OH, which manufactures aluminum semi- and dump-trailers. He was also a member of the Alliance Chamber of Commerce and chairman emeritus of the Dump Trailers Industry Association.

Besides his parents, Bill leaves behind his wife Pauline, and four children: Eric, Aaron, Yvonne, and Desiree, as well as two grandchildren.

Mr. Speaker, I would like to take this opportunity to recognize William Johnston. I had the honor to know Bill, he was a caring and dedicated man who will be missed by all.

A CONGRESSIONAL SALUTE TO JOHN E. BOOKER

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. FAUNTROY. Mr. Speaker, I rise today to pay tribute to an outstanding individual who has devoted 30 years of his life in service to and defense of this great country. Today, master chief cryptologic technician—administration—John E. Booker retires from active duty with the U.S. Navy.

Master Chief John E. Booker, a native of Cumberland, VA, commenced his naval career nearly 30 years ago. He has had the opportunity to serve in Puerto Rico, Philippines, Okinawa, and Washington, DC, (4 tours). He has also seen duty in Spain, Florida, South Carolina, Japan and Guam, plus numerous TEMADD stations. His decorations and awards include the Overseas Ribbon—four awards; National Defense, Meritorious Unit and Navy Unit Commendation—three awards; Good Conduct—seven awards; and the Navy Achievement Medal. He has spent over 17 years in the human resources management field earning NEC's 9515—equal opportunity program specialist—and 9528—human resource management specialist. He was the first cryptologist to attend the DOD's Defense Race Relation Institute. Master Chief Booker made naval security group history when he was the first black to be promoted to CTACS only to break that record 3 years later when he was promoted to CTACM. Today he is one of the two blacks ever to hold the grade of CTACM.

A graduate of the Navy's Senior Enlisted Academy in 1983, Booker also hold degrees in social psychology and sociology from Los Angeles Community College and the University of Maryland respectively. He came to Washington from a short stint at NAVCAMS WESTPAC Guam, and serves as special assistant for NATO and joint staffs to the master chief petty officer of the Navy.

He is married to the former Agnes Ivory, of Ivy, VA. They have two daughters, Stacy, a junior at St. Paul's College, Lawrenceville, VA, and Leslie who attends Robert E. Lee High School, Springfield, VA.

Mr. Speaker, I am honored today to salute master chief John E. Booker, for giving in his life of service a brilliant and scintillating personification of the profound commitment to mission that has made our Nation great.

SUPPORT BIOMEDICAL RESEARCH

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. DURBIN. Mr. Speaker, when we are feeling well, it is easy to take our health for granted. But it is only through medical research that any one of us can enjoy good health. What we often forget is that every modern advance in medicine and health can be attributed to medical research. That is why we take time to observe March 27 as National Medical Research Day and devote the week of March 26 to raising awareness of the importance of medical research to our country. It is my pleasure to offer this statement to support our Nation's investment in medical research.

Congress needs to renew its commitment to the health of our Nation. This can only be realized through increased support of medical research. The truth is that the number of worthy projects for biomedical research has outgrown the current allocation of research dollars. We are at the brink of major research breakthroughs for diseases such as cancer, diabetes, and AIDS, to name only a few. This Nation cannot afford to be complacent when there is so much potential. The logic behind a commitment to increased support of biomedical research is well-founded. There are few Federal investments that can return so much in dividends. Even at times of budget deficits and belt tightening, we must continue to invest in the future of our Nation. How else can we ensure a healthy and productive country?

In 1987, the National Health Council, which represents 39 voluntary health associations, established the Medical Research: Invest in America's Health campaign. Since then, the campaign has found a variety of ways to draw attention to the legacy and promise of medical research. One such way is a yearly brochure that takes a unique focus. Instead of examining biomedical research and its impact from a scientist's perspective, the brochure looks at the immeasurable benefits of such research from our perspective—the consumers of biomedical research.

On National Medical Research Day, individuals from voluntary health agencies and the pharmaceutical industry come together to bring a strong collective voice to Capitol Hill focusing on the importance of medical research and our Nation's commitment to it.

I ask my colleagues to take a moment to consider the immediate and long-term needs of our Nation. Medical research plays a critical role in making our Nation preeminent in all fields of endeavor. The time has come for us to reaffirm our commitment to support biomedical research this year and in the years to come.

PERU'S "DISAPPEARED"

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. STUDDS. Mr. Speaker, one of the little noticed human rights tragedies of our time is taking place in Peru. That country has been wracked by violence; violence from the Sendero Luminoso—the terrorist guerrilla group which regularly targets civilians for assassination—and violence from government forces which are combating Sendero Luminoso in Peru's Indian highlands.

Mr. Speaker, Sendero Luminoso is one of the most ferocious terrorist movements in the world. The Peruvian Senate reported that Sendero committed 1,526 assassinations in 1989. The 1989 State Department Country Reports on Human Rights reported that the victims included teachers, engineers, development and human rights workers, Indian peasants, and political candidates, as well as government, police, and ruling party officials. But Sendero Luminoso's abuses against innocent noncombatants and its attacks on Peru's civilian institutions do not justify comparable abuses against civilians by the government. Human rights violations by the Peruvian military and intelligence police, including torture and "disappearances" of civilians following their arrest by the security forces have mounted dramatically in recent years. Respected human rights organizations, such as Amnesty International and Americas Watch as well as serious human rights organizations within Peru have reported on the country's growing human rights disaster.

The phenomenon of "disappearance" appears to be a deliberate and systematic policy of the armed forces, particularly in the country's emergency zones, where constitutional rights have been suspended and military powers have been enhanced. A disappearance occurs when persons are arrested by the security forces, and they then simply vanish off the face of the Earth. While some of those disappeared eventually reappear—usually in military custody—most are never heard from again, and their families are left to mourn the loss of loved ones without even havng a body to bury. The 1989 State Department Country Report notes that:

> The bodies of disappearance victims are rarely found. Based on the testimony of survivors, it appears that most victims are taken to military bases for interrogation. Some are turned over to the police after lengthy detentions and are later freed for lack of incriminating evidence. Human rights groups argue persuasively that the rest are summarily executed by the armed forces.

In the past year, Peruvian human rights groups have compiled the names of 306 unarmed citizens who were arrested and disappeared. An additional 135 persons were abducted by the security forces but later reappeared. Many of them reported that they were tortured or mistreated by the Peruvian security forces during their detention.

The military's purpose in "disappearing" those it arrests is to absolve itself from accountability for the people it held in detention. It is one of the cruelest human rights violations because family members live in terror, and at the same time, keep on hoping that their loved ones will reappear. One way we can help keep faith with the disappeared and their grieving families is to recount their names, and call upon the Peruvian authorities to investigate the disappearances and provide a full accounting of their whereabouts. We also call upon the authorities to initiate a thorough and independent investigation of the phenomenon of disappearances, and bring to justice those members of the security forces who order and engage in such practices.

Attached is a list of 306 Peruvian citizens who "disappeared" in the past year, compiled by the Lima-based Comision de Derechos Humanos.

PERU'S "DISAPPEARED"

1. Cristobal Achayca.
2. Casimiro Achayca Llactas.
3. Lenoncio Aguilar Espinoza.
4. Manuel Aguilar Huicho.
5. Leoncio Aguilar sulca.
6. Victor Aguirre Espinoza.
7. Pascual Aguirre Farfan.
8. Ruben Alarcon Anaya.
9. Maxi Alata Vaderrama.
10. Milo Almandoz Leandro.
11. Elisa Alsa Luna.
12. Santox Alzamora.
13. Leonardo Antay Anca.
14. Cipriano Arando Arteaga.
15. Juan Cansio Arando Arteaga.
16. Petronila Arias Huaman.
17. Saturnio Arone.
18. Carlos Arones Palomino.
19. Leonel Arones Palomino.
20. Juan de Dios Atachauhua Garay.
21. Martin Avalos Laime.
22. Victor Ayala Coronado.
23. Pedro Ayala Diaz.
24. Giraldo Ayala Sayas.
25. Timoteo Aymetupa Llachua.
26. Daniel Azareno.
27. Manuel Azareno Leon.
28. Ebert Azareno Papa.
29. Elias Azareno Toribio.
30. Jose Aznaran Castro.
31. Leoncio Azurin Garcia.
32. Marcelino Barbaran.
33. Javier Barbaran Galindo.
34. Tania Bautista Navarro.
35. Berna Jimenez.
36. Glavio Bilbao Valenzuela.
37. Hugo Bilbao Valenzuela.
38. Rosel Cahuana Castro.
39. Juna Camacho Cervantes.
40. Margarita Camacho Meza.
41. Gergorio Canales Nalvarte.
42. Americo Canrina Sulca.
43. Zosimo Carbajal N.
44. Jose Cardenas Garcia.
45. Cirilo Cardenas Vallejos.
46. Glicerio Carhuas N.
47. Jose Carrion Chavez.
48. Paulino Cartagena Caceras.
49. Wenceslao Castaneda Chicclla.
50. Ismael Castaneda Mandoza.
51. Feliciano Castillo Peralta.
52. Antero Castillo Pezo.
53. Fernando Ccasani Aroni.

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54. Santos Ccasani Villafuerte.
55. Leandro Ccente Josme.
56. Dionisio Cervantes Pena.
57. Cirsologo Cervantes Sarmiento.
58. Victor Cespedes Monzon.
59. Epifanio Cisneros Cuadros.
60. Teofilo Cisxeros Cuadros.
61. Simeon Claudio Artieta.
62. Pedro Colos Sulca.
63. Jose Gabriel Condena Meneses.
64. Rosario Condori Alzamora.
65. Beatriz Condori Coaquira.
66. Victor Cordova Bohorquez.
67. Agrepito Coronado Leon.
68. Javier Rafael Crispin Colina.
70. Maria Salome Cruz Amcco.
71. Ramon Amador Cuba Santoyo.
72. Lucas Cubarrubias Espinoza.
73. Wilfredo Cuellar Chavez.
74. Elimpio Bernabe Curi Huamani.
75. Jorge Curi Morales.
76. Lorenzo Cusi Yupanqui.
77. Feliciano Cusi Martinez.
78. Temistocles Cusi Riveros.
79. Braulio Chacon Valverde.
80. Ermitanio Challco Palomino.
81. Porfirio Challco Palomino.
82. Rosario Challco Palomino.
83. Saturnino Challco Palomino.
84. Maximo Chancha Condori.
85. Florentino Chavez.
86. Edgar Augusto Chavez Obando.
87. Mariano Chiclla Mendoza.
88. Santos Chillca Taype.
89. Salvador Chipana Nahuinlla.
90. Javier Chipinos.
91. Zosimo Chuchon Rua.
92. Isaac Chumpisuca Damian.
93. Luis Chumpisuca Taype.
94. Jorge Damian Alata.
95. Santos Damian Alata.
96. Harry Davila Tarazona.
97. Juan de la Cruz Gonzales.
98. Juan de la Cruz Orihuamachi.
99. Necasio Diaz Huaman.
100. David Diaz Naupari.
101. Mario Diaz Quispe.
102. Remigio Espinoza Alvarez.
103. Eduardo Espinoza Cotrina.
104. Emilio Espinoza Melendez.
105. Andres Estrada.
106. Cuzman Estrada.
107. Wenceslao Estrada Laguna.
108. Herberth Estrada Pascual.
109. Incias Estrada Pascual.
110. Juan Maximo Felipe de la Cruz.
111. Francisco Ferro Valderrama.
112. German Glores Correa.
113. Basilio Glores Pillaca.
114. Justiniano Flores Santa Cruz.
115. Victor Galindo Osco.
116. Aurelio Gamarra Jara.
117. Jose Manuel Gamarra Ramos.
118. Antonio Gamboa Garibay.
119. Jorge Luis Gayoso Velasquez.
120. Jesus Armando Godoy Caceres.
121. Fortunato Godoy G.
122. Ruben Godoy G.
123. Jose Gonzalez Aymara.
124. Juan Gonzales Cardenas.
125. Jesus Gonzales Loayza.
126. Balbino Gonzales Monzon.
127. Benigno Gozme Castro.
128. Bonifacio Wilfredo Guerrero Rojas.
129. Julian Gutierrez Gozme.
130. Cirilo Gutierrez Juarez.
131. Timoteo Gutierrez Yuera.
132. Amadeo Hinostroza Garcia.
133. Segundo Hoyos.
134. Fortunato Huallpa Sosa.
135. Manuel Huaman Infante.
136. Rosaura Huaman Jara.
137. Teofilo Huaman Samalloa.
138. Bailio Huaman Zamalloa.
139. Sergio Huamancusi Ramos.
140. Jorge Huamani.
141. Santos Huamani.
142. Agustin Huamani Curhuamachi.
143. Agustin Huamani Gonzales.
144. Grimaldo Huamani Gonzales.
145. Salvador Huamani Gonzales.
146. Pablo Huamani Gutierrez.
147. Timoteo Huamani Huillccaya.
148. Santos Huamani Martinez.
149. Paulino Huamani Mena.
150. Jacinto Huamani Rimachi.
151. Silvano Huamani Tineo.
152. Jesus Huamani Villavicencio.
153. Candelario Huamani Yaurica.
154. Juan Huaraca Carbajal.
155. Manuel Huaraca Carbajal.
156. Leonidas Huarancca Huaman.
157. Agustin Huillca Jaquima.
158. Demetrio Infante Cuadros.
159. Emilio Infante Romani.
160. Wilfredo Janampa Janampa.
161. Indalecio Jancce Huamani.
162. Manuel Jaquima Quispe.
163. Santiago Jaquima Quispe.
164. Alejandro Jehua Martinez.
165. Linda Giovana Juan de Dios Gargate.
166. Abilio Lagos Ore.
167. Eugenio Laime Sanchez.
168. Faustino Lapa Navarro.
169. Reynaldo Laura Huarcaya.
170. Gil Ronald Leandro Paucar.
171. Cornelio Leon Solorzano.
172. Mauro Leon Villar.
173. Alberto Ligas Bellido.
174. Asunta Lima Benito.
175. Nemisio Limasca Huarca.
176. Juan Limasca Jarhuas.
177. Leonardo Limasca Layme.
178. Agapito Limasca Sintaya.
179. Santiago Loayza.
180. Segundo Abrahan Lozano Pandur.
181. Arturo Llacsa.
182. Arcialde Llacta.
183. Epifanio Llanos Quispe.
184. Saturnino Llicahua Velasquez.
185. Luciano Mamani Condori.
186. Victor Mamani Zevallos.
187. Lucho Manrique Escobar.
188. Alexander Mansilla Morales.
189. Jose Carlos Mansilla Morales.
190. Edgar Martinez Gomes.
191. Julian Martinez Gozme.
192. Mauro Lucas Martinez Leon Solorzano.
193. Eustaquio Matos.
194. Abel Melendez Cabello.
195. Samuel Mendoza Cardenas.
196. Teodoro Meneses Gomez.
197. Ruben Merino Lagos.
198. Celso Merino Capcha.
199. Benjamin Misahuaman Huaman.
200. Federico Monzon Chacon.
201. Avelina Monzon Ortiz.
202. Emiliano Munoz Cunto.
203. Faustino Alfredo Navarro Bues.
204. Avelino Naupa Araujo.
205. Amadeo Naupa Cruz.
206. Pablo Naupa Cruz.
207. Antonio Naupa Naupari.
208. Julian Naupari Chavez.
209. Leandro Olivera.
210. Juan de Dios Onofre Rico.
211. Maximo Ceberiano Ore Ancco.
212. Augusto Ortiz Fanola.
213. Matilde Pacheco Ruiz.
214. Caledonio Palomino Auqui.
215. Victoria Palomino Garcia.
216. Santos Palomino Infante.
217. Gregorio Palomino Riveros.
218. Emilio Pampanaupa Enciso.
219. Mario Pancorvo Cuellar.
220. Juan Pablo Pancorvo Jara.
221. Diogenes Pariona Quispes.
222. Jorge Parraga Catillo.
223. Hugo Urbano Pillaca Lujan.
224. Hilario Pinares.
225. Juan Carlos Pocco Contreras.
226. Cirilo Pena Ovalle.
227. Paulino Pena Ovalle.
228. Favio Perales Martines.
229. Hilarion Perales Melandez.
230. Wilber Perez Quispes.
231. Santiago Perez Salon.
232. Maximo Pezua Coritoma.
233. Epifanio Pinto Saavedra.
234. Hector Orlando Puga Cull.
235. Bernabe Quicana Runto.
236. Julio Gregorio Quintana Monzon.
237. Roberto Quispe Achata.
238. Alejandro Quispe Atao.
239. Andres Quispe Guillen.
240. Marcelino Quispe Gutierrez.
241. Juan Quispe Huaman.
242. Lino Andres Quispe Huaman.
243. Olga Ramirez Galvan.
244. Medardo Remon Tenorio.
245. Rene Augusto Reynoso Quispe.
246. Victoria Rios.
247. Ciprian Rios Espinoza.
248. Santos Rivas Altamirano.
249. Bernave Roca Cuba.
250. Juan Andres Rojas Cruz.
251. Santos Rojas Quispe.
252. Mauro Rojas Sanchez.
253. Carlos Rojas Soto.
254. Oscar Rojas Valverde.
255. Elisa Rosales Soto.
256. Martha Sahuina.
257. Seferino Salazar Machaja.
258. Nelson Salgado Evangeslista.
259. Raul Alberto.
260. Francisco Rafael Santiago Quispe.
261. Herberth Santos.
262. Segunda Sarmiento Achaica.
263. Luis Sarmiento Pinares.
264. Pedro Sayas Ayala.
265. Adrian Serrano Gonzales.
266. Francisco Serrano Quispe.
267. Victor Sierra.
268. Luis Sierra Aedo.
269. Cirilo Soccaytaype Acuna.
270. Edwin Soccaytaype Oscco.
271. Genoveva Solano Ancco.
272. Gabino Solis Portillo.
273. Julio Solis Portillo.
274. Eusebio Sosa Quispe.
275. Luis Soto Ayala.
276. Eulogio Soto Pacheco.
277. Simeon Soto Joledo.
278. Antonio Suarez Hinostroza.
279. Jesus Taipe Curihuamani.
280. Luis Taipe Oscco.
281. Leoncio Tinco Rondinell.
282. Alinio Torrealba.
283. Vicenta Torres Fernandez.
284. Samuel Torres Ore.
285. Geodelia Torres Pizarro.
286. Segundo Tomas Torres Suarez.
287. Edgar Tucner Perez.
288. Fredy Tucner Perez.
289. Gregorio Utani Damian.
290. Raul Valdeiglesias Cocco.
291. Isaac Valdivia.
292. Vicente Valencia Mallqui.
293. Onorato Valenzuela.
294. Marlene Rita Valer Munaylla.
295. Cecilio Valladolid Salvatierr.
296. Victor Vargas Cotasi.
297. Enrique Vargas Espinoza.
298. Hilda Vega Huillca.
299. Bernabe Velasquez Mendoza.
300. Francisco Velasquez Rios.
301. Teodoro Vilca Casafranca.
302. Gregorio Vilchez Huaman.
303. Estalin Villacorta.
304. Lucio Yaca Aguirre.
305. Jose Carlos Yaranga Palomino.

306. Guzman Zamalloa Mina.

IN RECOGNITION OF 100 YEARS OF SUCCESSFUL BUSINESS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. GEKAS. Mr. Speaker, I ask my colleagues to join me in congratulating a local business in my congressional district upon its 100th anniversary.

Millers Mutual Insurance Co. was founded in Harrisburg on March 26, 1890, by a locally-organized group of flour and grain millers. As a "mutual plan" insurer, the company was owned by its policyholders. That tradition continues to this day. Also continuing to this day is Millers' reliance on the basic principles on which it was founded.

Millers employs 88 people, has 350 independent agents in the middle Atlantic region and provides special agri-business risk management services in 36 States.

Mr. Speaker, our country was founded on farming and agriculture. The values of this industry—hard work, quality production, and love of the land—are fortunately still with us as we enter the 21st century. By insuring agricultural properties, Millers provides Pennsylvanians with a vital service—it allows our farmers to go about their important work without fear of a disaster wiping out their savings. Thus, Millers helps preserve those values so dear to Pennsylvanians and all Americans.

I congratulate Millers Mutual Insurance Co. on work well done.

A TRIBUTE TO FATHER EDWARD GLYNN, PRESIDENT OF ST. PETER'S COLLEGE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. GUARINI. Mr. Speaker, an outstanding educator and an outstanding member of the religious order of the Society of Jesus, has recently been assigned as provincial of the Maryland province of the order. As a point of reference, the Society of Jesus directs in excess of 4,000 educational institutions worldwide.

For the last 12 years, Father Edward Glynn S.J. has served as the president of St. Peter's College in Jersey City, NJ located in the heart of the district I represent. Alas, while we are saddened by his departure on June 30, 1990, we take great pride in his assumption of this new leadership role.

On Wednesday, April 4, 1990, colleagues, associates and friends of Father Glynn will gather at the Loew's Glenpointe Hotel in Teaneck, for a farewell dinner and tribute to his many years of service in the community.

Father Glynn has served as the 19th president of St. Peter's College. This institution was founded in 1978 by the Order of Jesuits with the express purpose of providing a value-oriented liberal arts education to the members of the local community. Father Glynn succeeded my friend Father Victor Yanitelli in this position.

Father Glynn's dynamic personality and leadership as a servant of God has touched the lives of thousands of individuals not only in New Jersey, but worldwide. Sons and daughters of St. Peter's College have entered into, and indeed, excelled, in numerous professions including: medicine, law, accounting, and business. Some of America's largest corporations leaders hail from St. Peter's College.

I believe that the feeling of the members of St. Peter's faculty and student body, as well as those of the Jersey City community, were best expressed by the chairman of St. Peter's College Board of Trustees, Thomas M. Timlen, when he said:

> Father Glynn's resignation was accepted by the trustees with a sense of true loss, coupled with deep appreciation for his extraordinary contributions to all facets of life at St. Peter's—academic, administrative, and athletic. His leadership will be missed not only on the campus of St. Peter's, but in many academic, professional, and governmental groups with which he has served.

The provincial of the New York province of the Jesuits, Rev. Joseph A. Novak, S.J. stated:

> St. Peter's College has been singularly blessed to have Father Edward Glynn as its president during these past twelve years of growth and development. Not only has he guided the college in continuing to emphasize its strong liberal arts tradition, but he has creatively shaped its educational mission to respond to the particular needs of the urban community which the college is privileged to serve. As Provincial of the Jesuits of the New York Province, I realize that Father Glynn's, accomplishments during his years in office are many. I am especially proud, however, of his commitment to the Jesuit mission of serving the faith and promoting justice. On behalf of the Province, as well as on my own behalf, I want to express our deepest gratitude for his outstanding leadership and contribution to the excellence that is St. Peter's. He will be missed.

It has been my honor and pleasure to serve as a member on the board of regents for St. Peter's College—a champion of the rightful role that private higher education has played, and must continue playing, in the State of New Jersey and throughout our Nation.

A number of community leaders have expressed their sentiments regarding Father Glynn's departure.

Bernard M. Hartnett, Jr., former chairman of the St. Peter's College Board of Trustees, now a member of the board of regents remarked:

> Father Glynn's leaving will be a great loss to the college, to Hudson County and to New Jersey higher education.

Jersey City Mayor Gerald McCann, an alumnus of St. Peter's, stated:

> Not many people have given as much to Jersey City as Ed Glynn. He has provided students from all economic and social backgrounds with the opportunity to pursue higher education. We will miss his dedication to local youth.

Dr. William Maxwell, president of Jersey City College, said:

> This is a great loss to higher education in New Jersey, and especially to our community. I have valued Ed's good counsel and advice on many matters for the last dozen years, and will miss that.

Father Glynn was installed as president of St. Peter's College on July 1, 1978. His tenure is one which has been marked with distinction and achievement. Under his guidance, the college successfully attained its goal of raising $14.375 million in the school's campaign for the second century. Further through Father Glynn's initiative, the New Jersey Legislature passed a bill establishing and funding the "Will and Ariel Durant Chair for the Humanities." The bill was later signed into law by former Gov. Thomas H. Kean.

In 1984, Father Glynn established the school's first residence facilities. Prior to this event, St. Peter's College had been solely utilized by commuters since the school's founding in 1872. Recently, the college purchased a building on Glenwood Avenue for the express purpose of expanding the current residence facilities. Presently, 185 of the school's 3,164 full- and part-time students take advantage of St. Peter's oncampus housing in Jersey City.

In 1989, St. Peter's received the $2 million challenge grant. This grant was crucial in establishing the Institute for the Advancement of Urban Education. Upon receipt of this grant, Glynn declared this event marked an affirmation of the school's successful efforts to improve the quality of urban life and education.

In addition to his successful fundraising programs, Father Glynn successfully expanded the breadth of St. Peter's educational spectrum. With the reintroduction of graduate programs, after an absence of almost 50 years, the school now offers masters degrees in business, management information systems, and a joint program of the two fields. In addition, the school also boasts a bachelors program in nursing and health care management.

A final tribute to Father Glynn's determination to improve student facilities was officially opened this spring: The Joseph J. Jaroschak Field. This athletic facility, dedicated to the school's outdoor athletic teams, covers 14 acres of land. It is used by the school's football, baseball, soccer, and softball teams.

A worldly man, Father Glynn is a native of Clarks Summit, PA. Educated in that community's public schools and later in the Scranton Preparatory School, Edward Glynn attended the University of Scranton before entering the Jesuit Novitiate and Juniorate at Wernersville, PA; Fordham University's College of Arts and Sciences, Shrub Oak, NY; and Woodstock College, Woodstock, MD—where he was ordained a Roman Catholic priest in June 1967. He also holds advanced degrees from the Yale Divinity School, New Haven, CT, and the Graduate Theological Union, Berkeley, CA.

Prior to assuming the presidency of St. Peter's College in Jersey City, Father Glynn's responsibilities as an educator have taken him all over the United States. He taught Greek, Latin, and religion at Gonzaga High School in Washington, DC before moving on to Misercordia College, Dallas, PA. He has also served as an assistant professor at Georgetown University, Washington, DC; director of the Woodstock Theological Center, Washington, DC; acting director, of the Churches'

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Center for Theology and Public Policy, Washington, DC; and the academic vice president, Gonzaga University, Spokane, WA.

In addition to these academic positions, Father Glynn has also served as a trustee for a number of institutions of higher learning. Listed among these distinguished institutions are: The University of Scranton; Fordham University; Canisius University, Buffalo, NY; LeMoyne College, Syracuse, NY; John Carroll University, University Heights, OH; and St. Louis University, St. Louis, MO. He has also served as a trustee for the St. Joseph's Preparatory School, Philadelphia, PA and the St. Peter's Preparatory School, Jersey City, NJ.

However, it is another side of Father Edward Glynn which, in my estimation, shows greatness: his service on a number of public commissions and committees. He was a two-time appointee to the Hudson County Waterfront Commission by Gov. Brendan Byrne and Thomas Kean. He was also a member of the Commission for Higher Education of Middle States Association of Colleges and Schools, as well as a member of the National Collegiate Athletic Association's President's Commission and the Advisory Committee on Professional Ethics of the Supreme Court.

Further, Father Glynn has worked on the search committees of Georgetown University and a host of the previously mentioned institutions. While at Georgetown, he served on the Faculty Senate Steering Committee, the Academic Appeals Hearing Board, the Medical School Recommendations Committee of the College of Arts and Sciences, and he was a faculty representative to the NCAA from 1973-77. The generosity of these activities were augmented by his commitments to numerous other commissions and committees.

True to the Jesuit tradition of serving the local community, Father Glynn's dedication to his community is unequalled and has touched the lives of a cross-section Hudson County's diverse economic picture. He has done yeoman work with Christ Hospital, the United Way of Hudson, served as chairman of the Urban League of Hudson County, as well as a member of the chamber of commerce and industry. He has chaired the Jersey City Development Corp. worked with the Action for Sickle Cell Anemia Committee, and with the Liberty State Park Development Corp. All of these activities were pursued while Father Glenn was also a participant on an active committee seeking to develop and provide low-cost affordable housing for the residents of Hudson County.

Truly, Father Glenn has been a man of all people, for all people. Indeed, a man for all seasons. Above all else, he will be renowned for his ability to make friends and to help all who are in need.

On a personal note, I want to take this opportunity to publicly thank Father Edward Glenn for his cooperation and vision in helping to establish a scholarship providing a student from Poland attendance at St. Peter's College. With the fast-paced changes occurring, as we speak, in Eastern Europe, Father Glynn's scholarship offer is a noteworthy one—one we hope will be replicated throughout the educational world for Poland, and other countries entering a new and crucial period in their histories. We all recognize how difficult it is to maintain a free society under the best of conditions, but we must also take the time to appreciate the many complications involved for countries moving from repression toward freedom, and the difficulties they will endure. We hope and pray that this gesture will mark the beginning of a program that is a means to a fulfilling way of life, one which is rife with security and dignity, for all individuals involved.

I am sure my colleagues, here in the House of Representatives, will join me in an expression of gratitude, and salute Father Edward Glynn, S.J. a true servant of God and his fellow man, in a job well done.

A TRIBUTE TO TWO ORDINARY WOMEN WHO HAVE DONE EXTRAORDINARY THINGS

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. FAUNTROY. Mr Speaker, I rise to pay tribute to two ordinary women who have done extraordinary things.

E. Lavonia Ingram Allison and Claronell Keturah Trapp Brown have devoted themselves to improving the quality of life in the community of Durham, NC. On Saturday, March 31, 1990, the Durham Committee on the Affairs of Black People will pay special tribute to these women for their "wisdom, commitment, caring and sharing" demonstrated over the years.

From 1974 until June 1989, Mrs. Allison served as the director of the North Carolina Health Manpower Development Program, an interinstitutional program based in the division of health affairs of the University of North Carolina at Chapel Hill. The major goals of the program are to increase the number of underrepresented minorities in the health profession to improve the availability and accessibility of health care services to the poor, and to improve the quality of health care services to minority persons.

For a 16-year period, from 1960 to 1976, Mrs. Brown served as a teacher of science and mathematics. She headed the mathematics department at Whitted Junior High School and taught that subject at Durham High and Hillside High School in Durham, NC. At Whitted Junior High School, she helped set up the Junior Education Work Training Program [JEWT].

Both these women have a long and rich background of volunteer community service, undertaken once each had been prudently prepared professionally. Mrs. Allison after completing high school as salutatorian, graduated cum laude with a bachelor of science degree from Hampton Institute; Magna cum laude with a master of arts from New York University; and summa cum laude with a doctor of education from New York University. Mrs. Brown received a bachelor of science degree in home economics and mathematics, followed by a master of arts degree in education. She subsequently continued to broaden her education, receiving a range of certificates in diverse areas from a variety of universities.

The awards and recognition these two women have received, over a period which spans nearly five decades have been many. Their accomplishments however have been more. It is for that reason, Mr. Speaker, that I believe that Mrs. Allison and Mrs. Brown are deserving of our recognition. They serve as an instructive example for America of the kind of dedication to civic duty, commitment to the common cause, and determination to make a difference that is too rarely found these days.

A writer once observed that, "each must make ere' life is flown, a stumbling block or a stepping stone." The lives and work of E. Lavonia Ingram Allison and Claronell Keturah Trapp Brown have caused stepping stones to be laid, making smooth the path of many of their fellow citizens who, without their patient presence, would possibly have faced insurmountable difficulties. It is that kind of "wisdom, commitment, caring and sharing" that is truly the measure of a man or woman.

THE HUNGER PREVENTION AND NUTRITION EXPANSION ACT OF 1990

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. MOODY. Mr. Speaker, I am today introducing legislation that takes an important and necessary step toward providing the homeless and needy with an essential nutritional dietary component: milk. The Hunger Prevention and Nutrition Expansion Act of 1990 amends the Hunger Prevention Act of 1988 to direct the Secretary of Agriculture to purchase and distribute $10 million worth of milk to soup kitchens for each of the years 1991 through 1995. This money would be in addition to the current $32 million annual authorization for the soup kitchen commodities program. My bill is designed to serve as a bridge to the already existing Federal School Lunch Program and Special Milk Program by providing milk to needy families and individuals at meal sites throughout the country. I am honored to be joined in introducing this needed legislation by the distinguished chairman of the Select Committee on Hunger, TONY HALL of Ohio.

Homelessness is on the rise, and the ranks of people living below the poverty line have swelled over the last decade. Soup kitchens have played an increasingly important role as one of the few sources of support left for needy people. According to the U.S. Conference of Mayors, requests for emergency food assistance have increased 19 percent in each of the last 2 years. Sixty-one percent of those seeking assistance are families with children. The old stereotypes about the homeless no longer accurately reflect the demographics of those seeking assistance these days. The poor now include many working families who struggle month-to-month to make ends meet on minimum-wage paychecks.

Most soup kitchens are run by community and church groups and rely upon donations of time, food and money. Federal commodity programs administered under the soup kitchen and TEFAP titles of the Hunger Prevention Act have helped meet some needs by channeling food to soup kitchens and food pantries. However, beginning in 1982 with the curtailment of the Special Milk Program, dairy products have played a smaller role in commodity distribution programs. This has been especially true in the last year and a half because Government CCC surpluses of cheese and nonfat dry milk have disappeared, effectively eliminating that flow of dairy products to the needy.

The Milwaukee meal coalition in my district, representing over 22 meal programs across the metro area and serving around 696,000 meals annually, has had difficulty providing milk. In some cases water has been served when a soup kitchen was unable to afford milk. The problems experienced in Milwaukee are repeated throughout the country where the number of homeless and needy persons outweigh the combined Government and private resources to alleviate hunger.

Nutritional needs do not stop at the end of a school day, nor do they end when a person turns 18. Many young children, needy adults and elderly citizens rely on soup kitchens to provide them with a nutritional dinner. For some, that evening meal at a soup kitchen may be the only full hot meal of the day. It is important that the nutritional needs of the homeless and the needy are being met and milk is a vital component to any healthy balanced diet. In my district of Milwaukee some soup kitchens have had to serve water with their meals because money is tight and the meal sites have not been receiving Government or private donations of dairy products. My bill would make it easier for soup kitchens to serve milk on a regular basis.

Mr. Speaker, I hope my colleagues will join me and TONY HALL in expanding the current soup kitchen commodities list to include $10 million of milk. This is good for the dairy industry which has seen its role in providing milk and other dairy products to the needy through Government programs diminished in recent years—just the opposite of what should be happening. My legislation will guarantee a stable supply of milk so that soup kitchens would not have to ride along with the dairy industry on the roller coaster ride of market supply and demand, surplus and shortage. Both the dairy industry and the soup kitchens could be assured of a constant, consistent channel of milk. Most of all, expansion of the Soup Kitchen Commodities Program is of great benefit to the millions of needy Americans—young and old, urban and rural—who rely on soup kitchens for a hot meal each day and to those dedicated people who run the meal sites around the country.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hunger Prevention and Nutrition Expansion Act of 1990".

SEC. 2. DISTRIBUTION OF MILK TO SOUP KITCHENS.

Section 110(c) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c(C)) is amended—

(1) by inserting "(1)" after "AMOUNTS.—", and

(2) by adding at the end the following:

"(2) In addition to the amounts required by paragraph (1) or any other provision of law to be spent to provide food assistance, in each of the fiscal years 1991, 1992, 1993, 1994, and 1995, the Secretary shall spend $10,000,000 to purchase, process, and distribute under this section milk to soup kitchens that provide nutrition to relieve situations of emergency and distress through the provision of food and meals to needy persons.".

LEGISLATION TO PROMOTE THE COMPETITIVENESS OF THE U.S. COMPUTER INDUSTRY

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. FEIGHAN. Mr. Speaker, today I am introducing legislation to promote the competitiveness of the U.S. computer industry. The legislation calls upon the Secretary of Commerce to establish a performance-based indexing system for the definition and control of supercomputer exports.

When a machine is classified as a supercomputer, security safeguard procedures [SSP's] are required. These plans were developed at the time of the first supercomputer, almost 15 years ago, and are appropriate to guard against the misuse of machines with extraordinary computing power. SSP's may include 24-hour security, detailed machine use logs and end-user certifications. The competitiveness of the U.S. computer industry is at issue, however, because such procedures are required for normal commercial transactions. Meanwhile, Japanese and western European competitors have moved aggressively into a market where the United States has always held a dominant position.

The 1988 Omnibus Trade and Competitive Act mandated that the administration define a supercomputer to determine which machines should be exported pursuant to security safeguard plans. Today, almost 2 years later, the administration has been unable to do so. As a result, it has continued to use the rule of thumb, developed 15 years ago, to define a supercomputer as a machine whose performance equals or exceeds 100 MFLOP's—million floating point operations per second. While 15 years ago, such a machine filled an entire room, today it sits atop a desk.

Regulatory requirements must have some relationship to the technology that they are designed to control. My legislation would respond to this problem by developing an index based on the average performance of the two most powerful commercially available supercomputers. For machines shipped to Cocom countries, no SSP's would be required for machines that perform at 25 percent or less of the top performing machines. For machines shipped to non-Cocom, free world destinations, no SSP's would be required at a level of 10 percent or less.

This performance-based indexing system restores regulatory balance. While an export license will still be required, extraordinary controls will only be placed on our highest performance machines. The indexing system allows our export control regime to move in tandem with the advance of technology. And most important, it does so in a way that does not impinge on the competitiveness of the U.S. computer industry in seeking normal commercial business.

A copy of the text of the bill follows:

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the export Administration Act of 1979 (50 U.S.C. 2404(a)) is amended by adding at the end thereof the following:

"(7)(A) With respect to the definition of 'supercomputer' under paragraph (6), the Secretary shall, not later than 6 months after the date of the enactment of this paragraph, establish and publish in the Federal Register a performance-based indexing system in order to ensure that such definition and all controls and security safeguard procedures on supercomputer exports and reexports are commensurate with technological advances in the supercomputer industry. Such indexing system shall include the following:

"(i) For destinations in countries which maintain export controls cooperatively with the United States pursuant to the agreement of the group known as the Coordinating Committee or pursuant to an agreement described in subsection (k) of this section, no security safeguard procedures may be required in connection with any export or reexport of a supercomputer with a peak performance at or below 25 percent of the peak performance of the average of the two most powerful supercomputers currently available commercially in the United States or elsewhere.

"(ii) For destinations in any other country other than a controlled country, no security safeguard procedures may be required in connection with any export or reexport of a supercomputer with a peak performance at or below 10 percent of the peak performance of the average of the two most powerful supercomputers currently available commercially in the United States or elsewhere.

"(B) In developing the performance-based indexing system under subparagraph (A), the Secretary shall seek the views of the appropriate technical advisory committees and other interested parties. Not later than 2 weeks after publication of such system in the Federal Register, the Secretary shall submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the United States Senate, that includes—

"(i) the text of the Federal Register notice,

"(ii) a summary of the views expressed by the technical advisory committees and other interested parties with respect to the performance-based indexing system, and

"(iii) a description of how the performance-based indexing system addresses the views of the technical advisory committees and other interested parties.

"(C) For purposes of this paragraph, the term 'security safeguard procedures' means procedures that are required by the Department of Commerce, as a condition to an authorization to export or reexport a supercomputer, primarily to restrict access to and resale of such supercomputer.".

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THE PUBLIC TELEVISION CABLE CARRIAGE ACT OF 1990

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. MARKEY. Mr. Speaker, today I am pleased to join with my colleagues Mr. DINGELL, Mr. LENT, and Mr. RINALDO in introducing the Public Television Cable Carriage Act of 1990. Many of the proudest moments in American broadcasting history have been produced by public broadcasters and presented on public radio and television stations. Historically, public television has provided and currently provides the American people excellent public service, educational, and cultural programming free of charge.

Taxpayer support for public television makes it unique in our video marketplace. For that reason, it is essential that Americans have unimpeded access to that programming—regardless of the medium by which the programming is distributed. The legislation we are introducing today would ensure such access. In short, this must-carry proposal would guarantee continued carriage of local public television stations on local cable systems. In addition, it would help to ensure full and equal access to television for all Americans by requiring program-related information, such as descriptive video services for blind and visually impaired viewers and closed captioning for deaf and hearing-impaired viewers, also to be transmitted by cable operators.

I commend the National Association of Public Television Stations and the National Cable Television Association for their hard work in producing the agreement that forms the basis of this legislation. I am hopeful that further inter- and intra-industry compromises can be negotiated as the Congress progresses toward a legislative response to cable-related issues.

Our system of public broadcasting was created in an effort to endow the American audience with greater choice in programming. I am proud to support this legislation today, to ensure that public broadcasters can fulfill the mission articulated by the architects of the public broadcasting system more than 20 years ago. I urge my colleagues to join me in promoting diversity and quality programming for the American viewer.

TRIBUTE TO MAURICE AND BERNICE LYONS ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. BUECHNER. Mr. Speaker, I rise today in tribute to Maurice and Bernice Lyons, two people who recently celebrated one of the most noteworthy milestones of married life: their golden wedding anniversary.

The rabbinical scholar Zohar once said "God creates new worlds constantly be causing marriages to take place." Such a new world began on February 18, 1940, when the young couple wed. In the 50 years that followed, God bestowed upon them many blessings, the best of which was their son, Smicha Lyons, who, along with his wife, Tiki, has given them still more blessings in their grandchildren, Yakov, David, Avi, Jenny, and Benjamin. During this marriage a family business, Raskas Foods, thrived and became famous throughout the world for its quality kosher products.

The Lyons have also been pillars of the St. Louis community, with Mrs. Lyons serving as a dedicated member of the Jewish Council for the Aged, the St. Louis Jewish Federation, and working with Jewish family and children's services organizations. Aside from his community service, Rabbi Lyons is a noted rabbinical lecturer and an oustanding biblical scholar in the St. Louis area. Rabbi Lyons' wisdom and spiritual guidance served as an inspiration for his son, Simcha, who also has become a rabbi. Both father and son are among the leading spokesmen for the Jewish community in St. Louis.

The Lyons family has also been active in St. Louis politics. Their smiling faces are evident at most major Republican events, while father and son are in constant demand to give the invocation. Both have a unique way reminding the audience that God helps those who have the ability to work and who do so. With a wink they may even ask for good weather on election day.

All of the Lyons' are constant advocates of traditional family values and the welfare of the community. In fact, Maurice and Bernice epitomize the substance of America as it should be: religion, the family, the small business, and the community.

Mr. Speaker, I believe we all have something to learn from the Lyons family and the values that have brought them through 50 years together. I wish them all the best for the future, and I know they will continue to be valuable assets to the St. Louis community. If, as the proverb says, "The heart sees better than the eye," this couple has a vision so strong it cannot be measured. In honor of their 50th wedding anniversay, I ask the assembly to join me in wishing "Mazel Tov" to Maurice and Bernice Lyons.

WHY DOES JAPAN REJECT UNITED STATES INVESTORS?

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SUNDQUIST. Mr. Speaker, last fall I introduced House Concurrent Resolution 216 to express the Congress' concern that, despite full and free access to America's market, Japan continues to erect barriers to full, free participation by American firms in its own market.

There is no better example of Japan's policy of exclusion than the difficulty Boone Co. has had winning shareholder rights in Japan despite its very substantial interest in a leading Japanese manufacturer.

T. Boone Pickens, president of Boone Co., has written about his difficulties in a recent edition of the Wall Street Journal. I insert his entire account in the CONGRESSIONAL RECORD as an example of just why Congress needs to act soon to pass House Concurrent Resolution 216.

[From the Wall Street Journal, Mar. 28, 1990]

SECRETS KOITO HOPED TO HIDE BY KEEPING ME OFF ITS BOARD

(By T. Boone Pickens)

As the largest shareholder of one of the major suppliers of Toyota, I have been learning first hand just how Japan's *keiretsu* (kay-ret-su) system operates, and the threat these interlocking relationships among corporations and their suppliers, distributors, bankers and insurers poses to America's free market.

A year ago, my investment company, Boone Co., bought a 20% interest in Koito Manufacturing Co., which makes auto lighting systems primarily for Toyota. We have since increased our stake to 26%.

We purchased the Koito stock to share in the long-term growth and management of a Japanese company. We had no intention of taking over Koito, which is virtually impossible anyway, because between 60% and 65% of Koito's stock is locked up by Toyota's keiretsu. (Toyota itself owns 19% of Koito; Nissan Motor, 5.9%; Matsushita Electric, 5.3%; Nippon Mutual Life, 4.1%; Dai-Ichi Mutual Life, 3.3%; Matsushita Real Estate, 2.5%; Japan Securities Finance, 2.3%; and Mitsubishi Bank, Sumitomo Bank and Dai-Ichi Kangyo Bank each own 1.5%.)

All we asked for as Koito's major shareholder was four seats on the 20-member Koito board of directors. We also asked for detailed financial records of the company, a right afforded by Japanese law to any shareholders who own 10%. Both requests have been repeatedly refused. Boone Co. has now filed suit in Tokyo District Court for the financial information.

Koito's management could always outvote us on the board. So, why don't they want me? The only answer I can figure is that they have something to hide. They don't want me or any outsider to see the inner workings of their cartel.

For example, we have reason to believe that Toyota forces Koito to restrict its profit margin when Toyota wants to increase its profits. (This may reveal a great deal about how Toyota has built up its incredible cash position: Toyota reportedly has reserves of $25 billion in liquid assets, which puts the company at a decided advantage in world-wide auto manufacturing competition.) We also believe that some of Koito's top managers, most of whom are former Toyota employees, enjoy certain benefits that they would find quite embarrassing if revealed to their workers. For example, Koito's president—a 31-year Toyota veteran—enjoys a $1 million country club membership purchased by the company and lives in a beautiful house on the club grounds.

In the Japanese press, there have been reports that if we do succeed in getting on Koito's board, Toyota will cut off purchases from the company. Managers of other auto parts suppliers have complained anonymously in the Japanese press about their keiretsu's dictatorial ways.

The Japanese claim their keiretsu system is deeply embedded in their culture and history. To me and a lot of other businessmen around the world who have come up against the keiretsu system, they look and act just like old-fashioned cartels. These cartels permit Japanese corporate managers to develop their famous "long-term" growth and market domination strategies. With approximately 65% to 75% of a company's stock secured by fellow members of a keiretsu, corporate managers don't have to worry about responding to the wishes of shareholders.

When I criticized the keiretsu system in a recent speech to the Japan Society in New York, someone asked how I could disagree with an economic system that has been so efficient and successful. My response was that as an economic system, indentured servitude also was very efficient and successful. It was also wrong.

Their cartels force Japanese consumers to pay more for the goods they produce than foreigners do. A Toyota car costs $15,000 more in Japan than it does in the U.S. A Sony television costs two and one-half times as much in Japan as in the U.S.

Criticism of the keiretsu system cannot be dismissed as "Japan bashing." Several recent economic studies, by what cannot be considered anti-Japanese groups, have focused on these cartels as the root of the world's trade problems with Japan. Even the Japanese press and some government officials have started to criticize the cartel's domination of the Japanese economy.

An October 1989 study by the Organization for Economic Cooperation and Development called the keiretsu system a major impediment to world trade and economic competition. A similar study released at the same time by the Institute for International Economics in Washington points out that Japanese manufacturers in the U.S. tend to buy more from their traditional Japanese suppliers, while European manufacturers have an open competitive situation with their suppliers in the U.S.

But the keiretsu system's final victim may be Japan itself. The Japanese stock market is highly inflated. Since most of the corporate stock is locked up by the keiretsu, Japanese shares trade at price-to-earnings ratios 10 times higher than American corporate shares. The Dow Jones industrial average would be 25,000 if American companies traded at the same multiples.

Meanwhile, the average dividend yield on Japanese stocks is less than one-half of 1%. To get to a 3% yield, the American average, Japanese stock prices would have to fall 84%. The spreading realization among international investors that the Japanese stock market is overvalued has a lot to do with its recent volatility.

I am not opposed to Japanese investment in the U.S. I am opposed to Japanese cartels in our markets. If the Japanese are to continue to invest in the U.S., the keiretsu system must be dismantled, just as American monopolies were. Until the Japanese lift their foreign investment restrictions, we should consider the reciprocity legislation now pending in Congress. The U.S. would then have the power to adopt restrictions similar to those Americans are facing in Japan.

TRIBUTE TO THE UNIVERSITY OF ROCHESTER YELLOWJACKETS NCAA DIVISION III BASKETBALL CHAMPIONS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. HORTON. Mr. Speaker, during the past week, we have seen the gentleman from Georgia and the gentleman from Nevada stand in the well and make predictions about the NCAA Basketball Tournament. The gentleman from Las Vegas boasted of his "Running Rebels," while the gentleman from Atlanta boasted of his "Yellowjackets."

With all due respect to my colleague from Nevada, I stand here today to tell you that I am partial to the Yellowjackets. In fact, I would submit that the Yellowjackets have the NCAA title already sewn up.

I know some of my colleagues are scratching their heads and asking how I can make this statement. To those unbelievers, I am referring to the University of Rochester Yellowjackets who won the NCAA Division III Basketball Title last Saturday with a 43–42 victory over DePauw University.

Led by coach Mike Neer, this team of hard working student-athletes toiled in obscurity over the season while compiling a 27–5 record. While those other Yellowjackets may have "Lethal Weapon Three," the NCAA Champion University of Rochester Yellowjackets are a team which relies on each member to be successful. They are also a team which works hard in the classroom.

So today I tip my hat to the NCAA Champions from the University of Rochester. They are: Mark Foley, Lou Palkovics, Brian Janiak, Matt Parrinello, Chris Johnson, Rodney Morrison, Michael Coleman, Chris Fite, Erik Rausch, John Kelly, Adam Petrosky, Martin Ryan, David Beck, and Greg Krohner. Head Coach Mike Neer, his assistants Mike Blackwell and Ray Farrell, and team manager Vasiliki Mitakas also deserve congratulations. They have done an outstanding job this year. I join other fans from the city of Lilacs in anticipation of next season.

SUPPORT OF THE DOWNEY-HAWKINS BILL

HON. MIKE SYNAR

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. SYNAR. Mr. Speaker, today I supported the compromise child-care bill offered by Congressman AUGUSTUS HAWKINS and Congressman TOM DOWNEY. I supported the Downey-Hawkins child-care bill for three reasons:

First, it provides families with more money to spend on child care than the Stenholm-Shaw substitute. Nationwide, Downey-Hawkins provides an additional $700 million. Oklahoma alone will receive an additional $8.4 million under the Downey-Hawkins compromise.

Second, it provides families with the maximum amount of choice in deciding what type of day care is best for their children. The bill expands the successful Head Start Program to an all-day, all-year program. It provides money to States, which can then issue vouchers to families who may then use them at the day-care center of their choice, including religious-based care. It also expands the earned income tax credit and makes it available to more families.

The Downey-Hawkins bill gives Oklahoma the option of providing two new, school-based child-care programs. The first would provide all-day care for 3- and 4-year-olds. The second program would provide before- and after-school care for latchkey children. These children are more at risk to become involved in drugs and crime than those whose parents are able available to supervise their actions. The Stenholm-Shaw version did not create these much-needed programs.

The third reason I supported the Downey-Hawkins bill has to do with standards. The greatest concern I have heard from parents about day care is the lack of quality assurances in programs throughout the Nation. Under the compromise, standards must be set up in areas such as health, nutrition and safety requirements. The bill requires that States such as Oklahoma decide for themselves what these standards should be; they are not mandated at the Federal level. The Stenholm-Shaw substitute did not have any such quality of care assurances.

I voted for the Price amendment because I believe that States should be able to decide for themselves whether or not to provide child-care vouchers. In Oklahoma, such vouchers would be made available. If other States chose not to use vouchers, they would not be forced to do so.

I voted for the Edwards amendment because I have serious concerns that provisions in the child-care bill which allow the use of Federal funds for sectarian child care are unconstitutional. This vote was consistent with the positions I have taken on similar issues throughout my career.

I have contacted a large number of religious-based child care providers in Oklahoma. The Edwards amendment would have allowed Federal moneys to go to the majority of these religious-based day-care programs. This is because most of these programs are run in a nonsectarian fashion. They do not discriminate in their admissions or hiring policies. These programs also do not instruct their children in a particular religion.

Those religious-based centers that choose to discriminate in their hiring and admissions policies could still do so even if the Edwards amendment had passed. They would simply not be allowed to receive Federal funds to do so.

BORDER CONTROL THROUGH PLACEMENT OF FORMER MILITARY PERSONNEL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. GALLEGLY. Mr. Speaker, I am introducing today a bill that will strengthen protection of our borders while at the same time offering an opportunity to displaced members of our armed services to serve their country as border patrol agents. I urge immediate action on my bill by the committee with jurisdiction, and I invite my colleagues to join as cosponsors.

For over four decades, the military power of the United States has been substantially deployed overseas to protect our interests. This was appropriate because the front-line countries were considered to be in Europe and Asia. However, recent international developments have resulted in Department of Defense recommendations of personnel cutbacks and realignment. It is anticipated that active-duty troop reductions will exceed 37,000 in 1991.

We should now be coming to the realization that threats to our sovereignty are happening right here at home. I am speaking of unacceptable numbers of illegal immigrants defying U.S. law and crossing our borders, resulting in significant social and economic costs to the Nation. Worse, illegal immigration often coincides with other criminal behavior, including shipment of illegal drugs. This was recognized in the President's national drug control strategy, which highlighted drug smuggling and illegal crossings over the Southwest border as a major concern worthy of increased attention and commitment of resources.

Mr. Speaker, my legislation would take into account and address these trends. It would authorize an increase in the number of border patrol agents by 1,000, and it would require that the new positions be filled by former active-duty military personnel who were involuntarily discharged under honorable conditions. Of course, applicable skills and experience would also be necessary. The bill provides that the Attorney General, working with the Defense Secretary, would be responsible for actively recruiting such qualified individuals.

This approach is sensible because it seeks to utilize the skills of persons who have already received a high degree of training at significant expense to the taxpayer and who are likely to possess the skills, experience, and motivation to be effective agents. It is fiscally responsible because it is only authorizing the hiring of a small percentage of the total number of troops that will be displaced.

I cannot overemphasize the importance of addressing this problem. The manpower promised for border control efforts under the Immigration Reform and Control Act has simply not materialized. After talks with border patrol officials, and my own inspection tours of the border, there is absolutely no question in my mind that we need more agents.

In the San Diego sector of the border, which is historically where the largest number of illegal immigrants cross on their way to Metropolitan Los Angeles, smugglers run trucks through unfenced sections at high speed and aliens run across the border in numbers too large to catch in the early morning hours. Yet the number of border patrol agents there has hit a 4-year low. According to the most recent figures from the Immigration and Naturalization Service, apprehensions of illegal aliens along the Southwest border were up in each of the last 10 months, compared with the same months a year ago. This is one of the best indicators that overall illegal crossings are increasing at a steady rate, most of which are probably going undetected.

It is my hope that this bill can be enacted expeditiously to address and resolve this threat to our borders.

HOUSE FOREIGN AFFAIRS COMMITTEE CALLS FOR WITHDRAWAL OF TROOPS FROM CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. BROOMFIELD. Mr. Speaker, yesterday, the House Foreign Affairs Committee voted overwhelmingly in support of an amendment to a 1991 foreign assistance authorization bill that called for the withdrawal of troops from Cyprus. Congressman YATRON and I crafted the amendment which also commended the Secretary General of the United Nations for his commitment to the Cyprus peace process, encouraged the President to continue to support a policy toward Cyprus that was consistent with United Nations' resolutions, and asked the Republics of Turkey and Greece and all other parties to the dispute to cooperate with the Secretary General and the United States in resolving the Cyprus problem. In reference to the sensitive question of troops, the amendment called upon the President to pursue a policy aimed at the withdrawal from Cyprus of all foreign troops, other than those permitted by international agreements, and settlers.

The key to peace on Cyprus is flexibility about the troop issue. Since 1974, over 30,000 Turkish troops have occupied the northern part of that island. There has, however, been no significant reduction in the Turkish troop levels on Cyprus. They are well armed with equipment supplied by the United States for NATO defensive purposes. The Turkish Government is funding the maintenance of those troops and is also supporting the so-called government of northern Cyprus at a great financial cost. U.S. dollars may be indirectly helping this effort. Our Government is proposing for fiscal year 1991 an assistance package for Turkey that totals about $598 million. About $545 million of that total is for foreign military financing assistance. To make matters worse, 60,000 Turkish settlers were sent to northern Cyprus. They were probably enticed to go to Cyprus with an attractive package that may have included financial assistance. Let us hope that no U.S. assistance was involved in that arrangement. Despite repeated calls for their return to Turkey, their levels remain constant.

In essence, the American taxpayers are helping to fund the Turkish occupation of the northern tier of that divided island. While we give these massive assistance programs to the Turks, the administration and the Congress are at the same time trying to convince Turkey, through diplomatic and legislative means, to take those troops off Cyprus. In a sense, we reward Turkey for its illegal occupation of a sovereign island. There has been no willingness to compromise on the troop level issue by Turkish authorities.

There has also been a lack of flexibility in the intercommunal talks. Last July, Mr. Denktash, the leader of the Turkish Cypriot community, rejected a draft outline concerning the Cyprus issue that had been prepared by Perez de Cuellar, the United Nations Secretary General. That rejection essentially halted the intercommunal talks. Last month at the United Nations, Mr. Denktash again scuttled the talks and attacked the Secretary General for his role in the discussions. There is a real need for him to show good faith in future negotiations and not merely go through the motions. Once again, little or no real commitment to the peace process was seen on the part of Denktash.

I have to draw one conclusion from these recent events. Neither Mr. Danktash nor his supporters in Ankara are really serious about reaching a settlement of the Cyprus conflict. They have been hardline and inflexible on these vital issues. Diplomatic approaches and congressional resolutions appear not to phase Mr. Denktash nor his Turkish backers. Entreaties from the United Nations and the European Community fall on deaf ears. Inflexibility appears to be the key to Turkish and Denktash negotiating strategy.

There is one approach that might work. I would like to propose significant cuts in Turkey's military assistance levels. If this does not get the attention of Ankara and Mr. Denktash, nothing will. Friends help friends. Turkey is surely not being helpful with this important United States foreign policy problem. It is time for movement on the Cyprus problem. I believe that Ankara and Denktash must get serious about this ongoing tragic division of a lovely island. The time for peace on Cyprus is now.

TRIBUTE TO GEBRAN S. ANTON

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. BONIOR. Mr. Speaker, I rise today to pay tribute to a distinguished individual, Gebran S. Anton. Mr. Anton is being honored as "Business Citizen of the Year" by the Mount Clemens, MI, Business Association.

Mr. Anton, a lifelong resident of Mount Clemens, is credited with much of the new downtown development. He was founder of Anton's Gentlemen's Apparel, a company he sold in 1988 to New York clothiers Hart, Schaffner and Marx.

Mr. Anton now has two other business interests: Anton, Zorn and Associates, a real estate company, and Gebran S. Anton Development Co. Both are headquartered in Mount Clemens.

In addition to his professional contributions to the Mount Clemens community, Mr. Anton is an exceptional humanitarian. He serves as chairperson of the board for St. Joseph Hospital in Mount Clemens. He also earned honors from the Clinton Valley Council, Boy Scouts of America for his work on the executive board.

He has been a member of many civic and fraternal organizations, including the Mount Clemens Historical Society and the Art Association. He is also actively involved as a member of the Elks and Knights of Columbus.

I commend Mr. Anton on his exceptional community involvement. He will long be remembered as a true friend of Mount Clemens.

NATIONAL MEDICAL RESEARCH DAY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. WOLF. Mr. Speaker, I rise today to bring to my colleagues' attention the designation this week of "National Medical Research Day" on March 27 and to underscore the importance of our continued diligence in providing Federal funding for medical research.

Every scientific advancement brings us closer to finding treatments for serious illnesses. As our medical knowledge increases, so do our chances for curing such debilitating and life-threatening afflictions as cancer, Alzheimer's disease, Huntington's disease, juvenile diabetes, and countless others.

Nevertheless, such breakthroughs can be stifled by the lack of sufficient funds to continue the strides we have made in medical research. I support responsible Federal funding for medical research so that these ailments can be fully understood and treated. We are fortunate to have the best medical researchers at work at the National Institutes of Health, and their efforts must be recognized, supported, and encouraged if we are to progress in our struggle to find treatments and cures for disease.

Victims of incurable illnesses, as well as their families, can be devastated emotionally and financially. I believe it is vital to support medical research which today in so many fields of medicine is poised on the brink of discoveries that can help ease such suffering, save millions of lives, and restore countless people to productive careers.

MARY EWING OUTERBRIDGE: INTRODUCED TENNIS TO AMERICA

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. COUGHLIN. Mr. Speaker, as we celebrate National Women's History Month, I would like to take this opportunity to pay tribute to a woman who changed the face of sports in the United States and the world.

Mary Ewing Outerbridge, an American sportswoman, is given credit for introducing the game of tennis into the United States in 1874.

While on vacation in Bermuda, Mary Ewing Outerbridge noticed several British officers playing the game of tennis, which had recently been invented in Europe. Intrigued by the game, she purchased the necessary equipment from the British Army and returned to the United States.

She used the equipment to set up the first U.S. tennis court on the grounds of the Staten Island Cricket and Baseball Club in New York City. As tennis became more popular in the United States, the game soon disseminated to other parts of the United States, with prominent tennis clubs being built in Newport, RI, and Philadelphia.

Tennis continued its early success in the United States and the first U.S. Tennis Championship was held in Newport, RI, just 7 years after the game was introduced to Americans. The U.S. Championship, now part of the "Tennis Grand Slam," was played in various cities throughout the country—including in my district at the Germantown Cricket Club from 1921 to 1923—before finding a permanent home in New York City.

Today, tennis ranks as one of the world's most popular spectator sports, as well as a favorite participant sport for both amateurs and professionals. And the popularity of tennis is still growing.

Thanks to the enthusiasm and efforts of Mary Ewing Outerbridge, an estimated 20 million Americans now play tennis, either competitively or informally and millions more just enjoy watching the game.

THANKS TO BILL McGOVERN

HON. DENNIS E. ECKART

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. ECKART. Mr. Speaker, I rise today to offer thanks to Mr. Bill McGovern. Bill has been a member of my staff since 1987 and is leaving next month to attend law school.

During his tenure in my office, Bill has performed a valuable service for the people of northeast Ohio. Bill came to my office as a college intern, but his quick grasp of the issues and the needs of Ohio quickly resulted in a full-time post. In addition, his enthusiasm for making government work for the people made him an extraordinary public servant. Bill's work ethic has always been stellar; often the first to arrive, Bill was always willing to do whatever was needed to get the job done.

Bill will long be remembered for several of the causes that he espoused such as wildlife protection and more educational opportunities for children. He also worked with environmental experts, water commissioners, and others to improve our water quality and to address pollution. Perhaps Bill's most significant accomplishment has been his work on behalf of schoolchildren throughout the Nation in trying to improve schoolbus safety.

With the many issues that confront us today, good staff members prove invaluable, and I wish to commend Bill for a job well done. Again, my thanks and good wishes in all of his future endeavors.

SALUTING JIM BROWN AND HIS EFFORTS TO BENEFIT THE SOUTHEAST YOUTH DEVELOPMENT PROGRAM

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. STOKES. Mr. Speaker, Jim Brown is undoubtedly one of the greatest athletes of our time. During his professional football career, he set a single season yards gained record that stood for 10 years, and a career rushing record that stood for nearly 20 years.

Jim Brown is more than a great athlete, however. He is an individual who has been committed to the youth in our society, caring about their development, and providing a positive role model for them.

On Sunday, April 1, 1990, Jim Brown will visit Washington, DC, to help raise funds for the Southeast Youth Development Program. The program which was founded by Rev. William Roundtree, a former coach at Spingarn High School, has been in existence for approximately 10 years. The goal of the Youth Development Program is to help youth achieve their greatest potential by providing counseling services, day care, scholarships, camp experience, and other youth activities. The Southeast Youth Development Program has proven effective and successful as youth from the community benefit from opportunities to excel.

Mr. Speaker, I am pleased to note the National Football League legends Bobby Mitchell, Roy Jefferson, Lonnie Sanders, Calvin Hill, Johnny Sample, Lenny Moore, Art Shell, Brig Owens, Charlie Taylor, Ozzie Clay, as well as a host of leaders from the business and civic community will be present on April 1 to assist Jim in this fundraising effort.

I want to take this opportunity to salute my longtime friend, Jim Brown, and the many others who have been dedicated to this project and played such a pivotal role in its success. Because of their efforts, our youth are provided positive role models, they are given the necessary support for them to succeed, and most importantly, they are instilled with the desire to reach their highest potential.

JERRY CLARK—POLITICAL STRATEGIST

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. HOCHBRUECKNER. Mr. Speaker, I rise today to pay tribute to Jerry Clark, a great American who pioneered political strategies to give a voice to the working people of the United States. Jerry Clark, political director for

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the American Federation of State, County and Municipal Employees, AFL-CIO [AFSCME], died this past Monday after a long illness. Jerry had a long and illustrious career in politics and will be missed by many of us in this Chamber today.

A native of Wisconsin, Jerry served in World War II and was decorated for his actions in the Battle of the Bulge. After the war, he was graduated from Marquette University with a degree in journalism. Soon after, he joined the Kenosha Evening News as a reporter, and in 1953 he organized the editorial department as a local of the American Newspaper Guild, AFL-CIO.

Jerry Clark entered national politics in 1957 as cochair of William Proxmire's Senate Campaign Committee. He then served as Senator Proxmire's chief of staff in Washington, DC until 1962, though he took some time off in 1960 to work for John F. Kennedy's Presidential candidacy in the Wisconsin primary. From 1963 to 1967, Jerry worked at the Department of Defense in the Equal Opportunity Office.

Jerry Clark joined AFSCME in 1967 and was made political director in 1971, a position he held until his death. Under Jerry, AFSCME became known for its sound political strategy and strong support for worker's issues. Jerry was a compassionate voice in the sharp world of politics and often gave support when few others had faith. Jerry was a good friend and true Democrat, and I will miss him.

TRIBUTE TO THE LATE GIRARD P. CLARK

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. DYSON. Mr. Speaker, I rise today to honor a man of high ideals and sterling accomplishments. Girard P. Clark was a respected leader of the labor movement and a veteran of compaign politics. He died on Monday, March 26, succumbing to a pulmonary disease with which he had battled for some months. Mr. Clark had insisted on working until only a few days before his death. His dedication should serve as an inspiration to us all.

I had the honor of meeting Mr. Clark and was impressed by his knowledge of politics, his sense of humor, but most of all, by the warmth and humanity with which he approached his work.

Girard Clark was born in Wisconsin and lived for many years in my own state of Maryland, where his children and grandchildren remain. Mr. Clark began his career as a journalist and worked for many years in and around Capitol Hill. In 1967 he joined the American Federation of State, County, and Municipal Employees, and for the last 20 years headed their political action wing.

Mr. Clark's dedication to the ideals of the American labor movement were an inspiration to those who worked with him. More importantly, by maintaining a commitment to fair play and decency amidst the jungle of electoral politics, Gerry Clark set an example for all of us. We will all be lessened by his departure.

SUPPORT UNEMPLOYMENT INSURANCE FUND APPROPRIATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 1990

Mr. VISCLOSKY. Mr. Speaker, today, the House of Representatives is considering a supplemental appropriation measure to meet the needs of several important programs, both domestic and foreign. Included in the legislation is a provision that earmarks $96 million for State unemployment offices. This appropriation is necessary because of a shortfall in the fiscal year 1990 unemployment insurance fund.

Due to the shortfall, one unemployment insurance office has been closed and two others are now open only 1 day per week in the congressional district I represent. The State of Indiana has closed 17 of the 44 offices statewide and been forced to lay off over 100 trained staff people. Claimants sometimes have to wait in line at those offices that have not closed for an average of 1½ to 2 hours. Needless to say, I am greatly distressed about the hardships and inconvenience these actions have caused for my constituents and al Hoosiers. Indiana would receive $1.4 million to help offset the severity of the cutbacks and personnel caused by the shortfall.

On February 20, I drafted a letter, on behal of the Indiana delegation, that was sent to the chairman of the Appropriations Committee, to inform the committee of the situation in Indiana and ask for their assistance in addressing this problem. I would like to commend the chairman and members of the Appropriations Subcommittee on Labor, Health and Human Services and Education as well as the chairman and members of the Appropriations Committee for their fine efforts.

I am aware that Secretary of Labor Dole has voiced her strong opposition to this particular provision and that the Bush administration does not consider the shortfall to be a dire emergency. In closing, I would ask that my colleagues join with me to ensure its approval in the Senate and enactment by the President. These funds are needed to maintain the integrity of every State's unemployment insurance programs.

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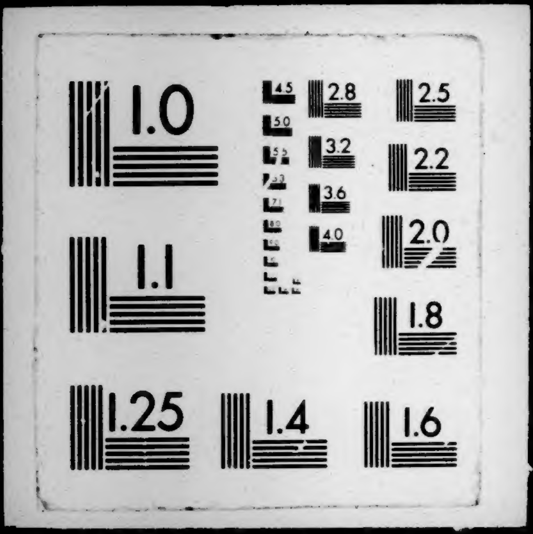
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